



## Planning Justification Report

### **Official Plan & Zoning By-law Amendments** 9 Chestnut Street

For: Port Cares

By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
T: 905 321 6743

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## 1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Port Cares for the proposed Official Plan and Zoning By-law Amendment applications at 9 Chestnut Street, in Port Colborne, Ontario (the Subject Lands). The Subject lands, currently owned by the City of Port Colborne, are approximately 0.27 hectares in size and contain a municipal park.

The City of Port Colborne initiated a Zoning By-law Amendment Application for the Subject Lands, providing Notice of a Complete Application and Notice of a Public Meeting (issued January 26, 2021). The Application proposed to change the zoning of the Subject Lands from *Public and Park (P) Zone* to *Fourth Density Residential (R4) Zone*, to permit the construction of a residential apartment building. A Public Meeting for the Application was held on February 16, 2021. Port Cares retained NPG following agency comments from the Niagara Region and the completion of a Noise Impact Study.

Port Cares, a non-profit organization and prospective affordable housing provider, is proposing to develop a total of 40 affordable dwelling units within a 5-storey apartment building on the Subject Lands (see Appendix A – *Site Plan and Elevations Renderings*). Port Cares has retained NPG to provide professional planning advice on the proposal. After being retained by Port Cares, City of Port Colborne Planning Staff have identified the need for an Official Plan Amendment for the proposal, to address density policies in the City's Official Plan, which is also a City-led amendment.

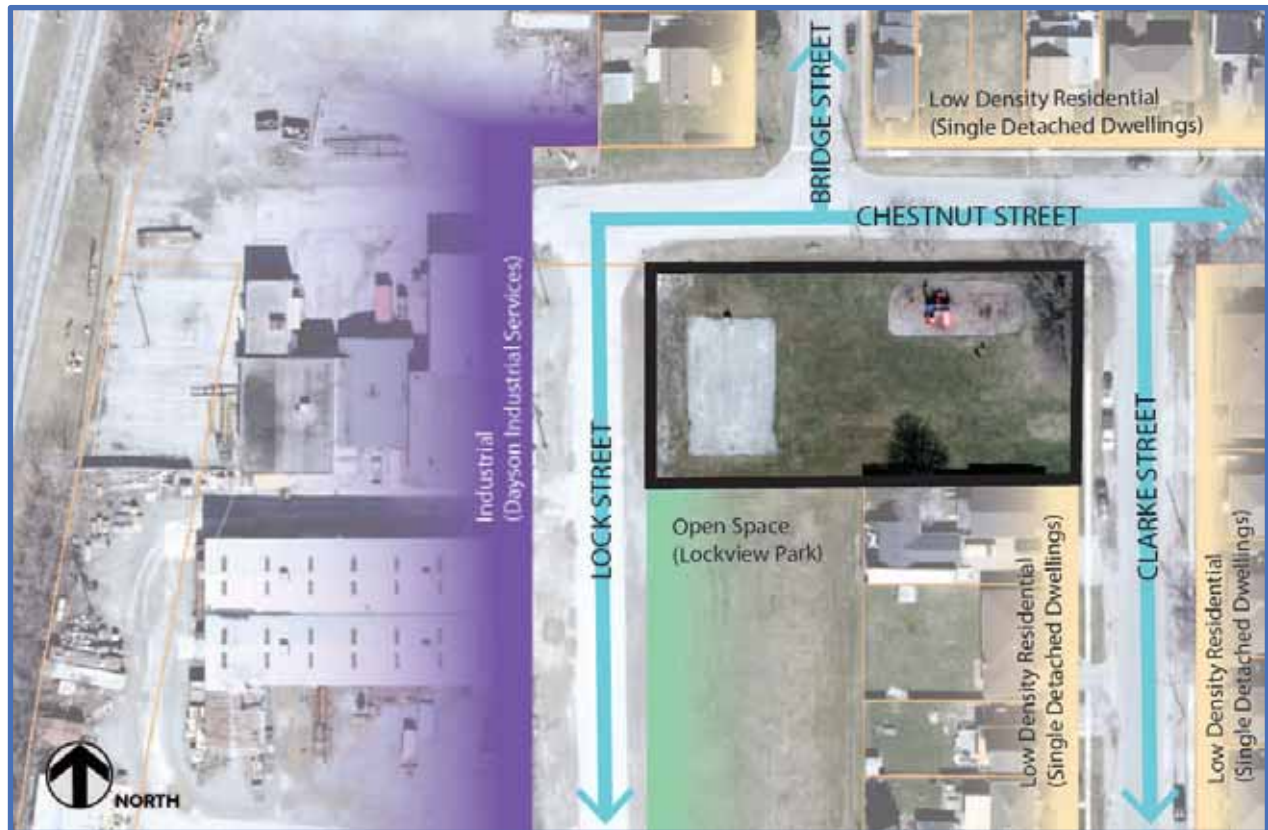
This Planning Justification Report ("PJR") provides an analysis of the proposed development. It evaluates the appropriateness of the proposed amendments to the City's Official Plan and Zoning By-law, when assessed against policies in the Provincial Policy Statement ("PPS"), Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), Niagara Region Official Plan ("NROP"), the City of Port Colborne Official Plan ("City OP") and the City of Port Colborne Zoning By-law No. 6575/30/18.

Sections 5.1, 5.2, and 5.3 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.4 of this report discusses the proposal's conformance with the general intent and objectives of the City's OP while Sections 6.0 and 7.0 describe and provide justification for approval of the Official Plan Amendment and Zoning By-Law Amendment, respectively.

## 2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are in the City of Port Colborne within the Built-up Area on the south side of Chestnut Street, between Lock Street and Clarke Street. The Subject Lands are rectangular in shape with a frontage of 36.57 metres, a depth of 73.06 metres, and a total area of 0.27 hectares (2,670.8 m<sup>2</sup>). The property has frontage on three public roads. There is an existing city park, known municipally as Chestnut Park, which has an open lawn and gated children's playground. Surrounding the Subject Lands to the north and east are single detached dwellings. To the south are single detached dwellings, and open space known as Lockview Park. Across Lock Street and to the west is a machine shop business operated by Dayson Industrial Services. The Dayson Industrial building is not presently being operated.

Figure 1 - Aerial Context



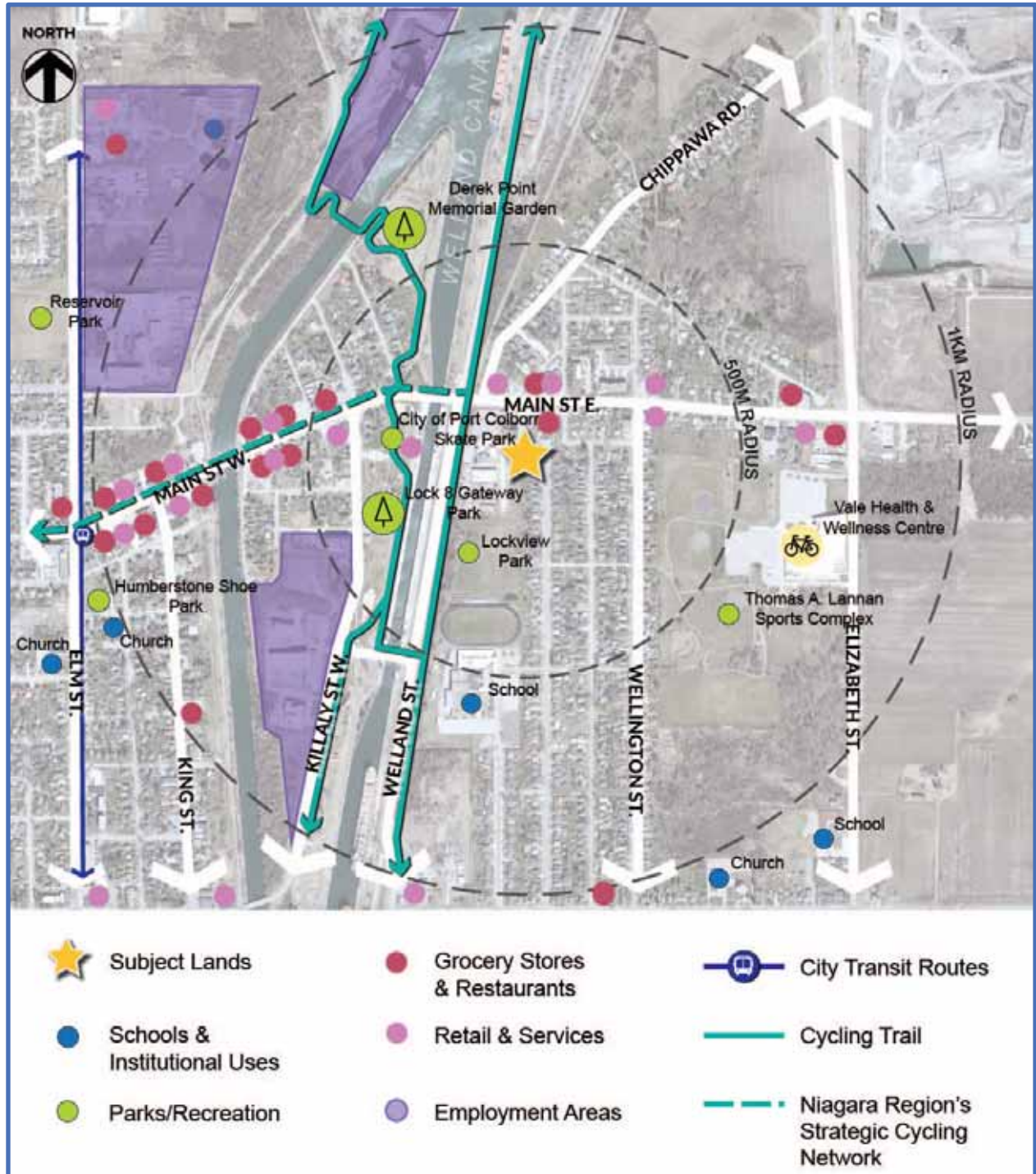
<b>North:</b>	Residential (Single-detached dwellings)
<b>East:</b>	Residential (Single-detached dwellings)
<b>South:</b>	Open Space (Lockview Park), Residential (Single-detached dwellings)
<b>West:</b>	Industrial (Dayson Industrial Services)



As illustrated on Figure 2 below and within Appendix B – *Niagara Region Official Plan Schedules*, the Subject Lands are within one block of the Welland Street Regional Cycling Trail and a variety of commercial uses along Main Street East and Main Street West.

The lands are also located in proximity to Lakeshore Catholic High School and are within walking distance to several parks and open space amenities, including Lockview Park, Lock 8 Park, Thomas A. Lannan Sports Complex, and the Vale Health & Wellness Centre.

Figure 2 - Community Amenities Map



## **2.1 Site Photos**

The Subject Lands are further contextualized by photos collected during a site visit on August 18, 2022. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses. (See photos 1 to 25).



*Photo 1 – View southeast of east portion of Subject Lands from intersection of Chestnut Street and Bridge Street.*



*Photo 2 – View north from intersection of Chestnut Street and Bridge Street with single detached dwelling abutting Chestnut Street on the west (left) and east (right) sides.*



*Photo 3 – View south of east portion of Subject Lands from north side of Chestnut Street.*





*Photo 4 – View from Subject Lands of north side of Chestnut Street.*



*Photo 5 – View from northwest corner of Subject Lands of single-detached dwelling on northwest corner of Chestnut Street and Bridge Street*



*Photo 6 – View from intersection of Chestnut Street and Clarke Street, southwest and towards Subject Lands.*



*Photo 7 – Similar view to Photo 6, zoomed in on eastern portion of Subject Lands and 304 Clarke Street (blue dwelling, left).*



*Photo 8 – View from west side of Clarke Street of single-detached dwelling on east side of Clarke Street.*



*Photo 9 – View looking south from easternmost portion of Subject Land of 304 Clarke Street.*





*Photo 10 – View of eastern portion of Subject Lands with existing Chestnut Park playground and open space shown.*



*Photo 11 – View southeast from western portion of Subject Lands. The south lot-line is shown as a dotted line. The Subject Lands are at the foreground. The fence provides for an approximate boundary between residential uses and Lockview Park that abut the Subject Lands at the south.*



*Photo 12 – View eastward along south lot line towards east lot line, with dotted lines showing approximate demarcation.*



*Photo 13 – Northward view toward Subject Lands with Lockview Park (foreground), and 304 Clarke Street (right). Southern site boundary marked.*





*Photo 14 – View from Lockview Park towards Subject Lands, with southern site boundary marked.*



*Photo 15 – View from southern site boundary northward of western portion of Subject Lands, with existing basketball half-court.*



*Photo 16 – View from southwest corner of Subject Lands toward the northeast.*



*Photo 17 –View from Lock Street with western portion of Subject Lands in foreground; existing park features present.*



*Photo 18 – Northward view of Lock Street corridor, with Dayson Industrial Lands (left), and Subject Lands (right).*



*Photo 19 – View towards southwest of Dayson Industrial Lands from Lock Street, with gated vehicle entrance shown.*





*Photo 20 –Northwestward view toward Dayson Industrial Lands from Lock Street, with warehouse/manufacturing buildings (centre).*



*Photo 21 – View towards Dayson Industrial warehouse/manufacturing building from Lock Street, with two (2) loading bays and entrance for personnel.*



*Photo 22 – Westward view of Dayson Industrial Lands, with warehouse/manufacturing buildings shown.*



*Photo 23 – Westward view of Dayson Industrial Lands from intersection of Chestnut Street and Lock Street, with gated vehicle entrance shown.*





*Photo 24 – View northwest toward Dayson Industrial Lands from intersection of Chestnut Street and Lock Street, with gated vehicle entrance and stored vehicles shown.*



*Photo 25 – Southward view of Lock Street corridor from southwest site boundary. Lockview Park (left) and Dayson Industrial Land (right)*

### 3.0 Proposed Development

Port Cares is proposing an affordable housing development with a total of 40 dwelling units within a 5-storey public apartment building on the Subject Lands, which are currently owned by the City of Port Colborne. The City has initiated amendments to the Official Plan and Zoning By-law to facilitate the proposal. Affordable housing details are provided in Section 3.1 of this Report. The building is proposed to consist of 31 one-bedroom units and 9 two-bedroom units. A public apartment building is defined by the City's Zoning By-law as "a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway, that has been erected, owned and/or is maintained by a public agency or non-profit charitable organization."

The proposed public apartment building, with a height of 15.9 metres, will be situated on the northeastern portion of the Subject Lands, with surface parking to the west and south (See Appendix A – *Site Plan and Elevations Renderings*). Vehicular access to the site is proposed via a driveway connecting from Clarke Street to Lock Street, at the south limit of the site. Parking for the development will be provided at grade, at a rate of 0.5 spaces per dwelling unit, with a total of 20 parking spaces, including four (4) accessible spaces. Ten indoor/covered bike stalls are also proposed. Lot coverage is proposed at approximately 30.4% of the total site area, and landscaping is proposed to cover approximately 29.5% of the entire site area. Landscaping is comprised of the proposed walkways and landscaped areas around the residential building.

Lock Street, Chestnut Street and Clarke Street are designated as Local Roads in Schedule E1 – *Transportation Plan* (Appendix C - *City of Port Colborne Official Plan Schedules*). Arterial Roads – Welland Street and Main Street East, are located 100 metres and 80 metres from the Subject Lands, respectively. Pedestrian sidewalks are currently provided along Clarke Street. The proposed Site Plan includes well-connected walkways providing direct access to the existing sidewalk from the apartment building. Furthermore, NRT OnDemand is operated in partnership with the City of Port Colborne, providing direct door-to-door transit. Regional Transit connections are also easily accessed through the Port Colborne-Welland Link Route (which provides service on Elm Street under 1km from the Subject Lands).

The City of Port Colborne Official Plan designates the subject lands as Urban Residential according to Schedule A – *City Wide Land Use Plan* (see Appendix C - *City of Port Colborne Official Plan Schedules*). As per Section 3.2 of the City's Official Plan, lands in this designation are primarily used for residential purposes, and the proposed use complies with this designation. Section 3.2.1 c) of the City's Official Plan caps density at 100 units per hectare and requires high density residential developments to have frontage on an arterial or collector road. The proposed Official Plan Amendment is to facilitate a proposed density of 148 units per hectare along the local road.

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the lands as *Public and Park (P)*. The proposed apartment building is not permitted within the (P) Zone. As such, the proposed Zoning By-law Amendment is to re-zone the subject lands to a site-specific Fourth Density Residential Zone (R4-XX) to permit the proposed apartment building and modify several zoning regulations related to minimum yards, landscaped buffer, and minimum lot area per dwelling unit.

#### 3.1 Affordable Housing

Port Cares intends to provide affordable housing units within the proposed building, with a focus on independent low-income seniors (aged 55 and older) and female-led, single-parent low-income households. Tenants for the building will be taken from the Niagara Regional Housing (NRH)

centralized housing waitlist. There is currently an estimated 8 year wait time for one-bedroom apartments, for seniors aged 55 and older, in Port Colborne<sup>1</sup>. There is a 14 year wait time for one-bedroom apartments for singles between the ages of 16 and 54<sup>1</sup>. There is a demonstrated need for this housing type in Port Colborne and Niagara, especially one-bedroom units.

The PPS, Growth Plan, Regional OP and City OP define “affordable”, in the case of rental housing, as the least expensive of:

- a unit for which the rent does not exceed 30 percent of gross annual household income for *low- and moderate-income households*; or
- a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

In the case of rental housing, *low- and moderate-income households* are “households with income in the lowest 60 percent of the income distribution for renter households in the *regional market area*”. The *regional market area* is the Niagara Region.

Port Cares proposes the following monthly rental rates, funded through a variety of streams. These rates are subject to change.

- One-bedroom units:
  - 19 units at \$1,100/month
  - 5 units at \$782/month
  - 7 units at \$711/month
- Two-bedroom units:
  - 6 units at \$1,400/month
  - 3 units at \$840/month

The Niagara Region Housing Market Analysis Report (Canadian Centre for Economic Analysis, June 2019) which was the basis for the Niagara Region’s Housing Affordability and Growth Plan, 2051 (April 2021), summarizes the following average household income deciles in Niagara:

Table 1 - Lowest Six Deciles of Gross Annual Household Income

Decile	Gross Annual Household Income in Niagara Region <sup>2</sup>
1 <sup>st</sup>	Less than \$19,400
2 <sup>nd</sup>	\$19,400 to \$29,499
3 <sup>rd</sup>	\$29,500 to \$39,799
4 <sup>th</sup>	\$39,800 to \$52,699
5 <sup>th</sup>	\$52,700 to \$68,399
6 <sup>th</sup>	\$68,400 to \$84,299

<sup>1</sup> Niagara Regional Housing 2022 Housing Wait Times

<sup>2</sup> Niagara Region Housing Market Analysis Report (Canadian Centre for Economic Analysis, June 2019)

Table 2 - Average Market Rent for One- and Two-bedroom Units

Unit Type	Average Market Rent in Niagara Region <sup>3</sup> :
One-bedroom	\$1,011
Two-bedroom	\$1,191

### Affordability Tests

This section examines the affordability criterion of the planning definitions for “affordable” noted previously, given the known rental rates for the proposed public apartment building, gross annual household incomes in Niagara, and average market rent rates in Niagara, as detailed above.

1. Does rent exceed 30 percent of gross annual household income for low- and moderate-income households?

Table 3 below illustrates that all rental rates within the Port Cares building will be affordable by the first criterion, as they represent less than 30 percent of gross annual household income for low- and moderate-income households (i.e., households with a gross annual household income of less than \$84,299). The most expensive rental rate proposed within the Port Cares development is \$1,400 per month, which is for a two-bedroom unit. This equates to a \$56,000 gross annual household income if spending 30 percent on rent, which is within the lowest 50 percent of the income distribution for all households in Niagara.

Table 3 - Proposed Rent Rates Compared to Percentage of Gross Annual Income

Port Cares Rental Rates	Minimum gross annual income if spending 30 percent on rent	Less than \$84,299 gross annual income?
<b>One-bedroom units</b>		
<b>\$1,100/month (19 units)</b>	\$44,000.00	Yes, affordable
<b>\$782/month (5 units)</b>	\$31,280.00	Yes, affordable
<b>\$711/month (7 units)</b>	\$28,440.00	Yes, affordable
<b>Two-bedroom units</b>		
<b>\$1,400/month (6 units)</b>	\$56,000.00	Yes, affordable
<b>\$840/month (3 units)</b>	\$33,600.00	Yes, affordable

2. Is rent at or below the average market rent of a unit in the regional market area.

Table 4 below illustrates that the second criterion of the “affordable” criterion is not met for all rental rates within the Port Cares building as not all rents will be at or below the average market rent within the regional market area. However, the development does contain 15 affordable housing units by this definition. The building will contain a portion of “affordable” units by planning definition, and a number of near-market units. The building provides a mix of options and rent rates.

<sup>3</sup> CMHC Rental Market Survey, October 2021

Table 4 - Proposed Rent Rates Compared to Average Market Rent

Port Cares Rental Rates	At or below Niagara average market rent?	Percentage difference from market rent
<b>One-bedroom units</b>		
<b>\$1,100/month (19 units)</b>	No	8.8% higher
<b>\$782/month (5 units)</b>	Yes, Affordable	22.7% lower
<b>\$711/month (7 units)</b>	Yes, Affordable	29.7% lower
<b>Two-bedroom units</b>		
<b>\$1,400/month (6 units)</b>	No	17.5% higher
<b>\$840/month (3 units)</b>	Yes, Affordable	29.5% lower

## Funding

It is noted that primary capital funding for the proposal is anticipated from the Canada Mortgage and Housing Corporation (CMHC) Co-Investment Fund, which requires:

- a minimum of 30% of units in the building to be at or below 80% of CMHC Median Market Rent (MMR)
  - CMHC MMR for the St. Catharines-Niagara Census Metropolitan Area is currently \$978 for one-bedroom units and \$1,170 for two-bedroom units
  - NRH Average Market Rent (AMR) (set from CMHC Average Market Rent) is currently \$1,011 for one-bedroom units and \$1,191 for two-bedroom units<sup>2</sup>
- a minimum of 25% reduction in energy consumption and Greenhouse Gas emissions versus the National Building Code
- a minimum of 20% of the units to be accessible, or the entire building to feature universal design

It is also noted that 25% of units will be subsidized under the NRH Housing Allowance Program, which provides a set allowance to landlords to assist tenants with rent. This does not lower the rental rates previously noted in this section. This program is designed as a short-term measure to help households meet their monthly rental obligations until they can be housed in a permanent rent-geared to income unit.

## 3.2 Agency Comments

Niagara Region Planning and Development Services provided comments to the City regarding the proposed Zoning By-law Amendment (comment letter dated February 22, 2021). The Region recommended the use of a Holding symbol to require the completion of a Detailed Noise Study due to the site's proximity to the Dayson Industrial Services property to the west.



## 4.0 Supporting Studies Review

### 4.1 Noise Impact Study

In response to the Niagara Region's request for a Detailed Noise Impact Study, Port Cares retained the services of Wood Environment & Infrastructure Solutions (Wood) to complete a Noise Impact Study (NIS) the proposed development. The Wood NIS considers road, rail, canal shipping traffic, and industry noise impact on the Subject Lands. The following is derived from the report:

1. Road traffic on Main Street East and Welland Street is considered to have potential impact on the proposed development. All residential units in the development will meet the noise guidelines with respect to transportation sources, with appropriate mitigative measures (i.e., forced air heating with provision for adding central air conditioning in the future and warning clause).
2. The CN Humber Line Spur (freight) is approximately 100 metres of the Subject Lands. Vibration from the railway was not considered. The report recommends detailed design of the building components for the north, west and south facades are required to ensure indoor noise level criteria specified in NPC-300 Guidelines are met.
3. Wood has identified that the Welland Canal is approximately 150 metres west of the Subject Lands. Marine shipping activities do not require Ministry of Environment, Conservation and Parks (MECP) approval because most aspects are regulated by the federal government. There is no specific direction under NPC-300 to address marine noise. Wood attempted to gather information about shipping operations to evaluate potential impacts to the site but could not retrieve sufficient information, in their opinion. The Wood NIS recommends further assessment of the Welland Canal, to determine the possible noise impacts.
4. A detailed noise study of Dayson Industrial Services facility located west of the Subject Lands at 1 Chestnut Street was not completed due to insufficient data. Wood requested detailed information from the industrial operation, and requested a site visit, however no information was received, and permission was not granted to access the site.
5. Wood considered the D-6 Guidelines in the NIS and determined that the facility at 1 Chestnut Street is a Class II facility, which have a recommended setback of 70 metres. Wood considers the Dayson facility a Class II facility due to "its medium scale, the presence of outdoor storage of waste and materials and the outputs of noise which are expected to be occasional". Wood characterizes Dayson Industrial Services as specializing in "descaling, special coatings, painting, and lining applicator offering protection systems for both concrete and steel surfaces". The actual separation distance between the property line of 1 Chestnut and the nearest building façade of the proposed apartment building is approximately 44 metres. Wood therefore recommends a detailed noise and vibration study for the facility located at 1 Chestnut Street.

Wood also notes that the latest Environmental Compliance Approval (ECA) for 1 Chestnut Street was issued to Algoma Ship Repair on May 14, 2013 (ECA Number 2956-8QZPUV). Wood therefore expects that the existing ECA and their supporting studies (e.g., Acoustic Assessment Report) is outdated and that an ECA amendment application is needed.

#### **4.1.1 NPG Considerations and Assessment – Noise Impact Study**

The Wood NIS recommends that a detailed noise and vibration study be undertaken for the Dayson facility at 1 Chestnut Street. This is the standard approach when a new sensitive use is proposed within the potential influence area of an industrial facility. However, there are several factors that make the current scenario unique.

#### **Work Stoppage**

Based on discussion with the City of Port Colborne, it is understood that there is an ongoing work stoppage at the Dayson Industrial Services facility. NPG conducted a site visit of the Subject Lands at 3 p.m. on Thursday, August 18, 2022, and there was no evidence of an active operation at the Dayson site. If detailed noise and vibration studies were undertaken, there would be no actual data to collect.

#### **Classification of the Industrial Facility**

The Wood NIS considers the facility at 1 Chestnut Street to be a Class II facility with respect to the D6 Guidelines. Wood was not able to obtain access to the site. Attempts by the City, Niagara Regional Housing and Port Cares to retrieve detailed information from the facility were also not successful. Further, the ECA for 1 Chestnut Street currently belongs to Algoma Ship Repair who does not operate at the site. Wood expects that the existing ECA and supporting studies are outdated and that an ECA amendment application is needed.

Given that limited information is available from the industrial facility, and that the facility is not currently operating, NPG has reviewed the Official Plan and Zoning By-law for the lands to assist with understanding a “worst case scenario” under current land use permissions.

#### *Official Plan*

The City’s Official Plan designates the lands at 1 Chestnut Street as Urban Residential, which permits residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities and institutional uses. The Official Plan does not envision or permit industrial uses at 1 Chestnut Street. Long-term, the City envisions this area to be residential in nature.

#### *Zoning By-law*

The lands at 1 Chestnut Street are zoned Highway Commercial (HC-25) in the City’s Zoning By-law. Special Provision 25 states that the land “may only be used for a machine shop” and restricts open storage from being located in any yard (i.e., outdoors). “Machine shop” is not defined in the Zoning By-law. The Cambridge Dictionary defines “machine shop” as “a room or building in a factory where there are machines for making things, especially for cutting and working with metal”. Special Provision 25 includes detailed regulations for a machine shop, including a minimum separation distance of 15 metres to Residential Zones. Any uses beyond a machine shop at the site would require Planning Act approvals, consisting of a public process and consideration of surrounding residential uses. Other changes to the operation may require an ECA amendment, including updated technical studies (e.g., noise study) and implementing applicable mitigative measures.

In comparison, the Wood NIS characterizes the Dayson facility as specializing in “descaling, special coatings, painting, and lining applicator offering protection systems for both concrete and steel surfaces”. This description appears to have been retrieved from the Dayson Industrial

Services website<sup>4</sup> and may not be accurate for the 1 Chestnut Street site. Representatives from Niagara Regional Housing informed NPG of their discussions with the Dayson Office Manager on June 20, 2022, who noted that the site is used for storage and limited equipment repair, which is then sent to their Hamilton facility; and that no sandblasting occurs at the 1 Chestnut Street site.

While Wood's characterization of the use may not be accurate, their opinion that the facility is a Class II industry may be correct given that there does appear to be outdoor storage of materials (even though this is restricted by the Zoning By-law), and that some equipment repair occurs which could produce sounds audible off property. However, it is possible that with more detailed information from Dayson, the use could be categorized as Class I. It is difficult to confirm given the current work stoppage and absence of detailed information. The minimum separation distance for a Class II facility is 70 metres, whereas the proposed building at the Subject Lands is 44 metres from the property line of 1 Chestnut Street.

### Redevelopment, Infilling and Mixed-Use Areas

Section 4.10 of the D6 Guidelines deals with infilling and urban development scenarios where it may not be possible to achieve the recommended minimum separation distance (i.e., 70 metres for a Class II facility in a worst-case scenario). Sections 4.10.1, 4.10.2 and 4.10.3 contain requirements to consider proposals within less than the minimum distance. Table 5 below evaluates the proposal against Section 4.10.

Table 5 - Analysis of the Requirements of Section 4.10 of the D6 Guidelines

Requirement	Analysis
<b>Section 4.10.1 – Official status</b>	
<b><i>Such proposals must be in accordance with official plan policy or a formal planning approval process, with the boundaries of the redevelopment, infilling or mixed use area clearly defined by the planning authority.</i></b>	Residential uses are permitted on the Subject lands under the current Official Plan designation. The proposal is subject to an Official Plan Amendment to increase density permissions and will be site-specific.
<b>Section 4.10.2 – Zoning</b>	
<b><i>The Ministry or delegated authority shall only consider redevelopment, infill and mixed use proposals which put industrial and sensitive land uses together within less than the recommended minimum separation distances (see Section 4.3), if the zoning is use specific (i.e. only the existing or proposed industrial or sensitive use is permitted by the municipality or other approving authority), or if planning considerations are based on the "worst case scenario" based on permitted uses in the industrial zoning by-law.</i></b>	<p>The zoning for 1 Chestnut Street is use specific, restricting the use of the property to only a "machine shop". The zoning for 1 Chestnut Street also contains a minimum separation distance to residential zones of 15 metres.</p> <p>The zoning for 9 Chestnut Street will be site-specific. NPG recommends that the site-specific zoning for the Subject Lands includes an increased minimum westerly yard setback of 24 metres to restrict the building from being closer to its west lot line.</p>
<b>Section 4.10.3 – Feasibility analysis</b>	
<b><i>Detailed mapping showing the area subject to the proposed development and all industrial</i></b>	This PJR contains detailed mapping showing the surrounding area.

<sup>4</sup> <http://dayson.ca>

<b>facilities and any other sources of adverse effects (e.g. rail lines).</b>	
<b>Mapping shall also indicate all vacant properties currently zoned and/or designated for industrial use along with relevant excerpts from the official plan and/or zoning by-law to indicate the full range of permitted uses. Attempts shall also be made to predict the types and levels of adverse impact that would result in a "worst case scenario" should an industrial use be developed upon any of the vacant parcels.</b>	There are no vacant industrial parcels designated or zoned for industrial. Further, the lands at 1 Chestnut Street are designated Urban Residential. It is the intent of the Official Plan for the current use to cease.
<b>Assessment of the types and levels of contaminant discharges being generated by current industrial facilities, including those associated with transportation facilities which serve the industries.</b>	None anticipated.
<b>Based upon actual and anticipated impacts, necessary mitigative measures should be identified based upon technical assessments. Noise and other technical studies shall be submitted to appropriate Ministry staff for review. See Sections 4.6 "Studies" and 4.7, "Mitigation" for more details.</b>	A detailed noise study for the industrial use is not currently possible due to the ongoing work stoppage at the Dayson facility. Given this, NPG recommends that Port Cares incorporate building design measures for the exterior facades, such as upgraded glazing and cladding, as mitigation against any potential noise from 1 Chestnut Street. The Wood NIS recommends the installation of forced air heating with provision for adding central air conditioning in the future (with warning clauses) for potential transportation noise. Warning clauses should also be included in Residential Tenancy Agreements related to the Port Cares building to alert the future residents that an industrial use exists in the vicinity. This will also assist with mitigating potential impacts from the facility at 1 Chestnut Street.
<b>An indication shall be given as to the methods by which the mitigative measures (approved by the land use authority) will be implemented, i.e. the types of agreements that must be entered into. See Section 4.8, "Legal Agreements" also.</b>	The Subject Lands will be subject to a Site Plan Agreement whereby the required mitigation measures can be implemented. The approved Site Plan Drawings, and in turn Building Permit drawings, can illustrate upgraded façade measures and heating and air conditioning requirements. The Agreement can require warning clauses.
<b>Where mitigative measures are to be applied off-site to an existing industrial facility, the proponent shall demonstrate that the industrial facility has no objection to the proposed use or to the addition of the necessary mitigative measures.</b>	No mitigative measures proposed off-site.

<b><i>Implementation of approved mitigation measures shall be required as a condition of draft approval.</i></b>	
<b><i>Proponents should demonstrate to the approving authority that no objections to the proposed use have been raised by area residents, industries, etc. See Section 4.10.5, "Public Consultation".</i></b>	Public Consultation will occur through the proposed Official Plan Amendment and Zoning By-law Amendment Public Meetings.

As illustrated in the table above, the proposed residential use is feasible on the Subject Lands, using mitigation measures, the existence of use specific zoning at 1 Chestnut Street (machine shop with no outdoor storage), and the existing minimum separation distance from residential zones established in the zoning for 1 Chestnut Street.



## 5.0 Planning Policies

### 5.1 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

#### 5.1.1. Settlement Areas

The Subject Lands are within a Settlement Area as per the policies of the PPS. The PPS provides the following with respect to managing and directing land use within settlement areas:

#### **POLICY**

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*Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.*

*The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities, and minimize unnecessary public expenditures.*

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. support active transportation;*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

## ANALYSIS

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The Subject Lands are located within a Settlement Area under the PPS. As per policies 1.1.3.1 and 1.1.3.2 of the PPS, the proposed development would promote the efficient use of land within the Settlement Area by providing an appropriate density for the efficient use of municipal services. The Subject Lands are also located near the regional cycling corridors, helping to promote active transportation options. The proposal includes affordable housing units, helping to address the need for a range of housing options in Port Colborne and Niagara.

The amendments are also consistent with Policies 1.1.3.4 and 1.1.3.6 of the PPS by facilitating development within the existing Built-Up Area, with a compact apartment form, promoting efficient use of land, infrastructure, and public service facilities.

For these reasons, the Applications are consistent with the Settlement Area policies of the PPS.

### 5.1.2 Land Use Compatibility

Section 1.2.6 of the PPS provides policy direction regarding land use compatibility of sensitive land uses and major facilities such as industrial uses. The following policies are applicable to the proposal:

## POLICY

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*1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

*1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

## ANALYSIS

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The policies under Section 1.2.6 provide land use compatibility guidance where sensitive land uses are proposed close to major facilities. The policies contemplate scenarios where sensitive land uses within the vicinity of major facilities is not possible; potential adverse effects on the sensitive land use must be minimized and mitigated, while the long-term viability of the existing industrial land use shall be protected. As detailed in Section 4.1 and 4.1.1 of this report, an industrial facility and a railway line exist west of the Subject Lands, in addition to Regional Roads

and the Welland Canal in the vicinity. Given that the industrial facility is currently experiencing a work stoppage, a detailed noise study is not currently possible. It is recommended that Port Cares incorporates building design measures for the exterior facades, such as upgraded glazing and cladding, as mitigation against any potential noise from 1 Chestnut Street. The Wood NIS completed for the Subject Lands recommends the installation of forced air heating with provision for adding central air conditioning in the future (with warning clauses) for potential transportation noise. This will also assist with mitigating potential impacts from the facility at 1 Chestnut Street. NPG also recommends that the site-specific zoning for the Subject Lands includes an increased minimum westerly yard setback of 24 metres to restrict the building from being closer to its west lot line.

Through the use of mitigation measures, the existence of use specific zoning at 1 Chestnut Street (machine shop with no outdoor storage), and an existing minimum separation distance established in the Zoning By-law (15 metres from Residential Zones), the proposed residential use is feasible on the Subject Lands.

The proposal is consistent with the Land Use Compatibility policies of the PPS in that there is a need for affordable housing, there are no alternative locations for this proposal as the City is providing the land for the development, and adverse effects on the residential use will be mitigated as described above. Impacts on the industrial facility will be mitigated by including warning clauses within Residential Tenancy Agreements to alert the future residents of the Port Cares facility that an industrial use exists in the vicinity. It should be noted that the existing site-specific zoning

### 5.1.3 Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following policies are applicable to the proposal:

#### **POLICY**

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*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

- b) permitting and facilitating:*
  - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

## ANALYSIS

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The proposed development by Port Cares is consistent with Policy 1.4.3 as it provides affordable housing units and helps to address the need for one-bedroom units. The amendments would facilitate the construction of a housing option which is needed to meet the social, health, economic and well-being needs of current and future residents. The Subject Lands front on three municipally maintained roads with servicing suitable for the proposed development. Active transportation facilities are available within the area and the Regional Transit Port Colborne-Welland link exists on Elm Street, less than 1 km from the Subject Lands. This affordable housing development is consistent with the Housing policies of the PPS.

### 5.1.4 Infrastructure

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

## POLICY

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*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

## ANALYSIS

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The Subject Lands are located on municipal roads with existing municipal services. The proposed development would connect to this existing infrastructure, including municipal services. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. For these reasons proposed development is consistent with the above policies of the PPS.

### 5.1.5 Transportation Systems

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

## POLICY

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*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

*1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

## ANALYSIS

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The proposed development is one block from two Regional Roads and cycling facilities, with transit options nearby. The proposed high density development is an efficient use of this existing infrastructure.



## 5.2 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2020) outlines the province's plan to promote economic growth, increase housing supply and build healthy and affordable communities for people of all ages.

### 5.2.1 Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

#### **POLICY**

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2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(2) c) *within settlement areas, growth will be focused in:*

- i. delineated built-up areas;*
- ii. strategic growth areas;*
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. areas with existing or planned public service facilities*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. public service facilities, co-located and integrated in community hubs;*
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv. healthy, local, and affordable food options, including through urban agriculture;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

#### **ANALYSIS**

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The Growth Plan defines settlement areas as “lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated”. The Subject Lands are within a settlement area of Port Colborne, supported by existing municipal and wastewater infrastructure, that can support the achievement of complete communities.

The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development on lands that are currently surplus to the City's needs. A variety of complementary land uses and services exist in the vicinity, in addition to the Regional cycling network. The proposal adds affordable housing units to the community and addresses a need for one-bedroom housing options.

A variety of open space, recreational and community amenities exist near the Subject Lands.

All these elements encourage residents to enjoy the public realm and explore the community. The range of land uses, and accessible active transportation options helps improve the overall quality of life for the residents of the proposed development. The proposed development helps facilitate the goals of creating complete communities within a settlement area, as addressed in Policy 2.2.1(2)a) iii) and Policy 2.2.1(4).

### 5.2.2 Housing

Section 2.2.6 of the Growth Plan provides policy direction towards housing. The following policies apply:

#### **POLICY**

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*2.2.6(1) Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
  - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;**

*2.2.6(2) Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6(1), municipalities will support the achievement of complete communities by:*

- a) planning to accommodate forecasted growth to the horizon of this Plan;*
- b) planning to achieve the minimum intensification and density targets in this Plan;*
- c) considering the range and mix of housing options and densities of the existing housing stock; and*
- d) planning to diversify their overall housing stock across the municipality.*

*2.2.6(3) To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

#### **ANALYSIS**

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The proposal conforms with the Housing policies of the Growth Plan in that 40 new apartment dwelling units will be provided, addressing a need for this unit type. Further, the development addresses the need for affordable housing units, and one-bedroom units in particular. The proposal will accommodate a diverse range of household sizes and incomes in that the rental rates will be varied throughout the building and there is a mix of one- and two-bedroom units.

### 5.3 Niagara Region Official Plan (2014)

The Niagara Region Official Plan (NROP) is a long-range document that guides the physical, economic, and social development of Niagara Region. It contains objectives, policies and

mapping that implement the Region's approach to ensuring most new development in Niagara Region is directed towards the existing Built-up Area to accommodate future growth.

Table 6 below identifies the relevant Regional Schedules pertaining to the subject lands.

Table 6 - Niagara Region Official Plan Schedules

SCHEDULE	RELEVANT DESIGNATIONS
<b>Schedule A: Regional Structure</b>	Built-up Area; Within Urban Area Boundary
<b>Schedule C: Core Natural Heritage</b>	No designation
<b>Schedule E1: Transportation Infrastructure</b>	Main Street W and Welland Street are Regional Roads;
<b>Schedule E2: Strategic Cycling Network</b>	Main Street W and Welland Street are identified as part of the Strategic Cycling Network
<b>Schedule G1: Niagara Economic Gateway</b>	Port Colborne is identified as Gateway Economic Centre

### 5.3.1 Growth Management

Section 4.A of the NROP provides objectives regarding growth management and intensification, as follows:

*Objective 4.A.1.1 Direct the majority of growth and development to Niagara's existing Urban Areas*

*Objective 4.A.1.2 Direct a significant portion of Niagara's future growth to the Built-up Area through intensification*

*Objective 4.A.1.3 Direct intensification to Local Municipally Designated Intensification Areas*

*Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas*

*Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments*

Section 4.C of the NROP provide policies relating to intensification withing the Built-up Area. The following policies are relevant:

#### **POLICY**

*Policy 4.C.2.1 Each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets set out in Sub-section 4.C.4 of this Plan. Local official plans shall:*

- a) *Incorporate the Built Boundary delineated on Schedule A of this Plan as the basis for identifying the Built-up Area;*

- b) *Generally encourage intensification throughout the Built-up Area;*
- c) *Identify specific Intensification Areas to support the achievement of the intensification targets, including downtowns, intensification nodes and corridors and strategically located brownfield and greyfield areas.*

## ANALYSIS

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Main Street West is identified on Schedule A1 of the City's Official Plan as an Intensification Area. While the Subject Lands are not located within the Main Street West Intensification Area, they are less than 350 metres away. The development of high density residential apartment building on the Subject Lands helps support the Main Street West Intensification Area and helps achieve Objective 4.A.1.3 and Policy 4.C.2.1. The proposal conforms with the Intensification policies of the NROP in this regard.

### 5.3.2 Urban Community Objectives

Section 4.G of the NROP provides objectives regarding urban communities in the region, as follows:

## POLICY

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*Objective 4.G.1.2 Plan for all of Niagara's residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.*

*Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.*

## ANALYSIS

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The proposed development will provide for new housing within walking distance to commercial areas, schools, parks, active transportation facilities and transit options, facilitating access to jobs and services in a healthy, safe and transit supportive environment, as desired in Objective 4.G.1.2 and Objective 4.G.1.3.

### 5.3.3 Infrastructure

Chapter 8 of the NROP provides policies related to infrastructure and servicing. The following policies apply:

## POLICY

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*Policy 8.B.9 Municipal sewage services and water services are the required form of servicing for development in Urban Areas.*

## ANALYSIS

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The proposed development will be serviced by municipal sewage and water services from existing services.

### 5.3.4 Transportation

Chapter 9 of the NROP provides policies related to transportation. The following objectives and policies apply:

## POLICY

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*Objective 9.A.1 Promote and support for a multimodal transportation system to enable the movement of goods and people of all ages and abilities to jobs, housing, school, cultural destinations, public service facilities, recreational and tourist opportunities, and other major trip generators, especially in strategic growth areas.*

*Objective 9.A.2 Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.*

*Policy 9.C.3 The Niagara Region will leverage public transit to promote transit-supportive development.*

*Policy 9.C.8 The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned frequent transit or higher order transit facilities, including those within the Greenbelt Area where such lands have been approved through a Municipal Class Environmental Assessment, and where such lands are located within the settlement area boundary to:*

- a) provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) facilitate multimodal connections that encourage a more evenly distributed modal share; and*
- c) support active transportation.*

## **ANALYSIS**

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The Subject Lands are along the Strategic Cycling Route as per Schedule E2 of the NROP (see **Appendix B** – Regional Schedules) and are also located within walking distance to the Port Colborne-Welland Regional Transit Link on Elm Street, as well as walking trails and cycling routes. These factors encourage residents to be less dependent on single-occupant vehicle trips utilize active transportation.

### **5.3.5 Housing and Community Services**

Chapter 11 of the NROP provides policies related to housing and community services. The following policies apply:

## **POLICY**

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*Policy 11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.*

*Policy 11.A.2 The Region encourages the development of attractive, well designed residential development that:*

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.*
- b) De-emphasizes garages, especially in the front yard.*
- c) Emphasises the entrance and points of access to neighbourhoods.*
- d) Is accessible to all persons.*
- e) Incorporates the principles of sustainability in building design.*
- f) Provides functional design solutions for such services as waste collection and recycling.*
- g) Provides an attractive, interconnected and active transportation friendly streetscape.*
- h) Contributes to a sense of safety within the public realm.*
- i) Balances the need for private and public space.*
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.*

- k) *Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.*

*Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.*

*Policy 11.A.8 The Region supports, and encourages the local municipalities to support, not-for-profit housing agencies as well as the private sector in the development of affordable housing for low- and moderate-income households, individuals who have physical disabilities, and other special needs groups, including those living in a situation of absolute or relative homelessness.*

*Policy 11.A.14 The Region will work with the local municipalities, school boards, federal, and provincial governments to identify surplus government lands and/or buildings that may be suitable for affordable housing purposes.*

*Policy 11.A.15 Where appropriate, the Region commits to, and encourages the local municipalities to also commit to, a 'housing first' policy for surplus municipal lands such that the first priority in the decision process regarding possible disposal of surplus lands shall be affordable housing, and that best efforts will be made to make the surplus property available for affordable housing purposes.*

*Policy 11.A.17 The Region will provide information and technical advice to the not-for-profit housing sector to assist in and facilitate the approvals process for Planning Act applications submitted by this sector.*

## **ANALYSIS**

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The proposed development includes affordable housing units and near-market units, supporting the Region's goal to provide a variety of housing types within neighbourhoods, per Policy 11.A.1. The partnership between Port Cares, Niagara Regional Housing and the City of Port Colborne achieves the affordable housing policies of 11.A.8, 11.A.14, 11.A.15 and 11.A.17. The proposal provides for an alternative housing model in the form of one- and two-bedroom affordable apartment units.

The proposed residential development provides high quality residential urban design in compliance with Policy 11.A.2. The development provides functional design promoting high density residential use including an attractive streetscape with many "eyes on the street" to facilitate a greater sense of safety for residents of the development. The development provides access to several parks, commercial areas, and active transportation facilities.

### **5.4 City of Port Colborne Official Plan**

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matter that influences the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

Table 7 below identifies the City Schedules pertaining to the subject lands:

Table 7 - City of Port Colborne Official Plan Schedules

SCHEDULE	RELEVANT DESIGNATIONS
<b>Schedule A: City-Wide Land Use</b>	Urban Residential; Within Urban Area Boundary
<b>Schedule A1: Greenfields</b>	Main Street W, west of the Welland Street, is an Intensification Area
<b>Schedule B: Natural Heritage</b>	No designation
<b>Schedule B3: Vulnerable Aquifer Areas</b>	High Vulnerable Aquifer
<b>Schedule C: Mineral Aggregate and Petroleum Resources</b>	Petroleum Resource Areas
<b>Schedule D: Transportation</b>	Locke Street, Chestnut Street and Clarke Street are Local Roads Main Street W and Welland Street are Regional Roads

The following are Growth Management Strategies for the City that are relevant to the proposal:

- b) *Direct growth in a strategic manner.*
- c) *Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- e) *Support infill and intensification, subject to the applicable policies, in the following designations: i) Urban Residential; ii) Hamlet; and iii) Downtown Commercial*
- f) *Support compact and transit supportive development within the built boundary and on designated greenfield lands*

The subject lands are within the City's Urban Area according to Schedule A – *City Wide Land Use Plan* (see Appendix C - *City of Port Colborne Official Plan Schedules*). In accordance with the City's growth management strategies, the lands are within an area serviced by municipal water and sanitary services. The proposal will provide residential intensification on an underutilized lot (surplus to the City's needs) and will offer an alternative housing model that will add to the mix of the existing housing stock in the neighbourhood. Convenient access to active transportation facilities encourages healthy and active lifestyles.

#### 5.4.1 Housing

Section 2.4.3 of the City's OP contains strategic planning policies on intensification and infilling. The following policies apply:

#### POLICY

*2.4.2 The City will promote the development of an appropriate mix of housing types, densities and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations.*

##### 2.4.2.1 Housing Forecast

- a) *New housing development should:*
  - i) *Be located in the urban area to make use of existing infrastructure and facilities;*

- ii) *Be accessible to medical facilities, shopping and any future public transportation system;*
- iii) *Be close to or be developed with on-site parks and open space;*
- iv) *Incorporate design features for an aging population;*
- v) *Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;*
- vii) *Be close to or be developed with social and recreational facilities.*

#### 2.4.2.2 Affordable Housing

- a) *The City will work with other levels of government, the private sector, community and non-profit groups to ensure that sufficient affordable rental and ownership housing is provided.*
- e) *Opportunities shall be made available for the provision of affordable housing within new intensified or infill developments*

### ANALYSIS

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The proposal conforms with the Housing policies of the City's Official Plan in that 40 new apartment dwelling units will be provided, addressing a need for this unit type. Further, the development addresses the need for affordable housing units and one-bedroom units in particular. The proposal will accommodate a diverse range of household sizes and incomes in that the rental rates will be varied throughout the building and there is a mix of one- and two-bedroom units.

The proposed development is located within the urban area, making use of existing infrastructure and facilities. The lands are close to shopping, commercial uses, parks and community/recreational facilities. The development will accommodate an aging population.

The development is an example of the City working with other levels of government and non-profit groups to ensure that sufficient affordable rental housing is provided.

#### 5.4.2 Intensification and Infill

Section 2.4.3 of the City's OP contains strategic planning policies on residential intensification and infill. The following policies apply:

### POLICY

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#### 2.4.3 Intensification and Infill

*As identified on Schedule A1, intensification will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire Built-up area, which will count towards the municipality's 15% intensification target, shall occur in accordance with the applicable policies of this Plan.*

- a) *The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*
- c) *The objectives of the intensification policies of this Plan are to:*
  - i) *Revitalize and support the Downtown by promoting intensification in the Downtown areas;*
  - ii) *Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;*



#### 2.4.3.1 Design Guidelines

- a) *Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) *Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*
- c) *Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) *The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

### ANALYSIS

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The proposed amendments achieve the intensification policies of the City's Official Plan as intensification is encouraged throughout the built boundary of the City, where development is compatible with the surrounding uses. While the proposal represents a different housing form than the surrounding low density uses, the proposal is compatible with surrounding uses as will be discussed in Section 5.4.3 of this report. The proposed development is also near the Main Street West Intensification Area, and the proposed development will contribute to the revitalization and support of the area.

#### 5.4.3 Urban Residential

Section 3.2 of the City's OP contains policies for lands designated Urban Residential, including the Subject Lands. The following policies apply:

### POLICY

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#### 3.2 Urban Residential

*The areas identified on Schedule A as Urban Residential are those lands that are primarily used for residential purposes and represent the existing and planned built-up areas within the Urban Area Boundary. The predominant uses for lands designated Urban Residential shall include, but not be limited to; residential uses; neighbourhood commercial uses such as a convenience store, beauty salon, post office, and doctor's office all of limited size; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.*

##### 3.2.1 General Policies

- c) *High Density Residential 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.*

##### 3.2.3.3 Design Guidelines - Housing

- b) *Town houses and multi-unit housing should:*

- i) *Be consistent with the placement and character of the surrounding built form;*
- ii) *Have parking areas placed to the side or rear; and*
- iii) *Incorporate landscaping features to screen parking areas.*

## **ANALYSIS**

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The City's Official Plan considers an apartment building as a high density residential use. The OP limits apartments to a maximum density of 100 units per hectare. The proposal has a density of 148 units per hectare. This represents an additional 13 units beyond the maximum density of 100 units per hectare. It should be noted that this affordable housing development is catering largely to single-person households, with 31 one-bedroom units and 9 two-bedroom units. The number of people living in the proposed building will be significantly less than a typical apartment building given this unit breakdown. Impacts from parking, traffic, and servicing will all be minimal, given the number of one-bedroom units. The City's Zoning By-law only requires 1 parking space per 3 units for public apartment buildings (which are erected, owned and/or maintained by a public agency or non-profit charitable organization). It is not anticipated that all residents of the building will own a car.

The City's Official Plan directs that high density residential uses will have frontage on an arterial or collector road. The Subject Lands are located on local roads, however there are no anticipated traffic issues anticipated as a result of the proposal. Further, it is noted that the Subject Lands are less than 100 metres from Main Street East, which is an arterial road. There is convenient vehicular and pedestrian access to Main Street East through Bridge Street, Dolphin Street and Wellington Street. Although the lands do not directly front on the arterial road, it will take advantage of the proximity for connections to local establishments, transit, and the bike network.

The proposed residential use contains ground-floor units and offers convenient connections to existing sidewalks, promotes age-in-place and delivers eye-on-the-street benefits to the neighbourhood. The building engages the street with parking to the side and rear. The parking and driveway area will be screen from the abutting residential use to the south.

With respect to shadowing, the proposed building has a height of approximately 16 metres. The generally accepted setback from apartment buildings to adjacent lower density residential property line is a one to one height to setback ratio (16 metre height to 16 metre setback) or as little as a one to one-half ratio (16 metre height to 8 metre setback). Building shadowing is expected to occur to the west, north and east, at different times of the day, due to the known movement of the sun across the sky. To the west, there are no anticipated impacts to the industrial use. The proposed building is located approximately 23 metres from the front property lines of residential uses to the north and 27 metres from the front property lines of residential uses to the east. The setbacks exceed the one to one ratio (height to setbacks) to these property lines and the proposed building is not anticipated to have significant shadowing impacts on the dwellings to the north and east. The building is located 13.9 metres from the south property line, slightly less than the one to one ratio, however it is not anticipated that the building will cast shadows on the residential dwellings immediately to the south given the known movement of the sun.

The proposed development will be subject to site plan control, where additional details such as landscaping and servicing will be addressed.

While an Official Plan Amendment is needed to address the density of the proposal and its location on a local road, the proposal meets the general intent and purpose of the Urban Residential policies and represents good planning.

#### 5.4.4 Servicing and Transportation

Sections 8 and 9 of the City's OP contain policies regarding servicing and transportation. The following policies apply:

##### **POLICY**

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*8.1.1 a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.*

*8.2 a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area.*

##### *9.1.1 Walking Cycling and Transit*

*c) Sidewalks are required on one side and encouraged on both sides of all new local and Regional streets, in order to promote walkable neighbourhoods and have regard for the Accessibility for Ontarians with Disabilities Act.*

*d) Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private development.*

##### **ANALYSIS**

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The proposed development will be on full municipal services. Stormwater will be designed and managed to not have an adverse impact on neighbouring properties. Sidewalks currently exist on both side of Clarke Street, the north side of Chestnut Street and the east side of Bridge Street leading to Main Street East. Residents choosing to walk to and from the site have convenient access to the existing sidewalk system via Clarke Street. Bike racks are provided on site in accordance with the City's Zoning By-law requirements.

Based on the foregoing, the proposed residential development conforms with the general intent and policies of the City of Port Colborne Official Plan.

## 6.0 Proposed Official Plan Amendment

The City of Port Colborne alongside Port Cares is proposing an Official Plan Amendment (OPA) to facilitate the proposed development. A site-specific OPA is needed to permit a density increase on the Subject Lands, on a local road. The City and Port Cares are proposing a density of 148 units per hectare.

The specific change to the Official Plan is as follows:

1. Notwithstanding Policy 3.2.1 c) i) and ii), the lands at 9 Chestnut Street may be developed for public apartment building with a maximum density of 148 units per hectare.

A draft Official Plan Amendment has not been provided for this City-initiated amendment.

### ANALYSIS

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The Official Plan Amendment is supported for the following reasons:

- The proposal conforms to the Provincial Policy Statement, A Place to Grow (Growth Plan for the Greater Golden Horseshow), and the Niagara Region Official Plan;
- The proposal implements the policies of the Niagara Region Official Plan and the City of Port Colborne Official Plan in that the Subject Lands are located within Urban Area of the City of Port Colborne where infill and intensification are encouraged;
- The proposal adds to the housing options available in the City of Port Colborne, including affordable housing units; and Niagara Falls contributing to a more diversified housing mix; and,
- The proposal is consistent with the general intent and purpose of the City's Official Plan, including policies relating to High Density Residential uses.



## 7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Public and Park (P) Zone in accordance with Zoning By-law No. 6575/30/18 (see Appendix D – *City of Port Colborne Zoning By-law*). A Zoning By-law Amendment (ZBA) is needed to facilitate the proposed public apartment building, changing the zoning of the subject lands from a (P) Zone to site-specific Fourth Density Residential (R4-XX) Zone. Tables 8, 9, and 10 below examine compliance of the proposal with the Zoning By-law, including the proposed (R4) Zone, and identifies required site-specific regulations (highlighted in yellow). This section goes on to discuss each requested site-specific regulation from a planning perspective.

A draft Zoning By-law Amendment has not been provided for this City-initiated amendment.

Table 8 - Zoning Compliance, Fourth Density Residential (R4) Zone

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	<i>Apartment Building, Public</i>	Apartment Building, Public	Yes
<b>Minimum Lot Frontage</b>	18m	36.57m	Yes
<b>Minimum Lot Area</b>	125m <sup>2</sup>	67m <sup>2</sup>	No, Site Specific Exception is Required
<b>Minimum Front Yard (Clark Street)</b>	9m	7m	No, Site Specific Exception is Required
<b>Minimum Interior Side Yard</b>	3m	13.91m	Yes
<b>Minimum Corner Side Yard (Chestnut Street)</b>	7.5m	3m	No, Site Specific Exception is Required
<b>Minimum Rear Yard (Locke Street)</b>	6m	24.59m	Yes, Site Specific Exception Proposed to Increase Minimum
<b>Maximum Lot Coverage</b>	40%	30.4%	Yes
<b>Maximum Height</b>	20m	15.9m	Yes
<b>Minimum Landscaped Area</b>	25%	29.5%	Yes
<b>Minimum Floor Area for a Unit</b>	50m <sup>2</sup>	52.6 - 85.8m <sup>2</sup>	Yes

Table 9 - Zoning Compliance, General Provisions

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Site Triangle</b>	a) <i>Unobstructed sight triangles are required on all corner lots in all zones.</i>	a) Unobstructed site triangle	a) Yes
		b) Measured in accordance with Section 2.13.1 (a) and 2.13.1 (b)	b) Yes
	b) <i>The area within a sight triangle shall be</i>		c) Yes

	<p>determined by measuring from the point of the intersection of the front and corner side lot lines on a corner lot to a point along each such lot line as set out in Section 2.13.1 (a) and 2.13.1 (b) and joining such points with a straight line.</p> <p>c) No sign or landscaping materials including but not limited to fences, walls, berms, trees, hedges, or bushes shall be greater than 0.75 metres in height above the elevation of the ground at the street line.</p>	c) < 0.75m	
<b>Site Triangle Distance</b>	a) Residential Zone - 6 metres	> 6 metres	a) Yes
<b>Permitted Encroachments</b>	<p>a) Except where otherwise permitted in this By-law every part of any required yard for a building or structure shall be open and unobstructed from the ground to the sky except for the exceptions listed in Section 2.19.1 to 2.19.3.</p> <p>b) No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following functional and ornamental structures including but not limited to:</p> <p>i) Drop awnings; ii) Clothes poles</p>	<p>a) Not obstructed</p> <p>b) Not obstructed</p>	<p>a) Yes</p> <p>b) Yes</p>

	<p>iii) Ornamental fountains, statues, monuments, memorials, planters and garden tresses;</p> <p>iv) Fences;</p> <p>v) Air conditioning units, heat pumps and generators; and</p> <p>vi) Boundary and retaining walls, hedgerows and legal signs</p>		
<b>Municipal Drains</b>	<p>a) Notwithstanding any other provisions of this By-law, no building or structure may be located any closer than 10 metres to any municipal drain, measured from the top of bank.</p>	a) N/A	a) N/A
<b>Storage of Refuse</b>	<p>a) No open storage of refuse shall be permitted anywhere within the zoned area except:</p> <p>i) Where refuse is to be collected within an 18 hour period after such refuse has been placed in an outdoor location;</p> <p>ii) Where the area used for the open storage of refuse or a refuse container is enclosed by a wall or an opaque fence not less than 1.8 metres in height; or</p> <p>iii) In any Residential Zone, where such refuse is contained completely within a structure or in a receptacle specifically intended for such purpose and having walls or sides and door or lid.</p>	a) no open storage	a) Yes

Table 10 - Zoning Compliance, Parking Provisions

REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>Parking Space Requirements</b>	<p><i>Apartment Building, Public:</i></p> <p><i>1 space per 3 units:</i></p> <p><i>13.3 Parking Spaces</i></p>	20	Yes
<b>Parking Space Dimensions</b>	2.6m x 5.2m	2.6m x 5.2m	Yes
<b>Accessible Parking</b>	<p><i>Number of required Standard Parking Spaces between 1-25:</i></p> <p><i>1 Accessible Parking Space required.</i></p>	4 accessible stalls	Yes
<b>Encroachment into Yards</b>	<p><i>a) A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.</i></p>	a) parking not encroaching	Yes
<b>Ingress and Egress Standards</b>	<p><i>a) Required parking spaces shall have adequate access, from an improved or unimproved road, to permit ingress and egress of a motor vehicle by means of driveways, aisles, maneuvering areas, or similar area and except in the case of tandem parking in a driveway to a single detached, semi-detached, duplex or triplex dwelling, no part of this access is to be used for the temporary parking or storage of any motor vehicle.</i></p> <p><i>b) Driveways shall have a minimum unobstructed width of</i></p>	<p>a) Required access provided</p> <p>b) 7.5m access provided for two-way traffic at two access points</p>	<p>a) Yes</p> <p>b) Yes</p>



	7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.		
<b>Landscape Provisions for Parking Areas</b>	<p>A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) as follows:</p> <p>Lot Line Abutting a Public Road: 3 m</p> <p>Lot Line Abutting a Residential, Institutional or Public and Park Zone: 3 m</p>	<p>3m abutting a public road</p> <p>1m abutting a Residential Zone, Public and Park Zone (to the south)</p>	No, Site Specific Exception is Required
<b>Bicycle Parking Spaces</b>	<p>a) Bicycle parking spaces must be located on the same lot as the use for which it is provided;</p> <p>b) Each bicycle parking space shall be a minimum 1.8 m in length and 0.3 m in width; and</p> <p>c) Shall be located at a principle entrance of a building</p>	<p>a) Same lot</p> <p>b) Subject to detailed design</p> <p>c) Principal Entrance</p>	<p>a) Yes</p> <p>b) Yes</p> <p>c) Yes</p>
<b>Required Bicycle Parking</b>	<p>Residential Buildings with 10 or more dwelling units: 6 Spaces plus 1 for every additional 10 dwelling units above 20</p> <p>(Required: 8 spaces)</p>	10 indoor + additional outdoor spaces	Yes

### **Minimum Lot Area**

The minimum lot area provisions of the Zoning By-law are an expression of residential density. The decrease to the minimum lot area per unit is directly related to the increased density. As detailed in Section 5.4.3 of this report, the proposed density is appropriate for the Subject Lands. Further, ample open space and public amenities are available in the immediate vicinity of the Subject Lands, such as the Lockview Park lands, Lock 8 Gateway Park, Thomas A. Lannan Sports Complex, and the Vale Health & Wellness Centre.

### **Minimum Front Yard (Clarke Street)**

The east property line abutting Clarke Street is the front lot line for the purpose of this review. The building has been placed 7 metres from the front lot line, whereas the R4 Zone requires 9 metres, to be approximately in line with the dwelling immediately to the south at 304 Clarke Street. The proposed setback of 7 metres is not anticipated to negatively impact surrounding land uses and can be supported.

### **Minimum Corner Side Yard (Chestnut Street)**

The north property line abutting Chestnut Street is the corner side lot line. The building has been placed 3 metres from the corner side lot line, whereas the R4 Zone requires 7.5 metres. The Subject Lands are the only lot within the block between Locke Street and Clarke Street. Therefore, the proposed setback of 3 metres is not anticipated to impact any adjacent uses.

### **Landscape Buffer Adjacent to Residential Zone, Public and Park Zone**

The driveway for the proposed development connects from Locke Street at the west to Clarke Street at the east. The driveway is located 1 metre from the south property line, which abuts a Residential Zone and a Public and Park Zone, thus requiring a 3-metre setback with landscape buffer. The proposed 1 metre landscape buffer is supportable as it is adjacent to the driveway and not the principal parking area, there will be no vehicles parked perpendicular to the south property line, and the parking area is relatively small. Further, the 1 metre width provides sufficient space for the erection of a privacy fence, and the installation of coniferous trees which will grow narrow and tall, such as cedars. For these reasons, there is no impact expected on properties to the south as a result of the reduced buffer width.

### **Minimum Rear Yard (Locke Street)**

It is recommended that the minimum rear yard (Locke Street) be increased for the proposed public apartment building to provide on-site separation distance from the industrial facility to the west.

## 8.0 Summary and Conclusion

The proposed development of a 5-storey public apartment building is within the existing settlement area and will provide for the development of 40 residential units in the City. It is our opinion the Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan, Region of Niagara Official Plan, and the City of Port Colborne Official Plan.
- The proposed development will consist of affordable housing units provided by Port Cares, in conjunction with Niagara Regional Housing. The proposal will contribute to diversifying the existing housing mix in the neighbourhood and particularly fills a need for one-bedroom rental apartments.
- The Subject Lands are located within proximity to arterial roads, walking facilities, cycling facilities, and public transit, supporting the vision of building a walkable and bikeable community.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as commercial and retail uses, public schools, parks, and open spaces near the Subject Lands.
- The proposal is an example of efficient use of lands.
- The proposal is feasible from a land use compatibility perspective, through the use of noise mitigation measures within the building design and warning clauses for future tenants; as well as the existence of use specific zoning at 1 Chestnut Street and an existing minimum separation distance from Residential Zones established in the current Zoning By-law.
- The proposal has adequate setbacks from surrounding residential uses, is an appropriate location for the proposed height and density and is not anticipated to have negative impacts on surrounding uses.

Report prepared by:



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**Edan Nelson, BA Urban Studies, Sustainability Studies**

Student Planner

*NPG Planning Solutions Inc.*

Report reviewed by:



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**Jesse Auspitz, MCIP, RPP**

Senior Planner

*NPG Planning Solutions Inc.*

Report prepared and approved by:



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**Aaron Butler, MCIP, RPP**

Development Principal

*NPG Planning Solutions Inc.*

## 9.0 Appendices

### APPENDIX A – Site Plan









## Appendix B - Niagara Region Official Plan Schedules

### SCHEDULE A – REGIONAL STRUCTURE, *Built-Up Area*





SCHEDULE E1 – TRANSPORTATION INFRASTRUCTURE, **Near Regional Roads:**  
**Hwy #3, Hwy 3A**

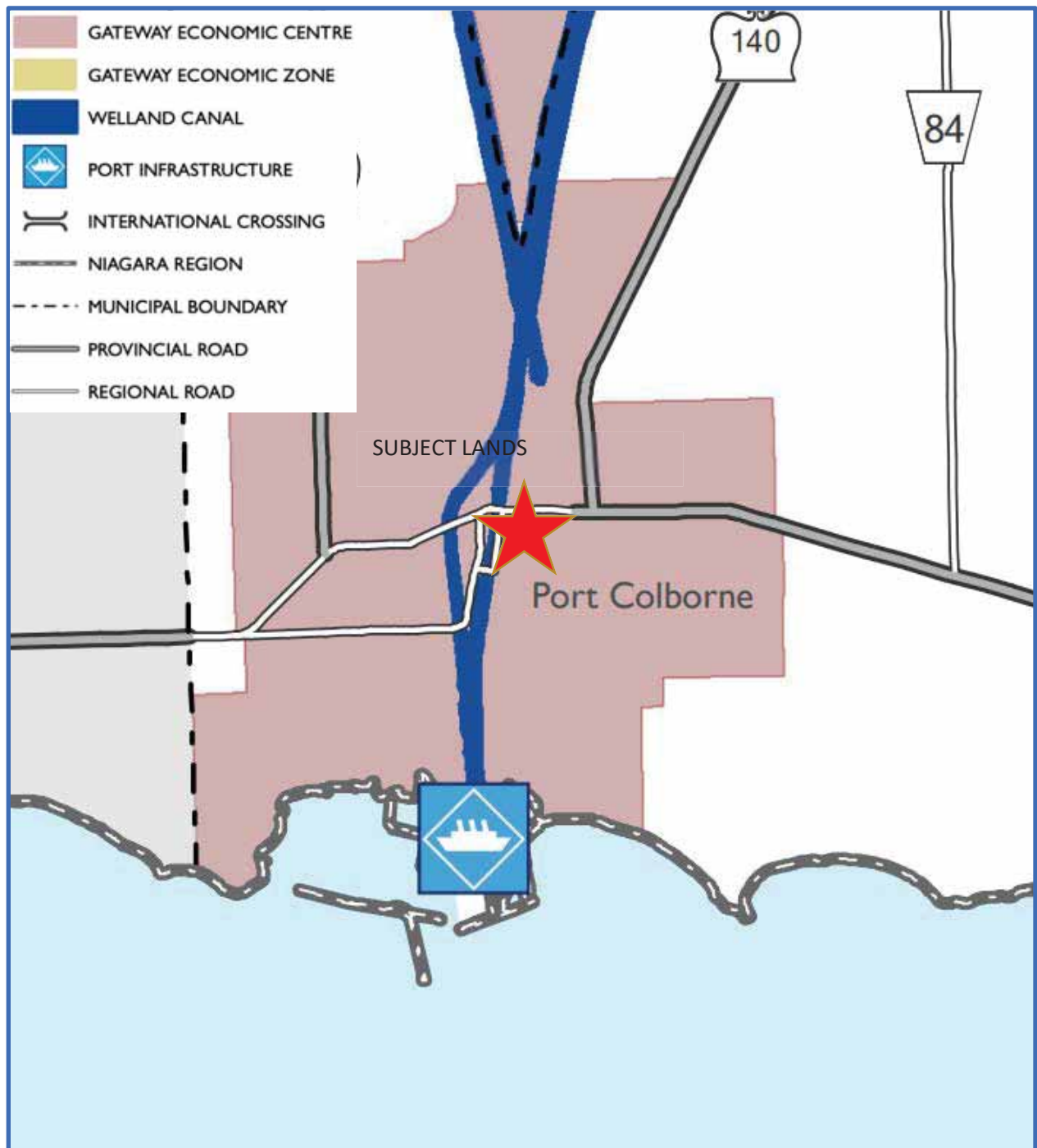




SCHEDULE E2 – STRATEGIC CYCLING NETWORK, *Near Strategic Cycling Network*



SCHEDULE G1 – NIAGARA ECONOMIC GATEWAY, **Gateway Economic Centre**

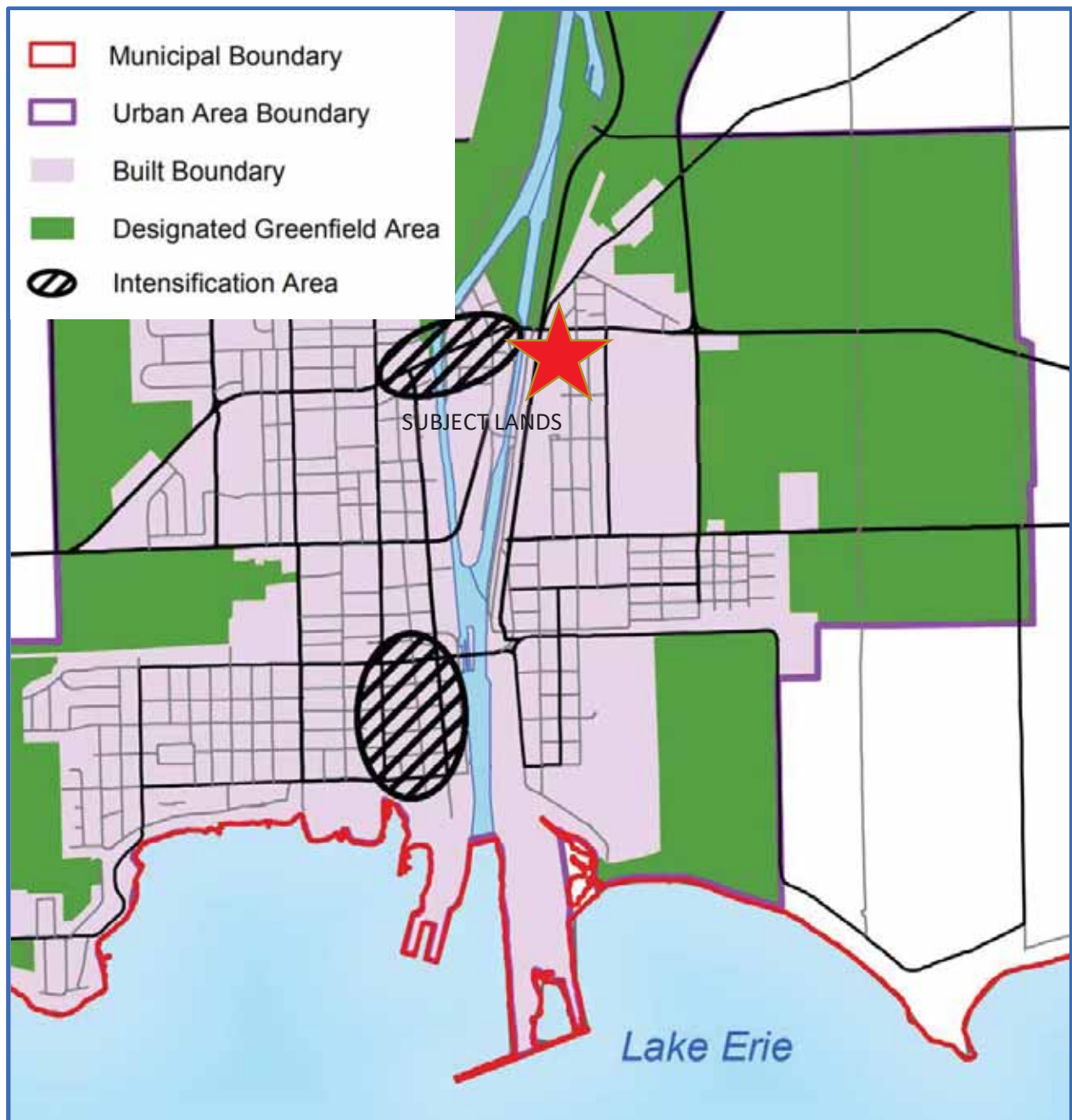


## Appendix C - City of Port Colborne Official Plan Schedules

### SCHEDULE A – CITY-WIDE LAND USE PLAN, *Urban Residential*



SCHEDULE A1 – GREENFIELDS, **Built-Boundary**





SCHEDULE E1 – TRANSPORTATION PLAN, *Local Road: Chestnut Street*



Appendix D - City of Port Colborne Zoning By-law

SCHEDULE A1 – ZONING BY-LAW NO. 6575/30/18, **Public and Park (P) Zone**

