



**Subject: Lifting of Part Lot Control on 263-273 Lancaster Drive - File No. D25-01-23**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-98

Meeting Date: May 23, 2023

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### **Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2023-98 be received; and

That the By-law attached as Appendix A to Planning Division Report 2023-98 be approved, exempting 263-273 Lancaster Drive on Plan 59R-17626 from the Part Lot Control provisions of the *Planning Act*.

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### **Purpose:**

The purpose of this report is to provide Council with information and a recommendation regarding an application submitted by Jeff Collins of Bridge and Quarry Ltd. for a Part Lot Control exemption for the lands known as Block 72 on Plan 59M-428, more specifically described as Parts 1-12 on Plan 59R-17626, municipally known as 263-273 Lancaster Drive.

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### **Background:**

The Westwood Estates Phase 2 Plan of Subdivision was registered in 2016. Construction has been ongoing in the subdivision since 2016, however it is nearing its full build out. Within the subdivision, two blocks (being Blocks 72 and 73) were approved for townhouse units. This application is only for Block 72 at this time; however, staff anticipate that a similar application will follow in the future for Block 73.

Section 50 (5) of the *Planning Act* (“the Act”) provides restrictions on how land can be conveyed and transferred to new owners. In simple terms, only whole lots or blocks in a registered plan of subdivision can be legally transferred to new owners. Section 50 (7)

of the Act further provides an option to local municipalities to pass a by-law to exempt lands from s. 50 (5) when located in a registered plan of subdivision. This provision of the Act is typically used to convey individual units in a townhouse block and allow them to be dealt with independently. This allows the townhouse block to be built cohesively and that a reference plan be surveyed to accurately reflect the common wall property lines.

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## **Discussion:**

### **Provincial and Regional Policies:**

This application has been reviewed with consideration of applicable policies in the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Official Plan (2022), the City of Port Colborne Official Plan and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. 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 that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area and designated greenfield area. Development in these areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary” and “Designated Greenfield Area”. Policies within the NOP generally encourage development within the Urban Area and Greenfield Areas provided the development builds a compact, mixed use, transit supportive, active transportation friendly community.

### **City Official Plan and Zoning By-law:**

The City of Port Colborne Official Plan designates these lands as Medium Density Residential within the Westwood Park Secondary Plan. These areas are planned for townhouse developments such as this one. Staff are of the opinion that this proposal is consistent with the policies of the Official Plan and more specifically the Westwood Park Secondary Plan.

The City of Port Colborne Zoning By-law 6575/30/18 zoned the lands as Third Density Residential (R3). The R3 zone permits single detached, semi-detached, duplex, triplex,

fourplex, and townhouse dwellings. A fulsome zoning review was completed through the Building Permit application and again through this application to verify that the townhouse block is in full compliance with the City's Zoning By-law.

**Land Division:**

The Part Lot Control exemption is being requested in order to facilitate the creation of six independent units (lot) in the existing townhouse block, as well as to reference the existing easement in the rear of Block 72. Staff recommend that the by-law contain a two-year expiration date following approval from Council. This will allow the owner sufficient time to create the lots required to be able to sell the units individually.

Based on the above, staff are confident that the proposed Part Lot Control exemption meets the applicable policies set out in the Provincial, Regional and City plans. Staff recommend that Council approve the By-law attached as Appendix A for a period of two years, which will provide the current owner sufficient time to transfer the lands accordingly.

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**Internal Consultations:**

Applicable departments such as Public Works, Fire, Building, and Planning have been involved in this permit application and have had no concerns.

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**Financial Implications:**

There are no financial implications with this specific application. Fees such as parkland dedication and development charges were collected at the time of the Building Permit application.

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**Public Engagement:**

Public engagement is not required as per the *Planning Act* for this type of application.

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**Strategic Plan Alignment:**

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- People: Supporting and Investing in Human Capital
- Governance: Communications, Engagement, and Decision-Making

## **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 with the Growth Plan, Regional Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Part Lot Control exemption by-law attached as Appendix A be approved.

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## **Appendices:**

- a. Part Lot Control By-law
- b. Reference Plan 59R-17626

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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.