



**Subject: Recommendation Report for Zoning By-law Amendment
D14-03-23, VL Knoll Street**

To: Council

From: Development and Legislative Services Department

Report Number: 2023-137

Meeting Date: July 18, 2022

Recommendation:

That Development and Legislative Services Department Report 2023-137 be received;
and

That Council approves the Zoning By-law Amendment attached as Appendix A, to
amend the zoning of the subject lands from First Density Residential (R1) to Second
Density Residential (R2).

Purpose:

The purpose of this report is to provide Council with an update and recommendation
regarding a Zoning By-law Amendment application initiated by the owner Stanley
Homes.

The application was received on May 10, 2023, and was deemed complete on May 11,
2023. The application is requesting to change the zoning of the subject property from
First Density Residential (R1) to Second Density Residential (R2). There are no special
provisions being requested as a part of this application.

The requested amendment is being sought to facilitate the construction of a semi-
detached dwelling. A site plan for the proposed dwelling has been attached as Appendix
B.

Background:

Location:

The subject lands are located on the east side of Knoll Street. The legal description of the property is Part 1 on Registered Plan 59R-15742, on the east side of Knoll Street, formerly in the Township of Humberstone, now in the City of Port Colborne, within the Regional Municipality of Niagara, municipally known as a vacant lot on Knoll Street.

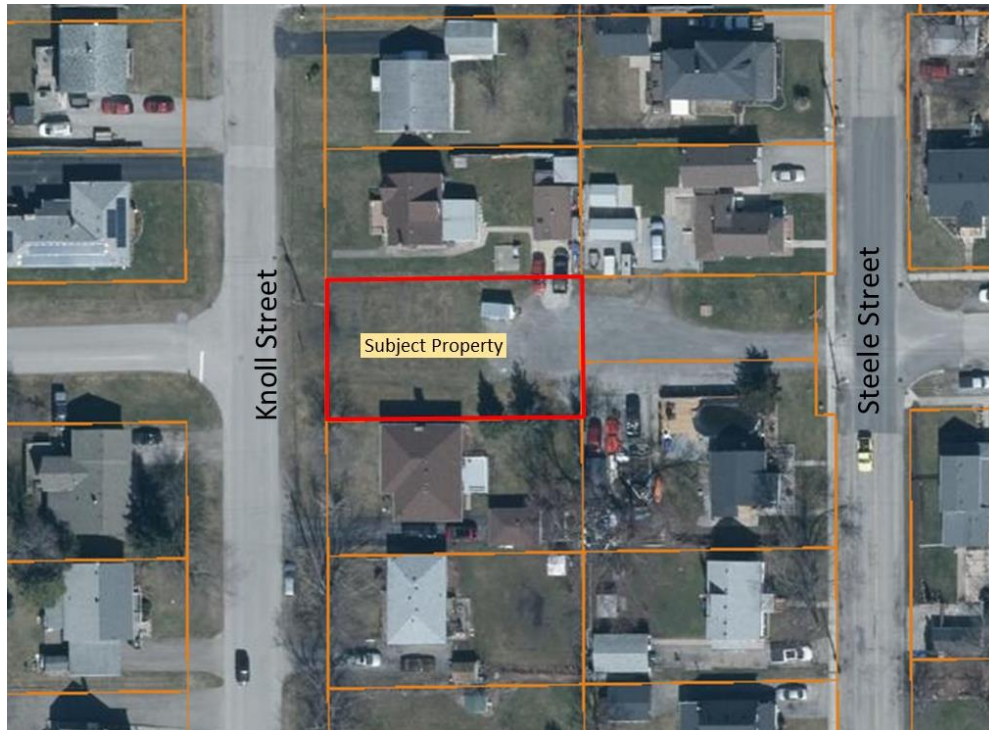


Figure 1: Location of subject lands in red, from Niagara Navigator 2020

Surrounding Land Uses and Zoning:

The surrounding properties are zoned R1 to the north, south, east, and west. The surrounding uses consist of residential dwellings.

Discussion:

Planning Documents:

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

Planning Act:

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a Zoning By-law Amendment.

Provincial Policy Statement:

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff is satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes growth within a settlement area and proposes a semi-detached dwelling that will result in a more diverse range of housing on Knoll Street and a mix of dwelling types in the surrounding area.

Growth Plan for the Greater Golden Horseshoe:

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

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

Niagara Official Plan:

The subject property is located within a delineated built-up area within the settlement area, according to the Niagara Official Plan (NOP). As per section 2.2 of the NOP, development will occur in urban areas where municipal water and wastewater systems exist or are planned. Furthermore, sections 2.2.1.1 b) and c) state that development in urban areas will support a compact built form, vibrant public realm, a mix of land uses, including residential uses, as well as, a diverse range and mix of housing types, units sizes and densities.

Planning staff is satisfied that the proposed Zoning By-law Amendment conforms to the NOP. The application proposes a semi-detached dwelling that makes efficient use of existing services and provides for a range and mix of housing types in the area.

Port Colborne Official Plan:

The subject property is located within the Urban Residential designation according to the City's Official Plan (OP) and represents the existing and planned built-up area within the urban area boundary. The predominant uses in this designation include residential uses. As per section 3.2.2 of the OP, intensification will be encouraged in the urban area in accordance with section 2.4.3 of the plan, which states that intensification of residential lands will offer opportunities to promote the reduction of greenfield land consumption, meet the municipality's intensification target of 15% and maximize the efficiency of existing infrastructure.

Furthermore, section 3.2.3.3 of the OP states that semi-detached dwellings should front onto open space where possible, have higher quality landscaping and architectural features, and have garages that are either side drive attached, detached, recessed, or flush with the main building.

Planning staff is satisfied that the proposed application conforms to the OP. The development encourages intensification within the urban area, reducing greenfield land consumption, assists in meeting the intensification target of 15%, and uses existing infrastructure. The dwelling will also front onto an open public road and has proposed garages that are recessed from the main wall of the dwelling.

Port Colborne Zoning By-law 6575/30/18:

The subject property is currently zoned **First Density Residential (R1)**. It was identified in the public meeting report that the zoning was a special provision of the First Density Residential zone (R1-69), however after further review, staff have determined that this parcel does not have any special provisions and the R1-69 zoning only applies to the eastern side of the Borden Avenue road allowance that was closed by Council in 2022.

The Zoning By-law Amendment proposes to change the zoning of the property from First Density Residential (R1) to Second Density Residential (R2). The R2 zone permits detached, semi-detached, and duplex dwellings, as well as uses, structures, and buildings accessory thereto. The applicant has submitted a site plan, attached as Appendix B, that shows that the proposed semi-detached dwelling can meet the zone requirements of the R2 zone. As such, no special provisions have been requested.

Planning staff is of the opinion that the proposed application is appropriate and compatible with the surrounding area. The proposal adds to a mixture of housing types and makes efficient use of existing services. The proposal is also compatible with adjacent uses as residential lots surround the subject parcel.

Internal Consultations:

Notice of Public Meeting was circulated on May 17, 2023, to internal departments and agencies. As of the date of this report, the following has been received.

Drainage Superintendent:

There are no comments on this application regarding municipal drains.

Ministry of Transportation:

The subject site is located within the MTO Permit Control Area for Highway 58 and as a result, the applicant should be made aware that MTO Building and Land Use Permits will be required prior to the start of any onsite construction/works.

Niagara Catholic School Board:

No comments on the application.

Enbridge:

Enbridge does not object to the proposal but reserves the right to amend any development conditions.

Financial Implications:

There are no financial implications.

Public Engagement:

Notice of Public Meeting was circulated by mail to property owners within 120m of the subject property, as per Section 34 (13) of the *Planning Act* on May 17, 2023. A public notice sign was also posted on the property by May 17, 2023, and notices were posted on the City's website under "Current Applications". A public meeting was also held on June 6, 2023. As of the date of preparing this report, no comments from the public have been received.

Strategic Plan Alignment:

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

- People: Supporting and Investing in Human Capital
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Conclusion:

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

Appendices:

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

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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.