



**Subject: Recommendation Report for Zoning By-law Amendment  
D14-02-21, 3288 Second Concession**

**To: Council**

**From: Planning and Development Department**

Report Number: 2021-173

Meeting Date: June 14, 2021

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### **Recommendation:**

That Planning and Development Department Report 2021-173 be received; and

That the Zoning By-law Amendment attached as Appendix A of Planning and Development Report 2021-173 be approved, rezoning the property from Agricultural (A) to Agricultural Purposes Only (APO) and AR-63; and

That Planning staff be directed to circulate the Notice of Passing in accordance with the *Planning Act*.

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### **Purpose:**

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment initiated by Julian Renaud on behalf of the owners Andy and Dorothy Veenstra for the property legally known as Part of Lots 11 and 12, Concession 3, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 3288 Second Concession.

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### **Background:**

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural (A) to Agricultural Purposes Only (APO) and Agricultural Residential (AR). The Zoning By-law Amendment is being sought to satisfy an anticipated condition of a farm-consolidation severance under consent application B01-21-PC.

The area that will be rezoned to APO is about 31 ha and is presently used for agricultural purposes with no buildings or structures.

The area that will be rezoned to AR-63, being a special provision of the AR zone, is about 1.27 ha and is presently occupied by a single-detached dwelling and two accessory buildings. No new development is proposed as a result of this application.

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## **Discussion:**

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

According to Schedule A: City Wide Land Use to the City of Port Colborne Official Plan, the subject property is designated as **Agricultural**. The predominant uses of lands designated Agriculture shall include, but not be limited to; the cultivation of crops on a commercial basis; the storage and processing of produce grown on the premises; the raising of livestock; greenhouses; small-scale agri-tourism; value-added agricultural activities; specialty agricultural uses such as an agricultural research station, fertilizer or seed depot, feed mill, saw mill or kennel, provided the uses are compatible with adjacent uses; and agriculture-related accessory uses, including the sale of products from the farm operation. The Official Plan also recognizes that there are existing non-agricultural uses on agricultural lands. These uses shall continue to be permitted and expanded in accordance with the applicable Regional policies.

Additionally, the northern portion of the lands are designated as an **Environmental Protection Area**. No development or change is proposed to this area.

The Official Plan designation is not proposed to be changed as a result of this application. The Official Plan provides policies that must be consistent with the Provincial Policy Statement and Regional Official Plan. The plan provides limited opportunities for severances in areas considered to be prime agricultural lands. Section 3.5.3 (c) allows surplus dwellings to be severed from farmland that is being amalgamated with neighbouring farmland, or consolidated with an existing farm operation, so long as the following policies are met:

- i) No new residential development shall be permitted on a vacant remnant parcel of farmland created;
- ii) The surplus dwelling is of sufficient quality and value to warrant its retention as a non-farm residence and meets existing occupancy standards;
- iii) The dwelling is surplus to the owner's present and future needs for family residence and farm help purposes;
- iv) The new lot created with the surplus farm dwelling will not be further subdivided and not more than one dwelling may be located thereon;
- v) The remnant parcel of farmland should be a substantial size to function as a significant part of the overall farm unit; and
- vi) The size of the newly created lot should be a minimum of 0.4 hectares in size, unless additional lands are required for private septic service and/or water supply.

The purpose of this Zoning By-law Amendment is to address policy "i" above.

## City of Port Colborne Zoning By-law 6575/30/18:

The City of Port Colborne Zoning By-law 6575/30/18, zones the property **Agricultural**, which permits the following uses: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; cannabis production facility; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits a detached dwelling and uses, structures and buildings accessory thereto. A special provision of the AR zone is required to recognize the 43m lot frontage where 45m is typically required in the AR zone. The Zoning By-law Amendment has been attached hereto as Appendix A.

<b>Northwest</b> Use: Environmental Protection Zone: Environmental Protection	<b>North</b> Use: Agricultural/Environmental Protection Zone: Agricultural/ Environmental Protection	<b>Northeast</b> Use: Agricultural/ Environmental Protection Zone: Agricultural/ Environmental Protection
<b>West</b> Use: Agricultural/ Environmental Protection Zone: Agricultural/ Environmental Protection	<b>Applicant's Property</b>	<b>East</b> Use: Agricultural Zone: Agricultural
<b>Southwest</b> Use: Agricultural Zone: Agricultural	<b>South</b> Use: Agricultural Zone: Agricultural	<b>Southeast</b> Use: Agricultural Zone: Agricultural

A sketch of the subject property is shown in Appendix C of this report.

## Internal Consultations:

The Notice of Public Meeting was circulated to required agencies on January 26, 2021. At the time of writing this report, staff has not received comments from the required agencies. It is noted that the Niagara Region did provide comments through the concurrent consent application B01-21-PC (Appendix B). Zoning By-law Amendments requested by the City and/or Region as a condition of consent are exempt from further Regional review in accordance with the Memorandum of Understanding.

## **Financial Implications:**

There are no financial implications.

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## **Public Engagement:**

The Notice of Public Meeting was circulated to property owners within 120 metres of the property on January 26, 2021. A public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website. At the time of writing this report, staff has not received any written comments from members of the public.

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## **Conclusion:**

Based on staff's review of the application and relevant Provincial, Regional and City policies, staff conclude that this application is consistent with the Provincial Policy Statement, Regional Official Plan, and City of Port Colborne Official Plan. Planning staff recommend approval of this Zoning By-law Amendment.

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## **Appendices:**

- a. Zoning By-law Amendment
- b. Niagara Region Comments from Consent Application B01-21-PC
- c. Sketch of new property lines

Respectfully submitted,

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## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.