



**PORT COLBORNE**

**Subject: Recommendation Report for Zoning By-law Amendment  
D14-08-21, Vacant Lot on Neff Street**

**To: Council**

**From: Planning and Development Department**

Report Number: 2021-168

Meeting Date: June 14, 2021

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### **Recommendation:**

That Planning and Development Department Report 2021-168 be received;

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Report 2021-168 be approved; and

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

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### **Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application initiated by the owner Grandstone Living Inc. for the property legally known as Part of Lots 2 and 4 on Plan 762 and Parts 1 to 3 on Plan 59R-16500, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a vacant lot on the north side of Neff Street.

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### **Background:**

The application for Zoning By-law Amendment proposes to add the Fourth Density Residential (R4) zoning to a property currently not zoned. Due to the irregular shape of the lot, special provisions are being sought to reduce the front yard setback from 9m to 7m and reduce the rear yard setback from 6m to 3m. The Zoning By-law Amendment is being sought to permit the construction of a multi-unit residential building on the subject property. A sketch of the proposed building footprint is attached as Appendix D.

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## Discussion:

### City of Port Colborne Official Plan:

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the subject property as **Downtown Commercial**. Land uses in the Downtown Commercial designation include commercial uses including retail shops, offices and restaurants, residential uses, institutional uses, public and community uses and parks.

Residential uses are a supported land use in the Downtown Commercial zone. The land use designation is not proposed to be changed as a result of this application.

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

This property is a unique example of a parcel in Port Colborne that was never assigned a zone. Up until 2019, the property ownership was held by CN Rail. The City's previous Zoning By-law 1150/97/81 also had the property as a blank zone. As the property is no longer used for rail purposes, the current owner has requested the Zoning be changed to Fourth Density Residential (R4), with special provisions, to allow the development of a multi-unit residential building on the property. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto. The special provisions requested for the property have been outlined below and are included in the Zoning By-law Amendment (Appendix A):

#### R4-61

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the following regulations shall apply:

- |                               |                                      |
|-------------------------------|--------------------------------------|
| a) Minimum Front Yard         | 7 metres                             |
| b) Minimum Rear Yard          | 3 metres                             |
| c) Maximum Parking Area Width | 15 metres or 50% of the lot frontage |

Staff note that the proposed Zoning of the property is suitable for the area and the future use will complement the neighbourhood.

### Adjacent Zoning and Land Use:

<b>Northwest</b> Commercial property Zone: DC	<b>North</b> Commercial property Zone: DC	<b>Northeast</b> Rail spur
<b>West</b> Commercial property Zone: DC	<b>Applicant's Property</b>	<b>East</b> Rail spur

Southwest Neff Street	South Neff Street	Southeast Neff Street/Rail spur
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### Internal Consultations:

Notice of Public Meeting was circulated on March 30, 2021 to internal departments and agencies and the following comments have been received as of the time this report was prepared:

#### Niagara Region:

(full comments attached as Appendix B)

Original comment dated April 19, 2021:

Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective, subject to the inclusion of a Holding provision in the amending Zoning By-law to require submission of a Phase 2 Environmental Site Assessment, prepared by a Qualified Professional in accordance with the requirements of the Environmental Protection Act. The Holding provision can be removed subject to submission of the Phase 2 ESA, and completion of any remediation/filing of a Record of Site Condition if levels of contamination are found to be above the applicable Site Condition Standards.

Follow-up comment regarding completion of Phase Two ESA:

[The Region is] satisfied with the Phase 2 ESA. A Record of Site Condition does not need to be filed because there is no change of use (i.e. the property was last used for residential use) and the Phase 2 ESA confirms the site meets the applicable Site Conditions Standards. No Holding provision is required by the Region.

#### Port Colborne Fire Department:

“No objections”

#### Bell Canada:

“Nothing on this property. On the little island lot directly to the west, we have a request to remove a pole and terminal as well as a terminal in the rear of 202 Main St. W.”

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### Financial Implications:

Through a separate request, the applicant has asked this property to be included in the Olde Humberstone Community Improvement Plan (CIP) boundary. If Council decides to

approve the request, this property will be eligible for grants under the CIP. The City is currently undergoing a review of its CIPs that will determine if the current boundaries are sufficient or warrant an expansion.

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### **Public Engagement:**

Notice was circulated on March 30, 2021 and no comments have been received as of the date of preparing this report.

A Public Meeting was held on April 19, 2021 and no members of the public attended to voice any objections.

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### **Conclusion:**

Based on staff's review of the application, confirmation received from the Niagara Region that they are satisfied with the environmental reports and lack of public comments, Planning staff recommend approval of the Zoning By-law Amendment. The application conforms with the Provincial Policy Statement, Regional Official Plan, City Official Plan and the proposed use will comply with Zoning By-law 6575/30/18.

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### **Appendices:**

- a. Zoning By-law Amendment
- b. Niagara Region Comments
- c. Phase One and Two Environmental Site Assessments
- d. Site Sketch

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.