

The "EIGHTH MEETING" (SPECIAL) of the Port Colborne City Council was held for purposes of a Public Hearing under the *Planning Act* at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday, March 11, 2013 commencing at approximately 6:30 p.m.

ATTENDANCE

Deputy Mayor David Elliott presided with the following members in attendance:

COUNCILLORS

	W. Steele
A. Desmarais	Y. Doucet
F. Danch	
R. Bodner	B. Butters

Absent: V. Badawey (due to a personal matter), B. Kenny (due to vacation)

REGIONAL COUNCILLOR

D. Barrick

STAFF

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
R. Hanson, Director of Engineering & Operations
P. Senese, Director of Community & Corporate Services
H. Hakim, Manager of Community Services
L. Merritt, Chief Building Official
S. Larocque, Planner
D. D'Innocenzo, Licence Clerk
H. Mahon, Secretary

Also in attendance were interested citizens, members of the news media and Cogeco TV.

CALL MEETING TO ORDER – DEPUTY MAYOR DAVE ELLIOTT

1. PRAYER

Councillor Yvon Doucet delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada

3. CONFIRMATION OF THE AGENDA

No. 52 Moved by Councillor W. Steele
Seconded by Councillor Y. Doucet

That the Agenda of the Special Meeting of Council of March 11, 2013 be confirmed as circulated.

CARRIED.

4. DISCLOSURES OF INTEREST

Deputy Mayor Elliott declared an indirect pecuniary interest with regard Department of Planning and Development, Report No. 2013-10, Subject: Public Hearing Report for Proposed "Housekeeping" Zoning By-law Amendment (File No. D14-05-12) as he participates in the Port Cares "Three Buds in a Bunky" event. Deputy Mayor refrained from discussing or voting on this matter. Councillor Desmarais assumed the Chair during consideration of this item.

5. PUBLIC HEARING UNDER THE PLANNING ACT**(a) APPLICATION FOR ZONING BY-LAW AMENDMENT**

Department of Planning and Development, Report No. 2013-10,
Subject: Public Hearing Report for Proposed "Housekeeping" Zoning
By-law Amendment (File No. D14-05-12)

(i) PURPOSE OF MEETING

Shannon Larocque advised that the purpose of the meeting, pursuant to Section 34 of the *Planning Act*, is to consider an application to amend the City of Port Colborne Zoning By-law 1150/97/81 as amended. Ms. Larocque noted that the zoning amendment is a proposed "housekeeping amendment" initiated by City planning staff. Minor amendments to Zoning By-law 1150/97/81 are proposed to add new provisions and correct technical errors.

(ii) METHOD OF NOTICE

Ms. Larocque advised that the Notice of the Public Meeting was administered in accordance with Section 34(12) (13) and (14) of the *Planning Act*, as amended, and Section 3 of *Ontario Regulation 545/06*. Ms. Larocque also advised that the Notice of Public Meeting was published in the InPort News on February 14, 2013 and circulated on February 15, 2013, to review agencies.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Ms. Larocque advised that the procedure to be followed would be to present Department of Planning & Development Report 2013-10, to receive questions of clarification from Council to planning staff, to open the meeting to the public for comments and questions, to announce the requirements under the *Planning Act* for written notice of passage of the proposed Zoning By-law Amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

Ms. Larocque provided highlights of Planning and Development Public Hearing Report 2013-10 as follows:

Ms. Larocque advised that the purpose of the report is to provide Council and the public with information about a proposed general "housekeeping" amendment to Zoning By-law 1150/97/81, as amended.

Ms. Larocque provided background information and noted that on May 14, 2012, Council expressed a desire to amend Zoning By-law 1150/97/81 to allow special events held by charitable organizations after it was brought to their attention that the Port Cares "Three Buds in a Bunky" event was not permitted under the Zoning By-law.

Ms. Larocque advised that additional minor amendments to Zoning By-law 1150/97/81 were identified by planning staff. In order to address the amendments, staff prepared the proposed housekeeping amendment. This application proposes to amend the City of Port Colborne Zoning By-law 1150/97/81, as amended, by adding new provisions and correcting technical errors.

Ms. Larocque advised that the details of the proposed amendments are outlined in Appendix "A" to the report. Specific changes include:

- Addition of Section 4.12 (d), to allow for a special event held by a charitable organization provided any temporary building or structure incidental to the event meets the minimum requirements of the applicable zone and remains on the land only during the duration of the special event.
- Addition of Section 4.28, to require a minimum setback of 9 metres from the top of bank of a municipal drain for any structure and the addition of Schedule F to the By-law which is a map showing the location of all municipal drains.
- Addition of Section 18.2(a), to permit "parking lots" as a permitted use in the HC (Highway Service Commercial) zone.
- Addition of Section 22.2(a), to permit a "crematorium" as a permitted use in the LI (Light Industrial) zone.
- Revisions to Section 4.23, to make the width requirements for handicap parking spaces consistent with the Ontario Traffic Manual guidelines. This is an increase from 3.5 metre width to 3.7 metre width.
- Deletion from Section 30(b) and change to Schedule A4 to remove the HD-12 (Sawmill) zone from the hamlet of Bethel at the request of the property owner.
- Addition of new definitions to Section 31 to support the amendments that have been described.
- Revisions to the definition of "recreational vehicle" in Section 31 to remove bicycles and other human powered devices.
- Revisions to Schedule A2 to fix an error in mapping which zoned residential properties along Oakwood Street and Main Street West as Institutional.

Ms. Larocque advised that as of today, no written comments were received from any members of the public and the following comments were received from agencies:

City Engineering & Operations & By-law Enforcement Division:

"No adverse comments."

Niagara Region Development Services Division:

"There are no provincial or regional interests and therefore no comments on the housekeeping amendment with the exception of the proposed Section 4.12(d) for special events by a charitable organization.

Development services has no objection to providing permissions for special events within the City's urban area subject to local planning requirements and consideration of impacts to local and Regional roads, servicing issues, land uses conflicts and any provision for food handling/storage. These issues can be addressed through the City's permitting process for special events.

With respect to special events in the Agricultural area, the City should ensure that any special event is consistent with the Regional Plan's farm diversification policies. In this regard, the proposed zoning provisions should include an appropriate limit on the size of any temporary structures, such as tents, as well as on the number/duration of events in order to address any potentially regularly occurring event. For instance, many municipalities have limited the number of special events to a maximum number per calendar year and have restricted the duration of each event as well as allowed special event facilities on a seasonal basis. In addition, the above comments with respect to roads, noise impacts and temporary, on-site services/Regional public health requirements are also applicable in the Agricultural area.

It is also acknowledged that the City's new Official Plan, which includes policies supporting value added agricultural activities, states that the City will review and update the Agricultural policies to reflect the Regional Plan's policies allowing for a greater range of value-added activities than those currently permitted in the City's Plan. Further changes to the City's Zoning By-law with respect to special events would be anticipated when this future update is undertaken."

Ms. Larocque advised that this concluded the presentation of Planning and Development Report 2013-10 and informed that the Zoning By-law Amendment is necessary to correct errors and add new provisions and uses to the Zoning By-law. Ms. Larocque advised that the Planning Division will provide Council with its recommendation report after comments have been received from the Public Hearing and the review agencies. Ms. Larocque advised that this report will be presented at a future Council meeting for Council's consideration.

(v) QUESTIONS OF CLARIFICATION TO PLANNING STAFF

Councillor Bodner enquired if planning staff could highlight existing provisions and proposed amendments in detail in future reports presenting proposed Housekeeping Zoning Bylaw amendments. Ms. Larocque advised that this can be done in the future.

Before opening the meeting to the public, Ms. Larocque read the following cautionary statements into the record:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Zoning By-law Amendment is approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to the Ontario Municipal Board."

And;

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Zoning By-law Amendment is approved the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party."

Ms. Larocque that persons wishing to receive future notices of the application are invited to sign the sign-in sheet located at the back of the room.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

(viii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF PASSAGE OF THE ZONING BY-LAW AMENDMENT

Ms. Larocque advised that if anyone wishes "to be notified of the approval of the Zoning By-law Amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the passing of a by-law will be given notice."

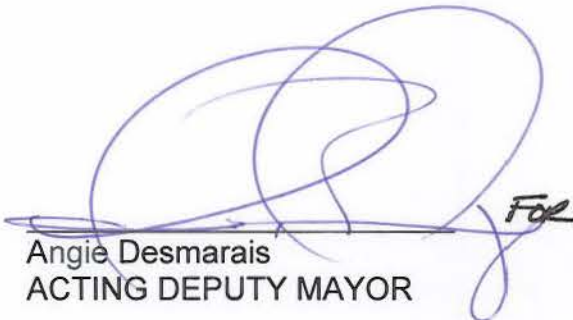
(ix) **EXPLANATION OF FUTURE MEETINGS**

Ms. Larocque advised that this concludes the Public Hearing under the *Planning Act*. The proposed Zoning By-law Amendment will be placed on the agenda of a future Council Meeting for Council's consideration.

6. **ADJOURN**

No. 53 Moved by Councillor Y. Doucet
Seconded by Councillor R. Bodner

That there being no further business, special meeting of Council be adjourned at approximately 6:42p.m.
CARRIED.



Angie Desmarais
ACTING DEPUTY MAYOR



Ashley Grigg
CITY CLERK

AG/hh