

The “**THIRTY NINTH 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, October 28, 2013 commencing at approximately 6:45 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

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

REGIONAL COUNCILLOR

Absent: D. Barrick

STAFF

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
P. Senese, Director of Community & Corporate Services
R. Hanson, Director of Engineering & Operations
H. Hakim, Manager of Community Services
L. Merritt, Chief Building Inspector
S. Manley, Building/By-law Clerk
D. D’Innocenzo, Licensing Clerk
H. Mahon, Recording Clerk

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. PRAYER

Councillor Bill Steele delivered the prayer. This was followed by a moment of silence in honour of Remembrance Day. A music video titled “A Pittance of Time” was displayed.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada.

3. CONFIRMATION OF THE AGENDA

No. 271 Moved by Councillor W. Steele
Seconded by Councillor A. Desmarais

5. PUBLIC HEARING UNDER THE PLANNING ACT

- (a) **APPLICATION FOR ZONING BY-LAW AMENDMENT**
Department of Planning and Development, Report No. 2013 – 66,
Subject: Public Meeting Report for a Temporary Use By-law (File No.
D14-07-13) 7 Petersburg Circle

(i) **PURPOSE OF MEETING**

Dan Aquilina advised that the purpose of the meeting is for a proposed Temporary Use By-law. This was initiated by RC Flagman Inc. for the property located at 7 Petersburg Circle. The application proposes to add a temporary use to the property to permit a mobile home for residential occupancy.

(ii) **METHOD OF NOTICE**

Mr. Aquilina advised that 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*.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on October 7, 2013. A public notice was posted on the property by October 8, 2013. A public notice was also posted on the City's website on October 7, 2013.

(iii) **EXPLANATION OF PROCEDURE TO BE FOLLOWED**

Mr. Aquilina advised that the procedure to be followed this evening will be to present Department of Planning & Development Report No. 2013-66, to hear any comments 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 request 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**

Mr. Aquilina noted that as mentioned earlier, the application is for a Temporary Use By-law to permit a mobile home for residential occupancy. The property is legally known as Concession 3 Part Lot 29; RP 59R-13139 Part 2, PT Part 1, former Township of Humberstone in the City of Port Colborne, Regional Municipality of Niagara.

Mr. Aquilina advised that the property is currently zoned Light Industrial, which does not permit residential occupancy. Mobile homes for residential occupancy are not permitted in any zone in Port Colborne with the exception of Recreational Resort zones and other excepted zones.

Mr. Aquilina advised that Notice of Public Meeting was circulated to the

constructed in conformance with CAN/CSA-Z240 for structural and plumbing requirements for mobile homes.

Port Colborne Fire & Emergency Services

No information has been provided with regards to the duration of the temporary use. As mobile homes are considered dwelling units, operational smoke alarms will be required in the mobile home. Electrical connections to provide power to the mobile home are to meet the requirements of the Electrical Safety Authority. An inspection by the fire service is required prior to occupancy. A building permit may be required from the City of Port Colborne building department.

Planning Division

The 1980 City of Port Colborne Official Plan designates the property as Industrial Light and the 2012 adopted Official Plan designates the property as Industrial/Employment Area. The City of Port Colborne Zoning By-law zones the property as Light Industrial.

Mr. Aquilina advised of the adjacent properties zoning as follows: To the north, west and east the properties are zoned light industrial and to the south the land is zoned residential.

Mr. Aquilina advised that this concludes the section pertaining to the Planning Report and then 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.”

(v) COMMENTS OF APPLICANT

Mr. Aquilina then asked the owner of RC Flagman, Peter VieVeen, if he would like to speak on the application. Mr. VieVeen thanked Mr. Aquilina but did not have anything further to add.

(vi) QUESTIONS OF CLARIFICATION TO APPLICANT/PLANNING STAFF

Councillor Doucet asked Mr. Aquilina if the three years can be shortened. Mr. Aquilina responded that he believes the minimum requirement for a temporary use under the *Planning Act* is three years.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

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

Mr. Aquilina advised that there is a sign in sheet available and advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment they 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."

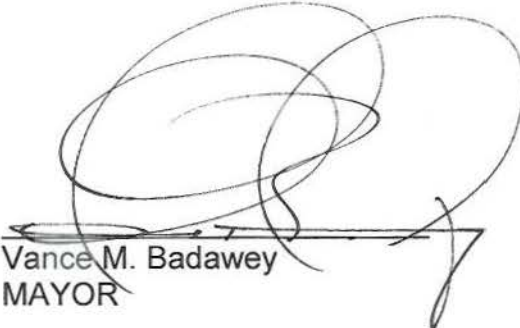
(ix) EXPLANATION OF FUTURE MEETINGS

Mr. Aquilina advised that this concludes the Public Hearing under the *Planning Act*. The recommendation report for the proposed Zoning By-law Amendment will be placed on Council's agenda at an upcoming meeting.

6. ADJOURN

No. 272 Moved by Councillor A. Desmarais
Seconded by Councillor B. Butters

That there being no further business, special meeting of Council be adjourned at approximately 7:02 p.m.
CARRIED.


Vance M. Badawey
MAYOR


Ashley Grigg
CITY CLERK

Minutes prepared by the Department of Planning and Development.

DA/hm