

# SUPPLEMENTARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS

Prepared for: Quartek Group / Bensanti Developments  
242-246 Highway 58 / West Side Road  
City of Port Colborne, Regional Municipality of Niagara



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## REPORT SUMMARY

<b>TYPE OF STUDY:</b> <u>Supplementary</u> Planning Policy Justification Report and Impact Analysis		<b>DATE:</b> 2025-01-20
<b>AUTHOR:</b> Steven Rivers, RPP, MCIP		
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<b>ADDRESS:</b> 242-246 Highway 58 / West Side Road		<b>ROLL #s:</b> 2711103003518700 and 271103003518500
<b>LEGAL DESCRIPTION:</b> Lots 37, 39 and 39, Registered Plan No. 826		
<b>APPROVAL AUTHORITIES:</b> City of Port Colborne		

### DEVELOPMENT PROPOSAL

This Supplementary Planning Policy Justification Report and Impact Analysis has been prepared in support of Official Plan and Zoning By-law Amendment applications to permit the development of the 0.567-hectare subject properties with about 23 metres frontage on the east side of Highway 58 / West Side.

The proposal is to develop 112 apartment dwelling units. The apartment dwelling units and the building have been designed to and reinforce the adjacent proposed condominium residential development to the north and the existing commercial land use to the west by maintaining the existing road network and extending Franklin Street. The Site Plan completed by the Quartek Group, dated 2023-03-29, illustrates the total area of the subject properties is about 0.6 hectares. A road allowance separates existing residential properties to the east from the proposed development.

The proposed development is consistent with the Provincial Policy Statement, the Niagara Region Official Plan, and the City of Port Colborne Official Plan. The proposal requires an Official Plan Amendment to provide for increased density and ground floor parking and a Zoning By-law Amendment to permit the apartment use. The current zoning of the subject properties is R1-First Density Residential and R4-Fourth Density Residential.

This Supplementary Planning Policy Justification Report and Impact Analysis has been prepared in conjunction with the Site Plan dated 2023-03-29 by the Quartek Group, and the supporting documents as required by the Pre-Consultation checklist dated 2023-07-27. As stated in its 2024-11-08 letter to the City, Regional staff require the submission of an unnecessary Noise Impact Study and updated (final) Planning Justification Report to complete our review of the applications.

Regional staff state the subject property is located the City of Port Colborne Settlement Area under the Provincial Planning Statement, 2024 and designated Delineated Built-Up Area in the Niagara Official Plan, 2022.

The Niagara Regional Plan and Provincial Policy Statement direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Provincial and Regional policies place an emphasis on intensification and infill to foster the development of complete communities with a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. The Niagara Regional Plan sets a minimum residential intensification target for the Built-Up Area of Port Colborne of 30% by 2051. Niagara Regional Plan Policy 2.2.1.1 regarding development in urban areas outlines support for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods as part of managing growth.

Regional staff have reviewed the [Supplementary Planning Policy Justification Report and Impact Analysis](#), prepared by South Coast Consulting, which identifies that the proposal will yield a density of approximately 187 units per hectare. Overall, the proposal is permitted within the urban area from a Provincial and Regional perspective and will contribute to achieving the minimum residential target set out for Port Colborne (30%) and add to the diversification of housing supply (apartment units) in Niagara.

As discussed below, this [Supplementary Planning Policy Justification Report and Impact Analysis](#) reflects the unnecessary Noise Impact Study completed for the proposed development, references the 2024 Provincial Policy Statement, and removes reference to the previous Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, which are no longer in effect.

### **Archaeological Potential**

The subject property is in the Region's area of archaeological potential. Provincial and Regional policies state development and site alteration is not to be permitted on land containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Regional staff reviewed the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. Which concluded no archaeological resources were identified, and no further archaeological assessment of the site is recommended. Regional Staff request the submission of an acceptance letter from the Ministry of Citizenship and Multiculturalism confirming all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. This can be addressed at the Site Plan approval stage, and a condition to this effect can be included in the future site plan agreement, if required. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional Staff request the following archaeological advisory clause be included in the future draft plan and / or site plan agreement:

*"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.*

*(Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>).*"

### **Noise Impacts**

The region states the proposed development is subject to traffic-related noise from Provincial Highway 58 / West Side Road, as well as potential stationary noise sources from a nearby commercial plaza. The Provincial Policy Statement and Niagara Regional Plan state major facilities (including transportation corridors as well as industrial uses) and sensitive land uses must be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. At the pre-consultation meeting held on July 27, 2023, staff requested the submission of a fourth Noise Impact Study to assess the impact of potential transportation and stationary noise sources and recommend mitigation measures and warning clauses for future building and site design considerations.

The [Preliminary Planning Policy Justification Report and Impact Analysis](#) referenced three (3) noise studies related to nearby developments; however, Regional Staff note that these studies are not sufficient for addressing noise impacts at the proposed development without supporting justification. As such, the Region requires a fourth Noise Impact Study to be able to complete its review of these applications. Further the Region states a detailed noise study will be required at the Draft Plan / Site Plan stage when detailed building information is available to identify specific noise mitigation measures.

The Noise impact Study by GHD, dated 2025-01-15, concluded predicted ambient noise levels from road traffic require noise mitigation in the form of upgraded building façade components, provisions for central air conditioning, and warning clauses.

### **Natural Environment System**

There were no mapped natural heritage features present at the time of the pre consultation meeting. However, Regional Environmental Planning staff requested a site visit to determine if there was potential for natural environment system features to be present. Based on the site visit (completed on March 7th, 2023), background information provided by the applicant's environmental consultant, and the extent of clearing that was undertaken by the Municipality within the adjacent unopened road allowance, staff confirmed that there were no natural environment system features

present on the subject lands. As such, staff offer no requirements from an environmental perspective.

### **Regional Road**

Regional staff did not review the Transportation Impact Study prepared by Paradigm (dated June 2024) in detail as the Region did not request it, however, acknowledge the following findings:

- Traffic control signals are not warranted at West Side Road and Coronation Drive / Franklin Avenue.
- Road authorities continue to monitor and adjust the signal timings at West Side Road and Main Street West to account for future traffic volume changes.

### **Waste Collection**

Based on the size of the proposed development, the Region assumed waste collection limits will be exceeded, and collection will be the responsibility of the owner through a private waste collection contractor. Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services.

### **Regional Conclusion**

In conclusion, Regional Staff is not able to offer support of the applications currently and request the submission of the fourth Noise Impact Study and updated Planning Justification Report to complete its review.

### **Opinion**

This proposal represents good planning and will provide additional residential opportunities to current and future residents of the Region of Niagara and the City of Port Colborne.

The built form and massing proposed was informed by the City's and the Region's urban design directions. The underutilized subject property will be transformed into a new *residential intensification* development on this site. Consideration was given to how this site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

The proposal promotes a human-scale living and pedestrian experience. The subject property has easy access to Port Colborne's integrated streets providing alternatives to driving. The subject property is serviced by the Niagara Region's On-Demand transit service, providing door-to-door transit and convenient access to amenities within the City and convenient access to nearby grocery stores, retail shops, schools, parks, and other institutional uses. The 'Port Colborne Link' transit service to Welland with connections to the rest of the Region of Niagara, is available nearby, enabling passengers to board a bus by waving as it approaches.



Landscaping will include planting areas creating an environmentally resilient, and walkable development as part of the complete community concept.

The proposal satisfies the [Region of Niagara Official Plan](#)'s intent to:

- build more sustainable *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*.
- optimize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

The [Port Colborne Official Plan](#) encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the [Planning Act](#); [Provincial Policy Statement](#); [Region of Niagara Official Plan](#); and [Port Colborne Official Plan](#).
- Permits the proposed residential use; and
- Is good planning.



## TABLE OF CONTENTS

<b>REPORT SUMMARY</b> .....	2
TABLE OF CONTENTS.....	7
<b>INTRODUCTION</b> .....	9
<b>SITE CONTEXT AND SURROUNDING LAND USES</b> .....	10
<b>DESCRIPTION OF THE PROPOSAL</b> .....	12
<b>SUPPORTING STUDIES AND ISSUES REVIEW</b> .....	13
“Not In Keeping with The Residential Character of The Neighbourhood.” .....	13
Shadowing.....	14
Reflective Surfaces .....	14
Lighting / Photometrics.....	14
Parking .....	14
Municipal Infrastructure .....	14
Property Value .....	14
Archaeological Assessment.....	15
Building Elevations and Floor Plans .....	15
Conceptual Site Plan .....	15
Functional Servicing Report .....	15
Noise Impact Study .....	16
Shadow Analysis.....	16
Traffic Report and Impact Analysis .....	16
Housing Affordability .....	17
Summary For Housing Affordability.....	19
<b>POLICY AND PLANNING ANALYSIS</b> .....	19
<i>Planning Act</i> .....	20
Matters of Provincial Interest .....	20
Council Decisions .....	22
Official Plans and Zoning By-law Amendments .....	22
Condominium Act .....	22
<i>Planning Act</i> Plan of Subdivision Criteria.....	23
<b><i>Planning and Condominium Acts Summary Opinion:</i></b> .....	26
Provincial Policy Statement (2024) .....	26
<b><i>Provincial Planning Policy Summary Opinion:</i></b> .....	28

Official Plans.....	28
Region of Niagara Official Plan (2022) .....	28
<b>Niagara Region Official Plan Summary Opinion</b> .....	29
Port Colborne Official Plan.....	30
<b>Port Colborne Official Plan Summary Opinion</b> .....	31
Zoning By-Law .....	31
<b>SUMMARY</b> .....	32
<b>Planning Goals, Objectives, and Policies Satisfied</b> .....	33
High Quality Urban Design.....	33
<b>OPINION</b> .....	33
<b>PROPOSED OFFICIAL PLAN AMENDMENT</b> .....	34
<b>High Density Policy 3.2.1c)i)</b> .....	34
<b>Ground Floor Oriented Policy 3.2.1c)iii)</b> .....	35
<b>PROPOSED ZONING BY-LAW AMENDEMENT</b> .....	36
<b>Apartments</b> .....	36
<b>Lot Area Sec 8.7b)</b> .....	36
<b>Corner Yard Sec 8.7e)</b> .....	38
<b>Building Height Sec 8.7h)</b> .....	38
<b>Parking Spaces Sec 3.1.1 &amp; 3.3a)</b> .....	38
<b>Driveway Width Sec 3.7b)</b> .....	38
<b>Loading Space Sec. 3.10d)</b> .....	38
<b>RECOMMENDATION</b> .....	39
<b>DISCLAIMER AND STATEMENT OF LIMITATIONS</b> .....	40
<b>ANNEX 2: DRAFT OFFICIAL PLAN AMENDMENT</b> .....	42
<b>ANNEX 3: DRAFT ZONING BY-LAW AMENDMENT</b> .....	46



## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2023-10-01 by Quartek Group to prepare this [Supplementary Planning Policy Justification Brief](#) for *Planning Act* applications to permit Bensanti Developments to develop a residential use at 242-246 Highway 58 / West Side Road in the City of Port Colborne. The purpose of this [Brief](#) is to review a proposal to develop the 0.567-hectare subject properties with about 23 metres frontage on the east side of Highway 58 / West Side Road for a residential redevelopment, have a two-storey and a one-storey single detached dwellings.

The City of Port Colborne hosted a Pre-Consultation Meeting on 2023-07-27. Staff of the City Planning, Public Works, Drainage, and Fire, the Region of Niagara, and the Ministry of Transportation attended or submitted comments. The meeting determined Port Colborne Official Plan and Zoning By-law Amendments and Draft Plan of Condominium applications are required supported by a:

- Archaeological Assessment (Stage 1 + Ministry letter) with the Official Plan and Zoning By-law Amendment applications.
- Building Elevations + Floor Plans with the Official Plan and Zoning By-law Amendment applications.
- Conceptual Site Plan with the Official Plan and Zoning By-law Amendment applications.
- Functional Servicing Report with the Site Plan Control Approval application.
- Noise Impact Study with the Official Plan and Zoning By-law Amendment applications.
- Planning Justification Study with the Official Plan and Zoning By-law Amendment applications.
- Shadow Analysis with the Official Plan and Zoning By-law Amendment applications.
- Traffic Brief with the Official Plan and Zoning By-law Amendment applications.
- Landscape / Restoration Plan.

The proposal is reviewed against the policies of the: [Provincial Policy Statement](#); [Region of Niagara Official Plan](#); [City of Port Colborne Official Plan](#); and the provisions of the [City of Port Colborne Zoning By-Law](#).

The subject properties are **designated Built-up Area** with implications due to the **Natural Environment System Overlay / Significant Woodlands, on West Side Road / Highway 58 / West Side Road**, and **Areas of Archaeological Potential** in the Region of Niagara Official Plan, **Urban Residential** in the Port Colborne Official Plan, and **zoned First Density Residential (R1)** in part abutting West Side Road and **Third Density Residential (R3)** abutting the unopened Parkwood Street in part. The unopened link of Franklin Street abuts the subject properties on the north.

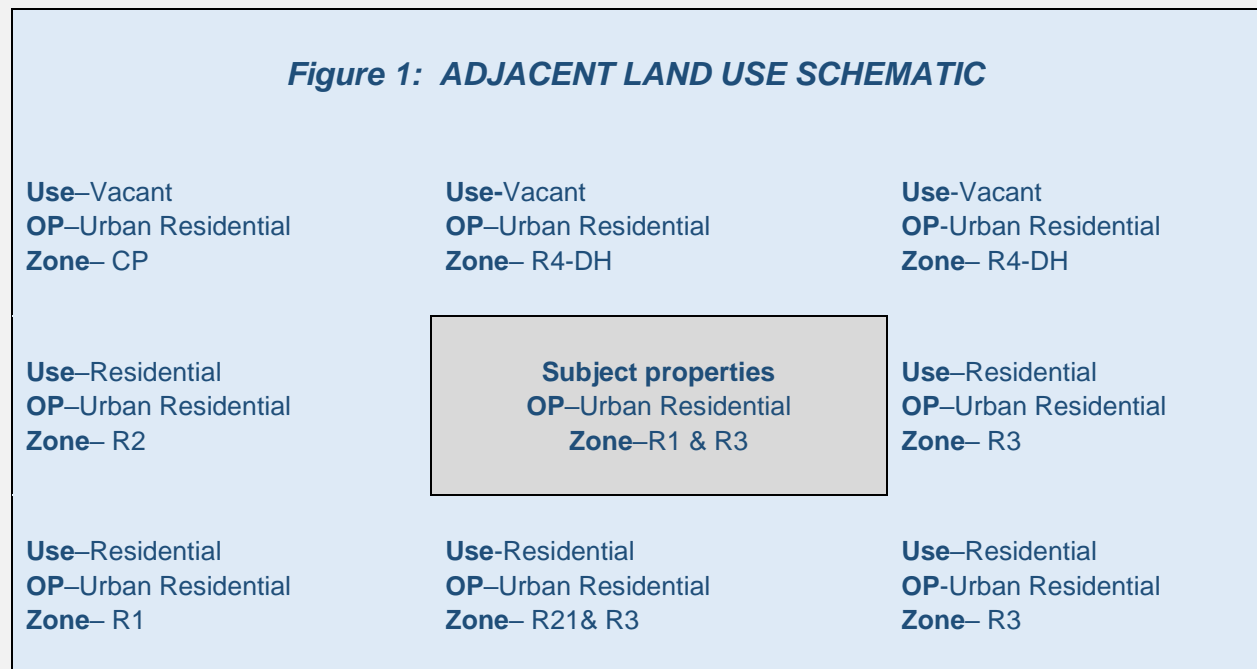
On 2024-02-22 the [Information Flyer](#) with information about the proposal requesting comments and concerns was sent to all occupied properties within 120 metres of the subject properties. Two (2) were returned, one email was received enquiring about the timing of construction, and tow (2) mentioned issues including:

- The proposal is “Not in keeping with the residential character of the neighbourhood”.
- Shadowing impact on nearby residential uses and existing roads.
- Reflective facades.
- Lighting / photometrics.
- Parking.
- Adequacy of municipal infrastructure.
- Property value.

### SITE CONTEXT AND SURROUNDING LAND USES

As illustrated in *Figure 1, Adjacent Land Use Schematic, Schematic* and *Figure 2, Adjacent Land Use Image*, the subject properties are bordered by existing long standing residential uses, a retail uses, existing and former institutional uses, and vacant woodland.

The neighbourhood of the subject properties is an older established mixed-use area and can be considered mostly developed while still providing infill opportunities such as this proposal. The key features of the neighbourhood are the Highway 58 / West Side Road



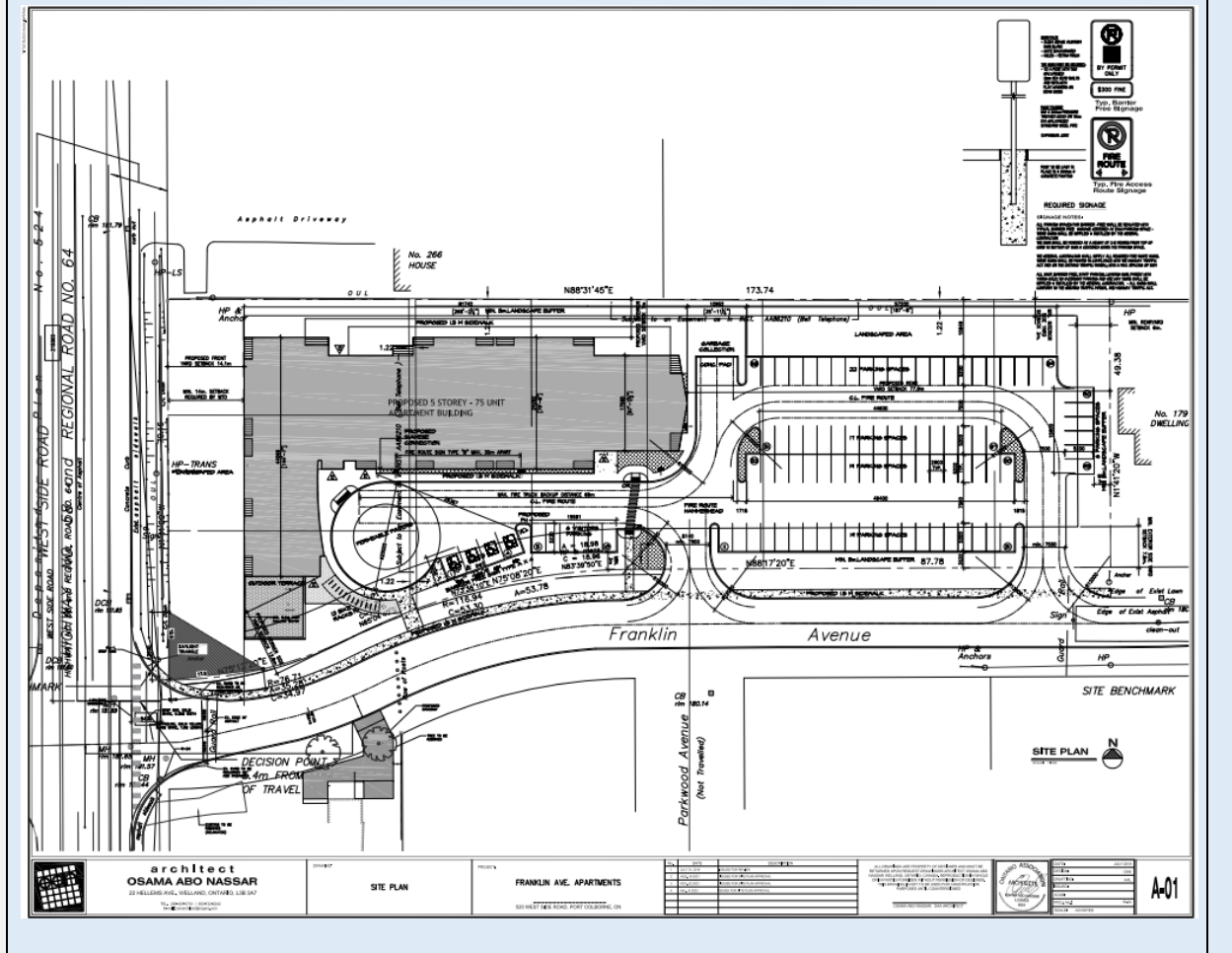
**Figure 2: ADJACENT LAND USE**



and the Port Colborne Mall. In terms of improvements, Highway 58 / West Side Road has a sidewalk abutting the subject properties. The *development* of the subject properties as residential use is compatible with the residential land uses context of the surrounding area.

The R4-DH Zoning on the properties on the north side of the unopened Franklin Street road allowance permits 18-metre-high apartment buildings illustrated in [Figure 3, North Side of Franklin Avenue Site Plan](#). Section 4.4.1 requires that where a zone symbol

Figure 3: NORTH SIDE OF FRANKLIN AVENUE SITE PLAN



contains the suffix “DH” the zoning shall not take effect until the prescribed conditions are met including any special studies as determined by staff. A five-storey, 75-unit apartment project illustrated below is proposed for the site.

### DESCRIPTION OF THE PROPOSAL

This section of the Supplementary Report provides conceptual details about proposed use. The *Site Plan* is an indicative plan reflecting a desirable development scenario for the subject properties and is an articulation of established best practices in community design and urban planning for residential intensification and municipal infrastructure and services efficient optimization. It provides a flexible framework and practical direction for development of buildings on the subject properties, and to the extent possible currently, detail of the anticipated building location and development parameters. Regardless of the eventual implementation and build out, the intent and objective of creating a safe,



walkable, environmentally resilient, and complete community *development* attuned to the everyday needs of all residents and compatible with the neighbourhood remains constant.

The ultimate *development* began with identification of the preferred location of the buildings and servicing. Once the preferred building location was confirmed the next step was to establish landscaped areas. The built form and massing proposed was informed by the City's and the Region's urban design directions. The underutilized subject properties will be transformed into a new *residential intensification* development on this site. Consideration was given to how this site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

The proposal promotes a human-scale living and pedestrian experience. The subject properties have easy access to Port Colborne's integrated streets providing alternatives to driving. The subject properties are serviced by the Niagara Region's On-Demand transit service, providing door-to-door transit and convenient access to amenities within the City and convenient access to nearby grocery stores, retail shops, schools, parks, and other institutional uses. The 'Port Colborne Link' transit service to Welland with connections to the rest of the Region of Niagara, has a 'flag stop' area directly across Highway 58 / West Side Road enabling passengers to board a bus by waving as it approaches.

Landscaping will include planting areas creating an environmentally resilient, and walkable development as part of the complete community concept.

## SUPPORTING STUDIES AND ISSUES REVIEW

["Not In Keeping with The Residential Character of The Neighbourhood."](#)

As mentioned in the comments from the neighbours and outlined in recent development applications there is approval for a multi-storey apartment building on the north side of Franklin Avenue and stacked townhouses are proposed (subject to appeal) on the west side of West Side Road. There is an existing multi-unit commercial development on the west side of West Side Road.

Northland Estates, a 10.89-hectare parcel of land located south of Barrick Road, west of West Side Road, north of Coronation Drive and east of Minor Road, is an approved comprehensive development of 122 lots for single detached dwellings, 10 street-townhouse blocks containing 50 dwelling units, as well as a mixed-use block containing 50 dwelling units to a total development yield of 222 units. Northland Estates will have of lots and blocks for single detached dwellings, street-townhouse dwellings, and apartment dwellings as well as a mixed commercial and residential block.



### Shadowing

The [Shadow Study Report](#) demonstrates the The properties to the east are buffered by a 3.8-metre setback within the subject property and the 20-metre unopened Parkwood Avenue road allowance to the east of the subject property. The two affected residential lots to the east on Woodside Drive are deep lots, with the dwellings positioned outside the impacted area, resulting in year-round and particularly summer access to sunlight.

### Reflective Surfaces

The facades on the east and west side of the proposed building will be no more reflective than any other residential building.

### Lighting / Photometrics

A Photometric Plan is required as part of the project's Site Plan Control Approval.

### Parking

A total of 116 parking spaces are proposed for the 112 apartment units providing parking at over 1 parking space p per unit, whereas a ration of 1.25 spaces per unit is required. The proposal seeks to amend the Zoning to permit 1 (one) parking space per unit. There are several reasons to support this request for a reduction in the required parking ratio:

- Access to Public Transportation: traditional bus transit and Niagara Region Transit (NRT OnDemand) are available.
- Bicycle Parking: bicycle parking spaces are provided for the residents and some residents may choose to bike to work, to nearby amenities, or for leisure activities, reducing the need for parking spaces.
- Given the site constraints, providing fewer parking spaces will allow the creation of more affordable housing units. The reduction in parking spaces to one (1) space per unit minimizes the burden on the developer.
- Limited parking will assist in promoting alternative modes of transportation.
- The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood and may not require parking.

### Municipal Infrastructure.

The [Functional Servicing Report](#) determined the water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

### Property Value

Not a land use planning issue.

### Archaeological Assessment

Detritus Consulting Ltd. was retained to conduct a Stage 1-2 archaeological assessment in advance of the planning phase of proposed residential development for the subject properties. The Stage 1 background research indicated that the subject properties exhibited moderate to high potential for the identification and recovery of archaeological resources; and recommended a Stage 2 assessment.

The Stage 2 assessment was conducted on 2023-11-11. It began with a property inspection, of the manicured lawn, fallow grass field and treed area were test pit surveyed at a five-metre interval was conducted. No archaeological resources were observed. No additional archaeological assessment of the Study Area is recommended. The Stage 1-2 Archaeological Assessment, dated 2020-01-18, by Detritus Consulting Lt. is in 242-246 West Side Road, Port Colborne.

### Building Elevations and Floor Plans

Renderings, Building Elevations, Floor Plans prepared by the Quartek Group, dated 2024-03-29, have been provided.

### Conceptual Site Plan

A *Site Plan* was prepared by Quartek Group, dated 2023-03-29 and submitted.

### Functional Servicing Report

The Functional Servicing Report 5 by Quartek Group dated 2024-02-13 states the subject properties will be serviced by sufficient municipal water and sanitary services. The water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

Preliminary conceptual modelling suggests that a storm drainage storage volume of up to approximately 200 cubic metres may be required, but this is subject to verification in the design process. Adequate area is available on site to accommodate this storage, either on or under the parking area, and adequate grade is available for discharge to the existing storm sewer.

The intent is to construct an extension of Franklin Avenue as a local municipal road to provide access to the subject properties. This proposed road extension will eventually connect Highway 58 / West Side Road to the existing Franklin Avenue to the east and will provide two entrances to the site. Parking will be accommodated on site at ground level under the proposed building and other open parking areas. Concrete barrier curb, 150-millimetre height, is proposed within the new development complying with OPSD 600.110.

Hydro, Gas, and Bell services are in the Highway 58 / West Side Road right of way. Utilities have been notified of the proposed development plan and have not expressed any challenges to servicing this development.

### Noise Impact Study

It is assumed the noise impacts and mitigation measures from the HGC Engineering Detailed Noise Feasibility Study, and the Valcoustics Canada Ltd. Environmental Noise Feasibility Study have equal application to the proposed development of this Report. The Noise Impact Study, 242-246 West Side Road by GHD, dated 2025-01-13 concludes the proposal is feasible and will not be restricted by the surrounding noise impact exposures, provided the proposed development adheres to the noise mitigation recommendations.

### Shadow Analysis

The [Shadow Study Report](#) demonstrates the effect of the proposed development on the current location and upon adjacent properties using a computer-generated Shadow Diagram generating the Shadow Pattern cast upon the ground. The study conforms to typical dates and times for shadow studies.

The General Comment Regarding the impact of the proposed building are:

- The properties to the north are buffered by 6 to 24 metre setbacks within the subject property and the 20-metre right-of-way width of the future extension to Franklin Avenue and are not significantly impacted by the proposed buildings shadows.
- The properties to the east are buffered by a 3.8 metre setback within the subject property and the 20-metre unopened Parkwood Avenue road allowance to the east of the subject property. The two affected residential lots to the east on Woodside Drive are deep lots, with the dwellings positioned outside the impacted area, resulting in year-round and particularly summer access to sunlight.
- The properties to the west are buffered by a 14-metre setback within the subject property. The properties are further separated by West Side Road. Little shadowing is cast beyond these two buffers/separations.
- The properties to the south are buffered by a 16-metre setback within the subject property. These properties located south of the subject property are not impacted by shadows.

### Traffic Report and Impact Analysis

Bensanti Development retained Paradigm Transportation Solutions Limited to conduct a Transportation Impact Study for a proposed residential development on the subject properties. Based on the findings of this study, it is recommended that the road authorities continue to monitor and adjust the signal timings at the intersection of West Side Road (Highway 58) and Main Street West (Highway 3) to account for future changes in traffic volumes.

Regarding the nearby 135 Coronation Drive development application, the Ministry of Transportation requested a Traffic Impact Study as part of the future site plan application to address traffic mitigation. Recognizing the long-standing traffic issues on Coronation Drive (an extension of Franklin Avenue, City Staff recommended Council implement a Holding provision on the Zoning, requiring the completion of a Traffic Impact Study to the satisfaction of City staff prior to the Zoning taking place on the property.

Regarding the nearby Northwood Estates development application, R.V. Anderson Associates prepared a Traffic Impact Study to analyze traffic the impacts of the proposed development on the existing and proposed road network. The Traffic Impact Study concluded the anticipated traffic volumes will not cause capacity, delay or queuing concerns, and the existing roadway system has sufficient capacity to accommodate the anticipated traffic generation from the proposed development.

It is assumed the traffic impacts and mitigation studies and measures for the 135 Coronation Drive and the Northwood Estates development applications have equal application to the proposed development of this Report.

#### Housing Affordability

The City's Affordable Housing Strategy was approved on 2022-08-13. The City recognizes the importance of access to affordable housing across the entire housing spectrum as important to community quality of life, economic development, and future prosperity. The Affordable Housing Strategy highlights municipal policies, planning tools, advocacy, and outreach activities the City can implement to support more affordable housing options for residents. These activities alone will not result in all housing needs in the City being met, however, it is important that the City demonstrates to other levels of government, and the community at large, the City is prepared to take actions that will help. To fully meet the affordable housing needs in the City, there needs to be significant actions and financial support provided by the Federal, Provincial and Regional governments.

Through extensive community consultation and based on the housing need assessment report that shows almost half of renter households experience housing affordability challenges and home ownership is increasingly out of reach for a portion of moderate- and middle-income households, the following Vision statement for the affordable housing strategy is provided:

*Housing in Port Colborne is affordable, suitable, accessible, safe, and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.*

Four high level goals have been established for the Affordable Housing Strategy:

- Increase diversity of built form and tenure to provide more housing options for residents.
- Promote greater intensification and density to leverage existing physical and social infrastructure.
- Protect and expand purpose-built rental supply including affordable rental housing.
- Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The recommendations included:

- The City will continue to use the Region's definition of "affordable" for consistency/conformity and to help align with available funding opportunities. The Region defines affordable as:
  1. in the case of ownership housing, the least expensive of:
    - a. housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate-income households; or
    - b. housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area.
  2. in the case of rental housing, the least expensive of:
    - a. unit for which the rent does not exceed 30 per cent of gross annual household income for low- and moderate-income households; or
    - b. a unit for which the rent is at or below the average market rent of a unit in the regional market area. ([Growth Plan](#))

Low- and moderate-income households are defined as:

  1. In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.
- The City should set a sub-target to have 20% of all new units (16 units per year on average) be affordable rental at Average Market Rents (AMR) or less.

Although not yet included in the Official Plan, one of the significant additions in these new housing policies is the introduction of specific criteria applicants must fulfill when submitting proposals for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Draft Plan of Condominium. These criteria require applicants to demonstrate how their proposals will contribute to achieving the City's annual housing targets, with particular emphasis on affordable housing aspects.

This section of the Report demonstrates how the proposal contributes to achieving the City's housing targets, particularly affordable housing, including:

- The proposed number of bedrooms.
- How the proposal helps achieve the City's annual housing targets.



- The estimated sales prices of the apartment units and where they are above or below affordability as defined by the Niagara Region.

The building will be composed of the units illustrated in *Table 1, Unit Type and Bedrooms*

<b>Table 1: UNIT TYPE AND BEDROOMS</b>					
<b>Suite Type</b>	<b>Bedrooms</b>	<b>Floor Area (sqm)</b>	<b>Balcony (150sqm)</b>	<b>Total per Floor</b>	<b>Building Total</b>
<b>A1</b>	2	80	YES	8	56
<b>A2</b>	2	72	YES	2	14
<b>B1</b>	1	54	NO	4	28
<b>C1</b>	1	51	YES	2	14

The purchase price proposed for the B1 Suites is \$369,999.00. This is subject to revision at the time the units are available for sale.

The [Provincial Policy Statement](#) and the [Region of Niagara Official Plan](#) definition of “affordable” is used here for conformity and for establishing housing targets.

To determine if the selling price exceeds 30 percent of gross annual household income for low- and moderate- income households, low- and moderate-income households are defined as those with incomes in the lowest 60 per cent of the income distribution for the regional market area. The regional market area is the Niagara Region and the Lowest Six Income deciles are illustrated in *Table 2, Niagara’s Lowest Six Income Deciles (2022)*.

#### Summary For Housing Affordability

Based on the Government of Canada Mortgage Qualifier Tool (<https://itools-ioutils.fcac-acfc.gc.ca/MQ-HQ/MQCalc-EAPHCalc-eng.aspx>) the 28 Type B1 one-bedroom suites are affordable for the 6<sup>th</sup> percentile individuals with a Gross Annual Household Income of more than \$80,000.00

## POLICY AND PLANNING ANALYSIS

### Policy and Planning Analysis:

- Provides the basis for establishing why a proposal should be considered and approved.
- Provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- Establishes the basis for the applications by explaining how the proposal conforms to the policies.

In addition to the *Planning Act* the following planning documents are addressed as part of the Policy and Planning Analysis:

- Provincial Policy Statement.
- Region of Niagara Official Plan.
- City of Port Colborne Official Plan.

**Table 2: NIAGARA'S LOWEST SIX INCOME DECILES (2022)**

Decile	Gross Annual Household Income
1 <sup>st</sup>	Less than \$22,100
2 <sup>nd</sup>	\$22,100 to \$33,600
3 <sup>rd</sup>	\$33,600 to \$45,300
4 <sup>th</sup>	\$45,300 to \$60,000
5 <sup>th</sup>	\$60,000 to \$77,900
6 <sup>th</sup>	\$77,900 to \$95,900

### *Planning Act*

In **Subsection 1.1** of the *Planning Act* sets out the basis and the purpose of the *Planning Act* to promote sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests.

### Matters of Provincial Interest

In **Section 2** the *Planning Act* addresses matters of Provincial interest and requires Council to have regard to matters such as:

- the protection of ecological systems and agricultural resources.
- conservation of significant interest including
  - architectural,
  - cultural,
  - historical,
  - archaeological,
  - scientific interest.
- supply, efficient use and conservation of energy and water.
- adequate provision and efficient use of
  - transportation,
  - sewage,

- water services,
- waste management systems.
- orderly development of safe and healthy communities.
- accessibility for persons with disabilities to all facilities,
- services.
- provision of a full range of housing, including affordable housing;
- protection of the financial well-being;
- protection of public health and safety.

The proposed development will help to protect the agricultural land base over the long term through the provision of housing units through intensification and infilling of existing residential lots located within the urban settlement area of the City. The appropriateness of the site has been confirmed through the Functional Servicing Report and Impact Analysis and Stormwater Management Plan detailing the existing infrastructure services.

The location of the subject properties in the Port Colborne settlement area is appropriate for growth and development and close to complementary uses such retail, schools, churches, restaurants, and parks. This proposal makes efficient use of an under-utilized parcel through intensification at an appropriate location and optimizes the provision of infrastructure and municipal services. The apartments proposed contribute to the provision of a full range of housing in the City where single detached dwellings predominate.

The subject properties abut Highway 58 / West Side Road maintained year-round by the province, but the main vehicular entrance will be accessed from the proposed construction of Franklin Avenue due to safety concerns.

A noise feasibility study was conducted for another nearby development proposal to evaluate the suitability of that proposed development and concluded that proposal was feasible with appropriate noise control measures.

Sidewalks along Highway 58 / West Side Road will connect the development to nearby shopping facilities, providing healthy choices of transportation.

The proposed apartment building is compact, well-designed, and pedestrian-oriented:

- increased density housing form:
- oriented to the public streets to provide visual interest and “eyes-on-the-street.”
- Parking is provided in common buffered and set back surface parking areas connected to the sidewalks.

### Council Decisions

Subsection 3.5 of the *Planning Act* requires decisions of Council, in respect of the exercise of any authority that affects a planning matter, to be consistent with the [Provincial Policy Statement](#).

### Official Plans and Zoning By-law Amendments

Section 16 of the *Act* provides for a landowner to request amendments to an Official Plan and Section 34 the establishes land use controls. Specifically, [Section 34\(4\)1](#) of the states:

Zoning by-laws may be passed by the councils of local municipalities restricting use of land, prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality.

Section 34 of the *Act* permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material. The applications required planning review fees, and documentation for the official plan and zoning by-law amendments are submitted with this [Supplementary Planning Policy Justification Report and Impact Analysis](#).

### Condominium Act

Section 9.(2) of the *Condominium Act* states the provisions of sections 51, 51.1 and 51.2 of the *Planning Act* applying to a plan of subdivision also apply to a description which [Section 8.\(1\)](#) of the *Condominium Act* requires, among other things:

- a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings.
- architectural plans of the buildings and, if there are any, structural plans of the buildings.
- diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings.
- a description of all interests appurtenant to the land that are included in the property.

Draft Plan of Condominium Approval will be required prior to development and will be submitted later to create the tenure of the building. After the approval of the required Official Plan and Zoning By-law Amendment, Site Plan Control Approval and Draft Plan of Condominium application will be submitted.

### *Planning Act Plan of Subdivision Criteria*

Section 51(24) of the *Planning Act* sets out the criteria to be considered when proposing a plan of subdivision and / or condominium. The proposed development will meet the criteria as follow:

- *The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2.*

The proposed development meets all the provincial interests. The proposed development is within the *Urban Settlement Area*, designated **Urban Residential** in the City of Port Colborne's Official Plan and is adjacent to an existing mixed residential, commercial, and institutional community. The proposed development will not have any negative implications on matters of the provincial interests.

- *Whether the proposed subdivision is premature or in the public interest*

A Pre-consultation was held on 2023-07-27, with the City of Port Colborne to identify the requirements for a complete application. As a result, this [Supplementary Planning Policy Justification Report, and Impact Analysis](#) and all the required reports, studies and plans have been prepared as part of these applications. Considering the proposed development is in to an existing mixed-use area, the proposed development has access to existing infrastructure, is not premature, and is in the public interest. There were no current and / or ongoing studies by the Region or City which would impact the status of this proposal.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision if any*

The subject properties are designated **Urban Residential** in the City of Port Colborne's Official Plan providing for apartment dwellings. This is compatible with the adjacent mixed-use community and has only minimal, mitigatable impacts.

- *The suitability of the land for the purposes for which it is to be subdivided.*

This [Supplementary Planning Policy Justification Report and Impact Analysis](#) provides an overview of the policies applicable to the subject properties and proposed development including the *Planning Act*, *Provincial Policy Statement*, *Region of Niagara Official Plan*, *City of Port Colborne Official Plan*, and *City of Port Colborne Zoning By-law No. 6575/30/18*.

Since the subject properties is designated **Urban Residential** in the City's Official Plan, the proposal is suitable for residential land uses and the Functional Servicing Report, prepared by the Quartek Group, dated 2024-02, states the subject properties have access to existing water and sanitary servicing.



- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them.*

The subject properties will have access to Highway 58 / West Side Road via and new link of Franklin Avenue, municipal road which will be serviced by the municipality all year round.

- *The dimensions and shapes of the proposed lots*

The dimensions and shape of the consolidated subject properties is satisfactory and capable of accommodating the proposed apartment building...

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land.*

There are no restrictions on the property that would have the effect of prohibiting the proposed residential development.

- *Conservation of natural resources and flood control*

The subject properties are not located within any identified natural or environmentally significant areas. Initially the Pre-consultation requires a Restoration Plan due to the project' location related to a potential *significant woodland* however, The Region of Niagara advises that based on the extent of clearing undertaken by the Municipality within the adjacent unopened road allowance, Regional staff confirm that environmental planning requirements are no longer applicable.

- *The adequacy of utilities and municipal services*

As stated in the Functional Servicing Report the subject properties will be serviced by sufficient municipal water and sanitary services. The water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

Preliminary conceptual modelling suggests that a storm drainage storage volume of up to approximately 200 cubic metres may be required, but this is subject to verification in the design process. Adequate area is available on site to accommodate this storage, either on or under the parking area, and adequate grade is available for discharge to the existing storm sewer.

The intent is to construct an extension of Franklin Avenue as a local municipal road to provide access to the subject properties. This proposed road extension will eventually connect Highway 58 / West Side Road to the existing Franklin Avenue to the east and will provide two entrances to the site. Parking will be accommodated on site at ground level under the proposed building and other open parking areas. Concrete barrier curb, 150-millimetre height, is proposed within the new development complying with OPSD 600.110.

Hydro, Gas, and Bell services are in the Highway 58 / West Side Road right of way. Utilities have been notified of the proposed development plan and have not expressed any challenges to servicing this development.

- *The adequacy of school sites*

The Subject Property is 125 metres from Oakwood Elementary School south of the subject properties.

- *The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.*

None.

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use, and conservation of energy.*

The proposed development is infilling of vacant land between existing uses to the north and south introducing 112 apartment dwelling units meeting required efficiency requirements. New dwellings are typically more energy efficient than older dwellings because they are designed with current more energy efficient technology and strategies.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of Planning Act*

The proposed development is subject to Site Plan Approval. A concept site plan has been prepared and included as part of this [Supplementary Planning Policy Justification Report and Impact Analysis](#). The proposed Draft Plan of Condominium will be prepared in coordination with the concept site plan.

### *Planning and Condominium Acts Summary Opinion:*

*The proposed development is planned and designed in line with the provincial interests outlined in the Planning Act. The development is residential intensification on underutilized land in an existing mixed-use area that will enhance the quality of life by ensuring with adequate access to public services and infrastructure. The proposed development complies with the Planning Act Section 51(24).*

*The proposed development is in conformity with The Planning Act*

### Provincial Policy Statement (2024)

The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide. Land use planning decisions made must be consistent with the Provincial Planning Statement.

The proposal helps the Town achieve the direction of Policy 2.1.6 to achieve a *completed community* in Crystal Beach – a mixed-use neighbourhood offering and supporting opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including a full range of housing, transportation options, *public service facilities*, local stores, and services. *Complete communities* are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

The proposal helps create a *complete community* by accommodating a range of *housing options* - a range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses, and multi-residential buildings like the one proposed, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable housing*, *additional needs housing*, multigenerational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or *institutional uses*, such as long-term care homes.

The proposal complies with Policy 2.3.1. because it is at a density and a mix of land uses efficiently using and optimizing existing and planned *infrastructure* and *public service facilities*, supports *active transportation* and is *transit supportive*.

As required by [Policy 2.3.1.3](#) the proposal is *intensification* and *redevelopment* supporting the achievement of a *complete community*, including a range and mix of *housing options* helping the Town achieve its targets for *intensification* and *redevelopment* within built-up areas required by [Policy 2.3.1.4](#).

The proposal assists the Town satisfy the requirements of [Policy 2.9.1](#) to reduce greenhouse gas emissions and prepare for the *impacts of a changing climate* because it is ultimate design can:

- support the achievement of compact *complete community* in Crystal Beach.
- incorporate a stormwater management system with climate change considerations.
- support energy conservation and efficiency.
- promote *green infrastructure*, *low impact development*, and *active transportation*, protecting the environment, and improving air quality; and
- take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the *impacts of a changing climate*.

As required by [Policy 3.6.8](#) the proposal's stormwater management can:

- be integrated with planning for *sewage and water services* to ensure systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle.
- minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads.
- minimize erosion and changes in water balance including using *green infrastructure*.
- mitigate risks to human health, safety, property, and the environment.
- maximize the extent and function of vegetative and pervious surfaces;
- incorporate best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
- align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale.

As required by [Policy 4.1.1](#) natural features and areas shall be protected for the long term because, as required by [Policy 4.1.2](#) the diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, is maintained, can be restored, or, where possible, can be improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

As required by [Policies 4.1.6 and 7](#) *development* and *site alteration* are not proposed in *fish habitat*, *habitat of endangered species* and *threatened species* except in accordance with *provincial and federal requirements*.

As requires by [Policy 4.1.8](#), *development and site alteration* will not occur on *adjacent lands* to the *natural heritage features and areas* identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

As required by [Policies 4.6.2. and 4.6.3](#) the proposal is not on land containing *archaeological resources* or on *adjacent lands* to a *protected heritage property* and as required by [Policy 4.6.5](#), early engagement with Indigenous communities ensuring has occurred.

As required by [Policy 5.2.1.](#), in collaboration with Niagara Peninsula Conservation Authority *hazardous lands and hazardous sites* have been identified within the:

- *dynamic beach hazard.*
- areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards and/or dynamic beach hazards,*

#### [Provincial Planning Policy Summary Opinion:](#)

*The proposed development is consistent with the [Provincial Policy Statement](#). The subject properties are in the [Urban Area Boundary](#) near existing municipal and public service facilities. The proposed development will provide apartment dwelling units compatible with the existing mixed use with acceptable minimal and mitigatable impacts. The proposal provides additional housing types and housing stock to accommodate all residents. The proposed road extensions of Franklin Avenue, the proposed sidewalks, and the proposed stormwater management, ensure the development provides residents with adequate infrastructure.*

*The proposed development is consistent with the [Provincial Policy Statement](#).*

#### [Official Plans](#)

[Region of Niagara Official Plan \(2022\)](#)

The [Region of Niagara Official Plan](#) is consistent with the policies of the Province and is a long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the [Plan](#) guide land use and development, influencing economic, environmental, and planning decisions until 2051 and beyond.

The [Region of Niagara Official Plan](#) designates the subject land as [Designated Built Up Area](#). Chapter 2 of the [Region of Niagara Official Plan, Growing Region](#) has the policies facilitating and encouraging appropriate growth. [Section 2.2.1](#) of the [Region of Niagara Official Plan, Managing Urban Growth](#), encourages compact built form and a diverse range and mix of housing types, unit sizes and densities to accommodate current and future market-based and affordable housing needs in [Designated Built-Up Area](#) such as

the subject properties. The proposal achieves the goals expressed in the [Region of Niagara Official Plan](#) specifically, [Section 2.2.1.1](#) which provides for built forms, land use patterns, and street configurations minimizing land consumption as provided by the proposal. The proposed intensification increases the density of an existing, underutilized site and is consistent with this policy minimizing land consumption.

The [Region of Niagara Official Plan](#) provides additional policies with regards to housing in [Section 2.3](#). The objectives of [The Plan](#) are to provide a mix of housing options to addressing current and future needs, providing more affordable and attainable housing options within communities, and achieving affordable housing targets through land use and financial incentive tools. This application would contribute to the overall intensification target established by the [Region of Niagara Official Plan](#). Intensification and infill development as proposed is encouraged and supports the Region's intensification targets for Port Colborne.

#### Niagara Region Official Plan Summary Opinion

*The proposed development:*

- *Contributes to the City of Port Colborne's 30% intensification target by providing a development at a greater density than currently exists.*
- *Contributes to the orderly implementation of infrastructure by opening an unopened road allowance.*
- *Diversifies the housing stock by providing a dense housing type and multiple unit sizes.*
- *Provides a height and built form not expected to overwhelm the existing and planned development on adjacent land.*

*Within 250 metres of the subject properties there are single detached dwellings, retail facilities, office space, a municipal park, an institutional residential complex, and vacant land intended for future stacked townhouse dwellings.*

*The Region of Niagara Official Plan directs growth be accommodated through intensification at higher densities within the City's existing urban area such as proposed for the subject properties. The proposal is a compact development on underutilized lands minimizing land consumption and optimizing existing municipal infrastructure.*

*The proposal is on land designated for long-term serviced growth. At about 187 units per hectare the proposal is for a compact and efficient land use, contributing to meeting intensification targets. As outlined in mor detail the following section of this report, the building provides an attractive façade facing both roads and adds "eyes-on-the-street" to enhance safety.*

*The proposal is in conformity with the Niagara Region Official Plan.*



### Port Colborne Official Plan

The Vision for the City of Port Colborne is, among other things, to continue to:

- Provide the opportunity for a mix of residential uses accommodating households with diverse social and economic characteristics, needs and desires.
- Ensure new *development* is accessible by all members of the community.
- Develop the community in a way which optimizes existing municipal and regional infrastructure.

As required by [Policy 2.4.2.1](#), the proposed development is within walking distance of shops, and grocery stores and has transit services from the NRT OnDemand service and busses. The subject properties are also within walking distance of the Harry Dayboll Oakwood Park, which will provide residents ample access to outdoor spaces and active transportation routes. The proposed development consists of a mix of unit sizes, accommodating the needs of a variety of households.

As provided for in [Policy 2.4.3](#) this proposed *intensification* of residential areas within the built boundary of the City is directed by the Provincial Growth Plan. In line with the *Intensification* supportive policies the proposal reduces the consumption of greenfield land, helps meet the City's intensification target of 15%, and maximizes the efficiency of existing *infrastructure*. The proposal is compact and transit-supportive in nature, reflecting the vision of this plan.

As provided for by [Policy 3.2.2](#) the proposed *intensification* is in accordance with the provisions of [Policy 2.4.3](#).

The High Density of the proposal is provided for by [Policy 3.2.1](#).

As required by [Policy 3.2.3](#) the proposal is visually interesting it supports the Region's smart growth principles because it:

- Promotes a compact built form contributing to the sense of community.
- Creates a mix of land uses.
- Offers a range of housing opportunities and choices understanding that not everyone wants or needs the same housing type.
- Directs development into existing communities and takes advantage of existing community and infrastructure assets.
- Provides a variety of transportation choices.

Consistent with the Smart Growth Principles, the proposal provides a high-density development and residential unit types not currently available in the neighbourhood. The *Proposal is development on an underutilized existing residential lot optimizing the use of municipal infrastructure*.

### Port Colborne Official Plan Summary Opinion

*The proposed infill and intensification proposal is a compact, high density residential development in an urban area where municipal water and sanitary services are available. It will increase the range of housing options in the City. The proposed development is walkable and transit-supportive, encouraging residents to walk or take transit.*

*Growth Management Strategy Policy 2.4.2 promotes the development of an appropriate mix of housing types, densities, and tenures to meet the diverse needs in Port Colborne, considering current and future demographic characteristics, income levels, special needs, and lifestyle considerations.*

*As required, the proposal satisfies the requirement most of the City's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

*The proposal utilizes existing infrastructure and facilities, nearby retail facilities, existing transit services, and nearby public parks. The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood. The smaller apartments of the proposal accommodate variety of households, including smaller households because they are smaller than single detached or semi-detached dwellings.*

*The intensification of the development proposal on the subject properties utilizes existing infrastructure and contributes to the 15% intensification goal.*

*The proposed development will maintain frontage along West Side Road, but access will be from Franklin Avenue to mitigate safety concerns with the increase to movement along Highway 58 / West Side Road.*

*The proposal provides 112 dwelling apartments helping to meeting Port Colborne's intensification target and providing a housing choice in a location appropriate for higher density housing. The proposal optimizes the use of the subject properties and is compatible with the mixed-use neighbourhood. Apartment buildings result in a compact and affordable housing type. The efficiently uses existing community facilities, public transit, recreational facilities, and schools; and optimizes existing infrastructure. The proposal supports nearby retail facilities.*

*The proposal is in conformity with the Port Colborne Official Plan.*

### Zoning By-Law

The subject properties, zoned R2, need a Zoning By-law Amendment to permit:

- A total of 112 apartment residential dwelling units.

- Reduced lot area per residential unit from 125 square metres per unit to 50 square metres per unit.
- Increase building height from 20 metres to 31 metres.
- A total of 116 parking spaces.
- Reduced driveway width from 7.5 metres to 6.3 metres.
- No loading space.

## SUMMARY

The City of Port Colborne Council has the authority to approve the Official Plan and Zoning By-law Amendments, Site Plan Control Approval, and Plan of Condominium applications where they implement the policies of the Official Plan. *Settlement areas* such as Port Colborne, where the subject properties are located, are the focus of growth and development, and their vitality and regeneration is to be promoted.

The proposal satisfies the [Region of Niagara Official Plan's](#) intent to:

- build more sustainable *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*.
- optimize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

The [Port Colborne Official Plan](#) encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposal:

- Is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the [Provincial Policy Statement](#), [Region of Niagara Official Plan](#), and [Port Colborne Official Plan](#).
- Is in an area where redevelopment is provided for.
- As a residential development in a residential area has no conflicts with surrounding uses.
- Is serviced by public transit, provides safe and easy walking to stores and schools, and is close to safe, publicly accessible open spaces and recreational facilities.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized parcel of land within an existing residential area, providing housing type and choice alternatives.
- It is a compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking to commercial and community facilities and is close to safe, publicly accessible open spaces, parks, and recreational facilities.
- It is a compact, orderly, built form that will help the City meet intensification target.

- Its design places windows overlooking pedestrian routes providing for “eyes on the street.”
- It has a strong relationship to Franklin Street. The primary building entrance clearly addresses the street.
- Through the addition of dwelling units in this location residential density is increased promoting transit use and municipal sustainability.

#### Planning Goals, Objectives, and Policies Satisfied

The proposal:

- Provides a mix of residential uses accommodating households with diverse social and economic characteristics, needs, and desires.
- Optimizes existing infrastructure use.
- Is *intensification*.
- Is transit supportive *development* within the *built boundary*.
- Is close to public open space and provides on-site open space.
- Can incorporate design features for an aging population.
- Counts towards the municipality’s *intensification* target.
- *Can* match the pre-established building character of adjacent buildings.

The proposal is for a transit supportive, active transportation friendly use of existing underutilized land in the Port Colborne urban area.

#### High Quality Urban Design

The proposal is high quality, compact, orderly, built form helping the City meet its intensification targets. The building design will place windows to overlook pedestrian routes to encourage “eyes on the street.” The development has a strong relationship to the future extension of Franklin Avenue as encouraged by the Region of Niagara Model Urban Design Guidelines.

### OPINION

The proposed Official Plan and Zoning By-law Amendments:

- Conform with the provisions of the *Planning Act*; *Provincial Policy Statement*; *Region of Niagara Official Plan*; and *Port Colborne Official Plan*.
- Permit the proposed residential use; and
- Are good planning.

Council can be confident that the proposal is consistent with the City’s Official Plan as well as Provincial and Regional policies. The applicant can be required to enter into a Site Plan Control or Plan of Condominium Agreement ensuring the development is built and maintained as approved by Council.

The approval of the applications will allow new apartments. This development constitutes *intensification* and infill. The *Planning Act* applications are consistent with the policies for permitting and encouraging urban *intensification* and infill residential development within the City of Port Colborne.

## PROPOSED OFFICIAL PLAN AMENDMENT

The properties are designated **Urban Residential** on Schedule A – City Wide Land Use. The applicant is proposing to amend the Official Plan to provide for the proposed apartment building. The following site-specific policies are proposed:

- Notwithstanding Policy 3.2.1c)i of the Official Plan for the City of Port Colborne, the land may be developed for apartment dwellings at a density of not more than 187 units per hectare.
- Notwithstanding Policy 3.2.1c)iii of the Official Plan for the City of Port Colborne, the land may be developed for apartment dwellings with parking on the main floor.

A summary of the relevant Official Plan policies is in [Table 3, Official Plan Review](#) and the text of the Official Plan Amendment is in [Annex 2 – Draft Official Plan Amendment](#).

<b>Table 3: OFFICIAL PLAN POLICY REVIEW</b>			
<b>PROVISION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMMENT</b>
High Density Provision Policy 3.2.1c)i)	70 to 100 uph	198 uph	Requires Official Plan Amendment to Provide for Increased Density
Arterial Road Frontage Policy 3.2.1c)ii)	Highway 58 / West Side Road		Satisfied
Ground Floor Oriented Policy 3.2.1c)iii)			Requires Official Plan Amendment to Provide for Ground Floor Parking Only
Minimize Shadows Policy 3.2.1c)iv)			No Negative Impact - Satisfied
Public Transit Policy 3.2.1c)v)	On Bus Route		Satisfied

### High Density Policy 3.2.1c)i)

A proposal to increase residential density is often very controversial. Increasing density evokes fear about large buildings, unruly people, and parking problems. Increased density is positively associated with walkable neighbourhoods, more housing options, and better infrastructure. Talking about “low,” “medium,” and “high” densities is common in

planning circles, but there is no agreement about what that means in real terms. A “high-density” neighbourhood in Toronto may be considered “low density” in Hong Kong.

The purpose of residential density limits is to:

- Establish a fit between number of residents and services to determine services required for that space.
- Preserve open space and land-based resources such as natural heritage features, environmentally sensitive places, and prime agricultural land.
- To be respectful of the rights of residents to enjoy adequate light, ventilation, and privacy.

The actual gross or net density permitted on a particular site depends on the size of that site, the physical characteristics of the site, and the general density standard established in relevant area plans and policies for the area in which the site is located.

The increased density proposed does not negatively impact the City’s ability to provide services, natural heritage or environmentally sensitive spaces, shadowing, ventilation, or privacy.

#### Ground Floor Oriented Policy 3.2.1c)iii)

The purpose of having ground floor-oriented dwelling units is to create a pedestrian friendly streetscape. Given the need to provide parking and the bedrock conditions it is necessary to provide surface parking to accommodate affordable housing.

The proposal:

- Provides for the development of apartment dwellings helping to diversify the housing stock and meet the needs.
- Is close to land designated Urban Residential to the east and south and there are no land use compatibility issues with the retail use to the west or the institution use to the north.
- Is compatible with the surrounding uses because there are no significant impacts either from, or on, the proposed development from noise, traffic, or shadowing.
- Is underdeveloped and there are commercial vacancies in other parts of the City, so there does not appear to be a demand for more commercial development, and the neighborhood is served by the existing retail uses to the west.
- Design results in an attractive private / public interface and conforms with the City’s Official Plan polices and the Region’s Model Urban Design Guidelines.
- Provides residential intensification contributing toward meeting the City’s intensification target.
- Is surrounded by complementary land uses providing for a complete community, including restaurants, grocery and hardware stores, schools, and parks.
- Addresses matters of provincial interest.



- Is consistent with the [Provincial Policy Statement](#) and conforms with the [Region of Niagara Official Plan](#).
- Implements the policies of the [City of Port Colborne Official Plan](#) by providing higher density residential use adjacent to West Side Road, enabling active transportation and complete communities.

## PROPOSED ZONING BY-LAW AMENDEMNT

The subject properties are zoned **First Density Residential (R1)** in part abutting Highway 58 / West Side Road and **Third Density Residential (R3)**. They must be rezoned to a site-specific **Fourth Density Residential Zone (R4-XX)** zone to permit apartments. The table below assesses the proposed development against the Zoning By-law's R4 zone and parking and loading regulations.

A summary of the relevant Zoning provisions is in [Table 4, Zoning Matrix](#) and the text of the Zoning By-law Amendment is in [Annex 3 – Draft Zoning By-law Amendment](#).

### Apartments

The proposed Zoning By-law Amendment permits development contributing to the City's objective of supporting long-term orderly development, promoting a variety of housing types, and preserving community during growth.

The single detached dwellings on those properties to the east are separated from the proposed apartment building by an unopened road allowance and very deep rear yards and the single detached dwelling to the south is separated from the apartment by parking area and its landscaped buffer. Amending the zoning on the subject properties to R4 allows diversification of the housing stock consistent with the long-term vision of the City.

### Lot Area Sec 8.7b)

With a land area of approximately 0.56748 hectares and 112 units, a minimum lot area of 50 square metres per unit is proposed. This density optimizes and efficiently uses the land. The decrease in lot area per unit does not have any negative impacts on the proposed development or the surrounding uses.

The lot area per unit optimizes and maximizes efficiency created by providing parking beneath the residential units. The building maximizes the residential land and use of existing municipal infrastructure. The unit count can be accommodated by the proposed parking ratio and the project can be serviced by existing water and sanitary sewers. Access from the local road (Franklin Avenue) as opposed to Highway 58 / West Side Road (West Side Road) ensures the density can be accommodated without causing adverse negative impacts to adjacent dwellings or significantly increased traffic hazards.

**Table 4: ZONING MATRIX**

<b>PROVISION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMMENT</b>
Apartments Sec 8.2	Permitted	112 Apartments	Zoning By-law Amendment to R4 to Permit Apartments
Frontage Sec 8.7a)	18m	44.44m	Satisfied
Lot Area Sec 8.7b)	125sqm / unit	5667sqm	Zoning By-law Amendment to Permit Reduced Lot Area to 50.5sqm/unit
Front Yard Sec 8.7c)	9m	14m	Satisfied
Interior Side Yard Sec 8.3d)	3m	16.3	Satisfied
Corner Yard Sec 8.7e)	7.5m	6.0m	Zoning By-law Amendment to Permit Reduced Corner Side Yard to 6.0m
Rear Yard Sec & 8.7f)	6m	3.8m	Zoning By-law Amendment to Permit Reduced Rear Side Yard to 3.8m
Building Height Sec 8.7h)	20m	30.5m	Zoning By-law Amendment to Permit Increased Building Height to 31m
Coverage Sec 8.7g)	40%	28%	Satisfied
Landscape Area Sec 8.7i)	25%	30%	Satisfied
Unit Floor Area Sec 8.7j)	50sqm	51sqm	
<b>PARKING AND LOADING</b>			
Parking Spaces Sec 3.1.1 & 3.3a)	140 4 Accessible	116 8 Accessible	Zoning By-law Amendment to Special R4 to Permit Reduced Parking Spaces to 116
Dimensions Sec 3.2 & 3.2)	2.6mx5.2m	2.6mx5.2m	Satisfied
Driveway Width Sec 3.7b)	7.5m	6.3m	Zoning By-law Amendment to Permit Reduced Driveway Width to 6.3m
Loading Space Sec. 3.10d)	3.2mx9mx4m	None	Zoning By-law Amendment to Permit Reduced Loading Spaces to 0
Landscape Buffer Sec 3.11.1a)	3m	3m	Satisfied
Landscaped Open Space Sec 3.11.2	10%	29%	Satisfied
Bicycle Parking Spaces Sec 3.13b)	1.8mx0.3m	1.8mx0.3m	Satisfied
Bicycle Parking Spaces Sec 3.13.1	16	16	Satisfied

### Corner Yard Sec 8.7e)

The purpose of the Corner Yard is to ensure adequate sight lines for traffic safety. Given the increased front yard setback from 9 to 14 metres adequate sight lines for traffic safety are provided.

### Building Height Sec 8.7h)

Much like the residential density policy in the Official Plan the purpose of Building Height limits in the Zoning By-law is to be respectful of the rights of residents to enjoy adequate light, ventilation, and privacy. The proposed building height does not have a negative impact on shadowing, ventilation, or privacy.

### Parking Spaces Sec 3.1.1 & 3.3a)

A total of 116 parking spaces are proposed for the 112 apartment units providing parking at over 1 parking space per unit, whereas a ration of 1.25 spaces per unit is required. The proposal seeks to amend the Zoning to permit 1 (one) parking space per unit. There are several reasons to support this request for a reduction in the required parking ratio:

- Access to Public Transportation: traditional bus transit and Niagara Region Transit (NRT OnDemand) are available.
- Bicycle Parking: bicycle parking spaces are provided for the residents and some residents may choose to bike to work, to nearby amenities, or for leisure activities, reducing the need for parking spaces.
- Given the site constraints, providing fewer parking spaces will allow the creation of more affordable housing units. The reduction in parking spaces to one (1) space per unit minimizes the burden on the developer.
- Limited parking will assist in promoting alternative modes of transportation.
- The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood and may not require parking.

### Driveway Width Sec 3.7b)

The driveways are each 6.3 metres wide and while less than required by the Zoning By-law are deemed wide enough by the designer to provide both ingress and egress.

### Loading Space Sec. 3.10d)

Removing the loading space requirement allows for increased parking and landscaping.

The intent of a Zoning Bylaw to require a loading space is to provide an off-street location for deliveries to commercial establishments and to accommodate deliveries by or to residents of the building. The intent of the zoning by-law is maintained because building does not include any proposed commercial uses, and no undue adverse impacts are anticipated. Residents will be able to move goods directly from the parking area into the building through the entrances on both the north and south sides of the building.

Deliveries will be able to be made to the entrance at the north side of the building using the driveway.

## RECOMMENDATION

The applications have been reviewed in accordance with the *Planning Act*, the policies of the Official Plans and the requirements of the Zoning By-law and should be approved.

The proposed development represents good land use planning, and the new housing is in the public interest. The proposal is also consistent with the [Provincial Policy Statement](#), the [Region of Niagara Official Plan](#), and the [City of Port Colborne Official Plan](#). South Coast Consulting recommends Council approve Official Plan and Zoning By-law amendments application.

*Steven Rivers*

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Dated: 2025-01-20

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## ANNEX 2: DRAFT OFFICIAL PLAN AMENDMENT

The Corporation of the City of Port Colborne  
By-law no. XXX  
Being a by-law to adopt amendment no. XX to the  
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore, the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this day \_\_\_\_ of \_\_\_\_\_, 2024.

\_\_\_\_\_  
William C Steele, Mayor

\_\_\_\_\_  
XXX, Clerk

AMENDMENT NO. 1XX  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA  
PREPARED BY:  
CITY OF PORT COLBORNE DEPARTMENT OF  
DEVELOPMENT AND LEGISLATIVE SERVICES  
XXXX

AMENDMENT NO. XX  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA

AMENDMENT NO. XX  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. XX to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_

AMENDMENT NO. XX TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA  
INDEX

The Statement of Components

Part A – The Preamble

Purpose

Location

Basis

Part B – The Amendment

Introductory Statement

Details of the Amendment

Implementation & Interpretation

Part C – The Appendices

1. Department of Planning and Development Report6

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

Also attached is PART C – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to amend land use designations on Schedule A – City-Wide Land Use of the Port Colborne Official Plan to facilitate the development of the subject properties, shown on the attached Schedule, as apartment dwellings.

Location

The lands affected by this amendment are legally described as LOTS 36 TO 40, REGISTERED PLAN No. 826 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. A detailed map of the subject properties is attached as Schedule "A" to this Official Plan Amendment No. XX.

#### Basis

The subject properties are designated "Urban Residential". An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law for the subject properties to provide for and permit a 112 dwelling unit apartment building. The proposed density is 187 units per hectare.

The development provides residential intensification at a location serviced by existing services and infrastructure. The location for the proposed intensification of the subject properties is suitable because they are surrounded by compatible residential, commercial, and institutional land uses.

It is intended to also approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing First Density Residential (R1) Zone, in part abutting Highway 58 / West Side Road and Third Density Residential (R3) Zone to an "R4-xx – Site-specific Fourth Density Residential Zone".

The proposal is consistent / conforms with:

- The Provincial Policy Statement (2024) by promoting growth within a settlement area.
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built-Up Area.

## PART B - THE AMENDMENT

### Introductory Statement

This part of the document entitled Details of the Amendment, consisting of the following text and map designated Schedule "A", constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Land shown on Schedule A is redesignated from Urban Residential to Special Policy Area to provide for apartment dwellings at a density of 187 units per hectare.

### Details of the Amendment

1. The land illustrated on "Schedule A to Official Plan Amendment No. XX", is redesignated from Urban Residential to Special Policy Area and shall be identified on

Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, apartment dwellings at 187 units per hectare with ground floor parking may be provided on the land illustrated on Schedule “A” to this Official Plan Amendment.

#### Implementation and Interpretation

The implementation and interpretation of this amendment shall be in accordance with the policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject properties.

#### PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. XX but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2024-XX  
Schedule “A”

## ANNEX 3: DRAFT ZONING BY-LAW AMENDMENT

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described  
as LOTS 36 TO 40, REGISTERED PLAN No. 826  
City of Port Colborne, Regional Municipality of Niagara.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from:  
Residential Third Density (R3) Zone to Residential Fourth Density (R4-XX) Site-Specific Zone  
Residential First Density (R1) Zone to Zone to Residential Fourth Density (R4-XX) Site-Specific Zone
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:  
R4-XX  
Notwithstanding the provisions of the Residential Fourth Density Zone, the minimum lot area required in the Residential Fourth Density R4-XX (Residential and Non-residential) is 50 square meters per dwelling unit.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act.

Enacted and passed this day of DATE.

\_\_\_\_\_  
William C Steele Mayor

\_\_\_\_\_  
XXXX, Clerk