

**City of Port Colborne  
Special Council Meeting 07-20**

- Date:** March 9, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
R. Bodner, Councillor  
F. Danch, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Absent: A. Desmarais, Councillor
- Staff Present:** D. Aquilina, Director of Planning & Development  
A. LaPointe, Acting Chief Administrative Officer  
C. Madden, Deputy Clerk  
N. Halasz, Acting Director of Community and Economic Services  
D. Suddard, Acting Director of Engineering and Operations  
D. Schulz, Planner

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

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Confirmation of Agenda:**

**No. 34** Moved by Councillor R. Bodner  
Seconded by Councillor E. Beauregard

That the agenda dated March 9, 2020 be confirmed, as circulated.  
CARRIED

**4. Disclosures of Interest:**

Nil.

**5. Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment  
Planning and Development Department, Planning Division, Report No. 2020-36,  
Subject: Public Meeting Report for Proposed “Housekeeping” Zoning By-law  
Amendment (File No. D14-01-20)

**(i) Purpose of Meeting:**

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application to amend the City of Port Colborne Zoning By-law 6575/30/18, as amended.

The Zoning By-law Amendment is a proposed “housekeeping amendment” initiated by City Planning staff. Minor amendments to Zoning By-law 6575/30/18 are proposed to add or revise provisions and correct technical errors.

**(ii) Method of Notice:**

Mr. Schulz advised that Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting and Open House was published in the “Niagara This Week – Port Colborne Leader” on February 13, 2020. Notice was also circulated to required agencies on February 18, 2020.

The Planning and Development Department hosted a public open house for this application on March 3, 2020. The open house was attended by roughly six members of the public.

**(iii) Explanation of Procedure to be Followed:**

Mr. Schulz advised that the procedure to be followed this evening will be to present Planning and Development Department Report 2020-36, receive questions of clarification from Council to Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and a brief explanation of future meetings regarding the application.

**(iv) Presentation of Application for Zoning By-law Amendment:**

At this time, Mr. Schulz presented highlights from the Planning and Development Public Hearing Report 2020-36.

Mr. Schulz advised that the specific details of the amendments are in Appendix “A” of the report for Council’s information.

Mr. Schulz summarized the amendments as follows:

- Addition under section 2.1 to allow adjacent lots under common ownership to be considered one parcel for the purpose of development.
- Revision under section 2.3 to allow principle buildings to be built using sea containers provided a building permit is obtained.
- Revision under section 2.4 allowing a trailer to be used on a temporary basis for dwellings undergoing renovations provided a development agreement is first entered into.
- Revision under section 2.8.1 to increase the permitted height of an accessory building from 4.6m to 4.9m.
- Revision under section 2.8.1 to clarify that accessory buildings are permitted in the front and corner side yard for properties the abut Lake Erie.
- Addition under section 2.8.2 to clarify that decks are included in the accessory lot coverage calculation.
- Revision under section 2.9.2.1 to allow home based businesses to occupy garages and accessory buildings.
- Revision under section 2.22 to decrease the required setback from a municipal drain from 15m to 10m.
- Revision under section 3.1.1 to reduce the parking space requirement for apartment buildings from 1.5 to 1.25 spaces per unit.
- Addition under section 3.1.2 for uses that have not had parking requirements identified.
- Revision to zones that abut Lake Erie removing the 30m setback requirement from the 1-in-100 year flood line, as this setback is determined by the NPCA.
- Revision under section 8.2 to add boarding and lodging house, and duplex as permitted uses.
- Revision under section 8.8 to apply the R2 zone requirements for single-detached dwellings rather than the R1 requirements.
- Revisions under the industrial zones to increase the building height from 11m to 15m.
- Addition under section 37.2 for a past zoning by-law amendment for 322 King Street allowing a bed and breakfast and tea room.

- Addition of a new definition under section 38 – Boarding and Lodging House
- Mapping revisions under schedule A6
  - Revise the lands west of Welland Street and north of Fraser Street which do not have a zoning to zone them as R4-CH (Fourth Density Residential with a Conversion Holding). Shown as Schedule “A” within Appendix A.
- Mapping revisions under schedule A7
  - Rezoning the Stormwater easement in the Heron Pointe Plan of Subdivision. Planning staff have determined that this is no longer required.
  - 322 King Street, update map to reflect the past zoning by-law amendment.
  - 602 Elm Street, update map to reflect the past zoning by-law amendment from R2 to R3.
- Administrative changes to correct spelling, formatting and cross-referencing errors.

Mr. Schulz advised that written correspondence has been received by Grant and Melissa Munday from 130 Hampton Avenue who had concerns regarding the accessory building height amendment, they wished to see this increased further to 6m-7.5m. They also had concerns regarding decks being included in the accessory lot coverage calculation.

Mr. Schulz advised that other general correspondence was heard from a few members of the public that advised they would like to speak at the meeting.

Mr. Schulz summarized the comments from the Niagara Region and they concluded that overall the amendment is consistent with the Provincial Policy Statement and conforms to the intent of Provincial and Regional policies. The Region does not object to the proposed amendments.

Planning staff is expecting comments from the Niagara Peninsula Conservation Authority, however, they have yet to be received.

**(v) Questions of Clarification to Planning Staff:**

Councillor Bodner questioned Mr. Schulz regarding section 2.4 where trailers are permitted on a temporary basis for dwellings undergoing renovation provided the owner enters into a development agreement with the City. Mr. Schulz responded that the time frame for a temporary basis is set by Council at the time of the development agreement.

Councillor Danch questioned section 2.8.2 regarding decks being included in the accessory lot coverage calculation. Mr. Schulz advised that Planning Staff would look into this section further for the recommendation report.

Councillor Beauregard questioned section 2.3(h) and whether sea container homes were being permitted. Mr. Schulz responded in the affirmative.

Councillor Bruno questioned if Planning Staff advise people of the ongoing amendment process when inquiring. Mr. Schulz advised that Planning has been letting people know about these proposed changes and staff will look into having information available at the front counter.

Councillor Bagu questioned what other municipalities have for height limits for accessory buildings. Mr. Schulz advised that he will look into it further for the recommendation report.

Councillor Wells questioned section 2.1 and what will happen if two lots are zoned differently. Mr. Schulz advised that it depends on where the proposed use is located on the property as the zoning for where it is located takes precedence. Councillor Wells also questioned why the Building Code was not listed for sea container buildings. Mr. Schulz advised that the Building Code was left out in order to avoid confusion between acts, codes and by-laws. Councillor Wells that the front yard be more clearly defined with reference to allowing accessory buildings in the front yard for lots in the Lakeshore Residential zone. Mr. Schulz advised that this can be looked at further for the recommendation report.

Councillor Kalailieff thanked Mr. Schulz for how helpful the Open House was and advised members of the public to attend these for beneficial information.

Councillor Beauregard questioned how this amendment will address the upcoming changes to the Provincial Policy Statement. Mr. Schulz advised that a comprehensive review would likely be required after the fact to address those changes.

Before opening the meeting to the public Mr. Schulz read the following cautionary statements:

“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 a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to the Local Planning Appeal Tribunal.”

And;

“If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning

Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.”

Mr. Schulz also advised that for any interested members of the public there is a sign-in sheet to request future notices regarding this application.

**(vi) Oral Presentations and/or Questions from the Public:**

At this time, Mr. Schulz invited any members of the public who wish to speak to the application to do so.

Larry Rosnuk of 62 Fraser Street addressed Council. Mr. Rosnuk noted that he objects to all amendments that reduce setbacks from environmental features. He noted the reduction in setbacks lead to a number of environmental issues. Mr. Rosnuk also objected to the mapping change along Canal/Welland Rd. He advised that it should be designated environmental sensitive. Mr. Rosnuk also objected to the Heron Pointe Plan of Subdivision mapping change.

Councillor Bruno asked for some background information on the setback reduction for properties fronting Lake Erie.

Mr. Schulz advised that a discussion was had with the NPCA. He noted that the Ontario Regulation under the Conservation Authorities Act gives the NPCA jurisdiction to regulate the setbacks in regulated areas.

Councillor Bruno further questioned why removing it is necessary.

Mr. Schulz responded that the NPCA has the tools and expertise necessary to mitigate flooding concerns along the Lakeshore and the City does not have to get involved.

Councillor Kalailieff questioned further if the ditch would be filled in along Canal/Welland Rd.

Mr. Schulz advised the ditch would not be filled in and any entrances would likely require Seaway permission.

Jack Hellinga of 770 Highway 3 addressed Council. Mr. Hellinga noted issues regarding the quarry operation in relation to his well. He also raised concerns regarding the MAO zoning and past interim control by-law.

Councillor Bodner questioned if we can add the restriction of asphalt manufacturing in this amendment.

Mr. Schulz advised that such an amendment cannot be addressed through the housekeeping amendment as proper notice has not been given to the public.

Councillor Bruno questioned the types of studies that may be required regarding asphalt manufacturing.

Mr. Schulz advised that questioned would have to be addressed in another report.

Grant Munday of 130 Hampton Avenue addressed Council. Mr. Munday thanked Mr. Schulz for the great job he did at the open house as everything was very clear and helpful. Mr. Munday noted that he had concerns regarding the accessory building height amendment, they wished to see this increased further to 6m-7.5m. He also had concerns regarding decks being included in the accessory lot coverage calculation.

Councillor Bruno questioned the rationale behind this correction. He also questioned if the City would have any measures to stop somebody from decking their entire property if decks were to not be included. Finally, the Councillor asked if Mr. Schulz could look into other municipalities regarding these amendments for when the report comes back to Council.

Mr. Schulz advised that it was to help clarify the section. He also advised that there are other measure to prevent that and he would look into other municipalities.

Councillor Beauregard asked Mr. Munday to clarify one of his statements. Mr. Munday responded.

Jack Bernardi of 123 Parkway, Welland, addressed Council. He added information regarding the deletion of the 30m setback along the Lake Erie shoreline. He also noted that in his experience, a deck did not count for lot coverage.

Rick and Erika Froese 1575 Firelane 2 addressed Council. They supported the deletion of the 30m setback along the Lake Erie shoreline.

Barbara Butters of 1152 Weaver Road addressed Council regarding the quarry operations. Ms. Butters questioned Mr. Schulz with a number of questions regarding the quarry operation.

Mr. Schulz advised that issues regarding the quarry cannot be addressed in the housekeeping amendment as proper notice has not been given to the public.

Ron Baarda of 5474 Firelane 22 addressed Council. He questioned the definition of a deck. He also asked if there is anything preventing a person from having an all-concrete property with no grass.

Mr. Schulz advised that he would have to look into the definition for a deck. He also added landscaped provisions of the by-law would likely prevent someone from paving their entire property.

**(vii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:**

Mr. Schulz 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 adoption and passing of a zoning by-law amendment will be given notice.”

**(viii) Explanation of Future Meetings:**

Mr. Schulz advised that this concludes the Public Hearing under the Planning Act.

The proposed Zoning By-law Amendment will be placed on Council’s agenda at a future date.

**(ix) Recommendation:**

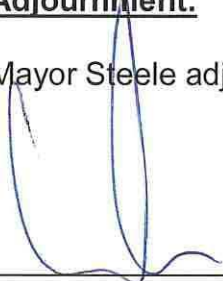
**No. 35** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That Planning and Development Department, Planning Division, Report No. 2020-36, Subject: Public Meeting Report for Proposed “Housekeeping” Zoning By-law Amendment (File No. D14-01-20) be received for information.

CARRIED

**6. Adjournment:**

Mayor Steele adjourned the meeting at approximately 7:40 p.m.

  
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William C. Steele  
Mayor

  
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Charlotte Madden  
Deputy Clerk

Minutes prepared by the Department of Planning and Development.