



Subject: 2575 Highway 20 – Site Plan and Zoning Conformity Issues

Report to: Thorold City Council

Recommendations

1. That Report DS 16-2026 dated April 21, 2026, regarding 2575 Highway 20 Site Plan and Zoning Conformity Issues **BE RECEIVED**.
2. That Planning Staff **BE AUTHORIZED** to undertake a City initiated rezoning application to remedy the current issue with the zoning at 2575 Highway 20.

Key Facts

- The purpose of this report is to provide Council with an outline of the timeframe for an approval of a Site Plan Control application related to 2575 Highway 20 and the issues in relation to the zoning on the subject lands.
- Planning Staff is requesting authority from Council to undertake a rezoning application on the subject lands; as a City led application.

Budgetary Status

The Planning Operating Budget will cover the cost of this application which will be processed by current planning staff. Planning staff time and disbursements like the cost of mailings to adjacent neighbours for a Public Meeting will be covered through the Planning Operating Budget.

Analysis

The subject property is 0.79 ha and fronts onto Highway 20. The property is located east of Cataract Road and is south of Highway 20 (refer to Figure 1). Currently, the property is occupied by a five (5) unit commercial structure. The surrounding land uses include a building supply warehouse to the north, commercial plazas to the east and west, and agricultural lands to the south.



Figure 1 – Site Location

Official Plan Considerations:

This area was designated in the 2014 Niagara Regional Official Plan (NOP2014) as a Unique Agricultural Area. This designation was later revised to be defined as a Specialty Crop Area. The City of Thorold Official Plan (CTOP2016) designated the lands as Specialty Crop.

The site was designated as Specialty Crops and Special Policy B2.2.9.1. The commercial use was not a permitted use in the Specialty Crops designation. However, Policy B2.2.9.1 permitted existing legal commercial uses with frontage on Highway 20 in the Specialty Crop designation and shall be subject to the provisions of Section E2 of the CTOP.

Section E2 of the CTOP deals with non-conforming uses, and the role of the implementing zoning by-law.

Planning Staff notes that Special Policy B2.2.9.1 was removed from the Official Plan through OPA 6. This was finalized through an appeal to the Local Planning

Appeal Tribunal on March 16, 2021. As a result, since that time, the lands were effectively designated for Specialty Crop purposes in the Official Plan.

There is a review of the CTOP currently underway. It is envisaged that this area will be reviewed to gain a better understanding of the direction the City should proceed given the existing land uses and current Provincial policy direction.

City of Thorold Zoning By-law Considerations:

With the above noted history on the designation of the lands in this area, Planning Staff notes that the lands were zoned Highway Commercial/Industrial (HCI) in the Comprehensive Zoning By-law (2140) 97 (CZBL1997).

The HCI zone permitted a variety of commercial uses including a retail store for: furniture, appliances, carpets and flooring, plumbing supplies, decorating supplies (paint and wallpaper), light fixtures, and similar home furnishings or home improvement products; floor area for such stores was unrestricted. The HCI zone also permitted retail stores (other than those noted above, having a maximum floor area of one-hundred and eighty-five (185) square metres provided that the combined floor area of all such stores in one building shall not exceed three-hundred and ninety (390) square metres).

The subject lands were rezoned to Specialty Agriculture (AS) in the Comprehensive Zoning By-law (60)2019 (CZBL2019) which was enacted by City of Thorold Council on May 7, 2019. The Zoning By-law was subsequently appealed to the Ontario Land Tribunal and partially came into effect on March 16, 2021. The CZBL2019 was further settled through the Ontario Land Tribunal on May 23, 2024, excluding the residential parking requirements and parking related provisions found in Part 4 of CZBL2019.

It is anticipated that a report will be presented to the June Thorold City Council meeting on a housekeeping update to CZBL2019. After that update, the Housekeeping Amendment will be required to go through a Public Meeting and ultimately a Recommendation Report. This is expected to be finalized sometime in Fall of 2026; it is anticipated that this Housekeeping Amendment will address several changes to Provincial Legislation since the time of the passing of CZBL2019.

In addition, there will be a mapping component that will address zoning changes which have been approved by Council. But also, address several properties, where the zoning was changed from the 1997 to 2019 Zoning By-laws. This property (and the surrounding

area) is one of the areas which will be addressed through the Housekeeping Amendment.

Planning Staff will be undertaking a new Comprehensive Zoning By-law sometime late in 2028 or 2029. It is envisaged that this area of the City of Thorold will be modified to reflect the previous uses that were contemplated in the previous iterations of the Official Plan.

Site Plan Control Considerations:

An application for Site Plan Control was submitted on June 12, 2017. The application proposed a five (5) unit Highway Commercial/Industrial structure with an accessory shop.

On November 29, 2018, a Site Plan Approval Report was authored by Planning Staff which considered site plan approval for the construction of a two-storey building with seven (7) units. This was later modified to be the current five (5) unit commercial structure. In relation to the application, several clearances were provided internally by Planning, Building, Engineering, Fire and the Clerks Departments. Externally, the Niagara Region, Niagara Peninsula Conservation Authority (NPCA), Bell Canada, Enbridge and Hydro One.

The report recommended that the Director of Planning and Development approve the site plan for 2575 Highway 20, and that the associated by-law be presented to Council for approval.

On December 18, 2018, a draft Site Plan Agreement was drafted by Planning Staff. After some time, the Site Plan Agreement was signed on January 29, 2020

Building Permit Considerations:

On October 18, 2022, a building permit was issued for site services and shell only, with all inspections being completed. On August 2, 2024, a building permit was issued for a new interior commercial fit out for both Units 1 and 2. On January 27, 2026, a permit to install new wall signs was submitted, which was issued on March 10, 2026. There is one last outstanding building permit to construct the new interior commercial fit out for Units 4 and 5.

Legal Implications:

Planning Staff notes that the zoning on the subject lands has changed from 1997 to 2019. As noted above, the CZBL1997 zoned the property to HCI, which permitted the proposed structure. However, the lands were rezoned by CZBL2019 to AS, a zoning category which no longer permitted the use on the site.

Along the way, there have been several interpretations made by Planning Staff which led to the issuance of building permits which did not conform to the CZBL2019.

The site plan agreement, contemplating the existing commercial building, was entered into before CZBL2019 was in force and effect on March 16, 2021. As noted above, no building permit was issued until October 18, 2022. As a result, the issuance of the first building permit was contrary to CZBL2019. Having issued a permit contrary to CZBL2019, the City then proceeded to issue two further building permits that do not conform with the CZBL2019. A title search may show that one or more financiers have entered into mortgages, relying on the use being permitted.

The City is now faced with an application for a further permit to open two additional units for uses that do not conform with CZBL2019 which has been in force since March 16, 2021. The Owner is desirous to proceed with an occupancy for the existing structure sometime in early Fall. For the City to be able to issue the last outstanding building permit for the site, the outstanding issue with zoning will need to be rectified.

In this instance, Planning Staff would recommend that the lands be rezoned to a Specialty Crop special exception (AS-xx) which would reinstitute the previous zoning provisions of the HCI zone from the CZBL1997. To achieve this, a Planning Act application for rezoning will need to be undertaken. Planning Staff is requesting authority from Thorold Council to process this application as a City led application.

Impact on the Environment, Climate Change

Impacts on the environment and climate change were considered through the Site Plan Control application for 2575 Highway 20.

Alternatives Reviewed

N/A.

Relationship to Strategic Plan

The City of Thorold completed a comprehensive visioning exercise as part of the City of Thorold Strategic Plan. This Strategic Plan identifies a number of strategic priorities under the themes of:

- Vibrant and prosperous community
- Service delivery excellence

Other Pertinent Reports

N/A.

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This report was prepared in consultation with Marc Davidson, Manager, Planning.

Appendices

None