



COMMITTEE OF THE WHOLE - PLANNING

Tuesday, July 16, 2024, 6:00 p.m.

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Public Meeting – 242 Ricardo Street

Zoning By-law Amendment (ZBA-08-2024)

July 16, 2024

Victoria Nikoltcheva, Planner II

Agenda

- Development Process
- Proposal and Location
- Provincial, Region and Town Planning Policies
- Zoning By-law Amendment
- Town, Agency and Public Comments
- Next Steps
- Questions/Comments



Development Process

**Zoning By-law
Amendment
(Under Review)**

**Application for
Site Plan
Approval (TBD)**

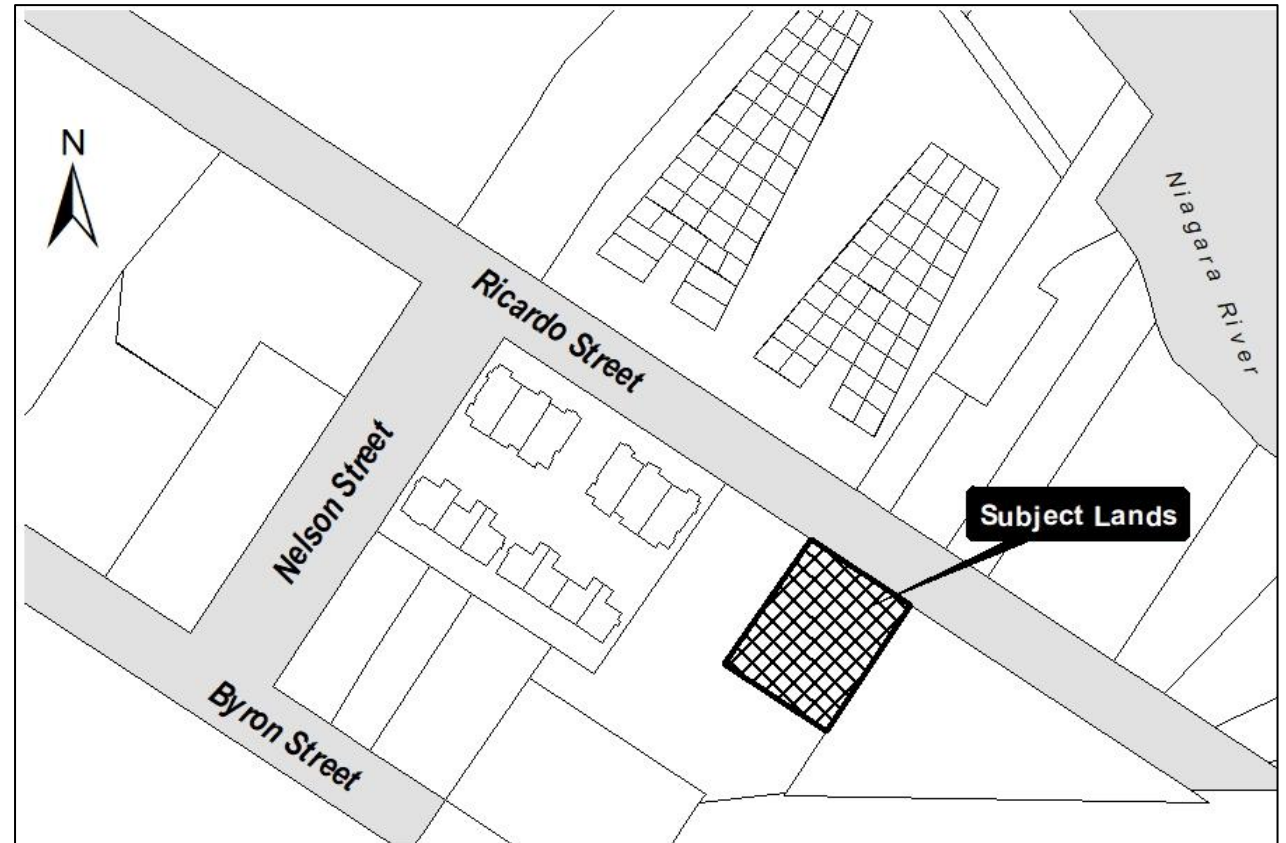
**Fulfilment of
Conditions of
Site Plan
Approval
(TBD)**

Proposal

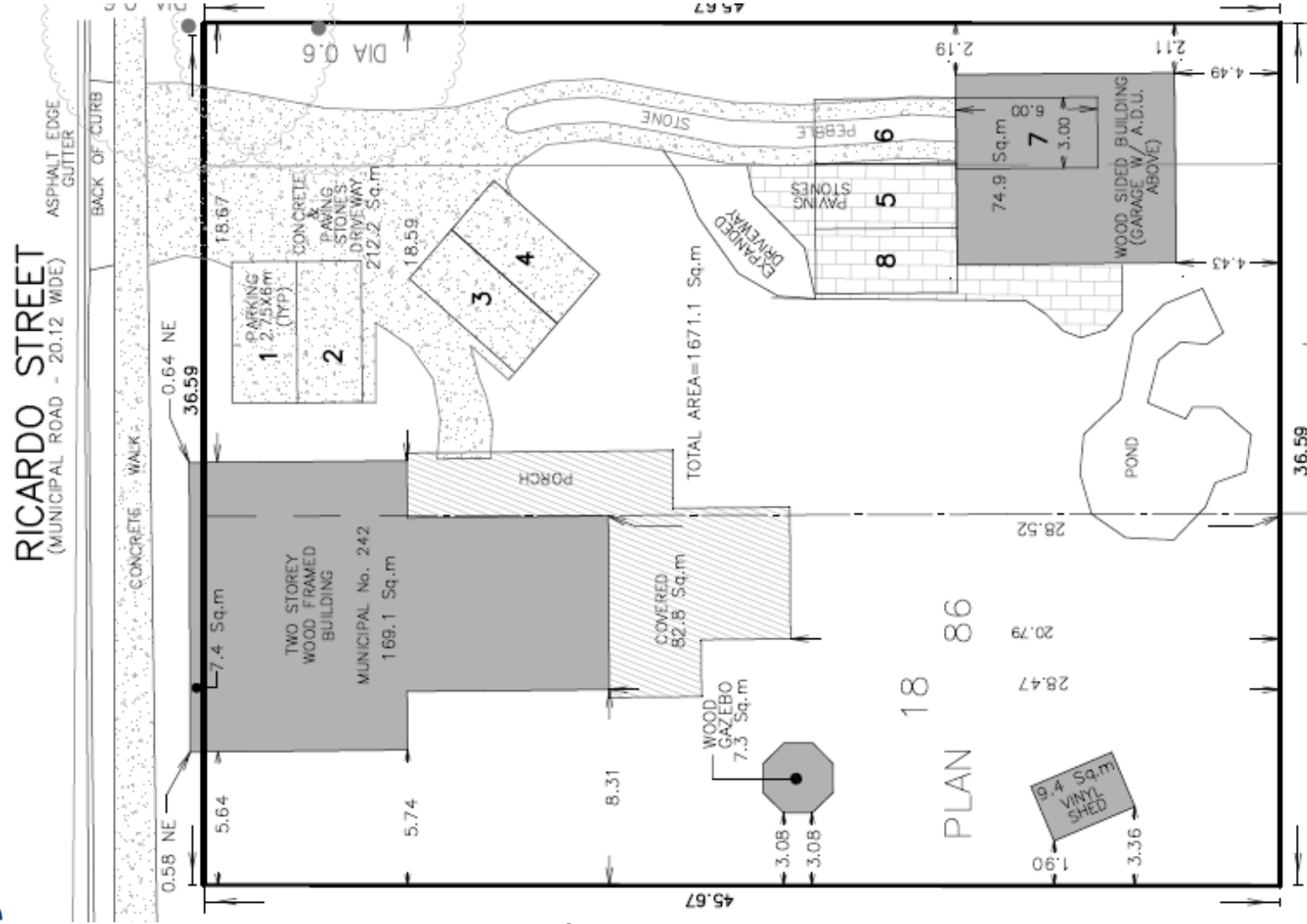
- Application for Zoning By-law Amendment
- The Amendment is required to permit a 5-room Country Inn in an existing dwelling and an accessory dwelling unit in an existing detached garage
- The Application requests a Site-Specific “Established Residential (ER3) Zone” to permit the proposed use and recognize the existing front yard setback of the dwelling at 0 metres

Location

- South side of Ricardo Street, east of Nelson Street
- Old Town urban area, 1,671 square metres
- Lands contain an existing 2-storey single-detached dwelling, 2-storey detached accessory building, gazebo and vinyl shed all proposed to remain
- Surrounding lands are characterized by residential, open space and institutional uses



Conceptual Plan



Policy: Provincial & Regional Policies

Plan	Designation
Provincial Policy Statement, 2020	Settlement Area
A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020	Settlement Area, Delineated Built-up Area
Niagara Official Plan, 2022	Delineated Built-up Area

- The above designations shall be the focus of growth and development, and the applicable policies provide direction for managing and directing efficient use of land, resources and services to achieve complete communities
- Built heritage resources and cultural heritage landscapes shall be protected to foster a sense of place and benefit communities

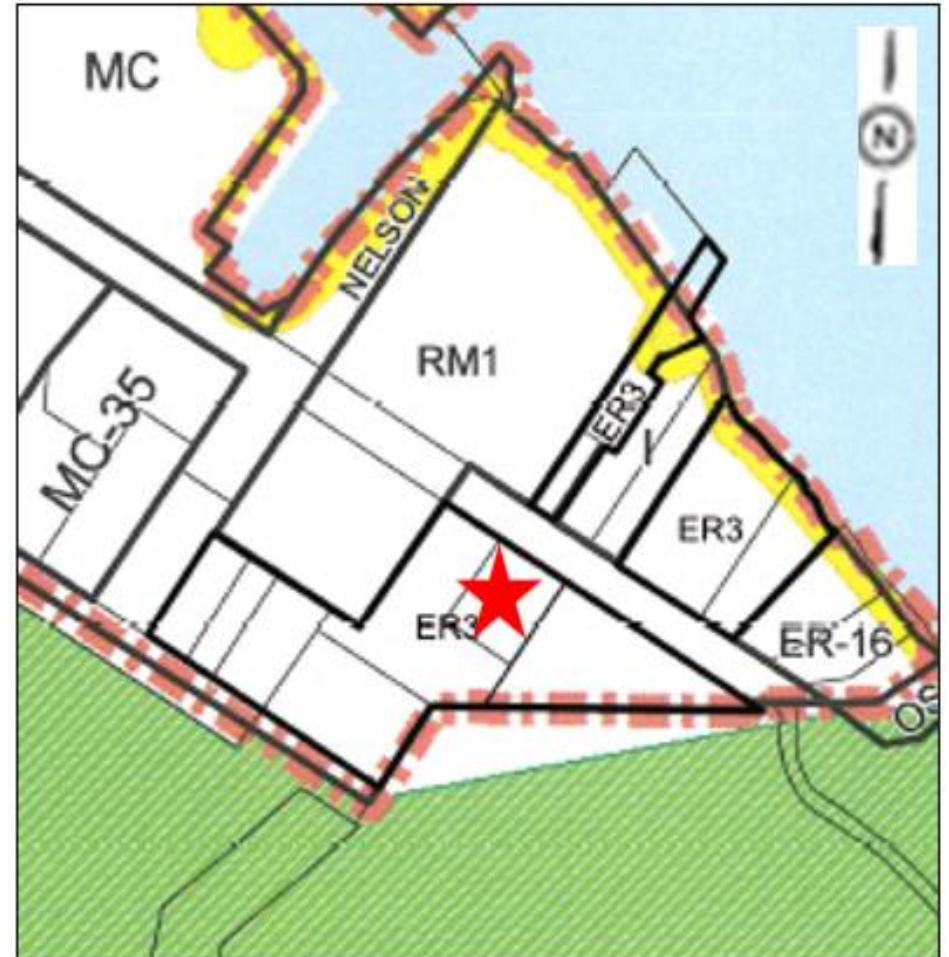
Policy: Town Official Plan, 2017, as amended

- Designated “Established Residential” and within the “Built-Up Area”
- Main uses of the Established Residential designation include low density residential uses such as single-detached dwellings
- Country Inn considered a secondary use within a single-detached dwelling of the principal residence of the owner/operator
- The Town regulates the number of rooms and other matters relating to Country Inns through the implementation of the Zoning By-law, site plan approvals and short-term rental licensing



Zoning By-law 4316-09, as amended

- “Old Town Community Zoning District – Established Residential (ER3) Zone”
- Permitted uses include single-detached dwellings and accessory structures



Requested Zoning

Zone Requirement	ER3 Zone	Site-Specific ER3 Zone
Country Inn	Not permitted	Permitted up to 5 rooms
Minimum front yard setback	7.5 metres	0 metres (existing dwelling)

Consultation: Town, Agency and Public Comments

Town Departments

- Fire and Emergency Services – No objections. An inspection will be conducted to ensure fire code compliance when the STR license is completed.
- Finance – No objections.
- Operations – No objections. If there is no existing encroachment agreement on file for the existing dwelling then the owners will need to enter into one with the Town.

Agencies

- Niagara Region – No objections. The standard protocol for the discovery of potential archaeological resources has been provided to the applicant.

Public

No residents attended the Open House held on July 9, 2024, and no public comments were received to date

Next Steps



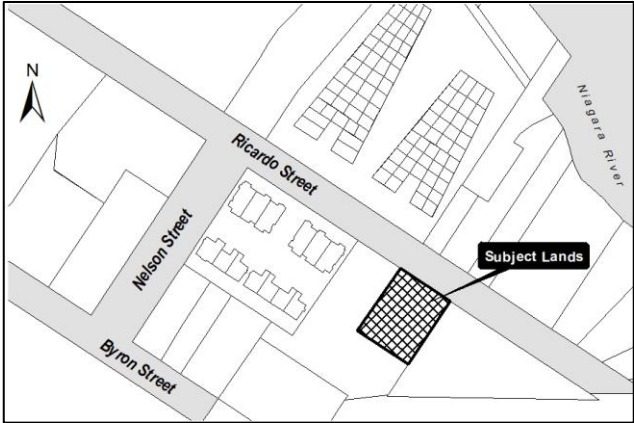

- Review the Application materials
- Comments provided to the Applicant
 - Applicant given opportunity to respond to comments and/or make revisions
- Provide future recommendation report to Council







Thank you. Any Questions?

Victoria Nikoltcheva, Planner II
905-468-3266 ext. 253
victoria.nikoltcheva@notl.com

	What:	Notice of Complete Application, Open House and Public Meeting for a Zoning By-law Amendment (under Section 34 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> , as amended).
	When:	Open House: Tuesday, July 9, 2024 at 5:00 pm Public Meeting: Tuesday, July 16, 2024 at 6:00 pm
	Where:	Open House: Electronically via the directions below Public Meeting: In-person at Town Hall, Council Chambers, 1593 Four Mile Creek Road, Virgil, or electronically via the directions below
	Regarding:	File No. ZBA-08-2024 – 242 Ricardo Street, Niagara-on-the-Lake
	<p>What is this?</p> <p>An application has been received for a Zoning By-law Amendment on the subject lands (see location map). The application requests to rezone the subject lands to “Established Residential (ER3) Site-Specific Zone” to permit a 5-room Country Inn and an accessory dwelling unit in an existing detached garage, with site-specific provisions to recognize the existing 0.0 metre front yard setback of the dwelling.</p> 	
	<p>Dialogue is encouraged:</p> <p>You are invited to attend the Open House and Public Meeting to gather information and provide input regarding this matter.</p> <p>Town Hall is open for the public to attend Committee of the Whole and Council Meetings, including Public Meetings, in-person. Alternatively, the public will continue to have the option to register in advance to participate electronically.</p> <p>The Open House will continue to be held electronically at this time.</p> <p>If you wish to participate electronically at the Open House or Public Meeting, you must register in advance with the Town Staff noted below. You will receive an email on the date of the meeting with instructions to connect to the Open House and/or Public Meeting on your computer, tablet or telephone.</p> <ul style="list-style-type: none"> • Open House – Victoria Nikoltcheva (victoria.nikoltcheva@notl.com or 905-468-6451) (register as soon as possible but prior to 12 noon on Tuesday, July 9, 2024) • Public Meeting – Clerks Department (clerks@notl.com or 905-468-3266) (register as soon as possible but prior to 12 noon on Monday, July 15, 2024) <p>If you wish to attend the Public Meeting in-person, registration with the Clerk is appreciated.</p> <p>If you wish to view the Open House and/or Public Meeting for information purposes, registration is not required. The meetings will be recorded and available for viewing after the meetings on the Town’s website at https://www.notl.com/council-government/mayor-council/meetings-agendas-minutes</p> <p>Please Note: Written comments on the application are encouraged and must be submitted to the Town Clerk, at 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0 or via email</p>	

	at clerks@notl.com referencing the above file number. Unless indicated otherwise, all submissions, including personal information, will become part of the public record.
	<p>For more information:</p> <p>A copy of the application and supporting documents for the proposal may be obtained on the Town’s website at https://www.notl.com/business-development/public-planning-notices, or at the Community and Development Services Department within Town Hall.</p> <p>Please contact Victoria Nikoltcheva, Planner II, at 905-468-6451 or via email at victoria.nikoltcheva@notl.com if additional information is required.</p>
	<p>If you wish to be notified of the future decision with respect to the application, you must submit a written request to the Town Clerk including your name and the address to which such notice should be sent.</p> <p>If a person or public body does not share their views in writing to the Town Clerk or orally at a statutory Public Meeting before a decision is made, the person/public body:</p> <ul style="list-style-type: none">a) Is not entitled to appeal the decision of the Town of Niagara-on-the-Lake to the Ontario Land Tribunal; andb) May not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. <p>Please note that third party appeals are restricted for this application as per Bill 185, Cutting Red Tape to Build More Homes Act, 2024. <i>Planning Act</i> appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the <i>Planning Act</i> 1(1)), and any “public body” (as defined by the <i>Planning Act</i> 1(1)).</p> <p>Dated at the Town of Niagara-on-the-Lake, June 21, 2024 Grant Bivol, Town Clerk</p>



Public Meeting – 15608 and 15618 Niagara River Parkway

Zoning By-law Amendment (ZBA-07-2024)

July 16, 2024

John Federici, MCIP, RPP, Senior Planner

Agenda

- Development Process
- Proposal and Location
- Provincial, Regional and Town Planning Policies
- Zoning By-law Amendment
- Town, Agency and Public Comments
- Next Steps
- Questions/Comments



Development Process

**Application for
Zoning By-law
Amendment
(Under Review)**

**Application for
Consent
(Under Review)**

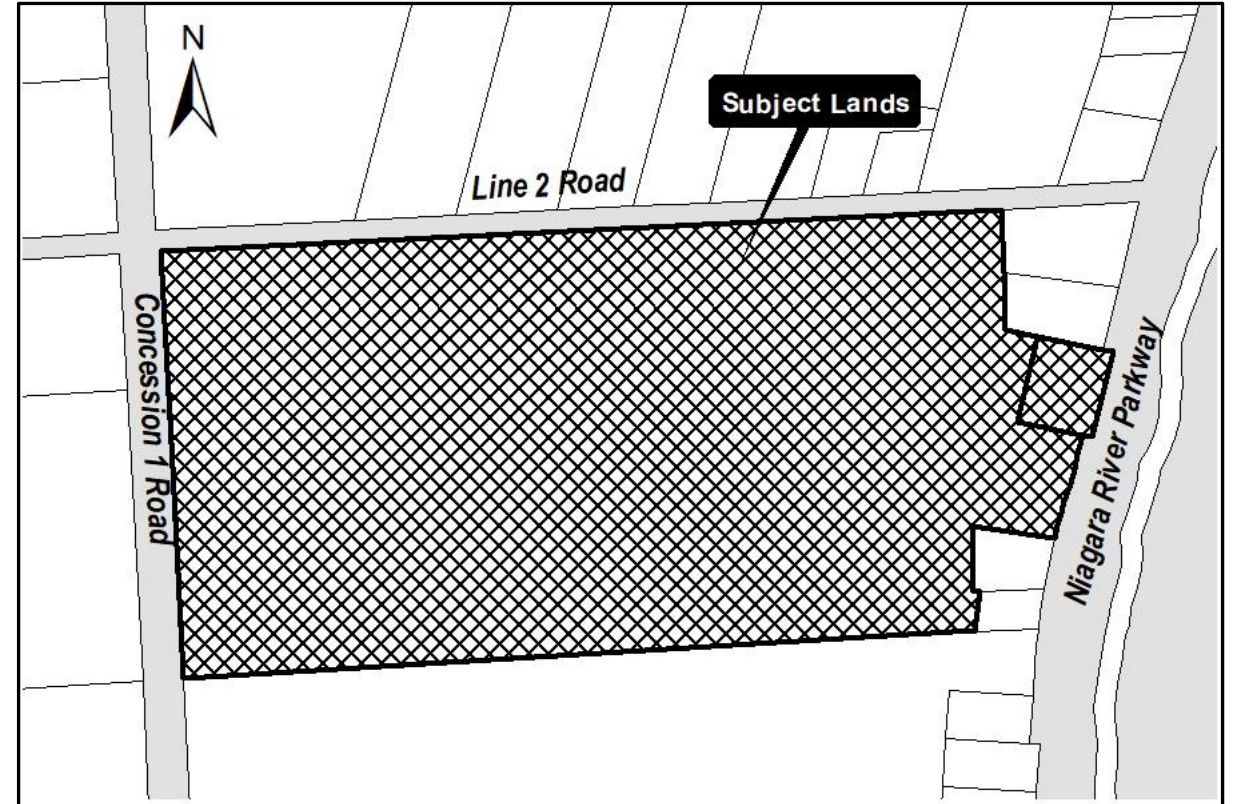
**Application to
Amend Existing
Site Plan
Agreement
(Under Review)**

Proposal

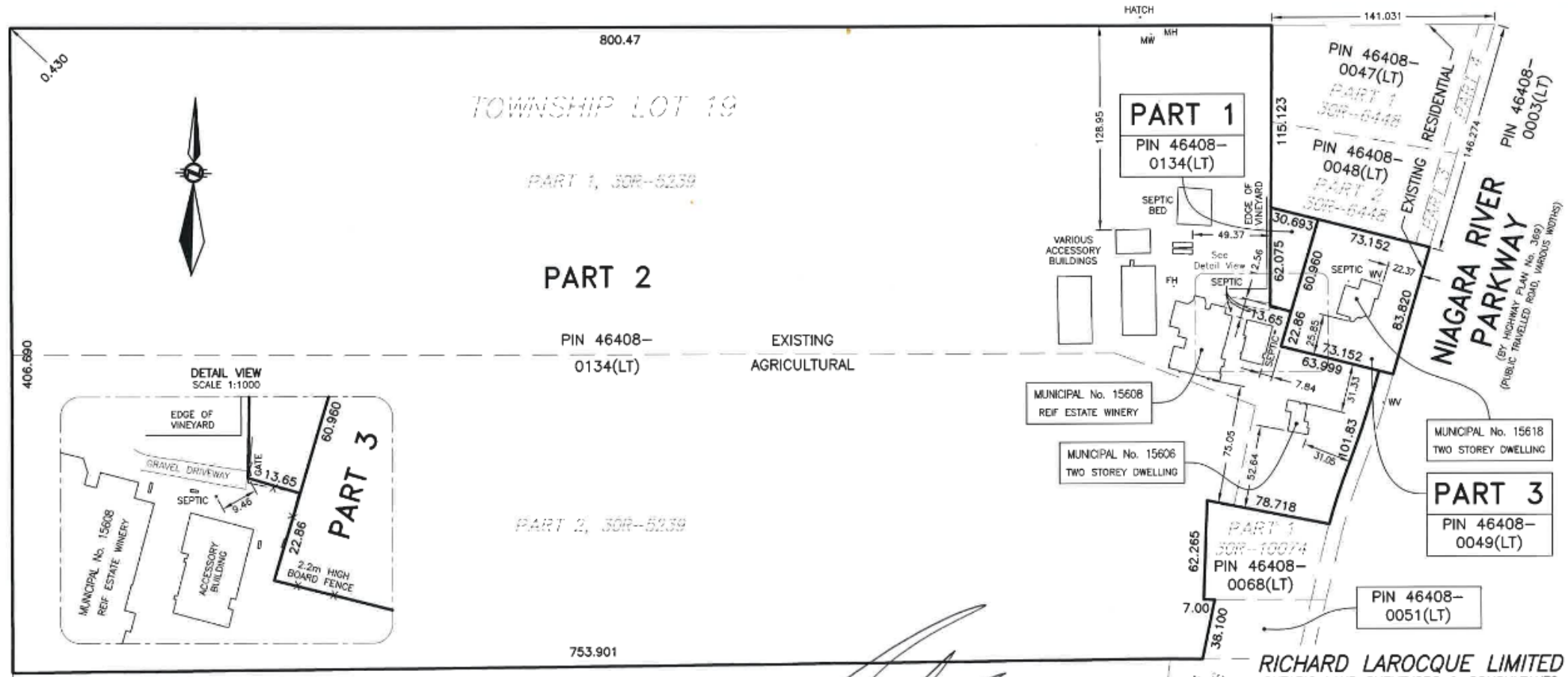
- Application for Zoning By-law Amendment
- Proposes to rezone a portion of the subject lands municipally known as 15608 Niagara River Parkway to an existing “Rural Residential (RR) Site-Specific Zone” which applies to lands known municipally as 15618 Niagara River Parkway. The application also addresses a setback deficiency to an existing building
- A concurrent Consent Application has been submitted to adjust the lot boundary between 15608 Niagara River Parkway and 15618 Niagara River Parkway

Location

- South of Line 2 Road, east of Concession 1 Road and west of the Niagara River Parkway
- Agricultural area, both parcels combined have an area of 32.9 hectares
- 15608 Niagara River Parkway is an estate winery (Reif Estate Winery) and 15618 Niagara River Parkway contains a two-storey single-detached dwelling
- Surrounding lands used for rural residential and agricultural purposes



Conceptual Plan



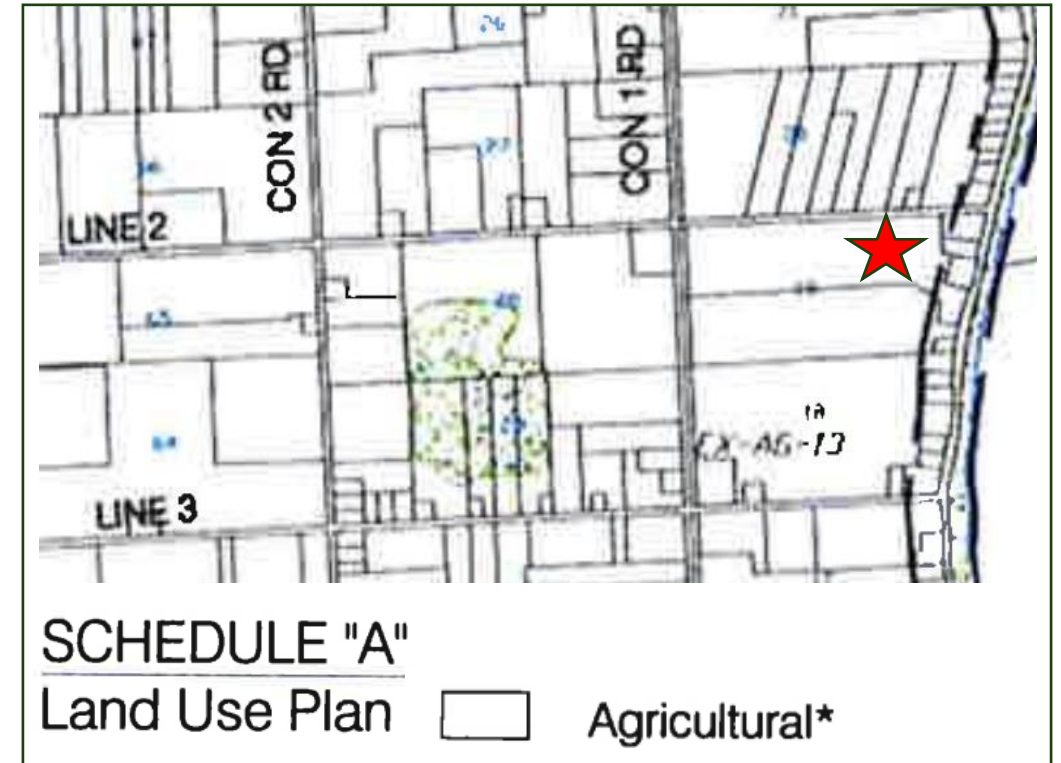
Policy: Provincial & Regional Policies

Plan	Designation
Provincial Policy Statement, 2020	Prime Agricultural Area – Specialty Crop Area
Greenbelt Plan, 2017	Specialty Crop Area (Niagara Peninsula Tender Fruit and Grape Area)
Niagara Official Plan, 2022	Specialty Crop Area

- The above designations permit minor boundary adjustments, provided that the adjustment does not result in the creation of a new lot for a residential dwelling and there is no increased fragmentation of a key natural heritage feature or key hydrologic feature

Town Official Plan, 2017, as amended

- Designated “Agricultural”
- Consents are permitted in the agricultural area for minor boundary adjustments, provided that:
 - The boundary adjustment is minor;
 - The parcel retained is large enough to support a potentially viable farm operation;
 - The consent complies with other policies of the Plan; and,
 - The consent does not create a separate lot for a residential dwelling



Zoning By-law 500A-74, as amended

- 15608 Niagara River Parkway is zoned “Rural (A) Site Specific Zone” under By-law No. 500XC-18
 - Permits an estate winery and secondary uses, such as retail, hospitality room and patio, and event area
- 15618 Niagara River Parkway is zoned “Rural Residential (RR) Site Specific Zone” under By-law No. 500XC-18
 - Permits a single-detached dwelling, country inn and a hospitality space associated with Reif Estate Winery



Requested Zoning

- The Application is made to rezone a portion of the lands municipally known as 15608 Niagara River Parkway to an existing “Rural Residential (RR) Site-Specific Zone” which applies to 15618 Niagara River Parkway
- The application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway:
 - Under Zoning By-law 500A-74, as amended, estate wineries are required to have a minimum building setback of 15 metres from all property lines
 - Relief is being requested to allow a setback of 12 metres from an existing administrative building to the property line

Consultation: Town, Agency and Public Comments

Town Departments

- Finance – No objection.
- Operations – No objection.

Agencies

- Enbridge Gas – No objection.
- Hydro One – No objection.
- Niagara Parks Commission – No objection, require a road widening along the front of 15618 Niagara River Parkway.
- Niagara Peninsula Conservation Authority – No objection.

Public

One (1) resident attended the Open House held on July 9, 2024, who asked questions of clarification regarding the application. No public comments have been received to date.

Next Steps

- Review the Application materials
- Comments provided to the Applicant
 - Applicant given opportunity to respond to comments and/or make revisions
- Provide future recommendation report to Council





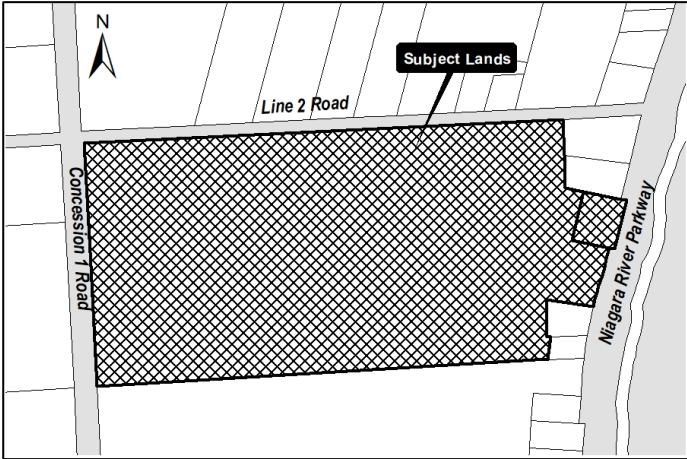
Thank you. Any Questions?

John Federici, Senior Planner
john.federici@notl.com
905-468-6441





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Where:	Open House: Electronically via the directions below Public Meeting: In-person at the Town Hall, Council Chambers, 1593 Four Mile Creek Road, Virgil, or electronically via the directions below
Regarding:	File No. ZBA-07-2024 – 15608 and 15618 Niagara River Parkway, Niagara-on-the-Lake



What is this?	<p>An application has been received for a Zoning By-law Amendment on the subject lands (see location map). The application proposes to rezone a portion of the lands municipally known as 15608 Niagara River Parkway to an existing “Rural Residential (RR) Site-Specific Zone” which applies to lands known municipally as 15618 Niagara River Parkway, enacted through By-law No. 500XC-18. The application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway.</p>	
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Dialogue is encouraged:	<p>You are invited to attend the Open House and Public Meeting to gather information and provide input regarding this matter.</p> <p>Town Hall is open for the public to attend Committee of the Whole and Council Meetings, including Public Meetings, in-person. Alternatively, the public will continue to have the option to register in advance to participate electronically.</p> <p>The Open House will continue to be held electronically at this time.</p> <p>If you wish to participate electronically at the Open House or Public Meeting, you must register in advance with Town Staff as noted below. You will receive an email on the date of the meeting with instructions to connect to the Open House and/or Public Meeting on your computer, tablet or telephone.</p> <ul style="list-style-type: none"> • Open House – John Federici (john.federici@notl.com or 905-468-3266 ext.323) (register as soon as possible but prior to 12 noon on Tuesday, July 9, 2024) • Public Meeting – Clerks Department (clerks@notl.com or 905-468-3266) (register as soon as possible but prior to 12 noon on Monday, July 15, 2024) <p>If you wish to attend the Public Meeting in-person, registration with the Clerk is appreciated.</p> <p>If you wish to view the Open House and/or Public Meeting for information purposes, registration is not required. The meetings will be recorded and available for viewing after the meetings on the Town’s website at https://www.notl.com/council-government/mayor-council/meetings-agendas-minutes</p> <p>Please Note: Written comments on the application are encouraged and must be submitted to the Town Clerk, at 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0 or via</p>
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	<p>email at clerks@notl.com referencing the above file number. Unless indicated otherwise, all submissions, including personal information, will become part of the public record.</p>
	<p>For more information:</p> <p>A copy of the application and supporting documents for the proposal may be obtained on the Town’s website at http://www.notl.com/business-development/public-planning-notice or at the Community and Development Services Department within Town Hall.</p> <p>Please contact John Federici, Senior Planner, at 905-468-3266 ext. 323 or via email at john.federici@notl.com if additional information is required.</p>
	<p>If you wish to be notified of the future decision with respect to the application, you must submit a written request to the Town Clerk including your name and the address to which such notice should be sent.</p> <p>If a person or public body does not share their views in writing to the Town Clerk or orally at a statutory Public Meeting before a decision is made, the person/public body:</p> <ul style="list-style-type: none">a) Is not entitled to appeal the decision of the Town of Niagara-on-the-Lake to the Ontario Land Tribunal; andb) May not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. <p>Please note that third party appeals are restricted for this application as per Bill 185, Cutting Red Tape to Build More Homes Act, 2024. <i>Planning Act</i> appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the <i>Planning Act</i> 1(1)), and any “public body” (as defined by the <i>Planning Act</i> 1(1)).</p> <p>Dated at the Town of Niagara-on-the-Lake, June 21, 2024 Grant Bivol, Town Clerk</p>

Shannon Mista

From: no-reply@web-response.com on behalf of Town of Niagara-on-the-Lake <no-reply@web-response.com>
Sent: Friday, July 12, 2024 9:18 AM
To: Clerks
Subject: Webform submission from: Delegation Request Form

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Fri, 07/12/2024 - 09:18

Submitted by: Anonymous

Submitted values are:

Information

Name

John Gibson

Organization Name

Resident of Niagara-on-the-Lake

Address

[REDACTED]

Email Address

[REDACTED]

Telephone Number

Home: [REDACTED]

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have spoken on this issue before, and would like to provide specific new information I wish Council to review

The specific new information I wish Council to review is as follows:

Clarification on how Staff can come to a recommendation when the 'heritage' aspect of this application has not been

resolved. (see minutes from the town's Heritage Committee meeting on this matter).

Clarification, if a severed lot is permitted, who will develop it. What will the set-backs be? Will there be an opportunity for community input on this new proposed residence.

Share with Council new safety concerns regarding entering and exiting off a Simcoe Street

Terms

I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior the scheduled meeting.

Yes

Meeting Time

I wish to appear before:

Committee of the Whole

Date

Tue, 07/16/2024 - 00:00

Presentation Requirements

Do you have a visual presentation (slideshow or photos) to accompany your delegation?

No

I agree

Yes

Delegation

I will be appearing:

In person

I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior to the scheduled meeting.

Yes

I acknowledge I have 10 minutes to delegate

Yes

I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream

Yes

Do you require accessible accommodation to participate:

No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

Yes

July 16th, 2024

Thank you Mr. (Madame) Chair and Good Evening

My first topic of concern is how Staff can come to a recommendation on the 187 Queen Street application when the “heritage” aspect of this application has not been adequately resolved. I refer Council to the May 1st meeting of the Town’s Heritage Committee. While the proponent has made some significant adjustments to meet the Committee’s concerns, these are yet to be assessed anew by the Heritage Committee. I would like to emphasize to the Committee of the Whole also that the Niagara Region in their June 10th letter attached in Appendix V, while generally not raising objection to the by-law amendment, did state it was **‘subject to local requirements including those pertaining to cultural heritage’**. It seems that this is one of the few discretionary planning tools that the province and the region have left us. Accordingly, I hope that Council would pause to allow the Heritage Committee to complete their process.

My other concern relates to safety, both pedestrian and road traffic, on Simcoe Street. As the immediate neighbour north of the proposed lot 1 on Simcoe Street, my wife and I can attest to the safety problems we are constantly confronted with entering and exiting our driveway. Aside from the vehicular traffic that normally flows up and down the street, there are the parking areas for the Charles Inn and the Golf Club which yield additional traffic. To this must also be added the obscuring of sightlines by delivery trucks -Modern Garbage, Sysco, landscapers’- parked on the left hand side of the road near the Inn, along with boulevard trees, both private and public. Parked cars (paid parking) on the right side of Simcoe Street, particularly on weekends and the summer months again adds visual problems to one trying to exit their property. I wish that the Town would exam this problem and eliminate some of the parking spaces adjacent to driveways.

To this already difficult situation must be added the pedestrian traffic. In addition to a steady stream of town visitors, increasingly year round, there are the dog walkers, runners and bicyclists and in season, golfers with their carts. While many of them are alert to cars attempting to exit their driveways, the onus is clearly on the local resident to be wary. Often we need a second person to stand out on the road to direct our cars to exit safely.

When considering this application, we would ask that the transport implications of adding another driveway close to the Simcoe/Queen Street intersection should be factored in. The ability to turn a car around, as presently is the case, on the severed lot is important as well as the minimum front yard setbacks. Please give close scrutiny to this safety issue.

Thank you

Shirley and Ian Gibson

172 Simcoe Street

Shannon Mista

From: no-reply@web-response.com on behalf of Town of Niagara-on-the-Lake <no-reply@web-response.com>
Sent: Sunday, July 14, 2024 7:43 PM
To: Clerks
Subject: Webform submission from: Delegation Request Form

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Sun, 07/14/2024 - 19:43

Submitted by: Anonymous

Submitted values are:

Information

Name

Gracia Janes

Organization Name

The Niagara-on-the-Lake Conservancy

Address

[REDACTED]

Email Address

[REDACTED]

Telephone Number

[REDACTED]

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have spoken on this issue before, and would like to provide specific new information I wish Council to review

The specific new information I wish Council to review is as follows:

My remarks will be directed towards the extensive background information in and attached to CDS -24-104, in relation

to the lack of evidence that this heritage lot should be used to meet density requirements ,affordability of housing, a complete community, more efficient use of "of a large residential parcel " , in any reasonable way contribute towards active transportation and use of municipality services, and a "vibrant " community.

Terms

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Yes

Meeting Time

I wish to appear before:
Committee of the Whole

Date

Tue, 07/16/2024 - 00:00

Presentation Requirements

Do you have a visual presentation (slideshow or photos) to accompany your delegation?

No

I agree

Yes

Delegation

I will be appearing:

In person

I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior to the scheduled meeting.

Yes

I acknowledge I have 10 minutes to delegate

Yes

I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream

Yes

Do you require accessible accommodation to participate:

No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

Yes

Shannon Mista

From: no-reply@web-response.com on behalf of Town of Niagara-on-the-Lake <no-reply@web-response.com>
Sent: Friday, July 12, 2024 11:44 AM
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Submitted on Fri, 07/12/2024 - 11:43

Submitted by: Anonymous

Submitted values are:

Information

Name

Ken Burr

Address

[REDACTED]

Email Address

[REDACTED]

Telephone Number

Cell: [REDACTED]

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have spoken on this issue before, and would like to provide specific new information I wish Council to review

The specific new information I wish Council to review is as follows:

Keeping or replacing the row of trees nearest the east property line and adding trees along the east property where there are no trees

Terms

I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to clerks@notl.com no later than 12:00 p.m. on the Monday prior the scheduled meeting.

Yes

Meeting Time

I wish to appear before:

Committee of the Whole

Date

Tue, 07/16/2024 - 00:00

Presentation Requirements

Do you have a visual presentation (slideshow or photos) to accompany your delegation?

No

I agree

Yes

Delegation

I will be appearing:

In person

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Yes

I acknowledge I have 10 minutes to delegate

Yes

I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream

Yes

Do you require accessible accommodation to participate:

No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

Yes

Town of Niagara-on-the-Lake

Committee of the Whole

2024-07-16

Subject: Konik Estates Phase 2 Subdivision and Condominium ZBA=02-2024,
26T-18-24-02, and 26CD-18-24-01

Submitted by Ken Burr

23 Riesling Drive, NOTL

I am speaking as one of the Directors of the Vineyard Community Association 2.

1. We agree with the planning department's recommendations 1.1 through 1.5 of report CDS-24-123
2. Tree Removal: "Where it is unavoidable, that trees are to be removed, it shall be required as a condition of any redevelopment that the proposal shall plant trees of a similar or comparable species on the site." We agree with this statement. "Staff are recommending that a row of trees along the eastern boundary of 488 Line 2 Road be maintained to assist in transition between the phases of development. A condition has been included to require an assessment of trees be completed to confirm these boundary trees are in good health. Should the assessment determine a tree is in poor health, a mature coniferous tree will replace it." We have a question about what is a "mature" tree. 6 feet tall, 10 feet tall?
3. Fencing: "Conditions of draft plan approval has been included to require the maintenance of a row of trees along the eastern boundary of the subject lands, as well as fencing." We will work with Gray Forest to design the fencing.
4. We agree that single family homes along the eastern boundary of the property are consistent with the Vineyards subdivision.
5. We realize that Line 2 Road will be reconstructed in the near future. We are concerned about the congestion at the intersection of Niagara Stone Road and Line 2. It is difficult to turn left off of Line 2 onto Niagara Stone Road

Thursday to Sunday evening now. It will become more difficult with the increased level of vehicle traffic.

6. Riesling Drive and Pinto Trail are private roads in the Vineyards Community. The fire code restricts these roads to no parking. We are concerned about construction equipment being parked on these roads, particularly during the construction of the town homes on Line 2 and the restructuring of Frontier Drive.

From: no-reply@web-response.com on behalf of [Town of Niagara-on-the-Lake](#)
To: [Clerks](#)
Subject: Webform submission from: Delegation Request Form
Date: July 15, 2024 11:04:02 AM

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Submitted on Mon, 07/15/2024 - 11:03

Information

Name

Catherine Lowrey

Address

[REDACTED]

Email Address

[REDACTED]

Telephone

[REDACTED]

Number

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have never spoken on this issue before

For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:

Konik Estates Phase 2 Subdivision and Condominium ZBA-02-2024, 26T-18-24-02, and 26CD-18-24-01, CDS-24-123

- If possible I would like to address the recommendation put forward by the town staff for preserving a single row of trees.
- I appreciate the staff recommendation taking into consideration the concerns of the

neighbours and the council members.

- However, I'm concerned that the recommendation doesn't take into consideration several factors that might impact the success of the proposal.
- Leaving only a single row while removing 90% of the trees might irrevocably damage the ecosystem for the remaining trees and severely limit any chance of their long term survival.
- Further, who would own the trees that are preserved? Will they be located in the backyards of the new property owners? Will there be any ongoing maintenance or protection provided?

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Meeting Time

I wish to appear before:

Committee of the Whole

Date

Tue, 07/16/2024 - 00:00

Presentation Requirements

Do you have a visual presentation (slideshow or photos) to accompany your delegation?

No

I agree

Yes

Delegation

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I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream

Yes

Do you require accessible accommodation to participate:

No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

Yes

Members of Town Council,

My name is Catherine Lowrey and I live at 46 Pinot Trail.

I want to start by saying that I appreciate that the staff incorporated the concerns of the community members and councilmembers regarding the trees and wildlife, and have recommended preserving a single row of trees. However, I'm wondering if there are some things that haven't been fully considered about the ultimate success of this proposal. I'd like to ask that before this is approved, there be a more thorough discussion of the details of the proposed solution.

It's important to remember that preserving a single row of trees would still result in the destruction of 720 mature trees, approximately 90% of the remaining tree stand. This many trees growing together stop being single trees and become one large organism that depends on all the parts to remain healthy. At this point, we can't think of this as simply tree removal, this is the destruction of a forest.

In a tree stand like this, the root systems develop soil balance and a communication system within the soil that would be likely be irrevocably damaged if 90% of the other trees were removed.

Similarly, trees that grow this closely together tend to depend on the other trees to protect from extreme weather and high winds. Leaving a single row would all but eliminate this protective effect leaving these trees vulnerable to harsher elements.

All this to say, my fear is that leaving only a single row of trees would set those trees up for failure and we would see a large portion of them die within a few years. Perhaps a professional arborist could consult on whether leaving at least two or three rows of trees would result in greater tree survival.

At this time, it is crucial that we preserve as much mature forests in our area as we can. This is a well-established woodlot that provides habitat for many species of wildlife (including as identified in the new environmental assessment mentioned in this report, species of at-risk birds as well as birds covered under the migratory bird act), areas for important native plants to grow and also offers health benefits to the inhabitants of our town that you cannot put a price tag on. Exposure to natural areas significantly enhances physical and mental well-being. This is particularly evident in children, and growing up around nature instills a sense of responsibility to the environment.

I urge the town and Gray Forest to continue to work together to protect more than just a single row of trees.

I have some specific questions about the current recommendations:

When initially replacing any unhealthy trees, what constitutes a mature coniferous tree?

Once the trees are protected, who would they belong to?

Would they be in the backyards of the residents of the new development or would they remain between both yards?

Will there be ongoing protection and maintenance of the trees?

Once again, thank you all for your efforts and for this chance to speak to our concerns.

Thank you.

Catherine Lowrey

From: no-reply@web-response.com on behalf of [Town of Niagara-on-the-Lake](#)
To: [Clerks](#)
Subject: Webform submission from: Delegation Request Form
Date: July 15, 2024 12:08:05 PM

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Submitted on Mon, 07/15/2024 - 12:08

Information

Name

Ellen Qualls

Organization Name

self

Address

[REDACTED]

Email Address

[REDACTED]

Telephone Number

[REDACTED]

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have never spoken on this issue before

For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:

Proposed Delegation on the topic of Consent Agenda item 8.3: Konik Estates Phase 2 Subdivision and Condominium ZBA-02-2024, 26T-18-24-02, and 26CD-18-24-01, CDS-24-

123a.

Speaker: Ellen Qualls, 353 William Street, Niagara-on-the-Lake, ON. (703.463.6053)

Thank Mr. Lord Mayor and members of Council, as well as town staff. I am Ellen Qualls from 353 William Street here in the Old Town of Niagara-on-the-Lake. My spouse grew up in NOTL. I started coming here to visit family 22 years ago. And we have owned our home here since 2013.

Thank you to the councilmembers who have spoken up on this matter and others in support of trees, thoughtful planning, and parkland.

The way I read the staff recommendation on the matter of Konik Estates Phase 2, part of your consent agenda tonight, is that while the removal of 800 mature trees — which the recommendation acknowledges support both rare bird species and migratory bird species — would be banned by both the town and the regional tree by-laws, because a developer has submitted a plan, for some reason, the logic of the by-laws does not apply.

Nevertheless, the recommendation is to leave a thin strip of trees. Thank you.

As a practical matter, that is likely to yield not much more than screening, and loss of remaining trees due to stress and depletion of their root systems and soil. But I would encourage you to remove this item from the consent agenda and get more answers.

Stepping back for a moment, and explaining why I care about trees in Virgil — I do want to make the key point that stewardship of this community is about so much more than expanding the tax base. It is about the care for and nurturing of the people who live here and the environment that supports their health and wellbeing.

I can't imagine that Konik Estates will be considered affordable housing that could support people who hold critical jobs in this community.

We cannot plant 40 year old trees. And frankly, the heating climate won't give us 30 healthy and liveable years for our kids to wait for trees developers plant today to become 40 year old trees.

We can't destroy forests and expect that ornamental trees interrupted by driveways and chemically-soaked lawns will support nature, biodiversity, and ecosystems.

And as a reminder, Niagara-on-the-Lake has one of the lowest and least healthy tree canopies in the region.

Thank you for your service to this community and for continuing to try to balance these concerns.

Terms

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Yes

Meeting Time

I wish to appear before:
Committee of the Whole

Date
Tue, 07/16/2024 - 00:00

Presentation Requirements

Do you have a visual presentation (slideshow or photos) to accompany your delegation?
No

I agree
Yes

Delegation

I will be appearing:
In person

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Yes

I acknowledge I have 10 minutes to delegate
Yes

I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream
Yes

Do you require accessible accommodation to participate:
No

Privacy Disclaimer

I have read and understand the above Privacy Disclaimer.

Yes

Shannon Mista

From: no-reply@web-response.com on behalf of Town of Niagara-on-the-Lake <no-reply@web-response.com>
Sent: Monday, July 15, 2024 10:03 AM
To: Clerks
Subject: Webform submission from: Delegation Request Form

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Submitted on Mon, 07/15/2024 - 10:02

Information

Name

William Heikoop

Organization Name

Upper Canada Consultants

Address

3-30 Hannover Drive
St. Catharines. L2W 1A3

Email Address

[REDACTED]

Telephone Number

Office: [905-688-9400](tel:905-688-9400)

Presentation

Agenda Delegation

Agenda Delegation

Topic

I have never spoken on this issue before

For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:

- Responding to questions posed regarding the proposed planning applications.

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Committee of the Whole

Date

Tue, 07/16/2024 - 00:00

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Yes



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-085
COMMITTEE DATE: 2024-07-16
DUE IN COUNCIL: 2024-07-30
REPORT TO: COTW-Planning
SUBJECT: 308 Four Mile Creek Road – OPA-08-2023, ZBA-18-2023, 26CD-18-23-01

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Official Plan Amendment (File No. OPA-08-2023) for lands municipally known as 308 Four Mile Creek Road, **BE APPROVED**, and that the draft Official Plan Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption;
- 1.2 The Application for Zoning By-law Amendment (File No. ZBA-18-2023) for lands municipally known as 308 Four Mile Creek Road, **BE APPROVED**, and that the draft Zoning By-law Amendment, attached as **Appendix V** to this report, be forwarded to Council for adoption;
- 1.3 The Application for Draft Plan of Vacant Land Condominium (26CD-18-23-01) for lands municipally known as 308 Four Mile Creek Road, attached as **Appendix I** to this report, **BE APPROVED** subject to the conditions contained in **Appendix VI** to this report; and
- 1.4 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium for 308 Four Mile Creek Road, as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to the Committee and Council regarding applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the development of nine (9) block townhouse dwelling units, with a portion of the subject lands identified for future development (Phase 2), to be accessed via a private road, located at 308 Four Mile Creek Road.
- The Official Plan Amendment proposes to redesignate a portion of the lands from "Prestige Industrial (Cannery Park)" and "Conservation" to "Low Density Residential" and site-specific "Conservation" to facilitate residential uses, refine the boundary of the environmental conservation area and allow for a private road.
- The Zoning By-law Amendment proposes to rezone the subject lands from "Enterprise (E-17) Site-Specific Zone" and "Enterprise (E) Zone" to "Residential Multiple (RM1-H) – Site-Specific Holding Zone" and "Open Space (OS) Site Specific Zone" based on the condominium layout. Site-specific provisions are included to allow for a private road, for minimum front yard setback from a private road, minimum rear yard setbacks, maximum

garage door width and garage setback from the front face of a dwelling, minimum interior side yard setback, minimum distance between buildings on the same lot, and encroachment into the front yard and rear yard for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition.

- The Draft Plan of Vacant Land Condominium proposes the creation of nine (9) block townhouse dwelling units to be accessed via a private road, with common elements for landscaping, the private road, and environmental conservation area, and identifies a portion of the subject lands for future development (Phase 2).
- No proposals or applications have been submitted for the future development of the Phase 2 lands.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms with the intent of Provincial, Regional, and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee and Council regarding Applications under the *Planning Act* for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium for the proposed residential development comprised of block townhouses at 308 Four Mile Creek Road.

The Applications would facilitate the development of nine (9) block townhouse dwelling units and identify a portion of the subject lands for future development (Phase 2). The owner has completed all works associated through a Niagara Peninsula Conservation Authority permit to realign the Four Mile Creek watercourse and establish an appropriate environmental buffer for the watercourse. The portions of land containing the watercourse and its associated buffer are to be protected.

The Official Plan Amendment proposes to redesignate a portion of the lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential” and site-specific “Conservation” to facilitate residential uses, refine the boundary of the lands designated as “Conservation” in line with the realignment works already undertaken, and allow for a private road and infrastructure subject to approval from the Niagara Peninsula Conservation Authority.

The Zoning By-law Amendment proposes to rezone a portion of the subject lands from “Enterprise (E-17) Site Specific Zone” and “Enterprise (E) Zone” to “Residential Multiple (RM1-H) – Site-Specific Holding Zone” and “Open Space (OS) Site-Specific Zone” based on the condominium layout. Site-specific provisions are included for minimum front yard setback from a private road, minimum rear yard setbacks, maximum garage door width and garage setback from face of dwelling, minimum interior side yard setback, minimum distance between buildings on the same lot, and encroachment into the front yard and rear yard for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition. The portions of the subject lands that comprise the realigned watercourse and associated buffer lands will be zoned to only permit conservation area uses. Through discussion with the Niagara Peninsula Conservation Authority, a private road and infrastructure may be permitted in a portion of the conservation area, subject to their approval .

The Draft Plan of Vacant Land Condominium, attached as **Appendix I** to this report, proposes to establish nine (9) units for residential development and one (1) block for future development (Phase 2), which will be accessed via a private road which connects to Four Mile Creek Road. The Applications were deemed complete on August 29, 2023. The applicant signed a waiver agreement to continue to work with the Town.

4. BACKGROUND

The subject lands are located on the west side of Four Mile Creek Road, north of York Road, and south of Millpond Road within the Urban Area of St. Davids. The Four Mile Creek is located on the western and central portions of the property. The creek was re-aligned under a permit from the Niagara Peninsula Conservation Authority (the “NPCA”) to enhance the natural flow of the watercourse and to accommodate future development in a more efficient manner. The development portion of the subject lands is located adjacent to the realigned watercourse and its associated buffer lands. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands are approximately 1.5 hectares (3.7 acres) in area and consist of one parcel that is parted by the creek, with 212 metres of frontage along Four Mile Creek Road. The proposed condominium lands are 0.909 hectares (2.24 acres) in area and contain one (1) single-detached dwelling located at the southern end of the property.

The grade of the property slopes from south to north, with a significant slope just south of the creek. There are some mature trees on the property, including a row of cedar trees along the north property line. Municipal infrastructure, including watermains, sanitary sewers and storm sewers, exist along Four Mile Creek Road.

The surrounding lands contain residential uses to the north and south of the subject lands, with agricultural uses to the west, and industrial and commercial uses to the east.

5. DISCUSSION / ANALYSIS

The Applications have been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable policies and legislation are provided in **Appendix III** to this report.

5.1.1 Planning Act, R.S.O 1990, c. P13

The Applications support the matters of provincial interest, are consistent with policy statements, and conform with the intent of provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “settlement area” according to the Provincial Policy Statement, 2020 (PPS), within the “Delineated Built-up Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), “Townships/Villages” within the “Protected Countryside” in the Greenbelt Plan, 2017 (Greenbelt Plan), and are within the urban settlement area of St. Davids, which is identified as a “Minor Urban Centre” in the Niagara Escarpment Plan, 2017. The Niagara Official Plan, 2022 (the “NOP”) designates the subject lands as “Delineated Built-up Area.”

5.1.2.1 Employment

Provincial and Regional planning documents provide direction for municipalities to designate and preserve lands for employment within settlement areas. Policies provide particular consideration for lands located adjacent to or near major goods movement facilities and corridors for manufacturing, warehousing and logistics. An important distinction is made between lands that are located within Employment Areas and employment lands outside of Employment Areas, since separate policy requirements are associated with each.

Employment Areas are Regionally identified and designated to accommodate a specific amount of employment allocated to the Region by the Province. The Growth Plan provides policy which directs that these lands may only be converted to non-employment uses through a Regional municipal comprehensive review subject to specific criteria being met. The subject lands are not considered as an Employment Area.

The subject lands are identified locally as employment lands located outside of a Regionally identified Employment Area. Provincial and Regional policies require that consideration may be given to a land use change for employment lands outside of an Employment Area where the development will retain space for a similar number of jobs to remain accommodated on site. Staff have evaluated the Applications in the context of this policy direction, the technical work submitted to support the Applications, and the feasibility of the subject lands to build out as an employment use. The technical work submitted to support the employment lands conversion on the subject lands included a Conversion Justification and a Review of the Preliminary Niagara Region Land Needs Assessment and Employment Land Conversion Justification, which were summarized and built upon in the Planning Justification Report (PJR) submitted. Further justification was also provided to support the conversion in response to comments.

The Official Plan Amendment application proposes to redesignate the development portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential” to facilitate residential uses. The Town OP sets out policies to protect employment lands from inappropriate conversion to non-employment uses. Conversion of employment lands to non-employment uses must demonstrate that:

- There is a need for the conversion;
- The Town will meet employment targets allocated to the Town;
- The conversion will not adversely affect the overall viability of the employment area and the achievement of the Town’s density targets;
- The lands are not required over the long term for the employment purposes for which they are designated;
- Cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered; and,
- The conversion of employment lands to another land use will not adversely impact the development of lands already designated and planned for such other uses.

The need for the conversion has been examined in the context of the documents submitted in support of the Applications and the location and size of the site. Staff accept the applicants assertion that future employment uses on the subject lands would be constrained by the developable area associated with the portion of the site identified for employment uses.

Further, the southern portion of the subject lands is identified for residential uses, and there are residential uses to the north of the subject lands. This would limit the types of employment uses that would be able to locate on the subject lands with respect to potential compatibility concerns related to noise, odour or dust impacts on the adjacent and abutting residential lands. It is noted that Official Plan Amendment No. 48 redesignated employment lands to the north of the subject lands for residential subdivisions, and that the subject lands are a remnant piece of land remaining from a larger former employment designation.

The Region, as part of its municipal comprehensive review process, completed a Land Needs Assessment to determine whether sufficient Regionally identified Employment Area lands were available to accommodate the employment targets assigned by the province. Through this work, it was determined that there is a sufficient land supply within Regionally identified Employment Areas to accommodate the employment targets allocated to the Town.

The submitted Planning Justification Report identifies that, while the lands are currently vacant, if the subject lands were used for employment purposes, it is estimated that 6.6 jobs could be accommodated on the subject lands based on the assumptions from the Niagara Region Development Charges Background Study, 2022. The PJR further estimates that the proposed residential development could yield a population of approximately 32 people. Based on this population yield, the PJR estimates that the proposed development could potentially accommodate 10-15 jobs through a live-work situation, which is supported by Census data which demonstrates that the proportion of the population working from home has increased. Staff are satisfied that the 6.6 jobs that would have otherwise been accommodated on the subject site will be retained on the subject lands, given that work from home rates have increased since the COVID-19 pandemic.

A Noise Feasibility Study was submitted with the Applications, discussed above, which determined that potential adverse noise impacts from existing industrial uses in proximity to the subject lands can be appropriately mitigated. As such, Town staff do not anticipate that the proposed conversion would have an impact on the long-term viability of nearby industrial uses, and do not anticipate that these uses would have an impact on proposed residential uses.

Staff have reviewed the analyses provided by the applicant and accept that future employment uses on the subject lands would be constrained by the developable area associated with the portion of the site designated and zoned for employment uses. The southern portion of the subject lands is designated and zoned for residential uses, and there are residential uses to the north of the subject lands, which would limit the types of employment uses that would be able to locate on the subject lands with respect to potential compatibility concerns related to noise, odour or dust impacts on the adjacent lands. Additionally, the site does not have direct access to a 400 series highway and is a remnant parcel of vacant employment land in Cannery Park.

5.1.2.2 Land Use Compatibility

Provincial planning documents require that major facilities (including manufacturing uses and industries) and sensitive land uses are to 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, and minimize risk to public health and safety. The subject lands are located west of existing industrial and commercial uses which front onto Four Mile Creek

Road, including cold storage, a food manufacturer, chocolate factory, veterinary clinic, and offices.

A Noise Feasibility Study was completed to evaluate potential impacts from the industrial and commercial uses noted above and from traffic on Four Mile Creek Road to the proposed sensitive (residential) land uses and to identify mitigation measures to address such impacts. The Study indicated that future traffic levels will exceed the Ministry of the Environmental, Conservation and Parks (the “MECP”) guidelines for all dwellings fronting onto Four Mile Creek Road. The Study further indicated that the sound levels of surrounding commercial and industrial uses are expected to be within the applicable MECP criteria at the proposed residential uses. To mitigate road traffic noise, the Study recommended that future dwelling units be equipped with forced air ventilation systems with ductwork sized for future installation of central air conditioning, and that for any exterior wall a double-glazed window that meets Ontario Building Code requirements is installed to provide adequate sound insulation. To ensure that the recommendations of the Noise Feasibility Study are implemented, Conditions of Draft Plan approval have been incorporated to address potential noise impacts.

5.1.2.3 Housing

Provincial and Regional planning documents encourage efficient development patterns that provide a variety of housing options, optimize the use of land, resources and public investment in infrastructure and public service facilities, and consider impacts to climate change. The Applications align with Provincial and Regional policies to provide additional housing and a more diverse housing stock to address current housing needs.

The proposal is for block townhouse dwelling units, which will assist in diversifying the housing stock in the St. Davids Urban Area, and the Town overall. These townhouse units, as well as the proposed additional dwelling unit within each townhouse, would cater to residents of different age groups, lifestyles, incomes and household sizes. Under the *Planning Act*, an additional dwelling unit would be permitted within the primary dwelling unit as of right. The compact built form proposed would make efficient use of existing infrastructure and will support the Town in achieving its minimum intensification rate of 25% as set out in the NOP.

5.1.2.4 Natural Heritage System

Provincial and Regional planning documents direct that environmental and natural heritage features are to be protected and wisely managed in accordance with applicable policies. Natural features and areas should be protected for the long term and the diversity and connectivity of natural features and ecosystem function should be maintained, restored or where possible, improved.

Within the Escarpment Plan Area, the Niagara Escarpment Plan directs that development and growth should be limited to minimize land use conflicts, and all development should be of a design compatible with the scenic resources of the Escarpment. Further, development and growth should be minor only, relative to the size and capacity of the settlement area to absorb growth within the urban areas of St. Davids. Concentrating growth to urban areas in St. Davids allows for the preservation of Escarpment Natural Areas and Escarpment Protection Areas and the scenic resources and open space character of the Niagara Escarpment.

The Region has advised in the comments provided that, per policy 3.1.30.3.1 of the NOP, any required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed. Accordingly, the environmental policies of the previous Regional Official Plan apply to the Applications.

Regional Environmental Planning staff have reviewed the Applications in the context of the policy direction of the previous Regional Official Plan (2014 Consolidation) and the work that has been undertaken to re-align the watercourse on the subject lands through NPCA Permit. Regional staff are satisfied with the measures outlined in the NPCA work permit, which includes a requirement to plant and maintain a 15-metre naturalized buffer adjacent to the watercourse. Conditions of Draft Plan Approval have been included to implement this required naturalized buffer and the approval and implementation of a detailed landscape plan, in addition to other environmental best management practices.

NPCA Staff have reviewed the Applications and have confirmed that the works associated with the above-noted work permit to realign the watercourse are complete. The NPCA is supportive of the Applications provided that the common element block which contains the watercourse is placed within an environmental conservation zone, and subject to Conditions of Draft Plan Approval related to NPCA review and approval of detailed design drawings and documents. NPCA Staff is requiring that the applicant construct a chain link fence along the environmental buffer for the creek to protect the environmental area. It is noted that there were comments received during the Public Meeting from a resident regarding a turtle that has been sighted near the subject lands. The chain link fencing along the creek block and environmental buffer will establish a boundary to contain any wildlife such as the turtle sighted within the watercourse. The chain link fence will also ensure that the creek cannot be accessed by residents as no gates will be permitted.

Town Staff have maintained the Conservation designation on the subject lands for the portions of the property that comprise the watercourse and associated buffer and have placed these lands into a site-specific zone which only permits conservation uses to ensure that these lands are protected over the long term.

Staff consider the Applications to be consistent with the PPS and conform with the intent of the Growth Plan, Niagara Escarpment Plan and NOP.

5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are identified as “Prestige Industrial (Cannery Park)” and “Conservation” on Schedule F, and “Built-up Area” on Schedule I-3 of the Town’s Official Plan (the “Town OP”). The subject lands are located within Special Policy Area A-3 (St. Davids) and are subject to the St. Davids Urban Design Guidelines. The Town OP designations on the subject lands are shown on **Map 2** of **Appendix II** to this report.

The Official Plan Amendment application proposes to redesignate a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential” and site-specific “Conservation” to facilitate residential uses, refine the boundary of the lands designated “Conservation” and allow for a private road and infrastructure subject to approval from the Niagara Peninsula Conservation Authority. The “Low Density Residential” designation permits Medium Density Residential uses, provided that the lands are placed in a

separate zoning category in the Zoning By-law to control height, density coverage, unit size and parking. The proposed townhouse dwelling units are considered as a Medium Density Residential use in the Town OP. Medium density residential development is also subject to the Medium Density policies of Section 9 and the St. Davids Secondary Plan policies, as discussed in the following sections.

5.1.3.1 Urban Design

The Applications are subject to the St. Davids Urban Design Guidelines (the “Design Guidelines”). The proposal was considered by the Urban Design Committee during the October 25, 2023, meeting. The Town’s Urban Design Committee provided the following recommendations:

- Architectural treatment should consider more varied colours and design; confirm garage doors are not more than 50% the width of the façade;
- Designs could consider rear garages similar to surrounding development accessed by small lane to the rear and therefore move dwellings closer to Four Mile Creek Road consistent with surrounding heritage structures and remove private road, recommend development is reviewed against and consistent with St. Davids Urban Design Guidelines;
- Landscaping should not use soldier-course plantings as this is not a formal setting, landscaping does not complement Four Mile Creek watercourse;
- Parking and Circulation should consider accommodation of guest parking; and
- Encourage Applicant to provide background regarding the Four Mile Creek watercourse and consideration of flooding in their reports.

The submitted PJR provides analysis in relation to applicable Town policies and outlines any potential impacts the development may pose to the surrounding area. A contextual analysis and streetscape study was completed to evaluate the surrounding land uses in the context of applicable policies in the Town OP. The proposed townhouse dwellings and the units of land within the Draft Plan of Vacant Land Condominium can be considered in keeping with the surrounding lands and compatible with existing residential uses due to the similar built form and setbacks.

Provisions have been included in the amending Zoning By-law to establish that garage doors will not exceed more than 50% of the width of the dwelling unit. Staff have considered the recommendation for rear garages accessed by a small lane to the rear. Maintaining vehicular traffic further from the re-aligned watercourse and associated buffer lands through maintaining garages at the front of the property is considered more desirable for the purposes of reducing impacts to the natural environment. Each unit is equipped with two parking spaces, including one garage space and one driveway space.

Staff consider the Applications to be consistent with the St. Davids Urban Design Guidelines, given that sidewalks are being provided along Four Mile Creek Road, natural features are being preserved and enhanced, street trees will be planted, a variety of setbacks are provided, and there is a requirement for a future detailed landscape plan. Further, garages are proposed to be setback from the main building façade to create a strong public realm within the condominium lands, which front onto Four Mile Creek Road. A Condition of Draft Plan

Approval has been included to review the building permit design to ensure alignment with the Design Guidelines prior to future development proceeding.

5.1.3.2 Employment Lands

Staff have completed a detailed analysis of the employment land conversion in Section 5.1.2.1 of this report. Please refer to this section for the analysis of the applicable employment policies in the Town OP.

5.1.3.3 Housing and Density

The Town OP supports intensification and infilling within appropriate areas throughout the Built-up Area in accordance with land use compatibility, urban design, and other applicable land use compatibility criteria. The Town OP sets out a target that a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area.

The General Residential Policies in the Town OP direct that density is a function of service capacity and typography, and that the visual impression of the Town is a low rise, low density small-town community. The Town OP directs that low density residential developments will not exceed a net density of 14 units per hectare and medium density residential developments will not exceed a net density of 30 units per hectare unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and which will be subject to a public review process. The proposed net residential density for the Applications is 20 units per hectare factoring in the additional dwelling unit for each townhouse, and as such the proposal does not exceed the maximum net density of 30 units per hectare. The proposal complies with the requirements of the Medium Density Residential designation. As noted, Medium Density Residential uses are permitted within the “Low Density Residential” designation.

The re-designation of the subject lands aligns with the Town’s Official Plan direction for a more diverse housing stock to address current housing needs. The Applications will add townhouse dwellings to the housing stock, which would cater to residents of different age groups, lifestyles, incomes, and household sizes. Staff are of the opinion that the proposed development is compatible with adjacent residential uses, and that it will contribute to assisting the Town in reaching its intensification target.

5.1.3.4 Archaeology

The following archaeological assessments were submitted with the applications:

- Stage 1-2 Archeological Assessment (portion of parcel east of the creek);
- Stage 1-2 Archeological Assessment (portion of parcel west of the creek);
- Stage 3 Archeological Assessment (portion of parcel west of the creek); and
- Stage 4 Mitigation of Impacts (portion of parcel west of the creek).

The first Stage 1-2 Archaeological Assessment assessed the portion of the parcel that is east of the Four Mile Creek (prior to the creek re-alignment), which is where the nine (9) townhouse dwelling units are proposed. The assessments concluded that no further archaeological work is recommended for this portion of the property as the investigation resulted in the identification and documentation of no archaeological resources. The Ministry of Citizenship and Multiculturalism (MCM) confirmed that all archaeological resource concerns associated with

this portion of the property met licencing and resource conservation requirements, and that the report has been entered into the Ontario Public Register of Archaeological Reports.

The second Stage 1-2 Archaeological Assessment assessed the remainder of the subject lands, which is identified to future development (Phase 2), being the lands west of the Four Mile Creek prior to its realignment. The Stage 2 assessment documented the discovery of two (2) sites, which fulfilled the criteria for a Stage 3 Archaeological Assessment, as determined by the licensed archaeologist. The Stage 3 assessment recommended that further Stage 4 works be undertaken for one (1) of the two (2) sites identified through the Stage 3 assessment. The Stage 4 Mitigation of Impacts report concluded that the remaining site is fully mitigated and is clear of any further cultural heritage value or interest, in the opinion of the licensed archaeologist. The MCM confirmed that there are no outstanding concerns for impacts to archaeological resources on the property, and that the report has been entered into the Ontario Public Register of Archaeological Reports.

The Region has included Conditions of Draft Plan Approval for the implementation of standard warning clauses to be inserted into the condominium agreement related to deeply buried archaeological materials that may be encountered during construction activities.

5.1.3.6 Site Condition

A Draft Phase I Environmental Assessment (“ESA”) was submitted with the Applications, which evaluated the entirety of the development lands for potential soil contamination and/or impacts, subject to the Ministry of the Environment Conservation and Parks (“MECP”) requirements under O.Reg 511/09. The portion of the subject lands which is south and west of the Four Mile Creek has historically been used for agricultural use as orchards from at least 1934 to approximately the 1980’s. The portions of the subject lands that are north and east of the Four Mile Creek were owned by the former cannery operation and comprised several buildings that were used to house migrant workers until approximately 1965 when the area was cleared for a gravel parking area. Recreational vehicle trailers were stored on this portion of the property from 2013 to 2020.

Given the prior uses on the property, the ESA identified potentially contaminating activities which took place on the subject lands which require further investigation. These are related to potential pesticides used for agricultural operations, and fuel storage tanks and an electrical transformer located on the adjacent property to the east. The ESA concluded that a Phase II Environmental Site Assessment will be required to assess the Areas of Potential Environmental Concern before a Record of Site Condition can be submitted.

Given that further work is required to assess the Areas of Potential Environmental Concern, Staff recommend that as part of the rezoning, a Holding symbol is placed on the subject lands. The Holding symbol would be removed upon the applicant confirming that any required remediation has been completed in combination with the filing of a Record of Site Condition with the MECP. The Region has included a Condition of Draft Plan Approval to ensure that this work is completed.

5.1.3.7 Servicing, Transportation and Pedestrian Connectivity

The policies of the Official Plan require that all urban development shall be serviced with full municipal services, including sanitary sewers, watermain and storm sewers. A Functional

Servicing Report (“FSR”) has been completed in support of the Applications. The FSR concludes that the existing 150 mm diameter watermain on Four Mile Creek Road is expected to have adequate capacity to provide domestic water supply and fire protection to service the development, and that the receiving 300 mm diameter sanitary sewers on Four Mile Creek Road will have adequate capacity to service the lands. Further, the FSR identifies that stormwater quantity controls are not required for Phase 1, given that the existing storm sewer on Four Mile Creek Road was sized to have adequate capacity to serve Phase 1. On site stormwater quantity controls will be provided for the Phase 2 lands, before discharging to the Four Mile Creek.

Staff have included Conditions of Draft Plan Approval to require the approval of detailed servicing plans to meet Town, Regional and Provincial standards to ensure that the appropriate construction and maintenance of infrastructure, and to ensure that the condominium corporation is responsible for the costs associated with ongoing site servicing internal to the subject lands.

With respect to pedestrian connectivity, the Region has required that a road widening be transferred along the frontage of the subject lands. The Applications provide for a sidewalk to be constructed within the road allowance to be transferred to the Region along Four Mile Creek Road, which will connect to the sidewalk that terminates at Millpond Road. This will improve pedestrian connectivity and access to the subject lands. Staff and the Region have included a Condition of Draft Plan Approval to address the requirement for the sidewalk.

A Site Distance Review was completed to support the Applications for the proposed driveway entrance to the private road to access the subject lands. The Site Distance Review concluded that there are no sight distance issues identified for the proposed site driveway onto Four Mile Creek Road, and that the driveway location meets the prescribed sight distances set out in applicable guidelines for a design speed of 60 km/hour. The Region has included a Condition of Draft Plan Approval for the applicant to submit an updated memorandum to confirm the gradient of the road and to further analyse the driveway location in the context of single-unit trucks.

5.1.3.8 Tree Protection and Preservation

An Arborist Report was submitted as part of the Applications to provide an inventory and description of trees within and adjacent to the subject lands, and to provide recommendations for tree preservation or removal based on tree health, condition, and potential for integration with the proposed development. A total of 23 trees were inventoried on and adjacent to the subject lands, of which 17 are identified for removal. A White Cedar hedge is also proposed to be removed. The remaining trees on the subject lands and abutting lands are recommended to be protected by implementing arboriculture best management practices included in the Arborist Report, in addition to the robust plantings that occurred through the NPCA work permit within the watercourse and associated environmental buffer area.

Comments were provided during the Public Meeting, which offered concerns regarding the preservation and protection of one tree on the adjacent property to the north. The submitted Arborist Report has set out specific instructions for tree protection measures on the adjacent property during site grading and construction, which have been reviewed and confirmed by the Town’s Urban Forestry By-law Enforcement Officer. Conditions of Draft Plan Approval have

been included for recommended tree protection measures, both on the subject lands and adjacent property, through adherence to the recommendations in the Arborist Report, documentation of the process undertaken by a Certified Arborist and the submission of a detailed landscape plan.

5.1.4 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated "Employment (Special Policy Area S4-19)", "Conservation", "Residential" and "Built-up Area" in the proposed Town Official Plan. An Official Plan Amendment would be required to address the change in land use to Residential and to refine the Conservation designation under the proposed Official Plan.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned "St. Davids Community Zoning District – Enterprise (E-17) Site-Specific Zone," "St. Davids Community Zoning District – Enterprise Zone" and "Residential (R1) Zone" under Zoning By-law 4316-09, as amended.

The application for Zoning By-law Amendment requests to rezone the development portion of the lands to "Residential Multiple (RM1) – Site Specific Holding Zone". Staff recommend the inclusion of a Holding symbol to require the filing of a Record of Site Condition with the Ministry prior to any site alteration on the subject lands.

The following chart outlines the existing "Residential Multiple (RM1) Zone" standards for block townhouses in comparison to the proposed "Residential Multiple (RM1) Site Specific Zone":

Zone Requirement	RM1 Zone – Block Townhouse	RM1 Site Specific Holding Zone
Minimum front yard setback	6.0 metres	6.0 metres from a private lane to the main façade of a dwelling unit 16.0 metres from a property line abutting Four Mile Creek Road to the main façade of a dwelling unit An attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling unit on the ground floor
Minimum interior side yard setback	6.0 metres	1.2 metres from a dwelling unit or covered porch to a property line 0 metres from a common wall
Minimum rear yard setback	6.0 metres	41.0 metres from the rear face of a dwelling unit to a property line 8.0 metres from the rear of a condominium unit line to the rear face of a dwelling unit

Zone Requirement	RM1 Zone – Block Townhouse	RM1 Site Specific Holding Zone
Minimum distance between buildings on the same lot	3.0 metres between walls not containing windows to a habitable room 9.0 metres between walls where one wall contains a window to a habitable room 15.0 metres between walls where both walls contain a window to a habitable room	2.4 metres from end wall to end wall
Minimum distance between any townhouse dwelling and an internal driveway and parking area to the front of the dwelling, and to the front face of the garage	4.5 metres to the front of the dwelling 6.0 metres to the front face of a garage	Not applicable
Maximum total width of garage doors	Not applicable	50% of the front face of a dwelling unit

The RM1 site-specific zone provisions allow for a reduced minimum interior side yard setback to a property line and to a common wall, as well as a reduced minimum distance between buildings located on the same lot. Staff are supportive of these site-specific provisions as the applicant has proposed a 1.8-metre-high privacy wood fence on the northern limit of the property to mitigate potential impacts to the abutting property, which will be implemented through Site Plan Approval, and the reduced minimum distance between buildings provides sufficient space to access the rear yards of the townhouse dwelling units. Given that this is a proposed condominium development, the provisions clarify that front yard setbacks are to the property line and to a private lane. In addition, the site-specific provisions allow for a greater minimum rear yard setback to ensure that the Four Mile Creek and associated buffer lands are protected from development. A provision has been added to establish that the maximum total width of garage doors will not exceed 50% of the front face of the dwelling unit, to align with the St. Davids Urban Design Guidelines. The remainder of the zoning provisions of the RM1 Zone with respect to block townhouses would apply.

The portion of the property that comprises the Four Mile Creek and its associated buffer lands is proposed to be rezoned to an “Open Space (OS) – Site Specific Zone,” which restricts the use permitted on the lands to only conservation purposes and a private road and infrastructure, subject to approval from the Niagara Peninsula Conservation Authority. This

site-specific provision will ensure that these lands and their environmental features are protected over the long term.

Staff support the site-specific provisions contained in the draft Zoning By-law Amendment. A draft Zoning By-law Amendment is attached as **Appendix V** to this report.

5.3 Consultation

The Applications were circulated to Town departments and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external agencies are attached as **Appendix VII** to this report, with overall comments summarized below.

5.3.1 Town Comments

Building – No objections.

Fire and Emergency Services – No objections.

Finance – No objections.

Heritage – No objections.

Operations – No objections. Draft plan conditions are included to ensure that detailed servicing designs are submitted for review and approval.

Parks – No objections. Draft plan conditions included to require a detailed landscape plan for review and approval.

Forestry – No objections. Tree permits and replacements will be required for trees being removed. Draft plan conditions are included to address this.

Drainage – No objections. The property is located within the Four Mile Creek Drain watershed, and a future maintenance assessment schedule will have to be reapportioned by a Drainage Engineer. A draft plan condition is included to address this.

5.3.2 Agency Comments

Bell – No objections. Draft plan conditions requested for the conveyance of easements.

Canada Post – No objections. The development falls within the Post Office Box-served boundaries of the St. Davids Post Office.

Hydro One – No objections.

Enbridge Gas – No objections. Draft plan conditions requested for the conveyance of easements and potential relocation of gas main.

District School Board of Niagara – No objections.

Niagara Peninsula Conservation Authority – No objections. Draft plan conditions are included to require the submission of detailed grading, storm servicing, construction sediment and

erosion control drawings for review and approval. Further conditions included to require a chain link fence along the creek block for protection of the environmental area.

Niagara Region – No objections. Draft plan conditions are included to address site condition and potential remediation, land use compatibility, environmental protection, servicing, waste collection, road widening and driveway access, and urban design.

Niagara Escarpment Commission – No objections, subject to draft plan conditions being included to require the submission of a final Landscape Plan, Grading and Drainage Plan, and Phase 2 Environmental Site Assessment, and to ensure that development occurs in accordance with the recommendations of the Geomorphic Assessment and Arborist Report. The NEC will be consulted on these items through the site plan process.

5.3.3 Public Comments

An electronic Open House was held on September 18, 2023, and a Public Meeting was held on October 2, 2023. No members of the public were in attendance at the Open House, and one (1) member of the public presented at the Public Meeting. Written comments were received by the same member of the public who attended the Public Meeting, which are provided in **Appendix VIII** to this report, with comments summarized below:

- Potential impacts from the development to the critical roots of the trees on the abutting property to the north. Tree protection has been addressed in Section 5.1.3.8.
- Potential impacts to wildlife, specifically a turtle that has been sighted near the subject lands. Information related to this comment is provided in Section 5.1.2.4.
- Potential flooding to abutting property to the north.
- Potential impacts of streetlights to neighboring properties.
- Safety issues regarding traffic and the ability to enter and exit the property.
- Requesting that a privacy fence be installed by the developer before construction begins and before cedar hedge is removed.

The comments regarding potential impacts of streetlights to neighbouring properties and the request for a privacy fence to be installed before the cedar hedge is removed will be addressed during the Site Plan Approval stage. The applicant has shown a 1.8-metre-high wood privacy fence on the northern edge of the property on the draft Site Plan submitted, and Conditions of Draft Plan Approval have been included to address lighting. The remaining comments have been addressed throughout the sections of this report.

5.4 Future Site Plan Requirements

As noted throughout the report, there are a number of site plan requirements to be addressed as part of a future site plan application, including but not limited to:

- Landscape Plan and Planting Plan
- Lighting Plan
- Site Servicing Report, including water and sanitary, and stormwater management specifics.
- Streetscape Plan
- Detailed Stormwater Management Report
- Lot Grading Plan

- Erosion and Sediment Control Plan
- Matters such as sidewalks, waste management, and all other site works

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the proposed Official Plan Amendment, Zoning By-law Amendment and/or Draft Plan of Vacant Land Condominium and associated conditions.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with the development. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of a future Condominium Agreement and Site Plan Agreement.

9. ENVIRONMENTAL IMPLICATIONS

The Four Mile Creek was re-aligned on the subject lands through a Niagara Peninsula Conservation Authority Work Permit. This environmental area, which comprises the watercourse and associated buffer area, will continue to be protected through the Official Plan designation and site-specific zoning.

Draft Plan Conditions of Approval have been included by the Niagara Peninsula Conservation Authority and the Region to ensure that detailed grading, storm servicing, construction sediment, and erosion control drawings are submitted for review and approval before any development may proceed on the subject lands. In addition, there is a requirement to construct a chain link fence along the creek block and environmental buffer to protect the environmental area and to establish that wildlife is contained within the environmental area to restrict access to the residential properties.

Comments on protection of the environmental area have been provided throughout the report.

10. COMMUNICATIONS

Once Council has made decisions on the Applications, notice of the decisions will be given as required under the *Planning Act*. The decisions of Council are subject to a 20-day appeal period. If no appeals are received during the appeal period, the decisions of Council are final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

11. CONCLUSION

Community and Development Services Staff recommend approval of the Official Plan Amendment Application (OPA-08-2023), the Zoning By-law Amendment Application (ZBA-18-2023) subject to a Holding provision, and the Draft Plan of Vacant Land Condominium Application (26CD-18-23-01) subject to conditions, as detailed in this report, as the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with the intent of the Growth Plan, Greenbelt Plan, Niagara Escarpment Plan, Regional Official Plan, and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-23-210** – Public Meeting – 308 Four Mile Creek Road, Information Report – October 3, 2023.

13. APPENDICES

- **Appendix I** – Draft Plan of Vacant Land Condominium
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Official Plan Amendment
- **Appendix V** – Draft Zoning By-law Amendment
- **Appendix VI** – Draft Plan of Condominium Conditions
- **Appendix VII** – Agency Comments
- **Appendix VIII** – Public Comments

Respectfully submitted:

Prepared by:



John Federici, MCIP, RPP
Senior Planner

Recommended by:



Aimee Alderman, MCIP, RPP
Manager of Planning

Recommended by:



Kirsten McCauley, MCIP, RPP
Director, Community and Development Services

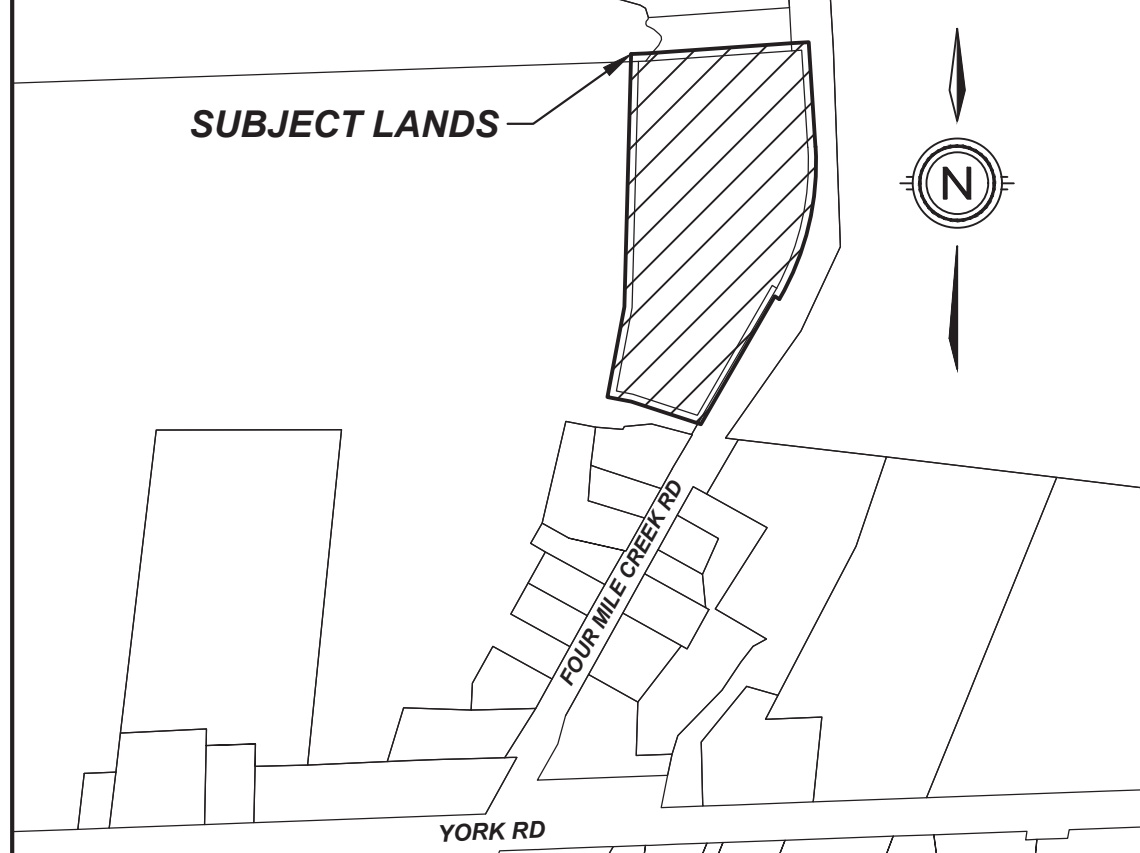
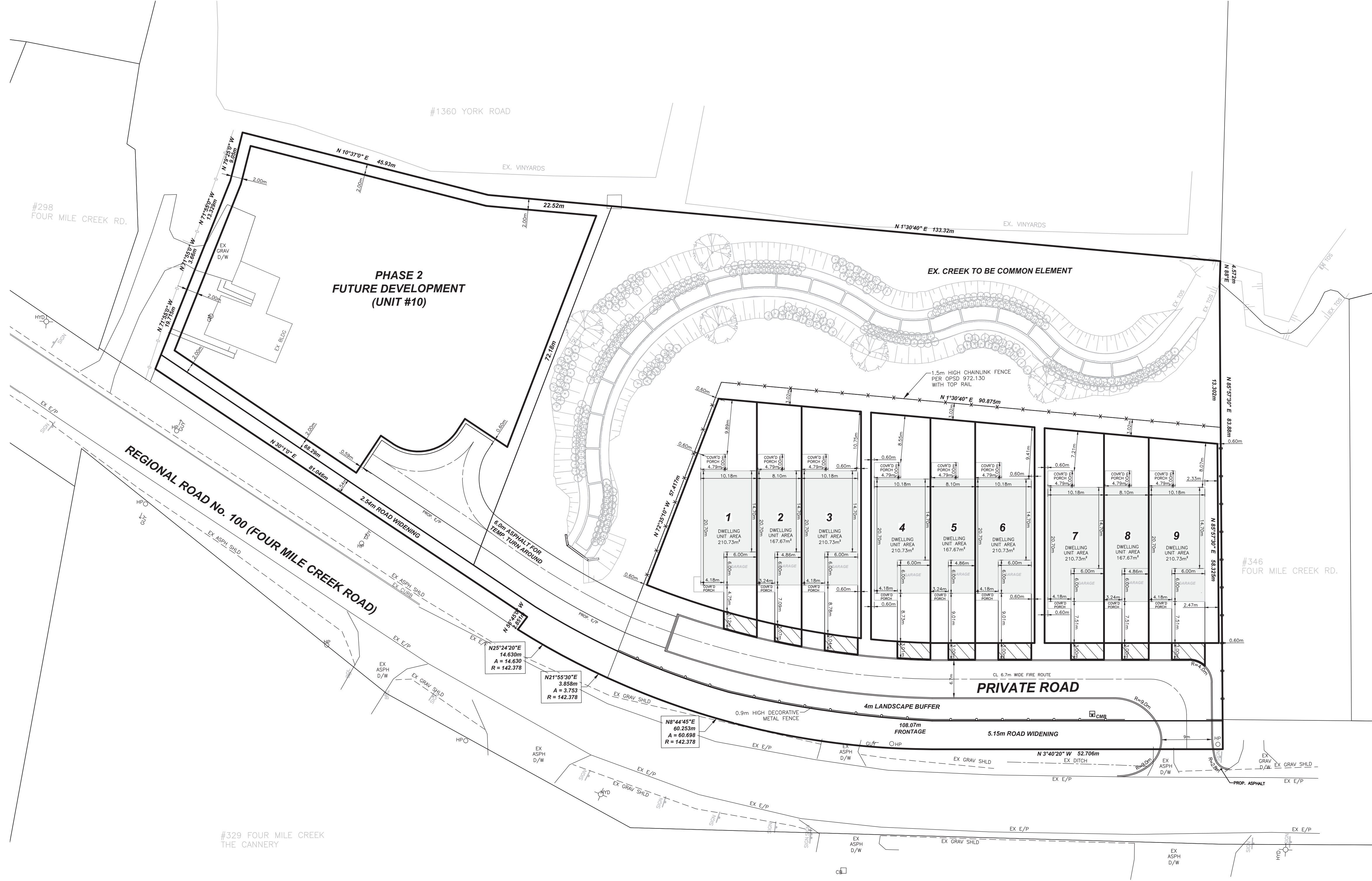
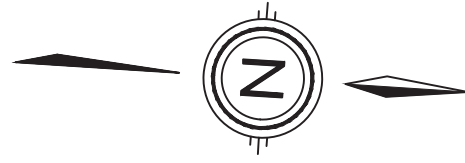
Submitted by:



Bruce Zvaniga
Chief Administrative Officer (Interim)

308 FOUR MILE CREEK ROAD (REGIONAL ROAD #100)

TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN
N.T.S.

LEGAL DESCRIPTION

PART OF TOWNSHIP LOT 89
(GEOGRAPHIC TOWNSHIP OF NIAGARA)
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF
NIAGARA-ON-THE-LAKE FOR APPROVAL.

JUL. 13, 2023

HUMMEL PROPERTIES INC.

DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

JULY 17, 2023

BRENT LAROCQUE, B.Sc., OLS, OLIP

DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|----------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) RESIDENTIAL | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

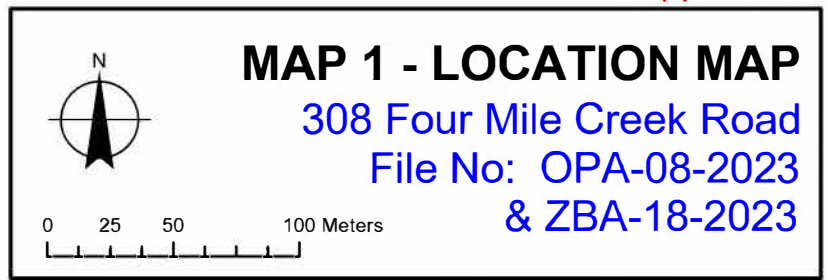
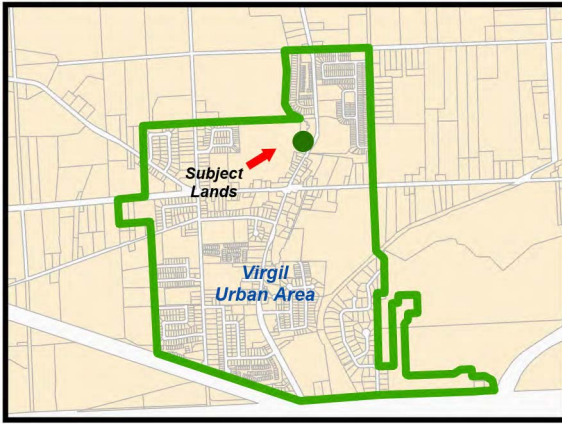
AREA	ha	% COVERAGE
TOWNHOUSE DWELLINGS	0.177	12%
ROAD/DRIVEWAY/PARKING	0.127	8%
LANDSCAPING	0.239	16%
CREEK AREA (OPEN SPACE)	0.487	32%
FUTURE DEVELOPMENT UNIT #10	0.366	24%
ROAD WIDENING	0.110	7%
TOTAL	1.506	100%
UNITS		9
DEVELOPABLE AREA (EXCLUDING CREEK AREA & ROAD WIDENING)		0.909 ha
DENSITY (UNITS/DEVELOPABLE AREA)	16.59u/ha	(PHASE 1)

0	ISSUED FOR REVIEW	2023_07_13	JO
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	JO
	DATE	JULY 13, 2023
	PRINTED	JULY 14, 2023
	SCALE	1:400
DWG No.	REV	
1520-DP	1	

UNIT #	UNIT AREA	EXCLUSIVE USE AREA-DRIVEWAYS
1	210.73m ²	18.61m ²
2	167.67m ²	14.87m ²
3	210.73m ²	18.16m ²
4	210.73m ²	17.92m ²
5	167.67m ²	14.58m ²
6	210.73m ²	18.00m ²
7	210.73m ²	18.00m ²
8	167.67m ²	14.58m ²
9	210.73m ²	19.02m ²
10	2861.48m ²	N/A
TOTAL UNIT AREA	4628.87m ²	
TOTAL EXCLUSIVE USE (TOTAL DRIVEWAY AREA)	153.74m ²	
TOTAL COMMON ELEMENT AREA (INCLUSIVE OF NON-DEVELOPABLE)	9538.37m ²	
TOTAL AREA	14,167.24m ²	

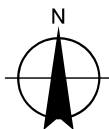


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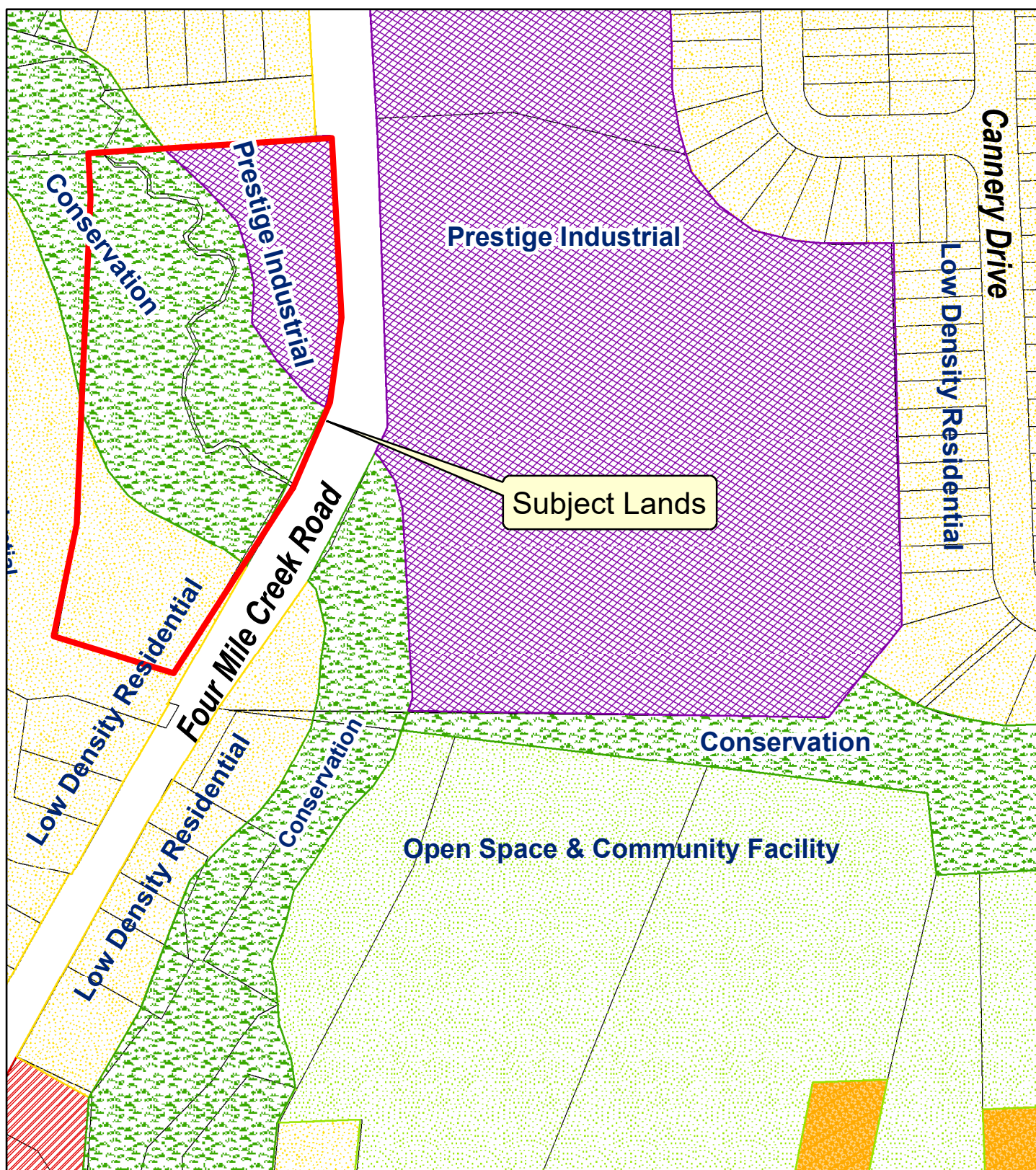


MAP 2 - OFFICIAL PLAN

Land Use Designations

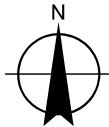
308 Four Mile Creek Road

File No: OPA-08-2023 & ZBA-18-2023



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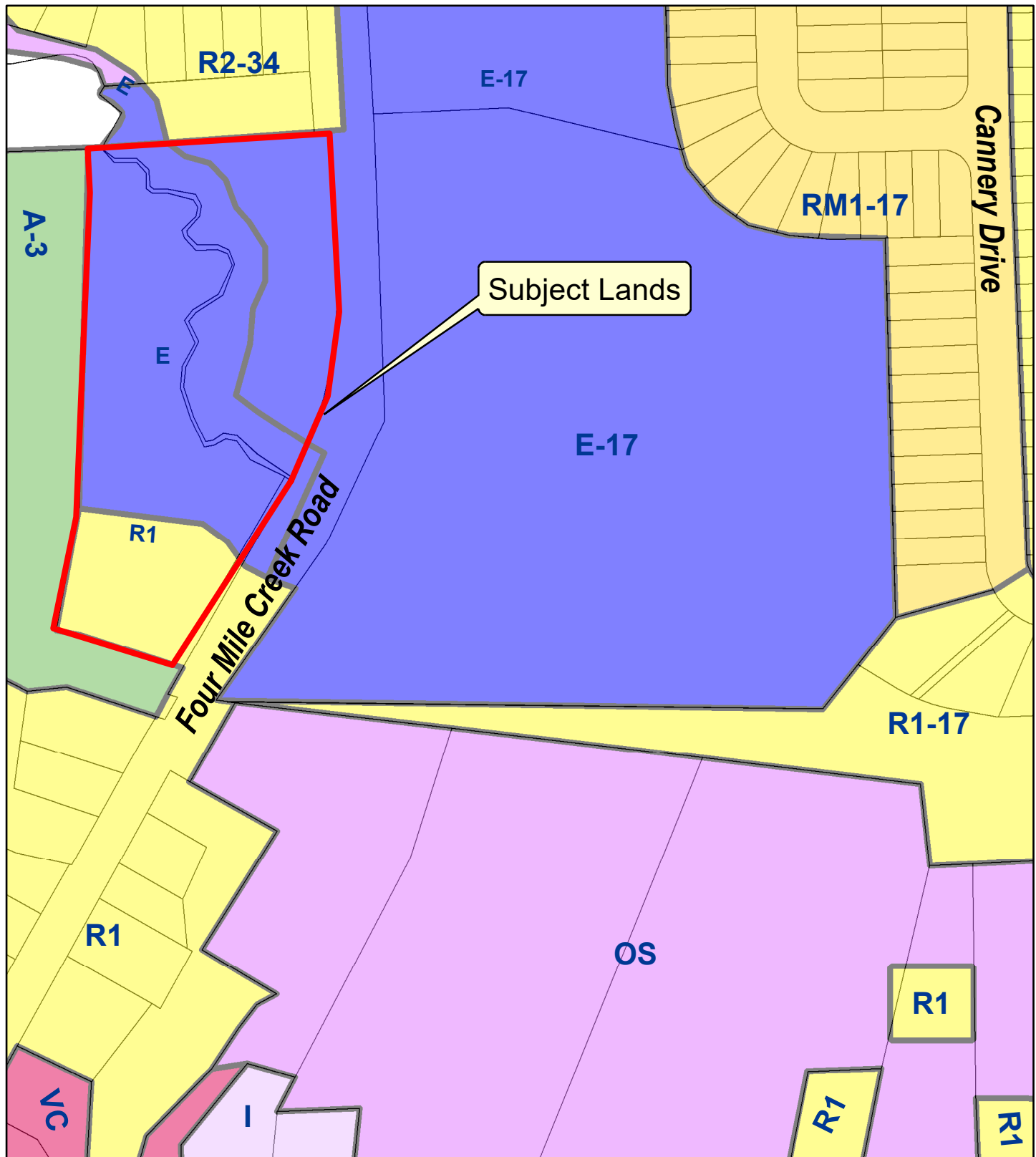


MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

308 Four Mile Creek Road

File No: OPA-08-2023 & ZBA-18-2023



PLANNING LEGISLATION AND POLICIES

Condominium Act, 1998, S.O. 1998, c. 19

Planning Act

Approvals of descriptions

9 (2) Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description. 1998, c. 19, s. 9 (2).

Registration

9 (3) A description or an amendment to a description shall not be registered unless,

- (a) the approval authority has approved it; or
- (b) the approval authority has exempted it from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2) and it is accompanied by a certificate of exemption issued by the approval authority. 1998, c. 19, s. 9 (3).

Additional Conditions

9 (5) In addition to the conditions that it may impose under subsection 51 (25) of the Planning Act, the approval authority that receives an application described in subsection (4) may impose the conditions that it considers are reasonable in light of the report mentioned in subsection (4). 1998, c. 19, s. 9 (5).

s. 52 of Planning Act

9 (12) Section 52 of the Planning Act applies in respect of a description of a vacant land condominium corporation but does not apply in respect of a description of any other corporation. 1998, c. 19, s. 9 (12).

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;

- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate...

Policy statements

Policy statements and provincial plans

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be ..

Official plan

Mandatory adoption

17 (13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.

22 Request for amendment

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith...

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. *For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.*

Restricting erecting, locating or using of buildings

2. *For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.*

Construction of buildings or structures

4. *For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.*

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law...

Plan of subdivision approvals

Application

51(16) An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it...

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) 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;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) 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;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) 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 this Act...*

Conditions

- (25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,*
 - (a) that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
 - (b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
 - (b.1) that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
 - (c) when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary;*
 - (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
 - (e) in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities*

agreement be satisfactory to the approval authority...

Agreements

(26) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land...

Lapse of approval

(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51)...

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1)...

Parkland

Land conveyed or dedicated for parkland

51.1(1) The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes...

Payment in lieu

(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed...

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units,*

multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial)... and other uses to meet long-term needs;

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed...*

1.2 Coordination

1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a) managing and/or promoting growth and development that is integrated with infrastructure planning;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- g) population, housing and employment projections, based on regional market areas; and*

- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.*

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall 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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: ...

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; ...*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by: ...*

- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character;*

2.1 Natural Heritage

2.1.1 *Natural features and areas shall be protected for the long term.*

2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

2.1.3 *Natural heritage systems shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.*

2.1.5 *Development and site alteration shall not be permitted in:*

- b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- c) *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- e) *significant areas of natural and scientific interest;...*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 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.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following: ...

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise; ...

4. Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

c) provide a diverse range and mix of housing options... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

d) expand convenient access to:

i. a range of transportation options, including... active transportation;

ii. public service facilities...

iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

iv. healthy, local, and affordable food options...;

e) provide for a more compact built form and a vibrant public realm...;

f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;

g) integrate green infrastructure and appropriate low impact development.

2.2.2 Delineated Built-up Areas

1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
 - a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;*

2.2.5 Employment

14. *Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.*

2.2.6 Housing

1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
 - a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: i. identifying a diverse range and mix of housing options and densities... to meet projected needs of current and future residents; ...*
 - b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
 - c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
 - d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*
2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
 - a) *planning to accommodate forecasted growth to the horizon of this Plan;*
 - b) *planning to achieve the minimum intensification and density targets...;*
 - c) *considering the range and mix of housing options and densities of the existing housing stock; and*
 - d) *planning to diversify their overall housing stock across the municipality.*
4. *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

4.2.1 Water Resource Systems

3. *Watershed planning or equivalent will inform:*
 - c) *decisions on allocation of growth; and*
 - d) *planning for water, wastewater, and stormwater infrastructure.*

4. *Planning for large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent.*

4.2.2 Natural Heritage System

1. *A Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity...*

3. *Within the Natural Heritage System for the Growth Plan:*

a) *new development or site alteration will demonstrate that:*

i. *there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*

ii. *connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*

iii. *the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible; ...*

6. *Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:*

a) *will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and*

b) *may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS*

Niagara Escarpment Plan, 2017, as amended

Part 1 Land Use Policies

1.6 Minor Urban Centre

This land use designation identifies those rural settlements, villages and hamlets that are distributed throughout the Niagara Escarpment Plan area.

1.6.1 OBJECTIVES

1. *To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.*

2. *To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.*

3. *To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.*

4. *To conserve cultural heritage resources...*

5. *To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.*
6. *To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.*
7. *To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.*

1.6.2 LIST OF MINOR URBAN CENTRES

The Minor Urban Centre designation includes the following list of villages and hamlets that are designated in local, regional or county official plans.

St. Davids

1.6.6 AMENDMENTS TO MUNICIPAL PLANS AND/ OR SECONDARY PLANS

Amendments to designations and/or land use policies within the boundaries of an approved official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan may be made without requiring an amendment to the Niagara Escarpment Plan provided such an amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of this designation.

1.6.7 LAND USE CONTROL

Land use control within a Minor Urban Centre with an approved official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan may be exercised either through by-laws passed under the Planning Act or through Development Control as authorized under the provisions of the Niagara Escarpment Planning and Development Act. By-laws or by-law amendments must not conflict with the Objectives and Development and Growth Objectives of this designation, and the Development Criteria in Part 2 of the Niagara Escarpment Plan.

1.6.8 DEVELOPMENT AND GROWTH OBJECTIVES

3. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
4. *Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*

5. *Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.*
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*
 - a) *the protection of natural heritage features and functions;*
 - b) *the protection of hydrologic features and functions;*
 - c) *the protection of agricultural lands, including prime agricultural areas;*
 - d) *the conservation of cultural heritage resources...*
 - e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
 - f) *sustainable use of water resources for ecological and servicing needs; and*
 - g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*
10. *Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available.*

Part 2 Development Criteria

2.2 General Development Criteria

The objective is to permit reasonable enjoyment by the owners of all lots that can sustain development.

1. *The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.*

2.13 Scenic Resources and Landform Conservation

The objective is to ensure that development preserves the natural scenery and maintains Escarpment Related Landforms and the open landscape character of the Escarpment.

Scenic Resources

1. *Development shall ensure the protection of the scenic resources of the Escarpment.*
4. *Appropriate siting and design measures shall be used to minimize the impact of development on the scenic resources of the Escarpment, including:*
 - a) *establishing appropriate setbacks and maximum building heights;*
 - b) *changing the orientation and height of built form to reduce visibility and skylining;*
 - c) *clustering buildings where appropriate;*
 - d) *minimizing the development footprint and changes to the existing topography and vegetation;*
 - e) *using natural topography and vegetation as screening for visual mitigation;*
 - f) *where there is minimal existing screening or vegetation that cannot be retained, providing new planting of native species to screen development;*
 - g) *using non-reflective materials on roofs and walls along with measures to reduce reflectivity associated with windows; and*
 - h) *minimizing the effect from exterior lighting (e.g., lighting directed downward).*

Landform Conservation

5. *Planning, design and construction practices shall ensure that Escarpment Related Landforms are maintained and enhanced, and that development is visually compatible with the natural scenery and open landscape character of the Niagara Escarpment.*
6. *Use of impervious surfacing should be minimized and limited to areas of the site where it is necessary to the Permitted Use (e.g., driveways, walkways, patios, parking, recreational surfaces).*

Greenbelt Plan, 2017

3.2.2 Natural Heritage System Policies

For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

3. *New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:*
 - a) *There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;*
 - b) *Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*
4. *The Natural Heritage System, including the policies of section 3.2.5, does not apply within the existing boundaries of settlement areas, ...*
6. *Towns/Villages are not permitted to expand into the Natural Heritage System.*

3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies

For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:

- 1. Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:*
 - a) Forest, fish and wildlife management;*
 - b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or ...*

3. Beyond the Natural Heritage System within the Protected Countryside, key natural heritage features are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.

Niagara Official Plan, 2022

2.1 Forecasted Growth

The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

2.1.1 Regional Growth Forecasts

2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

2.1.1.3 Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Niagara-on-the-Lake	28,900	17,610

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.

2.2 Regional Structure

The objectives of this section are as follows:

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities;*
...and
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) mitigation and adaptation to the impacts of climate change by:*

- i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
- ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
- iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

2.2.2 Strategic Intensification and Higher Densities

2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas...*

2.2.2.5 *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2.*

Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

Municipality	Units	Rate
Niagara-on-the-Lake	1,150	25%

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

- a) *development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
- c) *other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;*

2.3 Housing

The objectives of this section are as follows:

- a) *provide a mix of housing options to address current and future needs;*
- b) *provide more affordable and attainable housing options within our communities; and*
- c) *plan to achieve affordable housing targets through land use and financial incentive tools.*

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

a) facilitating compact built form...

2.3.3.1 The following tools will be considered to support the development of affordable and attainable housing:

a) flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;

b) streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing;

d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;

3.1 The Natural Environment System

3.1.30 Transition and Implementation

3.1.30.3.1 Where a formal pre-consultation meeting has been completed within one year prior to the approval of this Plan, and where the requirements for an environmental impact study or similar study has been established through a signed pre-consultation agreement that has not expired, the environmental impact study may be completed and evaluated in accordance with the Local, Regional, and Provincial policies that existed at the time pre-consultation meeting was completed, provided a complete application is submitted within 2 years of the approval of this plan

4.2 Planning for Employment

4.2.4 Employment Lands

4.2.4.2 Major facilities and sensitive land uses shall 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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.

4.2.4.3 Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures: a. there is an identified need for the proposed use; b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c. adverse effects to the proposed sensitive land use are minimized and mitigated; and d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated

4.2.5 Redevelopment of Employment Lands

4.2.5.1 Any proposed redevelopment of non-employment uses on employment land, outside of employment areas, shall retain space for a similar number of jobs to remain accommodated on site.

4.2.5.3 The Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand.

6.4.2 Conservation in Accordance with Provincial Requirements

6.4.2.1 Development and site alteration shall not be permitted on lands 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.

6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

Niagara Regional Official Plan, 2014 Consolidation, as amended (Policies Applicable to Natural Heritage Only)

7.A.2 Water Resources

Policy 7.A.2.6 A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on:

- a) The scale and nature of the proposal; and*
- b) Site-specific environmental conditions.*

Policy 7.A.2.7 A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious services as well as meeting the requirements of Policy 7.A.2.6. Stormwater management facilities shall not be constructed in Core Natural Heritage Areas, Fish Habitat, key hydrologic features, or in required vegetation protection zones in the Unique Agricultural Areas unless permitted under Chapter 7.B of this Plan.

7.B The Core Natural Heritage System

Policy 7.B.1.1 The Core Natural Heritage System consists of:

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;*

- b) *Potential Natural Heritage Corridors connecting the Core Natural Areas;*
- c) *the Greenbelt Natural Heritage and Water Resources Systems; and*
- d) *Fish Habitat.*

Policy 7.B.1.2 Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.

Policy 7.B.1.4 Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.

Policy 7.B.1.8 Where, through the review of a planning application, it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the Region, the local municipality and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority. If the evaluation finds one or more natural heritage features meeting the criteria for identification as Core Natural Heritage System components the appropriate Core Natural Heritage System policies shall apply.

Policy 7.B.1.11 Development and site alteration may be permitted without an amendment to this Plan:

- a) *In Environmental Conservation Areas; and*
- b) *On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.*

If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.

Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or adjacent land then the restrictions on development and site alteration set out in this Policy do not apply.

Policy 7.B.1.15 Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate. The proponent shall be required to prepare an

Environmental Impact Study (EIS) to the satisfaction of the Department of Fisheries and Oceans, or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Agricultural cultivation does not require planning approval and is not subject to these requirements.

Policy 7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended
SECTION 6: GENERAL DEVELOPMENT POLICIES

6.1 ARCHAEOLOGICAL SURVEY

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.

6.5 CONTAMINATED AREAS DUE TO PREVIOUS USE

Any new use or redevelopment of lands where Council has reason to believe that soil contamination may be present shall, require prior to any Council approval of the new use or redevelopment, a professional analysis of soils on the site to determine the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health. Such an analysis shall be based upon all present and previous uses of the site and shall be submitted to the authority having jurisdiction and the Town for approval of the remedial works.

6.15 LANDS ABUTTING CONSERVATION DESIGNATIONS

The municipality shall consult with the Ministry of Natural Resources and Forestry and/or the Conservation Authority prior to the approval of any development on lands abutting Conservation Areas. Proposed uses shall be sensitive to and minimize any

impact on the natural environment in a Conservation designation. Building setbacks and buffering may be a requirement in Zoning By-laws and/or Site Plan Control.

6.16 LANDS FOR EASEMENTS

Where land is required for maintenance/utility easements or emergency access to serve any proposed development, such land shall be obtained by and at the expense of the owner of such proposed development to the satisfaction of the appropriate agency, in the course of approving plans of subdivision, development or redevelopment applications and consents for land severance.

6.17 LOT SIZES

The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.

6.18 NATURAL OPEN SPACE

Public or private open space in its natural state shall be permitted in all land use designations in this Plan. Pedestrian pathways or trails shall also be permitted. Where a Town public work is proposed on lands used for natural open space that is in public ownership the municipality shall, prior to the commencement of any work, advise all abutting property owners.

6.22 PARKS AND DEDICATION

...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...

The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

- a) New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

(2) SANITARY SEWERS

- c) Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. Council may give consideration to development on interim services where it can be demonstrated that:*

- (i) *by permitting the proposed use in advance of services, other objectives of this Plan will be met.*
- (ii) *the expansion of services has been planned for and that funding commitments have been made by the Region and/or the Town to ensure that the provision of necessary services will proceed within a reasonable time frame.*
- (iii) *the form of interim servicing has been approved by the Niagara Health Services Department where necessary; and*
- (iv) *the interim servicing is not expected to result in a detriment to the environment, the private development, the Town or to the efficient use of land.*

(4) DRAINAGE

- a) *No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.*
- e) *Design of development proposals shall incorporate on-site control techniques to minimize peak storm water flows, and to ensure adequate water quality treatment*
- h) *Development shall be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate storm water management and sediment control.*

6.33 TREE PRESERVATION AND REFORESTATION

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- (1) *As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

6.32.3 SPECIAL POLICY AREA A-3 (ST. DAVIDS)

The Official Plan recognizes the community of St. Davids as a Special Policy Area. The boundaries of the Special Policy Area are shown on Schedule D to this Plan.

It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.

A. Objectives

It is the intent of this Plan with respect to the St. Davids community to provide for the following planning policy objectives:

- 1. *Preserve the ambience and character of the historic village;*

4. *Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;*
5. *Provide for efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;*
6. *Provide for appropriately located active parkland and recreational facilities;*
8. *Provide for a diversity of housing types to meet the needs of the resident community;*
11. *Provide for a comprehensive approach to transportation planning including roadways, pedestrian ways, bicycle ways/lanes and a long-term strategy for the future of Paxton Lane;*
12. *Provide for a comprehensive approach to stormwater management;*
13. *Provide for well-designed new development through urban design guidelines to address streetscape character, infill opportunities, and community focal points;*

B. Policies

Any development, redevelopment, or infilling proposals within the St. Davids Special Policy Area shall be subject to the policies of this Plan and the following Area-specific policies:

Land Use

Schedule D, the Land Use Plan, identifies the distribution of permitted land uses within the St. Davids Special Policy Area.

General Development Policies for St. Davids

Development in St. Davids shall be governed by the general development policies of this Plan and the following specific policies:

1. *Where appropriate the scale, massing, and design of any new development shall be compatible with the character of adjacent development, and support the characteristics of the Village. All new street-related development should enhance the streetscape;*
2. *New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;*
3. *New development shall respect established building lines and significant landscape features;*
4. *Access to new buildings that have a direct relation to the street shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;*
6. *Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations, and landscaped open space;*
7. *Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.*

Protection of Natural Features

1. *The preservation and enhancement of tree and shrub species, woodlots, and habitat corridors shall be considered in project design to provide for the long-term maintenance of natural features and amenity for future development.*

2. *The design of new development shall be complementary to any adjacent natural features such as watercourses, wetlands, wooded areas, valley lands, parks, and other open space areas and shall only be permitted in accordance with the protective policies of this Plan and affected agencies.*

Niagara Escarpment Viewplane Protection and Access

1. *New development shall comply with the objectives and policies of the Niagara Escarpment Plan as applicable within St. Davids.*
2. *New development shall be designed to protect views of the Niagara Escarpment through such means as appropriate building height, separation, and orientation, and the provision of appropriately-located public space.*
3. *The design of new plans of subdivision and condominium should be in harmony with and maintain the existing character of the Escarpment landscape.*
4. *The designation and alignment of new roadways and service corridors should be in harmony with the Escarpment landscape.*
5. *New development should be designed and located in such a manner as to provide for and protect access to the Niagara Escarpment including the Bruce Trail Corridor.*

Servicing

1. *New development including plans of subdivision, plans of vacant land condominium, and new lots created by consent shall be designed and serviced subject to the approval of the Town's Public Works Department and other appropriate agencies.*
2. *Approval of new development shall be coordinated by the Town to ensure that the provision of municipal infrastructure takes place in an orderly, efficient, and cost-effective manner.*
3. *New development shall proceed only if Council is satisfied that services and utilities are or can be made available and have the adequate capacity to accommodate and safely service the proposed development.*
4. *Developers shall be financially responsible for providing all services and utilities to new development.*
5. *All lots shall be served by municipal water and wastewater services.*

Land Division and Land Assembly

1. *Land division within St. Davids should generally proceed by plan of subdivision to ensure that an appropriate lotting pattern is created; that an appropriate roadway design will be achieved; and that suitable arrangements for the provision of services are addressed in a subdivision agreement.*
4. *Land assembly or lot consolidation may be required to ensure parcel configurations that are appropriate for development purposes by way of plan of subdivision, the orderly design of public infrastructure, and compatibility with abutting lands. The Town will encourage the merging of lands, or the undertaking of multi-party development agreements, in order to meet this policy intent.*

Residential Land Use

1. *Low density residential land uses and building types are recognized as the predominant permitted housing type intended in the St. Davids Special Policy Area. A mix of low density building types shall be encouraged.*
2. *Low density residential projects may be developed to a maximum 6 units per acre net density as provided for in the residential density policies of this Plan.*
3. *Medium density residential projects are recognized as a minor housing type. Medium density residential projects may be developed to a maximum 12 units per acre net density as provided for in the residential development policies of this Plan.*
4. *Medium density building types shall be limited to townhouses, triplexes, fourplex and quad-plex dwellings, senior citizen housing projects and nursing homes. Medium density building types may be considered in accordance with the following:*
 - (a) *Medium density projects shall be designed in such a way as to be compatible with adjacent low density buildings and areas;*
 - (b) *Medium density projects shall provide adequate outdoor amenity areas including functional common open areas and private open space areas with suitable landscaping;*
 - (c) *Medium density projects shall provide sufficient on-site parking for each dwelling and visitor accommodation.*
5. *Medium density projects shall be located:*
 - (a) *Where it can be demonstrated that the project will be compatible with adjacent development in terms of intensity of use, building design, and architectural treatment;*
 - (b) *Adjacent to or in close proximity to commercial areas for the purpose of serving the needs of residents, supporting the viability of the commercial area, and establishing consistency with the land use intensity of the commercial area;*
 - (c) *Where the project has direct access to a public street without drawing traffic through low density areas;*
 - (d) *Where adequate municipal services are available and can be provided without disruption through reconstruction of existing lines. Such reconstruction shall be discouraged by the Municipality. It shall be the responsibility of the proponent to establish the availability of capacity and demonstrate that adequate services are available.*

Housing Diversity

1. *Council recognizes the importance to the St. Davids community of providing adequate affordable housing for all residents of St. Davids, and encourages the development of an appropriate mix of housing types to meet the needs, preferences, and lifestyles of all residents.*
2. *Council encourages and intends to facilitate the development of an appropriate supply of housing for seniors in St. Davids and affordable housing for families which support community facilities and services in St. Davids.*
5. *It is the intent of this Plan that development which is specifically intended to accommodate seniors be located in close proximity to supporting commercial and community facilities.*

Parkland and Park Facilities

3. *It is the intent of Council to provide for new parkland and parks facilities to meet the needs of the growing residential community.*
4. *New parks and park facilities shall be acquired and developed at the neighbourhood park level in accordance with the Open Space and Community Facilities policies of this Plan.*
7. *Small parks may be acquired for the purpose of providing sitting and viewing opportunities where warranted by views and vistas of St. Davids or the Niagara Escarpment, or to provide public access to the Bruce Trail.*
8. *The Town intends to acquire new parkland where a new park could be integrated with other public lands and has the potential to be integrated with a municipal pond. Acquisition of lands approximately 2-3 hectares in area (5-7 acres) in the general vicinity of the fire hall would satisfy this intent. Acquisition of a similar-sized parcel located between Warner Road and Highway 405 with access to Tanbark Road would be an acceptable alternative.*
9. *Any new neighbourhood park should be located so that safe access and pedestrian linkages are provided for all park users.*
10. *The Town intends to acquire new parkland through land dedication in conjunction with approval of new plans of subdivision. The Town may also acquire new parkland by purchase, donation, or bequest if warranted.*

Urban Design

1. *The Town intends to adopt urban design guidelines to ensure that the unique historic character of St. Davids is preserved and extended through careful design consideration of built form, open space, and streetscapes.*
2. *All development, redevelopment, and infill in St. Davids shall be designed in a manner consistent with urban design guidelines adopted by Council.*

7.4 Urban Design Review Process

The Town shall seek, and have regard for, the advice of the Urban Design Committee in reviewing significant development applications in Glendale. All site plan applications for lands adjacent to Airport Road, York Road and the QEW and within the mixed-use Destination Area and Village Centre shall be subject to the Urban Design review process.

SECTION 6A: GENERAL DEVELOPMENT POLICIES

2.7 Core Natural Heritage System

Planned Function

Within the Urban Area Boundary the Core Natural Heritage System is planned to provide a framework for the protection, maintenance, restoration, integration and where possible, the enhancement of the Town's natural systems, ecological health and biodiversity.

Delineation

The Core Natural Heritage System is delineated on the Core Natural Heritage Map in the Regional Policy Plan. Policies which pertain to the Core Natural Heritage System

are provided in the Environmental Section of the Regional Policy Plan and Conservation Policies of the Town Official Plan.

3.4 HOUSING MIX

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan...

4.2 Intensification Target

Intensification Target

By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to: ...

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031...
- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.
- e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...
- f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.
- g) The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...
- m) Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes

providing for employment, commercial, recreation, institutional and other compatible land uses.

4.6 Land Use Compatibility Policies

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that the change will be appropriate and compatible...

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
 - Lot frontages lot area, depth*
 - Building Setbacks*
 - Privacy and overview*
 - Lot grading and drainage*
 - Parking*
- Servicing*

6.4 Conversion Tests

Conversion of employment lands to non-employment uses must demonstrate that:

- a) There is a need for the conversion (as defined by the Town);*
- b) The Town will meet employment targets allocated to the Town as documented in this Plan;*
- c) The conversion will not adversely affect the overall viability of the employment area and the achievement of the Town's intensification target, density targets and other policies of this plan;*
- d) There is existing or planned infrastructure in place to accommodate the proposed use;*
- e) The lands are not required over the long term for the employment purposes for which they are designated; and,*
- f) Cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered;*
- g) The conversion of employment lands to another land use designation will not adversely impact on the development of the lands already designated and planned for such other uses.*

PART 3: LAND USE POLICIES

SECTION 9: RESIDENTIAL

9.2 GOALS AND OBJECTIVES

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- (4) *To encourage the development of economical housing in a suitable environment.*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

9.3 LAND USE DESIGNATIONS

9.3.2 MEDIUM DENSITY RESIDENTIAL

- (1) *In the Medium Density Residential designation the following uses shall be permitted:*

Main Uses:

Multi-unit Residential housing such as townhouses, apartments, nursing homes, and mobile home parks.

Secondary Uses:

Uses permitted with a Main Use:

- roomers and boarders*
- bed and breakfasts*
- accessory apartments*
- group homes*
- home occupations*
- accessory buildings and structures*

Uses permitted independent of a Main Use:

- Minor open space and community facilities subject to Section 15 of this Plan;*
- Low Density Residential uses*

- (2) *Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*
- (3) *The design and location considerations for Medium Density Residential development shall include provisions of the following:*

- a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
- b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
- c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*
- d) *Service areas shall be required on the site of each development (eg. Garbage storage, recycling containers).*
- e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
- f) *Adequate municipal services can be provided to accommodate the needs of the development.*
- g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
- h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

9.3.6 Low Density Residential (CANNERY PARK)

1. In the Urban Residential (Cannery Park) designation the following land uses shall be permitted:

Main Uses

Single dwelling units

Semi-detached dwelling units

Secondary Uses

Home occupations;

Bed and breakfasts;

Accessory apartments;

Group homes;

Garden suites;

Accessory buildings and structures.

2. Medium Density Residential uses may also be permitted and will be placed in a separate zoning category in the Zoning By-law to control height, density, coverage, unit size and parking. Medium density residential development shall also be subject to the Medium Density policies of Section 9 and St. Davids Secondary Plan policies.

5. Four Mile Creek Road (Regional Road 100) shall be developed in accordance with Regional standards to reflect an urban streetscape suitable as a principal entrance with a gateway feature to St. Davids. All local roads including Line 9 Road and Concession 3 Road shall be developed in accordance with Town standards. The streetscape

improvements shall be designed to slow traffic and shall include driveways with direct access to Four Mile Creek Road, as well as sidewalks, and bike lanes along Four Mile Creek Road. Road widening and reconstruction of Regional Road 100 is required to accommodate an urban cross-section, streetlighting, landscaping and possible turning lanes. In addition, the improvements may include a traffic circle (roundabout) and medians in the right-of-way of Four Mile Creek Road designed to Regional standards.

- a. Plant material around the gateway feature should be chosen for form and colour, for relatively low maintenance requirements and suitability to the Niagara Region climate, and for its attractiveness all year long.
- b. The gateway feature should be large enough to be seen from far away while driving.
- c. The design of the gateway feature should be reminiscent of local architectural styles, using materials such as wood, stone, and brick.
- d. The gateway feature should be as maintenance free as possible and feature a timeless design.
- e. The proposed concept for a gateway feature is a simple, dry stone wall with "St. Davids" engraved in a smooth rectangular piece of stone encased in the wall and placed on both sides of the road. The wall should be surrounded by a variety of plant species.

9.4 GENERAL RESIDENTIAL POLICIES

The following policies shall apply to all residential designations shown on the land use schedules.

(4) RESIDENTIAL DENSITY

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

St. Davids Urban Design Guidelines

6.2 Public Realm: Public Parks

6.2.3 Community Park Guidelines

- c) Bike paths and sidewalks should connect to parks that are located in the vicinity of arterial roads.

6.5 Public Realm: Views

6.5.2 Guidelines

- a) *The street and block layout should be oriented to maximize views to the Escarpment.*
- b) *Streets should shift at key locations to allow for significant view opportunities to the Escarpment.*

6.6.2 Guidelines: Streets for Walking and Recreation

6.6 Public Realm: Streets

The design principles that will promote streets for walking and recreation include:

- a) *Create interconnected Road Patterns*
An interconnected local street network with shorter block lengths will allow traffic flow to dissipate more evenly through neighbourhoods. This pattern will limit increased traffic speed on long road stretches and the need for traffic calming devices which limit emergency vehicle response time, reduce street parking, and are costly to construct and maintain.
- c) *Encourage Street Parking*
Street parking helps to slow traffic through the manoeuvring of parked cars.

6.6.3 Guidelines: Unique Street Character

- a) *Vary the Length of Streets and Blocks*
Allow streets to respond to the configurations of topography, other natural features, and existing development (streets, residential areas) to reinforce a sense of place in the new community.
A uniformity of new streets and blocks will limit orientation with community landmarks. A variety of streets and blocks that are occasionally offset, single loaded or curved will enhance one's orientation and enjoyment of the area.
- b) *Provide a Variety of Setbacks*
Opportunities to provide a variety of street setbacks will create visual interest and a sense of informality. A greater variety of buildings will create an image of incremental development as housing has evolved in the Town's older neighbourhoods, rather than an appearance of being built all at once.

6.6.5 Guidelines: Block and Street Design

A pattern of short blocks encourages walking as it shortens distances. It is also more interesting since a greater combination of possible routes is created. With greater pedestrian activity, streets become safer; with more efficient routes, driving distances are reduced.

The result of this street design is environmental and safety benefits.

- a) *Blocks should be short. Block lengths should not exceed 250 metres.*
- b) *Streets should be interconnected to disperse traffic.*
- c) *The street pattern should discourage through traffic (for example through T-intersections).*
- d) *In general, culs-de-sac should be avoided.*
- e) *Mid-block paths should be provided to create an overlay network dedicated to pedestrians.*

6.7 Public Realm: Pedestrian Network

6.7.2 Guidelines: Sidewalks and Walkways

- a) *Sidewalks should be provided on all pedestrian routes as outlined above including major and local streets.*
- f) *Sidewalks should be used to connect neighbourhoods, streets, public facilities, and open space.*

6.8 Public Realm: Streetscape

6.8.1 Guidelines: Mid-block Paths

As a means to promote walking and cycling, walkways through blocks and to open spaces are encouraged to increase accessibility throughout neighbourhoods, between public amenities and facilities, and to link recreational trails.

- b) *Walkways should generally be lit from adjacent street lights; the length of a mid-block walkway should therefore not exceed the depth of the block.*
- c) *In general, walkways should have a minimum 3.0 metre right-of-way incorporating a concrete surface that is suitable for pedestrian and bicycle use and requires minimal maintenance.*

6.8.8 Sidewalks and Landscape Strips

A key objective of landscape strips and sidewalks is to provide a buffer between the street and private properties, and between differing uses.

- a) *A continuous public sidewalk should be provided on two sides of arterial roads and on a least one side of collector and local roads.*
- f) *Landscape strips that are less than 1.0 metre in width and are adjacent to a hard edge, such as a wall or a curb, should be paved with feature paving material.*

6.10 Public Realm: Residential Areas

6.10.4 Guidelines: Unique Neighbourhood Identity

The following characteristics of established neighbourhoods in St. Davids should be maintained and enhanced in new neighbourhoods:

- a) *A Variety of Street and Block Configurations*
It is easy to "know where you are" in St. Davids as no two streets appear the same. This is due in part to the variety of street, block and lot configurations and sizes within the town.
- b) *A Variety of Setbacks*
The wide variety of setbacks is a defining characteristic of the streetscape and provides visual interest and a sense of informality that are important attributes for a small town character.

6.10.7 Guidelines: Residential and Arterial/ Collector Road Interface

- c) *The front yard of dwellings should optimize opportunities for landscaped open space through reduced paving to access garages.*
 - *Front yards less than 40 feet (12 metres) wide should not permit double car garages to face the public roadway.*
 - *Driveway widths should not exceed the width of a single car garage of approximately 10 feet (3 metres).*

- *Driveway spacing should be controlled to minimize disruption of the road function and ensure ample opportunity to plant street trees and where appropriate, provide street parking.*

7.1 Private Realm: Infill

7.1.5 Guidelines: Massing

Proposed heights for infill buildings should not be less than 80 percent or more than 120 percent of an existing building's height-to-width ratio. Since the majority of existing buildings does not exceed two storeys in height, it is recommended that new buildings generally reflect the same proportions particularly along the south end of Four Mile Creek Road where views to the Escarpment should be maintained.

7.2 Private Realm: Architectural Elements

7.2.3 Guidelines: Rooflines

- A variety of rooflines and shapes should occur in each residential block.*
- Roof forms should apply a generally consistent roofline in mass and height to adjacent buildings.*

7.2.4 Entranceways

- A high proportion of dwellings in any development are recommended to have a front porch.*
- Front porch and deck dimensions are encouraged to be deep enough to accommodate furnishings to ensure their active use. Therefore, the minimum depth for porches and decks should be 2.0 metres.*
- Steps to front porches should have generous proportions and a gentle rise and run to encourage step sitting and the placement of flowerpots.*
- The design of front porch railings and columns should be integrated to provide enclosure and safe use of the porch.*

7.2.8 Guidelines: Fences

There is a great variety of fence types found in St. Davids, as shown below: wood picket, cast iron, traditional agricultural, and living fences, hedges. They all have an approximate height of three feet, are semi-permeable, and are made of natural materials. New fences should maintain the character of existing village fences in terms of materials, visual permeability, and height.

7.3 Private Realm: New Residential Built Form

7.3.2 Guidelines: Single Detached and Attached Dwelling Setbacks

- Front yard setbacks should generally be a minimum of 4.5 metres with the exception of "wide shallow lots" and lots providing rear yard garages which permit a minimum 3.0 metre front yard setback.*
- A variety of front yard setbacks (3-6 metres), house types and garage treatments are encouraged on any given street block.*
- Rear Yard setbacks shall be a minimum of 7.5 metres.*
- Visible building elements including porches, entrances, windows and building materials should differ from adjacent buildings to provide variety to the image of the streetscape.*

SECTION 16: CONSERVATION/WETLANDS

16.2 GOALS AND OBJECTIVES

- (2) To encourage the retention of woodlots and the reforestation of low capability farmland.*
- (3) To protect areas of natural and scientific interest.*
- (8) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.*

16.3 LAND USE DESIGNATIONS

16.3.1 Conservation

Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted:

Main Uses:

Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission.

Secondary Uses:

Uses permitted with a Main Use:

- accessory buildings and structures subject to the approval of the authority having jurisdiction.*

Uses permitted independent of a Main Use:

- shoreline protection works*
- any agricultural use permitted in Section 7 of this Plan*
- yard space for any use permitted in an abutting designation*
- accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.*

16.4 General Conservation Policies

(7) Any applications for the redesignation of Conservation lands will be carefully reviewed and shall not adversely impact on the natural environment. Council shall, in conjunction with appropriate public agencies including the Conservation Authority, the Ministry of Natural Resources and Forestry and the Region, require a proponent to submit a study prepared by a qualified environmental specialist.

Such a study shall contain:

- a) A description of the natural environment and existing physical characteristics including a statement of environmental quality.*
- b) A description of the proposed development and the potential effect on the natural environment.*
- c) A description of the costs and benefits in economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects.*

- d) *An evaluation of alternatives including other locations to the proposal. There is no public obligation, however, either to change the designation of, or to purchase any area within the Conservation designation, particularly if the environmental hazard would be difficult or costly to overcome.*

(10) In interpreting the boundary of any conservation designation the following principals shall apply:...

- c) *Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area development may be permitted but restricted to preserve existing trees or other natural feature....*

16.4 GENERAL CONSERVATION POLICIES

(7) Any applications for the redesignation of Conservation lands will be carefully reviewed and shall not adversely impact on the natural environment. Council shall, in conjunction with appropriate public agencies including the Conservation Authority, the Ministry of Natural Resources and Forestry and the Region, require a proponent to submit a study prepared by a qualified environmental specialist. Such a study shall contain:

- a) A description of the natural environment and existing physical characteristics including a statement of environmental quality.*
- b) A description of the proposed development and the potential effect on the natural environment.*
- c) A description of the costs and benefits in economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects.*
- d) An evaluation of alternatives including other locations to the proposal.*

(9) Conservation lands will be placed in appropriate zoning categories in the implementing Zoning By-laws.

SECTION 18: HERITAGE CONSERVATION

18.5 ARCHAEOLOGICAL PLANNING

(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

2.4 Growth Management

2.4.3 Population and Employment Forecasts

2.4.3.2 Housing Forecast

- b) In 2011, the household mix by unit type in the Town was 85% low density (single-detached and semi-detached units), 9.3% medium density*

(townhouses, rowhouses), and 5.7% high density (apartments). Source: Watson and Associates The allocation of forecast housing growth to the various settlement areas will be completed upon finalization of the Regional Municipal Comprehensive Review.

- c) The Town can accommodate over 4,300 housing units through intensification and greenfield development opportunities, which is in excess of the anticipated increase in households to 2031. The potential supply opportunities for each settlement area are shown in **Table 4**.
- d) Beyond 2031, St. Davids is expected to accommodate the largest share of urban residential growth, with the balance distributed between Old Town, Glendale and Virgil. Queenston has limited opportunities for additional growth.

Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area					
Settlement Area	Density Type				Percentage Share
	Singles & Semi-Detached	Multiples ¹	Apartments ²	Total	
Old Town	187	323	241	751	17%
Virgil	690	32	22	744	17%
Queenston	29	0	0	29	1%
St. Davids	858	113	800	1,771	41%
Glendale	413	649	10	1,072	25%
Rural	2	0	0	2	0%
Total	2,179	1,117	1,073	4,369	100%
Percentage Breakdown	50%	26%	25%	100%	
1 Includes townhomes and apartments in duplexes					
2 Includes bachelor, 1 bedroom and 2 bedroom+ apartments					
Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels.					
Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake.					

2.6 Complete Communities

2.6.1 Sustainability

2.6.1.1 The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.

2.6.1.3 Sustainability is achieved through a variety of initiatives that can include: ...

- d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;
- e) building on the existing employment strengths within the Town to generate economic prosperity;
- g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;

- h) *having vibrant downtowns and attractive public spaces;*
- i) *maintaining a commitment to low profile development; ...*

2.6.2 Healthy Neighbourhoods

2.6.2.1 ...Components of healthy communities in the Town include:

- a) *Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other; ...*
- c) *a range of quality housing choices to meet the needs of people in all stages of life; ...*

2.6.2.2 Development applications will be required to identify how the development will contribute to the health of the community.

2.6.3 Housing

2.6.3.1 A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.

2.6.3.2 Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification

...

2.6.3.3 Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

4.5 Intensification Strategy

4.5.3.10 In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

- b) *the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) *front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) *the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*

- h) new driveways and service connections shall be sited to minimize tree loss;*
- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 4.15 Conservation

Policy 4.15.6 – The re-designation of Conservation lands may only be considered where it is demonstrated that the proposal complies with the applicable requirements in Section 8.

Section 8.2.1 Natural Heritage

Policy 8.2.2 – objectives for the Natural Heritage System are to:

- a) Promote the responsible protection of the Town's natural heritage features...*
- d) Promote environmental stewardship including restoration where possible, as part of all municipal decision-making...*
- g) Encourage the retention and restoration of woodlands.*
- h) Protect Significant Areas of Natural and Scientific Interest, wetlands, woodlands, wildlife habitat, fish habitat and valleylands...*
- k) Preserve and enhance the recreational amenities and natural resources offered by waterways, wetlands and natural areas;*
- l) Encourage landscape restoration and enhancement as part of the development approval process, to repair past damage and to mitigate the potential negative impacts of development.*

Policy 8.5.6 - Development and site alteration may be permitted where supported by an Environmental Impact Study (EIS) that demonstrates that there will be no negative impact on a component of the Core Natural Area or adjacent lands, and in the following situations:

- a) Within an Environmental Conservation Area; or*
- b) On adjacent lands to an Environmental Conservation Areas.*

4.10 Residential Areas

4.10.2 Objectives

4.10.2.1 Objectives for residential development areas are as follows:

- a) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- b) To improve housing supply options in the Town...*
- c) To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.*
- f) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing*

uses and where it will contribute to the more efficient use of municipal services and community facilities.

g) To limit land use conflicts that may be associated with proposed new residential and mixed use development proposals.

j) To encourage development of well-designed and visually-distinctive housing projects.

k) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.

4.10.3 Policies

4.10.3.1 *Low-rise structures are the predominant built form throughout the residential areas...*

4.10.3.4 *Any construction of additions or new structures within residential areas will complement existing adjacent development in terms of its scale, character, height, design and mass.*

4.10.3.5 *The design and location considerations for multiple unit residential buildings shall include provisions of the following:*

a) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses or on cultural heritage resources.

b) Appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density uses.

c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.

d) Service areas shall be required on the site of each development (e.g. garbage storage, recycling containers).

e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

f) Adequate municipal services can be provided to accommodate the needs of the development.

g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.

h) Close proximity to community facilities such as schools and recreation facilities, and to commercial facilities should be available.

4.10.3.6 *The implementing zoning by-law may use separate zoning categories to limit certain uses where appropriate.*

4.10.5 Residential Designation

4.10.5.1 *Character:*

a) In the Residential designation, a variety of residential uses, types and densities are be permitted, as detailed in the secondary plans, where such secondary plans have been approved.

4.10.5.2 Permitted Uses:

a) In general, the housing mix in the Residential designation will include low rise structures, including:

- single-detached,*
- semi-detached and duplex dwellings, and*
- medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments).*

These may be identified in separate zoning categories in the Comprehensive Zoning By-law.

b) Secondary uses permitted in conjunction with a principal use that are appropriate in the Residential designation include:

- rooming and boarding houses,*
- Bed and Breakfast Establishments,*
- second residential units,*
- home occupations,*
- cottage rentals, and*
- accessory structures.*

c) Other uses permitted include:

- open space,*
- parks,*
- trails,*
- specialized housing (e.g. retirement or nursing homes),*
- group homes, and*
- community facilities.*

SECTION 7 Heritage, Archaeology and Culture

7.3 Archaeological resources

7.3.3 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

7.3.4 The Town will promote conservation of its archaeological resources and will:

- a) Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential... or where an archaeological site has been previously registered on the property.*
- b) Require an archeological assessment for the entire property in compliance with current Provincial requirements, standards and guidelines for consultant archaeologists; and assess the impact of the proposed development on any archaeological resources identified. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the*

project archaeologist may consult with the Ministry of Tourism, Culture and Sport on a property-by-property basis to determine if these areas can be exempt.

- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

9.2 Water and Wastewater Services

9.2.1 General Policies

9.2.1.1 New development will be limited by the available capacities of services...

9.2.2 Urban Growth on Full Municipal Services

9.2.2.1 The provision of water and wastewater services is a shared responsibility with the Region; however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town's settlement areas. Stormwater management strategies will be based on current, innovative, best practices and are subject to the approval of the Operations and Community & Development Services Departments.

9.2.2.3 Sanitary Sewers

b) Within any settlement area, development is required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. The Town may consider development on interim services where it can be demonstrated that:

- i. by permitting the proposed use in advance of services, other objectives of this Plan will be met;*

9.2.2.4 Watermains

a) The improvement and supply of water lines to existing development is a priority for the Town.

9.3 Stormwater Management

9.3.1 Planning for stormwater management will:

- a) minimize, or where possible, prevent increases in contaminant loads;*
- b) minimize changes in water balance and erosion;*
- c) Not increase risks to human health and safety and property damage;*
- d) Maximize the extent and function of vegetative and pervious surfaces;*
- e) Provide controls on invasive species including cattails and phragmites;*
- f) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development; and*
- g) Develop stormwater master plans for serviced settlement areas.*

9.3.2 No development will occur without appropriate regard for storm run-off, on-site collection and channeling of stormwater to an adequate outlet. Drainage will be to a storm sewer outlet satisfactory to the Town.

9.3.4 Stormwater management plans shall be prepared in accordance with the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area.

9.3.5 Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*
- b) Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces; and*
- c) Aligns with the stormwater master plan for the settlement area, where applicable*

10.14 Potentially Contaminated Sites

10.14.4 A phase 1 environmental site assessment may be required in support of any planning application in order to ensure that there are no adverse effects, as defined in the Environmental Protection Act, including:

- a) impairment of the quality of the natural environment for any use that can be made of it,*
- b) injury or damage to property or to plant or animal life,*
- c) harm or material discomfort to any person,*
- d) an adverse effect on the health of any person,*
- e) impairment of the safety of any person,*
- f) rendering any property or plant or animal life unfit for human use,*
- g) loss of enjoyment of normal use of property, and*
- h) interference with the normal conduct of business.*

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ####-24**

Official Plan Amendment No. 96
308 Four Mile Creek Road
Roll 262702002506000 and 262702002505800

FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT
TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the *Planning Act* hereby enacts as follows:

- 1. Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.
- 2. Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this 30th day of July, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. 96 to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE	Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.
PART B – THE AMENDMENT	Part B constitutes Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake.
PART C – ADDITIONAL INFORMATION	Part C does not constitute part of this amendment but outlines additional information available upon request.

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to redesignate a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and a site-specific “Conservation” designation to facilitate residential uses.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of St. Davids, located on the west side of Four Mile Creek Road, north of York Road and south of Millpond Road, on lands municipally known as 308 Four Mile Creek Road.
2. The Amendment is required to redesignate a portion of the subject lands to facilitate residential uses (9 townhouse dwelling units). A portion of the subject lands are located within an environmentally protected area. No development is proposed on the environmental lands, save and except for a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.
3. A portion of the subject lands are currently recognized as locally designated employment lands located outside of a regionally identified Employment Area. The change in land use to accommodate residential uses conforms with the intent of applicable Provincial, Regional and Town planning policies. The change in land use has been examined and evaluated in the context of applicable planning policies and the studies and information submitted in support of the application which demonstrate the need and suitability for the change in land use.
4. Studies submitted as part of the application to support the development, demonstrate protection of the environmental area, and address land use compatibility with surrounding existing industrial land uses.
5. The proposal would provide more housing and a more diverse housing stock, to address current housing needs.
6. The Amendment is consistent with the Provincial Policy Statement (2020) and conforms with the intent of the Growth Plan (2020), the Regional Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
7. A future application for Site Plan Approval would be required to facilitate the development of the proposed 9-unit private road townhouse development.

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. That Schedule “D” to the Official Plan, as amended, is further amended by redesignating a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and site-specific “Conservation – EX-CON-1” as shown on Schedule 1 attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 16: Conservation/Wetlands:

“16.5 EXCEPTIONS

Within the Conservation designation, certain lands are shown as exceptions. An exception designation may recognize an existing land use which is not normally permitted in the Conservation designation or it may place some other restriction on the property. The following is a Conservation exception.

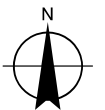
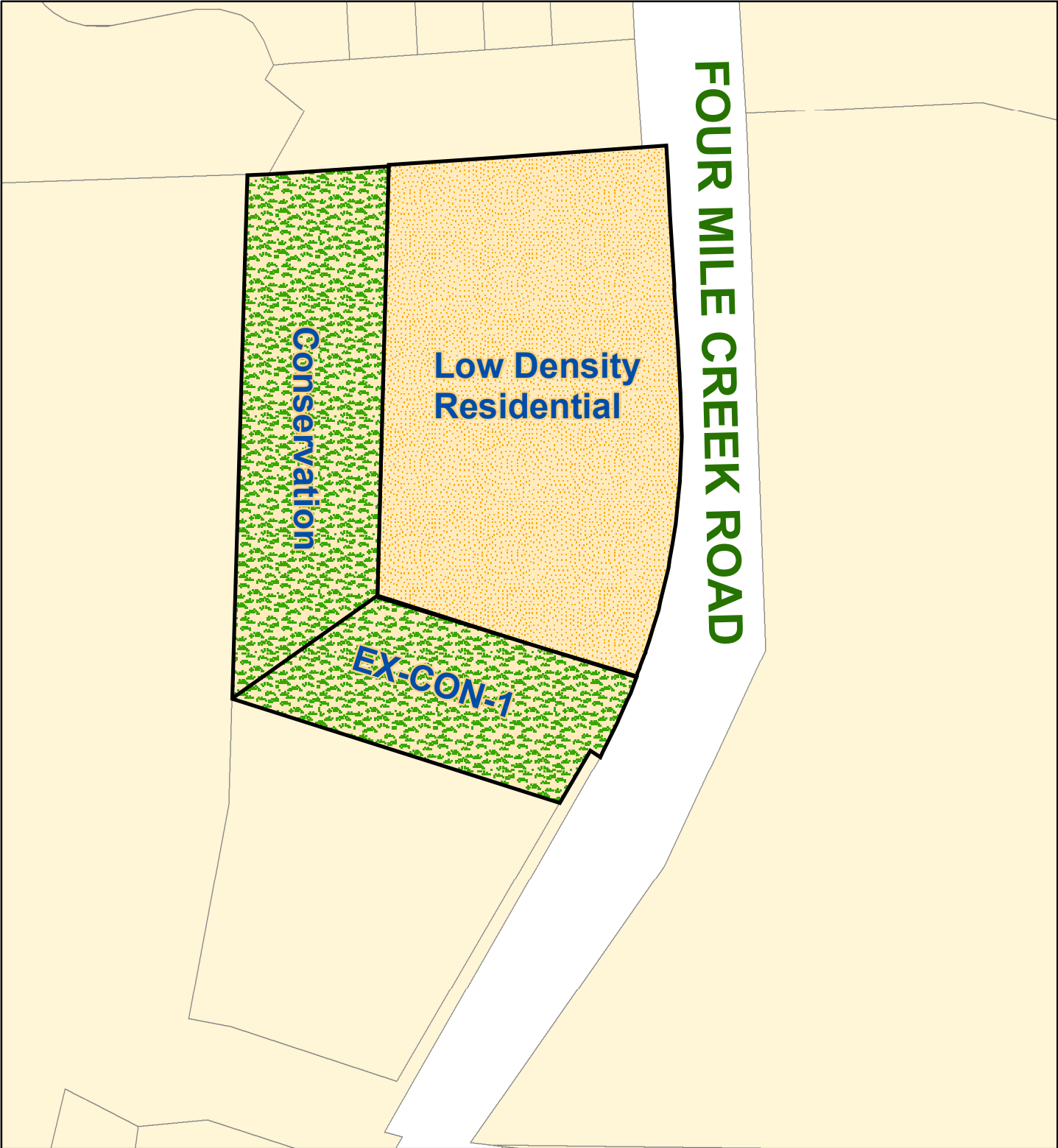
EX-CON-1 The portion of the lands identified as Conservation – EX-CON-1 on Schedule D, municipally known as 308 Four Mile Creek Road, shall be subject to all requirements of the “Conservation” designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Subsection 16.3.1 of the Official Plan, a private road is permitted as well as private infrastructure, subject to Niagara Peninsula Conservation Authority approval.”

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Information Report to Council – Public Meeting, 308 Four Mile Creek (CDS-23-210)
2. Committee of the Whole – Planning Meeting Minutes dated October 3, 2023
3. Community and Development Services Report CDS-24-085
4. Council Meeting Minutes dated June 25, 2024



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT 96
BEING AN AMENDMENT TO SCHEDULE "D" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL

Explanation of the Purpose and Effect of
By-law 4316FQ-24

The subject lands are described as 308 Four Mile Creek Road and are legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone a portion of the subject lands to permit the development of nine (9) townhouse dwelling units and one (1) block for future development, with common elements for a private road, environmental protection area and landscaping, and to rezone a portion of the subject lands to protect the existing Four Mile Creek watercourse and associated buffer lands by prohibiting any type of development, save and except a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.

Effect

The effect of this By-law is to rezone the subject lands from “St. Davids Community Zoning District – Enterprise (E-17) Site Specific Zone” and “St. Davids Community Zoning District - Enterprise (E) Zone” to “Open Space (OS-41(a)) Site Specific Zone”, “Open Space (OS-41(b)) Site Specific Zone” and “Residential Multiple (RM1-41-H) – Site Specific Holding Zone” with site-specific provisions for minimum front yard setback from a private road, minimum rear yard setbacks, maximum garage door width and garage setback from face of dwelling, minimum interior side yard setback, minimum distance between buildings on the same lot, and encroachment into front yard and rear yard for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition.

<i>Applicant:</i>	Sleek Developments Inc.
<i>File Number:</i>	ZBA-18-2023
<i>Report Number:</i>	CDS-24-085
<i>Assessment Roll Number:</i>	262702002506000 and 262702002505800

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FQ-24**

308 Four Mile Creek Road

Roll 262702002506000 and 262702002505800

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule "A-23" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "St. Davids Community Zoning District – Enterprise (E-17) Site Specific Zone" and "St. Davids Community Zoning District - Enterprise (E) Zone" to "St. Davids Community Zoning District - Residential Multiple (RM1-41-H) – Site Specific Holding Zone", "Open Space (OS-41(a)) Site Specific Zone" and "St. Davids Community Zoning District – Open Space (OS-41(b)) Site-Specific Zone".

- 2 That Subsection 9.13 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following sections:

9.13.41 – 308 Four Mile Creek Road – See Schedule ‘A-23’

9.13.41.1 RM1-41-H Zone Requirements

In lieu of the corresponding provisions of Subsection 9.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as RM1-41-H on Schedule “A-23”:

(f)	Minimum front yard setback	6.0 m from a private lane to the main façade of a dwelling unit 16.0 m from the property line abutting Four Mile Creek Road to the main façade of a dwelling unit An attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling unit on the ground floor
(g)	Minimum interior side yard setback	1.2 m from a dwelling unit or covered porch to a property line 0 m from a common wall
(i)	Minimum rear yard setback	41.0 m from the rear face of a dwelling unit to a property line 8.0 m from the rear of a condominium unit line to the rear face of a dwelling unit
(j)	Minimum distance between buildings located on the same lot from end wall to end wall	2.4 m
(k)	Minimum distance between any townhouse dwelling and an internal driveway	Not applicable

	and parking area to the front of the dwelling, and to the front face of garage	
(q)	Maximum total width of garage doors	50% of the front face of a dwelling unit

9.13.41.2 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM1-41-H on Schedule “A-23’, the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, patio or steps may project 2.0 metres into a required front yard.
- b) an unenclosed and uncovered or covered porch, deck or patio or steps may project 3.5 metres into a required rear yard, provided that any covered area is no greater than 15 square meters (excluding eaves and gutters).

9.13.41.3 OS-41(a) Permitted Uses

In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the “Open Space (OS-41(a)) Site Specific Zone”:

- a) *conservation management activities* and uses.

9.13.41.4 OS-41(b) Permitted Uses

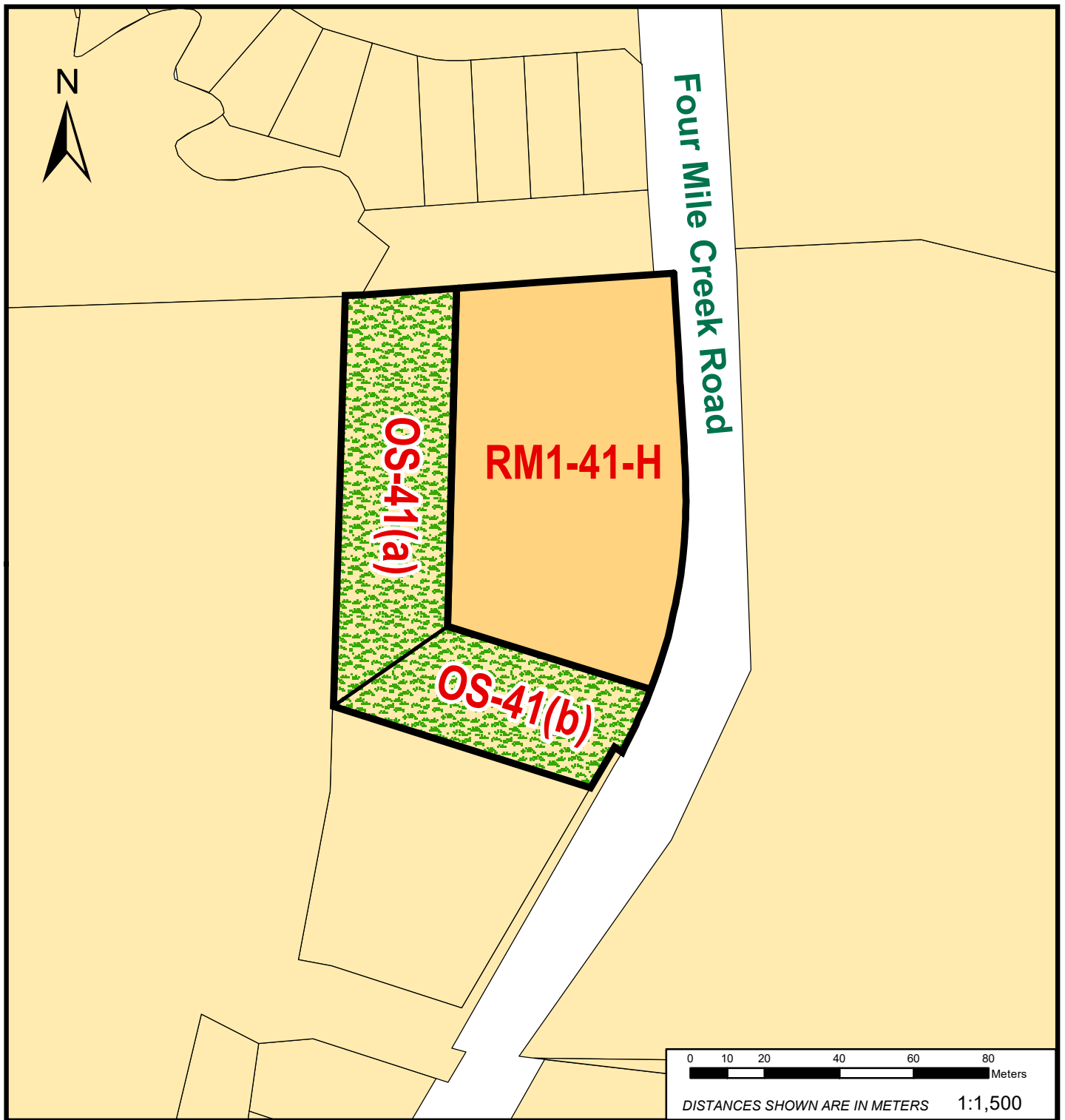
In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the “Open Space (OS-41(b)) Site Specific Zone”:

- a) *conservation management activities* and uses.
 - b) a *private road* and private *infrastructure*, subject to approval from the Niagara Peninsula Conservation Authority.
3. The development of the subject lands identified as RM1-41-H on Schedule “A-23” shall only be permitted upon removal of the Holding (H) symbol. The Holding (H) symbol shall not be removed until such time as the submission of confirmation of the filing of a Record of Site Condition with the Ministry, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake and Niagara Region.
4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 30th DAY OF JULY 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FQ-24, BEING AN AMENDMENT TO SCHEDULE "A-23" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF JULY, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL

File: 26CD-18-23-01
 Draft Approval Date: _____
 Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval of Vacant Land Condominium

The conditions of Draft Plan Approval and Registration for lands municipally known as 308 Four Mile Creek Road and legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE” are as follows:

TOWN COMMUNITY AND DEVELOPMENT SERVICES

1. That this approval applies to the Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants, dated July 13, 2023, identified as Drawing Number 1520-DP, for lands municipally known as 308 Four Mile Creek Road, legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, showing nine (9) vacant land units for townhouse dwellings, and one (1) vacant land unit for future development (Phase 2), in addition to common elements for a private road, landscaping and environmental protection.
2. That the Owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including but not limited to the provision of services, roads, signage, grading, drainage, trees, streetlighting and sidewalks. The agreement shall also specifically prohibit development on the lands, until such time as grading and services are adequately provided, to the satisfaction of the Town.

3. That if final approval is not given to this plan within three (3) years of the draft approval date and no extensions have been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake be registered by the municipality against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that any outstanding taxes will be paid prior to the registration of the final plan.
6. That the Owner provides a preliminary Condominium Description, in accordance with Ontario Regulation 49/01 under the *Condominium Act, 1998, S.O. 1998, c. 19*, and a letter to the Director of Community and Development Services stating how all conditions of Draft Plan Approval have been satisfied at the time of request for condition clearance.
7. That the Owner receives final approval for an Official Plan Amendment to implement the “Conservation – EX-CON-1” designation to permit a private road and private infrastructure subject to approval from the Niagara Peninsula Conservation Authority, and to refine the boundary of the “Conservation” designation on the subject lands in accordance with the development limit for the realigned watercourse completed through Niagara Peninsula Conservation Authority Permit No. 201900660.
8. That the Owner receives final approval to a Zoning By-law Amendment to provide land use regulations for the development of the subject lands.
9. That the Owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by

an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the Owner.

10. That the Owner receives final approval from the Director of Community and Development Services for a Site Plan to implement the requirements of the Draft Plan of Vacant Land Condominium.
11. That the Owner submits a Landscape Plan and Planting Plan that includes native species and which is in accordance with the recommendations set out in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023), in addition to proposed dwelling elevations for the future Site Plan application for review and approval, to the satisfaction of the Director of Community and Development Services.
12. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake to grant to the Town any required easements for services or utilities free and clear of any mortgages, liens or encumbrances.
13. That the private road within the development be named to the satisfaction of the Town, in accordance with the Town's Municipal Street Naming Policy.
14. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that during the construction of the development site that the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
15. That the Owner agrees in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake that, prior to the issuance of a building permit, each dwelling within the Plan of Condominium will be subject to the review and approval of the Director of Community

and Development Services respective urban design considerations in accordance with the St. Davids Urban Design Guidelines.

16. That the Owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it is also included in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”

TOWN URBAN FORESTRY

17. That the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake contain wording wherein the Owner agrees to implement the following:

(a) The Owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023), including but not limited to the recommendations set out in Section 5 of the Arborist Report, which specify proper precautions and protection measures for implementation in advance of site preparation and construction.

(b) That the Owner agrees to the following clauses in order for the Town to issue permits to injure the two (2) Black Walnut trees on the abutting property to the north, as identified in the Arborist Report prepared by Beacon Environmental Ltd (dated April 2023):

i. “That the injuring be carried out by, or under the direct supervision of a Certified Arborist following approved industry standards. In advance of any work proceeding on the subject lands, including but not limited to site grading, the Certified Arborist shall confirm in writing that the trees on the adjacent property can be safely retained

following the injuring of the trees.

ii. That the recommendations of the Tree Protection Plan submitted as part of the Arborist Report be implemented with respect to injuring trees on the adjacent property to the north of the subject lands.

iii. The Certified Arborist which carries out or supervises the work, shall submit a report to the Town's Urban Forestry By-law Enforcement Officer, which clearly identifies and documents the process carried out. Hydrovac or air spading and root pruning must be documented with photographs.

iv. Tree protection fencing shall be installed and inspected by Town staff prior to any work proceeding on the subject lands.

v. The Owner agrees to pay the required intent to injure permit fees, to be paid in accordance with Town By-law No. 5139-19."

(c) That the Owner agrees to pay the required fees set out by the Town's Urban Forestry By-law Enforcement Officer for the replacement of any trees removed from the subject lands, in advance of any site preparation or construction occurring.

TOWN DRAINAGE AND IRRIGATION

18. That the Owner, at their own expense, enter into a Reapportionment Agreement for assessment of future maintenance of the municipal drain, subject to the approval of the Drainage Superintendent.

TOWN OPERATIONS

19. That detailed design drawings with calculations for the watermain system, including required

fire flows and existing system flows, be submitted to the Operations Department for its review and approval.

20. That detailed design drawings with calculations for the sanitary sewer system and stormwater drainage systems required to service this proposal be submitted to the Town's Operations Department for its review and approval.
21. That prior to the approval of the final plan and registration of the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, the owner submits detailed construction plans showing the entrance, and internal road designs to the Town's Operations Department for its review and approval.
22. The Owner agrees to consult with the Town's Operations Department to determine suitable permanent locations for the community mailboxes, if required, which shall be included on appropriate servicing plans.
23. That the Owner agrees to the following in the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake:
 - (a) That on street parking is prohibited, and that the Owner is responsible for the purchase and installation of all required regulatory and street signage.
 - (b) That the Condominium Agreement includes a clause that the Town's Operations Department will not provide any snow plowing and/or sanding within the Condominium Corporation lands, and that the Owner must provide sufficient space to accommodate snow storage within the development lands.
 - (c) That the Condominium Agreement include a statement that the private sanitary and stormwater management systems may be subject to periodic inspections by the Operations Department and shall be maintained by the Condominium Corporation and if not maintained, after receiving written notice, the Town's Operations Department has the

authority to enter the private lands, carry out the required repairs and charge the Condominium Corporation accordingly.

- (d) That the Owner will be required to post the standard securities and cash deposits relating to primary and secondary services for both on-site and of-site works, plan reviews, site inspections (based on working days), signs and barricades and road clean up prior to commencing the installation of any services.
- (e) That the owner installs a sidewalk of 1.5m in width along the entire subject property's frontage along Four Mile Creek Road, which shall connect to the existing sidewalk terminating approximately 23 metres north of the subject property's northern limit, the cost of which shall be wholly borne by the Owner.
- (f) That all infrastructure works will be constructed to current Town specifications.
- (g) That all construction plans and supporting reports will be subject to a peer review at the Owner's cost.
- (h) That all proposed infrastructure will be subject to the Town's inspection at the Owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
- (i) That a Street Lighting Design/Plan is submitted to the Town's Operations Department for review and approval.
- (j) That a Streetscape Plan of the internal streets illustrating the location of street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for review.
- (k) That a Landscape Plan and Planting Plan be submitted, separate from the Streetscape

Plan, to the Town's Operations Department for review and approval.

- (l) That all sanitary sewer, watermain and storm sewer construction will be in accordance with current Town Specifications and subject to the Town's Operations Department for approvals.
- (m) That a comprehensive Stormwater Management Report be submitted to the Town's Operations Department for review and approval.
- (n) That the Owner is required to submit an overall Lot Grading Plan for review and approval to the Town's Operation Department noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
- (o) That a Sediment Control Plan is submitted to the Town's Operations Department for review and approval.
- (p) That the private internal water system shall be subject to annual inspections and maintenance by the Operations Department and that the costs associated with those inspections and maintenance will be borne by the Condominium Corporation.
- (q) That any future proposed works and/or maintenance on the private internal water system proposed to be completed by the Condominium Corporation be subject to the review and approval of the Town's Operations Department prior to any such works taking place.
- (r) That the internal private watermain system be metered in a chamber at the property line inside the Condominium Corporation lands, and further that the Condominium Corporation shall be responsible for the monetary difference between the amount of metered water entering the development and the total amount of water individually billed to each unit on an annual basis.
- (s) That the Owner conduct flow testing on all installed on-site hydrants, and that the Owner

install the appropriate colour-coded discs, to be completed at the time of watermain commissioning. Such flow testing results shall be provided to the Town.

REGIONAL MUNICIPALITY OF NIAGARA

24. That a Letter of Reliance for the Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) shall be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted.
25. That the Condominium Agreement between the Owner and the Town contain a provision whereby the owner agrees to implement the noise mitigation measures and ensure the required warning clauses are included in all offers and agreements of purchase and sale or lease for each dwelling unit in accordance with the Noise Feasibility Study required in the condition above. The following clauses shall be included in the Condominium Agreement:

“Type A: Purchasers/tenants are advised that sound levels due to increasing road traffic on Four Mile Creek Road may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment, Conservation, and Parks’ noise criteria.

Type B: This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment, Conservation, and Parks noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP publication NPC-300).

Type C: The lands in the Plan of Vacant Land Condominium may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related

traffic, industrial operations and industrial/commercial traffic that may occasionally interfere with some activities of the owners who may occupy the lands.”

26. That the following clause be included in the Condominium Agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326- 8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

27. That following completion of any remediation and/or risk assessment work (if required), a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks’ (MECP) Environmental Site Registry in accordance with *Environmental Protection Act* and associated regulations, as amended. Finalized copies of the Environmental Site Assessments, site remediation reports, MECP written acknowledgement of the filing of the RSC, and certification from a Qualified Professional (QP) outlining that the property meets the applicable standard(s) of the intended land uses, shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted to clear this condition.

28. That the Condominium Agreement contain wording wherein the Owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023).
29. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following:
- a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
 - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - c. That a no-gate bylaw be included in the agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
30. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
31. That a Grading Plan be provided to the satisfaction of Niagara Region that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
32. That the Preliminary Landscape Plan, prepared by James McWilliam Landscape Architect, dated July 2023, be updated to the satisfaction of the Niagara Region to include lands located between the 15 metre watercourse buffer and the outer extent of residential development. The area should be planted with native trees, shrubs and groundcover that

complements the adjacent vegetation communities.

33. That the Condominium Agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan.
34. That the Owner dedicate the required widening across the frontage of the property along Regional Road 100 (Four Mile Creek Road).
35. That prior to any construction within the Regional Road 100 (Four Mile Creek Road) road allowance, the Owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
36. That revised engineering drawings to address transportation engineering comments and required urbanization be submitted for review and approval by Niagara Region.
37. That the applicant submit payment of the Region's 'Minor Urban Design Review' fee, as per the Council-approved Schedule of Rates and Fees.
38. That the Owner is responsible for the design and the construction costs to urbanize Four Mile Creek Road along the frontage of the development and enter into a legal agreement with Niagara Region for such work.
39. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successor, to Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and

proposed grades and the means whereby overland flows will be accommodated across the site;

b. Detailed erosion and sedimentation control plans.

40. That the Condominium Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above condition.

41. That prior to final approval for registration, the Owner shall submit engineering drawings showing all servicing crossings of the Regional watermain and forcemain, as well as plan and profile drawings for the storm sewer, for review and approval by Niagara Region.

42. That the Owner submit Regional waste collection truck turning templates for review and approval.

43. That the Owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site.

44. That the condominium agreement between the owner and the Town contain a provision whereby the Owner agrees to include the following warning clause within future Purchase and Sale or Lease Agreement:

a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).

45. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating

that all existing and new survey evidence is in place at the completion of the development.

NIAGARA PENINSULA CONSERVATION AUTHORITY

46. That the Owner provide detailed grading, storm servicing, and construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
47. That the Owner submit detailed drawings and plans for the proposed private road and private infrastructure to the Niagara Peninsula Conservation Authority for review and approval.
48. That the Owner provide a 1.5-metre-high chain-link fencing along the rear and side lot lines, along the creek block. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.
49. That the above Conditions set out by the Niagara Peninsula Conservation Authority be incorporated into the Condominium Agreement between the Owner and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

BELL CANADA

50. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
- (b) *That the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*
- (c) *That the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.”*

ENBRIDGE GAS INC.

51. That the Condominium Agreement between the Owner and the Town include the following clauses:

- (a) *“That the applicant shall use the Enbridge Gas Get Connected tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.*
- (b) *If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.*

- (c) *In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.*
- (d) *The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.”*

NIAGARA ESCARPMENT COMMISSION

52. That the Niagara Escarpment Commission is circulated on the Site Plan Approval application, and is consulted in the review of Conditions 27, 31, 32, 39 and 46.

Clearance of Conditions

Prior to granting final approval for the condominium plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1-16
Town Urban Forestry	17
Town Drainage and Irrigation	18
Town Operations	19-23
Niagara Region	24-45
Niagara Peninsula Conservation Authority	46-49
Bell Canada	50
Enbridge Gas	51
Niagara Escarpment Commission	52

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community & Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Town Urban Forestry	Harry Althorpe, Urban Forestry By-law Enforcement Officer	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Harry.Althorpe@notl.com
Town Drainage and Irrigation	Brandon Enns, Drainage and Irrigation Superintendent	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Brandon.Enns@notl.com
Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000	amy.shanks@niagararegion.ca
Niagara Peninsula Conservation Authority	Taran Lennard, Watershed Planner 2	250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W	(905)-788-3135	tlennard@npca.ca
Enbridge Gas	Willie Cornelio, Sr Analyst Municipal Planning	500 Consumers Road, North York, ON M2J 1P8	(416)-495-6411	municipalplanning@enbridge.com
Bell Canada	Juan Corvalan, Senior Manager, Municipal Liaison		(416) 570-6726	planninganddevelopment@bell.ca
Niagara Escarpment Commission	Janet Sperling, Acting Senior Strategic Advisor	1450 7th Ave. East I Owen Sound, ON N4K 2Z1	(226)-668-5247	Janet.Sperling@ontario.ca

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

DRAFT

John Federici, MCIP, RPP

From: Taran Lennard <tlennard@npca.ca>
Sent: April 5, 2024 10:47 AM
To: Mark Chuang
Subject: NPCA Review: ZBA-18-2023, OPA-08-2023, 26CD-18-23-01, 308 Four Mile Creek Road, Sleek Developments

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Mark,

The NPCA has reviewed the revised information submitted to our Office on March 26, 2024. At a high level, the NPCA is supportive of the OPA/ZBA. We recognize that the proposal is to zone the creek block an Environmental Conservation Zoning. Our Agency is supportive of this Zoning structure for the block.

As such, please include the following conditions into the Agreement:

1. That the Developer provide detailed grading, storm servicing, & construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the Developer provide a 1.5-metre-high chain-link fencing along the rear and side lot lines, along the creek block. The applicable Engineering Drawings and the Condominium Agreement are to clearly indicate that chain link fencing is not to have any gates for the lots.
3. That Conditions 1 to 2 be incorporated into the Condominium Agreement between the Developer and the Town of Niagara-on-the-Lake, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Niagara-on-the-Lake shall circulate the Draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Thank you.



Taran Lennard

Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 x277

www.npca.ca

tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 27, 2023

File Number: D.10.05.OPA-23-0047

D.18.05.ZA-23-0093

D.11.05.CD-23-0025

Mark Chuang

Planner II

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Chuang:

Re: Regional and Provincial Comments

Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium Applications

Town File Number: OPA-08-2023, ZBA-18-2023 and 26CD-18-23-01

Applicant: Sleek Developments Inc. (Rainer Hummel)

Address: 308 Four Mile Creek Road

Town of Niagara-on-the-Lake

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the information circulated with the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for lands municipally known as 308 Four Mile Creek Road in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of nine (9) townhouse dwellings, which are planned to have frontage on a private street running parallel to, and having access from, Four Mile Creek Road. Only the northerly portion of the subject lands are proposed to be developed at this time; additional lands located to the south of Four Mile Creek have been reserved in the Draft Plan of Vacant Land Condominium for future development.

The subject lands are currently designated General Industrial, Low Density Residential, and Conservation in the Town's Official Plan. The Official Plan Amendment proposes to re-designate the portion of the subject lands that will be occupied by the townhouse dwellings from General Industrial and Conservation to Medium Density Residential, with a special policy permitting the proposed development. The boundaries of the

Conservation designation on the subject lands are proposed to be revised to reflect the current location of Four Mile Creek, which was previously realigned as part of a Niagara Peninsula Conservation Authority (NPCA) permit.

The subject lands are currently zoned Enterprise (E-17) and Residential (R1) in the Town's Zoning By-law. The Zoning By-law Amendment proposes to rezone the portion of the subject lands that will be occupied by the townhouse dwellings from Enterprise (E-17) to a site-specific Residential Multiple 1 (RM1-X) zone, with various modified zoning provisions to permit the proposed development. The portion of the subject lands containing Four Mile Creek and its associated buffer are proposed to be rezoned to Open Space (OS).

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated July 13, 2023), proposes to create nine (9) townhouse units (Units 1-9), one (1) unit for future development (Unit 10), a common element block that will contain the private roadway, a temporary turnaround, and creek, and exclusive use areas for the townhouse driveways.

A pre-consultation meeting for this proposal was held on April 21, 2022. The applications were received from the Town on August 29, 2023, with Regional review fees being received from the Town on October 20, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The subject lands are situated within the Niagara Escarpment Plan (NEP) area according to the Greenbelt Plan, where the policies of the NEP apply. The NEP designates the subject lands as within the Minor Urban Centre of St. David's. The NEP notes that uses in these centres must align with permitted uses in approved local Official Plans, which are not in conflict with the policies in the NEP. Niagara Escarpment Commission (NEC) staff will evaluate the proposed development relative to the NEP to confirm whether it conforms to this plan. The subject lands are designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The proposed development is considered infill development and will result in residential intensification within the Built-Up Area. To

support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. The proposed development, which will result in the creation of nine (9) townhouse dwellings, will contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development and supports opportunities for integrating gentle density that considers the character of established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

Employment Policies

The PPS states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and a broad mix of uses to meet long-term needs. Opportunities should be provided for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and consider the needs of existing and future businesses.

The Growth Plan provides direction for municipalities to designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors for employment. The Growth Plan states that, on lands outside of employment areas, as defined by Provincial and Regional policies, criteria should be established to ensure the redevelopment of any employment lands are required to retain space for a similar number of jobs to remain accommodated on-site.

The NOP designates certain lands as employment areas. Employment areas are required to be protected over the long-term for employment uses, and residential land uses are prohibited within them. The subject lands are not located within a designated employment area under the NOP.

The NOP also includes policy direction for employment lands, which are defined as lands designated in local Official Plans and Zoning By-laws for employment uses, which are located both within, and outside of, designated employment areas. As noted above, portions of the subject lands are currently designated General Industrial in the Town's Official Plan and zoned Enterprise (E-17) in the Town's Zoning By-law. The current Official Plan designation and Zoning By-law provisions allow for a range of employment uses. Accordingly, the subject lands are considered employment lands under the NOP.

In accordance with the direction in the Growth Plan, Policy 4.2.5.1 of the NOP requires that any proposed redevelopment for non-employment uses on employment lands located outside of a designated employment area retain a similar number of jobs on-site. Further, Policy 4.2.5.2 of the NOP encourages Local Area Municipalities to develop criteria for the redevelopment of non-employment uses on employment lands located outside of employment areas. In the absence of local criteria, it is recommended that the Region's Employment Land Redevelopment Criteria Guideline (contained in Appendix 3 to the NOP) be used to assess the impacts of a proposed employment land conversion.

The submitted Planning Justification Report (PJR), prepared by Jennifer Vida, MCIP, RPP (dated August 2023) includes an analysis of the proposed development based on the Region's Employment Land Redevelopment Criteria Guidelines. Regional staff have reviewed the provided analysis and note that future employment uses on the subject lands would be constrained due to the relatively small size (approximately 0.177 hectares) of developable land that is currently designated and zoned for employment uses. The subject lands are also located immediately adjacent to existing residential uses to the north and south and designated residential lands to the west. The proximity of these existing/planned residential land uses would likely limit the use of the subject lands for certain types of employment uses that would result in adverse noise, odour or dust impacts on these adjacent lands. The subject lands are located to the west of several existing industrial facilities (located on the opposite side of Four Mile Creek Road). The submitted Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) (discussed in the 'Noise Impacts' section below) identifies that potential adverse noise impacts from these existing industrial facilities can be appropriately mitigated. Accordingly, Regional staff are satisfied that the proposed conversion should not have an impact on the long-term viability of these nearby facilities or result in adverse impacts from the nearby facilities on the proposed development.

The submitted PJR also addresses the retention of jobs on-site. The PJR identifies that although currently vacant, the subject lands would have supported approximately 6.6 jobs (based on an assumed building footprint of 8,000 square feet and Niagara Region's Development Charges Background Study, May 2022, employment density for industrial uses of 1,200 square feet per job). The PJR identifies that based on a calculation of 1.8 person per unit (as identified in the Niagara Region's Development Charges Background Study), and assuming that each of the nine townhouse units will contain one additional dwelling unit, the population for the proposed development would be approximately 32 people. Based on this assumed population, the PJR contends that the proposed development could therefore potentially accommodate 10-15 jobs through a live-work scenario (i.e. a 30-40% work at home rate).

The PJR does not specify how the assumed 30-40% work at home rate was selected. It also does not specify how it can be assumed that the identified accessory dwelling units will be achieved. Staff note that the proposed Official Plan and Zoning By-law

Amendments do not include provisions that would require these units be provided as part of the final development.

Accordingly, Regional staff requested that the applicant provide additional justification addressing these two components of the analysis. A supplementary memorandum, prepared by Jennifer Vida, MCIP, RPP (dated October 17, 2023), was subsequently provided. The memorandum outlines how the applicant has identified increased work from home rates in their other developments (noted in the report as being on average at least one person working from home exclusively full-time, and one person working part-time from home as part of a hybrid model). The memorandum also notes that it is the intent at this juncture to provide options for secondary basement units in the proposed development; however, the ultimate provision of these units will be at the discretion of market demand.

Given the uncertainty surrounding the eventual provision of the future accessory dwelling units, staff do not feel it is justified to include this assumption when calculating the total number of jobs that will be provided on-site. However, based on recent census data, which suggests that work from home rates have increased significantly since the COVID-19 pandemic, Regional staff are satisfied that it can be assumed that the proposed development will result in the provision of at least 6.6 jobs on-site.

Town staff should also be satisfied with the analysis provided in the PJR.

Noise Impacts

Policy 1.2.6.1 of the PPS and Policy 4.2.4.2 of the NOP require that major facilities and sensitive land uses “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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...”. Section 4.2.5.3 of the NOP also states that “the Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand”. As noted previously, the applications propose sensitive residential uses in the vicinity of existing industrial uses, which are located on the opposite side of Four Mile Creek Road. These include a cold storage facility (365 Four Mile Creek Road), and an industrial building containing a food manufacturer, chocolate factory/retail store, veterinary clinic, and business office (329 Four Mile Creek Road). The subject lands also have frontage on Regional Road 100 (Four Mile Creek Road). In order to address Provincial and Regional policies related to land use compatibility, Regional staff requested the submission of a noise feasibility study at the pre-consultation stage to address potential adverse noise impacts on the proposed development.

The submitted Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023), includes an assessment of both nearby transportation and stationary noise sources on the proposed development. Regarding stationary noise impacts, the noise study identifies that there are closer existing sensitive receptors to the cold storage facility located at 365 Four Mile Creek Road than the subject lands, and therefore, it is expected that sound levels from this facility on the proposed development will meet Ministry of the Environment, Conservation and Parks' (MECP) NPC-300 Noise Guidelines limits. For the industrial building located at 329 Four Mile Creek Road, the study finds that sound levels from rooftop HVAC equipment and loading docks associated with this facility will also comply with NPC-300 limits at the proposed development. Regarding transportation noise impacts, the noise study finds that noise levels from Four Mile Creek Road will exceed NPC-300 limits at the proposed development. The study recommends that the townhouse dwellings be designed with ductwork sized to allow for the future installation of central air conditioning, if desired, as well as that warning clauses be included in all ownership and tenancy agreements to inform future occupants of potential sound level exceedances. A condition of draft plan approval to implement these recommendations is provided in Appendix 1.

Regional staff note that the noise study contains a standard technical limitations section that limits the Region's ability to use/rely on the information contained within the study. The submission of a letter of reliance from the report author will need to be provided to the Region which states that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the report submitted. A condition of draft plan approval to address this requirement is included in Appendix 1.

Natural Heritage

A pre-consultation meeting for these applications was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan (ROP) apply to the proposed applications.

Under the ROP, the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Staff understand that the watercourse has been realigned through an NPCA authorization (Permit #201900660) and is now located at the southern and western extents of the property. The NPCA permit also includes a requirement to plant and maintain a 15 metre naturalized buffer.

Staff are satisfied with the requirements outlined in the NPCA work permit. That said, there are portions of the subject lands between the 15 metre watercourse buffer and the proposed townhouse units that have not been identified for restoration. Staff recommend that these lands be planted with native naturally self-sustaining vegetation to ensure that invasive species are not permitted to proliferate in this area. It is therefore recommended that the submitted landscape plan be revised to identify how these lands will be restored. Conditions of draft plan approval to implement this requirement, as well as the implementation of other environmental best management practices, are included in Appendix 1.

As it relates to the proposed Official Plan Amendment and Zoning By-law Amendment applications, the watercourse and associated buffer should be placed into an appropriately restrictive environmental designation and zone. Staff note that the draft Official Plan and Zoning By-law schedules circulated with the applications sufficiently address this requirement.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the subject lands exhibit high potential for the discovery of archaeological resources.

The following archaeological assessments were submitted with the applications:

- Stage 1 and 2 Archaeological Assessment (Trailer Park Storage Parcel), prepared by Detritus Consulting Ltd. (dated April 11, 2017);
- Stage 1 and 2 Archaeological Assessment (308 Four Mile Creek Road), prepared by Detritus Consulting Ltd. (dated May 1, 2017);
- Stage 3 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated June 29, 2017); and,
- Stage 4 Mitigation of Impacts, prepared by Detritus Consulting Ltd. (dated November 7, 2018).

The report entitled 'Stage 1 and 2 Archaeological Assessment (Trailer Park Storage Parcel)' assesses the portion of the subject lands located to the east of Four Mile Creek, prior to its realignment. The Stage 2 field assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the report recommends that no further archaeological assessment is warranted for this portion of the subject lands. In a letter dated August 16, 2017, the (then) Ministry of Tourism, Culture and

Sport (MTCS) confirmed that all archaeological resource concerns associated with this Stage 1 and 2 assessment met licensing and resource conservation requirements, and that the report has been entered onto the Ontario Public Register of Archaeological Reports.

The report entitled 'Stage 1 and 2 Archaeological Assessment (308 Four Mile Creek Road)' assesses the remainder of the subject lands. The Stage 2 field assessment documents the discovery of two (2) sites (AgGs-397 and AgGs-398), which the licensed archaeologist determined fulfilled the criteria for Stage 3 assessment based on other archaeological finds in the area. The Stage 3 Archeological Assessment recommends that further Stage 4 works be undertaken for one (1) of the two (2) sites identified through the Stage 3 assessment (AgGs-398). The Stage 4 Mitigation of Impacts report concludes that, in the opinion of the licensed archaeologist, this remaining site (AgGs-398) is fully mitigated and therefore the study area is clear of any further cultural heritage value or interest.

In letters dated August 9, 2017 and June 19, 2018, the MTCS stated that they concurred with the information and recommendation contained in both the Stage 1-2 Archaeological Assessment and Stage 3 Archaeological Assessment reports. Provided with the application submissions was also a letter, prepared by the Ministry of Citizenship and Multiculturalism (MCM) (dated January 31, 2023), which stated that the Ministry's review of the Stage 4 Mitigation of Impacts Report was complete, and that, although the fieldwork and/or report was not compliant with the MCM's Standards and Guidelines for Consultant Archaeologists, there are no outstanding concerns for impacts to archaeological resources on the property, and accordingly, the report has been entered into the Ontario Public Register of Archaeological Reports. Regional staff have confirmed with MCM staff that they are satisfied that there is no further cultural heritage value or interest on the subject lands, and therefore, Regional staff have no further archaeological assessment requirements for the proposed development.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the condominium agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition to implement this clause in the final condominium agreement is included in Appendix 1.

Site Condition

As conveyed at the pre-consultation meeting, the subject lands were previously used for commercial purposes. Under the Environmental Protection Act, and more specifically Ontario Regulation 153/04, the proposed change in use from a commercial use to a more sensitive residential use requires the filing of a Record of Site Condition (RSC) on the MECP Brownfields Environmental Site Registry.

In this regard, a Draft Phase I Environmental Site Assessment (ESA), prepared by Andre Breberina P. Geo (dated August 2, 2023) was submitted with the applications. The Draft Phase I ESA identifies three (3) Areas of Potential Environment Concern (APEC) located both on, and adjacent to, the subject lands associated with past orchard uses and fuel storage. The Draft Phase I ESA concludes that a Phase II ESA is required to assess these APECs prior to an RSC being filed.

In accordance with O. Reg. 153/04, the RSC must be filed prior to change in site use. As of the date of this letter, no RSC had been filed on the Registry. A draft plan condition requiring the filing of an RSC is provided in Appendix 1. Recognizing that additional assessment is required to confirm the subject lands are suitable for residential purposes, it is recommended that the Town include holding provisions in the amending zoning by-law requiring the filing of an RSC prior to any residential development occurring on the subject lands.

Urban Design

Regional staff have an urban design interest in the proposed development as the subject lands have frontage along Regional Road 100 (Four Mile Creek Road). The Region's primary urban design interest in the proposed development is to ensure it will contribute to the overall success of the streetscape in this location.

As noted in the comments below, Regional staff will require the submission of engineering drawings and detailed landscape drawings showing urbanization along Four Mile Creek Road as part of future engineering submissions. Regional Urban Design staff will review these plans at that time to ensure the proposed streetscaping meets best practices and guidelines. To undertake this review, the applicant will be required to submit the Region's minor urban design review fee, as per the Council-approved Schedule of Rates and Fees. A draft plan condition to address this requirement is included in Appendix 1.

Transportation

Regional staff have reviewed the Sight Line Analysis, prepared by Paradigm (dated May 3, 2023), and note that Transportation Association of Canada (TAC) intersection sight distances for left and right turns have been based on passenger vehicles only, and a road gradient equal to, or less than, 3%. The applicant will need to confirm in an updated memorandum that the gradient of Four Mile Creek Road near the site is in fact equal to, or less than, 3%. The analysis should also be revised to consider the time gap required for a single-unit truck. Driveway geometry will be required to be in accordance with TAC or OPSD standards. A condition of draft plan approval requiring the submission of the updated memorandum is included in Appendix 1.

Regional Road Allowance

As noted previously, the subject lands have frontage on Regional Road 100 (Four Mile Creek Road). This section of Regional Road 100 does not meet the required road width included in the NOP, and therefore, the applicant will be required to gratuitously grant the following to Niagara Region:

- A road widening of varying width along the subject land frontage in order to achieve 13.1 metres from the original centreline of the Regional road allowance, as per the NOP.

A sketch showing the approximate limit of this widening is included in Appendix 2.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The required portion of the plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the owner. The owner will have to arrange for the land surveyor to submit the preliminary undeposited survey plan, along with all related documents, to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions about the widening, they can contact the individuals listed below.

- Inquiries specific to the transfer of property to the Region:

Jordan Hadler, Law Clerk
Phone: 905-980-6000 extension 3271
Email: jordan.hadler@niagararegion.ca

- Surveys and property information:

Normans Taurins, Manager, Surveys and Property Information
Phone: 905-980-6000 extension 3325
Email: normans.taurins@niagararegion.ca

A condition of draft plan approval requiring the widening is included in Appendix 1.

Regional Permit Requirements

Through on-going discussions with the Town, it has been determined that the sidewalk connection from the development area at the north end of St. David's would be located

on the west side of Four Mile Creek Road. Therefore, the Region will require that the applicant urbanize the road along the frontage of the proposed development (including curbing, storm sewers, sidewalk and lighting) at their own cost.

Engineering drawings and detailed landscape drawings showing urbanization along Four Mile Creek Road will be required to be provided as part of future engineering submissions for the proposed development. Street trees along Four Mile Creek Road are to be selected from the Regional tree list and the following planting note must be included on the plans:

Standard Street Tree Planting Note

Please note that prior to tree plantings within the Regional Boulevard, the locations of the proposed trees should be staked with the tree species being noted. The plantings are to be completed by the developer at their expense. However, the developer is required to contact Jeff Hill, Supervisor of Forestry and Road Operations to assess and approve the location of the stakes prior to planting. (Email: Jeff.Hill@niagararegion.ca; Phone: 905-227-4633 ext. 2208)

All existing driveways are to be removed and road/boulevard is to be re-instated to Regional standards. Details regarding the entrance are also to be included on the plans. The frontage is to be urbanized with a sidewalk to provide a safe pedestrian link.

The applicant should be advised that prior to any construction taking place within the Regional Road allowance, the applicant must obtain the necessary Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and restoration requirements will be outlined through the Regional permit process. Permit applications can be made online through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>. Conditions of draft plan approval to address these requirements are included in Appendix 1.

Servicing

Niagara Region has a 300 mm trunk watermain along Four Mile Creek Road, as identified in the submitted Functional Servicing Report, prepared by Upper Canada Consultants (dated April 2023). The Functional Servicing Report proposes to install a 150mm watermain, connect to an existing 150mm hydrant connection and extend this within the site to provide domestic water supply and fire protection to the proposed development. Niagara Region also has a 200mm sanitary forcemain along Four Mile Creek Road. The Functional Servicing Report proposes to connect the proposed development to the existing local sanitary sewer on Four Mile Creek Road and extend this within the site. The submission did not include detailed engineering drawings. Therefore, Regional Staff will require that plan and profile drawings showing all

proposed crossing of the watermain and forcemain be submitted for review and approval by Regional staff prior to final approval of the condominium application.

The Functional Servicing Report also proposes to extend the existing storm sewer. Regional staff will require plan and profile drawings for this extension, which will have to be reviewed and approved by Regional staff, as the storm sewer will be within the Regional road allowance.

Regional staff note that servicing will be under the jurisdiction of the Town of Niagara-on-the-Lake and will require the construction of water, sanitary and storm services for the proposed development area. As a condition of draft plan approval, Environmental Compliance Approvals (ECA) from the MECP, or approval through the new Consolidated Linear ECA approval system, will be required for any new/extended municipal sanitary and storm sewer services. Regional staff can review and approve the ECA's under the MECP Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to the Region for review and approval as part of this program.

Conditions to address servicing requirements are included in Appendix 1.

Stormwater Management

The submitted Functional Servicing Report includes a conceptual stormwater management (SWM) plan for both the current phase (north of Four Mile Creek), as well as a future phase (south of Four Mile Creek). The following preliminary comments will be required to be addressed at the detailed design stage:

Current Phase:

The SWM plan proposes a stormwater outlet to the Town's storm sewer on Four Mile Creek Road. The Town should be satisfied that this infrastructure will not be negatively impacted by stormwater from the proposed development. If the development's major flow (i.e., beyond a five-year flow) will flow overland to Four Mile Creek Road (Regional Road 100), it must be justified that the flow will not exceed the pre-development level. The detailed design should also identify Low Impact Development (LID) SWM measures that will be implemented in order to mitigate development impacts to Four Mile Creek.

Future Phase:

The SWM plan proposes that the development's stormwater be attenuated prior to being directly outletted to Four Mile Creek. The detention storage sizing shall include two-year storms and be based on a modelling program, or the Modified Rationale Method (Appendix E) of Niagara Region's 2022 SWM Guidelines:

<https://niagararegion.ca/projects/stormwater-management-design->

[guidelines/default.aspx](#). A water quality treatment train approach is also required, which may be achieved through the implementation of LID SWM measures.

Conditions of draft plan approval to address these stormwater management requirements are included in Appendix 1.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

- Blue/grey – no limit (collected weekly);
- Green – no limit (collected weekly); and
- Waste – 2 bag/can limit (collected bi-weekly).

The applicant shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement. The forms and policy can be found at the following link:
www.niagararegion.ca/waste.

Regional staff have reviewed the submitted Site Plan and note that the townhouse units are proposed along a private road, which has a temporary turnaround area at the end. To determine if on-site collection is possible, the Region will require that truck turning templates be shown on future engineering plans, with the truck entering from both directions. If the layout is unable to accommodate the trucks, Niagara Region would not be able to provide internal curbside waste collection as there is no turning facility which would permit the Regional truck to turn around and exit the site in a safe manner. Conditions of draft plan approval to address waste management requirements are included in Appendix 1.

Regional Bicycle Network

Regional Road 100 (Four Mile Creek Road) is designated as part of the Regional Niagara Bicycling Network. If the bicycle route is currently not established or identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. The applicant should be advised that this may involve additional pavement width, elimination of on-street parking, etc.

Protection of Survey Evidence

Survey evidence adjacent to the Regional Road allowance is not to be damaged or removed during the development of the subject lands. Regional staff would request that any agreements for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. A draft plan condition to address this requirement is included in Appendix 1.

Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1, and any local requirements.

Subject to the satisfaction of the conditions in Appendix 1, the proposal is consistent with the Provincial Policy Statement (PPS) and conforms to the intent of the Growth Plan and Niagara Official Plan (NOP).

In accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval.

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Planner

cc: Pat Busnello, Manager of Development Planning, Niagara Region
Susan Dunsmore, Manager of Development Engineering, Niagara Region
Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Jordan Hadler, Law Clerk, Niagara Region
Normans Taurins, Manager, Surveys & Property Information, Niagara Region

Appendix 1
Regional Conditions of Draft Plan of Vacant Land Condominium
Approval
308 Four Mile Creek Road. Niagara-on-the-Lake

1. That a Letter of Reliance for the Noise Feasibility Study, prepared by HGC Engineering (dated July 7, 2023) shall be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted.
2. That the condominium agreement between the owner and the Town contain a provision whereby the owner agrees to implement the noise mitigation measures and ensure the required warning clauses are included in all offers and agreements of purchase and sale or lease for each dwelling unit in accordance with the noise study required in the condition above.
3. That the following clause be included in the subdivision agreement:

“Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (MCM) (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

4. That following completion of any remediation and/or risk assessment work (if required), a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance with *Environmental Protection Act* and associated regulations, as amended. Finalized copies of the Environmental Site Assessments, site remediation reports, MECP written acknowledgement of the filing of the RSC, and certification from a Qualified Professional (QP) outlining that the property

meets the applicable standard(s) of the intended land uses, shall be submitted to Niagara Region. A reliance letter from a QP shall also be submitted to Niagara Region to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted to clear this condition.

5. That the condominium agreement contain wording wherein the owner agrees to implement the recommendations outlined in the Arborist Report, prepared by Beacon Environmental Ltd. (dated April 2023).
6. That the condominium agreement contain wording wherein the owner agrees to implement the following:
 - a. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
 - b. That any security lighting to be installed on buildings should be downward facing and directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - c. That a no-gate bylaw be included in the agreement to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
7. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
8. That a Grading Plan be provided to the satisfaction of Niagara Region that demonstrates that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
9. That the Preliminary Landscape Plan, prepared by James McWilliam Landscape Architect, dated July 2023, be updated to the satisfaction of the Niagara Region to include lands located between the 15 metre watercourse buffer and the outer extent of residential development. The area should be planted with native trees, shrubs and groundcover that complements the adjacent vegetation communities.
10. That the condominium agreement contain wording wherein the owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan.

11. That the owner dedicate the required widening across the frontage of the property along Regional Road 100 (Four Mile Creek Road).
12. That prior to any construction within the Regional Road 100 (Four Mile Creek Road) road allowance, the owner shall obtain the required Regional Construction Encroachment and/or Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department.
13. That revised engineering drawings to address transportation engineering comments and required urbanization be submitted for review and approval by Niagara Region.
14. That the applicant submit payment of the Region's 'Minor Urban Design Review' fee, as per the Council-approved Schedule of Rates and Fees.
15. That the owner is responsible for the design and the construction costs to urbanize Four Mile Creek Road along the frontage of the development and enter into a legal agreement with Niagara Region for such work.
16. That the owner provide an updated sight line analysis memo or response to Niagara Region for review and approval.
17. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successor, to Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans.
18. That the condominium agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the above condition.
19. That prior to final approval for registration, the owner shall submit engineering drawings showing all servicing crossings of the Regional watermain and forcemain, as well as plan and profile drawings for the storm sewer, for review and approval by Niagara Region.

20. That the owner submit Regional waste collection truck turning templates for review and approval.
21. That the owner comply with the requirements of Niagara Region's Corporate Waste Collection Policy and complete the required Indemnity Agreement and commencement of collection form prior to Regional waste collection services commencing on-site.
22. That the condominium agreement between the owner and the Town of contain a provision whereby the owner agrees to include the following warning clauses within future Purchase and Sale or Lease Agreement:
 - a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).
23. That the condominium agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.

Clearance of Conditions

Prior to granting final approval, the Town of Niagara-on-the-Lake must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and

D.10.05.OPA-23-0047

D.18.05.ZA-23-0093

D.11.05.CD-23-0025

October 27, 2023

reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

John Federici, MCIP, RPP

From: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Sent: April 8, 2024 1:06 PM
To: Mark Chuang
Cc: Development Planning Applications; Dunsmore, Susan; Boudens, Adam; Ding, Maggie; Bureau, Stephen
Subject: RE: Second Submission for ZBA-18-2023, OPA-08-2023, 26CD-18-23-01, 308 Four Mile Creek Road, Sleet Developments
Attachments: Regional Comments - 308 Four Mile Creek Road.docx.pdf

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Good afternoon Mark,

Regional staff have reviewed the materials provided with the second submission for these applications and note that our comments and associated conditions of draft plan approval remain the same as those provided in response to the first submission (attached).

Regional staff note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to their comments and potential permit requirements pursuant to applicable legislation.

The applicant should be advised that as part of future engineering submissions, Regional staff will require that the proposed entrance from Four Mile Creek Road be designed so that the curb return radius falls entirely within the subject property, as per TAC section 8.9.8.

From a stormwater perspective, Regional staff note for information that, in the updated Functional Servicing Report (FSR) (prepared by Upper Canada Consultants and dated March 2024), the allowable discharge rate from the future phase is the pre-development condition identified in the previous FSR (i.e. an area of 0.35 hectare and runoff coefficient of 0.25). Table 2 in the updated FSR shows that the 1.42 hectares site's pre-development flow to Four Mile Creek will be exceeded by the total of post-development and storm sewer flow. This will have to be addressed as part of future engineering submissions.

I hope this information is of assistance. Please let me know if you have any questions.

Kind regards,
Amy

October 12, 2023

Mark Chuang
Planner II
Town of Niagara-on-the-Lake

VIA EMAIL

Dear Mark Chuang:

**Re: Request for Comments – DEV-01-2023 (ZBA-18-2023, OPA-08-2023, 26CD-18-23-01)
308 Four Mile Creek Road
Town of Niagara-on-the-Lake**

Staff of the Niagara Escarpment Commission (NEC) received a request for comments related to the following applications under the Planning Act:

- Official Plan Amendment OPA-08-2023 to redesignate Part 1 of the lands from General Industrial to Medium Density Residential Special Policy Area and Part 2 of the lands from Conservation to Medium Density Residential Special Policy Area. Part 3 of the lands will remain as Conservation Area.
- Zoning By-law Amendment ZBA-18-2023 to rezone Part 1 of the lands from Employment (E-17) to Residential Multiple (RM1-XX) – Site Specific and Part 2 of the lands from Employment (E-17) to Open Space (OS) Zone.
- Draft Plan of Vacant Land Condominium 26-CD-18-23-01 to facilitate the development of 9 block townhouses with access through a private road.

NEC staff have reviewed the following supporting plans and studies in preparing this response:

- Planning Justification Report, dated August 2023, prepared by Jennifer Vida
- Draft Plan of Vacant Land Condominium, dated July 2023, prepared by Upper Canada Consultants
- Site Plan, dated July 2023, prepared by Upper Canada Consultants
- Conceptual Building Elevations, dated July 2023, prepared by 2M Architects
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Stage 1-2 Archaeological Assessment (North Lot), dated April 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Stage 1-2 Archaeological Assessment (South Lot), dated May 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Stage 3 Archaeological Assessment, dated June 2017, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter

- Stage 4 Archaeological Assessment, dated November 2018, prepared by Detritus Consulting Ltd. and associated Ministry clearance letter
- Phase 1 Environmental Site Assessment, dated August 2023, prepared by Andre Breberina
- Arborist Report, dated April 2023, prepared by Beacon Environmental
- Landscape concept plan, dated July 2023, prepared by James McWilliam, Landscape Architect
- Functional Servicing Report, dated April 2023, prepared by Upper Canada Consultants
- Noise Feasibility Study, dated July 2023, prepared by HGC
- Site Distance Review, dated May 2023, prepared by Paradigm Transportation Solutions
- Employment Conservation Justification Report, dated January 2023, prepared by Parcel Economics
- Review of Preliminary Niagara Region LNA and Employment Land Conversion Justification, dated June 2021, prepared by Urban Metrics Inc.
- Geomorphic Assessment, dated April 2018, prepared by Beacon Environmental

The subject lands are within the Niagara Escarpment Plan area but are located outside of the area of Development Control. For lands outside of the area of Development Control, NEC staff review planning applications to ensure that the policies of the Niagara Escarpment Plan (NEP) are upheld. Although the NEC is not the land use approval authority in areas subject to municipal zoning/areas outside of Development Control, section 13(1) of the Niagara Escarpment Planning and Development Act states that all by-laws within the NEP Area must not conflict with the NEP. Therefore, a detailed analysis of the NEP policies is required to ensure that the site-specific official plan amendment and zoning by-law amendment does not conflict with the NEP.

Niagara Escarpment Plan Part 1 – Minor Urban Centre

The lands are entirely within the Niagara Escarpment Plan (NEP) Area. The policies of the NEP apply to all lands within the Plan area. The lands are designated as within a Minor Urban Centre (St. Davids) by the NEP and are within the underlying Escarpment Rural Area designation.

Development is subject to the land use policies for Minor Urban Centres in Part 1.6 of the NEP. Part 1.6.6 of the NEP states that amendments to designations and/or land use policies within the boundaries of an approval official plan that is not in conflict with the NEP may be made without requiring an amendment to the NEP provided such an amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives and Development and Growth Objectives of this designation. Part 1.6.7 of the NEP states that by-law amendments must not conflict with the Objectives and Development and Growth Objectives of this designation, and the Development Criteria in Part 2 of the NEP.

Part 1.6.8 of the NEP contains the Development and Growth Objectives for Minor Urban Centres; those relevant to this application are discussed below:

3. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with the Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
 - The development is within the underlying Escarpment Rural Area.
4. *Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*
 - Development is proposed within an existing settlement area, but adjacent to an agricultural operation (vineyard) and nearby commercial uses. The submitted documents include measures to buffer agricultural uses through setbacks to the agricultural land and vegetation planting within the creek block. Noise warning clauses have also been recommended.
 - NEC staff understand that the development is also subject to the St. Davids Urban Design Guidelines. A conceptual landscape plan has been provided, which includes trees along the front lot line.
5. *Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.*
 - NEC staff understand there may be opportunities to address this objective through the development of the grading plan and building plans. NEC staff encourage the use of green infrastructure and low impact development in the future detailed design where possible.
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
 - The Functional Servicing Report concludes that the existing water service and sanitary sewer are expected to be adequate. The Sight Line Assessment did not identify any sight distance issues.
 - The development will be designed to meet the St. Davids Urban Design Guidelines to ensure that community character is maintained.
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*

- a) *the protection of natural heritage features and functions;*
- b) *the protection of hydrologic features and functions;*
- c) *the protection of agricultural lands, including prime agricultural areas;*
- d) *the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;*
- e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
- f) *sustainable use of water resources for ecological and servicing needs; and*
- g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*
- A watercourse traverses the property. The realigned creek is proposed to be part of a common element outside of the development envelope. The development will be setback from the creek and a fence will separate the natural area.
- Landscaping will buffer the residential use from agricultural lands.
- Stage 1-4 Archaeological Assessments were completed. There are no outstanding concerns for impacts to archaeological resources.
- The Functional Servicing Report concludes that existing stormwater quantity controls are expected to be adequate, and an oil/grit separator is required for quality control.

10. Municipal sewage and water services will be the preferred form of servicing.

- Municipal servicing is proposed.

Niagara Escarpment Plan Part 2 – Development Criteria

Part 2 of the NEP contains the Development Criteria used in consideration of a development proposal. The proposal must be consistent with the Development Criteria contained in Part 2 of the NEP.

Part 2.2: General Development Criteria

- An Arborist Report, Tree Protection Plan, and conceptual Landscape Plan were submitted and ensure the restoration and enhancement of tree cover across the site. NEC staff also understand that additional restoration took place when the watercourse was realigned.
- A Phase 1 Environmental Site Assessments was completed. A Phase 2 assessment is required before a Record of Site Condition can be submitted.
- A Geomorphic Assessment was completed to delineate the meander belt and determine the erosion hazard limits. It is noted that there is a minor encroachment into the meander belt associated with two lots. The report recommends that the development proposal needs to demonstrate that potential erosion hazards can be avoided or acceptably mitigated. NEC staff recommend that the proposed lots are entirely outside of the erosion hazard to ensure that Part 2.2.2 of the NEP is met.

Part 2.4: Lot Creation

- The new condo lots are located entirely within a Minor Urban Centre. An official plan amendment and zoning by-law amendment are required to change the designation from employment lands to residential and to align the conservation area designation with the realigned creek and associated hazard lands.
- To ensure the lot lines protect the hydrologic feature and function, the lots should be entirely outside of the erosion hazard.

Part 2.6: Water Resources

- Four Mile Creek, which is a key hydrologic feature, traverses the property. NEC staff understand that the creek was recently realigned. The planning justification report explains that the creek was realigned to improve natural flows and allow for ecological opportunities for fish and wildlife, but also to accommodate future development. Forest, fisheries, and wildlife management to maintain or enhance the feature is listed as an exception to the prohibition on development within a key hydrologic feature. Given that the creek relocation has already taken place and there is an existing culvert where the driveway turn around is proposed, no further work within a key hydrologic feature is proposed.
- The rezoning of the lands surrounding the creek to open space will ensure the protection of the creek. NEC staff understand that as part of the realignment project, the area was planted with natural vegetation and will not be maintained. NEC staff recommend that this area is considered as a vegetation protection zone as per the NEP definition.

Part 2.7: Development Affecting Natural Heritage

- The Arborist Report identifies trees for removal and preservation and provides recommendations for protection of the trees to be retained. No species at risk trees were identified. Some of the trees are located within the rear yard and not directly within the footprint of proposed development. NEC staff recommend looking for opportunities to retain some of these trees that may not be impacted by future grading and where tree condition allows.
- A conceptual Landscape Plan has been provided and NEC staff understand additional vegetation was planted within the creek block. A final landscape plan should be provided that includes the species and size of trees. Native species should be planted given proximity to the creek.

Part 2.10: Cultural Heritage

- Stage 1-4 Archaeological Assessments were completed. There are no outstanding concerns for impacts to archaeological resources and the assessments have been entered into the Ministry of Citizenship and Multiculturalism register. A standard advisory note is recommended.

Part 2.13: Scenic Resources and Landform Conservation

- The Planning Justification Report includes that the development will be designed in accordance with the St. Davids Urban Design Guidelines. No variances in height from the proposed zoning are required. A conceptual landscape plan has been provided, which includes screening of the development.

Conclusion

NEC staff have no objection to the approval of the draft plan of condominium, official plan amendment, and zoning by-law amendment, subject to the following:

- The submission of a Final Landscape Plan, with native species included.
- The submission of a Grading and Drainage Plan.
- Phase 2 Environmental Site Assessment and finalization of Record of Site Condition.
- That development occurs in accordance with the recommendations of the Geomorphic Assessment, prepared by Beacon Environmental, dated April 2018. The proposed lots should be entirely outside of the erosion hazard.
- That development occurs in accordance with the recommendations of the Arborist Report, prepared by Beacon Environmental, dated April 2023.
- The inclusion of an advisory note regarding the identification of archaeological resources.
- Consideration of the use of green infrastructure and low impact development in future detailed design where possible.

I trust the above comments are of assistance in ensuring that the proposed does not conflict with the Niagara Escarpment Plan. If there are any questions or concerns, I can be reached at 905-703-5354 or cheryl.tansony@ontario.ca.

Please send notice of decision.

Sincerely,



Cheryl Tansony
Senior Planner
Niagara Escarpment Commission

John Federici, MCIP, RPP

From: PrimeCities <WSP.PrimeCities@wspdigitalfactory.com>
Sent: March 27, 2024 4:33 PM
To: Mark Chuang
Subject: OPA (OPA-08-2023), ZBLA (ZBA-18-2023) and Draft Plan of Vacant Land Condominium (26CD-18-23-01) , 308 Four Mile Creek Rd., Niagara-on-the-Lake

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3/27/2024

Mark Chuang

Niagara-on-the-Lake

Niagara-on-the-Lake (Town)

Attention: Mark Chuang

Re: OPA (OPA-08-2023), ZBLA (ZBA-18-2023) and Draft Plan of Vacant Land Condominium (26CD-18-23-01) , 308 Four Mile Creek Rd., Niagara-on-the-Lake; Your File No. 26CD-18-23-01,OPA-08-2023,ZBA-18-2023

Our File No. DTS: 34691 / Circ: 41144

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities

where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,



Juan Corvalan
Senior Manager - Municipal Liaison
Email: planninganddevelopment@bell.ca.

October 4, 2023

Mark Chuang
NIAGARA ON THE LAKE
P.O. BOX # 100
1593 FOUR MILE CREEK ROAD
VIRGIL, ONTARIO L0S 1T0

RE: 26CD-18-23-01 308 Four Mile Creek Road

Dear Mark:

Canada Post Corporation has no requirements or conditions regarding this project as the development in question falls within the Post Office Box-served boundaries of the St. Davids Post Office.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914 or the above noted address.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer



September 13, 2023

Mark Chuang
Planner II
Community & Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Dear Mr. Chuang,

Re: Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium
File Nos. DEV-01-2023 (ZBA-18-2023, OPA-08-2023, 26CD-18-23-01)
308 Four Mile Creek Road, Niagara-on-the-Lake, ON

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium for the lands located at 308 Four Mile Creek Road. The applications will facilitate the development of a vacant land condominium with 9 block townhouses with private road access that connects to Four Mile Creek Road.

DSBN Planning staff has completed its review and has no objections to the applications. At this time, future students from this area would attend St. Davids PS (Gr. JK-8), and A. N. Myer Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225.

Yours truly,

Sue Mabee, MCIP, RPP
Supervisor of Planning Services

August 30, 2023

Mark Chuang
Planner II
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear Mark,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
Sleek Developments
308 Four Mile Creek Road
Town of Niagara-on-the-Lake
File No.: DEV-01-2023 (26CD-18-23-01, OPA-08-2023, ZBA-18-2023)

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

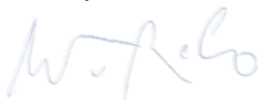
The applicant shall use the [Enbridge Gas Get Connected tool](https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.
(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: ARABIA Gabriel <Gabriel.Arabia@hydroone.com>
Sent: Tuesday, September 12, 2023 8:38 AM
To: Clerks <clerks@notl.com>
Subject: Town of Niagara - On - The Lake - 308 Four Mile Creek Road - 26CD-18-23-01

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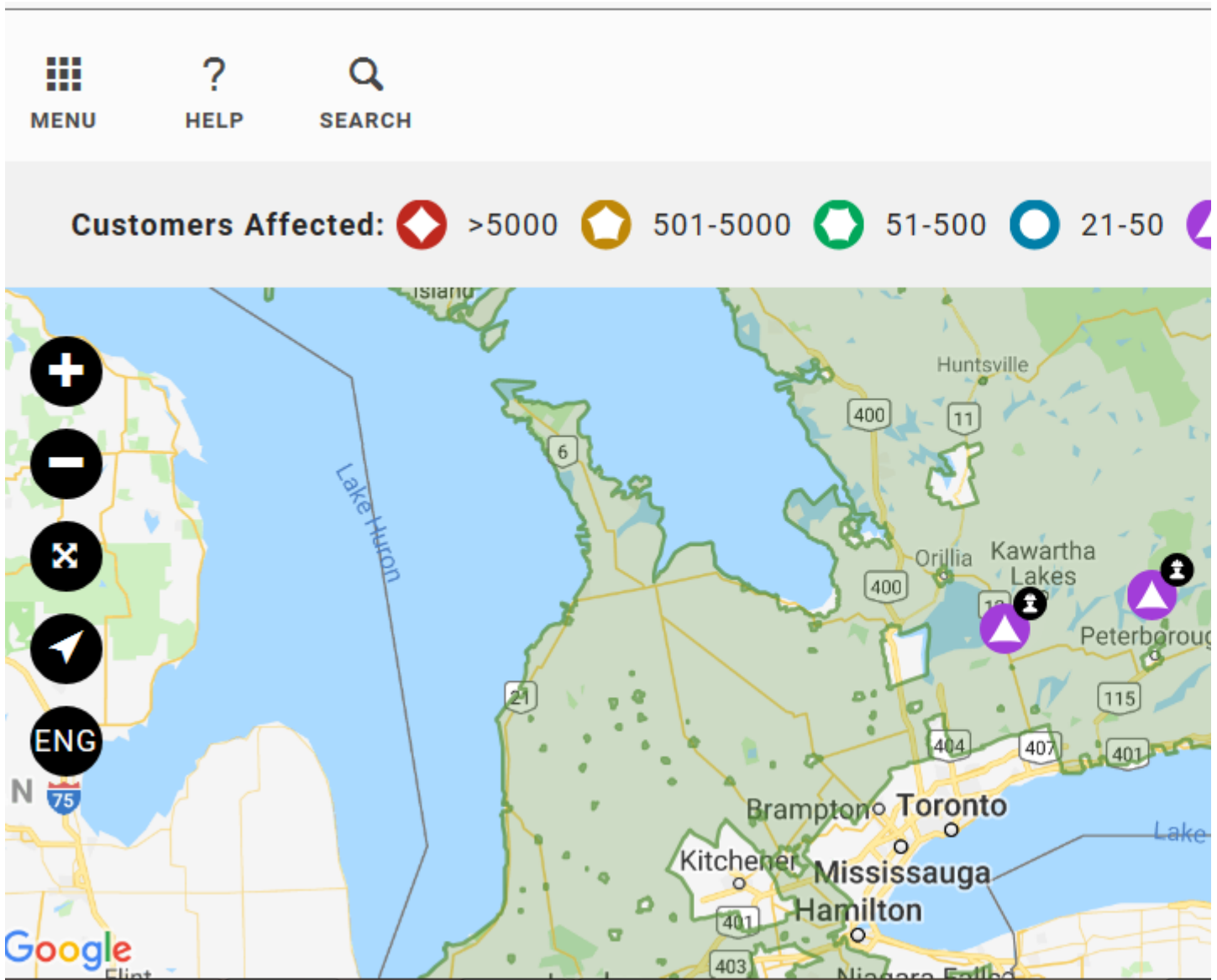
Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-23-01 dated September 1st, 2023. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
[HydroOne Map](#)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

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Oct 03, 2023

Sandra McPherson
 346 Four Mile Creek Rd
 St Davids LOS 1P0

My name is Sandra McPherson, I reside at 346 Four Mile Creek St Davids. I have the property directly north of 308 Four Mile Creek Rd. I signed up for, but was unable to log in for the online open house so I have a few concerns and requests since this development will directly have an impact on the enjoyment of my property.

It should be a requirement of this development permit to have a privacy fence along the entire property line **on their side of the property line**. A new road going in, and this fence should be **BEFORE** the start of construction or once the cedar trees are removed to minimize the negative impact on my property. A fence style **must** ensure that posts or stakes won't damage the root system of my trees close to the property line.

- On the north side of my property before construction of a subdivision started I was told originally (by the developer) there would be a fence put up the entire length of the property line if the row of 30 year old cedar trees had to be taken down. All of these cedars were removed, and the developer has not replaced them with a fence, but has left it up to individual property owners to do their own thing. To date, not all have put up fences whose back yards face my property. Let's not have history repeat itself here once again. Same developer on the south side of me so I have concerns.

Would the fencing to protect the creek be put up at the beginning of construction **to ensure no access to protect this highly sensitive environmental area**? We had a very large Species at risk snapping turtle lay her eggs in May of this year. She has been coming to the same area for the last 30 years that I have witnessed personally. She lost her habitat along the creek where she usually went just to the north of me and ended up laying her eggs right next to my new neighbours in ground swimming pool. I'm happy to say one egg hatched and hopefully made it's way back to the creek. Are any of the 30-year-old cedar trees **within this protected area** to remain in place and not be removed? This would help with some much-needed privacy at the back of my property, as well as provide an environmentally restored area.

I would like to see the new road entrance as far away as possible from my property line. The car noise, fumes and light pollution entering and leaving the subdivision from the street will definitely have a negative impact on the enjoyment of my property.

Since it's illegal for anyone to back up onto a regional road. Will the new road entrance be far enough away from my property to give me enough room coming from Virgil to St Davids to be able to pull forward and back into my driveway safely along with the widening of Four Mile Creek? **This is a huge traffic safety issue, especially with children with the increase in traffic volume now and in the future.**

I am asking for the road street lights be angled away from my property to lessen the light pollution which will have a direct negative impact on my property and as far away from the property line as possible.

I have 3 trees close to the property line I am concerned about their health and survival . These trees provide home for local birds, a privacy shield, absorbs sound, reduce the need for air conditioning, slows storm water runoff, adds value to my home

I have a 30-year-old Norway maple tree in my front yard. If some branches have to be removed that hang over the property line, I'm asking for it to be done properly under the guidance of an **independent qualified Arborist**, to prevent undue stress and the roots protected within the **minimum tree protection zone**.

I have a **significant black walnut tree measuring 185" in circumference or 469.9 cm** also along the property line.

- This tree survived the burning of St Davids in the War of 1812. I want to see it survive this proposed development.
- The soil was disturbed under the drip line in 2019 so I had an arborist in and they performed a deep root fertilizer.

I am asking for the protection of this significant tree to be protected entirely within the minimum tree protection zone and not as the developer is requesting. The roots of a tree can extend from the trunk 2 – 3 times the distance of the drip line. According to the developers report Townhouse # 9 encroaches upon 7 % of the minimum tree protection zone for my tree as in the Beacon Environmental report page 3. Limitations of Tree Assessment page A-1 states Most trees have the potential for failure if provided with the necessary combinations of stresses and elements. This risk can only be eliminated if the tree is removed. According to the arborist report I have the minimum tree protection zone required is 6 cm protection for each 1 cm diameter for trees over 100 cm (my tree is 149.65 cm in diameter) If some major branches have to be removed it must be done properly. Again, with the guidance of an independent professional Arborist

A 2nd large black walnut also near the property line, same request

There is a 3rd black walnut tree closer to the creek on my property but not far from the property line, same request.

Is there a NOTL tree protection plan in place for this development, indicating the steps that should be taken to protect my trees.

If critical roots are disturbed together with some major branches removed all on the one side, I'm worried they could be stressed, making the tree unstable and in danger of slowly dying over time. With the increasingly intense weather patterns, a big storm could come through and blowing these trees over onto my property; potentially killing someone and/or causing property damage. And then WHO is responsible? **Pause, look around the audience to make an impact**

- I have a large locust tree on the north side front yard that is showing signs of dying after a recent subdivision went in there, it now has several dead branches. (with a 77" circumference) I would like to know What options do I have now, retroactively, because of this?..... I requested multiple times to have this tree protected during the development process. I also have a row of cedar trees in my front yard stressed. They have been given a deep root fertilizing from an arborist to help them. I don't want the same thing happening on the south side of my property. Same developer on the south side of my property so I have concerns.

I recently hired my own arborist to do a report on the 3 trees along the south portion of my property line to show proof of their condition before construction begins, impact and recommendations. On my report all appear to be in great health and do not appear to be suffering any stress. There are several concerns they have listed due to the proximity of the trees to the proposed construction in regards to possible damage that will negatively impact the future health of the trees. Their recommendations include pruning back the canopy to provide clearance, by installing a TPZ where applicable, including mulch to minimize compaction and root damage. They recommend they should be retained during demolition, construction and landscaping to perform inspection of the TPZ and monitoring of the health of the trees. Can you tell me **who is responsible for the cost of this?**

I have also recently hired them to give all 3 trees a professional injected deep root fertilizing to help protect them if they get stressed during the construction process

What is in place to prevent this development from future flooding of my property? I am concerned about the risk of my property being flooded in a heavy rain. On the north side of my property there had to be a slew put in along the property line for the new development to avoid flooding since the water flows north. In a heavy rain the water runs from the south towards my property now and pools. I would like to know, Is this area perhaps a part of the floodplain mapping?

MINIMUM TREE PROTECTION ZONE should be applied to my trees by the town of NOTL - tree protection bylaw

“As a final note, I have to mention that after 4 Mile Creek was rerouted by the Developer on February 24th, 2021, two trees have since died, one has uprooted and is leaning against the other towards my property because they were not properly considered or taken care of, prior to the Developer being given the green light by this Council. I have reported this to the Developer, and they have yet to be cleared.” My family has to avoid a portion of my yard for their safety.

According to The NOTL Climate Change Adaption Plan 6 goals were developed by the Project Team and Environmental Advisory Committee

Integrate Climate Change into plans, policies bylaws and standards

Urban Forest Resiliency

Reduce flooding risks (review and update floodplain mapping)

Incorporate climate change in design and construction

Minimize health and safety risks to community members (increase shade coverage in urban areas, investigate ways to improve storm water discharge to creeks, streams, rivers and lakes)

Support public awareness and education



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-104

COMMITTEE DATE: 2024-07-16

DUE IN COUNCIL: 2024-07-30

REPORT TO: COTW-Planning

SUBJECT: 187 Queen Street
Zoning By-law Amendment ZBA-05-2024

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-05-2024) for lands known municipally as 187 Queen Street **BE APPROVED**, for reasons outlined in this report; and
- 1.2 The draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding an application for Zoning By-law Amendment (the “Application”) for 187 Queen Street.
- The Application requests to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential (ER) Site-Specific Zone” to facilitate the creation of one new residential lot fronting Simcoe Street, for a total of two residential lots.
- The initial proposal has been revised from its original submission for the creation of two new lots to now propose only one new lot.
- Since the current ER zone recognizes lot frontage and lot depth to be “as existing” on the date of the passing of Zoning By-law 4316-09, the Zoning By-law Amendment Application is required to facilitate a future Consent application.
- Both lots would contain site-specific provisions for lot frontage and depth, as well as an increased front yard setback, an additional encroachment permission for rear yard decks, and provisions for garage setback and garage door width for a future dwelling on the severed lot.
- The subject lands are designated under Part IV of the *Ontario Heritage Act* and the heritage dwelling would remain on the retained lot. An addition is being proposed to the heritage dwelling and site-specific provisions have been incorporated into the proposed by-law to recognize the new setbacks of the addition, as well as existing setbacks to the dwelling. A future heritage permit is required.
- Staff recommends approval of the Application, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and Town planning policies.

3. PURPOSE

This report provides a recommendation to Committee and Council respecting an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment to rezone the subject lands known as 187 Queen Street.

The Amendment proposes to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential (ER) Site-Specific Zone” to recognize site-specific provisions for lot frontage, lot depth, building setbacks and rear yard encroachment. The Application is required to facilitate the future creation of one new residential lot fronting Simcoe Street, for a total of two residential lots.

Lot 1 (severed lot) is proposed to have a frontage of 33.5 metres on Simcoe Street, with an area of 1,473.95 square metres, and contains an existing accessory structure.

Lot 2 (retained lot) is proposed to have a frontage of 29.3 metres on Simcoe Street and a lot flankage of 42.6 metres on Queen Street, with an area of 1,250.2 square metres. The retained lot contains an existing two-storey single-detached dwelling connected to municipal water and sanitary services.

The subject lands are designated under Part IV of the *Ontario Heritage Act* and the heritage dwelling will remain on the retained lot. An addition to the dwelling is being proposed and is subject to a future Heritage Permit.

The severance sketch is attached as **Appendix I** to this report and shows the proposed lots, the existing and proposed dwelling footprint on the retained lot and the proposed building envelope on the severed lot.

4. BACKGROUND

The subject lands are known municipally as 187 Queen Street, located on the northeast corner of Queen Street and Simcoe Street, in the urban area of Old Town. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands have a total lot area of 2,724.15 square metres with 42.6 metres of frontage on Queen Street and 62.5 metres of flankage on Simcoe Street. The lands contain an existing two-storey single-detached dwelling and accessory structure. The lands are designated under Part IV of the *Ontario Heritage Act*.

The surrounding lands include residential and commercial uses.

The Application was deemed complete by Town Staff on April 10, 2024.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Application has been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following

report sections. Applicable planning legislation and policies are provided in **Appendix III** to this report.

5.1.1 *Planning Act, R.S.O. 1990, c. P.13*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Policy Statement, 2020 (the “PPS”) and are within a “Settlement Area” and “Delineated Built-Up Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”). The Niagara Official Plan, 2022 (the “NOP”), designates the subject lands as being within the “Delineated Built-Up Area.”

Policies in these plans support residential intensification within urban and built-up areas subject to criteria, such as demonstrating that the proposal is appropriate in relation to the surrounding area and achieving the goals of the applicable legislative documents.

The Application would facilitate more efficient use of a large residential parcel in an urban area with available municipal services and would accommodate appropriate residential infill. The existing heritage dwelling on Lot 2 (retained lot) would remain, and an addition is proposed to the dwelling that would accommodate an attached garage and additional residential unit above. As the dwelling on the retained lot is designated under Part IV of the *Ontario Heritage Act*, the approval of a Heritage Permit from the Town’s Municipal Heritage Committee is required for the proposed addition. Lot 1 (severed lot) would allow for the construction of a future single-detached dwelling. The Application achieves the goals of complete communities by providing additional housing options where there is convenient access to services, employment, parks and other public facilities. The proposal also promotes active transportation in Old Town by allowing for easy access to a variety of services and shops that are within walking or cycling distance.

The NOP outlines a minimum population of 28,900 people and 17,610 jobs in Niagara-on-the-Lake by the year 2051. Furthermore, a minimum intensification target of 1,150 units (or a rate of 25%) to the Built-up Area is designated for the Town. The Application would retain the existing dwelling, facilitate an expansion to the dwelling that would accommodate an additional dwelling unit, and facilitate the construction of one new single-detached dwelling, for a total of two dwellings with one additional residential unit on the retained lot, and contributes to the forecasted growth and intensification targets.

A Stage 1-2 Archaeological Assessment Report, dated October 24, 2023, was completed for the subject lands and further recommended a Stage 3 Assessment due to the findings of the Stage 1-2 assessment. A Stage 3 Archaeological Assessment, prepared by AMICK Consultants Limited, dated February 29, 2024, was completed and has cleared the subject lands of further archaeological concern. An acknowledgment letter from the Ministry of Citizenship and Multiculturalism must be submitted to confirm that the archaeological work was completed in accordance with Provincial standards. The submission of this letter will be a condition of approval for the future Consent application.

Staff consider the Application to be consistent with the PPS and conform with the Growth Plan and Niagara Official Plan.

5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated “Established Residential” and “Built-up Area” in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The Town OP designation on the subject lands is shown on **Map 2** of **Appendix II** to this report.

The Town OP policies for intensification indicate that the minimum density is 14 units per hectare and the maximum density is 30 units per hectare. The Application would allow for the creation of one new residential lot, and facilitate the expansion of the existing dwelling to accommodate an additional dwelling unit, for a total of three units. The three dwelling units results in a net density of 11 units per hectare (4.46 units per acre). While the proposed density of the Application falls short of the minimum density outlined, the creation of one new lot and construction of an additional dwelling unit to the existing dwelling will more efficiently utilize large residential parcel and existing municipal services. This is pursuant to and consistent with the infill policies within the built-up area.

A Planning Justification Report (“PJR”) was prepared and submitted in support of the proposed Application. The PJR provides analysis relating to applicable provincial, regional and town policies, as well as findings from supporting studies and discusses any potential impacts to the surrounding area as a result of the proposal. A Streetscape Analysis was conducted within the PJR and addressed compatibility with the surrounding area, including cultural heritage aspects of the neighbourhood. The Queen Street and Simcoe Street block faces were analysed and concluded that the average lot frontage of these properties is approximately 31 metres. Although the initial submission proposed two new lots, the Application has been revised and only one new lot is being proposed at this time with a 33.5 metre frontage that is comparable and compatible with the surrounding area. The proposed lot is also rectangular in nature and is consistent with the established parcel fabric of the neighbourhood.

The Town Official Plan also outlines policies for estate lots, which are properties in an urban area containing a historic dwelling, contributing to the streetscape of the municipality, and have the potential of being severed into additional lots. In order for the Town to consider such proposal, the applicant must provide a streetscape study, demonstrate no negative impacts to vegetation, drainage and the character of the area, as well as retain the historic value of the existing heritage home. The subject lands are considered an estate lot and the applicant has submitted the required information to support the proposal as detailed below.

Through the future application for consent to sever the lands, the applicant proposes to create one new lot, for a total of two lots, with configurations that are comparable and consistent with adjacent lands. The new lot provides sufficient frontage along Simcoe Street and lot area to accommodate a future single-detached dwelling, which is the prominent use in the area. The dwelling would maintain standard height and coverage provisions, as well as an increased front yard setback to match surrounding front yard setbacks and standard building setbacks of the Established Residential (ER) Zone under Town Zoning By-law 4316-09 (as amended). The applicant is also proposing a rear yard encroachment for covered amenity spaces on the new lot, which has been reflected in the site-specific request. It is recommended that a condition of Consent approval be included to require Urban Design Committee review of the proposed dwelling prior to its construction. Staff are of the opinion that the newly proposed lot is consistent and appropriate with the surrounding area.

The policies of Official Plan Amendment #78 (OPA #78) apply to the review of this application. The proposed lot configuration is in keeping with the surrounding lands, standard setbacks of the existing zoning in the established neighbourhood continue to apply, provisions for garages have been incorporated in the proposed amendment for the future new dwelling, and municipal services would be used more efficiently. In addition, the applicant has provided a larger front yard setback for the new dwelling in order to align better with the existing front yard setbacks along Simcoe Street. Overall, the Application is consistent with the policy intent of OPA #78.

The Town OP directs that existing trees must not be unnecessarily removed and that wherever possible, existing trees should be preserved and protected. The Town OP further states that within urban areas, where it is unavoidable that trees be removed, the proponent must plant trees of a similar or comparable species on the site or elsewhere in the Town to the Town's satisfaction. OPA #78 also provides direction for new driveways and service connections to be located where minimal tree loss would occur.

A Tree Inventory and Preservation Plan, prepared by Jackson Arboriculture Inc., dated January 25, 2024, was submitted to evaluate the trees on and in proximity to the subject lands. The report considered all trees on the subject lands, within the Town's boulevard, and trees along the boundaries of the lot. The report concluded that out of sixty (60) trees on and around the subject lands, twenty-four (24) are proposed for removal; of the trees proposed for removal, twenty-three (23) are on private property and one (1) is within the Town's boulevard. Out of the twenty-three (23) trees proposed for removal on the subject lands, two (2) are considered weed species and are not regulated under the Town's Private Tree By-law 5139-19. The tree within the Town's boulevard must be removed to facilitate the proposed driveway off Queen Street for the retained lot. The Town's Operations Department has provided no objection to this. The driveway of the severed lot is proposed to be repurposed in its existing location, not requiring further tree removal to accommodate an entrance to the property. Only one tree in the Town's boulevard fronts the severed lot, and efforts would be made during the servicing of the lands to protect and preserve the tree. The remaining trees on the retained and severed lots will be preserved and protected. For future construction on the lots, the Tree Preservation Plan has identified tree protection zones in the form of fencing to ensure the retained trees are not impacted by development. The Town will require an application to

facilitate any tree removals and will implement replanting conditions and fees at that time. Conditions relating to the recommendations of the tree preservation report will be imposed during the future Consent application.

Staff consider the Application, as recommended in this report, to conform to the relevant policies of the Town OP.

5.1.4 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated "Established Residential" in the proposed Town of Niagara-on-the-Lake Official Plan (the "proposed Town OP"). The proposed Town OP has similar and complementary policies relating to intensification, efficient use of land and infrastructure and land use compatibility criteria.

5.2 Municipal Heritage Committee Review

The subject lands at 187 Queen Street (Crysler-Burroughs House) are designated under Part IV of the *Ontario Heritage Act*, through Designating By-law No. 3633-02. A Heritage Impact Assessment ("HIA") prepared by Megan Hobson, dated March 5, 2024, was submitted with the Application to outline potential impacts to the heritage value of the property and propose mitigation and conservation measures. The Town's Municipal Heritage Committee ("MHC") considered the HIA and a Staff Report during their meeting on May 1, 2024.

Town Staff recommended the following to MHC:

- That the Municipal Heritage Committee provide input to Staff on the *Planning Act* application for Zoning By-law Amendment (ZBA-05-2024), as it pertains to impacts to cultural heritage resources;
- That the Municipal Heritage Committee endorse, in principle, the recommendations contained within the Heritage Impact Assessment prepared by Megan Hobson, dated March 5, 2024
- That the applicant considers landscaping as a means to screen the new two-storey garage addition;
- That the applicant proposes the design of future single detached dwellings on the severed lots to be in keeping with the existing streetscape on Simcoe Street;
- That the applicant ensures that any proposed development is sympathetic to the existing massing, scale and setbacks of the adjacent properties; and
- That the recommendations proposed within the HIA be considered for implementation through conditions of any future *Planning Act* application for severance.

The MHC did not support the above-mentioned recommendations and further provided that the Committee would be willing to receive a subsequent application that reflects the heritage designation of the property and addresses the comments made by the MHC at their meeting. Comments referenced included the removal of one of the proposed lots and setting back the proposed garage addition further from the Queen Street frontage of the heritage dwelling. The applicant has since revised the application to address the feedback provided by the MHC by

removing one of the proposed lots. Approval of the proposed garage addition is subject to a future Heritage Permit, which will be considered by the MHC in a future meeting.

The requirement for a Development Agreement registered on title to the subject lands would be implemented as a condition of the future Consent application to provide mitigation and conservation measures as outlined in the submitted HIA, and to require additional MHC review of the proposed garage addition. An amendment to the designation by-law is required to facilitate the future lot severance and would be captured through a condition of Consent approval.

5.3 Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Old Town Community Zoning District – Established Residential (ER) Zone” in Zoning By-law 4316-09, as amended. The applicable zoning of the subject lands is shown on **Map 3** of **Appendix II** to this report.

The ER zone recognizes the lot frontage and lot depth to be “as existing” for lots as of the date of passing Zoning By-law 4316-09. In order to facilitate a future Consent application to sever the lands, the Application is proposing to rezone both severed and retained parcels to site-specific ER zones to address proposed lot frontages, lot depths, and other provisions required to facilitate the proposal. Provisions to limit the dominance of a garage is also recommended on the severed lot for the future dwelling.

The following site-specific ER zone provisions are recommended by Staff for the subject lands:

Lot 1 (Site-Specific ER Zone) – new vacant lot

Zone Requirement	ER Zone	Site-Specific ER Zone
Minimum lot frontage Minimum lot depth	As existing	33.0 metres 42.0 metres
Minimum front yard setback	7.5 metres	8.5 metres
Maximum encroachment into a required rear yard for an unenclosed and uncovered/covered porch, deck, balcony, patio or steps	1.5 metres only for unenclosed and uncovered	3.5 metres
A detached or attached garage shall be setback a minimum of 1.0 metre behind the main façade of the dwelling on the ground floor		
The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade		

Lot 2 (Site-Specific ER Zone) – lot with existing dwelling and proposed addition

Zone Requirement	ER Zone	Site-Specific ER Zone
Minimum lot frontage Minimum lot depth	As existing	29.0 metres 42.0 metres

Minimum front yard setback	7.5 metres	As existing on the date of passage of this by-law (13.9 metres)
Minimum rear yard setback	7.5 metres	5.0 metres
Minimum exterior side yard setback	4.5 metres	As existing on the date of passage of this by-law to the front face of the dwelling (0.0 metres) 12.0 metres to the front face of an attached garage

The proposed increase to the front yard setback for the new lot is consistent with the existing setbacks of the property directly abutting the proposed lot, and maintains a consistent streetscape along Simcoe Street.

The applicant has also requested an encroachment into the rear yard of the new lot for covered and unenclosed porches, which provides sheltered amenity space in the rear yard. A number of rear yard trees on the new lot are proposed to be preserved and maintained. Staff does not anticipate adverse privacy or overview impacts as a result of this permitted encroachment provision and any streetscape inconsistencies as a result of the increase in front yard setback.

Site-specific setback provisions are imposed on the retained lot as a result of the reconfigured property now having frontage on Simcoe Street. The front yard setback and exterior side yard setback of the existing heritage dwelling will be maintained as existing. As a result of the proposed garage addition, a 5-metre rear yard setback is proposed, which is lesser than the standard; however, the interior side yard allows sufficient area for amenity space which would support the residential use of the property. The increased exterior side yard setback for the garage addition allows a larger setback to Queen Street to further preserve the heritage nature of the property.

The proposed site-specific ER zone is an appropriate category to accommodate the proposal, and all remaining provisions of the ER zone and Zoning By-law 4316-09 (as amended) are to be maintained on the subject lands. Further alterations to the retained lot would be subject to a Heritage Permit and further MHC review. Staff are supportive of the draft Zoning By-law Amendment, attached as **Appendix IV** to this report.

5.4 Consultation

The Application was circulated to Town departments and external agencies for review and comment. Public notice of the Application was provided as required by the *Planning Act*.

Comments submitted by the public and agencies are included in **Appendix V** to this report, and summarized as follows:

5.4.1 Town Departments

Building – No objections.

Fire and Emergency Services – No objections.

Finance – No objections.

Heritage – The proposed setback of the garage addition at 12.11m from the Queen Street frontage will mitigate impacts of the addition on the Subject Property's attributes and those of the adjacent Heritage Conservation District. The Town will require the submission of detailed elevations and a revised Heritage Impact Assessment updated to address the new scheme as part of a future Heritage Permit Application.

Operations – No objections. Technical requirements will be addressed at the future Consent application with respect to driveway access and servicing.

Urban Forestry – No objections. At the future Consent and building permit stages, the Town's Urban Forestry Officer will conduct site visits to ensure that the preservation plan is followed as submitted.

5.4.2 External Agencies

Canada Post – No objections.

Enbridge – No objections.

Niagara Region – No objections. The Region defers to the Town with respect to the review of the Heritage Impact Assessment. The Ministry Letter for the Archaeological Assessment must be received prior to any site disturbance.

5.4.3 Public

An electronic Open House was held on April 15, 2024, where eight (8) residents attended. The statutory Public Meeting was held on May 7, 2024, and three (3) members of the public provided comments in objection to the proposed Application. Five (5) formal letters were receiving outlining concerns with the proposal (included in **Appendix V**). The following concerns have been raised and Staff responses are provided below:

Public Comment	Response
Overview and privacy	Staff do not anticipate adverse impacts to overview and privacy, as addressed throughout the report.
Removal of trees	Any future tree removal and replanting required as part of the proposal is subject to approval by the Town's Urban Forestry Officer and must be in compliance with the Town's tree by-laws.
Short term rental usage	Any future short term rental use on the lands is subject to an application to the Town for a short term rental licence and further review. New dwellings and additional residential

	units are not eligible short term rental license.
Massing and scale of future single-detached dwellings	The proposal was since scaled back to only propose one new lot for a single-detached dwelling. The massing and scale of a future dwelling is addressed throughout the report.
Preservation of character of neighbourhood	This comment has been addressed throughout the analysis of the report, in particular in the review of the estate lot policies and OPA 78.
Heritage designation of the property	Discussion on the Municipal Heritage Committee review is provided in Section 5.2 of this report.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the requested Zoning By-law Amendment.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

The Application included a Tree Inventory and Preservation Plan of the trees on the lands. Information is included in Section 5.1.3 of this report. Any future tree removal and replanting required as part of the proposal is subject to approval by the Town's Urban Forestry Officer and must be in compliance with the Town's tree by-laws. Conditions relating to the recommendations of the tree preservation report may be imposed during the future Consent application.

10. COMMUNICATIONS

Once Council has made a decision on the Application, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

11. CONCLUSION

Community and Development Services Staff recommend approval of Zoning By-law Amendment Application ZBA-05-2024 as detailed in this report since the Application meets *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-24-066** – 187 Queen Street – Review of Heritage Impact Assessment (HER-13-2024) (May 1, 2024)
- **CDS-24-065** – Public Meeting – 187 Queen Street (ZBA-05-2024) (May 7, 2024)

13. APPENDICES

- **Appendix I** – Severance Sketch
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Zoning By-law Amendment
- **Appendix V** – Agency and Public Comments

Respectfully submitted:

Prepared by:



Victoria Nikoltcheva
Planner II

Recommended by:



Aimee Alderman, MCIP, RPP
Manager of Planning

Recommended by:



Kirsten McCauley, MCIP, RPP
Director, Community & Development
Services

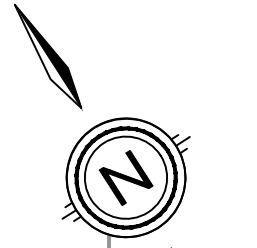
Submitted by:



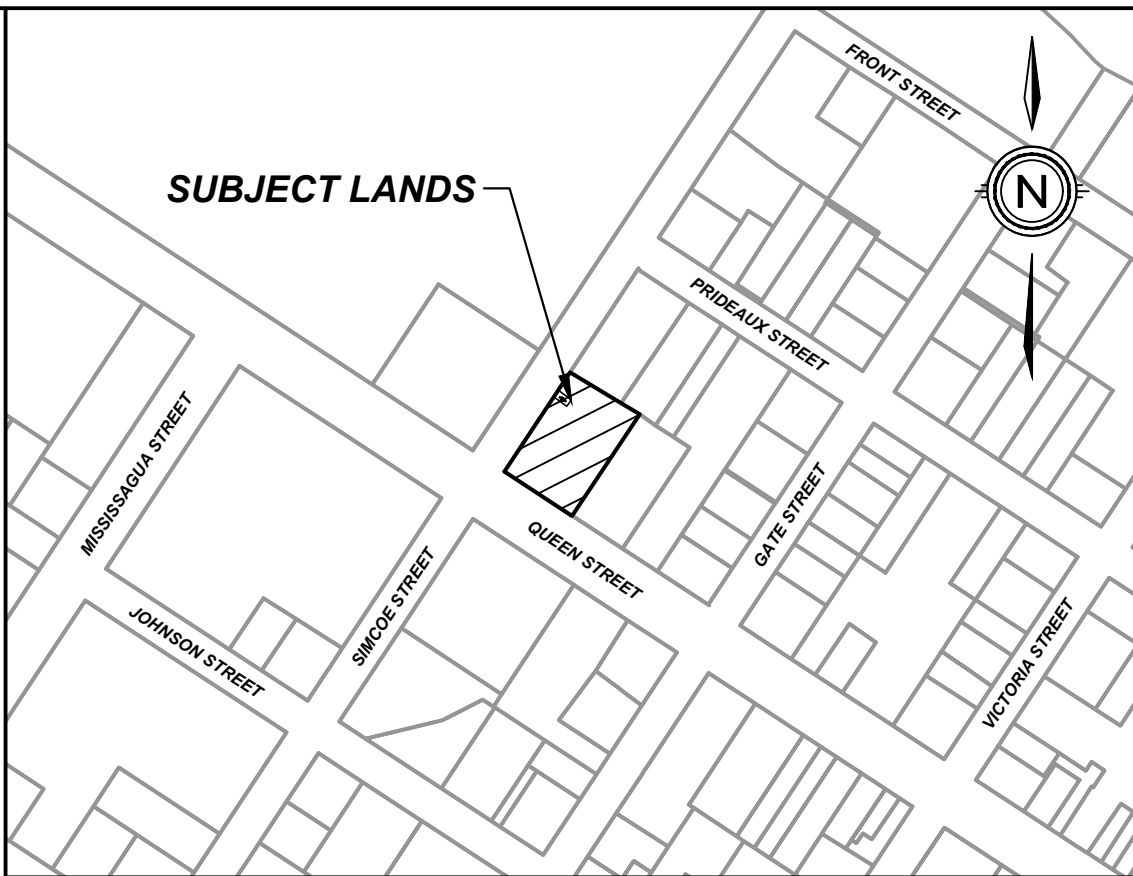
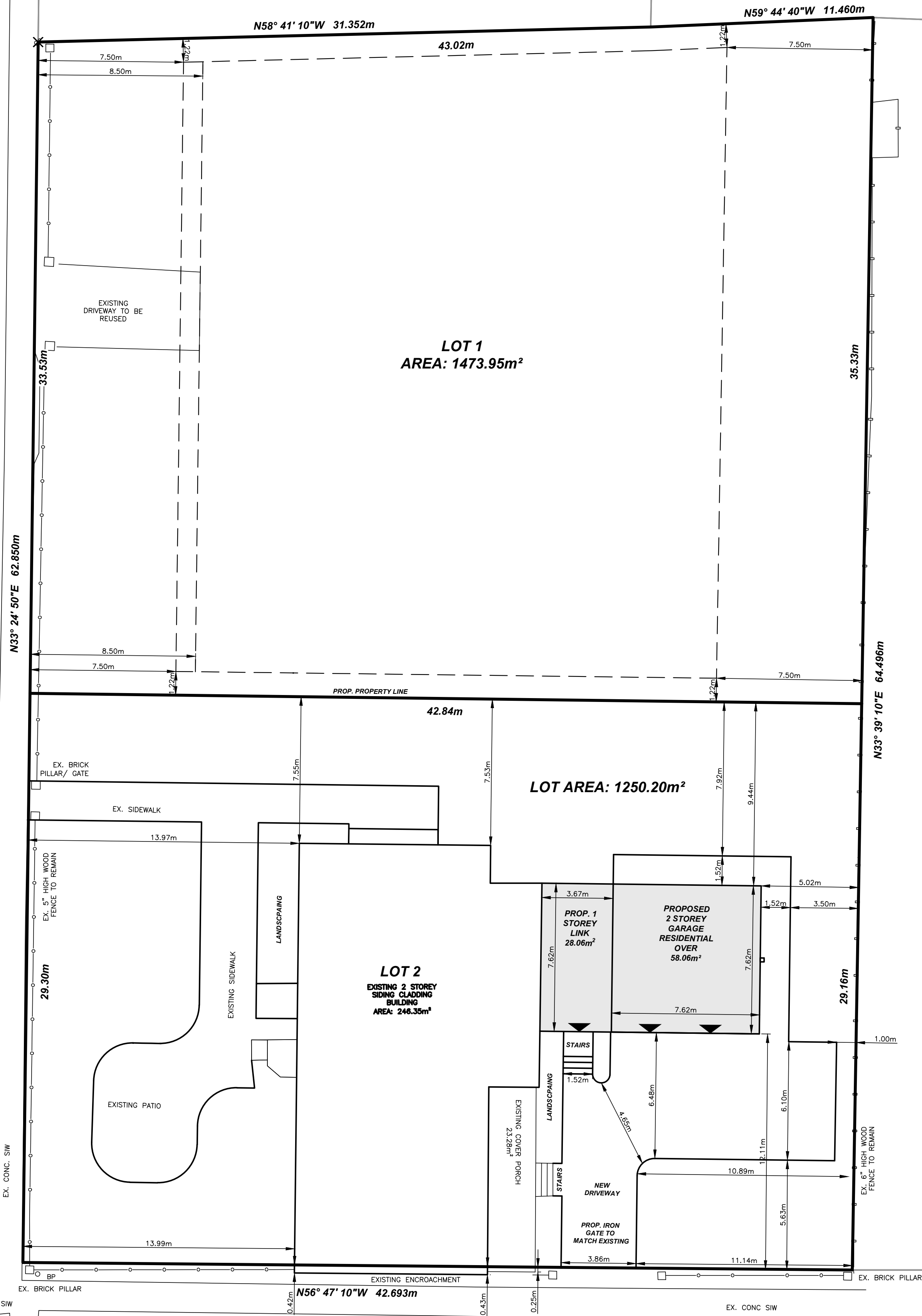
Bruce Zvaniga
Chief Administrative Officer (Interim)

187 QUEEN STREET

TOWN OF NIAGARA-ON-THE-LAKE



SIMCOE STREET



KEY PLAN

N.T.S.

BASE PLAN

LEGAL DESCRIPTION

LOT 49 & PART OF LOT 50
REGISTERED PLAN No. TP 86
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

SEC. 7.1.2 ESTABLISHED RESIDENTIAL (ER) (LOT 1)

PROVISION	REQUIRED	PROVIDED (PROPOSED LOT 1)
REQUIRED LOT FRONTAGE AND LOT DEPTH	As existing	Frontage: 33.53m Depth: 42.84m
MINIMUM FRONT YARD SETBACK	A) 7.5m B) A detached or attached garage shall be setback from the front lot line a minimum of 1.0m greater than building face (including a covered porch) of the main building.	A) 7.50m B) 8.50m
MINIMUM REAR YARD SETBACK	7.50m	7.50m
MINIMUM INTERIOR SIDE YARD	1.22m	1.22m
MAXIMUM BUILDING HEIGHT	10.00m	10.00m
MINIMUM REAR AND INTERIOR SIDE YARD SETBACK FOR ACCESSORY BUILDINGS	1.52m	1.52m
MAXIMUM LOT COVERAGE	33%	33%
MINIMUM LANDSCAPED OPEN SPACE	30%	30.00%
MINIMUM EXTERIOR SIDE YARD SETBACK	4.50m	N/A
MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK	4.50m	4.50m

SEC. 6.36 PARKING REQUIREMENTS			
(1) MAXIMUM DRIVEWAY WIDTH	For a single detached dwelling, the driveway or aisle width shall not exceed 6m.	6.00m	6.00m

SEC. 7.1.2 ESTABLISHED RESIDENTIAL (ER) (LOT 2)

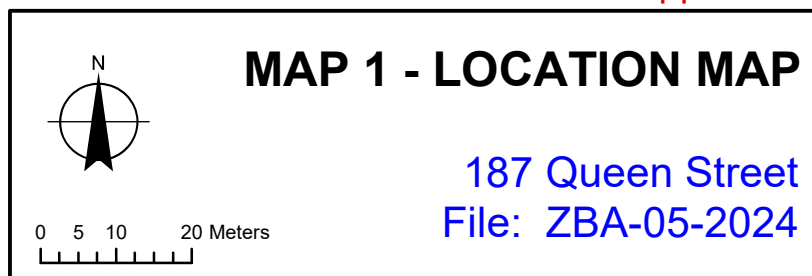
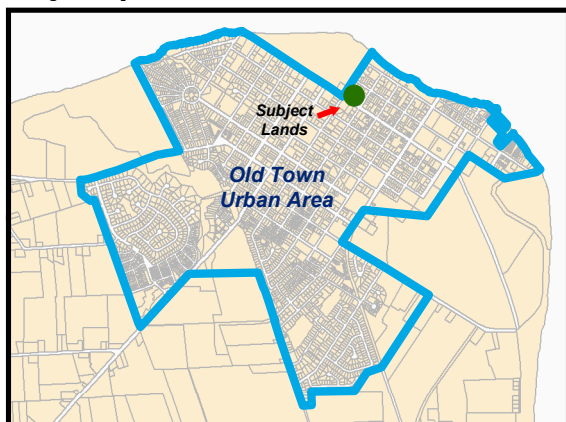
PROVISION	REQUIRED	PROVIDED
REQUIRED LOT FRONTAGE AND LOT DEPTH	As existing	Frontage: 29.30m Depth: 42.68m
MINIMUM FRONT YARD SETBACK	A) 7.5m B) A detached or attached garage shall be setback from the front lot line a minimum of 1.0m greater than building face (including a covered porch) of the main building.	A) 13.97m B) 26.47m
MINIMUM REAR YARD SETBACK	7.5m	5.02m
MINIMUM INTERIOR SIDE YARD	1.22m	7.53m
MAXIMUM BUILDING HEIGHT	10.0m	TBD
MINIMUM REAR AND INTERIOR SIDE YARD SETBACK FOR ACCESSORY BUILDINGS	1.52	N/A
MAXIMUM LOT COVERAGE	33%	26.59%
MINIMUM LANDSCAPED OPEN SPACE	30%	48.15%
MINIMUM EXTERIOR SIDE YARD SETBACK	4.5m	-0.43m
MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK	4.5m	N/A

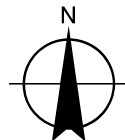
SEC. 6.38 PARKING REQUIREMENTS			
(1) MAXIMUM DRIVEWAY WIDTH	For a single detached dwelling, the driveway or aisle width shall not exceed 6m.	3.86m	

-	-	-	-
0	FOR DISCUSSION	2023-08-29	TA
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	NA
	DATE	JANUARY 30, 2023
	PRINTED	JUNE 4, 2024
	SCALE	1:150
	DWG No.	23125-SP
SITE PLAN		REV
		0



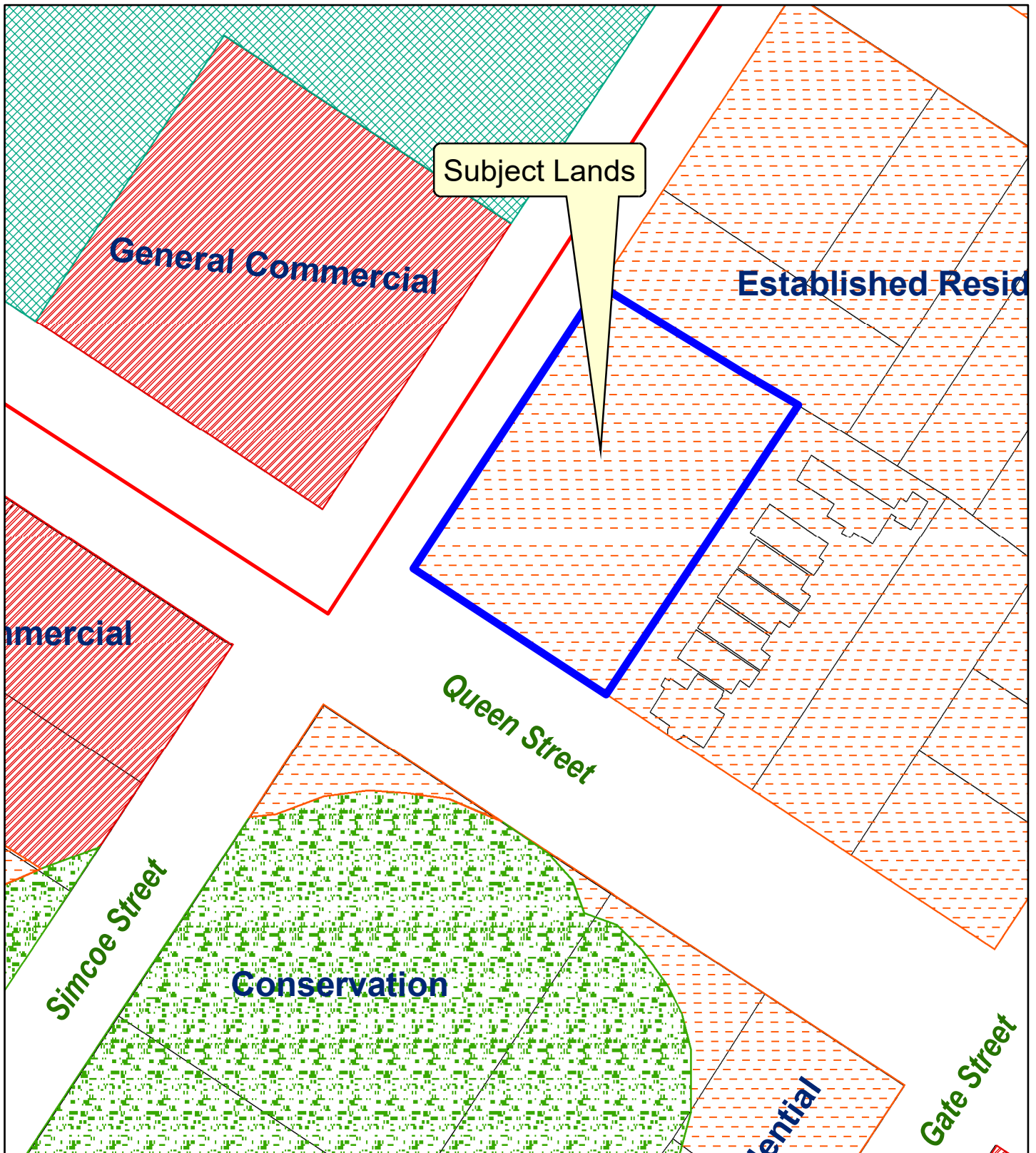


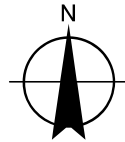
MAP 2 - OFFICIAL PLAN

Land Use Designations

187 Queen Street

File No: ZBA-05-2024

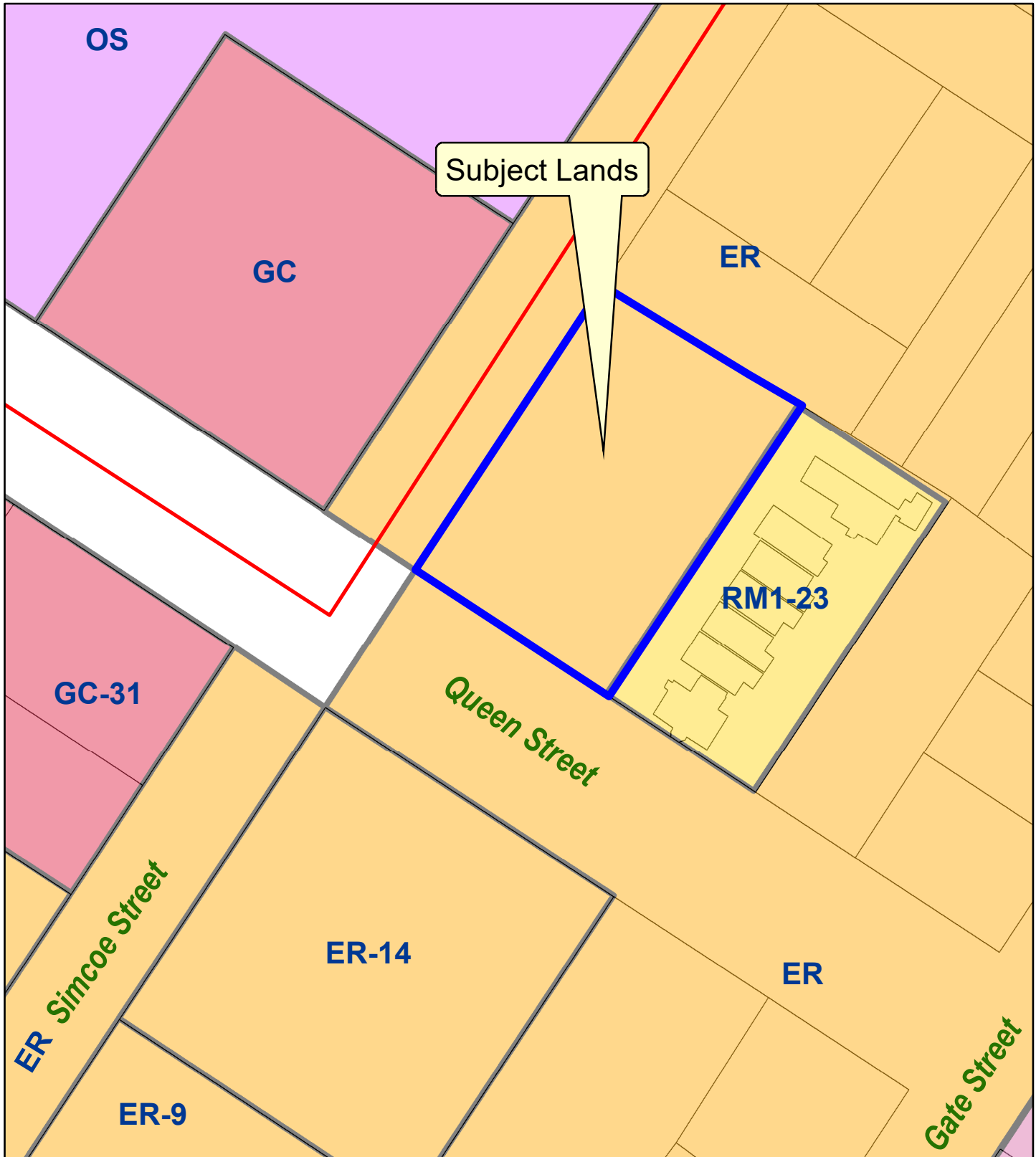




MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

187 Queen Street
File No: ZBA-05-2024



PLANNING LEGISLATION AND POLICIES

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Policy statements

Policy statements and provincial plans

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

Official Plans

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Significant archaeological resources

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority

to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types... to meet long-term needs;...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*

2.6 Cultural Heritage and Archaeology

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

2.2 Policies for Where and How to Grow

2.2.1 Managing Growth

4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; ...
 - e) provide for a more compact built form and a vibrant public realm, including public open spaces;
 - f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; ...

4.2 Policies for Protecting What is Valuable

4.2.7 Cultural Heritage Resources

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

Niagara Official Plan, 2022

2.1 Forecasted Growth

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

Table 2-1

Municipality	Population	Employment
Niagara-on-the-Lake	28,900	17,610

2.2 Regional Structure

The objectives of this section are as follows:

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and*
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and*
 - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g) opportunities for intensification, including infill development...*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) mitigation and adaptation to the impacts of climate change by:*
 - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

Table 2-2

Municipality	Units	Rate
Niagara-on-the-Lake	1,150	25%

2.3 Housing

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;
- b) provide more affordable and attainable housing options within our communities; and
- c) plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 Provide a Mix of Housing Options

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; ...

6.4 Archaeology

6.4.2 Conservation in Accordance with Provincial Requirements

6.4.2.1 Development and site alteration shall not be permitted on lands 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.

6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.

6.5 Cultural Heritage

6.5.1 Cultural Heritage Resources

6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.

6.5.1.5 Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has

been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

6.9 Estate Lots

Estate lots are those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots. Prior to any application for a plan of subdivision or consent the proponent shall submit to the municipality the following:

- a) A streetscape study prepared by a qualified professional planner or other appropriate professional and approved by the Town demonstrating that the creation of a lot(s) will not negatively affect the character of the street or nearby homes.*
- b) The proponent demonstrates that there is no negative impact on vegetation or drainage in the area.*
- c) The proponent demonstrates that the ambience, character, setting and historic value of the existing home will be retained.*
- d) Both the severed and retained parcel should have a frontage, lot area and proposed setbacks that complement the character and historic home and surrounding homes.*

6.33 Tree Preservation And Reforestation

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

Section 6A: Growth Management Policies

4. Intensification

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to:

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*
- c) Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area...*

- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

Built-up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-up Area. The following policies apply:

- a) *The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached... subject to the relevant development and compatibility policies of this plan.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.*
- k) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*
- l) *During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.*

Urban Design

...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located.*
- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

4.6 Land Use Compatibility Policies

Intensification and/or redevelopment should be consistent with:

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood;*

- d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
 - *Street and block patterns*
 - *Lot frontages lot area, depth*
 - *Building Setbacks*
 - *Privacy and over view*
 - *Lot grading and drainage*
 - *Parking*
 - *Servicing*

Development Criteria – Residential Infill and Intensification in Old Town and Virgil

In considering an application for development approval on lands designated “Low Density Residential”, “Medium Density Residential” and “Established Residential”, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

- a) *the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) *the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) *front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) *the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) *the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) *new driveways and service connections shall be sited to minimize tree loss;*
- i) *impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- j) *the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*

- l) *road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 9: Residential

9.2 Goals And Objectives

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (2) *To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- (4) *To encourage the development of economical housing in a suitable environment.*
- (5) *To ensure that existing housing and existing residential areas shall be preserved and improved.*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

9.3 Land Use Designations

9.3.3 Established Residential

Main Uses:

Low Density Residential uses such as single-detached.... dwellings

Uses permitted independent of a Main Use:

- *Medium density residential uses subject to; the relevant policies of Section 9, a site-specific zoning amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources...*
- (3) *The following policies apply to all lands within the Established Residential Zones in Old Town:*
- a) *Changes to lot frontage and/or lot depth may be permitted subject to a Zoning Bylaw Amendment.*
 - b) *The required Zoning By-law Amendment shall be processed prior to acceptance of an Application for Consent to Sever Land.*

- c) *In the analysis of any application to amend the Zoning By-law proposing changes to lot frontage and/or lot depth, the following shall be considered:*
 - i. *The average lot frontage and lot depth of the existing parcels on the block;*
 - ii. *In the case of corner lots, average lot frontages and lot depths shall be calculated on both block faces;*
 - iii. *The relevant Intensification policies of the Official Plan;*
 - iv. *A streetscape study;*
 - v. *A Planning Justification study;*
 - vi. *An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;*
 - vii. *Estate Lots and relevant policies;*
 - viii. *Existing and proposed land uses on the subject lands and surrounding lands.*
 - d) *Any Zoning By-law application proposing changes to lot frontage and/or lot depth may be approved if the above-noted considerations in Section C) adequately demonstrate that the proposed new lot(s) will maintain or improve the character of the block face.*
- (4) *Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, character, height, design and mass.*
- (5) *Several of the structures within the established Residential area have been designated as "Heritage" buildings under The Ontario Heritage Act. Every effort should be made by both the owner and the Town to ensure the continued existence of that structure in its historically significant form.*

9.4 General Residential Policies

(4) Residential Density

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.

Section 18: Heritage Conservation

18.2 Goals and Objectives

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.*
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply.*
- (4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.*
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.*

18.3 Heritage Policies

(4) Criteria for Assessing New Development

Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC ("Local Architectural Conservation Advisory Committee") shall address the following:

- a) The impact of the development on existing heritage resources*
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.*

18.5 Archaeological Planning

(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

2.6 Complete Communities

2.6.2 Healthy Neighbourhoods

2.6.2.1 *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*

- a) Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;*
- b) retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*
- c) a range of quality housing choices to meet the needs of people in all stages of life;*
- d) Community Design and heritage guidelines to ensure growth will conserve and, where possible, enhance the cultural heritage resources of the Town;*
- g) measures to protect the Town's scenic beauty, tree cover and landscaping;*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

2.6.3 Housing

2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

2.6.3.4 *New housing will be directed to the Settlement Areas.*

2.6.3.5 *The Town will maintain a minimum three-year supply of residential units as well as the infrastructure to support that supply.*

4.5 Intensification Strategy

4.5.2 Objectives

4.5.2.1 *The objectives of the intensification policies of this Plan are to:*

- a) Support the Built-up Areas by strategically directing most intensification to Intensification Areas identified on Schedule B7;*
- b) Provide policy for accommodating additional growth within the Built-up Areas;*
- c) Provide a framework that supports intensification and infilling throughout the Town's Built-up Area;*
- d) Provide a framework that allows for second dwelling units;*
- e) Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and*
- f) Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.*

4.5.3 Policies

- 4.5.3.2 *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single-detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant development and compatibility policies of this Plan.*
- 4.5.3.4 *The Town will ensure that intensification and redevelopment conserves cultural heritage resources. Community Design Guidelines will be prepared and used as a tool to achieve compatible built form with intensification and redevelopment. Adaptive reuse of cultural heritage resources will be strongly encouraged.*
- 4.5.3.10 *In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:*
- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
 - b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
 - c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
 - d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
 - e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
 - f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
 - g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
 - h) new driveways and service connections shall be sited to minimize tree loss;*
 - i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
 - j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
 - k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and*

- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

4.7 Land Use Compatibility

4.7.2 Compatibility

- 4.7.2.1. Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:
 - a) conserving natural heritage and cultural heritage resources;*
 - b) Existing and/or planned densities;*
 - c) Lot frontages, area and depth;*
 - d) Building setbacks;*
 - e) Privacy;*
 - f) Parking;*
 - g) Servicing, lot grading and drainage; and,*
 - h) The existing and/or planned height and massing of buildings.**
- 4.7.2.2. Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space*

4.8 Community Design

4.8.1 Design Policies

- 4.8.1.1. The character of the Town is reflected in its cultural heritage resources, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban streetscapes, low profile development, walkable communities, and variety of architectural and design features.*
- 4.8.1.2. Community Design Guidelines are used to integrate new development into the fabric of the community and to preserve its character and enhance those attributes that are important to residents and visitors. Community Design involves the arrangement and design of buildings, public spaces, transportation systems, services, landscaping and amenities.*
- 4.8.1.3. Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities.*
- 4.8.1.4. Community Design Guidelines should be based on the following:
 - a) Encourage a compact, walkable and well-connected community;*
 - b) Provide a linked public open space system;**

- c) *Encourage the enhancement of streetscapes;*
 - d) *Integrate public infrastructure into the landscape; and*
 - e) *Conservation of cultural heritage resources.*
- 4.8.1.5. *The Town may develop Community Design Guidelines for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. Community Design Guidelines may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or development approval standards.*
- 4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town:*
- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face;*
 - d) *Height, mass and scale of new development will fit the context within which it is located;*
 - e) *Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
 - f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

4.10. Residential Areas

4.10.4 Established Residential Designation

4.10.4.1 Character:

- a) *The Established Residential areas represent older, stable neighbourhoods. These neighbourhoods can include cultural heritage resources that must be conserved. The existing character of the Established Residential areas shall be maintained.*

4.10.4.2 Permitted Uses:

- a) *In the Established Residential designation, the following uses shall be permitted:*
 - *single-detached dwellings, ...*

4.10.4.3 Policies:

- a) *Due to the wide variety of lot sizes, frontages, depths and setbacks in the Established Residential designation that result in a varied and attractive streetscape, the Zoning By-law may set requirements on a block-by-block basis to maintain the unique character of the area.*
- c) *Within the Established Residential designation, the following policies apply:*
 - i. *Changes to lot frontage and/or lot depth may be permitted subject to a zoning by-law amendment.*

- ii. *In the analysis of any application to amend the zoning by-law proposing changes to lot frontage and/or lot depth, the following will be considered:*
 - *The average lot frontage and lot depth of the existing parcels on the block face;*
 - *In the case of corner lots, average lot frontages and lot depths will be calculated on both block faces;*
 - *The relevant Intensification policies of the Official Plan;*
 - *Preparation of a streetscape study, planning justification report, and/or heritage impact assessment, if required, which demonstrate that the proposed new lot(s) will maintain or improve the character of the block face;*
 - *An arborist report which will consider the potential impacts on all trees with particular regard for Carolinian Canada species; and*
 - *Existing and proposed land uses on the subject lands and surrounding lands.*
- d) *Cultural heritage resources shall be conserved.*
- e) *Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:*
 - i. *Patterns of streets, blocks and lanes, parks and public building sites;*
 - ii. *Size and configuration of lots;*
 - iii. *Heights, massing, scale and dwelling type of nearby residential properties;*
 - iv. *Prevailing building type(s);*
 - v. *Setbacks of buildings from the street or streets;*
 - vi. *Prevailing patterns of rear and side yard setbacks and landscaped open space;*
 - vii. *Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and*
 - viii. *Conservation of cultural heritage resources.*
- f) *Special care will be taken to maintain the low profile character of the area. New residential development in these areas consisting of more than two units shall be accompanied by a detailed site and area analysis demonstrating there will be minimal impact on surrounding neighbourhoods and development.*

Section 7 Heritage, Archaeology and Culture

7.1.2 Identification and Documentation

- 7.1.2.1 *The Town, through a variety of initiatives, will identify, conserve and protect cultural heritage resources, including those shown on Schedules D1 to D3, and:*
- a) *Will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town's cultural heritage resources;*
 - b) *Identify cultural heritage resources using recognized methods such as those identified by the Ministry of Tourism, Culture and Sport;*

7.1.3 Protection of Cultural Heritage Resources

- 7.1.3.1 *Protection, maintenance, adaptive reuse and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact cultural heritage resources.*
- 7.1.3.2 *In order to protect heritage resources, the Town will establish policies and procedures to:*
- a) *Protect and conserve cultural heritage resources in accordance with the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Protection Act, the Funeral, Burial and Cremations Act, the Municipal Act, the Standards and Guidelines for the Conservation of Historic Places in Canada, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment, and other recognized heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing cultural heritage resources must be the first consideration for all properties on or adjacent to cultural heritage resources*
 - e) *Require preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or development involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.*
 - g) *Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.*
 - h) *Require where development or site alteration is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such development or site alteration must be evaluated against any identified heritage values or heritage attributes.*
 - i) *Review applications for development and site alteration on lands containing and adjacent to cultural heritage resources and require mitigative measures and/or alternative development approaches to conserve the heritage attributes impacted by the development. A Heritage Impact Assessment and/or an Archaeological Assessment may be required to demonstrate that the cultural heritage resources will be conserved. Development of lands adjacent to protected heritage properties shall be required to demonstrate that the heritage attributes of the adjacent protected heritage property are conserved through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses*
- 7.1.3.9 *The Town will use zoning by-law provisions as appropriate, to conserve cultural heritage resources.*

7.2.3 Heritage Character Areas

7.2.3.1 *The Town has identified the following Heritage Character Areas as Cultural Heritage Landscapes based on a review by Bray Heritage (Estate Lot Study) in 2018, based on the available information on the areas and the concentration of “estate lots” in those areas:*

- *Downtown Heritage Character Area;*

7.2.3.4 *Should any site alteration, development, or demolition be proposed within any of these areas, a Heritage Impact Assessment will be required. This Heritage Impact Assessment must consider the potential impact to the overall area as well as to individual properties. Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.*

7.3 Archaeological Resources

7.3.4 *The Town will promote conservation of its archaeological resources and will:*

- a) Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential, as shown on Schedules D1 to D4, or where an archaeological site has been previously registered on the property.*
- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

8.8 Tree Preservation and Reforestation

8.8.1 *The existing tree canopy in the Town is an important component of the character of the Town and its community design features. Tree preservation and management will be addressed in a by-law passed by the Region or the Town, under appropriate legislation.*

Explanation of the Purpose and Effect of
By-law 4316FR-24

The subject lands are described as 187 Queen Street, Niagara-on-the-Lake, more particularly described as LT 49 TP PL 86 NIAGARA; PT LT 50 TP PL 86 NIAGARA AS IN RO659780; Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the creation of one (1) new residential lot for the construction of a single-detached dwelling and retain one (1) residential lot with an existing single-detached dwelling for continued residential use.

Effect

The effect of this By-law is to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential [ER-114(a)] Site-Specific Zone” and “Old Town Community Zoning District – Established Residential [ER-114(b)] Site-Specific Zone” with site-specific provisions pertaining to:

- Lot frontage and depth
- Front yard setback
- Rear yard setback
- Exterior side yard setback
- Permitted encroachment for uncovered/covered porches, patios and decks
- Garage setback and garage door width

<i>Owner:</i>	Rainer Hummel
<i>File Number:</i>	ZBA-05-2024
<i>Report Numbers:</i>	CDS-24-104
<i>Assessment Roll Number:</i>	262701000404100

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FR-24**

187 Queen Street, Roll #: 262701000404100

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED
A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION,
USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND
STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule “A-1” of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map ‘A’ attached to and forming part of this By-law from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Old Town Community Zoning District – Established Residential [ER-114(a)] Site-Specific Zone” and “Old Town Community Zoning District – Established Residential [ER-114(b)] Site-Specific Zone”.
2. That Subsection 7.14 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

7.14.114 – 187 Queen Street – See Schedule ‘A-1’ [ER-114(a) and ER-114(b)]

7.14.114.1 ER-114 (a) Zone Requirements

In lieu of and in addition to the corresponding provisions of Subsection 7.1.2, the following provisions shall apply to the subject lands identified as ER-114 (a) on Schedule ‘A-1’:

(a)	Minimum lot frontage Minimum lot depth	33 m 42 m
(b)	Minimum front yard setback	8.5 m
(k)	Maximum encroachment into a required rear yard for an unenclosed and uncovered/covered porch, deck, balcony, patio or steps	3.5 m
(l)	A detached or attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling on the ground floor	
(m)	The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade	

7.14.114.2 ER-114 (b) Zone Requirements

In lieu of and in addition to the corresponding provisions of Subsection 7.1.2, the following provisions shall apply to the subject lands identified as ER-114 (b) on Schedule ‘A-1’:

(a)	Minimum lot frontage Minimum lot depth	29 m 42 m
(b)	Minimum front yard setback	As existing on the date of passage of this by-law
(c)	Minimum rear yard setback	5 m
(i)	Minimum exterior side yard setback to the front face of the dwelling Minimum exterior side yard setback to the front face of an attached garage	As existing on the date of passage of this by-law 12 m

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.

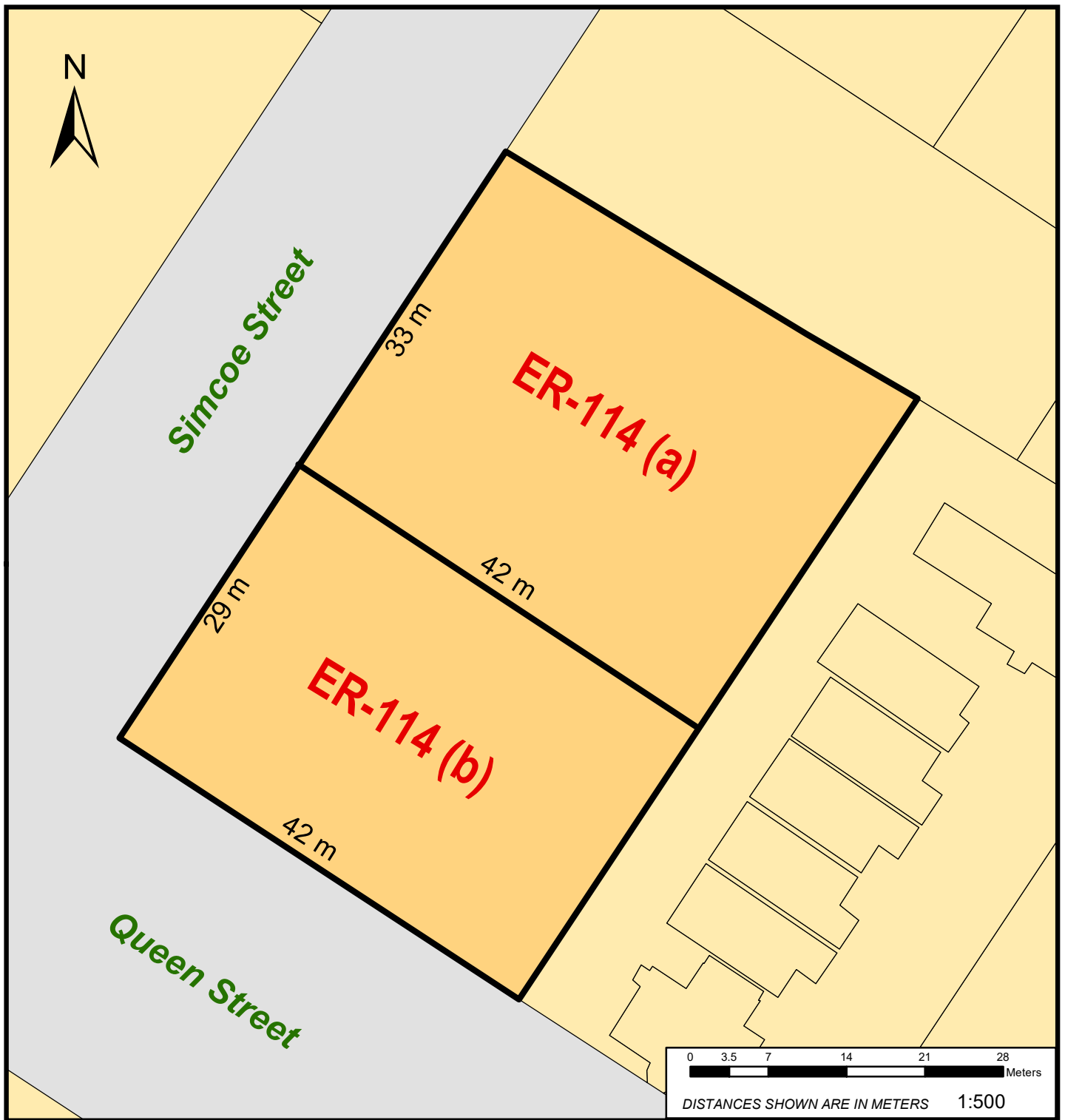
4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 30TH DAY OF JULY, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

DRAFT



MAP 'A' ATTACHED TO BY-LAW 4316FR-24, BEING AN AMENDMENT TO SCHEDULE "A-1" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF JULY, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL

Victoria Nikoltcheva

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Thursday, April 11, 2024 2:42 PM
To: Cassandra Cruickshank
Cc: Clerks; Victoria Nikoltcheva
Subject: RE: Notice of Complete Application, Open House, and Public Meeting - ZBA-05-2024 - 187 Queen Street, Niagara-on-the-Lake

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. For more details contact ONTLands@enbridge.com.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Thank you,

Casey O'Neil (she/her)
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

Victoria Nikoltcheva

From: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>
Sent: Monday, April 15, 2024 3:01 PM
To: Victoria Nikoltcheva
Subject: RE: New Application - ZBA-05-2024 - 187 Queen Street, NOTL

You don't often get email from andrew.carrigan@canadapost.postescanada.ca. [Learn why this is important](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Good Afternoon,

CPC has no comments regarding this zoning by-law amendment.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914



Please consider the environment before printing this email.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

June 10, 2024

File Number: PLZBA202400217

Victoria Nikoltcheva

Planner II

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

Re: Updated Regional and Provincial Comments

Zoning By-law Amendment

Town File Number: ZBA-05-2024

Applicant: Rainer Hummel

Address: 187 Queen Street

Municipality: Town of Niagara-on-the-Lake

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the revised application for a zoning by-law amendment for lands municipally known as 187 Queen Street in the Town of Niagara-on-the-Lake.

The subject property is currently occupied by an existing dwelling, designated under Part IV of the *Ontario Heritage Act*. The revised zoning by-law amendment application proposes to amend the existing Established Residential (ER) zone on the subject property to include site-specific provisions in order to facilitate the creation of one new lot, proposed to accommodate a single-detached dwelling, fronting onto Simcoe Street. The existing heritage designated dwelling, which fronts onto Queen Street, is proposed to remain on a separate lot. A new attached garage and driveway is proposed to be constructed on the lot containing the existing heritage dwelling. A future consent application will also be required to create the proposed lot.

A pre-consultation meeting for this proposal was held on September 7, 2023. Regional comments regarding the initial submission of the application were originally provided to the Town in a letter dated April 22, 2024. The initial submission proposed the creation of two lots. The applicant has since revised the application to propose the creation of only one lot. The following updated Provincial and Regional comments are provided to assist the Town in considering the revised zoning by-law amendment application.

Provincial and Regional Policies

The subject property is located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and located within the Settlement Area Boundary for the Town of Niagara-on-the-Lake and designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population.

The proposed development is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. The proposal therefore generally conforms to Provincial and Regional policies for the provision of infill and intensification within the Built-Up Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of this aspect of the proposed zoning by-law amendment to Town staff.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the lands exhibit potential for archaeological resources.

A Stage 1 and 2 Archaeological Assessment and Stage 3 Archaeological Assessment, both prepared by Amick Consulting Ltd. (dated October 24, 2023 and February 28, 2024, respectively) were submitted with the application. The Stage 2 assessment resulted in the identification of one (1) post-contact site, identified as the Crysler-Burroughs House site (AhGs-446), which, in the opinion of the licensed archaeologist, fulfilled the criteria for the completion of a Stage 3 assessment. The Stage 3 assessment resulted in the recovery of 3378 post-contact and 4 pre-contact artifacts from AhGs-446. Based on the artifacts recovered and previous disturbance, the Stage 3 assessment concludes that AhGs-446 retains no further cultural heritage value and

interest, and therefore further Stage 4 mitigation of the site is not warranted in the opinion of the licensed archaeologist.

As of the date of this letter, acknowledgement from the Ministry of Multiculturalism and Citizenship (MCM) confirming that all archaeological resource concerns on the subject property have met licensing and resource conservation requirements has not been received. This must be received prior to any site disturbance occurring on-site, and can be addressed prior to passing the amending zoning by-law; through the inclusion of a Holding (H) provision in the by-law; or as a condition of the future consent application.

Cultural Heritage

Both the PPS and NOP state that development and site alteration on a protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. The subject property is designated under Part IV of the *Ontario Heritage Act*, which is defined as a protected heritage property under both the PPS and the NOP.

A Heritage Impact Assessment (HIA), prepared by Megan Hobson, CAHP (dated March 5, 2024), was submitted with the initial submission of the application. The HIA concludes that the proposed severance of the rear portion of the lot does not pose any significant heritage concerns as the heritage dwelling will remain in situ and will be retained on a lot that provides adequate amenity spaces for the dwelling and maintains large frontages along Queen and Simcoe Street, and there are no significant heritage structures or features on the rear portion of the lot. The HIA recommends several mitigative measures be implemented to minimize impacts resulting from the proposed severance, including that the existing wooden gate, brick piers and heritage plaque be retained on the Queen Street frontage, that a 'London Plane' tree on Queen Street be protected during construction, and that archaeological clearance be received from the Ministry.

The Region shares an interest with the Town of Niagara-on-the-Lake in the protection and conservation of significant cultural heritage resources, through the development of policies to protect and conserve locally significant built heritage resources. The Region defers to the Town with respect to their analysis of the HIA and the above-noted mitigation measures. It is understood that the Town of Niagara-on-the-Lake Municipal Heritage Committee will be reviewing the HIA and, accordingly, Town Council should look to the Town's comments with respect to this assessment.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments which meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling

collection, provided that the owner brings waste and recycling to the curbside on the designated pick-up day, and that the following limits are met:

- Organics: Unlimited green bins collected weekly; and;
- Garbage: Two garbage bags/cans collected bi-weekly.

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

In conclusion, Regional staff have no objection to the revised zoning by-law amendment from a Provincial and Regional perspective, subject to any local requirements, including those pertaining to cultural heritage, and that final clearance be received from the Ministry of Multiculturalism and Citizenship (MCM) for the archeological assessments undertaken in support of the application prior to any site disturbance occurring.

Provided these conditions are addressed, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement (PPS), and conforms to Provincial Plans and the Niagara Official Plan (NOP).

Please send copies of the staff report and notice of the Town's decision on this application. If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Development Planner

-----Original Message-----

From: Mary-Lynn Melle

Sent: Sunday, April 14, 2024 2:26 PM

To: Clerks <clerks@notl.com>

Subject: Re - File No. ZBA-05-2024- 187 Queen St, Niagara-on-the-Lake

Town Clerk

1593 Four Mile Creek Road

Virgil, Ontario

L0S1T0

We, Mary-Lynn and Michael Melle are owners of 175 Queen St. Unit 2 Notl. Our property is directly adjacent to 187 Queen St. Our rear yard fence faces the proposed building of a two story garage with a one bedroom apartment above. The drawings indicate that the apartment will have a 5 foot (1.52m) wrap around balcony which would be 11.4 feet (3.5m) away from the property line. People on this balcony would look directly over our backyard and directly into our second floor windows. This would be a huge invasion of our privacy. We implore the town not to allow the building of this balcony.

Our units at 175 Queen were originally designed to have back decks on the second floor facing the side yard of 187 Queen. Approval of these decks was denied at the time because it was determined that the use of these decks would interfere with the privacy of 187 Queen. The use of this new wrap around balcony on the proposed second floor, above

garage apartment would be far more intrusive. I'd like to re-iterate that it is only 11 feet away from the property line, and it's possible use as a short term rental could be highly disturbing for us. Further, the application involves the removal of many trees, 24 in total and 4 in the area directly in front of the proposed garage, leaving us further exposed. We ask that the town deny the building of the balcony as shown. Please acknowledge receipt of our letter of concern.

Regards

Mary-Lynn and Michael Melle

175 Queen, Unit 2 NOTL

Sent from my iPad

April 16, 2024

172 Simcoe Street

Niagara-on-the-Lake, ON L0S 1J0

Planning Services

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road

Virgil, ON L0S 1T0

Subject: Application for Zoning By-law Amendment for 187 Queen Street

Attention: Victoria Nikoltcheva, Planner

I am writing subsequent to the Open House presentation on the above development proposal which took place two evenings ago and in which I participated. I would like to put my observations and comments in writing for the record.

First, as the adjoining neighbour to the north side of the subject property at 172 Simcoe Street, I find it very difficult to comment on the matters that most directly pertain to me – the proposed two new buildings to be constructed facing Simcoe Street. In order to simply limit my commentary to these elements essentially forces me to involuntarily concede that the redefining of what “heritage” designation means doesn’t matter. The changing of the status quo in this case does matter to me! I believe, as an historic entity, steeped in the Newark/Niagara-on-the-Lake past, (early craftsmanship and architecture, lives lived, events witnessed, the continuity of time) this property should be preserved. I do not want to be diverted by this complex, all-encompassing stampede to a recreate the western part of our Town. The careful weighing of the value of such tangible pieces of our history should be germane to the very future and perception of our treasured community.

Similarly, the presumption that this property can or should be severable must be dealt with prior to designing and building houses. After observing the heated past civic debates about the appropriateness and the need to preserve the Town’s Estate lots, this is clearly another issue on its own merit! Has Niagara-on-the-Lake not already met its housing intensification targets? Are large historic estate lots on Queen, Predeaux and Victoria Streets to be hacked up for fourplexes? These special lots are certainly a part of the charm and spaciousness of Old Town and reminders of our history. This precedent of severing 187 Queen Street should be the subject of robust debate and careful examination!

It is only by separating these broader issues of the revision of heritage designation and severances of old estate lots that we can safely arrive at what to do with building lots on Simcoe Street. In respect to the foregoing, I will proceed, without prejudice, to address some thoughts regarding hypothetical new housing on Simcoe.

My first concern is why two lots? The Proponent at the Open House indicated that initially they had proposed a single lot with one house. Apparently, however, Town Staff, playing the devil's advocate, observed that the proposed severance would be somewhat too large for a single home (lot coverage permissible being 33%) and suggested two lots as an alternative. The two proposed units now weigh in at a neighbourhood uncharacteristically high 50% coverage, with only 55 foot frontage! What a precedent setting guideline for future development in Old Town! These townhouse-like buildings would be totally out of character and deviate from the traditional residential style that currently exists everywhere in the area – see Predeaux, Johnson, Gate, Front, Gage, Victoria, Queen, Centre Streets - as examples! Once the egg is broken – watch out! It could become like Toronto with developers buying up existing housing stock, tearing the houses down and putting two units in place where one had previously existed.

Returning to the matter of the proposed severance, I can't help wondering, if Staff thought the severance was too large for a single house why didn't they suggest a smaller severance (perhaps allowing for a decent 75- 100 foot frontage), leaving more of the original property with the heritage home?

Finally, to sum up other matters that I have flagged from my perspective, I noted that the main entrance to our house was the side door, which faces south. As with our main second floor bedroom, this entrance, has a pleasant sight line which currently has no intervening structures between ourselves and the Queen Street corner house. Our principal concern is we do not want to have a long narrow house shoehorned in along the mutual property line as currently proposed, - some additional intervening space afforded by a single house only, with additional side yard setbacks, would be welcomed.

John Gibson

From: Ringash, Jolie
Sent: Friday, April 19, 2024 12:42 PM
To: Victoria Nikoltcheva;
Subject: email about the proposal in NOTL

Dear Victoria,

Thank you for the opportunity to discuss this proposal at the Apr.15 Open House. We are the owners at 175 Queen Street, Unit 6. I would like to reiterate our comments and concerns in writing.

We understand the desire of the current owners to sever the very large existing lot. Thank you for clarifying that the proposed project will need to proceed through multiple approvals before it goes ahead; we also understand from Jennifer that the present owners intend to sell the severed lots, so that the ultimate build will take place under different ownership and plans may change. We will of course have further input as each step takes place.

We do not object to the severance per se, however we agree with the neighbours on Simcoe Street that the construction of a single home in the new lot would be more in keeping with the typical lot width along Simcoe Street, and the general character of the area. Additionally, one residence would mean one driveway, rather than two, which would presumably help with the preservation of more trees on the boulevard and in the yard itself.

Our greatest concern about the proposal to construct one or more residences where the heritage vineyard currently stands is related to the loss of light and potentially privacy to our backyard, which is immediately behind the proposed new lot(s). We agree with the planning concern related to preservation of character from street view. We also have concerns about loss of character from our perspective; the maturing tree cover does add to the ambience of the block. We would prefer to see a bungalow, or if a 2-storey building is constructed, we would be very concerned about its shape within the designated maximum height of 10 meters (favour a sloped roof in character with surrounding structures versus a large box shape such as what we have seen emerge on some developed lots in the core recently). We will bring these concerns forward later when a more detailed structure plan is provided. We appreciate the deep setback from our fence which has been indicated in the current proposal and would be concerned about any change of plans that places the new residence(s) closer to our fence; we would also be concerned about plans for outdoor decks or balconies which might encroach on our backyard privacy.

We absolutely share the concerns of other owners within the 175 Queen condominium complex regarding the proposed garage with upstairs living quarters and wrap-around balcony just beside our fence. We would not object to this footprint if a single-storey garage was constructed for car parking

only, however having residents living immediately adjacent to our fence with windows looking directly into the back windows of our complex, and especially a balcony looking directly over our backyards, is not in keeping with the privacy and peace of NOTL's old town.

We would also be very concerned about noise issues with people sitting out on this balcony in the evening, just a few feet away from our neighbours and only a little more than that from our own unit. This could be an issue with any resident living there, however we are especially concerned given the possibility (subject to further approvals) that the unit could be used for short term rental or B and B activity. We have observed in other parts of the old town that external porches or balconies ARE at times sources of nighttime noise when short-term guests do not understand or respect the quiet nature of our town. We purchased in NOTL for the quiet neighbourhood and do not agree that provincial rules about "set backs" etc, designed to intensify the housing in cities like Toronto, should be applied to a small rural town like NOTL, and especially not in a heritage district beloved for its trees, animals and birds.

Thank you for the opportunity to have input into this proposal.

GLEN BANDIERA, BSc (Engin), MD, MEd, FRCPC
Professor, Temerty Faculty of Medicine, University of Toronto
Emergency Physician, Unity Health Toronto (St. Michael's)

From: VIVIENNE SALAMON
Sent: Sunday, April 21, 2024 1:28 PM
To: Victoria Nikoltcheva
Subject: File No. ZBA-05-2024 - 187 Queen Street, NOTL

Dear Victoria

We are owners of 175 Queen Street, Unit #4. As a follow up to the Open House meeting regarding the application for a Zoning By-law Amendment to the property located at 187 Queen Street to facilitate the severance of two new single detached residential lots, located at the rear of the property and to maintain the heritage dwelling with a proposed garage and Apartment addition.

The two new lots would have direct access from Simcoe Street and are intended to be sold as vacant lots to builders and are shown what could be built under the proposed zoning provisions.

Our concern is that many "developers" are simply speculators pursuing re-zoning of property and then it appears there is no track record of building and seeing projects through. It would seem a far better idea if all such re-zoning could and should be time limited and building permits could be processed within one year for re-zoning.

The retained Heritage dwelling lot is proposed to have a new driveway accessed from Queen Street to allow for a more convenient access to the front door of the dwelling. There is also a proposed link to a two storey garage addition to be extended from the existing dwelling. The upper storey of the garage will be an accessory dwelling space with a separate access.

The construction of the link we are advised will not impact the heritage value of the dwelling detailed in the Heritage Assessment. It shows a wrap around glass railing balcony on the 2nd floor which would be intrusive to our Townhouse homes and overlook our private patio areas to the rear of our homes close to our fence. We ask that this is not considered and not in keeping with the privacy and the old town heritage district. At the time our units at 175 Queen Street were built to my knowledge in the plans for the original building permit for the complex it was specifically stated that our flat roof tops were not to be accessible decks so as not to intrude on the privacy of others. We hope we can be afforded the same courtesy.

The flat roof and glazing proposed to be used for the glass balcony railings on the 2nd floor of the garage are contemporary design elements that are described as subtly distinguishing this addition from the heritage building, adding a respectful contemporary layer. This we feel completely contradicts the whole purpose of this addition complimenting a heritage 200 yr old home as it doesn't 'fit in' and will just 'stand out' like a sore thumb.

The fronting of this two storey garage onto Queen Street is puzzling. I have walked all of Queen Street both sides and there are NO garages on any of the properties at the front of the residences

facing Queen Street. Most are accessed from the side or back of the residences. It is difficult to understand why consideration of a single garage fronting onto Simcoe would not be an ideal location compatible to all the other Queen Street residences. This would leave the heritage building with its existing elegant space and garden and I understand there is a 7ft in ground heated pool which I don't see mentioned? Also maybe severance for one larger single home on the new lot which would be more in keeping with the typical lot width along Simcoe Street and maintain the character of this area.

I also feel compelled to mention that the link to the garage was described as offering additional functional space for household laundry facilities? Really?

Vivienne Salamon & David Ker

Thank you, Mr. (Madam) Chairman –

I come here today, with both consternation and a good deal of trepidation on learning of the filing of an Application for a very detailed and far reaching request for zoning amendments concerning the historic heritage property at 187 Queen Street.

As the property owner of 172 Simcoe Street, the property directly adjacent to 187 Queen on the northwest side, I was taken aback by the scale of the application and its presumption that certain preliminary and necessary agreements and approvals would automatically be forthcoming which would enable the Developer to plan for two new residential lots on Simcoe Street! Has the Developer forgotten that the Town's By-law 3633-02 (passed March 26, 2002) would first need to be addressed; that under the Ontario Heritage Act, Part IV the house and the property are designated a provincial heritage site? Is the Developer not aware of the controversial and heavily contested past fights by local citizens over the break-up of the Town's historic estate lots via the process of severing? He seems to have assumed these major steps along the path to building two new homes on Simcoe Street will be a mere formality, that Council will readily acquiesce.

And then, the third element on this Application, in addition to the heritage and severance issues, is whether the two new proposed structures, meet the Town's planning by-laws, which apparently they do not in terms of front yard setbacks and maximum lot coverage. This third aspect must also address possible neighbour's issues over design, crowding, traffic safety and the impacts on their enjoyment of their own properties. ✖

Accordingly, I would request that the honourable members of Council consider rejecting this Application as it now stands and alternatively to encourage the Proponent to go through the proper systematic process step by step. Namely,

- 1) Making proper Application to adjust the current heritage designation for 187 Queen Street, specifically in order to add/ modify the historic structure and to alter the land-use of its attendant properties. This would involve getting the necessary approvals or amendments in regard to the Town's By-law 3633-02, as well as dealing with the Ontario Heritage Act designation.
- 2) That the Developer make an independent Application to the Town in order to sever a lot(s) from the traditional estate lot.
- 3) That the Developer, then, makes Application to the Town to build housing on any of the parcels of land that he has successfully managed to sever.

Respectfully, I would further request of Council to share all relevant information and encourage fulsome debate among our local citizens on these very high profile Old Town matters.

Thank you

John Gibson
172 Simcoe Street
Niagara-on-the-Lake

On the matter of maximum lot coverage, the proposal calls for two new lots with only 55 feet frontage on Simcoe Street. It also seeks a by-law variance of 50% coverage on these lots, where normally only 33% would be permitted. This permission for smaller frontages and building intensification would set a dangerous precedent in residential Old Town. One could envision properties on Predeaux, Victoria, Gate, Johnson, Centre Streets and others with large frontages of 110 feet plus being bought by developers, the homes being torn down and two new houses being built on the original lot. A drive down Bayview Avenue or some of the old Etobicoke neighbourhoods in Toronto would serve as a graphic example! Permission here would set a precedent for others.

Concerning the front yard setbacks, an obvious concern would be the visual encroachment of these proposed houses to the public side walk. Simcoe Street, down to the water and the golf club, is a heavily travelled pedestrian walkway, especially attractive to tourists. These crowded houses would be a distraction to the Old Town residential neighbourhoods, with their traditional feel of serenity and space, often fronted with bright flowers and gardens.

More concerning, however, in regards to the narrowing of the front yard setbacks is the dangerous implications for vehicle and pedestrian traffic. This area of roadway is already heavily used. There is the entrance to the Charles Inn parking lot, as well as, its garbage bin enclosure area where Modern Garbage Disposal trucks come and block the street several times a week while emptying the bins. Also, Sysco food distribution transport trucks park on the west side of the road, while making deliveries. To this is added the landscaping trucks and trailers, which appear on the shoulders of the road at least once a week as they maintain the Inn's landscape. And one must not forget the Niagara-on-the-Lake golf course maintenance yards adjacent to the Charles Inn with its member's parking.

Another feature of traffic safety is the entering and exiting of cars on and off Simcoe Street. I note that the large American Sycamore tree on town property (#51), the one that is 10 ft 6 inches in diameter, a heritage tree which is a tourist attraction in itself is to remain, along with town trees #52, #53 and #54, maples 4- 6 ft in diameter. To these, the developer proposes to retain trees #33, #34, #35 and # 36 along his Simcoe Street property line. These trees will all act as a screen to any occupant trying to exist his truncated driveways. And there is Town parking along the west side of the road adding further visual obstruction, which for safety reasons, all should be removed. Parking facilities in these new houses would not allow occupants to be able to turn around and exit safely. Pedestrian and vehicular traffic would be at risk.



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-123

COMMITTEE DATE: 2024-07-16

DUE IN COUNCIL: 2024-07-30

REPORT TO: COTW-Planning

SUBJECT: Konik Estates Phase 2 Subdivision and Condominium ZBA-02-2024, 26T-18-24-02, and 26CD-18-24-01
North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive,
West of Frontier Drive

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-02-2024) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2) **BE APPROVED**, and the draft Zoning By-law Amendment, attached as **Appendix V** to this Report, be forwarded to Council for adoption;
- 1.2 The Application for Draft Plan of Subdivision (File No. 26T-18-24-02) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), attached as **Appendix I** to this Report, subject to the conditions of final approval contained in **Appendix VI** to this Report, **BE APPROVED**;
- 1.3 The Application for Draft Plan of Condominium (File No. 26CD-18-24-01) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), attached as **Appendix II** to this Report, subject to the conditions of final approval contained in **Appendix VII** to this Report, **BE APPROVED**;
- 1.4 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Subdivision for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received; and,
- 1.5 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee regarding Applications for Zoning By-law Amendment and Draft Plan of Subdivision (the “Applications”) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2).
- The Zoning By-law Amendment requests to rezone the subject lands from “Residential Development (RD) Zone” to “Residential [R2-45(a)] and [R2-45(b)] Zones” and “Residential Multiple [RM1-45(a)] and [RM1-45(b)] Zones” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.
- The Application for Zoning By-law Amendment is proposed to facilitate the development of a subdivision and condominium with public and private roads, and lots for 52 single-detached dwellings fronting onto public roads, 6 street townhouse dwellings fronting Line 2 Road, and 102 block townhouse dwelling units to be accessed via private roads.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee respecting Applications under the *Planning Act* seeking approval of a Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision for the subject lands known as Konik Estates Phase 2, located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive.

The Zoning By-law Amendment Application requests to rezone the subject lands from “Residential Development (RD) Zone” to “Residential Multiple (RM1) Zone” and “Residential (R2) Zone” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.

The Draft Plan of Subdivision proposes to create 52 lots for single-detached dwellings, 6 street townhouse units, and public road connections. The Draft Plan of Condominium proposes 102 block townhouse units, to be accessed via private laneways, with visitor parking and landscaped spaces.

The Applications were deemed complete on February 21, 2024.

The draft plan of subdivision is attached as **Appendix I** to this report. The draft plan of the condominium is attached as **Appendix II** to this report.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands are located to the north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive, within the Urban Area of Virgil. The location of the subject lands is shown on **Map 1** of **Appendix III** to this report.

The subject lands have an area of 8.30 hectares, with a total of 68.77 metres of frontage on Line 2 Road, and a total of 66.85 metres of frontage on Concession 6 Road. The lands are

currently vacant, except for two single-detached dwellings, one fronting onto Line 2 Road and one fronting onto Concession 6 Road. The surrounding lands include residential and agricultural uses.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Applications have been evaluated for consistency and conformity with the relevant Provincial, Regional and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix IV** to this report.

5.1.1 *Planning Act, R.S.O. 1990, c. P.13*

The Applications support the matters of provincial interest, are consistent with policy statements, and conform to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis in the following sections of this report.

5.1.2 Provincial and Regional Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Policy Statement, 2020 (the “PPS”), within the “Designated Greenfield Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”), and the “Designated Greenfield Area” of the Niagara Official Plan, 2022 (the “NOP”).

Policies in these plans encourage the achievement of complete communities through providing a range and mix of housing options and encourage residential intensification that more efficiently uses existing municipal infrastructure. The Growth Plan and NOP contain policies which direct that Designated Greenfield Areas are required to achieve a minimum density target of 50 residents and jobs combined per hectare, measured across the entire municipality. Based on the Applications, the proposal will yield a density of approximately 48 people and jobs per hectare. While this density yield is slightly lower than the density target contained within the Growth Plan and NOP, there are opportunities to further contribute to residential growth within the Designated Greenfield Area in other parts of Virgil and the Town.

Provincial and Regional policies aim to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential unless archaeological resources have been evaluated and conserved. A Stage 1-2 Archaeological Assessment (dated July 4, 2017) was prepared for the subject lands, confirming that no resources were found, and the lands no longer retain archaeological potential. The acknowledgement letter from the Ministry of Multiculturalism and Citizenship (dated July 28, 2017) has been provided, which confirms that the Assessment was conducted in accordance with Provincial standards and guidelines.

Provincial and Regional policies also aim to protect natural heritage features and functions. A Constraints Analysis (dated October 2022) was submitted with the Applications to evaluate the wooded area on 448 Line 2 Road in terms of significance. The wooded area on this property is identified as an “Other Woodlot” based on mapping contained within the NOP. The Constraints Analysis confirmed that the woodlot did not qualify as a Significant Woodland based on regional designation requirements and did not contain any regionally designated Core Natural Heritage

System features. Accordingly, removal of the wooded area on the property municipally known as 448 Line 2 Road is not subject to the requirements of the NOP. The wooded area, however, does meet the “woodland” definition contained in the Regional Woodland Conservation By-law 2020-79. Clearing of the wooded area is exempt from the provisions of the Regional Woodland Conservation By-law since the proposal is proceeding by way of plan of subdivision, and tree removals and replanting will be addressed as conditions of draft plan approval. The purpose of the Regional Woodland Conservation By-law is to regulate trees outside of the development approval process.

The Constraints Analysis confirms that the wooded area at 448 Line 2 Road contains Species at Risk and Migratory Bird Nesting Habitat. Regarding Species at Risk, Barn Swallow is present with foraging off-property; there is no evidence of nesting or foraging on the property. The wooded area supports migratory birds, and the Analysis recommends avoidance and mitigation of impacts through specific timing windows to remove trees. Town Staff recommend the implementation of the Environmental Constraints Analysis recommendations through the draft plan of subdivision conditions.

Provincial and Regional policies address potential environmental contamination issues in accordance with O. Reg. 153/04, as amended. Since the subject lands had previously been utilized as an orchard, the presence of pesticides may be found on the subject lands. Phase One Environmental Site Assessments (“ESAs”) were prepared for the subject lands and provided with the Applications. The majority of the lands have been previously used for orchards and contain the potential presence of fill materials and fuel storage on-site. While the change of use of lands from agricultural purposes to residential purposes does not warrant the submission of a Record of Site Condition, based on O. Reg., 153/04, the Phase One ESAs recommended the submission of additional investigations to confirm that the soil conditions are suitable for residential purposes. Conditions related to site condition have been included for the condominium and subdivision.

Staff consider the Applications to be consistent with the PPS and conform with the Growth Plan and NOP.

5.1.3 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are currently designated as “Low Density Residential” on Schedule C and “Greenfield Area” on Schedule I-2 of the Town’s Official Plan, 2017 Consolidation, as amended (the “Town OP”). The Town OP designation of the subject lands is shown on **Map 2 of Appendix III** to this report. Based on the below discussion, Staff are satisfied that the Applications conform with the Town OP.

5.1.3.1 Growth & Density

The Town OP directs that growth and development is to be accommodated within the existing urban boundaries. Similar to the policies of the PPS, Growth Plan and NOP, the Town OP supports the development of compact, vibrant, sustainable, integrated and complete communities. The Town OP also directs that development within the Greenfield Area shall meet the density target of 50 people and jobs combined per hectare, across all Greenfield Areas. As discussed in Section 5.1.2, the development will achieve a density of just less than 50 people and jobs per hectare; however, there are opportunities to accommodate future development

throughout the other Greenfield Areas of the Town to ensure that the density target is met across all Areas.

The Town OP states that a minimum net density of 19.76 units per hectare (8 units per acre) should be utilized within the Greenfield Area. The residential net density of the development is 22.34 units per hectare. The development is not anticipated to impact surrounding neighbourhoods, because of similar built form and lotting to the adjacent development in Phase 1, as well as the provision of sufficient servicing and transportation access to and within the lands. The density will contribute to a variety of dwelling and lot sizes, as supported by policies contained within the PPS, Growth Plan, NOP and Town OP. The Applications would also facilitate a more efficient use of land and services, further contributing to the goals of the Residential designation as set out in the Town OP. Staff is satisfied that the proposed subdivision should be compatible with surrounding development.

5.1.3.2 Parkland

Staff request that the owner provides 5% cash-in-lieu of parkland dedication for this subdivision rather than land within the development. The Town's existing park to the northeast on Homestead Drive is planned to be expanded as development proceeds in the area. The total park will be approximately 2.25 acres in area, to maximize resources and amenities in the area. A larger, centralized park will serve the entire neighbourhood. Parkettes (small parks) are not desired within the proposal, as the Homestead Park is located within walking distance of the subject lands, approximately 200 metres to the northwest.

5.1.3.3 Servicing

New development within the Town relies on the availability of services. During the development review and approval process, consideration is given with respect to capacity of existing infrastructure including utilities and any necessary improvements which may be necessary to serve the Greenfield Area. A Functional Servicing Report (dated December 2023) was submitted with the Applications, which confirms that the proposal can be accommodated with existing water, sanitary and stormwater capacity. The Report indicates that the development will be supported by existing watermains and sanitary sewers on Homestead Drive, Line 2 Road and Concession 6 Road. Further, the existing Konik Estates (Phase 1) storm sewers and stormwater management facility have capacity to receive future stormwater flows and provide quantity and quality controls. The stormwater management facility within the Konik Estates Phase 1 lands was designed to accommodate the anticipated stormwater from the build out of the Phase 2 lands. Accordingly, the stormwater management strategy for the subject lands is sufficient. The submission of a hydrogeological assessment as part of the future Site Plan Application to facilitate development within the condominium lands will support the stormwater management strategy for the subject lands. Conditions of draft plan approval have been included to require the submission of detailed servicing information, and the implementation of such requirements.

5.1.3.4 Tree Removal

The Town OP provides policies to ensure that trees are not unnecessarily removed and that, wherever possible, existing trees should be preserved and protected. Where it is unavoidable that trees are to be removed, it shall be required as a condition of any redevelopment that the proposal shall plant trees of a similar or comparable species on the site. The subject lands contain scattered trees, as well as a planted wooded area on 448 Line 2 Road. The proposal is

requesting to remove all trees within the planted wooded area. Based on comments and feedback received, Staff are recommending that a row of trees along the eastern boundary of 448 Line 2 Road be maintained to assist in transition between the phases of development. A condition has been included to require an assessment of trees be completed to confirm these boundary trees are in good health. The health assessment is required to be prepared by a qualified professional (i.e., an arborist or forester). Should the assessment determine a tree is in poor health, a mature coniferous tree will replace it, to be planted along this property boundary. As a condition of draft plan approval, Town Staff also require that a landscape plan be provided and implemented to detail tree plantings and other landscape details throughout the development and on individual lots.

The Town's Private Tree By-law 5139-19 applies to all private property in the urban area, and contains provisions regarding the removal or injury of trees, as well as necessary requirements for replanting. The Town's Tree By-law contains an exemption to the application of the by-law in situations where a planning application is proposed, and a subdivision agreement is required. In this case, the tree removal required to facilitate the Applications is exempt from the Town's Private Tree By-law. Conditions of draft plan approval have been included to require the maintenance of a row of trees along the eastern boundary of the subject lands, as well as fencing. If the existing mature trees cannot be retained due to poor health, to be confirmed by an arborist, then the owner will be required to plant mature trees along this boundary line.

5.1.3.5 Urban Design

The Town OP contains policies regarding design for development of Greenfield lands. The following provides an analysis of such policies.

- a) Block lengths should generally range between 200 and 250 metres.

The block lengths within the draft plan of subdivision are less than 200 metres. Within the draft plan of condominium, the block lengths range from approximately 78 metres to 230 metres.

- b) Where blocks are longer than 250 metres, a through block pedestrian walkway or midblock parkette should be provided.

No blocks are longer than 250 metres; however, pedestrian walkways are provided throughout the development, including within the draft plan of condominium and draft plan of subdivision.

- c) Streets should be based on a grid pattern.

The streets within the proposal generally follow a grid pattern, with some slight variation due to existing surrounding development and lot configuration.

- d) Lots should vary in size and shape.

The proposal offers lots for single-detached and townhouse dwellings, which range in size and shape. The lots are regularly shaped. Within the subdivision, lots range in size from approximately 400 square metres to 800 square metres. Within the condominium, lots range in size from approximately 210 square metres to 240 square metres.

- e) Lots adjacent to neighbourhood centres and parks should be planned for medium density development.

The subject lands are not located adjacent to a neighbourhood centre or park. The provision of single-detached and townhouse dwellings aligns with low density and medium density development, in accordance with the Town OP.

- f) Pedestrian connections from the public road right-of-way to adjacent public open spaces and natural areas should be provided.

Sidewalks will be provided within the proposal, to connect to Line 2 Road, Homestead Drive and Frontier Drive. The lands are not adjacent to designated or protected natural areas or public open spaces.

- g) Mixed land uses should be concentrated in central and accessible locations.

The Applications facilitate residential development, and a mix of land uses is not provided.

- h) Sidewalks shall be provided in accordance with approved Town policy.

Sidewalks will be provided within the subdivision and condominium, in accordance with Town policy. Conditions have been included to this effect.

- i) Garages for single, semi and townhouse units shall not exceed 50% of the building's façade and shall be setback from the front face of these units.

Provisions to implement this have been included in the site-specific zoning by-law to ensure garages for the proposed dwellings will not exceed 50% of the building façade and will be setback from the front face of all units. All garages shall be set back a minimum of 1.0 metres behind the front face of the dwelling, and all garages shall be a maximum of 50% of the width of the building façade.

The Town OP also includes policies related to land use compatibility, residential infill and intensification in Virgil. To ensure that development respects and reflects the existing pattern and character of adjacent development, the proposal is required to adhere to the following criteria:

- a) The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;

The lot frontages and areas of the proposed development are consistent with the existing lots within the Konik Estates Phase 1 Subdivision, as well as The Vineyards subdivision. Lots located to the south and west of the subject lands are largely zoned as "Residential Development (RD)," which is considered as a holding zone for future development. It is anticipated that development will occur in the future on these lands, which may alter the existing lot area and/or frontage. The Konik Estates Phase 2 development proposes consistent lot frontages and lot areas to the surrounding dwellings to the north and east.

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;

The proposal is not requesting changes to the height provisions in any zone; the heights for the future dwelling units will be in accordance with the standards of the R2 and RM1 zones (10.0 metres). The Zoning By-law Amendment proposes site-specific provisions with respect to lot coverage increases, which are consistent with and/or anticipated to be compatible with the surrounding existing and permitted development.

- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;

The proposed development is largely internal, and only directly interfaces with existing development along Line 2 Road and Concession 6 Road. Along Concession 6 Road, the front and rear yard setbacks for new dwellings will be in accordance with the standard provisions of the R2 zone. Along Line 2 Road, the front yard setback is proposed to be reduced from the standard RM1 zone requirements, from 6.0 metres to 4.5 metres to the front face of a dwelling, and rear yard setbacks of 6.0 metres from the RM1 zone standard of 7.5 metres. In comparison to the dwellings located to the east of the subject lands, the minimum front yard setback is exceeded, and the reduced rear yard setback is not anticipated to result in compatibility concerns. Lands to the west of the proposal, along Line 2 Road, are within the RD zone, and have setbacks “as existing.”

- d) The setback between new building(s) and the interior side lot line shall increase as the frontage increases;

The interior side yard setback for lands zoned R2 will meet the standard provisions. The interior side yard for lands zoned RM1 varies in the Zoning By-law based on heights. The proposed side yard setbacks for lands zoned RM1 within the development align with or exceed the minimum interior side yard setback of the standard RM1 zone. Staff are satisfied that the interior side yard setback will be compatible with the adjacent existing and permitted uses.

- e) The new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;

Building elevations will be submitted for the proposed condominium, to detail building style, materials and colours. The condominium lands will also be subject to review and feedback by the Town’s Urban Design Committee as set out in the condition of draft plan approval. The existing buildings in the area offer a variety of building styles, materials and colours.

- f) Existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;

As discussed in Section 5.1.3.4 of this report, tree removal is required to accommodate the proposed subdivision. Street tree planting and additional landscaping will be required as part of the development. The submission of a landscape plan is required for the proposal, to ensure appropriate tree selection and placement.

- g) The width of the garage(s) and driveway(s) at the front of the new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;

The width of the driveways will be limited through the site-specific zoning for the subject lands, and will be a maximum width of 50% of the façade of the dwelling. Driveways to each dwelling unit will be subject to the Town's standard requirements, with a maximum permitted width of 6.0 metres.

- h) New driveways and service connections shall be sited to minimize tree loss;

The proposed driveways will be located to ensure compatibility with future service connections and maintain existing trees. It is not anticipated that the driveway locations will result in tree removals.

- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimate conditions such as shadowing;

At the time of future building permit, individual lot grading plans and block grading plans will be required to address grading and drainage, and to ensure no negative impacts on adjacent properties as a result of stormwater.

Access to the subject lands has been supported by a Transportation Impact Study (dated December 18, 2023), which notes that no upgrades to the proposed new connection to Line 2 Road is warranted. Further, no upgrades to the intersection of Line 2 Road and Niagara Stone Road is required as a result of the proposal.

- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;

The subject lands are currently occupied by a single-detached dwelling fronting Concession 6 Road and are otherwise vacant with trees and treed areas. The lands do not offer significant public views or vistas. It is anticipated that the development will be compatible with the existing surrounding residential neighbourhood.

- k) Proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;

The proposal includes the extension of a public road connection from Homestead Drive to Line 2 Road, with a connection to Frontier Drive. This public road will include sidewalks and be designed to meet Town standards. Town Operations staff has reviewed the proposed road design and submitted Transportation Impact Study, and have no objections to the proposal.

- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

As discussed in Section 5.1.3.3 of this report, the proposal will be serviced with adequate water and wastewater servicing. Waste management services will be provided by Niagara Region,

and are available to the dwelling units along the public roads and within the condominium block provided that the Regional trucks are able to manoeuvre the private laneways. Town Fire and Emergency Services staff has reviewed the proposal and offer no objections or concerns with respect to fire protection. Details regarding hydrant capacity and locations will be addressed as part of the future detailed design work.

The condominium block will be subject to further urban design review by the Town’s Urban Design Committee, with feedback on items including, but not limited to, elevations, landscaping and materials.

5.1.3.6 Traffic

A Transportation Impact Study (dated December 18, 2023) was submitted with the Applications. The Study found that approximately 97 trips will be generated during the AM peak hour, and 121 trips will be generated during the PM peak hour. No intersection capacity issues are estimated to occur at the three proposed roadway connections to the existing road network (Line 2 Road, Frontier Drive, Homestead Drive). No upgrades are warranted at the Line 2 Road and Niagara Stone Road, or Line 2 Road and Concession 6 Road intersections. Line 2 Road is anticipated to be upgraded in the coming years, pending Council budget approval, and is currently in the detailed design phase. It is anticipated that the new cross section of Line 2 Road will include sidewalks.

5.1.3.7 Town of Niagara-on-the-lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council’s intent. The subject lands are designated “Residential” on Schedule B3 and “Greenfield Areas” on Schedule B7, which permits single-detached and townhouse dwelling units.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Virgil Community Zoning District – Residential Development (RD) Zone” under Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3** to **Appendix III** of this report.

The Application for Zoning By-law Amendment requests to rezone the subject lands to site-specific “Residential (R2) Zone” and site-specific “Residential Multiple (RM1) Zone.” The requested site-specific provisions closely mirror the permissions for the Konik Estates Phase 1 development to the north of the subject lands.

The following chart illustrates the standard RM1 Zone provisions and the site-specific zoning provisions recommended by Staff for the condominium block fronting Line 2 Road (shown as Blocks 53 and 54 on the Draft Plan of Subdivision, On-Street Townhouse Dwellings, **Appendix I**):

Zone Requirement	RM1 Zone	Site-Specific RM1 Zone
Minimum lot frontage	10.0 metres for an exterior lot	8.5 metres for an exterior lot
Minimum lot area	300 square metres for an exterior lot	288 square metres for an exterior lot (Riesling Drive and Line 2 Road)

Zone Requirement	RM1 Zone	Site-Specific RM1 Zone
Maximum lot coverage	45%	45% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios
Minimum front yard setback	6.0 metres	4.5 metres 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
Maximum interior side yard setback	Minimum interior side yard setback of 1.5 m (5 ft) for end units, except for end units having a height of 5.0 m (16.4 ft) or greater, then 1.8 m (5.9 ft) shall be provided; further, where no attached garage is provided, the minimum side yard shall be 3.0 m (9.84 ft). No interior side yard is required between the common vertical wall dividing one unit from another.	1.5 metres No interior side yard is required between the common vertical wall dividing one unit from another.
Minimum exterior side yard setback	Minimum exterior side yard setback of 4.5 m (14.76 ft), except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 m (19.69 ft)	1.5 metres
Minimum rear yard setback	Minimum rear yard setback of 7.5 m (24.6 ft), except for units having a height of 8.0 m or greater, then 9.0 m (29.53 ft) shall be provided	6.0 metres
Maximum total width of garage doors	N/A	50% of the dwelling unit

The following chart illustrates the standard RM1 Zone provisions and the site-specific zoning provisions recommended by Staff for the large condominium block (shown as Block 55 on the Draft Plan of Subdivision, Block Townhouse Dwellings, **Appendix I** and **Appendix II**):

Zone Requirements	RM1 Zone	Site-Specific RM1 Zone
Minimum lot frontage	30.0 metres	15.0 metres

Zone Requirements	RM1 Zone	Site-Specific RM1 Zone
Maximum lot coverage	35%	45% (entire development)
Minimum front yard setback	7.5 metres	4.5 metres 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
Minimum interior side yard setback	7.5 metres	0.0 metres to a common wall 2.0 metres from the end wall of a dwelling unit to a property line
Minimum exterior side yard setback	7.5 metres	3.0 metres from the end wall of a dwelling unit to a property line abutting a public or private street
Minimum rear yard setback	7.5 metres	6.0 metres
Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 metres	1.4 metres
Minimum accessory building yards setback	0.5 metres	Not applicable
Minimum accessory building exterior side yard setback	7.5 metres	Not applicable
Maximum total width of garage doors	N/A	50% of the dwelling unit frontage on a private lane

The following chart illustrates the standard R2 Zone provisions and the site-specific zoning provisions recommended by Staff for the subdivision lands containing the public road extension (shown as Lots 1 to 49, inclusive, on the Draft Plan of Subdivision, **Appendix I**):

Zone Requirement	R2 Zone	Site-Specific R2 Zone
Minimum lot frontage	15.0 metres	13.0 metres for an interior lot
Minimum lot area	475 square metres	400 square metres
Maximum lot coverage	40%	50% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
Minimum front yard setback	6.0 metres	4.5 metres to the main façade of the dwelling 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main facade of the dwelling on the ground floor

Zone Requirement	R2 Zone	Site-Specific R2 Zone
Minimum exterior side yard setback	4.5 metres	3.0 metres 6.0 metres for a garage with the entrance facing the exterior side yard
Minimum accessory building yards setback	1.5 metres	1.0 metres for rear yard and interior side yard
Minimum accessory building exterior side yard setback	4.5 metres	3.0 metres
Maximum total width of garage doors	N/A	6.0 metres

The following chart illustrates the standard R2 Zone provisions and the site-specific zoning provisions recommended by Staff for the subdivision lands fronting Concession 6 Road (shown as Lots 50, 51 and 52 on the Draft Plan of Subdivision, **Appendix I**):

Zone Requirement	R2 Zone	Site-Specific R2 Zone
Maximum lot coverage	40%	40% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
Minimum interior side yard setback	Minimum interior side yard setback of 1.2 m (3.94 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 m (9.84 ft) on one side.	1.4 metres to an existing in-ground swimming pool

Staff also recommend the following site-specific provisions related to Parking Space Requirements, Additional Provisions, and Permitted Yard Projections and Encroachments.

The Zoning By-law requires driveways to be located to no closer than 1.0 metres from an interior lot line. The proposed site-specific RM1 zones propose that the minimum interior side yard setback for a driveway shall be 0.25 metres from a dwelling unit line where driveways are abutting and 0.0 metres from a dwelling unit line where driveways are not abutting.

The Zoning By-law permits for unenclosed and uncovered porch, deck, patio or steps to encroach by up to 1.5 metres into the required front or rear yard setback, and 0.6 metres into the required side yard setback. The requested site-specific provisions are as follows on lands identified as RM1-45(a), RM1-45(b) and R2-45(a):

- 1) an unenclosed and uncovered or covered porch, patio or steps may project 2.5 metres into a required front yard and may project 1.5 metres into a required exterior side yard.
- 2) an unenclosed and uncovered or covered porch, deck or patio (such porch, deck or patio shall have a platform no greater than 0.8 metres above finished grade) or steps may project 3.8 metres into a required rear yard, provided that any covered area is no greater

than 14.5 square metres (excluding eaves and gutters) and has a maximum height of 4 metres above finished grade.

Staff consider the proposed reduction in lot frontage, lot area, front, side and rear yard setbacks, distance between any townhouse dwelling and a private roadway and parking area, and accessory building yard setbacks, as well as the proposed increase in lot coverage, to be appropriate and not impact the use or compatibility with surrounding lands. The site-specific zoning mirrors the existing permissions on the Konik Estates Phase 1 lands to the north and are consistent with certain provisions and permissions of the existing dwellings to the east, to provide a consistent design and development standard for the area. While reduced setbacks for the side and rear yards are proposed, the maintenance of these areas can still be achieved. The variation in dwelling and lot sizing contributes to the provision of a range of housing. The site-specific zoning will facilitate the location of the dwellings closer to the public and private streets which will provide greater interaction between the public and private realm. The site-specific zoning is also requested to provide a transition in setbacks from the neighbouring existing development along Line 2 Road and Concession 6 Road, as well as the more compact existing development to the north and east of the subject lands. The applicant has indicated that the proposed encroachment for unenclosed and covered or uncovered porches, decks, balconies, patios and steps aligns with the intended building design and desire to provide dwellings on smaller lot areas to achieve Provincial, Regional and Town policy direction regarding growth and variety in housing style. Staff do not anticipate any land use compatibility concerns as a result of the proposed Amendment.

The remaining standard R2 and RM1 Zone requirements will apply to the proposal. Staff recommend approval of the draft Zoning By-law Amendment for the subject lands, a copy is attached as **Appendix V** to this report.

5.3 Consultation

The Applications were circulated to Town department and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VIII** to this report with overall comments summarized below.

Town Comments

Accessibility – No objection.

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection. Conditions included regarding fire flows.

Heritage – No objection.

Operations – No objection. Conditions included regarding the submission and approval of detailed servicing and engineering plans and reports.

Parks and Recreation – No objection. Require the collection of cash-in-lieu of parkland. The provision of a new park within the development is not warranted.

Urban Forestry – No objection. Conditions included regarding tree removals and plantings.

Agency Comments

Bell Canada – No objection. Conditions included regarding easements.

Canada Post – No objection. Conditions included regarding centralized mailbox locations and requirements.

Enbridge Gas – No objection.

Hydro One – No objection.

Niagara Region – No objection. Conditions included regarding archaeology, site condition, servicing, and waste collection.

Public Comments

An electronic Open House was held on March 18, 2024, which was attended by sixteen (16) residents. The statutory Public Meeting was held on April 9, 2024, during which eight (8) residents provided comments. Staff has also received written correspondence from nine (9) residents. Comments received from members of the public are attached as **Appendix IX** to this report.

The comments received on this proposal, as well as Staff's responses, are provided in the table below:

Public Comment	Response
Concerns with stormwater management, and reliance on sump pumps	Town Operations Staff has reviewed the Functional Servicing Report submitted with the Applications, and note that sufficient stormwater capacity exists for this development. Additional comments regarding Servicing are provided in Section 5.1.3.3 of this report. A hydrogeological assessment will be required as part of the future Site Plan Application to facilitate the development of the condominium lands.
Removal of trees within wooded area at 448 Line 2 Road will impact wildlife, including birds. Does the Town's Tree By-law apply to the lands? Need to maintain tree canopy.	Comments regarding tree removal are addressed in Sections 5.1.2 and 5.1.3.4 of this report. The Town's Private Tree Protection By-law No. 5139-19 does not regulate the tree removal and replanting requirements of this proposal. The wooded area on the subject lands is considered as a "woodland" based on the definition contained within the Town's Tree By-law; however, in alignment with the Regional Tree By-law, the Town's Tree By-law provides an exemption for tree removal associated with a planning application. The proposal will include plantings of trees on individual lots, and will require the submission of further information to evaluate the health of and maintain certain trees on the subject lands.
Concerns regarding increased traffic, lack of sidewalks, safety in proximity to	Comments regarding traffic are provided in Section 5.1.3.6 of this report. Improvements to

Public Comment	Response
Crossroads Public School, upgrades to the intersection of Line 2 Road and Niagara Stone Road	Line 2 Road will include the provision of sidewalks.
Need fencing to separate the lands from adjacent properties	Fencing will be required along the periphery of the subject lands.
Construction vehicles will disrupt the neighbourhood	Construction vehicles are required to access the subject lands via Concession 6 Road.
Need to provide parkland within the development	Parkland dedication has been addressed in Section 5.1.3.2 of this report. Cash-in-lieu of parkland dedication will be collected. A park within the development is not warranted due to the proximity of the expanded Homestead Park.
Outdoor private amenity area too close to existing surrounding dwellings	The proposed rear and side yard setbacks, as well as the encroachments, are consistent with the approved and under-construction Konik Estates Phase 1 development to the north of the subject lands. Staff do not anticipate any compatibility concerns regarding the continuation of such provisions on the subject lands. Staff have included a condition regarding the existing trees along the boundary line.
Line 2 Road needs improvements, and these updates should happen prior to the subdivision being built out	Line 2 Road is anticipated to be reconstructed, pending Council budget approval, in the coming years. Timing to reconstruct and improve Line 2 Road is not confirmed; however, based on the Transportation Study information the build out of the subdivision will not be limited by the future improvements to Line 2 Road.
Can the development be supported by public utilities (e.g., water, sewer, electricity, internet, gas, etc.)?	Yes. Additional discussion regarding servicing is provided in Sections 5.1.3.3 and 5.3 of this report.
Too many entrances are proposed along Line 2 Road	The proposal will introduce a total of seven (7) new entrances onto Line 2 Road. One of these entrances is for a new public road, and the remaining six (6) will be driveways to new townhouse dwelling units. The entrance permits for driveways are all proposed in accordance with design requirements and Town policies. Town Operations staff has offered no concerns with the additional entrances onto Line 2 Road.
Need more parking for the townhouses on Line 2 Road	All dwelling units proposed meet the required parking standards. The townhouses fronting Line 2 Road will provide a minimum of two (2) standard parking spaces. Additional parking spaces are not required based on the Town's Zoning By-law.

Public Comment	Response
Townhouses should not be built on Line 2 Road, as there are no other townhouses along the street	Provincial, Regional and Town policies encourage diversity in built form. Staff consider townhouse dwellings to be compatible with the existing surrounding development.

Staff has advised residents that spoke at the Public Meeting or submitted written comments of the Committee's consideration of the Applications this evening.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse or modify the proposed Zoning By-law Amendment application and/or Draft Plan of Subdivision and conditions and/or Draft Plan of Condominium and conditions.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with the development. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of a future Subdivision and Condominium Agreement.

9. ENVIRONMENTAL IMPLICATIONS

Tree removal on the site is required to accommodate the proposed development. As provided in the Constraints Analysis, the trees on the subject lands do not meet "significance" criteria contained within the Niagara Official Plan. Further, the tree removal is exempt from the provisions of the Town and Regional Tree By-laws. Tree removal on this site is to be accommodated in accordance with the recommendations contained in the Constraints Analysis to ensure that tree removal occurs during appropriate times to limit disturbance on potential habitats. Trees will be planted on individual lots throughout the development, and certain periphery trees will be maintained. With respect to tree removal within the planted wooded area on lands municipally known as 448 Line 2 Road, a condition of draft plan approval has been included to require the maintenance of a row of trees along the eastern lot boundary. Existing mature trees are to be retained unless a Health and Condition Assessment prepared by an arborist advises that the trees are unable to be retained due to poor health. If the existing mature trees cannot be retained, then the owner will be required to plant mature trees along this boundary line. Conditions to require trees throughout the subject lands are included.

10. COMMUNICATIONS

Once Council has made a decision on the Applications, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

11. CONCLUSION

Community and Development Services Staff recommend approval of Zoning By-law Amendment ZBA-02-2024, Draft Plan of Subdivision Application 26T-18-24-02, and Draft Plan of Condominium Application 26CD-18-24-01, as detailed in this report, since the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with the Growth plan, Niagara Official Plan, and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-24-047** – Public Meeting – 448 Line 2 Road, 1537 Concession 6 Road, and Unaddressed Lands on the North Side of Line 2 Road, West of Frontier Drive, Information Report – April 9, 2024

13. APPENDICES

- **Appendix I** – Draft Plan of Subdivision
- **Appendix II** – Draft Plan of Condominium
- **Appendix III** – Maps
- **Appendix IV** – Planning Legislation and Policies
- **Appendix V** – Zoning By-law Amendment
- **Appendix VI** – Draft Plan of Subdivision Conditions
- **Appendix VII** – Draft Plan of Condominium Conditions
- **Appendix VIII** – Agency Comments
- **Appendix IX** – Public Comments

Respectfully submitted:

Prepared by:



Aimee Alderman, MCIP, RPP
Manager of Planning

Recommended by:



Kirsten McCauley, MCIP, RPP
Director, Community & Development Services

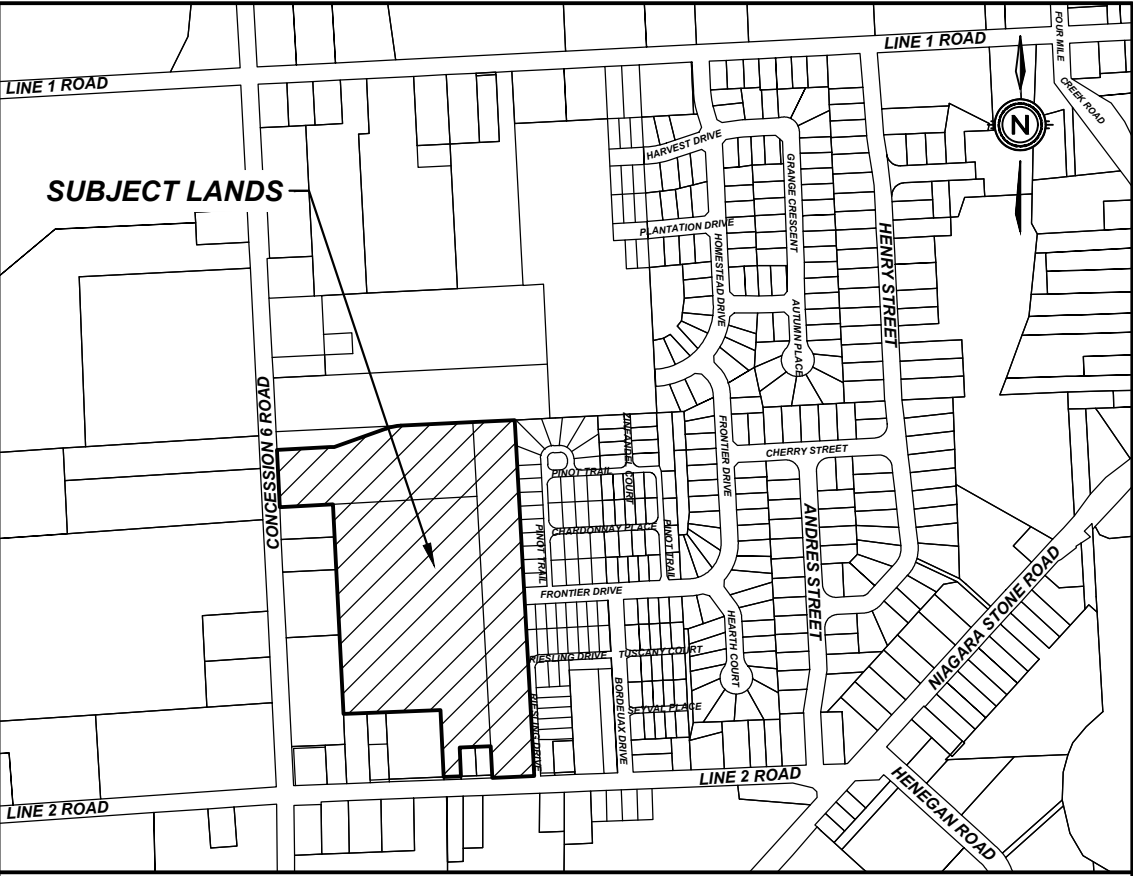
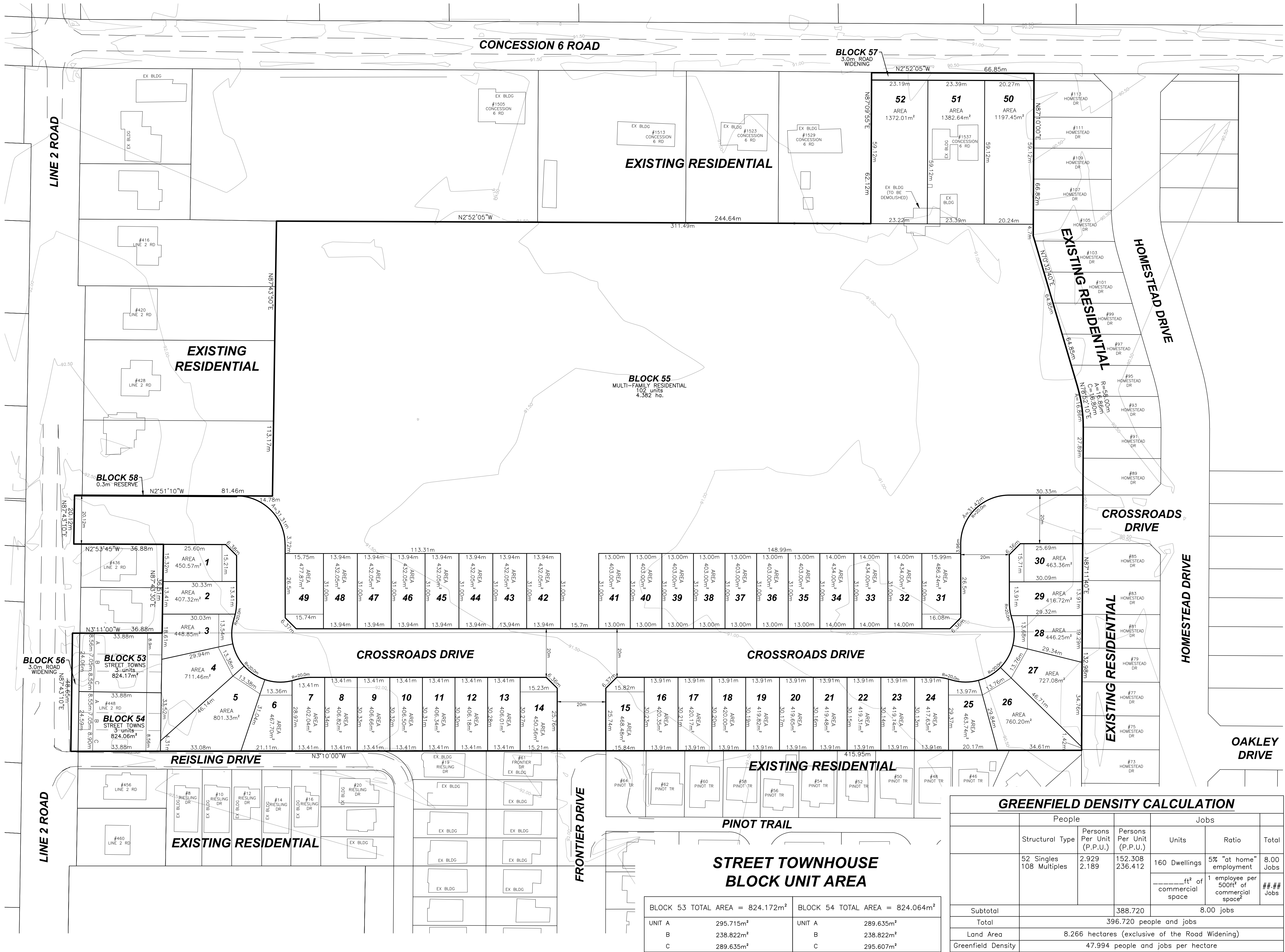
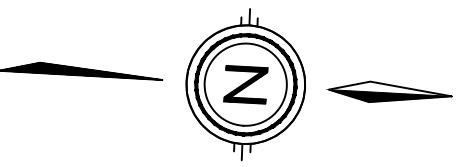
Submitted by:



Bruce Zvaniga
Chief Administrative Officer (Interim)

KONIK ESTATES-PHASE 2

TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOT 119,
GEOGRAPHIC TOWNSHIP OF NIAGARA
NOW IN THE
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF
NIAGARA-ON-THE-LAKE FOR APPROVAL.

SEPTEMBER 25, 2023
DATE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

Dec. 7, 2023
DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE				
LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-52	52	2.616	31.51
STREET TOWN RESIDENTIAL	BLOCK 53-54	6	0.165	1.99
MULTIPLE FAMILY RESIDENTIAL	BLOCK 55	102	4.382	52.79
3.0m ROAD WIDENING	BLOCK 56-57		0.035	0.42
0.3m RESERVE	BLOCK 58		0.002	0.03
ROADWAY			1.101	13.26
TOTAL		160	8.301	100.00
DEVELOPABLE AREA = 8.266 ha DEVELOPABLE DENSITY = 19.36 units/ha				

0	ISSUED FOR APPROVAL	2023-12-07	MK
#	REVISION	DATE	INIT

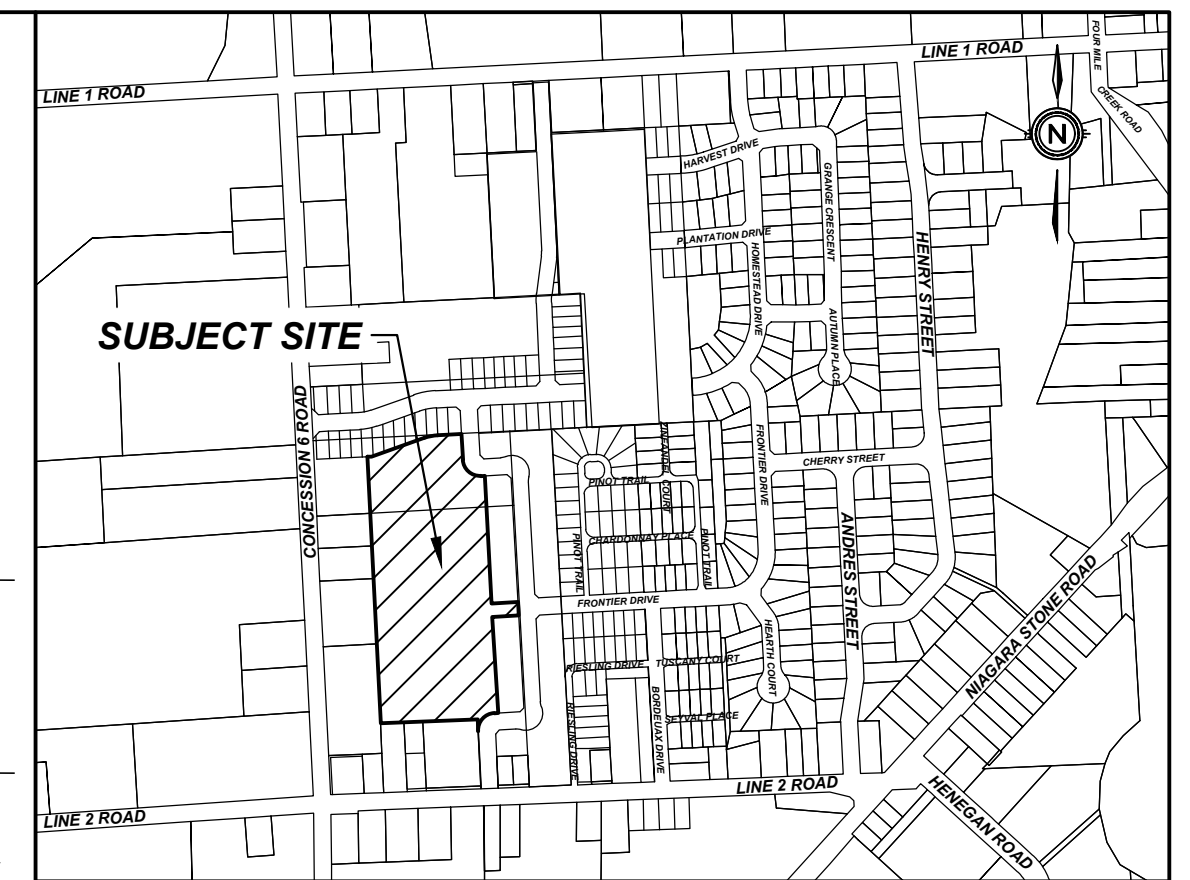
UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

DRAFT PLAN OF SUBDIVISION

DRAFTING	MK
DATE	SEPTEMBER 21, 2023
PRINTED	DECEMBER 7, 2023
SCALE	1:750
DWG No.	1433-DP
REV	0

GREENFIELD DENSITY CALCULATION					
People			Jobs		
Structural Type	Persons Per Unit (P.P.U.)	Persons Per Unit (P.P.U.)	Units	Ratio	Total
52 Singles 108 Multiples	2.929 2.189	152.308 236.412	160 Dwellings	5% "at home" employment	8.00 Jobs
Subtotal			160 Dwellings	1 employee per 500ft² of commercial space	8.00 jobs
Total			396.720 people and jobs		
Land Area			8.266 hectares (exclusive of the Road Widening)		
Greenfield Density			47.994 people and jobs per hectare		

BLOCK 53 TOTAL AREA = 824.172m²		BLOCK 54 TOTAL AREA = 824.064m²	
UNIT A	295.715m²	UNIT A	289.635m²
B	238.822m²	B	238.822m²
C	289.635m²	C	295.607m²



N.T.S.

LEGAL DESCRIPTION

OWNER'S CERTIFICATE

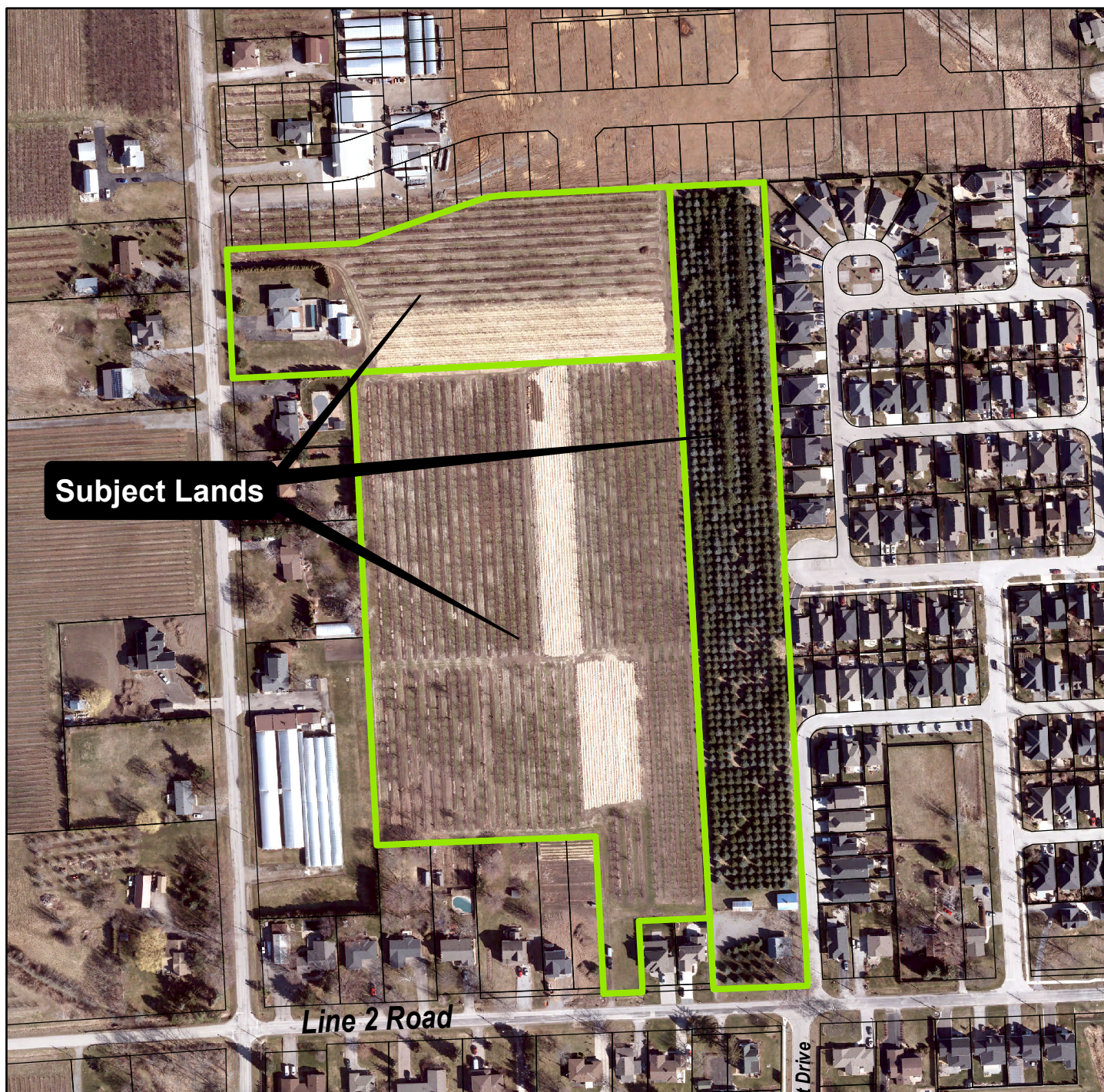
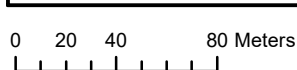
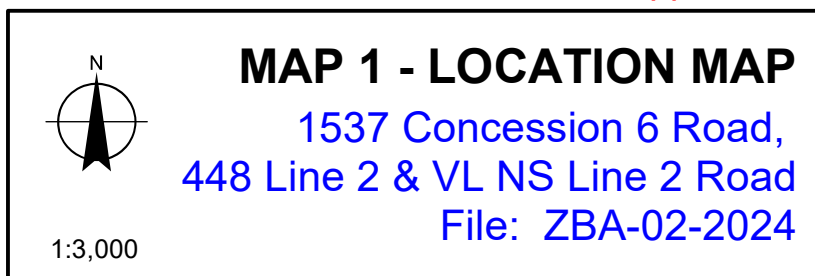
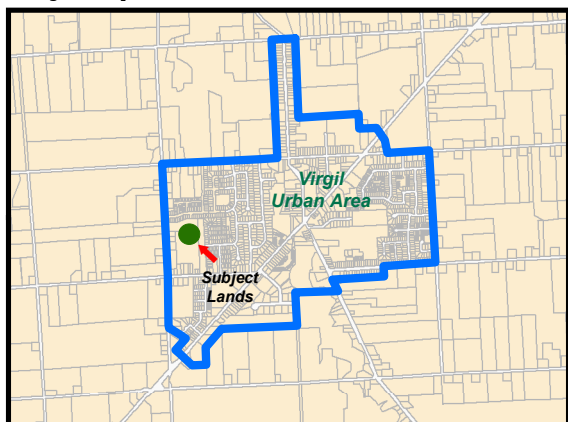
SURVEYOR'S CERTIFICATE

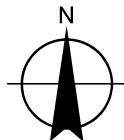
LAND USE SCHEDULE



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

1433-DPVLC | 0

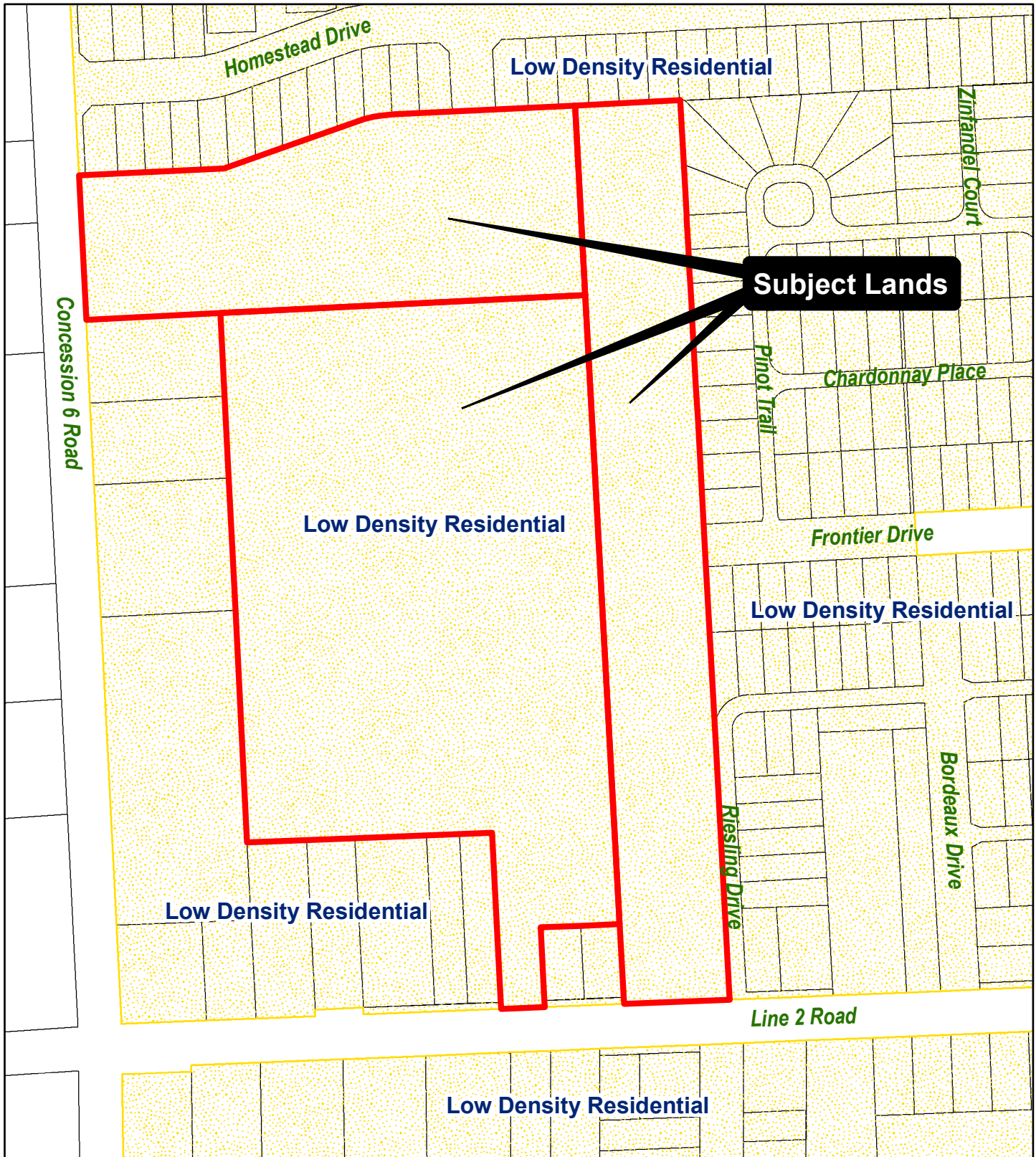


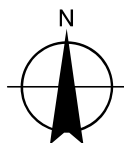


MAP 2 - OFFICIAL PLAN

Land Use Designations

1537 Concession 6 Road,
448 Line 2 & VL NS Line 2 Road
File: ZBA-02-2024

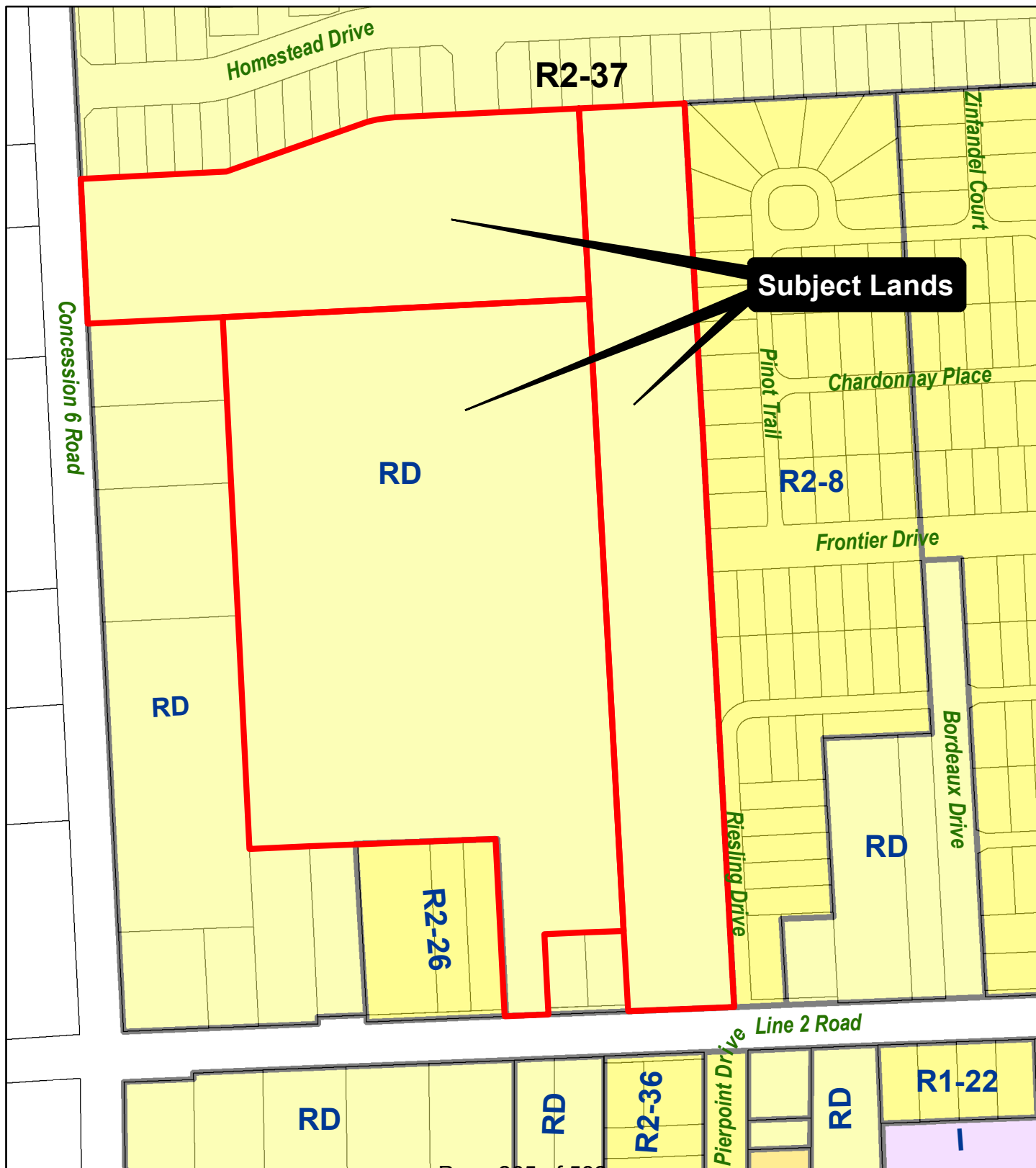




MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

1537 Concession 6 Road,
448 Line 2 & VL NS Line 2 Road
File: ZBA-02-2024



PLANNING LEGISLATION AND POLICIES

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Policy statements

Policy statements and provincial plans

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

Official Plans

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

Plan of subdivision approvals

Application

51(16) *An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. 1994, c. 23, s. 30.*

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) 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;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) 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;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) 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 this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Conditions

(25) The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,

- (a) *that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
- (b) *that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
- (b.1) *that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
- (c) *when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to provide for the widening of the highway to such width as the approval authority considers necessary;*
- (d) *that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
- (e) *in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities agreement be satisfactory to the approval authority. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).*

Agreements

(26) *A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.*

Lapse of approval

(32) *In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).*

Extension

(33) *The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval*

lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). 2022, c. 12, Sched. 5, s. 9 (2).

Parkland

Land conveyed or dedicated for parkland

51.1(1) *The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes. 1994, c. 23, s. 31.*

Payment in lieu

(3) *If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).*

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial)... and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.2 Coordination

1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including: ...*

- g) population, housing and employment projections, based on regional market areas; and*
- h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.*

1.1.3 Settlement Areas

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed...*

1.4 Housing

1.4.1 *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: ...*

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; ...*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by: ...*

- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character...*

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

3.2 Human-Made Hazards

3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

2.2.1 Managing Growth

2. *Forecasted growth to the horizon of this Plan will be allocated based on the following: ...*

- d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise; ...*

4. *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
 - i. *a range of transportation options, including... active transportation;*
 - ii. *public service facilities...*
 - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;*
 - iv. *healthy, local, and affordable food options...;*
- e) *provide for a more compact built form and a vibrant public realm...;*
- f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;*
- g) *integrate green infrastructure and appropriate low impact development.*

2.2.6 Housing

1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
 - a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. *identifying a diverse range and mix of housing options and densities... to meet projected needs of current and future residents;*
 - ...
 - b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
 - c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
 - d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and*
 - e) *implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*
2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
 - a) *planning to accommodate forecasted growth to the horizon of this Plan;*
 - b) *planning to achieve the minimum intensification and density targets...;*
 - c) *considering the range and mix of housing options and densities of the existing housing stock; and*
 - d) *planning to diversify their overall housing stock across the municipality.*
4. *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

2.2.7 Designated Greenfield Areas

1. *New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:*
 - a) *supports the achievement of complete communities;*
 - b) *supports active transportation; and*
 - c) *encourages the integration and sustained viability of transit services.*
2. *The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:*
 - a) *The... Region of ...Niagara... will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare;*
3. *The minimum density target will be measured over the entire designated greenfield area of each upper- or single-tier municipality...*

Niagara Official Plan, 2022

2.1 Forecasted Growth

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:

- a) *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

2.1.1 Regional Growth Forecasts

2.1.1.1 *Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

2.1.1.3 *Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.*

2.1.1.4 *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...*

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

<i>Municipality</i>	<i>Population</i>	<i>Employment</i>
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Niagara-on-the-Lake	28,900	17,610
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2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.

2.2 Regional Structure

The objectives of this section are as follows:

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities;*
...and
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*

- i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and
- l) mitigation and adaptation to the impacts of climate change by:
 - i. protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;
 - ii. where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and
 - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

Municipality	Units	Rate
Niagara-on-the-Lake	1,150	25%

2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.

2.2.2.24 Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.

2.2.2.25 Designated greenfield areas will be planned as complete communities by:

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c) ensuring infrastructure capacity is available; and
- d) supporting active transportation and encouraging the integration and sustained viability of public transit service.

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;

2.3 Housing

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;*
- b) provide more affordable and attainable housing options within our communities; and*
- c) plan to achieve affordable housing targets through land use and financial incentive tools.*

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form...*

2.3.3.1 The following tools will be considered to support the development of affordable and attainable housing:

- a) flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;*
- b) streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing;*
- d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

SECTION 6: GENERAL DEVELOPMENT POLICIES

6.1 ARCHAEOLOGICAL SURVEY

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found. Detailed requirements are contained in SECTION 18: HERITAGE CONSERVATION.

6.17 LOT SIZES

The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.

6.22 PARKS AND DEDICATION

...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...

The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

- a) *New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

(4) DRAINAGE

- a) *No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.*

6.33 TREE PRESERVATION AND REFORESTATION

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- (1) *As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

Section 6A: Growth Management Policies

5. Greenfield Development

5.1 Strategy

The Town's Greenfield development strategy is intended to create more compact, mixed-use, transit supportive development in the Greenfield Areas. The specific objectives are outlined as follows:

Objectives

The objectives of the Greenfield development strategy are to:

- a) *Promote compact, mixed use and transit supportive development on Greenfield lands.*
- b) *Promote appropriate densities with a mix of housing types on Greenfield lands.*

- c) *Improve connections between Greenfield areas and the Built-up Area.*
- e) *Niagara-on-the-Lake's Greenfield Areas will be planned to support the achievement of the target of 50 residents and jobs combined per gross hectare in Greenfield areas.*

5.2 Greenfield Density Target

The Town's Official Plan policies support the overall Region wide Greenfield density target of 50 people and jobs combined per gross hectare by:

- b) *Permitting low and medium density development within the Greenfield area...*
- c) *Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi-detached, townhouses and apartment style housing.*
- f) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped by utilizing a maximum net density as provided in the residential policies in Section 9 of the Official Plan and a minimum net density of 19.76 units per hectare (8 units per acre).*

5.4 Greenfield Design

Urban Design

... the following urban design policy guidelines will apply to Greenfield proposals in Virgil... as well as other applicable policies of this plan.

- d) *Lots should vary in size and shape.*

Development Criteria – Residential Infill and Intensification in Old Town and Virgil

In considering an application for development approval on lands designated “Low Density Residential”, “Medium Density Residential” and “Established Residential”, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

- a) *the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) *the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) *front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) *the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) *the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) *new driveways and service connections shall be sited to minimize tree loss;*
- i) *impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*

- j) *the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
- l) *road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Section 9: Residential

9.2 Goals and Objectives

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (2) *To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner...*
- (4) *encourage the development of economical housing in a suitable environment.*
- (5) *To ensure that existing housing and existing residential areas shall be preserved and improved...*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (9) *To promote the maintenance and rehabilitation of the existing housing stock.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

9.3 Land Use Designations

9.3.1 Low Density Residential

Main Uses:

Low Density Residential uses such as single-detached.... dwellings

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

2.6 Complete Communities

2.6.2 Healthy Neighbourhoods

2.6.2.1 *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*

- a) *Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;*
- b) *retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*

- c) *a range of quality housing choices to meet the needs of people in all stages of life;*
- d) *Community Design and heritage guidelines to ensure growth will conserve and, where possible, enhance the cultural heritage resources of the Town;*
- g) *measures to protect the Town's scenic beauty, tree cover and landscaping;*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

2.6.3 Housing

2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

2.6.3.4 *New housing will be directed to the Settlement Areas.*

2.6.3.5 *The Town will maintain a minimum three-year supply of residential units as well as the infrastructure to support that supply.*

Section 4 Settlement Areas

4.4 Greenfield Areas

4.2.2 Objectives

4.4.2.1 *The objectives of the Greenfield development strategy are to:*

- a) *Promote compact, mixed use, walkable and transit supportive development on Greenfield lands;*
- b) *Promote appropriate densities with a mix of housing types on Greenfield lands;*
- c) *Improve connections between Greenfield Areas and the Built-up Area...*

4.4.3 Policies

4.4.3.1 *The Town supports the overall Region-wide Greenfield density target of 50 people and jobs combined per gross hectare by:*

- b) *Permitting a mix of dwelling types and low and medium density development within the Greenfield Areas...*

4.4.3.2 *Although the Town's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, not every site is able to achieve that target. The Town has limited flexibility on a site-by-site basis to adapt to local context and conditions, however the Town has and will continue to monitor its Greenfield developments to ensure that its overall Greenfield target is achieved.*

4.8 Community Design

4.8.1 Design Policies

4.8.1.8 *In addition to meeting other design related policies of this Plan, the following Community Design Guidelines apply to Greenfield proposals in Virgil...*

- d) *Lot sizes and types (e.g. singles...) should vary in size and shape;*

- i) *Specific design standards for garages for single... units shall be identified in relevant Community Design Standards and Guidelines and implemented in relevant Zoning Bylaws or Development/Community Permit Bylaws. In the absence of specific Community Design Guidelines or standards, garages accessed from a public road (i.e. front yard) will not exceed 50% of the building's front façade and will be set back from the front face of these units.*

4.10 Residential Areas

4.10.2 Objectives

4.10.2.1 *Objectives for residential development areas are as follows:*

- c) *To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.*
- d) *To ensure that existing housing and existing residential areas are conserved and improved...*
- f) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of municipal services and community facilities...*
- h) *To promote the maintenance and rehabilitation of the existing housing stock...*
- k) *To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town...*

4.10.3 Policies

4.10.3.1 *Low-rise structures are the predominant built form throughout the residential areas...*

4.10.5 Residential Designation

4.10.5.1 *Character:*

- a) *In the Residential designation, a variety of residential uses, types and densities are be permitted, as detailed in the secondary plans, where such secondary plans have been approved.*

4.10.5.2 *Permitted Uses:*

- a) *In general, the housing mix in the Residential designation will include low rise structures, including:*
 - *single-detached dwellings...*

Section 7 Heritage, Archaeology and Culture

7.3 Archaeological Resources

7.3.4 *The Town will promote conservation of its archaeological resources and will:*

- a) *Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential...*

Explanation of the Purpose and Effect of
By-law 4316FL-24

The subject lands are located on the north side of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive, and legally described as Part Township Lot 119 Niagara Part 1, 30R15177; Part Township Lot 119 as in RO334969; and, Part Township Lot 119 Niagara Parts 1 and 2, 30R15178 Except Plan 30M468, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a proposed subdivision and condominium with public and private roads, and lots for 52 single-detached dwellings fronting onto public roads, 6 street townhouse dwellings fronting Line 2 Road, and 102 block townhouse dwelling units to be accessed via private roads.

Effect

The effect of this By-law is to rezone the subject lands from “Virgil Community Zoning District – Residential Development (RD) Zone” to “Virgil Community Zoning District – Residential Multiple [RM1-45(a)] Site Specific Zone,” “Virgil Community Zoning District – Residential Multiple [RM1-45(b)] Site Specific Zone,” “Virgil Community Zoning District – Residential [R2-45(a)] Site Specific Zone,” and “Virgil Community Zoning District – Residential [R2-45(b)] Site Specific Zone” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.

<i>Applicant:</i>	Ron Berard (Grey Forest Homes Ltd.)
<i>File Number:</i>	ZBA-02-2024
<i>Report Number:</i>	CDS-24-123
<i>Assessment Roll Number:</i>	262702001419900, 262702001419990, 262702001420200

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FL-24**

Konik Estates Phase 2
Roll 262702001419900, 262702001419990, 262702001420200

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule "A-14" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map "A" (attached to and forming part of this By-law) from "Virgil Community Zoning District – Residential Development (RD) Zone" to "Virgil Community Zoning District – Residential Multiple [RM1-45(a)] Site Specific Zone," "Virgil Community Zoning District – Residential Multiple [RM1-45(b)] Site Specific Zone," "Virgil Community Zoning District – Residential [R2-45(a)] Site Specific Zone," and "Virgil Community Zoning District – Residential [R2-45(b)] Site Specific Zone."
2. That Subsection 10.12 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

**10.12.45 Konik Estates Phase2 Subdivision – See Schedule 'A-14'
[RM1-45(a)], [RM1-45(b)], [R2-45(a)], [R2-45(b)]**

10.12.45.1 RM1-45(a) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as RM1-45(a) on Schedule 'A-14':

(a)	Minimum lot frontage	8.5 metres for an exterior lot
(b)	Minimum lot area	288 square metres for an exterior lot (Riesling Drive and Line 2 Road)
(c)	Maximum lot coverage	45% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios
(e)	Minimum front yard setback	4.5 metres 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
(f)	Maximum interior side yard setback	1.5 metres No interior side yard is required between the common vertical wall dividing one unit from another.
(g)	Minimum exterior side yard setback	1.5 metres
(h)	Minimum rear yard setback	6.0 metres
(n)	Maximum total width of garage doors	50% of the dwelling unit

10.12.45.2 RM1-45(b) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.3, and in addition to such provisions, the following provisions shall apply to the subject lands identified as RM1-45(b) on Schedule 'A-14':

(a)	Minimum lot frontage	15.0 metres
(c)	Maximum lot coverage	45% (entire development)
(e)	Minimum front yard setback	4.5 metres

		6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
(f)	Minimum interior side yard setback	0.0 metres to a common wall 2.0 metres from the end wall of a dwelling unit to a property line
(g)	Minimum exterior side yard setback	3.0 metres from the end wall of a dwelling unit to a property line abutting a public or private street
(h)	Minimum rear yard setback	6.0 metres
(j)	Minimum distance between any townhouse dwelling and a private roadway and parking area	1.4 metres
(m)	Minimum accessory building yards setback	Not applicable
(o)	Minimum accessory building exterior side yard setback	Not applicable
(p)	Maximum total width of garage doors	50% of the dwelling unit frontage on a private lane

10.12.45.3 R2-45(a) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.2.2, and in addition to such provisions, the following provisions shall apply the subject lands identified as R2-45(a) on Schedule 'A-14':

(a)	Minimum lot frontage	13.0 metres for an interior lot
(b)	Minimum lot area	400 square metres
(c)	Maximum lot coverage	50% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
(e)	Minimum front yard setback	4.5 metres to the main façade of the dwelling 6.0 metres to the front face of a

		garage An attached garage shall be setback a minimum of 1.0 metres behind the main facade of the dwelling on the ground floor
(g)	Minimum exterior side yard setback	3.0 metres 6.0 metres for a garage with the entrance facing the exterior side yard
(k)	Minimum accessory building yards setback	1.0 metres for rear yard and interior side yard
(l)	Minimum accessory building exterior side yard setback	3.0 metres
(m)	Maximum total width of garage doors	6.0 metres

10.12.45.4 R2-45(b) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.2.2, and in addition to such provisions, the following provisions shall apply the subject lands identified as R2-45(b) on Schedule 'A-14':

(c)	Maximum lot coverage	40% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
(f)	Minimum interior side yard setback	1.4 metres to an existing in-ground swimming pool

10.12.45.5 RM1-45(a) & RM1-45(b) Parking Space Requirements, Additional Provisions

In lieu of the provisions of Subsection 6.40(i) and (j), the minimum interior side yard setback for a driveway shall be 0.25 metres from a dwelling unit line where driveways are abutting and 0.0 metres from a dwelling unit line where driveways are not abutting.

10.12.45.6 RM1-45(a), RM1-45(b) & R2-45(a) Permitted Yard Projections and Encroachments

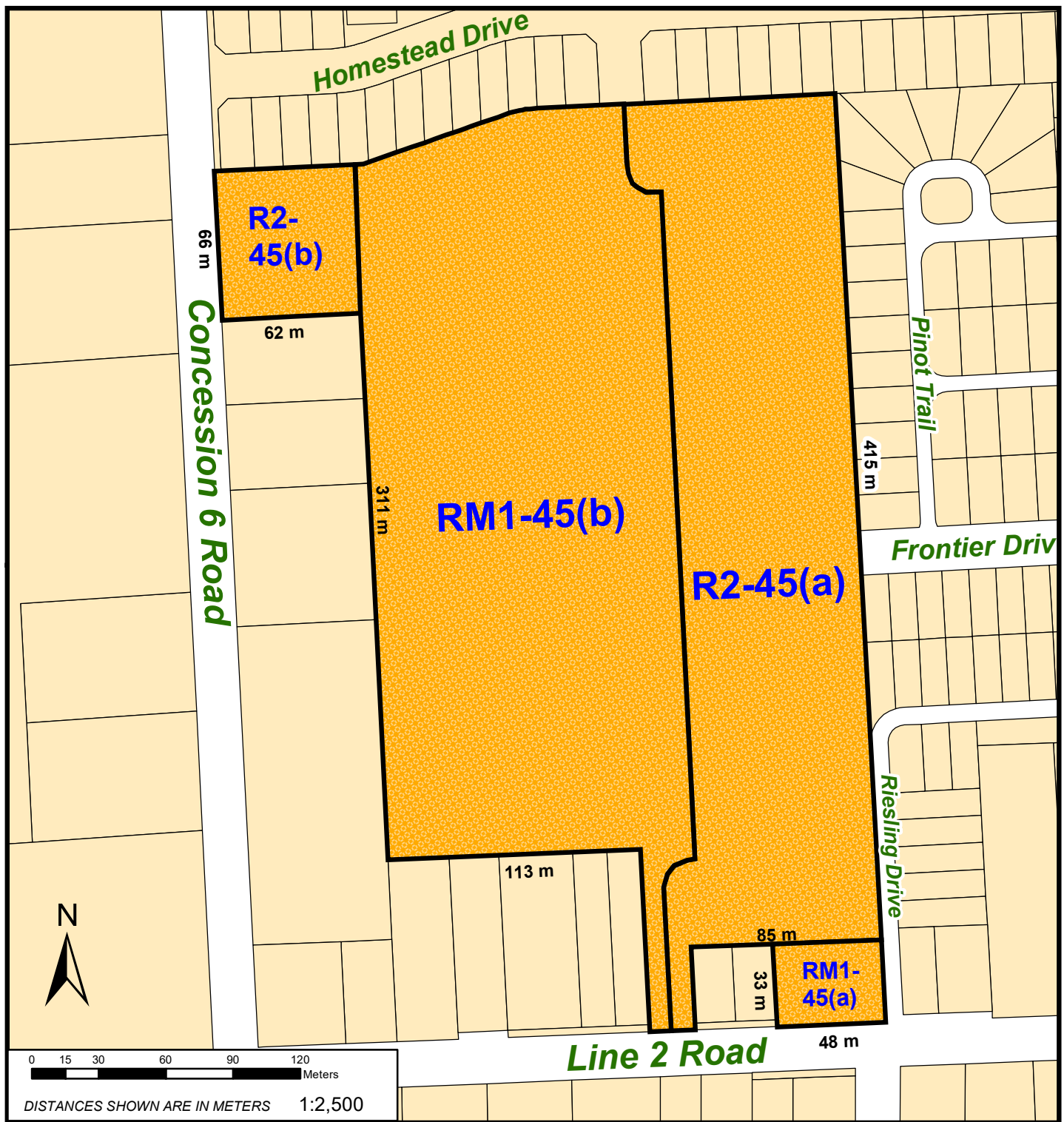
Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM1-45(a), RM1-45(b) and R2-45(a) on Schedule 'A-14,' the following provisions shall apply:

- 1) an unenclosed and uncovered or covered porch, patio or steps may project 2.5 metres into a required front yard and may project 1.5 metres into a required exterior side yard.
- 2) an unenclosed and uncovered or covered porch, deck or patio (such porch, deck or patio shall have a platform no greater than 1.2 metres above finished grade) or steps may project 3.8 metres into a required rear yard, provided that any covered area is no greater than 14.5 square metres (excluding eaves and gutters) and has a maximum height of 5.0 metres above finished grade.
3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
4. That this By-law shall become effective upon final approval of the related Amendment No. 86 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 30th DAY OF JULY, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FL-24, BEING AN AMENDMENT TO SCHEDULE "A-14" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30TH DAY OF JULY, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL

File: 26T-18-24-02
 Draft Approval Date: _____
 Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan of Subdivision Approval

The conditions of draft plan approval and registration of “Konik Estates Phase 2” Subdivision, File 26T-18-24-02 are as follows:

1. That approval applies to the “Konik Estates Phase 2” Draft Plan of Subdivision, being Part Township Lot 119 Niagara Part 1, 30R15177; Part Township Lot 119 as in RO334969; and, Part Township Lot 119 Niagara Parts 1 and 2, 30R15178 Except Plan 30M468, Niagara-on-the-Lake, Regional Municipality of Niagara, prepared by J.D. Barnes LTD., O.L.S., dated September 21, 2023, showing 52 lots for single-detached dwellings, Blocks 53-54 for 6 street townhouse units, Block 55 for a private condominium, and a public road (“Crossroads Drive”).
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, save and except for a model home (as permitted by Town policy and subject to any necessary agreements), until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the subdivision agreement between the owner and the Town with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of subdivision.
6. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of subdivision.
7. That the owner receives final approval to a Zoning By-law Amendment to provide land use regulations for the development of the land in accordance with the Draft Plan of Subdivision.

8. That the owner provides a preliminary 30M plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.
9. That the owner pays 5% cash-in-lieu of parkland dedication to the Town pursuant to the provisions of the *Planning Act* based on the total value of the subject lands as determined by an appraisal prepared by a qualified person and approved by the Town. All costs associated with obtaining an appraisal are the responsibility of the owner.
10. The owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake and Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - ii. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. The owner further agrees to:
 - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,
 - iv. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

11. That the owner receive acceptance from the Ministry of Multiculturalism and Citizenship (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region and Town of Niagara-on-the-Lake, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
12. That a Phase II Environmental Assessment (ESA) prepared by a Qualified Professional (QP) in accordance with the Environmental Protection Act and associated regulations, as amended, describing the current conditions of the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), be submitted to the satisfaction of Niagara Region. A reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
13. That a letter (and/or updated Phase I ESA with soil sampling, at minimum) prepared by a Qualified Professional (QP) be submitted to the satisfaction of Niagara Region indicating that, in the opinion of the QP, the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) are suitable for residential use. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
14. That the subdivision agreement contain provisions whereby the owner agrees to implement the recommendations of the approved ESAs required by Conditions 12 and 13, if applicable.
15. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it also be included in the subdivision agreement:

"These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants."

16. That the owner provides written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
17. That the owner provide a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and that a similar clause be inserted in the subdivision agreement between the owner and the Town of Niagara-on-the-Lake.
18. That prior to final approval for registration of this plan of subdivision, the owner submit design drawings (with calculations) for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the Town signing off on the CLI ECA forms.
19. That the owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
20. That the owner ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste. Where a through street is not maintained, the owner shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
21. That the subdivision agreement contain a condition that the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection, and complete the Application for Commencement of Collection and Indemnity Agreement.
22. That the owner submit engineering drawings for the proposed roads within the development to Niagara Region for review and approval to ensure the design can accommodate the Regional collection vehicles.
23. That the owner implements the recommendations of the Constraints Analysis, prepared by North-South Environmental Inc., dated October 2022.
24. That the owner submits an Arborist Report and Tree Preservation Plan for Lots 50-52, and Block 54.
25. That the owner provides a replanting and replacement plan to replace trees required to be removed to facilitate development, in accordance with Condition 23. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized.

26. That the owner implements the Tree Preservation Plan, as approved by Town Staff, in accordance with Condition 23.
27. That prior to final approval for registration of this plan, the owner shall obtain Ministry of the Environment, Conservation and Parks Certificates of Approval to the satisfaction of the Niagara Region for the necessary servicing (watermains, storm sewers, sanitary sewers and stormwater management Ponds) for this development.
28. That the 0.3 metre (1 foot) access reserve (shown as Block 58) on the Draft Plan be deeded to the Town free and clear of any mortgages, liens, or encumbrances.
29. That the access reserve shown as Block 65 (Frontier Drive) on Plan 30M-359 and the access reserve shown as Block 47 (Crossroads Drive) on Plan 30M-468 be lifted upon the registration of the Subdivision Agreement.
30. That the public streets, including all necessary daylighting triangles, be deeded to the Town free and clear of any mortgages, liens, or encumbrances.
31. That a road widening of 3 metres along Line 2 Road (shown as Block 56) and Concession 6 Road (shown as Block 57) be deeded to the Town free and clear of any mortgages, liens, and encumbrances to the satisfaction of the Town's Operations Department.
32. That the owner dedicates daylighting triangles on all lots or blocks abutting proposed intersections in accordance with Town standards and to be included in the roadway dedications of public streets to the Town.
33. That the existing turnaround at the terminus of Frontier Drive be removed to the satisfaction of the Town's Operations Department, and that:
 - a. Frontier Drive be extended to the east limit of the proposed development;
 - b. All affected fronting lots on Frontier Drive be restored, repaired, and reinstated, including any impacted driveways;
 - c. All existing curb and boulevard shall be extended to the east limit of the proposed development;
 - d. All existing sidewalk shall be extended to the east limit of the proposed development, to be installed at a minimum width of 1.5 metres.
34. That the watermain system be designed to the satisfaction of the Town's Operations Department, and the proposed watermain for Crossroads Drive be a minimum size of 200 mm diameter.
35. That detailed calculations be submitted, confirming available sanitary sewer capacity in the existing downstream system, to the satisfaction of the Town's Operations Department. The submitted sanitary analysis should confirm the proposed sanitary flows for the subject development align with the previously completed Virgil Sanitary

Sewer Capacity Impact Study, dated May 19, 2019, and that the proposed densities for the subject lands do not exceed the population figures utilized as part of the previous sanitary capacity analysis. The rectifying of any capacity issue identified through such calculations shall be cost shared by the Owner and future subsequent developments, and that the owner pays their proportionate share of costs of any sewer oversizing deemed necessary.

36. That the detailed design drawings with calculations for the watermain system, the sanitary sewer system and the stormwater drainage system required to service this proposal be submitted to the Niagara Region, the Town's Operations Department and the Fire Department for review and approval.
37. That prior to approval of the final plan, the owner submit to the Niagara Region and the Town's Operations Department a detailed stormwater management plan for the subdivision completed in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, as amended, endorsed by a suitably qualified professional engineer. A copy of the stormwater management plan should also be submitted to the Niagara Region for its review and response, which is the clearance agency for this condition. Furthermore, that the owner agree in the Subdivision Agreement to implement the approved stormwater management plan.
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans.
 - c) Consideration for Low Impact Development design features.
38. Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawing. Copies of the certification shall be circulated to the NPCA.
39. That detailed lot grading, servicing and drainage plans, noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site, be submitted to the Town's Operations Department for review and approval. This condition shall also be included in the Subdivision Agreement.
40. That the owner provides the following information to establish the appropriate security deposits to be identified in the Subdivision Agreement:
 - a. Cost of all on-site and off-site works; and,
 - b. Number of working days required to complete the proposed works.
41. That the owner agrees to the following requirements in the subdivision agreement:

- a. That the owner agrees in the Subdivision Agreement to grant to the municipality any required easements for services or utilities.
- b. To construct a 1.5 m sidewalk along one side of internal streets in the subdivision at its own expense. Sidewalks are to be installed as per the Town's Sidewalk Installation Policy for new developments (Policy CDS-PLG-004)
- c. That road designs are to be to urban standards and turning circles must provide a minimum pavement center line radius of 12.5 m.
- d. That Crossroads Drive and the extension of Frontier Drive have a minimum road allowance width of 20 metres.
- e. That all roads are constructed to current Town urban design standards, which includes a 8.5 m wide pavement, concrete curb and gutter with barrier type curbs (O.P.S.D 600.04) and storm sewers to the satisfaction of the Town's Operations Department.
- f. The owner will provide the Town with calculations indicating the existing water supply pressure and proposed fire flows. The approval of the servicing plans will be subject to the delivery of adequate water system pressure and fire flows and approval by the Fire and Emergency Services. Upon completion of primary services and before any reductions to letters of credit the fire hydrants will be pressure and flow tested and marked with the appropriate colour flow rate identification disc, as per Fire Code requirements.
- g. The owner will be required to submit an overall lot grading plan to be approved by the Town's Operation Department and Building Department noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site and that the grading plan shall provide that the maximum height of the concrete showing on the foundation shall not be more than 30.48 cm (12 inches) above the final approved grade elevation.
- h. That all infrastructure works will be constructed to current Town specifications.
- i. That all construction plans and supporting reports will be subject to peer review at the owner's cost.
- j. That all the proposed infrastructure will be subject to the Town's inspection at the owner's expense, including qualitative and quantitative tests made of any materials used in the construction of any works.
- k. That a streetscape plan of the internal streets illustrating the location of on-street parking, street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department for approval.
- l. The owner agrees to consult with the Town's Operations Department to determine appropriate placement of no parking signage, to be installed along one side of all internal streets.
- m. That all required no parking and regulatory traffic signs be installed by the developer at their expense, prior to the issuance of the Preliminary Certificate of Completion of Primary Services.
- n. That a street lighting design/plan is submitted to the Town's Operations Department for approval and constructed to Town standards.

- o. That a site alteration and sediment control plan is submitted to the Town's Operations Department for approval.
- p. That a sanitary and storm drainage area plan be submitted to the Town's Operations Department for approval.
- q. That the owner be required to provide the appropriate securities and cash deposits prior to commencing the installation of infrastructure.
- r. That the owner be required to provide a maintenance security deposit of \$100,000 toward the cleaning of the stormwater management pond, the security deposit will be released upon completion of the development and the owner demonstrating that the pond has been cleaned, restored, and maintained, as applicable, to the approved original design specifications and Town Engineering Standards.
- s. That the owner will direct all stormwater flows from the proposed development's drainage area to the stormwater management pond constructed in Konik Estates Phase 1, in accordance with the Town's Engineering Standards;
- t. That the owner shall install the necessary storm sewer infrastructure to service the proposed development. The sewers shall be designed to accommodate all stormwater flows within the sub-catchment area as approved by the Town's Operations Department;
- u. The owner agrees to consult with Canada Post and the Town's Operations Department to determine suitable permanent locations for the community mailboxes, which shall be included on appropriate servicing plans.
- v. The owner shall retain a row of existing trees in the exterior side yard of Block 54 and the rear yards of lots 5 to 26, inclusive, subject to a Tree Preservation Plan assessing the condition and viability of retaining such trees. If the trees are required to be removed, the Owner agrees to plant a minimum of one (1) mature coniferous tree, or an alternative suitable tree as determined by the arborist to the satisfaction of the Town, that is a minimum of 50mm in caliper in the exterior side yard of Block 54, and the rear yards of lots 5 to 26, inclusive.
- w. If the trees are required to be removed in accordance with Condition 40 v., the owner shall install a fence along the exterior side yard of Block 54 and the rear yards of lots 5 to 26, inclusive, in accordance with the Town's Fence By-law.
- x. The owner acknowledges that the injuring of any boundary tree is subject to an application to the Town for a permit to injure a private tree. The injuring must be carried out by, or under the supervision of a Certified Arborist following approved industry standards. An Arborist Report must be received by the Town prior to the permit being issued, that clearly outlines the process, and that states that the tree can be safely retained following the injuring of the tree.
- y. The owner agrees that access to the site for construction and servicing shall be from Concession 6 Road. Consideration for alternative accesses shall be subject to approval from the Town's Operations Department.
- z. The owner agrees that all offers, and agreements of purchase and sale shall contain a clause that the purchaser will be responsible for their proportionate share of future maintenance of the Stormwater Management Pond as determined through the Ontario Drainage Act, s17, RSO1990.

- aa. The owner agrees that all offers, and agreements of purchase and sale shall contain a clause that the purchaser will be responsible to maintain the grassed boulevard and landscape roadway islands directly in front of and adjacent their lot where they exist.
 - bb. That the owner agrees that during the construction of the development site that the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
 - cc. That the owner agrees that prior to the assumption of the development by the Town that the storm sewers, including catchbasins, will be flushed and inspected and the pond will be drained and cleaned of silt and sediment. This condition shall also be included in the Subdivision Agreement.
42. That the subdivision agreement between the owner and the Town include the following clauses:
- a. *The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
 - b. *The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*
 - c. *Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Multiculturalism and Citizenship (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*
- In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.*

Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 23, 24, 25, 26, 41(g, v, w, x), 42(c)
Town Corporate Services	9, 36
Town Operations	9, 10, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41
Town Fire & Emergency Services	41(f)
Niagara Region	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 36, 37, 42(c)
Canada Post	10, 41(u)
Bell Canada	42(a, b)

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community and Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266 x321	jay.plato@notl.com
Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com

Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000 x3532	Amy.shanks@niagararegion.ca
Canada Post	Andrew Carrigan, Delivery Planning Officer	955 Highbury Ave. N. London, ON N5Y 1A3	(226) 268-5914	andrew.carrigan@canadapost.ca
Bell Canada				planninganddevelopment@bell.ca

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

File: 26CD-18-24-01
 Draft Approval Date: _____
 Lapse Date: _____

Town of Niagara-on-the-Lake
Conditions of Draft Plan Approval of Vacant Land Condominium

The conditions of draft plan approval and registration of “Konik Estates Phase 2” Condominium, File 26CD-18-24-01 are as follows:

1. That approval applies to the “Konik Estates Phase 2” Draft Plan of Condominium, being Part Township Lot 119 Niagara Part 1, 30R15177; Part Township Lot 119 as in RO334969; and, Part Township Lot 119 Niagara Parts 1 and 2, 30R15178 Except Plan 30M468, Niagara-on-the-Lake, Regional Municipality of Niagara, prepared by J.D. Barnes LTD., O.L.S., dated September 25, 2023, showing 102 vacant land units for townhouse dwellings, private laneways and common areas for landscaping and visitor parking.
2. That the owner enters into one or more agreements with the Town of Niagara-on-the-Lake (the “Town”) agreeing to satisfy all requirements, financial and otherwise, of the Town including the provision of services, roads, signage, grading, drainage, trees, sediment and erosion control, streetlighting, and sidewalks. The agreement shall also specifically prohibit development on the lands, save and except for model homes (as permitted by Town policy and subject to any necessary agreements), until such time as grading and services are adequately provided, to the satisfaction of the Town.
3. That if final approval is not given to this plan within three (3) years of the draft approval date and an extension has not been granted, draft approval shall lapse. If the owner wishes to extend the draft approval, a complete application form and written explanation of the request must be received by the Town prior to the lapsing date.
4. That the condominium agreement between the owner and the Town with regard to the subject lands be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
5. That the owner provides an undertaking to the Town agreeing that a properly executed copy of the transfer of the lands to the municipality will be deposited to the Clerk concurrently with the registration of the final plan of condominium.
6. That the owner agrees in the subdivision agreement that any outstanding taxes will be paid prior to the registration of the final plan of condominium.
7. That the Konik Estates Phase 2 Draft Plan of Subdivision (26T-18-24-02) be registered to provide public street access and municipal services to the draft plan of vacant land condominium property and address all other subdivision matters related to the development of the lands.

8. That the owner provides a preliminary condominium plan and a letter to the Director of Community and Development Services stating how all conditions of draft plan approval have been satisfied at the time of request for condition clearance.
9. That the owner shall pay the Town of Niagara-on-the-lake cash-in-lieu of parkland dedication pursuant to the provisions of the *Planning Act* through the associated Konik Estates Phase 2 Draft Plan of Subdivision (26T-18-24-02).
10. That the owner submits a landscape plan, to identify locations for mature plantings including landscaping and trees, streetscape plan and proposed dwelling elevations for the future site plan application for the review of the Town's Urban Design Committee, to the satisfaction of the Director of Community and Development Services.
11. The owner shall complete to the satisfaction of the Director of Operations of the Town of Niagara-on-the-Lake and Canada Post:
 - a. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. that the home/business mail delivery will be from a designated Centralized Mail Box; and,
 - ii. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b. The owner further agrees to:
 - i. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
 - ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
 - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,
 - iv. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

- c. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
12. That the owner receive acceptance from the Ministry of Multiculturalism and Citizenship (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region and Town of Niagara-on-the-Lake, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region and the Town, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
13. That a Phase II Environmental Assessment (ESA) prepared by a Qualified Professional (QP) in accordance with the Environmental Protection Act and associated regulations, as amended, describing the current conditions of the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), be submitted to the satisfaction of Niagara Region. A reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
14. That a letter (and/or updated Phase I ESA with soil sampling, at minimum) prepared by a Qualified Professional (QP) be submitted to the satisfaction of Niagara Region indicating that, in the opinion of the QP, the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) are suitable for residential use. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
15. That the condominium agreement contain provisions whereby the owner agrees to implement the recommendations of the approved ESAs required by Conditions 14 and 15, if applicable.

16. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it also be included in the condominium agreement:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”

17. That the owner provides written acknowledgement to Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
18. That the owner provide a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and that a similar clause be inserted in the subdivision agreement between the owner and the Town of Niagara-on-the-Lake.
19. That prior to final approval for registration of this plan of condominium, the owner submit design drawings (with calculations) for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the Town signing off on the CLI ECA forms.
20. That the owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara’s Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
21. That the owner ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region’s Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste. Where a through street is not maintained, the owner shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
22. That the condominium agreement contain a condition that the owner/developer shall comply with the Niagara Region’s Corporate Policy for Waste Collection, and complete the Application for Commencement of Collection and Indemnity Agreement.
23. That the owner submit engineering drawings for the proposed roads within the development to Niagara Region for review and approval to ensure the design can accommodate the Regional collection vehicles.

24. That the following clauses be included in the condominium agreement, and inserted into all Agreements of Purchase and Sale or Lease or Occupancy for each of the affected dwelling units:
- *Owners/Purchasers/Tenants of units #15, 16, 17, 40 & 41 are advised that in order to accommodate Regional Waste Collection Services they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day.*
 - *Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).*
25. That the owner submits an Arborist Report and Tree Preservation Plan for the rear yards of vacant land townhouse units 24 to 32, inclusive, the side yard of vacant land townhouse unit 15, and the rear yards of vacant land townhouse units 8 to 14, inclusive.
26. That the owner provides a replanting and replacement plan to replace trees required to be removed to facilitate development, in accordance with Condition 26. The number of trees to be replaced, and amount of security fees will be determined by Town Staff once final tree removal requirements have been finalized.
27. That the owner implements the Tree Preservation Plan, as approved by Town Staff, in accordance with Condition 26.
28. That the private roads within the development be named to the satisfaction of the Town of Niagara-on-the-Lake, in accordance with the Town's Municipal Street Naming Policy.
29. That, if applicable, prior to final approval the owner shall identify all required easements that may be required for the onsite water, sanitary sewer, stormwater management and lot grading systems. That the owner agrees in the Condominium Agreement to grant to the municipality any required easements for services or utilities.
30. That prior to final approval for registration of this plan, the owner shall submit the design drawings (with calculation) for the sanitary and storm drainage systems required to service this development and obtain Environmental Compliance Approval from the Ministry of Environment and Climate Change under the Transfer of Review Program to the satisfaction of the Niagara Region.
31. That the owner agrees in the Condominium Agreement:
- a) To grant emergency access easements along the private roads, which meet Ontario Building Code requirements and are accessible at all times and to forever

maintain the private roads and all appurtenances thereto to the satisfaction of the municipality.

- b) To grant easements along the private roads for pedestrian access.
- c) To grant to the Regional Municipality of Niagara any required easements for internal waste collection along the private roads.

- 32. That the owner receives final approval for a draft plan of condominium (common elements) for the proposed private roadway within the current draft plan of subdivision. All infrastructure within the proposed roadway of the development shall be owned by the condominium corporation.
- 33. That the design drawings for the water, sanitary sewer and stormwater drainage systems required to service this development be submitted to the Niagara Region, the Town's Operations Department and the Town's Fire Department for review and approval.
- 34. That prior to the approval of the final plan the owner submits to the Town's Operations Department and Fire Department for review and approval detailed construction plans showing the entrance, and internal road designs.
- 35. That the Condominium Agreement contains a clause prohibiting on-street parking and that appropriate signage be installed and that the owners will be responsible for the purchase and installation of all regulatory and street signs.
- 36. The owner agrees to consult with Canada Post and the Town's Operations Department to determine suitable permanent locations for the community mailboxes, which shall be included on appropriate servicing plans. It is noted that the community mailboxes serving the residents of the condominium may be located on the Konik Estates Subdivision lands.
- 37. The owner agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all community mail boxes within the development, as approved by Canada Post and the Town's Operations Department.
- 38. That the owner agrees in the Condominium Agreement:
 - (a) The owner will be required to post the standard securities and cash deposits relating to primary and secondary works, plan reviews, site inspections (based on working days), signs and barricades and road clean up prior to commencing the installation of any services.
- 39. That the owner agrees to the following requirements in the Condominium Agreement:
 - a. To construct a 1.5 m sidewalk along one side of internal streets in the development at their own expense. Sidewalks are to be installed as per the Town's Sidewalk Installation Policy for new developments (Policy CDS-PLG-004)

- b. That the centerline radius of all intersections in the development shall meet the Fire Department, Ontario Building Code requirements and Regional requirements for waste collection.
 - c. That all infrastructure works will be constructed to current Town specifications.
 - d. That all construction plans and supporting reports will be subject to a peer review at the owner's cost.
 - e. That all the proposed infrastructure will be subject to the Town's inspection at the owner's expense including qualitative and quantitative tests made of any materials used in the construction of any works.
 - f. That a street lighting design/plan is submitted to the Town's Operations Department for approval and constructed to Town standards.
 - g. That a streetscape plan of the internal streets illustrating the location of on-street parking, street trees, pavement markings, community mailbox(s) locations, hydrants, regulatory and no parking signs and street lighting is submitted to the Town's Operations Department and Department of Community and Development Services for review and approval.
 - h. That a landscape plan be submitted, separate from the streetscape plan, to the satisfaction of the Town's Operations Department and Department of Community and Development Services.
 - i. That all sanitary sewer, watermain and storm sewer construction will be in accordance with current Town Specifications and subject to the Town's Operations Department for approvals.
 - j. That the owner will be required to submit an overall lot grading plan to be approved by the Town's Operation Department and Building Department noting both existing and proposed grades including apron and top and foundation elevations and the means whereby overland flows will be accommodated across the site and that the grading plan shall provide that the maximum height of the concrete showing on the foundation shall not be more than 30.48 cm (12 inches) above the final approved grade elevation.
 - k. That a site alteration and sediment control plan is submitted to the Town's Operations Department for approval.
 - l. The owner acknowledges that the injuring of any boundary tree is subject to an application to the Town for a permit to injure a private tree. The injuring must be carried out by, or under the supervision of a Certified Arborist following approved industry standards. An Arborist Report must be received by the Town prior to the permit being issued, that clearly outlines the process, and that states that the tree can be safely retained following the injuring of the tree.
 - m. That the owner shall install a fence along the rear yards of units 8 to 41, and 84 to 89, inclusive, in accordance with the Town's Fence By-law.
 - n. The owner agrees that all offers, and agreements of purchase and sale shall contain a clause that the purchaser will be responsible for their proportionate share of future maintenance of the Stormwater Management Pond as determined through the Ontario Drainage Act, s17, RSO1990.
40. That the detailed design drawings with calculations for the watermain system, sanitary sewer system and stormwater drainage systems required to service this proposal be

submitted to the Town's Operations Department for its review and approval. That detailed design drawings and design with calculations for the watermain system be submitted to the Operations Department and Fire Department for its review and approval and shall include required fire flows and existing system flows calculations. The owner shall design the stormwater system to ensure that no adjacent properties are adversely affected.

41. That the Condominium Agreement includes a statement that the private sanitary and stormwater management systems may be subject to periodic inspections by the Operations Department and shall be maintained by the condominium corporation and if not maintained, after receiving written notice, the Town's Operations Department has the authority to enter the private lands, carry out the required repairs and charge the condominium corporation accordingly.
42. That the Condominium Agreement includes a statement that the private internal water system will be subject to annual inspections and maintenance by the Operations Department and that the costs associated with those inspections and maintenance will be borne by the condominium corporation.
43. That the Condominium Agreement includes a statement that any works on the private internal water system are subject to approval by the Town's Operations Department prior to works taking place.
44. That the internal private watermain system not be looped to the municipal system and that the system be connected to the proposed municipal system at Crossroads Drive.
45. That the internal private watermain system be metered in a chamber at the property line before entering the condominium corporation lands. The condominium corporation will be billed for the total amount of water read at the meter entering the development. The installation of individual water meters for each unit and/or a meter for irrigation purposes is optional.
46. That the Condominium Agreement includes a clause that the Town's Operations Department will not provide any snow plowing and/or sanding within the Condominium Corporation.
47. That the owner provides sufficient space to accommodate snow storage within the development and that the Condominium Agreement includes a clause that the condominium corporation will not plow snow into the municipal road allowance.
48. That all services, facilities, and any structures in the common elements shall be constructed prior to the registration of the condominium corporation unless the municipality accepts security for the completion of these works.
49. That the owner shall prepare a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.

50. That the streets shall be constructed in accordance with composite utility plans as submitted and approved by all utilities.
51. The owner agrees in the Condominium Agreement that prior to the issuance of a building permit, the owner will verify, to the satisfaction of the Fire Chief and the Chief Building Official, the fire flow requirements for the proposed buildings, having a qualified engineer confirm that the required flows are acceptable, as well as mark all proposed hydrants with the appropriate colour flow rate identification disc.
52. The owner agrees in the Condominium Agreement that access to the site for construction and servicing shall be from Concession 6 Road. Consideration for alternative accesses shall be subject to approval from the Town's Operations Department.
53. That the owner agrees in the Condominium Agreement that during the construction of the development site that the site will be kept in a reasonably tidy condition so that the raising of dirt and dust is kept to a minimum and further that all roads adjacent to and in the vicinity of the development are kept clean of mud and debris as per Town's Street Cleaning Policy for new developments (Policy CDS-PLG-005).
54. That the condominium agreement between the owner and the Town include the following clauses:
- a. *The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.*
 - b. *The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.*
 - c. *Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Multiculturalism and Citizenship (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human

remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.

Clearance of Conditions

Prior to granting final approval for the subdivision plan, the Town of Niagara-on-the-Lake Community and Development Services Department requires **written notification** from the following departments and agencies that their respective conditions have been met satisfactorily.

Department or Agency	Conditions
Town Community & Development Services	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 25, 26, 27, 39(l), 39(m), 54(c)
Town Corporate Services	4, 6, 9
Town Operations	9, 11, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53
Town Fire & Emergency Services	31(b), 40
Niagara Region	12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 54(c)
Canada Post	11
Bell Canada	54 (a, b)

Clearance of the conditions of final approval should be coordinated with the following contacts:

Department or Agency	Contact Name	Address	Phone	Email
Town Community and Development Services	Kirsten McCauley, Director of Community and Development Services	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Kirsten.mccauley@notl.com
Town Operations Department	Darren MacKenzie, Manager of Public Works	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	Darren.mackenzie@notl.com
Town Fire and Emergency Services	Jay Plato, Fire Chief	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266 x321	jay.plato@notl.com

Town Corporate Services Department	Grant Bivol, Town Clerk	1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON, L0S 1T0	(905) 468-3266	clerks@notl.com
Niagara Region	Amy Shanks, Senior Planner	1815 Sir Isaac Brock Way, P.O. Box 1042, Thorold, ON, L2V 4T7	(905) 980-6000 x3532	Amy.shanks@niagararegion.ca
Canada Post	Andrew Carrigan, Delivery Planning Officer	955 Highbury Ave. N. London, ON N5Y 1A3	(226) 268-5914	andrew.carrigan@canadapost.ca
Bell Canada				planninganddevelopment@bell.ca

Review of Conditions

Should any of the conditions appear unjustified or their resolution appear onerous, requests to revise or remove conditions may be presented by the owner to the Committee of the Whole. The Committee will consider requests to revise or delete conditions, subject to ratification by Town Council.

From: donna@theherringtongroup.ca
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: RE: New Applications - 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024 - Konik Estates Phase 2, NOTL
Date: Monday, February 26, 2024 3:02:57 PM

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Hi Aimee,

I do not have any accessibility-related comments on this application.

Donna Herrington

From: [PrimeCities](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: Draft Plan of Subdivision (26T-18-24-02), Draft Plan of Condominium (26CD-18-24-01) & ZBLA (ZBA-02-2024), north of Line 2 Rd. & east of Concession 6 Rd., Niagara-on-the-Lake
Date: Thursday, February 22, 2024 12:52:19 PM

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2/22/2024

Aimee Alderman

Niagara-on-the-Lake

Niagara-on-the-Lake (Town)

Attention: Aimee Alderman

**Re: Draft Plan of Subdivision (26T-18-24-02), Draft Plan of Condominium (26CD-18-24-01) & ZBLA (ZBA-02-2024), north of Line 2 Rd. & east of Concession 6 Rd., Niagara-on-the-Lake; Your File No. 26T-18-24-02,26CD-18-24-01,ZBA-02-2024
Our File No. DTS: 38581 / Circ: 40665**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

1) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

2) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide

service to this development.

Concluding Remarks:

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for Bell's responses and for any of the content herein.

Should you have any questions, please contact the undersigned.

Yours Truly,

A rectangular box with a light gray border, containing a small blue square icon with a white question mark inside, indicating a redacted signature.

Juan Corvalan
Senior Manager - Municipal Liaison
Email: planninganddevelopment@bell.ca.

Aimee Alderman
TOWN OF NIAGARA ON THE LAKE
1593 FOUR MILE CREEK ROAD
P.O BOX 100, VIRGIL, ON

Re: Konik Estates Phase 2

Dear Aimee,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the Town of Niagara on the Lake and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Planning Officer
Andrew.Carrigan@canadapost.ca

February 28, 2024

Aimee Alderman, MCIP, RPP
Senior Planner
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear Aimee,

Re: Draft Plan of Subdivision, Draft Plan of Condominium, Zoning By-law Amendment
Grey Forest Homes Ltd.,
1537 Concession 6 Road, 448 Line 2 Road
Town of Niagara-on-the-Lake
File No.: 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.

(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main(s) needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Sincerely,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: [AMIN, Pranav](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: Niagara on the Lake - 1537 Concession 6 Road, 448 Line 2 Road - 26CD-18-24-01
Date: Thursday, March 21, 2024 11:47:21 AM
Attachments: [image001.png](#)

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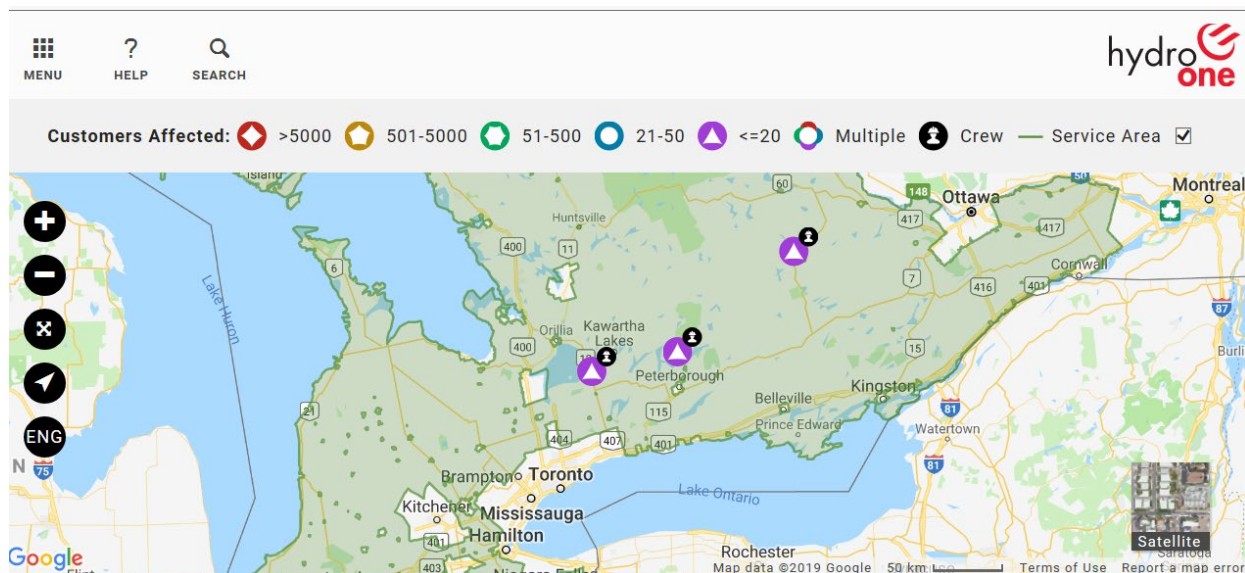
Hello,

We are in receipt of your Plan of Condominium application, 26CD-18-24-01 dated February 21st, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

From: AMIN, Pranav
To: Aimee Alderman, MSc, MCIP, RPP
Subject: Niagara on the Lake - 1537 Concession 6 Road, 448 Line 2 Road - 26T-18-24-02
Date: Thursday, March 21, 2024 11:47:39 AM
Attachments: image001.png

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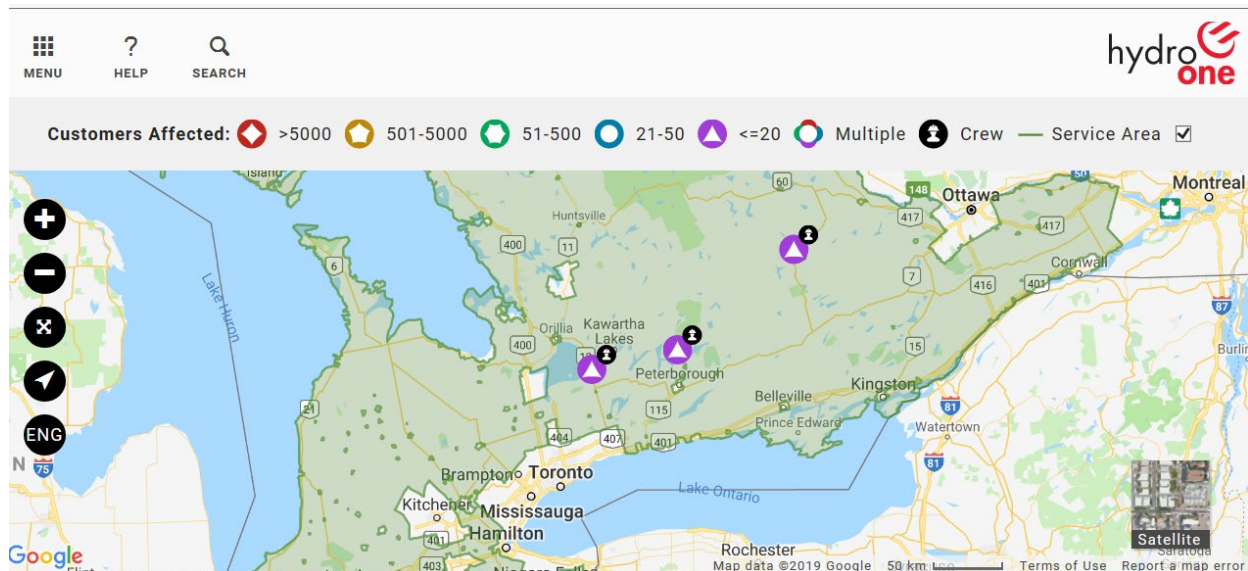
Hello,

We are in receipt of your Plan of Subdivision application, 26T-18-24-02 dated February 21st, 2024. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@hydroone.com or 1-866-272-3330.

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If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

March 15, 2024

File Numbers: D.18.05.ZA-24-0018
 D.11.05. SD-24-0016
 D.11.05.CD-24-0009

Aimee Alderman, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. Alderman:

**Re: Regional and Provincial Comments
 Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of
 Vacant Land Condominium Applications
 Town File Numbers: 26T-18-24-02, 26CD-18-24-01, ZBA-02-2024
 Applicant: Grey Forest Homes Ltd.
 Agent: Upper Canada Consultants (William Heikoop)
 Address: Lands located to the north of Line 2 Road, east of Concession 6
 Road, and south of Homestead Drive (Konik Estates Phase 2)
 Municipality: Town of Niagara-on-the-Lake**

Staff from the Region's Growth Strategy and Economic Development Department have reviewed the information circulated with the applications for Zoning By-law Amendment, and Draft Plan of Subdivision for the above-noted lands, identified as Konik Estates Phase 2, in the Town of Niagara-on-the-Lake.

The applications are proposed to facilitate the development of 108 townhouse dwellings (consisting of 102 block townhouse dwellings and 6 street townhouse dwellings) and 52 single-detached dwellings on the subject lands.

The Zoning By-law Amendment proposes to rezone the subject lands from a Residential Development (RD) zone to site-specific Residential 2 (R2) zones, applying to the single-detached and street townhouse dwellings, and a site-specific Residential Multiple (RM1) zone, applying to the block townhouse dwellings, to permit the proposed development.

The Draft Plan of Subdivision, prepared by Upper Canada Consultants (dated September 21, 2023, and certified by J.D. Barnes Limited on December 7, 2023) proposes the creation of 52 lots for the single-detached dwellings (Lots 1-52), 2 blocks for the street townhouse dwellings (Blocks 53 and 54), 1 block for the block townhouse dwellings (Block 55), 2 blocks for road widenings (Blocks 56 and 57), 1 block for a 0.3 metre reserve (Block 58), and the creation of an associated roadway (Crossroads Drive) on the 8.301 hectare property.

The Draft Plan of Vacant Land Condominium, prepared by Upper Canada Consultants (dated November 9, 2023, and certified by J.D. Barnes Limited on November 28, 2023) proposes the creation of 102 units for the block townhouse dwellings.

A pre-consultation meeting for the proposal was held on August 3, 2023. The following Provincial and Regional comments are provided to assist the Town in considering the applications.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and within a Designated Greenfield Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas to efficiently use existing servicing, infrastructure, and public service facilities. Within settlement areas, the development of a range and mix of densities, lot and unit sizes, and housing types are encouraged to meet housing needs at all stages of life. The Growth Plan and NOP encourage the development of Designated Greenfield Areas into complete communities, which offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, services, a full range of housing, transportation options, and public service facilities. Designated Greenfield Areas are required to achieve a minimum density target of 50 residents and jobs combined per hectare, measured across the entire municipality.

The Planning Justification Report (PJR), prepared by Upper Canada Consultants (dated January 2024) provided with the applications identifies that the proposed development will yield a density of 47.994 people and jobs per hectare (assuming 2.929 persons per unit for the single-detached dwellings, and 2.189 persons per unit for the townhouse dwellings, and that 5% of the residential units will generate “at home” employment), which is below the minimum density target of 50 people and jobs per hectare for designated Greenfield Areas. The PJR correctly identifies that the minimum density target is to be measured on a municipal-wide basis and contends that the proposed development has been designed to provide as much density on-site as possible, while

maintaining compatibility with adjacent existing and approved residential uses to the north and east and south, and agricultural lands to the west.

Regional staff note that, as part of the review of the previous applications for Konik Estates Phase I (located immediately to the north of the subject lands), a density shortfall of approximately 12.4 people and jobs per hectare was identified for this earlier phase. At that time, it was stated that the density shortfall would need to be made up as part of future development within the community, including as part the current phase of the proposed development. The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved, and accordingly should be satisfied that the proposed development will contribute positively to the achievement of the overall target.

If a density shortfall is identified by Town staff, Regional staff recommend that the applicant be encouraged to explore opportunities to integrate other housing forms (i.e. stacked towns, low-rise apartments etc.) within the proposed development. This will address Provincial and Regional policies which direct for a diverse mix of housing types within Designated Greenfield Areas. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development, and any modifications required to support the achievement of the overall Greenfield density target, to Town Planning staff.

Natural Environment System

The subject lands are impacted by the Region's Natural Environment System (NES), consisting of 'Other Woodland'. The subject lands were assessed in 2022, prior to being sold, to determine if there were any environmental features present that met Regional designation criteria. The subject lands were assessed in accordance with the policies of the previous Regional Official Plan (ROP), which was still in force at the time of the assessment. Based on staff review of the Constraints Analysis (prepared by North-South Environmental, dated October 2022), which included a robust field work program completed in accordance with an approved Terms of Reference, staff offered no objection to the conclusion that the property did not contain any Regionally-designated Core Natural Heritage System features.

The NOP includes a transition policy (Policy 3.1.30.3.2) which states that, where an Environmental Impact Study (EIS) or similar study has been formally accepted by local or Regional planning staff, but the application for development or site alteration has yet to be approved, the application may be approved in accordance with the approved study as long as the study remains valid in accordance with the Region's EIS Guidelines. Staff confirm that the 2022 Constraints Analysis qualifies as a similar study to an EIS and is still valid in accordance with the Region's EIS Guidelines.

As such, Regional staff offer no objection to the proposed applications from a natural environment system perspective.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Policy 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Stage 1-2 Archaeological Assessments, prepared by Detritus Consulting Ltd. (dated July 4, 2017 and July 28, 2017) were submitted with the earlier applications for Konik Estates Phase I. The assessments also reviewed the entirety of the subject lands that are subject to the current applications, apart from the easterly portion of the subject lands, known municipally as 448 Line 2 Road. The assessments concluded that no archaeological resources were found and, accordingly, that no further archaeological assessments were required for the lands that were assessed. Acknowledgement letters from the (then) Ministry of Tourism, Culture and Sport were provided which stated that Ministry was satisfied the archaeological assessment work was consistent with the Ministry's standards and guidelines, and that the Stage 1-2 Archaeological Assessments had been entered into the Ontario Public Register of Archaeological Reports.

A Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023) was provided with the current applications. The report assesses the portion of the subject lands (448 Line 2 Road) that was not subject to the previous archaeological assessments. The Stage 2 assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the Licensed Archaeologist recommended that no further archaeological assessment for this portion of the subject lands was warranted. As of the date of this letter, a letter from the Ministry of Multiculturalism and Citizenship confirming the findings of the Stage 1-2 Archaeological Assessment has not been received by Regional staff. Regional staff will require that this requirement be addressed as a condition of draft plan of subdivision and condominium approval.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommend the inclusion of a standard warning clause in the future subdivision and condominium agreements, relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

Conditions addressing archaeological requirements have been included in Appendix 1.

Site Condition

A Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), was submitted with the earlier applications for Konik Estates Phase I. This report also assessed the entirety of the subject lands that are subject to the current applications, with the exception of the property known municipally as 448 Line 2 Road. The report concluded that the potential for site contamination on the assessed lands was considered medium as a result of past use of the lands for orchards, and the potential presence of fill materials and fuel storage on-site, and recommended that additional investigations (i.e. a Phase II ESA) be undertaken. Regional staff will require that a Phase II ESA be undertaken for this portion of the subject lands prior to final subdivision and condominium approval. A condition addressing this requirement is included in Appendix 1.

A Phase I ESA, prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) was submitted with the current applications. The report assesses the portion of the subject lands (448 Line 2 Road) that was not subject to the previous Phase I ESA. The report documents historic use of the property for agricultural purposes and identifies that this would be considered a Potential Contaminating Activity (PCA); however, the report concludes that further assessment is not required as the property is “not subject to a proposed redevelopment plan that includes a change in land use to a more sensitive land use, and an RSC is not required”. The report does not indicate, however, whether the Qualified Professional who prepared the report considers this portion of the subject lands suitable for the proposed residential use.

Policy 3.2.2 of the PPS and Policy 6.3.1.5 of the NOP require that “sites of contaminants in land or water shall be assessed and remediated as necessary (...) such that there will be no adverse effects”. Based on the information contained in the Phase I ESA, the lands supported agricultural uses at a time when older generation pesticides containing lead and arsenic were in use. Information previously obtained from the Ministry of the Environment, Conservation, and Parks (MECP), as well as from other sources, indicate that the application of lead arsenate pesticides can raise the concentration of lead and arsenic in the soil. Accordingly, to ensure Policy 3.2.2 of the PPS and Policy 6.3.1.5 of the NOP are addressed, Regional staff will require as a condition of draft plan of subdivision and condominium approval that a letter (and/or updated Phase I ESA with soil sampling, at minimum) be submitted indicating that a Qualified Professional considers this portion of the subject lands to be suitable for residential use. A condition to address this requirement is included in Appendix 1.

Regional staff note that should the findings of the soil sampling program/ESA indicate contamination, it is the Region's practice to require the filing of a Record of Site Condition (RSC).

Agricultural Land Use Compatibility

Lands on the west side of Concession 6 Road fall outside of the urban area boundary and are designated for agricultural use. Regional staff will require the inclusion of a standard warning clause in the future subdivision and condominium agreements relating to potential impacts (noise, odour and dust) from nearby agricultural activities and agricultural-related traffic. A condition to address this requirement is included in Appendix 1.

Servicing

This proposed development is within the Lakeshore Road Sewage Pumping Station (SPS). Regional staff provide the following comments based on the Region's recently completed Master Servicing Plan (MSP):

- The proposed development is within the Lakeshore Road SPS sewershed. The current SPS has an operational capacity of 86 litres/second and the MSP has indicated that an upgrade to the station will be required to accommodate all anticipated growth in the SPS sewershed, plus the calculated wet weather flows. An infiltration/inflow (I/I) reduction program should be on-going to restore design capacity and potentially gain additional capacity in the system during rainfall events. Additionally, the Town, in partnership with the Region, is currently undertaking a Pollution Prevention Control Plan (PPCP) to review the overall system performance, develop a mitigation plan and determine projects to help create I/I reduction in the system. The MSP can be found at the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Regional staff have reviewed the General Servicing Plan, prepared by Upper Canada Consultants (dated December 18, 2023) and notes that all servicing connections are planned to be made to the Town of Niagara-on-the-Lake's sanitary sewers.

Conditions of draft plan approval requiring the owner to submit design drawings for the sanitary and storm drainage system to confirm Regional infrastructure capacity, as well as to acknowledge that any servicing allocation from Niagara Region will not be assigned until the plan is registered, and that any pre-servicing is at the risk of the owner, are included in Appendix 1.

Stormwater Management

Due to the location and nature of the proposed development, Regional staff defer consideration of the proposed stormwater management plan to Town staff.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed single-detached lots are eligible to receive Regional curbside waste and recycling collection, provided the owner brings the waste and recycling to the curbside on the designated collection day, and the following curbside limits are met:

- Organics: Unlimited Green Bins; and,
- Garbage: One Garbage Bag/Can.

The owner shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection. The form and policy can be found at the following link: www.niagararegion.ca/waste

Future engineering submissions will be required to demonstrate that the truck turning radii meet the Region's standards, or truck turning template drawings should be provided to demonstrate that trucks can maneuver on site. As well, units 15, 16, 17, 40 and 41 (as shown on the Draft Plan of Vacant Land Condominium) will require collection pads which meet the Region's standards.

Conditions to address waste collection requirements are included in Appendix 1.

Regional staff note that Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding this program can be found at the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

In conclusion, Regional staff have no objection to the proposed Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium applications from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1. The Town should also be satisfied that the proposed development will not detract from the municipality achieving the overall density target of 50 people and jobs per hectare for Designated Greenfield Areas (to be measured on a municipal-wide basis).

Subject to this requirement, and the conditions in Appendix 1, the proposal is consistent with the Provincial Policy Statement (PPS) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

Please send copies of the staff report and notice of the Town's decision on these applications.

If you have any questions related to the above comments, please contact me at amy.shanks@niagararegion.ca.

Kind regards,

A handwritten signature in black ink, appearing to read "Amy Shanks", with a stylized, flowing script.

Amy Shanks, MCIP, RPP
Senior Development Planner

cc: Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region
Stephen Bureau, Development Approvals Technician, Niagara Region

Appendix 1: Regional Conditions of Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium Approval

Konik Estates Phase 2, Town of Niagara-on-the-Lake

1. That the owner receive acceptance from the Ministry of Multiculturalism and Citizenship (MCM) for the archaeological assessment report titled Stage 1-2 Archaeological Assessment, prepared by Amick Consultants Ltd. (dated November 28, 2023). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
2. That the following clause is included in the subdivision and condominium agreements:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Multiculturalism and Citizenship (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.”

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

3. That a Phase II Environmental Assessment (ESA) prepared by a Qualified Professional (QP) in accordance with the Environmental Protection Act and associated regulations, as amended, describing the current conditions of the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated September 6, 2017), be submitted to the satisfaction of Niagara Region. A reliance letter from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and

opinions provided in the reports submitted, in order to clear this condition.

4. That a letter (and/or updated Phase I ESA with soil sampling, at minimum) prepared by a Qualified Professional (QP) be submitted to the satisfaction of Niagara Region indicating that, in the opinion of the QP, the lands assessed as part of the report titled Phase I Environmental Site Assessment (ESA), prepared by Soil-Mat Engineers & Consultants Ltd. (dated December 14, 2023) are suitable for residential use. A Letter of Reliance from a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
5. That the subdivision and condominium agreements contain provisions whereby the owner agrees to implement the recommendations of the approved ESAs required by Conditions 3 and 4, if applicable.
6. That the owner agrees to include the following warning clause in all Agreements of Purchase and Sale or Lease or Occupancy, and that it also be included in the subdivision and condominium agreements:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”

7. That the owner provides written acknowledgement to Niagara Region stating that draft approval of this subdivision/condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
8. That the owner provide a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision/condominium, shall contain a clause indicating that servicing allocation for the subdivision/condominium will not be assigned until the plan is registered, and that a similar clause be inserted in the subdivision/condominium agreement between the owner and the Town of Niagara-on-the-Lake.
9. That prior to final approval for registration of this plan of subdivision/condominium, the owner submit design drawings (with calculations) for the sanitary and storm drainage systems required to service this development to confirm the capacity in the Regional system prior to the Town signing off on

the CLI ECA forms.

10. That the owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste.
11. That the owner ensures, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy for Waste Collection, and by-laws relating to the curbside collection of waste. Where a through street is not maintained, the owner shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
12. That the subdivision and condominium agreement contain a condition that the owner/developer shall comply with the Niagara Region's Corporate Policy for Waste Collection, and complete the Application for Commencement of Collection and Indemnity Agreement.
13. That the owner submit engineering drawings for the proposed roads within the development to Niagara Region for review and approval to ensure the design can accommodate the Regional collection vehicles.
14. That the following clauses be included in the condominium agreement, and inserted into all Agreements of Purchase and Sale or Lease or Occupancy for each of the affected dwelling units:
 - *Owners/Purchasers/Tenants of units #15, 16, 17, 40 & 41 are advised that in order to accommodate Regional Waste Collection Services they will be required to bring their waste/recycling containers to the designated waste collection pads on the required collection day.*
 - *Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies).*

From: Ellen Qualls
Sent: Wednesday, May 29, 2024 11:26 AM
To: Aimee Alderman, MSc, MCIP, RPP; Clerks
Cc: Catherine Lowrey
Subject: Konik Estates Phase 2 project

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Aimee (and Clerk staff!):

Hi. I live at 353 William Street in NOTL and am interested in how we can significantly boost tree canopy around NOTL, to help address the biodiversity crisis and mitigate extreme heat, especially for the agricultural workers riding bikes along treelees roads all summer and others who are most vulnerable.

I've just listened to testimony at the last Committee of the Whole - Planning meeting and read through the materials for the proposed expansion of Konik Estates Phase 2. I've spoken with Catherine Lowrey who lives adjacent in Virgil, and copied here, as well as Brian Marshall who writes the Architext column and is such a champion of our native trees and wildlife.

I'm not really clear what the next steps are for council to vote on this project, or if it could be included in a consent agenda and passed with no further discussion. But I am deeply concerned about allowing the destruction of the trees to go forward.

There is really no time left in the climate crisis to wait for newly planted trees to grow to maturity and create a forest as valuable as this 800 tree stand is. The health effects for humans and wildlife are so invaluable that there is no price tag you could put on this that a local developer could afford to pay in cash. So the "cash in lieu of" nature conservation concept is time to be retired as a policy in cases like this. The value of pockets of remaining wild sites is all the migratory birds have to hang on to as they make their journeys. And the local birds are territorial so they are actually uncomfortably cramped into existing sites like this. There is a vast amount of literature about the value that a healthy ecosystem plays in the physical and mental health of human life, and further razing of this ecosystem is not only short-sighted, it is again irreplaceable on the timescale needed.

I'm for appropriate and affordable housing creation, so perhaps Grey Forest Homes could come back with a plan for fewer homes and keeping the forest intact. Its importance to the region is vital, as is a plan for restoring a great deal more tree canopy.

Could you share some sort of guidance about the decision process? May I speak to this at a regular council meeting?

As always, I'm appreciative of folks who serve the public, so thank you.

Best,
Ellen

From: Gary Guthrie
Sent: Monday, March 18, 2024 6:41 PM
To: Alexandria Attree <Alexandria.Atree@notl.com>
Subject: Re: Open House – ZBA-02-2024, 26T-18-24-02 & 26CD-18-24-01 – Konik Estates Phase 2 (North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive and West of Frontier Drive)

Hi

I participated in the call this evening and asked a question to William Heikoop about the closeness of the townhome behind my property at 105 Homestead Drive. He indicated there was 2 metres distance behind the deck of the closest townhome to the back property line and then I restated my point saying somewhere I saw what appeared to be a 1 meter distance from my back fence to the side of the townhouse deck. Again he said it's 2 metres.

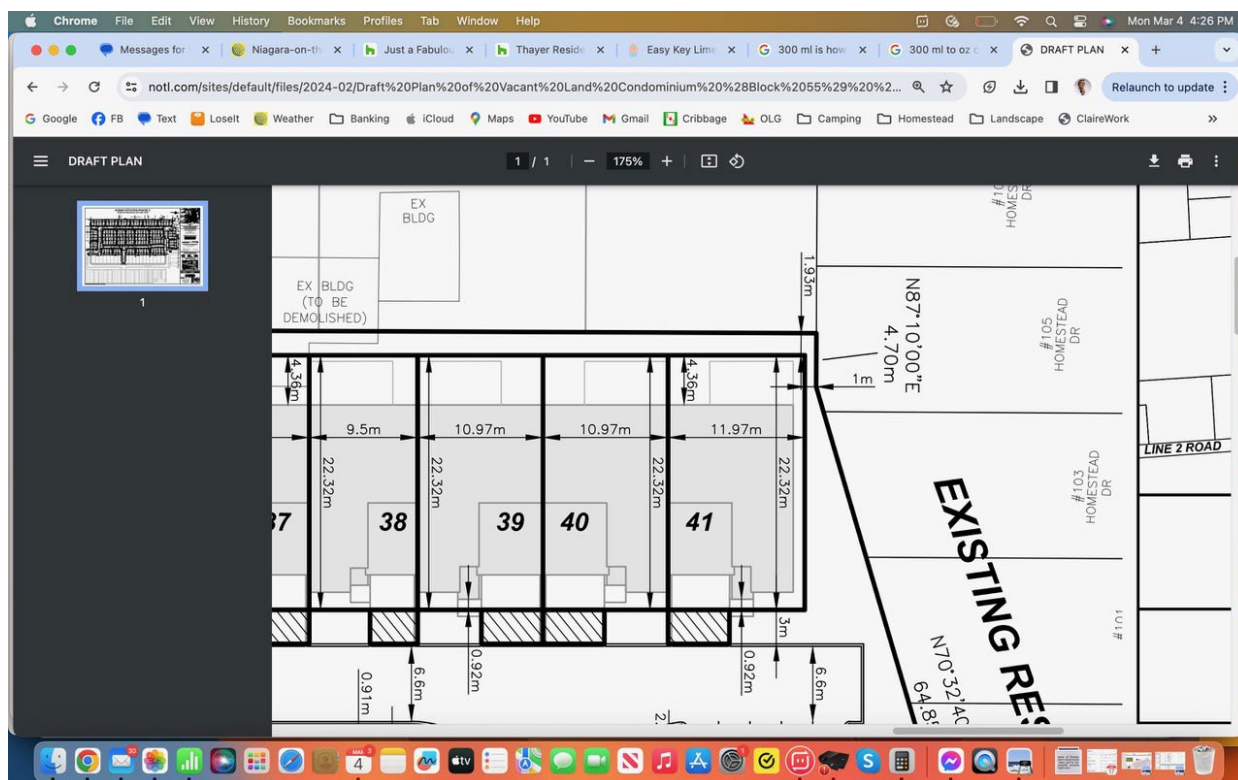
I apologize but I had some PC problems trying to get my video to show during my question and my PC rebooted (without the documents I had previously opened to be more prepared

Reference:
DRAFT PLAN OF VACANT LAND CONDOMINIUM LEGAL DESCRIPTION PART OF LOT 119, GEOGRAPHIC TOWNSHIP OF NIA NOW IN THE TOWN OF NIAGARA-ON-THE-LAKE
I just located the photo (below) that I had saved on my PC which is an enlargement of the above document submitted by Grey Forest. Even the spacing on the diagram would indicate to me if its 2 meters backing onto the homes that front onto Concession 6 (the top of the photo is Concession 6) its far less distance abutting my back fence at 105 Homestead Drive. And to me it reads 1 meter.

Decks today are outdoor entertainment areas as Grey Forest describes in section 6.44 of the 88 page zoning bylaw document. I totally get it and am totally OK with Grey Forest building townhomes there. They build a great product.

My concern is the closeness of this deck to my back fence.

Regards,
Gary Guthrie



James Webber

**54 Frontier Drive, RR5
Niagara on the Lake, Ont. L0S 1J0
Canada**

T: [REDACTED]

E: [REDACTED]

4 April 2024

Town Clerk, Town of Niagara on the Lake
1593 Four Mile Creek Road, PO Box 100
Virgil, ON
L0S 1T0

(via e-mail: clerks@notl.com)

Files ZBA-02-2024 et al – Konik Estates, Phase 2

I am grateful for the opportunity to comment on this development proposal. I participated in the recent Open House and plan to attend the Public Meeting on April 9. Some of the issues I now raise were also raised at the Open House, but I wish to place my own thoughts on the record. My concerns fall under two broad headings: environment and traffic.

As far as environmental issues are concerned, the decision to allow the removal of over eight hundred trees from this site is not one that can be taken lightly. The environmental study provided by the developer suggests that the woodlot is not home to any endangered species of wildlife. That is obviously welcome news, though I note that at the recent Open House, one participant drew attention to the fact that a species of woodpecker has been seen nesting there.

However, as a local resident I can attest that a very wide variety of wildlife calls those trees home, including raccoons, coyotes, possums, squirrels, rabbits, various small rodents and even deer. Removal of the trees will be very damaging for those animals and will likely cause serious issues for residents – both people and domestic pets -- in the surrounding neighbourhoods.

The town might also wish to consider the impact that removal of the trees will have on the credibility of its tree bylaw. We regularly hear of residents being denied the right to remove even a single tree from their private property, and of course much of the controversy over the future of the Randwood Estate centres on a “historic” planting on that property. Why is it appropriate for the trees on the Konik development to be treated differently, and what will be left of the town’s tree bylaw if the removal of these trees is allowed to proceed with no requirement for mitigation?

In terms of traffic issues, the construction phase of this project will inevitably involve a major increase in traffic movements, including very many large trucks travelling daily to and from the site. It will be important for safety reasons to ensure that this traffic is restricted to routes that do not pass close to Crossroads School. This should be a condition of the town's approval of the project.

Once the development is complete, according to the traffic study provided by the developer, the additional traffic generated by the new homes in the development will not be sufficient to warrant any changes to the intersection of Line 2 and Highway 55. This intersection was previously studied in the context of the now-lapsed proposal to build a new medical centre adjacent to the Crossroads School property. That study reached the same conclusion as this more recent one, but many local residents strongly disagree.

It is encouraging to learn that the town already has plans to upgrade Line 2 Road itself. However, the intersection of this road with Highway 55 is very oddly-shaped and hazardous, particularly for traffic attempting to turn left (i.e. north) from Line 2 onto Highway 55. Serious consideration needs to be given to finding ways to make this intersection safer in advance of the anticipated increase in traffic. Straightening out the intersection would seem to be the minimum requirement, and either a three-way stop or a traffic light should be seriously considered.

I look forward to attending the public meeting on April 9 and to hearing both from the developer and from other stakeholders in this project.

Yours sincerely,

James A Webber

From: [Cassandra Cruickshank](#)
To: [Richard Huang](#)
Cc: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: RE: Notice of Complete Application, Open House, and Public Meeting - ZBA-02-2024, 26T-18-24-02 & 26CD-18-24-01 - Konik Estates Phase 2 North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive and West of Frontier Drive, Niagara-on-the-...
Date: Friday, March 1, 2024 12:21:37 PM

Good afternoon,

Confirming receipt of your request to attend the Public Meeting on Tuesday, April 9, 2024.

Additional information will be sent ahead of the meeting.

I have cc'd Aimee Alderman to look into the below questions.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Richard Huang
Sent: Friday, March 1, 2024 9:50 AM
To: Clerks <clerks@notl.com>
Subject: Re: Notice of Complete Application, Open House, and Public Meeting - ZBA-02-2024, 26T-18-24-02 & 26CD-18-24-01 - Konik Estates Phase 2 North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive and West of Frontier Drive, Niagara-on-the-...

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Hi Clerks,

I am a resident of Niagara-on-the-Lake, and I would like to **register to attend virtually for the Public Meeting on Tuesday, April 9, 2024 at 6:00 pm** regarding files ZBA-02-2024, 26T-18-24-02 & 26CD-18-24-01 – Konik Estates Phase 2 North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive and West of Frontier Drive, Niagara-on-the-Lake. Thank you in advance for your help!

I have some questions that I hope the developer can answer ahead of time and during the meeting.

1. The lot has 800-1000 mature trees according to my rough count. Will the trees be removed for this development? How will all of the mature trees be replaced?
2. Line 2 Road is not in the greatest condition, with noticeable unevenness and potholes, etc. With the increase in vehicle traffic from this development, how will you address the increased demand on the already deteriorating road?
3. Crossroads Public School is a very busy school right on Line 2 Road. With the increased vehicle traffic from this development, how will you address the increased risk to pedestrian safety? Will you commit to building sidewalks along Line 2 Road from the development to the school to ensure the safety of pedestrians?
4. The proposal states the planned building of 160 homes. That seems like a lot of homes on a not so large piece of land. Can you share the design you have for the site so we can see how big the site is and how the homes will be placed? Also, can you share exactly how the road access will work for the homes? Also, can you tell us how you will address the increased strain on the public utilities (e.g. water, sewer, electricity, internet, gas, etc.) due to the increased demand from the new development?

Sincerely,

Richard Huang
Resident of Niagara-on-the-Lake

From: [Judith E. Allison](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: RE: Comments Regarding Open House for Konik Estates Phase II
Date: Saturday, April 13, 2024 2:07:52 PM

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Hello Aimee...

Subsequent to your reply to my original e-mail (see e-mail string below), my wife and I were able to attend the in-person open house session at the Town Hall on April 8th. We were not able to schedule time to speak, so we are sending comments via e-mail related to our original concerns for your information, consideration and distribution.

Concern #1: We were pleased to hear the excellent citizen presentations about their concerns related to the future of the 800 fully mature coniferous trees and the importance of the preservation of these trees to Virgil and the wider NOTL community. We were however concerned about reference to these trees as part of a plantation or farm. Perhaps at some time in the past, this area would have fit this description but now this area has evolved into a very large section of land consisting of fully mature coniferous trees with all of the benefits that they provide to citizens, the community, to wildlife and to the environment in general. Accurate wording/description of this area as being an area of 800 fully mature trees (not a tree farm or plantation) is important.

Concern #2: The closeness of three intersections (Pierpoint, Riesling and the new Konik Estates Phase II intersection) which will all intersect with Line 2 within metres of each other was not directly spoken to at the meeting. Adding to our concern about this issue is the fact that new driveways onto Line 2 from 6 new Townhouses in the plans for Konik Estates Phase II will be “squeezed” between these three intersections. Further, as mentioned before, there is a strong possibility of a fourth intersection onto Line 2 from 431 Line 2 that was recently approved to be subdivided for potential future housing development. All of these intersections and driveways accessing Line 2 within metres of each other must be considered seriously and addressed before the approval of new developments are provided.

Concern #3: We were pleased to hear that NOTL is planning for the future upgrades and improvements on Line 2 related to the road and sidewalks presently in place in this area and that construction is forthcoming. We would emphasize that these improvements should occur sooner rather than later as Line 2 is a already dangerous pedestrian/traffic situation for school children and other Virgil citizens alike.

Finally, we would add that we support the excellent presentations we heard from citizens and the supportive questions added from councillors about the need of park/playground space to be

included in the Konik Estates Phase II development area. Given that there is high probability of other future Virgil housing development in the area of Line 2, the need for playground space for school age students, many of whom will likely be attending Crossroads Public School, should be included and emphasized in all Virgil/Line2 area planning.

We also learned that the Town has already accepted cash in lieu of park/playground development from the builder. This being so, there is a huge opportunity for the Town of NOTL to use this cash and any other in-lieu of park development cash received to develop a beautiful park area inclusive of the 800 mature trees that already exist, for all current and future Virgil residents to use and enjoy.

Thank you for your attention to these additional comments and we trust that this information will be shared and seriously considered.

Rob Allison
Pierpoint Drive

From: [Judith E. Allison](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: Comments Regarding Open House for Konik Estates Phase II
Date: Tuesday, March 5, 2024 7:43:39 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Good evening Aimee...

Over the last several days, I have left four separate voice mail messages in total with yourself and another Planning Department representative regarding my hope to express my thoughts and concerns about the recent signage erected on Line 2/Pierpoint Drive area about the Konik Estates Phase II development. Since I have not received any reply from either you or the other representative, I am hoping to share my concerns with you via the e-mail address that is indicated on one of the signs.

My name is Rob Allison and I live on Pierpoint Drive within a short distance of the indicated expansion of the Konik Estates Phase II.

I have three concerns regarding this expansion of Konik Estates

Concern 1: As currently pictured on the signage, the Phase II expansion of housing on Konik Estates Phase II plans will result in the destruction of hundreds (perhaps even a thousand or more) of fully mature coniferous trees that stretch from Line 2 all the way to Homestead Drive. This loss of trees and the benefits that trees provide would be devastating to the Virgil Urban Area and to NOTL as a whole. I would appreciate your feedback on the position of the NOTL Planning Department in this regard.

Concern 2: As currently pictured on the signage, there will be an intersection from Konik Estates Phase II to Line 2 a few metres west of the current Pierpoint Drive intersection with Line 2 and also, the separate current Riesling Drive intersection with Line 2 (I understand that Riesling Drive has not been assumed by NOTL, however many residents regularly use this laneway for access to and from Line 2). In addition, 431 Line 2 has recently been approved to be "subdivided" for potential future housing development behind that location. This could ultimately result in yet another intersection to Line 2 just a few more meters farther west. I would appreciate your feedback on the position of the NOTL Planning Department in this regard.

Concern 3: When the Konik Estates Phase II is completed, there will be a substantial number of new residents within this area, many of which will be children who will attend Crossroads Public School. Add to that, would be the potential of an additional housing development associated with any potential future planning behind 431 Line 2. This would result in a significant pedestrian travel along

Line 2, one of the most heavily travelled (often at excess speeds) line in Virgil. As of now, there are no municipal sidewalks stretching from Bordeaux Drive all the west way to Concession 6. Children walking to school and other residents walking in this area are required to use the road and/or the ditch to reach their destination. While not directly related to the current planning process, the Konik Estates Phase II will definitely negatively impact on an already dangerous traffic/pedestrian situation. I would appreciate your feedback on the position of the NOTL Planning Department in this regard.

Unfortunately, I will likely not be available for either the remote or in person Open House sessions described on Line 2/Pierpoint Drive signage. I would be very appreciative that these three concerns be included in any documentation related to planning review and decisions.

I look forward to your feedback regarding these three concerns,

I thank you in advance for your feedback,

Rob Allison
Pierpoint Drive

NOTICE OF COMPLETE APPLICATION KONIK ESTATES PHASE 2 : DRAFT PLAN OF SUBDIVISION QUESTIONS

(1) OPEN HOUSE

- Brief overview of what transpires
- Why is attendance only available electronically ?

(2) What is current zoning of property ?

(3) Developable density = 19.36 Units/ ha.

Is this classified as medium or high density ?

(4) There appears to be no area for Parkland within the subdivision.

Is that correct ?

(4a) Was there any Parkland dedication in Phase 1 that would serve both Phase 1 and 2 adequately?

(5) What are the building types in the '102 block townhouse dwelling units' (Bungalow, Two-storey, Triplexes, Fourplexes)

(6) It appears that all the trees currently on the designated property will be removed.

Is that correct ?

(7) In the 'Demonstration & Landscape Plan' there are new trees delineated on the front yard of each unit?

What type of trees will be planted and there maturity ?

(8) There are trees delineated in the back yards of Lots 4, 5, 26, 27.

What type of trees and maturity ?

(9) It is presumed that all units will have sump pumps.

How/where will the water be discharged ?

(10) The intersection of Line 2 Road and Niagara Stone Road is currently very busy most of the year making left and right turns on to Niagara Stone Road difficult at times.

With the addition of 150 residential units this will cause further impairment.

Are there any plans to address this situation in conjunction with Regional government ?

(11) There are three lots identified as 50, 51 and 52 that front on to Concession 6 Road.

There is existing residential in this area with addresses 1537, 1529, and 1523 Concession 6 Road.

Have these lots been identified properly on the Draft Plan of Subdivision maps ?

From: Bob & Erika
Sent: Tuesday, March 19, 2024 9:41 AM
To: Aimee Alderman, MSc, MCIP, RPP
Subject: Fw: Konik Estates Phase 2 Questions
Attachments: [Konik Estates Phase 2 Questions.doc](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Aimee:

Please advise status of response to queries submitted on March 6 (per e-mail below).

In addition, an update of the Open House held electronically yesterday has been received from one of the participants.

Of significant interest is fencing along the property line adjacent to approximately 19 existing residences predominantly in the Vineyards II subdivision.
There are 2 questions:

- (1) What specifically is denoted by the developer at this point in time
- (2) What are the requirements of the developer per subdivision planning approvals

Robert Buchkowksy

From: [Bob & Erika](#)
Sent: Wednesday, March 06, 2024 3:14 PM
To: aimee.alderman@notl.com
Subject: Konik Estates Phase 2 Questions

Aimee Alderman:

Per our discussion today questions relating to the Draft Plan of Subdivision for Konik Estates Phase 2 are in the Attachment.

After review please advise whether response is more appropriate in a meeting or via e-mail.

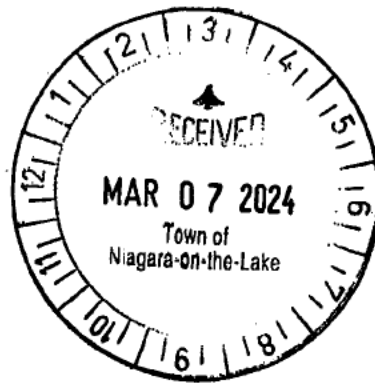
Thanks.

Robert Buchkowsky
10 Riesling Drive,
Niagara-On-The-Lake, Ontario,
L0S 1J0

Steve Mills
46 Pinot Trail
NOTL, ON, L0S 1J0

February 29, 2024

Town of Niagara on the Lake
Community & Development Services
PO Box 100, 1593 Creek Road
Virgil, ON, L0S 1T0



To whom it may concern

Re: Proposed Draft Plan for Konik Estates Phase 2

I am writing to express my concern with the proposed draft plan for Konik Estates Phase 2. Specifically, the removal of the plot of spruce trees adjacent to Vineyards II Community (VCA II) as part of this plan.

I understand there is a need for more housing in the area, however it seems irresponsible and short-sighted to tear out approximately 1000 mature trees in an area lacking in such vegetation. It also surprises me to hear that an "environmental assessment" showed no significant impact on wildlife if this were to happen. There is a variety of wildlife in this treed area and every spring those trees become home for thousands of nesting birds.

I know many, if not all, residents in our VCA II neighbourhood would like at least a portion of the trees to remain. I would also think that the new subdivision would benefit from having mature spruce trees on or behind the new properties being built.

Please consider the effect that the removal of these trees would have on the environment and wildlife in the area, and if their removal is necessary to the proposed plan.

I am asking that the planned removal of these trees be stopped.

Sincerely,

A handwritten signature in black ink, appearing to be 'Steve Mills'.

Steve Mills



From: Browns Point
Sent: Monday, April 15, 2024 7:51 AM
To: Cassandra Cruickshank
Cc: Clerks; Aimee Alderman, MSc, MCIP, RPP
Subject: Konik Phase 2

Follow Up Flag: Follow up
Flag Status: Completed

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Good Morning

I'm following up on my question from last week prior to the Committee meeting.

Is a developer permitted to begin construction of an additional phase without completion of Phase 1?

Correct me if I'm wrong, I may have read that while searching Municipal by-laws.

Thank you in advance.

Regards,

Tanya Rice

456 Line 2 Road

Sent from my iPhone while Out & About

From: Browns Point
Sent: Friday, April 19, 2024 8:08 AM
To: Aimee Alderman, MSc, MCIP, RPP
Subject: Re: Konik Phase 2

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Good morning Ms. Alderman

Thank you, your reply is very appreciated and addresses my question satisfactory.

There's a significant amount of standing water on the two properties (Phase 1 & 448 Line 2), I hope this issue will be addressed prior to mosquito season.

We don't believe the current road conditions of Line 2 can support the building of two (3 unit) townhomes. Six additional driveways with the potential of twelve cars daily utilizing Line 2 would absolutely be an impediment to our neighbourhood.

Thank you for making yourself available.

Regards,

Tanya Rice

456 Line 2 Road, NOTL

March 13/2024

Re: Files ZBA-02-2024, 26T-18-24-02 & 26CD-18-24-01 – Konik Estates Phase 2 North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive and West of Frontier Drive, Niagara-on-the-Lake

Attention: Mr. Bivol

Dear Sir

My husband Peter & I are the registered property owners and reside fulltime at 456 Line 2 Road, Niagara on the Lake. Our home is located in close proximity to the proposed developed (Konik Estates Phase2) as referenced in the Files above.

In general, we are not opposed to the overall site plan. Our concern is focused primarily on BLOCK 53 and BLOCK 54 as indicated directly on Line 2 Road, proposed two rows (3 units each) of townhouses. This particular end of Line 2 has experienced not only an increase in vehicular traffic but excessive speeding. Traffic and speeding have increased dangerously since the speed cameras became operational (2024) in the vicinity of Crossroads School.

*locals tend to use Line 2 as a “cut through” off Niagara Stone Road to avoid the cameras and speeding penalties.

Perhaps prior to committing to building of townhouses on Line 2 (Blocks 53 & 54) the initial Transportation Impact Study (dated: December 18/2023) can be revisited.

<https://www.notl.com/sites/default/files/2024-02/Transportation%20Impact%20Study%20%28December%2018%2C%202023%29.pdf>

We also have grave concerns regarding the amount of visitor cars that will utilize parking on Line 2 directly in front of the townhouses. Additional parked cars will limit foot traffic as we don't have sidewalks in the proposed area of Blocks of 53 & 54. Townhouses should be built within the boundaries of proposed (Block 55) Streets A, B, C or D, thus keeping the over all concept of single family (detached) dwellings. Currently townhouses are not built on Line 2 Road, and should not be permitted.

*six additional driveways in close proximity would not be aesthetically in this neighbourhood!

We wish to be notified of all future decision(s) with respect to the above applications.

Respectfully,

Tanya & Peter Rice
456 Line 2 Road, Niagara on the Lake

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 242 Ricardo Street
Zoning By-law Amendment Application (ZBA-08-2024)

DATE: 2024-07-16

REPORT #: CDS-24-105

PREPARED BY: Victoria Nikoltcheva, Planner II

DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Executive Summary

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

An Application has been submitted for a Zoning By-law Amendment to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER3) Zone” to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit a 5-room Country Inn and an accessory dwelling unit in an existing detached garage. The site-specific provisions would also recognize the existing front yard setback of the dwelling at 0.0 metres.

Location

The subject lands are located on the south side of Ricardo Street, east of Nelson Street, in the urban area of Old Town. The location of the subject lands is shown in **Figure 1**.

The subject lands are approximately 1,671 square metres with 36.5 metres of frontage on Ricardo Street. The land currently contains a two-storey single-detached dwelling, a two-storey detached accessory building, a gazebo and a vinyl shed. The property is listed on the Town’s Municipal Heritage Register and the dwelling is connected to municipal water and sanitary services. Surrounding lands include residential, open space and institutional uses.

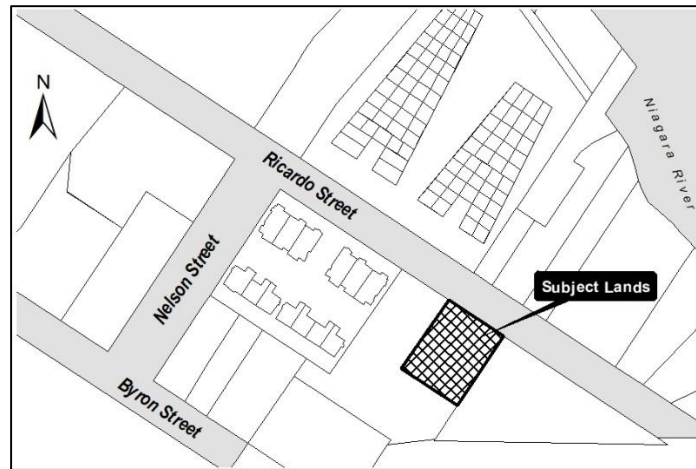


Figure 1: Location of the subject lands

Development Process

The Application is in the first stage of the development review process outlined as follows:



Proposal

The Application has been received for a Zoning By-law Amendment to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER3) Zone” to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit a 5-room Country Inn and an accessory dwelling unit in an existing detached garage. The site-specific provisions would also recognize the existing front yard setback of the dwelling at 0.0 metres. No construction is required to facilitate the proposed guest rooms, and the existing dwelling and accessory structure are to remain. Minor landscaping alterations are proposed to accommodate the required parking spaces for the proposed use.

The following documents have been submitted and are being considered during the review of the Application:

- Zoning Amendment Application Form, May 17, 2024
- Site Plan Drawing, April 4, 2024
- Planning Justification Report & Draft Zoning By-law Amendment, May 2024
- Main Dwelling Floor Plans, May 2024
- Detached Garage with ADU Floor Plans

The Application was deemed complete by Town Staff on June 21, 2024. The proposed Site Plan Drawing is attached as **Appendix I**.

Policy Review

The following provides a general overview of the policy framework regarding this Application. A full policy review will be completed and included in the recommendation report.

Planning Act, R.S.O. 1990, c.P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect.

Provincial Policy Statement, 2020

The subject lands are designated as being within a "Settlement Area" according to the Provincial Policy Statement (the "PPS").

The PPS indicates growth and development are intended to be directed primarily to settlement areas. The Town is encouraged to develop healthy, livable, and safe communities by:

- accommodating an appropriate range and mix of uses;
- efficiently using land and public infrastructure;
- promoting the integration of land use planning, growth management, intensification, and infrastructure planning to achieve cost-effective development patterns;
- supporting active transportation; and
- preparing for climate change.

The PPS also states that long-term economic prosperity should be supported by encouraging a sense of place by conserving features that help define community character, including built heritage resources.

Greenbelt Plan, 2017

The subject lands are designated as "Towns/Villages" on Schedule 1 to the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan directs that lands within the "Towns/Villages" designation are subject to the policies of the Growth Plan and official plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The subject lands are within a "Settlement Area" and "Delineated Built-up Area" with respect to the policies of the Growth Plan. The Growth Plan sets out policies and directions for managing growth, intensification in the delineated built-up area, and creating complete communities. Complete communities are achieved by allowing for a diverse mix of land uses, improving social equity, contributing to access to surrounding public facilities and services, and providing for a compact built form and vibrant public realm. The Growth Plan also states that cultural heritage resources will be conserved to foster a sense of place and to benefit communities.

Niagara Official Plan, 2022

The subject lands are identified as being within the "Delineated Built-Up Area" on Schedule B in the Niagara Official Plan (the "NOP"). The NOP directs that growth should be accommodated within built-up areas. Municipalities are expected to responsibly manage the forecasted growth and plan for a compact built form, vibrant public realm, and a mix of land uses to support the creation of complete communities. The NOP also promotes the identification, protection and management of built heritage resources and cultural heritage landscapes.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated “Established Residential” in the Town of Niagara-on-the-Lake Official Plan (the “Town OP”). Low density residential uses such as single-detached, semi-detached and duplex dwellings are permitted in the Established Residential designation.

Country Inns are considered a secondary use within a single-detached dwelling of the principal residence of the owner/operator. The Town regulates the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, and short-term rental licensing by-law.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are designated “Established Residential” in the proposed Official Plan.

Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are currently zoned “Old Town Community Zoning District - Established Residential (ER3) Zone” according to Zoning By-law 4316-09, as amended. Single-detached dwellings and accessory structures are permitted uses.

The applicant is requesting to rezone the property to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit the Country Inn use.

The following chart outlines the existing “Established Residential (ER3) Zone” standards in comparison to the amendments requested.

Zone Requirement	ER3 Zone	Site-Specific ER3 Zone
Country Inn	Not permitted	Permitted up to 5 rooms
Minimum front yard setback	7.5 metres	0 metres (existing dwelling)

The Application also seeks to recognize the existing accessory dwelling unit contained within the detached accessory structure (garage). Accessory dwelling units are permitted as-of-right on the subject lands, subject to and in accordance with criteria as provided in the *Planning Act*.

The property proposes a total of 8 parking spaces on-site to accommodate the uses. The minimum parking requirements are being met.

Consultation

The Application was circulated to Town Departments and external agencies for review and comment. Public Notice of the proposal was provided as required by the *Planning Act*. An electronic Open House was held on Tuesday, July 9, 2024.

To date, the following comments have been received:

Town Departments

Fire and Emergency Services – No objections. An inspection will be conducted to ensure fire code compliance when the STR license is completed.

Finance – No objections.

Operations – No objections. If there is no existing encroachment agreement on file for the existing dwelling then the owners will need to enter into one with the Town.

Agencies

Niagara Region – No objections. The standard protocol for the discovery of potential archaeological resources has been provided to the applicant.

Public Comments

As of the time of report completion, no comments have been received from the public. The Open House was held after on July 9, report submission as well. Any comments received will be reported via the staff presentation at the public meeting.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through the review of the applications. The applicant will have an opportunity to respond to comments and submit revised application materials. Any revised materials will be made publicly available. Once the review process has concluded, a staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

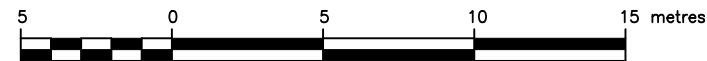
- **Appendix I – Site Plan Drawing**

NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

242 RICARDO STREET
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250



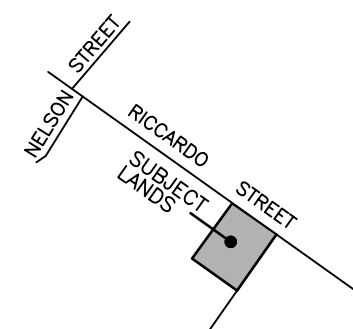
J.D. BARNES LIMITED

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METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



TOWN OF NIAGARA-ON-THE-LAKE

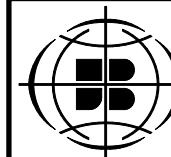
LEGAL DESCRIPTION

PART OF BLOCK 18, TP PLAN 86 AND PART OF BLOCK A, TP PLAN 30

BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED DECEMBER 22, 2023. THIS IS NOT A PLAN OF SURVEY.

APRIL 4, 2024
DATE

ANDREW HANDSPIKER
ONTARIO LAND SURVEYOR



J.D. BARNES
LIMITED

LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

SURVEYING
MAPPING
GIS

TS DRAWN
AH CHECKED
DATED:
APR. 4/24

Ref. No.
23-16-369-01

PLOT DATE: 4/4/2024 4:12 PM

RICARDO STREET

(MUNICIPAL ROAD - 20.12 WIDE)

ASPHALT EDGE
GUTTER

BACK OF CURB

CONCRETE WALK

0.58 NE

0.64 NE

DIA 0.6

DIA 0.6

"B U S H"

"O P E N"

"A"

30

PLAN

ZONING CONFORMITY (ER3)

	REQUIRED	PROVIDED
MINIMUM FRONT YARD SETBACK	7.5	0
MINIMUM REAR YARD SETBACK	7.5	20.79
MINIMUM INTERIOR SIDE YARD SETBACK	1.22	5.64
MINIMUM REAR YARD SETBACK FOR ACCESSORY BUILDINGS	1.52	4.43
MINIMUM SIDE YARD SETBACK FOR ACCESSORY BUILDINGS	1.52	1.90
MAXIMUM LOT COVERAGE	33%	20.6%
MINIMUM LANDSCAPED OPEN SPACE	30%	66.7%
PARKING SPACES	-	8

PARKING REQUIREMENTS

	RESIDENTIAL UNITS	PARKING SPACES
PRIMARY RESIDENCE		2
GUEST ROOMS	5	5
ACCESSORY DWELLING UNIT	1	1

TOTAL SPACES: 8

BLOCK
TP

PLAN 18
86

BLOCK
TP

CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 15608 and 15618 Niagara River Parkway
Zoning By-law Amendment Application (ZBA-07-2024)

DATE: 2024-07-16

REPORT #: CDS-24-110

PREPARED BY: John Federici, MCIP, RPP, Senior Planner

DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

The Zoning By-law Amendment Application has been submitted concurrently with a Consent Application to adjust the lot boundary between 15608 Niagara River Parkway and 15618 Niagara River Parkway. The Zoning By-law Amendment proposes to rezone a portion of the subject lands municipally known as 15608 Niagara River Parkway (Reif Estate Winery), which is proposed to be added to 15618 Niagara River Parkway through the boundary adjustment, to the existing “Rural Residential (RR) Site Specific Zone” on the lands. The Application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway.

The Consent Application will be considered by the Town’s Committee of Adjustment during the July 18, 2024, meeting.

Location

The subject lands comprise two separate parcels that are located to the south of Line 2 Road, east of Concession 1 Road and west of the Niagara River Parkway within the agricultural area (see **Figure 1**). The lands are municipally known as 15608 Niagara River Parkway and 15618 Niagara River Parkway.

The 15608 Niagara River Parkway property has an area of 323,667 square meters (approximately 79 acres) and is the location of Reif Estate Winery. 1,341.8 square meters of land from 15608 Niagara River Parkway is proposed to be added to 15618 Niagara River Parkway (Grand Victorian dwelling), which currently has an area of 6,124.9 square meters

(approximately 1.5 acres). Both properties combined have a total of 185.6 metres of frontage on Niagara River Parkway. The surrounding lands include agricultural and rural residential uses.

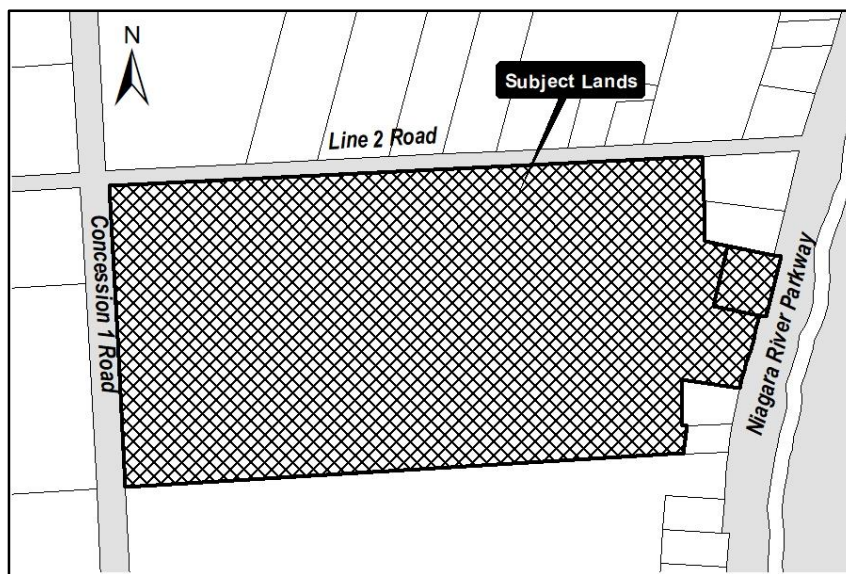


Figure 1: Location of the subject lands.

Development Process

The Application is in the first phase of the development review process.



Proposal

A Zoning By-law Amendment Application has been submitted to rezone the portion of the subject lands being added to 15618 Niagara River Parkway from “Rural (A) Site Specific Zone” to an existing “Rural Residential (RR) Site Specific Zone,” which was enacted through By-law No. 500XC-18.

Historically, the Reif Estate Winery lands and the Grand Victorian has had complementary functions (winery and country inn). The Grand Victorian now functions as a private residence and the lands proposed to be added through boundary adjustment are requested for rear yard amenity space for residential use.

The following documents have been submitted and are being considered during the review of the Application:

- Cover Letter – May 23, 2024.
- Planning Justification Report – May 6, 2024.
- Consent Sketch – April 17, 2024.

- Site Plan – May 8, 2024.

The Zoning By-law Amendment Application was deemed complete by Town Staff on June 21, 2024.

A Consent Application has been submitted to adjust the boundary between 15608 and 15618 Niagara River Parkway. The Consent Application is being reviewed as part of a separate process and will be considered by the Town's Committee of Adjustment on July 18, 2024. The Consent Sketch is attached as **Appendix I** to this report.

Policy Review

The following provides a general overview of the policy framework regarding the Zoning By-law Amendment Application. A full policy review will be completed and included in the recommendation report.

Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect.

Provincial Policy Statement, 2020

The subject lands are identified as being within the "Prime Agricultural Area" and, more specifically, a "Specialty Crop Area" under the Provincial Policy Statement (the "PPS").

The PPS recognizes that agricultural land is an asset that must be properly managed and protected. The policies of the PPS restrict lot creation in agricultural areas and only permit the severance of agricultural lots for legal or technical reasons, minor boundary adjustments, a residence surplus to a farming operation, or infrastructure, all subject to specific criteria. Policies further direct that agriculture-related and on-farm diversified uses are permitted in prime agricultural areas if they are compatible with and do not hinder surrounding agricultural operations.

Greenbelt Plan, 2017

The subject lands are identified as being "Specialty Crop Area" (Niagara Peninsula Tender Fruit and Grape Area) within the "Protected Countryside" according to the Greenbelt Plan. All types of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.

Section 4.6 of the Greenbelt Plan discourages lot creation within Prime Agricultural Areas, which include Specialty Crop Areas. Lot creation may only be permitted for agricultural or agricultural related uses, acquiring land for infrastructure purposes, minor lot adjustments or boundary additions provided that they do not create a separate lot for a residential dwelling, or for a residence surplus to a farming operation, all subject to specific criteria.

Niagara Official Plan, 2022

The subject lands are designated as “Specialty Crop Area” on Schedule F in the Niagara Official Plan, 2022 (the “NOP”). Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in the specialty crop area.

The NOP permits consents for legal or technical reasons, and minor boundary adjustments, as determined by Local Area Municipalities, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a key natural heritage feature or key hydrologic feature, and they comply with all other policies in the NOP.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated “Agricultural” on Schedule A in the Town of Niagara-on-the-Lake Official Plan (the “Town OP”). The Town OP provides goals and objectives for agricultural designated lands, including the preservation of these lands, permitting a limited amount of farm-related development and considering the impact on surrounding agriculture. Estate Wineries are permitted independent of a main use.

The Town OP provides policies for consents for minor boundary adjustments on lands in the Agricultural designation that the boundary adjustment is minor, the parcel retained is large enough to support a potentially viable farm operation, the consent complies with other policies of the Plan, and the consent does not create a separate lot for a residential dwelling. Section 21 of the Town OP sets out further policies which direct that consents for severance where the site already contains a building should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are identified as “Specialty Crop Lands” on Schedule B1 in the proposed Official Plan.

Niagara-on-the-Lake Zoning By-law 500A-74, as amended

The portion of the subject lands municipally known as 15608 Niagara River Parkway are zoned “Rural (A) Site Specific Zone”, and lands municipally known as 15618 Niagara River Parkway are zoned “Rural Residential (RR) Site Specific Zone,” enacted through By-law No. 500XC-18.

The Zoning By-law Amendment Application has been submitted to rezone a portion of the lands municipally known as 15608 Niagara River Parkway to an existing “Rural Residential (RR) Site-Specific Zone” which applies to lands known municipally as 15618 Niagara River Parkway. The application also addresses a setback deficiency to an existing building located on 15608 Niagara River Parkway. Under Section 3.33 of Zoning By-law 500A-74, as amended, estate wineries are required to have a minimum building setback of 15 metres from all property lines. Relief is being requested to allow a setback of 12 metres from an existing administrative building to the property line.

Consultation

The Application was circulated to Town Departments and external agencies for review and comment on June 21, 2024. Public Notice was provided as required by the *Planning Act*.

To date, the following comments have been received:

Town Comments

Finance – No objection.

Operations – No objection.

Agency Comments

Enbridge Gas – No objection.

Hydro One – No objection.

Niagara Parks Commission – No objection. Request as part of the Site Plan Approval process that a strip of land 30 feet in depth across the entirety of the parcel located at 15618 Niagara River Parkway, be dedicated to the Niagara Parks Commission.

Niagara Peninsula Conservation Authority – No objection.

Public Comments

As of the time of report completion, no comments have been received from the public. The Open House was held on July 9, after report submission as well. Any comments received will be reported via the staff presentation at the public meeting.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through the review of the application. The applicant will have an opportunity to respond to comments and submit revised application materials, as applicable. Any revised materials will be made publicly available. Once the review process has concluded, a Staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

- **Appendix I – Consent Sketch**

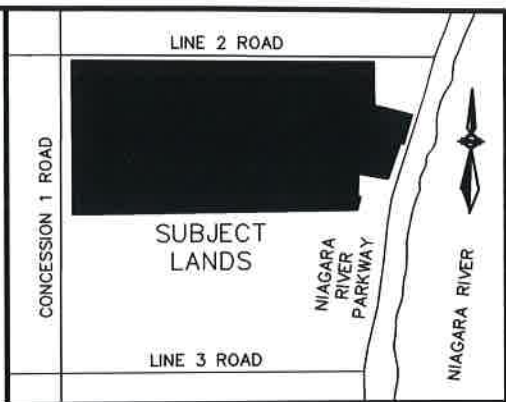
PRELIMINARY SKETCH TO ACCOMPANY AN APPLICATION UNDER THE PLANNING ACT
PART OF TOWNSHIP LOT 19
(GEOGRAPHIC TOWNSHIP OF NIAGARA)
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA



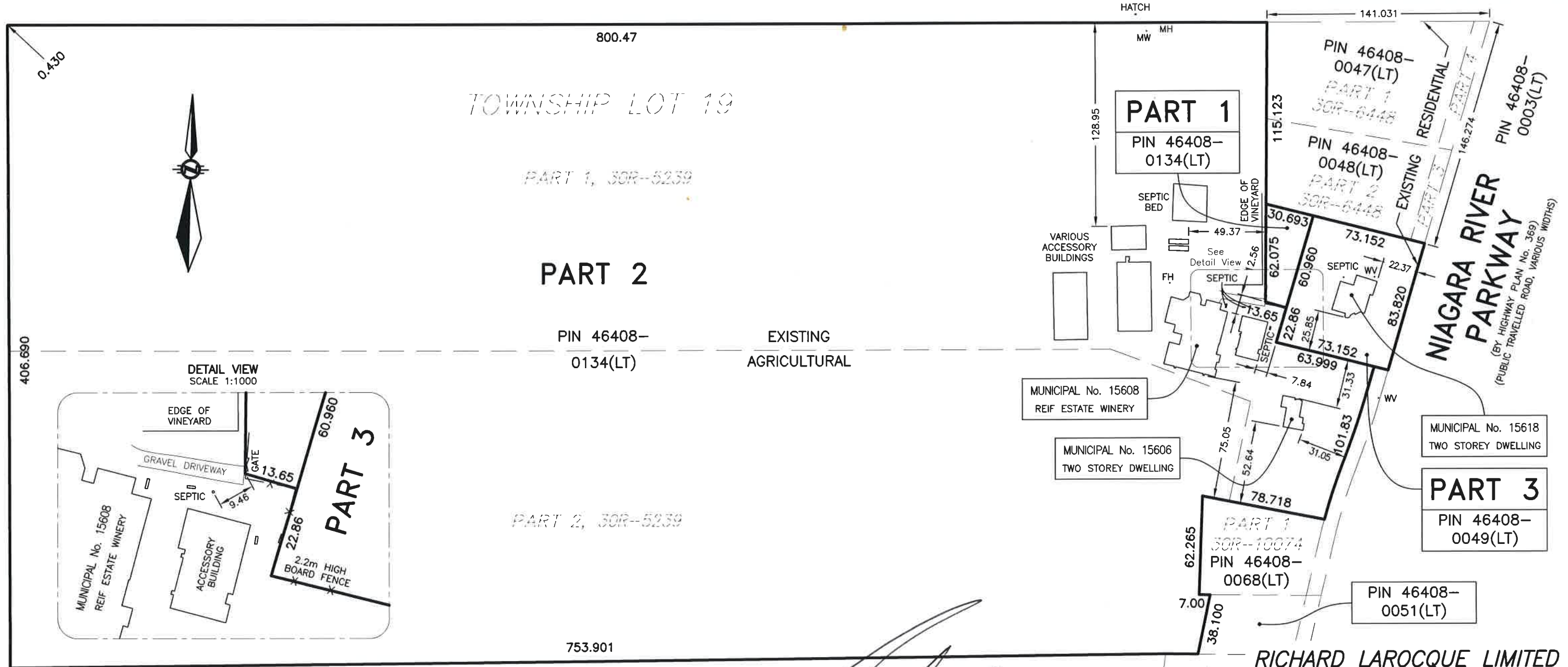
LINE 2 ROAD
(AS LOCALLY KNOWN)
(ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 19 & 20)
(PUBLIC TRAVELLED ROAD, 20.117 WIDE)
PIN 46408-0045(LT)

AREA SCHEDULE	
DESCRIPTION	AREA (m²)
PART 1	1,341.8
PART 2	323,667.0
PART 3	6,124.9

KEY PLAN
NOT TO SCALE



PIN 46408-0001(LT) CONCESSION 1 ROAD (AS LOCALLY KNOWN) (PUBLIC TRAVELLED ROAD, VARIOUS WIDTHS)



APRIL 17, 2024 BRENT LAROCQUE O.L.S.

RICHARD LAROCQUE LIMITED
ONTARIO LAND SURVEYORS & CONSULTANTS
12 LYMAN STREET, ST. CATHARINES, ONTARIO
905-688-1413
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO
905-358-8400
www.larocquegroup.ca

THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.

NOTE: THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE

METRIC NOTE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

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DRAWN BY:
D.B.

CHECKED BY:
B.L.

DATE:
APR. 17, 2024

FILE: 2021-015A
DWG. FILE: 2021-015A-04

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Draft Glendale Secondary Plan and Urban Design Guidelines
DATE: 2024-07-16
REPORT #: CDS-24-125
PREPARED BY: Kirsten McCauley, MCIP, RPP, Director of CDS
DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

The purpose of this report is to provide Council with an update on the Town's draft Glendale Secondary Plan and Urban Design Guidelines. The update is required to align the Town's existing Glendale Secondary Plan, initially approved in 2010, with the vision established by the Glendale District Plan.

The [Glendale District Plan](#) was undertaken by the Region from 2018-2020. The District Plan consists of a shared vision with key directions for transforming the Glendale area into a mixed use, vibrant, and complete community. It was endorsed in 2020 by both the Town of Niagara-on-the-Lake Council and Regional Council.

The Region is project managing the Secondary Plan update for the Town. A consulting team, led by The Planning Partnership, was retained to lead work on the update. Regional and Town Staff representatives together oversee the consulting team's work on the project.

The Secondary Plan update is informed by various technical studies, including:

- **Background and planning review** coordinates all technical studies to ensure alignment and prepare policy direction to ensure the land use direction is realized.
- **Transportation assessment** identifies the benefits, impacts, accessibility, and infrastructure requirements for all transportation modes in a manner that aligns with projected needs.
- **Infrastructure study** reviews existing municipal servicing capacity and identifies any infrastructure upgrades required to implement the proposed land use and population projections.
- **Natural heritage/subwatershed study** reviews the natural heritage features and environmental constraints within the study area. This study includes three main review components: environmental features, stormwater management, and groundwater.
- **Commercial/employment lands study** assesses the potential market opportunities for new commercial and employment opportunities to serve the

existing and future residents and visitors.

- **Urban design guidelines** make recommendations for creating a comfortable, well-designed community and public realm. The urban design direction will balance the land use with high-quality urban design.
- **Financial impact study** evaluates the growth-related impact of the Glendale study area. The study will assess local and regional municipal capital and operating budget requirements related to the development of the study area and consider the timing of infrastructure and facility investment as it relates to servicing development in Glendale.

Information from the above studies has been used to inform the draft Secondary Plan and urban design guidelines.

The Secondary Plan and urban design guidelines are proceeding through the typical three phase process – background review, land use option evaluation, and preferred land use plan and policies. To date, the project team has completed phase one and two, and is currently in phase three. The team has undertaken several points of engagement throughout the project, including public information centres, community focus group meetings, landowner meetings, and technical advisory committee meetings. A progress update on the Glendale Secondary Plan update was presented to Council at a [special meeting](#) on September 25, 2023.

An early draft of the urban design guidelines was also reviewed by the Town's Urban Design Committee (UDC) on November 22, 2023. Comments from the UDC were provided to the consulting team and have been reflected in the attached version of the guidelines.

A copy of the draft secondary plan and schedules (**Appendix I**), and urban design guidelines (**Appendix II**) is attached to this report. All technical study information will be posted on the Town's project webpage by end of day Friday, July 12, 2024 - <https://www.notl.com/business-development/projects-initiatives/glendale-secondary-plan>.

The information will be presented to the public at the final Public Information Centre to be held on August 14, 2024. This meeting is proposed to be held at Town Hall, and the presentation will be livestreamed and recorded. Notice of the meeting will be provided to Council once available. It will also be shared via notice in the newspaper, the project circulation list and social media.

Following the Public Information Centre, the consulting team will review all input received and update the policies, guidelines and studies, as necessary.

NEXT STEP / CONCLUSION

A Statutory Public Meeting as required by the *Planning Act* will be scheduled for early fall. Staff intend to bring forward the final Secondary Plan and urban design guidelines for Council approval by the end of the year.

ATTACHMENTS

- Appendix I – Draft Glendale Secondary Plan
- Appendix II – Draft Urban Design Guidelines

Glendale Secondary Plan

Final Draft

March 28, 2024



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1.0 INTRODUCTION

1.1 Approach

- a) Glendale has been identified as a Strategic Growth Area in the Niagara Region Official Plan and has been assigned a high priority for development and intensification in Niagara Region. Glendale is expected to:
 - i. Transform into a vibrant and complete community for people of all ages, lifestyles and abilities;
 - ii. Incorporate a mix of uses and built form within its urban districts;
 - iii. Protect, integrate, celebrate and connect to the natural and rural surroundings reflecting the distinct character of the area; and
 - iv. Put mobility first with a robust transit system and active transportation routes seamlessly connecting areas north and south of the QEW highway.
- b) This Secondary Plan (this Plan) is purposefully written to celebrate inclusivity and diversity, and therefore avoids the identification of any person, or group of people in the vision, principles and subsequent land use policy frameworks.
- c) This Plan establishes a framework for growth and development to the year 2051. It is the Town's primary tool for guiding development within Glendale. The detailed policies of this Plan build upon the vision for the future and a number of supportive principles that have been established through both the Glendale District Plan and this Plan. Together, the vision, principles and policies of this Plan provide a comprehensive framework to guide decision making about future growth, and to manage change in a way that ensures that the evolution of Glendale occurs in a way that enhances it as a successful and desirable place to live, work, play and to invest in.

1.2 Application

- a) The lands affected by this Plan are identified on **Schedule 1**, and are known as the Glendale Secondary Plan Area. The vision, principles, policies and schedules contained in this Plan constitute the Glendale Secondary Plan. Decision making will be based on conformity with all the relevant policies of this Plan. The text of this document and the following schedules constitute this Plan:
 - i. Schedule 1 - Land Use Designations;
 - ii. Schedule 2 - Building Height;
 - iii. Schedule 3 - Natural Heritage System;
 - iv. Schedule 4 - Pedestrian Realm and Active Transportation Network; and

v. Schedule 5 - Street Network.

- b) The lands identified as the Niagara Regional Native Centre are not subject to any of the policies of this Plan. Nothing in this Plan is intended to limit the opportunity for the Native Centre to enjoy the use of their property for future development or for its use as a cultural/recreational facility.

It is however, important to require that development on lands that directly abut the Niagara Regional Native Centre be made aware, through notifications registered on title, that activities on the Native Centre Site may, from time to time, generate noise, or other impacts that are not regulated by the Town and are part of the ongoing enjoyment of the property by those who participate in the activities of the Niagara Regional Native Centre.

- c) This Plan shall be read and interpreted in its entirety. The vision, principles and policies of this Plan must be considered together to guide its implementation and determine conformity. Individual policies should not be read or interpreted in isolation from other relevant policies.
- d) The following associated appendices are non-statutory elements of this Plan, and are provided for clarification purposes only:
- i. Appendix A - The Natural Heritage System; and
 - ii. Appendix B - The Urban Design Guidelines.
- e) Council adopted companion documents, including the applicable Urban Design Guidelines, are needed to fully implement this Plan. All development should be consistent with the relevant concepts and directives of those companion documents. Where there is a conflict between the policies of this Plan and the concepts and directives of any Council adopted Guidelines/Master Plans, the policies of this Plan shall prevail.
- f) This Plan forms part of the Niagara-on-the-Lake Official Plan and provides more detailed local development policies to guide growth and change within Glendale. This Plan is to be read in conjunction with the relevant policies of the Niagara-on-the-Lake Official Plan. Where there is a conflict between the designations and policies of this Plan and any policy of the Niagara-on-the-Lake Official Plan, the policies of this Plan shall prevail.
- g) Where there is a conflict between this Plan and any existing development approval, the existing development approval shall prevail. All development applications deemed complete by the Town prior to the approval of this Plan shall be subject to the Official Plan policies in place at the time the development application was deemed complete by the Town. For further clarity, amendments, extensions or revisions to existing approvals that require new applications under the Planning Act, after the adoption and approval of this Plan, shall be subject to the policies this Plan.

2.0 VISION & PRINCIPLES

2.1 Vision

Glendale will be a beautiful, healthy and complete urban community that fulfills its role in the urban structure of the Town and includes a full array of opportunities to live, work, learn and play in proximity.

Glendale aspires to be a diverse community that is inclusive, accessible, compact and well connected through all modes of travel. Future development in Glendale will put its mobility first with a robust transit system, cycling trails and pedestrian routes seamlessly connection areas north and south of the QEW.

Glendale will be framed by connection to green space along the Welland Canal, the creek valleys, the Niagara Escarpment and adjacent agricultural lands. Future development in Glendale will contribute to protecting, integrating and celebrating the natural and rural surroundings reflecting the distinct character of the area.

2.2 Fundamental Principles

- a) To achieve the vision, the policies of this Plan build upon the following fundamental principles:

Principle 1 *Be a healthy community* - Glendale will be a healthy community that is accessible and connected, and inclusive with diverse mobility options and a range of housing options. Amenities and Public Service Facilities, including parkland, will be close to where people live and will be connected through a comprehensive active transportation system. Glendale will be a community where diversity is celebrated, residents are engaged, socially connected, and have equitable access to housing, support services and cultural activities.

Principle 2 *Protect and enhance natural features and functions* - All of the significant natural heritage features and associated ecological functions within Glendale will be protected and their natural beauty and quality will be enhanced for the enjoyment of everyone.

Principle 3 *Promote compact development and intensification* - New development will support the ongoing evolution of the Glendale secondary plan area into a more compact, walkable, and transit-supportive community. New development will be efficient, and will be provided with municipal infrastructure systems, including a full range of mobility options, Public Service Facilities and parkland in a cost-effective and fiscally responsible manner.

Principle 4 *Provide a full range and mix of land uses* - Glendale will be a welcoming and inclusive community, providing a full range of residential, retail and service commercial uses, restaurants, educational, recreational, employment and cultural opportunities. Public Service Facilities, and parkland will be accessible to everyone.

- Principle 5 Provide a diverse range of housing options, ensuring choice and affordability -** Glendale will provide a variety of housing options that meet the social, health, economic and well-being requirements of future residents, including additional needs housing and needs arising from demographic changes and employment opportunities. The range and mixture of housing options will accommodate a full spectrum of households, including housing options that meet the economic and affordability requirements of a growing and diverse population.
- Principle 6 Encourage a high quality design -** High quality urban design will promote the importance of Glendale within the structure of the Town. New development will demonstrate high quality urban design that contributes to the recognition of Glendale as a beautiful and successful mixed-use community. Existing low-rise residential communities will be protected from adverse impacts resulting from surrounding new development. Public Parkland, buildings and infrastructure will set the standard and will define the quality of development that is expected. Urban Design Guidelines will assist the Town in ensuring high quality design.
- Principle 7 Promote sustainability, resiliency and a response to climate change -** Glendale will respond to a changing climate by promoting intensified and higher density development in support of an evolving high order transit system and robust active transportation network. In addition, this Plan will protect the natural heritage system and conserve biodiversity. Policies in association with the attached Urban Design Guidelines will identify a host of opportunities to promote green building technologies and green infrastructure emplacement in support of enhanced sustainability and resiliency.
- Principle 8 Establish an Integrated Pedestrian Realm and Active Transportation Network -** The Pedestrian Realm and Active Transportation Network will be recognized as highly interconnected, safe and conveniently located. Enhanced and connected parkland and sidewalk networks, including cycling facilities, will provide mobility options and enhanced connectivity making Active Transportation an attractive and practical travel option for everyone.
- Principle 9 Support all mobility options, with a focus on transit to serve Glendale, Niagara and beyond -** This Plan supports all forms of mobility through a safe, connected transportation network. In addition to accommodating vehicular traffic, ongoing transit planning in Glendale will be integrated with land use planning to ensure that new development supports an enhanced level of transit service over time. The transit network will grow to connect core user groups and key destinations within Glendale and throughout the Town and beyond, with direct routes and street-side amenities that make taking public transit an attractive and practical travel option for everyone. Transit supportive development will be supported. The Niagara Transit Commission, in cooperation with the Town, shall explore opportunities to establish a centrally located Transit Hub within Glendale.
- Principle 10 Create a new "main street" as a community focal point -** New development will create a new "main street" that will accommodate a range of smaller scale retail and service commercial uses in combination with residential apartments, an urban square and enhanced streetscapes and potentially, a Regional Transit Hub. Collectively, this area will be recognized as having high quality urban design, a rich and balanced mixture of activities with a distinct, definable identity. This

area will become the vibrant heart of the community - a gathering place for everyone to enjoy.

Principle 11 *Support a flexible approach to economic development* - A flexible approach to local economic development will ensure the Town is able to adapt as trends change and remain prosperous, with a diversity of employment opportunities for its residents and a focus on entrepreneurial opportunities, including the rural/agricultural economy. The Town will leverage Glendale proximity to the Niagara District Airport to support and improve social and economic links.

Principle 12 *Focus the funds generated by development in Glendale into Glendale* - The array of funds and required land contributions that are generated over time by the development activity within Glendale through various instruments under the Planning Act and the Development Charges Act need to be spent by the Town and the Region on appropriate projects in Glendale. This focus will ensure that there is a clear recognition, and response to the link between growth and the requirements for municipal investment in Public Service Facilities, as well as the municipal service infrastructure requirements, transportation and transit investments required to properly accommodate anticipated growth

3.0 GROWTH MANAGEMENT

3.1 Population and Employment Growth

- a) Glendale is identified as a Strategic Growth Area. This Plan is intended to guide growth and development in Glendale to the year 2051. It is understood that Glendale will evolve over the time horizon of this Plan to achieve the vision and principles outlined in this Plan, and transform into an integrated mixed-use community, to be developed at higher densities and in taller buildings than exist today.
- b) To the year 2051, it is estimated that:
 - i. The population of Glendale could grow to approximately 14,000 people, representing an increase of some 12,600 people.
 - ii. The employment base in Glendale, currently estimated at 5,200 jobs, is anticipated to increase by some 4,000 jobs by 2051, to a level of 9,200 jobs.
- c) The Niagara Region Official Plan (2022) establishes a long-term density target for Glendale at 100 people and jobs combined per hectare. Notwithstanding the identified population and employment growth, nothing in this Plan is intended to limit the achievement of the identified minimum density target within Glendale, provided applicable Airport Zoning Regulations for the Niagara District Airport are complied with, and the Town, in consultation with the Region, is satisfied that appropriate municipal service infrastructure capacity is available to service the area.

3.2 Phasing

- a) As a result of the long-term vision established in this Plan, the phasing of development, and particularly the harmonious accommodation of new development within the context of the existing development, will be a key consideration in the review of development applications within Glendale.
- b) Development approval will be considered on the basis of the following criteria:
 - i. Conforms with all of the relevant policies of the Official Plan and this Plan, and is consistent with the attached Urban Design Guidelines;
 - ii. Assists the Town in achieving the affordable housing target;
 - iii. Delivers needed Public Service Facilities, including the key elements of the Pedestrian Realm and Active Transportation Network;
 - iv. Considers compatible development, community impacts and community benefits; and
 - v. Integrates sustainable design elements, including green building technologies.
- c) Development applications will be considered in tandem with the capacity of the municipal service infrastructure systems (sewer, water, storm water management and transportation) as well as with Public Service Facilities and the identified components of the Pedestrian Realm and Active Transportation Network, over time.
- d) Prior to any development approval being granted, all required agreements must be in place, including financial agreements and development agreements, to provide for the identified and required elements of the municipal service infrastructure systems (sewer, water, stormwater management and transportation) as well as with the requirements for Public Service Facilities and the identified components of the Pedestrian Realm and Active Transportation Network, to the satisfaction of the Town and, where applicable, the Region.

4.0 GENERAL POLICIES FOR BUILDING A SUCCESSFUL COMMUNITY

- a) This Plan promotes Glendale as a Successful Community - A great place to live, to work, to play and to invest in. Being a Successful Community means making informed choices that take in to consideration the stated vision, a number of interrelated principles and the implementing policy framework. Every decision has implications for municipal service infrastructure, for growth management, for economic development and, importantly, for quality of place and quality of life. Decision making must be interdisciplinary, integrated and strategic to ensure economic, cultural, environmental and social rewards.

4.1 Housing Affordability

- a) The Town will encourage a range and mix of higher density housing types, styles, tenures and affordability characteristics to meet the economic requirements and affordability needs of a growing and diverse population.
- b) The following agreements/partnerships and associated implementation tools may be considered by the Town in an effort to achieve the affordable housing target of the Niagara-on-the-Lake Official Plan:

- i. Enact a Municipal Housing Capital Facilities By-Law under the Municipal Act to enable the Town to enter into agreements with private and non-profit partners for the provision of affordable housing;
 - ii. Coordinate and collaborate with local housing groups, community partners, government agencies and the private sector to support the affordable housing policies of this Plan and to promote innovative housing forms, development techniques and incentives that will facilitate the provision of affordable housing; and
 - iii. Become directly involved in the supply of affordable housing through land acquisitions, use of surplus land, development partnerships, the provision of financial incentives and/or establishment of a not-for-profit housing corporation.
- c) The following strategies may be considered by the Town to achieve the affordable housing target:
 - i. Encourage the development of smaller dwelling units, where housing is considered to be more affordable due to lower construction costs;
 - ii. Encourage all forms of affordable housing to be cost-effective to manage and maintain;
 - iii. Establish alternative development standards and ensure that the provisions of the Zoning By-Law are sufficiently flexible to permit a range of innovative housing types and tenure models, including, for example, Additional Residential Units, tiny dwellings, cohousing, communal housing, and life-lease housing;
 - iv. Work with all levels of government and institutional land owners to make surplus land available to providers of affordable housing;
 - v. Apply for government grants and/or subsidies, including land dedication;
 - vi. Provide financial incentive programs established through a Community Improvement Plan;
 - vii. Streamline the approvals process for projects that provide affordable housing; and
 - viii. Establish/support reduced Development Charges, parkland dedication requirements and/or parking requirements for projects that provide affordable housing.

4.2 Economic Development

- a) It is recognized that the Industrial/Business Park lands within Glendale represent one of Niagara's premier prestige business parks and is an important resource for both the Town and the Region in terms of attracting high quality jobs and businesses. This Plan includes the protection of the lands within the Industrial/Business Park designation for employment generating land uses. The key advantages of the Industrial/Business Park lands within Glendale are as follows:
 - i. Direct access/exposure to the QEW and close proximity to Highway 405;
 - ii. Proximity to the Niagara District Airport, the international border and Niagara College;

- iii. Contains an available supply of serviced employment land; and
 - iv. A strategic gateway location for Niagara-on-the-Lake.
- b) It is estimated that growth in Glendale will warrant close to 24,000 square metres of new retail and service commercial facilities by 2043. Additional facilities will be required to serve growth to 2051. This space estimate summarizes the total warranted space based on the expenditure (retail) and per capita space ratio (services) demand analyses.

The space estimate ensures that full range of local-serving retail and services to support weekly and day-to-day shopping needs are available to support anticipated Glendale population growth. The space estimate also recognizes the proximity of existing regional shopping facilities.

Collectively, the lands within the Regional Commercial designation, as well as the lands within the Mixed-Use I and Mixed-Use II designations will provide significant opportunities to accommodate a complete range of commercial goods and services to foster competition and choice for the residents of Glendale, as well as for residents of the Town and the broader Region. The New Residential designation provides opportunities to accommodate more local serving retail and service commercial uses.

- c) To help attract diverse opportunities for jobs, the Town will support a strong and healthy economy within Glendale by:
- i. Constructing, upgrading and maintaining high quality, universally accessible municipal service infrastructure systems and Public Service Facilities;
 - ii. Facilitating efficient and convenient transportation options for the movement of people and goods;
 - iii. Planning for an appropriate range of housing to support the local labour force, home occupations, and home-based businesses, including artist studio/maker spaces and live/work units; and
 - iv. Supporting the ongoing physical and functional expansion of the nearby Niagara District Airport.
- d) The Town recognizes the important contribution of Niagara College, libraries and education service providers to the life-long learning opportunities for residents. The Town will support the growth and expansion of educational facilities as well as creative and cultural industries and institutions throughout Glendale as an important sector of the economy.

4.3 Urban Design

- a) All public and private sector development within Glendale shall be consistent with the Urban Design Guidelines attached to the Plan as **Appendix B**, and shall, where applicable, be subject to Site Plan Control. To promote high quality urban design, the Town may require the submission of an Urban Design Brief in support of development applications within Glendale.
- b) All development within Glendale shall be compatible with the surrounding community. The following shall be considered when evaluating the compatibility of development proposals:

- i. The use, height, massing, orientation and landscape characteristics of nearby properties to ensure an appropriate transitions between the built forms and uses ;
- ii. On-site amenity space is provided and is reflective of, or enhances, the existing patterns of private and public amenity space in the vicinity; and
- iii. Appropriate streetscape patterns, including block lengths, setbacks and building separations are implemented.

The transition between different building types will be a key consideration in determining compatible development. This Plan provides guidance on the various planning and design tools to be implemented to ensure compatible development and an appropriate transition between different building types, heights and land uses.

- c) The Niagara Escarpment is an essential part of the character of Glendale, and views to the Escarpment are important assets to protect. This Plan recognizes the importance of the relationship between topography and building height and the impacts on significant views to and of the Niagara Escarpment.
- d) All development within Glendale, with a focus on the Pedestrian Realm and Active Transportation Network, parking lots and other publicly accessible areas, consistency/adequacy of achieving the following CPTED considerations:
 - i. Adequate lighting shall be provided and should be designed, where possible, with regard for vehicular, cyclist and pedestrian requirements so that the size, height, and style of lighting reflects and complements the character of the community;
 - ii. Clear sight lines, for example allowing view from one end of the walkway to the other;
 - iii. Appropriate landscaping, but avoiding landscaping that might create blind spots or hiding places;
 - iv. Adequate fencing;
 - v. Clear signage that delineates permitted use and speed; and
 - vi. Streetscape and building design that promotes “eyes on the street”.
- e) All Town or Region-owned, leased, funded, or operated Public Service Facilities, parks or open spaces, municipal service infrastructure systems and any other space that is accessible to the public shall comply with the Accessibility for Ontarians with Disabilities Act. Further, barrier free design for all development shall be achieved through Site Plan Approval, where applicable, and the enforcement of the Accessibility for Ontarians with Disabilities Act.

4.4 Environmental Sustainability

- a) This Plan promotes the development of Glendale based on a vision, fundamental principles and policies that aim to maximize the environmental benefits of complete communities and sustainable development through the efficient use of land and infrastructure. The Town will utilize planning and capital investment tools, as well as urban design and low impact development approaches, in its strategic planning for infrastructure and the approval of new development. In addition, the Town will encourage:

- i. Initiatives related to biodiversity enhancement, water conservation, energy conservation, air quality enhancement and integrated waste management opportunities;
 - ii. Opportunities for energy efficiency and alternative energy strategies, such as district energy generation, renewable/alternative energy systems and distribution and demand management plans;
 - iii. Innovative residential and public building designs that utilize green building technologies and contribute to low carbon design, energy use reduction and natural resource conservation, as well as synergies between buildings and site management practices;
 - iv. Green infrastructure technologies that complement existing infrastructure, including the requirement for innovative low impact development opportunities and best practices that minimize the risks associated with natural hazards; and
 - v. Tools such as the Community Benefits Strategy and By-law, Community Improvement Plans, and associated incentive programs to assist with the implementation of development standards that promote environmentally sustainable design and resiliency and that respond to a changing climate.
- b) The Town will encourage and support alternative energy systems, renewable energy systems, and district energy systems to accommodate current and projected needs of the community. In addition, the Town will, in consultation with the Region and other agencies, encourage and support:
- i. The preparation of a Community Energy Plan, designed to identify opportunities for back-up power sources, to improve energy efficiency, reduce greenhouse gas emissions and foster local sustainable energy solutions;
 - ii. Energy efficient building design that meets Leadership in Energy & Environmental Design (LEED) standards, or equivalent;
 - iii. The development of renewable energy sources and systems in appropriate locations, and may provide for the provision of on- site renewable energy installations (i.e. roof-top and ground mounted solar, geothermal) developed in accordance with Provincial and Federal legislation, policies and regulations;
 - iv. Reductions in energy consumption in all Town owned, maintained and operated facilities and equipment. The Town will ensure that all new Town facilities are designed to meet a high standard of environmentally conscious design for energy and water conservation; and
 - v. Development patterns that promote design and building orientation which will maximize energy efficiency and considerations, considers the mitigating effects of vegetation, maximizes opportunities for the use of renewable energy systems and alternative energy systems, and maximizes vegetation within Glendale.
- c) The Town will evaluate the contribution to sustainability and resiliency of each development application in accordance with the policies of this Plan. The Town shall support and encourage strategies to reduce energy use and carbon neutrality for buildings and

infrastructure to reduce its greenhouse gas emissions and increase its climate resiliency.

- d) To support reducing emissions in the transportation sector, the Town shall encourage the installation of a publicly accessible electric vehicle charging network throughout Glendale.

5.0 LAND USE AND BUILT FORM POLICIES

5.1 Land Use Specific Policies

5.1.1 Land Uses Permitted in All Land Use Designations

- a) Within all of the land use designations, with the exception of the Environmental Protection designation, the following uses are permitted, subject to the relevant policies of this Plan:
 - i. Any element of the Pedestrian Realm and Active Transportation Network;
 - ii. Emergency services facilities, generally having convenient access to Regional or Collector Streets and appropriately integrated with the surrounding development, including appropriate architectural design, landscaping and buffering from residential buildings;
 - iii. Renewable energy systems, subject to relevant Provincial legislation and regulations;
 - iv. Municipal service infrastructure (sewer, water stormwater management) and public and private streets; and
 - v. Public and private utilities, including electrical power transmission and distribution systems, as well as telecommunication facilities subject to any regulatory requirements, such as the provisions of the Environmental Assessment Act.

The location of such uses and facilities shall be justified and compatible with surrounding land uses.

5.1.2 Land Uses Prohibited in All Land Use Designations

- a) The following uses are prohibited in all land use designations in this Plan:
 - i. Any use that is considered noxious due to materials used or produced, or methods or processes employed, that emit pollution from noise, vibration, odours, smoke, dust or any other forms of pollution;
 - ii. Uses or produce or store hazardous substances;
 - iii. Uses that involve waste management, recycling and/or the storage of contaminated materials; and
 - iv. Uses that are prohibited pursuant to the provisions of the Environmental Protection Act.

- b) The implementing Zoning By-law may incorporate general provisions setting out those specific uses which are prohibited in all zone categories.

5.1.3 Permitted Land Uses

- a) Each land use designation identified in this Plan includes a specified list of permitted uses. In addition to the specified list of permitted uses, uses accessory to any of the identified permitted uses are also permitted.
- b) The specified list of permitted uses within each land use designation may be further refined through the implementing Zoning By-law to ensure that new development is appropriate in the context of the adjacent and surrounding community.

5.1.4 Sensitive Land Uses

- a) Applications for residential development and other sensitive land uses within Glendale shall have regard for potential noise, vibration and air pollution impacts from existing uses, future development within the Industrial/Business Park designation, major streets and transportation infrastructure - such as from the Queen Elizabeth Way, and its associated ramps.
- b) Where appropriate, applications for residential and other sensitive land uses shall require a Land Use Compatibility Study, Air Quality Assessment, and/or Noise Study to identify appropriate measures to mitigate adverse impacts. Such studies shall be completed to the satisfaction of the Town, in consultation with other agencies, as required.
- c) These major facilities and sensitive land uses shall 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, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of the major facilities. Development proposals shall be consistent with the relevant guideline of the Ministry of Environment and Climate Change, as amended from time to time, which provide recommendations to ensure that sensitive land uses and major facilities are appropriately designed, buffered and/or separated from each other.

5.1.5 Building Heights

- a) Unless specifically identified in the policies of this Plan, the building heights for various locations throughout Glendale are identified on **Schedule 2**. The maximum building heights shown in **Schedule 2** (including the height of any mechanical penthouses or roof ornamentation) comply with the Airport Zoning Regulations. The building heights are expressed in number of storeys, as well as the more specific height expressed in metres in the legend of **Schedule 2**. Where there is a question of which limitation specifically applies, it is the height limitation in metres, as expressed in the legend of **Schedule 2**.
- b) The building height restrictions of the Airport Zoning Regulation apply unless a permanent exemption to the in-force Airport Zoning Regulation has been granted by Transport Canada, in which case the maximum building height shall not exceed the height specified within the granted exemption. The Niagara District Airport, Transport Canada and Town are encouraged to collaborate in undertaking a comprehensive update to the Airport Zoning Regulations to address provisions related to maximum building height.

- c) For development throughout Glendale to achieve the identified maximum height, the Town shall be satisfied that the building is compatible with, and can be sensitively integrated with, the surrounding and abutting land uses, including providing an appropriate transition to adjacent Low-Rise built forms. The Town may implement special measures in the Zoning By-law, such as reduced building heights, angular planes, step backs, increased building setbacks, or enhanced landscape buffers to ensure sensitive integration.

5.1.6 Contaminated Sites

- a) Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.
- b) Prior to considering a proposal for redevelopment of potentially contaminated sites, the Town and the Ministry of Environment and Climate Change will be satisfied that the soil quality is suitable for the proposed use. Studies which document the present and past uses of the site and surrounding lands may be required by the Town and MECP, to show the presence, types and concentration of contaminants, and remedial action plan for decommissioning and clean-up of contaminated sites.

5.1.7 Additional Residential Units

- a) For the purpose of this Plan, an urban residential lot is a parcel of land that accommodates a single detached, semi-detached, or townhouse dwelling and is serviced by appropriate water and wastewater services.
- b) Where Additional Residential Units are specifically identified as a permitted use, they can be either within an existing dwelling, or within an accessory detached building on a residential lot. Each specified residential lot is permitted to have either 1 or 2 Additional Residential Units (attached), or an Additional Residential Unit (detached), as identified below, up to a maximum of 3 residential dwelling units (1 primary unit and 2 accessory units) per residential lot.
- c) An Additional Residential Unit (attached) that is wholly enclosed within an existing single detached, semi-detached, and/or townhouse dwelling is permitted, subject to conformity with the following policies:
 - i. Up to 2 Additional Residential Units (attached) may be created and used in accordance with the implementing Zoning By-law; and
 - ii. Where 1 Additional Residential Unit (attached) is proposed, it shall have a maximum Gross Floor Area of no more than approximately 30% of the primary dwelling unit's Gross Floor Area. Where 2 Additional Residential Units (attached) are proposed, the total maximum Gross Floor Area of both units shall not exceed a total of approximately 60% of the primary dwelling unit's Gross Floor Area.
- d) An Additional Residential Unit (detached) is permitted in a detached accessory building on a lot that includes a primary single detached, semi-detached, and/or townhouse building, subject to conformity with the following policies:

- i. The Additional Residential Unit (detached) shall only be created and used in accordance with the implementing Zoning By-law. The implementing Zoning By-law will establish a maximum and minimum distance from the primary dwelling;
 - ii. The detached building that accommodates the Additional Residential Unit (detached) shall be clearly subordinate to the primary building on the lot in terms of height and building footprint. The building footprint of the detached building shall be a maximum of 50% of the footprint of the primary dwelling;
 - iii. The Gross Floor Area of the Additional Residential Unit (detached) shall be a maximum of 75 square metres; and.
 - iv. The property containing the Additional Residential Unit (detached) will be prohibited from being severed from the property.
- e) All Additional Residential Units conform with the Ontario Building Code, Fire Code, and any other applicable legislation, regulation, or standard.
- f) The Town shall require a maximum of 1 parking space for any Additional Residential Unit, regardless of whether there are 1 or 2 Additional Residential Units developed. The required parking space may be provided as a tandem parking space.

5.1.8 Additional Needs Housing

- a) Additional Needs Housing includes all types of residences licensed or funded under a Federal or Provincial statute for the accommodation of persons living under supervision and who, by reason of their age, emotional, mental, social, or physical condition, require a group living arrangement for their well-being.
- b) Additional Needs Housing shall conform to the associated criteria for uses/buildings that are also identified as permitted within the relevant designation, subject to the implementing Zoning By-law.

5.1.9 Live-Work Units

- a) Live-work units are subject to the associated development policies identified in this Plan. Where live-work units are specifically identified as a permitted use, they shall provide:
 - i. Amenity areas and buffering with planting and/or fencing from adjacent residential dwellings; and
 - ii. Adequate parking and drop-off/pick-up facilities.

5.1.10 Home-Based Businesses

- a) Where home-based businesses are identified as a permitted use they shall only be permitted in accordance with the following provisions:
 - i. The use does not substantially alter the character of the property, and the use is compatible with the adjacent community;
 - ii. The use is primarily carried out within the dwelling unit;

- iii. The use is clearly secondary to the primary use of the property as a residence in terms of floor space utilization;
 - iv. The property is the principal residence of the person carrying on the home occupation use;
 - v. Outside storage of goods, materials, or equipment related to the home occupation use shall not be permitted; and
 - vi. Compliance with on-site parking requirements, including parking for service vehicles such as trailers and commercially licensed vehicles and other provisions regulating home occupations in the implementing Zoning By-law.
- b) The implementing Zoning By-law may include additional provisions regulating home-based businesses. The Town may implement a Licensing By-law to regulate home-based businesses.

5.1.11 Day Care Facilities

- a) Where day care facilities are identified as a permitted use they shall be permitted subject to specific regulations in the implementing Zoning By-law and in accordance with the following policies:
- i. The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding streets;
 - ii. The use is intended to serve and support the surrounding community; and,
 - iii. The site is large enough to accommodate the building, on-site play areas, parking and pick-up/drop-off facilities and appropriate buffering, where required.
- b) Where possible, day care facilities should be provided in the early phases of the development of Glendale and integrated with Public Service Facilities, mixed-use developments and residential developments.

5.1.12 Neighbourhood Scale Public Service Facilities & Retail and Service Commercial Uses

- a) Neighbourhood scale Public Service Facilities, or neighbourhood scale retail and service commercial uses may be permitted in both the Existing Residential and New Residential designations, subject to an implementing Zoning By-law and Site Plan Approval, and subject to the following locational criteria:
- i. Direct or convenient access to a Regional or Collector Street;
 - ii. Design which is compatible with surrounding land uses, and maintains the scale, density and character of the area. The implementing Zoning By-law will establish an appropriate Gross Floor Area limitation for each individual use/business, and will limit the number of individual uses/businesses permitted within a cluster of such uses;
 - iii. Provision of adequate buffering and transition to ensure compatibility with surrounding existing sensitive uses; and
 - iv. Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.

- b) Neighbourhood scale Public Service Facilities, or neighbourhood scale retail and service commercial uses may be developed as part of a mixed use building.
- c) When neighbourhood scale retail and service commercial uses are proposed in a cluster format, they shall be limited to a maximum of 4 individual businesses and to between 1,800 and 3,800 square metres of total gross Floor area. Individual, stand alone businesses shall be limited in scale to 1,800 square metres.

5.1.13 Places of Worship

- a) Where a place of worship is specifically identified as a permitted use in a designation in this Plan, it shall be permitted, subject to the following criteria:
 - i. The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding streets; and
 - ii. The site is large enough to accommodate the building, on-site parking areas and appropriate amenity areas and buffering, where required.

5.1.14 Public Service Facilities

- a) The relevant policies of the Niagara-on-the-Lake Official Plan will guide the provision of Public Service Facilities. Public Service Facilities include facilities designed to meet the recreational, health, social, educational, self-directed learning and cultural needs of the residents including elementary and secondary schools, public libraries, museums, cultural centres, or other similar uses. Public Service Facilities will be encouraged to provide multi-functional and shared-use facilities and services to better serve the residents and achieve capital and operating cost efficiencies.
- b) The Town shall ensure that the Public Service Facilities required for development are secured as a part of the development approvals process and appropriately phased in accordance with the proposed development.
- c) In determining appropriate locations for Public Service Facilities, the Town shall have regard for the type of service provided by the facility, recognizing that some uses will serve a localized population, while others will serve the whole or large portions of the Town. Where appropriate, Public Service Facilities are encouraged to be incorporated within both public and private development.
- d) Where Public Service Facilities are specifically permitted within a designation in this Plan, they will be subject to the specific regulations in the Zoning By-law. It is desirable that Public Service Facilities can be clustered together to promote cost-effectiveness and facilitate service integration. The development of Public Service Facilities shall be subject to the following criteria:
 - i. The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding streets;
 - ii. The site is large enough to accommodate the building, on-site parking areas and appropriate amenity areas and buffering, where required; and

- iii. Direct access shall be provided to Public Service Facilities from all parts of the surrounding community through a comprehensive Active Transportation Network.

6.0 LAND USE DESIGNATIONS

- a) In accordance with Schedule 1, Glendale is comprised into the following land use designations:
 - i. The Existing Residential designation;
 - ii. The New Residential designation;
 - iii. The Regional Commercial designation, including the Regional Commercial Mixed-Use Overlay;
 - iv. The Mixed-Use I designation;
 - v. The Mixed-Use II designation;
 - vi. The Industrial/Business Park designation;
 - vii. The Institutional Campus designation;
 - viii. The Public Parkland designation (included in Section 7.0);
 - ix. The Transportation Facilities designation; and
 - x. The Environmental Protection designation, including the Adjacent Lands Overlay.

In addition to the identified land use designations, Schedule 1 also identifies existing stormwater management facilities. Stormwater management facilities are not considered as a land use designation. They are, however provided with a planning policy framework within Section 8.0 of this Plan.

6.1 The Existing Residential Designation

6.1.1 Intent

- a) The Existing Residential designation recognizes existing low-rise neighbourhoods and estate style lots within Glendale. It is the intent of this designation to ensure that existing housing stock and the existing character of the neighbourhood are appropriately conserved.

6.1.2 Permitted Uses

- a) The following uses may be permitted on lands within the Existing Residential designation, as shown on **Schedule 1**, subject to the relevant policies of this Plan:
 - i. Single-detached dwellings, semi-detached dwellings, duplex dwellings, multi-plex dwellings and all forms of townhouses;

- ii. Additional residential units;
- iii. Additional needs housing;
- iv. Home-based businesses;
- v. Neighbourhood scale Public Service Facilities;
- vi. Neighbourhood scale office uses, retail and service commercial uses; and
- vii. Day care facilities.

6.1.3 General Development Policies

- a) This Plan encourages sensitive infill development of vacant or underutilized parcels of land, where such development will be compatible with the existing character of the neighbourhood and where it will contribute to the more efficient use of municipal infrastructure, parkland and Public Service Facilities.
- b) Within the Existing Residential designation, any additions to existing structures, or any new development is required to complement existing adjacent development in terms of its scale, character, height, design and mass. Specifically, the following policies apply to any application for development:
 - i. Changes to lot frontage and/or lot depth may be permitted subject to an implementing Zoning By-law;
 - ii. Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:
 - > Patterns of streets, blocks and lanes and public building sites;
 - > Size and configuration of lots;
 - > Heights, massing, scale and dwelling type of nearby residential properties;
 - > Setbacks of buildings from the street or streets;
 - > Prevailing patterns of rear and side yard setbacks and landscaped open space; and
 - > Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood.

6.2 The New Residential Designation

6.2.1 Intent

- a) The New Residential designation will promote new well-designed and attractive residential communities that act as a transition to rural landscapes and/or environmental features that are adjacent to, and outside of the boundaries of Glendale.

6.2.2 Permitted Uses

- a) The following uses may be permitted on lands within the New Residential designation, as shown on **Schedule 1**, subject to the relevant policies of this Plan:
 - i. Single-detached dwellings, semi-detached dwellings, duplex dwellings, multi-plex dwellings, all forms of townhouses and apartments;
 - ii. Additional residential units;
 - iii. Additional needs housing;
 - iv. Live-work units;
 - v. Home-based businesses;
 - vi. Neighbourhood scale Public Service Facilities;
 - vii. Neighbourhood scale office uses, retail and service commercial uses;
 - viii. Day care facilities; and
 - ix. Places of worship.

6.2.3 General Development Policies

- a) The Town may require a Development Concept Plan be prepared prior to the approval of any development application - Draft Plan of Subdivision/Condominium, or Zoning By-law Amendment - within the New Residential designation identified on **Schedule 1**. The determination of whether a Development Concept Plan is required shall be to the satisfaction of the Town based on an assessment of the scale of the proposed development, its proximity to other lands expected to be developed and the general complexity of the issues that need to be resolved.
- b) The maximum net density shall be a Floor Space Index of 1.5. Additional Residential Units shall not be included in the calculation of net density.
- c) Neighbourhood scale office uses, retail and service commercial uses shall be further defined and regulated by the implementing Zoning By-law to ensure that they are compatible with the surrounding residential neighbourhood.
- d) The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area. Development plans shall be designed to:
 - i. Create a pedestrian-oriented and highly interconnected street and block pattern, with connections to adjacent districts within Glendale, and to Public Service Facilities and the Pedestrian Realm and Active Transportation Network and the transit system;
 - ii. Provide appropriate transition to/integration among adjacent uses/built forms; and
 - iii. Avoid back lotting along any public street or any element of the Pedestrian Realm and Active Transportation Network.

- iv. Ensure the majority of residents are within a 5-minute walk (approximately 400 metres) to any, or all of the following community features:
 - > Parkland;
 - > Public Service Facilities, particularly schools and recreation facilities; and/or retail and service commercial uses; and
- v. Ensure adequate municipal services can be provided to accommodate the needs of the development.
- e) Where development abuts a Regional Street right-of-way, the design of vehicular access, pedestrian and amenity areas shall be subject to regulation by the Region, and shall be consistent with any applicable Regional Design Guidelines.
- f) Some lands within the New Residential designation directly abut, or are in proximity to the Niagara Regional Native Centre. It is a requirement that all new development be made aware, through notifications registered on title, that activities on the Native Centre Site may, from time to time, generate noise, or other impacts that are not regulated by the Town and are part of the ongoing enjoyment of the property by those who participate in the activities of the Niagara Regional Native Centre.

6.3 The Regional Commercial Designation

6.3.1 Intent

- a) The lands within the Regional Commercial designation serve as a major inter-regional shopping and entertainment destination, complementing the Town's other attractions. It is the intent of this Plan to facilitate the ongoing evolution of this district, keeping in mind that there is the potential for future opportunities for development contributing to Glendale's long-term build-out as a more complete community by providing amenities for residents, workers and students and integrating a mix of land uses over time.

6.3.2 Permitted Uses

- a) The following uses may be permitted on lands within the Regional Commercial designation, as shown on **Schedule 1**, subject to the relevant policies of this Plan:
 - i. Restaurants, retail and service commercial uses of all types and scales;
 - ii. Winery and brewing facilities;
 - iii. Entertainment uses;
 - iv. Office and major office uses;
 - v. Private education, recreation and health-related facilities;
 - vi. Public Service Facilities;
 - vii. Day care facilities; and

- viii. Commercial and/or accessory parking facilities at-grade and/or in structures.

6.3.3 General Development Policies

- a) Development shall be pedestrian-friendly. Buildings shall be oriented to streets or other open spaces. Sidewalks shall be generous, interconnected and designed to a high standard. The arrangement and width of stores shall encourage walking.
- b) Mixed use buildings containing retail or service uses on the ground floor and other permitted, compatible uses on upper floors shall be encouraged.
- c) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the greening of commercial uses and to protect adjoining residential areas from the effects of commercial activity will be applied in all new commercial development. Further, prior to approval, applications for development in the Regional Commercial designation shall be subject to an urban design and architectural review process.
- d) Along the south side of the Regional Commercial designation, development shall provide an appropriate built form transition to abutting development within the New Residential designation. Large parking lots and service areas generally should be screened or buffered by development.
- e) Adequate off-street parking shall be provided for all new commercial development. Parking generally shall be located at the rear or side of buildings. Large parking areas shall be divided by landscape strips planted with trees. Landscaped berms should buffer parking areas from the south service street to obscure views of the parking areas from the QEW.
- f) Above-ground parking structures should be designed to appear as fenestrated buildings with a regular pattern of openings and materials that are compatible in type and quality with those of surrounding buildings.
- g) Loading, servicing and garbage areas should generally be located at the rear of buildings and screened from public view.
- h) Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining streetways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.

6.3.4 Regional Commercial Mixed-Use Overlay

- a) Ongoing development within the Regional Commercial designation must be responsive to current trends in retail development. As such, a Regional Commercial Mixed-Use Overlay has been included on **Schedule 1** to recognize the long-term potential of this area to support additional uses and to facilitate the arrangement of land uses, configuration of streets, parkland, Public Service Facilities and parking, and the form and density of buildings to be determined when a future development proposal is submitted.
- b) The Town may require that a Development Concept Plan be prepared prior to the approval of the Draft Plan of Subdivision/Condominium, or implementing Zoning By-law Amendment

application, to the satisfaction of the Town based on an assessment of the scale of the proposed development, its proximity to other lands expected to be developed and the general complexity of the issues that need to be resolved. Minor changes/additions within the Regional Commercial designation may be exempt from this requirement for a Development Concept Plan at the discretion of the Town.

6.4 The Mixed-Use I Designation

6.4.1 Intent

- a) The Mixed-Use I designation is intended to provide a focal point for commercial and social activities for residents, workers, students and visitors in Glendale. The lands within the Mixed-Use I designation are expected to become a community "main street" and shall include a diverse mixture of retail and service commercial uses and restaurants at-grade, as well as office uses and a range of apartment dwellings above the first floor.

6.4.2 Permitted Uses

- a) Permitted uses on lands within the Mixed-Use I designation as identified on **Schedule 1** may include, subject to the relevant policies of this Plan:
 - i. Restaurants, retail and service commercial uses;
 - ii. Winery and brewing facilities;
 - iii. Artisan studios and maker spaces;
 - iv. Entertainment uses;
 - v. Home-based businesses;
 - vi. Hotels, including ancillary uses;
 - vii. Office uses;
 - viii. Private education, recreation and health-related facilities;
 - ix. Places of worship;
 - x. Public Service Facilities;
 - xi. Day care facilities;
 - xiii. Residential apartment units, above or behind a non-residential permitted use
 - xiv. Additional needs housing;
 - xv. Commercial and/or accessory parking facilities at-grade and/or in structures.

6.4.3 General Development Policies

- a) It is estimated that the size of the permitted retail commercial facilities within the Mixed-Use I designation should be between 7,500 and 11,000 square metres of retail commercial gross floor area, in addition to other opportunities for service commercial uses and offices. The range and mix of retail commercial facilities would ideally include a supermarket or major grocery store, a pharmacy together with a range of other services and specialty retail outlets.
- b) In addition to the maximum building height within the Mixed-Use I designation as identified on **Schedule 2**, the minimum building height shall be 2 storeys, or 8 metres, whichever is greater. The maximum net density shall be a Floor Space Index of 2.75. Where structured parking contributes at least 75% of the required parking supply, the maximum net density shall be a Floor Space Index of 3.5.
- c) Buildings and sites throughout the Mixed-Use I designation may develop as individual sites or as comprehensively planned complexes. Comprehensive planning will promote a unified approach to urban design, traffic impact and access, and stormwater management. Larger or proximal sites, or multiple vacant/underutilized sites may be required to prepare a Development Concept Plan to illustrate how these properties could be developed comprehensively, to the satisfaction of the Town.
- d) Restaurants, retail and service commercial uses shall be limited in size. The scale of all permitted land uses shall be further regulated by the implementing Zoning By-law to ensure that the desired community "main street" character is achieved. Notwithstanding that limitation, a food store is specifically exempt from this policy.
- e) The Mixed-Use I designation promotes mixed-use buildings and developments that include second floor residential apartments and/or office space that is appropriate for the accommodation of local serving businesses, including health and wellness facilities, finance uses, co-working space, professional offices and other similar activities. The following policies are applicable:
 - i. Stand-alone, non-residential buildings may be permitted within the Mixed-Use I designation. Stand-alone residential buildings are prohibited. Where residential development is proposed, it is a requirement of this Plan that no dwelling units be permitted at-grade and a minimum of 75% of the at-grade Gross Floor Area be occupied by non-residential uses, to the satisfaction of the Town; and
 - ii. An array of non-residential uses are encouraged at-grade in the Mixed Use I designation. Where these uses and facilities are proposed for sites with primary frontage along Niagara-on-the-Green Boulevard, development will be designed in a manner that prioritizes street and sidewalk frontage for retail, service commercial and restaurant purposes. Buildings shall address and have main entrances on Niagara-on-the-Green Boulevard.
- f) It is encouraged that parking facilities in the Mixed-Use I designation be located in a structure either above or below grade. Above-ground parking structures shall be designed to appear as fenestrated buildings with a regular pattern of openings and materials that are compatible in type and quality with those of surrounding buildings.
- g) Parking shall not be located between the front of buildings and Niagara-on-the-Green Boulevard. Loading, servicing and garbage areas generally shall be located at the rear of buildings, and shall be screened from public view.

- h) Development in the Mixed Use I designation shall enhance the quality of the Pedestrian Realm and Active Transportation Network by:
 - i. Requiring that front and exterior side elevations address the adjacent streetscape with minimal or no setback, forming a strong and identifiable urban edge;
 - ii. Requiring articulated façades using window displays or outdoor patios that contribute to a pedestrian friendly street environment; and
 - iii. Incorporating wayfinding signage to direct residents and visitors to shops, services and attractions.

6.5 The Mixed-Use II Designation

6.5.1 Intent

- a) It is the intent of this Plan to promote within the Mixed-Use II designation, as identified on **Schedule 1**, the development of a diverse mixture of retail and service commercial uses, restaurants, cultural, entertainment and recreational land uses, as well as office uses and a range of residential apartment dwellings.

6.5.2 Permitted Uses

- a) Permitted uses on lands within the Mixed-Use II designation identified on **Schedule 1**, may include, subject to the relevant policies of this Plan:
 - i. Restaurants, retail and service commercial uses;
 - ii. Winery and brewing facilities;
 - iii. Artisan studios and maker spaces;
 - iv. Entertainment uses;
 - v. Home-based businesses;
 - vi. Hotels, including ancillary uses;
 - vii. Convention/conference facilities;
 - viii. Office and major office uses;
 - ix. Private education, recreation and health-related facilities;
 - x. Private clubs;
 - xi. Places of worship;
 - xii. Public Service Facilities;
 - xiii. Day care facilities;

- xiv. Residential apartments
 - xv. Additional needs housing;
 - xvi. Commercial and/or accessory parking facilities at-grade and/or in structures.
- b) In addition to the identified list of permitted uses within the Mixed-Use II designation, modestly scaled research and development facilities and warehousing facilities, or other low-impact employment generating uses in wholly enclosed buildings may also be permitted, subject to the implementing Zoning By-law.

6.5.3 General Development Policies

- a) The Town shall encourage compatible development, redevelopment and rehabilitation throughout the Mixed-Use II designation by supporting development applications that conform to the policies of this Plan and the implementing Zoning By-law.
- b) In addition to the maximum building height within the Mixed-Use II designation as identified on **Schedule 2**, the minimum building height shall be 3 storeys, or 12 metres, whichever is greater. The maximum net density shall be a Floor Space Index of 3.0. Where structured parking contributes to at least 75% of the required parking supply, the maximum net density shall be a Floor Space Index of 4.25.
- c) Buildings and sites throughout the Mixed-Use II designation may develop as individual sites or as comprehensively planned complexes. Comprehensive planning will promote a unified approach to common issues such as urban design, traffic impact and access and stormwater management. Larger sites, or proximal sites, or multiple vacant, or underutilized sites may be required to prepare a Development Concept Plan as identified in this Plan to support development, to the satisfaction of the Town.
- d) Stand-alone, non-residential buildings may be permitted within the Mixed-Use II designation. Stand-alone residential buildings are prohibited. Where residential development is proposed, it is a requirement of this Plan that no dwelling units be permitted at-grade and a minimum of 60% of the at-grade Gross Floor Area be occupied by non-residential uses, to the satisfaction of the Town.
- e) Notwithstanding the policy above, on comprehensively planned, larger sites, with multiple buildings proposed, the Town may consider stand-alone residential buildings, as long as the site is developed as a mixed-use site. Mixed-use sites shall include a minimum of 50% of the total Gross Floor Area be dedicated to non-residential uses, to the satisfaction of the Town.
- f) An array of non-residential uses are encouraged at-grade in the Mixed Use II designation. Where these uses and facilities are proposed for sites within the primary frontage along Enhanced Streetscapes identified on **Schedule 4**, development will be designed in a manner that prioritizes street and sidewalk frontage for retail, service commercial and restaurant purposes. Buildings shall address and have main entrances on a street or abutting parkland.
- g) It is encouraged that parking facilities in the Mixed-Use II designation be located in structure. Above-ground parking structures shall be designed to appear as fenestrated buildings with a regular pattern of openings and materials that are compatible in type and quality with those of surrounding buildings.

- h) Parking shall not be located between the front of buildings and the street. Loading, servicing and garbage areas generally shall be located at the rear of buildings and screened from public view.
- i) The design of buildings shall enhance the quality of the Pedestrian Realm and Active Transportation Network by including transparent frontages, the articulation of facades and the use of quality materials at the street level. Development in the Mixed Use II designation shall enhance the quality of the Pedestrian Realm and Active Transportation Network by:
 - i. Requiring that front and exterior side elevations address the adjacent streetscape with minimal or no setback, forming a strong and identifiable urban edge;
 - ii. Requiring articulated façades using window displays or outdoor patios that contribute to a pedestrian friendly street environment; and
 - iii. Incorporating wayfinding signage to direct residents and visitors to shops, services and attractions.
- j) Where any lands within the Mixed-Use II designation immediately abut any lands within the Industrial/Business Park designation, it shall be the responsibility of any new development within the Mixed-Use II designation to provide an appropriate transition condition, including enhanced setbacks, landscaping, angular planes or height reductions, and to mitigate any adverse impacts that may emanate from any permitted use within the abutting Industrial/Business Park designation.
- k) Some lands within the Mixed-Use II designation directly abut, or are in proximity to the Niagara Regional Native Centre. It is a requirement that all new development that includes sensitive land uses be made aware, through notifications registered on title, that activities on the Native Centre Site may, from time to time, generate noise, or other impacts that are not regulated by the Town and are part of the ongoing enjoyment of the property by those who participate in the activities of the Niagara Regional Native Centre.

6.6 Industrial/Business Park Designation

6.6.1 Intent

- a) It is the intent of this Plan to recognize the existing employment generating land uses within the Industrial/Business Park designation, and to build upon the accessibility and visibility attributes of these lands in proximity to the Glendale Avenue interchange, along the QEW and abutting Niagara College.

6.6.2 Permitted Uses

- a) Permitted uses on lands within the Industrial/Business Park designation identified on **Schedule 1**, may include, subject to the relevant policies of this Plan:
 - i. Industrial uses, including:
 - > Manufacturing facilities;
 - > Warehousing and distribution centres;
 - > Municipal works yard;

- > Research and development facilities;
 - > Data processing facilities;
 - > Transportation servicing and maintenance facilities;
 - > Construction and agricultural equipment sales and rental facilities; and
 - ii. Office and major office uses;
 - iii. Institutional and major institutional uses;
 - iv. Private education, recreation and health-related facilities;
 - v. Winery and brewing facilities; and
 - vi. Commercial and/or accessory parking facilities at-grade and/or in structures.
- b) In addition to the identified list of permitted uses within the Industrial/Business Park designation, the following uses may also be permitted, subject to the implementing Zoning By-law:
- i. Retail commercial uses that sell products manufactured, or assembled on-site; and
 - ii. Restaurant, retail and service commercial uses catering to the daily needs of employees within the Industrial/Business Park area.

6.6.3 General Development Policies

- a) Development within the Industrial/Business Park designation will accommodate built forms that support Niagara College and major office uses. Development is also expected to attain high-quality urban design, at densities that are transit-supportive. Development will incorporate identified elements of the Pedestrian Realm and Active Transportation Network, as shown on **Schedule 4**.
- b) The conversion of lands within the Industrial/Business Park designation to non-employment generating uses shall only be considered through a Municipal Comprehensive Review, carried out by the Region, or subject to other relevant policies within the Region of Niagara Official Plan. In accordance with the Planning Act, there will be no appeal with respect to the refusal or failure of the Town to adopt an Amendment to this Plan and/or the passage of a Zoning By-law for the redesignation or conversion of lands designated within the Industrial/Business Park designation.
- c) The following policies shall apply to parking, outside storage and loading areas within the Industrial/Business Park designation:
 - i. Parking areas shall be encouraged at the side or rear of buildings. Parking between the front wall of a building and the public right-of-way shall be limited to two tiers. Landscaped areas shall be used to provide a buffer between parking areas and buildings and between parking areas and the street; and

- ii. Loading areas shall be located at the side or rear of a building. Garbage areas shall be screened and located at the rear of buildings. Servicing and garbage areas enclosed within the building are encouraged.

Exceptions to the these identified policies are permitted without Amendment to this Plan, provided the exceptions satisfy the principles and objectives for the Industrial/Business Park designation and the broader community of Glendale.

- d) Where any lands within the Mixed-Use II designation immediately abut any lands within the Industrial/Business Park designation, it shall be the responsibility of any new development within the Mixed-Use II designation to provide an appropriate transition condition, including enhanced setbacks, landscaping, angular planes or height reductions, and to mitigate any adverse impacts that may emanate from any permitted use within the abutting Industrial/Business Park designation.

6.7 The Institutional Campus Designation

6.7.1 Intent

- a) The area within the Institutional Campus designation, identified on **Schedule 1** is occupied by the Niagara-on-the-Lake Campus of Niagara College, an important institution and asset to the Town. Niagara College will be accommodated in a campus of well-designed buildings and set in a landscape setting that reflects the College's role as a focal point for the Glendale community.

6.7.2 Permitted Uses

- a) Permitted uses on lands within the Institutional Campus designation identified on **Schedule 1**, may include, subject to the relevant policies of this Plan:
 - i. College or university uses, including research and residence facilities;
 - ii. Office and major office uses;
 - iii. Private and public education facilities;
 - iv. Public Service Facilities;
 - v. Day care facilities; and
 - vi. Commercial and/or accessory parking facilities at-grade and/or in structures.
- b) In addition to the identified list of permitted uses within the Mixed-Use I designation, the following uses may also be permitted, subject to the implementing Zoning By-law:
 - i. Retail uses for the sale of products developed in college programs; and
 - ii. Restaurant, retail and service commercial uses catering to the daily needs of students and employees.

6.7.3 General Development Policies

- a) The College has prepared, in consultation with the Town, a College Master Plan of the site indicating the location and form of future development. The Town acknowledges that as the College grows and evolves, any such plan is subject to change. Key considerations in the College Master Plan, as it evolves should include:
 - i. Development shall be structured by a rational, interconnected network of driveways and pedestrian paths that facilitate walking;
 - ii. Buildings should frame internal streets and open spaces;
 - iii. A minimum requirement of the site to be landscaped;
 - iv. Any structured vehicular parking shall be located at the rear of buildings and screened from view from adjacent public streets; and
 - v. Loading, servicing and garbage areas shall be located at the rear of buildings and screened from view. Loading, servicing and garbage areas enclosed within a building shall be encouraged.
- b) The preparation of any Amendment to the College Master Plan should include direction regarding the design treatment of any affected element of the Pedestrian Realm and Active Transportation Network. It is an objective of this Plan to encourage students and employees of the College to walk, cycle or use transit to access the Campus. To achieve this objective, consideration should be given to the establishment of maximum on-site vehicular parking standards and minimum on-site bicycle parking requirements. In addition, wider sidewalks and bike lanes on key access routes and locations on transit routes should be pursued.

6.8 The Transportation Facilities Designation

6.8.1 Intent

- a) It is the intent of this Plan to recognize lands owned by the Ministry of Transportation Ontario that are incorporated within the infrastructure of the Glendale Avenue and QEW Interchange in accommodating transportation related facilities that will benefit Highway users and the Glendale community.

6.8.2 Permitted Uses

- a) Permitted uses on lands within the Transportation Facilities designation identified on **Schedule 1**, may include, subject to the relevant policies of this Plan:
 - i. Commuter parking facilities, either at grade or in structure;
 - ii. Tourist information booths; and
 - iii. A Transit Hub facility.

6.8.3 General Development Policies

- a) Any development of any permitted use within the Transportation Facilities designation shall only occur through the approval of the Ministry of Transportation Ontario, and shall be

subject to all of the design criteria of the Ministry, including any applicable setback requirements.

6.9 The Environmental Protection Designation

6.9.1 Intent

- a) It is the intent of this Plan to ensure that lands within the Environmental Protection designation are protected from the impacts of development and that the biodiversity, ecological and hydrological function of the features incorporated within the designation are protected, maintained, restored or, where possible, enhanced for the long-term.

6.9.2 Permitted Uses

- a) Permitted uses, subject to the results of an Environmental Impact Study, on lands within the Environmental Protection designation may include:
 - i. Conservation uses;
 - ii. Buildings or structures appropriate and supportive of public parks and trails and other associated passive recreational opportunities and facilities; and
 - ii. Buildings or structures necessary for flood or erosion control.
- b) In addition to the permitted land uses listed, the following uses may also be considered:
 - i. Environmentally sensitive elements of the Pedestrian Realm and Active Transportation Network, which are supported by an Environment Impact Assessment;
 - ii. Municipal service infrastructure (sewer, water stormwater management) and public and private streets which are supported by a completed Environmental Assessment or similar study; and
 - iii. Public and private utilities, including electrical power transmission and distribution systems, as well as telecommunication facilities subject to any regulatory requirements, such as the provisions of the Environmental Assessment Act.

The impact of these facilities on the environment will be minimized. Municipal service infrastructure and public and private utilities, including private streets, will only be permitted if it can be demonstrated that the advantages of any project outweigh its disadvantages. All assessments must be supported by an Environmental Impact Study (EIS) or similar study. The evaluation will require consideration of the:

- i. Ecological value and sensitivity of the particular feature(s);
- ii. Expected impact of the proposed project on the agricultural and conservation lands and ability to mitigate those impacts;
- iii. Need for and benefits of the proposed project; and
- iv. Advantages and disadvantages of alternative locations for the proposed project.

The Town will consult with the authority having regulatory jurisdiction over the feature prior to allowing any public utility to locate in the Environmental Protection designation.

6.9.3 Components

- a) The detailed inventory of all of the components of the Natural Heritage System are identified in Appendix A, attached to this Plan. The Environmental Protection designation, which is derived from the detailed inventory, is identified on **Schedule 1**, and is comprised of core areas, recommended buffers, linkages, and recommended restoration/enhancement areas that are identified as supporting features and areas. Core areas are comprised of wetlands, significant woodlands, significant valley lands, significant wildlife habitat, permanent and intermittent watercourses and fish habitat. Buffers of various widths have been included in the Environmental Protection designation, with the recommended width relating to the ecological sensitivity of the core area and with regard for existing Provincial policies.

6.9.4 General Development Policies

Boundaries

- a) The boundaries of the Environmental Protection designation shown on **Schedule 1** and on **Schedule 3** has been conceptually delineated. It is the intent of this Plan that their precise locations be determined in consultation with any other agency having jurisdiction, at the time of the consideration of specific development applications.
- b) Minor adjustments to the boundary of the Environmental Protection designation may be facilitated through an Environmental Impact Study without the need to Amend this Plan. Where a minor adjustment to the boundary of the Environmental Protection designation is approved by the Town, in consultation with any agency having jurisdiction, the abutting land use designation as identified on **Schedule 1** and on **Schedule 3**, shall apply
- c) Significant changes to the Environmental Protection designation as identified on **Schedule 1** and on **Schedule 3** shall only be considered through an Environmental Impact Study, submitted in support of an Amendment to this Plan.

Limited Development

- d) No buildings or structures, nor the cutting of trees, or the removal or placing of fill of any kind whether originating on the site or elsewhere, may be permitted within the Environmental Protection designation, except with the approval of the Town, in consultation with any agency having jurisdiction. Lands within the Environmental Protection designation shall generally not form part of any new lots to be created for the purposes of development, other than to facilitate the establishment of the uses permitted by this Plan.

Environmental Impact Study

- e) Where development, redevelopment and/or site alteration is proposed within the Environmental Protection designation, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial, Regional, and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.

- f) Where fish habitat and/or the habitat of endangered species and/or the habitat of threatened species are identified, the required Environmental Impact Study shall ensure that all Provincial and Federal requirements have been satisfied.

Scoping/Waiving of an Environmental Impact Study

- g) Where an application for development, redevelopment and/or site alteration within the Environmental Protection designation is of a minor nature, the Town, in consultation with any agency having jurisdiction, may scope or waive the requirement for an Environmental Impact Study.

No Negative Impact

- h) The establishment of any permitted use shall demonstrate no negative impact to any natural heritage feature and/or associated ecological functions, as demonstrated through the required Environmental Impact Study. Where a permitted use requires impact mitigation, the mitigation shall result in no negative impact on the natural heritage features and/or their ecological functions.

Existing Lots of Record

- i) Where there is an Existing Lot of Record, the owner may be entitled to build 1 single detached dwelling on the Lot, subject to relevant Zoning By-law provisions. The permission for the development of an Existing Lot of Record shall be subject to all of the following criteria:
 - i. The Lot legally existed prior to the approval of this Plan;
 - ii. The Lot has frontage on a Public Road;
 - i. The proposed single detached dwelling is located outside of lands subject to natural hazards or has been flood-proofed to the satisfaction of the Conservation Authority or any other agency having jurisdiction, and
 - iii. The Lot can be provided with an appropriate water supply and sewage disposal facilities.

The landowner may consult with the Town, Conservation Authority, and any other agency having jurisdiction, to locate the dwelling on the lot that minimizes the impact of the development on the natural heritage features and their associated ecological functions, and in consideration of any natural hazards affecting the property.

Existing Uses and Structures

- j) Existing legal non-conforming uses and structures within the Environmental Protection designation are permitted and may be replaced if destroyed by natural causes. An application for the expansion or enlargement of such uses and structures may be considered by the Town, subject to the submission of an Environmental Impact Study, in consultation with any agency having jurisdiction. The application shall demonstrate no negative impact to the natural heritage features and/or their ecological functions, and may require an application for rezoning.

Existing Approvals

- k) Where an existing development has received approval from the Town prior to the date of the approval of this Plan, has not yet been developed, but is now within the Environmental Protection designation identified on **Schedule 1**, the Town will work with the developer to mitigate the impacts of that development on the natural heritage features and/or their ecological functions, or consider allowing the existing approval to lapse, if applicable.
- l) Where a development has been partially, but not fully approved, and still requires subsequent approvals under the Planning Act, or where a request to extend an existing approval is made, the Town may require that an updated Environmental Impact Study or scoped environmental review be carried out to ensure that there is no negative impact to any natural heritage feature and/or their ecological functions in support of an extension to an existing approval, or any new approval required under the Planning Act.

Removal or Destruction of a Natural Feature

- m) The removal or destruction of any natural heritage feature, trees/woodlots, and/or any associated ecological function by unauthorized development, tree cutting or site alteration is prohibited. Such removal or destruction will not provide the rationale for the removal of these lands from the Environmental Protection designation. Restoration, to the satisfaction of the Town, in consultation with any agency having jurisdiction, will be required where the removal or destruction of a significant natural heritage feature and/or their ecological functions by unauthorized development or site alteration has occurred. Charges or penalties may be imposed pursuant to a Site Alteration By-law or Tree Cutting By-law.

Dedication of Lands

- n) Lands within the Environmental Protection designation may be dedicated to the Town, other public authority, or to a Land Trust, or other not-for-profit agency, subject to the approval of the Town, without cost.
- o) Where lands within the Environmental Protection designation are proposed for dedication to the Town, they shall be conveyed in a satisfactory physical condition and if an open watercourse is involved, the dedication shall provide sufficient land for property maintenance operations to be carried out. Such land shall not be acceptable as parkland dedication.

6.9.5 The Adjacent Lands Overlay

- a) The intent of the Adjacent Lands Overlay is to trigger the requirement for the preparation of an Environmental Impact Study to support applications for development. Lands within 120 metres and abutting the Environmental Protection designation are shown on **Schedule 3** as the Adjacent Lands Overlay. Adjacent Lands may have ecological functions or linkages that are important to the long-term health of the identified natural heritage features and/or their ecological functions.
- b) Where development, redevelopment and/or site alteration is proposed within the Adjacent Lands Overlay, the Town shall require that an Environmental Impact Study be prepared by a qualified professional with appropriate in-season field work, and in accordance with any applicable Federal, Provincial and Town requirements that demonstrates that there will be no negative impacts on any natural heritage features, and/or their ecological functions, to the satisfaction of the Town, in consultation with any agency having jurisdiction.

- c) The uses permitted and the associated development policies on any specific site or area within the Adjacent Lands Overlay may include those land uses permitted by the underlying land use designation, as identified on **Schedule 1**, subject to the results of an Environmental Impact Study when required by the Town. In addition to any permitted land uses, the extension of existing municipal infrastructure projects where the alignments or locations of those facilities have been established in this Plan, and/or an approved Environmental Assessment, may be permitted on lands within the Adjacent Lands Overlay, subject to the application of specific mitigation measures as set out in an approved Environmental Impact Study.
- d) Where an application for development, redevelopment and/or site alteration within the Adjacent Lands Overlay is of a minor nature, the Town, in consultation with any agency having jurisdiction, may scope or waive the requirements for an Environmental Impact Study.
- e) In cases where an Environmental Impact Study was completed and approved in support of the existing planning approval within the Adjacent Lands Overlay, further Environmental Impact Study requirements may be waived by the Town, in consultation with any agency having jurisdiction.

6.10 Policies for Land Use Symbols

6.10.1 Potential Regional Transit Hub Symbol

- a) The Potential Regional Transit Hub Symbol has been applied to a number of properties on **Schedule 1**, in a number of land use designations throughout Glendale. Further study and refinements will be required as part of a Transit Hub Feasibility Study to identify the appropriate location, function and land needs of this facility. Any development which occurs in proximity to the location of the Potential Regional Transit Hub Symbol prior to the planning for this facility shall demonstrate how transit will be supported and accommodated.
- b) The Regional Transit Hub facility may be a stand-alone facility that is acquired and developed by the Niagara Transit Commission, or it may be part of a mixed-use development that is developed as part of an agreement between the land owner/developer and the Niagara Transit Commission.
- c) Where an agreement to acquire the site for the Regional Transit Hub has not been established within a maximum of 3 years from the date that a development application affecting lands with the Potential Regional Transit Hub Symbol is deemed complete, the removal of the Potential Regional Transit Hub Symbol may be facilitated without the need for an Amendment to this Plan.

6.10.2 Potential School Location Symbol

- a) Elementary Schools are included in the definition of Public Service Facilities and are a permitted use in a number of land use designations, however, on **Schedule 1** the Potential School Location Symbol identifies 2 locations within Glendale, that prioritize proximity to residential neighbourhoods. The detailed location, size and configuration of each Elementary School site is to be determined through the subsequent development approval processes.
- b) Where possible, Elementary Schools should be located adjacent to Parks to provide opportunities to maximize efficiencies and encourage shared use of amenities and facilities. The School Boards are encouraged to work with the Town to establish urban school development parameters that are appropriate for an evolving urban community context,

including smaller sites and multi-storey buildings and consideration of co-locating with compatible uses to support the urban vision for the area .

- c) The Town shall consult with School Boards as part of the development approval process for lands that include the Potential School Location Symbol. It shall be the responsibility of the applicable School Board to identify the need for a School Site, and to subsequently acquire the lands.
- d) It shall be a requirement of this Plan that agreements for the purchase of lands for Elementary School Sites be executed in a timely manner to ensure that acquisition decisions do not frustrate the achievement of ongoing development within Glendale. Where the need for an Elementary School, or an agreement to acquire the site has not been established within a maximum of 3 years from the date that a development application affecting lands with the Potential School Location Symbol is deemed complete, the removal of the Potential School Location Symbol may be facilitated without the need for an Amendment to this Plan.

6.10.3 Potential Community Centre Location Symbol

- a) A Potential Community Centre is identified as a Public Service Facility and is a permitted use in a number of land use designations, subject to the relevant policies of this Plan. The Potential Community Centre Location Symbol is identified on **Schedule 1** in 1 location within Glendale. It is the intent of this symbol to identify potential location for the Community Centre, which is to be acquired by the Town. The detailed location, size and configuration of the Potential Community Centre site is to be determined through the subsequent development approval processes. A Community Centre may be co-located on Public Parkland.
- b) Where an agreement to acquire the site for a Community Centre has not been established within a maximum of 3 years from the date that a development application affecting lands with the Potential Community Centre Location Symbol is deemed complete, the removal of the Potential Community Centre Location Symbol may be facilitated without the need for an Amendment to this Plan.

6.10.4 Potential Urban Park Location Symbol

- a) An Urban Park is an important element within the Pedestrian Real and Active Transportation Network and is a permitted use in a number of land use designations, subject to the relevant policies of this Plan. It is the intent of the Potential Urban Park Symbol, as identified on **Schedule 1** and on **Schedule 4**, to identify potential locations for the Urban Park Spaces. The detailed location, size and configuration of the Potential Urban Park Spaces are to be determined through the subsequent development approval processes.

7.0 THE PEDESTRIAN REALM AND ACTIVE TRANSPORTATION NETWORK

7.1 Defining The Pedestrian Realm and Active Transportation Network

- a) Moving people into, out of and through the community easily and safely, and providing a variety of spaces for socializing, special events and recreation, is a priority of this Plan. Each element of the Pedestrian Realm and Active Transportation Network must be considered in concert with one another and within the context of the evolving Glendale community. A

comprehensive understanding of how these spaces work together, complement each other and support their adjacent uses, will lead to a more connected, accessible and logical network of pedestrian spaces and mobility options throughout the Glendale.

- b) The Pedestrian Realm and Active Transportation Network, identified on **Schedule 4**, in Glendale shall be comprised of various and diverse components that will all play vital roles in animating Glendale and connecting the various components of the community together with all modes of transportation.
- c) The components of the Pedestrian Realm and Active Transportation Network, along with the lands within the Public Parkland designation, represent significant contributions to the provision of recreational opportunities and for social activity within Glendale. Specific planning, design and maintenance considerations are required to ensure the vitality and longevity of these spaces. The various components of the Pedestrian Realm and Active Transportation Network include:
 - i. Public Parkland designation;
 - ii. Urban Park Spaces; and
 - iii. Connecting Links.

Streetscapes are also an important component of the Pedestrian Realm and Active Transportation Network, and they are discussed in more detail in Section 8.1.

- d) Components of the Pedestrian Realm and Active Transportation Network are permitted in multiple land use designations in this Plan. Public Parkland is identified as a land use designation, while the other components are identified symbolically and/or conceptually on **Schedule 1** and on **Schedule 4**. All components of the Pedestrian Realm and Active Transportation Network will:
 - i. **Be connected** - Promote accessibility throughout the community by linking all of the community elements together with mobility options for vehicles, transit, pedestrians, and cyclists as well as opportunities to accommodate all other forms of micro-mobility;
 - ii. **Be designed to the highest standards** - Top quality building materials meeting accessibility needs and standards informed planting choices and environmental sustainability are priorities in the design of all components of the Pedestrian Realm and Active Transportation Network;
 - iii. **Be safe and secure** - It is crucial that all elements of the Pedestrian Realm and Active Transportation Network be designed to maximize user safety and security;
 - iv. **Prioritize pedestrian and cyclist comfort** - Access to sunlight and protection from wind and other elements will be considered to support year-round use. Amenities, such as backed seating, tables, washrooms, water fountains and waste receptacles shall be of a high quality and readily available within all components of the Pedestrian Realm and Active Transportation Network;
 - v. **Be well maintained** - Comprehensive maintenance schedules will be developed by the Town for all components of the Pedestrian Realm and Active Transportation Network, including existing and new, to ensure safe, accessible and healthy landscapes.

7.2 The Public Parkland Designation

7.2.1 Intent

- a) The intent of the Public Parkland designation is to recognize existing public park space elements that have already been established in Glendale prior to the approval of this Plan, and to identify important new elements of the Public Parkland System to be established throughout Glendale as development occurs over time. It is also the intent of this Plan for the lands within the Public Parkland designation to be fully integrated and connected to the other elements of the Pedestrian Realm and Active Transportation Network.

7.2.2 Permitted Uses

- a) Existing and new, larger elements of the Public Parkland System are identified on **Schedule 1** as being within the Public Parkland designation. Permitted uses in the Public Parkland designation may include:
 - i. Active and passive recreational uses; and
 - ii. Public Service Facilities, including Community Centres.
- b) Limited retail commercial and restaurant uses which serve the main permitted use may be permitted subject to the relevant policies of this Plan, and the requirements of the implementing Zoning By-law.

7.2.3 General Development Policies

- a) All accessory buildings and structures within the Public Parkland designation shall be subject to the implementing Zoning By-law. No building or structure within the Public Parkland Designation shall exceed 15 metres. The actual height of any development will be calculated from established grade to the top of the building, including the mechanical penthouse and any roof ornamentation.
- b) Existing parks within the Public Parkland designation are embedded within Existing Residential Neighbourhood designation and have an established role and function within the current community. Any subsequent changes to the role, function, design or programming within these existing park spaces will be facilitated through a public consultation process.
- c) The lands identified within the Public Parkland designation on **Schedule 1** and on **Schedule 4**, that are not yet owned by the Town are generally intended to serve the development accommodated within the New Residential designation, and shall be acquired as fee simple parkland through the development approval process. The Town may utilize parkland dedication tools and funds received through the receipt of cash-in-lieu of land to acquire these parks.

7.3 Urban Park Spaces

7.3.1 Key Components

- a) It is the intent of this Plan to ensure that the Town actively seeks out opportunities to assemble the full range of parkland opportunities, including larger parcels of land acceptable

for a range of recreational programming, as identified on **Schedule 1** and **Schedule 4** as within the Public Parkland designation. Urban Park Spaces, identified symbolically on **Schedule 1** and **Schedule 4** are to be linked to the Public Parkland components via the Active Transportation Network.

- b) All development applications shall make a public parkland contribution and/or cash-in-lieu of land in accordance with the policies of this Plan and the requirements of the Planning Act.
- c) The Urban Park Spaces are to be located outside of the adjacent street right-of-way. The Urban Park Spaces appropriate for Glendale are comprised of the following elements:
 - i. Urban Squares; and
 - ii. Pocket Parks.
- d) Adjustments to the general location of the Urban Park Spaces identified symbolically on **Schedule 1** and **Schedule 4** can be made through the development application process without an Amendment to this Plan, subject to the Town being satisfied that Urban Park Spaces are being accommodated on the identified site and are appropriately connected to the broader Pedestrian Realm and Active Transportation Network.

7.3.2 Policies for Urban Park Spaces

- a) The lands identified as subject to the Potential Urban Park Symbol on **Schedule 1** and on **Schedule 4** may be secured through the development approval process as:
 - i. Fee Simple parkland dedication (Town ownership);
 - ii. Strata Parks - acquired through Strata Title arrangements under the Condominium Act (Town ownership); or
 - iii. A Privately Owned Public Space (POPS).

The Town may utilize parkland dedication tools and funds received through the receipt of cash-in-lieu of land to acquire these parks, where applicable.

- b) Strata Parks and POPS shall be secured through appropriate legal agreements to ensure ongoing public access, as well as appropriate design and maintenance standards over the long-term. Given concerns about life-cycle costs, and programming control, Strata Parks and POPS may not be fully credited toward the achievement of parkland dedication requirements.
- c) On any development site within the Mixed-Use I designation, or Mixed-Use II designation that is greater than 1,500 square metres of gross land area shall provide a land dedication to the satisfaction of the Town. Smaller sites may include a land dedication and/or cash-in-lieu of land, to the satisfaction of the Town.
- d) Urban Squares, which are the largest element of the Urban Park Spaces anticipated within Glendale, are to be distributed throughout Glendale, generally on larger development sites/blocks. Urban Squares are pedestrian spaces that accommodate socializing in a dense urban area.
- e) Pocket Parks, which are the smallest component of the Urban Park Spaces anticipated within Glendale, are to be distributed throughout Glendale. Pocket Parks are small scaled

components of the Pedestrian Realm and Active Transportation Network. They are expected to be generally greater than 75 square metres in size.

7.4 Connecting Links

7.4.1 Key Components

- a) The Connecting Links element of the Pedestrian Realm and Active Transportation Network includes a number of linear components intended to provide a fine-grained and highly connected network that maximizes access to, from and within Glendale for pedestrians, cyclists and all forms of micro-mobility options. The various Connecting Links are identified conceptually on **Schedule 4**, and include:
 - i. The sidewalk system - to be located within the street right-of-way, for use primarily by pedestrians;
 - ii. Bike lanes - to be located within the street right-of-way, for use by cyclists as well as other forms of micro-mobility; and
 - iii. Multi-use trails - may be located within, or outside of a street right-of-way, for the shared or for the exclusive use of pedestrians, cyclists and other forms of micro-mobility.

7.4.2 Policies for Connecting Links

- a) Connecting Links are sometimes included within the various street right-of-ways (sidewalks and bike lanes) and are sometimes provided within their own right-of-way (off street multi-use trails). All Connecting Links must be safe and comfortable to ensure the greatest amount of encouragement for travelers in Glendale to travel by means other than the private automobile. All Connecting Links shall be designed to be consistent with the Urban Design Guidelines attached to this Plan as **Appendix B**, and in accordance with the following:
 - i. Provide comfortable, people-friendly environments with sufficient boulevard separation from vehicular traffic which may include shade trees, street furniture, parking for bicycles, lighting and signage, safe street crossings and other traffic controls;
 - ii. Ensure a sufficient width to accommodate mobility aids and comfortable pedestrian flows, personal mobility devices and incorporate suitable travel surfaces appropriate for the intended type of traffic and be of a material that requires minimal maintenance;
 - iii. Minimize hazard and conflict exposures through the provision of adequate lighting, signage and wayfinding as well as the management of vehicle speeds where on-street facilities are provided;
 - iv. Minimize street crossings and, where viable, provide pedestrian overpasses/underpasses where Connecting Links intersect with Regional or Collector Streets;

- v. Connect to:
 - > Other components of the Pedestrian Realm and Active Transportation Network;
 - > Lands within the Environmental Protection designation and the Public Parkland designation; and
 - > Key destinations within Glendale, including Niagara College, Elementary Schools, Public Parkland, Community Centres and retail shopping opportunities.
- b) Sidewalks shall be provided on both sides of all Collector Streets and new Local Streets within Glendale. Sidewalks shall, at a minimum, meet the requirements of the Accessibility for Ontarians with Disabilities Act. Additional sidewalk width may be specified through the relevant policies for Enhanced Streetscapes.
- c) Bike lanes built within the street right-of-way shall be required on all Collector Streets within Glendale. Bike lanes built within the street right-of-way may be considered on new Local Streets where cycling traffic, where warranted by use levels.
- d) Multi-use trails are identified conceptually on **Schedule 4**. The actual location and design of the identified off-street multi-use trails will be determined by the Town through the development approval process. The Town may adjust the location and/or alignment of the off-street multi-use trails to accommodate the actual on-ground route, and to respond to new opportunities and/or constraints that arise from time-to-time, without the need for an Amendment to this Plan.

8.0 TRANSPORTATION, SERVICE INFRASTRUCTURE + UTILITIES

8.1 A Multi-Modal Transportation System

8.1.1 Intent

- a) It is the intent of this Plan to:
 - i. Maintain a safe, multi-modal, and integrated Transportation System, including Active Transportation facilities, that permits the safe and efficient movement of people and goods within Glendale and beyond; and
 - ii. Enhance the Transit System by ensuring that transit routes and stops are connected to the Pedestrian Realm and Active Transportation Network, and that transit is frequent and reliable enough to serve Glendale's anticipated population and business community, and to foster a seamless, multi-modal community where daily travel does not rely primarily on the use of a private automobile.
- b) The multi-modal Transportation System in Glendale, consists of two equally important and entirely inter-connected elements: the Pedestrian Realm and Active Transportation Network (**Schedule 4**) and the Street Network (**Schedule 5**). The Transportation System serves as the

framework on which to provide for travel by all modes, with a focus on, but not limited to, walking, cycling, emerging micro-mobility opportunities and transit.

- c) The multi-modal Transportation System is premised on the pattern of development and increases in traffic volumes anticipated within Glendale over time. All development, including all public works related to the Transportation System, shall conform with the relevant policies of the Niagara-on-the-Lake Official Plan and this Plan. This Plan provides a broad based policy framework with respect to:
 - i. The Street Network;
 - ii. Streetscapes;
 - iii. Public Transit;
 - iv. Transportation Demand Management;
 - v. Parking, Access and Service Facilities; and
 - vi. The Niagara District Airport.

8.1.2 The Street Network

Intent

- a) The Street Network is intended to establish the pattern of development Blocks within Glendale. All new development will only be permitted where a lot has frontage onto a public streetway. To provide for flexibility in land tenure and subject to a site-specific implementing Zoning By-law, consideration may be given to permitting the creation of Development Sites/Blocks where lands front onto a Private Street or Laneway. Permission will only be given where the Private Street or Laneway will be constructed and maintained to the satisfaction of the Town.

Streetscapes

- b) Streetscapes associated within Glendale will accommodate key components of the Pedestrian Realm and Active Transportation Network - which solidifies their importance as a defining feature of the community. Glendale is expected to accommodate a wide variety of pavement widths and street rights-of-way, which requires a flexible approach to streetscape design, including trees/planting programs, street furniture and lighting. Inherent to this design flexibility, programming strategies are also a key element of street life activation.
- c) All streetscapes within Glendale are to be defined by their attractive, tree-lined open space character and by their emphasis on environmental quality. Streetscape design will place an emphasis on creating comfortable and convenient facilities for all users, and they may also incorporate transit routes.

Street Typologies

- d) The Street Network identified on **Schedule 5** includes facilities that are not under the jurisdiction of the Town, including:

- i. **The Queen Elizabeth Way (QEW):** The main function of the QEW is to accommodate large volumes of inter-regional and regional traffic. All development adjacent to the QEW and the Glendale interchange is subject to the requirements and permits of the Ministry of Transportation Ontario;
- ii. **Existing Regional Roads** - including Glendale Avenue, Taylor Road, Airport Road, York Road and Homer Road. Existing Regional Roads are under the jurisdiction of Niagara Region. Their main function is to move large volumes of vehicles over long distances, accommodate public transit routes, stops and associated facilities, and provide for active transportation options inside these right-of-ways.

Right-of-way widths, access and design treatments for Regional Roads within Glendale shall be consistent with the Region's Complete Streets Design Manual and shall conform with any relevant Niagara Region Official Plan policies and/or engineering standards.

- e) The Street Network identified on **Schedule 5** includes facilities that are under the jurisdiction of the Town. All streets under the jurisdiction of the Town shall be designed to be consistent with the Urban Design Guidelines attached to this Plan as **Appendix B**, Town and to conform with any relevant policies of the Niagara-on-the-Lake Official Plan and the following policies:
 - i. All Streets will be safe, accessible, secure and shall implement the relevant policies of the Accessibility for Ontarians with Disabilities Act;
 - ii. Street furnishings, plantings, materials, and techniques must be consistent in physical form and spacing and be of the highest quality. Pattern and repetition are essential to imprint a recognizable sense of place;
 - iii. The design of streetscapes shall create defined and continuous zones for planting, street furnishings, utilities and pedestrian, cyclist and vehicular traffic.
 - iv. Street design shall ensure:
 - > That the ultimate right-of-way width for any Street will be sufficient to accommodate the intended traffic volumes as well as appropriate Active Transportation Facilities and streetscape amenities; and
 - > That the number, type, and design of permitted entrances onto streets shall protect the existing, or planned function of the street. Development abutting Collector and Local Streets shall consolidate vehicular accesses wherever possible to minimize conflicts with the Pedestrian Realm and Active Transportation Network and to limit impacts on traffic flow.
- f) The following street types are under the jurisdiction of the Town:
 - i. **Existing and Proposed Collector Streets:** Collector Streets are intended to afford organization for the street system and to provide the main connecting points to the Regional Roads. They are expected to be reasonably continuous, and to carry significant traffic volumes. Collector Streets shall have the ability to accommodate transit;

- ii. **Character Streets** - including Queenston Road and Concession 7 Road. Character Streets are intended to provide access to individual lots, or Development Sites/Blocks and to establish an appropriate transition between the more urban elements of Glendale to the surrounding rural/agricultural landscape;
 - iii. **Industrial/Business Park Streets:** Industrial/Business Park Streets are under the jurisdiction of the Town. They are intended to provide access to individual lots, or Development Sites/Blocks;
 - iv. **Main Street:** The Main Street (Niagara-on-the-Green Boulevard) is expected to support significant pedestrian traffic as well as to provide access to individual development lots and blocks in a traditional "main street" built form; and
 - v. **Existing and Proposed Local Streets:** Local Streets are intended to provide access to individual residential lots, or Development Sites/Blocks;
- g) In addition to the components of the Street Network that are under public sector jurisdiction, the Town may also facilitate **Private Streets/Rear Laneways**. Private Streets and Laneways are the responsibility of the owner. They are intended to provide access to individual residential lots, or Development Sites/Blocks. Right-of-way widths, access and design treatments for Private Streets and Laneways within Glendale shall be consistent with the Urban Design Guidelines attached to this Plan as **Appendix B**, and shall conform with any relevant Niagara-on-the-Lake Official Plan policies or engineering standards.

The Town shall promote Shared private driveways will provide vehicular and servicing access to Development Sites/Blocks and shall be coordinated within the Sites/Blocks to give access to multiple buildings. Shared private driveways will be designed to meet technical standards of the Region or the Town.

8.1.3 Public Transit

- a) The Town supports the expansion of Local, Regional and Inter-Regional transit service to Glendale. This Plan encourages the use of transit by connecting patrons and residents with transit services through the accommodation of local transit service and the Pedestrian Realm and Active Transportation Network. The provision of high-quality walking and cycling facilities is encouraged to further increase the potential catchment area of transit services within Glendale.
- b) The Town will ensure, as part of the development approval process, that lands are secured where appropriate for transit routes, transit stops and associated facilities, including assisting the Niagara Transit Commission with the securement of an appropriately located Transit Hub facility.

8.1.4 Transportation Demand Management

- a) Transportation Demand Management (TDM) refers to a variety of strategies to reduce congestion, reduce reliance on the single- occupant vehicle, and achieve a more sustainable transportation system. TDM is a multi-modal approach that supports cycling, walking, transit and carpooling, by introducing incentives and disincentives to reduce reliance on the single- occupant vehicle. TDM works to change how, when, where and why people travel.
- b) The Town may implement a comprehensive Transportation Demand Management program and may consider reduced parking requirements for development and/or redevelopment

where a comprehensive Transportation Demand Management Report is submitted to the satisfaction of the Town.

8.1.5 Parking, Access and Service Facilities

- a) It is the intent of this Plan to minimize the amount of surface automobile parking in GLENDALE in order to realize the intensity of built-form anticipated by this Plan. Vehicle parking will be managed to minimize adverse impacts including environmental and visual impacts.
- b) Adequate parking, loading and garbage collection/storage facilities for all permitted land uses shall be provided on-site. Parking facilities for Low-Rise Buildings are encouraged to be in structure. Parking facilities for Mid-Rise Buildings shall be primarily accommodated in structure and, where possible, so should loading and garbage collection areas.
- c) It is recognized that surface parking may be provided for development on an interim basis in the early phases of new development. It is a requirement of this Plan that all applications for development demonstrate the transition to an end state scenario where buildings, rather than parking, become the predominant feature of the streetscape.
- d) Where provided, the design of surface parking shall consider:
 - i. Planting strips and landscaped traffic islands, medians, or bump-outs shall also be provided within lots to break up the expanse of hard surface;
 - ii. Pedestrian-scaled lighting, walkways, landscaping, and signage to enhance pedestrian safety, movement and comfort through parking lots to the adjacent sidewalks; and
- e) The majority of parking, other than short-term surface parking (taxi, delivery, pick-up and drop-off), for any Mid-Rise Building shall be primarily provided in underground, or in above-ground parking structures. Parking structures shall:
 - i. Have well designed facades which appear as a fenestrated building, with well-articulated openings and high-quality materials;
 - ii. Have entrances off of public or private streets and be integrated with the design of the building; and
 - iii. Have pedestrian entrances to integrated parking structures which are easily identified, well-lit and designed with consideration for CPTED principles.
- f) Access to parking/loading facilities that are within buildings shall be designed to accommodate trade vehicles, moving vans, garbage trucks and delivery vehicles. In general, loading, garbage collection and parking areas should not be located where they are perceived from the Streetscape and should be hidden from view. Where possible, access to parking, loading and garbage collection areas should be located on the street with the least pedestrian traffic.
- g) Where above-ground parking structures front onto a public or private street or element of the Pedestrian Realm and Active Transportation Network, active ground floor uses are encouraged to provide attractive facades, animate the streetscape and enhance pedestrian and cyclist safety. An above-ground structure should incorporate minimum 4.25 m floor to floor height requirements for future conversion of the at-grade parking level to active, non-

residential land uses. Parking within above-ground structures shall be screened from view at the sidewalk level. The street and park frontage wall where an active use is not provided for, shall be enhanced by architectural detailing such as architectural panels and display windows.

- h) Service and loading facilities, including garbage storage, shall be enclosed within a building for all Mid-Rise Buildings and in all cases shall be accessed from a Local Street. Where loading and servicing is visible at the rear or side of a building, it shall be screened by the main building, landscape treatment or other screening. Underground loading and service areas shall be encouraged.
- i) The Town may consider permitting parking, including access to parking, under Local Streets or under the elements of the Pedestrian Realm and Active Transportation Network provided the purpose, function and character of these facilities is not materially or qualitatively compromised, and subject to the Town's design and construction requirements and a strata title agreement with conditions established to the satisfaction of the Town.
- j) Where a development cannot provide off-street parking on its own site, the Town may permit the provision of the required parking spaces on an alternative site, provided that the alternative site is within convenient walking distance (approximately 200 metres) of the proposed development, and the developer enters into an agreement with the Town to ensure the continued availability of the alternative site as a parking area.
- k) The provision of automobile parking shall be encouraged to be minimized in accordance with the relevant provisions of the implementing Zoning By-law. If through the development approval process relief from either the minimum or maximum parking rates is sought, the proposed rates must be justified by a Parking Study.

Further, and where appropriate, the Town may accept cash-in-lieu of parking as an alternative to providing any required parking. Where cash-in-lieu of parking is accepted, the funds generated shall be used to provide additional public parking or the aesthetic and/or functional improvement of existing public parking areas within Glendale.

- l) The Town shall monitor the need for public parking in Glendale and may prepare a public parking strategy that addresses, among other matters, the role of a municipal parking authority.
- m) Bicycle parking, carpool and carshare parking should be prioritized and located in convenient and accessible locations in proximity to main entrance points or destinations.
- n) Both short-term street-level bike parking, as well as long-term sheltered bike parking shall be provided. Bicycle parking facilities shall be designed to maximize user convenience in terms of physical location, weather protection, security and ease of use, including but not limited to meeting the provisions of the implementing Zoning By-law. Bicycle parking requirements will be identified through the development approval process.

8.1.6 Niagara District Airport

- a) While outside the Glendale area, the Niagara District Airport represents a significant local and regional asset that enhances the development potential of the lands immediately next to the airport and the surrounding area. The Airport conducts its own master planning and is subject to relevant Federal legislation and regulations.

- b) The height limitations established in this Plan are in accordance with the requirements of the existing Airport Zoning Regulations for the Niagara District Airport and are not subject to change without prior approval from Transport Canada. Under sub-section 5.9(2) of the Aeronautics Act, the Minister of Transport may exempt an applicant from the application of Airport Zoning Regulations, if the exemption is in the public interest and not likely to affect aviation safety or security and the current or future usability of the Niagara District Airport.

8.1.7 Implementation of the Transportation System

- a) The implementation of the Transportation System for Glendale will be planned and designed to accommodate all modes of travel and for universal accessibility, prioritizing walking, cycling and transit. The planned street network will balance the needs of all users while recognizing the importance of encouraging a range of active street life during both day and night.
- b) The Transportation System will be established incrementally through the development approval process. The network will be developed in conformity with the policies of this Plan, as well as the relevant policies of the Town and the Region. The intent is to ultimately develop a connected and continuous network, while recognizing constraints that create barriers which limit the achievement of a completely connected network.
- c) The Street Network identified on **Schedule 5** shall be conveyed to the municipality as a condition of approval of development. The Town, at its discretion, in exceptional circumstances, may also directly purchase lands for planned infrastructure improvements.
- d) Adjustments to the Transportation System identified on **Schedule 5**, through the development approval process, will not require an Amendment to this Plan provided the general intent and purpose of this Plan is maintained and the Town is satisfied that the role and function of such streets and facilities are maintained.
- e) The Town shall assist the Region in protecting and obtaining lands required for rights-of-way, street widening, parking, transportation facilities through the development process.
- f) The Town shall assist the Niagara Transit Commission in protecting and obtaining lands required for the provision of public transit services, including the Transit Hub facility, through the development process.

8.2 Municipal Service Infrastructure + Utilities

8.2.1 General Policies

- a) Municipal service infrastructure includes water, wastewater and stormwater facilities that are a critical element in the development of Glendale. The objectives of this Plan with respect to municipal service infrastructure are to:
 - i. Provide adequate and sufficient systems of water supply, sanitary sewage disposal and storm drainage to all areas of development in Glendale in accordance with the phasing policies this Plan and based on sound financial planning.
 - ii. Develop necessary municipal service infrastructure enhancements and undertake improvements to existing servicing infrastructure bearing in mind the ultimate

servicing requirements of the municipality, and the municipality's ability to finance such projects.

- b) Municipal service infrastructure in Glendale shall be planned in an integrated and financially sustainable manner, having regard for the long-term development potential for GLENDALE and including evaluations of long-range scenario-based land use planning and financial planning supported by infrastructure master plans, asset management plans, environmental assessments and other relevant studies and should involve:
 - i. Leveraging investments in municipal service infrastructure enhancements to direct growth and development in accordance with the policies of this Plan;
 - ii. Providing sufficient municipal service infrastructure capacity for the ultimate intensification of Glendale;
 - iii. Identifying the full life cycle costs of municipal service infrastructure and developing options to pay for these costs over the long-term, as determined by the Town and Region; and
 - iv. Considering the impacts of a changing climate.
- c) All development within Glendale shall be provided with full municipal servicing infrastructure, unless otherwise exempted by this Plan.
- d) In planning for the expansion of existing municipal service infrastructure corridors, the Town will encourage the co-location of linear water, wastewater and stormwater service infrastructure, wherever possible.
- e) The processing and approval of development applications shall be contingent upon the availability of water and wastewater capacity within the local municipal system in addition to capacity identified by the Region.
- f) Planned municipal service infrastructure enhancements shall be implemented through the development process as set out in this Plan and the relevant policies of the Niagara-on-the-Lake Official Plan. The Town, at its discretion, in exceptional circumstances, may also directly purchase lands for planned infrastructure improvements.

8.2.2 Municipal Water and Wastewater Servicing Infrastructure

- a) All new development within Glendale is required to connect to urban municipal water and wastewater service infrastructure upon confirmation that capacity is available within those systems. The phasing of development shall be coordinated with the phasing of municipal water and wastewater service infrastructure.

8.2.3 Stormwater Management Infrastructure

- a) Existing stormwater management facilities are identified on **Schedule 1**. They are expected to remain as stormwater management facilities in the long-term. Opportunities to modestly redesign or reconfigure any existing stormwater management facility may be considered by the Town without the need for an Amendment to this Plan. However, any significant application to remove, reuse, or reconsider the configuration of any existing stormwater management facility shall require an Amendment to this Plan.

- b) New stormwater management facilities in Glendale shall be consistent with the attached Urban Design Guidelines and in accordance with the following policies:
- i. Planning for stormwater management will:
 - > Minimize, or where possible, prevent increases in contaminant loads;
 - > Minimize changes in water balance and erosion;
 - > Not increase risks to human health and safety and property damage;
 - > Maximize the extent and function of vegetative and pervious surfaces;
 - > Provide controls on invasive species including cattails and phragmites;
 - > Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development;
 - ii. No development will occur without appropriate regard for storm run-off, on-site collection and channeling of stormwater to an adequate outlet. Drainage will be to a storm sewer outlet satisfactory to the Town;
 - iii. Detention ponds may be used in areas with open drainage channels as part of the storm drainage system to maintain pre-development flows into the outlet stream.
 - iv. Proposals for large-scale development proceeding by way of a Plan of Subdivision/Condominium, Consent or Site Plan Approval will be supported by a stormwater management plan or equivalent, that:
 - > Incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure - including consideration of porous pavements, bioretention basins, enhanced swales, green roofs and rain gardens among others;
 - > Establishes planning, design and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion and impervious surfaces;
 - v. Design of development proposals will incorporate on-site control techniques to minimize peak stormwater flows, provide erosion control and to ensure adequate water quality treatment in accordance with current Provincial, Regional and Town policies and guidelines;
 - vi. Permanent or temporary sediment retention basins may be required to control quantities of suspended materials washed from the sites;
 - vii. Development will be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate stormwater management and sediment control;

- viii. The design of artificial channelization of watercourses, which use concrete-lined channels and can sterilize the natural environment and fish habitat, is discouraged. The use of naturalized methods of stormwater management is promoted;
- ix. Stormwater management facilities that service development within Glendale shall be located within the defined boundaries of Glendale.

8.2.4 Utilities and Telecommunications Networks

- a) All new development will be required to be served by adequate public and private utilities and telecommunications networks, that are or will be, established to serve the anticipated development. These utilities and networks can be phased in a manner that is cost-effective and efficient.

Public and Private Utilities

- b) Public and private utilities will be installed, where possible, within public street allowances. Where facilities cannot be located in a public street allowance, the provision of easements shall be permitted provided that their location does not detract from the function, amenity or safety of adjacent land uses.
- c) In planning for the expansion of existing and planned transportation and/or infrastructure corridors, the Town will encourage the co-location of linear public and private utilities.
- d) Public and private utilities shall be located underground and, where feasible, be grouped into a single utility conduit, in a street allowance or easement. Where facilities are required to be located above grade, such as telecommunications towers, the Town shall require that appropriate locations are identified in consideration of the location requirements for larger infrastructure elements, whether within public rights-of-way, or on private property.
- e) Public and private utilities involving outdoor storage will require special attention and may not be permitted in all areas if deemed incompatible.
- f) Right-of-ways or easements for public and private utilities and telecommunications networks may be provided without Amendment to this Plan.

Telecommunications

- g) The Town has developed a Comprehensive Telecommunications Plan and Telecommunication Facilities Protocol that establishes an approach to the location and development of telecommunication facilities in the Town.
- h) The Town supports initiatives to improve telecommunications coverage and capacity in the Town.
- i) New equipment sites:
 - i. Are to be directed to locations that are technically suitable to meet the vast majority of each carriers' network requirements into the near future;
 - ii. Shall be designed to accommodate the colocation of additional providers and equipment, including that of new or emerging carriers;

- iii. Compatible and appropriate with surrounding uses, having limited impact on existing land uses in the vicinity; and
- iv. Consistent with the Telecommunications Facilities Protocol.
- j) Right-of-ways or easements for telecommunications networks may be provided without Amendment to this Plan.

9.0 IMPLEMENTATION + INTERPRETATION

9.1 Implementation

9.1.1 Plan Coordination

- a) The Town shall work cooperatively with the Province, Niagara Region, relevant transit authorities and any other agency having jurisdiction, as well as with landowners, the public and developers, in order to facilitate and coordinate implementation of public and private development in Glendale in accordance with this Plan.
- b) The Town shall ensure that all construction shall adhere to the regulations of the Ontario Building Code, the Fire Code, the Accessibility for Ontarians with Disabilities Act and any other relevant legislation.

9.1.2 Plan Review

- a) The Town will review the policies of this Plan to identify planning issues and trends affecting the ongoing evolution of GLENDALÉ, to analyze the effectiveness of the policies of this Plan and to allow for adjustments and updating. It is critical to review, update, and consolidate this Plan from time to time to ensure its continued relevance and usefulness.
- b) The Town will review existing and future legislation contained in the Planning Act, the Municipal Act, the Ontario Heritage Act, the Development Charges Act and other relevant Provincial statutes that apply to areas of municipal jurisdiction. The Town will, where appropriate, amend existing policy and/or implementing Zoning By-laws or pass new implementing Zoning By-laws to ensure land uses are properly regulated in accordance with the policies of this Plan, relevant legislation and associated regulations.

9.1.3 Monitoring the Plan

- a) In order to evaluate the effectiveness of this Plan in general, the Town will monitor development activity and changes in land use within Glendale and may develop key performance indicators for this Plan. Where it is deemed necessary due to changes in the physical, social or economic makeup of the municipality, or as a result of new Provincial and/or

municipal planning policy priorities/directions, this Plan shall be appropriately updated. The monitoring and measuring the performance of this Plan is critical to determine if:

- i. The assumptions inherent to this Plan remain valid;
 - ii. The implementation of the policies fulfills the overall vision, principles and intent of the policies of this Plan;
 - iii. That development is being carried out in conformity with the policies of this Plan and consistent with the associated plans, guidelines and manuals adopted by the Town; and
 - iv. The priorities identified in this Plan remain constant or require change.
- b) In terms of monitoring this Plan from a growth management perspective, the Town will establish an annual program to monitor and report on the level of development in Glendale. The monitoring program, which may be established in collaboration with the Region, will address matters such as:
- i. Population and employment generated by existing and approved development;
 - ii. Implementation and timing of required municipal service infrastructure enhancements; and
 - iii. Implementation of street and intersection enhancements and consideration of any changes in modal split, travel behavior and parking requirements.

9.1.4 Existing Uses

- a) Land uses which legally existed as of the date of adoption of this Plan may be recognized by an appropriate zoning category in the implementing Zoning By-law and replacements, extensions and/or the construction of accessory buildings may be permitted in accordance with the relevant policies of this Plan and the Niagara-on-the-Lake Official Plan.

9.1.5 Other Provincial Planning Tools

Community Benefits Charges By-law

- a) The Town may enact a Community Benefits Charge By-law that applies to the Town as a whole, and/or specifically to Glendale. The Town may prepare a Background Study and enact a By-law under the provisions of the Planning Act, to ensure that the capital cost of defined Community Benefits can be collected. The required Background Study will articulate those community benefits that may be considered for funding under the Community Benefits By-law, including consideration of:
- i. Affordable housing;
 - ii. Streetscape improvements, including facilities that support transit;
 - iii. Improvements to the Pedestrian Realm and Active Transportation Network;
 - iv. Improvements to public parks; and

- v. Other community and cultural facilities to be identified in the required Background Study.
- b) In addition to the exemptions included within the Planning Act, the Town may exempt some or all of the Community Benefits Charge, or exempt certain development from the Community Benefits Charge as a means to promote specific development, redevelopment or revitalization objectives in accordance with this Plan.

Parkland Dedication By-law

- c) Parkland Dedication will occur in accordance with the provisions of the Planning Act. All development within Glendale shall be required to make an appropriate contribution to the Public Parkland and/or Urban Park Space System, as follows:
 - i. For industrial and commercial developments, 2% of the gross land area;
 - ii. For all other forms of development, 5% of the gross land area; and
 - iii. For mixed-use forms of development, parkland dedication shall be calculated using a pro-rated formula that assigns the parkland dedication requirement on the basis of the percentage of gross floor area for each use.
- d) Subject to the Town preparing a Parks Plan that can justify the use of the alternate rates, in the case of land proposed for development or redevelopment for residential purposes, the Town's Parkland Dedication Bylaw may require that:
 - i. Land be conveyed to the Town at a rate of 1 hectare for 600 net new dwelling units proposed, or at a lesser rate as may be specified in the By-law. The land conveyed shall be used by the Town for park or other public recreational purposes; or
 - ii. Where cash-in-lieu of land is to be collected, it shall be limited to a maximum equivalent value of 1 hectare for each 1000 dwelling units.

Notwithstanding that alternative rate, on sites of 5 hectares or less, the maximum parkland dedication shall be 10% and on sites greater than 5 hectares, the maximum parkland dedication shall be 15%.

- e) In all circumstances, the Town may also accept cash-in-lieu of any required parkland dedication, or part thereof.
- f) Encumbered or strata lands, as well as privately owned publicly accessible spaces may be eligible for parkland dedication. Landowners can identify the land they intend to provide for parkland, with the Town able to appeal to the Ontario Land Tribunal if there is a disagreement.

Community Planning Permit System

- g) The Town may prepare a background study and enact a By-law under the provisions of the Planning Act, to establish a Community Planning Permit System within GLENDAL. Where a Community Planning Permit System has been ordered by the Province, the Town may utilize the Inclusionary Zoning tool.

Conditional Zoning (Holding)

- h) A By-law may be passed under the provisions of the Planning Act and the policies of the Niagara-on-the-Lake Official Plan, to zone lands for their intended purpose, subject to conditions where the lands are designated in any designation which permits development. The conditions imposed may relate to any matter which implements the policies of this Plan including the provision of sewer and water services, streets, transit, parks, recreation and other community facilities, and commitments to specific design, tree planting, travel demand management, the Pedestrian Realm and Active Transportation Network, sustainability plans and the existing Airport Zoning Regulations.

Inclusionary Zoning

- i) Pursuant to the Planning Act, Inclusionary Zoning may be implemented by the Town within Glendale. Inclusionary Zoning would authorize the inclusion of affordable housing units within buildings or projects containing other residential units, and for ensuring that those affordable housing units are maintained as such over time. The Town may utilize the Inclusionary Zoning tool in conjunction with the establishment of a Community Planning Permit System.

9.1.6 Conveyance/Acquisition of Lands

- a) Where lands have been identified as required for the construction of the street network or for parkland, and where such lands are the subject of a development application, the dedication of such lands shall be required as a condition of development approval, in accordance with the Planning Act.
- b) It is the intent of the Town to work cooperatively with the Region, the Province, the Government of Canada, Land Trusts and private property owners to increase of supply of attainable/assisted housing in accordance with the policies of this Plan.
- c) It is the intent of the Town to work cooperatively with the Region, the Conservation Authority, the Province, the Government of Canada, Land Trusts and private property owners to establish ongoing financial, policy and legislative support for the protection and enhancement of all significant natural heritage features and their associated ecological and hydrological functions, within the Environmental Protection Designation of the Natural Heritage System, or the increase of supply of affordable housing in accordance with the policies of this Plan.
- d) Mechanisms to secure lands within Glendale for the purposes of implementing this Plan in accordance with the provisions of the Planning Act may include, but are not limited to, the following property acquisition tools:
 - i. Land dedications/conveyance;
 - ii. Voluntary sale and public purchase through funds allocated in the Town's budget;
 - iii. Land swaps/exchanges;
 - iv. Donations, gifts, bequests from individuals and/or corporations;
 - v. Density transfers; and/or
 - vi. Other appropriate land acquisition methods.

- e) Where land is required for maintenance/utility easements or emergency access to serve any proposed development, such land will be obtained by and at the expense of the owner of such proposed development to the satisfaction of the appropriate agency, in the course of approving plans of subdivision, development or redevelopment applications and consents for land severance.

9.1.7 Municipal Finance

- a) The implementation of this Plan must be fiscally responsible, by ensuring that the required capital expenditures to provide required municipal service infrastructure enhancements and transportation system improvements are paid for in an equitable and appropriate manner.
- b) Development will be monitored to ensure that a balance is maintained between demands for municipal service infrastructure enhancements and transportation system improvements and the overall fiscal capacity of the Town.
- c) Where possible, the Town will use financial mechanisms available to it under any legislative authority, including the Municipal Act, Development Charges Act, Planning Act and any other applicable legislation, for the purposes of land use planning and the provision of municipal service infrastructure enhancements, transportation system improvements, the Public Realm/Active Transportation Network and any identified community benefits.
- d) The Town may request a Municipal Financial Impact Assessment from the owner/applicant of any development application. The terms of reference of such a study will be determined by the Town. The Assessment will be prepared, and may be peer reviewed at the owner/applicant's expense. Development applications or proposals may be refused or deferred on the basis of financial impact and burden on the Town, if suitable mitigation measures are not available.
- e) It is the intent of this Plan that, wherever possible, the Town, on the basis of the policies contained within this Plan and the NOTL OP, establish a staged program for the implementation of municipal service infrastructure enhancements, transportation system improvements, public works and/or any other municipally-assisted projects within GLENDAL. A five-year capital improvement program should be developed to systematically implement necessary capital improvements. This program should be reviewed annually as part of the capital budget procedure.

9.1.8 Development Applications

Airport Height Assessment

- a) An Airport Height Assessment shall be required for any proposed development or site alteration within Glendale. The required Airport Height Assessment shall address the proposal's compliance with the Airport Zoning Regulations for the Niagara District Airport, and shall be supported by detailed building elevations, topographic survey and site grading plans. If the Airport Height Assessment identifies that an exemption to the Airport Zoning Regulations is required, the report shall also include an impact assessment, in accordance with the requirements of sub-section 5.9(2) of the Federal Aeronautics Act.

Urban Design Brief

- b) An Urban Design Brief may be required to support a development proposal as part of a complete development application. This requirement will be identified by Planning Staff at the

Pre-Consultation meeting. The scope and level of detail expected in the Urban Design Brief will depend on the scale, site, nature, and complexity of the development proposal.

- c) An Urban Design Brief is intended to describe and illustrate the proposed design for a development proposal and demonstrate how the design meets the intent of Glendale's Urban Design Guidelines and other Town and Regional guidelines, standards, and policies. Planning Staff will use the Urban Design Brief to assess the urban design aspects of development applications to ensure high quality design is achieved in the public and private realms. The Town is committed to urban design excellence that results in a complete, functional, sustainable, and attractive built environments consistent with Niagara-on-the-Lake's character and vision for the future, as outlined in the Town's Official Plan.
- d) Components of an Urban Design Brief
 - i. Overview of existing site conditions and surrounding context;
 - ii. Identification of relevant policies and applicable elements of the Urban design Guidelines attached to this Plan as **Appendix B**;
 - iii. Analysis of the design rationale for the building, landscape, and site design elements of the proposed development;
 - iv. Explanation of why the proposed development represents the optimum design solution; and
 - iv. A written description, plans, elevations, diagrams, and/or photographs to illustrate the design choices of the proposed development and site design.

Development Concept Plan

- e) A Development Concept Plan may be required to support a development proposal as part of a complete development application. This requirement will be identified by Planning Staff at the Pre-Consultation meeting.
- f) A Development Concept Plan is a non-statutory instrument that shall be adopted by Council. Where a Development Concept Plan is required by the Town, the exercise shall promote comprehensive planning, and shall be required to:
 - i. Identify the detailed land use and density distribution, and to ensure that the required density target is achieved;
 - ii. Confirm the boundaries of the Environmental Protection designation;
 - iv. Identify the components of the Pedestrian Realm and Active Transportation Network;
 - v. Identify the location for any required Public Service Facilities;
 - vi. Identify the detailed street pattern, including Local Streets, although the Local Street network may be conceptual;
 - vii. Articulate the details for the provision of sewer, water and stormwater management systems;

- ix. Identify phasing and order of development, including any uses in the public interest to be developed in the earlier phases (e.g., attainable/assisted housing, Public Service Facilities, parks); and
 - x. Potentially form the basis for a Developer's Group Agreement, where the identified Conceptual Plan Area includes multiple landowners.
- g) The preparation of a Development Concept Plan shall conform with all relevant policies of this Plan and shall be consistent with the Urban Design Guidelines attached to this Plan as **Appendix B**. The Terms of Reference for any Development Concept Plan shall be approved by the Town, and shall include all of the necessary supporting technical studies, to the satisfaction of the Town. Required Development Concept Plans shall form the basis for the subsequent approval of Draft Plans of Subdivision/Condominium and implementing Zoning By-laws.

9.2 Interpretation

9.2.1 Land Use Boundaries and Streets

- a) The location of boundaries and symbols, including land use designations shown on the Schedules to this Plan are intended to indicate the general location, except where they coincide with highways, streets, watercourses, or other clearly recognizable or defined physical features.
- b) Future street and active transportation networks shown on the Schedules to this Plan are illustrated in approximate locations only. As such, Amendments to this Plan will not be required in order to make minor adjustments provided that the general intent of this Plan is preserved. Such minor deviations will not necessarily be reflected on the attached Schedules to this Plan.
- c) Where a parcel of land is subject to two or more land use designations, the policies of each designation shall apply to the portion of the lands so designated.

9.2.2 Numeric Standards

- a) It is intended that all numeric standards be considered approximate and not absolute, with the exception of the limitations on building height, which are established by the Niagara District Airport, and are not subject to any increases. Amendments to this Plan shall not be required for minor variations from the criteria providing the general intent of this Plan is maintained.

9.2.3 Subsequent Legislation

- a) Where a Provincial or Federal Act, regulation or guideline is referred in this Plan, it is intended that such reference be interpreted to include any subsequent legislation, regulation or guideline that may replace the specified Act. Similarly, where reference is made to the Region or Provincial Ministries or agencies, it is intended that such reference be intended to include any Ministry, agency or government branch who may assume responsibility for a particular policy/regulation currently administered by the referenced organization.

- b) Where reference is made to any Town By-law, or any Appendix to this Plan, it is intended that such reference be interpreted to include any subsequently revised or updated version, that may replace the specified By-law or Appendix to this Plan.

9.2.4 Technical Revisions

- a) Where an error is discovered in the text or a Schedule such as a typographical, grammatical, spelling, numbering or other similar type of mistake, the error may be corrected without obtaining an Amendment to this Plan provided that the general intent, purpose and substance of this Plan is maintained.

9.2.5 Definitions

- a) This Plan includes a number of words or phrases that require a common understanding of their meaning:
 - i. The term “conform with” when used in this Plan means to comply with the policies or requirements of this Plan. Conformity is a mandatory requirement of this Plan, unless otherwise modified by specific wording to the contrary;
 - ii. The term “consistent with” when used in this Plan means to comply/conform with the policies or requirements of this Plan, unless there are compelling circumstances that do not permit compliance/conformity;
 - iii. The use of the words “shall”, “will”, or “must”, when used in connection with an action by the Town are not to be interpreted as the Town's requirement to undertake actions immediately or as a commitment on the part of the Town to take action within a specified timeframe;
 - iv. The use of the words “shall”, “will”, or “must”, when used in connection with a requirement for development applications, is a mandatory policy or requirement of this Plan;
 - v. The use of the words "should" or “may” when used in this Plan means something that ought to be done. It is however, a discretionary, not a mandatory policy or requirement of this Plan;
 - vi. The term “encourage” when used in this Plan means to give support to, or give favorable consideration to a matter or thing;
 - vii. The term “enhance” when used in this Plan means to complement and improve the physical, functional, aesthetic or intrinsic value of the natural environment, neighbourhood, place, area, building, structure or facility; and
 - viii. The term ”target” when used in this Plan means a goal to be achieved, or a specific desired outcome that supports the achievement of an objective.
- b) For the purpose of interpreting this Plan, the definitions in the Planning Act, the Ontario Heritage Act, the Provincial Policy Statement, or any other applicable Provincial legislation, plans and guidelines shall apply. In all other instances, terms shall be defined in accordance with their common usage and, if necessary, reference to the Canadian Oxford Dictionary.

Glendale Secondary Plan

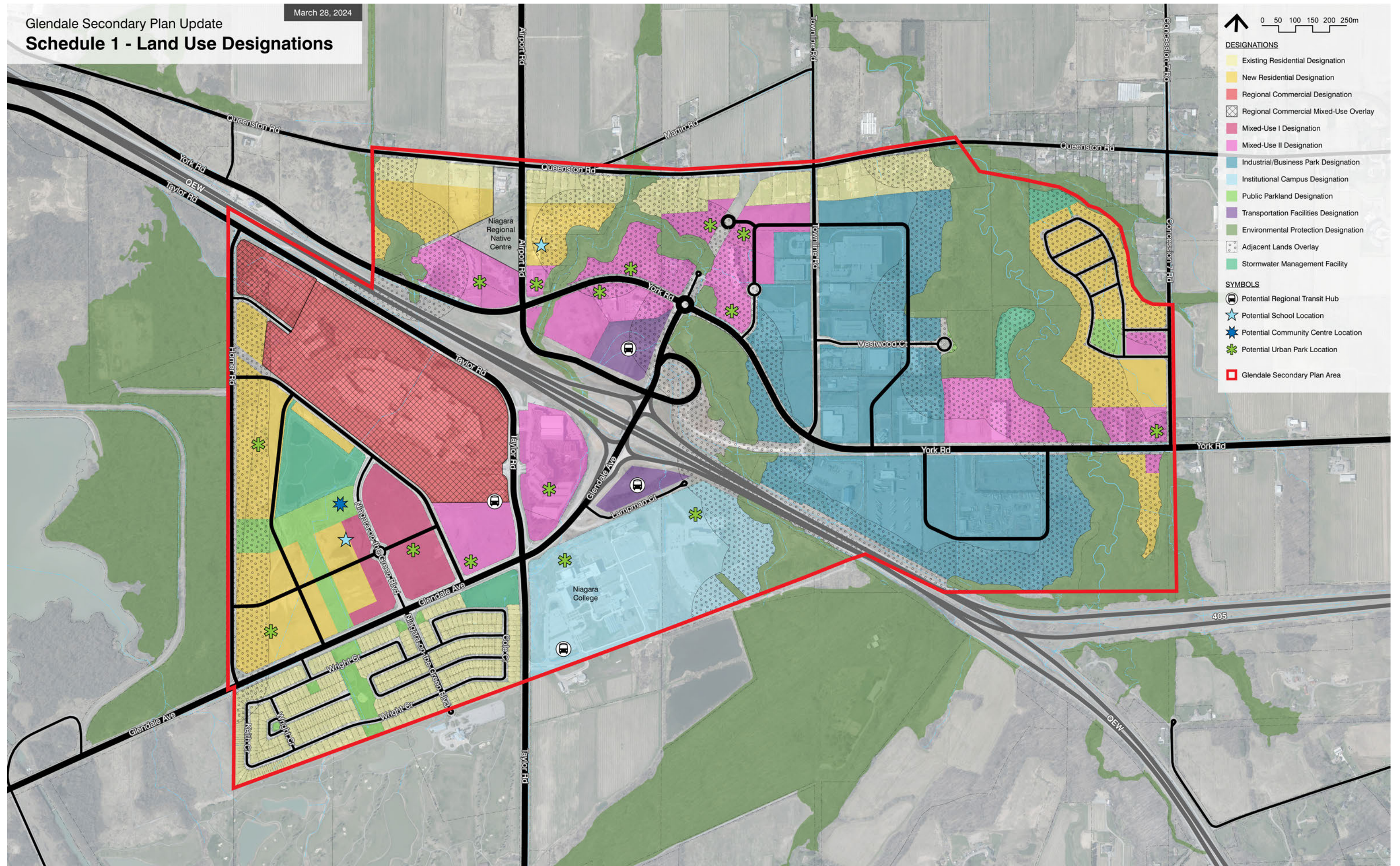
Schedules

March 28, 2023



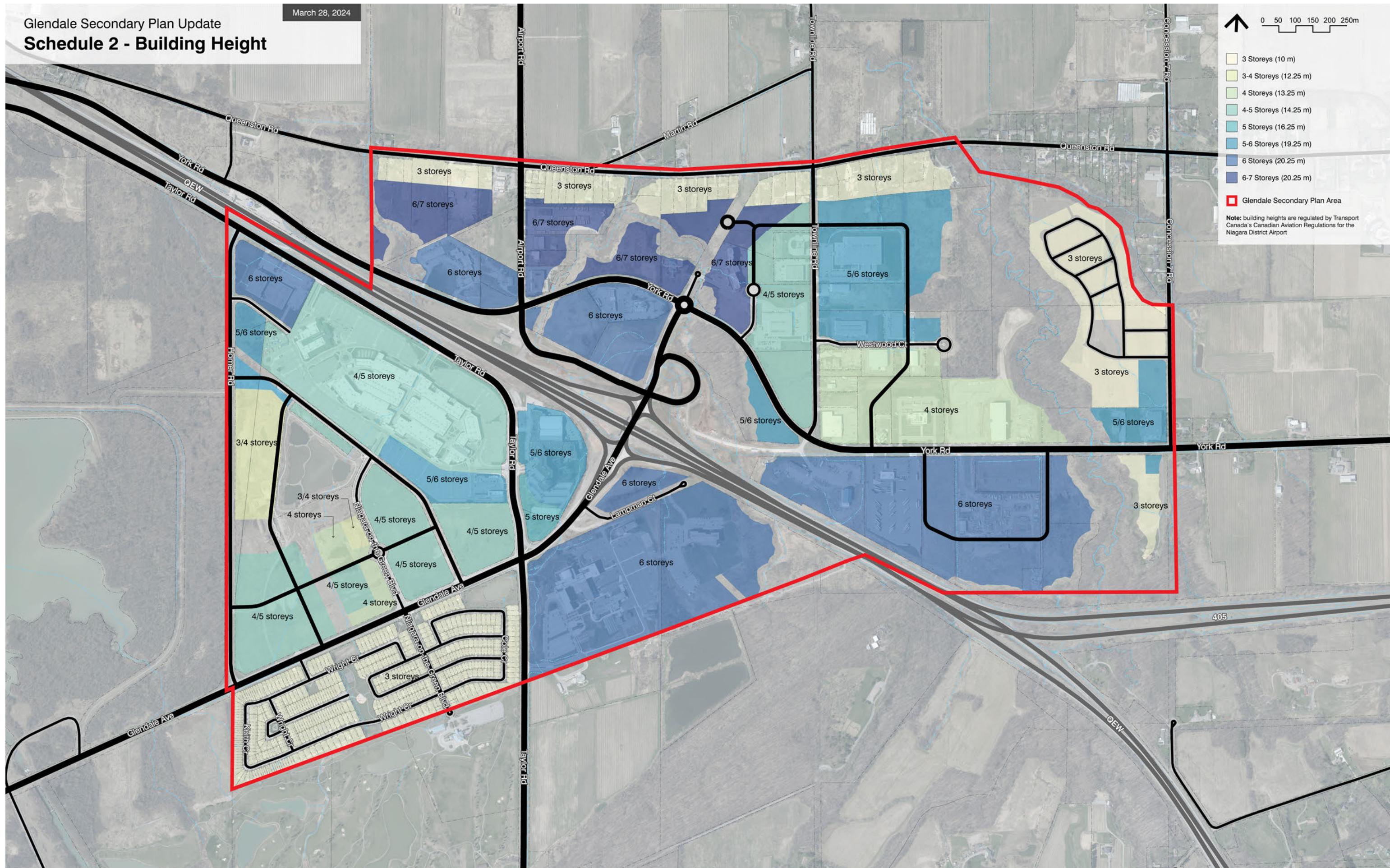
Glendale Secondary Plan Update
Schedule 1 - Land Use Designations

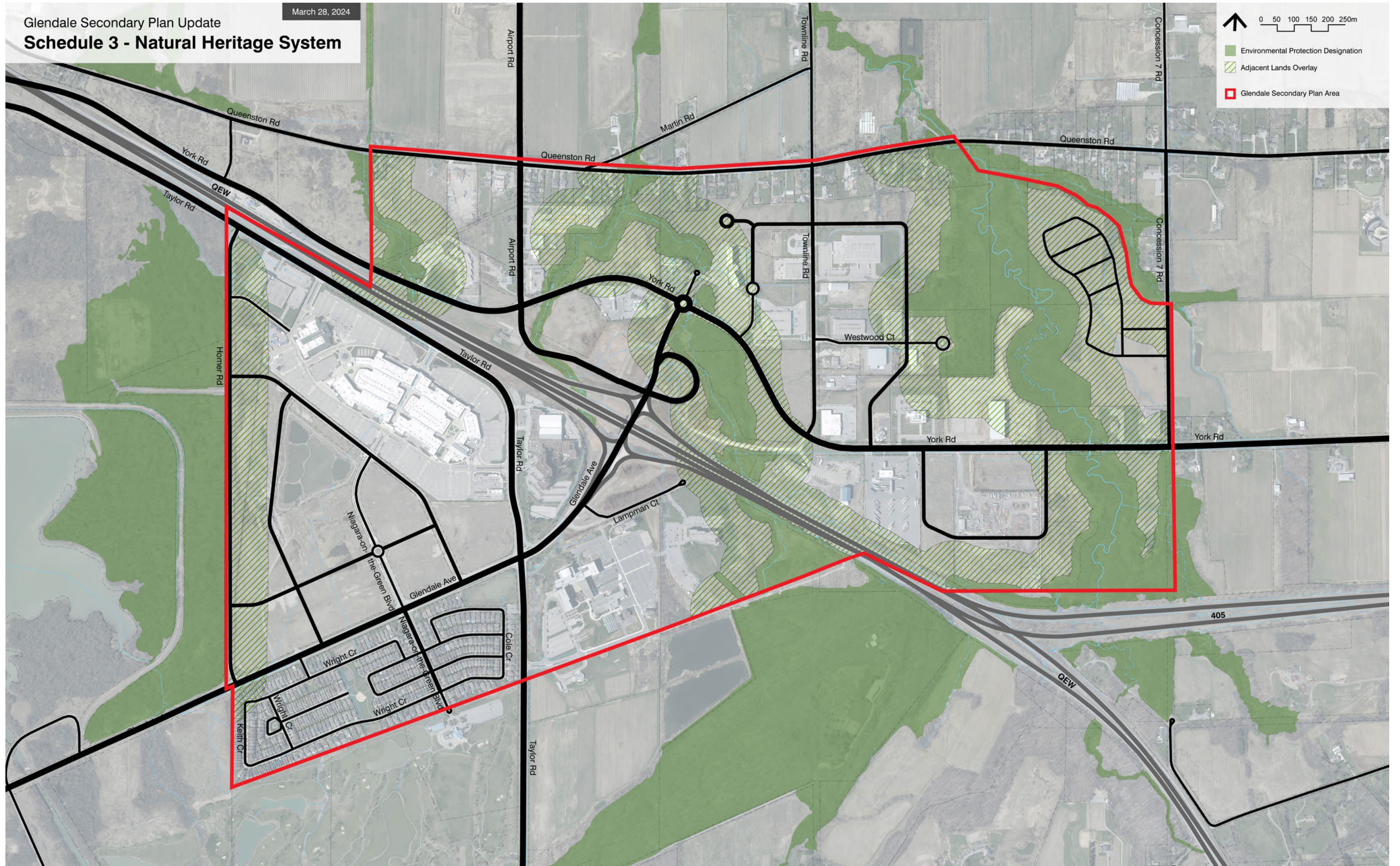
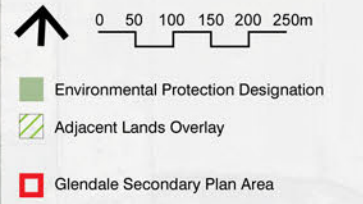
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Glendale Secondary Plan Update
Schedule 2 - Building Height

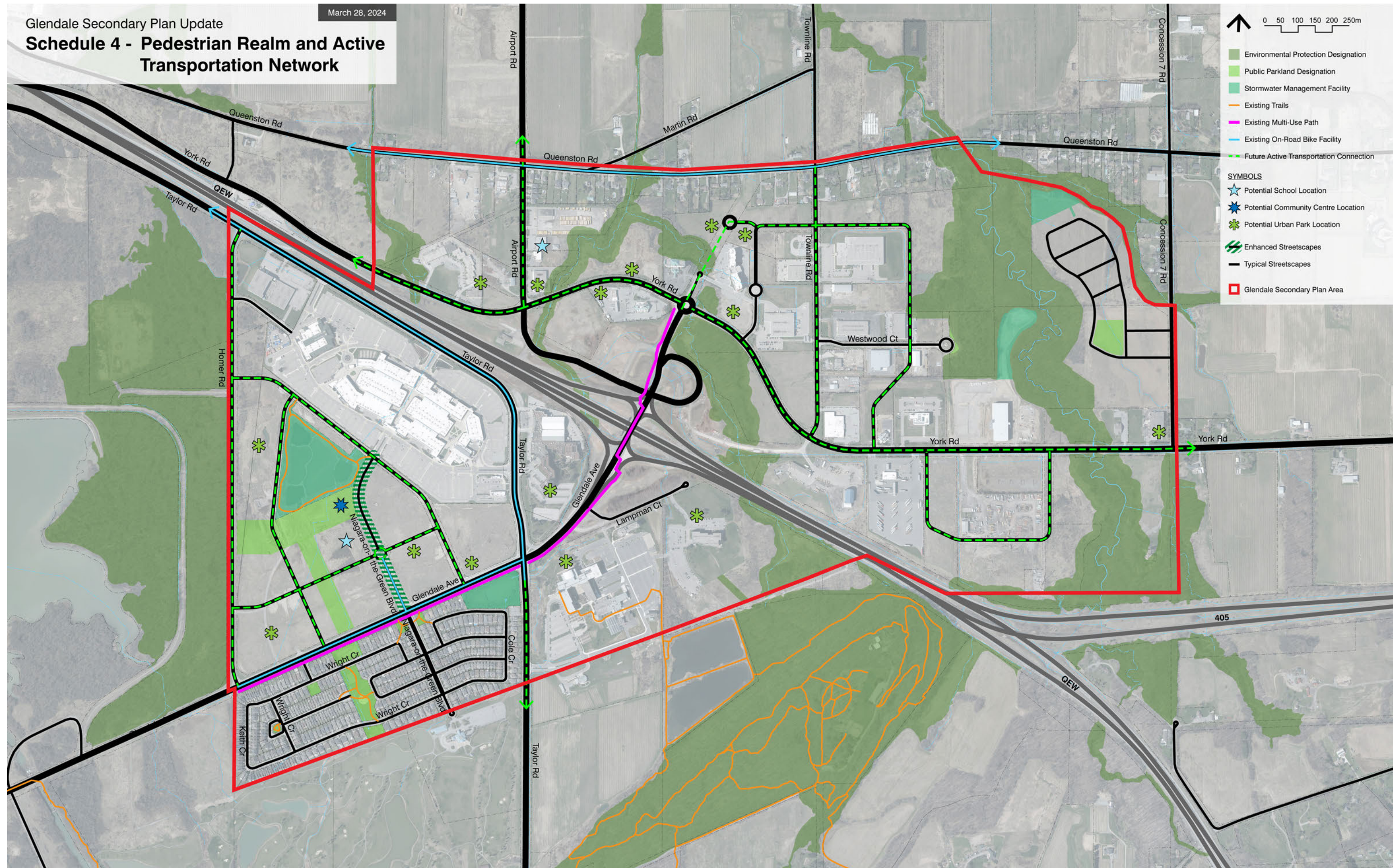
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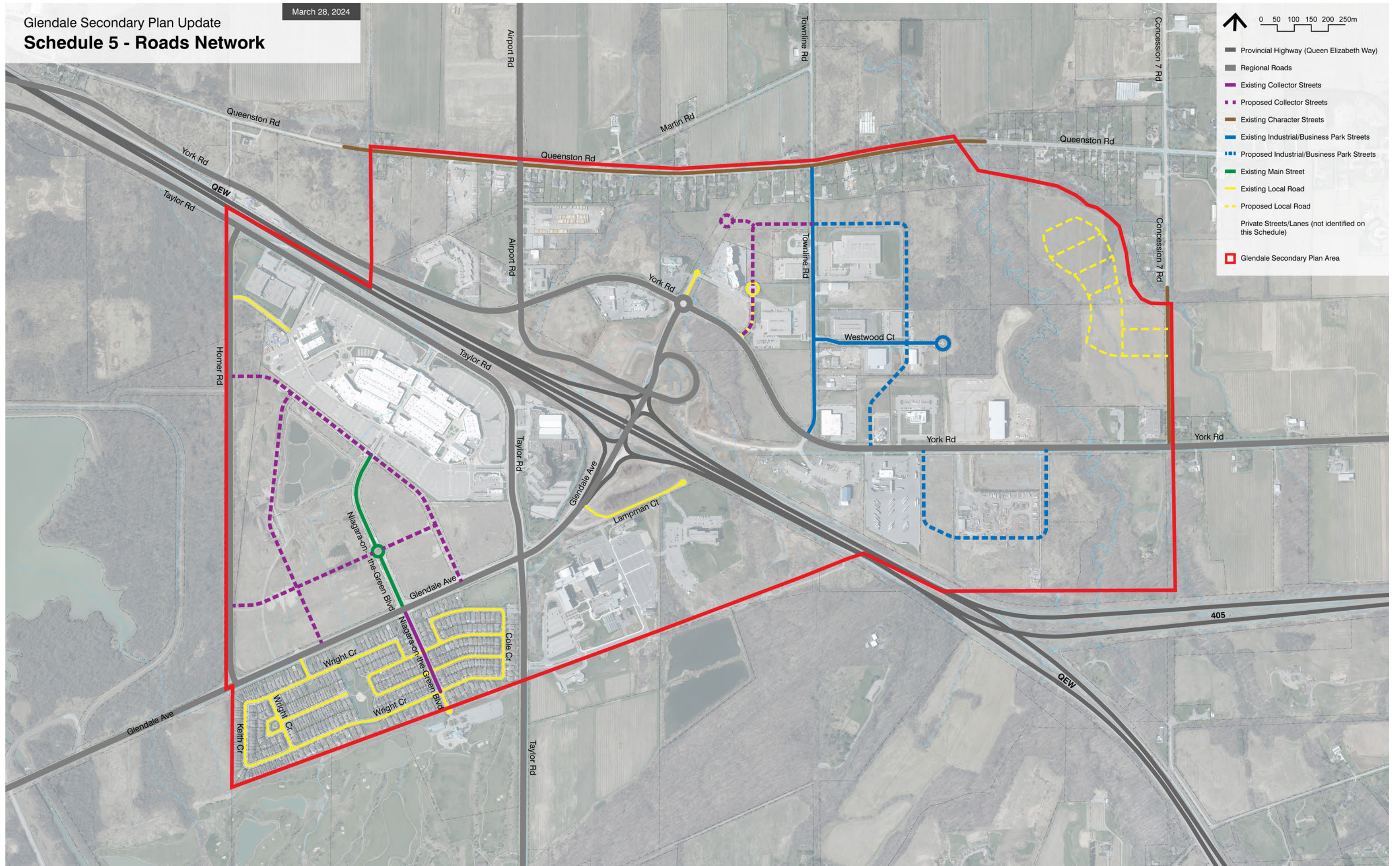
Glendale Secondary Plan Update
Schedule 4 - Pedestrian Realm and Active Transportation Network

March 28, 2024



Glendale Secondary Plan Update
Schedule 5 - Roads Network

March 28, 2024



Glendale Secondary Plan

Appendix B

Urban Design Guidelines

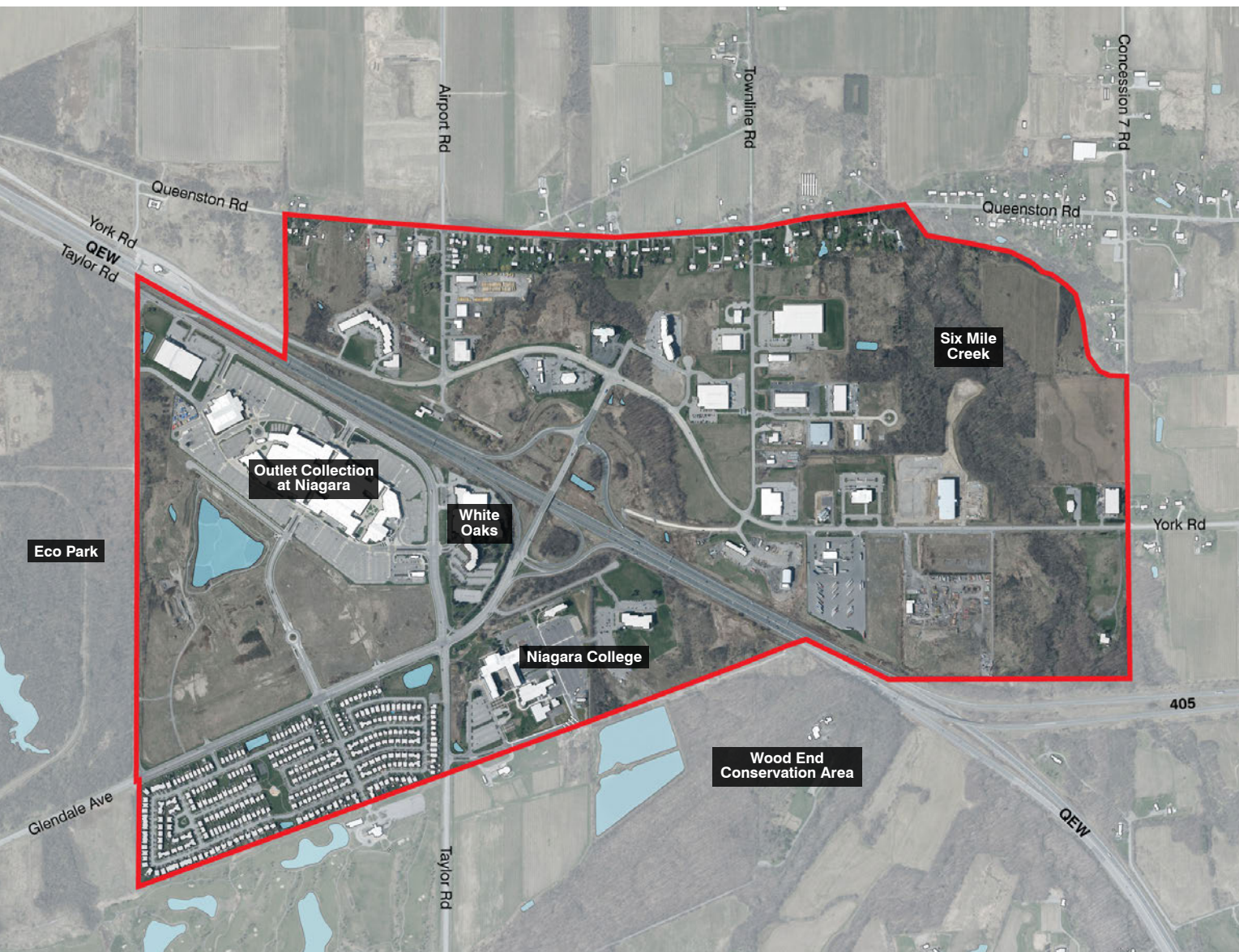
Final Draft

March 28, 2024



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Map of the Glendale Secondary Plan area

1 Introduction

Context & Purpose of the Urban Design Guidelines

Context

The planning and design intent for the Glendale District is to provide a well connected beautiful and diverse urban community with residential neighbourhoods, mixed-use areas distributed across the District and industrial/business park lands on the north side of the QEW. The campus of Niagara College anchors the south east precinct. Green space along the Six Mile Creek valleys together with the Wood End Conservation Area, Welland Canal Heritage Park and Eco Park frames the area and provides edges for some of the uses. Development in the Glendale District is envisioned to contribute to protecting, integrating and celebrating the natural and rural surroundings reflecting the distinct character of the area. Development in Glendale will put mobility first with a robust transit system, cycling trails and pedestrian routes seamlessly connecting areas north and south of the QEW.

The QEW and Glendale Avenue divide the area into four quadrants. The southwest quadrant is the location of the Outlet Collection at Niagara. The Regional Commercial land use designation in the Secondary Plan enables infilling and intensification of the existing land uses. The Regional Commercial Mixed-Use Overlay recognizes the long-term potential of these lands to intensify with new buildings, streets, parkland, public service facilities and parking. Lands south of the current Outlet Collection will be an extension of the residential neighbourhood that exists south of Glendale Avenue. A newly created street and block network will enable mixed use development along Niagara-on-the Green Boulevard conceived as a main street providing a link to the Outlet Collection. Commercial and retail uses are planned for the ground floor with residential uses above. Niagara-on-the Green Boulevard is envisioned as tree lined street, with seating, decorative lighting and other streetscape elements to create an appealing urban place. A range of housing up to 5 storeys in the form of single detached, semi detached, duplex, townhouses, stacked or back to back townhouses or small apartment buildings are planned in the area west of Taylor Road. Higher density mixed uses are planned around the existing White Oaks

Conference Resort and Spa and on the lands adjacent to Glendale Avenue on both sides of Taylor Road. Parks and open spaces around storm water management facilities provide a link to the Eco Park that forms the west boundary of the District. The streetscape design of Homer Road will provide a transition to the Eco Park.

The southeast quadrant is the location of Niagara College. The College recently completed a Master Plan that is expected to guide its evolution. The Master Plan identifies four new buildings, trail connections, vehicle routes and surface parking, and key outdoor nodes and green corridors.

The northwest quadrant includes existing highway oriented commercial uses and hotels close to the York Road/Glendale Avenue intersection. Mixed-use is planned along York Road with a transition to residential on Airport Road. The Niagara Regional Native Centre is located on the west side of Airport Road. The new residential uses transition to existing residential uses on Queenston Road.

The northeast quadrant extends a mixed use node north of York Road with a transition to industrial and business park uses that extend along the south side of York Road. This area recognizes the existing cluster of industrial businesses. This area is well positioned with easy access to the QEW and to the Niagara District Airport. The east edge of the District is a new residential neighbourhood with mixed use focused at the corner of York Road and Concession 7 where it abuts agricultural lands.

Purpose

The purpose of the Glendale Secondary Plan Urban Design Guidelines is to support the principles and policies of the Official Plan and the Glendale Secondary Plan to guide development within the Glendale area, as it is implemented through subdivision, zoning, and site plan control. The guidelines encourage the design of a complete, effective, and sustainable built environment consistent with the Town of Niagara-on-the-Lake's character and vision for the future. The guidelines provide guidance on design matters that are directly related to ensuring that development projects are of high quality, pedestrian-oriented, interconnected, sensitive to the natural and built environment, and provide adequate public facilities and infrastructure.

The guidelines will provide predictability for applicants, the Town, Region, and stakeholders by offering design direction in Glendale.

The provisions and examples in the guidelines should be used as a starting point of design for all development projects in Glendale and will be used in the assessment of development proposals. While some developments may not be able to meet some of the guidelines, the design should still reflect the intent of the guidelines and demonstrate why the alternative solution is an optimal one.

Interpretation & Implementation of the Guidelines

What Are Urban Design Guidelines?

Urban design is the process of giving form, shape, and character to the physical elements that comprise an urban community or district. Good urban design promotes the vitality and health of a community by applying a higher standard of aesthetics, architecture, and compatibility, and by promoting vibrant and successful public spaces. Good urban design also plays a valuable role in improving the function of development sites, and by extension, to the community at large by emphasizing safety, comfort, and livability. Urban design guidelines are intended to guide site development to achieve a desired level of prescribed quality in both the public and private realms.

Urban design guidelines provide a starting point by translating design policies and standards that demonstrates the planning intent and configuration of communities, streets, sites, and buildings. Guidelines typically address the design of sites and buildings and their organization within a defined area, as well as their relationship to their surroundings - built and natural.

How Will the Guidelines be Used?

The Glendale Secondary Plan Urban Design Guidelines are to be read in conjunction with, and complement the objectives and policies of the Secondary Plan, Official Plan, the Town of Niagara-on-the-Lake Zoning By-law, and other guidelines or standards, such as the Engineering Design Criteria.

The guidelines, in concert with the Secondary Plan policies, will be used to evaluate development applications in order to ensure that the vision and design principles are achieved throughout the urban design elements of the Glendale community. The development and transformation of the private and public realms will be evaluated to ensure that a high quality of urban design achieves the intended level of sustainability and resiliency.

The guidelines is to be applied as an evaluation tool for development applications and used by:

- Town Council and Committees when evaluating whether an application meets the Town's vision for development in Glendale;
- Town staff and external agencies when reviewing development applications and as a reference for design decisions for proposed studies and projects;
- The development industry including but not limited to developers, consultants, and property owners to demonstrate how their proposals align with the Town vision; and,
- The public for use of greater awareness of the benefits of urban design in their community.

Structure of the Urban Design Guidelines

Development in Glendale will reference all sections of the guidelines to ensure that the design of the public realm, buildings, and sites are informed by the comprehensive vision and design goals of the Secondary Plan. The guidelines are organized under three main sections:

Public Realm

Public Realm guidelines are related to the design of elements within the public realm, including the design of streets, parks, trails, gateways, streetscape design elements, street trees and landscaping, and stormwater management facilities. Guidance is also provided for the interface with natural heritage features and their role as defining character elements in Glendale.



Private Realm

Private Realm guidelines are related to built form, building design and site organization and design within the private realm. They provide guidance on the design of specific residential, commercial and mixed use, employment, and institutional building types.

Sustainable Buildings & Infrastructure

Sustainable Buildings and Infrastructure guidelines apply to both the private and public realm and are related to energy and water conservation, waste management, green infrastructure and building practices, and urban agriculture.



Implementation Tools

Zoning by-laws address matters such as lot coverage, parking, setbacks, and height - many quantitative aspects of development's physical form. While zoning regulates how buildings sit within a lot or block, it represents only one of the planning tools that may be used to guide and shape development. Zoning is best used in conjunction with draft plan of subdivision or condominium design, or site plan control, all of which would consider the guidelines to create development that promotes design excellence, and is compatible with, and fits within, its surrounding context.

The guidelines describe the relative height, massing, and articulation of buildings and landscapes, and their relationship to one another and to their surroundings. These qualitative aspects of physical form work in combination with zoning parameters to lend shape and character to a community

The Town will utilize the guidelines to guide development and redevelopment to be more sustainable and resilient to climate change. The Town may consider the use of other tools such as the Community Benefits By-law, Community Improvement Plans, and associated incentive programs to assist with the implementation of sustainable development design standards.

Applicability

These Urban Design Guidelines apply to all projects in the Glendale Secondary Plan area subject to review and Planning approval by the Town through subdivisions, condominiums, and site plan control applications as permitted under the Planning Act and By-law No. XX-2023

Following the provisions of the guidelines does not preclude compliance with other development regulations associated with an application as required by the Town, Region of Niagara or other applicable jurisdiction. Where provisions of the guidelines may conflict due to the characteristics of a proposal, the more restrictive would apply and/or an alternative design solution(s) may be required that meets the intent of the guidelines.

Submissions

To assist decision makers, stakeholders, and community members in understanding proposals for new development or redevelopment, the Town may request that applicants prepare an Urban Design Brief to describe the project and demonstrate to the Town how their proposal meets the guidelines, including any additional written materials, graphic illustrations, and diagrams necessary to demonstrate compliance with the guidelines. A Terms of Reference for the Urban Design Brief is provided in Appendix A.

2 Public Realm

The design and organization of the public realm will contribute to the place-making of Glendale and to the framework and setting for development.

Guidelines for the public realm will address matters such as the arrangement of streets and blocks, circulation, streetscapes, parks and open spaces, views, natural heritage features, and stormwater management facilities. The successful design of the public realm includes creating diverse, comfortable, welcoming, safe, and accessible spaces.

The guidelines will be considered when municipal initiatives or private development applications impact elements of the public realm.

This chapter includes the following topics:

- Universal Design
- Community Design
- Streetscape Elements
- Streets
- Natural Heritage System, Parks & Open Spaces
- Active transportation
- Stormwater Management Facilities

The Region's *Complete Streets Design Manual* (January 2023) was used as reference for these guidelines.



Universal Design

Universal Design seeks to ensure that urban environments and spaces open to the public are accessible and usable by people regardless of age or ability.

Guidelines

- a) Design of public spaces and elements should incorporate the key principles of Universal Design, including:
 - Equitable use (does not disadvantage, stigmatize or privilege any group of user);
 - Flexibility in use (accommodates a wide range of individual preferences and abilities);
 - Simple and intuitive (easy to understand regardless of user's experience, knowledge, or language skills);
 - Low physical effort (can be used efficiently, comfortably and with minimal fatigue);
 - Perceptible information (communicates all necessary information to all users regardless of ambient conditions or the users' abilities);
 - Tolerance for error (minimizes hazards and adverse consequences of accidental or unintended actions);
 - Size and space for approach and use (provides appropriate size and space for approach and use regardless of body size, posture or functional ability).
- b) Streets, parks and other spaces open to the public must meet the accessibility requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)*, the *Planning Act*, the *Integrated Accessibility Standards Regulation*, any applicable *Zoning By-law(s)* and the *Ontario Building Code (OBC)*.



Ensure public spaces are accessible



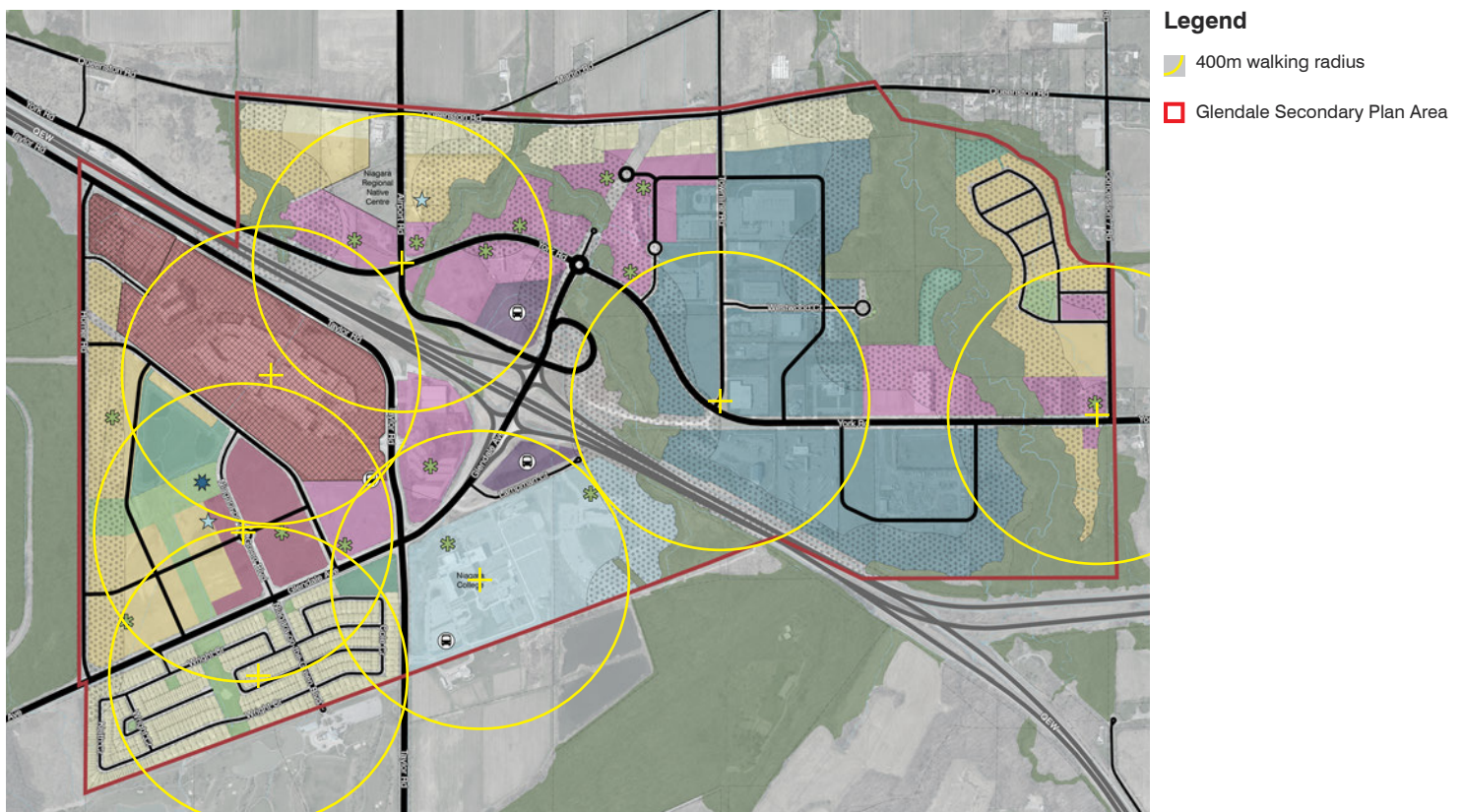
Provide appropriate infrastructure to support accessibility

Community Design

Community design is defined by the structuring framework of the natural heritage and open space systems, the road network, and the various permitted land uses. Community design plays an important role in the overall quality and function of Glendale.

Guidelines

- a) The street network should provide a high level of connectivity, taking into account the existing and proposed urban structure of adjacent and adjoining areas, such as by extending adjoining streets into or through new developments and subdivisions.
- b) Design the street and block pattern to emphasize connections, both internally and with surrounding neighbourhoods, through a grid or modified grid pattern.
- c) Gaps in the existing street grid should be completed by providing connecting streets through developments to ensure the effective continuity of the street pattern.
- d) Avoid use of cul-de-sacs, p-loops, and crescents, except where necessary due to grading, topography, environmental features, or existing development that prohibits a connection.
- e) Avoid back-lotting or reverse lot frontages.



Schedule 1 - Land Use Designations of the Glendale Secondary Plan with 400m walking radii overlaid

- f) Terminate streets at public facilities or landmark buildings, parks, open spaces, or views or vistas of rural or natural areas.
- g) Encourage the layout of streets to relate to and maintain views of natural areas, water courses, parks, and rural edges, such as by using single-loaded window streets along such features.
- h) Daily activities, such as transit (local bus routes), elementary schools, parks, and modest services should generally be within a typical walking distance of 400 metres (5 minute walk) of residential units.
- i) Blocks should generally be no more than 200 metres in length to provide neighbourhood permeability, promote active transportation, discourage excessive driver speed, and disperse traffic movements.
- j) An interconnected network of sidewalks, bicycle routes, transit, and multi-use trails should provide for continuous movement throughout the community, ensuring integration with surrounding neighbourhoods and a variety of destinations.
- k) Create a network of green spaces open to the public that provides a variety of amenities and activities that complement those of the existing parks and open spaces in Glendale.
- l) Implement traffic calming measures such as on-street parking, reduced lane widths, public laneways, raised intersections, curb bulb-outs, and/or traffic circles to reduce vehicular traffic speeds and to ensure safe walking and cycling environments.



Community structure of a new development in Markham

Streetscape Elements

Sidewalk Clearway

Sidewalks are an essential element of the street allowing for the safe, accessible, and efficient movement of pedestrians. The sidewalk clearway should remain free and clear of obstacles at all times so that pedestrians can travel in a direct, continuous path.

Guidelines

- a) Ensure sidewalks are continuous throughout the community and constitute an integral part of the pedestrian system to promote active transportation. Sidewalk clearway widths are context-specific and depend upon expected pedestrian volumes:
 - Minimum of 1.8 metres on Local Streets;
 - 1.8 to 2.1 metres on Collector and Arterial Streets; and,
 - 2.1 to 3.0 metres or higher in high pedestrian areas along commercial or mixed-use frontages, particularly where retail is provided along the street.
- b) Sufficient space for street furnishings, public utilities, lighting, tree plantings, and transit shelters should be provided in addition to the sidewalk clearway in an adjacent furnishing zone.
- c) On Arterials and some Collector types multi-use trails may be substituted for sidewalks on one side of the street based on location and as approved by the Town.



An enhanced public realm with wider sidewalks and plantings



Special paving and wider sidewalk in high pedestrian area

Street Trees and Planting

Street trees contribute to the urban tree canopy, act as a buffer to separate the pedestrian from moving vehicles, and create a canopy and shade over sidewalks to enhance pedestrian comfort. For more detailed guidelines on tree planting, see **Section 5 Green Buildings & Infrastructure**.

Guidelines

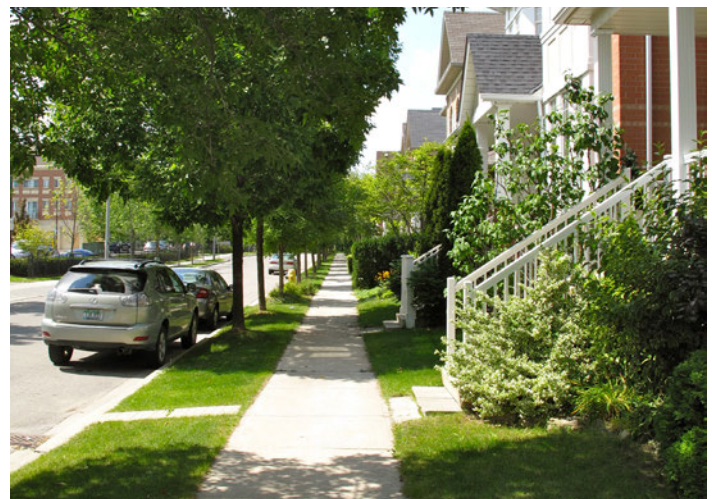
- a) Plant street trees along all streets and consider a diversity of native tree species to avoid a mono-culture.
- b) Tree spacing is recommended at 8 to 10 metres on centre, depending on species growth rate expectations.
- c) Encourage the delivery of alternative planting strategies along high-pedestrian areas such as soil cells, sufficient soil medium, continuous planting trenches, etc., to sustain long-term growth and healthier tree life.
- d) Utilize a comprehensive planting and soils strategy based upon species diversity, resiliency, and urban tolerance.
- e) Where appropriate, use low maintenance, drought resistant, and salt tolerant landscaping within medians and roundabouts.
- f) Plant a double row of trees in key areas, such as adjacent to parks and where a wider boulevard exists.



Tree-lined commercial street in Kansas City



Trees in open planting beds that also function for stormwater management



Sidewalks with street trees to provide shade and increase tree canopy

Street Furniture

Street furniture is an essential component of comfortable, pedestrian supportive streetscapes. Street furniture includes seating, benches, bicycle racks, bollards, and raised planters, among others.

Guidelines

- a) Concentrate street furniture in areas with the highest pedestrian traffic, such as along retail and commercial areas, at transit stops, gateways and at key intersections (such as signalized intersections).
- b) Provide a coordinated and consistent family of street furnishings, with standardized types and styles.
- c) Locate the majority of seating in shaded areas.
- d) Ensure that street furniture does not obstruct pedestrian, cyclist, or vehicular circulation.
- e) Where raised planters are used in the boulevard, they should be designed to function as alternative seating along the sidewalk edge.
- f) Ensure the placement of bicycle racks within the pedestrian realm does not impede pedestrian movement.



Coordinated streetscape elements, West Don Lands, Toronto



Coordinated and grouped streetscape elements



Bicycle racks designed as an interesting design feature along the street

Street Lighting

Street lighting is important for the safety and comfort of pedestrians and the safe operation of traffic on Town streets.

Guidelines

- a) On streets with higher pedestrian traffic (eg. on Main Streets) provide pedestrian-scaled street lighting to enhance safety and visibility.
- b) Consider sustainability and the impacts of light pollution in the design and location of lighting.
- c) Group street lighting with street furniture, waste receptacles, and landscaping elements to minimize disruptions to pedestrian circulation.
- d) Create a standardized palette of types, styles and varieties of decorative lighting that coordinates with the streetscape furnishings palette, takes into account maintenance requirements, and minimizes the total number of types used.



Pedestrian scale lighting adds character to street



Dark sky compliant light fixtures

Pedestrian Crossings

Strongly identified pedestrian crossings are an essential part of providing a safe and comfortable pedestrian experience. When clearly defined, pedestrian crosswalks will help to minimize conflicts between vehicles and pedestrians.

Guidelines

- a) Provide formal pedestrian crossings at every four-way intersection in high pedestrian areas in order to promote walkability and a pedestrian-focused environment.
- b) Provide signalized pedestrian crosswalks at locations where important destinations or significant walking traffic is anticipated, such as near retail shops and schools.
- c) Ensure pedestrian crossings have a minimum width of 3.0 metres, are continuous, and connect to adjacent sidewalks.
- d) In key areas, such as on Main Streets and at gateways, use feature paving such as alternative paving markings or materials, or distinctive painted lines to minimize the conflict between vehicles and pedestrians and to enhance the visibility and quality of pedestrian crossings.
- e) Define and enhance safe routes to schools to create a link along a route to a school. Provide pedestrian crossings, signage, and other pedestrian safety features and amenities as determined appropriate and effective by the Town.
- f) Minimize the height of curb cuts to facilitate wheel-chair and stroller usage in high pedestrian areas.
- g) Consider providing additional protections for pedestrians crossings such as refuges at very high volume intersections such as at Glendale Avenue and Taylor Road.



Decorative paving, wider sidewalk and clearly demarcated pedestrian crosswalks



Pedestrian crosswalk defined by special paving and a refuge

Community Mailboxes

Community mailboxes consist of a piece of street furniture containing multiple mailboxes and parcel compartments that can be locked individually, providing secure, convenient, 24/7 access to mail and parcels.

Guidelines

- a) Mailboxes should be located either at parks or stormwater management facilities along the street edge, or along side yards between the sidewalk and the corner lot line.
- b) Ensure community mailbox locations preserve the privacy of adjacent residences or provide appropriate screening.
- c) Where appropriate, coordinate the location of community mailboxes, newspaper boxes, seating, and waste receptacles.

Utilities

Utilities such as electricity, telecommunications, water and gas supply, sewage and stormwater, are essential to the functioning and servicing of an urban area, but care must be taken to minimize the impacts of utilities on the use and appearance of the right-of-way.

Guidelines

- a) Wherever possible, utilities should be buried below grade. The use of a joint utility trench is encouraged for access and maintenance benefits to maximize available space for street trees.
- b) Where below-grade utility design is not feasible, group at grade utilities in single locations to minimize their aesthetic and access impacts on the public realm.
- c) Encourage utility design that minimizes street clutter. Utilize products that incorporate street lighting and telecommunications facilities within the same utility pole.
- d) Locate above-grade utility poles to allow street trees to be included in the right-of-way. Consider rearranging sidewalk location and boulevard widths to provide separation between utility poles and tree planting locations.

Traffic Calming

Traffic calming measures reduce vehicular traffic speeds and contribute to a safer walking and cycling environment.

Guidelines

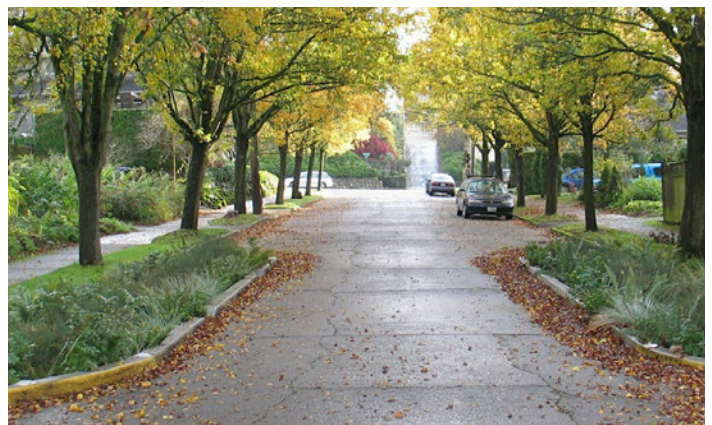
- a) Traffic calming designs should correspond to the appropriate engineering standards and must be approved by the Town. Additional traffic calming designs to reduce vehicular traffic speeds and to ensure safe walking and cycling environments may include:
 - Pedestrian-priority streets, woonerfs or home-zones (i.e., the speed limit is under 15km/hr. and vehicles must yield to pedestrians and cyclists);
 - Street design that discourages vehicle speeding through right-of-way curvature, raised intersections, curb bump-outs, minimizing curb radii, medians and/or roundabouts, building proximity to the street, and boulevard street tree planting; and/or,
 - Minimize the number of traffic lanes in the roadway.
- b) Consider curb extensions (bump-outs) on streets to provide improved pedestrian safety. These should be designed to:
 - Reduce crossing distances and provide safe refuge for pedestrians waiting to cross the street;
 - Reduce vehicle speeds; and,
 - Include a combination of landscape and hard surface elements to improve aesthetics.
- c) Consider providing traffic calming measures on all Town-owned streets, including Collector Streets.



Planting at bump outs help to calm traffic



Flat mountable curb for bump out on a truck route (image: NACTO, CC BY-NC 2.0, Flickr)



Curb extensions provide improved public safety

Gateways

Gateways play an important role in a community's structure and design by providing visual landmarks that enhance the sense of arrival and place, promote community character and assist with wayfinding. Community Gateways occur at major entry points to neighbourhoods.

Guidelines

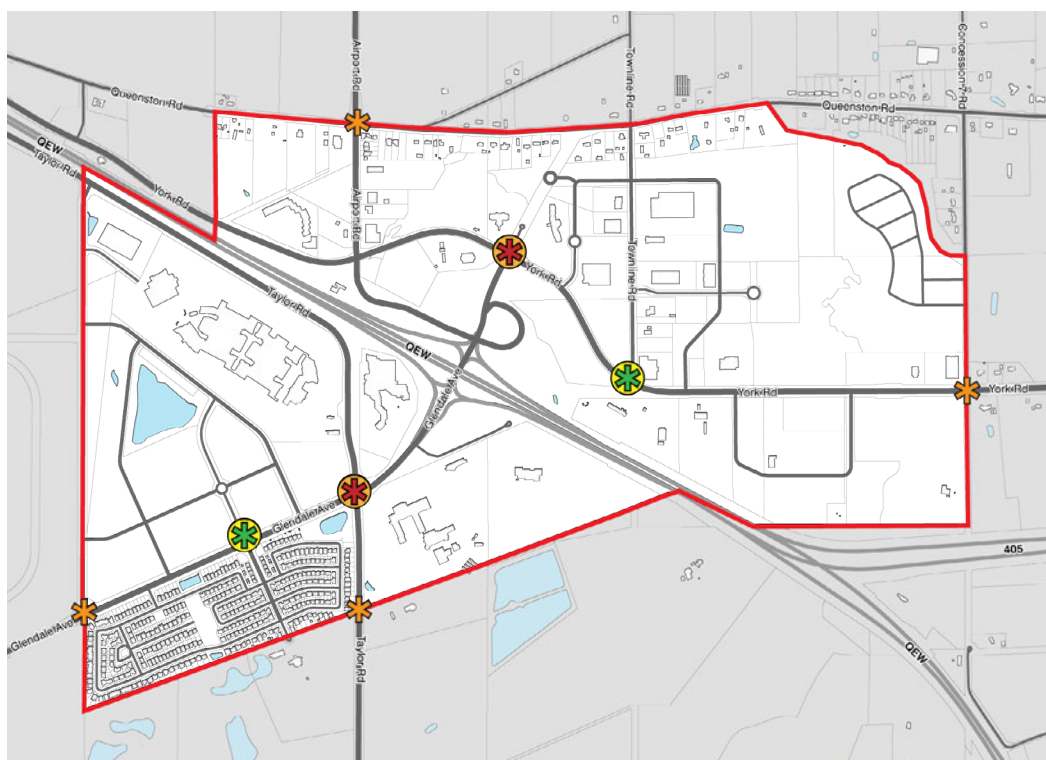
- a) Minor gateways are located at main road entrances into Glendale and should include welcome signage in a landscaped feature area that may include low walls, fencing or enhanced landscape treatment.
- b) Major gateways are located at key intersections in the heart of Glendale and should include elements such as public art, signage, a pedestrian-oriented landscaped feature area, shade structures, and distinctive surface treatment for pedestrian crossings. Where there is a median, consider enhanced median plantings or banners or hanging baskets leading towards the gateway.



A gateway feature in the Village of Maple (image: York Region, CC BY-NC-ND 2.0, Flickr)



A gateway feature in King City (image: York Region, CC BY-NC-ND 2.0, Flickr)



Map of gateway types and locations in Glendale

Legend

- ✱ Minor Gateway
- ✱ Major Gateway
- ✱ Character Gateway

- c) Character gateways are located at key entrances to important areas such as the Main Street area along Niagara-on-the-Green Boulevard. Character gateways should include elements such as signage, a pedestrian-oriented landscaped feature area, shade structures, and distinctive surface treatment for pedestrian crossings.



A gateway feature in King City (image: York Region, CC BY-NC-ND 2.0, Flickr)

Transit-Supportive Systems

Transit-supportive systems require densities and development patterns that connect people of all ages to homes, jobs, school, and other places linked to their lifestyles.

Guidelines

- a) Complement and support the transit system through a network of on-street and off-street active transportation facilities, such as bicycle lanes, multi-use trails, and sidewalks to further promote inter-modal and first-mile and last mile connections (walking, cycling, transit).
- b) Support bike use through the provision of bike racks and bike storage at transit stops and stations.



Bicycle racks at a transit stop supports active transportation (image: Tom Flemming, CC BY-NC 2.0, Flickr)

Signage and Wayfinding

Wayfinding helps to orient people to key destinations, such as parks, and the location of parking and amenities, such as washrooms. Maps, directional signs, identifier signs and interpretive panels are all components of wayfinding and signage that contribute to enjoyable visitor experiences in which people are comfortable to explore all that Glendale has to offer whether walking, driving, or cycling.

Guidelines

- a) Enhance wayfinding by using buildings as gateways and landmarks, public spaces as focal points, and streetscapes to frame significant views.
- b) Wayfinding signage should identify local attractions, enhance awareness of key destinations and facilitate clarity and ease of movement between key destinations.
- c) Signage and wayfinding should be designed and positioned for clarity and visibility (not blocked by vegetation) and where possible, information should be consolidated on one panel or post.
- d) Signage should be simple, coordinated across the site, and be designed and located to reduce visual clutter. Image-based/graphical signage should be used wherever possible to improve universal understanding.
- e) A hierarchy of coordinated directional signage should be provided to improve wayfinding for residents and visitors:
 - Consolidate the direction to multiple destinations in directional signs for motorists and pedestrians.
 - Provide a collection of information such as a map showing parking, key destinations and walking radius in an information kiosk or on a pedestal.
 - Provide information on historic, cultural or environmental features on interpretive signs at key destinations.
 - Identify key destinations such as parks, public docks, municipal buildings in a destination sign.



Wayfinding signage points out key destinations (image: City of Sydney)



Wayfinding map and directional sign pedestal



Directional signage to assist in pedestrian wayfinding



Interpretive sign, Tasmania, Australia

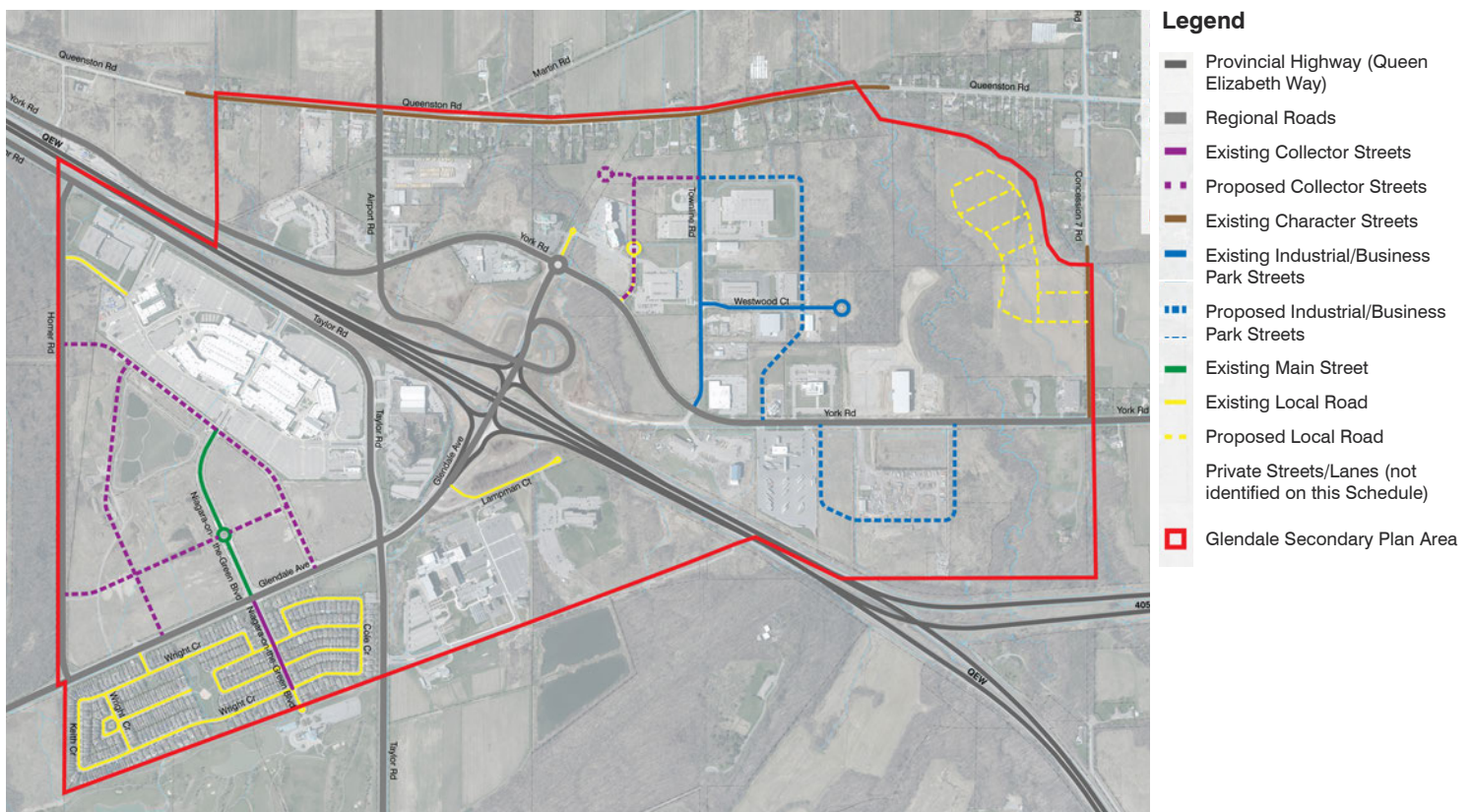
Streets

The street should be understood as the physical configuration and visual appearance of everything within the public right-of-way. The street can be broken down into two primary parts:

Boulevard: the part of the streetscape dedicated primarily to pedestrian use. The boulevard includes the sidewalks, planting, furnishing and market zones (where applicable), as well as multi-use paths and off-street bicycle facilities. The boulevard is also where the street interfaces and connects with adjoining buildings and uses.

Roadway: the part of the streetscape dedicated to the movement of vehicles. The roadway includes vehicular travel lanes, dedicated or shared bicycle lanes and lanes for on-street parking, loading, drop-off and bus lay-bys.

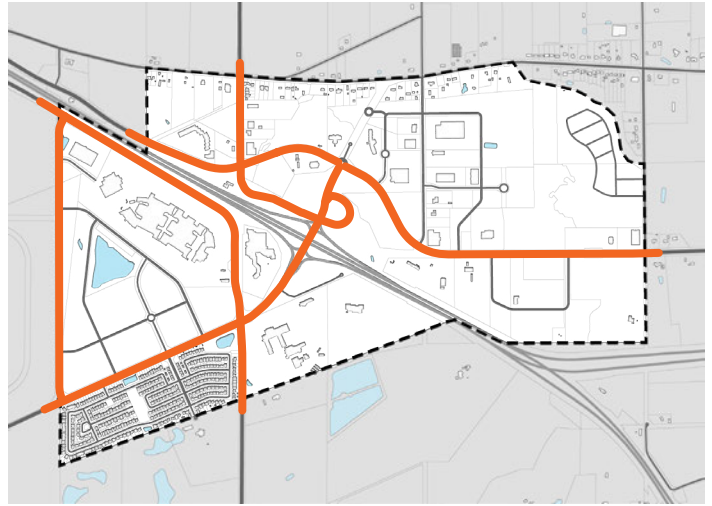
The specific technical details of the street cross-sections that follow (i.e., engineering standards) will be determined through the appropriate design review process. Refer to the Town of Niagara-on-the-Lake *Engineering Design Criteria* for typical street cross sections and the draft *Transportation Master Plan*.



Schedule 5 - Roads Network of the Glendale Secondary Plan

Regional Roads

Regional Roads are under the jurisdiction of Niagara Region and therefore are not included in these guidelines. Regional Roads in Glendale include Glendale Avenue, Taylor Road, Airport Road, York Road and Homer Road. Regional Roads will be designed according to the Region's *Official Plan*, their engineering standards and their *Complete Streets Design Manual (January 2023)*.



Collector Streets

Collector Streets connect to Arterial Streets and provide primary connections to Local Streets.

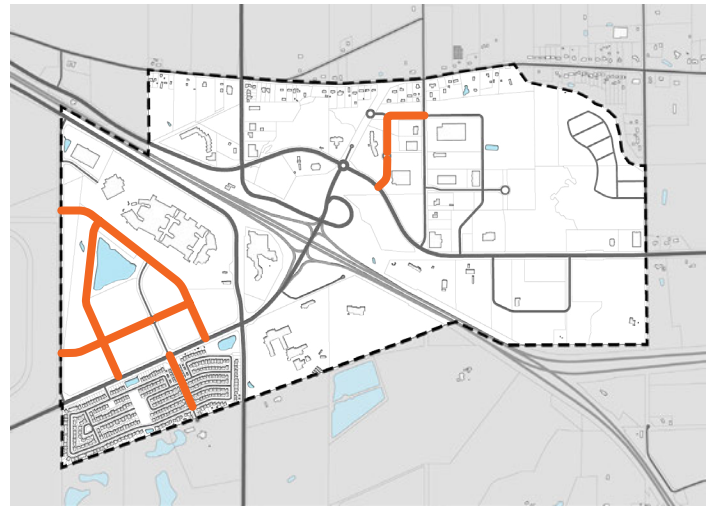
Guidelines

General

- a) Collector Streets generally have a right-of-way width of 26 metres.

Roadway

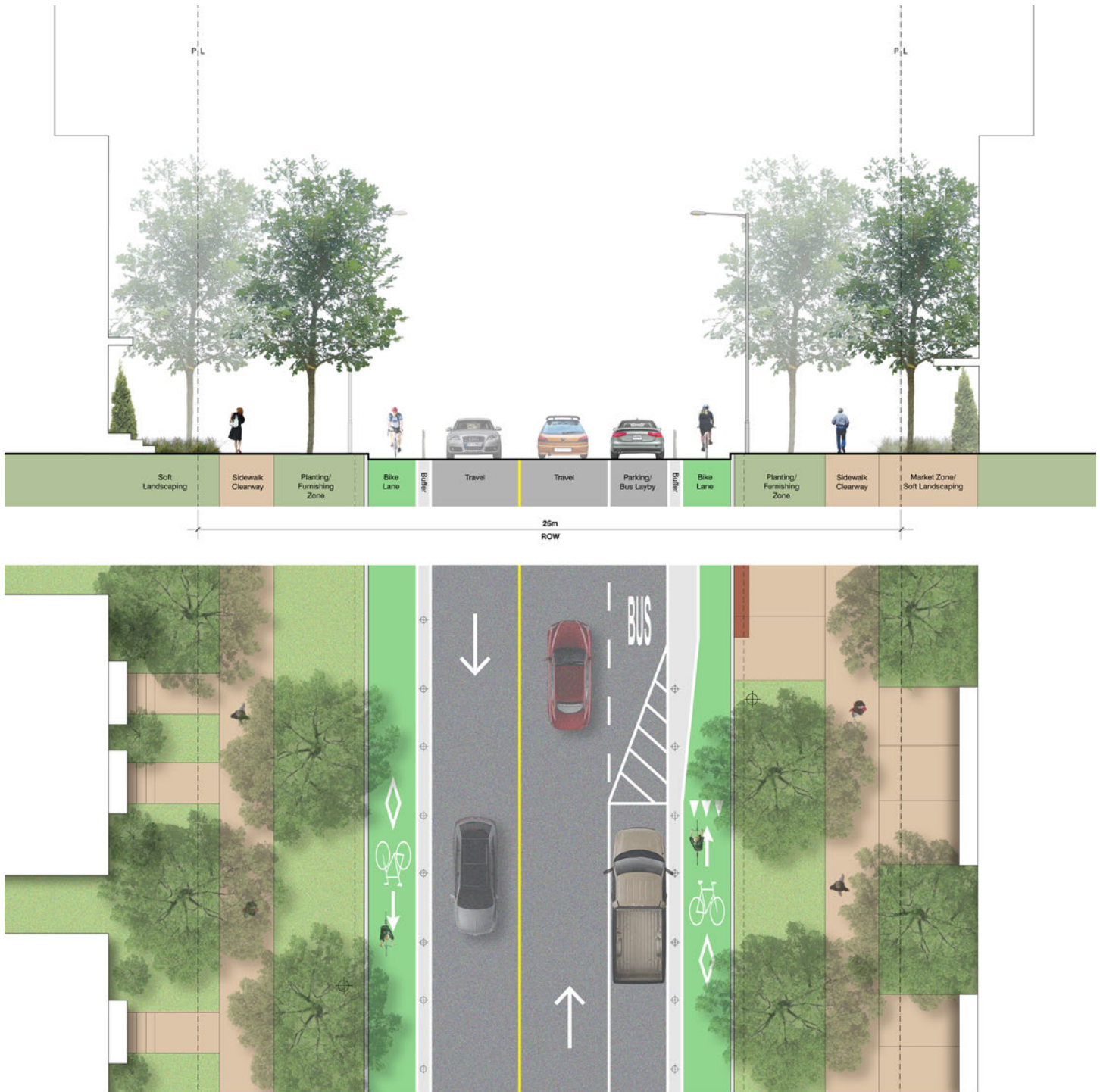
- b) The street surface includes a single 3.3 metre wide travel lane in each direction. Higher volume streets may have 2 travel lanes in each direction.
- c) Collector Streets may include 2.2 to 2.4 metre on-street parking on one side of the street in appropriate locations that do not interfere with transit operations.
- d) Transit facilities may be accommodated on all Collector Streets.
- e) Provide protected bike lanes or cycle tracks on both sides of the street.



Boulevard

- f) Collector Streets have boulevards on both sides of the pavement and accommodate a grass verge with street trees and minimum 2.0 metre sidewalks on both sides.
- g) Street trees and landscaping should be located continuously along Collector Streets. Include a second row of trees where space allows.
- h) Direct driveway access to development should be discouraged.

Typical Collector Street Cross Section



Industrial/Business Park Streets

Industrial/Business Park Streets are a type of Collector Street that provide direct access to industrial and commercial/employment areas. Examples of existing Industrial/Business Park Streets in Glendale include Townline Road and Westwood Court.

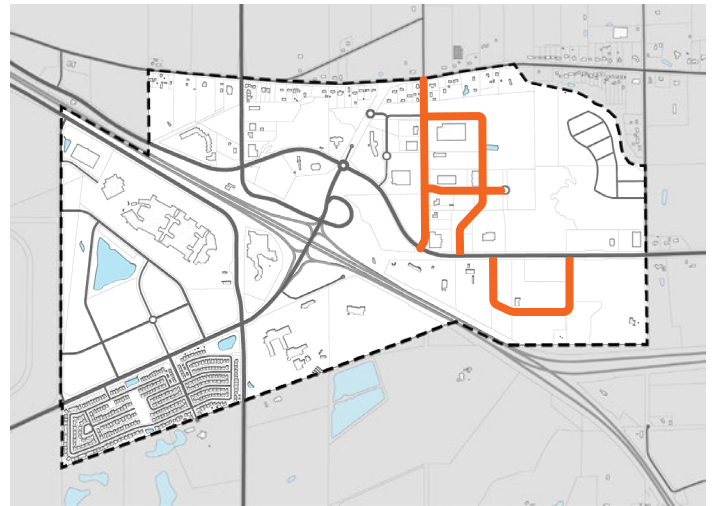
Guidelines

General

- a) Industrial/Business Park Streets generally have a right-of-way width of 26 or 26.2 metres.

Roadway

- b) The street surface includes a single 3.5 metre wide travel lane in each direction.
- c) Transit facilities may be accommodated on all Industrial/Business Park Streets.
- d) Provide cycle tracks on both sides of the street, or a 4.0 metre multi-use path on one or both sides of the street.



Boulevard

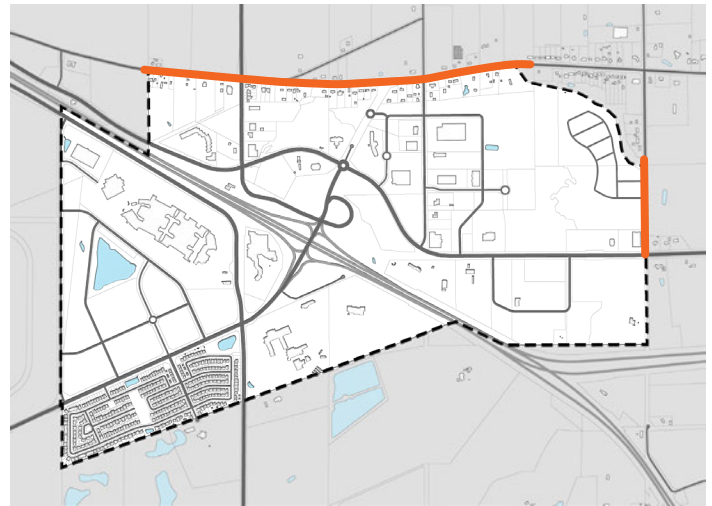
- e) Industrial/Business Park Streets have boulevards on both sides of the pavement that accommodate a bioswale for drainage.
- f) Street trees and minimum 1.8 metre sidewalks on both sides, or a 4.0 metre multi-use path.
- g) Street trees and landscaping should be located continuously along Industrial/Employment Streets.
- h) Direct driveway access to any development site is permitted.

Typical Industrial/Business Park Street Cross Section



Character Streets

Character Streets are a type of Collector Street that perform a transition between urban and rural land uses through a modified rural cross section. They are primarily located along the edges of Glendale. Character Streets in Glendale include Queenston Road and Concession 7 Road. Queenston Road currently has a rural cross-section that includes paved shoulders designated as bike lanes. Homer Road (a Regional Road) should be considered by the Region for treatment as a Character Street.



Guidelines

General

- a) Character Streets generally have a right-of-way width of 26 or 26.2 metres.

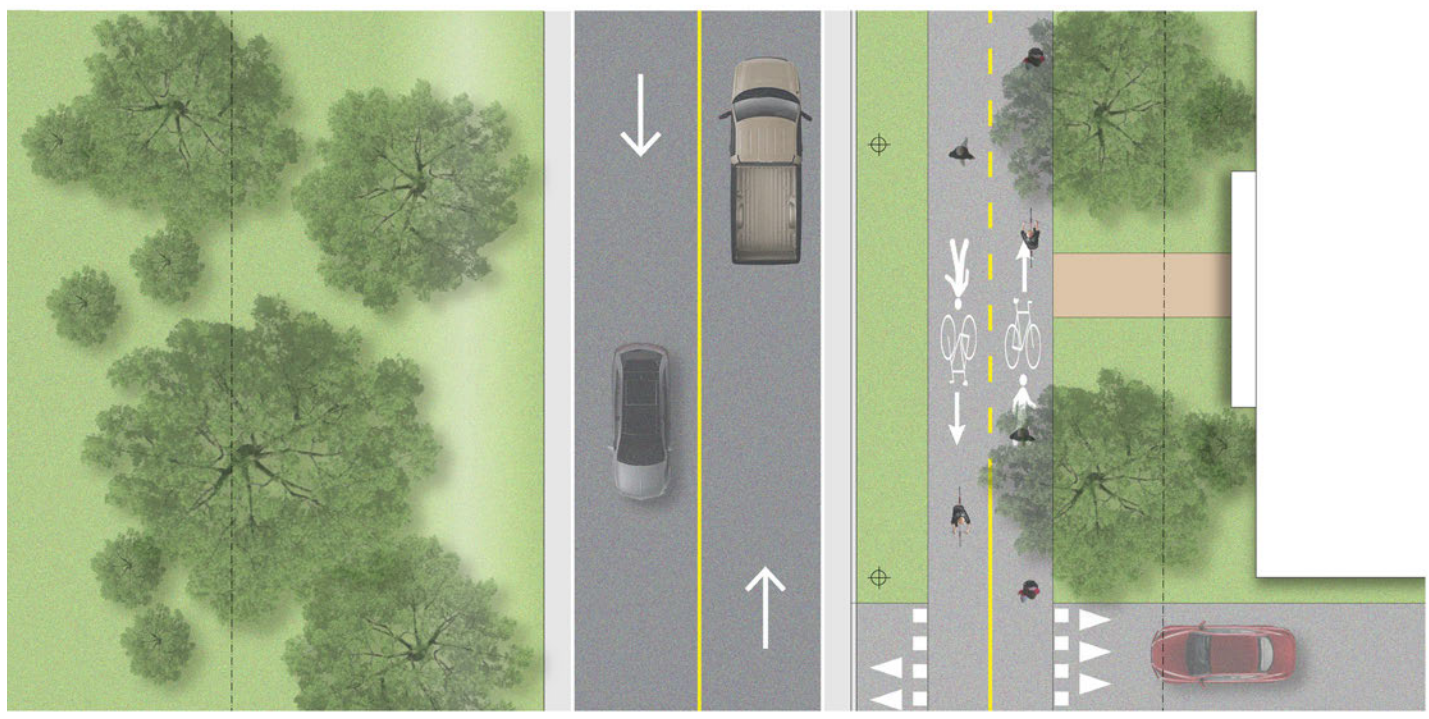
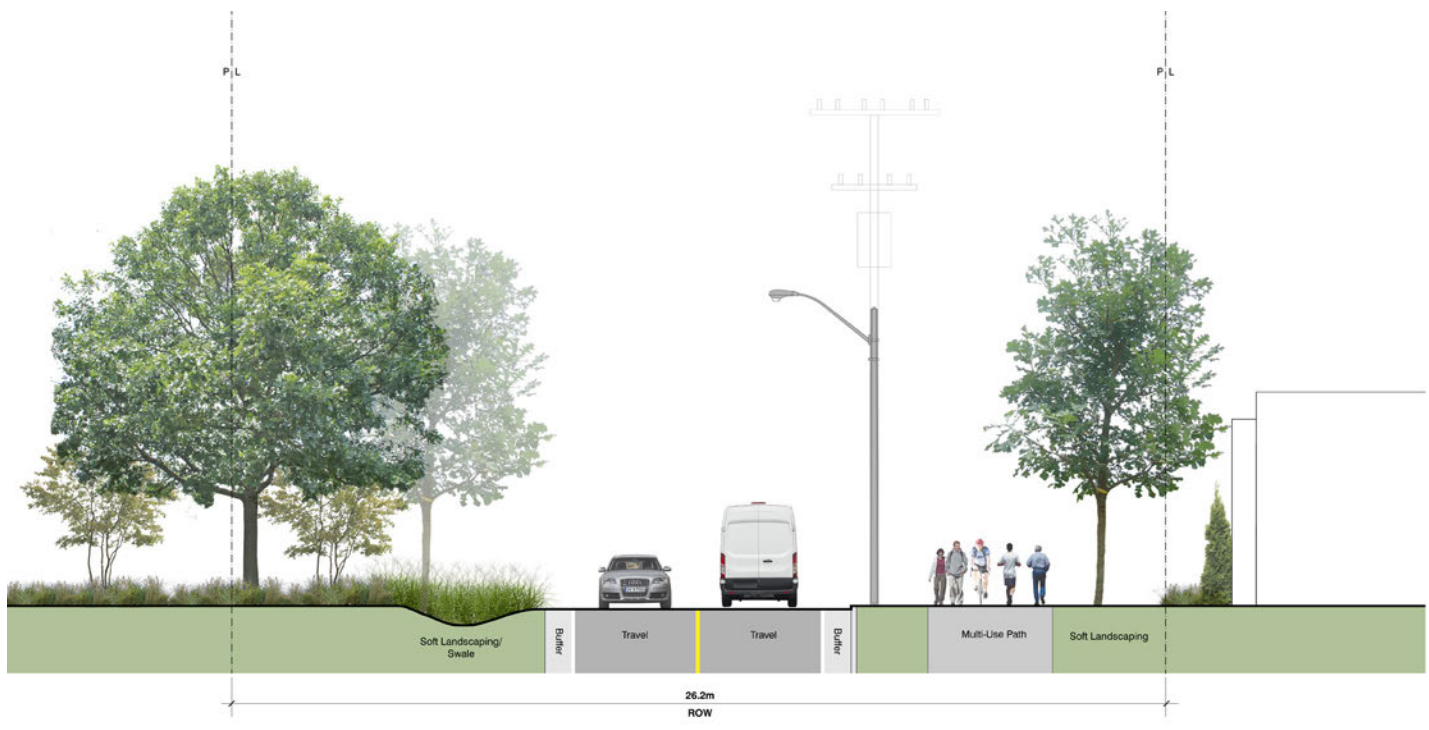
Roadway

- b) The street surface includes a single 3.5 metre wide travel lane in each direction.

Boulevard

- c) Character Streets have boulevards on one side of the pavement that accommodate a bioswale for drainage, with an urban curb and gutter on the other side.
- d) Character Streets should have street trees and a 3.5 metre multi-use path on the urban/developed side, and more naturalized planting on the rural/natural/undeveloped side.
- e) Street trees and landscaping should be located continuously along Character Streets.
- f) Direct driveway access to any development site is permitted.

Typical Character Street Cross Section



Main Street (Shared Street)

Main Streets are designed to support street-related retail development, high levels of pedestrian activity, and accommodate temporary closures for community events, activities and festivals. They should have a special character and be built to a higher design standard than other streets, while utilizing traffic calming techniques to slow vehicular traffic. The sole Main Street in Glendale is Niagara-on-the Green Boulevard, which is identified as an Enhanced Streetscape in the Glendale Secondary Plan.

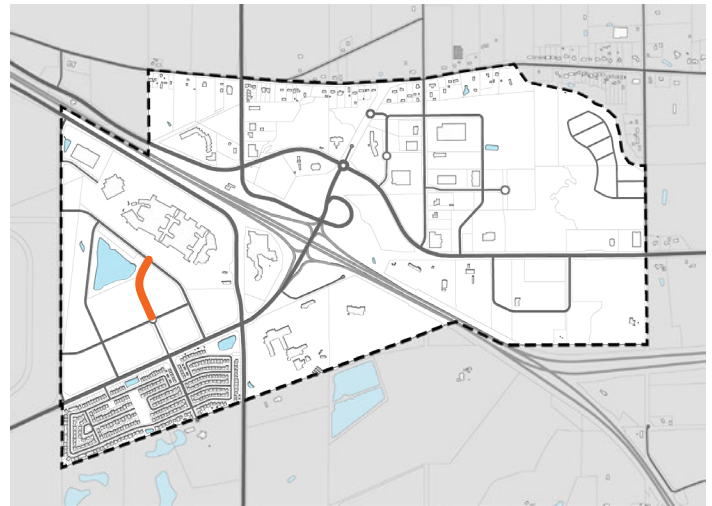
Guidelines

General

- a) Niagara-on-the Green Boulevard has a right-of-way width of 26.0 metres.
- b) Locate the main front wall of buildings close to the property line to enclose the street space and promote the visibility of retail to pedestrian and vehicular traffic.

Roadway

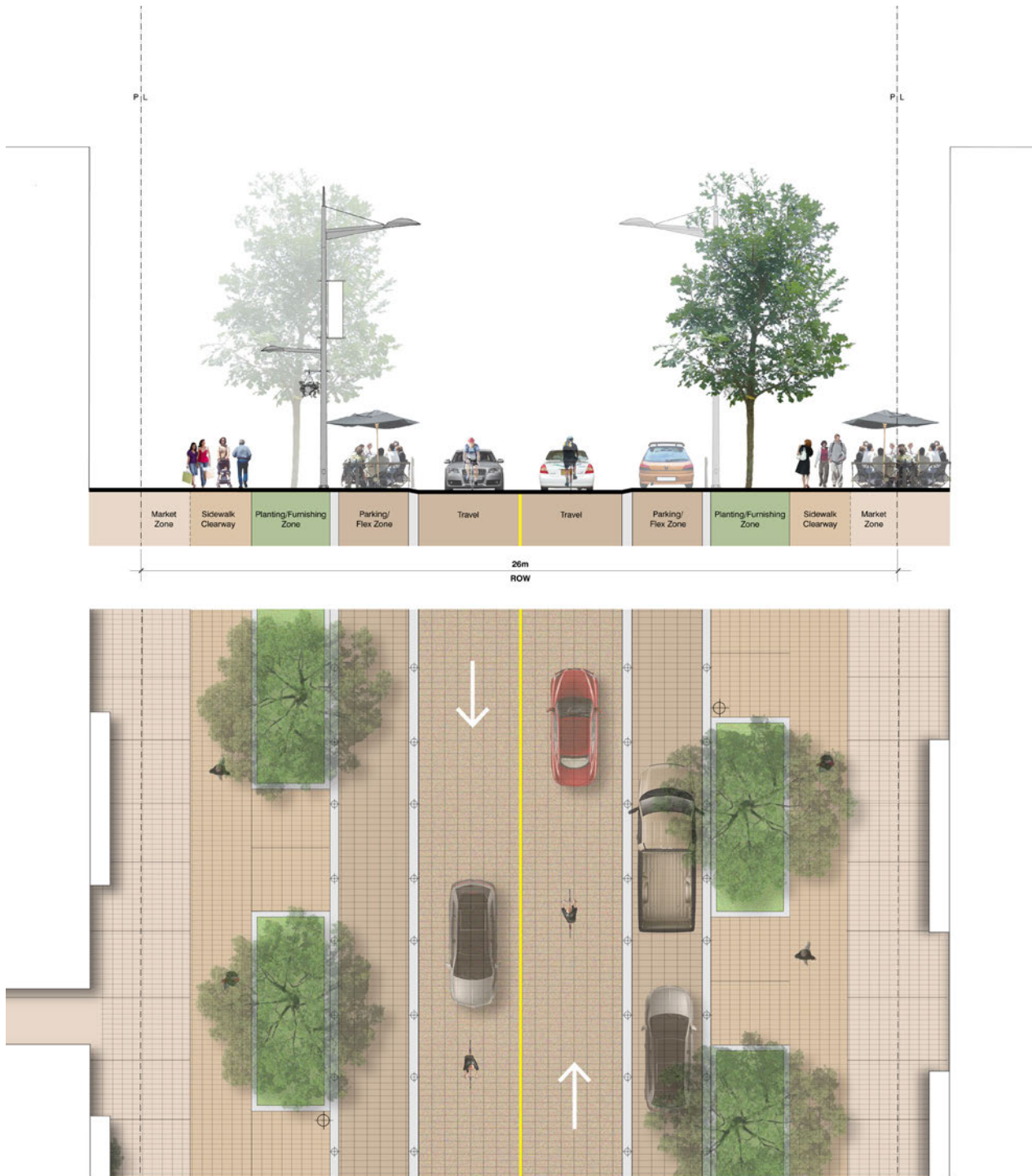
- c) The roadway includes a single travel lane in each direction to be shared with bike traffic.
- d) Use decorative paving and rolled curbs to define the street as a special place and allow for seamless closures to traffic for events.
- e) Include 2.2 to 2.4 metre wide flex spaces on both sides of the street that can be used as on-street parking or for patios or events.
- f) Use curb bump-outs to narrow intersections and facilitate safer and shorter pedestrian crossings.
- g) Use contrasting and clearly visible decorative paving or surface treatments to demarcate pedestrian crossings and/or crosswalks.



Boulevard

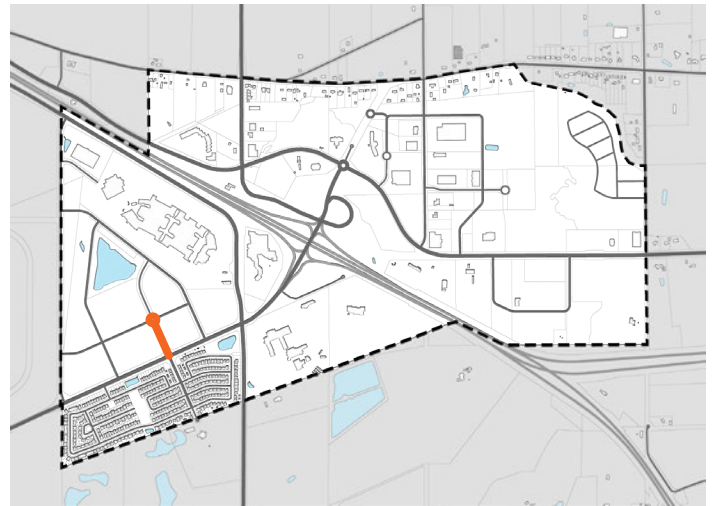
- h) Use decorative paving for pedestrian surfaces complementary to the roadway paving.
- i) Street trees and landscaping should be located continuously along Niagara-on-the Green Boulevard.
- j) Provide a minimum 2.1 metre sidewalk clearway on both sides of the street.
- k) Provide paved market zones adjacent to retail frontages.
- l) Ensure tree planting areas are protected from foot traffic by raised edges or decorative low barriers and provide the required uncompacted soil volumes. Use soil cells to achieve the required soil volumes wherever necessary.
- m) Decorative light standards with a pedestrian lighting fixture attachment should be used.

Main Street (Shared Street) Cross Section



Main Street (with Bike Lanes)

Using the same streetscape design language as on the Shared Street Main Streets, integrate bike lanes in both directions to provide a safe cycling connection northwards from the multi-use path along Glendale Avenue. The Main Street (with Bike Lanes) is located on Niagara-on-the Green Boulevard, which is identified as an Enhanced Streetscape in the Glendale Secondary Plan, south from the roundabout to Glendale Avenue.



Guidelines

General

- a) Niagara-on-the Green Boulevard has a right-of-way width of 26.0 metres.
- b) Locate the main front wall of buildings close to the property line to enclose the street space and promote the visibility of retail to pedestrian and vehicular traffic.

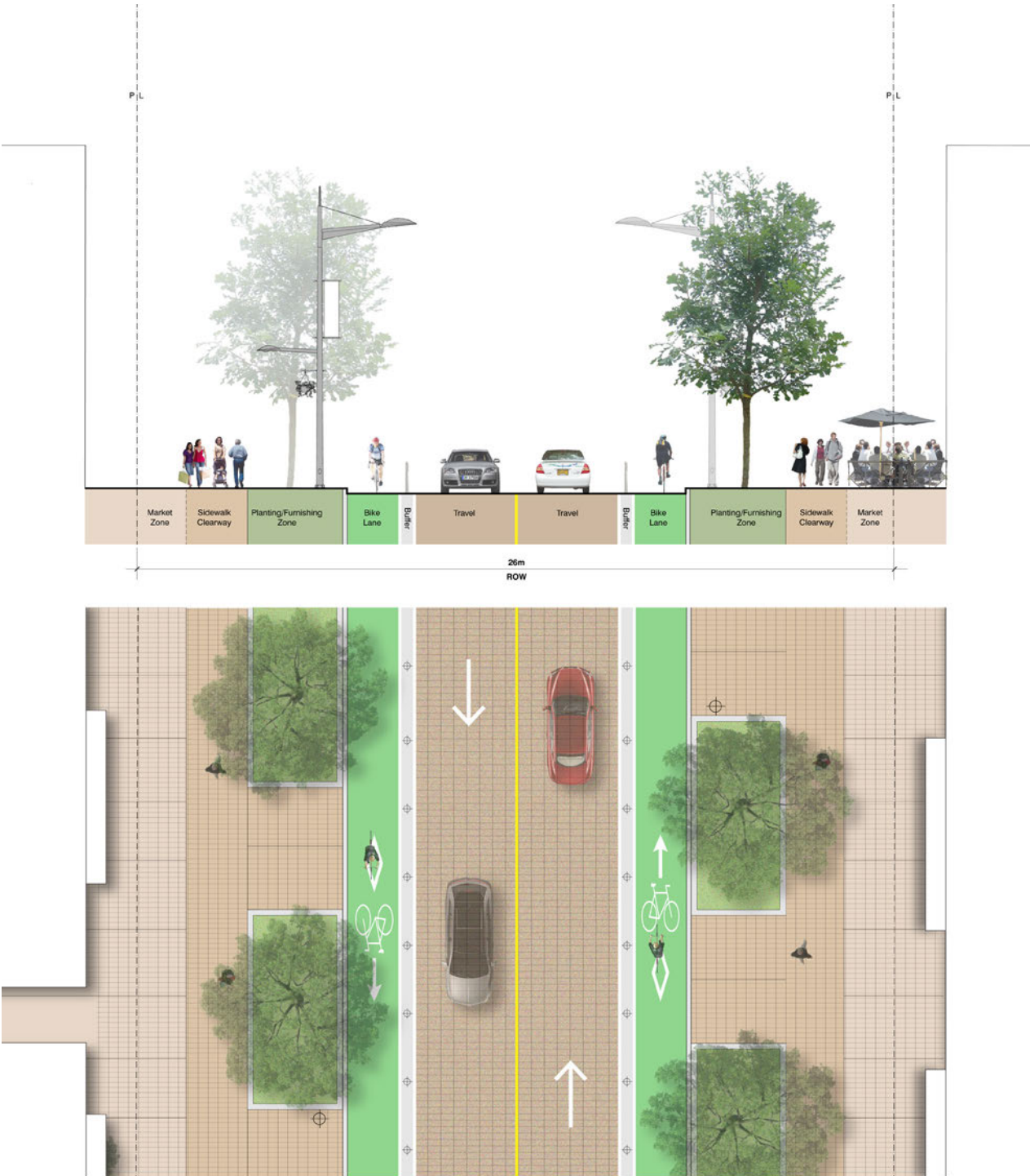
Roadway

- c) The roadway includes a single travel lane in each direction.
- d) Provide buffered bike lanes in each direction with a minimum width of 1.8 metres.
- e) At the Glendale Avenue intersection, provide crossrides to connect to the multi-use path on the south side of Glendale.
- f) Use decorative paving to define the street as a special place.
- g) Use curb bump-outs to narrow intersections and facilitate safer and shorter pedestrian crossings.
- h) Use contrasting and clearly visible decorative paving or surface treatments to demarcate pedestrian crossings and/or crosswalks.

Boulevard

- i) Use decorative paving for pedestrian surfaces complementary to the roadway paving.
- j) Street trees and landscaping should be located continuously along Niagara-on-the Green Boulevard.
- k) Provide a minimum 2.1 metre sidewalk clearway on both sides of the street.
- l) Provide paved market zones adjacent to retail frontages.
- m) Ensure tree planting areas are protected from foot traffic by raised edges or decorative low barriers and provide the required uncompacted soil volumes. Use soil cells to achieve the required soil volumes wherever necessary.
- n) Decorative light standards with a pedestrian lighting fixture attachment should be used.

Main Street (with Bike Lanes) Cross Section



Local Streets

Local Streets serve critical social functions as places where kids play, neighbours interact, and where vehicles have the lowest level of priority. Local Streets also provide the fine-grain transportation network for the community, connecting to Collector Streets and linking with public spaces.

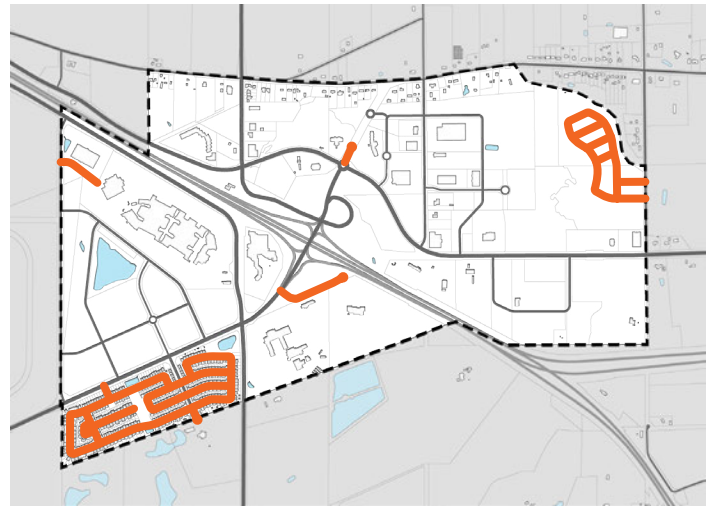
Guidelines

General

- a) Local Streets have a typical right-of-way width of 18.0 metres, with a maximum of 20.0 metres. A reduced right-of-way width may be permitted where alternative development standards are deemed appropriate by the Town, for example where the development utilizes rear laneways.

Roadway

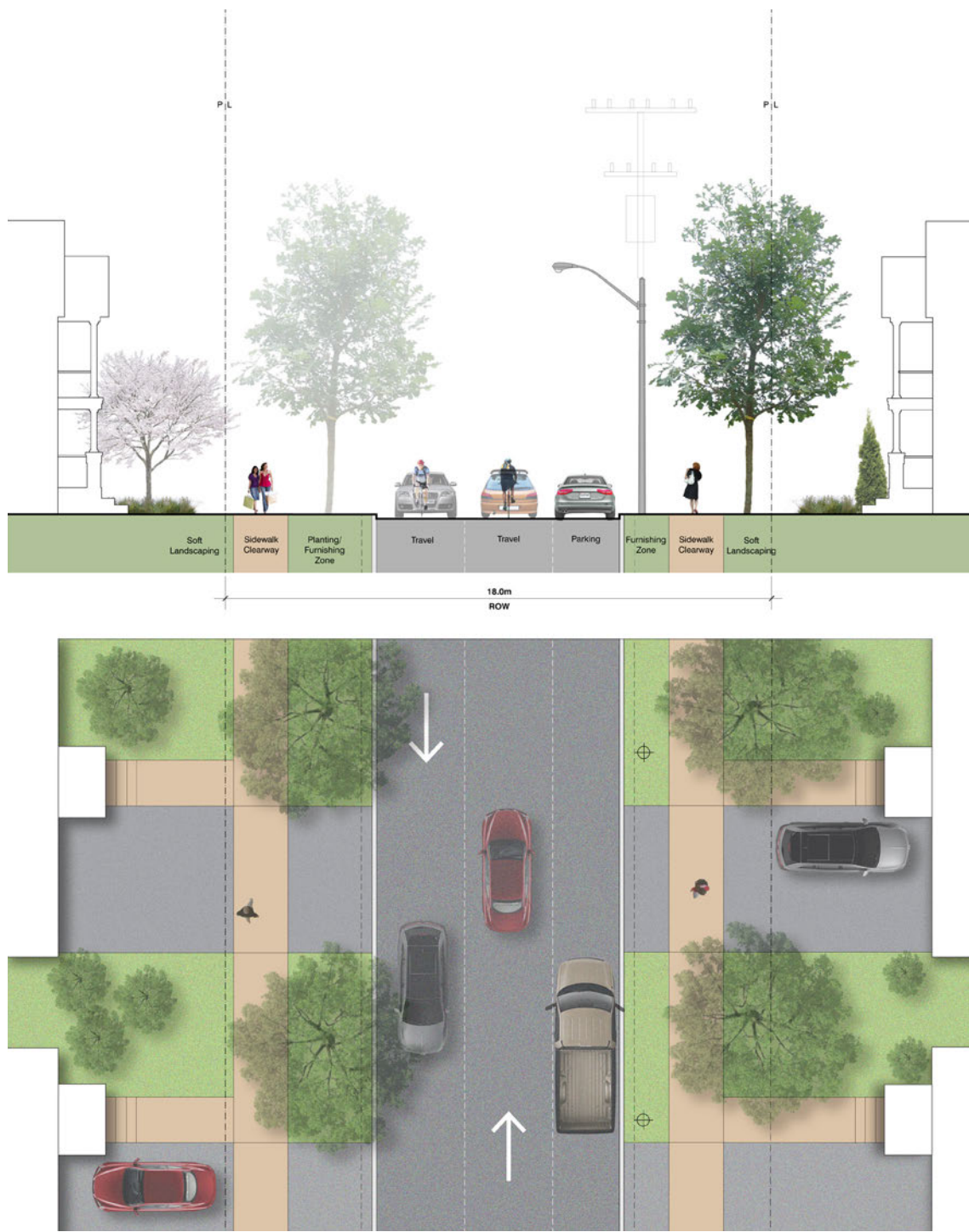
- b) The street surface includes a travel lane in each direction, and may include on-street parking on one side of the street, that could alternate to either side of the street.
- c) Consider bicycle movement a normal part of Local Street traffic movement; no dedicated bicycle infrastructure is required unless the street forms part of a key connection of the active transportation network.
- d) Consider traffic calming measures such as curb bumpouts at intersections to encourage reduced vehicle speeds.



Boulevard

- e) Street trees and landscaping should be located continuously along Local Streets.
- f) Consider additional rows of trees where space allows, including by negotiating locations on the adjacent private property (front yards).
- g) Minimum 1.8 metre wide sidewalks on both sides of the street are recommended, particularly near schools and parks to facilitate continuous pedestrian connections.
- h) Where the street includes above grade utility lines, consider an asymmetrical alternate boulevard (illustrated) with a narrow edge/furnishing zone to avoid planting trees directly under the utility lines.

Typical Local Street Cross Section



Rear Laneways

The use of rear laneways provides significant benefits such as enabling continuous street tree planting, improving the visual appearance and social function of residential street facades, creating safer pedestrian environments through the removal of driveways crossing the sidewalks, and simplifying waste storage and collection, while offering the potential for narrower local and collector street rights-of-way. Laneways may be used in key locations to improve the visual quality of a streetscape, allow buildings to front onto open spaces, natural areas, and parks, and to provide access to residential uses and loading and service areas for commercial uses along Arterial Streets.

Guidelines

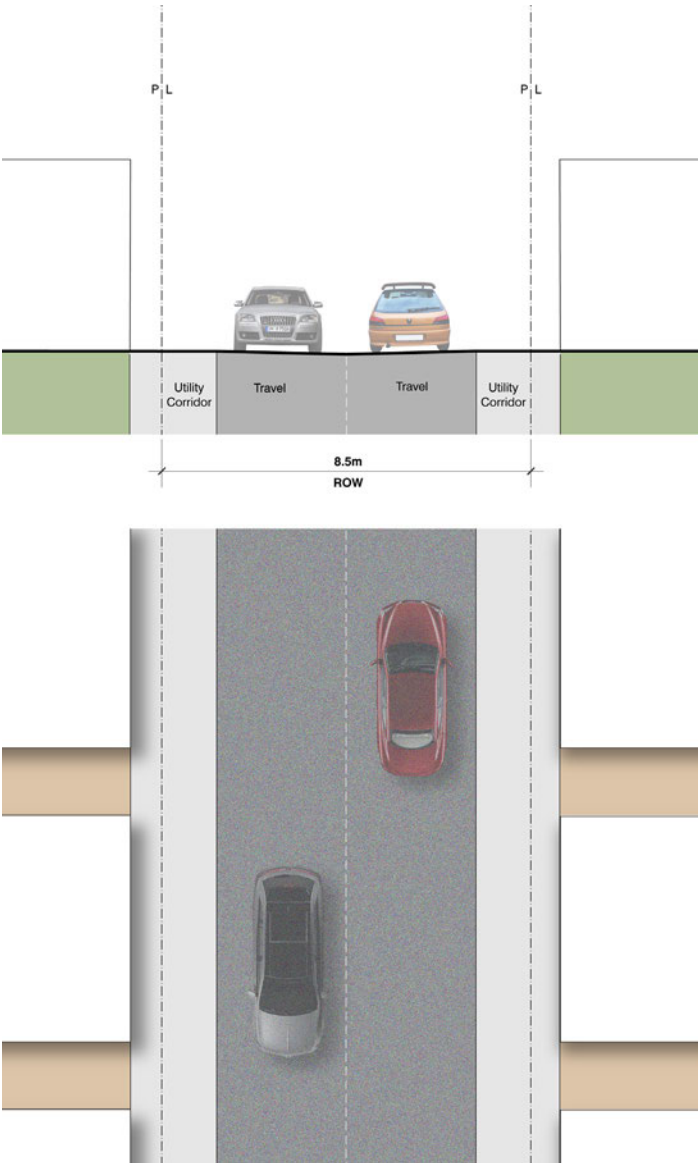
General

- a) Laneways for residential uses should preferably be publicly owned as this guarantees a baseline level of maintenance and service provision.
- b) Laneway rights-of-way should be a maximum of 8.5 metres with a paved surface of 6.0 metres.
- c) The desirable laneway length is a maximum of 150 metres to be consistent with fire hydrant spacing on street connections.
- d) Where laneways include a turn, provide minimum 9.0 metre radius elbows at the turn.
- e) Consider the use of porous or permeable materials for the laneway surface and/or utility corridor.
- f) Provide a 1.25 metre utility corridor on either side of the laneway.
- g) Laneways should be used for waste collection.
- h) Identify and set aside snow storage locations when designing new laneways.
- i) Provide a pedestrian connection to the building's front entrance where laneways provide vehicular access for housing fronting Arterial Streets, open spaces, and parks.
- j) Provide landscape areas in laneways where possible to enhance the laneway's aesthetic appeal and promote their use as gathering and playing areas.
- k) Provide lighting at laneway entrances to promote vehicular and pedestrian safety.



Lane with landscaping to enhance the visual appeal

Laneway Cross Section



Private Streets

The following guidelines apply to new streets which will not be owned or maintained by the Town and which facilitate access to new multi-unit residential, commercial or mixed-use developments on private properties.

Guidelines

General

- a) Private Streets have a minimum right-of way width of 10.0 metres.
- b) Identify and set aside snow storage locations when designing new Private Streets.

Roadway

- c) Private Streets have a minimum paved surface width of 6.0 metres.

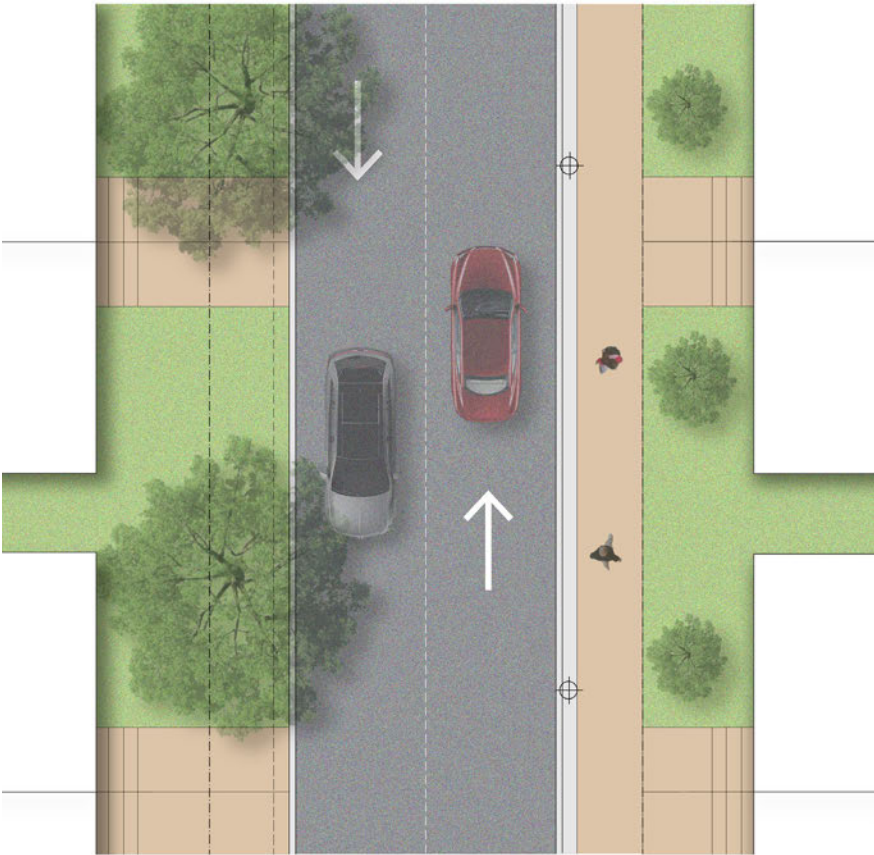
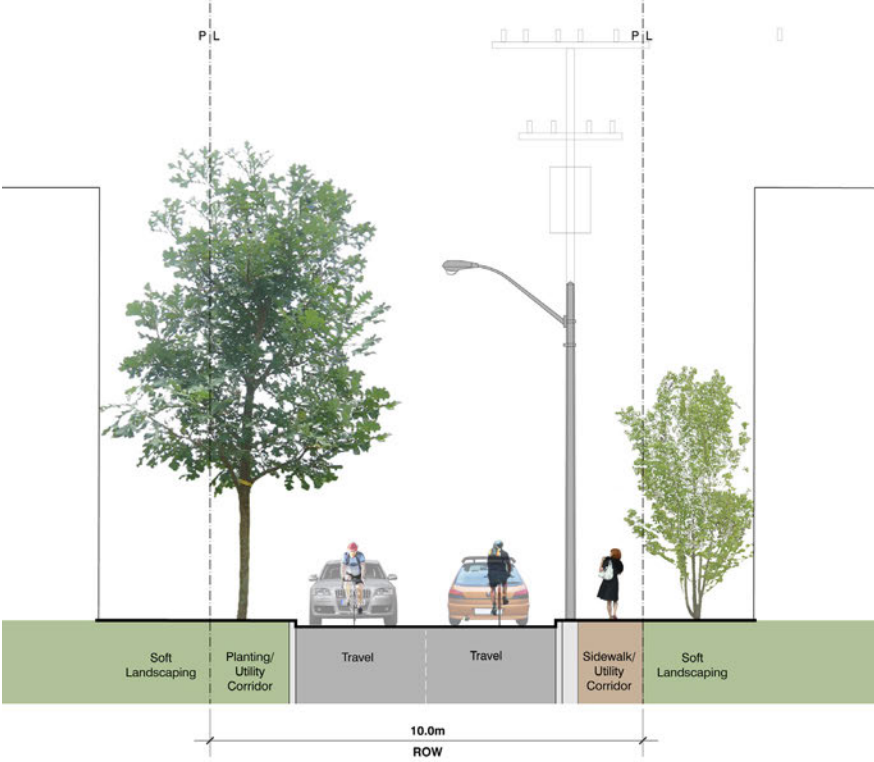
Boulevard

- d) Provide a minimum 2.0 metre landscaped utility corridor on either side of the Private Street.
- e) Sidewalks are required on at least one side of a Private Street, and may be located within the utility corridor.
- f) Consider the use of porous or permeable materials for the roadway surface and/or utility corridor.



Walter Hardwick Avenue, Olympic Village, Vancouver
(image: Maysa Phares, CC BY 2.0, Flickr)

Private Street Cross Section



Natural Heritage System, Parks & Open Spaces

The Natural Heritage System, Parks and Open Spaces are a functional, structural, and aesthetic component of Glendale. The natural environment, urban forest, parks, open spaces, and trail systems are essential components of a healthy, sustainable community ensuring residents have convenient access to a connected and diverse range of recreational opportunities.

Natural Heritage System

The Natural Heritage System contributes to the community's character and is a key structural element of Glendale. The following guidelines aim to protect, restore and enhance the Natural Heritage System, while mitigating any existing or potential negative impacts due to development.

General Guidelines

Guidelines

- a) As opportunities arise, connect and integrate the Natural Heritage System with Parks and Open Spaces and the local and regional trail systems to buffer and expand natural heritage features and functions, ensuring ecological systems are not interrupted.
- b) Integrate the Natural Heritage System as a key structural element in the neighbourhood's design by providing for a range of development interfaces that create opportunities for public vistas and connections to the Natural Heritage System (e.g. terminal views at the end of prominent streets).
- c) Incorporate recreational opportunities such as trails within the Natural Heritage System to encourage physical activity, where negative impacts will not occur.
- d) Provide frequent access points and significant street frontage along the Natural Heritage System to promote interconnection with the urban canopy and to create or preserve views of natural areas.
- e) Provide naturalization planting and restoration to enhance the urban ecology and function of natural heritage features and their adjacent lands.



Integrate the natural heritage system with the community, creating opportunities for access, where appropriate

Woodlands

Woodlands provide benefits such as carbon storage, wildlife habitat, and regulating air, soil, and water quality, while also providing opportunities for residents to be able to directly experience naturalized environments.

Guidelines

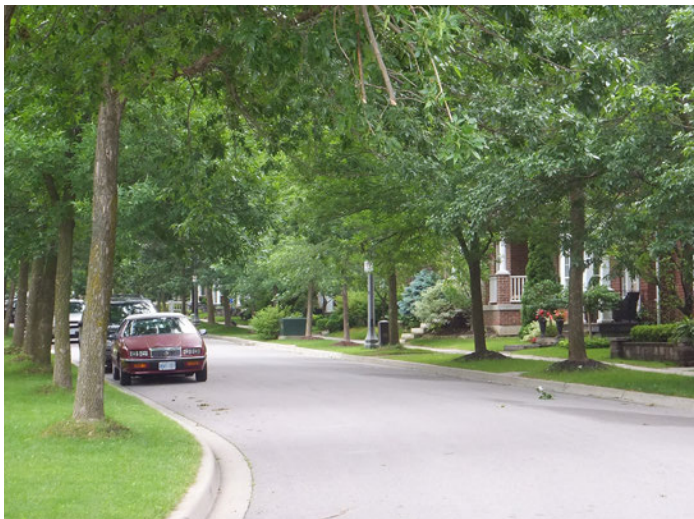
- a) Preserve and expand existing tree cover to connect and buffer protected woodlands and other natural areas and to mitigate heat island impacts.
- b) Provide opportunities for naturalized plantings and landscape restoration to enhance and help to establish local ecological features.
- c) Prevent direct access from private properties backing onto woodlands.
- d) Ensure the location of trail heads will have no long term impact to the existing vegetation and wildlife communities.

Urban Forest

Trees provide ecological services that benefit human and environmental health, such as reducing heat island effect, sequestering greenhouse gases, providing shade in the summer, separating pedestrians from vehicular traffic, and contributing to more appealing sidewalks and streets.

Guidelines

- a) Provide robust species selection to anticipate climate change conditions and operational constraints.
- b) Provide street trees on both sides of the street in the public right-of-way.
- c) Encourage a diversity of tree species along each street, native to the Town and Region, non-invasive, drought and salt tolerant, and low maintenance.
- d) Plant a double row of trees in key areas, such as adjacent to parks and where a wider boulevard exists.
- e) Encourage the delivery of alternative planting strategies along high-pedestrian areas such as soil cells, sufficient soil medium, continuous planting trenches, etc., to sustain long-term growth and healthier tree life.



Street tree canopy contributes to the urban forest

Watercourses

Preserving and enhancing watercourses is important for providing wildlife and aquatic habitats and helping to preserve water quality and providing groundwater recharge.

Guidelines

- a) Preserve and enhance watercourses and maintain the habitat value and charm that the natural environment brings to residents and visitors by ensuring that all streams, creeks and rivers remain open and uncovered.
- b) Covered or buried natural water courses should be daylighted as part of new developments or redevelopments where practical. This involves uncovering and appropriately rehabilitating the watercourses.
- c) Introduce and maintain natural vegetation and other suitable erosion control methods on the banks of watercourses.
- d) Plant trees or install other buffer measures where appropriate to protect watercourse banks and enhance the ecological corridor role of watercourses.



Trail crossing a watercourse

Views

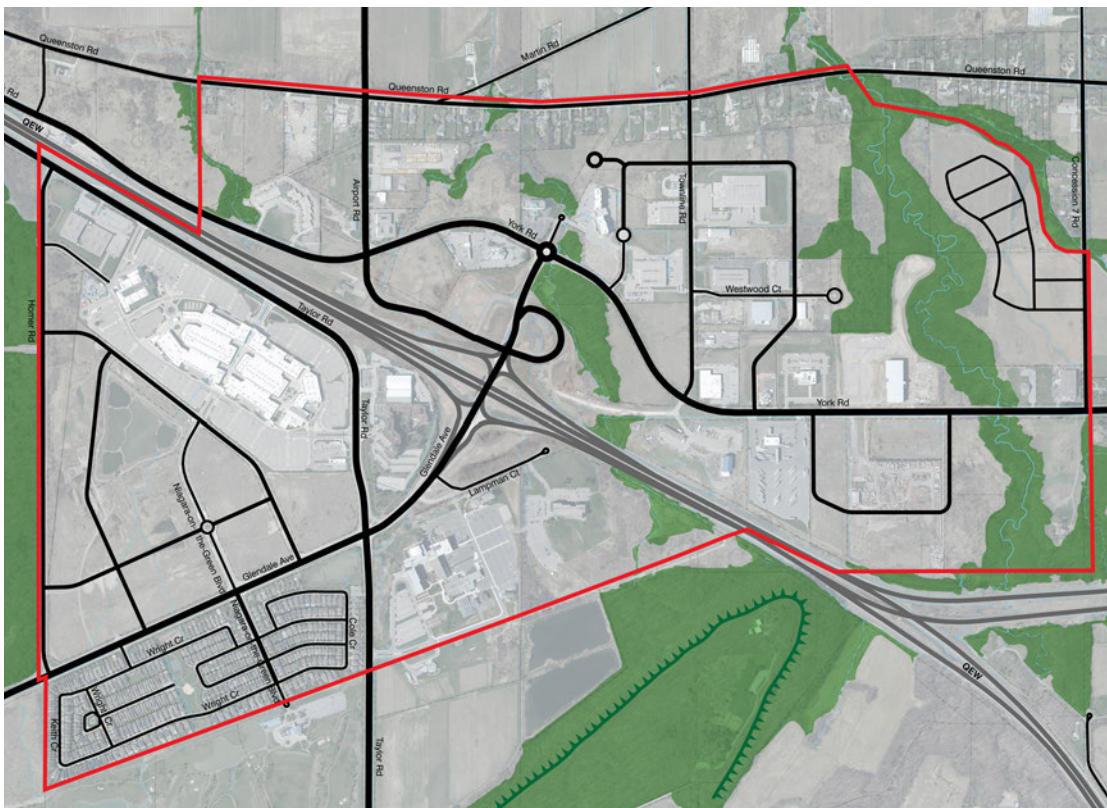
Enhancing the views of important natural heritage elements can play an important role in the creation of a sense of place. The best way to preserve or achieve those views is through the orientation of streets and buildings.

Guidelines

- Orient streets and buildings to maximize views to the natural heritage system and Niagara Escarpment. These views are an opportunity to reinforce these natural elements as landmark features.
- Existing natural features such as the Niagara Escarpment should form the basis for directing views.
- Protect significant views through the location and configuration of open space opportunities.
- Consider retaining and utilizing views from public areas of development sites as potential assets.



An old farm lane lined with trees integrated into Bonnie Braes Park, Brampton



Legend

- Natural Heritage System Core Areas
- ▲ Niagara Escarpment Edge of Slope
- Glendale Secondary Plan Area

Map of the Natural Heritage System Core Areas in Glendale and the Niagara Escarpment edge of slope

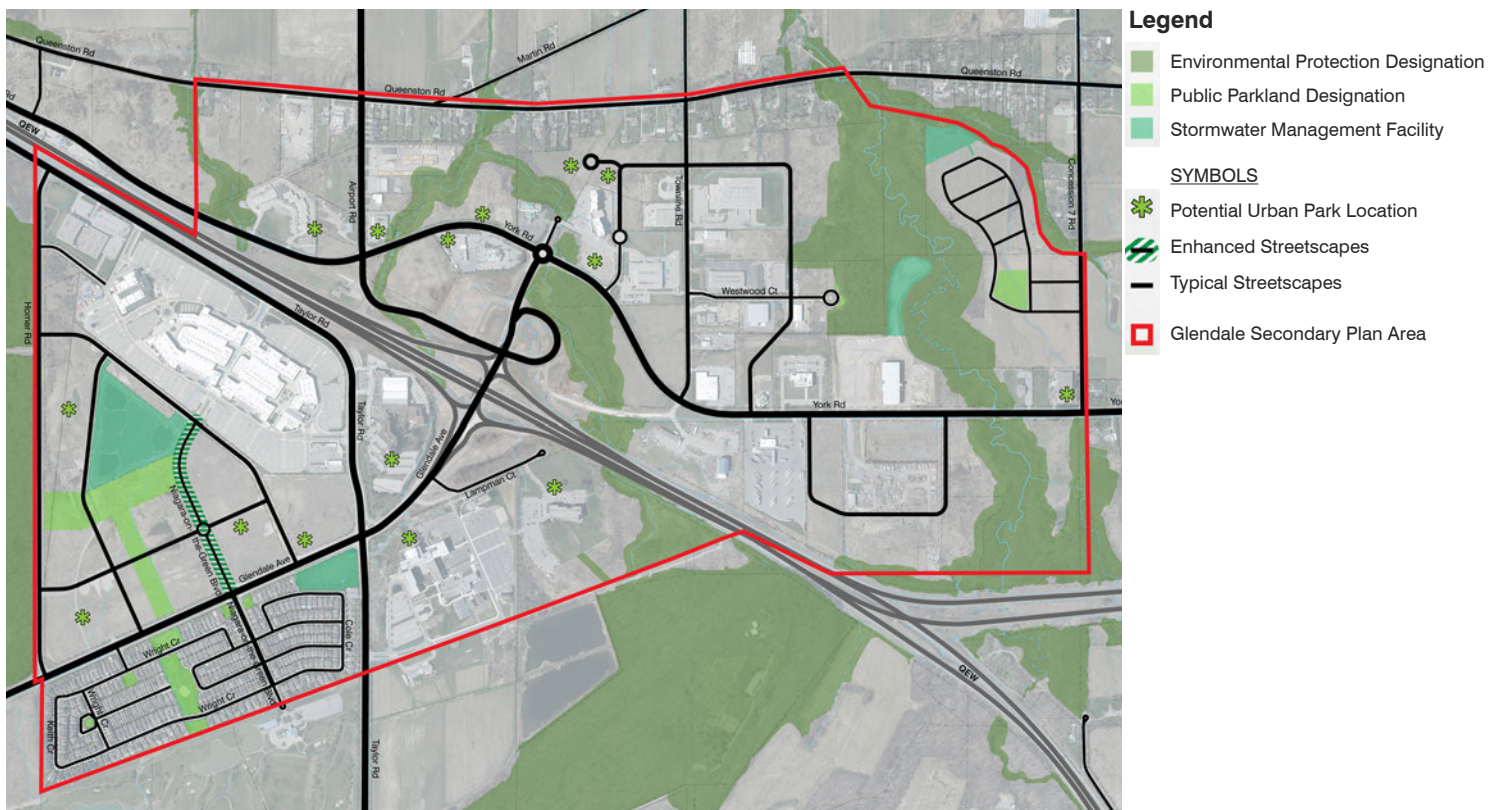
Parkland Network

A Parkland Network provides for a variety of open spaces, parks, and recreation facilities to support opportunities for improved public health. Convenient access to these amenities encourages residents to walk and cycle, in addition to providing places for gathering, socializing, and active and passive recreation.

The Parkland Network consists of Public Parkland, larger neighbourhood parks, and Urban Park Spaces, which include smaller open spaces such as Urban Squares, Pocket Parks and Connecting Links.



Active transportation link through a park



Map of the Parks & Open Space Network of Glendale

Public Parkland

Public Parkland primarily benefits local communities, and can serve as an organizing element in a neighbourhood. These parks support a balance of active and passive recreation, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces, where space permits.

Guidelines

- a) Public Parkland is intended to primarily serve local residents within a 10 minute walk (approximately 800 metres) and is typically between 0.75 hectares to 2 hectares in size.
- b) Plan Public Parkland as focal points of neighbourhoods, preferably centrally located at the terminus of a major street or at the corner of a main intersection, and within walking distance of schools and other community amenities and destinations.
- c) Ensure Public Parkland has significant frontage on adjacent streets to promote views and reinforce its focal nature. Street frontage should not be less than 30% of the park perimeter and should include frontage on at least 2 public streets.
- d) Avoid backing residential lots onto Public Parkland, where possible.
- e) Coordinate the design of park structures, such as gazebos, with other neighbourhood elements such as transit stops and community mail boxes.
- f) Include a range of active and passive recreation opportunities in Public Parkland, such as playgrounds, waterplay, courts, walkways, seating, planting areas, and/or natural or cultural features.
- g) Implement linkages between neighbourhood parks and other parks or natural heritage features.
- h) Public Parkland is primarily comprised of softscape, but can have some hardscape elements.
- i) Public Parkland may be co-located with school sites.



Lee Lifeson Art Park, Toronto



Neighbourhood park structure, with areas for seating and shade



Active recreation through the use of playgrounds

Urban Park Spaces

Urban Squares

Urban Squares are a moderately-scaled typology of the urban public park hierarchy commonly associated with higher intensity mixed use and residential areas. Urban Squares support neighbourhood-oriented social opportunities, as well as Town-wide entertainment and cultural events depending on their size and location. Urban Squares may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

Guidelines

- a) Locate Urban Squares to achieve significant public exposure and access with frontage on at least 2 public streets.
- b) Urban Squares should be between 0.25 to 1 hectare in size and shall generally follow a 1:1 proportion of length to width.
- c) Adjacent built form should have primary and active frontages facing the Square.
- d) Design Urban Squares to enhance the character of the surrounding public realm through public art, site furniture, seating areas and places to eat, landscape treatments, as well as street-related activities such as vendor and exhibit space.
- e) Design Urban Squares such that they provide between 25 and 40% of the area of the open space in tree canopy cover by the end of the 10th year after its opening.
- f) Urban Squares should be primarily hard surfaced, but may include soft surface elements.
- g) Use distinctive, high quality paving treatments for the Urban Square with consideration given to extending the paving treatment onto the street to give the space further prominence. This additional area would delineate an extended space that could be occasionally utilized for large-scale events such as a farmers market or festival.
- h) Include community and civic event spaces as well as performance venues and playful elements for children.
- i) Include ample seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities for seniors, children and youth, water features and public art.



Pentagon Row, Arlington, VA
(image: Solomon Abrams, CC BY 2.0, Flickr)



Larger Urban Squares with distinctive paving can be used to hold large-scale, occasional events, such as a farmers market

Pocket Parks

Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas that are designed to a very high standard to support more intensified use. Pocket Parks are destinations unto themselves that are animated with outdoor seating, restaurant and retail frontages. They include primarily hard surface elements, but can also accommodate softer elements.

Guidelines

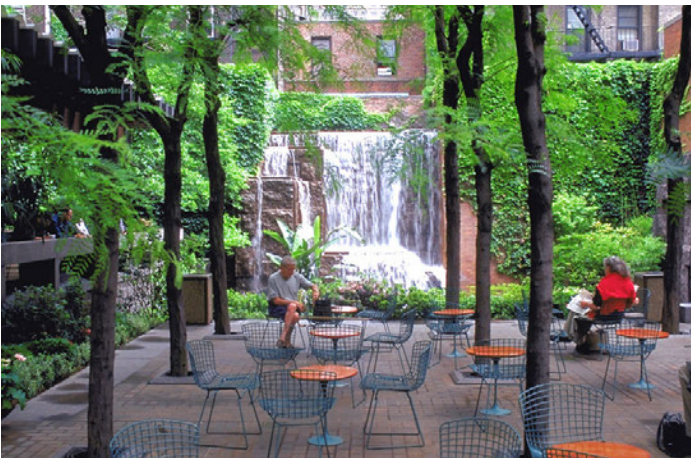
- a) Pocket Parks should be a minimum of 75 square metres in size, and are intended to serve a local community that is generally within a 2.5 to 5-minute walk of residents, visitors and businesses.
- b) Pocket Parks should be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system.
- c) Adjacent built form have primary and active frontages facing the Pocket Park.
- d) Design Pocket Parks such that they provide up to 50% of the area of the park in tree canopy cover by the end of the 10th year after its opening.
- e) Pocket Parks should be primarily hard surfaced, with limited soft surface elements.
- f) Include seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities that promote a passive, relaxing atmosphere, water features and public art.

Connecting Links

Connecting Links enable pedestrians in high pedestrian volume areas to travel through the community quickly and easily. Connecting Links are outdoor or indoor walkways through a development site, connecting two streets together. Many are destinations unto themselves with seating, restaurant and retail frontages. Connecting Links should contribute to the logical wayfinding system and help to establish a well-connected parkland network within a highly urban environment.

Guidelines

- a) Connecting Links should be a minimum of 4 metres in width, and may be substantially wider, taking into account scale of adjacent buildings.
- b) When enclosed, the floor to ceiling height of Connecting Links should be a minimum of 7 metres.
- c) Connecting Links should be primarily hardscaped, with softscape and seating elements to provide amenity and visual interest.
- d) Connecting Links should be well lit, promoting pedestrian comfort and safety.
- e) Include signage to identify adjacent buildings.
- f) Elements of the active transportation network such as sidewalks, mid-block connections, multi-use paths and trails may be considered as Connecting Links. Guidelines for Active Transportation are in the following section.



Greenacres Park, a Pocket Park in New York City



Connecting link lined with overlooking residential buildings

General Guidelines for Parks

Context, Heritage & Placemaking

The detailed design of parks contributes to the character and attractiveness of the neighbourhood in which they are situated. Attractiveness refers to how inviting and interesting the surroundings are for pedestrians. In particular, well-maintained and well-lit parks are most attractive, as are those that are animated with street-level activity, such as from commercial, civic, or recreational uses. Placemaking refers to community-based efforts and activities to physically reflect an area's unique character, assets, and history, and to make it livelier and more of a destination. Placemaking should be considered as a site-specific and context-specific pursuit.

Guidelines

- a) Each park should have an identity of its own, while also respecting, or enhancing, the neighbourhood character, including patterns, materials, and architectural style.
- b) Encourage the reflection, protection or enhancement of Indigenous and non-Indigenous cultural heritage and historical values in parks.
- c) Work with Indigenous communities to celebrate and commemorate Indigenous history and/or culture by providing opportunities for Indigenous placemaking in public spaces.
- d) Where possible, incorporate public art and local artifacts into the space, including opportunities for education and interpretation.
- e) Effort should be made to understand and communicate the unique culture, history, or qualities of the community in the design of parks and public spaces.



Village of Yorkville Park, Toronto



Awen Gathering Place, Collingwood

Accessibility

Accessibility refers to the usability of parks for all people, regardless of their age, ability, status in life, or mode of travel. In terms of age and ability, accessibility means planning parks for the young and old, and people with mobility impairments, in recognition that sight lines, walking speed, clearing space, endurance, and agility may vary.

Accessibility also means ensuring that the urban park network can be used by people of all incomes, and all abilities by keeping park spaces free of charge and by ensuring they are distributed throughout Glendale. Parks should avoid designs that appear to privatize the space, or elements within it.

Parks must meet the requirements of the Accessibilities for Ontarians with Disabilities Act (AODA).

Guidelines

- a) Accommodate a variety of activities within the park space.
- b) Minimize changes in grade between the open space and surrounding public space, including public sidewalks.
- c) Where changes in grade are not avoidable, provide an accessible route that complies with AODA standards.
- d) Strive to locate utilities such as manhole, handwell and water valves covers outside of walkway zones. Where grates are required in a walkway zone, orient them perpendicular to the direction of travel.
- e) Provide a detectable edge and contrasting change in surface at the edge of the vehicular zone, or other conflicts or hazards, through pavement treatments, tactile warning indicators, and signage.
- f) Ensure surface under play structures is accessible and has impact attenuating properties for injury prevention. Wood chips, sand and gravel are not acceptable ground surfaces.



Neshama Playground, Toronto, PMA Landscape Architects



Playground with pathway and seating area and overlooking houses

Safety

The primary risks for pedestrians in parks are associated with vehicle traffic and crime. Key considerations include separation from vehicle traffic - taking into consideration the speed and volume of traffic, and the treatment of intersections where pedestrian and vehicle traffic must cross. With regard to the design of parks, *Crime Prevention Through Environmental Design* (CPTED), provides direction for improving the safety of a space through thoughtful design.

Guidelines

- a) Parks should be generally be located abutting and visible from public streets, pedestrian or multi-use pathways.
- b) Provide clear sightlines through the park space to adjacent streets and buildings to promote informal neighbourhood surveillance.
- c) Include adequate, consistent, pedestrian-scaled lighting.
- d) Avoid the creation of entrapment spots, blind corners, dense planting designs or areas that are not easily visible.
- e) Parks should be located where they can be lined with buildings that have active frontages, with windows and doors that open onto the park.
- f) Parks should be designed with quality materials and furnishings and be regularly maintained to a high standard.



Park is adjacent and visible from the street, Saskatoon



Adequate and consistent pedestrian-scale lighting

Comfort

Pedestrian comfort is critical for the success of parks, and should be considered early in the design of the site. The location of the park in relation to surrounding buildings will have implications relating to wind, solar exposure, and visual access.

Comfort refers to how pleasant, easy, and free from challenges a pedestrian visit can be. Pedestrian comfort depends on the convenience, coherence, safety, and accessibility of the entire park, and it can be enhanced through construction materials and the provision of pedestrian amenities that serve the needs of pedestrians. Perceptions of space should also be considered, including providing more intimately scaled “rooms” in larger open spaces. The following practices will contribute to the comfort of the open space:

Guidelines

- a) Locate open space such that it maximizes sunlight and views to the sky.
- b) Provide ample seating throughout the site.
- c) Provide a range of exposures, including areas with shading, through the use of canopy trees or other structures.
- d) Consider wind and noise levels throughout the site. Where necessary, use plantings and structures to lower wind and noise levels and create comfortable microclimates, without compromising safety or visibility through the space.
- e) Consider four-season use when selecting materials and finishes (e.g. – consider materials that retain heat, such as wood, in seating intended for use in cooler seasons).
- f) Provide site amenities including drinking fountains, bottle fill stations, washrooms, and waste receptacles.



Provide ample seating and site amenities



Attractive and welcoming public washrooms in parks

Sustainability & Resilience

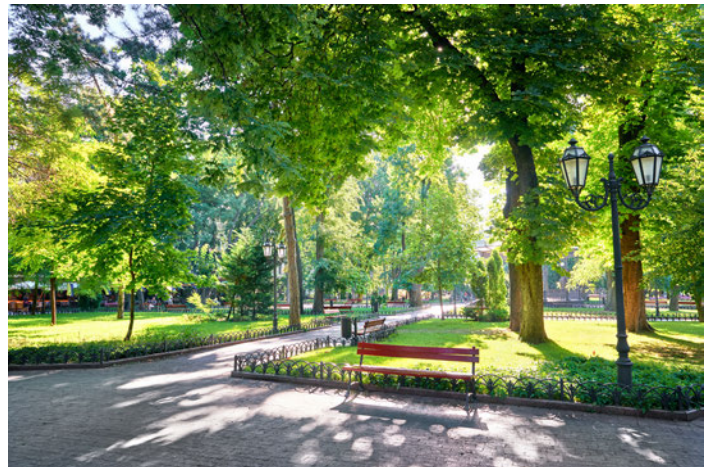
Sustainability in park design refers to a space's impact on the environment. This includes minimizing negative influences which may compromise the future health of the environment and putting in place measures which help improve the health of the local ecosystem. Resilience goes further to consider the constantly changing effects of climate change, and the ability of a space to persist in good health and quality over time, while also mitigating factors contributing to climate change. Resiliency also includes designing new parks, to meet the societal needs and challenges facing the whole community, neighbourhood and Town-wide.

Guidelines

- a) Encourage active transportation through circulation design and the provision of supportive facilities (e.g. – provide ample bike racks, connect with public sidewalks).
- b) Encourage mature tree growth to increase canopy cover, which combats urban heat island effect, improves air quality, and increases stormwater uptake.
- c) Increase species diversity in planting, and support local pollinator and faunal species.
- d) Use native and drought-tolerant plant species, that are also tolerant to salt and other pollutants.
- e) Use permeable paving and below-grade infrastructure to harvest stormwater for reuse.
- f) Use recycled materials, or materials with sustainable lifecycles.



Closely spaced trees creates a shaded area



Park with a diversity of ages and species of trees

Site Design

The introduction of new urban parks should be considered in relation to the adjacent land uses and architecture. Where a development is proposed, the relationship between the building massing and articulation, particularly at-grade, should be designed concurrently with the preliminary design of the adjacent park, to the mutual benefit of both. It is crucial that all of the urban park typologies exist and work together to create a robust and comprehensive urban park network.

Guidelines

- a) Urban parks should be designed to be flush with the building facades and at-grade uses.
- b) Active building frontages, with accessible at-grade uses, such as cafes and shops, are the ideal companion to an urban park. Active building frontages are transparent and incorporate windows, balconies, and entrances adjacent to parks to provide more opportunity for interaction between inside and outside uses. Active edges help to animate the park, improve safety, and encourage use.
- c) Urban parks should have physical and visual access to the larger pedestrian circulation system, and have significant frontage onto the public sidewalk system.



Urban square lined with active building frontages



Significant frontage on public sidewalk, Victoria Square, Toronto

Programming

Great urban open spaces have strong functional assets. With respect to programming urban space, the key is flexibility in meeting the needs of residential users, office users and retail/commercial users. Flexibility and variety is also required to allow the open space to adapt to changing needs over time. Programming opportunities are directly related to the scale, purpose and design of the space. Urban Squares provide opportunities to accommodate green space, tree cover and softscape areas that may include unprogrammed recreational space and other larger scale park features. In some instances, these spaces may also accommodate small sports fields, courts, and performance venues, as well as play elements for children. Smaller open space typologies will not accommodate the same diversity in programming, but still may include children's play areas, seating areas, public art, and planting elements.

Guidelines

- a) Support active transportation use for participants in programming by ensuring there are multiple public access points and connections, creating trail connections, and providing bike parking facilities.
- b) Support adjacent interior uses (e.g. – retail, office, residential, dining).
- c) Promote passive recreation, including sitting, walking, and socializing.
- d) Provide opportunities for individual and modestly scaled group recreational activities.
- e) Be flexible in its design to support four-season use and temporary programming, including events, festivals and markets.



Market event being held in a park



Temporary outdoor cinema set up in a park

Hardscaping

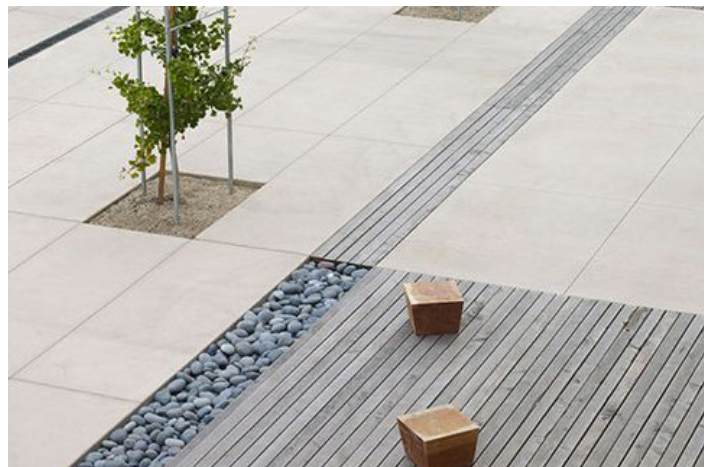
Hardscaping plays a significant role in the design of urban parks. Given the space constraints that many urban park typologies are subject to, hardscape may make up the majority, if not all, of the ground level surface. The selection and design of the paving material will affect the usability and comfort of the space, as well as its aesthetics and character. Furthermore, the selection of hardscape materials should take into consideration issues of climate change, in particular urban heat island mitigation and stormwater management.

Guidelines

- a) Provide a safe walking surface for all users, with special implementation of universal accessibility. Walking surfaces should be non-skid material.
- b) Design hardscaping for passive cooling. Light coloured or high albedo materials, and open grid or porous surfaces help to mitigate urban heat island effect.
- c) Select high quality materials that contribute to the character of the space and the surrounding area.
- d) Where unit paving is used, ensure that differential settlement and heaving in the long term is mitigated. Consider incorporating a concrete base below the unit pavers.
- e) Select paving materials that have a long lifespan. Prepare a maintenance and repair manual as part of the design deliverables.
- f) Where built over structure, ensure high quality membrane materials that have a long lifespan. Prepare a maintenance and repair manual as part of the design deliverables.
- g) Provide unobstructed circulation routes through or around the space. Provide a minimum 2.1 metres wide pedestrian clearway.
- h) Incorporate guiding edges and contrasting materials along the edges of main circulation routes, especially where located adjacent to open hard surface areas.



Distinctive paving in Place Bourge, Montreal, Quebec



Variety of high quality paving material



Unobstructed paving surface for pedestrians, Bellevue Park, Toronto

Softscaping

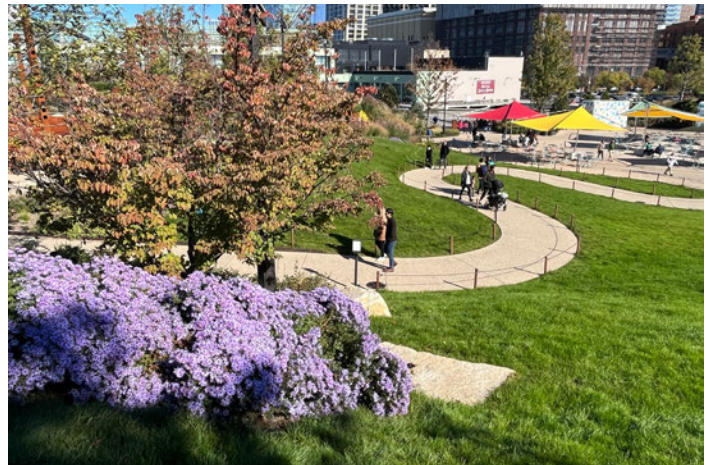
Softscaping, including planting beds and areas of sod, helps to establish the identity of the park, supports passive and active recreation, and provides a range of ecological benefits. Plant material helps to lower the ambient air temperature, absorb excess stormwater, improve air quality, and support local fauna and pollinators. Perennials and shrubs provide an excellent opportunity to inject vibrant colour and texture into a space, a quality typically lacking in urbanized areas.

Guidelines

- a) Use planting to provide visual interest across all seasons. Consider incorporating a variety of colours, textures, heights, and forms throughout the open space.
- b) Ensure that planting material does not obstruct visibility through the site. Use CPTED principles while developing the planting strategy.
- c) Use planting material to establish a comfortable microclimate (e.g. – provide wind and noise reduction).
- d) Plantings, should be low maintenance, drought tolerant, pest and disease resistant and tolerant of salt and other pollutants.
- e) Provide planting beds that are a minimum of 600mm in width to ensure the beds have some significance.
- f) Where non-drought tolerant species are used, provide automatic irrigation.
- g) Encourage the design of irrigation systems to both conserve potable water and utilize rainwater.
- h) Softscaping can be used to form guiding edges and contrast along the edges of main circulation routes, especially where walkways are located adjacent to open hard surface areas.



Planting beds do not obstruct views into the park



Planting provides visual interest.

Seating

Seating is a key amenity in all types of urban parks. Seating should be designed to be accessible, inviting, durable and comfortable and chosen based on the site conditions, park design and operations and management framework. A variety of seating types should be considered, such as benches and chairs, seat walls, fixed chairs with a table, movable chairs, including with tables, and informal seating (e.g. – lawn, platforms, steps, ledges).

Guidelines

- a) Provide a variety of seating types. In Urban Squares provide at least two seating types. In Connecting Links and Pocket Parks and Sliver Parks provide at least one type of seating.
- b) Provide seating in both the sun and the shade.
- c) Provide a variety of configurations to accommodate individuals and groups.
- d) Consider movable chairs and tables (tethered if required) to accommodate flexibility in use, depending on specific maintenance and operations for the Urban Park.
- e) Optimize four-season comfort when selecting seating materials and finishes (e.g. – wood is more comfortable during cooler seasons).
- f) Orient seating to provide engaging views, encourage informal surveillance, and increase comfort.
- g) Provide a range of backed and backless seating, and benches with and without arms, to accommodate a variety of users. Backed benches should be considered as a preferred accessible option.
- h) Provide spaces in seating areas to accommodate mobility devices.
- i) Set a metric for providing seating at regular intervals on busy pedestrian streets. The Global Alliance on Accessible Technologies and Environment (GAATES) cites a best practice of the provision of seating every 30 metres in their *Illustrated Technical Guide to the Accessibility Standard for the Design of Public Spaces*.



Moveable seating



Seating and tables near Jean Talon Market, Montreal



Long backed and unbacked benches, New York City

Lighting

Lighting plays a key role in the design, comfort, usability, and safety of an urban park. Lighting can be used to enhance design elements, articulate adjacent facades, facilitate wayfinding, and animate the site. Light also extends the usable hours of the park into the evening and at night.

Guidelines

- a) Provide adequate lighting to improve safety in the space. Consult Crime Prevention Through Environmental Design (CPTED) for additional direction.
- b) Use fixtures that are dark sky compliant, which reduce glare, light trespass, and light pollution, including use of full cut-off lighting.
- c) Use fixtures that are energy efficient, with automated timers.
- d) Create a standardized palette of types, styles and varieties of decorative lighting for parks that takes into account maintenance requirements, and minimizes the total number of types used.
- e) Use a variety of lighting scales and types, including lighting bollard, pedestrian lights, and catenary lighting.
- f) Where events are anticipated, incorporate electrical hookups and event signage into the light posts.
- g) Use lighting to clearly identify the path of travel through the site.



Creative and dynamic use of lighting in a park



Lighting identifies the path in a park

Public Art

Public art can be used as a placemaking and programming element within an urban park. It can integrate cultural heritage into the fabric of the park, or establish a new narrative for the community. Well designed, engaging, and thought provoking public art has the potential to draw visitors, and can contribute to the success and vitality of the space. A single public art piece can serve as an organizing element for the urban park or identify significant gateways or points of arrival. A series of art pieces can also act as wayfinding elements.

Guidelines

- a) Allocate a percentage of capital cost of new park projects for public art.
- b) Create a fund for public art maintenance and an account to pool public art funds.
- c) Public art should be considered throughout the planning and detail design for urban park projects with a public artist included as a core member of the team.
- d) Public art should enhance the public realm through artistic excellence and originality, and be appropriate to the site or location's physical and cultural context.
- e) Consider the full range of possibilities for public art in urban parks including freestanding work and site specific work that is integrated into paving, lighting, furnishings, retaining walls, etc.
- f) Public art should not obstruct pedestrian, cyclist or vehicular circulation, entrances, windows, or sight lines to important natural and built features.
- g) Public art should not impact, or be diminished by existing or planned utility locations.
- h) Public art should exhibit high quality construction, installation and materials, as appropriate for its intent.
- i) Appropriate maintenance procedures should be secured with the installation of public art.



Watermark by Gerald Beaulieu, Fredericton, New Brunswick



Water Guardians by Jennifer Marman, Daniel Borins and James Khamsi, West Don Lands, Toronto



Public art installation in a park

Other Features

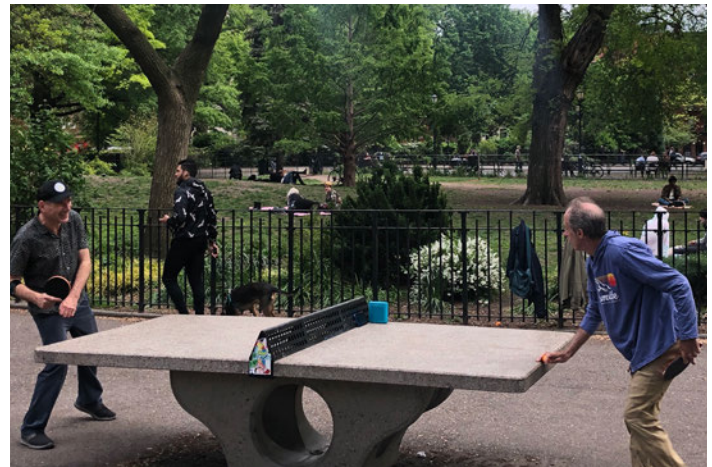
Urban parks should also consider including a number of other facilities that support a variety of active and passive programming amenities.

Guidelines

- a) Playgrounds, play equipment, outdoor workout equipment will be approved by the Town. Play areas are to be set back from the street. Grading around playground areas is to be designed to allow clear views into the play area from the road and surroundings.
- b) Drinking fountains and bottle stations may be appropriate for certain locations.
- c) Dog runs may be considered only where the park can accommodate a fenced area with a preferred minimum enclosure of 8,040 square metres (2.0 acres) with segregated areas for large and small dogs. Off Leash Dog areas should be well buffered from playgrounds, splash pads, wading pools, pedestrian activity areas and horticultural displays.
- d) Waste and recycling receptacles should be selected in coordination with the design of other park furnishings.
- e) Spray pads or similar water play features may be provided depending on the park size. Water supply, plumbing and drainage will conform to requirements of the Town.
- f) An amphitheatre/performance stage may be appropriate depending on the urban park type, the park location and programming anticipated.



Overhead shade structure



Games tables, New York

Maintenance

Urban parks have more stringent maintenance requirements and require a specific approach to ensure they can meet their potential.

Guidelines

- a) Urban parks should be managed by a Comprehensive Maintenance Protocol to ensure safe, accessible and healthy landscapes. The protocol may include defined roles for community groups or other entities to be involved in park maintenance projects.

Active Transportation

Pedestrian & Cycling Network

Encouraging active transportation and supporting physical activity through the provision of a linked network of pedestrian and bicycle routes and trails helps ensure that residents have increased access and mobility options to local destinations for work and play.

Guidelines

- a) Create a continuous and diverse active transportation network of inter-connected pedestrian and cycling routes, walkways, sidewalks, bicycle lanes and multi-use trails that link the community with surrounding neighbourhoods, integrate with existing and future public transit infrastructure, and connect to the open space system.
- b) Design the active transportation network to link residents to transit stops, trails, community mailboxes, schools, recreational and healthcare facilities, parks and open spaces, and retail, restaurants and businesses.
- c) Design pedestrian routes to be convenient, comfortable, safe and easily navigable, continuous, and barrier-free.
- d) Develop a cycling network that includes bike lanes and off-street cycling or multi-use trails that connect to existing bike lanes and trails.
- e) Encourage safe routes to schools by providing a network of connected local streets with traffic calming measures to ensure safe use by young pedestrians and cyclists, such as reduced lane widths, raised intersections, slower vehicle speeds, and crosswalks.
- f) Provide active transportation connections across water courses and open spaces for pedestrians and cyclists, where required. Design as functional multi-season connections
- g) Provide signage and wayfinding at key intersections and locations indicating destinations, distances and potential route connections.



Beautiful and continuous pedestrian realm



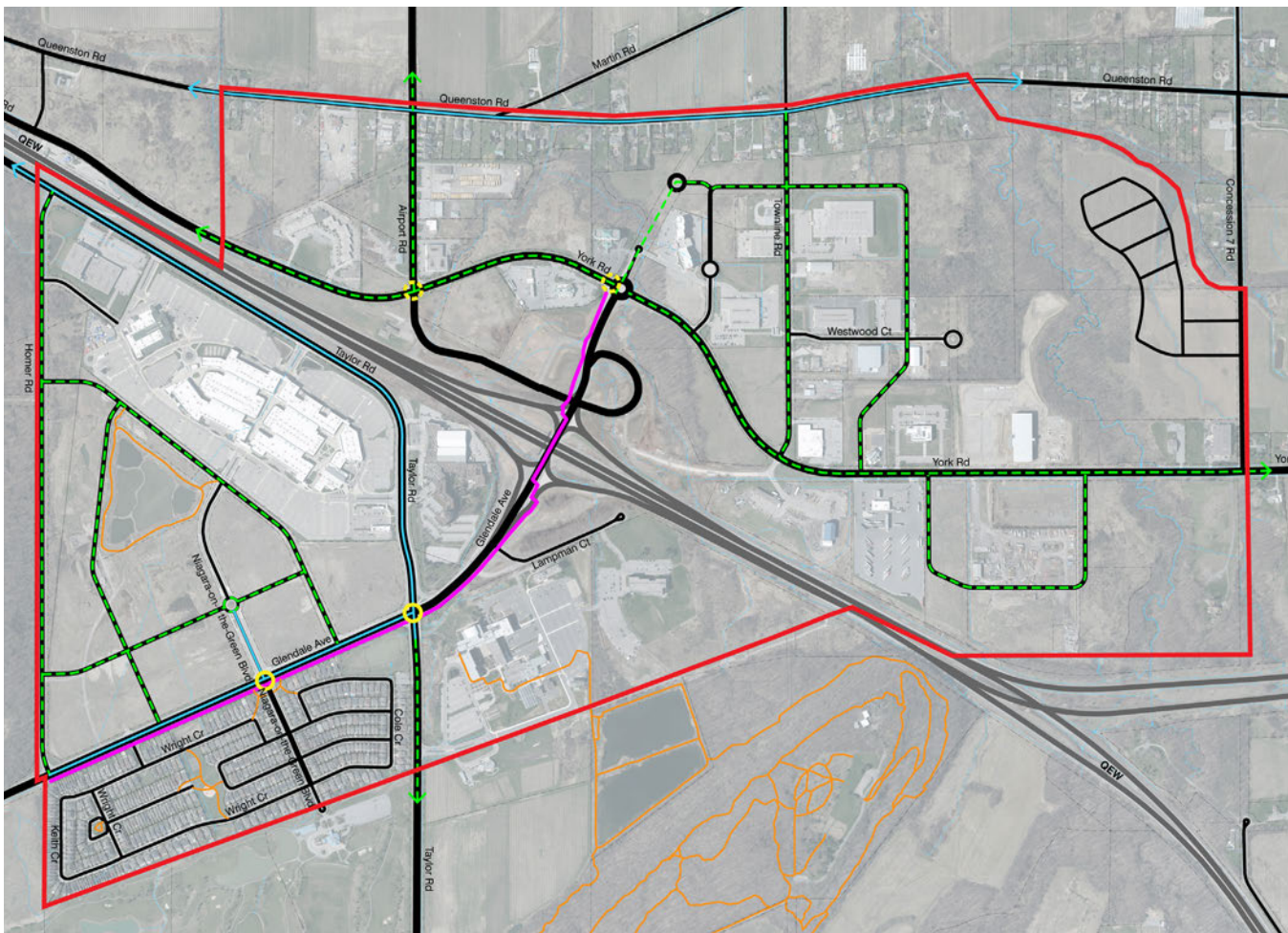
Mid-block connection



Clearly marked bike lanes through an intersection

Legend

- Existing Trails
- Existing Multi-Use Path
- Existing On-Road Bike Facility
- - - Future Active Transportation Connection
- Potential Crossride
- Future Potential Crossride
- Glendale Secondary Plan Area



Map of the Active Transportation Network of Glendale

Multi-Use Paths

Multi-use paths are shared off-street pedestrian and bicycle routes. When implemented along one side of a street, they usually replace the need for a sidewalk on that side.

Guidelines

- a) Design multi-use paths to be a minimum 3.0 metres wide to facilitate two-way cyclist or pedestrian movement. 3.5 metre width is preferred where space allows.
- b) Pedestrian and cycling lanes should be painted on multi-use paths or clearly identified by other means to minimize pedestrian and cycling conflicts.
- c) Ensure multi-use paths include adequate amenities including seating, waste receptacles, and signage that are designed to reflect site-specific conditions.
- d) Provide frequent access points along multi-use paths from adjacent streets, trails, open spaces, and nodes of activity.
- e) Generally, multi-use paths should have asphalt surfaces for the comfort and convenience of both cyclists and pedestrians.
- f) Implement crossrides where multi-use paths cross arterial or collector streets or where connections to other multi-use paths or on-street cycling facilities require crossing a busy street.



Multi-use path designed to accommodate a range of users



A crossride safely allows a bike route or multi-use path to cross a busy street

Walking Trails

Walking trails are off-street pedestrian routes that generally allow connections across or between natural areas and open spaces and have a recreational orientation.

Guidelines

- a) Provide for a continuous, linked, legible, and clearly marked system of trails throughout the community as part of the open space network.
- b) For new developments link or maintain additional trails, connections, and public accesses between streets and trails to ensure connectivity through developments for pedestrians.
- c) Design trails to be barrier-free and to accommodate a range of users and abilities. Where possible, slopes should be under 5% with curb-cuts and other safety measures provided to improve access at street crossings.
- d) Trails should be clearly signed identifying trail entry and access points, permitted uses, and speed limits if cycling or off-road vehicle users are permitted. Provide wayfinding signage and trail markers throughout the trail network.
- e) Incorporate interpretive signage on trails located in proximity to significant natural heritage features or adjacent to stormwater management facilities to educate and promote stewardship initiatives that will protect and enhance the features and functions of the natural landscape.
- f) Consider special treatments at trail head entrances including features such as landscaping, benches, natural or built shade structures, decorative paving pattern, interpretive or directional signage, or wider pathway widths.
- g) Design trails to minimize and mitigate impacts on natural heritage features. Consider the use of low impact materials such as wood chips, limestone screenings, or porous or permeable materials for trail construction in areas where sufficient drainage exists.
- h) Provide lighting for pedestrian safety along primary connecting trails. Lighting is not acceptable in natural heritage features.
- i) Along trails abutting natural features, use native species, suitable for the area and purpose, and plant trees to contribute to the urban tree canopy and provide shade for trail users.



Walking trail through natural area

Stormwater Management Facilities

Stormwater management facilities should be developed in a manner that will yield the greatest environmental and amenity benefit to the neighbourhood, which can be achieved first through reducing stormwater run-off and flow to the ponds, and secondly, through the design and landscaping of the pond. These facilities promote sustainability by providing habitat, enhancing ecosystem structure and resilience, and managing stormwater on site.

Guidelines

- a) Design stormwater management facilities as major open space features that provide passive recreational and educational opportunities, while augmenting the extent of the community's open spaces and associated microclimatic benefits.
- b) Enhance views and access to ponds by designing a portion of the pond to be bounded by either streets and/or open space.
- c) Pond Design and Landscaping:
 - Locate ponds off line and as buffering to environmental features;
 - Landscape ponds to contribute to the urban tree canopy, add to the natural features of the community, and support wildlife habitat;
- In addition to functional objectives related to flow moderation and water quality, design ponds as key focal/visual features within the community; and,
- Design ponds as part of the overall pedestrian and trail system with view points and interpretive signage. Surround ponds with public walking or cycling trails and extend along stormwater channels.
- d) Fencing of the entire perimeter of stormwater management ponds is discouraged, except where necessary along steep slopes, or the rear or flankage of residential property lines. Install 1.8 metre high black-vinyl-coated chainlink fencing along the property line where the stormwater management facility block abuts private property. It should be continuous with no gates permitted.



Ponds should blend with the natural landscape



Stormwater pond integrated with school and recreational park uses

- e) Fencing is not required along the property line where a stormwater management facility abuts a public park, open space, natural area, or street right-of-way.
- f) Consider on-site treatment of stormwater through the use of green infrastructure such as bioswales, green roofs, at source infiltration, and permeable pavement.
- g) Consider using below grade stormwater retention storage tanks or beds to retain stormwater and allow for infiltration and/or delayed release during high rainfall events.
- h) Design stormwater management facilities to blend with the natural landscape. Where feasible, conceal inlet and outlet structures using a combination of planting, grading, and natural stone.
- i) Ensure the edges of ponds abutting natural heritage features remain naturalized.
- j) Install signage at prominent locations along the street frontage or in an appropriate location along the interface between the pond block and the adjacent open space to ensure it is highly visible to the public. The purpose of signage is to identify the site as a stormwater management facility and raise public awareness of the functional aspects and related potential hazards of the facility.
- k) Coordinate landscape components such as look-outs, seating areas, fountains and gazebos to complement the overall character of the pond.



*Stormwater pond at Downtown Cary Park, North Carolina
Image: CC BY 2.0: Payton Chung*

3 Private Realm

The private realm within the Glendale Secondary Plan area comprises the built form and site design within development blocks and their relationship to adjacent open spaces and streets. The residential, institutional, commercial, mixed-use, employment, and employment buildings within a community contribute to its character and can assist in further defining and complementing the public realm.

These Urban Design Guidelines promote high quality urban design within the private realm that is based upon the quality, scale, and character of the surrounding existing and emerging contexts to reinforce 'human scaled' environments and promote a sense of place.

Good urban design practices will promote excellence in the design of the private realm. While the specifics of each development proposal may vary, the overall objectives will remain the same throughout Glendale. These objectives include:

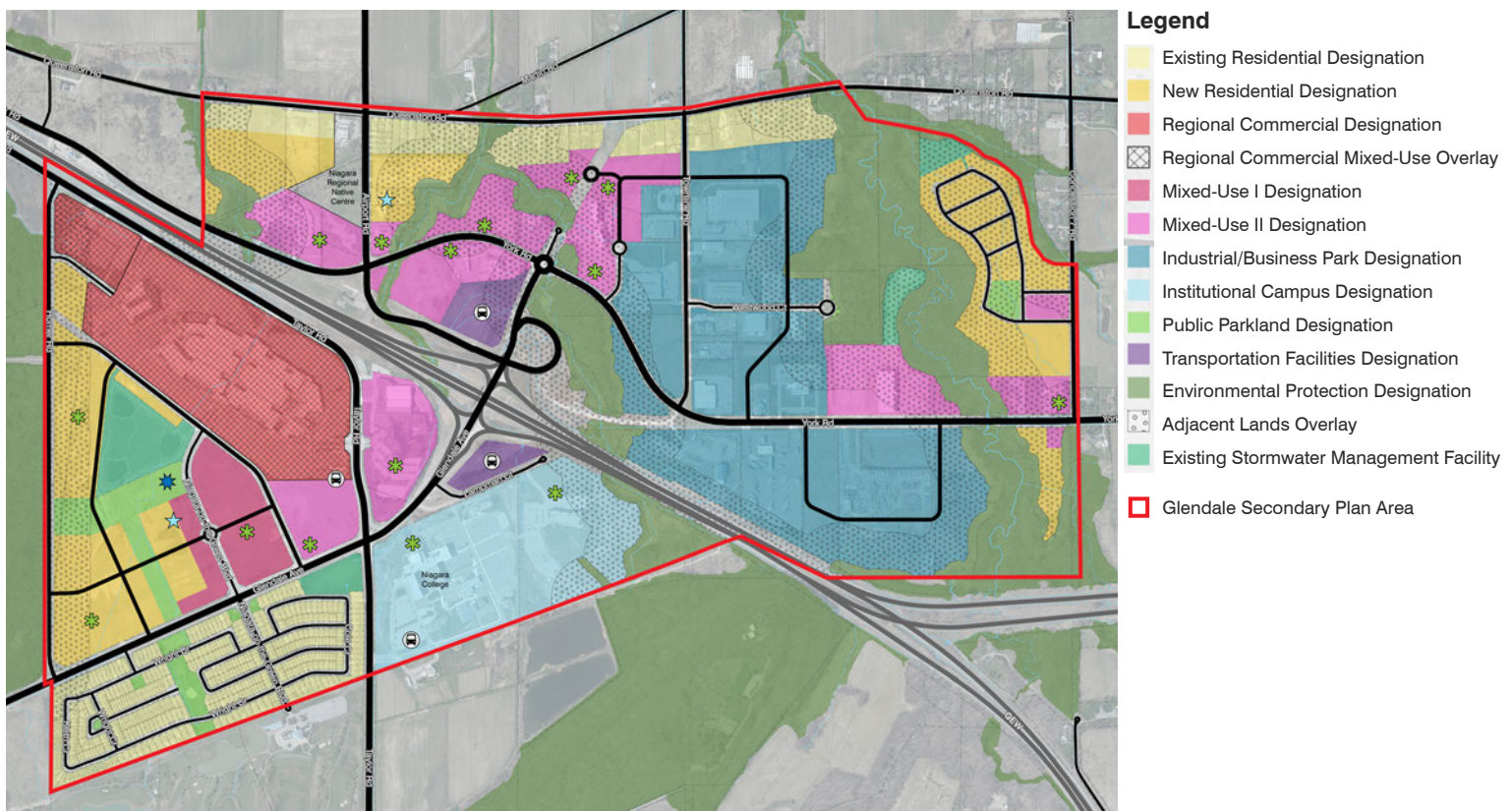
- Creating distinctive, appealing, and pedestrian friendly streetscapes through attention to building design and detailing;
- Ensuring appropriate massing, materials, building siting, and design compatibility; and
- Identifying enhanced design requirements for priority lots having highly visible elevations.

The guidelines will be considered and implemented through the review of development applications within the private realm which are visible from the public realm.



The Private Realm chapter of the Glendale Secondary Plan Urban Design Guidelines is divided by the following land use types that follow the designations in the Secondary Plan as illustrated below on Schedule 1.

- Residential Areas (applies to both Existing Residential Designation and New Residential Designation)
- Mixed-Use Areas (applies to both Mixed-Use I and Mixed-Use II Designations)
- Regional Commercial
- Industrial/Business Park
- Institutional Campus
- Uses that May be Located in Other Designations (including Public Service Facilities, Emergency Services Facilities and Places of Worship)



Schedule 1 - Land Use Designations of the Glendale Secondary Plan

Residential Areas

The following guidelines apply to residential areas.

Residential Neighbourhoods

Residential neighbourhoods will include a range and mix of housing types and centrally located parks and community facilities. Development will include low-rise and mid-rise buildings.

Guidelines

- a) Arrange all new development to address the street by lining streets with building front facades, active uses, and public spaces.
- a) Design residential neighbourhoods to ensure residents are in proximity to amenities that will meet their daily needs including convenience commercial, office and personal services, institutional, and recreational uses.
- b) Provide a mix of housing types, densities, sizes and tenures in new residential development.
- c) Ensure new residential blocks contain a mix of dwelling types with a variety of elevations to provide a diverse housing stock and to avoid a homogeneous streetscape.
- d) Ensure appropriate transitions in terms of height and massing between buildings of different densities, particularly if they belong in the same block.
- e) Locate denser residential uses at the ends of blocks or adjacent to parks, community amenities, or civic uses and buildings, and along Collector or Arterial streets.
- f) Design blocks with a regular shape measuring a maximum of 100 metres in width and 200 metres in length.
- g) Provide mid-block pedestrian connections for development blocks over 200 metres in length to support pedestrian movement.
- h) Enhance wayfinding by using buildings as gateways and landmarks, public spaces as focal points, and streetscapes to frame significant views.



Pedestrian mid-block connection with paving and landscaping

Low-Rise Residential Buildings

The following guidelines apply to low-rise residential buildings up to 3 storeys in height.

Siting & Setbacks

Guidelines

- a) Integrate existing topography and natural features into the development, and minimize alteration to the existing grading of the site, if feasible.
- b) Orient buildings to face the street with setbacks that are compatible with the immediate neighbours.
- c) Locate dwelling units and townhouse blocks close to the street edge to create a pedestrian-oriented streetscape.
- d) Orient dwelling units and townhouse blocks to face the public realm, and particularly any adjacent streetscape, pedestrian connection or open space, to promote a high level of comfort and create a safe environment.
- e) Where the first floor of the dwelling or townhouse unit is within 3 metres of a sidewalk, raise the entry of the unit a minimum of 0.9 metres to a maximum of 1.2 metres above the sidewalk grade. The change of grade should be reinforced through landscaping features.
- f) Increase side yard setbacks at pedestrian mid-block connections and public open spaces.
- g) Low-rise developments should have front-to-front or back-to-back dwelling configurations along streets, lanes, or around open spaces.
- h) Avoid front-to-back dwelling configurations where possible. If necessary, the 'rear' facing units of front-to-back dwelling configurations should include recessed garages, enhanced landscaping, and upgraded façades.
- i) Locate built form to minimize the need for noise attenuation walls.



Triplex dwelling



Townhouses

Building Design

Massing & Elevation Articulation

Guidelines

- a) Ensure generally consistent height and massing along a street. Individual building mass should be compatible with buildings in the immediate vicinity.
- b) Provide appropriate transitions between all unit types to avoid drastic changes in height and/or massing.
- c) Ensure appropriate design compatibility where different unit types are located adjacent to each other.
- d) Articulate elevations exposed to streets and open spaces by using strategies such as changes in plane, projections, enhanced fenestration, highlighted entrances, contrasting materials, and building elements such as bay windows, balconies or decks and porches.
- e) Upgrade the façade treatment for side and rear elevations visible from public areas.



A block of townhouse units with a variety of elevations and colours

Porches and Entry Features

Guidelines

- a) Ensure the main entrance faces the street, with the door in a prominent position. The front door should be clearly visible and approachable from the street.
- b) Articulate front elevations by highlighting the prominence of front entries with features like porches, verandahs, arches, generous overhangs and massing elements such as a cantilevered or recessed upper storeys.
- c) Ensure steps to a front porch or entrance are not located closer than 1.0 metre from a property line.
- d) To ensure porches and verandahs are useable they should be a minimum of 1.5 metres in depth.



Front porch highlights the dwelling entrance and addresses the street

Materials

Guidelines

- e) Ensure building materials are high quality, durable, and easily maintained.
- f) Ensure the materials selected are consistent for a building's facade and any side or rear walls exposed to public view.
- g) Recommended building materials include brick masonry, stone masonry, wood, or stucco; one or two of these materials should be selected as base materials and may be complemented by a wider range of accent materials.



Example of a mix of building materials on the facade of a dwelling

Utility Meters & Mechanical Equipment

Guidelines

- a) Where possible, locate utilities and meters in interior side yards, away from public view.
- b) Locate utility and service meters discreetly by:
 - Integrating into the design of the building;
 - Screening through landscaping;
 - Recessing or enclosing in the porch entry or landing;
 - Installing below porch slabs and porch steps;
 - Grouping in one location in a wall recess, enclosure or, where appropriate, a small roof overhang; and
 - Screening meters on exposed elevations by integrating them into a wall or below porches and steps, providing complementary landscaping, or placing them behind a change in plane towards the rear of the elevation.
- c) Locate dryer vents, exhaust fans, furnaces and hot water tanks on rear elevations.
- d) Locate air conditioning units in the rear yard or interior side yard or provide an architectural screen if they must be visible from the street.
- e) For flat roofs locate air conditioning units on the roof, setback from the edge so they are out of sight from public view, where possible.

Private Outdoor Amenity Space

The design of private outdoor amenity areas, such as balconies, terraces, back yards, or gardens provide an important extension to the livable space of a dwelling unit.

Guidelines

- a) Provide outdoor amenity space for dwelling units either individually or in a shared space.
- b) Design private outdoor amenity spaces to have direct access to sunlight and sky view.
- c) Avoid a 'rear yard' condition along streets and parks/open spaces.
- d) Locate private outdoor amenity spaces for family-sized units so that they have views and access to outdoor play areas, where possible.
- e) Provide outdoor private amenity areas for townhouse units. Consider outdoor amenity areas in the form of second floor decks or rooftop patios for townhouses with an attached garage in the rear over traditional rear yard amenity areas.
- f) Inset or partially inset balconies to offer greater privacy and shelter from wind, reduce the building bulk and minimize the impact of shadow on other amenity spaces below.



Parking pad and private outdoor amenity space over the garage

Multiple Unit Parking

Guidelines

- a) Locate parking areas away from the street frontage, at the rear or sides of the principal building.
- b) For multiple unit development locate visitor parking spaces within a 200 metre walking distance or one block, whichever is less, of the residential units served.
- c) Design surface parking areas for multiple unit residential buildings with the following:
 - continuous brick, pavers, or other distinct and decorative pavement treatment;
 - markings for stalls;
 - pedestrian scaled lighting; and
 - low fencing, architectural features, or landscaping to screen from public view.
- d) Walkways should be distinguished from vehicular areas through a change in material or by using a planted or sodded edge.



Parking lot for apartments broken up with landscaping

Garages & Driveways

Front Garages

In order to minimize the presence of the garage, the following guidelines should be applied for attached and detached garages accessed from the front yard.

Guidelines

- a) Driveways and/or garage doors should not dominate the front façade of the primary building or the view from the street.
- b) Ensure garages are a natural extension of the design, massing, and materials of the main dwelling.
- c) Recess garages 0.5 to 1.5 metres from the main wall of the building to de-emphasize the presence of garage doors on the streetscape.
- d) Dwellings should have a maximum of 2 garage doors for garages fronting the street, with a maximum width of 50% of the dwelling's width.
- e) For double garages use two single garage doors separated by a masonry pier.
- f) Set back a second storey built over the garage a maximum of 2.0 metres.
- g) Consider glazed top panels or transom lights for all garage doors.
- h) Utilize a consistent garage door throughout a townhouse block.
- i) Detached garages should only be permitted in the rear yard and interior side yard.



Houses with recessed front garages



Townhouses with recessed front garages

Lane-Based Garages

Garages that are accessed from a laneway can either be detached or attached to the main dwelling at the rear. Attached garages can be set into the house with access at the rear, or they can be attached to the main dwelling through a breezeway which forms a side courtyard for amenity space.

Guidelines

- a) The minimum setback for garages accessed by a lane should be 0.6 metres from the lane right-of-way.
- b) Side yard setbacks may be a minimum of 1.2 metres if the garage has doors or windows facing the side yard.
- c) Side yard setbacks may be a minimum of 0.3 metres if the garage has no doors or windows facing the side yard. No setback is allowed where the garages on abutting lots are attached.
- d) Where possible, pair garages to allow for increased rear yards or an outdoor parking pad.
- e) The maximum number of attached garages on adjacent lots is three.



Materials and details of garages match the dwelling

Driveways

Guidelines

- a) Ensure driveway widths are no larger than the interior width of the garage. Driveways should have a maximum width of 3.0 metres for single car garages and 6.0 metres for double car garages.
- b) Use light-coloured paving material for driveways to reduce heat island effect.
- c) Consider using porous or permeable pavement for surfacing driveways and parking areas instead of asphalt and concrete to reduce stormwater run-off.
- d) Locate driveways as far as possible from parks, open space features, public walkways, schools, and intersections.



Driveways not wider than the width of the garage



Light coloured materials reduce heat island effect

Guidance for Specific Building Types

The following guidelines apply to specific low-rise residential building types in addition to the preceding guidelines.

Single Detached, Semi Detached, & Duplex Dwellings

Guidelines

- a) Design dwellings to frame the street edge with a consistent setback, and front doors, windows, and entry features facing the street to create a consistent street wall.
- b) Design the front elevation of the dwelling so that its front entrance and architectural elements reduce the visual dominance of the garage and driveway.
- c) Porches, stairs, canopies, and other entrance features may encroach into the required setbacks from the right-of-way.
- d) Garage doors facing a public street should be set back a distance of 6.0 metres from the right-of-way to allow a car to sit in front of the garage on private property.
- e) Pair the garages of semi-detached and duplex dwellings with a front facing garage and driveway to maximize the extent of continuous green planting area in the front yards.
- f) Ensure semi-detached and duplex dwellings have a single unified roof form and continuous and consistent architectural details and materials for both dwelling units.
- g) Design duplex buildings with separate entrances for each unit.



An upgraded elevation with variety in roof lines, materials, and a front porch

Triplex & Fourplex Dwellings

Guidelines

- a) Up-down triplexes and fourplexes are intended to be designed as a large single detached dwelling.
- b) Side-by-side triplexes and fourplexes are intended to be designed as a small townhouse grouping.
- c) Each unit should have an easily identifiable access to the fronting street.
- d) Exterior stairs should be avoided; where necessary they should be limited to rear or interior side yards.
- e) Use porches or other architectural feature to complement additional front facing doors and to reduce the visual impact of these entrances.
- f) Each unit should have access to private on-site, outdoor amenity space via balconies, porches, or yard.



Triplex dwelling

Detached Additional Residential Unit

Guidelines

- a) An additional residential unit is permitted in a detached accessory building or structure on a lot that includes a primary single detached, semi-detached and/or townhouse building. Ensure the detached building:
 - Is created and used in accordance with the Implementing Zoning By-law;
 - Has a maximum gross floor area of no more than 75 square metres and a maximum height of 2 storeys; and,
 - Is designed to complement the architecture of the main building.
- b) Consider providing an additional parking space as a tandem parking space on the lot.



Detached garage with second storey dwelling unit

Townhouses

Guidelines

- a) Coordinate the siting, massing, and facade design of townhouse units on a block-by-block basis.
- b) Articulate the elevation of the townhouse block to provide variation between units with common characteristics.
- c) Utilize variety in the design of roofs through the use of traditional gables and dormers, or more contemporary designs that include cantilevers and parapet details to break up the massing of units within a block. The main roof should appear as one roof where possible.
- d) The length of townhouse blocks should be minimized.
- e) Orient the main front entry of interior units to the front lot line or higher order street. Orient the entry of the end unit to the exterior lot line when on a corner lot. Where a dwelling unit flanks a private street or laneway, the main entrance should face the front lot line.
- f) Orient blocks of attached townhouse units to the street with integrated front garages accessed from the street. For rear lane townhouses an attached or detached garage will be located at the rear of the block and accessed from a lane.
- g) Pair front driveways to allow for more substantial front yard green space.
- h) Ensure rear lane accessed garages are complementary in design and building material with the principal dwelling.
- i) Townhouse units with driveways should not be located on Collector or Arterial streets. Lane based options are more appropriate for such street typologies.



Example of variation between the units of a townhouse block



Use of massing and materials for variation between units



Townhouses fronting directly onto an open space

Live-Work Units

Guidelines

- a) Live-work units should have a minimum work area of or 41 sq. metres or 450 sq. feet.
- b) Design live-work buildings to support pedestrian activity through minimal front yard setbacks, pedestrian weather protection such as canopies, and enlarged clear glazed windows.
- c) Provide on-street parking by using lay-by parking with resident parking provided at the rear of the building and accessed from a lane or a private street.
- d) Ensure live-work units have continuous and consistent architectural details and materials for the entirety of the block.
- e) Screen mechanical equipment including air conditioning units and utility meters or locate away from public view.
- f) Commercial signage for live-work uses should be discreet and of a small scale, and should be integrated into the building design.

Low-Rise Apartment Buildings

Guidelines

- a) Design the building and the site layout to integrate into the scale of the built form of the street and to create a streetscape that supports a pedestrian scale.
- b) The main building facade should front on the abutting street.
- c) Locate and orient primary building entrances to public streets and design them to be visible and accessible to the public.
- d) Locate visitor parking, loading, and service areas in areas of low public visibility in side or rear yards and set back from the building.
- e) Screen parking from street view through the use of landscaping or fencing, or a combination of both.
- f) Locate and orient windows, decks, and balconies to limit overlook into nearby windows and amenity spaces of adjacent properties while enabling “eyes on the street” for common public areas.
- g) Provide landscape screening, fencing or setbacks appropriate to maintain the privacy of both building residents and adjacent residential uses.
- h) Provide additional landscaping, patios, decks or walkouts for at-grade residential units to increase their level or privacy.



Live-work units with lay-by parking



Low-rise building with balconies and entrances along the street

Priority Lots

Priority lots are those which are situated in prominent locations and are highly visible from the public realm. Priority lots include:

- Gateway lots;
- Corner lots;
- Lots which terminate at “T” intersections; and,
- Lots facing, adjacent to, or backing onto parks, open spaces, and pedestrian links.

Architectural and siting treatments for priority lots are recommended in order to promote a defined and attractive streetscape with visual focal points. Where a townhouse is sited on a corner lot, the end unit flanking a street is defined as a priority lot. In cases where a semi-detached dwelling is sited on a corner lot, both units are defined as a priority lot.



A porch flanking a park creates “eyes on the park”

Gateway Lots

Guidelines

- Ensure dwellings on gateway lots are given special consideration in architectural design, massing, orientation, siting, and materials, and should be of high architectural quality.
- Utilize upgraded entry elements and porches to create a more interesting facade, as well as to help define the entrance to the neighbourhood.
- Pair similar model units on lots directly opposite to each other to establish and enhance a gateway condition. Use stone or other quality materials as the main massing material for gateway units where possible.
- Provide upgraded landscape features on gateway lots including decorative fencing, where appropriate.
- Coordinate the materials of dwellings on gateway lots with those used on gateway features.



Gateway dwelling with expanded porch and front entry detailing

Corner Lots

Guidelines

- a) Consider wrap around windows, porches, and other architectural treatments for corner lot dwelling units.
- b) Ensure active living spaces are designed for the rooms adjacent to the corner.
- c) Locate main entry features on the flankage elevation where possible.
- d) Coordinate privacy fencing design for all corner lots to prevent views into the private rear yard amenity area.



Dwellings located at the intersection of two streets should address both streets

"T" Intersections

"T" intersections occur when one street terminates at a right angle to another.

Guidelines

- a) Ensure the architecture on lots at the end of "T" intersections is of a highly articulated facade design such as coordinated fenestration, masonry detailing, and entry elements.
- b) Incorporate special built form such as added height, turrets, or bay windows for "T" intersection lots.
- c) Pair side yards to form a landscaped area at the terminus of the "T" intersection.
- d) Locate garages away from the "T" intersection of the streets.
- e) Provide larger front yard setbacks at the view terminus for "T" intersections.



Dwelling unit at the end of a "T" intersection

Lots Adjacent to Parks & Open Spaces

Guidelines

- a) Ensure front, side, and rear elevations exposed to public spaces such as neighbourhood parks and urban greens are highly articulated. Utilize a combination of fenestration, bay windows, material changes, and dormers in addition to other design elements to achieve the objective.
- b) Ensure side and rear elevations adopt a similar design and use materials that are consistent with those used on front elevations. Architectural detailing such as corbelling should continue from front to side elevations, where visible to the public.
- c) Ensure the location of porches, windows, and entry doors for units surrounding parks and urban greens maximizes opportunities for overview.
- d) Locate driveways of adjacent dwellings as far away as possible from the public space.



An example of front porches overlooking amenity areas

Mid-Rise Residential Buildings

The following guidelines apply to residential mid-rise buildings from 4 to 7 storeys in height. Mid-rise buildings provide opportunities for framing and defining the public realm, while allowing for increased densities that more efficiently use land and infrastructure, supporting retail activity, promoting active transportation, and if done properly, generating livable pedestrian experiences.

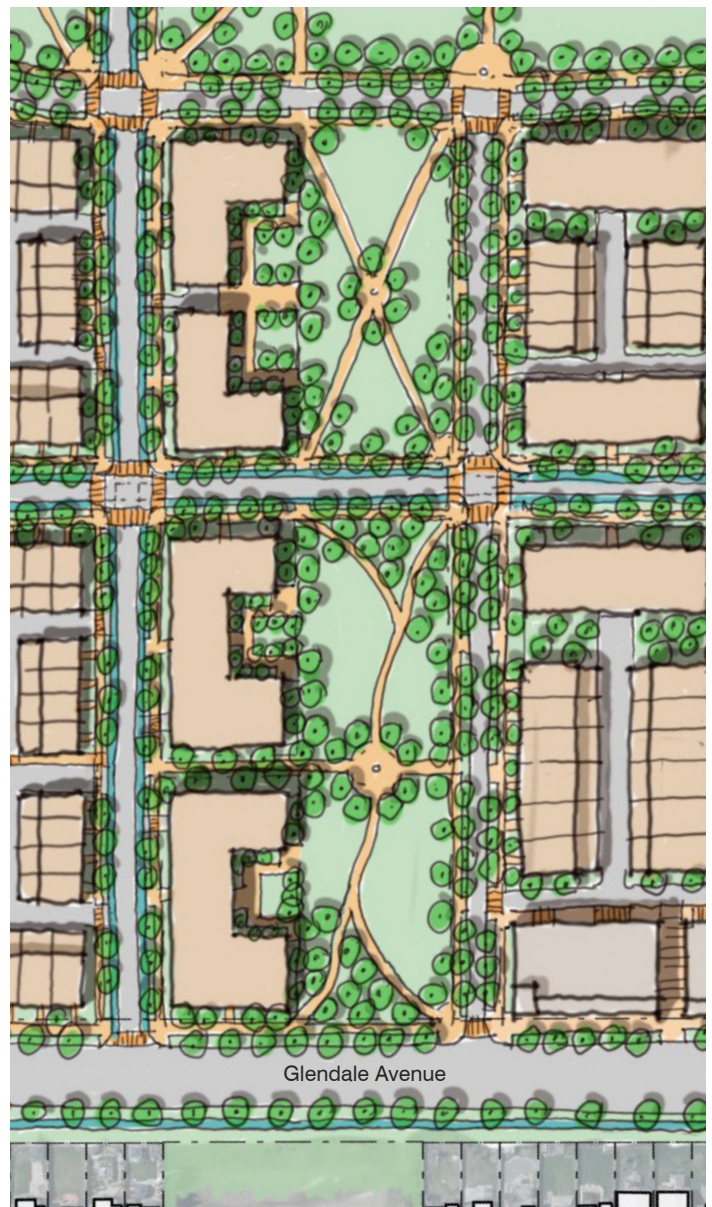
Building Placement & Orientation

Guidelines

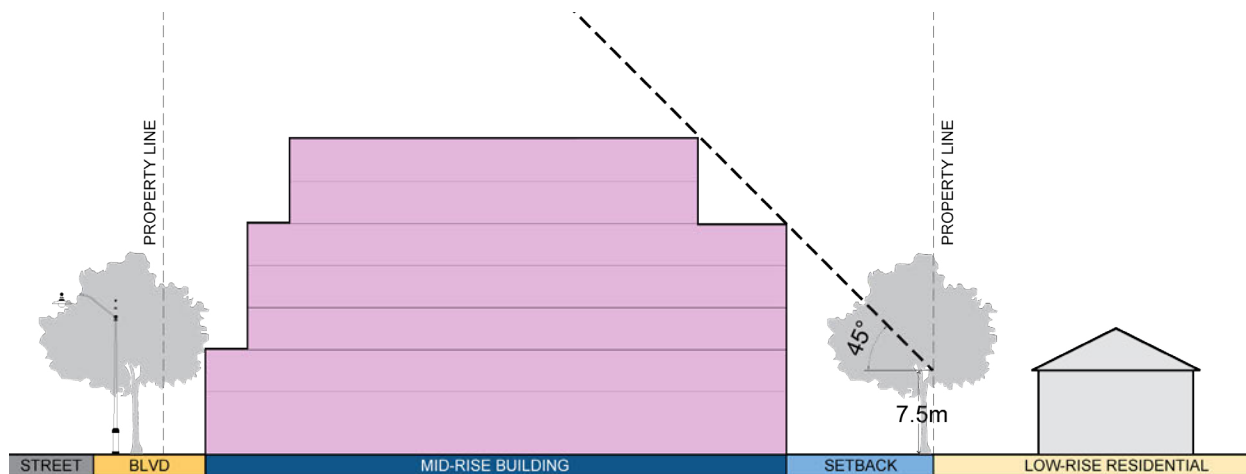
- a) Mid-rise buildings should be located on a site of suitable size, and provide adequate landscaping, amenity features, buffering, on-site parking and garbage pickup and recycling services.
- b) Mid-rise buildings should have frontage onto a Collector or Arterial Street.
- c) Concentrate the greatest heights and massing of the site along the frontage of an Arterial or Collector Street, with the buildings sited to frame streets and open spaces.
- d) Locate buildings close to the street edge to frame and animate the public realm.
- e) Maintain a floor plate size and massing configuration that permits adequate sky view and minimizes shadow impacts.
- f) Locate and orient primary building entrances to public streets, and design them to be visible and accessible to the public.
- g) Locate mid-rise building in proximity to the pedestrian realm network, public service facilities and other amenities.



Four storey apartment building with an articulated facade



Demonstration plan illustrating a concept for the Mid-Rise Residential Area north of Glendale Avenue



Angular plane diagram - 45 degree angular plane measured from 7.5m above the property line

Compatibility & Transitions

Guidelines

- a) Ensure the scale of mid-rise buildings is compatible and sensitively integrated with surrounding residential uses in terms of building mass, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact.
- b) To demonstrate mitigation of potential shadow or wind impacts on existing or proposed pedestrian routes, public spaces, and adjacent development technical studies may be required including a wind study and/or sun/shadow study.
- c) Development transition requirements may be met using a combination of the following:
 - Separate mid-rise buildings from low-rise buildings with a Local Street;
 - Locate less dense and lower scale buildings in locations adjacent to existing low-rise neighbourhoods;
 - Require a minimum 7.5 metre rear yard setback where mid-rise development abuts low-rise properties;
 - Mitigate the actual and perceived massing impacts of a mid-rise building by breaking up the mass horizontally and vertically, through the creative incorporation of changes in materials, balcony and floor plate design, architectural features, and unit/amenity locations;
 - Provide rear and side step-backs for upper storeys to provide contextually appropriate transitions from the mid-rise buildings to the surrounding low-rise neighbourhoods; and
 - Provide high quality landscape treatment such as decorative fencing, trees, shrubs, grassed areas, and berming.
- d) Development in mid-rise areas should apply a 45 degree rear yard angular plane measured from 7.5 metres above the abutting property line where a building transitions to an adjacent low-rise residential area to ensure appropriate skyview, light, and separation.



Use of setbacks to provide appropriate transition to adjacent uses

Building Design

Height & Massing

Mid-rise buildings are generally comprised of a base, middle, and top.

Guidelines

- a) The height of the building base should be between 2 and 4 storeys to frame and reinforce the pedestrian scale of the streetscape.
- b) The height of the building base should generally be within 1 storey of any adjacent mid-rise development to create a consistent street wall.
- c) Above the building base there should be a minimum 3.0 metre stepback to define the street wall. Exceptions to the minimum depth of the stepback may be permitted but in no case should it be less than 1.0 metre.
- d) Provide a height transition towards adjacent existing or planned built form.
- e) The top of the building should define a unique and interesting skyline. Design the top of buildings to include a variety of elements, such as step backs, material variations, lighting, and other architectural elements to reinforce a strong presence at the top of the building.
- f) For mid-rise buildings with permitted retail or other active uses at grade, provide a minimum ground floor height of 4.5 metres. Residential-only ground floors should be a minimum of 4.0 metres in height.
- g) Where possible, include outdoor amenity space at various levels above grade, including balconies, patios, terraces, and rooftop gardens.
- h) Mechanical penthouses should be designed and clad with materials that complement the main building façades.
- i) Locate mechanical rooms to the centre of the building rooftop and integrate into the rooftop design so they are not visible from the public realm.



Four storey stacked townhouse located close to street edge

- j) For developments with more than one building, provide a range of heights and establish a height hierarchy related to site conditions and context.

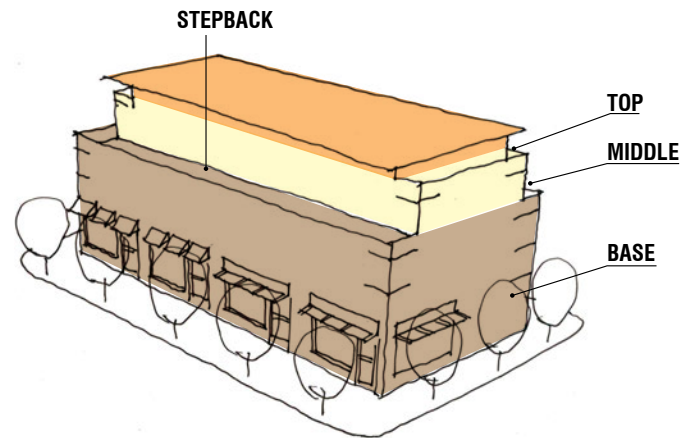


Diagram illustrating the building components of base, middle and top



Clearly defined building base with a stepback

Articulation & Architectural Features

Articulation considers the three dimensional qualities of the façade, including windows, doors, and architectural elements such as decoration, organization, the expression of interior spaces, and structural expression.

Guidelines

- a) To animate the public realm and promote safe environments encourage active uses at grade or ground-related residential units.
- b) Mitigate the actual and perceived impacts of mid-rise buildings by breaking up the mass both vertically and horizontally through the creative incorporation of changes in materials, balcony and floor plate design, architectural features, and amenity locations.
- c) Incorporate windows and balconies on all elevations, especially if exposed to public view.
- d) Locate entrances strategically so they are highly visible and well connected to the public realm.
- e) Provide a high level of glazing at ground level, especially for those areas related to lobbies, common/amenity areas, and non-residential uses (i.e. commercial uses).
- f) Encourage weather protective design at grade through the use of canopies, arcades, and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep.

Exterior Materials

The variety and selection of building materials contributes to visual interest along the street and to the varied architectural character of the Glendale area.

Guidelines

- a) Ensure high quality and durable materials are used on all elements and elevations of the development.
- b) Select materials to complement the architecture, character, size, and style of the building, as well as the streetscape.
- c) Maintain consistent materials between elevations.
- d) Incorporate changes in materials to visually break-up the building massing.
- e) Use reflective, low intensity colours on rooftops to reduce heat island effect and HVAC loads. Refer to Chapter 4 for cool roofing material and solar reflectance guidelines.
- f) Minimize danger to migratory birds by adhering to the Bird-Friendly Design guidelines in Chapter 4.



Windows and balconies on included on all elevations of the building



Contrasting but complementary materials in the Plateau, Montreal

Gateways

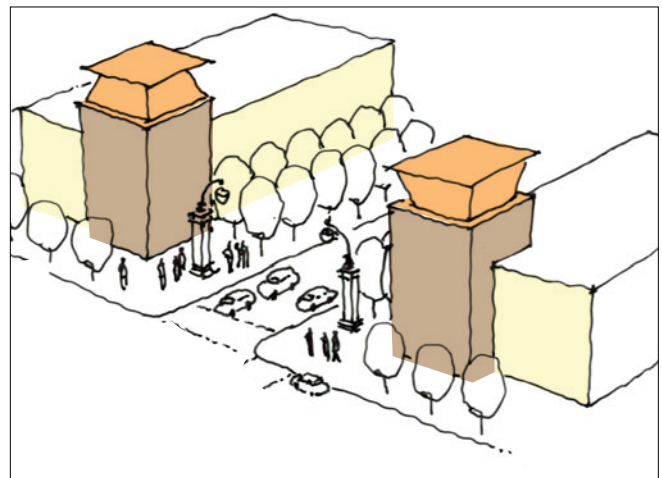
To contribute to the creation of a sense of place and local identity, buildings at visually prominent, landmark and gateway locations should express a higher design standard.

Guidelines

- a) Use prominent built form to address gateways and other key locations within the community.
- b) Express prominence through building articulation, massing, materiality, etc.
- c) Taller building elements at gateways and landmark sites/frontages are encouraged, such as towers, rotundas, porticos, change in building plane, overhangs, special rooflines, public art, and street wall height exceptions, where those elements exhibit:
 - Compatibility with adjacent context, including appropriate scale;
 - Compatibility with the principal building expression; and,
 - Design excellence.
- d) On larger sites, create ‘paired’ corner buildings on either side of a street to emphasize a sense of entry or to distinguish one street district from another.
- e) New development and landscaping should frame rather than block public views of prominent natural features, landmark sites and buildings, public art and other prominent features.
- f) Buildings at the end of long view corridors should be designed to terminate the view with a landmark building element such as a tower or massing element.



Corner buildings articulated as a gateway features



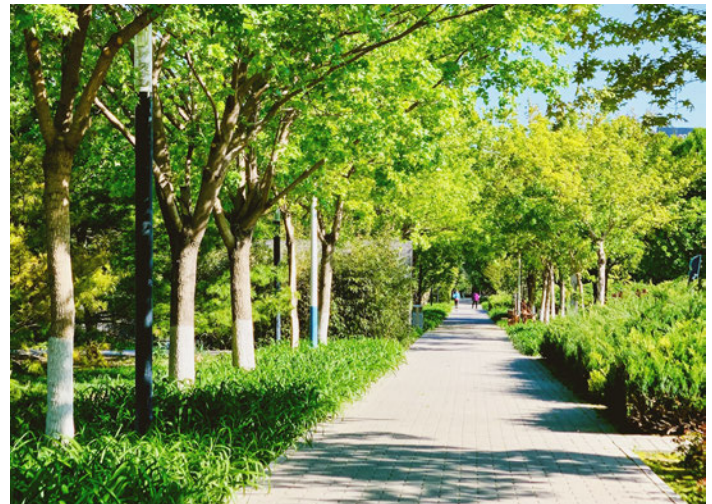
Paired corner buildings to emphasize a sense of entry

Site Landscaping

Landscaping design should reinforce the structure of the site with a focus on creating a safe, comfortable, and animated pedestrian environment.

Guidelines

- a) Provide a safe, clear, and accessible site circulation system for pedestrians, cyclists, and vehicles, including connections to the surrounding street network, public sidewalks, transit stops, and parking areas.
- b) Create a pedestrian-scaled environment by arranging buildings to create comfortable and protected pedestrian spaces that provide a sense of enclosure.
- c) Provide mid-block pedestrian connections for development blocks over 200 metres in length to support pedestrian movement.
- d) Develop a comprehensive strategy for planting, built features, fencing, walls, paving, lighting, signage, and site furnishings.
- e) Base planting strategies on year-round interest, hardiness, drought, salt and disease tolerance, and biodiversity.
- f) Preserve, protect, and incorporate existing healthy and mature trees into the site and landscape designs.
- g) Minimize the use of hard, paved areas to reduce surface run-off and heat island effect. Use permeable or porous paving wherever possible.
- h) Use high-quality, durable materials for all landscape features such as paving, fences, walls, planters, site furniture, and shade structures.
- i) Consider green roofs for buildings with flat roofs. This will assist with reducing heat island effects and improving air quality and noise insulation.
- j) Appropriate planting conditions such as soil depth, volume, and growing mediums should be provided for successful landscapes.
- k) Utilize landscaped buffers to provide an appealing and 'soft' transitional interface between new development areas and the backyards of existing established areas or between low-rise and high-rise developments.
- l) Ensure the design of lighting avoids light spill onto abutting properties and adjacent residential neighbourhoods.



Landscape buffers integrated with a mid-block connection



Green shared amenity area with playground

Access, Parking & Servicing

Guidelines

- a) Provide access to parking, servicing and loading from the rear of the building, or a laneway where possible. On corner sites, provide access from secondary streets.
- b) Encourage underground parking. Where not feasible, at grade and structured parking above grade should be located at the back of the building or site.
- c) Locate and screen parking, loading, utilities, and servicing areas away from the public view through a combination of soft and hard landscaping, as well as other integrated architectural elements such as walls and pergolas.
- d) Facilities for handling, storing, and separating waste and recycling should be integrated into the building design and screened from public view through landscaping and architectural elements.
- e) Where it is only possible to provide parking at grade, split the surface parking into small courtyards by using walkways, public art, or landscaped strips.
- f) Avoid vehicular site access from higher order streets. Provide access from local streets or rear lanes where possible.
- g) Consolidate vehicular entrances to serve multiple buildings in order to minimize the number of interruptions to the street wall and sidewalk network. Limit the number of accesses from the same street to two.
- h) Design underground/above ground parking ramps and service entrances as part of the building façade.
- i) Provide long-term bicycle storage inside the building and short-term bicycle parking areas and racks close to entrances and external to the building.
- j) For multiple unit development locate visitor parking spaces within a 200 metre walking distance or one block, whichever is less, of the residential units served.
- k) Walkways should be distinguished from vehicular areas through a change in material or by using a planted or sodded edge.



Parking for apartments with walkways and landscaping



Underground parking garage access screened by decorative door

Private Outdoor Amenity Space

Private outdoor amenity spaces should have access to sunlight, be comfortable, and designed to afford a level of privacy.

Guidelines

- a) Provide shared space for both indoor and outdoor amenities in new multi-unit residential development.
- b) Design private outdoor amenity spaces to:
 - Have direct access to sunlight and sky view;
 - Mitigate impacts on the public realm and neighbours - increased facing distances between buildings may be required to reduce impacts;
 - Provide generous and well-designed landscaped areas to offer privacy, screening, and attractive interface with the public realm; and,
 - Include railing designs to help increase privacy, screen items from view, and reduce risk of bird strikes.
- c) Private outdoor amenity spaces can be provided in a variety of forms including front verandas on buildings where the building base is designed to incorporate townhouse units, roof-top decks, or balconies.
- d) Raised terraces should be raised a minimum of 0.6 metres and a maximum of 1.2 metres.
- e) Raised terraces should provide an entrance to only one unit. Provide privacy with planting and architectural elements and translucent or solid railings.
- f) Design roof top private amenity spaces to limit overlook into the adjacent neighbourhood:
- g) Design roof top terraces with parapets, and solid or translucent railings.
- h) Inset balconies or partially inset to offer greater privacy and shelter from wind, reduce the building bulk, and minimize the impact of shadow on other amenity spaces below.
- i) Limit the size and avoid continuous projecting balconies, especially on residential streets, or when a private outdoor amenity space, pedestrian mews, and/or landscaped walk



Example of a building with inset balconies to minimize shadowing on uses below



Raised terrace providing a transition zone between sidewalk and individual residential units

Guidance for Specific Building Types

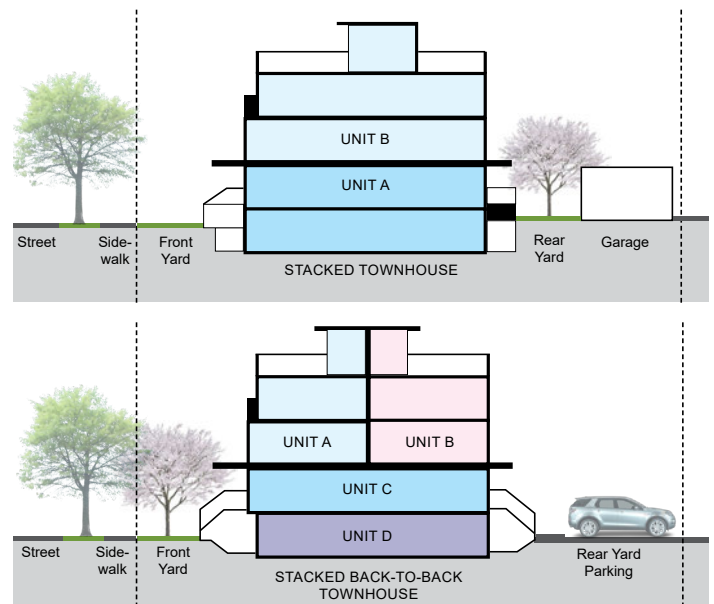
In addition to the other mid-rise residential building guidelines, the following guidelines apply to specific mid-rise building types.

Stacked & Back-to-Back Stacked Townhouses

Stacked townhouses are typically a 3 to 4 storey building of attached units which are stacked one above the other and oriented to the street. Stacked townhouses have units stacked vertically. This can include three units located on top of each other, a two storey unit stacked on top of a one storey unit, or a two storey unit stacked on top of two storey unit. Each unit has its own entrance at grade. Back-to-back stacked townhouses share a rear and side wall and are two stacked townhouses placed back-to-back.

Guidelines

- a) Articulate the elevation of the townhouse block in a manner that provides variation between units and reinforces common characteristics that visually unite the block.
- b) Use continuous and consistent architectural details and materials for the entirety of the building.
- c) Limit the number of units in a townhouse block and limit the length of the townhouse block.
- d) Locate and orient windows, decks, and balconies to limit overlook into nearby windows and amenity spaces of adjacent properties while enabling “eyes on the street” for common public areas.
- e) Locate attached garages at the rear of the building to be accessed from a lane or private drive.
- f) Consider providing underground parking for stacked back-to-back townhouses.
- g) Provide prominent, well-designed and integrated building entrances such as porches, porticos, or canopies along the building frontage.
- h) On corner or double-fronting sites, locate building fronts and entrances facing both streets. Buildings on corner sites require additional attention to detail to enhance the corner.



Sections illustrating stacked and back-to-back stacked townhouses



Example of stacked townhouses with prominent entrances

Apartment Buildings

These buildings are multi-storey structures that contribute to complete communities, provide a mix of housing and activity, and are built at densities that improve the viability of transit.

Guidelines

- a) Design the building and the site layout to integrate into the scale of the built form of the street and to create a streetscape that supports a pedestrian scale.
- b) The main building facade should front on the abutting street.
- c) Locate and orient primary building entrances to public streets and design them to be visible and accessible to the public.
- d) Design ground floors to be appealing to pedestrians and include uses that are more active, such as lobbies, amenity rooms, gyms, or active accessory uses (where permitted).
- e) Locate visitor parking, loading, and service areas in areas of low public visibility in side or rear yards and set back from the building.
- f) Screen parking from street view through the use of landscaping or fencing, or a combination of both.
- g) Locate and orient windows, decks, and balconies to limit overlook into nearby windows and amenity spaces of adjacent properties while enabling “eyes on the street” for common public areas.
- h) Provide landscape screening, fencing or setbacks appropriate to maintain the privacy of both building residents and adjacent residential uses.
- i) Provide additional landscaping, patios, decks or walkouts for at-grade residential units to increase their level or privacy.
- j) Design interior courtyards to maximize sun exposure through the massing and location of taller building elements.



5 storey residential building with material palette matching adjacent low-rise residential uses



6 storey residential building with a prominent entrance

Mixed-Use Areas

Mixed-use areas contain buildings with retail, office or other active uses at ground level and residential and/or office above. These buildings contribute to a vibrant, pedestrian friendly streetscape.

Building Placement & Orientation

Guidelines

- a) Mixed-use buildings should be located on a site of suitable size, and provide adequate landscaping, amenity features, buffering, on-site parking and garbage pickup and recycling services.
- b) Mixed-use buildings should have frontage onto a Collector or Arterial Street.
- c) Concentrate the greatest heights and massing of the site along the frontage of an Arterial or Collector Street, with the buildings sited to frame streets and open spaces.
- d) Locate buildings close to the street edge to frame and animate the public realm.
- e) Ensure the siting and massing of buildings provides a consistent relationship, continuity, and enclosure to adjacent public streets.
- f) Maintain a floor plate size and massing configuration that permits adequate sky view and minimizes shadow impacts.
- g) Locate and orient primary building entrances to public streets, and design them to be visible and accessible to the public.
- h) Ensure buildings located adjacent to, or at the edge of parks or urban greens provide opportunities for overlook into the public space with windows and doors. The massing, siting and scale of these buildings should create a degree of enclosure or definition appropriate to the type of open space they enclose.
- i) A pedestrian-scaled, permeable and connected internal layout (block and street pattern) creates comfortable and protected pedestrian spaces that have a sense of enclosure.



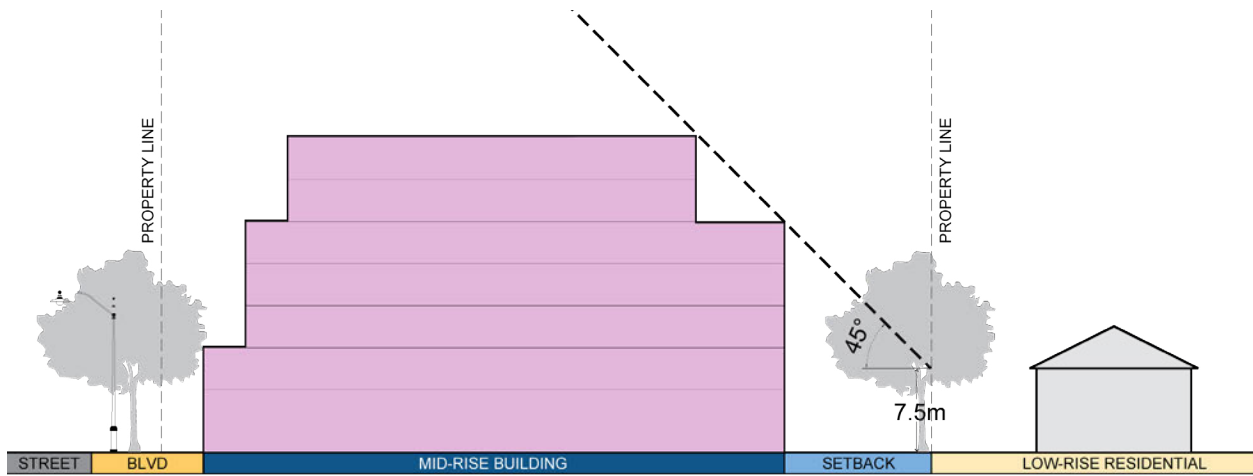
Multi-storey mixed-use buildings with activity at the ground level



*Mixed-Use area of Westbrook Village, Vancouver
(image: UBC Public Affairs, photo by Don Erhardt, CC BY-NC 2.0, Flickr)*



Demonstration plan illustrating a concept for the Mixed -Use Areas along York Road west of Glendale Avenue

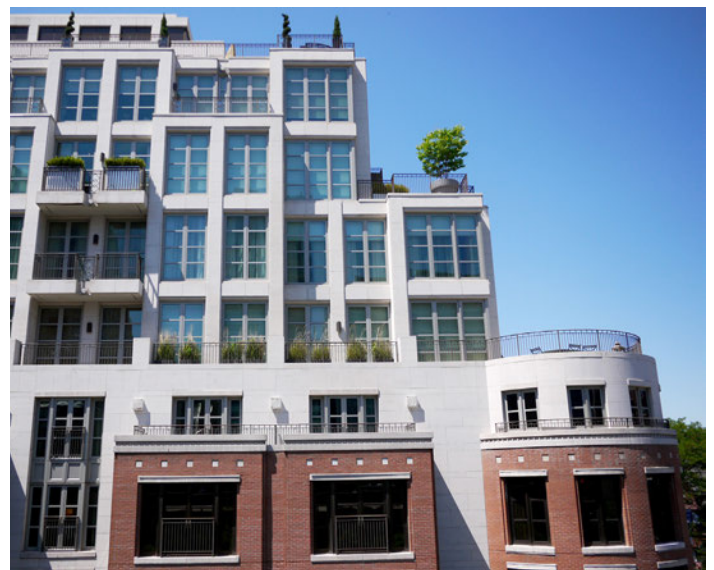


Angular plane diagram - 45 degree angular plane measured from 7.5m above the property line

Compatibility & Transitions

Guidelines

- a) Ensure the scale of mixed-use buildings is compatible and sensitively integrated with surrounding residential uses in terms of building mass, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact.
- b) To demonstrate mitigation of potential shadow or wind impacts on existing or proposed pedestrian routes, public spaces, and adjacent development technical studies may be required including a wind study and/or sun/shadow study.
- c) Development transition requirements may be met using a combination of the following:
 - Separate mid-rise buildings from low-rise buildings with a Local Street;
 - Locate less dense and lower scale buildings in locations adjacent to existing low-rise neighbourhoods;
 - Require a minimum 7.5 metre rear yard setback where mixed-use development abuts low-rise residential properties;
 - Mitigate the actual and perceived massing impacts of a mid-rise mixed-use building by breaking up the mass horizontally and vertically, through the creative incorporation of changes in materials, balcony and floor plate design, architectural features, and unit/amenity locations;



Use of setbacks to provide appropriate transition to adjacent uses

- Provide rear and side step-backs for upper storeys to provide contextually appropriate transitions from the mid-rise mixed-use buildings to surrounding residential low-rise neighbourhoods; and
 - Provide high quality landscape treatment such as decorative fencing, trees, shrubs, grassed areas, and berming.
- d) Development in mixed-use areas should apply a 45 degree rear yard angular plane measured from 7.5 metres above the abutting property line where a building transitions to an adjacent low-rise residential area to ensure appropriate skyview, light, and separation.

Building Design

Height & Massing

Mixed-use buildings are generally comprised of a base, middle, and top.

Guidelines

- a) The height of the building base should be between 2 and 4 storeys to frame and reinforce the pedestrian scale of the streetscape.
- b) The height of the building base should generally be within 1 storey of any adjacent mid-rise development to create a consistent street wall.
- c) Above the building base there should be a minimum 3.0 metre stepback to define the street wall. Exceptions to the minimum depth of the stepback may be permitted but in no case should it be less than 1.0 metre.
- d) Provide a height transition towards adjacent existing or planned built form.
- e) The top of the building should define a unique and interesting skyline. Design the top of buildings to include a variety of elements, such as step backs, material variations, lighting, and other architectural elements to reinforce a strong presence at the top of the building.
- f) Provide a minimum ground floor height of 4.5 metres in mixed-use areas.
- g) Where possible, include outdoor amenity space for residential uses at various levels above grade, including balconies, patios, terraces, and rooftop gardens.
- h) Mechanical penthouses should be designed and clad with materials that complement the main building façades.
- i) Locate mechanical rooms to the centre of the building rooftop and integrate into the rooftop design so they are not visible from the public realm.
- j) For developments with more than one building, provide a range of heights and establish a height hierarchy related to site conditions and context.

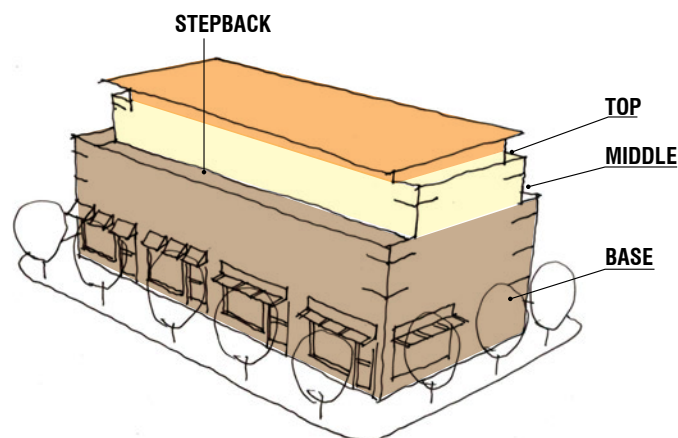


Diagram illustrating the building components of base, middle and top



Mixed-use building with stepback above the building base

Articulation & Architectural Features

Articulation considers the three dimensional qualities of the façade, including windows, doors, and architectural elements such as decoration, organization, the expression of interior spaces, and structural expression.

Guidelines

- k) Mitigate the actual and perceived impacts of mid-rise mixed-use buildings by breaking up the mass both vertically and horizontally through the creative incorporation of changes in materials, balcony and floor plate design, architectural features, and amenity locations.
- l) Incorporate windows and balconies on all elevations, especially if exposed to public view.
- m) Locate entrances strategically so they are highly visible and well connected to the public realm.
- n) Provide a high level of glazing at ground level, especially for those areas related to lobbies, common/amenity areas, and non-residential uses (i.e. commercial uses).
- o) Encourage weather protective design at grade through the use of canopies, arcades, and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep.



Articulation of the facade with various materials and offsets

Exterior Materials

The variety and selection of building materials contributes to visual interest along the street and to the varied architectural character of the Glendale area.

Guidelines

- a) Ensure high quality and durable materials are used on all elements and elevations of the development.
- b) Select materials to complement the architecture, character, size, and style of the building, as well as the streetscape.
- c) Maintain consistent materials between elevations.
- d) Incorporate changes in materials to visually break-up the building massing.
- e) Use reflective, low intensity colours on rooftops to reduce heat island effect and HVAC loads. Refer to Chapter 4 for cool roofing material and solar reflectance guidelines.
- f) Minimize danger to migratory birds by adhering to the Bird-Friendly Design guidelines in Chapter 4.



Corner articulation in a mixed use building

Gateways

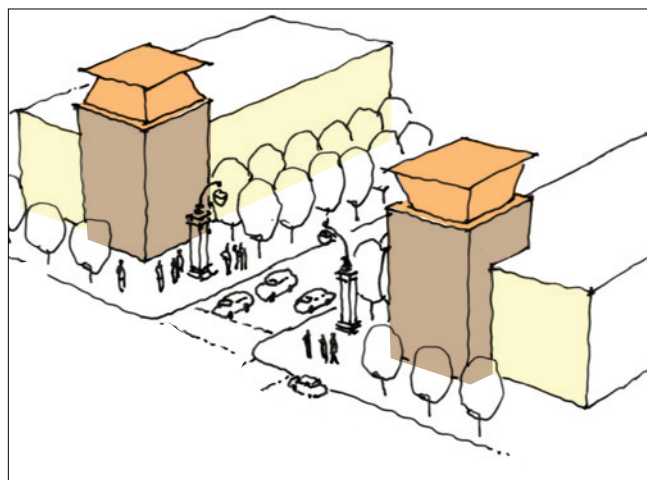
To contribute to the creation of a sense of place and local identity, buildings at visually prominent, landmark and gateway locations should express a higher design standard.

Guidelines

- a) Use prominent built form to address gateways and other key locations within the community.
- b) Express prominence through building articulation, massing, materiality, etc.
- c) Taller building elements at gateways and landmark sites/frontages are encouraged, such as towers, rotundas, porticos, change in building plane, overhangs, special rooflines, public art, and street wall height exceptions, where those elements exhibit:
 - Compatibility with adjacent context, including appropriate scale;
 - Compatibility with the principal building expression; and,
 - Design excellence.
- d) On larger sites, create ‘paired’ corner buildings on either side of a street to emphasize a sense of entry or to distinguish one street district from another.
- e) New development and landscaping should frame rather than block public views of prominent natural features, landmark sites and buildings, public art and other prominent features.
- f) Buildings at the end of long view corridors should be designed to terminate the view with a landmark building element such as a tower or massing element.



Corner building as a gateway feature



Paired corner buildings to emphasize a sense of entry

Storefronts

Guidelines

- a) Provide retail and commercial uses on the ground floors of buildings to bring animation to the street and encourage pedestrian activity.
- b) Locate entrances to stores and the ground floor of live-work units at grade and design to be universally accessible, highly visible, and clearly articulated.
- c) Provide spill-out space around the base of buildings for uses such as patios, street furniture, and special events.
- d) Ensure a significant amount of the building frontage on the ground floor and at building base levels is glass to allow views of the indoor uses and create visual interest for pedestrians. Clear glass should be used to promote the highest level of visibility and should not be covered with advertising, opaque or semi-opaque stickers or other treatments that limit the visibility of the interior.
- e) Provide awnings or canopies above windows and doors for weather protection.



Frequent doors, windows and pedestrian generating uses

Signage

Guidelines

- a) Integrate signage in the building design and ensure it complements the building's elevation, animates the ground level, and enhances the streetscape.
- b) Design signage to be consistent with respect to materials, size, location (on a building), lettering and lighting, while also allowing some flexibility for tenant branding.
- c) Ensure signage lighting design complements the design of the building.
- d) Direct signage lighting to limit light trespass to surrounding properties and to prevent light pollution.
- e) Signage should add diversity and interest to the street and not overwhelm either the storefront or streetscape. Design building signage to be compatible and complement the architecture of the building in its scale, material, consistency and design.
- f) Projecting or hanging signs should be permitted to encroach over the streetline provided that they do not project more than 1.0 metre from the building. There should be a minimum 2.4 metre clearance between the bottom of the sign and grade.



Signage integrated into a sign band as part of the facade design

Site Landscaping

Landscaping design should reinforce the structure of the site with a focus on creating a safe, comfortable, and animated pedestrian environment.

Guidelines

- a) Provide a safe, clear, and accessible site circulation system for pedestrians, cyclists, and vehicles, including connections to the surrounding street network, public sidewalks, transit stops, and parking areas.
- b) Create a pedestrian-scaled environment by arranging buildings to create comfortable and protected pedestrian spaces that provide a sense of enclosure.
- c) Provide mid-block pedestrian connections for development blocks over 200 metres in length to support pedestrian movement.
- d) Develop a comprehensive strategy for planting, built features, fencing, walls, paving, lighting, signage, and site furnishings.
- e) Base planting strategies on year-round interest, hardiness, drought, salt and disease tolerance, and biodiversity.
- f) Preserve, protect, and incorporate existing healthy and mature trees into the site and landscape designs wherever possible.
- g) Minimize the use of hard, paved areas to reduce surface run-off and heat island effect. Use permeable or porous paving wherever possible.
- h) Use high-quality, durable materials for all landscape features such as paving, fences, walls, planters, site furniture, and shade structures.
- i) Consider green roofs for buildings with flat roofs. This will assist with reducing heat island effects and improving air quality and noise insulation.
- j) Appropriate planting conditions such as soil depth, volume, and growing mediums must be provided for successful landscapes.
- k) Utilize landscaped buffers to provide an appealing and 'soft' transitional interface between new development areas and the backyards of existing established areas. Landscaped buffers should provide a visual barrier, as well as some sound attenuation
- l) Ensure the design of lighting avoids light spill onto abutting properties and adjacent residential neighbourhoods.



Patio defined behind a planting bed



Street tree planting to buffer the sidewalk from the street

Parking

Guidelines

- a) On-site surface parking should be avoided wherever possible.
- b) Encourage underground or structured parking. Where not feasible, at-grade parking should be located at the back of the building.
- a) Provide access to parking, servicing and loading from the rear of the building, or a laneway where possible.
- b) Access to parking and servicing areas should clearly prioritize pedestrian movement and the continuity of the public sidewalks.
- c) Integrate vehicular entrances to a building into the building's architectural design.
- d) Incorporate active uses at-grade for above-grade parking structures facing onto any Arterial or Collector Street.
- e) Where above-grade parking structures face a street, minimize the visual impact of the building through screening or by treating the building face like an occupied building through expressing an architectural vocabulary and material compatible with adjacent façades.
- f) Provide accessible and secure bicycle racks and parking at key locations to promote active transportation.



Parking entrance integrated into building design



Pedestrian priority established across vehicular access



*Parking structure with rhythmic facade design
(image: La Citta Vita, CC BY-SA 2.0, Flickr)*

Servicing, Storage & Loading

Servicing, utility, storage, and loading are necessary components of all building sites. These areas need to be functional and easily accessible and their visual impact minimized through location and screening.

Guidelines

- a) Coordinate, consolidate, and integrate loading docks, service areas, and storage within the building envelope, where possible.
- b) Locate loading, service, storage, and utility areas away from public streets and screened from public view.
- c) Ensure that waste collection vehicles have ample room to manoeuvre at the site planning stage to ensure that these functions do not spill over into either the public right-of-way or public spaces.
- d) Provide access to servicing and loading areas from secondary streets or rear laneways. Include design treatments to minimize impact and improve safety for pedestrians and cyclists crossing these areas.
- e) Locate all utilities underground. Where components of utilities must be located above ground, utility providers are encouraged to consider innovative methods of containing utility services on or within streetscape features.
- f) For all restaurant uses, cooking ventilation systems, incorporate ecologizer, water wash, ultraviolet, or other equivalent odour extraction mechanisms that are sufficient to ensure that the resulting exhaust is substantially odour free and will not affect surrounding residents.
- g) Fully screen and locate garbage, recycling, loading, and service areas away from public view. These facilities should be located in the rear or side yards away from residential uses, major streets, and open space areas. Integrate these functions within the building envelope.



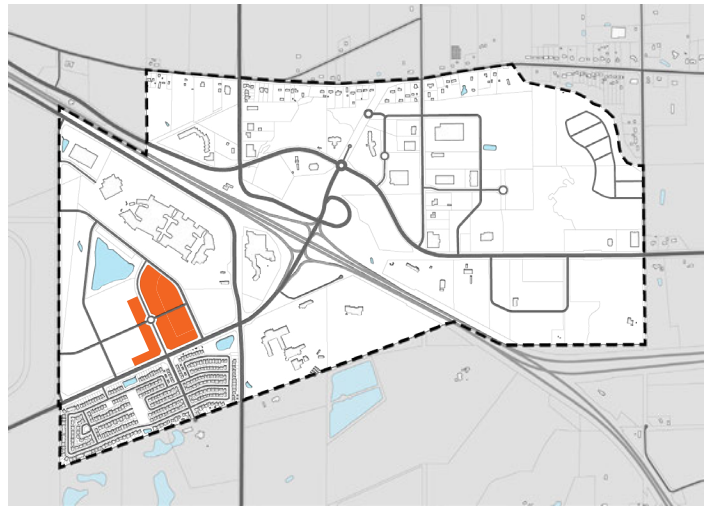
Integrated service area with high standard of design

Main Street Mixed-Use Areas

In addition to the preceding Mixed-Use Area guidelines, additional guidelines apply to the Main Street Mixed-Use Areas (identified as the *Mixed-Use I Designation* in the Glendale Secondary Plan) where the intent is to create a community “main street” along Niagara-on-the-Green Boulevard, that provides a focal point for commercial and social activities for residents, workers, students and visitors in Glendale.

Guidelines

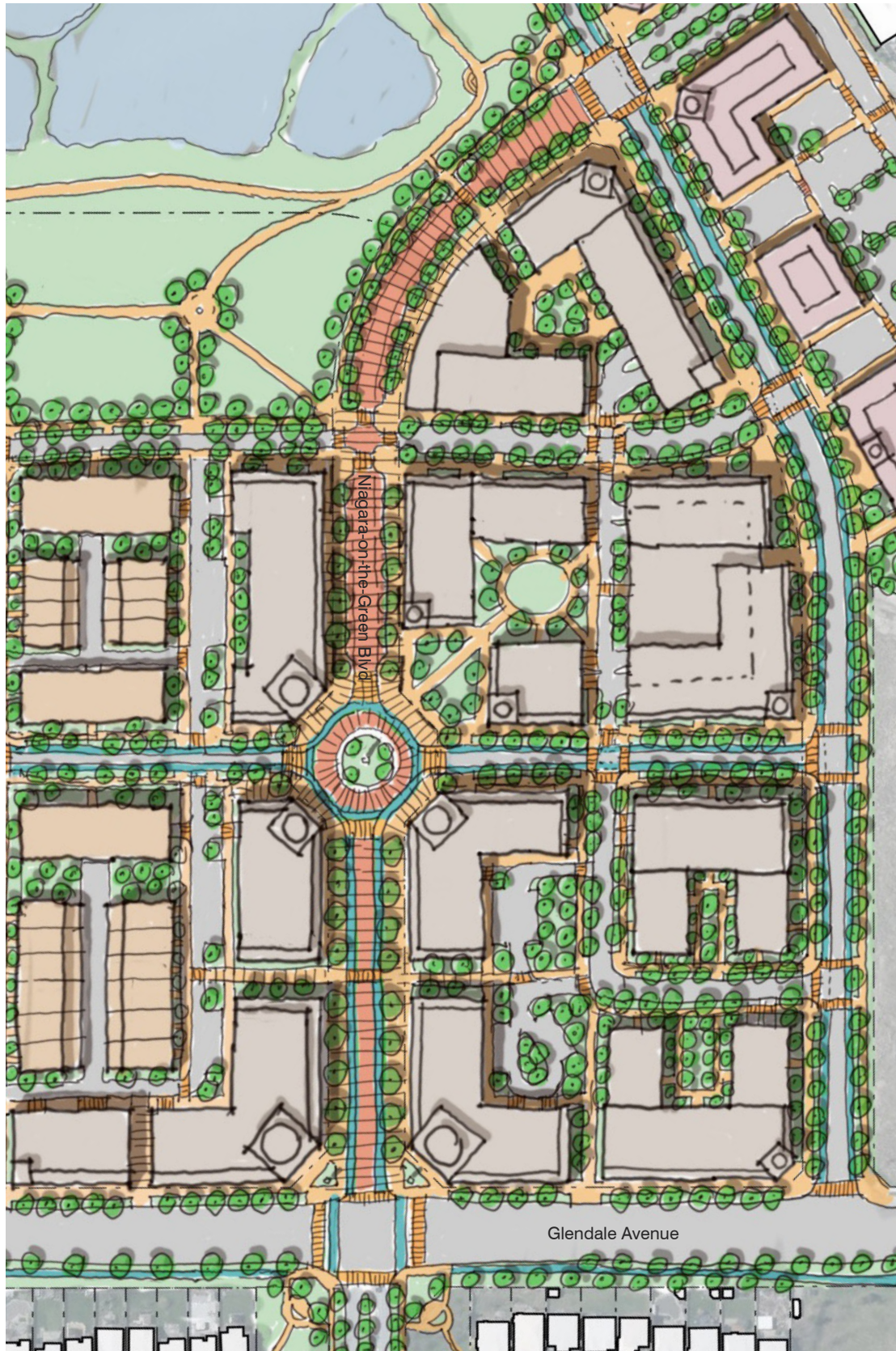
- a) Along the frontage of Niagara-on-the-Green Boulevard, the height of the building base of a mid-rise building should be between 2 and 3 storeys to frame and reinforce the pedestrian scale of the streetscape.
- b) Along the frontage of Niagara-on-the-Green Boulevard, portions of buildings above the building base’s street wall should have additional stepbacks as necessary to preserve sky view and solar access to the street.
- c) Locate buildings at or near the front property line to create good street definition and a sense of enclosure. Buildings should not be set back more than 5 metres from the front property line.
- d) Buildings may be set back from the street edge where they frame and define the edges of public spaces, such as plazas, courtyards, and seating areas.
- a) Buildings should occupy a minimum of 90% the frontage along public streets, with exceptions for public spaces, such as plazas, courtyards, and seating areas.



Larger set back when defining a public space



Mid-rise mixed-use development incorporating a grocery store



Demonstration plan illustrating a concept for the Main Street Mixed-Use area along Niagara-on-the-Green Boulevard

Regional Commercial Areas

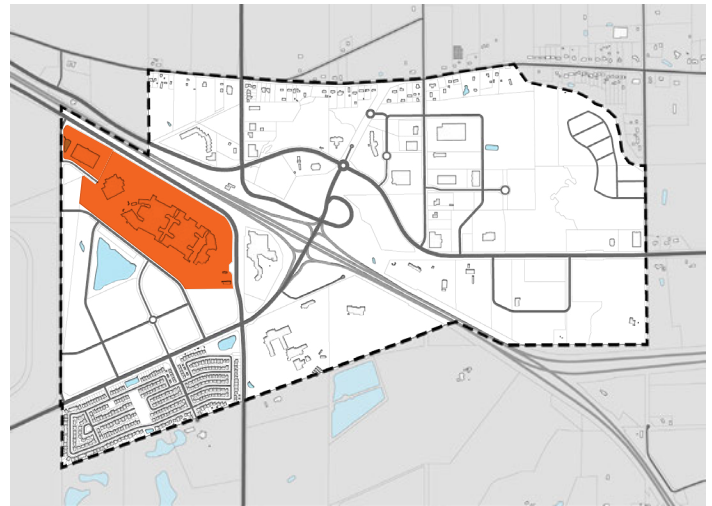
New and redeveloped buildings in Regional Commercial areas should be designed to frame the street edge, provide clear pedestrian access, and create gathering spaces such as patios, in order to foster a greater sense of place.

Building Placement & Orientation

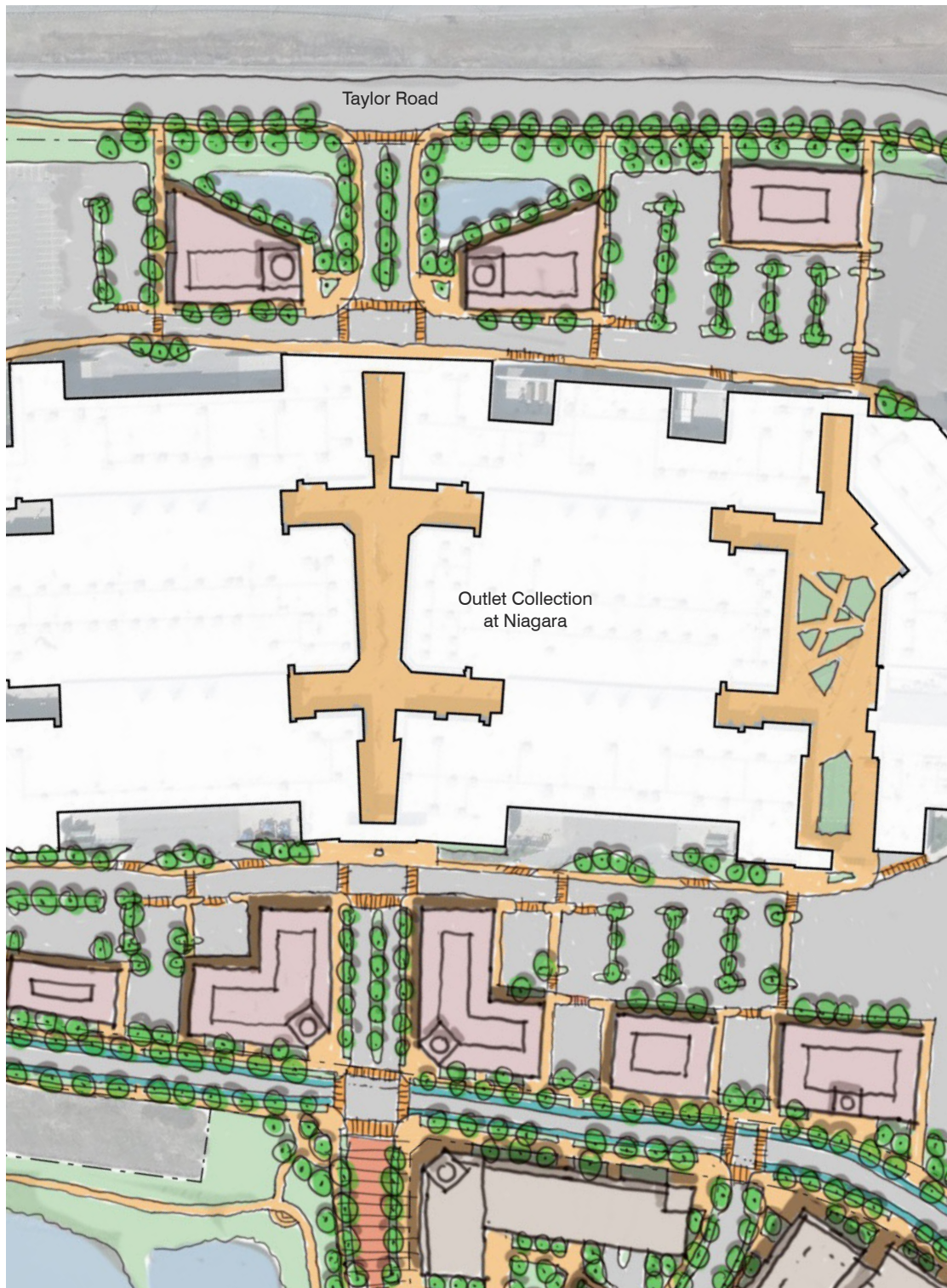
Building placement refers to the location of the building in relation to the street. The orientation and placement of buildings along the street can help to reinforce the public realm by enhancing the pedestrian environment and creating a sense of enclosure.

Guidelines

- a) Use buildings and smaller scale retail and commercial stores to frame and provide enclosure to the surrounding public streets by locating them close to the street edge.
- b) Create a pedestrian-scaled, permeable and connected internal layout (block and street pattern) with comfortable and protected pedestrian spaces that have a sense of enclosure.
- c) At key corner sites, sidewalk cafes, kiosks, and street vendors are encouraged, and larger setbacks may be permitted. The area within the front yard setback should be hardscaped with paving to provide an extension of the sidewalk.
- d) Ensure buildings located adjacent to, or at the edge of parks or urban greens provide opportunities for overlook into the public space with windows and doors. The massing, siting and scale of these buildings should create a degree of enclosure or definition appropriate to the type of open space they enclose.
- e) Ensure primary entrances to buildings are clearly visible and located on a public street, onto a public open space, or on a primary internal route for reasons of public safety and convenience.
- f) Ensure access to primary building entrances from sidewalks and public open space areas are illuminated, convenient, and direct with minimum changes in grade.
- g) Parking, driveways, or lanes should not be located between the buildings and the street except for large buildings on large sites with multiple buildings where the larger buildings are situated to the interior of the block with smaller buildings facing the street.
- h) Provide accessible and secure bicycle racks and parking at key locations to promote active transportation.



Primary entrances located along the street frontage



Demonstration plan illustrating a concept for the Regional Commercial Area south of Taylor Road

Building Design

Guidelines

- a) Articulate large walls visible from the street through various treatments such as offsets in massing, façade, and fenestration treatments.
- b) For stand-alone commercial uses, minimize the building footprint by providing a multi-storey building in order to deliver compact form, conserve land and make the development more walkable.
- c) Buildings located at corner sites along Arterial and Collector Streets should have a high level of architectural quality for the façade.
- d) Design sites with multiple buildings to reflect a consistent architectural theme. Similar building elements could include colours, materials, signage, and the base and top of buildings. Design individual buildings to offer visual interest and variety in design through architectural features.
- e) Ensure consistent high quality building design and architectural elements on all building elevations, particularly on facades in public view or backing onto residential properties.
- f) Establish a rhythm of minor breaks or articulation along the façade, distinguishing one unit (retail or residential) or building component from the next.
- g) Incorporate architectural elements to enhance the pedestrian environment such as canopies, overhangs, awnings, projecting display windows, architectural arcades, and colonnades. These elements should be designed as integral parts of the building in terms of form, style, material, and colour.
- h) Steps and ramps should be architecturally incorporated into the building entrance.



Corner buildings address both sides of the street with windows, signage, lighting, and a continuation of public walkways



Combination of elements that enhance the pedestrian environment

Storefronts

Storefronts represent the primary interface of commercial areas with the public realm.

Guidelines

- a) The floor-to-ceiling height of ground floors for commercial buildings should be at least 4.25 metres.
- b) Locate entrances to stores at grade and design them to be universally accessible, highly visible, and clearly articulated.
- c) Provide spill-out space around the base of buildings for uses such as patios, street furniture, and special events.
- d) Ground floors facing public streets should have a significant amount of glazing to allow views of the indoor uses and create visual interest for pedestrians. Glazing should be clear and should not be covered with advertising or stickers that block views into the building.
- e) Provide awnings or canopies above store windows and doors for weather protection.
- f) Patio spaces should be defined by low screening fences, planters or hedges and be located adjacent to building entrances.



Awnings, canopies, and signage provide shade and weather protection for pedestrians

Signage

Signs play a significant role in the character and animation of commercial areas.

Guidelines

- a) Integrate signage in the building design and ensure it complements the building's elevation, animates the ground level and is compatible in its scale, material, consistency and design.
- b) In a site with multiple buildings, design signage to be consistent with respect to materials, size, location (on a building), lettering and lighting, while also allowing some flexibility for tenant branding.
- c) Ensure signage lighting design complements the design of the building.
- d) Direct signage lighting to limit light trespass to surrounding properties and to prevent light pollution.
- e) For multi-tenant sites, provide an overall signage strategy that coordinates the site and building signage, and limits the number of monument/pylon signs on a single site and provide combined signage listing the businesses within the site.
- f) Signage should not obscure windows, cornices or other architectural elements.



*Retail signage integrated into building design
(Copyright Queen's Printer for Ontario, photo source: Ontario Growth Secretariat, Ministry of Municipal Affairs)*

Drive-Throughs

Where permitted, drive-through facilities must demonstrate that they do not adversely affect the character of the existing and planned streetscape.

Guidelines

- a) Locate buildings close to or at the streetline to define and support the street edge and facilitate pedestrian activity and access.
- b) Align new buildings with the front facades of existing buildings.
- c) Ensure an appropriate transition in setback from existing and adjacent buildings along the street.
- d) Locate the main entrance directly off the public sidewalk.
- e) Ensure walls visible from the street are transparent with windows, doors, and other forms of transparent building materials to maximize views in and out of the building enhancing the relationship between interior and exterior to support and animate the public street and sidewalk.
- f) Provide vehicular access and stacking lanes along the side or the rear of the building away from adjacent residential uses, streetscapes, and open spaces. Do not locate stacking lanes or driveways between the building and the street.
- g) Provide parking adjacent to the secondary entrance to the facility so it is not necessary for pedestrians who arrive by car to cross driveways or stacking lanes to enter the building.
- h) Locate utilities and service components such as transformers, loading, and garbage pick up at the rear or flank of the building out of view from the street and other public areas.
- i) Provide sufficient signage where necessary to indicate direction of vehicular travel, stop signs, or no entrance areas.



Drive-through bank (Image: Oksana - stock.adobe.com)



Drive-through queue lanes (Image: Oksana - stock.adobe.com)

Site Landscaping

Landscaping design should reinforce the structure of the site with a focus on creating a safe, comfortable, and animated pedestrian environment.

Guidelines

- a) Develop a comprehensive strategy for planting, built features, fencing, walls, paving, lighting, signage, and site furnishings.
- b) Base planting strategies on year-round interest, hardiness, drought, salt and disease tolerance, and biodiversity.
- c) Preserve, protect, and incorporate existing healthy and mature trees into the site and landscape designs wherever possible.
- d) Minimize the use of hard, paved areas to reduce surface run-off and heat island effect. Use permeable or porous paving wherever possible.
- e) Use high-quality, durable materials for all landscape features such as paving, fences, walls, planters, site furniture, and shade structures.
- f) Consider green roofs for buildings with flat roofs. This will assist with reducing heat island effects and improving air quality and noise insulation.
- g) Appropriate planting conditions such as soil depth, volume, and growing mediums must be provided for successful landscapes.
- h) Where a commercial area abuts a residential area use landscaped buffers to provide an appealing and 'soft' transitional interface. Landscaped buffers should provide a visual barrier, as well as some sound attenuation.
- i) Ensure the design of lighting avoids light spill onto abutting properties and adjacent residential neighbourhoods.



Incorporate substantial landscaping in surface parking lots and include internal walkways that directly link sidewalks on public streets to store entrances

Parking

Vehicular access and parking are necessary for commercial areas to function properly, but care must be taken to minimize their physical and visual impacts on the public realm.

Guidelines

- a) Provide a variety of parking options, including on-street parking, underground parking, structured, and screened at-rear parking courtyards. Avoid the use of large surface parking areas, where possible.
- b) Locate parking areas away from the street frontage, at the rear or sides of the principal building.
- c) Screen surface parking lots from streets, open spaces, and adjacent residential areas with the use of buildings, low fencing, architectural features, landscaping, berms, or other mitigating design measures, such as lowered parking surfaces with landscaped buffers.
- d) Design surface parking to minimize environmental impacts by reducing the parking area size, considering shared parking facilities with adjacent buildings, and providing preferential parking for fuel efficient vehicles.
- e) Break large parking areas into smaller courts by providing walkways at a minimum interval of 8 rows of parking. Locate walkways flanking a lane or between 2 parking rows.
- f) Incorporate pedestrian walkways and landscaping into surface parking areas along primary vehicular routes to enable safe, barrier-free, and direct movement to principal building entrances and the sidewalk. Design walkways with a minimum width of 1.8 metres.
- g) Where walkways cross drive aisles, they should be differentiated from the driving surface through the use of surface materials, colour and/or grade change.
- h) Use landscaping to break up parking areas to assist with reducing the heat island effect. Trees create a more comfortable walk to and from parking areas, avoiding overheating of parked vehicles. Landscaping islands should have a minimum width of 2.5 metres.
- i) Consider above or below grade parking structures where possible and feasible in efforts to conserve land, promote compact development, and reduce heat island effect.
- j) Incorporate active uses at-grade for above grade parking structures facing onto any Arterial or Collector Street, where possible.
- k) Where above grade parking structures abut a street, minimize the visual impact of the building through screening or by treating the building face like an occupied building through expressing an architectural vocabulary and material compatible with adjacent façades.



Lowered parking surfaces and landscaped buffers help screen parking areas from street view



Parking structure with retail uses facing street at ground level

Servicing, Storage & Loading

Servicing, utility, storage, and loading are necessary components of commercial uses. These areas need to be functional and easily accessible and their visual impact minimized through location and screening.

Guidelines

- a) Coordinate, consolidate, and integrate loading docks, service areas, and storage within the building envelope, where possible.
- b) Locate loading, service, storage, and utility areas away from public streets and screened from public view.
- c) Ensure that waste collection vehicles have ample room to manoeuvre at the site planning stage to ensure that these functions do not spill over into either the public right-of-way or public spaces.
- d) Provide access to servicing and loading areas from secondary streets or rear laneways. Include design treatments to minimize impact and improve safety for pedestrians and cyclists crossing these areas.
- e) Locate all utilities underground. Where components of utilities must be located above ground, utility providers are encouraged to consider innovative methods of containing utility services on or within streetscape features.
- f) For all restaurant uses, cooking ventilation systems, incorporate ecologizer, water wash, ultraviolet, or other equivalent odour extraction mechanisms that are sufficient to ensure that the resulting exhaust is substantially odour free and will not affect surrounding residents.
- g) Integrate facilities for handling, storing, and separating waste and recycling into the building design.
- h) Ensure waste facilities within an external structure are consistent in design, colour, and materials to the main building and are not in a prominent location.



Fully enclosed garbage enclosure

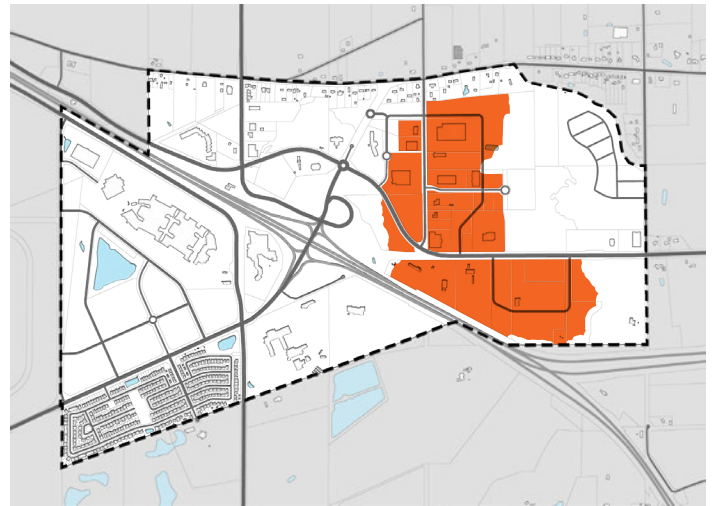
Industrial/Business Park Areas

Industrial/Business Park Areas may include a wide variety of uses, including offices, research and development, warehouses, and light industrial and manufacturing uses.

Building Placement & Orientation

Guidelines

- a) Arrange and design industrial and business parks to incorporate a campus design to ensure that all development components are recognizable as part of an integrated complex. A campus design format consists of one or more individual buildings or multiple tenancy buildings having shared parking, loading, and access facilities.
- b) Design buildings to have high-quality design features including built form, architectural detail, landscaping, and signage.
- c) Orient buildings adjacent to an arterial or collector street to face the street to provide good visibility and contribute to the framing of the streetscape.
- d) If there are multiple buildings on one site, provide a coordinated architectural treatment to develop overall site harmony. Provide differentiating characteristics, particularly at building entrances.
- e) Vehicular access and parking should be shared between adjacent properties wherever feasible to reduce the extent of interruption along the sidewalk and the streetscape and minimize turning locations.



Colour, material and massing create a dynamic façade



Colour, material and massing create a dynamic façade



Demonstration plan illustrating a concept for the Industrial/Business Park Area at York Road and Townline Road

Building Design

Guidelines

- f) Avoid long stretches of monotonous building façades or 'blank walls'. Building articulation and material and colour changes should be the primary means to create interest on long expanses of walls.
- g) Industrial uses may provide less decorative facade materials for non-street frontages, such as concrete and metal siding; provided the front facade material does not transition at the corner, and is wrapped around to the sides.
- h) Design highly visible sites (such as those visible from the QEW or at main intersections such as York Road and Townline Road) with entry features and identifiable architectural features, such as towers, enhanced elevation treatments, unique massing or roofing lines, a multi-storey presence, or other prominent architectural forms to provide an identity to the area.
- i) For accessory buildings, provide compatible and complimentary design, colour, and materials to the main building.

Signage

Guidelines

- a) Design building signage to be compatible and complement the architecture of the building in its scale, material, consistency and design.
- b) For buildings or sites with multiple tenants, provide combined signage listing the businesses within the site.
- c) Ensure signage lighting design complements the design of the building.
- d) Direct signage lighting to limit light trespass to surrounding properties and to prevent light pollution.



A special architectural feature breaks up a long façade

Site Landscaping

Guidelines

- a) Provide outdoor amenity areas, such as courtyards, patios, and seating areas in desirable areas, such as facing public streets or natural heritage features and define with building façades, architectural features, fencing, and/or landscaping.
- b) Develop a comprehensive strategy for planting, built features, fencing, walls, paving, lighting, signage, and site furnishings.
- c) Base planting strategies on year-round interest, hardiness, drought, salt and disease tolerance, and biodiversity.
- d) Preserve, protect, and incorporate existing healthy and mature trees into the site and landscape designs wherever possible.
- e) Minimize the use of hard, paved areas to reduce surface run-off and heat island effect. Use permeable or porous paving wherever possible.
- f) Use high-quality, durable materials for all landscape features such as paving, fences, walls, planters, site furniture, and shade structures.
- g) Consider green roofs for buildings with flat roofs. This will assist with reducing heat island effects and improving air quality and noise insulation.
- h) Appropriate planting conditions such as soil depth, volume, and growing mediums must be provided for successful landscapes.
- i) Where a commercial area abuts a residential area use landscaped buffers to provide an appealing and 'soft' transitional interface. Landscaped buffers should provide a visual barrier, as well as some sound attenuation.
- j) Ensure the design of lighting avoids light spill onto abutting properties and adjacent residential neighbourhoods.



Use of vegetated screening as a visual buffer

Parking

Guidelines

- a) Locate parking areas away from the street frontage, at the rear or sides of the principal building.
- b) Screen surface parking lots from streets, open spaces, and adjacent residential areas with the use of buildings, low fencing, architectural features, landscaping, berms, or other mitigating design measures, such as lowered parking surfaces with landscaped buffers.
- c) Design surface parking to minimize environmental impacts by reducing the parking area size, considering shared parking facilities with adjacent buildings, and providing preferential parking for fuel efficient vehicles.
- d) Break large parking areas into smaller courts by providing walkways at a minimum interval of 8 rows of parking. Locate walkways flanking a lane or between 2 parking rows.
- e) Incorporate pedestrian walkways and landscaping into surface parking areas along primary vehicular routes to enable safe, barrier free, and direct movement to principal building entrances and the sidewalk. Design walkways with a minimum width of 1.8 metres.
- f) Where walkways cross drive aisles, they should be differentiated from the driving surface through the use of surface materials, colour and/or grade change.
- g) Use landscaping to break up parking areas to assist with reducing the heat island effect. Trees create a more comfortable walk to and from parking areas, avoiding overheating of parked vehicles. Landscaping islands should have a minimum width of 2.5 metres.
- h) Integrate stormwater facilities for large parking lots into the parking area using for example permeable pavers and bioswales. Design the facilities as aesthetic landscape features such as planting strips between parking rows.
- i) Consider above or below grade parking structures where possible and feasible in efforts to conserve land, promote compact development, and reduce heat island effect.
- j) Incorporate active uses at-grade for above grade parking structures facing onto any Arterial or Collector Street, where possible.
- k) Where above grade parking structures abut a street, minimize the visual impact of the building through screening or by treating the building face like an occupied building through expressing an architectural vocabulary and material compatible with adjacent façades.



Example of a parking lot that incorporates planting strips for as a stormwater management strategy



Bicycle parking in employment areas to support active transportation

Servicing, Storage & Loading

Guidelines

- a) Provide specifically designated areas for uses such as service entrances, loading docks, delivery and sorting, temporary storage, garbage and recycling, outdoor storage, outdoor work areas, and other similar uses. These should be:
 - Located behind buildings or away from public streets;
 - Appropriately sized for the intended use; and,
 - Screened from public streets and residential uses to reduce visual and sound impacts on adjacent uses.
- b) Ensure that service areas have adequate space for manoeuvring and allow for efficient operation. Vehicle movements in and around service areas should not conflict with adjacent parking areas.
- c) Ensure truck manoeuvring, circulation, and queueing lanes are signed, and marked accordingly on the pavement.
- d) Provide sufficient on site truck queueing areas as necessary for the expected numbers of trucks. Locate behind buildings and screen, as practical.
- e) Ensure loading and delivery areas are not located in a required setback area.
- f) Include design treatments to minimize impact and improve safety for pedestrians and cyclists crossing servicing and loading areas.
- g) Construct trash and recycling enclosures to be compatible with the project architecture and materials, built to house sufficiently sized bins for the intended use, and designed with a wall height that is sufficient to completely conceal bins.
- h) Use berms in landscape strips to minimize views/noise from adjacent uses, parking, loading, and service areas.
- i) Where permitted, ensure that outdoor storage only occurs within physically-defined areas, is screened with appropriate fencing, walls, or landscaping, and that all materials in an outside storage area are stored on an impermeable surface to prevent adverse impact on site drainage and stormwater management facilities.

Institutional Campus Areas

Institutional Campus areas in Glendale consists of the Niagara-on-the-Lake campus of Niagara College. The College provides important opportunities for place-making and landmarking and is an important focal point for the Glendale community.



Building Placement & Orientation

Guidelines

- a) Institutional buildings should be arranged and designed as part of the overall campus design to ensure that all College buildings are recognizable as part of an integrated complex.
- b) Site institutional buildings prominently and where possible, to terminate views.
- c) Ensure institutional campus areas have direct access from the surrounding community through a comprehensive and connected active transportation network with linked trails and parks
- d) Arrange buildings around a network of campus open spaces and face and address the open spaces.
- e) Building sites should be well landscaped and visible at the pedestrian level.
- f) Provide drop-off areas for buses and cars at a convenient location, but designed in such a way that prioritizes pedestrian movement and access.
- g) Institutional buildings should include public art, either integrated into the building or in a prominent and publicly-visible location on the building site.
- h) Institutional buildings should demonstrate a commitment to sustainability by aiming to attain certification by an appropriate green building programs. See Green Buildings & Sites Section in Chapter 4.



Durham College/UOIT quad (image: Aaron Tait, CC BY 2.0, Flickr)

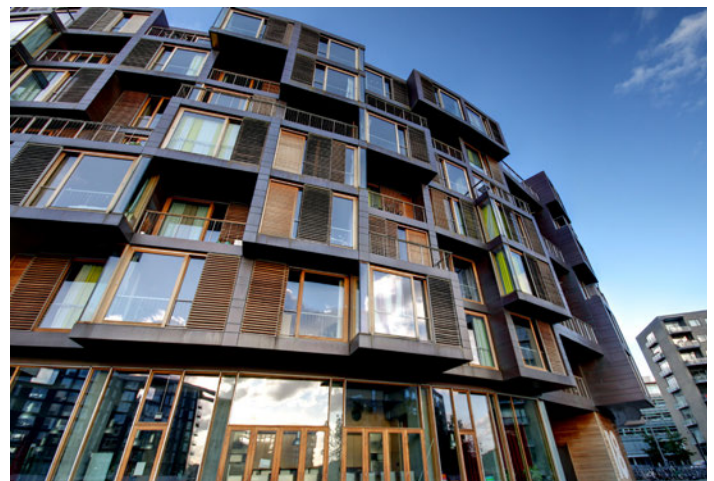


Buildings framing open spaces

Building Design

Guidelines

- a) Design institutional buildings as special landmark buildings with high quality architectural design, materials, and finishes.
- b) Respond to the local context and site conditions when siting buildings. Where applicable, design buildings to respond to the site's topography
- c) Incorporate architectural elements such as massing and special features to terminate important views and vistas.
- d) Ensure highly articulated façade design for all elevations exposed to public view from streets or campus open spaces. This includes changes in plane and materials, fenestration, projections, relief, and horizontal and vertical elements. Blank, uninterrupted walls should be avoided.
- e) For buildings located at corners, design elevations to equally address the two street frontages. Additionally, use prominent massing, height, architectural elements and detailing to emphasize these locations.
- f) Provide integrated weather protection elements at main entrances and ensure they complement the building's design.
- g) Provide a sufficiently sized gathering space designed as an outdoor amenity space for institutional buildings where significant numbers of people are expected to gather or wait outside the main entrance.
- h) Ensure the main doors of all institutional buildings are connected by a walkway to the sidewalk and have direct access to transit stops.
- i) Coordinate building materials and ensure they reflect, complement, and enhance the building's architectural style and detailing.
- j) Ensure the design of ancillary buildings and structures is coordinated with that of the principal building in terms of height, massing, architectural details, signage, materials, and colours.
- k) Provide a high level of visual transparency and permeability at eye level for lobbies by using windows and prominent entrances.
- l) Utilize daylighting strategies, such as building orientation, uniform windows across the facade, or skylights to capture natural light and reduce the need for electric lights during the day.
- m) Where flat roofs are used, incorporate cool roofs and/or green roofs in the design of the building to minimize surface runoff, reduce heat island effect, provide noise insulation, and improve local air quality. See Energy Conservation Section in Chapter 4.
- n) Screen rooftop mechanical equipment with materials that are complementary to the building.
- o) Integrate signage within the building design and ensure it complements the building's elevation, animates the ground level, and enhances the streetscape.
- p) Direct signage lighting to limit light trespass to surrounding properties and downcast to prevent light pollution.
- q) Ensure signage provides a high level of clarity, visibility, and visual interest, and should aid pedestrians and drivers in navigating the area, especially at night.



Articulated façade (image: Andreas Jalsøe, CC BY 2.0, Flickr)

Site Landscaping

Guidelines

- a) Create a comprehensive pedestrian and active transportation network across the campus that provides connections to key locations, destinations and transportation options.
- b) Pedestrian routes should be a minimum width of 2.1 metres, with significantly wider routes provided based on expected student volumes.
- c) Develop a comprehensive strategy for planting, built features, fencing, walls, paving, lighting, signage, and site furnishings.
- d) Base planting strategies on year-round interest, hardiness, drought, salt and disease tolerance, and biodiversity.
- e) Preserve, protect, and incorporate existing healthy and mature trees into the site and landscape designs wherever possible.
- f) Minimize the use of hard, paved areas to reduce surface run-off and heat island effect. Use permeable or porous paving wherever possible.
- g) Use high-quality, durable materials for all landscape features such as paving, fences, walls, planters, site furniture, and shade structures.
- h) Consider green roofs for buildings with flat roofs. This will assist with reducing heat island effects and improving air quality and noise insulation.
- i) Appropriate planting conditions such as soil depth, volume, and growing mediums must be provided for successful landscapes.
- j) Ensure the design of lighting avoids light spill onto abutting properties and adjacent residential neighbourhoods.



Wide pedestrian routes and clearly marked crossings



Integrate stormwater design into open spaces

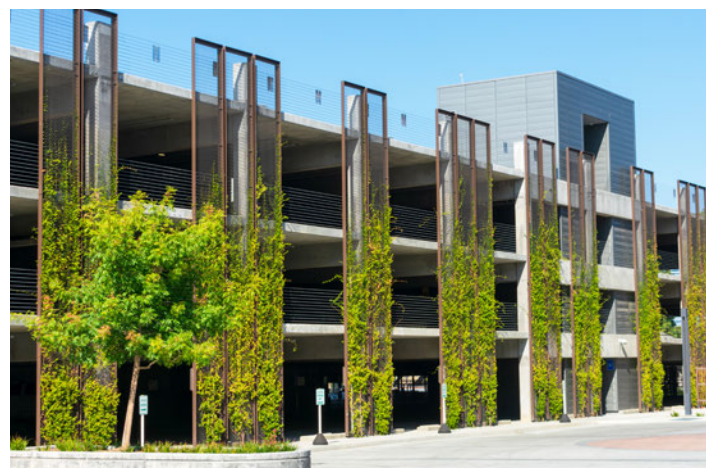
Parking

Guidelines

- a) Locate parking areas away from the street frontage.
- b) Screen surface parking lots from streets and campus open spaces with the use of buildings, low fencing, architectural features, landscaping, berms, or other mitigating design measures, such as lowered parking surfaces with landscaped buffers.
- c) Design surface parking to minimize environmental impacts by reducing the parking area size, considering providing preferential parking for fuel efficient vehicles.
- d) Break large parking areas into smaller courts by providing walkways at a minimum interval of 8 rows of parking. Locate walkways flanking a lane or between 2 parking rows.
- e) Incorporate pedestrian walkways and landscaping into surface parking areas along primary vehicular routes to enable safe, barrier free, and direct movement to principal building entrances and the sidewalk. Design walkways with a minimum width of 2.1 metres.
- f) Where walkways cross drive aisles, they should be differentiated from the driving surface through the use of surface materials, colour and/or grade change.
- g) Use landscaping to break up parking areas to assist with reducing the heat island effect. Trees create a more comfortable walk to and from parking areas, avoiding overheating of parked vehicles. Landscaping islands should have a minimum width of 2.5 metres.
- h) Integrate stormwater facilities for large parking lots into the parking area using for example permeable pavers and bioswales. Design the facilities as aesthetic landscape features such as planting strips between parking rows.
- i) Consider above or below grade parking structures where possible and feasible in efforts to conserve land, promote compact development, and reduce heat island effect.
- j) Incorporate active uses at grade for above-grade parking structures facing onto street or campus open space, where possible.
- k) Where above-grade parking structures abut a street or campus open space, minimize the visual impact of the building through screening or by treating the building face like an occupied building through expressing an architectural vocabulary and material compatible with adjacent façades.
- l) Parking for cyclists should be located near building entrances and where visual surveillance can be maximized.



Permeable surfaces and landscaping in parking areas



Parking structure with facade elements for green walls

Servicing, Storage & Loading

Guidelines

- a) Provide specifically designated areas for uses such as service entrances, loading docks, delivery and sorting, temporary storage, garbage and recycling, outdoor storage, outdoor work areas, and other similar uses. These should be:
 - Located behind buildings or away from public streets;
 - Appropriately sized for the intended use; and,
 - Screened from public streets and residential uses to reduce visual and sound impacts on adjacent uses.
- b) Ensure that service areas have adequate space for manoeuvring and allow for efficient operation. Vehicle movements in and around service areas should not conflict with adjacent parking areas or pedestrian circulation.
- c) Include design treatments to minimize impact and improve safety for pedestrians and cyclists crossing servicing and loading areas.
- d) Construct trash and recycling enclosures to be compatible with the project architecture and materials, built to house sufficiently sized bins for the intended use, and designed with a wall height that is sufficient to completely conceal bins.
- e) Use berms in landscape strips to minimize views/noise from adjacent uses, parking, loading, and service areas.
- f) Provide drop-off areas for buses and cars at a convenient location, but designed in such a way that prioritizes pedestrian movement and access.

Uses that May be Located in Other Designations

Public Service Facilities

Public Service Facilities include elementary and secondary schools, public libraries, museums, community centres, or other similar uses that meet the recreational, health, social, educational and cultural needs of residents.

Overall Guidelines

Guidelines

- a) Site public service facility buildings prominently and where possible, to terminate views. Ensure buildings are sited to specifically differ from the surrounding urban fabric in order to emphasize their importance as landmarks.
- b) Locate buildings in community hubs to promote cost-effectiveness and facilitate service integration and access to transit.
- c) Locate buildings close to the street to reinforce the street wall and define intersections.
- d) Ensure buildings have direct access from the surrounding community through a comprehensive and connected active transportation network.
- e) Locate vehicular parking at the side or rear of the building. Parking for cyclists should be located near building entrances and where visual surveillance can be maximized.
- f) Provide drop-off areas for buses and cars in the public right-of-way where possible, but when located on site they should be at the side, and not the front of the building.
- g) Consider integrating public service facilities into mixed-use, residential or multi-storey buildings in order to maximize the use of the site and services, minimize the building footprint, contribute to the creation of compact neighbourhoods, as well as contribute to an urban street condition.
- h) Consider co-locating or sharing facilities with other public service facilities or other compatible uses.
- i) Respond to the local context and site conditions when siting buildings. Where applicable, design buildings to respond to the site's topography
- j) Locate the most active portions of the buildings facing higher order streets. Locate large portions of buildings such as gymnasiums or auditoriums to the sides, rear, or interior of buildings.
- k) Public service facilities should include public art, either integrated into the building or in a prominent and publicly-visible location on the site.
- l) Public service facilities should demonstrate a commitment to sustainability by aiming to attain certification by an appropriate green building programs. See Green Buildings & Sites Section in Chapter 4.



The building is located close to the road to frame the street edge

Building Design

Guidelines

- a) Design public service facilities as special landmark buildings with high quality architectural design, materials, and finishes.
- b) Incorporate architectural elements such as massing and special features to terminate important views and vistas.
- c) Ensure highly articulated façade design for all elevations exposed to public view. This includes changes in plane and materials, fenestration, projections, relief, and horizontal and vertical elements. Blank, uninterrupted walls should be avoided.
- d) For buildings located at corners, design elevations to equally address the two street frontages. Additionally, use prominent massing, height, architectural elements and detailing to emphasize these locations.
- e) Coordinate building materials and ensure they reflect, complement, and enhance the building's architectural style and detailing.
- f) Ensure the design of ancillary buildings and structures is coordinated with that of the principal building in terms of height, massing, architectural details, signage, materials, and colours.
- g) Provide a high level of visual transparency and permeability at eye level for lobbies by using windows and prominent entrances.
- h) Utilize daylighting strategies, such as building orientation, uniform windows across the facade, or skylights to capture natural light and reduce the need for electric lights during the day.
- i) Provide integrated weather protection elements at main entrances and ensure they complement the building's design.
- j) Ensure the front door of all community service facilities are connected by a walkway to the sidewalk and have direct access to transit stops.
- k) Consider roof forms other than flat roofs to respond to the context and character of the neighbourhood, particularly where there is a heritage context, and to highlight the nature of the public or institutional building.
- l) Where flat roofs are used, incorporate cool roofs and/or green roofs in the design of the building to minimize surface runoff, reduce heat island effect, provide noise insulation, and improve local air quality. See Energy Conservation Section in Chapter 4.
- m) Screen rooftop mechanical equipment with materials that are complementary to the building.
- n) Integrate signage within the building design and ensure it complements the building's elevation, animates the ground level, and enhances the streetscape.
- o) Direct signage lighting to limit light trespass to surrounding properties and downcast to prevent light pollution.
- p) Ensure signage provides a high level of clarity, visibility, and visual interest, and should aid pedestrians and drivers in navigating the area, especially at night.



Example of the use of architectural features to denote landmark community facilities

Site Landscaping

Guidelines

- a) The site should be well landscaped and visible at the pedestrian level.
- b) Provide a sufficiently sized gathering space designed as an outdoor amenity space for public service facilities where significant numbers of people are expected to gather or wait outside the main entrance.



Plantings and consistent materials along the building facade

School Sites

In addition to the preceding Public Service Facilities guidelines, the following guidelines apply to school sites.

Guidelines

- a) Minimize the land area required for school sites in order to promote compact development and conserve land. School Boards are encouraged to build more compact facilities including three storey elementary schools and buildings located close to the street.
- b) Where possible, locate elementary school sites adjacent to a neighbourhood park to allow for the sharing of playfields to promote compact development and minimize land area requirements. Explore the use of appropriate and innovative engineered turf material to increase the durability of the playfields and minimize maintenance requirements.
- c) Consider opportunities for shared parking lots in order to reduce the on-site parking requirements. Locate and site the shared parking lot to facilitate easy and safe access by students.
- d) Consider maximizing the opportunity for using the natural heritage system for passive open space uses such as trails and trail heads for school sites located adjacent to the natural heritage system.
- e) Provide direct pedestrian and cycling routes to secondary schools from all parts of the surrounding community that are linked with the active transportation network.
- f) Design schools to ensure safe pedestrian crossing and cycling practices. Whenever possible, ensure students are able to easily reach building entrances without crossing bus zones, parking entrances, and student drop-off areas.
- g) Design school sites to provide for visitor parking and bus pick-up and drop-off for automobiles and buses on site. For smaller sites, consider demarcated bays in the adjacent street right of way.
- h) Locate parking at the rear or to the side of the principal building. Circulation in front yards should be limited to drop-off zones, and clear sight lines should be preserved to the street.

Parking is located to the rear of the building off the main street and the front entrance to the building is directly connected to the public sidewalk



Emergency Services Facilities

Guidelines

- a) Locate emergency services facilities such as fire stations and emergency medical service stations in a prominent and visible location with convenient access to an Arterial or Collector Street.
- b) Integrate the design of emergency services facilities with the surrounding development, through appropriate architectural design and landscaping.
- c) Provide buffering, including visual screening, planting and/or fencing, between the emergency services facilities and any adjacent residential uses to mitigate noise and light impacts.

Places of Worship

Guidelines

- a) Locate Places of Worship on Arterial or Collector Streets along public transit routes in order to maximize transit ridership.
- b) Consider the joint use of parking areas with adjacent uses in order to reduce land requirements and promote compact development, especially in mixed use areas.
- c) Ensure the massing and scale of the building is compatible with the character of adjacent development, especially within low-rise areas through the use of similar setbacks, material selection, and the use of architectural elements.
- d) Provide buffering, including visual screening, planting and/or fencing, between the place of worship use and any adjacent residential uses.

4 Green Infrastructure & Buildings

While sustainability is an overarching objective throughout the Guidelines, this section provides guidance on green infrastructure and building practices and helps achieve the broad sustainability principles of the Official Plan.

Development in Glendale should incorporate sustainable buildings and infrastructure to:

- Encourage the preservation, reuse and incorporation of existing buildings in new development to make use of their embedded carbon and zero carbon debt to minimize the carbon debt of new development.
- Protect and enhance local and regional ecosystems and biological diversity.
- Promote the responsible use of resources to ensure long-term sustainability, reduce greenhouse gas emissions, and reduce demands for energy, water, and waste systems.
- Demonstrate leadership in sustainable forms of green building design and technology, including the incorporation of renewable and alternative energy sources.
- Promote innovative residential and public building designs that contribute to energy reduction and natural resource conservation, green roofs, synergies between buildings, and site management practices.
- Protect the urban forest and the tree canopy and identify objectives for how it can be maintained, enhanced and expanded.
- Support opportunities for best management practices for stormwater to protect against flooding and erosion while improving water quality.

The Green Infrastructure and Building Guidelines apply to development by both the private and public sectors.



BedZED Eco Village, London, UK
(Image: Tom Chance, CC BY 2.0, Flickr)

Green Buildings & Sites

Promote innovative programs to encourage the design and construction of green buildings and sites that meet the Town's goals.

Guidelines

- a) Encourage innovative building designs which contribute to affordability and energy and natural resource conservation.
- b) Encourage the use of third-party certification and rating programs, such as Energy Star, LEED® (Leadership in Energy and Environmental Design), BREEAM (Building Research Establishment Environmental Assessment Method), Zero Carbon Building (ZCB) Standards, Green Globes, Climate Positive Design's Pathfinder, or Passive House (Passivhaus) Certification.
- c) Encourage the use of the full spectrum of LEED certification options by developers, current property owners and the Town, including LEED for Cities, LEED for Neighbourhood Development (ND), LEED for Homes (H), LEED for Building Design and Construction (BD+C), LEED for Interior Design and Construction (ID+C) and LEED for Building Operations and Maintenance (O+M).
- d) Redevelopment of sites in which there will be demolition should include a Life Cycle Assessment (LCA) that includes loss of embedded carbon. In addition to any third-party certification, all new construction should include whole life carbon costing.



Building with living walls on facade



LEED certification sign (Image: Tada Images - stock.adobe.com)

Energy Conservation

Minimizing energy consumption and clean, renewable electricity generation are key components of sustainability. On-site generation in new developments helps reduce GHG emissions from non-renewable power generation.

Guidelines

- a) Where feasible, consider alternative community energy systems such as district energy, geo-exchange, sewer heat recovery, energy storage, air source heat pumps and/or inter-seasonal thermal energy.
- b) Consider reducing demand for energy from the grid and encourage renewable energy production. Renewable energy sources that could be employed may include the use of solar thermal and photovoltaic equipment or wind power. Proposed alternative energy sources could be used in combination with energy from the grid.
- c) Encourage passive solar building orientation to permit enhanced energy efficiencies by creating optimum conditions for the use of passive and active solar strategies. The integration of passive building systems is enhanced with buildings oriented to maximize the potential for sunlight and natural ventilation.
- d) Consider constructing all low- and mid-rise residential buildings to be Solar Ready. Being Solar Ready means built with all the necessary piping and equipment that would be needed to install a rooftop solar power system.
- e) Reduce heat absorption through the use of cool roofs that are designed to reflect more sunlight and absorb less heat than a standard roof. Cool roofs can be made of a highly reflective type of paint, a sheet covering, or highly reflective tiles or shingles.
- f) Cool roofing materials should have a minimum initial solar reflectance of 0.65 and minimum thermal emittance of 0.90, or for a low sloped roof (less than 1:6 slope), typical of commercial and institutional buildings, the 3-year aged Solar Reflectance Index (SRI) value should be a minimum of 15, and for steep sloped roofs (greater than 1:6 slope), typical of residential, the minimum SRI value should be 64.
- g) Green roofs are encouraged for larger multiple-unit residential buildings, office buildings, as well as, public institutional buildings to minimize surface runoff, reduce urban heat island effects, provide noise insulation, improve local air quality and opportunities for pollinator habitat.



Cool roofing material



Solar panels on the roof of low-rise residential development.



Green roof on a commercial building (Image: Sookie, CC BY 2.0, Flickr)

- h) In mid-rise residential buildings, design roofs as barrier-free amenity areas.
- i) Mitigate urban heat island effects through the use of light-coloured paving materials including white concrete, grey concrete, open pavers and any material with an SRI of at least 28. Consider light-coloured paving materials (without compromising contrast requirements) for parking areas, pedestrian walkways and urban squares.



Use of light coloured pavers to reduce urban heat island effects while maintaining contrast between walkway and furnishing zones

- j) Consider paving driveways with light-coloured material to reduce urban heat island effects.
- k) Prioritize the preservation of existing trees and provide deciduous trees to help with evapotranspiration and the shading of sidewalks and hard surface areas in the summer and solar access in the winter.
- l) Use awnings to lower summer indoor cooling needs and energy use as well as providing shade to pedestrians during warm weather.
- m) For residential buildings four storeys or more and non-residential buildings, at least 10% of parking spaces (including a minimum of one accessible parking space) should be equipped with electric vehicle charging stations. Consider designing all remaining spaces to enable future charging station installation (EV ready).
- n) Provide electric vehicle charging stations in parking areas of mixed-use, office, institutional, or employment uses, or within underground garages for multi-unit residential buildings, where feasible.
- o) Provide long-term, secure bicycle parking options in multi-storey residential and employment buildings. Indoor bicycle parking is preferred. Where appropriate, include e-bike charging stations.
- p) Development of a Transportation Demand Management Plan may be required, with consideration given to share programs, carpooling, transit, remote/flexible work, end-of-trip facilities and active transportation options.



Charging stations for electric vehicles in mixed use areas

Water Use & Management

Reducing household water consumption reduces water utility costs and helps protect the natural water supply. Reducing impervious surfaces improves stormwater absorption, and retaining and treating stormwater runoff helps protect natural watercourses.

Guidelines

a) Consider using the following Low Impact Development strategies:

- Soakways, infiltration trenches and chambers;
- Permeable pavement/pavers;
- Perforated pipe systems; and,
- Rain gardens in the right-of-way.



Example of an innovative stormwater management facility.

b) Consider the following strategies for stormwater retention and run-off:

- Retain stormwater on-site through rainwater harvesting and on-site infiltration;
- Direct flow to landscaped areas and rain gardens and minimize the use of hard surfaces in order to reduce the volume of run-off into the storm drainage system;

- Store snow piles away from drainage courses, storm drain inlets, and planted areas; and,
- Use infiltration trenches, dry swales, and naturalized bioswales adjacent to parking areas to improve on-site infiltration.

c) Introduce green infrastructure, such as bioswales or bioretention planters, within the public right-of-way to enhance ground water infiltration and improve water quality as part of a comprehensive water management plan.



Bioretention planters for stormwater management, Portland OR

- d) Use perennial plants in bioswales and other planting areas to bind soil together, prevent washing out of soils, and improve absorption.
- e) Consider the inclusion of third pipe greywater systems and rain water harvesting, for watering lawns and gardening, to reduce demand on potable water use.
- f) Implement a rainwater harvesting program to provide the passive irrigation of public and private greenspace, including absorbent landscaping, cisterns, rain barrels, underground storage tanks, infiltration trenches, etc.

- g) Consider the use of permeable or porous pavement instead of standard asphalt and concrete as a stormwater run-off management strategy that reduces the impact of urban development on the natural hydrological cycle.



Permeable paving used on a street

- h) Consider the installation of subsurface basins below parking lots to enable stormwater to be stored and absorbed slowly into surrounding soils.

- i) Where feasible, implement curb cuts along sidewalks and driveways to allow water to flow into planted zones or infiltration basins, while ensuring a guiding edge is maintained for people with disabilities. Tactile attention indicators may be required in some circumstances.



Curb cut allowing rainwater runoff into planting area, Portland OR

- j) Encourage water conservation measures in new development, including:
- Targeting 10% greater water efficiency than the Ontario Building Code and encouraging through appropriate incentive programs, 20% greater water efficiency than the Ontario Building Code;
 - Restricting the use of potable water for outdoor watering;
 - Promoting the use of native, water efficient and drought resistant plant materials (xeriscaping) in parks, along streetscapes, and in public and private landscaping;
 - Avoiding use of turf grass areas, and when required, installing drought resistant sod; and,
 - Increasing topsoil depths and providing soil scarification.

Air Quality

To minimize the air quality and climate change impacts associated with development, the following measures are encouraged.

Guidelines

- a) Reduce the impact of air pollution by encouraging the creation of a 'complete' community that is characterized by greater densities placed at mixed use nodes, and near transit facilities; mixed land uses; a mix and diversity of housing types; and a connected and walkable street network that is designed to encourage active transportation.
- b) Encourage and promote alternative modes of transportation such as public transit, walking, rolling and cycling by providing infrastructure and amenities in key areas, and by securing a transit hub in Glendale.
- c) Ensure there are transit options within a 400 metre (5 minute) walking distance of all parts of the Glendale.
- d) To promote transit ridership, programs such as developer-sponsored transit passes at reduced-costs for each residential unit or employee are encouraged.
- e) Ensure the separation of sensitive land uses from air pollutant sources through land use planning and zoning. Refer to the Ministry of the Environment guidelines.
- f) Minimize the number of parking spaces and overall impact of car parking:
 - Mixed use developments should include shared use of parking among uses that have different peak use characteristics;
 - Design parking areas so they are not the primary visual component of a neighbourhood;
 - Reduce the parking ratio required in areas that are served by transit; and,
 - Dedicate priority 5% of the total parking spaces for carpool, ride sharing, and ultra low emission vehicles
 - Adhere to bicycle parking requirements for developments and public spaces.



Niagara Region Transit bus (image: City of St Catharines)



Canopy protecting bicycle parking area



Signs marking parking for EVs and carpool users

Bird-Friendly Design

Many birds die or are severely injured trying to fly through glass or glass-like structures that reflect vegetation or open sky. Light pollution can have a negative impact on migratory birds, confusing their sense of direction and disrupting breeding and reproduction. Mitigations should be implemented that minimize the danger to birds.

Guidelines

- a) Avoid untreated reflective glass or clear glass that reflects trees and the sky.
- b) Use etched glass, fritted glass, screening or shutters to reduce reflections.
- c) On existing glass or where etched or fritted glass, screening or shutters are undesirable or impractical, use visual markers on the exterior surface of glass in a dense pattern (ideally with a maximum gap of 5 centimetres).
- d) Glass should not be reflective within the first 12 metres of building height, or to the height of adjacent vegetation.
- e) Follow dark-sky-compliant lighting practices, including full cut-off fixtures to limit light spillage.
- f) Locate and manage lighting to reduce reflections that might confuse migratory birds.
- g) Turn off unnecessary indoor lighting during bird migration seasons (spring and fall). Also consider reducing outdoor lighting levels to minimum safety requirements during bird migration seasons.



Bird-friendly glass on a new building in Ottawa



*Visual markers applied to a large window
(image: Kawartha Wildlife Centre)*

Material Resources & Solid Waste

Reduction of waste, diversion of waste from landfills and increasing recycling and reuse can help reduce the impacts of solid waste on the environment by conserving energy, reducing disposal costs, and reducing the burden on landfills and other waste disposal pathways.

Guidelines

- a) Consider the use of recycled or reclaimed materials for new infrastructure including roadways, parking lots, sidewalks, unit pavings, curbs, water retention tanks and vaults, stormwater management facilities, sanitary sewers, and/or water pipes.
- b) Reduce waste volumes through the provision of recycling/reuse stations, drop-off points for potentially hazardous waste, and centralized composting stations.



Comprehensive recycling station

- c) In large buildings, such as multi-unit residential buildings and institutional or public buildings, provide on-site recycling facilities for the handling, storing, and separating of recyclables.
- d) Recycle and/or salvage at least 50% of nonhazardous construction and demolition debris and locate a designated area on site during construction for recyclable materials.



Provide on-site sorting facilities in multi-unit residential buildings

Urban Agriculture

Urban agriculture such as community gardens provides the opportunity for an alternative use of green space and as a transition in land uses.

Guidelines

- a) Promote initiatives such as sustainable food production practices as a component of a new development. Development plans and building designs are encouraged to incorporate opportunities for local food production through:
 - Community gardens;
 - Edible landscapes;
 - Small scale food processing, such as community kitchens, food co-ops, and community food centres;
 - Food-related home occupations/industries;
 - Small and medium scaled food retailers; and,
 - Local market space (i.e., a farmer's market).
- b) Incorporate urban agriculture as part of a neighbourhood's character and open space system, while also providing a transitional use between the natural and built environments.



Urban agriculture supports sustainable local food production



Community gardens support local food production



Farmer's markets support access to fresh produce.

Tree Planting

A central challenge in the urban environment is the incorporation of trees. Trees are an invaluable piece of green infrastructure, acting as urban lungs. The proper selection and detailing of tree plantings will contribute to their long term health and success. Providing for increased soil areas, native and drought tolerant species, and giving trees ample space to grow will increase their chances of reaching maturity, and increase their lifespan. Trees provide a range of benefits, including providing shade, reducing ambient temperatures, mitigating the urban heat island effect, and contributing to the character of the space and surrounding neighbourhood. A variety of strategies will increase the likelihood of success of planting canopy trees.

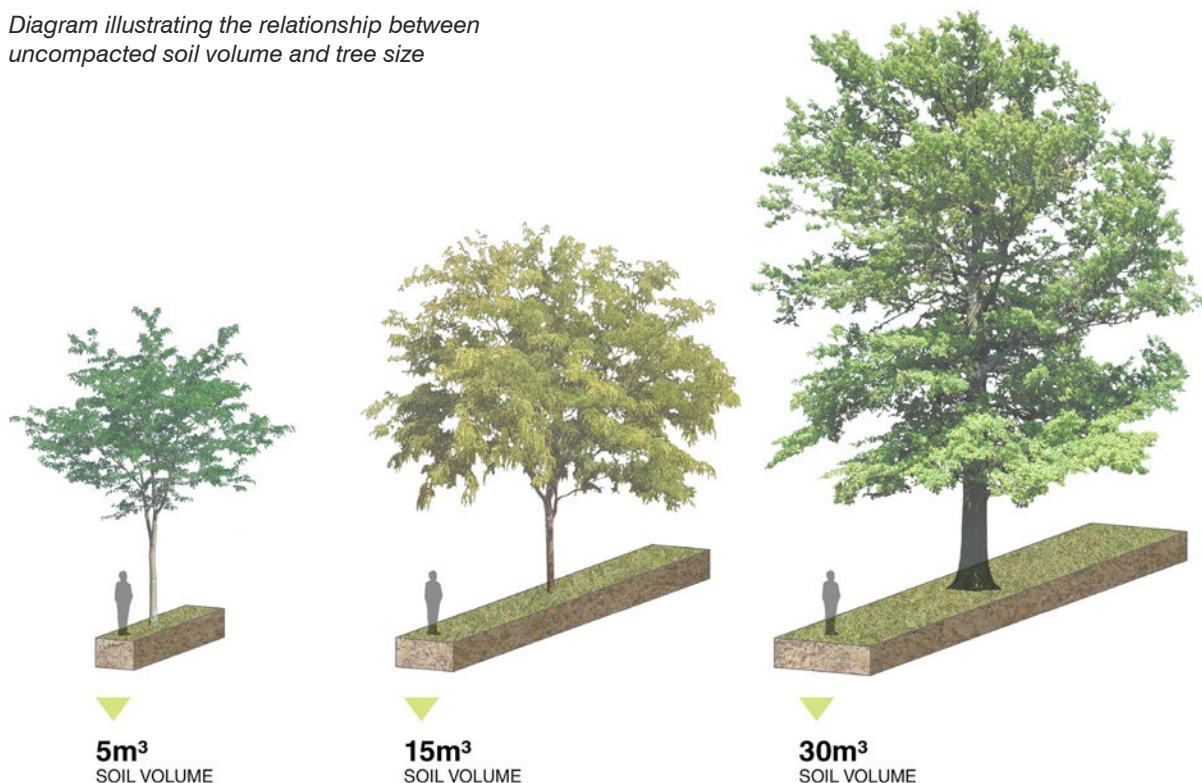
Guidelines

- a) Preserve and incorporate existing trees wherever possible and ensure existing trees are healthy and protected from impacts during construction and development.
- b) Street trees require a minimum 20 m³ uncompacted soil volume per tree, within a maximum of 1.4 m from the surface. For trees to reach their full potential, a minimum 30 m³ soil per tree should be targeted. Measures must also be taken to mitigate soil compaction and to ensure healthy soils for the trees.



Tree planting along Front Street in the West Don Lands, Toronto

Diagram illustrating the relationship between uncompacted soil volume and tree size



- c) Where minimum uncompacted soil volumes cannot be achieved, use structural soil cells (a system of structural plastic units). Structural soils and structural sands can be used to connect adjacent soil volumes.



Soil cell installation at Lincoln Center New York
(Source: DeepRoot on Flickr.com)

- d) Where space is limited and trees must be placed in a hardscape condition to maximize at grade pedestrian space, use of open planters with curbs is preferred. When using tree grates, size the openings to allow tree trunks to grow.



Trees in hard paving with connected soil volumes

- e) Plant a diverse selection of resilient canopy tree species, with preference given to native species.
- f) Provide species diversity across Glendale to promote resilience in the ecosystem.
- g) Use trees to establish a comfortable microclimate (e.g. – provide wind and noise reduction and cooling effects).



Trees contribute to comfortable microclimates

- h) Ensure tree planting areas have adequate drainage, such as through the provision of sub-drains.
- i) Implement a watering program during the establishment period of the tree (approximately 5 years). Provide watering in times of drought.
- j) Avoid conflicts with underground and above grade infrastructure and utilities by arranging reviews with Town stakeholder agencies early in the development process, recognizing that there are capital costs and time involved in locating utilities.
- k) Understand and identify capital costs to provide appropriate growing conditions.
- l) Understand and identify operating/maintenance costs, including a tree placement program.

Stewardship and Education

For new development in Glendale actions should be taken to support homeowner environmental education and stewardship through development agreements with developers.

Guidelines

- a) Create a Homebuyer's Environmental Instruction Guide that explains the unique environmental aspects of the development and special maintenance considerations.
- b) Include an owner/tenant education package at the time of purchase or rental regarding activities to improve energy and water efficiency, access to transit, location of recycling station, etc. Coordinate with existing Town and Region information.
- c) Include environmental builder specifications in all subcontracts.
- d) Produce detailed sales and promotion materials that feature conservation aspects of the development.
- e) Develop subdivision covenants that establish ground rules for the maintenance of shared open lands and individual lots.



The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Delegated Authority By-law 2024-022 for Heritage Permits
DATE: 2024-06-25
REPORT #: CDS-24-097
PREPARED BY: Candice Bogdanski, Senior Heritage Planner
DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

The purpose of this report is to provide information to Council on By-law 2024-022 (Delegated Authority By-law, **Appendix I**) – a by-law to delegate approval authority to the Director of Community and Development Services (“CDS”) as it relates to certain minor alterations (as outlined in the by-law) for property designated under Parts IV and V of the *Ontario Heritage Act* (“OHA”). Council updated this By-law on February 27, 2024 following consultation with the Municipal Heritage Committee (“MHC”). This by-law repeals the previous delegation By-law 4126-07 that was approved in 2007.

The Town of Niagara-on-the-Lake is rich with built heritage resources. To conserve our cultural heritage, the Town has a heritage permit system in place to ensure that proposed alterations to designated properties enhance and conserve the cultural heritage value of the property.

Properties can be designated under Parts IV or V of the OHA. Properties designated under Part IV of the OHA receive individual designation by-laws, which include a statement of significance and set of defined attributes. Properties designated under Part V of the OHA are identified as “contributing” properties to the overarching cultural heritage value or interest of a neighbourhood, defined as a Heritage Conservation District (“HCD”). If a Part IV property is also designated under Part V of the OHA, its Part IV designation by-law supersedes its Part V designation, though the policies outlined in an HCD Plan also apply when determining the acceptable alterations to heritage property.

The Delegated Authority By-law permits the Director of CDS, as the Council’s delegated authority representative, to approve specific classes of minor alterations to heritage designated properties. In removing the Council approval process and meeting cycle, delegated authority approvals allow for shorter processing time for these minor classes of alteration as set in the by-law.

Alterations Permit Application Process

The application process for proposed alterations to a designated heritage property is outlined in Subsections 33 and 42 of the OHA, which states that “an owner shall not alter or permit the alteration of the heritage property if the alteration is likely to affect the heritage attributes as set in the description of the associated designation by-law.” The application process for alterations to designate properties is managed at the municipal level.

Similar to planning applications, an applicant must provide all requested supporting documentation to deem the heritage permit application complete. The OHA includes provisions regarding requests for additional information. Once deemed complete, a decision on the application is required within 60 days.

Typically, a heritage permit application is reviewed by Staff, and a report is prepared to receive MHC input and recommendations prior to Council’s decision to approve or deny a heritage permit.

Under By-law No. 2024-022, Council has delegated the decision to the Director of CDS as it relates to the following processes.

- Approve heritage permit applications that meet the definition of Emergency Work (as defined in By-law 2024-022);
- For Part IV (individual) heritage designations - Approve heritage permit applications that follow best practice guidance for alterations and belong to the following classes of alterations (Part IV):
 - Changes or renovations to outbuildings that are not listed as heritage attributes but may affect heritage attributes;
 - Removal and planting of trees or plantings identified as a heritage attribute, where the trees are confirmed by a certified arborist to be dead, dying, or hazardous to people and property (as defined in the Town’s Private Tree By-law No. 5139-19);
 - Minor alterations that are likely to affect the heritage attributes of the property;
 - Repairs to porches and stairs with in-kind materials, dimensions, and design; and
 - Repainting in colours from the Town’s list of heritage-approved colours (Appendix IV).
- For Part V (HCD) designations - Approve heritage permit applications that follow best practice guidance for alterations and belong to the following classes of alterations:
 - Changes or renovations to outbuildings that meet the requirements of the applicable heritage conservation district (“HCD”) plan and guidelines;
 - Landscape alterations including, but not limited to tree removal, new hard or soft landscaping, new driveways and fences where the proposed alterations meet the requirements of the HCD plan and guidelines;
 - Minor exterior alterations that meet the requirements of the applicable HCD plan and guidelines;
 - Installation of rooftop mechanicals and venting systems or other mechanical equipment, including solar panels not visible from the street that meet the requirements of the applicable HCD plan and guidelines;
 - Repainting in colours from the Town’s list of heritage-approved colours (Appendix IV)
 - Building additions that do not impact the cultural heritage value of the property or district and meets the requirements of applicable HCD plan or guidelines;
 - Demolition of detached accessory structures where the demolition does not impact the cultural heritage value of the property or district and meets the

- applicable HCD plan and guidelines;
- Construction or removal of a seasonal patio that is uncovered and unenclosed and which does not impact the cultural heritage value of the property or district and meets the requirements of the applicable HCD plan and guidelines.

In exercising delegated authority for approved classes of alterations, the Director may consult with the MHC before consenting to an alteration. For alterations beyond the outlined classes in the Delegated Authority By-law, or those deferred at the discretion of the Director to Council for approval, the MHC must be consulted as part of due process prior to Council's approval.

Section 4 of the Delegated Authority By-law refers to the extent of the Director of CDS's delegated authority, as follows:

1. This delegated authority includes the authority to approve applications with conditions;
2. This delegated authority does not give the authority to refuse an application;
3. Applications for alterations that do not belong to the classes of alterations outlined in Parts 1 and 2 of this by-law will be forwarded to the MHC for consultation and Council for Decision; and
4. Applications that belong to the classes of alterations outlined in this by-law may be brought to Council for final decision at the discretion of the Director of CDS.

CONCLUSION

By-law 2024-022 delegates authority from Council to the Director of CDS to request, receive, review, and approve applications for proposed minor alterations to property designated under Parts IV and V of the OHA. In exercising delegated authority for approved classes of alterations, the Director may consult with the MHC before consenting to these alterations.-

For alterations beyond the outlined classes in the Delegated Authority By-law, or those deferred at the discretion of the Director to Council for approval, Council is the approval authority and is required to receive input from the MHC.

At the May 1 MHC meeting, Staff were requested to provide regular updates to MHC on heritage permit activity approved through delegated authority. Per the MHC terms of reference, Staff have committed to providing a summary of heritage planning activity at the end of each year. Information on all heritage permit applications, as well as any delegated authority approvals, will be contained in this report.

It is recommended that this report be provided to the MHC as a helpful resource on Delegated Authority.

ATTACHMENTS

- **Appendix I – By-law No. 2024-022**

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-022**

**A BY-LAW TO DELEGATE TO THE DIRECTOR OF COMMUNITY AND
DEVELOPMENT SERVICES CERTAIN ASSIGNED COUNCIL
AUTHORITY FOR PROPERTY DESIGNATED UNDER PARTS IV AND
V OF THE ONTARIO HERITAGE ACT**

WHEREAS pursuant to subsections 33(1) and 33(6) of the *Ontario Heritage Act* (the "Act"), the Council of the Corporation of the Town of Niagara-on-the-Lake ("Council") is the decision-maker in respect to the consent for alterations to designated heritage property under Part IV of the Act;

AND WHEREAS pursuant to subsections 42(1) and 42(4) of the Act, Council is the decision-maker in respect to the granting of permits for the alteration of property within a heritage conservation district under Part V of the Act;

AND WHEREAS pursuant to subsections 33(15) and 33(16) of the Act Council may by by-law delegate the power to consent to alterations to property designated under Part IV of the Act to a municipal employee or official after having consulted with its Municipal Heritage Committee;

AND WHEREAS pursuant to subsections 42(16) and 42(17) of the Act Council may by by-law delegate the power to grant permits for the alteration of property situated in a heritage conservation district designated under Part V to a municipal employee or official after having consulted with its Municipal Heritage Committee;

AND WHEREAS pursuant to section 23.1 of the *Municipal Act*, 2001 the council of a municipality has a general power to pass by-laws delegating administrative powers to municipal staff members;

AND WHEREAS pursuant to subsections 33(15) and 42(16) of the Act the Council consulted with its Municipal Heritage Committee on November 1, 2023 and December 6, 2023.

NOW THEREFORE the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

Definitions

In this By-law:

"Act" means the *Ontario Heritage Act*, as amended;

“Alter” means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning;

“Consent” means a motion approved by the Council of the Corporation of the Town of Niagara-on-the-Lake;

“Council” means the Council of the Corporation of the Town of Niagara-on-the-Lake;

“Designation By-law” means the By-law designating a property under section 29 of the Act and which includes a Reason for Designation or a Statement of Cultural Heritage Value or Interest and description of Heritage Attributes;

“Director” means the Director of Community and Development Services or their designate;

“Emergency Work” means alterations in the nature of emergency repairs or removal related to a hazardous condition as confirmed by the Town’s Chief Building Official, in consultation with Town’s heritage staff and other municipal staff as required;

“Heritage Attributes” means the physical features of the property identified in the Reason for Designation or described as heritage attributes in the Designation By-law;

“Heritage Conservation District Plan” a defined area designated by by-law as a heritage conservation district under Part V of the Act with adopted plan including conservation policies and guidelines.

“Municipal Heritage Committee” means the committee appointed by Council under subsection 28(1) of the Act to advise Council on matters related to cultural heritage;

“Municipal Heritage Register” means the Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value or Interest, which contains designated and non-designated properties;

“Permit” means a permit issued under the Act;

“Property” means real property and includes all buildings and structures thereon;

“Town” means the Corporation of the Town of Niagara-on-the-Lake.

1. Delegation of Authority — Part IV of the Ontario Heritage Act

- 1.1 The Director is delegated the following authority with respect to properties that are designated under section 33 of the Act or for which Notice of Intention to Designate has been served under section 29 of the Act:
- 1.1.1 request, receive, review and accept applications and issue notices of complete or incomplete applications for heritage alterations under section 33 of the Act;
 - 1.1.2 set requirements for other information and material to be provided with an application under subsection 33(3), in addition to the prescribed information and material under subsection 33(2);
 - 1.1.3 issue notices of decision under subsection 33(6);
 - 1.1.4 approve heritage applications under section 33 of the Act that meet the definition of Emergency Work; and
 - 1.1.5 approve heritage applications that follow best practice guidance for alterations that belong to the following classes of alterations:
 - a) changes or renovations to additions or outbuildings, such as changes to barns, garages, or modern additions, that are not identified or listed as Heritage Attributes but which may affect Heritage Attributes;
 - b) the removal and planting of trees or plantings identified as a Heritage Attribute, where the trees are confirmed by a certified arborist to be dead, dying or hazardous to people or property (as defined in the Town's Private Tree By-law #5139-19, as amended) and after inspection by the Town's Urban Forestry Officer (or their designate) and in consultation with the Town's Heritage Staff and Chief Building Official;
 - c) minor alterations that are likely to affect the Heritage Attributes of the property;
 - d) repairs to porches and stairs with in-kind materials, dimensions and design;
 - e) repainting in colours from the Town's list of heritage-approved colours as found on the Town's heritage webpage;
 - f) construction of a seasonal patio that is uncovered and unenclosed.
- 1.2 In accordance with section 33 of the Act, the Director, in exercising their delegated authority, shall consult with the Municipal Heritage Committee before consenting to an alteration.
- 1.3 The Director is delegated the authority under subsection 27(11) of the Act to set requirements for plans and information to accompany a property owner's notice of their intention to demolish or remove a building or structure on property that is included on the Municipal Heritage Register as

a non-designated (listed) property.

2. Delegation of Authority — Part V of the Ontario Heritage Act

- 2.1. The Director is delegated the following authority with respect to properties that are designated under Part V of the Act:
- 2.1.1 request, receive, review and accept applications, and issue notices of receipt for heritage permit applications that are received by the Town under section 42 of the Act;
 - 2.1.2 establish the required information for an application under subsection 42(2.2);
 - 2.1.3 issue notice of decision under section 42(4);
 - 2.1.4 approve heritage permit applications that meet the definition of Emergency Work;
 - 2.1.5 approve heritage permit applications that belong to the following classes of alterations:
 - a) changes or renovations to additions or outbuildings such as changes to barns, garages, or modern additions that meet the requirements of the applicable heritage conservation district plan and guidelines;
 - b) landscape alterations including but not limited to tree removal, new hard or soft landscaping, new driveways and fences where the proposed alterations meet the requirements of the applicable heritage conservation district plan or guidelines;
 - c) minor exterior alterations that meet the requirements of the applicable heritage conservation district plan or guidelines;
 - d) Installation of rooftop mechanicals and venting systems or other mechanical equipment, including solar panels not visible from the street that meet the requirements of the applicable heritage conservation district plan or guidelines;
 - e) repainting in colours from the in the Town's list of heritage-approved colours as found on the Town's heritage webpage;
 - f) building additions that do not impact the cultural heritage value of the property or district and meets the requirements of the applicable heritage conservation district plan or guidelines;

- g) demolition of detached accessory structures including barns, outbuildings, and garages where the demolition does not impact the cultural heritage value of the property or district and meets the applicable heritage conservation district plan or guidelines; and
 - h) construction or removal of a seasonal patio that is uncovered and unenclosed and which does not impact the cultural heritage value of the property or district and meets the requirements of the applicable heritage conservation district plan or guidelines.
- 2.1.6 In accordance with subsection 42(4.1) of the Act, the Director, in exercising their delegated authority under subsection 4 of this by-law, shall consult with the Municipal Heritage Committee before consenting to an application.

3. Delegation of Authority — Timelines

- 3.1 The Director is delegated the authority to work with property owners to agree in writing to the extension of any time limit under the Act, or agree that any time limit does not apply within which Council must make a decision under the Act, for any of the following:
- a) the exception to a prescribed event in subsection 29(1.2);
 - b) the prescribed circumstances to subsection 29(8) par. 1;
 - c) an application made under section 32;
 - d) an application made under section 33;
 - e) an application made under section 34;
 - f) an application made under section 42;
 - g) as may be otherwise permitted or prescribed under the Act.

4. Extent of Delegated Authority

- 4.1 This delegated authority includes the authority to approve applications with conditions.
- 4.2 This delegated authority does not include the power to refuse an application.

4.3 Applications for alterations that do not belong to the classes of alterations outlined in this by-law will be forwarded to the Municipal Heritage Committee for consultation and Council for decision.

4.4 Applications that belong to the classes of alterations outlined in this by-law may be brought to Council for final decision at the discretion of the Director of Community and Development Services.

5. Repeal

5.1 This By-law repeals Town by-law 4126-07.

Enacted and passed this 26th day of March, 2024.



LORD MAYOR GARY ZELPA



TOWN CLERK GRANT BIVOL