

Planning at Niagara-on-the-Lake Planning for Progress Update #2

Council Resolution

Moved by Councillor Gary Burroughs, seconded by Councillor Norm Arsenault, that the following path be adopted as recommended by Art Zuidema in his presentation, Planning at Niagara-on-the-Lake: Planning for Progress, of November 22, 2021:

- 1. Six Priority Items directed for implementation by Council on September 29, 2021 (Review of Next Steps);*
- 2. Direction to:*
 - Report on two (2) Quick Wins (Nos. 7 and 10) in Q1 2022;*
 - Proceed on remaining seven (7) Quick Wins 4 recommended Council decision path;*
- 3. Direction to Report back to Council on four (4) Escalation Items in Q1 2022;*
- 4. Council Review of Items Requiring more review before a recommendation to Council can be made, which suggestions that:*
 - Items Nos. 20 21 22 23 24 and 25 be held in abeyance and revisited in Q1 2022;*
- 5. With respect to Item No. 26, Council requests a report be presented in early 2022.*

Priority Action Items

Priority Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
1. Rezone the Old Town with more restrictive performance standards (height, coverage, side, front, and back setbacks, parking, basement coverage and height etc.)	Contract will be awarded from pre-qualified roster Online, front-ended, public session to obtain community input Official Plan (OP) work is related to Zoning	Ready for RFP Considering coordination with broader Comprehensive Zoning By-law Review OP work will be reviewed concurrently

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<p>2. Conduct a “Beyond the Basics” Heritage Training session for planners and members of Council and a “beyond the basics” training session for the Heritage Committee to establish a common base line of knowledge on jurisdiction, provincial regulatory changes, provincial policy changes, opportunities, constraints, roles and best practices</p>	<p>Training completed with previous Council and Municipal Heritage Committee</p> <p>Training Summary report provided to Council on September 26, 2022 (CDS-22-079)</p>	<p>Training proposed for Council and Heritage Committee in light of Bill 23 changes</p> <p>Scheduled March 21, 2023</p>

Priority Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
<p>3. In addition to existing completed work, expand the Heritage Conservation District, and update heritage plans, processes and policies where required by conducting a gap analysis and best practices review. Develop a sound foundation which will support policy-based advice and decisions that are clear and consistent</p>	<p>Conduct gap analysis and best practices review while the Request for Proposal (RFP) is out to market</p> <p>Phased project with separate work components identified and proposed timing</p>	<p>Recommended training will assist in Council providing go-forward direction</p> <p>Draft Terms of Reference prepared to advance this initiative</p> <p>Working with a consultant to undertake preliminary review of area and make recommendations for study area</p>

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4. Designate properties and areas meriting designation	<p>Staff initially proposed that this prioritization be completed as part of the Heritage Workshop (Priority #2 – Beyond the Basics Heritage Training)</p> <p>In advance of the workshop, MHC Council Members, MHC Chair, the Town Historian and Lord Mayor were to be consulted for comments and suggestions</p>	<p>Affected by Bill 23</p> <p>Prioritization of the Register is required. Working with a consultant to undertake initial review and make recommendations to Staff, MHC and Council to prioritize designations</p> <p>Budget request for heritage consulting to provide opportunity to designate more properties per year</p>

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<p>5. Confirm the direction for density in Glendale with the Region through a Terms of Reference that is approved by NOTL Council to ensure that the progress of the project is monitored, and that Council is consulted for approval at appropriate junctures as the Secondary Planning process is being shepherded by the Region and its consultants</p>	<p>Work leading to a Terms of Reference (TOR) has begun at a Staff level</p> <p>The TOR will come to Council</p>	<p>Terms of Reference completed</p> <p>Consultant engaged and work proceeding</p> <p>The Planning Partnership leading the project. Phase 1 update to Council in January, 2023. Phase 2 engagement planned for April, 2023</p>

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<p>6. Consider whether to expedite the finalization of OPA 78 and ensure that there are sufficient solid Official Plan policies that direct growth away from the Old Town</p>	<p>Have a consultant planner review and opine on the strength of the current policy direction. Are additional policies required? Is a secondary plan for Old Town recommended? Are Urban Design Guidelines appropriate for Old Town?</p> <p>Appeal of OPA 78 has been withdrawn. In effect as of September 30, 2022</p> <p>OP work is related to Zoning. If projects have independent consultants, there should be communication between same</p>	<p>OPA 78 should be reviewed through conformity exercise for the adopted Official Plan and considered through the zoning by-law review</p>

Quick Wins

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
7. Assuming there is sufficient need, hire additional heritage staff to get properties designated, the district expanded, requisite policy developed and manage future workloads	Reassess as option items progress	Emerging Bill 23 priority 2023 Operating Budget request
8. Create a roster of independent planning consultants, including consultants outside of the Region, who are up to speed with NOTL policies and mobilized to advise Council in a timely fashion. Send out packages of materials to roster members to determine outside planning support when planning recommendations are not followed by Council and an appeal is launched.		Completed

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
9. Develop a yearly Planning Department Work Plan that is approved by Council and comes back to Council on a quarterly or half yearly basis for tweaking and resource confirmation	Work on this list has commenced To be presented in Q1 2022	In progress To be presented in Q2 2023
10. Until sufficient policy (OP and Zoning) in place, retain (planner and lawyer) to do all intensification (severance/variance/zoning) hearings to get consistency over time and buffer the in-house planners from workload demands and emotionally charged matters	Before any resourcing decisions are made, the upcoming Tribunal list will be reviewed Planned for Q1 2022	On hold Note Bill 23 changes to appeal process (third party appeals for CofA)

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11. With a resourced Department, enable and encourage planning staff to be solution oriented/creative to address concerns of Council		Completed
12. Include executive summaries in planning reports		Completed
13. To reduce risk, time and costs consider utilizing: a) OLT mediation on all planning appeals; and/or b) Voluntary third-party mediation		Completed/Ongoing

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
14. Put your best foot forward for LPAT/OLT hearings including rooms/sound systems/parking and accommodations		Video conferencing continues Incremental steps being taken
15. Make periodic market adjustments to ensure that NOTL is competitive in attracting Planning Staff		Will report when warranted/recommended

Escalation Items

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
16. Request a Provincial Ministerial Zoning Order (MZO) to eliminate appeals entirely in particular areas where sufficient justification can be provided	Work is required before sufficient justification can be provided	Groundwork commenced
17. Lobby the Province to allow municipalities to have more time to review the intensification proposals where the municipalities have identified and finalized intensification areas for growth plan targets	Intensification planning is required before this item could proceed	<p>Work underway to review, identify and confirm the intensification areas in the Town's Official Plan</p> <p>May require supporting municipalities</p> <p>Bill 109 timelines make achieving this item more challenging</p>

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18. Lobby the Province to provide relief such that use of an Interim Control By-law for Cannabis does not count as use under the Planning Act	Consultation with Legal Counsel is advisable first	No longer a concern as ICB cooling off period ends in July 2023
19. Consider enhancing the Complete Application approach set out in the Official Plan	A detailed review of complete application process is needed for current and proposed Official Plan	Reviewing this process as a result of the shortened timelines and financial impacts made through Bill 109

Items Requiring More Review

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
20. Review the planning process to provide Council members and Council with planning proposal materials earlier and give Council an earlier opportunity to review and participate as the decision maker in the municipal development process	Map out processes and timing	Bill 109 review of planning process underway, including review of when and how to engage Reviewing opportunities for early engagement

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21. Update the Secondary Plans and ensure that there are sufficient Design Guidelines for geographic sub areas (this will provide control/guidance and certainty for applicants)	<p>Conduct an environmental scan of current design guidelines</p> <p>Are design guidelines or a secondary plan recommended for Old Town</p>	<p>Secondary Plans should be reviewed as part of the adopted Official Plan</p> <p>The work plan will identify a hierarchy for review of existing Secondary Plan and recommend locations for new Secondary Plans</p>
22. Hire an in-house lawyer for OLT/LPAT and planning matters to reduce costs		Not recommended at this time

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23. Comprehensively review winery policies including a review of whether there is sufficient policy to appropriately balance enhanced winery viability and the protection of rural sensitive uses from winery operations including accessory uses		<p>Preliminary review being completed with the adopted Official Plan. More detailed direction required</p> <p>Consultant required</p> <p>Consideration given through the Tourism Strategy work</p>
24. Have Council replace the Committee of Adjustment (COA)	A thorough review of past decisions is required to advance this item	Not recommended at this time

Action item	Previous Path/Trajectory	Status/Go-forward Recommendation
25. Committee of Adjustment Guidelines. Council creates criteria by by-law based on caselaw	A thorough review of caselaw would be required	Not recommended at this time
26. Review the pros and cons of a Community Planning Permit System (CPPS) Pilot in contrast to the current policy framework	<p>A thorough review of work done to date and work to re-engage would be needed</p> <p>Policy required in the Official Plan</p>	<p>Focus on completing the review and conformity exercise for the adopted Official Plan. CPPS policies will be included</p> <p>Consideration being given through Bill 109 review</p>

Other Items

Other items	Previous Path/Trajectory	Status/Go-forward Recommendation
Character Study for Randwood and John Street East	Not originally identified in the Planning for Progress work	Work underway and Phase 1 nearing completion with upcoming public engagement
New Official Plan	Not originally identified in the Planning for Progress work	Staff consulting with the Region on the required conformity work. An update was shared with Council via report CDS-22-058