

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 1570 Niagara Stone Road
Zoning By-law Amendment Application ZBA-05-2023

DATE: 2023-06-13

REPORT #: CDS-23-110

PREPARED BY: Aimee Alderman, MCIP, RPP, 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 for a Zoning By-law Amendment has been received, which proposes to rezone the south portion of the subject lands containing an existing church building and part of a parking lot to a “Village Commercial (VC) - Site Specific Zone” with provisions for interior (north) side yard setback, a reduced buffer strip and to recognize the existing building height. The application also requests to rezone the north portion of the subject lands with access to Elden Street to add a “Holding (H)” symbol to the current “Residential (R1) Zone” and “Village Commercial (VC) Zone” on the lands to require approval of a future Zoning By-law Amendment before any development on the proposed separate property.

The Amendment is required to satisfy a condition of a related Consent application (File B-13/23) that was granted provisional approval by the Town’s Committee of Adjustment on May 18, 2023, to separate land containing the church from the land for future development.

Location

The subject lands are located on the east side of Niagara Stone Road, the north side of Field Road and the west side of Elden Street in the Virgil Urban Area (see **Figure 1**). The subject lands have a total lot area of 0.93 hectares (2.3 acres) with existing vehicle access to Field Road and Elden Street. The subject lands contain a church and associated parking area, a single-detached dwelling and a detached garage. The lands are serviced by municipal water and sanitary services. The surrounding lands are used for residential and commercial purposes.

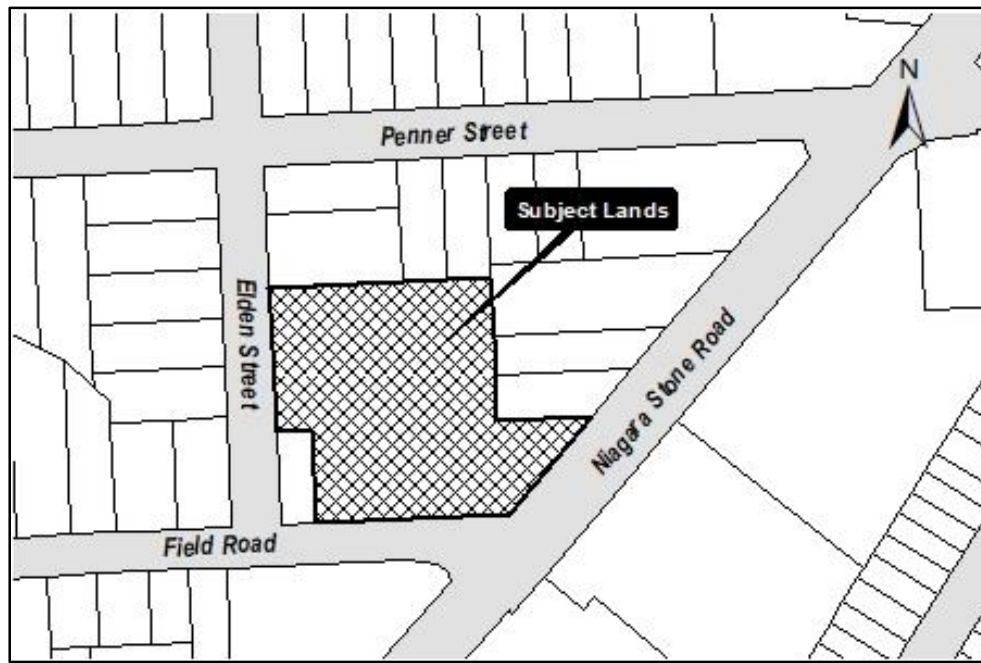
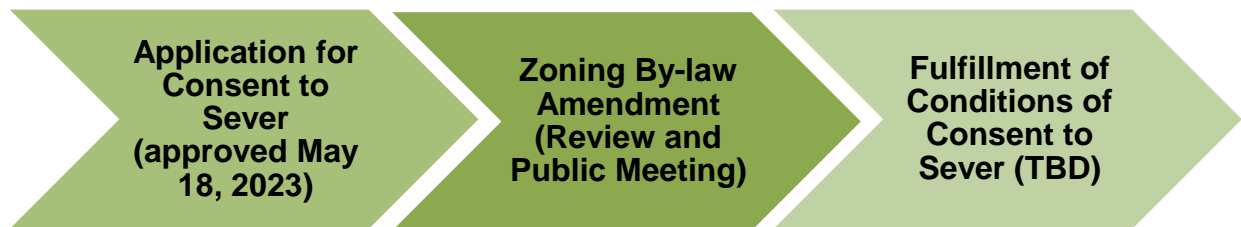


Figure 1: Location of subject lands

Development Process

The Application is in the second phase of the development review process for the lands:



Proposal

The Zoning By-law Amendment application proposes to rezone lands for the church (Parts 2 and 3 on the submitted sketch) from “Village Commercial (VC) Zone”, in part, and “Residential 1 (R1) Zone”, in part, to “Village Commercial (VC) Site Specific Zone with site-specific provisions for interior side yard setback, a reduced buffer strip and to recognize the existing building height. Parts 2 and 3 have a combined lot area of 0.47 hectares (1.15 acres) with 81.57 metres of flankage along Field Road for access. The application also proposes to add a “Holding (H)” provision to lands for future development (Parts 1 and 4) to the existing “Residential 1 (R1) Zone”, in part, and “Village Commercial (VC) Zone,” in part, on that portion of the property. Parts 1 and 4 have a combined lot area of 0.47 hectares (1.15 acres) with 59.07 metres of frontage on Elden Street.

This application would satisfy a condition of Consent application (File B-13/23) that was granted provisional approval by the Town’s Committee of Adjustment on May 18, 2023, to sever land containing the church from land for future development. No application has been submitted for a future development proposal at this time.

The Site Plan showing the proposed Parts on the subject lands is attached as **Appendix I** to this report.

The following documents have been submitted and are being considered during the review of this application:

- Application Form – Zoning By-law Amendment, March 9, 2023
- Planning Justification Brief, March 2023
- Site Plan, March 10, 2023
- Severance Sketch, February 7, 2023

Policy Review

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 for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality. 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 is 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.

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 Growth Plan. The Growth Plan sets out policies and direction for managing growth in the built-up area and creating complete communities. Complete communities are achieved by allowing for a diverse mix of land uses, improving social equity and quality of life, contributing to access to surrounding services, and providing for a compact built form and vibrant public realm.

Niagara Official Plan, 2022

The new Niagara Official Plan (the “NOP”) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and applies to the proposal. The subject lands are identified as being within the “Delineated Built-Up Area” in the NOP.

The Region directs that a majority of 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.

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

The majority of the subject lands are designated “Service Commercial” and the north section of the property is designated “Low Density Residential” on Schedule B and “Built-up Area” on Schedule I-2 of the Town’s Official Plan.

The “Service Commercial” designation permits retail commercial uses catering to travelers that rely heavily upon vehicular traffic for their businesses.

The “Low Density Residential” designation permits single-detached, semi-detached and duplex dwellings, as well as medium density residential uses (such as townhouses, apartments and nursing homes) subject to a site-specific Zoning By-law Amendment.

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, in part, “Commercial” and “Residential” in the proposed Official Plan corresponding to the existing Official Plan designation boundaries.

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

The subject lands are zoned “Virgil Community Zoning District - Village Commercial (VC) Zone”, in part, and “Virgil Community Zoning District - Residential (R1) Zone”, in part, in the Town’s Zoning By-law 4316-09, as amended.

The VC Zone permits a range of uses including a church or religious institution. Uses within the VC Zone are required to meet a number of zoning provisions including, but not limited to, minimum interior side yard setback from an abutting residential zone, maximum building height and the provision of a buffer strip for lands abutting a residential zone.

The R1 Zone permits single-detached dwellings and accessory structures, subject to various requirements.

The Application proposes the following site-specific Village Commercial (VC) Zone provisions:

Zone Requirement	VC Zone Standard	Site-Specific VC Zone
Minimum interior side yard setback where the interior side yard abuts a residential zone	4.5 metres	2.25 metres
Maximum building height	10.5 metres	As existing or 10.5 metres
Where the interior side yard of a lot zoned VC abuts a residential zone,	3.0 metres	1.45 metres

a strip of land adjacent to the adjoining lot line being a minimum of 3.0 metres in width shall be used as a buffer strip		
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The Application also proposes to add a “Holding (H)” provision to the existing “Residential (R1) Zone” and “Village Commercial (VC) Zone” on Parts 1 and 4 as referenced in **Appendix I**. The application requests that removal of the Holding (H) provision on this proposed parcel would be subject to the submission of future development applications or the removal of the required asphalt parking area.

Consultation

The Application was circulated to appropriate Town Departments and external agencies for review and comment. Public Notice of the proposal was provided as required by the *Planning Act*. To date, the following comments have been received.

Town Comments

Building – No objection.

Finance – No objection.

Fire & Emergency Services – No objection.

Heritage – No objection.

Operations – No objection.

Agency Comments

Enbridge Gas – No objection.

Niagara Region – No objection.

Public Comments

An electronic Open House was held on May 16, 2023. The comments and questions received by the public were related to the future development on the new parcel fronting Elden Street (Parts 1 and 4). In response to these comments and questions, the applicant confirmed that no development proposals have been submitted at this time.

Written comments have been received from one (1) member of the public, noting concerns about future development and impacts on traffic and recommending affordable housing for Seniors on Parts 1 and 4.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, any comments received will be considered through the application review. 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 for 1570 Niagara Stone Road