

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

SUBJECT: Public Meeting – 240 Nassau Street
Zoning By-law Amendment Application (ZBA-03-2023)

DATE: 2023-06-13

REPORT #: CDS-23-112

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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 subject lands from an “Established Residential (ER) Zone” to an “Established Residential (ER) - Site Specific Zone.” The requested site-specific provisions are for lot frontage, lot coverage and the interior side yard setback of a detached garage.

The Amendment is required to facilitate the future severance of the subject lands to create two new lots to accommodate the proposed single-detached dwellings.

Location

The subject lands are located on the northeast corner of Nassau Street and Johnson Street within the Urban Area in Old Town (see **Figure 1**). The subject lands have an area of 1,741.56 square metres (0.43 acres), with 41.25 metres of frontage on Nassau Street and 42.27 metres of flankage on Johnson Street. The subject lands are vacant, and the surrounding lands contain single-detached dwellings.

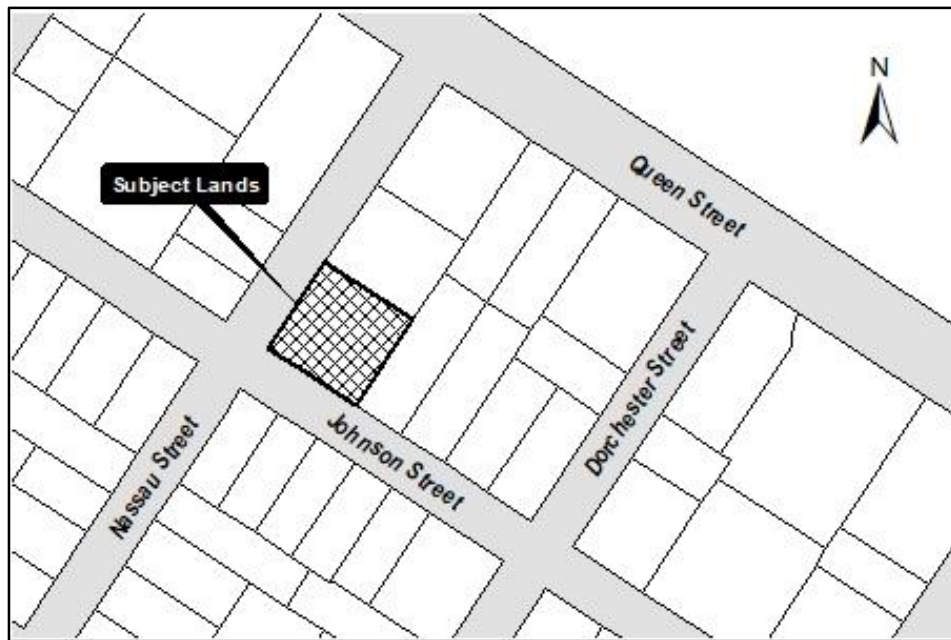
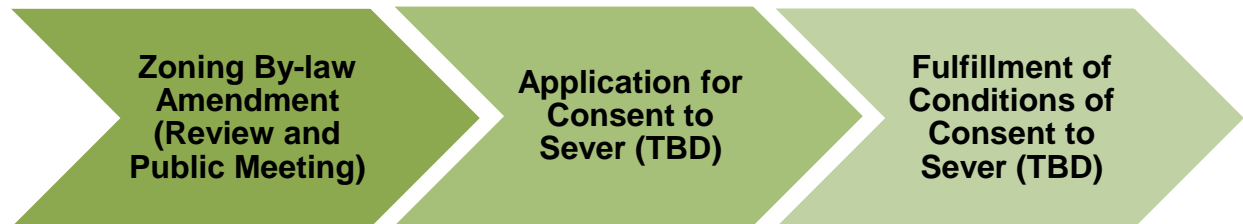


Figure 1: Location of the subject lands.

Development Process

This Application is the first phase of the development review process for the lands:



Proposal

The Zoning By-law Amendment application proposes a site-specific “Established Residential (ER) Zone” with provisions pertaining to lot frontage, lot coverage and interior side yard setback of a detached garage. The application would facilitate a severance to create a total of two new lots for single-detached dwellings.

A conceptual site plan and elevation drawings are attached as **Appendix I**. Parcel 1 is proposed to have a frontage of 22.89 metres (75 feet) on Nassau Street and a lot area of 966.8 square metres. Parcel 2 is proposed to have 18.36 metres (60 feet) of frontage on Nassau Street with a lot area of 774.76 square metres.

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

1. Application Form – Zoning By-law Amendment, March 14, 2023
2. Site Plan, March 6, 2023
3. Topographic Survey, January 16, 2023
4. Planning Justification Report and Streetscape Study, March 14, 2023
5. Stage 1-2 Archaeological Assessment, February 9, 2023
6. Parcel 1 & 2 Floor Plans and Elevations, 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 use 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 policies of the Growth Plan. The Growth Plan sets out policies and direction for managing growth in the built-up area and creating complete communities.

The Growth Plan states that municipalities should be supporting the achievement of “complete communities” that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and quality of life;
- provide convenient access to transportation options, public services, open spaces/parks, food options;
- provide for a compact built form and vibrant public realm; and
- mitigate climate change.

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 subject lands are designated "Established Residential" on Schedule B and "Built-up Area" on Schedule I-1 of the Town's Official Plan.

Growth and development is to be accommodated within the existing urban boundaries. The Official Plan policies support the development of compact, vibrant, sustainable, integrated and complete communities. The use of municipal infrastructure should be maximized. Development patterns that support active transportation and public transit are encouraged.

Policies related to infill and intensification, urban design, and land use compatibility, as well as all other applicable policies of the Official Plan, will be considered through the review of this application.

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" with permissions for single-detached dwellings in the proposed Official Plan.

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

The permitted uses and zoning provisions under Section 7.1 of Zoning By-law apply to the subject lands. The Zoning By-law permits single-detached dwellings on the subject lands. The Town Zoning By-law indicates that the minimum lot frontage and lot depth are "as existing." This proposal requires relief from the "as existing" lot frontage provision to facilitate lot creation withing the ER Zone.

The Application is proposing the following site-specific Established Residential (ER) zoning provisions:

Parcel 1 (Corner Lot)

Zone Requirement	ER Zone	Site-Specific ER Zone
Minimum lot frontage	As existing	22.89 metres
Maximum lot coverage	33%	33.08%

Parcel 2

Zone Requirement	ER Zone	Site-Specific ER Zone
Minimum lot frontage	As existing	18.29 metres
Minimum interior side yard setback	1.52 metres	1.21 metres

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

Finance – No objection.

Fire and Emergency Services – No objection.

Agency Comments

Niagara Region – No objection.

Public Comments

An electronic Open House was held on May 8, 2023. The comments and questions identified by the public have been summarized below:

- Supportive of the proposal and design of the dwellings.
- Will the dwellings and/or space within the dwellings be used for rental purposes?
- Concerns with driveway access for Parcel 1 onto Johnson Street, as Johnson Street is busy.
- Was there a streetscape analysis for the frontage of Parcel 1 on Johnson Street?

In response to the above, the applicant has advised of the following:

- The dwellings will not be used for rental purposes.
- The driveway for Parcel 1 has been proposed to not encroach into the existing intersection of Nassau Street and Johnson Street.
- The completed streetscape analysis does include a review and consideration of Johnson Street.

No written comments have been received to date.

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** – Conceptual Site Plan and Elevations of 240 Nassau Street