

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

SUBJECT: Public Meeting – 61 Melville Street
Official Plan Amendment Application (OPA-02-2023) and Zoning By-law
Amendment Application (ZBA-04-2023)

DATE: 2023-06-13

REPORT #: CDS-23-111

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.

Applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit a 12-metre high (three-storey), 12-unit residential apartment with 24 parking spaces.

The Official Plan Amendment proposes to redesignate the lands from “Marine Commercial” to “Medium Density Residential.”

The Zoning By-law Amendment proposes to rezone the lands from a “Marine Commercial (MC) Zone” to a “Residential Multiple 1 (RM1) Zone” with site-specific provisions related to lot coverage, landscaped open space, front yard setback, interior and exterior side yard setbacks, amenity area, outdoor parking area setback and covered porches and entrance steps.

Location

The subject lands are located on the west side of Melville Street, the north side of Delater Street and the south side of Lockhart Street within the Urban Area of Old Town (see **Figure 1**). The subject lands have an area of 1,746 square metres (0.43 acres) and currently contain a two-storey building formerly used as an Inn, and associated asphalt parking area. The surrounding lands include residential, hotel and marine-related uses.

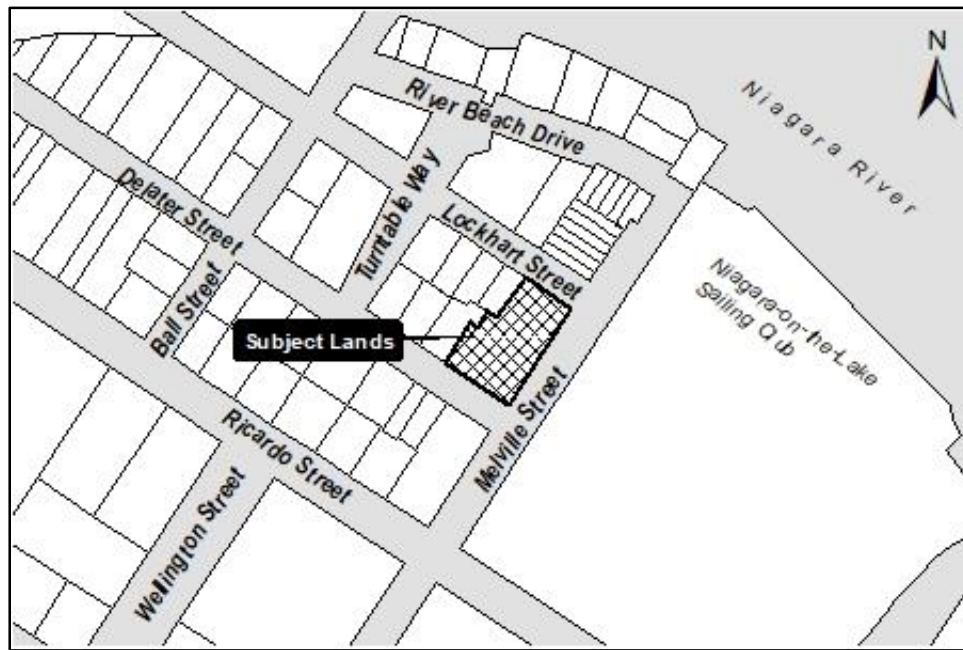


Figure 1: Location of the subject lands.

Development Process

The applications are in the first phase of the development review process for the lands:



Proposal

The Official Plan Amendment proposes to redesignate the lands from “Marine Commercial” to “Medium Density Residential.”

The Zoning By-law Amendment proposes to rezone the lands from “Marine Commercial (MC) Zone” to “Residential Multiple 1 (RM1) Zone” with site-specific provisions related to lot coverage, landscaped open space, front yard setback, interior and exterior side yard setbacks, amenity area, outdoor parking area setback and covered porches and entrance steps.

The applications propose a 12-metre high (three-storey), 12-unit residential apartment condominium on the subject lands. The proposal includes a total of 24 surface parking spaces, with 16 parking spaces located within a covered ground floor garage. The driveway entrance is proposed from Lockhart Street at the northwest corner of the subject lands. A draft site plan, architectural drawings and renderings are attached as **Appendix I** to this report. The existing building on the subject lands is proposed for demolition through a separate process.

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

- Planning Justification Report, March 2023
- Architectural Plans, February 6, 2023
- Heritage Impact Assessment, March 2023
- Landscape Plan & Details, January 24, 2023
- Renderings
- Functional Servicing Report, August 2022
- Geotechnical Investigation, March 1, 2022
- Phase 1 Environmental Site Assessment, October 2021
- Phase 2 Environmental Site Assessment, October 2021
- Site Plan, March 21, 2023
- Survey Plan, October 13, 2020

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.

The *Planning Act* provides individuals the right to request amendments to a municipal official plan and/or zoning by-law.

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.

The PPS states that long-term economic prosperity should be supported by promoting opportunities for community investment. Brownfield and greyfield redevelopment is also encouraged.

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 delineated 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 NOP 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.

The Region encourages opportunities for the redevelopment of brownfields and greyfield sites to minimize land consumption. The cost of municipal water and wastewater services should be reduced and investments in municipal infrastructure should be optimized.

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

The subject lands are identified as “Marine Commercial” on Schedule B and “Built-up Area” on Schedule I-1 of the Town’s Official Plan (the “Town OP”). Surrounding lands are designated “Established Residential,” “Medium Density Residential,” “Marina” and “Marine Commercial.”

The subject lands are located within the “Deferred Area” (Schedule B8) of the Dock Area Secondary Plan and, as such, the policies of the Dock Area Secondary Plan are not in force or effect for these lands.

The application for Official Plan Amendment proposes to redesignate the subject lands to “Medium Density Residential.” Based on the proposal, no site-specific provisions are required.

The Town OP directs that 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 intent. The subject lands are designated “Commercial” 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 - Marine Commercial Zone.” The application for Zoning By-law Amendment requests to rezone the subject lands to “Old Town Community Zoning District - Residential Multiple 1 (RM1) Site Specific Zone”.

The following chart outlines the existing Marine Commercial (MC) Zone and Residential Multiple (RM1) Zone standards in comparison to the requested “Site-Specific RM1 Zone”:

Zone Requirement	MC Zone	RM1 Zone (Apartment)	Site-Specific RM1 Zone
Maximum Lot Coverage	50%	50%	67%
Minimum Landscaped Open Space	20%	25%	20%
Maximum Building Height	10.5 metres	12.0 metres	12.0 metres
Minimum Front Yard Setback	4.5 metres	7.5 metres	2.0 metres to the main building face 0.6 metres to the covered porch
Minimum Interior Side Yard Setback	1.2 metres	5 metres	1.5 metres
Minimum Exterior Side Yard Setback	4.5 metres	7.5 metres	1.0 metres

Additional site-specific general provisions are requested as follows:

Provision	Zone Requirement	Site-Specific RM1 Zone
Minimum Amenity Area	An equipped children’s play area shall be provided at a rate of 2.5 square metres per residential unit. The minimum size of such equipped children’s play area shall be 46 square metres, while the maximum side of such equipped children’s play area shall be 140 square metres.	Minimum of 50 square metres per dwelling unit, and shall not be required to be equipped as a children’s play area.
Uncovered Parking Setback	Uncovered surface parking areas shall be located no closer than 2 metres to any exterior lot line.	Uncovered surface parking area may be located a minimum of 0.3 metres from an exterior side lot line.
Covered Porches	Uncovered porches may encroach or project into the front, rear or side yard, subject to the applicable provisions.	Covered porches shall be subject to the “Permitted Yard Projections and Encroachments” in Table 6-10 of the By-law.
Entrance Steps and Uncovered Porches	Unenclosed and uncovered porch, or steps may project a maximum of 1.5 metres into the required front yard setback (6.0 metres from the front lot line).	Unenclosed and uncovered porch, or steps may be located a minimum of 0.0 metres from the front lot line.

Consultation

The applications were circulated to 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 – No objection.

Parks – Recommendation to utilize alternative plant species in some instances.

Operations – No objection, require additional stormwater management information.

Agency Comments

Enbridge Gas – No objection.

Hydro One – No objection.

Niagara Region – No objection.

Public Comments

An electronic Open House was held on May 17, 2023. Six (6) members of the public attended the Open House to provide comments and questions, summarized as follows:

- General support for the proposal
- Lot coverage exceeds provisions of zone standards
- Questions regarding exterior lighting, parking spaces provided per unit, traffic hazards due to building setbacks to intersections
- Concerns regarding short term rental use, snow removal
- Impacts of climate change and rising water levels on the building?
- Type of siding to be used? Will the dwellings and/or space within the dwellings be used for rental purposes?

At the time of report preparation, Town Staff has received comments from one resident. The comments/questions identified by the public in objection are summarized as follows:

- Height should be reduced.
- More exterior greenspace is required.
- Lack of setback to Delater Street is intrusive on the local neighbourhood.

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** - Draft Site Plan, Architectural Drawings and Renderings for 61 Melville