



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-23-188 **COMMITTEE DATE:** 2023-12-05  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2023-12-12  
**SUBJECT:** 434 Hunter Road (Cornerstone Community Church)  
Zoning By-law Amendment ZBA-06-2023

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-06-2023) for lands known municipally as 434 Hunter Road be approved as detailed 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 the Committee and Council regarding an application for Zoning By-law Amendment (the “Application”) for 434 Hunter Road to expand an existing church.
- The existing church was approved and established through Site-Specific Zoning By-law Amendment 500JO-95 on June 12, 1995. It permits a maximum gross floor area of 2,800 square metres for all buildings.
- The existing church is approximately 1,748 square metres and is permitted to increase an additional 1,052 square metres through By-law 500JO-95.
- The Application requests to amend the existing “Rural (A) Site-Specific Zone” to facilitate an approximate 1640 square metre addition to an existing church building for a gymnasium and classrooms, as well as a parking area expansion. The amending by-law would facilitate a 745.7 square metre increase in permitted maximum gross floor area of the church facility.
- Staff recommend approval of the Application as detailed in this report since the Application conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms to Provincial, Regional and Town planning legislation.

### 3. PURPOSE

This report provides recommendations to the Committee and Council respecting an application under the *Planning Act* seeking approval of a Zoning By-law Amendment to amend the “Rural (A) Site-Specific Zone” to allow for an increase in permitted maximum gross floor area for the proposed expansion of an existing church facility. The development would also facilitate an

expansion to the parking area which would meet the maximum parking coverage requirement of 30% as established through By-law 500JO-95.

A concept site plan and floor plan showing the proposed church addition and parking expansion are attached as **Appendix I** to this report.

## **4. BACKGROUND**

### **4.1 Site Description and Surrounding Lands**

The subject lands are located on the north side of Hunter Road, west of Niagara Stone Road, in the agricultural area of the Town. The subject lands have a total lot area of approximately 27,758 square metres (6.86 acres) with 128 metres of frontage on Hunter Road. The subject lands contain an existing church facility with a building footprint of approximately 1,750 square metres. The building is serviced by municipal water and a private septic system. The surrounding lands are characterized by agricultural, rural residential, and institutional uses.

The subject lands are shown on **Map 1** of **Appendix II** of this report.

## **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

The Application supports matters of provincial interest, is consistent with policy statements and conforms to provincial plans and 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 with a “Prime Agricultural Area” and, more specifically, a “Specialty Crop Area” according to the Provincial Policy Statement, 2020 (the “PPS”), and are designated as a “Specialty Crop Area” within the “Protected Countryside” according to the Greenbelt Plan, 2017. The Niagara Official Plan, 2022 (the “NOP”), designates the subject lands as being within the “Specialty Crop Area”.

Policies in the PPS provide direction for managing and directing efficient use of land, resources, and services, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure and have minimal negative impacts to the overall environment. Healthy, integrated, and viable rural areas should be supported by efficient use of rural infrastructure and services, promoting diversification of the economic base and employment opportunities, and leveraging rural amenities and assets.

Policies within the Greenbelt Plan and NOP state that all existing uses established prior to December 16, 2004, are permitted in specialty crop areas. Further, expansions to existing uses may be permitted provided that the development does not require new municipal

services, that it does not expand into key natural heritage and/or key hydrologic features, and that it does not result in the intrusion of new uses that are incompatible within the specialty crop areas.

The existing church was approved and established through Site-Specific Zoning By-law Amendment 500JO-95 on June 12, 1995, and Site Plan Approval through By-law 2911-95 on July 24, 1995, being prior to December 16, 2004. The Application proposes to expand the existing church to include uses which are accessory to the church establishment. These uses include a gymnasium, Sunday school, a nurse's office, a kitchen, and common meeting spaces that are all considered to be used in conjunction with the church. As such, no new uses are being proposed that would result in incompatibility within the specialty crop area.

The church is currently serviced by municipal water and a private septic system. As a result of the Application and based on the applicant's Servicing Brief and Water Resource Impact Study, new municipal water services are not required. An upgraded private septic system is proposed, which would exceed 10,000 litres per day and would require approval from the Ministry of Environment, Conservation and Parks (MECP).

The expansion to the church does not fragment any key natural heritage or key hydrologic features. The closest features are approximately 120 metres to the west and approximately 170 metres to the east of the proposed expansion. Previous minor boundary adjustment applications B-04/20 and B-05/20 facilitated the transfer of agricultural lands in production to merge with abutting lands for continued agricultural use in exchange for lands that are less suitable for agricultural production. The applications also established the church use, including its septic system, access, and parking, wholly within one property. A peach tree crop remains on the northeast side of the lands. Within the applicant's Planning Justification Report ("PJR"), it is stated that the peach trees do not produce enough fruit to be considered viable for farming, as there is a lack of irrigation to maintain a healthy and sufficient supply to bring to agricultural markets. A portion of the peach tree crop will be used to accommodate the parking expansion and to create an open space area for visitors. This open space area separates the development on the lands from the adjacent agricultural operation to the north. The loss of this peach tree crop is not anticipated to pose adverse impacts to the surrounding agricultural operations, as the previous boundary adjustments facilitated an agricultural land exchange between the subject lands and adjacent farming operation and the rear of the proposed development is substantially setback from this farming operation.

The building expansion is proposed to be in line with the existing building footprint on the western interior side and while the church and adjacent agricultural operation have coexisted since 1995, no adverse impacts or conflicts have been expressed. Farming activity and church services would be occurring at different times and days of the week, and it is not anticipated that the two uses would conflict with each other. The expansion of the church and inclusion of permitted accessory uses is not expected to create impacts to the adjacent agricultural uses, nor create land use compatibility issues with the visitors of the church.

Staff consider the Application to be consistent with the PPS and conform with the Greenbelt Plan and NOP.

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

The subject lands are currently designated “Agricultural” with a site exception (EX-AG-5) on Schedule B in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The exemption is to permit the continued use of an existing church on the subject lands. The Town OP designation on the subject lands is shown on **Map 2 of Appendix II** to this report.

The goals and objectives for agricultural designations include the preservation of prime agricultural lands, ensuring that small scale industrial and commercial uses are supportive of surrounding agricultural operations, ensuring that no nuisances result on agricultural areas and their farming viability by non-farm uses, and to consider the impact on agriculture as the primary guideline in evaluating development proposed within the agricultural areas.

Section 7.5 of the Agricultural land use policies permits exceptions, which over time these existing uses have established a level of compatibility with the agricultural character and community. The subject use of a church has been established for over 28 years with no known compatibility concerns between the institutional use of the church, the adjacent agricultural operations, and rural residential properties. The expansion of the church facility will remain within the previously established exception area and is proposing uses that are accessory to and work in conjunction with the church. No new uses are being introduced that may conflict with the surrounding agricultural lands. As previously mentioned, minor boundary adjustments in 2020 were approved to exchange lands more suitable for agricultural production with the neighbouring agricultural operation, which in turn gave lands to the church that were less viable for farming.

The proposed parking expansion to the east is located to the rear of two rural residential properties, municipally known as 458 Hunter Road and 462 Hunter Road. Through the Site Plan Approval, a landscape buffer will be established between the parking area and rural residential lots to mitigate any impacts to the residences that could result from an increase of usability in this area in terms of pedestrian and vehicular traffic.

The church is in close proximity to rural residential properties and the south boundary of the urban area of Old Town, where The Village is located. Based on the location of the facility, the surrounding community will have the opportunity to visit the church and participate in services. The proposed expansion and interior renovations will also aim to be AODA compliant and inclusive so that patrons with accessibility issues may equally participate in the services. The expansion of the church will help to better serve the local community and provide a range of church uses that can serve people of all stages of life.

The Application mitigates any impacts and potential conflicts on adjacent agricultural operations and their farming viability, while serving the general community. Therefore, Staff consider the Application 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 intent. The subject lands are designated "Protected Countryside" in the proposed Town of Niagara-on-the-Lake Official Plan (the "proposed Town OP"). Similar to the policies of the existing Town OP, the proposed Town OP contains objectives for protecting and preserving agricultural lands by preventing conflicts between agricultural uses and non-agricultural uses. Further, all uses established prior to the Greenbelt Plan taking effect (December 16, 2004) are permitted to continue operating. Where a non-complying use is proposing an expansion, it must be demonstrated that it will not jeopardize future developments within its vicinity, provide enhancements to the compatibility of the uses (specifically buffering, landscaping, parking and vehicular circulation), be permitted through an amendment to the zoning by-law, and not involve major intensification of land use. Subject to the analysis provided in Section 5.1.3 above, the Application is considered to conform to the relevant policies of the proposed Town OP.

#### **5.2 Niagara-on-the-Lake Zoning By-law 500A-74, as amended**

The subject lands are zoned "Rural (A) Site-Specific Zone" through Zoning By-law 500JO-95, an amendment to Zoning By-law 500A-74 (as amended). The applicable zoning of the subject lands is shown on **Map 3** of **Appendix II** to this report. A church and accessory uses are permitted.

The Application requests to amend the "Rural (A) Site-Specific Zone" to permit an increase in maximum gross floor area of all buildings on the lands. As existing, the by-law permits a maximum of 2,800 square metres for the building and a maximum coverage of 30% for the parking lot.

The existing church building is approximately 1,748 square metres, about 1,052 square metres under the maximum permission. The proposed expansion would increase the maximum gross floor area to 3,545.7 square metres, an additional 745.7 square metres from what is permitted. The proposed amendment to the existing site-specific by-law provides that the maximum gross floor area of all buildings shall not exceed 3,546 square metres.

With the initial submission of the application, the proposed parking expansion was over the allowable 30% coverage. The Application was originally proposing a total of 229 parking spaces. During Staff review and consultation with the applicant, it was determined that reducing the total parking amount to 185 spaces was sufficient to accommodate the church expansion and not have a large surplus of parking on the lands. The parking coverage is now proposed at 29%, under the permitted coverage as set out in the site-specific zoning. No amendment to this provision is being requested.

Staff consider the requested provision to maintain the general intent of the zoning by-law. The existing church is 1,748 square metres and is permitted to expand up to an additional 1,052 square metres, for a total of 2,800 square metres with existing approvals. The amending by-law would facilitate a 745.7 square metre increase in permitted maximum gross floor area of

the church facility. All remaining provisions of the Rural (A) Zone are expected to be maintained on the subject lands.

A draft Zoning By-law Amendment is attached as **Appendix IV** to this report.

### **5.3 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*. An electronic Open House was held on June 6, 2023, and a statutory Public Meeting was held on July 11, 2023. Written comments submitted by the public and agencies are included in **Appendix V** to this report and summarized as follows:

#### 5.3.1 Town Departments

Building – No objections.

Fire – No objections.

Finance – No objections.

Heritage – The property is within the area of archaeological potential. An archaeological assessment is required to assess the areas impacted by development, including the area proposed for the building and parking expansions. The assessment will be required as a condition of site plan approval.

Operations – No further comments with respect to the zoning application. Detailed comments respecting servicing, grading and stormwater management will be provided at the site plan approvals stage.

#### 5.3.2 External Agencies

Canada Post – No objections.

Enbridge Gas – No objections.

Niagara Region – No objections. A Stage 1 Archaeological Assessment and applicable Ministry Letter(s) will be a condition of the future site plan approval.

#### 5.3.3 Public

One public comment was received in opposition of the proposed application. The letter outlined concerns regarding the protection and preservation of agricultural lands, more specifically specialty crop areas, in the Town. These comments have been addressed throughout the analysis of the 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 proposed Zoning By-law Amendment.

## 8. FINANCIAL IMPLICATIONS

Not applicable.

## 9. ENVIRONMENTAL IMPLICATIONS

Comments on environmental implications are included throughout the report.

## 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.

## 11. CONCLUSION

Community and Development Services Staff recommend approval of Zoning By-law Amendment Application ZBA-06-2023, as the Application meets *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms with the Greenbelt Plan, Niagara Official Plan and Town Official Plan.

## 12. PREVIOUS REPORTS

- **By-law No. 500JO-95** – 434 Hunter Road (Orchard Park Bible Church) – Site-Specific Zoning By-law – June 12, 1995
- **SPA 2911-95** – Site Plan Control Agreement – 434 Hunter Road (Orchard Park Bible Church) – July 24, 1995
- **B-04/20 & B-05/20** – Minor Boundary Adjustment Consent Applications - 434 & 448 Hunter Road – August 20, 2020
- **CDS-23-126** – Public Meeting – 434 Hunter Road (ZBA-06-2023) – July 11, 2023

## 13. APPENDICES

- **Appendix I** – Concept Site Plan and Floor Plan
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Zoning By-law Amendment
- **Appendix V** – Agency and Public Comments

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