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

SUBJECT: Public Meeting – 135 Queen Street
Zoning By-law Amendment Application ZBA-22-2023

DATE: 2023-12-05

REPORT #: CDS-23-245

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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 has been received for a Zoning By-law Amendment which requests to add “medical clinic” and “medical office” as permitted uses within the existing “Queen Picton Commercial (QPC-62) Site-Specific Zone” on the subject lands. The application also requests a site-specific parking rate requirement for the proposed new uses.

Location

The subject lands are known municipally as 135 Queen Street, lying on the north side of Queen Street, east of Gate Street and west of Victoria Street, in the urban area of Old Town. The subject lands are also in the Queen-Picton Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*. The location of the subject lands is shown in **Figure 1**.

The subject lands form an irregularly shaped parcel that is 1570.66 square metres with 15.33 metres of frontage on Queen Street. The lands contain a newly constructed one-storey, five unit commercial use building with a Gross Leasable Floor Area of 615.7 square metres with an outdoor patio consisting of 66.9 square metres. A site plan agreement was registered on title on October 28, 2021.

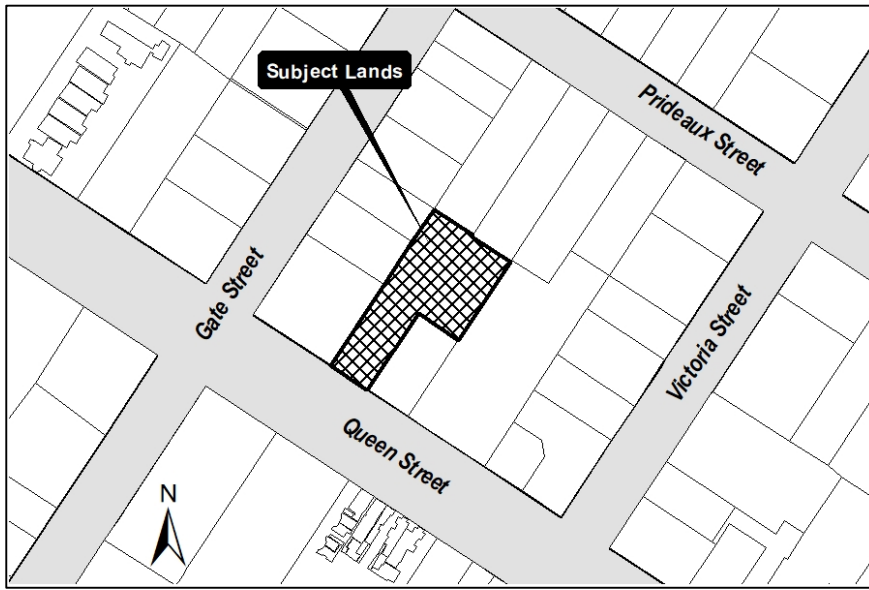


Figure 1 Location of the subject lands

The surrounding lands contain residential uses and commercial uses.

The Queen-Picton Heritage Conservation District is an important heritage area and significant tourism attraction in the Town. It includes various commercial uses to serve the general public and visitors. There are no medical clinics or medical offices currently located within the Queen-Picton area.

Development Process

The current application is in the first stage of the development review process outlined as follows:



Proposal

An application has been received for a Zoning By-law Amendment to add “medical clinic” and “medical office” as permitted uses within the existing “Queen Picton Commercial (QPC-62) Site-Specific Zone” on the subject lands. The application proposes the new uses within the existing building. The application also requests a site-specific parking rate requirement for the proposed new uses.

The submitted Site Plan application drawing is attached as **Appendix I**.

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

- Application form for Zoning By-law Amendment
- Planning Justification Brief, October 2023
- Site Plan, March 2020

- Severance Sketch, February 2023
- Draft Zoning By-law Amendment, October 2023
- Survey, March 2020

Policy Review

The following provides a general overview of the policy framework regarding this application. A full policy review will be completed and included in the recommendation report.

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. 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 are 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.

Greenbelt Plan, 2017

The subject lands are designated as "Towns/Villages" on Schedule 1 to the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan directs those lands within the "Towns/Villages" designation are subject to the policies of the Growth Plan and official plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), 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, intensification in the delineated built-up area and creating complete communities. Complete communities are achieved by allowing for a diverse mix of land uses, improving social equity, contributing to access to surrounding public facilities and 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 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 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, 2017 Consolidation

The subject lands are designated "General Commercial" 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.

The subject lands contain cultural heritage value, as the property at 135 Queen Street is designated under Part V of the Ontario Heritage Act and is located within the Queen-Picton Heritage Conservation District. The subject lands feature an Archaeological Site H1 (AhGs-421). No ground disturbance is permitted on the front of the lands due to the presence of a registered archaeological site. The application does not propose new development. The proposed use would be accommodated within the existing building.

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The adopted Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated "Commercial" on Schedule B2 of the adopted Official Plan. Section 4.11 of the proposed Official Plan provides relevant background, objectives and policies for lands designated Commercial.

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

The subject lands are zoned "Old Town Community Zoning District – Queen Picton Commercial (QPC-62) Site Specific Zone" through By-Law 4316BG-14 to Zoning By-law 4316-09, as amended. By-Law 4316BG-14 was approved on September 15, 2014.

The proposed application requests to further amend "Old Town Community Zoning District – Queen Picton Commercial (QPC-62) Site Specific Zone" to add "medical clinic" and "medical office" as permitted uses within the existing commercial building. The application also requests a site-specific parking rate requirement for the proposed new uses.

Zone Requirement	QPC-62	Proposed
Permitted Use	a) accessory buildings and structures; b) bake shop; c) bank or financial institution; d) business or professional office; e) community centre; f) existing grocery store, with limited	Adding: a) medical clinic; and b) medical office

	outdoor display of goods; g) hotel; h) outdoor patio restaurant; i) personal service establishment; j) residential unit in accordance; k) restaurant; l) retail store; m) theatre; and n) vacation apartment.	
Parking Space Requirement (Medical Clinic)	3 per practitioner or 1 per 15 m ² GFLA, whichever is greater	1 per 18.5 square metres GFLA
Parking Space Requirement (Medical Office)	1 per 15 square metres GFLA	1 per 18.5 square metres GFLA

The remaining provisions of the Site Specific QPC-62 zone and Zoning By-law 4316-09 would continue to apply.

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*. An electronic Open House was held on Monday, November 20, 2023.

To date, the following comments have been received:

Town Departments

Accessibility: No objections.
 Fire: No objections.
 Heritage: No heritage concerns.
 Operations:

Agencies

Niagara Region: No objections.

Public Comments

An electronic Open House was held on November 20, 2023. One member of the public attended the Open House, no members of the public provided comments.

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 – Site Plan