

## PLANNING LEGISLATION AND POLICIES

### Planning Act, R.S.O. 1990, c. P.13

#### **Provincial interest**

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

#### **Policy statements**

#### **Policy statements and provincial plans**

**3 (5)** A decision of the council of a municipality, a local board, a planning board, a minister

of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

## **Official Plans**

### **24 Public works and by-laws to conform with plan**

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

## **Zoning by-laws**

**34** (1) Zoning by-laws may be passed by the councils of local municipalities:

### **Restricting use of land**

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

### **Restricting erecting, locating or using of buildings**

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

### **Significant archaeological resources**

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

### **Construction of buildings or structures**

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

### **Area, density and height**

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the

minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

### **Provincial Policy Statement, 2020**

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

- 1.1.1 Healthy, livable and safe communities are sustained by:
- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - b) accommodating an appropriate affordable and market-based range and mix of residential types... to meet long-term needs;...
  - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

#### **1.1.3 Settlement Areas**

- 1.1.3.1 Settlement areas shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
  - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - d) prepare for the impacts of a changing climate;
  - e) support active transportation;
  - f) are transit-supportive, where transit is planned, exists or may be developed;

#### **2.6 Cultural Heritage and Archaeology**

- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

#### **2.2 Policies for Where and How to Grow**

##### **2.2.1 Managing Growth**

4. Applying the policies of this Plan will support the achievement of complete communities that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
  - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; ...
- e) provide for a more compact built form and a vibrant public realm, including public open spaces; and
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability.

### **2.2.7 Designated Greenfield Areas**

1. New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:
  - a) supports the achievement of complete communities;
  - b) supports active transportation; and
  - c) encourages the integration and sustained viability of transit services.
2. The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:
  - a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare.

## **Niagara Official Plan, 2022**

### **2.1 Forecasted Growth**

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

**Table 2-1**

<b>Municipality</b>	<b>Population</b>	<b>Employment</b>
Niagara-on-the-Lake	28,900	17,610

## **2.2 Regional Structure**

The objectives of this section are as follows:

- a) manage growth within urban areas;
- b) accommodate growth through strategic intensification and higher densities;
- c) protect and enhance the character of rural settlements;
- d) plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.

### **2.2.1 Managing Urban Growth**

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
  - i. a range of transportation options, including public transit and active transportation;
  - ii. affordable, locally grown food and other sources of urban agriculture;
  - iii. co-located public service facilities; and
  - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;
- g) opportunities for intensification, including infill development...
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and

- l) mitigation and adaptation to the impacts of climate change by:
  - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

**Table 2-2**

<b>Municipality</b>	<b>Units</b>	<b>Rate</b>
Niagara-on-the-Lake	1,150	25%

- 2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.
- 2.2.2.24 Local official plans are required to achieve the minimum greenfield density target in Policy 2.2.2.23 across the entire municipality, and are encouraged to exceed this minimum.
- 2.2.2.25 Designated greenfield areas will be planned as complete communities by:
  - a. ensuring that development is sequential, orderly and contiguous with existing built-up areas;
  - c. ensuring infrastructure capacity is available; and
  - d. supporting active transportation and encouraging the integration and sustained viability of public transit service.

## **2.3 Housing**

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;
- b) provide more affordable and attainable housing options within our communities; and
- c) plan to achieve affordable housing targets through land use and financial incentive tools.

### **2.3.1 Provide a Mix of Housing Options**

- 2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.
- 2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:
  - a) facilitating compact built form;

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

### **Section 6A: Growth Management Policies**

#### **4.4 Intensification Objectives**

##### **Objectives**

The objectives of the intensification policies of this Plan are to:

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;

- c) Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area...
- e) Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.

#### **4.6 Land Use Compatibility Policies Residential Neighbourhoods**

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that this change will be appropriate and compatible within the Town's neighbourhoods and throughout the entire Built-Up Area.

##### **Compatibility and Appropriate Infrastructure**

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;
- c) The existing and/or planned densities of the surrounding neighbourhood; and,
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:
  - Street and block patterns
  - Lot frontages, lot area, depth
  - Building Setbacks
  - Privacy and over view
  - Lot grading and drainage
  - Parking
  - Servicing

## **Section 2: Municipal Urban Structure**

### **2.6 Greenfield Areas**

Greenfield Areas are larger tracts of undeveloped areas and are planned to provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban development. Though the Town of Niagara-on-the-Lake's

Greenfield density target is 50 jobs and people per hectare as per Places to Grow, it is realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however; the Town will closely monitor its Greenfield developments to ensure that Niagara-on-the-Lake's overall Greenfield target will be achieved.

## **Section 9: Residential**

### **9.2 Goals and Objectives**

- (1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.
- (2) To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.
- (3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner...
- (4) encourage the development of economical housing in a suitable environment.
- (5) To ensure that existing housing and existing residential areas shall be preserved and improved...
- (7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.
- (8) To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.
- (9) To promote the maintenance and rehabilitation of the existing housing stock.
- (11) To encourage the development of well-designed and visually distinctive forms.

### **9.3 Land Use Designations**

#### **9.3.1 Low Density Residential**

##### **Main Uses:**

Low Density Residential uses such as single-detached, semi-detached and duplex dwellings

### **9.4 General Residential Policies**

#### **(4) Residential Density**

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not



exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

### **Town Official Plan Amendment #78**

In considering an application for development approval on lands designated “Low Density Residential”, “Medium Density Residential” and “Established Residential”, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;
- b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;
- c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;
- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;
- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;
- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;
- g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;
- h) new driveways and service connections shall be sited to minimize tree loss;
- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;
- j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood; and
- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

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

#### **Section 4 Settlement Areas**

#### **4.10 Residential Areas**

4.10.2.1 Objectives for residential development areas are as follows:

- c) To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently;
- d) To ensure that existing housing and existing residential areas are conserved and improved;
- f) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of municipal services and community facilities; and
- h) To promote the maintenance and rehabilitation of the existing housing stock;
- k) To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town.

#### **4.10.5 Residential Designation**

##### 4.10.5.1 Character:

- a) In the Residential designation, a variety of residential uses, types and densities are be permitted, as detailed in the secondary plans, where such secondary plans have been approved.

##### 4.10.5.2 Permitted Uses:

- a) In general, the housing mix in the Residential designation will include low rise structures, including:
  - single-detached dwellings.