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

SUBJECT: Annual Planning and Building Monitoring Report – 2023
DATE: 2024-03-05
REPORT #: CDS-24-043
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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

The purpose of this report is to provide Council with a summary of the 2023 development application and building permit activity in the Town, as well as to outline progress on workplan initiatives. This report also provides information regarding application and permit processing in both Planning and Building, and the fees generated for the Town as a result of development activity.

Planning Activity

Planning Application Processing

The process of submitting a planning application requires a landowner/applicant to first attend a pre-consultation meeting to determine which application(s) are required for a proposal and the studies and rationale needed to support it. The Town arranges the pre-consultation meetings and invites Town Staff from various departments, the Region of Niagara (if required), and other applicable agencies. Once the pre-consultation meeting is held, the landowner/ applicant will receive a record of the comments made and studies required. The pre-consultation agreement is typically valid for one (1) year.

The table below provides pre-consultation meeting numbers from 2023, 2022, and 2021, respectively. The number of pre-consultation meetings generally indicates anticipated future development application volumes.

2023	2022	2021
89	111	116

The Town of Niagara-on-the-Lake, through Council or Committees, has approval authority for:

- Official Plan Amendment;
- Zoning By-law Amendment;
- Draft Plan of Subdivision;

- Draft Plan of Condominium;
- Site Plan;
- Consent;
- Minor Variance;
- Fence Variance;
- Sign Variance;
- Legal Non-Conforming Use; and,
- Heritage Permits

When all information is ready, the landowner/applicant will submit their development application with all required supporting studies and documentation to the Town. Under the *Planning Act*, the Town has 30 days to deem an application complete or incomplete. When applications are deemed complete, a notice of complete application must be circulated within 15 days. Since the timelines at that time are started for application review, the Town will also take this opportunity to schedule and provide notice of the Open House and required Public Meeting.

In 2023, Town Staff received a total of 202 Planning applications. The table provided below outlines the total number of applications received by Town Staff in 2023, 2022 and 2021 respectively.

Application Type	2023	2022	2021
Official Plan Amendment	9	5	5
Zoning By-law Amendment	25	26	13
Draft Plan of Subdivision	6	6	1
Draft Plan of Condominium	1	1	1
Site Plan/Site Plan Amendment	10	12	22
Consent	35	33	21
Minor Variance	39	48	42
Fence Variance	4	4	6
Sign Variance	2	0	1
Legal Non-Conforming Use	1	1	3
Heritage Permits/Review/Grants	63	27	58
NEC Development Permit Application	7	7	12
Total	202	170	185

Additional work not captured in the table includes Part Lot Control reports, Development Agreements, responding to general inquiries, and responding to comments/questions/concerns submitted on applications. It is noteworthy that Official Plan Amendments are usually accompanied by a Zoning By-law Amendment. Although processed together, these applications are more complex and require significant time for review.

Town Planning staff provide comments to the Niagara Escarpment Commission on Development Permit Applications. Such applications are exempt from the Town's Zoning By-law but are subject to the policies of the Town's Official Plan, and are considered by the Niagara Escarpment Commission (the "NEC").

In 2023, Planning Staff prepared approximately 230 reports to Council and Committees, as detailed in the table below:

Committee	Number of Reports
Committee of the Whole – Planning	71
Committee of the Whole – General	18
Council	6
Committee of Adjustment	70
Municipal Heritage Committee	49
Urban Design Committee	13

At the time of the Public Meeting, Staff submit an Information Report to provide an overview of the application and a high-level summary of the applicable policy framework. The purpose of the Public Meeting is to gather comments from the public and Council. The comprehensive review of the application, including a full policy review and any additional information requested to address comments through the Town/agency/public circulation, will be completed at the time of the Recommendation Report.

Town Planning Staff also support the Committee of Adjustment, Municipal Heritage Committee and the Committee of Adjustment. Committee-related work is provided in the form of reports and presentations, as applicable. One Planner acts as the Staff liaison for each of the Committees. The Secretary-Treasurer to the Committee of Adjustment provides the recording secretary function, as well as all administrative activity related to this Committee.

Development Activity Revenue

The Town requires application and pre-consultation review fees, which are intended to offset costs for development review service. The fees for planning reviews are approved annually by Council. Fees generated from planning applications for 2023, 2022 and 2021, respectively, are provided below.

2023	2022	2021
\$527,861	\$590,723	\$466,533

Development Activity in Niagara

Niagara Region prepares annual planning application monitoring, which assesses development activity amongst all twelve local area municipalities in Niagara. These reports are typically published in the spring of each year and are reflective of proposals circulated to the Region for review. The Region’s 2023 annual application monitoring report has not been published as of the date of this report.

Based on the Region’s 2022 application monitoring report, attached as **Appendix I** to this report, the Town of Niagara-on-the-Lake circulated the second highest number of applications to the Region for review, preceded by only Fort Erie, and followed by (in order), Lincoln, Niagara Falls, Pelham, and St. Catharines.

The Town circulated the fifth greatest number of pre-consultation meeting items to the Region in 2022, preceded by (in order) Fort Erie, Niagara Falls, Welland, and St. Catharines.

It is important to note that pre-consultation meetings for Minor Variances, Sign Variances, Fence Variances, and Legal Non-Conforming Uses are typically not circulated to the Region unless the proposal impacts areas of Regional interest. Further, only certain planning applications are circulated to the Region for review and response, based on a set list of criteria as established through a Memorandum of Understanding. If all pre-consultation meetings had been circulated to the Region, regardless of their interest or requirements for response, the Town would have circulated the third greatest number of pre-consultation items in the Region. Should all planning applications have been circulated to the Region, the Town would have continued to circulate the second highest number of applications in the Region.

The Niagara Region annual application monitoring for 2023 will be circulated to Council through a future information package.

Building Activity

Building Permit Processing

Building Services is responsible for administering and enforcing the *Ontario Building Code*. Staff must review building permits and perform inspections to ensure that all construction projects meet the requirements of the Code. Building permits are required for all exterior and interior construction excluding sheds or accessory buildings under 10 square metres. The applicant/landowner is required to submit construction drawings including floor plans, elevations and cross sections, a site plan, a grading plan, and other information as required and identified by Staff. Under the *Ontario Building Code*, Town Staff are required to issue a Building Permit in accordance with specified timelines, for complete applications. These timelines range from 10 days (e.g., dwelling additions and houses) to 30 days for large/complex buildings.

Building Activity

The number of building permits issued in 2023, 2022, and 2021, respectively, is provided in the table below.

2023	2022	2021
430	412	493

Staff note that the above building permit numbers encompass all permits issued, including new construction, building additions/modifications/alterations, etc.

As part of the Building Permit application process, Town Staff conduct numerous site inspections, and comprehensively review all plans and documents as submitted. The number of inspections required is based on the type of proposal and is outlined to the applicant when a permit is issued. For the building permits in 2023 alone, Building staff performed 1,955 inspections.

Building Activity Revenue

Building Permit applications must be accompanied by the necessary fees. Additional fees may be applied, on top of building permit costs, related to development charges, water meter fees, and deposits for lot grading or damages.

The Town implements building permit application fees, which are intended to offset costs for building review service. Fees generated from building permit applications for 2023, 2022 and 2021, respectively, are provided below.

2023	2022	2021
\$1,068,207	\$497,690	\$686,864

Town Building Staff also track the value of construction generated as a result of the issued building permits on an annual basis. The estimated value of construction represents the total costs to the owner for the building construction in its completed form, and includes the cost of design, all building work, materials of construction, building systems, labour and profit of the contractor and subcontractors.

2023	2022	2021
\$167,652,805	\$97,918,400	\$123,097,721

Department Organization

The Community and Development Services Department is comprised of Planning and Building Staff and currently includes the following positions:

- Director of Community and Development Services
- Manager of Planning
- Chief Building Official
- Deputy Chief Building Official (vacant)
- Two (2) Senior Planners
- Building Inspector II (vacant)
- Two (2) Planner II (one vacancy)
- Senior Heritage Planner (vacant)
- Heritage Planner
- Two (2) Building Inspector I
- Development Coordinator
- Planning, Zoning and Geomatics Technician
- Secretary-Treasurer to the Committee of Adjustment
- Two (2) Administrative Assistants (one part-time)

The Department has faced vacancies from Staff departures over the last year and challenges with attracting new staff. Planning and Building professionals are in demand across the Province.

2023 Year-in-Review

In 2023, Town Planning and Building staff reviewed a range of planning and building permit applications. A number of complex proposals were submitted, which often required a more extensive review process and are accompanied by significant public interest and a range of requirements. Staff have highlighted some of the large-scale/complex proposals reviewed in 2023 by the Community and Development Services Department below:

Highlights

- Pleasant Manor Radiant Care (15 Elden Street), long-term care home to provide an additional 160 beds – Site Plan Agreement and building permit.
- 61 Melville Street, 17-unit, 3-storey residential apartment building – Official Plan Amendment and Zoning By-law Amendment.
- Stone Eagle Winery, estate winery including a restaurant and secondary uses – Zoning By-law Amendment, Site Plan Approval and building permit.

At the end of 2022, Town Staff introduced CloudPermit, which was implemented through the Town's modernization efforts. CloudPermit allows building permit submissions to be made online only, through a web-based platform. The platform was officially launched in April 2023. Town Staff continue to utilize CloudPermit for the review and issuance of building permit applications and have received positive feedback from the development community. The system has streamlined the review of such applications and provides transparency to applicants regarding the ongoing review of the applications.

2024 Workplan

In addition to processing development applications and building permits, the Department has the following projects and priorities that will continue and/or advance in 2024:

- Seasonal Patio Program: establish a new Seasonal Patio Program, to replace the existing Temporary Patio Program.
- Former Rand Estate and John Street East Character Study Official Plan Amendment: review of lands within the Rand Estate and John Street East areas, as a result of Council's direction to implement policies of the Town's adopted Official Plan.
- Heritage Priority Designations: continuation of the phased approach for the designation of heritage properties as a result of Bill 23.
- Glendale Secondary Plan: update the current Glendale Secondary Plan, based on the direction provided in the Glendale District Plan and current Planning policies and directives.
- Review and expand the Queen Picton Heritage Conservation District: includes review of the current Heritage Conservation District Plan, as well as consideration to expand the protections to properties to area larger district area that may include the boundaries of the National Historic District and areas identified in the adopted Official Plan.
- Official Plan conformity exercise: review and update of the Town's adopted 2019 Official Plan to ensure conformity with the Niagara Official Plan, and recent changes to Provincial planning legislation.
- Process Improvement: internal process improvements to streamline and find efficiencies in the development review process, including but not limited to processes for application submission, and Terms of Reference for study completeness and accuracy.
- Climate Change: the Town's climate change responsibility currently falls within the Planning team, such work includes representing the Town through Regional working groups, working to implement the Climate Change Adaptation Plan, and identifying grant opportunities.
- Update to the Building By-law: review and update of the existing by-law regarding building permits, applications and requirements.
- Comprehensive review of Building and Planning fees
- Continue to work with local municipal partners and the Region shared service opportunities and efficiencies in both building and planning.

NEXT STEP / CONCLUSION

This report provides an overview of Planning and Building activity within the Town of Niagara-on-the-Lake for the 2023 calendar year. Town Staff review a significant number and range of planning and building permit applications, which involves working collaboratively with multiple Staff within and outside of the Community and Development Services Department. Staff within the Community and Development Services Department work closely with all Town Departments to ensure that the reviews, recommendations and approvals of every proposal aligns with the applicable policies, guidelines and best practices.

Town Staff will provide annual reports to Council, moving forward, regarding Planning and Building activity within the Town.

ATTACHMENTS

- Appendix I –Niagara Region Development Applications Monitoring Report - 2022 Year End