



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-027 **COMMITTEE DATE:** 2024-03-05
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2024-03-26
SUBJECT: 455 William Street Subdivision Agreement - File 26T-18-20-02
Zoning By-law Amendment ZBA-03-2024 - Removal of Holding Symbol

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council approve the Subdivision Agreement, attached as **Appendix IV** to this report, for lands described as the 455 William Street Subdivision (File 26T-18-20-02) on the north side of William Street and east of Circle Street, and shown on the Preliminary Plan of Subdivision attached as **Appendix II** to this report, and that the Lord Mayor and Clerk be authorized to execute the Subdivision Agreement;
- 1.2 The Zoning By-law Amendment Application (File ZBA-03-2024) to remove the Holding (H) symbol from the site-specific Zoning By-law on the subject lands be approved; and
- 1.3 The draft Zoning By-law Amendment, attached as **Appendix V** to this report, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to the Committee for the approval and execution of a Subdivision Agreement between the Town and Owner for the 455 William Street subdivision.
- This report also provides a Staff recommendation for the approval of a Zoning By-law Amendment application to remove the Holding (H) symbol in the site-specific Zoning By-law that applies to the subject lands.
- Town Council granted Draft Plan Approval to the subdivision subject to conditions and effective January 13, 2021. The applicant has addressed the draft plan conditions and received clearances from the required Town departments and external agencies.
- The execution of the Subdivision Agreement will satisfy the remaining draft plan conditions and permit the subdivision to proceed to final approval and registration.
- The existing site-specific Zoning By-law approved by Council on April 8, 2019 includes a Holding (H) symbol that shall be removed upon final approval of the plan of subdivision.
- With the removal of the Holding (H) symbol, the development of a residential plan of subdivision shall be permitted.

3. PURPOSE

This report provides recommendations to the Committee respecting applications under the *Planning Act* for the approval of a Subdivision Agreement between the Town and Owner as well as a Zoning By-law Amendment for the removal of a Holding (H) symbol in existing site-specific Zoning By-law 4316DM-19. The Holding (H) symbol requires final approval of the plan of subdivision on the subject lands.

4. BACKGROUND

The subject lands are 0.336 hectares (0.83 acres) in area, located on the north side of William Street, east of Circle Street, within the Urban Area Boundary of Old Town (see the Location Map in **Appendix I** to this report). The subject lands have 98.9 metres (324.5 feet) of frontage on William Street.

Council approved the Draft Plan of Subdivision with conditions effective January 13, 2021. The draft plan contains 5 lots for new single-detached dwellings with driveway access to the existing municipal roadway. The Preliminary Plan of Subdivision is shown in **Appendix II** to this report. In accordance with Town policies, the Director of Community and Development Services has issued a 3-month temporary extension to the draft approval lapsing date (January 13, 2024) to allow for the finalization of the subdivision requirements.

Council approved Zoning By-law 4316DM-19 for the subject lands on April 8, 2019. The By-law provides a site-specific Established Residential (ER-91A-H) Zone on the subdivision lands. The Holding (H) symbol requires final approval of a plan of subdivision.

5. DISCUSSION / ANALYSIS

5.1 Subdivision Agreement

The Conditions of Draft Plan Approval for the development are attached as **Appendix III** to this report. The execution of a subdivision agreement between the Owner and the Town is required as a condition of approval. The draft Subdivision Agreement, attached as **Appendix IV** to this report, has been reviewed by the applicable external agencies and Town departments. Staff has received clearances for all draft conditions from the respective agencies and departments, and all required condition clauses have been included in the Subdivision Agreement.

Staff recommend approval of the Subdivision Agreement to satisfy and implement the draft conditions, and to permit the subdivision to proceed to final approval and registration of the subdivision and the agreement.

5.2 Holding (H) Symbol Removal

Zoning By-law 4316DM-19 affixed a Holding (H) Symbol to the zoning of the lands restricting development until final approval of a Plan of Subdivision by the Town. With the clearance of all conditions and completion of the Subdivision Agreement as the last step towards final approval and registration, the H may be removed to allow for the development of the lands in accordance with the subdivision requirements and existing Zoning By-law provisions. The draft Zoning By-law Amendment to remove the Holding (H) symbol is attached as **Appendix V** to this 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

Not applicable. The Owner has satisfied all requirements previously approved by Council.

8. FINANCIAL IMPLICATIONS

The owner will be responsible for all costs associated with the development of the subject lands, including:

- i. Construction costs for all servicing;
- ii. Securities for construction of services, which will be collected to ensure that the development proceeds in accordance with the approved plans;
- iii. Costs for tree replacement as set out in the agreement;
- iv. Payment of cash-in-lieu of parkland dedication as set out in the agreement; and
- v. Building permit fees and development charges at the time of application for a building permit.

All of these matters are addressed within the Subdivision Agreement.

9. ENVIRONMENTAL IMPLICATIONS

Environmental issues such as boulevard tree protection, tree compensation payments, approval of future tree saving plans on the individual lots and drainage/erosion control plans were considered through the subdivision review and approval process and any requirements incorporated into the Subdivision Agreement.

10. COMMUNICATIONS

The execution of the Subdivision Agreement will satisfy the remaining draft conditions and permit the subdivision to proceed to final approval and registration. Upon submission of a final Draft M-Plan (subdivision plan) to the Town, the Director of Community and Development Services will recommend that the Lord Mayor and Town Clerk sign the final plan as "approved". The approved M-plan will then be registered and the new lots created.

The executed Subdivision Agreement will be registered on the title of the subject lands following registration of the M-plan and creation of the lots, to ensure that the legal descriptions of the individual lots are specified in the Subdivision Agreement. The developer will be notified that the outstanding securities, as detailed in Schedule D of the attached Subdivision Agreement are required to be provided to the Town.

11. CONCLUSION

The subdivision agreement is required as a condition of draft approval for the 455 William Street Subdivision (File 26T-18-20-02). Town Staff recommend that the Council approve the agreement and authorize the execution of the agreement by the Lord Mayor and Clerk on behalf of the Town.

Community and Development Services Staff also recommend approval of the Zoning By-law Amendment application (ZBA-03-2024) for the removal of the Holding (H) symbol that requires final approval of the subdivision plan.

12. PREVIOUS REPORTS


- **CDS-19-008** (April 1, 2019), File ZBA-08-2018 - William Street Zoning By-law Amendment
- **CDS-20-014** (June 4, 2020), File ICBL-EX-03-2020 - 455 William Street Exemption to Old Town Interim Control By-law 5105-18 (as amended)
- **CDS-20-037** (December 7, 2020), File 26T-18-20-02 - 455 William Street Draft Plan of Subdivision

13. APPENDICES

- **Appendix I** – Location Map
- **Appendix II** – Preliminary Plan of Subdivision
- **Appendix III** – Conditions of Draft Plan Approval
- **Appendix IV** – Subdivision Agreement
- **Appendix V** – Zoning By-law Amendment

Respectfully submitted:

Prepared by:



**Faegheh Farokhizad, B.ARCH, M.ARCH, MBA
Development Coordinator**

Recommended by:



**Rick Wilson, MCIP, RPP
Manager of Planning**

Recommended by:



**Kirsten McCauley, MCIP, RPP
Director, Community and Development
Services**

Submitted by:



**Bruce Zvaniga, P. Eng.
Chief Administrative Officer (Interim)**