

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

SUBJECT: Public Meeting – 1320 Niagara Stone Road
Zoning By-law Amendment Application ZBA-01-2024

DATE: 2024-04-09

REPORT #: CDS-24-053

PREPARED BY: Mark Chuang, Planner II

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 to rezone the subject lands from “Virgil Community Zoning District – Residential Development (RD) Zone” to “Virgil Community Zoning District - Residential (R1) Site-Specific Zone” to facilitate the creation of three new vacant lots for future single-detached dwellings with shared driveway access to Niagara Stone Road. The existing dwelling on the north portion of the property (1320 Niagara Stone Road) is to be retained for continued residential use. The requested site-specific provision will address minimum lot frontage for one of the proposed lots.

Location

The subject lands are known municipally as 1320 Niagara Stone Road, located on the northwest side of Niagara Stone Road, within the settlement area of Virgil. The location of the subject lands is shown in **Figure 1**.

The subject lands form an irregularly shaped parcel that is approximately 4049.03 square metres with 90.95 metres of frontage on Niagara Stone Road. The land currently contains a single-detached dwelling, which will be retained for continued residential use.

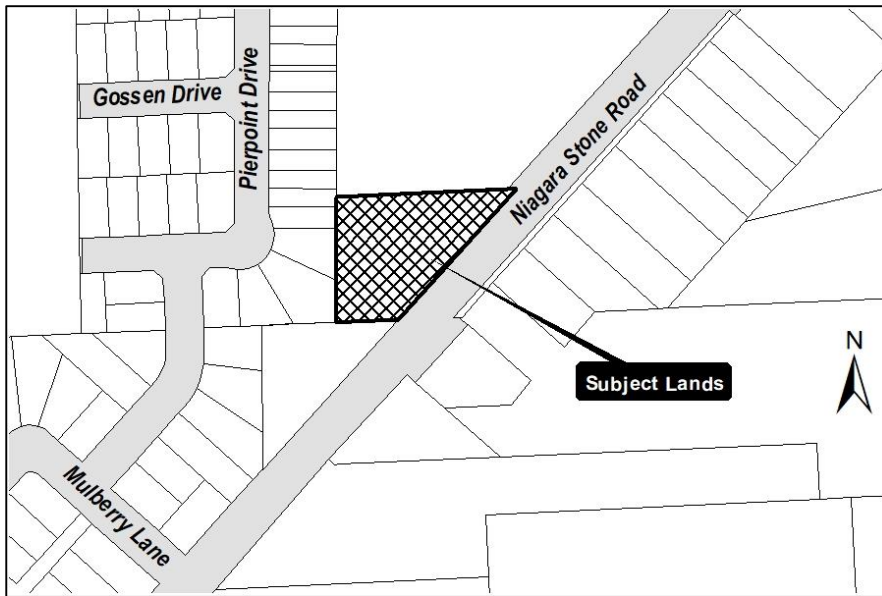


Figure 1 Location of the subject lands

Surrounding lands are characterized by residential and agricultural uses.

Development Process

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



Proposal

The application has been received for a Zoning By-law Amendment to rezone the subject lands from “Virgil Community Zoning District – Residential Development (RD) Zone” to “Virgil Community Zoning District - Residential (R1) Site-Specific Zone” to facilitate the creation of three new vacant lots for future single-detached dwellings with shared driveway access to Niagara Stone Road. The existing dwelling on the north portion of the property (1320 Niagara Stone Road) is to be retained for continued residential use. The requested site-specific provision is to address the minimum lot frontage for one of the proposed lots.

The Amendment would facilitate future Consent applications to create a total of three new lots for new single-detached dwellings.

Part 1 is proposed to have a lot area of 1184.7 square metres and a frontage of 48.3 metres on Niagara Stone Road. Part 1 would contain the existing single-detached dwelling that is connected to municipal water and sanitary services.

Part 2 is proposed to have a lot area of 1047.3 square metres and a frontage of 18 metres on Niagara Stone Road. Part 2 is currently vacant and a future dwelling would connect to

municipal water and sanitary services.

Part 3 is proposed to have a lot area of 846.5 square metres and a frontage of 18 metres on Niagara Stone Road. Part 3 is currently vacant and a future dwelling would connect to municipal water and sanitary services.

Part 4 is proposed to have a lot area of 180 square metres and a frontage of 7 metres on Niagara Stone Road. It would contain a shared driveway access.

Part 5 is proposed to have a lot area of 790.5 square metres and a frontage of 6.7 metres on Niagara Stone Road. Part 5 is currently vacant and a future dwelling would connect to municipal water and sanitary services.

The submitted site plan showing the remnant and proposed lots are 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 Report, January 2024
- Site Plan, January 2024
- Arborist Report, December 2023
- Tree Preservation Plan, July 2023
- Draft Zoning By-law Amendment

The applications were deemed complete on February 29, 2024.

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 that 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, 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 directions 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.

The Growth Plan outlines that the Region of Niagara has an applicable minimum intensification target within the delineated built-up area, requiring at minimum 50% of all residential development in the Region to be within these areas. Municipalities should encourage intensification throughout the delineated built-up area and ensure the lands are zoned and developed in a manner that supports the achievement of complete communities.

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 this proposal. The subject lands are identified as being within the “Delineated Built-Up Area ” on Schedule B in the NOP.

The NOP outlines forecasted growth for Niagara-on-the-Lake to achieve a population of 28,900 and 17,610 jobs in 2051 and that this growth shall be directed to settlement areas. The objectives include accommodating growth through strategic intensification, planning for orderly implementation of infrastructure and services and supporting the overall health of the community. Development in urban areas should support intensification targets, compact built form, a range of housing types, overall quality of life, and the efficient use of existing services and infrastructure.

The NOP allocates a minimum residential intensification target of 25% to the Town. To support the achievement of this target, the NOP directs that a mix of housing options should be provided to address current and future needs. Further, residential intensification is encouraged to be planned to mitigate and adapt to the changing climate through facilitating compact built form.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation

The subject lands are designated “Low-Density Residential” on Schedule C and “Built-up Areas” on Schedule I-2 in the Town’s Official Plan (the “Town OP”).

The Town OP provides growth management policies under Section 6A and outlines intensification policy direction to accommodate additional growth within the Built-up Areas,

and land use compatibility criteria to ensure compatibility with surrounding lands and existing municipal infrastructure and services. The predominant built form for intensification within residential areas will be single-detached dwellings. Minimum and maximum net densities are established in the Town OP. Urban design guidelines require that intensification should match the pre-established building setbacks and be consistent with the surrounding context in terms of bulk, massing and scale

The Town OP states that development should be permitted in locations where demands on public services will be minimized, urban areas, or where it can most effectively utilize existing services. Lands designated low-density residential are permitted to have single-detached, semi-detached and duplex dwellings as their main uses.

The Town OP also states that generally, trees are not to be removed unless necessary, and wherever possible, existing trees should be preserved and protected. In urban areas, where trees are to be removed, the proponent shall plant trees of a similar or comparable species on the site with a minimum caliper acceptable to the Town. The applicant provided an arborist report and a tree preservation plan with the application.

Town Official Plan Amendment #78

Town Council approved Official Plan Amendment 78 (OPA 78) to the existing Official Plan in November 2019. It was subsequently appealed to the Ontario Land Tribunal. OPA 78 provides additional complementary policies for residential infill and intensification in Old Town and Virgil. OPA 78 came into effect on September 30, 2022, following notice from the Ontario Land Tribunal that the appeal to the amendment was withdrawn.

OPA 78 outlines development criteria for infill development to respect and reflect the existing pattern and character of adjacent development, where frontages, lot areas, heights, setbacks and designs are to be complimentary to the surrounding neighbourhood.

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 "Residential" on Schedule B3 of the adopted Official Plan.

Section 4.10 of the proposed Official Plan provides relevant background, objectives and policies for lands designated Residential, including permissions for single-detached dwellings.

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

The subject lands are zoned "Virgil Community Zoning District - Residential Development (RD) Zone" according to Zoning By-law 4316-09 (as amended). The RD Zone is a development zone for future residential purposes. Permitted uses of this zone are limited to "existing uses" and the zoning provisions are limited to "as existing". No new development is permitted on lands zoned RD.

A Zoning By-law Amendment application is required to zone the lands appropriately for future proposed development. The applicant is requesting to rezone the property Residential (R1) Zone. Single detached dwellings are a permitted use.

The requested site-specific provision is for minimum lot frontage for one of the proposed lots. The proposed provision is shown in the following chart in comparison to the R1 standards.

Zone Requirement	R1 Zone	Site Specific R1 Zone
Minimum Lot Frontage	18 metres	6.703 metres for the lands shown as Part 5 on the Application Drawing.

The remaining provisions of the standard R1 zone and Zoning By-law 4316-09 would continue to apply to the lots.

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, March 11, 2024.

To date, the following comments have been received:

Town Departments

Accessibility: No objections.

Building: No objections.

Heritage: The property has been cleared of archaeological potential. No further heritage concerns.

Operations: Provided confirmation that each lot can be serviced. The Tree Protection Plan may need to be reviewed depending on the final servicing plan.

Agencies

Enbridge: No objections.

NPCA: No objections.

Niagara Region: No objections.

Public Comments

An electronic Open House was held on March 11, 2024. One member of the public attended the Open House and provided no 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 and Elevations**