

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

SUBJECT: Public Meeting – 95 Johnson Street
Zoning By-law Amendment Application (ZBA-25-2023)

DATE: 2024-04-09

REPORT #: CDS-24-052

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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 submitted for a Zoning By-law Amendment. The Amendment proposes to amend the current “Established Residential (ER-12) Site Specific Zone” that permits a 5-room Country Inn on the property to allow an additional guest room (6 rooms total) within the existing dwelling with site specific provisions to recognize the location of an existing accessory structure and to remove the requirement for an employee parking space.

Location

The subject lands are located on the east side of Victoria Street on the north side of Johnson Street within the Urban Area of Old Town and the Queen-Picton Heritage Conservation District (see **Figure 1**). The property is designated under Part V of the Ontario Heritage Act and has operated as a Country Inn since 2002.

The subject lands have an area of approximately 1,163 square meters (0.12 hectares) and currently contains a two-storey, 5-room Country Inn with an associated asphalt parking area and amenity area. The surrounding lands include low-rise residential uses, a church and nearby commercial uses within walking distance along Victoria Street leading to Queen Street.

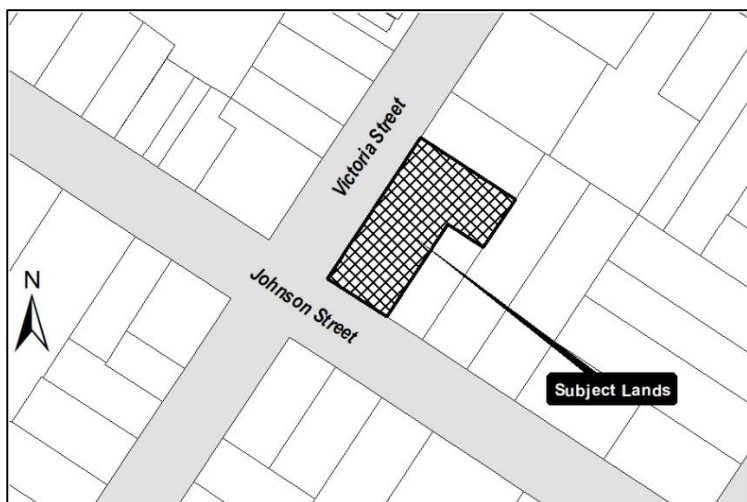


Figure 1: Location of the subject lands.

Development Process

The Applications are in the first phase of the development review process:



Proposal

An application has been submitted for a Zoning By-law Amendment. The Zoning By-law Amendment application proposes to amend the current “Established Residential (ER-12) Site Specific Zone” that permits a 5-room Country Inn on the property to allow an additional guest room (6 rooms total) within the existing dwelling with site specific provisions to recognize the location of an existing accessory structure and to remove the requirement for an employee parking space. No construction is required to facilitate the additional guest room.

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

- Planning Justification Report, January 29, 2024
- Site Plan – May 19, 2023
- Draft Zoning By-law Amendment
- Landscape Inspection Report – October 10, 2023
- Landscape Plan – August 2021
- Landscape Plan Details – August 2021
- Site Plan Application – December 2023
- Zoning Amendment Application – December 2023
- Property Survey – August 20, 2020
- Phase 1 Environmental Site Assessment – August 14, 2020

The application was deemed complete by Town Staff on February 27, 2024.

An application for Site Plan Approval has also been submitted concurrently for review with the

Zoning By-law Amendment in accordance with Town requirements. The draft Site Plan is attached as **Appendix I** to this report.

Policy Review

The following provides a general overview of the policy framework regarding the Zoning By-law Amendment Application. A full policy review will be completed and included in the future 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.

The *Planning Act* provides individuals the right to request amendments to a municipal official plan and/or zoning by-law.

Provincial Policy Statement, 2020

The subject lands are designated as being within a "Settlement Area" under the Provincial Policy Statement (the "PPS").

The PPS indicates growth and development are intended to be directed 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; and
- supporting active transportation.

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place by conserving features that help define community character, including built heritage resources.

Greenbelt Plan, 2017

The subject lands are identified as being "Town/Villages" within the "Protected Countryside" according to the Greenbelt Plan. Section 3.4.3(1) of the Greenbelt Plan provides that Towns/Villages are subject to the policies of the Growth Plan.

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 in the delineated built-up area and creating complete communities.

The Growth Plan states that municipalities should be supporting the achievement of "complete communities" that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and quality of life;

- provide convenient access to transportation options, public services, open spaces/parks, and food options; and
- provide for a compact built form and vibrant public realm.

The Growth Plan states that cultural heritage resources will be conserved in order to foster a sense of place and to benefit 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 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 NOP promotes the identification, protection and management of built heritage resources and cultural heritage landscapes.

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

The subject lands are designated “Established Residential” in the Town of Niagara-on-the-Lake Official Plan (“Town OP”). Low density residential uses such as single-detached, semi-detached and duplex dwellings are permitted in the Established Residential designation.

Country Inns are considered a secondary use within a single detached dwelling of the principal residence of the owner/operator. The Town regulates the number of rooms and other matters regarding Country Inns through the implementing Zoning By-law, site plan approval process, and short-term rental licensing by-law.

An increase in the number of guest rooms within an existing Country Inn can only be considered within the existing dwelling. Applications for an increase in the number of guest rooms are subject to complying with specific criteria that are aimed at protecting and preserving the dwelling and the residential character of the surrounding area.

The subject lands are located within the Queen-Picton Heritage Conservation District (HCD). The Queen-Picton HCD area is recognized as the focus of tourist serving commercial uses in the Old Town. A HCD Plan is in effect for this area to ensure the long-term conservation of the historic downtown section of Niagara-on-the-Lake and its significant architectural and historic value.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are designated “Established Residential” in the proposed Official Plan.

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

The subject lands are zoned “Established Residential (ER-12) Site Specific Zone” under Zoning By-law 4316-09, as amended. The ER-12 zone permits a 5-room Country Inn on the property.

The application proposes to amend the current Site Specific Zone to allow one additional guest

room (6 rooms total) within the existing dwelling with site specific provisions to recognize the location of an existing accessory structure and to remove the requirement for an employee parking space.

The following chart outlines the existing “Established Residential (ER-12) Site Specific Zone” standards in comparison to the amendments requested.

Zone Requirement	ER-12 Zone	Amendment Requested
Number of parking spaces required per employee	1	0
Minimum rear and interior yard setback for accessory buildings	1.52 m	0.35 m
Number of rooms permitted	5	6

The property will continue to maintain 8 parking spaces on site.

Consultation

The Applications were circulated to Town Departments and external agencies for review and comment. Public Notice of the Application was provided as required by the *Planning Act*.

To date, the following comments have been received:

Town Comments

Heritage – No objection. Applicant is working with heritage staff to acquire a heritage permit for accessory building.

Fire – No objection.

Building – No objection.

Operations – No objection. Condition required for Site Plan Agreement.

Agency Comments

Enbridge Gas – No objection.

Niagara Region – No objection. Clause required for Site Plan Agreement.

Hydro One – No objection.

Public Comments

An electronic Open House was held on March 25, 2024. One member of the public attended who was in support of the proposal.

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, as applicable. 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 – Draft Site Plan