

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

SUBJECT: Public Meeting – 448 Line 2 Road, 1537 Concession 6 Road, and Unaddressed Lands on the North Side of Line 2 Road, West of Frontier Drive
Zoning By-law Amendment Application (ZBA-02-2024), Draft Plan of Subdivision (26T-18-24-02) & Draft Plan of Condominium (26CD-18-24-01) – “Konik Estates Phase 2”

DATE: 2024-04-09

REPORT #: CDS-24-047

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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.

Applications have been submitted for a Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium to facilitate the creation of 52 lots for single-detached dwellings fronting onto public roads, six (6) street townhouse dwelling units fronting Line 2 Road and 102 block townhouse dwelling units to be accessed via private roads.

The Zoning By-law Amendment proposes to rezone the subject lands to “Residential (R2) Zone” and “Residential Multiple (RM1) Zone” with site-specific provisions for all dwelling types, including lot frontage, lot area, lot coverage, setbacks, width of garage doors, and encroachments.

Location

The subject lands are located to the north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive, within the Urban Area of Virgil (see **Figure 1**). The subject lands have an area of 8.30 hectares, with a total of 68.77 metres of frontage on Line 2 Road, and a total of 66.85 metres of frontage on Concession 6 Road. The lands are currently vacant, except for two single-detached dwellings, one fronting onto Line 2 Road and

one fronting onto Concession 6 Road. The surrounding lands include residential and agricultural uses.



Figure 1: Location of the subject lands.

Development Process

The applications are in the first phase of the development review process for the lands:



Proposal

Applications have been submitted to facilitate the development of a residential subdivision containing 52 lots for single-detached dwellings, 6 street townhouse dwelling units, an extension of a public road, and 102 block townhouse dwelling units to be accessed via private roads. The draft plan of subdivision is attached as **Appendix I** to this report. The draft plan of condominium is attached as **Appendix II** to this report.

The subject lands are currently zoned “Residential Development (RD) Zone.” The Zoning By-law Amendment application requests to rezone the subject lands to “Residential (R2) Zone” and “Residential Multiple (RM1) Zone” with site-specific provisions for all dwelling types, including lot frontage, lot area, lot coverage, setbacks, width of garage doors, and

encroachments.

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

- 448 Line 2 Road – Stage 1-2 Archaeological Assessment, November 28, 2023
- 448 Line 2 Road – Environmental Constraints Analysis, October 2022
- Demonstration & Landscape Plan, January 19, 2024
- Draft Plan of Subdivision, December 7, 2024
- Draft Plan of Condominium (Block 55), December 7, 2023
- Draft Zoning By-law Amendment
- Functional Servicing Report, December 2023
- General Servicing Plan, December 18, 2023
- Grading & Siltation Control Plan, December 18, 2023
- Phase 1 Environmental Site Assessments (448 Line 2 Road, Concession 6 Road)
- Plan & Profile Drawings, December 21, 2023
- Planning Justification Report, January 2024
- Site Plan – Vacant Land Condominium, December 7, 2023
- Transportation Impact Study, December 18, 2023

The applications were deemed complete on February 21, 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 for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality. 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 directs that these areas shall be the focus of growth and development. The policies provide direction for managing and directing efficient use of land, resources and services, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure and have minimal negative impacts on the overall environment.

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 (“Growth Plan”), 2020

The subject lands are within a “Settlement Area” and “Designated Greenfield Area” with respect to the policies of the Growth Plan. The Growth Plan sets out policies and direction for managing growth, intensification in the designated greenfield area and creating complete communities. Complete communities are achieved through a diverse mix of land uses, improving social equity, providing 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 will plan to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare and that this minimum density target is measured over the entire designated greenfield area of the municipality.

Niagara Official Plan, 2022

The new Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. The subject lands are identified as being within the “Designated Greenfield 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. Designated greenfield areas are to achieve a minimum density of 50 residents and jobs combined per hectare, which is measured across the entire region. The NOP also states that designated greenfield areas will be planned as complete communities by ensuring that development is sequential, orderly and contiguous with existing built-up area, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service.

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

The subject lands are designated “Low Density Residential” on Schedule C and “Greenfield Area” on Schedule I-2 in the Town of Niagara-on-the-Lake Official Plan (Town OP).

The Town OP provides growth management policies under Section 6A and outlines Greenfield Development objectives and policies. More specifically, the Town’s greenfield development strategy is intended to create more compact and transit-supportive development, as well as improve connections between Greenfield areas and the Built-up Area, and plan to support the achievement of the target of 50 residents and jobs combined per gross hectare within the Greenfield areas.

The Town OP identifies that single-detached dwellings are the main uses within the Low-Density Residential designations. The goals and objectives provide that new development should be located appropriately, be compatible with surrounding uses, incorporate energy efficiencies and use land in an efficient manner.

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 that infill development will respect and reflect the existing pattern and character of adjacent development, where frontages, lot areas, heights, setbacks and designs are to be complimentary and accommodating 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 proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are designated “Residential” and “Greenfield Area” in the proposed Official Plan.

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

The subject lands are zoned “Virgil Community Zoning District – Residential Development (RD) Zone” in Zoning By-law 4316-09, as amended. Permitted uses in this zone are limited to “existing uses” and the zoning provisions are limited to “as existing”.

The RD zone directs that it is a *“development zone intending that the lands so zoned shall be developed for residential purposes at a subsequent date. The appropriate zone category shall be established through a Zoning By-law Amendment.”*

The application for Zoning By-law Amendment requests to rezone the subject lands to “Virgil Community Zoning District – Residential (R2) Site-Specific Zone” and “Virgil Community Zoning District – Residential Multiple (RM1) Site-Specific Zone.” The Amendment proposes different site-specific provisions on lands for the single-detached dwellings (Lots 1 to 49, inclusive), Blocks 53, 54 and 55, and Lots 50, 51 and 52, as shown on the draft plan of subdivision. The draft zoning map is attached as **Appendix III** to this report for reference.

The following chart outlines the Residential (R2) Zone standards in comparison to the requested “Site-Specific R2 Zone,” for the single-detached dwellings shown on Lots 1 to 49 of the draft plan of subdivision:

Zone Requirement	R2 Zone Standard	Site-Specific R2 Zone
Minimum lot frontage	15.0 metres	Interior lot: 13.0 metres Corner lot: 15.0 metres
Minimum lot area	475 square metres	400 square metres
Maximum lot coverage	40%	50% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios

Zone Requirement	R2 Zone Standard	Site-Specific R2 Zone
Minimum front yard setback	6.0 metres	<p>4.5 metres to the main façade of the dwelling</p> <p>6.0 metres to the front face of the garage</p> <p>An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor</p>
Minimum exterior side yard setback	4.5 metres	<p>3.0 metres</p> <p>Minimum exterior side yard setback for a garage with the entrance facing the exterior side yard: 6.0 metres</p>
Minimum accessory building yards setback	1.5 metres	1.0 metres
Minimum accessory building exterior side yard setback	4.5 metres	3.0 metres
Maximum total width of garage doors	N/A	6.0 metres

The following chart outlines the Residential (R2) Zone standards in comparison to the requested “Site-Specific R2 Zone,” for the single-detached dwellings shown on Lots 50, 51 and 52 of the draft plan of subdivision:

Zone Requirement	R2 Zone Standard	Site-Specific R2 Zone
Maximum lot coverage	40%	<p>40%</p> <p>An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios</p>
Minimum setback of an existing in-ground swimming pool from interior lot line	1.5 metres	1.4 metres
Maximum width of driveway for single-detached dwelling	6.0 metres	9.0 metres

The following chart outlines the Residential Multiple (RM1) Zone standards in comparison to the requested “Site-Specific RM1 Zone,” for the on-street townhouses shown on Blocks 53 and

54 of the draft plan of subdivision:

Zone Requirement	RM1 Zone Standard	Site-Specific RM1 Zone
Minimum lot frontage per unit of 6.2 metres for an interior lot and 10.0 metres for an exterior lot.		8.5 metres for an exterior lot
Minimum lot area per dwelling unit of 230 square metres for an interior lot and 300 square metres for an exterior lot.		288 square metres for an exterior lot
Maximum lot coverage	45%	45% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios
Minimum front yard setback	6.0 metres	4.5 metres to the main façade of a dwelling unit 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling unit on the ground floor
Minimum interior side yard setback of 1.5 metre for end units, except for end units having a height of 5.0 metres or greater, then 1.8 metres shall be provided; further, where no attached garage is provided, the minimum side yard shall be 3.0 metres. No interior side yard is required between the common vertical wall dividing one unit from another.		1.5 metres
Minimum exterior side yard setback of 4.5 metres, except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 metres		1.5 metres
Minimum rear yard setback of 7.5 metres, except for units having a height of 8.0 metres or greater, then 9.0 metres shall be provided		6.0 metres
Maximum total width of garage doors	N/A	50% of the dwelling unit

The following chart outlines the Residential Multiple (RM1) Zone standards in comparison to the requested “Site-Specific RM1 Zone,” for the block townhouses within Block 55 of the draft plan of subdivision, as shown on the draft plan of condominium:

Zone Requirement	RM1 Zone Standard	Site-Specific RM1 Zone
Minimum lot frontage	30.0 metres	15.0 metres
Maximum lot coverage	35%	45%
Minimum front yard setback	7.5 metres	4.5 metres to the main façade of a dwelling unit 6.0 metres to the front face of a garage An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling unit on the ground floor
Minimum interior side yard setback	7.5 metres	0.0 metres from a common wall 2.0 metres from the end wall of a dwelling unit to a property line
Minimum exterior side yard setback	7.5 metres	3.0 metres from the end wall of a dwelling unit to a property line abutting a street
Minimum rear yard setback	7.5 metres	6.0 metres
Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 metres	1.4 metres
Minimum accessory building yards setback	0.5 metres	Not applicable
Minimum accessory building exterior side yard setback	7.5 metres	Not applicable
Maximum total width of garage doors	N/A	50% of the dwelling unit frontage on a private lane

Additional site-specific general provisions are requested as detailed below.

For the block townhouses within Block 55 of the draft plan of subdivision, as shown on the draft plan of condominium:

Provision	Zone Requirement	Site-Specific RM1 Zone
Parking Space Requirements, Additional	(i) Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be	For dwelling units sharing a common wall, the minimum interior side yard setback for

Provision	Zone Requirement	Site-Specific RM1 Zone
Provisions	<p>permitted in the required yards in the area between the road or street line and the required setback, provided that no part of any parking area, other than a driveway, is located closer than 2 metres to any front or exterior lot line, and no closer than 1 metres to any rear or interior side lot line. The minimum front and exterior side yard setback for a bus parking area is 3.0 metres, and 2 metres to an interior or rear yard. The 2 metre front yard setback for a parking space shall not be required for residential use, except an apartment building.</p> <p>(j) A driveway shall be setback a minimum of 8.0 metres from an exterior property line and 1.0 metres from an interior property line.</p>	a driveway shall be 0.25 metres from a dwelling unit line where driveways are abutting and 0.0 metres from a dwelling unit line where driveways are not abutting.

For the single-detached dwellings shown on Lots 1 to 49 of the draft plan of subdivision, as well as the block townhouses within Block 55 of the draft plan of subdivision, and the on-street townhouses shown on Blocks 53 and 54 of the draft plan of subdivision:

Provision	Zone Requirement	Site-Specific RM1/R2 Zone
Permitted Yard Projections and Encroachments	Unenclosed and uncovered porch, deck, balcony, patio or steps may encroach by up to 1.5 metres into the required front or rear yard setback, and 0.6 metres into the required side yard setback.	<p>An unenclosed and uncovered or covered porch, patio or steps may project 2.5 metres into a required front yard and may project 1.5 metres into a required exterior side yard.</p> <p>An unenclosed and uncovered or covered porch, deck or patio (such porch, deck or patio shall have a platform no greater than 1.0 metres above finished grade) or steps may project 3.8 metres into a required rear yard, provided that any covered area is no greater than 14.5 square metres (excluding eaves and gutters) and has a maximum height of 4.0 metres above finished grade.</p>

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*.

To date, the following comments have been received:

Town Comments

Accessibility – No objection.

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection. Conditions requested related to hydrant locations and fire flows.

Heritage – No objection. Condition requested for the submission of the archaeological acceptance letter from the Ministry.

Operations – No objection. Conditions requested related to servicing, roadways, sidewalks, street lighting, and landscaping.

Parks and Recreation – No objection. Condition requested to collect cash-in-lieu of parkland.

Urban Forestry – No objection. Condition requested related to the submission of an Arborist Report and Tree Protection Plan for certain trees throughout the subject lands.

Agency Comments

Bell Canada – No objection. Conditions required related to Bell Canada facilities and easements, if necessary.

Canada Post – No objection. Conditions requested related to the provision of a Centralized Mail Box.

Enbridge Gas – No objection.

Niagara Region – No objection. Conditions requested related to archaeology, site condition, proximity to agricultural lands, servicing, and waste collection.

Public Comments

An electronic Open House was held on March 18, 2024, that was attended by 17 residents who provided comments and questions. In addition, at the time of report preparation, 6 letters were received from the public. The comments/questions are summarized as follows:

- Concerns regarding speeding on Line 2 Road, and additional accesses onto Line 2 Road
- Need to provide more parking for visitors
- Concerns regarding the removal of the tree plantation on the lands at 448 Line 2 Road, including the displacement of birds and other animals
- Need to provide sidewalks on Line 2 Road, and a pedestrian crossing to Crossroads Public School
- Need to ensure that there is sufficient infrastructure to support the development, including stormwater management
- Questions regarding the implementation of the Town's Private Tree By-law for tree removal
- Concerns that there is no park to be provided within the development
- Preference for single-detached dwellings fronting Line 2 Road, instead of the proposed townhouses

- Need to ensure suitable separation distance between the proposed development and existing dwellings on surrounding streets
- Concerns regarding 2-storey dwellings abutting existing 1-storey dwellings
- Question related to whether the existing trees on the site can be maintained, located elsewhere on-site

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 – Draft Plan of Subdivision
- Appendix II – Draft Plan of Condominium
- Appendix III – Draft Zoning Schedule