



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-087 **COMMITTEE DATE:** 2024-05-22
REPORT TO: Urban Design Committee **DUE IN COUNCIL:** N/A
SUBJECT: Request for Comments – Terms of Reference Review (Sun/Shadow Study)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Urban Design Committee provide feedback on the Terms of Reference document for a Sun/Shadow Study (attached as **Appendix I**).

2. EXECUTIVE SUMMARY

- Staff are preparing several Terms of Reference documents for planning-related studies, reports and plans to assist with streamlining the application process and standardizing the requirements for submitted materials.
- Niagara Region has prepared a Terms of Reference for Sun/Shadow Studies, which the Town is looking to adapt to local needs and context.
- Staff are seeking feedback from the Urban Design Committee on the Terms of Reference for Sun/Shadow Studies.
- Staff will continue to consult with the Urban Design Committee as additional Terms of Reference documents are prepared.

3. PURPOSE

The purpose of this report is to gather input from the Urban Design Committee (the “UDC”) on the Sun/Shadow Study Terms of Reference, prepared by Niagara Region, attached as **Appendix I** to this report. Town Staff are seeking feedback from the UDC to adapt the prepared Terms of Reference to be reflective of local context and needs, as well as best practices.

Staff will return to the UDC for consultation on a range of draft Terms of Reference (“TOR”) for planning-related studies and plans, including, but not limited to, a Streetscape Study, Pedestrian Wind Study, Urban Design Brief or Study, and Landscape Plan.

4. BACKGROUND

During the April 16, 2024, Committee of the Whole – General Meeting, a Pre-Application Process Improvement Review Report was provided to Council for information and discussion (attached as **Appendix II** to this report). This report addressed a range of ongoing changes to planning processes in Ontario and provided an overview of the Town’s response to such changes. Town Staff offered recommendations to streamline and improve the planning application process, including the preparation and implementation of standardized TORs.

Standardized TORs are necessary to set out the requirements for technical studies and reports, as required by the Town of Niagara-on-the-Lake Official Plan. The purpose of a TOR is to provide clear expectations for required studies and plans regarding what should be included in each document, at minimum. This standardized approach would also assist in streamlining and making the review process more efficient. Applicants of planning applications would be required to ensure that the technical studies, reports, and plans submitted fulfil the requirements set out in the TOR.

Town Staff are in the process of drafting standardized TORs for studies and plans. The Region has prepared a number of standardized TORs, including a Sun/Shadow Study. Town Staff are looking to update or adapt the Sun/Shadow Study TOR to reflect local needs and conditions.

Once finalized, the TORs will be posted on the Town's website for applicants to access and refer to when preparing materials for a complete planning application. The TORs will also be shared with applicants during Pre-Consultation meetings, and as part of the Pre-Consultation Agreements to support the requirements of a complete application.

Town Staff acknowledge that TORs are not static documents, and such Terms may require adjustment or refinement to ensure their efficacy. Accordingly, Town Staff are committed to continuing to review and update the TORs, consult with the UDC as additional TORs are prepared, and monitor the effectiveness of the TORs.

5. DISCUSSION / ANALYSIS

Town Staff are seeking feedback and comments from the UDC regarding the Sun/Shadow Study TOR, as prepared by the Region and attached as **Appendix I**. The following policies of the Niagara Official Plan and Town Official Plan are directly applicable to the need to assess shadow impacts related to development.

The Niagara Official Plan requires that “the mitigation of microclimate impacts, such as wind, shadowing, and seasonal factors, should be considered regarding the impact of development on the public realm” (Policy 6.2.2.11).

The Town Official Plan (the “Town OP”) notes that a “Light and shadowing study” may be required for intensification development. The Town OP also contains language within the Dock Area Secondary Plan (Policy 6.32.7.4.1) related to lands designated as Established Residential, requiring that development in this designation shall “have regard to the impact of shadows on neighbouring buildings and lots.” Further, shadowing resulting from new development may impact the provision of landscaping on-site and on surrounding lands, amenity spaces, and compatibility with surrounding existing lots and uses.

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's intent. Policies relevant to shadow impacts are listed below:

“Policy 4.5.3.10: In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for

high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing...”

“Policy 4.14.4.2: In considering an application for the conversion of lands designated Community Facilities, Council shall ensure that the development respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation district plan:

i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and micro-climatic conditions such as shadowing...”

“Policy 7.1.3.2: In order to protect heritage resources, the Town will establish policies and procedures to:

c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit by-law, the sign by-law and other municipal controls, to ensure that development on and/or within cultural heritage resources or adjacent to cultural heritage resources is designed, sited or regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource. This includes but is not limited to:

- shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden...”*

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.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable.

10. COMMUNICATIONS

The recommendations of the UDC will be considered by Town Staff for implementation through a revised Sun/Shadow Study Terms of Reference.

11. CONCLUSION

The input of the Urban Design Committee is requested to provide feedback on the Sun/Shadow Study prepared by Niagara Region, attached as **Appendix I**.

The Urban Design Committee will be consulted in the future regarding additional draft Terms of Reference documents.

12. PREVIOUS REPORTS

There have been no previous reports to the Urban Design Committee regarding the establishment or review of Terms of Reference.

13. APPENDICES

- **Appendix I** – Niagara Region Sun/Shadow Terms of Reference
- **Appendix II** – Pre-Application Process Improvement Review – CDS-24-063, April 16, 2024

Respectfully submitted:

Prepared by:



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