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

SUBJECT: Public Meeting – 242 Ricardo Street
Zoning By-law Amendment Application (ZBA-08-2024)

DATE: 2024-07-16

REPORT #: CDS-24-105

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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 to rezone the subject lands from “Old Town Community Zoning District – Established Residential (ER3) Zone” to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit a 5-room Country Inn and an accessory dwelling unit in an existing detached garage. The site-specific provisions would also recognize the existing front yard setback of the dwelling at 0.0 metres.

Location

The subject lands are located on the south side of Ricardo Street, east of Nelson Street, in the urban area of Old Town. The location of the subject lands is shown in **Figure 1**.

The subject lands are approximately 1,671 square metres with 36.5 metres of frontage on Ricardo Street. The land currently contains a two-storey single-detached dwelling, a two-storey detached accessory building, a gazebo and a vinyl shed. The property is listed on the Town’s Municipal Heritage Register and the dwelling is connected to municipal water and sanitary services. Surrounding lands include residential, open space and institutional uses.

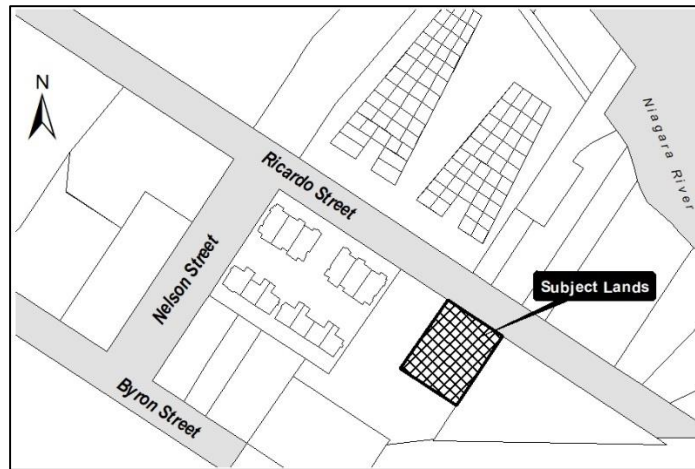


Figure 1: Location of the subject lands

Development Process

The 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 “Old Town Community Zoning District – Established Residential (ER3) Zone” to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit a 5-room Country Inn and an accessory dwelling unit in an existing detached garage. The site-specific provisions would also recognize the existing front yard setback of the dwelling at 0.0 metres. No construction is required to facilitate the proposed guest rooms, and the existing dwelling and accessory structure are to remain. Minor landscaping alterations are proposed to accommodate the required parking spaces for the proposed use.

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

- Zoning Amendment Application Form, May 17, 2024
- Site Plan Drawing, April 4, 2024
- Planning Justification Report & Draft Zoning By-law Amendment, May 2024
- Main Dwelling Floor Plans, May 2024
- Detached Garage with ADU Floor Plans

The Application was deemed complete by Town Staff on June 21, 2024. The proposed Site Plan Drawing is attached as **Appendix I**.

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.

The PPS also 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 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 also states that cultural heritage resources will be conserved to foster a sense of place and to benefit communities.

Niagara Official Plan, 2022

The subject lands are identified as being within the "Delineated Built-Up Area" on Schedule B in the Niagara Official Plan (the "NOP"). The NOP directs that 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 also 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 (the “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.

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 currently zoned “Old Town Community Zoning District - Established Residential (ER3) Zone” according to Zoning By-law 4316-09, as amended. Single-detached dwellings and accessory structures are permitted uses.

The applicant is requesting to rezone the property to “Old Town Community Zoning District – Established Residential (ER3) Site-Specific Zone” to permit the Country Inn use.

The following chart outlines the existing “Established Residential (ER3) Zone” standards in comparison to the amendments requested.

Zone Requirement	ER3 Zone	Site-Specific ER3 Zone
Country Inn	Not permitted	Permitted up to 5 rooms
Minimum front yard setback	7.5 metres	0 metres (existing dwelling)

The Application also seeks to recognize the existing accessory dwelling unit contained within the detached accessory structure (garage). Accessory dwelling units are permitted as-of-right on the subject lands, subject to and in accordance with criteria as provided in the *Planning Act*.

The property proposes a total of 8 parking spaces on-site to accommodate the uses. The minimum parking requirements are being met.

Consultation

The Application was 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 Tuesday, July 9, 2024.

To date, the following comments have been received:

Town Departments

Fire and Emergency Services – No objections. An inspection will be conducted to ensure fire code compliance when the STR license is completed.

Finance – No objections.

Operations – No objections. If there is no existing encroachment agreement on file for the existing dwelling then the owners will need to enter into one with the Town.

Agencies

Niagara Region – No objections. The standard protocol for the discovery of potential archaeological resources has been provided to the applicant.

Public Comments

As of the time of report completion, no comments have been received from the public. The Open House was held after on July 9, report submission as well. Any comments received will be reported via the staff presentation at the public meeting.

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 Drawing**