



# Town of Niagara-on-the-Lake

1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 www.notl.com

**REPORT #:** CDS-24-123

**COMMITTEE DATE:** 2024-07-16

**DUE IN COUNCIL:** 2024-07-30

**REPORT TO:** COTW-Planning

**SUBJECT:** Konik Estates Phase 2 Subdivision and Condominium ZBA-02-2024, 26T-18-24-02, and 26CD-18-24-01  
North of Line 2 Road, East of Concession 6 Road, South of Homestead Drive, West of Frontier Drive

## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-02-2024) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2) **BE APPROVED**, and the draft Zoning By-law Amendment, attached as **Appendix V** to this Report, be forwarded to Council for adoption;
- 1.2 The Application for Draft Plan of Subdivision (File No. 26T-18-24-02) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), attached as **Appendix I** to this Report, subject to the conditions of final approval contained in **Appendix VI** to this Report, **BE APPROVED**;
- 1.3 The Application for Draft Plan of Condominium (File No. 26CD-18-24-01) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), attached as **Appendix II** to this Report, subject to the conditions of final approval contained in **Appendix VII** to this Report, **BE APPROVED**;
- 1.4 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Subdivision for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received; and,
- 1.5 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2), as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

## 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee regarding Applications for Zoning By-law Amendment and Draft Plan of Subdivision (the “Applications”) for lands located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive (Konik Estates Phase 2).
- The Zoning By-law Amendment requests to rezone the subject lands from “Residential Development (RD) Zone” to “Residential [R2-45(a)] and [R2-45(b)] Zones” and “Residential Multiple [RM1-45(a)] and [RM1-45(b)] Zones” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.
- The Application for Zoning By-law Amendment is proposed to facilitate the development of a subdivision and condominium with public and private roads, and lots for 52 single-detached dwellings fronting onto public roads, 6 street townhouse dwellings fronting Line 2 Road, and 102 block townhouse dwelling units to be accessed via private roads.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and Town planning policies.

## 3. PURPOSE

This report provides a recommendation to the Committee respecting Applications under the *Planning Act* seeking approval of a Zoning By-law Amendment, Draft Plan of Condominium and Draft Plan of Subdivision for the subject lands known as Konik Estates Phase 2, located north of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive.

The Zoning By-law Amendment Application requests to rezone the subject lands from “Residential Development (RD) Zone” to “Residential Multiple (RM1) Zone” and “Residential (R2) Zone” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.

The Draft Plan of Subdivision proposes to create 52 lots for single-detached dwellings, 6 street townhouse units, and public road connections. The Draft Plan of Condominium proposes 102 block townhouse units, to be accessed via private laneways, with visitor parking and landscaped spaces.

The Applications were deemed complete on February 21, 2024.

The draft plan of subdivision is attached as **Appendix I** to this report. The draft plan of the condominium is attached as **Appendix II** to this report.

## 4. BACKGROUND

### 4.1 Site Description and Surrounding Lands

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. The location of the subject lands is shown on **Map 1** of **Appendix III** to this report.

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.

## **5. DISCUSSION / ANALYSIS**

### **5.1 Policy and Legislative Framework**

The Applications have been evaluated for consistency and conformity with the relevant Provincial, Regional and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix IV** to this report.

#### 5.1.1 *Planning Act, R.S.O. 1990, c. P.13*

The Applications support the matters of provincial interest, are consistent with policy statements, and conform to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis in the following sections of this report.

#### 5.1.2 *Provincial and Regional Planning Documents*

The subject lands are designated as being within a “Settlement Area” according to the Provincial Policy Statement, 2020 (the “PPS”), within the “Designated Greenfield Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”), and the “Designated Greenfield Area” of the Niagara Official Plan, 2022 (the “NOP”).

Policies in these plans encourage the achievement of complete communities through providing a range and mix of housing options and encourage residential intensification that more efficiently uses existing municipal infrastructure. The Growth Plan and NOP contain policies which direct that Designated Greenfield Areas are required to achieve a minimum density target of 50 residents and jobs combined per hectare, measured across the entire municipality. Based on the Applications, the proposal will yield a density of approximately 48 people and jobs per hectare. While this density yield is slightly lower than the density target contained within the Growth Plan and NOP, there are opportunities to further contribute to residential growth within the Designated Greenfield Area in other parts of Virgil and the Town.

Provincial and Regional policies aim to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential unless archaeological resources have been evaluated and conserved. A Stage 1-2 Archaeological Assessment (dated July 4, 2017) was prepared for the subject lands, confirming that no resources were found, and the lands no longer retain archaeological potential. The acknowledgement letter from the Ministry of Multiculturalism and Citizenship (dated July 28, 2017) has been provided, which confirms that the Assessment was conducted in accordance with Provincial standards and guidelines.

Provincial and Regional policies also aim to protect natural heritage features and functions. A Constraints Analysis (dated October 2022) was submitted with the Applications to evaluate the wooded area on 448 Line 2 Road in terms of significance. The wooded area on this property is identified as an “Other Woodlot” based on mapping contained within the NOP. The Constraints Analysis confirmed that the woodlot did not qualify as a Significant Woodland based on regional designation requirements and did not contain any regionally designated Core Natural Heritage

System features. Accordingly, removal of the wooded area on the property municipally known as 448 Line 2 Road is not subject to the requirements of the NOP. The wooded area, however, does meet the “woodland” definition contained in the Regional Woodland Conservation By-law 2020-79. Clearing of the wooded area is exempt from the provisions of the Regional Woodland Conservation By-law since the proposal is proceeding by way of plan of subdivision, and tree removals and replanting will be addressed as conditions of draft plan approval. The purpose of the Regional Woodland Conservation By-law is to regulate trees outside of the development approval process.

The Constraints Analysis confirms that the wooded area at 448 Line 2 Road contains Species at Risk and Migratory Bird Nesting Habitat. Regarding Species at Risk, Barn Swallow is present with foraging off-property; there is no evidence of nesting or foraging on the property. The wooded area supports migratory birds, and the Analysis recommends avoidance and mitigation of impacts through specific timing windows to remove trees. Town Staff recommend the implementation of the Environmental Constraints Analysis recommendations through the draft plan of subdivision conditions.

Provincial and Regional policies address potential environmental contamination issues in accordance with O. Reg. 153/04, as amended. Since the subject lands had previously been utilized as an orchard, the presence of pesticides may be found on the subject lands. Phase One Environmental Site Assessments (“ESAs”) were prepared for the subject lands and provided with the Applications. The majority of the lands have been previously used for orchards and contain the potential presence of fill materials and fuel storage on-site. While the change of use of lands from agricultural purposes to residential purposes does not warrant the submission of a Record of Site Condition, based on O. Reg., 153/04, the Phase One ESAs recommended the submission of additional investigations to confirm that the soil conditions are suitable for residential purposes. Conditions related to site condition have been included for the condominium and subdivision.

Staff consider the Applications to be consistent with the PPS and conform with the Growth Plan and NOP.

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

The subject lands are currently designated as “Low Density Residential” on Schedule C and “Greenfield Area” on Schedule I-2 of the Town’s Official Plan, 2017 Consolidation, as amended (the “Town OP”). The Town OP designation of the subject lands is shown on **Map 2 of Appendix III** to this report. Based on the below discussion, Staff are satisfied that the Applications conform with the Town OP.

##### 5.1.3.1 Growth & Density

The Town OP directs that growth and development is to be accommodated within the existing urban boundaries. Similar to the policies of the PPS, Growth Plan and NOP, the Town OP supports the development of compact, vibrant, sustainable, integrated and complete communities. The Town OP also directs that development within the Greenfield Area shall meet the density target of 50 people and jobs combined per hectare, across all Greenfield Areas. As discussed in Section 5.1.2, the development will achieve a density of just less than 50 people and jobs per hectare; however, there are opportunities to accommodate future development

throughout the other Greenfield Areas of the Town to ensure that the density target is met across all Areas.

The Town OP states that a minimum net density of 19.76 units per hectare (8 units per acre) should be utilized within the Greenfield Area. The residential net density of the development is 22.34 units per hectare. The development is not anticipated to impact surrounding neighbourhoods, because of similar built form and lotting to the adjacent development in Phase 1, as well as the provision of sufficient servicing and transportation access to and within the lands. The density will contribute to a variety of dwelling and lot sizes, as supported by policies contained within the PPS, Growth Plan, NOP and Town OP. The Applications would also facilitate a more efficient use of land and services, further contributing to the goals of the Residential designation as set out in the Town OP. Staff is satisfied that the proposed subdivision should be compatible with surrounding development.

#### 5.1.3.2 Parkland

Staff request that the owner provides 5% cash-in-lieu of parkland dedication for this subdivision rather than land within the development. The Town's existing park to the northeast on Homestead Drive is planned to be expanded as development proceeds in the area. The total park will be approximately 2.25 acres in area, to maximize resources and amenities in the area. A larger, centralized park will serve the entire neighbourhood. Parkettes (small parks) are not desired within the proposal, as the Homestead Park is located within walking distance of the subject lands, approximately 200 metres to the northwest.

#### 5.1.3.3 Servicing

New development within the Town relies on the availability of services. During the development review and approval process, consideration is given with respect to capacity of existing infrastructure including utilities and any necessary improvements which may be necessary to serve the Greenfield Area. A Functional Servicing Report (dated December 2023) was submitted with the Applications, which confirms that the proposal can be accommodated with existing water, sanitary and stormwater capacity. The Report indicates that the development will be supported by existing watermains and sanitary sewers on Homestead Drive, Line 2 Road and Concession 6 Road. Further, the existing Konik Estates (Phase 1) storm sewers and stormwater management facility have capacity to receive future stormwater flows and provide quantity and quality controls. The stormwater management facility within the Konik Estates Phase 1 lands was designed to accommodate the anticipated stormwater from the build out of the Phase 2 lands. Accordingly, the stormwater management strategy for the subject lands is sufficient. The submission of a hydrogeological assessment as part of the future Site Plan Application to facilitate development within the condominium lands will support the stormwater management strategy for the subject lands. Conditions of draft plan approval have been included to require the submission of detailed servicing information, and the implementation of such requirements.

#### 5.1.3.4 Tree Removal

The Town OP provides policies to ensure that trees are not unnecessarily removed and that, wherever possible, existing trees should be preserved and protected. Where it is unavoidable that trees are to be removed, it shall be required as a condition of any redevelopment that the proposal shall plant trees of a similar or comparable species on the site. The subject lands contain scattered trees, as well as a planted wooded area on 448 Line 2 Road. The proposal is

requesting to remove all trees within the planted wooded area. Based on comments and feedback received, Staff are recommending that a row of trees along the eastern boundary of 448 Line 2 Road be maintained to assist in transition between the phases of development. A condition has been included to require an assessment of trees be completed to confirm these boundary trees are in good health. The health assessment is required to be prepared by a qualified professional (i.e., an arborist or forester). Should the assessment determine a tree is in poor health, a mature coniferous tree will replace it, to be planted along this property boundary. As a condition of draft plan approval, Town Staff also require that a landscape plan be provided and implemented to detail tree plantings and other landscape details throughout the development and on individual lots.

The Town's Private Tree By-law 5139-19 applies to all private property in the urban area, and contains provisions regarding the removal or injury of trees, as well as necessary requirements for replanting. The Town's Tree By-law contains an exemption to the application of the by-law in situations where a planning application is proposed, and a subdivision agreement is required. In this case, the tree removal required to facilitate the Applications is exempt from the Town's Private Tree By-law. Conditions of draft plan approval have been included to require the maintenance of a row of trees along the eastern boundary of the subject lands, as well as fencing. If the existing mature trees cannot be retained due to poor health, to be confirmed by an arborist, then the owner will be required to plant mature trees along this boundary line.

#### 5.1.3.5 Urban Design

The Town OP contains policies regarding design for development of Greenfield lands. The following provides an analysis of such policies.

- a) Block lengths should generally range between 200 and 250 metres.

The block lengths within the draft plan of subdivision are less than 200 metres. Within the draft plan of condominium, the block lengths range from approximately 78 metres to 230 metres.

- b) Where blocks are longer than 250 metres, a through block pedestrian walkway or midblock parkette should be provided.

No blocks are longer than 250 metres; however, pedestrian walkways are provided throughout the development, including within the draft plan of condominium and draft plan of subdivision.

- c) Streets should be based on a grid pattern.

The streets within the proposal generally follow a grid pattern, with some slight variation due to existing surrounding development and lot configuration.

- d) Lots should vary in size and shape.

The proposal offers lots for single-detached and townhouse dwellings, which range in size and shape. The lots are regularly shaped. Within the subdivision, lots range in size from approximately 400 square metres to 800 square metres. Within the condominium, lots range in size from approximately 210 square metres to 240 square metres.

- e) Lots adjacent to neighbourhood centres and parks should be planned for medium density development.

The subject lands are not located adjacent to a neighbourhood centre or park. The provision of single-detached and townhouse dwellings aligns with low density and medium density development, in accordance with the Town OP.

- f) Pedestrian connections from the public road right-of-way to adjacent public open spaces and natural areas should be provided.

Sidewalks will be provided within the proposal, to connect to Line 2 Road, Homestead Drive and Frontier Drive. The lands are not adjacent to designated or protected natural areas or public open spaces.

- g) Mixed land uses should be concentrated in central and accessible locations.

The Applications facilitate residential development, and a mix of land uses is not provided.

- h) Sidewalks shall be provided in accordance with approved Town policy.

Sidewalks will be provided within the subdivision and condominium, in accordance with Town policy. Conditions have been included to this effect.

- i) Garages for single, semi and townhouse units shall not exceed 50% of the building's façade and shall be setback from the front face of these units.

Provisions to implement this have been included in the site-specific zoning by-law to ensure garages for the proposed dwellings will not exceed 50% of the building façade and will be setback from the front face of all units. All garages shall be set back a minimum of 1.0 metres behind the front face of the dwelling, and all garages shall be a maximum of 50% of the width of the building façade.

The Town OP also includes policies related to land use compatibility, residential infill and intensification in Virgil. To ensure that development respects and reflects the existing pattern and character of adjacent development, the proposal is required to adhere to the following criteria:

- a) The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;

The lot frontages and areas of the proposed development are consistent with the existing lots within the Konik Estates Phase 1 Subdivision, as well as The Vineyards subdivision. Lots located to the south and west of the subject lands are largely zoned as "Residential Development (RD)," which is considered as a holding zone for future development. It is anticipated that development will occur in the future on these lands, which may alter the existing lot area and/or frontage. The Konik Estates Phase 2 development proposes consistent lot frontages and lot areas to the surrounding dwellings to the north and east.

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;

The proposal is not requesting changes to the height provisions in any zone; the heights for the future dwelling units will be in accordance with the standards of the R2 and RM1 zones (10.0 metres). The Zoning By-law Amendment proposes site-specific provisions with respect to lot coverage increases, which are consistent with and/or anticipated to be compatible with the surrounding existing and permitted development.

- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;

The proposed development is largely internal, and only directly interfaces with existing development along Line 2 Road and Concession 6 Road. Along Concession 6 Road, the front and rear yard setbacks for new dwellings will be in accordance with the standard provisions of the R2 zone. Along Line 2 Road, the front yard setback is proposed to be reduced from the standard RM1 zone requirements, from 6.0 metres to 4.5 metres to the front face of a dwelling, and rear yard setbacks of 6.0 metres from the RM1 zone standard of 7.5 metres. In comparison to the dwellings located to the east of the subject lands, the minimum front yard setback is exceeded, and the reduced rear yard setback is not anticipated to result in compatibility concerns. Lands to the west of the proposal, along Line 2 Road, are within the RD zone, and have setbacks “as existing.”

- d) The setback between new building(s) and the interior side lot line shall increase as the frontage increases;

The interior side yard setback for lands zoned R2 will meet the standard provisions. The interior side yard for lands zoned RM1 varies in the Zoning By-law based on heights. The proposed side yard setbacks for lands zoned RM1 within the development align with or exceed the minimum interior side yard setback of the standard RM1 zone. Staff are satisfied that the interior side yard setback will be compatible with the adjacent existing and permitted uses.

- e) The new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;

Building elevations will be submitted for the proposed condominium, to detail building style, materials and colours. The condominium lands will also be subject to review and feedback by the Town’s Urban Design Committee as set out in the condition of draft plan approval. The existing buildings in the area offer a variety of building styles, materials and colours.

- f) Existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;

As discussed in Section 5.1.3.4 of this report, tree removal is required to accommodate the proposed subdivision. Street tree planting and additional landscaping will be required as part of the development. The submission of a landscape plan is required for the proposal, to ensure appropriate tree selection and placement.



- g) The width of the garage(s) and driveway(s) at the front of the new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;

The width of the driveways will be limited through the site-specific zoning for the subject lands, and will be a maximum width of 50% of the façade of the dwelling. Driveways to each dwelling unit will be subject to the Town's standard requirements, with a maximum permitted width of 6.0 metres.

- h) New driveways and service connections shall be sited to minimize tree loss;

The proposed driveways will be located to ensure compatibility with future service connections and maintain existing trees. It is not anticipated that the driveway locations will result in tree removals.

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

At the time of future building permit, individual lot grading plans and block grading plans will be required to address grading and drainage, and to ensure no negative impacts on adjacent properties as a result of stormwater.

Access to the subject lands has been supported by a Transportation Impact Study (dated December 18, 2023), which notes that no upgrades to the proposed new connection to Line 2 Road is warranted. Further, no upgrades to the intersection of Line 2 Road and Niagara Stone Road is required as a result of the proposal.

- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;

The subject lands are currently occupied by a single-detached dwelling fronting Concession 6 Road and are otherwise vacant with trees and treed areas. The lands do not offer significant public views or vistas. It is anticipated that the development will be compatible with the existing surrounding residential neighbourhood.

- k) Proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists;

The proposal includes the extension of a public road connection from Homestead Drive to Line 2 Road, with a connection to Frontier Drive. This public road will include sidewalks and be designed to meet Town standards. Town Operations staff has reviewed the proposed road design and submitted Transportation Impact Study, and have no objections to the proposal.

- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

As discussed in Section 5.1.3.3 of this report, the proposal will be serviced with adequate water and wastewater servicing. Waste management services will be provided by Niagara Region,

and are available to the dwelling units along the public roads and within the condominium block provided that the Regional trucks are able to manoeuvre the private laneways. Town Fire and Emergency Services staff has reviewed the proposal and offer no objections or concerns with respect to fire protection. Details regarding hydrant capacity and locations will be addressed as part of the future detailed design work.

The condominium block will be subject to further urban design review by the Town’s Urban Design Committee, with feedback on items including, but not limited to, elevations, landscaping and materials.

**5.1.3.6 Traffic**

A Transportation Impact Study (dated December 18, 2023) was submitted with the Applications. The Study found that approximately 97 trips will be generated during the AM peak hour, and 121 trips will be generated during the PM peak hour. No intersection capacity issues are estimated to occur at the three proposed roadway connections to the existing road network (Line 2 Road, Frontier Drive, Homestead Drive). No upgrades are warranted at the Line 2 Road and Niagara Stone Road, or Line 2 Road and Concession 6 Road intersections. Line 2 Road is anticipated to be upgraded in the coming years, pending Council budget approval, and is currently in the detailed design phase. It is anticipated that the new cross section of Line 2 Road will include sidewalks.

**5.1.3.7 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’s intent. The subject lands are designated “Residential” on Schedule B3 and “Greenfield Areas” on Schedule B7, which permits single-detached and townhouse dwelling units.

**5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended**

The subject lands are zoned “Virgil Community Zoning District – Residential Development (RD) Zone” under Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3** to **Appendix III** of this report.

The Application for Zoning By-law Amendment requests to rezone the subject lands to site-specific “Residential (R2) Zone” and site-specific “Residential Multiple (RM1) Zone.” The requested site-specific provisions closely mirror the permissions for the Konik Estates Phase 1 development to the north of the subject lands.

The following chart illustrates the standard RM1 Zone provisions and the site-specific zoning provisions recommended by Staff for the condominium block fronting Line 2 Road (shown as Blocks 53 and 54 on the Draft Plan of Subdivision, On-Street Townhouse Dwellings, **Appendix I**):

<b>Zone Requirement</b>	<b>RM1 Zone</b>	<b>Site-Specific RM1 Zone</b>
Minimum lot frontage	10.0 metres for an exterior lot	8.5 metres for an exterior lot
Minimum lot area	300 square metres for an exterior lot	288 square metres for an exterior lot (Riesling Drive and Line 2 Road)

<b>Zone Requirement</b>	<b>RM1 Zone</b>	<b>Site-Specific RM1 Zone</b>
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 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 on the ground floor
Maximum interior side yard setback	Minimum interior side yard setback of 1.5 m (5 ft) for end units, except for end units having a height of 5.0 m (16.4 ft) or greater, then 1.8 m (5.9 ft) shall be provided; further, where no attached garage is provided, the minimum side yard shall be 3.0 m (9.84 ft). No interior side yard is required between the common vertical wall dividing one unit from another.	1.5 metres  No interior side yard is required between the common vertical wall dividing one unit from another.
Minimum exterior side yard setback	Minimum exterior side yard setback of 4.5 m (14.76 ft), except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 m (19.69 ft)	1.5 metres
Minimum rear yard setback	Minimum rear yard setback of 7.5 m (24.6 ft), except for units having a height of 8.0 m or greater, then 9.0 m (29.53 ft) shall be provided	6.0 metres
Maximum total width of garage doors	N/A	50% of the dwelling unit

The following chart illustrates the standard RM1 Zone provisions and the site-specific zoning provisions recommended by Staff for the large condominium block (shown as Block 55 on the Draft Plan of Subdivision, Block Townhouse Dwellings, **Appendix I** and **Appendix II**):

<b>Zone Requirements</b>	<b>RM1 Zone</b>	<b>Site-Specific RM1 Zone</b>
Minimum lot frontage	30.0 metres	15.0 metres

<b>Zone Requirements</b>	<b>RM1 Zone</b>	<b>Site-Specific RM1 Zone</b>
Maximum lot coverage	35%	45% (entire development)
Minimum front yard setback	7.5 metres	4.5 metres 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 on the ground floor
Minimum interior side yard setback	7.5 metres	0.0 metres to 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 public or private 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

The following chart illustrates the standard R2 Zone provisions and the site-specific zoning provisions recommended by Staff for the subdivision lands containing the public road extension (shown as Lots 1 to 49, inclusive, on the Draft Plan of Subdivision, **Appendix I**):

<b>Zone Requirement</b>	<b>R2 Zone</b>	<b>Site-Specific R2 Zone</b>
Minimum lot frontage	15.0 metres	13.0 metres for an interior lot
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
Minimum front yard setback	6.0 metres	4.5 metres to the main façade of the dwelling 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 facade of the dwelling on the ground floor

Zone Requirement	R2 Zone	Site-Specific R2 Zone
Minimum exterior side yard setback	4.5 metres	3.0 metres 6.0 metres for a garage with the entrance facing the exterior side yard
Minimum accessory building yards setback	1.5 metres	1.0 metres for rear yard and interior side yard
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 illustrates the standard R2 Zone provisions and the site-specific zoning provisions recommended by Staff for the subdivision lands fronting Concession 6 Road (shown as Lots 50, 51 and 52 on the Draft Plan of Subdivision, **Appendix I**):

Zone Requirement	R2 Zone	Site-Specific R2 Zone
Maximum lot coverage	40%	40% An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
Minimum interior side yard setback	Minimum interior side yard setback of 1.2 m (3.94 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 m (9.84 ft) on one side.	1.4 metres to an existing in-ground swimming pool

Staff also recommend the following site-specific provisions related to Parking Space Requirements, Additional Provisions, and Permitted Yard Projections and Encroachments.

The Zoning By-law requires driveways to be located to no closer than 1.0 metres from an interior lot line. The proposed site-specific RM1 zones propose that the minimum interior side yard setback for 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.

The Zoning By-law permits for unenclosed and uncovered porch, deck, patio or steps to 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. The requested site-specific provisions are as follows on lands identified as RM1-45(a), RM1-45(b) and R2-45(a):

- 1) 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.
- 2) an unenclosed and uncovered or covered porch, deck or patio (such porch, deck or patio shall have a platform no greater than 0.8 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 metres above finished grade.

Staff consider the proposed reduction in lot frontage, lot area, front, side and rear yard setbacks, distance between any townhouse dwelling and a private roadway and parking area, and accessory building yard setbacks, as well as the proposed increase in lot coverage, to be appropriate and not impact the use or compatibility with surrounding lands. The site-specific zoning mirrors the existing permissions on the Konik Estates Phase 1 lands to the north and are consistent with certain provisions and permissions of the existing dwellings to the east, to provide a consistent design and development standard for the area. While reduced setbacks for the side and rear yards are proposed, the maintenance of these areas can still be achieved. The variation in dwelling and lot sizing contributes to the provision of a range of housing. The site-specific zoning will facilitate the location of the dwellings closer to the public and private streets which will provide greater interaction between the public and private realm. The site-specific zoning is also requested to provide a transition in setbacks from the neighbouring existing development along Line 2 Road and Concession 6 Road, as well as the more compact existing development to the north and east of the subject lands. The applicant has indicated that the proposed encroachment for unenclosed and covered or uncovered porches, decks, balconies, patios and steps aligns with the intended building design and desire to provide dwellings on smaller lot areas to achieve Provincial, Regional and Town policy direction regarding growth and variety in housing style. Staff do not anticipate any land use compatibility concerns as a result of the proposed Amendment.

The remaining standard R2 and RM1 Zone requirements will apply to the proposal. Staff recommend approval of the draft Zoning By-law Amendment for the subject lands, a copy is attached as **Appendix V** to this report.

### **5.3 Consultation**

The Applications were circulated to Town department and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VIII** to this report with overall comments summarized below.

#### Town Comments

Accessibility – No objection.

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection. Conditions included regarding fire flows.

Heritage – No objection.

Operations – No objection. Conditions included regarding the submission and approval of detailed servicing and engineering plans and reports.

Parks and Recreation – No objection. Require the collection of cash-in-lieu of parkland. The provision of a new park within the development is not warranted.

Urban Forestry – No objection. Conditions included regarding tree removals and plantings.

Agency Comments

Bell Canada – No objection. Conditions included regarding easements.

Canada Post – No objection. Conditions included regarding centralized mailbox locations and requirements.

Enbridge Gas – No objection.

Hydro One – No objection.

Niagara Region – No objection. Conditions included regarding archaeology, site condition, servicing, and waste collection.

Public Comments

An electronic Open House was held on March 18, 2024, which was attended by sixteen (16) residents. The statutory Public Meeting was held on April 9, 2024, during which eight (8) residents provided comments. Staff has also received written correspondence from nine (9) residents. Comments received from members of the public are attached as **Appendix IX** to this report.

The comments received on this proposal, as well as Staff’s responses, are provided in the table below:

Public Comment	Response
Concerns with stormwater management, and reliance on sump pumps	Town Operations Staff has reviewed the Functional Servicing Report submitted with the Applications, and note that sufficient stormwater capacity exists for this development. Additional comments regarding Servicing are provided in Section 5.1.3.3 of this report. A hydrogeological assessment will be required as part of the future Site Plan Application to facilitate the development of the condominium lands.
Removal of trees within wooded area at 448 Line 2 Road will impact wildlife, including birds. Does the Town’s Tree By-law apply to the lands? Need to maintain tree canopy.	Comments regarding tree removal are addressed in Sections 5.1.2 and 5.1.3.4 of this report. The Town’s Private Tree Protection By-law No. 5139-19 does not regulate the tree removal and replanting requirements of this proposal. The wooded area on the subject lands is considered as a “woodland” based on the definition contained within the Town’s Tree By-law; however, in alignment with the Regional Tree By-law, the Town’s Tree By-law provides an exemption for tree removal associated with a planning application. The proposal will include plantings of trees on individual lots, and will require the submission of further information to evaluate the health of and maintain certain trees on the subject lands.
Concerns regarding increased traffic, lack of sidewalks, safety in proximity to	Comments regarding traffic are provided in Section 5.1.3.6 of this report. Improvements to

<b>Public Comment</b>	<b>Response</b>
Crossroads Public School, upgrades to the intersection of Line 2 Road and Niagara Stone Road	Line 2 Road will include the provision of sidewalks.
Need fencing to separate the lands from adjacent properties	Fencing will be required along the periphery of the subject lands.
Construction vehicles will disrupt the neighbourhood	Construction vehicles are required to access the subject lands via Concession 6 Road.
Need to provide parkland within the development	Parkland dedication has been addressed in Section 5.1.3.2 of this report. Cash-in-lieu of parkland dedication will be collected. A park within the development is not warranted due to the proximity of the expanded Homestead Park.
Outdoor private amenity area too close to existing surrounding dwellings	The proposed rear and side yard setbacks, as well as the encroachments, are consistent with the approved and under-construction Konik Estates Phase 1 development to the north of the subject lands. Staff do not anticipate any compatibility concerns regarding the continuation of such provisions on the subject lands. Staff have included a condition regarding the existing trees along the boundary line.
Line 2 Road needs improvements, and these updates should happen prior to the subdivision being built out	Line 2 Road is anticipated to be reconstructed, pending Council budget approval, in the coming years. Timing to reconstruct and improve Line 2 Road is not confirmed; however, based on the Transportation Study information the build out of the subdivision will not be limited by the future improvements to Line 2 Road.
Can the development be supported by public utilities (e.g., water, sewer, electricity, internet, gas, etc.)?	Yes. Additional discussion regarding servicing is provided in Sections 5.1.3.3 and 5.3 of this report.
Too many entrances are proposed along Line 2 Road	The proposal will introduce a total of seven (7) new entrances onto Line 2 Road. One of these entrances is for a new public road, and the remaining six (6) will be driveways to new townhouse dwelling units. The entrance permits for driveways are all proposed in accordance with design requirements and Town policies. Town Operations staff has offered no concerns with the additional entrances onto Line 2 Road.
Need more parking for the townhouses on Line 2 Road	All dwelling units proposed meet the required parking standards. The townhouses fronting Line 2 Road will provide a minimum of two (2) standard parking spaces. Additional parking spaces are not required based on the Town's Zoning By-law.



Public Comment	Response
Townhouses should not be built on Line 2 Road, as there are no other townhouses along the street	Provincial, Regional and Town policies encourage diversity in built form. Staff consider townhouse dwellings to be compatible with the existing surrounding development.

Staff has advised residents that spoke at the Public Meeting or submitted written comments of the Committee’s consideration of the Applications this evening.

**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**

The Committee may approve, refuse or modify the proposed Zoning By-law Amendment application and/or Draft Plan of Subdivision and conditions and/or Draft Plan of Condominium and conditions.

**8. FINANCIAL IMPLICATIONS**

The applicant is responsible for all costs associated with the development. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of a future Subdivision and Condominium Agreement.

**9. ENVIRONMENTAL IMPLICATIONS**

Tree removal on the site is required to accommodate the proposed development. As provided in the Constraints Analysis, the trees on the subject lands do not meet “significance” criteria contained within the Niagara Official Plan. Further, the tree removal is exempt from the provisions of the Town and Regional Tree By-laws. Tree removal on this site is to be accommodated in accordance with the recommendations contained in the Constraints Analysis to ensure that tree removal occurs during appropriate times to limit disturbance on potential habitats. Trees will be planted on individual lots throughout the development, and certain periphery trees will be maintained. With respect to tree removal within the planted wooded area on lands municipally known as 448 Line 2 Road, a condition of draft plan approval has been included to require the maintenance of a row of trees along the eastern lot boundary. Existing mature trees are to be retained unless a Health and Condition Assessment prepared by an arborist advises that the trees are unable to be retained due to poor health. If the existing mature trees cannot be retained, then the owner will be required to plant mature trees along this boundary line. Conditions to require trees throughout the subject lands are included.

## 10. COMMUNICATIONS

Once Council has made a decision on the Applications, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

Recent changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

## 11. CONCLUSION

Community and Development Services Staff recommend approval of Zoning By-law Amendment ZBA-02-2024, Draft Plan of Subdivision Application 26T-18-24-02, and Draft Plan of Condominium Application 26CD-18-24-01, as detailed in this report, since the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with the Growth plan, Niagara Official Plan, and Town Official Plan.

## 12. PREVIOUS REPORTS

- **CDS-24-047** – 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, Information Report – April 9, 2024

## 13. APPENDICES

- **Appendix I** – Draft Plan of Subdivision
- **Appendix II** – Draft Plan of Condominium
- **Appendix III** – Maps
- **Appendix IV** – Planning Legislation and Policies
- **Appendix V** – Zoning By-law Amendment
- **Appendix VI** – Draft Plan of Subdivision Conditions
- **Appendix VII** – Draft Plan of Condominium Conditions
- **Appendix VIII** – Agency Comments
- **Appendix IX** – Public Comments


Respectfully submitted:

**Prepared by:**



**Aimee Alderman, MCIP, RPP**  
Manager of Planning

**Recommended by:**



**Kirsten McCauley, MCIP, RPP**  
Director, Community & Development Services

**Submitted by:**



**Bruce Zvaniga**  
Chief Administrative Officer (Interim)