

## PLANNING LEGISLATION AND POLICIES

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

#### **Provincial interest**

**2** The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

#### **Policy statements**

#### **Policy statements and provincial plans**

**3** (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

### **Official Plans**

#### **24 Public works and by-laws to conform with plan**

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

### **Zoning by-laws**

**34** (1) Zoning by-laws may be passed by the councils of local municipalities:

#### **Restricting use of land**

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

#### **Restricting erecting, locating or using of buildings**

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

#### **Significant archaeological resources**

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

#### **Construction of buildings or structures**

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

#### **Area, density and height**

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority

*to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).*

## **Provincial Policy Statement, 2020**

### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

1.1.1 *Healthy, livable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types... to meet long-term needs;...*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

#### **1.1.3 Settlement Areas**

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed;*

#### **2.6 Cultural Heritage and Archaeology**

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020**

## **2.2 Policies for Where and How to Grow**

### **2.2.1 Managing Growth**

4. *Applying the policies of this Plan will support the achievement of complete communities that:*
  - a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
  - b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
  - c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
  - d) *expand convenient access to:*
    - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
    - ii. *public service facilities, co-located and integrated in community hubs;*
    - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; ...*
  - e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
  - f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; ...*

## **4.2 Policies for Protecting What is Valuable**

### **4.2.7 Cultural Heritage Resources**

1. *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

## **Niagara Official Plan, 2022**

### **2.1 Forecasted Growth**

*The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051. This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and proactive growth management is needed to ensure there is appropriate housing, employment, and infrastructure available to support Niagara's growth. Land use, housing, and servicing is planned using the forecasts set out in Table 2-1. The Region will monitor these forecasts to ensure growth is planned for and managed based on reliable data. The objective of this section is as follows:*

- a) *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*

**Table 2-1**

<b>Municipality</b>	<b>Population</b>	<b>Employment</b>
Niagara-on-the-Lake	28,900	17,610

## **2.2 Regional Structure**

*The objectives of this section are as follows:*

- a) manage growth within urban areas;*
- b) accommodate growth through strategic intensification and higher densities;*
- c) protect and enhance the character of rural settlements;*
- d) plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and*
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

### **2.2.1 Managing Urban Growth**

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
  - i. a range of transportation options, including public transit and active transportation;*
  - ii. affordable, locally grown food and other sources of urban agriculture;*
  - iii. co-located public service facilities; and*
  - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g) opportunities for intensification, including infill development...*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- j) conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) mitigation and adaptation to the impacts of climate change by:
  - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.**

**Table 2-2**

<b>Municipality</b>	<b>Units</b>	<b>Rate</b>
Niagara-on-the-Lake	1,150	25%

## **2.3 Housing**

The objectives of this section are as follows:

- a) provide a mix of housing options to address current and future needs;
- b) provide more affordable and attainable housing options within our communities; and
- c) plan to achieve affordable housing targets through land use and financial incentive tools.

### **2.3.1 Provide a Mix of Housing Options**

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; ...

## **6.4 Archaeology**

### **6.4.2 Conservation in Accordance with Provincial Requirements**

6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.

## **6.5 Cultural Heritage**

### **6.5.1 Cultural Heritage Resources**

6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.

6.5.1.5 Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has

*been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

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

### **6.9 Estate Lots**

*Estate lots are those properties in an urban area containing a dwelling of historical or architectural significance which makes a contribution to the streetscape or character of the municipality and have the potential of being subdivided into additional lots. Prior to any application for a plan of subdivision or consent the proponent shall submit to the municipality the following:*

- a) A streetscape study prepared by a qualified professional planner or other appropriate professional and approved by the Town demonstrating that the creation of a lot(s) will not negatively affect the character of the street or nearby homes.*
- b) The proponent demonstrates that there is no negative impact on vegetation or drainage in the area.*
- c) The proponent demonstrates that the ambience, character, setting and historic value of the existing home will be retained.*
- d) Both the severed and retained parcel should have a frontage, lot area and proposed setbacks that complement the character and historic home and surrounding homes.*

### **6.33 Tree Preservation And Reforestation**

*It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following polices shall apply.*

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

## **Section 6A: Growth Management Policies**

### **4. Intensification**

#### **4.4 Intensification Objectives**

##### **Objectives**

*The objectives of the intensification policies of this Plan are to:*

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*
- c) Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area...*

- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

#### *Built-up Area Intensification Policies*

*The Town will support appropriate infilling and intensification within the limits of the Built-up Area. The following policies apply:*

- a) *The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached... subject to the relevant development and compatibility policies of this plan.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.*
- k) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*
- l) *During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.*

#### *Urban Design*

*...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located.*
- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

#### **4.6 Land Use Compatibility Policies**

*Intensification and/or redevelopment should be consistent with:*

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood;*



- d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
  - *Street and block patterns*
  - *Lot frontages lot area, depth*
  - *Building Setbacks*
  - *Privacy and over view*
  - *Lot grading and drainage*
  - *Parking*
  - *Servicing*

***Development Criteria – Residential Infill and Intensification in Old Town and Virgil***

*In considering an application for development approval on lands designated “Low Density Residential”, “Medium Density Residential” and “Established Residential”, 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:*

- 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;*
- 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;*
- 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;*
- d) *the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity 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;*
- g) *the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) *new driveways and service connections shall be sited to minimize tree loss;*
- i) *impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- 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;*

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

## **Section 9: Residential**

### **9.2 Goals And Objectives**

- (1) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (2) *To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.*
- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
- (4) *To encourage the development of economical housing in a suitable environment.*
- (5) *To ensure that existing housing and existing residential areas shall be preserved and improved.*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

### **9.3 Land Use Designations**

#### **9.3.3 Established Residential**

##### **Main Uses:**

*Low Density Residential uses such as single-detached.... dwellings*

##### Uses permitted independent of a Main Use:

- *Medium density residential uses subject to; the relevant policies of Section 9, a site-specific zoning amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources...*
- (3) *The following policies apply to all lands within the Established Residential Zones in Old Town:*
    - a) *Changes to lot frontage and/or lot depth may be permitted subject to a Zoning Bylaw Amendment.*
    - b) *The required Zoning By-law Amendment shall be processed prior to acceptance of an Application for Consent to Sever Land.*

- c) *In the analysis of any application to amend the Zoning By-law proposing changes to lot frontage and/or lot depth, the following shall be considered:*
  - i. *The average lot frontage and lot depth of the existing parcels on the block;*
  - ii. *In the case of corner lots, average lot frontages and lot depths shall be calculated on both block faces;*
  - iii. *The relevant Intensification policies of the Official Plan;*
  - iv. *A streetscape study;*
  - v. *A Planning Justification study;*
  - vi. *An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;*
  - vii. *Estate Lots and relevant policies;*
  - viii. *Existing and proposed land uses on the subject lands and surrounding lands.*
- d) *Any Zoning By-law application proposing changes to lot frontage and/or lot depth may be approved if the above-noted considerations in Section C) adequately demonstrate that the proposed new lot(s) will maintain or improve the character of the block face.*

*(4) Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, character, height, design and mass.*

*(5) Several of the structures within the established Residential area have been designated as "Heritage" buildings under The Ontario Heritage Act. Every effort should be made by both the owner and the Town to ensure the continued existence of that structure in its historically significant form.*

## **9.4 General Residential Policies**

### **(4) Residential Density**

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.*

*Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.*

## **Section 18: Heritage Conservation**

### **18.2 Goals and Objectives**

- (1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake.*
- (2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply.*
- (4) To encourage appropriate character and uses adjacent to heritage resources in those areas designated as Heritage Conservation Districts.*
- (5) To develop and encourage creative, appropriate and economically viable uses of heritage resources.*

### **18.3 Heritage Policies**

#### *(4) Criteria for Assessing New Development*

*Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC ("Local Architectural Conservation Advisory Committee") shall address the following:*

- a) The impact of the development on existing heritage resources*
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.*

### **18.5 Archaeological Planning**

*(1) An archaeological resource assessment may be required by the Regional Municipality of Niagara as the delegated authority (Planning and Development Department) in consultation with Town of Niagara-on-the-Lake as a result of a planning application should any portion of the subject property fall within a zone of archaeological potential as shown on Schedule "H" to this Official Plan or where an archaeological site has been previously registered on the property.*

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

### **2.6 Complete Communities**

## **2.6.2 Healthy Neighbourhoods**

2.6.2.1 *Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:*

- a) *Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;*
- b) *retention of schools and family supportive institutions including pre-schools, elementary schools and post-secondary schools;*
- c) *a range of quality housing choices to meet the needs of people in all stages of life;*
- d) *Community Design and heritage guidelines to ensure growth will conserve and, where possible, enhance the cultural heritage resources of the Town;*
- g) *measures to protect the Town's scenic beauty, tree cover and landscaping;*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

## **2.6.3 Housing**

2.6.3.1 *A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.*

2.6.3.4 *New housing will be directed to the Settlement Areas.*

2.6.3.5 *The Town will maintain a minimum three-year supply of residential units as well as the infrastructure to support that supply.*

## **4.5 Intensification Strategy**

### **4.5.2 Objectives**

4.5.2.1 *The objectives of the intensification policies of this Plan are to:*

- a) *Support the Built-up Areas by strategically directing most intensification to Intensification Areas identified on Schedule B7;*
- b) *Provide policy for accommodating additional growth within the Built-up Areas;*
- c) *Provide a framework that supports intensification and infilling throughout the Town's Built-up Area;*
- d) *Provide a framework that allows for second dwelling units;*
- e) *Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and*
- f) *Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.*

### **4.5.3 Policies**

- 4.5.3.2 *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single-detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant development and compatibility policies of this Plan.*
- 4.5.3.4 *The Town will ensure that intensification and redevelopment conserves cultural heritage resources. Community Design Guidelines will be prepared and used as a tool to achieve compatible built form with intensification and redevelopment. Adaptive reuse of cultural heritage resources will be strongly encouraged.*
- 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:*
- 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;*
  - 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;*
  - 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;*
  - d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
  - e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity 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;*
  - g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
  - h) new driveways and service connections shall be sited to minimize tree loss;*
  - i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
  - 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;*
  - 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; and*

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

## **4.7 Land Use Compatibility**

### **4.7.2 Compatibility**

- 4.7.2.1. Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:
  - a) conserving natural heritage and cultural heritage resources;*
  - b) Existing and/or planned densities;*
  - c) Lot frontages, area and depth;*
  - d) Building setbacks;*
  - e) Privacy;*
  - f) Parking;*
  - g) Servicing, lot grading and drainage; and,*
  - h) The existing and/or planned height and massing of buildings.**
  
- 4.7.2.2. Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space*

## **4.8 Community Design**

### **4.8.1 Design Policies**

- 4.8.1.1. The character of the Town is reflected in its cultural heritage resources, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban streetscapes, low profile development, walkable communities, and variety of architectural and design features.*
- 4.8.1.2. Community Design Guidelines are used to integrate new development into the fabric of the community and to preserve its character and enhance those attributes that are important to residents and visitors. Community Design involves the arrangement and design of buildings, public spaces, transportation systems, services, landscaping and amenities.*
- 4.8.1.3. Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities.*
- 4.8.1.4. Community Design Guidelines should be based on the following:
  - a) Encourage a compact, walkable and well-connected community;*
  - b) Provide a linked public open space system;**

- c) *Encourage the enhancement of streetscapes;*
  - d) *Integrate public infrastructure into the landscape; and*
  - e) *Conservation of cultural heritage resources.*
- 4.8.1.5. *The Town may develop Community Design Guidelines for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. Community Design Guidelines may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or development approval standards.*
- 4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town:*
- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face;*
  - d) *Height, mass and scale of new development will fit the context within which it is located;*
  - e) *Garages for single, semi and townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
  - f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

#### **4.10. Residential Areas**

##### **4.10.4 Established Residential Designation**

###### 4.10.4.1 *Character:*

- a) *The Established Residential areas represent older, stable neighbourhoods. These neighbourhoods can include cultural heritage resources that must be conserved. The existing character of the Established Residential areas shall be maintained.*

###### 4.10.4.2 *Permitted Uses:*

- a) *In the Established Residential designation, the following uses shall be permitted:*
  - *single-detached dwellings, ...*

###### 4.10.4.3 *Policies:*

- a) *Due to the wide variety of lot sizes, frontages, depths and setbacks in the Established Residential designation that result in a varied and attractive streetscape, the Zoning By-law may set requirements on a block-by-block basis to maintain the unique character of the area.*
- c) *Within the Established Residential designation, the following policies apply:*
  - i. *Changes to lot frontage and/or lot depth may be permitted subject to a zoning by-law amendment.*



- ii. *In the analysis of any application to amend the zoning by-law proposing changes to lot frontage and/or lot depth, the following will be considered:*
  - *The average lot frontage and lot depth of the existing parcels on the block face;*
  - *In the case of corner lots, average lot frontages and lot depths will be calculated on both block faces;*
  - *The relevant Intensification policies of the Official Plan;*
  - *Preparation of a streetscape study, planning justification report, and/or heritage impact assessment, if required, which demonstrate that the proposed new lot(s) will maintain or improve the character of the block face;*
  - *An arborist report which will consider the potential impacts on all trees with particular regard for Carolinian Canada species; and*
  - *Existing and proposed land uses on the subject lands and surrounding lands.*
- d) *Cultural heritage resources shall be conserved.*
- e) *Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:*
  - i. *Patterns of streets, blocks and lanes, parks and public building sites;*
  - ii. *Size and configuration of lots;*
  - iii. *Heights, massing, scale and dwelling type of nearby residential properties;*
  - iv. *Prevailing building type(s);*
  - v. *Setbacks of buildings from the street or streets;*
  - vi. *Prevailing patterns of rear and side yard setbacks and landscaped open space;*
  - vii. *Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and*
  - viii. *Conservation of cultural heritage resources.*
- f) *Special care will be taken to maintain the low profile character of the area. New residential development in these areas consisting of more than two units shall be accompanied by a detailed site and area analysis demonstrating there will be minimal impact on surrounding neighbourhoods and development.*

## **Section 7 Heritage, Archaeology and Culture**

### **7.1.2 Identification and Documentation**

7.1.2.1 *The Town, through a variety of initiatives, will identify, conserve and protect cultural heritage resources, including those shown on Schedules D1 to D3, and:*

- a) *Will consult with the Municipal Heritage Committee (MHC) on all matters related to the Town's cultural heritage resources;*
- b) *Identify cultural heritage resources using recognized methods such as those identified by the Ministry of Tourism, Culture and Sport;*

### **7.1.3 Protection of Cultural Heritage Resources**

- 7.1.3.1 *Protection, maintenance, adaptive reuse and stabilization of existing cultural heritage attributes and features, as opposed to removal or replacement, will be the core principle for all conservation projects and for all developments that have the potential to impact cultural heritage resources.*
- 7.1.3.2 *In order to protect heritage resources, the Town will establish policies and procedures to:*
- a) *Protect and conserve cultural heritage resources in accordance with the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Protection Act, the Funeral, Burial and Cremations Act, the Municipal Act, the Standards and Guidelines for the Conservation of Historic Places in Canada, the Venice Charter, the Appleton Charter for the Protection and Enhancement of the Built Environment, and other recognized heritage protocols and standards as applicable. Conservation, maintenance and stabilization of existing cultural heritage resources must be the first consideration for all properties on or adjacent to cultural heritage resources*
  - e) *Require preparation of a heritage impact assessment or heritage conservation plan for any proposed alteration, construction or development involving, adjacent to, or in the immediate vicinity of, a cultural heritage resource.*
  - g) *Require a heritage permit for any work to a cultural heritage resource protected under the Ontario Heritage Act.*
  - h) *Require where development or site alteration is proposed on or adjacent to a Section 29, Part IV Ontario Heritage Act Designated property, and where the designation by-law predates 2005, that any application or heritage impact assessment include an updated Statement of Cultural Heritage Value or Interest with a list of heritage attributes that is satisfactory to the Town. The potential impacts of any such development or site alteration must be evaluated against any identified heritage values or heritage attributes.*
  - i) *Review applications for development and site alteration on lands containing and adjacent to cultural heritage resources and require mitigative measures and/or alternative development approaches to conserve the heritage attributes impacted by the development. A Heritage Impact Assessment and/or an Archaeological Assessment may be required to demonstrate that the cultural heritage resources will be conserved. Development of lands adjacent to protected heritage properties shall be required to demonstrate that the heritage attributes of the adjacent protected heritage property are conserved through such approaches as appropriate siting of new development, setbacks, urban design and intensity and types of uses*
- 7.1.3.9 *The Town will use zoning by-law provisions as appropriate, to conserve cultural heritage resources.*

### **7.2.3 Heritage Character Areas**

7.2.3.1 *The Town has identified the following Heritage Character Areas as Cultural Heritage Landscapes based on a review by Bray Heritage (Estate Lot Study) in 2018, based on the available information on the areas and the concentration of “estate lots” in those areas:*

- *Downtown Heritage Character Area;*

7.2.3.4 *Should any site alteration, development, or demolition be proposed within any of these areas, a Heritage Impact Assessment will be required. This Heritage Impact Assessment must consider the potential impact to the overall area as well as to individual properties. Within these areas, the Town may request additional historical research, and/or an Ontario Regulation 9/06 Assessment prepared to the satisfaction of the Town on any property.*

### **7.3 Archaeological Resources**

7.3.4 *The Town will promote conservation of its archaeological resources and will:*

- a) Require an archaeological assessment by a licensed archaeologist, as a result of a proposal or plan for site alteration or development if any portion of the subject property fall within a zone of archaeological potential, as shown on Schedules D1 to D4, or where an archaeological site has been previously registered on the property.*
- c) Require a provincial review and acceptance letter verifying that an archaeological assessment is compliant with the Standards and Guidelines for Consultant Archaeologists (2011).*

### **8.8 Tree Preservation and Reforestation**

8.8.1 *The existing tree canopy in the Town is an important component of the character of the Town and its community design features. Tree preservation and management will be addressed in a by-law passed by the Region or the Town, under appropriate legislation.*