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

**SUBJECT:** Public Meeting – 1594 Concession 6 Road (Red Roof Retreat)  
Zoning By-law Amendment Application (ZBA-15-2024)

**DATE:** 2025-01-14

**REPORT #:** CDS-25-006

**PREPARED BY:** John Federici, MCIP, RPP, Senior Planner

**DEPARTMENT:** Community & Development Services

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### BACKGROUND INFORMATION

#### Executive Summary

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

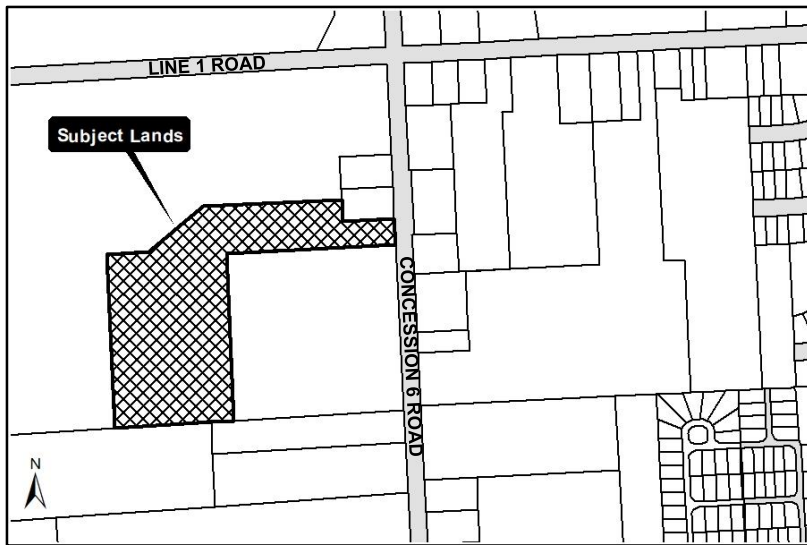
An application has been received for a Zoning By-law Amendment (the “Application”) on the subject lands. The Application would permit the development of a new Respite Care Facility and associated adult day programs to be operated by the Red Roof Retreat. The Respite Care Facility would provide short-term, non-emergency supervised care for individuals of any age who require medical, physical, or cognitive support, intended to provide relief to their caregivers. Site Plan Approval is required prior to any development proceeding on the subject lands.

The subject lands are currently zoned “Rural (A) Site Specific Zone” pursuant to amending By-law 500JK-95, which permits a “a group home for rehabilitation and long-term living program for persons with acquired brain injuries.” The Zoning By-law Amendment application proposes to expand the existing permitted uses to include a Respite Care Facility and Adult Day Program, and to seek relief from the standard Rural (A) provisions for lot area, lot frontage and front yard setback, and to set out site-specific parking requirements.

#### Location

The subject lands are located on the west side of Concession 6 Road, south of Line 1 Road and north of Line 2 Road in the Town’s agricultural area (see **Figure 1**).

The subject lands have an area of approximately 4.03 hectares, with a total of 27.4 metres of frontage on Concession 6 Road.



**Figure 1:** Location of the Subject Lands

The subject lands contain a single-detached dwelling where the Red Roof Retreat currently operates. The site also has an associated parking area and ten (10) accessory buildings. The westerly portion of the subject lands are impacted by the Four Mile Creek and its associated floodplain as well as a woodland. Development is proposed outside of these environmental features.

The Red Roof Retreat specializes in respite and recreation programs, offering summer camps and adult day care, and weekend respite programs for children with special needs. The Red Roof Retreat purchased the property in 2005 and has operated the respite program since 2006 on the subject lands. The Red Roof Retreat is licensed by the Ministry of Children, Community, and Social Services to operate a children's residence.

### **Development Process**

The Application is in the first phase of the development review process:



### **Proposal**

An Application has been received to permit the development of a new Respite Care Facility and associated adult day programs to be operated by the Red Roof Retreat. A future Site Plan Approval Application will be required prior to any development taking place on the subject lands.

The Zoning By-law Amendment application proposes to expand the permitted uses to include a Respite Care Facility and Adult Day Program, and to seek relief from the standard Rural (A) zone provisions for lot area, lot frontage and front yard setback, and to set out site-specific parking requirements.

The subject lands were previously subject to a Zoning By-law Amendment application in 1995 and are currently zoned “Rural (A) Site Specific Zone” pursuant to amending By-law 500JK-95, which permits a “a group home for rehabilitation and long-term living program for persons with acquired brain injuries.”

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

- Planning Justification Report – November 1, 2024
- Survey – February 27, 2024
- Draft Site Plan – October 24, 2024
- Floor Plans and Elevations – October 24, 2024
- Functional Servicing and Stormwater Management Report – October 2024
- Stage 1-2 Archaeological Assessment – October 11, 2024
- Copy of Ministry Operating Letter – June 25, 2024

The Application was deemed complete by Town Staff on November 29, 2024.

The draft Site Plan is attached to this report as **Appendix I**.

### **Policy Review**

The following provides a general overview of the policy framework regarding the Application. A full policy review will be completed and included in the recommendation report.

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

The *Planning Act* provides individuals the ability to request amendments to a municipal zoning by-law.

#### *Provincial Planning Statement, 2024*

The subject lands are identified as “Specialty Crop Area” under the Provincial Planning Statement (“PPS”), which took effect on October 20, 2024. The PPS sets the overall policy direction for regulating land use in Ontario.

Provincial Plans, such as the Greenbelt Plan, build upon the policy foundation provided by the PPS, and are to be read in conjunction with the PPS. Provincial Plans take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

Planning authorities are required to use an agricultural system approach to maintain and enhance a geographically continuous agricultural land base, and specialty crop areas shall be designated and protected for long-term use of agriculture. The permitted uses in specialty crop areas are agricultural uses, agricultural-related uses, and on-farm diversified uses.

#### Greenbelt Plan, 2017

The subject lands are identified as being “Specialty Crop Area” (Niagara Peninsula Tender Fruit and Grape Area) within the “Protected Countryside” according to the Greenbelt Plan. All types of agricultural uses and normal farm practices shall be promoted and protected, and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.

Section 4.5 of the Greenbelt Plan sets out that all existing uses are permitted and that expansions of existing uses are permitted, subject to demonstrating that new municipal services are not required and that the use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones.

Section 5.2.1 of the Greenbelt Plan sets out that where a zoning by-law was amended prior to December 16, 2004, to specifically permit land uses, this approval may continue to be recognized. Additionally, this section identifies that applications to further amend the site-specific zoning-by-law permissions for uses similar to the permitted use are also permitted.

#### Niagara Official Plan, 2022

The subject lands are designated as “Specialty Crop Area” on Schedule F in the Niagara Official Plan, 2022 (the “NOP”). Agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in the specialty crop area. The policy direction is aimed at protecting the Region’s agricultural land base and ensuring that agriculture is the predominant land use in specialty crop areas.

The NOP mirrors the policies of the Greenbelt Plan with respect to allowing expansions to existing uses subject to demonstrating that new municipal services are not required, that the proposal does not expand into key natural heritage features or key hydrologic features, and that the proposed use is in accordance with the minimum distance separation formulae, among other criteria, as applicable.

The subject lands are impacted by the Region’s Natural Environment System (“NES”) as they contain “Other Woodland” and a “Permanent/Intermittent Stream.” The NOP sets out that a minimum Vegetation Protection Zone is required for these NES features and requires that any NES features and their required buffers be placed with an appropriately restrictive environmental designation and zone.

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

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

The subject lands are identified as “Agricultural” on Schedule A of the Town of Niagara-on-the-Lake Official Plan (the “Town OP”). The Town OP provides goals and objectives for agricultural designated lands, including the preservation of prime agricultural lands and considering the impact on surrounding agriculture.

The Town OP permits group homes administered under Provincial legislation in any residential zone or residence in the Town, subject to criteria. The types of group homes that are permitted are approved homes, homes for special care, supportive housing programs and adult community mental health programs, children’s residences, accommodation services for the developmentally handicapped, and satellite residences for seniors.

The policy direction in the Town OP for agricultural lands is to help ensure the preservation of prime agricultural lands for farming with a particular emphasis on the preservation of specialty crop lands. The Town OP sets out policies to ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation. A group home is permitted with a main use within the Agricultural designation.

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

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are identified as “Specialty Crop Lands” on Schedule B1 in the proposed Official Plan.

Niagara-on-the-Lake Zoning By-law 500A-74, as amended

The subject lands are zoned “Rural (A) Site-Specific Zone” pursuant to amending By-law 500JK-95. The current site-specific zoning which applies to the subject lands permits a group home.

The Zoning By-law Amendment Application has been submitted to rezone the subject lands to expand the permitted uses to include a “Respite Care Facility” and “Adult Day Program,” and to seek relief from the standard Rural (A) zone provisions for lot area, lot frontage and front yard setback, as follows:

<b>Zone Requirement</b>	<b>Rural (A) Zone</b>	<b>Proposed Site-Specific Rural (A) Zone</b>
Minimum Lot Area	4.05 hectares	4.0 hectares
Minimum Lot Frontage	38.10 metres	27 metres (existing)
Minimum Front Yard Setback	15.24 metres	3.5 metres

Additional site-specific parking requirements are requested as follows:

Provision	Zone Requirement (Group Home)	Proposed Site-Specific Rural (A) Zone
Parking Requirements	1 parking space for every staff member for the 'group home' with stacked parking to a depth of one vehicle permitted in a driveway.  Visitor Parking is at the rate of 1 visitor parking space for group homes having up to 6 residents and 2 visitor parking spaces for group homes have more than 6 residents.	A minimum of five (5) parking spaces shall be provided for Respite Care Facility and Adult Day Program staff.  A minimum of four (4) parking spaces combined shall be provided for visitors and Respite Care Facility guests and Adult Day Program participants.

### **Consultation**

The Application was circulated to Town Departments and external agencies for review and comment. Public Notice was provided as required by the *Planning Act*.

To date, the following comments have been received:

#### Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections. The applicant must revise the location of the fire department connection on the Site Plan as it is not located near the fire access route at the side of the building or the primary firefighting entrance. The Site Plan must show that the unobstructed distance from the fire department connection to the hydrant is less than 45 metres.

Heritage – No objections. The applicant must submit the clearance letter from the Ministry of Citizenship and Multiculturalism for the submitted Stage 1-2 Archaeological Assessment prior to any ground disturbance occurring on the subject lands.

Operations – No objections. Details regarding fire flows and supply pressure, road widening, driveway location, and costing for the proposed on-site and off-site works must be determined at the Site Plan Approval stage.

#### Agency Comments

Enbridge – No objections.

Niagara Peninsula Conservation Authority – No objections. The NPCA notes that a regulated watercourse and 100-year floodplain traverses the rear of the subject lands. All development for this proposal is located away from the regulated features.

Niagara Region – No objections provided that revisions are incorporated into the Zoning By-law Amendment, which set out that the Natural Environmental System features on the subject property and their associated 30-metre-wide Vegetated Protection Zone are placed within an appropriately restrictive environmental zone and that specific limits are established to regulate the maximum building footprint to ensure the proposed use remains appropriately scaled for the subject property and its surrounding agricultural context.

Canada Post – No objections.

#### Public Comments

An electronic Open House was held on December 12, 2024. No members of the public attended the Open House to provide comments. At the time of report preparation, Town Staff has not received any comments from residents.

#### **NEXT STEP / CONCLUSION**

Following the Statutory Public Meeting, all comments received will be considered through review of the Application. The applicant will have an opportunity to respond to comments and submit revised application materials. Any revised materials will be made publicly available. Once the review process has concluded, a staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

#### **ATTACHMENTS**

- **Appendix I – Draft Site Plan**