

## PLANNING LEGISLATION AND POLICIES

### **Condominium Act, 1998, S.O. 1998, c. 19**

#### ***Planning Act***

##### ***Approvals of descriptions***

**9 (2)** *Subject to this section, the provisions of sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision apply with necessary modifications to a description or an amendment to a description. 1998, c. 19, s. 9 (2).*

##### ***Registration***

**9 (3)** *A description or an amendment to a description shall not be registered unless,*

- (a) the approval authority has approved it; or*
- (b) the approval authority has exempted it from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2) and it is accompanied by a certificate of exemption issued by the approval authority. 1998, c. 19, s. 9 (3).*

##### ***Additional Conditions***

**9 (5)** *In addition to the conditions that it may impose under subsection 51 (25) of the Planning Act, the approval authority that receives an application described in subsection (4) may impose the conditions that it considers are reasonable in light of the report mentioned in subsection (4). 1998, c. 19, s. 9 (5).*

##### ***s. 52 of Planning Act***

**9 (12)** *Section 52 of the Planning Act applies in respect of a description of a vacant land condominium corporation but does not apply in respect of a description of any other corporation. 1998, c. 19, s. 9 (12).*

### **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**

**17** (13) *A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.*

## **22 Request for amendment**

(11) *Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).*

## **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.*

### **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).*

## **Plan of subdivision approvals**

### **Application**

**51(16)** *An owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. 1994, c. 23, s. 30.*

### **Criteria**

*(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*
- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

### **Conditions**

(25) *The approval authority may impose such conditions to the approval of a plan of subdivision as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision, including a requirement,*

- (a) *that land be dedicated or other requirements met for park or other public recreational purposes under section 51.1;*
- (b) *that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;*
- (b.1) *that such land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary;*
- (c) *when the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to*

*provide for the widening of the highway to such width as the approval authority considers necessary;*

- (d) that the owner of the land proposed to be subdivided enter into one or more agreements with a municipality, or where the land is in territory without municipal organization, with any minister of the Crown in right of Ontario or planning board dealing with such matters as the approval authority may consider necessary, including the provision of municipal or other services; and*
- (e) in the case of an application for approval of a description or an amendment to a description, as referred to in subsection 9 (2) of the Condominium Act, 1998, if the condominium will contain affordable housing units and if a shared facilities agreement will be entered into with respect to the condominium, whether under section 21.1 of that Act or otherwise, that the shared facilities agreement be satisfactory to the approval authority. 1994, c. 23, s. 30; 2005, c. 26, Sched. B, s. 1; 2006, c. 23, s. 22 (5); 2016, c. 25, Sched. 4, s. 8 (3).*

### **Agreements**

*(26) A municipality or approval authority, or both, may enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies and the municipality or the approval authority, as the case may be, is entitled to enforce the provisions of it against the owner and, subject to the Registry Act and the Land Titles Act, any and all subsequent owners of the land. 1994, c. 23, s. 30.*

### **Lapse of approval**

*(32) In giving approval to a draft plan of subdivision, the approval authority may provide that the approval lapses at the expiration of the time period specified by the approval authority, being not less than three years, and the approval shall lapse at the expiration of the time period, but if there is an appeal under subsection (39) the time period specified for the lapsing of approval does not begin until the date the Tribunal's decision is issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (51). 2017, c. 23, Sched. 5, s. 99 (1).*

### **Extension**

*(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1). 2022, c. 12, Sched. 5, s. 9 (2).*

### **Parkland**

#### **Land conveyed or dedicated for parkland**

**51.1(1)** *The approval authority may impose as a condition to the approval of a plan of subdivision that land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes. 1994, c. 23, s. 31.*

### **Payment in lieu**

*(3) If the approval authority has imposed a condition under subsection (1) requiring land to be conveyed to the municipality and subsection (2) does not apply, the municipality may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 32 (2).*

## **Provincial Planning Statement, 2024**

### **2.1 Planning for People and Homes**

*2.1.4 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*

*2.1.6 Planning authorities should support the achievement of complete communities by:*

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

### **2.2 Housing**

*2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: ...*

*b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and ....*

## **2.3 Settlement Areas and Settlement Area Boundary Expansions**

### **2.3.1 General Policies for Settlement Areas**

*2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

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

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

*2.3.1.4 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*

*2.3.1.5 Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.*

## **2.9 Energy Conservation, Air Quality and Climate Change**

*2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

- a) support the achievement of compact, transit-supportive, and complete communities;*
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
- c) support energy conservation and efficiency;*
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and....*

## **Chapter 3: Infrastructure and Facilities**

### **3.1 General Policies for Infrastructure and Public Service Facilities**

*3.1.1 Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:*

- a) are financially viable over their life cycle, which may be demonstrated through asset management planning;*
- b) leverage the capacity of development proponents, where appropriate; and*
- c) are available to meet current and projected needs.*

### **3.5 Land Use Compatibility**

*3.5.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

*3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

### **3.6 Sewage, Water and Stormwater**

*3.6.1 Planning for sewage and water services shall:*

- a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
- b) ensure that these services are provided in a manner that:*
  - 1. can be sustained by the water resources upon which such services rely;*
  - 2. is feasible and financially viable over their life cycle;*
  - 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and*
  - 4. aligns with comprehensive municipal planning for these services, where applicable.*
- c) promote water and energy conservation and efficiency; d) integrate servicing and land use considerations at all stages of the planning process;*
- d) integrate servicing and land use considerations at all stages of the planning process;....*

*3.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and*



*municipal water services include both centralized servicing systems and decentralized servicing systems.*

**3.6.8 Planning for stormwater management shall:**

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

**3.9 Public Spaces, Recreation, Parks, Trails and Open Space**

**3.9.1 Healthy, active, and inclusive communities should be promoted by:**

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; ...*

**4.6 Cultural Heritage and Archaeology**

**4.6.2** *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

**6.1 General Policies for Implementation and Interpretation**

**6.1.1** *The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.*

**6.1.5** *Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.*

*In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the*

*Provincial Planning Statement continue to apply after adoption and approval of an official plan.*

*6.1.6 Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.*

*6.1.7 Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.*

## **6.2 Coordination**

*6.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:*

- a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- g) population, housing and employment projections, based on regional market areas, as appropriate; and*
- h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.*

*6.2.3 Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.*

## **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.*

## **2.1.1 Regional Growth Forecasts**

**2.1.1.1** *Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

**2.1.1.3** *Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.*

**2.1.1.4** *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...*

**Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality**

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

**2.1.1.4** *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.*

## **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*
- 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;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- 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:*
  - i. *protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
  - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
  - 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; ...*

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

### **SECTION 6: GENERAL DEVELOPMENT POLICIES**

#### **6.17 LOT SIZES**

*The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource.*

#### **6.22 PARKS AND DEDICATION**

*...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...*

*The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.*

#### **6.30 SERVICING POLICIES**

##### **(1) GENERAL POLICIES**

- a) New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

##### **(4) DRAINAGE**

- a) No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.*

### **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 policies 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 arborist 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**

### **3.4 Housing Mix**

*The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan.*

*A number of parcels in the municipality are designated for medium density residential development which includes multi-unit residential housing such as townhouses, apartments, seniors' homes, etc. The policies of the Official Plan provide that while low density residential uses are permitted they are not encouraged in Medium Density Residential designations as the potential loss of residential units over medium density needs to be carefully considered.*

*Given the small-Town character and heritage of Niagara-on-the-Lake, high density development will be limited especially within established residential areas where high density development may adversely impact heritage resources and the character of the area in terms of scale, mass or height.*

### **4.2 Intensification Target**

#### *Intensification Target*

*By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".*

### **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;*

- 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, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- c) *The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.*
- d) *Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2 storey height will ensure mix use developments are not underdeveloped.*
- 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...*
- f) *Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.*
- g) *The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- m) *Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.*

#### *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...*
- b) *Parking for... apartment buildings should be located at the rear of the building, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*

- c) *Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) *Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) *Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*
- 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; and,*  
 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: ...*
  - *Lot frontages lot area, depth*
  - *Building Setbacks*
  - *Privacy and overview*
  - *Lot grading and drainage*
  - *Parking*
  - *Servicing*

#### **Official Plan Amendment No. 78**

*Subsection 4.6 Land Use Compatibility Policies under Section 6A of the Official Plan for the Town of Niagara-on-the-Lake is hereby amended by adding the following policy section after the policy section entitled “Compatibility and Appropriate Infrastructure”:*

##### ***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 buildings shall have a complimentary relationship with existing buildings while accommodating a diversity of building styles, materials and colors.*
- f) Existing trees and vegetation shall be retained and enhanced through a 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 neighborhood.*
- k) Proposals to extend the public street network should be designed to improve neighborhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists.*
- 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.*
- (3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design... and uses land in an efficient manner...*
- (4) To encourage the development of economical housing in a suitable environment.*
- (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 and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

### **9.3 LAND USE DESIGNATIONS**

#### **9.3.2 MEDIUM DENSITY RESIDENTIAL**

- (1) *In the Medium Density Residential designation the following uses shall be permitted:*

**Main Uses:**

*Multi-unit Residential housing such as townhouses, apartments...*

**Secondary Uses:**

*Uses permitted with a Main Use:*

- *roomers and boarders*
- *bed and breakfasts*
- *accessory apartments*
- *group homes*
- *home occupations*
- *accessory buildings and structures*

- (2) *Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*
- (3) *The design and location considerations for Medium Density Residential development shall include provisions of the following:*
  - a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
  - b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
  - c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas..*
  - e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
  - f) *Adequate municipal services can be provided...*
  - g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
  - h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

### **9.4 GENERAL RESIDENTIAL POLICIES**

The following policies shall apply to all residential designations shown on the land use schedules.

#### **(4) RESIDENTIAL DENSITY**

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography 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, ...medium density residential developments will not exceed 12 units per acre (30 units per hectare) 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 10: COMMERCIAL**

#### **10.2 GOALS AND OBJECTIVES**

- (1) To provide for an orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists.*
- (2) To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses...*
- (5) To encourage controlled and orderly growth within designated commercial areas...*
- (9) To promote compact forms of commercial development, and to discourage scattered forms of development.*

#### **10.4 COMMERCIAL POLICIES**

- (3) The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.*

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

#### **2.6 Complete Communities**

##### **2.6.1 Sustainability**

- 2.6.1.1** *The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue*

*to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.*

**2.6.1.3** *Sustainability is achieved through a variety of initiatives that can include: ...*

- d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;*
- e) building on the existing employment strengths within the Town to generate economic prosperity;*
- g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*
- h) having vibrant downtowns and attractive public spaces;*
- i) maintaining a commitment to low profile development; ...*

## **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.*

**2.6.3.2** *Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification*

*...*  
**2.6.3.3** *Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

- 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.*

## **Section 4 Settlement Areas**

### **4.4 Greenfield Areas**

#### **4.2.2 Objectives**

- 4.4.2.1 *The objectives of the Greenfield development strategy are to:*
  - a) *Promote compact, mixed use, walkable and transit supportive development on Greenfield lands;*
  - b) *Promote appropriate densities with a mix of housing types on Greenfield lands;*
  - c) *Improve connections between Greenfield Areas and the Built-up Area...*

#### **4.4.3 Policies**

- 4.4.3.1 *The Town supports the overall Region-wide Greenfield density target of 50 people and jobs combined per gross hectare by:*
  - b) *Permitting a mix of dwelling types and low and medium density development within the Greenfield Areas...*
- 4.4.3.2 *Although the Town's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, not every site is able to achieve that target. The Town has limited flexibility on a site-by-site basis to adapt to local context and conditions, however the Town has and will continue to monitor its Greenfield developments to ensure that its overall Greenfield target is achieved.*

## **4.8 Community Design**

### **4.8.1 Design Policies**

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; ...*
- c) *Where appropriate, the design of the commercial, mixed use and multi-unit residential development should provide linkages and connections to existing and proposed pedestrian and bicycle networks;*
- d) *Height, mass and scale of new development will fit the context within which it is located;*
- e) *Garages for... 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.*