



Town of Niagara-on-the-Lake

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REPORT #: CDS-25-033

COMMITTEE DATE: 2025-05-06

DUE IN COUNCIL: 2025-05-27

REPORT TO: COTW-Planning

1490 York Road

SUBJECT: Draft Plan of Vacant Land Condominium 26CD-18-22-01 – Recommendation Report

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Draft Plan of Vacant Land Condominium (26CD-18-22-01) for lands municipally known as 1490 York Road, attached as **Appendix I** to this report, **BE APPROVED** subject to the conditions contained in **Appendix V** to this report; and
- 1.2 The Lord Mayor be authorized to **ENDORSE** the Draft Plan of Vacant Land Condominium for 1490 York Road, as approved, 20 days after notice of Council's decision has been given, provided that no appeals have been received.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to the Committee and Council regarding an Application for a Draft Plan of Vacant Land Condominium for the development of two (2) new single-detached dwellings, a private road, visitor parking spaces and associated common elements. The subject lands contain one single-detached dwelling, which is to be retained. The existing environmental conservation area is to be maintained in-situ as part of the block containing the existing dwelling.
- The subject lands received approval from the Ontario Land Tribunal on February 24, 2022, for a Zoning By-law Amendment to permit the proposed development.
- The subject lands are zoned "Residential (R1-33-H) Site-Specific" and "Open Space (OS-33) Site-Specific" by way of Zoning By-law Amendment 4316DO-19. The Holding (H) provision associated with the R1 Site-Specific Zone is to be lifted upon final approval of a Plan of Condominium.
- Staff recommends approval of the Application, as detailed in this report and subject to the conditions within **Appendix V**, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with provincial, and regional/town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee and Council regarding an Application under the *Planning Act* seeking approval of a Draft Plan of Vacant Land Condominium (the "Application") on the subject lands known municipally as 1490 York Road.

The Draft Plan of Vacant Land Condominium, attached as **Appendix I** to this report, proposes to establish a total of three (3) development blocks/units to accommodate single-detached dwellings, a block for the common elements containing the private road with access to York Road and visitor parking, and blocks associated with a road widening along York Road and a reserve to restrict additional accesses to the property from York Road. The Application would facilitate the development of two (2) new single-detached dwellings, and retention of one (1) existing single-detached dwelling.

The Conceptual Site Plan, Elevations, and Landscape Plan are attached as **Appendix II** to this report.

The Application was deemed complete by Town Staff on September 14, 2022. The Application has been subject to multiple revisions, circulations, and correspondences with the applicant, Town departments, and external agencies. Town and Agency Staff have worked diligently with the applicant throughout the process.

4. BACKGROUND

The subject lands are located on the north side of York Road, west of Concession 3 Road, in the urban area of St. Davids. The location of the subject lands is shown on **Map 1** of **Appendix III** to this report.

The subject lands are approximately 5,563 square metres in area, with 44.2 metres of frontage along York Road, and currently contain one existing single-detached dwelling serviced by municipal water and sanitary connections. The eastern and northern boundaries of the subject lands are impacted by Niagara Peninsula Conservation Authority (the “NPCA”) regulated areas, including a watercourse and associated valleylands system.

Unit 1 is proposed to have a lot area of 3,428 square metres, containing the existing single-detached dwelling and the environmental area regulated by the NPCA. A detached garage building is also proposed on this lot. The dwelling fronts onto York Road, and will be accessed through the proposed private road.

Unit 2 is proposed to have a lot area of 527 square metres and would facilitate the construction of a two-storey single-detached dwelling with an attached garage, fronting the proposed private road.

Unit 3 is proposed to have a lot area of 608 square metres and would facilitate the construction of a two-storey single-detached dwelling with an attached garage, fronting the proposed private road.

The draft plan proposes an additional block for the common elements, containing the proposed private roadway, visitor parking, snow storage and garbage area, being 854 square metres in area. Other blocks include a required road widening of 3.05 metres along York Road, and a 0.3 metre reserve across the frontage of Unit 1 to further restrict access to the site.

The proposed dwellings will be required to connect to existing municipal services. The surrounding lands contain residential, open space, and environmental conservation uses.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

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

5.1.1 *Planning Act, R.S.O 1990, c. P13*

The Application supports the matters of provincial interest, is consistent with policy statements, and conforms with the intent of provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial, Regional and Town Planning Documents

The subject lands are designated as being within a “Settlement Area” according to the Provincial Planning Statement, 2024 (the “PPS”), “Towns/Villages” in the Greenbelt Plan, 2017 (the “Greenbelt Plan”), and are within the urban settlement area of St Davids, identified as a “Minor Urban Centre” within the Niagara Escarpment Rural Area in the Niagara Escarpment Plan, 2017 (the “NEP”).

As of March 31, 2025, pursuant to Bill 23 (the *More Homes Built Faster Act, 2022*), the *Planning Act* was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. As a result, the Niagara Official Plan, 2022 (the “NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein. The subject lands are within a “Delineated Built-Up Area” in the NOP.

The subject lands are designated in part “Medium Density Residential,” “Open Space & Community Facility,” and “Conservation” on Schedule D, and “Built-up Area” on Schedule I-3 in the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”). The subject lands are located within Special Policy Area A-3 (St. Davids), within the “Established Village Area” on Schedule D1, and are subject to the St. Davids Urban Design Guidelines. The Town OP designations on the subject lands are shown on **Map 2 of Appendix III** to this report.

Policies in these plans encourage the achievement of complete communities by providing a range and mix of land uses, employment opportunities, and housing options, as well as convenient access to commercial goods and services. These policies also encourage a sense of place by conserving features that help define community character, including built heritage resources and cultural heritage landscapes.

Based on the discussion in the sections below, Staff consider the Application to be consistent with the PPS and to conform with the intent and policies of the NEP, the NOP, and the Town OP.

5.1.2.1 Environmental Policies

The applicable provincial and local policy frameworks direct that environmental and natural heritage features are to be protected and wisely managed in accordance with such policies. Natural features and areas should be protected for the long term and the diversity and connectivity of natural features and ecosystem function should be maintained, restored or where possible, improved.

As part of the previous Zoning By-law Amendment application, an Environmental Impact Study (EIS) was prepared to recommend minimum required setbacks to the Significant Woodland feature traversing the eastern and northern sides of the property. Through the Zoning By-law Amendment process, the Niagara Region reviewed the EIS and provided no objections to its findings and recommendations, which included a 7.5 metre setback from the top of slope and a 3-metre setback from the Significant Woodland boundaries. As part of the current Application, the Region reviewed the Landscape Restoration Planting Plan and note that there are no objections with the proposed plantings, as they address the Region's previous comments for the submission of a landscape plan in association with the EIS. Regional Environmental Staff have no concerns with the Application, provided that the final Condominium Agreement contains conditions and clauses to implement the Landscape Restoration Planting Plan and the Tree Inventory and Preservation Plan. Conditions of Draft Plan Approval have been recommended to this effect.

The subject lands are impacted by a NPCA regulated watercourse and associated valleylands on the east side of the property. The applicant submitted a Slope Stability Assessment Update, prepared by Peto MacCallum Ltd., dated June 23, 2022, to determine the appropriate stable top of slope. The NPCA has confirmed that the stable top of slope identified by the applicant is appropriate and the proposed development will not adversely impact the watercourse and its associated features. Through the previously established Zoning By-law Amendment (as approved by the Ontario Land Tribunal), the environmental lands have been placed in a site-specific "Open Space (OS)" zone category to ensure its long-term preservation, as well as to limit any development adjacent to the top of slope. The environmental conservation area is encompassed within the existing dwelling block (Unit 1) to allow for ongoing maintenance and protection of the features under one ownership. The remaining blocks and their boundaries are proposed based on the stable top of slope allowance and any necessary setbacks. In addition, a 1.5-metre-high chain-link fence is required to be constructed along the boundaries of the top of slope to further restrict access from Units 2 and 3 onto the environmental lands.

5.1.2.2 Housing & Compatibility

The Application would facilitate additional housing stock (two new single-detached dwellings) in an existing settlement area, with the dwellings fronting a proposed private road, situated to the rear of the property and behind the existing dwelling. The surrounding lands are comprised of single-detached dwellings, as well as open space and conservation areas. The built form proposed would make efficient use of existing infrastructure and will support the Town in achieving its minimum residential intensification rate of 25% in the Built-up Area as set out in the NOP.

The proposed single-detached dwellings are compatible with surrounding land uses, since the Application would facilitate uses that are similar to the abutting residential uses, and are sited appropriately as to not impact the environmental conservation area and adjacent properties. The subject lands are also within walking and cycling distance to several services and facilities in St. Davids, and would further contribute to a complete community by promoting active transportation.

It is not anticipated that the existing streetscape and community character of the neighbourhood would be adversely impacted through the proposed development, as the proposed dwellings and parking areas are screened by the existing dwelling directly fronting York Road, and would be further screened from the abutting residential properties by existing and proposed landscaping and plantings in the conservation area. The rear of the subject lands is also visible from

Concession 3 Road; however, the existing conservation area and proposed landscaping would further screen the proposed dwellings from the Concession 3 Road streetscape. The proposed private road makes use of an existing driveway access previously established for the existing dwelling, and would not further require additional access points to the lands; therefore, not substantially altering the existing streetscape. The rear of the property would maintain the existing vegetation in the conservation area, and additional landscaping is being proposed to further screen the proposed dwellings from the existing dwellings to the north (part of the Cannery subdivision). In addition to the vegetation buffering, there are substantial setbacks from abutting residential uses that will assist in achieving compatibility and privacy.

Staff note that the subject lands are in proximity to agricultural uses. As part of the future Condominium Agreement, a warning clause will be included to notify future owners that there are agricultural uses nearby, and that agricultural activities and normal farm practices may interfere with activities of the dwelling occupants.

5.1.2.3 Regional Transportation Requirements

The subject lands front and have direct access to York Road, a Regional Road. Through the review of the Application, Regional Transportation Staff provided comments and conditions relating to the proposed driveway. The Region has requested a 3.05-metre road widening along the frontage of the property to achieve a road width of 13.1 metres from the original centreline of this section of York Road.

Regional Construction Encroachment and/or Entrance Permits are required for any works taking place within the Region's road allowance, including the proposed driveway access (upgrading the existing driveway) and the curbs of the entrance to the property. Conditions of Draft Plan Approval have been provided for the owner to dedicate the road allowance and to obtain the necessary permits to facilitate construction in the Regional road allowance.

5.1.2.4 Regional Waste Collection

The Region provides curbside waste and recycling collection for developments that conform to the requirements of the Region's Waste Collection Policy. The subject lands are eligible for Regional curbside collection of waste and recycling, provided that the lands allow for sufficient space for waste trucks to manoeuvre. Given that the proposed road network is a private road, through a condition, the Region requires the submission of a Waste Collection Plan which would include truck turning templates, for their review and approval to confirm that waste collection can be accommodated by the Region. Conditions have been included which require the owner to submit a truck turning template and to comply with the requirements of the Region's Waste Collection Policy.

5.1.2.5 Archaeology

The subject lands are within the area of archaeological potential. Development within these areas, as mapped in the NOP and Town OP, warrant an archaeological assessment to determine archaeological potential and the preservation of archaeological resources, if any are found on-site. No new development is permitted until such time that the archaeological assessment is complete and confirmation is received from the Ministry indicating that the assessment was conducted in accordance with provincial requirements.

A Stage 1-2 Archaeological Assessment was conducted on the subject lands as part of the previous Zoning By-law Amendment in 2018, which cleared the lands of archaeological potential. The report was submitted to the Ministry and the clearance letter was provided to the

Town to confirm that the assessments were completed in accordance with provincial standards. The standard emergency protocol/clause for unexpected archaeological finds has been provided to the applicant, and a clause to this effect is included in the Draft Plan conditions.

5.1.2.6 Niagara Escarpment Plan Policies

The subject lands are outside of the Niagara Escarpment Commission's ("NEC") development control area; however, the policies of the NEP remain applicable to the proposal. Through the review of the Application, NEC Staff were circulated on the materials. NEC Staff have confirmed no objections to the Application, and have requested that the Landscape Restoration Planting Plan and Tree Inventory and Preservation Plan be implemented as part of the condominium agreement. A condition to reflect this has been incorporated into the overall draft plan conditions.

The Town Official Plan provides policies to protect the Escarpment viewplane and its access. Generally, new development shall be designed to protect the views of the Escarpment, and to be in harmony with and maintain the existing character of the Escarpment landscape. Town Staff are of the opinion that the proposal will continue to provide and protect the views of the Escarpment, as the dwelling sitings are substantially setback from abutting property lines and is not anticipated to block views of the Escarpment from neighbouring lots. In addition, the proposal will be in harmony with and maintain the existing character of the Escarpment landscape, as the majority of the development is internal to the site and behind the existing dwelling.

5.1.2.7 St. Davids Secondary Plan (Town OP)

The St. Davids Secondary Plan (Special Policy Area A-3) outlines general development guidelines for new builds, specific to the Established Village Area. The policies direct that new development shall conserve and enhance the character, ambience, and streetscape of the area, as well as be compatible in terms of scale, massing, and design. The Secondary Plan also aims to protect natural features by requiring the preservation and enhancement of trees, and that any new development shall be complementary to adjacent natural features.

Discussion on the St. Davids Secondary Plan policies are provided throughout the following sections of the report.

5.1.2.8 Medium Density Residential Designation (Town OP)

The Medium Density Residential designation permits Low Density Residential uses, such as single-detached dwellings. Low Density Residential uses are not encouraged and the potential loss of residential units in the medium density designation must be carefully considered. Development in the Medium Density designation will achieve high-quality design, compatibility with any nearby lower density residential uses, have adequate open space and buffering, sufficient parking areas, adequate servicing, and appropriate internal circulation. Further, properties within this designation will be placed in separate zoning categories to regulate development. The area of the existing dwelling (Unit 1) is designated as Medium Density Residential. The St. Davids Secondary Plan also permits low density residential development to be developed to a maximum of 6 units per acre, and medium density residential development to be developed up to 12 units per acre.

A Zoning By-law Amendment was previously approved on the subject lands, which contains site-specific provisions to regulate the proposed development, and further places the area of development within an appropriate site-specific residential zoning category. As proposed with the current Application, the developable land for residential use is approximately 1,631 square

metres (0.40 acres / 0.163 hectares), excluding the common elements area and conservation lands. The net residential density results in 7.44 units per acre or 18.4 units per hectare, which exceeds the low density residential units per acre, but is within the maximum limit of the medium density residential units per acre. While the Application proposes to facilitate low density residential uses such as single-detached dwellings, the net residential density of the proposal would not result in the loss of residential units in a medium density designation. Further, the density is consistent and complies with the direction provided in the St. Davids Secondary Plan for new residential infill developments.

With respect to the criteria for development within the Medium Density Residential designation, the proposed development is considered compatible with adjacent low density residential uses. The lands to the north are Town-owned and contain a protected woodlot. Further to the north, as part of the Cannery Park subdivision, are low density residential uses. The proposed rear yard setback on the subject lands is approximately 25 metres, and the distance between that boundary and the closest dwelling lot is approximately 54 metres. The proposed development is of sufficient distance to the existing residences north of the lands, separated by nearly 80 metres and natural features. Similarly for the low density residential lands to the east, the Conservation designation traverses the entirety of the eastern boundary and will be subject to additional plantings for appropriate buffering. The closest building to the lands east of 1490 York Road is the existing dwelling, with an approximate side yard setback of 18 metres and no known conflicts to-date. While the existing grading of the property slopes down towards the rear and eastern side yards, the inclusion of new plantings in the Conservation designation and around the dwellings will assist in mitigating any incompatibility and privacy concerns with the abutting low density residential uses, in addition to the setbacks. Furthermore, each unit will have sufficient area for amenity space, wholly outside of the Conservation designation.

The proposal would facilitate additional housing stock within an urban area of the Town which is compatible with adjacent land uses, is of appropriate scale and massing, and does not negatively impact the existing streetscape. As stated under Section 5.1.2 of this report, the existing streetscape and community character is not anticipated to be adversely impacted through this proposal, as the proposed dwellings are situated to the rear of the existing dwelling and are further screened from abutting residential properties with existing and proposed landscaping. The main alterations that would be primarily visible from the street are the removal of the attached garage to the west of the existing dwelling to clear space for the construction of the private road. In addition, the private road is proposing to reuse the existing driveway entry to the property; however, would be expanded in width to accommodate appropriate fire route and circulation requirements. A 0.3-metre reserve will be implemented along the remaining portion of the frontage to further restrict any new accesses or driveways to the site.

The proposed parking for each unit is sufficient, accommodating at least two parking spaces for the single-detached dwellings in attached or detached garages. Should there be a consideration for additional dwelling units within the proposed dwellings, there is sufficient area in the driveways of each lot for one additional parking space. The proposal also incorporates four (4) visitor parking spaces, allowing for sufficient parking on-site for guests. The proposed private roadway is appropriate for two-way traffic and fire lane requirements; therefore, the proposed internal vehicular circulation of the site is adequate.

Based on the above discussion, the Application aligns with the policies within the St. Davids Secondary Plan that require new development to enhance and conserve the character of the area and the streetscape, as well as to remain compatible in terms of scale, massing, and design.

5.1.2.9 Open Space and Community Facilities Designation (Town OP)

The Open Space and Community Facilities designation allows for the redevelopment of such lands for low density residential use, provided that a site-specific zoning by-law amendment is implemented to further regulate development. The OLT approved a site-specific zoning by-law amendment to this effect, and provides regulatory provisions to appropriately dictate development on the property. The majority of Unit 2 (approximately 434 square metres) and the entirety of Unit 3 (608 square metres) are within the Open Space and Community Facilities designation, and would accommodate low density residential uses such as single-detached dwellings. Units 2 and 3 are permitted within the Open Space and Community Facilities designation based on the site specific by-law.

5.1.2.10 Conservation Designation (Town OP)

The Conservation designation permits a range of environmental uses and recognizes that such area may be used as yard space for any use permitted in an abutting designation. Any buildings or structures proposed directly abutting the Conservation lands requires detailed review and approval by the NPCA. The majority of the lands contained as part of Unit 1 is within the Conservation designation. The Conservation designation prohibits development and, accordingly, no development is proposed within this designation.

The NPCA reviewed the Application to determine if there are any impacts resulting from the development to the abutting regulated watercourse. Supporting Application documents provided details on the slope stability of the valleylands and the proposed stormwater management approach. NPCA staff confirmed that the slope stability assessment identified an appropriate stable top of slope, and that the stormwater out-letting into the watercourse can be supported given the proposed approach. The NPCA has required a number of conditions that are reflected in **Appendix V**, including, but not limited to: final grading, sediment and erosion control drawings, NPCA Work Permits, a chain-link fence to separate the environment lands from the balance of the property, and require NPCA approval for any future construction within the 7.5-metre stable top of bank. The chain-link fence will prohibit access to the conservation lands from Units 2 and 3 for long-term protection.

In the previously approved Zoning By-law Amendment, the Conservation designation lands were placed in a separate zone category to further protect them from any future site alteration and/or development. Permissions in this zone are only limited to environmental conservation activities. The approved zoning on the subject lands has addressed the requirements to place lands in appropriate zoning categories, based on the current designations of the property.

The current Application also seeks to enhance the adjacent natural features by providing additional plantings within the limits of the unit boundaries and the Conservation designation.

Pursuant to the St. Davids Secondary Plan, natural features must be protected by requiring the preservation and enhancement of trees, and that any new development shall be complementary to adjacent natural features. Given the associated zoning category of the conservation lands, as well as the enhanced landscaping, the Application aligns with the conservation protection policies of the St. Davids Secondary Plan.

5.1.2.11 Urban Design

The Application is subject to the St. Davids Urban Design Guidelines, 2005 (the “Design Guidelines”). An early version of the Application was presented to the Town’s Urban Design Committee (“UDC”) for their review and input on November 30, 2022. At the time of the UDC review, the Application proposed to demolish the existing dwelling and facilitate the construction of three new single-detached dwellings that were 3-storeys in height. The following comments were summarized and conveyed by the Town’s UDC to the applicant for their consideration in the final design of the development:

- Removal of proposed shutters on roof;
- Landscaping around the proposed dwellings;
- Modification of roofline and roof pitches;
- Retention of additional trees;
- Impacts on parking, building accessibility, and amenities;
- Dwelling siding;
- Window sizing; and
- Colours and textures of the proposed dwellings.

In addition to the above, Staff note that the Design Guidelines contain direction for new residential infill in the private realm, including, but not limited to: setbacks, massing, garages, and architectural details regarding rooflines, building materials/finishes, entranceways, windows, and fences.

Since the UDC review, the scale and massing of the dwellings has been reduced to 2-storey heights for the two new dwellings, and the proposal seeks to retain the existing dwelling at the front of the property, which is a 1.5-storey bungalow. Additional landscaping has also been proposed around the dwellings, pursuant the UDC’s comments. As part of the final approval of the Draft Plan and prior to the issuance of any building permits, the applicant must undertake a detailed urban design review of the final designs of the dwellings. This urban design review will assess the proposal against the relevant St. Davids Urban Design Guidelines to the satisfaction of the Director of Community and Development Services. The implementing Zoning By-law Amendment also limits the width of garage faces, which will assist in achieving compatibility with the relevant design guidelines. Through the subsequent urban design review, Staff will ensure that the proposed designs are consistent with the design guidance in St. Davids and that the UDC comments are implemented.

5.1.2.12 Trees

Through the previous Zoning By-law Amendment, it was identified that 47 private trees will be removed, including those that are within the development footprint or are in poor health. It is noted that efforts will be made to preserve as many existing trees as possible. Some of the trees slated for removal also appear to be potentially shared between the boundaries of the subject lands and the lands to the west; the removal of any boundary trees is subject to written approval and consent from the abutting landowner. There are three (3) trees that may be considered as boundary trees.

The tree removals are primarily limited to the outer boundaries of the stable top of slope identified by the NPCA, with some tree removals taking place within the stable top of slope setback. The trees within the Conservation designation will be retained in-situ. Based on the submitted landscape plan, the applicant proposes to provide approximately 107 restoration plantings, including a variety of deciduous trees, coniferous trees, and shrubs on the overall

property. A condition of approval has been included to implement this landscape plan as a result of the proposed development.

As a condition of approval, the applicant is required to update the existing Tree Inventory and Preservation Plan to reassess the existing trees on-site, their removals, preservation measures, and replanting requirements. The condition would require the owner to update the plan to reflect the current proposal (in terms of development footprint), update measurements to determine tree replacement requirements, include all trees over 12.5cm to the inventory, and update tree protection zones based on the size of the trees, rather than dripline. The owner is also required to pay all applicable fees associated with the replacement or removal of any trees on the property, prior to any site alteration or construction occurring. The Region has also requested an update to the Tree Inventory and Preservation Plan based on the requirements outlined by the Town, to the satisfaction of both the Region and the Town.

Tree removals are permitted between October 1st and March 14th, being outside of both the breeding bird nesting period and active bat season. A condition is included to this effect.

5.1.2.13 Servicing

A Functional Servicing Report (“FSR”) prepared by Quartek Group was submitted with the Application to demonstrate servicing approaches and capacities. The FSR concludes that the proposed development can be serviced adequately. Water supply is proposed to be taken from the existing municipal watermain on York Road and a new fire hydrant is warranted for the development. The existing municipal sanitary sewage connection to the site remains appropriate and a sanitary collection pipe network has already been accommodated on-site to service the new development. Stormwater is currently managed through an existing ditch with runoff draining into the valleylands. A storm outlet pipe at the front of the property directs flows to the creek. Grading on-site will also allow for stormwater to drain towards on-site collection points. The Town’s Operations Department has reviewed the proposed servicing approaches and are satisfied with the findings of the FSR. Conditions are included for the applicant to provide detailed servicing and grading design drawings for review prior to final plan approval.

A number of comments from the public were received by Town Staff with respect to the Regional Sewage Pumping Station (St. Davids Station 1), outlining concerns that the station would not be able to accommodate the additional flows proposed through the subject Application. Regional Staff have advised that the addition of two new residential units to the system would result in minimal increase in flows and, therefore, Regional Staff have no concerns regarding the additional flows.

It is also not anticipated that the drainage on the property from the proposed development will negatively impact neighbouring lands, as the grading on-site will allow for stormwater to drain into the creek and other designated catchment areas, rather than to surrounding properties.

5.1.2.14 Sidewalk Construction

As part of the conditions for the proposal, the Town’s Operations Department has required that the owner provides cash-in-lieu payment representing the full costs for the future installation of a 1.5-metre-wide sidewalk across the property’s frontage, in addition to partial costs associated with the installation of this sidewalk between the eastern property limit of the subject lands to the Concession 3 Road and York Road intersection.

5.1.2.15 Parkland Dedication

The *Planning Act* and Section 6.22 of the Town OP requires, as a condition of approval, five (5) percent of lands be dedicated to the Town for the purposes of parkland or other public recreational purposes. The Town accepts cash-in-lieu for the creation of future parklands. A condition of approval is included to require the owner to pay the five (5) percent cash-in-lieu of parkland dedication to the Town, based on the total value of the subject lands.

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

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated in part "Residential," "Community Facilities," and "Conservation" in the proposed Town of Niagara-on-the-Lake Official Plan (the "proposed Town OP"). The proposed Town OP requires an Official Plan Amendment to convert Community Facilities designations to residential uses, whereas the current Town OP only necessitates a Zoning By-law Amendment.

5.1.4 Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned "St. Davids Community Zoning District – Residential (R1-33-H) – Site-Specific Zone" and "St. Davids Community Zoning District – Open Space (OS-33) – Site-Specific Zone" by way of site-specific By-law 4316DO-19, an amendment to Zoning By-law 4316-09 (as amended). By-law 4316DO-19 was approved by the Ontario Land Tribunal on February 24, 2022. The approved zoning on the subject lands is shown on **Map 3 of Appendix III** to this report.

The R1-33-H zone permits a maximum of three (3) single-detached dwellings and accessory buildings in accordance with the standard provisions for accessory structures. This zone includes a variety of site-specific provisions relating to: unit frontage, unit area, building footprint and dwelling floor area, landscaped open space, setbacks, garage width, and building height. Further, the Holding (H) symbol restricts development on the subject lands until such time as the Town grants final approval of a Plan of Condominium. It should be noted that, for the purposes of this report, granting approval of the subject Application does not satisfy the intent of the Holding, as the Application is currently in the draft plan approval stage. A concurrent Zoning Amendment Application (ZBA-15-2022) has been submitted by the applicant for the removal of the Holding symbol, but cannot be finalized until final approval of the Plan of Condominium. The Holding can be lifted upon final approval of the Plan of Condominium, once the conditions of the draft plan approval are satisfied and a Condominium Agreement is prepared. A subsequent report will be provided to Council to lift the Holding provision.

The OS-33 zone is intended to protect the existing conservation area on the subject lands. This zone restricts permitted uses to only conservation management activities/uses. The construction of any buildings or structures within this zone boundary is prohibited and, accordingly, no development is proposed within the OS-33 zone.

Prior to the issuance of building permits for the proposed dwellings, zoning compliance will be assessed by Town Staff. The future dwellings will be required to adhere to the provisions of the R1-33-H zone, or will be subject to further Planning approvals.

5.2 Consultation

The Application was circulated to Town departments and external Agencies. Notice of the Application was provided as required by the *Planning Act*. Comments received from external agencies are attached as **Appendix VI** to this report, with overall comments summarized below.

5.2.1 Town Comments

Building – No objections.

Fire and Emergency Services – No objections. Town Fire and Emergency Services Staff recommend the installation of residential sprinkler systems in the new dwellings.

Finance – No objections.

Heritage – No objections.

Operations – No objections. Conditions have been requested with respect to detailed servicing, grading, and construction plans, cash-in-lieu for sidewalk construction along York Road, as well as any requirements for community mailboxes. Standard clauses for the future condominium agreement are also included.

Urban Forestry – No objections. Conditions have been requested to update and implement the existing Tree Inventory and Preservation Plan, and proceed with tree removals in accordance with Town Tree By-laws, to the satisfaction of the Town.

5.2.2 Agency Comments

Canada Post – No objections. The new units will receive mail delivery via the P.O. boxes at the St. Davids post office.

Hydro One – No objections.

Enbridge Gas – No objections. Standard conditions have been implemented.

Niagara Catholic District School Board – No objections. The development may generate a minor enrolment increase.

Niagara Peninsula Conservation Authority – No objections. Conditions have been requested with respect to detailed grading, sediment and erosion control drawings, the construction of a chain-link fence along the top of slope, requiring NPCA approval for any construction within 7.5 metres of the stable top of bank, and NPCA work permits for the proposed development.

Niagara Region – No objections. Conditions have been requested with respect to the standard archaeological findings protocol, the implementation of the Landscape Plan and Tree Inventory and Preservation Plan, sediment and erosion control requirements, a road widening, entrance permits, and waste collection. Regional Staff have also confirmed that the St. Davids Sanitary Pumping Station is of sufficient capacity to accommodate the increased flows generated from the proposal.

Niagara Escarpment Commission – No objections, provided that the Landscape Plan and Vegetation Protection Plan is incorporated as part of the condominium agreement. A condition has been incorporated to this effect.

5.2.3 Public Comments

An electronic Open House was held on October 24, 2023, with three (3) members of the public were in attendance. No Public Meeting was held for this Application, as it is not a statutory requirement in the *Planning Act*; however, information about this application was circulated in accordance with the requirements.

Written comments were received by the members of the public who attended the Open House, which are provided in **Appendix VII** to this report, with comments summarized below, with Staff's responses:

Public Comment	Response
Potential impacts to drainage of neighbouring lands	Staff do not anticipate adverse impacts to neighbouring lands as a result of the proposed development. Additional discussion with respect to the servicing and drainage of the lands is provided under Section 5.1.2.13 of this report. Through the detailed design review and grading through the building permit process, impacts to neighbouring lands with respect to drainage will be reviewed to ensure no negative impacts occur.
Potential impacts with respect to tree removal	A detailed discussion on the proposed tree removal is provided under Section 5.1.2.12 of this report. Conditions of approval have been implemented to require tree removal in accordance with Town standards, and to implement additional landscaping throughout the site.
Privacy concerns to neighbouring residential lots, given the slope of the subject lands, and compatibility concerns with character of the area	A detailed discussion on compatibility, including privacy, is provided under Sections 5.1.2.2 and 5.1.2.8 of this report. Staff are of the opinion that the proposal would not result in privacy concerns or incompatibilities with the adjacent residential lots, as detailed in the aforementioned sections.
Concerns with intent of development, whether it is to be for assisted living or senior accommodations	During the early stages of the proposal, the intent of the development was unclear, as it sought to incorporate a large number of bedrooms and bathrooms within the proposed dwellings, as well as a common amenity area for all units to use. These concerns have been resolved, as the applicant wishes to move forward with the proposal with the intent of constructing two new single-detached dwellings for standard residential use, and not for any assisted living or senior accommodations.
Sanitary system capacity concerns	As discussed under Sections 5.1.2.13 and 5.2.2 (Niagara Region comments), the existing sanitary system is sufficient to accommodate the increased flows resulting from the proposed development.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the proposed Draft Plan of Vacant Land Condominium and associated conditions.

8. FINANCIAL IMPLICATIONS

The owner is responsible for all costs associated with the development and registration of legal documents. The Town will collect Development Charges at the time of building permit issuance and will hold securities as part of a future Condominium Agreement.

9. ENVIRONMENTAL IMPLICATIONS

The draft plan conditions of approval include various requirements from the NPCA, Region and Town to ensure that detailed grading, servicing, construction sediment and erosion control drawings are provided for review and approval prior to any development taking place on the lands or adjacent to the natural features. There is also a requirement to construct a chain-link fence along the boundary of the stable top of bank to further restrict access to this area and protect its environmental and ecological features. Comments on the protection of the environmental area have been provided throughout the report and addressed as part of the previous Zoning By-law Amendment Application.

Discussion on the proposed tree removals and replanting requirements is provided under Section 5.1.2.12 of this report. No environmental implications are anticipated as a result of the proposed removals and landscaping works.

10. COMMUNICATIONS

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

Recent changes to provincial legislation have been made through Bill 23 and third-party appeals are restricted.

11. CONCLUSION

Community and Development Services Staff recommend approval of Draft Plan of Vacant Land Condominium Application 26CD-18-22-01, as detailed in this report and subject to the attached conditions (**Appendix V**), since the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-19-018** – ZBA-21-2018 – 1490 York Road – Application for Zoning By-law Amendment (June 3, 2019)
- **CDS-19-018A** – ZBA-21-2018 – 1490 York Road – Application for Zoning By-law Amendment (November 4, 2019)
- **CDS-20-005** – ZBA-21-2018 – 1490 York Road – Application for Zoning By-law Amendment – Town Representation at the Local Planning Appeal Tribunal (February 3, 2020)

13. APPENDICES

- **Appendix I** – Draft Plan of Vacant Land Condominium
- **Appendix II** – Site Plan, Elevations and Landscape Plan
- **Appendix III** – Maps
- **Appendix IV** – Planning Policies and Legislation
- **Appendix V** – Conditions of Draft Plan Approval
- **Appendix VI** – Agency Comments
- **Appendix VII** – Public Comments

Respectfully submitted:

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