

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

**SUBJECT:** Public Meeting – 46 Paxton Lane – The Settlement at St Davids  
(Extension), Block 18 (ZBA-25-2025)

**DATE:** 2025-12-02

**REPORT #:** CDS-25-176

**PREPARED BY:** Connor MacIsaac, Planner II

**DEPARTMENT:** Community & Development Services

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### BACKGROUND INFORMATION

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the Planning Act to receive input from the public and Council. Staff is reviewing the information submitted, and all comments received will be considered through the review of the application. No recommendations are being made at this time.

An application has been received for a Zoning By-law Amendment on the subject lands, identified as Block 18 within of the approved Draft Plan of Subdivision known as The Settlement at St. Davids (Extension). The Draft Plan of Subdivision was approved by the Ontario Municipal Board (now Ontario Land Tribunal) on August 16, 2013 (Case PL130165).

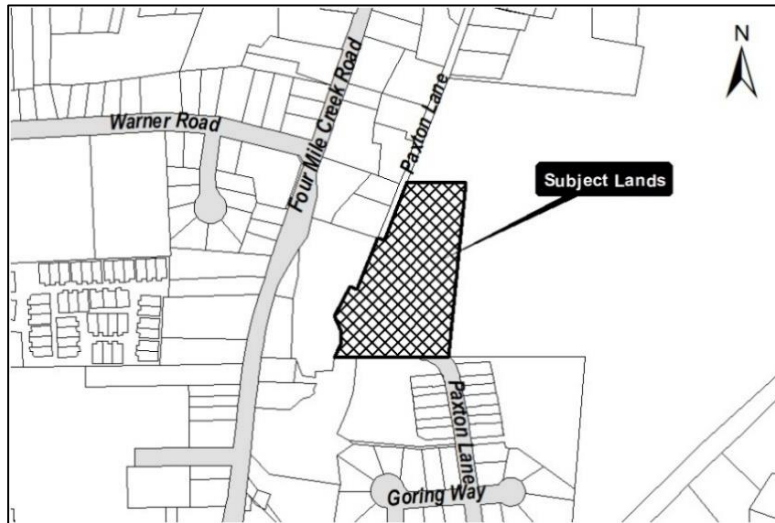
The Zoning By-law Amendment Application proposes to amend the existing “Open Space (OS-14) Site-Specific Zone” on Block 18 to include a “Holding (H)” Symbol to preclude any development from occurring until such time as a development application for the lands has been approved and a letter from the Ministry of Citizenship and Multiculturalism clearing the lands of archaeological potential has been issued.

### Location

The subject lands, known municipally as 46 Paxton Lane, are located east of Four Mile Creek Road, south of York Road, and at the south end of the north portion of Paxton Lane, within the Urban Area of St. Davids. The overall property has a total area of approximately 1.763 hectares (4.36 acres). Staff note that an application was recently approved to sever the lot containing the Paxton House (discussed further below).

The portion of the lands which are proposed to be rezoned, shown as Block 18 within The Settlement at St. Davids (Extension) Draft Plan of Subdivision, have an area of approximately 0.407 hectares (1 acre) and approximately 24.74 metres of frontage along Paxton Lane (north). For greater clarity on the location of the proposal, **Figure 1** demonstrates the entirety of the subject lands, while **Figure 2** demonstrates the boundaries of the proposed amendment in red,

being Block 18. The lands are also subject to a heritage designation by-law under Part IV of the *Ontario Heritage Act*.



**Figure 1:** Location of Overall Subject Lands (46 Paxton Lane / The Settlement at St Davids (Extension) Lands)



**Figure 2:** Location of Block 18 (46 Paxton Lane) / The Settlement at St Davids (Extension)

Block 18 of the subject lands are currently vacant. Municipal water and sanitary connections are existing and available to the subject lands. The surrounding lands are characterized by residential, open space, and recreational uses.

## **Development Process**

The Application is in the first phase of the development review process. Should the Zoning By-law Amendment be approved by Council, the Holding (H) symbol will be implemented on Block 18, which would restrict all ground disturbance until such time a development application for the lands has been approved and a letter from the Ministry of Citizenship and Multiculturalism clearing the lands of archaeological potential has been issued. Should future development of Block 18 be proposed, the applicant will be required to clear Block 18 of archaeological potential and to obtain future Planning Act approvals, including, but not limited to, a Zoning By-law Amendment and a Draft Plan of Subdivision or Condominium, to facilitate any development on Block 18.

## **Existing Draft Plan Approval**

The former Ontario Municipal Board (now Ontario Land Tribunal) issued an Order/Decision on August 16, 2013 (Case PL130165), granting draft plan approval for The Settlement at St. Davids (Extension) Draft Plan of Subdivision (26T-18-05-01) and Zoning By-law Amendment on the property. The currently approved Draft Plan and Zoning are attached to this report as **Appendix I**.

The approved Draft Plan (26T-18-05-01) includes 14 lots for single-detached dwellings, blocks of land containing a total of 19 townhouse units, and blocks of land for open space, all with access on private roadways. The Draft Plan also includes a separate lot for the historic Paxton House, as well as blocks for open space containing archeological resources for conservation. Under the approved Draft Plan, public road access to the subject lands is provided from Paxton Lane (south), with emergency access only from Paxton Lane (north).

Council approved report CDS-21-005 in February 2021, requesting the Province to transfer administration of the Draft Plan to the municipality. On May 17, 2021, the authority to clear conditions of draft plan approval and administer final approval for the Draft Plan of Vacant Land Condominium was transferred to the Town.

Town Council approved extensions to the draft approval in September 2022 and again in October 2024. The draft plan approval is currently set to lapse on August 16, 2026.

## **Consent Application**

On September 18, 2025, the Committee of Adjustment approved Consent Application B-09/25 to sever one new residential lot (Part 2 and Part 3), known as the Paxton House (46 Paxton Lane), with Part 2 being utilized as an easement in favour of the future development of Part 1 on the Severance Sketch. The severance will facilitate the restoration of the historic dwelling. The Severance Sketch, conditionally approved through Consent Application B-09/25, is attached as **Appendix II**.

As part of the conditional approval issued by the Committee of Adjustment, the applicant is required to modify The Settlement at St. Davids (Extension) Draft Plan of Subdivision (26T-18-05-01) to remove the severed lands (Part 2 and Part 3) from the Draft Plan of Subdivision.

## **Concurrent Application (Modification to an Approved Draft Plan of Subdivision)**

Draft Plan Approval of the development is subject to the satisfaction of 38 conditions imposed by Town and/or Agency Staff. An application for a Modification to the Approved Draft Plan of Subdivision on the subject lands, being The Settlement at St. Davids (Extension), Town File No. 26T-18-25-02, is currently under review. The Redlined Draft Plan, highlighting the proposed modifications, is attached as **Appendix III**.

The Modification to an Approved Draft Plan of Subdivision application was deemed complete by Town Staff on October 15, 2025. No statutory Public Meeting is required to be held for the Modification to an Approved Draft Plan application, in accordance with *Planning Act* requirements; however, an online Public Open House was held on Monday, October 27, 2025. All materials submitted in support of the Modification to an Approved Draft Plan of Subdivision application can be found on the Town's website here: <https://www.notl.com/business-development/public-planning-notices/46-paxton-lane-modification-26t-18-25-02>.

The following Modifications to the Approved Draft Plan are proposed:

- Revise the number of dwellings from 33 units (14 lots for single-detached dwellings, and three blocks of land containing a total of 19 townhouse units) to 29 dwellings (12 single-detached dwellings and four blocks containing a total of 17 townhouse units) and recognize associated layout modifications;
- Remove the Paxton House Lot from the boundary of the plan as approved under consent approval no. B-09-25-46, and remove the condition related to the restoration of the designated heritage structure;
- Remove Condition which required the owner to convey blocks 18 and 19 to the Town for long-term archaeological protection, and that the applicant provide a landscape plan design for these blocks;
- Introduce a new Condition which requires Block 18 to be rezoned to include a Holding (H) provision, in lieu of the conveyance of Block 18 to the Town; and
- Update lot and block numbers to match the revised Draft Plan of Subdivision.

Future Combined Recommendation Report

The requested modifications to the approved Draft Plan of Subdivision will be reviewed concurrently with this Zoning By-law Amendment Application, and a combined future recommendation report will be provided to the Committee and Council to ensure a coordinated review of the proposals.

### **Proposal**

The application has been submitted to facilitate the retention of ownership of Block 18 within The Settlement at St. Davids (Extension) Subdivision for future development.

The Zoning By-law Amendment Application proposes to amend the existing "Open Space (OS-14) Site-Specific Zone" on Block 18 by including a Holding (H) Symbol to preclude any development from occurring, until such time as a development application for the lands has been approved and a letter from the Ministry of Citizenship and Multiculturalism clearing the lands of archaeological potential has been issued.

No development is proposed as part of this application.

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

- Zoning Amendment Application Form
- Cover Letter
- Draft Zoning By-law Amendment
- Parcel Register
- PIN Map

The submitted materials can be found at the following link: <https://www.notl.com/business-development/public-planning-notice/46-paxton-lane-zba-25-2025>

The Application was deemed complete by Town Staff on November 4, 2025.

### **Policy Review**

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

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

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

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect.

Section 36 of the *Planning Act* permits councils of local municipalities to, in a by-law passed under Section 34, utilize a holding symbol “H” in conjunction with any use designation. The holding symbol may specify the reason for the “H”, and specify the use to which lands, buildings or structures may apply at a time in the future when the holding symbol is removed by amendment to the by-law.

#### **Provincial Planning Statement, 2024**

The subject lands are identified as being within a “Settlement Area” under the Provincial Planning Statement (“PPS”). The PPS sets the overall policy direction for regulating land use in Ontario.

The PPS indicates that growth and development are intended to be directed primarily to settlement areas. The policies provide direction for managing and directing efficient use of land, resources and services, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure. A range and mix of housing options and general intensification and redevelopment is to support the achievement of complete communities.

The PPS states that 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. Block 18 has not been cleared of archaeological potential at this time.

#### **Niagara Escarpment Plan (2017)**

The subject lands are within the St. Davids Minor Urban Centre, with an underlying designation of Escarpment Rural Area within the Niagara Escarpment Plan (the “NEP”). Development and growth within these areas must be in conformity with the Niagara Escarpment Plan.

The property is outside of the Niagara Escarpment Commission (NEC)’s area of Development Control and, therefore, a Development Permit from the Niagara Escarpment Commission (NEC) is not required; however, NEC staff review such development applications to ensure that the policies of the NEP are upheld.

The NEP states that development shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved. Under the NEP, where proposed development is likely to impact cultural heritage resources or areas of archaeological potential, the proponent shall undertake a heritage impact assessment and/or archaeological assessment.

### **Niagara Official Plan, 2022**

The Niagara Official Plan is now an Official Plan of the Town. The subject lands are located within a “Delineated Built-Up Area” as outlined in the NOP.

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

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

The subject lands are designated “Low Density Residential” on Schedule D as well as “Built-up Area” on Schedule I-3 of the Town of Niagara-on-the-Lake Official Plan (the “Town OP”). The lands are also within Special Policy Area A-3 (St. Davids) and are further designated as being within the “Established Village Area” of the St. Davids Special Policy Area.

Similar to Provincial and Regional Policy, the Town OP aims to protect and conserve archaeological resources through prohibiting development on lands that are deemed to have archaeological potential, unless the archaeological resources have been evaluated and conserved.

### **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 adopted and is therefore not in effect but represents Council intent. The subject lands are designated “Residential” in the proposed Official Plan.

The Town Official Plan (2019) states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

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

The subject lands are zoned “Residential (R1-14) – Site Specific Zone” and “Open Space (OS-14) Zone – Site-Specific Zone,” within the St. Davids Community Zoning District under Zoning By-law 4316-09, as amended through By-law 4316AP-13. More specifically, Block 18 is zoned “Open Space (OS-14) Zone – Site-Specific Zone.”

### **Proposed Amendment**

The Zoning By-law Amendment Application proposes to amend the existing “Open Space (OS-14) Site-Specific Zone” on Block 18 to apply a “Holding (H)” symbol to preclude any development from occurring, until such time as a development application for the lands has been approved and a letter from the Ministry of Citizenship and Multiculturalism clearing the lands of archaeological potential has been issued. No development within Block 18 is proposed at this time.

## **Consultation**

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

The electronic Open House is scheduled for Monday, November 24, 2025 (occurring after report completion). Should any public comments/questions be received during the Open House, Staff will note these during the Public Meeting.

To date, the following comment has been received from a Town Department:

Fire and Emergency Services – No objections to the ZBA.

No further comments have been received from Town Departments, Agencies or the Public at the time of report completion. Should any comments be received after the completion of this report, Staff will make note of them during the Public Meeting.

## **NEXT STEP / CONCLUSION**

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

## **ATTACHMENTS**

- **Appendix I** – Current Draft Plan of Subdivision and Zoning
- **Appendix II** – Consent B-09/25 Application Sketch
- **Appendix III** – Redlined Draft Plan of Subdivision (Concurrent Application)