

## PLANNING LEGISLATION AND POLICIES

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

#### **Provincial interest**

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

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

#### **Policy statements**

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

**3 (5)** *A decision of the council of a municipality, a local board, a planning board, a minister*

*of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

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

### **Official Plans**

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

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

### **Zoning by-laws**

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

## **Provincial Planning Statement, 2024**

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

*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, long-term 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.*

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

*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. 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.*

*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.*

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

*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.*

*2. Before consideration is given to developing new infrastructure and public service facilities:*

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

## **Niagara Official Plan, 2022**

### **2.1 Forecasted Growth**

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

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

**Table 2-1**

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

## **2.2 Regional Structure**

The objectives of this section are as follows:

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

### **2.2.1 Managing Urban Growth**

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

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

- l) *mitigation and adaptation to the impacts of climate change by:*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

**Table 2-2**

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

**5.2.1 Infrastructure Planning, Development, and Asset Management**

5.2.1.5 *Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.*

5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

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

**4.6 Land Use Compatibility Policies**

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

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood;*
- d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

**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, nursing homes, and mobile home parks.*

*Secondary Uses:*

*Uses permitted with a Main Use:*

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

*Uses permitted independent of a Main Use:*

- Minor open space and community facilities subject to Section 15 of this Plan;*
- Low Density Residential uses*

## **Section 15: Open Space and Community Facilities**

### **15.1 BACKGROUND**

*The Open Space and Community Facilities designation is intended for minor uses such as neighborhood parks, elementary schools, health care facilities, churches, day care centers, and similar community serving uses which are a necessary and an important part of the fabric of each community.*

*From the difficulty of predicting the advent of new establishments of this nature it is a policy of the Plan that an amendment of the Official Plan is not required to establish a new open space use or community facility within any urban area of the Plan. Instead the Plan provides for locational criteria for new facilities and these facilities will be identified in this Plan as part of the five year review.*

*To recognize the changing needs of the community re-development of community facilities for other compatible uses is permitted in the Plan.*

### **15.2 GOALS AND OBJECTIVES**

*(1) To provide for appropriately located neighborhood parks, institutions and community*

*facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses.*

*(2) To encourage the location of community facilities at strategic locations with convenient access for all residents of the community.*

*(3) To accommodate the changing needs of the community by allowing for re-development that is timely and appropriate.*

### **15.3 LAND USE DESIGNATIONS**

#### **15.3.1 OPEN SPACE AND COMMUNITY FACILITIES**

*(1) In the Open Space and Community Facilities designation shown on the Land Use Schedules the following uses are permitted:*

*Main Uses:*

*Active and passive neighborhood parks, elementary schools, health care facilities, churches, day care centers, cemeteries, museums, historic sites and similar community servicing uses.*

*Secondary Uses:*

*Uses permitted with a Main Use:*

*- minor sports fields, playground equipment, associated parking areas and small concession stands.*

*- accessory buildings and structures*

*(2) All lands designated open space and community facilities except for municipally owned parkland within an Urban Boundary as shown on the schedules to this Plan may be re-developed for Low Density Residential Use subject to a site specific zoning by-law amendment. This policy recognizes that institutions and community facilities may cease operation, redevelop or reduce in size.*

#### **(3) LOCATION CRITERIA**

*Minor open space and community facility uses, such as churches, neighborhood parks, recreation facilities, branch libraries and facilities for special population groups (including day care teaching of children) shall be permitted in residential land use designations without amendment to this plan subject to the following location criteria:*

- a) *Direct or convenient access to an arterial or collector street as indicated on the Land Use schedules of this Plan.*
- b) *Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.*
- c) *Provision of adequate buffering and transition to protect surrounding existing development.*
- d) *Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.*
- e) *On those streets which have been designated "no stopping" areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.*

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

### **2.6 Complete Communities**

#### **2.6.2 Healthy Neighbourhoods**

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

*Town include:*

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

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

### **4.7 Land Use Compatibility**

#### **4.7.2 Compatibility**

*4.7.2.1. Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:*

- a) conserving natural heritage and cultural heritage resources;*
- b) Existing and/or planned densities;*
- c) Lot frontages, area and depth;*
- d) Building setbacks;*
- e) Privacy;*
- f) Parking;*
- g) Servicing, lot grading and drainage; and,*
- h) The existing and/or planned height and massing of buildings.*

*4.7.2.2. Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

## **4.8 Community Design**

### **4.8.1 Design Policies**

*4.8.1.1. The character of the Town is reflected in its cultural heritage resources, including, but not limited to, its heritage character areas, rural landscapes, tree-lined urban and semi-urban streetscapes, low profile development, walkable communities, and variety of architectural and design features.*

*4.8.1.2. Community Design Guidelines are used to integrate new development into the fabric of the community and to preserve its character and enhance those attributes that are important to residents and visitors. Community Design involves the arrangement and design of buildings, public spaces, transportation systems, services, landscaping and amenities.*

*4.8.1.3. Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the*

*quality of life in the community, and ultimately create healthy, complete and accessible communities.*

*4.8.1.4. Community Design Guidelines should be based on the following:*

- a) Encourage a compact, walkable and well-connected community;*
- b) Provide a linked public open space system;*
- c) Encourage the enhancement of streetscapes;*
- d) Integrate public infrastructure into the landscape; and*
- e) Conservation of cultural heritage resources.*

*4.8.1.5. The Town may develop Community Design Guidelines for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. Community Design Guidelines may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or development approval standards.*

#### *4.10.5 Residential Designation*

##### *4.10.5.1 Character:*

*a) In the Residential designation, a variety of residential uses, types and densities are permitted, as detailed in the secondary plans, where such secondary plans have been approved.*

##### *4.10.5.2 Permitted Uses:*

*a) In general, the housing mix in the Residential designation will include low rise structures, including:*

- single-detached,*
- semi-detached and duplex dwellings, and*
- medium rise or multiple unit residential uses (e.g. Townhouses, walk-up apartments).*

*These may be identified in separate zoning categories in the Comprehensive Zoning By-law.*

*4.10.3.7 Small scale community facilities or convenience commercial uses may be permitted in residential designations with an amendment to the zoning by-law and are subject to the following locational criteria:*

- a) *Direct or convenient access to an arterial or collector street.*
- b) *Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.*
- c) *Provision of adequate buffering and transition to protect surrounding existing development.*
- d) *Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area*
- e) *On those streets which have been designated no stopping areas, provision will be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.*