



Department of Community
& Development Services
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The Town of Niagara-On-The-Lake

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report: CDS-19-002 **Committee Date:** February 04, 2019

Due in Council: February 11, 2019

Report To: Community & Development Advisory Committee
Subject: ZBA-24-2018 - 1585 Concession 6 Road - Removal of Holding Symbol

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Application ZBA-24-2018 for Zoning By-law Amendment for the removal of the Holding ("H") Symbol affecting the lands known municipally as 1585 Concession 6 Road, and being legally described as Part Lot 118 be approved; and
- 1.2 The draft Zoning By-law Amendment for the removal of the Holding ("H") Symbol attached as **Appendix B** to this report be forwarded to Council for adoption.

2. PURPOSE / PROPOSAL

The purpose of this report is to address the Owner's request to remove the Holding ("H") Symbol from the site-specific zoning of the subject lands. The removal of the H Symbol would allow new development/construction on the lands permitted within the Residential (R1) Zone until its removal.

3. BACKGROUND

3.1 Site Description and Surrounding Land Uses

The subject parcel, as identified on **Map 1** of **Appendix A**, is located on the east side of Concession 6 Road, being Part Lot 118, Town of Niagara-on-the-Lake. The subject lands are within the urban area of Virgil. There is an existing single-detached dwelling on the north portion of the subject lands and orchard trees are located on the south section of the lands. The subject property abuts residential uses to the north and south. Applications are currently being considered to facilitate residential development on abutting lands to the east. West of Concession 6 Road, are agricultural lands outside of the urban area.

3.2 Relevant Past Applications

The existing zoning of the lands was approved on September 19, 2016 with an H

Symbol based on the recommendation contained within Staff Report CDS-16-046. The Zoning By-law Amendment was required as a condition to facilitate the severance of abutting lands to the east for future residential use.

4. DISCUSSION / ANALYSIS

The subject lands are designated "Low Density Residential" on Schedule C to the Town Official Plan, as shown on **Map 2** of **Appendix A** to this report, and are zoned "Virgil Community Zoning District - Residential (R1-H) - Holding Zone" by Zoning By-law Amendment 4316CA-16, as shown in **Map 3** of **Appendix A**. The H Symbol restricts development of the lands until its removal.

At the time of rezoning, there were concerns with the potential for contaminants (i.e. lead and arsenic) associated with agricultural land uses being present on the property. Regional staff identified the need for the completion of a soil sampling analysis. In order to ensure that soil sampling occur, an H Symbol was included with the approved Zoning By-law Amendment. The By-law states that the H Symbol shall be removed upon completion of soil sampling, to the satisfaction of The Region of Niagara and the Town of Niagara-on-the-Lake.

An environmental topsoil sampling (prepared by Soil-Mat Engineers & Consultants Ltd., dated October 25, 2018) was completed and reviewed by Regional and Town Staff. The environmental topsoil sampling gathered two samples of topsoil material, and compared the soil to applicable Provincial standards. The sampling concluded that all topsoil materials collected were below the Provincial requirements for residential use. Town and Regional staff are satisfied that the soil sampling analysis requirement has been sufficiently addressed, and the subject lands are appropriate for residential development.

As the required documentation has been received and has been reviewed by both Town and Regional Staff, Town Staff have no objection to the removal of the H Symbol. A draft Zoning By-law Amendment is attached as **Appendix B** to this report.

5. STRATEGIC PLAN

Not applicable.

6. OPTIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Should future development occur on the lands, the Owner would be responsible for any fees that may apply.

8. COMMUNICATIONS

Attached for Council's consideration is the proposed By-law for the removal of the H Symbol. A notice of intention to remove the H Symbol was circulated as set out in the *Planning Act* Section 36(4).

9. CONCLUSION

The application to remove the Holding ("H") Symbol from the Zoning By-law has been considered in regard to Provincial, Regional, and Town policies, and is found to be consistent with and conform to these policies, as required. Staff recommend that the application be approved and the draft Zoning By-law Amendment be forwarded to Council for adoption.

Respectfully Submitted,



**Jesse Auspitz, MCIP, RPP
Planner II**



**Eric Withers, MCIP, RPP
Manager of Planning**



**Craig Larmour
Director of Community
& Development Services**



**Holly Dowd
Chief Administrative Officer**

ATTACHMENTS



Appendix A - Maps.pdf Appendix B - Draft By-law.pdf

WEB ATTACHMENTS



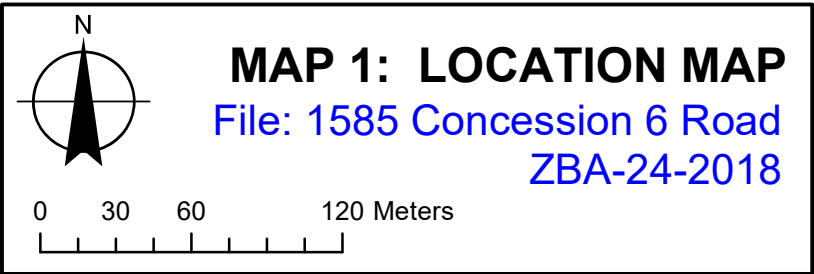
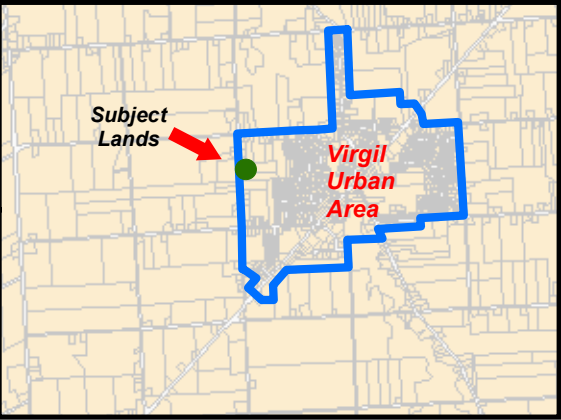
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ATTACHMENTS FOR LINK

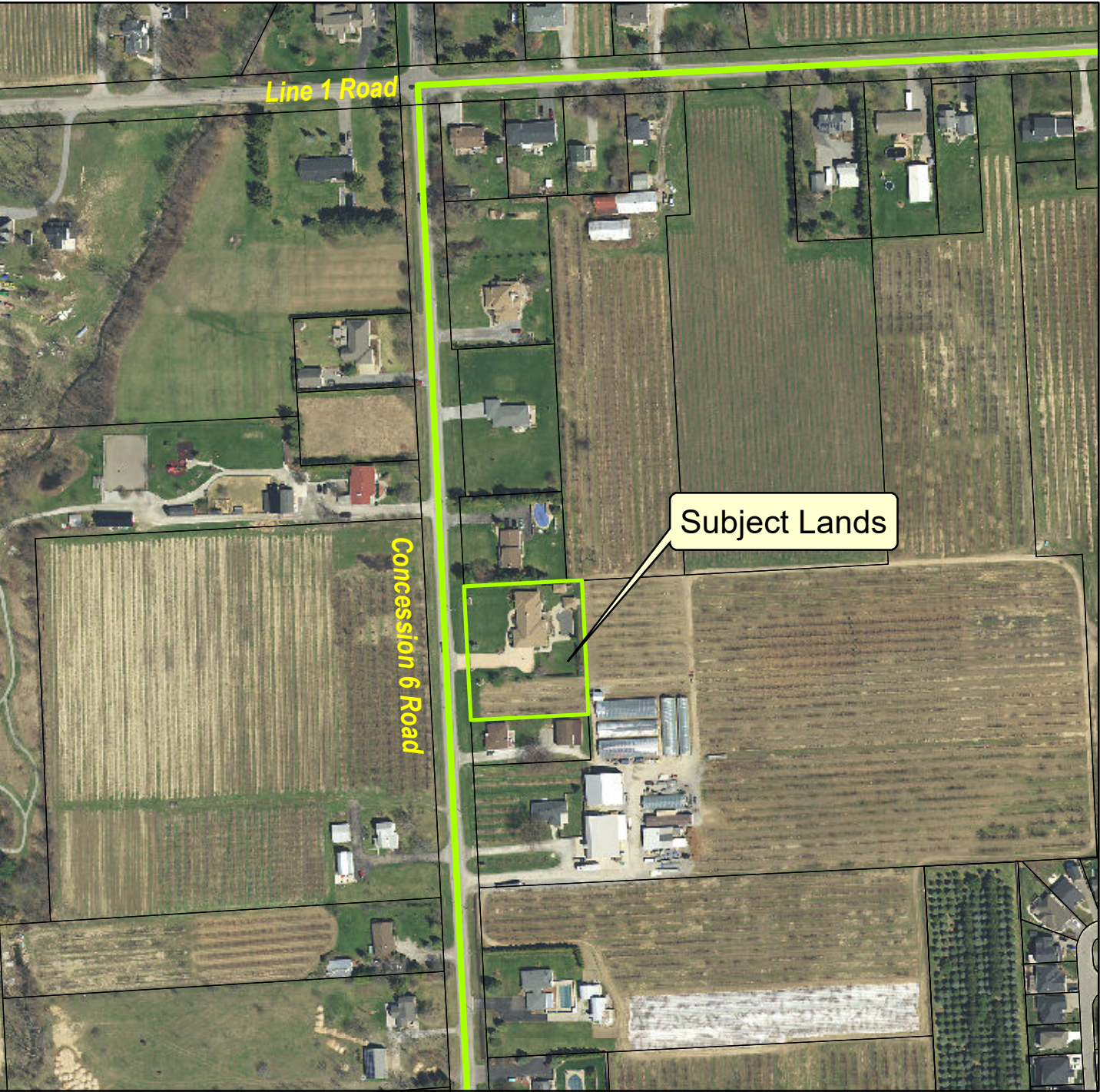
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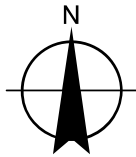
First Capital of Upper Canada - 1792

Key Map



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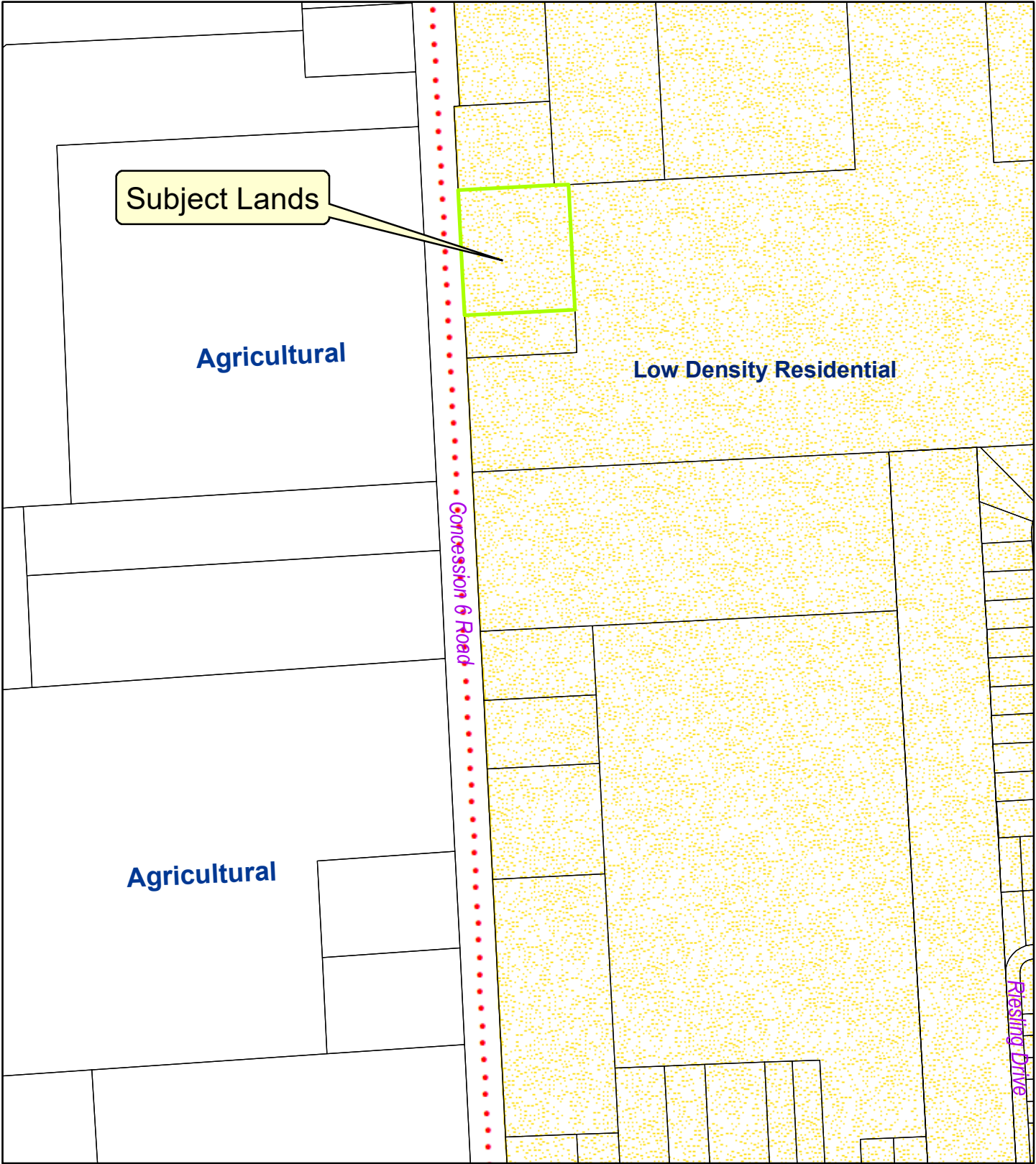


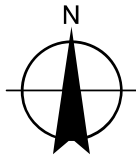


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MAP 2: OFFICIAL PLAN
Land Use Designations

File: 1585 Concession 6 Road
ZBA-24-2018



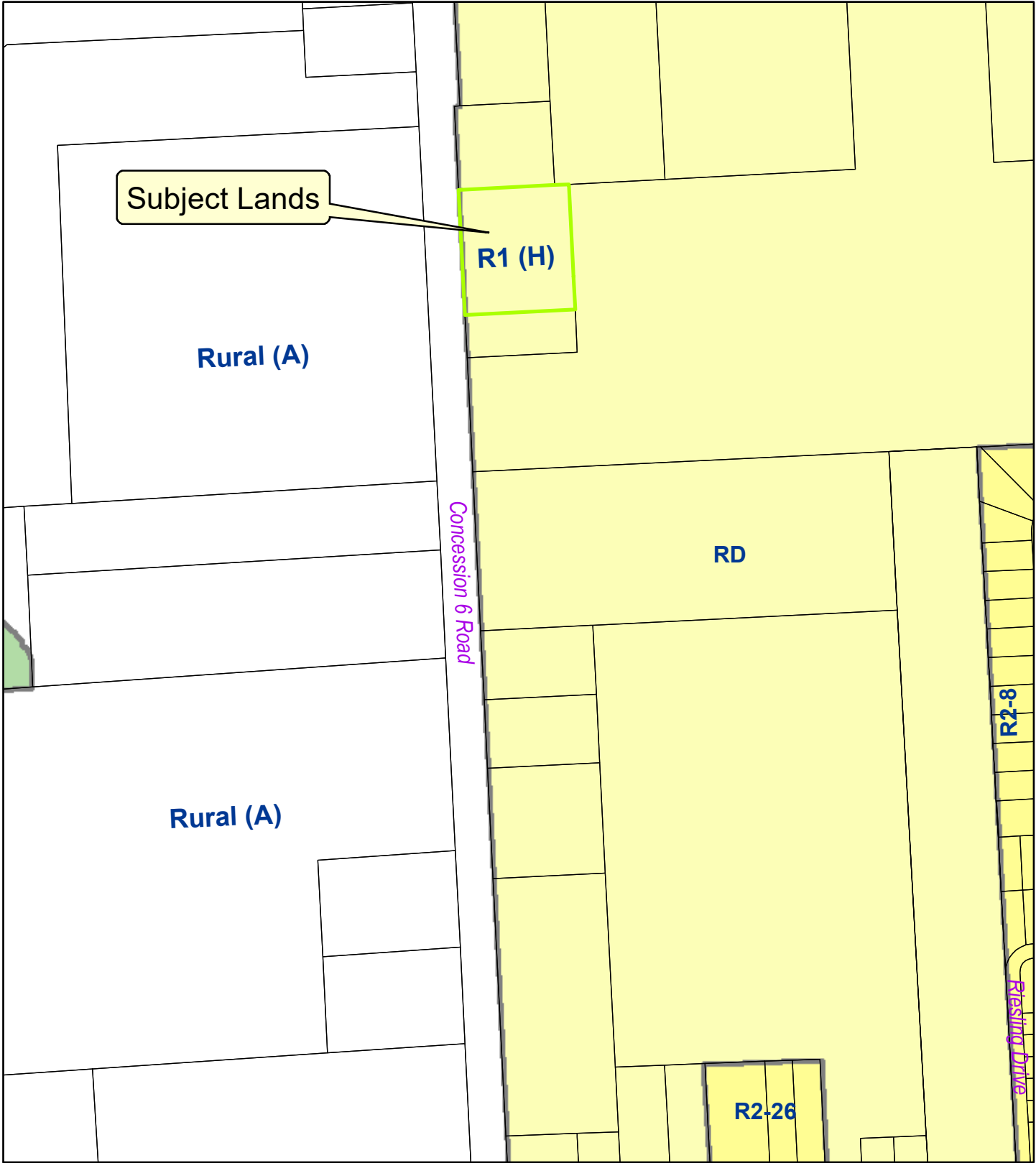


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MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

File: 1585 Concession 6 Road
ZBA-24-2018



**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316CA(1)-19**

1585 Concession 6 Road Roll No. 2627 020 014 20400 0000

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED
A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION,
USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND
STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 and 36 of the *Planning Act*, R.S.O. 1990, as amended;

WHEREAS the Town of Niagara-on-the-Lake did approve By-law No. 4316CA-16 on September 19, 2016 in the Town of Niagara-on-the-Lake;

WHEREAS By-law No. 4316CA-16 included a Holding “H” Symbol in accordance with Section 36(1) of the *Planning Act*, preventing the development of the lands until the removal of the Holding “H” Symbol;

AND WHEREAS Section 36(4) of the *Planning Act* provides that a Holding “H” Symbol may be removed by passing a By-law applying to the lands subject to the Holding “H” Symbol;

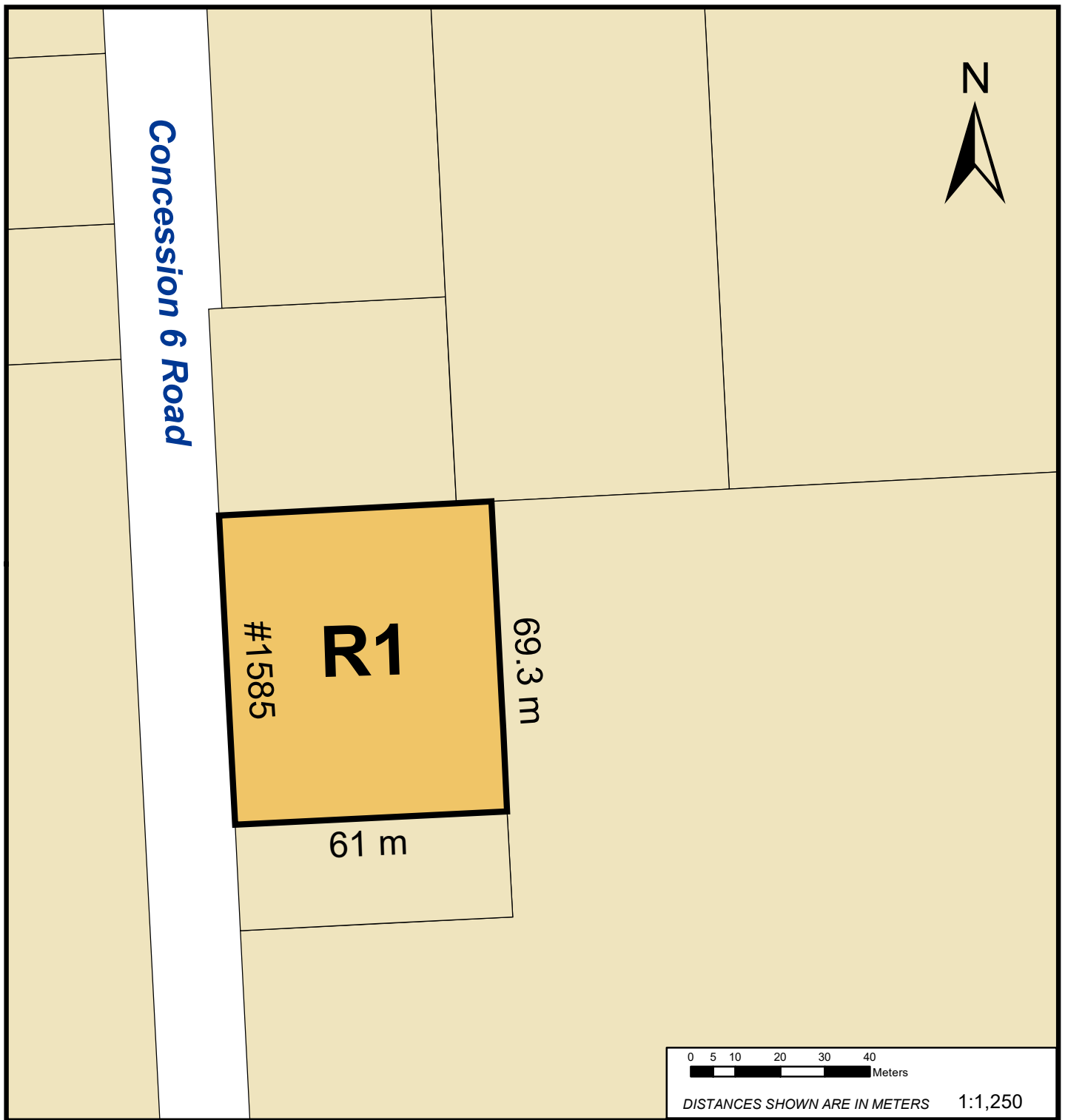
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule “A-14” of By-law No. 4316-09, as amended, is hereby further amended by removing the Holding “H” Provision from the lands shown on Map ‘A’ attached hereto and forming part of this By-law.
2. This By-law comes into force and takes effect immediately upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 11th DAY OF FEBRUARY, 2019.

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD



MAP 'A' ATTACHED TO BY-LAW 4316CA(1)-19, BEING AN AMENDMENT TO SCHEDULE "A-14" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 11TH DAY OF FEBRUARY, 2019.

LORD MAYOR
BETTY DISERO

TOWN CLERK
PETER TODD