



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-20-012	Committee Date:	June 08, 2020
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Due in Council:	June 22, 2020
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Report To:	Community & Development Advisory Committee
Subject:	File ICBL-EX-01-2020 - 425 Dorchester Street Exemption to Old Town Interim Control By-law 5105-18 (as amended)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The request for an exemption (File ICBL-EX-01-2020) to the Old Town Interim Control By-law 5105-18 (as amended), for the property described as 425 Dorchester Street and shown on **Appendix A**, be approved; and
- 1.2 Staff advise the owner of Council's decision.

2. PURPOSE / PROPOSAL

This report provides a recommendation to Council respecting a request for an exemption to Interim Control By-law 5105-18 (as amended by By-law 5105A-19) that applies to Old Town. The review of the request is based on the Council-approved Exemption Criteria for the "Implementation of Site-Specific Zoning By-law Approval" and "Heritage Resource Screening".

3. BACKGROUND

Interim Control By-law 5105-18 was passed by Council on December 5, 2018 and extended for another year on November 11, 2019 through By-law 5105A-19. Unless repealed by Council at an earlier date, the Interim Control By-law (ICBL) will be in effect beyond the further one-year period (November 11, 2020) in accordance with Provincial legislation respecting the COVID-19 emergency and *Planning Act* timelines.

The Interim Control By-law temporarily prohibits the subdivision of land within the Old Town urban area. The ICBL prohibits applications for Subdivision, Condominium, Consent and Part Lot Control Exemption. Applications are also prohibited for Official Plan Amendments, Zoning By-law Amendments and Minor Variances that could permit or facilitate the subdivision of land or construction of townhouses or apartment residential units. The ICBL permits exemptions for certain condominium conversions, Minor Variance applications for additions to existing dwellings and also complete applications filed prior to the By-law enactment.

At the April 27, 2020 Special Meeting of Council, the recommendations of Report CDS-20-010 were approved to establish Exemption Criteria and a Procedure for Council to consider exemption requests to Interim Control By-law 5105-18 (as amended).

4. DISCUSSION / ANALYSIS

Council Criteria for Exemption

A request to exempt a property from the Interim Control By-law must satisfy one of the criteria - not necessarily both. An ICBL exemption permits the submission and processing of a *Planning Act* application. There is no implied approval of a development proposal through the exemption process since applications require a full review, public consultation and a decision by Council or the Committee of Adjustment.

Criterion 1 - Implementation of Site-Specific Zoning By-law Approval

A property with existing site-specific Zoning By-law approval may proceed with required subsequent planning applications for lot creation to implement the prior Council approval. Such applications could include Consent, Part Lot Control Exemption, Removal of a Holding (H) Symbol, Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium. Applications for an Official Plan Amendment, new Zoning By-law Amendment and/or Minor Variance to site-specific zoning are not permitted.

Criterion 2 - Heritage Resource Screening

The property must be located outside of areas containing defined heritage resources (Built Heritage Resources, Cultural Heritage Landscapes and Cultural Heritage Resources). The Town's proposed Official Plan (adopted October 22, 2019) includes Schedules D2, D3 & D4 - Heritage Resources & Areas of Heritage Significance. These schedules reference designated properties and districts under Part IV and Part V of the *Ontario Heritage Act* as well as Character Areas of heritage significance based on a recent consultant study. Properties within these heritage resource areas are not eligible for an ICBL exemption.

Evaluation of ICBL Exemption Request

The subject property (425 Dorchester Street) is shown on the Location Map (**Appendix A**). The submitted written requests for exemption (dated May 27, 2019 and July 3, 2019) are contained in **Appendix B**. The following Staff review comments and information is provided:

- The correspondence requesting an exemption was previously submitted to Council through the Information Package dated May 30, 2019 and a delegation at Council on July 8, 2019
- The required Preconsultation meeting for the proposed development of the property has not been conducted
- The owners require a site-specific Zoning By-law Amendment and Consent applications for new lot creation (three single-detached dwellings)
- The subject land is located outside of any defined heritage resource area and

satisfies Criterion 2 (Heritage Screening)

5. STRATEGIC PLAN

The request for an ICBL exemption is not directly applicable to Council's Strategic Plan.

6. OPTIONS

There are several options available to Council respecting the requested exemption to the Interim Control By-law, including:

- approve or refuse the exemption request
- select alternate or additional evaluation criteria
- repeal the Interim Control By-law

7. FINANCIAL IMPLICATIONS

There are no direct costs associated with granting an exemption to the Interim Control by-law for Old Town. The owner of an exempted property would be able to submit planning applications and review fees to the Town.

8. COMMUNICATIONS

A copy of this report has been provided to the property owner or their representative. Staff will advise the owner of Council's decision on the ICBL exemption request.

9. CONCLUSION

Community and Development Services Staff recommend approval of the request to exempt the property from Interim Control By-law 5105-18 (as amended). The request satisfies Criterion 2 (Heritage Resource Screening) established by Council. Approval of the exemption request will allow the owner to submit certain *Planning Act* applications for standard processing and review for the proposed development of the subject land.

Respectfully submitted,



Rick Wilson, MCIP, RPP
Manager of Planning

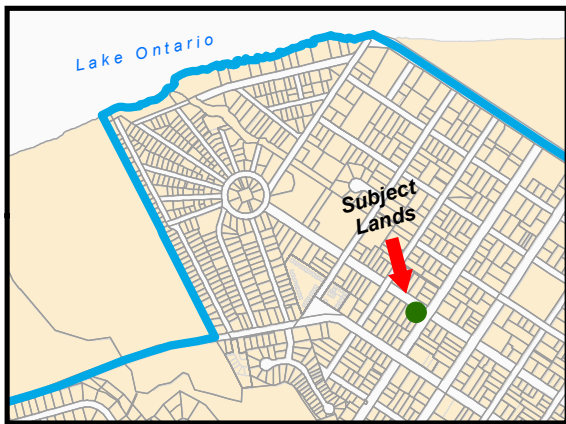


Craig Larmour, MCIP, RPP
Director, Community and
Development Services

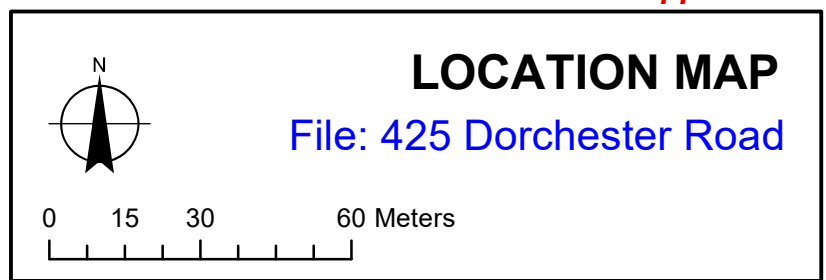


Sheldon Randall
Interim Chief Administrative Officer

Key Map

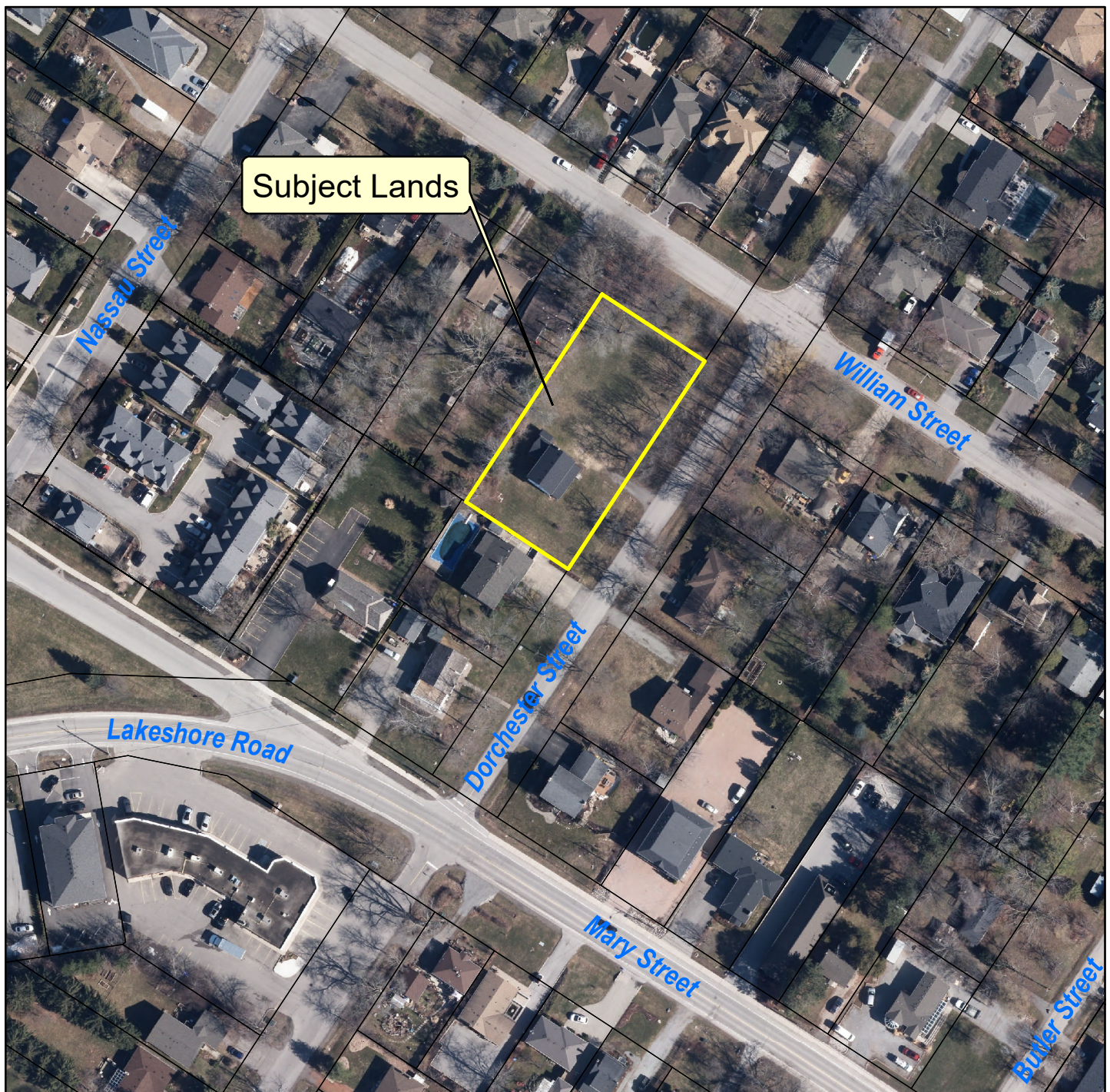


Appendix A



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NiagaraLake
-on-the-
EST. 1781



Peter Todd

From: Mac MacSween <macmacsween1@gmail.com>
Sent: May 27, 2019 4:38 PM
To: Peter Todd
Cc: John Lally; Bev Wiebe
Subject: File No(s). OPA-01-19 – Residential Infill Policies , On Record

To: Peter Todd, Town Clerk May 27/19

My name is Mac MacSween, 11 George Manor, NOTL (778-679-7505).

I am purchasing an old home and large lot at 425 Dorchester and plan to apply for subdivision into 3 lots, approximately 70 x 104. The purchase closes next week.

I am planning to build my retirement home on one of the lots and my partner, John Lally, plans to build on one of the other lots. I would like to be informed of any updates regarding ending the moratorium on land severance applications.

I suggest the committee consider allowing the application process to continue immediately. Consideration could at least be provided to large single family homes were the lot is at least 60 x 100 ft.

Sincerely, Mac MacSween



REQUEST TO APPEAR AS A DELEGATE

TOWN OF NIAGARA-ON-THE-LAKE

(PLEASE PRINT CLEARLY OR TYPE ON THIS FORM)

Name: <u>MAC MACSWEEN</u>	E-mail: <u>MACMACSWEEN1@GMAIL.COM</u>	
Street: <u>11 George MANNER</u>	Box # / RR #:	Phone #:
City: <u>NOTL</u>	Postal Code:	Fax #:

- ☒ () **Non Agenda Delegation** - a presentation which addresses topics that do not appear on the Council or COTW Agenda and for which no report has been prepared for Council by Staff must be submitted no later than 12 p.m. on the Thursday prior to the COTW or Council Meeting
- ☒ () **Agenda Delegation** - a presentation which specifically addresses a COTW or Council Agenda item.

☐ (✓) **I have never spoken on this issue before and the key points of my presentation are as follows:**

we would like to be except from the infil
bi law) to allow for submission of our
application for severance for a total of
three lots 70ft frontage by 105 deep
425 DORCHESTER RD NOTL

If an applicant wishes to address an issue they have previously spoken to as COTW or Council, they will only be permitted to do so if they bring forward significant new information. Specific details on how this information is new must be identified below and is subject to approval by the Town Clerk. Council will be advised if significant new information has not been provided.

☐ (✓) **I have spoken on this issue before, and the specific new information I wish Council to review is as follows:** (attach a separate page(s) if necessary)

yes. Start Public Meeting for infil

I wish to appear before Council on July 8.

(Meeting time is 6:00 p.m. unless otherwise noted)

DATE

Note: Your request must be made no later than 12:00 p.m. on the day of the schedule meeting.

I wish to appear before Committee of the Whole on July 8.

(Meeting time is 6:00 p.m. unless otherwise noted)

DATE

☐ Community & Development Services ☐ Corporate Services ☐ Operations-Parks & Recreation/Public Works

Note: Your request must be made no later than 12:00 p.m. on the day of the schedule meeting.

I have read and understand the Delegation Protocol on the back of this form and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas.

I also understand presentation materials must be submitted with this delegation form and electronic presentations must be emailed to peter.todd@notl.com no later than 12:00 p.m. on the day of the schedule meeting.

[Signature]
Signature

July 03 2019
Date

Presentation Requirements: No ☐ Yes (description) _____