



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

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P.O. Box 100
Virgil, Ontario
L0S 1T0

Report:	CDS-20-015	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-04-2020 - 6 Circle 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-04-2020) to the Old Town Interim Control By-law 5105-18 (as amended), for the property described as 6 Circle 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 Unless repealed by Council at an earlier date, the Interim Control By-law (ICBL) will be in effect beyond the further one-year period (November 11, 2020) in accordance with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 (6 Circle Street) is shown on the Location Map (**Appendix A**). The submitted written request for exemption (dated April 22, 2020) is contained in **Appendix B**. The following Staff review comments and information is provided:

- The letter requesting an exemption was previously submitted to Council through the Information Package dated April 23, 2020
- The property has site-specific residential zoning (By-law 4316DN-19) approved by Council on April 8, 2019
- The owner requires a Consent application for new lot creation (one single-detached dwelling)
- The subject land has existing site-specific zoning that satisfies Criterion 1 (Implementation) and also is located outside of any defined heritage resource area to satisfy 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 1 (Implementation of Site-Specific Zoning By-law Approval) and 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

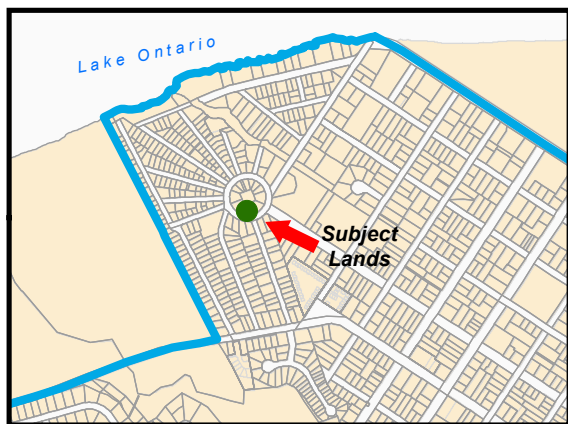


Craig Larmour, MCIP, RPP
Director, Community and

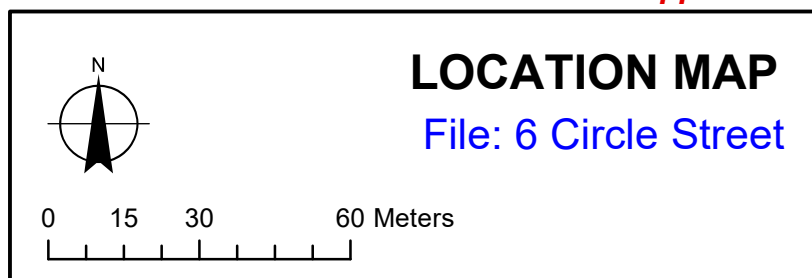


Sheldon Randall
Interim Chief Administrative Officer

Key Map



Appendix A



1:1,500

NiagaraLake
-on-the-
EST. 1781



April 22, 2020

Rick Wilson
Manager of Planning
Town of Niagara-on-the-Lake
rick.wilson@notl.com

RE: 6 Circle St. Niagara-on-the-Lake
Letter of Request – Relief from Interim Control Bylaw

Dear Mr. Wilson,

It has come to our attention that Council is may be considering some exceptions to the Interim Control Bylaw. We respectful ask that Council consider allowing relief from ICB in order to proceed with our Consent to Sever application.

As you are aware, we have successfully completed the Zoning Amendment application after from a successful consultation with the local Chautauqua Resident Association, who are now satisfied with the adjustments and concessions made to our application proposal.

Thank you in advance for your consideration to this request,

Best Regards,

Patricia A. Atherton

Patricia A. Atherton
Mark & Caroline Polgrabia

CC: Susan Wheeler