



431 LINE 2 ROAD, VIRGIL  
TOWN OF NIAGARA-ON-THE-LAKE

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## Planning Justification Brief

Zoning By-Law Amendment Application  
Consent to Sever Application

*Prepared for:*

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Lisa Bevilaqua

August 2, 2023



*A. J. Clarke &  
Associates Ltd.*

*Proud of our Treasured Past – Building a Sustainable Future*





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## 1 Introduction

A.J. Clarke and Associates Ltd. has been retained by the owners (Carmela Biancaniello, Ralph Biancaniello, Frances Biancaniello, Lisa Bevilaqua) to prepare a Planning Justification Brief (PJB) in support of an application for Zoning By-law Amendment and Consent to Sever to subdivide the subject lands, located on the western side of the Hamlet of Virgil, along Line 2 Road. The property is municipally known as 431 Line 2 Road, Virgil.

The proposal consists of severing the bulk of the property and retaining the lands around the existing dwelling. The severed lands will then be available for purchase, likely to a land developer. A rezoning of the subject lands is to allow the retained lands to be compliant with Town policy.

A Pre-Consultation was previously completed with the Town of Niagara-on-the-Lake concerning the subject lands on Thursday, February 16, 2023. As part of the complete application submission under the *Planning Act*, supporting technical studies and reports have been prepared to satisfy the requirements of a complete application, as per the Pre-consultation Document. The following materials are submitted in support of the applications:

- |   |                                 |
|---|---------------------------------|
| 1. Planning Justification Brief           | A.J. Clarke and Associates Ltd. |
| 2. Consent Sketch                         | A.J. Clarke and Associates Ltd. |
| 3. Draft Zoning By-law Amendment          | A.J. Clarke and Associates Ltd. |
| 4. Property Index Map and Parcel Register | A.J. Clarke and Associates Ltd. |
| 5. Septic Decommissioning Information     | Town Records                    |

Sections 2 and 3 of this report discuss the subject lands and the proposed development, while Section 4 outlines how this proposal relates to the applicable provincial and municipal land use planning policy documents. Section 5 discusses the supporting technical materials and how they relate to the proposed redevelopment. Lastly, Section 6 outlines the public consultation strategy for the subject applications and Section 7 provides concluding remarks and a professional planning opinion.

## 2 Description of Subject Lands & Surrounding Neighbourhood

The subject site is currently occupied by a single detached dwelling and an agricultural building. These structures are intended to be retained, with the remaining to be severed to facilitate future development. The subject lands are 4.51 hectares in size and have 22.8m of frontage onto Line 2 Road.

A summary of the surrounding uses is described below:

- North:** Single detached dwellings and Agriculture
- South:** Single detached dwellings, and Open Space-Conservation.
- East:** Single detached dwellings.
- West:** Agriculture/farm-related development.



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Development Area Aerial View

SUBJECT SITE



Aerial Photo – Niagara Navigator

Generally, the surrounding neighbourhood (North, East, and South) is characterized by a change from former agricultural lands to low density residential uses. Beyond the boundary of the settlement area is a range of Agricultural Uses. The site is within approximately 1 kilometer from downtown Virgil. Also of note, crossing the south of the subject lands is a tributary to Four Mile Creek. Additional discussion will follow on the implications of this matter in Section 5 of the Report.

### 3 Proposed Development


The proposed development is to sever off the orchard lands for future development while retaining the lands around the existing dwelling to remain as a residential lot.





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Development Plan Concept

 SUBJECT SITE



### 3.1 Planning Applications

Two Planning Act applications are to be submitted in support of the project. An application for a Zoning By-law Amendment to amend the Town of Niagara-on-the-Lake Zoning By-Law No. 4316-09, as amended by rezoning the Retained Lands from the “RD – Residential Development” Zone to ‘R2 – Residential’ zone to permit the creation of a new residential lot for the single detached dwelling.

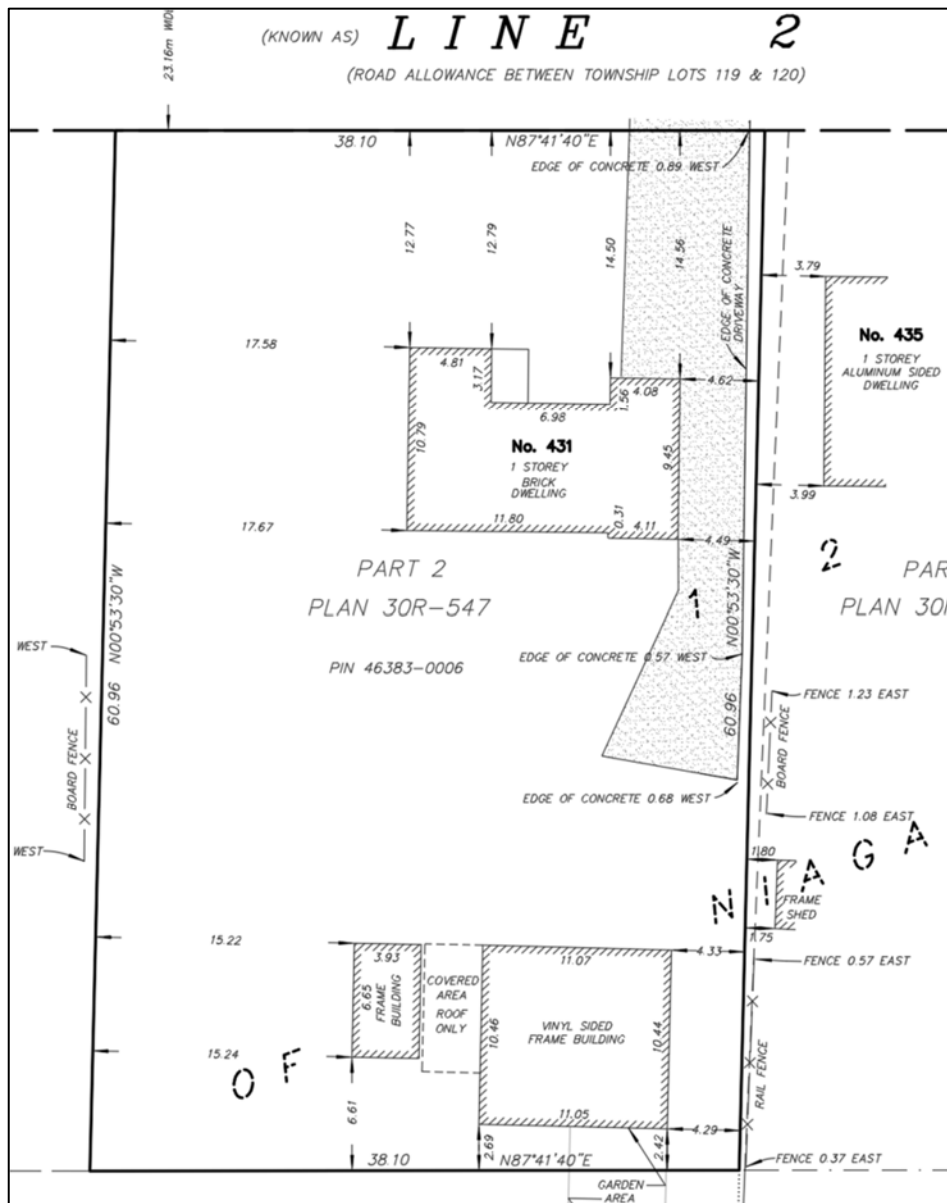


Figure 1: Inset of Survey Sketch of Retained Parcel.

A Consent to Sever Approval application will be concurrently submitted to create a new parcel for future development as shown in the Development Concept Plan.

Further information regarding the Zoning By-law Amendment can be found within Section 4.5, as well the full text in Appendix A.



## 4 Planning Policy Framework

The following land use planning policy and zoning instruments are considered in this Section:

- Provincial Policy Statement (2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)
- Niagara Peninsula Conservation Authority
- Niagara Regional Official Plan (2020)
- Niagara-on-the-Lake Official Plan (2017)
- Niagara-on-the-Lake Zoning By-law 4316-09

### 4.1 The Planning Act

The Planning Act provides legislation for land use planning in Ontario and describes how land uses may be control and who may control them. The management of lands is critical as it relates to provincial and municipal interests impacting economic development, housing, and the efficient use of resources. This Act provides a framework for legislation process that is fair by making them open, accessible timely and efficient.

#### Provincial Interest

- Pol. 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;*
  - (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;*
  - (h) the orderly development of safe and healthy communities;*
  - (j) the adequate provision of a full range of housing, including affordable housing;*
  - (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.*

This statement of Provincial Interest provides a broad scope perspective on how to approach reviewing Planning Act applications. From this perspective the subject application is weighed on what it facilitates. These Planning Act applications facilitate vacant underutilized lands for future development that aligns with the provincial interests to provide for the orderly development of safe and healthy communities. The subject lands that are to be severed increase the supply of lands for future residential development within a Designated Greenfield Area and are an appropriate location for growth and development.

The Planning Act Applications align with the objectives set out in the Planning Act.

## **4.2 Provincial Policy Statement (2020)**

The current Provincial Policy Statement (PPS) came into effect on May 1st, 2020. The principles of the PPS are about managing change and promoting efficient, cost-effective development and land use patterns, which encourage strong, sustainable, and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy. The intent of the submitted application and related plans and reports is to create a residential lot for the existing dwelling and facilitate the orderly development of the larger area for residential purposes through a future development application.

### **Section 1.0 – Building Strong Health Communities**

Section 1.0 of the PPS contains policies that relate to building strong, healthy communities. The following policies are relevant to the proposed development:

*Pol. 1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve*





- cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity;*

The proposed development will facilitate the creation of needed residential dwellings in a form consistent with its urban location. Future planning applications will ensure that development will be appropriate for the current and planned level of services within the settlement area via the subdivision approval process.

### **Settlement Areas**

The subject lands are within a *settlement area* as prescribed in the PPS. *Settlement areas* are urban and rural areas, and include cities, towns, villages, and hamlets. Lands that are within settlement areas shall be the focus of development and growth. The concurrently submitted consent application will enable the creation of a parcel for future development that can accommodate an appropriate and efficient use of underutilized/vacant land within the urban boundary and designated for development in the Official Plan. Further, the proposal will contribute to the range and mix of residential housing types provided in the neighbourhood. Section 1.1.3 of the PPS provides policy direction for development in settlement areas. The relevant policy provisions of Section 1.1.3 are outlined below:

*Pol. 1.1.3.1 Settlement areas shall be the focus of growth and development.*

The proposed development represents the beginning of greenfield development at increased densities, which optimizes the use of underutilized and vacant lands within a settlement area and a designated greenfield area. As such, the proposed development focuses growth within the settlement area.

*Pol. 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*



*Pol. 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The proposed planning applications will facilitate the development of designated Greenfield Land within the Urban Boundary. The new parcel created for the existing dwelling is also within the Greenfield area. The parcel is connected to the existing servicing network. The size of the proposed residential lot is larger than the target for the urban area. However, the proposed zoning will permit the division of the parcel into two urban residential lots without further variances to the zoning provisions.

The PPS is supportive of residential development that increases the overall density of vacant, underdeveloped lands within *settlement areas*. The subject lands are vacant and underutilized along an intensification corridor, as such, are a prime candidate for residential development within the urban area. The following PPS policies apply:

*Pol.1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*Pol. 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

The subject applications for consent and rezoning will facilitate an appropriate compact development of vacant and underutilized greenfield lands.

## **Housing**

The proposal facilitates the availability of residential land. Accordingly, the concurrently submitted applications will help to contribute positively towards the provision of housing to meet the needs of current and future residents through the submission of other planning applications (i.e., future plan of subdivision). Section 1.4 of the PPS provides policy direction pertaining to the provision of housing. The housing policies applicable to the proposed development are discussed below:

*Pol. 1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;*

Approval of the applications will aid in the provision of land for residential development.



## **Section 2.0 – Wise Use and Management of Resources**

Section 2.0 of the PPS deals with the wise use and management of resources such as natural heritage features and areas, watersheds, prime agricultural areas, mineral and petroleum resources, and significant built and cultural heritage resources. The subject lands are located within the urban boundary and are planned to accommodate future growth. As such, there will be no loss of agricultural lands. The subject lands have not been designated under the Ontario Heritage Act. It is therefore not anticipated that the proposed development will have any impact on any cultural heritage resources.

*Pol. 2.6.1      Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

*Pol. 2.6.2      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.*

The severed lands will eventually be subject of future development applications that will require additional studies (i.e., Archaeological Assessment, EIS, etc.) that will address the Section 2.0 of the PPS in greater detail.

As discussed above, the proposed development is consistent with the applicable policies of the Provincial Policy Statement (2020).

### **4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

The proposed development will take place within the *Greater Golden Horseshoe Growth Plan Area* as defined on Schedule 2 of the Growth Plan. It is inside the Designated Greenfield Area.

In 2019 the Ministry of Municipal Affairs and Housing approved a new version of the Growth Plan, which came into force and effect on May 16<sup>th</sup> of that same year. The Growth Plan (2019) replaced the Growth Plan (2017). All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform to the Growth Plan (2019), subject to any legislative or regulatory provisions providing otherwise.

The 2019 iteration of the Growth Plan builds upon the previous Growth Plan (2017) in its direction to prioritize intensification, support the achievement of complete communities, support a range, and mix of housing options, protect, and enhance natural heritage systems, support, and enhance the long-term viability of agriculture, conserve and promote cultural heritage resources, and integrate climate-change considerations into planning and managing growth.

## **Section 2.2 - Policies for Where and How to Grow**

Section 2.2 of the Growth Plan contains policies that govern where and how communities will grow, within Section 2.2.1 outlining policies that manage growth. The following policies are relevant to the proposal:

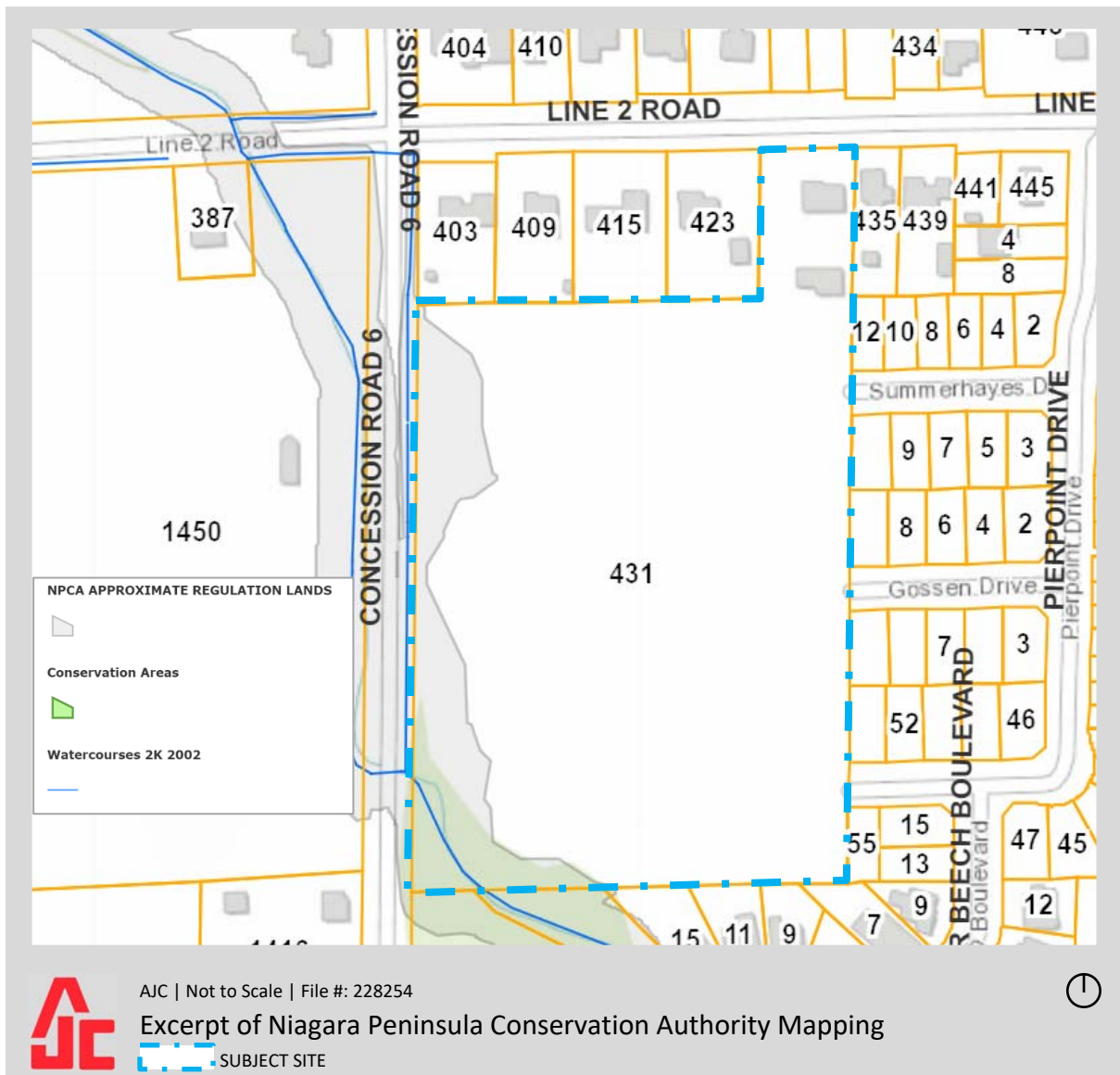
*Pol. 2.2.1.2      Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- a) the vast majority of growth will be directed to settlement areas that:*
  - i. have a delineated built boundary;*





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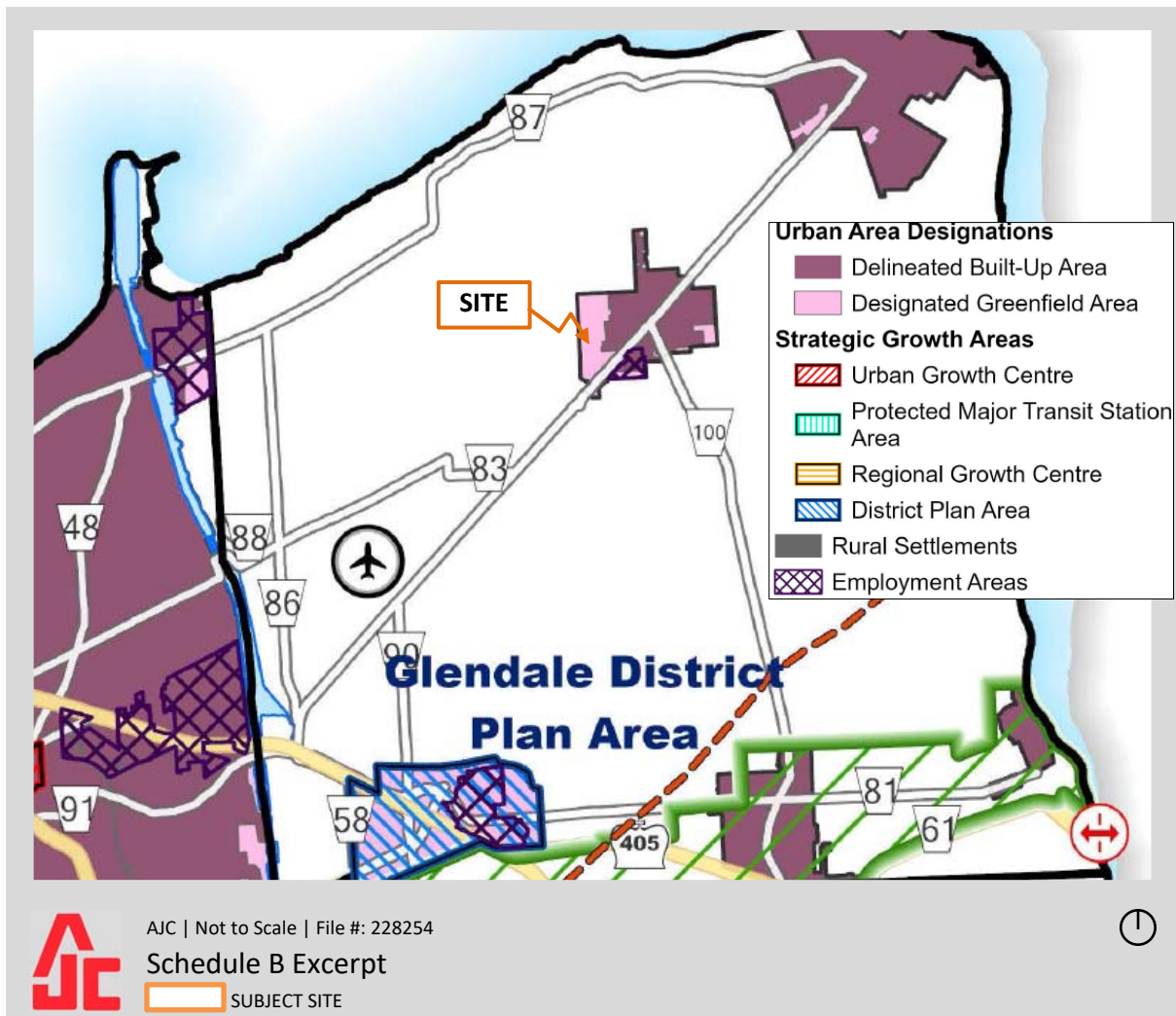


The subject planning applications will not facilitate development of land that is under the jurisdiction of the NPCA.

#### 4.4 Region of Niagara Official Plan (2022)

The province approved the new Niagara Official Plan in November 2022. The following policies from the Niagara Official Plan, November 4, 2022 are applicable to the proposed development.

The subject lands are located within the “Urban Area – Designated Greenfield Area” designation as shown on *Schedule B – Regional Structure* within the Niagara Official Plan.



**Chapter 2: Growing Region** deals with how and where development will occur to facilitate projected population growth in the Region.

## 2.1 – Forecasted Growth

The objective of Section 2.1: Forecasted Growth is to “coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.” The population of the Town is forecasted to grow to 28,900 persons by 2051, as per Table 2-1: 2051 Population and Employment Forecasts by Local Area Municipality.

## 2.2 – Regional Structure

As per the Section 2.2 – Regional Structure introduction, “settlement areas are comprised of both urban areas, which include built up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets.” Given this definition and that the subject





lands are within a “Designated Greenfield Area” as per Schedule B, the proposed development will help accommodate the forecasted growth in the Town.

### **2.2.1 Managing Urban Growth**

Section 2.2.1 outlines policy related the Urban Areas. The following policies are related to the proposed development:

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

*k. orderly development in accordance with the availability and provision of infrastructure and public service facilities;*

The applications will facilitate the availability of development lands adjacent to existing development within the delineated urban boundary.

### **2.2.2 Strategic Intensification and Higher Densities**

*2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

The proposed zoning allows for the further intensification of the retained lands while respecting the existing lot fabric of the neighbourhood. Further, Provincial policy (Section 35.1 (1)) allows for three units on a parcel of land with a detached dwellings. The planning permissions for the retained land allow for a density above the minimum target of the Region.

### **2.3 – Housing**

*2.3.1.3 The forecasts in Table 2-1 will be used to maintain, at all times: a. the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development;*

This application will facilitate the availability of lands for residential development in keeping with the Region’s goal on housing development.

## **Chapter 3 – Sustainable Region**

Chapter Three of the Plan outlines policies that promote and protect that natural heritage and water resource systems. As the subject lands are outside other provincial plans such as the Niagara Escarpment Plan and Greenbelt Plan, are outside of the natural heritage system and do not contain nor are adjacent to any key hydrological features or elements as shown on Schedules C2 and C3, an Environmental Impact Study should not be required. Further, there are limited policies found within Chapter Three that pertain to the proposed development.

## **Chapter 6 – Vibrant Region**

### **6.3 – Healthy Communities**



Section 6.3 outlines policy to help create healthy communities that provide a higher quality of life within the Region.

*Pol. 6.3.1.1 The Region shall support healthy communities by:*

- a) creating built form that provides healthy living;*
- b) planning for all ages, incomes, abilities and populations;*
- c) supporting walkable and bikeable neighbourhoods through active transportation;*
- d) encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;*
- e) encouraging urban agriculture and community gardens;*
- f) strategically co-locating public service facilities for convenient access; and*
- g) encouraging the use of health impact assessment tools through planning processes.*

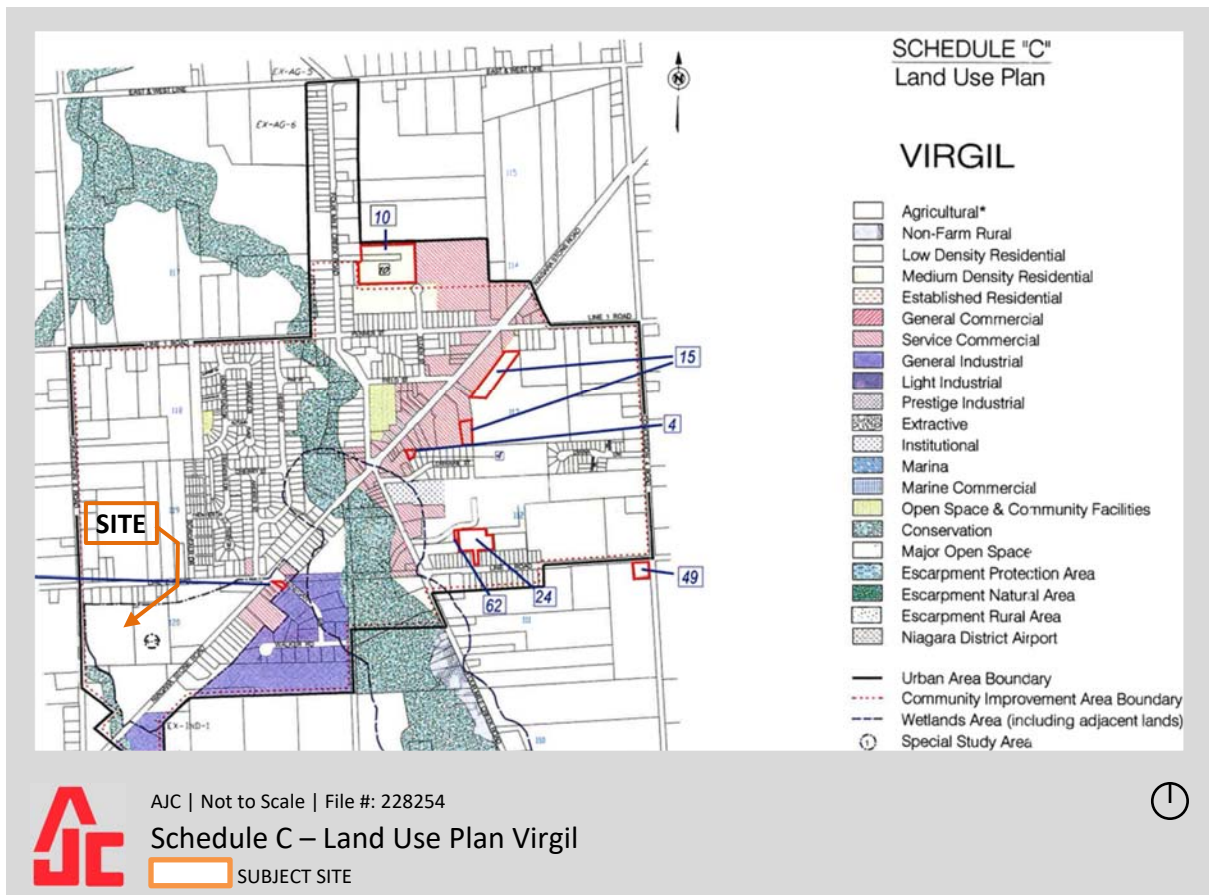
The proposed development supports a more walkable and bikeable neighbourhood that connects to the Region's cycling infrastructure plans and increases the settlement's population in proximity to the schools, community centre and park space located in the hamlet.

In summary, the Planning Act applications conform to the Region Official Plan.

#### **4.5 Niagara-on-the-Lake Official Plan (2017)**

The Town of Niagara-on-the-Lake Official Plan is the Lower Tier Official Plan document which is intended to guide growth and development within the Town.

The lands are designated 'Low Density Residential' on 'Schedule "C" Land Use Plan – Virgil' and 'Greenfield Areas' on 'Schedule I-2'.



## Part 2 – General Policies

### 2.6 Greenfield Areas

*Though the Town of Niagara-on-the-Lake's Greenfield density target is 50 jobs and people per hectare as per Places to Grow, it is realized that not every site will be able to achieve that target. The Town will have flexibility on a site by site basis however; the Town will closely monitor its Greenfield developments to ensure that Niagara-on-the-Lake's overall Greenfield target will be achieved.*

## 5. GREENFIELD DEVELOPMENT

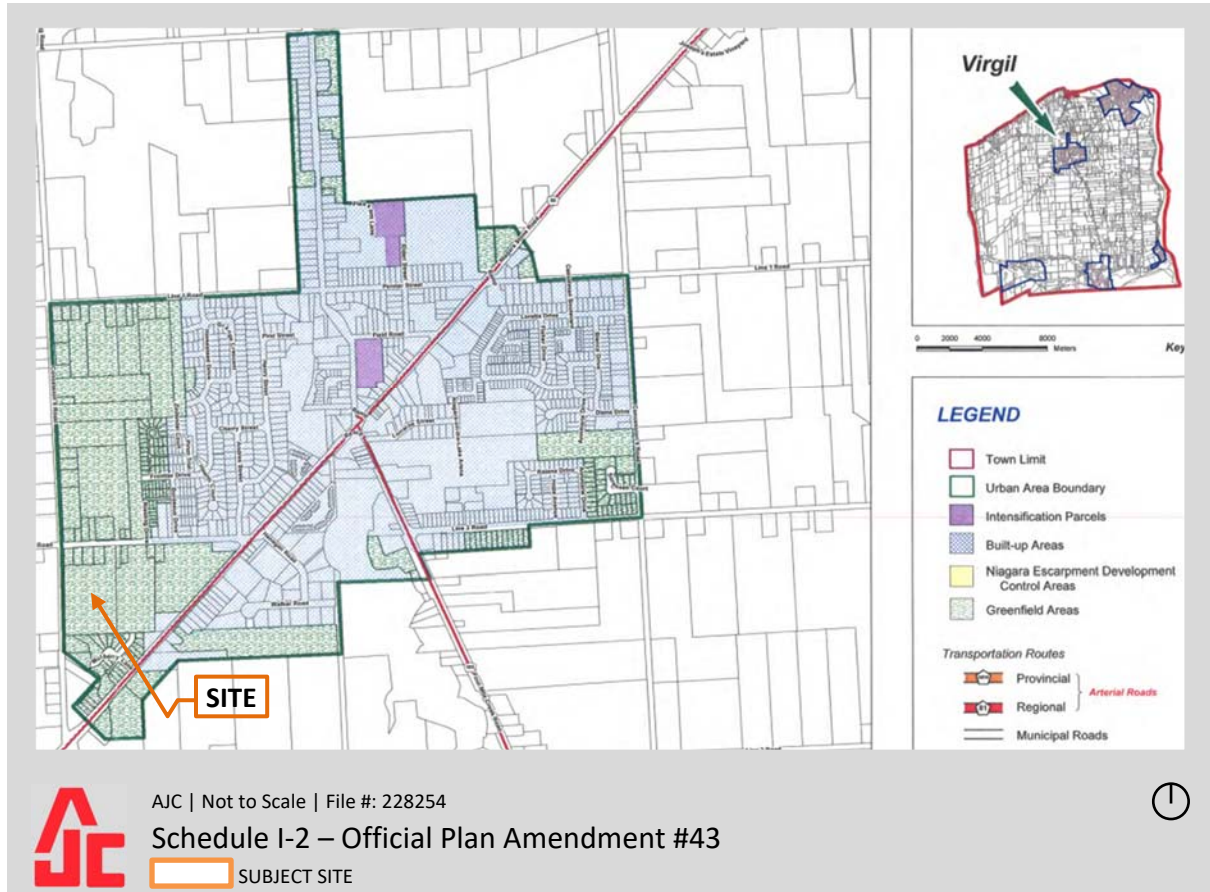
### 5.2 Greenfield Density Target

*The Town's Official Plan policies support the overall Region wide Greenfield density target of 50 people and jobs combined per gross hectare by:*

- b) *Permitting low and medium density development within the Greenfield area.*
- c) *Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi-detached, townhouses and apartment style housing.*
- e) *Preparing secondary plans and ensuring that development for Greenfield Areas meet a density of 50 people and jobs combined per gross hectare.*



- f) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped by utilizing a maximum net density as provided in the residential policies in Section 9 of the Official Plan and a minimum net density of 19.76 units per hectare (8 units per acre).*



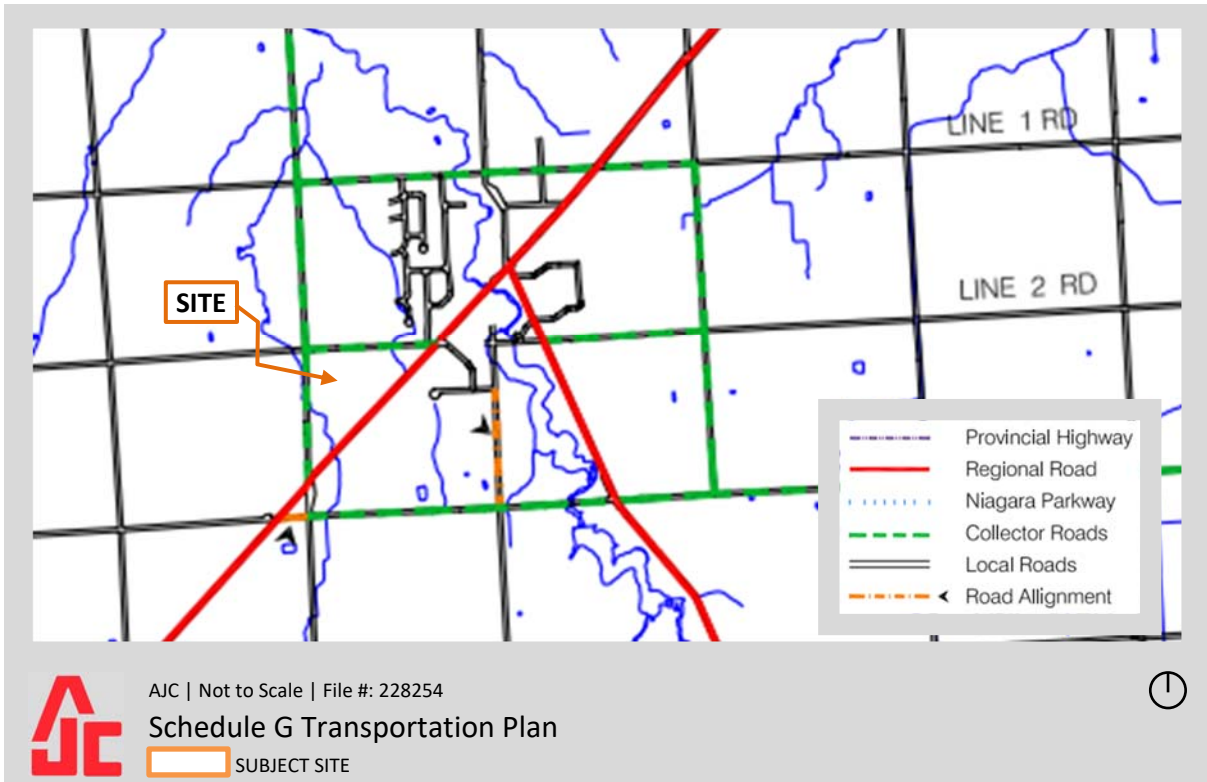
The proposed severance will create two parcels: a 4.28-hectare parcel for future development and a 0.24-hectare parcel for an existing single detached dwelling. The larger parcel will be developed via a future Draft Plan of Subdivision and will subject to a fulsome review at that time. The retained parcel will nominally have a density of 4.2 units a hectare. The proposed zoning will permit a severance from the lands for a net density of 8.4 units per hectare. Further, as mentioned above, Provincial policy (Section 35.1 (1)) allows for three units on a parcel of land with a detached dwelling.

#### Section 6: General Development Policies

**Policy 6.17** *The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in*

*relation to the efficient use of land and the need to preserve the agricultural land resource.*

The proposed retained parcel will be larger than the minimum area permitted in the zoning by-law and is above the targeted minimum density of the Official Plan. The proposed zoning is in conformity with Official Plan.



**Policy 6.29 ROAD SETBACKS** *To comply with right-of-way widths established by the appropriate road authority, setbacks from roads shall be provided as required by the implementing Zoning By-law. Such setbacks shall be sufficient to allow space for landscaping and off-street parking, loading and movement of vehicles clear of any road allowances.*

The parcel has frontage on Line 2 Road and Concession 6 Road. Both are designated Collector Roads. The proposed severance shall include a road widening dedication for Line 2 Road.

### Part 3 – Land Use Policies Section 9

#### 9.2 GOALS AND OBJECTIVES

(5) *To ensure that existing housing and existing residential areas shall be preserved and improved.*

The proposed severance preserves the existing residential dwellings while facilitating the availability of land within a residential area for development.



- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*

The proposal will facilitate the creation of a new lot containing the single-detached dwelling, while also providing a parcel of land for future residential development. The future development of the severed parcel will contribute to the efficient use of services within the area.

### *Part 3 – Land Use Policies Section 9.4*

#### *Section 21- General Consent Policy*

- (3) *The Town will recommend to the Land Division Committee that consents for severance where the site already contains a building, should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.*
- (4) *The Town will recommend to the Land Division Committee that consents shall be granted only when the land fronts on an existing public road.*
- (5) *Consents should have the effect of infilling in existing urbanized areas and not of extending the urban area.*

The existing dwelling has full municipal services and is located on a public road with year-round maintenance. The land is within the urban boundary and the proposed zoning will facilitate the infilling of the urban area.

- (6) *The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:*
- a) *The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.*
  - b) *Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.*
  - c) *Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law*

The proposed severance meets the requirements of the implementing by-law. The new lot lines account for the required yards and setbacks. The lot created does not exceed the minimum standard of the by-law. However, the lot created will be able to be divided in the future without a variance to the existing zoning by-law.

- (9) *Proposed new lot lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining.*





The proposed rear lot lines follow the existing pattern of lot lines facing the south side of Line 2 Road in both width and depth creating a rectangular lot pattern. The proposed zoning will allow further division of the retained parcel fronting onto Line 2 Road without requiring further variances from the zoning.

In following with the above analysis, the proposed zoning will help to implement the Niagara-on-the-Lake Official Plan.

#### **4.6 Zoning By-law No. 4316-09**

Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09 regulates the use and development of land within the Urban Boundary areas, which include Virgil, Old Town, Queenston, St. Davids, and Glendale.

Section 10 of the Zoning By-Law 4316-09 is specific to the lands within the Urban Area boundary of the Virgil Community Zoning District. The subject lands are currently zoned “Virgil Community Zoning District - Residential Development (RD) Zone”, as per Schedule A-14. Per Section 10.6, the following provisions apply:

##### **10.6.1 Permitted Uses:**

- (a) existing uses

##### **10.6.2 Zone Requirements:**

- (a) As existing

To permit the proposed creation of a new lot within the existing lot, a Zoning By-Law Amendment is required.



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Excerpt of Map 7, Schedule B, By-law 4316-09

 SUBJECT SITE



The purpose and effect of the Zoning By-law Amendment is to implement appropriate development standards for the existing single detached dwelling and future potential development on the retained parcel.

The retained lands of 432 Line 2 will be rezoned as 'Residential R2 Zone', which permits the following uses: single detached dwelling, accessory buildings and structures, bed and breakfast establishment, cottage rental, group home, home occupation or a home profession or public use.

The lands adjacent to the retained lot are comprised of low-density residential uses, with single detached dwellings along Line 2 Road. The proposed lot lines maintain the existing lot pattern, creating a rectangular lot that aligns with the current low density uses.



## 5 Conclusions & Planning Opinion

The proposed development complies and is consistent with the intent and direction provided in the Provincial Policy Statement and conforms to the applicable provincial municipal land use planning documents. The recommendations and conclusions of this report concerning the proposed development are as follows:

can accommodate an appropriate and efficient use of underutilized/vacant land within the urban boundary and designated for development in the Official Plan.

- The development of the subject lands is an orderly expansion of the Virgil hamlet.
- The proposed development will provide for lands for future residential development that are an appropriate and efficient use of underutilized/ vacant lands within the urban boundary as per the Official Plan. All development of these lands will be required to submit planning application to facilitate future development.
- The form will not place undue costs on to the Town.
- The proposed development is compatible with surrounding residential development with respect to setbacks, massing, buffering, shadowing, overlook, and built form.

The above review and analysis support the conclusions that: the proposed severance will facilitate orderly development of the hamlet of Virgil, the proposed development is considerate to and compatible with the existing low-rise neighbourhood, and the proposed amendment to Zoning By-law is consistent with planning policy.


The proposed development represents good planning and should be approved.

Prepared by:

M. Liam Doherty, MCIP, RPP  
Senior Planner

*A. J. Clarke and Associates Ltd.*





# **Appendix A**

## **Draft Zoning By-law Amendment**





## Explanation of the Purpose and Effect of

### By-law 4316\_\_ - ##

The subject lands are described as 431 Line 2 Road, Niagara-on-the-Lake, more particularly described as Part of Township Lot 120 Niagara as Part 2 30R547; Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

#### Purpose

The purpose of this By-law is to rezone the subject lands to permit the creation of one (1) new lot for future development and retain one (1) lot for an existing single-detached dwelling.

#### Effect

The effect of this By-law is to rezone the subject lands from “Virgil Community Zoning District – Residential Development (RD) Zone” to “Virgil Community Zoning District – Residential (R2) Zone”.



**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE**

**BY-LAW NO. 4316\_\_ - ##**

431 Line 2 Road, Roll #: 2627 020-014-28400-0000

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 of the Planning Act, R.S.O. 1990, c. P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

**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 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "Virgil Community Zoning District – Residential Development (RD) Zone" to "Virgil Community Zoning District – Residential (R2) Zone".

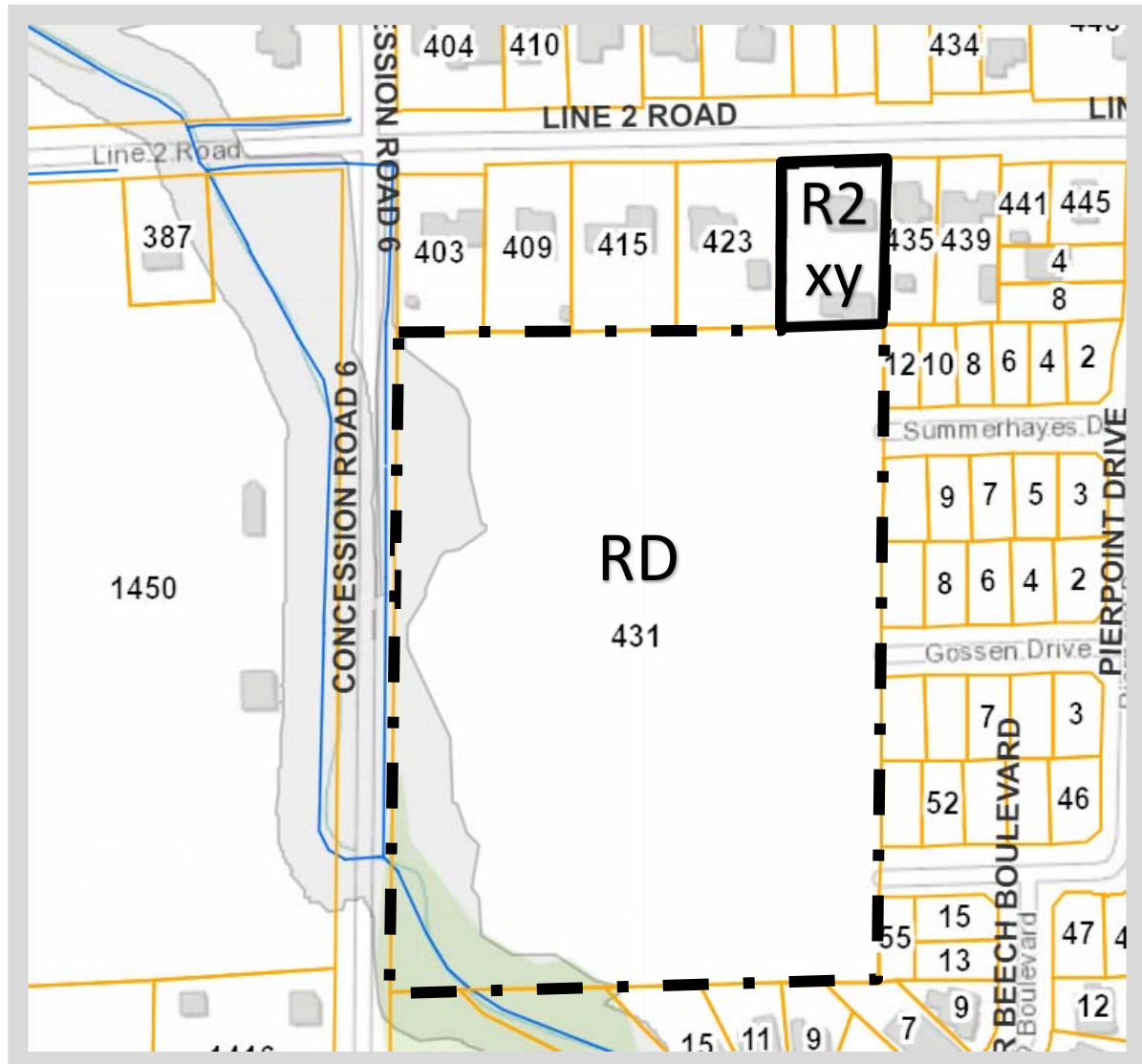
All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.

That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS \_\_TH DAY OF \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
TOWN CLERK



MAP 'A' ATTACHED TO BY-LAW 4316EM-23, 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 \_\_\_\_th DAY OF \_\_\_\_\_, 202\_.

LORD MAYOR

TOWN CLERK



# **Appendix B**

## **Survey Plans**



