

CORNERSTONE SITE NIAGARA-ON-THE-LAKE

Planning Justification Report

Official Plan Amendment Application

Zoning By-law Amendment Application

Draft Plan of Vacant Land Condominium
Approval Application

Prepared for:

Hummel Properties

March 2024



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 Hummel Properties to prepare this Planning Justification Report (PJR) in support of an Official Plan Amendment, a Draft Plan of Vacant Land Condominium Approval application, and a Zoning By-law Amendment under the *Planning Act* for the proposed development. The subject lands are a portion of 1570 Niagara Stone Road. Future *Planning Act* applications will include a Site Plan Application and a Draft Plan of Condominium (Standard) for the 4-storey multiple residential building.

The subject lands known as Lot 39, Part of Lots 34, 35, 38 and 40, Plan 304, Part of Block 9, Township Plan 85, Niagara, designated as Parts 1 and 2 on Reference Plan 30R-16153; Town of Niagara-on-the-Lake. The Town of Niagara-on-the-Lake is within the jurisdiction of the Regional Municipality of Niagara.

Three *Planning Act* applications are being submitted in support of the proposed development, an Official Plan Amendment Application, a Draft Plan of Vacant Land Condominium Approval Application, and a Zoning By-law Amendment Application.

An Official Plan Amendment Application is required to:

- Amend the Town of Niagara-on-the-Lake Official Plan to redesignate the subject lands from Service Commercial and Low Density Residential to Medium Density Residential.

An application for a Zoning By-law Amendment is required to:

- Amend the Town of Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09, Section 10 Virgil Community Zoning District to rezone the two zones currently applied to the property, Residential R1 Holding and Village Commercial VC Holding Zone, to Residential Multiple RM1 Zone, Modified; and
- Include an apartment as a permitted use and apply site-specific amendments to the zoning provisions to facilitate the development of block townhouse and an apartment.

A Draft Plan of Vacant Land Condominium Approval Application is required to:

- Divide the land to allow development;
- Facilitate the installation and ongoing maintenance of necessary services; and
- Allow the 4-storey building to become a standard condominium and remain part of the overall vacant land condominium as a unit within same.

To satisfy the requirements of a complete application under the *Planning Act* and the Pre-consultation Document, this Planning Justification Report and applications for an Official Plan Amendment and Zoning By-law Amendment are submitted along with the following plans and technical studies:

1. Shadow Analysis prepared by ACK Architects Studio Inc.
2. Noise Study prepared by dBA Acoustical Consultants Inc.
3. FSR & SWM prepared by Upper Canada Consultants.
4. Landscape Plan prepared by Adesso Design Inc.
5. Traffic Impact Brief prepared by SLBC Inc.
6. Architectural drawings prepared by ACK Architects Studio Inc.
7. Stage 1 and 2 Archaeological Assessment prepared by AMICK Consultants Limited. *



* Although not required A Stage 1 and 2 Archeological Assessment was prepared and concluded that the subject lands are clear of any archaeological concern as no archeological resources were found.

2 Description of Subject Lands & Surrounding Neighbourhood

The subject property is located on Elden Street which is within the urban area of Virgil that consists of a mix of retail, commercial, services and residential uses. This mix of land uses is consistent with the structure of a Local Growth Centre as described in the Niagara Official Plan. Recently, the subject lands were approved to be severed from the larger property owned by Cornerstone Community Church. The subject lands are approximately 0.46 ha and consists of a surface parking lot, one single detached residential dwelling (formerly a manse for the church) and one accessory building. To facilitate the proposed development the two buildings would be demolished.

A summary of the surrounding land uses is as follows:

- North:** To the north are residential properties consisting of single detached dwellings. Along the property boundary there are four residential properties with two fronting Elden Street and two properties fronting Penner Street.
- South:** To the south, at the eastern end of the property boundary a portion of the property is adjacent to a residential property containing a single detached dwelling that fronts onto Field Road and at the wester end a portion of the property is adjacent to the Cornerstone Church. The remainder of the property abuts the surface parking lot of the Cornerstone Community Church.
- East:** To the east, the portion of the property containing the intended block townhouses abuts 2 commercial properties which are part of the main commercial centre in Virgil and front onto Niagara Stone Road. The portion of the property containing the proposed mid-rise building abuts the surface parking lot of the Cornerstone Community Church.
- West:** To the west the property fronts onto Elden Street and across the street are existing single detached residential properties.



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Subject Lands Aerial View



SUBJECT SITE



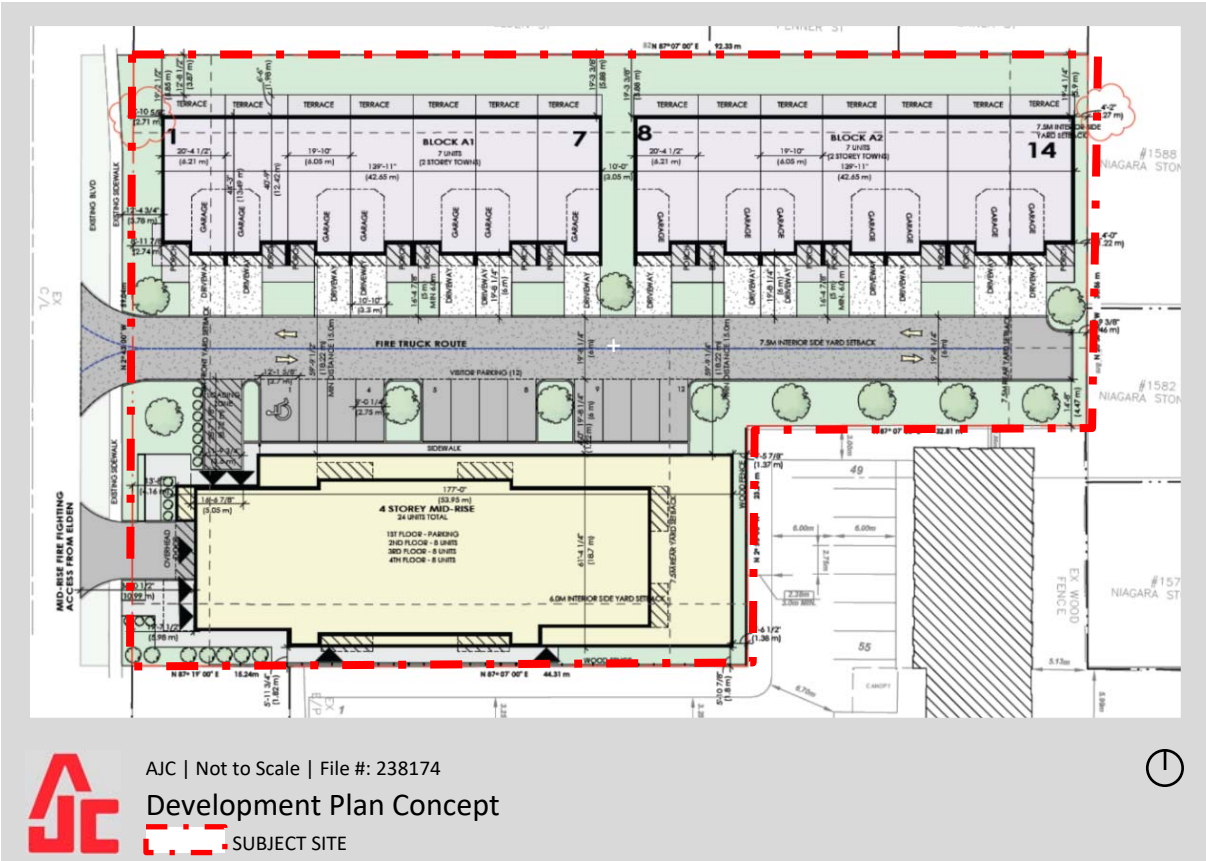
Aerial Photo - VUMAP

3 Proposed Development

The proposed development is a medium density residential development with 38 units overall representing a density of 81 units per hectare and consisting of:

- 14 two-storey townhouses in two blocks of seven, each unit will consist of 3 bedrooms and will have a garage and a driveway that will accommodate 2 vehicles. Each townhouse unit shall have the option for a separate entrance to the basement for a possible Additional Dwelling Unit; and
- a 4-storey mid rise building with 24 units (unit mix = 9 x 1 bdrm units, 6 x 1 bdrm + den units and 9 x 2 bdrm units), 1 parking space will be provided for each unit on first floor (ground level) which will be covered, secured parking that is integrated into the design of the building.

The townhouses and mid-rise building will each be accessed by a separate vehicle entrance from Elden Street. Visitor parking is located along the north side of the midrise building and is accessed via the vehicle entrance and common driveway servicing the townhouses. Visitor parking shall be shared between the townhouses and the mid-rise building to the south. Pedestrian access to the site is via the sidewalk along Elden Street across the front of the property.



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Development Plan Concept

SUBJECT SITE



Land Use Compatibility and Urban Design

The location of the development site is adjacent to the main commercial centre in Virgil with the proposed development representing a logical transition and a compatible form of development between the commercial uses along Niagara Stone Road to the south and low-density residential uses to the north in and around Penner Street. The proposed buildings provide a progression of massing and height with the 2-storey block townhouses in the northern portion of the property adjacent to existing low scale residential use, transitioning to the mid-rise building in the southern portion of the property towards the commercial area.

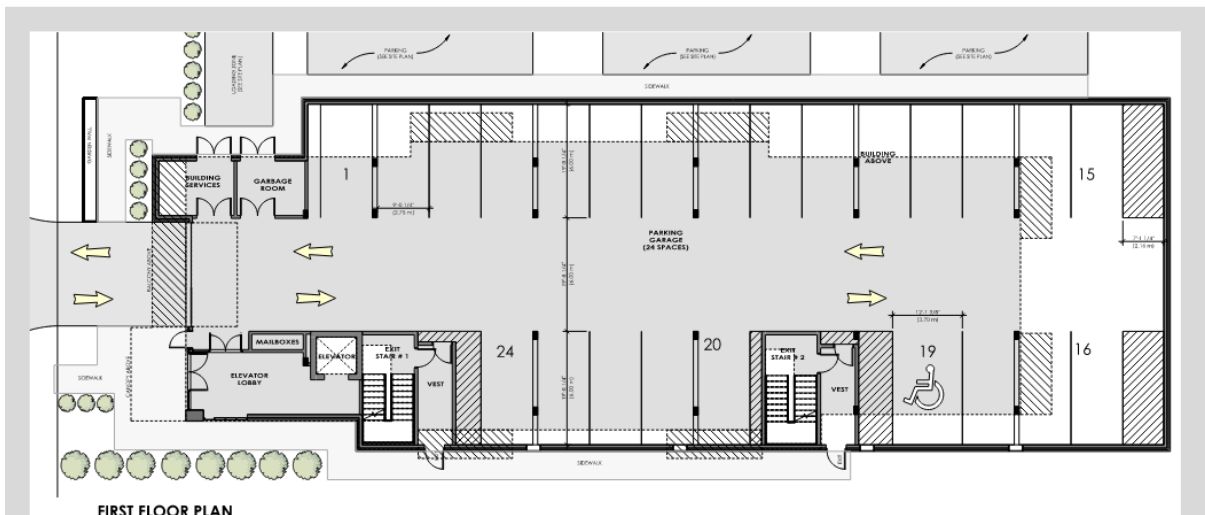


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North View of Proposed 4-storey Residential Building



The design of the mid-rise building consists of an enclosed parking garage at ground level, which represents a larger footprint than the portion of the building above containing the residential units.



FIRST FLOOR PLAN

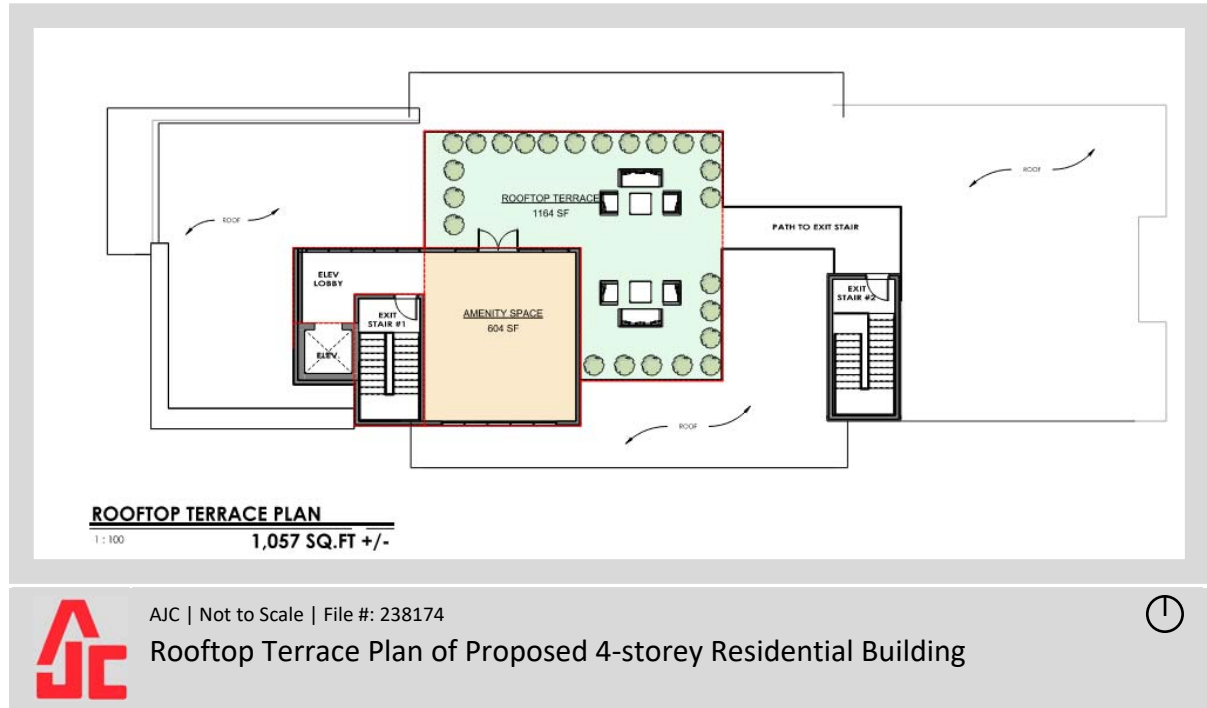


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1st Floor Plan of Proposed 4-storey Residential Building



The roof of the mid-rise building provides an indoor amenity area of 56 m² connected to a rooftop terrace with an area 108 m², providing residents with a rooftop amenity area of 164 m².




This building along the southern property boundary is adjacent to the Cornerstone Church property, which is zoned Village Commercial, and is not expected to have an impact on the future use of the Cornerstone Church property as it is consistent with development formats within a mixed-use activity centre.

Approximately 150 m to the south of the site, representing a 3-minute walk and separated only by the Cornerstone Community Church property (corner of Niagara Stone Road and Field Street), is the main service centre of Virgil consisting of personal, commercial and retail services stretching 550 m along Niagara Stone Road. Approximately 900 m to the south-east, representing a 13-minute walk and 4-minute bike ride, is Centennial Park which provides active and passive recreation consisting of a children’s playground, splashpad, picnic pavilion, skatepark, soccer and baseball fields, arena with 2 ice pads and a multi-purpose trail.



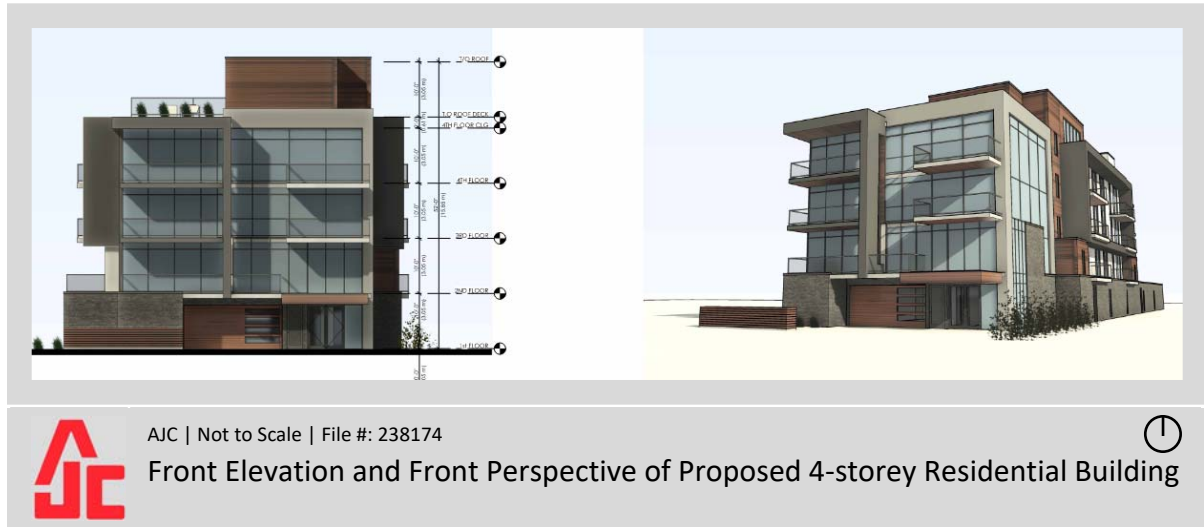
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Aerial View of Neighbourhood

 SUBJECT SITE



The block townhouses and mid-rise condominium are contemporary, compact designs with the buildings represent a human scale design with active frontages. The design of the mid-rise building promotes natural surveillance and “eyes on the street” which provides an increased level of safety. The building elements and design provides detail and articulation that contributes to the curb appeal and visual interest both from the street and within the development.



The reduced setbacks along the street frontage of both the block townhouses and mid-rise building vary, providing a staggered appearance that combined with the landscaping creates an appealing public/private interface. The landscaping extends into the property and provides visual appeal that softens the hard surfaces and contributes to the building articulation. Walkways from the street, within the property and at building entrances are easily identifiable supported by landscaping at key points. Vegetation providing subtle screening of the mid-rise loading bay (located towards the front of the property for efficient access) and separation of buildings, car access and parking spaces.

The loading zone is located towards the front of the mid-rise building and accessed from the common driveway that provides access to the townhouses and visitor parking. Around the loading zone plantings consisting of a large tree and vegetation that will form a hedge which will provide screening from neighbouring properties. Use of this loading space will be minimal as it is not a commercial building and, as a result, it will not have a significant impact on traffic movement within the property.

4 Planning Applications

Official Plan Amendment

An Official Plan Amendment is required to amend the Town of Niagara-on-the-Lake Official Plan to redesignate the subject lands from Service Commercial and Low-Density Residential designation to Medium Density Residential and to address an increase in density on the property over the maximum 30 units per hectare. The Medium Density Residential designation permits townhouses and apartments as proposed.

The density of the proposed development of 81 units per hectare is above the maximum density in the Official Plan of 30 units per hectare. The Niagara Official Plan 2022 has revised population and housing targets to 2051 allocated to Niagara-on-the-Lake (refer to discussion in Section 5. Planning Policy Framework on Niagara Official Plan 2022). The higher density within the proposed development is appropriate to accommodate future growth within the Virgil service centre.



Zoning By-Law Amendment

A site-specific Zoning By-law Amendment is required to amend the Town of Niagara-on-the-Lake Zoning By-law 4316-09 - Section 10 Virgil Community Zoning District. The purpose of the zoning by-law amendment is to:

- amend the Town of Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09, Section 10 Virgil Community Zoning District to rezone the property from Residential R1 Holding and Village Commercial VC Holding Zone to Residential Multiple (RM1) Zone to permit the proposed block townhouses;
- include an apartment building as a permitted use within the RM1 Zone; and
- apply site-specific amendments to the provisions, as presented in the table below, to facilitate the proposed development.

This Zoning By-law Amendment satisfies the Goals and Objectives of section 9: Residential in the Official Plan specifically relating to 9.2:

(1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types;

(3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner;

(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; and

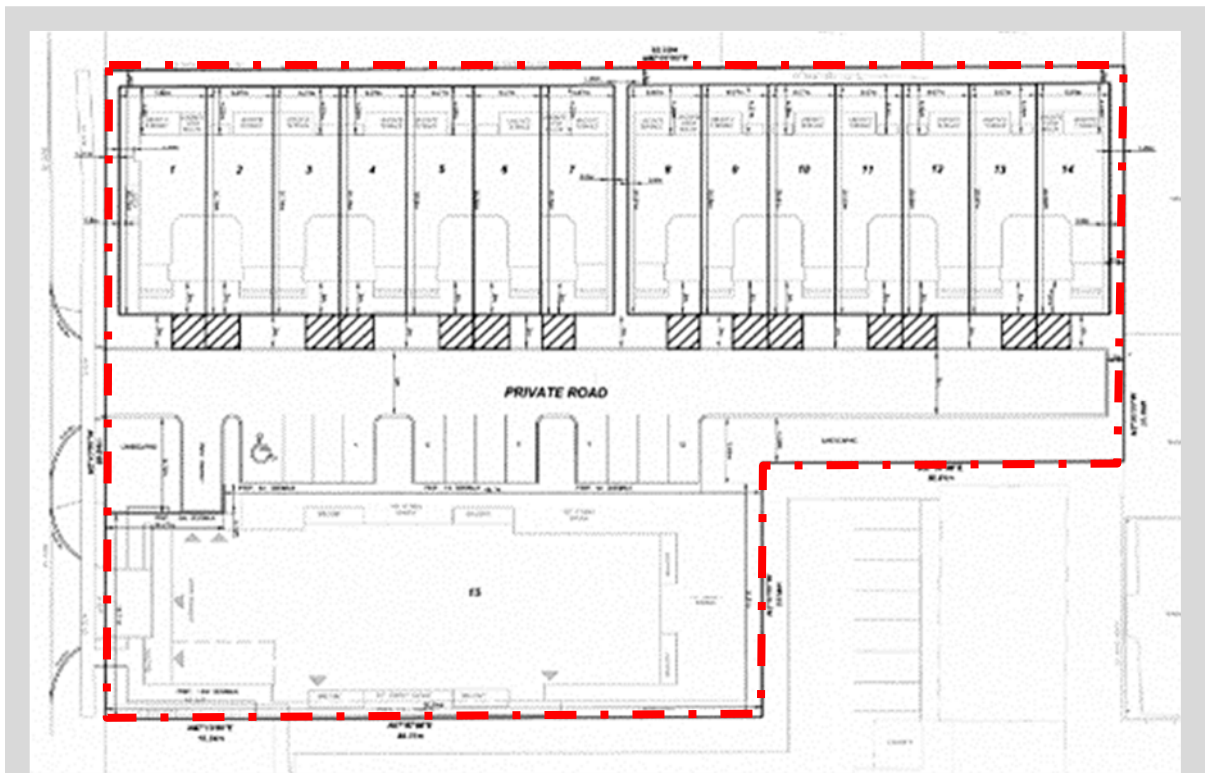
(11) To encourage the development of well-designed and visually distinctive forms.



Site Specific Provisions		
a)	Minimum lot frontage	59 m
b)	Maximum lot coverage	50%
c)	Minimum landscaped open area	30%
d)	Minimum distance between buildings located on the same lot between walls not containing windows to a habitable room.	1 m
e)	Minimum distance between buildings located on the same lot between walls where one wall contains a window to a habitable room.	9 m
f)	Minimum distance between buildings located on the same lot between walls where both walls contain a window to a habitable room.	15 m
Block Townhouse		
g)	Minimum front yard setback (west)	2 m
h)	Minimum side yard setback (north)	5 m
i)	Minimum distance between any townhouse dwelling and a private roadway and parking area	6 m
k)	Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard.	3 m
l)	Unenclosed, uncovered or covered porch, deck, balcony, terrace, patio or steps:	
i	Front or Rear Yard (maximum)	2 m

ii	Side Yard (maximum)	2 m
Apartment Building		
l)	Minimum front yard setback (west)	5 m
m)	Minimum front yard setback for balcony (west)	3 m
n)	Minimum side yard setback (south)	1.5 m
o)	Minimum side yard setback for balcony (south)	1
p)	Minimum rear yard setback	1 m
q)	Maximum building height	13 m

Draft Plan of Vacant Land Condominium Approval Application

The proposed Draft Plan is required to be approved by the Town of Niagara-on-the-Lake. Approval of the draft plan will create 15 new units and one common area roadway. The vacant land condominium will permit the development of the entrance road and parking area combined with the services to be installed underneath. The proposed 4-storey residential building shall be contained within a single unit of the vacant land condominium and is planned to become a standard condominium within the vacant land condominium. The 14 townhouses proposed will be individual units of the vacant land condominium corporation. The full draft plan is shown in Appendix D.



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Inset of Draft Plan of Condominium
 SUBJECT SITE



5 Planning Policy Framework

By providing a mix of an additional 38 residential units in Virgil, the proposed development is consistent with and conforms to the implementation of relevant Provincial, Regional and Town policies specifically relating to:

- contributing to the implementation of a complete community;
- providing an increase in housing supply, density, and diversity of housing types;
- supporting efficient development patterns, use of infrastructure and use of land;
- contributing to compact development and quality urban design; and,
- protecting the surrounding Greenbelt and prime agricultural land by containing development within the urban boundary.

It is within this context that the proposed development is consistent with and in conformity to the following planning regulations and policies analysed below:

- Planning Act
- Provincial Policy Statement (2020)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)
- Greenbelt Plan (2017)
- Region of Niagara Official Plan
- Town of Niagara-on-the-Lake Official Plan
- Town of Niagara-on-the-Lake Zoning By-law 4316-09

Analysis of the planning regulations and policies as they apply to the proposed development are provided below.

5.1 Planning Act

The *Planning Act* provides legislation for land use planning in Ontario and describes how land uses may be controlled 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 statement of Provincial Interest provides a broad perspective on how to approach reviewing *Planning Act* applications. From this perspective the subject application is weighed on what it facilitates.

The proposed development represents an appropriate location for development in the form of residential intensification that supports an increasing population. The property location is within an existing built-up area that is compact and well designed providing for an efficient use of land, infrastructure, and services. The proposal represents an orderly development and expansion of the range of housing options available in the local growth area to contribute to the development of safe and healthy communities and encourage a sense of place. Within this context the proposed development has regard for the matters of provincial interest under Section 2 of the *Planning Act*.

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,

- g) the minimization of waste;*
- h) the orderly development of safe and healthy communities;*
- i) the adequate provision of a full range of housing, including affordable housing;*
the protection of public health and safety;
- p) the appropriate location of growth and development;*
- 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.*

5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), 2020 is administered under Section 3 of the *Planning Act* and became effective May 1, 2020, replacing the 2014 PPS. It provides policy direction for land use and development within Ontario and provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS establishes the concept of complete communities, without defining the term, by identifying the requisite components that are incorporated into the PPS which allow communities to grow, effectively function and improve the quality of life for residents. The proposed development, being within the urban area of Virgil will contribute positively towards the provision of housing to meet the needs of current and future residents and contribute to quality urban development consistent with the following policies in the PPS:

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy V:

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;

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;

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

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

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;

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.

1.4 Housing

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;



f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

5.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

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 16th 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 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.

The Growth Plan brings together the elements established in the PPS and defines the term Complete Community. The objective of which is to identify elements, a mix of land uses, public/private services and accessibility requirements that when combined, allow communities to grow and involve evolve to provide an improved quality of life for residents. The Growth Plan defines Complete Communities as follows:

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

The urban area of Virgil has all the elements of a complete community. This urban community will continue to evolve and will be further enhanced by increasing the local housing supply, providing density and diversity to support existing and future commercial and retail uses, increase use of public service facilities, recreational facilities, infrastructure and public transit.

In the Growth Plan, Niagara on the Lake (within the Region of Niagara) is located in the geographic area referred to as the Outer Ring, within which a minimum of 50% of all new residential development must be located within the delineated built-up area (which Virgil is located within). The proposed development will contribute an additional thirty-eight (38) 1,2 and 3 bedrooms units towards this minimum requirement. Increasing development and density within the delineated built-up boundary will also result in providing housing that does not require expansion into the surrounding Greenbelt and prime agriculture land.

The following guiding principle and polices in the Growth Plan support the proposed development and the positive contribution it will make to creating a complete community.

1.2.1 Guiding Principles



The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*
- *Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.*
- *Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.*
- *Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.*

Section 2.2 - Policies for Where and How to Grow

2.2.1.1 Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.

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;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

c) within settlement areas, growth will be focused in:

- i. delineated built-up areas;*
- ii. strategic growth areas;*
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. areas with existing or planned public service facilities;*

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*



- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
 - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. *public service facilities, co-located and integrated in community hubs;*
 - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) *integrate green infrastructure and appropriate low impact development.*

2.2.2.1 *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

- a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and*

2.2.6 Housing

2.2.6.1 *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

- a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. *identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*
 - ii. *establishing targets for affordable ownership housing and rental housing;*
- b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
- c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
- d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and*



- e) *implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*

Pol. 2.2.6.2 Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:

- a) *planning to accommodate forecasted growth to the horizon of this Plan;*
- b) *planning to achieve the minimum intensification and density targets in this Plan;*
- c) *considering the range and mix of housing options and densities of the existing housing stock; and*
- d) *planning to diversify their overall housing stock across the municipality.*

2.2.6.3 To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

2.2.6.4. Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

Section 3.0 – Infrastructure to Support Growth

3.2.1.1 Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.

3.2.1.2 Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:

- a) *leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;*
- b) *providing sufficient infrastructure capacity in strategic growth areas;*
- c) *identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and*
- e) *considering the impacts of a changing climate.*

3.2.1.3 Infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas. Priority will be given to infrastructure investments made by the Province that support the policies and schedules of this Plan.

5.4 Greenbelt Plan (2017)

The Greenbelt Plan, together with the Growth Plan, the NEP and the ORMCP, builds on the Provincial Policy Statement (PPS) to establish a land use planning framework for the GGH that supports a thriving economy, a clean and healthy environment and social equity.

In the Greenbelt Plan, Virgil is a settlement area within the Protected Countryside. Settlement areas are mapped in the Greenbelt Plan for reference only as policies in the Plan do not apply to urban areas. Land use planning within settlement areas are deferred to provincial and municipal polices including the Growth Plan and municipal Official Plans. However, the Greenbelt Plan influences settlement areas by limiting urban boundary expansions into the Protected Countryside (subject to urban boundary expansion policies in the Growth Plan). Virgil is surrounded by Protected Countryside and future population growth is to be contained within the existing urban boundary. Over time this will result in an increase in residential infill development and housing density.



3.4.3 Town/Village Policies

For lands within Towns/Villages in the Protected Countryside, the following policies shall apply:

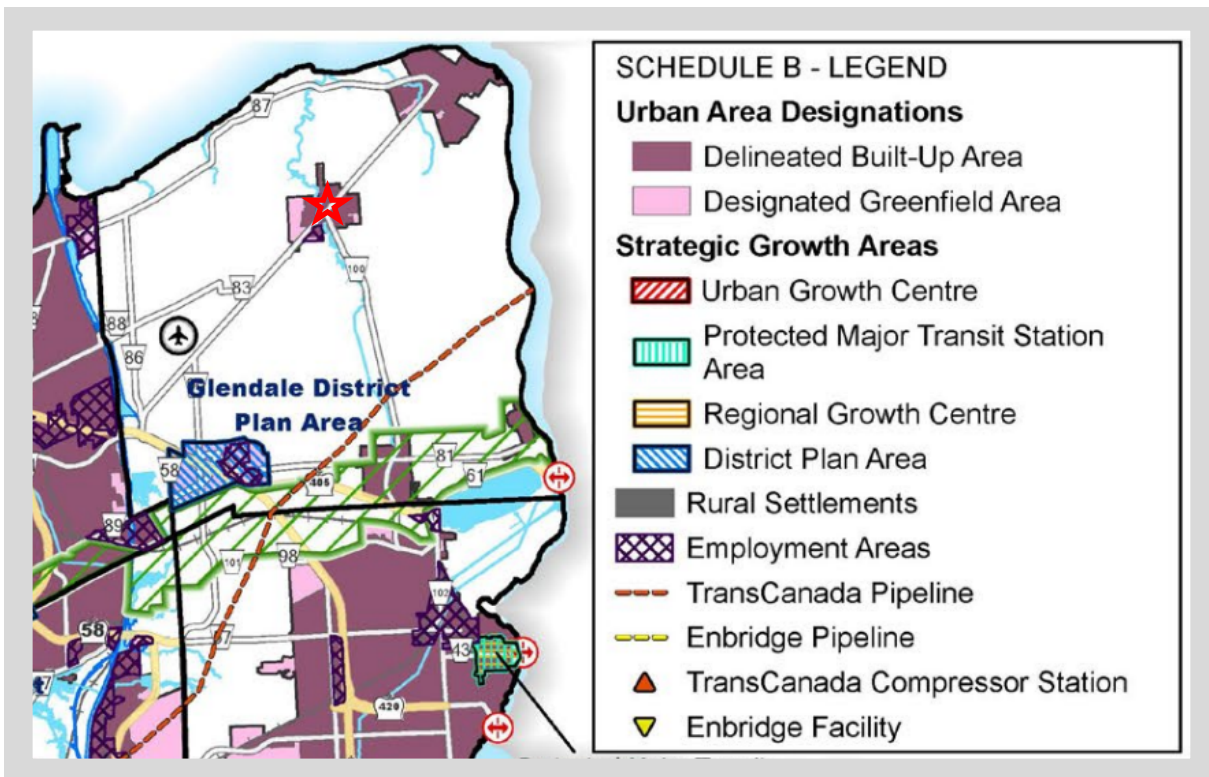
- Pol 3.4.3.1. Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.*
- Pol 3.4.3.2. Extensions or expansions of services to settlement areas within the Protected Countryside shall be subject to the infrastructure policies of section 4.2 of this Plan, including the requirements regarding environmental assessments and agricultural impact assessments.*

Pol 3.4.3.3. As part of a municipal comprehensive review under the Growth Plan, an upper- or single-tier planning authority may allow expansions of settlement area boundaries in accordance with the policies 2.2.8.2 and 2.2.8.3 of the Growth Plan.

5.5 Niagara Region Official Plan (2022)

The Niagara Region Official Plan provides long term strategic planning policy for managing growth across the 12 municipalities in the Niagara Region, including the Town of Niagara-on-the-Lake. Approved by the Province in November 2022, the Official Plan is in conformity with Provincial policy.

The Niagara Region is expected to increase in population to 674,000 by 2051, and of this Niagara on the Lake is expected to reach a population of 28,900. To accommodate this population, the Niagara region will require 102,765 residential units by 2051, and of this Niagara on the Lake will require 4,600 residential units. The intensification rate for the delineated built-up area applied across the Niagara region is 60% and the contributing rate for Niagara on the Lake is 25%. Virgil is designated as a settlement area and the subject property is within the delineated built-up area within which the mix and development of future housing is expected to be predominantly higher density forms of housing including row and apartment housing. (NOP Revised Land Needs Assessment August 2021). The Niagara Official Plan also prohibits urban boundary expansions into the Greenbelt which will support increased residential density, where appropriate, as the population grows.





The housing forecast by unit type within the delineated built-up area for Niagara-on-the-Lake from 2021 to 2051 is presented in the table below. The result of this forecast is that a higher number of row and apartments unit are required to be built in the delineated built-up areas of Niagara on the Lake compared to historic development trends.

Niagara on the Lake: Delineated Built-up Area Unit Growth, 2021 to 2051				
	Single/Semi	Row	Apartment	Total
Number	238	350	563	1,150
Percentage	21%	30%	49%	100%

Niagara Official Plan: Revised land Needs Assessment, 2021

Supporting the policies in Chapters 3. Sustainable Region and 5. Connected Region, the development provides for a range and mix of housing which includes varying unit typologies within the settlement area. It has been designed to mitigate and adapt to the impacts of climate change with a compact built form, sustainable design, and low impact development practices. At the site plan stage of development, additional details and consideration for sustainable building practices will be evaluated and possibly incorporated into the overall building design such as LID techniques, materials, energy conservation and water efficient technologies.

It supports a more walkable and bikeable neighbourhood that connects to the Region’s cycling infrastructure plans and increases the urban densities population in proximity to the schools, community centre and park space located in the area. This supports active transportation options for residents, improves the existing streetscape and provides direct pedestrian access to the public sidewalk network, further encouraging other modes of transportation.

The following policies demonstrate that the proposed development supports the implementation of the growth management policies in the Niagara Official Plan.

2.2 Regional Structure

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;*
- g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- l. mitigation and adaptation to the impacts of climate change by:
 - i. protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;*
 - ii. where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
 - iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.**

2.2.2 Strategic Intensification and Higher Densities

2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:*

- d. local growth centres and corridors, as identified by Local Area Municipalities.*

2.2.2.5 *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2.*

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

- a. development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
- b. the location and boundaries of local growth centres and corridors, that:*



- i. are considered priority areas for development;*
 - ii. achieve higher densities than what currently exist;*
 - iii. identify an appropriate design and scale of development and the transition of built forms to adjacent areas pursuant to Section 6.2;*
 - iv. provide a diverse mix of land uses at densities that support existing or planned public transit and active transportation infrastructure;*
 - v. support the provision of affordable housing; and*
 - vi. revitalize and, where appropriate, preserve cultural heritage resources within areas that reflect local heritage, character, and streetscapes pursuant to Section 6.5;*
- c. other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;*

2.3 Housing

2.3.1 Provide a Mix of Housing Options

- 2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*
- 2.3.1.2 *Local Area Municipalities shall establish targets in Local official plans for an overall housing mix by density type and affordability based on consultation with the Region and the minimum affordable housing targets outlined in Policy 2.3.2.3.*
- 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; and*
 - b. where new development is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification, and lands in draft approved or registered plans.*
- 2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*
 - a. facilitating compact built form; and*
 - b. incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.*
- 2.3.1.5 *New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.*



3.5 Climate Change

3.5.3 Support the Transition to Net-Zero Communities

3.5.3.1 *This section consolidates policy direction integrated throughout this Plan that supports the transition to net-zero communities that mitigate climate change.*

The Region will endeavor to:

a. support built form and land use patterns that use land efficiently and reduce transportation emissions by:

i. requiring compact built form to minimize land consumption and increase the densities required to support transit ridership;

ii. promoting a mix of land uses to shorten commute journeys and support the creation of complete communities;

iii. planning to achieve minimum intensification and density targets which meet or exceed provincial requirements;

iv. prioritizing strategic growth areas, including protected major transit station areas, for accommodating intensification and higher-density, mixed-use, transit-supportive development;

v. planning for employment uses to facilitate efficient goods movement and reduce transportation congestion;

vi. prioritizing transit and supporting active transportation to reduce single-occupant vehicle trips; and

vii. supporting transportation demand management measures to influence travel behaviour.

6.3 – Healthy Communities

6.3.1 Plan Healthy and Safe Communities

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;

5.6 Niagara-on-the-Lake Official Plan (As Amended to July 17, 2017)

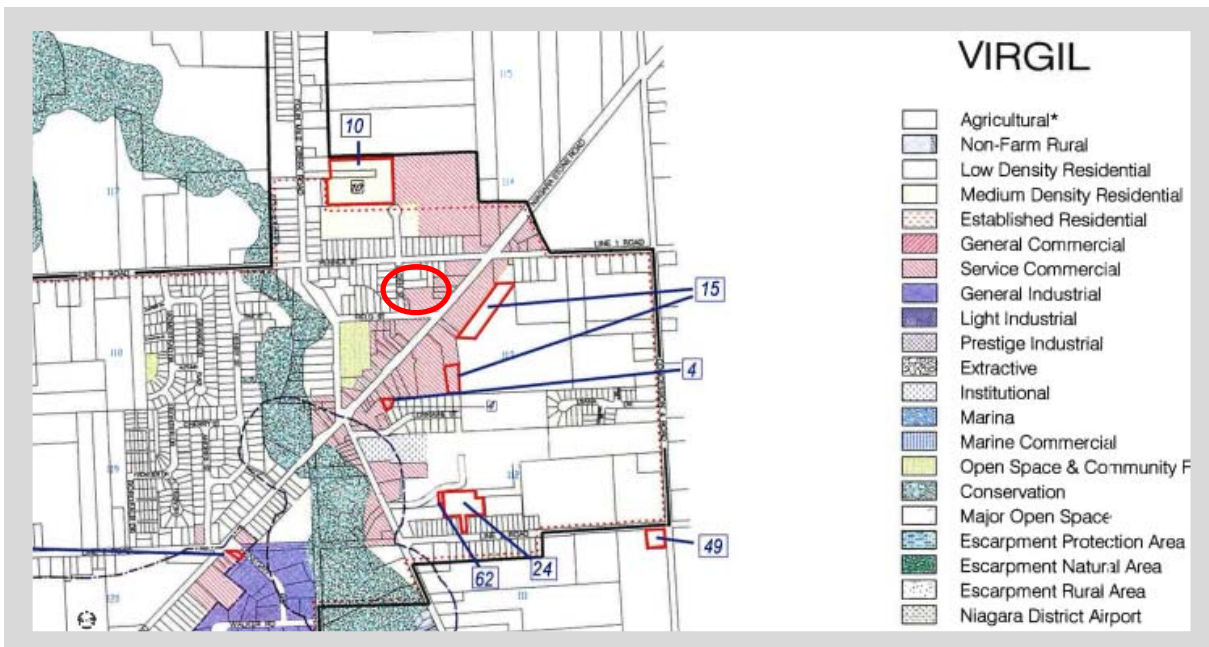
An Official Plan Amendment is required to amend the Town of Niagara-on-the-Lake Official Plan to redesignate the subject lands from Service Commercial and Low-Density Residential designations to Medium Density Residential designation and to address an increase in density on the property over the maximum 30 units per hectare.

The Niagara-on-the-Lake Official Plan was amended in July 2017. It provides strategic land use planning and direction for the Town which consists of five urban communities which are all within a rural/agricultural setting. Virgil is one of the urban communities that contains a mix of residential, commercial, industrial, open space and natural areas. The central commercial area of Virgil, within which the proposed development is located, provides retail and commercial services to the immediate urban population, surrounding rural population, tourists and can accommodate an increase in the level of development as recognised in the Official Plan:

Virgil, the next largest concentration of residential development is seen by the majority of residents as the service community for Niagara- on-the-Lake. Although surrounded by Good Tender Fruit Soils, there are vacant parcels of land within the existing urban boundary (93 hectares (230 acres)) and the area has for the most part a relatively new sanitary sewage system. (Not OP, p225)

The policies in the current Official Plan are consistent with the direction of provincial and regional planning policies. The Niagara-on-the-Lake Official Plan is currently being reviewed, however population and housing forecasts and associated policies in the current Official Plan do not reflect the 2051 projections in the Niagara Official Plan and subsequent growth.

In section 3. Growth Management, the policies require maintaining growth within the existing urban boundaries and urban growth and development at a minimum of 15% of residential development to the Urban Areas (the Niagara Official Plan intensification rate for the delineated built-up for Niagara on the Lake is 25%). Although targets based on population projections provide valuable guidance, population growth is not static and the projections in the Niagara Official Plan demonstrates that increasing intensification and density in the appropriate areas will better serve local communities and restrain the potential pressure for urban boundary expansions, particularly into the surrounding Greenbelt and agricultural areas.





The Town supports intensification and infilling within the built-up area in accordance with land use compatibility, urban design, and other applicable criteria of this plan. The population growth forecast from 2006-2031 is the basis for the Town's long term population growth and current growth management polices, which forecast a net increase of 7,500 persons, representing a total population of 22,700 by 2031. The net increase in households is 3395, for a total of 8840 households by 2031.

A comparison of the current Niagara on the Lake Official Plan and Niagara Official Plan forecasts are presented in the table below. The population forecasts provide comparable increase to 2031, however the household projections are higher as it is expected that the household size (average persons per household) will be smaller which will result in a higher number of units required to accommodate the population. This justifies an increase in density of over 30 units per hectare.



Comparison of Population and Household Forecasts Prepared in 2017 and 2022

	Niagara on the Lake Official Plan (2017)	Niagara (Region) Official Plan (2022)	Difference
Population			
2021	19,900	19,970*	+70
2031	22,700	22,946*	+246
2051	-	28,900	-
Households			
2021	7,550	7,910*	+360
2031	8,840	9,440*	+600
2051	-	12,500	-

*Niagara Region MCR: Growth Allocation Update to 2051 (Hemson Consulting 2021)

The policies in the Niagara-on-the-Lake Official Plan, presented below, support higher density infill residential development in Virgil.

3.2 Growth Management Objectives

Growth Strategy Objectives

The objectives of the Town's growth strategy are to:

- a) To accommodate all future urban growth within the present-day urban boundary;
- b) Maintain the current delineation of the urban area boundary for the foreseeable future;
- c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.
- d) Direct urban growth and development to the Town's existing Urban Areas.
- e) Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. Davids, and Queenston through appropriate intensification.
- f) Direct appropriate intensification to Designated Intensification Areas.
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.
- h) Coordinate land use planning with infrastructure planning; and,
- i) Protect, conserve and manage our natural resources and prime agricultural lands for current and future generations.
- j) Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.
- k) Contribute to the conservation of resources such as the Core Natural Areas and prime agricultural land.
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy



access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.

4.3 Strategy

The majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots. The Town also supports the intensification through providing for the potential for second dwelling units within a detached house, semi-detached house or townhouse located in an area where residential use is permitted provided the development is consistent with the applicable residential policies of this plan and meets requirements of the Ontario Building Code and Fire Code and provided that sufficient public services are available.

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to:

- a) Support the Built-up Areas by strategically directing the majority of intensification to Intensification Areas;*
- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*
- c) Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area; and,*
- e) Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.*

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- c) The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.*



e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.

f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.

g) The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.

h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.

i) The Town will locate and maintain important amenities and services, which serve the residents, such as parks, schools, recreational facilities, government offices, library within the Built-up Area.

k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).

l) During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.

m) Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.

5.7 Niagara on the Lake Comprehensive Zoning By-Law 4316-09 (2009)

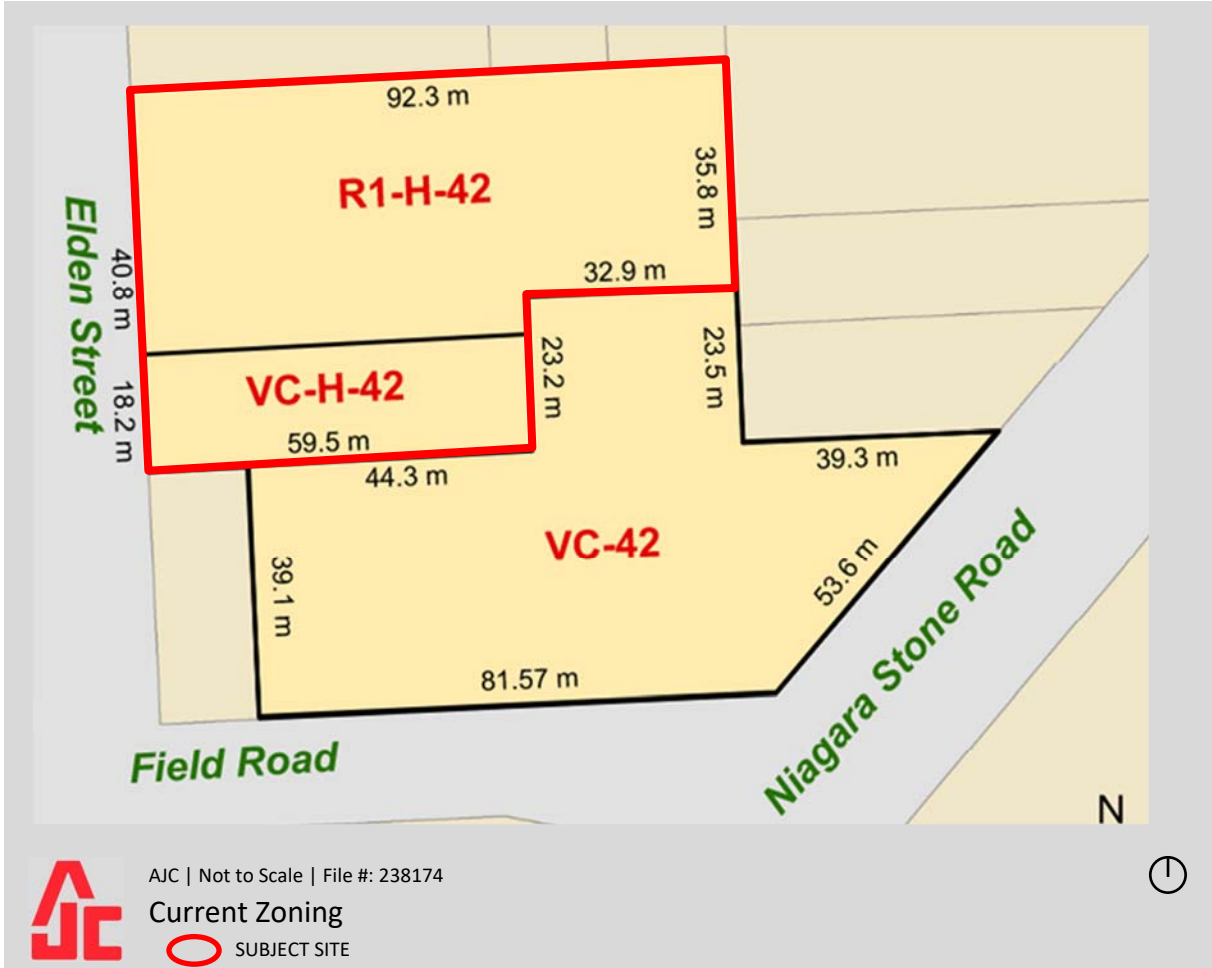
The Town of Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09 (2009) implements the objectives and policies of the Official Plan. The Zoning By-law functions as a legal document under the *Planning Act*, as amended, for managing the area of land, guiding future development in the Town of Niagara-on-the-Lake and regulating land use.

Section 10, Virgil Community Zoning District provides the zoning and associated provisions for lands within the urban boundary of Virgil. To facilitate the proposed development, it is recommended that the current R1-H-42 and VC-H-42 zones are:

- replaced with the Residential Multiple (RM1) Zone that will be applied to the property;
- include an apartment building as a permitted use in the RM1 Zone; and



- integrate the relevant provisions in the Residential Multiple (RM2) Zone for an apartment building into the Residential Multiple (RM1) Zone provisions and provide appropriate site-specific provisions to implement the land uses.





The table below combines modified provisions from Section 10.4.2.3 for block townhouses and Section 10.5.2.1 for an apartment building and compares the current and proposed provisions.

Virgil Community Zoning District - RM1 and RM2 Provisions		
Common RM1 and RM2 Provisions	Current	Proposed
Minimum lot frontage	30 m	59 m
Maximum lot coverage	35%	50%
Minimum landscaped open area	30%	30%
Minimum distance between buildings located on the same lot between walls not containing windows to a habitable room.	3 m	1 m
Minimum distance between buildings located on the same lot between walls where one wall contains a window to a habitable room.	9 m	9 m
Minimum distance between buildings located on the same lot between walls where both walls contain a window to a habitable room.	15 m	15 m
RM1 Provisions - Block Townhouse		
Minimum front yard setback (west)	7.5 m	2 m
Minimum side yard setback (north)	7.5 m	5 m
Minimum distance between any townhouse dwelling and a private roadway and parking area	6 m	6 m
Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard.	0.6 m	3 m
Unenclosed, uncovered or covered porch, deck, balcony patio or steps:		
Front or Rear Yard (maximum)	1.5 m	2 m
Side Yard (maximum)	0.6 m	2 m
RM2 Provisions - Apartment Building		
Minimum front yard setback (west)	7.5 m	5 m
Minimum front yard setback of balcony (west)		3 m
Minimum side yard setback (south)	7.5 m	1.5 m
Minimum side yard setback of balcony (south)		1 m
Minimum rear yard setback	7.5 m	1 m
Maximum building height	10 m	13 m

Parking Requirements

Section 6.3 Parking Space Requirements provides the off-street parking requirements. A total of 52 parking spaces are required and 1 accessible parking space. Twelve (12) visitor parking spaces are provided for the mid-rise building in addition to the above required spaces. The total number of parking spaces provided is 64 which exceeds the requirements of the zoning by-law.

Residential Parking Ratios			
	Min. Number of Parking Spaces	Required	Provided
Apartment Building	1 per unit x 24 units	24	24
Dwelling, Townhouse	2 per unit x 14 units	28	28
Visitor Parking	Not required		12
Total		52	64
Accessible Parking	26 – 50 off-site spaces (apartment building)	1	1



6 Review of Technical Reports and Studies

6.1 Noise Study

The Noise Impact Study was completed by dBA ACOUSTICAL CONSULTANTS INC dated September 2023. The report concluded that the proposed development located at 1570 Niagara Stone Road recommended no noise control measures are necessary to meet Ministry of Environmental Conservation and Parks (MECP) Publication NSC-300, satisfying the planning requirements of the Town of Niagara-on-the-Lake, and the Region of Niagara.

6.2 Landscape Plans

The Landscape plan prepared by Adesso Design dated September 20, 2023, provides a landscape plan for the proposed development transitioning from the public realm to within the property. The landscape plan is characterised by larger trees in the public realm between the street and sidewalk screening the wall of the block townhouse fronting the street and accenting the front corners of the mid-rise condominium. Medium size trees run along the north perimeter of the property within the main internal access road. Decorative plants and shrubs are used in the front and side of the mid-rise condominium.

6.3 Traffic Impact Brief

The Traffic Impact Brief was prepared by SLBC Inc. dated September 21, 2023. The report concluded that as a result of the proposed development the generated traffic is not expected to result in any operational or capacity concerns on the Town or Regional road network. Further the proposed development will not warrant the need for roadway infrastructure or traffic control improvements on the surrounding network to maintain an acceptable level of service.

6.4 Concept Shadow Study

The Concept Shadow Study prepared by ACK Architects dated August 20, 2023, indicates the shadows created by the building during the fall, spring, winter and summer equinox. During each equinox the shadows of the buildings have minimal impact on the surrounding properties. The most notable impacts are in June and September at the hours of 8 pm when the shadows are the longest. However, currently all buildings in the area project shadows that have a consistent impact on adjacent properties.

6.5 Stage 1-2 Archeological Assessment

The Stage 1-2 Archeological Assessment was prepared by AMICK Consultants Limited dated July 5, 2023. The Archeological Assessments were carried out which found that no archaeological resources were encountered on the subject lands. As such, no further archaeological assessment of the study area is warranted, and the Provincial interest has been addressed.



6.6 Functional Servicing Report

The Functional Servicing Report was prepared by Upper Canada Consultants dated March 2024. The objectives of this report are to identify domestic and fire protection water servicing needs, sanitary servicing needs and stormwater management needs for the site. The conclusion of the report is that existing water, sanitary and stormwater infrastructure has adequate capacity to service the proposed development.

7 Public Consultation Strategy

In accordance with Section 31.1 within Schedule A of recently amended Ontario Regulation 545/06 Zoning By-laws, Holding By-laws and Interim Control By-laws and Section 26.1 with Schedule 1 of recently amended Ontario Regulation 543/06 Official Plans and Plan Amendments, “a proposed strategy for consulting with the public with respect to the application” is considered “prescribed information” to be provided as part of applications to amend a Zoning By-law or an Official Plan. The following discusses the Public Consultation Strategy for this application.

A public open house will be organized to provide information to the public and to generate valuable feedback from stakeholders. Invitations will be sent out to stakeholders within ± 120 metres of the proposed development unless an alternative invitation radius is suggested by Town Staff or the Ward Councillor. The date and time of the open house will be determined in coordination with the Ward Councillor and Town Staff. The necessary materials will be provided to Town Staff at the appropriate juncture.

In accordance with Ontario Regulations 545/06 and 543/06 and Sections 22 and 34 of the Planning Act, landowners within 120 metres of the subject lands will receive notice that an Official Plan Amendment and Zoning By-law Amendment application has been received by the Town and to inform them that the required public meeting has been scheduled. These notices will advise that information and materials relating to the proposed development is available for their review and will invite them to make comments and present their views prior to, and at the public hearing.

We trust this Public Consultation Strategy is adequate and will satisfy the requisite Public Consultation Strategy submission for the proposed development. We look forward to further discussing the details within the Public Consultation Strategy with Town Staff at the appropriate juncture.

8 Conclusions & Planning Opinion

Virgil is considered as the service community for Niagara-on-the-Lake and contains all the elements of a complete community. By offering alternative forms of housing, the proposed development is consistent with the intent and direction provided in PPS, in conformity to the Growth Plan, Region of Niagara Official Plan, and the Town of Niagara-on-the-Lake Official Plan and provides the following benefits:



- An increase in population and housing density to support existing public service facilities, open space and commercial uses.
- An increase in the diversity and mix of housing to accommodate a growing population and support aging in place.
- Residential infill that makes efficient use of land and existing infrastructure which will reduce pressure to expand into the surrounding Greenbelt and prime agricultural land.
- Infill development within the Virgil service centre will encourage alternative forms of transportation to the above-mentioned services and reduce car trips, contributing to a healthy community.

The resulting Official Plan Amendment and Zoning By-law Amendment will permit higher density residential development and an increase in housing choice and diversity to support the growing urban service centre of Virgil. The vacant land condominium will establish appropriate ownership tenure for the overall development. As a result, the proposed development represents good planning and should be approved.

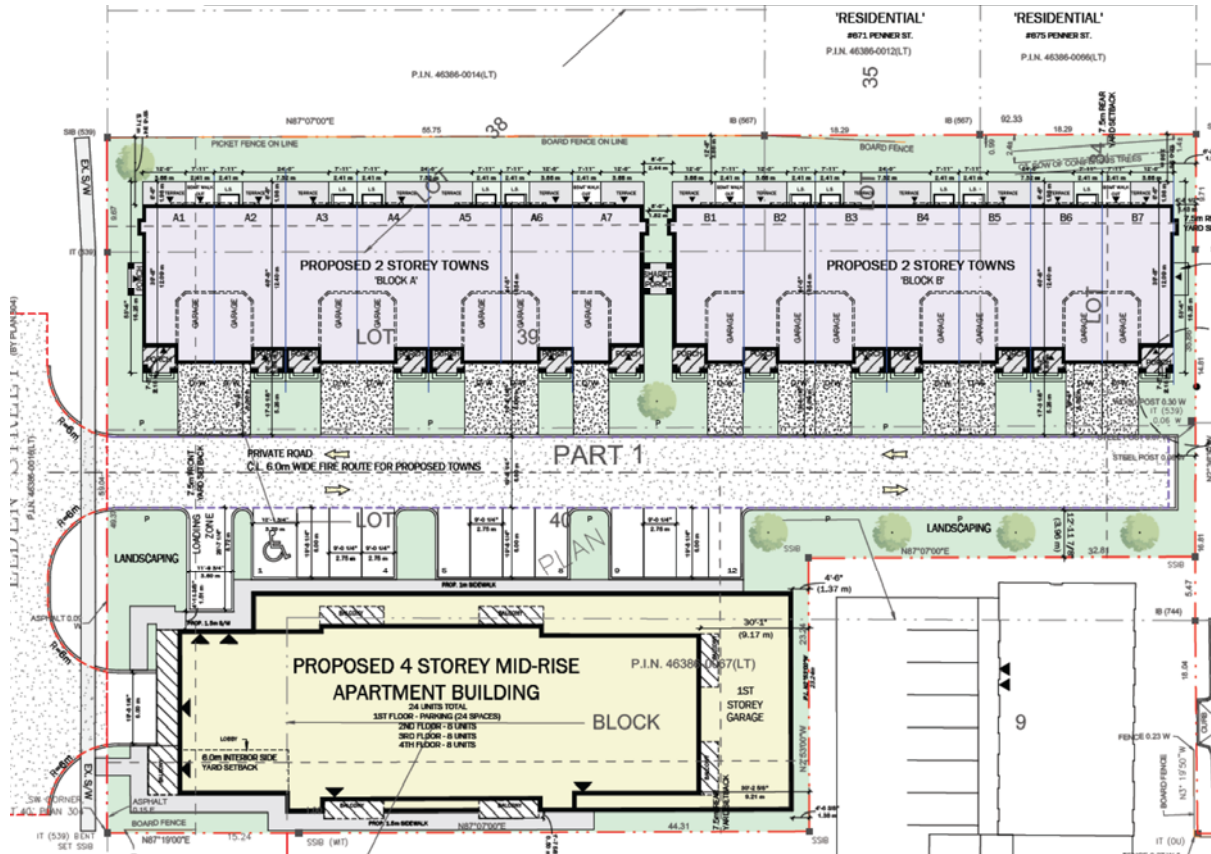
Sincerely,

Stephen Fraser, MCIP, RPP
Principal, Planner
A.J. Clarke and Associates Ltd.



Appendix A

Concept Plan





Appendix B

Draft Official Plan Amendment



**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ####-##
Official Plan Amendment No. ??
?? Elden Street**

LOT 39 AND 40, PART OF LOTS 34, 35 AND 38, PLAN 304, PART OF BLOCK 9, TOWNSHIP

PLAN 85, NIAGARA, DESIGNATED AS PARTS 1 AND 2 ON REFERENCE PLAN 30R-16153; TOWN OF NIAGARA-ON-THE-LAKE, ??? ELDEN ST, NIAGARA-ON-THE-LAKE.

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT
TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act hereby enacts as follows:

1. Amendment No.?? to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.
2. Amendment No.?? to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and



take effect on the day of the final passing thereof. Enacted and passed this ??th day of
???, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



**Amendment No. XX to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE

Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.

PART B – THE AMENDMENT

Part B constitutes Amendment No. ?? to the Official Plan for the Town of Niagara-on-the-Lake.

PART C – ADDITIONAL INFORMATION

Part C does not constitute part of this amendment but outlines additional information available upon request.



PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to redesignate the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential”.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Virgil municipally known as ?? Elden Street.
2. The property currently has two designations, “Low Density Residential” and “Service Commercial”. The proposed redesignation of the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential” will apply a consistent designation across the subject lands and permits townhouses and apartments as proposed.
3. The amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020), the Regional Official Plan (2022) and the general intent of the Town’s Official Plan (2017 Consolidation, as amended).



PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. ?? to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule “C” of the Official Plan for the Town of Niagara-on-the-Lake is amended for the lands shown on Map “A”, attached hereto by redesignating a portion of the subject lands from “Service Commercial” and “Low Density Residential” to “Medium Density Residential”



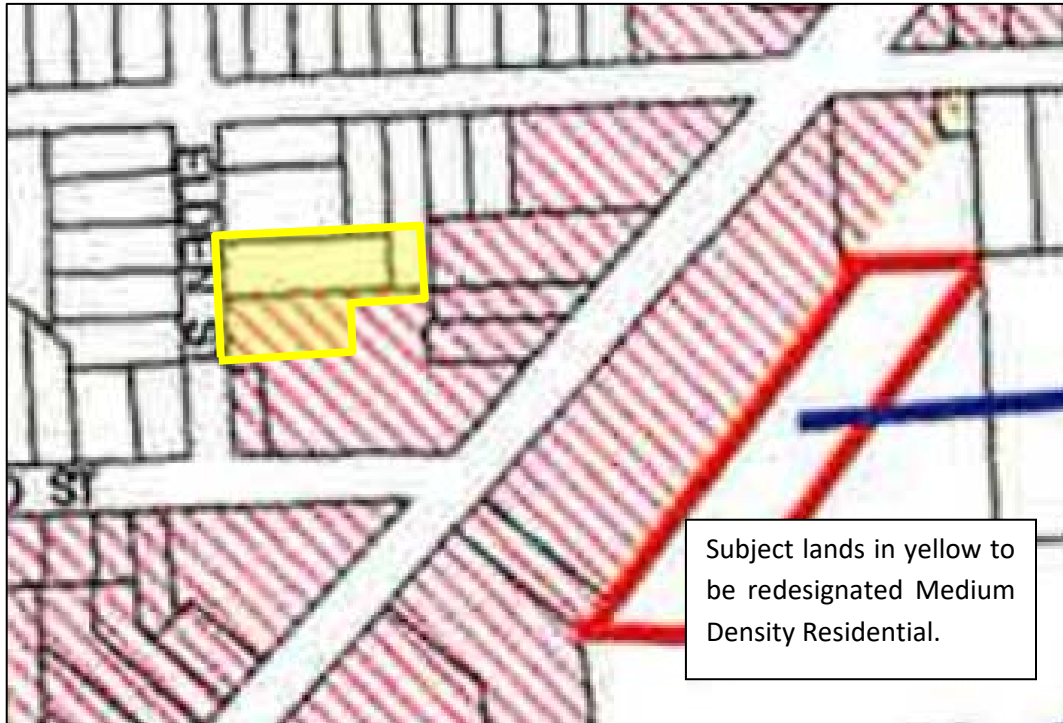
PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community Development Services Report CDS-24-XX
2. Council Meeting Minutes dated MONTH, DATE, 2024




Map A



MAP 'A' ATTACHED TO OFFICIAL PLAN AMENDMENT #?? BEING AN AMENDMENT TO SCHEDULE "C" OF THE OFFICIAL PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



Appendix C

Draft Zoning By-law Amendment



Explanation of the Purpose and Effect of

By-law ??????-??

The subject lands are a parcel of land described as ??? Elden Street,

Niagara-on-the-Lake, more particularly described as Parts 1 and 2 on Reference Plan 30R-16153; Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the property to permit medium density residential in the form of two (2) block townhouses and a mid-rise apartment building including common areas, private road and landscaping.

Effect

The effect of this By-law is to rezone, the property from Virgil Community Zoning District Residential (R1-42) Zone - Holding and Virgil Community Zoning District –Village Commercial (VC-42) Zone – Holding to Virgil Community Zoning District Residential Multiple (RM1) – Site Specific.



**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ????? - ??
?? Elden Street, Niagara-on-the-Lake
Roll No. ??????????????**

**A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING
ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE
THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT 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, as amended.

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 (R1-42) Zone - Holding” to “Virgil Community Zoning District - Residential Multiple (RM1-??) - Site Specific Zone” and “Virgil



Community Zoning District –Village Commercial (VC-42) Zone – Holding” to “Virgil Community Zoning District – Residential Multiple (RM1-??) - Site Specific Zone”.

2. That Subsection 10.12, Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following:

??,??,?? - ??? Elden St – See Schedule ‘A-14’ (RM1-??)

??,??,?? RM1-?? Permitted Uses

In addition to the corresponding permitted uses of Subsection 10.4.1 Permitted Uses, permitted uses will allow for the option to have an additional dwelling unit in the basement of the of each townhouse unit, as well include an “apartment building” on the subject lands identified as RM1-??.

??,??,?? RM1-?? Zone Requirements

Notwithstanding the corresponding provisions of Subsection 10.4.2.3 Block Townhouse Dwellings, the following provisions shall apply on the subject lands identified as RM1-??:

- a) Minimum lot frontage 59 m
- b) Maximum lot coverage 50%
- c) Minimum landscaped open area 30%
- d) Minimum distance between buildings located on the same lot between walls not containing windows to a habitable room. 1 m
- e) Minimum distance between buildings located on the same lot between walls where one wall contains a window to a habitable room. 9 m
- f) Minimum distance between buildings located on the same lot between walls where both walls contain a window to a habitable room. 15 m
- Block Townhouse**
- g) Minimum front yard setback (west) 2 m
- h) Minimum side yard setback (north) 5 m
- i) Minimum distance between any townhouse dwelling and a private roadway and parking area 6 m
- j) Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard. 3 m
- k) Unenclosed, uncovered or covered porch, deck, balcony patio or steps:
 - i Front or Rear Yard (maximum) 2 m



ii	Side Yard (maximum)	2 m
	Apartment Building	
l)	Minimum front yard setback (west)	5 m
m)	Minimum front yard setback of balcony (west)	3 m
n)	Minimum side yard setback (south)	1.5 m
o)	Minimum side yard setback of balcony (south)	1 m
p)	Minimum rear yard setback	1 m
q)	Maximum building height	13 m

RM1-?? Children’s Play Area

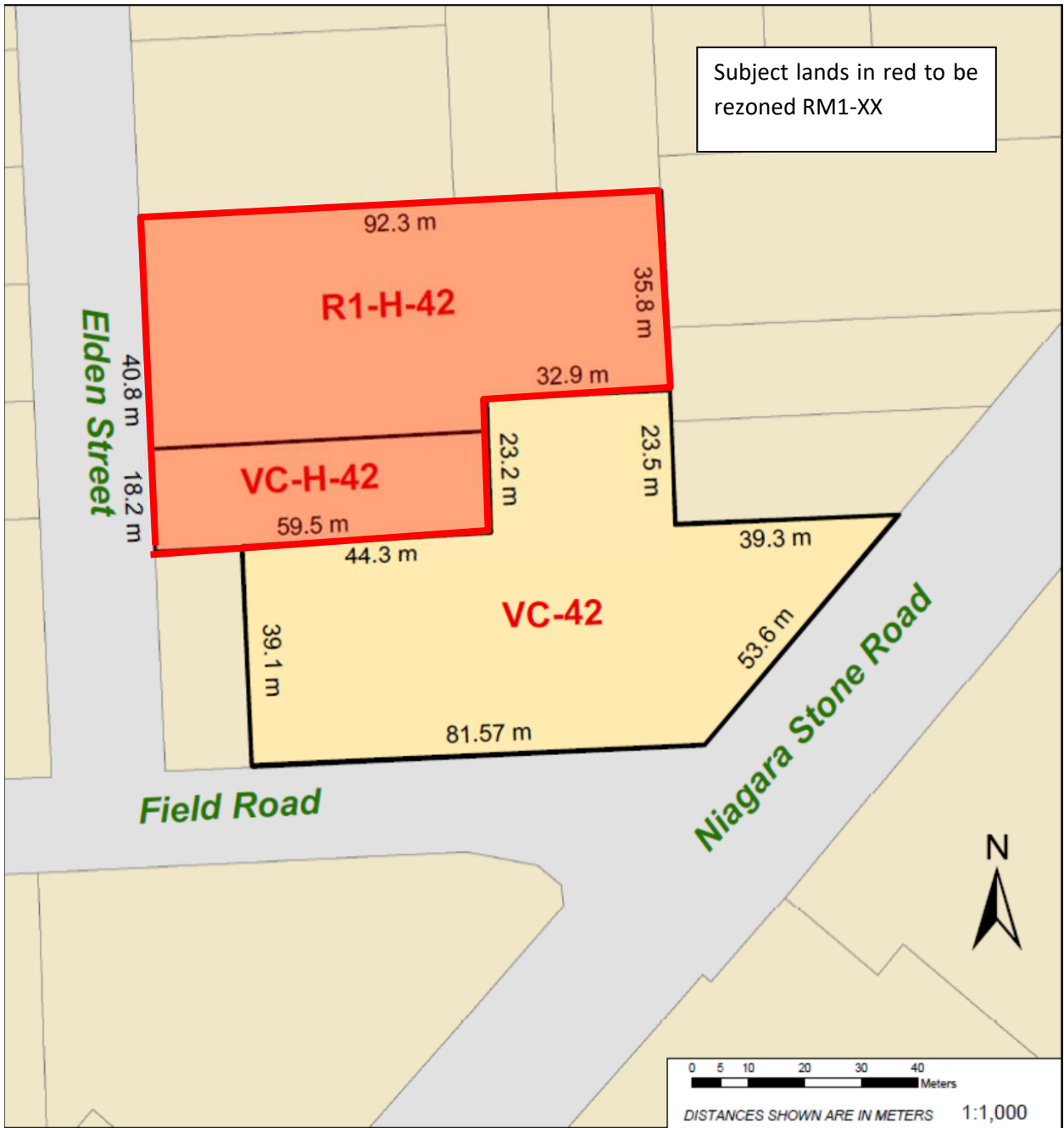
Notwithstanding the provisions of Subsection 6.3(b) of Zoning By-law 4316-09, as amended, an equipped children’s play area shall not be required on the subject lands identified as RM1-???

4. 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 ???, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316 XX-24, 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 XXth DAY OF MONTH, 202X

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



Appendix D

Draft Plan of Vacant Land Condominium

