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# CORNERSTONE SITE NIAGARA-ON-THE-LAKE

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## Planning Justification Report

Official Plan Amendment Application

Zoning By-law Amendment Application

Draft Plan of Vacant Land Condominium  
Approval Application

Prepared for:

2559165 Ontario Inc.

December 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 2559165 Ontario Inc. 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 5-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.

This Planning Justification Report has been prepared based on the revised Site Plan, revised Studies, and revised Plans issued October 2024. The revised concept plan includes 8 single storey townhouse units and a 4-storey apartment building with 24 apartment units.

The previous Planning Justification Report was issued July 2024 which proposed 14 two-storey townhouse units and 5 storey apartment building with 24 units.

The revised application has reduced the overall number of units from 38 dwelling units, to 32 dwelling units, thus reducing the overall density of the site. The revised concept includes 8 single storey townhouse units with a height of 8m, whereas 14 two storey townhouse dwelling units with a height of 9.76m were originally proposed to reduce the massing and scale of the townhouses. These changes are proposed to ensure that the proposed development is more complimentary with the mass and scale of the dwellings existing in the neighbourhood, and to reduce potential perceived impacts relating to privacy and overlook.

Further the revised concept includes a 4-storey apartment building with 24 residential units with a height of 14.15m, whereas a 5-storey apartment building with a height of 15.85m was originally proposed. The revised concept no longer includes a rooftop amenity space, and 5<sup>th</sup> floor interior amenity space, which has reduced the overall height of the proposed apartment building to reduce impacts relating to privacy and overlook. The revised concept additionally includes less glazing, with exterior balconies that are recessed into the building to reduce any privacy and overlook concerns.

The revised concept continues to provide an excess amount of parking spaces than what is required in the Zoning By-law. The revised concept provides 1.0 parking space per dwelling unit within the apartment building, and 2 parking spaces per townhouse dwelling unit, with 2 accessible parking spaces provided within the development. Further, 9 visitor parking spaces have been provided for the proposed development, which are not required per the zoning regulations.

Along Elden Street the proposed setback to the townhouse development has been increased from 2.5m to the façade of the dwelling, to 4.5m to the façade of the dwelling, and the proposed porches within the side yard has been removed.

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

This resubmission is in support of Official Plan Amendment OPA-03-2024, Zoning By-law Amendment Application ZBA-09-2024, and Draft Plan of Vacant Condominium Application 26CD-18-24-03 – Corner Stone Condominium. Once the applications were deemed complete on July 11, 2024, there was an



Open House held electronically July 31, 2024, and the Statutory Public Meeting was held in person and electronically September 10, 2024. Members of the public were in attendance for both events, and feedback was provided through the public engagement process. Additional comments were provided by Town Staff based on the initial submission review. Based on the comments received by the public and Town Staff the proposed development concepts were revised to address comments and improve the overall development concept. As a result of this redesign the applications have been redesigned as follows:

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.

A Pre-consultation Meeting was held with the municipality on June 15, 2023, and subsequently the Pre-consultation Agreement was prepared which outlined all the required studies for a complete application under the *Planning Act*.

To satisfy the requirements of a complete application under the *Planning Act* and the Pre-consultation Agreement, 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 which have been updated to reflect the new concept:

1. Revised Architectural Drawings, Renderings & Shadow Analysis prepared by Raimondo + Associates;
2. Revised Noise Study prepared by dBA Acoustical Consultants Inc. dated November 2024;
3. Comment response prepared by dBA Acoustical Consultants Inc dated November 12 2024;
4. Revised FSR & SWM prepared by Upper Canada Consultants dated November 2024;
5. Revised Landscape Plan, and Tree Protection Plan prepared by Adesso Design Inc. dated November 18, 2024;
6. Revised Draft Plan of Vacant Land Condominium prepared by Upper Canada Consultants dated October 19, 2024;

The following studies were submitted with the initial submission and remain on file in support of this development see above comments:

7. Stage 1 and 2 Archaeological Assessment prepared by AMICK Consultants Limited. \*



8. Transportation Impact Study prepared by SLBC dated September 21, 2024;

\* 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 0.47 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 as a condition of the development approval.

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



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### Subject Lands – Southwestern Corner from Elden Street

Streetview Photo – Google Earth





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Subject Lands - View from Elden Street



Streetview Photo – Google Earth



AJC | Not to Scale | File #: 238174

Subject Lands at the rear, View from Field Road



Streetview Photo – Google Earth



Overall, the proposed development is an infill development which will efficiently convert underutilized lands within the existing built-up area of Virgil, to provide for 32 new residential dwelling units in a manner that is compatible with the surrounding neighbourhood.

### **3 Proposed Development**

#### **3.1 Updated Site Plan & Development Concept**

The proposed development, Site Plan, and all the required studies have been updated to reflect the new concept plan.

The updated development concept is a medium density residential development with 32 units overall representing a gross density of 68 units per hectare, and a net residential density of 77 units per hectare (80 units per hectare requested for tolerance) and consisting of:

- 8 one-storey townhouses in two blocks of 4, each unit will consist of 3 bedrooms and will have a garage and a driveway that will accommodate 2 vehicles.
- A 4-storey mid rise building with 24 units with 24 2-bedroom 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.
- Shared visitor parking.

The proposed development has been redesigned based on the comments heard at the Public Meeting, and those provided by the Town of Niagara-on-the-Lake. Overall, the density of the proposed development has been reduced from the original 91 units per net hectare to 77 units per net hectare, with a reduction of 6 townhouse units. Additionally, the proposed townhouse units have been reduced in terms of size and scale from the original 2 storey townhouse units to 1 storey (bungalow) townhouse units. This has additionally reduced the built form and massing of the proposed townhouses from the previous height of 9.75 metres to 8.5 metres. Each of the townhouse units provides 2 parking spaces, one contained within the garage and one within the driveway as was previously proposed, however, they are oversized and provide opportunity for additional storage within the garages. The updated Site Plan also increases the setbacks along Elden Street to the proposed townhouse development, which is more consistent with the neighbourhood and existing setbacks along Elden Street.

The proposed development provides for a 4-storey apartment building which includes 24 residential units and 24 parking spaces, whereas the previous development included a 5 Storey apartment building with 24 residential units and 24 parking spaces. The proposed development no longer contemplates an outdoor roof top amenity area which was located within the 5<sup>th</sup> floor of the apartment building. Additionally, each of the residential floors (2-4) have been reduced in height from 3.05m to 3.0m to assist with reducing the overall height and massing of the building.

The proposed development of the apartment building has been designed towards seniors, and empty nesters. The proposed development includes 24 two-bedroom units which will each have one parking space allocated per unit. The parking is located within the Ground Floor of the development which



results in 1 parking space per unit. All purchasers, and future residents will be aware of the proposed parking supply prior to purchasing the units.

Overall, the required parking supply for this development is 40 parking spaces as per the Zoning By-law, and the proposed development provides an excess of the required parking, with 49 parking spaces. These 9 additional parking spaces are not required per the By-law but have been provided by the owner and provide for a more functional overall design. These additional 9 visitor parking spaces are located within the private roadway and will be shared across the development, and two of these spaces are accessible parking spaces. The original submission included 12 visitor parking spaces. The updated concept plan includes for additional landscaping in the front yard and slight alterations to entrance of the apartment building, which created an improved public realm with a slight reduction to the visitor parking provided.

Although there were reductions from 12 visitor parking spaces to 9 visitor parking spaces the proposed development still exceeds the minimum parking as per the Zoning By-law. To ensure that this visitor parking is required and enforceable it has been added to the site-specific zoning provisions for assurance.

In support of the proposed development a Transportation Impact Study was prepared by SLBC Inc. This analysis was prepared in support of the previous design, which proposed 14 townhouse units and a 24-unit apartment building. Accordingly, the analysis and Transportation Impact Study are still applicable in relation to the updated site plan as the proposed development has been reduced to 8 townhouse units and 24 townhouse units. The reduction in units will reduce the overall trip generation which will effectively improve the results of the traffic study which is why the study was not revised as part of the revised submission. The previous development proposed a higher overall density which was supported by the transportation consultants, as it posed no impact or capacity concerns to the existing infrastructure. Accordingly the updated site plan with less units will not impact the transportation network.

The traffic report analyzed the surrounding area, analyzed trip generation, and concluded that level of estimated peak hour traffic generation by the proposed development is expected to be nominal, and is not expected to result in any operational or capacity concerns on the Town's or Region's Road network. Further the proposed development will not warrant the need for roadway infrastructure or traffic control improvements on the surrounding road network to maintain an acceptable level of service.

The Zoning By-law Amendment proposes the subject lands to be rezoned to the Residential Multiple 2 (RM2) Zone with Site Specific Provisions to permit the block townhouse uses and proposed built form, rather than the previous Residential Multiple 1 (RM1) Zone with Site Specific Provisions to permit an apartment use.

A summary of the key changes has been outlined in the Table below and will be illustrated throughout this report.



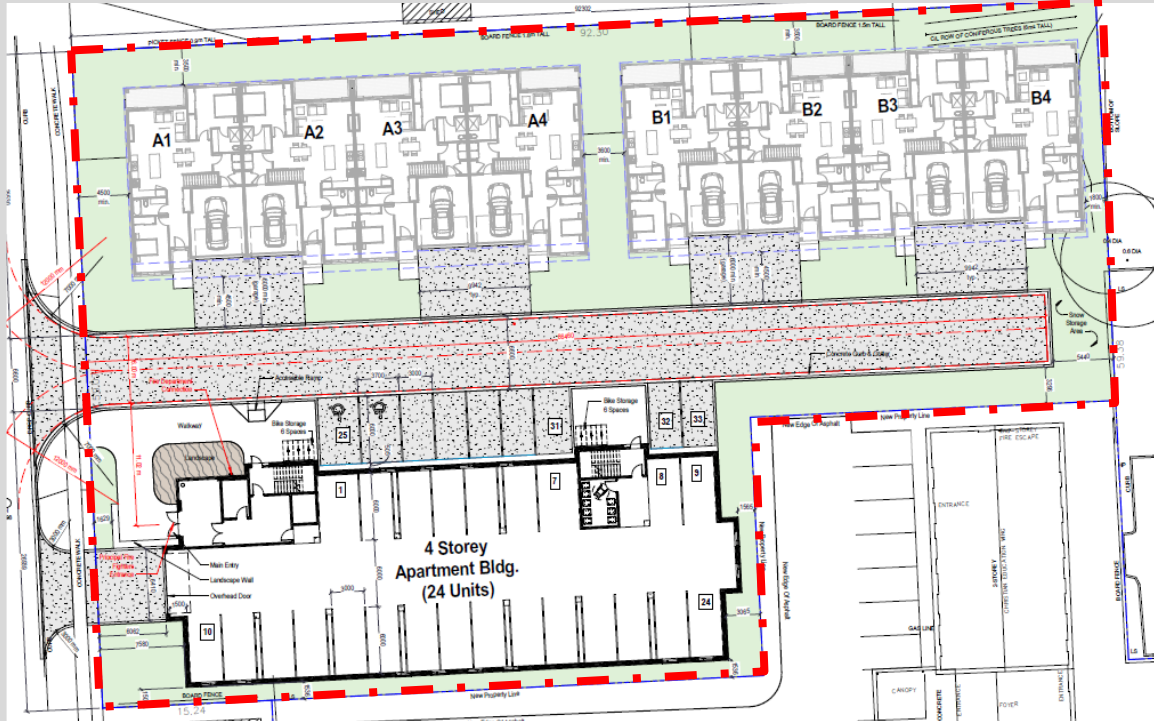
Development	Original Development Concept	Revised Development Concept	Key Changes
Townhouses	14 - Two Storey Townhouse Units Height of 9.76 m Unit Width of 6 m 2 Parking Spaces / Unit	8 - Single Storey Townhouse Units Height of 8 m Unit Width of 10.3 m 2 Parking Spaces / Unit	Reduction of 6 townhouse units Reduction of massing from two storey townhouses to single storey townhouses Reduction in height by 1.76 m Increased unit widths Increased setbacks along Elden Street from 2.0 m to 4.5 m
Apartment Building	5 Storey Apartment Building with 24 Residential Units Height 15.85m 1 Parking Space / Unit Setback from Elden Street 2.5 m	4 Storey Apartment Building with 24 Residential Units Height 14.15 m 1 Parking Space / Unit Setback from Elden Street 6.0 m	Reduction of 1 floor Reduction in height of 1.65 m Alternate design with recessed balconies, and less glazing
Gross Density	81 Units Per Hectare	68 Units Per Hectare	Reduction of 13 units per gross hectare
Net Density	91 Units Per Hectare	77 Units Per Hectare	Reduction of 14 units per net hectare
Zoning	RM1 Zone with Site Specific Provisions	RM2 Zone with Site Specific Provisions	

### Access

The townhouses and apartment building will each be accessed by a separate vehicle entrance from Elden Street. Direct access into the apartment building is fronting onto Elden Street, with access to the Townhouse units to the north via a private roadway. Each townhouse unit is provided with a driveway, which gives access to one parking space within the garage, and one parking space within the driveway.

Visitor parking is located along the north side of the apartment building and is accessed via the private roadway. Visitor parking shall be shared between the townhouses and the apartment building to the south, with two accessible parking spaces provided within the visitor parking area. These spaces are located closest to the entrance to the apartment building to ensure the shortest possible pathway is provided for users into the building.

The proposed development supports active transportation with direct access provided to the public sidewalk network which is along the Elden Street frontage for neighbourhood connections. The proposed development also provides bicycle parking spaces which are located in the center of the site adjacent to the apartment building.



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Development Plan October 2024

SUBJECT SITE







Revised Design November 2024



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North Elevation of Proposed Apartment Building



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Proposed Apartment Building –View from Private Road Entrance





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Proposed Apartment Building –View from Elden Street



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Proposed Apartment Building – View from Rear of property





The proposed apartment building has been redesigned based on the comments and public input provided. The proposed development includes a four-storey apartment building which has been redesigned to be more compatible with the neighbourhood.

The design of the mid-rise building consists of an enclosed parking garage at ground level, with the main entrance from Elden Street, and the main lobby at the northeast corner of the building. The ground floor parking area includes 24 parking spaces, and the 24 residential units are located above on floors 2-4.

One of the comments heard by the development team was concern with privacy and overlook from the apartment building onto neighbouring properties. The design has been updated to ensure each unit will still have private outdoor amenity space on a balcony, however, these balconies have been recessed into the building, as opposed to projecting from the built form as seen in the original design. The recessed balconies provide privacy for both residents and neighbouring properties, as the built form of the apartment building acts as a screen. The apartment building remains located at the southern side of the site, adjacent to institutional and commercial land uses, to minimize impacts and overlook to residential properties to the north. Further the proposed development has reduced the overall amount of glazing in response to the concerns heard relating to privacy and overlook.

To reduce the overall height and massing of the building, the 5<sup>th</sup> floor, which previously included the outdoor and indoor amenity areas has been removed from the proposed development. The updated design has a height of 14.15 metres which has been measured from grade to the top of the parapet canopy feature, which is the highest point on the building. For reference the height of the building from grade to the top of the roof deck is 12.0m.

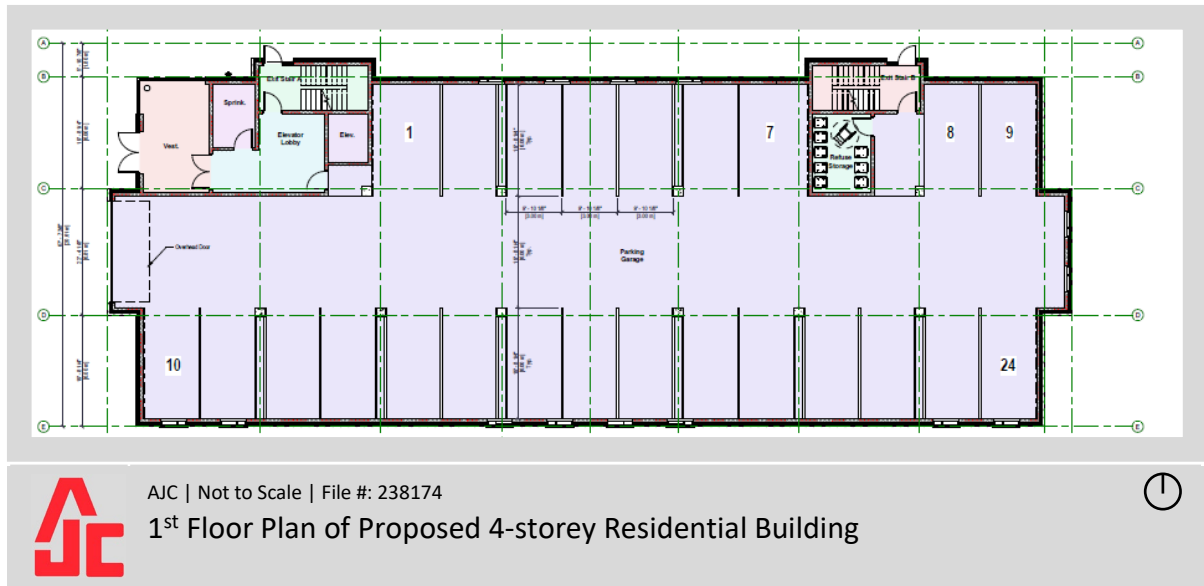
The previous apartment buildings proposed a height of 15.86m which reflected the height of the development to the top of the 5<sup>th</sup> storey. This results in an overall reduction of approximately 1.7 m or 5.5 feet.

In support of the proposed development a revised Shadow Study was prepared by Raimondo Architects, which demonstrates the shadow impacts of the proposed development during the Spring/Fall Equinox, and the Winter and Summer Solstice. The largest shadows are cast on the winter solstice, which is December 21. As seen in the Shadow Study, the impacts of both the townhouses and the apartment building have been shown and are considered negligible. During the Winter Solstice in the evenings the shadows are to the northeast which are primarily the rear yards of the adjacent commercial buildings and the rear yards of the adjacent residential uses. During the Winter Solstice in the morning the shadows are cast over the Elden Street right of way and the front yards of the properties on the west side of Elden Street. Overall, the proposed development has been designed and oriented in such a way that the shadow impacts to the adjacent residential properties has been minimized, with the most significant shadows to fall on the commercial properties.



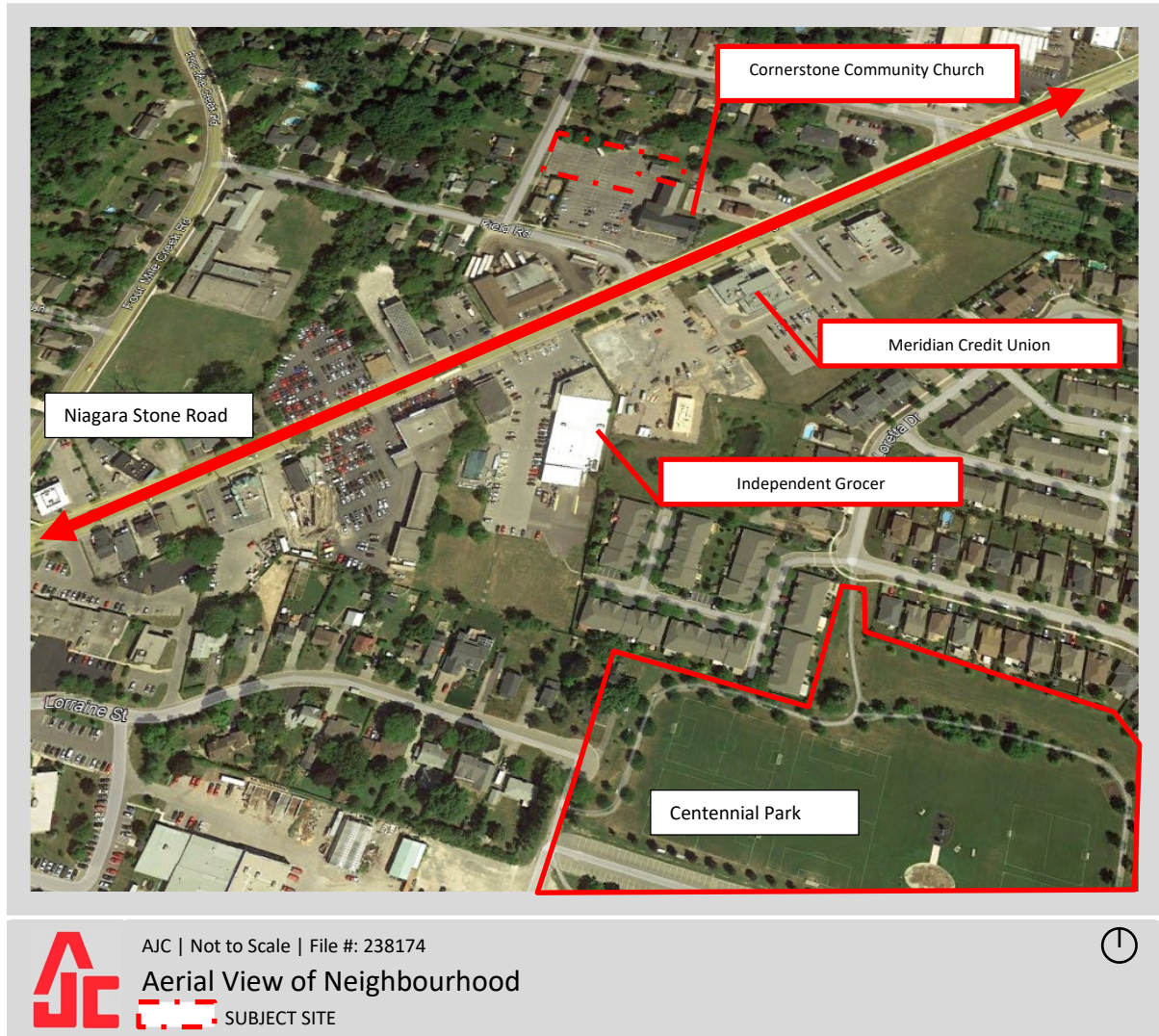
When reviewing the front elevation, a key change is that the ground floor residential lobby has been relocated towards north the private roadway entrance, to the left of the garage door when looking from Elden Street. This relocation of the lobby provides an improved public realm as it improves wayfinding on site, pedestrian safety, and visibility of the main entrance. This redesign also improves access for visitors to the site as there is shorter, more direct pathway to the residential lobby from the visitor parking area.

The minimum front yard setback provided is 6.0 metres which corresponds to the setback to the garage door, the massing of the building has been pushed back as much as possible which results in a setback of 7.5 metres to the remainder of the front façade. This provides animation along the front façade of the building which is further enhanced with a variety of materials building materials being used on the façade with horizontal breaks reducing the perceived massing of the building. Additionally, architectural components and canopies are provided at the front of the residential lobby to signal the pedestrian entrance and provide shelter for pedestrians. Further canopies are included within the roof for architectural design on the north, east and west facades.



This apartment building is located along the southern property line, which 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. Notably at this intersection of Niagara Stone Road and Field Road is the Village Centre (1561 Niagara Stone Road) which provides key amenities and services, including a Meridian Credit Union, Independent Grocer, LCBO, and food establishments. To the north along Niagara Stone Road, is a Pharmacy, approximately 550m, representing a 7-minute walk. 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.



The block townhouses and mid-rise condominium are contemporary, compact designs with the buildings representing 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 public 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 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. The proposed vegetation provides subtle screening of development and separation of buildings, car access and parking spaces.

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 proposed setbacks of the built forms are discussed in further detail with respect to the urban design policies.

Overall, the proposed development has been revised to reflect the comments provided which will result in the 8-townhouse development which are consistent with the neighbourhood, with a low rise 4 storey apartment building to provide for a range and mix of unit types to the neighbourhood.

## **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 Designation with a Site-Specific policy 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 is a gross density of 68 units per hectare, and a residential net density of 77 units per hectare. The maximum densities permitted in the Medium Density Residential designation are based on residential net density. As such the requested Official Plan Amendment is to permit a residential net density of 80 units per hectare, whereas the maximum net density in the Official Plan is 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 (RM2) Zone to permit the proposed apartment;
- include block townhouses as a permitted use within the RM2 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;

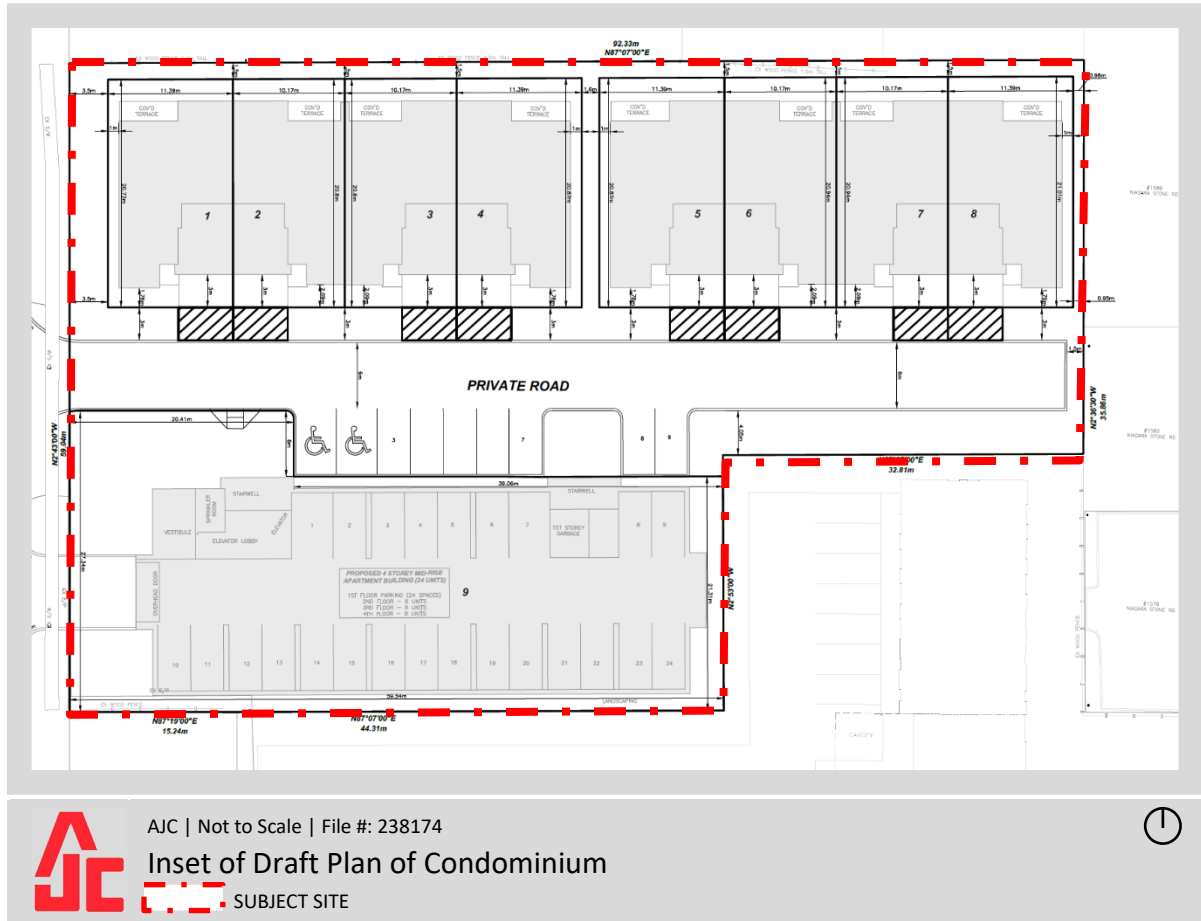
(7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities; and

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

Site Specific Provisions		
a)	Minimum lot frontage	59 m
b)	Minimum overall site area	4650 sq m
c)	Maximum lot coverage	50%
d)	Minimum landscaped open area	30%
e)	For the purpose of zoning interpretation only, any Private Street shall be deemed to be a Street to provide access to a block townhouse dwelling	
	<b>Block Townhouse</b>	
f)	Minimum front yard and/or exterior side yard setback (west)	4.25 m
g)	Minimum side yard setback (north)	3.25 m
h)	Minimum rear yard setback (east)	1.8 m
i)	Minimum distance between any townhouse dwelling and a private roadway and parking area	4.5 m to dwelling 6.0m to garage
j)	Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard.	3 m
	<b>Apartment Building</b>	
k)	Minimum front yard setback (west)	5.5 m and 4.5 m to the roof overhang
l)	Minimum side yard setback (south)	1.25 m
m)	Minimum rear yard setback (east)	1.25 m
n)	Maximum building height	14.5 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 9 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 8 townhouses proposed will be individual units of the vacant land condominium corporation. The full draft plan is shown in Appendix D.



## 5 Planning Policy Framework

By providing a mix of an additional 32 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
- 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 Planning Statement (2024)

The new Provincial Planning Statement (PPS) came into effect on October 20, 2024. The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing population.



Further the Provincial Planning Statement replaces the Provincial Policy Statement of 2020, and the Growth Plan for the Greater Golden Horseshoe (2019).

This application was submitted under the previous policy regime, but an analysis of the proposed development against the Provincial Planning Statement (PPS) has been provided below.

The subject lands are identified as being part of a *Settlement Area*. Accordingly, the following policies are applicable:

**Chapter 2: Building Homes, Sustaining Strong and Competitive Communities**

- 2.1.6 *Planning authorities should support the achievement of complete communities by:*
- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
  - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
  - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

The PPS speaks to how developments should contribute to a complete community. This particular development implements 32 new housing units which will assist to accommodate a range and mix of housing types in the neighbourhood. The development is well located in Virgil with access to various amenities and services within proximity to the proposed development. The proposed development represents a more efficient land use pattern over the existing conditions, and a more appropriate use of the land to serve the community. The proposed development supports the achievement of a complete community.

**2.2 Housing**

- 2.2.1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
- a) establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
  - b) permitting and facilitating:*



- 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

The proposed development will assist in achieving the minimum growth targets to accommodate the growing population of Niagara-on-the-Lake. The proposed development implements a range and mix of unit types to meet the needs of future residents. The proposal is an example of a compact residential redevelopment which efficiently utilizes land and existing services to provide a net increase of 32 residential units.

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

*d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations*

The proposed development efficiently utilizes land resources and public infrastructure to support active transportation, and future transit investments within Virgil. Accordingly, the proposed density is appropriate for this area of Niagara-on-the-Lake and can support the redevelopment. The proposal is consistent with the housing policies contained in the new PPS.

### **2.3.1 General Policies for Settlement Areas**

*Pol. 2.3.1.1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

The subject lands are within a settlement area and are located within the delineated built boundary, which utilizes the existing municipal services. The proposed development efficiently utilizes land and services and provides for additional housing options to the existing housing stock in the neighbourhood.

*Pol. 2.3.1.2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*



*Pol. 2.3.1.3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

*Pol. 2.3.1.4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*

The PPS is supportive of residential development that increases the overall density of underdeveloped lands within settlement areas. The proposed development will efficiently use land and resources within the urban area, which will be adequately serviced with municipal services. The proposal supports the development of complete communities and increases the range and mix of housing options within the community.

The proposed development is located within the built-up area and supports the planned function of the residential designation and provides a range of housing forms to support the community. The proposed development represents an orderly extension of the existing residential neighborhood. The proposal will permit the conversion of underdeveloped lands used for parking and a vacant parcel to provide 32 residential units to the housing stock within the Town of Virgil.

## **2.9 Energy Conservation, Air Quality and Climate Change**

*Pol.2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

- a) support the achievement of compact, transit-supportive, and complete communities;*
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
- c) support energy conservation and efficiency;*
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.*

The proposed development represents a compact and efficient use of land that supports the goals of a complete community and incorporates climate change consideration with a compact and transit supportive development. During the Site Plan Application process, further detailed design will be required to manage stormwater, and services and integrate any additional green infrastructure to protect the environment. Further the proposed development provides for a minimum of 30% landscaped areas to support these goals which will be further refined at the Site Plan stage.



## **Chapter 3: Infrastructure and Facilities**

### **3.1 General Policies for Infrastructure and Public Service Facilities**

- Pol. 3.1.2. Before consideration is given to developing new infrastructure and public service facilities:*
- a) the use of existing infrastructure and public service facilities should be optimized; and*
  - b) opportunities for adaptive re-use should be considered, wherever feasible.*

As demonstrated within the Functional Servicing Report the proposed development will be fully serviced with municipal services.

### **3.2 Transportation Systems**

- Pol.3.2.1. Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles.*
- Pol.3.2.2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

The proposal supports the development of safe and efficient movement of goods and people. The proposed development is compact and supports future transit investments in the Region and provides for safe and convenient active transportation modes. Furthermore, as demonstrated within the TIS the existing transportation infrastructure has capacity to support the proposed development, with no additional infrastructure upgrades.

### **3.6 Sewage, Water, and Stormwater**

- Pol.3.6.1. Planning for sewage and water services shall:*
- a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
  - b) ensure that these services are provided in a manner that:*
    - 1. can be sustained by the water resources upon which such services rely;*
    - 2. is feasible and financially viable over their life cycle;*
    - 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and*
    - 4. aligns with comprehensive municipal planning for these services, where applicable.*
  - c) promote water and energy conservation and efficiency;*



- d) integrate servicing and land use considerations at all stages of the planning process;*
- e) consider opportunities to allocate, and re-allocate, if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and*
- f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.*

*Pol.3.6.2. Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

The subject lands will be fully serviced with municipal water and wastewater systems. In support of the proposed development a functional servicing report has been prepared by Upper Canada Consultants which concluded that the existing sanitary and water services have capacity to support the proposed development.

*Pol.3.6.8. Planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

In support of the proposed development a Functional Servicing Report has been prepared by Upper Canada Consultants which concluded that proposed development can adequately manage stormwater with respect to quantity and quality for this site with underground storage, and an oil and grit separator.

Further detailed design work will be undertaken to support the future Site Plan Application process for sanitary services, water services and stormwater management.

As discussed above, the proposed development is consistent with the applicable policies of the Provincial Planning Statement (2024).

### 5.3 Greenbelt Plan (2017)

*The Greenbelt Plan, together with the NEP and the ORMCP, builds on the Provincial Policy Statement (PPS) 2024 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. However, the Greenbelt Plan influences settlement areas by limiting urban boundary expansions into the Protected Countryside. 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.*

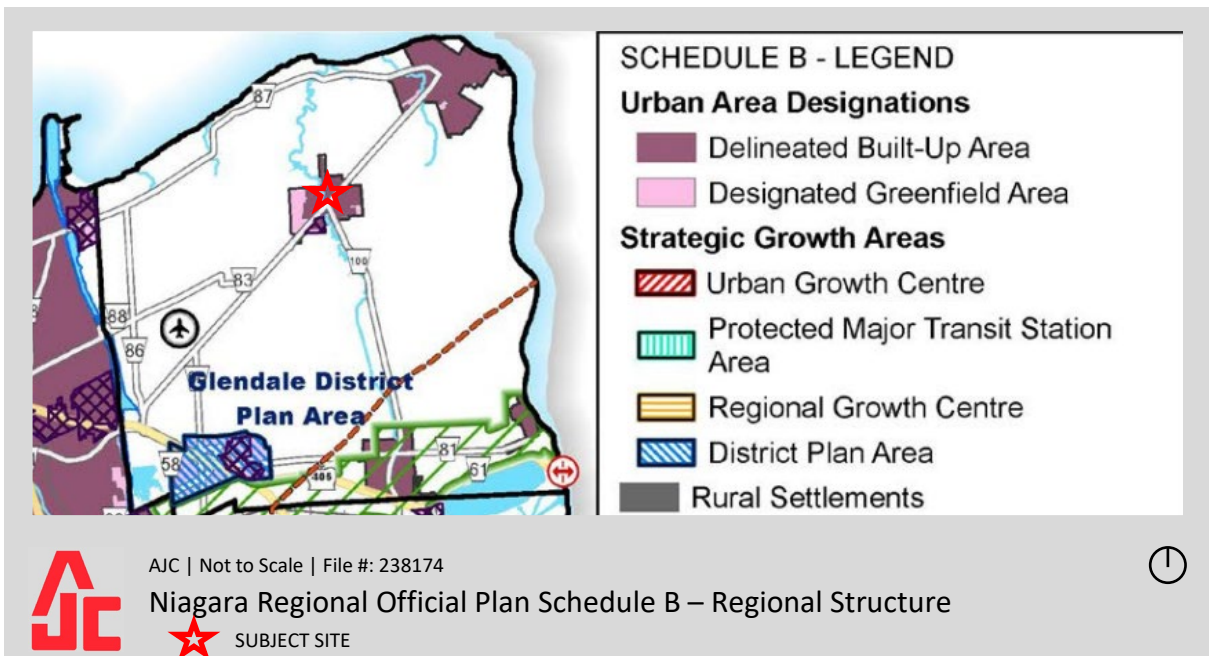
*Pol 3.4.3.2. Extensions or expansions of services to settlement areas within the Protected Countryside shall be subject to the infrastructure policies of section 4.2 of this Plan, including the requirements regarding environmental assessments and agricultural impact assessments.*

*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.*

#### 5.4 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.

<b>Niagara on the Lake: Delineated Built-up Area Unit Growth, 2021 to 2051</b>				
	<b>Single/Semi</b>	<b>Row</b>	<b>Apartment</b>	<b>Total</b>
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;*

## 5.5 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.

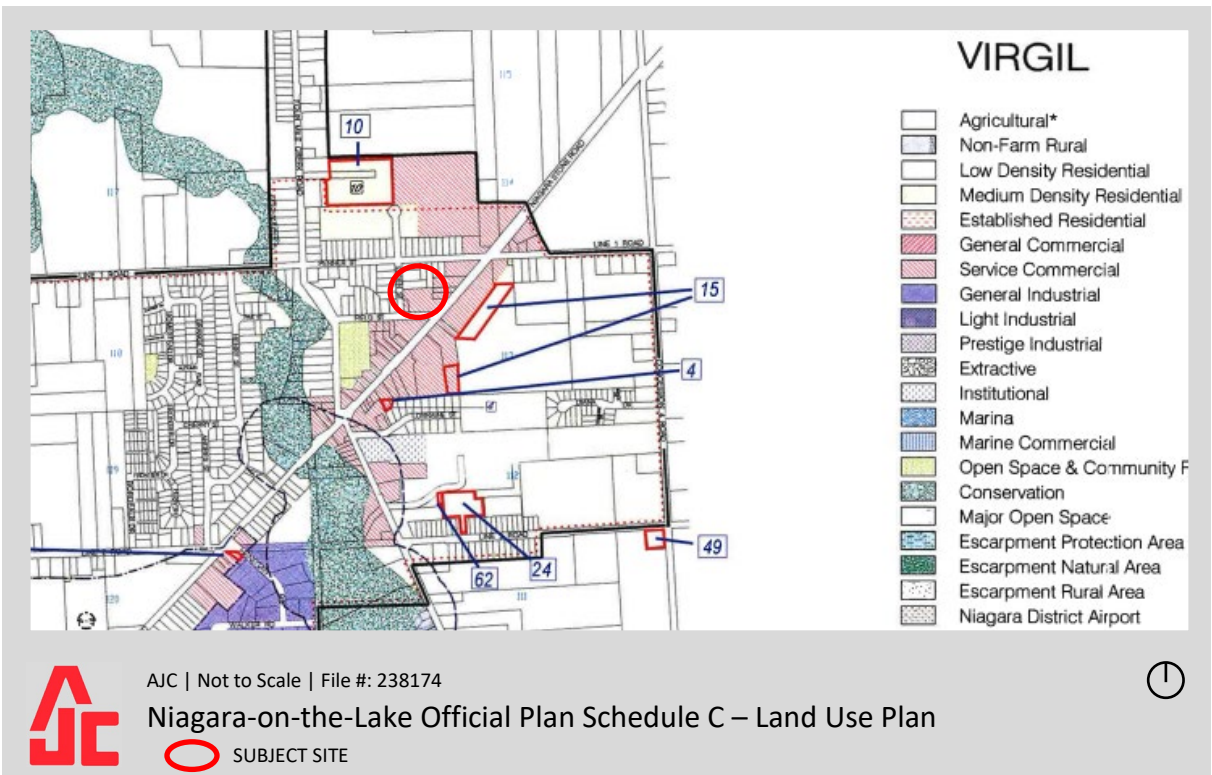
The Niagara-on-the-Lake Official Plan was amended in July 2017. It provides strategic land use planning and direction for the Town which consists of five urban communities which are all within a rural/agricultural setting. Virgil is one of the urban communities that contains a mix of residential, commercial, 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 Region Official Plan forecasts are presented in the table below. The population forecasts provide comparable increases to 2031, however, the household projections are higher as it is expected that the household size (average persons per household) will be smaller. Therefore, with smaller household sizes, a larger number of residential units will need to be provided to accommodate the population growth. This justifies an increase in density of over 30 units per hectare.

The proposed development has been designed to accommodate and target future residents which include seniors, empty nesters, and those looking to downsize their properties.

**Comparison of Population and Household Forecasts Prepared in 2017 and 2022**

	Niagara on the Lake Official Plan (2017)	Niagara (Region) Official Plan (2022)	Difference
<b>Population</b>			
2021	19,900	19,970*	+70
2031	22,700	22,946*	+246
2051	-	28,900	-
<b>Households</b>			
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.

**6A Growth Management Policies**

**2.3 Urban Area and Urban Area Boundary**

*Planned Function*

*The planned function of the Urban Area is to provide the municipality with an administrative mechanism for controlling the limits of urban development. The lands within the Urban Area Boundary are to be the focus of urban development. Urban Areas have municipally provided services, including water and sewage services. Within the Town of Niagara-on-the-Lake there are five separate urban areas with established urban boundaries. Although the five urban areas comprise one town, each of the urban areas is small and is geographically separated from each other. The five urban areas are surrounded by prime agricultural land or Niagara Escarpment land, all of which is designated and regulated by the Greenbelt Plan or Niagara Escarpment Plan. The effect of this is that each urban area*



*appears to be a separate community and each one is constrained in its ability to grow and develop into a complete community as each lacks the critical mass of population to support amenities and services and range in size between 600 to 3,500 residents. The ability of each urban area to grow is limited to the amount of land available within the current urban area boundaries. The ability to expand the urban area boundaries to accommodate growth is restricted by the policies of the Greenbelt Plan, Niagara Escarpment Plan, and the Provincial Policy Statement.*

#### *Urban Area Composition*

*The Urban Area is comprised of the following areas:*

- *Built-up Areas; and,*
  - o *Intensification Areas located within the Built-up Areas;*

The subject lands are located within the Urban Areas of Niagara-on-the-Lake and are further located within the Urban Area Boundary of Virgil as per Schedule C Land Use Plan of the Official Plan. Accordingly, the proposed development supports the planned function of the area, with development to be located within the urban boundary with access to full municipal services to support the development of complete communities.

### **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.*

The proposed development supports the Growth Strategy objectives listed above to develop compact, and complete communities. The proposed development is located within the urban boundary and supports the intensification objective of 15% of residential development to be located within the Built-up Areas of Niagara-on-the-Lake, which includes Virgil. The proposed development is well coordinated and efficiently utilizes land and municipal services, which reduces the need for the expansion of the urban boundaries and is cost effective for the municipality. The proposed development contributes to the development of complete communities and provides a range and mix of additional housing options for Virgil including 8 townhouse units and 24 units within the apartment in close proximity to existing amenities and services. The proposed development does not impact the Natural Heritage System, nor does it impact the prime agricultural lands within Niagara-on-the-Lake.

#### **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.*



The proposed development supports the strategy and intensification policies listed above. As previously mentioned, the proposal supports the goal of 15% of intensification to be located within the Built-Up Areas. The infill development includes for a mix of residential land uses including townhouses and low-rise apartment units which support the overall residential intensification objectives, providing a diversity of housing options, land uses and tenures. The proposed townhouses and a low-rise apartment building are consistent with the predominant forms for intensification in the residential areas and are compatible with the existing character of the neighbourhood.

The draft Official Plan Amendment as seen within Appendix B of this report contains site specifics to ensure that the subject lands will not be overdeveloped. The proposed site specific is applicable only to the subject lands and includes a maximum density provision of 80 units per hectare. This maximum density of 80 units per hectare has been specifically tailored to permit the proposed development of 8 townhouses and the proposed apartment building with 24 residential units. Therefore, any future developments of these lands would be subject to this density provision, and if not in accordance with it, additional *Planning Act* Applications would be required to permit any additional development. The draft Official Plan Amendment also includes an additional provision to allow the proposed visitor parking to be permitted within the interior yard. Although not required as per the Zoning By-law, 9 visitor parking spaces have been provided within the proposed development which are located within the private condominium road, accessed via Elden Street.

The draft Zoning By-law Amendment as seen within Appendix C of this report, also contains additional site-specific regulations to ensure that the subject lands will not be overdeveloped. Similarly, the proposed Zoning By-law Amendment has been drafted such that the permissions provided restrict future development of both the townhouses and the apartment building to only permit the proposed design. The Zoning By-Law Amendment includes provisions for maximum height, minimum required setbacks, maximum lot coverage, minimum required landscaping, and the required separation of the buildings which further restrict the built form. With respect to the proposed development cumulatively, the maximum lot coverage is 50%, with an additional requirement of 30% of the lot to be landscaped open areas which is consistent with similar developments within Virgil, and the maximum height of the apartment building is 14.15 m.

Accordingly, the proposed Official Plan Amendment and Zoning By-law Amendment as seen in Appendix B and Appendix C are required to facilitate the proposed development.

### **Urban Design**

*a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.*

*b) Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*



- c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*
- f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

The proposed development is compatible with the existing built form and character of the neighbourhood. The proposed four storey apartment building has been located at the southern portion of the subject lands, with the townhouse to the north which provides a buffer and an appropriate gradation of density to adjacent low density residential land uses to the north. To the south and west of the lands are commercial and institutional land uses, therefore, the proposed medium density development is appropriately located within the neighbourhood in close proximity to these uses, with minimal impacts.

The proposed development includes a variation of materials along the front façade of the townhouses, with both brick and siding being proposed. Further the proposed design includes for covered front porch with front windows facing the private road to increase eyes on the street. The peaked roof designs are proposed which are consistent with the neighbourhood, and gables further provide variations along the frontage to establish the multiple dwellings. The proposed design includes for garages which have been recessed into the front façade in accordance with the applicable Urban Design Policies. Further the garages account for 50% or less of the of the front façade of each unit, which is consistent with policies above.

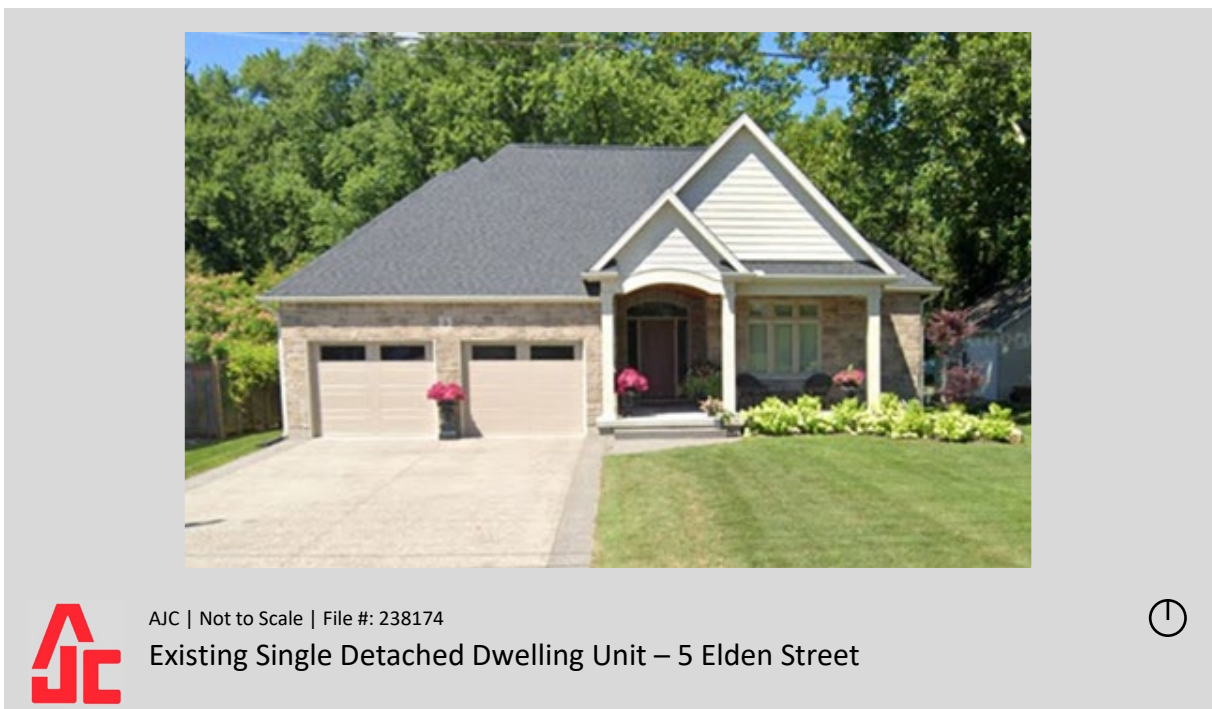
The proposed development is consistent with the planned intensification objectives of Niagara-on-the-Lake with respect to bulk, mass, and scale. The proposed development is a mix of built forms which are consistent with the character of the Virgil and represent an appropriate residential intensification project.

Within the Zoning By-law low density housing forms are required to conform to the maximum building height of 10.0 metres which is applicable to single detached dwelling units, semi detached dwelling units and townhouse dwelling units.

The previous design contemplated two storey townhouses which were 9.75 metres in height which are permitted within the By-law. However, within the Public Meeting, comments from were provided which noted that the residents were concerned with privacy and overlook from the townhouses abutting the neighbouring residential houses along Elden Street and Penner Street. The proposed developments have reduced in bulk and mass from two storey townhouses to single storey townhouses. These changes have effectively reduced the overall height of the townhouses, to mitigate the impact and overlook concerns to the residential developments to the north which are single storey low density developments similar to what is proposed. To the rear of the property

(eastern boundary) the townhouses abut commercial and institutional land uses, which are not impacted by the proposed development.

The proposed townhouses are one storey with a maximum height of 8 metres. Accordingly, the proposed townhouses conform to this established building height and in a built form which is found throughout Virgil as seen in the images below.



As seen within the elevations the proposed townhouses are a single storey with a peaked roof and gables, which is seen within the neighbourhood and across Virgil. Further the proposed townhouses have increased over all unit widths with one garage parking space provided, and a front door which is



recessed slightly where the roof overhangs to provide for a front door canopy. The garages have been designed such that they are less than 50% of the overall unit frontage, consistent with the urban design policies.

Accordingly, the proposed townhouses are consistent with the existing mass and scale of the existing built form seen across Virgil for low density development.

Within the RM2 Zone, apartment buildings are permitted with a maximum height of 10.5 metres. The zoning by-law amendment would permit the proposed apartment building with a maximum height of 14.15 metres (14.5m requested for tolerance).

The bulk and massing of the proposed four storey apartment building is appropriate. The development provides for ground floor parking which achieves a rate 1 parking space per unit, with the bulk of the massing located above the ground floor. This proposed design ensures that the streetscape is not dominated by surface parking and the apartment building is oriented toward the street with one central main entrance. Further, as seen within the elevations provided the ground floor has been integrated seamlessly into the façade of the building with a high-quality design which buffers the parking areas and integrates them into the proposed built form.

Further the proposed balconies have been recessed to reduce potential conflicts as they face to the south over the church parking lot, to the north towards the proposed townhouses, and fronting onto Elden Street.

The proposed massing has been designed and located to mitigate possible impact to the adjacent residential property to the south (10 Field Road). The proposed development includes for a 1.8-metre-high wooden privacy fencing consistent with neighbouring properties and provides additional coniferous shrubs buffers for privacy.

The setbacks to the proposed development are consistent with the existing neighbourhood and follows the gradation of density along Elden Street as you enter the low-density neighbourhood. Along Elden Street, Penner Street and Field Road it is important to highlight that the municipal Right of Way is 20 metres wide, with a pavement road width of approximately 9m. These local roads are urbanized, with a municipal sidewalk and a boulevard on one side of the street, and a wide boulevard on the alternate side of the street.

The following image has been prepared to provide context, and visual interpretation for the setbacks that currently exist within the neighbourhood in relation to the Elden Street, Penner Street, and Field Road frontages.



The neighbouring property to the south is built and fronts onto Elden Street which has legal non-conforming status. Along the Elden Street Frontage (Exterior Side yard) the existing dwelling is less than a metre from the property line, and it is estimated that the setback is 0.5 metres to the property line. Further the existing accessory structure is setback approximately 6m from the Elden Street frontage and is built along the interior property line.

The proposed setbacks to the apartment building are 6.0 metres, which is consistent with the setback provided to the accessory structure directly to the south, and the apartment building is setback more than the primary dwelling along the Elden Street frontage.

For zoning, the front yard setback of the proposed development is 4.5 metres. For zoning conformity this is measured as the front yard setback, however, this is the setback to the side of the townhouse dwelling unit, which functions similarly to an exterior side yard where the side of the dwelling is adjacent to the street front. The proposed reduction to this setback is consistent with those in the neighbourhood.

Within the existing neighbourhood the exterior yards are set back less than the proposed dwelling units from Elden Street. For example, to the south the existing dwelling unit of 10 Field Road is setback



approximately 1m from the property line along Elden Street, and to the southwest the existing garage of 14 Field Road is setback approximately 5.0 metres from the street line.

To the north, along Elden Street the exterior side yard setback of 650 Penner Street is also significantly reduced, with the accessory structure built along the property line. Across the street at 660 Penner Road the exterior side yard setback is approximately 5 metres from the property line.

661 Penner Street is approximately setback 6.5 metres from the Penner Street frontage (Exterior Side Yard Setback), and 11 Elden Street is setback approximately 4.5 metres from the Penner Street frontage (Exterior Side Yard Setback)

As required within the Zoning By-law, low density developments are required to be setback 4.5m from the exterior lot line. Accordingly, the proposed 4.5m reduction is appropriate as it functions in the same manner to the exterior yard and is generally consistent with the variations of setbacks established within the neighbourhood.

The reduced interior side yard setbacks, and rear yard setback are appropriate as they do not impact the adjacent uses. To the north there is a significant setback from the existing dwelling of approximately 11.5 metres to the interior lot line, which will result in a separation of 15 metres between the dwellings. Further with the reduction to a single storey the bulk and massing of these townhouses has been reduced to minimize shadow and overlook concerns. To the rear of the property the townhouses abut commercial and institutional land uses and the impacts are minimal to those uses.

The proposed development includes for sufficient spacing between the townhouse units and the apartment building, which are separated by 17.2 metres, consistent with the Zoning By-law requirements.

With respect to the apartment building the minimum front yard setback requested has been reduced to 6.0 metres which represents the setback to the garage door. The remainder of the front façade of the building is recessed back at a setback of 7.5 metres which is consistent with the Zoning By-law Amendment of 7.5 metres. Accordingly, the reduced front yard setback is appropriate for the development.

The reduced side yard setback requested is 1.25 metres which is appropriate given the lands to the south and east are designated service commercial with minimal impacts from the proposed development.

The proposed development includes one vehicular entrance to the proposed apartment building which is accessed via Elden Street which has been designed to minimize the impacts to the streetscape. The apartment building also includes one main entrance which fronts onto Elden Street and is easily accessed with the proposed landscaping and internal pathways leading directly to the public sidewalks for safety and connectivity, to further encourage active transportation.

Further visitor parking has been provided within the development which is buffered by the proposed plantings as seen within the landscape plans and provides access to the townhouses and apartment building. Vehicular access to the townhouses has been provided with one private road which gives



access to each townhouse unit and will be maintained through the future condominium corporation. The townhouse garages are recessed slightly with the front façade of the units to ensure that the garage and associated parking does not dominate the streetscape.

#### **4.6 Land Use Compatibility Policies**

##### *Residential Neighbourhoods*

*Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that this change will be appropriate and compatible within the Town's neighbourhoods and throughout the entire Built-Up Area.*

##### *Compatibility and Appropriate Infrastructure*

*Notwithstanding the requirements for a severance, site plan, plan of subdivision or plan of condominium, intensification development within the Built-up Area should be compatible with surrounding existing and planned land uses as shown in the Land Use Schedules of this Plan. Intensification and/or redevelopment should be consistent with:*

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
  - Street and block patterns*
  - Lot frontages lot area, depth*
  - Building Setbacks*
  - Privacy and overview*
  - Lot grading and drainage*
  - Parking*



*- Servicing*

*Need for Special Studies*

*Where applicable, applications for intensification development may require the completion of one or more of the following studies:*

- a) Transportation impact study*
- b) Noise and/or vibration study*
- c) Light and shadowing study*
- f) Master drainage plan*
- g) Servicing Study*
- h) Stormwater management plan;*
- j) Urban Design/Landscape Plans*
- m) Any other study as required by the other policies of this Plan and complete application requirements.*

The proposed development is compatible and appropriate for the location given the existing and planned context of the area. The proposed medium density use is adjacent to the Service Commercial Lands, which front onto Niagara Stone Road.

As determined through the pre-consultation process, a variety of required studies were prepared in support of the proposed development which include a transportation impact study, noise study, shadow study, stage 1 and 2 archeological study, landscape plans, functional servicing report and storm water management plan.

In support of the proposed development a noise study was prepared by dBA Acoustical. The report concluded that the proposed development located at 1570 Niagara Stone Road recommended that no noise control measures are necessary to meet Ministry of Environmental Conservation and Parks (MECP) Publication NSC-300, and the OBC requirements for windows, doors and wall construction are sufficient. Furthermore, based on the initial submission an update was prepared to address the comments provided by the municipality, which again concluded that the proposed development is consistent with the provincial requirements. Accordingly, the study satisfies the planning requirements of the Town of Niagara-on-the-Lake, and the Region of Niagara.

The subject lands and the adjacent lands do not contain any identified cultural heritage properties. Accordingly, the proposed development does not have any negative impacts to the cultural heritage of the neighbourhood.

A Stage 1-2 Archaeological Assessment was prepared in support of the proposed development. The Archaeological Assessments were carried out and 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.

The proposed development is also not identified or located within the Natural Heritage System of Niagara-on-the-Lake. As such the proposed development does not impact the Natural Heritage System functions or features.

The proposed development is consistent with the planned intensification within the Town of Virgil. The subject lands are underutilized and are located within an area that is planned for intensification to meet the needs of the community. The proposed development is on the periphery of the existing low-density neighbourhood, the existing commercial lands, and an arterial road. The proposed development has been oriented with the apartment complex located to the south of the site, with the majority of the bulk and massing adjacent to the commercial designation, with the townhouses buffering the existing residential neighbourhood to the north.

In support of the proposed development a Shadow Study has been prepared to demonstrate the shadowing resulting from the proposed four storey apartment building. During each equinox the shadows of the buildings have minimal impact on the surrounding properties. However, currently all buildings in the area project shadows that have a consistent impact on adjacent properties.

Although the lands to the south are designated as service commercial lands, they are currently being used and occupied with a single detached residential dwelling. The current use is not permitted, and it is expected that in time these will transition to a service commercial use consistent with the existing Service Commercial designation, and Village Commercial (VC) Zone in place. This evolution will help support the existing neighbourhood as well as the future residents of the subject lands.

As seen within the provided Landscape Plan the proposed development is characterized 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 and within the main internal access road. Decorative plants and shrubs are used in the front and side of the low-rise condominium to provide buffering from the entrance to the building and the adjacent property. The site is additionally bound by a 1.8-metre-high wooden privacy fence. Further in front of each townhouse unit there is additional street tree along the private condominium road.

Additionally, short term bicycle parking spaces have been provided along the northern side of the apartment building near the visitor parking spaces.

The Functional Servicing Report demonstrates that the subject lands will be fully serviced with municipal water to address both the domestic and fire protection needs, sanitary servicing needs, and the stormwater management for the site. The conclusion of the report is that existing water, sanitary and stormwater infrastructure has adequate capacity to service the proposed development.

The proposed design meets the requirements for emergency services, with respect to the proposed fire access route. Along the private road within the site no parking signs will be provided along the



Fire Route in accordance with the requirements. Further details on the proposed signage will be confirmed through site plan control during the detailed design stage.

Additional *Planning Act* Applications will be required to permit the proposed development including a Site Plan Control Application which will include additional detailed design and further functional elements for the site.

## **9.2 GOALS AND OBJECTIVES**

*(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.*

*(2) To improve the housing supply of rental and moderately priced housing by the municipality becoming involved in or promoting the involvement of others in the various government housing programs.*

*(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.*

*(4) To encourage the development of economical housing in a suitable environment.*

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

*(6) To support the retention and to give consideration to the expansion of heritage districts in the older residential areas of Niagara/Old Town and Queenston through the policies of this Plan and the establishment of Heritage Conservation Districts.*

*(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.*

*(8) To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*

*(9) To promote the maintenance and rehabilitation of the existing housing stock.*

*(10) To support the development, at appropriate locations, of residential facilities that meet the housing needs of persons requiring specialized care.*

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

The proposed development supports the overall goals and objectives of the residential policies within Section 9.2 of the Official Plan. Overall, the proposed development supports the intensification within the Urban Boundary of Virgil which converts underutilized lands to support the needs of the community. The proposed development will provide for additional housing options within the neighbourhood to include 24 residential apartment units, and 8 one storey townhouse units. The proposed development efficiently utilizes land and existing municipal services in a manner that is compatible with the existing neighbourhood.



### **9.3.2 MEDIUM DENSITY RESIDENTIAL**

*(1) In the Medium Density Residential designation, the following uses shall be permitted:*

*Main Uses: Multi-unit Residential housing such as townhouses, apartments, nursing homes, and mobile home parks.*

*Secondary Uses: Uses permitted with a Main Use:*

- roomers and boarders*
- bed and breakfasts*
- accessory apartments - group homes*
- home occupations*
- accessory buildings and structures*

*Uses permitted independent of a Main Use:*

- Minor open space and community facilities subject to Section 15 of this Plan;*
- Low Density Residential uses*

*(2) Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*

*(3) The design and location considerations for Medium Density Residential development shall include provisions of the following:*

- a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*
- d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).*
- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
- f) Adequate municipal services can be provided to accommodate the needs of the development.*



*g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*

*h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

The proposed Official Plan Amendment redesignates the subject lands from the 'Service Commercial' and 'Low Density Residential' designation to a 'Medium Density Residential' designation. Within the Medium Density Residential designation, the proposed townhouses, and apartment uses are permitted as of right. The site-specific provisions are required to permit the density of 80 units per net residential hectare. Further as previously discussed the proposed Official Plan Amendment and zoning By-Law Amendments proposed include provisions to ensure that the subject lands are not over development with maximum permitted density provisions, and strict zoning provisions to permit the proposed development.

The proposed development has been designed to be compatible with the surrounding land uses which include residential, institutional and commercial uses. The townhouses have been oriented to the north of the site next to the adjacent low density residential built forms which include single detached houses, providing an appropriate transition in height. The proposed 1 storey townhouses are similar in form and massing to the existing single detached residential developments within the neighbourhood.

The proposed four storey apartment building has been located at the southern portion of the site, and the proposed townhouses, and internal driveways provide additional buffering from proposed higher density uses, and a gradual transition. Furthermore, in support of the proposed development, a Shadow Study was prepared which has been submitted with this application.

The proposed development has been oriented to provide for a harmonious streetscape along Elden Street with adequate landscaping and buffering from the adjacent properties which includes setbacks, landscaping and fencing. Within the development there are street trees provided within the front yard of the townhouses for a continuous high-quality streetscape.

As demonstrated within the Traffic Impact Study prepared by SLBC Inc., in support of the proposed development, the subject lands will provide sufficient parking for residents and visitors. Within each of the townhouse units there are 2 parking spaces that are provided in tandem, one within the garage and one on the driveway. The proposed development is one block away from Niagara Stone Road which provides easy and convenient access to an arterial road for residents of the proposed development and avoids channeling additional traffic to local streets. Similarly, the Traffic Impact Study concluded that the traffic generated from the proposed development will not negatively impact the operational capacity of the road network, nor will it warrant the need for roadway infrastructure or traffic control improvements on the surrounding network to maintain an acceptable level of service.

Within the proposed apartment building there are 24 parking spaces provided within the first floor of the development which represent the required ratio of one parking space per dwelling unit. In



addition to the required resident parking, the proposed development contains 9 visitor parking spaces including two accessible parking spaces within the private roadway, which is not required in the Zoning By-law.

Garbage for both the townhouses and the apartment building will be provided with private waste collections through the condominium corporation. A Functional Servicing Report prepared by Upper Canada Consultants demonstrated that the proposed development can be fully serviced with municipal services including water and wastewater.

Finally, the proposed development is intended to be appropriately zoned to a Residential Multiple Zone with Site Specific provisions to permit and implement the proposed medium density development.

Accordingly, the proposed development conforms to the Medium Density Residential policies.

#### **9.4. GENERAL RESIDENTIAL POLICIES**

##### ***(4) RESIDENTIAL DENSITY***

*The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low-density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.*

*Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore, new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development*

As of right, the Medium Density designation permits up to 12 units per acre or 30 units per hectare. The proposed development achieves a density of 77 units per hectare; accordingly, the proposed Official Plan Amendment requesting 80 units per hectare is required to include a site-specific policy to permit the proposed density. Although Medium Density Residential Uses are permitted within the Low-Density Residential Designation subject to a Zoning By-law Amendment, the proposed Medium Density Residential Designation is more appropriate given the increased density and built form. As previously discussed, the proposed amendments have been written such that the development of the



site will be limited to the proposed built form and development plan to ensure there will not be an over development of the site.

### **OPA 78**

#### *Development Criteria – Residential Infill and Intensification in Old Town and Virgil*

*In Considering an application for development approval on lands designated ‘Low Density Residential’, ‘Medium Density Residential’ and ‘Established Residential’, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development by adhering to the development criteria outlined below, unless otherwise specified in a heritage conservation plan:*

- a) the lot frontage(s) and lot area(s) of the proposed new lots shall be consistent with the size of existing lots on both sides on the street on which the property is located;*
- b) the proposed new building(s) shall have heights, massing, and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same side of the street;*
- c) front and rear yard setbacks for the new buildings shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) the setback between new buildings and the interior side lot line shall increase as the frontage increases;*
- e) the new building(s) shall have complimentary relationship with existing buildings, while accommodating a diversity of building styles, materials, and colors;*
- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) the width of garage(s) and driveway(s) at the front of new buildings shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) new driveways and service connections shall be sited to minimize tree loss;*
- i) impacts to adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and micro climatic conditions such as shadowing;*
- j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood.*
- k) proposal extend to the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and*
- l) road and/or municipals infrastructure shall be adequate to provide water, wastewater service a, waste management services and fire protection.*



The proposed development represents a residential infill and intensification project, accordingly the policies listed above are applicable. The subject lands efficiently convert underutilized residential and commercial lands within the urban boundary to support a medium density development. The proposed development includes a four-storey apartment building with 24 residential units and 8 one storey townhouses which compliment the existing neighbourhood and provide for an additional range and housing options within Virgil. In support of the proposed development, a shadow study was prepared which shows minimal shadow impacts from the proposed development.

The proposed development has been designed such that the proposed townhouses provide an appropriate gradation of density which is used to transition from the medium density apartment at the south adjacent to the commercial and institutional lands. The proposed townhouses are similar with respect to built form and massing to the existing low-density neighbourhood which is predominantly single detached dwellings. The adjacent properties along Elden Street and Penner Street are single storey dwellings, and the proposed 1 storey town house dwellings are consistent with the bulk and massing of these properties, and act as a buffer to the proposed apartment building.

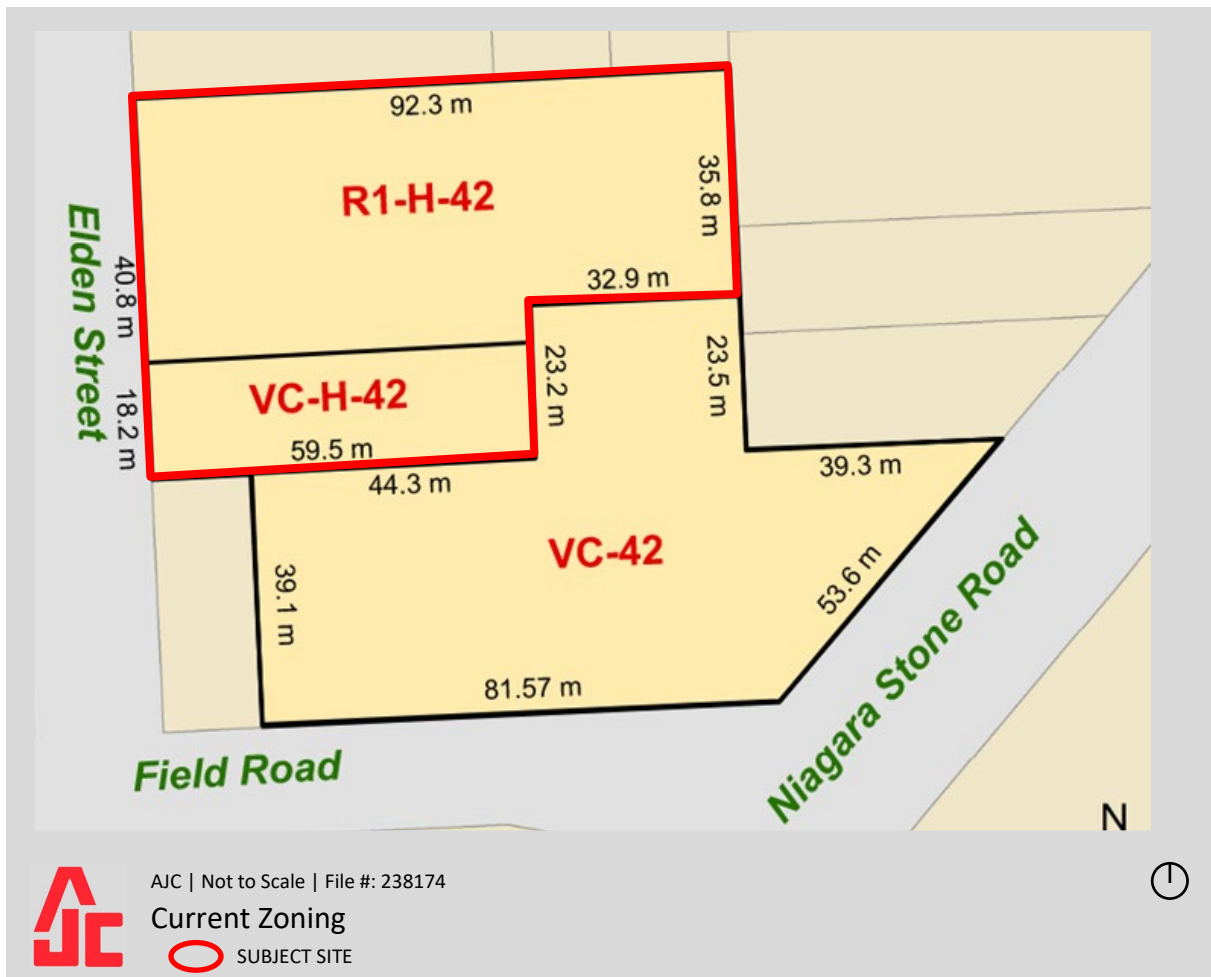
The subject lands are currently predominantly hardscaped and underutilized as a parking lot. In support of the proposed development a landscape plan has been prepared which shows the proposed landscaping to be provided across the site, with new street trees along the Elden Street frontage, and new trees within the front yard of the townhouses along the private roadway, and in the backyards of the townhouses. The proposed development maintains the required landscaped open areas of 30%. As such, the proposed development conforms to the Niagara-on-the-Lake Official Plan.

## 5.6 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 (RM2) Zone that will be applied to the property;
- include townhouses a permitted use in the RM2 Zone; and
- integrate the relevant provisions in the Residential Multiple (RM1) Zone for a townhouse building into the Residential Multiple (RM2) 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 as of right zoning provisions, those requested in the initial submission, and the updated submission.

The Site-Specific provisions requested within the Zoning By-law Amendment, include some tolerance for the development, as it continues through the Site Plan process.

Virgil Community Zoning District - RM1 and RM2 Provisions			
Common RM1 and RM2 Provisions	Required	Original	Revised
a) Minimum lot frontage	30 m	59 m	59 m
b) Maximum lot coverage	35 %	50 %	50 %
c) Minimum landscaped open area	30 %	30 %	30 %
d) Minimum distance between buildings located on the same lot between walls not containing windows to a habitable room.	3 m	1.0 m	3.6 m
e) Minimum distance between buildings located on the same lot between walls where one wall contains a window to a habitable room.	9.0 m	9.0 m	9.0 m



Virgil Community Zoning District - RM1 and RM2 Provisions				
f)	Minimum distance between buildings located on the same lot between walls where both walls contain a window to a habitable room.	15.0 m	15.0 m	17.0 m
<b>RM1 Provisions - Block Townhouse</b>				
g)	Minimum front yard setback (west)	7.5 m	2.0 m	4.25 m
h)	Minimum side yard setback (north)	7.5 m	5.0 m	3.25 m
i)	Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 m	6.0 m	4.5m to dwelling, 6.0m to garage
j)	Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard.		3.0 m	N/A
k)	Unenclosed, uncovered or covered porch, deck, balcony patio or steps may project into the required yard: I. Front or Rear Yard (maximum) II. Side Yard (maximum)	I) 1.5m II) 0.6m	I) 2 m II) 2m	N/A
<b>RM2 Provisions - Apartment Building</b>				
l)	Minimum front yard setback (west)	7.5 m	5.0 m	5.5 m
m)	Minimum front yard setback of balcony (west)	-	3.0 m	N/A
n)	Minimum side yard setback (south)	7.5 m	1.5 m	1.25 m
o)	Minimum side yard setback of balcony (south)	-	1.0 m	N/A
p)	Minimum rear yard setback (east)	7.5 m	1.5 m	1.25 m
q)	Maximum building height	10.0 m	16.0 m	14.50 m

### Additional Site-Specific Provisions

Virgil Community Zoning District - RM1 and RM2 Provisions			
	Required	Original	Revised
<b>6.3 Amenity Area</b>	(b) Except for a senior citizen apartment dwelling or where otherwise provided herein, where a building contains ten (10) or more apartment units, an equipped children's play area shall be provided at a rate of 2.5 m <sup>2</sup> per residential unit. The minimum size of such equipped children's play area shall be 46 m <sup>2</sup> , while the maximum size of such equipped children's play area shall be 140 m <sup>2</sup> ;	<b>Shall Not Be Required</b>	<b>Shall Not Be Required</b>

### Parking Requirements

Section 6.3 Parking Space Requirements provides the off-street parking requirements for development within Niagara-on-the-Lake. The total required parking spaces were calculated based on each proposed use, which were then added together to establish the required parking for the entire development.



The zoning by-law stipulates that one parking space is required per apartment dwelling unit, and 2 parking spaces are required per townhouse dwelling unit.

Within the original concept, a total of 64 parking spaces were provided for the overall development of 32 residential units, whereas 52 parking spaces were required. The original parking supply included 24 spaces for the apartment building (1 per unit), 28 spaces for the townhouses (2 per unit), 12 Visitor Parking Spaces, with 2 Accessible Spaces.

The revised concept provides a total of 49 parking spaces for the overall development of 32 dwelling units, whereas 40 parking spaces are required. The proposed parking supply provides for 24 parking spaces for the apartment building (1 per unit), 16 parking spaces for the townhouses (2 per unit), and 9 visitor parking spaces with 2 Accessible Spaces.

In each of the development concept the Visitor Parking provided is in excess of the Zoning By-law, and is not required, however, it is desirable for development. Further within the Zoning By-law Amendment, Site Specifics have added an additional provision for the requirement of visitor parking, which will ensure that this is provided on site, as the current by-law does not require visitor parking.

<b>Residential Parking Ratios – Original</b>			
	<b>Min. Number of Parking Spaces</b>	<b>Required</b>	<b>Provided</b>
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 (townhouses and Apartment)	1	2

<b>Residential Parking Ratios - Revised</b>			
	<b>Min. Number of Parking Spaces</b>	<b>Required</b>	<b>Provided</b>
Apartment Building	1 per unit x 24 units	24	24
Dwelling, Townhouse	2 per unit x 8 units	16	16
Visitor Parking	Not required	-	9
Total		40	49
Accessible Parking	26 – 50 off-site spaces (townhouses and Apartment)	1	2



## **6 Review of Technical Reports and Studies**

### **6.1 Noise Study**

The Noise Impact Study was updated by dBA ACOUSTICAL CONSULTANTS' INC dated November 2024, and provided a comment response letter. 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.

This report was updated to reflect the new design, and implement additional items as noted within the comments, further a comment response document was provided with this submission.

### **6.2 Landscape Plans**

The Landscape plan prepared by Adesso Design dated November 20, 2024, provides a landscape plan for the proposed development transitioning from the public realm to within the property. The landscape plan is characterised by larger canopy trees within the public realm along the Elden Street frontage, and around the border of the proposed development. Given the increase in setbacks behind to townhouses, the proposed landscape design has also provided larger canopy trees, where previously medium canopy trees have were proposed. In front of each townhouse unit there is one medium canopy tree proposed within the front yards. Further buffering has been proposed along the Elden Street frontage with foundation planting along the Townhouse Units, and planting beds at the front of the Apartment Building with decorative plants and shrubs are used in the front and side of the mid-rise condominium.

Overall, the updated Landscape Plan includes for additional landscape areas near the front of the apartment building leading to the residential entrance which will be easily identified with signage, and unit paver. Further enhanced plannings will be provided at the front of the apartment building which will provide a positive pedestrian realm.

Within the original submission, it was noted that there were trees on the neighbouring property which were not identified on the original TPP. They were not identified as they do not meet the Town's tree by-law size regulation of 12.5cm DBH. However, for illustration purposes these have been voluntarily included on the TPP. Additionally, Tree #50 has been further reviewed and confirmation this tree is on the subject lands, not the neighbouring property, as the property to the Norths fencing is encroaching onto the property.

### **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.



The Traffic Impact Brief was prepared for the initial, more dense development, accordingly the updated concept plan which proposes less residential units, and less vehicular traffic the same conclusions can be made.

#### **6.4 Concept Shadow Study**

The Shadow Study prepared by Raimondo Architect dated October 18, 2024, indicates the shadows created by the building during the fall, spring, winter and summer equinox. The shadows study models from both the low-density townhouse development, and the apartment building shadow impacts. 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 November 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 was held September 10, to provide information to the public and to generate valuable feedback from stakeholders. Invitations were sent out to stakeholders within ±120 metres of the proposed development. The Public Meeting was advertised online and via a mail out in accordance with the provincial requirements, of Ontario Regulations 545/06 and 543/06 and Sections 22 and 34 of the Planning Act. 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. The public meeting was additionally recorded and posted online for interested parties.

In response to this Public Meeting, and the comments heard the proposed development was updated along with the required Studies and Reports for a complete application under the *Planning Act*.

We trust this Public Consultation Strategy is adequate and will satisfy the requisite Public Consultation Strategy submission for the proposed development.

## **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 Provincial Planning Statement (2024), 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,

Prepared by:

Chloe Andre, MPI

**A.J Clarke and Associates Ltd.**

Reviewed By:

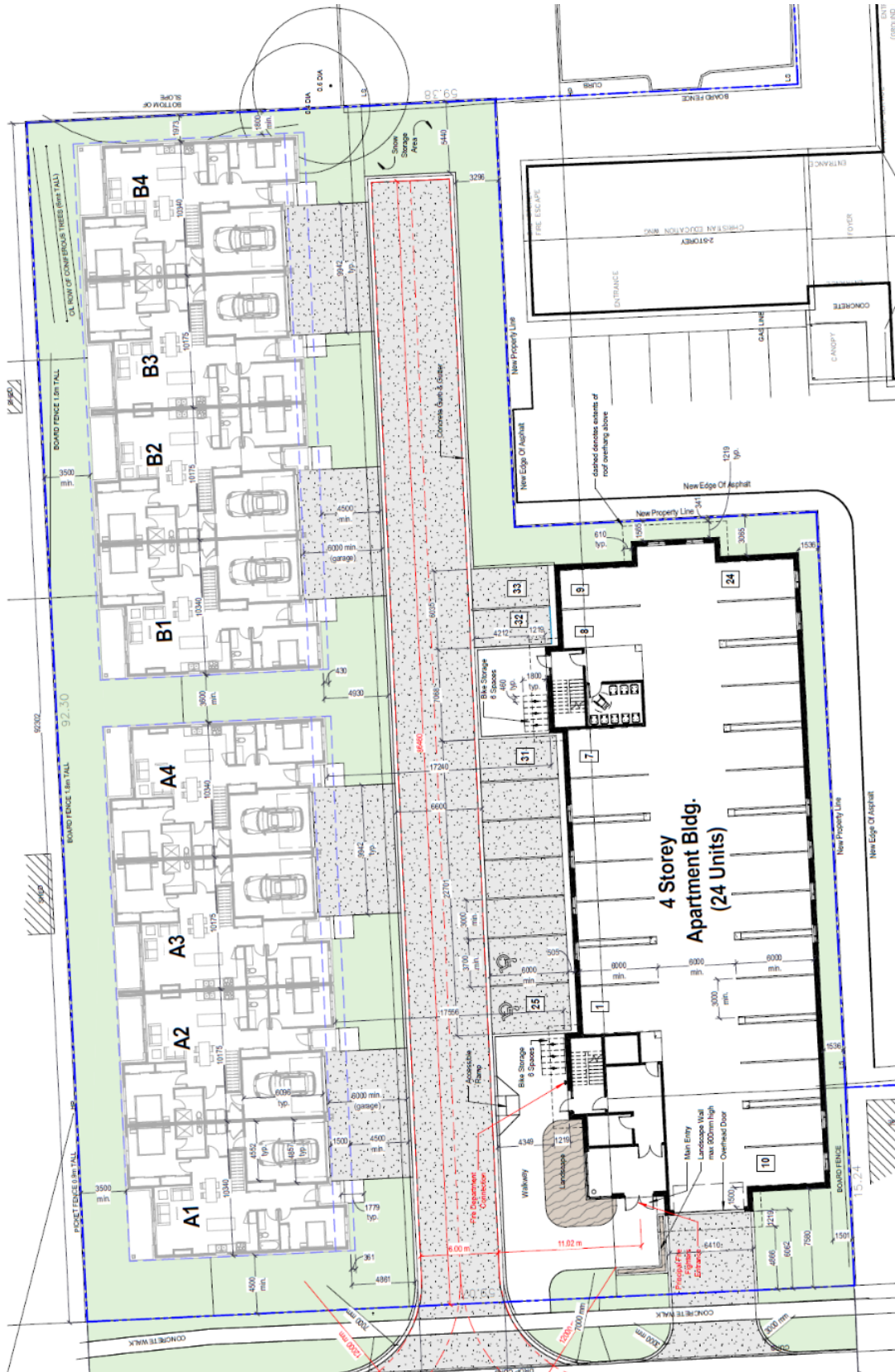
Stephen Fraser, MCIP, RPP

**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.

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LORD MAYOR GARY ZALEPA

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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 a Site Specific “Medium Density Residential” designation.

### **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 Planning Statement (2024) and, 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” to the Official Plan be amended by adding text reference to “OPA No.??” on the subject land shown on Map “A”.
2. 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 Site Specific “Medium Density Residential – EX-RES - XX”
3. That the following is added to Section 9.5 (Exceptions):

EX-RES -XX In addition to the Medium Density Residential policies contained within this plan, the following shall also apply to the lands identified on Schedule “C” Land Use Plan Virgil:

1. Notwithstanding Subsection 4 of the General Residential policies, medium density residential development will not exceed 80 units per hectare residential net density.
2. Notwithstanding Section 6, visitor parking shall be permitted within the interior yard.



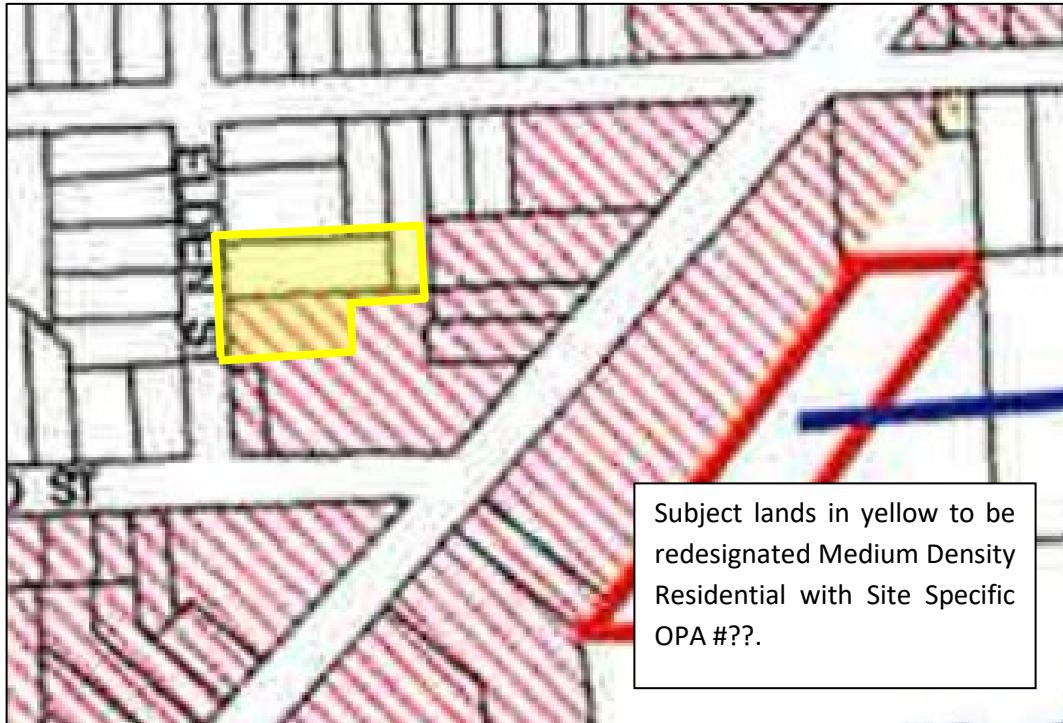
## **PART C – ADDITIONAL INFORMATION**

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.

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LORD MAYOR GARY ZALEPA

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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 low-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 (RM2) – Site Specific.

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**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 (RM2-??) - Site Specific Zone” and “Virgil Community Zoning District –Village Commercial (VC-42) Zone – Holding” to “Virgil Community Zoning District – Residential Multiple (RM2-??) - 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:

**RM2-?? - Elden St – See Schedule ‘A-14’ (RM1-??)**

**RM2-?? Permitted Uses**

In addition to the corresponding permitted uses of Subsection 10.5.1 Permitted Uses, permitted uses will also include ‘Block Townhouse Dwellings’ on the lands identified as ‘RM2-??’

**RM2-?? Zone Requirements**

Notwithstanding the corresponding provisions of Subsection 10.5.2.1, the following provisions shall apply on the subject lands identified as RM2-??:

- a) Minimum lot frontage 59 m
- b) Minimum overall site area 4,650sq.m
- c) Maximum lot coverage 50%
- d) Minimum landscaped open area 30%
- e) For the purpose of zoning interpretation only, any Private Street shall be deemed to be a Street to provide access to a block townhouse dwelling.
- Block Townhouse**
- f) Minimum front yard and/or exterior side yard setback (west) 4.25 m
- g) Minimum side yard setback (north) 3.25 m
- h) Minimum rear yard setback (east) 1.8 m
- i) Minimum distance between any townhouse dwelling and a private street and parking area 4.5 m to dwelling, 6.0 m to garage
- j) Minimum setback of uncovered, unenclosed or covered patio, terrace, porch or deck form into the rear yard. 3 m
- Apartment Building**
- k) Minimum front yard setback (west) 5.5 m and 4.5 m to the roof overhang
- l) Minimum side yard setback (south) 1.25 m



- m) Minimum rear yard setback (east) 1.25 m  
and 0.3 m  
to the roof  
overhang
- n) Maximum building height 14.5 m

RM2-?? Children’s Play Area

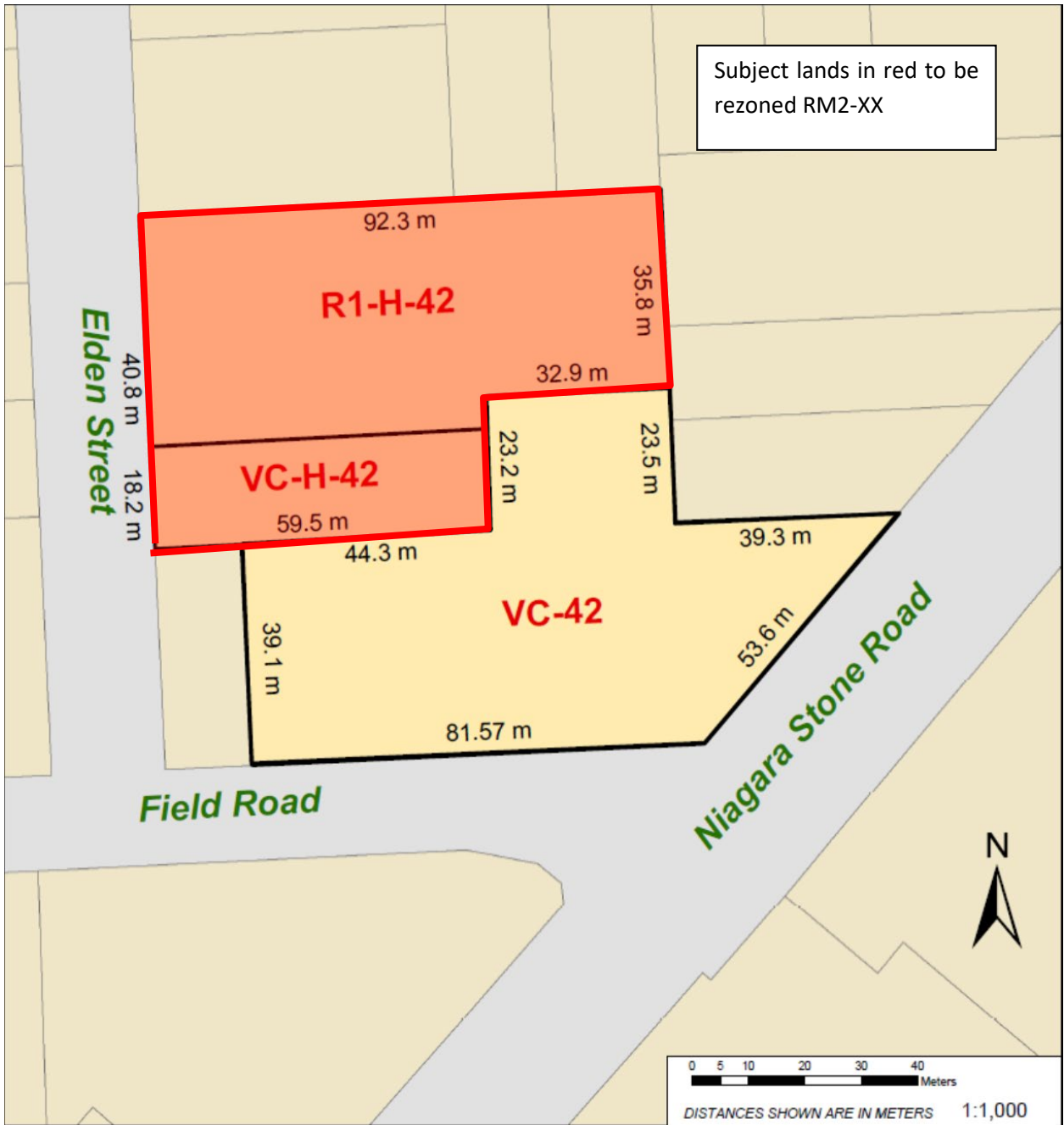
Notwithstanding the provisions of Subsection 6.3(b) of Zoning By-law 4316-09, as amended, an equipped children’s play area shall not be required on the subject lands identified as RM2-???

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