

Planning Justification Brief

Draft Plan of Common Element Condominium and Site Plan Approval

Block 84 of Modero Subdivision

Concession 7 Road

Niagara-on-the-Lake, ON

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PREFACE

Upper Canada Consultants has been retained by Marz Homes (“Owner”) to prepare a Planning Justification Brief in relation to applications for a Draft Plan of Common Element Condominium and Site Plan Approval for Block 84 within the Modero Subdivision in the Glendale Community within the Town of Niagara-on-the-Lake.

The applications have been submitted to facilitate the future development of this condominium block within the Modero Subdivision.

The submitted Draft Plan of Common Element Condominium Application will implement the development of the common elements within the condominium, including roadways, community mailboxes and sanitary sewer easement, as well as create the Parts of Tied Land.

A future request to lift Part Lot Control will implement the development of the individual dwelling units within the condominium.

The submitted Site Plan Application is a review of the detailed design and layout of the proposed development, ensuring the project meets the zoning by-law, urban design guidelines, engineering standards, and environmental regulations prior to construction commencing.

Block 84 includes a total of one hundred and forty-six (146) dwelling units. These units consist of seventy-six (76) block townhouses, and seventy (70) back-to-back townhouses.

This Planning Justification Brief provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Planning Statement (2024), and conform to the Niagara Official Plan (2022), and the Town of Niagara-on-the-Lake Official Plan.

This report should be read and considered in conjunction with the following reports and materials:

- Streetscape Plan
- Ministry Acknowledgement Letter
- Functional Servicing Brief and Stormwater Management Brief
- Updated Noise Study
- Site Plan
- Landscape Plan and Planting Plan
- Coloured Site Plan, Landscape Plan and Building Elevations
- Floor Plans
- Photometric Plan and Lighting Plan

- Draft Plan of Common Element Condominium
- Servicing Plan
- Lot Grading and Drainage Area Plan
- Truck Turning Templates/Waste Collection Drawings
- PIN Map and Parcel Register
- Cost Estimate

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The applications pertain to a portion of unaddressed lands within a Draft Approved Plan of Subdivision legally described as Part of Lots 179, 180 and 181, Town of Niagara-on-the-Lake, Regional Municipality of Niagara. An aerial view of the overarching subdivision known as Modero with the proposed condominium identified is provided in **Figure 1**.

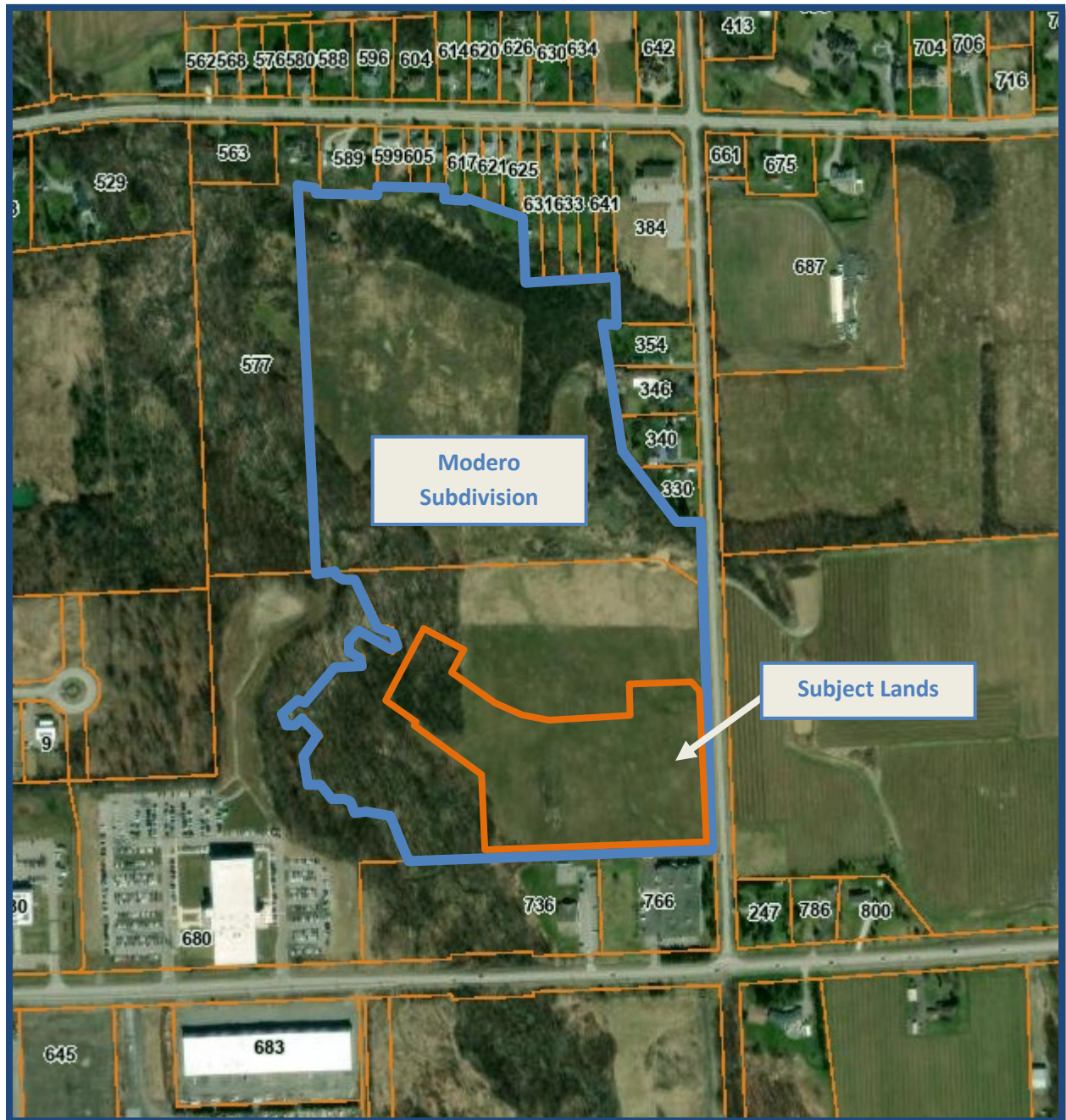


Figure 1 – Cropped Image from Niagara Navigator of Modero Subdivision

Property Context

The subject lands are situated between Queenston Road and York Road, and located on the west side of Concession 7 Road. As noted and shown above in **Figure 1**, the lands are identified as a portion of the draft approved Modero Subdivision, and known as Block 84. The Modero Draft Plan of Common Element Condominium can be found in **Appendix I**.

The subject lands are approximately 3.374 hectares in size and are irregularly shaped. The lands vary in grade as they are vacant open fields that are prepared for development.

The subject lands are located within the Niagara-on-the-Lake Urban Area, specifically within the Settlement Area of Glendale, and are located within the Designated Greenfield Area per the Niagara Official Plan (2022). The lands were previously subject to Official Plan and Zoning By-law Amendment Applications through the overarching subdivision, which designated the lands as EX-RES-14 per By-law No. 2024-014 and zoned as RM5-16(b) per By-law 4316FI-24. These lands have been envisioned for urban residential development for several years now, as per the on-going Glendale Secondary Plan.

Surrounding Land Uses

The subject lands are surrounded by a number of residential, commercial, institutional and agricultural uses. The lands are located within the Glendale Secondary Plan area, which is an area anticipated for significant future growth and development.

North: Immediately north is the balance of the Modero Subdivision that includes single-detached dwellings, townhouse dwellings, a large municipal park, residential uses along Concession 7 Road and a stormwater management facility. Further north is the Six Mile Creek tributary, low-density residential dwellings and a place of worship along Queenston Road and Concession 7 Road. Agricultural fields and buildings make up the north side of Queenston Road.

East: The urban boundary limit is Concession 7 Road and lands along the east side of Concession 7 Road are agricultural lands that consist of vineyards.

South: Immediately south is DelPriore Kitchens and Lifepointe Bible Church, as well as Central Community Church along York Road. Other uses on the south side of York Road include a storage yard, a commercial business building and Polonia Park and event space, as well woodland areas. Further south lies the General Brock Parkway and QEW.

West: The site is bounded to the west by Six Mile Creek and associated valleyland and woodland features. Beyond this are a mix of commercial and industrial uses, including some nearby hotels and restaurants based around the QEW.

Transportation System

The subject lands are located on Concession 7 Road, which is a local road. Queenston Road to the north is a collector road, and York Road to the south is a Regional (Arterial) Road. The Queen Elizabeth Way and Highway 405 are within a kilometre of the site.

As the site is within a Secondary Plan area, public transit and active transportation opportunities are planned to be provided in the area, as Regional transit hubs are proposed at and around the Niagara College Niagara-on-the-Lake Campus, approximately 3-kilometres away. This transit service connects with regional transit hubs such as the Morrison/Dorchester Hub, the Fairview Mall, and the St. Catharines Terminal.

NRT OnDemand transit ride-share services are also provided throughout Niagara-on-the-Lake, which provides flat-fee trips within the service boundaries with no fixed schedules or routes.

The condominium will have three (3) access points: two (2) leading onto a public roadway that runs east-west within the Modero Subdivision (Butlersburg Circle) and connects to Concession 7 Road, and one emergency access located at the southeastern end, also connecting to Concession 7 Road.

As the proposed development is a condominium, it includes private roadways. The site has a total of nine (9) internal, private roadways.

All dwellings will be provided with private driveway access fronting onto the private roadways for direct access.

As the private roadways will be built to urban specifications (6.0-metres in width), sidewalks will be provided on one side of the roadway, throughout the proposed development. Sixty-four (64) visitor parking spaces will be provided internal to the site, with access via the private roadways. The remainder of the subdivision will include sidewalks on both sides of the public roadways.

Parks and Open Spaces

The proposed development is a Block within the overarching Modero Subdivision. Within this subdivision, and directly across from this Block, is a site planned for a municipal park. This park will service the entirety of the Modero Subdivision.

THE PROPOSED DEVELOPMENT

The applicant proposes the development of the subject lands to accommodate seventy-six (76) block townhouses and seventy (70) back-to-back townhouses, for a total yield of one hundred and forty-six (146) residential dwelling units.

The Draft Plan of Common Element Condominium will consist of shared infrastructure and amenities serving the private units within the development, which include the roadways, sidewalks, landscaped areas, visitor parking, and utilities and services. It also creates Parts of Tied Land, which will be further defined through the lifting of Part Lot Control. The proposed Draft Plan of Common Elements Condominium is included as **Figure 2** and **Appendix I**.

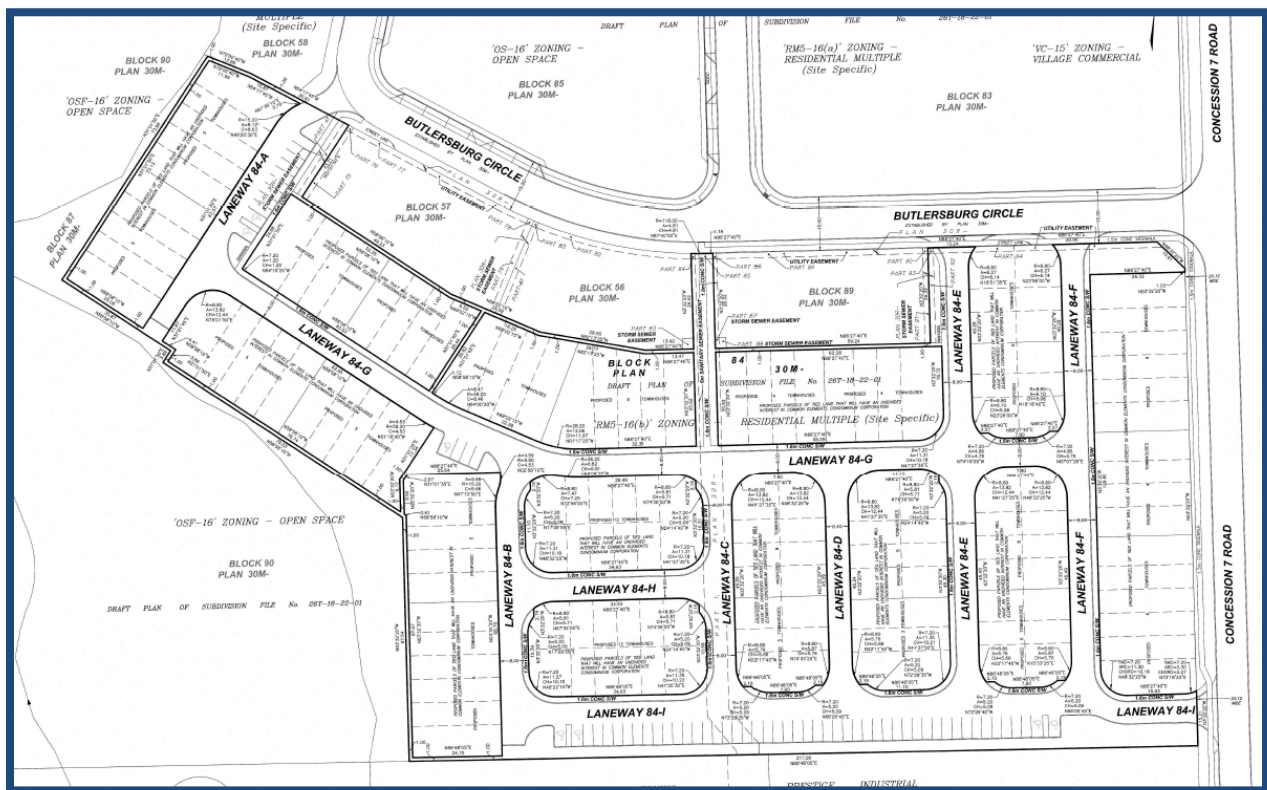


Figure 2 – Excerpt of the Draft Plan of Common Element Condominium

A future request to lift Part Lot Control will create the one hundred and forty-six (146) individual lots/units within the Parts of Tied Land created through the Draft Plan of Common Element Condominium.

REQUIRED APPLICATIONS

A pre-consultation meeting was held on November 21st, 2024 to discuss the applications.

Town planning staff identified that the subject lands have previously been subject to an Official Plan Amendment, Zoning By-law Amendment and are within a Draft Plan of Subdivision. As such, many requirements have been or are being addressed through conditions of draft plan approval for the overarching subdivision.

In order to facilitate the proposed development, a Draft Plan of Common Element Condominium and Site Plan approval are required. Concurrently, Minor Variance approval is being requested to address specific zoning provisions that cannot be met.

As set out within the Pre-consultation Agreement, complete application requirements for the Site Plan and Draft Plan of Common Elements Condominium include:

- Streetscape Plan
- Ministry Acknowledgement Letter
- Functional Servicing Brief and Stormwater Management Brief
- Updated Noise Study
- Site Plan
- Landscape Plan and Planting Plan
- Coloured Site Plan, Landscape Plan and Building Elevations
- Floor Plans
- Photometric Plan and Lighting Plan
- Draft Plan of Common Element Condominium
- Servicing Plan
- Lot Grading and Drainage Area Plan
- Truck Turning Templates/Waste Collection Drawings
- PIN Map and Parcel Register
- Cost Estimate

A copy of the Pre-consultation Agreement is included as **Appendix II** to this report.

Draft Plan of Common Element Condominium

The Draft Plan of Common Element Condominium proposes to implement the common element components of the condominium such as the roads, centralized mail boxes and services, maintenance access, as well as creating the Parts of Tied Land.

Site Plan Control

The Site Plan Control approval process will review and assess the development aspects such as landscaping, access, parking and stormwater management, private roadway design and infrastructures requirements and to ensure the site layout is appropriate, and secure municipal approval.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined in the Pre-consultation Agreement (see **Appendix II**) and in addition to this Planning Justification Brief, the studies and reports listed below have been submitted with the Draft Plan of Common Element Condominium and Site Plan applications. A brief overview of their conclusions and recommendations are provided below. Please refer directly to the reports and studies for more detailed information.

[Functional Servicing Report / Stormwater Management Plan \(Upper Canada Consultants\)](#)

The Functional Servicing Report including the stormwater management plan outline how the proposed development will be serviced with water, sanitary and stormwater infrastructure and confirm that existing services have sufficient capacity to accommodate the development. Municipal services will be provided to Block 84 as a result of the development of the Modero subdivision.

There is an existing 300mm diameter municipal watermain on York Road and a future 200mm diameter watermain along Bultersburg Circle within the overarching Modero Subdivision. These watermains will have sufficient capacity to provide both domestic and fire protection water supply.

There is an existing 375mm diameter municipal trunk sanitary sewer on York Road (Regional Road 81) and downstream infrastructure that will have adequate capacity for the proposed development.

Stormwater quality controls will be provided at the Enhanced Protection level (80% TSS removal) through the Modero Stormwater Management Wet Pond Facility before discharging into the Six Mile Creek tributary. Quantity controls will be managed by the Modero Stormwater Management West Pond Facility, accommodating up to the 100-year design storm event before discharge. Additionally, the site's overland stormwater flow from the road system will be directed to the proposed Modero Stormwater Management Facility.

Overall, the existing municipal services are sufficient to support this development.

[Updated Noise Feasibility Study](#)

An updated Noise Feasibility Study was prepared by HGC Engineering. This study concluded that the previous recommendations provided through the Noise Study prepared in October 2023 have been taken into consideration. It was further recommended that dwelling fronting Concession 7 Road have central air conditioning, and that warning clauses are required to inform future residents and tenants of the traffic noise level excesses.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the Town of Niagara-on-the-Lake are subject to the Ontario *Planning Act* (R.S.O. 1990) and 2024 Provincial Planning Statement. An assessment of how the submitted applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The *Act* prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be adhered to when making applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* addresses matters of Provincial interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

- a. *the protection of ecological systems, including natural areas, features and functions;*
- b. *the protection of the agricultural resources of the Province;*
- c. *the conservation and management of natural resources and the mineral resource base;*
- d. *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e. *the supply, efficient use and conservation of energy and water;*
- f. *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g. *the minimization of waste;*
- h. *the orderly development of safe and healthy communities;*
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i. *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j. *the adequate provision of a full range of housing, including affordable housing;*
- k. *the adequate provision of employment opportunities;*
- l. *the protection of the financial and economic well-being of the Province and its municipalities;*
- m. *the co-ordination of planning activities of public bodies;*
- n. *the resolution of planning conflicts involving public and private interests;*
- o. *the protection of public health and safety;*
- p. *the appropriate location of growth and development;*

- q. *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r. *the promotion of built form that,*
 - i. *is well-designed,*
 - ii. *encourages a sense of place, and*
 - iii. *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s. *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

The applications have regard for clauses f), h), i), j), l), p), q), and r) of Section 2 of the Act.

f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

Through years of preparing the Glendale Secondary Plan, the Town of Niagara-on-the-Lake and the Niagara Region undertook servicing and transportation studies to justify and inform the application to implement secondary planning. A Transportation Impact Study was not required for the proposed residential development, as one was provided for the overarching Modero Subdivision.

The subject lands are located on the west side of Concession 7 Road, north of York Road, and south of Queenston Road.

Access to the condominium will be provided through a public roadway that is within the Modero Subdivision. This roadway is accessible from Concession 7 Road.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the development can be serviced by existing municipal watermain and sanitary sewer, efficiently using these existing services to support the development.

The subject lands can also be serviced by Regional waste collection services.

h) *the orderly development of safe and healthy communities;*

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

The subject lands are designated and zoned for residential growth and development, making them a logical and compatible addition to the Glendale Area. The orderly development of safe, vibrant, and resilient communities is best achieved through a proactive and comprehensive planning process, such as secondary planning. These lands

not only fall within a designated secondary plan area but are also part of a draft-approved plan of subdivision. These lands are further subject to Site Plan Control and Draft Plan of Common Element Condominium approval which ensures that the development adheres to planning and engineering standards, resulting in a well-coordinated street network design for both vehicular and pedestrian safety. Streets will be constructed in compliance with Town Engineering Standards, while sidewalks and pedestrian pathways will be designed to maximize accessibility, ensuring safe and inclusive mobility for all residents.

Strategically located within the Modero Subdivision and along Concession 7 Road, this proposed residential development is optimally positioned to support and benefit from future growth. As the secondary plan area will begin evolving over the coming years, it will introduce additional services, amenities, and infrastructure, enhancing the area's livability and accessibility. Moreover, proximity to major highways strengthens connectivity, making this an attractive and convenient location for residential development.

By introducing additional housing opportunities and diverse built forms, this development contributes to the creation of a well-balanced, inclusive, and sustainable neighbourhood. A mix of housing types not only addresses market demand but also promotes social diversity and economic vitality, which will contribute to the long-term health and success of the Glendale Area.

i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

The subject lands are conveniently located near a range of public service facilities, ensuring strong community support for the proposed development, which will be strengthened through the build out of the Glendale Secondary Plan area. Several schools that are in proximity include:

- St. Davids Public School (3.3 km)
- St. Michael Catholic School (6.4 km)
- A.N. Myers Secondary School (7.7 km)

As the site is situated within a designated Secondary Plan Area, significant service enhancements are expected as the area develops, including potential schools. However, even in its current state, the lands benefit from access to educational and recreational facilities, supporting a future vibrant community.

j) the adequate provision of a full range of housing, including affordable housing;

The proposed condominium development will add one hundred and forty-six (146) new residential units to Niagara-on-the-Lake's housing supply, comprising seventy-six (76) block townhouses and seventy (70) back-to-back townhouses. Notably, the back-to-back townhouse design is a new built form for the area, introducing a more compact and cost-effective housing option that enhances affordability.

In addition to the Modero subdivision, this diverse mix of housing accommodates a broad spectrum of individual needs and lifestyles, positively adding to the housing supply in the Town. By increasing the overall availability of residential units, the development supports housing accessibility and choice, ensuring options for a wide range of residents.

Given current market conditions and ongoing growth pressures, expanding the local housing inventory is both timely and essential. The site is particularly well-suited for residential development, as it is located outside of established neighborhoods within the Town, and conveniently located near the Highway. While the proposed units will be sold at market value and may not qualify as affordable housing, they will contribute to greater housing diversity and availability in Niagara-on-the-Lake.

l) the protection of the financial and economic well-being of the Province and its municipalities;

The proposed development is beneficial for the financial and economic well-being of the Province and its municipalities as it introduces one hundred and forty-six (146) new dwellings into the Town of Niagara-on-the-Lake. This addition of housing within the Glendale Secondary Plan area will not only expand housing capacity in an appropriate area of the Town, but will also contribute to the overall economic resilience and vitality of the area. This development will generate development charges and long-term property tax revenue. These economic and financial contributions support the sustainable growth and prosperity of the Region and municipality, which supports the local economy.

p) the appropriate location of growth and development;

The subject lands are located within the Niagara-on-the-Lake Urban Area, which is a preferred and prescribed location for growth in Provincial, Regional and local land use planning documents. The subject property is also situated within a designated Greenfield Area boundary, which has a minimum density target of 50 people and jobs per hectare. The appropriateness of this location for residential development was established through the Glendale Secondary Plan process.

The subject lands are within the Glendale Secondary Plan area, and they are designed for residential growth and development. This Secondary Plan area is envisioned to be a

beautiful, healthy and complete urban community that fulfils its role in the urban structure of the Town and includes a full array of opportunities to live, work, learn and plan. It aspires to be a diverse community that is inclusive, accessible, compact and well connected through all modes of transportation.

With this, the lands are suitably located on the eastern edge of this Plan area, with access from an existing and a planned local roadway, with available connections to municipal services and utilities.

The proposed block townhouse and back-to-back townhouse dwellings will be compatible with the surrounding existing and future adjacent neighbourhoods, complimenting the surrounding area.

These lands are conveniently located in an area that is near the highway, existing and future commercial, institutional, and recreational uses.

q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The introduction of this residential development, that includes higher density-built forms such as block and back-to-back townhouses contributes to the promotion of transit supportive population densities. Future development in the Glendale area will put mobility first with a planned transit system, cycling trails and pedestrian routes that will seamlessly connect areas north and south of the QEW.

Sidewalks will be provided on one side of the private roadways throughout the condominium, and will be further extended beyond the condominium within the subdivision and along Concession 7 Road, which will eventually extend beyond down York Road.

Overall, the proposed development will facilitate the design of a pedestrian friendly neighbourhood that will be supportive of future public transportation opportunities.

r) the promotion of built form that,

a. is well-designed,

b. encourages a sense of place, and

c. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The proposed condominium design exhibits good urban design principles and will engage positively with the public realm along Concession 7 Road.

The proposed development will be well-designed with an attractive built form. The preliminary development plans emulate both traditional and modern development characteristics that will integrate with other proposed developments in the surrounding area. The proposed dwelling units have been thoughtfully designed to provide a variety of housing to adhere to all demographics.

The proposed development includes a sidewalk system for connectivity to adjacent areas, and public parkland is provided in the overarching Modero subdivision. These inclusions will be designed to be safe, accessible, attractive and vibrant in accordance with Town standards.

Section 51 – Draft Plans of Subdivision

Applications for Land Division are governed under Section 51 of the *Planning Act* and in particular must have regard for the matters under Section 51(24) of the *Planning Act*.

Section 51 (24) the *Planning Act* prescribes that “*In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*” items a) to m). An overview of how each item is addressed is provide below.

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted, the applications are consistent with Section 2, clauses f), h), i), j), l), p), q), and r) of the *Planning Act*.

b) whether the proposed subdivision is premature or in the public interest;

The proposed condominium is within the Glendale Secondary Plan area and more specifically within the draft approved Modero Estates subdivision, indicating that this site is planned for new development and is within the public interest. The proposed condominium is not considered premature as significant work has been undertaken to provide for development on this site. The lands can be readily serviced, there are no constraints to developing the lands and the proposal provides for a variety of housing choice.

The proposed development addresses the demand for a variety of housing types, fulfilling a market need. The development contributes to the diversification and expansion of available housing supply in the area, and will efficiently utilize currently underutilized urban serviced lands.

Considering the lands are within a Secondary Plan area and within a draft approved subdivision, they have access to services and utilities, fulfil housing demands and optimize municipal services, this condominium is within the public interest.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subject lands are within the Glendale Secondary Plan area and have been designated for residential development, therefore, the proposed development conform to the Official Plan and future adjacent plans. The proposed development represents the overall vision for the Secondary Plan area, by providing a compact development that accommodates an appropriate mix of housing types. A more detailed review of Official Plan conformity is provided further on in this report.

d) the suitability of the land for the purposes for which it is to be subdivided;

The property is located in a suitable location for development as it is within a Secondary Plan area, along a local public roadway, and has been envisioned for residential development for years. It has access to municipal services and is free of significant development encumbrances and natural heritage features. Overall, the development of the lands with residential land uses is appropriate and compatible with the surroundings confirming suitability.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

While the applications do not include affordable housing as defined by the Province of Ontario, the proposed development actively contributes to the availability of housing which can in turn lead to improved housing attainability. The proposed development includes block townhouses and back-to-back townhouses, which are a higher density form that can be found in other areas of Niagara-on-the-Lake. This provides a wider range of housing options that will vary in price, exemplifying efforts to promote housing that is attainable to a wider range of residents, prioritizing inclusivity and meeting the diverse housing needs of the community.

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The proposed road network consists of private roadways with 13.7-metre cross-sections and will be designed in accordance with the Town's engineering standards. This residential

development will be provided access by way of a public road within the Modero subdivision that is accessibly from Concession 7 Road. The subject lands are in close proximity from the QEW.

f) the dimensions and shapes of the proposed lots;

The applications propose the creation of rectangular shaped lots which form a lotting pattern that is efficient and logical. The proposed lot dimensions and shapes are shown on the Draft Plan.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions on the lands.

h) conservation of natural resources and flood control;

The subject lands are adjacent to natural heritage features that have been addressed through the overarching Modero Subdivision.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report was prepared by Upper Canada Consultants for the overall Modero Subdivision. A further Functional Servicing Report has been prepared for this proposed condominium, that outlines how the proposed development will be serviced has been submitted with the applications. As confirmed in the report, the proposed development has access to water and sanitary services in Concession 7 Road and York Road. The adequacy of public utilities will be confirmed through the comment and review process by applicable bodies.

j) the adequacy of school sites;

There are several schools in proximity to the proposed development site, that include St. Davids Public School and St. Michaels Catholic Elementary School. There are also two potential school locations proposed for the Glendale Secondary Plan area.

Comments on the adequacy of schools will be provided by the School Boards through their comments on the application.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There is no portion of that lands that are to be dedication or conveyed to the Town for public purposes.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The coordinated development of a large parcel of land provides for increased efficiencies in the servicing and construction of the development. Further, the proposed development achieves a compact land use pattern that helps to optimize the use of infrastructure.

Energy efficient design may also be explored through the development of detailed building plans.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is subject to Site Plan Approval which ensures that all matters affecting the approval authority and commenting agencies are adequately addressed prior to the commencement of development and that the condominium will be designed in accordance with Town standards as appropriate.

2024 PROVINCIAL PLANNING STATEMENT (PPS)

The Provincial Planning Statement, 2024, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents.

It provides municipalities with the tools and flexibility required to build more homes, enabling them to;

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

The PPS 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 province while enhancing the quality of life for all Ontarians.

Planning for People and Homes (PPS 2.1)

Section 2.1 of the PSS provides guidance for population forecasts, and required municipalities and planning authorities to provide sufficient land to accommodate an appropriate range and mix of land uses to meet projected needs informed by provincial guidance.

Section 2.1.6 directs that planning authorities should support the achievement of complete communities by;

- accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities, and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- improving social equity and overall quality of life for people of all ages, ability, and incomes, including equity-deserving groups.

The applications are consistent with the direction of Section 2.1 of the PPS as they facilitate the development of additional housing opportunities on urban, serviced lands within a Secondary Plan area that is anticipated for growth and development.

The proposed condominium will contribute to the achievement of a complete community by providing housing opportunities in an area that is planned to be supported by a variety of transportation options, institutional uses, commercial uses, and recreational uses. The condominium will be designed to meet accessibility requirements to ensure people of all ages and abilities can navigate safely within the development. The inclusion of block townhouses and back-to-back townhouses increase the range of housing choices in the area, improving social equity and quality of life for people.

Housing (PPS 2.2)

The PPS provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents 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;
- 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.

Table 2-1 of the Niagara Official Plan illustrates that Niagara-on-the-Lake has a forecasted population of 28,900 people and 17,610 jobs by 2051. This anticipated growth must be supported by an increase in housing supply and a range and mix of dwelling forms of different sale price ranges within the area.

The proposed development will contribute one hundred and forty-six (146) dwelling units in the form of black townhouses and back-to-back townhouses in the Glendale Secondary Plan area. This development is designed to be compatible with the surrounding future development and

will increase the housing supply which directly attributes to improved affordability or attainability. The development efficiently uses underutilized lands and infrastructure and will be a transit-supportive community.

Overall, the proposed condominium portrays many characteristics that are desirable and appropriate for future residential development.

Settlement Areas and Settlement Area Boundary Expansions (PPS 2.3)

Section 2.3.1 details the general policies for settlement areas, as they are to be the focus of growth and development. These areas are to be based on densities and a mix of land uses that efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and freight-supportive.

In order to support the achievement of complete communities, intensification and redevelopment is to be supported by planning authorities, by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 2.3.1.4 to 2.3.1.6 state that minimum targets for intensification and redevelopment within built-up areas are to be established, and density targets for designated growth areas are to be encouraged to plan for a target of 50 residents and jobs per gross hectare.

The proposed residential development meets and exceeds the minimum density target of 50 residents and jobs per gross hectare, while being sensitive to the surrounding uses. The development will assist in optimizing both existing and planned infrastructure, efficiently utilizing underutilized land, supporting active transportation by including sidewalks throughout the site, and having an increase density that is considered to be transit-supportive.

Strategic Growth Areas (PPS 2.4)

The PPS provides that planning authorities are encourage to identify and focus growth in strategic growth areas and strategic growth areas should be planned:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- d) to support affordable, accessible, and equitable housing.

To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development are to be considered.

Planning authorities are to prioritize planning and investment in infrastructure and public service facilities in strategic growth areas; to identify the appropriate type and scale of development and transition of built forms for adjacent areas; to permit development and intensification to support the achievement of complete communities and a compact built form; consider a student housing strategy when planning for strategic growth areas; and support redevelopment of commercially designated retail lands to support mixed use residential uses.

The subject lands are located within the Glendale Secondary Plan area which is the area of Niagara-on-the-Lake that has been planned for significant population growth and an area that will be prioritized for investment in infrastructure to facilitate the future growth. Through the Secondary Plan approval process, the consideration of education, commercial, recreation and cultural uses have been considered in relation to appropriate areas for residential growth at differing densities.

The proposed applications consider the policies of the Secondary Plan, and the lands have been designated and zoned for their intended residential use. The proposed development aims to provide a greater range of housing options in an effort to achieve a compact development that is transit supportive and that will have a range of sale prices that provide options and greater attainability, contributing to housing equity.

Energy Conservation, Air Quality and Climate Change (PPS 2.9)

Section 2.9 directs that planning authorities must plan to reduce greenhouse gas emissions and adapt to climate change by promoting compact, transit-supportive communities, integrating climate considerations into infrastructure planning, supporting energy conservation, promoting green infrastructure and active transportation, protecting the environment, and improving air quality. Additionally, they should adopt any other measures that enhance community resilience and help mitigate climate change impacts.

The proposed development includes block townhouses and back-to-back townhouses, rather than single-detached dwellings, which pose many positive benefits with respect to reducing greenhouse gas emissions. Compact forms of housing such as townhouses take climate change into consideration and provide many efficiencies.

Further energy efficiencies will be explored through detailed design.

General Policies for Infrastructure and Public Service Facilities (PPS 3.1)

Section 3.1 outlines that infrastructure and public service facilities are to be provided in an efficient manner and strategically located while accommodating projected needs to provide cost-effectiveness.

As the proposed residential development is within a Secondary Plan Area, the surrounding infrastructure and services have been efficiently and cohesively planned in order to provide for an orderly development of these lands with coordinated and integrated services.

The Glendale Secondary Plan and supporting studies, as well as the overarching Draft Plan of Subdivision process identify the infrastructure and public service facilities that are needed, and the requirements for coordination and integration to support the land use and growth of this new planned area of Niagara-on-the-lake.

Transportation Systems (PPS 3.2)

Section 3.2 policies of the PPS direct that transportation systems should be safe, energy-efficient, and facilitate the movement of people and goods, while supporting zero- and low-emission vehicles. Efficient use of existing and planned infrastructure should be prioritized, using transportation demand management strategies where feasible. Connectivity within and between transportation systems and modes should be planned, maintained, and improved, including across jurisdictional boundaries, as part of a multimodal transportation system.

The proposed street network within the condominium will be designed to municipal standards to provide for the safe movement of people within the development with direct access to Concession 7 Road and a public road within the overarching subdivision. Sidewalks will be included within the development plan to provide a safe system for pedestrian movement.

Land Use Compatibility (PPS 3.5)

The policies in this section provide for that major facilities and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminant, minimize risk to public health and safety and to ensure the long-term operational and economic vitality of major facilities.

The proposed residential development is a sensitive land use that is not in proximity to any major facilities, though it is adjacent to DelPriore Custom Kitchens Ltd. The consideration of the appropriateness of residential uses on the subject lands was addressed through the Glendale Secondary Plan and the previously approved applications. A Noise and Land Use Compatibility Study was previously prepared, and updated, confirming the subject lands are compatible with the existing and future land uses within the area and lands use compatibility issues with regard

to noise, odour and other contaminants is not a concern with the implementation of recommendations.

Sewage, Water and Stormwater (PPS 3.6)

Section 3.6.1 outlines that planning for sewage and water services should prioritize accommodating forecasted growth by efficiently using and optimizing existing municipal and private communal systems. This approach ensures that services can be sustained by available water resources, remain financially viable over their lifecycle, and protect both human health and the natural environment, particularly water quality and quantity. The services should also align with broader municipal planning efforts.

Additionally, planning should encourage water and energy conservation, integrating servicing with land use considerations throughout the process, and assessing opportunities to reallocate unused capacity to support housing needs. All planning should be consistent with specific servicing policies to ensure effective and sustainable management of water and sewage services.

A Functional Servicing Report was initially prepared for the entirety of the Modero Subdivision. An additional Functional Servicing Report has been prepared and submitted with these applications. Both Functional Servicing Reports confirm that the proposed development is provided with adequate municipal services.

Section 3.6.8 suggests that stormwater management planning should be integrated with sewage and water services to ensure systems are optimized, retrofitted, and financially sustainable over their lifecycle. It aims to minimize or prevent increases in stormwater volume and contaminants, control erosion, and maintain water balance, using green infrastructure where possible.

Furthermore, planning should mitigate risks to health, safety, property, and the environment, maximize vegetative and permeable surfaces, and encourage best practices such as stormwater reuse, water conservation, and low-impact development. Finally, it must align with comprehensive municipal plans that address the cumulative impacts of stormwater on a watershed scale.

The overarching Modero Subdivision will include a new Stormwater Management Wet Pond Facility. This pond will provide quality and quantity controls, and will discharge to the Six Mile Creek tributary.

Waste Management (PPS 3.7)

The PPS provides that waste management systems need to be planned for and provided that are of an appropriate size, type and location to accommodate present and future requirements, and facilitated integrated waste management.

Waste management planning is a responsibility of the Niagara Region. The proposed condominium has been designed in consideration of the Region's requirements to accommodate waste collection trucks.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 3.9)

Section 3.9 directed that to promote healthy, active, and inclusive communities, planning should ensure that public streets and spaces are safe, accessible, and encourage social interaction and active transportation. It should also provide diverse recreational opportunities for people of all ages and abilities, including parks, trails, and natural areas, while offering public access to shorelines. Moreover, the protection of provincial parks and conservation areas should be recognized, with efforts to minimize any negative impacts on these protected spaces.

The proposed condominium has been planned with safety in mind. The private streets will be designed in accordance with municipal standards, ensuring the safe movement of people and vehicles. Sidewalks will be planned throughout the community to provide for safe pedestrian movements, and will connect to the Modero subdivision and Concession 7 Road. All dwellings will face the private streets which provides for eyes on the street and fosters social interactions amongst neighbours.

Cultural Heritage and Archaeology (PPS 4.6)

Section 4.6 of the PPS outlines that protected heritage properties, including built heritage resources and cultural heritage landscapes, must be conserved. Development and site alteration are not allowed on lands with archaeological resources unless these resources are preserved.

Similarly, development on adjacent lands is restricted if it impacts heritage attributes. Planning authorities are encouraged to create archaeological management plans and strategies for conserving significant heritage resources. They must also engage early with Indigenous communities to ensure their interests are considered in the protection and management of archaeological and heritage resources.

A Stage 1-2 Archaeological Assessment was conducted and resulted in no archaeological resources being identified. As such, a Ministry Acknowledgement Letter has been provided and enclosed in this submission.

Coordination (PPS 6.2)

Section 6.2.1 details that a coordinated, integrated, and comprehensive approach is essential for effective planning across municipalities, government agencies, and service managers. This involves managing growth and development in alignment with infrastructure planning, public

service facilities, and economic development strategies. It also includes the management of natural and cultural heritage, transportation, waste systems, and addressing housing needs.

A pre-consultation meeting for the proposed development was held on November 21st, 2024. The pre-consultation meeting allowed for upper and lower-tier municipalities and other commenting agencies to review and comment on the development proposal early in the process. This coordinated approach allows for appropriate consideration to be made during the planning stage to ensure that all matters of Provincial, Regional, local and public interest are identified and that identified matters are addressed through the submission of required studies and materials.

GREENBELT PLAN (2017)

The subject lands are designated as Towns/Villages within the Protected Countryside in the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan states that such Towns/Villages are subject to the Provincial Growth Plan and are governed by Official Plans and not subject to the policies of the Greenbelt Plan.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. It outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

The Plan's focus is primarily on implementing the Provincial Policy Statement and other Provincial Plans and Guidelines, and providing regional-level land use planning direction on growth, the natural environment, infrastructure and other attributes or circumstances unique to Niagara.

By 2051, Niagara Region is expected to reach 694,000 people and 272,000 jobs, with Niagara-on-the-Lake projected to have 28,900 residents and 17,610 jobs. The proposed development will add one-hundred and forty-six (146) townhouse units, supporting the local housing supply and aligning with regional and municipal growth targets by utilizing serviced land with public road access and infrastructure.

The subject lands are located within the Town of Niagara-on-the-lake Urban Area (Settlement Area) and are within the Designated Greenfield Area. More specifically, they are within the Glendale District Plan Area, as shown on Schedule 'B' of the Niagara Official Plan in **Figure 3**.

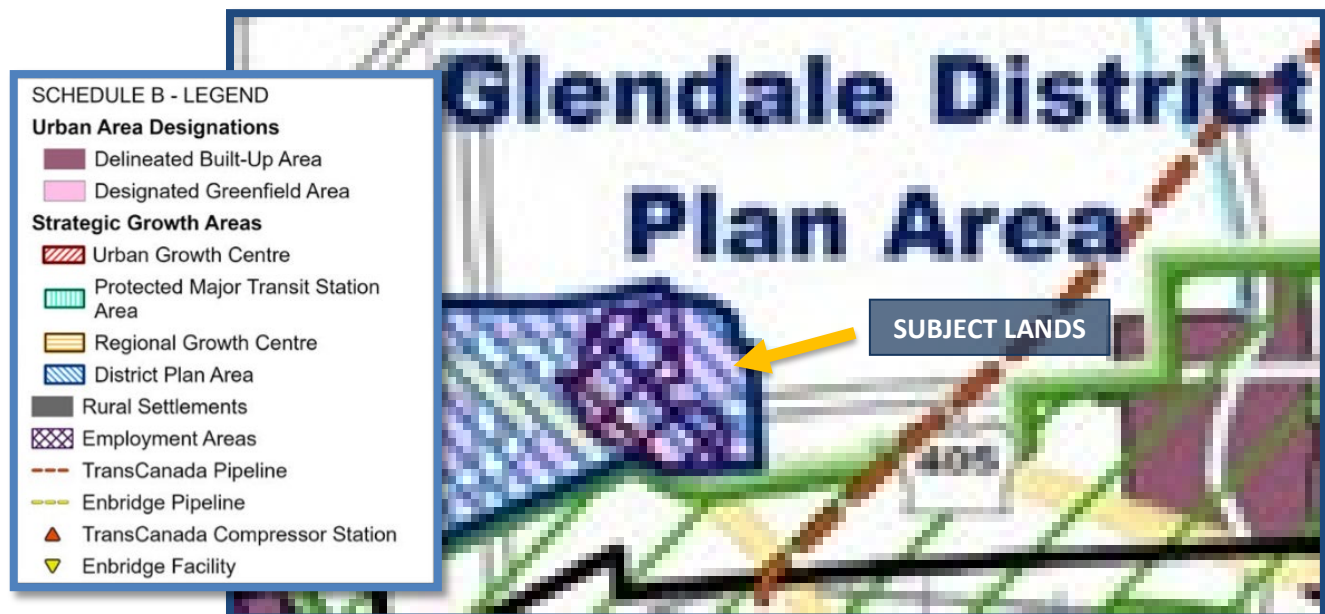


Figure 3 - Excerpt from Niagara Official Plan Schedule "B" – Regional Structure

Section 2.2.1 of the NOP guides urban growth by promoting compact, vibrant, and efficient development that supports intensification targets, diverse land uses, and a range of housing forms. It emphasizes maximizing existing infrastructure and transportation networks while fostering complete communities.

The proposed development aligns with these objectives by introducing a mix of housing types, including block and back-to-back townhouses, on urban, serviced land. Designed with compact urban principles, it minimizes land consumption, optimizes municipal services, and contributes to a complete community. The integration of these housing options improves and diversifies the housing choices available in the area. Additionally, the development supports the Town's efforts to meet Regional growth targets by exceeding the Greenfield density requirement and establishing a logical, well-integrated development pattern with vibrant housing forms and engaging streetscapes.

Overall, the applications are considered to conform with the Niagara Region Official Plan and implement its growth management direction in an appropriate, efficient and context sensitive manner.

TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

The Town of Niagara-on-the-Lake Official Plan serves as the long-term planning framework for guiding growth and development within the municipality. On February 27, 2024, Official Plan Amendment 91 was approved by Town Council, designating the subject lands as "Medium Density Residential (EX-RES-14)." This site-specific designation allows for a maximum net residential density of 22 units per acre (55 units per hectare), for the entirety of the subdivision lands. Block 84 of the Modero subdivision, the subject lands, has a net residential density of 53.72 units per hectare. This density is determined by subtracting the area of private roads from the total block area and then dividing the number of residential units by the remaining land area. Block 84 has the highest density in the entire subdivision. By comparison, Block 83 has a net density of 45.75 units per hectare, Block 82 has 34.67 units per hectare, and the rest of the subdivision averages 28.94 units per hectare.

The Official Plan Amendment Schedule is provided below in **Figure 4**, and the approved Official Plan Amendment is included as **Appendix III**.

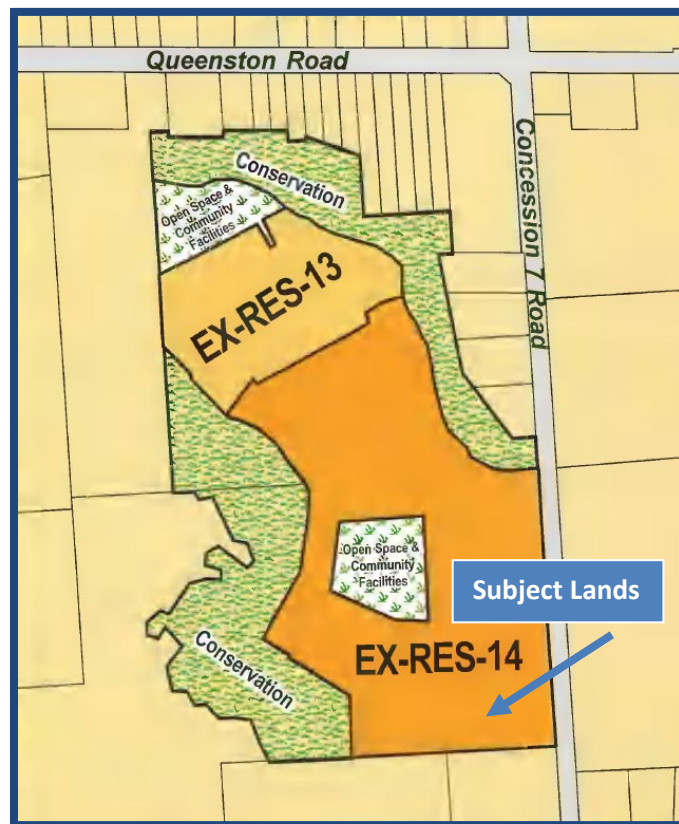


Figure 4 - Excerpt of Schedule '1' of Official Plan Amendment #91

The proposed development remains unchanged since the approval of the Amendment and continues to conform with the Town of Niagara-on-the-Lake Official Plan.

TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW

Zoning By-law 4316FI-24 was passed on February 27th, 2024, zoning the subject lands as RM5-16(b). A concurrent Minor Variance Application has been submitted with a separate Planning Brief for a requested increase in height for the back-to-back townhouse units and an increase for interior side yard and rear yard encroachments for decks and steps, though the proposed development is in conformity with the remainder of the provisions as the plan as remained unchanged. The Zoning By-law Amendment Map 'A' is below in **Figure 5**, and the approved Zoning By-law Amendment is included as **Appendix IV**.

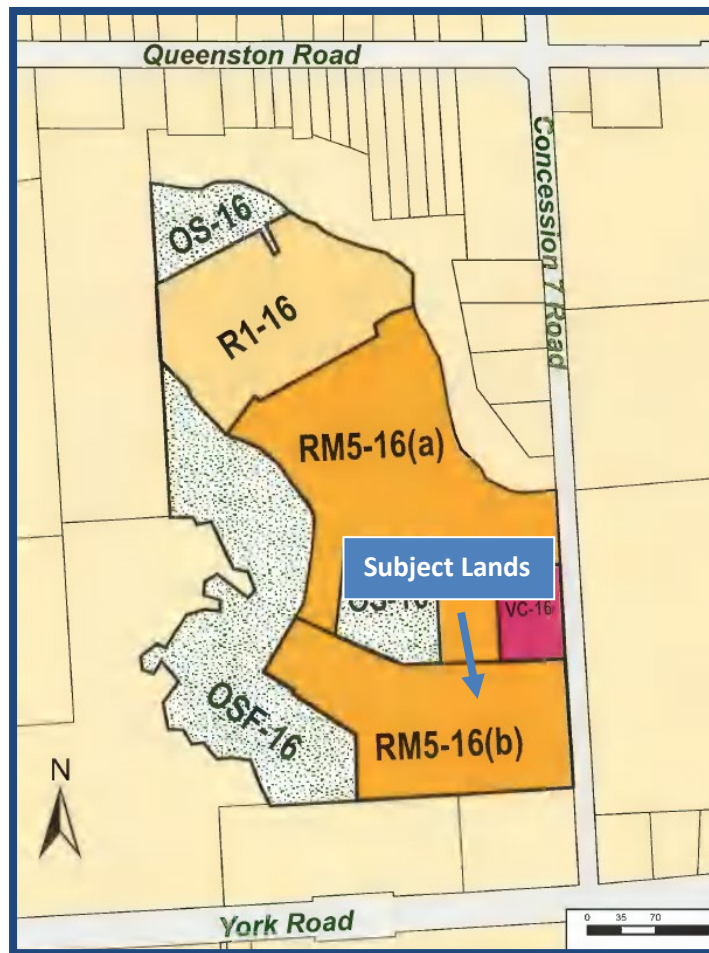


Figure 5 - Excerpt of Map 'A' of Zoning By-law 4316FI-24

PLANNING POSITION

This Planning Justification Brief has been prepared to provide a planning rationale for the Draft Plan of Common Element Condominium and Site Plan Approval applications made for Block 84 of the Modero Subdivision in the Town of Niagara-on-the-Lake.

The subject lands are within the Glendale Secondary Plan area and propose the development of one hundred and forty-six (146) dwelling units, including seventy-six (76) block townhouses and seventy (70) block townhouses.

The proposed development not only optimizes land utilization, but also contributes to the diversity and availability of housing options in the area, aligning with the objectives of the Town's Official Plan. The proposed development supports sustainable land use patterns outlined in Provincial land use documents in achieving compact land uses that help to optimize the efficient use of existing infrastructure. It balances the accommodation of prescribed growth targets and respects the character of the surrounding area.

Based on the analysis of the Applications, it has been demonstrated that they:

- Have regard for, and satisfy the relevant sections of Section 2 the *Planning Act*;
- Are consistent with the 2024 Provincial Planning Statement;
- Are in conformity with the 2022 Niagara Official Plan;
- Are in conformity with the Niagara-on-the-Lake Official Plan.

It is our opinion that the applications will facilitate appropriate forms of development that will contribute to the achievement of community goals and additional housing supply and forms. The applications are considered to be in the public interest and represent good planning, therefore, should be approved by the Town of Niagara-on-the-Lake.

Prepared by,



Chelsea Liotta, B.Sc.
Planner
Upper Canada Consultants

Reviewed by,



William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
Upper Canada Consultants

Appendix I
Draft Plan of Common Element Condominium

Appendix III
Approved By-Law No. 2024-014

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-014**

Official Plan Amendment No. 91

West Side of Concession 7 Road, North of York Road
Roll 262702001916000 and 262702001915000

NIAGARA ON THE LAKE PART LOTS 179 TO 181 PART ROAD ALLOWANCE REGISTERD PLAN 30R3553 PT PART 1 AND REGISTERED PLAN 30R13678 PART 1; and PART TOWNSHIP LOT 181 REGSITERED PLAN 30R11752 PT PART 2, Niagara-on-the-Lake.

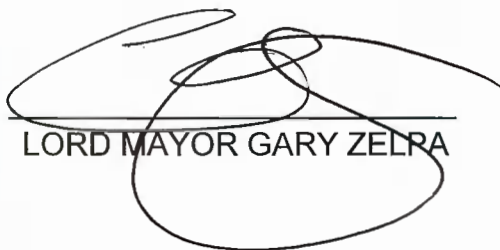
A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO
PLANNING ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-
LAKE OFFICIAL PLAN

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. 91 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. 91 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 27th day of February, 2024.


LORD MAYOR GARY ZELRA


TOWN CLERK GRANT BIVOL

**Amendment No. 91 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. 91 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 “Prestige Industrial” and “Conservation” to site-specific “Low Density Residential”, “Medium Density Residential” and “Open Space & Community Facilities” to facilitate residential and commercial uses. The amendment will also be reflected in the Glendale Secondary Plan.

BASIS

The basis of the amendment is as follows:

1. The development portions of the subject lands are located in the Urban Area of Glendale, located on the west side of Concession 7 Road, north of York Road and south of Queenston Road, and is known as Modero Estates. A portion of the subject lands are located outside of the Urban Area Boundary. No development is proposed outside of the Urban Area Boundary.
2. The subject lands are currently recognized as locally designated employment lands located outside of a Regionally identified Employment Area. The change in land use to accommodate residential uses conforms with the Council endorsed Glendale District Plan. The change in land use has been examined and evaluated in the context of the ongoing work to support the Glendale Secondary Plan update. The development supports the creation of local commercial jobs within the village commercial block.
3. The Official Plan directs that low density residential development will generally not exceed 6 units per acre (14 units per hectare) and that medium density residential development will generally not exceed 12 units per acre (30 units per hectare) unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighborhoods. The Glendale Secondary Plan provides direction for a mix of densities on residential lands.
4. The proposal would result in a net residential density of 13 units per acre (32 units per hectare) over the entirety of the subdivision. A site-specific exemption is proposed to allow for a maximum net residential density of 10 units per acre (25 units per hectare) for low density residential development, and a maximum net residential density of 22 units per acre (55 units per hectare) for medium density residential development. The subject lands are surrounded by a tree covered area that forms part of the Core Natural Heritage System, providing visual screening from the existing dwellings located along Concession 7 Road. Tree cover combined with a significant

setback from the subject lands demonstrates that the proposed development is not anticipated to have a significant adverse impact on the surrounding area.

5. Studies submitted as part of the application support the development, demonstrate protection of the environmental area, and address land use compatibility. The proposal would provide more housing and a more diverse housing stock, including townhouses and apartments, to address current housing needs.
6. The amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020), the Regional Official Plan (2014 Office Consolidation) 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. 91 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule “F” to the Official Plan be amended by redesignating the subject lands from “Prestige Industrial” and “Conservation” to site-specific “Low Density Residential – EX-RES-13”, “Medium Density Residential – EX-RES-14” and “Open Space & Community Facilities” as shown on Schedule 1 attached hereto. Schedule F is further amended by refining the boundaries of the “Conservation” designation per the approved environmental study.
2. That the following is added to Part 3 – Land Use Policies, Section 9: Residential under section “9.5 EXCEPTIONS”:

“EX-RES-13 The lands identified as Low Density Residential – EX-RES-13 on Schedule F (Modero Estates), shall be permitted to be developed with a maximum net residential density of 10 units per acre (25 units per hectare), measured collectively across the entirety of the area subject to this site-specific policy.”

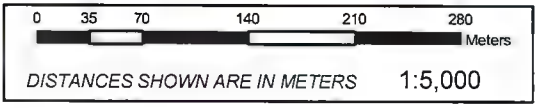
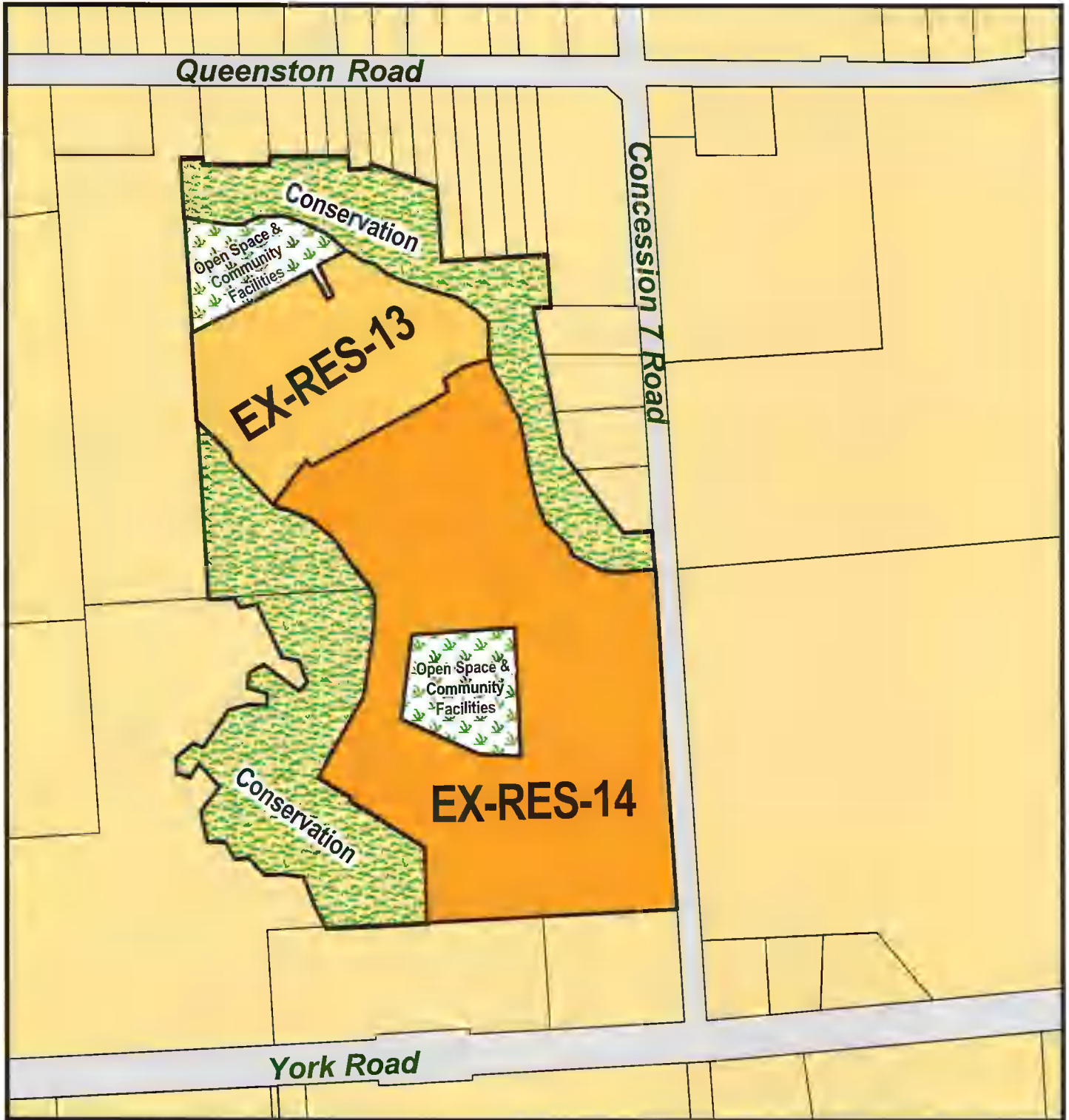
“EX-RES-14 The lands identified as Medium Density Residential – EX-RES-14 on Schedule F (Modero Estates), shall be permitted to be developed with a maximum net residential density of 22 units per acre (55 units per hectare), measured collectively across the entirety of the area subject to this site-specific policy. In addition to the permitted uses, local serving commercial uses may be permitted abutting Concession 7 Road in accordance with the implementing Zoning By-law.”
3. Schedule “F1” to the Official Plan be amended by redesignating the subject lands from “Industrial Park” to “Modero Estates Residential Community” and refining the boundary of the “Environmental Conservation Area” as shown on Schedule 2 attached hereto.
4. Under 6.32.6 Special Policy Area A-7 (Glendale Secondary Plan), Section 3 - Land Use and Site Development, the following Subsection is added:
3.10 Modero Estates Community

- a) Medium density forms of housing, including street and block townhouses and built form variations thereof shall be permitted.
- b) Low density forms of housing, including single detached housing, shall be permitted.
- c) Mixed use development including Commercial Uses (Local Serving) at grade with residential units above or behind shall be permitted along Concession 7 Road.


PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:


1. Community and Development Services Report CDS-24-036
2. Council Meeting Minutes dated February 27, 2024



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #91
 BEING AN AMENDMENT TO SCHEDULE "F" and "F1" OF THE
 OFFICIAL PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**



 LORD MAYOR
 GARY ZALEPA



 TOWN CLERK
 GRANT BIVOL

Appendix IV
Approved By-law 4315FI-24



Explanation of the Purpose and Effect of
By-law 4316FI-24

The subject lands are comprised of two properties that do not have a municipal address and are located on the west side of Concession 7 Road, north of York Road and south of Queenston Road, Niagara-on-the-Lake, and legally described as NIAGARA ON THE LAKE PART LOTS 179 TO 181 PART ROAD ALLOWANCE REGISTERD PLAN 30R3553 PT PART 1 AND REGISTERED PLAN 30R13678 PART 1; and PART TOWNSHIP LOT 181 REGSITERED PLAN 30R11752 PT PART 2.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the development of a plan of subdivision (Modero Estates), containing 306 townhouse dwellings, 55 single-detached dwellings, and 28 apartment dwelling units within a mixed-use block, for a total of 389 dwelling units.

Effect

The effect of this By-law is to rezone the subject lands from “Glendale Community Zoning District – Light Industrial (LI) Zone”, “Glendale Community Zoning District - Prestige Industrial (PI) Zone”, and “Glendale Community Zoning District - Open Space Key Feature (OSF) Zone” to “Residential (R1) Site Specific Zone”, “Residential Multiple (RM5) Site Specific Zone”, “Village Commercial (VC) Site Specific Zone”, “Open Space (OS) Zone Site Specific Zone” and “Open Space Key Feature (OSF) Site Specific Zone”.

Site specific provisions for Residential uses pertain to:

- Minimum lot area for single-detached and on-street townhouse dwellings.
- Minimum front yard setback for on-street and block townhouse dwellings.
- Minimum setback to privacy yard for block townhouse dwellings.

- Maximum building height for block townhouse dwellings.
- Minimum amenity areas for block townhouse dwellings.
- Minimum front yard setback to a private road for block townhouse dwellings.

Site specific for Village Commercial provisions pertain to:

- Minimum front yard setback.
- Maximum front yard setback.

<i>Applicants:</i> 2645162 Ontario Inc. & Hummel Properties Inc.
<i>File Number:</i> ZBA-07-2022
<i>Report Number:</i> CDS-24-036
<i>Assessment Roll Number:</i> 262702001916000 and 262702001915000

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FI-24**

West Side of Concession 7 Road, North of York Road
Roll 262702001916000 and 262702001915000

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule "A-21 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:
 - a. "Glendale Community Zoning District – Light Industrial (LI) Zone" to "Glendale Community Zoning District - Residential (R1-16) Site-Specific Zone", "Glendale Community Zoning District - Residential Multiple (RM5-16(a)) Site-Specific Zone" and "Glendale Community Zoning District – Open Space (OS-16) Site-Specific Zone".
 - b. "Glendale Community Zoning District - Prestige Industrial (PI) Zone" to "Glendale Community Zoning District - Residential Multiple (RM5-16(a)) Site-Specific Zone", "Glendale Community Zoning District - Residential Multiple (RM5-16(b)) Site-Specific Zone", "Glendale Community Zoning District - Village Commercial (VC-16) Site Specific Zone", "Glendale Community Zoning District – Open Space (OS-16) Site-Specific Zone", and "Glendale Community Zoning District – Open Space Key Features (OSF-16) Site-Specific Zone".

2. That Section 11 entitled “Glendale Community Zoning District – Table 11-1 and Table 11-2” of Bylaw 4316-09, as amended, is hereby further amended by adding the Table appended to this By-law, entitled “Table 11-3 – Zone Requirements: R1-16, RM5-16(a), RM-5-16(b) – MODERO ESTATES SUBDIVISION”.
3. That Subsection 11.18 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following sections:

11.18.16 - West Side of Concession 7 Road, North of York Road (Modero Estates) – See Schedule ‘A-21’

11.18.16.1 R1-16 Permitted Uses

In lieu of the permitted uses identified in Subsection 11.3.1, only the following permitted uses shall apply on lands identified as R1-16 on Schedule “A-21”:

- a. *accessory buildings and structures* in accordance with Section 6.1;
- b. *group homes* in accordance with Section 6.20;
- c. *home occupations or home profession* in accordance with Section 6.24;
- d. *semi-detached dwelling*; and
- e. *single detached dwelling*.

11.18.16.1(a) R1-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as R1-16 on Schedule “A-21”:

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.1(b) R1-16 Zone Requirements:

In lieu of the provisions of Subsection 11.3.2 and “Table 11-1 – Zone Requirements (R1, RM5)”, the provisions identified on “Table 11-3 – Zone requirements: R1-16, RM5-16(a), RM5-16(b) – MODERO ESTATES SUBDIVISION” shall apply on the lands identified as R1-16 on Schedule “A-21”.

11.18.16.2 RM5-16 Permitted Uses

In lieu of the permitted uses identified in Subsection 11.7.1, only the following permitted uses shall apply on lands identified as RM5-16(a) and RM5-16(b) on Schedule "A-21":

- a. *accessory buildings and structures* in accordance with Section 6.1;
- b. *fourplex or quadraplex dwelling*;
- c. *group homes* in accordance with Section 6.20;
- d. *home occupations or home profession* in accordance with Section 6.24;
- e. multiple dwellings such as *on-street townhouses* and *block development townhouses*;
- f. *semi-detached dwelling*;
- g. Block Townhouses including Back-to-Back Townhouses as defined in 11.18.16.10 below, and *stacked townhouses*.

11.18.16.2(a) RM5-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as RM5-16(a) and RM5-16(b) on Schedule "A-21":

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.2(b) RM5-16 Zone Requirements:

In lieu of the corresponding provisions of Subsection 11.7.2 and "Table 11-1 – Zone Requirements (R1, RM5)", the provisions identified on "Table 11-3 – Zone requirements: R1-16, RM5-16(a), RM5-16(b) – MODERO ESTATES SUBDIVISION" shall apply on the lands identified as RM5-16(a) and RM5-16(b) on Schedule "A-21".

11.18.16.2(c) RM5-16 Site Specific Definition:

BACK-TO-BACK TOWNHOUSE is a form of *block townhouse* dwelling within a residential building containing a minimum of 4 and a maximum of 16 units, having attached units separated by a common or party wall above grade, including a common or party rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front elevation or exterior side elevation of the dwelling unit. This definition shall apply on the lands identified as RM5-16(a) and RM5-16(b) on Schedule "A-21".

11.18.16.3 VC-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.11.1, only the following permitted uses shall apply on lands identified as VC-16 on Schedule "A-21":

- a. *bake shop*;
- b. *catering establishment*;
- c. *convenience store*;
- d. *corporate or other business office*;
- e. *day care centre*;
- f. *educational facility*;
- g. *financial institution*;
- h. *grocery store*;
- i. *medical or professional office*;
- j. *outdoor patio restaurant* as a secondary use to a restaurant use in accordance with Section 6.36;
- k. *personal service establishment*;
- l. *postal outlet*;
- m. *public use*;
- n. residential dwelling units, as a secondary use to the principal commercial use, above any commercial use located within the same building, in accordance with Section 6.48.
- o. *restaurants*;
- p. *retail stores*; and
- q. *tavern*.

11.18.16.3(a) VC-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as VC-16 on Schedule "A-21":

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.3(b) VC-16 Zone Requirements:

In lieu of the corresponding provisions of Subsection 11.11.2, the following provisions shall apply on the lands identified as VC-16 on Schedule "A-21":

(b)	Minimum front yard setback	3.0 m
(c)	Maximum front yard setback	6.0 m

11.18.16.3(c) VC-16 Zone Requirements Footnotes

The following Footnotes shall apply to the Zone Requirements on the lands identified as VC-16 on Schedule "A-21":

1. The parking requirements set out in Provisions Section 6 of Zoning By-law 4316-09, as amended, shall apply to lands identified as VC-16 on Schedule "A-21".
2. For Lots identified within the VC-16 Zone with Frontage on Concession 7 Road, the Front Lot Line shall be deemed the Frontage on Concession 7 Road.
3. All Lot Lines abutting a Public Street, other than the Front Lot Line, shall be deemed to be an Exterior Lot Line.
4. Notwithstanding the creation of lot lines of a condominium, the zoning regulations in the VC-16 Zone shall be applied to the entirety of the lands zoned VC-16, not the individual lots created through condominium registration.

11.18.16.4 OS-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.15.1, only the following permitted uses shall apply on lands identified as OS-16 on Schedule "A-21":

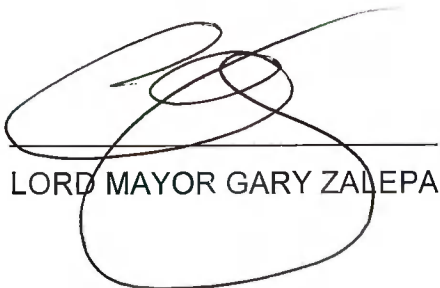
- a. *conservation management activities and uses;*
- b. *existing building and structure;*
- c. *public and private parks; and*
- d. *public use.*

11.18.16.5 OSF-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.16.1, only the following permitted uses shall apply on lands identified as OSF-16 on Schedule "A-21":

- a. existing accessory *Building or Structure* in accordance with Section 6.1;
 - b. existing *Agricultural Farm*;
 - c. existing *Agricultural Related Uses*;
 - d. expansions of (a) to (c) inclusive, subject to an EIS;
 - e. *conservation Management Activities and Uses*;
 - f. existing *Cemetery*;
 - g. existing Historic Sites and Forts;
 - h. existing *Public Parks*;
 - i. municipal Irrigation and Drainage Systems, including dams; and
 - j. uses pursuant to the Niagara Parks Act on Niagara Parks Commission land in accordance with Section 1.2.
4. That this By-law shall become effective upon final approval of the related Amendment No. 91 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 27th DAY OF FEBRUARY 2024.


LORD MAYOR GARY ZALEPA

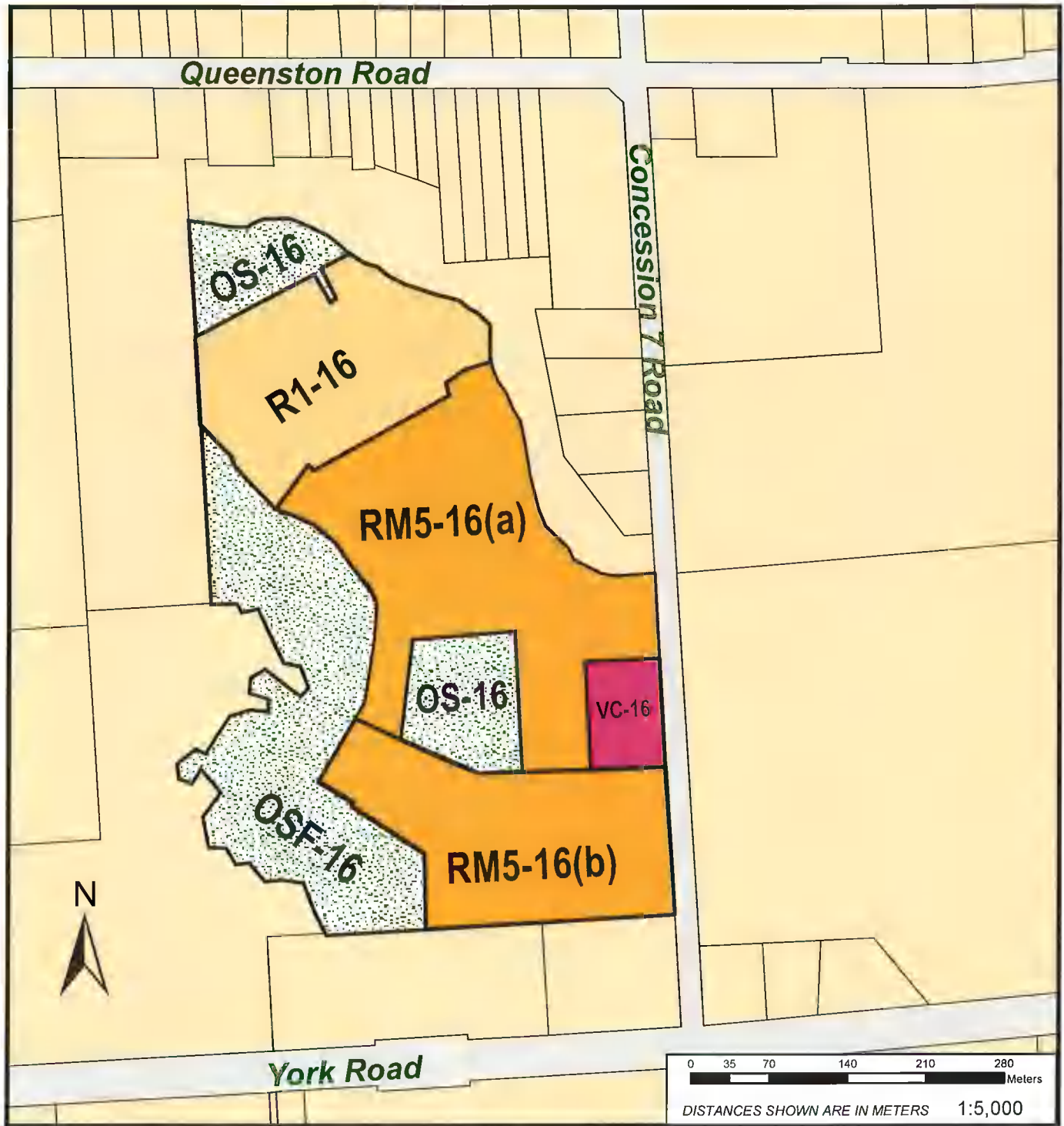

TOWN CLERK GRANT BIVOL

Table 11-3 - Zone Requirements: R1-16, RM5-16(a), RM5-16(b) - MODERO ESTATES SUBDIVISION

Zone	Dwelling Type	Minimum Lot Requirements				Minimum Yards (m)					Minimum Dwelling Floor Area	Maximum Building Height	Maximum Garage Door(s) Width	Minimum Amenity Area per unit (m ²)
		Frontage (m)	Area (m ²)	Landscaped Open Space	Maximum Lot Coverage	Front Yard Setback to Garage	Front Yard Setback to Dwelling Facade	Interior Side Yard	Exterior Side Yard	Rear Yard Setback				
R1-16	Single Detached Dwelling	12	360	25%	48%	6	4.5	1.2	3	7.5	93 m ²	10 m	50% of the dwelling facade	30
RM5-16(a)	On-Street Townhouse (on public road)	6 per unit	175	25%	55%	6	4	1.5	3	5.0/garage 6.0/unit	93 m ²	10 m	50% of the dwelling facade	30
RM5-16(a)	Block Townhouses (on public roads)	20	4000	25%	50%	6	4	See note 3	3	7	93 m ²	12 m		30
RM5-16(b)	On-Street Townhouse (on public road)	6 per unit	155	25%	60%	6	4	1.5	3	5.0/garage 6.0/unit	93 m ²	10 m	50% of the dwelling facade	30
						<i>From a private road</i>								
RM5-16(a)	Block Townhouses	20	4000	25%	50%	6	3.5	See note 3	3	7	93 m ²	12 m		30
						<i>From a private road</i>								
RM5-16(b)	Block Townhouses (on private roads)	130	33,700	25%	50%	6	3.5	See note 3	3	7	93 m ²	12 m		4 (back to back & stacked)

Footnotes to Table 11-3:

1. An unenclosed covered porch with open sides and/or balcony above, located in the front or exterior side yard shall be excluded from any calculation of maximum lot coverage provided the area of the porch does not exceed 5% of the total unit area for interior units and 10% of the total unit area for corner units. Such porch may encroach into the front and/or exterior side yard a maximum of 1.5 m provided the porch floor level is no more than 1.87 m above grade.
2. The parking requirements set out in Provisions Section 6 of Zoning By-law 4316-09, as amended, shall apply to the lands identified as R1-16 and RM5-16 (a), and RM5-16(b).
3. The interior side yard setback for Block Townhouses shall be:
 Building Front - 4.0 m
 Building End Wall - 1.5 m
 Building Privacy Yard - 7.0 m
 For the purposes of this Section:
 (i) Building Front: means the face of the building which contains the main entrance;
 (ii) Building End Wall: means a wall face which has less than 10% of its surface devoted to access and window openings;
 (iii) Building Privacy Yard: means an outdoor space directly accessible from the inside of the dwelling unit for the purpose of passive outdoor recreations exclusively for the unit.
4. All accessory buildings will be setback a minimum of 1.2 m from any rear or interior side yard and 3 m from any exterior side yards. All accessory buildings will be included in lot coverage.
5. For Lots identified within the RM5-16(a) and RM5-16(b) Zone with Frontage on Concession 7 Road, the Front Lot Line shall be deemed the Frontage on Concession 7 Road.
6. For dwelling units in the RM5-16(a) and RM5-16(b) Zone located on a curved or corner lot, the minimum setback from a private road to a dwelling corner shall be a minimum of 2.75 metres.
7. Notwithstanding the creation of lot lines of a condominium, the lot frontage, lot coverage and lot area provisions for Block Townhouses in the RM5-16(a) and RM5-16(b) Zone, shall be applied to the entirety of the lands zoned RM5-16(a) or RM5-16(b) within an individual block, not the individual lots created through condominium registration.
8. For Lots identified within the RM5-16(a) and RM5-16(b) Zone, all Lot Lines abutting a Public Street, other than the Front Lot Line, shall be deemed to be an Exterior Lot Line.



MAP 'A' ATTACHED TO BY-LAW 4316FI-24, BEING AN AMENDMENT TO SCHEDULE "A-21" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 27th DAY OF FEBRUARY, 2024.


 LORD MAYOR
 GARY ZALEPA


 TOWN CLERK
 GRANT BIVOL