

Planning Justification Report

Zoning By-law Amendment

52 and 56 Shaw's Lane

Town of Niagara-on-the-Lake

November 2025

Upper Canada Consultants

3-30 Hannover Drive

St. Catharines, ON L2W 1A3



**UPPER CANADA
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TABLE OF CONTENTS

APPENDIX	1
1.0 - PREFACE	2
2.0 – DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	3
3.0 – PREVIOUS APPLICATIONS, STUDIES AND REPORTS	5
4.0 – REQUIRED APPLICATIONS	7
5.0 – PROPOSED DEVELOPMENT	8
6.0 - POLICY REVIEW	9
6.1 - PLANNING ACT (R.S.O. 1990)	9
6.2 - 2024 PROVINCIAL PLANNING STATEMENT.....	11
6.3 – REGION OF NIAGARA OFFICIAL PLAN (2022)	19
6.4 – TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (2017)	22
6.5 – URBAN DESIGN BRIEF.....	28
6.6 – STREETSCAPE ANALYSIS	31
6.7 – TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09	35
7.0 - SUMMARY AND CONCLUSION	39

APPENDIX

Appendix I – Preliminary Site Plan

Appendix II – Conceptual Building Elevations

Appendix III – Draft Zoning By-law Amendment

Appendix IV – Pre-Consultation Agreement

1.0 - PREFACE

Upper Canada Consultants has been retained by Gatta Homes Inc. to prepare a Planning Justification Report in conjunction with an application for a Zoning By-law amendment made for the lands municipally addressed as 52 and 56 Shaw's Lane in the Town of Niagara-on-the-Lake, Regional municipality of Niagara.

The intent of this Planning Justification Report is to provide a detailed description of the proposal and to demonstrate how the applications comply with the *Planning Act*, are consistent with the relevant policies of the Provincial Planning Statement, and conform with the relevant policies of the Niagara Official Plan, the Town of Niagara-on-the-Lake Official Plan and Town of Niagara-on-the-Lake Zoning By-law.

The application proposes the conversion of two adjacent single-detached lots into a 3-unit townhouse dwelling.

The need for a Planning Justification Report was identified through a pre-consultation meeting held on April 17th, 2025. The pre-consultation agreement is attached as **Appendix IV** of this Planning Justification Report. This Planning Justification Report will include an Urban Design Brief and Streetscape Analysis as required from the pre-consultation agreement. The intent of this Report is to provide a planning rationale for the proposed development in accordance with the applicable Provincial, Regional and land use policies and regulations.

2.0 – DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are municipally addressed as 52 and 56 Shaw's Lane. These lands are described legally as Lots 28 and 29 of Plan 30M-432. These lands will be known as the "subject lands" throughout this Planning Justification Report.

The subject lands are comprised of a pair of adjacent single detached lots which were created as part of the Royal Albion subdivision. **Figure 1** below shows an aerial image of the subject lands.



Figure 1 - Aerial image of the Subject Lands – Niagara Navigator, 2023 imagery

The subject lands have a lot area of 1345.94 meters squared and a lot frontage of 36.71 meters onto Shaw's Lane.

The surrounding lands contain the following uses:

North: Single detached dwellings

East: Condominium townhouse dwellings

South: Condominium townhouse dwellings

West: Single detached dwelling, vacant single detached lots

The lands are zoned as site-specific Residential 1 (R1-71) under the Town's Zoning By-law which is shown below in **Figure 2**.

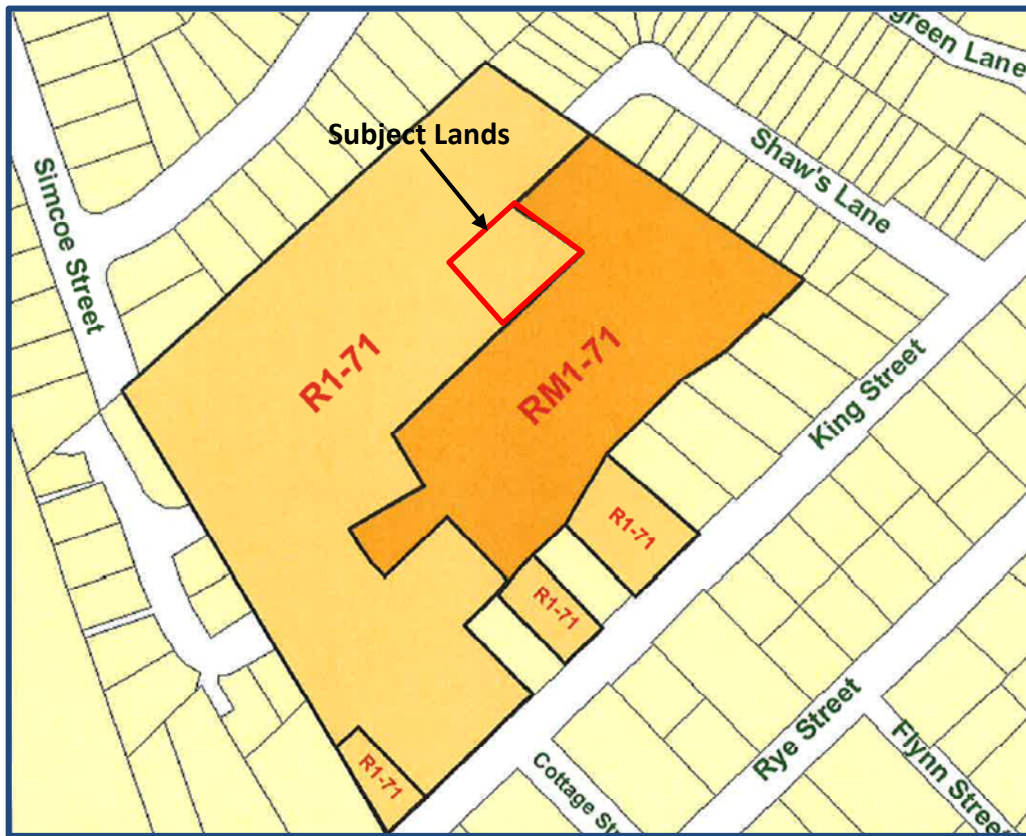


Figure 2 - Existing Zoning Designation

The existing Zoning of the subject lands was enacted in April, 2016 as part of the planning approvals for the Royal Albion Place Subdivision. The existing Zoning permits single detached dwellings, with site-specific exemptions. The Zoning was originally approved with a Holding (H) provision, requiring the clearance from the Ministry of Tourism, Culture and Sport on the Stage 1-2 Archeological Report. The Holding (H) symbol was lifted in December, 2016.

3.0 – PREVIOUS APPLICATIONS, STUDIES AND REPORTS

The subject and adjacent lands were subject to previous Draft Plan of Subdivision and Zoning By-law Amendment approvals as part of the Royal Albion Place Subdivision. The status and file number of the applications are displayed in **Table 1** below:

Table 1 – Previous Applications		
Application Type	File Number	Status of Application
Draft Plan of Subdivision	26T-18-15-01	Approved
Zoning By-law Amendment	26T-18-15-01	Approved

Summaries of the reports and studies that have been prepared as part of these previous approvals are provided below. The original reports should be reviewed for complete information and analysis.

ARCHAEOLOGICAL ASSESSMENT

A Stage 1 and 2 Archaeological Assessment was completed by Detritus Consulting Ltd. on March 29th, 2016 for 683 King Street. The field survey was completed in November 2014 and six findspots were encountered. The site was register as AhGs-380 and the stage 1 and 2 assessments did not warrant any need for further assessment. Therefore, in accordance with the criteria in the *Standards and Guidelines for Consultant Archaeologists MTCS 2011*, no further archeological assessment was recommended.

GEOTECHNICAL INVESTIGATION

A preliminary Geotechnical Investigation was completed by AMEC Environment & Infrastructure in December 2014 for 683 King Street. The results of the site-specific investigation indicated that the native soils across the site consist of a deposit of very dense to compact silt, with a layer of firm clayey silt between depths of 2.4 and 4.0 m in BH-5.

It is recommended that all fill that will be required to support structures or pavements be placed as engineered fill. Prior to placement of engineered fill, surficial topsoil, organic matter and deleterious materials, if any, should be stripped form planned fill areas to expose the competent subgrade.

STORMWATER MANAGEMENT ASSESSMENT

A stormwater management assessment was prepared by Upper Canada Consultants in June 2015 for Royal Albion Place / Village. Based on the assessment, the following stormwater management alternatives are recommended as stormwater management practices for the subject lands.

- Lot grading to be constructed with grades less than 5%
- Proposed roof leaders are to outlet to landscaped areas.
- A stormceptor STC 3000 (240mm) shall be installed to provide quality control.
- Temporary siltation and erosion controls are to be implemented before construction activities begin and to be maintained during the construction of the services and homes.

TRAFFIC IMPACT STUDY

A Traffic Impact Study was prepared by Paradigm Transportation Solutions Limited in July 2015 for 683 King Street. Based on the findings of the study, the following is recommended:

- The site should be allowed to develop as planned; and
- The town should monitor the traffic volumes in the area of Simcoe Street and Show' Lane as the study area developments reach completion and the connection is made between Shaw's Lane and Simcoe Street. If the volumes exceed those forecasts within the report, the Town should reevaluate the need for traffic calming measures as they see fit.

4.0 – REQUIRED APPLICATIONS

The following *Planning Act* applications are required as per the pre-consultation meeting that was held on April 17th, 2025 which is attached in **Appendix IV** of this Report.

ZONING BY-LAW AMENDMENT

Section 34 of the *Planning Act* grants municipal councils the authority to pass Zoning By-laws to regulate the use of the land within a municipality. Amendments to such By-laws are permitted pursuant to Section 34(10) of the *Planning Act*.

The submitted Zoning By-law Amendment seeks to re-zone the subject lands from the current Residential (R1-71) Site Specific Zone to the proposed Residential Multiple 1 (RM1-XX) Site Specific Zone. This re-zoning will accommodate the required permissions for on-street townhouses and set out site specific provisions for on-street townhouse dwelling units while maintain the existing permissions and regulations for single detached dwellings.

A draft Zoning By-law Amendment has been included in **Appendix III** of this Planning Justification Report. Refer to Section 6.8 of this Planning Justification Report for more details about the proposal's conformity to the Niagara-on-the-Lake Zoning By-law.

LAND DIVISION

Should Council approve the requested Zoning By-law Amendment, an application for land division will be required to reconfigure the two existing single detached lots into the three proposed townhouse lots. It is suggested that this can be achieved by lifting Part Lot Control pursuant to Section 50(7) of the *Planning Act*. This Section allows for the conveyance of part of a lot or block in a plan of subdivision, which is achieved through the enactment of a by-law, and the registration of a reference plan over the lands to describe the new lots.

The lifting of Part Lot Control provides a streamlined mechanism for the further division of lands within a registered plan of subdivision, recognizing that such lands have already been subject to a comprehensive planning process through which the matters under Section 51(24) of the *Planning Act* were considered. As a result, it is not necessary to revisit the same matters through an application for Consent under Section 53 of the *Planning Act*, which similarly requires consideration of the matters under Section 51(24).

As approval of the Zoning By-law Amendment would establish zoning conformity, and all other consideration related to the division of land under Section 51(24) have been addressed, the lifting of Part Lot Control is considered to be the appropriate method of land division in this case.

5.0 – PROPOSED DEVELOPMENT

The applicant is seeking to convert the two single detached lots into three townhouse lots.

The proposed townhouse dwelling are shown as Part 1, Part 2 and Part 3 in **Figure 3** which displays an excerpt from **Appendix I**. This image is illustrative to the dimensions and layout of the proposed development.

The parts vary in lot and unit size. Part 1 has a lot area of 500.93 square meters and a unit size of 222.78 square meters. Part 2 has a lot area of 391.59 square meters and a unit size of 209.59 square meters. Part 3 has a lot area of 463.21 square meters and a unit area of 208.66 square meters.

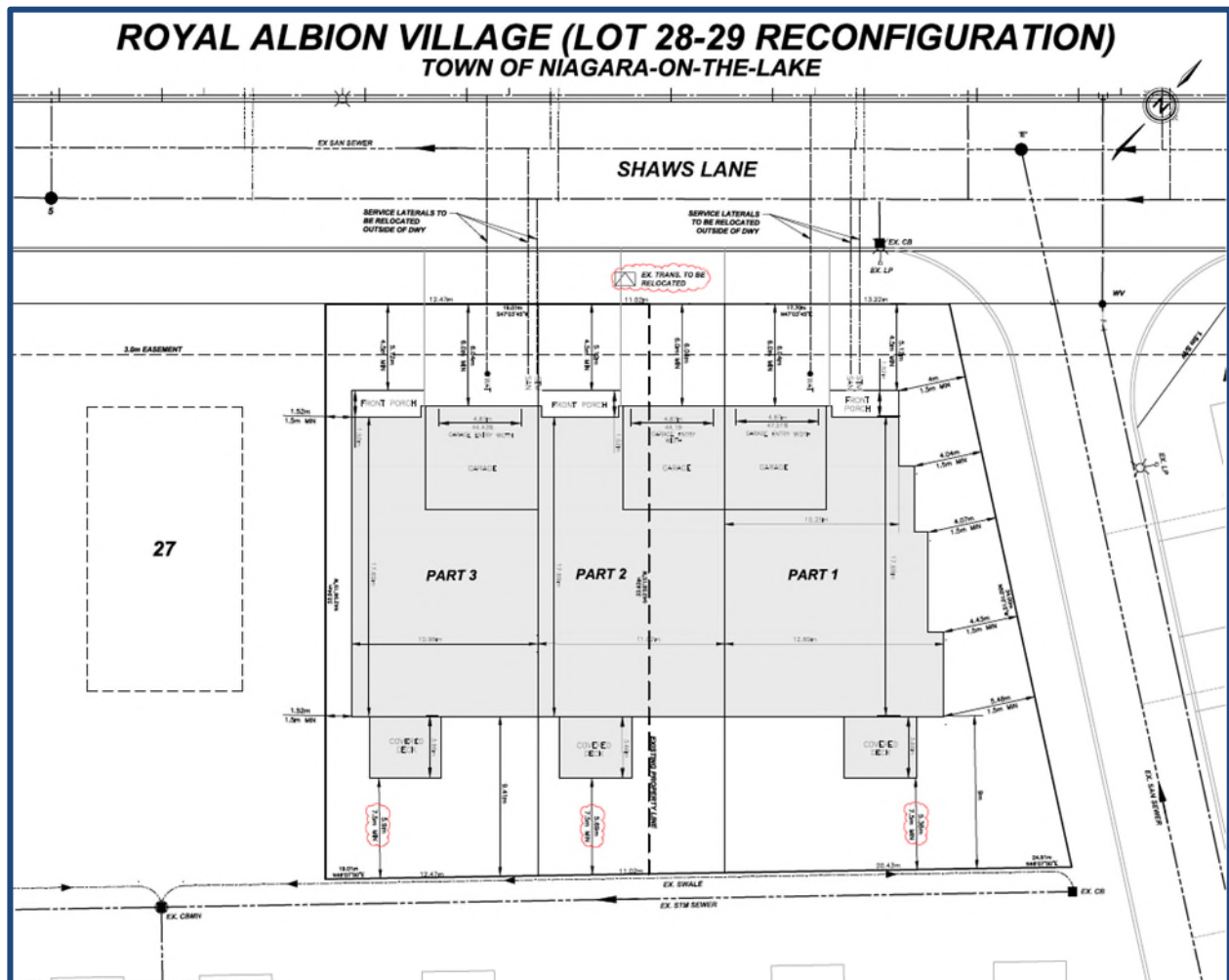


Figure 3 - Proposed Site Plan

6.0 - POLICY REVIEW

Development applications within the Niagara-on-the-Lake are subject to assessment from the Ontario *Planning Act* (R.S.O. 1990), the 2024 Provincial Planning Statement, the Niagara Official Plan, the Niagara-on-the-Lake Official Plan and the Niagara-on-the-Lake Zoning By-law. An assessment of how the submitted applications satisfy the applicable Provincial, Regional and Municipal legislations and policies is provided within the sections below.

6.1 - PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The *Planning 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 planning authorities must have regard for when contemplating a land use planning application. Matter 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 application has regard for clauses (f), (h), (i), (j) and (p) of Section 2 of the *Planning Act*, a description of the proposal conformity to each clause is described below:

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

The subject lands are located along Shaw's Lane, access to the proposed townhouse units will be provided from Shaw's Lane. The development can be serviced by the existing municipal watermain and sanitary sewer, efficiently using these existing 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 proposed development represents the logical and compatible growth within Royal Albion Place. The proposed development is appropriate, integrating residential growth that responds to market conditions, and aligns with the needs of the surrounding area. The orderly development of safe, vibrant and resilient communities is best achieved through proactive and comprehensive planning. The proposed residential development requires approval for land division and a Zoning By-law Amendment. This process involves comprehensive review by the Town, Region and commenting agencies which ensures the orderly development of safe and healthy communities.

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. Specifically, Royal Oak Community School, which is within a four-minute drive (approx. 2km), from the subject lands. The Niagara-on-the-Lake Community centre and Public Library are within a 2-minute drive (approx. 650 meters) from the subject lands. It is also important to note that Rye Heritage Park and Veterans Memorial Park are both within a 1-kilometer radius of the subject lands.

Overall the lands benefit from access to educational, social, cultural and recreational facilities, supporting a vibrant and complete community.

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

The proposed residential development represents the conversion of two single detached lots for three townhouse dwellings. The proposal represents the gentle intensification of the lands to achieve a greater mix of housing options that reflect current market conditions, and the broader community housing needs.

p) the appropriate location of growth and development;

The subject lands represent the appropriate location for growth and development as they are located in the Urban area, and have access to municipal infrastructure and services.

For these reasons, the submitted application has regard for matters of Provincial interest under Section 2 of the *Planning Act*.

SECTION 34 – ZONING BY-LAW AMENDMENTS

Applications for Zoning By-law Amendments are considered under Section 34 of the *Planning Act*. Amendments are permitted to municipal by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

For these reasons, the submitted application has regard for matters of provincial interest consistent with Section 34 of the *Planning Act*.

6.2 - 2024 PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement, 2024 (PPS) is a streamlined province-wide land use planning policy framework. 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. 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

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 states the following:

- 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 (included 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 proposed residential development supports the items stated above by offering a greater range and mix of housing types to the residential neighbourhood surrounding the subject lands. The subject lands are located in an area that is designated for residential development. The subject lands are within the urban area of Old Town, due to this there is access to municipal services on the subject lands. The subject land is in an area that is built up and within walking distance to the Niagara-on-the-Lake Community Centre and the location of the new developed is appropriate and encouraged.

HOUSING (PPS 2.2)

Section 2.2 of 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. Section 2.2.1 states the following:

- 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.*

The proposed development will contribute three townhouse dwelling units in the Old Town Settlement Area. This development will contribute to diversifying the housing options within the Old Town area. The development will increase the housing supply which directly addresses varying levels of affordability. The development will efficiently use underutilized lands and infrastructure.

SETTLEMENT AREAS AND SETTLEMENT AREA BOUNDARY EXPANSION (PPS 2.3)

Section 2.3.1 of the PPS 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. Section 2.3.1 states the following:

- 1. *Settlement area 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.*
- 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 planning infrastructure and public service facilities;*
 - c. *Support active transportation;*
 - d. *Are transit-supportive, as appropriate; and*
 - e. *Are freight supportive.*

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.*
4. *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*
5. *Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.*
6. *Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.*

Consistent with this Policy, the subject lands are located entirely within the designated Greenfield Area. The proposed residential development will assist in optimizing existing infrastructure, efficiently utilizing underutilized land. The 3 proposed townhouse dwelling units further contribute to the minimum density targets set out for the Greenfield Area, and supports the achievement of complete communities, by including the proposed form of housing into the area and prioritizing investment in this location.

ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE (PPS 2.9)

Section 2.9 of the PPS directs that planning authorities must plan to reduce greenhouse gas emissions and adapt to climate change. Section 2.9 states the following:

- 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 complete, 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 townhouse dwelling is an intensified form of housing which provides for more units within one lot, this type of development contributes to construction and operational efficiencies which have the potential to reduce greenhouse gas emissions.

GENERAL POLICIES FOR INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES (PPS 3.1)

Section 3.1 of the PPS 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. Section 3.1 states the following:

3.1.1) Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- a) are financially viable over their life cycle, which may be demonstrated through asset management planning;*
- b) leverage the capacity of development proponents, where appropriate; and*
- c) are available to meet current and projected needs.*

As the proposed residential development is within an existing residential area, the surrounding infrastructure and services are available. The proposed development makes efficient use of existing infrastructure, consistent with the policies in the PPS.

TRANSPORTATION SYSTEMS (PPS 3.2)

Section 3.2 of the PPS directs that transportation systems should be safe, energy-efficient, supporting the movement of people in an accessible and connected way. Section 3.2 states the following:

- 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*
- 2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*
- 3. As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be planned for, maintained and, where possible, improved, including connections which cross jurisdictional boundaries.*

The proposed townhouse dwellings will front onto Shaw's Lane. The subject lands are just south-east of Niagara Stone Road which is a Regional Road in NOTL. Niagara Stone Road provides direct access to the Queen Elizabeth Way (QEW), the QEW provides access to the greater golden horseshoes area and the Canada/United States Border.

SEWAGE, WATER AND STORMWATER (PPS 3.6)

Section 3.6 of the PPS outlines the regulations and recommendations when planning for sewage and water services. Section 3.6 states the following:

3.6.1) Planning for sewage and water services shall:

- 1. 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;*
- 2. Ensure that these services are provided in a manner that:*
 - 1. Can be sustainable 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.*
- 3. Promote water and energy conservation and efficiency;*
- 4. Integrate servicing and land use considerations at all stages of the planning process;*
- 5. 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*

3.6.8) Planning for stormwater management shall:

- a) Be integrated with planning for sewage and water series 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 in stormwater volumes and contaminant loads;*
- 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.*

The proposed development will have access to municipal water and sewage systems.

WASTE MANAGEMENT (PPS 3.7)

Section 3.7 of the PPS provides guidance for waste management systems in regards to development. Section 3.7 states the following:

3.7.1) Waste management systems need to be planned for an provided that are of an appropriate size, type and location to accommodate present and future requirements, and facilitate integrated waste management.

Waste management planning is a responsibility of the Niagara Region. The proposed development is eligible for Regional waste collection. The Region will be given the opportunity to circulate the application to the required waste management teams to comment on the submitted application in regards to waste collection and management.

PUBLIC SPACES, RECREATION, PARKS, TRAILS AND OPEN SPACE (PPS 3.9)

Section 3.9 of the PPS describes how municipalities can have healthy, active and inclusive communities. Section 3.9 states the following:

3.9.1) Healthy, active, and inclusive communities should be promoted by:

- a) Planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity.*
- b) Planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural setting for recreation, including facilities, parklands, public spaces, open spaces areas, trails and linkages, and, where practical, water-based resource;*
- c) Providing opportunities for public access to shorelines; and*
- d) Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

The proposed development has been planned with safety in mind. The planned driveways give access to each townhouse dwelling unit from Shaw's Lane. The units have been designed to provide front and rear yards to provide future residents with private outdoor amenity space. Additionally, the subject lands are situated within a 1-kilometer radius of the following parks and recreational spaces:

- Rye Heritage Park
- Memorial Park and Pool
- Niagara-on-the-Lake Library and Community Centre
- Village's Park

CULTURAL HERITAGE AND ARCHAEOLOGY (PPS 4.6)

Policy 4.6.2 states that Planning Authorities shall not permit development or site alteration on lands containing archeological resources, or areas of archeological potential unless significant

archeological resources have been conserved. The subject lands were previously subject to a Stage 1-2 Archeological Assessment completed as part of the development process for the Royal Albion subdivision. The lands were found to not contain any archeological resources, and the proposed development therefore does not impact the conservation of archeological resources.

COORDINATION (PPS 6.2)

Section 6.2 of the PPS details that a coordinated, integrated, and comprehensive approach is essential for effective planning across municipalities. Section 6.2.1 states the following:

6.2.1) A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies, boards, and Service Managers including:

- a) managing and/or promoting growth and development that is integrated with planning for infrastructure and public service facilities, including schools and associated child care facilities;*
- b) economic development strategies;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, multimodal transportation systems, public service facilities and waste management systems;*
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;*
- f) natural and human-made hazards;*
- g) population, housing and employment projections, based on regional market areas, as appropriate; and*
- h) addressing housing needs in accordance with provincial housing policies and plans, including those that address homelessness.*

A pre-consultation meeting for the proposed development was held on April 17th, 2025. 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.

For these reasons, the submitted application has regard for matter of provincial interest consistent with the Provincial Planning Statement.

6.3 – REGION OF NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) 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 Planning 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.

The subject lands are located within the Town of Niagara-on-the-lake Urban Area (Settlement Area) and is within the Designated Greenfield Area. This is shown on Schedule ‘B’ of the NOP which is attached below in **Figure 4**.

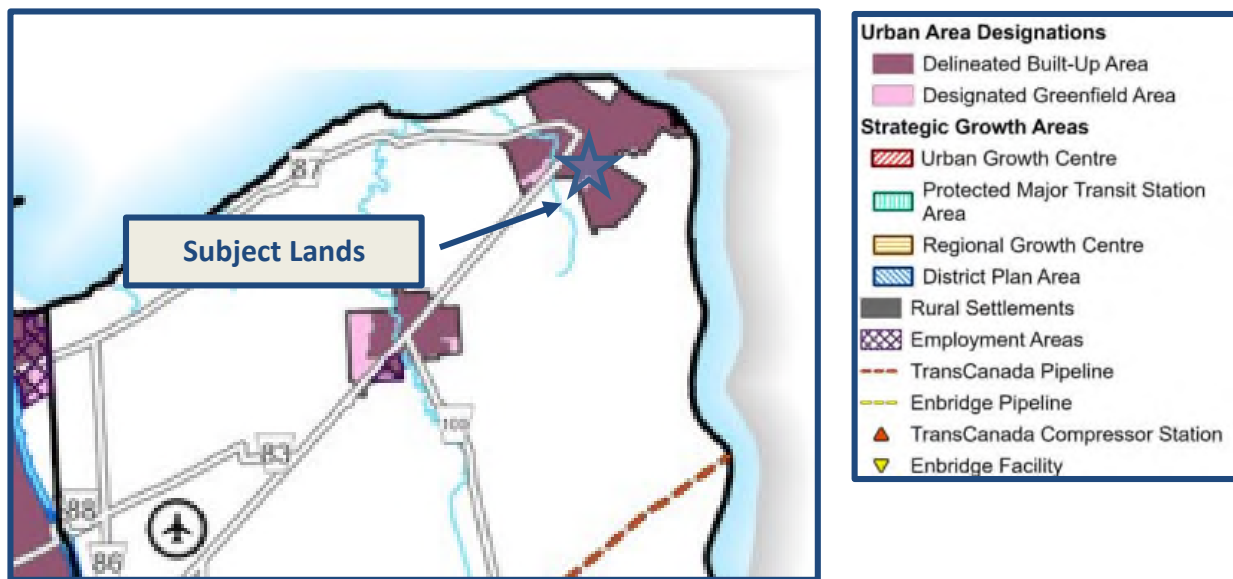


Figure 4 - Excerpt from Niagara Official Plan Schedule ‘B’

FORECASTED GROWTH (NOP 2.1)

Chapter 2 of the NOP contains the regional level growth policy direction for the Niagara region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development. The NOP directs growth and development to Settlement Areas where full urban services are available, as well as public transit, community and public services and employment opportunities.

Section 2.1 of the NOP states that the Region of Niagara is anticipated to have population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1 which is shown below, and indicates that the Town of Niagara-on-the-Lake is projected to have a population of 28,900 people and 17,610 jobs (see **Figure 5**).

The proposed development will contribute three townhouse dwelling units into the Town’s housing supply and will assist in accommodating the Town’s projected growth.

Table 2-1 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 5 - Table 2-1 – Niagara Official Plan

REGIONAL STRUCTURE (NOP 2.2)

Section 2.2 of the NOP establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down into the delineated Built-up Area and the Designated Greenfield Area.

Section 2.2.1 of the NOP contains policies pertaining to the management of urban growth. These policies direct growth to occur in a manner that support the achievement of intensification targets. Section 2.2.1 states the following:

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;*

The proposed development considered the items above by creating 3 new townhouse dwelling units. Due to the addition of these new units the housing market will be diversified and support the needs of the community and increasing the range of housing offered while conforming to the built form of the surrounding area.

DESIGNATED GREENFIELD POLICIES (NOP 2.2.2.25)

Section 2.2.2.25 of the NOP establishes how designated greenfield areas will be planned as complete communities. This section states the following:

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;*

The proposed development is within a Greenfield Area, the adjacent properties surrounding the subject lands have been recently developed and the proposed townhouse dwellings will conform to the urban design and built-form of this area. This is discussed in depth in Section 6.6 and 6.5 of this report which consists of an Urban Design Brief and Streetscape Analysis.

The Official plan requires a minimum of 50 people and jobs per hectare in Greenfield Areas. The target represents the minimum standard, and can be exceeded. The proposal represents a nominal increase to the greenfield density that has already been achieved for the Royal Albion Place subdivision.

- c) ensuring infrastructure capacity is available; and*

The subject lands will be serviced by public infrastructure, as per the studies and reports summarized within Section 3.0 of this planning report, adequate services can be provided to support the proposed development.

For these reasons, the submitted application has regard for matters of Regional interest conforming with the Niagara Official Plan.

6.4 – TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (2017)

The Town of Niagara-on-the-Lake Official Plan is the long-range planning tool used to guide growth and development in the municipality. The purpose of the Official Plan is to balance physical growth with social, economic and environmental factors, in accordance with Provincial, and Regional land use directive. The Official Plan establishes the policy framework for guiding growth and development in the municipality.

The subject lands are designated within the Urban Area Boundary of Old Town this is shown in **Figure 6** below which displays an excerpt of Schedule “B” from the Niagara-on-the-Lake Official Plan.

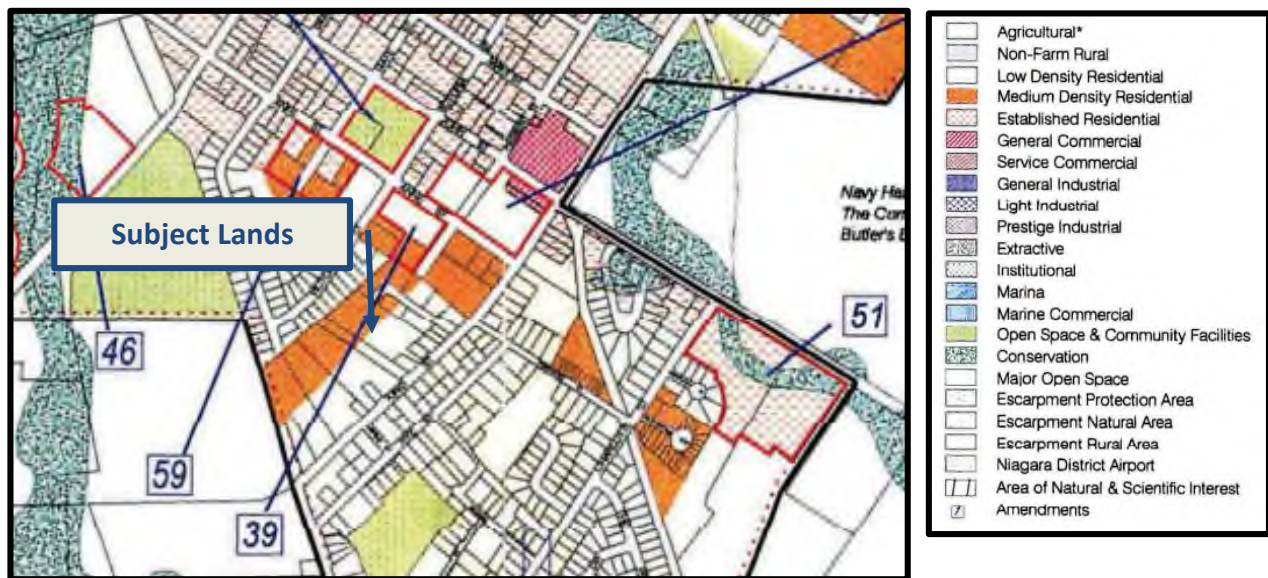


Figure 6 - Excerpt from Schedule ‘B’ – Niagara-on-the-Lake Official Plan

GREENFIELD DENSITY TARGET (OP 5.2)

The Niagara-on-the-Lake Official Plan sets out a density target of 50 people and jobs combines per gross hectare for greenfield areas. Section 5.2 of the Niagara-on-the-Lake Official Plan establishes policies to achieve this density target, the policies are as follows:

- b) Permitting low and medium density development within the Greenfield area (see land use policies of this Plan)*

The application will permit a medium density residential development on the subject lands, which are within a Greenfield Area.

- c) Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi detached, townhouses and apartment style housing.*

The proposed development will consist of 3 townhouse dwellings, this supports the policy stated above as the subject lands are within the Greenfield Area and the addition of townhouse dwellings in this area will diversify the housing options.

e) Preparing secondary plans and ensuring that development for Greenfield Areas meet a density of 50 people and jobs combines per gross hectare.

The proposed development represents the logical and compatible growth within Royal Albion Place, minimally increasing the Greenfield Density of the area.

GENERAL DEVELOPMENT POLICIES (OP 6)

The general requirements for development within the municipality are outlined in the Town's Official Plan under Part 2, Section 6. The following items under this section are applicable to the subject application.

Cost of Servicing Development

Policy 6.6 of the NOTL Official Plan states that no new development in the Town is to be permitted where it would contribute to the demand for public service that are uneconomical to provide. By contrast, the subject lands are within the Urban Area Boundary and already serviced by public infrastructure. The proposed development increases the efficient use of this infrastructure, helping to optimize the return on previous infrastructure investments.

Frontage on a Public Street

Policy 6.11.1 of the Official Plan states that development will only be permitted where the lot has frontage on a public street. The proposed development fronts onto Shaw's Lane which is a municipally owned and maintained street.

Planning Impact Analysis

Policy 6.23 set out the requirements for a Planning Impact Analysis. This report has been prepared in accordance with the requirements set out in this section.

Requirements for Development

Policy 6.26 of the Official Plan require that the municipality be satisfied that necessary utilities, fire protection and police protection are adequate before development is approved. The subject lands are within the urban area of Old Town and will therefore be serviced by public water and sewage systems. The Fire Department is provided the opportunity to comment on development applications.

Servicing Policies

The policies of Section 6.30 of the Official Plan generally require that urban development be supported by municipal services, including watermain, sanitary sewer and storm sewers. The subject lands have access to the water, sanitary and stormwater services constructed as part of the Royal Albion Place subdivision.

VISION FOR GROWTH (OP 6A.1)

Policy 6A.1 of the Official Plan states that the Town's growth management policies implement the growth vision provided in the Provincial Planning Statement. The proposed development aligns with the Town's guiding principles for growth management in provided for efficient use of land to optimize the use of existing infrastructure, and providing flexibility to manage growth in a way that recognizes the diversity of communities. The proposed development will contribute to the provision of new housing options within the Royal Albion Place Subdivision.

MUNICIPAL URBAN STRUCTURE (OP 6A.2)

Policy 6A.2 of the Official Plan state that the Town's urban structure provides the overarching framework for accommodating growth and development. The Town's urban structure is outlined on the Official Plan Schedules. The Urban Area Boundary defines the limits of urban development. The Town of Niagara-on-the-Lake contains five (5) distinct Urban Areas, this includes Old Town, Queenston, St David's, Virgil and Glendale. These Urban Areas are surrounded by lands regulated in the Greenbelt Plan and the Niagara Escarpment Plan. A majority of growth in the municipality must be accommodated within existing Urban Areas as Urban Boundary expansions are not feasible.

The subject lands are within a designated greenfield area within the Urban Area Boundary (Settlement Area) of Old Town. Greenfield areas as larger tracts of undeveloped areas and are planned to provide the Town with an opportunity to accommodate new growth on lands which generally do not contain existing urban development. The subject lands were previously included in the Royal Albion Place Subdivision which involved the development of Greenfield Lands. The subject applications propose a modest increase in units which further reinforces the achievement of an appropriate greenfield density, while remaining consistent with the original development patterns.

GROWTH MANAGEMENT (OP 6A.3)

Growth Management Strategy

Policy 6A.3.1 of the Official Plan states that the Town's objectives are to accommodate all future urban growth within the present-day urban boundary and maintain the current

delineation of the urban area boundary for the foreseeable future. The Town states that urban growth and development shall be directed within urban areas. The development of the subject lands supports this statement, by intensifying land that is within an urban area, the existing urban area boundary will be maintained.

Growth Management Objectives

Policy 6A3.2 of the Official Plan states the growth strategy objectives, these objectives are as follows:

- 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 conforms with the Town's overall growth management strategy as it contributes to residential development within the Urban Area of Old Town. The future townhouse dwelling will improve the housing choices in the area and contribute to the achievement of the Town's greenfield growth targets.

Housing Mix

Policy 6A3.4 of the Official Plan states that the land use polices are based on providing an appropriate mix of housing to meet the needs of the Town and its long-term land needs and housing growth. Section 3.4 states the following:

While majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided the residential policies of the Official Plan.

The subject lands have been zoned as Residential (R1-71) Zone. The intention of this zoning designation is to permit residential development on the vacant lands within this area. The location of the proposed townhouse dwelling is a natural extension of the existing Royal Albion Place, the development will provide for the housing needs of the area.

RESIDENTIAL LAND USE POLICIES (OP 9)

Goals and Objectives

The subject lands are designated as Medium-Density Residential under the Town's Official Plan. The goals and objectives for the Town's residential areas are outlined in Section 9.2 of the Official Plan. The proposed development has regard for the following residential goals and objectives:

- *to ensure that sufficient lands have been places in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- *To improve the housing supply of rental and moderately prices housing by the municipality becoming involved in or permitting the involvement off others in the various government housing programs*
- *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*

The proposed development diversifies the housing market by adding more units to the area, making the housing market more accessible for current and future residents of the Old Town area. The proposed development is within an urban area and the proposed use of the subject lands will better use the existing municipal services that exist on the site.

Medium Density Residential

As provided in Policy 9.3.2(1), the medium density residential designation is intended for multiple-unit residential housing such as townhouses, apartment and nursing homes and is therefore the appropriate land use designation for the proposed development.

The Official Plan provides the following development criteria for medium density residential uses:

- 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.**

The proposed townhouse buildings will conform with the building design of the townhouse units in the surrounding area. An in-depth explanation of the proposal compatible to urban design concepts and streetscaping is provided in sections 6.6 and 6.7 of this Planning Justification Report.

- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.**

The proposed townhouse dwelling units will have adequate front and rear yard space to provide private amenity areas for each unit. The buildings have no impact on the surrounding uses as the subject lands are within an area zoned for residential development and the townhouse dwelling is a unit type seen throughout the area surrounding the subject lands.

- 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.**

The proposed development accommodates 3 dwelling units, each unit will have access to a private driveway and garage to accommodate 2 spaces per unit.

- d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).**

Storage of garbage and recycling containers will be the responsibility of each unit's owner, waste collection will be addressed during regional comment circulation.

- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.**

The proposed development has been designed with a frontage along Shaw's Lane, with direction connections to the road from each unit's driveway access, as is typical for street-townhouse dwellings.

f) Adequate municipal services can be provided to accommodate the needs of the development.

The proposed development will be serviced by municipal services for water and sewage systems.

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.

The subject lands have access to Shaw's Lane and each unit has been provided with a driveway that fronts onto Shaw's Lane for easy and safe access to the site. The applications will result in the net increase of two units on Shaw's Lane. This level of intensification is not anticipated to create a measurable impact on the capacity and functionality of the local road.

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 subject application includes a Zoning By-law Amendment which proposes the rezone the subject lands to a Site-specific Residential Multiple (RM1-XX) Zone.

For these reasons, the submitted application has regard for matters of municipal interest conforming with the Niagara-on-the-Lake Official Plan.

6.5 – URBAN DESIGN BRIEF

The need for an Urban Design Brief was identified through a pre-consultation meeting held on April 17th, 2025. The pre-consultation agreement is attached as **Appendix IV** of this Planning Justification Report. The Urban Design Brief will discuss polices in both the Niagara Official Plan (NOP) and Niagara-on-the-Lake Official Plan (NOTL Official Plan). These policies define urban design and guide planners to make decisions about site arrangement and appearance.

REGION OF NIAGARA OFFICIAL PLAN (2022)

The 2022 Niagara Official Plan (NOP) outlines the long-term strategic policy planning framework for managing growth in the region to a planning horizon ending in 2051. Chapter 6 of the NOP discusses the importance of district and secondary plans for proactive, coordinated and comprehensive growth management planning within the defined area of Niagara. These plans

are critical for directive growth to areas that will accommodate higher densities and support the achievement of well-designed, vibrant and complete communities. Policy 6.2 of the NOP discusses the role of Urban Design in the Official Plan and states the following:

6.2) Urban Design is the practice of making places that area attractive, memorable and functional. It involves the arrangement, appearance and relationship between buildings, outdoor spaces, transportation systems, services and amenities.

Objectives:

- a) Commit to excellence in urban design;*
- b) Enhance the public realms and promote active transportation; and,*
- c) Identify and establish tools for urban design implementation.*

6.2.1.1) Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse and functional.

The proposed development has regard for the items stated above, by utilizing different natural materials and window placement to enhance the exterior of the townhouse dwellings. Overall the design and placement of these buildings enhances the surrounding area and makes the street edge along Shaw's Lane more attractive, welcoming and walkable.

TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (2017)

The Town of Niagara-on-the-Lake Official Plan (NOTL Official Plan) contains land use policies which implement the Town's long-term growth management goals. The intent of the Official Plan is to guide land use and development in the Town of NOTL as to ensure orderly and efficient growth to meet Provincial and Regional growth targets while maintaining and protecting natural heritage and agricultural lands. The NOTL Official Plan defines Urban Design as the art and science of making places for people. It includes the way places work and how places look as well as matters of public safety. It concerns the connections between people and places, movement and urban form, nature and build fabric and the processes for ensuring successful villages, towns of cities.

Section 11.0 of the NOTL Official Plan discusses the Urban Design Policies for the Town, this section lays out the guidelines are requirements for urban design and states the following:

11.0) Quality urban design is fundamental to the creation of successful, enduring environments. The purpose of urban design is to combine built form elements to create attractive and memorable places that work on many levels. Along with the direction provided in the Secondary Plan policies, these urban design directions will guide the

development and investment of public and private space. Urban design recommendations are intended to promote a high quality of built forms, a welcoming pedestrian environment and an attractive community.

12.2.1) Buildings will be oriented toward the public street in order to clearly define the public realm, create a consistent presence on and definition of the public street and to create an attractive environment for pedestrians.

The proposed development has regard for the items stated above by utilizing different natural materials and window placement to enhance the exterior of the townhouse dwellings. The scale, massing and height of the proposed townhouse units is appropriate for the creations of functional living space and the architectural design of the buildings is suitable for the area. The addition of street trees, foundation plantings along the front of the units and sidewalk connections from the front door to the public sidewalk will also achieve a streetscape that is pleasing and inviting, and a design that is pedestrian oriented. Overall, the design and placement of these buildings enhances the surrounding area and makes the street edge along Shaw's Lane more attractive and walkable.

Section 4.4 of the NOTL Official Plan discusses Urban Design, this section states that all planning applications are reviewed from an urban design perspective and developments should adhere to the urban design guidelines laid out by the town. Section 4.4 states the following on urban design guidelines for intensification proposals within Old Town:

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

As discussed in Section 6.6 of this Planning Justification Report, the proposed development consists of a compatible built-form for the surrounding neighbourhood. The front yard setbacks within the surrounding area range from 4.5-meters to 7-meters. The front yard setback of the proposed development ranges with a 4.5-meter setback provided from the front lot line to the front porch and a 6-meter setback provided from the front lot line to the garage, this setback conforms to the setbacks seen in the surrounding area.

The proposed building height and orientation will be similar to the design of Royal Albion Place which is directly beside and behind the development. The buildings compatibility with this development is discussed in the Streetscape Analysis which is included as Section 6.6 of this report.

6.6 – STREETScape ANALYSIS

The need for a Streetscape Analysis was identified through a pre-consultation meeting held on April 17th, 2025. The pre-consultation agreement is attached as **Appendix IV** of this Planning Justification Report. The Streetscape Analysis will explain the rationale for the development design, referencing the proposed building elevation. Additionally, the analysis will consist of a study of the surrounding areas compatibility to the proposed development.

DEVELOPMENT DESIGN

The units are set close enough to the street to provide a strong edge for the street and sidewalk while allowing for public engagement and “eyes-on-the-street” feeling. This encourages the use of other modes of transportation like cycling and walking, and allows for a more aesthetic streetscape design, overall contributing to the character of the area.

Figure 7 below shows an excerpt of **Appendix II** which displays conceptual building elevations demonstrating the anticipated design language for the proposed dwellings. This image is illustrative to how the townhouse dwellings will generally interact with the street and shows how the buildings are consistent with the prevailing architectural style of the neighbourhood. The design shown in **Figure 7** uses the change of material and addition of windows to give a stronger relationship to the street edge. The use of multiple materials and colours will create an eye-catching design that will draw people into the neighbourhood, this design supports the overall character of the area surrounding the subject lands and enhances the residential neighbourhood.



Figure 7 - Conceptual Building Elevation

DEVELOPMENT COMPATIBILITY

A study of the surrounding area has been conducted to show how the proposed development is compatible with the surrounding neighbourhood.



Figure 8 – Study Area 1 - Royal Albion Way - Google Street View – July 2023



Figure 9 – Study Area 2 - 60 Shaw's Lane - Google Street View – July 2023



Figure 12 – Study Area 3 - 17 & 15 Shaw's Lane - Google Street View – July 2023



Figure 11 – Study Area 4- 607 King Street - Google Street View – July 2023



Figure 10 – Study Area 5 - 665 & 671 King Street - Google Street View – August 2019

[Study Area 1 - Royal Albion Way \(Figure 8\)](#)

The development will be an extension of the Royal Albion Place development, as such, the proposed townhouse dwellings will use a very similar architectural design, thus achieving a cohesive and aesthetic neighbourhood.

[Study Area 2 – 60 Shaw’s Lane \(Figure 9\)](#)

The property west of the subject lands uses light material and a dark pitched roof, this is a similar design to the proposed development, ensuring the streetscape is cohesive.

[Study Area 3 – 17 & 15 Shaw’s Lane \(Figure 10\)](#)

The townhouse dwellings along Shaw’s Lane use lighter materials and pitched rooves similar to the proposed development. Therefore, the proposed development is consistent with the surrounding townhouse units along Shaw’s Lane.

[Study Area 4 – 607 King Street \(Figure 11\)](#)

The townhouse development on the corner of Shaw’s Lane and King Street further support the built-form of the proposed development, as these townhouse units use lighter materials, including a brick façade and darker pitched roof, this matches the materials used in the proposed development.

[Study Area 5 – 665 & 671 King Street \(Figure 12\)](#)

The single detached dwellings along King Street show how a variety of building materials are used throughout the surrounding neighbourhood. The addition of the proposed development will not impact the character of the area as many different materials, patterns and building types are represented here.

6.7 – TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09

EXISTING ZONING

The subject lands were previously zoned as Residential Development (RD) Zone but since this initial zoning have been rezoned as Residential (R1-71) Zone. The intention of this zoning designation is to permit residential development on the vacant lands within this area. The proposal contains two townhouse dwellings with three units in each structure to accommodate six new townhouse dwelling units on the subject lands. **Figure 2** shows an excerpt of Schedule A-2 of the Zoning By-law; this schedule displays the current zoning of the subject lands. It is important to note that the areas surrounding the subject lands have undergone vary levels of residential development in recent years.

PROPOSED ZONING BY-LAW AMENDMENT

The need for a Zoning By-law Amendment was recognized in the pre-consultation meeting held on April 17th, 2025. A copy of the pre-consultation notes is attached in **Appendix IV**.

An application for a Zoning By-law amendment has been submitted to change the zoning of the subject lands from Residential (R1-71) Zone to a Site Specific Residential Multiple (RM1-XX) Zone, this zone will permit and regulate the proposed townhouse development on the subject lands, while maintain the existing permissions for single detached dwellings.

A zoning matrix is included in **Table 2**. These tables demonstrate where zoning relief is required. An evaluation of each sit-specific provision is provided below. A draft Zoning By-law amendment is included as **Appendix III** of this Planning Justification Report.

Table 2 – Zoning Conformity – Lots 25 & 26					
Zoning By-law 4316-09					
Section 7.5 – Residential Multiple (RM1) Zone					
Provision	Required	Provided – Part 1	Provided – Part 2	Provided – Part 3	Proposed Provision
7.5.1 – Permitted Uses					
Accessory buildings and structures in accordance with section 6.1, apartment building, converted dwelling unit, four-plex or quadraplex dwelling, triplex dwelling, public use in accordance with section 5.381, townhouse or row dwelling.		Townhouse Dwelling	Townhouse Dwelling	Townhouse Dwelling	No Change
7.5.2 – Zone Requirements					
a) Minimum lot frontage	7.5m for interior unit, 9.0 meters for exterior unit.	11.37 meters	11.63 meters	13.71 meters	No Change
b) Minimum lot area per unit	195 square meters	500.93 square meters	391.59 square meters	463.21 square meters	No Change
c) Maximum lot coverage	50%	Dwelling Unit: 44.47% Covered Deck and Porch: 4.27% Total: 48.74%	Dwelling Unit: 53.52% Covered Deck and Porch: 5.77% Total: 59.29%	Dwelling Unit: 45.05% Covered Deck and Porch: 4.77% Total: 49.82%	54% + 6% for covered porches and decks
d) Minimum landscaped open space	25%	43.69%	30.95%	41.43%	No Change
e) Minimum front yard setback	6.0 meters	6.0 meters to the dwelling 5.07 meters to the porch	6.0 meters to the dwelling 5.09 meters to the porch	6.0 meters to the dwelling 5.09 meters to the porch	Add: 5.0 meters to a covered front porch
f) Minimum interior side yard setback	1.5 meters and 0 meters for common walls	1.5 meters	0 meters	4.0 meters	No Change
g) Minimum exterior side yard setback	4.5 meters	N/A	N/A	N/A	No Change
h) Minimum rear yard setback	7.5 meters	9.6 meters to the rear wall 5.91 meters to the covered deck	9.23 meters to the rear wall 5.71 meters to the covered deck	9.01 meters to the rear wall 5.41 meters to the covered deck	Add: 5.4 meters to a covered rear deck
i) Minimum dwelling floor area	84 square meters	213.41 square meters	214.41 square meters	227.56 square meters	No Change
j) Maximum building height	10 meters	9.5 meters	9.5 meters	9.5 meters	No Change
k) Minimum accessory building yards setback	0.5 meters	N/A	N/A	N/A	No Change
l) Minimum setback of uncovered, unenclosed or covered patio or deck form required a side yard setback	0.6 meters	5.94 meters	5.63 meters	5.47 meters	No Change
m) Minimum accessory building exterior side yard setback	4.5 meters	N/A	N/A	N/A	No Change

SITE SPECIFIC RELIEF

Maximum Lot Coverage

The proposed Zoning By-law Amendment requests relief from the maximum lot coverage requirement to permit a maximum lot coverage of 54%, plus an additional 6% lot coverage allowance for covered porches and decks.

The additional lot area does not compromise lot functionality as each lot provides sufficient space for parking, private amenity areas, and drainage. The townhouse dwellings remain appropriately scaled to the property, with landscaped areas exceeding the minimum requirement. All required setbacks to the main dwelling are maintained, preserving separation between buildings and adjacent properties. The requested site-specific front and rear yard setbacks specifically address the covered porches and decks, ensuring they are appropriately integrated into the lot design. This relief is discussed in further detail below.

The proposed lot coverage provision differentiates between the main building and the covered porches and decks, reflecting the fact that covered porches and decks are smaller unenclosed structures and have visual impact compared to the main building.

For these reasons, the requested lot coverage is considered to be appropriate.

Minimum Front Yard Setback

A site-specific reduction in minimum front yard setback is requested to reflect the setback between the covered front porch and front lot line. While the Town's Zoning By-law permits front porches to encroach into a front yard setback, this provision does not explicitly apply to covered front porches, meaning that they are technically required to meet the main building setback.

Covered front porches are desirable as they contribute to the functionality of the dwelling, while also improving the streetscape by creating a relationship between the private and public realms. The proposed site-specific setback allows for these benefits while maintaining ample front yard space for landscaping and overall lot functionality.

For these reasons, the requested site-specific front yard setback is considered to be appropriate.

Minimum Rear Yard Setback

As with the minimum front yard setback, a site-specific reduction is requested for the rear covered porch, reflecting a gap in the Zoning By-law regarding encroachments by covered structures. The covered rear deck enhances the functionality of the outdoor amenity area while

remaining visually unobtrusive, ensuring it does not dominate the lot or impact neighbouring properties.

For these reasons, the requested site-specific rear yard setback is considered appropriate.

7.0 - SUMMARY AND CONCLUSION

This Planning Justification Report has been prepared to provide a planning rationale for the Zoning By-law Amendment application on lands municipally addressed as 52 and 56 Shaw's Lane.

The subject lands are within the Old Town Settlement Area of Niagara-on-the-Lake, and propose the convert two single detached lots into three townhouse lots.

The application is appropriate as it will establish the necessary permissions for the suitable and compatible development of the lands in accordance with Provincial, Regional and local land use planning documents.

The proposed development 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.

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

- Have regard for, and satisfy the relevant sections of 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.

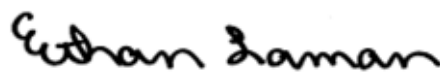
It is our opinion that the applications will facilitate appropriate forms of development that will contribute to the achievement of community goals and additional housing supply and forms. The applications are considered to be in the public interest and represent good planning, therefore, should be approved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

Prepared by:



Sara Meerveld
Planning Technician Student
Upper Canada Consultants

Reviewed and submitted by:



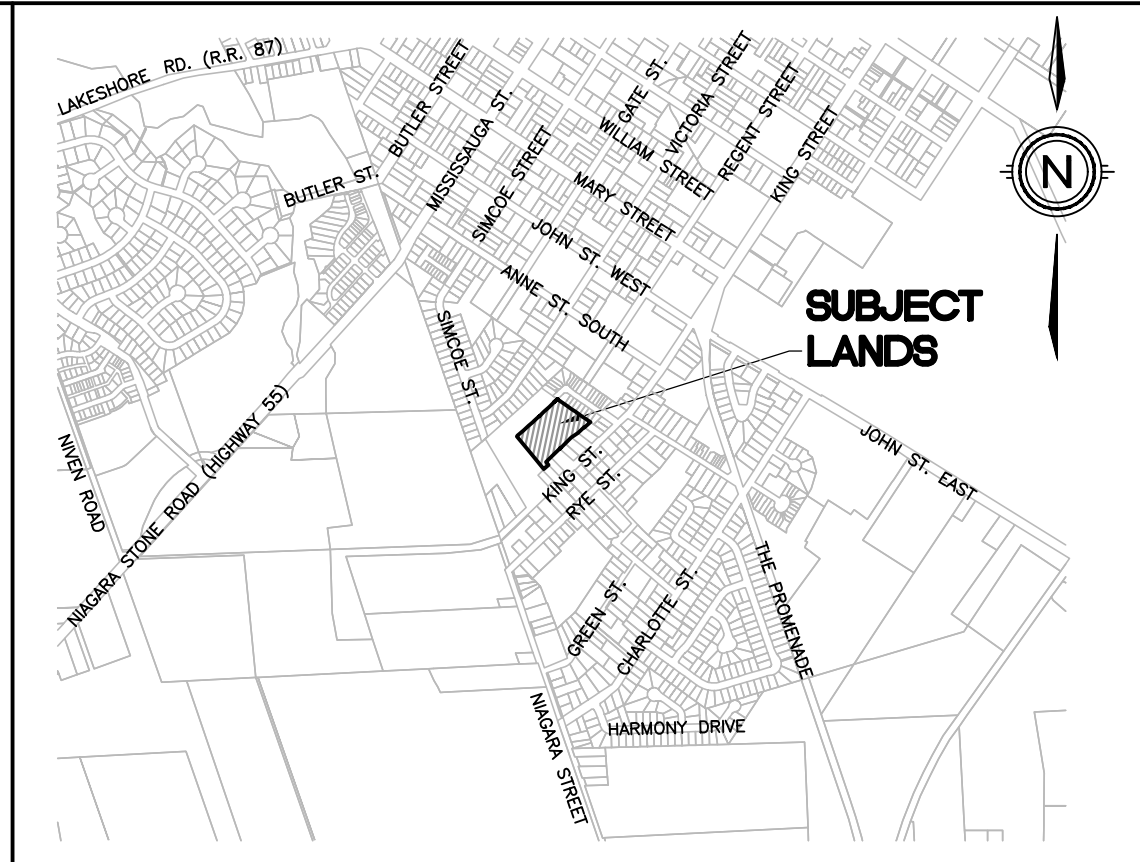
Ethan Laman, BURPI., MCIP, RPP
Senior Planner
Upper Canada Consultants

Appendix I
Preliminary Site Plan



ROYAL ALBION VILLAGE (LOT 28-29 RECONFIGURATION)

TOWN OF NIAGARA-ON-THE-LAKE



KEY PLAN
N.T.S.

CONCEPT PLAN

LEGAL DESCRIPTION

LOT 28, 29
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

ZONING MATRIX BY-LAW RM1

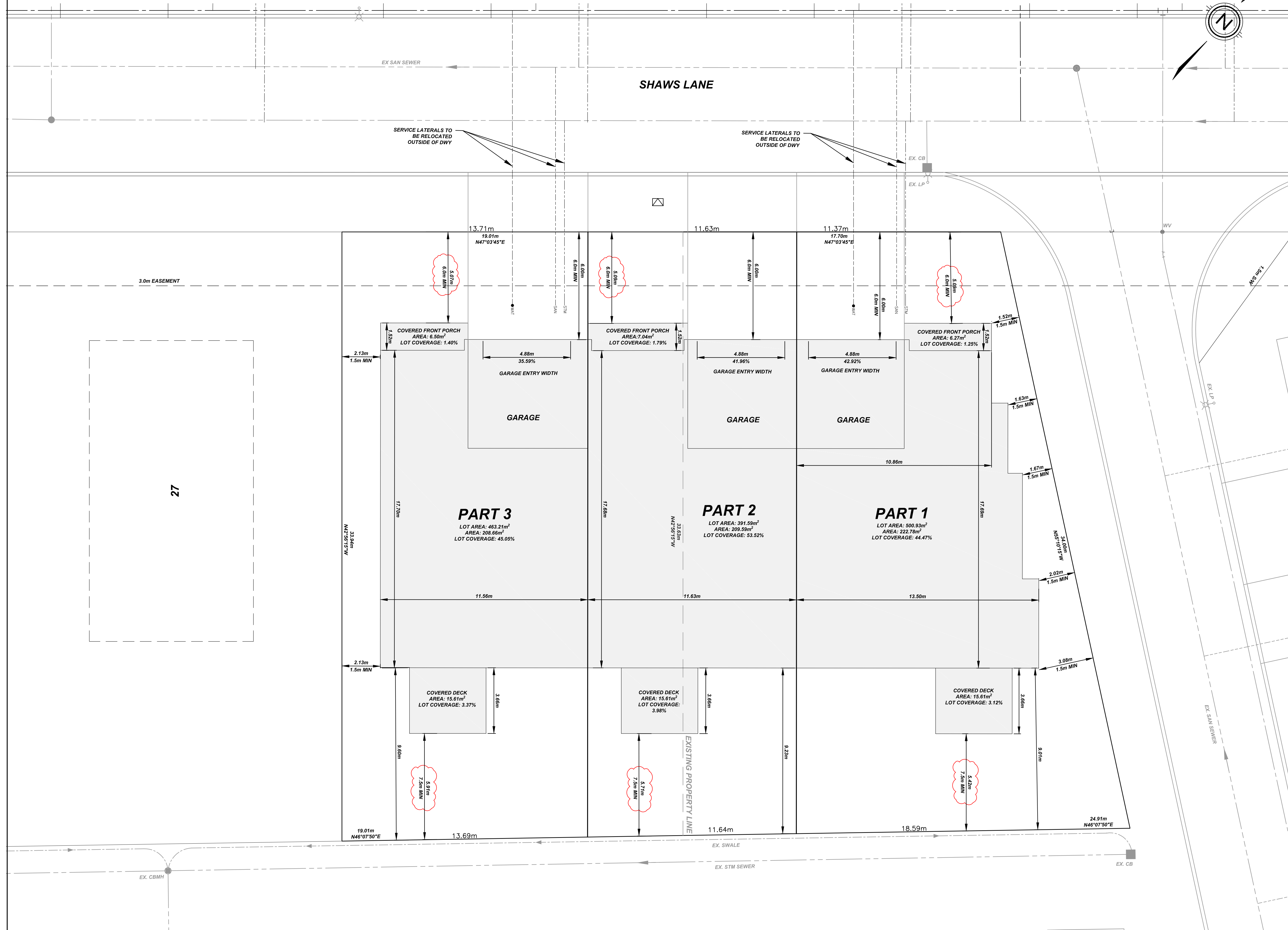
PROVISIONS	REQUIRED	PART 1	PART 2	PART 3
MINIMUM LOT AREA PER UNIT	195m ²	500.93m ²	391.59m ²	463.21m ²
MAXIMUM TOTAL LOT COVERAGE	50%	DWELLING UNIT: 44.47% DECK: 3.12% PORCH: 1.25%	DWELLING UNIT: 53.52% DECK: 3.98% PORCH: 1.79%	DWELLING UNIT: 45.05% DECK: 3.37% PORCH: 1.40%
MINIMUM UNIT FRONTAGE	(i) INTERIOR UNIT: 7.5m (32.8ft) (ii) EXTERIOR UNIT: 9.0m (32.8ft)	11.37m	11.63m	13.71m
MINIMUM LANDSCAPED OPEN SPACE	25%	43.69%	30.95%	41.43%
MINIMUM FRONT YARD SETBACK	TO DWELLING: 6.0m (19.0 ft)	5.09m	5.09m	5.07m
MINIMUM INTERIOR SIDE YARD SETBACK: FOR COMMON WALLS:	1.5m (4.9ft) 0m (0ft)	1.52m	0m	2.13m
MINIMUM EXTERIOR SIDE YARD SETBACK	4.5m (14.76ft)	N/A	N/A	N/A
MINIMUM REAR YARD SETBACK	7.5m (24.6ft)	5.42m	5.71m	5.91m
MINIMUM DWELLING FLOOR AREA	84m ² (904ft ²)	222.78m ²	209.59m ²	208.66m ²
MINIMUM ACCESSORY BUILDING YARDS SETBACK	0.5m (1.64ft)	N/A	N/A	N/A
MINIMUM SETBACK OF UNCOVERED, UNENCLOSED OR COVERED PATIO OR DECK FORM REQUIRES A SIDE YARD SETBACK	0.6m (2ft)	N/A	N/A	N/A
MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK (AS AMENDED BY 4316Y-12)	4.5m (14.76ft)	N/A	N/A	N/A

SITE STATISTICS

AREA	m ²	% COVERAGE
BUILDING	709.78	52.38%
DRIVEWAY	112.33	8.29%
LANDSCAPING	532.83	39.33%
TOTAL	1354.94	100.00
UNITS		3
DEVELOPABLE AREA		0.1354ha
DENSITY (UNITS/DEVELOPABLE AREA)		22.14u/ha



SITE PLAN	DRAWING TITLE	DRAFTING	ND
		DATE	OCTOBER 15, 2025
		PRINTED	OCTOBER 15, 2025
		SCALE	1:100
	DWG. No.	REV	
	1487-SP	0	

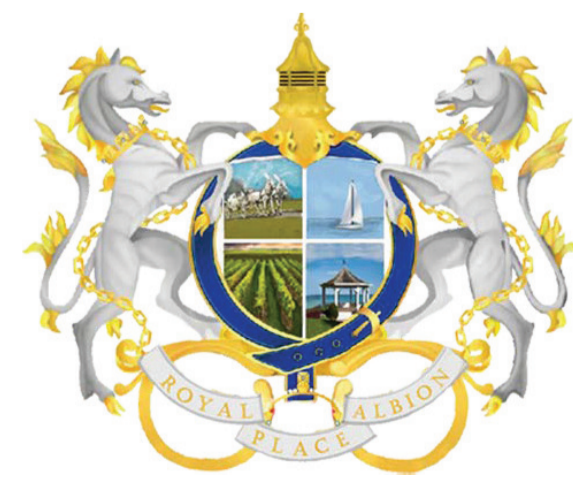


Appendix II
Conceptual Building Elevations





A · C · K
architects
STUDIO INC.



ROYAL ALBION LOT 28-29

Rev. 0 JULY 07 2025
DISCLAIMER: ISSUED FOR PRELIMINARY DESIGN DISCUSSION ONLY



GATTA HOMES

Appendix III
Draft Zoning By-law Amendment



Explanation of the Purpose and Effect of By-law X

The subject lands are comprised of Parts of land known municipally as 52, 56, 64, and 68 Shaw's Lane in Niagara-on-the-Lake. The properties are located in the Old Town Settlement Area on the south-east side of Shaw's Lane.

Purpose

The purpose of this By-law is to establish Zoning provisions that facilitate the development of two single detached lots into townhouse dwellings which will each contain 3 units. In total the development will allow 6 townhouse dwelling units across two sites.

The subject lands are zoned as Residential (R1-71) and require a Zoning By-law Amendment to be developed beyond existing uses. The proposed amendment will rezone the lands to Residential Multiple (RM1-XX) with site-specific provisions.

Effect

The effect of this By-law is to rezone the subject lands with site-specific Residential Multiple zoning to facilitate the development of 6 townhouse dwelling units across two sites.

Site specific provisions for an increased lot coverage are proposed.

Applicant:	X
File Number:	X
Report Number:	X
Assessment Role Number:	X

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO.4316-09**

52, 56, 64, and 68 Shaw's Lane

A BY-LAW TO AMEND SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION, AND USE OF BUILDINGS AND STRUCTURES THEREON.

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

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

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

1. Schedule "A-2" of By-law 4316, 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 "Residential (R1-71) zone to Residential Multiple Site Specific (RM1-XX) zone.
2. That Map A (attached to and forming part of this By-law) be included and form part of the Town of Niagara-on-the-Lake Zoning By-law 4316-09 as "Figure X: Royal Albion Townhouse"
3. That Subsection 9.13 – Site Specific Exceptions of Section 7 – Old Town Community Zoning District is hereby further amended by adding the following:
7.14.X
Notwithstanding the provisions of the "Residential Multiple (RM1) Zone" of Section 7 – Old Town Community Zoning District, the following provisions shall be applicable on those lands shown on Figure X.

Site Specific Residential Multiple (RM1-XX)Permitted Uses

- a) The uses permitted in the RM1 Zone
- b) Single detached dwellings

Zone Requirements For Townhouse Dwellings

The zone requirements for townhouse dwellings within the RM1 zone, save and except for:

<i>Maximum Lot Coverage</i>	<i>54 % plus 6% for covered porches and decks</i>
<i>Minimum Front Yard Setback</i>	<i>5.0 meters to a covered porch</i>
<i>Minimum Rear Yard Setback</i>	<i>5.90 m to covered deck</i>

Zone Requirements for Single Detached Dwellings:

(a)	<i>Minimum lot frontage</i>	<i>18.0 m</i>
(b)	<i>Maximum lot frontage</i>	<i>21.5 m</i>
(c)	<i>Minimum lot area</i>	<i>688 m²</i>
(d)	<i>Maximum lot area</i>	<i>780 m²</i>
(e)	<i>Minimum lot coverage</i>	<i>50 %</i>
(f)	<i>Minimum landscaped open space</i>	<i>30 %</i>
(g)	<i>Minimum front yard setback</i>	<i>7.5 m</i>
(h)	<i>Minimum interior side yard setback</i>	<i>1.5 m</i>
(i)	<i>Minimum exterior side yard setback</i>	<i>4.5 m</i>
(j)	<i>Minimum rear yard setback</i>	<i>7.5 m</i>
(k)	<i>Minimum dwelling floor area</i>	<i>93 m²</i>
(l)	<i>Maximum building height</i>	<i>10.0 m</i>
(m)	<i>Minimum accessory building yards setback</i>	<i>1.5 m</i>
(n)	<i>Minimum accessory building exterior side yard setback</i>	<i>4.5 m</i>

- 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 ___ DAY OF ___, 2025.

LORD MAYOR

TOWN CLERK

Appendix IV
Draft Zoning By-law Amendment



Office Use Only --	Meeting date: April 17, 2025	Fee collected: \$3,075
--------------------	------------------------------	------------------------

APPLICANTS only need to complete page 1 of this form. E-mail the entire document with page 1 filled out to: planning.development@notl.com
 You will be contacted with a meeting date and a planner will be assigned to your file.

Pre-Consultation Agreement

For applications filed under the *Planning Act, R.S.O. 1990 c. P.13, as amended*

Persons intending to file an application under the *Planning Act, R.S.O. 1990, c. P.13, as amended*, are required to attend a pre-consultation meeting with Community & Development Services Staff prior to submitting an application. This meeting will identify the requirements to submit a complete application and will provide the opportunity to discuss the application, planning-related matters, application fees, the application review process, and other matters.

All information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The requested information on this form and all accompanying plans, reports, and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and company of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.

1. Application Type (select all that apply)

- | | | | | |
|--|---|--|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Draft Condominium Description | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Consent | <input type="checkbox"/> Minor Variance | <input type="checkbox"/> Fence/Sign Variance | <input type="checkbox"/> LNCU Permission | <input checked="" type="checkbox"/> Other: Part Lot Control |

2. Details of the Subject Lands

Municipal Address 52 & 56; 64 & 68 Shaw's Lane	Assessment Roll Number 262701000319539; 26270100031954	
Legal Description Lots 25 & 26 and 28 & 29, Plan 30M-432		
Lot Area (metric) 1354.94 sq.m; 1413.81 sq.m	Lot Frontage (metric) 36.71m; 36.53m	Lot Depth (metric) 33.94m; 34.25m

3. Registered Owner

Name(s) Cyrus Gatta	Company Name Gatta Homes Inc.
Email cyrus@gattahomes.com	Telephone 905-468-8867

4. Authorized Agent

Name Ethan Laman	Company Name Upper Canada Consultants
Email ethan@ucc.com	Telephone 905-688-9400

Contact for all future correspondence (select one): Registered Owner Authorized Agent

5. Details of the Proposal

Provide a description of the proposal, including any specific amendments or relief being requested:

To convert 2 pairs of single detached lots into 3 townhouse lots each

6. Provincial Planning, Official Plan, and Zoning Information	
Identify the applicable Provincial Plan designations that apply to the subject lands: <input type="checkbox"/> Specialty Crop Area <input type="checkbox"/> Built-Up Area <input checked="" type="checkbox"/> Greenfield Area <input type="checkbox"/> Niagara Escarpment Plan Area	
Does this application conform to the applicable Provincial Plans? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Niagara Regional Official Plan Designation(s) of the subject lands:	
Does this application conform to the Niagara Regional Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
Existing Town of Niagara-on-the-Lake Official Plan Designation(s) of the subject lands: Medium Density Residential, Greenfield Areas	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: R1-71 , as amended by by-law 4316BV-15	
Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe the nature of the amendment needed: Zoning by-law amendment required. The permitted uses must be expanded to include on-street townhouse dwellings and to set out associated site-specific provisions for on-street townhouse dwellings.	
7. Site Plan Control	
Is Site Plan Approval required for the proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is there an existing Site Plan Agreement that applies to any portion of the subject lands? <input type="checkbox"/> Yes <input type="checkbox"/> No	
8. Archaeology and Municipal Heritage	
Is any portion of the subject lands within an area of archaeological potential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is any portion of the subject lands or adjacent lands designated under the <i>Ontario Heritage Act</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Niagara Peninsula Conservation Authority (NPCA)	
Is any portion of the subject lands within an NPCA regulated area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Parkland Dedication and Development Charges	
Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are Town Development Charges applicable to the proposal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. Agencies to be Circulated on the Application (subject to change)	
<input checked="" type="checkbox"/> Niagara Region <input type="checkbox"/> Niagara Escarpment Commission <input checked="" type="checkbox"/> NPCA <input type="checkbox"/> Niagara Parks Commission <input checked="" type="checkbox"/> Enbridge Gas <input type="checkbox"/> TransCanada Pipelines <input checked="" type="checkbox"/> Bell Canada <input checked="" type="checkbox"/> NOTL Hydro <input checked="" type="checkbox"/> Hydro One <input checked="" type="checkbox"/> Canada Post <input type="checkbox"/> Parks Canada <input checked="" type="checkbox"/> Local School Boards <input type="checkbox"/> Other:	

12. Plans, Reports, and Information Required for a Complete Application

Notwithstanding the plans, reports, and information noted below, Staff reserve the right to request additional plans, reports, and information, if applicable. All plans, reports and information are subject to peer-review at the applicant's cost. At the time of submission of an application, all accompanying plans, reports, and information may become part of the public record.

Reports/Studies	Notes
<input checked="" type="checkbox"/> Planning Justification Report / Impact Analysis	
<input checked="" type="checkbox"/> Streetscape Study	Can be within PJR
<input type="checkbox"/> Transportation Impact Study	
<input type="checkbox"/> Parking Impact Analysis	
<input checked="" type="checkbox"/> Archaeological Assessment and Ministry letter(s)	Or Copy of Previous Report(s) & Clearance Letter(s)
<input type="checkbox"/> Cultural Heritage Impact Assessment	
<input type="checkbox"/> Environmental Impact Study	
<input type="checkbox"/> Environmental Site Assessment	
<input type="checkbox"/> Arborist Report / Tree Inventory	
<input type="checkbox"/> Functional Servicing Report	
<input type="checkbox"/> Stormwater Management Report	
<input type="checkbox"/> Land Use / Market Study	
<input checked="" type="checkbox"/> Urban Design Brief	Can be within PJR
<input type="checkbox"/> Geotechnical Study	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Slope Stability Report	
<input type="checkbox"/> Air, Noise, and Vibration Emissions Study	
<input type="checkbox"/> Agricultural Impact Assessment	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
Plans/Drawings	Notes
<input checked="" type="checkbox"/> Site Plan	
<input type="checkbox"/> Landscape Plan and Planting Plan	
<input checked="" type="checkbox"/> Building Elevations	
<input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations	
<input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas)	
<input type="checkbox"/> Photometric Plan / Lighting Plan	
<input type="checkbox"/> Draft Plan of Subdivision	
<input type="checkbox"/> Draft Condominium Description	
<input type="checkbox"/> Servicing Plan	
<input type="checkbox"/> Preliminary Grading Plan	
<input type="checkbox"/> Lot Grading and Drainage Area Plan	
<input type="checkbox"/> Consent Sketch	
<input type="checkbox"/> Minor Variance Sketch	
<input type="checkbox"/> Fence/Sign Variance Sketch	
<input type="checkbox"/> Reference Plan / Registered Plan	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Other Requirements	Notes
<input type="checkbox"/> Draft Regional Official Plan Amendment	
<input type="checkbox"/> Draft Town Official Plan Amendment	
<input checked="" type="checkbox"/> Draft Zoning By-law Amendment	
<input type="checkbox"/> Surplus Farm Dwelling Information Form	
<input type="checkbox"/> MDS I/II Farm Data Sheet(s)	
<input checked="" type="checkbox"/> Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments)	
<input checked="" type="checkbox"/> Legal Opinion	If required for proposal to sever lots.
<input type="checkbox"/> Heritage Permit	
<input type="checkbox"/> Urban Design Guidelines / Architectural Codes	
<input type="checkbox"/> Municipal Heritage Committee Review	
<input type="checkbox"/> Urban Design Committee Review	
<input type="checkbox"/> Cost Estimates for all proposed on-site and off-site works	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

13. Application Fees

Notwithstanding the fees noted below, all fees are payable based on the Fee Schedule By-law in effect on the date the application is received. Separate cheques shall be made payable to the appropriate agency. Additional fees may be required to process the application, including but not limited to peer-review fees.

Application Type	Town Planning	Niagara Region	NPCA	Town Operations	Other
Official Plan Amendment					
Zoning By-law Amendment	\$9,260				
Draft Plan of Subdivision					
Draft Condominium Description					
Site Plan					
Consent					
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction	-\$3,075				
Other:					
Other: Applicant					
Other: Applicant					
Other: Applicant					

14. Additional Comments

- The subject lands are known as Lots 28 & 29 and Lot 25 & 26 within the Registered (unassumed) "Royal Albion Place" Plan of Subdivision in the Urban Area of Old Town. The applicant is proposing to create 1 additional lot within Lot 25 & 26 and 1 additional lot within Lot 28 & 29 through a Part-lot Control Exemption, or other mechanism. The Town requests that the applicant engage in discussions with Planning Staff in advance of the formal Planning Act submission to discuss the mechanism to divide the lands. A legal opinion may be required to support the proposed mechanism to divide the lands.

- The subject lands are designated "Medium Density Residential" in Town of the Niagara-on-the-Lake Official Plan ("Town OP"). The designation permits a maximum residential net density of 30 units per hectare for the lands subject to the designation. Given the applicant is proposing approximately 23 units per hectare density of on-street townhouse dwelling units, the proposal conforms with the maximum residential net density permitted. As such, an Official Plan Amendment is not required as currently proposed.

- The subject lands are zoned "Residential (R1-71) Site Specific Zone" under Zoning By-law 4316-09, as amended. The site-specific provisions were implemented through By-law No. 4316BV-15. The existing provisions for are structured to apply to single detached dwellings. The existing provisions of the adjacent RM1-71-H are structured to apply to condominium block. Given that townhouses are now proposed, a Zoning By-law Amendment is required to add permissions for on-street townhouses and to set out site specific provisions for on street townhouse dwelling units, which would apply to each lot being created. The applicant will be required to determine how to amend the existing site-specific zoning provisions to accommodate the proposed on-street townhouse dwellings and must justify any relief being requested. Provisions should include but not be limited to encroachments related to covered/uncovered decks and steps, rear yard setbacks, lot coverage per unit, etc.

- A Planning Justification Report ("PJR") is required for the proposal that addresses applicable Provincial, Regional and Town policies, which must be signed by a Registered Professional Planner. The PJR should provide an overview of the past planning applications on the subject lands including but not limited to previous works completed for municipal servicing (storm, sanitary and water), archaeological and cultural heritage, landscaping and streetscape design, natural environmental etc. in addition to a clear understanding of the changes being requested through the proposal. The PJR must provide analysis to demonstrate that the proposed on-street townhouse dwellings are compatible with the surrounding community. Town Staff require that a Streetscape Study and Urban Design Brief (which may form sections within the PJR) are provided to demonstrate compatibility with the surrounding community and to demonstrate that the proposal addresses the Medium Density Residential and Greenfield Development Official Plan design requirements.

Operations

- See attached below.

Heritage

- See attached below.

NPCA, Regional, and Enbridge Gas comments are attached below.

15. Additional Notes

- i. The purpose of this Pre-consultation Agreement is to identify the information required to process and evaluate an application, as set out in the *Planning Act, R.S.O. 1990, c. P.13, as amended*. This pre-consultation process is designed to proceed based on the mutual agreement of the parties who have provided signatures below.
- ii. Pre-consultation does not imply or suggest any decision whatsoever on behalf of Staff or the municipality to either support or refuse the application.
- iii. All information requested on this form is collected under the authority of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, and the provisions of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*. The requested information on this application and all accompanying plans, reports, and information is required in order to process this application and will form part of the public record which may be published on the Town of Niagara-on-the-Lake website or by other means. The name and business address of the Registered Owner and/or Authorized Agent is public information. Questions about the collection of information can be made to the Town Clerk.
- iv. The applicant should be aware that the information provided in this Pre-consultation Agreement is accurate as of the date of the pre-consultation meeting. Should other policies, by-laws or procedures be approved by the Province, Region, Town and other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect on the day the application is received. If an application is not submitted within one (1) year, the applicant must confirm with the Town that the directives of the original pre-consultation meeting are being met. Another pre-consultation meeting may be required at the direction of the Director of Community & Development Services if an application has not been submitted within one (1) year of the pre-consultation date and/or the proposal has changed.
- v. It is hereby understood that, subject to any appeals, an application filed for the proposal identified in this Pre-consultation Agreement will only be considered complete if it includes the required plans, reports and information identified in this Pre-consultation Agreement, completed application form(s), any information or materials prescribed by statute, the required fees, a copy of this signed Pre-Consultation Agreement, and any other applicable requirements as identified on the application forms. Any application submitted without the plans, reports and information identified in this Pre-consultation Agreement will be deemed incomplete and will not be processed. Alternately, Staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
- vi. The applicant acknowledges that the Town, Region, and other agencies consider the application forms and all accompanying plans, reports, and information filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all accompanying plans, reports and information have been obtained, to permit the Town, Region and other agencies to release the application and any accompanying materials either for their own use in processing the application, or at the request of a third-party, without further notification to, or permission from, the applicant.
- vii. It is hereby understood that during the review of the application additional plans, reports, and information may be required as a result of issues arising during the processing of the application, public input, or the review of the submitted studies.
- viii. The applicant acknowledges and agrees that Town of Niagara-on-the-Lake Staff, Agency Staff and Committee of Adjustment Members may enter onto their property to view, photograph, and survey their property as necessary for this proposal. It is acknowledged that failure to allow access onto the subject lands may result in the application being considered incomplete.
- ix. If the Town or Region do not have sufficient expertise to review and determine that a study is acceptable, a peer-review may be required. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Town, Region or other agencies.
- x. Some studies may require review and clearance/approval from other agencies. In this instance, the review fee(s) of the review agency shall be paid by the applicant.

16. Signatures of Attendees			
I have read, understand, and agree to all of the content provided in this Pre-consultation Agreement:			
Position/Title	Name	Signature	Date
Planner	Connor MacIsaac		April 17, 2025
Planning Manager			
Development Coordinator			
Secretary-Treasurer, CoA	Natalie Thomson		April 17, 2025
Operations Staff	Marci Weston		April 17, 2025
Regional Staff	Amy Shanks		April 17, 2025
NPCA Staff	Kyle Riley		April 17, 2025
Other Staff: Heritage	Sumra Zia		April 17, 2025
Other Staff: Zoning	Darka Jensen		April 17, 2025
Other Staff:			
Registered Owner	Cyrus Gatta		April 17, 2025
Authorized Agent	Ethan Laman		April 17, 2025
Other: Applicant	Syrina Gatta		April 17, 2025
Other: Applicant	Sirwan Irandost		April 17, 2025
Other: Applicant	Conor Jones		April 17, 2025

APPLICATIONS MUST BE SUBMITTED TO:	
Town of Niagara-on-the-Lake Community & Development Services 1593 Four Mile Creek Road PO Box 100 Virgil, ON L0S 1T0	Phone: (905) 468-3266 Fax: (905) 468-0301 Website: www.notl.com E-mail: planning.development@notl.com



**Department of
Public Works**

TELEPHONE 905-468-3278
FACSIMILE 905-468-1722

1593 FOUR MILE CREEK ROAD
P.O. BOX 100
VIRGIL, ONTARIO
L0S 1T0

April 24, 2025

PreCon Comments to
Planning and Development Services
1593 Four Mile Creek Rd.,
Virgil, Ontario. L0S 1T0

Attention: Connor MacIsaac – Planner II

Dear Mr. MacIsaac:

**Re: Lots 25 & 26 and 28 & 29, Plan 30M-432
Corporation Plan 1
Former Town of Niagara, now Town of Niagara-on-the-Lake
Located on the east side of Shaws Lane, and the south side of
Shaw's Lane
Known municipally as 52-56 and 64-68 Shaws Lane
Roll No.s 262701000319536; 262701000319537; 262701000319539;
262701000319540;**

We have reviewed the above Application, and offer the following information and comments.

EXISTING SERVICES	SHAWS LANE
Municipal water	150 mm Ø PVC, 2017
Sanitary sewer	200 mm Ø PVC, 2017
Storm sewer	300 mm Ø PVC, 2018
Sidewalks	None
Road allowance	15.3 m +/-
Road surface	Asphalt
Road authority	Town (currently unassumed)

cont'd...2

Background:

This is a new development which is not completely built out, and the roadway has not yet been assumed by the Town.

There are new water and sanitary sewer services fronting each of the existing lots. Merging and reconfiguring the lots as proposed in this application means that the existing servicing will no longer align with the new residences to be built. Accordingly, the existing water, sanitary sewer and storm service laterals must be severed and capped at the main, and new services installed wholly fronting each of the reconfigured lots.

Similarly the curb depressions which were pre-installed to accommodate driveways on the existing lots will not align with the lots created by the lot reconfiguration. Accordingly, the existing curb depressions must be filled in and new curb cuts installed fully fronting each of the new lots to be created, all subject to entrance permits issued by the Town.

Finally, the existing boulevard trees will also not align with the proposed lot reconfiguration, so the existing trees must be moved or removed and trees installed fronting each of the reconfigured lots.

There is an existing development agreement and security deposits related to the existing subdivision. Yet to be determined is whether the required works will be undertaken as an amendment of the existing agreement and security deposits, or as conditions of severance.

Should an application for consent go forward, the Town Operations Department would request the following conditions, all at the Owners expense:

- 1. That Operations be provided with a copy of the deposited reference plan.**
- 2. That the applicant sever and cap the existing water, sanitary and storm services at the mains to the satisfaction of the Environmental Services Department.**
- 3. That the applicant install water, sanitary and storm sewer laterals wholly fronting each reconfigured lots to the satisfaction of the Environmental Services Department.**
- 4. That the applicant move or remove the existing boulevard trees and install trees wholly fronting the newly configured lots.**

Thank you for this opportunity to comment. Please feel free to contact me should you have any questions or require further information.

Yours truly,

Mara Weston

Connor MacIsaac

From: Sumra Zia B. Arch., Dipl. Architectural Conservation
Sent: April 17, 2025 2:03 PM
To: Connor MacIsaac
Subject: 52 and 56 Shaw's Lane - Precon Comments

Hi Connor,

The subject lands are not mapped as having archaeological potential according to the Region's Official Plan but are mapped as having potential according to the Town's Official Plan. Staff do note that the lands are located in an existing subdivision and would request the applicant to forward any previously completed archaeological assessments for the subject lands, that they might have on file. If the applicant is unable to produce previously completed assessments or if none have been undertaken for the subject lands, a Stage 1 and 2 archaeological assessment might be required for the proposed development.

There are no further heritage concerns.

Regards,

Sumra Zia B. Arch., Dipl. Architectural Conservation
Heritage Planner

Sumra.Zia@notl.com

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

Telephone: (905) 468-3266

Website: www.notl.com

Connor MacIsaac

From: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Sent: April 17, 2025 10:55 AM
To: Connor MacIsaac
Subject: RE: NOTL Pre-Con - 52 and 56 Shaw's Lane (Consent/PLC & ZBA)

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Hi Conor,

In lieu of attending this precon meeting, written comments are below.

Please let me know if you have any questions.

52 and 56 Shaw's Lane

Proposal Description: Application for Consent or Part Lot Control to create three townhouse units on each of the two lots, totaling six units. Zoning relief may be required.

Planning Act Changes

- Pursuant to the Planning Act, as of March 31, 2025, Niagara Region is an upper-tier municipality without planning responsibilities. The council of an upper-tier municipality, on conditions agreed upon with the council of a lower municipality, may provide advice and assistance to lower-tier municipalities in respect of planning matters generally.
- Niagara Region will continue to provide planning support and advice to the Town related to land use compatibility, former landfill sites, gas wells, water protection screening, environmental planning, and urban design (on Regional Roads).
- Regional staff provide the below comments from a Provincial and Regional perspective for information purposes to assist Town staff with their review of the application.
- **Please note comments related to regional infrastructure and waste collection must be addressed in accordance with the Memorandum of Understanding (MOU) for Engineering Services between the Region and the Town.**

Land Use Compatibility

- Staff offer no land use compatibility advice to the Town.

Gas Wells

- Staff advise there are no gas wells on the property or on surrounding properties.

Past Landfills

- Staff advise there are no requirements concerning historic landfills.

Water Protection Screening

- Staff offer no comments.

Urban Design

- Staff offer no urban design considerations with the proposal.

Environmental

- The subject property is not impacted by the Region's Natural Environment System (NES). Therefore, staff provide no environmental comments.

Waste Collection

- As existing / as established through the previous subdivision applications.

Regional Study Requirements

- None

Regional Review Fees

- None

Kind regards,
Amy



Amy Shanks, MCIP, RPP

Senior Development Planner
Niagara Region

905-980-6000 ext. 3532
amy.shanks@niagararegion.ca

1815 Sir Issac Brock Way
PO Box 1042,
Thorold, ON, L2V 4T7

[Redacted content]

Connor Maclsaac

From: Kyle Riley <kriley@npca.ca>
Sent: April 16, 2025 1:39 PM
To: Connor Maclsaac
Subject: Re: NOTL Pre-Con - 52 and 56 Shaw's Lane (Consent/PLC & ZBA)

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Hello Connor,

Apologies if I had overlooked speaking to the improper mapping in my initial reply.

The regulated area is a remnant of an entombed watercourse. There is no feature currently on 64 or 68.

Best regards,



Kyle Riley
Watershed Planner
Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

The NPCA completed its *Watershed-based Resource Management and Conservation Area Strategies*, paving the way for sustainable conservation across the Niagara Peninsula watershed. Its *Watershed Natural Asset Analysis and Valuation* for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

From: Connor Maclsaac <Connor.Maclsaac@notl.com>
Sent: Wednesday, April 16, 2025 1:28 PM
To: Kyle Riley <kriley@npca.ca>
Subject: RE: NOTL Pre-Con - 52 and 56 Shaw's Lane (Consent/PLC & ZBA)

Hi Kyle,

I wanted to clarify that the basemap sent shows NPCA regulated area bisecting lots 64 & 68 which are also proposed to be severed. I am thinking the regulated feature was removed and/or realigned through the plan of subdivision but just want to confirm.

Best,

Connor MacIsaac

Planner II

Connor.MacIsaac@notl.com

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

From: Kyle Riley <kriley@npca.ca>
Sent: April 4, 2025 4:18 PM
To: Connor MacIsaac <Connor.MacIsaac@notl.com>
Subject: Re: NOTL Pre-Con - 52 and 56 Shaw's Lane (Consent/PLC & ZBA)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment, unless you were expecting it or know that the content is safe. Forward the email to IT to validate.

Good afternoon, Connor,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the subject matter forming the Pre-Consultation for the address known as 52 and 56 Shaw's Lane in Niagara-On-The-Lake, ON., and offers the following comments.

The Applicants seek to sever two lots currently sized for single detached homes into smaller lots for townhome blocks. Each block will host 3 townhomes.

There are no NPCA-regulated features which currently traverse the subject address. As such, the NPCA offers No Objections to proposed development.

There are no NPCA Planning or Permitting fees required to facilitate the construction of this Application.

Should you have any questions on the subject matter above please do not hesitate to contact the undersigned.

Best regards,



Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541




ArcGIS Web Map




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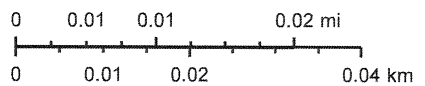
1:1,128

SWOOP 2020 NPCA

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

Roads

 WRIP Quaternary Watersheds (10K)



NPCA. https://gis.npca.ca/portal/apps/sites/admin/assets/templates/sites/defaultSite/resources/Open_Government_Licence_v2.pdf, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User

Web AppBuilder for ArcGIS

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: April 8, 2025 8:53 AM
To: Ada Blanshard <cds.admin@notl.com>
Subject: RE: NOTL Pre-Con - 52 and 56 Shaw's Lane (Consent/PLC & ZBA)

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Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/-/media/Extranet-Pages/Safety/Dig-safety-for-contractors/faqs.pdf?rev=3d3a2ccd7027463c89a953133aad4e4>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Thank you,