Planning Justification Report

Zoning By-law Amendment

411 Victoria Street

Niagara-on-the-Lake, ON.

April 2022

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UCC File No. 21249

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1.0 - PREFACE

This Planning Justification Report has been prepared by Upper Canada Consultants on behalf of the owner of the lands known municipally as 411 Victoria Street in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

The property owner is seeking to sever two lots for single-detached residential development; one lot with frontage on Victoria Street and one lot with frontage on William Street. The existing dwelling will be maintained in place on the retained lot. The proposal requires a **Zoning By-law Amendment** to amend the "as existing" lot frontage and depth requirements under the property's Established Residential (ER) Zoning. A technical site-specific zoning provision is also requested to allow for the construction of the builder's specific house design. Future **Consent** applications will be required to create the proposed lots.

The intent of this report is to provide a description of the subject property and proposal, and to evaluate how the application represents good planning in accordance with Provincial, Regional and local land use planning policies and regulations.

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject property is municipally addressed as 411 Victoria Street and is located in the Old Town area of Niagara-on-the-Lake. The property has 46.05 meters of frontage on Victoria Street and 18.29 meters of frontage on William Street and is 3,285.6 square meters in area. The subject property currently contains a single-detached dwelling facing Victoria Street. An aerial view of the subject lands is provided in **Figure 1**.



Figure 1 - Aerial View of the Subject Lands (Niagara Navigator 2020 Imagery)

The property does not contain any natural heritage features and areas regulated under Provincial, Regional or local plans, and does not contain any features regulated by the NPCA.

The surrounding area is comprised of a mix of low-density residential development including single detached and townhouse dwellings as well as complementary commercial uses.

3.0 - THE PROPOSED DEVELOPMENT

The owner is seeking to sever two parcels for single detached residential development with the retained lot containing the existing dwelling. The proposed land division is shown in the Severance Sketch included as **Figure 2** and attached as **Appendix II**.

Part 1 is proposed to be severed from the western side yard of the property and has 23.23 meters of frontage on Victoria Street and is 1491.4 square meters in area. Part 2 is proposed to be severed from the rear (northern) yard of the property and has 18.29 meters of frontage on William Street and is 758.6 square meters in area. The existing dwelling will be retained on Part 3, a lot with 22.82 meters of frontage on Victoria Street and 1,035.6 square meters of lot area.

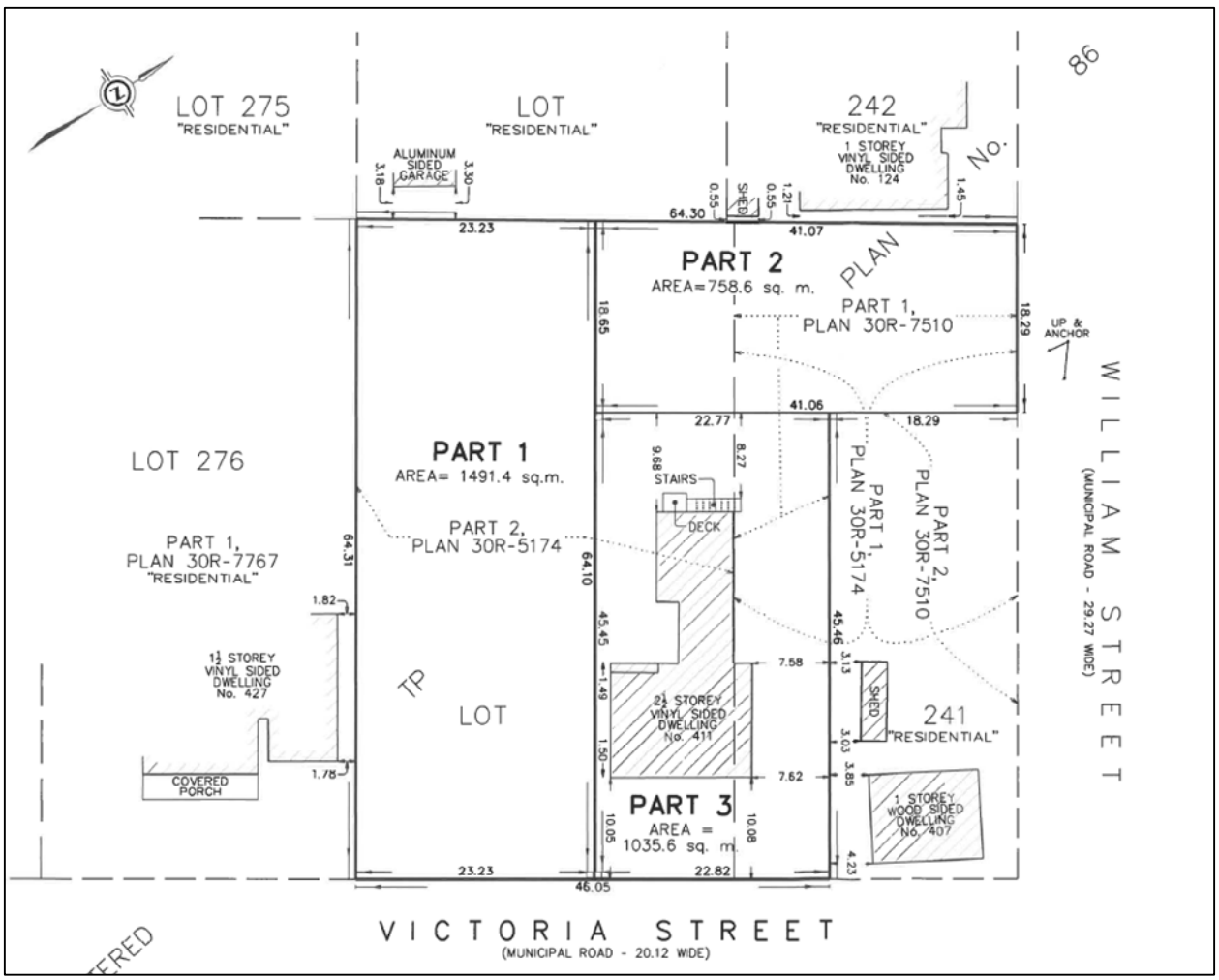


Figure 2 - Proposed Land Division (cropped from Severance Sketch)

4.0 - REQUIRED APPLICATIONS

Zoning By-law Amendment

The property is zoned as Established Residential (ER) within Niagara-on-the-Lake's Old Town Zoning District. All applications for lot creation in the Established Residential area require an amendment to the "as existing" lot frontage and lot depth requirement under the ER Zoning. A technical site-specific provision is also requested to allow for the garage to project past the front face of the dwelling to accommodate the builder's intended housing product which includes a garage which has been designed to mimic the appearance of a coach house. This site-specific provision also includes urban design-related considerations to ensure that the garage face does not negatively impact the existing streetscape.

The proposed Zoning By-law Amendment is attached as **Appendix III**.

Consent to Sever

Subject to Zoning Approvals, applications for Consent are required to be submitted to facilitate the creation of the proposed lots.

5.0 - PROVINCIAL PLANS

5.1 - PLANNING ACT

Section 2 – Matters of Provincial Interest

The *Planning Act* (R.S.O. 1990) prescribes the regulations for land use planning in Ontario. Section 2 of the *Planning Act* outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. These matters 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;
    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.

The proposed development would facilitate compatible residential development in an existing residential neighbourhood and therefore has regard for matters (f), (h), (j) (r), and (p).

Section 16 – Official Plans

Section 16 of the *Planning Act* sets out the regulations pertaining to Official Plans. The submitted Official Plan Amendment application is made pursuant to the requirements under this section of the Act.

Section 34 – Zoning By-laws

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*.

Section 53 - Consents

Section 53 of the *Planning Act* outlines the regulations for the creation of lots through consent. Section 53(12) of the Planning Act states that consent applications are to be considered against the same criteria as Plans of Subdivision under Section 51(24) of the *Planning Act*. The following is an evaluation of how the future lot creation satisfies these requirements.

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

As previously noted, the proposed development pertains to matters f), h), j) and p) under Section 2 of the Planning Act.

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

The subject property is an oversized residential parcel in an existing residential area. The proposed land division reflects the existing residential use and built-form character of the surrounding area.

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

The proposed lot creation conforms to the Town's Official Plan as it facilitates compatible intensification in the Built-up Area.

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

The subject lands are in an existing residential area and are fully serviced. There are no physical or environmental constraints on the property and the lands are therefore suitable for the proposed residential development.

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

No affordable housing is proposed.

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

No new roads are to be constructed as the proposed lots will have frontage on existing local roads (William Street and Victoria Street). The provision of two additional dwellings is not considered to have an impact on the adequacy of the existing roads.

f) the dimensions and shapes of the proposed lots;

The subject property is irregularly shaped and uncharacteristically large for the area. The proposed land division would create parcels which are reflective of the size and shape of surrounding lots. The sizes and shapes of the proposed lots are demonstrated in the Severance Sketch submitted with the application and included as ***Appendix II****.*

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

No restrictions on the subject or surrounding lands is proposed through this land division.

h) conservation of natural resources and flood control;

The subject lands do not contain any natural resources or areas associated with flood control.

i) the adequacy of utilities and municipal services;

The proposed lots have access to existing water, sanitary and storm services. The Town's Operations Division did not indicate any servicing concerns with the proposal through the pre-consultation process and the existing services are therefore considered to be adequate for the proposed development.

j) the adequacy of school sites;

The provision of two additional dwellings is not considered to have an impact on the service capacity of schools.

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

No additional land dedications are proposed through this land division.

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

The proposed land division facilitates the efficient use of the subject parcel which in turn provides for the efficient use of infrastructure.

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

The proposed development is not subject to Site Plan Control.

5.2 - 2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act* (R.S.0. 1990), and sets the policy framework for regulating the development and use of land. Section 3 of the *Planning Act* provides the legislative authority for the Provincial Policy Statement and Section 3(5) of the *Planning Act* requires that a decision by council on a planning matter be consistent with the Provincial Policy Statement. An overview of consistency to the applicable policies under the Provincial Policy Statement is provided below.

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

Policy 1.1.3.1 of the PPS directs that a majority of growth and development is to occur within the Settlement Area. The PPS defines the Settlement Area as "urban areas and rural settlements." Schedule A of the Regional Official Plan shows that the subject lands are within the Niagara-on-the-Lake Urban Area Boundary and are therefore considered to be Settlement Area under the PPS. The proposal is consistent with the PPS in directing growth towards the Settlement Area.

Policy 1.1.3.2 further requires that development within the Settlement Area is to be based on densities and a mix of land uses which efficiently use land and resources to achieve sustainable land use patterns. The PPS generally encourages intensification and redevelopment as a desirable means of accommodating efficient and sustainable patterns. The provision of two additional lots within an existing residential area facilitates the efficient use of the property which helps to optimize the efficient use of existing infrastructure and public service facilities.

Coordination (PPS 1.2)

Policy 1.2.1 of the PPS requires that a coordinated and comprehensive approach be employed when dealing with planning matters. This ensures that the interests of all relevant agencies are addressed. Consistent with this policy, a formal pre-consultation meeting for this application was held on February 3rd, 2022 through which the proposal was reviewed by Town and Region staff, and the requirements for a complete application were determined.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS requires that a full range and mix of housing types and densities is provided to meet the City's current and future housing needs. Specifically, Policy 1.4.3

requires that planning authorities permit and facilitate all types of residential intensification to meet projected market-based housing needs of current and future residents.

The proposal contributes to the provision of two new residential dwellings by way of intensification and is consistent with the Provinces housing goals outlined in the PPS.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

Policy 1.5.1 of the PPS directs planning authorities to promote healthy and active communities by providing public streets, spaces and facilities that are safe, foster social interaction and community connectivity. This is to be achieved through the equitable distribution of publicly-accessible built and natural environments.

The subject lands are serviced by existing public trails and open space, being in proximity to the Heritage Trail and the Veterans Memorial Park.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in an efficient manner while accommodating projected needs so as to reduce the cost of accommodating growth. The subject lands are fully serviced and the development of the land does not require the provision of new municipal infrastructure.

Policy 1.6.6.2 promotes residential intensification in areas with existing municipal sewage and water services where it is feasible to optimize the use of these services. The provision of two additional dwellings on the subject lands increases the efficient use of the existing infrastructure as encouraged in the PPS.

Long Term Economic Prosperity (PPS 1.7)

Section 1.7 of the PPS outlines the planning principles that contribute to the long-term economic prosperity of the Province. The proposed development is consistent with the objectives outlined under this section as the provision of two additional dwellings on serviced residential lands optimizes the use of existing municipal infrastructure and services, thus minimizing the cost of accommodating growth.

Cultural Heritage and Archeology (PPS 2.6)

Per Policy 2.6.2 of the PPS, development or site alteration on lands containing archeological resources is prohibited unless significant archeological resources have been conserved. As identified at pre-consultation, the subject property is within an area of archaeological potential. Accordingly, a Stage 1-2 Archeological Assessment of the property was identified as a requirement for the proposed development of the property. The current Zoning By-law Amendment application does not facilitate the physical development of the property and the required Assessments and Ministry clearance will be provided in advance of future development.

5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

Managing Growth (PTG 2.2.1)

As stated in Section 2.2.1, the growth management policies of the growth plan are based on the projected growth in Schedule 3 to the Growth Plan. According to Schedule 3, the Region of Niagara is anticipated to have a population of 674,000 by the year 2051.

Consistent with the PPS, the Growth Plan directs that a majority of projected growth is to occur within the Settlement Area, and especially to the built-up area with access to existing or planned water and wastewater systems. In conformity to the Growth Plan, the applications direct residential growth to the Built-up Area of Niagara-on-the-Lake's Settlement Area.

Delineated Built-up Areas (PTG 2.2.2)

The Growth Plan prescribes that a minimum of 50% of new residential development occurring annually in the Region of Niagara is to be accommodated by way of intensification within the Built-up Area, and requires that planning authorities encourage intensification generally throughout the delineated Built-up Area. Schedule 'A' of the Regional Official Plan identifies that the subject lands are within the Region's delineated Built-up Area. The application supports to the achievement of the Region's residential intensification obligations under the Growth Plan through the provision of two additional residential dwellings in the Built-up Area.

Housing (PTG 2.2.6)

Section 2.2.6 of the Growth Plan requires that planning authorities promote and enable the provision of a full range of housing options and densities to meet current and future housing need. The proposed development will provide for more compact residential lots and additional dwelling units and supports the provision of a range of housing.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The subject lands are already connected to municipal services and the proposed residential lot creation will increase the efficient use of this infrastructure.

6.0 – REGION OF NIAGARA OFFICIAL PLAN (2014)

The Niagara Region Official Plan (ROP) implements Provincial plans and policies at a Regional level, and provides the framework to implement the Region's long-term planning vision. Schedule A of the Regional Official Plan indicates that the subject lands are within the Urban Area Boundary and are further designated as Built-up Area (see **Figure 3**).

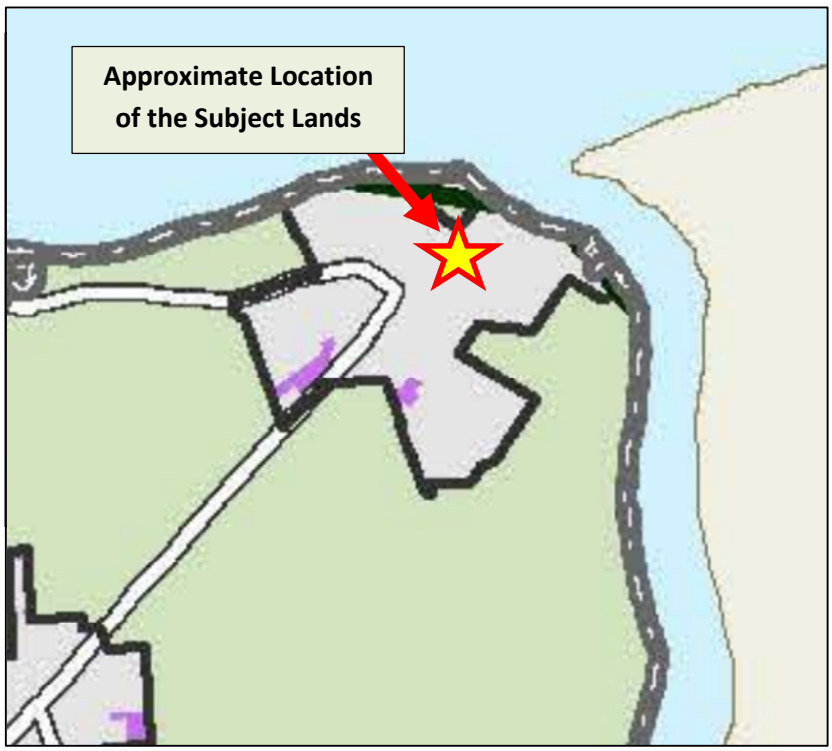


Figure 3 - Excerpt from Region of Niagara Official Plan Schedule 'A'

CHAPTER 4 – MANAGING GROWTH

All development that occurs within the Urban Area Boundary is subject to the policies under Chapter 4 of the ROP. This Chapter provides long-term growth objectives based on population and employment forecasts.

As provided in Objective 4.A.1.2, growth is encouraged to be accommodated by way of intensification throughout the Region's Built-up Areas. As determined by the Province, the Region of Niagara has an overall intensification target of 50% which is further broken down by municipality. The ROP assigns the Town of Niagara-on-the-Lake a minimum intensification target of 15%, which means that a minimum of 15% of new residential development occurring annually is to occur by way of intensification in the Built-up Area. The proposed land division and development provides intensification in the Built-up Area and aids the municipality and Region in the achievement of their intensification obligations.

Objective 4.A.1.12 also directs that growth is to occur in a manner that promotes the efficient use of municipal sewage and water services. The subject lands already have full access to municipal services and the proposed development increases the efficient use of this infrastructure.

The proposed development is therefore considered to conform to the Region's growth management strategy.

7.0 – NIAGARA-ON-THE-LAKE OFFICIAL PLAN

The Town of Niagara-on-the-Lake Official Plan interprets and implement Provincial and Regional land use plans at a local level. The subject lands are located in Old Town, which is one of the Town's five Settlement Areas. As shown on Schedule B to the Official Plan, the property is designated as Established Residential (see **Figure 4**).



Figure 4 - Excerpt from Schedule 'B' to the Niagara-on-the-Lake Official Plan

SECTION 6 – GENERAL DEVELOPMENT POLICIES

Part 2 of the Town's Official Plan outlines the general development policies that are applicable to all land use designations. The following general policies are applicable to the proposal:

6.1 ARCHAEOLOGICAL SURVEY

The Official Plan requires that an archeological assessment be prepared as a condition of a planning application for the development or redevelopment of land. A Stage 1-2 Archeological Assessment was identified through the pre-consultation process as a requirement for the proposed development. An Archeological Assessment will be provided with the future Consent applications and the appropriate Ministry clearance will be provided prior to any development.

6.4 BUILDING HEIGHT RESTRICTIONS

The Official Plan generally limits building heights to below 11 meters to maintain the low-density character of existing residential areas, to be established through the implementing Zoning By-law. The Established Residential Zoning in effect on the subject property permits a maximum height of 10 meters. No change to the permitted height is proposed through this Zoning By-law Amendment.

6.6 COST OF SERVICING DEVELOPMENT

The Official Plan directs that development should occur in such a way so as to minimize the cost of servicing new development. Instead, growth is directed to urban areas where existing services exist. The proposed development directs to the urban area where services already exist and provides for the cost-effective use of servicing.

6.17 LOT SIZES

The Official Plan requires that lot sizes be suitable for the proposed uses. The proposed lot are consistent with a surrounding residential lots and are suitable for long-term residential use.

6.23 PLANNING IMPACT ANALYSIS

The Official Plan requires that a Planning Impact Analysis (Planning Justification Report) be submitted with applications for Zoning By-law Amendment. This Report has been prepared pursuant to this requirement.

6.28 REQUIREMENTS FOR DEVELOPMENT

The Official Plan requires that utilities and services must be adequate before any development is approved. The subject property has access to existing municipal infrastructure and services. No servicing capacity concerns associated with this proposal have been identified by the municipality.

6.29 ROAD SETBACKS

As set out in the Official Plan, road setbacks are typically set out in the Zoning By-law and are intended to provide space for landscaping, off-street parking and vehicle maneuverability clear of any road allowances. No changes to the Established Residential road setbacks (i.e. front yard and exterior side yard) are proposed.

SECTION 6A – GROWTH MANAGEMENT POLICIES

1 – Vision for Growth

As outlined under this heading, the Official Plan's growth management strategy is informed by the growth vision provided in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. The proposed development supports one of the guiding principles of this growth management strategy which is to maximize the efficient use of existing infrastructure.

2 – Municipal Urban Structure

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 I1-I5. As shown on Schedule I1, the subject property is within the Old Town Urban Area Boundary and is further within the Built-up Area.

The Urban Area and Urban Area Boundary define the limits of urban development. The Town of Niagara on the Lake contains five distinct Urban Areas (Old Town, Queenston, St. David's, Virgil, Glendale) which are surrounded by lands regulated in the Greenbelt Plan and the Niagara Escarpment Plan. A majority of growth in the municipality must therefore be accommodated within the existing Urban Area limits (the Built-Boundary) as Urban Boundary expansions are not feasible. Such development counts towards the achievement of the Town's intensification Target.

3 – Growth Management

As noted, the Town's existing Urban Area Boundaries are effectively fixed due to the surrounding Greenbelt and Niagara Escarpment lands. The Official Plan's growth management strategy is therefore focused on the accommodation of prescribed growth within the existing Urban Area limits.

The proposed development conforms to the following specific growth management objectives under the Town's Official Plan:

a) To accommodate all future urban growth within the present-day urban boundary;
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
g) Optimize existing infrastructure to provide for efficient use of infrastructure.
j) Require growth in stable neigbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.

The Official Plan also encourages a mix of housing by directing the appropriate areas for varying densities of development. Higher density development is generally discouraged in established residential areas where it may have a negative impact on the built-form character of an area including heritage attributes.

The applications proposed the development of single detached dwellings in an established low-density neighbourhood. The dwellings are a consistent and compatible typology which maintain the low-density residential character of the area.

4 – Intensification

Intensification and infilling is generally encouraged throughout the Town's Built-up Area, subject to compatibility considerations.

As established in the Regional Official Plan, the Town of Niagara-on-the-Lake is required to accommodate a minimum of 15% of new development by way of intensification in the Built-up Area. Section 4.2 of the Town's Official Plan calculates that 321 new dwelling units are needed to achieve the minimum intensification target.

The Official Plan establishes specific intensification areas, but also encourages general intensification by way of compatible infill development and the provision of additional dwelling units. The proposal represents compatible infilling which is an encouraged form of intensification.

A key policy objective under the Town's Official Plan regarding intensification is ensuring that new development is compatible with existing development. The proposed development is comprised of single detached dwellings which is the prevailing land use of the surrounding area. There are therefore no compatibility concerns with the proposed uses. A Streetscape Study has also been prepared to evaluate whether the proposed development maintains the general character of the area. The Streetscape Study is outlined in Section 9 of this Report. As described in this Section, the existing parcel is an irregularly-shaped through lot which breaks up the otherwise consistent lot pattern in the area. The proposed lot creation would resolve this lotting irregularity and provides lots that are consistent with the size and shape of the existing lots in the area thereby maintaining the established residential character.

SECTION 9 – RESIDENTIAL LAND USE POLICIES

9.2 – Goals and Objectives

The proposed development directly supports Objective 7 under this heading which is, *"[t]o 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."*

9.3.3 – Established Residential

The specific land use policies for the Established Residential Area are outlined under Section 9.3.3 of the Official Plan. The following is an evaluation of how the proposal conforms to these policies. The policies are quoted verbatim in bold italics and an analysis of conformity is provided below each corresponding policy.

1) In the established residential designation the following uses shall be permitted:

Main Uses:

- ***Low Density Residential uses such as single detached, semi-detached and duplex dwellings.***

<u>Secondary Uses</u>:

- ***Uses permitted with a Main Use:***
  - ***roomers and boarders***
  - ***bed and breakfasts***
  - ***accessory apartments***
  - ***group homes***
  - ***home occupations***
  - ***accessory buildings and structures***

- ***Uses permitted independent of a Main Use:***
  - ***Minor open space and community facilities subject to Section 15 of this Plan;***
  - ***Medium density residential uses subject to; the relevant policies of Section 9, a site specific amendment to the Zoning By-law and provided that the development does not significantly impact on heritage resources or result in the removal or demolition of buildings of historic or architectural significance;***

The application proposed the creation of single detached residential lots which are a permitted main use in the Established Residential Area.

2) Accessory Apartments, rooming and boarding houses and the residential mix of single family, semi-detached and duplex dwellings may be placed in separate zoning categories and limited in the zoning by-law to locations deemed appropriate by Town Council.

The proposed development is comprised of single detached dwellings. This policy is therefore not applicable.

3) Due to the wide variety of lot sizes, frontages setbacks, and depths in the Established Residential designation that result in a varied and attractive streetscape, the implementing Zoning By-law may set requirements on a block by block basis that look to adjacent properties in establishing minimum and maximum requirements so as to maintain the unique character of the area.

Within the Established Residential Designation applications for consent to sever will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding residential uses, streetscapes and the character of the area. The following policies apply to all lands within the Established Residential (ER, ER2 and ER3 and relevant site-specific) Zones in Old Town:

A. Changes to lot frontage and/or lot depth may be permitted subject to a Zoning Bylaw Amendment.

The subject Zoning By-law Amendment application will establish site-specific lot frontage and depth requirements for the proposed lots. The proposed lot dimensions are supported by the Streetscape Study included in this report which confirms that the proposed lots are consistent with the surrounding lot fabric.

B. The required Zoning By-law Amendment shall be processed prior to acceptance of an Application for Consent to Sever Land.

A Consent application will be submitted following the completion of the Zoning By-law Amendment to facilitate the proposed land division.

C. In the analysis of any application to amend the Zoning By-law proposing changes to lot frontage and/or lot depth, the following shall be considered:

(i) The average lot frontage and lot depth of the existing parcels on the block face;

These matters are addressed in the Streetscape Study included in this report.

(ii) In the case of corner lots, average lot frontages and lot depths shall be calculated on both block faces;

The subject parcel is a through lot with frontage on both Victoria Street and William Street. Accordingly, the Streetscape Study analyses both block faces.

(iii) The relevant Intensification policies of the Official Plan;

As previously noted, the proposal facilitates compatible infill development on an underutilized parcel of serviced land in the Built-boundary and therefore supports the Town's intensification goals.

(iv) A streetscape study;

A Streetscape Study is included in this Report.

(v) A Planning Justification study;

This document has been prepared to satisfy this requirement.

(vi) An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;

A Tree Protection Plan, prepared by Beacon Environmental has been submitted with the subject application.

(vii)Estate Lots and relevant policies;

This policy is not applicable as the subject property is not an Estate Lot per Section 6.9 of the Official Plan.

(viii) Existing and proposed land uses on the subject lands and surrounding lands.

The surrounding area is comprised primarily of low density residential dwelling typologies including single detached and townhouse dwellings, as well as complimentary commercial uses.

D. Any Zoning By-law application proposing changes to lot frontage and/or lot depth may be approved if the above-noted considerations in Section C) adequately demonstrate that the proposed new lot(s) will maintain or improve the character of the block face.

As confirmed through the Streetscape Study provided in this Report, the proposed lots are consistent in shape and frontage with the other parcels in the block and maintain the existing character of the block.

4) Any construction of additions or new structures within this designation shall complement existing adjacent development in terms of its scale, character, height, design and mass.

The future dwellings are subject to the Established Residential Zoning provisions in effect across the surrounding residential area. The site-specific lot frontage and depth requirements maintain a lot pattern that is consistent with the surrounding area. A technical site-specific provision is also requested to permit a garage face to protrude past the face of the dwelling. This requested provision includes verbiage to ensure that the garage door does not face the street, which maintains the intent of this provision. All other built-from related provisions are maintained including required height, lot coverage and setbacks, which ensures that the future dwellings are consistent with surrounding development.

5) Several of the structures within the established Residential area have been designated as "Heritage" buildings under The Ontario Heritage Act. Every effort should be made by both the owner and the Town to ensure the continued existence of that structure in its historically significant form.

The existing structure on the property is not designated as “Heritage” under the *Ontario Heritage Act*.

6) Within the area bounded by the Niagara River and Prideaux Street/Byron Street, between Simcoe Street and Fort George, new medium density development will only be considered by amendment to this Plan. Any amendment application for medium density development in this area will be subject to the policies of Section 9, and be accompanied with a detailed visual analysis, planning impact assessment and traffic study. In addition, any application must be accompanied by a report by a qualified professional which addresses the adjacent streetscape and character of the existing residential development in the area, to ensure that the character of the area is maintained.

This policy is not applicable to the subject application.

SECTION 21: CONSENT POLICIES

Section 21 of the Town's Official Plan outlines the matters by which Consent applications are to be considered. The following is an evaluation of how the proposed lot creation satisfies these matters:

1) ***Under certain circumstances, where a Plan of Subdivision is not necessary for proper and orderly development, a consent to a land conveyance may be granted in accordance with the following principles in addition to the policies contained within the Regional Niagara Policy Plan. In all cases, the preservation of prime agricultural land from the encroachment of urban-type development shall be a primary objective.***

The Town identified through the pre-consultation process that applications for Consent is the appropriate means to create the proposed lots. The subject lands are in the Built-up Area within the Urban Area boundary which is where the Regional Official Plan directs new development by way of intensification. Such development patterns minimize urban sprawl and development pressures on agricultural lands.

2) ***The Town will recommend to the Land Division Committee that consents for land severance where new development will be permitted to occur on previously vacant sites should be granted only when it has been established that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal.***

The subject lands have been developed for residential uses and contain a dwelling and associated site alterations.

3) ***The Town will recommend to the Land Division Committee that consents for severance where the site already contains a building, should only be permitted if existing sanitary sewage disposal, water supply and drainage are adequate and the new lot lines to be created do not render any aspect of such services unsatisfactory.***

Per the Town's standard practice for Consent applications, a Site Servicing and Grading Plan will be required as a condition of approval to ensure that the above-noted matters are adequately addressed.

4) ***The Town will recommend to the Land Division Committee that consents shall be granted only when the land fronts on an existing public road. The public road is to be of a reasonable standard of construction and maintained year-round. If the effect of a consent would be to require a greater standard of road construction across the frontage of the site in question or beyond that site and/or other municipal services, then the applicant may be required to contribute to the cost of such improvement through a written agreement with the pubic authority having jurisdiction. In the case of a Local Road, Council will make the determination and its decision will take into consideration:***
    a) ***The benefit versus cost; and***
    b) ***whether the improvement required is needed on a short or long term basis.20***

The proposed and retained lots have frontage on Victoria Street as well as William Street which are both classified as local public roads. No road improvement requirements were identified by the municipality through the pre-consultation process.

5) ***Consents should have the effect of infilling in existing urbanized areas and not of extending the urban area.***

The proposed lot creation represents infilling within an existing residential neighbourhood as contemplated in this policy.

6) ***The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:***
    a) ***The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.***

The in-effect Established Residential Zoning requires "as existing" lot frontage and depth and does not specifically regulate a minimum or maximum lot area. The "as existing" is to ensure that any application for Consent is adequately reviewed through a Zoning By-law Amendment. As established in the Streetscape Study included with this report, the proposed lots are larger than the average existing residential lot in the area and are therefore appropriate for the proposed residential development with regard to both functionality and compatibility.

    b) ***Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.***

The existing dwelling is proposed to be retained in place. The proposed lot creation does not result in deficient front, side or rear yard setbacks for the existing dwelling.

    c) ***Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.***

As noted, the in effect Established Residential Zoning of the property does not regulate lot area. However, the application increases the efficient use of the property in severing an oversized lot into parcels that are more consistent with the surrounding lots, thereby helping to optimize the efficient use of the existing services.

7) ***The Town will recommend to the Land Division Committee that consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.***

No traffic-related concerns were identified by the Town through pre-consultation. Entrance permits will be required as a condition of Consent for the future installation of driveways.

8) ***The Town will recommend to the Land Division Committee that a plan of subdivision would be more appropriate where the number of lots being created by consent would have a significant impact on the surrounding neighborhood.***

As noted, the Town, through the pre-consultation process, identified applications for Consent as the appropriate method of lot creation in this instance.

9) ***Proposed new lots lines shall take into account the existing pattern of surrounding lands. Wherever possible, the new lines shall avoid creating irregular boundaries for the parcel in question or that remaining. Where lands in the Agricultural designation are affected, every attempt shall be made to avoid creating a lot pattern which would make it difficult to farm.***

As noted in the Streetscape Study included in this report, the existing parcel is oversized and irregularly shaped when compared with surrounding lots. The proposed lot creation would sever this parcel into more appropriately-sized residential parcels which reflect the consistent lot pattern of the area.

10) ***Where a minor variance is required, it shall be made a condition of the consent.***

The necessary zoning permissions for the proposed lot creation will be established through a Zoning By-law Amendment.

11) ***Where a consent would have the effect of creating an additional access to a Provincial highway, a Regional road or a Niagara Parks Commission Road, or changing the location of an existing access to such a highway, then the approval to such addition or change by the Ministry of Transportation and Communication, the Region or the Niagara Parks Commission shall be made a condition of the consent, including such concerns as road widenings, service roads and permission for access.***

The subject property is not in direct proximity to a Provincial Highway, a Regional Road or a Niagara Parks Commission Road.

12) ***All consents within the area of the Niagara Escarpment Plan, as shown on the Schedules of this Official Plan, must be in accordance with the policies of the Niagara Escarpment Plan. The consent policies of this Plan shall prevail where they are more restrictive than the Niagara Escarpment Plan.***

The subject property is not within the Niagara Escarpment Plan Area.

8.0 – NIAGARA-ON-THE-LAKE ZONING BY-LAW (4316-09)

The subject property is located in the Old Town Community Zoning district and is Zoned as Established Residential (ER) as shown on Schedule A1 of the Zoning By-law (see **Figure 5**).

The subject Zoning By-law Amendment application seeks to amend the "as existing" lot frontage and lot depth requirements to facilitate the creation of two new residential lots from the parcel. The Official Plan requires that a Zoning By-law Amendment supported by a Streetscape Study be provided to ensure that new lots in the Established Residential Area maintain the established residential character of the area. A Streetscape Study is included in this Report and confirms that the proposed lots are consistent with surrounding residential lots, and maintain the established residential character of the area.

The subject amendment also requests technical relief from Section 7.1.2 (b) which requires that a garage be setback an additional 1 meter from the face of the dwelling. The requested site-specific relief is to accommodate a specific house design on the proposed lots where the attached garage is designed to mimic the appearance of a coach house which is a typical architectural feature in the Old Town area. The proposed zoning includes a requirement that the garage doors be oriented away from the street which achieves the primary intent of this zoning provision which is to avoid garage-dominated streetscapes.

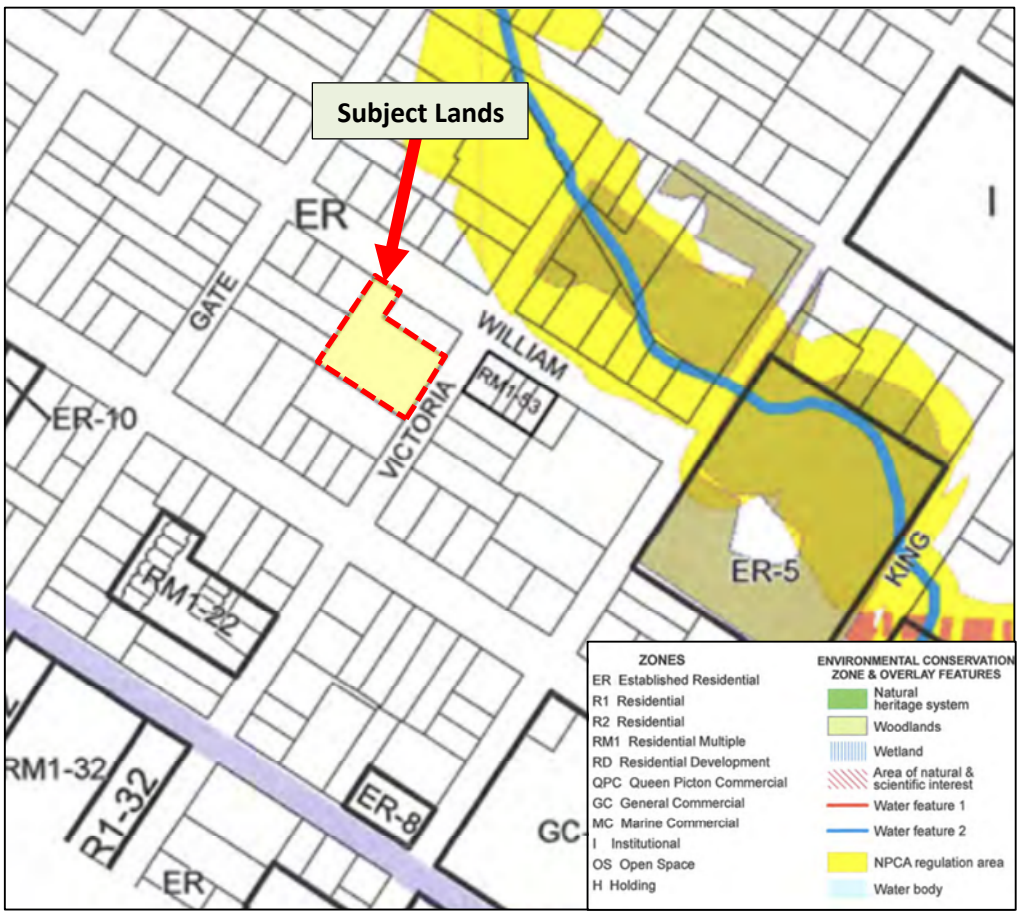


Figure 5 - Excerpt from Schedule A-1 to Niagara-on-the-Lake Zoning By-law 4316-09

Table 1 – Zoning Matrix				
Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09, as amended				
Section 7.1 – Old Town Community Zoning District Established Residential (ER) Zone				
Provision	Requirement	Part 1	Part 2	Part 3
Section 7.1.1 – Permitted Uses				
Permitted Uses	a) single detached dwelling b) bed and breakfast establishment c) home occupation d) group home e) public use f) accessory buildings and structures g) cottage rental	No Change	No Change	No Change
Section 7.1.2 – Zone Requirements				
a) Required frontage and depth	As existing	**Frontage:** 23 m **Depth:** 64m	**Frontage:** 18m **Depth:** 41m	**Frontage:** 22m **Depth:** 45m
b) Minimum front yard setback	7.5m	No Change	No Change	No Change
	A detached or attached garage shall be setback from the front lot line a minimum of 1.0 m (3.28 ft) greater than the setback of the main building.	An attached garage may be flush with or project past the face of the main dwelling, provided the garage doors do not face a street line.	An attached garage may be flush with or project past the face of the main dwelling, provided the garage doors do not face a street line.	No Change
c) Minimum rear yard setback	7.5m	No Change	No Change	No Change
d) Minimum interior side yard setback	1.22m	No Change	No Change	No Change
e) Maximum building height	10m	No Change	No Change	No Change
f) Minimum rear and interior side yard setback for accessory buildings	1.52m	No Change	No Change	No Change
g) Maximum lot coverage	33%	No Change	No Change	No Change

h) Minimum landscaped open space	30%	No Change	No Change	No Change
i) Minimum exterior side yard setback	4.5m	N/A	N/A	N/A
j) Minimum accessory building exterior side yard setback	4.5m	N/A	N/A	N/A

9.0 STREETSCAPE STUDY

The Town's Official Plan requires that applications for lot creation in the Established Residential Area be supported by a Streetscape Study to ensure that the proposal conforms with compatibility and built-form requirements under the Official Plan.

This Streetscape Study quantifies existing lot fabric of the surrounding parcels and evaluates whether the proposed lots are consistent with the established character of the area. As the applications propose the creation of lots with frontages on both Victoria Street and William Street, a calculation of the lot frontages and lot depths on both block faces is provided, pursuant to Section 9.3.3 (3) (c) (i) and (ii) of the Town's Official Plan. The extents of the block faces are shown in **Figure 6** with a red dashed line. All lots with principle frontage on the identified block face were considered in the lot fabric analysis and are highlighted in yellow. The subject property is distinguished with a grey overlay with the proposed lot lines approximately shown.

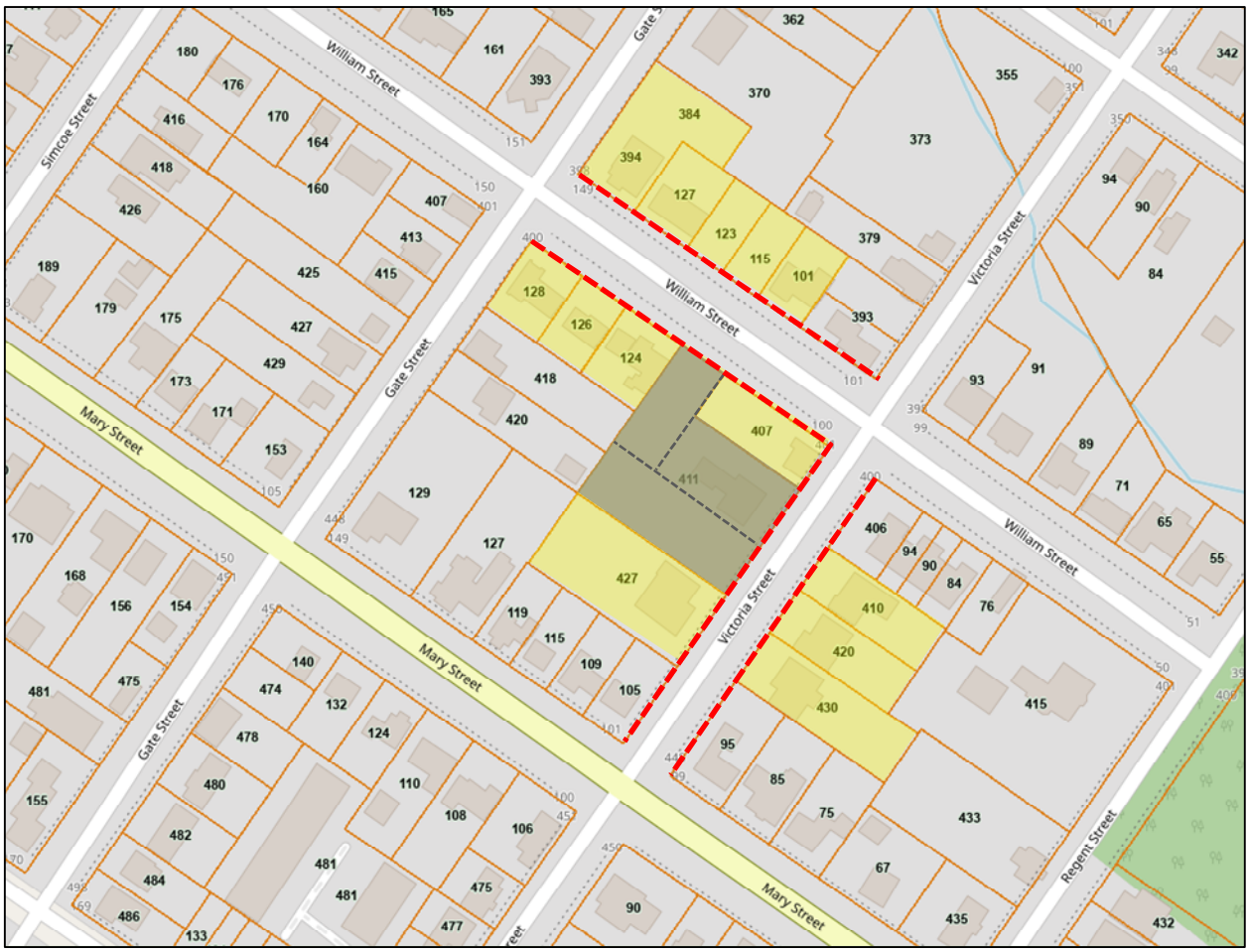


Figure 6 - Streetscape Study Area

Table 2 – Lot Fabric Analysis					
	Parcel	**Frontage (m)**	**Depth (m)**	**Area (m²)**	**Use**
Existing Lot Dimensions					
Victoria Street Block Face					
East Side	407 Victoria Street	18.29	45.45	831.14	Residential – Single Detached
	411 Victoria Street	46.05	64.31	3,285.60	Residential – Single Detached
	427 Victoria Street	30.71	64.30	1,974.77	Residential – Single Detached
West Side	410 Victoria Street	18.29	50.88	931.72	Residential – Single Detached
	420 Victoria Street	18.29	51.03	934.49	Residential – Single Detached
	430 Victoria Street	21.02	64.08	1,348.32	Residential – Single Detached
	Median[1]	**18.29**	**51.03**	**934.49**	
	Average	**21.32**	**55.15**	**1,204.09**	
William Street Block Face					
North Side	394 Gate Street	24.08	30.46	733.56	Residential – Single Detached
	101 William Street	18.29	30.44	556.78	Residential – Single Detached
	115 William Street	15.30	30.45	467.55	Residential – Single Detached
	123 William Street	15.30	30.46	464.26	Residential – Single Detached
	127 William Street	22.86	30.46	696.13	Residential – Single Detached
South Side	124 William Street	21.98	28.40	626.46	Residential – Single Detached
	126 William Street	18.93	28.60	543.11	Residential – Single Detached
	128 William Street	24.08	28.77	687.84	Residential – Single Detached
	Median	**20.46**	**30.45**	**591.62**	
	Average	**20.10**	**29.76**	**596.96**	
Overall Study Area					
	Median	**18.93**	**30.46**	**696.13**	
	Average	**20.57**	**39.52**	**830.47**	
Proposed Lot Dimensions					
Victoria Street					
West Side	Part 1	23.23	64.31	1,491.4	Vacant
	Part 3	22.82	45.46	1,035.6	Residential – Single Detached
William Street					
South Side	Part 2	18.29	41.07	758.60	Vacant
	Median	**22.82**	**45.46**	**1,035.6**	
	Average	**21.45**	**50.28**	**1,095.20**	

[1] Subject property is excluded from median and average calculation.

Existing Lot Fabric

As shown in **Figure 6**, the road network in the surrounding area is configured in a consistent grid pattern, which provides for 129m² (424 ft²) development blocks. This grid pattern is consistent throughout a majority of the Old Town Area. Review of historical aerial imagery indicates that the street pattern had been established by 1934 and the blocks were subsequently parceled out for residential development. The block on which the subject property is located had not been significantly developed until the late 1960s.

Lots in the immediate area are generally characteristic of an established residential neighbourhood, as they are predominately rectangular in geometry with a generally consistent range of dimensions. By contrast, the subject lands are an irregular through lot with frontage on both Victoria Street and William Street and is inconsistent with the established lotting pattern in the area.

The information provided in **Table 2** provides an analysis of the lot frontage and depth as well as the lot area for the surrounding lots within the block faces as shown in **Figure 6**.

As outlined in **Table 2**, the subject property is considerably larger than all of the properties in the immediate area. An average lot area of 830.47 square meters is provided in the study area. Lots range in area from a maximum of 1,974.77 square meters (427 Victoria Street) to a minimum of 464.26 square meters (123 William Street) with the median lot area being 696.13 square meters. By contrast, at 3285.60 square meters, the subject property is 3.95 times (2,455.13 square meters) larger than the average property in the study area and is 4.74 times (2,589.47 square meters) larger than the median lot area value in the study area.

With regard to frontage, the property's primary frontage on Victoria Street of 46.05 meters is more than double the average lot frontage within the Victoria Street block face. The William Street block face, where the subject property has 18.29 meters of frontage, has an average lot frontage of 20.10 meters. Throughout the entire study area, the average lot frontage was found to be 20.57 meters with a range from a maximum of 30.71 meters (427 Victoria Street) to 15.3 meters (115 and 123 William Street).

Existing Property Condition

The existing dwelling is located in the south western portion of the property and is oriented towards Victoria Street (see **Figure 7**). The location and orientation of the dwelling results in an oversized side yard on the eastern side of the dwelling, as shown in **Figure 8**. By contrast, the other lots in the block face reflect a more compact scale of development. **Figure 10** shows the property to the east of the existing dwelling (407 Victoria Street) and **Figure 11** shows the dwellings across the street (420 and 430 Victoria Street).

The portion of the property fronting onto William Street (see **Figure 9**) is functionally distinct does not appear to be associated to the rest of the property due to the otherwise consistent organization of surrounding dwellings.



Figure 7 - Existing Dwelling (Part 3)



Figure 8 - Location of Proposed Lot on Victoria Street (Part 1)



Figure 9 - Location of Proposed Lot on William Street (Part 2)



Figure 10 – Adjacent Dwelling to the East of the Existing Dwelling (407 Victoria Street)



Figure 11 –Existing Dwellings across from Parts 1 &3 (420 & 430 Victoria Street)



Figure 12: Existing Dwellings Across from Part 2 (115 and 123 William Street)



Figure 13 – Existing Dwellings to the North of Part 2 (124 and 126 Victoria Street)

Proposed Lots

As established above, the subject property is inconsistent with the lot fabric of the immediate area. The subject property is an oversized "L"-shaped through lot with frontage on William Street and Victoria Street, whereas surrounding lots are rectangular in shape, have frontage on a single block face and are more compact in character.

The proposed land division would facilitate the division of the subject property into appropriately-sized residential lots that are contiguous with the existing lot fabric.

Part 1 is proposed to have 23.23 meters of frontage on Victoria Street and be 1,491.4 square meters. The lot will also extend the full length of the existing lot depth (64.31 meters). The proposed lot frontage and area are consistent with that of the Victoria Street block face (see **Table 2**).

The creation of Part 2 fills in a gap within the existing development pattern on William Street and reflects the logical continuation of development. As noted, this area of the property is spatially and functionally distinct from the rest of the property, and the existing 18.29 meters of frontage is consistent with the frontage of surrounding parcels, giving the indication of a vacant lot. Part 2 is proposed to extend to the eastern side lot line of Part 1 which achieves a uniform lot pattern and results in a lot depth of 41.06 meters. The proposed lot depth is more than the lot depth of all other lots on William Street within the study area. The proposed lot area of 758.6 square meters is also greater than all of the surrounding lots on William Street within the study area. The development of this parcel is therefore desirable as it will facilitate the appropriate rounding out of development on William Street.

The existing dwelling is to be retained on Part 3, a parcel with 22.82 meters of frontage and 1,035.6 square meters of area. The provided frontage is consistent with other lots in the block face and allows for the existing dwelling to remain in place while maintaining the required side yard setback from Part 1. A lot depth of 46.46 meters is provided as determined by the location of Part 2 and reflects the lot depth of the adjacent parcel to the east (407 Victoria Street). The required rear yard setback of 7.5 meters from the proposed rear lot line to the dwelling is also maintained.

Streetscape Character

The Official Plan requires that new development in the Established Residential should contemplate existing residential development in terms of scale, character, height and mass (Policy 9.3.3 (4)).

An assortment of low-density dwelling types exist in the area, providing for a varied residential character. The predominant housing form in the immediate area are single-detached dwellings although the subject property also interfaces townhouse dwellings to the east. Victoria Street contains a mix of bungalow and 2-storey side-split style dwellings (see **Figures 10 and 11**). William Street is characterized predominately by bungalow dwellings (see **Figures 12** and **13**). Attached garages and covered front porches are consistently provided throughout the study area. In some cases (i.e. 420 and 430 Victoria Street, see **Figure 11**) the garages project past the face of the dwelling and the porch which is not permitted under current Zoning regulations (Section 7.5 (b)).

The construction of single detached dwellings in accordance with the applicable height, setback and lot coverage provisions under the Zoning By-law would provide for development that is consistent with character of surrounding development. As noted, site-specific relief to permit a garage to project past the face of the dwelling is requested to facilitate the builder's specific housing design. The proposed site-specific relief includes the requirement that the garage doors do not face the street, which is an improvement to the existing streetscape condition in which street facing garage doors are common including garage doors that project past the dwelling face.

Based on the above-analysis, the proposed land division and residential development would maintain and enhance the existing character of the area.

10.0 - PLANNING POSITION

The submitted Zoning By-law Amendment seeks to establish the necessary Zoning permissions to facilitate the division of the subject property into three single-detached parcels. A technical site-specific provision is also proposed to allow for the construction of the builder's specific building design.

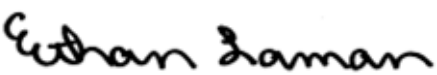
The subject property is an irregularly shaped and oversized lot within an established residential area within the Old Town area of Niagara-on-the-Lake. The proposal supports Provincial land use and growth management principles in providing compatible residential intensification in the existing Built-up Area where services and infrastructure already exist.

The Town of Niagara-on-the-Lake Official Plan also directs growth to the existing Built-up Area, but contains additional policies to ensure that new development respects and maintains the established character of existing neighbourhoods. The Streetscape Study included in this report confirms that that the proposed lots are consistent with surrounding residential lots and maintain the character of the surrounding neighbourhood.

The technical site-specific provision seeks to permit the garage face to project past the face of the dwelling whereas this condition is not permitted under the zoning. The intent of the site-specific provision is to accommodate a specific side-facing garage design whereby the street-facing garage wall appears as part of the dwelling. The proposed zoning provision formally establishes this design by including the qualification that the garage doors do not face the street line, ensuring that the garages do not negatively impact the streetscape.

The application represents good planning as it facilitates the efficient and appropriate accommodation of growth by way of intensification in the Built-up Area while having regard for the Town's unique built-form characteristics. The submitted Zoning By-law Amendment application should therefore be supported.

Prepared by,



Ethan Laman, BURPl
Junior Planner
Upper Canada Consultants

Reviewed by,



William Heikoop, BURPl, MCIP, RPP
Planner
Upper Canada Consultants

Appendix I
Preconsultation Agreement

Department of Community & Development Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-0301

www.notl.org

Date of Pre-consultation meeting: Feb 3/2022	Fee collected: $2,679

(Office Use Only)

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. The pre-consultation 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)

☐ Official Plan Amendment	☒ Zoning By-law Amendment	☐ Draft Plan of Subdivision	☐ Draft Condominium Description	☐ Site Plan Approval
☒ Consent	☐ Minor Variance	☐ Fence/Sign Variance	☐ LNCU Permission	☐ Other: _____

2. Details of the Subject Lands

Municipal Address	Assessment Roll Number
411 Victoria Street	262701000417100

Legal Description
PLAN 86 PT LOT 241 RP;30R7510 PART 1

Lot Area (metric)	Lot Frontage (metric)	Lot Depth (metric)
3,780.3 sq.m	46m (Victoria Street)	64.3m

3. Registered Owner

Name(s)	Company Name
Cyrus Gatta	1784510 Ontario Limited (Gatta Home
Email	**Telephone**
cyrus@gattahomes.com	905-468-8867

4. Authorized Agent

Name	Company Name
William Heikoop	Upper Canada Consultants
Email	**Telephone**
whiekoop@ucc.com	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:

Proposal to divide the property into 3 parcels for single-detached use, per the attached sketch
ZBLA required to create lots in the ER Zone due to the 'as existing' frontage and depth requirement

Revision: 12/19

6. Provincial Planning, Official Plan, and Zoning Information

Identify the applicable Provincial Plan designations that apply to the subject lands:

☐ Specialty Crop Area ☒ Built-Up Area ☐ Greenfield Area ☐ Niagara Escarpment Plan Area

Does this application conform to the applicable Provincial Plans? ☐ Yes ☐ No

Existing Niagara Regional Official Plan Designation(s) of the subject lands:

Urban (Built-up) Area

Does this application conform to the Niagara Regional Official Plan? ☒ Yes ☐ 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:

Urban Area Boundary - Established Residential

Does this application conform to the Town of Niagara-on-the-Lake Official Plan? ☒ Yes ☐ No

If no, describe the nature of the amendment needed:

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:

Established Residential

Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? ☐ Yes ☒ No

If no, describe the nature of the amendment needed:

ZBA required due to changes of "as existing" frontage and depth requirement for proposed new lots

7. Site Plan Control

Is Site Plan Approval required for the proposal? ☐ Yes ☒ No

Is there an existing Site Plan Agreement that applies to any portion of the subject lands? ☐ Yes ☒ No

8. Archaeology and Municipal Heritage

Is any portion of the subject lands within an area of archaeological potential? ☒ Yes ☐ No

Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? ☐ Yes ☒ No

Is any portion of the subject lands or adjacent lands designated under the *Ontario Heritage Act*? ☐ Yes ☒ No

9. Niagara Peninsula Conservation Authority (NPCA)

Is any portion of the subject lands within an NPCA regulated area? ☐ Yes ☒ 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 *Planning Act, R.S.O. 1990, c. P.13*? ☒ Yes ☐ No

Are Town Development Charges applicable to the proposal? ☒ Yes ☐ No

11. Agencies to be Circulated on the Application (subject to change)

☒ Niagara Region	☐ Niagara Escarpment Commission	☐ NPCA	☐ Niagara Parks Commission
☒ Enbridge Gas	☒ TransCanada Pipelines	☒ Bell Canada	☒ NOTL Hydro
☒ Hydro One	☒ Canada Post	☐ Parks Canada	☐ Local School Boards

☐ 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
☑ Planning Justification Report / Impact Analysis	Including site area analysis
☑ Streetscape Study	
☐ Transportation Impact Study	
☐ Parking Impact Analysis	
☑ Archaeological Assessment and Ministry letter(s)	
☐ Cultural Heritage Impact Assessment	
☐ Environmental Impact Study	
☐ Environmental Site Assessment	
☑ Arborist Report / Tree Inventory	
☐ Functional Servicing Report	
☐ Stormwater Management Report	
☐ Land Use / Market Study	
☐ Urban Design Brief	
☐ Geotechnical Study	
☐ Hydrogeological Study	
☐ Slope Stability Report	
☐ Air, Noise, and Vibration Emissions Study	
☐ Agricultural Impact Assessment	
☑ Tree Preservation Plan	
☐	
☐	
Plans/Drawings	**Notes**
☐ Site Plan	
☑ Landscape Plan and Planting Plan	
☐ Building Elevations	
☐ Coloured Site Plan, Landscape Plan and Building Elevations	
☐ Floor Plans (including Gross Leasable Floor Areas)	
☐ Photometric Plan / Lighting Plan	
☐ Draft Plan of Subdivision	
☐ Draft Condominium Description	
☑ Servicing Plan	
☐ Preliminary Grading Plan	
☑ Lot Grading and Drainage Area Plan	
☑ Consent Sketch	
☐ Minor Variance Sketch	
☐ Fence/Sign Variance Sketch	
☐ Reference Plan / Registered Plan	
☐	
☐	
☐	

Other Requirements	Notes
☐ Draft Regional Official Plan Amendment	
☐ Draft Town Official Plan Amendment	
☒ Draft Zoning By-law Amendment	
☐ Surplus Farm Dwelling Information Form	
☐ MDS I/II Farm Data Sheet(s)	
☒ Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments)	
☐ Legal Opinion	
☐ Heritage Permit	
☐ Urban Design Guidelines / Architectural Codes	
☐ Municipal Heritage Committee Review	
☒ Urban Design Committee Review	Will be subject to UDC Review
☐ Cost Estimates for all proposed on-site and off-site works	
☐	
☐	
☐	

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	$8,110				
Draft Plan of Subdivision					
Draft Condominium Description					
Site Plan					
Consent	$2,835				
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction	-$2,679				
Other: _____					

14. Additional Comments

-ZBA clearance required before Consent granted
-Stage 1&2 Archaeological Assessment required as part of ZBA application
-Require PJR with detailed Site Area analysis
-Streetscape Study required
-Arborist & Tree Preservation Plan required
-Need to label adjacent residential lots on drawing
-Confirm if pond will stay as is/if any fencing will enclose pond
-Prior to issuing building permit Urban Design Committee review will be required
-Note: cannot apply for MV for 2 years after ZBA is granted
-Include landscaping elements on updated drawing

Operations Comments:

- According to service cards - existing storm, sanitary and water services are all located within frontage width of existing house (all connected to Victoria Street), these existing services should not create any conflicts with proposed lot lines
- Conditions of severance:
  - New services required for both lots (via submission of applications and applicable fees)
    - New water, sanitary storm services for new lot fronting Victoria Street
    - New Water, sanitary services for new lot fronting William
  - Entrance permit applications required for both lots
    - Ditch on William Street will require a culvert crossing
    - Frontage along Victoria appears mostly ditch tiled, a portion of which may need daylighting to accept proposed drainage
  - Overall grading & servicing plan required for all three lots (existing and both proposed lots included)
    - Boulevard trees may be impacted on both streets. Existing trees may conflict with proposed Victoria Street driveway. All existing boulevard trees must be shown on submitted plans to identify any potential conflicts.

-See attached for notes from Niagara Region and Operations

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	Josh Salisbury		Feb 3/2022
Planning Manager			
Development Coordinator	Scott Turnbull		Feb 3/2022
Secretary-Treasurer, CoA	Natalie Thomson		Feb 3/2022
Operations Staff	Kiefer Paton		Feb 3/2022
Regional Staff			
NPCA Staff			
Other Staff: Planing Tech	Darka Jensen		Feb 3/2022
Other Staff: Heritage	Ben Holthof		Feb 3/2022
Other Staff: Senior Planner	Mark Iamarino		Feb 3/2022
Registered Owner	Cyrus Gatta		Feb 3/2022
Authorized Agent	William Heikoop		Feb 3/2022
Other: Owner	Kekoo Gatta		Feb 3/2022
Other: Planning Consultant	Ethan Laman		Feb 3/2022
Other:			

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.org

From: Alderman, Aimee <Aimee.Alderman@niagararegion.ca>
Sent: Wednesday, February 2, 2022 4:31 PM
To: Josh Salisbury
Subject: Regional Pre-Consultation Comments - 411 Victoria Street, NOTL (February 3, 2022)

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 know that the content is safe. If unsure, forward the email to IT to validate.

Hi Josh,

In lieu of attending the pre-consultation meeting tomorrow afternoon (February 3, 2022) for 411 Victoria Avenue, the following comments are offered to be relayed to the applicant:

- Designations: Settlement Area (Provincial Policy Statement), Delineated Built-up Area (A Place to Grow: Growth Plan for the Greater Golden Horseshoe), Urban (Built-up) Area (Regional Official Plan).
- An archaeological assessment is required for any new development and/or site alteration, due to proximity to a number of registered sites and a watercourse to the northeast. It is recommended that the assessment for the new lots (Lot 1 and 3) be provided with the consent and rezoning application (if submitting concurrently); alternatively, this could be addressed as a condition of consent and/or through the use of a Holding (H) provision in the amending By-law.
- The proposed lots are eligible for Regional curbside waste collection provided the following limits are met: no limit for blue/grey/green bins collected weekly, limit of two (2) waste containers collected bi-weekly.

Understanding that Town staff are requiring the completion of an archaeological assessment for the development, Regional staff do not require review or circulation of the proposed Consent and/or Zoning By-law Amendment. As such, no review fees have been provided.

Please let me know if you have any questions regarding the above comments.

Kind regards,

Aimee Alderman, MSc, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara | www.niagararegion.ca
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215
Email: aimee.alderman@niagararegion.ca

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From: Kiefer Paton
Sent: Thursday, February 3, 2022 1:36 PM
To: Josh Salisbury
Subject: 411 Victoria Street pre-con notes

Hi Josh,

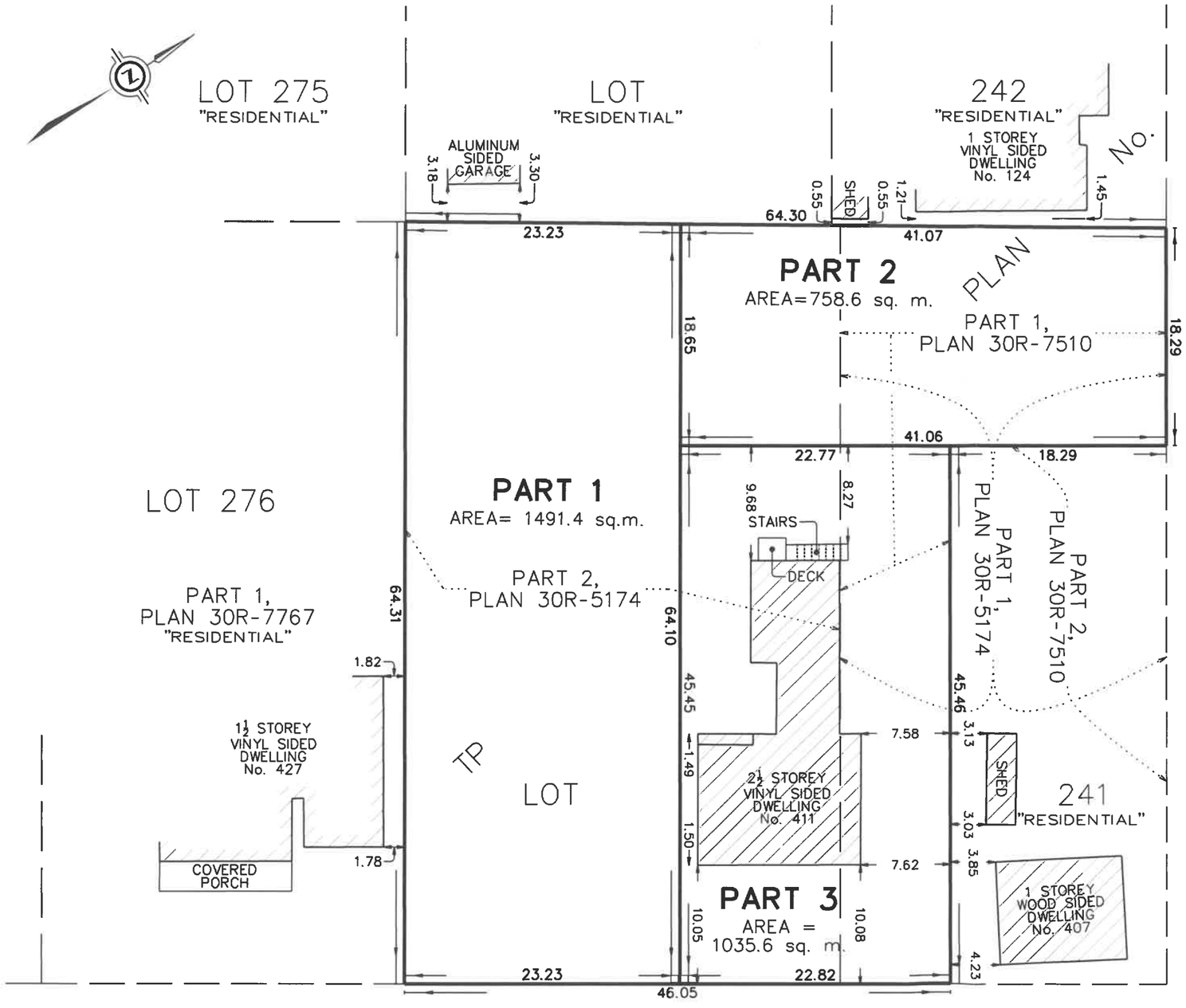
Please find our summarized comments below:

411 Victoria Street - Consent

- According to service cards - existing storm, sanitary and water services are all located within frontage width of existing house (all connected to Victoria Street), these existing services should not create any conflicts with proposed lot lines
- Conditions of severance:
    - New services required for both lots (via submission of applications and applicable fees)
        - New water, sanitary storm services for new lot fronting Victoria Street
        - New Water, sanitary services for new lot fronting William
    - Entrance permit applications required for both lots
        - Ditch on William Street will require a culvert crossing
        - Frontage along Victoria appears mostly ditch tiled, a portion of which may need daylighting to accept proposed drainage
    - Overall grading & servicing plan required for all three lots (existing and both proposed lots included)
        - Boulevard trees may be impacted on both streets. Existing trees may conflict with proposed Victoria Street driveway. All existing boulevard trees must be shown on submitted plans to identify any potential conflicts.

Kiefer Paton, C.Tech.
Engineering Technologist
Town of Niagara-on-the-Lake
Phone: 905-468-3266 ext. 319
1593 Four Mile Creek Road, Virgil ON L0S 1T0

Appendix II
Severance Sketch



CAUTION

(A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

411 VICTORIA STREET

TOWN OF NIAGARA-ON-THE-LAKE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 400

10 0 10 20 30 metres

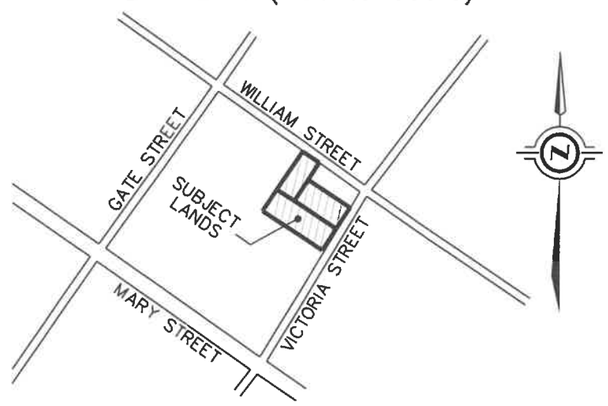
J.D. BARNES LIMITED

© COPYRIGHT 2022

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

KEY PLAN (not to scale)



TOWN OF NIAGARA-ON-THE-LAKE

LEGAL DESCRIPTION

PART OF LOT 241, REGISTERED TP PLAN No. 86, PART 1 ON PLAN 30R-7510 & PART 2 PLAN 30R-5174

BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED DECEMBER 2, 2021. THIS IS NOT A PLAN OF SURVEY.

FEBRUARY 23, 2022.
DATE

ALLAN HEYWOOD
ONTARIO LAND SURVEYOR

J.D.BARNES LIMITED SURVEYING MAPPING GIS
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

JN	DRAWN
AH	CHECKED
2022/02/23	DATED:
21-16-320-00	Ref. No.

PLOTTED 2/23/2022 G:\2021\21-16-320\00\Drawing\21-16-320-00-LDC.dgn

Appendix III
Draft Zoning By-law Amendment

Explanation of the Purpose and Effect of
By-law X

The subject lands are a parcel of land known municipally as 411 Victoria Street in Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to establish site-specific Established Residential (ER) zoning criteria to facilitate the severance of two lots from the subject lands and the subsequent development of a single detached dwelling on each new parcel. The existing dwelling will remain on the retained parcel.

Effect

The effect of this By-law is to add additional site-specific provisions to the in-effect Established Residential (ER) Zone for both the severed and retained parcels, which are limited to:

- Lot Frontage (Parts 1,2 & 3)
- Lot Depth (Part 1,2 & 3)
- Front Yard Setback to A Garage (Parts 2 & 3)

Applicant:	name
File Number:	X
Report Number:	x
Assessment Roll Number:	*x*

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

411 Victoria Street, Niagara-on-the-Lake
Roll XXXXX

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF 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 By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

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

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

1. Schedule "A-1" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-law) from "Established Residential (ER)" to "Established Residential – Site Specific Zone (ER-X)", "Established Residential – Site Specific Zone (ER-XX)", and "Established Residential – Site Specific Zone (ER-XXX)",

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 X as "Figure X: 411 Victoria Street";

3. That Subsection XX.X.XX, Site Specific provisions is hereby further amended by adding the following:

   In addition to the permitted uses of the "Established Residential (ER) Zone" the following provisions shall be applicable on those lands shown as Part 1, Part 2, and Part 3 on Map A attached hereto:

   PART 1 (Severed)

   a) Minimum Lot Frontage – 23 meters
   b) Minimum Lot Depth – 64 meters
   c) A garage may project past the front face of the dwelling provided the garage doors do not face a street line.

DRAFT

PART 2 (Severed)

a) Lot Frontage – 18 meters
b) Lot Depth – 41 meters
c) A garage may project past the front face of the dwelling provided the garage doors do not face a street line.

PART 3 (Retained)

a) Lot Frontage – 22 meters
b) Lot Depth – 45 meters

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

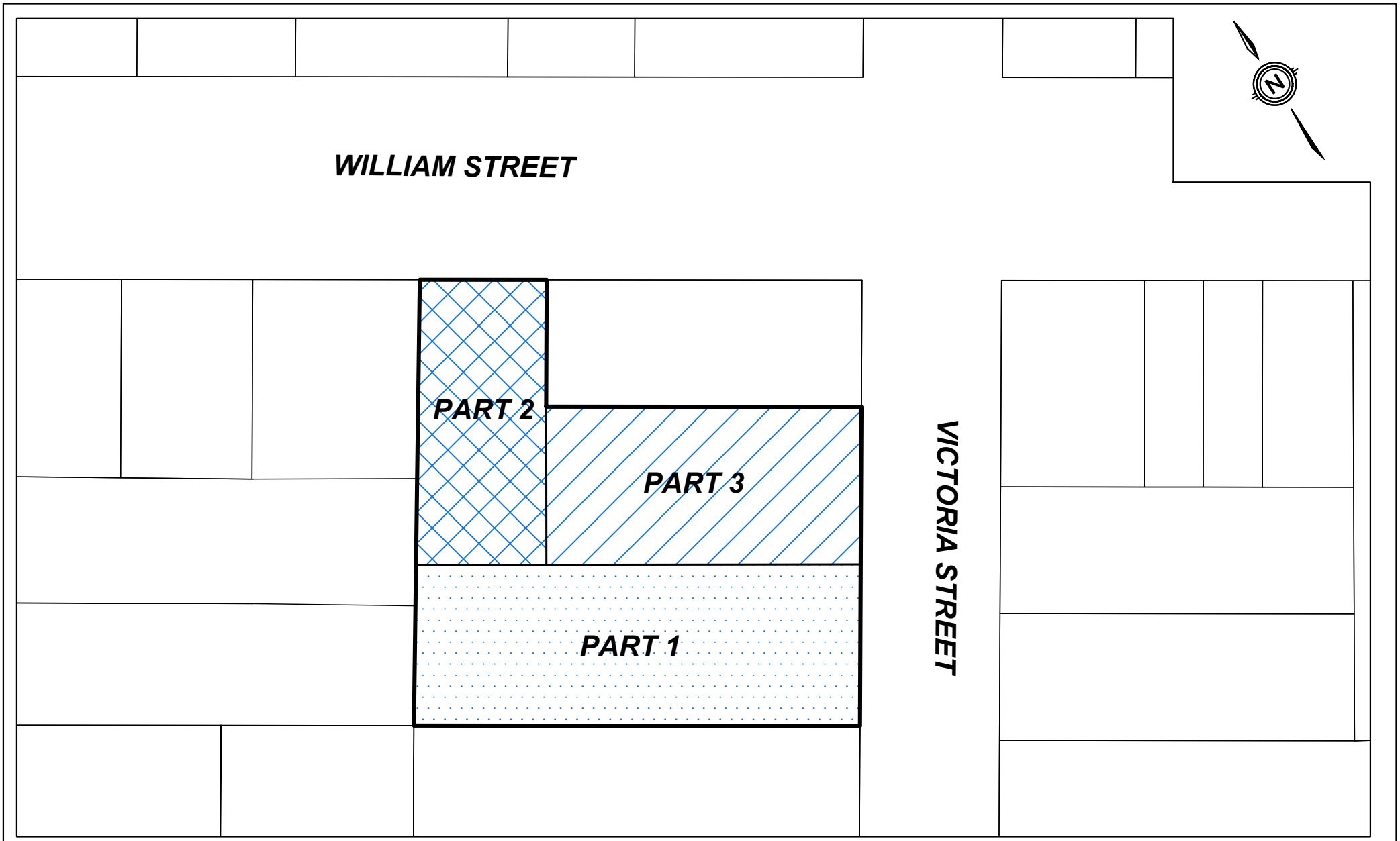
READ A FIRST, SECOND AND THIRD TIME THIS X DAY OF X, 2022.

_____ _____

LORD MAYOR BETTY DISERO TOWN CLERK PETER TODD

DRAFT

Applicant:	name
File Number:	x
Report Number:	x
Assessment Roll Number:	*x*



LEGEND

- PART 1 - FROM ESTABLISHED RESIDENTIAL (ER) ZONE TO ESTABLISHED RESIDENTIAL (ER) SITE SPECIFIC ZONE
- PART 2 - FROM ESTABLISHED RESIDENTIAL (ER) ZONE TO ESTABLISHED RESIDENTIAL (ER) SITE SPECIFIC ZONE
- PART 3 - FROM ESTABLISHED RESIDENTIAL (ER) ZONE TO ESTABLISHED RESIDENTIAL (ER) SITE SPECIFIC ZONE

411 VICTORIA STREET
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No.____

MAYOR: _____

CLERK: _____

Niagara-on-the-Lake