

Official Plan and Zoning By-law Amendment

Vacant Northwest Parcel Between 727 and 733 King Street, Niagara-on-the-Lake

Legal: PART LOT 14 RCP 692 NIAGARA, PARTS 1 & 2 PLAN 30R-16061

Date: June 14th, 2023

For: Josh Bice of Butler's Garden Development Inc.

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

Table of Contents

1.0	Introduction	4
2.0	Description of Subject Lands and Surrounding Area	4
2.1	Site Photos	8
3.0	Proposed Development	14
3.1	Pre-consultation summary	16
4.0	Supporting Studies Review	18
4.1	Urban Design Brief and Streetscape Study	18
4.2	Engineering Plans	18
4.3	Architectural Plans	18
4.4	Shadow Plans (Study)	19
5.0	Planning Policies and Legislation	20
5.1	Planning Act, R.S.O. 1990, c. P.13	20
5.2	Provincial Policy Statement (2020)	21
5.2.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	21
5.2.2	Housing	22
5.2.3	Sewage, Water and Stormwater	23
5.3	Greenbelt Plan	24
5.4	Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)	24
5.4.1	Managing Growth	25
5.4.2	Delineated Built-up Areas	26
5.4.3	Housing	27
5.5	Niagara Official Plan (2022)	28
5.5.1	Managing Urban Growth	29
5.5.2	Strategic Intensification and Higher Densities	30
5.5.3	Housing	31
5.6	Town of Niagara-on-the-Lake Official Plan (July 17, 2017, Office Consolidation)	33
5.6.1	Building Height Restrictions	33
5.6.2	Planning Impact Analysis	34
5.6.3	Growth Management Policies	40
5.6.4	Residential Section	51

6.0	Urban Design Brief	57
6.1	Summary of Policies and Guidelines	57
6.1.1	Current Town of Niagara-on-the-Lake Official Plan (2017)	57
6.1.2	Niagara Official Plan (2022)	58
6.1.3	Niagara Region Model Urban Design Guidelines (2005)	58
6.2	Review and Analysis of Streetscape and Urban Design Matters	59
6.2.1	Setbacks, Lot Frontage, Area, and Depth	59
6.2.2	Built Form Design, Scale, Massing, and Height	61
6.2.3	Privacy	63
6.2.4	Active Transportation and Parking	64
6.2.5	Landscaping	66
6.2.6	Lighting	67
7.0	Proposed Official Plan Amendment	69
8.0	Proposed Zoning By-law Amendment	70
8.1	Zone Requirements	70
8.2	General Provisions	73
8.2.1	Amenity Area – Children’s Play Area	74
8.2.2	Residential / Agricultural Interface	74
8.3	Site-Specific Provisions	74
8.3.1	Lot Frontage	74
9.0	Summary and Conclusion	76
10.0	Appendices	78

1.0 Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Josh Bice of Butler’s Development Garden Inc. (“Owner”), Owner of the vacant central parcel located between 727 and 733 King Street in the Town of Niagara-on-the-Lake (“Subject Lands”). The property is 3,248.72 m² in area and is legally described as Registrar’s Compiled Plan 692 Part Lots 13 and 14. NPG has been retained to provide professional planning advice on applications for an Official Plan Amendment and a Zoning By-law Amendment for the Subject Lands.

The Applications are required to facilitate the development of a 3-storey apartment building consisting of 17 dwelling units as well as 18 parking spaces and the associated landscaping.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the Applications when assessed against policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), Niagara Official Plan (“NOP”), the Town of Niagara-on-the-Lake Official Plan (“OP”) including the Town of Niagara-on-the-Lake Zoning By-law 4316-09.

Overall, the Applications are consistent with the PPS, and conform with the Growth Plan, NOP, and the general direction established in the OP.

Sections 5.2, 5.3, 5.4 and 5.5 of this report addresses consistency and conformity with Provincial and Regional planning policies. Section 5.6 of this report discusses the proposal’s conformance with the general intent and objectives of the OP. Section 6.0 provides an analysis of the proposal’s urban design elements. Section 7.0 and Section 8.0 describe the relief being sought through the applications for an Official Plan Amendment and Zoning By-law Amendment, respectively.

2.0 Description of Subject Lands and Surrounding Area

As shown in **Figure 1 – Aerial Context**, the Subject Lands are located on the northwest side of King Street, southwest of Cottage Street at the edge of the Urban Area and Built-up Area of Old Town, Niagara-on-the-Lake, with lands southwest being within the Agricultural Area. The Subject Lands have an irregular lot configuration, with a narrow access that flares out as a large bulb towards the rear of the Subject Lands. The Subject Lands have frontage of 19.6 metres along King Street, depth of 100.8 metres and an area of 3,248.7 m², and are generally flat, grassed, and vacant of buildings and structures. Adjacent lands are used for single-detached dwelling purposes, except for vineyard located along the southwest interior lot line.

Lands in proximity to the Subject Lands within the Built-up Area are predominantly low-rise residential in character and comprised of one-storey to two-storey single-detached dwellings and a few multi-unit residential developments such as townhouses and a low-

rise apartment building (refer to **Figure 2**). Multi-unit residential developments in proximity to the Subject Lands include townhouses at the Royal Albion development (Shaw's Lane and Albion Way), King Street and Evergreen Lane, the Windsor Circle development (128-174 Anne Street), George Manor development, and a low-rise apartment building northeast of the Subject Lands (King Street and Paffard Street). The surrounding single-detached dwellings are zoned R1 and R1-27, which permits a maximum height of 10 metres and 9.14 metres, respectively.

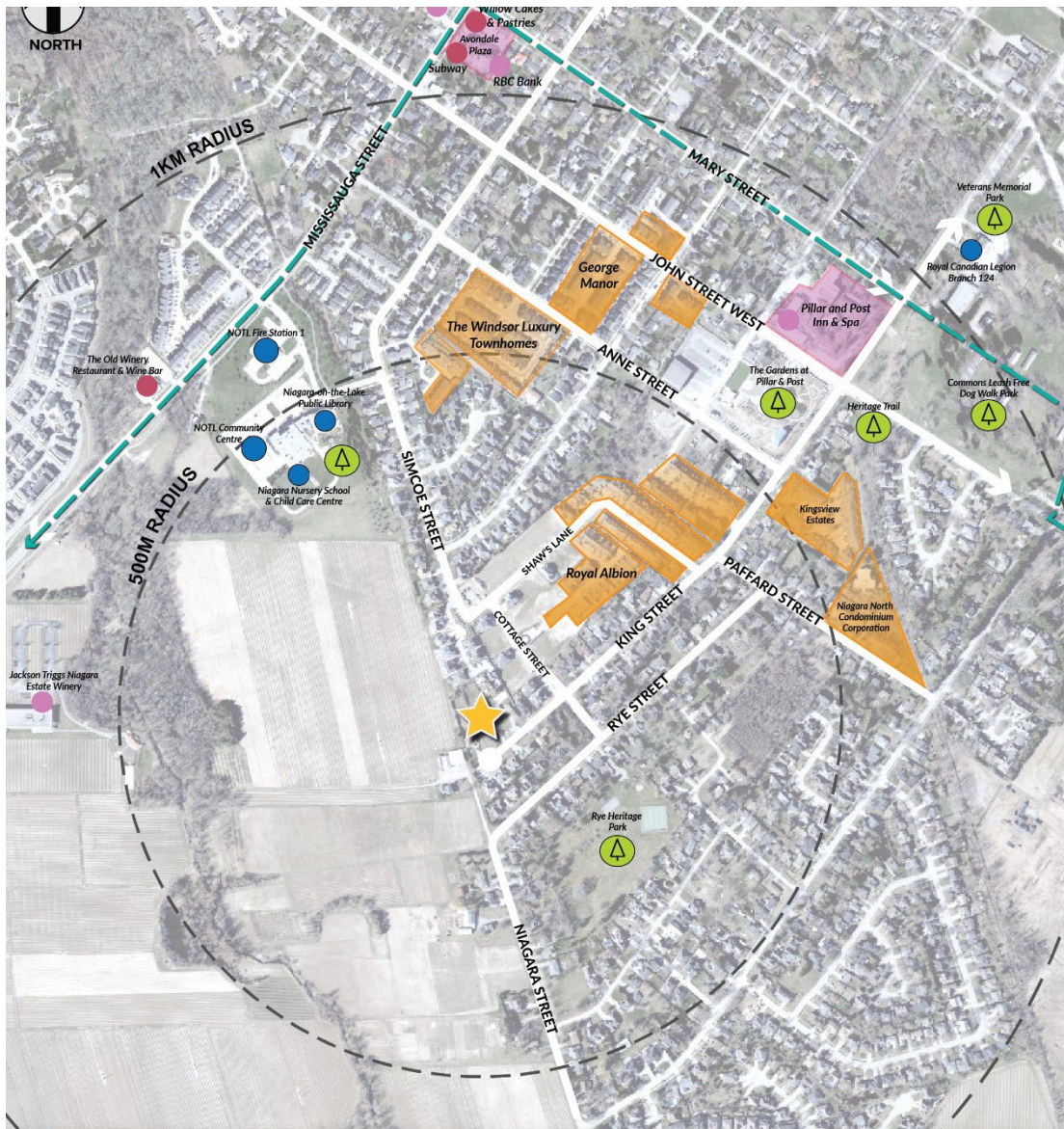


Figure 1 – Aerial Context

As illustrated on **Figure 2 – Community Amenities Map** below, the Subject Lands are in proximity to a range of institutional uses and parks, such as the Rye Heritage Park, located 250 metres away. Within the Subject Lands' 500 metre radius are institutional and recreational facilities such as the Niagara-on-the-Lake Public Library, Community Centre, and Nursery School and Childcare Centre (14 Anderson Lane).

There are no Public Schools located in the Old Town of Niagara-on-the-Lake. An Independent School named Royal Oak School is located within a former hospital (176 Wellington Street). As per the District School Board of Niagara Transportation Eligibility and Service Policy, transportation may be provided for elementary and secondary school students when the walking distance from the student's residence to their home school is equal to or greater than distances specified within the Policy.

The extent of King Street that the Subject Lands is located on is a Local Road, with a primary function of providing access to individual properties. King Street becomes a Collector Road at the intersection of King Street and Paffard Street, with the primary function of a Collector Road intended to be a continuous network to provide a connecting point to Arterial Roads. The Subject Lands are also in proximity to existing and planned cycling infrastructure being the Niagara Region's Strategic Cycling Network.



- ★ Subject Lands
- Schools & Institutional Uses
- Grocery Stores & Restaurants
- Retail & Services
- Multi-unit Residential Developments
- ▲ Parks/Recreation
- Region's Strategic Cycling Network

Figure 2 – Community Amenities Map

2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses (see Photos 1-10)



Photo 1 – View toward Subject Lands frontage on King Street, looking north. 727 and 733 King Street flanking on the right and left side, respectively.



Photo 2 – View towards the south to King Street. 727 and 733 King Street flanking on the left and right side, respectively.



Photo 3 – View southeast toward 727 King Street



Photo 4 – View northeast toward abutting residential land uses.



Photo 5 – View northwest toward abutting residential land uses.



Photo 6 – View from northwest property line, looking southeast at Subject Land extent.



Photo 7 – View from rear of 733 King Street, looking northwest at the Subject.



Photo 8 – View to western property line of abutting vineyards and rear of 733 King Street.



Photo 9 – View to western property line of abutting vineyards.



Photo 10 – View southwest of the Subject Lands abutting the rear of 733 King Street.

3.0 Proposed Development

The applicant is proposing an Official Plan Amendment and a Zoning By-law Amendment to facilitate the development of a 3-storey apartment building consisting of seventeen (17), 2-bedroom units with private balconies and 55.64 m² ground floor common amenity area for residents. The development would provide for a density of 52.3 units per hectare (uph). Conceptual site plan and architectural elevations of the apartment building are included in **Appendix A** to this report.

The proposed apartment building would have a building footprint of 710.06 m² (21.86% lot coverage), provide for 1,592.46 m² of Landscaped Open Space (49.01% coverage) with the remaining 946.2 m² (29.13% coverage) of the lands being paved for automotive traffic. The proposed development has a building height of 10.21 metres, with 1.054 and 1.613metre-tall parapets. The building has been carefully sited to mitigate potential impacts to adjacent residential uses, with rear and interior side yard setbacks of 7.64 metres and 5.05 metres, respectively. The proposed development provides for a 67.26 metre front yard setback, with the building located at the interior of the property to mitigate any potential impacts on the streetscape.

There is existing board-on-board fencing along the perimeter of the property to the north, east, and west, abutting the residential dwellings and providing further privacy for the development and neighboring properties. Currently the western property line abutting the agricultural vineyard consists of existing landscaping. An ornamental iron fence is proposed along the west property line abutting the vineyard, which will provide future residents with a view to the vineyards. Landscaping is proposed throughout the development, with tree plantings and planters that will enhance the development's design and provide a buffer between parking areas and neighboring properties.

The proposed development would accommodate 18 parking spaces. One accessible parking space is proposed directly in front of the building entrance, with an access dropped curb cut that provides direct access to the apartment building. The proposed number of parking spaces exceeds the requirements of Table 6-5 of the Town Zoning By-law for an apartment building requiring one (1) space per unit. Refuse collection bins are proposed interior to the Subject Lands, at the terminus of the driveway. It is anticipated that the waste collection bins will be designed to be non-intrusive and to integrate into the overall site design.

The proposed development is setback from the street and tucked behind existing dwellings. Given the nature of the neighborhood and the proximity to recreational and public service facilities such as the Rye Heritage Park and the Niagara-on-the-Lake Public Library and Community Centre, the Subject Lands present an appropriate location for a low-rise apartment building to support gentle density that respects the low-rise character of the neighborhood. Gentle density refers to ground-oriented housing that is denser than a single-detached dwelling, but with a similar scale and built form, such as

duplexes, townhouses, stacked townhouses, and low-rise apartment buildings.¹ These forms of housing are commonly referred to as the “missing middle,” and introduce a natural transition to increased density in the neighborhood that retains the low-rise and ground-oriented built form while increasing housing supply. The proposed development will contribute to achieving the Town’s density targets while ensuring that there are minimal impacts on the streetscape and adjacent uses.

Official Plan Amendment

The Subject Lands are designated “Low Density Residential” as per Schedule “B” of the Town Official Plan and “Built-up Area” as per Schedule I-1 of the Town Official Plan.

Section 6A-4.4 – Built-Up Area Intensification Policies of the Official Plan provides as follows:

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

Section 9.2 of the Official Plan states:

Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process...Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character.

The proposed apartment building would provide for a height of 10.21 metres to the roof with 1.05 and 1.61 metre parapets, and a development density of 52.3 units per hectare. The Official Plan Amendment is required because the proposed development exceeds the density anticipated within the Official Plan. To address the increased density, the Official Plan Amendment proposes to redesignate the lands to “EX-RES-##.” The Site-Specific exception would provide that the lands be subject to all the requirements of the “Medium Density Residential” and any other general requirements of the Plan with site-specific policies permitting an apartment building being 3-storeys in height and consisting of 17 units with a density of 53 units per hectare.

The Official Plan Amendment is supportable as the proposed development is appropriately located, is compatible with and would not significantly impact adjacent residential and agriculture uses. The proposed Official Plan Amendment is also

¹ Rojc, P. (2017, March 12.) *In Appreciation of Gentle Density*. Planetizen News. <https://www.planetizen.com/node/91658/appreciation-gentle-density>

consistent with and in conformity with Provincial and Regional Policies as discussed in Section 5.2 through 5.5 of this PJR.

The proposed Official Plan Amendment is discussed in Section 7.0 of this report.

Zoning By-law Amendment

The Subject Lands are presently zoned “Old Town Community Zoning District – Residential (R1)”. The Application for Zoning By-law Amendment proposes to rezone the Subject Lands to “Old Town Community Zoning District – Residential Multiple (RM1)” with site-specific exceptions from the General Provisions and Zone Requirements related to the following:

General Provisions

- The Zoning By-law requires the provision of a children’s play area, at specified rates (Section 6.3 (b), By-law 4316-09, as amended). It is requested that the proposed development be exempted from this provision. A variety of community and recreational facilities are located within proximity to the Subject Lands, as discussed in Section 8.0 of this report.

Zone Requirements

- To reduce the required minimum lot frontage for an apartment building from 25 metres to 19 metres
- To permit an ornamental iron fence along the agricultural interface abutting the western property line in place of board-on-board fencing

The proposed Zoning By-law Amendment is discussed in Section 8.0 and included as **Appendix F** of this report.

3.1 Pre-consultation summary

A pre-consultation was held on December 15th, 2022, regarding the Official Plan and Zoning By-law Amendment Applications. The pre-consultation was attended by Aimee Alderman, Town Planner and Amy Shanks, Regional Planner. The pre-consultation form indicated that an Official Plan Amendment and Zoning By-law Amendment would be required to proceed with the development.

The following studies were indicated as necessary in support of the Official Plan and Zoning By-law Amendment Applications:

1. Planning Justification Report including Draft Zoning By-law Amendment;
2. Urban Design Brief;
3. Engineering Plans such as Functional Servicing Report and Stormwater Management Report;
4. Architectural and Design Plans such as Site Plan, Preliminary Landscape Plan, Architectural Elevations, Shadow Study and Floor Plans;

5. Property Index Map and Parcel Registers (including all PIN Printouts and Legal Instruments); and
6. Urban Design Committee Review.

The following were also indicated as requirements but are anticipated to be most relevant to and will be submitted as part of the Site Plan Application submission:

1. Cost Estimates for all proposed on-site and off-site works;
2. Servicing Plan, Lot Grading, and Erosion and Sediment Control Plan; and
3. Photometric Plan/Lighting Plan.

In addition to the above, the Subject Lands are identified as being within the Zone of Archaeological Potential as per the Town's Archaeological Master Plan. Provincial, Regional and Town planning documents include policies regarding the conservation of lands containing archaeological resources or areas of archaeological potential. As indicated in Regional Comments following the pre-consultation meeting dated December 15, 2022, a Stage 1 and 2 Archaeological Assessment was prepared for the entirety of the Subject Lands by Detritus Consulting Ltd., dated November 8th, 2017. The Archaeological Assessment notes that no archaeological resources were encountered during the course of the survey and no further archaeological work was recommended for the study area. An Archaeological Acknowledgement Letter has been received noting that the report has been entered into the Ontario Public Register of Archaeological Reports. As such, no further archaeological assessment is required for the Subject Lands, and the proposed development is consistent with such archaeological policies.

4.0 Supporting Studies Review

4.1 Urban Design Brief and Streetscape Study

An Urban Design Brief and Streetscape Study has been prepared by NPG Planning Solutions Inc. and has been included as part of the Planning Justification Report. The Urban Design Brief and Streetscape Study discusses the various design aspects of the proposed development and evaluates the proposed development's compatibility with the surrounding neighborhood and impacts on the streetscape, with relation to the relevant design policies and guidelines. The Urban Design Brief and Streetscape Study concludes that the proposed development is compatible with the surrounding neighborhood in terms of built form and architectural design and will not have negative impacts on the streetscape. Please refer to Section 6.0 for the complete analysis.

4.2 Engineering Plans

A Functional Servicing Report (FSR) with a Stormwater Management Analysis have been prepared by Upper Canada Consultants (UCC), dated April 2023. The following is noted:

- A 150 mm connection is proposed to the existing 150mm watermain on King Street for domestic water supply and fire protection.
- A connection is proposed to the existing 250 mm sanitary sewer on King Street. The proposed development will produce a peak of approximately 0.91 L/s, occupying 4.2% of the total capacity of the existing 250mm diameter sanitary sewer. The FSR concludes that the existing infrastructure can accommodate the sanitary flows from the proposed development.
- Stormwater will be conveyed to the existing 450 mm storm sewer on King Street, which will be conveyed to Cottage Street, and finally conveyed northwest towards Simcoe Street. There is existing capacity to support the projected stormwater flows to service the property without stormwater quantity controls.
- An oil/grit separator is proposed to improve stormwater quality and provide MECP Normal Protection, which will provide 70% Total Suspended Solids (TSS) removal levels. It is estimated that a Hydroworks HD4 will provide 93% TSS removal. Future detailed stormwater design for the proposed development will be addressed at a future SPA stage.

4.3 Architectural Plans

Site Plan (A1), Floor Plans (A2 & A3), and Building Elevations (A4), all dated May 12th, 2023, have been prepared by Raimondo and Associates Architects Inc. The Site Plan and Building Elevations illustrate the provision of setbacks from neighbouring properties to mitigate impacts. Conceptual landscaping and perimeter plantings are also shown on the Site Plan to further mitigate impacts and enhance privacy.

4.4 Shadow Plans (Study)

Shadowing Plans have been prepared by Raimondo and Associates Architects Inc. (See Drawing SS1 and SS2). The Shadowing Plans demonstrate that there are minor impacts with respect to shadowing; however, these impacts primarily occur during winter months and early morning. The level of anticipated impacts appears to be within reasonable limits.

5.0 Planning Policies and Legislation

This Planning Justification Report provides a thorough analysis of the proposed development and evaluates the appropriateness of advancing Applications for an Official Plan Amendment and Zoning By-law Amendment in the context of the *Planning Act*, Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (NOP) and the Town of Niagara-on-the-Lake Official Plan (OP). The following provides an overview and thorough analysis of these documents in the context of the proposed development:

5.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (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;*
- I 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.*

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Matters of provincial interest are articulated in Provincial, Regional and Town planning documents, and discussed throughout this Planning Justification Report. In summary, the Applications provide for an appropriate location for growth and development, including the provision of a full range of housing, by permitting an apartment building, a form uncommon to the Town. The compact form and proximity of the development to the various recreational and community facilities contribute to reduced automotive dependence by allowing people to live in proximity to community amenities. The proposed development has also been carefully designed to mitigate compatibility concerns in relation to adjacent lands, and to have regard to municipal guidelines, as articulated in Section 6.0 of this Planning Justification Report.

Consistency and conformity with Provincial, Regional and Township policies are discussed in-depth in the subsequent sections of this report.

For these reasons, subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS, 2020) sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

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

The PPS provides the following with respect to managing and directing land use:

POLICY

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

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

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

ANALYSIS

The Subject Lands are within a Settlement Area as defined by the PPS (2020). The proposal is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards that support intensification, a range and mix of residential types, the efficient use of land and resources, and optimize the use of existing municipal infrastructure.

5.2.2 Housing

The PPS provides the following policies with respect to housing:

POLICY

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

b) permitting and facilitating:

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

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

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

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

ANALYSIS

The Applications are consistent with the Housing policies of the PPS as they propose to permit and facilitate development standards for residential intensification, compact form, and the provision of a range of housing options. Of note, the proposed apartment building would increase housing choice in a community where single-detached housing types and other ground-oriented developments heavily prevail.

5.2.3 Sewage, Water and Stormwater

Section 1.6.6 of the Provincial Policy Statement Provides policies regarding sewage, water, and stormwater. Of note, the following applies:

POLICY

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services,

intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*

ANALYSIS

The proposed development is a form of intensification that would utilize existing municipal sewer and water services. The Functional Servicing Report (FSR) with the Stormwater Management Analysis prepared by Upper Canada Consultants (UCC), dated April 2023, concludes that there is existing municipal capacity to service the proposed development. Furthermore, the Stormwater Management Analysis concludes that there is existing capacity to support the projected stormwater flows to service the property without stormwater quantity controls.

SUMMARY

Based on the foregoing, the Applications are consistent with the policies of the PPS.

5.3 Greenbelt Plan

The Subject Lands are designated to be a Towns/Villages as per Schedule 1 of the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan directs that lands within the Towns/Villages designation are subject to the policies of the Growth Plan and official plans, with the exception of select Greenbelt Plan policies not directly pertinent to the Applications.

Subject to conforming with the policies of the Growth Plan, the Applications are in conformity with the Greenbelt Plan.

5.4 Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020)

The Growth Plan for the Greater Horseshoe (2020) identifies the lands as being within the Urban Area and within a Built-up Area. The Growth Plan supports the achievement of complete communities that *are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities”* through site design and urban design standards. In this regard, the following applies:

5.4.1 Managing Growth

Section 2.2.1 Growth Plan provides the following policies with respect to managing growth:

POLICY

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;*
 - ii. have existing or planned municipal water and wastewater systems; and*
 - iii. can support the achievement of complete communities;**
- b) growth will be limited in settlement areas that:
 - i. are rural settlements;*
 - ii. are not serviced by existing or planned municipal water and wastewater systems; or*
 - iii. are in the Greenbelt Area;**
- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;*
 - ii. strategic growth areas;*
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - iv. areas with existing or planned public service facilities;**

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

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

stages of life, and to accommodate the needs of all household sizes and incomes;

d) expand convenient access to:

i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;

ii. public service facilities, co-located and integrated in community hubs;

iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and

e) provide for a more compact built form and a vibrant public realm, including public open spaces;

Section 7 of the Growth Plan defines Complete Communities as follows:

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

ANALYSIS

The Applications would facilitate the provision of a diverse range and mix of housing options and intensification within the built-up area by permitting the development of an apartment building, a housing form that is uncommon to the Old Town of Niagara-on-the-Lake. The Subject Lands are within a 500-metre range of open space, community, and institutional facilities such as Rye Heritage Park, and the Niagara-on-the-Lake Public Library and Community Centre which are co-located in a community hub. Old Town contains a mix of uses, including commercial uses at the intersection of Mary Street and Mississagua Street where future residents can access local stores and services. Furthermore, the proposed development is located away from the street, tucked behind existing dwellings. This location makes the Subject Lands well situated to provide for a higher density in the neighborhood while ensuring that there are minimal impacts to the streetscape.

5.4.2 Delineated Built-up Areas

Section 2.2.2 of the Growth Plan provides as follows:

POLICY

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

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

2. *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*

3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:...*

c) encourage intensification generally throughout the delineated built-up area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; ...

f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

ANALYSIS

The Applications would facilitate intensification within the delineated built-up area. The Applications also contribute to the achievement of intensification targets through gentle density in the neighborhood. The siting of the building away from the street and proposed landscaping will ensure minimal impacts to the streetscape.

5.4.3 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

POLICY

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

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents...

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

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

a) planning to accommodate forecasted growth to the horizon of this Plan;

b) planning to achieve the minimum intensification and density targets in this Plan;

c) considering the range and mix of housing options and densities of the existing housing stock; and

d) planning to diversify their overall housing stock across the municipality.

ANALYSIS

The Growth Plan requires municipalities to support housing choice by planning for a range and mix of densities. The proposed density of 52.3 units per hectare exceeds the planned densities included in the OP, generally being 14 units per hectare for low density residential and 30 units per hectare for medium density residential. The OP does not specifically plan for densities beyond 30 units per hectare as proposed with these Applications. The proposed density would implement Growth Plan policies by increasing the range and mix of housing options and densities in the Town.

SUMMARY

Based on the foregoing, the Applications conform with the policies of the Growth Plan.

5.5 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) was approved by the Ministry of Municipal Affairs and Housing on November 4th, 2022. The NOP is the Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara.

The policies of the NOP will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. **Table 1** below identifies the applicable designations for the Subject Lands per the NOP schedules.

Table 1 – NOP Designations

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
A	<i>Local Area Municipalities</i>	<i>Settlement Area – Niagara-on-the-Lake</i>
B	<i>Regional Structure</i>	<i>Delineated Built-Up Area</i>
J1	<i>Transportation Infrastructure</i>	<i>King Street is a Local Road</i>

J2	Strategic Cycling Network	Approximately 700 metres south of Strategic Cycling Network (Heritage Trail on John Street)
K	Areas of Archaeological Potential	Within Area of Archaeological Potential

Given this, the following policies apply:

5.5.1 Managing Urban Growth

Section 2.2.1 NOP provides general direction with respect to managing growth. Section 2.2.1.1 provides that *"development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:"*

POLICY

- 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.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

 - iii. co-located public service facilities; and*
 - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas...*

k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and

l) mitigation and adaptation to the impacts of climate change by:

iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

ANALYSIS

The Applications meet all the above objectives of the NOP. In particular, the Applications focus intensification within the Built-up Area of Old Town in lands serviced by municipal water and sanitary services. The Subject Lands are in an ideal location to provide for higher density residential uses through the integration of gentle density, contributing to the Town's density targets by providing a range of housing types and densities in the area. The compact form and proximity of the development to various recreational and public service facilities contribute to reduced automotive dependence, and consequently, greenhouse gas emissions by allowing people to live in proximity to community amenities.

5.5.2 Strategic Intensification and Higher Densities

Section 2.2.2. of the NOP provides policies with respect to intensification, as follows:

POLICY

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

b) areas with existing or planned public service facilities

2.2.2.6 Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 1,150 units and a 25% intensification rate for Niagara-on-the-Lake).

Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects development trends and land use permissions at the time of Local conformity.

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

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

a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;..

c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites...

ANALYSIS

The Applications would facilitate intensification as promoted in the NOP and would contribute to meeting Regional intensification targets for the Town. The Applications would facilitate appropriate infill development standards to support the achievement of complete communities and facilitate compact built-form in an existing neighborhood with proximity to various public service facilities. For these reasons, the Applications conform with Section 2.2.2 of the NOP.

5.5.3 Housing

The NOP provides policies with respect to Housing. It is an objective of the NOP to provide a mix of housing options to address current and future needs. Section 2.3.1 identifies the following applicable policies:

POLICY

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

a) facilitating compact built form; and

2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

ANALYSIS

The Applications would facilitate the development of an apartment building, a form of development not common in the Town, contributing to the range and mix of housing densities and types. The proposed development will consist of 2-bedroom units, which will provide housing options for young families and seniors. Residential intensification as

proposed with these Applications is also in conformity with the principle of facilitating compact built form.

SUMMARY

Based on the foregoing, the Applications conform with the policies of the NOP.

5.6 Town of Niagara-on-the-Lake Official Plan (July 17, 2017, Office Consolidation)

The Town of Niagara-on-the-Lake Official Plan (OP) sets out policies that deal with legislative and administrative concerns, policies to guide physical growth and policies to express a wide variety of social, economic and environmental concerns. **Table 2** identifies the applicable designations for the Subject Lands per the OP schedules.

Table 2 – OP Designations

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
B	<i>Land Use Plan – Niagara/Old Town</i>	<i>Low Density Residential</i>
G	<i>Transportation Plan</i>	<i>King Street is a Local Road</i>
H	<i>Archaeological Potential</i>	<i>In Area of Archaeological Potential</i>
I-1	<i>Growth Management</i>	<i>Built-up Area</i>

The following policies apply:

5.6.1 Building Height Restrictions

Section 6.4 of the OP provides the following with respect to height:

POLICY

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally, the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and the implementing zoning by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law limiting the building height to less than 11 metres (36 feet) in low density residential, and established residential areas where the majority of the buildings are one or ½ storeys in height...

ANALYSIS

The Building Elevations provide for a building height of 10.21 metres with 1.05 and 1.61 metre parapets. The surrounding properties are zoned R1 and R1-27, which permits a height of 10 metres and 9.14 metres, respectively. The requested RM1 zone permits a maximum building height of 12 metres. The proposed development is well within the permitted height of the requested zone – although the parapets are permitted to exceed the maximum building height as per Section 6.21 of the Zoning By-law, they comply with the RM1 zone regulations. In addition to this, the proposed setbacks comply with the RM1 zone, with the building setback 66.65 metres from King Street. When viewed from King Street, the proposed building, height, orientation and setbacks ensure that the proposed development is tucked away behind existing dwellings with no significant visual impacts to the streetscape. Furthermore, a Shadow Study completed by Raimondo and Associates Architects Inc. demonstrates that there are minimal

shadowing impacts on neighbouring properties, with the majority of shadowing impacts occurring during the morning in winter months. Given the foregoing the proposed development is in keeping with the existing low-rise context of the neighborhood. Furthermore, the proposed height is within the permitted height requirements in the zoning by-law for the requested Residential Multiple 1 (RM1) zone. Thus, the proposed height is appropriate and compatible with the surrounding neighborhood.

5.6.2 Planning Impact Analysis

Section 6.23 of the OP provides policies pertaining to a Planning Impact Analysis. Section 6.23 provides that:

A Planning Impact Analysis is required as part of any application for an Official Plan and/or Zoning change. If the application is initiated by a development proposal then the proponent shall prepare and submit the required Planning Impact Analysis as part of the application ...The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.

Section 6.23 further provides that the Planning Impact Analysis will be evaluated, in consultation with appropriate agencies, on the basis of matters identified in **Table 3** below:

POLICY & ANALYSIS

Table 3 – Requirements for a Planning Impact Analysis

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
<i>a) Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;</i>	Compatibility has been addressed in this Planning Justification Report in various sections. To summarize, the neighboring properties are zoned R1 and R1-27, which permits a height of 10 metres and 9.14 metres, respectively, with parapets permitted to exceed the maximum building height. The proposed development has a height of 10.21 metres, slightly in excess of the maximum permitted height for adjacent uses. Although the exact heights

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
	<p>of the neighboring dwellings are not known, the proposed development continues to be consistent with the low-rise character of adjacent development.</p> <p>While the density of development is in excess of that for adjacent lands, through proposal would implement provincial requirements of providing for an appropriate range and mix of housing options and densities, without significant impact to lands or character of the area or the streetscape.</p> <p>The proposed development has incorporated substantial front, rear, and side yard setbacks, along with landscaping and fencing to mitigate any potential impacts on the streetscape and adjacent properties. The massing and flat roof ensures compatibility with the low-rise nature of the neighborhood.</p>
<p><i>b) The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</i></p>	<p>Adjacent residential uses are zoned R1 and R1-27, which permits a maximum building height of 10 metres and 9.14 metres, respectively. Although the exact height of these dwellings are not known, the proposed apartment building is only slightly taller than what is permitted for the adjacent lower density residential uses but are within the height requirements of the OP and Zoning By-law for the RM1 zone. Impacts are appropriately mitigated with respect to shadowing by incorporating setbacks and locating the building away from adjacent properties.</p>
<p><i>c) The extent to which the proposed development provides for the retention of existing vegetation or natural features that</i></p>	<p>An arborist report was not requested at pre-consultation. Conceptual landscaping is shown on the Site Plan prepared by Raimondo and Associates Architects Inc.,</p>

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
<p><i>contribute to the ecological integrity and visual character of the surrounding area;</i></p>	<p>dated May 12th, 2023, which shows the tree plantings and landscaping for the development that will contribute to the visual character of the surrounding area. Tree plantings will be required to be planted when a future Site Plan Agreement is entered into.</p>
<p><i>d) Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;</i></p>	<p>The Subject Lands are in proximity to various public open space, recreational, and community facilities within 500 metres of the Subject Lands such as the Rye Heritage Park, and the Niagara-on-the-Lake Community Centre and Public Library (14 Anderson Lane).</p> <p>The Town does not have transit service. However, being in proximity to a Collector Road (King Street at Paffard Street) and Arterial Road (Mary Street), the Subject Lands are in an area where transit may be accommodated in the future per Policy 20.3(6) of the OP. Increasing residential densities in this area would increase the potential future market demand for such transit.</p>
<p><i>(f) e) The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to:</i></p> <ul style="list-style-type: none"> <i>(i) the existing environmental and/or physical hazards.</i> <i>(ii) the potential impacts of these hazards.</i> <i>(iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.</i> <i>(iv) the costs and benefits in monetary, social and environmental terms of any</i> 	<p>There are no known environmental hazards requiring specialized consideration.</p>

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
<i>engineering works needed to overcome the hazard.</i>	
<i>f) The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.</i>	<p>The size of the Subject Lands is adequate in providing ample space for parking and landscaping to mitigate impacts on adjacent uses. The Subject Lands are irregularly shaped, with a narrow strip that flares out into a bulb towards the rear of the property. The proposed development utilizes the narrow strip for driveway access and locates the apartment building at the end of the bulb, creating an orientation that works to mitigate impacts on King Street and the adjacent residential uses.</p> <p>Site Plan drawings have been prepared along with a shadow study. These plans have demonstrated that the Subject Lands can accommodate the intensity of development without significant impact on adjacent residential uses. Furthermore, they demonstrate that the proposed development is in keeping with the low-rise nature of the neighborhood and will not be pose any negative impacts on the streetscape.</p>
<i>g) The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard.</i>	<p>The proposed development would not have a significant financial impact on the municipality. However, the efficient and optimized use of available infrastructure is generally desirable from a financial perspective.</p>
<i>h) The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.</i>	<p>A Traffic Impact Study was not requested. The scale of development is not anticipated to generate significant traffic or significantly impact streets, pedestrian and vehicular safety, and on surrounding properties.</p>

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
<i>i) The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency.</i>	Provincial and Regional Policy have been discussed in Sections 5.2 through 5.5. As indicated, the Applications are consistent with and conform with Provincial and Regional policy as applicable.
<i>j) The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan.</i>	Functional Servicing Report with a Stormwater Management Analysis have been prepared. These reports are discussed in Section 4.2 of this Planning Justification Report and demonstrate that the servicing capacities in the area can accommodate the proposed development.
<i>k) The location and adequacy of lighting, screening, and parking areas.</i>	Surface parking is proposed, located in front of the building. Lighting fixtures, landscaping, and fencing will be provided to ensure the parking area is well-lit and screened from the streetscape and neighboring properties. This matter will be further addressed through a Site Plan Application.
<i>l) Provisions for landscaping and fencing.</i>	Conceptual landscaping is illustrated on the Site Plan, which shows the provision of appropriate plantings and fencing.
<i>m) The location of outside storage, garbage and loading facilities.</i>	The draft Site Plan includes outside refuse storage at the corner of the driveway.
<i>n) The need and desirability of the use.</i>	The Town's building stock predominantly consists of single-detached dwellings. Planning Authorities are required to accommodate a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and to also plan for a range and mix of housing options. The Applications for

Table 3: Requirements for a Planning Impact Analysis	
Policy	Evaluation
	facilitate intensification and a range and mix of housing options.
<i>o) The effect on the agricultural land base.</i>	Potential land use compatibility conflicts can occur where agricultural uses and residential uses interface. Such impacts on residential lands may include noise odor or spraying. Trespass onto agricultural lands is also a potential land use compatibility matter. The existing interface between agricultural and residential uses has already been established. The proposed development is not anticipated to aggravate an existing situation.
<i>p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.</i>	There are no identified environmental, built heritage resources or cultural heritage landscapes in proximity to the Subject Lands. The Subject Lands are within the Zone of Archaeological Potential as identified in the Town’s Archaeological Master Plan. An Archaeological Assessment has been completed for the Subject Lands with no archaeological resources being encountered.
<i>q) The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary.</i>	The OP plans for a maximum of 12 units per acre (30 units per hectare) for the medium density residential designation. There are no sites within Old Town that permit high density residential development with a density of 52.3 units per hectare, unless permitted through a site-specific exemption.
<i>f) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how</i>	The proposed development provides for substantial setbacks, a low-rise built form, plantings and fencing to mitigate impacts on adjacent uses, as shown in the architectural plans. These will be

Table 3: Requirements for a Planning Impact Analysis

Policy	Evaluation
<i>the items of this policy have been complied with.</i>	implemented through a Site Plan Agreement.

5.6.3 Growth Management Policies

Section 6A of the OP provides growth management policies. The purpose of the Growth Management Policies is to implement policies of the Growth Plan. The Growth Plan is about building complete communities that are well- designed, offer transportation choices, and accommodate people at all stages of life, and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.

The following apply:

5.6.3.1 Growth Management Objectives

Section 6A - 3.2 of the Town OP identifies the following Growth Management Objectives:

POLICY

- 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.*
- h) Coordinate land use planning with infrastructure planning;*
- j) Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.*
- 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.*

ANALYSIS

The Applications would facilitate intensification in the form of residential development within the Built-up Area. The proposed development is tucked away behind existing dwellings, introducing increased density and a compact built form to the neighborhood while ensuring minimal impacts on the streetscape. The higher density-built form also allows for optimized use of available infrastructure. The efficient use of land and infrastructure and proposed design to minimize impacts on the streetscape and adjacent properties is in conformity with policies encouraging the development of compact, complete communities.

5.6.3.2 Housing Mix Policies

Section 6A - 3.4 of the Town OP provides the following policies regarding housing mix:

POLICY

The Official Plan's land use policies 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. While a 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 in the residential policies of the Official Plan.

A number of parcels in the municipality are designated for medium density residential development which includes multi-unit residential housing such as townhouses, apartments, seniors' homes, etc. The policies of the Official Plan provide that while low density residential uses are permitted they are not encouraged in Medium Density Residential designations as the potential loss of residential units over medium density needs to be carefully considered.

Given the small Town character and heritage of Niagara-on-the-Lake, high density development will be limited especially within established residential areas where high density development may adversely impact heritage resources and the character of the area in terms of scale, mass or height.

ANALYSIS

As per the policies above, a range of residential densities is contemplated in the Low Density Residential designations of Old Town, provided that the development does not adversely impact heritage resources and the character of the area in terms of scale, mass or height. As indicated, the subject lands do not contain and are not adjacent built heritage resources or cultural heritage landscapes.

The Subject Lands are located in a predominantly low-rise and low-density neighborhood, with varying lot sizes, built forms, mass, scale, and setbacks. There are various medium density developments in the neighborhood (see **Figure 2**), which consist of multi-unit residential developments such as townhouses and a low-rise

apartment building. The proposed development will have a height of 10.21 metres with 1.05 and 1.61 metre parapets, which are well within the permitted height in the OP and the RM1 zone regulations. The apartment building is compact and low-rise, with substantial setbacks, fencing, and landscaping proposed to buffer the development to adjacent properties.

Based on the above, the proposed development is compatible with the overall low-rise character of the neighborhood. Specific design and locational criteria for residential developments and community character are further addressed in Section 6.0.

5.6.3.3 Intensification Objectives

Section 6A – 4.4 of the OP provides the following intensification objectives. The objectives of the intensification policies of this Plan are to:

POLICY

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

ANALYSIS

The Applications provide policy direction and zoning requirements to accommodate additional growth within the built-up area by permitting a 17-residential unit apartment building, consistent with the low-rise character of surrounding lands. There are no identified cultural heritage resources on or adjacent to the Subject Lands.

5.6.3.4 Built-Up Area Intensification Policies

Section 6A-4.4 - Built-Up Area Intensification Policies provides that the Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The OP further identifies policies to implement this direction. **Table 4** below provides an evaluation of these policies:

POLICY & ANALYSIS

Table 4 – Built-Up Area Intensification Policies

Table 2: Built-Up Area Intensification Policies	
Policy	Evaluation

<p>a) <i>The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.</i></p>	<p>The Applications will contribute to the achievement of the Town’s intensification target.</p>
<p>b) <i>The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low-rise apartment buildings subject to the relevant development and compatibility policies of this plan.</i></p>	<p>The Applications will facilitate the development of a low-rise apartment building.</p>
<p>f) <i>Parking for all new residential, commercial and mixed-use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.</i></p>	<p>The intent of this policy is to provide for a highly quality streetscape by discouraging the visual impact of parking on the streetscape. Surface parking is proposed to be located in front of the building. Due to the irregular property configuration, locating the parking in front of the building is the most efficient layout for the development. Proposed landscaping treatment to be implemented through the Site Plan Approvals process will mitigate visual impacts of parking and a large front yard setback will further buffer any impacts on the streetscape. Access to the Subject Lands and the architectural face for the development would be oriented towards King Street. Furthermore, the main entrance to the development is facing King Street which meets the policy objective of ensuring that the apartment building interfaces positively with the street.</p>
<p>h) <i>The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.</i></p>	<p>There are no anticipated impacts on cultural heritage resources. As indicated, the surrounding lands provide for a low-rise and heterogenous community character. This heterogenous character allows for some flexibility in terms of built-form for new development without such development seeming out of place. The permitted heights of the neighboring dwellings are 9.14 and 10 metres. The</p>

	<p>proposed development is for a height of 10.21 metres, which represents a marginal increase and is not anticipated to adversely impact the character of the neighborhood. While the height of the new apartment building is slightly taller than what is permitted for adjacent buildings, it would still be compatible with the built form of buildings and structures in proximity to the Subject Lands. This matter is further discussed in the accompanying Streetscape Study and Urban Design Brief.</p>
--	---

5.6.3.5 Urban Design

Section 6A-4.4 – Urban Design provides, that “the Town will continue to prepare Urban Design Guidelines as part of the preparation of Secondary Plans. In the interim, the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...” **Table 5** below is an evaluation of these policies:

POLICY & ANALYSIS

Table 5 – Built-Up Area Intensification Policies

Table 3: Built-Up Area Intensification Policies	
Policy	Evaluation
<p><i>a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.</i></p>	<p>The building would be setback 66.65 metres from the front lot line due to the irregular lot configuration of the property that provides for a narrow entrance, with a large bulb at the rear. Adjacent lands fronting on King Street are zoned Residential (R1). The Town Zoning By-law requires a minimum 7.5 metre front yard setback. The adjacent dwelling to the east is setback 9 metres from the front property line and the adjacent dwelling to the west is setback 24.9 metres from the front property line. With this variation and given the unique configuration of the property, the proposed apartment building will not appear to be out of place in terms of setbacks.</p>

<p><i>b) Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.</i></p>	<p>The intent of this policy is to discourage the visual impact of parking on the streetscape. Surface parking is proposed, with the parking area located in front of the building. Due to the irregular property configuration, locating the parking in front of the building is the most efficient layout for the development. Proposed landscaping treatments such as tree plantings and planters along the perimeter of the property will mitigate visual impacts of parking and a large front yard setback will further buffer any impacts on the streetscape. Providing parking in this area is the most efficient use of the property. Furthermore, the main entrance to the development is facing King Street which meets the policy objective of ensuring that the apartment building interfaces positively with the street.</p>
<p><i>c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.</i></p>	<p>There are no sidewalks on King Street. However, the proposed development provides for internal walkways to facilitate safe and efficient pedestrian movement throughout the property.</p>
<p><i>d) Bulk, mass and scale of new development shall fit the context within which it is located.</i></p>	<p>The surrounding context consists of single-detached homes fronting King Street. The proposed development will be set back significantly from the street and will minimize impacts on the streetscape or adjacent dwellings. Furthermore, there are medium density developments in proximity of the Subject Lands, such as Royal Albion and the low-rise apartment building at 61 Paffard Street that are both tucked away behind existing single-detached dwellings to mitigate their impacts on the streetscape. Given this, the proposed development would introduce gentle density that is compatible with the low-rise character of the neighborhood that would not significantly</p>

	impact the streetscape or adjacent dwellings.
f) <i>The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.</i>	See following section.

5.6.3.6 Land Use Compatibility Policies

Section 6A-4.6 provides as follows:

Residential Neighbourhoods

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

Compatibility and Appropriate Infrastructure

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

6A-4.6 provides that intensification and/or redevelopment should be consistent with matters indicated on **Table 6** below:

POLICY & ANALYSIS

Table 6 – Land Use Compatibility Policies

Table 4: Land Use Compatibility Policies	
Policy	Evaluation
<i>a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;</i>	The Town has not adopted a Secondary Plan for the Subject Lands or detailed Urban Design Guidelines. The proposed apartment building would be compatible with the varying community character and low-rise context.
<i>b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;</i>	The Subject Lands are not located in proximity to any natural heritage areas.

<p><i>c) The existing and/or planned densities of the surrounding neighbourhood; and,</i></p>	<p>The proposed development provides for a density of 52.34 units per hectare. The proposed density exceeds that of abutting lands that are designated Residential One. As indicated, Provincial policy requires the Town to plan for a range of densities. As discussed throughout this Planning Impact Analysis, the varying built-form, proximity to existing medium-density developments, and availability of infrastructure, municipal services and community facilities provides planning merit for increased densities.</p>
<p><i>D) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.</i></p>	<p>The Residential (R1) Zone permits a maximum building height of 10 metres and the Residential Multiple (RM1) Zone permits a maximum building height of 12 metres. The Applications propose a building height of 10.21 metres with 1.05 to 1.61 metre parapets. The proposed height is not out of place with the low-rise context of the neighborhood and the additional 0.21 metres is a minor increase that will not significantly impact the streetscape or neighborhood character. Furthermore, per Section 6.21 of the Zoning By-law, parapets are permitted to exceed the maximum height. Large setbacks, landscaping, and fencing are proposed to mitigate adverse impacts on abutting uses.</p>
<p><i>e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.</i></p>	<p>The Subject Lands are in low-rise residential area, comprised of both low-density and medium-density residential developments. The adjacent properties to the north, east, and south are 1- and 2-storey single-detached dwellings. Within proximity of the Subject Lands is Royal Albion, a medium-density development consisting of townhouses that are tucked behind low-density development fronting King Street.</p>

	<p>Based on the permitted heights of the adjacent dwellings, the proposed apartment building appears to be slightly taller than abutting uses on either side but are within the permitted height requirements in the OP and the RM1 zone, and only present a marginal increase of 0.21 metres from the R1 zone. The proposed compact built-form, setbacks, landscaping, and fencing will provide an effective transition in scale and density to the surrounding lower-density uses.</p>
<p><i>f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:</i></p> <ul style="list-style-type: none"> - Street and block patterns - Lot frontages lot area, depth - Building Setbacks - Privacy and over view - Lot grading and drainage - Parking - Servicing 	<p>These matters are discussed in Section 6.0 of this report. Section 6.0 demonstrates that the proposed development is appropriately integrated with the established character of the area in regard to the prescribed matters.</p>

5.6.3.7 Residential Infill and Intensification Policies

The Town passed residential infill and intensification policies (OPA 78, By-law 5193-19) in November 2019. OPA 78 is now in effect.

These policies provide that in considering an application for development approval on lands designated ‘Low Density Residential’, ‘Medium Density Residential’ and ‘Established Residential’, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined in **Table 7** below, unless otherwise specified in a heritage conservation district plan:

Table 7 - Residential Infill and Intensification Policies

Table 7: Residential Infill and Intensification Policies	
Policy	Evaluation
<p><i>a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides</i></p>	<p>A new lot is not being proposed. This policy does not apply.</p>

<p><i>of the street on which the property is located;</i></p>	
<p><i>b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;</i></p>	<p>The proposed 10.21 metre building height appears to be slightly taller than the adjacent properties but the proposed height is within the permitted height requirements in the OP and the RM1 zone. Furthermore, the proposed development has a massing and scale that is compatible with the low-rise character of the neighborhood, with appropriate setbacks and landscaping that will mitigate any impacts on the neighboring properties and the streetscape.</p>
<p><i>c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;</i></p>	<p>Existing front yard setbacks for properties within the neighborhood range between 4.45 metres and 24.5 metres, demonstrating great variability in the existing context. A 66.65-metre front yard setback is proposed for the development, which is greater than the existing range in the neighborhood due to an irregular lot configuration with a narrow frontage, requiring the building to be placed at the rear of the property. The proposed front yard setback provides greater separation distance from the street for the medium density development. Please refer to Section 6.2.1 of this PJR for more details. A rear yard setback of 7.5 metres is proposed, consistent with the existing zoning and the regulations of the proposed RM1 Zone.</p>
<p><i>d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;</i></p>	<p>Large interior side yard setbacks are being proposed, in excess of that which is required for the existing zoning and in line with what is required for an apartment building in the RM1 zoning category.</p>
<p><i>e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;</i></p>	<p>While exterior design for the most part can no longer be controlled through the planning process, the proposed development represents a cohesive design, compatible with the low-rise and</p>

	<p>varying architectural styles in the neighborhood The development proposes architectural articulation through balconies to introduce visual variety and design interest to the building façade, while a stone and brick exterior and create consistency in building design while contributing to a unique and cohesive architectural style, compatible with the varied styles in the neighborhood.</p>
<p><i>f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;</i></p>	<p>The intent of this policy is to encourage retention of trees where possible, as it is not always possible to conserve every tree as part of a development application. This policy is considered to be met provided that trees are conserved where possible, and tree replanting occur through the development approvals process.</p> <p>A Tree Preservation Plan was not requested at pre-consultation. It is anticipated that existing trees that are removed will be replaced with new plantings. Replacement plantings will be required to be planted when a future Site Plan Agreement is entered into.</p>
<p><i>g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;</i></p>	<p>No garage is proposed for the development. The width of the driveway is limited to the extent that it could provide two-way traffic.</p>
<p><i>h) new driveways and service connections shall be sited to minimize tree loss;</i></p>	<p>Reorienting driveways and service connections is not anticipated to mitigate tree loss. Replacement plantings are proposed to mitigate the loss of trees.</p>
<p><i>i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;</i></p>	<p>A Functional Servicing Report (FSR) has been prepared UCC, dated April 2023, regarding the proposed development. The FSR provides that there is existing stormwater management capacity such that stormwater quantity controls are not needed to support the development. This</p>

	<p>is summarized in Section 4.2 of this report and fully detailed in the FSR.</p> <p>Impacts regarding privacy and shadowing are proposed to be minimized through the provision of interior side yard setbacks, perimeter plantings, and fencing.</p>
<p><i>j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;</i></p>	<p>No new lots are being proposed. There are no significant views/vistas that are being impacted.</p>
<p><i>l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</i></p>	<p>The FSR prepared by UCC, dated April 2023, identifies that the watermain along King Street can meet the required domestic and fire flow requirements, and that the sanitary sewer located on King Street has sufficient capacity from which the proposed building can be serviced by connecting to the 250mm diameter sanitary sewer. Solid waste collection will be required to be private.</p>

5.6.4 Residential Section

Section 9 of the OP identifies residential objectives. The following apply:

5.6.4.1 Goals and Objectives

Section 9.2 of the OP provides the following relevant Goals and Objectives:

POLICY

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

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

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

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

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

ANALYSIS

The proposed apartment building would be located on a vacant parcel of land, which presents an opportunity for appropriate infill development. As the Subject Lands are located within a low-rise neighborhood with varying architectural and design styles and in proximity to open public parks and community facilities, providing for a higher density use on the Subject Lands would provide for infilling and intensification in a manner that would have minimal impacts on the streetscape and neighboring properties. In general, intensification as opposed to sprawl, results in reduced automotive dependence with regard to number and length of vehicular trips. This reduced automotive dependence is in conformity with policies encouraging energy efficient design. The higher density-built form also tends to be more economical than low density residential forms and allows for optimized use of available infrastructure including sewer and water services and community facilities.

The proposed apartment building has been designed to minimize potential impacts on adjacent low density residential uses to the greatest extent possible through the provision of large setbacks from abutting uses, perimeter landscaping, and fencing. These mitigation measures will be refined through the Site Plan Approval stage.

A Concept Plan with Architectural Elevations have been prepared in support of the Applications. An Urban Design Brief has also been prepared based on the Concept Plan and Architectural Elevations. The Urban Design Brief demonstrates how the development proposes a low-rise and compatible built form that enhance the existing streetscape and mitigates impacts on adjacent properties. Proposed architectural features such as exterior materials and balconies introduce design interest and visual variety, while creating a unified built form.

5.6.4.2 Low Density Residential - Permitted Uses

The Application for an Official Plan Amendment proposes a Residential Exception Designation to permit medium density residential uses on the Subject Lands. Residential Exception amendment would provide that the lands be subject to all the requirements of the “Medium Density Residential” and any other general requirements of the Plan with site-specific policies permitting an apartment building being 3-storeys in height and consisting of 17 units with a density of 53 units per hectare.

Section 9.3.1 sets out the permitted uses for the Low Density Residential designation, stating that medium density residential uses are permitted independent of a main use,

subject to the relevant policies of Section 8 and a site-specific amendment to the Zoning By-law.

Section 9.3.2 sets out the permitted uses for the Medium Density Residential designation, which includes apartments.

POLICY

Section 9.3.1 Low Density Residential

(1) *In the low density residential designation the following uses shall be permitted:*

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, and a site specific amendment to the Zoning By-law.*

Section 9.3.2 Medium Density Residential

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

Main Uses:

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

ANALYSIS

The proposed apartment building is a main use in the Medium Density Residential designation of the OP. A 3-storey apartment building would conform with the Medium Density Residential Designation.

5.6.4.3 Medium Density Residential Design and Location Considerations

Section 9.3.2(3) of the OP provides design and location considerations for Medium Density Residential. **Table 8** below discusses conformity with these design and location considerations:

Table 8 – Medium Density Residential Design and Location Considerations

Table 6: Medium Density Residential Design and Location Considerations	
Policy	Evaluation
<i>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.</i>	The apartment building has been carefully designed to minimize impacts on lower density residential uses. It is tucked away behind existing dwellings on King Street, which reduces the impacts on the

	streetscape. The proposed development has a building height of 10.21 metres which is consistent with the low-rise character of the neighborhood. Furthermore, design elements such as large interior side yard setbacks, landscaping, and fencing will achieve a design that will integrate effectively with the surrounding area.
<i>b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.</i>	The site plan includes the provision of 1,592.5 m ² (49.01% lot coverage) of landscaped open space. Perimeter plantings would also be included to minimize privacy impacts.
<i>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.</i>	The Town Zoning By-law requires one (1) parking space for each apartment dwelling unit. Parking would be provided in excess of the minimum required. 18 parking spaces, including an accessible space, are provided for the development. Proposed landscaping and tree plantings will buffer the parking area and minimize any visual impacts.
<i>d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).</i>	The proposed apartment building includes outdoors refuse collection bins . Private waste collection is anticipated.
<i>e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.</i>	A preliminary Site Plan has been prepared with consideration to these matters. It is anticipated that the Town will review and provide comments on such matters. An application for Site Plan approval will be applied for following approval of the applications for Official Plan Amendment and Zoning By-law Amendment.
<i>f) Adequate municipal services can be provided to accommodate the needs of the development.</i>	The Functional Servicing Report prepared by UCC demonstrates that adequate municipal services can be provided to accommodate the needs of the development.
<i>g) Traffic to and from the location will not be directed towards local streets and the</i>	The Subject Lands are located on a Local Road as per Schedule 'G' of the OP.

<p><i>site should be within easy convenient access of a collector or arterial roadway.</i></p>	<p>Traffic would be directed to Arterial and Collector Roads.</p>
<p><i>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.</i></p>	<p>Section 7.5 Residential Multiple (RM1) Zone is intended to apply to Medium Density Residential development. The RM1 zoning category together with the general provisions addresses this OP policy. The Application for Official Plan Amendment addresses the proposed density, whereas the Application for a Zoning By-law Amendment proposes to rezone the Subject Lands to RM1 with site-specific provisions focused on lot frontage and an exemption from the requirement for a children’s play area to accommodate the proposed development.</p>

5.6.4.4 Residential Density

Section 9.4(4) of the OP provides as follows regarding density:

POLICY

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

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

be minimal impact on surrounding neighbourhoods and development.

ANALYSIS

The intent of the policy above is to maintain the overall low-rise character of Old Town. This character has been defined as generally not exceeding 14 units per hectare. For low-density developments and not exceeding 30 units per hectare for medium-density developments.

The proposed development provides for a density of 52.3 units per hectare. The proposed density is higher than the maximum of 30 units per hectare for a medium density development. As above, the intent of the policy is to maintain the low-rise character. The preservation of this character is most concerned with whether developments respect the context, pattern and rhythms when viewed from the street, and in this case, from King Street. When viewed from the street, the surrounding context presents a low-rise and heterogenous character, with single-detached dwellings immediately adjacent to the Subject Lands. There are medium-density residential built forms such as townhouses and an apartment building further east of the Subject Lands. The immediate neighborhood features low-rise residential dwellings with ample landscaping and large front yard setbacks. When viewing the stretch of King Street that the Subject Lands is located on, the streetscape character is that of a low-density area that creates an element of spaciousness when traversing the street. This context emphasizes the low-rise nature of the neighborhood that is inclusive of both low-density and medium-density residential built forms.

The Subject Lands would introduce 17 new residential units to the Old Town, in proximity to public parks and community facilities, without significantly impacting the low-rise character of the Low Density Residential area that the OP is intending to maintain. The proposed development would be compatible with the heterogenous nature of the built forms in the area, maintaining the existing streetscape character through substantial front yard setbacks, and would introduce gentle density to the neighborhood in a sensitive manner.

In summary, while an Official Plan Amendment and Zoning By-law Amendment is required for the increased density, the Applications conform with the overall intent of the policy to maintain the character of the Low Density Residential designation.

SUMMARY

In summary, the Applications conform with the overall policy direction regarding the development of compact, complete communities that include a range of local housing types and provide easy access to local facilities and services via automobile and active transportation. Although an Official Plan Amendment is required to permit the apartment building and proposed density, the proposed Amendment does not conflict with broader policy objectives related to ensuring compatible development and protecting the low-density character of the Low Density Residential Area.

6.0 Urban Design Brief

This Urban Design discusses the various design aspects of the proposed development and provides a detailed explanation on how the proposed development is compatible with the surrounding neighborhood and addresses the relevant design policies and guidelines.

Namely, this section will evaluate three key elements of the proposal: streetscape character, land-use compatibility, and urban design elements. A streetscape analysis was conducted (see **Appendix G – Streetscape Analysis**) to evaluate how the proposed development will impact and contribute to the existing streetscape character. The land-use compatibility evaluates how these design features demonstrate conformity to the design policies and compatibility with the neighborhood and streetscape. Lastly, the discussion of the urban design elements will cover key features related to the design, siting, orientation, architectural features, parking, and landscaping features, with relation to the design policies and guidelines.

6.1 Summary of Policies and Guidelines

6.1.1 Current Town of Niagara-on-the-Lake Official Plan (2017)

The Town’s current OP sets out the land-use planning guidance for infill, intensification, and design of new developments in the community. The following sections relate to the urban design considerations that should be given to new developments in the Town to ensure compatible built forms.

Section 2.3 of the OP defines the purpose of Urban Design Guidelines as, *“locally developed criteria drawn up in an effort to assist property owners to respect and maintain the character of an area with respect to rehabilitation of buildings or new construction.[...]They are most concerned with whether projects respect the context, patter, and rhythms of the street or block face with designs that are compatible and will contribute to the quality of a neighbourhood.”*

Section 6A Growth Management – Section 4.4 Urban Design of the OP sets out the urban design guidelines that will apply to intensification proposals in Virgil and Old Town, with the analysis discussed in Section 5.6.3.6 of this report. Policy 4.4 f) of the Urban Design Guidelines makes reference to the consistency in the design guidelines and Section 4.6 Land-Use Compatibility Policies which are discussed in Section 5.6.3.6 of this report. The Town passed residential infill and intensification policies (OPA 78, By-law 5193-19) for development approval in Old Town and Virgil in November 2019. Section 5.6.3.7 and **Table 7** outlines the urban design and streetscape analysis with respect to the OPA 78 policies.

Furthermore, Section 9.3.2 lays out the policies for the Medium Density Residential Designation.

6.1.2 Niagara Official Plan (2022)

The Niagara Official Plan is the Regional Municipality of Niagara’s long-term strategic policy planning framework for managing growth in Niagara which guides land-use and development through to 2051 and beyond. Section 6.2 Urban Design of the NOP states that one of the Region’s objectives is committing to excellence in urban design through the careful design of built form that impacts quality of life and richness of experiences. The applicable policies are discussed in Section 6.2 of this report.

6.1.3 Niagara Region Model Urban Design Guidelines (2005)

The Niagara Region Model Urban Design Guidelines (2005) was adopted as part of the Region’s Smart Growth Agenda to implement the ten Smart Growth principles for development and redevelopment through the Region, as follows:

1. Create a mix of land-uses
2. Promote compact built form
3. Offer a range of housing opportunities and choices
4. Produce walkable neighborhoods and communities
5. Foster attractive communities and a sense of place
6. Preserve farmland and natural resources
7. Direct development into existing communities
8. Provide a variety of transportation choices
9. Make development predictable and cost effective
10. Encourage community stakeholder collaboration

The Niagara Region Model Urban Design Guidelines further outlines guidelines for the public realm and private realm. Section 4A outlines urban design guidelines for residential developments. Section 4F sets out guidelines for off-street surface parking for the private realm and Section 4G sets out the guidelines for environmental sustainability for the private realm.

Section 4a.1 sets out the following design principles for residential developments:

1. Positive Image
2. Context Sensitive
3. Housing Variety & Choice
4. Flexible & Adaptable
5. Environmentally Sustainable

The Region’s Smart Growth principles emphasize the creation of complete communities through walkability, sustainability, and cost-effective development, whereas the design

principles for residential developments delve into creating a high-quality architectural design that enhances the surrounding neighborhood, is appropriate for the immediate context, provides a variety of housing options for residents, fosters non-residential opportunities, and is environmentally sustainable.

6.2 Review and Analysis of Streetscape and Urban Design Matters

The surrounding neighborhood is characterized by a low-rise nature, comprised of a mix of single-detached dwellings and multi-unit residential built forms. The immediate neighborhood consists of one-storey to two-storey single-detached dwellings with various lot sizes and frontages and generous landscaping in the front yard. Two-car garages prevail, with some one-car garages and driveway parking. Dwellings in the neighborhood have consistently large front yard setbacks, ranging from 4.45 metres to 77.3 metres. There is no consistent architectural style among these residential dwellings. The large front yard setbacks, low-rise built forms, and landscaped yards and boulevard lends itself to a streetscape that is low-density in nature with a small-town feel (see **Appendix G – Streetscape Analysis**). These are key characteristics to consider when evaluating potential impacts of the proposed development on the streetscape character.

The following sections evaluate the design elements of the proposed development, with regard to the streetscape, land-use compatibility, and urban design and architectural features.

6.2.1 Setbacks, Lot Frontage, Area, and Depth

POLICY

OP (2017)

Section 6A: Growth Management Policies – 4.4 Urban Design

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

- f) *The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

6A: Growth Management Policies – 4.6 Land-Use Compatibility

- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:*
 - *Street and block patterns*
 - *Lot frontages, lot area, depth*
 - *Building Setbacks*

ANALYSIS

The Subject Lands have an irregular lot configuration, with an area of 3,248.7 m², a depth of 100.3 metres, and a frontage of 19.6 metres. These characteristics are pre-existing conditions due to a previous boundary adjustment on the Subject Lands. **Table 9** below outlines the comparison of lot characteristics between the Subject Lands and the overall average in the neighborhood (see **Appendix G – Streetscape Analysis** for further details). The comparison shows that the proposed development is greater than, and often exceeds, the average lot area, frontage, depth, and front yard setbacks in the neighborhood.

The average lot area in the neighborhood is 1,246.5 m². Given the proposed development, the larger lot area is suitable to support a medium density development, allowing for the building to be situated in such a way to increase setbacks and minimize potential impacts on adjacent residential properties. The frontage of the Subject Lands is 19.6 metres, smaller than the average of 22.1 metres due to its irregular lot size, but within the range of existing lot frontages in the neighbourhood. Furthermore, although the Subject Lands have a depth that is significantly greater than the average in the neighborhood, there are two existing properties (723 King Street and 708 King Street) that have lot depths above the average 46.6 metres, pointing to the varied lot depths in the neighborhood. The depth of the property is an existing condition and will not have any bearing on the streetscape or adversely impact the established character of the neighborhood. The greater depth allows for the building to be located further away from King Street, maintaining the low-rise streetscape character.

Table 9 – Lot Characteristics Comparison

Lot	Lot Area	Lot Frontage	Lot Depth	Front Yard Setback
Subject Lands	3,248.7 m ²	19.6m	100.3m	66.65m
Surrounding Neighborhood (Overall Average)²	1,246.5 m²	22.1m	46.2m	13.7m

There is a degree of variation among the front yard setbacks in the neighborhood, with an average of 13.7 metres. The proposed development exceeds the average with a proposed front yard setback of 66.65 metres. With a unique lot configuration, the Subject Lands have a narrower ingress into the property that flares out midway to accommodate a wider lot. Due to this, the proposed development can only be located at the rear of the property, resulting in a large front yard setback. Although the front yard setback far exceeds that in the neighborhood, this is a practical matter due to the lot configuration. This also contributes positively to the streetscape as a mitigation measure that reduces

² Appendix G – Streetscape Analysis

potential visual impacts on King Street. The large front yard setback allows the low-density and spacious characteristics of the streetscape to be maintained, which is key to the neighborhood.

Thus, although the proposed lot area, frontage, depth, and front yard setback for the development are greater than the average in the neighborhood, they are appropriate for accommodating the proposed built form and density in order to mitigate impacts on adjacent properties and to retain the streetscape along King Street. The proposed development is compatible with and integrates effectively with the existing properties in the neighborhood.

6.2.2 Built Form Design, Scale, Massing, and Height

POLICY

OP (2017)

Section 6A Growth Management Policies – 4.4 Urban Design

d) Bulk, mass and scale of new development shall fit the context within which it is located.

f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.

Section 6A: Growth Management Policies – 4.6 Land-Use Compatibility

a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;

d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.

e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.

Section 9.3.2 Medium Density Residential

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

a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.

NOP (2022)

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.*

6.2.1.8 *The Region shall promote:*

d) well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;

ANALYSIS

The Subject Lands are surrounded by low-rise residential buildings that are 1-storey to 2-storey in height. The residential buildings are single-detached homes with landscaping in the front yard, large front yard setbacks, and driveway and garage parking (please refer to **Appendix G – Streetscape Analysis**). The design of these residential dwellings vary, with many of these dwellings employing the use of dormer and gable windows as part of the façade while featuring a mix of gable, hip, and dormer roofs. There is no uniform architectural character among these dwellings and construction dates vary, with some older dwellings and some newer builds. There are no heritage features present on the Subject Lands or the neighboring properties.

As established in the previous sections of the report, the streetscape along King Street is that of a low-rise and low-density neighborhood with a grassed boulevard and ample landscaping in the front yard. While some front yard setbacks differ, the dwellings are consistently setback a large distance from the street. When traversing the street, these combined streetscape characteristics create a feeling of openness and spaciousness that contribute to the character of the neighborhood.

The proposed 3-storey apartment building utilizes the property efficiently to achieve an appropriate density and built form by accommodating multi-residential uses. The irregular configuration and depth of the property presents an opportunity for a greater density development in the neighborhood that is situated away from the adjacent residential properties and King Street, thereby introducing gentle density in a compatible manner while mitigating potential impacts on the neighborhood. The built form and massing are appropriate given the density that it is intended to accommodate, and the proposed height and large front yard setback maintains the low-rise nature of the neighborhood.

Large setbacks to the rear and the east lot lines provide a buffer from the adjacent residential properties, with proposed landscaping and fencing along the perimeter of the property to further mitigate impacts and enhance privacy. Furthermore, as the Subject Lands are in a residential area with varying designs and built forms, the proposed

architectural design and use of stone and brick veneer for the exterior materials contributes to the varying architectural styles in the neighborhood.

The proposed development fronts onto King Street, accessed via a driveway. As previously discussed, due to its irregular lot configuration, there is a substantial front yard setback that far exceeds the average front yard setback in the neighborhood. This allows the building to be situated a greater distance from the street, retaining the open and low-density streetscape characteristic to this area. The interface with King is landscaped with a sign for the proposed development, ensuring compatibility with the existing streetscape and an appropriate transition to the proposed development.

The entrance to the building is accessed via the driveway from King Street. The front entrance of the apartment building is framed with an overhead canopy and features double set doors, distinguishing it as the main entrance to the building. A drop curb from the parking area provides ease of access to the entrance, with pedestrian walkways provided around the building that connect to secondary entrances. The façade of the building is treated with stone and brick veneer finish. Notably, the building employs the alternating use of stone and brick finish to distinguish between different storeys. Architectural articulation through the use of balconies introduces design interest to the building, while retaining consistency in design type and placement.

These urban design elements ensure an effective transition between the proposed development and the residential and agricultural uses. The orientation and placement of the building, along with the proposed massing, height, and setbacks ensures that there is minimal impact to the adjacent residential properties, and that potential impacts are properly mitigated with additional landscaping measures. Furthermore, a Shadow Study prepared by Raimondo and Associate Architects Inc. demonstrates the impacts of shadowing on adjacent land-uses as a result of the proposed development. The Shadow Study illustrates minor impacts on adjacent properties that primarily occur during the winter months and early morning. The level of anticipated impacts appears to be within reasonable limits.

The proposed development embodies a well-designed building that contributes to the neighborhood and upholds the existing streetscape character. The aforementioned design elements combine to create an appropriate transition in density and scale to the adjacent properties and the street. The building's thoughtful design and placement will reduce impacts on the streetscape and neighboring properties. Its orientation away from King Street, tucked behind existing dwellings ensures that there are minimal impacts when viewed from the street, which retains the pedestrian-scale and spacious streetscape character. Impacts, particularly in regard to privacy will be further mitigated through the provision of landscaping and fencing.

6.2.3 Privacy

POLICY

OP (2017)

Section 6A: Growth Management Policies – 4.6 Land-Use Compatibility

f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:

- Privacy and over view

ANALYSIS

The proposed development incorporates appropriate landscaping and setbacks in order to address privacy concerns in relation to adjacent land-uses. The proposed side yard and rear yard setbacks meet that of the RM1 Zone regulations, while the front yard setback exceeds the RM1 requirement. The proposed setbacks provide appropriate buffer room from the existing dwellings adjacent to the Subject Lands and to King Street. Furthermore, tree plantings and vegetation are proposed along the perimeter of the property as a landscaped buffer in addition to the proposed setbacks. Existing wood fences along the property boundary will supplement these measures, enhancing privacy and ensuring adequate screening from neighboring properties.

Please refer to the Shadow Study prepared by Raimondo and Associates Architects Inc. – this analysis shows that shadowing from the proposed development is generally not a concern throughout the year, with anticipated shadowing to the eastern properties only anticipated during the morning of the winter solstice. Shadowing impacts and privacy concerns will not be an issue as a result of the proposed development and have been appropriately addressed and mitigated through the proposed setbacks and landscaped buffers.

6.2.4 Active Transportation and Parking

POLICY

OP (2017)

Section 6A: Growth Management Policies – 4.4 Urban Design

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

c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.

Section 6A: Growth Management Policies – 4.6 Land-Use Compatibility

f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:

- Parking

Section 9.3.2 Medium Density Residential

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

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.

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.

NOP (2022)

6.2.1.6 *Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces.*

Niagara Region MUDG

4f.2 *a) No more than 50% of the total off-street parking area for ‘large format’ development (10% for all other nonresidential), should be located between the front façade of the principal buildings and the adjacent public street. Parking should be located at the rear or behind buildings.*

c) Internal vehicular routes should be clearly defined by raised and curbed landscape islands planted with trees and low level vegetation. Internal drive aisles should be a minimum 6.0m wide. Parking bay dimensions should comply with municipal standards.

f) Appropriate lighting levels and consistency of coverage should be provided in parking areas to assist both pedestrian and vehicular circulation. The height and intensity of light standards should be sensitive to adjacent land uses.

g) Designated handicapped and mobility impaired parking spaces should be located as close as possible to building entrances and be clearly identified by signs or markings.

4f.4 *a) Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements.*

c) Walkways should be a minimum of 3.5m wide, including a pedestrian zone of 1.5m wide and a landscaping zone of 2.0m wide.

4f.5 *a) Internal landscaping elements should define visually and functionally smaller parking ‘courts’ and reduce the overall impact of surface parking areas.*

ANALYSIS

Parking for the development is proposed through a parking area in front of the building, consisting of 18 spaces total. One accessible parking space is provided directly in front of the main entrance, and one visitor parking is provided.

The main entrance to the proposed development fronts onto King Street, with the driveway leading to the parking area and the building. The driveway leading into the development is framed by landscaping strips on both sides, clearly defining the vehicular route, with a lighting fixture proposed along the driveway. Due to the irregular lot configuration, the location of the parking in front of the apartment building is the most efficient use of space. The parking placement and orientation allows the proposed development to meet parking requirements while providing an additional space for visitor parking and mitigating potential impacts on adjacent properties. The current parking area is situated to provide at least a 3-metre buffer to the property line, with proposed fencing and landscaping that will act as additional buffers to the adjacent properties, further enhancing privacy.

The parking area is set back significantly from King Street. The proposed setback and orientation will minimize any negative impacts on the streetscape and reduce potential vehicular conflicts. Pedestrian walkways are proposed along the building, providing direct access to and from the parking area to the building entrances. Bicycle parking is provided on the east side of the building to encourage active transportation and multi-modal options. The proposed development fronts onto a stretch of King Street that is identified as a Local Road. However, approximately 500 metres north of the Subject Lands, King Street transitions to a Collector Road at Paffard Street, providing future residents ease of access to roadways that provide key connections throughout the community.

6.2.5 Landscaping

POLICY

OP

Section 9.3.2 Medium Density Residential

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

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

Niagara Region MUDG

4f.3 *a) High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.*

b) The property setback of all parking areas should provide a landscaped area a minimum of 3.0m wide.

4f.5 *f) Where possible, internal landscaping should incorporate existing vegetation and significant tree planting.*

4g.2 *a) Landscaping, as a percentage of the total site area, should be maximized to increase the total amount of water consumed by plants.*

c) Existing significant trees, tree stands, and vegetation should be protected and incorporated into site design and landscaping.

f) Impervious areas directly connected to the storm drain system are the greatest contributor to storm water pollution. Breaks in such areas, by means of landscaping or other permeable surfaces should be provided to allow absorption into the soil and avoidance or minimization of discharge into the storm drain system.

ANALYSIS

The proposed development incorporates landscaping throughout in order to enhance existing vegetation on the site, contribute to the existing streetscape character, and provide an appropriate buffer to adjacent land-uses. The Site Plan illustrates conceptual landscaping proposed along the perimeters of the property to enhance privacy and mitigate impacts on adjacent properties. A proposed sign is located at the driveway entrance, contributing to a unique design for the proposed development while creating a sense of arrival. Detailed landscaping will be addressed at the Site Plan Approval stage.

6.2.6 Lighting

POLICY

Niagara Region MUDG

4f.2 *f) Appropriate lighting levels and consistency of coverage should be provided in parking areas to assist both pedestrian and vehicular circulation. The height and intensity of light standards should be sensitive to adjacent land uses.*

4g.2 *g) The distribution of outdoor lighting should be controlled according to outdoor lighting design recommendations of the Royal Astronomical Society of Canada to minimize light pollution and maintain a dark, night sky.*

ANALYSIS

Lighting design and placement is not a zoning matter and will be addressed in detail the Site Plan stage. Preliminary lighting information has been shown on the Site Plan throughout the development and is anticipated that outdoor lighting will complement the streetscape, the building design, and the parking area, while providing for safe

navigation for pedestrians and vehicles. Lighting will enhance the overall image of the development and foster a safe, attractive, and pedestrian-scale environment and will ensure that there is no spillover to adjacent residential properties.

7.0 Proposed Official Plan Amendment

An Official Plan Amendment (OPA) is needed to redesignate the Subject Lands from “Low Density Residential” to a residential exception designation “EX-RES-##.” The Site-Specific exception would provide that the lands be subject to all the requirements of the “Medium Density Residential” designation and any other general requirements of the Plan with site-specific policies permitting an apartment building being 3-storeys in height and consisting of 17 units with a density of 53 units per hectare.

As indicated, the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Official Plan. The proposal also does not conflict with the broader policy direction of the Town Official Plan, as Policy 9.3.1(1) of the OP recognizes that medium-density residential developments may be permitted in a low density residential designation through an Amendment to the Plan.

8.0 Proposed Zoning By-law Amendment

The subject property is presently zoned “Old Town Community Zoning District – Residential (R1)” in accordance with Zoning By-law No. 4316-09, as amended (See **Appendix D**). Apartment Buildings are not permitted in the R1 Zone. The Zoning By-law Amendment Application is required to rezone the Subject Lands to Residential Multiple (RM1) with site-specific provisions to exempt the development from the requirement for a children’s play area and to recognize the lot frontage deficiency.

8.1 Zone Requirements

The following table reviews the proposed development against the following sections of the Zoning By-law to determine compliance with respect to these Zone Requirements:

- **Section 6** – General Provisions
- **Section 7.5.1** – Residential Multiple (RM1) Zone: Permitted Uses
- **Section 7.5.2.3** – Residential Multiple (RM1) Zone: Zone Requirements for an Apartment Building

Section No.	Regulation	Required	Proposed	Compliance
6.0 General Provisions				
6.3	Amenity Area	b) Except for a senior citizen apartment dwelling or where otherwise provided herein, where a building contains 10 or more apartment units, an equipped children’s play area shall be provided at a rate of 2.5 m ² per residential unit. The minimum size of such equipped children’s lay area shall be 46 m ² , while the maximum size of such equipped children’s play area shall be 140 m ² .	Not provided	No
6.38	Parking Requirements	e) minimum parking space dimensions	Complies	Yes

Section No.	Regulation	Required	Proposed	Compliance
6.39	Parking Space Requirements	Table 6-5: Residential Parking Ratios Apartment Building: 1 per unit 17 spaces required 1 accessible space required	18 spaces total, consisting of 17 standard spaces and 1 accessible space	Yes
6.40	Parking Space Requirements , Additional Provisions	(i) Notwithstanding the yard and setback provisions of this By-law, uncovered surface parking areas shall be permitted in the required yards in the area between the road or street line and the required setback, provided that no part of any parking area, other than a driveway, is located closer than 2 m to any front or exterior lot line, and no closer than 1 m to any rear or interior side lot line.	At least 3m setback from parking to interior side yard	Yes
6.44	Permitted Yard Projections and Encroachments	Unenclosed and uncovered porch deck, balcony, patio, or steps: Front or Rear Yard: 1.5m (5 ft) Side Yard: 0.6m (2 ft)	5 feet balcony projection into required rear yard	Yes

Section No.	Regulation	Required	Proposed	Compliance
6.46	Residential / Agricultural Interface	Where a residential zoned lot abuts an agricultural zone, a 3 m wide buffer strip constructed and maintained along the residential property line, with a board on board wood fence, constructed by the residential developer, is required. The board on board fence shall have no openings and be a minimum height of 1.8 m.	Ornamental Iron Fence	No
7.5 Old Town Community Zoning District: Residential Multiple (RM1) Zone				
7.5.1 RM1 Regulations	Permitted Uses	<ul style="list-style-type: none"> a) Triplex b) Four-plex c) Converted dwelling unit d) Townhouse or row dwelling e) Apartment f) Public use in accordance with Section 5.381 g) Accessory buildings and structures in accordance with Section 6.1 	Apartment building	Yes
7.5.2.3 Apartment Building Zone Requirements	a) Requirements Minimum lot frontage	25m	19.6m	No
	b) Minimum lot area	912m ²	3,242m ²	Yes

Section No.	Regulation	Required	Proposed	Compliance
	c) Maximum lot coverage	50%	21%	Yes
	d) Minimum landscaped open space	25%	49.01%	Yes
	e) Minimum front yard setback	7.5m	66.65m	Yes
	f) Minimum interior side yard setback	5m	5m	Yes
	g) Minimum exterior side yard setback	7.5m	N/A	N/A
	h) Minimum rear yard setback	7.5m	7.5m	Yes
	i) Minimum dwelling unit floor area	Bachelor Unit: 400 ft ² 1-Bedroom Unit: 600 ft ² 2-Bedroom Unit: 743 ft ² 3-Bedroom Unit: 861 ft ²	Range of 832 ft ² to 1034 ft ²	Yes
	j) Maximum building height	12m	10.21m to roof 11.82m to parapets	Yes
	k) Minimum accessory building yards setback	1.5m	N/A	N/A
	l) Minimum accessory building exterior side yard setback	4.5m	N/A	N/A

8.2 General Provisions

Section 6 of the Zoning By-law describes and explains the general provisions which apply to more than one of the zones in this Zoning By-law. The following Sections summarizes compliance with these provisions:

8.2.1 Amenity Area – Children’s Play Area

Required: *Minimum children’s play area of 46 m²*

Proposed: *Exemption from the requirement for a children’s play area*

The Site Plan Concept does not include the provision of a children’s play area. The intent of requiring an equipped children’s play area is to ensure that there are appropriate amenities available for residents. The proposed development is located within 500 metres to various recreational and community facilities, such as the Rye Heritage Park, Niagara Nursery School and Child Care Centre, Niagara-on-the-Lake Community Centre, and Niagara-on-the-Lake Public Library, which are equipped to accommodate a significant number of children.

Furthermore, a review of current zoning by-laws in Niagara Region confirm that no other municipality requires the inclusion of a children’s play area in apartment buildings. The City of Niagara Falls and the Town of Lincoln requires a certain amount of amenity area to be included for apartment buildings but do not specifically request a children’s play area. Given this and the various opportunities for recreation and leisure close to the proposed development, children’s play areas would not be needed in the proposed development.

8.2.2 Residential / Agricultural Interface

Required: *Board-on-board wood fence*

Proposed: *Ornamental iron fence*

An ornamental iron fence is proposed along the western boundary of the property, adjacent to the agricultural use. The intent of the Zoning By-law in requiring a board-on-board fence is to ensure appropriate separation between agricultural and residential uses, which is intended to minimize potential impacts of agricultural operations on residential properties, especially regarding noise and odour. There is currently no fencing on existing properties abutting the agricultural area but there is existing landscaping that separate the uses. As the abutting agricultural property is used for a vineyard, there are minimal anticipated impacts on the proposed development that would impact the livability, functioning, and enjoyment of the residential use. Furthermore, the proposed ornamental iron fence is a key decorative element that will enhance the design of the proposed development by providing direct views to the vineyards and creating a connection between the built form and the adjacent landscape.

8.3 Site-Specific Provisions

8.3.1 Lot Frontage

Required: *25 metres*

Proposed: *19.6 metres*

The Subject Lands are 5.4 metres deficient of the minimum lot frontage requirement for an apartment building in the RM1 Zone. This is an existing condition due to the irregular lot lines and will not have any adverse impacts on the streetscape or surrounding neighborhood as the proposed development will be located at the rear of the property where the width of the lot is 42.37 metres. The portion of the property with the narrow frontage will only be used for the driveway. This deficiency is minor in nature, and proposed design and landscaping treatments along the frontage will contribute to enhancing and upholding the existing streetscape character.

9.0 Summary and Conclusion

It is our opinion the proposed Official Plan Amendment and Zoning By-law Amendment represent good land use planning, and are in the public interest and should be approved for the following reasons:

1. The Applications have regard to matters of Provincial Interest, as required in Section 2 of the *Planning act*.
2. The Applications are consistent with the Provincial Policy Statement, conform with the Growth Plan, Niagara Official Plan, as well as the general intent of the Town Official Plan. In particular,
 - a. The proposed development provides an opportunity for residential intensification and infill development in the Built-Up Area on lands that are designated and zoned for residential use.
 - b. The proposed development would facilitate compact form and contribute to complete communities.
 - c. The proposed development would contribute to the range of housing options required to meet the social, health, economic and well-being requirements of current and future residents including apartment dwelling units which are not common in the Town.
 - d. The proposed development makes efficient use of land resources and existing services and infrastructure.
 - e. The proposed development is well-designed and compatible with surrounding areas from an urban design and land use compatibility perspective.

Report prepared by:



Lichheng Lim
Planner
NPG Planning Solutions Inc.

Report reviewed and approved by:



Jesse Auspitz, MCIP, RPP
Senior Planner
NPG Planning Solutions Inc.



Aaron Butler, MCIP, RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.

10.0 Appendices

Appendix A – Conceptual Site Plan and Architectural Elevations

Appendix B – Niagara Official Plan Schedules

Appendix C – Town of Niagara-on-the-Lake Official Plan Schedules

Appendix D – Zoning By-law Schedule

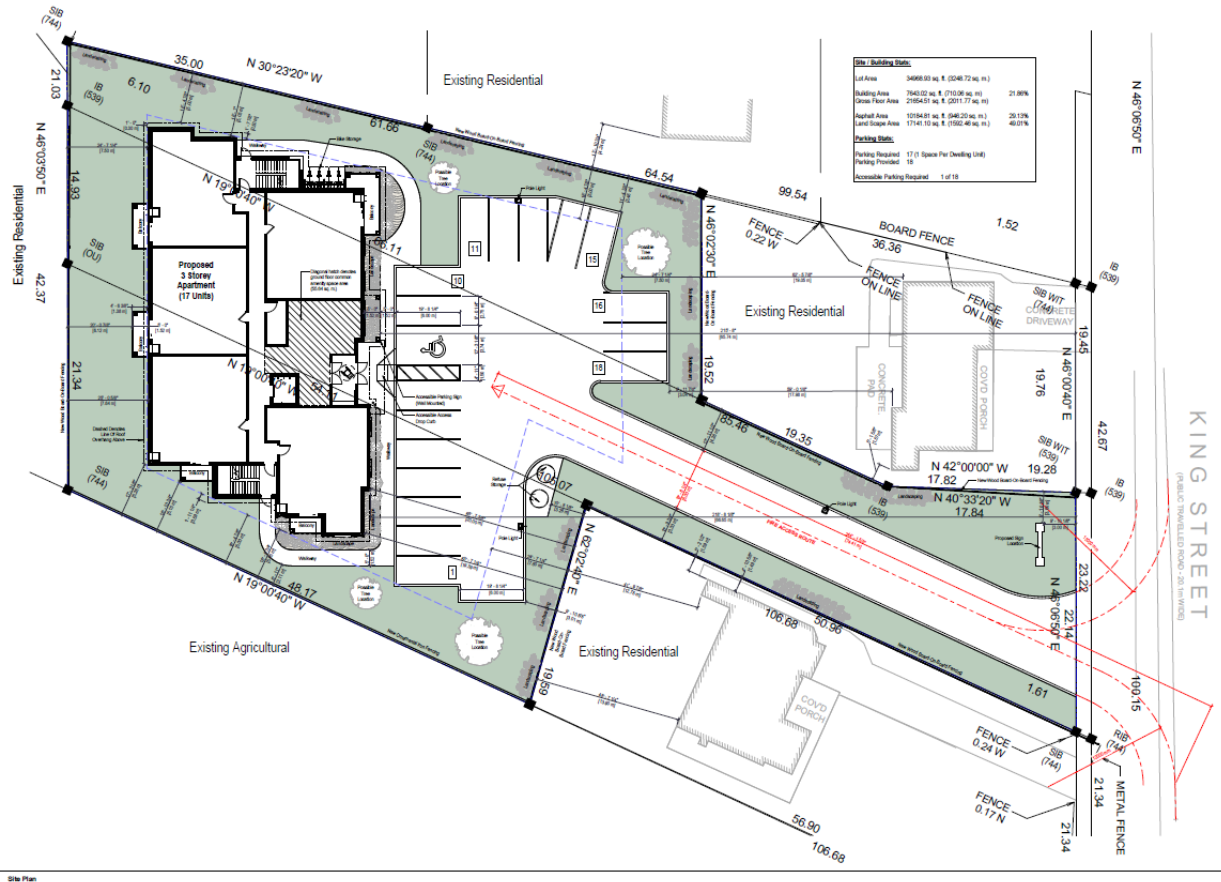
Appendix E – Draft Official Plan Amendment

Appendix F – Draft Zoning By-law Amendment

Appendix G – Streetscape Analysis

Appendix A – Conceptual Site Plan and Architectural Renderings

Conceptual Site Plan



Architectural Renderings



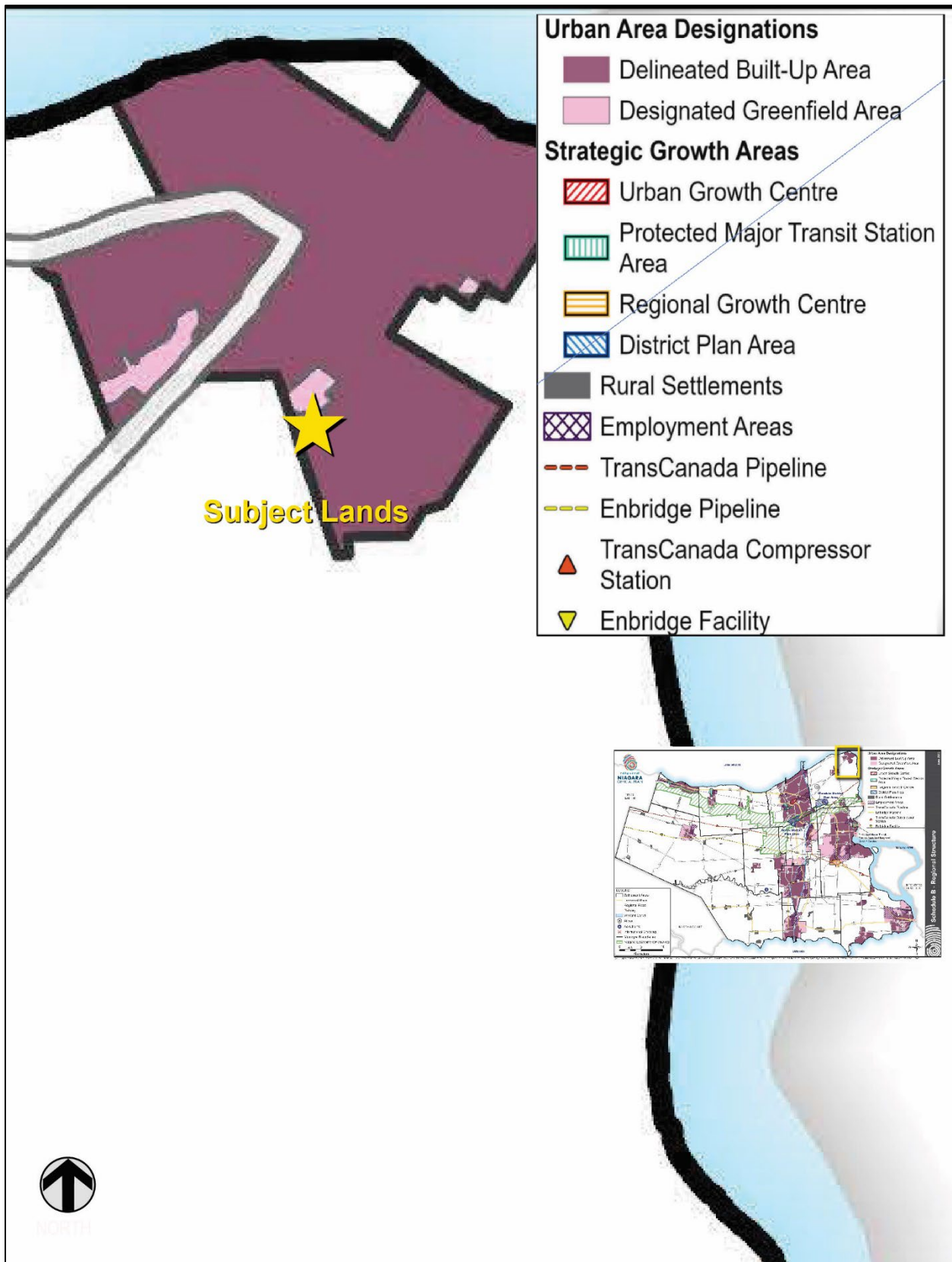
3D Front Perspective 1

Appendix B – Niagara Official Plan Schedules

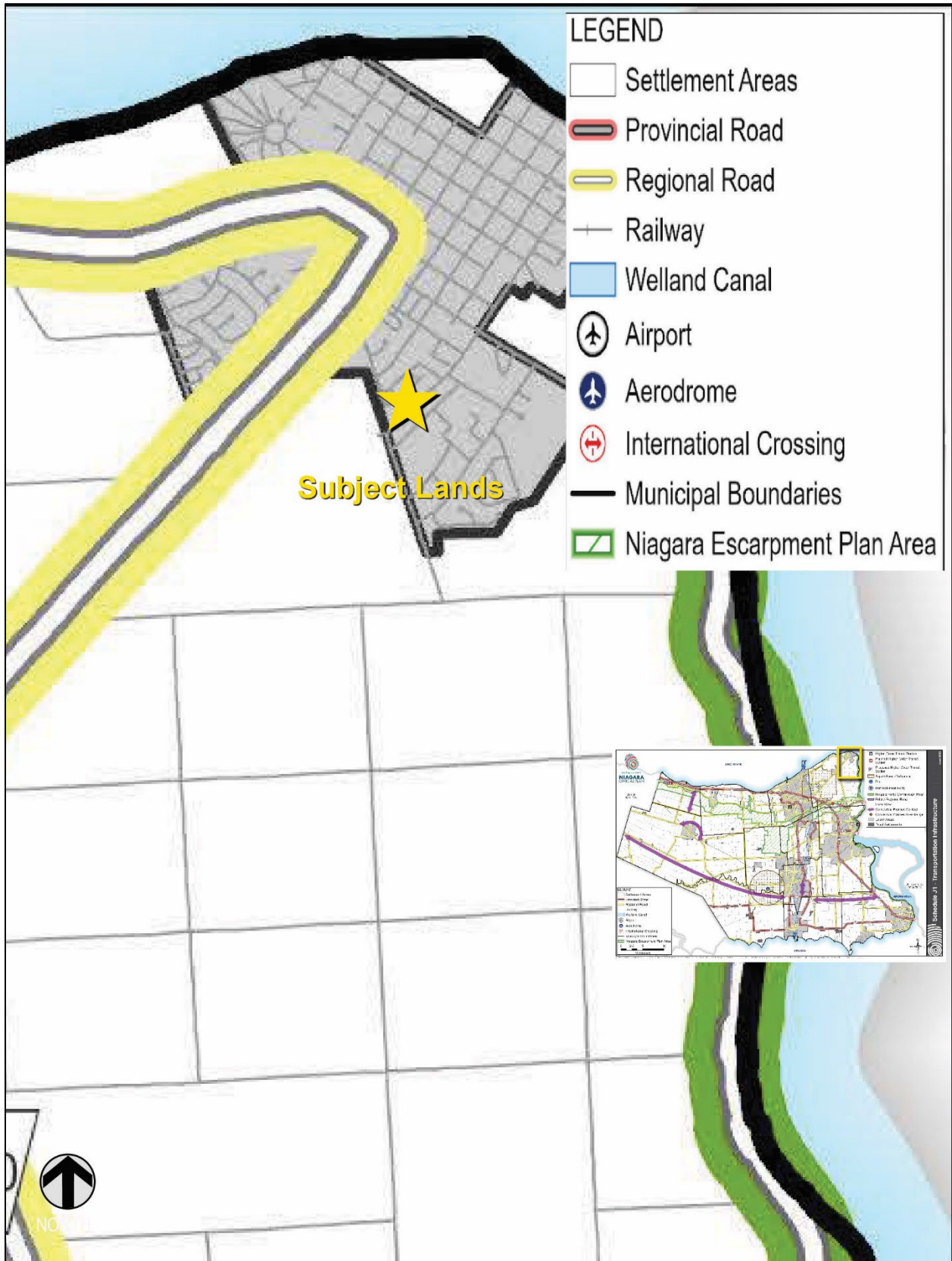
Schedule A – Local Area Municipalities



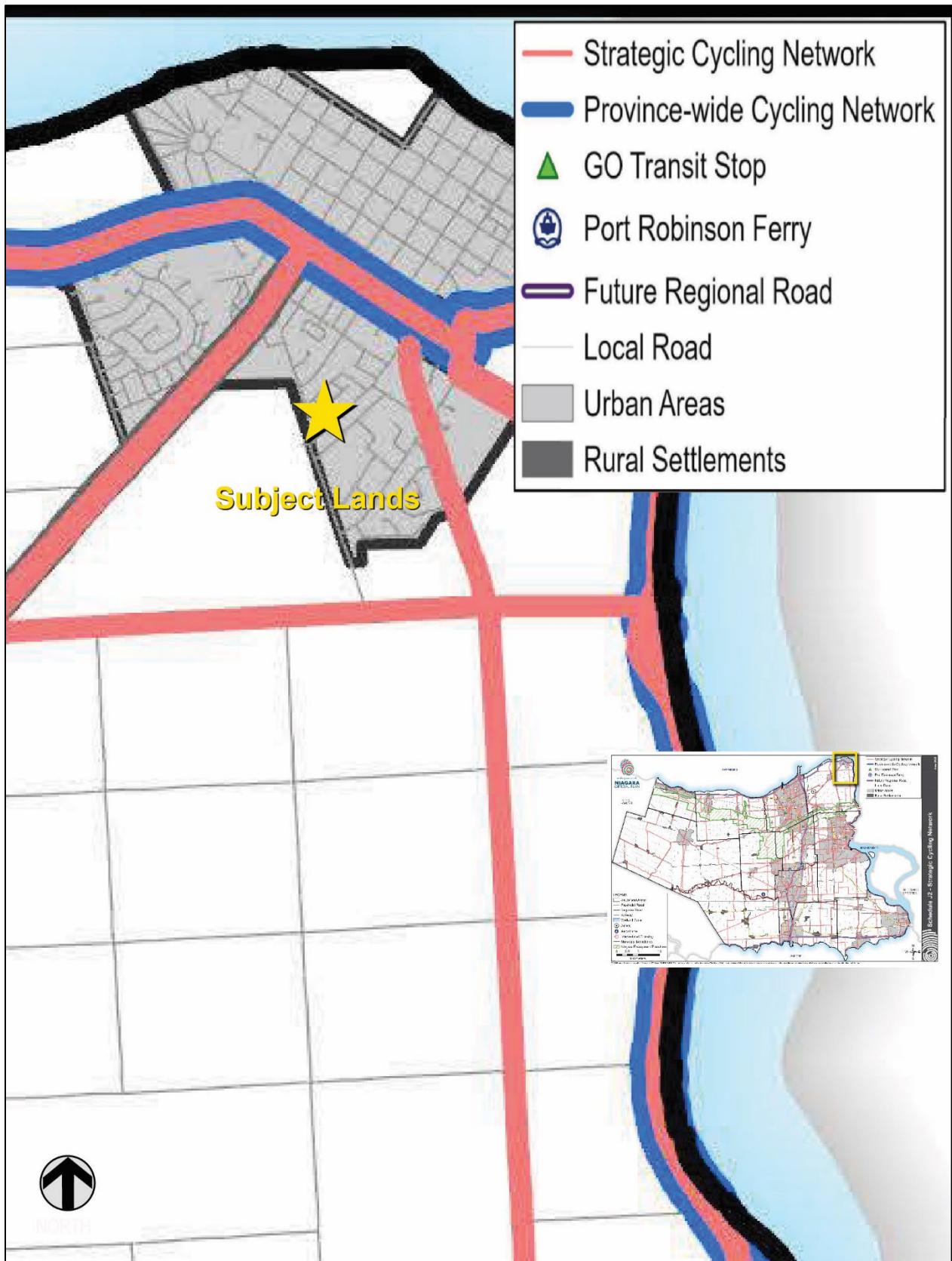
Schedule B – Regional Structure



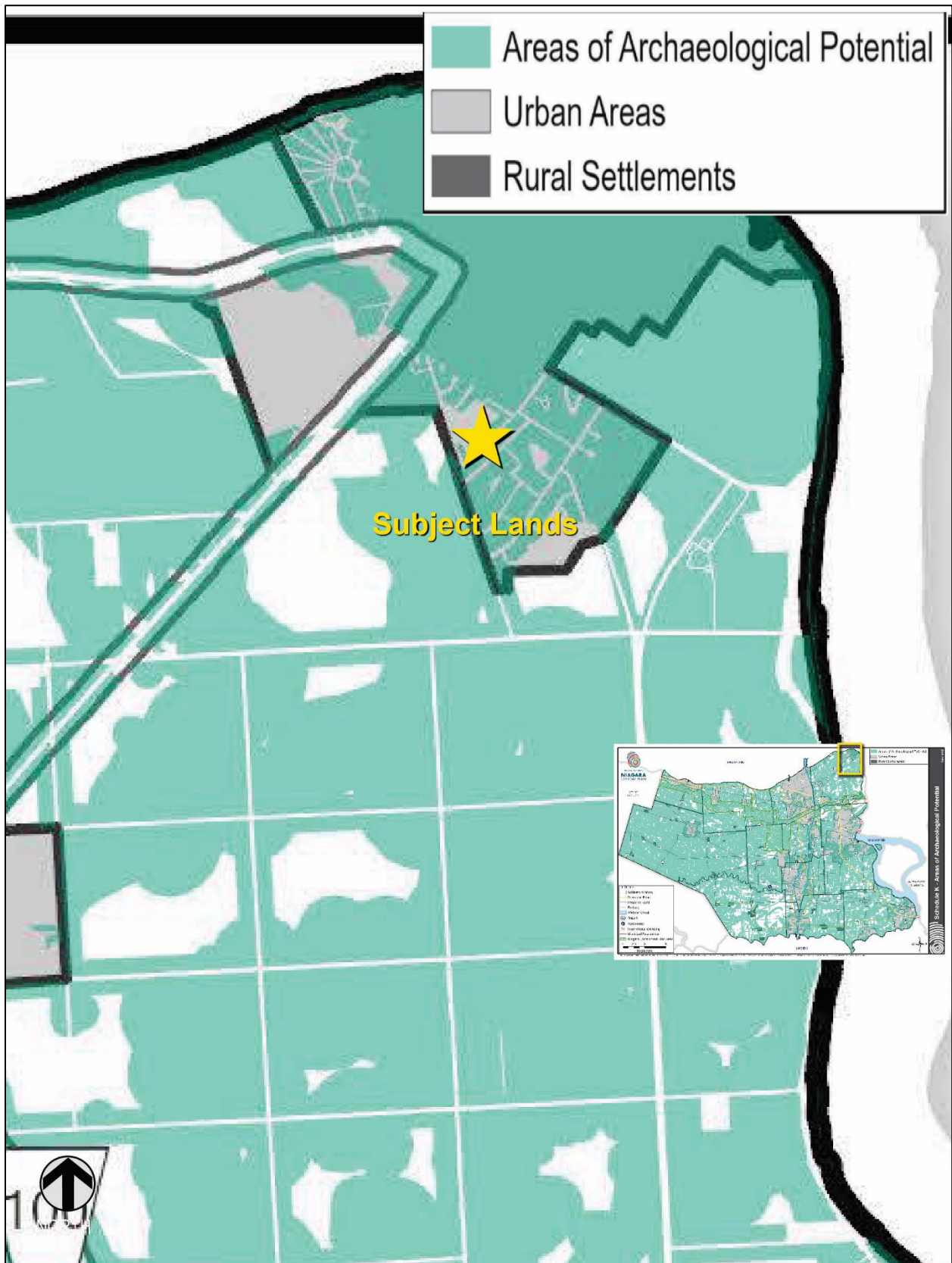
Schedule J1 – Transportation Infrastructure



Schedule J2 – Strategic Cycling Network

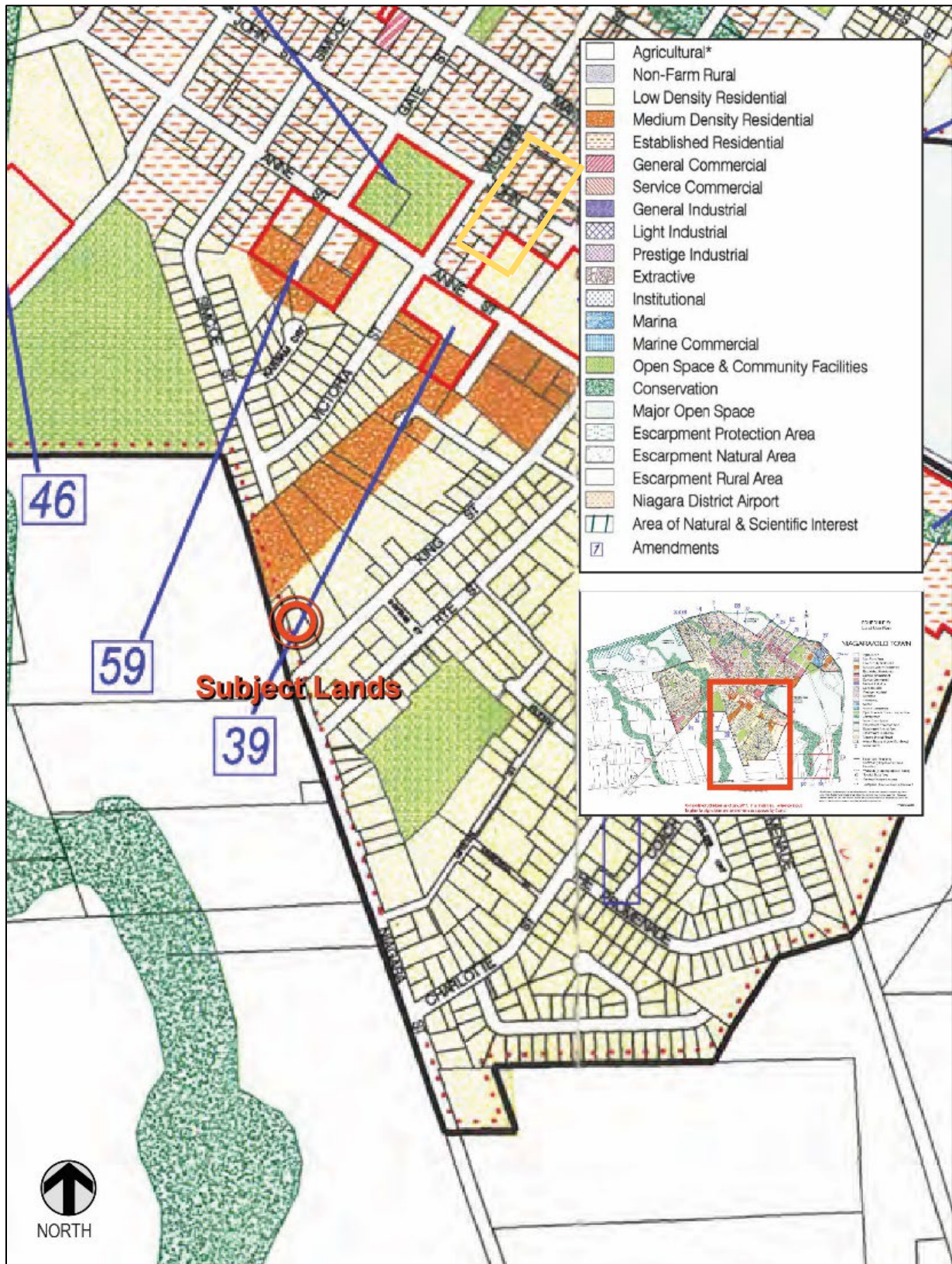


Schedule K – Areas of Archaeological Potential

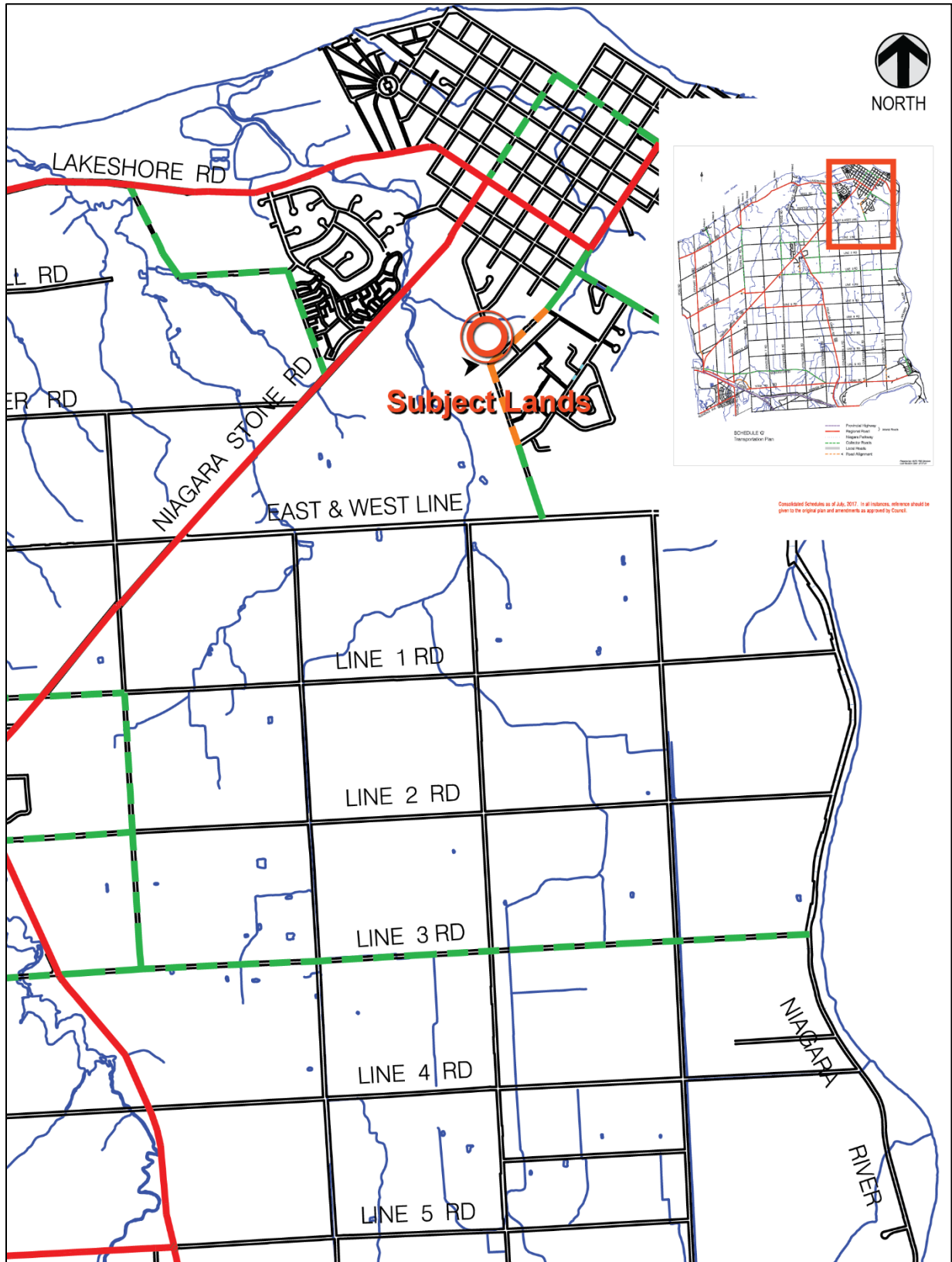


Appendix C – Town of Niagara-on-the-Lake Official Plan Schedules

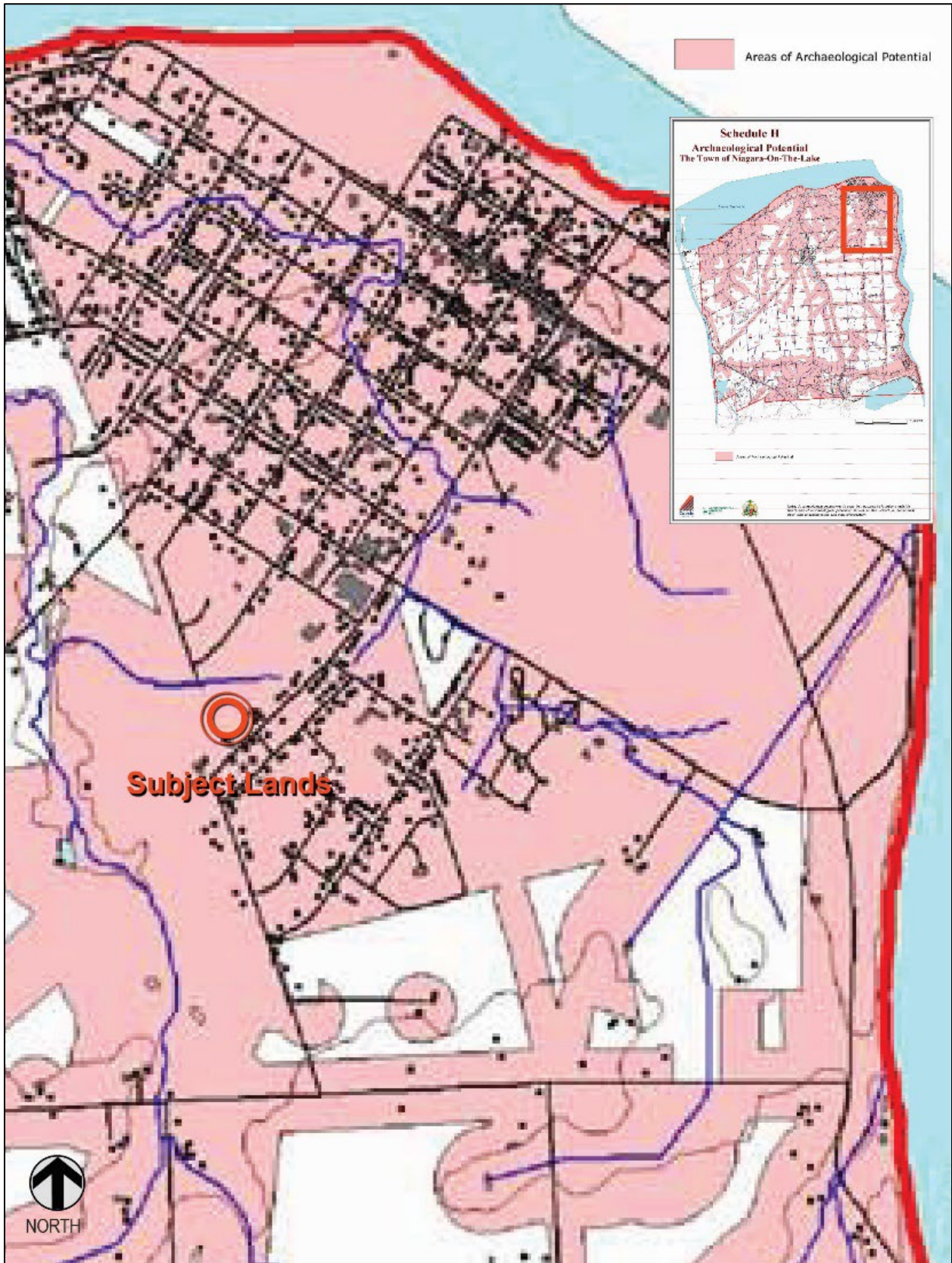
Schedule B – Land Use Plan



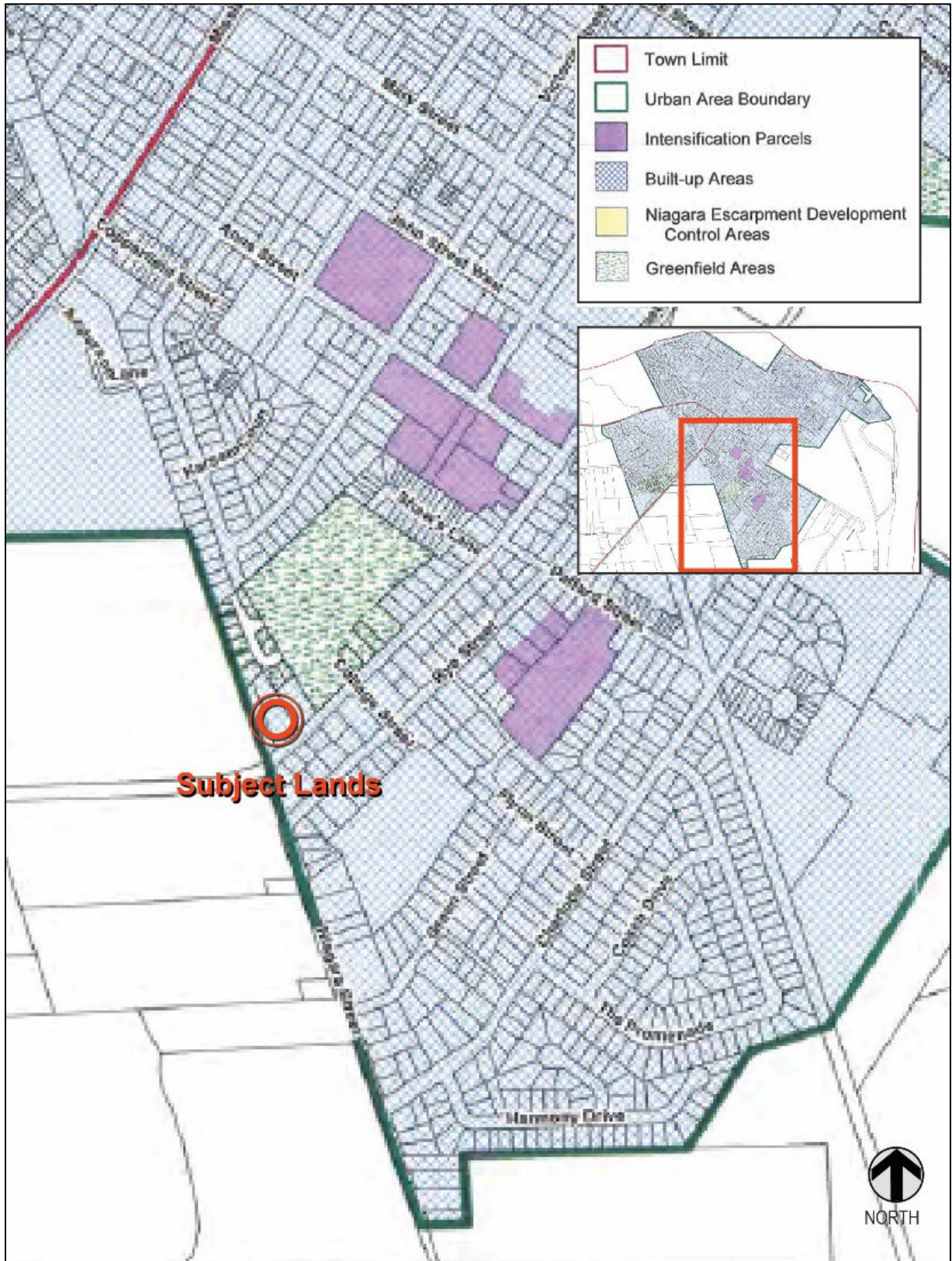
Schedule G – Transportation Plan



Schedule H – Areas of Archaeological Potential

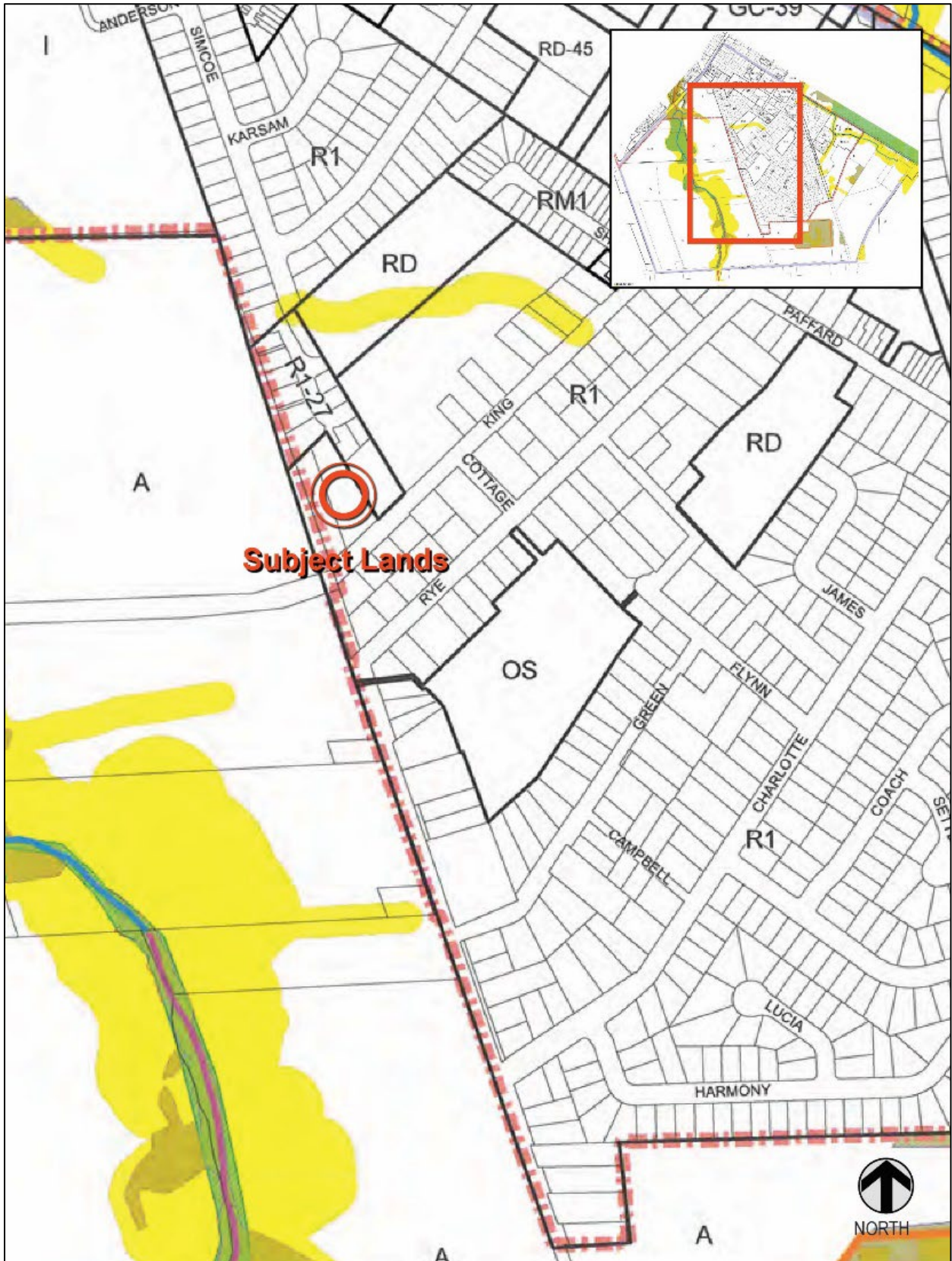


Schedule I-1 Urban Structure



Appendix D – Zoning By-law Schedule

Schedule A-2: Old Town Community Zoning District



Appendix E – Draft Official Plan Amendment

THE AMENDMENT

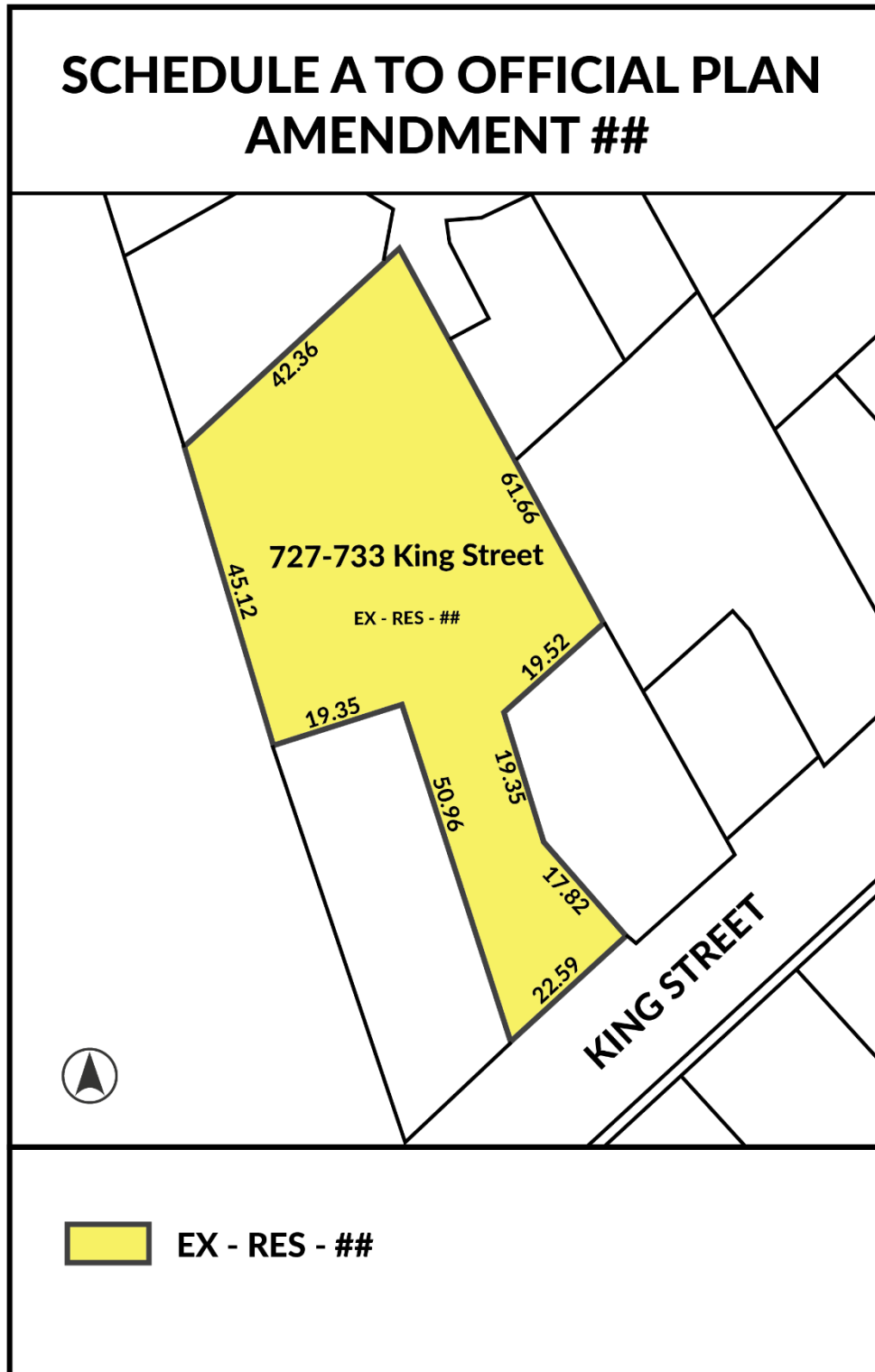
Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. ## to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule 'B' to the Official Plan be amended by redesignating the lands on 'Schedule A' attached hereto from "Low Density Residential" to "EX-RES-##".
2. Section 9.5 Exceptions of the Official Plan be further amended by adding the following:

EX-RES-## The lands shown as "EX-RES-##" on Schedule B of the Official Plan are Subject to all requirements of the "Medium Density Residential" designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Section 9.3.3(1) of the Official Plan an apartment building being 3-storeys in height and consisting of 17 units with a density of 53 units per hectare shall be permitted



Appendix F – Draft Zoning By-law Amendment

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316## – 22**

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

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

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

1. Schedule “A-1” of By-law No. 4316-09, as amended, is hereby further amended by changing the zoning of the subject lands shown on the schedule attached hereto and forming part of this By-law from “Old Town Community Zoning District – Residential (R1) Zone” to a “Old Town Community Zoning District - Residential Multiple (RM1-##) – Site-Specific Zone.”
2. That Section 7.14 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:

“7.14.## Vacant Northwest Parcel Between 727 and 733 King Street – See Schedule “A-1” (RM1-##)”

In lieu of the corresponding provisions of Subsection 7.5.2.3 Zone Requirements – An Apartment Building, the following provisions shall apply on the Subject Lands identified as “Residential Multiple (RM1-##) – Site-Specific Zone”:

7.14.##.1 RM1-## Zone Requirements

(a)	Minimum Lot Frontage	19 metres
-----	----------------------	-----------

7.14.##.2 Section 6.3 (b) of the Zoning By-law regarding the provision of an equipped children’s play area does not apply.

7.14.##.3 Section 6.46 of the Zoning By-law regarding the required residential and agricultural interface permit an ornamental iron fence.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.

READ A FIRST, SECOND AND THIRD TIME THIS ## DAY OF _____,
2023.

LORD MAYOR GARY ZALEPA

TOWN CLERK DONNA DELVECCHIO



Appendix G – Streetscape Analysis

The 11 properties within the immediate neighborhood were selected to establish the various characters of the surrounding neighborhood. The properties were selected because they were within the same block face or the opposite block face of the Subject Lands and the property and built form is fronting onto King Street. It is important to note that the measurements were obtained from Niagara Navigator and were rounded up to the nearest tenth for the purposes of this analysis.

The below map illustrates the properties that are included in the Subject Lands' surrounding neighborhood.



The following tables provide more information about these properties and a more in-depth analysis of the streetscape characteristics:

Table 10 – Summary of Streetscape Analysis

No.	Municipal Address	Current Zoning	Lot Area	Lot Frontage	Lot Depth	Front Yard Setback	Parking Character	Landscaping in Front Yard
01	733 King Street	R1	1045.7 m ²	21.3m	54m	24.5m	Driveway Parking	More than 50%
02	Parcel Lying Between 727 and 733 King Street (Subject Lands)	R1	3248.7 m ²	19.6m	100.3m	66.65m	Driveway Parking	More than 50%
03	727 King Street	R1	790.4 m ²	19.4m	37.8m	9.2m	Garage/Driveway Parking	More than 50%
04	723 King Street	R1	1795.1 m ²	18.0m	64.5m	10m	Driveway Parking	More than 50%
05	719 King Street	R1	644.1 m ²	21.0m	39.3m	4.45m	Garage/Driveway Parking	More than 50%
06	732 King Street	R1	866.8 m ²	22.1m	30.3m	5.57m	Garage/Driveway Parking	Less than 50%
07	726 King Street	R1	686.6 m ²	22.9m	30m	7.07m	Garage/Driveway Parking	More than 50%
08	722 King Street	R1	673.9 m ²	22.9m	30.0m	6.01m	Garage/Driveway Parking	More than 50%
09	720 King Street	R1	790.9 m ²	30.5m	26.0m	8.07m	Garage/Driveway Parking	More than 50%
10	716 King Street	R1	1068.5 m ²	33.5m	31.8m	7.15m	Driveway Parking	More than 50%
11	708 King Street	R1	2101.1 m ²	33.0m	63.7m	2.53m	Driveway Parking	More than 50%
Average/Dominant Character			1,246.5 m²	22.1m	46.2m	13.7m	Garage/Driveway Parking	More than 50%