

Planning Justification Report

474 Simcoe Street

Niagara-on-the-Lake, ON

November 2023

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REPORT CONTENTS

PREFACE	2
DESCRIPTION AND LOCATION OF THE SUBJECT LANDS.....	3
THE PROPOSED DEVELOPMENT AND APPLICATIONS	9
RELATED STUDIES AND REPORTS.....	10
PROVINCIAL LEGISLATION AND PLANS	11
PLANNING ACT (R.S.O. 1990)	11
PROVINCIAL POLICY STATEMENT (2020)	17
2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	21
NIAGARA OFFICIAL PLAN (2022)	23
TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (As Amended)	25
SECTION 6 – GENERAL DEVELOPMENT POLICIES.....	25
SECTION 6A: GROWTH MANAGEMENT POLICIES.....	28
SECTION 9 RESIDENTIAL.....	37
SECTION 21 – GENERAL CONSENT POLICY.....	40
OFFICIAL PLAN AMENDMENT 78	44
TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09	48
STREETScape DESIGN ANALYSIS.....	54
PLANNING OPINION.....	58

LIST OF APPENDICES

- APPENDIX I – Draft Zoning By-law Amendment
- APPENDIX II – Draft Severance Sketch
- APPENDIX III – Pre-consultation Agreement
- APPENDIX IV – Streetscape Conditions Map

PREFACE

Upper Canada Consultants has been retained by 1814004 Ontario Inc. (“the owner”) to prepare a Planning Justification Report in relation to applications for **Zoning By-law Amendment** and **Consent to Sever** at 474 Simcoe Street in Old Town Niagara-on-the-Lake, within the Regional Municipality of Niagara.

The intent of the applications is to sever the existing property into two (2) equal sized lots to facilitate the development of two (2) single detached dwellings.

This report assesses how the submitted applications satisfy the necessary requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and Town of Niagara-on-the-Lake Official Plan (as amended).

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

- Severance Sketch prepared by J.D. Barnes Ltd.;
- Draft Zoning By-law Amendment prepared by Upper Canada Consultants ;
- Stage 1 & 2 Archeological Assessments prepared by Detritus Consulting Ltd.; *and*
- Arborists Report and Tree Inventory and Preservation Plan prepared by Beacon Environmental Ltd.

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are known municipally as 474 Simcoe Street in the Town of Niagara-on-the-Lake within the Regional Municipality of Niagara, and are legally described as Part of Lots 288 & 317, Registered Plan No. TP 86, Town of Niagara-on-the-Lake, Regional Municipality of Niagara. A 2020 aerial image of property and surrounding area is shown below in **Figure 1**.



Figure 1 – 2020 Aerial View of Subject Lands (Cropped from Niagara Navigator)

The subject lands have been surveyed to measure 1,508.1 square metres in total area with 31.30 metres of cumulative frontage along the east side of Simcoe Street.

The property currently contains an existing single detached dwelling with an attached garage. The building is a raised bungalow with clad, a mix of vinyl siding and brick, with a covered porch and windows facing towards the street. The building style is reflective of mid-1900s design and appears to be one of the last homes on the block that has not been significantly renovated or expanded.

The front yard of the dwelling along Simcoe Street contains three large trees, masonry pillars and a hedgerow. Within the boulevard there is an existing pad mount hydro transformer and utility pedestals. There are no sidewalks along Simcoe Street on either side of the roadway.

Photographs of the Subject Lands are included as **Figures 2 to 4** of this report.



Figure 2 - 474 Simcoe Street



Figure 3 - Front Façade of 474 Simcoe Street



Figure 4 – Masonry Pillars and Hedgerow along Front Lot Line



Figure 4 – 424 Simcoe Street – Trees and Utilities Shown

Adjacent Lands

The dwelling to the north (464 Simcoe Street) is small scale bungalow detached dwelling that appears to have been constructed around 2012, based on a review of aerial imagery. The property has its driveway located along the lot line with the subject lands and has extensive gardens along the front of the dwelling. The dwelling is shown in **Figure 5**.



Figure 5 - 464 Simcoe Street

On the south side of the subject lands is a recently reconstructed dwelling that appears to have been completed in 2022. The dwelling is a bungalow, with a two-car garage, covered porch and is clad with a mix of vinyl siding and brick emulating modern design palettes. The dwelling is shown in **Figure 6**.



Figure 6 - 484 Simcoe Street

To the west (across the street) from the subject lands is 469 Simcoe Street. This dwelling is similar in scale to 464 Simcoe Street, being a bungalow dwelling of small scale. The lot contains a detached garage and had a large tree in the front yard that obscures views to and from the subject lands. The dwelling is shown in **Figure 7**.



Figure 7 - 469 Simcoe Street

The subject lands abut existing development to the east located at 170 and 180 Mary Street. The structure at 180 Mary Street is known as the Maple Tree Cottage which serves as a small-scale cottage rental (i.e. hotel). The retrofit dwelling is a bungalow with a surface parking lot in the rear which interfaces with the subject lands. The building is shown in **Figure 8**.



Figure 8 - 180 Mary Street - Maple Tree Cottage

The structure located at 170 Mary Street is also used for accommodation and is known as the Canterbury Inn. This small-scale hotel contains 10 rooms. Similar to Maple Tree Cottage, this property also presents rear yard parking lots along the interface with the subject lands. The building is shown in **Figure 9**.



Figure 9 - 170 Mary Street - Canterbury Inn

THE PROPOSED DEVELOPMENT AND APPLICATIONS

The owner is seeking to redevelop the property as two (2) lots with single detached dwellings. To achieve this, the existing detached dwelling will be demolished and the lot will be severed into two generally equal parts, as shown in **Figure 10**.

Part 1 is proposed to have a lot area of 752.7 square metres and a lot frontage of 15.65 metres. Part 2 will be marginally larger in area, measuring 755.4 square metres in area with an identical 15.65 metres of lot frontage.

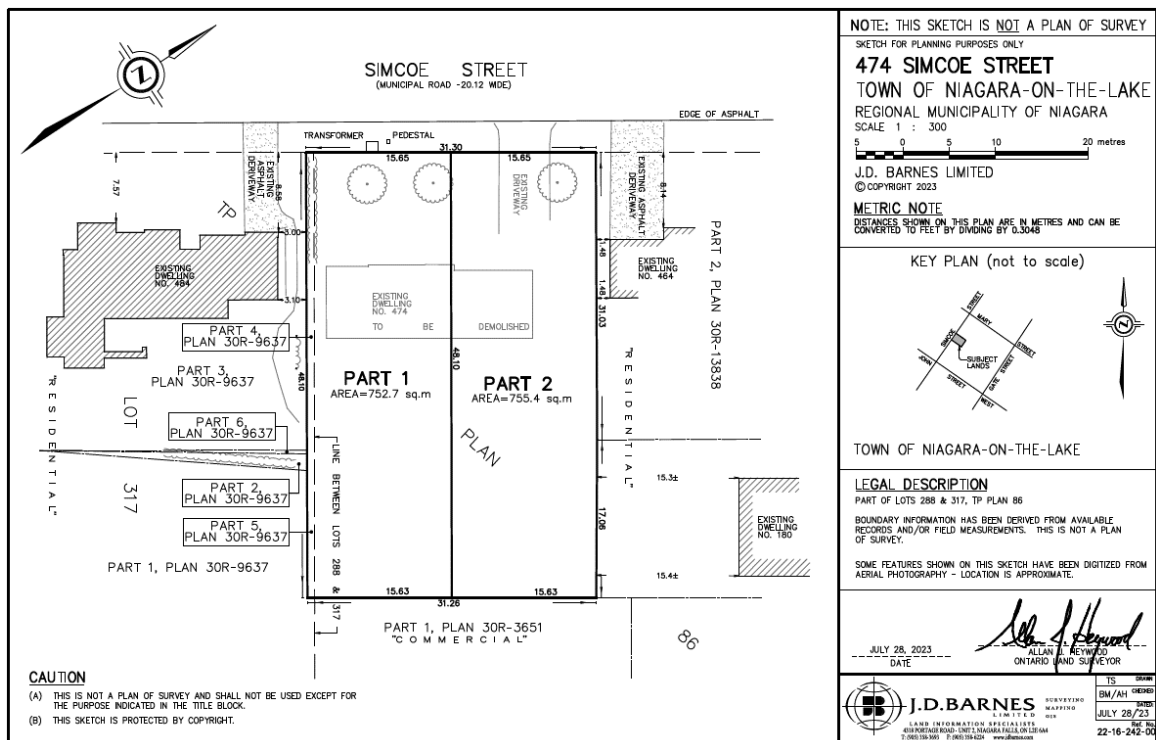


Figure 10 - Preliminary Severance Plan

In order to facilitate the development proposal, a Consent application is required to create the lots for development. Before the Consent application can be considered by the Committee of Adjustment, a Zoning by-law Amendment application is required to establish minimum lot frontage and depth for both the severed and retained parcels, per the requirements of the Established Residential policies of the Official Plan.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation on March 3, 2022 and in addition to this Planning Justification Report, an Archaeological Assessment and Arborist's Report were prepared and are included with the application submissions.

The requested Streetscape Analysis Report has also been prepared and is integrated into this planning report.

Supporting Studies

Stage 1 & 2 Archaeological Assessment (Detritus Consulting Ltd.)

The subject lands were identified as having archaeological potential through pre-consultation. Accordingly, Stage 1 and 2 Archeological Assessments were undertaken for 474 Simcoe Street by Detritus Consulting Ltd. in 2022. The Stage 2 test pitting field works yielded no archaeological resources, and accordingly the Consultant recommended that no further study be required. The related reports were forwarded to the Ontario Ministry of Citizenship and Multiculturalism for final clearance.

Arborist's Report and Tree Inventory and Preservation Plan (Beacon Environmental Ltd.)

Beacon Environmental Ltd. was retained by the owner to complete a detailed inventory of on-site trees. As required by the Town's Private Tree By-law, all trees greater than 12.5 centimetres diameter at breast height were inventoried. The field works were completed in April of 2022. Through review, a total of 21 trees were identified on and adjacent to the property.

Based on a provision concept of development, a total of eight (8) trees may need to be removed to accommodate the development of the dwellings (depending on design). Three (3) additional trees are also recommended for removal due to poor health. In total, ten (10) trees are recommended for retention and protection. All ten (10) trees to be protected are located at the rear of the lot within required development setbacks or partially on adjacent lands.

The Report provides recommended mitigation measures to ensure the safety of any trees to be protected through development.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the Old Town Settlement Area of the Town of Niagara-on-the-Lake are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement, and the 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications meet applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

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

Section 2 of the Planning Act outlines matters of Provincial interest that the Planning Authority must have regard for when considering applications for development. These matters of Provincial interest include:

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

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

The applications have regard for clauses f), h), j) and p) of Section 2 of the Planning Act.

The proposed lots will be created along Simcoe Street which is a local roadway that is maintained year-round by the Town of Niagara-on-the-Lake. The subject lands are readily serviceable from existing water and sanitary sewer infrastructure. No new municipal infrastructure will be required to support the planned development.

The proposed lots will be established within an existing neighbourhood and represents orderly development with no expected impact on public health or safety. Given the proximity of the Old Town tourism area and its assorted shops, services and other resources, the proposed lot is considered to be in an appropriate location for growth and development. New single detached dwellings are proposed for the lots which will be consistent with surrounding development. It should be noted that many dwellings on this street block have been recently renovated and reflect newer architectural design trends. The introduction of additional redevelopment is not expected to have any significant impact on neighbourhood character.

The neighbourhood area is considered to be walkable, despite that there are no sidewalks on Simcoe Street. The short grid style blocks in the neighbourhood are conducive to active transportation and the subject lands are located within a comfortable walk of services and community resources. Bicycle lanes are also present to the north, on Mary Street.

Section 34 – Zoning By-laws and Amendments

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

Section 53 – Consents to Sever

Applications for Consent are governed under Section 53 of the Planning Act. Section 53(12) requires that when considering an application for Consent an Approval Authority must have regard for the matters under Section 51(24) of the Planning Act.

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

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

As noted, the applications meet the intent of Section 2, clauses f), h), j) and p) of the Planning Act.

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

The subject lands are located along a maintained public road and have municipal servicing available. From a development readiness standpoint, the applications are not considered to be premature. Lots on each side of the property have been recently redeveloped, as well as other homes on the block. Given this transition in neighbourhood character, the applications are not considered premature, but rather, expected.

The applications are in the public interest as they will facilitate additional housing opportunities within the Town and efficiently use existing municipal infrastructure, as prescribed by the Province and Region.

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

The applications conform with the Town of Niagara-on-the-Lake Official Plan. A detailed overview of conformity is provided within this report.

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

The subject lands are suitable for development as they contain sufficient lot area for new dwellings that are similar in scale to adjacent development. The new lots are able to be serviced by existing municipal watermain and sanitary sewer and utilities. The lands are generally flat, and aside from the area at the rear of the property where existing trees will be preserved, are free and open for development within the applicable setbacks of the ER Zone.

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

The proposed dwellings will not meet the definition of affordable housing, primarily due to their location in a very desirable area of the Town.

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

The proposed lot will have frontage along Simcoe Street, which is a local maintained roadway. Simcoe Street has connections to Mary Street and John Street West which have access to Regional Road 55, which is the primary roadway access into Old Town.

No road widenings or roadway improvements were identified as being required on Simcoe Street through pre-consultation.

- f) the dimensions and shapes of the proposed lots;

The proposed lots will be of the following size and extent:

Part 1

- 15.65 metres of lot frontage
- 48.10 metres of lot depth
- 752.7 square metres of lot area

Part 2

- 15.65 metres of lot frontage
- 48.09 metres of lot depth
- 755.4 square metres of lot area

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

There are no restrictions on the development of the subject lands. The location of existing trees and the transformer in the boulevard will need to be considered when detailed building plans are created.

- h) conservation of natural resources and flood control;

The subject lands do not contain any natural resources and are not located within a floodplain

- i) the adequacy of utilities and municipal services;

The subject lands have frontage on a public roadway that contains municipal watermain and sanitary sewer and utilities available. The existing services are considered to be adequate to support the proposed development.

- j) the adequacy of school sites;

There are no schools located within the Old Town Settlement Area. Any future inhabitants of the dwellings will be required to be bussed or driven to school. Through the commenting review period the relevant school boards will provide direction on school capacity.

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

No portion of the subject lands are to be conveyed or dedicated for public purposes.

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

Energy efficient design may be explored through the development of detailed building plans. The surrounding neighbourhood is considered to be active transportation friendly which may lead to a reduced dependence on the private automobile for short trips, thus limiting potential climate change impacts. Intensification development supports the efficient use of lands and resources.

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

The proposed development is not subject to Site Plan Control.

PROVINCIAL POLICY STATEMENT (2020)

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

The overarching purpose of the 2020 Provincial Policy Statement (PPS) is to provide direction to planning authorities on how to best achieve the development of healthy, livable and safe communities.

The subject lands are located within the Niagara-on-the-Lake (Old Town) Urban Area, which is delineated in both the Regional Municipality of Niagara Official Plan and Town Official Plan. The Old Town Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 1.1.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. Consistent with PPS the proposed development will occur within the Old Town Settlement Area boundary.

Within Settlement Areas, development is to be proposed in a manner that efficiently uses land and resources, is appropriate for the efficient use of infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, supports multi-modal transportation options including active transportation and transit and freight movement. Consistent with these policies, the proposed development is within an appropriate location for growth as the subject lands are designated and zoned for residential development, can be provided with full municipal services and are located in proximity to neighbourhood walking routes, commercial land uses the tourism district.

Policy 1.1.3.5 of the PPS requires that municipalities establish and implement minimum targets for intensification and redevelopment within built-up areas. As set forth in the 2022 Regional Official Plan, Niagara-on-the-Lake is to accommodate 25% of development to the year 2051 within the Built-Up Area as intensification. Consistent with this Policy, the subject lands are located entirely within the Built-up Area and all development that will occur on the subject lands will contribute to the achievement of the minimum annual residential intensification target for the Town.

Coordination (PPS 1.2)

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration of all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Through the pre-consultation process, the planning authority and other review agencies have provided direction on required studies and information needed to process the application. This comprehensive approach is used to ensure that all matters of Provincial, Regional and local interest are identified and addressed.

With regard to land use compatibility policies in Section 1.2.6 of the PPS, the applications propose residential development adjacent to existing residential land uses. Accordingly, there are no land use compatibility issues that will result through the approval of the proposed lots.

Housing (PPS 1.4)

Section 1.4 of the PPS requires municipalities and planning authorities provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This is to be achieved through establishing targets for affordable, low and moderately priced homes, including all forms of residential intensification, and secondary/accessory units.

The applications will facilitate the development of two new single detached dwellings within an established neighbourhood in the Old Town Settlement Area. As the subject lands are surrounded predominantly single detached dwellings, including dwellings that have been recently redeveloped, the introduction of these new dwellings will be compatible and contribute to housing supply as prescribed by the PPS as well as the Regional and local Official Plans.

Infrastructure and Public Service Facilities (PPS 1.6)

A general tenant of the Policies within Section 1.6 of the PPS is that urban development must occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered.

Water and Sanitary Services

As noted within the Pre-consultation Agreement, there is an existing 150 mm watermain within Simcoe Street. New connections to this existing watermain will be made to support the proposed dwellings. There is an existing municipal fire hydrant at the corner of Simcoe Street and Mary Street which will provide fire protection for the lots/dwellings.

With regard to sanitary servicing, there is an existing 200 mm diameter sanitary sewer within Simcoe Street. To support the development, new serving connections will be made to the existing sewer.

Stormwater Management

There is no storm sewer on Simcoe Street. Currently, drainage on the street block is conveyed by way of road side ditches. Through detailed building and grading design, appropriate stormwater management methods will be determined.

Transportation

The Policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and support active transportation.

The subject lands are situated along the east side of Simcoe Street, which is identified as a local roadway in the Town of Niagara-on-the-Lake Official Plan. The development proposal will introduce one additional driveway onto Simcoe Street, however, no concerns were cited by Town staff during pre-consultation. Therefore, the existing roadway is considered adequate to support the development.

Energy Conservation, Air Quality and Climate Change (PPS 1.8)

Policy 1.8.1 of the PPS sets out direction for development characteristics and methods that can have a positive benefit on the environment and reduce energy needs.

Consistent with PPS Policy 1.8.1, the proposed development is infill and emulates a compatible, and compact built form. Some vegetation removal is required to facilitate development. The inclusion of new trees, native species and pollinator supportive plantings will be explored through future landscape designs for each lot.

Cultural Heritage and Archaeology (PPS 2.6)

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. Further to this, development shall not be permitted on lands that contain archeological resources or areas of archeological potential.

The Town of Niagara-on-the-Lake has an Archeological Screening Tool that defines area of the municipality that exhibit potential for archaeological resources. Schedule H of the Town's Official

Plan shows the property being within an area of archaeological potential, therefore assessments were required to be completed.

Stage 1 & 2 Archeological Assessments were undertaken by Detritus Consulting Ltd. in 2022. Through field investigations, no archeological resources were encountered. Accordingly, no further investigation was prescribed and the Archaeologist's written reports have been provided to the Ontario Ministry Citizenship and Multiculturalism for review and acknowledgement.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Managing Growth (PTG 2.2.1)

The subject lands are located within the Niagara-on-the-Lake (Old Town) Settlement Area, within the Provincially established Built-up Area. As set forth in Policy 2.2.1 of the Growth Plan, the vast majority of growth and development is to be directed to Settlement Areas, specifically, those with a delineated built boundary and existing and planned or existing municipal services. Policy 2.2.1.2 c) furthers this direction by requiring that, within Settlement Areas, growth be focused in delineated built-up areas.

The application conforms with and implements this policy as the subject lands are within a Settlement Area, are within the Built-up Area and can be supported by extensions to existing municipal services at the property line.

Delineated Built-up Area (PTG 2.2.2)

Policy 2.2.2.1 directs that by 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area (i.e. intensification.) Until the next municipal comprehensive review is completed by the Regional Municipality of Niagara, the established minimum annual residential intensification target of 25% for the Town of Niagara-on-the-Lake remains in effect.

The subject lands are located within the Built-Up Area of the Old Town Settlement Area. The proposed amendment will facilitate the development of additional residential dwellings that can be supported by existing infrastructure and will contribute to the Town's minimum prescribed annual residential intensification target.

Housing (PTG 2.2.6)

The Growth Plan directs Planning Authorities to develop housing strategies that will ensure that forecasted growth can be accommodated, density targets are achieved, and that a mix of housing options be available.

The Consent Application will facilitate a net increase of one (1) additional dwelling along Simcoe Street. After the demolition of the existing home, two new smaller scaled homes will be provided in its place. This variation in size may assist in providing more attainable housing prices for the proposed lots, when compared to other larger lots in the Old Town area.

Cultural Heritage Resources (PTG 4.2.7)

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans to use in the consideration of development applications. The Town of Niagara-on-the-Lake has an Archeological Screening Tool that defines areas of the municipality that exhibit potential for archaeological resources. Schedule H of the Town's Official Plan shows the property being within an area of potential, therefore archeological assessments were required to be completed.

As noted previously in this report, the subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry of Citizenship and Multiculturalism.

NIAGARA OFFICIAL PLAN (2022)

The subject lands are located within the Old Town Urban Area (Settlement Area) and the Provincially Delineated Built-Up Area, as shown on Schedule B of the Regional Official Plan (ROP) provided below as **Figure 11**.



Figure 11 - Schedule B of Regional Official Plan (Cropped)

The Regional Official Plan (ROP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The Regional Plan directs growth and development to settlement areas where full urban services are available, as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring annually within Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

Niagara-on-the-Lake has a forecasted population of 28,900 people and 17,610 jobs by 2051, per Table 2-1 of the ROP. The required intensification target set by the Region for the Town of Niagara-on-the-Lake is 25% or 1,150 units, per Table 2.2 of the Regional Official Plan.

The proposed development will contribute one additional home into the Town's housing supply. The subject lands are logical location for residential development and can be serviced by existing roadways and municipal infrastructure. The proposed development will assist the Town in the achievement of its annual growth and intensification targets.

Section 2.2.1 of the Niagara Region Official Plan contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The applications conform with this policy direction through the provision of compatible and more compact residential housing forms on urban, serviced land. The proposed development will assist the Town in the achievement of Regional intensification targets.

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

TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (As Amended)

The Town of Niagara-on-the-Lake Official Plan is the long-range planning tool used to guide growth and development in the municipality. As shown on “Schedule B” of the Town Official Plan, the subject lands are designated as Established Residential (see **Figure 12**). Consistent with the Niagara Official Plan and Provincial Plans, the subject lands are also designated as Built-up Area on Schedule I-1 of the Official Plan.



Figure 12 - Schedule A of Town of Niagara-on-the-Lake Official Plan (Cropped)

SECTION 6 – GENERAL DEVELOPMENT POLICIES

6.1 Archeological Survey

Section 6.1 of the Town’s Official Plan requires that archaeological assessments be carried out for the purpose of determining if archaeological resources may exist on a property.

As the subject lands are located within an identified archeological potential area, Stage 1 & 2 Archeological Assessments were required and have been carried out by Detritus Consulting Ltd. These studies were undertaken in October 2020 with no finds and a recommendation that no further works be undertaken. The related Archeological Report has been submitted to the Ministry of Citizenship and Multiculturalism for review and acknowledgment.

6.4 Building Height Restrictions

The Official Plan indicates that building heights within the municipality generally do not exceed 11 metres in height. The zoning category applicable to the property is Established Residential (ER), which limits height to 10 metres for single detached dwellings.

The owner, who will also be the architect for the future homes, has confirmed that the proposed dwellings will not exceed the 10-metre height maximum. Accordingly, a provision for additional permitted height is not included within the provided Zoning Amendment.

6.6 Cost of Servicing Development

Policy 6.6 of the Town's Official Plan states that "In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services which are not economically feasible to provide, improve or maintain. Instead, development should be permitted only in locations where demands on public services will be minimized, urban areas, or where it can most effectively utilize existing services. Council has provided for the allocation of capacity as outlined in the municipal sewage allocation by-law."

The submitted applications contemplate the redevelopment of the property as two building lots for single detached dwellings. The cost of the abandonment and provision of new municipal services and road restoration will be at the owner's expense.

6.11 Frontage on a Public Street

Policy 6.11.1 of the Official Plan requires that development will only be permitted where the lot has frontage on a public street. The applications conform with the requirement of the Plan as the proposed lots will each have frontage on Simcoe Street.

6.17 Lot Sizes

Policy 6.17 of the Official Plan prescribed that "The lot area and lot frontage shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. In considering any plan of subdivision or consent application regard shall also be had to the minimum lot sizes provided in the zoning by-law so as to keep the lots as small as possible in relation to the efficient use of land and the need to preserve the agricultural land resource."

The applicable Established Residential (ER) zone does not contain a minimum or maximum lot area or frontage and depth requirement for lots. The Official Plan requires that a Zoning By-law Amendment be undertaken to establish these provisions.

Based on a review of lot sizes in the surrounding area, the proposed lots will have frontages that are comparable and similar to other lots in the neighbourhood. The lots are reasonably sized to accommodate similarly scaled dwellings and provide adequate room for amenity, landscaping, off-street parking and necessary drainage.

6.21 Parking and Loading Facilities

Per Table 6-5 of Town of Niagara-on-the-Lake Zoning By-law 4316-09, the required amount of parking spaces for a single detached dwelling is two (2).

The proposed lot sizes are conducive to the development of dwellings that utilize a parking configuration of one (1) car in the garage and one (1) in the driveway (tandem), or a wider driveway capable of holding two (2) vehicles side by side. The proposed lots are considered to be adequately sized to meet Town parking requirements.

6.22 Parks and Dedication

For lot creation applications in the Town of Niagara-on-the-Lake, parkland dedication is required in the form of land dedication or cash-in-lieu. As the subject lands do not contain a reasonable area for public land contribution, cash-in-lieu of parkland dedication is the preferred and anticipated method of dedication. This requirement should be implemented as a condition of the Consent application.

6.23 Planning Impact Analysis

As a Zoning By-law Amendment has been submitted, this Planning Justification Report has been submitted concurrently to satisfy application requirements. The report addresses all relevant matters outlined in Section 6.23 of the Official Plan.

6.29 Road Setbacks

Policy 6.29 requires that “setbacks from roads shall be provided as required by the implementing Zoning By-law. Such setbacks shall be sufficient to allow space for landscaping and off-street parking, loading and movement of vehicles clear of any road allowances.”

The subject lands have a lot depth exceeding 48 metres (~157 feet). This lot depth affords sufficient room on the property whereby the proposed dwellings can be located at, or further back beyond the minimum front yard setback to establish a plane of development that is consistent with adjacent dwellings. As no reduction in front yard setback is proposed through the Zoning By-law Amendment, there will be sufficient depth in the front yard for off-street parking and landscaping to be provided.

6.30 Servicing Policies

Generally, the policies of Section 6.30 of the Official Plan require that urban development be supported by municipal services, including watermain, sanitary sewer and storm sewers.

The proposed lots will be able to connect to existing municipal services within Simcoe Street, as required by the Official Plan.

Prior to developing the lots, detailed site servicing and lot grading and drainage plans will be prepared to demonstrate that the proposed developments will not have a negative impact on adjacent properties.

6.33 Tree Preservation and Reforestation

The Town's Official Plan has specific policy direction pertaining to trees within the Urban Area.

The subject lands contain a variety of mature trees in both the front and rear yards.

Consistent with policy requirements, a review of the property was conducted by Beacon Environmental Ltd. As cited in the provided Arborist's Report, ten (10) trees will be preserved and eight (8) may be required to be removed to facilitate the dwelling locations and/or driveways. Given the depth of the proposed lots, opportunities for replanting of trees or the integration additional forms of vegetation through property landscaping can be explored.

SECTION 6A: GROWTH MANAGEMENT POLICIES

Section 6A of the Official Plan contains policies and growth objectives for the Urban Settlement areas within the Town of Niagara-on-the-Lake. This policy section generally implements the growth management policies of the Provincial Growth Plan for the Greater Golden Horseshoe (2019) and the Regional official Plan.

Subsection 2 – Municipal Urban Structure

As outlined in Policy 2.2, within the Town's Urban Structure is comprised of the following:

- Urban Areas;
- Built-up Areas within an Urban Area;
- Intensification Areas within the Built-up Areas;
- Greenfield Areas within an Urban Area;
- Core Natural Heritage System; and,
- Transportation Corridors.

The subject lands are located within the Old Town Settlement Area (i.e. Urban Area). Urban Areas are to be the focus of urban development in the Town and contain municipal services including water and sanitary sewers. The Urban Areas of Niagara-on-the-Lake are to be developed in a manner that will achieve the prescribed growth and intensification targets set out by the Regional Municipality of Niagara. As proposed, the new dwelling will be connected to municipal services and the development will be counted towards the overarching population growth targets of the municipality.

As noted, the subject lands are also located within the Built-up Area and are subject to the policies of Section 6.A, Subsection 2.4 of the Official Plan. Accordingly, any development occurring on the subject lands is considered as intensification and will be counted toward the Town's average annual intensification target of 15% (now 25% per the 2022 Niagara Official Plan), as well as the projected population and employment targets for the municipality and Regional Municipality of Niagara. The subject lands are not located within any Intensification Areas, as designated on Schedules I1 and I2 of the Official Plan.

Subsection 3 – Growth Management

The Growth Objectives for the Town of Niagara-on-the-Lake are outlined in Section 6.A, Subsection 3.2 of the Official Plan and include:

- a) *To accommodate all future urban growth within the present-day urban boundary;*
- b) *Maintain the current delineation of the urban area boundary for the foreseeable future;*
- c) *Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.*
- d) *Direct urban growth and development to the Town's existing Urban Areas.*
- e) *Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. David's, and Queenston through appropriate intensification.*
- f) *Direct appropriate intensification to Designated Intensification Areas.*
- g) *Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) *Coordinate land use planning with infrastructure planning; and,*
- i) *Protect, conserve and manage our natural resources and prime agricultural lands for current and future generations.*
- j) *Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.*
- k) *Contribute to the conservation of resources such as the Core Natural Areas and prime agricultural land.*
- l) *Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces,*

and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.

Of the Objectives cited above, Objectives a), d), e), g), j) and l) are applicable to the proposed development.

The applications satisfy Objective a) and d) as the subject lands are located within the Old Town Urban Area. Building upon this, Objective e) is also satisfied as the development is located within the Built-up Area, and development will contribute to the achievement of the 15% (now 25% per the 2022 Niagara Official Plan) annual residential intensification target for the Town.

Objective g) is satisfied as the proposed and retained lots will be serviced by existing municipal services. With the exception of new lateral connections for the proposed dwelling, no alteration or expansion of municipal services is required.

Objective j) requires development to meet the residential objectives of the Official Plan contained in Section 9 of the Plan. A detailed overview of how the application meets these objectives is provided further on in this report. Accordingly, Objective j) is considered to be satisfied.

Lastly, Objective l) prescribes the development of complete communities. The proposed dwelling represents a compact infilling development that will capitalize on adjacent resources including commercial land uses, recreational opportunities and transportation routes. The development will not have a significant impact on the existing neighbourhood and is considered to be a positive addition to the existing, complete community.

Subsection 3.4 directs that an appropriate mix of housing be provided throughout the urban areas to meet growth objectives. The majority of new growth is desired to be directed to medium and higher density areas, and some medium density growth is also able to be provided in low density areas. The applications contemplate a low density infilling project within an established low density area. Overall, the applications are considered to conform to this portion of the Official Plan and represent a compatible and reasonable infilling opportunity that will contribute positively to the housing supply in Old Town, by providing an additional detached dwelling.

Subsection 4 – Intensification

As noted throughout this report, the minimum annual residential intensification target for the Town of Niagara-on-the-Lake is 15%, as set forth by the Regional Municipality of Niagara. Through the recent update to the Region's Official Plan, this target has now increased to 25%. In order to achieve these targets, development within the Built-up area must occur. The

subject lands are located within the Built-up Area, as shown on Schedules I-1 and I-2 of the Official Plan.

Subsection 4.3 indicates that the majority of the Town's intensification will be encouraged in intensification areas, and supplemented by general infilling within the Built-up Area provided that the proposed development is compatible.

Specific policies pertaining to intensification within the Built-up Area are outlined in Subsection 4.4. of the Plan. A detailed overview of conformity with these policies is provided below:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.

The subject lands are located within the Built-up Area. The proposed dwelling would contribute to the prescribed intensification target.

- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.

The proposed lots will each contain a single detached dwelling. This building form is permitted and the only residential housing typology currently found on this block of Simcoe Street.

- c) The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.

The proposed dwellings will not meet the definition of affordable housing, primarily due to their location in a desirable area of the Town. Opportunities for the integration of accessory dwellings units may be possible to assist with affordability.

- d) Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2-storey height will ensure mix use developments are not underdeveloped.

The application will facilitate detached residential development. This policy is not applicable.

- e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.

This policy is directed at Town initiatives and is not applicable to this application.

- f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.

The proposed dwellings will have parking areas provided in either an attached garage and/or in the driveway. The existing neighbourhood has a consistent character that has vehicles parked in the "front yard" on the driveways or in the garages.

- g) The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.

The proposed and retained lot will be serviced by existing municipal water and sanitary systems. There were no capacity concerns in this area stated by the Municipality through pre-consultation.

- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.

Currently, there are no applicable urban design guidelines for the Built-up Area. In an effort to demonstrate how the proposed development will be compatible with the surrounding area a Streetscape Design Analysis has been included within this report.

- i) The Town will locate and maintain important amenities and services, which serve the residents, such as parks, schools, recreational facilities, government offices, library within the Built- up Area.

This policy is not applicable to the applications.

- j) When the Town or the Region is undertaking public works projects within the Built-Up Area, the public works projects will be coordinated with any applicable public realm improvement projects.

This policy is not applicable to the applications.

- 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).

The subject lands are not located within an identified intensification area or site.

The cumulative density of the property will be increased from to 6.6 units per hectare to 13.2 units per hectare. Although slightly below the prescribed minimum, the intent of the policy is achieved.

- l) During the development approval process that consideration will be given with respect to capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.

Any required upgrades to municipal systems will be determined through review of the applications. Comments provided by the Town through pre-consultation did not infer any concerns with current servicing capacity.

- m) Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.

The subject lands are not located within a municipally identified intensification area.

As demonstrated above, the applications conform to the requirements of the Built-up Area Intensification Policies.

Within the Old Town Urban Area there are no applicable urban design guidelines. However, in the absence of these guidelines, the provisions outlined in Section 6.A, Subsection 4.4 apply and are used to evaluate applications:

- a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.*
- b) Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*
- c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*
- f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

Of the criteria listed above, items a), d), e and f) are applicable to the applications.

The Simcoe Street block between John Street West and Mary Street has a variety of building setbacks on both the west and east side of the street. The bulking as massing of dwellings on the block also varies based on the age of the dwellings.

Table 1, below outlines the general site statistics for each lot, as taken from MPAC Assessment Parcel Data and the most recent aerial images for the lots. Lots located between John Street West and Mary Street have included as they represent the street block.

A map showing existing lotting and massing along Simcoe Street that reflects the data within **Table 1** is included as **Appendix IV** to this report.

Table 1 – Lot Metrics – Simcoe Street Between Mary Street and John Street West

Address	Setback from Simcoe Street (m)	Lot Area (m ²)	Approximate Building Size (m ²)	Lot Coverage (%)	Side of Mary Street (E / W)
186 Mary Street	17.22	476.03	135.33	28.31	E
464 Simcoe Street	8.00	580.19	184.55	31.81	E
484 Simcoe Street	7.55	941.31	286.62	30.45	E
494 Simcoe Street	6.19	1,108.84	202.91	18.30	E
208 Mary Street	1.80	844.85	220.92	26.15	W
469 Simcoe Street	3.96	845.07	181.09	21.43	W
483 Simcoe Street	9.78	1162.26	291.26	25.06	W
207 John Street West	0.5	993.51	336.89	33.49	W

The lots that have functional frontage on the east side of Simcoe Street (i.e. utilize Simcoe Street as a Front Yard) are 494, 484 and 464 Simcoe Street. Despite having its legal frontage on Simcoe Street, 186 Mary Street addresses Mary Street in terms of functionality and has an abnormally large front yard setback that is not characteristic of the block.

The average setback for lots on the east side of the Block is 7.24 metres. The minimum required setback of 7.5 metre in the ER Zone will ensure that dwellings developed on the subject lands are generally consistent with the existing average setback.

The bulk and mass of dwellings that can be developed on the subject lands will be limited to 270.94 square metres on Part 1 and 271.94 square metres on Part 2. As outlined in Table 1, the dwellings that utilize Simcoe Street as functional frontage range in size from 184.55 square metres to 291.26 square metres. The average dwelling size on the street, excluding flanking properties on John Street West and Mary Street is 237.90 square metres. The proposed limit of massing will be similar and above average to other dwellings on Simcoe Street, but not the largest. Given the depth of the lots, this massing will project towards the rear of the site, out of view from the public realm.

Based on the width of the lots and the limit on driveway width applicable to residential properties (i.e. 6.0 metres), the proposed dwellings will not have garages that exceed more than 50% of the building façade. The applicant has requested relief from the applicable garage setback general provision of the zoning by-law. Proposed attached garages will be recess a minimum of 1.0 metres from the face of the dwelling.

Subsection 4.6 contains the policies pertaining to Land Use Compatibility that are required to be evaluated per Section 6.A, Subsection 4.4 . New development is required to be compatible with the surrounding area and intensification and infilling projects should be consistent with:

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

The proposed development form will be single detached dwellings within single detached residential neighbourhood block. The subject lands do not contain any identified natural heritage resources and/or features. Through the completion of the Arborists Report a detailed inventory of on-site vegetation has been compiled. Ten (10) trees will be retained to maintain the mature, vegetated character of the lot and area.

With regard to density, the existing block has a development density of 10.6 units per hectare (inclusive of the one (1) existing single detached dwelling at 474 Simcoe Street). With the inclusion of the additional dwelling to be created through the future consent application, the street block density increases to 11.82 units per hectare. This increase in density (+1.22 uph) is considered minor and is not expected to have any significant impact on the low-density character of the Block.

The proposed height of the new dwelling will be no more than 10 metres, consistent with the Zoning By-law. Recent development adjacent to the subject lands are bungalow style. Based on discussions with the owner, it is anticipated that bungalow or bungalow dwellings will be developed on the subject lands which are compatible housing forms. The applicant has not requested any additional building height through the Zoning Amendment.

The items outlined in subsection f) are evaluated in the Streetscape Design Analysis provided further on within this report.

Overall, the development is considered to have regard for the noted items and will integrate well with the surrounding neighbourhood.

Subsection 7 – Infrastructure

7.3 Water and Wastewater Services

Similar to the policies outlined in Section 6.30 of the Official Plan Section 7.3 of the Growth Management Policies directs that Urban Growth is to occur on urban services. The proposed development can be classified as infill and can be connected laterally to existing municipal infrastructure within the William Street road allowance.

The inclusion of one additional house into the municipal servicing network is not expected to have a significant impact on service levels. Accordingly, the development is considered to be in conformity with Town infrastructure policies.

SECTION 9 RESIDENTIAL

The general residential development goals, objectives and policies are contained within Section 9 of the Official Plan. As outlined within the preamble for this section of the Plan, Old Town has a large portion of older dwellings that were constructed in the late 1880's.

As confirmed through aerial imagery available from Niagara Region, the subject lands were vacant in 1934 (the first available aerial image) and did not contain one of the older homes that are noted to exist throughout Old Town. The existing dwelling first appears in aerial imagery around 1965, as shown in **Figure 13**.



Figure 113 - 1965 Aerial Image Showing the Dwelling at 474 Simcoe Street

The subject lands are designated in the Official Plan as Established Residential, and have specific policy direction provided in Section 9.3.3. Within Established Residential areas single detached, semi-detached and duplex dwellings are permitted, as well as Secondary Uses such as bed and breakfasts, boarding, accessory apartments, group homes home occupations and accessory buildings and structures. The submitted applications conform with this policy requirement as both the proposed and retained lot will contain a single detached dwelling.

As cited in Policy 9.3.3. c) of the Official Plan, lot creation applications require the review and consideration of appropriate lot frontages and lot depths to ensure the maintenance of the character of Old Town. The submitted Zoning Application is the first step in this prescribed process, and consistent with Section 9.3.3.3 subsection c) the following items must be considered:

- i) *The average lot frontage and lot depth of the existing parcels on the block face;*
- ii) *In the case of corner lots, average lot frontages and lot depths shall be calculated on both block faces;*
- iii) *The relevant Intensification policies of the Official Plan;*
- iv) *A streetscape study;*
- v) *A Planning Justification study;*

- vi) *An Arborist report which shall consider the potential impacts on all trees and addresses Carolinian Canada species;*
- vii) *Estate Lots and relevant policies;*
- viii) *Existing and proposed land uses on the subject lands and surrounding lands.”*

The applications address the requirements of Policy 9.3.3 c) in the following manner:

The average lot frontages and lot depths have been calculated for the Block of Simcoe Street between John Street West and Mary Street. The analysis provided has excluded the properties known as 207 John Street West and 208 Mary Street as the legal frontage for these properties are located on adjacent streets. **Table 2** outlines the approximate frontages of the lots within the street block.

Table 2 – Lot Frontages and Depths on Simcoe Street between Mary Street and John Street West

Address	483 Simcoe Street	469 Simcoe Street	186 Mary Street	464 Simcoe Street	484 Simcoe Street	494 Simcoe Street
Frontage (m)	19.20	31.82	15.06	19.13	29.23	34.45
Lot Depth (m)	59.67	26.68	31.02	30.89	32.21	32.18

The analysis has revealed that the proposed and retained lots will differ from the typical lotting dimensions in the area, however still exhibit the ability to be developed in a manner that is consistent and compatible with the surrounding area. Overall the proposed lot frontage for the proposed parcel will be less than the existing average (15.65 metres whereas 24.8 metres is the average). The 48.0 metre lot depth of the subject lands is deeper than all lots except for 483 Simcoe Street. The proposed lots, although smaller than average, do fit in well with existing development and have suitable lot area and depth to accommodate comparably sized dwellings.

The relevant design and intensification policies of the Official Plan, including OPA 78 have been evaluated in this Planning Report. The completed analyses demonstrate that the proposed development conforms to necessary policy requirements and represents an appropriate intensification/infill application within this portion of the Established Residential Area. An evaluation of potential land use impacts on adjacent properties and conditions is also provided in the Streetscape Design Analysis portion of this report.

The required Planning Justification Report and inclusive Streetscape Design Analysis and Arborists Report have been submitted with these applications. Overall, the three assessments conclude that the proposed development is considered compatible and in conformity with applicable policies.

SECTION 21 – GENERAL CONSENT POLICY

Section 21.2 contains policies that must be adhered to when submitting Consent applications. An overview of conformity with these applicable policies is provided below:

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

The proposed consent is located within the Old Town Urban Area and seeks to divide a parcel of urban land for residential development purposes. There are no impacts on Agricultural lands.

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

The proposed development is contemplated on an existing urban lot. Based on preliminary review and pre-consultation, it has been determined that the property can be suitably graded and drained. There are also existing municipal services (water, sanitary) within the Simcoe Street road allowance that the proposed dwellings can be connected to.

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

The existing dwelling is connected to full municipal services and will be disconnected prior to demolition. Approval of the zoning amendment and required consent application will have no impact on the servicing of the proposed dwelling.

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

- a) The benefit versus cost; and
- b) whether the improvement required is needed on a short or long term basis.

The proposed lots will have frontage along Simcoe Street which is a Town road that is maintained year-round. The street is a rural cross section with ditches and no curbs. Aside from typical road restoration associated with new servicing laterals, no additional impacts to the roadway or required improvements are expected to be required.

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

The proposed lots are considered as infill and will be developed within the urban area. This application will not create pressure to extend the urban area boundary.

6. The size of any parcel of land created by a consent should be appropriate for the proposed use and without limiting the generality of the foregoing:

- a) The lot area and frontage should not be less than the requirements for the relevant classification in the implementing by-law.
- b) Where existing buildings are involved, the proposed new lot lines shall take into account required yard and setbacks set out in the Zoning By-law.
- c) Where land is in an urban area, any land which is fully serviced shall respect the valuable resource of serviced land and the lots created should not greatly exceed the minimum standards of the zoning by-law.

The subject lands are located within the Established Residential land use designation and the Established Residential (ER) zone. The ER does not contain minimum lot depth or minimum lot frontage requirements due to the unique and varying scale of existing lots in the established areas of the Town. Consistent with Official Plan Policy 9.3.3 c), these provisions

are to be considered and established through a site-specific Zoning By-law Amendment prior to the granting of a Consent to Sever.

The proposed lots are able to be developed within the applicable front, rear and side yard setbacks requirements of the ER Zoning, which ensures that the future development will be similar and compatible with adjacent homes.

The proposed site-specific departures from the zoning by-law are considered generally minor in nature. Aside from setting the minimum lot frontage, the other requested provisions are for increased lot coverage of 3% for uncovered and unenclosed decks, porches, balconies, decks; covered decks and porches to be permitted; minimum setback of garage from front of dwelling to 1.0m and for the doors of an attached garage not to exceed 50% of the front façade. These additional provisions will assist in the achievement of compatible and efficient development of the subject lands.

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

The introduction of the proposed lot and dwelling will not have an adverse impact on the existing transportation networks.

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

Only one (1) additional lot is contemplated beyond existing conditions. A Draft Plan of Subdivision is not required or appropriate for this proposal.

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

*A detailed overview of lotting and built for compatibility is provided in **Tables 1 & 2**, as well as the Streetscape Design Analysis included within this report.*

The proposed lots are rectangular and consistent with the surrounding neighbourhood. No irregular boundaries are contemplated or created through the development proposal.

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

A site-specific Zoning By-law Amendment is required prior to the consideration of the Consent application and will capture all site-specific departures from the Zoning By-law. Minor Variances are not required to facilitate this development.

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

No new access to higher order transportation routes is proposed.

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

The subject lands are not located within the Niagara Escarpment Area and are therefore not subject to the 2017 Niagara Escarpment Plan or Development Permit process.

OFFICIAL PLAN AMENDMENT 78

Official Plan Amendment 78 (OPA 78) was developed and approved by the Town in response to the implementation of an Interim Control By-law in the Town in 2018/2019. The Amendment sets out clear requirements for infilling and intensification within residential areas, as pressures for redevelopment increase within the municipality.

OPA 78 established twelve criteria that applications must be evaluated against when considering infilling and intensification. An overview of conformity with each of the criteria, as applicable, is provided below.

Development Criteria – Residential Infill and Intensification

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

- 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 of the street on which the property is located;

The Block of Simcoe Street between John Street West and Mary Street has inconsistent lot frontages which range between 15.06 metres and 34.45 metres.

The most similar lots to what is proposed are located east of the property at 464 Simcoe Street, 186 Mary Street and at 483 Simcoe Street. The proposed frontages for the subject lands are similar in scale to these noted lots.

- 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;

The proposed lots will facilitate the development of residential dwellings that will be similarly massed, styled and positioned with adjacent developments on adjacent lands.

The design of future dwellings will be scrutinized and assured through the Urban Design Review process associated with this development.

- 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;

Adjacent land uses on the east side of Simcoe Street range in setback between 6.19 metres and 17.22 metres. The two properties adjacent to the subject lands have setbacks of 7.5 metres and 8.0 metres. The owner has not sought any reduction in required minimum front yard setback is intends to develop the dwellings at a distance between 7.5 and 8 metres from the front lot line.

The expected setbacks are considered to be consistent with the dwellings found on the east side of the street and compatible with immediately adjacent dwellings.

- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;

The proposed lots will utilize the minimum setback of 1.22 metres for interior side yards.

- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;

Detailed design for the future dwellings has not yet been prepared. The owner has indicated that the proposed dwellings will be bungalow or bungalow design with attached garages and covered decks. This built form is consistent with recently redeveloped lots on the Block.

- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;

A Tree Preservation Plan was undertaken as part of the application preparation process for this development by Beacon Environmental Ltd. The report has recommended that ten (10) trees be protected.

The requested zoning provisions will ensure that the recommendations of this report can be upheld without encroachment into the protection areas.

- 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;

The provisions of the ER Zone limit the width of driveways to 6.0 metres. No additional width has been requested with the application. If built to the maximum width, the driveway would represent approximately 37% of the lot frontage, and would thus be subordinate to the dwelling face in terms of massing engaging with the streetscape

- h) new driveways and service connections shall be sited to minimize tree loss;

The detailed engineering design of this site will occur at a later date. Where possible and/or required, the retention of healthy and aesthetically valuable trees may be considered. It is expected that the three trees in the front yard will need to be removed to facilitate lot servicing and driveways. New trees can be added in after construction to offset this potential loss.

- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;

Grading and drainage matters will be addressed through detailed engineering.

There is no expected privacy, microclimatic or shadowing impact expected as a result of this development.

- 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;

The orientation of the lots will have no impact on public views. This existing viewshed is not significant to valuable to the neighbourhood aesthetically and will not be negatively impacted by the development of the lands. Instead, the development will contribute new massing and built form into the neighbourhood.

- k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and

No extensions to the public street network are proposed or required to support this development proposal.

- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

The existing roadway and servicing infrastructure are considered adequate to support this development.

Waste collection will continue to be provided curbside.

There is a fire hydrant located at the corner of Mary Street and Simcoe Street which will provide fire protection for the proposed lots/dwellings.

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

Schedule A-3 of the Town of Niagara-on-the-Lake Zoning By-law delineates the subject lands as being zoned as Established Residential (ER) in By-law 4316-09, as shown in **Figure 14** below.



Figure 14 - Schedule A-3 of Zoning By-law 4316-09

The Established Residential Zone is generally applied to areas of existing development throughout the Urban Areas in Niagara-on-the-Lake. As the Town is one of the older settlements in Canada, there is limited uniformity of lot fabric throughout the community.

When considering lot creation within the Established Residential (ER) Zone, a Zoning By-law Amendment is required to establish the minimum lot frontage. The submitted application proposes site-specific provisions for both the severed and retained lots, as shown on the preliminary survey sketch included as **Appendix II**.

Lot Frontage (Part 1 and Part 2)

Prior to the advancement of any application for Consent in the ER Zone, the Lot Frontage provisions must be established through a Zoning By-law Amendment.

Parts 1 and 2 will both have a lot frontage of 15.65 metres, per the provided severance sketch prepared by J.D. Barnes. Ltd.

Maximum Lot Coverage (Part 1)

An increase in lot coverage from 33% to 33% plus 3% for uncovered, covered and unenclosed porches, decks and patios is requested for each Part to provide some additional flexibility in building design.

For Part 1 the increase in lot coverage will be from 248.39 to 270.97 square metres, or an increase of 22.58 square metres.

For Part 2 the increase in lot coverage will be from 249.28 to 271.94 square metres, or an increase of 22.66 square metres.

The requested increases equate less than 250 square feet of additional coverage. This increase is considered minor and will facilitate the ability for designs to include a covered porch, deck and/or patio.

Permission for Covered Decks

Currently the General Provisions of By-law 4316-09 allow uncovered decks as permitted encroachments into required yards.

The owner is requesting the Covered Decks also be permitted. These amenity areas are common with new construction and can be found throughout the Town, including the Old Town Area. The covered portion of the deck would be counted as lot coverage, which is why the additional 3% lot coverage has been requested.

The proposed encroachment of covered decks will supplement available amenity area on each lot and will not impair drainage or landscape opportunities.

Setback of Garage from Main Façade

In order to confirm compliance with the urban design guidelines for the garage setback, the proposed Zoning By-law Amendment includes a provision that the detached or attached garage shall be setback a minimum of 1 metre from the main façade of the dwelling on the ground floor.

Maximum Width of Garage Doors

In order to confirm compliance with the urban design guidelines for the maximum width of garage doors, the proposed Zoning By-law Amendment includes a provision that the doors of an attached garage shall not occupy more than 50% of the width of the dwelling façade.

Tables 3 & 4, provided on the following pages, provides a visual assessment of Zoning Compliance within a Zoning Matrix.

Table 3: Zoning Compliance Table – Established Residential Zone (ER) – By-law 4316-09

The subject lands are zoned Established Residential (ER) Zone. The Table below demonstrates where relief is requested from the ER Zone, as well as General Provisions.

Section 7.1 Established Residential (ER) Zone	Requirement	Proposed
Permitted Uses	(a) single detached dwelling (b) bed and breakfast establishment in accordance with Section 6.5 (c) home occupation or a home profession in accordance with Section 6.24 (d) group home in accordance with Section 6.20 (e) public use (f) Accessory buildings and structures in accordance with Section 6.1 (g) Cottage rental (added by 4316AI-13, OMB PL130581, December 5, 2013)	Part 1 - Single Detached Dwelling Part 2 – Single Detached Dwelling
Required Lot Frontage And Lot Depth	As Existing	<p style="text-align: center;">Part 1</p> <p style="text-align: center;">Lot Frontage 15.6 metres Lot Depth – 48.0 metres</p> <p style="text-align: center;">Part 2</p> <p style="text-align: center;">Lot Frontage 15.6 metres Lot Depth – 48.0 metres</p>
Minimum Front Yard Setback	7.5 metres	7.5 metres
Minimum Rear Yard Setback	7.5 metres	7.5 metres

Section 7.1 Established Residential (ER) Zone	Requirement	Proposed
Minimum Interior Side Yard Setback	1.22 metres	1.22 metres
Maximum Building Height	10.0 metres	10 metres
Minimum Rear And Interior Side Yard Setback For Accessory Buildings	1.52 metres	1.52 metres
Maximum Lot Coverage	33 %	33 % + 3% for uncovered, covered and unenclosed porches, decks, and patios.
Minimum Landscaped Area	30 %	30 %

Table 4: Zoning Compliance Table – General Provisions – By-law 4316-09

Section 6.38 Parking Requirements	Requirement	Proposed
f)	For a single detached dwelling, semi-detached dwelling, duplex dwelling, townhouse dwelling unit or quadraplex dwelling unit, the driveway or aisle width shall not exceed 6.0 m (19.69 ft).	6.0 metres
Section 6.39 Parking Space Requirements	Requirement	Proposed
Parking Spaces Required	Single Detached Dwelling 2 spaces per unit	Single Detached Dwelling 2 spaces per unit
Section 6.44 Permitted Yard Projections and Encroachments	Requirement	Proposed
Unenclosed and uncovered deck, balcony, patio or steps	Front or Rear Yard – 1.5 m Side Yard – 0.6 m	Permit Covered Porches and Decks subject to the provisions of Section 6.44.

STREETSCAPE DESIGN ANALYSIS

The consideration of lot creation within the Old Town Settlement Area requires an evaluation of the existing neighbourhood and physical conditions to ensure that the proposed development does not detract from the neighbourhood's discernible characteristics and traits.

As set out in Policy 4.6 e) of the Town of Niagara on the Lake Official Plan, Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:

- Street and block patterns
- Lot frontages lot area, depth
- Building Setbacks
- Privacy and overview
- Lot grading and drainage
- Parking
- Servicing

Study Area

The Study Area for this Streetscape Analysis is shown in **Figure 15** and includes lots fronting and flanking onto Simcoe Street between John Street West and Mary Street. In total, nine (9) properties are evaluated including the subject lands and existing dwelling.

A map showing existing lotting and massing along Simcoe Street is included as **Appendix IV** to this report.

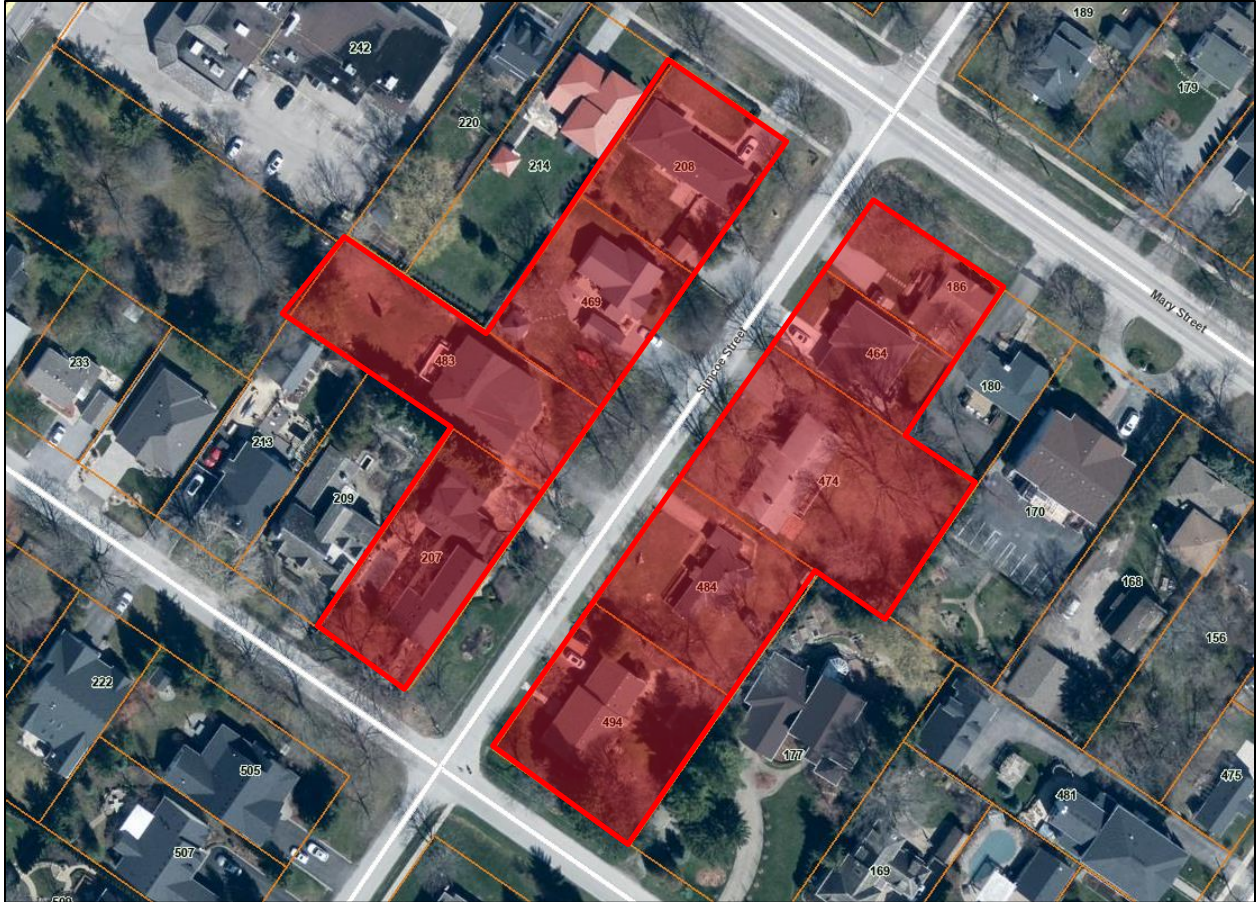


Figure 15 - Streetscape Study Area – Simcoe Street between John Street West and Mary Street

Existing and Proposed Dwellings

The street contains only single detached dwellings.

The subject lands currently contain a side split bungalow which is intended to be demolished. The proposed development lots will be developed with single detached dwellings. These dwellings are intended to be bungalow or bungalow and will have lot coverages of 36%. The proposed dwelling form is similar to that found on immediately adjacent properties to the east and west.

Street and Block Pattern

The street and block pattern in this portion of Old Town is a traditional Grid Pattern. Streets are “double loaded” with dwellings on each side. Corner lots are dominated by larger dwellings and functionally utilize their access to adjacent roadways.

The proposed dwellings will not detract from this design characteristic or the existing pattern of development.

Lot Frontage, Area and Depths

As illustrated in **Tables 1** and **2** of this Report, the proposed lots will have smaller than average lot frontage but deeper lot depths. The lot depth is an existing condition and cannot be reasonably reduced to be more similar to adjacent lots.

The proposed lot areas are generally in-between the smallest and largest lots on the block and will provide suitable area for similar sized development.

Building Setbacks

As outlined in Table 1 of this report, building setbacks along the street block vary for each lot. On the east side of the street where the subject lands are located, a general setback between 6-8 metres can be found. The proposed lots are intended to be developed with a minimum front yard setback of 7.5 metres, which falls within this range.

Privacy and Overview

Properties that are immediately adjacent to the subject lands include 464 and 484 Simcoe Street, 180 Mary Street, 170 Mary Street and 177 John Street West.

The adjacent dwellings on Simcoe street are bungalows with perimeter fencing. The existing dwelling on the subject lands is a side split bungalow that currently has views from the second floor into these adjacent yards. The development of bungalow or bungalow dwellings would lessen or negate this impact on adjacent lands. If a two-storey dwelling were to be developed, the impacts would be the same as existing conditions. Therefore, this development will not result in adverse impact on adjacent lots.

The dwellings on Mary Street are used for accommodation purposes and have parking areas in their backyards. There are no overlook issues anticipated to be created or experienced through the redevelopment of the property given the physical spacing between the yards and the adjacent structures. The retention of on-site trees will provide seasonal screening between these lots. Similarly, the dwelling at 177 John Street west backs onto the rear yard of the subject lands. Existing trees on this lot as well as those on the subject lands will provide seasonal screening, as well. Given the orientation of the properties and expected spacing between dwellings, no adverse overlook impacts should occur on either property.

Lot Grading and Drainage

The existing property has not been identified as having any existing grading or drainage issues.

Through detailed design, and as a condition of the future consent application, a preliminary lot grading and drainage plan will be prepared to ensure that new development can be adequately drained without negative impacts on adjacent lands or the existing roadside ditches.

Parking

The proposed lot frontage provides sufficient lot width for the inclusions of a car and a half garage and 6.0 metre driveway. Together, these elements provide the required minimum of two (2) parking spaces per detached dwelling.

Simcoe Street also allows for on-street parking to supplement off-street needs during gatherings and holidays.

Servicing

Town policy requires that urban development be supported on urban services including watermain, sanitary sewer and storm sewer. Consistent with this direction, both the severed and retained parcels will be provided with full municipal services.

The proposed parcel will have water and sanitary servicing connections from Simcoe Street from an existing 150 mm watermain and 200 mm sanitary sewer.

Detailed servicing plans will be developed concurrently with detailed lot and grading plans.

Analysis Conclusion

Based on the evaluated characterises of the neighbourhood block, the proposed lots and zoning criteria are expected to contribute to similar and compatible low density development on Simcoe Street.

The proposed lot configuration is logical and provides ample opportunities for development massing to be provided without overwhelming the street or adjacent properties or standing out from existing the general character of the area. The configuration will also support the retention of mature trees on the subject lands, which are characteristic of the area and streetscape.

PLANNING OPINION

An application for Zoning By-law Amendment has been submitted to facilitate a future severance within Old Town, Niagara-on-the-Lake at 474 Simcoe Street. The proposed lot is to be divided into approximately equal halves that will each be developed with a single detached dwelling. The existing two-storey dwelling will be demolished.

The proposed low-density residential use of the land is permitted by the Official Plan and Zoning By-law. Through coordinated design between the owner, architect and planning consulting team the building design and physical mass and location of the dwelling has been proposed in a manner that is consistent with other dwellings on Simcoe Street and broader surrounding area.

As demonstrated through this report, the proposed development configuration is consistent and compatible in form with surrounding development. The applicable zoning and site-specific provisions requested will facilitate compact urban lots with modest frontages, lot areas that are reasonable and appropriate for the street block and comparable permitted massing (i.e. coverage/building area).

In addition to the provided planning analysis, professional studies have been provided in support of the applications that include Stage 1 and 2 Archeological Assessments and an Arborists Report. The submitted report conclude that the subject lands are clear of archeological or natural environmental encumbrances and are readily servable for development consistent with the Policy direction outlined in the Town's Official Plan.

The requested site-specific zoning provisions pertaining to lot frontage, lot depth and increased lot coverage are appropriate for the subject lands and will not have any significant effect on adjacent properties or result in disturbances to street character.

In my professional opinion the applications for Zoning By-law Amendment and Consent satisfy the requirements set out in Sections 34 and 53 of the Planning Act, are consistent with the 2020 Provincial Policy Statement and conform to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan.

The proposed development will efficiently use urban land and existing municipal services, be compatible with the existing land uses, provide one additional housing opportunity in Old Town and overall, represents good land use planning.

Respectfully Submitted,

Revised by:

A handwritten signature in blue ink, appearing to read 'Craig Rohe', written in a cursive style.

Craig Rohe, M.Pl., MCIP, RPP
Senior Planner
Upper Canada Consultants

A handwritten signature in blue ink, appearing to read 'William Heikoop', written in a cursive style.

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

APPENDIX I

DRAFT ZONING BY-LAW AMENDMENT

**Explanation of the Purpose and Effect of
By-law X**

The subject lands are a parcel of land known municipally as 474 Simcoe Street in the Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to establish site-specific Established Residential (ER) zoning criteria to facilitate the severance the subject lands into two lots for future residential development (single detached dwellings).

Identical site-specific ER Zoning (ER-XX) is to be applied to both the severed and retained parcels, being Parts 1 and 2 respectively.

Effect

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

- Lot Frontage
- Lot Coverage
- Permit Covered Decks and Porches
- Setback of Garage
- Maximum Width of Garage Doors

<i>Applicant:</i>	name
<i>File Number:</i>	X
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x

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

474 Simcoe Street, Niagara-on-the-Lake
Roll 262701000424600

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

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

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

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

1. Schedule "B" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-law) from "Established Residential (ER)" to "Established Residential – Site Specific Zone (ER-XX)".
2. That Map A (attached to and forming part of this By-Law) be included and form part of the Town of Niagara-on-the-Lake Zoning By-law X as "Figure X: 474 Simcoe Street";
3. That Subsection XX.X.XX, Site Specific provisions is hereby further amended by adding the following:

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

- a) Minimum Lot Frontage – 15.6 metres
- b) Maximum Lot Coverage of 33% plus 3% for uncovered, covered and unenclosed porches, decks and patios in the ER Zone.
- c) That covered porches and decks are permitted subject to the requirements of Section 6.44 for unenclosed and uncovered porches, decks, balconies, patios and steps.

- d) Detached or attached garages shall be setback a minimum of 1 metre from the main façade of the dwelling on the ground floor.
- e) The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade.

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

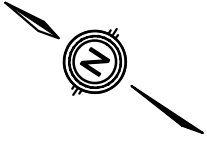
READ A FIRST, SECOND AND THIRD TIME THIS X DAY OF X, 2023.

LORD MAYOR

TOWN CLERK

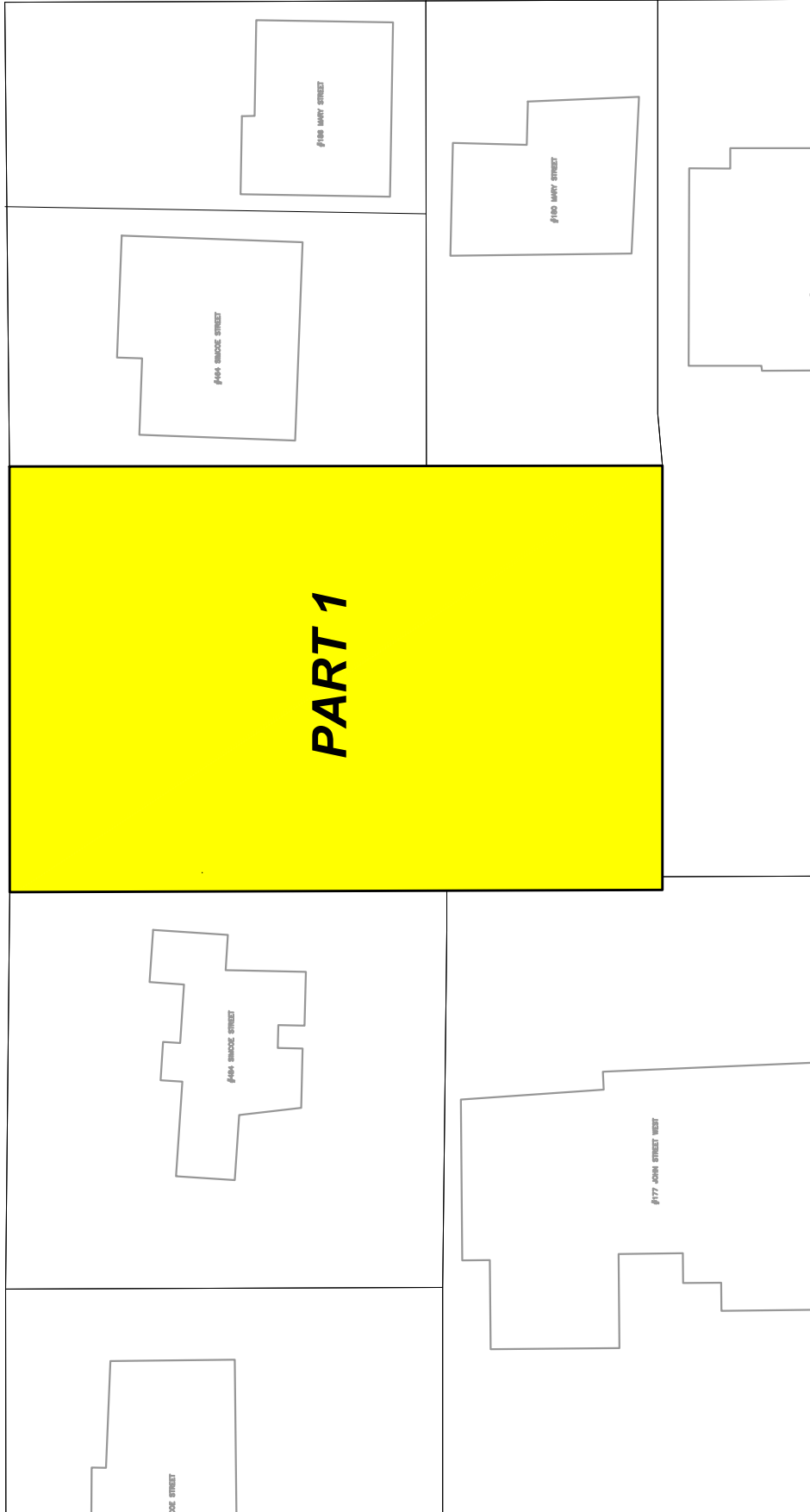
DRAFT

<i>Applicant:</i>	name
<i>File Number:</i>	x
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x



MARY STREET

SIMCOE STREET



LEGEND



PART 1 - ESTABLISHED RESIDENTIAL (ER) TO ESTABLISHED RESIDENTIAL SITE SPECIFIC (ER-XX)

474 SIMCOE STREET

MAP 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

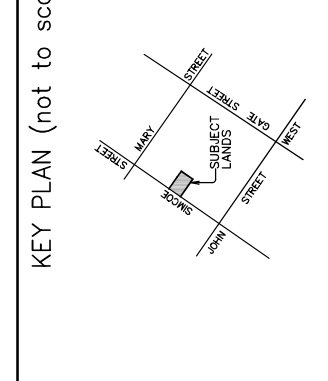


APPENDIX II

DRAFT SEVERANCE SKETCH

NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY
 SKETCH FOR PLANNING PURPOSES ONLY
474 SIMCOE STREET
 TOWN OF NIAGARA-ON-THE-LAKE
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 300

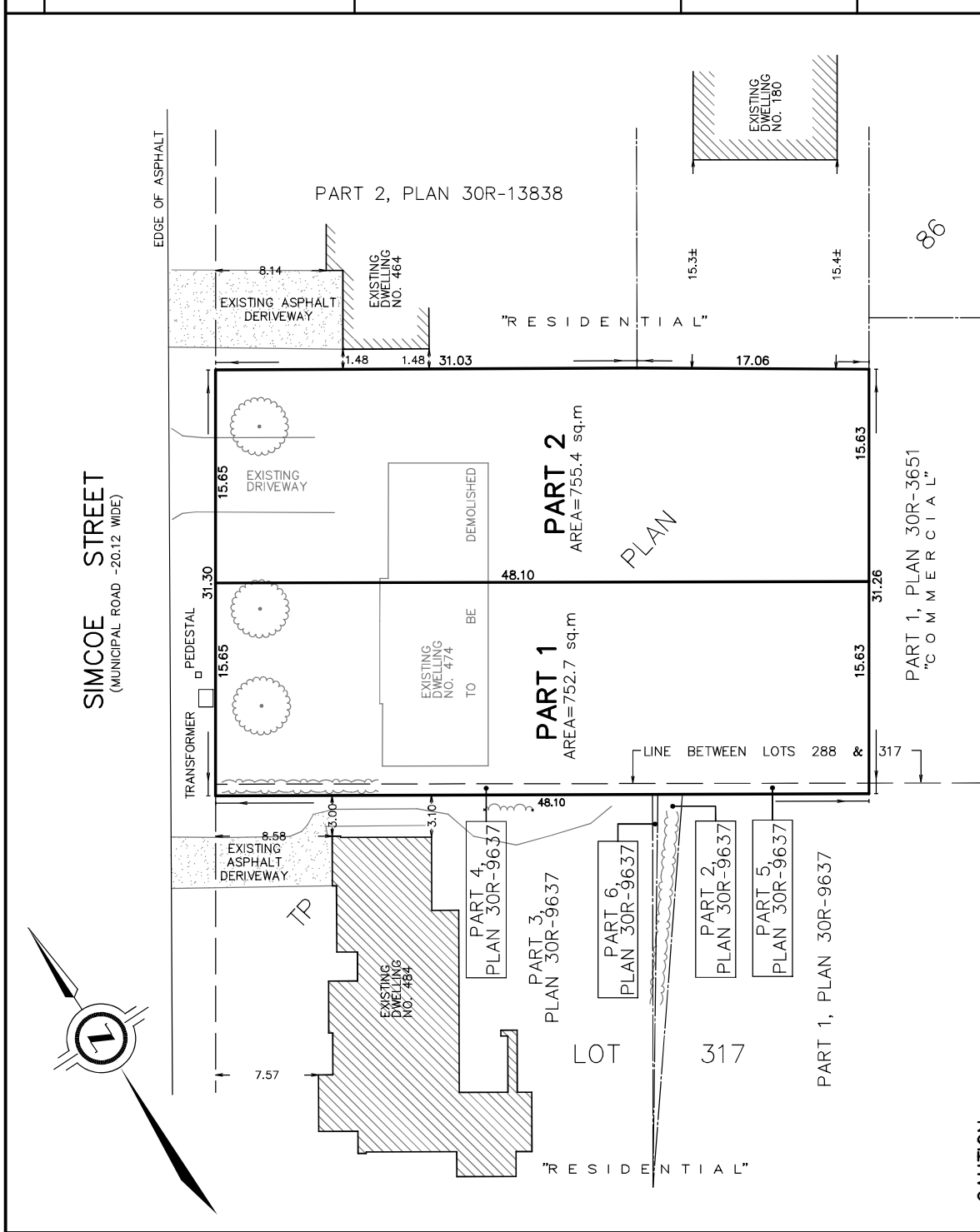
5 0 5 10 20 metres
J.D. BARNES LIMITED
 © COPYRIGHT 2023
METRIC NOTE
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048



TOWN OF NIAGARA-ON-THE-LAKE
LEGAL DESCRIPTION
 PART OF LOTS 288 & 317, TP PLAN 86
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE
 RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN
 OF SURVEY.
 SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM
 AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

JULY 28, 2023
 DATE
 ALLAN J. HEYWOOD
 ONTARIO LAND SURVEYOR

J.D. BARNES
 SURVEYING
 MAPPING
 GIS
 4515 WARDEN AVENUE, UNIT 10, BRAMPTON, ON L6Y 4K4
 T: (905) 336-6693 F: (905) 336-6231 www.jdbarnes.com



CAUTION
 (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
 THE PURPOSE INDICATED IN THE TITLE BLOCK.
 (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

APPENDIX III

PRE-CONSULTATION AGREEMENT



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

www.notl.org

Date of Pre-consultation meeting: March 3, 2022

Fee collected: \$1,110

(Office Use Only)

Pre-Consultation Agreement

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

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

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

1. Application Type (select all that apply)

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

2. Details of the Subject Lands

Municipal Address 474 Simcoe Street	Assessment Roll Number 262701000424600	
Legal Description Plan 86 PT Lot 288 PT Lot; 317 RP 30R-9637		
Lot Area (metric) 1,504sq.m.	Lot Frontage (metric) 31.31m	Lot Depth (metric) 48.07m

3. Registered Owner

Name(s) 1814004 Ontario Inc.	Company Name DF Design Build
Email davefunk@dfdesignbuild.com	Telephone (905) 359-7522

4. Authorized Agent

Name William Heikoop	Company Name Upper Canada Consultants
Email wheikoop@ucc.com	Telephone (905) 688-9400

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

5. Details of the Proposal

Provide a description of the proposal, including any specific amendments or relief being requested:
 The proposed development will contain two single-detached dwellings. The applicant is proposing to apply for a Zoning By-law Amendment and Consent in order to seek relief from the minimum lot frontage, depth and maximum lot coverage zoning provisions of the ER zone for the creation of two parcels.

6. Provincial Planning, Official Plan, and Zoning Information	
Identify the applicable Provincial Plan designations that apply to the subject lands: <input type="checkbox"/> Specialty Crop Area <input checked="" type="checkbox"/> Built-Up Area <input type="checkbox"/> Greenfield Area <input type="checkbox"/> Niagara Escarpment Plan Area	
Does this application conform to the applicable Provincial Plans? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Niagara Regional Official Plan Designation(s) of the subject lands: Built-Up Area, Urban Area	
Does this application conform to the Niagara Regional Official Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
Existing Town of Niagara-on-the-Lake Official Plan Designation(s) of the subject lands: Established Residential	
Does this application conform to the Town of Niagara-on-the-Lake Official Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed: Subject to policies outlined in Section 6A(4) and 9.3.3(3) of the Town OP.	
Existing Town of Niagara-on-the-Lake Zoning of the subject lands: Established Residential (ER) Zone	
Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe the nature of the amendment needed: New proposed lots do not meet the ZBL requirements for frontage, depth and lot coverage.	
7. Site Plan Control	
Is Site Plan Approval required for the proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is there an existing Site Plan Agreement that applies to any portion of the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8. Archaeology and Municipal Heritage	
Is any portion of the subject lands within an area of archaeological potential? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands designated under the <i>Ontario Heritage Act</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Niagara Peninsula Conservation Authority (NPCA)	
Is any portion of the subject lands within an NPCA regulated area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Parkland Dedication and Development Charges	
Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> ? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are Town Development Charges applicable to the proposal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. Agencies to be Circulated on the Application (subject to change)	
<input checked="" type="checkbox"/> Niagara Region <input type="checkbox"/> Niagara Escarpment Commission <input type="checkbox"/> NPCA <input type="checkbox"/> Niagara Parks Commission <input checked="" type="checkbox"/> Enbridge Gas <input checked="" type="checkbox"/> TransCanada Pipelines <input checked="" type="checkbox"/> Bell Canada <input checked="" type="checkbox"/> NOTL Hydro <input checked="" type="checkbox"/> Hydro One <input checked="" type="checkbox"/> Canada Post <input type="checkbox"/> Parks Canada <input checked="" type="checkbox"/> Local School Boards <input type="checkbox"/> Other: _____	

12. Plans, Reports, and Information Required for a Complete Application	
Notwithstanding the plans, reports, and information noted below, Staff reserve the right to request additional plans, reports, and information, if applicable. All plans, reports and information are subject to peer-review at the applicant's cost. At the time of submission of an application, all accompanying plans, reports, and information may become part of the public record.	
Reports/Studies	Notes
<input checked="" type="checkbox"/> Planning Justification Report / Impact Analysis	Sections 6A(4) and 9.3.3(3)
<input checked="" type="checkbox"/> Streetscape Study	
<input type="checkbox"/> Transportation Impact Study	
<input type="checkbox"/> Parking Impact Analysis	
<input checked="" type="checkbox"/> Archaeological Assessment and Ministry letter(s)	Stage 1-2 Archaeological Assessment
<input type="checkbox"/> Cultural Heritage Impact Assessment	
<input type="checkbox"/> Environmental Impact Study	
<input type="checkbox"/> Environmental Site Assessment	
<input checked="" type="checkbox"/> Arborist Report / Tree Inventory	Subject to Tree By-law for removal of trees
<input type="checkbox"/> Functional Servicing Report	
<input type="checkbox"/> Stormwater Management Report	
<input type="checkbox"/> Land Use / Market Study	
<input type="checkbox"/> Urban Design Brief	
<input type="checkbox"/> Geotechnical Study	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Slope Stability Report	
<input type="checkbox"/> Air, Noise, and Vibration Emissions Study	
<input type="checkbox"/> Agricultural Impact Assessment	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
Plans/Drawings	Notes
<input type="checkbox"/> Site Plan	
<input type="checkbox"/> Landscape Plan and Planting Plan	
<input type="checkbox"/> Building Elevations	
<input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations	
<input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas)	
<input type="checkbox"/> Photometric Plan / Lighting Plan	
<input type="checkbox"/> Draft Plan of Subdivision	
<input type="checkbox"/> Draft Condominium Description	
<input type="checkbox"/> Servicing Plan	
<input type="checkbox"/> Preliminary Grading Plan	
<input type="checkbox"/> Lot Grading and Drainage Area Plan	
<input checked="" type="checkbox"/> Consent Sketch	
<input type="checkbox"/> Minor Variance Sketch	
<input type="checkbox"/> Fence/Sign Variance Sketch	
<input type="checkbox"/> Reference Plan / Registered Plan	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

Town of Niagara-on-the-Lake
Pre-Consultation Agreement

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

13. Application Fees

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

Application Type	Town Planning	Niagara Region	NPCA	Town Operations	Other
Official Plan Amendment					
Zoning By-law Amendment	\$8,110				
Draft Plan of Subdivision					
Draft Condominium Description					
Site Plan					
Consent	\$2,835				
Minor Variance					
Fence/Sign Variance					
LNCU Permission					
Pre-Consultation Fee Deduction	-\$1,110				
Other: _____					

14. Additional Comments

Heritage Comments:

- The entire property is within the zone of archaeological potential
- No previous archaeological assessment reports done for the subject property in the Town's records
- A Stage 1-2 Archaeological Assessment will be required for the entire property per OP policies 18.5 (1) (2) and (4) as it deals with land severance, future development on the lots, and is within the Niagara Old Town urban area.

Operations Comments:

- Property fronts 150mm PVC WM and 200mm AC SAN
- Existing services to lot:
 - 5/8" copper water service (1967)
 - 4" asbestos cement (1969)
- Both existing services will conflict with proposed PL and must be replaced
 - Existing services must be disconnected and capped at mains
- New services required for Part 1 and Part 2 - water service & sanitary (conditional)
- Entrance permits required for Part 1 and Part 2 (conditional)
- Existing road allowance 20m (+/-)
 - No widening required

15. Additional Notes

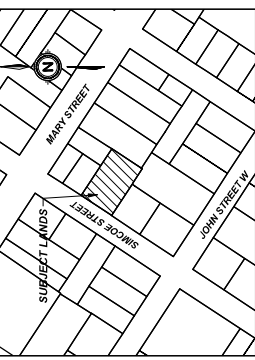
- i. The purpose of this Pre-consultation Agreement is to identify the information required to process and evaluate an application, as set out in the *Planning Act, R.S.O. 1990, c. P.13, as amended*. This pre-consultation process is designed to proceed based on the mutual agreement of the parties who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

16. Signatures of Attendees			
I have read, understand, and agree to all of the content provided in this Pre-consultation Agreement:			
Position/Title	Name	Signature	Date
Planner	Victoria Nikoltcheva		Mar 3, 2022
Planning Manager	Mark Iamarino		Mar 3, 2022
Development Coordinator	Scott Turnbull		Mar 3, 2022
Secretary-Treasurer, CoA	Natalie Thomson		Mar 3, 2022
Operations Staff	Kiefer Paton		Mar 3, 2022
Regional Staff			
NPCA Staff			
Other Staff: <u>Planning Tech</u>	Darka Jensen		Mar 3, 2022
Other Staff: _____			
Other Staff: _____			
Registered Owner	William Heikoop		Mar 3, 2022
Authorized Agent			
Other: _____			
Other: _____			
Other: _____			

<p>APPLICATIONS MUST BE SUBMITTED TO:</p> <p>Town of Niagara-on-the-Lake Community & Development Services 1593 Four Mile Creek Road PO Box 100 Virgil, ON L0S 1T0</p>	<p>Phone: (905) 468-3266 Fax: (905) 468-0301 Website: www.notl.org</p>
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APPENDIX IV
STREETScape CONDITIONS MAP

474 SIMCOE STREET NIAGARA-ON-THE-LAKE



KEY PLAN
N.I.S.

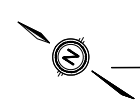
CONCEPT PLAN

LAND USE SCHEDULE		% COVERAGE	
AREA	m ²	AREA	%
RESIDENTIAL	24,280	24,280	23.12
COMMERCIAL	2,000	2,000	1.91
INDUSTRIAL	2,000	2,000	1.91
TOTAL	10,000	10,000	100.00

ISSUED FOR REVIEW	REVISION	DATE	INIT
0		2022.01.6	
1			
2			



DRAWING TITLE	STREETSCAPE ANALYSIS
DRAFTING	AW
DATE	JANUARY 6, 2021
PRINTED	AUGUST 10, 2023
SCALE	1:200
DWG. No.	21273_SSA
REV	0



MARY STREET

SIMCOE STREET

JOHN STREET WEST

