



Planning Justification Report

Official Plan Amendment, Zoning By-Law Amendment & Draft Plan of Vacant Land Condominium

Lands South of 419 Line 1 Road, Town of Niagara-on-the-Lake

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to 1834489 Ontario Inc, (Owner) of approximately 13,160 square metres (1.31 ha) of land in the Town of Niagara-on-the-Lake, with no municipal address but known as the Lands South of 419 Line 1 Road (Subject Lands). NPG has been retained to provide professional planning advice on Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium proposing the creation of fifty (50) townhouse dwelling units, 1-2 storeys in height, on a private road. The townhouse units are arranged in two blocks of four units, two blocks of six units, and six blocks of five units.

Implementation of the proposed development requires an Official Plan Amendment and Zoning By-law Amendment. The Official Plan Amendment is required to redesignate the Subject Lands from “Low Density Residential” to a residential exception designation “EX-RES-##”. The Site-Specific exception proposes a “Medium Density Residential” designation with a density of 38.2 units per hectare. The Zoning By-law Amendment is required to rezone the lands from Residential Development (RD) to a Site-Specific Residential Multiple 1 Zone (RM1-XX) with site specific relief related to lot frontage, minimum lot area per unit, maximum lot coverage, minimum front yard setback from a private lane, minimum interior side yard setback, minimum rear yard setback at the rear of a dwelling unit, minimum distance between buildings on the same lot, and minimum distance between any townhouse dwelling unit and a private roadway and parking area.

Section 6.23 of the Town’s Official Plan requires a Planning Impact Analysis for any Official Plan Amendment or Zoning By-law Amendment. The planning analysis is required “to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. This Planning Justification Report (PJR) provides an analysis of the proposed applications. It evaluates the appropriateness of Applications for Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Vacant Land Condominium when assessed against policies in the Provincial Policy Statement (PPS), Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (NOP), the Town of Niagara-on-the-Lake Official Plan (Town OP) and the Town of Niagara-on-the-Lake Zoning By-law No. 4316-09 (Town Zoning By-law).

The proposed applications would facilitate residential development which will make efficient use of Greenfield lands close to the Virgil core. The proposal facilitates the increase of housing supply in the Town of Niagara-on-the-Lake by providing for a built form facilitating gentle density in Virgil.

Sections 5.1, 5.2, 5.3, 5.4 and 5.5 of this report present an analysis of the proposed Applications within the provincial and regional planning policies. Section 5.6 of this report discusses the proposal’s conformance with the general intent and objectives of the Town OP while Section 6.0 and 7.0 provides justification for approval of the applications for the proposed Official Plan Amendment and Zoning By-Law Amendment.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located within the Virgil settlement area in the Town of Niagara-on-the-Lake, with frontage along Line 1 Road between Concession 6 Road and Oakley Drive (see **Figure 1 – Aerial Context**). Line 1 Road is designated as a Collector Road according to Schedule G of the Town OP. The Subject Lands were severed from the existing dwelling at 419 Line 1 (Consent B-16/22). The property is irregular in shape with a frontage of 15.24 metres, lot depth of approximately 250 metres, and a total area of 1.316 hectares. A road widening of 2.95 metres is required along the frontage of the property, which reduces the lot area to 1.311 hectares. The Subject Lands were previously used for farming and are currently vacant. No natural heritage features have been identified on the Subject Lands. The Subject Lands have not been identified as having archaeological potential according to Schedule K of the NOP or Schedule H of the Town OP. The Subject Lands are currently zoned Residential Development (RD), which permits existing uses with existing zone requirements. Lands zoned RD are intended to be developed for residential purposes with an appropriate zone category established through a Zoning By-law Amendment Application.

The Subject Lands are in an area transitioning from agricultural uses to residential uses, being the northwest quadrant of the urban area (bound by Line 1 Road to the north and Concession 6 Road to the west). Single detached dwellings exist immediately north of the Subject Lands on the south side of Line 1 Road, and to the west along the east side of Concession 6 Road. Lands immediately east are agricultural (vineyards).

A stormwater management pond exists east of the adjacent vineyards, fronting onto the west side of Oakley Drive, built as part of the Konik Estates Subdivision. Konik Estates also extends south of the Subject Lands, including the extension of Homestead Drive to Concession 6 Road, and the townhouse condominium development on Peachtree Lane, Sunhaven Lane and Springcrest Lane (“Peach Tree Landing”). Portions of the Peachtree Landing condominium development are complete, with townhouses occupied, while some dwellings are still under construction. Please see Photos 9 – 10 for visual context on the Peachtree Landing development.

East of Oakley Drive is the subdivision known as Settler’s Landing, consisting of lots for single detached dwellings on Harvest Drive, Plantation Drive, Homestead Drive and Oakley Drive. The first phase of Settler’s Landing is built out while the second phase has been serviced with some homes under construction. Homestead Park was also expanded as part of Settler’s Landing Subdivision.

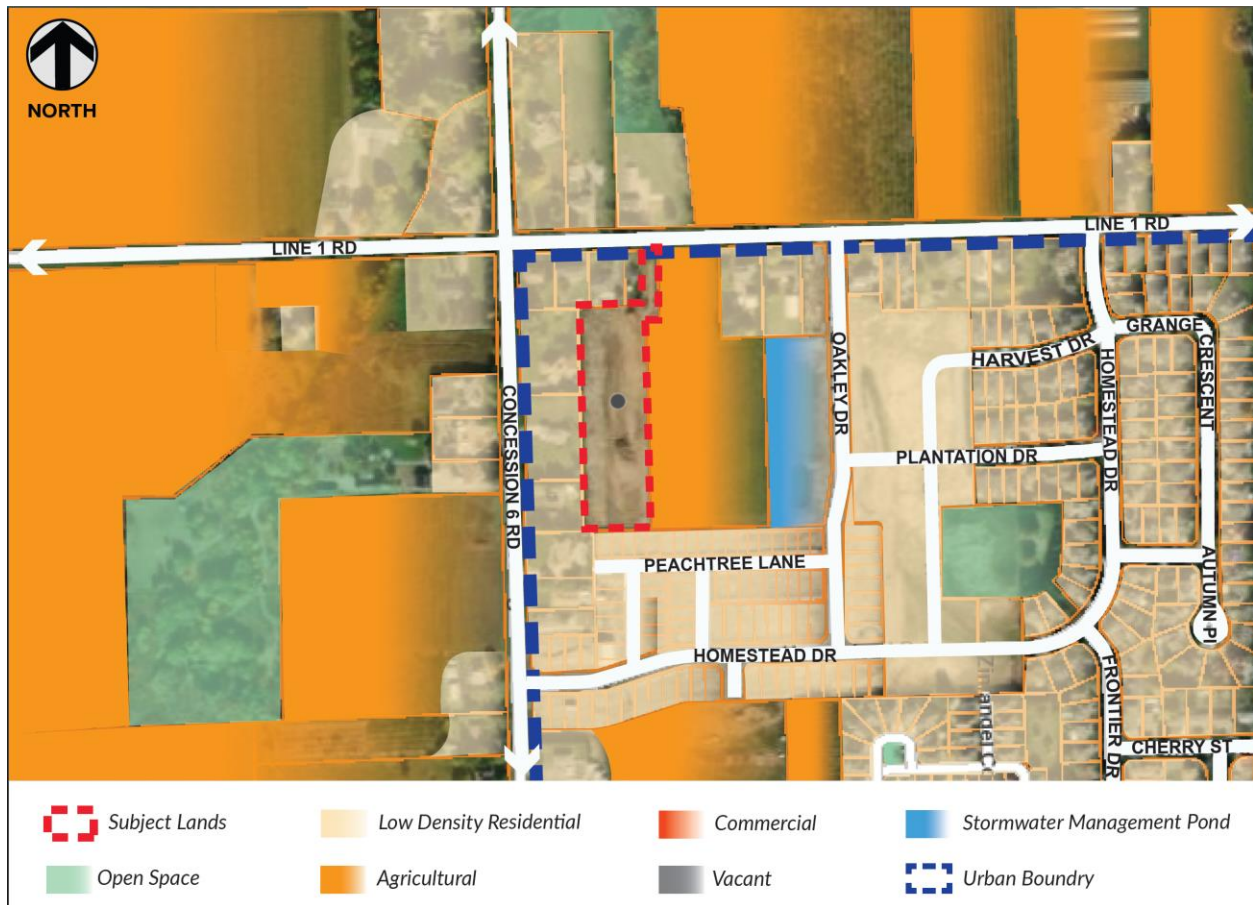


Figure 1 - Aerial Context

The site is located within one kilometre of Virgil’s commercial, recreational, and institutional area, allowing for ease of access to shopping, recreational, and civic opportunities in the community (see **Figure 2 – Community Amenities**). The Subject Lands are located 700 metres north of Crossroads Public Elementary School and one kilometre north St. Michael’s Catholic Elementary School. There are no public secondary schools located within the Town of Niagara-on-the-Lake. Vineridge Academy, a private education facility which offers secondary school programs is located 3 kilometers from the Subject Lands, provides an option for secondary education within the Town. Niagara Student Transportation Services provides transportation for secondary school students in Niagara-on-the-Lake to attend secondary schools in St. Catharines or Niagara Falls.

The Subject Lands are located within a Designated Greenfield Area according to the NOP, which is planned to be a complete and compact community with a range of land-uses and a development pattern that is orderly and contiguous with the existing built-up areas, as set out in Policy 2.2.2.25. Further, the Subject Lands are located near Niagara Stone Road and Four Mile Creek Road, both of which are part of the Region’s Strategic Cycling Network. Niagara Stone Road and Four Mile Creek (southeast of the intersect with Niagara Stone Road) are regional arterial roads (see **Appendix A – Regional Schedules**). There are no public transit services in proximity to the Subject Lands.

- North:** Single-detached dwellings on Line 1 Road
- South:** Planned Residential Subdivision, including Peachtree Landing Condominium (Konik Estates)
- East:** Agricultural/Vacant, Planned Residential Subdivision (Konik Estates and Settler's Landing)
- West:** Single-detached dwellings on Concession 6 Road

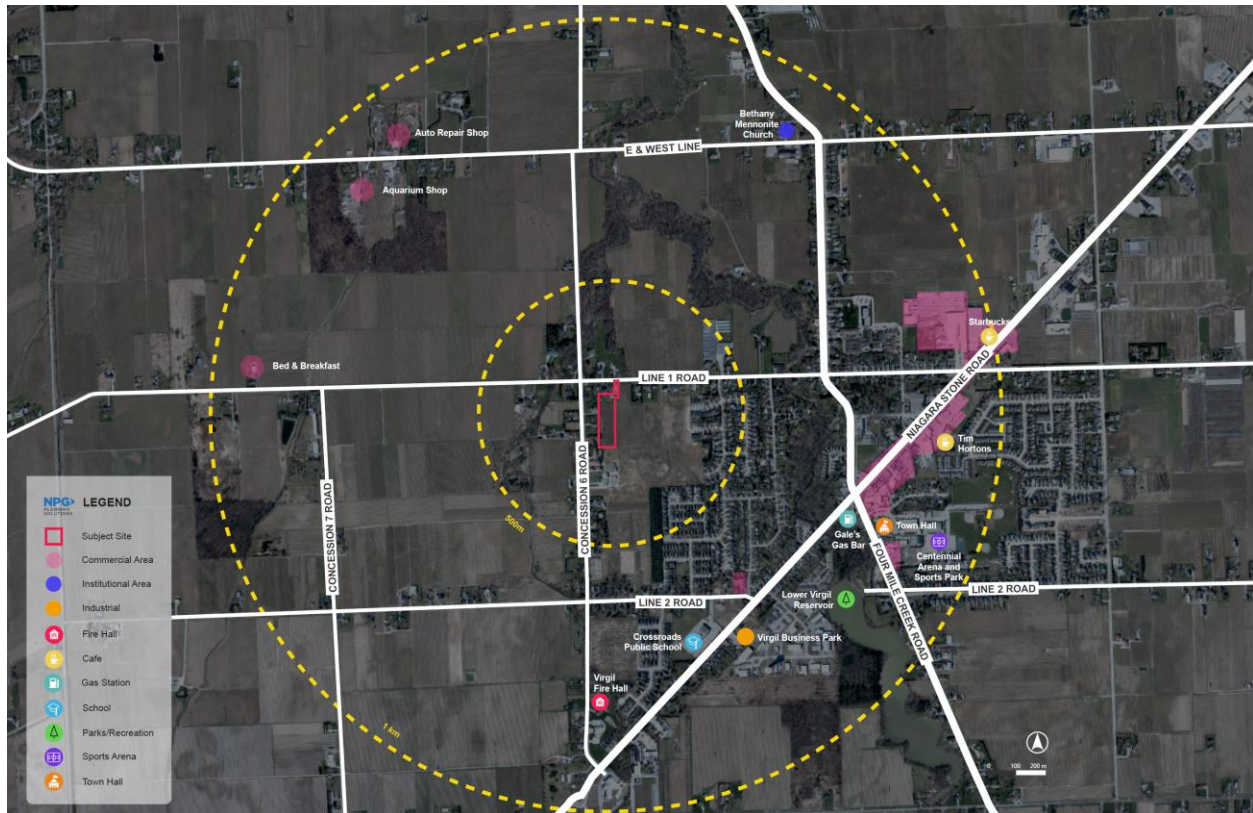


Figure 2 - Community Facilities

Please see Photos 1 – 10 for visual context of the Subject Lands. Photos were taken during a site visit on December 4, 2023.



Photo 1. View of the entrance of Subject Lands from Line 1 Road. The proposed private roadway is proposed to be in a similar location to the existing gravel path.



Photo 2. View of the single detached dwelling located at 419 Line 1 Road.



Photo 3. View facing southeast from Line 1 Road towards the vacant parcel abutting to the east of the Subject Lands.



Photo 4. View facing west from the eastern lot line of the Subject Lands. In the centre is the rear of the garage at 417 Line 1 Road. Of note is the recently constructed 6-foot (1.8 metre) wood board screening fence which runs along the north, west and southern property lines of the Subject Lands.



Photo 5. View facing southwest from the eastern lot line of the Subject Lands. The rear of 1621 Concession 6 Road and 1601 Concession 6 Road are visible in the background.



Photo 6. View facing southwest from the centre of the Subject Lands. Recently developed townhouses fronting on Peachtree Lane are visible on the left side of the photo.



Photo 7. View facing northwest from the southeasternmost corner of the Subject Lands.



Photo 8. View facing west from Oakley Drive towards the Subject Lands in the background. The existing stormwater management pond along Oakley Drive is in the forefront.



Photo 9. View facing west along Peachtree Lane from the intersection of Peachtree Lane and Sunhaven Lane. The townhouse dwellings pictured about the south property line of the Subject Lands.



Photo 10. View facing west along Peachtree Lane from Oakley Drive.

3.0 Proposed Development

Applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium are proposed to facilitate the development of ten (10) townhouse blocks consisting of a total of 50 townhouse dwelling units on a private road. The dwelling units will be predominantly 2 storeys, constructed to a maximum height of 10 metres. The development has an overall density of 38.2 units per hectare. See **Figure 3** below for the Concept Plan. The Vacant Land Condominium Plan will consist of 50 Units for the proposed townhouse dwellings, and Common Element Areas for a private road, visitor parking areas, and common landscaping areas.

A private road 6 metres in width is proposed to enter the site from Line 1 Road, to serve each townhouse dwelling. The private road contains an 'S-bend' to jog west and then south to serve the development. The townhouse dwellings are provided via six blocks of five units (Units 1-5, 6-10, 11-15, 16-20, 35-39, and 40-44), two blocks of four units (Units 21-24 and 25-28) and two blocks of six units (Units 29-34 and 45-50). Several lot areas are proposed, ranging between 143.1 square metres and 173.2 square metres. Each unit will feature between 6.39 metres and 7.75 metres of frontage on the private road. Common Elements for servicing will be provided by the way of a 3-metre strip along the frontage and a 2 metre strip along the rear property line of each dwelling unit. Please see Draft Plan of Condominium – **Appendix F** for more information.

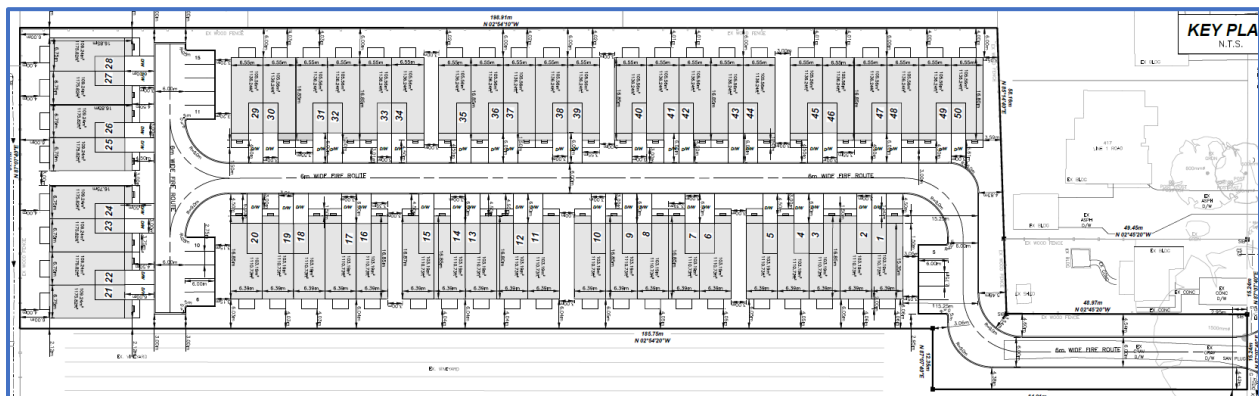


Figure 3. Concept Plan

Due to the S-bend in the private road, the nearest townhouses will be setback approximately 50 metres from Line 1 Road and will be screened by the dwellings at 419 Line 1 Road and 417 Line 1 Road. Each townhouse will be setback 4.5 metres from the private road. Each townhouse will feature a private driveway 6.0 metres in length providing access to a private garage, 6.1 metres in length and 3.0 metres in width. All townhouse units will feature a 6.0 metre private rear yard measured from the rear wall of the dwelling to the existing east, west, and southern property lines. Each unit will also feature a covered rear yard deck, 2.0 metres in length and approximately 3.2 to 3.5 metres in width. The rear yard setback measured to this deck is 4.0 metres.

Parking for the townhouse units is to be provided via 2 parking spaces per unit to be provided in tandem (garage and driveway). An additional 15 visitor parking spaces are provided (3 pods of 5 spaces) for a total of 115 parking spaces on site.

A Draft Plan of Vacant Land Condominium is proposed to facilitate the condominium form of the Subject Lands. The Draft Plan proposes the private road and parking areas to be common elements for the condominium. A 3 metre common elements strip is proposed along the frontage of each dwelling unit with an exclusive use area 9 square metres in size proposed for driveways for all units. A 2 metre common elements strip is proposed along the rear for servicing.

An Official Plan Amendment is required to redesignate the Subject Lands from “Low Density Residential” to a residential exception designation “EX-RES-###”. The Site-Specific exception proposes a “Medium Density Residential” designation with a density of 38.2 units per hectare. A Zoning By-law Amendment is required to rezone the lands from Residential Development (RD) to a Site-Specific Residential Multiple 1 Zone (RM1-XX) with site specific relief related to lot frontage, minimum lot area per unit, maximum lot coverage, minimum front yard setback from a private lane, minimum interior side yard setback, minimum rear yard setback at the rear of a dwelling unit, minimum distance between buildings on the same lot, and minimum distance between any end wall of a dwelling unit and a private roadway and parking area. More details regarding the site-specific provisions can be found in Section 7.0 of this report.

4.0 Pre-Consultation and Supporting Studies

4.1 Pre-Consultation Summary

A pre-consultation meeting was held on June 1, 2023, regarding the Applications. Included in the meeting were Regional Staff, Town Staff, the Owner, and NPG Planning Solutions Inc. There were no concerns raised regarding general conformity with Provincial and Regional policies.

Town Staff indicated that residential density targets within the Town OP apply to the proposal. Per the Town OP, Staff advised that any developments proposing to exceed the density targets must be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development. This analysis is contained within Section 5.6.3 of this report.

Staff also requested the Growth Management policies of the OP be addressed within the PJR. Analysis of these policies is contained in Section 5.6.2 of this report.



Town Operations staff advised that the current road allowance is deficient of the designated width of 26 metres and the Town will require a 2.95 road widening across the frontage. This has been incorporated into the site design (see Figure 3 - Concept Plan). Operations staff also advised that there are existing services on Line 1 Road that the development can connect to.

The pre-consultation notes indicated the following requirements at the Official Plan Amendment and Zoning By-law Amendment and Draft Plans of Vacant Land Condominium stage:

- Planning Justification Report
- Environmental Site Assessment (with Soil Sampling Analysis)
- Functional Servicing Report (with Sanitary Analysis discussion)
- Stormwater Management Report
- Site Plan
- Draft Plan of Condominium
- Lot Grading and Drainage Area Plan

The above has been included in this submission. Supporting studies are analyzed in Sections 4.2 to 4.4 of this PJR. A landscape plan, photometric plan, draft condominium description, and a servicing plan will all be provided through the fulfillment of the condominium description.

4.2 Phase One Environmental Site Assessment

A Phase One Environmental Assessment (ESA) report dated October 2, 2023, was prepared by Andre Breberina P. Geo for the Subject Lands. The Phase One report assessed any known and potential environmental contamination which may exist on a property.

The Phase One ESA stated:

- As the lands were developed as a tender fruit orchard from 1934-2020 pesticides were used for crop protection which may have affected the land.
- No other potentially contaminating activities were identified on the Site or within the study area and no areas of potential environmental concern were identified on the Site.
- Based on the historical use of pesticides, a Phase Two ESA is recommended.

4.2 Phase Two Environmental Site Assessment

A Phase Two Environmental Site Assessment report dated February 15, 2024, was prepared by Andre Breberina P. Geo to analyze soil conditions based on the historical use of pesticides on the property.

The Phase Two ESA stated:

- Eleven soil samples were taken from test holes dug to 30 centimeters at random locations across the Subject Lands.

- Soil conditions consisted of approximately 0.04 m of grass sod overlaying silt
- sand to clayey silt sand to the depth of investigation.
- The soil investigation determined that concentrations of organochlorine pesticides met applicable MECP criteria.
- No further investigation was warranted.

4.3 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by Upper Canada Consultants, dated January 2024, regarding the proposed development. The FSR provides the following:

- The proposed development will connect to the existing 250mm diameter watermain and 250mm sanitary sewer both located on the south side of Line 1 Road.
- The Subject Lands feature an estimated peak domestic flow of approximately 1.49 L/s. A future private fire hydrant is expected to provide a theoretical fire flow of 135 L/s. Therefore, there is expected to be adequate capacity within the existing 250mm diameter watermain on Line 1 Road to supply both domestic water and fire protection for the subject lands.
- The Subject Lands feature an estimated total peak sanitary flow of 2.50 L/s, utilizing approximately 8.7% of the full flow capacity of the existing 250mm diameter sanitary sewer on Line 1 Road. Therefore, there is expected to be adequate capacity in the receiving sanitary sewer system to service the Subject Lands.

4.4 Stormwater Management Brief

A Stormwater Management Brief (SMB) was prepared by Upper Canada Consultants to address the stormwater management requirements for the proposed development. The SMB is contained within Appendix C to the FSR, dated January 2024. The SMB provides the following:

- The Subject Lands were included within the 4.94 hectare “future” drainage area from the Konik Estates Stormwater Management Plan.
- In the 5-year design storm event, future peak stormwater flows are conveyed via the storm sewer system that was constructed on Line 1 Road and Concession 6 Road as part of the Konik Estates Subdivision.
- In a major storm event (greater than the 5-year design storm), stormwater flows from the Subject Lands will surcharge the storm sewer system and be conveyed overland to Outlet A, with the minor flows continuing to discharge directly to Outlet B of the Konik Estates Subdivision.
- It is proposed to provide on-site stormwater storage to control future 5-year stormwater flows to the allowable runoff coefficient of 0.45. Stormwater quantity controls are required to maintain the allowable runoff coefficient.

- At the modified runoff coefficient of 0.45, the existing downstream storm sewers utilize a maximum of 80.7% of the full flow capacity. Therefore, there is adequate capacity within the existing storm sewer system to receive the controlled 5-year design storm flows.
- Stormwater quality protection is proposed via a Hydroworks HD 4 stormwater oil/grit separator or approved equivalent in the proposed development.

4.5 Condominium Plan

The Applications include Draft Plan of Vacant Land Condominium. The Draft Plan prepared by Upper Canada Consultants, dated January 5, 2024, consists of 50 Units for the proposed townhouse dwellings, and Common Element Areas for a private road, visitor parking areas, and common landscaping areas. Each unit will feature a 9 square metres exclusive use area for driveways. A 2 metre wide Common Elements area will be provided at the rear of each dwelling unit for servicing.

5.0 Planning Policies and Legislation

This PJR provides a thorough analysis of the proposed development and evaluates the appropriateness of advancing applications for OPA, ZBA and Plan of Condominium in the context of the *Planning Act*, the PPS, the Greenbelt Plan, the Growth Plan, the NOP, and the Town OP. The following provides an overview and thorough analysis of these documents in the context of the proposed development.

5.1 Planning Act

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

Matter of Provincial Interest	Analysis
<i>(h) the orderly development of safe and healthy communities;</i>	Section 1.0 of the PPS includes policies regarding building strong healthy communities. As described in Section 5.2 of this PJR, the Applications are consistent with the PPS.
<i>(j) the adequate provision of a full range of housing, including affordable housing;</i>	The proposed applications would facilitate the development of townhouse dwelling units increasing the housing stock in Virgil.
<i>(p) the appropriate location of growth and development;</i>	The Subject Lands are located within the Urban Area and are designated for residential development.
<i>(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;</i>	There are no fixed transit routes in Virgil. The Town of Niagara-on-the-Lake is serviced by on-demand transit. On-demand transit is a shared-ride public transit service without a fixed

	<p>schedule or route. Should the Town choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. The Subject Lands are in proximity to Niagara Stone Road, creating demand at an appropriate locating near future transit may be accommodated.</p>
<p>(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;</p>	<p>The immediate neighborhood consists of one-storey to two-storey single-detached dwellings and townhouses. The proposed development facilitates a built-form compatible with the existing neighbourhood.</p> <p>The proposed development will feature covered porches and recessed garages facilitating “eyes-on-the-street” facilitating a pedestrian friendly and well-designed built form.</p> <p>The compact form of the development provides supports the creation of high quality and safe spaces.</p>
<p>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.</p>	<p>The compact built form and shared walls between units are anticipated to reduce heating and cooling demands, and consequently the necessity to consume fossil fuels.</p>

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

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan. Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

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

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

Section 9(2) of the *Condominium Act, 1998, S.O. 1998, c. 19* provides that the provisions of sections 51, 51.1 and 51.2 of the *Planning Act* that apply to a plan of subdivision apply

with necessary modifications to a Condominium description or an amendment to a Condominium description.

Section 51(16) of the *Planning Act* provides that an owner of land or the owner's agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. Section 51(24) of the *Planning Act* provides that the following are required to be considered:

Table 1: Analysis of Considerations for Draft Plan of Subdivision and Condominium– Section 51(24) of Ontario Planning Act

CONSIDERATIONS FOR DRAFT PLAN OF CONDOMINIUM	ANALYSIS
<i>the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality</i>	The Town of Niagara-on-the-Lake is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities. The Applications are anticipated to be circulated to the JAAC for review and comment. Many of the matters regarding accessibility for persons with disabilities will be considered as part of future building permit applications.
<i>a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2</i>	Section 2 of the Planning Act regarding matters of Provincial interest are described above.
<i>b) whether the proposed subdivision is premature or in the public interest</i>	<p>There is significant demand for new housing in the Province and Region of Niagara.</p> <p>The Subject Lands are within the Urban Area as per Schedule C of the Town OP and front onto an open public road with full municipal services. Development of the Subject Lands would allow for the efficient use of existing municipal services.</p> <p>As discussed in Section 4.1 the Subject Lands are isolated on all sides from the public road network. The Subject Lands takes advantage of an underutilized parcel within the Urban Area and provides for a more compact form of housing at a time where southern</p>

CONSIDERATIONS FOR DRAFT PLAN OF CONDOMINIUM	ANALYSIS
	Ontario is in need for more housing and a range of housing options. In summary, the proposed development is not premature and is in the public interest.
<i>c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any</i>	The proposed applications conform to the NOP and Town OP as described in Section 5.5 and 5.6 of this PJR. The Subject Lands are adjacent to and will be developed independently of the Konik Estates Subdivision. There is no opportunity to connect to the adjacent Konik Estates Subdivision.
<i>d) the suitability of the land for the purposes for which it is to be subdivided</i>	The Subject Lands are designated for residential use in the Town OP. The Growth Plan has set a greenfield density target of 50 people and jobs per hectare. The proposed applications would facilitate a residential density of 38.2 units per hectare. A person-per-unit rate of 1.8 has been calculated by the Niagara Region for row houses (townhouses) in Niagara-on-the-Lake, meaning the proposal will provide 69 people per hectare achieving the Region's greenfield density target. The Subject Lands are adjacent to existing and planned Low Density Residential uses. The low-rise built form proposed will ensure that impacts regarding shadowing are mitigated on adjacent lands.
<i>d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing</i>	There are no affordable housing units proposed.
<i>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</i>	The proposed development will connect to an existing local road. There are no public roads proposed.

CONSIDERATIONS FOR DRAFT PLAN OF CONDOMINIUM	ANALYSIS
<i>vicinity and the adequacy of them</i>	
<i>f) the dimensions and shapes of the proposed lots</i>	A concept plan has been prepared in support of the Applications. The concept plan together with the Draft Plan of Vacant Land Condominium demonstrate that the proposed Units are appropriately sized to accommodate townhouse dwelling units, parking areas and a private road.
<i>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</i>	There are no known restrictions.
<i>h) conservation of natural resources and flood control</i>	There are no natural resources or flooding hazards affecting the Subject Lands.
<i>i) the adequacy of utilities and municipal services</i>	The Subject Lands are connected to existing municipal services which have sufficient servicing capacity for the proposal. Please see Section 4.3 and 4.4 of this report for more information
<i>j) the adequacy of school sites</i>	As discussed in Section 2.0, the Subject Lands are in proximity to Crossroads Elementary School, St. Michael Catholic Elementary School and Vineridge Academy. The Niagara Student Transportation Services (NSTS), a consortium between the District School Board of Niagara and the Niagara Catholic District School Board, provides bussing for students that are outside school walk zones. The NSTS will provide bussing for future students to attend secondary schools in St. Catharines or Niagara Falls.

CONSIDERATIONS FOR DRAFT PLAN OF CONDOMINIUM	ANALYSIS
	It is anticipated these applications will be circulated with between the District School Board of Niagara and the Niagara Catholic District School Board for comments.
<i>k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes</i>	Approximately 2.95 metres along the frontage of the property will be provided to the Town to maintain a 26 metre road allowance.
<i>l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed development would connect to available energy supply systems. The Subject Lands are in proximity to active transportation infrastructure along Niagara Stone Road. These amenities encourage active transportation and reduce dependence on forms of transportation reliant on fossil fuels.
<i>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</i>	All development matters typically detailed through a Site Plan Control or subdivision process will be processed via a Condominium Agreement entered into with the Owner and Town.

SUMMARY AND CONCLUSION

In summary, the proposed development and implementing applications have regard for matters of public interest and considerations for Plan of Condominium in the *Planning Act* for the reasons noted above.

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

provided in the following sections of this report, the Application is considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Policy Statement (2020)

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

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

Section 1.1 of the PPS provides the following with respect to managing and directing land use:

POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

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

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

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

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

ANALYSIS

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

5.2.2 Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following apply to the proposed applications:

POLICY

- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:...*
- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
 - d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
 - f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

ANALYSIS

The 2021 Census of Population by Statistics Canada indicates that single-detached dwellings are the predominant housing form in the Town of Niagara-on-the-Lake, accounting for 6,225 dwelling units (79%), with the remaining housing types accounting for 1,635 dwelling units (21%). The proposed applications propose to permit and facilitate development standards for residential intensification, compact housing form, and the provision of a range of housing options. Of note, the proposed applications will increase housing choice in a community where single-detached housing types prevail.

5.2.3 Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

- 1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

ANALYSIS

The proposed applications are consistent with the infrastructure policies of the PPS as it will optimize existing municipal services. Please see the Functional Servicing Report and Stormwater Management Report for more information.

5.2.3 Transportation Systems

Section 1.6.7 of the PPS provides policies regarding Transportation Systems. Of note, the following applies:

POLICY

- 1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

ANALYSIS

The Subject Lands are located in proximity to the Virgil core, Niagara Stone Road, and the Regional Strategic Cycling Network. Focusing intensification and higher density developments in proximity to bicycle routes provides the necessary demand for such infrastructure to ensure its long-term viability. Further, locating intensification close to commercial cores supports the use of active transportation for residents to do daily shopping.

For these reasons, the proposed applications are consistent with the Transportation Systems policies of the PPS.

5.2.6 Human-Made Hazards

Section 3.2 of the PPS provides direction regarding human-made hazards. The following policies apply to the proposal:

POLICY

- 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

ANALYSIS

The Phase One and Phase Two Environmental Site Assessments completed by Andre Breberina P. Geo confirmed that soil and groundwater test results met applicable regulations.

SUMMARY

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

5.3 Greenbelt Plan (2017)

The Greenbelt Plan addresses the significance of Southern Ontario's farmland and introduces guiding principles to protect agriculture in the region. The policies of the Greenbelt Plan encourage diversity within the agriculture sector to enhance economic opportunities. The Subject Lands are designated as Town/Villages on Schedule 2 of the Greenbelt Plan.

5.3.1 Town/Villages

Section 3.4.3 of the Greenbelt Plan provides the following policies with respect to Town/Villages.

POLICY

- 3.4.3(1) *Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.*

ANALYSIS

As the Subject Lands are located within the Town/Village designation Growth Plan policies are applicable. Please see section 5.4 for an analysis of the proposed applications against Growth Plan policies.

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

The Growth Plan for the Greater Horseshoe (Office Consolidation 2020) emphasizes compact and well-designed development in Urban Areas. The Growth Plan supports the achievement of complete communities that are "compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities" through site design and urban design standards.

5.4.1. Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

POLICY

2.2.1(2) *a) the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability*

ANALYSIS

The Growth Plan defines settlement areas as “lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated”. The Subject Lands are within a settlement area of Niagara-on-the-Lake, supported by existing municipal water and wastewater infrastructure, that can support the achievement of complete communities.

The proposed applications would facilitate the provision of a diverse range and mix of housing options in a municipality where single-detached dwellings predominate. The proposed applications further support the achievement of complete communities by facilitating compact built-form and facilitating efficient use of land, and providing convenient access to a range of available commercial uses and active transportation options that are in proximity to the Subject Lands.

5.4.2 Greenfield Area

The Subject Lands are designated as being within a Greenfield Area within Schedule i-2 of the Town of Niagara-on-the-Lake Official Plan (see Appendix B). Section 2.2.7 of the Growth Plan provides the following policies regarding Greenfield Areas:

POLICY

2.2.7(1) New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;*
- b) supports active transportation; and*
- c) encourages the integration and sustained viability of transit services.*

2.2.7(2) The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:

- a. The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare;*

ANALYSIS

The proposed applications would facilitate compatible development within Greenfield Areas. The proposed applications will contribute to the achievement of complete communities through the provision of a full range of housing options in an area supported by convenient access to local stores near active transportation infrastructure. The proposed applications will help achieve the minimum density targets for greenfield areas within the Town of Niagara-on-the-Lake, with a greenfield density of 69 residents per hectare.

5.4.4. Housing

Section 2.2.6 of the Growth Plan provides policy direction towards housing. The following policies apply:

POLICY

2.2.6(1) Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;*

2.2.6(2) Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6(1), municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;*
- b) planning to achieve the minimum intensification and density targets in this Plan;*
- c) considering the range and mix of housing options and densities of the existing housing stock; and*
- d) planning to diversify their overall housing stock across the municipality.*

2.2.6(3) *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

ANALYSIS

The proposed applications provide a unique built form within the area while increasing the overall housing stock by 50 units, helping meet the projected needs of current and future residents. The Town of Niagara-on-the-Lake is currently dominated by single detached dwellings. The proposed applications will assist with diversified housing options within the Town of Niagara-on-the-Lake in accordance with Policy 2.2.6.

SUMMARY

Based on the foregoing, the proposed applications conform with and do not conflict with the Growth Plan.

5.5 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional designations pertaining to the Subject Lands (all schedules are included in Appendix A):

Table 2 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Designated Greenfield Area
J1 – Transportation infrastructure	Line 1 Road is a Local Road

5.5.1 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

POLICY

2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;

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

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

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

2.2.2.23 *Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

2.2.2.25 *Designated greenfield areas will be planned as complete communities by:*

a. Ensuring that development is sequential, orderly and contiguous with built-up areas;

c. Ensuring infrastructure capacity is available; and

d. Supporting active transportation and encouraging the integration and sustained viability of public transit services.

ANALYSIS

The proposed applications meet all the above objectives of the NOP. In particular, the Subject Lands are greenfield lands in an ideal location to provide for low-rise residential development contributing to the range of housing types and achieving the minimum greenfield density target by providing 69 residents per hectare calculated using a person per unit rate of 1.8 for row (townhouse) dwellings. Increasing housing supply through denser built form contributes to reduced automotive dependence, and consequently, greenhouse gas emissions. Lastly, the proposed applications would facilitate the efficient use of existing municipal sanitary and water services.

5.5.2 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

POLICY

- 2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*
- 2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*
- a) facilitating compact built form...*

ANALYSIS

The proposed applications would facilitate the development of townhouse development, in a Town where single-detached dwellings prevail, contributing to the range and mix of housing densities and types. This form of residential intensification also conforms with policies encouraging compact built form.

5.5.3 Municipal Water and Wastewater Servicing within Urban Areas

Section 5.2.2 of the Niagara OP provides policies regarding municipal water and wastewater servicing within urban areas. The following apply:

POLICY

- 5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*
- 5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

ANALYSIS

The proposed applications will utilize the current municipal infrastructure along Line 1 Road. A Functional Servicing Report has been included as part of this submission which determined that there is adequate servicing capacity for the proposed development. Please see Section 4.3 of this report for more information.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the NOP.

5.6 Town of Niagara-on-the-Lake Official Plan

The Town of Niagara-On-The-Lake Official Plan provides policy direction for the future development of the Town. Efficient use of land and sensitive planning practices are policies found in the Official Plan due to the limited urban land supply.

The following table identifies the Town OP designations pertaining to the Subject Lands:

Table 3 – Town OP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
C – Land Use Plan – Virgil	Low Density Residential
G – Transportation Plan	Local Road/Collector Road
I-2 – Growth Management, Virgil	Greenfield Areas

5.6.1 General Development Policies

Section 6 of the Town OP provides general development policies for the Town. The following apply to the proposed applications:

5.6.1.1 Archaeological Survey

Section 6.1 of the Town OP provides policies related to archaeological surveys.

POLICY

As a condition of a planning application for the development or redevelopment of land, the municipality in consultation with the authority having jurisdiction may require the proponent to undertake an Archaeological Survey for the purposes of determining whether prehistoric or historic archaeological resources exist on site and determining an appropriate course of action should these resources be found.

ANALYSIS

The Subject Lands are not identified as having archaeological potential in Schedule K of the Niagara Official Plan and subsequently an archaeological study has not been required.

5.6.1.2 Planning Impact Analysis

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

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

Section 6.23 further provides that the Planning Impact Analysis will be evaluated, in consultation with appropriate agencies, based on matters identified in **Table 4** below:

POLICY & ANALYSIS

Table 4. Analysis of Section 6.23 of Town OP

Policy	Evaluation
<i>a) Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;</i>	<p>The Subject Lands are located in a developing residential area, comprised of single detached dwellings (west, north and further east) and townhouse dwellings (south). The proposed townhouse use will facilitate similar low-rise residential development and is anticipated to be compatible with the surrounding residential uses.</p> <p>Of note, townhouse units 29-50 are proposed to be setback 6.0 metres from the western property line, providing adequate rear yard space for the dwellings and mitigating any impacts to privacy on adjacent dwellings. A 6.0 metre setback has also been proposed to the south for units 21-28 which abut the rear yards of townhouses fronting on Peachtree Lane. Unit 28 and 50 are setback 2.0 and 3.0 metres from the nearest western and northern lot line respectfully. No negative impacts to adjacent dwellings are anticipated as these reduced setbacks function as interior side yards due to the orientation of the dwelling.</p> <p>The lands to the east are vacant and are designated for residential use. No land use compatibility conflicts are anticipated related to future residential development.</p> <p>While the density of development is in excess of that for adjacent lands, the proposal would implement provincial requirements of providing for an appropriate range and mix of housing options and densities, with no impact to surrounding land uses or the character and stability of the surrounding neighbourhood.</p>

Policy	Evaluation
<i>b) The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</i>	The proposed height is suitable for the Subject Lands as the dwellings will be 1-2 storeys in height, consistent with the existing neighbourhood.
<i>c) The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;</i>	<p>There are no natural features on the Subject Lands and the lands do not feature any vegetation (see Site Photos in Section 2 of this PJR)</p> <p>A detailed landscape plan is required as a condition of condominium approval which will provide plantings that will contribute to the visual character of the area.</p>
<i>d) Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;</i>	The Subject Lands are located 500 metres from Homestead Park and within 1.5 kilometres of the Meridian Credit Union Arena and Centennial Sports Park.
<i>e) The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to;</i> <ul style="list-style-type: none"> <i>(i) the existing environmental and/or physical hazards.</i> <i>(ii) the potential impacts of these hazards.</i> <i>(iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.</i> <i>(iv) the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard.</i> 	There are no known environmental hazards requiring specialized consideration.
<i>f) The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.</i>	<p>A Concept Plan has been prepared which demonstrates that the Subject Lands can physically accommodate the proposed intensity of development.</p> <p>The Subject Lands are irregularly shaped, with a narrow strip that open out into a large rectangle towards the rear of the property. The proposed development</p>

Policy	Evaluation
	utilizes the existing narrow frontage for driveway access and locates the townhouse dwellings along the edges of the rectangle, creating an orientation that works to mitigate impacts on adjacent residential uses and screen the development from Line 1 Road.
<i>g) The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard</i>	The proposed applications would provide additional tax revenue to the municipality and would support the Town's goal of being a tourism destination. Further, the efficient and optimized use of available infrastructure is generally desirable from a financial perspective.
<i>h) The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.</i>	A Traffic Impact Study was not requested. The scale of development is not anticipated to generate significant traffic or significantly impact streets, pedestrian and vehicular safety, or surrounding properties.
<i>i) The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency</i>	Provincial and Regional Policy have been discussed in Sections 5.2 through 5.5. As indicated, the Applications are consistent with and conform with Provincial and Regional Policy as applicable.
<i>j) The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan.</i>	A Functional Servicing Report with a Stormwater Management Analysis have been prepared. These reports are discussed in Section 4.0 of this Planning Justification Report and demonstrate that the servicing capacities in the area can accommodate the proposed development.
<i>k) The location and adequacy of lighting, screening, and parking areas.</i>	Parking is proposed through surface and garage parking areas, with 15 visitor parking spaces. Lighting fixtures, landscaping, and fencing will be provided to ensure the parking area is well-lit and screened from the streetscape and neighboring properties. This matter will be

Policy	Evaluation
	further addressed through conditions of approval.
<i>l) Provisions for landscaping and fencing.</i>	Landscaping space have been provided throughout the development. As mentioned, a landscape plan will be prepared as a condition of approval.
<i>m) The location of outside storage, garbage and loading facilities.</i>	No outdoor storage is proposed and no loading facilities are required. Waste will be brought to the internal road during collection days.
<i>n) The need and desirability of the use.</i>	Niagara-on-the-Lake's housing stock predominantly consists of single-detached dwellings (6,225 of the 7,860 dwelling units in the Town are single-detached dwellings). Planning Authorities are required to accommodate a significant supply and range of housing options through intensification and plan for a range and mix of housing options. The proposed applications provide a unique housing form in an area dominated by single detached dwellings.
<i>o) The effect on the agricultural land base.</i>	The Subject Lands are in the Urban Area and are designated for residential use. There are no direct impacts to agriculture.
<i>p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.</i>	There are no identified environmental, built heritage resources or cultural heritage landscapes in proximity to the Subject Lands.
<i>q) The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary.</i>	<p>An Official Plan Amendment is proposed to increase the permitted density of the Subject Lands. The Subject Lands are suitable for the redesignation due to their proximity to the Virgil core, proximity to similar housing forms, and access to existing municipal services.</p> <p>There is only one alternative site within Virgil which has yet to be developed for medium density residential uses. That site, located at the northernmost point of Elden Street, has received site-specific approval for the development of a medium-density seniors residential care facility. The site is partially developed.</p>

Policy	Evaluation
<i>r) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.</i>	The proposed development concept provides suitable rear and side yard setbacks to mitigate impacts on adjacent uses, as shown in the attached Concept Plan.

5.6.2 Growth Management Policies

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

The following apply:

5.6.2.1. Growth Management Objectives

Section 6A – 3.2 of the Town OP identifies the following Growth Management Objectives.

POLICY

- a) To accommodate all future urban growth within the present-day urban boundary;*
- d) Direct urban growth and development to the Town's existing Urban Areas.*
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) Coordinate land use planning with infrastructure planning;*
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

ANALYSIS

The proposed applications direct growth to the Town's existing Urban Areas and represent an optimization of municipal infrastructure. The Subject Lands are in proximity to the Virgil core providing ease of access to commercial uses. The efficient use of land and infrastructure and proposed design to minimize impacts on the streetscape and adjacent properties is in conformity with policies encouraging the development of compact, complete communities.

5.6.2.2 Housing Mix Policies

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

POLICY

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan.

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

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

ANALYSIS

As per the policies above, a range of residential housing forms and densities are contemplated in the Low Density Residential designation of Virgil, subject to the residential policies contained in Section 9 of the Official Plan which are analyzed in Section 5.6.3 of this PJR.

Section 9 primarily speaks to land use compatibility. The Subject Lands are in a predominantly low-rise and low-density neighborhood, with varying lot sizes, built forms, mass, scale, and setbacks. There are various medium density developments in the neighborhood, including the Peachtree Landing townhouse development immediately south, demonstrating the compatibility of medium density residential forms in the neighbourhood. The proposed applications will help to achieve a diverse range and mix of housing within Virgil while mitigating any significant land use compatibility conflicts on abutting residential uses, by providing appropriate building setbacks and heights.

5.6.2.3 Greenfield Development

Section 6A – 5 of the Town OP provides policies related to Greenfield development. The following policies are relevant to the proposed applications.

5.6.2.3.1 Greenfield Development Strategy

Section 6A – 5.1 of the Town OP provides policies related to Greenfield development strategies. The objectives of Greenfield development are outlined in Table 5 below.

POLICY & ANALYSIS

Table 5. Analysis of Section 6A-5.1

Policy	Evaluation
<i>a) Promote compact, mixed use and transit supportive development on Greenfield lands.</i>	The proposed applications facilitate a compact built form supportive of active transportation infrastructure in Virgil. This Greenfield area is not designated for mixed-use development.
<i>b) Promote appropriate densities with a mix of housing types on Greenfield lands.</i>	The proposed concept features a density of 69 residents per hectare, achieving the minimum density target established by the Niagara Region for Greenfield lands, while introducing a townhouse form to the lands. The density is compatible with surrounding land uses.
<i>c) Improve connections between Greenfield areas and the Built-up Area</i>	The development is on the edge of the Greenfield area and is not directly connected to the Built-up Area. The proposed applications will however support and complement uses in the Built-up Area, including the Virgil commercial area. Further, approval of the proposed applications will increase the density of Virgil overall, supporting active transportation infrastructure in the area.
<p><i>d) Enhance the physical design of new neighbourhoods and apply sustainable best practices in Greenfield areas including:</i></p> <ul style="list-style-type: none"> <i>i. The maximization of water conservation through water efficient landscaping and collection and reuse of clean water in new developments and municipal operations.</i> <i>ii. The use of green roofs as part of energy and water conservation strategies.</i> <i>iii. Provisions for the collection and storage of recyclable waste on site.</i> 	Sustainable design practices will be reviewed at detailed design stage.
<i>e) Niagara-on-the-Lake's Greenfield Areas will be planned to support the achievement of the target of 50 residents and jobs combined per gross hectare in Greenfield areas.</i>	The proposed applications will support the achievement of 69 residents per hectare. This will assist with achieving the 50 residents and jobs per hectare target, also compensating for other developments in Town which may have been approved with densities lower than the target.

5.6.2.3.2 Greenfield Density Target

Section 6A-5.2 of the Town OP provides policies related to Greenfield Density. The following is relevant to the proposed applications:

POLICY

The Town's Official Plan policies support the overall Region wide Greenfield density target of 50 people and jobs combined per gross hectare by:

- b) Permitting low and medium density development within the Greenfield area (see land use policies of this Plan)*
- c) Providing for an appropriate mix of housing form within the Greenfield area including single detached, semi-detached, townhouses and apartment style housing*
- d) Allowing for a mix of uses on designated Greenfield lands; and*

ANALYSIS

The proposed applications support achieving the Town's Greenfield density target by providing 69 residents per hectare and a mix of housing form through the provision of townhouse units.

5.6.2.3.3 Greenfield Housing Mix

Section 6A-5.3 of the Town OP provides policies related to Greenfield Housing Mix. The following is relevant to the proposed applications:

POLICY

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in the low density residential designation. In addition to low density residential uses such as single detached, semi-detached and duplex dwellings medium density residential dwellings such as townhouses, apartments, nursing homes are permitted subject to specific design and locational criteria as provided in residential policies of the Official Plan. Over the long term, the designated Greenfield lands will be planned to achieve a mix of housing forms with the majority of housing to meet the Municipality's projected requirements for housing.

Given the small-town character and heritage of the Town high density development will be limited especially within existing neighbourhoods where high density development may negatively impact the character or heritage resources of the area in terms of scale, mass or height.

ANALYSIS

The proposed applications support the creation of a mix of housing units to support the Town's long-term housing needs. The Virgil Greenfield areas have largely been

developed for single detached dwellings, with some townhouse dwellings. The further introduction of townhouse dwellings through the proposed applications assists in providing a more diverse mix of housing for the long term. The proposed application will not negatively impact the small-town character of the existing neighbourhood or Town. There are no heritage resources in proximity to the Subject Lands ensuring no impacts.

5.6.2.7 Greenfield Design

Section 6A-5.2 provides policies related to urban design in Greenfield Areas. The following is relevant to the proposed applications:

Table 6. Analysis of Section 6A-5.2 of Town OP

Policy	Evaluation
a) <i>Block lengths should generally range between 200 and 250 metres.</i>	The Subject Lands are proposed to be developed by Plan of Condominium to the isolated nature of the site. The Konik Estates Subdivision, which immediately abuts the site to the south and is east of the adjacent vacant development site, was not planned to connect to the Subject Lands. Notwithstanding this, the condominium road is less than 250 metres in length and is laid out in an efficient hammerhead design.
b) <i>Where blocks are longer than 250 metres, a through block pedestrian walkway or midblock parkette should be provided.</i>	
c) <i>Streets should be based on a grid pattern.</i>	
d) <i>Lots should vary in size and shape.</i>	No lots are proposed. Unit sizes on the Subject Lands are consistent but vary from development on surrounding Greenfield lands, introducing a smaller Unit size to the area.
e) <i>Lots adjacent to neighbourhood centres and parks should be planned for medium density development.</i>	The Subject Lands are not located adjacent to neighbourhood centres or parks.
f) <i>Pedestrian connections from the public road right-of-way to adjacent public open spaces and natural areas should be provided.</i>	No natural areas or open spaces are provided.
g) <i>Mixed land uses should be concentrated in central and accessible locations.</i>	Not applicable, exclusively residential uses are proposed. Mixed uses are not permitted on the lands.
h) <i>Sidewalks shall be provided in accordance with approved Town policy</i>	Any sidewalks required along the frontage of Line 1 Road will be provided at the development stage.
i) <i>Garages for single, semi and townhouse units shall not exceed 50% of the building's façade and shall be setback from the front face of these units.</i>	Garages are setback and do not exceed 50% of the façade.

5.6.3 Residential Policies

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

5.6.3.1 Goals and Objectives

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

POLICY

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

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

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

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

ANALYSIS

The proposed townhouses would be located on a vacant parcel designated as Greenfield lands. The Subject Lands are in an area with existing low-rise residential uses with varying ages, densities, and built form. The proposed townhouse dwellings have been designed to minimize potential impacts on adjacent low density residential uses to the greatest extent possible through the provision of sufficient setbacks from abutting uses and screening fencing.

South of the Subject Lands are recently constructed townhouse dwellings with a built form comparable to the proposed applications. A 6.0 metre rear yard is proposed along the southern lot line to provide adequate separation from the dwellings to the south. Due to the similarities in built form and density combined with adequate setbacks, no land use compatibility impacts are anticipated.

Lands abutting to the west and north are comprised of single detached dwellings, 1-2 storeys in height with frontages on Concession 6 Road and Line 1 Road. A majority of the proposed townhouses (units 29-50) propose a 6 metre rear yard and have been oriented to have their rear yard abutting the rear yard of Concession 6 dwellings, mitigating any impacts to privacy. Unit 28 proposes a 2.0 metre side-yard setback to the rear lot line of 1591 Concession 6 Road. A similar configuration is proposed with Unit 50, featuring a 3.0 metre side yard setback to 415 Line 1 Road and 417 Line 1 Road. These setbacks will not result in land use compatibility conflicts as these setbacks will operate as interior side yards, reducing visual intrusions on the property to the west for unit 28, and north for unit 50.

Since the Subject Lands are tucked away from the Line 1 Road frontage, minimal impacts on the streetscape and neighboring properties along Line 1 Road are anticipated. The townhouse built form will be more economical than low density residential forms, allowing for optimized use of available infrastructure including sewer and water services and community facilities.

5.6.3.2 Low Density Residential – Permitted Uses

The Application for Official Plan Amendment proposes a Residential Exception Designation to permit medium density residential uses on the Subject Lands. The Residential Exception would provide that the lands be subject to all requirements of the “Medium Density Residential” designation, and any other general requirements of the Official Plan. with a site-specific policy permitting a density up to 38.2 units per hectare.

Section 9.3.1 of the Town OP sets out the permitted uses for the Low Density Residential designation, stating that medium density residential uses are permitted independent of a main use, subject to the relevant policies of Section 9 and a site-specific amendment to the Zoning By-law.

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

POLICY

Section 9.3.1 Low Density Residential

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

Uses permitted independent of a Main Use:

- Minor open space and community facilities subject to Section 15 of this Plan;*
- Medium density residential uses subject to; the relevant policies of Section 9, and a site-specific amendment to the Zoning By-law.*

Section 9.3.2 Medium Density Residential

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

Main Uses:

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

ANALYSIS

The proposed townhouse development is a main use in the Medium Density Residential designation of the OP. Any proposed townhouse development is subject to the policies of 9.3.2(3). Medium Density Residential Design and Location Considerations, discussed in Table 7 below.

Table 7 – Medium Density Residential Design and Location Considerations

Policy	Evaluation
<i>a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.</i>	The proposed townhouse dwellings have been carefully designed to minimize impacts on lower density residential uses. As mentioned, sufficient setbacks have been provided to residential uses to the west. The development will be tucked away behind existing dwellings on Line 1 Road, eliminating any impacts on the streetscape. The proposed development concept provides a building height within the 10 metre requirement of the Zoning By-law, which is consistent with the low-rise character of the neighborhood.
<i>b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.</i>	Each unit is proposed to feature a private rear yard 6.0 metres in depth and a front yard 4.5 metres in depth. These setbacks provide sufficient privacy to adjacent lands and future residents, and ample space for landscaping and buffering to adjacent uses. Approximately 34.35% of the Subject Lands will be reserved for landscaped open space.
<i>c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.</i>	The Town Zoning By-law requires two (2) parking spaces for each townhouse unit. Parking spaces have been provided via one (1) garage space and one (1) driveway space, provided in tandem. Additional visitor parking is proposed via 15 spaces throughout the site. Parking would be provided in excess of the minimum required. There is sufficient space for future landscaping adjacent to all parking areas to minimize any visual impacts.
<i>d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).</i>	Private waste will be stored inside the units until collection day.
<i>e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.</i>	A preliminary Concept Plan has been prepared with consideration to these matters. A 6.0 metre roadway is proposed and provides sufficient space for 2 vehicles. Due to the short segments of roadway, it is anticipated pedestrians will share the private road with vehicles without major safety concerns. Each unit

	<p>will feature a private rear yard amenity area.</p> <p>It is anticipated that the Town will review and provide comments on such matters. Further details will be refined through the detailed design stage.</p>
<i>f) Adequate municipal services can be provided to accommodate the needs of the development.</i>	The Functional Servicing Report prepared by UCC demonstrates that adequate municipal services can be provided to accommodate the needs of the development.
<i>g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.</i>	The Subject Lands are located on a Collector Road as per Schedule 'G' of the OP.
<i>h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.</i>	Section 7.5 Residential Multiple (RM1) Zone is intended to apply to Medium Density Residential development. The RM1 zoning category together with the general provisions addresses this OP policy. The Application for a Zoning By-law Amendment proposes to rezone the Subject Lands to RM1 with site-specific provisions to ensure appropriate development is achieved, focused on lot frontage, minimum lot area per unit, minimum interior side yard setback, minimum rear yard setback, and minimum distance between any townhouse dwelling and a private roadway and parking area.

5.6.3.3 Condominium Policies

Section 9.4(2) of the Town OP provides policies related to condominium housing. The following apply:

POLICY

It is a policy of this Plan to recognize condominium housing as an acceptable form of housing tenure and as a means of providing opportunities for home ownership subject to the following provisions:

- a) The Town Council's consent to the registration of a condominium plan will be given subject to the signing of all required agreements, posting of all required guarantees, the payment of all monies required by such agreements, and the filing of "as built" construction plans where required with the Town, all such plans to be made accessible to representatives of the Condominium Corporation.*

ANALYSIS

The proposed Draft Plan of Vacant Land Condominium application will be subject to conditions, including a Condominium Agreement which will regulate development on the Subject Lands. The development will be required to conform to Town policies and standards in this regard.

5.6.3.4 Residential Density

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

POLICY

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

ANALYSIS

The intent of the policy above is to maintain the overall low-rise character of Virgil. This character has been defined as generally not exceeding 14 units per hectare, for low-density developments and not exceeding 30 units per hectare for medium-density developments. The proposed applications provide for a density of 38.2 units per hectare. The proposed density is higher than the maximum of 30 units per hectare for a medium density development, and equates to an additional 10 dwelling units beyond the density limit of the OP.

As above, the intent of the policy is to maintain the low-rise character and ensure there are minimal impacts on surrounding lands. The preservation of the low-rise character is most concerned with whether developments respect the context, pattern and rhythms when viewed from the street, and in this case, from Line 1 Road. When viewed from the street, the surrounding context features low rise single-detached dwellings adjacent to the Subject Lands on the west and across Line 1 Road to the north. The proposed townhouses will be tucked away from the Line 1 Road frontage, mitigating visual impacts. It is anticipated that any future development on the vacant abutting parcel to the east will provide greater screening of the Subject Lands, further mitigating any streetscape

impacts. Further, the proposed townhouses will feature a low-rise built form (1-2 storeys in height) maintaining the built form character of the neighborhood.

There are existing medium-density residential built forms in the area such as the townhouses immediately south of the Subject Lands, known as Peachtree Landing. The Peachtree Landing development is approximately 25 units per hectare, with Unit frontages ranging from approximately 9.5 metres to 12 metres. The Peachtree Landing development has typical urban zone standards for townhouses on private roads, relating to items such as setbacks, height, and coverage. The development does not appear to pose any land use compatibility conflicts on surrounding lands, demonstrating the suitability of a townhouse built form in the area.

While the proposed development is slightly denser than Peachtree Landing, with narrower Unit frontages (ranging from 6.55 metres to 7.75 metres), it similarly does not pose land use compatibility conflicts, resulting in minimal impact on the surrounding neighbourhood and development. The proposed development will have typical urban zone standards for townhouses on private roads, similar to the adjacent Peachtree Landing development.

The Subject Lands abut low density uses to the west, with three single detached dwellings fronting on Concession 6 Road. The rear lot lines of the single detached dwellings at 415 Line 1 Road, 417 Line 1 Road, and 419 Line 1 Road are shared with the Subject Lands. The proposed townhouse dwellings have been carefully designed to minimize impacts on these lower density residential uses. As mentioned, a majority of the proposed townhouses (Units 29-50) propose 6 metre rear yards and have been oriented perpendicular to the lot line to have their rear yard abutting the rear yard of Concession 6 dwellings, mitigating any impacts to privacy. Unit 28 proposes a 2.0 metre sideyard setback to the rear lot line of 1591 Concession 6 Road. A similar configuration is proposed with Unit 50 featuring a 3.0 metre sideyard setback to 415 Line 1 Road and 417 Line 1 Road. These setbacks will not result in land use compatibility conflicts as these spaces will operate as interior side yards, reducing visual intrusions on the property to the west for unit 28, and north for unit 50.

The Subject Lands would introduce 50 new residential units to the Virgil Urban Area, in proximity to public parks and community facilities, with minimal impact on the surrounding neighbourhood and development. Additionally, the municipal services can accommodate the proposed density. For the above reasons, the site is suitable for the proposed density increase.

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

SUMMARY

In summary, the Applications conform with the overall policy direction regarding the development of compact, complete communities that include a range of local housing

types and provide easy access to local facilities and services via automobile and active transportation.

6.0 Proposed Official Plan Amendment

An Official Plan Amendment (OPA) is needed to redesignate the Subject Lands from “Low Density Residential” to a residential exception designation “EX-RES-##.” The Site-Specific exception would provide that the lands be subject to all the requirements of the “Medium Density Residential” designation and any other general requirements of the Plan with site-specific policies permitting 50 townhouse dwelling units with a density of 38.2 units per hectare.

The Official Plan Amendment can be supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Official Plan.
- The proposal facilitates the development of a mix of housing units within the urban area.
- The proposal achieves the Greenfield density target as established within the Niagara Official Plan.
- The proposed density can be accommodated by existing municipal services.
- The proposal does not conflict with the broader policy direction of the Town of Niagara-on-the-Lake Official Plan.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Residential Development (RD) in accordance with Zoning By-law No. 4316-09 (see **Appendix X – Zoning By-law Map**). The permitted uses under this zone are the existing uses, with the zone regulations only permitting what is existing additions to an existing single-detached dwelling.

Section 10.6.2 of the Zoning By-law notes that: *“This zone is a development zone intending that the lands so zoned shall be developed for residential purposes at a subsequent date. The appropriate zone category shall be established through a zoning By-law amendment.”*

In line with the provisions of this section, a Zoning By-law Amendment is sought to rezone Subject Lands to a Residential Multiple (RM1) Zone with site-specific provisions related to lot frontage, minimum lot area per unit, minimum interior side yard setback, minimum rear yard setback, and minimum distance between any townhouse dwelling and a private roadway and parking area. As the proposed townhouses would front on a private road, they would be subject to the “block townhouse dwelling” provisions of the Zoning By-law.

The following table reviews the proposal against the relevant sections of the Zoning By-law to determine compliance with these requirements:

- **Section 6** – General Provisions
- **Section 10.4** – Residential Multiple (RM1) Zone: Permitted Uses
- **Section 10.4.2.3** – Residential Multiple (RM1) Zone: Zone Requirements for a Block Townhouse

Section No.	Regulation	Required	Proposed	Compliance
6.0 General Provisions				
6.38	Parking Requirements	e) minimum parking space dimensions 2.75 m x 6.0 m 6.0 m driveway	3.0 m x 6.0 m (driveway) 3.0 m x 6.1 m (garage) 6.0 m private road	Yes
		f) In a residential zone, the minimum parking dimension for a required surface parking space	3.0 m x 6.0 m	Yes

Section No.	Regulation	Required	Proposed	Compliance
		shall be 2.75 m (9.0 ft) x 6.0 m		
6.39	Parking Space Requirements	Table 6-5: Residential Parking Ratios Dwelling, Townhouse 2 per unit	2 per unit provided in tandem (one garage and one driveway) + 15 visitor parking stalls 2.3 parking spaces per unit	Yes
6.40	Parking Space Requirements , Additional Provisions	A driveway shall be setback a minimum of 8.0 m (26.25 ft) from an exterior property line and 1.0 m (3.28 ft) from an interior property line.	More than 2 m (parking space #1 as noted on Site Plan)	Yes
10.4 RESIDENTIAL MULTIPLE (RM1) ZONE				
10.4.1	Permitted Uses	Townhouse dwelling	Townhouse dwelling	Yes
10.4.2.3 Block Townhouse Dwellings	a) Minimum lot frontage	30m	15.24m	No
	b) Minimum lot area per unit	285 m ²	13,110/50 = 262.2 m ²	No
	c) Maximum lot coverage	35%	42.48%	No
	d) Minimum landscaped open space	30%	34.35%	Yes
	e) Minimum front yard setback	7.5 m	From a private lane: <ul style="list-style-type: none"> Covered or uncovered porch, patio or steps – 3 m Main façade of dwelling unit – 4.5 m 	No

Section No.	Regulation	Required	Proposed	Compliance
			<ul style="list-style-type: none"> Front face of garage – 6 m 	
	f) Minimum interior side yard setback	7.5 m	From a common wall – 0 m From end wall of a dwelling unit to a property line – 2.0 m	No
	g) Minimum exterior side yard setback	7.5 m	N/A	N/A
	h) Minimum rear yard setback	7.5 m	To dwelling unit - 6.0 m To covered or uncovered deck or porch – 4 m	No
	i) Minimum distance between buildings located on the same lot	3.0 m between walls not containing windows to a habitable room, 9.0 m between walls where one wall contains a window to a habitable room, 15 m between walls where both walls contain a window to a habitable room	End to end wall – 3.0 m Front or rear wall to end to end wall – 9.0 m Front wall to front wall – 15.0 m	No
	j) Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 m	From end wall of a dwelling unit to a private lane – 3.05 m	No
	k) Minimum dwelling unit area	80 m ²	103.19 m ²	Yes

Section No.	Regulation	Required	Proposed	Compliance
	l) Maximum building height	10 m	<10 m	Yes
	m) Minimum accessory building yards setback	0.5 m	N/A	N/A
	n) Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m	0.6 m	N/A	N/A
	o) Minimum accessory building exterior side yard setback	7.5 m	N/A	N/A

7.1 Zoning Departure Justification

This section provides justification related to all instances of non-compliance as identified in Section 7.0.

7.1.1 Minimum lot frontage

Required: 30 m

Proposed: 15.2 m

The intent of the minimum lot frontage provision in the Town's Zoning By-law is to maintain the character of the neighbourhood and to ensure sufficient space for a dwelling/structure and driveway. The Town's Zoning By-law requires a lot frontage of 30 metres. A reduction in lot frontage can be supported as:

- As the proposed block townhouses do not have direct frontage on Line 1 Road, a full 30 metre width is not necessary. Each individual townhouse unit fronts onto the private road, with sufficient space for each building and driveway.

The 15.2 metre frontage is more than adequate to accommodate the entrance to the development, consisting of a 6 metre wide private road and more than 4 metres of buffer planting space on either side. The entrance to the development will be an attractive addition to the streetscape.

7.1.2 Minimum lot area per unit

Required: 285 m²

Proposed: 260 m²

The minimum lot area per unit provision in the Town's Zoning By-law is a function of the maximum permitted density. The minimum lot area per unit requirement of 280 m² equates to a maximum density of approximately 35 units per hectare, which exceeds but generally aligns with the Official Plan maximum density policy of 30 units per hectare in the Medium Density Residential designation. The reduction in lot area per unit can be supported as:

- The proposed density of approximately 38.2 units per hectare only slightly exceeds the RM1 Zone requirement and equates to an additional 4 dwellings than permitted by the parent RM1 Zone.
- As discussed previously in the report, the proposed density of approximately 38.2 units per hectare will have minimal impact on the surrounding neighbourhood and development.
- Municipal services can accommodate the proposed density.
- The proposed lot area per unit requirement will not result in over-development of the lands.

7.1.3 Maximum lot coverage (entire development)

Required: 35%

Proposed: 43%

The intent of the lot coverage provision in the Town's Zoning By-law is to ensure that lands are developed to a suitable density with sufficient space for landscaping. An increase in lot coverage can be supported as:

- The increase of lot coverage facilitates the efficient use of land via a higher density-built form which is compatible with the surrounding lands.
- The development provides a landscape open space percentage of 43.7% whereas the By-law minimum is 30%. Sufficient space will be provided for landscaping on the site, which will be amplified through the preparation of a landscape plan through the detailed design process.

7.1.4 Minimum front yard setback

Required: 7.5 m

Proposed: From a private lane:

- Covered or uncovered porch, patio or steps – 3 m
- Main façade of dwelling unit – 4.5 m
- Front face of garage – 6 m

The intent of the front yard setback provision is to develop a street character with suitable landscaping and to maintain safety by a buffer between the right-of-way and dwellings.

The front yard, in this case, is the yard adjacent to Line 1 Road. There are not dwellings adjacent to Line 1 Road. The proposed provisions measure distance from dwellings to the private lane and can be supported as:

- The reduction accounts for a covered or uncovered porch 1.5 metres in width providing usable front yard amenity area for residents of the future dwellings.
- The main face of the dwelling will be setback 4.5 metres from the private road providing a suitable buffer between the dwelling and road.
- The reduction and provision of porches will provide passive surveillance benefits to the development.
- All dwellings will feature the same setbacks ensuring consistency in the character of the streetscape.
- The 6.0 metre setback from the private road to the face of the garage provides adequate space for vehicle parking.

7.1.5 Minimum interior side yard setback

Required: 7.5 m

Proposed: From a common wall – 0 m

From an end wall of a dwelling unit to a property line – 2.0 m

The intent of the minimum interior side yard setback provision in the Town's Zoning By-law is to provide sufficient space for maintenance between a building and property line. A reduction can be supported as:

- The reduced side yard setback between a dwelling and property line provides significant room for maintenance of the dwellings.
- The reduced setbacks between a dwelling and property line are adjacent to existing board fences, mitigating any privacy impacts to adjacent dwellings.
- No shadowing impacts on adjacent lands are anticipated due to the reduced side yard setbacks.

7.1.6 Minimum rear yard setback

Required: 7.5 m

Proposed: Minimum rear yard setback at the rear of a dwelling unit:

- To dwelling unit – 6 m
- To covered or uncovered porch or deck – 4 m

The intent of the minimum rear yard setback provision in the Town's Zoning By-law is to ensure each dwelling unit has sufficient private amenity area, and to ensure adequate from adjacent land uses. The proposed regulation controls the yard setback from the rear of each dwelling unit to the adjacent property line, and can be supported as:

- The townhouse dwellings to the south feature site-specific zoning for a minimum rear yard setback of 6.3 metres with no land use compatibility concerns.

- A minimum rear yard setback of 6.0 metres to the dwelling unit provides sufficient amenity area and landscaping space for each dwelling unit.
- A reduction to 4.0 metres is proposed to provide space for a 2.0 metre porch which will enhance the rear yard amenity area.
- Due to the low-rise nature of the proposed concept, a 6.0 metre rear yard provides suitable setbacks to adjacent dwellings. As such, no privacy concerns are anticipated.

7.1.7 Minimum distance between buildings located on the same lot

Required: 3.0 m between walls not containing windows to a habitable room
9.0 m between walls where one wall contains a window to a habitable room
15 m between walls where both walls contain a window to a habitable room

Proposed: End wall to end wall – 3.0 m
Front or rear wall to end wall – 9.0 m
Front wall to front wall – 15.0 m

The intent of this provision within the Town's Zoning By-law is to ensure proper spacing of buildings on the same lot and the provision of privacy. This reduction can be supported as:

- A 3.0 metre separation between end walls provides sufficient space for maintenance between the dwellings while maintaining privacy for each dwelling unit. The townhouse development to the south features an identical separation with no concerns.
- The reduced distances promote the efficient use of land within the urban area, contributing to the Town and Region's density goals for Virgil.

7.1.8 Minimum distance between any townhouse dwelling and a private roadway and parking area

Required: 6.0 m

Proposed: 3.05 m to parking area
4.5 m to private road

The intent of this provision within the Town Zoning By-law is to ensure that there is sufficient landscape space between dwellings and parking areas/roadways. Despite the reduction this intent will be maintained, and no negative impacts are anticipated.

8.0 Summary and Conclusion

It is our opinion that the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium should be approved as they represent good land use planning, are in the public interest and should be supported by the approval authority for the following reasons:

- The proposed applications are consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and the Town of Niagara-on-the-Lake Official Plan.
- The proposed applications facilitate compact form and contribute to complete communities.
- The proposed applications facilitate the efficient use of Greenfield lands.
- The proposed applications would contribute to the range of housing options required to meet the social, health, economic and well-being requirements of current and future residents through a townhouse built form.
- The proposed applications make efficient use of land resources and existing services and infrastructure.
- The proposed application is well-designed and compatible with surrounding areas from a land use compatibility perspective.

Report prepared by:



Max Fedchyshak

Planner

NPG Planning Solutions Inc.

Report reviewed and approved by:



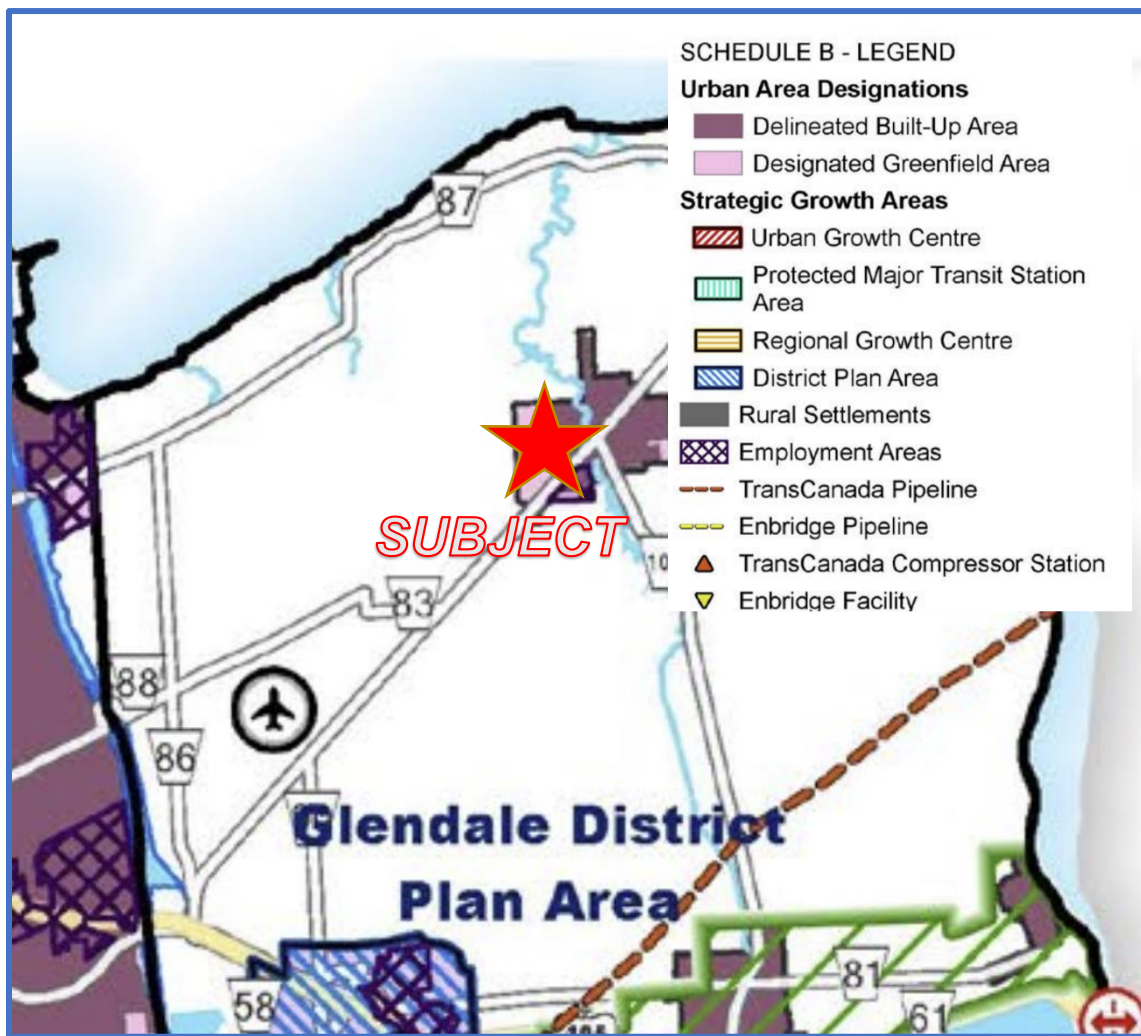
Aaron Butler, MCIP, RPP

Principal Planner, Niagara

NPG Planning Solutions Inc.

Appendix A – Niagara Official Plan Schedules

Schedule B – Regional Structure



Schedule J1 – Transportation Network

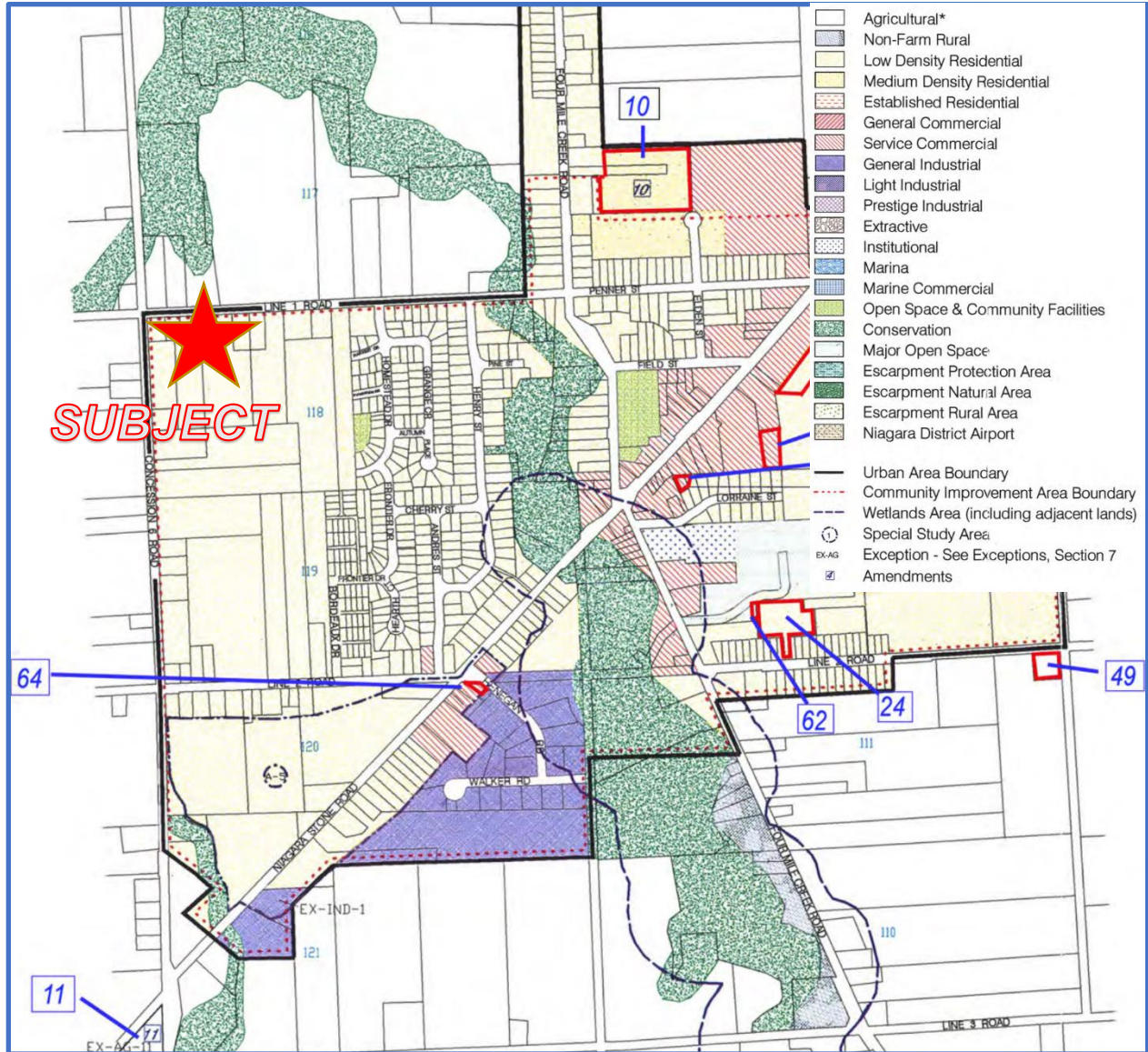


Schedule J2 – Strategic Cycling Network

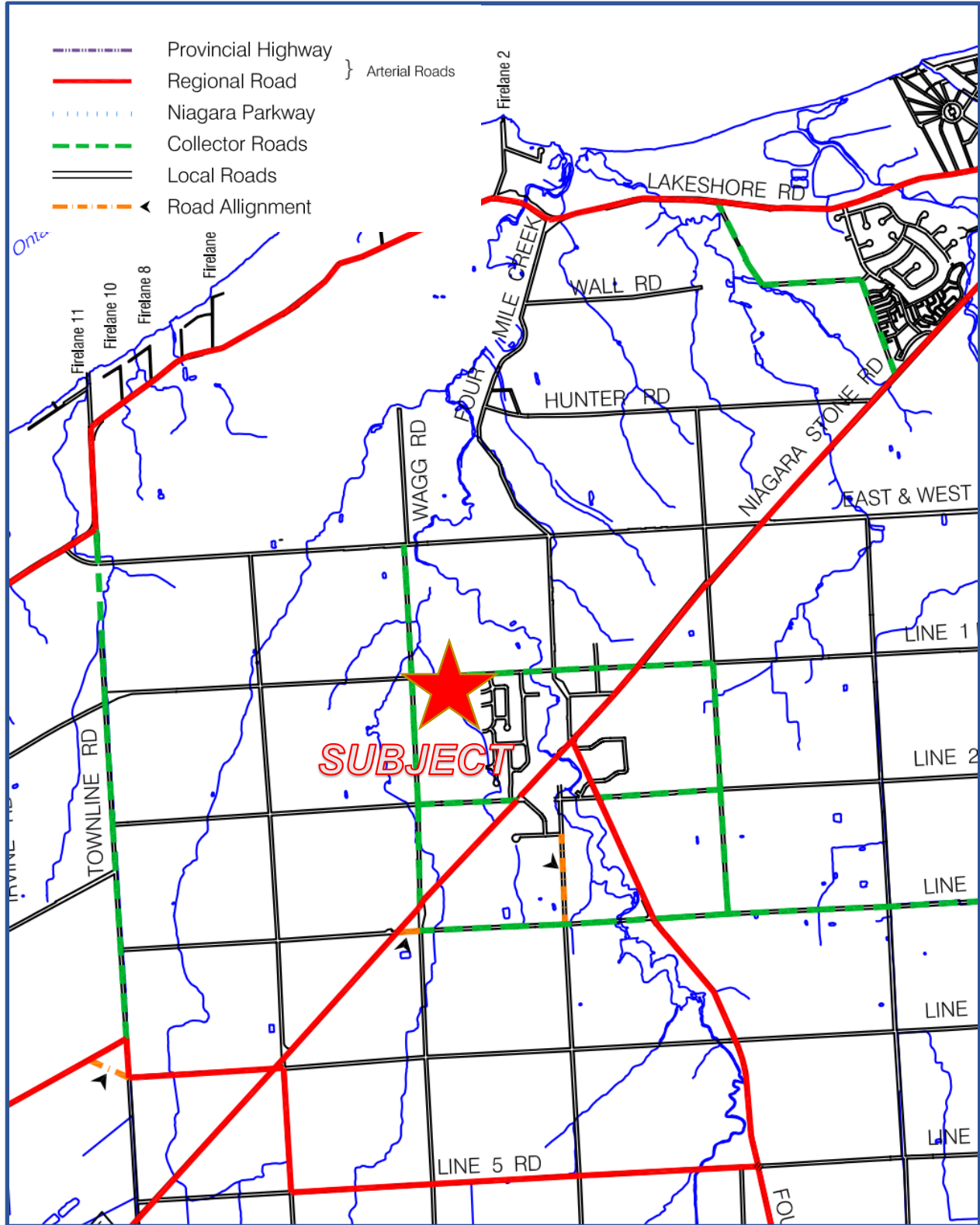


Appendix B – Town of Niagara-on-the-Lake OP Schedules

Schedule C – Land Use Plan, Virgil

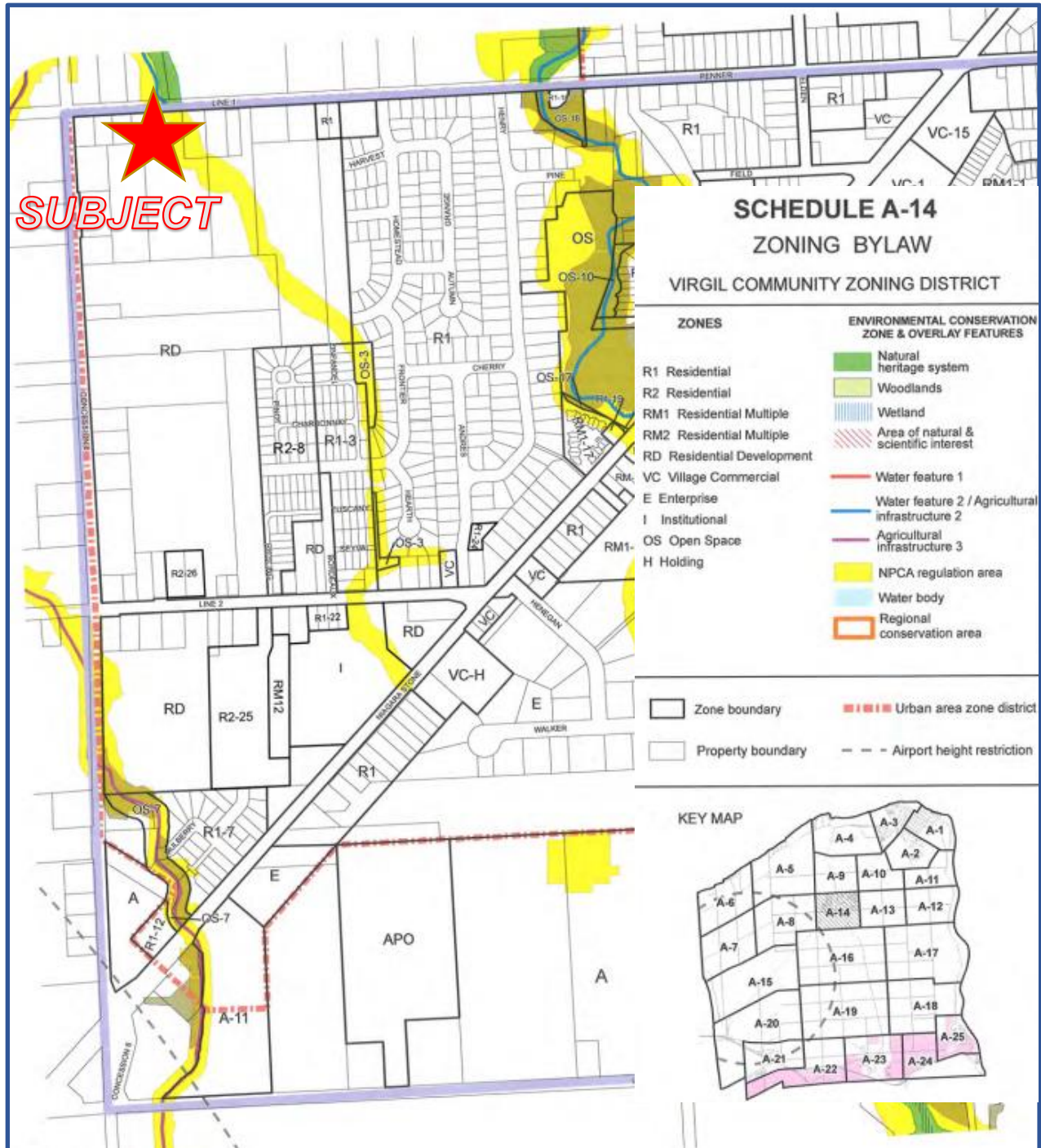


Schedule G – Transportation Plan



Appendix C – Town of Niagara-on-the-Lake Zoning By-law Schedule

Schedule A-14 – Virgil Community Zoning District



Appendix D – Draft Official Plan Amendment

THE AMENDMENT

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

DETAILS OF THE AMENDMENT

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

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

In addition to the uses identified under Section 9.3.3(1) of the Official Plan, 50 townhouse dwelling units with a density of 38.2 units per hectare shall be permitted.



Appendix E – Proposed Zoning By-law Amendment

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

Lands South of 419 Line 1 Road

A BY-LAW TO AMEND BY-LAW NO. 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 33 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. That Schedule 'A-14' of By-law 4316-09, is amended by changing the zoning of Part 1 identified on Schedule 'A' (attached to and forming part of this By-law) from "RD (Residential Development)" to "Residential Multiple (RM1-XX) – Site-Specific Zone".
2. That Section 10.12 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:

"10.12.XX.1 RM1-XX Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as "Residential Multiple (RM1-##) on Schedule "A-14":

(a)	Minimum lot frontage	15.2 m
(b)	Minimum lot area per unit	260 m ²
(b)	Maximum lot coverage (entire development)	43%
(c)	Minimum front yard setback from a private lane (i) covered or uncovered porch, patio or steps (ii) main façade of a dwelling unit (iii) front face of a garage An attached garage shall be setback a minimum of 1.0 metre behind the main façade of the dwelling unit on the ground floor	3 m 4.5 m 6 m
(d)	Minimum interior side yard setback	

	(i) from a common wall	0 m
	(ii) end wall of a dwelling unit to a property line	2.0 m
(e)	Minimum rear yard setback at the rear of a dwelling unit	
	(i) to dwelling unit	6 m
	(ii) to covered or uncovered deck or porch	4 m
(f)	Minimum distance between buildings on the same lot	
	(i) end wall to end wall	3 m
	(ii) front or rear wall to end wall	9 m
	(iii) front wall to front wall	15 m
(g)	Minimum distance between an end wall of a dwelling unit and a private lane or parking area	3 m
(h)	Minimum accessory building yard setbacks	Not applicable
(i)	Maximum total width of garage doors	50% of the dwelling unit frontage on a private lane

10.12.XX.2 Notwithstanding Subsections 6.40(i) and 6.40(j) of Zoning By-law 4316-09, on the lands identified as RM1-XX on Schedule “A-XX”, for dwelling units sharing a common wall, the minimum interior side yard setback for a driveway shall be 0 metres.

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

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

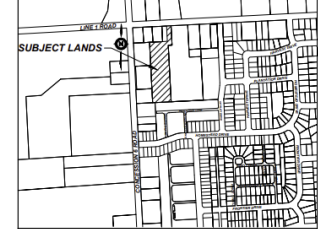
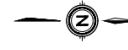
SCHEDULE A TO ZONING BY-LAW AMENDMENT



Rezone from Residential Development (RD) to a
Site-Specific Residential Multiple 1 (RM1-XX)
Zone

Appendix F – Draft Plan of Vacant Land Condominium

THE HAVEN
419 LINE 1 ROAD, VIRGIL
TOWN OF NIAGARA - ON - THE - LAKE



KEY PLAN
N.T.S.

**DRAFT PLAN OF
CONDOMINIUM**

LEGAL DESCRIPTION

PART OF LOTS 118
GEOGRAPHIC TOWNSHIP OF NIAGARA,
NOW IN THE TOWN OF
NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
VACANT LAND CONDOMINIUM TO THE TOWN OF
NIAGARA-ON-THE-LAKE FOR APPROVAL.

DATE: JANUARY 2024
BY: BICE BUILDERS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

JD BARNES LTD. ROY S. KIRKUP

**REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT**

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE		
AREA	ha	% COVERAGE
BUILDING (50 UNITS)	0.559	43.48
ROAD/DRIVEWAY/PARKING	0.300	22.80
ROAD WIDENING	0.005	0.38
LANDSCAPING	0.452	34.35
TOTAL	1.316	100.00
UNITS	50	
DEVELOPABLE AREA	1,311ha	
DENSITY (UNITS/DEVELOPABLE AREA)	38.14u/ha	

ISSUED FOR APPROVAL	DATE	INT
0	2024-01-04	AS
1		



DRAWING TITLE	DRAFTING	AS
DRAFT PLAN OF THE HAVEN 419 LINE 1 ROAD, VIRGIL	DATE	JANUARY 05, 2024
	PRINTED	JANUARY 5, 2024
	SCALE	1:400
	DWG No.	21265-DP
	REV	0

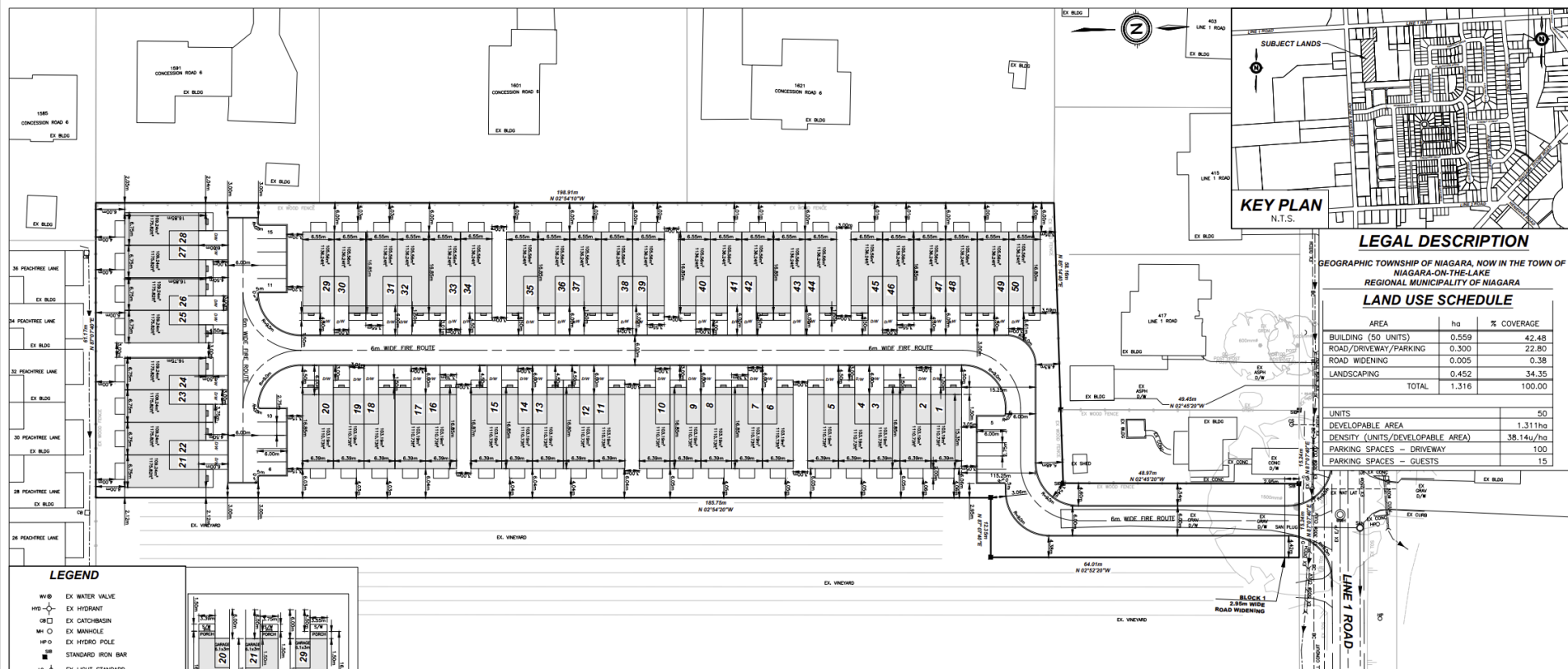
UNIT #	LOT AREA m ²	EXCLUSIVE USE AREA-DRIVEWAYS m ²
1	145.59	9.00
2	143.17	9.00
3	143.11	9.00
4	143.15	9.00
5	145.55	9.00
6	145.54	9.00
7	143.13	9.00
8	143.11	9.00
9	143.11	9.00
10	145.48	9.00
11	145.48	9.00
12	143.08	9.00
13	143.07	9.00
14	143.06	9.00
15	145.44	9.00
16	145.43	9.00
17	143.04	9.00
18	143.03	9.00
19	143.02	9.00
20	145.39	9.00
21	173.21	9.00
22	150.86	9.00
23	150.86	9.00
24	173.21	9.00
25	173.21	9.00
26	150.86	9.00
27	150.86	9.00
28	173.21	9.00
29	169.02	9.00
30	146.61	9.00
31	146.60	9.00
32	146.60	9.00
33	146.59	9.00
34	168.96	9.00
35	168.93	9.00
36	146.55	9.00
37	146.55	9.00
38	146.54	9.00
39	168.89	9.00
40	168.88	9.00
41	146.50	9.00
42	146.49	9.00
43	146.48	9.00
44	168.83	9.00
45	168.81	9.00
46	146.44	9.00
47	146.43	9.00
48	146.42	9.00
49	146.41	9.00
50	168.75	10.28
TOTAL	7738.54m ²	451.26m ²

TOTAL LOT AREA	7738.54m ²
TOTAL EXCLUSIVE USE (TOTAL DRIVEWAY AREA)	451.26m ²
TOTAL COMMON ELEMENT AREA	4923.16m ²
TOTAL AREA	13113.96m ²

LEGEND
[Symbol] PROPOSED EXCLUSIVE USE DRIVEWAY

UPPER CANADA CONSULTANTS INC. 1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONTARIO M1S 1T5

Appendix G – Site Plan



KEY PLAN

N.T.S.

LEGAL DESCRIPTION

GEOGRAPHIC TOWNSHIP OF NIAGARA, NOW IN THE TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

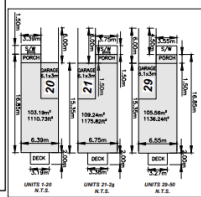
LAND USE SCHEDULE

AREA	ha	% COVERAGE
BUILDING (50 UNITS)	0.559	42.48
ROAD/DRIVEWAY/PARKING	0.300	22.80
ROAD WIDENING	0.005	0.38
LANDSCAPING	0.452	34.35
TOTAL	1.316	100.00

UNITS	50
DEVELOPABLE AREA	1.311ha
DENSITY (UNITS/DEVELOPABLE AREA)	38.14u/ha
PARKING SPACES - DRIVEWAY	100
PARKING SPACES - GUESTS	15

LEGEND

- WB EX WATER VALVE
- HD EX HYDRANT
- CB EX CATCH BASIN
- MH EX MANHOLE
- HPD EX HYDRO POLE
- SB STANDARD IRON BAR
- LS EX LIGHT STANDARD
- LE EX WOOD PRIVACY FENCE
- FRS PROPOSED FIRE ROUTE SIGN
- PROPOSED C.L. FIRE ROUTE



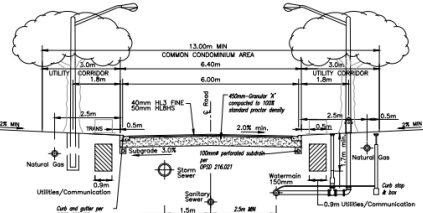
Typ. Fire Access Route Spacing



SIGNAGE NOTES:
ALL FIRE ROUTE SIGNS TO BE LOCATED ON STREET LIGHTS WHERE POSSIBLE.
ALL SIGNS SHALL BE MOUNTED AT A HEIGHT OF 2-3 METRES FROM TOP OF CURB TO BOTTOM OF SIGN.
ALL SIGNS SHALL CONFORM TO THE ONTARIO TRAFFIC MARKER AND HIGHWAY TRAFFIC ACT.

FIRE ROUTE SIGN DETAIL

N.T.S.



TYPICAL ROAD SECTION

N.T.S.



NIAGARA REGIONAL GARBAGE TRUCK

Overall Length 11.540m
Overall Width 2.880m
Overall Body Height 2.835m
Min Body Ground Clearance 0.388m
Track Width 2.960m
Lock-to-lock time 3.00s
Max Steering Angle (Virtual) 37.20°

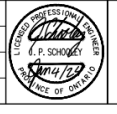
ZONING MATRIX

SEC. 10.4.2.3 RESIDENTIAL MULTIPLE (RM1)

PROVISION	REQUIRED (BLOCK TOWNHOUSE DWELLINGS)	PROVIDED
MIN. LOT FRONTAGE	30m	15.24m
MIN. LOT AREA PER UNIT	285m ²	263.26m ²
MAX. LOT COVERAGE	35%	42.48%
MIN. LANDSCAPED OPEN SPACE	30%	34.35%
MIN. FRONT YARD SETBACK	7.5m	4.5m/6.0m
MIN. INTERIOR SIDE YARD SETBACK	7.5m	2.04m
MIN. EXTERIOR SIDE YARD SETBACK	7.5m	N/A
MIN. REAR YARD SETBACK	7.5m	4.0m
Minimum distance between buildings located on the same lot of 3m between walls not containing windows in a habitable room, and 4m between walls where one wall contains a window to a habitable room, and 15m between walls where both walls contain a window to a habitable room.		3.0m
MIN. DISTANCE BETWEEN ANY TOWNHOUSE DWELLING AND A PRIVATE DRIVEWAY AND PARKING AREA	6m	3.05m
MIN. DWELLING UNIT AREA	80m ²	103.19m ²
MAX. BUILDING HEIGHT	10m	<10m
MIN. ACCESSORY BUILDING YARDS SETBACK	0.5m	N/A
Minimum setback of uncovered, unenclosed or covered patio or deck from requires a side yard setback of 0.6m.		N/A
MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD	7.5m	N/A

NO.	DATE	DESCRIPTION	BY	CHKD	APPD
1	2024-01-04	ISSUED FOR APPROVAL	J.S.		
2	2024-01-04	REVISION	J.S.		
3	2024-01-04	DATE	INIT		

DRAFTING	A.S.
DESIGN	J.S.
CHECKED BY	M.F.
APPROVED BY	J.S.



THE HAVEN
419 LINE 1 ROAD, VIRGIL
TOWN OF NIAGARA ON THE LAKE
SITE PLAN

CONSULTANT FILE No.	21265
DATE	2024-01-04
PRINTED	2024-01-04
SCALE	1:400 m
REF No.	
DWG No.	21265-SP
REV	0