



Planning Assessment Report

**200 John Street East &
588 Charlotte Street**

July 2020



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1 INTRODUCTION

1.1 PURPOSE

This Planning Assessment Report examines a proposal by Solmar (Niagara 2) Inc. to amend the Town of Niagara-on-the-Lake Official Plan and Comprehensive Zoning By-law to permit the development of a residential subdivision consisting of single and semi-detached dwellings at 200 John Street and 588 Charlotte Street in the Old Town Community of Niagara-on-the-Lake (the “subject site”).

Section 2 of this report provides a detailed description of the proposed development and plan of subdivision, a summary of the proposed amendments to the Official Plan and Zoning By-law, and a summary of studies and plans prepared in support of the proposed development.

In addition to this Planning Assessment Report, the applicant is submitting a number of reports and supporting materials, summarized in **Section 2.4**, in order to assess the appropriateness of the proposed development, including the following:

- Urban Design Brief;
- Landscape plan;
- Preliminary conceptual building elevations;
- Archaeological Assessment;
- Cultural Heritage Impact Assessment;
- Environmental Impact Statement;
- Servicing Study (addressing water, wastewater and stormwater services);
- Transportation Impact Study;
- Tree survey;
- Hydrogeology Study; and
- Geotechnical Study.

A detailed overview and assessment of the applicable policy planning framework against which the proposed development must be evaluated is contained in **Section 3** of this report. The policy documents reviewed include the *Provincial Policy Statement (2020)*, the *Greenbelt Plan (2017)*, the *Growth Plan for the Greater Golden Horseshoe (2019)*, the *Niagara Regional Policy Plan*, as well as the *Town of Niagara-on-the-Lake Official Plan*.

Concluding remarks regarding all of the information contained in this report are found in **Section 4**.

1.2 LOCATION & SURROUNDING AREA CONTEXT

The majority of the subject site is situated within the Niagara/Old Town urban area, as shown on **Figure 1**. A portion of the subject site is located within the Greenbelt Plan Area, and development is not proposed on this portion of the site.

The property is located on the south side of John Street, between Charlotte Street and the Upper Canada Heritage Trail, as shown on **Figure 2**. Also identified on **Figure 2** are the land uses adjacent to the subject site.

John Street in the vicinity of the site is characterized by detached dwellings on large lots as well as large agricultural lots and the Butler’s Barracks National Historic Site and related Commons public open space. Other defining characteristics of the area are the residential subdivisions to the west along Charlotte Street and southwest of the subject site along The Promenade; the Upper Canada Heritage Trail along the south boundary of the site; the Two Sisters Winery to the east; and the Randwood property to the north.

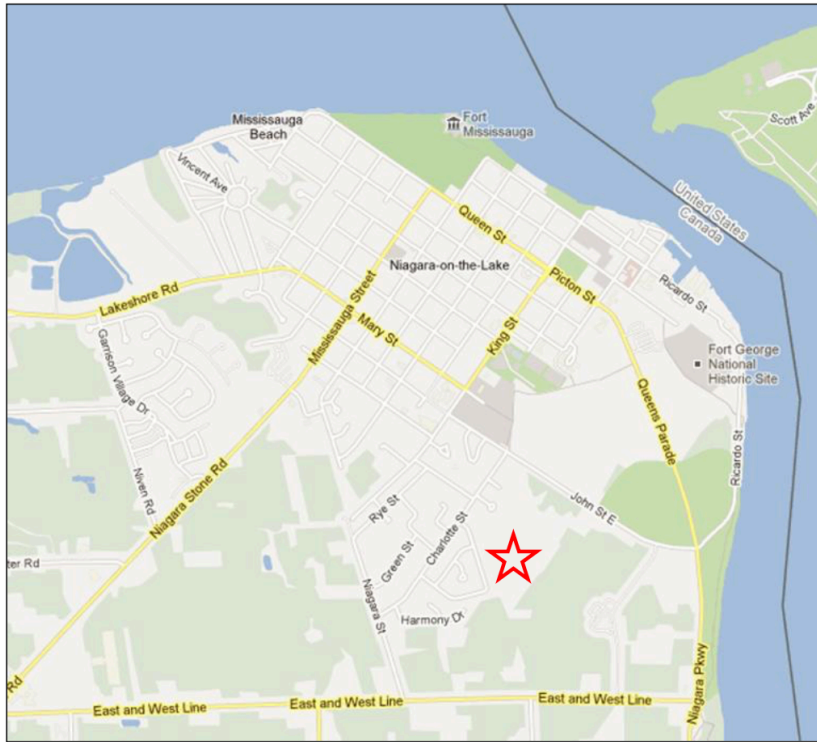
The subject site is currently occupied by two detached dwellings, accessory structures and vacant land.

The following **Table 1** provides a more fulsome and detailed list of surrounding uses.

Table 1 – Surrounding Uses

Direction of Surrounding Use	Description of Surrounding Use
North	<p><i>440 King Street</i></p> <ul style="list-style-type: none"> The Commons at Butler's Barracks National Historic Site. This property is commonly used as an event venue that has a capacity to hold approximately 30,000 people. <p>144 & 176 John Street - Randwood:</p> <ul style="list-style-type: none"> This property is zoned to permit the development of a hotel and conference centre facility. A development application has been submitted to amend the zoning on a site-specific basis to implement an improved layout and development for the lands.
East	<p><i>210 John Street:</i></p> <ul style="list-style-type: none"> <i>Estate residential property</i> <p><i>240 John Street:</i></p> <ul style="list-style-type: none"> Two Sisters Vineyard and Restaurant, over 76 acres' vineyard with a 2-storey building in the middle <p><i>290 John Street:</i></p> <ul style="list-style-type: none"> Peller Estates Winery & Restaurant
South	<p><i>The Promenade</i></p> <ul style="list-style-type: none"> Existing residential subdivision <p><i>Upper Canada Heritage Trail</i></p> <ul style="list-style-type: none"> Existing pedestrian trail on former rail right-of-way
West	<p><i>Charlotte Street and Weatherstone Court</i></p> <ul style="list-style-type: none"> Existing residential dwellings

Figure 1 – Location Map



★ Subject Lands:
200 John Street & 588
Charlotte Street

Source: Google Maps

Figure 2 – Location Context and Surrounding Uses



2 PROPOSAL

2.1 PROPOSED DEVELOPMENT

The proposed development is illustrated on **Figures 3 and 4** of this report. **Figure 3** shows the proposed Draft Plan of Subdivision, and **Figure 4** shows the proposed Landscape Plan.

Design Goals and Objectives

A variety of goals and objectives are proposed for the development of the subject site, which reflects the current and best principles of urban design and the Town's vision for its built environment.

Design goals consist of:

- proposing built form that is sensitive in scale with the surrounding community;
- connecting to the existing public realm;
- promoting a pedestrian scaled environment;
- siting and massing the buildings to strengthen the streetscape;
- orienting building entrances to the street; and
- promoting façade articulation and architectural detail.

The proposed development concept has been designed to strike a balance between respecting the existing neighbourhood character within the surroundings and the Provincial and Regional requirements to accommodate infill and intensification within existing settlement area boundaries. Additional details with respect to the design goals and objectives of the proposed development are included within the Urban Design Brief, also submitted in support of the proposal.

Proposed Plan of Subdivision

The proposed development has been designed to reinforce the character of the surrounding neighbourhood.

The proposed development comprises 125 single detached dwelling units and 66 semi-detached dwelling units, serviced by private roads with the main entrance connecting to John Street. The single detached dwelling units primarily have frontages of 10.8 metres (35 ft.) but comprise other lots ranging up to 23.43 metres (77 ft.). The semi-detached units have consistent frontages of 8.53 metres per unit (28 ft.) but with corner lots measuring up to 13.24-metre (43 ft.) frontages.

Figure 3 – Proposed Draft Plan of Subdivision

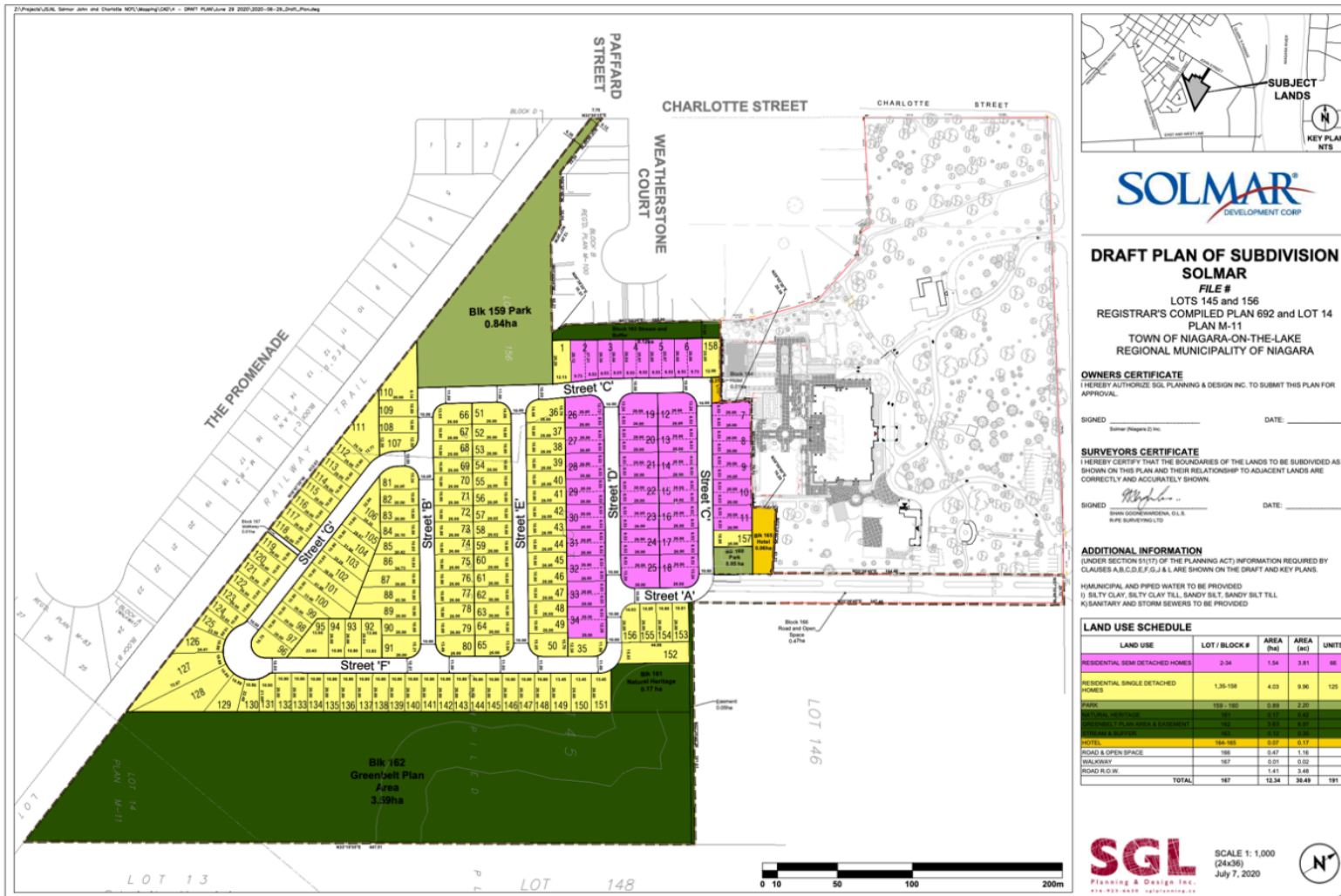


Figure 4 – Proposed Landscape Plan



200 JOHN ST NIAGARA, ON
JULY 2020

CONCEPT PLAN (CONCEPTUAL LAYOUT FOR DISCUSSION PURPOSES)



STUDIO **t1a**

All of the 191 proposed dwelling units will have driveways with direct access onto the proposed private roads. The total area of the subject site is approximately 8.71 ha. (21.52 ac.), exclusive of the portion of the lands within the Greenbelt Plan Area, resulting in a density of approximately 21.9 units per hectare.

Parks and Open Space and Trails

The proposed development also includes a number of park and open space blocks, including a large park (Block 159) of 0.84 hectares in the southwest corner of the property with access to Charlotte Street. The proposed park is also proposed to incorporate an underground stormwater management tank to mitigate potential flooding concerns. The park will also contain multiple gravel pathways and bridge stream crossings leading to a gazebo, formal plantings and benches along the pathways, as well as a playground and a lawn space for passive recreation. A smaller parkette is located at the entrance of the subdivision (Block 160) which conserves the existing tea house pavilion and surrounding Dunnington-Grubb landscape features. An additional natural heritage block (Block 161) is located adjacent to the Greenbelt Plan Area, which is designed to contain a portion of the significant woodland proposed to be retained. The Greenbelt Plan Area portion of the property is protected in Block 162.

A multi-use trail will extend through the park to Charlotte Street along a portion of the current driveway. The multi-use trail will also be able to be used as an emergency access to Charlotte Street. This emergency access will only be used by emergency vehicles responding to emergencies if the main entrance is blocked. A walkway block is provided in the centre of the plan to provide access to the Upper Canada Heritage Trail from Street 'G'. The Upper Canada Heritage Trail is located along the southern property line and provides a buffer and separation to the dwellings on The Promenade.

Vehicular Access

The proposed development will be accessed from a private road connecting to John Street. As shown on **Figure 4**, the proposed Landscape Plan demonstrates the unique nature of the proposed private road entrance from John Street. The existing pillars at John Street will be moved and rebuilt to create a wider entrance while maintaining the current appearance of the entrance and stone wall. Beyond the gate, moving towards the proposed development, a landscaped median will separate northbound and southbound traffic flow to provide an attractive and manicured environment for residents of and visitors to the community. Trees will also be planted along the eastern edge of the driveway, in addition to the existing trees proposed to be retained, to provide an attractive landscape buffer between the driveway and 210 John Street East. Overall, the proposed driveway will function as a unique gateway to the proposed development, and will provide for adequate buffering to 210 John Street to minimize any potential impacts associated with vehicular noise and light. Vehicular access to all dwellings will be from the proposed private streets that are internal to the subject site.

Interface with Adjacent Development

The proposed lots and dwellings will be buffered from development to the west and south, through park and open space blocks which provides privacy and separation from the existing communities. An 11-metre wide block incorporating a stream and associated trees is proposed along part of the west property line which provides a separation between the proposed dwellings and the existing dwellings on Weatherstone Court. A park is proposed in the southeast corner which provides further separation to the dwellings on Weatherstone Court and The Promenade.

The eastern portion of the subject site falls within the Greenbelt Plan Area, and as such, no development is proposed on this portion of the lands. As described in greater detail within Section 3.2 of this report, the interface between the proposed development and the lands within the Greenbelt Specialty Crop Area to the east will be such that there will be no adverse impacts on the Agricultural System.

The northern portion of the subject site is adjacent to 144 and 176 John Street, which is zoned to accommodate a future hotel building and associated uses. The layout of the proposed development promotes a compatible interface between the future hotel and residential uses. As shown on **Figure 3**, the proposed draft plan of subdivision includes ten (10) semi-detached and one single detached dwelling that are proposed to back on to the hotel property. As shown on the proposed plan, these dwellings are all adjacent to proposed landscaped areas of the hotel site, and are located approximately 40 metres away from the proposed hotel building itself. In addition, Block 165 is proposed to be added to the hotel property, along with Block 164, which will increase the buffering. The separation distance to the hotel buildings combined with the proposed landscaping on the hotel property will provide an appropriate buffer to create a compatible relationship between the proposed residential and hotel uses.

Subdivision Layout and Circulation

The layout of the subdivision supports functional site access and minimizes impact on surrounding neighbourhoods and development. The park proposed at the western edge of the subdivision creates a green space buffer between the proposed development and the existing residential area to the west and south. Within this park block, a multi-use trail, which can be used as an emergency access, extends along the northern side of the Upper Canada Heritage Trail to Charlotte Street, and will provide area residents with pedestrian and cycling access between Charlotte Street and the subject lands, while avoiding any vehicular connections to Charlotte Street (other than emergency vehicles).

To blend with the existing neighbourhood character, the orientation of the lots adjacent to the Upper Canada Heritage Trail, along the southern edge of the subdivision, mimic the orientation of the lots on the south side of the trail (along The Promenade), with backyards of the properties backing onto the trail. The trail

itself acts as a buffer between the subject site and the existing neighbourhood to the south.

All roads within the proposed development are private, which allows for a reduced right of way width of 10 metres throughout the proposed subdivision, with the exception of certain areas along Street F and Street C, where an 11.0-metre right-of-way is proposed to accommodate on-street parking for visitors.

Built Form, Massing and Architectural Treatment

The proposed development will consist of single detached and semi-detached dwellings.

As demonstrated on the conceptual building elevations submitted in support of the proposed development, all dwellings will provide for dwelling façades where the prominent feature is the front door and porch, with garages recessed behind the front wall of the dwellings. This front door orientation will contribute to an attractive, pedestrian scaled streetscape, sensitive to the existing character of the area, as front porches encourage interaction with passing neighbours.

The projecting building mass visually diminishes and screens the garage while the porch reduces the scale of the projecting building mass. A variety of roof slopes will be incorporated into the design of the dwellings to generate visual interest, including the potential use of gables and dormers. In addition, the use of large windows and a combination of building materials such as brick, stone and siding are proposed to provide a heritage inspired aesthetic to the proposed development. Where side elevations are exposed to streets, these dwellings will provide the opportunity to provide for additional architectural detail to contribute to the character of the community.

2.2 OFFICIAL PLAN

2.2.1 Existing Official Plan Designation

Schedule “B” of the *Niagara-on-the-Lake Official Plan* designates the portion of the subject site that is located within the Urban Area Boundary as Low Density Residential, Medium Density Residential and Agricultural. The portion of the subject site located outside of the Urban Area Boundary is designated Agricultural as shown on **Figure 5**. As shown in **Figure 6**, Schedule I-1 of the Official Plan also delineates the portion of the subject site that is within the Urban Area Boundary as Built-up Area. As shown within both figures, there is a discrepancy between the way the urban area boundary has been delineated across the subject site. Schedule I-1 shows the correct delineation of the urban area boundary across the subject site, as this matches the urban area boundary delineated in the Niagara Regional Official Plan.

Figure 5 – Land Use Plan

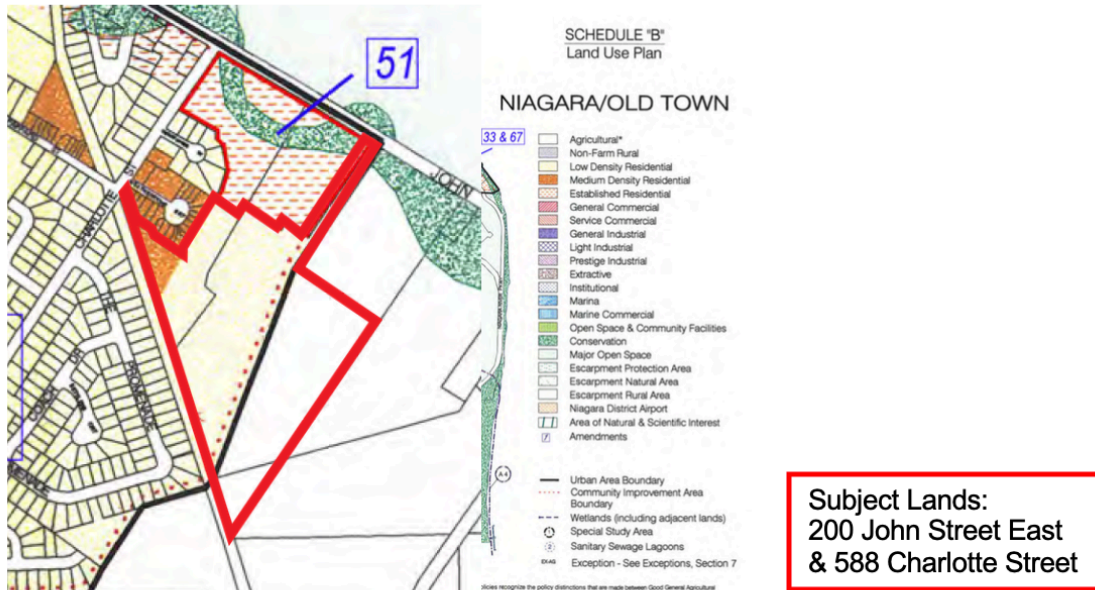
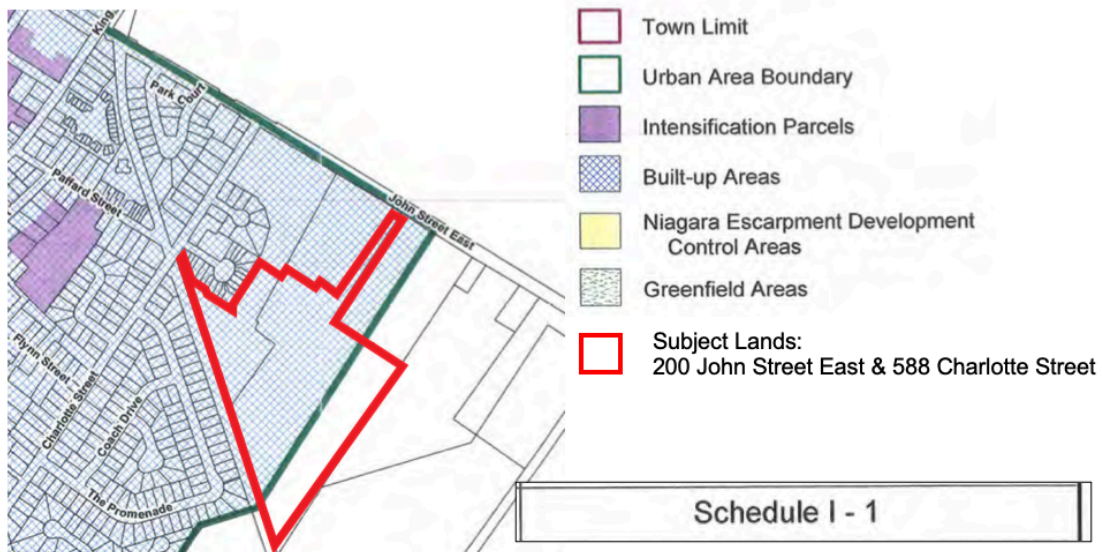


Figure 6 – Built Up Area



According to Section 9.3.1.(1) of the Official Plan, the Low Density Residential designation permits single detached, semi-detached and duplex dwellings [Section 9.3.1.(1)] as main uses. In addition, some secondary uses are permitted in association with a permitted main use, including roomers and boarders, bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures. Uses permitted independent of a main use include minor open space and community facilities as well as medium density

residential uses subject to the relevant policies of Section 9 and a site-specific amendment to the Zoning By-law.

According to Section 9.3.2.(1), the main uses permitted in the Medium Density Residential designation include townhouses, apartments, nursing homes and mobile home parks. In addition, uses permitted independent of a main use include low density residential uses as well as minor open space and community facilities subject to Section 15 of the Official Plan. Section 15 of the Plan does not require an amendment to the Official Plan to establish a new open space use within any urban area of the Plan.

According to Section 7.3.1 of the Official Plan, the Agricultural designations permits farming uses, as well as secondary uses that support and are related to the agricultural industry.

2.2.2 Proposed Official Plan Amendment

Since the land use designations on Schedule B of the Official Plan do not accurately follow the correct urban area boundary across the subject site, a sliver of the subject site that is technically located within the urban area boundary is currently designated as Agricultural. As such, an Official Plan Amendment is required to address this technical matter, and to designate this sliver of the subject site as Low Density Residential, consistent with the existing designation that applies to the majority of the subject site.

Appendix 'A' to this report contains a proposed Draft Official Plan Amendment.

2.3 ZONING BY-LAW

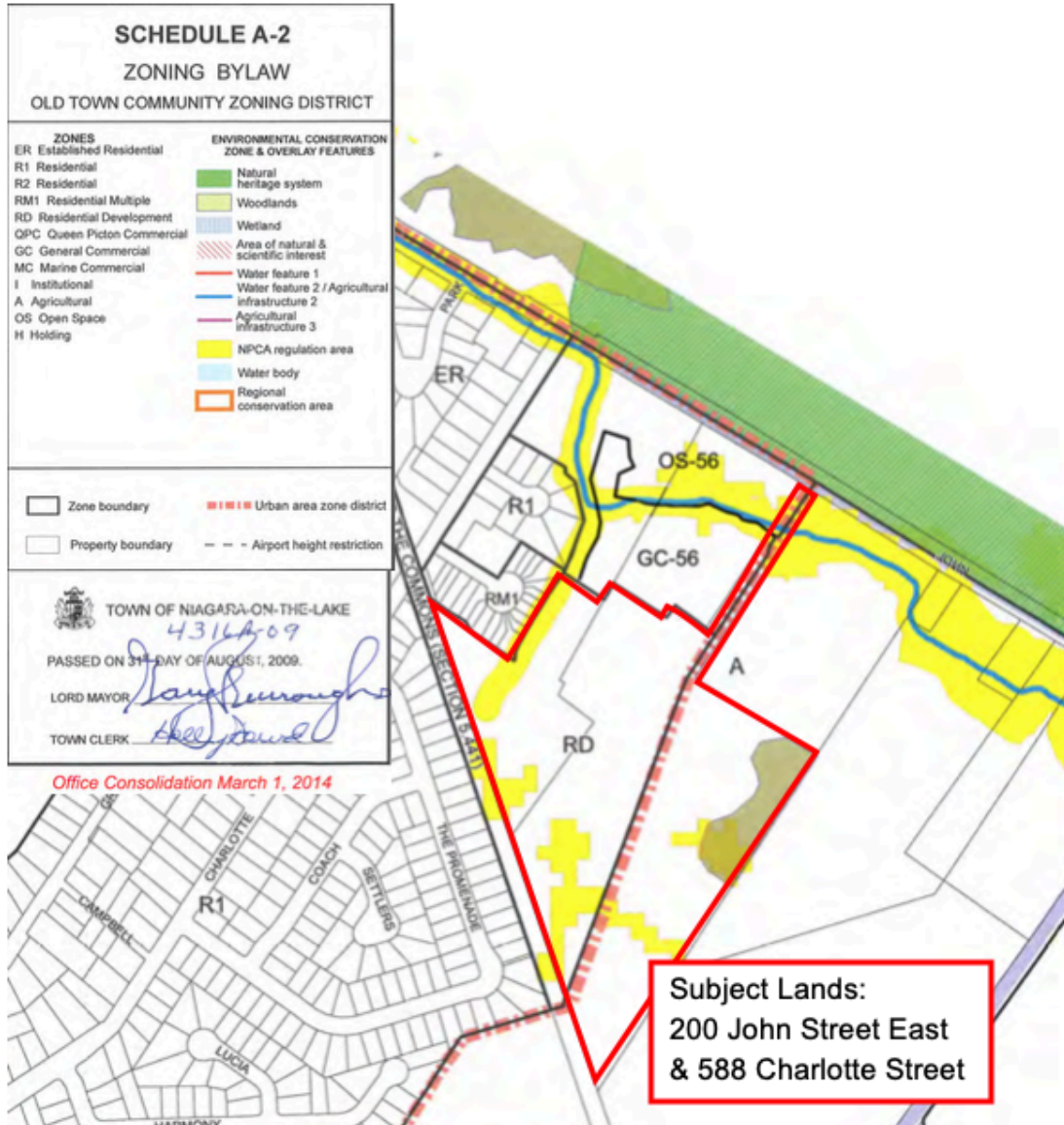
2.3.1 Existing Zoning

As shown on **Figure 7**, Schedule A-2 of Zoning By-law 4316A-09 zones the western portion of the subject site as Residential Development (RD) and the eastern portion of the site as Agricultural (A). The subject site also has NPCA regulation areas where development requires clearance from the Niagara Peninsula Conservation Authority.

The Residential Development (RD) zone states that no land shall be used and no building or structure shall be used, altered or erected except for existing uses. Section 7.6 of the Zoning By-law states that the RD Zone is a development zone that is intended to be developed for residential purposes, with the appropriate zone category to be established through a zoning by-law amendment. As such, a Zoning By-law Amendment is required to permit the proposed development and to establish appropriate residential performance standards in line with the intent of the zoning by-law and in conformity with the Official Plan.

As noted in the previous section of this report, there is a discrepancy in the boundary of the urban area, resulting in a sliver of the subject site that is technically located within the urban area boundary being zoned as Agricultural (A), as shown on **Figure 7**. As such, in addition to the above requirement amendment, a Zoning By-law Amendment is required to the current Agricultural zoned portion of the subject site, in conformity with the Niagara Regional Official Plan.

Figure 7 – Existing Zoning



2.3.2 Proposed Zoning By-law Amendment

The subject site is proposed to be re-zoned to the Residential (R2) Zone with the following special provisions applying to the subject site. It is proposed that the R2 Zone would include site-specific permissions for the subject site to permit single detached and semi-detached dwellings across the entirety of the subject lands, subject to the following performance standards:

Single Detached Dwellings:

Zone Requirements	Proposed (R2)
Min. Lot Frontage	10.8 m
Min. Lot Area	280 sq. m.
Max. Lot Coverage	55%
Minimum Landscaped Open Space	20%
Min. Front Yard Setback	3.0 m, except 6.0 m to garage
Min. Interior Side Yard Setback	1.2 m on one side, 0.6 m on the other side
Min. Exterior Side Yard Setback	3.0 m
Min. Rear Yard Setback	6.0 m
Max. Building Height	10.0 m
Min. Yards Setback for Accessory Buildings	0.3 m
Min. Yards Setback for Accessory Buildings (exterior side yard)	3.0 m
Min. Yards Setback of uncovered, unenclosed or covered patio or deck form	0.6 m
Min. Side Yard Setback for a covered porch	0.6 m
Driveway Setback from property line	7.0 m (exterior) 0.6m (interior)
A covered porch can encroach into a required front yard by:	1.5 m

Semi-Detached Dwellings:

Zone Requirements	Required (R2)	Proposed (R2)
Min. Lot Frontage	9.0 m	8.5 m
Min. Lot Area	334 sq.m.	221 sq. m.
Max. Lot Coverage	33%	60%
Minimum Landscaped Open Space	30%	20%
Min. Front Yard Setback	7.5 m	3.0 m, except 6.0 m to garage
Min. Interior Side Yard Setback	1.5 m	0.9 m
Min. Interior Side Yard Setback for common wall	0 m	0.0 m
Min. Exterior Side Yard Setback	4.5 m	3.0 m
Min. Rear Yard Setback	7.5 m	6.0 m
Min. Dwelling Floor Area	93 sq. m.	93 sq. m.
Max. Building Height	10.0 m	10.0 m
Min. Yards Setback for Accessory Buildings	1.5 m	0.3 m
Min. Yards Setback for Accessory Buildings (exterior side yard)	4.5 m	3.0 m
Min. Yards Setback of uncovered, unenclosed or covered patio or deck form	0.6m	0.6 m
Min. Side Yard Setback for a covered porch	N/A	0.6 m
Driveway Setback from property line	8.0m (exterior), 1.0m (interior)	5.0 m (exterior) 0.5m (interior)
A covered porch can encroach into a required front yard by:	N/A (however, uncovered porches can encroach 1.5m)	1.5 m

Some of the site-specific performance standards noted above vary from the performance standards in the Town's parent zoning by-law. The following provides a rationale for the varied performance standards proposed:

- Min. Lot Frontage:**
 Varied standards for minimum lot frontage are proposed for both the single detached and semi-detached dwellings to reflect the smaller lot frontages shown on the proposed draft plan of subdivision. These lot frontages are similar to those of other recent infill developments within Old Town, including the single detached and semi-detached dwellings at the corner of John Street West and Victoria Street.

- **Min. Lot Area:**

The proposed performance standards for minimum lot area are based on the minimum lot frontage described above and a minimum lot depth of 26 metres. These lots are appropriately sized to accommodate the proposed single detached and semi-detached dwellings, while ensuring sufficient front and rear yard amenity space and parking areas on each lot.
- **Max. Lot Coverage:**

Based on the minimum lot area proposed as well as the proposed performance standards for minimum required front, rear and side yard setbacks, a maximum lot coverage of 55% for single detached dwellings, and 60% for semi-detached dwellings is proposed. This coverage is reflective of lot coverage provisions for recent infill developments within Old Town, including being slightly less than the maximum permitted lot coverage of the single detached and semi-detached dwellings at the corner of John Street West and Victoria Street, where a maximum lot coverage of 63% is permitted.
- **Min. Landscape Open Space:**

The proposed minimum landscape open space of 20% accounts for the portions of the front and rear yards that would not contribute to landscape open space, including the driveway and front and rear porches and/or decks. The combination of the minimum landscape open space and minimum setback performance standards ensure that landscape open space can be appropriately provided and balanced between both the front and rear yards of the proposed lots.
- **Min. Front Yard Setback:**

The proposed minimum front yard setback performance standards for both the single detached and semi-detached dwellings accounts for a minimum setback of 3 metres to the front wall of the dwelling with the intent of bringing houses closer to the street to create a more intimate streetscape. A setback of 6 metres to the garage face ensures adequate space to park personal vehicles. Combined, these minimum front yard setbacks establish an attractive streetscape condition where the garage is recessed behind the front door and front porch, visually reducing the prominence of the garage from the street.
- **Min. Interior Side Yard Setback:**

Varied performance standards for minimum interior side yard setbacks are proposed to provide for a more compact built form while still providing for adequate separation distance between dwellings for rear yard access purposes.

- **Min. Exterior Side Yard Setback:**
Similarly, varied performance standards for minimum exterior side yard setbacks are proposed to provide for a more compact built form while still ensuring that adequate visibility around street corners is maintained.
- **Min. Rear Yard Setback:**
A reduced minimum rear yard setback of 6.0 metres is also proposed to promote compact built form, while still ensuring an adequate amount of amenity space and separation distance between dwellings.
- **Max. Building Height:**
A maximum building height of 10.0 metres is proposed, which is consistent with the existing maximum building height performance standards for single detached dwellings and semi-detached dwellings in Old Town.
- **Min. Yard Setback for Accessory Buildings:**
Varied performance standards for minimum yard setbacks to accessory buildings are proposed to allow for accessory buildings to be located within 0.3 metres of interior side yard and rear yards, and 3.0 metres from exterior side yards. The smaller setbacks can be appropriately accommodated to maximize usable amenity space in the rear yards, and to match the exterior side yard setbacks of dwellings.
- **Min. Yard Setback for Uncovered or Covered Decks, Porches and Platforms:**
To promote a pedestrian oriented streetscape and flexibility on providing for uncovered and covered porches in front and rear yards, reduced side yard setbacks are proposed. This reduction is in line with other recent infill developments within Old Town for single detached and semi-detached dwellings, including the single detached and semi-detached dwellings at the corner of John Street West and Victoria Street.
- **Driveway Setback from Property Line:**
Reduced setbacks are proposed for minimum setback of driveways from the property line to recognize the compact nature of the development and to maximize contiguous landscape open space on properties, while still providing for landscape open space between driveways.
- **Max. Encroachment for a Covered Porch into a Front Yard:**
The Town's parent zoning by-law permits a 1.5-metre encroachment of a porch into the front yard, however the existing performance standards only permit uncovered porches to encroach. As such, additional performance standards are recommended to permit a 1.5-metre encroachment of a covered porch into the front yard, consistent with other recent infill developments within Old Town, including developments at John Street West and Victoria Street and at 128 Anne Street.

These requested zone provisions are appropriate for the proposed development, as it is demonstrated in this report that the proposed development will fit into the surrounding neighbourhood context and will have no negative impacts on adjacent properties. Given the intensification policies in the Town's Official Plan, it is appropriate to provide for similar housing forms on smaller lots that complement existing adjacent residential development. A number of site-specific zone provisions are required to accommodate the proposed dwellings including reduced yard setbacks, increase in maximum lot coverage, and slight increases to permitted yard encroachments.

Appendix 'B' to this report contains a proposed Draft Zoning By-law Amendment.

2.4 SUPPORTING STUDIES

As part of this submission of Official Plan and Zoning By-law Amendment applications, a number of supporting studies and plans have been prepared in support of the applications. A brief summary of these studies and plans is included within this section.

2.4.1 Urban Design Brief

SGL Planning & Design has prepared an Urban Design Brief for the proposed development to assess the design and aesthetics of the proposed subdivision in relation to its surroundings.

The Brief describes that the proposed development will be well-connected to its surroundings while respecting the character of neighbouring residential neighbourhoods. The Brief also emphasizes the elements of community design that have been incorporated as part of the proposed development, including the proposed park blocks, open spaces, and trail connections.

2.4.2 Landscape Plan

Studio TLA has prepared a Landscape Plan for the proposed development, highlighting the important landscape elements that will contribute to the overall design and aesthetic of the proposed community. The plan shows new tree types and tree locations on the subject site, the location of lay-by parking, and the design concepts for the park blocks.

The park block incorporates multiple gravel pathways and bridge stream crossings leading to a gazebo. Formal planting is proposed along the pathways in the park, as well as a playground and a lawn space for passive recreation. There are also benches placed along the pathways to provide pedestrian comfort.

A smaller parkette is also located on the subject site providing for additional passive recreation and gathering space and incorporating the existing tea house pavilion and elements of the Dunnington-Grubb landscape on the subject site.

2.4.3 Archaeological Assessment

Archeoworks Inc. has prepared a Stage 1-2 Archaeological Assessment for the subject site and proposed development which was prepared and completed in February 2019. The purpose of Stage 1 is to provide information on the property's history and geography including its archaeological potential. The purpose of Stage 2 is to document the resources found, determine further assessment and recommend strategies for a Stage 3 study.

Based on detailed research, the Stage 1 Archaeological Assessment concluded that the site has archaeological potential. During Stage 2, six historic Euro-Canadian artifact collections were identified: H1 (AhGs-68), H2 (AhGs-410), H4 (AhGs-411), H5 (AhDs-412), H6 and H7. Only H1, H2 and H4 identified numerous artifacts pre-dating 1900 that were of cultural significance. These artifact collections will require further examination, including a Stage 3 archaeological assessment before proceeding with development. The remaining sites, H5, H6 and H7 are of low cultural heritage value and therefore no further assessment is required.

The Ministry of Heritage, Sport, Tourism, Culture Industries has provided a clearance letter advising that the Stage 3 Assessment should be undertaken prior to intrusive activity on the site. As such, this can be appropriately addressed as a condition of draft plan approval for the subject site.

2.4.4 Cultural Heritage Impact Assessment

Heritage & Planning Services has prepared the Cultural Heritage Impact Assessment to identify significant heritage resources and cultural heritage landscapes on or adjacent to the proposed development. This report assessed and identified the cultural heritage resources and cultural heritage landscapes on and adjacent to the subject site.

The report provides background context with respect to the fact that the Town has issued Notices of Intention to Designate (NOIDs) for the subject site (both 200 John Street East and 588 Charlotte Street). According to the report, the owner of the subject site has challenged this designation both in the courts and to the Conservation Review Board, and these challenges are still ongoing.

Despite these ongoing legal proceedings, this Planning Assessment Report relies on the Cultural Heritage Impact Assessment as part of the evaluation of the proposed development with respect to potential cultural heritage attributes on the property. According to the assessment, the proposed development is sensitive

to the significant heritage resources on the property and adjacent properties, and these resources will not be unacceptably or adversely impacted. If required, the proposed Draft Plan of Subdivision could be revised in the future to address the outcome of the ongoing legal processes, and/or any heritage matters could be dealt with through conditions of draft plan approval.

The Cultural Heritage Impact Assessment includes an evaluation of heritage attributes on the property based on the regulations of O. Reg 9/06 of the Ontario Heritage Act. According to the evaluation, if the subject site (both 200 John Street East and 588 Charlotte Street) were designated under Part IV of the Ontario Heritage Act, any identified significant heritage attributes should be limited to the remnants of the Dunnington-Grubb landscape, the tea house pavilion, the pool house and the stone wall which surrounds the subject site. Based on this evaluation, the following describes how these heritage attributes will be conserved through the proposed development:

- There is a stone wall along the southern boundary of the subject site, adjacent to the Upper Canada Heritage Trail which will be repaired and restored;
- The brick pillars at the entrance to 200 John Street will be dismantled, to provide for a wider entrance, and reconstructed using the same bricks to ensure the entrance retains the same appearance;
- The tea house pavilion and surrounding plantings will be restored in accordance with the Dunnington-Grubb landscape drawings and plans within Block 160;
- The pool house will be conserved, moved and restored to the larger of the two proposed parks on the subject site (Block 159); and
- Appropriate interpretive plaques and images will be provided within one or more of the proposed parks on the subject site to show the evolution of the Rand Estate and the buildings, structures and designed landscape features.

2.4.5 Environmental Impact Statement

Savanta has prepared an Environmental Impact Study (EIS) to assess the potential impacts of the proposed development on the natural heritage features on and adjacent to the subject site. The report identifies components of some natural features that will be somewhat impacted by the proposed development, including a 0.10-hectare piece of a significant woodland and unevaluated wetland, and a portion of the tributary of One Mile Creek.

With respect to the significant woodland, a 0.10-hectare piece of it, and its associated 30-metre buffer, is proposed to be removed to accommodate the proposed development. According to the EIS, this piece is narrow and provides limited ecological functions, and the remaining portion of the woodland, along with enhanced vegetation within the vegetation protection zone, will result in enhancements to the overall function of the woodland and will result in no

negative impacts. This same 0.10-hectare piece of significant woodland is also considered to be an unevaluated wetland. According to the EIS, this wetland is not connected to any surface watercourse and as such does not contribute to the hydrological function of the watershed. Further, the wetland is not considered to be a Significant Wildlife Habitat.

Overall, the removal of this piece will not result in any negative impacts on the natural features or their functions.

2.4.6 Servicing Study

The details of water, wastewater and stormwater management are provided in the Functional Servicing Report (FSR) submitted in support of the proposed development. With respect to water servicing, the subject site is anticipated to be readily serviceable via the existing infrastructure along Charlotte Street. Similarly, wastewater servicing will also be provided by existing servicing along Charlotte Street, which is expected to have sufficient capacity for the proposed development.

With respect to stormwater management, the FSR demonstrates that sufficient water quality and erosion control is provided by the proposed underground stormwater management facility, and a series of low impact development (LID) measures will ensure an appropriate water balance for the site, including measures such as amended (upgraded) topsoil to improve permeability, disconnected roof leaders, and infiltration trenches.

2.4.7 Transportation Impact Study

LEA Consulting Ltd. has prepared a Transportation Impact Study to document and review the existing and future transportation network in relation to the proposed development on the subject site. According to the study, the proposed access for the subject site to and from John Street East is sufficient to accommodate the proposed development, as the volume of trips on the roads and the volume of trips generated by the proposed development on the subject site are such that the existing roads are expected to operate at sufficient levels of service. Further, the study notes that the proposed access is expected to operate with minimal delay and congestion and is considered appropriate for the development. Overall, the proposed development can be accommodated without triggering any off-site road improvements to John Street or other intersections within the area.

2.4.8 Hydrogeological Study

Cole Engineering Group Ltd. has prepared a Hydrogeological Investigation Report to assess potential groundwater impacts of the proposed development as

well as proposed mitigation measures based on a review of the hydrogeological information collected on site.

The report identifies that while the proposed development will have an impact on groundwater levels, best management practices are recommended to preserve existing groundwater flow through the increasing of infiltration and restriction of movement along subsurface corridors.

2.4.9 Geological Study

Soil Engineers Ltd. has prepared a Geotechnical Investigation to assess the subsurface conditions of the subject site and to determine the engineering properties of the present soils. The report outlines several findings and recommendations to be considered and carried out at the construction stage of the proposed development.

3 POLICY REVIEW & PLANNING ASSESSMENT

This section of the report assesses the merits of the proposal in the context of provincial, regional, and local policy applicable to the subject lands. The policy documents reviewed include the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2019), the Greenbelt Plan (2017), the Niagara Regional Official Plan (2014), and the Town of Niagara-on-the-Lake Official Plan (2017). This section also includes a review of the adopted Niagara-on-the-Lake Official Plan (2019), as well as adopted Official Plan Amendment 78, as they relate to the proposed development, neither of which are in effect.

3.1 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement, 2020 (PPS) provides direction to the land use planning process. Planning decisions by municipal councils and other decision-makers are required to be consistent with the PPS. The policy statements of particular applicability, reviewed below, largely relate to “Building Strong Healthy Communities” [Part V, Section 1.0 of the PPS].

Healthy, Livable and Safe Communities

The PPS requires that healthy, livable 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;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) *Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;...*
- h) *Promoting development and lands use patterns that conserve biodiversity; and*
- i) *Preparing for the regional and local impacts of a changing climate.” [Policy 1.1.1, in part].*

Consistency:

The proposed development is consistent with these policies as it provides for intensification and a mix of housing types to help the Town meet its projected housing needs for 25 years. It represents an efficient development of the subject lands from the perspective of servicing, with the use of existing infrastructure and public service facilities contributing to the financial well-being of the Town. In addition, the proposed development avoids environmental or public health and safety concerns. As detailed in Section 2.4.5 of this report, the proposed development will cause no negative impacts to natural features or their ecological functions. Further, with respect to public health, the proposed development promotes walkability and reduced dependence on the automobile with its location with an urban area of the Town, as well as through the provision of trail connections and sidewalks to encourage active transportation.

Overall, the proposed development is appropriate in accommodating intensification on a site within the Built-up Area of the Town. The proposed development makes efficient use of existing infrastructure services while also promoting compact development that is sensitive to the character of the adjacent neighbourhood with respect to scale and density and through the provision of appropriate buffers to adjacent development.

While encouraging efficient use of land and infrastructure, the PPS also provides direction on where intensification and redevelopment should occur. Section 1.1.3.2 speaks to opportunities for intensification and redevelopment, stating that,

“land use patterns within settlement areas shall 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.”

Section 1.1.3.3 of the PPS states that:

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

Consistency:

The subject lands are well situated within the Old Town community, located within walking distance to an existing transit route (between the Court House, Fort George and Community Centre bus stops along John Street) and within walking distance to many of the Town’s amenities.

The proposal contributes to the supply of low-rise housing within the Town as there are limited opportunities to supply this form of housing in Old Town. The subject site is located within a fully serviced urban settlement area where infrastructure and community facilities are located and available. As well, the proposal will contribute to the achievement of the Town's intensification target in a manner that is cost effective and contributes to creating a compact built form in the Town while respecting the low-rise single detached housing character of the surrounding neighbourhoods.

The PPS supports promoting healthy, active communities by providing a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including parklands, public spaces, and open space areas.

Consistency:

The proposed development includes a park in the west corner of the subject site that will be publicly accessible. In addition, access to the Upper Canada Heritage Trail that runs along the southwestern edge of the property will be provided. Two additional open space blocks are provided in the southeastern portion of the subject site, providing additional opportunities for passive recreation.

Coordinating efficient and cost-effective infrastructure

With respect to infrastructure servicing, Section 1.6.6 of the PPS contains policies to ensure that sustainable infrastructure services, including sewer, water and stormwater services, are provided. Generally, the policies require the optimization of existing services to ensure that they are financially viable and that the impacts of development on climate be considered. Section 1.6.6.7 applies to stormwater management services.

In addition, section 1.7.1 of the PPS states that long-term economic prosperity should be supported by:

- c. optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.*

Consistency:

The subject site is located within a fully serviced settlement area and is proposed to be serviced by existing infrastructure facilities. With respect to public service facilities, the subject site is located within close proximity to the Upper Canada Heritage Trail, which provides recreational opportunities, as well as nearby to the Town's fire station, public library and community centre. As such, the proposal makes efficient use of existing infrastructure and public service facilities within Old Town.

Section 1.8 of the PPS requires that planning authorities support energy efficiency and improved air quality through land use and development patterns that are compact, through the promotion of the use of public transit and alternate forms of transportation, through a mix of employment and housing to shorten commute times, through design and orientation that maximizes energy efficiency and conservation, through the use of renewable and alternative energy systems and through maximization of vegetation.

Consistency:

The location, proposed orientation of the lots and size of the subject lands allows for an efficient and compact built form, in a location that is supported by public transit and within walking distance to shopping, community services, community facilities, parks and trails. Vegetation will also be provided throughout the site, with the planting of many new street trees as demonstrated on the proposed landscape plan.

Natural Features

Section 2 of the PPS contains policies on the wise use and management of resources. Accordingly, the PPS sets out policies for the long-term protection of natural features and areas (Section 2.1.1). It also requires that the diversity and connectivity of natural features and the long-term ecological function of natural heritage systems be maintained or, where possible, improved. It does not permit development and site alteration in significant wetlands nor does it permit it in significant woodlands and valleylands, unless it has been shown there will be no impact to the features or their ecological functions (Sections 2.1.4 and 2.1.5). It also restricts development and site alteration in fish habitat unless it is in accordance with federal and provincial requirements (Section 2.1.6). Development and site alteration adjacent to these same features also requires an evaluation that shows that there will be no negative impact on the natural features or their functions (Sections 2.1.8).

Consistency:

Savanta prepared an Environmental Impact Study (EIS) assessing the proposed development. The report identifies natural features on the site including a Significant Woodland, a small unevaluated wetland and a portion of the tributary of the One Mile Creek.

With respect to the Significant Woodland, a 0.10-hectare piece of it, and its associated 30-metre buffer, is proposed to be removed to accommodate the proposed development. According to the EIS, this piece is narrow and provides limited ecological functions, and the remaining portion of the woodland, along with enhanced vegetation within the vegetation protection zone, will result in enhancements to the overall function of the woodland and will result in no net negative impacts. This same 0.10-hectare piece of significant woodland is also considered to be an unevaluated wetland.

According to the EIS, this wetland is not connected to any surface watercourse and as such does not contribute to the hydrological function of the watershed. Further, the wetland is not considered to be a Significant Wildlife Habitat. Overall, the removal of this piece will not result in any negative impacts on the natural features or their functions.

With respect to the tributary of the One Mile Creek, the EIS describes that this tributary along the west property line will be left in place and protected with a 10-metre buffer. According to the EIS, hydrology within the creek will be maintained, and there will be no indirect impacts on fish habitat in the watercourse as a result of the proposed development.

As such, the proposal is consistent with the natural heritage policies of the PPS.

Water Resources

Section 2.2 of the PPS includes policies to protect water resources in Ontario. The policies address requirements for planning authorities with respect to the protection, improvement and restoration of water quality and quantity (Section 2.2.1). The PPS also requires the restriction of development and site alteration in or near sensitive surface and groundwater features and states that mitigative measures may be required with respect to development in or near these features (Section 2.2.2).

Consistency:

The proposal is consistent with the water policies of the PPS. As noted above, the proposed development is not anticipated to generate any negative impacts on surface water resources on the subject site, including the tributary of the One Mile Creek which will be protected with a 10-metre buffer. With respect to water quality, the FSR submitted in support of the proposed development describes that the water quality will be protected through the use of an underground storage tank and associated mechanism to remove suspended solids.

Cultural Heritage

Section 2.6 of the PPS contains policies on Cultural Heritage and Archaeology, requiring the conservation of built heritage resources and significant cultural heritage landscapes (Section 2.6.1). The PPS permits development and site alteration on lands adjacent to protected heritage properties only where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Section 2.6.3). Further, the PPS restricts development on lands containing archaeological resources unless those resources have been conserved (Section 2.6.2).

Consistency:

PPS directions for archaeology have been appropriately addressed as demonstrated in the Ministry’s clearance letter. A Stage 3 Archaeological Assessment is required; however, the Ministry has advised that this assessment should be undertaken prior to intrusive activity on the site. As such, this requirement can be appropriately addressed as a condition of draft plan approval for the subject site.

A Heritage Impact Assessment was prepared by Heritage & Planning Services in support of the proposed development. According to the assessment, the proposed development is sensitive to the significant heritage resources on the property and adjacent properties, and these resources will not be unacceptably or adversely impacted. As noted in greater detail within Section 2.4.4 of this report, the Cultural Heritage Impact Assessment provides an evaluation of the subject site in relation to the regulations of O. Reg 9/06 of the Ontario Heritage Act. Based on this assessment, certain features of the proposed development are proposed to be conserved, including maintaining and restoring the stone wall and entrance pillars, restoring the tea house and surrounding plantings in accordance with the Dunnington-Grubb landscape plans, conserving, moving and restoring the pool house to the larger of the two proposed parks on the subject site (Block 159), and installing appropriate interpretative and commemorative plaques and images in one of the proposed parks on the subject site.

Protection of public health and safety

Finally, the PPS directs measures to protect public health and safety with respect to both natural hazards such as flooding and erosion, and man-made hazards such as contaminated sites [Policies 3.1 & 3.2].

Consistency:

No floodplains, erosion or man-made hazards are present on the subject lands.

3.2 GREENBELT PLAN 2017

The Greenbelt Plan identifies areas where urbanization should not occur in order to provide permanent protection to the agricultural land base and ecological features and functions. All lands within the Town of Niagara-on-the-Lake are within the Greenbelt Plan Area, as shown on **Figure 8**. The majority of the lands within the Town are designated “Protected Countryside – Tender Fruit and Grape Lands”, with the exception of the lands within the Town’s settlement areas and lands subject to the Niagara Escarpment Plan. The settlement areas, including Old Town, are designated as “Towns and Villages”.

Towns and Villages are not subject to the policies of the Greenbelt Plan, and are governed by municipal plans and related programs and initiatives. Municipalities are encouraged to, “maintain, intensify and/or revitalize” these areas.

Conformity:

The easterly portion of the subject site, measuring 3.63 hectares in size, is contained within the Greenbelt Plan Protected Countryside. No development is proposed for this portion of the subject site, which is intended to remain as natural heritage and farmland. The portion of the subject site that is proposed to be developed is entirely located within the Old Town settlement area boundary, as shown on **Figure 8** and is designated Towns and Villages in the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan states that Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans, and as such, are not subject to the Protected Countryside policies of the Greenbelt Plan.

Policy 3.1.2.5 of the Greenbelt Plan speaks to the interface between agricultural and non-agricultural uses. The policy states that land use compatibility shall be achieved by avoiding, where possible, or minimizing and mitigating adverse impacts of on the Agricultural System, based on provincial guidance. Related to this, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed Minimum Distance Separation (MDS) Formulae to address land use compatibility issues between agricultural uses such as livestock facilities, manure storage or anaerobic digesters and sensitive land uses.

Conformity:

The interface between the proposed development and the lands within the Greenbelt Specialty Crop Area to the east will be such that there will be no adverse impacts on the Agricultural System. With respect to MDS, there is one barn located south of the subject site, as shown on **Figure 9**. Although located on a neighbouring property, the same owner who owns the subject site owns the barn. According to information obtained from the owner, the barn contains 60 chickens, 50 rabbits, 7 goats and 6 sheep. According to the MDS calculator on the OMAFRA website, the minimum required distance of the proposed development from the livestock barn is 86 metres (281 feet), as shown on **Figure 9**, which is substantially less than the distance between the subject site and the barn. As such, the proposed development complies with OMAFRA’s MDS regulations.

Figure 8 – Greenbelt Plan

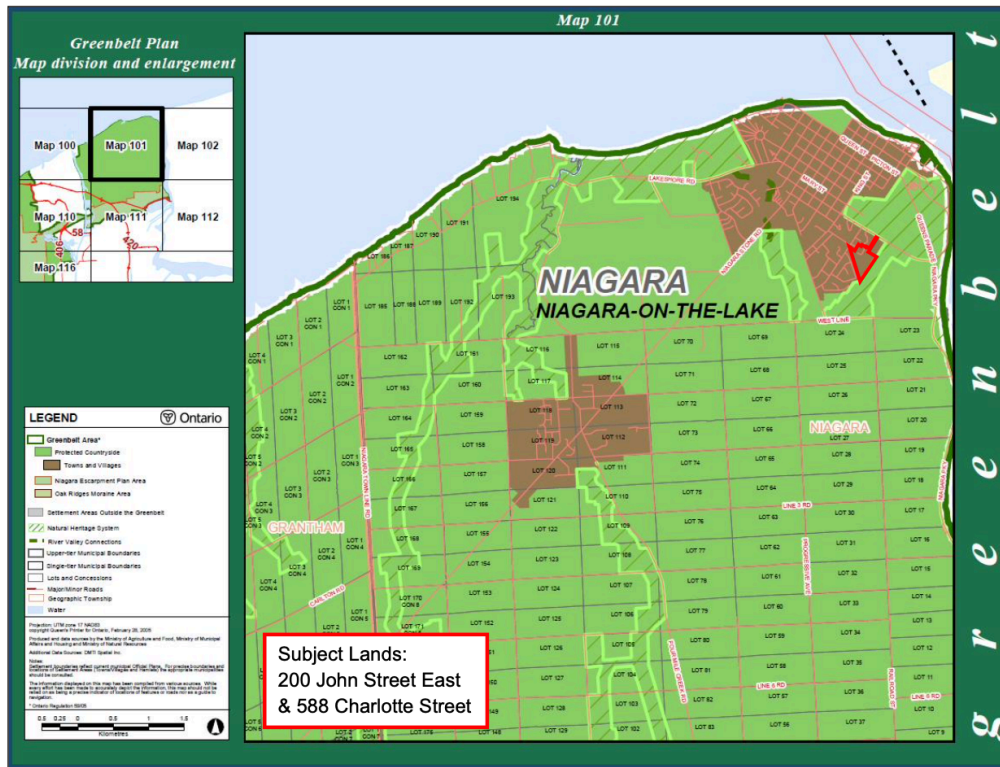


Figure 9 – Minimum Distance Separation



- Subject Lands: 200 John Street and 588 Charlotte Street
- Minimum Distance Separation

3.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2019)

With the adoption of Places to Grow, Growth Plan for the Greater Golden Horseshoe in 2006, the Province reinforced the importance of the PPS policies requiring that, as a first priority wherever possible, growth be directed to locations within built-up areas where intensification and redevelopment can be transit-supportive and make efficient use of land, infrastructure and public service facilities. The policies of the Growth Plan have been further reinforced with the adoption of the new Growth Plan (2019). The subject lands fall within the built-up area of the Old Town settlement area in Niagara-on-the-Lake.

Section 2.2.1 of the Growth Plan for the Greater Golden Horseshoe (Growth Plan) requires that growth in Settlement Areas be focused in:

- i) Delineated built-up areas;*
- ii) Strategic growth areas;*
- iii) Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv) areas with existing or planned public service facilities”.*

Conformity:

The proposed development on the subject site represents an intensification opportunity within the Town’s delineated built-up area. As such, development and intensification in this location is in conformity to the Growth Plan.

Section 2.2.1.4 of the Growth Plan states that “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 second units and affordable housing to accommodate people at all stages of life and to accommodate the needs of all household size and incomes;*
- d) expand convenient access to;*
 - a. A range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - b. Public service facilities, co-located and integrated in community hubs;*
 - c. An appropriate supply of safe, publicly-accessible open space, parks, trails, and other recreational facilities; and*
 - d. Healthy, local, and affordable food options, including through urban agriculture;*

- e) *Provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *Mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) *Integrate green infrastructure and appropriate low impact development.”*

Conformity:

The policies speak to the efficient and effective management of growth through the achievement of complete communities. The proposed development supports the achievement of a complete community. The proposal for a compact, low density residential development supports the intent of the Town’s Official Plan. The community has been designed with complete community standards in mind, with sidewalks on all roads, a park, a mix of housing types, including single and semi-detached dwellings, and connectivity to surrounding lands.

The proposed development promotes an appropriate land use pattern that considers the broad impacts of climate change. The subject site is located in close proximity to the Town’s transit route and is located in close proximity to parks, shopping and community services. The close proximity of the subject site to nearby amenities supports a land use pattern where a private vehicle is not always required as a mode of transportation. Further, the proposed development promotes low impact development by providing amended (upgraded) topsoil to improve permeability, disconnected roof leaders and infiltration trenches, which will mitigate the impacts of climate change with the provision of a stormwater management system on site.

The Growth Plan provides further direction on creating complete communities through a variety of housing goals in section 2.2.6. In addition to accommodating forecast growth and achieving minimum intensification and density targets, Section 2.2.6.2 of the Growth Plan calls on municipalities to support the achievement of complete communities by considering a range and mix of housing options and densities and to diversify overall housing stock across municipalities.

Conformity:

The proposed development will accommodate single and semi-detached dwellings. This housing form, although similar to the housing form in adjacent neighbourhoods, is desirable to maintain the low-rise character of Old Town while providing housing diversity through smaller lots and semi-detached dwellings.

Chapter 3 of the Growth Plan contains policies on infrastructure to support growth in the Greater Golden Horseshoe. Sections 3.2.6 and 3.2.7 of the Growth Plan contain policies specific to water, wastewater and stormwater management

services, requiring that opportunities for optimization and improved efficiency be prioritized for infrastructure systems, and that these systems be comprehensively planned to demonstrate that the quality and quantity of water will not be negatively impacted.

Conformity:

The details of water, wastewater and stormwater management are provided in the Functional Servicing Report (FSR) submitted in support of the proposed development. With respect to water servicing, the subject site is anticipated to be readily serviceable via the existing infrastructure along Charlotte Street. Similarly, wastewater servicing will also be provided by existing servicing along Charlotte Street, which is expected to have sufficient capacity for the proposed development.

With respect to stormwater management, the FSR demonstrates that sufficient water quality and erosion control is provided by the proposed underground stormwater management facility, and a series of low impact development (LID) measures will ensure an appropriate water balance for the site, including measures such as amended (upgraded) topsoil to improve permeability, disconnected roof leaders, and infiltration trenches.

As such, the proposed development achieves the intent of providing for adequate servicing infrastructure and is in conformity with the policies of the Growth Plan.

Section 4.2 of the Growth Plan contains policies for “protecting what is valuable”, including policies for the protection of features in natural heritage systems, protecting cultural heritage resources and mitigating the impacts of climate change. With respect to climate change, the policies call for municipalities to promote a reduced dependence on the automobile, undertake stormwater management planning, promoting opportunities for local food, protecting the natural heritage system and water resources, and other matters.

Conformity:

As noted in the previous section of this report addressing consistency with the policies of the PPS, the proposed development appropriately addresses cultural heritage and natural heritage resources. With respect to climate change, as discussed previously, the implementation of measures to control stormwater on the subject site, combined with the site’s location within the Town’s built up area, will help to mitigate the impacts of climate change by reducing potential flooding events and reducing dependence on automobiles.

3.4 NIAGARA REGION OFFICIAL PLAN, 2014

The Niagara *Region Official Plan* contains policies, goals and objectives to guide the physical, economic and social development of Niagara Region.

Section 2 of the Regional Official Plan provides the strategic objectives for growing Niagara's Economy. Objective 2.1 is to provide a balance between urban development and the conservation of natural resources. To meet this objective a choice of housing and employment locations needs to be provided [2.1.(a)].

Conformity:

The proposed development on the subject site provides for the development of lands that are already designated for residential development purposes, while balancing and providing for the conservation of natural resources on the subject site.

Section 4 of the Regional Official Plan identifies the key objectives for growth in Niagara Region, including the designation of Urban Areas to meet anticipated residential needs, providing suitable and efficient infrastructure systems, and providing a sufficient supply of housing which is affordable, accessible, adequate and suited to the needs of the full range of types of households and income groups in Niagara.

Conformity:

The proposed development provides for low-rise housing on smaller single detached and semi-detached lots which will create a more affordable ground-related option for housing within the community.

Section 4.C contains policies on intensification. Policy 4.C.2.1 requires local municipalities to develop and implement intensification strategies, such as identifying specific intensification areas, planning these areas to provide a diverse mix of land uses and promote the use of transit and pedestrian connectivity, as well as planning for higher densities than currently exist while ensuring relative compatibility with surrounding uses.

Section 4.C.4 establishes residential intensification targets for municipalities in the Region. The Region's intensification target between 2015 and 2031 is 40%; that is 40% of all residential development within the Region will occur within the existing built boundaries. While the overall target is 40%, some municipalities have higher targets, and some lower. Niagara-on-the-Lake has an intensification target of 15%.

Conformity:

In our opinion the proposal conforms with the policy intent of Section 4.C of the *Regional Official Plan* as it contributes to the intensification target and provides for low-rise housing which is compatible with the built forms of

surrounding homes while providing for a range of smaller lot sizes and semi-detached dwellings than currently exist in the surrounding neighbourhoods.

The subject lands fall within the built-up area of the Old Town Urban Area. Objective 4.A.1.1 for shaping growth in Niagara is to direct the majority of growth and development to Niagara's existing Urban Areas. This is supported by policy 4.G.7.2 which states that Urban Areas are to be the focus of the Region's long-term growth and development, and policy 4.G.8.1 states that built-up areas will be the focus of residential intensification and redevelopment over the long term.

Conformity:

The subject lands are within the built-up area of Old Town, and therefore the proposal is in conformity with policies 4.G.7.2 and 4.G.8.1 and helps to implement the policies of the Regional Official Plan.

Natural Environment policies are contained in Section 7 of the Regional Official Plan. Policy 7.A emphasizes the promotion of healthy landscapes. This section states that development should maintain, enhance or restore ecosystem health and integrity. Natural vegetation, wildlife and water resources should be improved and enhanced. The policies state that where natural features are affected by a proposed development, mitigation measures are required.

Conformity:

The proposed development appropriately mitigates impacts to natural features that are affected by the proposed development, as previously discussed in this report. As noted, the proposed development can be accommodated such that there are no negative impacts to natural features. Further, to address stormwater management and water quality, the proposed development incorporates LID measures to reduce stormwater runoff on site.

Infrastructure

Section 8 of the Regional Official Plan contains regional infrastructure policies. These policies require municipalities to optimize the use of existing infrastructure and provide necessary public utilities in accordance with the servicing needs of existing and future development.

Conformity:

This matter has been addressed in Section 2.4.6 of this report, where it is stated that the Functional Servicing Report (FSR) submitted in support of the proposed development addresses how the proposed development can be adequately serviced with respect to water, wastewater and stormwater management services, in a manner that optimizes the use of existing infrastructure.

Section 11.A contains policies for Residential Areas and Housing. Policy 11.A.1 states that the “*Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle*”. According to policy 11.A.2, the Region encourages the development of attractive and well-designed residential development that is well connected to adjacent residential and commercial areas as well as community facilities, accessible, incorporates the principles of sustainable building design, provides an attractive and functional streetscape, balances the need for private and public spaces and encourages the use of diverse modes of transportation.

Conformity:

The subject proposal offers unique small-lot ground-related housing choice within the Town, particularly important in an area where there is a growing trend of an aging population moving into more compact housing but in a low-rise housing form. The proposed development will incorporate single and semi-detached dwellings on smaller lots which will grow the Town’s stock of ground-related housing. The urban design brief describes how the proposed dwellings achieve the policy objective of attractive and well-designed residential development.

Further, and as mentioned earlier, the subject lands are well situated near the Town’s transit corridor and in close proximity to community facilities in Old Town, such as the public library and community centre, fire station, parks, schools and shopping areas.

Policy 11.C.1 states that recreational uses are to be located within Urban Areas.

Conformity:

The proposed park on the subject site will be publicly accessible, therefore supporting the Region’s policy of developing recreational uses within Urban Areas.

3.5 TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN, 2017

As discussed in Section 2.2 of this report, Schedule “B” of the *Niagara-on-the-Lake Official Plan* designates the portion of the subject site that is located within the Urban Area Boundary as Low Density Residential, Medium Density Residential and Agricultural. The portion of the subject site located outside of the Urban Area Boundary is designated Agricultural.

Conformity:

While an Official Plan Amendment is required to redesignate a sliver of the subject site from Agricultural to Low Density Residential, the proposed amendment is technical in nature as the sliver of land falls within the urban area boundary, but which were incorrectly mapped as being outside of the urban area boundary.

It is important to note that a portion of the subject site is designated as Medium Density Residential on Schedule B of the Official Plan. The proposed development does not include any medium density housing, and rather, includes only low density housing which reflects the predominant character of adjacent neighbourhoods, despite some townhouses being located adjacent to the site.

The OP contains a number of policies to guide the location, type and form of development within the Town. Section 6 of the OP contains general development policies applicable to various types of development on a town-wide basis. According to Policy 6.4, the “low-rise character should be maintained” for the most part.

Conformity:

The proposed development will consist of 2-storey single detached and semi-detached dwellings, which fall in to the category of low-rise dwellings. While recognizing that some developments and properties are appropriate to accommodate additional height and density, including the neighbouring property where a hotel building is appropriate and permitted and along Weatherstone Court where townhouses exist, the proposed development for the subject site fits in with the overall low-rise character of nearby residential neighbourhoods.

Section 6A: Growth Management Policies of the Official Plan provides population projections and allocations, identifies growth areas, Built-up Areas, intensification areas, Designated Greenfield Areas and provides a full range of related growth management policies. As described earlier in this report, Schedule I-1 of the Official Plan identifies the subject site as being within the Built-up Area of the Town.

Section 3.2 of Section 6A contains the Town’s growth management objectives. Some of the more notable objectives pertaining to the subject proposal include the following:

- to accommodate all future urban growth within the present-day urban boundary;
- direct urban growth and development to the Town’s existing Urban Areas;
- direct a minimum of 15% of the Town’s future residential development to built-up areas, including Old Town, through appropriate intensification;
- protect, conserve and manage our natural resources and prime agricultural lands for current and future generations; and
- develop compact, complete communities that include a diverse mix of land uses and housing types, open spaces and active transportation connections.

Section 3.4 of Section 6A builds on this policy direction, stating that the land use policies in the Official Plan “*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". In addition to this policy, it is also stated that medium density development is also permitted within the Low Density Residential designation subject to specific design and location criteria outlined in the residential policies of the Official Plan.

Conformity:

In conformity to sections 3.2 and 3.4 of Section 6A of the Official Plan, the proposed development will contribute to the Town's minimum intensification target of 15%. It will also assist the Town in providing for an appropriate mix of low-rise housing which is appropriate for the character of Old Town. Although the Town's Official Plan identifies specific intensification areas, intensification is permitted throughout the built-up area.

Section 4.3 of the Official Plan states that *"the majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots"*.

Conformity:

The subject site is an appropriate infill site consisting of two residential properties adjacent to existing residential subdivisions. The proposed development provides similar compatible housing types and will not have a negative impact on the heritage resources on the property as discussed in Section 3.1 of this report. As such, the proposed development conforms with this policy objective.

Sections 4.3 and 4.4 of Section 6A of the Official Plan outline the Town's intensification strategy. The policies call for the primary built form of intensification to be single detached, semi-detached, townhomes and low-rise apartments. Further, for intensification proposals in Old Town urban design guidelines that shall apply. The following design guidelines are applicable to the subject proposal:

- Bulk, mass and scale of new development shall fit the context within which it is located; and
- Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of the units;

Conformity:

The proposed development of single and semi-detached dwellings conforms to the built form policy requirements. With respect to the design guidelines, the conceptual building elevations submitted in support of the proposed development demonstrate a built form that is compatible with other residential developments within Old Town. The façades of the dwellings will have front doors and porches as the dominant features, with garages recessed behind the front wall of the dwellings. The projecting

building mass visually diminishes and screens the garage while the porch reduces the scale of the projecting building mass. In addition, roof slopes will be incorporated into the design of the dwellings to generate visual interest, including the potential use of gables and dormers to visually reduce the massing of the proposed dwellings. As noted earlier in this report, the proposed development will be physically and visually buffered from adjacent existing neighbourhoods by open space blocks and the Upper Canada Heritage Trail.

Recognizing that neighbourhoods are stable but not static, section 4.6 contains policies on land use compatibility applying to new development within the Built-up Areas of the Town. Relevant policies state that intensification should be consistent with the existing or planned:

- built form and heritage of the property and surrounding neighbourhood;
- natural heritage areas of the site and within the surrounding neighbourhood;
- densities of the surrounding neighbourhood; and,
- height and massing of buildings within the surrounding neighbourhood.

Furthermore, the policy states that proposals for development must demonstrate compatibility and integration with surrounding land uses through effective transition in built form between areas of different development densities and scale. Built form transitions from height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space should be used as buffers between proposed development and existing uses.

Conformity:

As noted in Section 2.1 of this report, the proposed built form of the development, consisting of single and semi-detached dwellings, will be appropriate and compatible with that of the surrounding neighbourhood and adjacent properties, including existing residential uses and the proposed hotel use. The proposed development of two-storey dwellings is consistent with the height and massing of other residential properties nearby.

In addition, the heritage attributes of the site will be appropriately repaired, restored, relocated and/or commemorated, as detailed in Section 2.4.4 of this report.

With respect to natural heritage, Section 2.4.5 of this report describes the findings and analysis of the Environmental Impact Study prepared in support of the proposed development, stating that the natural features on and adjacent to the subject site will not be negatively impacted as a result of the proposed development, nor will their ecological functions.

Densities of residential developments within the surrounding neighbourhood are discussed in the Detailed Site and Area Analysis section of this report. As noted there, the density of the proposed development is

in line with the densities of other infill developments in Old Town. Further, this site is unique in providing substantive park and open space blocks on the site, which will provide sufficient and appropriate buffers between the subject site and adjacent residential developments. As such, no adverse impacts are anticipated with respect to density, height, and massing on adjacent residential neighbourhoods.

There is a requirement for a “Planning Impact Analysis” to be completed for all applications for Official Plan and/or Zoning By-law Amendments. Section 6.23 of the Official Plan sets out specific criteria for the Planning Impact Analysis, and the following provides an assessment of all criteria listed:

Conformity:

a) Compatibility of the proposed use with surrounding land uses:

The proposed development of single detached and semi-detached dwellings is compatible with the surrounding land uses, which include residential subdivisions made up of single detached and townhouse dwellings, as well as a future hotel. As noted throughout this report, the proposed lots and dwellings will be buffered from the surrounding land uses to the west and south, through park and open space blocks as well as the Upper Canada Heritage Trail, providing for privacy and separation distance from the nearby residential developments. As such, this criterion is satisfied.

b) The impact of height, location and spacing of the building on surrounding land uses:

The proposed single detached and semi-detached dwellings will be 2 storeys in height, consistent with the height of existing dwellings to the south and west of the subject site. The proposed subdivision incorporates open space blocks and the Upper Canada Heritage Trail as buffers to nearby residential uses, and as such, the proposed development will not generate any adverse impacts on surrounding land uses related to height, location and spacing of buildings. As such, this criterion is satisfied.

c) Preserving existing vegetation:

The proposed development will preserve the existing trees associated with the portion of the woodland and wetland located within Blocks 161 and 162, as well as trees located along the One Mile Creek Corridor and in the vicinity of the proposed park blocks. As such, this criterion is satisfied.

- 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:*

The proposed development is a low density development consisting of single and semi-detached dwellings. As such, this criterion is not applicable.

- e) *The physical suitability of the land for such proposed use and any anticipated environmental effects:*

The subject site is physically suitable for the proposed development. The lands are relatively flat, and as analyzed in the Environmental Impact Study submitted in support of this proposal, there are no anticipated negative impacts on natural heritage features or their functions as a result of the proposed development. In addition, existing vegetation will be maintained wherever possible, and additional trees will be planted. As such, there are no anticipated negative environmental effects, and this criterion is satisfied.

- 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:*

The size and shape of the subject lands can efficiently accommodate the intensity of the proposed development. The shape of the land provides for an efficient layout for the proposed residential subdivision, providing for the ability to accommodate compact development and open space blocks. There is adequate space to provide a two-way access from John Street by way of a private road which can accommodate the intensity of the proposed use, as well as opportunity to provide for an emergency access to the subject lands from Charlotte Street. As such, this criterion is satisfied.

- g) *The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would impact in this regard:*

A fiscal impact study has not been undertaken, nor was it requested in the pre-submission consultation meeting. However, the proposal will make use of existing infrastructure and public service facilities which will not increase the financial burden of the municipality. Further, the property taxes generated from the additional units on the property will generate additional income to the Town's property tax base. As such, this criterion is satisfied.

- h) The adequacy of the existing roadway system to accommodate the proposed use:*

According to the Transportation Impact Study prepared in support of this application, the proposed development can be accommodated without triggering any off-site road improvements. Since the traffic conditions will generally be operating at overall good levels of service, this criterion is satisfied.

- 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:*

The previous sections of this report have assessed consistency and conformity of the proposed development in relation to applicable Provincial, Regional and Town policies. As noted in the EIS submitted in support of the proposed development, while the NPCA identifies regulated areas on the subject site, the wetland that is the subject of the regulated area does not meet the NPCA's criteria to be a regulated feature. Despite this, all relevant policies related to natural heritage features have been reviewed and assessed, and there will be no negative impacts on natural heritage features or their functions. As such, this criterion is satisfied.

- 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:*

The Functional Servicing Report (FSR) submitted in support of the proposed development concludes that the subject site will be adequately serviced by water, wastewater and stormwater services. With respect to stormwater management, the proposed development will incorporate an underground stormwater management facility. In addition, a series of low impact development (LID) measures will ensure an appropriate water balance for the site. As such, this criterion is satisfied.

- k) The location and adequacy of lighting, screening, and parking areas:*

The details on the location of lighting will be established through the detailed engineering submission that will be required as a condition of draft plan approval. Screening is not required on the subject site, as the proposed residential development will be well buffered from adjacent uses as described throughout this report. With respect to parking areas, residents of the proposed residential development will be able to park

their vehicles within their garages and on their driveways, with two (2) parking spaces provided for each unit (one within the garage and one on the driveway), and additional parking spaces for single detached units with a double-car garage, where two (2) garage parking spaces and two (2) driveway parking spaces would be provided for each unit. Visitor parking spaces will be provided along certain sections of the proposed private roads, where an 11.0-metre right-of-way is proposed, including along certain sections of Streets C and F, as shown on the proposed draft plan of subdivision. As such, this criterion is satisfied.

l) Provisions for landscaping and fencing:

The subject lands will be appropriately and attractively landscaped and fenced where required. As noted within Section 2.4.4 of this report, there is an existing stone wall along the southern boundary of the subject site, adjacent to the Upper Canada Heritage Trail, which will be maintained and restored as appropriate. Along the western boundary of the subject site, no fence is required as the dwellings in this location will back onto the open space block with the One Mile Creek. Fencing along the east property line adjacent to the Greenbelt Plan Area and park block will be provided and addressed as a condition of draft plan approval. As shown on the Landscape Plan submitted in support of the proposed development, extensive landscaping is proposed throughout the subject site, including the provision of street trees in front of all dwellings, as well as within both park blocks. As such, this criterion is satisfied.

m) The location of outside storage, garbage and loading facilities:

There are no proposed outside storage, garbage or loading facilities, as these are not required with the proposed development. As such, this criterion is not applicable.

n) The need and desirability of the use:

The PPS and Growth Plan direct growth to settlement areas, with policies promoting the intensification of built-up areas. The subject lands are within the urban boundary and within a built-up area and the majority of the lands are designated low and medium density residential. In our opinion, the proposed use is desirable in that it represents infill development within an established neighbourhood. As such, this criterion is satisfied.

o) The effect on the agricultural land base:

As the lands are within the Urban Area boundary of Old Town, the subject proposal does not affect the Town's agricultural land base. The

portion of the property outside the Urban Area boundary and outside the woodlot will be maintained for agricultural purposes. As such, this criterion is satisfied.

- p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources:*

As discussed earlier within this report, these matters have been analyzed and assessed in detail within the EIS, Archaeological Assessments, and Heritage Impact Assessment submitted in support of the proposed development. With respect to heritage resources, an evaluation of the subject site in relation to the regulations of O. Reg 9/06 of the Ontario Heritage Act has been completed, and based on this assessment, the Heritage Impact Assessment describes the various features that merit conservation. Overall, the proposed development will not have an adverse impact on the Town's environmental, cultural heritage or archaeological resources. As such, this criterion is satisfied.

- 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:*

As noted previously in this report, the proposed change in land use designation from Agricultural to Low Density Residential is technical in nature, to accurately reflect the Urban Area boundary on the subject site. As such, this criterion is satisfied.

- 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.*

As described throughout this section, the subject proposal will have no impact on surrounding land uses and streets. As such, this criterion is satisfied.

Detailed Site and Area Analysis

Section 9.4 of the Official Plan contains a number of General Residential policies applicable to all residential designated lands in the Town. Policy 4 under this section addresses residential density. Since the proposed development is located within Old Town and consists of more than two units, a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development, subject to a public review process, is required. This section of the report constitutes the detailed site and area analysis.

The Official Plan does not provide any specific parameters for conducting a “detailed site and area analysis”. As such, this analysis discusses the relationship of the proposed development to abutting properties in terms of potential impacts from setbacks, height and shadowing, summarizing many of the points made throughout this report.

The density of the subject proposal is anticipated to be approximately 34.3 units per net hectare, which is in the range of densities of other infill developments in Old Town. Further, this site is unique in providing substantive park and open space blocks on the site. If this land area were included, the residential net density of the proposed development would be reduced to 28.8 units per net hectare.

The established character of the neighbourhood is quite diverse with a mix of single detached and townhouse dwellings. The proposed development for the subject lands will increase housing options in conformity to the land use designation of the subject site, while maintaining the low-rise character of Old Town and at a density that is comparable to other infill developments within the Town.

The layout and orientation of the proposed lots and blocks takes advantage of the shape and configuration of the subject site, accommodating compact built form as well as opportunities for open space and parkland. The proposed development involves the construction of a private road, which allows for narrower streets while still accommodating for on-street parking opportunities and sidewalks.

The proposed lots and dwellings will be buffered from development to the west and south, through park and open space blocks as well as the Upper Canada Heritage Trail, providing for privacy and separation distance from the existing communities. As part of this buffer, an 11-metre wide block incorporating a stream and a wooded area is proposed between the proposed dwellings nearest to the existing dwellings on Weatherstone Court.

Further, appropriate building setbacks will be provided, in line with zone standards of other developments in Old Town. The dwellings within the proposed development will frame the street and site so that the development is compatible with the character of established residential development to the south and west.

The proposed single detached and semi-detached dwellings will be 2 storeys in height, consistent with the height of existing dwellings to the south and west of the subject site. The proposed subdivision incorporates open space blocks and the Upper Canada Heritage Trail as buffers to nearby residential uses, and as such, the proposed development will not generate any adverse impacts on surrounding land uses related to height and shadowing.

The above analysis demonstrates that the proposed development is in keeping with the evolving housing character of the surrounding area and the housing density is comparable to other developments approved in Old Town. Further, the proposed development will be well screened and buffered from neighbouring properties and any potential visual impacts can be mitigated such that there will be no adverse impact on nearby residential areas.

3.6 ADOPTED TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN, 2019

A new Official Plan for the Town of Niagara-on-the-Lake was adopted by Town Council on October 22, 2019. At the time of the writing of this report, the adopted Official Plan has not yet been approved by Niagara Region, and as such, is not in effect.

Applicable policies and mapping of the Adopted Official Plan have been reviewed in relation to the proposed development on the subject site.

Schedule B2 of the Adopted Official Plan designates the subject site as Residential. A few areas on the site are also identified as being within the Conservation designation. In addition, the subject site is identified as Site Specific Policy # S4-24.

The Residential land use designation permits single detached and semi-detached dwellings, and as such, the proposed residential dwelling types for the subject site are permitted.

The Environmental Impact Study (EIS) submitted in support of the proposed development has examined the areas within the Conservation designation as shown on Schedule B2 of the Adopted Official Plan. As noted in Section 2.4.5 of this report, the EIS identifies components of some natural features that will be somewhat impacted by the proposed development, as well as features that will be protected. Schedule B2 of the Adopted Official Plan also shows an additional area designated as Conservation in the middle of the subject site. The EIS has looked at the additional Conservation designated lands and has determined this area is not considered to be a significant feature. Overall, the EIS concludes that there will be no negative impacts to natural features or their functions.

Site-Specific Policy # S4-24 identifies the subject site as a “Special Study Area”, stating that the lands shall not be developed until such a time that the Town completes a study to determine appropriate land use designations for the lands. It is important to note that the version of the Official Plan that was made public prior to the Adoption did not include Site-Specific Policy #S4-24, and in fact, there was no site-specific policy that applied to the subject lands.

In our opinion, this site-specific policy is not necessary. Since the subject site is located within the Built-up Area and Urban Area of Old Town, an urban land use designation is appropriate for the lands, in line with Regional and Provincial policy. Since both the existing and Adopted Official Plan already designate the subject site as Residential, the development of the subject site for residential purposes is appropriate. Further, the proposed development of the subject site, being the subject of detailed applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision is subject to a public process. As such, the intent of the site-specific policy for the lands is achieved by way of the subject development applications.

In other respects, the Adopted Official Plan contains many of the policies of the existing Official Plan that are addressed within Section 3.5 of this Report. In addition, the Adopted Official Plan contains policies related to the Town's Intensification Strategy. Policy 4.5.3.10 of the Adopted OP addresses development on lands in the Established Residential and Residential designations, stating that infill and intensification will respect and reflect the existing pattern and character of adjacent development by adhering to list of specific criteria. The following represents how each of the criteria are achieved:

- ***Ensuring that lot frontages, lot areas, areas and building setbacks are consistent with that of existing lots on both sides of the street on which the property is located;***

Since the proposed development is on new private roads and not infill on existing roads, this criterion does not apply.

- ***Ensuring that the height, massing and scale of buildings are appropriate in relation to zoning for adjacent properties on the same street;***

The proposed development is on new private roads and not infill on existing roads. As such, this criterion does not apply.

- ***Ensuring that existing trees and vegetation is retained and enhanced, including new street trees;***

While some existing trees and vegetation are required to be removed to accommodate the proposed development, it has been demonstrated that there will be no negative impact to natural features on site or on adjacent lands, and further, many additional trees will be planted on the subject site through the development of the proposed subdivision. As such, this criterion is satisfied.

- ***Ensuring that the width of garages and driveways are limited so as not to dominate the streetscape;***

The dwellings in the proposed development will have front doors and porches as the dominant features, with garages recessed behind the front wall of the dwellings. The projecting building mass visually diminishes and screens the garage so as not to dominate the streetscape. In addition, driveways will be no wider than the width of that garage, and street trees will be planted to visually break up the prominence of driveways. As such, this criterion is satisfied.

- ***Minimizing impact of grading, drainage, access and circulation on adjacent properties;***

The preliminary grading plans prepared as part of the Functional Servicing Report (FSR) have determined that there are no impacts on adjacent properties. A more detailed grading and drainage plan will be prepared as a condition of draft plan approval for the proposed development. Further, with respect to stormwater management, as outlined in Section 2.4.6 of this report, the Functional Servicing Report submitted in support of the proposed development demonstrates that the proposed development will be adequately serviced with respect to stormwater management services. The FSR concludes that all stormwater on the site will be released at an appropriate rate with no offsite impacts. With respect to access and circulation, as noted in Section 2.4.7 of this report, the Transportation Impact Study submitted in support of the proposed development demonstrates that the proposed development will not generate any adverse impacts on the transportation network in the area, and the proposed access to and from John Street is sufficient in accommodating anticipated traffic volumes with no impact on access to other properties. Overall, it is anticipated that the proposed development will not generate any adverse impacts on adjacent properties. As such, this criterion is satisfied.

- ***Ensuring that the orientation and sizing of new lots does not impact significant public views and vistas;***

The proposed development on the subject site will not impact any significant public views or vistas, and as such, this criterion does not apply.

- ***Ensuring that neighbourhood connectivity and traffic conditions are improved when the public street network is extended; and***

The proposed development does not involve the extension of the public street network, and as such, this criterion does not apply.

- ***Ensuring that roads and municipal infrastructure is adequate.***

As noted previously, and as described in Sections 2.4.6 and 2.4.7 of this report, the Functional Servicing Report and Transportation Impact Study submitted in support of the proposed development demonstrate that the proposed development can be adequately serviced by municipal infrastructure and the capacity of the current road network can accommodate the proposed development. As such, this criterion is satisfied.

It has been demonstrated throughout this report that the proposed development on the subject site generally achieves all of these criteria.

It is understood that the Town has recently adopted Official Plan Amendment 78 (OPA 78), which is an amendment to the existing, in-effect Official Plan to implement the intensification policies of Section 4.5.3.10 of the Adopted OP, as described above. It is understood that OPA 78 has been appealed, and is also not in effect. Despite this, OPA 78 has been reviewed, and since these policies are the same as those in the Adopted OP, our opinion is consistent with that described above.

While the Adopted Official Plan is not in effect, the intent of the policies can be achieved through the proposed development of the subject site.

3.7 TESTS UNDER SECTION 51(24) OF THE PLANNING ACT

Section 51 (24) of the Planning Act lists the matters that plans of subdivision shall have regard to. The following provides a summary of how the proposed draft plan of subdivision has addressed each of these matters:

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

Matters of provincial interest include, among others, the protection of natural areas, the conservation of heritage features, the development of safe and healthy communities, appropriate location of growth and development, and sustainable development. Natural areas and their ecological functions will be protected as described in this report and the Environmental Impact Study prepared in support of the proposed development. Heritage attributes of the property will be appropriately repaired, restored, relocated and/or commemorated, as detailed in Section 2.4.4 of this report. The proposed development conforms to the intended land use designation of the Niagara-on-the-Lake Official Plan, and the proposed development will contribute to the creation of a complete community within Old Town.

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

The subject lands are located within the Urban Area Boundary of the Old Town Settlement Area, according to the Niagara Region Official Plan, and the lands are designated for residential development. As a result, the proposed plan of subdivision is not premature and is in the public interest.

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

The proposed Draft Plan of Subdivision conforms to the Town of Niagara-on-the-Lake Official Plan and the Niagara Region Official Plan, as described in Section 3 of this report.

The subject site is not located adjacent to other plans of subdivision, and will be accessed directly from John Street.

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

The subject site is suitable for the proposed subdivision and residential use. The lands are designated for urban uses in the Town and Region Official Plans; the lands are readily serviceable; and the proposed development avoids negative impacts to natural features and their functions.

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

The proposed plan of subdivision is on private roads, and as such, this matter is not applicable.

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

The proposed draft plan of subdivision for the subject site includes appropriately sized lots for single detached and semi-detached dwellings, which are dimensioned on the proposed plan.

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

There are no known easements on the subject site. Conditions of draft plan of subdivision approval will set out any necessary and appropriate conditions on matters to be addressed prior to the registration of the subdivision.

h) conservation of natural resources and flood control;

As outlined in the Environmental Impact Study submitted in support of the proposed development, the subdivision can be developed with no negative impacts to natural features, or their ecological functions, located on and abutting the subject site.

i) the adequacy of utilities and municipal services;

The Functional Servicing Report submitted in support of the proposed development has examined the availability and planned provision of municipal services and utilities and has determined that the subject site can be adequately serviced.

j) the adequacy of school sites;

No school sites are proposed or required for the subject site.

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

0.54 hectares of land are proposed to be dedicated for public park purposes. This block will function as passive recreational area, and contribute to the parkland dedication requirement.

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

The subdivision design provides for pedestrian and active transportation connections to the Town's existing active transportation network, and as such, the plan optimizes the conservation of energy by reducing dependence on and use of personal vehicles.

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.

Site plan control will not be required for the development of the subject site.

4 CONCLUSION

In summary, the proposed development and associated Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision offer an excellent opportunity for infill within the Old Town community. As the population of Niagara Region and Niagara-on-the-Lake ages, there is increasing demand for varied housing types, and ground-related housing is a desired type of housing. The development will make efficient use of existing infrastructure, and the cultural heritage attributes of the property will be appropriately repaired, restored, relocated and/or commemorated. Further, it has been demonstrated that the proposal is consistent with and conforms to Provincial, Regional, and local policy. From a design perspective, the proposed development is intended to be an attractive addition to the Town's building stock, well situated in relation to community amenities, and compatible with the existing built form of the surrounding neighbourhoods.

DRAFT
THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
NO. XX-20
OFFICIAL PLAN AMENDMENT
200 JOHN STREET EAST

The Council of the Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act, hereby enacts as follows:

1. Amendment **No. XX** of the Town of Niagara-on-the-Lake Official Plan, consisting of the attached explanatory text is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this ____ day of _____, 2020.

LORD MAYOR

TOWN CLERK

Certified that the above is a true copy of By-law **No. XX** as enacted and passed by the Council of the Town of Niagara-on-the-Lake.

TOWN OF NIAGARA-ON-THE-LAKE

PART A – THE PREAMBLE –

This part does not constitute part of this Amendment.

PART B – THE AMENDMENT –

This part consists of text and schedule, which constitutes Official Plan Amendment No. XX to the Town of Niagara-on-the-Lake Official Plan, approved on _____, 2020.

PART A – THE PREAMBLE

The preamble does not constitute part of this Amendment.

Purpose

The purpose of this Amendment is to re-designate approximately 1.52 ha (3.76 ac) of land generally located on the south side of John Street East at the eastern boundary of the Old Town Settlement Area, from Agricultural to Low Density Residential. The lands to be re-designated form a portion of a larger property municipally addressed as 200 John Street East.

Basis

The basis of this Amendment is as follows:

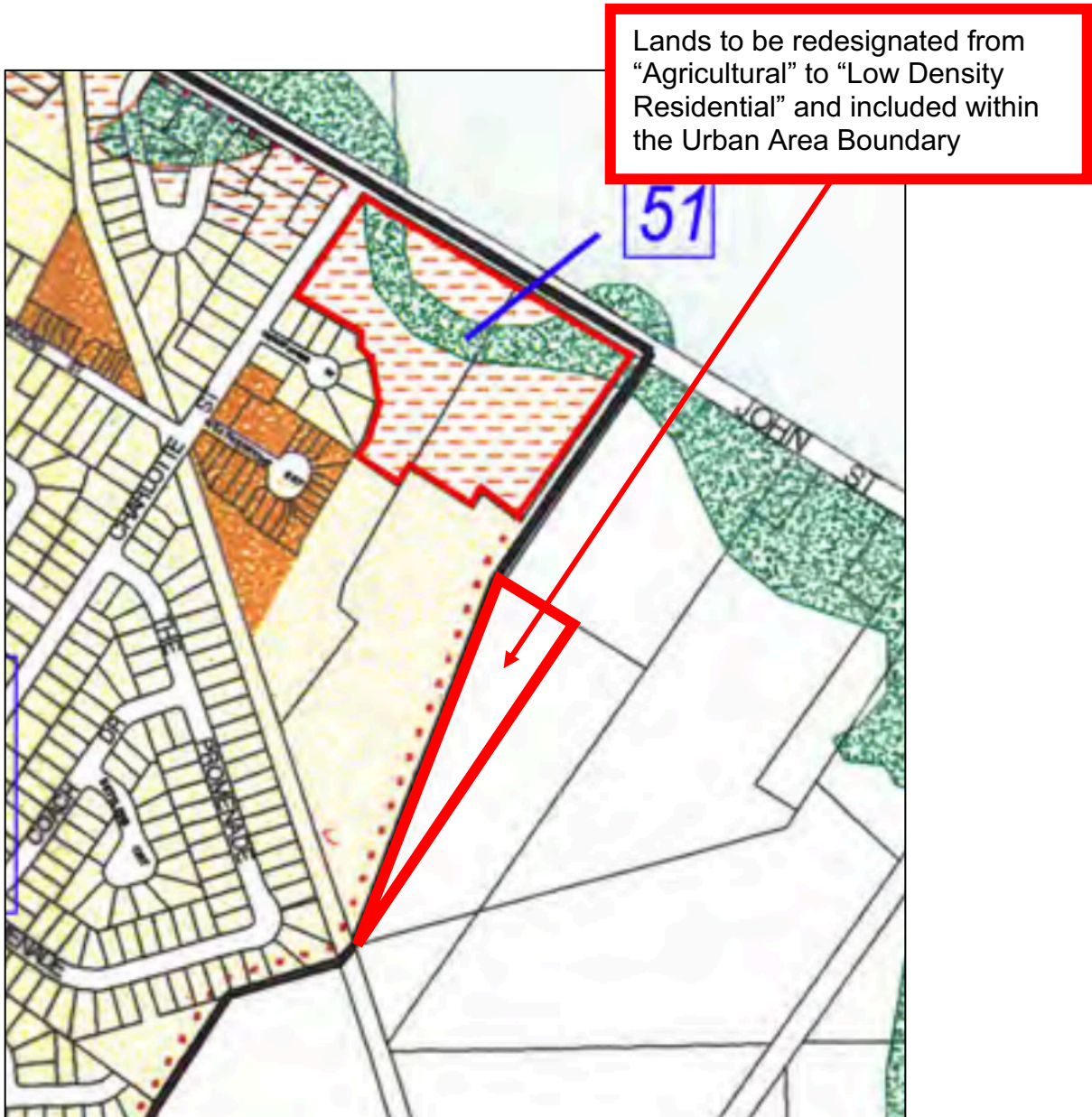
1. There is a discrepancy in the way the urban area boundary of the Old Town Settlement Area is delineated in the vicinity of 200 John Street East between Schedule B and Schedule I-1 of the Official Plan. Schedule I-1 shows the correct delineation of the urban area boundary across the subject site, as this matches the urban area boundary delineated in the Niagara Region Official Plan.
2. Since the land use designations on Schedule B of the Official Plan do not accurately follow the correct urban area boundary across 200 John Street East, a sliver of this property that is technically located within the urban area boundary is currently designated as Agricultural. As such, an Official Plan Amendment is required to address this technical matter, and to re-designate this sliver of the 200 John Street East from Agricultural to Low Density Residential, consistent with the existing designation that applies to the portion of the property that is shown as being within the urban area boundary on Schedule B.

PART B – THE AMENDMENT

All of this part of the document entitled 'Part B – The Amendment' consisting of the following text and map changes constitutes Amendment No. XX to the Official Plan of the Town of Niagara-on-the-Lake.

Details of the Amendment

1. That Schedule "B" Land Use Plan – Niagara / Old Town is amended by Schedule "1" attached hereto and forming part of this amendment, identifying the location of the lands to be redesignated from "Agricultural" to "Low Density Residential" and being included within the Urban Area Boundary.



SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT NO. XX BEING AN AMENDMENT TO SCHEDULE "B" OF THE OFFICIAL PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE

LORD MAYOR

TOWN CLERK

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. XX - 20**

200 John Street East &
588 Charlotte Street

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

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

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

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

1. Schedule "A-2" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-law) from "Residential Development (RD) Zone" and "Agricultural (A) Zone" to "Residential (R2-XX) – Site Specific Zone", "Open Space (OS) Zone" and "Natural Heritage System Overlay".
2. That Subsection 7.14, Site Specific Exceptions is hereby further amended by adding the following:

"7.14.XX 200 John Street East & 588 Charlotte Street – See Schedule 'A-2' (R2-XX):

7.14.XX.1 R2-XX Permitted Uses:

In lieu of the corresponding provisions of Subsection 7.4.1, only the following use shall apply on the lands identified as R2-XX:

- a) *semi-detached dwelling; or*
- b) *single detached dwelling*

7.14.XX.2 R2-XX Zone Requirements:

In lieu of the corresponding provisions of Subsection 7.4.2, the following provisions shall apply on the lands identified as R2-XX Schedule "A-2":

Single Detached Dwellings

(a)	Minimum <i>lot frontage</i> of unit	10.8 m
(b)	Minimum <i>lot area</i> per unit	280 sq. m.
(c)	Maximum lot coverage per unit	55%
(d)	Minimum landscaped open space	20%
(e)	Minimum <i>front yard setback</i> -- to a garage	3.0 m 6.0 m
(f)	Minimum interior side yard setback	1.2 m on one side 0.6 m on the other side
(h)	Minimum <i>exterior side yard setback</i>	3.0 m
(i)	Minimum <i>rear yard setback</i>	6.0 m
(k)	Maximum building height	10.0 m
(l)	Minimum accessory building yards setback	0.3 m
(m)	Minimum accessory building exterior side yard setback	3.0 m
(n)	Minimum setback of rear uncovered, unenclosed or covered <i>patio</i> or <i>deck</i> from an <i>interior side yard</i>	0.6 m

Semi-Detached Dwellings

(a)	Minimum <i>lot frontage</i> of unit	8.5 m
(b)	Minimum <i>lot area</i> per unit	221 sq. m.
(c)	Maximum lot coverage per unit	60%
(d)	Minimum landscaped open space	20%
(e)	Minimum <i>front yard setback</i> -- to a garage	3.0 m 6.0 m
(f)	Minimum interior side yard setback	0.9 m
	Minimum interior side yard setback for common wall	0.0 m
(h)	Minimum <i>exterior side yard setback</i>	3.0 m
(i)	Minimum <i>rear yard setback</i>	6.0 m
(k)	Maximum building height	10.0 m
(l)	Minimum accessory building yards setback	0.3 m
(m)	Minimum accessory building exterior side yard setback	3.0 m
(n)	Minimum setback of rear uncovered, unenclosed or covered <i>patio</i> or <i>deck</i> from an <i>interior side yard</i>	0.6 m

7.14.XX.3 Further to provision 6.38(f) of Zoning By-law 4316-09, as amended, under Parking Requirements, the maximum driveway width of 6.0m shall be interpreted to apply to each dwelling unit.

7.14.XX.4 In lieu of the corresponding provisions of Section 6.40(j) of Zoning By-law 4316-09, as amended, under Parking Space Requirements, Additional Provisions, the following provision shall apply to the lands zoned "Residential (R2-XX) – Site Specific Zone":

APPENDIX 'B'

“For single detached dwellings, a driveway shall be setback a minimum of 7.0 m from an exterior side lot line, and 0.6 m from an interior side lot line. For semi-detached dwellings, a driveway shall be setback a minimum of 5.0 m from an exterior side lot line, and 0.5 m from an interior side lot line.

7.14.XX.5 In lieu of the corresponding provisions of Section 6.44 of Zoning By-law 4316-09, as amended, under Table 6-10: Permitted Yard Projections and Encroachments, the following provision shall apply to the lands zoned “Old Town Community Zoning District - Residential (R2-XX) – Site Specific Zone”:

Structure Type	Yards (Front, Rear & Sides)	Maximum Projection Into Required Yard	Minimum Setback From Lot Line
Covered porch	Front Yard	1.5 m, with stairs permitted to extend beyond the covered porch by an additional 0.5 m.	n/a

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

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____, 2020.

LORD MAYOR

TOWN CLERK

MAP A

