

INITIAL NOTLRA POSITION PAPER

RE: JULY 16, 2025 DRAFT OFFICIAL PLAN

The Niagara-on-the-Lake Residents' Association believes the new Official Plan must be a workable effective plan designed to comply with regional and provincial planning initiatives while protecting the agriculture lands and economy, the unique charm and heritage culture which contribute to the tourism economy and recognising and supporting the liveability of its towns and communities for the residents of Niagara-on-the-Lake.

We believe in order to meet the goals established in this plan the Town will need to adopt an entirely different approach from previous plans and modus operandi. We believe the Town should be able to proactively map out precisely where new development and redevelopment should occur and concurrently what neighbourhoods and areas should be protected as cultural heritage assets or environmentally sensitive.

For too long development has been reactive; occurring by exception to the rules instead of according to our plans. We have established land zones with parameters as to uses; Agricultural, Commercial, Institutional, Residential with rules to determine what could be built where and to what end, but the current system allows for owners, investors, speculators and developers to create value by simply playing the system to obtain Official Plan Amendments and Rezoning as opposed to actually improving the land by installing infrastructure and building our communities as are planned by the Town's Official Plan.

We are suggesting that we move the entire Town to the Community Planning Permit System in line with the objectives of the new Official Plan and all of the Special Studies and Secondary Plans presently completed and those planned for in the future.

The Community Planning Permit System combines zoning by-law amendments, site plan approvals and minor variances into a single application and approval process. A CPPS is implemented through a Community Planning Permit By-law, which replaces a municipality's zoning by-law(s). The community planning permit by-law(s) would contain a list of permitted uses and development standards, such as height and density specifications. It could also contain other elements not found in a traditional zoning by-law, such as: land uses that are allowed, subject to certain conditions, classes of development or uses of land exempt from requiring a permit (for example, garages, pools, sheds).

The Community Planning Permit System (CPPS) enables the Town to streamline development approvals by combining multiple application processes into a single process and shortening the timeframe for approvals i.e., a 45-day timeframe in contrast to the cumulative longer timeframes for current application processes. A CPP bylaw additionally provides the Town with the ability to impose conditions of approval on the issuance of a Planning Permit. Being able to apply conditions of approval helps to process and move development applications forward to proceed with a building permit and limits amendments for speculation purposes.

One condition could be a use it or lose it specification to ensure the development moves forward within a timely manner and actually builds the project out instead of shelving for years on end.

Further, a CPP bylaw enables the Town to consider increased height and density in exchange for Community benefits like, affordable housing, accessible housing for people with disabilities, green building design, parks, facilities, etc.

The Community Planning Permit System allows the Town to apply a broader scope of development review; to implement the Town's new Urban Design Guidelines; support local objectives such as increased affordable housing supply/senior's housing, promoting and preserving the Agriculture sector and preserving cultural heritage.

We understand the provision exists for implementation of a Community Planning Permit bylaw in section 9.4 of the draft Official Plan, but we suggest that this is so important that it be considered to be stated as the new planning system for the Town at the outset of the document..

Additionally, as per section 9.3.3 Interim Control By-law

9.3.3.1 An interim control by-law may be passed under Section 38 of the Planning Act prohibiting the use of land, buildings, or structures for, or except for, such purposes as are set out in the by-law. We suggest such an Interim control By-law would enable the adoption and implementation of the Community Planning Permit bylaw.

Further to the **JULY, 2025 DRAFT OFFICIAL PLAN**

The overview:

When making plans or establishing goals one must be very careful to clearly and concisely delineate precisely the why, what and intended result of one's actions. If the intention is to accomplish specific goals, words like *may*, *might* or *intend to* simply allow one to project a possible outcome without the real measurable commitment signified by "will" or "shall" to accomplish a specific action or goal. In too many instances throughout the new 2025 draft official plan the word "may" is used to suggest a possible course of action which leads to a suggestion of an intended action with no measurable result. Our first suggestion is to purge the word may and similar qualifiers from the entire draft Official Plan and either abandon the suggestion of a goal or state what it is the town will do and how accomplishment of the goal will be determined.

The new Official Plan must be a "blueprint" for the future of the Town of Niagara-on-the-Lake and contain specifications and guardrails to protect the plan from continual demands for Official Plan Amendments. If it is not a well enough written plan for the future to be strictly followed, what is the purpose of going through this exercise? It is simply time to end the process of development by exception to the rules. Amendments to the Official Plan must be made by the Town pro-actively in the context of improving the Official Plan instead of responding to an individual or Corporations' wish to improve the value of their property without regard to the goals and aspirations of the Town and its citizenry.

Issues within the Draft Plan

GROWTH MANAGEMENT, HOUSING AND EMPLOYMENT

There are contradictions and mistakes throughout this section:

* 1.1.4 it speaks to “growth and development should occur between now and 2041 in the GGH”

- The planning horizon is 2051 and what exactly is the GGH? Short forms and acronyms are simply confusing, preventing the public from understanding and participating in their civic duties.

*1.2.1 The Town contains several distinct structural elements, planning features, which have evolved over time and contribute to its character and community structure. Schedule A identifies the components- there is no Schedule A

*1.3.3 Given the demonstrated need due to demographics, particularly in the older settlement areas -ADD

j) recognizing the preponderance of Senior Citizens, particularly in Old Town, fostering independent and assisted living housing alternatives

*1.4.1 The population of the Town is forecasted to increase to 28,900 by 2051. In this table.

Given the population was 19,088 in the 2021 Census(believed to be 20,451 today) and that

Glendale alone is projected to add 12,600 people by 2051- the numbers simply do not add up!

*Why are the Greenfield areas in Virgil and Glendale slated for roughly ¾ of new development showing predominantly Singles and Semis with only 65 apartments while infill housing in Built up areas are predominantly apartments (565 of 1,150 total) especially since Glendale and Virgil have better transit options.

The housing forecasting seems somewhat amiss. Given the majority of employment growth is expected to occur in Glendale and the relatively compact nature of that community one would expect the preponderant housing to be built will be apartments and row housing; based partly on the simple need for maximization of land use, proximity to transit, jobs and affordability. To project roughly ¾ of new housing will be detached or semi-detached seems to fly in the face of Provincial mandates and likely will be unrealistic as affordable for young families.

*1.4.6 The updated population and employment forecasts will be based on the Ontario Population Projections published by the Ministry of Finance, modified as appropriate. The population, household and employment forecasts contained within Section 2.4.1 to 2.4.5 are as per the Niagara Region Official Plan- My copy has section 2.4.1 referring to Licenced Aggregate Operations

*Kudos for inclusion of these three points 1.6.3.4 The Town will maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands Suitably zoned, including units in draft approved or registered plans. Where are the present record of the lands available identified? How will these records be kept and made available? Is this the basis for A Community Planning Permit System

1.6.3.4 The Town shall also maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development. Ditto;where kept & CPP system

1.6.3.5 To encourage the development of affordable housing, at least 20% all new rental housing is to be affordable along with at least 10% of new ownership housing parameters and definition of affordable necessary; suggest affordable being 30% or less than the average family earnings in the given community

AGRICULTURE AND OPEN SPACE

2.2.3.1 The following uses may be permitted in the Protected Countryside in accordance with the applicable provisions of this Plan:

- g) residential uses on lots created in accordance with Section 2.2.15 does not exist
- h) one (1) additional dwelling unit subject to the requirements of Section 9.13.3 ditto

2.2.4.11 Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:

- a) new municipal services are not required;
- e) the proposal does not expand into key natural heritage features and key hydrologic features. delete: unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure

2.2.7.4 Lot creation for agriculture-related uses is not allowed (instead of discouraged)

SETTLEMENT AREAS FRAMEWORK FOR DEVELOPMENT

3.2.2 Schedule B7 outlines the Built-Up Areas and Greenfield Areas and Intensification Areas within Old Town, Virgil and Glendale There are no Greenfield Areas shown in Old Town On B-7

3.4.2.1

- f) An attractive built form of appropriate building heights, massing, setbacks, streetscapes, gateways and architectural treatments;(per Community Design Guidelines as specified in the Community Planning Permit system)
- h) Practical and cost effective innovations to support the development of a sustainable community that encourages where possible, the application of low impact development, alternative energy sources and energy conservation, water conservation, maximizes forest canopy and the restoration, linkage and enhancement of natural heritage features. and areas where appropriate.

3.4.3.1

A minimum of 95% of all new dwelling units constructed annually in the Town will occur within the Settlement Areas Areas identified on Schedule B1.

3.4.3.3

Further development within the Greenfield area of Virgil shall only be permitted following the completion of a comprehensive planning exercise for contiguous blocks of land that reviews the limits of environmental and hazard limits of development, considers the need for an integrated road and open space systems and reviews the location of various land uses and densities in a comprehensive **Community Planning Permit system**.

3.5.3.6

The Town will prepare an intensification strategy that provides direction on intensification within the **Old Town and Virgil. The Settlement Areas identified on Schedule B1 in advance of instituting the Community Planning Permit System**. The purpose of the intensification strategy is to identify where intensification will be directed and to then determine the desired built form within these intensification areas. Factors to consider in the intensification strategy will be the nature of the existing land uses, the nature and permanency of adjacent land uses, cultural heritage resource preservation, the ability of the surrounding road network to accommodate growth, the availability of services and how the intensification of the lands can support the continuing evolution of the Town into a complete community. The recommendations of the Council-approved Intensification Strategy will be implemented through the **Community Planning Permit System**

HOUSING AFFORDABILITY

3.8.1 The Town will explore with the Region and Province the provision of assisted rental housing which shall be sensitive to the characteristics of the surrounding existing development and may include co-operative or nonprofit housing for seniors and disabled individuals

POLICIES

3.9.3.1 Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a **Community Planning Permit** by-law . Lowrise structures are generally one (1) or two (2) storeys in height (**10 Meters or less**) Medium-rise structures are generally three (3) or four (4) storeys in (**15 Meters or less**) height, may not require elevators for access to units., and are subject to the restrictions on building height in Section 4.8.2. (there is no section 4.8.2)

3.9.3.2 High rise development is defined as buildings that have a height **over 15 Meters** or five or more storeys **are** not permitted within Old Town, Queenston, Virgil, and St. Davids, with the exception of the lands in St. Davids that are subject to the provisions of S4-17.

3.9.4.3 b) Until a **Secondary plan is approved and Community Planning Permit bylaw passed**, within the Established Residential designation new medium-rise development shall **NOT** be considered by amendment to this Plan. **Any area subject to a secondary plan or deemed a**

cultural heritage area will not be approved for new medium rise development unless it is subject to a Community Planning Permit Bylaw.

SECONDARY PLANS

3.15.10 It is recognized that the Dock Area Secondary Plan is outdated and will be updated as soon as a new Dock Area Secondary Plan is completed.

The Town will prepare new Secondary Plans and review and update existing Secondary Plans as follows:

- 1) Queen-Picton Corridor (Old Town)
- 2) Virgil
- 3) Dock Area
- 4) St. Davids
- 5) Queenston
- 6) Glendale
- 7) Chautauqua

3.15.11 Another area that will be considered for a Secondary plan or policy statement is the wartime homes in Old Town.

4. NIAGARA ESCARPMENT PLAN AREA

-no comment

5. NIAGARA DISTRICT AIRPORT

5.1.3 The long-term potential for employment growth will be assessed within the context of an updated master plan for the future growth and expansion of the Airport. We believe it imperative the Town initiate planning for expansion of the Niagara District Airport in the near future. Moving from a District Airport to International, like Hamilton and Waterloo would attract commercial and industrial development to the area for local employment and provide a substantial boost to tourism in Niagara-on-the-Lake specifically and Niagara Region in general. Additionally, some provisions may be necessary in planning for structures within the flight radius which might preclude expansion.

6.1 CULTURAL HERITAGE RESOURCES

6.1.3.2 c) Use secondary plans, zoning by-laws, subdivision agreements, site plan control agreements, a community planning permit bylaw, the sign by-law and other municipal controls, to ensure that development on and/or within cultural heritage resources or adjacent to cultural heritage resources is designed, sited or regulated to protect and mitigate any impact or potential impact on the heritage attributes of the resource.

6.1.4.1 j). Prohibit (was the right word) the placement of cell towers on properties containing or adjacent to cultural heritage resources. Delete unless...

Sections 7 & 8 NOTL RA endorses the attached SENIORS FOR CLIMATE IN NIAGARA COMMENTS

SECTION 9 IMPLEMENTATION AND ADMINISTRATION

9.1.1 This Plan will be implemented in accordance with the Town's authority under the Planning Act, Municipal Act, Niagara-on-the-Lake Act, and any other applicable statutes. The Town will implement provisions of this Plan using the full range of planning tools permitted under the Planning Act and other Legislation but primarily relying upon the community planning permit system.

9.7.2.3 Only one extension to a lapsing draft plan of subdivision shall be approved, for a period of up to two years unless the draft plan meets the growth management and environmental policies of this Plan and the Regional Plan. The lapsing date in the Planning Act as amended by bill 185 specifies that “, where giving approval to a draft plan of subdivision, “shall provide” that the approval lapses at the expiration of a specified time period.” ...subject to Land Tribunal Hearing decisions and a number of other provisions. We believe the town needs to firmly establish straightforward time periods in which new draft plans of subdivision are either used or expire. This section needs clear USE IT OR LOSE IT provisions such that when the town goes through the process and expense of considering an application by a developer any approval of zoning changes and subdivision agreements are expeditiously acted upon by the developer, or else the property reverts back to the previous state. Said provisions must have explicit time frames and consequences.

9.7.3.3 c) The Town will consider the condominium conversion of any rental project provided that the rental vacancy rate in the Town is at least ten(10) percent - the severe lack of rental housing should preclude any rental to condominium conversion.

9.7.6.1 10.7.6.1 If a plan of subdivision or part thereof has been registered for three(3) years or more and no installation of infrastructure or construction has occurred, and the subdivision does not meet the growth management policies of this Plan, the Town shall use its authority under Section 50(4) of the Planning Act to deem it not be a registered plan of Subdivision. As above USE IT OR LOSE IT; one must tighten up the time frames-time is of the essence

9.13 SPECIAL PROVISIONS FOR SPECIFIC LAND USES

9.13.1.7 The Town may consider a licensing program for ADUssecond residential units to monitor and track the number and location of ADUssecond units will require an application and building permit for the installation of all Secondary Dwelling Units to ensure compliance with applicable municipal regulations.

9.13.2.1 Short-term tourist accommodations (STAs) are **an important** part of the **cultural landscape**, tourism infrastructure and the economy of the Town.

The Town has identified various types of STAs that are **appropriately** located in various areas of the Town. These include Bed and Breakfast Establishments, Country Inns, Vacation Rentals (Villas), Vacation Cottage rentals and Vacation Apartments.

9.13.2.2 STA short-term tourist accommodations will be regulated through **the Community Planning Permit bylaw and licensing bylaw**. Any application for a Community Planning Permit for a STA short-term tourist accommodation shall be accompanied by a planning justification report and heritage impact assessment for any cultural heritage resource

9.13.2.8 10.13.2.8 Provisions applicable to Vacation Cottage Rentals a) A cottage rental may be permitted in all areas of the Town where b) bed and breakfast homes are currently permitted. c) Cottage rentals will integrate compatibly into the residential communities of the Town. They are **an important** part of the local economy and provide overnight accommodation through the use of existing housing stock. **As such they deplete the available housing stock and no new licences will be issued for additional Vacation Cottage Rentals.** They are **only** permitted in settlement areas that are fully serviced with water and sewage disposal services approved by the Town and outside settlement areas with water and sewage disposal services approved by the Niagara Regional Public Health Department. Cottage rentals are occasional or seasonal uses that allow the travelling public