



Planning Justification Report

Official Plan Amendment & Zoning By-law Amendment

1839 Four Mile Creek Road, Niagara-on-the-Lake

For: Harvest Heights

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Table of Contents

1.0	Introduction	3
2.0	Description of Subject Lands and Surrounding Area	3
2.1	Site Photos.....	6
3.0	Proposed Development	14
3.1	Pre-Consultation Summary	16
4.0	Supporting Studies Review	17
4.1	Conceptual Landscape Plan	17
4.2	Functional Servicing Report	17
4.3	Shadow Study.....	17
4.4	Urban Design Brief.....	18
4.5	Streetscape Study.....	18
4.6	Tree Inventory and Preservation Plan.....	19
5.0	Planning Policies.....	19
5.1	<i>Planning Act</i>	19
5.2	Provincial Planning Statement (2024).....	23
5.3	Greenbelt Plan (2017).....	27
5.4	Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020) ..	27
5.5	Niagara Official Plan	30
5.6	Town of Niagara-on-the-Lake Official Plan	34
5.5.1	General Development Policies.....	34
5.6.2	Growth Management Policies	41
5.6.3	Residential Policies	51
6.0	Proposed Official Plan Amendment.....	57
7.0	Proposed Zoning By-law Amendment.....	57
7.1	Zoning Departure Justification	61
8.0	Summary and Conclusion	65
9.0	Appendices	66
	Appendix A – Proposed Draft Official Plan Amendment	66
	Appendix B – Proposed Zoning By-law Amendment.....	69
	Appendix C – Niagara Official Plan Schedules.....	73
	Appendix D – Town of Niagara-on-the-Lake Official Plan Schedules.....	77
	Appendix E – Greenbelt Plan (2017) Schedule	81

1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Harvest Heights, “Owner” of approximately 0.3 hectares (3,078 square metres) of land consisting of two (2) parcels in Virgil, Niagara-on-the-Lake, municipally known as 1839 Four Mile Creek Road (Subject Lands). NPG has been retained to provide professional planning advice on the proposed development of a 3 storey apartment building containing 29 dwelling units on the Subject Lands.

Implementation of the proposed development requires applications for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA). An OPA is required to redesignate the Subject Lands from “Low Density Residential” to site specific Medium Density Residential to permit an apartment building 3 storeys in height with a density of 94.2 units per hectare. A ZBA is required to rezone the Subject Lands from “Residential (R1) Zone” to “Residential Multiple (RM2) Zone” with site specific relief related to the permitted encroachments, residential and agricultural interface, lot area per unit, lot coverage, rear and interior yard setbacks, and building height to facilitate the proposed development.

This Planning Justification Report (PJR) provides an analysis of the proposed development and evaluates the appropriateness of applications for Amendments to the Official Plan and Zoning By-law when assessed against policies in the Provincial Planning Statement (PPS), Greenbelt Plan, Niagara Official Plan (NOP), the Town of Niagara-on-the-Lake Official Plan (Town OP) and the Niagara-on-the-Lake Zoning By-law No. 4316-09.

Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the applications in relation to provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformity with the general intent and objectives of the Town OP while Sections 6.0 and 7.0 provide describe and provide justification for the specific relief sought as part of the Applications for OPA and ZBA, respectively.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located within the Virgil settlement area in the Town of Niagara-on-the-Lake, and are rectangular in shape with 38.1 of frontage along Four Mile Creek Road, a lot depth of approximately 80.8 metres, and a total area of 3078.4 square metres. In 2023, the Subject Lands were severed into two separate parcels via a consent application (Town File B-08/23). To facilitate the proposed development the two (2) parcels will be remerged via a future certificate of consent cancellation application to be made to the Town in accordance with Section 53(45) of the *Planning Act* following approval of the proposed development. The proposed development and all subsequent sections of this report will consider the lands as if they have been remerged. A 3.0 metre road widening (114.3 square metres) was provided to the Town in 2023 as part of the former consent application.

The Subject Lands were previously of residential use which included a single detached dwelling and a garage. However, as of a November 2024 site visit the Subject Lands are currently vacant of any structures (see Site Photos in Section 2.1 below). The topography of the Subject Lands is generally flat. No natural heritage features have been identified on the Subject Lands. The Subject Lands have not been identified as having archaeological potential according to Schedule K of the NOP or Schedule H of the Town OP. The Subject Lands are currently zoned Residential (R1) Zone, which only permits single-detached dwellings and secondary uses. A total of 24 trees have been documented as on the property, in the road allowance or within 6 metres of the property line, please see Section 4.6 for a summary of the Tree Inventory and Preservation Plan conducted of the Subject Lands.

The portion of Four Mile Creek Road that the Subject Lands fronts on is designated as a local road according to Schedule G of the Town OP. In 2019, the Town of Niagara-on-the-Lake adopted a new Official Plan (2019 Town OP). The 2019 Town OP has not been approved by the Niagara Region and is therefore not in force or effect. Of note, within the 2019 Town OP, Four Mile Creek Road is classified as a collector road intended for higher traffic volumes and densities.

The Subject Lands are located within an existing low-rise residential area. Single detached dwellings 1-2 storeys in height exist immediately north, west and south of the Subject lands. Lands immediately east and partially south are agricultural (vineyards). Approximately 40 metres north of the Subject Lands is the Legacy Landing private road development, containing 10 detached family dwellings.

The Subject Lands are in proximity to other higher density land uses. Pleasant Manor Retirement Village, a retirement and nursing home operated by Radiant Care, is located approximately 650 metres south of the Subject Lands and is zoned RM2. Comprising the retirement village are a variety of unit types and sizes including independent living and assisted living facilities. Of note are the Creekview apartments, a 4-storey, 62-unit apartment building located on the property. Construction is underway immediately east of the Creekview apartments for a new long-term care home 3 storeys in height featuring 119 new beds and 41 upgraded beds. Occupancy is expected in late 2025.

North: Single detached dwellings on Four Mile Creek Road;

South: Single detached dwellings on Four Mile Creek Road, Agricultural

East: Agricultural (vineyards)

West: Single detached dwellings on Four Mile Creek Road

The site is located within one kilometre of Virgil's commercial, recreational, and institutional core (located near the intersection of Four Mile Creek Road and Niagara Stone Road), allowing for ease of access to shopping, recreational, and civic opportunities in the community. Restaurants, banks, commercial buildings and a fitness centre are all located in this core area, generally with frontage on Niagara Stone Road, north of the intersection with Four Mile Creek Road. The Centennial Sports Park located

at 1565 Four Mile Creek Road contains various sports fields, arenas, a skatepark and a splashpad providing a variety of recreational uses. Crossroads Public Elementary School and Saint Michael Catholic Elementary School are located 1.9km and 2.9km southwest of the Subject Lands, respectively. There are no public secondary schools located within the Town of Niagara-on-the-Lake. Vine Ridge Academy, a private school, is located approximately 1 kilometre northeast of the Subject Lands. Niagara Student Transportation Services provides transportation for secondary school students in Niagara-on-the-Lake to attend secondary schools in St. Catharines or Niagara Falls. See Community Amenity Map below for more information.

The Subject Lands are located within a Designated Built-Up Area according to Schedule B of the NOP. This designation represents the developed urban areas limits that will help achieve the 25% intensification target planned for Niagara-on-the-Lake, as set out in Policy 2.2.2.6 and Table 2-2 within the NOP. The Subject Lands are located on Four Mile Creek Road, a local road that is a part of the Region's Strategic Cycling Network which features existing cycling infrastructure. With exception of Niagara Region Microtransit, there are no public transit services in proximity to the Subject Lands.



Figure 1. Aerial Context Map

2.1 Site Photos

The following site photos were taken during a site visit on November 26, 2024.



Photo 1. View of the Subject Lands, looking east from the Four Mile Creek Road frontage.



Photo 2. View of the Subject Lands, looking south approximately from the middle of the property.



Photo 3. View of the Subject Lands, looking north approximately from the middle of the property.



Photo 4. View of the Subject Lands and the adjacent agricultural land (vineyards), looking east from the rear yard of the property.



Photo 5. View of the Subject Lands from the rear yard of the property, looking west towards Four Mile Creek Road.



Photo 6. View of Four Mile Creek Road, looking north from the Subject Lands.



Photo 7. View of Four Mile Creek Road, looking south from the Subject Lands from the northwestern corner of the property.



Photo 8. View of properties located across from the Subject Lands, looking west from Four Mile Creek Road.



Photo 9. View of the entrance to the Legacy Landing private road development located north of the Subject Lands, looking east from Four Mile Creek Road.



Photo 20. View of nearby properties located north-west of the Subject Lands, looking west from Four Mile Creek Road.



Photo 13. View of properties located north of the Subject Lands, looking northeast from Four Mile Creek Road.



Photo 12. View of properties located south of the Subject Lands, looking east from Four Mile Creek Road.



Photo 13. View of properties located south-west of the Subject Lands, looking west from Four Mile Creek Road.



Photo 14. View of the Radiant Care Pleasant Manor nursing home located south-east of the Subject Lands, looking east from Four Mile Creek Road. Note the four-storey retirement home building visible in the background.



Photo 15. *View of properties located across from Radiant Care Pleasant Manor and south-west of the Subject Lands, looking west from Four Mile Creek Road.*

3.0 Proposed Development

Applications for OPA and ZBA are proposed to facilitate the development of one (1) apartment building consisting of a total of 29 apartment dwelling units on Four Mile Creek Road. The apartment building is proposed to be 3 storeys and constructed to a maximum height of 11.28 metres. The development has an overall density of 94.2 units per hectare.

The Subject Lands will be connected to Four Mile Creek Road via two driveway accesses and a pedestrian pathway connection. A circular driveway is proposed on the western side of the Subject Lands, with two points of entry/exit; the southern entry/exit is primarily intended for access to the loading zone to the south of the building and drop off area, while the northern point of entry/exit is primarily intended to provide access to residential and visitor parking.

The proposed development features 32 parking spaces. There are three (3) surface level visitors' parking spaces located in front of the proposed apartment building. Directly to the north of the surface level parking spaces within the northern interior side yard setback of the proposed apartment building, is a ramp that would provide access to a partial underground parking structure featuring twenty-nine (29) parking spaces (of which 2 are accessible), eleven (11) bicycle parking spaces. This level also contains storage lockers, mechanical room, and elevator space. The parking structure would be 1.83 metres above the average finished grade, representing approximately fifty (50%) of its exterior wall area.

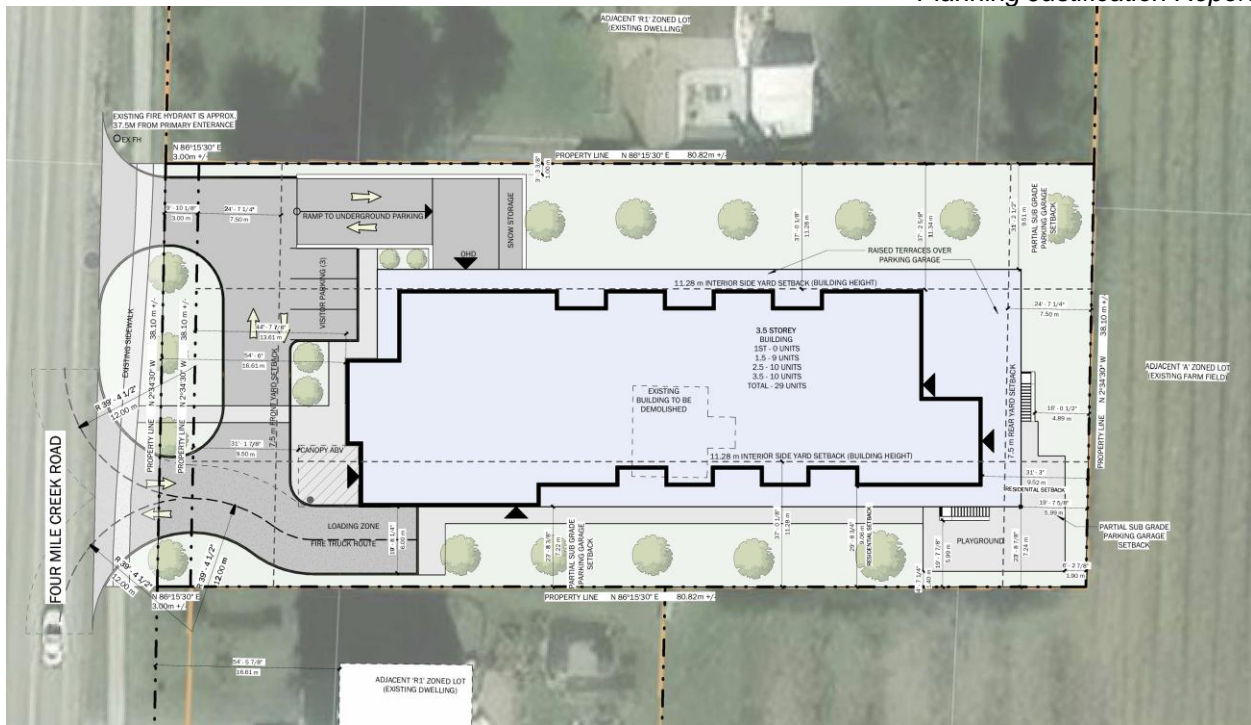


Figure 2. Site Plan showing the proposed development. The light blue area is the proposed development with the thin black line being the extent of the parking garage portion and the thick black outline reflecting the extent of the apartment building portion located above the parking garage.

The habitable portion of the of the proposed building is located above and set within the setbacks of the exterior walls of the parking structure. Access to the apartment building portion is provided at the front of the building. Floor 1 will contain nine (9) units, and floors 2 and 3 will each have ten (10) units. Several unit sizes are proposed, ranging between 56.7 square metres (609.8 square feet) and 111.9 square metres (1,204.2 square feet). All units except for one (1) will feature balconies. Common amenities of the proposed apartment building are located on the first floor and include a community room and rooftop terrace on top of the parking structure (accessed via floor 1).

The partially underground structure, with at least 50% of its exterior walls above the average ground level around the building, is considered a basement and therefore not a storey according to the Zoning By-law¹. For the purposes of the Zoning By-law, the proposal would be considered a 3 storey building.

A front yard setback of 13.61 metres is proposed. A small canopy would extend 4.11 metres into the front yard setback to provide shelter and create a smooth transition to the vestibule and lobby. This generous setback aligns with the similar setback given to the dwelling to the south.

¹ BASEMENT means that portion of a building partially below ground level and having fifty per cent (50 %) or more of its exterior wall area above the average finished grade

The rear yard setback is proposed to be 6.0 metres to the partial underground parking structure and rooftop terrace on top of the parking structure. The upper floors of the building, the habitable portion, have a rear yard setback of 9.52 metres.

The proposed north interior yard setback is 9.51 metres to the parking structure and 11.28 metres to the upper floors of the apartment building. The south interior yard setback is 7.22 metres to the parking garage and 9.06 metres to the majority of apartment building portion. It is noted that a portion of the apartment building near the frontage is aligned with the parking structure setback at 7.22 metres. An on-grade playground is proposed at the southeastern corner of the Subject Lands.

Impacts on the adjacent residential use to the north will be minimized by implementing a 1-metre setback for driveways, access ramps, and loading zones, along with the installation of a 1.8-metre board fence along the northern property line to screen light from vehicle headlights. A 1.8 metre high board fence is also proposed along the southern property. Several large deciduous trees are proposed within the northern and southern side yards to provide visual screening into adjacent residential lands.

Please see the Architectural Package (Site Plan, Floor Plans and Elevations) prepared by ACK Architects dated August 2024 for more information related to the proposed development.

An OPA is required to redesignate the Subject Lands from “Low Density Residential” to a Medium Density Residential exception designation “EX-RES-##”. The Site-Specific exception proposes a “Medium Density Residential” designation with a density of 94.2 units per hectare and permits an apartment building along a local road. A Zoning By-law Amendment is required to rezone the lands from Residential (R1) Zone to a Site-Specific Residential Multiple Zone (RM2-XX) with site specific provisions related to the proposed development. More details regarding the site-specific provisions can be found in Section 7.0 of this report.

3.1 Pre-Consultation Summary

A pre-consultation meeting was held with the Town to discuss the proposed Applications on October 3, 2024. In attendance were NPG Planning Solutions Staff, Town Staff and Regional Staff. During the pre-consultation meeting it was discussed that the following studies would be required at the OPA/ZBA stage for a complete application:

- Building Elevations
- Concept Plan
- Conceptual Landscape Plan
- Floor Plan
- Functional Servicing Report
- Planning Justification Report
- Reference Plan
- Shadow Study
- Stormwater Management Report

- Streetscape Study
- Tree Inventory and Protection Plan
- Urban Design Brief

The following studies have been included in this submission and are summarized in Section 4 below.

4.0 Supporting Studies Review

4.1 Conceptual Landscape Plan

A conceptual landscape plan has been prepared by Landscape Florida to demonstrate future landscaping potential within the proposed development. The conceptual landscape plan shows:

- A 1.8 metre high wood privacy fence along the property line surrounding the adjacent residential uses.
- A 1.2 metre high aluminium fence along the eastern property line adjacent to agricultural use.
- Large deciduous trees proposed within the interior side yards.
- A variety of trees and shrubs along the frontage

4.2 Functional Servicing Report

Upper Canada Consultants has prepared a Functional Servicing Report (FSR), dated January 2025 to address the servicing needs and requirements of the proposed development. The FSR determined that:

- The proposed development will connect to the existing 250mm municipal watermain on Four Mile Creek Road via a 150mm service;
- The average, maximum day, and peak hour domestic requirements will be 13,920L/cap/day, 38,280L/cap/day, and 57,490L/cap/day respectively.
- The proposed development will connect to the existing 600mm municipal sanitary sewer on Four Mile Creek Road via a 200mm sanitary service.
- The total peak flow will occupy a maximum of 0.5% of the capacity of the existing downstream municipal sanitary sewer system.
- The existing storm sewer has a capacity of 17.5L/s for the proposed development and the allowable outflow from the site to the Four Mile Creek Road storm sewer will be 20.1L/s during the 100-year design storm event.
- The proposed quantity controls will require a minimum on-site storage capacity of approximately 30.3m³ and 69.7m³ for the 5- and 100-year design storm events respectively. The required storage volume may be provided by a combination of underground pipe storage, surface parking lot storage and rooftop storage.

4.3 Shadow Study

A shadow study was conducted by ACK Architects to investigate the shadow impacts of the proposed development. The shadow study determined:

- The shadows of the proposed development have a minimal impact on of the surrounding residential properties.
- Majority of the shadowing is anticipated during the winter months in the morning hours. Shadows are typically longer in winter since the Sun is at a lower angle in the sky.
- Majority of the shadows cast encroaches onto the adjacent agricultural lands to the east during the evening hours (4-6PM) of all seasons.
- Much of the shadowing is contained within the property during the months of April through September.

4.4 Urban Design Brief

An Urban Design Brief (UDB) was prepared by NPG Planning Solutions Inc. to analyze the urban design impacts of the proposed development. The UDB determined:

- The proposed building materials and architectural style adds visual interest to the development and also ensures the building recognizes and respects the local context.
- The proposed 3 storey apartment building utilizes the Subject Land efficiently to achieve a higher density in a built form that is appropriate for the surrounding uses.
- Appropriate setbacks have been proposed to ensure the building does not overpower the pedestrian realm and minimizes privacy and overview concerns for adjacent properties.
- The proposed apartment building has been sensitively designed in order to be compatible and integrate with the context of the surrounding low-rise built forms and was found to align with the policy considerations related to land use compatibility.

4.5 Streetscape Study

A streetscape study was prepared by NPG Planning Solutions Inc. to analyze the existing streetscape character of Four Mile Creek Road to ensure the streetscape character is maintained. The study determined:

- The properties in the surrounding neighbourhood range from shallow to deep rectangular lots predominantly with single detached dwellings;
- The front yard setbacks are generally consistent throughout the area, except for the properties at 1845 and 1849 Four Mile Creek Road (immediately north of Subject Lands);
- Merging of the parcels back into one consolidated parcel to facilitate the development will revert the streetscape back to its previous condition prior to the approval of the 2023 severance.
- Having two double-wide driveways for the proposed frontage is not significantly different from the dominant character of the area;
- The proposed development aligns with the key streetscape attributes to ensure that the streetscape character is maintained and strengthened in the immediate neighbourhood.

4.6 Tree Inventory and Preservation Plan

A Tree Inventory and Preservation Plan was prepared by Jackson Arboriculture Inc. to determine the status of the trees on the Subject Lands and preservation criteria. A site visit was conducted on December 23, 2024, to complete the inventory which determined there were 22 trees 12.5 cm in diameter or larger and 2 tree units on the Subject Lands or within 6 metres of the property boundary. No rare, threatened or endangered trees were documented. A total of 17 trees are identified for removal, with 16 being wholly contained on the Subject Lands and 1 being located on the shared property line with the agricultural operation to the south (Tree 12). Please see the attached Tree Inventory and Preservation Plan for more information. Tree protection measures are proposed to ensure the preservation of Trees and Units 11, 13-16, 22, and 23.

5.0 Planning Policies

5.1 Planning Act

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.

Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Applications.

Table 1: Analysis of Provincial Interest – Section 2 of Ontario Planning Act

SECTION	PROVINCIAL INTEREST	ANALYSIS
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	Not applicable.
b)	<i>the protection of the agricultural resources of the Province</i>	Not applicable. The Subject Lands are in the Urban Area.
c)	<i>the conservation and management of natural resources and the mineral resource base</i>	Not applicable.
d)	<i>the conservation of features of significant architectural, cultural,</i>	The Subject Lands are free of any cultural heritage features.

SECTION	PROVINCIAL INTEREST	ANALYSIS
	<i>historical, archaeological or scientific interest</i>	
e)	<i>the supply, efficient use and conservation of energy and water</i>	The Functional Servicing Report prepared by Upper Canada Consultants, outlines measures for necessary stormwater management controls that will address on-site quality and quantity control and the provision of water for the proposed development.
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed development is located within the urban boundary and will be serviced by municipal water and sewage systems, which have capacity to accommodate the proposed development.
g)	<i>the minimization of waste</i>	No specific measures for the minimization of waste have been outlined as part of this development.
h)	<i>the orderly development of safe and healthy communities</i>	Chapter 2 of the PPS includes policies regarding building strong healthy communities. As described in Section 5.2 of this PJR, the Applications are consistent with the PPS.
h.1)	<i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i>	The proposed development will feature accessible parking spaces and elevators ensuring accessibility. Further, the Town of Niagara-on-the-Lake is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities. The Applications are anticipated to be circulated to the JAAC for review and comment. Many of the matters regarding accessibility for persons with disabilities

SECTION	PROVINCIAL INTEREST	ANALYSIS
		will be considered as part of future building permit applications.
i)	<i>the adequate provision and distribution of educational, health, social, cultural and recreational facilities</i>	The Subject Lands are in proximity to a variety of educational, health, social, cultural, and recreational facilities as described in Section 2.0 of this report.
j)	<i>the adequate provision of a full range of housing, including affordable housing</i>	The applications would facilitate the development of an apartment building in an area where single detached dwellings prevail, helping to provide a full range of housing options.
k)	<i>the adequate provision of employment opportunities</i>	The Subject Lands are planned for residential use. The Subject Lands are in proximity to the Virgil commercial core, providing access to employment opportunities.
l)	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	The applications provide for an increased tax base within the municipality, supporting the financial well-being of the Town.
m)	<i>the co-ordination of planning activities of public bodies</i>	Public bodies will review and comment on the applications through the Town's application circulation process.
n)	<i>the resolution of planning conflicts involving public and private interests</i>	Resolution of any planning conflicts will occur through the <i>Planning Act</i> process.
o)	<i>the protection of public health and safety</i>	The proposed development has regard for public health and safety through provision for residential amenity spaces and safe vehicle access to the development.
p)	<i>the appropriate location of growth and development</i>	The Subject Lands are located within the Urban Area and are designated for residential use. Compatibility with surrounding land uses is investigated in

SECTION	PROVINCIAL INTEREST	ANALYSIS
		further sections of this report, specifically within Section 5.5.1.3 and 5.5.3.3.
q)	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	<p>There are no fixed transit routes in Virgil. The Town of Niagara-on-the Lake is serviced by on-demand transit (Niagara Region Microtransit). On-demand transit is a shared-ride public transit service without a fixed schedule or route.</p> <p>The proposed development offers connections to sidewalks along the frontage and existing cycling infrastructure along Four Mile Creek Road.</p>
r)	the promotion of built form that: i.) is well-designed ii.) encourages a sense of place iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant	<p>The immediate neighborhood consists of one-storey to two-storey single detached dwellings. The proposed development facilitates a built-form compatible with the existing neighbourhood.</p> <p>The proposed development will feature a modern façade with a variety large windows overlooking the Four Mile Creek Road streetscape, facilitating “eyes-on-the-street” supporting pedestrian safety and creating a high quality urban environment.</p> <p>The compact form of the development provides supports the creation of high quality and safe spaces.</p> <p>Please see Urban Design Brief prepared by NPG Planning Solutions Inc. for more information.</p>
s)	the mitigation of greenhouse gas emissions and adaptation to a changing climate	The compact built form of the apartment building development is anticipated to reduce heating and cooling demands, and consequently the necessity to consume fossil fuels.

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

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

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

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

SUMMARY AND CONCLUSION

Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024), hereinafter referred to as PPS, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS came into effect October 20, 2024.

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

5.2.1. Planning for People and Homes

Section 2.1 of the PPS provides direction policies related to managing and directing land use. The following policies apply to the proposal:

POLICY

2.1.6 Planning authorities should support the achievement of complete communities by:

- a) *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*

c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

ANALYSIS

The Subject Lands are within a settlement area of Niagara-on-the-Lake, supported by existing municipal and wastewater infrastructure that can support the achievement of complete communities.

The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development with a unique low-rise built form in proximity to a variety of land uses and services. The Subject Lands are located approximately 1 kilometre (10-15 minute walk) from the intersection of Four Mile Creek Road and Niagara Stone Road. This intersection features a variety of commercial and personal service uses including restaurants, grocery stores, banks and more (see Section 2.0 for more information). Four Mile Creek Road is part of the Niagara Region's Strategic Cycling Network and features existing cycling infrastructure improving active transportation methods for residents to access their daily needs. Additionally, there are several publicly accessible parks within walking distance of the Subject Lands. Due to the lack of apartment dwelling units within the Town, approval of the proposed development supports aging in place, provides more accessible living accommodations, and generally provides for a greater mix of housing options for all residents.

The range of land uses, unique built form, and accessible transportation options help improve the overall quality of life for future residents of the proposed development.

5.2.2. Housing

The PPS provides the following policies with respect to housing:

POLICY

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

b) permitting and facilitating:

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

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

ANALYSIS

The proposed development facilitates a mix of housing through the development of apartment dwelling units in proximity to a range of commercial and recreational uses. The

Town of Niagara-on-the-Lake features a total of 8,578 private dwelling units. A total of 7,385 of the dwellings within the Town are ground-oriented dwellings (single-detached, semi-detached or row house dwellings) equating to 93.96% of all occupied dwellings. There are a total of 445 apartment dwellings; or 5.67% of all occupied dwellings within the Town.² The proposed development represents a type of housing density, built form, and tenure that is not common in the Town of Niagara-on-the-Lake, adding to the housing stock, diversity, choice, and affordability in the area with connections to active transportation infrastructure.

5.2.3. Settlement Areas

The PPS provides the following policies with respect to settlement areas:

POLICY

2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

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

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate;*

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Settlement Areas is defined as:

urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

Settlement areas are:

- a) built-up areas where development is concentrated, and which have a mix of land uses; and*
- b) lands which have been designated in an official plan for development over the long-term.*

² [Profile table, Census Profile, 2021 Census of Population - Niagara-on-the-Lake, Town \(T\) \[Census subdivision\], Ontario](#)

ANALYSIS

The Subject Lands are located within a Settlement Area within the Built-Up Area.

The proposed development would promote the efficient use of land within the Settlement Area by providing an increased density compatible with the neighbourhood and the efficient use of municipal services. The Subject Lands are also located on a regional cycling network promoting active transportation options. The Subject Lands are also in proximity to a range of commercial and personal service uses ensuring accessibility for future residents.

The proposed 3 storey apartment building will be of a compact built form, promoting efficient use of land, infrastructure, and public service facilities.

For these reasons, the Applications are consistent with the Settlement Area policies of the PPS.

5.2.4. Transportation Systems

Section 3.2. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

POLICY

3.2.2 *Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

ANALYSIS

The Subject Lands front on Four Mile Creek Road, which is designated a local road in the approved Town OP which is in effect. However, in the 2019 Town OP, which was adopted by the Town but not approved by the Niagara Region, Four Mile Creek Road is designated as a collector road intended for higher volumes of traffic. The proposed development will efficiently utilize the existing road infrastructure. Collector roads are typically designed for higher volumes of traffic and the proposed residential use and density will be adequately accommodated by this road.

Further, the proposal will be supported by existing sidewalk access and transit routes, and bicycle infrastructure that will provide convenient connections to important destinations necessary for daily living.

5.2.5 Infrastructure and Public Service Facilities

Section 3.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

3.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage*

services and municipal water services include both centralized servicing systems and decentralized servicing systems.

ANALYSIS

The Subject Lands are located on Four Mile Creek Road, a municipal road with existing municipal services. The proposed development would connect to this existing infrastructure, including municipal services. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. Furthermore, as indicated in the Functional Servicing Report prepared by Upper Canada Consulting, dated January 2025, existing municipal services have the capacity to service the proposed development. For these reasons proposed development is consistent with the above policies of the Provincial Policy Statement.

SUMMARY

Based on the above the proposed development is consistent with the PPS.

5.3 Greenbelt Plan (2017)

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

5.3.1 Town/Villages

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

POLICY

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

ANALYSIS

The Subject Lands are located within the Town/Village designation in the Greenbelt Plan. Greenbelt Plan Amendment No. 4 was made on August 15, 2024, so that the policies of the PPS 2020 and the Growth Plan for the Greater Golden Horseshoe will continue to apply where the Greenbelt Plan refers to them. As such, despite being repealed on October 20, 2024, when the PPS 2024 came into effect, the Growth Plan policies will continue to apply to the proposed development as required by Policy 3.4.3(1).

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

The Growth Plan for the Greater Horseshoe (Office Consolidation 2020) emphasizes compact and well-designed development in Urban Areas. The Growth Plan supports the

achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

5.4.1. Growth Management

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

POLICY

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

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

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

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

ANALYSIS

The Subject Lands are within a settlement area of Niagara-on-the-Lake, supported by existing municipal water and wastewater infrastructure, that can support the achievement of complete communities. The proposed development would facilitate the provision of a diverse range and mix of housing options in a municipality where ground-oriented dwellings predominate. The proposed applications further support the achievement of complete communities by facilitating compact built-form and facilitating efficient use of land and providing convenient access to a range of available of commercial uses and active transportation options that are in proximity to the Subject Lands.

5.4.2. Delineated Built-up Areas

Section 2.2.2 of the Growth Plan provides policy direction regarding Delineated Built-up Areas. The following policies apply:

POLICY

- 2.2.2(1) *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;*
- 2.2.2(3) *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*
- c) *encourage intensification generally throughout the delineated built-up area;*

ANALYSIS

The proposed development facilitates residential intensification within the built-up area, assisting the municipality in achieving its intensification targets.

5.4.3. Housing

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

POLICY

- 2.2.6(1) *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
- i. *identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;*
- 2.2.6(2) *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6(1), municipalities will support the achievement of complete communities by:*
- a) *planning to accommodate forecasted growth to the horizon of this Plan;*
- b) *planning to achieve the minimum intensification and density targets in this Plan;*
- c) *considering the range and mix of housing options and densities of the existing housing stock; and*
- d) *planning to diversify their overall housing stock across the municipality.*

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

ANALYSIS

The proposed applications provide a unique built form within the area while increasing the overall housing stock by 29 units, helping meet the projected needs of current and future residents. The Town of Niagara-on-the-Lake is currently dominated by single detached dwellings. The proposed applications will assist with diversified housing options within the Town of Niagara-on-the-Lake in accordance with Policy 2.2.6.

SUMMARY

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

5.5 Niagara Official Plan

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

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

Table 2 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Delineated Built Up Area
J1 – Transportation Infrastructure	Four Mile Creek Road is a Local Road

5.5.1 Managing Urban Growth

Section 2.2.1 of the NOP provides general direction with respect to managing growth.

POLICY

Section 2.2.1 – Managing Urban Growth

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

a) the intensification targets in Table 2-2 and density targets outlined in this Plan;

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

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

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

i. a range of transportation options, including public transit and active transportation

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

f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;

g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;

h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;

i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;

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

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

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

ANALYSIS

The proposed development provides for a mix of housing types and unit sizes along an active transit route in proximity to a key commercial corridor, with dining, retail and personal service uses, helping to facilitate a complete community. Four Mile Creek Road has existing sidewalks which the development proposal will connect to via internal walkways. The compact built form of the proposed development will reduce land consumption and support the reduction of greenhouse gas emissions in Virgil.

5.5.2 Strategic Intensification and Higher Densities

Section 2.2.2 contains the Region's intensification policies. The following apply:

POLICY

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

b) areas with existing or planned public service facilities

2.2.2.5 A Regional minimum of 60 percent of all residential units occurring annually will be within built-up areas.

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

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

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

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

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;..*
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites...*

ANALYSIS

The proposed development facilitates intensification as outlined in the NOP and contributes to achieving the Regional and Town intensification targets. The applications promote appropriate infill development standards that align with the goal of creating complete communities and encouraging a compact built form within an existing neighborhood, conveniently located near various public service facilities. Therefore, the applications align with Section 2.2.2 of the NOP.

5.5.3 Housing

Section 2.3.1 contains the Region's housing policies. The following apply:

POLICY

Section 2.3.1 – Provide a Mix of Housing Options

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

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

a) facilitating compact built form;

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

Section 2.3.3 – Planning Tools to Achieve Affordable and Attainable Housing

2.3.3.1 *The following tools will be considered to support the development of affordable and attainable housing:*

d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;

ANALYSIS

As mentioned, the Town of Niagara-on-the-Lake features a total of 8,578 private dwelling units, of which 445 are apartment dwellings (5.67%). The proposed development represents a type of housing density, built form, and tenure that is not common in the Town, adding to the housing stock, diversity, choice, and affordability in the area. The proposed development represents a compact built form that makes an efficient use of land, with design features such as walkways and elevators that promote accessibility throughout the development and to the public realm. Furthermore, varying unit sizes from approximately 56.7 square metres (609.8 square feet) and 111.9 square metres (1,204.2 square feet) are proposed providing a range of unit sizes for a range of households.

5.5.4 Municipal Water and Wastewater Servicing within Urban Areas

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

POLICY

5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

ANALYSIS

The proposed applications will utilize the current municipal infrastructure along Four Mile Creek Road. A Functional Servicing Report has been included as part of this submission which determined that there is adequate servicing capacity for the proposed development. Please see Section 4.2 of this report for more information.

SUMMARY

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

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

The Town OP provides policy direction for the future development of the Town. Efficient use of land and sensitive planning practices are policies found in the Town OP due to the limited urban land supply.

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

Table 3 – Town OP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
C – Land Use Plan – Virgil	Low Density Residential
G – Transportation Plan	Four Mile Creek Road is a local road
I-2 – Growth Management, Virgil	Built Up Areas

5.5.1 General Development Policies

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

5.5.1.1 Building Height

Section 6.4 of the Town OP provides the following pertaining to building height:

POLICY

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally, the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and the implementing zoning by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law limiting the building height to less than 11 metres (36 feet) in low density residential and established residential areas where the majority of the buildings are one or 1 1/2 storeys in height.

ANALYSIS

The policy speaks to heights generally not exceeding 11 metres, which translates to 3 storeys. The proposed development features a height of 11.28 metres, and 3 storeys. This reflects a 0.28 metre increase above the height outlined in Section 6.4 while

maintaining a 3 storey building. The proposed increase accommodates the partial underground parking, which has overall positive benefits such as reducing the amount of impervious surface on the lands and eliminating the visual impacts from surface parking. The proposed development has been positioned in a way to mitigate overlook and shadowing concerns on adjacent lands (described more in Section 5.5.1.3 and 5.5.3.3). The Subject Lands are not in proximity to any historic buildings. As such, the proposed 3 storey building at 11.28 metres is generally consistent with the low-rise character of the Town.

5.6.1.2 Parking and Loading Facilities

Section 6.21 of the Town OP provides the following pertaining to a parking and loading facilities:

POLICY

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing Zoning By-law. Access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic in the immediate area and compatible with abutting properties.

ANALYSIS

The proposed development provides for a partially underground parking area featuring 29 parking spaces (1 per unit). Access to this parking area is provided via a ramp located 1 metre from the northern lot line, and facing away from the street. Two accesses are provided to the site, which is consistent with the pattern of driveway along Four Mile Creek as discussed in the Urban Design Brief and Streetscape Study.

5.6.1.3 Planning Impact Analysis

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

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

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

POLICY & ANALYSIS

Table 4. Analysis of Section 6.23 of Town OP

Policy	Evaluation
<i>a) Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;</i>	<p>Compatibility has been addressed in this Planning Justification Report in various sections. To summarize, the apartment building portion is proposed with a total building height of 11.28 metres, a 1.28 metre increase in the maximum height currently permitted in the Zoning By-law continuing to be consistent with the low-rise character of the area. The apartment building portion is set back 11.28 metres from the northern lot line, achieving a 45-degree angular plane to mitigate shadowing impacts to the north.</p> <p>The floor plans within the apartment building have been designed to minimize sightlines into neighboring properties. The northern-facing units (Units 2-6, as shown on the Floor Plans) have been positioned closer the frontage to ensure that they primarily overlook the side of the existing dwelling on the northern property and not towards the rear yard. Only one unit (Unit 6) has the potential for views toward the rear yard of 1845 Four Mile Creek Road. Balconies for these units have been oriented to face the rear lot line, thereby preserving the rear yard privacy of 1845 Four Mile Creek Road.</p> <p>As the lands to the south at 1831 Four Mile Creek Road feature a smaller lot depth, the southern facing units (Units 7-10) have been offset to be located closer to the rear of the Subject Lands to feature balcony views towards the agricultural lot to the south. Due to this offsetting only one unit per floor (Unit 9 on the first floor and Unit 10 and floors 2-3) will have sightlines into the rear yard of 1831 Four Mile Creek Road. Despite this, there is significant space for landscaping to prevent sightlines into the rear yard of the adjacent lands and large deciduous trees are proposed in the side yards to maintain land use compatibility.</p>
<i>b) The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</i>	As discussed above, the proposed development has been strategically located to mitigate any land use compatibility impacts related to height, shadowing, privacy, and massing. The abutting

Policy	Evaluation
	<p>lands to the north are currently zoned R1 and the proposed height reflects a 1.28 metre increase from what is currently permitted within the R1 zone.</p> <p>Although the exact height of the abutting dwellings are not known, the proposed apartment building is only slightly taller than what is permitted within the R1 zone of which the majority of the neighbourhood is zoned. Impacts are appropriately mitigated with respect to shadowing and overlook by incorporating setbacks and locating the building away from adjacent properties.</p>
<i>c) The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;</i>	The proposed development will implement the recommendations of Jackson Arbiculture's Tree Inventory and Preservation Plan (TIPP) for removal and preservation of existing trees. The proposal is supported by a Landscape Plan, prepared by Landscape Florida, which recommends new tree plantings and shrubs along the front and side yards of the Subject Lands.
<i>d) Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;</i>	The Subject Lands are located 1.25 kilometres from the core of Virgil and the Meridian Credit Union Arena and Centennial Sports Park which provides a range of community facilities. The proposed development provides for an 89.5 square metre (963.9 square feet) community room, a rooftop terrace area, and a playground on site for residents' use.
<i>e) The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to;</i> <ul style="list-style-type: none"> <i>(i) the existing environmental and/or physical hazards.</i> <i>(ii) the potential impacts of these hazards.</i> <i>(iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and</i> 	There are no known environmental hazards requiring specialized consideration.

Policy	Evaluation
<p>resource management practices. (iv) the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard.</p>	
<p>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.</p>	<p>A Site Plan has been prepared which demonstrates that the Subject Lands can accommodate the proposed development with sufficient setbacks provided towards adjacent lands. The lands can accommodate the intensity of development without significant impact on adjacent residential uses. Furthermore, the Plans demonstrate that the proposed development is in keeping with the low-rise nature of the neighborhood and will not pose any negative impacts on the streetscape.</p>
<p>g) The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard</p>	<p>The proposed applications would provide additional tax revenue to the municipality. Further, the efficient and optimized use of available infrastructure is generally desirable from a financial perspective.</p>
<p>h) The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.</p>	<p>A Traffic Impact Study was not requested. The scale of development is not anticipated to generate significant traffic or significantly impact streets, pedestrian and vehicular safety, or surrounding properties.</p>
<p>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</p>	<p>Provincial and Regional Policy have been discussed in Sections 5.2 through 5.4. As indicated, the Applications are consistent with and conform with Provincial and Regional Policy as applicable.</p>

Policy	Evaluation
j) <i>The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan.</i>	A Functional Servicing Report with a Stormwater Management Analysis have been prepared. These reports are discussed in Section 4.2 of this Planning Justification Report and demonstrate that the servicing capacities in the area can accommodate the proposed development.
k) <i>The location and adequacy of lighting, screening, and parking areas.</i>	Resident parking is proposed within an enclosed parking structure. Three visitor parking stalls are also proposed along the front of the building. Lighting fixtures and landscaping will be provided to ensure that the parking areas are well-lit and screened accordingly. These matters will be further addressed through the Site Plan approval process.
l) <i>Provisions for landscaping and fencing.</i>	Landscaping space has been provided throughout the development. A conceptual landscaping plan has been prepared to demonstrate potential landscaping features on the site, including fencing.
m) <i>The location of outside storage, garbage and loading facilities.</i>	No outdoor storage facilities are proposed. A loading space is provided south of the proposed building. A waste storage room is provided adjacent to the loading space and it is anticipated a private contractor will be retained to collect the waste.
n) <i>The need and desirability of the use.</i>	The Town's housing stock predominantly consists of ground-oriented dwellings (7,385 of the 8,578 dwelling units in the Town). Planning Authorities are required to accommodate a significant supply and range of housing options through intensification and plan for a range and mix of housing options. The proposed applications provide a unique housing form in an area dominated by single detached dwellings.
o) <i>The effect on the agricultural land base.</i>	Potential land use compatibility conflicts can occur where agricultural uses and residential uses interface. Such impacts on residential lands may include noise odor or spraying. Trespass onto agricultural lands is also a potential land use compatibility matter. The existing interface between agricultural and residential uses has already been established. The proposed development is not anticipated to aggravate an existing situation. The proposed development will provide for a 1.5 metre aluminium fence clearly

Policy	Evaluation
	demarcating the separation between the land uses.
<i>p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.</i>	There are no identified environmental, built heritage resources or cultural heritage landscapes in proximity to the Subject Lands. The Subject Lands are not mapped as being within an area of archaeological potential.
<i>q) The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary.</i>	The OP plans for a maximum of 12 units per acre (30 units per hectare) for the medium density residential designation. There are no vacant sites in Virgil which permit density as proposed. Any development of this nature would require site-specific approvals.
<i>r) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.</i>	The proposed development concept provides suitable side yard setbacks to mitigate impacts on adjacent uses, as shown in the attached Concept Plan and discussed above. The large interior side yards provide sufficient space for landscaping including the provision of large deciduous trees (see Landscape Plan included with this submission). Board fencing 1.8 metres in height are proposed along the northern and southern property lines to mitigate any adverse noise and lighting impacts on adjacent lands. The provision of partially underground parking area protects the streetscape by minimizing the number of vehicles visible from the street.

5.6.1.3 Servicing Infrastructure

Section 6.30 of the Town OP provides the following policies pertaining to servicing infrastructure within the Town:

POLICY

GENERAL POLICIES

- a) New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.*

SANITARY SEWERS

- c) Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available...*

ANALYSIS

The proposed development is intended to connect to existing municipal servicing infrastructure. A Functional Servicing Report was prepared by Upper Canada Consultants which determined that there is sufficient servicing capacity for the proposed development.

5.6.1.4 Tree Preservation and Reforestation

Section 6.33 of the Town OP provides the following policies pertaining to tree preservation within the Town:

POLICY

It is a policy of this Plan that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed the following policies shall apply.

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed. The proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arbourist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

ANALYSIS

A TIPP was prepared to investigate the proposed development's impact on the existing trees which determined that 17 trees will have to be removed to accommodate the proposed development. In line with above noted policy it is anticipated that these trees will be replaced in accordance with a detailed Landscape Plan when prepared at the Site Plan stage.

5.6.2 Growth Management Policies

Section 6A of the Town OP provides growth management policies. The purpose of the Growth Management Policies was to implement policies of the Growth Plan prior to it being repealed in October 2024. The Growth Management policies seek to create complete communities that are well-designed, offer transportation choices, and accommodate people at all stages of life, and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.

The following apply:

5.6.2.1. Growth Management Objectives

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

POLICY

- a) To accommodate all future urban growth within the present-day urban boundary.*

- d) *Direct urban growth and development to the Town's existing Urban Areas.*
- e) *Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. Davids, and Queenston through appropriate intensification.*
- g) *Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) *Coordinate land use planning with infrastructure planning;*
- j) *Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.*
- l) *Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

ANALYSIS

The proposed Applications direct growth to the Town's existing Urban Areas, specifically lands designated for residential development, and represent an optimization of municipal infrastructure. The proposed Applications facilitate a range of housing types through residential intensification within the Town's Built-up area in proximity to the Virgil core providing ease of access to commercial uses. The efficient use of land and infrastructure and proposed design to minimize impacts on the streetscape and adjacent properties is in conformity with policies encouraging the development of compact, complete communities.

5.6.2.2 Housing Mix Policies

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

POLICY

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

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

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

ANALYSIS

As per the policies above, a range of residential housing forms and densities are contemplated in the Low Density Residential designation of Virgil, subject to the residential policies contained in Section 9 of the Town OP which are analyzed in Section 5.5.3 of this PJR.

Section 9 primarily speaks to land use compatibility. The Subject Lands are in a predominantly low-rise and low-density neighborhood, with varying lot sizes, built forms, and setbacks. There is one medium density development in proximity to the Subject Lands being within the Pleasant Manor Retirement Village on Pleasant Lane approximately 350 metres to the south. Pleasant Manor Retirement Village features a 4-storey apartment building located on Pleasant Lane and several townhouses.

The proposed development will be 3 storeys in height and can be characterised as being compact and low-rise and will feature a smaller mass than the existing 4 storey building on Pleasant Lane. The proposed Applications will help to achieve a diverse range and mix of housing within Virgil assisting in the Town achieving its long term housing growth goals while mitigating any significant land use compatibility conflicts on abutting residential uses, by providing appropriate building setbacks, landscaping, and heights. As previously mentioned, the Subject Lands are not in proximity to any heritage resources and as such there will be no impacts to heritage sources from the proposal.

5.6.2.3 Intensification Objectives

Section 6A – 4.4 of the Town OP provides the following intensification objectives:

POLICY

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

ANALYSIS

The proposed Applications implement policy direction to accommodate additional growth within the built-up area by permitting a 29 unit apartment building in the Town's Built-up Area in proximity to a range of commercial and recreational uses. The proposed

development is consistent with the low-rise character of the surrounding lands and there are no identified cultural heritage resources on or adjacent to the Subject Lands.

5.6.2.4 Built-Up Area Intensification Policies

Section 6A-4.4 - Built-Up Area Intensification Policies provides that the Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The Town OP further identifies policies to implement this direction. Table 5 below provides an evaluation of these policies:

POLICY & ANALYSIS

Table 5 – Built-Up Area Intensification Policies

Policy	Analysis
a) <i>The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.</i>	The Applications will contribute to the achievement of the Town's intensification target.
b) <i>The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low-rise apartment buildings subject to the relevant development and compatibility policies of this plan.</i>	The Applications will facilitate the development of a low-rise apartment building.
f) <i>Parking for all new residential, commercial and mixed-use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.</i>	<p>The intent of this policy is to ensure that sufficient parking is provided on site and parking areas are generally screened from the public realm. The proposed development features its principal pedestrian entrance fronting onto Four Mile Creek Road with a partially underground parking garage area with 29 spaces (1 per unit) screening all resident parking from the street.</p> <p>Only three (3) visitor parking spaces are provided in the front of the building for ease of access to the main building entrance. Sufficient landscaping around these parking spaces and connection to the internal walkway will be provided.</p>
h) <i>The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area.</i>	The permitted heights for the surrounding R1 Zone is 10 metres. The proposed development features a height of 11.28 metres which is a modest increase above

Policy	Analysis
<i>Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.</i>	<p>the permitted R1 Zone. The building's orientation and front yard setback will reduce the overall perceived massing from the street level and due to the additional stepbacks on all four building sides at the 1st floor, sufficient separation is provided to adjacent dwellings to mitigate shadowing and privacy impacts.</p> <p>This matter is further discussed in the accompanying Streetscape Study and Urban Design Brief.</p>

5.6.2.5 Urban Design

Section 6A-4.4 – Urban Design provides, that “the Town will continue to prepare Urban Design Guidelines as part of the preparation of Secondary Plans. In the interim, the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...” Table 6 below provides a brief evaluation of these policies. For a more detailed analysis please see Section 4.2 of the Urban Design Brief included with this submission:

POLICY & ANALYSIS

Table 6 – Urban Design Policies

Policy	Analysis
<i>a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.</i>	The proposed apartment building will be setback 13.61 metres from the Four Mile Creek Road frontage. This setback is consistent with the setback of dwelling immediately south.
<i>b) Parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.</i>	A majority of parking for the proposed development will be located in the partially underground parking garage area ensuring nearly all parking is screened from streetview. Further, the primary entrance will front onto Four Mile Creek Road.
<i>c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.</i>	The proposed development will provide a connection to the existing sidewalk and cycling infrastructure along Four Mile Creek Road.

Policy	Analysis
d) <i>Bulk, mass and scale of new development shall fit the context within which it is located.</i>	The proposed 3 storey building is designed to minimize visual impact through setbacks, stepbacks, and a slim profile. It maintains a 13.61m front setback, generous side yard distances, and a narrow design to blend with the neighbourhood's 1 and 2 storey homes. Thoughtful planning ensures compatibility by preserving openness and reducing shadowing or privacy concerns. While not identical to nearby buildings, the development's massing and scale remain appropriate and harmonious within the existing community.
f) <i>The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.</i>	Please see the following section.

5.6.2.6 Land Use Compatibility

Section 6A-4.6 provides as follows:

Residential Neighbourhoods

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

Compatibility and Appropriate Infrastructure

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

6A-4.6 provides that intensification and/or redevelopment should be consistent with matters indicated on Table 7 below. For a more detailed analysis please see Section 4.2 of the Urban Design Brief included with this submission:

POLICY & ANALYSIS

Table 7 – Land Use Compatibility Policies

Policy	Analysis
a) <i>The existing and/or planned built form and heritage of the property and surrounding neighbourhood</i>	The Town has not adopted a Secondary Plan for the Subject Lands or detailed Urban Design Guidelines. The proposed

Policy	Analysis
	apartment building would be compatible with the varying community character and low-rise context. Please see Streetscape Study included within the Urban Design Brief for more information.
b) <i>The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;</i>	The Subject Lands are not located in proximity to any natural heritage areas.
c) <i>The existing and/or planned densities of the surrounding neighbourhood; and</i>	The proposed development provides for a density of 94.2 units per hectare. As indicated, Provincial policy requires the Town to plan for a range of densities. Due to the narrow nature of the lot and proposed development, the density will not significantly impact the streetscape. As discussed throughout this Planning Justification Report, the varying built-form, and availability of infrastructure, municipal services and community facilities provides planning merit for increased densities.
d) <i>The existing and/or planned height and massing of buildings within the surrounding neighbourhood.</i>	The proposed apartment building stands at 11.28 metres (three storeys), aligning with the Town OP, which supports a low-rise character. While surrounding R1-zoned properties permit up to 10 metres in height, the design ensures compatibility through thoughtful massing. From the streetscape, the building's slim profile and front setback prevent visual dominance. From adjacent dwellings, generous setbacks, stepbacks on all four sides, and recessed balconies minimize shadowing, privacy concerns, and overlook impacts. These design elements ensure the development blends with its surroundings while maintaining neighbourhood character.
e) <i>Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed</i>	The proposed development is residential, introducing a gentle increase in height and density while maintaining compatibility with the surrounding area. To minimize impacts on neighboring properties, the development's siting, setbacks, location of parking and landscaped areas are all carefully planned to provide an effective

Policy	Analysis
<i>development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.</i>	buffer and integration with the surrounding neighbourhood.
<p>f) <i>Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:</i></p> <ul style="list-style-type: none"> • <i>Street and block patterns</i> • <i>Lot frontages lot area, depth</i> • <i>Building Setbacks</i> • <i>Privacy and over view</i> • <i>Lot grading and drainage</i> • <i>Parking</i> • <i>Servicing</i> 	<p>As discussed throughout this PJR, the proposed development is compatible with and integrates with the character of the area, having regard for the elements listed in this policy. The lot frontages, area, and depths are generally consistent with the larger lots on Four Mile Creek Road. The proposed development will feature a building setback consistent with the lands to the south. Large side yards with sufficient space for landscaping have been provided to ensure the privacy of adjacent lands are protected. Nearly all parking is screened from view and is provided in the parking garage portion of the development with the exception of three visitor parking jobs. The Urban Design Brief and Streetscape Study further detail this analysis.</p> <p>Servicing will be provided via municipal services within the Four Mile Creek Road allowance in accordance with the Functional Servicing and Stormwater Management Report prepared by UCC.</p>

5.6.2.7 Residential Infill and Intensification Policies

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

These policies provide that in considering an application for development approval on lands designated 'Low Density Residential', 'Medium Density Residential' and 'Established Residential', Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined in Table 8 below, unless otherwise specified in a heritage conservation district plan:

POLICY & ANALYSIS

Table 8 – Residential Infill and Intensification Policies

Policy	Analysis
a) <i>the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;</i>	With a frontage of 38.1 metres, the proposed development falls within the established range of nearby properties. The 80.8-metre lot depth also remains within the neighbourhood range. Please see Streetscape Study for more information.
b) <i>the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;</i>	As discussed in previous sections of this report, the proposed developments height of 11.28 metres can fit into the existing neighbourhood and was found to be compatible with the surrounding neighbourhood.
c) <i>front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;</i>	The proposed development is setback 13.61 metres from the front lot line which is consistent with the dwellings immediately south of the Subject Lands. The property to the north features a larger front yard setback which is generally inconsistent with the existing streetscape. Please see Streetscape Study for more information.
d) <i>the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;</i>	Large interior side yard setbacks to the apartment building portion of the development are proposed. The northern interior side yard is equal to the building height (11.28 metres) where the southern interior side yard is 7.22 metres, increasing above the parking structure to 9.06 metres for the majority of the apartment building. Combined with landscaping, these setbacks effectively mitigate potential impacts, ensuring compatibility with the surrounding area.
e) <i>the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;</i>	The proposed development is anticipated to feature modern architectural elements, materials and colours, adding variety and interest to the neighbourhood
f) <i>existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;</i>	A Tree Inventory and Preservation Plan has been prepared which determined 17 trees will need to be removed to accommodate the proposed development.

Policy	Analysis
	A conceptual landscape plan has been prepared which shows 11 large tree plantings, 4 medium tree plantings, and a variety of small tree plantings are possible on the property to mitigate impacts from the removal of existing trees.
g) <i>the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;</i>	The underground parking entrance is situated on the building's north side, keeping it hidden from street view. Additionally, the driveway accesses are approximately 6 metres wide and positioned on either side of the frontage, allowing for landscaping to soften their visual impact and prevent driveways from dominating the streetscape.
h) <i>new driveways and service connections shall be sited to minimize tree loss;</i>	A Tree Inventory and Preservation Plan has been provided which has determined 17 trees will be removed to accommodate the driveway connections and the development. Replacement plantings are proposed to mitigate the loss of trees.
i) <i>impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;</i>	<p>The site's grading is designed to contain drainage within the Subject Lands, ensuring no adverse effects on neighboring properties. For further details, refer to the servicing reports prepared by Upper Canada Consultants.</p> <p>Access and circulation are primarily planned along the building's front. Two driveway accesses are proposed, facilitating safe and efficient vehicular movement. This setup, resulting from parcel consolidation, mirrors the layout of individual lots with double-wide driveways.</p> <p>Adequate building setbacks along the interior side yards help mitigate both shadow and privacy impacts. Please refer to Table 7 and Section 4.3 of this report for more analysis regarding privacy and shadowing.</p>

Policy	Analysis
j) <i>the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;</i>	No new lots are being proposed. No significant public views are proposed to be impacted.
l) <i>road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</i>	The FSR prepared by UCC, identifies that the municipal infrastructure along Four Mile Creek Road has sufficient capacity for the proposed development. Please see Section 4.2 for more information.

5.6.3 Residential Policies

Section 9 of the Town OP provides objectives and policies related to residential land uses in the Town. The following apply:

5.6.3.1 Residential Goals and Objectives

Section 9.2 of the Town OP provides goals and objectives related to the residential land use designation. The following apply to the proposal:

POLICY

3. *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner.*
4. *To encourage the development of economical housing in a suitable environment.*
5. *To ensure that existing housing and existing residential areas shall be preserved and improved.*
7. *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
8. *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*
11. *To encourage the development of well-designed and visually distinctive forms.*

ANALYSIS

The proposed development also provides for a housing option generally uncommon to the Town of Niagara-on-the-Lake, assisting in providing an increased range and supply

of housing, supporting housing affordability, while simultaneously optimizing municipal infrastructure.

The proposed 3 storey apartment building aligns with policies by efficiently utilizing an underutilized parcel of land and promoting infill development that complements the surrounding residential neighborhood. Thoughtful design elements, including step-backs, recessed balconies, and landscaped spaces, minimize visual mass and privacy concerns. The building's 13.6-metre front setback integrates it with the neighbourhood, while 9.5-metre and 7.2-metre side setbacks maintain access to natural light, sky views, and privacy for adjacent residences.

An Urban Design Brief has been prepared which demonstrates how the development proposes low-rise form is compatible with the existing streetscape and mitigates impacts on adjacent properties. Please see Urban Design Brief prepared by NPG Planning Solutions for further analysis.

5.6.3.2 *Low Density Residential – Permitted Uses*

The OPA proposes a Residential Exception Designation to permit medium density residential uses on the Subject Lands. The Residential Exception amendment would provide that the lands be subject to all the requirements of the "Medium Density Residential" and any other general requirements of the Plan with site-specific policies permitting an apartment building being 3 storeys in height and consisting of a density of 94.2 units per hectare.

Section 9.3.1 sets out the permitted uses for the Low Density Residential designation, which includes apartments.

POLICY

Section 9.3.1 Low Density Residential

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

Uses permitted independent of a Main Use:

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

Section 9.3.2 Medium Density Residential

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

Main Uses:

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

ANALYSIS

The proposed apartment building is a main use in the Medium Density Residential designation of the OP. A 3 storey apartment building would conform with the Medium Density Residential Designation. Any proposed apartment development is subject to the policies of 9.3.2(3) - Medium Density Residential Design and Location Considerations, discussed in Table 9 below.

Table 9. Analysis of Policy 9.3.2(3)

Policy	Analysis
<i>a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.</i>	The proposed development stands at 11.28 metres, only slightly exceeding the 10 metre maximum in the R1 zone, with no significant shadow impacts per the Shadow Impact Study. Adequate setbacks and first-floor stepbacks reduce visual mass and overshadowing on adjacent properties. The building's orientation ensures appropriate spacing and landscaped areas to minimize overlook. A 13.6-metre front setback integrates the development into the neighbourhood while maintaining its character. With setbacks of 9.5 metres (north) and 7.2 metres (south), the design preserves access to natural light, sky views, and privacy for adjacent properties, ensuring compatibility with the surrounding low-density residential area.
<i>b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.</i>	The site plan includes the provision of 1,279.1 square metres (41.55%) of landscaped open space. Large interior side yards have been provided and perimeter plantings will be included to minimize privacy impacts. A 1.8 metre privacy fence is proposed along the northern and southern lot lines to minimize impacts on adjacent uses.
<i>c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.</i>	<p>A total of 29 parking spaces are provided within the garage portion of the development, achieving a 1 space per unit ratio. These parking spaces will be screened from public view and will only be accessible to residents.</p> <p>A total of 3 additional parking spaces intended for visitors are provided at grade in front of the building. Proposed landscaping and plantings along the</p>

Policy	Analysis
	frontage will minimize the visual impacts of these spaces. Ample landscaping around these parking spaces will enhance the visual appeal along the streetscape.
<i>d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).</i>	The proposed apartment building includes an enclosed garbage room. Private waste collection is anticipated.
<i>e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.</i>	The development will be accessed via two 6-metre wide driveways. Internal walkways connect the building entrance to the public sidewalk on Four Mile Creek Road, enhancing pedestrian safety and connectivity. Indoor and outdoor amenity spaces are included for residents' enjoyment, strategically positioned and screened with landscaping to minimize any impact on neighboring properties.
<i>f) Adequate municipal services can be provided to accommodate the needs of the development.</i>	The Functional Servicing Report prepared by UCC demonstrates that adequate municipal services can be provided to accommodate the needs of the development.
<i>g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.</i>	<p>The Subject Lands front on Four Mile Creek Road which is designated as a local road in the Town OP. As discussed previously, the 2019 Town OP designates Four Mile Creek Road as a collector road, suitable for higher traffic volumes.</p> <p>Due to the proximity of the Subject Lands to Line 1 Road, Niagara Stone Road and the core of Virgil, traffic will be directed to Arterial and Collector roads.</p>
<i>h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.</i>	The Application for Official Plan Amendment addresses the proposed density, whereas the Application for a Zoning By-law Amendment proposes to rezone the Subject Lands to RM2 with site-specific provisions. Please see Section 7.0 of this report for further information.

5.6.3.3 Residential Density

Section 9.4(4) of the Town OP provides the following policies related to residential density.

POLICY

RESIDENTIAL DENSITY

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

ANALYSIS

The intent of the policy above is to maintain the overall low-rise character of Virgil. This character has been defined as generally not exceeding 14 units per hectare for low-density development and 30 units per hectare for medium-density development. The proposed development provides for a density of 94.2 units per hectare.

The proposed development respects the low-rise character of Virgil by maintaining a 3 storey building height (11.28 metres) representing only a 1.28 metre increase from the current height maximums provided within the zoning by-law.

Significant side yard setbacks, considerate floor plans, and landscaping serve to mitigate potential compatibility impacts related to massing such as shadowing and privacy concerns on adjacent lands. A large side yard setback back has been provided to the north (11.28 metres to the apartment building portion) achieving a 45 degree angular plane to assist in mitigating shadowing impacts on the property to the north (1845 Four Mile Creek Road). An interior side yard setback of 9.06 metres has been provided from the apartment building portion to the southern lot line. There are no shadowing impacts to the south. These large interior side yards provided for space for landscaping features as shown in the conceptual landscape plan to further mitigate land use compatibility issues.

The proposed floor plans have also considered land use compatibility by minimizing the number of units with sightlines into rear yards of adjacent lands. The dwelling at 1845

Four Mile Creek Road features a large front yard and is setback approximately 36 metres from the frontage. Only one unit per floor (Unit 6 on floor plan) features potential sightlines into the rear yard of 1845 Four Mile Creek Road, with the remainder of the north facing units being located closer to the front of the building so sightlines are restricted to the less sensitive areas. The balcony for Unit 6 is positioned to face the agricultural lands to the east, minimizing privacy concerns. Conversely, 1831 Four Mile Creek to the south features a smaller lot depth. Due to this, the floor plans for the southern facing units have been offset to reduce the number of units with sightlines into the rear yard. Only Unit 10 on the floor plans feature sightlines into the rear yard, with the unit being aligned with the rear property line of the property. This results in the remaining south facing units featuring sightlines towards the agricultural use with no land use compatibility issues anticipated. The floor plans in conjunction with the large interior side yards and landscaping features assist in maintaining land use compatibility between the proposed development and the abutting residential lands.

The proposed site access and driveway ramp for 1845 Four Mile Creek Road is located along the northern property line, parallel to the adjacent driveway. This positioning consolidates vehicular movements near an existing driveway and preserves additional space for landscaping in the interior side yard. The ramp is setback approximately 32 metres from the front lot line, maintaining privacy by keeping vehicular activity away from the side yard of the adjacent dwelling, which is set back 36 metres. A brick wall 1.2 metres in height, in conjunction with a board fence 1.8 metres in height, will mitigate noise and headlight impacts, while a 1-metre setback from the parking ramp to the northern lot line allows for greenspace and additional landscaping to further minimize disruptions (refer to Landscape Plan for details).

The preservation of the low-rise character is also concerned with whether developments respect the context, pattern and rhythms when viewed from the street, and in this case, from Four Mile Creek Road. The proposed development features a front yard setback of 13.61 metres, helping to frame the public realm more effectively when considering the low-rise nature of the building.

Proposed landscaping includes a mix of tree and shrub plantings, which enhances the aesthetic appeal of the public realm by creating a visually pleasing environment. It also improves compatibility with the adjacent residences by reducing overlook and light trespass.

The proposed development would introduce 29 new residential units to the Virgil Urban Area, in proximity to public parks and community facilities, with minimal impact on the surrounding neighbourhood and development. Additionally, the municipal services can accommodate the proposed density. For the above reasons, the site is suitable for the proposed density increase.

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

6.0 Proposed Official Plan Amendment

An Official Plan Amendment is needed to redesignate the Subject Lands from “Low Density Residential” to a Medium Density Residential exception designation “EX-RES-##.” The Site Specific exception would provide that the lands be subject to all the requirements of the “Medium Density Residential” designation and any other general requirements of the Plan with site-specific policies permitting an apartment building containing 29 dwelling units with a density of 94.2 units per hectare.

The OPA can be supported for the following reasons:

- The proposed development is consistent with the Provincial Planning Statement 2024 and conforms with the Niagara Official Plan.
- The proposed development facilitates the development of a mix of housing units within the urban area.
- The proposed development density can be accommodated by existing municipal services and achieves land use compatibility with adjacent lands.
- The proposed development fronts onto a local road in proximity to collector and arterial roads.
- The proposed development is located on an active transit route and is in proximity to a range of commercial uses.
- The proposal does not conflict with the broader policy direction of the Town of Niagara-on-the-Lake Official Plan.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned “Residential (R1) Zone” in accordance with Zoning By-law No. 4316-09 (See Appendix E – Zoning By-law Map). The R1 Zone does not permit apartment buildings, and as such a Zoning By-law Amendment is required to rezone the lands to a Residential Multiple 2 (RM2) Zone with site specific relief related to permitted encroachments, residential and agricultural interface, lot area per unit, lot coverage, rear and interior yard setbacks, and building height. The proposed development would be subject to the “apartment” provisions of the Zoning By-law.

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

- **Section 6** – General Provisions
- **Section 10.5** – Residential Multiple (RM2) Zone: Permitted Uses
- **Section 10.5.2.1** – Residential Multiple (RM2) Zone: Zone Requirements for an Apartment Building

Section No.	Regulation	Required	Proposed	Compliance
6.0 General Provisions				
6.3	Amenity Area	(b) ... where a building contains ten (10) or more	The playground area proposed is 91 sqm.	Yes

Section No.	Regulation	Required	Proposed	Compliance
		apartment units, an equipped children's play area shall be provided at a rate of 2.5 m ² per residential unit. The minimum size of such equipped children's play area shall be 46 m ² , while the maximum size of such equipped children's play area shall be 140 m ² 2.5 sqm x 29 = 72.5 sqm		
		c) Amenity areas shall be designed and located so that the length does not exceed four (4) times the width	Balconies proposed are 1.5 metres by 3.8 metres and satisfies this provision. All other amenity areas will comply.	Yes
6.38	Parking Requirements	(e) Minimum Parking Space Dimensions 2.75 m x 6.0 m	2.75 m x 6.0 m	Yes
		Minimum Driveway Aisle Widths 6.0 m	6.0 m	Yes
6.39	Parking Space Requirements	Apartment Building: 1 per unit	1 per unit (29) + 3 visitor	Yes
6.42	Parking, Accessible Space	Table 6-8: Accessible parking ratios	2	Yes

Section No.	Regulation	Required	Proposed	Compliance
	Requirements	Total Required Regular Parking Spaces: 26-50 Number of Required Accessible Parking Spaces: 2		
		(c) The accessible parking spaces shall have minimum rectangular dimensions of 3.7 m (12.11 ft) width by 6.0 m (19.69 ft) in length...	3.7 m by 6.0 m	Yes
		(g) Accessible parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route	Accessible parking spaces are located closest to the elevator	Yes
6.44	Permitted Yard Projections and Encroachments	Maximum projection into required yard for: Unenclosed and uncovered steps: Front or Rear Yard: 1.5 m (5ft) Side Yard: 0.6m (2 ft)	Rear Yard Steps: 1.2 m Side Yard Steps: 1.2 m	Yes No
6.46	Residential / Agricultural Interface	Where a residential zoned lot abuts an agricultural zone, a 3 m wide buffer strip constructed	1.40m (south), 1.91m (east) 1.5 metre aluminum fence	No No

Section No.	Regulation	Required	Proposed	Compliance
		and maintained along the residential property line, with a board on board wood fence, constructed by the residential developer, is required. The board on board fence shall have no openings and be a minimum height of 1.8 m.		
10.5 Residential Multiple (RM2) Zone				
10.5.1	Permitted uses:	Apartment building	Apartment building	Yes
10.5.2.1 Apartment Building	(a) Minimum lot frontage	30.0 m (100 ft)	38.01 m	Yes
	(b) Minimum lot area per unit	135 m ² (1453.18 ft ²)	3078.4/29 units = 106.2 m ²	No
	(c) Maximum lot coverage	35%	42.26%	No
	(d) Minimum landscaped open space	30%	41.55%	Yes
	(e) Minimum front yard setback	7.5 m (24.6 ft)	13.61 m	Yes
	(f) Minimum interior side yard setback	A minimum interior side yard equal to the building height: 1.83 m for parking structure	7.22 m (south to parking structure), 9.51 m (north to parking structure) 1.0 m (north from parking ramp)	Yes Yes No
		A minimum interior side yard equal to the building height: 11.28 m to top of roof	7.22 m (south to 3 rd storey), 11.28 m (north to 3 rd storey)	No Yes
	(g) Minimum exterior side yard setback	7.5 m (24.6 ft)	N/A	N/A

Section No.	Regulation	Required	Proposed	Compliance
	(h) Minimum rear yard setback	7.5 m (24.6 ft)	5.99 m to parking structure 9.52 m to 3 rd storey	No Yes
	(i) Minimum distance between buildings located on the same lot	15.0 m (49.2 ft)	N/A	N/A
	(j) Minimum dwelling unit area	(i) Bachelor unit (ii) 1 bedroom unit (iii) 2 bedroom unit (iv) 3 bedroom unit (i) 37 m ² (398.28 ft ²) (ii) 41 m ² (441.33 ft ²) (iii) 69 m ² (742.73 ft ²) (iv) 80 m ² (861.14 ft ²)	Unit sizes range from 61.9 sqm to 95 sqm and will conform to the dwelling unit area sizes	Yes
	(k) Maximum building height	10.5 m (34.45 ft)	11.28 m	No
	(l) Minimum accessory building yards setback	1.2 m (3.94 ft)	N/A	N/A
	(m) Minimum accessory building exterior side yard setback	7.5 m (14.76 ft)	N/A	N/A

7.1 Zoning Departure Justification

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

7.1.1 Permitted Yard Projections and Encroachments

Required: 0.6 m side yard step encroachment

Proposed: 1.2 m side yard step encroachment

The proposed increase in side yard step encroachment will permit access to a playground area at grade from the terrace area. Notwithstanding this encroachment, the steps will be setback 5.99 metres from the interior property line with no negative impacts anticipated.

7.1.2 Residential / Agricultural Interface

Required: 3 m buffer, 1.8 metre board-on-board fence

Proposed: Playground is permitted within the buffer, 1.5 metre aluminium fence

The buffer strip between a residential and an agricultural zone in the Town's Zoning By-law is intended to mitigate impacts on the agricultural system.

The reduction in the buffer can be supported as:

- Sufficient space for landscaping will be provided despite the reduction in buffer area, as demonstrated in the conceptual landscape plan.
- The 3 m buffer is only interrupted in the south-east corner of the property reflecting a minor pinch point reduction for the playground area.

The provision of a 1.5 metre aluminum fence along the eastern property line can be supported as:

- A 1.5 metre aluminium fence is proposed along eastern the property line maintaining a physical barrier between the land uses.
- As the abutting agricultural property is used for a vineyard, there are minimal anticipated impacts on the proposed development that would impact the livability, functioning, and enjoyment of the residential use on the Subject Lands

7.1.3 Minimum lot area per unit

Required: 135 m² per unit

Proposed: 106.2 m² per unit

The minimum lot area per unit provision in the Town's Zoning By-law is a function of the maximum permitted density. The minimum lot area per unit requirement of 135 m² equates to the Official Plan maximum density policy of 30 units per hectare in the Medium Density Residential designation. The reduction in lot area per unit can be supported as:

- The proposed density of 94.2 units per hectare will not result in any land use compatibility impacts on adjacent lands.
- Sufficient greenspace, private and common amenity areas will be provided.
- Each unit will feature sufficient area to accommodate a range of unit sizes (56 sqm to 111 sqm).
- Municipal services can accommodate the proposed density.
- The proposed lot area per unit requirement will not result in over-development of the lands.

7.1.4 Maximum lot coverage (entire development)

Required: 35%

Proposed: 42.26%

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

- The increase of lot coverage facilitates the efficient use of land via a higher density-built form which is compatible with the surrounding lands.
- The increase in lot coverage results from the decision to cover the parking area (underground). While providing surface parking would reduce building lot coverage, it would compromise urban design objectives by increasing parking visibility on site. Covering the parking area enhances the site's functionality and aesthetics while maintaining an efficient use of space.
- The development provides a landscaped open space percentage of 41.55% whereas the By-law minimum is 35%. Sufficient space will be provided for landscaping on the site, as demonstrated by the conceptual landscape plan included with this submission.

7.1.5 Minimum interior side yard setback

Required: Equal to building height:

1.83 m for parking structure

11.28 m to top of 3rd floor

Proposed: For parking ramp to northern lot line – 1 m

For 1st to 3rd Floor to southern lot line – 7.22 m

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

- The reduced side yard setback between the proposed development and property line retains significant space for maintenance and large landscaping to mitigate massing impacts.
- A greater setback is provided in the northern portion of the property (11.28 m) to reduce shadowing on the adjacent property to the north and achieve a 45 degree angular plane. Please see Shadow Study included with this submission for further analysis.
- Due to the stepbacks in the apartment building design, a majority of the building and units will be setback 9.06 metres from the southern lot line providing for greater separation, with only a small area near the front of the building being setback 7.22 metres.
- The partially underground parking garage (1.83m in height) requires relief due to the parking ramp barrier being setback 1 metre from the northern lot line. The parking ramp barrier is proposed at 1.2 metres. The apartment building portion

provides a 11.28 metre setback and conforms to zoning requirements for the northern side yard.

7.1.6 Minimum rear yard setback

Required: 7.5 m

Proposed: 5.99 m to partially underground parking structure

The intent of the minimum rear yard setback provision in the Town's Zoning By-law is to ensure sufficient space for a private amenity area, and to ensure adequate separation from adjacent land uses. The proposed reduction, and can be supported as:

- The property adjacent to the rear yard of the Subject Lands is in agricultural production and the reduced setback is not anticipated to result in land use compatibility impacts;
- The parking garage portion (1.83m in height) requires relief where the apartment building portion provides a 9.52 metre setback and conforms to zoning requirements.
- Sufficient amenity areas are provided across the property, including: a playground and a rooftop terrace in the rear yard, an amenity room, and private balconies for each unit.

7.1.7 Maximum building height

Required: 10.5 m

Proposed: 11.28 m

The intent of maximum building height provision in the Town's Zoning By-law is to ensure that development is consistent with the character of the surrounding neighbourhood, development does not negatively affect surrounding properties.

The proposed building height can be supported as:

- Large interior side yards have been provided with sufficient space for landscaping provided, serving to mitigate massing and compatibility conflicts;
- A 45 degree angular plane has been achieved with the northern property line, mitigating sight and overlook impacts;
- The proposed floor plans have been strategically designed to reduce the instances of overlook onto adjacent lands.
- A shadow study has been conducted which determined that shadowing impacts on adjacent lands will be minimal during the spring, summer, and fall months;
- The building is positioned closer to the south boundary to minimize shadows casted onto the adjacent property north of the Subject Lands.

8.0 Summary and Conclusion

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

- The proposed development is consistent with the Provincial Planning Statement (2024) and is in conformity with the Greenbelt Plan, Growth Plan, Niagara Official Plan and Town of Niagara-on-the-Lake Official Plan.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as grocery stores, public schools, parks and open spaces near the Subject Lands.
- The proposed development facilitates the efficient use of lands.
- The proposed development increases the housing stock in the Town of Niagara-on-the-Lake.

The proposed development has been designed to minimize any potential land use compatibility impacts on adjacent lands.

Report prepared by:

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Report reviewed and approved by:



Aaron Butler, MCIP, RPP

Principal Planner, Niagara

NPG Planning Solutions Inc.

9.0 Appendices

Appendix A – Proposed Draft Official Plan Amendment

THE AMENDMENT

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

DETAILS OF THE AMENDMENT

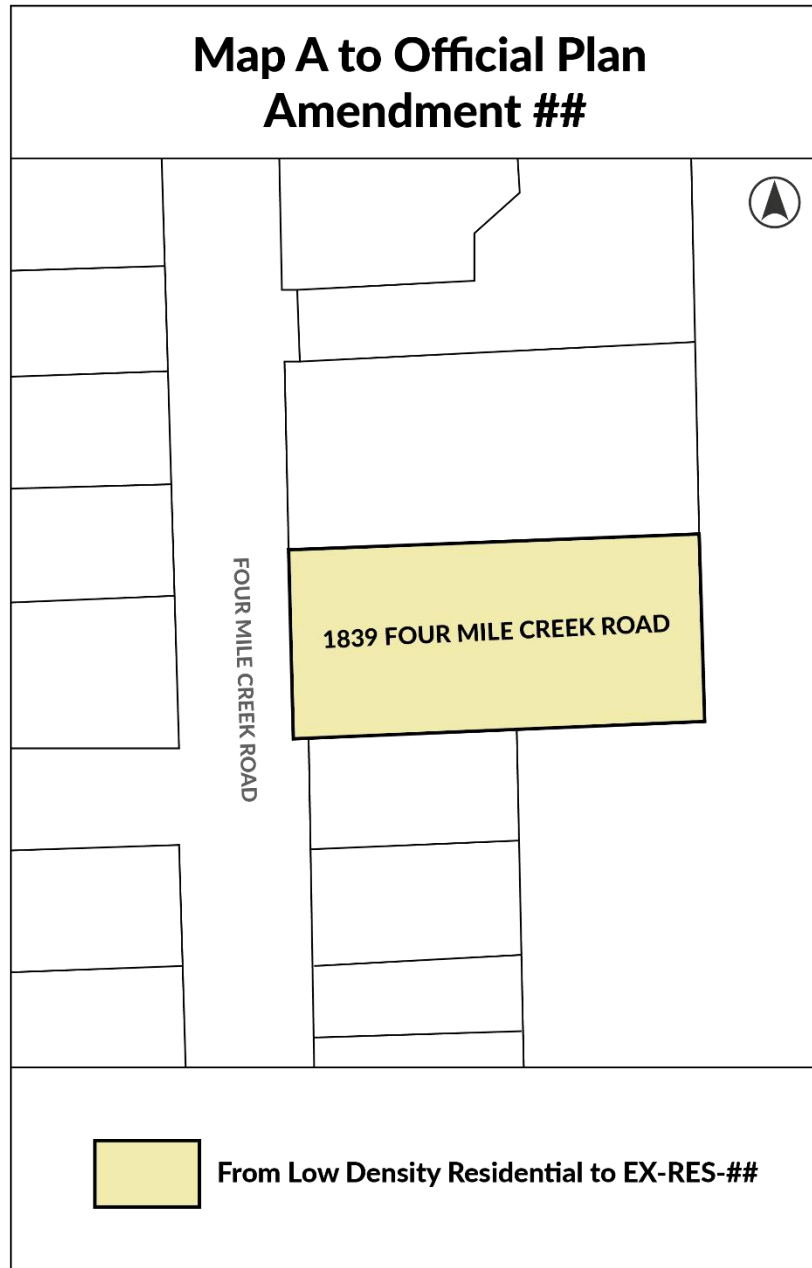
1. Schedule 'C' to the Official Plan be amended by redesignating the lands on 'Map A' attached hereto from "Low Density Residential" to "EX-RES-##".
2. Section 9.5 Exceptions of the Official Plan be further amended by adding the following:

EX-RES-## The lands identified as "EX-RES-##" on Schedule C of the Official Plan, with the municipal address of 1839 Four Mile Creek Road are Subject to all requirements of the "Medium Density Residential" designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Section 9.3.2(1) of the Official Plan, 29 apartment dwelling units with a density of 95 units per hectare shall be permitted.

Notwithstanding Policy 9.3.2.3 g) of the Official Plan, the lands are on a local street.

Map A



Appendix B – Proposed Zoning By-law Amendment

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

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A
BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER,
LOCATION AND USE OF BUILDINGS AND STRUCTURES THEREON.

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 33 of the Planning Act, R.S.O, 1990, c.P.13, as amended;

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

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

1. That Schedule 'A-14' of By-law 4316-09, is amended by changing the zoning of Part 1 identified on Schedule 'A' (attached to and forming part of this By-law) from "Residential (R1)" to "Residential Multiple (RM2-XX) – Site-Specific Zone".
2. That Section 10.12 – Site Specific Exceptions, as amended, is hereby further amended by adding the following subsection:
"10.12.XX.1 RM1-XX Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as "Residential Multiple (RM2-##) on Schedule "A-14":

(a)	Minimum lot area per unit	105 m ²
(b)	Maximum lot coverage	45%
(c)	Minimum interior side yard setback For partially underground parking structure: (i) to northern lot line for parking ramp barrier For the remainder of the apartment building: (i) to south lot line (ii) to north lot line	 1.0 m 7.0 m 11.0m
(d)	Minimum rear yard setback (i) to partially underground parking structure	5.75 m
(i)	Maximum building height	11.5 m

10.12.XX.3 Notwithstanding Section 6.44 of the Zoning By-law a side yard projection of 1.2 metres is permitted for uncovered steps.

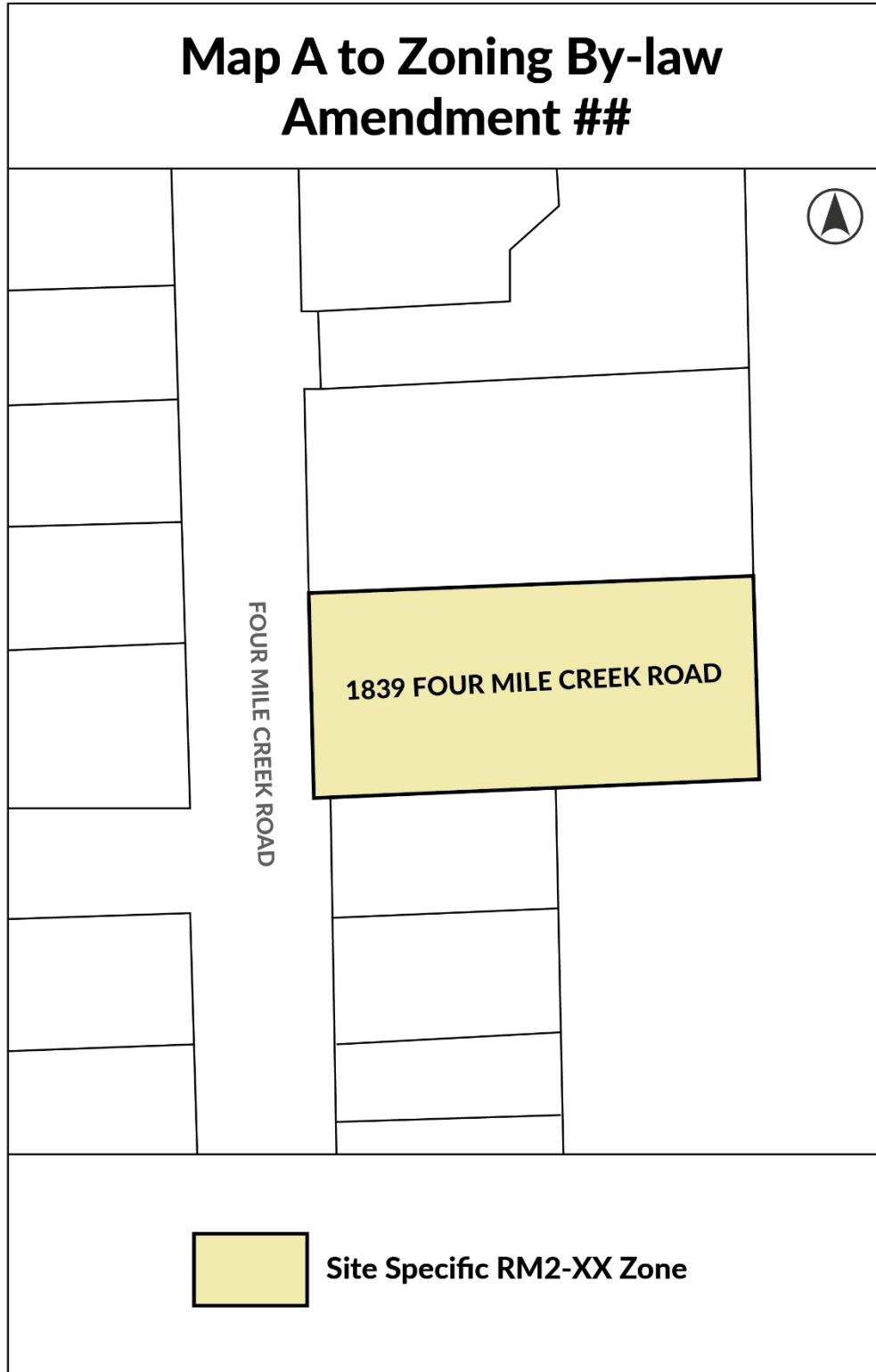
10.12.XX.4 Notwithstanding Section 6.46 of the Zoning By-law, a playground structure is permitted within a buffer strip and an aluminum fence 1.5 metres in height is permitted.

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

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____,
2025.

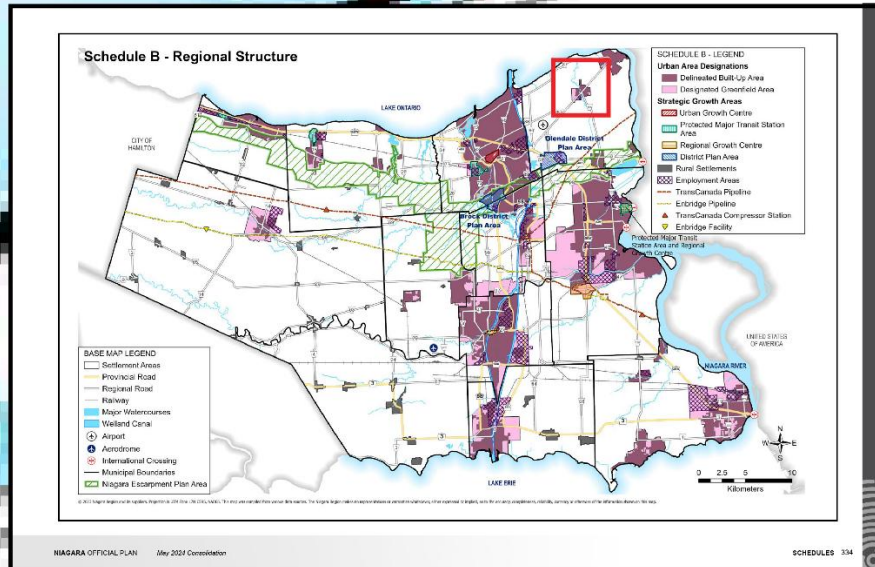
LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



Appendix C – Niagara Official Plan Schedules

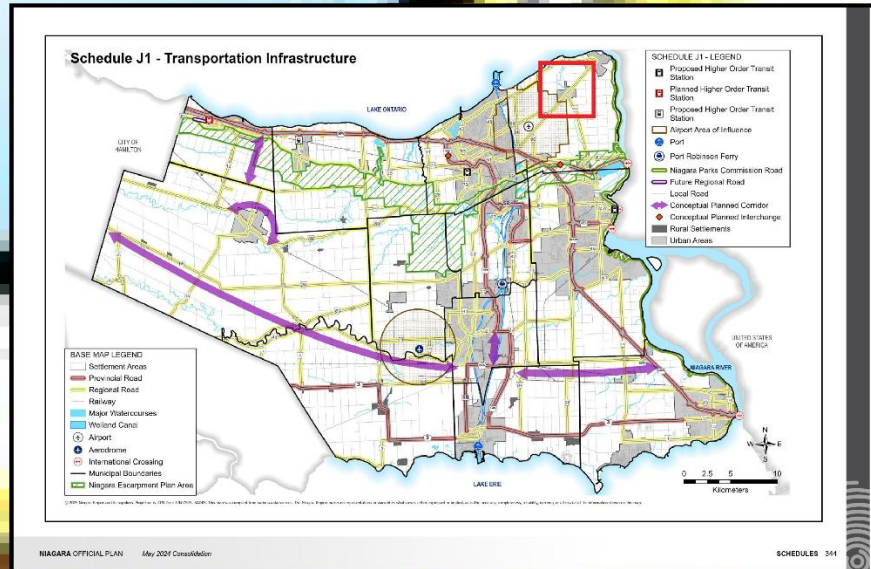
Schedule B – Regional Structure



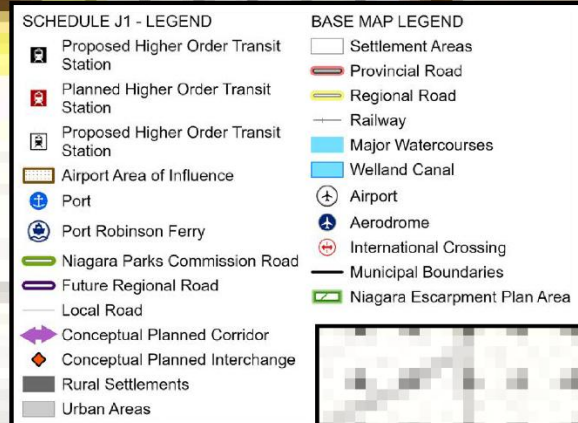
Subject Lands



Schedule J1 – Transportation Infrastructure

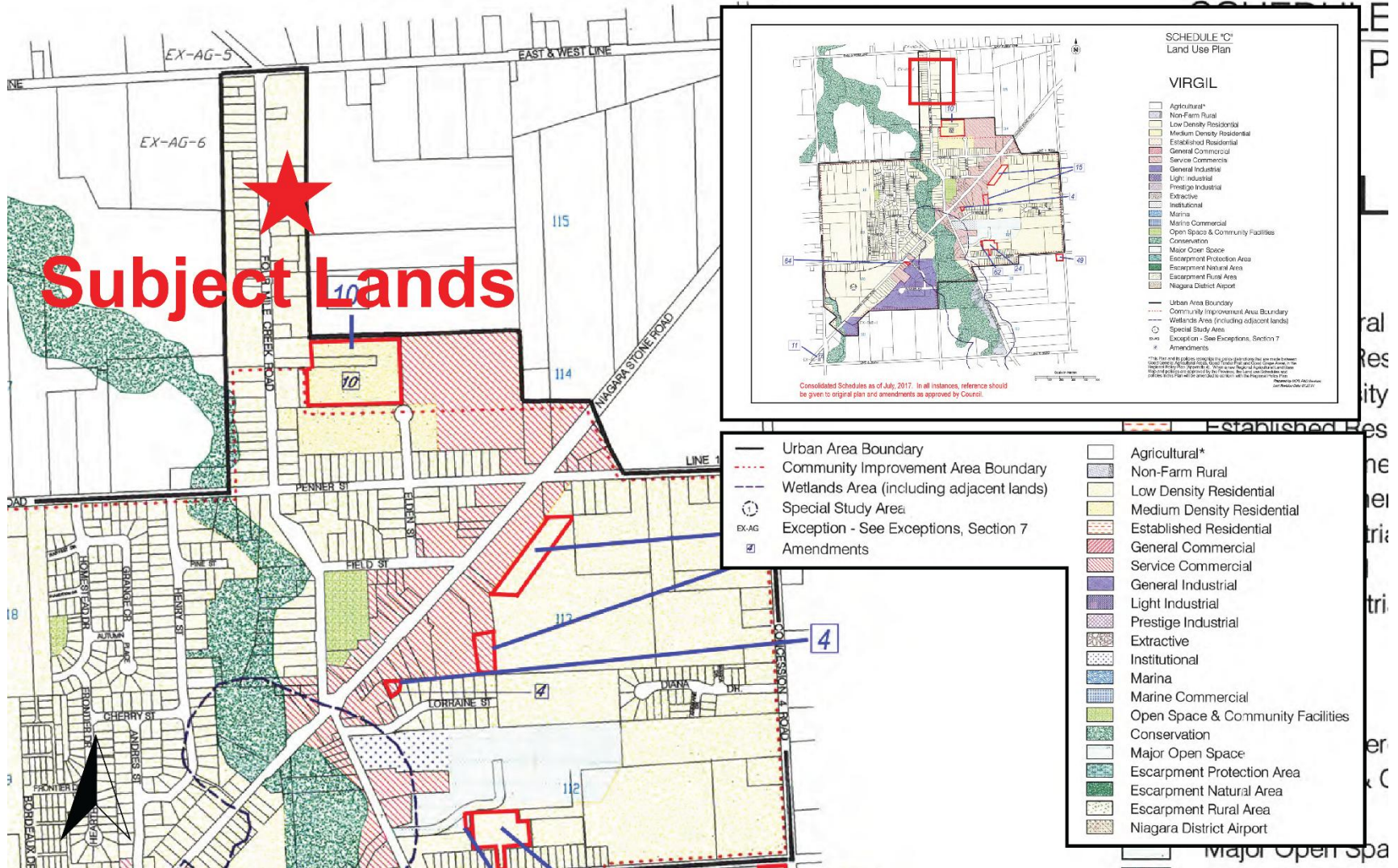


Subject Lands

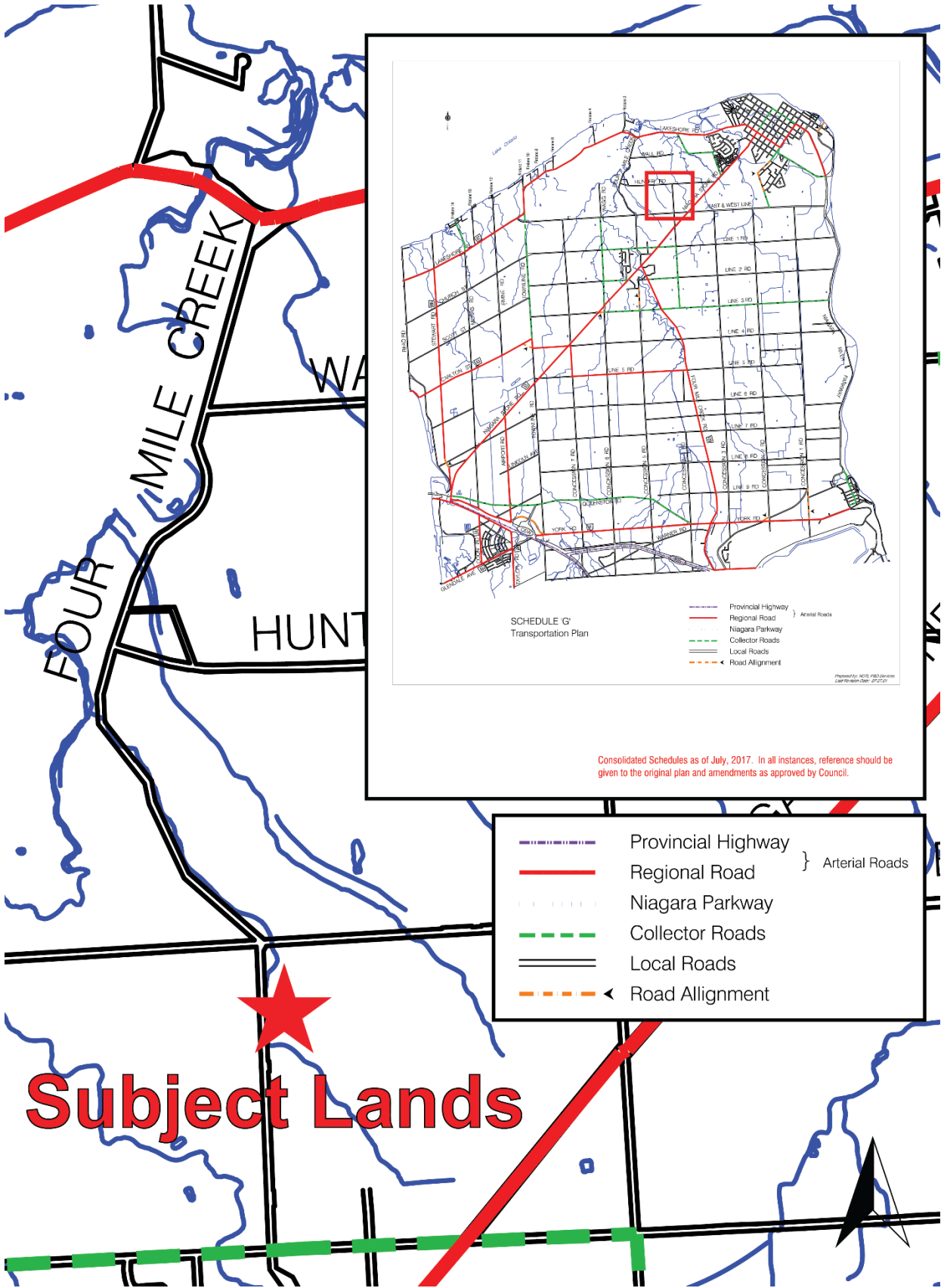


Appendix D – Town of Niagara-on-the-Lake Official Plan Schedules

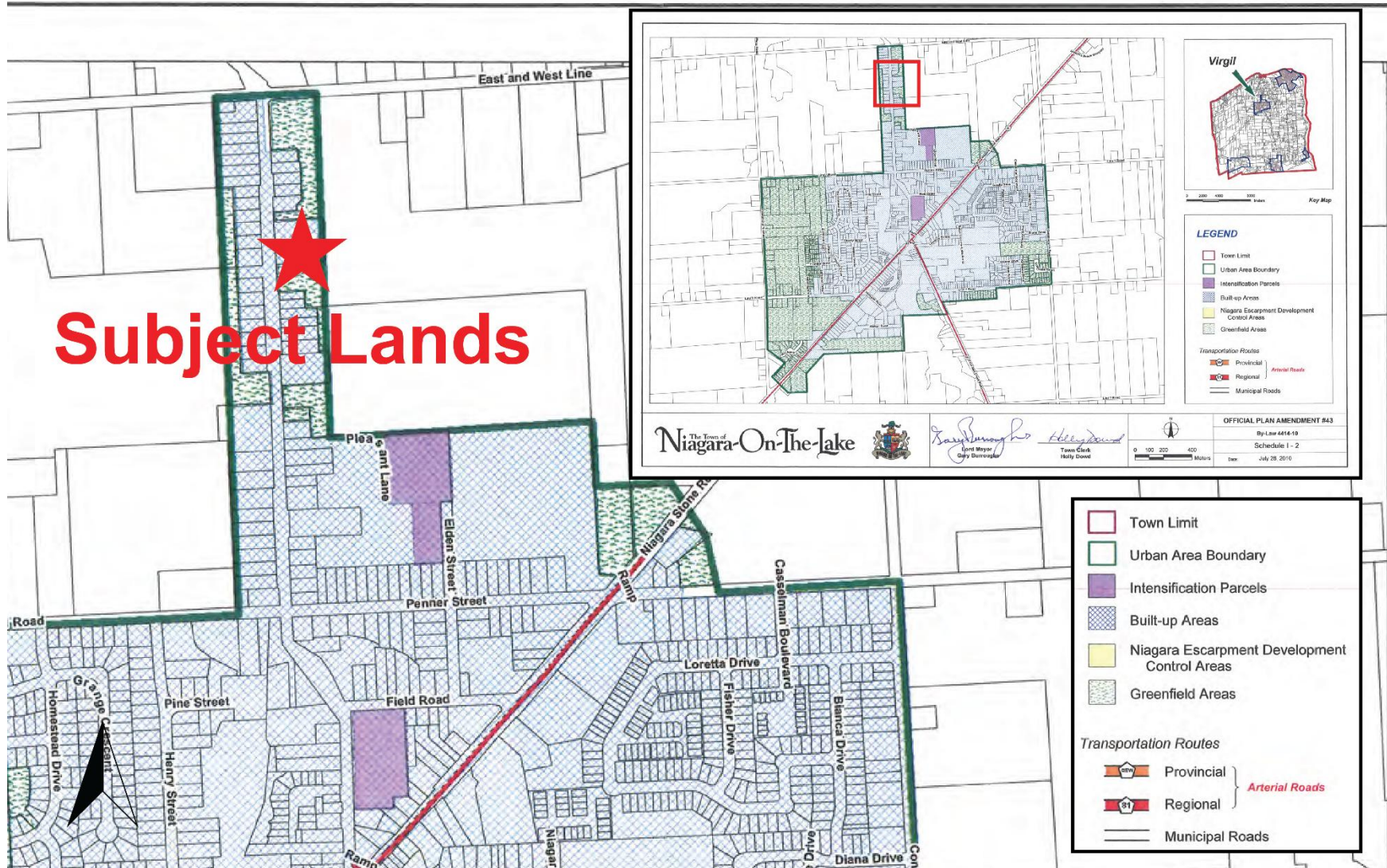
Schedule C – Land Use Plan – Virgil



Schedule G – Transportation Plan

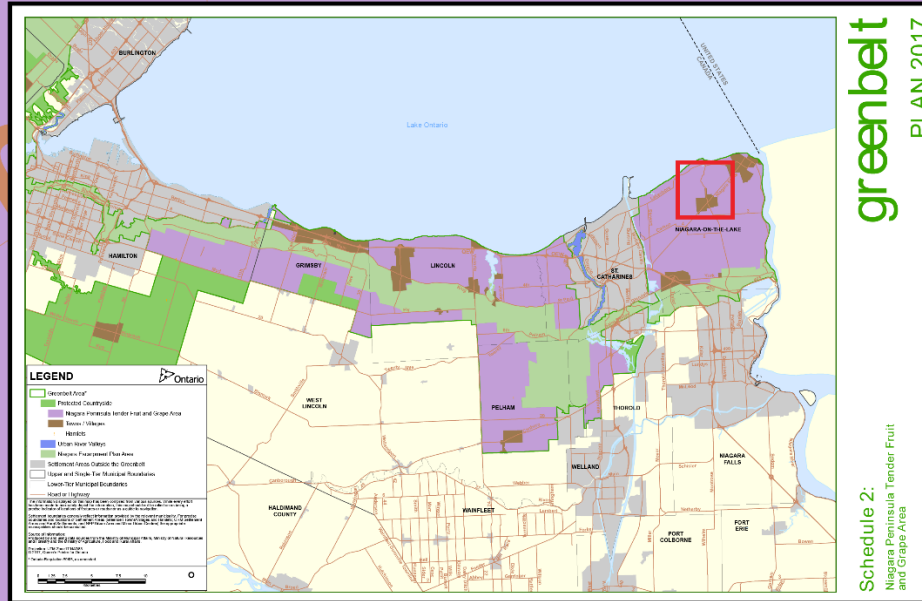


Schedule I-2 – Growth Management Plan, Virgil



Appendix E – Greenbelt Plan (2017) Schedule

Schedule 2 – Niagara Peninsula Tender Fruit and Grape Area



Subject Lands

