



PLANNING JUSTIFICATION REPORT

PREPARED FOR:
Zoning By-Law Amendment

Time Group Corporation
1544 & 1546 Four Mile Creek Road

File no. 22221E

April 25, 2025



PLANNING
URBAN DESIGN
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Executive Summary

This Planning Justification Report (PJR) has been prepared in support of a proposed Zoning By-law Amendment (ZBA) to By-law 4316-09, as amended, for the property municipally known as 1544 & 1546 Four Mile Creek Road in the Town of Niagara-on-the-Lake (the Subject Lands). The purpose of the ZBA is to rezone the Subject Lands to remove the current Holding Provision and add site specific provisions to facilitate the proposed redevelopment of the Subject Lands.

The Subject Lands are located on the northwest corner of Four Mile Creek Road and Line Two Road, they are comprised of two parcels with a combined approximate area of 1.07 ha (2.64 acres). The Subject Lands are currently occupied by a single detached dwelling and driveway located at 1544 Four Mile Creek Road and a building, a local dirt drive aisle, and Niagara Peninsula Conservation Authority 'NPCA' area to the west and northwest of the site. The area surrounding the Subject Lands consists of village commercial, residential, institutional, open space and agricultural uses. Four Mile Creek Road is located immediately east of the Subject Lands, Line 2 Road is located east, and Niagara Stone Road is located to the north of the Subject Lands.

The intent of the proposed development is to provide for infill redevelopment on a large lot located along Four Mile Creek Road, a Regional (Arterial) Road, to provide for new commercial uses and increased housing in the Town of Niagara-on-the-Lake on a site well suited for development.

The proposed redevelopment consists of two buildings, a 2-storey commercial building, a 4-storey residential building, and a new internal drive aisle connecting two access points from Four Mile Creek Road. The proposed commercial building includes 1,749 square metres of Gross Floor Area ('GFA'), with 79 square-metres of service space on the ground floor and 220

square-metres provided for a mechanical penthouse proposing a total of 3,718 square-metres GFA. Four commercial outdoor patios are proposed, totalling 390 square-metres. The location of the patios are proposed at the rear, north, and south of the commercial building. The proposed residential building includes 974 square-metre GFA for the ground and second floor, 778 square-metre GFA for the third and fourth floors and a 195 square-metre mechanical penthouse and stairwell totalling at 3,699 square-metre GFA. A total of 29 residential units are proposed, with unit types ranging from one bedroom plus den, up to three-bedroom units. A private playground, totalling 77 square-metres, is proposed north of the residential building. A 2,390.60 square-metre road allowance is also proposed.

The Subject Lands are currently designated 'Service Commercial' that applies to the majority of the site and 'Conservation' that applies to the western area of the site and are within the 'Wetlands Area Overlay' in the Town of Niagara-on-the-Lake's in-effect Official Plan 'OP'. The Subject Lands are also designated 'Commercial' that applies to the majority of the site, and 'Conservation' applying to the northwest area of the site in the Town's New and Adopted OP that is awaiting approval from the Region.

The Subject Lands are currently zoned Village Commercial with Holding (VC-H) in the Town of Niagara-on-the-Lake Zoning By-law 4316-09. A Zoning By-law Amendment 'ZBA' is required to rezone the Subject Lands to remove the holding (H) to permit the redevelopment for the permitted commercial and residential uses. The ZBA is required to bring the zoning into alignment with the Official Plan designation and to permit the proposed new buildings, parking, private playground, and road allowance. The proposed ZBA also adds site specific exceptions to permit a proposed rear yard setback of 1.6

metres, maximum height of 15.85 metres, 1.0 metre landscape buffer strip abutting a residential zone, permitted yard projections of 1.8 metre for canopies, and permitted yard encroachments of 150 mm for sills, cornices, and eaves.

A detailed planning analysis of the existing physical context as well as the Provincial and municipal policy and regulatory framework is provided in this PJR, which supports and justifies the proposed redevelopment, including the changes in setbacks, buffers, and height.

Based on the physical context and planning policy and regulatory framework analysis, the proposed development is consistent with and conforms to Provincial policies and legislation, as well as the Region and the Town Official Plan. The proposed redevelopment represents planning in the public interest in that it is an efficient use of infrastructure, optimizes the development of the site, provides for an appropriate level of intensification for the site, is compatible with the surrounding physical and neighbourhood context. The proposed development will provide much needed new housing stock that contributes to a complete community, and mitigates potential impacts, while meeting the appropriate policy and regulatory requirements.

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1.0 Introduction

1.1 Purpose of the Application

MacNaughton Hermsen Britton Clarkson Planning Limited (hereinafter “MHBC”) has been retained by Times Group Corp. (hereinafter the “Owner”) to assist with this Zoning By-law Amendment (“ZBA”) planning application in support of the redevelopment of the properties municipally known as 1544 & 1546 Four Mile Creek Road (hereinafter referred to as the “Subject Lands”) in the Town of Niagara-on-the-Lake (the “Town”).

This Planning Justification Report (PJR) supports the proposed ZBA which is required to facilitate the redevelopment of the Subject Lands. The proposed redevelopment represents a mixed-use development that includes a 2 storey commercial building and a 4 storey residential building. The total gross floor area will be 7,417 square metres (GFA) with a total floor space index (FSI) of 0.69. The proposed redevelopment provides 29 residential units and 3,718 square metres of commercial space.

This PJR includes the following:

- A general description of the Subject Lands, the existing uses, surrounding land uses, and the existing physical conditions to provide an understanding of the locational context;
- A description of the proposed redevelopment and its design elements;

- A summary of the technical reports and plans prepared in support of the proposal;
- A description of the proposed amendment to the Town of Niagara-on-the-Lake Zoning By-law 4316-09;
- An assessment of the proposed redevelopment’s consistency and conformity with Provincial, Regional and Town policies and regulations; and,
- A summary of key conclusions and recommendations related to the proposed redevelopment.

1.2 Pre-Consultation

A pre-consultation meeting was held on April 18th, 2024, to discuss the proposed ZBA application. Staff from the Town, and from the Region of Niagara (the “Region”) were in attendance, along with the Owner and agency representatives.

A copy of the pre-consultation agreement is attached to this report as **Appendix A**.

The pre-consultation meeting minutes identified the required submission reports for a complete application. The following submission materials have been submitted in support of the proposed complete application and are summarized in Section 3.3 of this report

| PLAN/REPORT | CONSULTANT |
|---|-------------------------------|
| Planning Justification Report | MHBC Planning |
| Draft Zoning By-law Amendment & Schedule | MHBC Planning |
| Urban Design Brief | MHBC Urban Design |
| Streetscape Study | MHBC Urban Design |
| Landscape Plan & Tree Planting Plan | MHBC Landscape |
| Arborist Report & Tree Inventory | Terrastory Environmental |
| Environmental Impact Study | Terrastory Environmental |
| Architecture Drawing Set | Icke Brochu Architects |
| Shadow Analysis | Icke Brochu Architects |
| Transportation Impact Study | LEA Consulting Inc. |
| Parking Impact Analysis | LEA Consulting Inc. |
| Noise Study | LEA Consulting Inc. |
| Phase 1 Environmental Site Assessment | EXP Services Inc. |
| Hydrogeological Report | EXP Services Inc. |
| Functional Servicing Brief & Sanitary Capacity Analysis | EXP Services Inc. |
| Stormwater Management Report | EXP Services Inc. |
| Geotechnical Investigation & Slope Stability Report | EXP Services Inc. |
| Land Use Compatibility Study | RWDI |
| Commercial / Retail Market Study | Urban Metrics |
| Survey | Barich Grenkie Surveying Ltd. |
| Property Index Map and Parcel Registers | Times Group Corp. |

2.0 Background and Site Context

The existing site context is important to assess through a planning analysis. Context must be evaluated, not only as it relates to the existing physical environment and surrounding area, but also to the specific and immediate contextual setting and urban structure, which includes future land uses and infrastructure.

2.1 Site Description

As shown on **Figure 1**, the Subject Lands are located at the northwest corner of Four Mile Creek Road and Line 2 Road in the Community of Virgil. The Subject Lands are comprised of 2 parcels with an approximate combined size of 1.07 ha (2.64 ac). The Subject Lands have approximately 165 m of frontage along Four Mile Creek Road. The Lower Virgil Reservoir,

regulated and administered by the Niagara Peninsula Conservation Authority (NPCA), is located to the west, and abutting, the Subject Lands. The Subject Lands are within the Urban Area Boundary's Built-Up Area, as described later in the policy assessment section of this report.

The Subject Lands currently contain two residential dwellings and accessory buildings. The property at 1544 Four Mile Creek Road contains a single detached dwelling with a private driveway accessed via Four Mile Creek Road. The single detached building at 1546 Four Mile Creek Road consists of a small warehouse garage primarily used for maintenance and repair of marine and construction vehicles. The Subject Lands also contain a dirt road that bisects the site and has two access/egress points to Four Mile Creek Road.



Figure 1: Location Map

2.2 Surrounding Area Context

Figure 2 and Images 2-5 illustrates the surrounding area context of the Subject Lands. The following is a general description of the surrounding context of the Subject Lands:

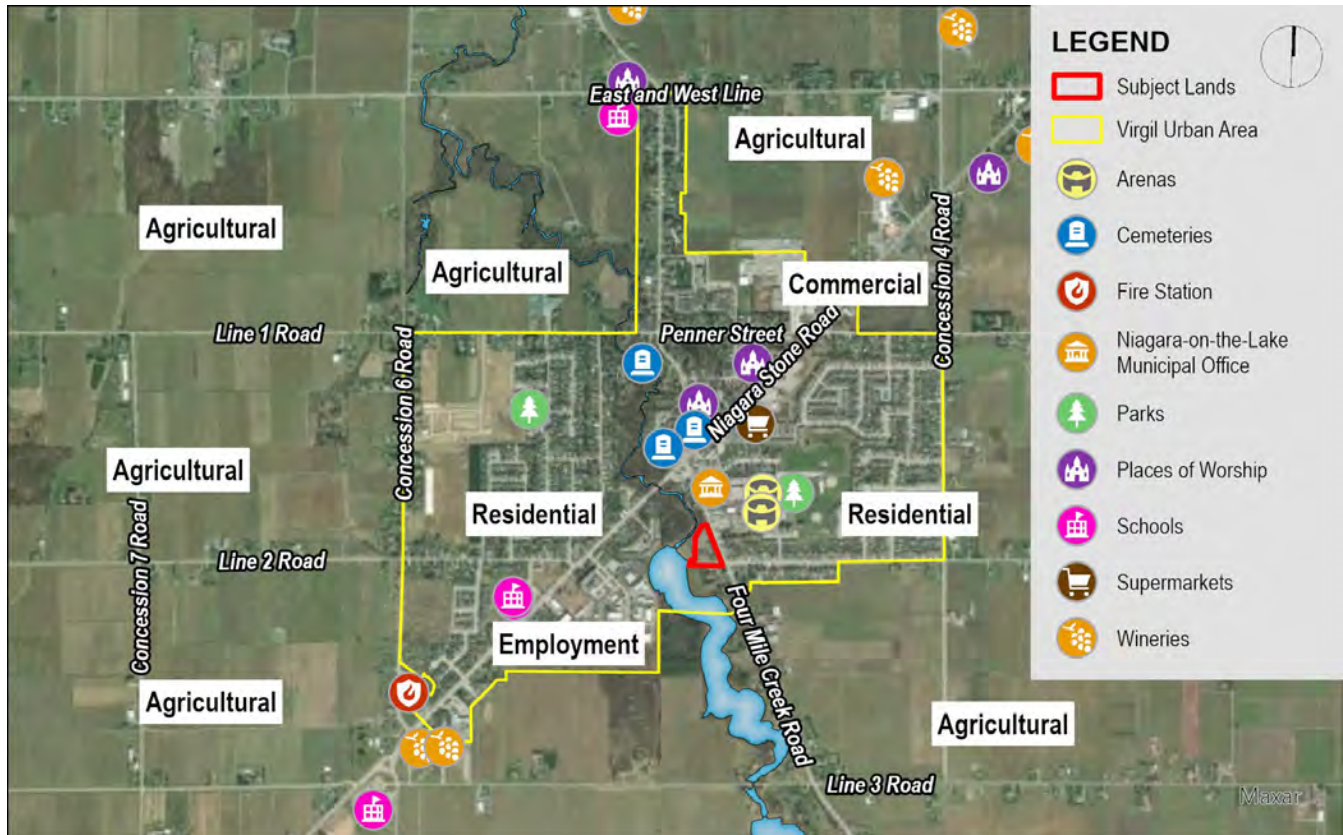


Figure 2: Surrounding Area Context Map

NORTH: North of the Subject Lands are Village Commercial and Institutional uses. Further north is the Niagara Stone Road Corridor which is an established commercial area that acts as a main street for the Virgil Community.

EAST: East of the Subject Lands is Four Mile Creek Road and low-rise residential dwellings. Further east is Commercial Facility uses consisting of Virgil Skatepark and Splashpad.

SOUTH: South of the Subject Lands are single detached residential dwellings. Further south are lands outside of the Urban Area boundary.

WEST: West of the Subject Lands are NPCA Non-Provincially Significant Wetlands and Non-Sensitive Treed Woodland Open Space Lands. Further west are residential and employment lands.



Image 1: View northwest looking at the Subject Lands



Image 2: View looking north from the Subject Lands

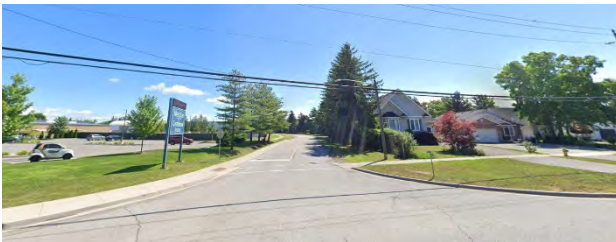


Image 3: View looking east from the Subject Lands



Image 4: View looking south from the Subject Lands



Image 5: View looking west from the Subject Lands

Community Context

The Subject Lands are currently located in proximity to a number of existing community services, parks, and amenities, which are depicted in **Figure 3** and listed in **Table 1**.

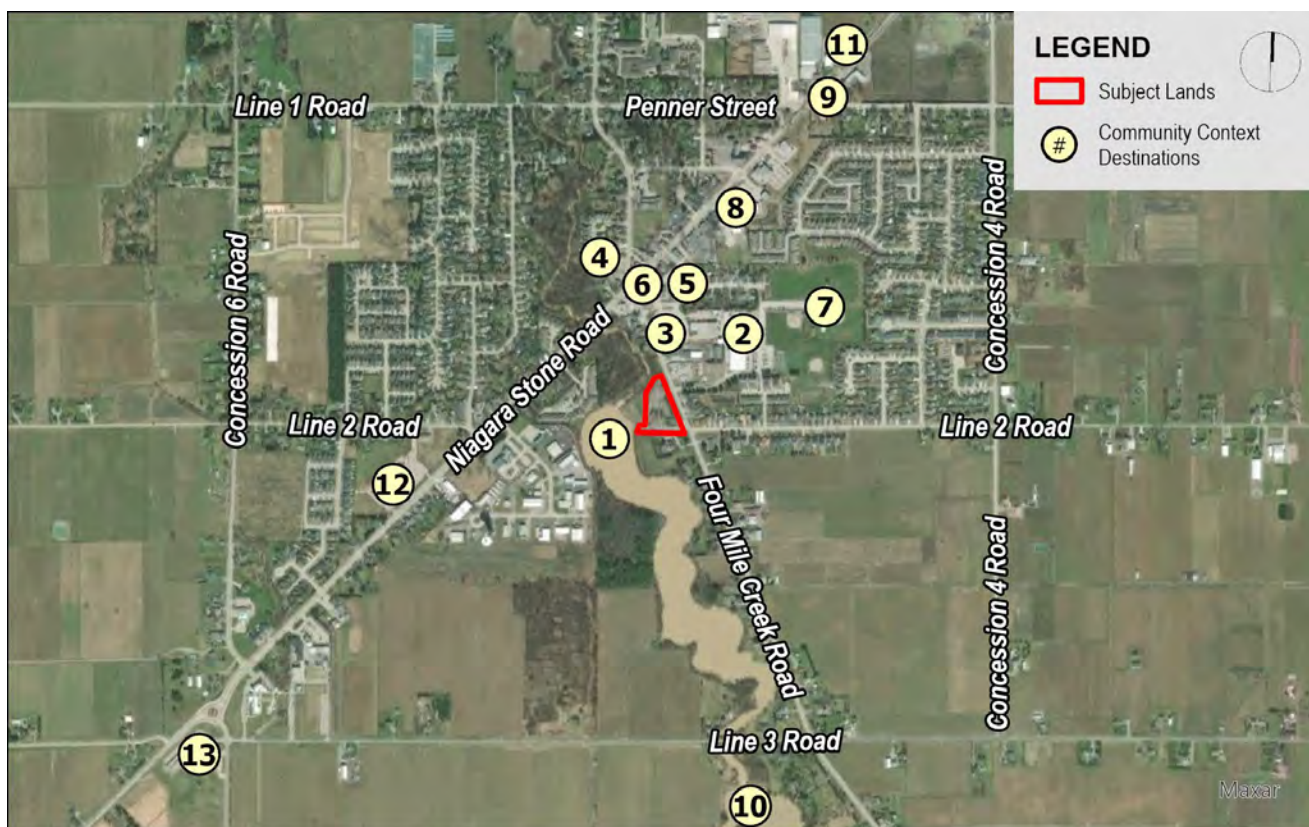


Figure 3: Community Context Map

| TABLE 1: PROXIMATE COMMUNITY SERVICES, PARKS AND AMENITIES | | | | | |
|--|--|------------------|-----------------------|---------|-----|
| | DESTINATION | DISTANCE (KM) | TRAVEL TIME (MINUTES) | | |
| | | | WALKING | CYCLING | CAR |
| 1 | Lower Virgil Reservoir | 0.01 | 1 | 1 | 1 |
| 2 | Centennial Sports Park and Arena | 0.28 | 6 | 2 | 2 |
| 3 | Niagara-on-the-Lake Municipal Office | 0.35 | 4 | 2 | 2 |
| 4 | Dental Care Niagara | 0.37 | 6 | 2 | 2 |
| 5 | Canada Post | 0.40 | 6 | 3 | 2 |
| 6 | Village Green Plaza and Service Ontario | 0.42 | 7 | 3 | 3 |
| 7 | Virgil Skatepark and Splashpad | 0.45 | 9 | 3 | 3 |
| 8 | Valu-Mart Grocery Store | 0.75 | 10 | 4 | 3 |
| 9 | GateWay Community Church | 1.1 | 15 | 5 | 3 |
| 10 | Upper Virgil Reservoir | 1.2 | 17 | 4 | 2 |
| 11 | Stone Road Pharmacy | 1.2 | 17 | 6 | 3 |
| 12 | Crossroads Public School | 1.3 | 17 | 6 | 4 |
| 13 | Saint Michael Catholic Elementary School | 2.1 | 28 | 9 | 3 |

Area Development Context

A search of the Town's development application database was undertaken to provide the context of existing and Proposed Developments in proximity to the Subject Lands. These applications are depicted in **Figure 4** and summarized in **Table 2**.

TABLE 2: SUMMARY OF ACTIVE DEVELOPMENT APPLICATIONS

| No. | ADDRESS | TYPE | DESCRIPTION | STATUS |
|-----|--------------------------------|---------------|---|--------------|
| 1 | 1570 Niagara Stone Road | OPA, ZBA, DPC | The applications would permit the condominium development of 14 townhouse dwelling units on a private road, in addition to a 4 storey apartment building consisting of 24 dwelling units. | Under Review |
| 2 | 1320 Niagara Stone Road | ZBA | Rezoned to "Virgil Community Zoning District - Residential (R1) Site-Specific Zone" to facilitate the creation of three new lots for new single-detached dwellings with shared driveway access to Niagara Stone Road. | Approved |
| 3 | 431 Line 2 Road | ZBA | Rezoning received to permit future residential development. | Approved |
| 4 | 451 Line 1 Road | ZBA | Rezoned to "Virgil Community Zoning District - Residential (R2) Site-Specific Zone" to facilitate a severance to create a total of three lots for new single-detached dwellings. | Approved |
| 5 | Lands South of 419 Line 1 Road | OPA, ZBA, DPC | The applications would permit the condominium development of 10 townhouse blocks consisting of a total of 50 townhouse dwelling units on a private road. | Approved |

2.3 Transportation Context

The transportation network and access are important considerations for the planning and development of the Subject Lands. A detailed analysis of the transportation context has been provided in the Transportation Impact Study (TIS) prepared by LEA Consulting in support of the proposal. The Subject Lands are located on the east side of Four Mile Creek Road, and north of Line 2 Road, and south of Niagara Stone Road.

Road Network

Four Mile Creek Road is classified as an Arterial Road – Regional Road 100 in: Schedule J1 of the Niagara Regional Official Plan (ROP) (**Figure 5**); Schedule G of the current, in-effect the Niagara-on-the-Lake Official Plan (OP) (**Figure 6**); and, Schedule E1 of the adopted 2019 Niagara-on-the-Lake Official Plan (**Figure 7**). The maximum right-of-way (ROW) width of Four Mile Creek Road is 220.1 metres as identified on Schedule M of the ROP.

Four Mile Creek Road has a current, approximate width of 9.3 metres and is a 2-lane, 2-directional roadway with curbed shoulders. A

public sidewalk is located along the east side and extends from Niagara Stone Road to the north Line 2 Road to the south. The Niagara Region Transportation Master Plan (TMP) 2017, does not identify any planned or phased improvements to Four Mile Creek Road to 2041.

Line 2 Road, east of Four Mile Creek Road, is classified as a Collector – Local Road in Schedule G of the in effect Niagara-on-the-Lake OP (**Figure 6**) and as a Collector – Municipal Road in Schedule E1 of the adopted 2019 Niagara-on-the-Lake OP (**Figure 7**) with a maximum ROW width of 26.21 metres as identified on Schedule E2(j). Line 2 Road is approximately 9.7 metres wide and consists of a 2-lane roadway with curbed shoulders, bicycle lanes and sidewalks on both sides of the road.

(**Figure 9**). The adopted 2019 Niagara-on-the-Lake OP identifies On-Road Cycling networks along Line 2 Road and Four Mile Creek Road north of Niagara Stone Road and south of Line 2 Road on Schedule F (**Figure 10**). Multi-Use Trails are also identified west of the Subject Lands along Niagara Stone Road . as well as to the east through Municipal Parks. The Niagara Region TMP, does not identify any planned or infill trail link improvements to Four Mile Creek Road to 2041.

Four Mile Creek Road currently contains a sidewalk along the east side of the road but not on the west side. The Proposed Development plans to add a sidewalk on the west side of Four Mile Creek Road providing street access to the proposed commercial units.

Public Transit

The Town of Niagara-on-the-Lake is currently not serviced by a local transportation and has limited access to the regional public transit system. The nearest Niagara Regional transit services are located at the Outlet Collection of Niagara approximately a 10-minute drive south from the site. However, the Niagara Region TMP has identified adding fixed-route and demand-responsive forms of inter-municipal transit in their Action Plan. Map 4 – Conceptual Transit Network of the TMP (**Figure 8**) classifies Fixed-Route Transit in the community of Virgil by 2041.

Cycling & Active Transportation

Cycling infrastructure is currently limited in proximity to the Subject Lands. The Niagara Region OP identifies Four Mile Creek Road as a Strategic Cycling Network on Schedule J2



Figure 4: Active Development Applications

- Subject Lands
- # Active Development Applications



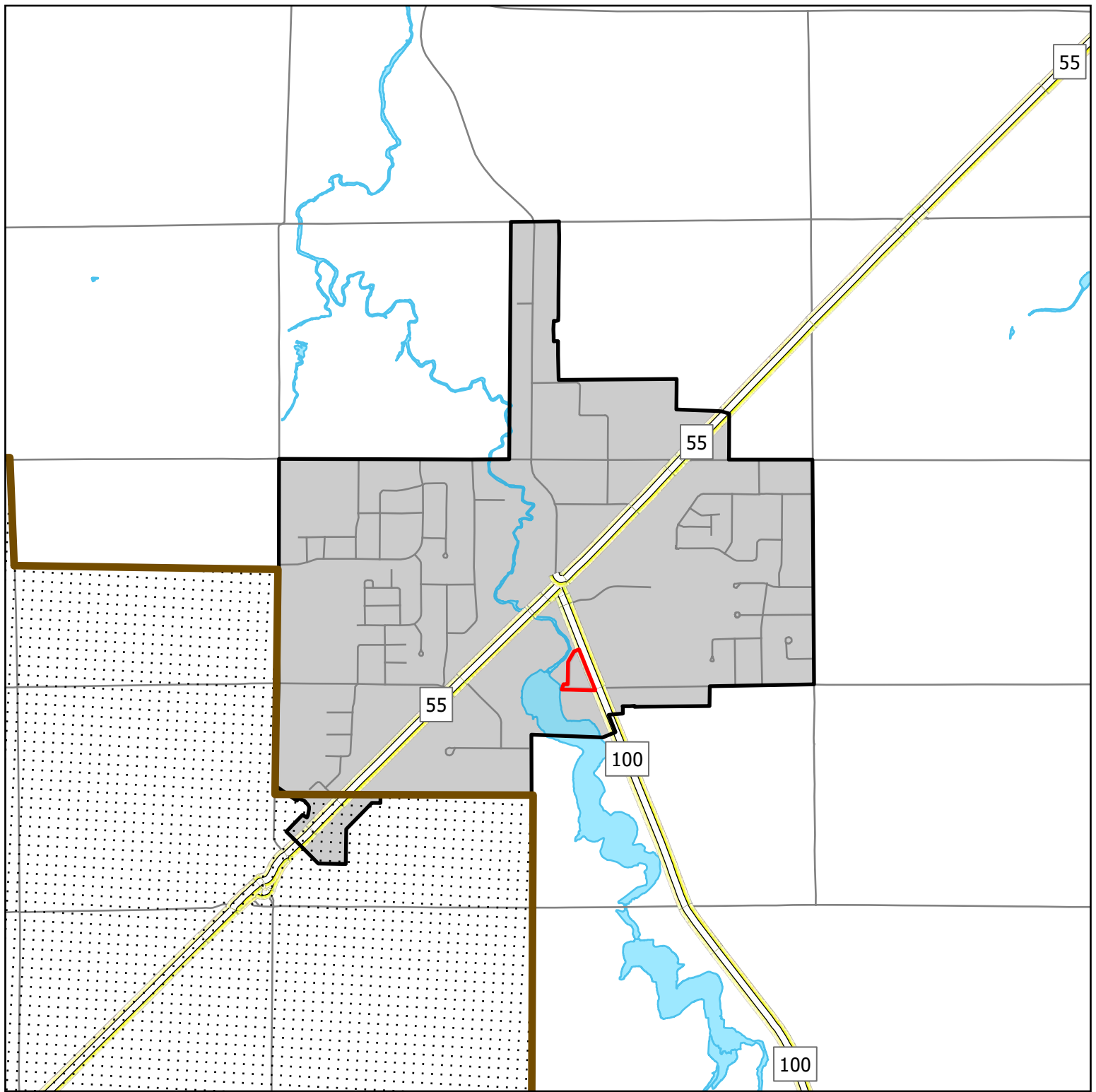


Figure 5: Niagara Region Official Plan – Schedule J1: Transportation Infrastructure

- | | |
|--|---|
| Subject Lands | Local Road |
| Settlement Area | Major Watercourses |
| Regional Road | Urban Areas |
| Airport Area of Influence | |



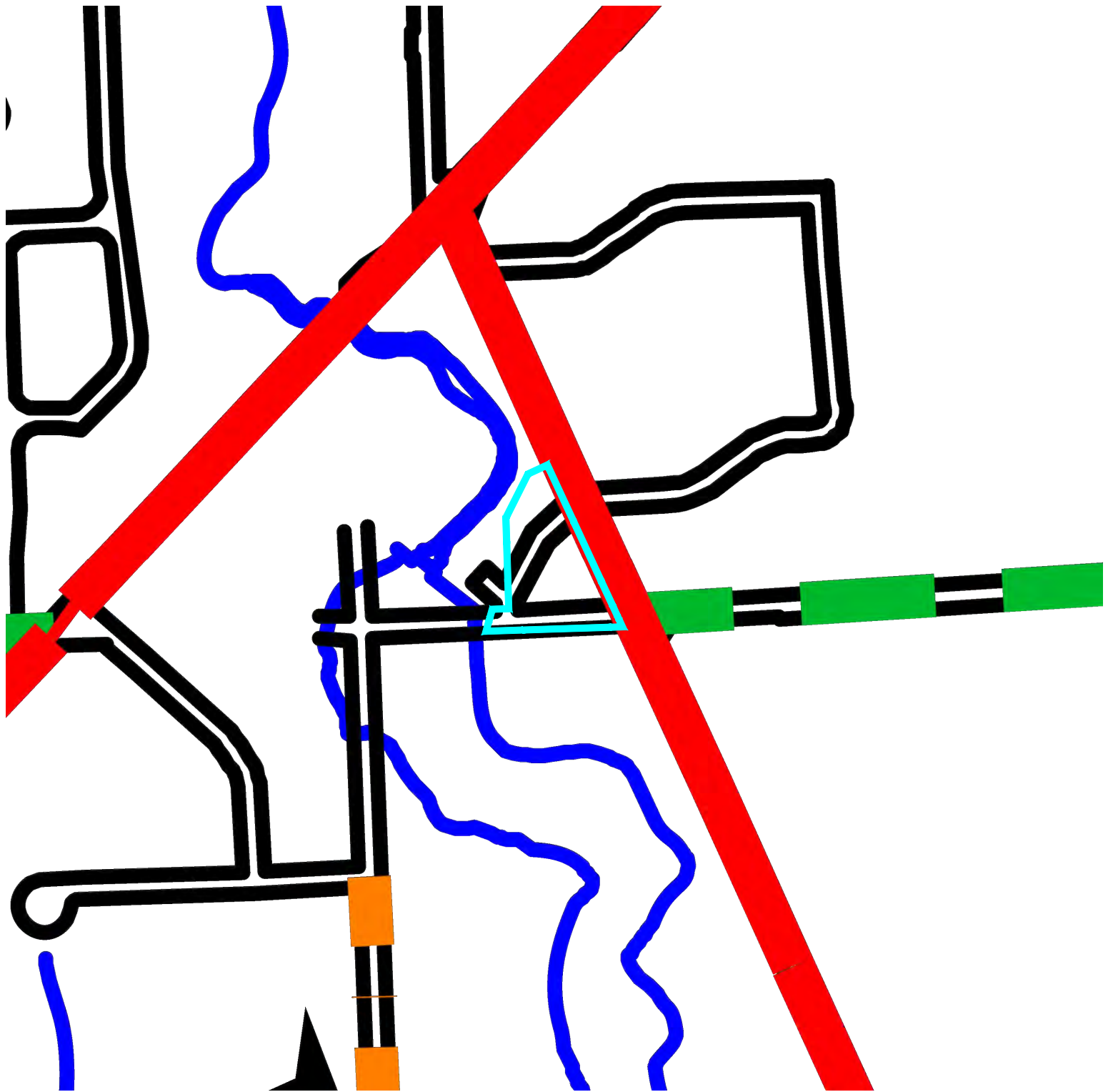







Figure 6: Niagara-on-the-Lake Official Plan (In-Effect) – Schedule G: Transportation Plan

-  Subject Lands
-  Regional Roads
-  Collector Roads
-  Local Roads
-  Road Alignment



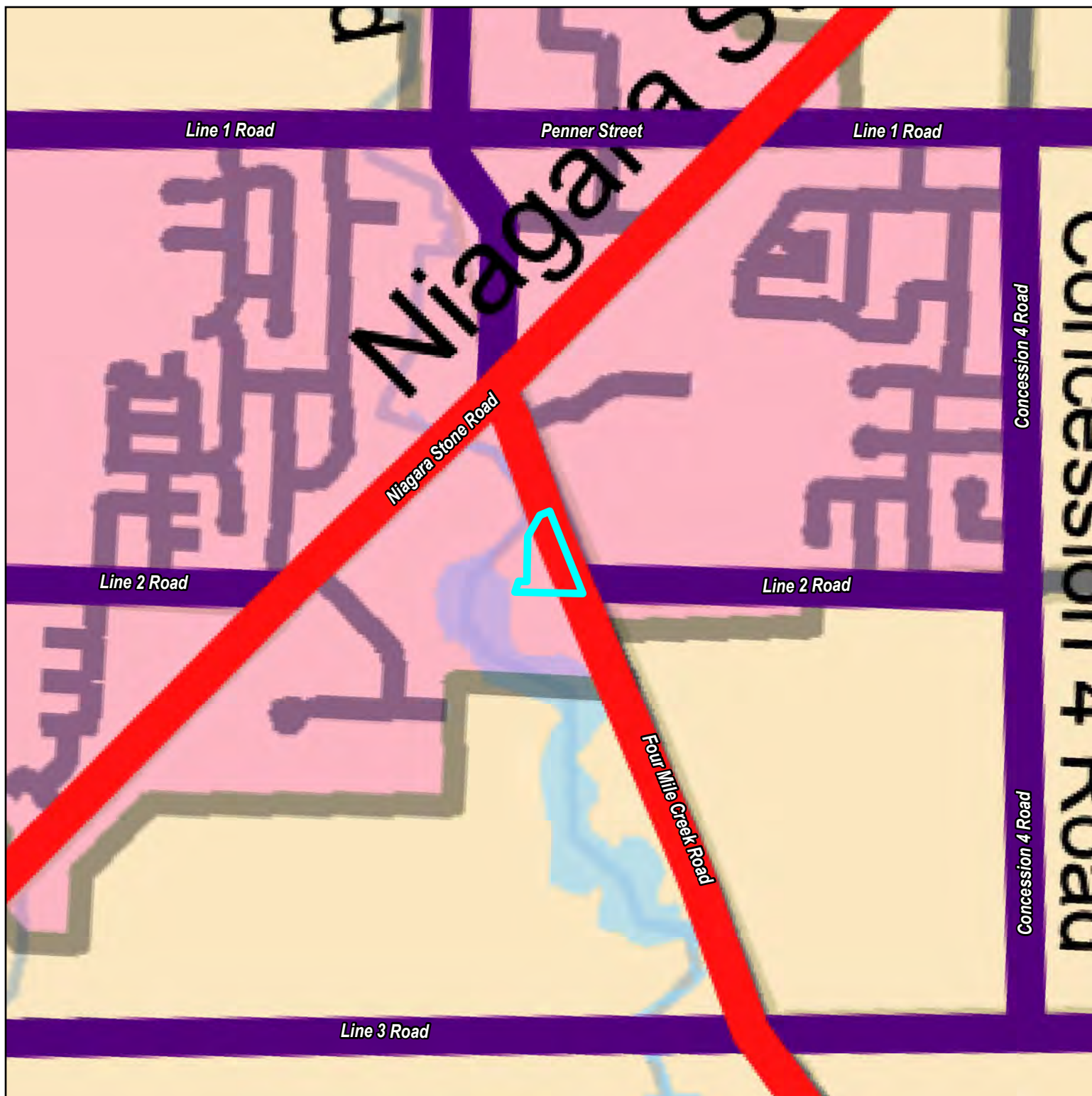


Figure 7: Niagara-on-the-Lake Official Plan Review – Schedule E1: Transportation Network

- Subject Lands
- Regional Road (Arterial)
- Municipal Road (Collector)
- Municipal Roads (Local)



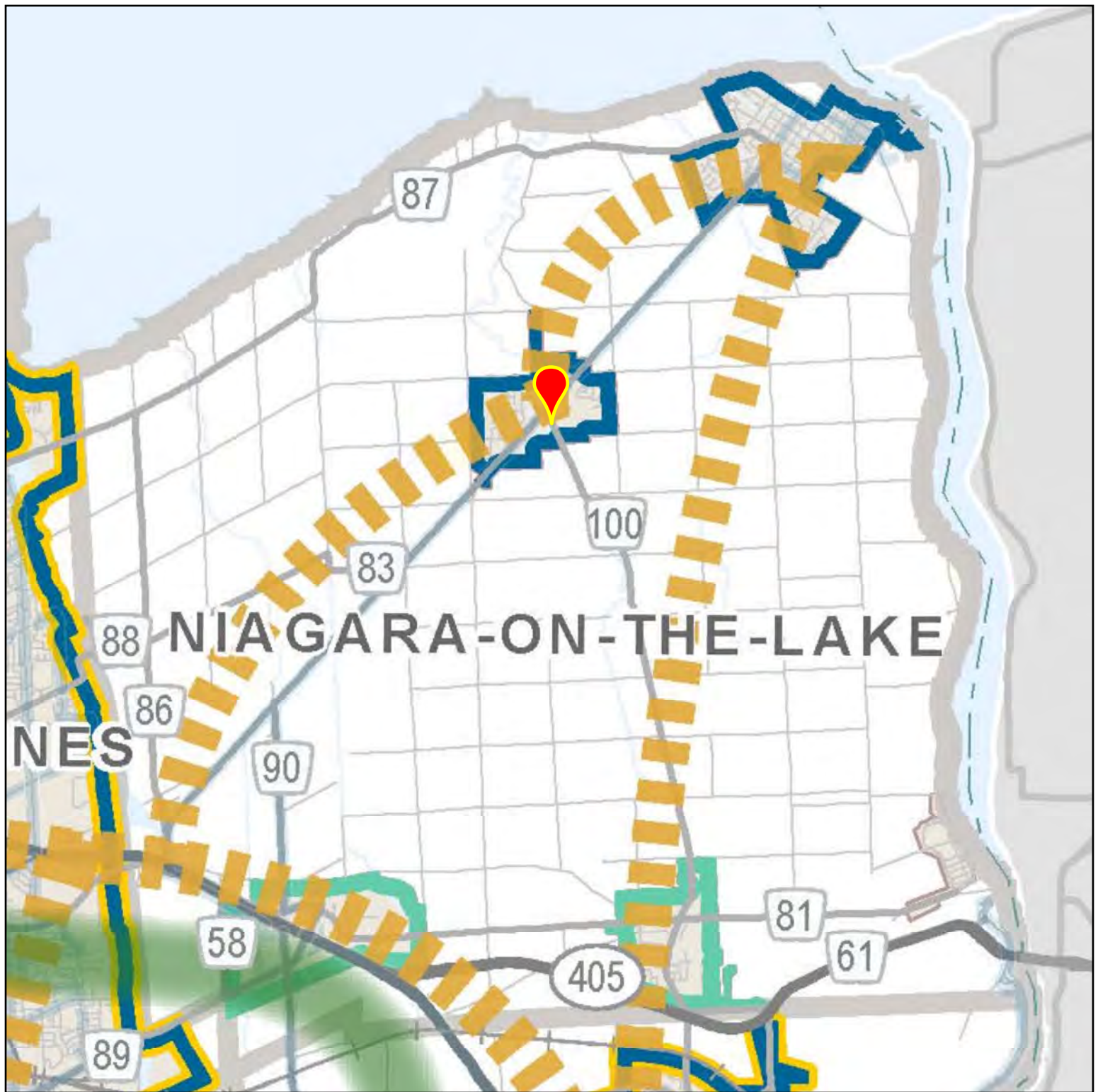


Figure 8: Niagara Region Transportation Master Plan – Map 4: Conceptual Transit Network



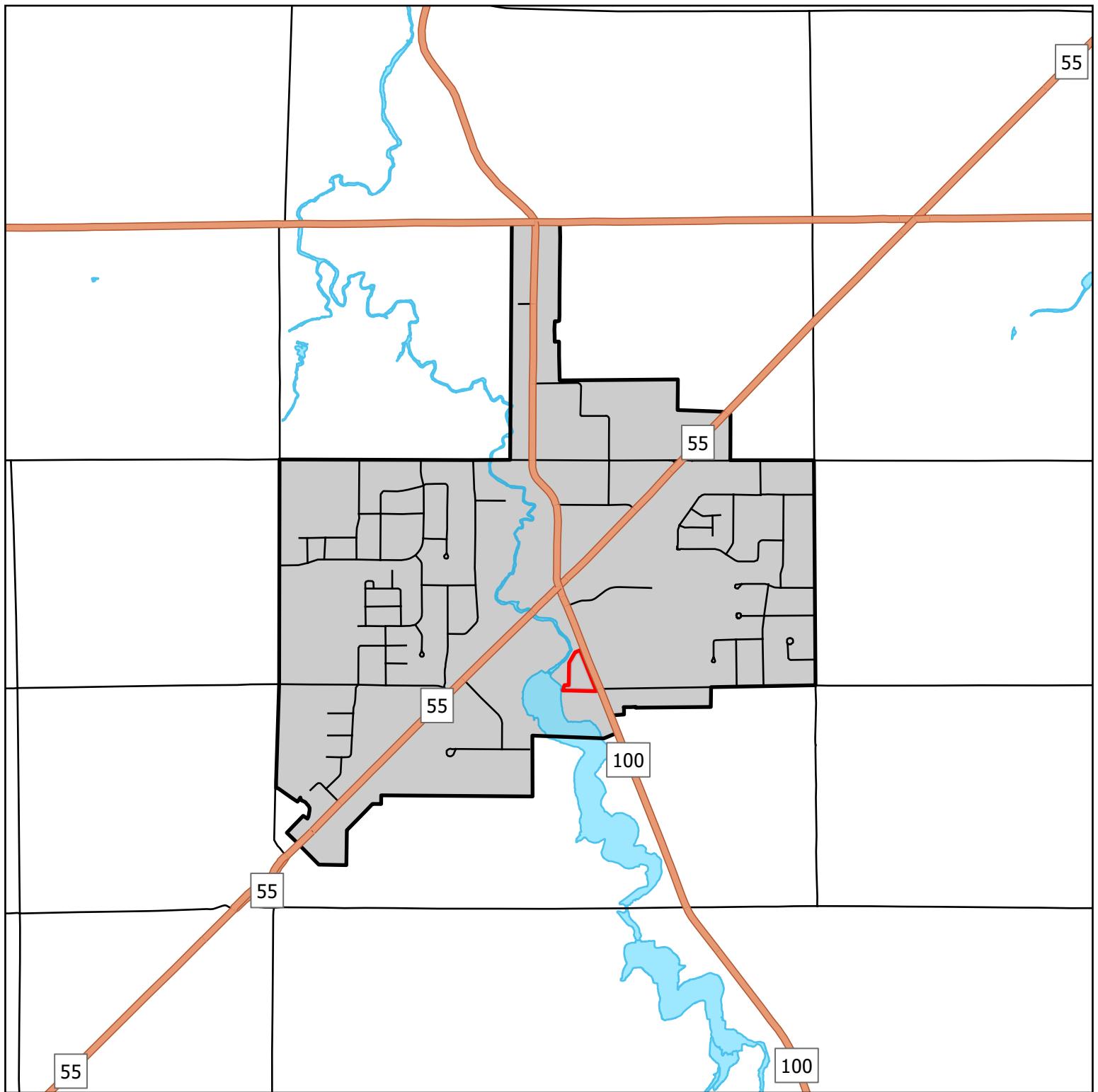








Figure 9: Niagara Region Official Plan – Schedule J2: Strategic Cycling Networks

- | | |
|---|---|
|  Subject Lands |  Urban Areas |
|  Settlement Area |  Local Road |
|  Major Watercourses |  Strategic Cycling Network |

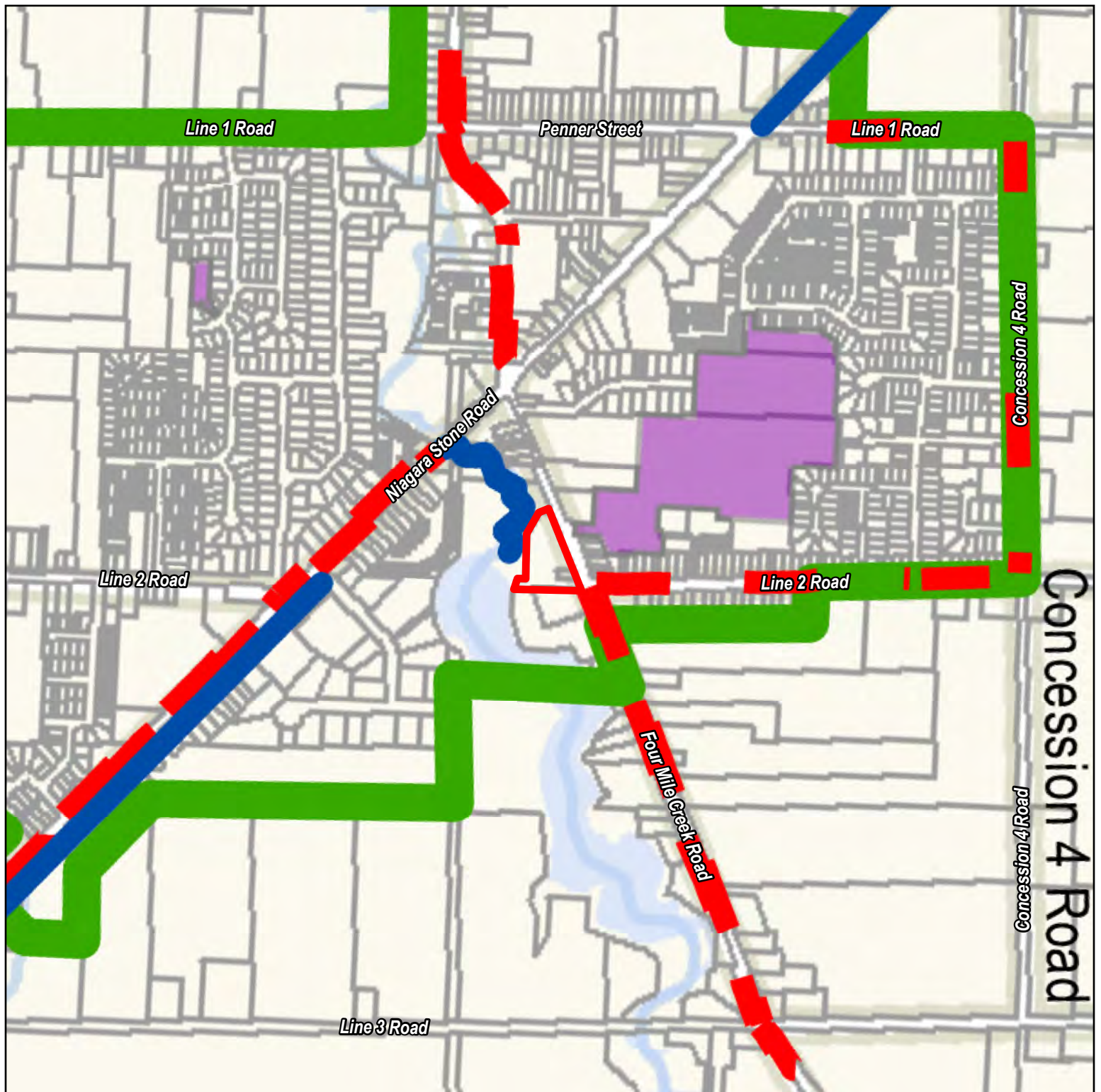


Figure 10: Niagara-on-the-Lake Official Plan Review – Schedule F: Recreational Trails & Major Open Space

- Subject Lands
- Settlement Area Boundaries
- Multi-Use Trails
- On-Road Cycling
- Municipal Parks



2.4 Housing Context

The Provincial government has committed to an action plan to tackle Ontario's housing supply crisis and reach the goal of building at least 1.5 million homes by 2031 by incentivising 21 municipalities across Ontario (with a population projected to be 50,000 or more by 2031) to develop tools and strategies that they intend to use to achieve their housing targets.

The proposed development has taken cues from recent Federal and Provincial pledges to expedite and further delivery of housing to accommodate existing and anticipated population growth. The Canadian Mortgage and Housing Corporation ("CMHC") estimates 3.5 million new homes are required, beyond current projections, to reach affordability. To achieve affordability, CMHC emphasizes the importance of the private sector and government working together noting that developers must fully utilize land to increase the supply of housing, while the government must work to accelerate the regulatory process.

In reviewing Statistics Canada, 2021 Community Profile for [Niagara-on-the-Lake](#), the Household Characteristics data indicate the following housing type proportions:

| Household Characteristics (2021) | | |
|----------------------------------|-------|------------|
| Household Type | No. | Percentage |
| Single Detached | 6,245 | 79 |
| Semi-Detached | 445 | 6 |
| Row House | 725 | 9 |
| Apartment | 445 | 6 |
| TOTAL | 7,860 | 100% |

This indicates that the majority of the Town's housing single- and semi-detached housing

(e.g. 85% of housing). This limits the housing options available for current and future residents.

During Niagara Region's municipal comprehensive review, a 2051 Land Needs Assessment ('2051 LNA') was completed in 2022. This LNA indicated that between 2021 and 2051 the population of Niagara-on-the-Lake may increase by 9,812 persons, from 19,088 to 28,900 persons respectively. The 2051 LNA also directs that 25% of growth is to be directed to the built up areas ('BUA') of the local municipalities, such as to the Subject Lands within Virgil. The following chart identifies the projected number of units that will be built in the BUAs:

| Delineated BUA: Housing Unit Growth between 2021 and 2051: Niagara-on-the-Lake (source: Niagara Region 2051 Land Needs Assessment, Table 9) | | |
|--|-------|------------|
| Household Type | 2051 | Percentage |
| Single/Semi Detached | 240 | 21 |
| Townhouse, Row | 350 | 30 |
| Apartment | 565 | 49 |
| TOTAL | 1,150 | 100% |

This application proposes the development of 29 residential units within the apartment type of housing, required to be built by 2051 within the built up areas of NOTL.

It is noted that the Town's Official Plan Review sets out housing objectives in Section 2.4.3.2 that establishes the Town's long-term residential land needs. As set out by the Region of Niagara, NOTL can accommodate over 4,300 housing units through intensification. It is also outlined by Table 4 – Town of NOTL Residential Supply Opportunities by Settlement Area in the OP Review that Virgil Settlement Area

anticipates 744 new housing supply opportunities, with 22 new apartment residential supply.

The proposed development will supply an additional 29 new apartment units, adding to the needed supply of both apartment unit and overall housing supply within NOTL.

2.5 Natural Heritage

As per the Ministry of Natural Resources ("MNR") mapping, the northwest area of the Subject Lands contains "non-provincially significant wetlands" and "non-sensitive treed wooded area." The Virgil Conservation Area Wetland Complex is evaluated as a "swamp."

The natural areas on, and immediately surrounding, the Subject Lands have been assessed through several studies. An Environmental Impact Study ("EIS") prepared by Terrastory Environmental, and Phase One and Phase Two Environmental Site Assessments prepared by EXP Services Inc., are enclosed with this application, and further discussed in **Section 3.3** of this Report.



2.6 Policy & Regulatory Context

Summaries of the applicable legislation, policies and provisions, as well as key conclusions from the planning analysis are provided in **Section 4.0** of this report, and a detailed planning analysis of the policy framework is provided in **Appendix C**.

Planning Act, R.S.O 1990, C.P. 13

The *Planning Act* as the primary legislation governing land use planning in the Province of Ontario, provides the basis for consideration of Provincial interests under Section 2. These interests include:

- a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;

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

- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Provincial Planning Statement, 2024

The *Provincial Planning Statement, 2024* (PPS) is issued under Section 3 of the *Planning Act* and came into force on October 20, 2024. The PPS 2024 policies direct municipalities to plan for and support development, align development with infrastructure, foster the long-term viability of rural areas, and protect agricultural lands, the environment and public health and safety.

As a policy statement under Section 3 of the *Planning Act*, land use planning decisions,

including those made on applications for ZBAs must be consistent with the PPS. **Section 4.2** of this report provides an assessment as to how the proposed redevelopment is consistent with and implements the policies of the PPS.

Niagara Region Official Plan (May 2024)

The Niagara Region Official Plan (ROP) serves as Niagara Region's guiding document for land use planning and is intended to manage growth across the Region's twelve local municipalities. It contains the goals, objectives, pillar statements, and policies that manage growth and direct physical change and its effects on the social, economic and natural environment of the Region.

The ROP was adopted by Regional Council in June 2022 and was approved with modifications by the Province on November 4, 2022. The ROP was subsequently amended upon Bill 150, the *Planning Statute Law Amendment Act, 2023* and Bill 162, the *Get it Done Act, 2024* receiving Royal Assent.

The *Planning Act* requires that lower-tier municipal policies and regulations must conform to the ROP. As of March 31, 2025, the Region no longer has planning responsibilities, as per Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, and the ROP is a Local Plan of the Town until such time that it may be repealed through an update to the Town's Official Plan.

Section 4.3 of this report provides a summary as to how the proposed redevelopment and accompanying ZBA are in conformity with the policies of the ROP.

Town of Niagara-on-the-Lake Official Plan (July 2017)

The Niagara-on-the-Lake Official Plan (OP) was adopted by Town Council in 1994, with the most recent consolidation dated July 17, 2017. It sets out Council's direction for the Town's long-term growth and development and is intended to serve as the basis for managing development to 2014.

Section 4.4 of this report provides a summary as to how the proposed redevelopment and accompanying ZBA are in conformity with the policies of the Town's OP.

Niagara-on-the-Lake Official Plan Review (August 2019)

In July 2013, the Town began an OP review process. A new OP was adopted by Town Council in October 2019 and sent to the Region for approval. However, in March 2020, the Region paused the approval process of the adopted OP while it completed its Regional Official Plan Review process. As the ROP has been approved by MMAH, the Town has recently initiated an OP review to update the adopted OP to plan for growth to 2051. The review will bring the 2019 adopted OP into conformity with the 2022 ROP and PPS 2024, and will address any legislative changes introduced since 2019.

Section 4.5 of this report provides a brief summary as to how the proposed redevelopment and accompanying ZBA conform to the policies of the 2019 adopted OP.

Town of Niagara-on-the-Lake Zoning By-law 4316-09

The Town of Niagara-on-the-Lake By-law 4316-09 was passed by Town Council on July 27, 2009.

The Subject Lands are currently zoned Village Commercial with a Holding provision (VC-H) with a small strip of land in the northwest lot area being zoned Open Space (OS) as per Schedule A-14 of the Zoning By-law. A ZBA is required to rezone the lands in order to remove the holding "H" symbol as per s.10.7.4.1 to permit VC uses on the Subject Lands that exceed current, existing uses.

The removal of the holding provision will permit new and existing buildings and structures to be altered and/or erected on the Subject Lands. Schedule A-14 also indicates that a portion of the Subject Lands along the western lot line are within the Regulated Area of the Niagara Peninsula Conservation Authority ('NPCA').

A draft ZBA has been prepared to facilitate the development proposal and is included as **Appendix B** to this report. **Section 4.6** of this report provides a summary of the proposed ZBA in relation to the provisions of Zoning By-law 4316-09.

3.0 Description of the Proposal

3.1 Development Proposal

The development proposal is the result of comprehensive planning and design undertaken by the project team, technical experts, and input from the Town of Niagara-on-the-Lake Staff. In preparing the application, the Provincial Policy framework for managing and directing growth, the Town's policy context and objectives for employment and residential development, and the surrounding context were taken into consideration. The intent of the Proposed Development is to provide for the comprehensive infill development on an existing underutilized 1.07 ha site, in an area well-suited for redevelopment within Virgil.

The ZBA application will facilitate the proposed redevelopment of a two-storey commercial building and a four-storey residential building, with an internal drive aisle. The proposed ZBA will remove the holding "H" provision on the Subject Lands and add site-specific provisions to the Village Commercial (VC-XX) zone. The development proposal of the commercial building includes 1,658 square metres of commercial space and 91 square metres of service space on the first floor, and 1,749 square metres of office space on the second floor of the two-storey building. A 238 m² outdoor patio area, internal to the Subject Lands, is also proposed for the commercial building. The commercial uses will be compatible with the

existing Niagara-on-the-Lake character by offering uses such as a spa, coffee shop, and a local convenience store, for example. The uses for the commercial building may be confirmed at the site plan application stage of the development process.

The proposed four-storey residential building will provide 29 units with a range of unit types including from one bedroom plus den, and up to 3-bedroom units. Indoor and outdoor amenity areas are featured throughout the site totalling 1,057 square metres (36.45 square metres per unit). Outdoor amenities are inclusive of balconies, a 77 square metre private playground, and public art installation, while indoor amenities include a party room, lounge, and fitness centre. Additionally, outdoor patio spaces are proposed for the commercial building totalling 390 square metres of amenity space. Green development standards are also proposed, as mentioned in the Stormwater Management Report prepared by EXP Services Inc., water balance will be achieved by enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation.

A total of 200 surface and below grade parking spaces are provided at a rate of: 1.4 spaces per residential unit; 1 space per 30 square metres of outdoor patio space; 1 space per 28 square metres of office space; and 1 space per 18.5 square metres of commercial space. Short-term bicycle parking is provided throughout the site, with 21 outdoor short-term spaces for the outdoor patio, office, and commercial spaces.

Twenty-nine (29) residential lockers for long-term storage are proposed in the development at a rate of 1 locker per residential unit. The conceptual site plan, site details, elevations and aerial perspectives for the site, prepared by Icke Brochu are included as **Figure 11** to **Figure 15** below.

Summary of Development Components

This section provides a summary of different components of the proposed redevelopment, including land uses, site design and development statistics, building massing and transition, transportation and site circulation, and servicing.

The conceptual site plan, site details, elevations and aerial perspectives for the site, prepared by Icke Brochu are included as **Figure 11** to **Figure 14** below.

A total of 29 residential units are proposed, currently consisting of 21% one-bedroom units plus den, 65% two-bedroom units and 4% three-bedroom units. A breakdown of the unit type distribution is demonstrated in **Table 4**. Building tenure has yet to be determined.

| TABLE 3: UNIT BREAKDOWN | | |
|-------------------------|-------|------|
| UNIT TYPE | TOTAL | |
| | # | % |
| 1 Bedroom + Den | 6 | 21% |
| 2 Bedroom | 19 | 65% |
| 3 Bedroom | 4 | 14% |
| TOTAL | 29 | 100% |

Site Design and Site Statistics

The proposed buildings have been strategically located on the Subject Lands, and the overall development has been designed to provide for new housing with commercial uses , and provides for the efficient use of land that is appropriate for the current and future area context.

As set out in **Figure 11** below, the proposed buildings have a total footprint of 8,297.8 square metres, and the site has an FSI of 0.69. A total of 3,508.4 square metres of landscaped open space (33%) is provided throughout the site, which includes the 77 square-metre private playground and the landscaped areas around the buildings.

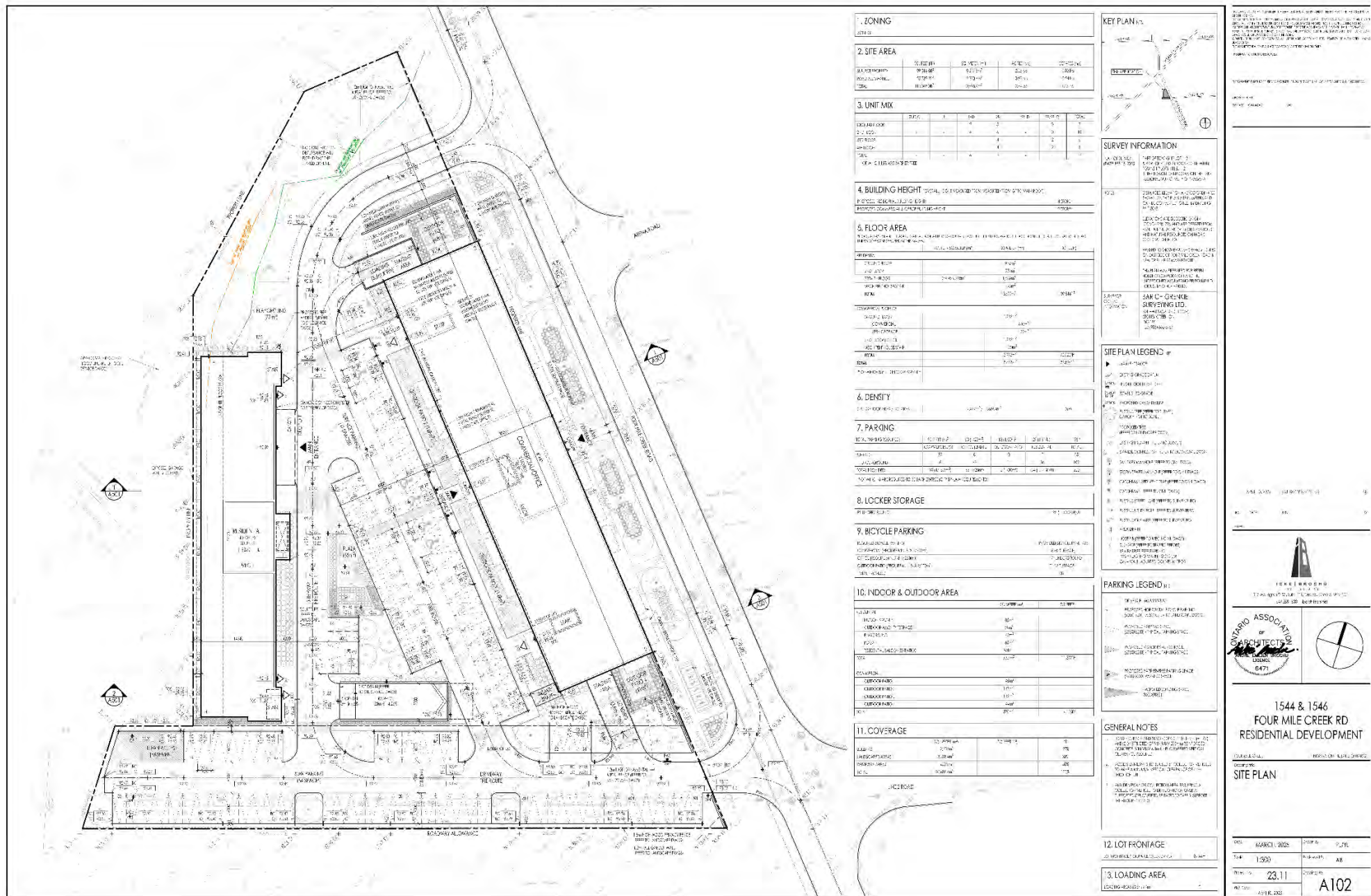


Figure 11: Site Plan and Details

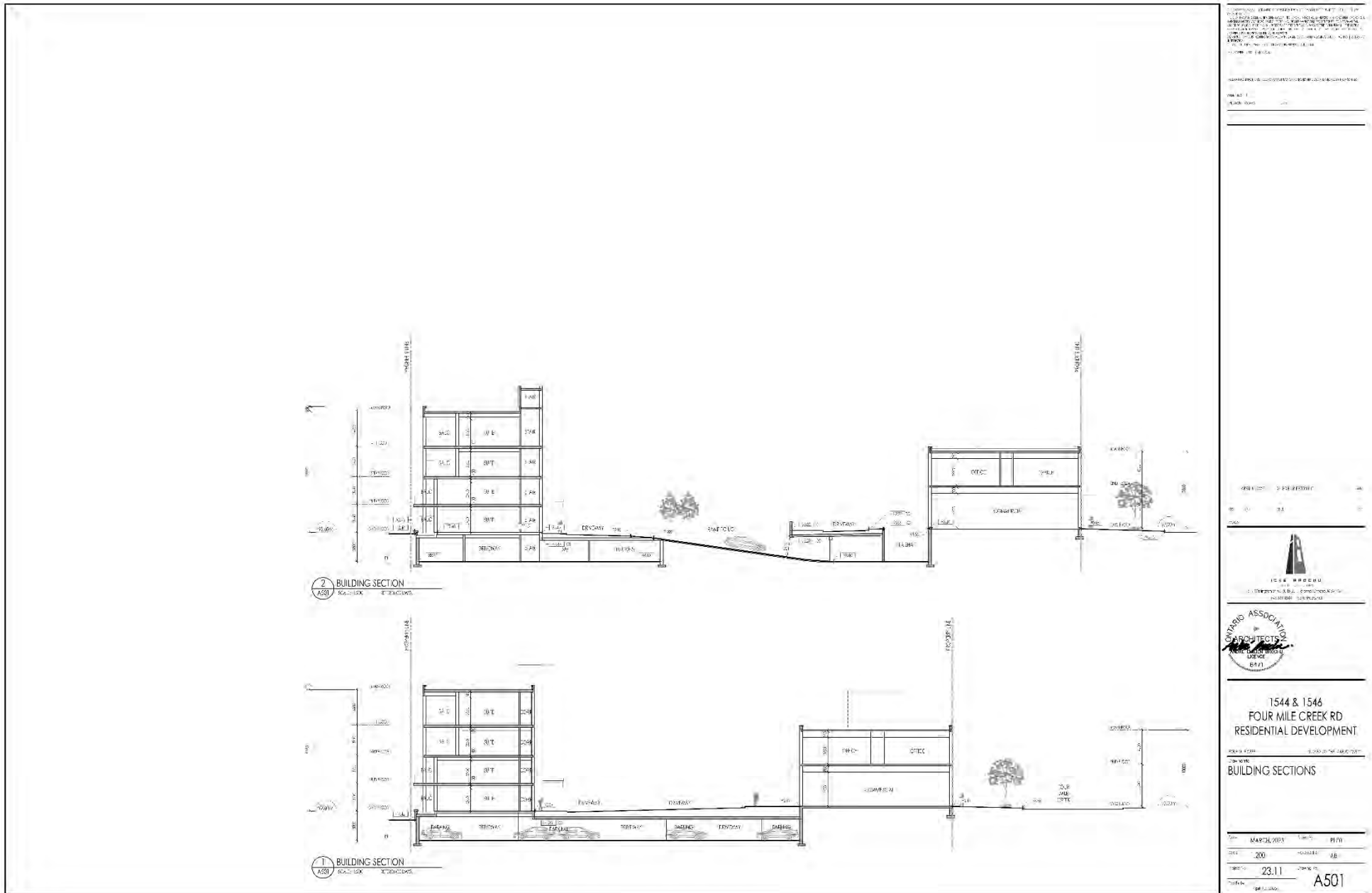


Figure 14: Building Sections

Transportation & Site Circulation

The proposed redevelopment has been designed to improve connectivity in and around the Subject Lands, thereby improving mobility for all forms of transportation, including vehicular and active transportation modes.

The proposed redevelopment includes a 6.0 m wide drive aisle that provides two access points from Four Mile Creek Road. This drive aisle will provide commercial and private vehicular access to the buildings, loading areas, and to the surface and below grade parking areas..

A total of 200 vehicle parking spaces are proposed. The parking areas are concealed by the commercial building and in the underground parking. Ninety (95) surface parking spaces are proposed for the commercial and outdoor patio uses, with 105 below grade parking spaces proposed for the office and residential uses on the site. The proposed surface parking allows short-term parking for visitors and patrons to the buildings. Two loading spaces are proposed for the commercial building and ten barrier-free spaces have been provided in both the surface and underground parking areas. This is outlined in the Traffic Impact Study and Parking Impact Analysis, LEA Consulting Ltd.

To support pedestrian mobility in and around the site, an internal network of sidewalks and pathways has been designed to connect the buildings to the private playground, and to the new sidewalk along the west of Four Mile Creek Road.

The proposal supports active transportation as future residents and visitors will have access to existing cycling networks on Four Mile Creek Road and Line 2 Road, as well as to local community parks and facilities. The short-term bicycle parking spaces at grade are to encourage visitors and commercial patrons to frequent the site via bicycles.

Servicing

The proposed municipal servicing strategy for the proposed redevelopment satisfies the Town and the Region's servicing criteria as set out in the Functional Servicing and Stormwater Management Report. The proposed redevelopment will be provided on full municipal services. Water services for the residential and commercial buildings can be accommodated with the two proposed water service connections to the existing 250 mm diameter municipal watermain on Four Mile Creek Road. Sanitary servicing is proposed by two proposed sanitary service connections to the existing 250 mm diameter municipal sanitary sewer system on Four Mile Creek Road. The sanitary capacity analysis concluded that the proposed demand from the site can be accommodated within the downstream municipal sanitary system without any infrastructure upgrades pending the review by Town staff. Storm servicing can be provided with the two proposed storm service connections to the existing 525 mm diameter municipal storm sewer on Four Mile Creek Road.

3.2 The Application

Proposed Zoning By-law Amendment

The proposed ZBA is required to remove the holding "H" provision on the Subject Lands. With this removal, the ZBA will add a site-specific provision to the *Village Commercial-xx (VC-xx)* Zone to permit the proposed building heights, rear yard setbacks, minimum interior landscape buffer width and recognition of the Regulated Area of the NPCA.

A draft ZBA has been prepared to facilitate the proposed redevelopment and is included as **Appendix B** to this report.

3.3 Summary of Technical Reports

In order to ensure that the proposed redevelopment fully addresses all policy and technical requirements of the Town and Region, a number of required supporting studies have been completed. Each of these studies are summarized in this section of the report. Many of these studies also identify how the proposed redevelopment and application advances Provincial and local policies.

Urban Design Brief

MHBC has prepared an Urban Design Brief that analyzes the regional and local planning objectives for urban design. The analysis concludes that the proposed redevelopment supports compact, mixed-use growth within a delineated built-up area, strengthens the public realm, and enhances connectivity with surrounding uses and natural heritage features. The proposal delivers a complete community experience through a combination of active ground-floor commercial uses, sensitively scaled residential development, and carefully designed outdoor amenity spaces.

The built form, landscape design, and circulation patterns have been shaped by the principles of placemaking, walkability, and sustainability, with special attention given to architectural articulation, streetscape activation, and a strong relationship to the adjacent conservation lands.

The proposal contributes meaningfully to the ongoing evolution of the Virgil Community, advances the Town's goals for intensification, housing diversity, and public realm improvements, while respecting the area's unique character.

Arborist Report & Tree Protection Plan

An Arborist Report was prepared by Terrastory Environmental Consulting Inc. to provide an inventory of the wooded area on the Subject Lands. The report includes an analysis of the wooded area inventory completed by a Terrastory ISA-certified Arborist and a total of 211 trees were inventoried and assessed, of these a total of 198 assessed trees require removal to facilitate development. Of the 198 trees to be removed, 126 are considered "regulated" to the Town's Private Tree Protection By-law excluding Green/Red Ash infested by Emerald Ash Borer.

Evaluation of Woodland Significance

The Arborist Report evaluated the Proposed Development Plan and determined the overall development footprint was restricted outside of the dripline of the adjacent natural area ("Other Woodland") with a variable setback established. Provided that technical recommendations offered are implemented in full, Terrastory is satisfied that anticipated and potential trees impacts will be adequately addressed and that the application meets relevant tree protection policies.

Shadow Study

A Shadow Study was prepared by Icke Brochu, which compares the shadows generated by the proposed redevelopment on key areas of interest, including surrounding residential areas, the outdoor patio areas, and the active street front proposed on Four Mile Creek Road. Based on the simulated imagery, it is concluded that the proposed redevelopment will not negatively affect the key areas of interest.

Transportation Impact Study & Parking Impact Analysis

LEA Consulting Ltd. conducted a Transportation Impact Study and Parking Impact Analysis for the proposed redevelopment. The proposed 200 vehicle parking spaces across one level of underground parking and surface parking, 36 bicycle parking, and 2 loading spaces will be accessed via two unsignalized full-move accesses along Four Mile Creek Road. The total proposed parking supply complies with the overall minimum parking requirements required by the Town. The study recommends cycling-based, pedestrian-based, and transit based strategies that encourages multi-modal transportation and reduces reliance on single occupancy vehicle travel.

Environmental Impact Study

An Environmental Impact Study (EIS) was prepared by Terrastory Environmental Consulting Inc. to assess the potential for adverse effects on the natural environment and the natural heritage features stemming from the

proposed development. The EIS assessed the natural heritage features within and adjacent to the Subject Lands which included a Significant Valleyland comprised of Other Woodlands extends slightly into the northwestern portion of the Subject Lands which was staked with the NPCA in February 2025, and a unit associated with the Evaluated (non-significant) Virgil Conservation Area Wetland Complex from the valleyland to the north/northwest of the Subject Lands.

The wooded valleyland is described as being comprised as a candidate for a Significant Wildlife Habitat for various species of conservation interest, a potential roosting habitat for Endangered Bats, and flanks the Four Mile Creek Permanent Stream which contains a warmwater Fish Habitat. The EIS provides recommendations and mitigation measures that includes the preparation of a Buffer Enhancement and Tree Replacement Plan to establish a functional buffer zone; excavation and shoring plans as part of constructing the residential building; all necessary tree (in consistency with the Tree Protection Plan prepared by Terrastory) and on-site building removals to be completed outside the primary bat activity period (to be completed between October 1 and March 31); all vegetation removal to be completed outside the primary birth nesting period (to be completed between September 1 and March 31); any lighting incorporated into building designs should be directed downward and away from the adjacent woodlot; preparation of an Erosion and Sediment Control plans at construction, and the incorporation of Bird-Friendly Guidelines into the building designs. The report determined that no negative impacts are anticipated to occur for the proposed development provided that all technical mitigation measures are implemented in full.

Phase 1 & 2 Environmental Site Assessment

Phase 1 and Phase 2 Environmental Site Assessments (ESAs) were prepared by EXP Services Inc. (EXP).

Phase 1 ESA

The objective of the Phase 1 ESA was to assess the environmental condition of the Subject Lands based on its historical and current uses and to identify any Potentially Contaminated Activities (PCAs) and Areas of Potential Environmental Concern (APECs). The ESA finds that the Subject Lands was first developed with a residential house in the northern portion and an orchard or vineyard in the southern portion prior to 1876. A second residential dwelling was constructed circa 1956 in the southeastern portion of the site, and a garage structure was constructed in the northern portion circa 1964. The garage structure was used for equipment and marine vehicle repairs until 2023. The original residential house on the northern portion of the Site was demolished prior to 2000.

A number of potentially contaminating activities associated with past commercial uses on-site that may contribute to site contamination include garages and maintenances and repairs of railcars, marine vehicles, and aviation vehicles, importation of fill material of unknown quality, gasoline and associated products storage in fixed tanks, pesticides, manufacturing, processing, bulk storage and large-scale applications, and gasoline and associated products storage in fixed tanks.

Phase 2 ESA

The objective of the Phase 2 ESA was to evaluate the soil and groundwater conditions at the Areas of Potential Environmental Concern (APECs) identified in Phase 1.

Based on the soil analytical results, an exceedance of Petroleum Hydrocarbons (PHCs) Faction F2 and electrical conductivity (EC) was identified on the Subject Lands. The records of EC is reported to be associated with de-icing and salting substances routinely applied on-site during the winter months for vehicular and pedestrian safety. Therefore, the report concludes that the elevated levels of EC are not exceedances of the applicable Table 1: Full Depth Background of Site Condition Standards for medium to fine textures soils (Table 1 SCS). The groundwater impacts after three rounds of monitoring have been identified on the Subject Lands above the Table 1 SCS for ethylbenzene and PAH (anthracene, chrysene, phenanthrene, and pyrene) and a variety of metals including cobalt, selenium, and uranium. EXP is currently planning to re-sample the elevated pH values and remediate the soil, pending favourable outcomes, a Record of Site Condition (RSC) can be filed for the site in accordance with O. Reg. 153/04, as amended. In addition, there was no evidence of free product, or odour was observed during oil sampling, groundwater purging, or any groundwater sampling events.

Hydrogeological Report

A Hydrogeological Investigation Report was undertaken by EXP Services Inc. (EXP). The Hydrogeological Report was made to assess dewatering and included a review of the Phase I & II Environmental Site Assessments (ESA).

The Subject Lands are located within the West Lake Ontario Shoreline watershed, and the report concluded that no surface water features exist onsite. The investigation reviewed the MECP Water Well Record (WWR) Database and given that no water supply wells exist within the 500 m buffer, no dewatering related impact on water supply wells is expected in the area. As

per the MECP technical requirement a Category 3 Permit to Take Water (PTTW) will be required to facilitate the post-development phase and an online registration in the Environmental Activity and Sector Registry (EASR) is also required to facilitate the construction dewatering program. Additionally, a Discharge Plan is required for any discharges from the Subject Lands during the entire construction and dewatering phase. These materials will be completed and submitted under a separate cover.

The results concluded that for the short-term dewatering system, a treatment method to discharge to the applicable sewer system is required either by filtration or decantation facilities and/ or any other applicable treatment system; and for the long-term dewatering discharge to the sanitary sewer system, the water is suitable to discharge without a treatment system. In addition, an agreement to discharge into the sewers owned by the Niagara Region will be required prior to releasing dewatering effluent; and that decommissioning for all wells that are no longer in use is required to be completed by a licensed well contractor.

Functional Servicing & Stormwater Management Report

A Functional Servicing (FSR) and Stormwater Management (SWM) Report was prepared by EXP Services Inc. to provide functional servicing design and a stormwater management plan in support of the Proposed Development. The Report summarizes the site's existing soil and groundwater conditions and grading, current available infrastructure, and describes the proposed servicing. The reports give an overview of the proposed servicing strategy for the Subject Lands including outlining required demands on the municipal system while

addressing any corresponding capacity concerns. Stormwater quantity controls storage for the development will be provided by the proposed underground cistern located within the underground parking envelope and the underground superpipe located along the south side of the site, where all flows will be released to the existing storm sewer on Four Mile Creek Road. Stormwater quality controls will also be provided by the use of two oil and grit separators designed to meet the parameters for storm sewer discharge for the Town which includes TSS removals. The majority of the Subject Land's runoff will flow overland in the westerly and northwesterly directions to the existing woodlot and reservoir lands, where emergency overland flow can be safely conveyed without negative impact to neighbouring properties. Storm servicing can be provided using the Town's existing infrastructure by providing two proposed storm service connections to the existing 525 mm diameter municipal storm sewer on Four Mile Creek Road. Water balance will be achieved by enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation.

Sanitary servicing for the proposed buildings can be provided by two new sanitary service connections to the existing 250 mm diameter municipal sanitary sewer system on Four Mile Creek Road. Sanitary capacity was analyzed by EXP who concluded that the Proposed Development can be accommodated within the downstream municipal system to the termination point without any required infrastructure upgrades.

Proposed grading on the Subject Lands can maintain the existing drainage patterns for the site and perimeter elevations without any negative impact to neighbouring properties. Water servicing for domestic and fire uses are proposed by providing two new water service connections to the existing 250 mm diameter

municipal watermain on Four Mile Creek Road, and the new private hydrant proposed adjacent to the residential building with the site. Water modelling shows that adequate flow and pressure can be delivered to the Proposed Development under both domestic use and fire flow connections.

Temporary erosion and sediment control measures will be implemented during construction without any negative impact on neighbouring properties or the municipal storm sewer system and will be provided in accordance with Town and Conservation Authority guidelines.

Geotechnical Investigation & Slope Stability Report

A Geotechnical Investigation was prepared by EXP Services Inc. The objectives of this investigation were to determine the subsoil and groundwater conditions of the Subject Lands and to evaluate the stability of the existing slopes along the north and west sides of the property.

The report analyzed that the bank of the creek is composed of non-cohesive soils with no indication of active erosion and a toe erosion allowance of 5 metres is recommended. In addition, slopes that are less than 3 metres high are not a concern to the NPCA, this includes the sloped near the south end of the physical top of bank at the rear of the proposed residential building. The NPCA suggests a 7.5 m set back from the stable top of slope for slopes higher than 3 metres which is provided at the northerly part of the Subject Lands.

Noise Study

A Noise Impact Study was prepared by LEA Consulting Ltd. to examine the future noise environment in the development area and evaluate its potential impact on future noise-sensitive receptors. This report investigates the noise control measures that are required in order for Subject Lands to meet noise guidelines of the Ontario Ministry of the Environment, Conservation and Parks and to satisfy the requirements of the Town of Niagara-on-the-Lake.

The study analyzed the indoor and outdoor Transportation Noise Sources as well as Stationary Noise Sources. The study concluded that the impact from the environment on the proposed development is within the applicable Ontario Ministry of the Environment limit and no mitigation measures are required for points of reception affected by Stationary Noise Sources. The at-grade outdoor patio area was not considered as an outdoor living area receptor due to shielding from the commercial/office building and it is not directly exposed to vehicular traffic along Four Mile Creek Road. Therefore, these OLA receptors were not considered for this development. It is anticipated that the development will provide a central air conditioning system and thus, the forced-air heating with the provision for future air-conditioning is expected to be met. In the event that a central air conditioning system is not provided the office units on the northerly, easterly and southerly façades should include Warning Clause Type 'C' in its Agreements of Purchase/Sale or Lease/Rental agreements.

Land Use Compatibility Study

A Land Use Compatibility Study was prepared by RWDI to assess the air quality and noise impacts of the Proposed Development to the surrounding land uses. The study concluded that there are no air quality concerns from major rail corridors or roads as the Subject Lands are well separated from these areas and traffic-related impacts are not anticipated. The study also analyzed the proposed setback distance from the commercial building to Four Mile Creek Road; it concluded that air conditioning in the units and upgraded glazing on the façade may be required however, this should not affect the feasibility of the Proposed Development. Given the separation distance from the Niagara District Airport and the closest railway, noise and vibration are not a concern for the Proposed Development.

Market Study

A retail market study has been prepared by urbanMetrics Inc. to review the market and impact of commercial uses proposed on the Subject Lands. The study reports findings that the proposed redevelopment satisfies the need for a retail component on the lands designated for Service Commercial Uses. The residential uses proposed are also not expected to disrupt the commercial uses and the office units on the second floor of the commercial building. The proposed redevelopment will have no negative impact on the planned commercial structure of the Town, provides opportunities for local businesses and supports local employment growth.

4.0 Policy & Regulatory Analysis

This section of the PJR provides an overview of the applicable policy and regulatory context guiding growth and development of the Subject Lands, and how the proposed redevelopment is consistent with and conforms to the policy and regulatory framework. A detailed policy assessment of each document is provided in **Appendix C**.

4.1 Planning Act, R.S.O 1990, C.P. 13

The Ontario *Planning Act*, R.S.O. 1990 (the “*Planning Act*”), consolidated January 1, 2025, is the primary legislation governing land use planning in the Province of Ontario. The *Planning Act* provides the basis for consideration of Provincial interests in managing land and natural resources, preparing official plans and planning policies, establishing planning processes, regulating land uses through zoning by-laws and other measures, ensuring public notice and appeal rights, and other matters of Provincial interest. Several other Provincial Plans are created from the authority of the *Planning Act*, including the Provincial Policy Statement.

Section 2 of the *Planning Act* sets out the matters of provincial interest which the Minister, the council of a municipality, a local board, a planning board, and the Tribunal shall have

regard to when carrying out their responsibilities under the Act. Matters of provincial interest relevant to the proposal include:

- *the protection of ecological systems, including natural areas, features and functions;*
- *the conservation and management of natural resources and the mineral resource base;*
- *the supply, efficient use and conservation of energy and water;*
- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the orderly development of safe and healthy communities;*
- *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- *the adequate provision of a full range of housing, including affordable housing;*
- *the adequate provision of employment opportunities;*
- *the appropriate location of growth and development; and,*
- *the promotion of built form that,*
 - (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Planning Act Summary

A full analysis of the relevant Planning Act legislation in relation to the proposed ZBA can be found in **Appendix C**. In summary:

1. The proposed ZBA application has regard to, and implements, the applicable matters of Provincial interest under Section 2 of the *Planning Act*. *The proposed redevelopment:*
 - a. Protects ecological systems, including natural areas, features and functions;
 - b. Will assist in the increase of housing stock and diversification of housing options in the area through the provision of 29 new residential units ranging in size from one-bedroom + den to three-bedroom units;
 - c. Represents orderly development in an appropriate location for growth and development within a built-up area; will contribute to local employment opportunities; and, is located within a Settlement Area, where the majority of intensification is expected to occur;
 - d. Has been designed in a manner that promotes sustainable development by introducing water balance objectives such as enhanced landscaping, low impact development methods, and roof rainwater harvesting reuse through irrigation, supports social interaction in the outdoor amenity areas, and is also economically sustainable as it utilizes existing municipal infrastructure;

Embodies a well-designed built form that is compatible with the surrounding community and encourages a sense of place through the commercial façade and streetscape, outdoor patio, and public art installation. The proposal provides a high

quality, safe, accessible, attractive and vibrant built form that will be well-integrated into the community through thoughtful building siting, architectural design, and landscaping;

The proposed ZBA application has regard for matters of Provincial interest under the Planning Act.

4.2 Provincial Planning Statement, 2024

The Provincial Planning Statement (2024) (the “PPS”) was released in a final version by the Ontario Ministry of Municipal Affairs and Housing on August 20, 2024, and came into effect on October 20, 2024. The 2024 PPS provides general policy direction to municipalities throughout the Province in matters relating to land use planning and development.

The PPS strongly encourages development that will support a strong and competitive economy, long term prosperity, environmental health, and social well-being. These directives depend on the efficient use of land and development patterns that: support complete communities and compact form; optimize existing and planned infrastructure; support active transportation; protect the environment; and, promote economic growth.

The *Planning Act* requires that any planning decision “be consistent with” the policies of the PPS. In accordance with the PPS, the Subject Lands are located within a Settlement Area. In assessing the development proposal for the Subject Lands, this report identifies how the

proposal advances and implements the policies of the PPS.

Section 2.1, Planning for People and Homes, Policy 2.1.4 states that sufficient land shall be available to accommodate projected residential growth requirements. **Policy 2.1.6** provides guidance to municipalities to accommodate an appropriate range and mix of land uses and support the achievement of complete communities by accommodating a range of housing options, public service facilities and parks to meet long-term needs.

Section 2.2, Housing, Policy 2.2.1 requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs for current and future residents of the regional market area. To achieve this, municipalities shall: permit and facilitate all housing options; meeting wellbeing requirements of current and future residents; and all types of residential intensification and redevelopment; promote densities for new housing that efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

Section 2.3.1, General Policies for Settlement Areas includes policies requiring Settlement Areas to be the focus of growth and development. **Policy 2.3.1.2** specifies that land use patterns within Settlement Areas should be based on densities and a mix of uses, including those that that: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; and support active transportation. **Policy 2.3.1.3** requires planning authorities to support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options.

Section 2.8, Employment includes policies which encourage an appropriate mix and range

of employment uses to meet long-term needs, and diversify the economic base. **Section 2.8.1, Supporting a Modern Economy**, states that planning authorities shall promote economic development and competitiveness by encouraging intensification of compact, mixed-use development.

Section 2.9, Energy Conservation, Air Quality, and Climate Change, Policy 2.9.1 states that planning authorities are to support: the achievement of compact, complete communities; energy conservation and efficiency; and, the use of green infrastructure.

Section 3.1, General Policies for Infrastructure and Public Service Facilities, Policy 3.1.2 states that the use of existing infrastructure should be optimized.

Section 3.2 Transportation Systems, Policy 3.2.2 indicates that efficient use should be made of existing infrastructure. **Policy 3.2.3** states that connectivity among transportation systems and modes should be planned for and improved.

Section 3.6, Sewage, Water, and Stormwater, Policy 3.6.1 states that planning for sewage and water services shall accommodate forecasted growth in a timely and efficient manner that optimizes the use of existing infrastructure, is feasible and financially viable, protects human health and environmental safety, and is efficient. Planning for stormwater management shall be integrated with sewage and water services, to ensure the optimization of the system, to promote best practices, and to align with municipal plans for stormwater management.

Provincial Planning Statement Summary:

A full analysis of the relevant PPS policies in relation to the Proposed Development can be found in **Appendix C**. In summary:

1. The proposed ZBA facilitates the efficient use of land and resources through the redevelopment of underutilized lands located in a Settlement Area in the community of Virgil, with job opportunities that will support the local economy.
2. The proposal will support the creation of a complete community by providing a range of housing options, job opportunities, an attractive commercial streetscape, and a public art installation that assists in meeting long-term needs of residents.
3. Provides an appropriate housing option and density to meet current and future resident needs by intensifying an underutilized site with a residential and job density that efficiently uses land and infrastructure, and supports the use of active transportation.
4. Is compatible with surrounding land uses including the adjacent Conservation Area, and minimizes and mitigates any risk to public health and safety by providing for appropriate transition to, and separation from hazard lands through thoughtful site and building design and appropriate building setbacks.
5. Promotes healthy, active communities and facilitates active transportation use and community connectivity by providing for a connected pedestrian network throughout and around the Subject Lands as well as bicycle facilities.
6. Incorporates climate change considerations in the development of a compact design that utilizes energy more efficiently and may incorporate green infrastructure such as enhanced landscaping, low impact

development (LID), and roof rainwater harvesting reuse through irrigation.

7. Supports healthy, active, and inclusive communities with the planning of safe spaces that promote social interaction by the means of a public art installation, outdoor patio and play area, while recognizing and minimizing the negative impacts on the conservation areas surrounding the Subject Lands.
8. Does not represent development in an area of unacceptable risk to public health or safety or of property damage.

The proposed redevelopment and associated ZBA application are consistent with the PPS.

4.3 Niagara Regional Official Plan

In the ROP, The Subject Lands are located within the 'Urban Area' structure and within the 'Virgil Settlement Areas' per Schedule A – Local Area Municipalities (**Figure 15**).

Within the 'Urban Area,' the Subject Lands are also within the 'Delineated Built-Up Area' per Schedule B – Regional Structure (**Figure 16**), and within the 'Natural Environment Systems Overlay' per Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems (**Figure 17**). As identified in the Ministry of Natural Resources ("MNR") on-line mapping, the natural heritage areas to the northwest of the Subject Lands are recognized as a 'Non-Provincially Significant Wetland' and a "Non-Sensitive Treed Wooded Area" (**Figure**

18). In the ROP Four Mile Creek Road is identified as a 'Regional Road' (**Figure 5**) and as a 'Strategic Cycling Network' (**Figure 9**).

Part II, Growing Region, Section 2.2, Regional Structure, and Section 2.3, Housing, Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to: responsibly manage forecasted growth and to support a mix of land uses including residential uses and employment uses; to provide opportunities for intensification including infill development; and, to support the creation of complete communities. Planning for housing in the Region means providing a diverse housing stock with a range of tenures, sizes, types that support the needs of the community. **Policy 2.3.1.4** specifies that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by facilitating compact built form and incorporating green infrastructure, water efficient technologies and low impact development.

Part III, Sustainable Region, Section 3.1: Natural Environment System and Section 3.5: Climate Change, Policy 3.1 identifies that the natural environment system is made up of, in part, wetland areas and other woodlands. **Policy 3.1.9.5.6** states that where an unevaluated wetland has been identified in a settlement area, and is therefore not regulated by the Conservation Authority, the Region shall require that an Environmental Impact Study is undertaken. The purpose of the study is to ensure that Proposed Development will have no negative impact on the ecological function and maintain the hydrologic function of the other wetland. This study will also ensure that there are no negative impacts to permit development or site alteration by non-significant woodlands as per **Policy 3.1.11.2**. **Policy 3.5.3.1** indicates that the Region will support built form

and land use patterns that use land efficiently by: promoting a mix of land uses to shorten commute journey and support the creation of complete communities; and by planning to achieve minimum intensification and density targets which meet or exceed provincial requirements.

Part IV, Competitive Region, Section 4.5, Economic Prosperity, Policy 4.5.2.1 notes that the Region will attempt to attract employers and workers to the region by planning for an adequate supply and mix of rental and ownership housing for all stages of life. The Region will also protect and support employment lands to attract and retain investment.

Part V, Connected Region, Section 5.1: Multimodal Transportation System and, Section 5.2 Infrastructure: Section 5.1 specifies that the Region supports the implementation of complete streets, with consideration for varying priorities and objectives at the local level. The infrastructure objectives of the Region are provided in **Section 5.2** wherein the Region will undertake infrastructure planning, development and asset management to ensure that municipal services are provided in an efficient manner to support growth management and the achievement of complete communities.

Part VI, Vibrant Region, Section 6.2, Urban Design, and Section 6.3 Healthy Communities, Policies 6.2.1.2 and 6.2.1.10 states that the Region encourages the collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture and the inclusion of public art into the design of major development, streetscapes and public spaces. The Region also supports healthy communities as outlined in **Policy 6.3.1.1** by creating built form that

provides healthy living, and supporting walkable and bikeable neighbourhoods.

Regional Official Plan Summary:

A full analysis of the relevant ROP policies in relation to the proposed redevelopment and accompanying Application can be found in **Appendix C**. In summary, the Proposed Development:

1. Contributes to the Region's growth targets and will assist in achieving the minimum residential intensification target of 1,150 units in the Town's Built-Up Area by 2051.
2. Supports the Region's objectives for a sustainable community as the results from the Environmental Impact Study conclude that no negative impacts will occur to the unevaluated wetland and unevaluated woodland near the Subject Lands. The proposed redevelopment promotes a built form and a mix of land uses which support the creation of complete communities through intensification and achievement of minimum density targets that meet or exceed provincial requirements.
3. Implements the Region's policy direction of a competitive region for an adequate housing supply by proposing 29 new units.
4. Achieves policies of a connected region with the implementation of complete streets, with pedestrian sidewalks throughout and around the Subject Lands and an active street front.
5. Collaborates and coordinates land use planning, urban design, architecture, engineering, environmental planning, and landscape architecture by proposing

public art, landscaped spaces, and a playground in the design of the redevelopment, which contributes to the physical activity, social cohesion and supports mental health for a healthy community in a vibrant region.

The proposed redevelopment, and accompanying ZBA, are in conformity with the policies of the Niagara ROP.

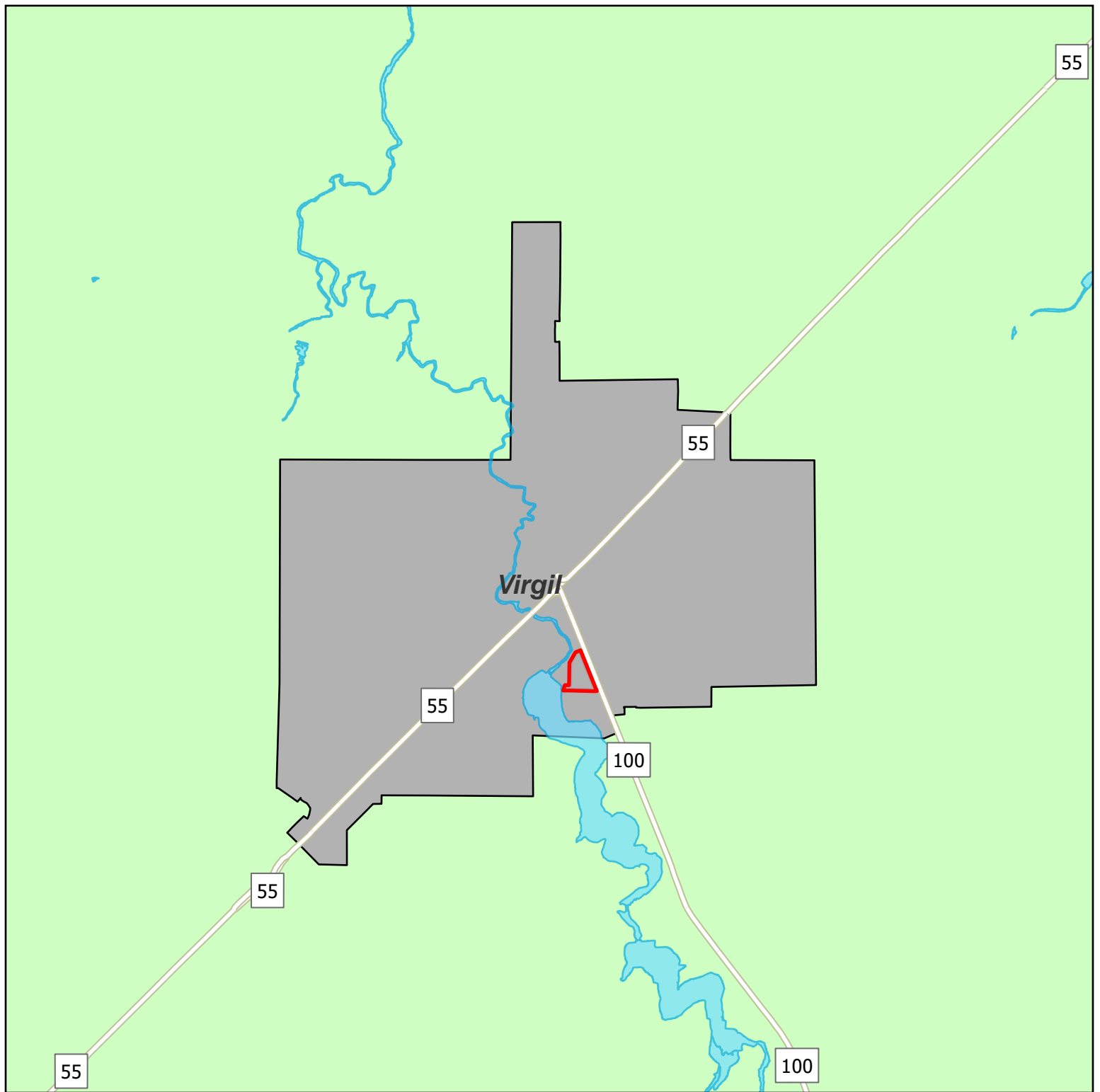


Figure 15: Niagara Region Official Plan – Schedule A: Local Area

- Subject Lands
- Settlement Area
- Regional Road
- Major Watercourses
- Greenbelt Plan Area



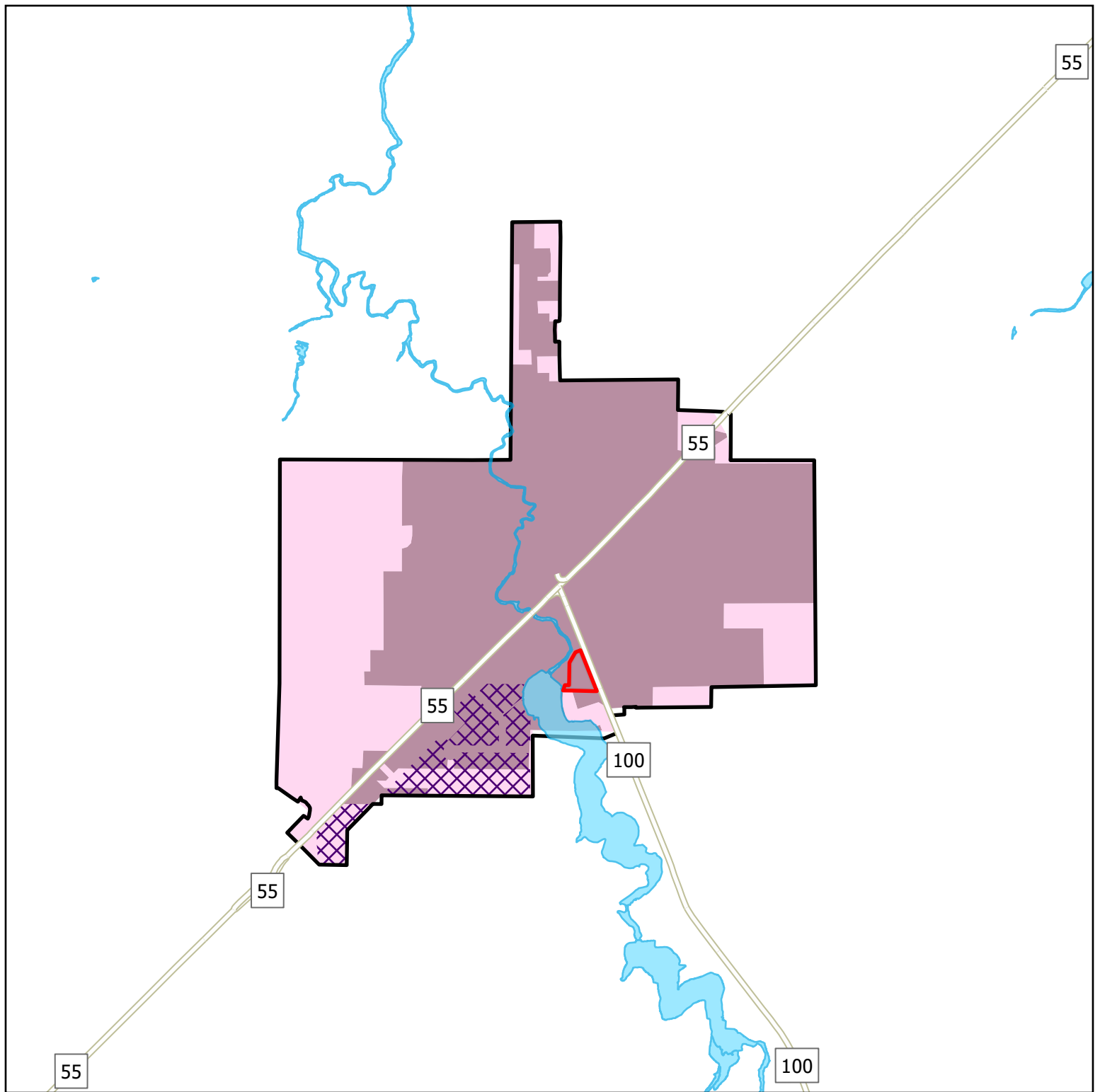








Figure 16: Niagara Region Official Plan – Schedule B: Regional Structure

- | | |
|---|---|
|  Subject Lands | Urban Area Designations |
|  Regional Road |  Designated Greenfield Areas |
|  Major Watercourses |  Delineated Built-Up Area |
|  Employment Areas | |

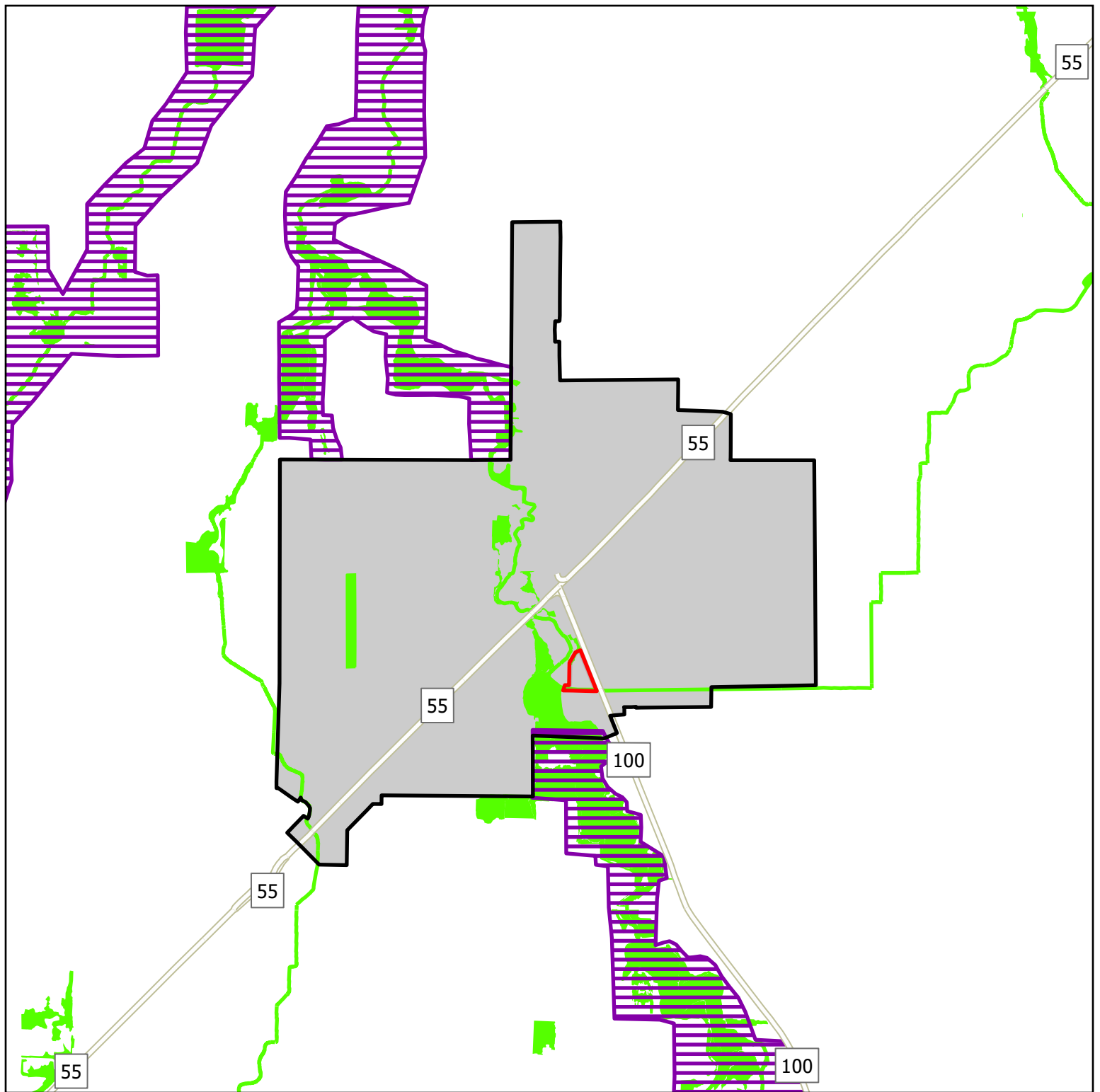


Figure 17: Niagara Region Official Plan – Schedule C1: Natural Environment System Overlay & Provincial NHS

- | | |
|--|--|
|  Subject Lands |  Urban Areas |
|  Settlement Area |  Natural Environmental System Overlay |
|  Regional Road |  Greenbelt Plan Natural Heritage System |



Figure 18: Ministry of Natural Resources

- Subject Lands
- Assessment Parcels
- Woodlands
- Natural Heritage System Area
- Non-Provincially Significant Wetland

4.4 Niagara-on-the-Lake Official Plan

The Niagara-on-the-Lake (NOTL) Official Plan (OP) was adopted by Council of the Corporation in 1994, with the most recent office consolidation noted as July 17, 2017. The OP sets out Council's direction for the Town's long-term growth and development and is intended to serve as the basis for managing change to 2014. The Subject Lands are designated 'Service Commercial' and 'Conservation' and are identified within the 'Wetlands Area' as per Schedule C – Land Use Plan – Virgil (**Figure 19**). The Subject Lands are also identified as 'Built-Up Area' in the 'Urban Area Boundary' as per Schedule I-2 – Official Plan Amendment #43 (**Figure 20**)

Part 2, General Policies, Section 6A.2, Municipal Urban Structure, Policy 2.3 specifies that the Urban Structure is composed of five components in the OP. One component is the Urban Area which contains Built-Up Areas and Greenfield Areas. Policy 2.4 states that the Built-up Area represents the limit of existing development within the urban areas of Virgil and the Old Town. All growth and development that is to occur within the Built-up Area will be through intensification and will count towards the achievement of the Town's intensification target.

Section 6A.3.2, Growth Management Objectives, identifies that the growth strategy objectives include: accommodating all future urban growth within the present-day urban boundary; directing urban growth and development to the Town's existing Urban Areas; and, developing 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.

Sections 6A.3.2 and 6A.3.3, Population and Housing Forecasts, Table 1 indicates that the projected population growth for the Town will be 7,500 people by 2031, while Table 2 anticipates housing growth to increase by 3395 new households during the same period. Section 3.4: Housing Mix states that the 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. In section 3.5 Employment Forecast, Table 3, the Town forecast that between 2006 and 2031, 3,750 new jobs would be added to the base job count of 11,350.

Section 6A.4.4, Intensification Objectives, lists the objectives of the Town to: provide land use policy directions for accommodating additional growth within the Built-Up Areas; provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area; and, 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.

Part 3, Land Use Policies, Section 10, Commercial, lists the Town's commercial land use objectives. These include, in part: providing for the orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists; to encourage controlled and orderly growth within designated commercial areas; and to promote compact forms of commercial development, and to discourage scattered forms of development.

Section 10.3.2, Service Commercial, outlines the permitted uses for lands designated as Service Commercial. The main permitted uses for lands designated as Service Commercial include retail commercial uses catering to travellers that rely heavily upon vehicular traffic for their business. Secondary uses permitted with a main use include dwelling units. Typical commercial uses include automotive services, restaurants, nursery or garden centres, wholesales building supplies, etc.

NOTL Official Plan Summary:

A full analysis of the relevant NOTL Official Plan policies in relation to the proposed ZBA application can be found in **Appendix C**. In summary, the proposed redevelopment:

1. Contributes to new housing stock in the Built-Up Area within the Virgil Urban Area where growth, development, and intensification are intended to occur, and where full water and wastewater services are available.
2. Promotes a complete community by proposing a range of local employment opportunities and housing types, high quality public open spaces, easy access to local stores and services, short- and long-term bicycle parking, and improved pedestrian mobility, all of which support a compact urban development.
3. Contributes to the Town's growth forecasts of 7,500 projected population, 3,395 anticipated households and 3,750 jobs are projected in order to achieve the employment objective of one job for every three residents located within the urban boundary to 2031.
4. Supports the intensification target for a minimum of 15% of all new dwellings occurring annually within the Built-Up Areas by directing intensification and infilling to the Built-Up Areas that does not negatively impact the existing residential character or the surrounding uses.
5. Conforms to Service Commercial designation policies that permit dwelling units as secondary uses to the main commercial uses.
6. Promotes commercial areas within the urban boundaries that will service the needs of the residents and tourists that supports compact forms of commercial development.
7. Achieves land use compatibility with the surrounding Service Commercial, Residential, and Conservation areas as it minimizes and mitigates any potential adverse effects and minimizes risk to public health and safety by providing for appropriate transition to, and separation from such land uses through thoughtful site and building design in accordance with the recommendations of the Noise Impact Study.

The proposed redevelopment, and accompanying ZBA, are in conformity with the policies of the Niagara-on-the-Lake OP.

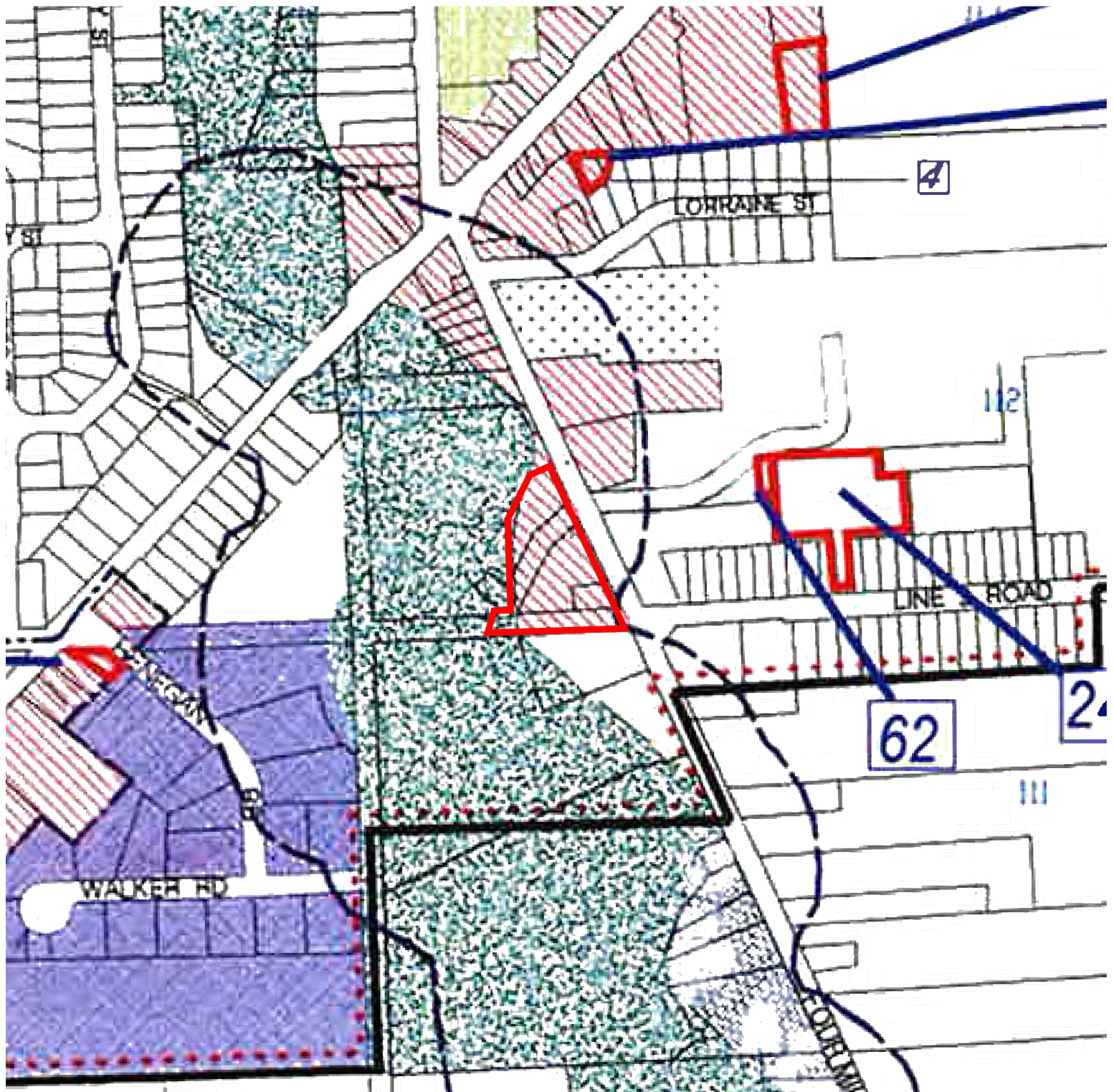


Figure 19: Niagara-on-the-Lake Official Plan (In-Effect) – Schedule C: Land Use Plan – Virgil



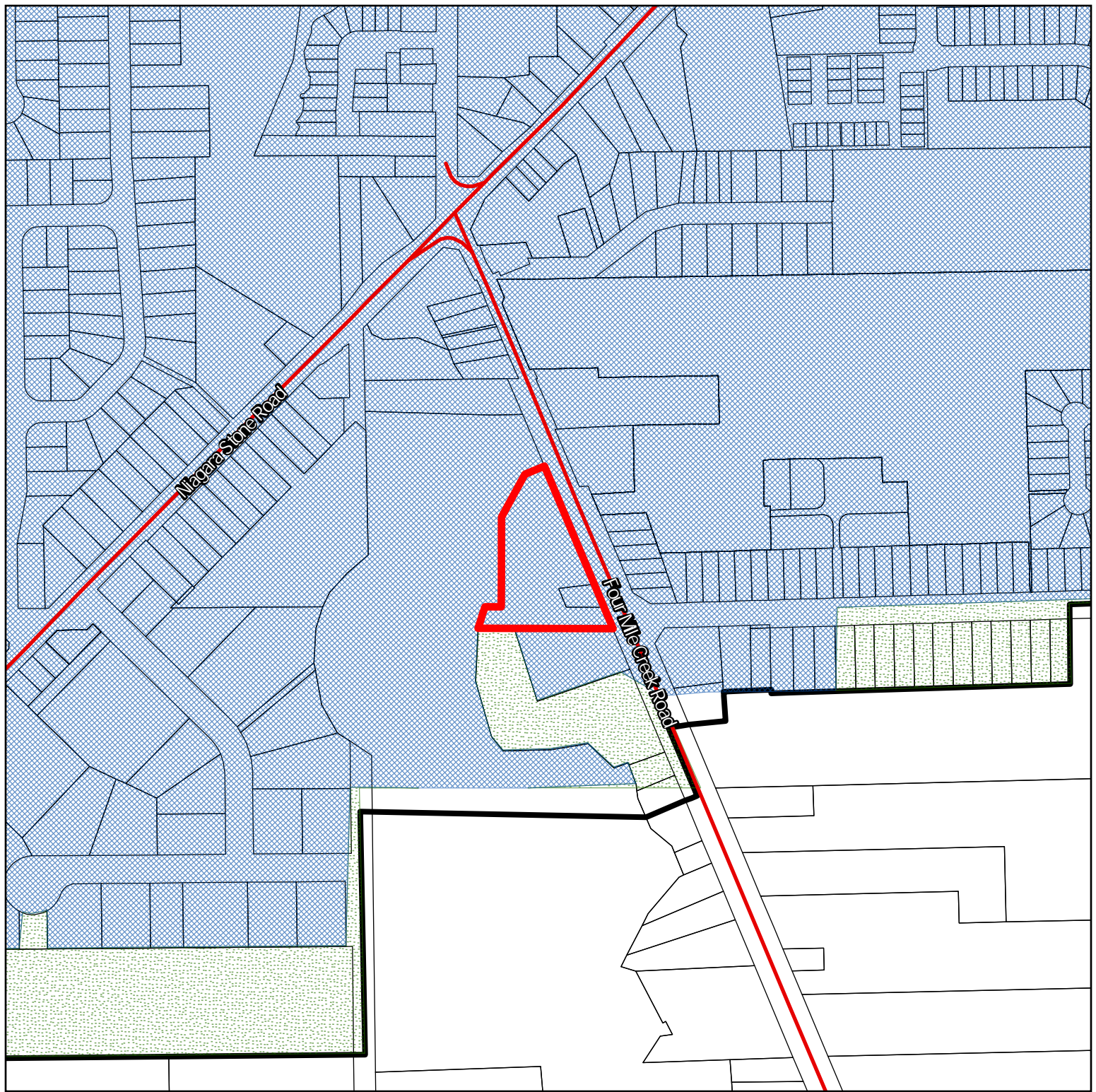








Figure 20: Niagara-on-the-Lake Official Plan (In-Effect) – Schedule I-2: Official Plan Amendment

- | | |
|--|---|
|  Subject Lands |  Delineated Built-Up Area |
|  Urban Area Boundary |  Greenfield Areas |
|  Intensification Parcels |  Regional Transportation Route |



4.5 Niagara-on-the-Lake Official Plan (2019) Review

In July 2013, the Town began an OP review process. A new OP was adopted by Town Council in October 2019 and sent to the Region for approval. However, in March 2020, the Region paused the review of the adopted OP while it completed its Official Plan Review process. As the Region Official Plan was approved by MMAH in 2022, the Town re-launched their OP review process in December ,2024. The review of the 2019 OP is to update the adopted OP to conform to the ROP, address the numerous provincial policy and legislative changes introduced since 2019, and to plan to a horizon of 2051. It is recognized that the policies of the OP 2019 may be further amended by the Town and/or MMAH, and that the following review and analysis may not address revised policies.

At this time, the Subject Lands are designated 'Commercial' and 'Conservation' as per Schedule B3 – Land Use Plan – Virgil (**Figure 21**). The Subject Lands are identified as 'Built-Up Area' in the 'Existing Settlement Area as per Schedule B7 – Growth Plans Virgil (**Figure 22**) and are also identified within the Niagara-on-the-Lake Natural Heritage Features as per Schedule C - Natural Heritage System (**Figure 23**).

Section 2.2, Community Structure, Policy 2.2.1 specifies the Town's distinct planning features, which have evolved over time and contribute to its character and community structure such as its five settlement areas including Virgil.

Section 4.5, Intensification Strategy, Policy 4.5.2.1 lists the intensification objectives of the Town, that include: providing

a framework that supports intensification and infilling throughout the Town's Built-up Area; ensuring any proposal for intensification conserves cultural heritage resources; and, that intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources.

Section 4.7, Land Use Compatibility, Policy

4.7.2.1 specifies that intensification and/or redevelopment within the Built-Up Areas should be compatible with the property and the surrounding neighbourhood by ensuring that an effective transition in built form is provided between areas of different development densities and scale.

Section 4.8, Community Design, Policy

4.8.1.3 states that Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities. **Policy 4.8.1.9** specifies that, in addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town: infill and intensification sites should match the average preestablished building setback of adjacent buildings within the block face; and, 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.

Section 4.11, Commercial Areas, Policy 4.11.2 lists the objectives for lands designated for commercial uses. These include: providing

for an orderly distribution of commercial areas within the settlement areas of the Town to meet the shopping and service needs of residents and tourists; to minimizing the impact of commercial development on adjacent land uses; preventing the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land use conflicts; promoting compact forms of commercial development; and, discouraging scattered forms of development. **Policy 4.11.4.1** outlines the permitted uses for lands designated as Commercial and include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, wineries, breweries and restaurants. Along arterial or collector roads, additional commercial uses that require extensive parking areas and that cater to travellers that rely heavily upon vehicular traffic for their business, would include such uses as automotive services, nursery or garden centres, or wholesale building supplies.

Policy 4.11.5.7 indicates that Mixed use development is encouraged within the commercial areas of the Built-Up Areas where appropriate. The preferred built form for such development is a two storey minimum with commercial/retail uses at grade. This height minimum is to ensure that such developments are not underdeveloped. **Policy 4.11.5.8** states that permitted dwellings units in the commercial designation may be restricted in the implementing zoning by-law to the second and upper floors of a building so as not to detract from the prime function of the commercial designation.

NOTL Official Plan Review Summary:

A full analysis of the relevant OP Review policies in relation to the proposed redevelopment with this application can be found in **Appendix C**. In summary, the proposed redevelopment:

1. Contributes to the Town's character and community structure by proposing development in one of the five settlement areas of Virgil.
2. Supports intensification and infilling in the Built-Up Area, where the majority of intensification is intended to occur, and ensures the development is consistent with the character of the surrounding neighbourhood and does not impact cultural heritage resources.
3. Achieves land use compatibility with the surrounding Commercial, Residential, Community Facility, and Conservation areas as it minimizes and mitigates any potential adverse effects and minimizes risk to public health and safety by providing for appropriate transition in built form to act as a buffer between the Proposed Development and existing uses demonstrated through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.
4. Promotes good community design by implementing design guidelines for both the public realm and the private realm, in accordance with the Urban Design Brief, the policies for Community Design Guidelines applied to infill and intensification sites in Virgil have been achieved.
5. Contributes to commercial areas within the Virgil Settlement Area along an Arterial Road to meet the shopping and service needs of residents and tourists and demonstrates no land use conflicts

of the commercial development on adjacent land uses.

6. Provides a mixed use development of commercial and residential uses as encouraged through policy.

The proposed redevelopment, and accompanying ZBA, are in conformity with the policies of the Niagara-on-the-Lake OP Review.

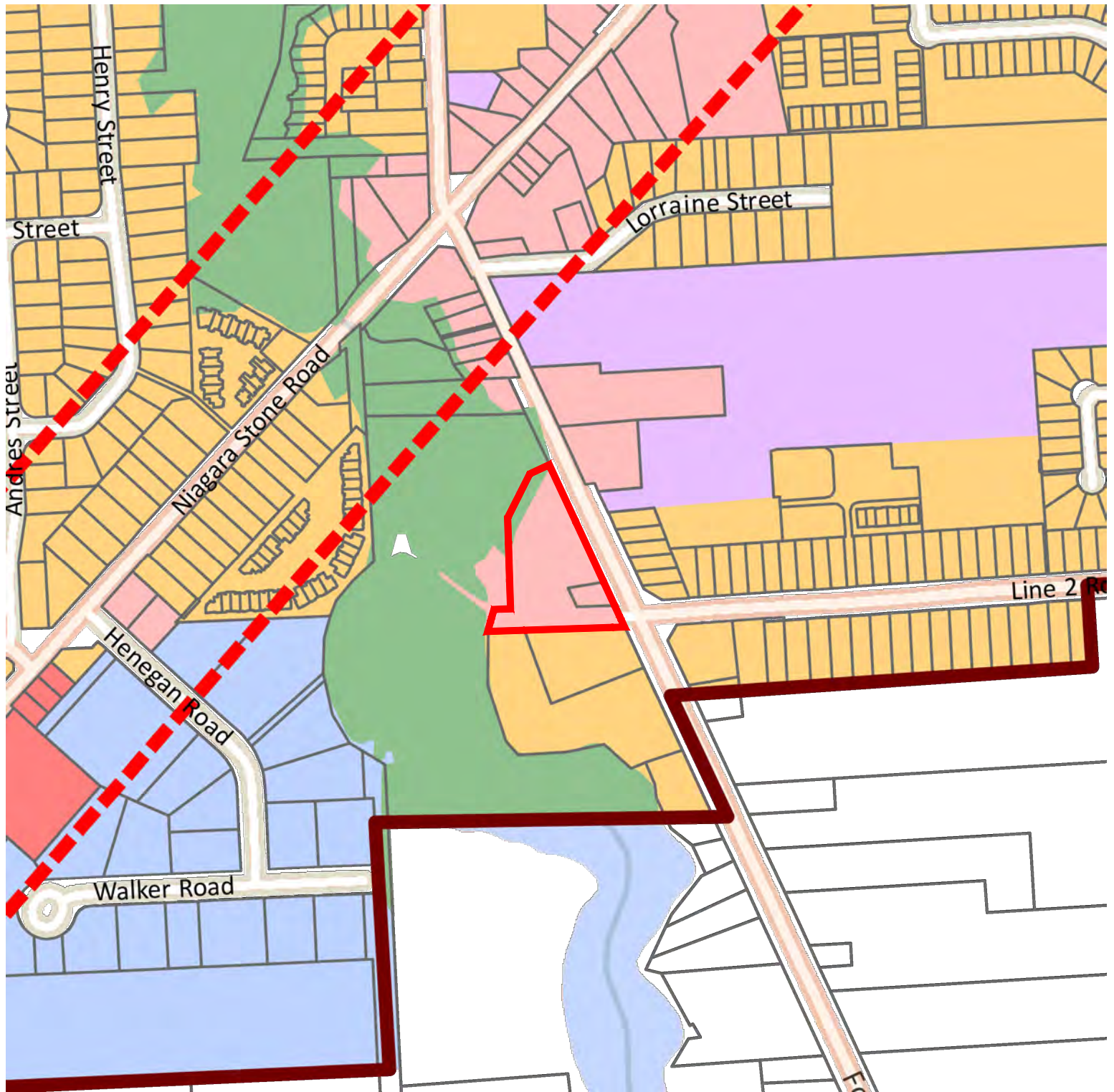


Figure 21: Niagara-on-the-Lake Official Plan Review – Schedule B3: Land Use Plan – Virgil



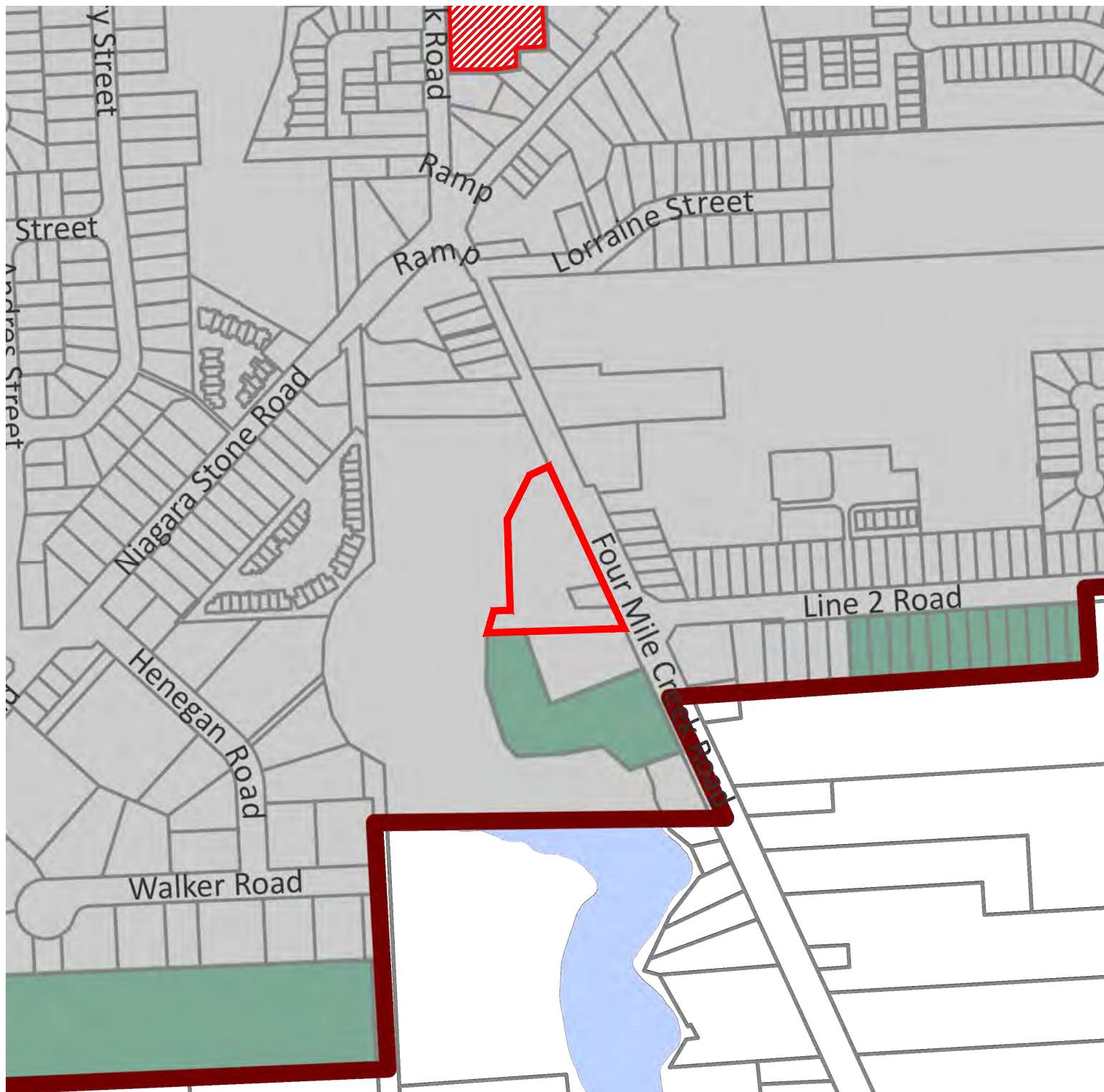


Figure 22: Niagara-on-the-Lake Official Plan Review – Schedule B7: Growth Plans – Virgil

-  Subject Lands
-  Existing Settlement Area
-  Intensification Areas
-  Greenfield Areas
-  Built Up Areas

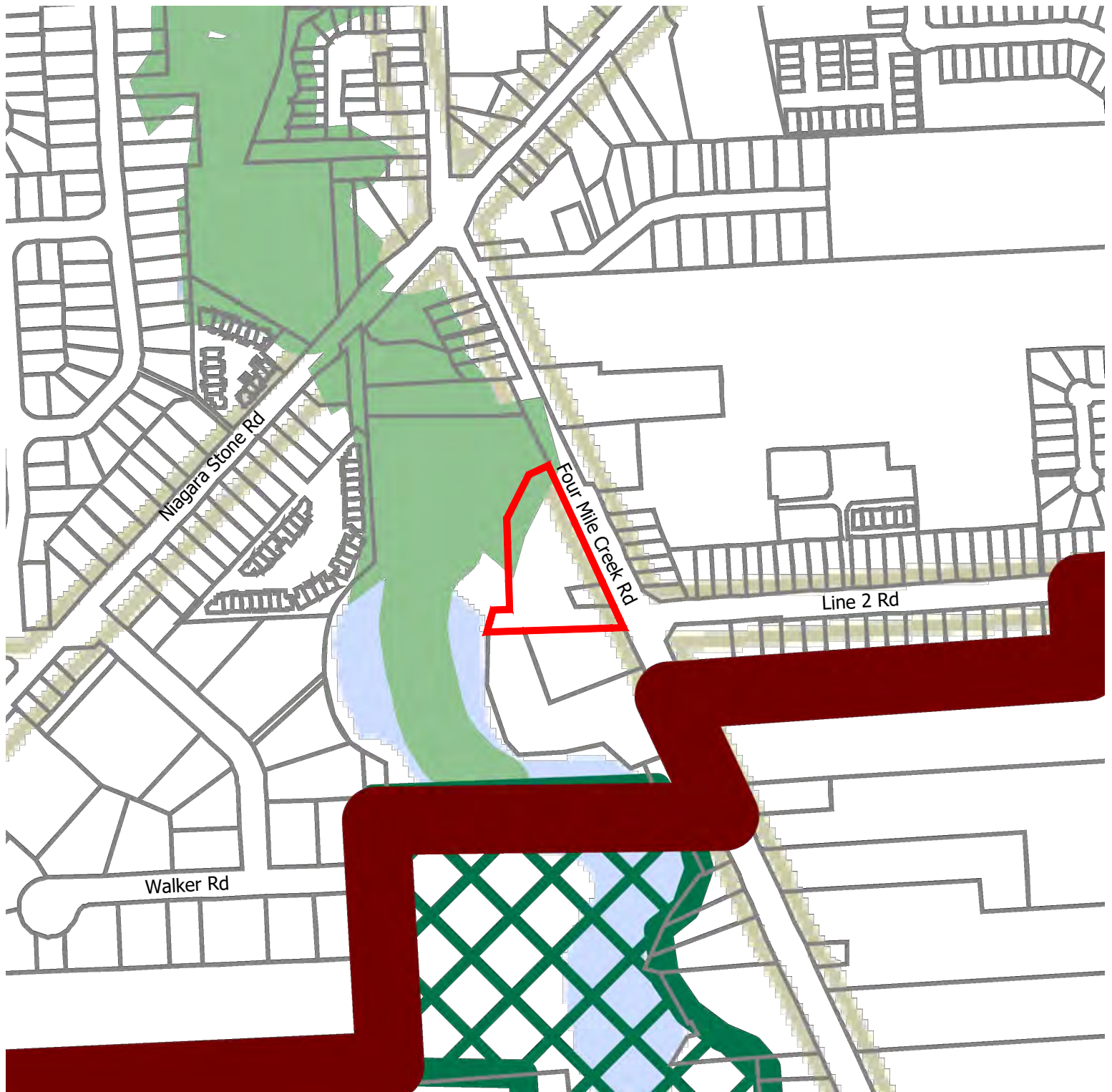







Figure 23: Niagara-on-the-Lake Official Plan Review – Schedule C: Natural Heritage System

-  Subject Lands
-  Settlement Area
-  Niagara-on-the-Lake Natural Heritage Features
-  Provincial Natural Heritage System
-  Waterbody



4.6 Niagara-on-the-Lake Zoning By-law 4316-09

The permitted uses for lands zoned as 'Village Commercial' (VC) include the following uses outlined in **Table 4**:

In accordance with the Town of Niagara-on-the-Lake, the Subject Lands are currently zoned Village Commercial with Holding (VC-H), as demonstrated in **Figure 20**. The Holding Provision "H" symbol only permits legally existing uses as of the effective date of the By-law. Therefore, a ZBA is required to remove the holding provision and allow for the redevelopment of the Subject Lands in accordance with the Village Commercial Zone and the policies of the Official Plan.

TABLE 4: PERMITTED USES IN THE 'VILLAGE COMMERCIAL' (VC) ZONE

| | |
|---|--|
| (a) accessory buildings and structures in accordance with Section 6.1 | (t) garden centre |
| (b) agricultural produce warehouse and/or shipping establishment | (u) gas bar |
| (c) art, craft or photography studio | (v) grocery store (v) hotel |
| (d) automobile sales & service establishment | (w) hardware store |
| (e) automobile service station | (x) manual or an automatic car wash |
| (f) bank or financial institution | (y) medical clinic, medical office, medical practitioner (as amended by 4316J11) |
| (g) bake shop | (z) micro-brewery |
| (h) brew your own operation | (aa) motel |
| (i) building supply outlet | (bb) outdoor patio restaurant as a secondary use to a restaurant use in accordance with Section 6.36 |
| (j) business or professional office | (cc) personal service establishment |
| (k) church or religious institution | (dd) postal outlet |
| (l) coin laundry | (ee) residential use in accordance with Section 6.48 |
| (m) commercial recreation facility | (ff) restaurant |
| (n) commercial school | (gg) retail store |
| (o) convenience store | (hh) service establishment |
| (p) dry cleaning outlet | (ii) tavern |
| (q) farm implement dealer | (jj) taxi establishment |
| (r) fire hall | (kk) take-out restaurant |
| (s) funeral home | (ll) vacation apartment (added by 4316AI-13, OMB PL130581, December 5, 2013) |
| | (mm) veterinary office (as amended by 4316J-11) |



Figure 24: Niagara-on-the-Lake Zoning Bylaw 4316-09 – Schedule A-14: Virgil Community Zoning District

| | | |
|---|--|----------------------------|
| Subject Lands | NPCA Regulation Area | R1 Residential |
| Natural Heritage System | Zone Boundary | RM1 Residential Multiple |
| Woodlands | Urban Area Zone District | RD Residential Development |
| Wetlands | | VC Village Commercial |
| Water Feature 2/ Agricultural Infrastructure 2 | | E Enterprise |
| | | I Institutional |
| | | OS Open Space |
| | | H Holding |



Section 6.48, Residential Use in Non-Residential Building requires that: each unit is provided one parking space; a separate building entrance to that provided to the non-residential use; and that no residential unit is to be located in a non-residential building except on the second or higher storey of such building.

Section 10.10.1, Open Space Zone indicates that accessory buildings and structures are permitted in the OS zone, as well as conservation management activities and private parks. The OS zone is situated within the NPCA Regulated Area and represents a small area of land along the northwest lot line of the Subject Lands. No development is proposed within this OS zoned area.

Section 10.11, Environmental Conservation Zone Overlay, policy 10.11.4: NPCA Regulation Area indicates that development is subject to NPCA approval. An Environmental Impact Study addresses Proposed Development matters related to this Regulated Area and is attached to this application.

Development on the Subject Lands will be subject to the requirements and restrictions relating to the VC Zone, as well as the general provisions of the By-law, as shown in **Table 5** below. **Table 5** includes a review of the compliance of the proposed Site Plan for the proposed redevelopment with the in-force zoning standards. In circumstances where the proposed Site Plan does not meet the zoning standards, a rationale is provided in **Table 6** as to why the exception to the zoning standard is necessary. The additional site-specific exceptions requested are outlined in the draft ZBA included in **Appendix B**.

TABLE 5: ZONING BY-LAW 4316-09: REGULATORY REVIEW OF PROPOSED SITE PLAN

| PROVISION | REQUIREMENT | PROVIDED | COMPLIANCE | |
|--|---|---|--|------------------------|
| GENERAL PROVISIONS | | | | |
| 6.3.a Amenity Area | The minimum amenity area requirements for each residential unit in a mixed use building shall be provided in accordance with the following: 995 m ² | 1,057 m ² | Yes | |
| | Type of Unit | | | Min. Req. Amenity Area |
| | Bachelor/1 B | | | 10 m ² |
| | 2 Bedroom | | | 35 m ² |
| | 3 Bedroom | | | 60 m ² |
| 4 B and over | 85 m ² | | | |
| 6.3.b Amenity Area | where a building contains ten (10) or more 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 ; Amenity areas shall be designed and located so that the length does not exceed four (4) times the width | Private playground proposed at 77 m ² | Yes | |
| 6.48.f Residential Use in Non-Residential Building | In a commercial and enterprise zone, no residential unit shall be located in a non-residential building except on the second or higher storey of such building. | In the VC-xx zone, and within a mixed use development, residential units may be located in a stand-alone building adjacent to a commercial building | A site-specific exception is added to the proposed ZBA to permit a stand alone residential building. This amendment is in conformity with the current, in effect Official Plan policy 10.3.2 that permit dwelling units as secondary uses to the primary commercial use. | |
| VILLAGE COMMERCIAL (VC) ZONE STANDARDS | | | | |
| Minimum Lot Frontage | 15.0 m | >15.0 m | Yes | |
| Minimum Lot Area | 700 m ² | 10,688.40 m ² | Yes | |
| Maximum Lot Coverage | 50% | 25.48% | Yes | |
| Minimum Landscaped Open Space | 20% | 33% | Yes | |

| | | | | |
|---|--|--|--|-----|
| Minimum Front Yard Setback | 0 m | 0 m | Yes | |
| Minimum Side Yard Setback | Interior side yard abuts a residential zone: 4.5 m | 20 m | Yes | |
| Minimum Exterior Side Yard Setback | 6.0 m | N/A | Yes | |
| Minimum Rear Yard Setback | 7.5 m | 2.80 m | A site-specific exception has been added to the proposed ZBA to reduce the minimum rear yard setback. | |
| Maximum Building Height | 10.5 m | 15.85 | A site-specific exception has been added to the proposed ZBA to increase the maximum building height. | |
| Minimum Buffer Strip Width | Abutting a residential zone: 3.0 m | 1.0 m | A site-specific exception has been added to the proposed ZBA to reduce the minimum buffer strip width. | |
| PARKING AND LOADING STANDARDS | | | | |
| Minimum Size of Parking Spaces | 2.75 m (width) x 6.0 m (length) | 2.75 m x 6.0 m | Yes | |
| Minimum Aisle Width | 6.0 m | 6.0 m | Yes | |
| Loading Requirements | | | | |
| Minimum Loading Space Requirement | Non-Res. GFA | Loading Space Required | 2 | Yes |
| | 0 – 464.5 m ² | 0 | | |
| | 465 m ² – 929 m ² | 1 | | |
| | 930 m ² – 4645 m ² | 2 | | |
| | Exceeding 4645 m ² | 3, plus 1 for each additional 4,645 m ² | | |
| | Non-Residential: Commercial Uses not Specifically Identified and Office GFA (3,698 m ²) = 2 loading spaces required | | | |
| Minimum Loading Space Dimensions | 3.6 m x 9.0 m x 4.2 m vertical clearance | 3.6 m x 9.0 m | Yes | |
| Parking Requirements | | | | |
| Minimum Parking Space Dimensions as per Parking Alignment | 90° Parking alignment = 2.75 m x 6.0 m Min. driveway/aisle width = 6.0m | 2.75 m x 6.0 m 6.0 m driveway/aisle width | Yes | |
| Residential: Apartment dwelling units | 1.0 spaces per unit = 29 spaces required | 34 spaces | Yes | |

| | | | |
|--|--|---------------|--|
| Non-Residential: Outdoor Patio | 1 per 30 m ² GFLA = 10 spaces required | 13 spaces | Yes |
| Non-Residential: Commercial Uses not Specifically Identified | 1 per 18.5 m ² GFLA = 90 spaces required | 90 spaces | Yes |
| Non-Residential: Office | 1 per 28 m ² GFLA = 63 spaces required | 63 spaces | Yes |
| <i>Bicycle Parking Requirements</i> | | | |
| Non-Residential: Outdoor Patio | 2 per 100 m ² GFLA = 6 spaces required | 21 spaces | Yes |
| Non-Residential: Commercial Uses not Specifically Identified | 1 per 200 m ² GFLA = 8 spaces required | 8 spaces | Yes |
| Non-Residential: Office | 1 per 250 m ² GFLA = 7 spaces required | 7 spaces | Yes |
| <i>Accessible Parking Requirements</i> | | | |
| Minimum Accessible Space Dimensions | 3.7 m x 6.0 m | 3.7 m x 6.0 m | Yes |
| Residential: Apartment dwelling units | 2 spaces | 2 spaces | Yes |
| Non-Residential: Outdoor Patio | 1 space | 1 space | Yes |
| Non-Residential: Commercial Uses not Specifically Identified | 4 spaces | 4 spaces | Yes |
| Non-Residential: Office | 3 spaces | 3 spaces | Yes |
| <i>Permitted Yard Projections and Encroachments</i> | | | |
| Canopies, awnings, clothes poles, flag poles, signs, garden trellises, fences, retaining walls | N/A | 1.8 m | A site-specific exception has been added to the proposed ZBA to increase the permitted yard encroachments. |
| Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures | 0.6 m | 150 mm | Yes |

| TABLE 6: RATIONALE FOR EXCEPTIONS TO THE VC-XX ZONE | |
|--|--|
| EXCEPTION | RATIONALE |
| Residential Uses and Non-Residential Buildings | OP policy permits dwelling units as secondary uses to a main commercial use. The OP policy also states that a Zoning By-law 'may' require that a secondary use be situated above a primary use, but does not state that it shall be required. |
| Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs | <p>A site-specific amendment is required to increase the maximum yard projections and encroachments to permit 1.80 m into the front yard for the two-storey commercial building, whereas there is no present maximum projection permitted into all required yards.</p> <p>The encroachments are proposed to accommodate a vibrant and welcoming street-front that will allow sheltered street-access to the at-grade commercial shops.</p> |
| Reduced Minimum Required Rear Yard Setback (At Grade) | <p>A site-specific amendment is required to reduce the minimum required rear yard setback for the four-storey residential building at grade.</p> <p>A rear yard depth of 2.80 metres is proposed as this section of the building abuts the Conservation lands whereas the By-law requires a minimum set back of 7.5 metres.</p> |
| Reduced Minimum Required Rear Yard Setback (Below Grade) | <p>A site-specific amendment is required to reduce the minimum required rear yard setback for the four-storey residential building below grade.</p> <p>A rear yard depth of ~0.0 metres is proposed for the below grade parking structure that will also function as a foundation for the residential building whereas the By-law requires a minimum set back of 7.5 metres.</p> |
| Increased Maximum Building Height | <p>A site-specific amendment is required to increase the maximum building height for the four-storey residential building.</p> <p>A maximum building height of 15.85 metres is proposed, building heights are measured from established grade to the roof whereas the By-law permits a maximum height of 10.0 metres.</p> |
| Reduced Minimum Landscape Buffer Strip Width | <p>A site-specific amendment is required to reduce the minimum landscape buffer width abutting a residential zone.</p> <p>A buffer strip of 1.0 m in width and landscaped screens are proposed to shield the residential area from the development whereas the By-law requires a minimum landscape buffer width of 3.0 metres.</p> |

5.0 Summary and Conclusions

MHBC has prepared this Planning Justification Report in support of the ZBA application. The Application will permit the redevelopment of an underutilized site at 1544 and 1546 Maitland Street with a mixed-use commercial and residential development. The proposed redevelopment represents good planning.

The proposal would demolish the existing single detached dwelling and small warehouse garage, and redevelop the Subject Lands with a 2-storey commercial building containing an approximate GFA of 3,718 m² and a 4-storey residential building with a GFA of 3,699 m² which includes 29 residential units. This assists in achieving the objectives of the policies in the Official Plan for attracting investment and economic growth to Settlement Areas, creating new homes and jobs to increase the range of dwelling types, conserving the areas surrounding natural resources, and further contributes to a complete community.

The proposal is located in a Settlement Area within the Community of Virgil, where intensification is to be directed, and the majority of growth is anticipated to occur. This objective is reflective in the Town's Official Plans where the Subject Lands are designated Service Commercial and Commercial which permit Residential uses; and the Zoning By-law 4316-09 where the Subject Lands are zoned Village Commercial with Holding which also permits residential uses in addition to commercial uses. It will provide for appropriate intensification within the Settlement Area and the Built-up Area as an efficient and compatible strategy of the

Town's Growth Plan. It proposes a built form with an appropriate density in proximity to local services, and which will optimize the use of existing infrastructure in this area.

In addition to Settlement Areas being a location where growth and development is to be focused, in accordance with the PPS, both the PPS and ROP promote intensification through infill development of underutilized sites. The Subject Lands are an underutilized site. As described in this report, the Subject Lands were first used in connection with the small warehouse garage which was primarily used for construction and maintenance of marine vehicles. The proposed redevelopment optimizes development potential as supported through the regulations and policies outlined by the Province and the Region.

The Subject Lands are adequately serviced by the infrastructure necessary to accommodate the proposed redevelopment including existing water and wastewater services, among others. The Subject Lands are also serviced by existing public service facilities and amenities that make it ideal for intensification. The proposed redevelopment supports active transportation use that is bicycle and pedestrian friendly, offers local services, and a social environment to the existing and future residents.

Intensification and redevelopment should not occur without regard for the surrounding physical and neighbourhood context. This includes having regard for potential impacts of the proposed redevelopment onto surrounding land uses and vice versa.

The Shadow Study demonstrates an appropriate amount of shadows that do not negatively impact the areas adjacent to the Subject Lands. The site layout, orientation, and siting of buildings have been carefully designed to balance the need to optimize the development of the land while maintaining compatibility with the surrounding neighbourhood by providing appropriate building buffer setbacks to the NPCA lands, strategic building placement on the site, and through the open space landscaping to function as an additional buffer and screening between the buildings and the street.

Regarding the potential impacts of existing land uses on the proposed redevelopment, the Noise and Land Use Compatibility Assessments provides that the proposed redevelopment is compatible with the surrounding uses and transportation corridors from an air quality and noise perspective. Predicted sound levels from flagged transportation noise sources (on the outdoor patio areas and office units on the northerly, easterly, and southerly facades) were found to meet applicable transportation source sound level limits.

As demonstrated through the supporting studies, the proposed redevelopment is compatible with the surrounding physical and neighbourhood context. The level of intensification that is proposed is appropriate given the surrounding and emerging development context. The development has been designed to appropriately transition to the existing and planned developments in the area. The proposal is appropriate and desirable for the Subject Lands.

In addition, the proposed redevelopment provides for additional residential uses, a balance of unit types and sizes, provides residents with easy walking access to shopping and amenities, and will offer a welcoming, social environment by providing landscaped spaces, outdoor patios, and installing public art. Further,

it includes streetscape and landscape improvements within the Subject Lands, and active uses fronting onto Four Mile Creek Road that will animate the street, which enhances the relationship between the Subject Lands and the surrounding areas. Finally, the proposed redevelopment includes the preservation of the surrounding natural heritage features to conserve its value.

Based on a review of the existing physical context and surrounding neighbourhood, a technical assessment of the proposed redevelopment concept, and an analysis of the proposal within the current policy framework and regulatory context of the Province, Region and Town, the proposed redevelopment, together with the proposed ZBA:

1. Provides for an appropriate development of the Subject Lands given the existing and planned surrounding context;
2. Has regard for matters of Provincial interest as set out in the Planning Act;
3. Is consistent with the Provincial Planning Statement, 2024;
4. Conforms to the Niagara Regional Official Plan;
5. Conforms to the Niagara-on-the-Lake Official Plan;
6. Conforms to the Niagara-on-the-Lake Official Plan Review, 2019;
7. Promotes the efficient use of land and will optimize existing and planned infrastructure;
8. Contributes to achieving a complete community;
9. Provides appropriate density, intensification, and services to the existing and future residents;
10. Promotes a social environment that is pedestrian and bicycle friendly;
11. Supports infill development in an appropriate manner utilizing existing infrastructure; and,

12. is compatible with, and will not create any adverse impacts on the existing or planned surrounding community.

The proposed redevelopment is appropriate for the Subject Lands, represents good planning, and is in the public interest. Based on these conclusions, it is recommended that the proposed ZBA be approved.

We certify that this report was prepared jointly by the identified authors and under the supervision of a Registered Professional Planner (RPP) within the meaning of the Ontario Professional Planners Institute Act, 1994.

Respectfully submitted,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner



Tamara Tannis, MCP, MCIP, RPP
Associate

A

Appendix A: Pre-Consultation Agreement

| | | |
|--------------------|---------------|----------------|
| Office Use Only -- | Meeting date: | Fee collected: |
|--------------------|---------------|----------------|

APPLICANTS only need to complete page 1 of this form. E-mail the entire document with page 1 filled out to: planning.development@notl.com
You will be contacted with a meeting date and a planner will be assigned to your file.

Pre-Consultation Agreement

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

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

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

1. Application Type (select all that apply)

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

2. Details of the Subject Lands

| | | |
|-------------------|-----------------------|------------------------|
| Municipal Address | | Assessment Roll Number |
| Legal Description | | |
| Lot Area (metric) | Lot Frontage (metric) | Lot Depth (metric) |

3. Registered Owner

| | |
|---------|--------------|
| Name(s) | Company Name |
| Email | Telephone |

4. Authorized Agent

| | |
|-------|--------------|
| Name | Company Name |
| Email | Telephone |

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

5. Details of the Proposal

Provide a description of the proposal, including any specific amendments or relief being requested:

6. Provincial Planning, Official Plan, and Zoning Information

Identify the applicable Provincial Plan designations that apply to the subject lands:

☐ Specialty Crop Area ☐ Built-Up Area ☐ Greenfield Area ☐ Niagara Escarpment Plan Area

Does this application conform to the applicable Provincial Plans?

☐ Yes ☐ No

Existing Niagara Regional Official Plan Designation(s) of the subject lands:

Does this application conform to the Niagara Regional Official Plan?

☐ Yes ☐ No

If no, describe the nature of the amendment needed:

Existing Town of Niagara-on-the-Lake Official Plan Designation(s) of the subject lands:

Does this application conform to the Town of Niagara-on-the-Lake Official Plan?

☐ Yes ☐ No

If no, describe the nature of the amendment needed:

Existing Town of Niagara-on-the-Lake Zoning of the subject lands:

Does this application conform to the Town of Niagara-on-the-Lake Zoning By-law?

☐ Yes ☐ No

If no, describe the nature of the amendment needed:

7. Site Plan Control

Is Site Plan Approval required for the proposal?

☐ Yes ☐ No

Is there an existing Site Plan Agreement that applies to any portion of the subject lands?

☐ Yes ☐ No

8. Archaeology and Municipal Heritage

Is any portion of the subject lands within an area of archaeological potential?

☐ Yes ☐ No

Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register?

☐ Yes ☐ No

Is any portion of the subject lands or adjacent lands designated under the *Ontario Heritage Act*?

☐ Yes ☐ No

9. Niagara Peninsula Conservation Authority (NPCA)

Is any portion of the subject lands within an NPCA regulated area?

☐ Yes ☐ No

10. Parkland Dedication and Development Charges

Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the *Planning Act, R.S.O. 1990, c. P.13*?

☐ Yes ☐ No

Are Town Development Charges applicable to the proposal?

☐ Yes ☐ No

11. Agencies to be Circulated on the Application (subject to change)

☐ Niagara Region ☐ Niagara Escarpment Commission ☐ NPCA ☐ Niagara Parks Commission
☐ Enbridge Gas ☐ TransCanada Pipelines ☐ Bell Canada ☐ NOTL Hydro
☐ Hydro One ☐ Canada Post ☐ Parks Canada ☐ Local School Boards
☐ Other: _____

12. Plans, Reports, and Information Required for a Complete Application

Notwithstanding the plans, reports, and information noted below, Staff reserve the right to request additional plans, reports, and information, if applicable. All plans, reports and information are subject to peer-review at the applicant's cost. At the time of submission of an application, all accompanying plans, reports, and information may become part of the public record.

| Reports/Studies | Notes |
|---|-------|
| <input type="checkbox"/> Planning Justification Report / Impact Analysis | |
| <input type="checkbox"/> Streetscape Study | |
| <input type="checkbox"/> Transportation Impact Study | |
| <input type="checkbox"/> Parking Impact Analysis | |
| <input type="checkbox"/> Archaeological Assessment and Ministry letter(s) | |
| <input type="checkbox"/> Cultural Heritage Impact Assessment | |
| <input type="checkbox"/> Environmental Impact Study | |
| <input type="checkbox"/> Environmental Site Assessment | |
| <input type="checkbox"/> Arborist Report / Tree Inventory | |
| <input type="checkbox"/> Functional Servicing Report | |
| <input type="checkbox"/> Stormwater Management Report | |
| <input type="checkbox"/> Land Use / Market Study | |
| <input type="checkbox"/> Urban Design Brief | |
| <input type="checkbox"/> Geotechnical Study | |
| <input type="checkbox"/> Hydrogeological Study | |
| <input type="checkbox"/> Slope Stability Report | |
| <input type="checkbox"/> Air, Noise, and Vibration Emissions Study | |
| <input type="checkbox"/> Agricultural Impact Assessment | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| Plans/Drawings | Notes |
| <input type="checkbox"/> Site Plan | |
| <input type="checkbox"/> Landscape Plan and Planting Plan | |
| <input type="checkbox"/> Building Elevations | |
| <input type="checkbox"/> Coloured Site Plan, Landscape Plan and Building Elevations | |
| <input type="checkbox"/> Floor Plans (including Gross Leasable Floor Areas) | |
| <input type="checkbox"/> Photometric Plan / Lighting Plan | |
| <input type="checkbox"/> Draft Plan of Subdivision | |
| <input type="checkbox"/> Draft Condominium Description | |
| <input type="checkbox"/> Servicing Plan | |
| <input type="checkbox"/> Preliminary Grading Plan | |
| <input type="checkbox"/> Lot Grading and Drainage Area Plan | |
| <input type="checkbox"/> Consent Sketch | |
| <input type="checkbox"/> Minor Variance Sketch | |
| <input type="checkbox"/> Fence/Sign Variance Sketch | |
| <input type="checkbox"/> Reference Plan / Registered Plan | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

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

13. Application Fees

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

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

14. Additional Comments

- The subject lands are designated Service Commercial in part, and Conservation in part, in the Town's Official Plan ("OP"), which permits retail commercial uses (main uses) and secondary uses permitted with a main use include accessory buildings and dwelling units. Residential uses are not permitted independent of a main use. Subsection 6A (4) of the OP identifies policies that set out minimum and maximum densities for intensification areas with a maximum of 30 units per hectare, and identify that parking for all new residential, commercial and mixed use development will be located at the rear of the building. Section 10.4 of the OP states that the commercial designation of land shall mean the predominant use shall be the buying and selling of goods and that dwelling units permitted in any commercial designation may be restricted in the implementing Zoning By-law to the second and upper floors of a building or only to a single dwelling unit so as to not detract from the prime function of the commercial designation. However, a wholly residential building is proposed in a Service Commercial designation, with parking proposed in the side yard of the subject lands, comprising an overall density of 139 units per hectare. Additionally, more than 50% of the gross floor area proposed is residential. **An Official Plan Amendment is required to address the wholly residential building being proposed**, the proposed density of 139 units per hectare being higher than permitted in the OP, parking in the side yard and commercial uses not being the predominant use. - Based on the Village Commercial Zone requirements listed in Town Zoning By-law 4316-09, as amended, the proposal does not conform with the zone requirements. Residential units in this Zone are required to comply with the requirements of Section 6.48 and 6.49, which set out that secondary uses shall not exceed 25% of the gross floor area of the main building of the principal use. A Zoning By-law Amendment is required to facilitate the proposed development to address zoning requirements including but not limited to height, parking, loading spaces, amenity area, and uses permitted given that a wholly residential building is proposed. - A Planning Justification Report (PJR), signed by a Registered Professional Planner, is required as part of the Amendment applications and should address applicable Provincial and Regional policies, and Town OP and ZBL policies. - The PJR should refer to the Growth Management policies in Section 6A in the OP for Urban Design and Land Use Compatibility Policies. The PJR should address these policies and provide comments regarding compatibility with surrounding uses. Please submit elevations and floor plans to establish that relevant policies and zoning provisions are addressed. Specific comments should be provided related to how the height and density being proposed are appropriate in the context of the surrounding area, justification for an appropriate amount of parking and other deficiencies regarding zoning requirements should be addressed, as well as details regarding the supporting studies and how the conclusions of those studies informed the site design and proposal. Please provide comments regarding the 70+ vacation apartments proposed and why this would not be defined as a hotel. - Based on the requirements set out in the Zoning By-law, Town staff calculate that 257 parking spaces are required to support the proposed development at a rate of 1 space per 18.5 meters of commercial space ($2000/18.5 = 108$), 1 space for each of the 77 dwelling units, and one space for each of the 72 vacation apartments. As such, a Parking Impact Analysis is required to justify the amount of parking proposed for the subject lands as it is well below the parking requirements. - Town staff require that the applicant submit a Hydrogeological Study. The Study must provide justification that the proposed development will not have a negative impact on the ground water or aquifer and that the groundwater and aquifer will not have a negative impact to the proposed development. The Study may be subject to a peer review at the owners expense. - Town staff require that the applicant submit a legal opinion regarding how the Line 2 road allowance and encroachment agreement for an irrigation line within the Line 2 Road road allowance on the subject lands impact the proposed development. - Subsection 10.4 (12) of the Town OP requires that a market impact study is undertaken for applications for new or expanded retail developments having commercial floor area greater than 900 square meters, to demonstrate that the proposed development is warranted and that the planned function of the commercial structure of the Town and its communities will not be negatively impacted. - Additional comments and requirements from commenting agencies and Town departments are attached.

15. Additional Notes

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

16. Signatures of Attendees

I have read, understand, and agree to all of the content provided in this Pre-consultation Agreement:

| Position/Title | Name | Signature | Date |
|--------------------------|------|-----------|------|
| Planner | | | |
| Planning Manager | | | |
| Development Coordinator | | | |
| Secretary-Treasurer, CoA | | | |
| Operations Staff | | | |
| Regional Staff | | | |
| NPCA Staff | | | |
| Other Staff: _____ | | | |
| Other Staff: _____ | | | |
| Other Staff: _____ | | | |
| Registered Owner | | | |
| Authorized Agent | | | |
| Other: _____ | | | |
| Other: _____ | | | |
| Other: _____ | | | |

APPLICATIONS MUST BE SUBMITTED TO:

Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Phone: (905) 468-3266
Fax: (905) 468-0301
Website: www.notl.com
E-mail: planning.development@notl.com

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

April 18, 2024

File Number: PLPRE202400270

John Federici

Senior Planner

Town of Niagara-on-the-Lake

1593 Four Mile Creek Road, P.O. Box 100

Virgil, ON L0S 1T0

Re: Regional Pre-Consultation Comments

Location: 1546 Four Mile Creek Road and 1544 Four Mile Creek Road

Municipality: Niagara-on-the-Lake

Application Description

The construction of a mixed-use development consisting of:

- A 3 storey building with 2000 m² commercial space on ground floor and on 2nd and 3rd floor 72 vacation rental units with 98 surface parking spaces.
- A 4 storey + 1 storey amenity roof garden, consisting of 77 units and 97 underground parking spaces

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): Settlement Area
- Growth Plan: Delineated Built-Up Area
- Greenbelt Plan: Protected Countryside - Towns and Villages
- Niagara Official Plan (NOP): Delineated Built-Up Area

Regional and Provincial Policies

The subject lands are located within the Built-Up Area, as demarcated in the NOP. Intensification and infill is supported in the Built-Up Area.

To support the development of a complete community, as directed by Provincial and Regional policy, Town staff should confirm that the proposal will conform to policies in

the Town's Official Plan guiding the rezoning of commercial lands within the Built-Up Area for other uses.

A **Planning Justification Report**, prepared by the Registered Professional Planner, addressing the proposed amendment's conformity with Provincial and Regional policies is required with the Official Plan Amendment and Zoning By-law Amendment applications.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

Land Use Compatibility

Section 1.2.6.1 of the PPS and Section 4.2.4.2 of the NOP require that major facilities (i.e. industrial uses) and sensitive land uses "be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities...". To implement this policy, the Ministry of the Environment, Conservation and Parks (MECP) Land Use Planning Policy Guidelines are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses.

The application proposes the construction of a new sensitive land use, as defined in the Guidelines, nearby to existing industrial/commercial facilities, and commercially/industrially zoned/designated lands (located in the Virgil Business Park, to the south-west of the subject lands).

To address land use compatibility, either a separate **Land Use Compatibility Study** or a section in the Planning Justification Report must evaluate the proposal relative to the D-series guidelines.

Additionally, a **Noise Study** is required. The noise study must assess noise impacts from the nearby industrial uses and transportation sources (Four Mile Creek Road). A **Detailed Noise Study** (prepared based on final building plans) may also be required as part of the future site plan application.

Please note that the noise study(s) may have to be peer reviewed, as Regional staff do not have the expertise to evaluate noise studies for stationary sources. Any required peer review would be at the owner's expense.

Site Condition

The subject lands have been used to support industrial uses. Prior to their re-development for residential purposes, the mandatory filing of a Record of Site Condition (RSC) is required. **Phase I and II Environmental Site Assessments (ESAs) (at minimum) should be submitted with the OPA/ZBA applications.** The requirement for the filing of an RSC can be addressed as part of the future site plan approval.

Archaeological Potential

The subject lands are not mapped as having archaeological potential in the NOP. Accordingly, archaeological assessments will not be required with the applications. However, recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, the applicant should be advised of the following warning clause prior to any site disturbance occurring on-site:

“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.”

A similar clause will be requested to be included as part of the future site plan agreement.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Other Woodland and the Virgil Conservation Area Wetland Complex (Other Wetlands) and Permanent/Intermittent Stream. Niagara Official Plan (NOP) Policy 3.1.9.8.1 requires the completion of an **Environmental Impact Study (EIS)** **when development or site alteration is proposed on lands adjacent to natural heritage features.** The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within settlement areas, mandatory buffers from Significant Woodland and Other Wetlands are required. The widths of the mandatory buffers are determined through the EIS.

Staff conducted a site visit Jan. 12, 2024, and confirmed Regional requirements. A summary of the site visit was prepared Jan. 14, 2024.

A Terms of Reference for an **EIS shall be prepared consistent with NOP policy 3.1.33.4.** The Terms of Reference should be reviewed and **approved by Regional staff prior to any environmental field work being undertaken.**

The EIS shall confirm the extent of mapped features, screen for additional KNHF/KHF, determine buffer requirements, and screen the property for supporting features and areas and enhancement areas.

Urban Design

At the Site Plan stage Regional staff will require a **Detailed Landscape Plan** demonstrating the landscape enhancement to the Regional Road through street trees, grassed boulevards, landscape spaces, and showing the landscaping in the private realm that interfaces with the Regional Road.

Transportation

Regional staff will recommend that the southerly access line up with Line 2 Road.

Clear throat length is to be maintained from the entrance to the parking, in accordance with TAC requirements.

A **Transportation Impact Study (TIS)** is required. The proposed scope is to be submitted to the Region for review and approval prior to the TIS being submitted with the applications.

New street trees will be reviewed to ensure they do not impede any sight lines

Regional Road

This property has frontage along Regional Road #100 (Four Mile Creek Road). At this location, the NOP width for the Regional Road #100 is 20.1 metres. The ROW width for RR100 meets the ROP Schedule M requirement of 20.1m. No widening required.

Regional Permit Requirements

Existing driveways are to be closed and reinstated if they are not being used as the entrance to the development. Engineering drawings for all the work within the Regional right of way is to be submitted to the Region for review and approval.

Regional Construction Encroachment and Entrance Permit required prior to any construction within Regional Road Allowance. Regional Sign Permit required for any signs within 20m of the centreline of the Regional Road. Permit link:

<https://www.niagararegion.ca/living/roads/permits/default.aspx>.

Restoration is to be to Regional standards:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Waste Collection

Multi Residential Building

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit to a max. of 24 bags/cans per building (bi-weekly)
- Curbside collection only

Commercial Building

- Green – 8 green carts (weekly)
- Waste – 8 bag/can limit (bi-weekly)
- Curbside collection only

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

There was no indication of waste collection for the site. Future applications are to show/indicate the intention for the site.

Stormwater Management

At the Site Plan stage, the Region will require a **stormwater management report** and engineering plans be circulated for review and approval to ensure Four Mile Creek Road (Regional Road 100) will not be negatively affected as a result of the proposed development.

Plans/Reports Required for Regional Review

Official Plan Amendment and/or Zoning By-law Amendment

- Planning Justification Report
- Land Use Compatibility Study
- Noise Study
- Phase I/II ESA
- Environmental Impact Study
- Transportation Impact Study

Site Plan

- Detailed Noise Study

- Record of Site Condition
- Detailed Landscape Plan
- Site Plan Drawings/Engineering Plans
- Stormwater Management Report
- Updated Transportation Impact Study/Environmental Plans (to be identified through review of OPA/ZBA applications)

Required Fees (2024 Amounts)

Official Plan Amendment

- \$5,695 (Minor OPA Review Fee)

Zoning By-law Amendment

- \$1,395 (Zoning By-law Amendment Review Fee)
- \$2,700 (Major EIS Review Fee)
- \$1,325 (TIS Review Fee)

Site Plan

- \$1,395 (Site Plan Review Fee)
- \$290 (Minor Urban Design Review Fee)
- \$700 (SWM Review Fee - less than 5 ha)

The Region's Fee Schedule is available at:
https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

If you have any questions related to the above comments, please contact me at
amy.shanks@niagararegion.ca.

Kind regards,

Amy Shanks, MCIP, RPP
 Senior Planner, Development

John Federici, MCIP, RPP

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: April 18, 2024 2:11 PM
To: John Federici, MCIP, RPP; Victoria Nikoltcheva
Cc: Meghan Birbeck
Subject: RE: Today preconsultation
Attachments: 1546 Four Mile Creek Rd.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi John,

Unfortunately, I am not able to attend in place of Meghan today as there are other preconsultation meetings happening at the same time. We do apologies for this unexpected change in our schedules. We offer the following comments for your meeting.

The subject property is impacted by the following NPCA regulated areas:

- Regulated valley associated with Four Mile Creek
- Virgil Conservation Area non- provincially significant wetland likely contained within the valley, below top of slope
- Regulated floodplain associated with Four Mile Creek located on adjacent properties (likely not on subject lands but unclear until grades of property are noted)
- The subject lands abut the Virgil Dam and Reservoir Conservation Area which are lands owned by the NPCA. As such, the comments below pertain to the NPCA's regulatory role in reviewing planning and development applications but also relate to being adjacent property owners.

In terms of the wetlands potentially on this property, NPCA staff attended a site visit on January 12, 2024 with Regional Staff, the landowner, and Terrastory to verify features. It was determined on site that the Evaluated Wetland (Virgil Conservation Area Wetland Complex) was previously mapped incorrectly by the Province; the wetland does not extend onto the Subject Property (as approximated by a failing and discontinuous fence) and further does not extend "upslope" of the existing toe of slope. **The wetland boundary must be confirmed based on a site assessment during the appropriate season (e.g., approximately June to early October). Unless there are other, more restrictive setbacks (such as from the top of stable slope), an EIS is required to determine an appropriate setback for all new development and site alterations from the limit of the wetland.**

In terms of the valley along the north and western boundaries, the NPCA is requiring a **Slope Stability Assessment completed by a qualified Geotechnical Engineer that identifies the stable top of bank and determine an appropriate setback from that point to ensure long term slope stability for the proposed**

development (note: development is not to go beyond the stable or physical top of bank, whichever is more restrictive). It should also be noted that the discharge of water in a concentrated manner is not permitted beyond top of slope, into the valley.

The recommended setback/buffer from the wetland as established through an EIS and the required slope stability setback/buffer from the identified stable top of slope shall be shown on a grading plan to confirm all development and site alterations adhere to these requirements.

Lastly, the NPCA owns the Virgil Dam and Reservoir Conservation Area to the west of the subject lands and currently has an existing access to our property within the Line 2 Road right of way. The current proposal shows the construction of 72 parking spaces within the Line 2 Road right of way. **Several of the parking spaces (58, 59 and 60) will conflict with our access to the Lower Virgil Dam.** The NPCA respectfully requests that the current access to our facility is maintained. NPCA staff are happy to discuss this matter with the Town further.

If you have any questions, please do not hesitate to reach out to NPCA staff.

Thank you.



Sarah Mastroianni
Manager, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext. 249
www.npca.ca
smastroianni@npca.ca

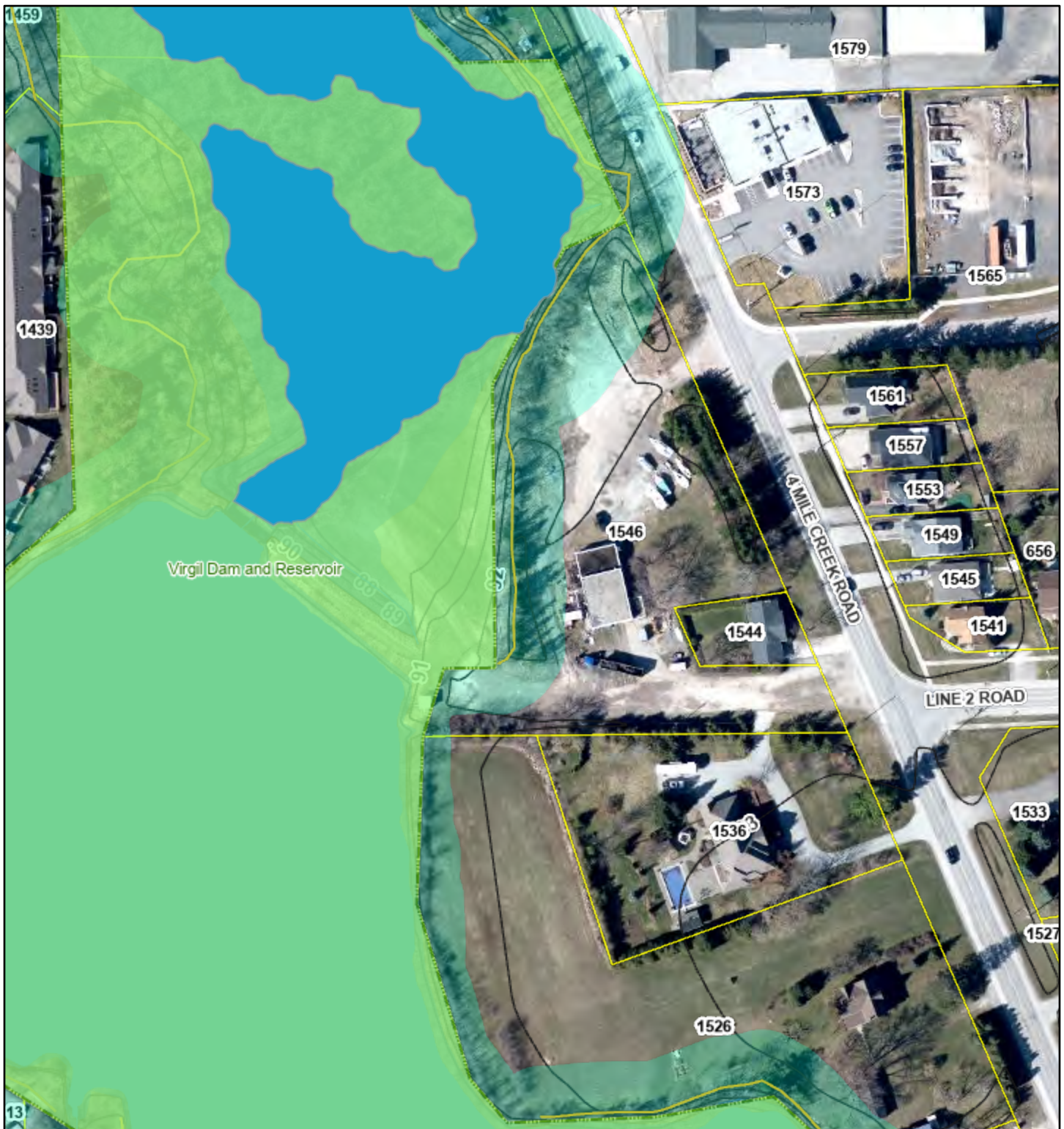
Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

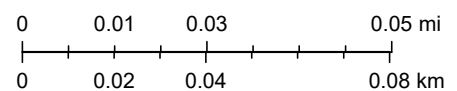
ArcGIS Web Map



4/18/2024, 2:09:03 PM

1:2,257

- | | |
|--------------------|-----------------------------------|
| LIO Wetlands DRAFT | Conservation Areas |
| Evaluated-Other | NPCA APPROXIMATE REGULATION LANDS |
| SWOOP 2020 NPCA | Top of Slope Features |
| Red: Band_1 | Stable |
| Green: Band_2 | Unstable |
| Blue: Band_3 | Regulated Floodplain Extent |
| Roads | Regulated |



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, AAFC, NRCAN | Niagara

John Federici, MCIP, RPP

From: Sarah Mastroianni <smastroianni@npca.ca>
Sent: April 24, 2024 12:28 PM
To: John Federici, MCIP, RPP
Cc: Meghan Birbeck
Subject: RE: Today preconsultation

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi John,

My apologies. The fees are as follows:

OPA (Major due to study requirement): \$6893
ZBA (Major due to study requirement): \$6893
Site Plan Control (Multiple Residential, commercial, industrial): \$9040

If the applications are filed concurrently, the NPCA will charge the highest of all rates noted above.

Thank you.



Sarah Mastroianni
Manager, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

905.788.3135 Ext. 249
www.npca.ca
smastroianni@npca.ca

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

1544 & 1546 Four Mile Creek Road – Engineering Pre-Consultation comments

Review deposit: \$14,700 (to be provided at Zoning application submission)

Existing municipal services (Four Mile Creek Road)

250mm PVC watermain (1996)

250mm AC sanitary sewer (1976)

525mm CP storm sewer (2000)

Requirements for Zoning application

- Sanitary capacity analysis to confirm that adequate capacity exists in the downstream municipal sanitary sewer network
 - o To be completed for the extent of downstream municipal sanitary sewer on Four Mile Creek Road to East & West Line
 - o Must take into account existing and approved development within the contributing drainage area boundaries
- Preliminary stormwater management report indicating the overall design to manage development stormwater flows
- Preliminary servicing brief indicating proposed servicing connections to the site, as well as detailing available fire flows, water demands of the site, and sanitary sewer analysis
- Circulation on TIS

Requirements for site plan submission

- Detailed Engineering Plans
 - o Servicing Plan
 - Must show any existing connections, and any proposed servicing
 - Must include removal of existing residential service laterals to property – to be capped at mains
 - To include all on-site and off-site servicing connections
 - Must show existing/proposed sidewalk
 - o Grading plan
 - Must show appropriate sedimentation, silt control (silt fence, haybales, silt sacks etc.)
 - Existing/proposed shots must be included along all perimeter PL to show matching grades on abutting lands
 - Existing and proposed elevations, swales, contours, features, and any other proposed re-grading must be shown on the grading plan. Siltation control (silt fence, haybales, etc.) must also be shown as needed.
 - o Circulation - Landscape Plan

- Circulation - Lighting & Photometrics plans for any proposed lighting
- Circulation - Streetscape plan
 - Must show all proposed street furniture, street signs, benches, trees, hydrants, hydro boxes, etc.
 - This plan is intended to identify any potential conflicts with driveways, or potential issues between utilities
- Servicing brief
 - Must demonstrate that existing/proposed service connections are adequately sized to meet site demands and flows
 - Must include fire flow testing of nearby hydrants
 - Must include required sanitary sewer analysis
- SWM report & drainage area plans
 - Proposal must demonstrate control of stormwater up to and including the 100-year storm (pre/post development)
 - Abutting properties must not be impacted by proposed drainage design
- Cost estimate & working days estimate
 - Cost estimate must include pricing and quantities for all proposed works (hard surfacing, curbs, grading, materials, installation of infrastructure, landscaping, all surface/buried works, etc.) excepting building structure
 - To determine securities and deposits taken through the agreement
- Sidewalk shall be installed along site's entire frontage, and shall also be installed northwards along Four Mile Creek Road to connect to existing sidewalk terminating at the Niagara Stone Road intersection, all at the developer's cost.

John Federici, MCIP, RPP

From: Brad Disher
Sent: April 18, 2024 3:13 PM
To: John Federici, MCIP, RPP
Subject: NOTL Pre-Consultation 1544 and 1546 Four Mile Creek Road [OPA,ZBA,SP]

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon, John

Fire's comments for this pre-con are below:

- Requesting a building matrix showing proposed fire protection systems
- Dedicated fire drawings for fire access routes (including widths, turning radius and overhead clearances), fire department connections, hydrant locations, distances from access routes to primary firefighter entrances, and fire route signs.
- Hydrant flow confirmation for the area

Thank you,

Brad Disher
Chief Fire Prevention Officer

brad.disher@notl.com

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0

Telephone: (905) 468-3266

Website: www.notl.com

John Federici, MCIP, RPP

From: Harry Althorpe
Sent: April 11, 2024 9:47 AM
To: John Federici, MCIP, RPP
Subject: RE: NOTL Pre-Consultation 1544 and 1546 Four Mile Creek Road [OPA,ZBA,SP]

Hi John,

These properties are inside the urban boundary, and there are Town trees in front of the property that could be impacted by the proposed plans.

An Arborist report, Tree Protection Plan, and Tree Protection Declaration form are required to demonstrate conformity to applicable by-laws and Official Plan policies, and to provide staff with a basis on which to assess the proposed application with regard to tree preservation/protection issues and the overall contribution to the urban forest canopy cover.

Thank you

Harry Althorpe
By-Law Enforcement Officer - Urban Forestry

Harry.Althorpe@notl.com

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

John Federici, MCIP, RPP

From: Sumra Zia B. Arch., Dipl. Architectural Conservation
Sent: April 9, 2024 2:48 PM
To: John Federici, MCIP, RPP
Subject: 1544 & 1546 Four Mile Creek Road

Hi John,

The subject property does not lie within the Town's or Region's zone of archaeological potential. I would just request the applicant to share any previously completed archaeological assessment studies, if they have any on record.

Thanks!

Sumra Zia B. Arch., Dipl. Architectural Conservation
Heritage Planner

Sumra.Zia@notl.com

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
Telephone: (905) 468-3266
Website: www.notl.com

B

Appendix B: Draft Zoning By-law Amendment

Explanation of the Purpose and Effect of
By-law XXXX - 25

The subject lands are described as 1544 & 1546 Four Mile Creek Road, Niagara-on-the-Lake, more particularly described as PT LT 112, Town of Niagara-On-The-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the Subject Lands to permit a two-storey commercial building and four-storey residential building by removing the holding (H) provision.

The entirety of the subject lands is zoned "Village Commercial with Holding (VC-H) Zone". The proposed amendment will rezone the lands to "Village Commercial (VC-XX)" with site-specific provisions.

Effect

The effect of this By-law is to rezone the Subject Lands from "Village Commercial with Holding (VC-H) Zone" to "Village Commercial (VC-XX)" with site specific provisions for height, rear yard setback, buffer strip abutting a residential zone and permitted yard projections encroachments into the front yard.

| | |
|--------------------------------|-----------------------------------|
| <i>Owner:</i> | Times Group Corp. |
| <i>File Number:</i> | ZBA-XX-2025 |
| <i>Report Numbers:</i> | CDS-25-XXX |
| <i>Assessment Roll Number:</i> | 262702001423600 & 262702001423700 |

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2025 - XX**

1544 Four Mile Creek Road Roll 262702001423600
1546 Four Mile Creek Road Roll 262702001423700

A BY-LAW TO AMEND BY-LAW NO **4316-09**, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION, AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF NIAGARA-ON-THE-LAKE.

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

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

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

1. That .Schedule “A-14” of By-law 4316-09, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-law) from “Village Commercial with Holding (VC-H) Zone” to “Village Commercial (VC-XX) Site Specific Zone”.
2. That Schedule A (attached to and forming part of this By-Law) be included and form part of the Town of Niagara-on-the-Lake Zoning By-law 4316-09 as “Figure X: On the Lake Developments – Phase 2”.
3. That Subsection 10.12 – Site Specific Exceptions of Section 10 – Virgil Community Zoning District is hereby further amended by adding the following:

**10.12.XX 1544 & 1546 Four Mile Creek Road, On the Lake Developments (Phase 2)
– See Schedule ‘A-14’ (VC-XX)**

Notwithstanding the provisions of the “Village Commercial (VC) Zone” of Section 10 – Virgil Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following provisions shall be applicable on those lands shown on Schedule A.

| | | |
|-----|--|---------|
| (a) | Minimum rear yard setback | 1.60 m |
| (b) | Maximum building height | 15.85 m |
| (c) | Buffer Strip - Interior side yard abutting Residential zone | 1.0 m |
| (d) | Permitted Yard Projections and Encroachments - Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs | 1.8 m |
| (e) | Permitted Yard Projections and Encroachments | 150 mm |

| | | |
|----|--|-----|
| | - Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures | |
| f) | Below grade rear yard setback | 0 m |
| g) | In the VC-XX zone, residential uses shall be permitted within a stand-alone building separate from a non-residential use building. | |

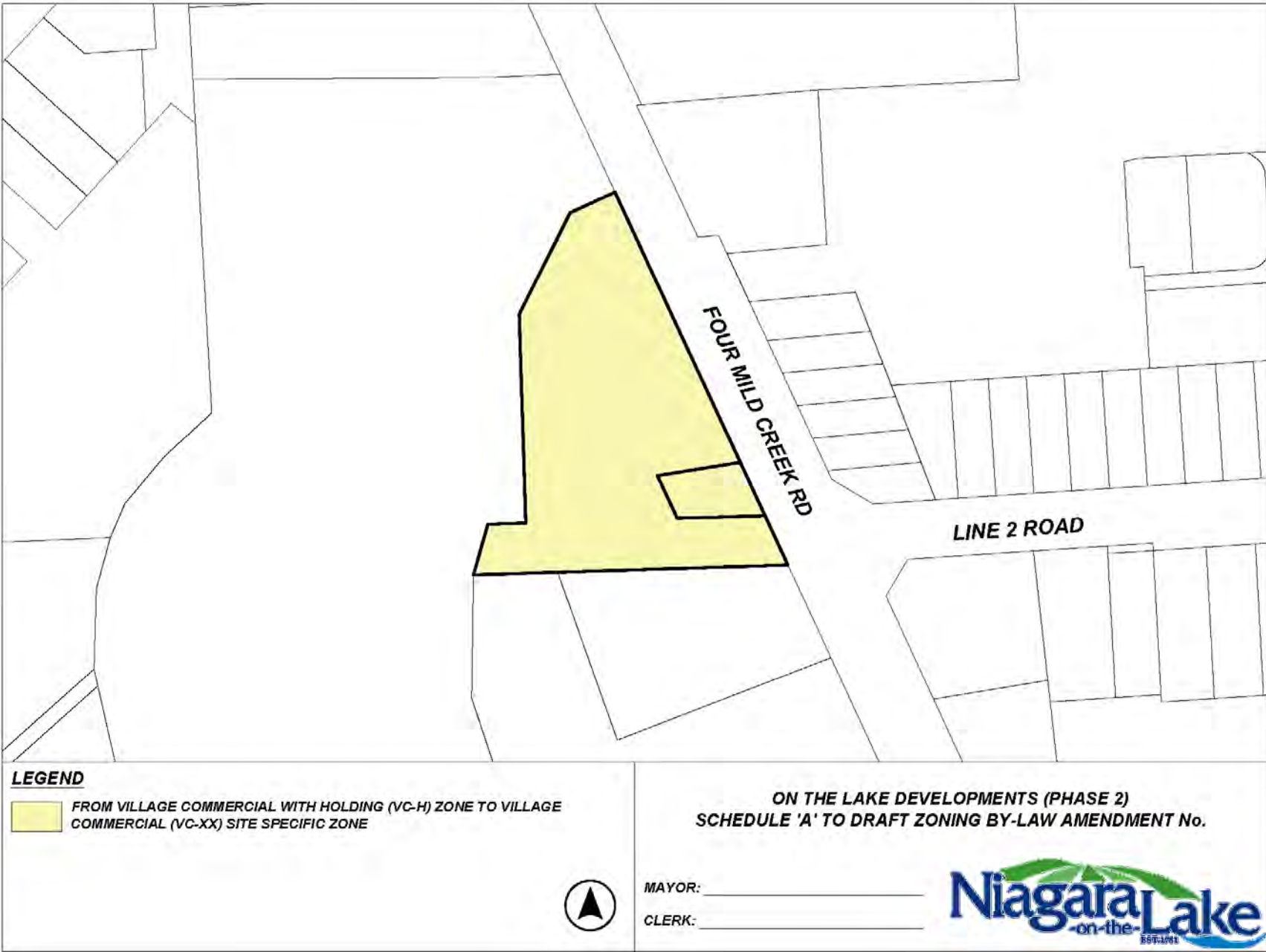
4. That the effective date of this By-law shall be the date of final passage thereof.

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

LORD MAYOR – GARY ZALEPA

TOWN CLERK – GRANT BIVOL

SCHEDULE A to By-law 2025-XX



C

Appendix C: Detailed Policy Assessment Table

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---|---|---|
| Planning Act, R.S.O 1990, c. P. 13 (December 31, 2024) | | |
| <i>Provincial Interest</i> | | |
| <i>2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,</i> | | |
| | <i>(a) the protection of ecological systems, including natural areas, features and functions;</i> | The accompanying EIS assessed the potential impacts of the proposed development on natural heritage features and their associated functions, and provided recommendations for mitigation measures consistent with existing policies and legislation to ensure protection of ecological systems. |
| | <i>(c) the conservation and management of natural resources and the mineral resource base;</i> | An environmental assessment has been completed through a Phase One and Two Environmental Site Assessment. |
| | <i>(e) the supply, efficient use and conservation of energy and water;</i> | The accompanying SWM recommends efficient reuse of rain water through irrigation and water balance methods. |
| | <i>(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;</i> | As demonstrated through the Functional Servicing and SWM Report, the proposed development will make efficient use of existing and available infrastructure including water and wastewater services, and waste management systems. |
| | <i>(h) the orderly development of safe and healthy communities;</i> | The proposed development represents the orderly development of safe and healthy communities by providing for the intensification of an underutilized site within a Settlement Community that has been identified for redevelopment. |
| | <i>(j) the adequate provision of a full range of housing, including affordable housing;</i> | The proposed development will provide a range of unit types and sizes (1 bedroom plus den to three-bedrooms) will assist in the diversification of the housing options available in the area. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---|---|---|
| | <i>(k) the adequate provision of employment opportunities;</i> | The proposed development will provide a employment opportunities that will assist in contribution to the local economy. |
| | <i>(p) the appropriate location of growth and development;</i> | The proposed development on the Subject Lands represents an appropriate location for growth and development as it consists of the intensification of an underutilized site. |
| | <i>(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</i> | As discussed further in the Urban Design Brief, the proposal promotes a built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. Careful consideration has been given to the site’s locational context to establish a built form and design that is compatible with the surrounding area. Through the site’s design, integration of retail uses, addition of a public art installation, the proposed development will be well-integrated into the community. |
| Provincial Planning Statement (2024) | | |
| The Subject Lands are within a Settlement Area (Delineated Built-Up Area) and are within an Urban Area . | | |
| The Subject Lands are located to the east of a Dynamic Employment Area and are northeast of an Airport Area of Influence – being the Niagara District Airport. | | |
| Chapter 2: Building Homes, Sustaining Strong and Competitive Communities | | |
| 2.1 Planning for People and Homes | | |
| 2.1.4 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: | | |
| | <i>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and</i> | The subject Lands are designated for mixed-use within the Town’s Official Plan and are available for residential development. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|--|---|---|
| | <i>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.</i> | The Functional Servicing Report, attached to this submission, indicates that there is sufficient servicing capacity for the proposed development. The lands are suitably zoned to permit residential units in a mixed use zone. |
| 2.1.6 <i>Planning authorities should support the achievement of complete communities by:</i> | | |
| | <i>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;</i> | The proposed development supports the achievement of a complete community through the provision of a mixed use development that will add employment opportunities and residential units with a mix of unit types and sizes, in proximity to institutional uses. |
| | <i>b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and</i> | The proposed buildings will be constructed in accordance with the Ontario Building Code, AODA and all required accessibility standards. The proposed development will be located within close proximity to a range of services and amenities as identified in Table 1 of the PJR. |
| 2.2 Housing | | |
| 2.2.1 <i>Planning authorities shall provide for an appropriate range of housing options and densities to meet projected needs of current and future residents of the regional market area by:</i> | | |
| | <i>b) permitting and facilitating:</i> <i>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; and</i> <i>2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;</i> | 1. The proposed development will assist in diversifying the range and mix of housing options in the area to accommodate people at all stages of life and the needs of all household sizes and incomes through the addition of 29 residential that provide a mix of unit types and sizes not currently common in the area. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|--|--|--|
| | | 2. The proposal introduces residential intensification through redevelopment of an underutilized mixed use site, resulting in a diversity of residential unit options. |
| | <i>c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</i> | The proposed development efficiently uses land through increasing residential and commercial density within a built up area. The development supports the use of active transportation through the provision of sidewalks on the municipal ROWs, an internal pedestrian sidewalk network, and the inclusion of bicycle parking spaces. |
| 2.3 Settlement Areas and Settlement Area Boundary Expansions | | |
| 2.3.1 General Policies for Settlement Areas | | |
| <i>2.3.1.1. Settlement areas shall be the focus of growth and development.</i> | | The Subject Lands are located within the Settlement Area of Virgil Community in the Town of Niagara-on-the-Lake. |
| <i>2.3.1.2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:</i> | | |
| | <i>a) efficiently use land and resources;</i> | The proposed development will make efficient use of land and resources through the redevelopment of an underutilized site into a mixed-use development in a Settlement Area slated for growth and redevelopment. |
| | <i>b) optimize existing and planned infrastructure and public service facilities;</i> | The proposed development optimizes existing infrastructure connections and existing and future public service facilities. |
| | <i>c) support active transportation;</i> | The Subject Lands are located in proximity to several community parks, amenities and transit stops, supporting the use of active transportation. It is noted that the |

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| | | Niagara Region plans to expand public transportation infrastructure in the area as outlined in the TMP, 2017. The proposed development further supports the use of active transportation through the inclusion of bicycle parking spaces for residents and visitors, and the provision of an internal sidewalk network. |
| | <i>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.</i> | The proposed development represents the intensification and redevelopment of an underutilized site, optimizing existing infrastructure and public service facilities, and further supports the achievement of complete communities by providing for a range and mix of unit types and sizes. |
| | <i>2.3.1.4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</i> | The proposed development supports the achievement of minimum targets for intensification and redevelopment. |
| 2.8 Employment | | |
| 2.8.1 Supporting a Modern Economy | | |
| | <i>2.8.1.1. Planning authorities shall promote economic development and competitiveness by:</i> | |
| | <i>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and</i> | The development proposes a mixed-use development that will contribute to the local economy. |
| | <i>e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.</i> | The proposed development provides for an appropriate transition from the village commercial area to the north through building massing and site design to the residential area to the east. |

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| 2.9 Energy Conservation, Air Quality and Climate Change | | |
| 2.9.1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: | | |
| | b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; | The proposed development has been designed in a manner that promotes sustainable development by introducing water balance objectives, supports social interaction in the outdoor amenity areas, and is also economically sustainable as it utilizes existing municipal infrastructure. |
| | d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and | <p>As outlined in the Functional Servicing and SWM Report, water balance retention volume will be achieved by a combination of enhanced landscaping, low impact development measures, and roof rainwater harvesting reuse through irrigation (to be defined at the Site Plan stage).</p> <p>The proposed development supports the use of active transportation through the internal sidewalk network, and the provision of long-term and short-term bicycle parking spaces for residents, visitors, and retail patrons.</p> |
| Chapter 3: Infrastructure | | |
| 3.2 Transportation Systems | | |
| 3.2.2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible. | | The proposal incorporates TDM measures to encourage residents to explore various modes of transportation in order to reduce their dependency on single occupancy vehicle trips. These measures include pedestrian connections to the municipal rights-of-way and increased bicycle parking supply. |

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| 3.5 Land Use Compatibility | | |
| <i>3.5.1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</i> | | As outlined in the Land Use Compatibility and Noise Study, noise and vibration are not a concern for the proposed development. |
| <i>3.5.2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</i> | | The proposed development, while in the Airport Influence Area of the Niagara XXX air facility, is approximately 4 kilometres distant and will not affect the viability of this major facility. |
| 3.6 Sewage, Water and Stormwater | | |
| <i>3.6.1. Planning for sewage and water services shall:</i> | | |
| | <i>a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;</i> | As described in the Functional Servicing and SWM Report, the proposed development can be accommodated by existing municipal sewage and water services, supporting their optimization. |
| <i>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.</i> | | The proposed development will be serviced by municipal sewage and water services. |
| <i>3.6.8. Planning for stormwater management shall:</i> | | |
| | <i>a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;</i> | |

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|---|---|---|
| | <i>b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;</i> | The FSR and SWM Reports have been prepared to integrate planning for stormwater management with planning for sewage and water services. The SWM Report further identifies how the proposed development minimizes contaminant loads, erosion and changes in water balance, mitigates risks to human health, safety, property and the environment, maximizes the extent and function of vegetative and pervious surfaces, and promotes stormwater management best practices. |
| | <i>c) minimize erosion and changes in water balance including through the use of green infrastructure;</i> | |
| | <i>e) maximize the extent and function of vegetative and pervious surfaces;</i> | |
| | <i>f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and</i> | |
| 3.7 Waste Management | | |
| <i>3.7.1. Waste management systems need to be planned for and provided that are of an appropriate size, type, and location to accommodate present and future requirements, and facilitate integrated waste management.</i> | | Private waste collection is proposed which satisfies the waste requirements for the site. |
| Chapter 4: Wise Use and Management of Resources | | |
| 4.1 Natural Heritage | | |
| <i>4.1.1. Natural features and areas shall be protected for the long term.</i> | | The EIS confirms that a significant valleyland comprised of 'other woodland' extends slightly into the northwestern of the property and a set of mitigation measures are offered to achieve 'no negative impact' on the Subject Lands. |
| <i>4.1.2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.</i> | | The natural features in the area will be preserved for long-term ecological function by implementing the technical mitigation measured outline in the EIS. |
| <i>4.1.8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i> | | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. |

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| Chapter 5: Protecting Public Health and Safety | |
| 5.1 General Policies for Natural and Human-Made Hazards | |
| <i>5.1.1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.</i> | The Subject Lands do not represent an area where there is an unacceptable risk to public health or safety or of property damage, and the development does not create new or aggravate existing hazards. |
| 5.2 Natural Hazards | |
| <i>5.2.1. Planning authorities shall, in collaboration with conservation authorities where they exist, identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance.</i> | <p>As demonstrated in the EIS, with the implementations of all technical mitigation measures the proposed development does not create new hazards, does not aggravate existing hazards, and has no negative impacts on the surrounding NPCA lands.</p> <p>A physical remediation will be employed in certain areas including excavation of contaminated soil and soil sampling.</p> |
| Niagara Regional Official Plan (May 2024, Consolidation) | |
| <p>The Subject Lands are identified as follows in the ROP:</p> <ul style="list-style-type: none">• Within the Urban Area and within the Virgil Settlement Areas (Schedule A – Local Area Municipalities)• Within a Delineated Built-Up Area, being a Urban Area Designation (Schedule B – Regional Structure)• Within the Natural Environment Systems Overlay (Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems) <p>The Ministry of Natural Resources identified Natural Heritage Areas on the Subject Lands including Non-Provincially Significant Wetlands and Non-Sensitive Treed Woodland.</p> <p>Four Mile Creek Road is identified as a Regional Road (Schedule J1 – Transportation Infrastructure), and as a Strategic Cycling Network (Schedule J2 – Strategic Cycling Network).</p> <p>The Subject Lands are located to the east of a Dynamic Employment Area (Schedule G – Employment Areas).</p> | |

| POLICY | | ASSESSMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|------------|------------|-----------|--------|--------|---------|--------|--------|---------|--------|--------|---------------|---------|--------|---------------------|--------|--------|--------|--------|-------|---------------|--------|-------|----------------|---------|--------|---------|--------|--------|-----------|-------|-------|---------|--------|--------|--------------|--------|--------|----------------|---------|---------|--|
| Part II – Growing Region | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Forecasted Growth | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><i>2.1.1.1. Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.</i></p> <p>Table 2-1 2051 Population and Employment Forecasts by Local Area Municipality</p> <table><tr><th>Municipality</th><th>Population</th><th>Employment</th></tr><tr><td>Fort Erie</td><td>48,050</td><td>18,430</td></tr><tr><td>Grimsby</td><td>37,000</td><td>14,960</td></tr><tr><td>Lincoln</td><td>45,660</td><td>15,220</td></tr><tr><td>Niagara Falls</td><td>141,650</td><td>58,110</td></tr><tr><td>Niagara-on-the-Lake</td><td>28,900</td><td>17,610</td></tr><tr><td>Pelham</td><td>28,830</td><td>7,140</td></tr><tr><td>Port Colborne</td><td>23,230</td><td>7,550</td></tr><tr><td>St. Catharines</td><td>171,890</td><td>79,350</td></tr><tr><td>Thorold</td><td>39,690</td><td>12,510</td></tr><tr><td>Wainfleet</td><td>7,730</td><td>1,830</td></tr><tr><td>Welland</td><td>83,000</td><td>28,790</td></tr><tr><td>West Lincoln</td><td>38,370</td><td>10,480</td></tr><tr><td>Niagara Region</td><td>694,000</td><td>272,000</td></tr></table> | | Municipality | Population | Employment | Fort Erie | 48,050 | 18,430 | Grimsby | 37,000 | 14,960 | Lincoln | 45,660 | 15,220 | Niagara Falls | 141,650 | 58,110 | Niagara-on-the-Lake | 28,900 | 17,610 | Pelham | 28,830 | 7,140 | Port Colborne | 23,230 | 7,550 | St. Catharines | 171,890 | 79,350 | Thorold | 39,690 | 12,510 | Wainfleet | 7,730 | 1,830 | Welland | 83,000 | 28,790 | West Lincoln | 38,370 | 10,480 | Niagara Region | 694,000 | 272,000 | <p>The application proposes the development of 29 new residential units ranging from 1 bedroom plus den to 3 bedroom units and new employment opportunities required by the Region by 2051 within the built-up areas of Niagara-on-the-Lake.</p> |
| Municipality | Population | Employment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fort Erie | 48,050 | 18,430 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grimsby | 37,000 | 14,960 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lincoln | 45,660 | 15,220 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Niagara Falls | 141,650 | 58,110 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Niagara-on-the-Lake | 28,900 | 17,610 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pelham | 28,830 | 7,140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Port Colborne | 23,230 | 7,550 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| St. Catharines | 171,890 | 79,350 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Thorold | 39,690 | 12,510 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wainfleet | 7,730 | 1,830 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Welland | 83,000 | 28,790 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| West Lincoln | 38,370 | 10,480 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Niagara Region | 694,000 | 272,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Regional Structure | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p><i>2.2. The objectives of the Region are:</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>(a) manage growth within urban areas;</i></p> | <p>The Subject Lands are located within a Settlement Area and are within the Urban Area within the Regional Urban Boundary and proposes residential and commercial uses</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>(b) accommodate growth through strategic intensification and higher densities;</i></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | <i>(d) plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and</i> | in an area identified for intensification and redevelopment. |
| 2.2.1.1. Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support: | | |
| | <i>(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;</i> | The proposed development supports this objective by providing for an compact built form, with a mix of land uses, that creates an active and vibrant public realm. |
| | <i>(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> <i>i. a range of transportation options, including public transit and active transportation;</i> <i>ii. affordable, locally grown food and other sources of urban agriculture;</i> <i>iii. co-located public service facilities; and</i> <i>iv. the public realm, including open spaces, parks, trails, and other recreational facilities;</i> | The proposed development will promote trips made by active transit due to its location in proximity to existing and planned active transportation improvements, an increase of bicycle parking facilities, and pedestrian connections within and outside the Subject Lands. |
| | <i>(g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;</i> | The proposal represents appropriate infill development of an underutilized site. |
| | <i>(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 Streetscape Study, attached to this application, indicates that the proposed development appropriately integrates with the established neighbourhood character in the Virgil Community. |
| Housing | | |
| 2.3. The objectives of the Region are: | | |

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|---|---|---|
| | <i>(a) provide a mix of housing options to address current and future needs;</i> | The proposed development provides a new housing option through a multi-unit built form, that will introduce a range of 1 bedroom plus den units to 3 bedroom units. |
| <i>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.</i> | | The proposed development adds to the mix of densities and unit sizes within the Virgil Settlement Area by introducing an apartment form with units ranging in size from 1 to 3 bedroom units. |
| <i>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:</i> | | |
| | <i>(a) facilitating compact built form; and</i> | The proposed development supports this objective by providing for a compact urban form that offers residential and commercial uses that will contribute the regional housing stock and economy. |
| | <i>(b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development</i> | The proposed development will achieve water balance by enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |
| Part III – Sustainable Region | | |
| The Natural Environment System | | |
| <i>3.1. The objectives of the Region are:</i> | | |
| | <i>(a) identify and protect a natural heritage system and water resource system which will form the natural environment system;</i> | The EIS confirms that a significant valleyland comprised of ‘other woodland’ extends slightly into the northwestern of the property and a set of mitigation measures are offered to achieve ‘no negative impact’ on the Subject Lands. The NPCA has also confirmed that there are no wetlands on the Subject Lands. |
| | <i>(f) maintain wetland area and the hydrological and ecological functions they provide, and to enhance wetland cover where possible;</i> | |

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| | <i>(i) identify and protect other woodlands as a way to maintain treed area in the region;</i> | As demonstrated in the EIS the proposed development does not negatively impact the treed area in the region. |
| | <i>(j) screen for, and evaluate enhancement areas as well as supporting features and areas to support the long-term ecological integrity of the natural environment system;</i> | A physical remediation will be employed in certain areas including excavation of contaminated soil and soil sampling. |
| | <i>(l) maintain protection for woodlands that have been disturbed in an effort to maintain tree cover in the region;</i> | A dripline has been staked by Regional authorities and the development is proposed outside of the appropriate setback and top of slope boundaries. |
| | <i>(q) minimize risks to human health and safety and property associated with natural hazards;</i> | A Noise and Land Use Compatibility Study has been prepared in support of the proposed development. |
| 3.1.2.2. <i>The individual features and components of the natural environment system that are mapped on Schedule C2 include:</i> | | |
| | <i>(b) other woodlands;</i> | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. |
| | <i>(d) other wetlands and non-provincially significant wetlands;</i> | |
| 3.1.4.1. <i>Changes to the limits or classification of individual features or components of the natural environment system identified through Regional criteria may be considered through the submission of an environmental impact study and/ or hydrological evaluation based on a terms of reference approved by the Region, in accordance with the policies of this Plan, and in consultation with the Conservation Authority as appropriate.</i> | | An Environmental Impact Study and Hydrogeological Report have been completed and included in the submission package. |
| 3.1.4.6. <i>Where the limits of a feature or component of the natural environment system have been refined through an approved environmental impact study, hydrological evaluation, or subwatershed study, the lands that are no longer included as part of the natural environment system overlay shall continue to be designated based on the underlying land use, unless otherwise determined through a Planning Act application.</i> | | An Environmental Impact Study and Hydrogeological Report have been completed and included in the submission package. |

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| <p>3.1.4.8. <i>Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions. The Region encourages the Local Area Municipalities, the Conservation Authority, and other appropriate public and private conservation organizations to assume ownership of these lands.</i></p> | <p>The proposed development is appropriate the adjacent natural environment system as it is located outside of the dripline as staked and setback, top of slope, and proposed significant landscape buffers.</p> |
| <p>3.1.9.5.2. <i>Development and site alteration shall not be permitted in the following natural heritage features and areas unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions:</i></p> | |
| <p>(a) <i>other woodlands;</i></p> | <p>As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures.</p> |
| <p>3.1.9.5.4. <i>Notwithstanding any other policies of this Plan, development and site alteration in, and adjacent to watercourses, provincially significant wetlands, and other wetlands that are regulated by the Conservation Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When development or site alteration is proposed in or adjacent to any watercourse, provincially significant wetland, significant valleyland, or other wetland the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.</i></p> | <p>The Conservation Authority has been consulted on this submission and provided commentary where applicable.</p> |
| <p>3.1.9.5.6. <i>Where an other wetland in a settlement area has been identified, and it is determined that it is not regulated by the Conservation Authority:</i></p> | |
| <p>(a) <i>the Region shall require that an evaluation be undertaken through an environmental impact study, and if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrological</i></p> | |

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| | <i>evaluation as part of an application for development or site alteration, or through a subwatershed study to determine the appropriate classification and protection or management of the feature;</i> | An Environmental Impact Study and Hydrogeological Report have been completed and included in the submission package. | | | | | | | | | | | | | | | | | | |
| | <i>(b) outcomes of the evaluation completed with Policy 3.1.9.5.6 a) could include the in-situ protection with appropriate buffers or incorporation of the hydrologic function into the design of the development in accordance with the following:</i> <i>iii. no negative impact on the ecological function of the other wetland; and</i> <i>iv. maintain the hydrologic function of the other wetland</i> | | | | | | | | | | | | | | | | | | | |
| <p>3.1.9.7.1. <i>A proposal for new development or site alteration outside of a Provincial natural heritage system which is adjacent to a natural heritage feature or area shall require an environmental impact study and/or hydrological evaluation to determine that there will be no negative impacts on the feature, ecological function, or hydrologic function in accordance with the adjacent lands distances outlined in Table 3.1.</i></p> <p>Table 3-1 Adjacent Lands for Natural Heritage Features and Areas Outside of a Provincial Natural Heritage System</p> <table><tr><th>Natural Heritage Feature and Area</th><th>Adjacent Lands</th></tr><tr><td>Provincially Significant Wetland</td><td>120 metres</td></tr><tr><td>Significant Coastal Wetland</td><td>120 metres</td></tr><tr><td>Significant Woodland</td><td>120 metres</td></tr><tr><td>Other Woodland</td><td>50 metres</td></tr><tr><td>Significant Valleyland</td><td>50 metres</td></tr><tr><td>Significant Wildlife Habitat</td><td>50 metres</td></tr><tr><td>Habitat of Endangered Species and Threatened Species</td><td>50 metres</td></tr><tr><td>Life Science Areas of Natural and Scientific Interest</td><td>50 metres</td></tr></table> | | Natural Heritage Feature and Area | Adjacent Lands | Provincially Significant Wetland | 120 metres | Significant Coastal Wetland | 120 metres | Significant Woodland | 120 metres | Other Woodland | 50 metres | Significant Valleyland | 50 metres | Significant Wildlife Habitat | 50 metres | Habitat of Endangered Species and Threatened Species | 50 metres | Life Science Areas of Natural and Scientific Interest | 50 metres | <p>As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures.</p> <p>The Hydrogeological report concluded that no surface water features exist on the Subject Lands and no dewatering related impacts on water supply wells is expected in the area.</p> |
| Natural Heritage Feature and Area | Adjacent Lands | | | | | | | | | | | | | | | | | | | |
| Provincially Significant Wetland | 120 metres | | | | | | | | | | | | | | | | | | | |
| Significant Coastal Wetland | 120 metres | | | | | | | | | | | | | | | | | | | |
| Significant Woodland | 120 metres | | | | | | | | | | | | | | | | | | | |
| Other Woodland | 50 metres | | | | | | | | | | | | | | | | | | | |
| Significant Valleyland | 50 metres | | | | | | | | | | | | | | | | | | | |
| Significant Wildlife Habitat | 50 metres | | | | | | | | | | | | | | | | | | | |
| Habitat of Endangered Species and Threatened Species | 50 metres | | | | | | | | | | | | | | | | | | | |
| Life Science Areas of Natural and Scientific Interest | 50 metres | | | | | | | | | | | | | | | | | | | |

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|---|---|
| <i>3.1.9.7.2. Notwithstanding Table 3-1, the requirement for an environmental impact study and/or hydrological evaluation may be waived if the proposed development or site alteration is minor and is not anticipated to have a negative impact on the natural environment system in accordance with the waiving requirements outlined in the Environmental Impact Study and/or Hydrological Evaluation Guidelines.</i> | An Environmental Impact Study and Hydrogeological Report have been completed and included in the submission package. |
| <i>3.1.9.9.1. Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use</i> | An Environmental Impact Study and Hydrogeological Report have been completed and included in the submission package. |
| <i>3.1.9.9.2. Development or site alteration shall not be permitted in the mandatory buffer, with the exception of that described in Policy 3.1.9.5.3 or infrastructure serving the agricultural sector unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.</i> | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. |
| <i>3.1.9.9.3. Notwithstanding any other policy in this Plan, the Conservation Authority has its own buffer requirements for watercourses which shall apply. Reductions in any buffer required by the Conservation Authority may be considered in settlement areas where supported by a site-specific study that is approved by the Local Area Municipality, the Region, and the Conservation Authority.</i> | The Conservation Authority has been consulted on this submission and provided commentary where applicable. |
| <i>3.1.11.2. Development or site alteration shall not be permitted in other woodlands unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the other woodland or its ecological functions.</i> | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. |
| <i>3.1.11.4. Inside of settlement areas other woodlands are subject to an ecologically appropriate buffer to be determined at the time an application is made for development or site alteration in accordance with Policy 3.1.9.9.1.</i> | A dripline has been staked by Regional authorities and the development is proposed outside of the appropriate setback and top of slope boundaries. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
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| <i>3.1.33.1. An environmental impact study and/or hydrological evaluation required under the policies of this Plan shall be submitted with the application for development or site alteration, and shall be prepared and signed by a qualified professional in accordance with the Region’s Environmental Impact Study Guidelines and/ or Hydrological evaluation Guidelines in addition to the relevant policies of this Plan.</i> | | An Environmental Impact Study and Hydrogeological Report have been completed in accordance with the Region’s guidelines and included in the submission package. |
| <i>3.1.33.2. The environmental impact study and/or hydrological evaluation shall be prepared to the satisfaction of the appropriate approval authority in accordance with the following:</i> | | |
| | <i>(a) within settlement areas it is the responsibility of the Local Area Municipality to ensure that:</i> <i>i. an environmental impact study and/ or hydrological evaluation is prepared in accordance with an approved terms of reference and the policies of this Plan; and</i> <i>ii. the conclusions of the environmental impact study and/or hydrological evaluation are considered through the development approval process and appropriate conditions are established to implement the recommendations of the study and/or evaluation.</i> <i>In carrying out this responsibility, the Local Area Municipality shall work in consultation with the Region and the Conservation Authority. The Region shall provide technical support as required.</i> | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. The Hydrogeological report concluded that no surface water features exist on the Subject Lands and no dewatering related impacts on water supply wells is expected in the area. |
| Climate Change | | |
| <i>3.5. The objectives of the Region are:</i> | | |
| | <i>a. commit to establishing targets and strategies to reduce greenhouse gas emissions and monitor progress towards the achievement of targets;</i> | The proposed development incorporates climate change considerations in the development of a compact design that utilizes energy more efficiently and will incorporate green infrastructure such as enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |
| | <i>b. reduce emissions from the Region’s corporate operations to lead by example and support achievement of community-wide efforts;</i> | |
| | <i>c. develop climate change adaptation strategies to reduce vulnerabilities and improve resilience to extreme weather events and increased climate variability; and</i> | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|--|---|--|
| | <i>d. identify land use planning policy direction that support the transition to net-zero, climate-resilient communities.</i> | |
| <i>3.5.3.1. This section consolidates policy direction integrated throughout this Plan that supports the transition to net-zero communities that mitigate climate change.</i> <i>The Region will endeavor to:</i> | | |
| | <i>a. support built form and land use patterns that use land efficiently and reduce transportation emissions by:</i> <i>i. requiring compact built form to minimize land consumption and increase the densities required to support transit ridership;</i> <i>ii. promoting a mix of land uses to shorten commute journeys and support the creation of complete communities;</i> <i>iii. planning to achieve minimum intensification and density targets which meet or exceed provincial requirements;</i> <i>v. planning for employment uses to facilitate efficient goods movement and reduce transportation congestion;</i> | The proposed development will assist in diversifying the range and mix of housing options in the area to accommodate people at all stages of life and the needs of all household sizes and incomes through the addition of 29 residential that provide a mix of unit types and sizes not currently common in the area, and supports employment opportunities that will contribute to the local economy. The development also proposes increased bicycle parking spaces to encourage the use of local bicycle infrastructure. |
| | <i>b. support conservation and energy reduction by:</i> <i>i. designing infrastructure and public works projects to reduce energy consumption and use recycled construction materials, where feasible;</i> <i>ii. promoting opportunities for district energy, renewable energy systems and alternative energy systems in accordance with the municipal energy plan in Policy 3.5.1.3;</i> <i>iii. encouraging design and orientation to optimize passive solar energy gains;</i> <i>iv. encouraging opportunities for conservation, energy efficiency and demand management within existing and planned development;</i> <i>v. encouraging water conservation techniques, including water efficient landscaping and collection and reuse of clean water and stormwater; and 95 NIAGARA OFFICIAL PLAN May 2024 Consolidation</i> | Supports conservation and energy reduction the development of a compact design that utilizes energy more efficiently and will incorporate green infrastructure such as enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |

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| POLICY | | ASSESSMENT |
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| | <i>vi. promoting reduction, reuse and recycling objectives, diversion techniques, including reuse and recycling of construction materials, and opportunities for energy generation from waste.</i> | |
| | <i>c. enhance carbon sinks that store and sequester carbon by:</i> <i>i. protecting and enhancing the ecological integrity and biodiversity of the natural environment system;</i> <i>ii. maximizing vegetation and promoting tree planting to improve air quality, provide shade, and store carbon;</i> <i>iii. Integrating climate change considerations into planning for parks, open space and trails, including opportunities for tree planting and low impact development;</i> | Incorporates climate change considerations in the development of a compact design that utilizes energy more efficiently and will incorporate green infrastructure such as enhanced landscaping and tree planting and, low impact development (LID). |
| | <i>3.5.4.1. This section consolidates policy direction integrated throughout this Plan that supports the transition to climate-resilient communities that adapt to, and recover from, the impacts of climate change. The Region will endeavor to:</i> | |
| | <i>a. enhance the adaptive capacity of infrastructure by:</i> <i>iii. requiring new urban development to be designed with separate storm drainage systems or connections to reduce wet weather overflows;</i> <i>iv. requiring the separation of existing municipal combined sewers, where feasible;</i> <i>v. promoting stormwater attenuation and reuse, water conservation and efficiency and low impact development, where possible; SUSTAINABLE REGION 96</i> <i>vi. integrating green infrastructure and low-impact development such as green roofs and permeable surfaces into the design of infrastructure, public works projects, public service facilities and private development, where possible;</i> <i>vii. encouraging the burial of overhead utilities for improved protection against extreme weather events; and</i> <i>viii. encouraging the continued operation and expansion of agricultural infrastructure, including irrigation systems, to adapt to climate change impacts.</i> | Incorporates climate change considerations in the development of a compact design that utilizes energy more efficiently and will incorporate green infrastructure such as enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |

| POLICY | | ASSESSMENT |
|---|---|---|
| Part IV – Competitive Region | | |
| Economic Prosperity | | |
| <i>4.5. The objectives of the Region are:</i> | | |
| | <i>a. align land use and economic goals through strategic partnerships; and</i> | The proposed development supports appropriate and meaningful land use planning. |
| | <i>b. facilitate economic prosperity through land use planning.</i> | |
| <i>4.5.1.4. Opportunities shall be considered to attract employment investment that supports the diversification of Niagara’s economic base, strengthens the skilled labour workforce, and enhances local, national and global competitiveness in planning for employment uses.</i> | | The mixed-use proposed development supports local employment opportunities. |
| <i>4.5.2.1. This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:</i> | | |
| | <i>a. attract employers and workers to the region by:</i> <ul style="list-style-type: none"> <i>i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;</i> <i>iii. protecting and proactively planning for employment areas and supporting employment lands to attract and retain investment;</i> | The development proposes a mix of housing options for all stages of life and employment opportunities that support the local economy. |
| | <i>e. support opportunities for nature and culture-based tourism by:</i> <ul style="list-style-type: none"> <i>i. protecting the Regional natural environment system and supporting the provision of parks, trails and open space for recreation and ecotourism;</i> <i>vi. promoting revitalization and redevelopment within downtown and community cores to enhance their existing character.</i> | The proposed development encourages tourism by revitalizing an underutilized site within the Virgil Community area. |

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| POLICY | | ASSESSMENT |
|---|--|---|
| Part V – Connected Region | | |
| Multimodal Transportation System | | |
| <i>5.1.3.4. Local Area Municipalities are encouraged to support the use of bicycle infrastructure to ensure a connected and extended bicycle network within the region.</i> | | The development proposes increased bicycle parking spaces to encourage the use of local bicycle infrastructure. |
| <i>5.1.5.7. Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.</i> | | A Noise Study has been completed and included in the submission package. |
| Infrastructure | | |
| <i>5.2. The objectives of the Region are:</i> | | |
| | <i>a. undertake infrastructure planning, development, and asset management;</i> | As demonstrated through the Functional Servicing and SWM Report, the proposed development will make efficient use of existing and available infrastructure including water and wastewater services, and waste management systems. |
| | <i>b. ensure municipal services are provided in an efficient manner;</i> | |
| | <i>c. supply municipal water and wastewater systems/servicing within urban areas;</i> | |
| | <i>e. provide municipal waste management services;</i> | Green infrastructure is also proposed in the development of a compact design that utilizes energy more efficiently and will incorporate green infrastructure such as enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |
| | <i>f. ensure stormwater management and green infrastructure is integrated into the planning process;</i> | |
| | <i>g. ensure utilities are provided in an efficient and compatible manner; and</i> | |
| | <i>h. support the development of green energy infrastructure.</i> | |
| <i>5.2.1.1. Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.</i> | | The proposed development promotes sustainability by utilizing existing infrastructure. |

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| POLICY | | ASSESSMENT |
|--|---|---|
| 5.2.1.9. The location, design, construction, and operation of infrastructure will be sustainable, strategic, and cost-efficient, and minimize adverse impacts on the natural environment system, agricultural lands, and existing landscape. | | As demonstrated in the EIS, the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. |
| 5.2.1.11. The Region will promote the use of green infrastructure and low impact development by considering green infrastructure in public works projects and encouraging its use through review of development applications. | | Green infrastructure and low impact development is proposed in the development. |
| 5.2.1.18. Planning for stormwater management shall: | | |
| | b. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; | Stormwater Management for the proposed development will incorporate enhanced landscaping, low impact development (LID), or roof rainwater harvesting reuse through irrigation. |
| | e. mitigate risks to human health, safety, property, and the environment; | |
| | g. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and | |
| 5.2.2.2. Municipal water and wastewater systems/services are the required form of servicing for development in urban areas. | | As demonstrated through the Functional Servicing and SWM Report, the proposed development will be capable of using existing and available infrastructure including water and wastewater services, and waste management systems. |
| 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. | | |
| 5.2.2.12. Within urban settlement areas full municipal services are the preferred form of servicing. Partial services shall only be permitted in the following circumstances: | | |
| | b. to allow for infilling and minor rounding out of existing development on partial services provided site conditions are suitable for the long-term provision of such services with no negative impacts. | Full municipal servicing is proposed for the development. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
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| Part VI – Vibrant Region | | |
| Urban Design | | |
| <i>6.2. The objectives of the Region are:</i> | | |
| | <i>a. commit to excellence in urban design;</i> | The proposal contributes meaningfully to the ongoing evolution of the Virgil Community, advances the Town’s goals for intensification, housing diversity, and public realm improvements, while respecting the area’s unique character. |
| | <i>b. enhance the public realm and promote active transportation; and</i> | |
| | <i>c. identify and establish tools for urban design implementation.</i> | |
| <i>6.2.1.2. The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture shall be encouraged.</i> | | Land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture shall be encouraged among others have been coordinated for the proposed development. |
| <i>6.2.1.5. The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.</i> | | An Urban Design Brief has been completed and included in the submission package. |
| <i>6.2.1.10. The inclusion of public art into the design of major development, streetscapes, and public spaces will be encouraged.</i> | | An art installation will be provided in the proposed development. |
| <i>6.2.2.2. Alternative road designs that balance the needs of pedestrians, cyclists, public transit users, and motorists, and prioritize road safety will be considered to support complete streets.</i> | | The proposed development supports the use of active transportation through the internal sidewalk network, and the provision of long-term and short-term bicycle parking spaces for residents, visitors, and retail patrons. |
| <i>6.2.2.7. The creation of an enriched urban design experience along Regional Roads will be encouraged by supporting:</i> | | |
| | <i>a. a consistent wayfinding strategy;</i> | |

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| POLICY | | ASSESSMENT |
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| | <i>b. pedestrian and transit-supportive facilities, such as street trees and street furniture; and</i> | Street trees, street furniture, and public art are included in the proposed development design. |
| | <i>c. public art in key locations.</i> | |
| 6.2.2.10. <i>Streetscapes should be designed to create a seamless transition with the public space.</i> | | A Streetscape Study has been completed and included in the submission package. |
| Healthy Communities | | |
| 6.3. <i>The objectives of the Region are:</i> | | |
| | <i>a. plan healthy and safe communities that provide high quality of life.</i> | The proposed development achieves this objective through as justified good form of planning and design. |
| 6.3.1.1. <i>The Region shall support healthy communities by:</i> | | |
| | <i>a. creating built form that provides healthy living;</i> | The development supports a healthy and safe community with compact built design, internal pedestrian network, supports social cohesion and the use of active transportation, and provides convenient access to public service facilities. |
| | <i>b. planning for all ages, incomes, abilities and populations;</i> | |
| | <i>d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;</i> | |
| | <i>f. strategically co-locating public service facilities for convenient access;</i> | |
| TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN (JULY 2017 AMENDMENT) | | |
| The Subject Lands are identified as follows in the OP: <ul style="list-style-type: none">• Service Commercial & Conservation (Schedule C: Virgil Land Use Plan)• Built-up Area in the Urban Area Boundary (Schedule I-2: Official Plan Amendment #43)• Wetlands Area (Schedule C: Virgil Land Use Plan) | | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---|---|--|
| PART 2: GENERAL POLICIES | | |
| Section 6: General Development Policies | | |
| 6.5. Contaminated Areas Due To Previous Use | | |
| | <i>Any new use or redevelopment of lands where Council has reason to believe that soil contamination may be present shall, require prior to any Council approval of the new use or redevelopment, a professional analysis of soils on the site to determine the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health. Such an analysis shall be based upon all present and previous uses of the site and shall be submitted to the authority having jurisdiction and the Town for approval of the remedial works.</i> | Phase One and Two ESAs has been completed and included in the submission package. A physical remediation will be employed in certain areas including excavation of contaminated soil and soil sampling prior to completing the Record of Site Condition (RSC). |
| 6.6. Cost of Servicing Development | | |
| | In order to minimize the cost of services provided by all public agencies, no new development in the Town will be permitted in any location where it would contribute to a demand for public services which are not economically feasible to provide, improve or maintain. Instead, development should be permitted only in locations where demands on public services will be minimized, urban areas, or where it can most effectively utilize existing services. Council has provided for the allocation of capacity as outlined in the municipal sewage allocation by-law. | As demonstrated through the Functional Servicing and SWM Report, the proposed development will make efficient use of existing and available infrastructure including water and wastewater services, and waste management systems. |
| 6.11. Frontage on a Public Street | | |
| | Development will only be permitted where the lot has frontage onto a public roadway. | The proposed development has frontage on Four Mile Creek Road |
| 6.15. Lands Abutting Conservation Designations | | |
| | <i>The municipality shall consult with the Ministry of Natural Resources and Forestry and/or the Conservation Authority prior to the approval of any development on lands abutting Conservation Areas. Proposed uses shall be sensitive to and minimize any impact on the natural environment in a Conservation designation. Building setbacks and buffering may be a requirement in Zoning By-laws and/or Site Plan Control.</i> | The proposed development, while adjacent to a natural environment system, is appropriate as it is located outside of the dripline as staked and setback, top of slope, and proposed significant landscape buffers. |
| 6.21. Parking and Loading Facilities | | |
| | <i>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.</i> | Off-street parking and loading spaces are provided in accordance with the Zoning By-law. Two existing access points from Four Mile Creek Road will be utilized for the new development. |
| 6.30. Servicing Policies | | |
| General Policies: | | |

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| POLICY | | ASSESSMENT |
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| | <i>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.</i> | As demonstrated through the Functional Servicing and SWM Report, the existing and available water and wastewater infrastructure has sufficient capacity to accommodate the proposed development. Two new storm drainage connections are proposed to the municipal storm drainage systems. |
| | | |
| <i>Sanitary Sewers:</i> | | The Functional Servicing and SWM Report indicate that the existing municipal sanitary system has sufficient capacity to accommodate the proposed development. |
| | <i>c) Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available. Council may give consideration to development on interim services where it can be demonstrated that:</i> <ul style="list-style-type: none"> <i>(i) by permitting the proposed use in advance of services, other objectives of this Plan will be met.</i> <i>(ii) the expansion of services has been planned for and that funding commitments have been made by the Region and/or the Town to ensure that the provision of necessary services will proceed within a reasonable time frame.</i> <i>(iii) the form of interim servicing has been approved by the Niagara Health Services Department where necessary; and</i> <i>(iv) the interim servicing is not expected to result in a detriment to the environment, the private development, the Town or to the efficient use of land.</i> | |
| <i>Watermains</i> | | The proposed development is serviced by existing water infrastructure and does not require an extension of services. |
| | <i>a) The improvement and supply of water lines to existing development shall be a priority for Council.</i> | |
| | <i>b) The designation of lands for development shall not be considered a commitment by the Niagara Region or the Town to extend water lines to the area until financially feasible</i> | |
| <i>Drainage</i> | | The FSR, that is attached to this submission, addresses storm run-off and on-site collection in accordance with Town standards. |
| | <i>a) No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town.</i> | |
| | <i>e) Design of development proposals shall incorporate on-site control techniques to minimize peak storm water flows, and to ensure adequate water quality treatment</i> | |
| | <i>h) Development shall be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate storm water management and sediment control.</i> | |

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| Section 6A: Growth Management Policies | | |
| 2. Municipal Urban Structure | | |
| 2.3. Urban Area and Urban Area Boundary | | |
| | There are five Urban Areas identified on Schedule A of the current Official Plan. | The Subject Lands are within the Virgil Urban Area. The Subject Lands are also located within the Built-up Area within the Urban Area Boundary as delineated on Schedule I-2. |
| | The Urban Area is comprised of the following areas: <ul style="list-style-type: none">Built-up Areas; and,<ul style="list-style-type: none">Intensification Areas located within the Built-up Areas;Greenfield Areas. | |
| 2.4. Built-up Area and Built Boundary | | |
| Planned Function | | |
| | <i>The Built-up Area is the limit of existing development within the urban areas of Virgil and the Old Town as defined by the Province of Ontario in April, 2008. All growth and development which will occur within the Built-up Area is considered to be intensification and will count towards the achievement of the Town's intensification target.</i> | The proposed development is located in the Settlement Area of Virgil where growth and development are expected to occur. |
| 3. Growth Management | | |
| 3.2. Growth Management Objectives | | |
| The objectives of the Town's growth strategy are to: | | The proposed development accommodates growth and redevelopment in an appropriate location outlined by the Town, coordinates effective land use and infrastructure planning, and supports compact, complete communities by providing a range of housing types and employment uses on the Subject Lands. |
| | a) To accommodate all future urban growth within the present-day urban boundary; | |
| | c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities. | |
| | d) Direct urban growth and development to the Town's existing Urban Areas. | |
| | e) Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. Davids, and Queenston through appropriate intensification. | |
| | h) Coordinate land use planning with infrastructure planning; and, | |
| | 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. | |
| 3.2. Population Forecast | | |

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| POLICY | | ASSESSMENT | | | | | | | | | | | | | | | | | | |
|---|---|---|--|-----------------|------------------|------|--------|------|--------|------|--------|------|--------|------|--------|------|--------|--------------------|-------|---|
| | <p>The projected population growth for the Town is shown in Table 1. The Official Plan's land use and policies are based on serving this anticipated population growth. The population forecasts shown in Table 1 are the basis for planning the Town's long term population growth.</p> <p>Table 1</p> <table><tr><th colspan="2">Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031</th></tr><tr><th>Forecast Period</th><th>Total Population</th></tr><tr><td>2006</td><td>15,200</td></tr><tr><td>2011</td><td>16,700</td></tr><tr><td>2016</td><td>18,400</td></tr><tr><td>2021</td><td>19,900</td></tr><tr><td>2026</td><td>21,300</td></tr><tr><td>2031</td><td>22,700</td></tr><tr><td>2006 – 2031 Growth</td><td>7,500</td></tr></table> <p><i>Source: Schedule B, Region of Niagara Sustainable Community Policies Policy Plan Amendment 2-2009</i></p> | Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031 | | Forecast Period | Total Population | 2006 | 15,200 | 2011 | 16,700 | 2016 | 18,400 | 2021 | 19,900 | 2026 | 21,300 | 2031 | 22,700 | 2006 – 2031 Growth | 7,500 | <p>The proposed development contributes 29 new units to the 7,500 forecasted growth in Niagara-on-the-Lake by 2031.</p> |
| Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031 | | | | | | | | | | | | | | | | | | | | |
| Forecast Period | Total Population | | | | | | | | | | | | | | | | | | | |
| 2006 | 15,200 | | | | | | | | | | | | | | | | | | | |
| 2011 | 16,700 | | | | | | | | | | | | | | | | | | | |
| 2016 | 18,400 | | | | | | | | | | | | | | | | | | | |
| 2021 | 19,900 | | | | | | | | | | | | | | | | | | | |
| 2026 | 21,300 | | | | | | | | | | | | | | | | | | | |
| 2031 | 22,700 | | | | | | | | | | | | | | | | | | | |
| 2006 – 2031 Growth | 7,500 | | | | | | | | | | | | | | | | | | | |
| 3.3. Housing Forecast | | | | | | | | | | | | | | | | | | | | |
| | <p>The projected housing growth for the Town is shown in Table 2. The Official Plan's land use and policies are based on serving this anticipated housing growth. The housing forecasts shown in Table 2 are the basis for planning the Town's long term residential land needs.</p> <p>Table 2</p> <table><tr><th colspan="2">Town of Niagara-on-the-Lake Housing Forecast, 2006-2031</th></tr><tr><th>Forecast Period</th><th>Total Households</th></tr><tr><td>2006</td><td>5445</td></tr><tr><td>2011</td><td>6120</td></tr><tr><td>2016</td><td>6850</td></tr><tr><td>2021</td><td>7550</td></tr><tr><td>2026</td><td>8220</td></tr><tr><td>2031</td><td>8840</td></tr><tr><td>2006 -2031 Growth</td><td>3395</td></tr></table> <p><i>Source: Schedule B, Region of Niagara Sustainable Community Policies Policy Plan Amendment 2-2009</i></p> | Town of Niagara-on-the-Lake Housing Forecast, 2006-2031 | | Forecast Period | Total Households | 2006 | 5445 | 2011 | 6120 | 2016 | 6850 | 2021 | 7550 | 2026 | 8220 | 2031 | 8840 | 2006 -2031 Growth | 3395 | <p>The proposed development contributes 29 new units to the 3,395 forecasted new households in Niagara-on-the-Lake by 2031.</p> |
| Town of Niagara-on-the-Lake Housing Forecast, 2006-2031 | | | | | | | | | | | | | | | | | | | | |
| Forecast Period | Total Households | | | | | | | | | | | | | | | | | | | |
| 2006 | 5445 | | | | | | | | | | | | | | | | | | | |
| 2011 | 6120 | | | | | | | | | | | | | | | | | | | |
| 2016 | 6850 | | | | | | | | | | | | | | | | | | | |
| 2021 | 7550 | | | | | | | | | | | | | | | | | | | |
| 2026 | 8220 | | | | | | | | | | | | | | | | | | | |
| 2031 | 8840 | | | | | | | | | | | | | | | | | | | |
| 2006 -2031 Growth | 3395 | | | | | | | | | | | | | | | | | | | |
| 3.5. Employment Forecast | | | | | | | | | | | | | | | | | | | | |
| | <p>The forecasted employment growth for the Municipality is shown in Table 3. The figures in Table 3 are the basis for planning the Town's long term employment land needs and the land use policies of this Plan.</p> | <p>The proposed development contributes new employment opportunities to the 3,750 forecasted new jobs in Niagara-on-the-Lake by 2031.</p> | | | | | | | | | | | | | | | | | | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT | | | | | | | | | | | | | | | | | | |
|---|--|---|--|-----------------|------|------|--------|------|--------|------|--------|------|--------|------|--------|------|--------|-------------------|-------|--|
| | <div>Table 3</div> <table><tr><th colspan="2">Town of Niagara-on-the-Lake Employment Forecast, 2006-2031</th></tr><tr><th>Forecast Period</th><th>Jobs</th></tr><tr><td>2006</td><td>11,350</td></tr><tr><td>2011</td><td>12,070</td></tr><tr><td>2016</td><td>12,820</td></tr><tr><td>2021</td><td>13,700</td></tr><tr><td>2026</td><td>14,570</td></tr><tr><td>2031</td><td>15,100</td></tr><tr><td>2006 -2031 Growth</td><td>3,750</td></tr></table> <div>Source: Schedule B, Region of Niagara Sustainable Community Policies Policy Plan Amendment 2-2009</div> | Town of Niagara-on-the-Lake Employment Forecast, 2006-2031 | | Forecast Period | Jobs | 2006 | 11,350 | 2011 | 12,070 | 2016 | 12,820 | 2021 | 13,700 | 2026 | 14,570 | 2031 | 15,100 | 2006 -2031 Growth | 3,750 | |
| Town of Niagara-on-the-Lake Employment Forecast, 2006-2031 | | | | | | | | | | | | | | | | | | | | |
| Forecast Period | Jobs | | | | | | | | | | | | | | | | | | | |
| 2006 | 11,350 | | | | | | | | | | | | | | | | | | | |
| 2011 | 12,070 | | | | | | | | | | | | | | | | | | | |
| 2016 | 12,820 | | | | | | | | | | | | | | | | | | | |
| 2021 | 13,700 | | | | | | | | | | | | | | | | | | | |
| 2026 | 14,570 | | | | | | | | | | | | | | | | | | | |
| 2031 | 15,100 | | | | | | | | | | | | | | | | | | | |
| 2006 -2031 Growth | 3,750 | | | | | | | | | | | | | | | | | | | |
| 4. Intensification | | | | | | | | | | | | | | | | | | | | |
| 4.2. Intensification Target | | | | | | | | | | | | | | | | | | | | |
| | By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2". | The proposed development contributes a density of 0.69 (30 units per hectare) to the target 15% of new dwelling units to occur annually in the Built-up Area. | | | | | | | | | | | | | | | | | | |
| 4.3. Strategy | | | | | | | | | | | | | | | | | | | | |
| | The majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots. | The Subject Lands located within the Built-up Area. A Land Use Compatibility Study and Urban Design Brief have been completed and included in the submission package. | | | | | | | | | | | | | | | | | | |
| 4.4. Intensification Objectives | | | | | | | | | | | | | | | | | | | | |
| The objectives of the intensification policies of this Plan are to: | | The proposed development is within the Built-up Areas. As demonstrated in the EIS the proposed development has no negative impacts on the surrounding NPCA lands with the implementations of all technical mitigation measures. | | | | | | | | | | | | | | | | | | |
| | b) Provide land use policy directions for accommodating additional growth within the Builtup 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. | | | | | | | | | | | | | | | | | | | |
| 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. Intensification and/or redevelopment should be consistent with: | | | | | | | | | | | | | | | | | | | | |
| | a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood; | | | | | | | | | | | | | | | | | | | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---------------------|---|---|
| | <i>b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;</i> | A Streetscape Study has been submitted with this application that addresses the existing built form of the surrounding neighbourhood as well as the existing natural heritage area. |
| | <i>c) The existing and/or planned densities of the surrounding neighbourhood; and,</i> | |
| | <i>d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.</i> | |
| | <i>e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.</i> | |
| | <i>f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:</i> <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 - Servicing</i> | |
| 7. Infrastructure | | |
| 7.1. Transportation | | |
| | <i>Truck traffic shall be managed by:</i> <i>i) Directing it away from, or around, residential or sensitive land uses where the road capacities are inadequate or where there is a potential for noise and/or safety hazards, and, in particular, designate, establish and monitor truck routes in co-ordination with the Region;</i> <i>ii) Encouraging the relocation of existing land uses (which generate volumes of truck traffic which contribute to current noise and safety hazards) to more suitable locations in the Town;</i> <i>iii) Discouraging the movement of heavy truck traffic on collector and local streets in residential areas.</i> | The Traffic Impact Study, submitted with this application, addresses commercial vehicular movements. |
| 7.4. Utilities | | |
| | All new development will be required to be served by adequate utility networks, that are or will be, established to serve the anticipated development and that these networks can be phased in a manner that is cost-effective and efficient. | The proposed development will make efficient use of existing and available infrastructure including utility networks. |

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| POLICY | | ASSESSMENT |
|---------------------------------------|---|--|
| | The Plan defines that while the majority of lands within NOTL are designated for low density residential, medium density residential development is permitted when establishing residential designations subject to specific design and locational criteria as provided in this Plan. Given the small-Town character of Niagara-on-the-Lake, high density development is limited and not envisioned. | The Subject Lands are located in the Virgil Community and meet the intensification targets of the Town’s Official Plan. |
| PART 3: LAND USE POLICIES | | |
| Section 10: Commercial | | |
| 10.2. The objectives of the Town are: | | |
| | (1) To provide for an orderly distribution of commercial areas within the Urban Boundaries of the Town to meet the shopping and service needs of residents and tourists. | The proposed development supports these objectives by providing for an compact built form, with a mix of land uses, that creates an active and vibrant public realm. The proposed commercial uses will service existing and future residents and tourists in the area. As demonstrated through the Market Study, the residential uses proposed are not expected to disrupt the commercial development. |
| | (2) To adequately provide for local-serving commercial areas and, where necessary, to prevent their use for tourist serving uses. | |
| | (3) To maintain in tourist-serving commercial areas, a character which is consistent with the historical importance of these areas and their surroundings. | |
| | (5) To encourage controlled and orderly growth within designated commercial areas | |
| | (9) To promote compact forms of commercial development, and to discourage scattered forms of development. | |
| | (10) To recognize the existing commercial structure of the Town as an important part of the municipality that should be protected from any significant impact from future proposals for major commercial development. | |
| 10.3.2. Service Commercial | | |
| | <p>Within the Service Commercial designation shown on the Land Use Schedules the following uses shall be permitted:</p> <p><u>Main Uses:</u></p> <p>Retail commercial uses catering to travelers that rely heavily upon vehicular traffic for their business. Typical uses include automotive services, restaurants, nursery or garden centers, wholesales building supplies, etc.</p> <p><u>Secondary Use:</u></p> <p>Uses permitted with a Main Use:</p> <ul style="list-style-type: none">• accessory buildings and structures• dwelling units <p>Uses permitted independent of a Main Use:</p> | As demonstrated through the Market Study, the residential uses proposed are not expected to disrupt the commercial development and the proposed redevelopment will have no negative impacts on the planned commercial structure of the Town. |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---------------------------------------|--|---|
| | <ul style="list-style-type: none"><i>Business Offices</i> | |
| 10.4 | <i>Commercial Policies</i> | |
| | <i>The following policies apply to all commercial designations shown on the Land Use Schedules: (10) Dwelling units permitted in any commercial designation may be restricted in the implementing Zoning By-law to the second and upper floors of a building or to only a single dwelling unit so as not to detract from the prime function of the commercial designation.</i> | The proposed dwelling units are contained within a separate building to the rear of the commercial building that abuts Four Mile Creek Road so as not to detract from the prime function of the service commercial designation. |
| Section 16: Conservation/Wetlands | | |
| 16.2. The objectives of the Town are: | | |
| | <i>(1) To protect wetlands from incompatible activities.</i> | The proposed development supports these objections with appropriate land use, setbacks, and buffers from the conservation lands. A Hydrogeological report was prepared and concluded that no surface water features exist on the Subject Lands and no dewatering related impacts on water supply wells is expected in the area. |
| | <i>(2) To encourage the retention of woodlots and the reforestation of low capability farmland.</i> | |
| | <i>(8) To preserve and enhance the amenities and natural resources offered by waterways, wetlands and natural areas in the Town.</i> | |
| 16.3.1. Conservation | | |
| | <i>Within the Conservation designation as shown on the Land Use Schedules the following uses are permitted: <u>Main Uses:</u> Forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks (parks are permitted only within urban boundaries), activities and facilities of the Niagara Parkway Commission. <u>Secondary Uses:</u> Uses permitted with a Main Use:<ul style="list-style-type: none"><i>accessory buildings and structures subject to the approval of the authority having jurisdiction.</i>Uses permitted independent of a Main Use:<ul style="list-style-type: none"><i>shoreline protection works</i><i>any agricultural use permitted in Section 7 of this Plan</i><i>yard space for any use permitted in an abutting designation</i><i>accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction.</i></i> | There are no uses proposed on the portion of the Subject Lands that are designated Conservation. The proposed development is appropriate as it is set back from the staked dripline and top of slope, and proposes significant landscape buffers. |

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|--|--|--|
| 16.4. General Conservation Policies | | The Niagara Peninsula Conservation authority (NCPA) have confirmed that there are no wetlands present on the Subject Lands. An EIS and Geotechnical Investigation have been prepared and included in the submission package. |
| (10) In interpreting the boundary of any conservation designation the following principals shall apply: | | |
| | c) Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area development may be permitted but restricted to preserve existing trees or other natural feature. | |
| TOWN OF NIAGARA-ON-THE-LAKE NEW OFFICIAL PLAN (ADOPTED AUGUST 15, 2019) | | |
| The Subject Lands are identified as follows in the OP: <ul style="list-style-type: none">• Commercial & Conservation (Schedule B3: Land Use Plan - Virgil)• Built-up Area in the Existing Settlement Area (B7: Growth Plans - Virgil)• Niagara-on-the-Lake Natural Heritage Features (Schedule C - Natural Heritage System) | | |
| POLICY | REQUIREMENT | PROPOSED |
| SECTION 2: A FRAMEWORK FOR A SUSTAINABLE COMMUNITY | | |
| 2.1. Community Vision | | |
| 2.1.3. The Community Vision process identified eight (8) strategic pillars and a number of associated goals to ensure the community vision is fulfilled over the next 20 years. The eight strategic pillars are: | | The proposal contributes meaningfully to the ongoing evolution of the Virgil Community, advances the Town’s goals for intensification, housing diversity, local economy improvements and environmental preservation. |
| | (1) A prosperous and diverse economy; | |
| | (2) Strong environmental stewardship; | |
| | (3) An inclusive, integrated, healthy town; | |
| | (4) A centre for culture, heritage and recreation; | |
| | (6) A well-planned built environment; | |
| | (8) Well-managed municipal finances. | |
| 2.2. Community Structure | | |
| 2.2.1. The Town contains several distinct planning features, which have evolved over time and contribute to its character and community structure. Schedule A identifies the components of the community structure, which include: | | The Subject Lands are located within the Virgil Settlement Area. |
| | b) The five settlement areas of Old Town, Queenston, St. Davids, Virgil and Glendale; | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|--|---|---|
| 2.3. Economic Strategy | | |
| 2.3.3. <i>As key components of the Town's economic development strategy, the Town:</i> | | |
| | g) will promote new economic development and tourism opportunities; | The proposed commercial uses and vibrant street front will generate local economic development and promote tourism opportunities. |
| 2.4. Growth Management | | |
| 2.4.1.2. <i>The current settlement area boundaries will be maintained, as the existing settlement area supply exceeds the projected demand to at least 2031. The settlement areas will accommodate most of the residential and employment growth in the Town recognizing that some development will occur outside the settlement areas through agricultural, agriculture-related and on-farm diversified development.</i> | | |
| 2.4.2.1. <i>The objectives of the Town are:</i> | | |
| | a) <i>direct the vast majority of future urban growth to lands within the existing settlement area boundaries;</i> | The proposed development supports these objectives by providing for a compact built form, with a mix of land uses, that creates an active and vibrant public realm. It represents appropriate infill development of an underutilized site in the Virgil Settlement area where residential and commercial growth are to be directed. The proposed development will promote healthy communities due to its location in proximity to existing and planned active transportation improvements, an increase of bicycle parking facilities, and pedestrian connections within and outside the Subject Lands. |
| | c) <i>provide a framework for revitalizing the Town's commercial areas and directing commercial development to appropriate locations in the Town's settlement areas;</i> | |
| | i) <i>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, transit and active transportation;</i> | |
| | j) <i>promote healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity in appropriate areas that do not negatively impact farming; and</i> | |
| 2.4.3.1. <i>Population Forecast</i> | | |
| | a) <i>The projected population growth for the Town is shown in Table 1. The Official Plan's land use policies are based on serving this anticipated population growth. The population forecasts shown in Table 1 are the basis for planning the Town's long-term population growth and, will be updated upon finalization of the Regional Municipal Comprehensive Review.</i> | The proposed development contributes 29 new units to the 5,488 forecasted growth in Niagara-on-the-Lake by 2031. |

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| POLICY | | ASSESSMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|--|--|-----------------|------------------|------------|---------|----------|--------|------|------------------|------|--------|----------|--------|------|------------|-------------------|-------|--|------|------|-------|------|------|--------------|--------------|------------|--|
| | <table><tr><td colspan="2">Table 1 - Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031</td></tr><tr><td>Forecast Period</td><td>Total Population</td></tr><tr><td>2006</td><td>15,200</td></tr><tr><td>2011</td><td>16,800</td></tr><tr><td>2016</td><td>18,400 / 17,511*</td></tr><tr><td>2021</td><td>19,200</td></tr><tr><td>2026</td><td>19,700</td></tr><tr><td>2031</td><td>20,688</td></tr><tr><td>2006-2031 Growth</td><td>5,488</td></tr></table> | Table 1 - Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031 | | Forecast Period | Total Population | 2006 | 15,200 | 2011 | 16,800 | 2016 | 18,400 / 17,511* | 2021 | 19,200 | 2026 | 19,700 | 2031 | 20,688 | 2006-2031 Growth | 5,488 | | | | | | | | | | |
| Table 1 - Town of Niagara-on-the-Lake Population Growth Forecast, 2006-2031 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Forecast Period | Total Population | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2006 | 15,200 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2011 | 16,800 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2016 | 18,400 / 17,511* | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2021 | 19,200 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2026 | 19,700 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2031 | 20,688 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2006-2031 Growth | 5,488 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>b) The estimated population for 2016 by settlement areas is shown in Table 2.</i></p> <table><tr><td colspan="3">Table 2 - Town of Niagara-on-the-Lake Population by Settlement area, 2016</td></tr><tr><td>Settlement Area</td><td>Population</td><td>% Share</td></tr><tr><td>Glendale</td><td>1085</td><td>6.2</td></tr><tr><td>Queenston</td><td>370</td><td>2.1</td></tr><tr><td>Old Town</td><td>4670</td><td>26.7</td></tr><tr><td>St. Davids</td><td>1670</td><td>9.5</td></tr><tr><td>Virgil</td><td>3000</td><td>17.1</td></tr><tr><td>Rural</td><td>6716</td><td>38.4</td></tr><tr><td>Total</td><td>17511</td><td>100</td></tr></table> | Table 2 - Town of Niagara-on-the-Lake Population by Settlement area, 2016 | | | Settlement Area | Population | % Share | Glendale | 1085 | 6.2 | Queenston | 370 | 2.1 | Old Town | 4670 | 26.7 | St. Davids | 1670 | 9.5 | Virgil | 3000 | 17.1 | Rural | 6716 | 38.4 | Total | 17511 | 100 | The proposed development contributes 29 new units to the 3000 forecasted growth in Virgil Settlement Area based on 2016 Census Population, set out by the Region of Niagara. |
| Table 2 - Town of Niagara-on-the-Lake Population by Settlement area, 2016 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Settlement Area | Population | % Share | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Glendale | 1085 | 6.2 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Queenston | 370 | 2.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Old Town | 4670 | 26.7 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| St. Davids | 1670 | 9.5 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Virgil | 3000 | 17.1 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rural | 6716 | 38.4 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 17511 | 100 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.4.3.2. Housing Forecast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>a) The projected housing growth for the Town is shown in Table 3. The Official Plan's land use policies are based on serving this anticipated housing growth. The housing forecasts shown in Table 3 are the basis for planning the Town's long-term residential land needs and, will be updated upon finalization of the Regional Municipal Comprehensive Review.</i></p> <table><tr><td colspan="2">Table 3 - Town of Niagara-on-the-Lake Housing Forecast, 2006-2031</td></tr><tr><td>Forecast Period</td><td>Total Households</td></tr><tr><td>2006</td><td>5,445</td></tr><tr><td>2011</td><td>6,150</td></tr><tr><td>2016</td><td>6,790/7090*</td></tr><tr><td>2021</td><td>7,240</td></tr><tr><td>2026</td><td>7,550</td></tr><tr><td>2031</td><td>7,990</td></tr><tr><td>2006 -2031 Growth</td><td>2,545</td></tr></table> | Table 3 - Town of Niagara-on-the-Lake Housing Forecast, 2006-2031 | | Forecast Period | Total Households | 2006 | 5,445 | 2011 | 6,150 | 2016 | 6,790/7090* | 2021 | 7,240 | 2026 | 7,550 | 2031 | 7,990 | 2006 -2031 Growth | 2,545 | The proposed development contributes 29 new units to the 2,545 forecasted household growth in Niagara-on-the-Lake by 2031. | | | | | | | | | |
| Table 3 - Town of Niagara-on-the-Lake Housing Forecast, 2006-2031 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Forecast Period | Total Households | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2006 | 5,445 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2011 | 6,150 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2016 | 6,790/7090* | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2021 | 7,240 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2026 | 7,550 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2031 | 7,990 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2006 -2031 Growth | 2,545 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| POLICY | | ASSESSMENT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|--|-------------------------|-------|------------------|--|--|-----------------|--------------|--|--|--|------------------|-------------------------|------------------------|-------------------------|-------|----------|-----|-----|-----|-----|-----|--------|-----|----|----|-----|-----|-----------|----|---|---|----|----|------------|-----|-----|-----|-------|-----|----------|-----|-----|----|-------|-----|-------|---|---|---|---|----|-------|-------|-------|-------|-------|------|----------------------|-----|-----|-----|------|--|--|--|--|--|--|--|---|--|--|--|--|--|---|--|--|--|--|--|---|--|--|--|--|--|--|
| | <p><i>c) The Town can accommodate over 4,300 housing units through intensification and greenfield development opportunities, which is in excess of the anticipated increase in households to 2031. The potential supply opportunities for each settlement area are shown in Table 4.</i></p> <table><tr><th colspan="6">Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area</th></tr><tr><th rowspan="2">Settlement Area</th><th colspan="4">Density Type</th><th rowspan="2">Percentage Share</th></tr><tr><th>Singles & Semi-Detached</th><th>Multiples¹</th><th>Apartments²</th><th>Total</th></tr><tr><td>Old Town</td><td>187</td><td>323</td><td>241</td><td>751</td><td>17%</td></tr><tr><td>Virgil</td><td>690</td><td>32</td><td>22</td><td>744</td><td>17%</td></tr><tr><td>Queenston</td><td>29</td><td>0</td><td>0</td><td>29</td><td>1%</td></tr><tr><td>St. Davids</td><td>858</td><td>113</td><td>800</td><td>1,771</td><td>41%</td></tr><tr><td>Glendale</td><td>413</td><td>649</td><td>10</td><td>1,072</td><td>25%</td></tr><tr><td>Rural</td><td>2</td><td>0</td><td>0</td><td>2</td><td>0%</td></tr><tr><td>Total</td><td>2,179</td><td>1,117</td><td>1,073</td><td>4,369</td><td>100%</td></tr><tr><td>Percentage Breakdown</td><td>50%</td><td>26%</td><td>25%</td><td>100%</td><td></td></tr><tr><td colspan="6">¹ Includes townhomes and apartments in duplexes</td></tr><tr><td colspan="6">² Includes bachelor, 1 bedroom and 2 bedroom+ apartments</td></tr><tr><td colspan="6">Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels.</td></tr><tr><td colspan="6">Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake.</td></tr></table> | Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area | | | | | | Settlement Area | Density Type | | | | Percentage Share | Singles & Semi-Detached | Multiples ¹ | Apartments ² | Total | Old Town | 187 | 323 | 241 | 751 | 17% | Virgil | 690 | 32 | 22 | 744 | 17% | Queenston | 29 | 0 | 0 | 29 | 1% | St. Davids | 858 | 113 | 800 | 1,771 | 41% | Glendale | 413 | 649 | 10 | 1,072 | 25% | Rural | 2 | 0 | 0 | 2 | 0% | Total | 2,179 | 1,117 | 1,073 | 4,369 | 100% | Percentage Breakdown | 50% | 26% | 25% | 100% | | ¹ Includes townhomes and apartments in duplexes | | | | | | ² Includes bachelor, 1 bedroom and 2 bedroom+ apartments | | | | | | Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels. | | | | | | Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake. | | | | | | <p>The proposed development contributes 29 new units to the 4,300 target housing units in Niagara-on-the-Lake and the 22 apartment residential supply in Virgil Settlement Area by 2031.</p> |
| Table 4 - Town of Niagara-on-the-Lake Residential Supply Opportunities by Settlement Area | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Settlement Area | Density Type | | | | Percentage Share | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Singles & Semi-Detached | Multiples ¹ | Apartments ² | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Old Town | 187 | 323 | 241 | 751 | 17% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Virgil | 690 | 32 | 22 | 744 | 17% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Queenston | 29 | 0 | 0 | 29 | 1% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| St. Davids | 858 | 113 | 800 | 1,771 | 41% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Glendale | 413 | 649 | 10 | 1,072 | 25% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rural | 2 | 0 | 0 | 2 | 0% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | 2,179 | 1,117 | 1,073 | 4,369 | 100% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Percentage Breakdown | 50% | 26% | 25% | 100% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ¹ Includes townhomes and apartments in duplexes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ² Includes bachelor, 1 bedroom and 2 bedroom+ apartments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Note: Residential land supply includes units in plans of subdivision and units yields from potential developable parcels. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Source: Plans of Subdivision data derived from Niagara-on-the-Lake Development Charges Study 2013 revised for recent development activity and potential developable parcel unit data provided by Niagara-on-the-Lake. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.4.3.3. Employment Forecast | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>b) The projected employment for the Town by the year 2031 is 12,690 jobs. An employment target of 1,340 new jobs is anticipated by 2031. A proportion of those jobs are to occur within the Employment Area designation through greenfield development and the intensification of existing development. The remainder of jobs will be located throughout the Town, including in commercial and community facilities areas, in residential areas as home-based businesses and service commercial uses, in the Protected Countryside through agricultural, agriculture-related, and on-farm diversified jobs, and at the Niagara District Airport.</i></p> | <p>The proposed development contributes new employment opportunities to the 12,690 forecasted new jobs in Niagara-on-the-Lake by 2031.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.6. Complete Communities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p><i>2.6.1.1. The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.</i></p> | <p>The proposed development supports the creation of a complete community by providing for a compact built form, with a mix of land uses, that directs growth to the Virgil Settlement Area and maintains a balance of residential and employment opportunities.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|--|--|---|
| 2.6.1.3. <i>Sustainability is achieved through a variety of initiatives that can include:</i> | | |
| | <i>d) providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;</i> | The proposed development achieves sustainability by providing new housing and job choices, supporting active transportation through an increased bicycle parking supply and pedestrian connections throughout the site, and promoting social interaction within the landscaped open spaces and through the proposed art installation. |
| | <i>g) making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;</i> | |
| 2.6.2.1. <i>Healthy neighbourhoods and communities are essential to the quality of everyday life in Niagara-on-the-Lake, from housing to community services, arts and culture and heritage. Components of healthy communities in the Town include:</i> | | |
| | <i>a) Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other;</i> | The proposed development will assist in diversifying the range and mix of housing options in the area to accommodate people at all stages of life and the needs through the addition of 29 dwelling units that provide a mix of unit types and sizes, as well as commercial uses, landscaped open areas, and an art installation. |
| | <i>c) a range of quality housing choices to meet the needs of people in all stages of life;</i> | |
| | <i>g) measures to protect the Town’s scenic beauty, tree cover and landscaping;</i> | |
| | <i>h) support for education, arts and culture; and</i> | |
| 2.6.3.2. <i>Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification and development of greenfield areas.</i> | | The proposed infill development consists of a small apartment building with a mix of unit types adjacent to job opportunities within the Virgil Settlement Area. |
| 2.6.3.3. <i>Multi-unit residential developments may be required to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.</i> | | The proposed development will assist in diversifying the range and mix of housing options in the area through the addition of residential unit types and sizes not currently common in the area. |
| 2.6.3.4. <i>New housing will be directed to the Settlement Areas.</i> | | The proposed new mixed use development is within the Virgil Settlement Area. |
| SECTION 4: SETTLEMENT AREAS | | |
| 4.5. Intensification Strategy | | |
| 4.5.2.1. <i>The objectives of the Town are:</i> | | |
| | <i>c) Provide a framework that supports intensification and infilling throughout the Town’s Built-up Area;</i> | The proposed development contributes a density of 0.69 (30 units per hectare) of infilling development within the Town’s Built-up Area. |
| | <i>e) Ensure any proposal for intensification conserves cultural heritage resources; Intensification will be directed to the Built-up Areas where development will not impact cultural heritage resources; and</i> | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
|---|---|---|
| 4.7. Land Use Compatibility | | |
| 4.7.2.1. Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to: | | |
| | a) conserving natural heritage and cultural heritage resources; | A Streetscape Study has been submitted with this application that assesses the proposed development's compatibility with the surrounding land uses. This Planning Justification Report similarly assesses how the proposed development has regard to the Zoning By-law requirements as well as the Provincial, Regional and Local land use policies. |
| | b) Existing and/or planned densities; | |
| | c) Lot frontages, area and depth; | |
| | d) Building setbacks; | |
| | e) Privacy; | |
| | f) Parking; | |
| | g) Servicing, lot grading and drainage; and, | |
| | h) The existing and/or planned height and massing of buildings. | |
| 4.8. Community Design | | |
| 4.8.1.3. Community Design Guidelines are used to focus attention on the quality, layout and design of built form, landscapes and the public realm, and can be at a broad, community-wide scale, or at a local, street-level scale. Preparing and implementing design guidelines for both the public realm and the private realm contribute to the quality of life in the community, and ultimately create healthy, complete and accessible communities. | | An Urban Design Brief has been completed and included in the submission package that addresses the relationship of the proposed development's built form and the public realm. |
| 4.8.1.9. In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town: | | |
| | a) Infill and intensification sites should match the average preestablished building setback of adjacent buildings within the block face; | a) A Planning Justification Report has been completed and included in the submission package that provides justification for proposed building setbacks. b) Parking is proposed at the rear of the commercial building and underground for the residential building |
| | 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 will front onto the street; | |
| 4.11. Commercial Areas | | |
| 4.11.2. The objectives of the Town are: | | |
| | a) To provide for an orderly distribution of commercial areas within the settlement areas of the Town to meet the shopping and service needs of residents and tourists. | The proposed development supports these objectives by providing for an compact built form, with a mix of land uses, that creates an active and vibrant public realm. The |
| | e) To minimize the impact of commercial development on adjacent land uses and prevent the intrusion of commercial uses into residential areas unless it is demonstrated that there are no landuse conflicts. | |

Appendix C: Detailed Policy Assessment Table

| POLICY | | ASSESSMENT |
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| | <i>g) To promote compact forms of commercial development, and to discourage scattered forms of development.</i> | proposed commercial uses will service existing and future residents and tourists in the area. As demonstrated through the Market Study, the residential uses proposed are not expected to disrupt the commercial development. |
| | <i>4.11.4.1 Commercial uses include a full range of retail commercial uses, business offices, service shops, community facilities, hotels, wineries, breweries and restaurants. Along arterial or collector roads, additional commercial uses that require extensive parking areas and that cater to travelers that rely heavily upon vehicular traffic for their business, would include such uses as automotive services, nursery or garden centres, or wholesale building supplies.</i> | The proposed development will provide a mix of commercial uses and may include commercial space, service space, and office space. |
| | <i>4.11.5.1. Adequate off-street parking shall be provided for all new commercial development. In existing developed commercial areas, where inadequate parking has been provided, and where additional offstreet parking is difficult to achieve, or would negatively affect the pedestrian character of the area, the Town may consider accepting payments of cash-in-lieu of parking spaces from new or intensified commercial development.</i> | A Traffic Impact Study and Parking Impact Analysis have been completed and included in the submission package. |
| | <i>4.11.5.4. Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses.</i> | Two access points are proposed from Four Mile Creek Road for the commercial and residential development. |
| | <i>4.11.5.5. Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the greening of commercial areas and to protect adjoining residential areas from the effects of commercial activity will be applied in all new commercial development or redevelopment.</i> | The development proposes landscaped open space, including buffer strips for meaningful privacy screening. A Planning Justification Report has been completed and included in the submission package that provides justification for proposed building setbacks. |
| | <i>4.11.5.7. Mixed use development is encouraged within the commercial areas of the Built-up Areas where appropriate. The preferred built form for mixed use development is a minimum of two (2) storeys with employment and retail uses on the ground floor, with residential units or office uses located above. The minimum two (2) storey height will ensure mixed use developments are not underdeveloped.</i> | The proposed development is mixed-use in nature, a Market Study has been completed and concludes that the residential development has no negative impact on the commercial structure of the Town. |
| 4.15. Conservation | | |
| | <i>4.15.2. The designation applies to lands considered environmentally significant or where lands are considered unsuitable for building purposes and require special attention to avoid loss of life and property damage. These include identified woodlands, wetlands and flood prone lands.</i> | The Niagara Peninsula Conservation authority (NCPA) has confirmed that there are no wetlands present on the Subject Lands. An EIS and Geotechnical Investigation have been prepared and included in the submission package. |

Appendix C: Detailed Policy Assessment Table

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|--|--|
| <i>4.15.3. Within the Conservation designation, the following uses are permitted: forestry, fisheries and wildlife management, conservation, public and private parks, and trails.</i> | No uses are proposed on the portion of the Subject Lands that are designated Conservation. The proposed development is appropriate the adjacent natural environment system as it is located outside of the dripline as staked and setback, top of slope, and proposed significant landscape buffers. |

