



# 1634 FOUR MILE CREEK ROAD, TOWN OF NIAGARA- ON-THE-LAKE

Planning Justification Report

Zoning By-law Amendment

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## Proposal

The subject lands are located at 1634 Four Mile Creek Road in the Village of Virgil. The property has 60 feet of frontage on the west side Four Mile Creek Road and the property extends west towards the Four Mile Creek. The property is located in the commercial node of the Village and is zoned Village Commercial (VC) zone. There is an existing small commercial building located close to the frontage of the property with a paved parking area in front. The existing parking lot is informal but provides adequate parking for the commercial use. The existing building is currently being used as a floral shop. The rear portion of the property contains a portion of the Four Mile Creek and a hazard slope identified by the Niagara Peninsula Conservation Authority (NPCA). The rear of the property is considered an underutilized piece of land within the urban boundary.

The owners wish to maintain the existing Village Commercial (VC) zoning and the existing commercial building and add a single detached dwelling in the western portion of the property to make better use of the open space.

The proposal to maintain the existing commercial use will require some minor modifications to the existing parking area in front of the existing building, the creation of a driveway along the southern property line that would extent to the rear of the property to provide access to the proposed single detached dwelling. The proposed dwelling has been intentionally sited to be aligned with the existing dwellings to the north so as not to cause any overlook or privacy issues. Figure 1 below show the proposed site plan layout.

As part of the process, the owners have engaged consultants to work with the Niagara Region and the NPCA to establish appropriate setbacks and buffers to the natural hazard features on the property. The owners and consultants have also worked with the Niagara Region in regards to the natural heritage feature located at the western edge of the property. After several site visits and discussions back and forth, both the Niagara Region and the NPCA, determined that if the proposed setbacks to the features are maintained, then an Environmental Impact Study would not be required. The proposed development plan respects the setbacks and buffers set out by both agencies and therefore an EIS is not included in this submission. Both agencies will be circulated on the submission to provide more formal comment on the proposal through the review process.

The Village Commercial (VC) zone is to be amended to allow for the construction of the single detached dwelling unit in the specific location and configuration as shown in the sketch below. The site-specific zoning has been crafted to acknowledge the existing location of the commercial building, to re-organize the commercial parking lot so that it meets the Town's requirements; to establish setbacks for the new dwelling and to re-zone the western portion of the property to an Open Space (OS) zone to preclude any development ensuring the long-term protection of this feature and it's associated buffers.

The commercial and residential uses are expected to function in harmony without impact to one another. Since there is one ownership of the property, the ownership can control the operation to minimize impacts between the two uses.

The new single detached dwelling is proposed to be connected to municipal water and sanitary sewers located within the Four Mile Creek Road allowance. The property will be densely landscaped to mitigate impacts to adjacent properties and to enhance the aesthetics of the streetscape.



## Subject Lands

The subject lands as noted above are located in the central node of the Village of Virgil in the Town of Niagara-on-the-Lake. The property is a long narrow parcel with frontage on the west side of Four Mile Creek Road. There is an existing single storey commercial building that is currently being operated as a floral shop. There is an existing asphalt parking lot in front of the commercial building that extends to the edge of pavement of the municipal road and to both extents of the north and south property lines. The parking lot is organized with a central access aisle and parking spaces on both sides which are informally marked by concrete barriers. There are also parking spaces against the front of the building. The existing parking lot is too large with the floral shop only requiring five parking spaces. The remainder of the property is vacant but the landscape has been maintained over the years.

There are curbs located along Four Mile Creek Road and the Town has garden planters located along the frontage of the property that are planted on an annual basis. There is no formal sidewalk on this side of the road.

All of the existing development on the property is located close to Four Mile Creek Road and the remainder of the property is vacant. There is an expansive grassed yard that extends from the rear of the commercial building to the Four Mile Creek. There is opportunity to make better use of this land through additional development.

There are municipal services including water and sanitary sewers located within the Four Mile Creek right of way. The commercial building is connected to the existing services located in the right of way and the proposed dwelling is proposed to be connected to the same services.

The property is located within the existing urban boundary and has access to existing services. The property is located in close proximity to local amenities, that are in walking distance from the property.

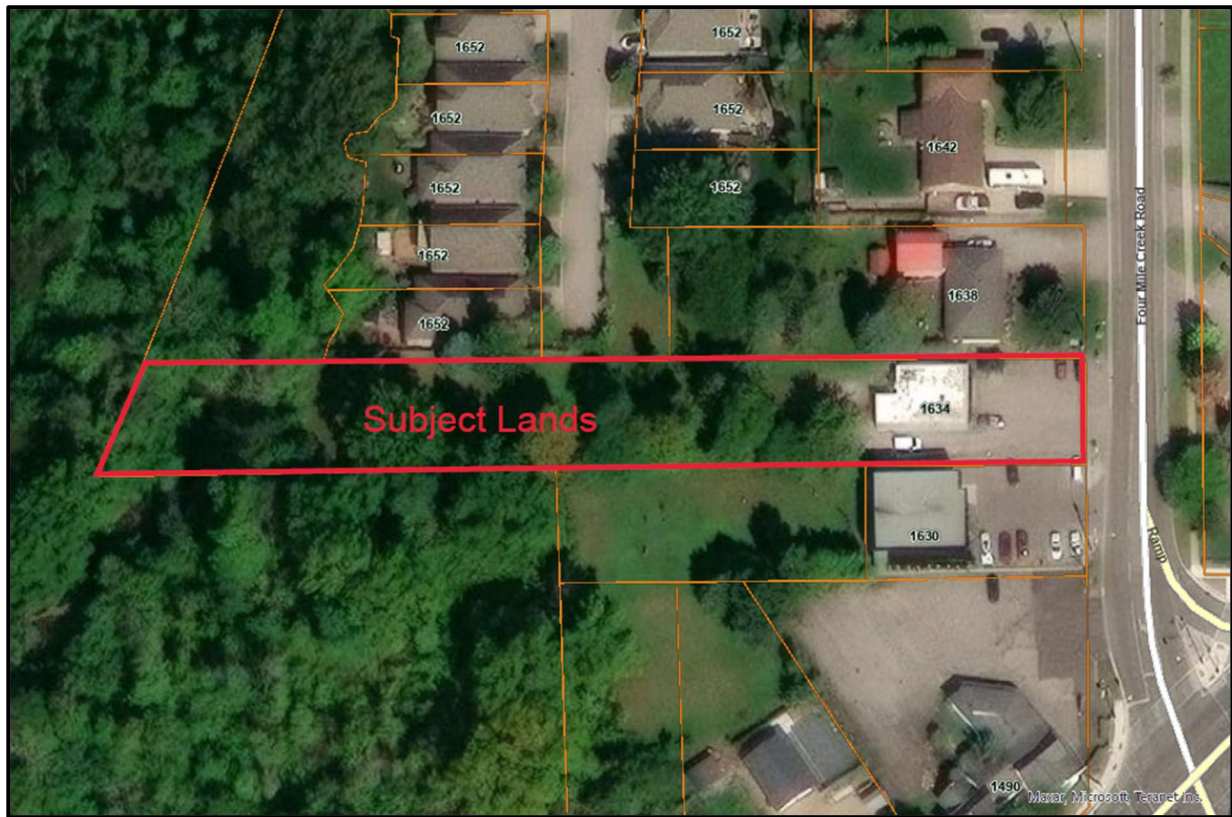
The property contains several mature trees that are much taller than the existing commercial building. Most of which are proposed to be maintained as outlined in the Tree Protection Plan which is included with this submission.

The property is serviced by overhead hydro and utilities. This is not proposed to change.

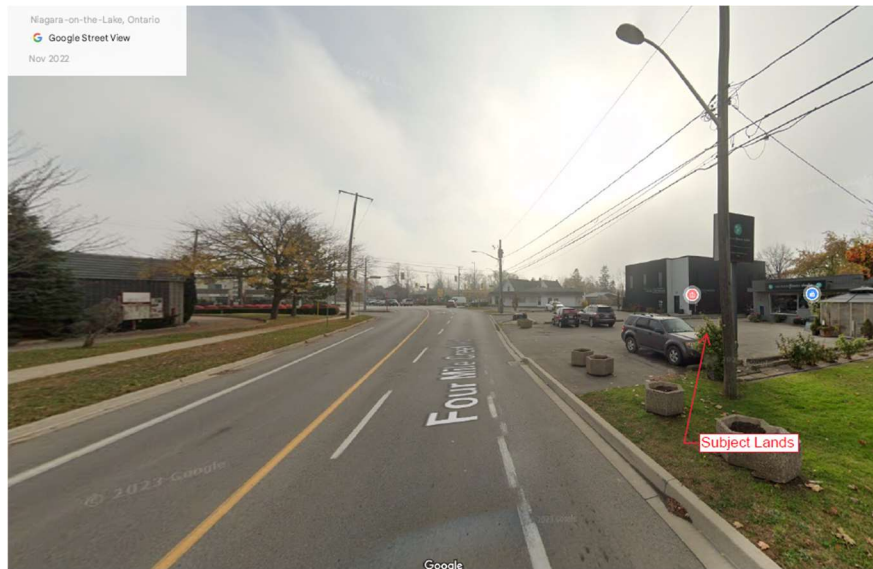
The property was bisected by an unopened right of way owned by the Town. The owners have worked with the Town over the past year to have the right of way closed and dedicated to the owners so that the property operates as one parcel of land.

The commercial property to the south of the subject lands does not have a setback to the existing parking area on the subject lands. Currently the front yard is a completely asphalted area. The development proposal will break up the sea of asphalt adding in appropriate setbacks and landscaped buffers to enhance the aesthetics of this streetscape. Details are shown on the preliminary landscape plan enclosed.

**Figure 2: Aerial Mapping of 1634 Four Mile Creek Road and Adjacent Context**



**Figure 3: Four Mile Creek Road Looking South (Subject Lands to the right)**



**Figure 4: Streetview of the Subject Lands**



### **Surrounding Land Uses:**

- North:** Existing low and medium density residential
- East:** Commercial
- South:** Commercial
- West:** Open space and residential beyond

### **Existing Land Use Context:**

The subject lands are located within the Built-up Area of the Town of Niagara-on-the-Lake according to the Growth Plan and the Niagara Regional Official Plan. The Built-up Area is to be the focus of urban growth and intensification.

According to the Town of Niagara-on-the-Lake Official Plan the property is designated Service Commercial, which permits intensification that is compatible with its surroundings.

The property is zoned Village Commercial (VC) Zone in the Town of Niagara-on-the-Lake Zoning By-law, which permits a range of small-scale commercial uses and accessory residential uses.

Since the owners wish to develop a single detached dwelling in the rear of the property a zoning by-law amendment is required. The amendment will also recognize the existing zoning deficiencies that exist on the property and zone the natural areas open space for protection.

After the zoning amendment is approved, applications for site plan approval will be submitted to the Town. The site plan approval process looks at the detailed site layout, the proposed changes to the commercial driveway, the new driveway, which will be secured through an agreement that will be registered on title.

The proposed development is consistent with provincial policies and conforms to the Niagara Region and Town of Niagara-on-the-Lake Official Plans, as outlined in the forthcoming sections of this report.

### **Pre-consultation Meeting**

On June 20<sup>th</sup> 2024 the Town of Niagara-on-the-Lake held a formal pre-consultation meeting to review the proposed plan. At the time of the pre-con meeting the proposal included severing the lot with the existing commercial use on one lot and the proposed residential use on a separate lot. After it was determined that the severance direction complicated the development proposal, it was decided that the owners wanted to proceed with a Zoning amendment alone and to keep the property as one parcel. To this end the following supporting documentation has been prepared:

**Planning Justification Report** – this report has been prepared to satisfy this requirement. The purpose of the report is to assess the development proposal against applicable land use planning policies to determine consistency and conformity with same. The report also ties all of the supporting reports together to provide a comprehensive overview of the proposal. Based on the review of the applicable planning policies provided herein, it has been determined that the development proposal is consistent with and conforms to all planning policies and is considered good land use planning.

**Parking Brief** – at the time of the pre-consultation it was not known if the commercial parking lot would meet with minimum parking requirements in the Town's Zoning By-law. Through the plan development process, the actual Gross Leasable Floor Area (GLFA) has been confirmed, which determines the required amount of parking. Based on the GLFA of the existing commercial building, the use requires 5 parking spaces and one accessible parking space, which can all be accommodated on the site plan. Since this parking can be fulfilled, the need for a parking brief or parking rationalization is not necessary.

**Archaeological Assessment Stage 1-2** – Through the plan development stage, the owners retained Detritus Consulting to undertake the requisite archaeological assessments on the property. Through the background research conducted by Detritus it was discovered that there is an old cemetery adjacent to the rear of the subject lands. This discovery requires a much more substantive up-front work program and clearance by the Ministry before the consultant can begin the Stage 1&2 Archaeological Assessment. The consultant has been working with the Ministry for almost a year with not a lot of progress. In order to make the best use of time, it was agreed to by the Town that the requirement for the Stage 1&2 report can be deferred to a later stage of the approvals process. If this zoning application appears before Council for a decision before the archaeological assessment and clearances are issued, the owners recognize that the lands will be placed in a Holding Zone until such time as the requisite clearances are provided.

**Environmental Impact Study** – Due to the presence of the Four Mile Creek and a natural hazard slope associated with the creek, it was determined that an Environmental Impact Study would be required in order to confirm no negative impact to the two features on the property. Through the initial scoping and plan development stage, it was determined that the house is proposed to be setback an appropriate distance from both the creek and the slope so as not to require the completion of an EIS. The zoning amendment application will be circulated to these two agencies to confirm that there will be no negative impacts on the features as a result of the development.

**Arborist Report/Tree Inventory** – Jackson Arboriculture was retained to inventory the existing trees on the property and to assess the proposed plan to determine which trees could be preserved and which trees will need to be removed. The owners are also planning to install a number of new trees along the side yard to compensate for any tree removals and to provide additional buffering between the subject lands and the adjacent uses.

**Geotechnical Study** – The purpose of the Geotechnical Study is to determine if the proposed house would impact the existing stable top of slope noted by the NPCA. At the time of the pre-con the proposed dwelling was not noted on the site plan. Since there is a required 15m buffer from all slopes, the NPCA noted that if the house were to be sited less than the 15-metre setback, then a Geotechnical assessment would be required. The house is located outside of the required 15 metre setback and therefore it was determined that a Geotechnical Study would not be required to support the zoning by-law amendment.

**Site Plan** – A detailed site plan showing the existing development, proposed development and the location of setbacks and buffers is included in the submission.

**Preliminary Landscape** – a preliminary landscape concept is included in the submission package which highlights areas of opportunity for landscape buffering.

**Building Elevations** – due to the siting of the proposed dwelling at the rear of the property behind the existing commercial building, screened by mature trees, it was determined that building elevations for the proposed house would not be required at this preliminary stage of the process. Detailed building elevations can be provided at the future site plan approval and building permit stage.

**Floor Plans-** Floor plans of the existing commercial building are provided. The plans confirm the GLFA of the building, which was used as the basis to determine the required amount of parking for the commercial use.

**Consent Sketch** – As noted above, the owners do not wish to proceed with a consent to sever and wish to keep the property as one lot. Based on this change, a consent sketch has not been provided.

**Concept Plans for Dwelling** – a conceptual building envelope for the proposed dwelling is shown on the site plan. The envelope shows the location of the dwelling, attached garage and porches. This plan was used as the basis to craft the site-specific zoning by-law.

**Draft Official Plan Amendment** – Since the lot is no longer proposed to be severed, it has been determined that an Official Plan Amendment is no longer required.

**Draft Zoning By-law Amendment** – A draft of the site-specific Zoning is included as schedule C to this report, together with a draft zoning schedule.

**Property Index Map and Parcel Register** – copies of the recent Property Index Map and Parcel Register are enclosed.

All of the items outlined in the pre-consultation meeting minutes have been provided or addressed in an alternative manner. A copy of the Pre-consultation Agreement is appended to this report in Schedule A. All of the material that is submitted is in support of the proposed development with mitigation measures that can be secured through the future Site Plan Approval process.

## **Planning Act, R.S.O. 1990, c.P.13**

The Planning Act sets the foundation for land use planning in Ontario. The Act outlines how land uses are to be controlled through various authorities. The Planning Act sets out fair, open, accessible, timely, and efficient planning processes. The Planning Act requires planning authorities to make decisions that have regard to provincial interests as outlined in section 2 of the Act. Provincial interests include the protection of natural areas, efficient use of sewage and water services, accessibility, adequate provision of a range of housing, the appropriate location of growth, and promotion of development that supports public transit, protection of cultural heritage resources amongst others.

The proposed development has regard to provincial interests outlined in the Planning Act in the following manner:

- The development proposal makes efficient use of urban lands that are currently underutilized, making more efficient use of the existing municipal infrastructure system reducing long-term maintenance costs for the municipality and reducing the need for unnecessary urban boundary expansions to accommodate growth.
- Adding more housing to the commercial core will support future transit initiatives and is an appropriate location for growth in the Town of Niagara-on-the-Lake.
- The subject lands are within the Town's defined urban boundary and located within walking distance of the commercial core and a range of other existing amenities.
- There are no impacts to any natural heritage features as a result of the development.

The Planning Act requires that planning authorities make decisions that are consistent with policy statements and make decisions that conform with applicable provincial plans. Details on how this is achieved are outlined in the next sections of this report.

Based on the review above, the development proposal has regard to provincial interests as outlined in the Planning Act.

## **Provincial Planning Statement, 2024 (PPS)**

The Province of Ontario repealed the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and replaced these two policy documents with the 2024 Provincial Planning Statement. The Provincial Planning Statement is issued under Section 3 of the Planning Act, which came into effect on October 2024. The Provincial Planning Statement is applicable to all planning decisions made on or after October 2024.

The PPS is a consolidation and simplification of the two previous policy documents promoting compact, transit-oriented designs, providing an appropriate range and mix of housing, supporting all types of residential intensification while optimizing existing and planning infrastructure and public service facilities.

The development proposal is an example of the type of residential infill and intensification that is promoted in the PPS. The existing property is substantial in size and contains a large open area in the rear that has remained underutilized. The large open space on the property could be used more efficiently through the development of a single detached dwelling. The dwelling will be connected to existing municipal services which supports the optimization of the existing municipal infrastructure. The property is located in walking distance to many local amenities, supporting the local businesses and reducing the need for vehicular trips to meet the day-to-day needs.

This type of infill development will not have a negative impact on any identified natural heritage features and the proposal is consistent with the PPS 2024.

## **Regional Municipality of Niagara Official Plan, as adopted by By-law 2022-47**

The Niagara Region Official Plan (ROP) echoes and builds upon the land-use policies set out in the PPS. The subject lands are located within the Urban Area Boundary and are designated as Built-up Area according to Schedule B – Regional Structure of the ROP. Built-up Areas are to be the focus of growth and intensification over the long term throughout the region. The Niagara Region Official Plan promotes more efficient use of urban serviced lands, it promotes a mix of housing types, encourages intensification, promotes active transportation opportunities, accessibility, and attractive built form within the Built-up area.

The development contributes to meeting the Town's intensification targets, makes more efficient use of underutilized urban land and it conforms with the policies of the ROP.

## Town of Niagara-on-the-Lake Official Plan, as amended to July 17, 2017

### 6.23 Planning Impact Analysis

The subject lands area designated Service Commercial according to the Town of Niagara-on-the-Lake Official plan. In the Service Commercial designation, an accessory residential dwelling is a permitted use.

#### Section 6: General Development Policies

#### 6.23 Planning Impact Analysis

A Planning Impact Analysis is required as part of any application for an Official Plan and/or Zoning change. If the application is initiated by a development proposal, then the proponent shall prepare and submit the required Planning Impact Analysis as part of the application.

*This report has been prepared as part of a privately initiated application for the Zoning By-law Amendment.*

The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on the surrounding land uses.

*The proposed development is considered appropriate and is anticipated that it will not have any negative impacts on the existing property, on the existing natural heritage properties, minimal impact on the existing mature vegetation or on the adjacent residential properties. A TIPPP has been provided in order to minimize the loss of trees and to protect the trees that are planned to be retained. Appropriate setbacks and buffers from the top of slope hazard and the watercourse have been established with agencies input.*

The Planning Impact Analysis will be evaluated, in consultation with appropriate agencies, on the basis of matters such as:

- a) Compatibility of the proposed use with the surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighbourhood. Where developments require an amendment to this Plan and are considered significant in terms of the land area of impact the effect on the community and municipality must be addressed;

*The proposed single detached dwelling is proposed at the same setback as the adjacent dwelling to the north. There is an existing 6-foot-high wood fencing that will be retained together with the retention of many of the mature trees on the property. The proposed dwelling is a bungalow which is also consistent with the existing adjacent residential dwelling so impacts in terms of overlook and privacy will be non-existent.*

*The proposed dwelling is tucked in behind the existing commercial building. With the mature vegetation and the height of the proposed house, the house will not be visual from the street and therefore there is no impact on the streetscape.*

- b) The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

*The existing commercial building is not proposed to change and therefore the existing character of the front of the lot along Four Mile Creek Road will be maintained or enhanced with the proposed parking lot and landscaping improvements.*

*As noted above, the proposed dwelling is a bungalow which will minimize the height of the structures to ensure that it fits into the existing context without impact. The proposed house has a significant setback from the existing commercial building which will also ensure that two uses can co-exist on the same property without impact.*

- c) The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;

*As noted earlier, the proponents have prepared a Tree Inventory and Protection Plan which includes the identification of every existing tree. Only trees that will be directly impacted by the new house are proposed to be removed. All other existing trees will be protected during the construction stage to ensure a high rate of survival.*

*The ecological integrity of the slope hazard and the watercourse are also going to be preserved by providing the appropriate setbacks from each feature ensuring no negative impact to the features. This area will also be zoned open space to preclude future development, which will protect them for the long term.*

- e) The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to:
  - (i) The existing environmental and/or physical hazards.
  - (ii) The potential impacts of these hazards.
  - (iii) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.
  - (iv) The costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard.

*The subject land has been assessed by a number of consultants together with the appropriate agencies to ensure that the placement of the proposed dwelling is in an area that will have the least impact on the identified site features including the existing trees, the existing slopes, the hazard slope and the watercourse. Since the proponent was able to site the new house in an area of the property that respects the required setbacks, there are no impacts and therefore the proposal is suitable for the property.*

- f) The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use.

*The subject lands are very long and narrow with an open area of table land that is currently underutilized. The property is located within the existing urban area where infill is encouraged in order to make the best use of the Town's existing urban lands. The site is capable to accommodating all of the required parking for the commercial use and a new driveway access to the rear of the property for the proposed dwelling. There is still ample open space on the property for landscaping.*

- h) The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.

*The property fronts onto a publicly owned, travelled and maintained road. The development proposal and the addition of two more cars is not expected to negatively impact the existing road capacity.*

- i) The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency.

*All appropriate agencies attended the pre-consultation meeting to help set out the terms for the development applications. Since the time of the pre-con, the proponent and their consultants attended the property on multiple occasions. Through this preliminary consultation the proponent was able to scope the requirements of the application by establishing the appropriate setbacks to the site features. The agencies will be circulated on the formal application and will provide comments on the proposal to confirm that the plan meets their policies and regulations.*

- j) The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a stormwater management plan.

*The addition of one single detached dwelling into the existing water and sanitary system is not expected to have any negative impacts. The Town's Operations Department have not identified any servicing capacity limitations at the time of pre-consultation. The final details of grading, servicing and drainage will be vetted through the forthcoming Site Plan Approval process.*

L) Provisions for landscaping and fencing.

*The property contains a number of mature trees and all of the possible trees that can be saved as a result of this development will be. This will be controlled through the implementation of the recommendations in the TIPP. There is existing fencing that the proponents wish to retain as-is and is shown on the proposed site plan.*

m) The need and desirability of the use.

*The subject lands are located in the commercial node of Virgil. The lands are identified as part of the Town's urban boundary where infill and intensification is encouraged in order to make the most efficient use of existing urban lands and existing municipal infrastructure. There is a need for new housing in the Province of Ontario. This development will contribute to adding more housing stock within the Town.*

o) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources.

*The proponents have retained consultants to undertake archaeological work on the property which is on-gong and is required to be completed together with Ministry of Culture Clearance prior to proceeding with development.*

*The proponents also retained a consultant to assess the historical uses of the property in order to determine if there were any potentially contaminating uses. A Phase 2 was completed and a Record of Site Condition was obtained to confirm that the property is safe to be used for residential purposes. Copies of these reports have been submitted for reference.*

### 3.1 Growth Management Strategy

*The Town's Official Plan contains policies related to directing growth to existing urban areas and to intensify a minimum of 15% in the Town's built-up area. The proposed development contributes towards meeting the Town's minimum intensification target and provides more housing within the Village of Virgil.*

### Section 10.3.2 Service Commercial Designation

- (1) Within the Servicing Commercial designation shown on the Land Use Schedule the following uses shall be permitted:

Main Uses:

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...

Secondary Use:

Uses permitted with a Main Use:

- Accessory buildings and structures
- Dwelling Units

Uses Permitted Independent of a Main Use:

- Business Offices

*The existing use of the commercial building for a floral shop, falls under the retail commercial use category listed above. The addition of the single detached dwelling falls under the Secondary Use category. The existing and proposed uses are both permitted according to the Town of Niagara-on-the-Lake Official Plan.*

#### **10.4 Commercial Policies**

The following policies apply to all commercial designations shown on the Land Use Schedules:

- (1) The Commercial designation of land shall mean that the predominant use shall be the buying and selling of goods and services.

*Through the development proposal the main use of the property as a commercial use will be maintained. The addition of the single dwelling will not impact the continued predominant use for commercial purposes.*

- (2) To provide for differing ranges of commercial use and differing forms of development, there are five Commercial Designations:

Service Commercial: intended to provide goods and services to the residents of the municipality and the traveling public. Such uses are more land intensive and require locations in peripheral areas of the community.

*The existing commercial use is not proposed to change. It will continue to operate as a floral shop providing goods to the local residents and traveling public.*

- (3) The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation.

*The commercial component of the development will be enhanced through a more appropriate parking lot layout, landscape buffering along the street which will break up the existing sea of asphalt. Other than that, the building and the use will remain the same which maintains the existing character of the area.*

- (4) 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 off-street parking is difficult to achieve, or would negatively affect the pedestrian character of the area, Council may consider

accepting payments of cash-in-lieu of parking spaces from new or intensified commercial development.

*The proposed development provides the required on-site parking as per the Town of Niagara-on-the-Lake Zoning By-law.*

- (5) It is recognized that the downtown core in Old Town/Niagara lacks adequate parking arrangements. While there may be a sufficient supply of parking spaces in their location and number in a particular area may not be appropriate or effective. The Council shall undertake to prepare a Municipal parking strategy for the Old Town.

*Not applicable.*

- (6) Off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not negatively impact on abutting or near-by residential uses.

*Not applicable.*

- (7) 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.

*This is not a new commercial development but the proposal meets this policy regardless as it provides all of the required accesses, drive aisles and parking space sizes as per the Town's Zoning By-law.*

- (8) 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 shall be applied in all new commercial development or redevelopment.

*The proposed development will result in enhancements to the entire property including the provision of landscape strips along the right of way. As many existing trees as possible will be retained and a multitude of new plantings will be placed on the property.*

- (9) Every effort shall be made to preserve heritage resources if they are affected by an application for commercial development or redevelopment and an inventory of heritage features deemed by the Town Council to be impacted by a development application shall be made before changes are undertaken and the conservation of such features shall be encouraged.

*There are no identified heritage resources on the subject lands.*

- (10) Dwelling units permitted in any commercial designation may be restricted in the implementing Zoning By-law to the second and upper floors of any building or to only a single dwelling unit so as not to detract from the prime function of the commercial designation.

*There are no restrictions on dwelling units within the commercial designation in the Town's zoning by-law. The proposed dwelling does not change or reduce the intensity of the existing commercial uses on the property and will not detract from the adjacent commercial uses.*

- (11) In keeping with the desire to maintain the small town, small-scale character of Niagara/Old Town the intensification of commercial businesses in the "Queen and Picton Street" and "Dock Area" commercial district will be closely monitored and should such monitoring indicate a negative impact in this regard the Council will consider imposing restrictions through the implementing zoning by-law.

*Not applicable.*

- (12) In considering an application to amend the Zoning By-law for new or expanded retail developments having a commercial floor area greater than 900sq.m., the municipality shall require a market/impact study demonstrating that the proposed development is warranted, and that the planning function of the commercial structure of the Town and its communities will not be prejudiced over the lifetime of the Plan.

*Not applicable.*

- (13) Proposals to amend this Plan to permit major new or expanded retail developments outside the existing commercial designations shall require to undergo market/impact studies in order to:
- a. Identify the type and size of retail facilities that are warranted or will be warranted by a certain year;
  - b. Provide updated information on the performance of the Town's retail sector and identify the impact of the proposed development on other retail locations in the Town;
  - c. Satisfy Council the proposed development is warranted and appropriate from both the market and impact perspectives, and in particular that the planned function of the commercial areas within the municipality will not be prejudiced; and
  - d. Enable Council to identify the specific requirements and limitations, if any, which should be included in the amendment or otherwise made a condition of approval.

*No applicable.*

- (14) In order to provide an appropriate distribution of food shopping facilities to serve existing and future residents of the Town, proposals for new supermarkets or major expansions of existing supermarkets shall be considered in the context of future residential growth areas, with particular attention to enhancing the availability of neighbourhood shopping facilities.

*Not Applicable.*

#### 22.6 Holding

The Council may, in a Zoning By-law, by the use of the symbol “H” as a suffix, in conjunction with any use designation specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. This procedure will enable Council to hold lands designated for specific uses in this Plan until such time as the land is required for that use for phasing purposes or until necessary concept plans or subdivision designs have been prepared or servicing is available or until an archaeological resource assessment has been completed in accordance with Part 4, Resource & Management Policies, Section 18, Archaeological planning policies of the Official Plan. Notice will be given by Council when a holding symbol is to be removed by by-law, pursuant to the provisions of the Planning Act.

*Should the application for Zoning By-law Amendment proceed to Council for approval prior to the Ministry of Culture issuing clearance letters for the Archaeological work performed on the subject lands, it is anticipated that the Staff will recommend the inclusion of a Holding provision on the site-specific zoning. Once a Ministry clearance is obtained and staff is satisfied, the owner will proceed with a request to Council to remove the Holding provision from the zoning so that they can proceed with development.*

*The proposed development conforms to the policies of the Town of Niagara-on-the-Lake Official Plan for the reasons outlined above.*

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

The Subject property is currently zoned Village Commercial (VC) Zone according to the Town of Niagara-on-the-Lake Zoning by-law (4316-09). The Village Commercial (VC) zone permits a range of uses as outlined in the chart below. The zone permits retail floral shops and residential uses in accordance with Section 6.48 of the by-law. In order to permit the proposed development of a single detached dwelling at the rear of the property a zoning by-law amendment is required to establish the site-specific setbacks of the proposed house, to recognize the location of the existing commercial building and to establish the extent of the natural heritage features and associated buffers and open space area on the property.

The site-specific provisions that are being requested are outlined in the chart below. The areas highlighted in yellow are areas that require site specific exceptions:

<b>10.7 Village Commercial (VC) Zone</b>			
<b>11</b>	<b>Permitted Uses</b>		
	accessory buildings and structures, agricultural produce warehouse and/or shipping establishment, art, craft or photography studio, automobile sales & service establishment, automobile service station, bank or financial institution, bake shop, brew your own operation, building supply outlet, business or professional office, church or religious institution, coin laundry, commercial recreation facility, commercial school, convenience store, dry cleaning outlet, farm implement dealer, fire hall, funeral home, garden centre, gas bar, grocery store, hardware store, manual or automatic car wash, medical clinic, medical office, medical practitioner, micro-brewery, motel, outdoor patio restaurant as a secondary use to a restaurant use, personal service establishment, postal outlet, residential in accordance with Section 6.48, restaurant, retail store, service establishment, tavern, taxi establishment, take-out restaurant, vacation apartment, veterinary office.		
<b>10.7.2</b>	<b>Zone Requirements</b>	<b>Required</b>	<b>Proposed</b>
a	Minimum Lot Frontage	15.0m (49.2ft)	18.3m (60ft)
b	Minimum Lot Area	700m <sup>2</sup> (7534.98ft <sup>2</sup> )	3079.1m <sup>2</sup> (10,10ft <sup>2</sup> )
c	Maximum Lot Coverage	50%	18.70%
d	Minimum Landscaped Open Space	50%	58.20%
e	Minimum Front Yard Setback	0m (0ft)	19.65m (64.47ft)
f	Minimum interior side yard setback of nil, except that where the interior side yard abuts a residential zone, 4.5m (14.76ft) setback is required.		3.86m(12.66ft) for commercial building (existing) and 1.24m(4ft) for residential building (proposed)
g	Minimum Exterior Side Yard Setback	12.0m (39.3ft)	n/a

h	Minimum Rear Yard Setback of 7.5m (24.6ft.), except where the rear yard abuts a residential zone, 12.0m (39.37ft) is required		127m (416ft) from the existing commercial building to the rear lot line and 47.2 metres (154.8ft.) from the proposed dwelling to the rear property line
i	Maximum Building Height	10.5m (34.45ft)	10.5m (34.45ft)
j	Minimum Accessory Building Yard Setback	1.2m (3.94ft)	no change
k	Minimum Accessory Building Exterior Side Yard Setback	12.0m (39.37ft)	no change
l	Outside storage in accordance with Section 6.37		no change
<b>10.7.3</b>	<b>Buffer Strip</b>		
	Where the interior side yard or rear lot line of a lot zoned Village Commercial (VC) abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 3.0m (9.84ft) in width shall be used as a buffer strip in accordance with Section 6.6		3.86m (12.66ft) for the existing commercial building, 1.24m (4ft) for the proposed residential building
<b>6.48</b>	<b>Residential Use in Non-Residential Building</b>		
h	In the case of a single detached residential dwelling on the same lot as non-residential building located in other than a residential zone and which is not serviced by a public water supply and sanitary sewer system, the following provisions apply: ' <b>proposed to include a detached dwelling on the same lot as non-residential building located in other than residential zone and which <u>IS</u> serviced by public water supply and sanitary sewer system'</b>		
1	Minimum Lot Frontage	60.96m (200ft)	18.3m (60ft)
2	Minimum Lot Area	0.4ha	0.3ha
3	Minimum Lot Depth	60.9m (199.80ft)	170m (558.6ft)
4	Maximum Lot Coverage (all buildings)	15%	18.70%
5	Maximum Lot Coverage (by dwelling unit)	10%	14.40%
6	All other requirements of this By-law shall apply pertaining to the zone in which the lot is located.		
<b>6.27</b>	<b>Loading Space Requirements</b>		
a	not required		
<b>6</b>	<b>Parking Space Requirements</b>		
	Retail Sales	1 space per 18.5m <sup>2</sup> GLFA (132	98.5m <sup>2</sup> GLFA = 5 parking spaces required. Plan conforms.
	Single Detached Dwelling	2 per unit	n/a, see below

6.4	The minimum parking space requirements for residential units located on the same lot in the Commercial Zone shall be one parking space per residential unit.	1 + spaces provided for the proposed single detached dwelling
-----	--	---

The minimum interior side yard setback of the existing commercial building is 3.86m, whereas the Village Commercial zone requires an interior side yard setback of 4.5 metres where commercial uses abut a residential zone. The existing commercial building has been operating without impact to the adjacent residential uses for many, many years and it is expected to continue to have no impact in the future. All of the active uses associated with the existing flower shop are located in the front yard of the building. There are a number of established evergreen trees that are currently located along the south side of the residential lot that provide significant buffering between the uses. The residential lot is also owned by a relative of the applicants who has expressed support to eliminate the landscape buffer that the zoning requires. The owners do not wish to disturb this area of the site for fear of impacting the existing trees.

The proposed interior side yard setback that is being proposed adjacent to the new dwelling is 1.24m or 4ft which is the minimum setback for residential uses that are adjacent to one another. The commercial zone requires a larger setback but, in this instance, the residential adjacent to residential calls for a more appropriate setback. This variance is being requested to allow for an efficient use of the lands and considered compatible since the setback is along a property line where it abuts existing residential uses. There is also an existing 6-foot-high board on board fencing located along the property line of the existing condominium property line, which provides visual separation and will maintain privacy between the dwellings. There is no impact anticipated as a result of the reduced side yard setback for the dwelling. The owners are proposing to plant hornbeams along other areas of the northerly property line to provide additional visual separation and landscape buffering.

The Town's zoning by-law requires that residential uses on non-residential lots be located within the same building as the commercial uses. In this case due to the size of the lot, it makes more sense to construct a detached single dwelling. Adequate setbacks can be maintained, adequate parking is provided and therefore there is no impact to allowing the construction of an independent detached dwelling rather than constructing a dwelling inside the small commercial building. The dwelling is located at the rear of the property. Together with the location of the commercial building and the existing mature trees located on the lot, the dwelling will be completely screened from view from the front of the property.

The maximum lot coverage for a dwelling on a property within the Village Commercial zone is 10%, whereas the proposed dwelling will cover 14.4% of the total lot area, which is considered a small area and again, since the dwelling will be completely screened from

the front of the property, there are no negative impacts expected. Due to the significant size of the lot, there will still be ample green space on the property for amenity.

There are very few site-specific provisions that require variance in order to support the proposed development. Impacts of the proposal are mitigated through the existing uses and existing mature trees on the property. Adequate on-site parking can be accommodated for the existing commercial building. An appropriate size driveway access can be accommodated for the proposed dwelling and there is still substantial open space left on the site as a result of the development. Appropriate setbacks to natural heritage features and hazard features on the property are all maintained. The re-zoning will place the natural heritage and hazard setback into an open space zone to preclude future development in these areas supporting protection of these features.

The proposed development is considered appropriate for the subject lands and is considered good land use planning. A copy of the draft zoning by-law and draft zoning schedule are included in Schedule C.

## Planning Recommendation

The zoning by-law amendment will allow for a more efficient use of underutilized land within the urban boundary. The property has access to full municipal services which will make better use of existing infrastructure and assist in supporting the long-term sustainability of the infrastructure.

The placement of the proposed dwelling is setback behind the existing commercial building, which together with the mature site vegetation will completely buffer the proposed dwelling. The identified natural heritage features on the property will be protected for the long-term.

The proposed development will undergo additional levels of review through a future site plan approval process, which looks at the technical matters related to the proposed development, all of which will be secured through a Site Plan Agreement that will be registered on title of the lands giving control to the Town to ensure that the requirements continue to be met in the future.

The Zoning By-law Amendment is consistent with the PPS; it conforms to the Niagara Region Official Plan and the Town of Niagara-on-the-Lake Official Plan and is considered good land use planning.

It is recommended that the application be approved for the reasons outlined herein.

Prepared by:



Jennifer L. Vida, MCIP, RPP



# SCHEDULE B – DRAFT ZONING BY-LAW

THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE

BY-LAW NO. \_\_\_\_-25

1634 Four Mile Creek Road

A BY-LAW TO AMEND BY-LAW NO. 4316-19, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BUIK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

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

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

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

1. That Subsection 10.12 of the Virgil Community Zoning District – Site Specific Exceptions –By-Law 4316-19, as amended, is hereby further amended by adding the following section:

**10.12. \_\_ 1634 Four Mile Creek Road – See Schedule ‘A’**

In accordance with Section 10.12 – Site Specific Exceptions and the provisions of the “Virgil Community Zoning District – Village Commercial (VC) zone, the following special provisions shall apply to those lands located at 1634 Four Mile Creek Road:

2. Minimum interior side yard setback of 3.8 metres where the existing commercial building abuts a residential zone and 1.2 metres where a dwelling unit abuts a residential zone is required.

3. Where the interior side yard lot line abuts a residential zone a strip of land adjacent to the adjoining lot line shall be 3.8 meters for the existing commercial building and 1.2 metres for a dwelling unit.
4. In the case of a single detached residential dwelling on the same lot as non-residential building located in other than a residential zone shall be serviced by public water supply and sanitary sewer system.
5. Maximum lot coverage for a dwelling unit shall be 14.5% of the total lot area.
6. 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 4316-19 as "Figure 10.12. \_\_\_: 1634 Four Mile Creek Road" after the Section 10.12 \_\_\_.
7. 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.**

PRELIMINARY SKETCH TO ACCOMPANY AN APPLICATION UNDER THE PLANNING ACT  
**PART OF TOWNSHIP LOTS 113 & 118**  
**PART OF THE ROAD ALLOWANCE BETWEEN**  
**TOWNSHIP LOTS 113 & 118**  
 (GEOGRAPHIC TOWNSHIP OF NIAGARA)  
**TOWN OF NIAGARA-ON-THE-LAKE**  
 REGIONAL MUNICIPALITY OF NIAGARA

AREA SCHEDULE				
DESCRIPTION	TOTAL AREA (m <sup>2</sup> )	PROPOSED BUILDING	EXISTING BUILDING	LANDSCAPE OPEN SPACE
PART 1	3,079.1	444.5 m <sup>2</sup> (14.4%)	132.3 m <sup>2</sup> (4.3%)	58.2%
				18.7%
				58.2%



LOT 6  
 REG'D PLAN  
 No. 438

NIAGARA NORTH VACANT LAND  
 CONDOMINIUM PLAN No. 193

CONDO BLOCK 46893

EXISTING RESIDENTIAL

PART 1, 30R--1155

TOWNSHIP LOT 113

EXISTING RESIDENTIAL

PART 6, 30R--11424

DEDICATED PUBLIC HIGHWAY BY BY-LAW  
 No. 7533-94, INSTRUMENT No. R0678919

PIN 46385 - 0023 (LT)

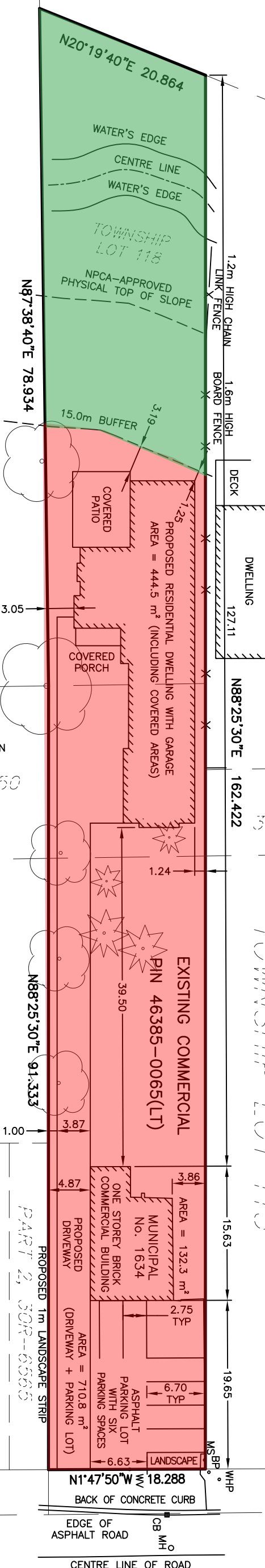
REG'D PLAN No. 438

LOT 94

APRIL 30, 2025 BRENT LAROCQUE O.L.S.

**RICHARD LAROCQUE LIMITED**  
 ONTARIO LAND SURVEYORS & CONSULTANTS  
 12 LYMAN STREET, ST. CATHARINES, ONTARIO  
 905-688-1413  
 6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
 905-358-8400  
 www.larocquegroup.ca

**NOTE:**  
 PARKING SPACES ARE  
 2.75 x 6.7 AS PER  
 SECTION 6.38(e)



EXISTING  
 PARKLANDS

PIN 46385-0064(LT)  
 EXISTING CEMETERY

PIN 46385-0063(LT)  
 PART 1, 30R--5555  
 EXISTING COMMERCIAL

**Legend**

- from Village Commercial (VC) Zone to Village Commercial (VC) Site Specific Zone
- from Village Commercial (VC) Zone to Open Space (OS) Zone

PART 1  
 ALLOWANCE BETWEEN  
 LOTS 112 & 119  
 30R--11550  
 (NOT TRAVELLED)

PART 5, 30R--5554  
 PART 4, 30R--5554  
 PART 3, 30R--5554  
 PART 2, 30R--5554  
 PART 1, 30R--5554

PIN 46385-0001(LT)  
 (AS LOCALLY KNOWN)  
 (WIDENED BY HIGHWAY PLAN No. 303)

**FOUR MILE CREEK ROAD**

THIS SKETCH IS PREPARED FOR AN APPLICATION UNDER THE PLANNING ACT AND ALL DIMENSIONS ARE TO BE CONFIRMED BY SURVEY.

**NOTE:** THE LOT DIMENSIONS ILLUSTRATED HEREON WERE OBTAINED FROM PLANS AND DOCUMENTS ON FILE AT THE LAND REGISTRY OFFICE

**METRIC NOTE** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

© RICHARD LAROCQUE LIMITED  
 No person may copy, reproduce or alter this plan in whole or in part without the written permission of RICHARD LAROCQUE LIMITED

DRAWN BY:  
 D.B.

CHECKED BY:  
 B.L.

DATE:  
 APRIL 30, 2025

FILE:  
 DWG. FILE: 1986-070A-07

# Schedule A - Pre-Consultation



Department of Community & Development Services

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

905-468-3266 • Fax: 905-468-0301

[www.notl.com](http://www.notl.com)

Office Use Only --	Meeting date:	Fee collected:
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**APPLICANTS** only need to complete page 1 of this form. Once completed, e-mail to: [planning.development@notl.com](mailto: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:

<b>6. Provincial Planning, Official Plan, and Zoning Information</b>	
Identify the applicable Provincial Plan designations that apply to the subject lands: <input type="checkbox"/> Specialty Crop Area <input type="checkbox"/> Built-Up Area <input type="checkbox"/> Greenfield Area <input type="checkbox"/> Niagara Escarpment Plan Area	
Does this application conform to the applicable Provincial Plans? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Niagara Regional Official Plan Designation(s) of the subject lands:	
Does this application conform to the Niagara Regional Official Plan? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, describe the nature of the amendment needed:	
<b>7. Site Plan Control</b>	
Is Site Plan Approval required for the proposal? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there an existing Site Plan Agreement that applies to any portion of the subject lands? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>8. Archaeology and Municipal Heritage</b>	
Is any portion of the subject lands within an area of archaeological potential? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands listed on the Municipal Heritage Register? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is any portion of the subject lands or adjacent lands designated under the <i>Ontario Heritage Act</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>9. Niagara Peninsula Conservation Authority (NPCA)</b>	
Is any portion of the subject lands within an NPCA regulated area? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>10. Parkland Dedication and Development Charges</b>	
Is the proposal eligible for parkland dedication or cash-in-lieu pursuant to Sections 42 or 51.1 of the <i>Planning Act, R.S.O. 1990, c. P.13</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Are Town Development Charges applicable to the proposal? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>11. Agencies to be Circulated on the Application</b> (subject to change)	
<input type="checkbox"/> Niagara Region <input type="checkbox"/> Niagara Escarpment Commission <input type="checkbox"/> NPCA <input type="checkbox"/> Niagara Parks Commission <input type="checkbox"/> Enbridge Gas <input type="checkbox"/> TransCanada Pipelines <input type="checkbox"/> Bell Canada <input type="checkbox"/> NOTL Hydro <input type="checkbox"/> Hydro One <input type="checkbox"/> Canada Post <input type="checkbox"/> Parks Canada <input type="checkbox"/> Local School Boards <input type="checkbox"/> 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 <del>Analysis</del>	
<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

- At the time of the pre-consultation meeting, the applicant does not have a proposed location for the single-detached dwelling and the proposal is not clear. As such, the comments and requirements contained herein are based on discussions with the applicant during the meeting. The applicant is encouraged to contact the Town when there is a better understanding of the proposal to identify whether any further information is required to form a complete application.
- The subject lands are currently designated Service Commercial and Conservation in the Town of Niagara-on-the-Lake Official Plan ("Town OP"). An Official Plan Amendment is required to permit the proposed single-detached dwelling and to potentially refine the Conservation designation based on the findings of the Environmental Impact Assessment. The Town OP directs that lot areas and lot frontages shall be suitable for the proposed uses and should conform to the provisions of the implementing Zoning By-law. The Town OP directs that the proposed use must maintain compatibility with present and future surrounding land uses and that the size and shape of the parcel of land on which the proposed development is to be located must be able to accommodate the proposed use. The Town OP also sets out consent policies that must be addressed.
- The subject lands are currently zoned Village Commercial and NPCA Regulation Area. A Zoning By-law Amendment is required to permit a single-detached dwelling on the parcel proposed to be severed. Relief will be required from the zoning requirements, however as noted, given that the location of the proposed dwelling has not been determined, the relief required is not clear. Staff note that the "Residential (R1) Zone" requires a minimum lot frontage of 18 metres, and the "flag shaped" lot discussed at the pre-consultation meeting would not meet this requirement. Further, Zoning By-law 4316-09, as amended, requires that a driveway is setback a minimum of 1 metre from an interior property line and that access for vehicular traffic in the form of an unobstructed driveway is at least 3.0 metres in width is provided. Where the interior side yard of a lot zoned Village Commercial abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 3.0 metres in width shall be used as a buffer strip.
- Given that the proposed single-detached dwelling will impact the existing function of the commercial use on the subject lands by removing parking spaces and eliminating vehicular access to the rear of the building through the proposed "flag shaped" lot, Site Plan Approval is required for this proposal. Staff estimate that the existing commercial building is 127 square meters in size, which would require 7 parking spaces at minimum. Parking spaces will have to be removed to accommodate the proposed consent.
- A Planning Justification Report ("PJR") is required for this proposal which must be signed by a Registered Professional Planner and which addresses applicable Provincial, Regional and Town policies. The PJR must address the compatibility policies of the Town OP and demonstrate how the proposed development will achieve compatibility with adjacent commercial uses and identify the measures that will be used to ensure compatibility. The PJR must demonstrate how the commercial uses currently on the lands will function and whether there will be adequate parking to support the commercial use, in addition to comments regarding vehicular access to the rear of the building being removed and impacts to the function of the site. The findings of the Environmental Impact Study should be discussed in relation to the proposed building location, demonstrating that there will be no negative impacts to environmental features. The consent policies set out in Section 21.2 of the Town OP must be addressed.
- The Parking Impact Brief can form a section within the PJR and shall discuss the impact of removing parking from the commercial use on the subject lands and the amount of parking required to accommodate the commercial use.
- Fire Staff have advised that the plans submitted must show the proposed fire access width which generally requires a 6 metre width. The applicant must demonstrate that a smaller access is sufficient for emergency response.
- Further comments and requirements from external agencies and Town departments are attached. NPCA fees will be determined at the time of the formal applications being submitted based on the findings of the EIS.

## 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](http://www.notl.com)  
 E-mail: [planning.development@notl.com](mailto: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

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### **Via Email Only**

June 20, 2024

File Number: PLPRE202400640

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: 1634 Four Mile Creek Road, Niagara-on-the-Lake**

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### **Application Description**

Zoning by-law amendment and consent application to permit the construction of a single-family residential home on a separate lot to be built toward rear of the property within legal setbacks accessed from existing driveway from Four Mile Creek Road.

### **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

### **Provincial and Regional 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.

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.

A Planning Justification Report, addressing Provincial, Regional and Local policies, will be required with the Official Plan Amendment application.

## Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodland, Other Woodlands, Other Wetlands, and a 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 ecologically appropriate widths of the mandatory buffers are to be determined through the EIS.

If the other wetlands are not regulated by NPCA, the Region shall require a wetland evaluation using the Ontario Wetland Evaluation System. Possible outcomes of the evaluation are outlined in NOP policy 3.1.9.5.6.

A Terms of Reference for an EIS shall be prepared consistent with NOP policy 3.1.33.4. 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.

Lot lines are not permitted within any features or required buffers.

Staff are happy to visit the site to confirm our requirements. **Please contact Adam Boudens at [Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca) to arrange a site visit.**

## Archaeological Potential

Provincial and Regional policies require that archaeological assessments be completed prior to any development and/or site alteration occurring within an area of archaeological potential.

Regional staff will require the submission of a Stage 1-2 Archaeological Assessment (at minimum) with the ZBA application, as well as any further required assessments, and any associated Ministry clearance/acknowledgement letters, prior to final approval of the required Planning Act applications.

Regional staff will also require the inclusion of standard archaeological warning clauses in any future development agreements.

## Site Condition

The subject lands have been used to support commercial uses. Prior to their re-development for residential purposes, the mandatory filing of a Record of Site Condition (RSC) is required.

A Phase I Environmental Site Assessment (at minimum) should be submitted with the zoning by-law amendment application.

## **Waste Collection**

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (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/>

Waste collection will need to be collected at the curbside.

## **Required Submission Materials**

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### **Zoning By-law Amendment**

- Planning Justification Report
- Stage 1-2 Archaeological Assessment (at minimum)
- Phase I Environmental Site Assessment
- Environmental Impact Study (scoped via Terms of Reference reviewed prior by Regional Environmental Planning staff)
- Conceptual plans

### **Consent**

- Stage 1-2 Archaeological Assessment (at minimum)
- Environmental Impact Study (scoped via Terms of Reference reviewed prior by Regional Environmental Planning staff)
- Consent sketch

## **Required Fees (2024 Amounts)**

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### **EIS Terms of Reference (required prior to application submission)**

- Terms of Reference Review Fee: \$535

### **Zoning By-law Amendment**

- ZBA Review Fee: \$1,440
- Major EIS Review Fee: \$2700 (only applicable if multiple features are identified)

OR

- Minor EIS Review Fee: \$1350 (only applicable if a single feature is identified)

### **Consent**

- Consent Review Fee - Urban Area: \$695

The Region's Fee Schedule is available at:

[https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](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](mailto:amy.shanks@niagararegion.ca).

Kind regards,

Amy Shanks, MCIP, RPP  
Senior Planner, Development

## John Federici, MCIP, RPP

---

**From:** Kyle Riley <kriley@npca.ca>  
**Sent:** June 21, 2024 8:51 AM  
**To:** John Federici, MCIP, RPP  
**Subject:** Re:1634 4-Mile Creek

You don't often get email from kriley@npca.ca. [Learn why this is important](#)

**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,

I hope all is well with you. I wanted to follow up on the proposed consent at 1634 4-Mile Creek.

Apologies for the delay in returning this to the applicant. I was also unaware that consent would be part of this application. Generally, the NPCA prefers to direct lot creation away from areas of hazards. For this office to support a consent application, the applicant will need to demonstrate that the created lot has a development envelope outside the reach of NPCA-regulated features.

Regarding comments for the applicant, the property is traversed by hazardous slopes and 4-Mile Creek within its western sections. LIOs (an NPCA-regulated feature) form the banks of 4-Mile Creek on its eastern section, and the banks act as the furthest limit on-site for the feature above buffers. This wetland feature does not traverse onto the subject property. It retains a buffer of the same size as 4-Mile Creek, effectively extending the buffering of this feature from the edge of the watercourse. A secondary, potential wetland exists landward of the 4-Mile Creek watercourse, though, from the ELC codes of this Region, it is unlikely that this would be an NPCA-regulated feature. The NPCA notes, however, that this code (THD) is conducive to the Niagara Region's environmental protection regulations, and they may wish for an EIS on this feature, regardless of NPCA interests.

For the subject property, the buffer of 4-Mile Creek and the associated LIO banks in the southern section project over the most eastern extent of regulated features on site. This feature retains an associated 30m buffer, which extends to the area marked as an easement for Enns Lane per the submitted site plan.

The applicant may seek to reduce the extent of this buffer through an environmental impact assessment, though as the stream is continuous flow, this buffer may not be reduced to less than 15m. Under current policy, the LIO banks on properties to the south of 4-Mile-Creek may have their associated buffers also reduced to a 15m buffer; however, the NPCA plans in their coming policy update to institute on all wetlands, regardless of their form, nature, or location, a 30m development buffer. Should the proposal be submitted following the comprehensive Policy review, scheduled by the NPCA to conclude by year-end of 2024, the applicant would likely become subject to the updated, firm buffer of 30m, which is

expected to be instituted in the revised policy. The NPCA prefers that all development on the site seek to remain outside the reach of any of its features and associated buffers.

Should the applicant seek a reduction in the buffer of the watercourse and its LIOS, the buffer of the stable slope would become the most impactful. The buffer of the stable slope is 7.5m in all cases unless addressed through a geotechnical report, which may establish an appropriate setback from the slope. The geotechnical survey must be completed by a certified professional, at the expense of the applicant, to the satisfaction of the NPCA.

Generally, the NPCA would prefer to see the applicant locate the structure within the eastern portion of the lot and suggest to the applicant to avoid the reach of their regulated features or associated buffers. Should the applicant choose to locate a part, the whole or their proposed structure within reach of an NPCA-regulated feature, the applicant must petition this office for either a Work Permit or Letter of Clearance, dependent on the nature of the activities at the site. Locating the envelope of the structure outside the reach of NPCA-regulated features would instead allow the applicant to proceed with works without the need for a Permit from the NPCA, reducing the total cost of development.

All proposed developments at the subject address shall continue to be circulated to the NPCA so that this office may determine if a Letter of Clearance or a Work Permit is required before the commencement of works on-site.

Best,



Kyle Riley

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

[www.npca.ca](http://www.npca.ca)

[kriley@npca.ca](mailto:kriley@npca.ca)

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

**IMPORTANT NOTICE**

Effective April 15, 2024 the Niagara Peninsula Conservation Authority head office has moved to 3350 Merrittville Highway, Thorold Ontario L2V 4Y6

## **John Federici, MCIP, RPP**

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**From:** Kiefer Paton, C.Tech.  
**Sent:** June 25, 2024 10:23 AM  
**To:** John Federici, MCIP, RPP  
**Subject:** 1634 Four Mile Creek Road - Pre-con comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi John,

Please find our summarized pre-con comments below:

### **1634 Four Mile Creek Road**

These requirements are based on the materials provided at the time of the pre-consultation meeting and may be subject to change if the proposal is modified or changed. Additional materials, documents, plans and/or reports may be requested at a later date once further detail has been provided with the application. The applicant is advised to contact the Town's Community and Development Services Department with any revisions or modifications to this proposal to ensure all required materials have been provided.

- Comments based on proposed property severance and construction of new dwelling with existing business structure to remain in place
  - o New entrance required to rear dwelling – must meet minimum PL setbacks
    - Restoration of boulevard/curb may be required based on proposed entrance modifications
  - o New servicing required to rear dwelling – water and sanitary services
    - Water meter pit for new dwelling will be required if dwelling is located over 60m from FMCR
    - Existing services to business appear to be located within building frontage – can remain in place
- Road allowance on property – needs to be confirmed whether it has been closed via bylaw
  - o Applicant will need to provide documentation confirming ownership status of road allowance

**Kiefer Paton, C.Tech.**  
**Engineering Technologist**

Kiefer.Paton@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:** Candice Bogdanski M.A., CAHP (Intern), FSA Scot  
**Sent:** June 25, 2024 7:09 PM  
**To:** John Federici, MCIP, RPP  
**Subject:** 1634 Four Mile Creek Road

Hello John,

Please see below for heritage comments, re: 1634 Four Mile Creek Road, ZBA Pre-consultation:

There are no built heritage resources located on or adjacent to the property located at 1634 Four Mile Creek Road. The property is located in an area that is identified as having archaeological potential; as such, a Stage 1 & 2 Archaeological Assessment is required. Subsequent stages of archaeological assessment may be required, as determined by the licensed consultant archaeologist conducting the review.

Let me know if you have any questions or concerns.

Many thanks!

Candice.

**Candice Bogdanski M.A., CAHP (Intern), FSA Scot**  
**Senior Heritage Planner**

candice.bogdanski@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

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**From:** Harry Althorpe  
**Sent:** June 3, 2024 1:52 PM  
**To:** John Federici, MCIP, RPP  
**Subject:** RE: NOTL Pre-Consultation Meeting: 1634 Four Mile Creek Road [ZBA]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi John,

An Arborist report, Tree Protection Plan, and Tree Protection Declaration form would be required to demonstrate conformity to applicable by-laws and Official Plan policies, and 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

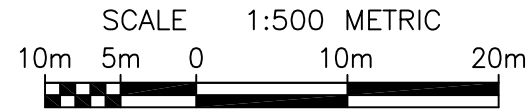
**Telephone:** (905) 468-3266

**Website:** [www.notl.com](http://www.notl.com)

SITE CONDITION PLAN

**PART OF TOWNSHIP LOTS 113 & 118  
PART OF THE ROAD ALLOWANCE BETWEEN  
TOWNSHIP LOTS 113 & 118**

(GEOGRAPHIC TOWNSHIP OF NIAGARA)  
**TOWN OF NIAGARA-ON-THE-LAKE**  
REGIONAL MUNICIPALITY OF NIAGARA



**LEGEND**

BP	DENOTES	BELL PEDESTAL
CB	DENOTES	CATCH BASIN
MH	DENOTES	MANHOLE
MS	DENOTES	METAL SIGN
WHP	DENOTES	WOOD HYDRO POLE
WV	DENOTES	WATER VALVE
92.20	DENOTES	EXISTING ELEVATION

PART 4, 30R--11424

PART 7  
30R--11424

DEDICATED PUBLIC HIGHWAY BY BY-LAW  
No. 7533-94, INSTRUMENT No. R0678919



**FOUR MILE CREEK ROAD**

PIN 46385-0001(LT)  
(AS LOCALLY KNOWN)  
(WIDENED BY HIGHWAY PLAN No. 303)

LOT 6  
REG'D PLAN  
No. 438

CONDO BLOCK 46893

NIAGARA NORTH VACANT LAND  
CONDOMINIUM PLAN No. 193

PART 1, 30R--1155

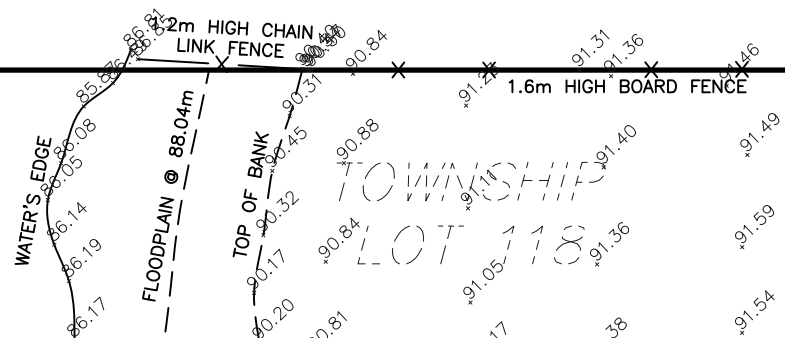
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TOWNSHIP LOT 113

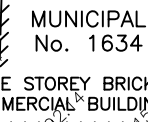
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PIN 46385 - 0023 (LT)

N20°19'40"E 19.711



PIN 46385-0065(LT)



N88°25'30"E 169.844

LOT 94  
REG'D PLAN No. 438

PIN 46385-0064(LT)

PIN 46385-0063(LT)  
PART 1, 30R--6565

TOWNSHIP LOT 112

PART 6, 30R--5654

PART 5  
30R--5654

PART 4  
30R--5654

PART 3  
30R--5654

PART 2  
30R--5654

PART 1, 30R--5654

**BEARING NOTE**

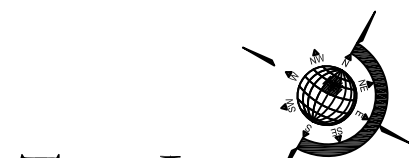
BEARINGS HEREON ARE GRID BEARINGS PREVIOUSLY ESTABLISHED BY THE LAROCQUE GROUP AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00'W LONGITUDE, ZONE 17, UNIVERSAL TRANSVERSE MERCATOR (6° UTM). THESE VALUES ARE NAD83 (CSRS v7) EPOCH 2010.0 REFERENCE SYSTEM.

**ELEVATION NOTE**

ELEVATIONS HEREON ARE ORTHOMETRIC AND ARE RELATED TO CGVD28, HT2, AS PREVIOUSLY ESTABLISHED BY THE LAROCQUE GROUP.

**METRIC NOTE**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



**THE LAROCQUE GROUP**

O.L.S./PROJECT CONSULTANTS/LAND MANAGEMENT

12 LYMAN STREET, ST. CATHARINES, ONTARIO  
905-688-1413  
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
905-358-8400  
www.larocquegroup.ca

DATE : MAY 1, 2024 FILE No. : 1986-070A  
DWG.FILE : 1986-070A-01