



308 FOUR MILE CREEK ROAD, NIAGARA-ON-THE-LAKE PLANNING JUSTIFICATION REPORT

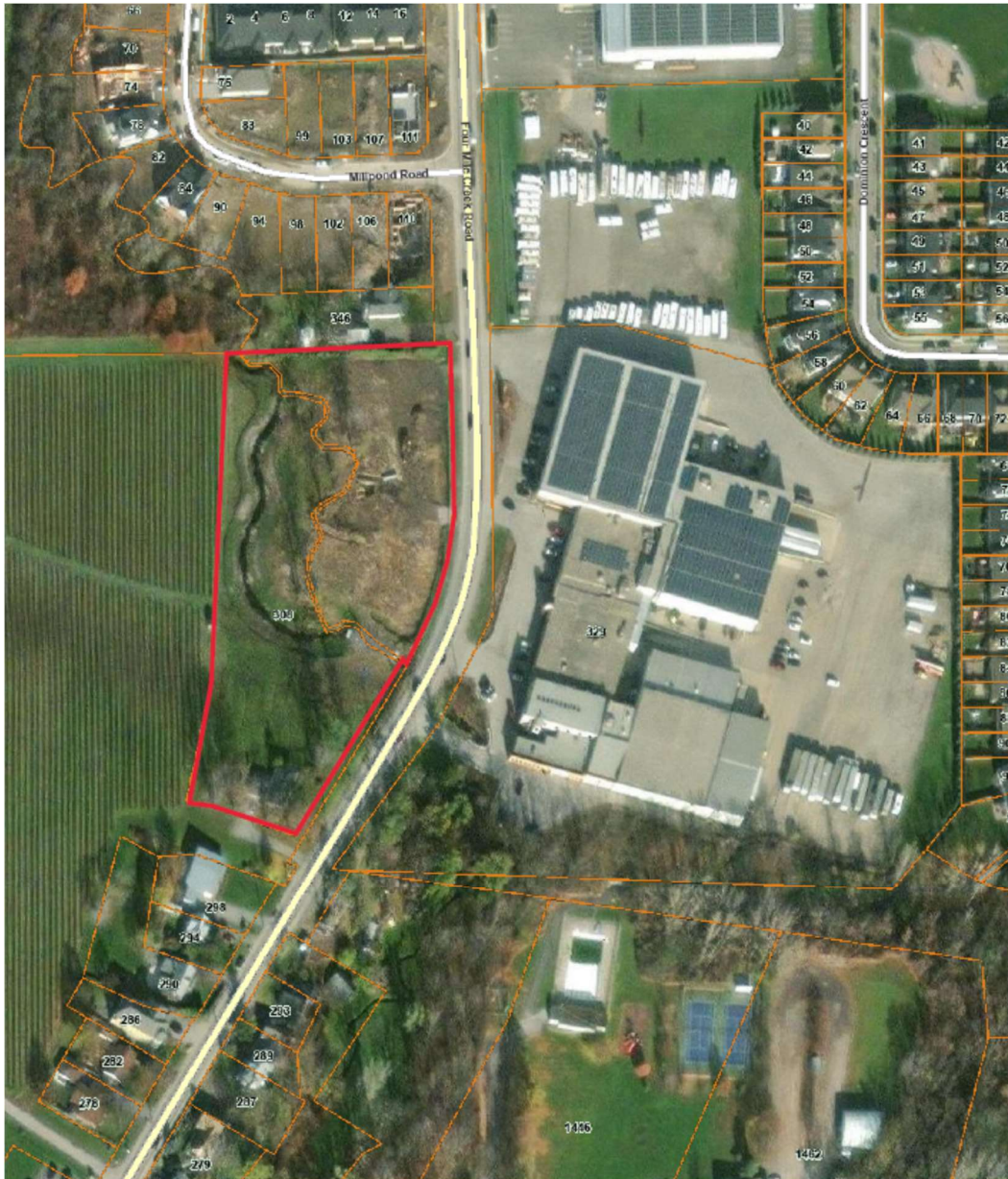
ZONING BY-LAW AMENDMENT, REDLINE MODIFICATION TO DRAFT
PLAN OF VACANT LAND CONDOMINIUM

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Subject Lands

The subject lands are municipally known as 308 Four Mile Creek Road located in the Village of St. Davids. The property has frontage along the west side of Four Mile Creek Road and is approximately 1.5 hectares, shown below.

Figure 1: Aerial Context of the Subject Lands, highlighted in red



and to accommodate future development in a more efficient manner. The creek has naturalized for three seasons and forms a beautiful backdrop for the proposed development.

The property contains one single detached dwelling at the south end of the property and the rest of the property is vacant. The grade of the property slopes from south to north, with a significant slope just south of the creek. The existing stormwater from the property flows north and into the creek in an uncontrolled and untreated manner.

There are some mature trees on the property including a row of cedar trees along the north property line. Mitigation of the existing vegetation has been addressed through the preparation of a Tree Inventory and Preservation Plan.

This portion of Four Mile Creek Road contains a culvert along the frontage of the property to convey stormwater from the road, northwards to the stormwater outlet. There are no curbs or sidewalks on this side of the road. This portion of the road also contains municipal infrastructure including watermain, sanitary, and storm sewers.

Surrounding Land Uses:

North:	existing single detached dwelling with additional residential dwellings beyond to the edge of the urban boundary.
East:	Cannery Park Industrial complex
South:	single detached dwellings
West:	vineyards, agricultural area

Existing Land Use Context:

The subject lands are located in the urban area of the Town of Niagara-on-the-Lake in the Village of St. Davids. The lands are considered Built-up Area according to the Niagara Region Official Plan.

According to the Town of Niagara-on-the-Lake Official Plan, the lands are designated Conservation (former location of the creek) in part, and Low-Density Residential in part.

In 2024 the subject lands were re-designated to low density residential and Conservation to reflect the future development and to protect the re-aligned creek. Details of the conversion can be found in By-law No. 2024-052, included as Appendix 3. At the same time a portion of the property was re-zoned to permit 9 townhouses. The lands were rezoned according to By-law No. 4316-FQ-24, to Residential Multiple RM1-41-H and

Open Space – OS-41(a) and (b). A copy of this by-law is included as Appendix 4 to this report.

Since the time of the approvals Sleek has determined that the cost of the original plan, to construction an apartment on the south portion of the lands is no longer a viable option. Sleek is pivoting the application to include the south lands as an extension of the already approved townhouse development.

Proposal

The lands that are located north and south of the re-aligned creek are proposed to be developed as 15 townhouse dwellings having frontage on a private window street that runs parallel to and connects to Four Mile Creek Road. The townhouses will front towards Four Mile Creek Road, creating an attractive streetscape. The townhouses each have an attached garage and independent driveway to accommodate on-site parking. There will be a range of one and two-story dwellings. The final configuration will be finalized at the building and sales stage. Flexibility to adapt to a future builder and market conditions have been built into the proposed zoning in order to avoid the need for future amendments and variances prior to the construction stage. The proposed site plan can be found at appendix A to this report.

The development will be controlled through a Vacant Land Condominium Corporation. The Condo will define areas within the development as exclusive use or common element. Condominium ownership provides added long-term control to ensure high quality property maintenance, which will uphold an attractive and well-maintained property with minimal support required by the Town.

There is a separate block in the plan for the existing creek, which will become a common element within the condominium. The condominium corporation will own and maintain the creek block. The boundary of the creek will be fenced and gates are not permitted. Homeowners will not be permitted to enter the natural creek lands, which will help to protect the area from disturbance. The boundary of the conservation zone is not proposed to change through this application and is proposed to be maintained as it was originally approved in 2024.

An application for zoning by-law amendment is required to re-zone the lands to in order to add in the phase 2 townhouse proposal through a site-specific residential zone that is aligned with the proposed development layout.

An application to amend the Draft Plan of Vacant Land Condominium is required for the entirety of the property in order to define the areas of common element and exclusive use between the future townhouses and the future development lands and to secure the creek block as a common element between the two, ensuring on-going long-term maintenance of the creek. The amendment is to add the proposed phase 2 townhouses into the same approval.

In June, 2025, the Town of Niagara-on-the-Lake held a formal pre-consultation meeting to review the development proposal and to establish the complete application requirements under the Planning Act. A copy of the Pre-consultation forms is included as Appendix 5 to this report.

A number of studies were submitted as part of the previous application. Some studies have been updated in order to address the changes to the proposal.

Previously submitted and approved documents include:**Archaeological**

A stage 1 & 2 Archaeological Assessments were completed for the north portion of the lands by Detritus Consulting. Based on the results of this Assessment it was recommended that no further archaeological work be undertaken on this portion of the property. The assessment was submitted to the Ministry of Tourism, Culture and Sport, and a clearance letter was issued in August 2017. Copies of the assessment and the clearance letter were submitted as part of the previous development applications.

The south portion of the lands have had a much more extensive assessment undertaken due to the results of the various stages of work. Stage 1 to 4 assessments were undertaken by Detritus Consulting and submitted to the Ministry for review. Ministry clearance letters for all 4 stages were issued by the Ministry. Copies of the assessments and the corresponding clearance letters have been submitted as part of the previous development applications.

As a result of the extensive archaeological assessment performed on the property, there are no further concerns for archaeological potential on the property. It is expected that standard clauses regarding archaeological finds during the time of construction will be applied as part of the development approval in order to mitigate any further finds that may be uncovered as a result of future excavation activities.

Environmental Site Assessment

Andre Breberina was retained to complete a Phase 1 Environmental Site Assessment for the subject lands. The assessment indicates potentially contaminating activities on the property. The Phase 1 recommends further study to be undertaken together with the filing of a Record of Site Condition. The previous zoning was approved with the application of a Holding provision subject to the finalization of the RSC. The RSC has been finalized and the final Ministry acknowledgement is included with this new submission.

Site Line Assessment

Paradigm Transportation Solutions was retained to assess the traffic speeds and views in the vicinity of the subject lands in light of the proposed entrance location. The property is located along a stretch of road that curves with a steep slope. The driveway access is proposed at the most northerly point of the subject lands in order to be as far away from the curve and slope of Four Mile Creek Road as possible. This location of the entrance was sited in order to mitigate site line issues for traffic entering and leaving the site. The proposed driveway location is in a much better and safer location than the location of the existing driveway. The results of the site line study indicate that a road widening, beyond what the region has requested is required in order to allow for site lines to be made safe. A significant road widening is proposed along the frontage of the northern portion of the property in order to mitigate the site line challenges. The proposed road widening is

illustrated on the proposed plans and will be dedicated to the Niagara Region at the time of condominium registration

Revised Studies include:

Arborist Report

Beacon Environmental attended the north portion of the property where development is proposed to inventory and assess the existing vegetation on the property. Beacon prepared an arborist report outlining trees that will be required to be removed as a result of the proposed development, including the removal of all of the cedar trees along the north boundary of the property. The cedar hedge was planted on the subject lands by the developer many years ago. The report also recommends proper protection be put in place during development to protect the remaining mature trees from damage during the construction stage. Details of these measures will be outlined and secured through the future Site Plan Approval stage.

Functional Servicing Report

Upper Canada Consultants has assessed the proposed development together with the existing municipal infrastructure in the vicinity of the property in order to determine if the existing infrastructure has capacity to accommodate the proposed development. Based on the detailed engineering assessment, minor sewer extensions will be necessary but has confirmed that there is capacity within the existing network to service the proposed development. Details of the engineering design and the sewer extensions will be further defined and secured through the future Site Plan Approval Stage.

Acoustical Study

HGC Engineering was engaged to assess the existing industry and road noise from the regional road traffic and stationary noise from the adjacent industrial facilities. The assessment was completed in order to determine if the noise levels in the vicinity meet the Ministry of Environment standards. As a result of the assessment, together with the use of normal Ontario Building Code materials, the use of indoor air conditioning units and registering warning clauses on title, the development can be appropriately mitigated.

Environmental Impact Study

Beacon Environmental was retained to prepare an Environmental Impact Study to assess the impact of the proposed development on the adjacent creek features. The study indicates no impact together with the implementation of mitigation measure to be implemented through the final development phase.

Preliminary Landscape Design

James McWilliams was retained to prepare a preliminary landscape plan to show how the development could be design. The plan is preliminary and prepared in absence of grading information and final building designs. The final design will be more detailed and

submitted for review at the site plan approval stage. The revised design is simply an extension of the already approved landscape design.

Building Elevations

2M Architects have prepared preliminary architectural elevations to demonstrate how the proposed townhouses could be designed. Sleek developments is not a builder and it is expected that when the property is purchased by a builder, the new builder will come forward with a design that suits their product prior to final approval. The elevations submitted as part of this amendment are an extension of the plans that were submitted for phase 1 and already approved. Since the plans are consistent with what was approved in 2024, it is not anticipated that these plans will have to return to the urban design committee for comment but that staff can deem the plans to be consistent.

All of the mitigation measures recommended in the various background studies have been implemented on the proposed plan or will be implemented at the more detailed approvals stage of the development through a site plan review and through the clearing of draft plan conditions. The mitigation measures will ensure that the proposed development will have as little impact on the existing area as possible and ensure that future homeowners are aware of the existing surrounding conditions prior to purchasing in this location. Additional warning clauses regarding noise from bird bangers and the existing vineyard will also be included in the condominium documents. The proposed development will be highly controlled through the condominium corporation and is expected to be an attractive and efficient use of urban serviced lands.

Planning Act, R.S.O. 1990, c.P.13, as amended

The Planning Act sets the foundation for land use planning in Ontario. The Act outlines how land uses are to be controlled and sets out the authority for same. 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 for provincial interests.

The proposed development has regard to provincial interests outlined in the Planning Act as follows:

(a)	The protection of ecological systems, including natural areas, features and functions;	adequate protection through buffering, fencing and setbacks to Four Mile Creek are proposed
(b)	the protection of the agricultural resources of the Province;	Archaeological Assessment was undertaken to Ministry standards and clearance letters have been issued
(c)	The conservation and management of natural resources and the mineral resource base;	conservation and protection are proposed for the creek and natural area
(d)	the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	There are no features of significant architectural, cultural, historical, archaeological or scientific interest on the property
(e)	the supply, efficient use and conservation of energy and water;	The development is efficient and will make better use of the Town's water supply. Ontario Building Code energy efficiencies will be implemented at the building stage
(f)	the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	the proposed development makes efficient use of the existing municipal infrastructure.
(g)	the minimization of waste;	n/a
(h)	the orderly development of safe and healthy communities;	the proposed development is an orderly and logical extension of an established residential area
(i)	the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	accessibility will be addressed at the Site Plan approval and building permit stages
(j)	the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	The site is located in close proximity to existing educational facilities, health care providers, social and recreational facilities including the Lions pool, parks, local commercial area

(k)	the adequate provision of a full range of housing, including affordable housing;	the proposal will add townhouse dwellings supporting the range of housing within the Town
(l)	the adequate provision of employment opportunities;	n/a
(m)	the protection of the financial and economic well-being of the Province and its municipalities;	the efficient use of the lands will make use or underutilized urban lands and help to support the long-term sustainability of the Town
(n)	the co-ordination of planning activities of public bodies;	The approvals will require coordination between the Town and the region to ensure objectives of both are being upheld
(o)	the resolution of planning conflicts involving public and private interests;	n/a
(p)	the protection of public health and safety;	public safety has been considered through the traffic study and the implementation of mitigation measures
(q)	the appropriate location of growth and development;	urban areas shall be the focus of growth.
(r)	the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The compact urban design and the provision of public sidewalks in front of the development will support future public transit expansions to the area
(s)	the promotion of built form that,	
	(i) is well-designed,	The proposed development includes well thought out and sensitively designed buildings and site layouts
	(ii) encourages a sense of place, and	high quality landscape designs, retaining walls, landscaped buffers along Four Mile Creek will contribute to creating a sense of place
	(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	the public streetscape along Four Mile Creek Road will be enhanced through great design elements rather than the existing open field
	the mitigation of greenhouse gas emissions and adaptation to a changing climate.	compact urban design and the implementation of the building code requirements will reduce greenhouse gas emissions and adapt to a changing climate

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 with the applications is 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

The PPS requires that natural heritage features be protected for the long term. The proposed development has been subject to a detailed natural heritage assessment that was undertaken as part of the creek re-alignment process. The NPCA issued a permit and supervised the creek re-alignment process. The creek location is secured as an area of conservation through the site-specific Official Plan and Zoning By-law Amendment applications from 2024.

The PPS requires that significant cultural heritage resources be conserved. Stage 1 -4 Archaeological Assessments were undertaken on the property. Significant heritage resources were excavated and removed from the site for conservation. The Ministry has issued clearance letters for all of the archaeological works that were performed on the property. Additional warning clauses will be included in the future approvals to ensure that if any other resources are found at the time of excavation, that work shall stop and the appropriate persons will be called in to assess prior to any other work being completed on the property.

The proposed development makes better use of the existing under-utilized parcel of land located in the Settlement Area. The subject lands are located within walking distance of the commercial areas and will support local businesses and public service facilities in the area.

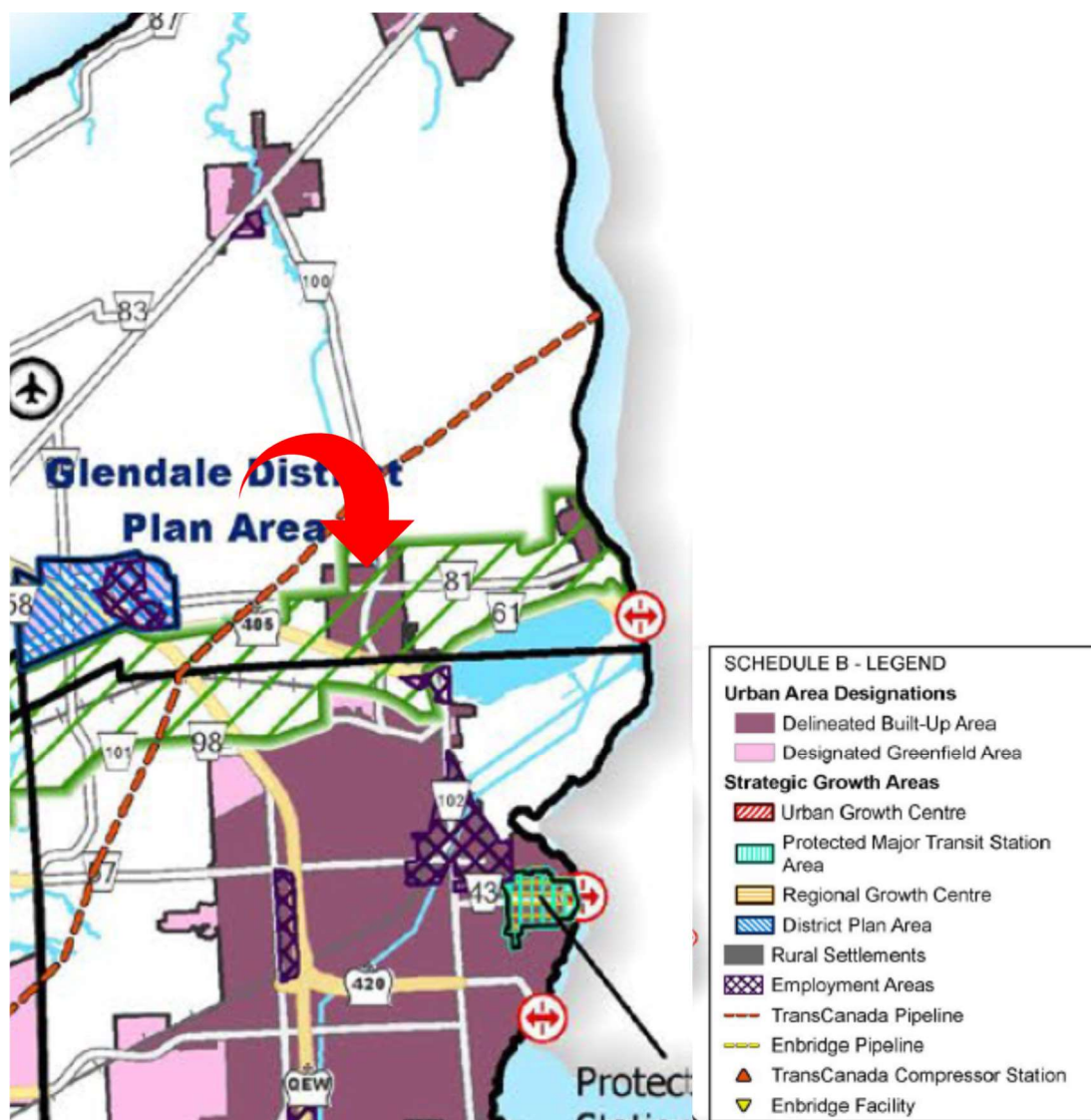
Making better use of existing urban lands reduces the need for unnecessary Settlement Area expansions in the future. Unnecessary expansions to settlement areas create urban sprawl and inefficient use of land and infrastructure, which is not desirable. The Town must look within the existing urban boundaries for opportunities to accommodate its growth and make better use of existing urban lands.

Based on this review the development applications are consistent with the Provincial Planning Statement, 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 Provincial Planning. The subject lands are located within the Settlement Area and are designated as Built-up Area according to Schedule B – Regional Structure of the ROP.

Figure 6: Niagara Official Plan, Schedule B, Regional Structure, excerpt



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 proposed development will contribute to meeting the short-term needs of the region in terms of providing compact housing to accommodate growth.

Section 2.1.1.1 Regional Growth Forecasts, Table 2-1 indicates that the Town of Niagara-on-the-Lake will grow to 28,900 people by 2051. This equates to an increase of 11,000+ people. The forecasts provided in the Niagara Official Plan are minimum targets. The intensification target for Niagara on the Lake is 25% according to the Niagara Official Plan. The plan encourages growth to be accommodated primarily through intensification and that employment growth will be primarily accommodated within the identified employment areas.

Section 2.3.1, Provide a Mix of Housing Options indicates that the development of a range and mix of densities, lot and unit sizes and housing types, including affordable and attainable housing, will be planned through settlement areas to meet housing needs of at all stages of life. The proposal will add diversification to the Village of St. Davids which is predominantly composed of large single detached dwellings. The proposal introduces a form of multi-generational housing that is missing in the Village. The Townhouses will offer secondary entrances to separate dwelling units in the basement. The additional basement unit will add an element of affordability to the units which is not currently available in the Town.

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

6.23 Planning Impact Analysis

A Planning Impact Analysis is required as part of an application for an Official Plan and/or Zoning change in the Town of Niagara on the Lake. 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 in support of the privately initiated application for Zoning By-law Amendment for the property at 308 Four Mile Creek Road.

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 development will be appropriately mitigated to ensure that there are no negative impacts realized by the existing enterprise area located across from the subject lands.

Mitigation through the use of warning clauses, the use of appropriate building materials, buffering will assist in ensuring adverse impacts will be reduced. Additional details on mitigation measures can be found in the background studies and in other areas of this report.

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 proposal will facilitate development that is compatible with the surrounding land uses.

Mitigation through the use of warning clauses, the use of appropriate building materials, buffering will assist in ensuring adverse impacts will be reduced as a result of the development. Additional details on mitigation measures can be found in the background studies.

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

The height of the proposed dwellings is two storeys and/or bungalows, depending on market demands when the lots become available. Two-storey dwellings and bungalows are consistent with many of the existing homes in the immediate area and along the block face of this stretch of Four Mile Creek Road.

- 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 in this report and as documented in the Tree Inventory and Preservation Plan prepared by Beacon Environmental, retention of the existing mature trees on the property and adjacent to the property is a priority objective of the proposed development. The development has been designed in order to ensure that as much of the existing mature vegetation as possible will be maintained which will uphold the visual character and ecological integrity of the community. The proposed development is much more in keeping with the goals and objectives of the Town's policies than the existing permissions are. Sleek has planted over 50 additional trees within the creek block than the NPCA required, which will serve to provide a denser natural area once it matures.

- d) Where medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services;

The proposed development is considered medium density according to the Town of Niagara on the Lake Official Plan. Each proposed dwelling will have its own private outdoor amenity space in the rear yard. The property is located in walking distance to local public parks and commercial amenities and schools. There is no regular transit service in NOTL but there is an on-demand service which can be utilized by the residents. More density and housing in the community will assist in supporting future regular transit operations in the Village of St. Davids.

- 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 proposed development has been designed in a sensitive manner to avoid the creek, to implement appropriate setbacks in order to mitigate and support the long-term protection of the Four Mile Creek. Significant rear yard setbacks are proposed to provide additional buffering between the creek block the proposed dwelling units to the north. Access to the creek block will be controlled by the installation of chain link fencing around the perimeter of the creek block. Gates in the fence will not be permitted. Limiting access to the creek will allow the creek to remain in a natural state without impact.

Through the sensitive design of the development and the implementation of mitigation measures the development is considered suitable for the lands.

- 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 rectangular in shape and of a size that is appropriate to accommodate the development of appropriately sized dwellings where the majority of traditional zoning standards can be maintained. Appropriate setbacks can be maintained as part of the proposed development. Larger setbacks for driveways will allow for additional parking on-site, larger rear yard setbacks and the creek form a generous buffer to the vineyard and agricultural area beyond. There are no negative impacts triggered as a result of the development and therefore it is considered appropriate.

- 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.

Four Mile Creek Road is a regional road and is a major arterial road, conveying traffic from Virgil to St. Davids and then to the City of Niagara Falls. The proposed access point to the development has been carefully assessed in terms of the existing traffic volumes, speeds and sightlines. Through proper mitigation, negative impacts can be minimized. Additional road widenings and locating the driveway as far north as possible, will assist in improving the safety and sightlines of the site entrance, which is supported by the Traffic Engineer and the region of Niagara. The road widening and entrance configuration remain as they were approved in 2024.

- 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 applicable agencies attended the pre-consultation meeting and the submitted application has appropriately addressed all concerns and requirements. Comments from applicable agencies will be collected through circulation and any outstanding concerns will be addressed prior to final approval or at the more detailed site plan approval stage which will be completed prior to development proceeding.

- 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.

Based on the information obtained at the pre-consultation meeting and from the Professional Engineers, servicing the development will not be a problem as there is appropriate capacity for stormwater, water and sanitary to accommodate the proposed

development. More details on how the development will be serviced will be provided through future final approvals such as site plan approval.

- k) The location and adequacy of lighting, screening, and parking area.

On-site lighting will be provided on the private road. The design of such will be reviewed at the site plan approval stage. A generous setback along Four Mile Creek Road will allow for enhanced landscaping along the public road providing an attractive streetscape and buffer for the proposed dwellings. Parking areas are located in individual driveways and will be screened from the road through the generous landscape buffering.

- L) Provisions for landscaping and fencing.

There is appropriate space to provide generous yard space for landscaping and fencing on site. The proposed zoning will provide more landscape open space than the existing zoning requires, which goes beyond the Town's minimum requirement and will create a spacious and open feeling for the development, which will respect the green character that exists today.

- n) The need and desirability of the use.

There is a need for more housing in the Town.

- o) The effect on the agricultural land base.

Significant buffering on the proposed site including the separation offered by the 30m wide creek block will maintain a generous setback between the proposed dwellings and the existing agricultural operations at the Ravine Vineyards to the west. Enhanced tree plantings in the creek block, beyond what was required by the NPCA will also contribute to an attractive buffer between the urban uses proposed and the existing agricultural area. The developer also wishes to include warning clauses in all agreements of purchase and sale notifying purchasers of the use of pesticides and bird bangers in the adjacent agricultural fields, which will assist with the minimizing interference to the existing agricultural operations.

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

There are no identified heritage resources in the area of the development.

Archaeological assessments have been undertaken on the entire property. All resources have been excavated and clearance letters have been issued by the Ministry of Tourism and Culture. Warning clauses will be included in the final approval to ensure that if any additional resources are found during excavation, construction will be halted and the appropriate authorities will be notified.

- q) The availability of alternative sites where the application proposed an amendment to the Official Plan to change a land use designation or expand an urban boundary.

The Town of Niagara on the Lake has a finite settlement area boundary. The Town's existing settlement areas are surrounded by greenbelt lands. Opportunities for the Town to expand the existing settlement area boundaries are constrained for the long-term. More than ever the Town must look within its existing settlement area boundary to accommodate growth. The Town must use the existing urban areas as efficiently as possible and in a manner that is addressing community needs. The Town has a demonstrated need for community lands for housing and a demonstrated excess of employment lands to meet the Town's long-term targets. The availability of alternative sites to accommodate housing within the Town is dwindling. The Town must capitalize on opportunities for conversions within the existing boundary to satisfy growth needs. If opportunities such as the proposed are not capitalized on, more and more pressure will be put on the Town's established neighbourhoods for infill and intensification to accommodate growth.

f) Measures planned by the applicant to mitigate any adverse impact on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.

As outlined throughout this report a number of background studies were undertaken by the applicant in order to assess the development in relation to adjacent land uses and roadways. Mitigation in the way of additional road widening dedication is provided to enhance the safety of the proposed driveway entrance, warning clauses to address adjacent agricultural uses together with noise mitigation will all assist in ensuring the long-term integration of the proposed residential development with minimal negative impact.

6.32.3 Special Policy Area A-3 (St. Davids)

The official plan recognizes the community of St. Davids as a Special Policy Area. The boundaries of the Special Policy Area are shown on Schedule D to this Plan.

It is the intent of this Plan that the future evolution and physical development of the St. Davids community shall be directed by the policies of this Plan and, as applicable, the specific policies of this Section.

A. Objectives

1. Preserve the ambience and character of the historic village;

The proposed development is at a scale that is in keeping with the predominant character of the Village of St. Davids. The architectural design has been carefully thought out to pull themes from existing development in the area and to include elements of historic design. High roof pitches are envisioned to relate to the historic architectural character. It is envisioned that a dry lay stone wall will be installed along the frontage of the development, which will add historic character and create an attractive ambience. Details will be finalized through the site plan approval process.

2. Maintain the urban area boundaries as the limit to the service area in support of the municipal servicing strategy and protection of abutting agricultural lands for farming purposes;

Using the subject lands as residential will meet a need in the Town while providing appropriate physical separation from the existing agricultural areas to the west.

3. Protect the ecosystem integrity of woodlots, the Four Mile Creek watercourse, and the Niagara Escarpment;

There is a separate block proposed to contain a portion of the Four Mile Creek that traverses the subject lands. The creek was re-aligned and physically improved in design to allow for the improvement of flows; to allow for ecological opportunities within the creek for fish and other wildlife, the creek has enhanced planting which will all improve the ecological integrity of this portion of the Four Mile Creek. The creek block is designated and zoned conservation, which will support the long-term protection of this feature.

4. Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;

The development area is located at the bottom of the escarpment and is proposed to be two storeys max. The development proposal will not affect viewsheds of the escarpment. The lands are not located in proximity to the Bruce Trail and therefore there are no beneficial linkages provided through the development.

5. Provide for the efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;

The development will hook into existing municipal infrastructure which will benefit the municipality by having more people using the system and paying for its long-term maintenance programs for same.

6. Provide for appropriately located active parkland and recreational facilities;

There are several existing parks located within the Village of St. Davids. The closest to the subject lands is located within the Cannery Park subdivision across the street. Access to the park is convenient and safe through a network of public sidewalks and walkways. There are also trail systems, a public pool and many amenities to enjoy in the Village.

7. Enable further investigation of the need for and feasibility of new community facilities including a community centre, library, daycare, and medical centre;

Additional population will assist in supporting existing facilities and perhaps encourage the establishment of new facilities to the area.

8. Provide for a diversity of housing types to meet the needs of the resident community;

The proposed housing type will help to diversify the existing housing stock that is currently available in the Village of St. Davids. The predominant housing type within the village is single detached dwellings, that are large and unaffordable. The proposed development offers townhouse dwellings with secondary dwelling units which will provide an affordability element to the market.

9. Provide for appropriately located commercial opportunities and activities to serve the needs of the St. Davids Community.

The development is within walking distance to a variety of commercial opportunities.

10. Provide a long-term strategy for the development of land within the urban boundary adjacent to Bevan Heights;

n/a

11. Provide for a comprehensive approach to transportation planning including roadways. Pedestrian ways, bicycle ways/lanes and a long-term strategy for the future of Paxton Lane;

n/a

12. Provide for a comprehensive approach to stormwater management;

As part of the development applications, professional engineers were engaged in order to assess the existing stormwater system in the area. The results of the assessment indicate that there are adequate stormwater management facilities in place to accommodate the proposal.

13. Provide for a well-designed new development through urban design guidelines to address streetscape character, infill opportunities, and community focal points;

The proposed development has been well thought out using urban design principals. The garages of the units are setback from the front face of the dwellings; the front face of the dwelling units will include a covered front porch to add articulation to the facades. Generous landscape buffers with a dry lay stone wall along Four Mile Creek Road will provide a very green and attractive streetscape. Together with the retention of some of the mature vegetation and the planting of new vegetation within the creek block, a beautiful green backdrop will allow the proposed dwellings to blend into the landscape.

The development proposal meets the St. Davids urban design guidelines and was approved by the Town's urban design committee in 2024. The proposal maintains the same building design and materials the 2024 approvals and should therefore be deemed to be consistent and waive additional committee reviews.

14. Recognize existing industrial uses, provide for appropriate planned growth of these uses, encourage industry which is environmentally sensitive in terms of such impacts as noise, traffic, vibration, fumes and waste management, and provide for compatible development opportunities on adjacent lands.

n/a

B. Policies

Any development, redevelopment, or infilling proposals within the St. Davids Special Policy Area shall be subject to the policies of this Plan and the following Area-specific policies:

Land Use

Schedule D, the Land Use Plan, identifies the distribution of permitted land uses within the St. Davids Special Policy Area.

General Development Policies for St. Davids

Development in St. Davids shall be governed by the general development policies of this Plan and the following specific policies:

1. Where appropriate the scale, massing, and design of any new development shall be compatible with the character of adjacent development, and support the characteristics of the Village. All new street-related development should enhance the streetscape;

The proposed development has been well thought out and provides significant green space in the front of the development along Four Mile Creek Road and in behind the proposed dwellings. The scale of the development is appropriate and does not propose unreasonable development standards. Appropriate setbacks and separations are provided. The massing of the development is in keeping with the established character of the area with two storey dwellings. The development is compatible with the established and new development located to the north of the property and will blend with the houses along Four Mile Creek, south of the subject lands. The proposed development will provide an enhanced streetscape character.

2. New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;

Significant setbacks, landscape buffers and building articulation will enhance the streetscape.

3. New development shall respect established building lines and significant landscape features;

The established building designs along Four Mile Creek vary. There is no discernible building line to follow. The development proposal will be setback from the road between a private window street and generous landscape buffers, which will allow the development to blend into the landscape and minimize impact on the streetscape.

4. Access to new buildings that have a direct relation to the street shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;

Although the dwelling units do not have direct access to the public street, the internal private road will be designed such that it provides a safe pedestrian realm that will connect to the larger public system.

5. Parking areas for new commercial buildings shall be located in rear yards;

n/a

6. Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations, and landscaped open space;

The development proposal provides appropriate setbacks to adjacent properties. The scale is in keeping with the adjacent development and significant landscape open space on the development site will maintain the open and green space character that currently exists on the property.

7. Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.

No signage is proposed. Lighting will be internal and be designed to meet the Town's lighting standards. Landscaping will be significant and of high quality in order to maintain the open green character of the property.

Protection of Natural Features

1. The preservation and enhancement of tree and shrub species, woodlots, and habitat corridors shall be considered in the project design to provide for the long-term maintenance of natural features and amenity for future development.

Through the re-alignment of the creek, the developer provided over 50 more native trees into the block in order to allow for a natural green buffer to establish between the development and creek and the creek and the agricultural area to the west. The creek provides a habitat corridor that will be protected through conservation zoning as a result of the development.

2. The design of new development shall be complementary to any adjacent natural features such as watercourses, wetlands, wooded areas, valley lands, parks and other open space areas and shall only be permitted in accordance with the protective policies of this Plan and affected agencies.

Through the significant greenspace provided, separations and enhanced planting, the proposed development is complementary to the Four Mile Creek.

Niagara Escarpment View plane Protection and Access

1. New Development shall comply with the objectives and policies of the Niagara Escarpment Plan as applicable with St. Davids.

The proposed development will not impact on the Niagara Escarpment view plane, it does not negatively impact the preservation of the established views and or open natural space.

2. New Development shall be designed to protect views of the Niagara Escarpment through such means as appropriate building height, separation, and orientation, and the provision of appropriately-located public space.

The proposed dwellings are in keeping with the established massing in the area and is not expected to impact views of the escarpment. There is already an existing house at the top of the property. Expanding and adding additional houses to this area will be consistent.

3. The design of new plans of subdivision and condominium should be in harmony with and maintain the existing character of the Escarpment landscape.

The generous open spaces within the proposed development will allow the buildings to seamlessly blend into the natural area. The use of natural architectural products including natural stone and wood will also allow the buildings to fit into the landscape without negative impacts to the views or character of the escarpment landscape.

4. The designation and alignment of new roadways and service corridors should be in harmony with the Escarpment landscape.

The new proposed private roadway is insignificant in size and is adjacent to an existing road. It is not expected that the private road will impact the harmony of the escarpment landscape.

5. New development should be designed and located in such a manner as to provide for and protect access to the Niagara Escarpment including the Bruce Trail Corridor.

The subject lands are not in close proximity to access the Niagara Escarpment lands or the Bruce Trail.

Land Division and Land Assembly

1. Land division within St. Davids should generally proceed by plan of subdivision to ensure that an appropriate lotting pattern is created; that an appropriate roadway design will be achieved; and that suitable arrangements for the provision of services are addressed in a subdivision agreement.

The division of the land proposed in the development is by way of vacant land condominium. The vacant land condominium will establish a shared ownership outlining areas of common element and exclusive use. The condo will set out rules for the owners and collect a maintenance fee which will be used to maintain the development to a high

standard. The proposed condominium creates a logical lotting pattern for 15 townhouses and a safe private roadway access.

2. Land division may proceed by way of plan of vacant land condominium. Such proposals shall be reviewed on the basis of such considerations as, but not limited to, building footprints and configurations; the massing and design of new buildings in relation to the style of adjacent buildings; internal vehicular and pedestrian movement; parking arrangements for motor vehicles; common and private amenity areas; landscaping, buffering and screening details; and consistency with Municipal services standards and facilities.

The proposal includes the creation of ownership as a vacant land condominium. The proposed development has appropriate building footprints, adequate areas of land around each unit for exclusive use and access.

Residential Land Use

1. Medium density projects shall be located:
 - a. Where it can be demonstrated that the project will be compatible with adjacent development in terms of intensity of use, building design, and architectural treatment;

The proposed development considered to be medium density according to the Town of Niagara on the Lake Official Plan. The proposal is of a height and massing that is consistent with the established buildings in the area. The proposal is compatible through the implementation of generous setbacks and a variety of mitigation elements. The building design and architectural treatments are proposed to be high quality with the use of natural stone and wood to blend into the natural environment.

More detailed building designs will be produced at the Stie Plan Approval stage where colors and materials will be refined.

- b. Adjacent to or in close proximity to commercial areas for the purpose of serving the needs of residents, supporting the viability of the commercial area, and establishing consistency with the land use intensity of the commercial area;

The subject lands are located within walking distance to commercial areas located to the north and south of the lands. The additional residents in the area will help to support the existing commercial facilities and will also support new commercial uses in the area.

- c. Where the project has direct access to a public street without drawing traffic through low density areas;

The proposed development has access through a private road that is connected to a regional arterial road where higher densities are expected with higher traffic volumes.

- d. Where adequate municipal services are available and can be provided without disruption through reconstruction of existing lines. Such reconstruction shall be discouraged by the municipality. It shall be the responsibility of the proponent to establish the availability of capacity and demonstrate that adequate services are available.

Adequate municipal services are available to service the proposed development as outlined in the Functional Servicing Report, prepared by Upper Canada Consultants.

Policies for New Development Adjacent to Existing Agricultural Uses, Industrial Operations and other Incompatible Land Uses

1. Every effort will be made to protect residential development from the impact of noise, dust, spray, odour, heavy traffic, and other impacts which may be generated from agricultural, industrial and other incompatible land uses located within and outside of the urban area boundary of St. Davids. In this regard the following guidelines shall apply;
 - a. Residential development in the vicinity of existing agricultural, industrial and other incompatible land uses shall incorporate appropriate mitigation measures and/or separation distances to ensure land use compatibility, including the use of adequate separators, landscaping and fencing;

The proposed development is located at the edge of the existing settlement area of the Village of St. Davids. There is an established and active agricultural operation located immediately west of the subject lands. Significant physical separation through the re-aligned creek block and the enhanced setbacks and vegetation planting will buffer the lands better than the existing development along this area of the boundary. Together with the inclusion of warning clauses for future homeowners and the buffering, there is little impact anticipated to the adjacent agricultural uses.

- b. Such measures of distances shall be determined by appropriate studies, carried out in accordance with the Ministry of Environment and Climate Change and/or Ministry of Agriculture and Food guidelines, addressing possible air emissions, agricultural sprays, odour, dust, traffic and noise impacts;

Studies were prepared to assess the adjacent land uses and property mitigation has been proposed. Mitigation measures in the form of warning clauses and building construction measures will be used in order to ensure that the proposed development remains compatible with the adjacent land uses.

- c. Potential impacts specified for analysis shall be identified on the basis of consultation between Town Staff, the developer and Regional Staff.

Pre-consultation with the Town and Regional staff was undertaken, together with the establishment of an agreed to Terms of Reference for background studies was

undertaken to ensure that all issues and concerns are adequately addressed and appropriately mitigated.

Housing Diversity

1. Council recognizes the importance to the St. Davids community of providing adequate affordable housing for all residents of St. Davids, and encourages the development of an appropriate mix of housing types to meet the needs, preference, and lifestyles of all residents.

The proposed development will offer townhouse development which is smaller in scale and therefore considered more affordable. The proposal includes accessory dwelling units, that have a separate entrance to allow for renting, which can help add income to support the homeowners.

2. Council encourages and intends to facilitate the development of an appropriate supply of housing for seniors in St. Davids and affordable housing for families which support community facilities and services in St. Davids.

The proposed development is considered attractive to seniors as they provide a maintenance free lifestyle through condominium ownership. The proposal would support a range of family types for seniors or families.

3. Council intends to work with the facilitate the efforts of public and private resources, and the non-profit and co-operative sectors, in the provision of seniors housing in St. Davids.

The proposal will assist in creating attractive housing for seniors within the Village of St. Davids.

4. Council may consider the permission of accessory apartment units as a subordinate, independent living area for senior withing single unit dwellings.

The province now provides as of right accessory dwellings units all single detached, semi and townhouse dwellings. The development proposal includes provisions for accessory dwelling units to support affordable living options.

5. It is the intent of this Plan that development which is specifically intended to accommodate senior be located in close proximity to supporting commercial and community facilities.

Although this development is not specifically intended to accommodate senior living, it is open to all markets. The property is located within walking distance to a range of commercial uses in the Village.

Environmental Noise Assessment

1. Where residential development or other sensitive land uses are proposed adjacent to and in the vicinity of Highway 405, Regional Road 100 (Four Mile Creek Road)

and the lands designated General Industrial, Light Industrial or Extractive in Schedule D of the Official Plan the Town will require the following:

- a. The developer shall prepare a study addressing noise impacts prepared by a qualified consultant;

HGC Engineering has prepared a Noise Assessment to look at road noise together with noise from the adjacent industrial uses.

- b. Noise impact studies shall be prepared in consultation with the Town, the Region and the appropriate Provincial agencies;

HGC Engineering reached out to the Town and the Region to establish a term of reference before undertaking their assessment.

- c. The noise impact study shall be prepared to the satisfaction of the Ministry of the Environment and Climate Change and shall also identify the total noise impact on the site by all sources and recommend attenuation measures where necessary;

The noise study meets the criteria and standards established by the Ministry of the Environment. The study recommends mitigation measures which have or will be implemented into the development through the approvals process.

- d. The noise impact study shall be completed prior to approval being considered for development. Any recommended noise attenuation measures identified through a noise impact study will be a condition of development approval including draft plan of subdivision approval, draft plan of condominium approval, consent approval, site plan control approval and zoning amendment approval.

It is expected that mitigation measures as outlined in HGC's Noise report will be included as draft plan conditions and conditions of site plan approval.

Urban Design

1. The Town intends to adopt urban design guidelines to ensure that the unique historic character of St. Davids is preserved and extended through careful design consideration of built form, open space, and streetscapes.

The proposed development is in keeping with the St. Davids Urban Design Guidelines as follows:

- *Garages are setback from front face of dwelling*
- *Garage doors will not exceed 50% of the width of the overall dwelling face*
- *Covered front porches are proposed on each dwelling unit*
- *Generous front yard setbacks and buffers are provided for dense landscaping to benefit the streetscape*

- *High quality architectural design and materials will be employed to ensure the development fits within the established village character*
2. All development, redevelopment, and infill in St. Davids shall be designed in a manner consistent with urban design guidelines adopted by Council.

See above.

Section 6A: Growth Management Policies

2.3 Urban Area and Urban Area Boundary

Planned Function

The lands within the Urban Area Boundary are to be the focus of urban development.

2.4 Built-up Area Boundary and Built Boundary

Planned Function

The built-up Area is the limit of existing development within the urban areas of Virgil and the Old Town as defined by the Province of Ontario in April, 2008. All growth and development which will occur within the Built-up Areas is considered to be intensification and will count towards the achievement of the Town's intensification target.

The subject lands are within the existing built-up area in the Town of Niagara-on-the-Lake where intensification is encouraged in order to meet the Town's intensification targets. The proposed development will contribute to meeting the Town's targets and provide needed housing options within the Town.

3: Growth Management

3.1 Growth Management Strategy

It is the intent of this plan to maintain the current Urban Boundaries for the foreseeable future.

3.2 Growth Management Objectives

Growth Strategy Objectives

The objectives of the Town's growth strategy area to:

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

The property is located within the existing urban boundary where infill development is encouraged in order to reduce the need for unnecessary urban boundary expansions in the future to accommodate future urban growth.

- b) Maintain the current delineation of the urban area boundary for the foreseeable future;

Infill development like the proposed should be encouraged as it makes better use of existing urban lands, which will in turn reduce the need for unnecessary urban boundary expansions in the future. Developments like the proposed will also make better use of urban services and spread the overall cost of long-term maintenance of these facilities, which takes some pressure off the existing residents.

- c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.

The proposed development is located in an appropriate area where it will fit into the existing neighbourhood. The 15 dwellings will provide more population who will use the existing commercial area in the Village supporting the long-term viability of the local businesses.

- d) Direct urban growth and development to the Town's existing Urban Areas.

Infill development like the proposed should be encouraged to make better use of existing urban lands, which will in turn reduce the need for unnecessary urban boundary expansions in the future.

- e) Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. David's, and Queenston through appropriate intensification.

The subject lands are located within the Built-up area in the Village of St. Davids. The development will assist the Town in meeting the 15% growth targets within the existing boundary.

- g) Optimize existing infrastructure to provide for efficient use of infrastructure.

Adding 15 additional dwelling units to the existing system will make more efficient use of the existing infrastructure reducing the overall costs to the municipality, which benefits the Town in the long term.

3.2 Population Forecast

The projected population growth for the Town is 7500 people by 2031.

The proposed development will help to accommodate the Town's projected growth. The provincial targets have since been updated and project more growth, which in turn means the Town must provide more housing than what is outlined in the Official Plan. The Town must look for opportunities within the existing boundary to accommodate growth.

3.3 Housing Forecast

The projected housing growth for the Town is 3395 households by 2031.

The proposed development will contribute to meeting the Town's overall population and housing growth targets.

3.4 Housing Mix

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long-term land needs and housing growth.

The development proposal will contribute to diversifying the mix of housing within the Village of St. Davids.

4 Intensification

4.1 General Intensification Policy

The Town supports intensification and infilling within appropriate areas throughout the Built-up Area in accordance with Land Use Compatibility, urban design and other applicable land use compatibility criteria of this Plan. The Town also supports forms of infilling that use the existing built form, including garden suites and accessory dwelling units, where the proposed development and reuse is consistent with the land use compatibility of this Plan.

The proposed development is a form of appropriate intensification that has been sensitively designed to minimize undue negative impacts on the community. The townhouses will blend into the existing character of the street and block face and be subject to many levels of review through the approval process to ensure compatibility is achieved. There are no anticipated land use compatibility issues triggered as a result of the proposed development.

4.2 Intensification Target

Intensification Target

By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".

Development of the subject lands conforms to the Town's intensification target.

Phasing of Target

Based on the annual housing forecasts contained within the plan, a total of 321 new dwelling units are required between 2015 and 2031 to meet the Town's 15% target within the existing built-up Area. The number of required units within the Built-up Area is calculated by multiplying the intensification target of 15% (0.15) by 2140 units, the total number of units projected by the housing forecast.

The 15 townhouse dwellings will contribute to meeting the Town's growth targets.

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to:

- e) Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area.

The proposed development is a form of intensification on an oversized and under-utilized lot located within the existing built-up area. The development does not impact heritage areas or resources and it fits into the established character of the street and block face.

Built-up Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-up Area. The following policies apply:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.

The proposed development will assist the Town in meeting its forecasted intensification targets.

- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low-rise apartment buildings subject to the relevant development and compatibility policies of this plan.

The proposed townhouse development is an appropriate form of intensification that is compatible with the low-density character in the Village of St. Davids.

- e) The Town will update zoning standards to ensure that zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment.

The Town has yet to update its zoning standards to accommodate the type of modern, compact housing that is required to facilitate appropriate infill development. A number of site-specific provisions are required in order to facilitate the proposed development and make the best use of the property. The majority of the existing zoning provisions will be maintained as a result of the development which suggests that the proposal is appropriate for the proposed use and layout. The proposed development provides more landscape open space than the Town's by-law requires. The proposal is an example of growth and intensification that is encouraged by the policies of the Town's Official Plan.

- g) The Region and the Town will ensure that an adequate supply of sanitary and water services is made available to accommodate the unit target for the Built-up Area and for

the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewaters can support the increased load.

It is believed that there is sufficient capacity within the existing municipal infrastructure system to accommodate the proposed dwellings.

h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.

This area of St. Davids contains a mixture of different lots sizes and house styles, with an existing industrial facility across the street. The proposed development provides lot sizes that differ from what is currently provided in the area but will contribute to a more consistent and attractive streetscape than what is currently permitted and what currently exists within the block face and in the larger contextual area. Larger front yard setbacks from Four Mile Creek Road enhance the amount of green space between the street and the proposed dwellings, creating larger expanses of green space along the street.

The proposed development is consistent with the characteristics in this area of Four Mile Creek Road. The proposal is consistent with some newer developments in the wider contextual area and more in keeping with provincial policies regarding the efficient use of existing urban lands.

Urban Design reviews will be undertaken prior to the approval of the house construction to ensure that the proposal fits into the context of the community and represents good urban design

i) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).

The proposed density of the development is low at 19.6 units per ha, which is consistent with the permitted density in the Official Plan.

h) During the development approval process that consideration will be given with respect to the capacity of existing infrastructure including utilities and type of improvements, if any, which may be necessary to serve the Built-up Area.

It is understood that there is sufficient capacity within the existing municipal infrastructure system to accommodate the proposed development. Agencies that control infrastructure and utilities will be circulated and will have an opportunity to comment and confirm capacity prior to final approval of the plan.

Urban Design

The Town has an Urban Design committee that reviews all subdivision applications, all large site plan applications and Official Plan or zoning amendment applications. In

addition, the Town reviews all planning applications from an urban design perspective. The Town will continue to refer Official Plan applications to the Urban Design Committee for review and recommendations.

It is anticipated that the future builders will be subject to a design review by the Municipal Urban Design Committee, once building designs are available.

- a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.

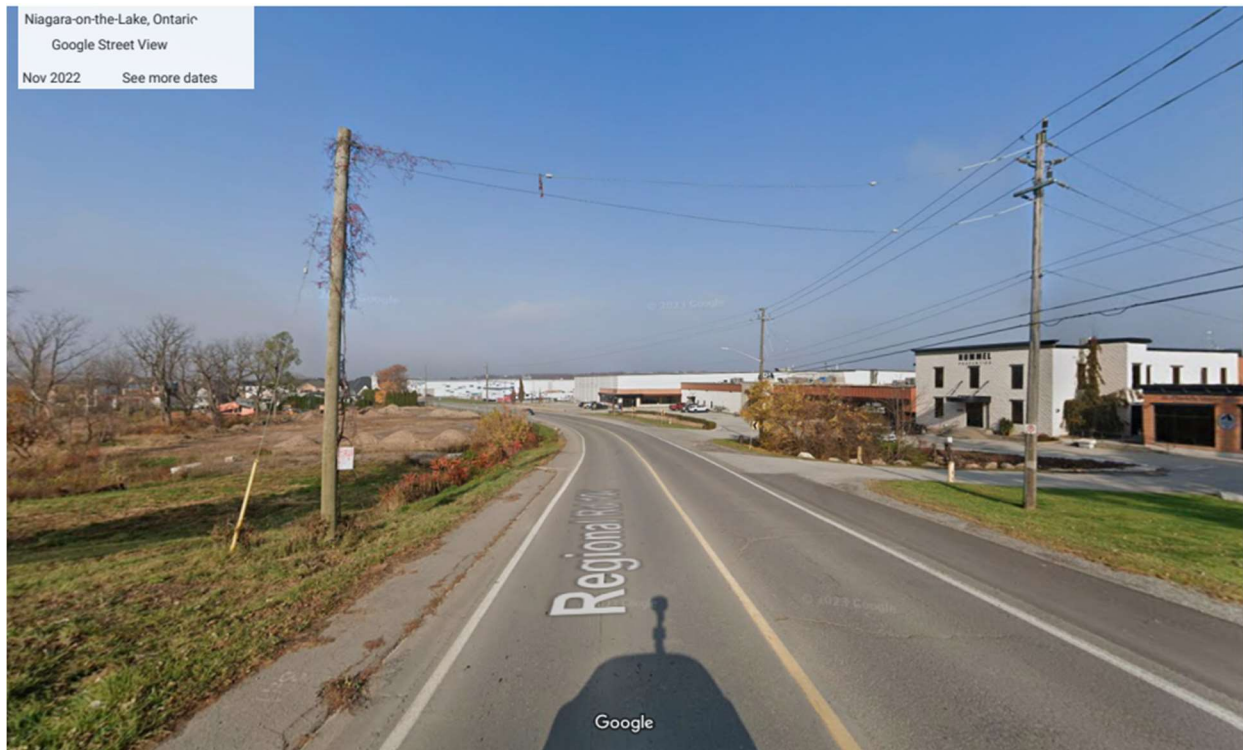
As noted earlier in this report, the street edge along Four Mile Creek Road varies. There is no discernable character as the area contains a mix of old established residential houses on larger lots and an industrial facility across the street. The proposed dwelling units will be setback from the Four Mile Creek Road and separated by a window street. The enhanced landscape along Four Mile creek will allow the units to blend into the natural landscape. There are many dwellings in this area that are much closer to the street edge and some that are further back.

Streetview Pictures showing existing street face character

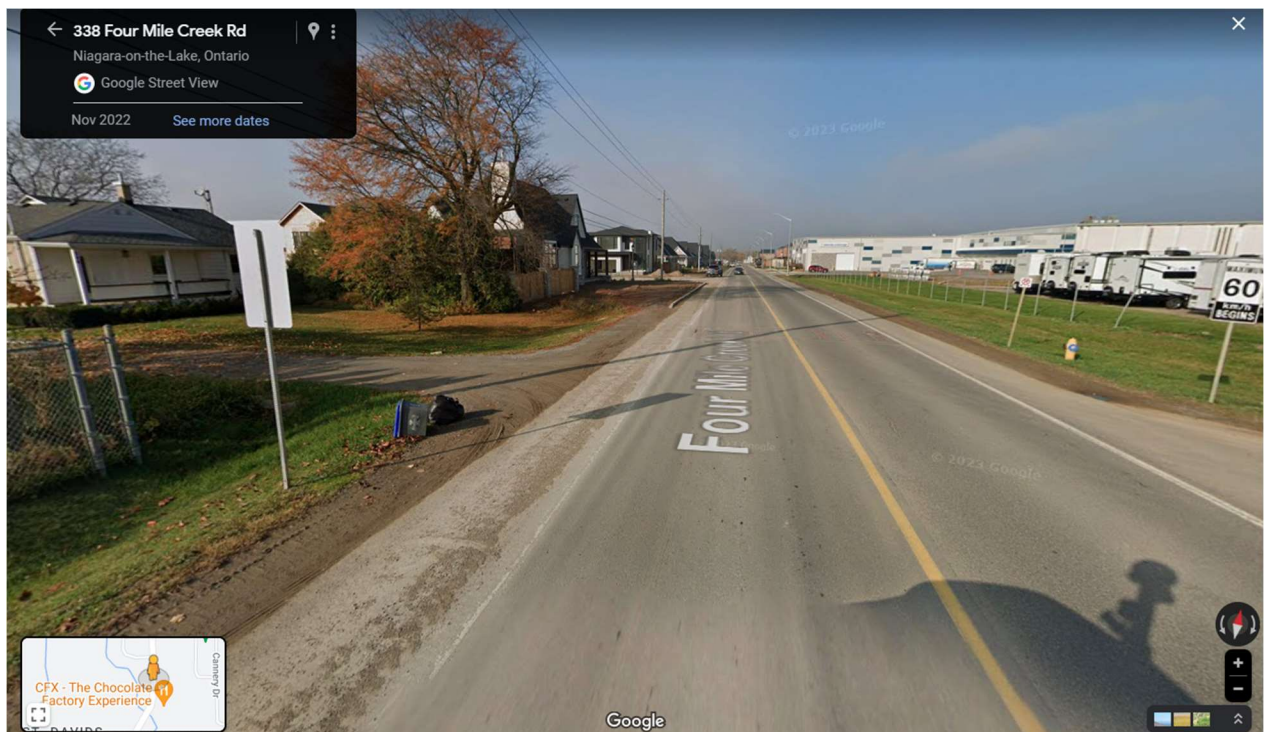
View: Looking north on Four Mile Creek south of 308 Four Mile Creek (subject lands on the left)



View: looking north on Four Mile Creek Road, Industrial lands on the right and subject lands to the left



View: looking north on Four Mile Creek Road, north of the subject lands



The proposed setbacks in the development are larger in order to provide adequate space for landscaping and adequate space for on-site parking space within the driveway in front of the garage. The larger setback will also create a more expansive front yard and open space creating a more attractive streetscape along Four Mile Creek Road. The dwellings will be re-oriented to front towards Four Mile Creek Road. Having the front of a dwelling face Four Mile Creek Road ensures a more attractive view as the front of dwellings units are usually the more attractive faces of a dwelling.

The average setbacks of the existing dwellings in the block face are outlined in the chart below:

Address	Frontage on Four Mile Creek Road	Setback from Four Mile Creek Road
West side of Four Mile		
346 Four Mile Creek Road	22.8 metres	10 metres
110 Millpond	flanking lot 38 metres	4.5 metres
110 Millpond	flanking lot 38 metres	4.5 metres
Condo unit # 16	flanking unit 33 metres	3.0 metres
Condo unit # 17	flanking unit 33 metres	3.0 metres
376 - 406 Four Mile Creek Road	9 metres	range from 7 metres to 2 metres
East Side of Four Mile		
329 Four Mile Creek	233 metres	20 metres
365 Four Mile Creek Road	200 metres	6.5 metres
average	75.85 metres	7.3 metres

The overall average frontage is 75.85 metres in this area with an average front yard setback of 7.3 metres. The development lands have a frontage of 108 metres which is larger than the average lot size. The larger lot will be broken up to provide smaller lots within the vacant land condominium. The condominium units will be more aligned with the width of many of the newly developed areas to the north.

The average front yard setback in the area is 7.3 meters. The development has a setback of over 16 metres from the edge of Four Mile Creek Road to the front of the dwellings. This setback is more than double the average but will allow for a generously landscaped streetscape which will contribute to an attractive visual.

d) Bulk, mass and scale of new development shall fit the context within which it is located.

The size of the proposed dwellings is similar in size to the other dwellings in the area.

e) Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.

The design of the final dwellings will be prepared by builders before building permits are issued. There are no provisions in this request to modify the above-noted requirement. The draft zoning by-law amendment includes a provision to secure this requirement.

- f) The design of infill and intensification development should be consistent with the Land Use Compatibility of this Plan.

See below for details on how compatibility is achieved.

4.5 Second Dwelling Units

Accessory Dwellings

One (1) additional accessory dwelling unit may be permitted, within an existing or planned single-detached and semi-detached dwellings, provided:

- a) That the floor area of the accessory is equal to or less than the gross floor area of the principal unit, without modification to the building's bulk of massing and does not negatively impact existing heritage resources of the property.
- b) Sufficient useable outdoor amenity space and an additional (1) on-site parking space shall be provided exclusively for accessory dwelling unit. An amenity space is an area designed for outdoor active or passive recreational uses and similar uses but does not include parking areas, parking lots, parking aisle ways or access driveways.
- c) Accessory dwelling units must meet the Ontario Building Code and Fire Code.
- d) A lot may not have both an accessory dwelling unit and a garden suite.
- e) A Zoning amendment is required to establish the use.

Provincial policy allows up to two accessory dwelling units and they can be within a Townhouse. The provincial permission supersedes the Town's official plan policies on this matter.

4.6 Land Use Compatibility Policies

Residential Neighbourhoods

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

Compatibility and Appropriate Infrastructure

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

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;

As noted earlier in this report the proposed townhouses fit into the existing context of the neighbourhood. There are no heritage attributes associated with this property.

- ~~b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood; n/a~~
 c) The existing and/or planned densities of the surrounding neighbourhood; and,

The proposed density is consistent with the surrounding areas which are composed of mostly single detached dwellings on a variety of lot sizes.

- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.

The proposed dwellings are 2 storey's and/or bungalows. The height of the dwellings is consistent with the established character of the neighborhood and will meet the Town's zoning requirement and is therefore considered appropriate.

- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.

The development proposal has demonstrated compatibility and integration within the community as outlined throughout this report. Appropriate setbacks are proposed to allow for a transition from the lower density residential to the north of the subject lands. A landscape buffer will also be provided to provide a visual separation between the two.

- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to:
- Street and block patterns – *the proposed lot sizes and configuration are similar to many of the existing large lots within the immediate context. The rectangular shape with direct frontage on Four Mile Creek facilitates an attractive street and a more consistent block pattern.*
 - Lot frontages lot area, depth – *the proposed lots are of an appropriate size to accommodate the proposed development and are considered appropriate for the character of the area. The lot sizes are comparable to many of the newer developments in the area which is in better keeping with the current provincial policies, encouraging better use of urban serviced lands. The lot sizes and depths are appropriate to meet the majority of the Town's zoning*

provisions. The proposed lots will provide more landscape open space than the Town's by-law currently requires and allows for larger setbacks where required in order to maximize the retention of the existing mature vegetation on the property.

- Building setbacks – *see the previous section for details.*
- Privacy and overview – *There are no expected privacy or overview issues as a result of the proposed dwellings. Appropriate building setbacks and yard areas will also ensure adequate space to minimize overlook and privacy issues.*
- Lot grading and drainage – *Detailed grading and drainage plans will be prepared and approved by the Town prior to final approval.*
- Parking – *The lots are generous in size with appropriately sized driveways and garages to accommodate parking of more than one vehicle on-site.*
- Servicing – *detailed servicing designs will be undertaken and reviewed by the Town prior to final approval.*

Section 9: Residential

9.2 Goals and Objectives

(1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.

It has been demonstrated and confirmed since 2016, that the Town does not have enough land for residential development to accommodate growth projections.

(3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses. Incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner

The subject lands can accommodate infill development that can contribute towards meeting population needs.

(5) To ensure that existing housing and existing residential areas shall be preserved and improved.

There is no impact on the existing residential areas as a result of the proposal. The existing housing stock will be increased adding more housing options within the Town.

(7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses

and where it will contribute to the more efficient use of sewer and water services and community facilities.

The subject lands are oversized and currently underutilized which presents an opportunity for infill development that is consistent with the surrounding area.

8) To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.

Mitigation measures will be employed through the development process to ensure that compatibility is maintained between the proposed development and the existing industrial facilities across the street. Appropriate setbacks and visual buffering are proposed to allow for a transition from the lower density housing to the north of the subject lands.

(11) To encourage the development of well-designed and visually distinctive forms.

Similar to other recent projects by HPI, the intent is to provide design standards that must be adhered to by future builders in order to ensure high-quality designs and materials are used. It is intended to have attractive dwellings that fit into and become an asset to the character of the community.

9.3 Land Use Designations

9.4 General Residential Policies

The following policies shall apply to all residential designations shown on the land use schedules.

9.3.2 Medium Density Residential

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

Main Uses:

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

Townhouses are permitted within the medium density designation.

(3) The design and location considerations for Medium Density Residential development shall include provisions of the following:

a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.

Please refer to previous sections of this report for how the height, massing as proposed are compatible with the surrounding area.

- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.

Significant open space, setbacks, and landscape buffering is proposed within the development layout to maximize privacy and the greenspace character of the area.

- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.

Parking is proposed on-site in private driveways. The proposed driveways are longer than what is required in order to accommodate more cars associated with accessory dwelling units. Parking can also be accommodated within the attached garages.

- d) Service areas shall be required on site of each development (e.g., Garbage, storage, recycling containers).

On-site storage areas will be provided for garbage storage and snow storage. Details on the location and layout will be determined through the forthcoming site plan approval stage.

- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

The detailed design will be reviewed for compliance by Town staff through the approvals process.

- f) Adequate municipal services can be provided to accommodate the needs of the development.

As noted earlier, a professional engineer has reviewed the existing infrastructure in the area and has determined that there is sufficient capacity to service the proposed development.

- g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.

The site has direct access to a high volume arterial, regional road.

- h) Medium density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.

The proposed zoning amendment outlines the site-specific zoning provisions, which will regulate the layout and the building design to ensure that the development remains compatible with the community through the implementation process.

9.4 General Residential Policies

(1) Affordable Housing

(d)(ii) Encouraging the creation of new residential units in developed neighbourhoods through infill, conversion of existing buildings, redevelopment and the provision of accessory apartments within existing dwellings. In the review of any residential development application of zone incorporating housing intensification, high standards of residential amenity and a harmonious mixture of different housing types will be measured through the policies of the plan and by following:

a) the availability and adequacy of municipal infrastructure services to service the potential increased density.

Accessory dwelling units are proposed as part of the proposed development which could yield up to 18 dwelling units on the property. A professional engineer has confirmed that there is adequate municipal infrastructure to service the proposed development.

b) the lot size and configuration are sufficient to provide on-site parking and appropriate buffering.

The lot size and the development layout are sensitive to adjacent land uses. The layout provides ample open space, separations and setbacks. The development includes extra large on-site driveways to accommodate traffic both from the primary and accessory dwelling units.

f) housing projects should be sensitive to the height, scale and architectural design of buildings in the surrounding neighbourhood.

The proposed dwellings are consistent with the building heights scales that currently exist in the surrounding area.

Section 17: Niagara Escarpment Plan

Queenston and St. Davids are designated as Minor Urban Centers in the Niagara Escarpment Plan.

The Minor Urban Centre designation that applies to Queenston and St. Davids recognizes rural settlement within the area of the Niagara Escarpment Plan. The Niagara Escarpment Plan contains policies dealing with the growth and development within these areas. These policies are to be implemented by the municipality during its Official Plan and/or secondary planning process. Development and growth within these areas must be in conformity with the Niagara Escarpment Plan.

The modest building heights proposed, the development is not expected to have any impact on the view shed or the green views that the escarpment offers. The lands are located away from the escarpment and do not offer any opportunities for access or trail connections.

Overall, the proposed development has been sensitively designed with the following elements:

- *Modest density that fits the community*

- *Building heights in keeping with the established community*
- *Generous front yard setbacks to allow for enhanced landscape buffers along Four Mile Creek Road*
- *Architectural designs that reflect the established town character*
- *Building materials that are natural and will blend into the surrounding landscape*
- *Significant on-site parking areas to accommodate the future uses*
- *Confirmation that the existing municipal infrastructure is adequate to accommodate the proposed development*
- *The inclusion of mitigation measures to address noise and agricultural interfaces issues*
- *The retention and protection of a portion of the Four Mile Creek*
- *Opportunities to contribute to the Town's housing shortage without impact the ability to meet employment targets*
- *Better vehicular safety by having the entrance moved to the north, rather than the current location in the centre of the property*
- *A Phase 1 ESA has been completed together with the issuance of the RSC*
- *Archaeological clearances have been issued*
- *The development proposal conforms to the residential development policies and considered to conform to the Town of Niagara on the Lake Official Plan.*

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

The subject lands are currently zoned as Residential R1 in part, Residential Multiple site specific in the north and open space site specific zone. The zoning amendment application seeks to rezone the area of the land for townhouses to one single site specific Residential Multiple (RM1) site-specific zone and the area of the creek is proposed to be kept in the existing open space site specific zone precluding development and to support the future conservation and preservation.

The site-specific zoning changes that are being sought through this application are outlined in the chart below:

Section	Provision	Requirement	Proposed
6.4	Parking Space Requirements		
	Off-street parking spaces shall be provided in accordance with the following:	Dwelling, Townhouse 2 per unit	no change
6.4	Permitted Yard Projections and Encroachments		
	Required yards shall not be obstructed in any manner whatsoever, except in accordance with the following:	Unenclosed and uncovered porch, deck, balcony, patio or steps, Front or rear yard 1.5m (5ft), side yard 0.6m (2ft)	covered porches are permitted to encroach into a rear yard 3.5 metres (11.4ft) and into a front yard 2m (6.5ft)
9.4	Residential Multiple (RM1) Zone		
	In the St. Davids Community Zoning District - Residential Multiple (RM1) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:		no change
9.4.1	Permitted Uses:	Accessory buildings and structures in accordance with Section 6.1, townhouse dwelling	
9.4.2	Zone Requirements:		
9.4.2.3	Block Townhouse Dwellings:		
(a)	Minimum Lot Frontage	30.0m (98.4ft)	212m (698ft)
(b)	Minimum Lot Area per unit	285m2 (3067.8ft2)	delete
(c)	Maximum Density	30 units per ha	19.68 units per ha
(d)	Maximum Lot Coverage	35%	35% - no change required
(e)	Minimum Landscaped Open Space	30%	30% - no change required

(f)	Minimum Front Yard Setback	6.0m (19.69ft)	5m (16ft) from dwelling to private road & 6.0m (19.6ft) from garage face to private road
(g)	Minimum Interior Side Yard Setback	6.0m (19.69ft)	1.2m (3.93ft) from a dwelling unit or covered porch to a property line and conservation zone line & 0m from a common wall
(h)	Minimum Exterior Side Yard Setback	6.0m (19.69ft)	n/a
(i)	Minimum Rear Yard Setback	6.0m (19.69ft)	6.0m (19.69ft) - no change required
(j)	Minimum Distance between buildings located on the same lot:		
	(i) Between walls not containing windows to a habitable room	3.0m (9.84ft)	3.0m (9.84ft) - no change required
	(ii) Between walls where one wall contains a window to a habitable room	9.0m (29.53ft)	3.0m (9.84ft)
	(iii) Between walls where both walls contain a window to a habitable room	15.0m (49.2ft)	3.0m (9.84ft)
(k)	Minimum distance between any townhouse dwelling and an internal driveway and parking area is 4.5m (14.76ft) to the front of the dwelling, and 6.0m (19.69ft) to the front face of the garage		no change
(l)	Minimum Dwelling Unit Area	80m ² (861ft ²)	delete
(m)	Maximum Building Height	10.0m (32.8ft)	no change
(n)	Minimum Accessory Building Yards Setback	0.5m (1.64ft)	delete
(o)	Minimum Accessory Building Exterior Side Yard Setback	6.0m (19.69ft)	delete
(p)	Minimum Setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6m (2ft)		no change
new	Maximum garage door width		50% of the dwelling unit width

The site-specific provisions that are outlined above are to address the configuration of the subject lands in relation to the creek block.

The zoning seeks permission to allow for rear covered porches for each unit, which will provide for outdoor amenity space that is protected from the elements. The addition of this space is included in the building coverage and requires an encroachment into the rear yard setback. This provision is desirable from a marketing perspective and will improve the livability of the units and it will not have any impact on rear neighbours.

There is a reduction in the minimum lot area per unit. Since this is a more intense development that makes efficient use of the lands, there is a reduction in lot area per unit. There is still adequate outdoor amenity space provided in the front and rear of each dwelling unit, including the protected covered porches. Since these are walk up units, there is also a small covered porch provided for the basement of each unit providing additional outdoor amenity space. This provision is also being reduced due to the exclusion of the conservation area from the lot area. So, although the space for each unit is being reduced the overall greenspace is much larger when you include the creek block. This site-specific provision is considered appropriate to accommodate the proposed development. There are no negative impacts that will be triggered as a result of the provision.

Larger setbacks to the front of each dwelling will be achieved to allow for larger driveways to accommodate on-site parking.

The site-specific provisions will allow for an appropriate scale and density for development. The provisions allow for generous open space and landscaped areas on the property, which will maintain as much of the open space on the property as possible.

The proposed draft zoning by-law is included as Schedule B to this report.

Planning Recommendation

The development applications seek to facilitate the development of a more compatible land use that will fit into the established residential character along the west side of Four Mile Creek Road.

The property has direct access to municipal infrastructure and is located within the existing urban boundary.

The applications seek to secure the conservation of a portion of the Four Mile Creek, which is important to ensure the long-term protection of this natural feature.

The applications are consistent with provincial policies; they conform to the Official plans and represent an appropriate development for the subject lands and is considered good land-use planning.

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

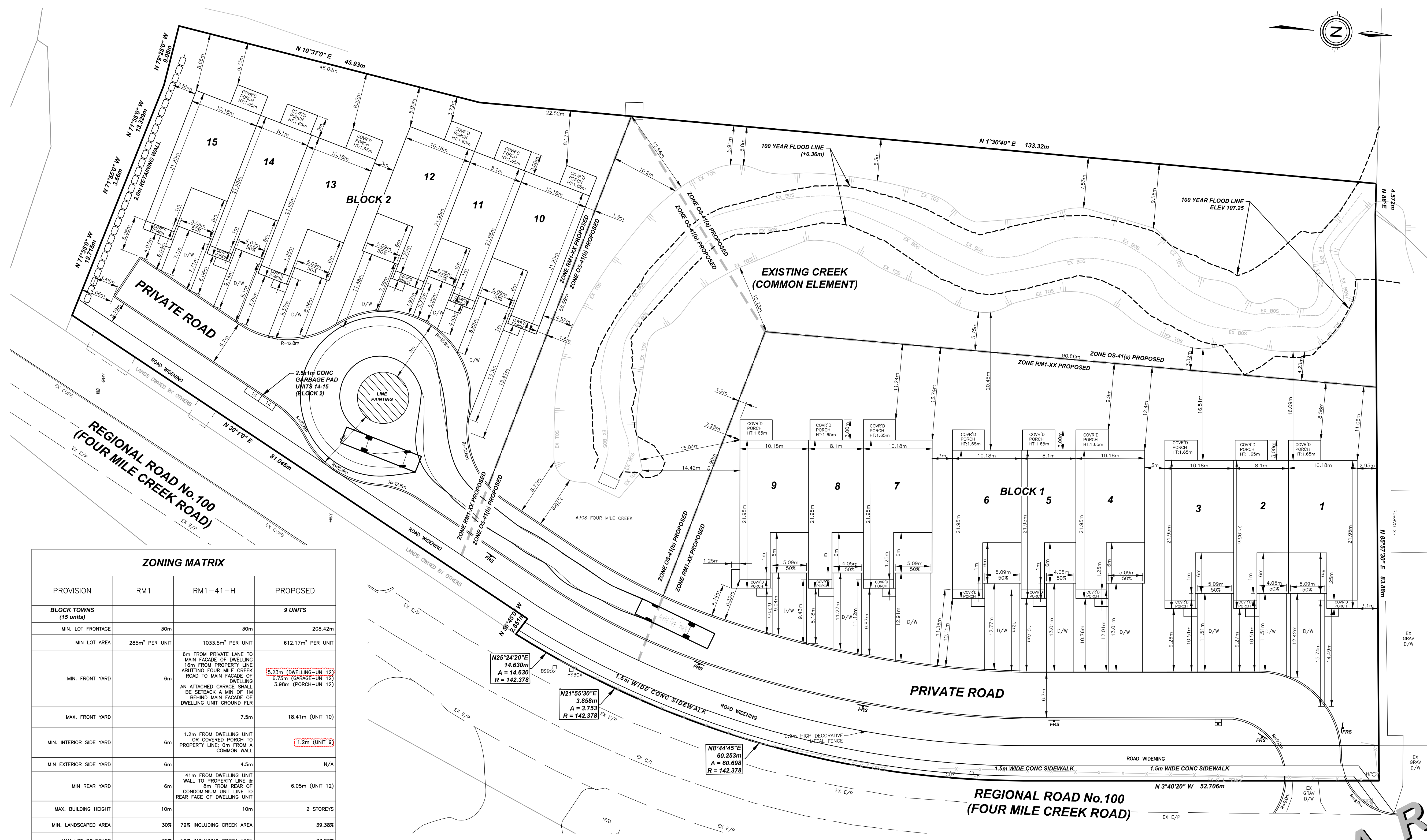
Prepared by:



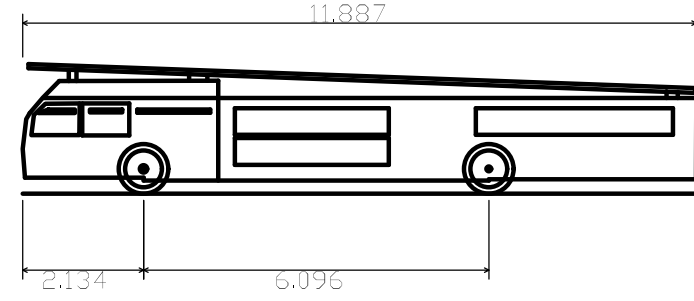
Jennifer L. Vida, MCIP, RPP

308 FOUR MILE CREEK ROAD

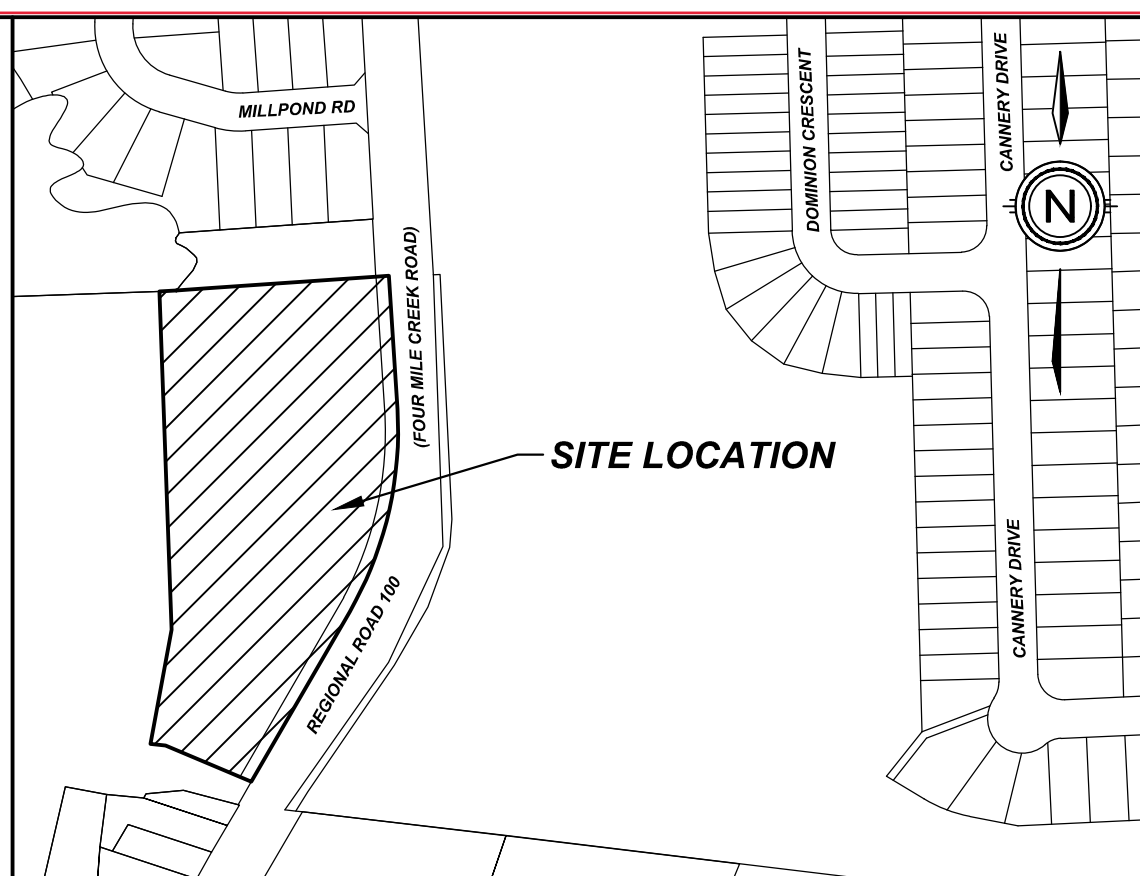
NIAGARA-ON-THE-LAKE



ZONING MATRIX			
PROVISION	RM1	RM1-41-H	PROPOSED
BLOCK TOWNS (15 units)			9 UNITS
MIN. LOT FRONTAGE	30m	30m	208.42m
MIN. LOT AREA	285m² PER UNIT	1033.5m² PER UNIT	612.17m² PER UNIT
MIN. FRONT YARD	6m	6m FROM PRIVATE LANE TO MAIN FACADE OF DWELLING 16m FROM PROPERTY LINE ABUTTING FOUR MILE CREEK ROAD TO MAIN FACADE OF DWELLING AN ATTACHED GARAGE SHALL BE SETBACK A MIN OF 1M BEHIND MAIN FACADE OF DWELLING UNIT GROUND FLR	5.23m (DWELLING-UN 12) 6.73m (GARAGE-UNIT 12) 3.98m (PORCH-UN 12)
MAX. FRONT YARD		7.5m	18.41m (UNIT 10)
MIN. INTERIOR SIDE YARD	6m	1.2m FROM DWELLING UNIT OR COVERED PORCH TO PROPERTY LINE ON FROM A COMMON WALL	1.2m (UNIT 9)
MIN. EXTERIOR SIDE YARD	6m	4.5m	N/A
MIN. REAR YARD	6m	41m FROM DWELLING UNIT WALL TO PROPERTY LINE & 8m FROM REAR OF CONDOMINIUM UNIT LINE TO REAR FACE OF DWELLING UNIT	6.05m (UNIT 12)
MAX. BUILDING HEIGHT	10m	10m	2 STOREYS
MIN. LANDSCAPED AREA	30%	79% INCLUDING CREEK AREA	39.38%
MAX. LOT COVERAGE	35%	12% INCLUDING CREEK AREA	33.80%
MAX. DENSITY	30 un/ha	10.9 un/ha	19.68 un/ha
MIN. DISTANCE BETWEEN BUILDINGS ON SAME LOT	BETWEEN WALLS WHERE THERE ARE (a) NO WINDOWS ON HABITABLE ROOMS-3m (b) ONE WALL WITH WINDOWS-9m (c) BOTH WALLS HAVE WINDOWS-15m		3m
MIN. DISTANCE BETWEEN BUILDING AND INTERNAL DRIVEWAY/PARKING AREA	4.5m (DWELLING) 6.0m (GARAGE)	N/A	5.23m (DWELLING) 6.73m (GARAGE) 3.98m (PORCH)
MIN. DWELLING UNIT AREA	80m²		181.70m² (INTERIOR)
MAX. GARAGE DOOR WIDTH	50% OF THE FRONT FACE OF A DWELLING UNIT	50% OF THE FRONT FACE OF A DWELLING UNIT	50%
PERMITTED ENCROACHMENT OF UNCOVERED, UNENCLOSED OR COVERED PATIO, PORCH OR STEPS INTO FRONT YARD	1.5m FRONT YARD 3.5m REAR YARD 0.6m SIDE YARD	2.0m FRONT YARD 3.5m REAR YARD N/A SIDE YARD	1.25m FRONT YARD 3m REAR YARD 1.2m SIDE YARD (UN 9)



Aerial Fire Truck
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Max Wheel Angle



KEY PLAN

N.T.S.

LEGAL DESCRIPTION

PART OF TOWNSHIP LOT 89
(GEOGRAPHIC TOWNSHIP OF NIAGARA)
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OVERALL SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING (15 UNITS)	0.315	33.80
DRIVEWAY	0.080	8.58
ROADWAY/PARKING	0.170	18.24
LANDSCAPING	0.367	39.38
TOTAL DEVELOPABLE AREA	0.932	100.00
ROAD WIDENING	0.087	
OPEN SPACE (CREEK)	0.487	
TOTAL AREA	1.506	
UNITS		15
DEVELOPABLE DENSITY (EXCL. ROAD/PKNG)		19.68 u/ha

ISSUED FOR REVIEW	2025-09-02	TA
REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	TA
SITE PLAN	DATE	SEPTEMBER 2, 2025
	PRINTED	SEPTEMBER 10, 2025
	SCALE	1:1000
	DWG No.	REV
1520-SP	0	

PRELIMINARY

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316-24**

308 Four Mile Creek Road

Roll 262702002506000 and 262702002505800

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

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

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

1. Schedule "A-23" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map "A" attached and forming part of this By-law from "St. Davids Community Zoning District – Residential Multiple (RM1-41-H) Site Specific Holding Zone" & "St. Davids Community Zoning District – Residential (R1) to "St. Davids Community Zoning District – Residential Multiple (RM1 - ____) – Site Specific Zone.
2. That subsection 9.13 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

9.13.____ - 308 Four Mile Creek Road – See Schedule 'A-23'

9.13.____ RM1 - ____ Zone Requirements

In lieu of the corresponding provisions of Subsection 9.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as RM1-____ on Schedule 'A-23':

Permitted Yard Projections and Encroachments – covered porches are permitted to encroach into a rear yard 3.5 metres and into a front yard 2 metres.

Minimum distance between walls where on wall contains a window to a habitable room and between walls where both walls contain a window to a habitable room – 3.0 metres

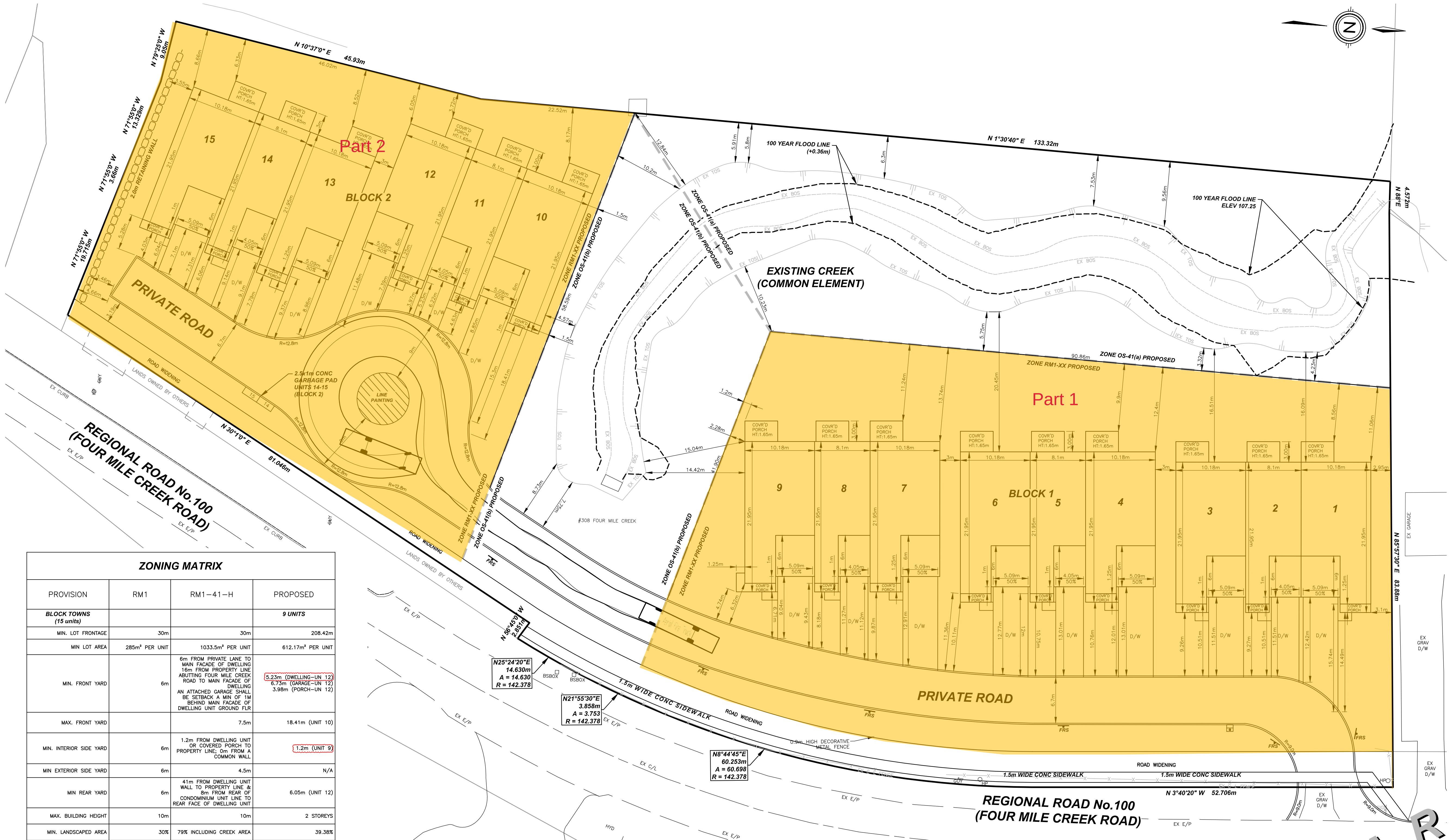
Maximum Garage door width – 50% of the dwelling unit width.

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

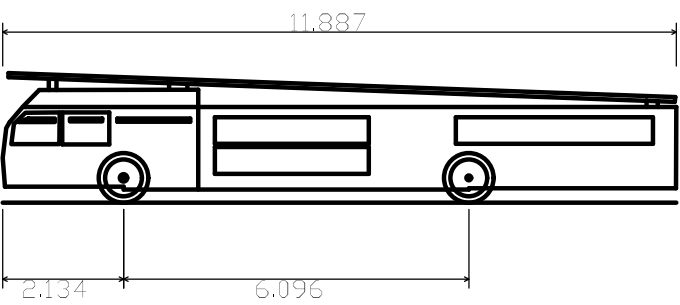
LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

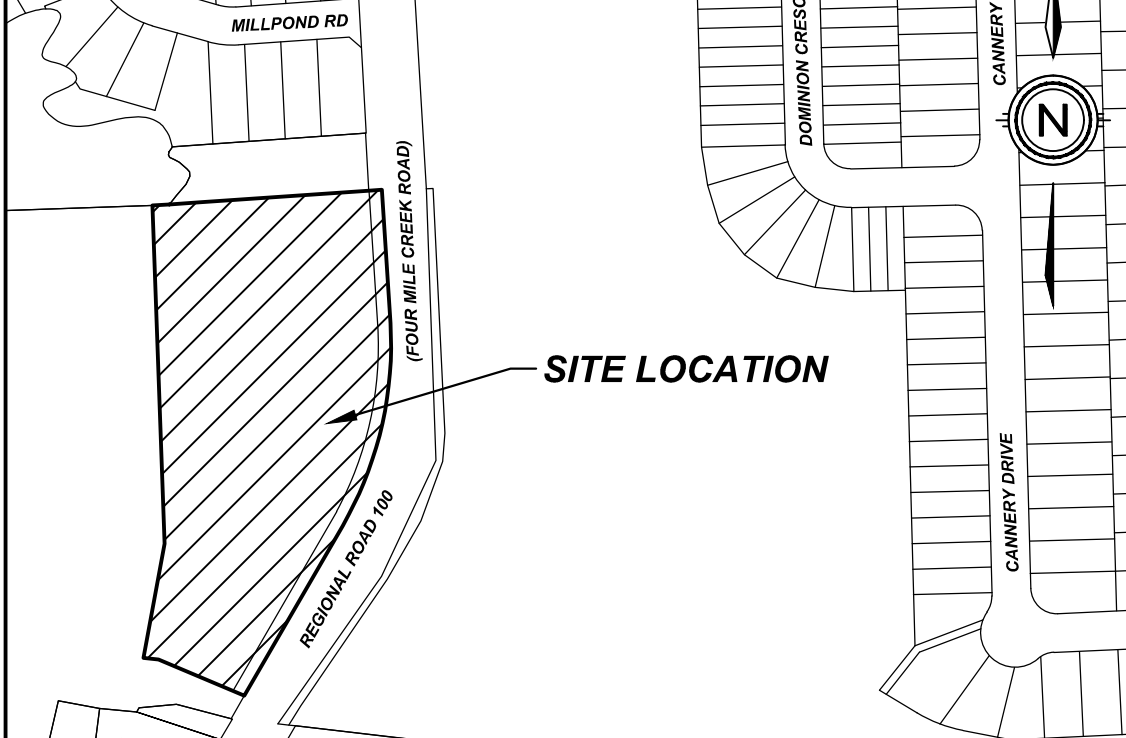
308 FOUR MILE CREEK ROAD
NIAGARA-ON-THE-LAKE



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PERMITTED ENCROACHMENT OF UNCOVERED, UNENCLOSED OR COVERED PATIO, PORCH OR STEPS INTO FRONT YARD	1.5m FRONT YARD 3.5m REAR YARD 0.6m SIDE YARD	2.0m FRONT YARD 3.5m REAR YARD N/A SIDE YARD	1.25m FRONT YARD 3m REAR YARD 1.2m SIDE YARD (UN 9)



Aerial Fire Truck
Overall Length
Overall Width
Overall Body Height
Min Body Ground Clearance
Track Width
Lock-to-lock time
Max Wheel Angle



KEY PLAN
N.T.S.

LEGAL DESCRIPTION

PART OF TOWNSHIP LOT 89
(GEOGRAPHIC TOWNSHIP OF NIAGARA)
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

OVERALL SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING (15 UNITS)	0.315	33.80
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TOTAL DEVELOPABLE AREA	0.932	100.00
ROAD WIDENING	0.087	
OPEN SPACE (CREEK)	0.487	
TOTAL AREA	1.506	
UNITS		15
DEVELOPABLE DENSITY (EXCL. ROAD/PKNG)		19.68 u/ha

Part 1 from Residential Multiple (RM1-41-H) Zone to Residential Multiple (RM1-____). Zone

Part 2 from Residential R1 Zone to Residential Multiple (RM1-____) Zone

ISSUED FOR REVIEW	2025-09-02	TA
REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	TA
SITE PLAN	DATE	SEPTEMBER 2, 2025
	PRINTED	SEPTEMBER 10, 2025
	SCALE	1:1000
	DWG No.	REV
1520-SP	0	

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-052**

Official Plan Amendment No. 96
308 Four Mile Creek Road
Roll 262702002506000 and 262702002505800

FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE

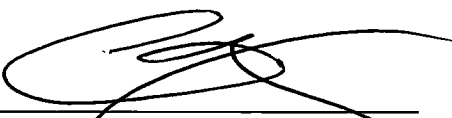
A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING ACT
TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

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

1. Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and schedule is hereby adopted.
2. Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake is exempt from the approval of the Regional Municipality of Niagara and will come into force and take effect on the day of the final passing thereof.

Enacted and passed this 30th day of July, 2024.



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL

**Amendment No. 96 to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE

Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.

PART B – THE AMENDMENT

Part B constitutes Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake.

**PART C – ADDITIONAL
INFORMATION**

Part C does not constitute part of this amendment but outlines additional information available upon request.

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to redesignate a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and a site-specific “Conservation” designation to facilitate residential uses.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of St. Davids, located on the west side of Four Mile Creek Road, north of York Road and south of Millpond Road, on lands municipally known as 308 Four Mile Creek Road.
2. The Amendment is required to redesignate a portion of the subject lands to facilitate residential uses (9 townhouse dwelling units). A portion of the subject lands are located within an environmentally protected area. No development is proposed on the environmental lands, save and except for a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.
3. A portion of the subject lands are currently recognized as locally designated employment lands located outside of a regionally identified Employment Area. The change in land use to accommodate residential uses conforms with the intent of applicable Provincial, Regional and Town planning policies. The change in land use has been examined and evaluated in the context of applicable planning policies and the studies and information submitted in support of the application which demonstrate the need and suitability for the change in land use.
4. Studies submitted as part of the application to support the development, demonstrate protection of the environmental area, and address land use compatibility with surrounding existing industrial land uses.
5. The proposal would provide more housing and a more diverse housing stock, to address current housing needs.
6. The Amendment is consistent with the Provincial Policy Statement (2020) and conforms with the intent of the Growth Plan (2020), the Regional Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
7. A future application for Site Plan Approval would be required to facilitate the development of the proposed 9-unit private road townhouse development.

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 96 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. That Schedule “D” to the Official Plan, as amended, is further amended by redesignating a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and site-specific “Conservation – EX-CON-1” as shown on Schedule 1 attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 16: Conservation/Wetlands:

“16.5 EXCEPTIONS

Within the Conservation designation, certain lands are shown as exceptions. An exception designation may recognize an existing land use which is not normally permitted in the Conservation designation or it may place some other restriction on the property. The following is a Conservation exception.

EX-CON-1 The portion of the lands identified as Conservation – EX-CON-1 on Schedule D, municipally known as 308 Four Mile Creek Road, shall be subject to all requirements of the “Conservation” designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Subsection 16.3.1 of the Official Plan, a private road is permitted as well as private infrastructure, subject to Niagara Peninsula Conservation Authority approval.”

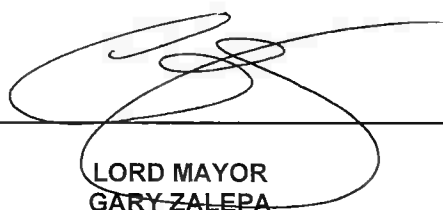
PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Information Report to Council – Public Meeting, 308 Four Mile Creek (CDS-23-210)
2. Committee of the Whole – Planning Meeting Minutes dated October 3, 2023
3. Community and Development Services Report CDS-24-085
4. Council Meeting Minutes dated June 25, 2024



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT 96
BEING AN AMENDMENT TO SCHEDULE "D" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**


LORD MAYOR
GARY ZALEPA


TOWN CLERK
GRANT BIVOL

Explanation of the Purpose and Effect of
By-law 4316FQ-24

The subject lands are described as 308 Four Mile Creek Road and are legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone a portion of the subject lands to permit the development of nine (9) townhouse dwelling units and one (1) block for future development, with common elements for a private road, environmental protection area and landscaping, and to rezone a portion of the subject lands to protect the existing Four Mile Creek watercourse and associated buffer lands by prohibiting any type of development, save and except a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.

Effect

The effect of this By-law is to rezone the subject lands from “St. Davids Community Zoning District – Enterprise (E-17) Site Specific Zone” and “St. Davids Community Zoning District - Enterprise (E) Zone” to “Open Space (OS-41(a)) Site Specific Zone”, “Open Space (OS-41(b)) Site Specific Zone” and “Residential Multiple (RM1-41-H) – Site Specific Holding Zone” with site-specific provisions for minimum front yard setback from a private road, minimum rear yard setbacks, maximum garage door width and garage setback from face of dwelling, minimum interior side yard setback, minimum distance between buildings on the same lot, and encroachment into front yard and rear yard for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition.

<i>Applicant:</i>	Sleek Developments Inc.
<i>File Number:</i>	ZBA-18-2023
<i>Report Number:</i>	CDS-24-085
<i>Assessment Roll Number:</i>	262702002506000 and 262702002505800

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

BY-LAW NO. 4316FQ-24

308 Four Mile Creek Road

Roll 262702002506000 and 262702002505800

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

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

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

1. Schedule "A-23" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "St. Davids Community Zoning District – Enterprise (E-17) Site Specific Zone" and "St. Davids Community Zoning District - Enterprise (E) Zone" to "St. Davids Community Zoning District - Residential Multiple (RM1-41-H) – Site Specific Holding Zone", "Open Space (OS-41(a)) Site Specific Zone" and "St. Davids Community Zoning District – Open Space (OS-41(b)) Site-Specific Zone".

- 2 That Subsection 9.13 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following sections:

9.13.41 – 308 Four Mile Creek Road – See Schedule ‘A-23’

9.13.41.1 RM1-41-H Zone Requirements

In lieu of the corresponding provisions of Subsection 9.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as RM1-41-H on Schedule “A-23”:

(f)	Minimum front yard setback	6.0 m from a private lane to the main façade of a dwelling unit 16.0 m from the property line abutting Four Mile Creek Road to the main façade of a dwelling unit An attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling unit on the ground floor
(g)	Minimum interior side yard setback	1.2 m from a dwelling unit or covered porch to a property line 0 m from a common wall
(i)	Minimum rear yard setback	41.0 m from the rear face of a dwelling unit to a property line 8.0 m from the rear of a condominium unit line to the rear face of a dwelling unit
(j)	Minimum distance between buildings located on the same lot from end wall to end wall	2.4 m
(k)	Minimum distance between any townhouse dwelling and an internal driveway	Not applicable

	and parking area to the front of the dwelling, and to the front face of garage	
(q)	Maximum total width of garage doors	50% of the front face of a dwelling unit

9.13.41.2 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM1-41-H on Schedule "A-23", the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, patio or steps may project 2.0 metres into a required front yard.
- b) an unenclosed and uncovered or covered porch, deck or patio or steps may project 3.5 metres into a required rear yard, provided that any covered area is no greater than 15 square meters (excluding eaves and gutters).

9.13.41.3 OS-41(a) Permitted Uses

In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the "Open Space (OS-41(a)) Site Specific Zone":

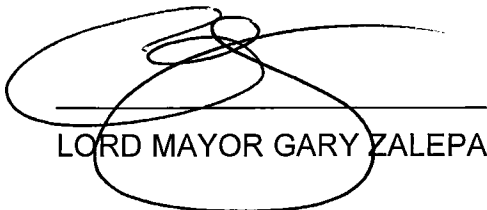
- a) *conservation management activities* and uses.

9.13.41.4 OS-41(b) Permitted Uses

In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the "Open Space (OS-41(b)) Site Specific Zone":

- a) *conservation management activities* and uses.
 - b) a *private road* and *private infrastructure*, subject to approval from the Niagara Peninsula Conservation Authority.
3. The development of the subject lands identified as RM1-41-H on Schedule "A-23" shall only be permitted upon removal of the Holding (H) symbol. The Holding (H) symbol shall not be removed until such time as the submission of confirmation of the filing of a Record of Site Condition with the Ministry, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake and Niagara Region.
4. That this By-law shall become effective upon final approval of the related Amendment No. 96 to the Town of Niagara-on-the-Lake Official Plan.

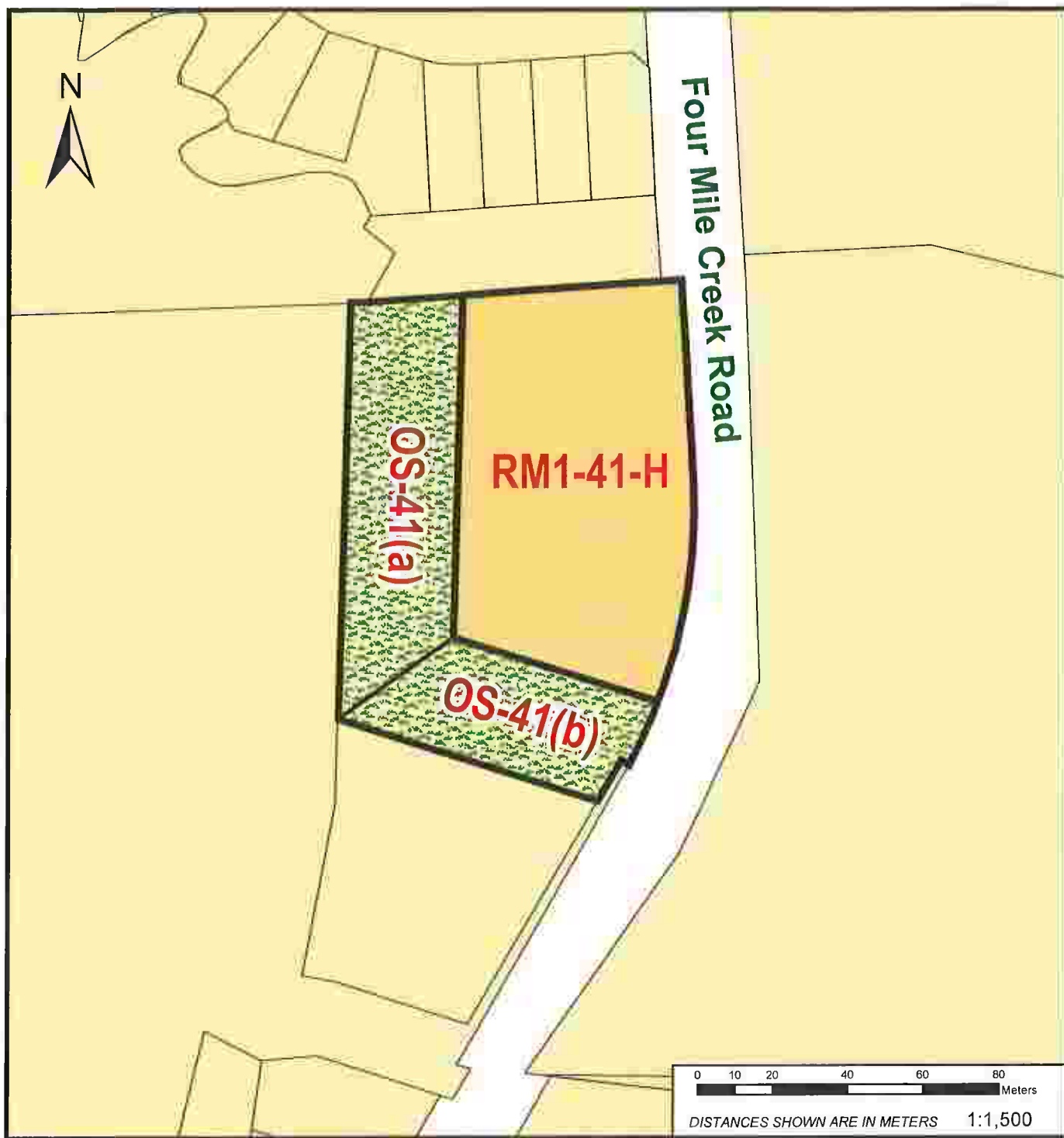
READ A FIRST, SECOND AND THIRD TIME THIS 30th DAY OF JULY 2024.



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FQ-24, BEING AN AMENDMENT TO SCHEDULE "A-23" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF JULY, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL