

Planning Justification Report
ZONING BY-LAW AMENDMENT

15 Elden Street and 1743 Four Mile Creek Road
Town of Niagara On the Lake

December 2025

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UCC File No. 25094

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PREFACE

Upper Canada Consultants has been retained by Pleasant Manor Retirement Village to prepare a Planning Justification Report in relation to the applications for Zoning By-law Amendment at 15 Elden Street and 1743 Four Mile Creek Road in the Town of Niagara on the Lake, within the Regional Municipality of Niagara.

This Zoning By-law Amendment Application has been prepared to facilitate the renovation of a basement area within the existing seniors' residence at 1743 Four Mile Creek Road for the purposes of establishing a licensed day care facility.

The Zoning By-law Amendment Application seeks to rezone the lands from the Virgil Community Zoning District – Residential Multiple (RM2) zone to Virgil Community Zoning District – Residential Multiple (RM2-XX) Site-Specific zone. The site-specific provision requested is to include a Day Care Centre as a permitted use under the RM2-XX zone.

This Planning Justification Report provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Planning Statement (2024), 2022 Niagara Official Plan and the Town of Niagara on the Lake Official Plan (as amended).

This Planning Justification Report should be read in conjunction with the following reports and materials.

- Draft Zoning By-law Amendment prepared by Upper Canada Consultants;
- Functional Servicing Brief prepared by Upper Canada Consultants; and
- Site Plan and Floor Plans Prepared by Parker Architects Inc.

DESCRIPTION AND LOCATION OF SUBJECT LANDS

The subject lands are known municipally as 15 Elden Street and 1743 Four Mile Creek Road in the Town of Niagara on the Lake. The lands are legally described as PT BLK 9 TP PL 85 NIAGARA; PT LT 1 TP PL 16b3 NIAGARA PT 1, 4, 5 30R9997, PT 1 TO 13 30R7281; S/T RIGHT IN RO512992; NIAGARA-ON-THE-LAKE. An aerial image showing the location of the subject lands and surrounding properties is included as **Figure 1**.



Figure 1 – Aerial View of Subject Lands

Property Context

The subject lands measure 5.209 hectares in lot area. The lands have two frontages along 1743 Four Mile Creek Road, measuring 65 metres and 20 metres, and have 104 metres of frontage along Elden Street. The lands are located north of the Four Mile Creek Road and Penner Street intersection. The subject lands contain multiple buildings including townhomes, and apartments for senior independent and supportive living, an existing 41-bed long term care facility and a recently constructed 160 bed long term care facility which is subject to a Site Plan Agreement approved by the Town in 2023.

Adjacent Lands

Existing land uses adjacent to the subject lands include:

North: Detached dwellings and agricultural lands.

South: Detached dwellings and woodlands, wetlands associated with Four Mile Creek.

East: Commercial and industrial uses.

West: Detached dwellings and agricultural lands.

An aerial image of the subject lands and adjacent land uses is displayed below in **Figure 2**.

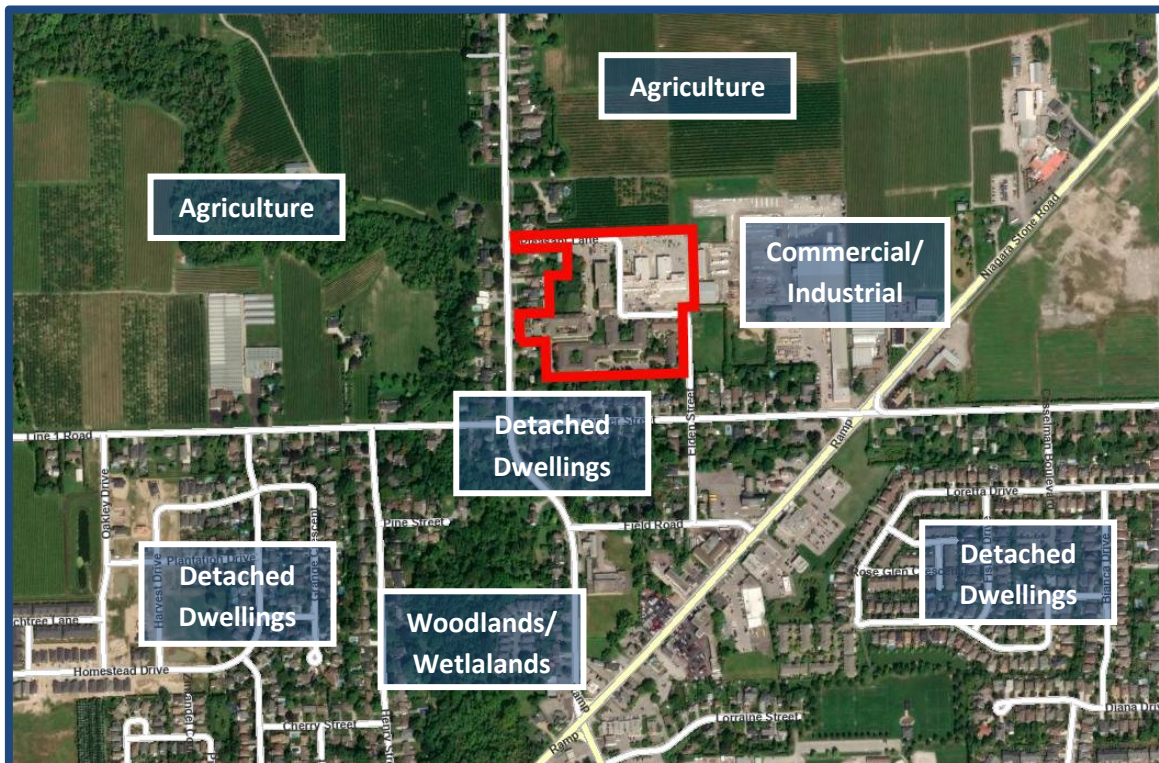


Figure 2 – Surrounding Land Uses

PROPOSED DEVELOPMENT

The applicant is proposing to renovate the basement in the existing building addressed as 1743 Four Mile Creek Road to facilitate a licensed Day Care Centre with a capacity of 96 children. The current uses in the basement include a linen room, laundry room, housekeeping room, changeroom, staff lounge, and storage areas. These uses are being relocated to the new long-term care building. The existing courtyard of 1743 Four Mile Creek Road will be repurposed into an outdoor play area associated with the Day Care Centre. There is no building addition or change to parking area, or expansion of the outdoor space as a result of this Zoning By-law Amendment Application. The proposed floor plan of the Day Care Centre is displayed below in Figure 3.

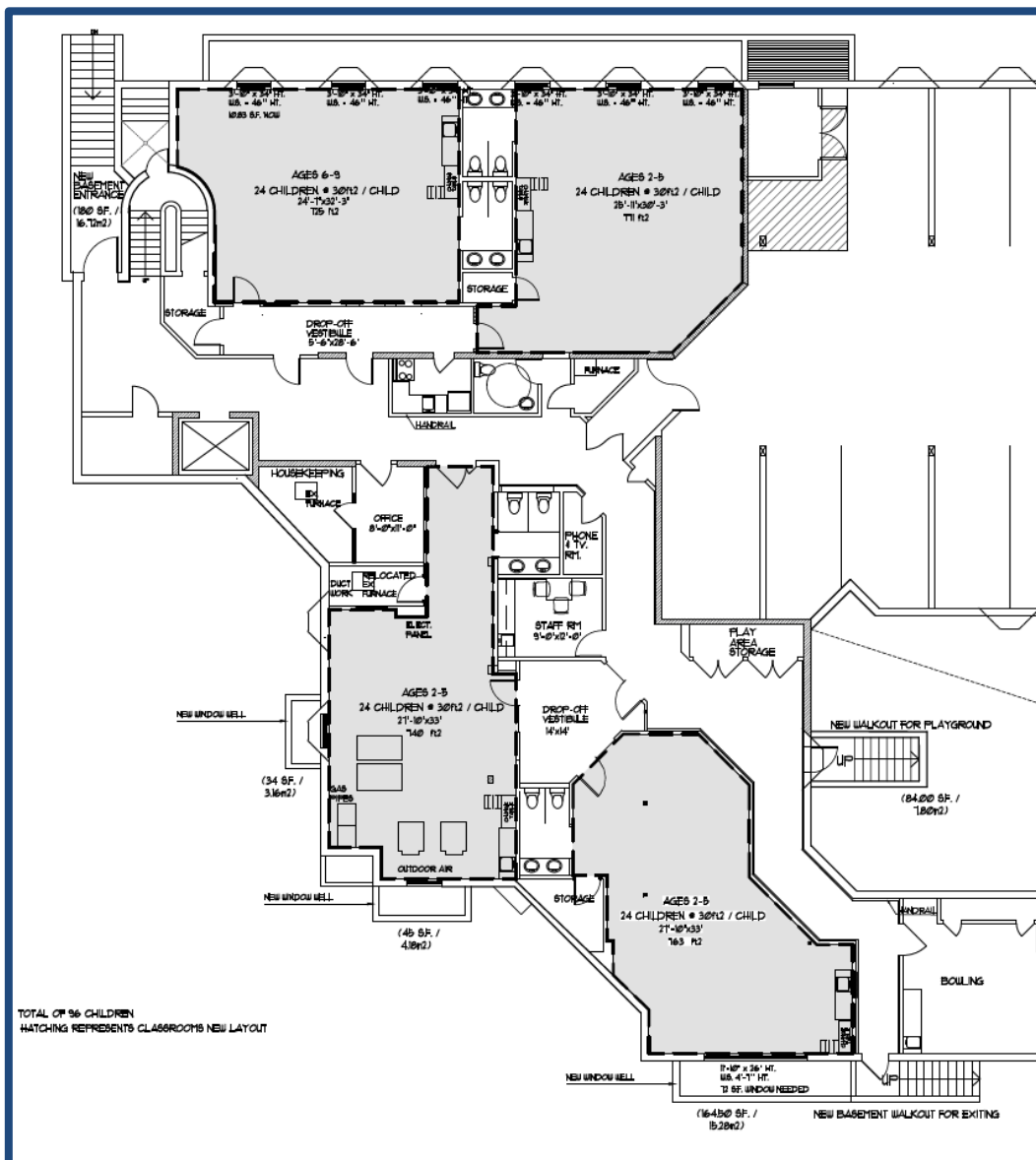


Figure 3 – Architectural Floor Plan – Basement Plan

REQUIRED APPLICATIONS

A pre-consultation meeting was held on June 19, 2025 to discuss the proposed development and the required applications, studies, and supporting documents necessary to facilitate the development.

As outlined by the Town of Niagara on the Lake Planning Division, a Zoning By-law Amendment Application is required for the proposed development.

The complete application requirements that were outlined as a result of the pre-consultation meeting for the Zoning By-law Amendment include:

- Planning Justification Report
- Draft Zoning By-law Amendment
- Functional Servicing Brief
- Turning Radius and Fire Route Size
- Building Matrix

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

Zoning By-law Amendment

A Zoning By-law Amendment application has been submitted to address the zoning compliance matters of the Town of Niagara on the Lake Comprehensive Zoning By-law 4316-09, as amended. The amendment proposes to rezone the property from “Virgil Community Zoning District – Residential Multiple (RM2)” to “Virgil Community Zoning District – Residential Multiple (RM2-XX) Site-Specific”

Site-specific provisions are requested for:

Virgil Community Zoning District – Residential Multiple (RM2-XX)

- Permitted Uses *Day Care Centre*

The Draft Zoning By-law Amendment is included as **Appendix II** to this report.

RELATED STUDIES AND REPORTS

In addition to this Planning Report, A Functional Servicing Brief has been submitted with the Zoning By-law Amendment Application as required in the pre-consultation meeting notes.

Functional Servicing Brief

Upper Canada Consultants has completed a Functional Servicing Brief, as required by the pre-consultation meeting on June 19, 2025. The purpose of the brief is to identify domestic and fire protection water service needs, sanitary servicing needs, and stormwater management needs for the site. The result of this investigation determined that the renovated basement development will continue to utilize the existing building supply from the on-site 150mm diameter watermain, the downstream municipal sanitary sewer system will have adequate capacity for the development, and the development will not result in any increased peak stormwater flows. Further, no stormwater quantity or quality controls will be necessary for the proposed project.

In conclusion, there is adequate existing infrastructure to service the proposed development.

PROVINCIAL LEGISLATION

Development applications within the Town of Niagara on the Lake are subject to the Ontario *Planning Act* (R.S.O. 1990), and the Provincial Planning Statement (2024). Justification for how the proposed applications align with the applicable Provincial legislation and policies is provided below.

Planning Act (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The *Act* prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be adhered to when making applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* addresses matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*
- n) *the resolution of planning conflicts involving public and private interests;*
- o) *the protection of public health and safety;*
- p) *the appropriate location of growth and development;*
- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
 - i) *is well-designed,*
 - ii) *encourages a sense of place, and*
 - iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*
1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The proposed development has regard for matters h), i), k), and p).

h) the orderly development of safe and healthy communities;

The addition of a Day Care Centre within the existing senior living residence creates a multi-generational mixed-use environment that is cohesive and compatible with the existing land uses. The repurposing of existing space provides for orderly development and suitable reuse of the existing building spaces.

The proposed Day Care Centre features an outdoor play area that is contained within the existing courtyard, and will be constructed with materials for the playground that adhere to O.Reg 137/15, which references the Canadian Standards Association Standard CAN/CSA-Z614-14.

By introducing a Day Care Centre into the existing senior's community, children will benefit

from having a safe, supervised care location, and seniors will benefit from the social aspect of the interaction with children and families. Both uses are considered to be compatible and can safely co-exist with appropriate supervision. The proposed Day Care Centre use contributes to the development of a safe and healthy community.

h.1) The accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

The proposed existing buildings contain many features for persons with disabilities and elderly residents. There are barrier free parking stalls located close to the entrance of the building, elevator access down to the proposed day care making the day care use accessible, and there are many nursing staff and care staff located on the site due to the long-term care and senior living uses.

i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

The proposed development will facilitate an educational, recreational, and social use within the existing building that will service the residential lands in the surrounding area. Children will have an opportunity for supervised and safe education and play facilities in an area where recreational uses such as parks and opens spaces for children are limited.

The proposed Day Care Centre would foster intergenerational socialization between the senior living residents and the families and children that attend the Day Care Centre, creating an environment that enhances community health and well-being.

k) the adequate provision of employment opportunities;

The proposed development will provide for additional opportunities for employment, as the day care will require staff to operate and supervise the facility. The additional employment opportunities would provide for position openings to residents of the surrounding area, and across the Niagara Region. Currently, the uses on the lands are staffed by nurses, and positions related to the care of the elderly, and the introduction of a day care would provide for more diverse employment opportunities while creating a more efficient use of the lands.

p) the appropriate location of growth and development;

The subject lands are located within the Urban Area Boundary, and the Built-Up Area of the Town of Niagara-on-the-Lake, as outlined in the Niagara-on-the-Lake Official Plan. Provincial, Regional and local land use policies direct a majority of development to be located within Urban Boundary Areas that have access to existing municipal services. These

areas are to be the focus of growth and development.

Further, these areas are to be the focus of a mix of land uses as Provincial, Regional and Town policy promotes a mix of land uses that efficiently use land, and optimize existing infrastructure and public service facilities, to support the achievement of complete communities.

The proposed development will make use of an existing building that has sufficient existing services and infrastructure to support the new Day Care Centre use. The subject lands are accessed by Four Mile Creek Road, a municipal local road maintained year round. The subject lands are not constrained by any significant physical, environmental or geographical features.

For these reasons, the lands are the appropriate location of growth and development and have regard for matters of provincial interest.

Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) further details policy direction on matters of provincial interest related to land use planning and development.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

2.1 – Planning for People and Homes

Section 2.1 of the Provincial Planning Statement (PPS) directs planning authorities to support the achievement of complete communities. This is to be done by:

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

The proposed development contributes to the achievement of a complete community in many ways. The addition of the day care will provide for a mix of land uses, additional employment opportunities, and the institutional use of a child care facility within a site that includes residential and long-term care uses.

The proposed site is accessible and will allow for the inclusion of people of all ages and abilities to engage with and use the site by providing for barrier free parking, accessible spaces, elevators and care staff, in addition to the accessibility support provided by the long-term care and senior residence facilities.

Further, the proposed development will improve the overall quality of life for all ages and abilities. Research has shown that intergenerational shared sites that combine senior living, elder care, and child care can increase the health and well-being of both the younger and older generations. These combined care facilities can reduce loneliness and social isolation in older adults, and improve cognitive function, physical health, and establish a sense of purpose. These combined facilities can also assist the younger generation in learning skills such as patience, tolerance, and respect. The proposed use is compatible with the existing use of the lands and the surrounding area.

Overall, the proposed development is an appropriate mix of land uses that compliment and align with one another. The addition of a Day Care Centre use will assist the Town of Niagara-on-the-Lake in achieving a complete community.

2.3.1 General Policies for Settlement Areas

Section 2.3.1 states that settlement areas, inclusive of urban areas, shall be the focus of growth and development. Further, land use patterns within settlement areas should be based on a mix of land uses which efficiently use land and resources, and optimize existing and planned infrastructure and public service facilities.

Policy 2.3.1.3 directs planning authorities to support general intensification and redevelopment to support the achievement of complete communities.

The proposed development aligns with the policies of section 2.3.1. The proposal includes the redevelopment of an existing building that facilitates a mix of land uses, efficiently uses the land, repurposes an existing building and will be serviced by existing infrastructure.

Chapter 3: Infrastructure and Facilities

Policy 3.1.2 provides policy guidance that states that before developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized and opportunities for adaptive re-use should be considered, wherever feasible. Further, Policy 3.6.2 identifies that municipal sewage and water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize risks to human health and safety.

The proposed development aligns with the policy direction for infrastructure by supporting the

redevelopment of an existing building that optimizes existing infrastructure and repurposes a portion of an existing building. The proposed development will be serviced by existing municipal and water sewage services that aligns with minimizing risks to human health and safety and protection of the environment.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) is the Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara. This plan guides land use planning and development within the region until 2051 and beyond. While the Region of Niagara is now an upper tier municipality without planning responsibilities, the Niagara Official Plan has become an Official Plan of the Town of Niagara on the Lake and remains in effect until such time as the Town of Niagara on the Lake adopts a new Official Plan and revokes the Niagara Official Plan, or amends the plan to provide otherwise. The Town of Niagara on the Lake is now responsible for the implementation of the Niagara Official Plan.

Schedule B – Regional Structure

Schedule B of the Niagara Official Plan outlines the regional structure and provides designations for urban areas, strategic growth areas, rural settlements and employment areas. Under Schedule B, the subject lands are designated as Delineated Built-Up Area under the Urban Area Designations. **Figure 4**, below, provides an excerpt from Schedule B and identifies the subject lands.

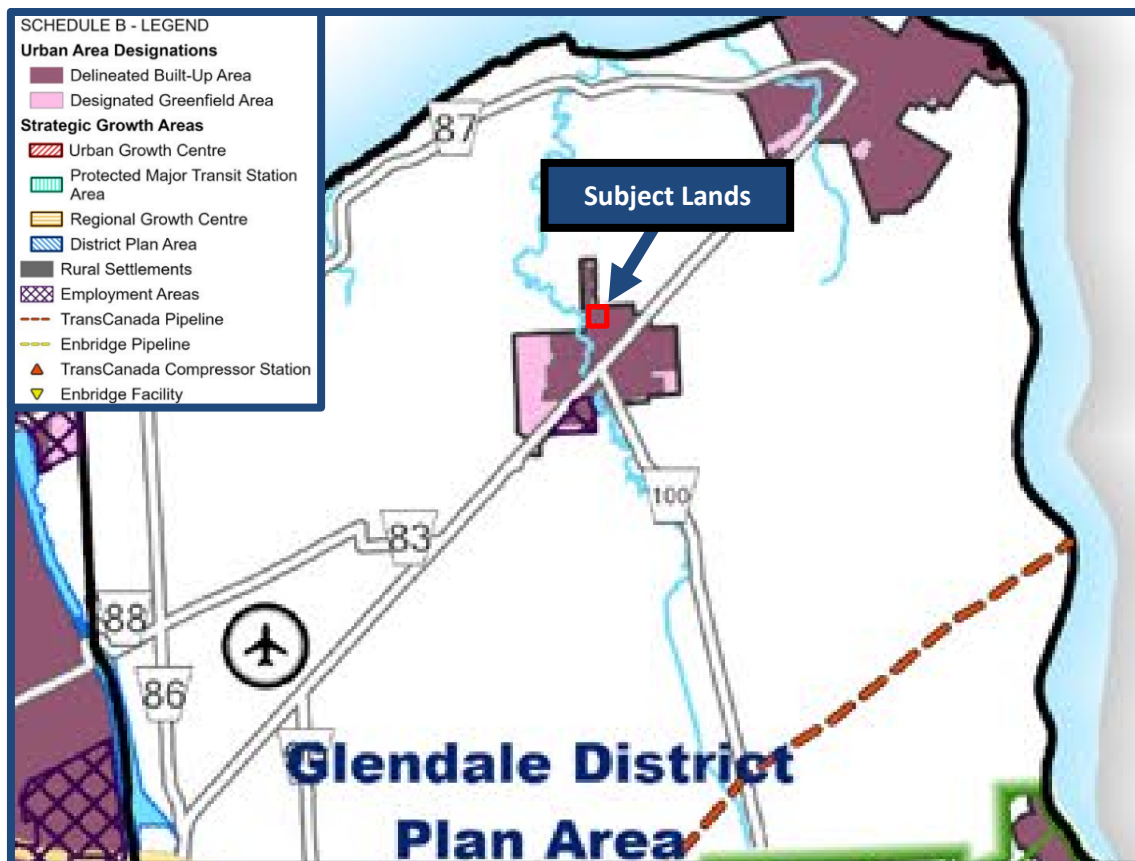


Figure 4 – Niagara Official Plan: Schedule B – Regional Structure

Chapter 2 – Growing Region

Chapter 2 of the Niagara Official Plan provides land use planning policies for the Region and outlines population and employment forecasts, and intensification targets. The objective of this section is to coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

2.1 – Forecasted Growth

Section 2.1 of the NOP outlines forecasted growth for the Niagara Region. The Region is forecasted to have a population of 694,000 people and 272,000 jobs by the year 2051. The Town of Niagara-on-the-Lake, specifically, is anticipated to have a population of 28,900 people and 17,610 jobs by 2051.

As a result of the population and employment growth in the Town of Niagara-on-the-Lake, there will be an additional need for community facilities to service the needs of a growing population. An increase in children and families, and senior citizens will accompany this forecasted growth and will create additional need for senior living, senior care, and child care facilities. The proposed development will assist current and future residents of the Town by facilitating an additional child care facility.

2.2 – Regional Structure

Section 2.2 of the Niagara Official Plan establishes the regional land use structure that directs forecasted growth to settlement areas. Settlement areas are comprised of urban areas, which include built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlement areas.

This section outlines that most development will occur within urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. Furthermore, strategically directing growth can be achieved through a balanced mix of built forms in communities within the Niagara Region. The policies of this section support the principles of complete communities.

2.2.1 – Managing Urban Growth

Policy 2.2.1.1.b) states that development in urban areas will support a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities to support the creation of complete communities.

The development proposed will facilitate a compact built form by redeveloping the basement area in an existing building. The additional use will provide for a mix of lands uses, and provide

for additional employment opportunities while contributing to an attractive and efficient, intergenerational model of care, a vibrant public realm and the creation of a complete community.

5.2.1 Infrastructure Planning, Development and Asset Management

Policy 5.2.1.5 provides that before developing new infrastructure, existing infrastructure shall be optimized and that growth be planned and directed in a manner that promotes the efficient use of existing infrastructure services. The proposed redevelopment for a day care use within an existing senior living residence provides for a more efficient use of existing infrastructure services that currently service the subject lands, and have capacity for the proposed development. The proposal aligns with the policy guidance that requires growth to occur in a manner that promotes the efficient use of existing infrastructure.

5.2.2 Municipal Water and Wastewater Servicing within Urban Areas

Policy 5.2.2.2 of the Niagara Official Plan states that municipal water and wastewater systems/services are the required form of servicing for development in urban areas. The proposed development will be serviced by existing municipal water and wastewater services that currently service the subject lands and therefore is consistent with this policy requirement of the Niagara Official Plan.

TOWN OF NIAGARA ON THE LAKE OFFICIAL PLAN

The Town of Niagara on the Lake Official Plan (2017) is a policy document that sets out the municipality's policies that deal with legislative and administrative concerns, policies to guide physical growth and policies to express a wide variety of social, economic and environmental concerns.

An overview of the conformity with applicable policies of the Official Plan is provided in the analysis below.

Schedule C – Land Use Plan – Virgil

Schedule C of the Niagara on the Lake Official Plan provides land use designations for the Virgil area within the Town. The subject lands are designated Medium Density Residential on Schedule C. **Figure 5** displays the subject lands and their land use designation, outlined in **BLUE**.

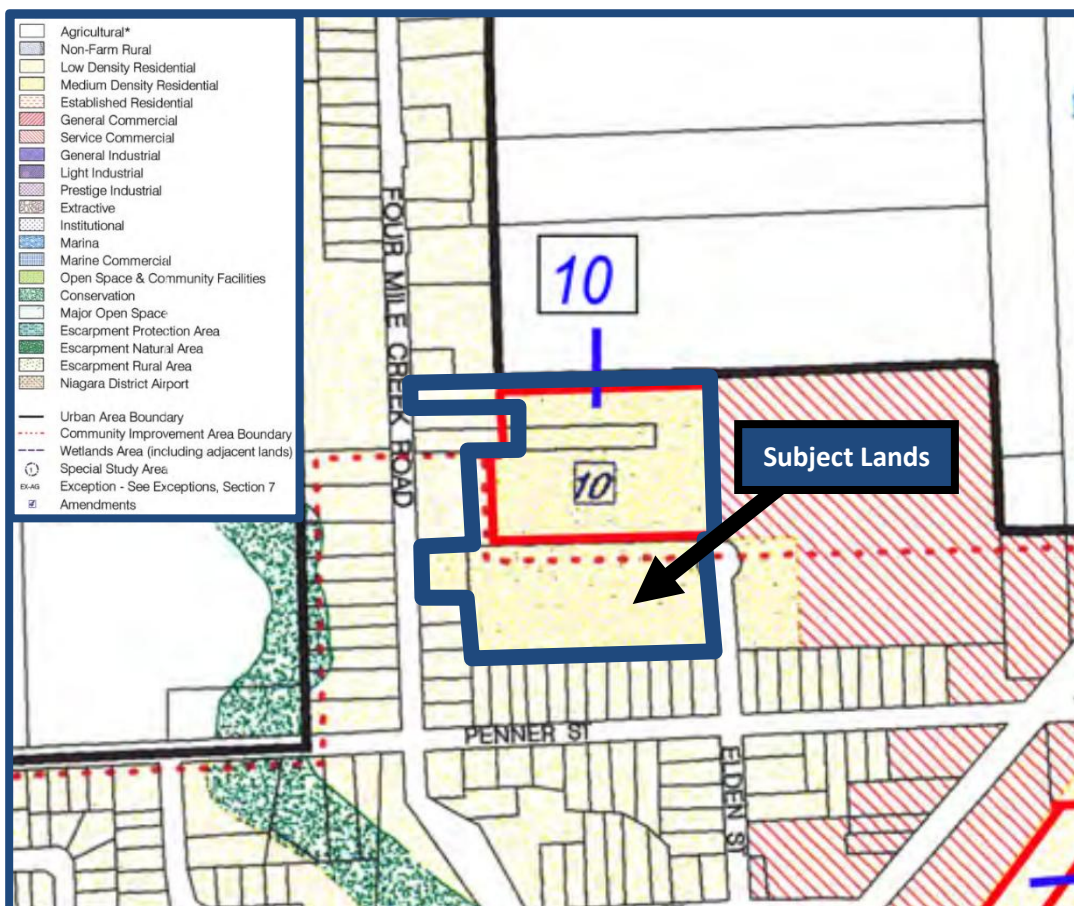


Figure 5 – Schedule C – Land Use Plan - Virgil

9.3.2 – Medium Density Residential

Section 9.3 of the Town of Niagara on the Lake Official Plan contains land use policies related to the different land use designations. Section 9.3.2 outlines policy governing the Medium Density Residential Designation. Under this designation, the main permitted uses include multi-unit residential housing such as townhouses, apartments, nursing homes, and mobile home parks. Secondary uses permitted with a main use include roomers and boarders, bed and breakfasts, accessory apartments, group homes, home occupations, and accessory buildings and structures.

Section 9.3.2 also outlines uses permitted independent of a main use within the Medium Density Residential designation. These include low density residential uses and minor open space and community facilities subject to Section 15 of the Official Plan. Community facilities, as outlined in this plan, include elementary schools, health care facilities, churches, day care centres, and similar community serving uses which are a necessary and an important part of the fabric of each community.

Section 15 – Open Space and Community Facilities

Section 15 of the Official Plan provides land use policy for open space and community facilities. Section 15.1 states that from the difficulty of predicting the advent of new establishments of this nature, it is a policy of the Plan that an amendment to the Official Plan is not required to establish a new open space use or community facility within any urban area of the plan. Instead, the Plan provides locational criteria for new facilities.

Section 15.2 states that the goals and objectives of this section of the Official Plan are to provide for appropriately located neighbourhood parks, institutions, and community facilities that are accessible to the people they serve, while not having an adverse effect on abutting land uses, to encourage the location of community facilities at strategic locations with convenient access for all residents of the community, and to accommodate the changing needs of the community by allowing for re-development that is timely and appropriate.

The method for evaluating new community facilities to determine conformity with the goals and objectives of this section is outlined under the location criteria of section 15.3.1.3 of the Official Plan.

15.3.1.3 – Location Criteria

The location criteria section of the Official Plan states that minor open space and community facility uses such as churches, neighbourhood parks, recreation facilities, branch libraries and facilities for special population groups (including day care teaching of children) shall be

permitted in residential land use designations without an amendment to this plan subject to the following locational criteria:

- a) *Direct or convenient access to an arterial or collector street as indicated on the Land Use schedules of this Plan.*
- b) *Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.*
- c) *Provision of adequate buffering and transition to protect surrounding existing development.*
- d) *Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.*
- e) *On those streets which have been designated “no stopping” areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.*

a) *Direct or convenient access to an arterial or collector street as indicated on the Land Use schedules of this Plan.*

As displayed in **Figure 6** below, Official Plan Schedule ‘G’ – Transportation Plan identifies the closest collector street as being Penner Street/Line 1 Road to the south of the subject lands. The lands do not have direct access onto this collector street, but do have convenient access by travelling south approximately 120 metres along Four Mile Creek Road, or approximately 60 metres along Elden Street. As such, the location of the day care community facility aligns with subsection a) by having convenient access to a collector street. It is also noted that Four Mile Creek south of Niagara Stone Road is a Regional Road and Niagara Stone Road is also a Regional Road which are considered to be arterial roads. The subject lands front onto Four Mile Creek Road that becomes an arterial road some 625 metres to the south which is also considered to be convenient access to an arterial roads.

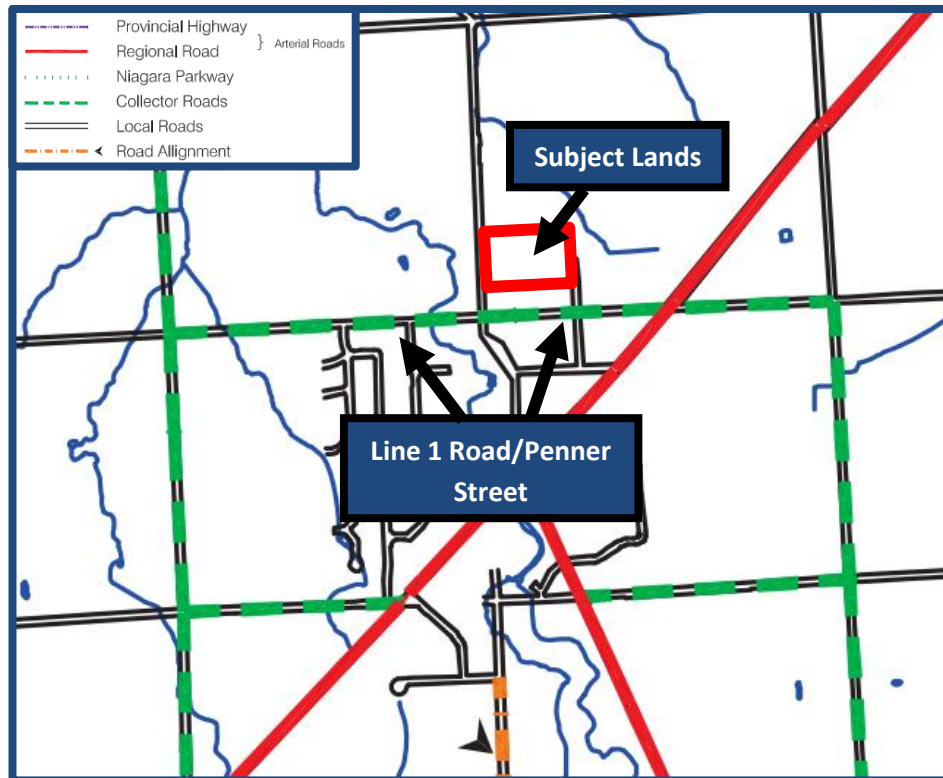


Figure 6 – Schedule G – Transportation Plan

- b) Design which is compatible with the surrounding land uses, maintaining the scale, density and character of the area.**

The proposed day care will be located within the existing building addressed as 1743 Four Mile Creek Road, and the outdoor play area associated with the day care will be contained within the existing courtyard of the building. As such, there will be no change to the scale, density or character of the surrounding area, and the use is compatible with the existing land uses in the neighbourhood and serves the neighbourhood and beyond.

- c) Provision of adequate buffering and transition to protect surrounding existing development.**

As noted above, the day care facility will be contained within the basement of the existing building at 1743 Four Mile Creek Road, and the outdoor play facility will make use of the existing courtyard enclosed within the centre of the building. There will be no negative impacts to the surrounding existing development. The building is setback from the roadway and there are adequate setbacks from the building to adjacent property lines that provide appropriate separation and buffering.

- d) Provision of off-street parking to serve the particular use, while retaining sufficient usable**

yard space to maintain the existing visual characteristics of the area.

The subject site currently maintains an over supply of parking spaces. As per the regulations in the Town of Niagara on the Lake Comprehensive Zoning By-law 4326-09, the overall site requires a minimum of 131 parking spaces, and the addition of the day care use would increase this number to 146. The subject lands contain 347 parking spaces and, as such, provide sufficient off-street parking to serve all the uses on the subject lands. Further, there will be no change to the current usable yard space or the visual characteristics of the area.

e) On those streets which have been designated “no stopping” areas, provision shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.

The existing building at 1743 Four Mile Creek Road features an existing off-street drop-off and pick-up aisle in front of the entrance to the building which will accommodate the dropping-off and picking-up of children that will be attending the day care facility.

For the reasons outlined above, the proposed development aligns with the location criteria for new community facilities outlined in section 15.3.1.3. An amendment to the Official Plan is not required to facilitate the proposed development and reuse of the basement area of the existing building at 1743 Four Mile Creek Road.

NIAGARA ON THE LAKE COMPREHENSIVE ZONING BY-LAW 4316-09

As per Schedule A-9 of the Town of Niagara on the Lake Comprehensive Zoning By-law 4316-09, included below as **Figure 7**, the subject lands are currently zoned Virgil Community Zoning District – Residential Multiple (RM2). The permitted residential uses of the RM2 zone include apartment buildings, group homes, nursing homes including secondary dwelling units, senior citizen apartment buildings including secondary dwelling units, and accessory buildings and structures.

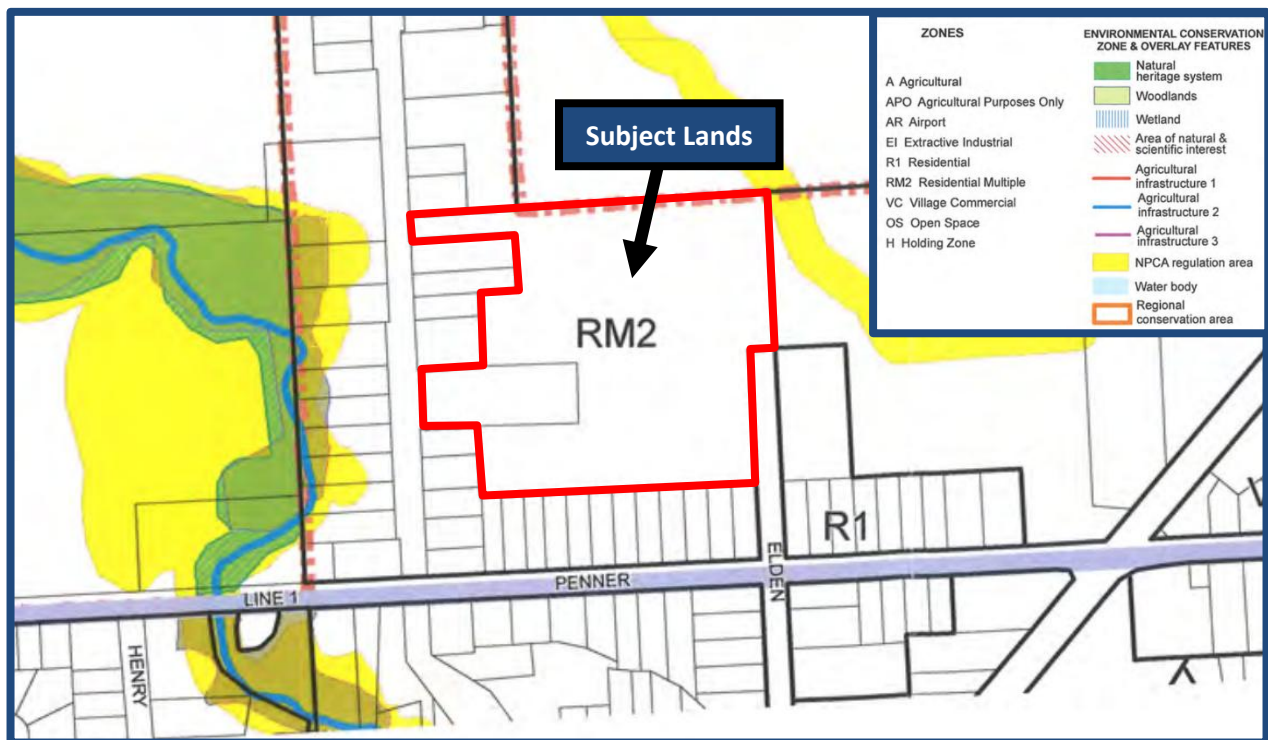


Figure 7 – Town of Niagara on the Lake Comprehensive Zoning By-law 4316-09 – Schedule A-9

To permit the use of a Day Care Centre on the subject lands, a Zoning By-law Amendment is necessary to rezone the lands from Virgil Community Zoning District - Residential Multiple (RM2) to Virgil Community Zoning District - Residential Multiple (RM2-XX) Site-Specific to specifically permit a Day Care Centre. Schedule A of the Draft Zoning By-law Amendment is included as **Figure 8** below, and attached as **Appendix II** to this report.

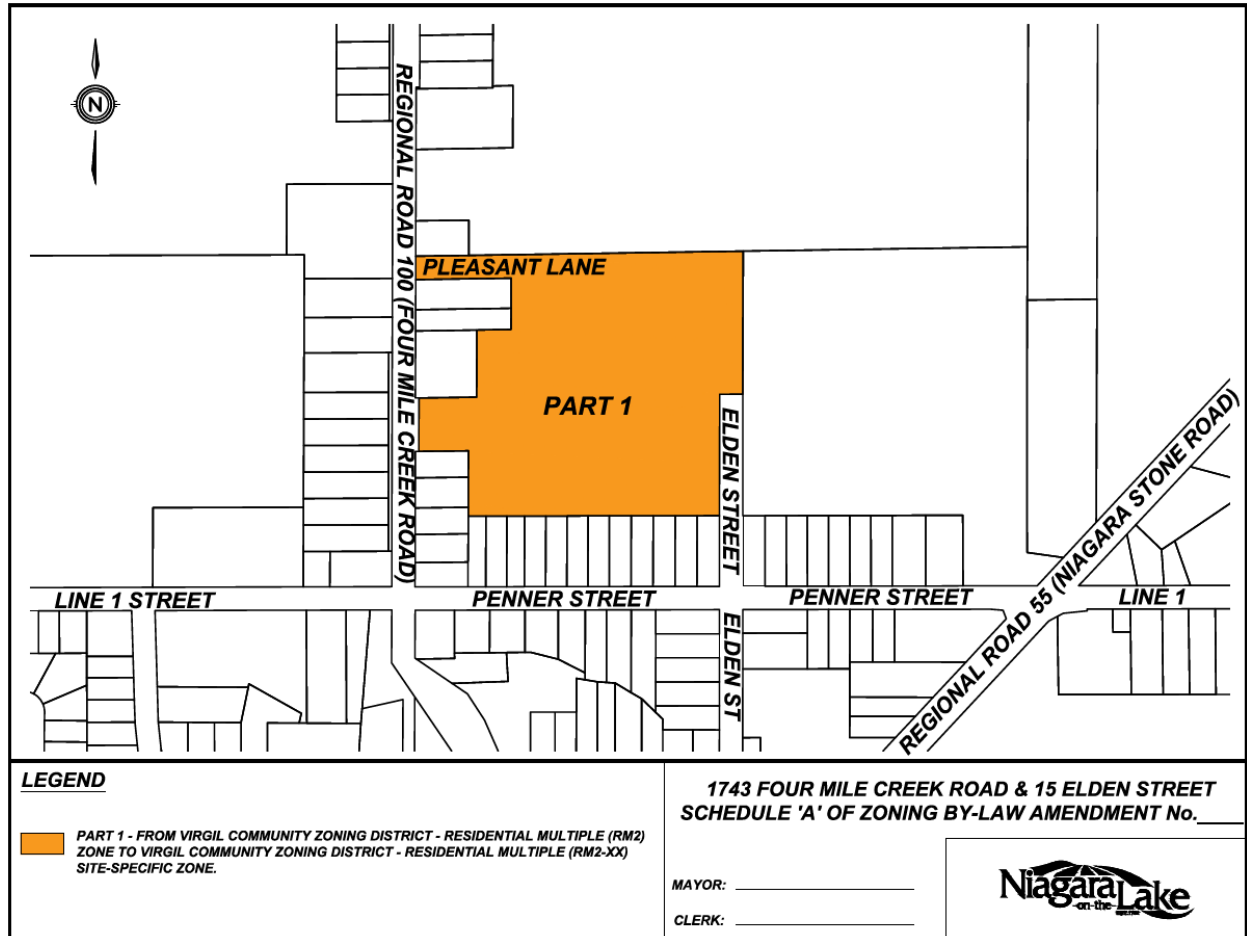


Figure 8 – Draft Zoning By-law Amendment: Schedule A

Section 6.39 – Parking Space Requirements

The following chart outlines how the proposed development aligns with the parking requirements outlined under section 6.39.

Use	Requirement	Provided
Day Care Centre	1 per 18.5m ² GLFA (15 Spaces)	15 Spaces
Nursing Home	1 per 3 Beds (54 Spaces)	54 Spaces
Apartment Building – Senior Citizen	1 per 4 units (49 Spaces)	49 Spaces
Dwelling, Townhouse	2 per Unit (28 Spaces)	28 Spaces
Additional Spaces Provided		185
Total	146	331

Section 6.42 – Parking, Accessible Space Requirements

	Requirement	Provided
Total Required Regular Parking Spaces (101-150)	5 Accessible Parking Spaces	16 Accessible Parking Spaces

Site-Specific Provisions

The site-specific provision requested for the Virgil Community Zoning District - Residential Multiple (RM2-XX) Site-Specific is to include a Day Care Centre as a permitted use under this zone. As displayed in the analysis above, the addition of a Day Care Centre as a permitted use is supported by Provincial, Regional and Local land use planning policy. No other site specific provisions to the Residential Multiple (RM2) Zone are required to permit the proposed use.

PLANNING POSITION

An application has been submitted to the Town of Niagara on the Lake for a Zoning By-law amendment for the lands known municipally as 1743 Four Mile Creek and 15 Elden Street, in the Town of Niagara on the Lake, Regional Municipality of Niagara.

The purpose of the application is to amend the Zoning By-law on a site-specific basis to permit a Day Care Centre use to facilitate the future implementation of a Day Care Centre in the basement of an existing senior citizen apartment dwelling on the subject lands.

The proposed use is compatible with the surrounding land uses, and will not introduce any negative impacts to the existing surrounding development. The proposed development is located within the Urban Boundary, and Built-Up Areas of the Town of Niagara-on-the-Lake (Virgil Community) and is an appropriate location for redevelopment and reuse of a portion of an existing building. The site has existing access to municipal water, wastewater and storm sewer services that have capacity to service the development.

Based on the analysis of the applications, it has been demonstrated that the proposal:

- Has regard for matters of provincial interest as outlined in Section 2 of the *Planning Act*;
- Is consistent with the Provincial Planning Statement (2024)
- Conforms to the Niagara Official Plan (2022); and
- Conforms to the Town of Niagara on the Lake Official Plan.

The proposed application and development represent good planning principles and are considered to be in the public interest.

Prepared by,



Callum Gomez, CPT
Development Coordinator
Upper Canada Consultants

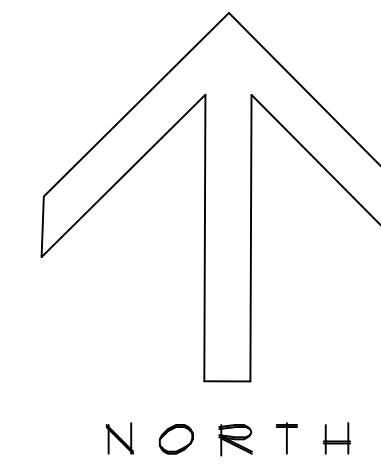
Reviewed by,



William Heikoop, B.U.R.Pl., RPP, MCIP
Planning Manager
Upper Canada Consultants

Appendix I
Site and Floor Plans





REVISIONS

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PLEASANT MANOR
1743 FOUR MILE CREEK ROAD
VIRGIL, ONTARIO

Parker Architects Inc.
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6881
email: info@parkerarchitects.ca

A10
drawing KEY SITE PLAN FOR PARKING
drawn COA
checked D.T.P.
scale 1" = 40'
NL24-102 date AUGUST 14 2025

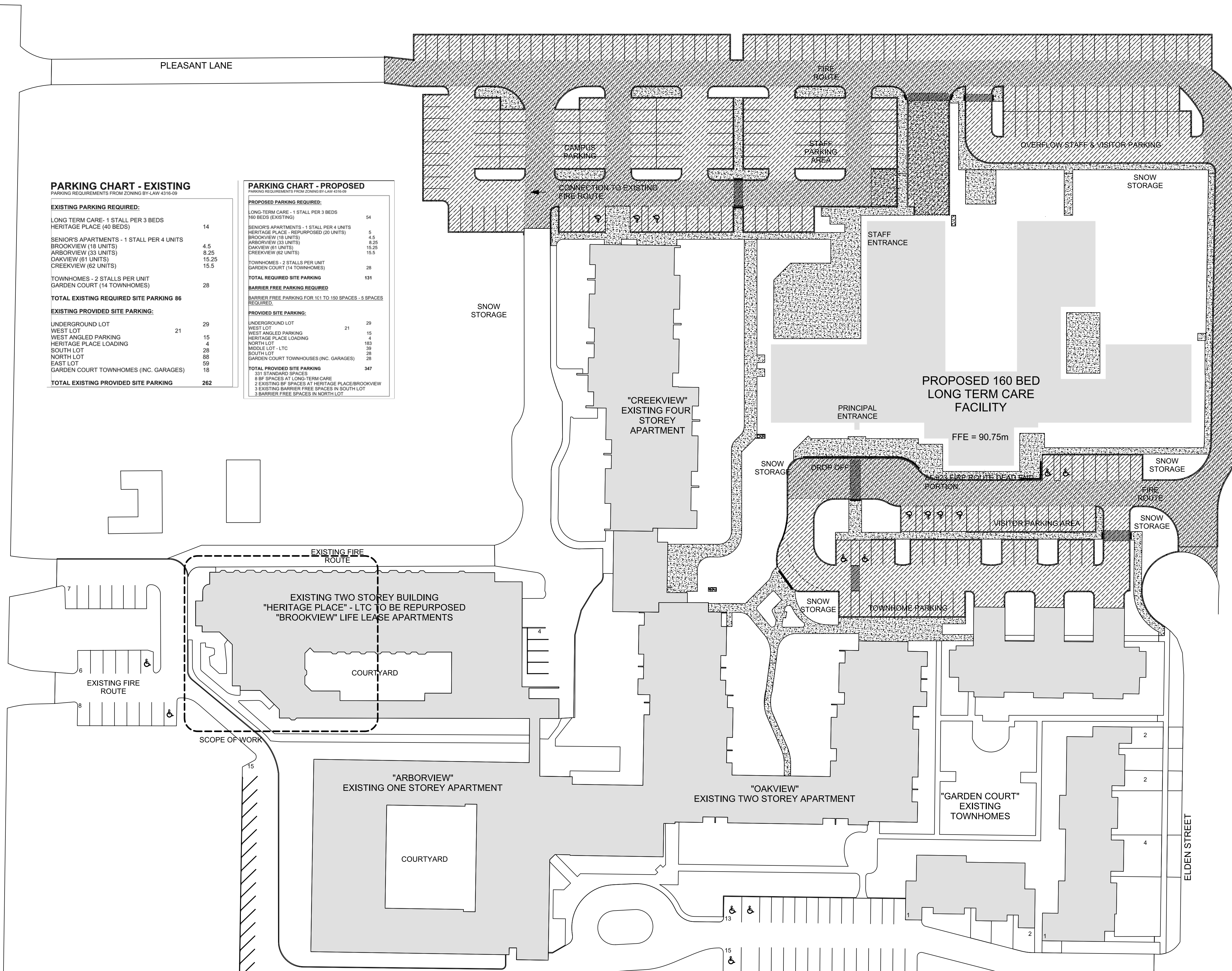
PARKING CHART - EXISTING
PARKING REQUIREMENTS FROM ZONING BY-LAW 0316-02

EXISTING PARKING REQUIRED:	
LONG TERM CARE - 1 STALL PER 3 BEDS	14
HERITAGE PLACE (40 BEDS)	
SENIOR'S APARTMENTS - 1 STALL PER 4 UNITS	
BROOKVIEW (18 UNITS)	4.5
ARBORVIEW (33 UNITS)	8.25
OAKVIEW (61 UNITS)	15.25
CREEKVIEW (62 UNITS)	15.5
TOWNHOMES - 2 STALLS PER UNIT	
GARDEN COURT (14 TOWNHOMES)	28
TOTAL EXISTING REQUIRED SITE PARKING	86
EXISTING PROVIDED SITE PARKING:	
UNDERGROUND LOT	29
WEST LOT	15
WEST ANGLED PARKING	4
HERITAGE PLACE LOADING	28
SOUTH LOT	88
NORTH LOT	59
EAST LOT	18
GARDEN COURT TOWNHOMES (INC. GARAGES)	18
TOTAL EXISTING PROVIDED SITE PARKING	262

PARKING CHART - PROPOSED
PARKING REQUIREMENTS FROM ZONING BY-LAW 0316-02

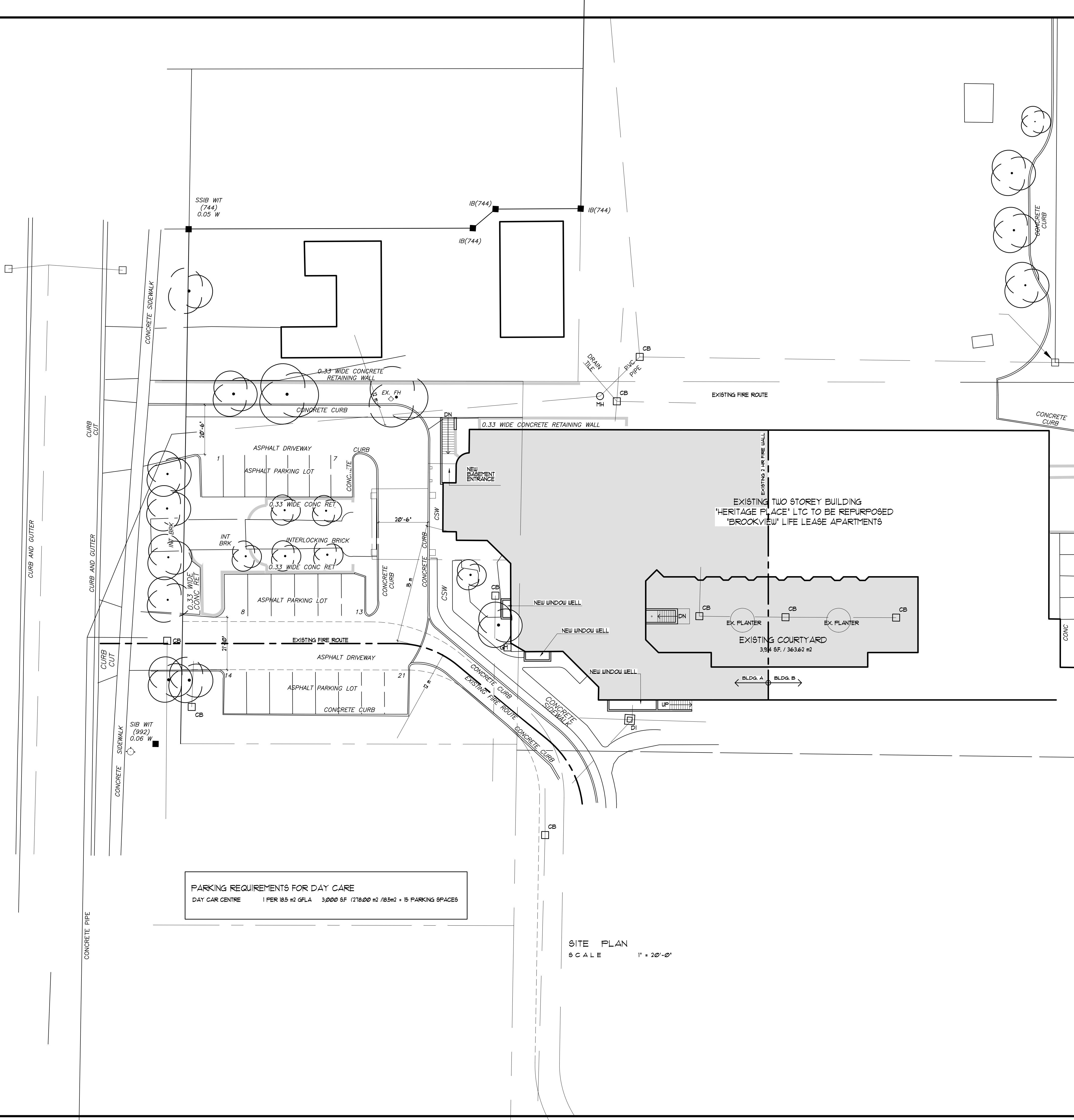
PROPOSED PARKING REQUIRED:	
LONG TERM CARE - 1 STALL PER 3 BEDS	54
60 BEDS (EXISTING)	
SENIOR'S APARTMENTS - 1 STALL PER 4 UNITS	5
HERITAGE PLACE - REPURPOSED (20 UNITS)	4
BROOKVIEW (18 UNITS)	4.5
ARBORVIEW (33 UNITS)	8.25
OAKVIEW (61 UNITS)	15.25
CREEKVIEW (62 UNITS)	15.5
TOWNHOMES - 2 STALLS PER UNIT	
GARDEN COURT (14 TOWNHOMES)	28
TOTAL REQUIRED SITE PARKING	131
BARRIER FREE PARKING REQUIRED:	
BARRIER FREE PARKING FOR 101 TO 150 SPACES - 5 SPACES REQUIRED	
PROVIDED SITE PARKING:	
UNDERGROUND LOT	29
WEST LOT	15
WEST ANGLED PARKING	4
HERITAGE PLACE LOADING	163
NORTH LOT - LTC	39
SOUTH LOT	28
GARDEN COURT TOWNHOMES (INC. GARAGES)	28
TOTAL PROVIDED SITE PARKING	347
331 STANDARD SPACES	
8 BF SPACES AT LONG TERM CARE	
2 EXISTING BF SPACES AT HERITAGE PLACE/BROOKVIEW	
3 EXISTING BARRIER FREE SPACES IN SOUTH LOT	
3 BARRIER FREE SPACES IN NORTH LOT	

KEY SITE PLAN FOR PARKING
SCALE 1" = 40'-0"



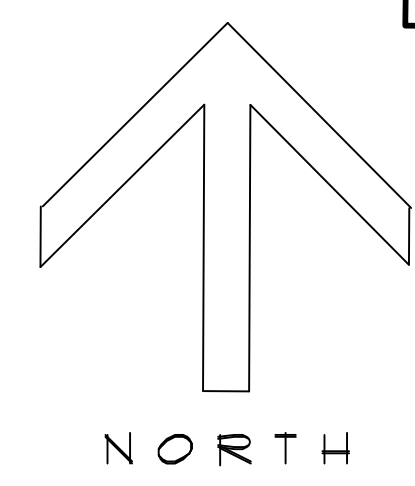
MUNICIPAL REVIEW		SITE DATA	
PROJECT NO.	1526	15 Elden Street Virgil ON L0S 1T0 Canada	
DESCRIPTION	PART OF LOT 1, REGISTERED PLAN TP-163 AND PART OF BLOCK 9, REGISTERED PLAN TP-85, TOWN OF NIAGARA-ON-THE LAKE, REGIONAL MUNICIPALITY OF NIAGARA		
OFFICIAL PLAN	MEDIUM DENSITY RESIDENTIAL (OPA10), BUILT-UP AREA		
BY-LAW	RESIDENTIAL MULTIPLE (RM2)		
REGULATION	REQUIREMENT	ACTUAL	
ZONING	RM2		
LOT AREA	MIN. 2,000 m ²	52,906.17 m ²	
LOT AREA TO BE CONVEYED (ELDEN STREET)		126.24 m ²	
NET LOT AREA	MIN. 2,000 m ²	52,779.93 m ²	
LOT FRONTAGE	MIN. 30.0 m	137.25 m (ELDEN ST. FRONTAGE AFTER CONVEYANCE)	
LOT COVERAGE	MAX. 50%	28.15% (13,804.20 m ²)	
FRONT YARD	MIN. 7.5 m	17.56 m (ELDEN ST.)	
REAR YARD	MIN. 7.5 m	44.79 m (NORTH)	
SIDE YARD	MIN. 6.0 m	11.66 m (EAST)	
EXTERIOR SIDE YARD	MIN. 7.5 m	15.50 m TO CREEKVIEW	
DISTANCE BETWEEN BUILDINGS	MIN. 15.0 m	11.673 m	
HEIGHT	MAX. 17.2 m (EXISTING MINOR VARIANCE)		
PARKING	SENIOR APPTMENT - 1 PER 4 UNITS REFER TO PARKING TABLE ON DRAWING A101 TOWNHOUSE - 2 PER UNIT NURSING HOME - 1 PER 3 BEDS		
DRIVING LANE WIDTH	MIN. 6.0 m	6.0 m	
PARKING AISLE WIDTH	MIN. 6.0 m	6.0 m	
PARKING SPACE	2.75 m x 6.0 m MINIMUM	2.75 m x 6.0 m	
ACCESSIBLE PARKING	TWO ADJACENT SPACES: 6.4 m x 6.0 m MINIMUM WITH A 1.5 m ACCESS AISLE	TYPE A: 3.45 m x 6.0 m TYPE B: 2.75 m x 6.0 m ACCESS AISLE: 1.50 m x 6.0 m	
LOADING SPACES	RESIDENTIAL USE (NUMBER OF LOADING SPACES TO BE CONFIRMED)	2 (NEW LTC)	
LANDSCAPED OPEN SPACE	MIN. 30%	44.24% (23,354.21 m ²)	
NEW LTC BUILDING AREA		3,439.33 m ²	
NEW LTC GROSS FLOOR AREA		9,934.69 m ²	
SITE DENSITY (NET/GROSS)		EX: 188 UNITS, 40 LTC BEDS PROP.: 208 UNITS, 160 LTC BEDS	

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PARKING REQUIREMENTS FOR DAY CARE
 DAY CAR CENTRE 1 PER 105 m² G.F.L. 3,000 SF (278.0 m² / 85 m² = 15 PARKING SPACES)

SITE PLAN
 SCALE 1" = 20'-0"



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Firm Name: Parker Architects Inc.
 Certificate of Practice Number: 4608
 156 St. Paul Street, St. Catharines, ON L2R 3M2
 Tel: 905-687-6681, Fax: 905-687-8615
 The Certificate of Practice Number of the holder is the holder's BCIN

Date: October 14 2025

2025 10 14

2024 Ontario Building Code Data Matrix - Part 11 - Renovation of Existing Building				OBC Reference
1100	Building Code Version:	O. Reg. 163/24	Last Amendment:	O. Reg. 441/24
1101	Project Type:	<input type="checkbox"/> Addition <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Addition and renovation	(A) 13.3.3B.	
	Description:	Interior renovations of the existing basement and ground floor courtyard for a daycare use.		
1102	Major Occupancy Classification:	Occupancy Use: Assembly Group: B2 Below grade parking ancillary occupancy of existing Group B 2 and B3 above Group A2 proposed (daycare) Scope of work in building A only (see site plan) Existing Building is fully sprinkled	3121(1), 2141(1), and 1121.	
1103	Superimposed Major Occupancies:	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Description: Existing Group B 2 and B3 above	112, 3225, to 3228, and 221.	
1104	Building Area (m ²): Building Area not to be altered	Existing: 1009 m ² New: N/A Total: 1009 m ²	(A) 1412, 112, 113.	
1105	Building Height:	2 - Stores above grade 1000 m (10 PEAK POINT OF ROOF) 1 - Storage below grade *Building Ht. not modified	(A) 1412, 3211, 2222, and 113.	
1106	Number of Streets Firefighter access:	1 - Street(s) *Fire access not notified	3220, 325, 2241, and 113.	
1107	Building size:	<input type="checkbox"/> Small <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Large <input type="checkbox"/> >Large	1121 and 11211B to N.	
1108	Existing Building Classification:	Change in Major Occupancy: <input checked="" type="checkbox"/> YES <input type="checkbox"/> Not Applicable (no change of major occupancy) Construction Index: 1 (existing) 6 (proposed) Hazard Index: 8 (existing) 6 (proposed) Importance Category: <input type="checkbox"/> Low <input checked="" type="checkbox"/> Normal <input type="checkbox"/> High <input type="checkbox"/> Post-disaster	11011A, 11211B to N, 4121(3), 231, and 5221(7)	
1109	Renovation Type:	<input type="checkbox"/> Basic Renovation <input checked="" type="checkbox"/> Extensive Renovation	11331 and 11332.	
1110	Occupant load:	Floor Level/Area: Basement existing ancillary occupancy of existing Groups B 2 and 3 above Proposed daycare Assembly use	Occupancy Type: Design 100 Proposed daycare Assembly use Design 100	317, 2122, and 11422.
1111 a	Plumbing Fixture Requirements:	Ratio: M:F = 50:50 Except as otherwise noted Floor Level/Area: Basement Occupant Load: 100 Existing 100 New OBC Reference: N/A UICs Required: 6 additional washroom on ground floor UICs Provided: 6	314, 1134, 1135, 11424, and 11425.	
1111 b	Plumbing Fixture Requirements continued:	Barrier-free UICs Required: 1 Barrier-free UICs Provided: 1 Universal Washrooms Required: 0 Universal Washrooms Provided: 0	Tables 3823A and 3823B.	
112	Barrier-Free Design:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Explanation: Existing Elevator	11312, 1132, 11332.	
	Barrier-Free Entrances:	Number: 1 Explanation: Existing not modified		
113	Reduction in Performance Level:	Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By increase in occupant load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By change of major occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Sewage-system: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Extension of buildings of combustible construction: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11421, 11422, 11423, 11424, 11425, 11426.	
114	Compensating Construction:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Structural: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By increase in occupant load: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes By change of major occupancy: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Plumbing: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Sewage-system: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Extension of buildings of combustible construction: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	11431, 11432, 11433, 11434, 11435, 11436, 11437.	
115	Compliance Alternative Proposed:	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	1151.	
116	Alternative Solutions:	Proposing a second stair for exiting	A) 1211 and 1211.	
117	Notes:			

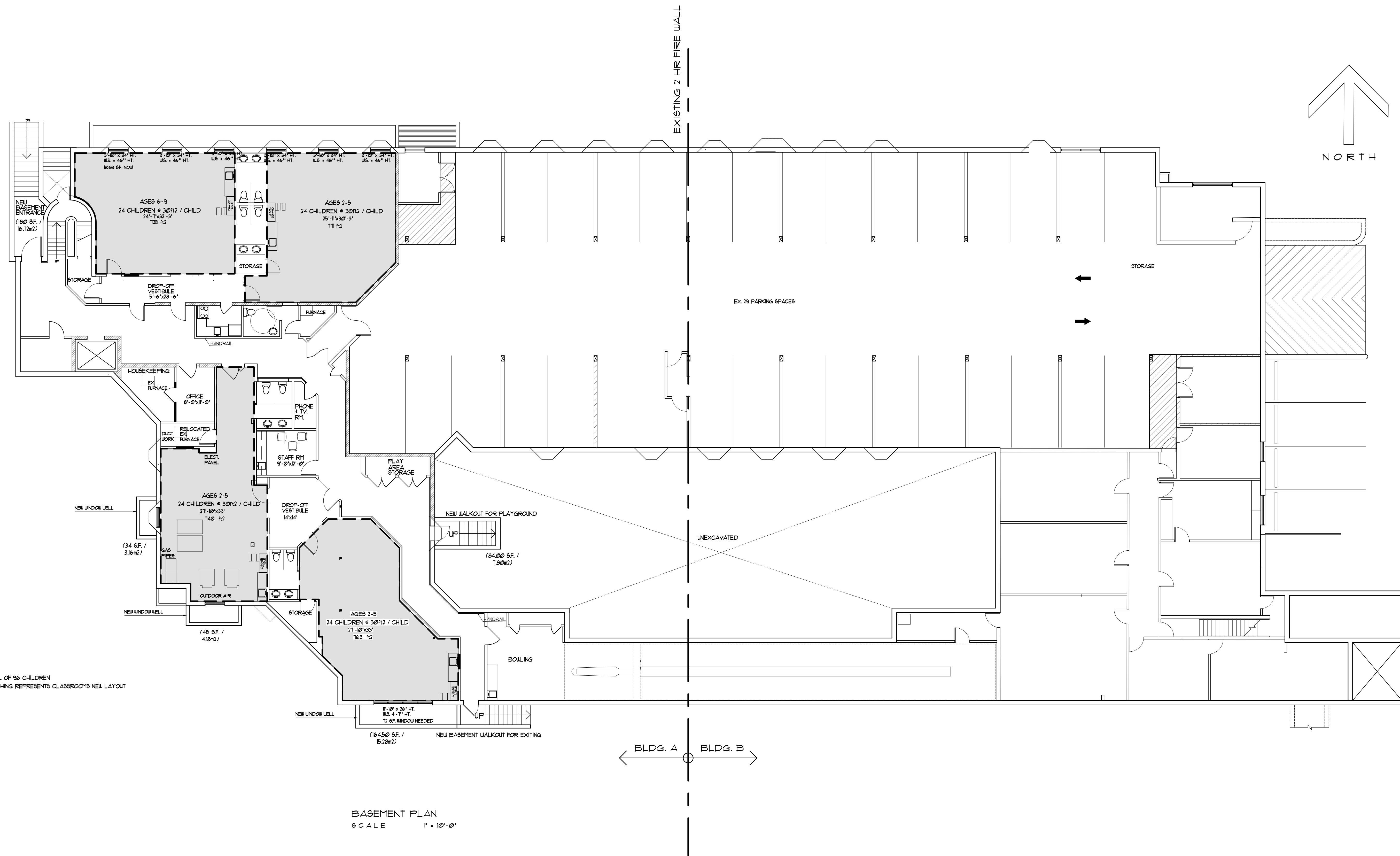
OBC MATRIX (PART 11)
 SCALE: NTS

PLEASANT MANOR
 1743 FOUR MILE CREEK ROAD
 VIRGIL, ONTARIO

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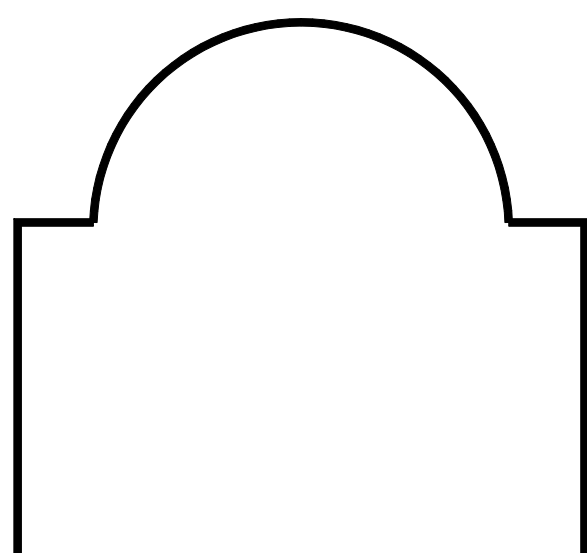
A11
 drawing: SITE PLAN
 drawn: COA
 checked: D.T.P.
 scale: 1" = 20'
 NL24-102 date: AUGUST 14 2025

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TOTAL OF 96 CHILDREN
HATCHING REPRESENTS CLASSROOMS NEW LAYOUT

BASEMENT PLAN
SCALE 1" = 10'-0"



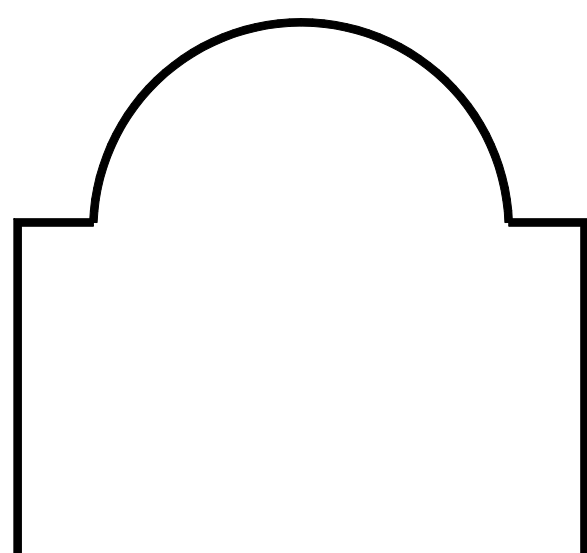
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PLEASANT MANOR
1743 FOUR MILE CREEK ROAD
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A2.0	
drawing	BASEMENT PLAN
drawn	COA
checked	D.T.P.
scale	1" = 10'
NL24-102	date AUGUST 14 2015

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PLEASANT MANOR
1743 FOUR MILE CREEK ROAD
VIRGIL, ONTARIO

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A2.1

drawing	GROUND FLOOR PLAN
drawn	COA
checked	D.T.P.
scale	1" = 10'
NL24-102	date AUGUST 14 2025

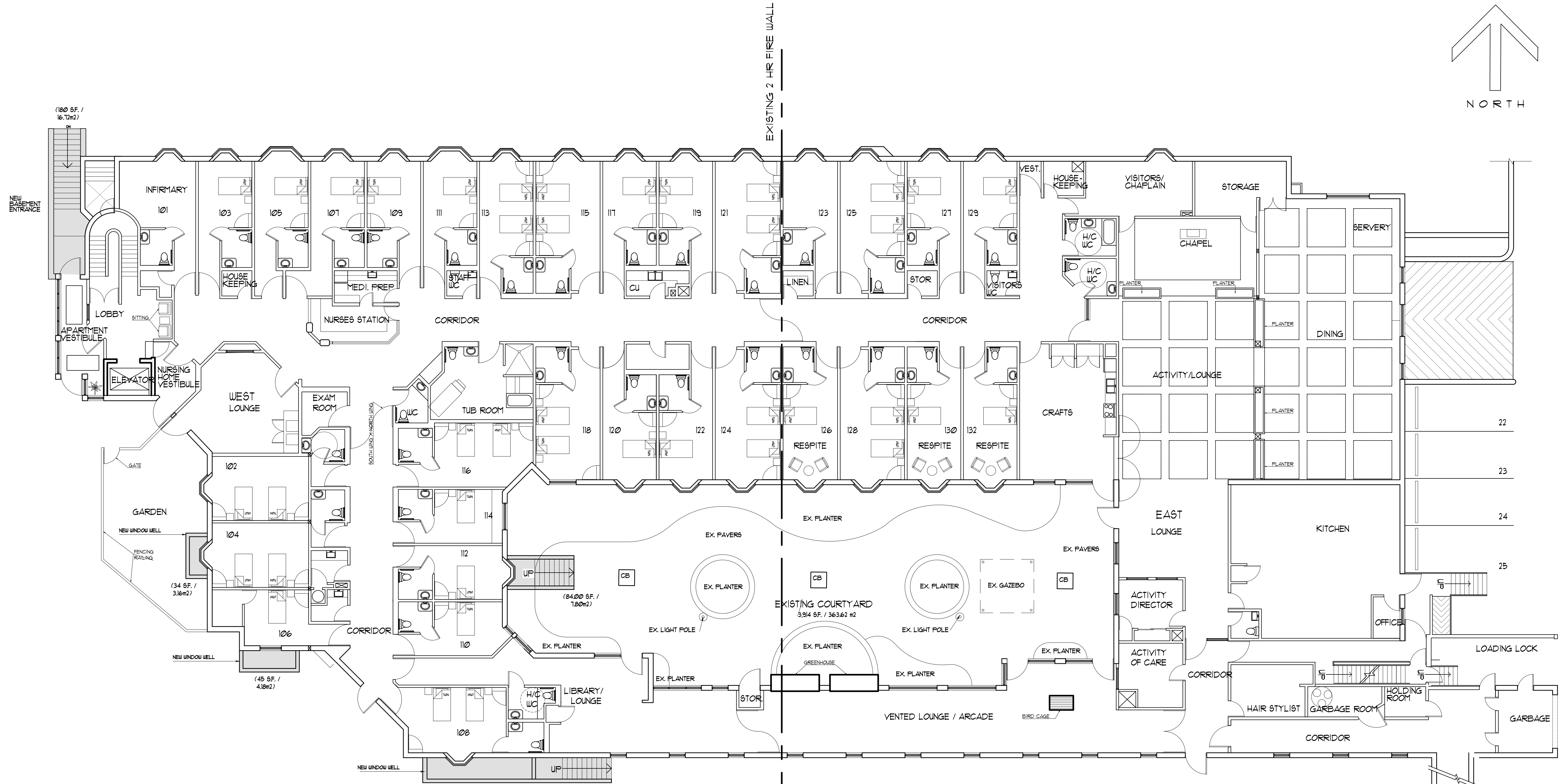


EXISTING 2 HR FIRE WALL

BLDG. A BLDG. B

GROUND FLOOR PLAN
SCALE 1" = 10'-0"

PLAYGROUND CALCULATIONS
TOTAL OF CHILDREN = 96 CHILDREN
AREA REQUIRED PER CHILDREN 5.6 m² X 96 = 537.60 m² (5,786.68 SF.)
AREA PROVIDED = 363.62 m² (3,914 SF.) SCHEDULED IN TWO GROUPS
AREA REQUIRED PER CHILDREN 5.6 m² X 48 = 268.80 m² (2,893.34 SF.)



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Appendix II
Draft Zoning By-law Amendment

Explanation of the Purpose and Effect of
By-law XXX

The subject lands are located north of Penner Street and on the west side of Four Mile Creek Road, and legally described as: PT BLK 9 TP PL 85 NIAGARA; PT LT 1 TP PL 163 NIAGARA PT 1, 4, 5 30R9997, PT 1 TO 13 30R7281; S/T RIGHT IN RO512992; NIAGARA-ON-THE-LAKE.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a proposed Day Care Centre in the basement of a seniors' living residence/

Effect

The effect of this By-law is to rezone the subject lands from "Virgil Community Zoning District – Residential Multiple (RM2) Zone" to "Virgil Community Zoning District – Residential Multiple (RM2-XX) Zone Site-Specific" with site-specific provisions to permit the use of a Day Care Centre.

<i>Applicant:</i> Tim Siemens (Pleasant Manor Retirement Village)
<i>File Number:</i> ZBA-XX-2025
<i>Report Number:</i>
<i>Assessment Roll Number:</i> 262702001302603

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

1743 Four Mile Creek Road and 15 Elden Street
Roll 262702001302603

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW 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-14" 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 "Virgil Community Zoning District – Residential Multiple (RM2) Zone" to "Virgil Community Zoning District – Residential Multiple (RM2-XX) Zone Site-Specific"
2. That Subsection 10.5.1 of By-law 4316-09, as amended, is hereby further amended by adding the following section:

10.5.1 Pleasant Manor – See Schedule 'A-14' (RM2-XX)

10.5.1 RM2-XX Zone Permitted Uses

The RM2-XX Zone includes all of the uses permitted under the RM2 Zone, and permits the use of a Day Care Centre.

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

READ A FIRST, SECOND AND THIRD TIME THIS ___th DAY OF _____,
202_.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

DRAFT



REGIONAL ROAD 100 (FOUR MILE CREEK ROAD)

PLEASANT LANE

PART 1

ELDEN STREET

LINE 1 STREET

PENNER STREET

PENNER STREET

LINE 1

ELDEN ST

REGIONAL ROAD 55 (NIAGARA STONE ROAD)

LEGEND

 PART 1 - FROM VIRGIL COMMUNITY ZONING DISTRICT - RESIDENTIAL MULTIPLE (RM2) ZONE TO VIRGIL COMMUNITY ZONING DISTRICT - RESIDENTIAL MULTIPLE (RM2-XX) SITE-SPECIFIC ZONE.

1743 FOUR MILE CREEK ROAD & 15 ELDEN STREET
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

