



PLANNING JUSTIFICATION ADDENDUM

PREPARED FOR:
Zoning By-Law Amendment
Official Plan Amendment

Times Group Corporation
1544 & 1546 Four Mile Creek Road

December 23, 2025



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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1.0 Introduction

1.1 Purpose of the Addendum

The purpose of this Planning Justification Addendum (the "Addendum") is to provide a summary of the Revised Concept for the lands municipally known as 1544 & 1546 Four Mile Creek Road (hereinafter referred to as the "Subject Lands") in the Town of Niagara-on-the-Lake (the "Town") that are currently subject to an application for a Zoning By-law Amendment ("ZBA") being processed by the Town, and to support an added Official Plan Amendment ("OPA") now being submitted at the request of Council and staff.

The Revised Concept is also being submitted with responses to the previous submission comments from the Town, the Region of Niagara (the "Region"), and the Niagara Peninsula Conservation Authority (the "NPCA"), as well as responses to questions and comments brought forward at the Statutory Public Meeting on September 9, 2025.

This Addendum provides an overview of the Revised Concept plan and how the revised development together with the revised ZBA and added OPA conform to the applicable planning and regulatory framework.

1.2 Background

On **April 25, 2025**, an application for a ZBA was submitted to the Town to facilitate the development of a 2 storey commercial building with 3,718 square metres of commercial space

and a 4 storey residential building with 29 residential dwelling units. A mix of unit types and sizes were proposed in the residential building from one bedroom to three-bedroom units. The proposal provided a total of 200 parking spaces consisting of 95 surface parking spaces and 105 underground parking spaces. A ZBA was required to facilitate the redevelopment of the Subject Lands from the Village Commercial with Holding Zone to Village Commercial with a Site Specific Exception Zone.

On **May 27, 2025**, the ZBA application was deemed incomplete by the Town. The Town noted that an OPA application was required for the proposed net residential density and the location of the parking at the southern boundary of the Subject Lands. On **June 06, 2025**, response letters were submitted to the Town from MHBC and Weir Foulds to provide justification for the lack of need for an OPA application. A Notice of Complete Application for the ZBA application was issued by the Town on **June 20, 2025**.

On **July 14, 2025**, a public information meeting ('PIM') was hosted virtually in an Open House format by the Town. Comments from those who attended the PIM included questions on how the adjacent conservation area and wildlife will be protected during and after construction; location of the proposed playground adjacent to the conservation lands; if public access will continue to be provided to the conservation area through the Line 2 road allowance; and design compatibility into the surrounding neighbourhood.

On **August 15, 2025**, the Town provided their comments regarding the submitted ZBA application. The comments included legal

matters related to the unopened Line 2 road allowance; the calculation of density on the Subject Lands; required additional screening-level noise assessments and Air Quality Study; required Parking Impact Analysis; and the inclusion of the conservation area in the proposed Zone boundaries. Other comments pertained to site plan revisions such as revisions to the site statistics table, the location of the at-grade parking area, glazing of the commercial building, the relocation of the amenity space, relocation of bike racks and limiting of projections off of Four Mile Creek Road by setting back the commercial building away from the street.

On **September 9, 2025**, a Statutory Public Meeting was held at the Town. At the meeting, a member of the community commented on the application and raised their concerns regarding site contamination and a Record of Site Condition; the proposed servicing capacity; the amount of exceptions in the Draft ZBA; matters pertaining to the separate residential building; and preservation of the adjacent conservation lands. While these matters were discussed, Town Council also raised matters that they wished Town planning staff to address further. These included the upholding of the public access to the conservation lands; providing the height of the buildings in feet/metres; and responding to the proposed dewatering and drainage of the Subject Lands.

A meeting was held with staff to discuss the comments on **September 24, 2025**. As a result of the comments, and in consideration of the design feedback from the Town Council and the public comments, a Revised Concept was developed. At the meeting, the revised concept plan was presented and the application process for an OPA was discussed. The intent of the Revised Concept and OPA now being submitted is to address a number of comments.

The surrounding area, community, transportation and housing context, as described in the original PJR, remains relevant as there have been no physical changes to the area.

One update to the surrounding development applications list has been made. The development application at 1570 Niagara Stone Road was approved on March 25, 2025 for an Official Plan and Zoning By-law Amendment and Draft Plan of Vacant Land Condominium to permit a 4-storey apartment building and 8 one-storey townhouses with a net residential density of 80 units per hectare.

As noted, this Addendum provides an overview of the Revised Concept plan and how the revised development together with the revised ZBA and added OPA conform to the applicable planning and regulatory framework.

2.0 Site Context

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

2.1 Site Description

As shown on **Figure 1**, the Subject Lands are located at the northwest corner of Four Mile Creek Road and Line 2 Road in the Community of Virgil. The Subject Lands are comprised of 2 parcels with an approximate combined size of 1.07 ha (2.64 ac). The Subject Lands have approximately 165 m of frontage along Four Mile Creek Road. The Lower Virgil Reservoir, regulated and administered by the Niagara Peninsula Conservation Authority (NPCA), is located to the west, and abutting, the Subject Lands. The Subject Lands are within the Urban Area Boundary's Built-Up Area, as described later in the policy assessment section of this report.

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

The ownership of the unopened road allowance at the southern part of the Subject Lands has been the subject of discussion with the Town. At the time of the submission of this Addendum, it has been assumed that the Times Group are the current owners of the unopened road allowance, and that they will provide a public easement over the lands and allow for access to parking along the roadway for shared public use. A formal easement over the lands will be addressed through a separate agreement and conveyed through the site plan process.



Figure 1: Location Map

2.2 Surrounding Area Context

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

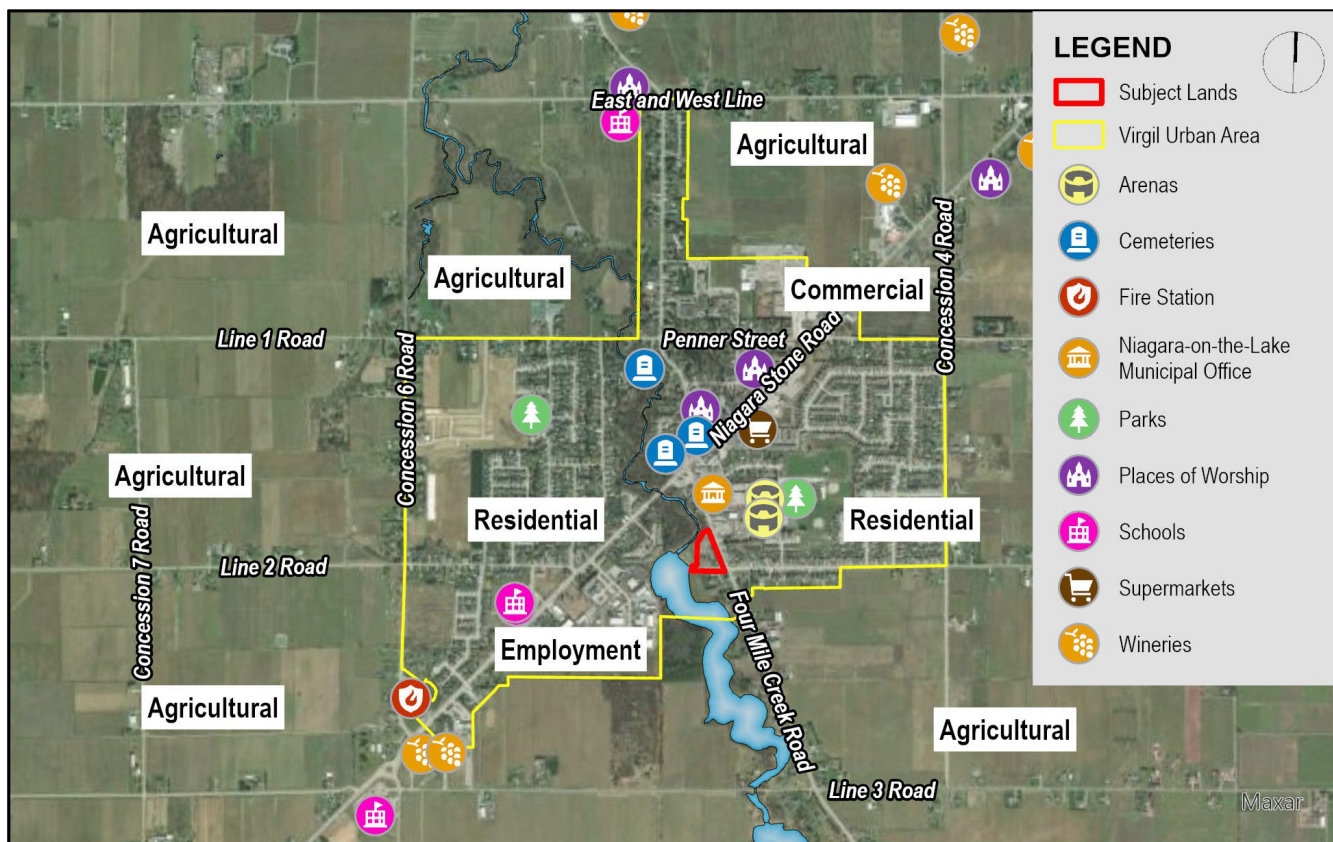


Figure 2: Surrounding Area Context Map

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

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

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

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

3.0 Revised Concept Plan

The Revised Concept maintains the original proposal of a 2 storey commercial building with an updated 5 storey building. The ground floor amenity space in the previous design has now been relocated to the rooftop (technically the 5th storey) to provide privacy for the residential units on the ground floor by entirely separating the amenity uses. The transfer of the amenity uses to the rooftop allows for 2 additional units on the ground floor, and the Revised Concept now provides 31 residential units as opposed to the previous 29 units.

The commercial building has been setback from the property line 0.3 m for aesthetic building enhancements to contribute to a vibrant street front including cornices and signs, and to allow for reduced door swings into the Regional right-of-way along Four Mile Creek Road. The front yard setback of 0.3 m has also been revised to accommodate the proposed main entrance canopy and lighting that will project from the building façade 3.66 m above the finish grade for pedestrian and right-of-way clearance. The bike racks that were previously proposed on Four Mile Creek Road have been relocated internal to the Subject Lands. To address the comments from Town staff, a revised Draft ZBA has been prepared to restrict certain uses within the commercial building and restrictions to the permitted restaurant uses have been implemented to comply with the required parking spaces.

The underground parking level has been maximized to the edges of the commercial building footprint and now accommodates 150 spaces underground. The total required parking spaces for the proposed uses is 219 spaces, the Revised Concept now proposes 241 parking

spaces of which 2 spaces will be compact size and will not be counted towards the required parking calculation, and an additional 8 motorcycle spaces will be provided in the underground parking level that will also be omitted from the parking requirement. The additional parking provided reflects the comments received from Planning and Urban Design from the Town to extend the underground parking, to accommodate visitor parking spaces for the residential building, and to provide parking spaces with public access to the adjacent conservation lands. Additionally, 16 bicycle parking spaces were added in response to the comments from Town Planning, although each residential unit is supplied with a storage locker that can also accommodate bicycle parking, supplementary parking spaces have been implemented into the Revised Concept.

The previous design proposed four outdoor patios with a combined gross floor area of 390 square metres, the revised concept eliminates one of the patios and decreases the combined GFA to 351 square metres. The previously proposed patio #4 was located between one of the access points off Four Mile Creek Road, one of the loading spaces, and surface parking spaces and has been removed in the revised concept.

As advised by Town planning staff, the calculation for gross floor area has been revised to include all spaces within the walls of building. The increase in commercial and residential GFA in the revised concept reflects the inclusion of the underground parking, elevator shafts, and mechanical rooms in the calculation.

It should be noted that the building height proposed in the ZBA reflects the height of the

building inclusive of the rooftop amenity area structure and rooftop mechanical equipment.

In comparison to the original ZBA submission the following chart identifies the main revisions that are proposed with the Revised Concept.

TABLE 1: REVISED CONCEPT CHART		
	Previous ZBA Application	Revised ZBA/OPA Application
Building Height	15.85 m	21.28 m
Dwelling Units	29	31
Density*	38 uph	41 uph
Lot Coverage	27%	29%
Lockers	29	31
Parking Spaces	200	241 (219 required)
Bicycle Spaces	36	66
Outdoor Patio	390 m ²	351 m ²
Commercial Building GFA	3,699 m ²	7,985 m ²
Residential GFA	3,718 m ²	6,433 m ²

Furthermore, to address comments from the Town, the Region, and the Conservation Authority, the area on the Subject Lands within the dripline staked by Terrastory, as of February 14th, 2025, have been rezoned to 'Open Space' to preserve the natural heritage features.

**For the purposes of calculating Residential Net Density, a lot area of 0.771 ha has been used to align with the definition of net area as per the Official Plan, currently exclusive of internal driveways (interpreted by the Town as private lanes).*

It is noted that 'Residential Net Density' in the Town's OP excludes the area for a 'Private Road' from the calculation for density. It is also noted that while Town planning staff confirm that the internal drive aisles in the proposed development are defined as a 'Private Lane' and not as a 'Private Road' in the Town's Zoning By-

law, because there are no definitions for 'Private Lane' and 'Private Road' in the Town's OP, this area is considered as undevelopable land. If the private roads were included in the net density calculation, in compliance with the definitions in the Zoning By-law, an OPA for density would not be required.

A copy of the revised ZBA is attached as **Appendix A.**

3.1 Proposed OPA

The OPA submission represents a new application that is made in support of the Revised Concept and ZBA resubmission. The OPA application seeks to implement the Revised Concept by redesignating the Subject Lands from Service Commercial to Site Specific Service Commercial.

The OPA would permit 31 residential units with a density of 41 units per hectare in an apartment building which is secondary to a commercial building with proposed retail and office uses on the Subject Lands and will allow parking at the rear of the commercial building and in front of the residential building. A copy of the proposed OPA is attached as **Appendix B.**

4.0 Technical Updates

A number of addendum technical reports are being submitted with the Revised Concept, Revised ZBA and new OPA. All of these technical updates address the last set of comments received by Town staff and support the Revised Concept and proposed OPA.

The following updated plans and reports are being submitted with the Revised Concept and OPA and specifically reference the Revised Concept and any impacts or changes related to the technical matters being addressed:

PLAN/REPORT	DATE	CONSULTANT
Application Form	12-22-2025	MHBC Planning
Planning Justification Addendum	12-15-2025	MHBC Planning
Draft Zoning By-law Amendment & Schedule	12-15-2025	MHBC Planning
Draft Official Plan Amendment & Schedule	12-15-2025	MHBC Planning
Parcel Abstracts and PIN Map	12-23-2025	MHBC Planning
Urban Design Brief Addendum & Streetscape Study	12-12-2025	MHBC Urban Design
Landscape Plan & Tree Planting Plan	12-15-2025	MHBC Landscape
Architecture Drawing Set	12-12-2025	Icke Brochu Architects
Shadow Analysis	12-12-2025	Icke Brochu Architects
Transportation Impact Study	12-19-2025	LEA Consulting Inc.
Noise Study	12-10-2025	LEA Consulting Inc.
Noise Comment Response Letter	12-10-2025	LEA Consulting Inc.
Phase 1 Environmental Site Assessment	05-26-2025	EXP Services Inc.
Functional Servicing Brief & Sanitary Capacity Analysis	12-23-2025	EXP Services Inc.
Stormwater Management Report	12-23-2025	EXP Services Inc.
Land Use Compatibility Study	12-10-2025	RWDI
Screening Level Air Quality Assessment	12-10-2025	RWDI
Commercial / Retail Market Study	12-18-2025	Urban Metrics

5.0 Updated Policy & Regulatory Analysis for the Revised Concept, Revised ZBA and OPA

The original PJR was submitted with the ZBA application on April 28, 2025. Much of the original PJR submitted remains relevant in relation to supporting intensification of the Subject Lands. Based on the Revised Concept, the Revised ZBA and the new OPA, the following is an updated policy assessment summary in support of the revised development and revised OPA and ZBA.

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

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

Section 2 of the *Planning Act* sets out the matters of provincial interest which the Minister, the council of a municipality, a local board, a planning board, and the Tribunal shall have regard to when carrying out their responsibilities under the Act. Matters of provincial interest relevant to the proposal include:

- *the protection of ecological systems, including natural areas, features and functions;*
- *the conservation and management of natural resources and the mineral resource base;*
- *the supply, efficient use and conservation of energy and water;*
- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the orderly development of safe and healthy communities;*
- *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- *the adequate provision of a full range of housing, including affordable housing;*
- *the adequate provision of employment opportunities;*

- *the appropriate location of growth and development; and,*
- *the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.*

Planning Act Summary

The Revised Concept, proposed ZBA and OPA continue to protect ecological systems including natural areas, features and functions. The proposal seeks to implement Provincial policy by providing for an appropriate level of intensification on an underutilized site, in an appropriate location within the Town. The proposed development provides an opportunity for residential infill within the Town and the Region, addressing the much-needed housing demand, and provides a range of unit types that supports an increasing population with additional commercial uses.

The proposal embodies a high-quality design with careful consideration given to the site's locational context. The proposal provides for a compact and mixed-use built form that is located within an existing built-up area and will be well integrated into the community through thoughtful building siting, massing, architectural design, and landscaping.

The Revised Concept, ZBA and OPA have regard for matters of Provincial interest under the Planning Act.

5.2 Provincial Planning Statement 2024

The Province describes the PPS 2024 as a planning tool that municipalities need in order to build more homes while also enabling the municipality to support development and increase housing supply. The vision for Ontario is to:

- *increase the supply and mix of housing options; and to*
- *provide a sufficient supply with the necessary mix of housing options to support a diverse and growing population and workforce, now and for many years to come.*

In assessing the Revised Concept for the Subject Lands, this Addendum further identifies how the Revised Concept, OPA and ZBA is consistent with the new PPS 2024 policies.

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

Section 2.2, Housing, Policy 2.2.1 requires planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs for current and future residents of the regional market area. To achieve this, municipalities shall: permit and facilitate all housing options; meeting wellbeing requirements of current and future residents; and all types of residential intensification and redevelopment; promote

densities for new housing that efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

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

Section 2.8, Employment includes policies which encourage an appropriate mix and range of employment uses to meet long-term needs and diversify the economic base. **Section 2.8.1, Supporting a Modern Economy**, states that planning authorities shall promote economic development and competitiveness by encouraging intensification of compact, mixed-use development.

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

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

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

systems and modes should be planned for and improved.

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

Section 6.1, General Policies for Implementation and Interpretation, Policy 6.1.12 states that density targets represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Provincial Planning Statement or any other provincial plan.

Provincial Planning Statement Summary:

The Revised Concept supports the Province's policy of providing housing options, with a proposed density that will meet projected growth requirements. The proposed amendment adds a housing option to diversify housing and meet the needs of future residents in an existing built up area that is well serviced by employment, schools, parks and facilities.

The revised ZBA and OPA introduce a housing type and building that is contextually appropriate and compatible within a mixed use area. The proposed development efficiently uses a lot for compact residential and commercial development that is serviced by existing infrastructure, public service facilities and active transportation.

The Revised Concept, ZBA and OPA provides for intensification within an area of the Town which is located within the Settlement Area. While not located in a Strategic Growth Area, the Subject Lands reflect a site with an opportunity to provide for compact, mixed-use intensification and introduces a density that more efficiently utilizes settlement area lands. The amendment supports redevelopment that achieves the intent of complete communities to provide a mix of housing options and commercial uses in areas served by existing infrastructure and facilities.

The proposal continues to support the creation of a complete community by providing a range of housing options, job opportunities, an attractive commercial streetscape, and a public art installation that assists in meeting long-term needs of residents.

The Revised Concept, ZBA, and OPA enhance the potential for green infrastructure in including enhanced landscaping, low impact development (LID), and roof rainwater harvesting reuse through irrigation.

The OPA will increase the density of an existing lot within the Built-Up Area and Settlement Area. The density increase supports the PPS 2024 policies and vision to increase the supply and mix of housing options in support of a growing population and workforce, through a compatible and appropriate design utilizing existing infrastructure.

The Revised Concept and associated ZBA and OPA applications are consistent with the PPS.

5.3 Niagara Regional Official Plan

As of March 31, 2025, the Region of Niagara Official Plan (ROP), as approved under Bill 162 by the Minister of Municipal Affairs and Housing, is now under the authority of the Town of Niagara-on-the-Lake as part of its Local Plan.

In the ROP, The Subject Lands are located within the 'Urban Area' structure and within the 'Virgil Settlement Areas' per Schedule A – Local Area Municipalities (**Figure 3**). Within the 'Urban Area,' the Subject Lands are also within the 'Delineated Built-Up Area' per Schedule B – Regional Structure (**Figure 4**).

Part II, Growing Region, Section 2.2, Regional Structure, and Section 2.3, Housing, Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to: responsibly manage forecasted growth and to support a mix of land uses including residential uses and employment uses; to provide opportunities for intensification including infill development; and, to support the creation of complete communities. The Region supports a compact built form and a mix of land uses and opportunities for gentle density in a range of housing options. Planning for housing in the Region means providing a diverse housing stock with a range of tenures, sizes, types that support the needs of the community.

Part III, Sustainable Region, Section 3.1, Natural Environment System and Section 3.5: Climate Change, Policy 3.5.3.1 indicates that in an effort to support the transition to net-zero communities that mitigate climate change, the Region will support built form and land use patterns that use land efficiently by: promoting a mix of land uses to shorten commute journey and support the

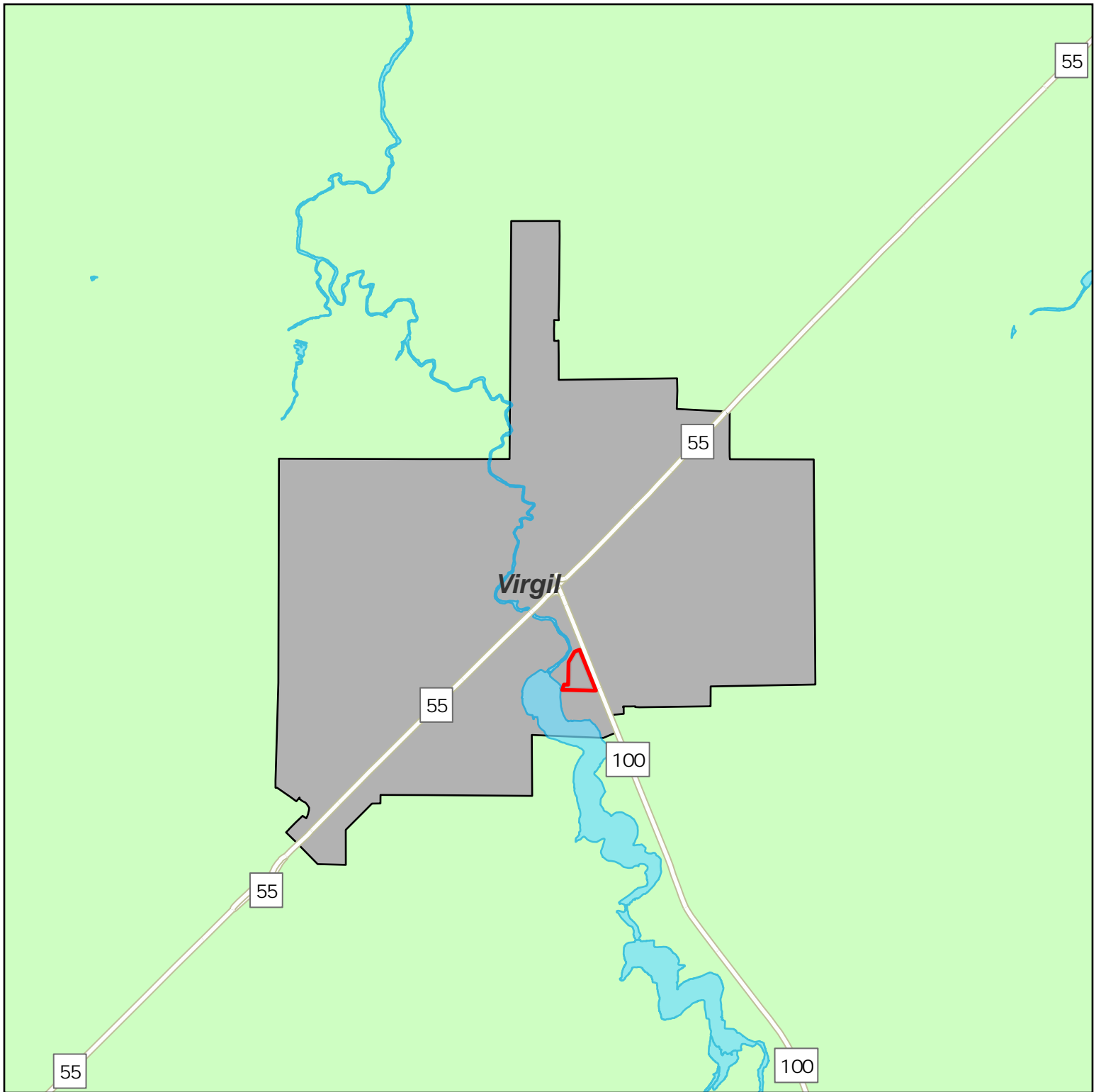


Figure 3: Niagara Region Official Plan – Schedule A: Local Area

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



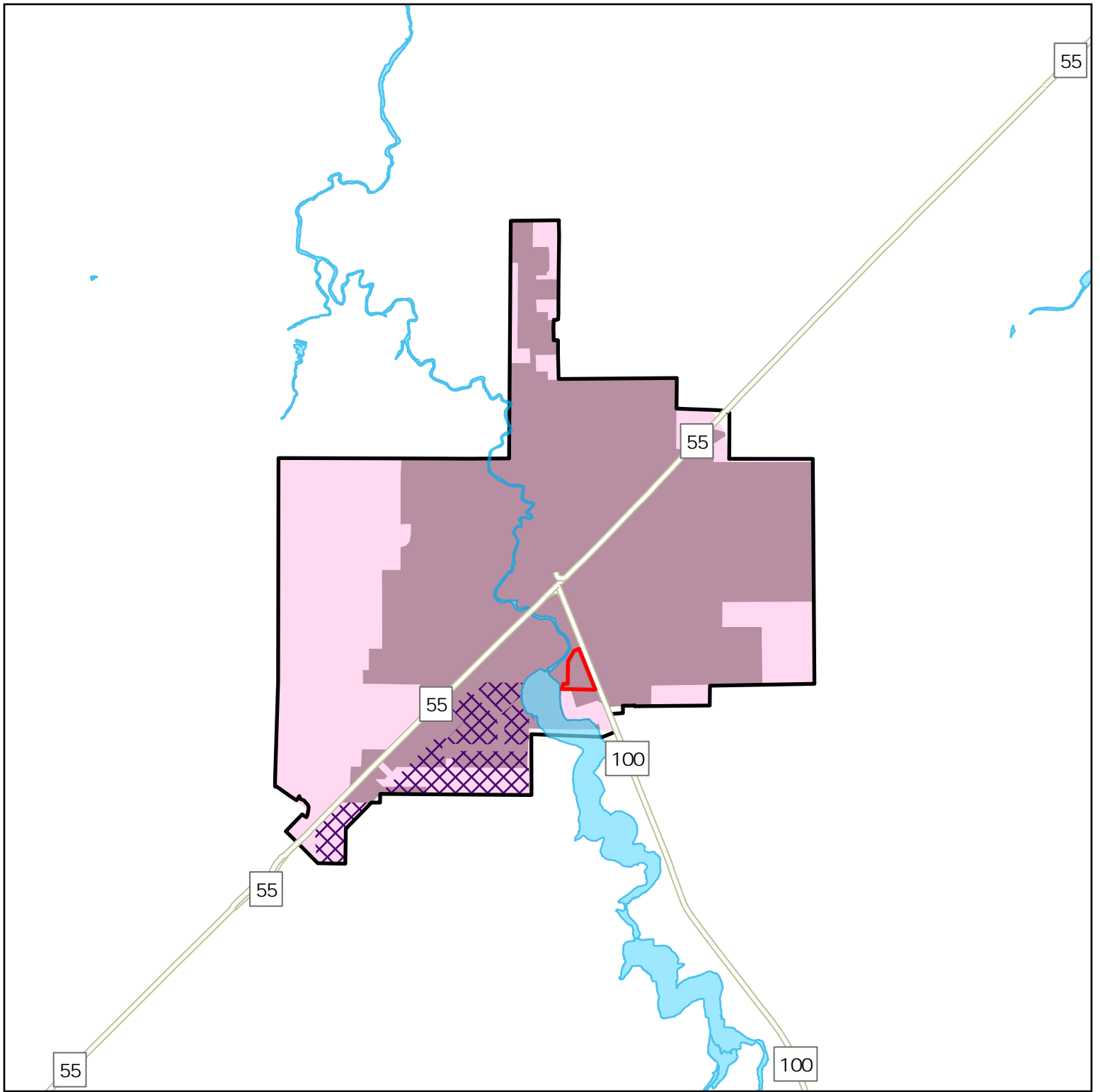








Figure 4: Niagara Region Official Plan – Schedule B: Regional Structure

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

creation of complete communities; and by planning to achieve minimum intensification and density targets which meet or exceed provincial requirements.

Part V, Connected Region, Section 5.2, Infrastructure provides the infrastructure objectives of the Region wherein the Region will undertake infrastructure planning, development and asset management to ensure that municipal services are provided in an efficient manner to achieve the minimum intensification and density targets, support growth management and the achievement of complete communities.

Regional Official Plan Summary:

The Revised Concept, ZBA and OPA contribute to the Region's growth targets and contribute to the provision of new housing stock in the form of apartment units within the built up area of the Town. The proposed redevelopment promotes a built form, and a mix of land uses which support the creation of complete communities through intensification and achievement of minimum density targets that meet or exceed provincial requirements.

The Revised Concept provides an urban built form that will optimize the use of the land through a compact, mixed-use design that implements the Region's policy direction of a competitive region for an adequate housing supply by proposing 31 apartment units. The proposal provides a range of unit types to diversify housing options for residents and young families.

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

5.4 Niagara-on-the-Lake Official Plan

The in force and effect Niagara-on-the-Lake (NOTL) Official Plan (OP) designates the Subject Lands as 'Service Commercial' and 'Conservation' and they are identified within the 'Wetlands Area' as per Schedule C – Land Use Plan – Virgil (**Figure 5**). The Subject Lands are also identified as 'Built-Up Area' in the 'Urban Area Boundary' as per Schedule I-2 – Official Plan Amendment #43 (**Figure 6**). The Service Commercial land use designation permits dwelling units with a main use as per Policy 10.3.2.1.

Part 1, Introduction, Section 2, Status, Scope, Title and Definitions, Residential Net Density: This section includes a definition of Residential Net Density which is defined as the total number residential dwelling units and jobs per hectare of land intended for development excluding public and private roads or lands dedicated or acquired by the municipality for parkland purposes and excluding undevelopable lands identified in the "Residential Gross Density" section.

Part 2, General Policies, Section 6.4 General Height Restrictions provides that generally, the building height has not exceeded 11 metres in the Town and that for the most part this low-rise character should be maintained and the implementing zoning by-law should limit building height accordingly.

Part 2, General Policies, Section 6A.2, Municipal Urban Structure, Policy 2.3 specifies that the Urban Structure is composed of five components in the OP. One component is the Urban Area which contains Built-Up Areas and Greenfield Areas. Policy 2.4 states that the Built-up Area represents the limit of existing development within the urban areas of Virgil and

the Old Town. All growth and development that is to occur within the Built-up Area will be through intensification and will count towards the achievement of the Town's intensification target.

Section 6A.3.2, Growth Management Objectives, identifies that the growth strategy objectives include: accommodating all future urban growth within the present-day urban boundary; directing urban growth and development to the Town's existing Urban Areas; and, developing compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.

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

Section 6A.4.4, Intensification Objectives, lists the objectives of the Town to: provide land use policy directions for accommodating additional growth within the Built-Up Areas; provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area; and, direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent

heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area. The Built-Up Area Intensification policies prefer that new, mixed-use developments will be a minimum of two storeys to ensure mix use developments are not underdeveloped and for all new parking to be located at the rear of the building.

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

NOTL Official Plan Summary:

The Revised Concept, and the OPA and ZBA to facilitate the revised mixed-use development, continues to reflect an appropriate level of intensification for an underutilized site adding both new housing and commercial uses.

The Revised Concept, while addressing a number of the technical and staff comments, has a minor increase to height and density. A new OPA application is therefore being submitted to incorporate the 31-unit apartment building in a mixed-use development with a maximum density of 41 units per hectare along Four Mile Creek Road based on the exclusion of the private lane/driveway areas in the calculation of net density.

The Subject Lands are approximately 200 metres west of a newly approved condominium complex with existing four 3-storey apartment buildings and 11 townhouses with a maximum height of 13 metres and density of 51 uph and are adjacent to low-rise single detached

residential dwellings. The proposed development is also 700 metres south of a recently approved application that proposes a 4-storey apartment building with a maximum height of 15.85 metres, and density of 80 uph.

In this context, the proposed height will provide a compatible built form, height and density in the Virgil Urban Area where growth, development, and intensification are intended to occur.

The design of the proposed building will have no negative impacts on residential uses to the east and south or to the conservation uses to the north and west. As demonstrated in the shadow study provided by Icke Brochu, the proposed buildings are set back sufficiently to not impose shadows on the adjacent residential dwellings. The addition of the rooftop amenity space in the Revised Concept has been strategically designed to overlook the conservation lands which establishes privacy on the terrace for the future residents as well as privacy for and separation from the established residential area adjacent to the Subject Lands.

It is noted that based on the definitions provided in the Town's Zoning By-law 4316-09, and confirmed by Town planning staff, that the internal drive aisles in the proposed development are defined as a 'Private Lane' and not as a 'Private Road'. The definition of 'Residential Net Density' in the Town's OP excludes the area of 'Private Roads' from the calculation for density. However, due to the deficit of the definitions of 'Private Lane' and 'Private Road' in the Town's OP, this area is considered as undevelopable land. If the private roads were included in the net density calculation, an OPA for density would not be required.

The proposed development contributes to the Town's growth forecasts of 7,500 projected population; 3,395 anticipated households and 3,750 jobs are projected in order to achieve the

employment objective of one job for every three residents located within the urban boundary to 2031. Additionally, it supports the intensification target for a minimum of 15% of all new dwellings occurring annually within the Built-Up Areas by directing intensification and infilling to the Built-Up Areas that does not negatively impact the existing residential character or the surrounding uses.

The proposed development proposes parking at the rear of the commercial building to provide for an aesthetic and functional street front and active retail uses with access from Four Mile Creek Road. The residential building is proposed at the rear of the site to provide privacy to the proposed 31 units and rooftop amenities. It is noted that the proposed units are designed with windows facing the conservation lands and that the western façade is recognized as the front of the residential building. The primary access is located at the rear of the building where the surface parking lot is located. In accordance with the permitted uses in the Service Commercial designation, the residential use remains as a secondary use to the main commercial use and the parking is technically located at the rear of both the main use and the secondary use. Furthermore, the parking lot has been effectively shielded from the street by the commercial building and additional visual landscape barriers consisting of a 2 metre masonry entry wall and 1.2 metre garden walls.

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

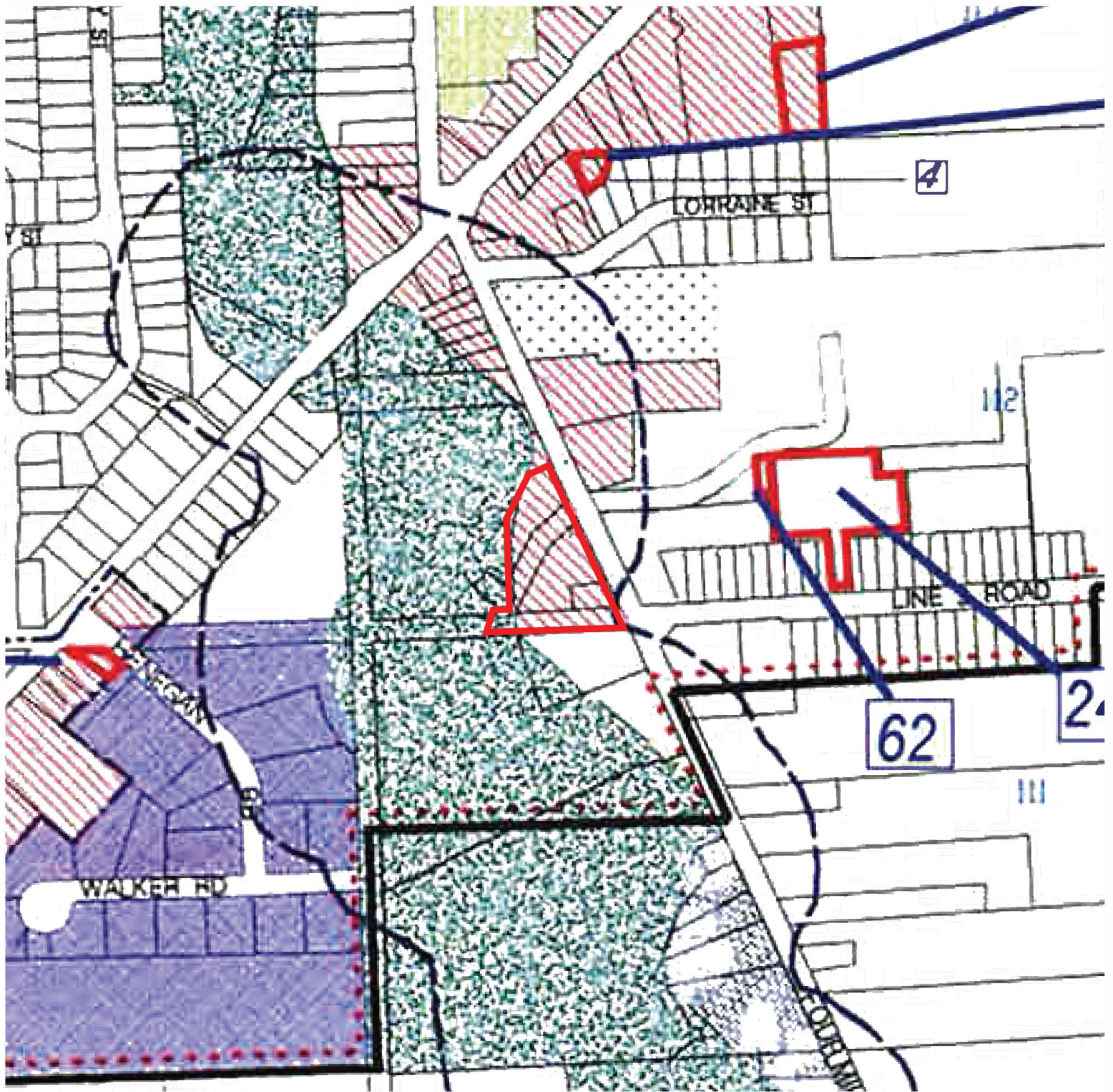


Figure 5: Niagara-on-the-Lake Official Plan (In-Effect) – Schedule C: Land Use Plan – Virgil

- | | | |
|---|---|--|
|  Subject Lands |  Institutional |  Urban Area Boundary |
|  Low Density Residential |  Marine Commercial |  Community Improvement Area |
|  Medium Density Residential |  Open Space & Community Facilities |  Wetlands Area |
|  Service Commercial |  Conservation |  Amendments |
|  General Industrial | | |

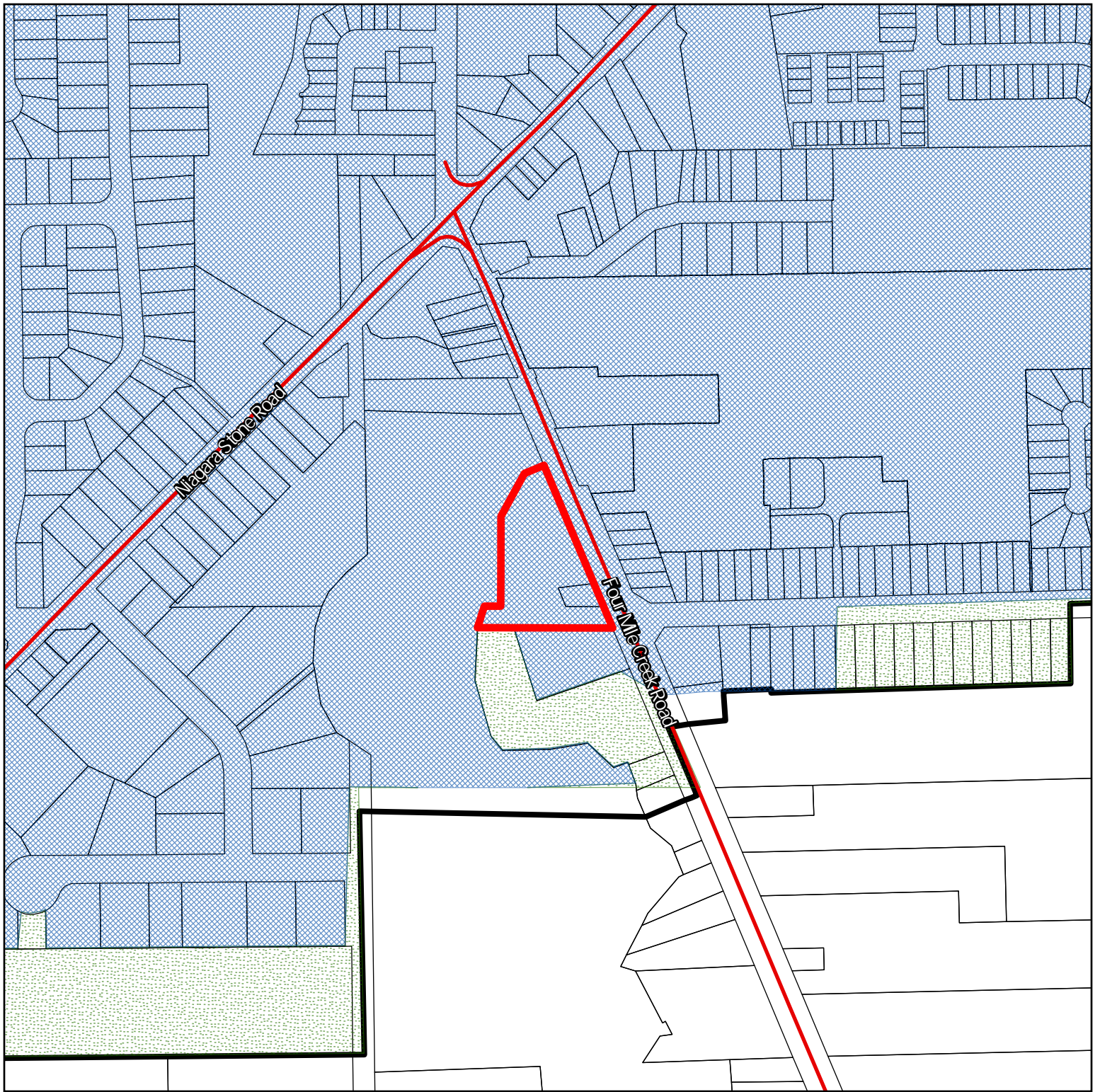








Figure 6: Niagara-on-the-Lake Official Plan (In-Effect) – Schedule I-2: Official Plan Amendment

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



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

In July 2013, the Town began an OP review process. A new OP was adopted by Town Council in October 2019 and sent to the Region for approval. However, in March 2020, the Region paused the review of the adopted OP while it completed its Official Plan Review process. As the Region Official Plan was approved by MMAH in 2022, the Town re-launched their OP review process in December, 2024 and February 2025. The review of the 2019 OP is to update the adopted OP to conform to the ROP, address the numerous provincial policy and legislative changes introduced since 2019, and to plan to a horizon of 2051. The latest Draft OP was released October 1, 2025, however, it is recognized that the policies of the OP 2019 may be further amended by the Town and/or MMAH, and that the following review and analysis may not address the final new Official Plan policies.

At this time, the Subject Lands are designated 'Commercial' and 'Conservation' as per Schedule B3 – Land Use Plan – Virgil (**Figure 7**) in the October draft new Official Plan. The Subject Lands are identified as 'Built-Up Area' in the 'Existing Settlement Area' as per Schedule B7 – Growth Plans Virgil (**Figure 8**) and are also identified within the Niagara-on-the-Lake Natural Heritage Features as per Schedule C - Natural Heritage System (**Figure 9**).

Section 3.5, Intensification Strategy, Policy 3.5.2.2 lists the intensification policies of the Town, that include: a minimum of 25% of all new dwelling units will occur within the Built-up Areas; the predominant form for intensification and redevelopment includes low-rise apartment buildings that demonstrate land

use compatibility; that the Town will implement an intensification strategy within Virgil through an amendment to the draft OP; and that council shall ensure infill and intensification demonstrates the development criteria for applications on lands not currently zoned for high-density residential development.

Section 3.7, Land Use Compatibility, Policy 3.7.2.1 specifies that intensification and/or redevelopment within the Built-Up Areas should be compatible with the property and the surrounding neighbourhood by ensuring that an effective transition in built form is provided between areas of different development densities and scale.

Section 3.8, Community Design, Policy 3.8.1.8 specifies that, in addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in Virgil and Old Town until more detailed Community Design Guidelines are approved by the Town: infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face; and, parking for commercial, mixed use and apartment buildings should be located at the rear of the buildings, where applicable, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street. **Policy 3.8.2.2** pertains to building height restrictions and generally building heights do not exceed 10 metres however, in Virgil, limits on height may be more flexible subject to more detailed policies in future secondary plans and Community Design standards. It is noted that there are opportunities for development that will exceed ten (10) metres in height and that sites may be identified for higher building heights in the Intensification Strategy.

Section 3.12, Commercial Areas, Policy 3.12.2 lists the objectives for lands designated

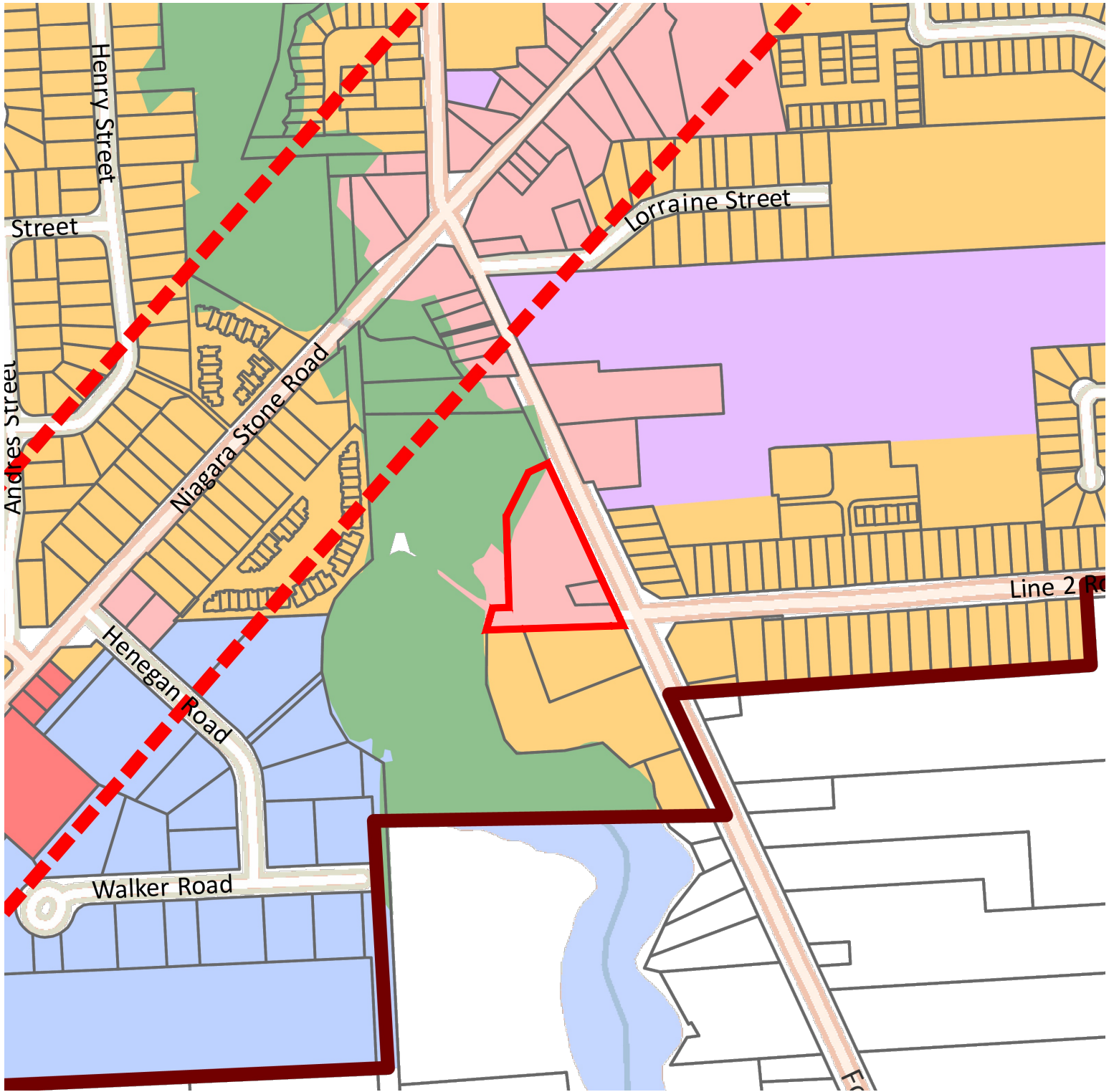


Figure 7: Niagara-on-the-Lake Official Plan Review – Schedule B3: Land Use Plan – Virgil

- | | |
|--|---|
|  Subject Lands |  Commercial |
|  Settlement Area |  Employment |
|  Residential |  Community Facilities |
|  Established Residential |  Conservation |
|  Mixed Use |  Niagara Stone Road Corridor |



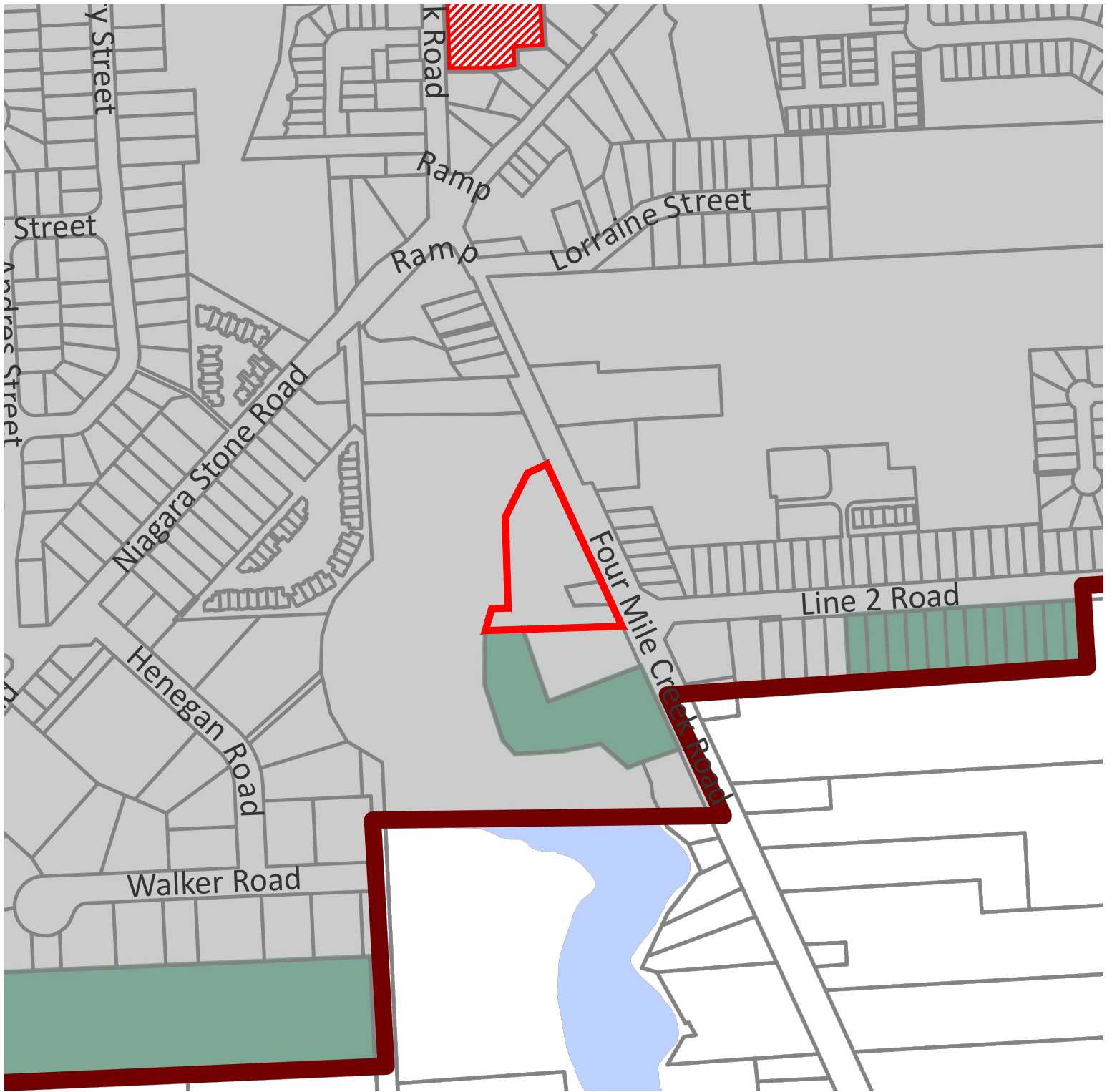


Figure 8: Niagara-on-the-Lake Official Plan Review – Schedule B7: Growth Plans – Virgil

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



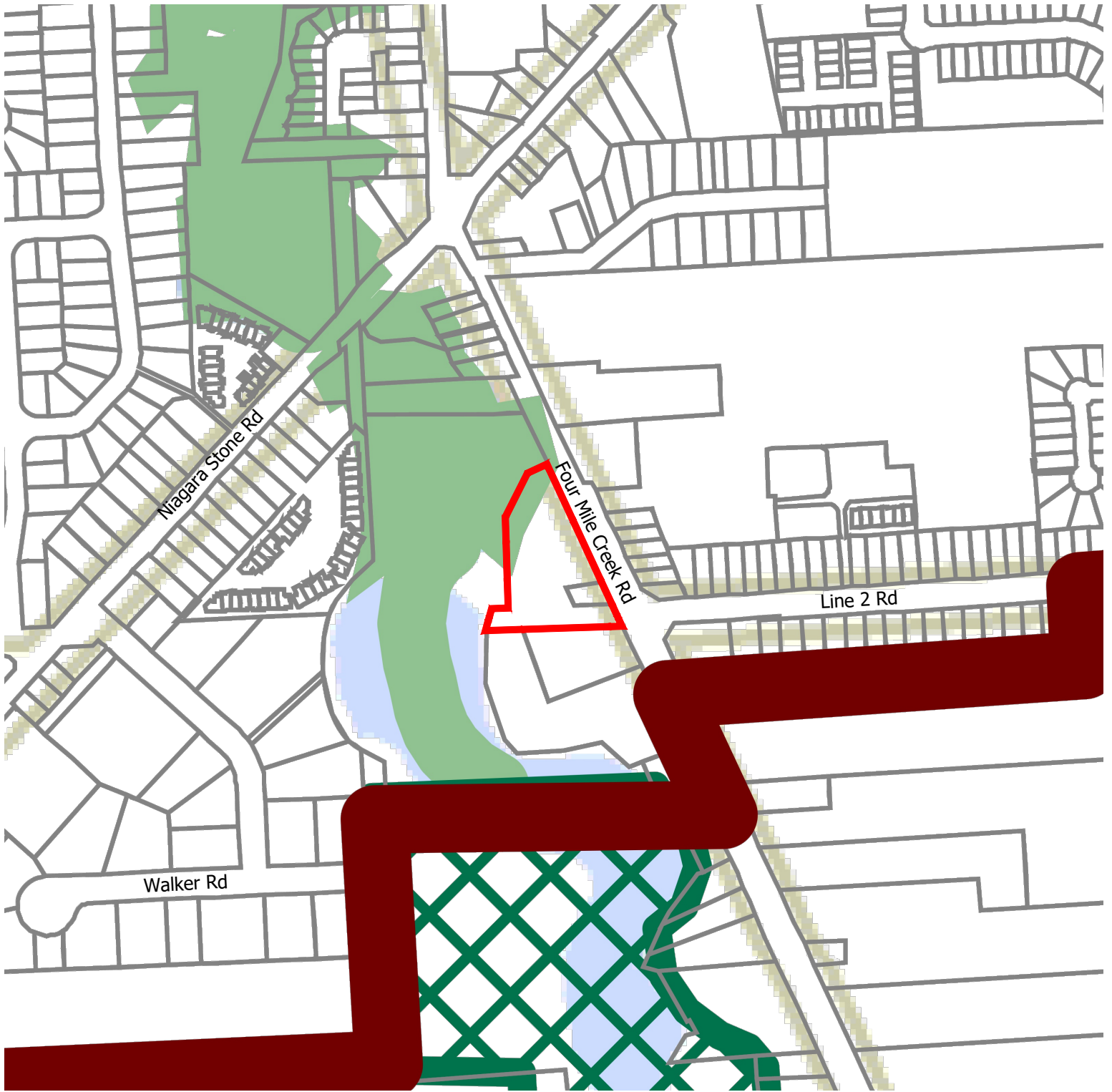


Figure 9: Niagara-on-the-Lake Official Plan Review – Schedule C: Natural Heritage System

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



for commercial uses. These include: providing for an orderly distribution of commercial areas within the settlement areas of the Town to meet the shopping and service needs of residents and tourists; to minimizing the impact of commercial development on adjacent land uses; preventing the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land use conflicts; promoting compact forms of commercial development; and, discouraging scattered forms of development. **Policy 3.12.5.7** indicates that mixed use development is encouraged within the commercial areas of the Built-Up Areas where appropriate. The preferred built form for such development is a two-storey minimum with commercial/retail uses at grade. This height minimum is to ensure that such developments are not underdeveloped.

NOTL Official Plan Review Summary:

The Revised Concept, and the OPA and ZBA to facilitate the revised mixed-use development, support the intensification objectives proposed for the Town and will support the implementation of the future intensification strategy for Virgil.

The proposed development is compatible with the existing and approved developments in Virgil for low-rise apartment buildings and contributes to the range of built forms and densities in the area. It is noted that there are no requirements for maximum density in the new Draft Official Plan and that the policies that restrict density are contained in the site specific and secondary policies. The proposed density of 41 uph would conform with the Draft OP.

The Revised Concept supports the policies for mixed-use developments in the Commercial designation by proposing a height greater than two storeys in a compact built form design to ensure the Subject Lands that are identified for infill development are not underdeveloped.

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

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

In accordance with the Town of Niagara-on-the-Lake, the Subject Lands are currently zoned Village Commercial with Holding (VC-H), as demonstrated in **Figure 10**. The Holding Provision "H" symbol only permits legally existing uses as of the effective date of the By-law. Therefore, a ZBA is required for the redevelopment of the Subject Lands in accordance with the Village Commercial Zone and the policies of the Official Plan.

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



Figure 10: Niagara-on-the-Lake Zoning Bylaw 4316-09 – Schedule A-14: Virgil Community Zoning District









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



TABLE 2: PERMITTED USES IN THE 'VILLAGE COMMERCIAL' (VC) ZONE

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

Section 5, Private Lane, means a private access which affords access within a property and is not maintained by a public body and shall not include a lane, private road or a street.

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

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

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

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

TABLE 3: ZONING BY-LAW 4316-09: REGULATORY REVIEW OF REVISED SITE PLAN

PROVISION	REQUIREMENT	PROVIDED	COMPLIANCE	
GENERAL PROVISIONS				
6.3.a Amenity Area	The minimum amenity area requirements for each residential unit in a mixed use building shall be provided in accordance with the following: 985 m ²	1,809 m ²	Yes	
	Type of Unit Min. Req. Amenity Area			
	Bachelor/1 B			10 m ²
	2 Bedroom			35 m ²
	3 Bedroom			60 m ²
4 B and over	85 m ²			
6.3.b Amenity Area	where a building contains ten (10) or more apartment units, an equipped children’s play area shall be provided at a rate of 2.5 m ² per residential unit. The minimum size of such equipped children’s play area shall be 46 m ² , while the maximum size of such equipped children’s play area shall be 140 m ² ; Amenity areas shall be designed and located so that the length does not exceed four (4) times the width	Private playground proposed at 73 m ²	Yes	
6.48.f Residential Use in Non-Residential Building	In a commercial and enterprise zone, no residential unit shall be located in a non-residential building except on the second or higher storey of such building.	In the VC-xx zone, and within a mixed use development, residential units may be located in a stand-alone building adjacent to a commercial building	A site-specific exception is added to the proposed ZBA to permit a stand alone residential building. This amendment is in conformity with the current, in effect Official Plan policy 10.3.2 that permit dwelling units as secondary uses to the primary commercial use.	
VILLAGE COMMERCIAL (VC) ZONE STANDARDS				
Minimum Lot Frontage	15.0 m	>15.0 m	Yes	
Minimum Lot Area	700 m ²	10,688.40 m ²	Yes	
Maximum Lot Coverage	50%	29%	Yes	
Minimum Landscaped Open Space	20%	33%	Yes	
Minimum Front Yard Setback	0 m	0.3 m	Yes	

Minimum Side Yard Setback	Interior side yard abuts a residential zone: 4.5 m	20.995 m	Yes	
Minimum Exterior Side Yard Setback	6.0 m	N/A	Yes	
Minimum Rear Yard Setback	7.5 m	0.70 m 2 nd storey and above 0.0 m at grade 0.0m below grade	A site-specific exception has been added to the proposed ZBA to reduce the at grade and below grade minimum rear yard setbacks.	
Maximum Building Height	10.5 m	21.28	A site-specific exception has been added to the proposed ZBA to increase the maximum building height.	
Minimum Buffer Strip Width	Abutting a residential zone: 3.0 m	1.0 m	A site-specific exception has been added to the proposed ZBA to reduce the minimum buffer strip width.	
PARKING AND LOADING STANDARDS				
Minimum Size of Parking Spaces	2.75 m (width) x 6.0 m (length)	2.75 m x 6.0 m	Yes	
Minimum Aisle Width	6.0 m	6.0 m	Yes	
Loading Requirements				
Minimum Loading Space Requirement	Non-Res. GFA	Loading Space Required	2	Yes
	0 – 464.5 m ²	0		
	465 m ² – 929 m ²	1		
	930 m ² – 4645 m ²	2		
	Exceeding 4645 m ²	3, plus 1 for each additional 4,645 m ²		
	Non-Residential: Commercial Uses not Specifically Identified and Office GFA (3,720 m ²) = 2 loading spaces required			
Minimum Loading Space Dimensions	3.6 m x 9.0 m x 4.2 m vertical clearance	3.6 m x 9.0 m	Yes	
Parking Requirements				
Minimum Parking Space Dimensions as per Parking Alignment	90° Parking alignment = 2.75 m x 6.0 m Min. driveway/aisle width = 6.0m	2.75 m x 6.0 m 6.0 m driveway/aisle width	Yes	
Residential: Apartment dwelling units	1.0 spaces per unit = 31 spaces required	51 spaces	Yes	

Non-Residential: Outdoor Patio	1 per 30 m ² GFLA = 12 spaces required	14 spaces	Yes
Non-Residential: Restaurant	1 per 9 m ² GFLA = 80 spaces required	80 spaces	Yes
Non-Residential: Commercial Uses not Specifically Identified	1 per 18.5 m ² GFLA = 40 spaces required	40 spaces	Yes
Non-Residential: Office	1 per 28 m ² GFLA = 56 spaces required	56 spaces	Yes
<i>Bicycle Parking Requirements</i>			
Non-Residential: Outdoor Patio	2 per 100 m ² GFLA = 8 spaces required	14 spaces	Yes
Non-Residential: Restaurant	2 per 100 m ² GFLA = 15 spaces required	20 spaces	Yes
Non-Residential: Commercial Uses not Specifically Identified	1 per 200 m ² GFLA = 4 spaces required	8 spaces	Yes
Non-Residential: Office	1 per 250 m ² GFLA = 7 spaces required	7 spaces	Yes
Residential	N/A	17 spaces	Yes
<i>Accessible Parking Requirements</i>			
Minimum Accessible Space Dimensions	3.7 m x 6.0 m	3.7 m x 6.0 m	Yes
Required Accessible Spaces	201 – 300 required spaces = 7 spaces	7 spaces	Yes
<i>Permitted Yard Projections and Encroachments</i>			
Canopies, awnings, clothes poles, flag poles, signs, garden trellises, fences, retaining walls	N/A	1.8 m at 3.66m above grade at the main entrance	A site-specific exception has been added to the proposed ZBA to increase the permitted yard encroachments.

TABLE 4: RATIONALE FOR EXCEPTIONS TO THE VC-XX ZONE

EXCEPTION	RATIONALE
Residential Uses and Non-Residential Buildings	OP policy permits dwelling units as secondary uses to a main commercial use. The OP policy also states that a Zoning By-law 'may' require that a secondary use be situated above a primary use but does not state that it shall be required.
Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	<p>A site-specific amendment is required to increase the maximum yard projections and encroachments to permit 1.80 m into the front yard for the two-storey commercial building, whereas there is no present maximum projection permitted into all required yards.</p> <p>The encroachments are proposed to accommodate a vibrant and welcoming street-front that will allow sheltered street-access to the at-grade commercial shops.</p>
Reduced Minimum Required Rear Yard Setback (At Grade)	<p>A site-specific amendment is required to reduce the minimum required rear yard setback for the five-storey residential building at grade.</p> <p>A rear yard depth of 0.0 metres is proposed at grade to the nearest structure being the extended wall and roof of the underground parking garage, and 0.70 metres is proposed at the second storey and above as this section of the building abuts the Conservation lands whereas the By-law requires a minimum set back of 7.5 metres.</p>
Reduced Minimum Required Rear Yard Setback (Below Grade)	<p>A site-specific amendment is required to reduce the minimum required rear yard setback for the five-storey residential building below grade.</p> <p>A rear yard depth of 0.0 metres is proposed for the below grade parking structure that will also function as a foundation for the residential building whereas the By-law requires a minimum set back of 7.5 metres.</p>
Increased Maximum Building Height	<p>A site-specific amendment is required to increase the maximum building height for the five-storey residential building.</p> <p>A maximum building height of 21.28 metres is proposed, building heights are measured from established grade to the roof whereas the By-law permits a maximum height of 10.0 metres. The proposed height is inclusive of the amenity area structure and mechanical penthouse.</p>
Reduced Minimum Landscape Buffer Strip Width	<p>A site-specific amendment is required to reduce the minimum landscape buffer width abutting a residential zone.</p> <p>A buffer strip of 1.0 m in width and landscaped screens are proposed to shield the residential area from the development whereas the By-law requires a minimum landscape buffer width of 3.0 metres.</p>

6.0 Conclusion

The Revised Concept, ZBA and OPA continue to provide for an efficient use of the existing underutilized site and support the intensification objectives of the Town while providing new compact mixed-use housing in Virgil. The proposed development provides for an appropriate land use, height and density that integrates compatibly with the surrounding area. The Revised Concept has been well designed to address past comments related to design and landscaping.

Based on the existing area context, the updated technical assessment, and the updated analysis provided herein of the Provincial, Reginal and Town's policy and regulatory framework, the Revised Concept, OPA and ZBA:

- a) Provide for an appropriate housing option on the Subject Lands that is appropriate within the existing and planned context of the surrounding area;
- b) Remain consistent with the Provincial Planning Statement 2024;
- c) Conform to the Regional Official Plan (the Local Plan) and the Town of Niagara-on-the-Lake Official Plan;
- d) Conform to the Town of Niagara-on-the-Lake Official new Draft Official Plan;
- e) Promote the efficient use of land and will optimize available and planned infrastructure;
- f) Add housing that contributes to a complete community and much needed housing supply as well as new commercial uses; and,
- g) Are compatible and do not create any adverse impacts to the existing or planned surrounding community.

The Revised ZBA and OPA will support a development that represents good planning and is in the public interest.

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

Respectfully submitted,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner

A



Appendix A: Updated Draft Zoning By-law Amendment

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

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

Purpose

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

The entirety of the Subject Lands is zoned “Village Commercial with Holding (VC-H) Zone”. The proposed amendment will rezone a portion of lands to “Open Space (OS) Zone” for the lands pertaining to the Natural Environment System, and to rezone the remainder of the Subject Lands to “Village Commercial (VC-XX)” with site-specific provisions.

Effect

The effect of this By-law is to rezone the Subject Lands from “Village Commercial with Holding (VC-H) Zone” to: “Open Space (OS) Zone” for a portion of the lands pertaining to the Natural Environment System; and, “Village Commercial (VC-XX) Site Specific Zone” with site specific provisions for residential uses in a separate building, maximum height, rear yard setbacks, buffer strip abutting a residential zone, permitted yard projections into the front yard, and to prohibit specific uses.

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

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

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

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

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

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

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

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

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

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

10.12.XX.1 VC Prohibited Uses:

- (a) *Automobile sales & service establishment*
- (b) *Automobile service station*
- (c) *Gas bar*

10.12.XX.2 VC Zone Requirements:

(a)	At grade minimum rear yard setback to the nearest part of any building or structure	0.0 m
(b)	At grade minimum rear yard setback to the second storey and above of a building or structure	0.7 m
(c)	Below grade minimum rear yard setback	0.0 m
(d)	Maximum building height	21.28 m
(e)	Buffer Strip - Interior side yard abutting Residential zone	1.0 m
(f)	Permitted Yard Projections and Encroachments at 3.66 metres above grade at the main entrance - Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	1.8 m
(g)	<i>Maximum GFA of one Restaurant use</i>	<i>720 m²</i>
(h)	<i>Accessory outdoor patios shall be located from any loading area, parking spaces, internal road or driveway located on the lot a minimum of</i>	<i>0.0 m</i>
(i)	In the VC-XX zone, residential uses shall be permitted within a stand-alone building separate from a non-residential use building.	
(j)	Permit parking space dimensions of 1.2 m x 3.0 m for the storage of motorcycle vehicles and of 2.6 m x 5.0 m for compact cars that are exclusive from the required parking rate.	

Notwithstanding provision 6.21, elevator shafts and mechanical rooms shall not be included in the building height restriction when habitable floor space is situated higher than the maximum height permitted.

Notwithstanding subsection f) of provision 6.48, residential units shall be located in a separate building.

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

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

LORD MAYOR – GARY ZALEPA

TOWN CLERK – GRANT BIVOL

DRAFT

SCHEDULE A to By-law 2025-XX



LEGEND



FROM VILLAGE COMMERCIAL WITH HOLDING (VC-H) ZONE TO VILLAGE COMMERCIAL (VC-XX) SITE SPECIFIC ZONE



FROM VILLAGE COMMERCIAL WITH HOLDING (VC-H) ZONE TO OPEN SPACE (OS)



ON THE LAKE DEVELOPMENTS
SCHEDULE 'A' TO DRAFT ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____



B

Appendix B: Draft Official Plan Amendment

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

BY-LAW NO. ####-25

Official Plan Amendment No. XX

Firstly: Part of Township Lot 112 & Part of Road Allowance Between Township Lots 111 & 112 (Geographic Township of Niagara) in the Town of Niagara-on-the-Lake, known municipally as 1544 & 1546 Four Mile Creek Road.

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. XX 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. XX 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 day of XX, 2025.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. XX 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. **XX** 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.

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PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to amend the “Service Commercial” designation with a site specific policy to permit a density of 41 units per hectare and to allow for parking located in a portion of the front of the residential building. The proposed mixed use redevelopment is located in an area identified for infill development on the lands located at 1544 & 1546 Four Mile Creek Road in the Town of Niagara on the Lake (hereinafter referred to as the “Subject Lands”).

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Virgil, Niagara-on-the-Lake, on the west side of Four Mile Creek Road, north of Line 2 Road, and south of Niagara Stone Road;
2. The proposal will permit 31 residential units with a density of 41 units per hectare in an apartment building which is secondary to a commercial building with proposed retail and office uses on the Subject Lands;
3. The proposal provides for surface parking located in a portion of the rear of the commercial building which is in front of the residential building.
4. The proposal will maintain the lands designated conservation on the Subject Lands;
5. The proposal will not have any adverse impact on the surrounding area; and
6. The amendment is consistent with the Provincial Planning Statement (2024), conforms to the Niagara Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).

PART B - THE AMENDMENT

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

DETAILS OF THE AMENDMENT

1. Schedule C to the Official Plan is amended by amending the “Service Commercial” designation to “Service Commercial (EX-COM-XX)” with a site-specific exception to permit a density of 41 units per hectare and to permit parking located in front of the residential building, as shown on ‘Schedule 1’ attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 10-Commercial under Section “10.5 EXCEPTIONS”:

“EX-COM-XX The lands identified as Service Commercial (EX-COM-XX) on Schedule C, municipally addressed as 1544 & 1546 Four Mile Creek Road, shall permit a density of 41 units per hectare; and allow for parking located in front of the residential building.”

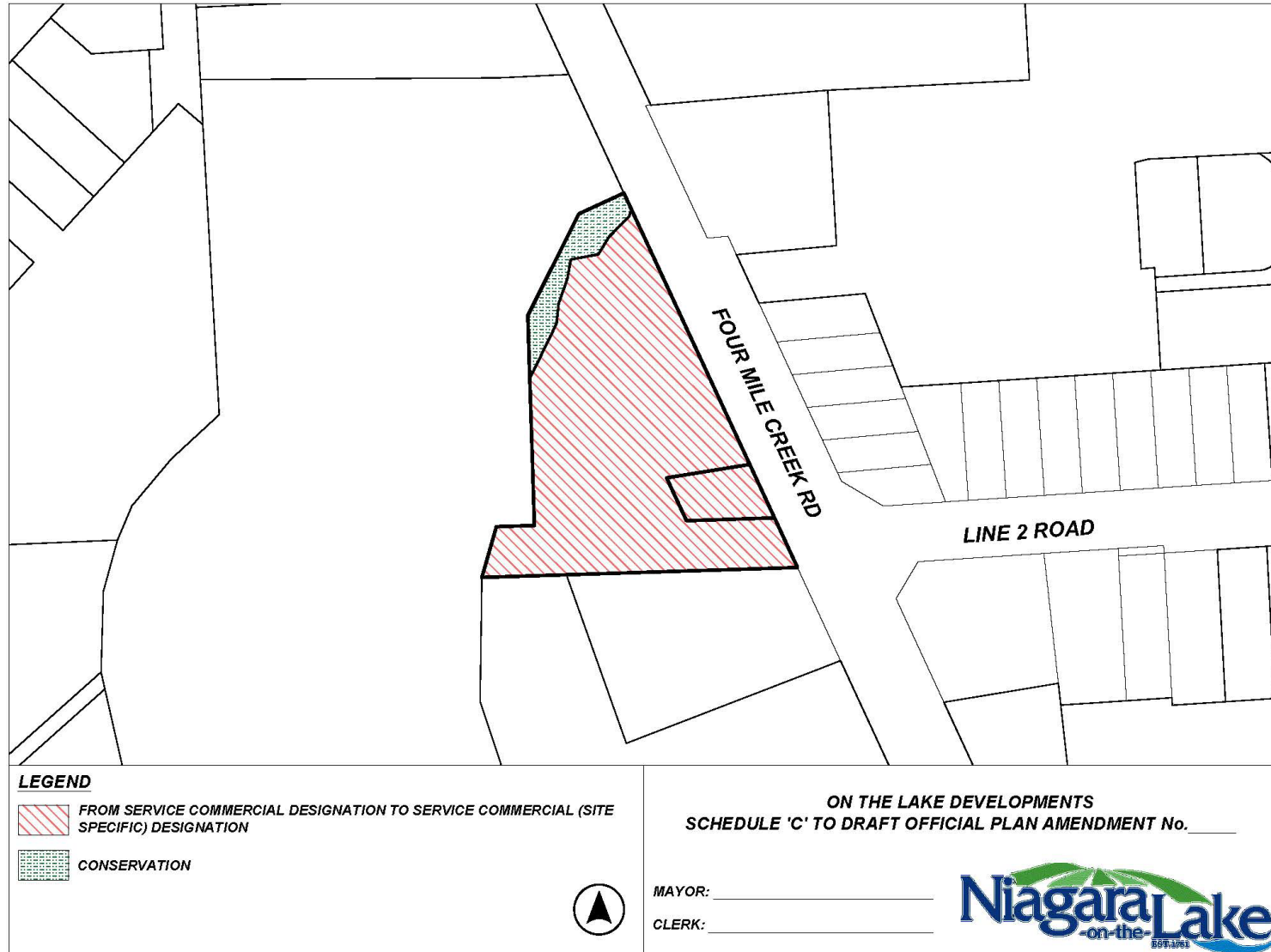
PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community and Development Services Report **XXXX**
2. Council Meeting Minutes dated **XXXX**

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SCHEDULE '1' ATTACHED TO OFFICIAL PLAN AMENDMENT XX BEING AN AMENDMENT TO SCHEDULE "C" OF THE OFFICIAL PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE.





PLANNING
URBAN DESIGN
& LANDSCAPE
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