

Planning Justification Report

**Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Standard
Condominium, Site Plan Approval**

**116 Four Mile Creek Road
St. Davids, Niagara-on-the-Lake
Ontario**

August 2025

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
LIST OF APPENDICES	1
PREFACE	2
DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	3
PROPOSED DEVELOPMENT	6
REQUIRED APPLICATIONS	10
SUPPORTING STUDIES AND REPORTS.....	12
PROVINCIAL LEGISLATION AND PLANS.....	15
PLANNING ACT (R.S.O. 1990)	15
2024 PROVINCIAL PLANNING STATEMENT (PPS).....	24
NIAGARA ESCARPMENT PLAN	33
NIAGARA OFFICIAL PLAN (2022)	47
TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN	50
GENERAL DEVELOPMENT POLICIES (SECTION 6)	51
GROWTH MANAGEMENT POLICIES (SECTION 6A).....	58
RESIDENTIAL LAND USE POLICIES (SECTION 9)	60
ST. DAVIDS URBAN DESIGN GUIDELINES AND STREETScape ANALYSIS	64
TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09.....	68
PLANNING POSITION.....	73

LIST OF APPENDICES

Appendix I:	Architectural Set
Appendix II:	Pre-Consultation Agreement
Appendix III:	Site Plan
Appendix IV:	Draft Official Plan Amendment
Appendix V:	Draft Zoning By-law Amendment

PREFACE

Upper Canada Consultants has been retained by Pinewood Homes (Tara) Ltd. to prepare a Planning Justification Report in relation to applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Standard Condominium and Site Plan Approval for a proposed residential development. 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), and conform to the Niagara Official Plan (2022), and the Town of Niagara-on-the-Lake Official Plan. It also provides an urban design and streetscape analysis to demonstrate compatibility with the surrounding community and to demonstrate that the proposal addresses the St. Davids Urban Design Guidelines.

The applications pertain to lands known as 116 Four Mile Creek Road in the St. Davids Settlement Area of Niagara-on-the-Lake, within the Regional Municipality of Niagara. The applications have been submitted to facilitate the future development of the subject lands, for a four-storey apartment building yielding seventy-seven (77) units.

The requirement for a Planning Justification Report was identified by the municipality through the pre-consultation meeting held for the proposal on July 6th, 2023. The pre-consultation agreement is included as **Appendix II** of this application. The report should be read and considered in conjunction with the following reports, studies and materials:

- Arborist Report / Tree Inventory Plan
- Building Elevations (**Appendix I**)
- Coloured Site Plan
- Site Plan (**Appendix III**)
- Draft Official Plan Amendment (**Appendix IV**)
- Draft Zoning By-law Amendment (**Appendix V**)
- Phase 1 Environmental Site Assessment
- Floor Plans (**Appendix I**)
- Functional Servicing Report and Stormwater Management Plan
- Landscape Plan and Planting Plan
- Lot Grading and Drainage Area Plan
- Noise Study
- Photometric Plan / Lighting Plan
- PIN Map and Parcel Register
- Servicing Plan
- Shadow Study
- Visual Impact Assessment

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The current applications pertain to lands municipally addressed as 116 Four Mile Creek Road in St. Davids, Niagara-on-the-Lake. The lands are legally addressed as Part Township Lot 91 Registered Plan 30R-8296 Part 1; PIN-46373-0161(LT). These lands will be referred to as the “subject lands” throughout this Planning Justification Report. **Figure 1** below displays an aerial image of the subject lands and is illustrative to the use and surrounding uses of the subject lands.

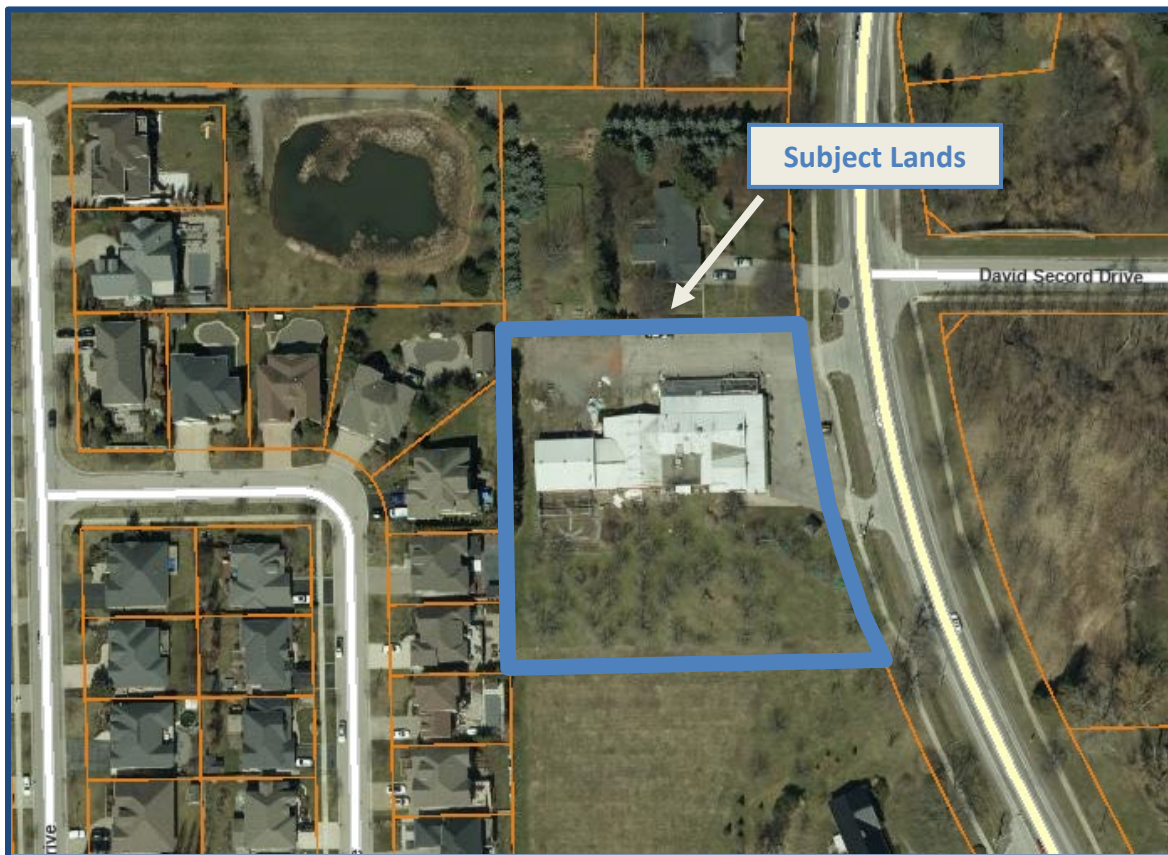


Figure 1 – Cropped Image from Niagara Navigator of 116 Four Mile Creek Road

PROPERTY CONTEXT

The subject lands are situated on the west side of Four Mile Creek Road, south of Warner Road, within the Settlement Area of St. Davids. The subject lands are 0.744 ha in size, and have 89.71 metres of frontage along Four Mile Creek Road.

The lot is generally square in shape with a curved front (eastern) property line following the curvature of Four Mile Creek Road. The subject lands are currently used as a location for a food truck with outdoor seating and a large paved parking area and gravel parking area to the rear of the site. The rear portion of the building has been leased to an individual for personal automobile

DESIGNATION AND ZONING

The map displays various land use zones and environmental features. A blue box labeled "Subject Lands" points to a specific area labeled "VC-2". The map includes a legend for zones and environmental features.

ZONES

- A Agricultural
- R1 Residential
- R2 Residential
- R3 Residential
- RM1 Residential Multiple
- RM2 Residential Multiple
- ER Estate Residential
- RD Residential Development
- VC Village Commercial
- SC Service Commercial
- E Enterprise
- I Institutional
- OS Open Space
- H Holding Zone

ENVIRONMENTAL CONSERVATION ZONE & OVERLAY FEATURES

- Natural heritage system
- Woodlands
- Wetland
- Area of natural & scientific interest
- Water feature 1
- Water feature 2 / Agricultural infrastructure 2
- Agricultural infrastructure 3
- NPCA regulation area
- Water body
- Regional conservation area
- Niagara Escarpment development control

Legend:

- Zone boundary
- Property boundary
- Urban area zone district
- Airport height restriction

SURROUNDING LAND USES

Page 4 of 73

North: Residential use and a stormwater management facility
East: Four Mile Creek with the associated valley and open space and residential use
South: Residential use and further south is a restaurant and micro-brewery use
West: Residential use

TRANSPORTATION SYSTEM

The subject lands are located and front along Four Mile Creek Road, which is a Regional roadway (Regional Road 100), that is owned and maintained by Niagara Region. The proposed development will be serviced by private driveway access from Four Mile Creek Road.

The subject lands are conveniently located near Provincial Highway 405, offering a direct connection between the Queen Elizabeth Way (QEW) and the Canada-United States border at the Queenston-Lewiston Bridge.

NRT OnDemand transit ride-share services are also provided throughout Niagara-on-the-Lake, which provides flat-fee trips within the service boundaries with no fixed schedules or routes.

PARKS AND OPEN SPACES

The proposed development is in proximity to Sparky's Park and St. Davids Lions Park, two municipal parks that will service the residents if this proposed development. As such, cash-in-lieu of parkland dedication will be provided at the time of registration for this development.

PROPOSED DEVELOPMENT

The applicant is proposing to redevelop the existing urban site and construct a four-storey residential apartment building containing seventy-seven (77) dwelling units. A total of eighty-four (84) parking spaces will be provided for the development, including four (4) accessible parking spaces. Access to the development and at-grade parking lot will be from Four Mile Creek Road. The site plan is shown below in **Figure 3** and included in this application as **Appendix III**.

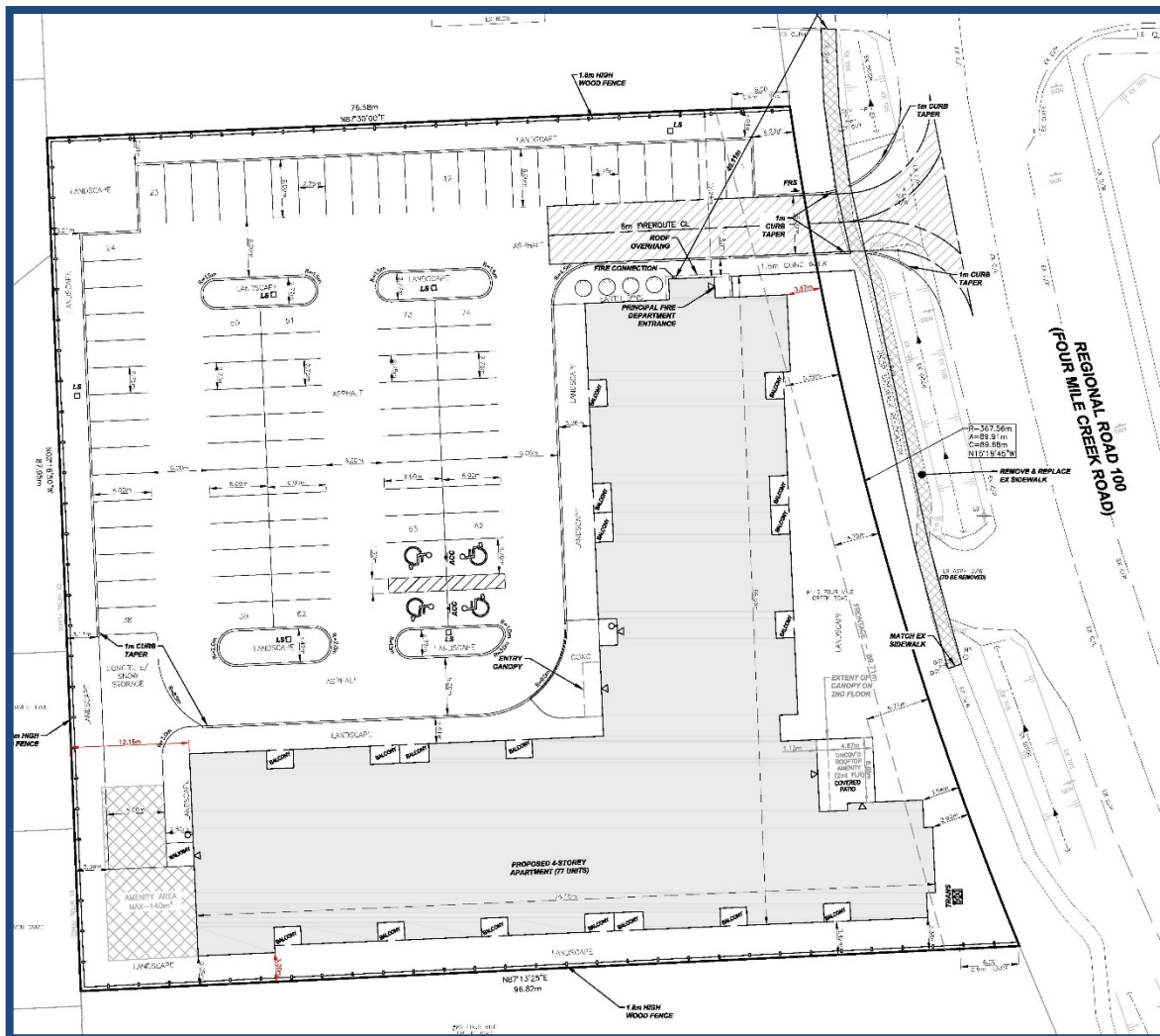


Figure 3 – Excerpt of Appendix III – Site Plan

Apartment Building

The main entrance and building lobby are accessed from the parking lot at the rear of the building. There are four additional exit/entry points, that include access to three stairwells and one amenity area.

All the units within the four-storey apartment building contain two (2) bedrooms ranging slightly in size from 91.9 squared meters to 100.2 squared meters. The main floor contains an entrance lobby, elevator lobby, amenity space, utility room and eighteen (18) units. Floors two (2) to four (4) contain an elevator lobby, utility room and twenty (20) units per floor. An additional amenity space is also provided on the second floor. **Figures 4 to 6** below displays excerpts from **Appendix I** which shows the first-floor layout and conceptual building elevations.



Figure 4 – Excerpt of Appendix I – Conceptual Apartment Block Plan – Floor 1



Figure 5 – Excerpt of Appendix I – Conceptual Dwelling Elevations

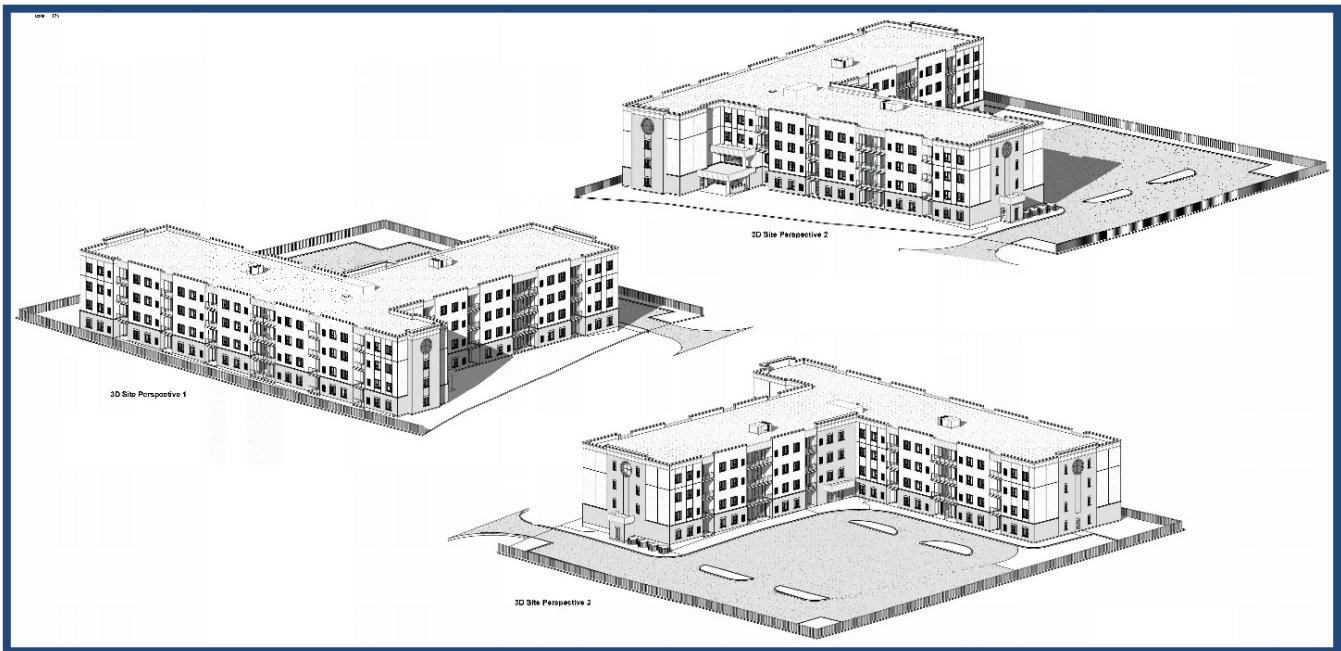


Figure 6 – Excerpt of Appendix I – Conceptual Dwelling Elevations

Density

The subject lands are 0.744 ha in size. The proposed seventy-seven (77) unit apartment building will result in a net residential density of 103.49 units per hectare.

Transportation

The proposed apartment building will receive its vehicular access from Four Mile Creek Road to a parking lot at the rear of the building. Two driveway entrances currently exist; the northern entrance will be reconfigured and the southern entrance will be removed to accommodate the proposed development. A public sidewalk exists along the frontage of the site within the Four Mile Creek Road allowance that provides pedestrian connectivity to areas north and south of the site. The sidewalk will be maintained across the frontage of the subject lands however, the existing sidewalk will be reconfigured to remove the curve in the sidewalk that currently exists.

Parking

Table 6-5 of the Town's Zoning By-law 4316-09 identifies that apartment dwellings must have a minimum of one (1) legal parking space provided for each dwelling unit. The proposed parking lot includes eighty-four (84) parking spaces, which exceeds the minimum requirement by seven (7) spaces. Four (4) accessible parking spaces will also be provided.

REQUIRED APPLICATIONS

The following *Planning Act* applications are required as per the pre-consultation meeting was held on July 6th, 2023 which is attached in **Appendix II** of this Planning Justification Report.

In order to facilitate the proposed development, a combined Official Plan Amendment and Zoning By-law Amendment, Site Plan Approval and Standard Draft Plan of Condominium are required.

As set out in the Pre-Consultation Agreement, complete application requirements include;

- Planning Justification Report including a Streetscape Study and Urban Design Brief
- Phase 1 Environmental Site Assessment
- Arborist Report and Tree Inventory and Preservation Plan
- Functional Servicing Report and Stormwater Management Plan
- Noise Study
- Shadow Study
- Visual Impact Assessment
- Site Plan
- Landscape Plan
- Building Elevations
- Coloured Site Plan
- Floor Plans
- Photometrics Plan
- Servicing Plan
- Lot Grading and Drainage Area Plan
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Property Index Map and Parcel Register
- Cost Estimates

The Cost Estimates will be provided through a subsequent submission,

OFFICIAL PLAN AMENDMENT

The submitted Official Plan Amendment seeks to amend the Low-Density Residential designation to Medium Density Residential and to amend the Special Policy Area policy, to permit the density and height of the proposed residential apartment development.

ZONING BY-LAW AMENDMENT

The submitted Zoning By-law Amendment seeks to re-zone the subject property from Village Commercial (VC-2) to site-specific Residential Multiple 2 (RM2-XX). This zone will support the proposed four-storey apartment dwelling on the site.

SITE PLAN APPROVAL

The proposed development is also subject to Site Plan Approval through which the details of the proposed development are reviewed by the Town and external agencies. The Site Plan approval process will occur concurrently with the Zoning By-law and Official Plan Amendments.

DRAFT PLAN OF STANDARD CONDOMINIUM

The residential units are proposed to be rental apartment units. While the applicant has applied for draft plan of standard condominium, the intention is to retain ownership of all the units and rent them out as part of their portfolio of rental apartment units and not sell the units. Through the articles of condominium incorporation certain controls and rights that are not afforded under the *Landlord Tenant Act* can be applied to the tenants that support improved tenant management of the building and is the reason for the condominium application. The apartment units will remain as rental units.

SUPPORTING STUDIES AND REPORTS

The following is a summary of the reports and studies which have been prepared in support of the subject applications. These documents were identified as part of a complete application at the Pre-Consultation Meeting held on July 6th, 2023. The pre-consultation agreement is included as **Appendix II** of this application. A summary of the key finding of each report is provided below. The reports should be consulted directly in conjunction with the report from complete information and analysis.

TREE INVENTORY AND PRESERVATION PLAN REPORT

A Tree Inventory and Preservation Plan Report was prepared by Jackson Arboriculture Inc. on August 6, 2025. The report identified that all the existing trees on the property will be removed to accommodate the proposed development and tree protection measures will be required to protect existing trees in the Four Mile Creek Road road allowance and on adjacent properties to the north, south and west. The details of the tree protection measures, including fencing are outlined in the Report and on the Tree Preservation Plan.

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

A Phase 1 Environmental Site Assessment (ESA) and was prepared by Niagara Soils Solution Ltd. (NSSL) on August 21, 2025. The report identified three potentially contaminating activities on the site for areas of potential environmental concern (APEC) associated with de-icing activities of the parking lot, pesticide use of the former cherry orchard on the site and automotive workspace and storage associated with the current use of a portion of the site. As a result, NSSL recommends completing of a Phase 2 ESA to assess the potential environmental impacts on the site's soil and groundwater associated with the historical and current on-site activities. In addition, NSSL recommends conducting a Designated Substance Survey and Hazardous Materials Survey to assess building materials and potential lead-based paint prior to any demolition or renovation of the existing building. A Record of Site Condition will be required prior to issuance of building permit.

FUNCTIONAL SERVICING REPORT AND STORMWATER MANAGEMENT PLAN

A Functional Servicing Report and Stormwater Management Plan was prepared by Upper Canada Consultants. The Report concluded that the existing 200mm diameter watermain along Four Mile Creek Road has sufficient capacity to provide water service for both domestic and fire protection water supply purposes. Regarding sanitary services, there is an existing 200mm diameter sanitary sewer also along Four Mile Creek Road and it is proposed to connect the proposed apartment building with a 150mm diameter sanitary sewer service at an existing manhole in the road allowance. Based on the analysis conducted, the downstream sanitary sewer system has capacity

to accommodate the sanitary flows from the proposed development. Regarding stormwater management, the site will be designed to control stormwater flows to allowable levels from the site based on both the Town of Niagara-on-the-Lake and Region of Niagara criteria for up to and including the 100-year design storm event and control stormwater quality to the MECP Normal Protection requirements prior to discharging to the existing storm sewer on Four Mile Creek Road. The storm sewer analysis undertaken determined that the existing downstream storm sewer system has capacity to accommodate storm flows from the site.

ENVIRONMENTAL NOISE FEASIBILITY STUDY

An Environmental Noise Feasibility Study was conducted by Valcoustics Canada Ltd. The report recommends appropriate building materials and ventilation requirements to mitigate against transportation noise associated with being located adjacent to an arterial roadway. These mitigation measures will be incorporated within the building construction details and through suitable clauses being included in the site plan agreement to ensure the health, safety, and well-being of residents of the building and that the potential noise impacts can be mitigated to ensure land use compatibility.

SHADOW STUDY

A Shadow Study was completed by Raimondo + Associates Architects Inc. that evaluated the shadow impacts the proposed building will have on the surrounding area in spring (April), summer (June), fall (September) and winter (December) months. Given the building placement and orientation on the site, the majority of the shadow impacts are on the subject lands except for the late afternoons during the spring, summer and fall months and during the winter months when the shadows are the longest there is some limited impact on adjacent properties north of the proposed building in the early morning and in late afternoon to properties across the road. It is noted though that the winter months are when the majority of time is spent indoors and the properties across the road that are impacted are the vacant valleylands associated with Four Mile Creek valley system. The shadow impacts are considered to be minimal and an adverse impact from shadowing as a result of the proposed building is not anticipated.

VISUAL IMPACT ASSESSMENT (VIA)

A VIA was completed by Adesso Design Inc. on August 19, 2025 in accordance with the terms of reference approved by the NEC staff on August 1, 2025. The VIA undertook a viewshed analysis from 5 locations and determined that the proposed development will have a low likelihood of visibility to a 5 km radius. Only one of the locations, being across the road for the proposed development will be highly localized with visibility as expected due to the lack of street trees. The recommended mitigation measures aim to blend the proposed development into the existing community and landscape context through the use of targeted planting around the proposed

building, the planting of street trees and the use of appropriate building materials. Targeted plantings of coniferous species at the corner of the building will soften the building edges while integrating the building into the existing landscape. Street trees will also aid in screening the building. The visual impact of the proposed building can also be mitigated through the use of visually complementary building materials as well as a colour palette that is consistent with the local character. The VIA also recommends a landscape plan that is compatible with the existing character context through an emphasis of plantings along the Four Mile Creek Road frontage through the provision of street trees, landscape beds, foundation plantings and lawn. The implementation of the VIA recommendations will enable the proposed development to blend into the existing landscape and community context.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the Town of Niagara-on-the-Lake are subject to assessment from the Ontario *Planning Act* (R.S.O. 1990), the 2024 Provincial Planning Statement, the Region of Niagara Official Plan, the Niagara-on-the-Lake Official Plan and the Niagara-on-the-Lake Zoning By-law. An assessment of how the submitted applications satisfy applicable Provincial, Regional and Municipal legislations 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 applications have regard for clauses f), h), i), j), l), p), q) and r) of Section 2 of the *Planning Act*, as description of the proposals conformity to each clause is described below:

f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The subject lands are located south of Warner Road, on the west side of Four Mile Creek Road. Access to the apartment dwelling will be provided from Four Mile Creek Road.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the development can be serviced by an existing municipal watermain and sanitary sewer, efficiently using these existing services to support the development.

Molok earth bin container waste system will be provided on site for waste collection which is a private system that results in fewer garbage pick-ups, reduces fuel consumption and is efficient.

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;

The proposed development represents logical and compatible growth within St. Davids. The orderly development of safe, vibrant and resilient communities has been achieved through proactive and comprehensive planning. The proposed development is appropriate as it integrates residential development that aligns with the needs of the community.

By introducing apartment dwellings into the area, this development will achieve both greater affordability, provide for improved housing choice and options and introduce a

built form that does not yet exist in St. Davids. The addition of this built form will serve different demographics than the traditional single detached housing market, and specifically those looking to downsize, affording individuals the opportunity to continue to live in the area. The building will be designed to comply with accessibility requirements of the Ontario Building Code and it is proposed to contain accessible units. Not only does apartment unit dwelling type housing address market demand, but also promotes social diversity and economic vitality, which will contribute to the long-term health and success of the surrounding area and the development of a complete community.

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

The subject lands are conveniently located near a range of public service facilities, ensuring strong community support for the proposed development. Specifically, St. Davids Public School, which is a two (2) minute drive or fifteen (15) minute walk from the subject lands. The subject lands are also within a 1-kilometre radius of multiple parks and recreational areas including Sparky's Park, St. Davids Lions Club and Lowrey Park.

St. Davids also offers other recreational, community, social and cultural facilities that support a vibrant and complete community, and provides overall benefit to the proposed development.

j) the adequate provision of a full range of housing, including affordable housing;

The proposed development will include seventy-seven (77) 2-bedroom apartment units. The inclusion of apartment dwelling units in this area assists in addressing the broad spectrum of individual needs and lifestyles, positively adding to the housing supply in the St. Davids that predominately consists of grade-oriented housing such as single-detached dwellings and townhouses dwellings. By increasing the overall availability of residential housing units and adding to the variety of built form and dwelling unit type in the area, the development support housing accessibility and choice, ensuring housing options for a broader range of residents.

Expanding the local housing inventory by including purpose built rental units is timely and essential, specifically within Niagara-on-the-Lake. The subject lands are well-suited for this type of residential development given their size, being located within the built-up area of St. Davids and along an arterial road. These units are planned to be rented out at attainable rates, contributing to greater housing diversity and availability in Niagara-on-the-Lake.

l) the protection of the financial and economic well-being of the Province and its municipalities;

The proposed development is beneficial for the financial and economic well-being of the Province and its municipalities as it introduces seventy-seven (77) new 2-bedroom rental apartment dwelling units to Niagara-on-the-Lake, specifically within the Urban Area of St. Davids. This additional housing will not only expand the housing capacity in an appropriate area of the Town, it will also contribute to the overall economic resilience and vitality of the area supporting the financial and economic-well being of the Town.

p) the appropriate location of growth and development;

The subject lands are located within the Niagara-on-the-Lake Urban Area, which is a preferred and prescribed location for growth in Provincial, Regional and local land use planning documents.

The lands have frontage on a Regional Road, which is an arterial road, that has readily available services and utilities. The lands are in close proximity to municipal parkland, and amenity areas are provided on site.

The proposed apartment building will be compatible with the surrounding existing and future residential development, complimenting the neighbourhood and the community.

The lands are conveniently located near necessities that are accessible for pedestrians, cyclists and vehicles.

q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The proposed apartment dwelling will have access to Four Mile Creek Road, although regular Public Transit services are not available in St. Davids, the broader portions of the community are accessible by foot or bicycle. By orienting the proposed apartment building closer to Four Mile Creek Road with an at-grade parking lot in the rear of the subject lands, the development supports a pedestrian friendly relationship with the street and allows for pedestrian connectivity. By supporting higher density development along major roadways, can improve the possibility of transit being provided at some point in the future.

r) the promotion of built form that,

a. is well-designed,

b. encourages a sense of place, and

c. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The proposed site plan emulates characteristics that will integrate with existing community and the surrounding area. The site is well designed that will include both amenity spaces and attractive landscaping and hides the parking behind the rear of the building providing for an improved public realm. The addition of an apartment building adds differentiation and interest to the area contributing to a sense of place. A range in size of the proposed apartment dwelling units are provided and they have been thoughtfully designed to support a variety of demographics, including the provision of accessible units.

Residents will have access to amenity space both internal to the building and outside and each unit will have their own private balcony/patio space, as well access to nearby municipal parkland that are safe, accessible, attractive and vibrant.

For these reasons, the submitted application has regard for matters of provincial interest consistent with Section 2 of the *Planning Act*.

SECTION 16 – OFFICIAL PLAN AMENDMENT

Applications for Official Plan Amendments are considered under Section 16 of the *Planning Act*. Amendments are permitted to municipal official plans subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through the pre-consultation meeting.

The submitted application is consistent with Section 16 of the *Planning Act*.

SECTION 34 – ZONING BY-LAWS AMENDMENTS

Applications for Zoning By-law Amendments are considered under Section 34 of the *Planning Act*. Amendments are permitted to municipal zoning by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through the pre-consultation meeting and in accordance with the requirements of the *Planning Act*.

The submitted application is consistent with Section 34 of the *Planning Act*.

SECTION 41 – SITE PLAN CONTROL

Section 41 of the *Planning Act* provides the authority for site plan control. In accordance with the Town Site Plan Control By-law 2024-021 all lands within the Town are designated as a site plan control area and residential developments containing more than 10 dwelling units are subject to site plan control. Accordingly, a site plan control application, along with the required fee and supporting plans has been filed.

The submitted application is consistent with the requirements of Section 41 of the *Planning Act*.

SECTION 51 – DRAFT PLAN OF SUBDIVISION (STANDARD CONDOMINIUM)

The Standard Condominium application is required to provide a condominium ownership structure to the proposed apartment building. The intent however, is that the applicant will retain ownership of all the condominium units and rent them out. Through the articles of condominium incorporation certain controls and rights can be applied to the tenants that support improved tenant management of the building and is the reason for the condominium application. The apartment units will remain as rental units.

Section 51 (24) the *Planning Act* prescribes that “*In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*” items a) to m). An overview of how each item is addressed is provide below.

a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;

As noted above, the applications satisfy clauses f), h), i), j), l), p), q) and r) of Section 2 of the *Planning Act*.

b) whether the proposed subdivision is premature or in the public interest;

The proposed condominium is within the Settlement Area of St. Davids, an area that is planned and intended for urban land uses, where growth and development are required to take place in accordance with planning policy and therefore is within the public interest. The proposed condominium is not considered premature as the lands are planned for urban residential use, are serviced by municipal services and utilities, have frontage on a public roadway, and do not contain any physical or environmental constraints that could impede the proposed development.

The proposed development addresses a need for rental housing and a different type of housing, i.e., apartment units and contributes to the diversification and expansion of the available housing supply in the area, and will efficiently utilize underutilized urban serviced land.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subject lands are within the Settlement Area of St. Davids as defined by the Region of Niagara Official Plan and designated Low Density Residential in the Town of Niagara-on-the-Lake Official Plan. The proposal is to amend the Niagara-on-the-Lake Official Plan to redesignate the lands to a Medium Density Residential designation providing for conformity

with the Town Official Plan. The proposed development conforms to the Region of Niagara Official Plan. The subject lands are independent of any adjacent plans of subdivision and do not conflict with the adjacent plans of subdivisions.

d) the suitability of the land for the purposes for which it is to be subdivided;

The subject lands are located in a suitable location for development being within a Settlement Area and along a Regional Road. Full municipal services and utilities are available and the subject lands are free of development encumbrances. The property is generally flat and suitable for residential development. Therefore, the land is considered to be appropriate for the intended development

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

While the applications do not include affordable housing as defined by the Province of Ontario, the proposed development actively contributes to the availability of housing which in turn can lead to attainability. The proposed apartment units provide a housing choice and diversity and are generally considered to be more affordable than the traditional ground oriented residential uses, i.e. single detached dwellings and townhouse dwellings, that predominate the housing type in St. Davids. The proposal offers housing that accommodates a gap in the housing market, prioritizing inclusivity and meeting the housing needs of the community.

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

No new highways are proposed by the development. The subject lands front onto Four Mile Creek Road, a Regional arterial roadway that has adequate capacity to accommodate the proposed development. Four Mile Creek Road links St. Davids to Virgil to the north and the City of Niagara Falls to the south. The existing highway system is considered to be adequate to accommodate the traffic resulting from the proposed development and no road widenings or improvements are required to accommodate the proposed development.

f) the dimensions and shapes of the proposed lots;

The proposed development is wholly contained within an existing lot of record that is generally rectangular in shape with the front lot line following the curvature of the Four Mile Creek Road road allowance. The subject lands are appropriately sized to accommodate the proposed development.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

No restrictions are proposed or exist on the subject lands or on adjoining lands that could impact on the proposed development. It is noted that Four Mile Creek Road is a Regional Road and access permit approval is required from the Region of Niagara to reconfigure the existing access to the subject lands.

h) conservation of natural resources and flood control;

The subject lands are outside of the floodplain associated with the Four Mile Creek that is located across the road and therefore there is no impacts with regards to flood control. Further there are no natural resources on the subject lands that require conservation. It is noted that a grading and drainage plan has been prepared to address stormwater management of the site to ensure that there are not flooding impacts on the subject lands or adjacent properties and stormwater is appropriately managed on-site.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report, prepared by Upper Canada Consultants, outlines how the proposed development will be serviced has been submitted with the applications. As confirmed in the report, municipal infrastructure is readily available, and has sufficient capacity to service the proposed development. Other local servicing utilities, i.e., hydro, gas and telecommunications, are also available and the proposed development will also be serviced by local utilities.

j) the adequacy of school sites;

The subject lands are in close proximity to St. Davids Public School located on York Road in St. Davids, being approximately 1.2 km away or a 2 minute car ride or 15 minute walk. Additional schools servicing St. Davids are located in Niagara Falls. The local school boards will have the opportunity to comment on development applications to confirm adequacy of service, however it is not anticipated that the proposed development will result in concerns regarding the adequacy of the existing schools.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No lands are proposed to be conveyed for public purposes as a result of the proposed development. Cash-in-lieu of parkland dedication will be provided, however.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The proposed apartment building provides for a compact form of development that provides for increased efficiencies in the servicing, construction of the development, optimization of the use of infrastructure and overall improved energy efficiencies over traditional single-detached residential development.

Energy efficient design may also be explored through the development of detailed building plans.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is subject to Site Plan approval which ensures that all matters related to on-site servicing and development of the proposed apartment building will be appropriately addressed and affording the opportunity for comments from the commenting agencies and approval from the approval authority are adequately addressed prior to the commencement of development.

2024 PROVINCIAL PLANNING STATEMENT (PPS)

The Provincial Planning Statement, 2024, is a streamlined province-wide land use planning policy framework that provides the provincial policy direction on matters of provincial interest and the broader public interest.

It provides municipalities with the tools and flexibility required to build more homes, enabling them to;

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Planning for People and Homes (PPS 2.1)

Section 2.1 of the PSS provides guidance for population forecasts, and required municipalities and planning authorities to provide sufficient land to accommodate an appropriate range and mix of land uses to meet projected needs informed by provincial guidance.

Section 2.1.6 directs that planning authorities should support the achievement of complete communities by;

- accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities, and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- improving social equity and overall quality of life for people of all ages, ability, and incomes, including equity-deserving groups.

The applications are consistent with the direction of Section 2.1 of the PPS as they facilitate the development of additional housing opportunities in an area that has servicing capacity to accommodate the planned residential units.

Located within a designated settlement area with existing servicing and infrastructure, the proposed seventy-seven (77) unit, 4-storey apartment building efficiently utilizes land to help meet projected housing needs and supports intensification in a manner consistent with provincial growth management objectives.

In accordance with Section 2.1.6, the development contributes to the creation of a complete community by introducing a housing typology to an area predominantly comprised of low-density residential forms. The apartment building broadens housing choice and improves accessibility for individuals of varying ages, abilities, and incomes, including equity-deserving groups. The apartment building will be designed to meet accessibility requirements to ensure people of all ages and abilities can navigate safely. The development is well-positioned to support multimodal transportation options, with pedestrian connectivity and proximity to community amenities, while also providing on-site amenity space, thereby enhancing social equity and overall quality of life for current and future residents.

Housing (PPS 2.2)

Section 2.2 of the PPS provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. Section 2.2.1 states the following:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units;
- c) promoting densities for new housing which efficiently use land, resources, Infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

As set forth in the 2022 Niagara Official Plan, Table 2-1 illustrates that Niagara-on-the-Lake has a forecasted population of 28,900 people and 17,610 jobs by 2051. This anticipated growth must be supported by an increase in housing supply and a range and mix of dwelling densities and forms of varying price ranges within the area.

The proposed development supports the policy direction of Section 2.2 by contributing to a more diverse housing supply within an established settlement area. The development introduces a higher-density built form that introduces housing options beyond the prevailing low-density residential uses that exist in St. Davids. This supports the accommodation of current and future residents, including individuals and households seeking more affordable or accessible housing, and reflects local demographic shifts such as aging populations and smaller household sizes. Also, as rental housing, the development introduces an option with regards to housing tenure as well.

With the alignment of Section 2.2.1, the project facilitates residential intensification within a serviced area and promotes land use efficiency by utilizing an underdeveloped site for higher-density residential purposes. The apartment building contributes to a more compact urban form, supports active transportation, and helps build a more transit-supportive community. Although Niagara-on-the-Lake is a car-oriented municipality, the proposed density aligns with long-term planning goals to encourage more walkable, connected neighbourhoods. This development also reflects good planning practice by proactively addressing housing demand and affordability pressures while making efficient use of existing infrastructure and public service facilities.

Settlement Areas and Settlement Area Boundary Expansions (PPS 2.3)

Section 2.3.1 details the general policies for settlement areas, as they are to be the focus of growth and development. These areas are to be based on densities and a mix of land uses that efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and freight-supportive.

In order to support the achievement of complete communities, intensification and redevelopment is to be supported by planning authorities, by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 2.3.1.4 to 2.3.1.6 state that minimum targets for intensification and redevelopment within built-up areas are to be established, and density targets for designated growth areas are to be encouraged to plan for a target of 50 residents and jobs per gross hectare.

Consistent with the PPS, the proposed development will occur within the St. Davids Settlement Area Boundary, an area to be the focus of growth and development. As set forth in the 2022 Niagara Official Plan, Niagara-on-the-Lake is to accommodate 25% of its development within the existing Built-up Areas as intensification. Consistent with this Policy, the subject lands are located entirely within the Built-up Area and represent appropriate intensification.

The proposed development aligns with Section 2.3.1, which directs growth and development toward settlement areas, where infrastructure and public service facilities already exist. Located within the Settlement Area of St. Davids, the proposed apartment building supports a more compact and efficient land use pattern and makes optimal use of available services. With all units offering two bedrooms and access to shared on-site amenity space, the development provides housing options suitable for a range of household types, including young families, couples, seniors, and individuals seeking more attainable housing within a well-established community.

By introducing a higher-density, multi-unit form into an area traditionally characterized by low-density housing, the project diversifies the local housing stock while supporting active transportation and enhancing the viability of future transit service. The provision of amenity space promotes a higher quality of life for residents and supports the broader PPS goal of creating complete communities through well-designed intensification and coordinated infrastructure planning.

Strategic Growth Areas (PPS 2.4)

The PPS provides that planning authorities are encouraged to identify and focus growth in strategic growth areas and strategic growth areas should be planned:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- d) to support affordable, accessible, and equitable housing.

To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development are to be considered.

Planning authorities are to prioritize planning and investment in infrastructure and public service facilities in strategic growth areas; to identify the appropriate type and scale of development and transition of built forms for adjacent areas; to permit development and intensification to support the achievement of complete communities and a compact built form; consider a student housing strategy when planning for strategic growth areas; and support redevelopment of commercially designated retail lands to support mixed use residential uses.

The proposed apartment building supports the PPS direction to focus growth within strategic areas by introducing higher-density residential development within a serviced settlement area and along an arterial roadway. The building contributes to a compact built form, accommodates projected population growth, and supports the creation of a complete community through the provision of housing choice and diversity with accessible, two-bedroom units and on-site amenity space. The proposed intensification efficiently utilizes existing infrastructure and offers a more affordable and inclusive housing option, while diversifying the housing market within the area and providing housing options and choice that contribute to making a complete community.

Energy Conservation, Air Quality and Climate Change (PPS 2.9)

Section 2.9 directs that planning authorities must plan to reduce greenhouse gas emissions and adapt to climate change by promoting compact, transit-supportive communities, integrating climate considerations into infrastructure planning, supporting energy conservation, promoting green infrastructure and active transportation, protecting the environment, and improving air quality. Additionally, they should adopt any other measures that enhance community resilience and help mitigate climate change impacts.

The proposed development supports the objectives of Section 2.9 by promoting a compact, higher-density built form within a serviced settlement area, reducing the need for outward expansion and helping to limit greenhouse gas emissions. The apartment built-form encourages more efficient land and energy use, supports future transit viability, and includes active transportation connections to nearby amenities. Compact forms of housing such as apartment buildings take climate change into consideration and provide many efficiencies. Further energy efficiencies will continue to be explored through detailed design.

General Policies for Infrastructure and Public Service Facilities (PPS 3.1)

Section 3.1 outlines that infrastructure and public service facilities are to be provided in an efficient manner and strategically located while accommodating projected needs to provide cost-effectiveness.

The proposed apartment development is located within an existing municipally serviced settlement area allowing it to efficiently utilize existing municipal infrastructure and existing public service facilities. This infill approach supports cost-effective growth by accommodating projected housing needs without requiring major infrastructure expansion, aligning with the intent of Section 3.1 to plan infrastructure efficiently and sustainably.

Transportation Systems (PPS 3.2)

Section 3.2 policies of the PPS direct that transportation systems should be safe, energy-efficient, and facilitate the movement of people and goods, while supporting zero- and low-emission vehicles. Efficient use of existing and planned infrastructure should be prioritized, using transportation demand management strategies where feasible. Connectivity within and between transportation systems and modes should be planned, maintained, and improved, including across jurisdictional boundaries, as part of a multimodal transportation system.

The proposed apartment building will front onto Four Mile Creek Road an existing arterial roadway under the jurisdiction of the Region of Niagara. The subject lands are proximate to Provincial Highway 405, which provides access between the QEW and the Canada/United States Border. The subject lands are also just south of York Road which provides a connection to the Glendale Area and the QEW. The development includes provisions for active transportation and promotes walkability within the surrounding area. Its location within an established settlement area ensures efficient use of existing transportation infrastructure and systems, and its higher-density form supports long-term transportation demand strategies and the potential for future viability of low-emission and multimodal transportation options.

Land Use Compatibility (PPS 3.5)

The policies in this section provide for that major facilities and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminant, minimize risk to public health and safety and to ensure the long-term operational and economic vitality of major facilities.

The site is not located in proximity to major facilities or industrial operations, reducing potential land use conflicts, however is located along an arterial roadway that could be subject to the impacts of transportation related noise. A Noise Study has been completed that recommends appropriate building materials and ventilation requirements to mitigate against transportation noise associated with being located along an arterial roadway. These mitigation measures will be incorporated in the construction requirements of the proposed building and through appropriate clauses in the site plan agreement to ensure the health, safety, and well-being of residents of the building and that the potential noise impacts can be mitigated to ensure land use compatibility. It is also not anticipated that the proposed apartment building will result in land use compatibility issues with adjacent land uses. Each dwelling unit will be serviced by individual HVAC system reducing the need for large scale rooftop mechanical units. The residential use is considered to be a compatible land use with the adjacent residential uses.

Sewage, Water and Stormwater (PPS 3.6)

Section 3.6.1 outlines that planning for sewage and water services should prioritize accommodating forecasted growth by efficiently using and optimizing existing municipal and private communal systems. This approach ensures that services can be sustained by available water resources, remain financially viable over their lifecycle, and protect both human health and the natural environment, particularly water quality and quantity. The services should also align with broader municipal planning efforts.

Additionally, planning should encourage water and energy conservation, integrating servicing with land use considerations throughout the process, and assessing opportunities to reallocate unused capacity to support housing needs. All planning should be consistent with specific servicing policies to ensure effective and sustainable management of water and sewage services.

A Functional Servicing Report was prepared for the proposed development of the subject lands that confirmed that the municipal water services located along Four Mile Creek Road will have sufficient capacity to provide both domestic and fire protection water supply, and the receiving sanitary sewer also located within the Four Mile Creek Road will have adequate capacity to accommodate the sewage flows from the proposed development.

Section 3.6.8 suggests that stormwater management planning should be integrated with sewage and water services to ensure systems are optimized, retrofitted, and financially sustainable over their lifecycle. It aims to minimize or prevent increases in stormwater volume and contaminants, control erosion, and maintain water balance, using green infrastructure where possible.

Furthermore, planning should mitigate risks to health, safety, property, and the environment, maximize vegetative and permeable surfaces, and encourage best practices such as stormwater reuse, water conservation, and low-impact development. Finally, it must align with comprehensive municipal plans that address the cumulative impacts of stormwater on a watershed scale.

The on-site stormwater quantity controls will be provided by an oil/grit separator designed to provide stormwater quality control to Enhanced Protection standard prior to discharge from the subject lands and the stormwater management system has been designed to provide quantity controls for the 5- and 100-year design storm events.

Overall, it's been concluded that there is adequate municipal servicing for the proposed development.

Waste Management (PPS 3.7)

The PPS provides that waste management systems need to be planned for and provided that are of an appropriate size, type and location to accommodate present and future requirements, and facilitated integrated waste management.

The proposed development will be serviced by private waste collection and the site has been designed for the use of the Molok system for on-site waste management and recycling that is appropriate for the size of the development proposed.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 3.9)

Section 3.9 directed that to promote healthy, active, and inclusive communities, planning should ensure that public streets and spaces are safe, accessible, and encourage social interaction and active transportation. It should also provide diverse recreational opportunities for people of all ages and abilities, including parks, trails, and natural areas, while offering public access to shorelines. Moreover, the protection of provincial parks and conservation areas should be recognized, with efforts to minimize any negative impacts on these protected spaces.

The proposed development has been planned with safety in mind. The at-grade parking lot, and building access points have been designed to ensure the safe movement of people and vehicles. The proposed apartment building has been oriented towards the public road, which provides for eyes on the street and fosters social interactions and improved public realm.

The development contributes to a compact, walkable community with on-site amenity space that encourages social interaction and active living. The site design supports pedestrian connectivity and access to nearby parks and recreational amenities within St. Davids, promoting healthy and inclusive living for residents of all ages and abilities.

The subject lands are also situated within walking distance of multiple parks and open space. Sparky's Park and St. Davids Lions Club and Park are both approximately within a fifteen (15) minute walk of the subject lands. These parks provide suitable amenity areas beyond the on-site amenity areas to support future residential development.

Coordination (PPS 6.2)

Section 6.2.1 details that a coordinated, integrated, and comprehensive approach is essential for effective planning across municipalities, government agencies, and service managers. This involves managing growth and development in alignment with infrastructure planning, public service facilities, and economic development strategies. It also includes the management of natural and cultural heritage, transportation, waste systems, and addressing housing needs.

A pre-consultation meeting for the proposed development was held on July 6th, 2023. The pre-consultation meeting allowed for upper and lower-tier municipalities and other commenting agencies to review and comment on the development proposal early in the process. This coordinated approach allows for appropriate consideration to be made during the planning stage to ensure that all matters of Provincial, Regional, local and public interest are identified and that identified matters are addressed through the submission of required studies and materials.

For these reasons, the submitted applications have regard for matters of provincial interest consistent with Provincial Planning Statement.

NIAGARA ESCARPMENT PLAN

The policies of provincial Niagara Escarpment Plan (NEP) also apply to the lands. The property is designated as the St. David's Minor Urban Centre (MUC) and Escarpment Protection Area according to the NEP. However, it is noted that the lands are outside of the regulated area of Niagara Escarpment Development Permit Control Area so no development permit application approval is required from the Niagara Escarpment Commission (NEC) for the proposed development.

Policy 1.6.7 of the NEP states that land use control within a MUC with an approved official plan and/or secondary plan that is not conflict with the NEP may be exercised through by-laws passed under the *Planning Act* or through Development Permit Control as authorized under the *Niagara Escarpment Planning and Development Act*. The Official Plan for Niagara-on-the-Lake and the Region of Niagara Official Plan are considered to be approved official plans that do not conflict with the NEP and permit a range of urban land uses within the Settlement Area of St. Davids, including residential uses with a range of densities. The Special Policy Area policies for St. Davids in the Town Official Plan are the approved secondary plan policies for St. Davids that were prepared when urban services became available to St. Davids. As a result, the MUC policies permit a range of land uses in MUC's in accordance with an approved official plan which would supersede the Escarpment Protection Area policies of the NEP.

Policy 1.6.7 also permits amendments to designations or land use policies of an approved official plan that is not in conflict with the NEP without requiring an amendment to the NEP provided such amendment does not involve Escarpment Natural Areas, Mineral Resource Extraction Areas or conflict with the Objectives (Policy 1.6.1) and Development and Growth Objectives (Policy 1.6.8) of the MUC designation.

It is noted that the proposed Official Plan amendment does not involve lands designated as Escarpment Natural Area and Mineral Resource Extraction Areas. The approved Official Plan for Niagara-on-the-Lake designates the lands as Low Density Residential which permits a variety of residential uses, including Medium Density Residential uses such as apartments, subject to a zoning by-law amendment and compliance with the residential policies of the Town Official Plan. It is noted that an Official Plan amendment is required to permit an increase in density which is not in conflict with the MUC Objectives, and the Development and Growth Objectives as follows.

The Objectives of the MUC designation as provided for in NEP Policy 1.6.1 are as follows:

1.6.1.1 To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.

It is noted that St. Davids is an urban Settlement Area and that urban Settlement Areas are to be the focus of growth and development in accordance with provincial policy and the Region of Niagara and Town of Niagara-on-the-Lake Official Plan. This objective speaks to rural settlements and also to areas that provide for a concentration of development and growth in rural areas. Given that St. Davids is an urban Settlement Area, this objective is not applicable in this case.

1.6.1.2 To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.

St. Davids is a Minor Urban Centre that is serviced with municipal water, sanitary and storm sewer systems. Municipal services became available in St. Davids approximately 20+ years ago and were designed to be sustainable and accommodate the projected long-term urban growth and development planned for St. Davids. The proposed development will be connected and serviced by the municipal water, sanitary and storm systems and the applications are consistent with this policy objective.

1.6.1.3 To promote the co-location of compatible public services to address local community needs in convenient locations that are accessible by walking, cycling and public transit, where available.

This objective is not applicable to the subject applications as the applications are not for public services. However, it is noted that proposed apartment building does serve the needs of the local community with regards to providing housing options and choice. Further the site is walkable with sidewalks located along both sides of Four Mile Creek Road and accessible for cycling. Four Mile Creek Road is identified as being on the strategic cycling network in the Region of Niagara Official Plan. Finally, Niagara-on-the-Lake is serviced by microtransit on-demand public transit offered by the Niagara Region Transit. Accordingly, while this objective is not applicable, the proposed application is supported by the intent of this objective.

1.6.1.4 To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.

The lands do not contain any cultural heritage resources and is not located in an area that is identified as having archaeological potential according to the Region of Niagara Official Plan. As such, there are no cultural heritage resource or features of interest to First Nation and Métis communities that have been identified on the lands. However, it is recommended that standard archaeological clauses be included in the site plan agreement in the event that if archaeological resources are discovered during

construction appropriate measures can be taken. The proposed applications comply with this policy objective.

1.6.1.5 To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.

St. Davids has been a predominately residential settlement area with local shops, businesses, institutions and industry having evolved into Police Village prior to becoming part of a municipal government. Over time, St. Davids has transitioned from a rural village to an urban community that includes a mix of low and medium density residential uses, businesses and institutions. Apartment style housing, while not new to St. Davids, has been above storefronts versus in a standalone apartment building. As St. Davids has evolved into an urban Settlement Area, standalone apartment style buildings are compatible with the urban character and residential identity of St. Davids as an urban community. The proposed development applications comply with this policy direction.

1.6.1.6 To direct the growth of villages, hamlets, and settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas in a logical manner with the least possible environmental and agricultural disruption.

It is acknowledged that the lands are also designated as Escarpment Protection Area under the NEP, however the Escarpment Protection Area policies are superseded by the MUC policies that allow for land use controls in those areas where there is an approved official plan that is not in conflict with the NEP to be exercised and authorized in accordance with that official plan. The lands are also within an urban Settlement Area and urban Settlement Areas are to be the focus of growth and development where development is to be directed to in accordance with PPS and the Region and Town Official Plans in order to afford the greatest amount of protection to environmental and agricultural areas. The proposed applications provide for a future urban residential development along an urban arterial road, directly abut existing urban residential uses and is logical infill of urban residential lands that does not impact on environmental features or agricultural operations. Therefore, the proposed applications are consistent with the intent of this policy objective.

1.6.1.7 To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.

The proposed apartment use is in accordance with the Town Official Plan and St. Davids Special Policy Area policies that permit medium density residential uses, including apartments in low density residential areas. The Town Official Plan is not considered to be in conflict with the NEP. At the time the St. Davids Special Policy Area policies were

developed, the Niagara Escarpment Commission provided input and did not object to these policy directives in the Town Official Plan. The proposed Official Plan amendment is to permit an increase in density which also is not in conflict with the NEP as is evident through the visual impact assessment and analysis discussed in this Report. The proposed applications are consistent with this policy direction.

Policy 1.6.8 detail the Development and Growth Objectives of the MUC and are as follows:

1.6.8.1 Development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas.

No development is proposed within the Escarpment Natural Areas as result of the development applications and no new lots are being created, therefore the applications comply with this objective.

1.6.8.2 The Escarpment Natural Area designation and its policies must be incorporated into the official plan/secondary plan or development proposal.

The lands are not located within the Escarpment Natural Area designation therefore it is not appropriate to incorporate the Niagara Natural Area designation and its policies into the development proposal. This policy is not applicable to the applications.

1.6.8.3 Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.

As described above, while the lands are designated as Escarpment Protection Area, they are also considered to be located within an urban Settlement Area which is the focus of growth and development and where development is to be directed to in accordance with the PPS, the Region of Niagara Official Plan and the Town Official Plan which have been prepared and are considered to be not in conflict with the NEP. It is noted that this policy does provide for flexibility through the use of the word 'should' and is not mandatory and if adhered to would conflict with policy requirements for Settlement Areas.

1.6.8.4 Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.

The proposed low-rise apartment building is a compatible land use with the urban residential area of St. Davids. The lands do not abut any agricultural operations and

therefore there are no land use conflicts with agriculture or other land uses as a result of the applications. The building has been sited on the property to provide appropriate setbacks and buffering from adjacent land uses and the proposed building height does not adversely impact on the scenic views of the Niagara Escarpment and can be mitigated by landscaping as demonstrated by the VIA. In addition, a landscape plan has been prepared that will enhance the aesthetics of the proposed development.

1.6.8.5 Development within Minor Urban Centres should encourage reduced energy consumption, improved air quality, reduced greenhouse gas emissions (consistent with provincial reduction targets to 2030 and 2050) and work towards the long-term goals of low carbon communities, net-zero communities and increased resilience to climate change, through maximizing opportunities for the use of green infrastructure and appropriate low impact development.

Apartment buildings are generally more efficient and provide for reduced energy consumption and reduced greenhouse gas emissions compared to other forms of residential development. The building has been designed and oriented to take advantage of east/west exposures to minimize energy consumption and use passive solar energy. The site engineering has also been designed to take advantage of grassed swales and landscaped areas to convey stormwater and provide for water absorption into the ground providing for some ground water recharge opportunities. The proposed development applications are consistent with this policy guidance.

1.6.8.6 Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.

While the development is considered to be a medium density residential development, it is a relatively small residential development that is compatible with the urban residential character of St. Davids that is comprised of mainly low and medium density residential developments. The development is considered minor given the context of St. Davids and the number of residential units that exist in the community and planned for the community. The proposal is for a 77-unit apartment building in a community that has in the order of 1100 residential units with capacity for additional growth. Overall, given the size and urban context of St. Davids, the proposed development is considered to minor.

The building has been designed as a modified “L” shape that helps to mitigate the mass of the building and provides for 2 wings of the building providing for visual interest. The number of residential units proposed through the development can be absorbed into the current housing market as there is a lack of supply of rental housing that is more attainable than traditional freehold grade-oriented housing that presently exists in the

community. There is a need for this type of housing in order for St. Davids to become a complete community and to respond to the rental housing shortage in the community. The community character of St. Davids as an urban Settlement Area is not adversely impacted by the proposed development, but rather the character of St. Davids as an urban community is maintained and enhanced through the provision of housing choice. The proposed development applications comply with this policy direction.

1.6.8.7 Development and growth should take place as a logical extension of existing development in the form of planned groups, rather than linear or scattered development. Expansion in depth, rather than extension along existing roads, is favoured.

The proposed development represents a redevelopment of an existing developed site versus an extension of existing development and is in a logical location for development within the Settlement Area of St. Davids. The proposed development provides for infilling in area that has already experienced urban residential development and does not result in linear or scattered development, but rather is rounding out an existing developed site and does not represent linear or scattered development. The development applications comply with this policy direction.

1.6.8.8 Limited infilling may be permitted in the built-up portions of Minor Urban Centres that do not have an approved official plan and/or secondary plan.

The lands are located in area that is intended for urban residential development in accordance with the approved Town Official Plan. Over the past 20+ years, St. Davids has built out with urban residential uses and the proposed development of the lands represents a modest infilling opportunity within the existing developed area of the MUC. Because there is an approved official plan in effect for St. Davids, this policy is not applicable, although the proposed applications are consistent with this policy objective.

1.6.8.9 Growth and development in Minor Urban Centres shall be compatible with and provide for:

a) the protection of natural heritage features and functions;

There are no natural heritage features or functions on the site or on adjacent lands that require protection.

b) the protection of hydrologic features and functions;

No hydrologic features exist on the lands or functions exist on the lands that require protection.

c) the protection of agricultural lands, including prime agricultural areas;

The lands are not considered to be agricultural lands or a prime agricultural area as defined by the Province, but are serviced urban residential lands designated for residential use within an approved Settlement Area.

d) the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;

No cultural heritage resources exist on the property and the lands are not located within an area that is identified as having archaeological potential. The lands are considered to be a disturbed site.

e) considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;

The proposed apartment building will be designed to meet the Ontario Building Code requirements with regards to energy efficiency to reduce greenhouse gas emissions and the site engineering design will be in accordance with municipal requirements as it relates to stormwater management and impacts of changing climate.

f) sustainable use of water resources for ecological and servicing needs; and

The proposed development will be serviced with municipal water services which is a sustainable water source. There are no key hydraulic resources located on the lands that require ecological considerations.

g) compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.

The Town has a water, wastewater and stormwater master plan for St. Davids. The proposed development will be serviced by municipal water, sanitary and storm services in accordance with the criteria and requirements of this master plan.

The proposed applications provide for compatible development within an existing MUC that is an urban Settlement Area and comply with the policy directives of this policy set.

1.6.8.10 Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available.

The proposed development will be serviced by municipal water, sewage and storm services consistent with this policy objective.

1.6.8.11 Adequate public access to the Escarpment should be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail).

The lands do not abut the Bruce Trail and therefore access to the Bruce Trail from the subject lands is not possible. Access to the Bruce Trail is provided via an existing trail head connection on Townline Road approximately 1 km to the southeast of the subject lands and within walking distance to this site. The proposed development does not impact on the public access to the Escarpment, therefore the development applications are consistent with this policy direction.

1.6.8.12 Development and growth should be compatible with adjacent existing Mineral Resource Extraction Area designations and, where appropriate, incorporate methods of minimizing land use conflicts (e.g., staging, site design, berming).

The adjacent area is not designated as Mineral Resource Extraction Area therefore this policy is not applicable.

1.6.8.13 Municipalities are encouraged to pass sign by-laws to ensure that the cultural heritage resources, attractive streetscapes and scenic resources of Minor Urban Centres are conserved.

The Town has developed Urban Design Guidelines for St. Davids that address matters related to streetscape and the scenic resources of St. Davids. The St. Davids Urban Design Guidelines have been used to evaluate the proposed development and is discussed later in this Report. The evaluation has determined that the proposed development is consistent with the St. Davids Urban Design Guidelines. In addition, a number of individual properties in St. Davids are designated by By-law under the *Ontario Heritage Act* as being of cultural heritage importance, however the subject lands are designated under the *Ontario Heritage Act* and the existing building is not considered to be a cultural heritage resource.

Given the above analysis the proposed development applications are consistent with the Objectives of the MUC designation and the Development and Growth Objectives of the MUC designation.

With regards to the General Development Criteria of the NEP there are a number of policy consideration that apply to the proposed development applications as follows:

2.2.1 The Escarpment environment shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur.

The proposed development provides for an urban residential use that is compatible with the urban character of St. Davids and has regard for the residential developments that have occurred in the area and are still likely to occur in the future as St. Davids builds out. The low-rise apartment building is compatible with the adjacent residential land uses and contributes to the making of a complete community. The proposed development does not adversely impact on the Escarpment environment and is an area that is already impacted by urban development. The VIA that has been prepared demonstrates how the escarpment views are maintained and how the proposed landscaping mitigates potential impacts. The proposed development does not impact the Escarpment directly and the scenic resources associated with the Escarpment landscape are maintained.

2.2.3 Development is permitted only on an existing lot of record.

The development applications support the redevelopment of an existing lot of record and are in conformity with this policy.

2.2.6 Any development permitted should be designed and located in such a manner as to promote design and orientation that:

a) maximizes energy efficiency and conservation and considers the mitigating effects of vegetation;

The design and layout of the building is such that the building takes advantage of east/west orientation that provides for the ability to utilize passive solar energy. The building will be designed to meet the Ontario Building Code requirements regarding energy conservation and energy efficiency. The old abandoned cherry trees that exist on the site will be removed and overall the site will be enhanced with cohesive landscape designed plan that is appropriate for the urban context.

b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and

The lands are serviced by Niagara-on-the-Lake Hydro and Enbridge Gas with regards to the energy systems. In addition to the building orientation that provides opportunities to utilize passive solar energy, the proposed building design provides that each unit will be individually controlled with their own heating and cooling system within each

unit providing for energy efficiencies and a building system that reduces the use of rooftop mechanical units.

- c) reduces greenhouse gas emissions so that the development is contributing to the goal of low-carbon communities and net-zero communities in Minor Urban Centres, Urban Areas, and Escarpment Recreation Areas.*

As a built form apartment building are generally more energy efficient and reduce greenhouse gas emissions. Supporting development that is compact and a higher-density built form within a serviced settlement area, reduces the need for outward expansion and helps to limit greenhouse gas emissions. The site is also walkable to many community amenities reducing the dependency on vehicles that also contribute to the reduction in greenhouse gas emissions.

2.12.3 Green infrastructure and low impact development should be considered where appropriate and to complement infrastructure

The proposed development will utilize existing infrastructure that is available to the site including municipal water, sanitary and storm sewer services. Drainage swales will be provided along the perimeter of the site to convey stormwater and allow for absorption into the ground prior to being discharged into a storm pipe which will help to minimize the impact on the environment, provide opportunities for groundwater recharge and complements the municipal infrastructure system.

2.13.1 Development shall ensure the protection of the scenic resources of the Escarpment.

A VIA was completed that concluded that the proposed development does not adversely impact on the existing scenic resources of the Escarpment and that impacts can be mitigated through appropriate landscaping, building design and colour palette.

2.13.2 Where a visual impact on the scenic resources is identified as a concern by the implementing authority a visual impact assessment shall be required.

A VIA was completed in accordance with this policy direction.

2.13.3 A visual impact assessment shall:

- a) establish a baseline for the existing conditions;*
- b) identify the proposed physical changes; and*
- c) assess the impact of the proposed change on the scenic resources of the Escarpment;*
and

d) propose measures to minimize any visual impacts.

The terms of reference for the VIA were approved by the NEC staff in accordance with the technical criteria established by the NEC in support of the above policy. The VIA was then undertaken to fulfill the requirements of the terms of reference and established a baseline of the existing conditions, identified the proposed physical changes and assessed the changes on the scenic resources of the Escarpment and proposed mitigation measures. The results of the VIA determined that the proposed development will have a low likelihood of visibility to a 5 km radius with the highest visibility location being directly opposite the site. To mitigate and minimize the visual impacts, the VIA recommends blending the proposed development into the existing community and landscape context. The planting of street trees and targeted planting of conifers at the southeast and northeast corners of the proposed building would provide year-round softening of the building edges while visually integrating the built form into the landscape. The VIA recommends that the impact of the building may also be mitigated through the use of complementary building materials such as brick facing as well as colour palette consistent with the local character. The VIA determined that the development can be visually compatible with the existing landscape character through planting emphasis along the Four Mile Creek Road frontage and a separation between the public realm and the building face will help maintain a human-scale streetscape character and provide space for street trees, landscape beds and foundation plantings that is consistent with existing buildings along Four Mile Creek Road that generally feature lawns, garden beds and trees.

2.13.4 Appropriate siting and design measures shall be used to minimize the impact of development on the scenic resources of the Escarpment including:

- a. establishing appropriate setbacks and maximum building heights;*
- b. changing the orientation and height of built form to reduce visibility and skylining;*
- c. clustering buildings where appropriate;*
- d. minimizing the development footprint and changes to the existing topography and vegetation;*
- e. using natural topography and vegetation as screening for visual mitigation;*
- f. where there is minimal existing screening or vegetation that cannot be retained, providing new planting of native species to screen development;*
- g. using non-reflective materials on roofs and walls along with measures to reduce reflectivity associated with windows; and*

h. minimizing the effect from exterior lighting (e.g., lighting directed downward).

The proposed development has been designed to minimize impacts on the Escarpment environment and scenic resources. The VIA concluded that the development will have limited visibility within 5 km radius and therefore a negligible impact on the Escarpment environment with expected visibility being highly localized around the proposed building. The proposal provides for appropriate building setbacks, heights and orientation and does not result in skylining as the proposed development is below the Escarpment. Minimal changes will be made to the topography of the site and only to manage stormwater on the site. A landscape plan has been prepared based on the recommendations of the VIA utilizing suitable plant material and native species to soften the edges of the proposed building, providing visual screening, mitigate impacts and provide for an overall improved landscape aesthetic of the site over what currently exists. The building materials will consist of natural material and be non-reflective and in a muted colour palette that is appropriate for St. Davids. All exterior lighting will be directed downward.

2.13.5 Planning, design and construction practices shall ensure that Escarpment Related Landforms are maintained and enhanced, and that development is visually compatible with the natural scenery and open landscape character of the Niagara Escarpment.

A VIA assessment was completed that concluded that the proposed development does not adversely impact on the Escarpment and with the proposed landscape plan will be visually compatible with the landscape character of the Niagara Escarpment in this urban area of the Village of St. Davids. The subject lands do not contain Escarpment related landforms and the development is located below the Escarpment in an urban Settlement Area. The open landscape character of the Niagara Escarpment that is located above the subject lands and approximately 330+ meters to east. The proposed landscaping being considered for the site will enhance the visual aesthetic of the site and mitigate impacts of the proposed building. It is noted that the existing site does not relate positively to the public realm due to the lack of street trees and the intrusion of the existing parking area into the public realm. The proposed development will improve this condition.

2.13.6 Use of impervious surfacing should be minimized and limited to areas of the site where it is necessary to the Permitted Use (e.g., driveways, walkways, patios, parking, recreational surfaces).

Impervious surfaces are only associated with the proposed driveway, parking area, sidewalk and building area. The remainder of the site will be landscaped and consist of open lawn/grass area and landscaping beds.

2.13.7 Except as provided for in Part 2.9 (Mineral Aggregate Resources), the construction of berms will only be permitted in cases where natural vegetation is insufficient to mitigate visually incompatible land uses, or where noise attenuation is required.

No berms are proposed for this development and therefore this policy is not applicable.

2.13.8 Excess excavated materials related to new development should be retained on site and integrated into the site plan so as to maintain natural drainage, protect existing vegetation, and minimize contour changes.

The proposed development is not anticipated to result in excess excavated material. The site currently is serviced by a storm water system with catch basins, these will be abandoned and new catch basins and storm sewer system will be installed in accordance with the proposed grading and drainage plan and there will be minimal change to the existing contours of the land. The proposed development is consistent with this policy direction.

2.13.9 Any proposed cutting and land filling must be clearly shown on a proper grading and drainage plan. If imported fill is needed, a fill management plan, prepared and overseen by a professional geoscientist or professional engineer, may be required at the discretion of the implementing authority.

No imported fill is required to support the proposed development. The grading and drainage plan submitted with the application illustrates the proposed and existing grades of the lands. While the lands will be regraded to accommodate the proposed development there is no cutting and filling required to implement the grading and drainage plan.

2.13.10 Any fill imported onto a site must meet or exceed existing on-site soil quality conditions. The objective is that imported fill shall meet Table 1 of the Soil and Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, R.S.O 1990, c.E.19, unless, at the discretion of the implementing authority, a different Table Standard is deemed safe and appropriate. This assessment will be based on site conditions, the quantity of fill proposed and a consideration of possible impacts on human health and the environment.

No fill is proposed to be imported on the site, therefore this policy is not applicable.

The proposed development is in conformity with the policy direction of the NEP with regards to the MUC policies and the Development Criteria and represents an appropriate and compatible residential development in a serviced urban area. The VIA prepared demonstrates that there is

no adverse impact on the landscape character and scenic resources of the Escarpment and the proposed landscape plan can mitigate against impacts and improve the existing landscape condition of the subject lands.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. It outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

The Plan's focus is primarily on implementing the Provincial Policy Statement and other Provincial Plans and Guidelines, and providing regional-level land use planning direction on growth, the natural environment, infrastructure and other attributes or circumstances unique to Niagara.

The subject lands are located within the Town of Niagara-on-the-lake Urban Area (Settlement Area) and is within the Delineated Built-Up Area. This is shown on Schedule 'B' of the NOP which is attached below in **Figure 7**.



Figure 7 – Excerpt of Schedule “B” – Niagara Official Plan

CHAPTER 2 – GROWING REGION

Chapter 2 of the NOP contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The NOP directs growth and development to Settlement Areas where full urban services are available, as well as community and public services and employment opportunities.

FORECASTED GROWTH (NOP 2.1)

Section 2.1 of the NOP states that the Region of Niagara is anticipated to have population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1 which is shown below.

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 8 – Table 2-1 – Niagara Official Plan

Specifically, with regards to the Town of Niagara-on-the-Lake it is projected to grow to 28,900 people and have 17,610 jobs. This translates into 12,500 households or 4,600 new households of which 628 are to be in apartment units.

The proposed development will contribute seventy-seven (77) new 2-bedroom residential apartment dwelling units into the Town's housing supply and will assist in achieving the Town's projected growth and housing targets.

REGIONAL STRUCTURE (NOP 2.2)

Section 2.2 of the NOP establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down into the delineated Built-up Area and the Designated Greenfield Area.

Section 2.2.1 of the NOP contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The proposed apartment is located within the delineated Built-up Area of the Settlement Area as identified in the Niagara Official Plan. The Built-up Areas are to be the focus of intensification within urban areas. The NOP identifies that Niagara-on-the-Lake has an intensification target of 25% meaning that 25% of all residential units in the Town are to take place in the Built-up Area. The project directs growth to a location with existing municipal water and wastewater services and supporting a compact, higher-density built form in the Built-up Area consistent with the policies of the NOP. The development contributes to a more diverse housing mix within St. Davids and promotes efficient use of infrastructure and transportation networks, in keeping with the Region's objectives for managing urban growth.

Overall, the applications are considered to conform with the NOP and implement its growth management direction in an appropriate, efficient and context sensitive manner.

TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

The Town of Niagara-on-the-Lake Official Plan is the long-range planning tool used to guide growth and development in the municipality. The purpose of the Official Plan is to balance physical growth with social, economic and environmental factors, in accordance with Provincial, and Regional land use directive. The Official Plan establishes the policy framework for guiding growth and development in the municipality.

CURRENT OFFICIAL PLAN DESIGNATION

The subject lands are designated as 'Low Density Residential' within the Urban Area Boundary as per Schedule 'D' of the Niagara-on-the-Lake Official Plan, this is displayed below in **Figure 9**.

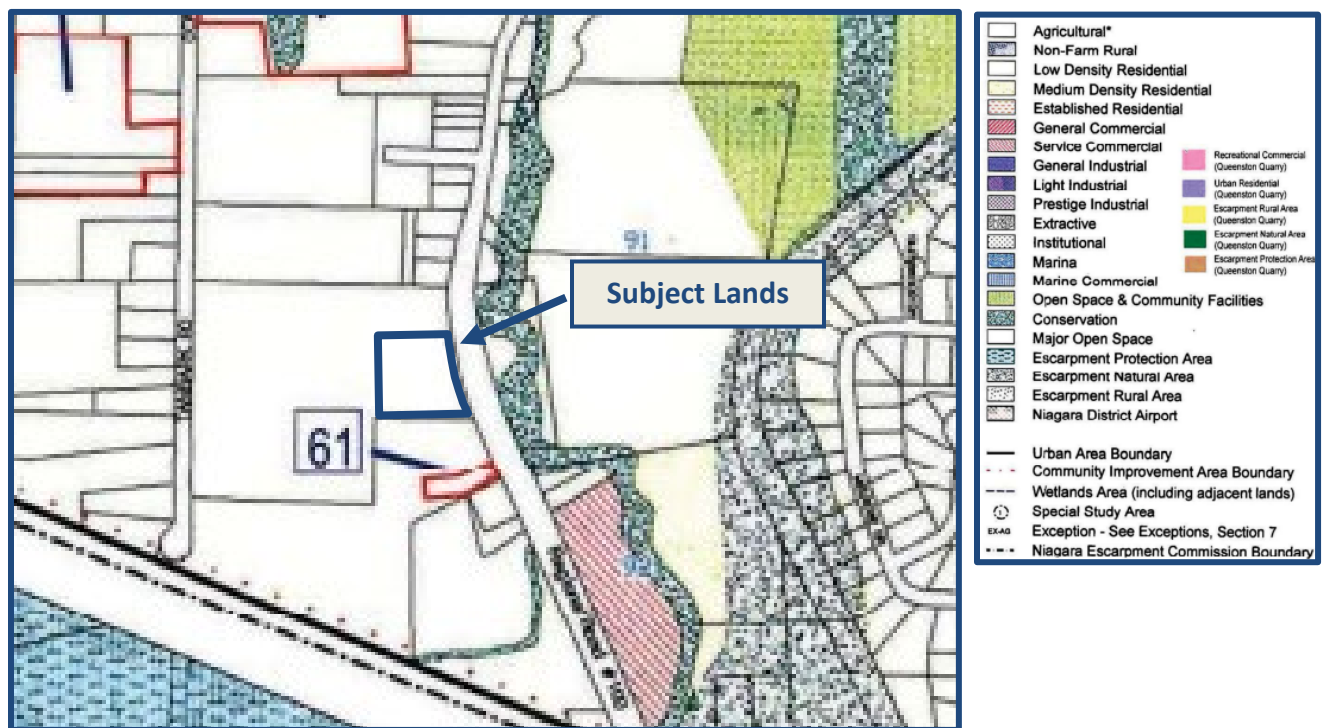


Figure 9 – Excerpt of Schedule “D” – Niagara-on-the-Lake Official Plan

OFFICIAL PLAN AMENDMENT

An Official Plan Amendment has been submitted to permit the proposed residential development of the site. The Official Plan Amendment proposes to designate the subject lands as Medium-Density Residential to accommodate the proposed seventy-seven (77) unit apartment building.

GENERAL DEVELOPMENT POLICIES (SECTION 6)

The general requirements for development within the municipality are outlined in the Town Official Plan under Part 2, Section 6. The following items under this Section are applicable to the subject applications.

Building Height Restrictions

Policy 6.4 of the Town of Niagara-on-the-Lake Official Plan states that the municipality consists of low-rise structures with building heights that typically do not exceed 11-metres in height. The proposed development consists of a 4-storey apartment building with a height of 14.07 meters. As a result, an Official Plan Amendment is required to address this policy. The proposed Official Plan Amendment is to provide for a site-specific amendment to permit the proposed 4 storey apartment building with a height of 14.07 meters on the subject lands. The proposed increase in building height is considered appropriate given the urban context within which the lands are located and the impacts of the proposed increase in building height are not so extensive to be considered as adverse. Rather, the proposal provides for an appropriate and compatible development that will provide for improved housing diversity and choice in the community of St. David's helping it to become a complete community.

Cost of Servicing Development

Policy 6.6 of the Town of Niagara-on-the-Lake Official Plan states that no new development in the Town is to be permitted where it would contribute to the demand for public service that are uneconomical to provide. By contrast, the subject lands are within the Urban Area Boundary and already serviced by public infrastructure. The Functional Servicing Report prepared for the applications confirmed that adequate servicing capacity is available for water, sanitary and storm services and the existing municipal servicing connections will be abandoned and new servicing connections to service the development will be required. All costs associated with reconfiguring the existing services to the site in order to better accommodate the proposed development will be borne by the developer.

Frontage on a Public Street

Policy 6.11.1 of the Official Plan states that development will only be permitted where the lot has frontage on a public street. The proposed apartment building will front on and receive access from Four Mile Creek Road. Four Mile Creek Road is a Regional road under the jurisdiction of the Region of Niagara. Therefore, the proposed development will have frontage provided on a public roadway.

Parking and Loading Facilities

Policy 6.21 of the Official Plan requires that off-street parking and loading facilities be provided as required by the Town Zoning By-law. The Town of Niagara-on-the-Lake Zoning By-law 4316-09, requires one parking space/dwelling unit. This would translate into a requirement of 77 parking spaces being required for the proposed development. Furthermore, the Zoning By-law requires that a minimum of 4 of the required parking spaces be accessible parking. No loading facilities are required by the Zoning By-law for residential buildings.

The proposed development includes an at-grade parking lot with 83 parking spaces including 4 accessible parking spaces. This exceeds the Zoning By-law requirement and therefore complies with the Town Official Plan policies regarding parking and loading facilities.

Planning Impact Analysis

Policy 6.23 requires that a Planning Impact Analysis be part of any Official Plan and/or Zoning By-law amendment applications. This report has been prepared in accordance with the policy requirements set out in this section.

Requirements for Development

Policy 6.28 of the Official Plan requires that the municipality be satisfied that necessary utilities, fire protection and police protection services are adequate before development is approved and approval will be given only in locations where such services are economically feasible to provide and maintain, without creating a financial burden on the municipality or existing residents.

A Functional Servicing Report has been prepared by Upper Canada Consultants which confirms that municipal water, sewer and wastewater infrastructure can accommodate the proposed development including adequate water supply and pressure for fire flows. St. Davids is serviced by an existing volunteer Fires Services Department with a Fire Station located approximately 1 kilometer from the subject lands. St. Davids is also serviced with hydro and telecommunication utilities and these are available to the subject lands. Niagara Regional Police Services provides policing services to St. Davids. Therefore, the necessary utilities, fire protection and police protections services are available to service the proposed development and no undue financial burden on the municipality or existing residents would result from the approval of the proposed applications.

Road Setbacks

Policy 6.29 of the Official Plan identifies that road setbacks shall be provided by the implementing Zoning By-law and such setbacks are to be sufficient to allow space for landscaping, and off-street parking, loading and movement of vehicles clear of any road allowances. The Town Zoning By-

law requires a 7.5m front yard setback from the existing road allowance. It is proposed to amend the Zoning By-law to permit a front yard setback of 3.0m. It is noted that the proposed building at its tightest point will be setback 3.57m from the road allowance and the difference is to provide for a degree of flexibility. Also, given the building design and the curvature in the roadway, much of the building will comply with the 7.5m setback. However, having the building closer to the street edge is a positive design consideration from a streetscape and public realm perspective. Also, having the building closer to the street has the added benefit of being a traffic calming feature as the building frames and encloses the road causing drivers to naturally slow their speed; this in turn provides for a safer roadway for both pedestrians and vehicular movements.

Servicing Policies

The policies of Section 6.30 of the Official Plan generally require that development within urban areas be serviced by municipal water and sanitary sewer services and storm water be managed, collected and directed to an appropriate storm outlet.

The Functional Servicing Report prepared provides an overview of the available municipal servicing infrastructure and capacity, and addresses how stormwater will be managed for the proposed development. The Report concludes that sufficient water and sanitary capacity is available to support the development and that stormwater can be appropriately managed and capacity is available in the downstream system to accommodate the flows from the development.

St. Davids Special Policy Area

Policy 6.32.3 details special policies for St. Davids and identifies St. Davids as a Special Policy Area. The relevant objectives of the St. Davids Special Policy Area include the following:

- Preserve the ambience and character of the historic village;
- Maintain the urban area boundaries as the limit to the service area in support of the municipal servicing strategy and protection of abutting agricultural lands for farming purposes;
- Protect the ecosystem integrity of woodlots, the Four Mile Creek watercourse, and the Niagara Escarpment;
- Protect the views of the Niagara Escarpment, and provide for appropriate public access and linkages to the Bruce Trail;
- Provide for efficient future growth within the urban area boundaries based on a comprehensive plan for municipal infrastructure and compatible land uses;
- Provide for a diversity of housing types to meet the needs of the resident community; and

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

The proposed development is located outside of the historic village area and therefore, does not impact on the character of the historic village. The proposed applications do not contemplate an expansion to the urban area boundaries, but rather provide for an efficient use of urban lands at somewhat higher density meaning that the need to expand the urban area boundary for St. Davids is minimized.

The proposed development can also be supported by municipal servicing that is available to subject lands that is consistent with the servicing strategy for St. Davids. The subject lands do not contain any natural heritage features and the proposed development does not impact on any natural heritage features such as woodlands, the Four Mile Creek or the Niagara Escarpment.

With regards to the views of the Niagara Escarpment, a VIA was completed and determined that the views of the Niagara Escarpment can be maintained and the impact on the existing views is minimal and can be mitigated through targeted landscape measures and appropriate building material and colour palette. Existing public access to the Bruce Trail is approximately 1 km away from the subject lands. The subject lands are not contiguous with the Bruce Trail therefore it is not possible to provide public access to the Bruce Trail from the subject lands.

The proposed development provides for an efficient use of land and represents efficient growth opportunity that is a compatible land use with adjacent uses and can be supported by municipal infrastructure.

The proposed development provides for apartment type housing units contributing to housing diversity and choice to meet the needs of the community. Also, the development has been designed with good urban design considerations that compliment the streetscape and is consistent with the St. Davids Urban Design Guidelines.

Overall, the proposed applications are consistent with the objectives of the St. Davids Special Policy Area.

Development within St. Davids is to be governed by the development policies for the St. Davids Special Policy Area as follows:

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

- New development shall be designed, where appropriate to preserve and enhance the streetscape in terms of such elements as building setback, façade design, and façade density;
- New development shall respect established building lines and significant landscape features;
- Access to new buildings that have a direct relation to the street shall be arranged in relation to, and designed to facilitate, street-oriented pedestrian movement;
- Parking areas for new commercial buildings shall be located in rear yards;
- Proposals for infill development shall be designed to be sensitive to the attributes of adjacent properties in terms of such elements as scale, massing, building separations, and landscaped open space;
- Signage, lighting, and landscaping treatments shall be compatible with the character of adjacent properties and the Village in general.

Overall, the proposed development applications are considered to comply with the development policies in that the scale, massing and design of the development is compatible with the character of the adjacent development and is consistent with the character of St. Davids. The residential land use is compatible with the existing residential uses and while the proposal is for an apartment building, the scale, mass, design and orientation of the building on the subject lands is such that impacts on adjacent properties can be mitigated by building separation, landscaping and fencing.

The location of the building and its design enhance the streetscape. Parking is provided to the rear of the building and is no longer in front of the building, this allows the building to be moved closer to the street edge and engage more positively with the street.

The proposed building materials are appropriate and represent traditional and natural materials and a neutral or muted colour palette that is consistent with the building materials and colour found elsewhere in St. Davids. It is noted that there is no consistent building material or colour palette in St. Davids that the buildings are comprised of a variety of material and colours.

While the building will be closer to the street edge than the adjacent buildings, it is noted that there is not a consistent building line along Four Mile Creek, but rather a varied street edge. Opposite the subject lands, the lands are part of the valley system associated with Four Mile Creek and within the Niagara Peninsula Conservation Authority regulated area and will remain undeveloped. As a result, having the proposed building closer to the street line will help better frame the street edge especially since there will be no development opposite the road.

While the main entrance to the building will be at the rear of the building adjacent to the parking area, there is pedestrian access on the side of the building proximate to Four Mile Creek Road

that connects with the existing sidewalk on Four Mile Creek Road allowing for street oriented pedestrian movement and access. In addition, at the front of the building is a covered patio area that is an amenity area for the residents of the building. This outdoor patio area also activates the frontage of the building from an urban design and streetscape perspective and is a desirable feature.

The development of the subject lands represents infill of an underutilized lot. The proposed developed has been designed to be sensitive in terms of scale and mass to the adjacent properties and provides for appropriate building setbacks and landscaped open space. The building scale and mass is considered to be a low-rise apartment building that is compatible with the adjacent land uses and urban character of the Village and does not overwhelm the surrounding uses in terms of shadow or visual impacts.

With regards to signage, lighting and landscaping these too have been designed to take into consideration the character of the Village and adjacent properties. The lighting on the building is domestic in nature and the lighting of the parking lot will be on poles that will be directed downwards so as to ensure there is no spill over onto adjacent properties and to minimize dark sky impacts. The landscape design compliments the building and provides for seasonal interest that is also compatible with the character of the Village and will enhance the streetscape.

Overall, the proposed development applications comply with the general development policies of the St. Davids Special Policy Area and provide for complementary development.

The St. Davids Special Policy Area also has specific polices for the Niagara Escarpment viewplane protection as follows:

- New development shall comply with the objectives and policies of the Niagara Escarpment Plan as applicable within St. Davids.
- New development shall be designed to protect views of the Niagara Escarpment through such means as appropriate building height, separation, and orientation, and the provision of appropriately-located public space.
- The design of new plans of subdivision and condominium should be in harmony with and maintain the existing character of the Escarpment landscape.
- The designation and alignment of new roadways and service corridors should be in harmony with the Escarpment landscape.
- New development should be designed and located in such a manner as to provide for and protect access to the Niagara Escarpment including the Bruce Trail Corridor.

As discussed in the earlier section regarding the NEP, the proposed development and applications comply with the policies and objectives NEP as it relates to the MUC Objectives and MUC Development and Growth Objectives and the relevant Development Criteria.

Also, as demonstrated through the VIA, the views of the Niagara Escarpment are maintained and impacts related to the proposed building height and orientation can be mitigated through the use of appropriate building materials and colour, and landscaping.

The proposed development is not a plan of subdivision, nevertheless the development has been designed to be in harmony with the Escarpment landscape to ensure the character of the Escarpment is maintained. The proposed development fronts and receives access from an existing public roadway and as such no new roadway or service corridor is required for the development. Finally, the proposed development will also not impact on access to the Niagara Escarpment or the Bruce Trail. It is noted that the Niagara Escarpment landform is above the subject lands and approximately 330+ meters to the east.

The development applications comply with the Niagara Escarpment Viewplane policies of the St. Davids Special Policy Area in that the proposed development complies with the objectives and policies of the Niagara Escarpment Plan as discussed in the section above regarding the NEP. The proposed building has been designed to ensure the views of the Niagara Escarpment is maintained and that the building height is appropriate and does not intrude on the views. The proposed site plan design and building orientation and design including building materials and colour are in harmony with and maintain the existing character of the Escarpment landscape which is primarily an urban landscape in this location. There are no new roadways or service corridors proposed by the development that impact on the Escarpment landscape and the proposed development does not impact on access to the Niagara Escarpment including the Bruce Trail Corridor.

With regards to the St. Davids Special Policy Area servicing policies, the lands will be serviced by municipal water and wastewater services as required by the policy and adequate capacity is available in these systems to accommodate the proposed development. Utilizing the existing services that are available provides for an orderly, efficient and costs effective means of servicing the lands.

With regards to the residential land use policies of the St. Davids Special Policy Area, the policies support a mix of low and medium density housing. However, a site-specific amendment is required to permit an increase in the maximum density permitted for medium density development as the proposed density exceeds the permitted maximum density. The site-specific Official Plan amendment will permit a density of 104 units/ha as well as permit the apartment building built form. It is noted however, that the developed has been designed to ensure

compatibility with the adjacent low density uses by placing the building closer to the street and away from existing low density uses. Outdoor amenity area is provided including common use areas and individual private balconies for each unit. In addition, the lands will be suitably landscaped to provide buffers (consisting of plant material and fencing) to the adjacent land uses, streetscape enhancements and overall improved site aesthetics. Adequate on-site parking is provided consistent with the Zoning By-law requirements and to provide site functionality.

Further, as demonstrated through the analysis contained in this Report, the proposed development will be compatible with adjacent development in terms of intensity of use, building design, and architectural treatment. The proposal is in close proximity and walking distance to commercial areas for the purpose of serving the needs of residents and supporting the viability of the commercial area. The development has direct access to a public arterial street designed to accommodate larger volumes of traffic and does not draw traffic through low density residential areas. Adequate municipal services are available and can be provided without disruption through reconstruction of existing services and the FSR has confirmed that there is available capacity to service the development.

Finally, the proposed development also contributes to housing diversity and provides for housing choice and the development of a complete community. The proposed development consists of 2-bedroom rental housing units that meets the needs for people in the community that are looking to downsize, including seniors, or the needs of those people who are looking to enter the housing market. In addition, rental housing provides an alternative to home ownership and is another type of housing choice that is not as readily available and allows people to enter the housing market without requiring significant monetary down payment or investment that home ownership requires and can therefore be more affordable option. The proposed development is also in close proximity to commercial uses and community facilities that support walkability and a healthy community

GROWTH MANAGEMENT POLICIES (SECTION 6A)

[Vision For Growth](#)

Policy 6A.1 of the Official Plan state that the Town's growth management policies implement the growth vision provided in the former Growth Plan for the Greater Golden Horseshoe and to implement the Region of Niagara growth strategy. The proposed development aligns with the Town's guiding principles for growth management in providing for the efficient use of land to optimize the use of existing infrastructure, build compact, vibrant, integrated and complete communities and providing flexibility to manage growth in a way that recognizes the diversity of communities. The proposed development will introduce a form of housing into the community that is compact, gives current and future residents a more accessible housing and contributes

positively to building a complete community. The proposed development provides for an efficient use of lands and maximizes the use of existing infrastructure.

Municipal Urban Structure

Policy 6A.2 of the Official Plan state that the Town's urban structure provides the overarching framework for accommodating growth and development. The Town's urban structure is outlined on the Official Plan Schedules. The subject lands are within the Urban Area Boundary (Settlement Area) of St. Davids. The lands are also designated as being in the Built-up Area, an area considered suitable for intensification.

The Urban Area Boundary defines the limits of urban development. The Town of Niagara-on-the-Lake contains five (5) distinct Urban Areas, this includes Old Town, Queenston, St Davids, Virgil and Glendale. These Urban Areas are surrounded by lands regulated in the Greenbelt Plan and the Niagara Escarpment Plan. A majority of growth in the municipality must be accommodated within existing Urban Areas as Urban Boundary expansions are not feasible. The proposed development counts towards the achievement of the Town's intensification target.

Growth Management

Policy 6A.3 of the Official Plan state that the Town's objectives are to accommodate all future urban growth within the present-day urban boundary and maintain the current delineation of the urban area boundary for the foreseeable future. The Town objectives are direct urban growth and development to within urban areas, direct 15% of future residential development to the Built-up Area (note this amount has increased to 25% with the approval of the Region of Niagara Official Plan in 2022), optimize existing infrastructure to provide for an efficient use of infrastructure, and develop compact, complete communities.

The proposed development conforms with the Town's overall growth management strategy as it contributes to residential development within the Urban Area of St. Davids and within the Built-up Area. The future apartment building will improve the housing choices in the area and contribute to the achievement of the Town's intensification obligations and makes efficient use of infrastructure.

Intensification

Policy 6A.4 of the Official Plan identifies an intensification target of 15%. The Regional Official Plan has increased the Town's intensification target to 25% which translates to the accommodation of approximately 1,150 new dwelling units within the Town's Built-up Area by the year 2051. The Official Plan establishes specific intensification areas, but also encourages general intensification throughout the Built-up Area where the development is consistent with

land use compatibility, urban design and other applicable policies of the Plan. As demonstrated in this Report the proposed development is a compatible land use with the surrounding residential uses and can be considered to be more compatible than the existing commercial use, is in conformity with other policies in the Plan and contributes positively with regards to urban design.

The proposed 4-storey apartment building will provide seventy-seven (77) new 2-bedroom dwelling units for the area, furthering the Town's intensification goals.

RESIDENTIAL LAND USE POLICIES (SECTION 9)

Goals and Objectives

The submitted Official Plan Amendment proposes to designate the subject lands as Medium-Density Residential. The goals and objectives for the Town's residential areas are outlined in Section 9.2 of the Official Plan. The proposed development has regard for the following residential goals and objectives:

- *to ensure that sufficient lands have been places in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- *To improve the housing supply of rental and moderately prices housing by the municipality becoming involved in or permitting the involvement off others in the various government housing programs*
- *To ensure that existing housing and existing residential areas shall be preserved and improved.*
- *To encourage the development of economical housing in a suitable environment.*
- *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- *To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses.*

The proposed development provides a new type of residential development in the form of apartment dwellings, making the housing market more accessible for the residents in the surrounding area. In addition, the density is appropriate and can be accommodated on the subject lands while maintaining land use compatibility with the adjacent land uses. The proposed redevelopment also improves the existing residential area by redeveloping a commercial property into a residential use that is compatible with the area and provides for reinvestment in

the existing residential area. The proposed housing will be more economical and provides an option to home ownership. The proposed development is within an Urban Area and the development of the subject lands will make efficient use of existing municipal services and nearby community facilities and is located in area that is intended for residential use and provides for an efficient use of an underutilized property. Given the proposed site design, building placement and orientation, landscaping measures proposed the land use impacts of the proposed development are minimal and land use compatibility with the surrounding land uses is achieved.

Medium Density Residential

As provided in Policy 9.3.2(1), the medium density residential designation is intended for multiple-unit residential housing such as townhouses, apartment and nursing homes and is therefore the appropriate land use designation for the proposed development.

The Official Plan provides the following development considerations for medium density residential uses:

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

The proposed building has undergone a Shadow Study to recognize any impacts the development will have on the surrounding buildings. The proposed building is oriented on the subject lands to provide larger setback space between the north and west lot lines as these are the lot lines that abut existing residential property that would experience the majority of shadow impacts. A landscape buffer of 3 meters has been provided to further ensure there are no negative impacts on the abutting residential area from the proposed development. The landscape buffer includes plantings and a 1.8m high solid wood fence. The proposed development will integrate well with the surrounding area and not negatively impact on lower density residential uses as a result of the interventions proposed through appropriate building placement and design, colour palette of neutral colours and building materials proposed, parking location, and landscaping and buffers.

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

Enhanced landscaping is proposed on the site, including a 3 meter landscape buffer and fencing to provide a buffer to the adjacent single detached dwellings. A significant amount of amenity space is also provided by way of private patios or balconies for each dwelling unit as well as shared indoor and outdoor amenity areas.

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

The proposed development accommodates eighty-four (84) parking spaces for the seventy-seven (77) dwelling units, this exceeds the Town's minimum one (1) space per dwelling unit parking requirement. The parking is provided within an at-grade parking lot located in the rear of the site, behind the proposed apartment building, hidden from public view. In addition, the parking area will be screened from view from the adjacent residential properties by a 1.8m high solid wood fence and landscaping. At the end of the parking rows will be landscaped islands as well to visually break up the parking area and provide interest.

- d) **Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).**

Waste collection containers are shown on the site plan within **Appendix III** and will utilize the Molok earth bin system for waste and recycling storage. The driveway entrance into the site will be a designated fire route and the fire connection to the proposed building will be at the northern building entrance alongside the fire route. Internal to the building will be utility rooms. It is noted that each dwelling unit will have their own independent HVAC and mechanical system minimizing the need for multiple rooftop units.

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

The proposed development has been designed with positive frontage along Four Mile Creek Road with a direct connection to the municipal sidewalk which encourages pedestrian activity and reinforces the pedestrian attributes of the area. Vehicular access is via a driveway off of Four Mile Creek Road. The driveway has been designed to reconfigure the northern existing driveway entrance for two-way traffic movements and safe access/egress to and from the site. The existing southern driveway entrance to the property will be eliminated. Outdoor amenity areas include a covered porch in the front of the building, second floor covered balcony and an amenity area at the rear of the building. Each dwelling unit will also have their private individual balcony/patio as their individual amenity area.

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

A Functional Servicing Report has been prepared by Upper Canada Consultants which confirms that municipal water, sanitary and storm services are available for the proposed development and capacity is available in each service system to accommodate the development.

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

The proposed development is serviced by a single point of ingress and egress to Four Mile Creek Road an arterial road that is under the jurisdiction of the Region of Niagara. The subject lands do not front on a local road and therefore access is required to be from the arterial roadway. It is noted that the site currently has two driveway entrances from Four Mile Creek and the proposed redevelopment of the site proposes to eliminate the southern driveway and reconfigure the northern driveway to provide for safe access/egress from the site.

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

The subject applications include a Zoning By-law Amendment which proposes to zone the subject lands to a site specific Residential Multiple (RM2-XX) Zone from the current site-specific Village Commercial (VC-2) Zone.

Based on the above analysis, the submitted Official Plan and Zoning By-law Amendment, and Site Plan Control applications have regard for matters of municipal interest conforming with the Niagara-on-the-Lake Official Plan.

ST. DAVIDS URBAN DESIGN GUIDELINES AND STREETScape ANALYSIS

The St. Davids Urban Design Guidelines were developed in 2005 to provide design guidelines and concepts to inform a high quality, integrated approach to enhancing and preserving the qualities of St. Davids.

The Guidelines do not provide specific guidance with regards to apartment style buildings, however. Nevertheless, there are a number of principles with regards to the public and private realm that are contained within the Guidelines that are still appropriate to reference and help to ensure that proposed developed exhibits high quality design elements, integrates within the context it is located and is complimentary to and enhances the qualities of St. Davids. A rendering of the proposed development is provided below in **Figure 10**.



Figure 10 – Architectural Rendering of Proposed Apartment Building

The Guidelines note that along Four Mile Creek Road the building setbacks vary, and this contributes to the character of St. Davids and as result no single dimension can be use to establish a setback build-to line for properties fronting on Four Mile Creek Road. As noted earlier in this Report the building setbacks do vary along Four Mile Creek Road and the curvature in the road at this location also contributes to the varying setback. It is noted though that the proposed new building will be built closer to the street line than the existing building currently is, this will help reinforce and frame the urban street edge, provide for a traffic calming measure and

complements the varied building setbacks along Four Mile Creek Road. Allowing for the building to be closer to the street edge than the existing building also improves the streetscape. It is noted that the proposed building has a varied front setback providing visual interest and this also helps to break up the mass of the building. The proposed landscape plan provides for robust landscaping along the frontage that contribute positively to the public realm.

The Guidelines provide some direction with regards to infill on the former market's parking lot. It is noted however, the proposal is to redevelop the entire former market property, not just the parking lot, so the direction provided in the Guidelines for this property are not suitable as they contemplated a mixed-use development together with the agricultural retail market use and residential uses vs. the lands being a standalone redevelopment site. The intent is to redevelop the site in its entirety and provide for an appropriate infill development that compliments the streetscape and provides for a high-quality design. The proposed building placement and orientation have been intentional to minimize the impact of the building mass while at the same time reinforcing the urban street edge and together with a robust landscape plan that has been designed to soften and break up the building face and provide for an improved public realm. Overall, the streetscape resulting from the proposed development will be a positive contribution and improves the public realm by eliminating the current condition of front yard parking and parking that encroaches into the road allowance and replacing it with street trees, realigned sidewalk and grassed boulevard.

The Urban Design Guidelines also acknowledge that St. Davids has a variety of building types and styles that make a strong case for diversity of types and styles. Architecture should be varied but relate contextually in form and scale, and quality should be consistent and reflect a high level of craftsmanship. New construction may provide contemporary expressions which are compatible with the scale, massing and details of existing buildings in St. Davids. The Guidelines note that building materials include wood, stone, metal and concrete. The proposed architectural design of the building is a contemporary in design with the scale and mass being appropriate for the context and the size of the property. St. Davids does contain a mix of contemporary design buildings so a contemporary design is not out of character for the community. The building materials including brick, stucco and metal details are also consistent with the direction of the Guidelines and can be found elsewhere in St. Davids. While this proposed building is large, there are existing large buildings in St. Davids and while they are institutional, commercial or industrial in use, the large buildings are located proximate to low density residential uses and their mass and scale which is similar to the proposed apartment building or even larger, have proven to be compatible with the residential development with a comfortable coexistence.

Regarding rooflines, the St. Davids Urban Design Guidelines acknowledge that there are variety of rooflines and shapes, however the Guidelines do not speak specifically to flat rooflines. It is

noted that in St. Davids the flat roofline is more typical on the larger buildings than on single detached or townhouse residential units, and as such on large buildings flat rooflines are not out of character for St. Davids. The flat roofline on larger buildings helps to minimize the impact of the scale, mass and height of larger buildings and is an appropriate roofline for larger buildings such as the proposed apartment building.

Regarding other architectural elements, the Urban Design Guidelines speak to porches, windows, garages, chimneys and eaves, and building materials. These are all referenced in the context of single detached or townhouse dwellings and not in the context of an apartment building built form. However, cues can be found in the guidelines that could relate to an apartment building, for example, while the main entrance to the proposed building is from the rear, it does have a front porch that functions as a common outdoor amenity area for the residents of the building and is suitably landscaped to provide privacy and separation from the public realm. In addition, each unit has its own balcony/patio that is a place to accommodate furnishings and activate their use and those that are on the ground floor have landscaping in front of them to provide for the appropriate separation of use. The window openings are aligned vertically, evenly spaced to break up the mass of the building and provide a consistent pattern and rhythm. Window openings relate to the interior layout of the dwellings consistent with the recommendations of the Guidelines. Cornice details are provided along the ends of the proposed building as a finishing detail that is appropriate for the design of the building. The proposed building materials include brick, stucco and painted metal trim in a muted colour palette that can be found elsewhere in St. Davids. The Guidelines note that building material in St. Davids are primarily a variety of natural building materials and the use of a variety of natural building materials should continue with new buildings in St. Davids such as being proposed with the apartment building.

The Guidelines also speak to new development providing a strong public face, diverse housing types and designs, higher density housing being located along arterial roads, a variety of building setback and a consistent high-quality design approach. The proposed development does provide for a strong public face along Four Mile Creek Road through the appropriate building placement and a robust landscape design. Further, the apartment building provides for diversity in housing through increased housing density and offers a housing choice that is limited in St. Davids, and is located along Four Mile Creek Road, an arterial roadway. The proposed architectural design represents a high-quality design that will integrate well with the community consistent with the St. Davids Urban Design Guidelines.

From a public realm perspective, the Guidelines speak to using native trees that are tolerant of urban conditions for street trees and the provision of sidewalks. New Acer x freemannii (Autumn Blaze (Freeman) Maple) street trees are proposed to be planted that will improve the existing streetscape and provide a continuous row of trees that reinforce the urban street edge and also

provide colour (orange-red) and interest in the fall. These trees typically grow 12-15m in height and will also aid in providing a visual screen of the proposed building. There is an existing 1.5m wide sidewalk along the frontage of the property that has a curve in it to accommodate the existing signage and parking area that are encroaching in the road allowance. It is proposed that the sidewalk will be straightened and realigned, and a grassed boulevard with the street trees be re-instated across the frontage of the property, softening the edge and providing for a more pleasant pedestrian experience representing an overall improvement of the public realm and streetscape over what currently exists.

From an urban design and streetscape perspective, the proposed redevelopment of the subject lands for the proposed 4-storey apartment building is appropriate, is complimentary to the urban settlement character of St. Davids and will integrate well with surrounding uses. The proposed impacts of the development are minimal and the landscape plan can mitigate impacts and improve on the streetscape. The proposed 4 storey apartment building is considered to be a low rise building and its contemporary design is complementary to the area. The building orientation and design as a modified 'L' breaks up the mass of the building and its placement at the front of the property away from existing low-density residential uses minimizes its impact. The building materials and colour palette are appropriate and consistent with the character of St. Davids. As a whole, the proposed development combined with the landscape plan will integrate well within the community and represents a positive change.

TOWN OF NIAGARA-ON-THE-LAKE ZONING BY-LAW 4316-09

EXISTING ZONING

The subject lands are zoned within the Village Commercial (VC-2) Zone. The intention with this zoning was to permit the agricultural market use that occupied the subject lands. It is noted however, that the agricultural market use has not been operational on the subject lands for a number of years. The proposed development is for a 4-storey apartment building, which requires a Zoning By-law Amendment. **Figure 11** below shows an excerpt of Schedule A-23 of the Zoning By-law which displays the current zoning of the subject lands. It is important to note that the area surrounding the subject lands have been developed for a variety of residential uses and densities; the addition of an apartment building will benefit the surrounding area by diversifying the housing choice in community.

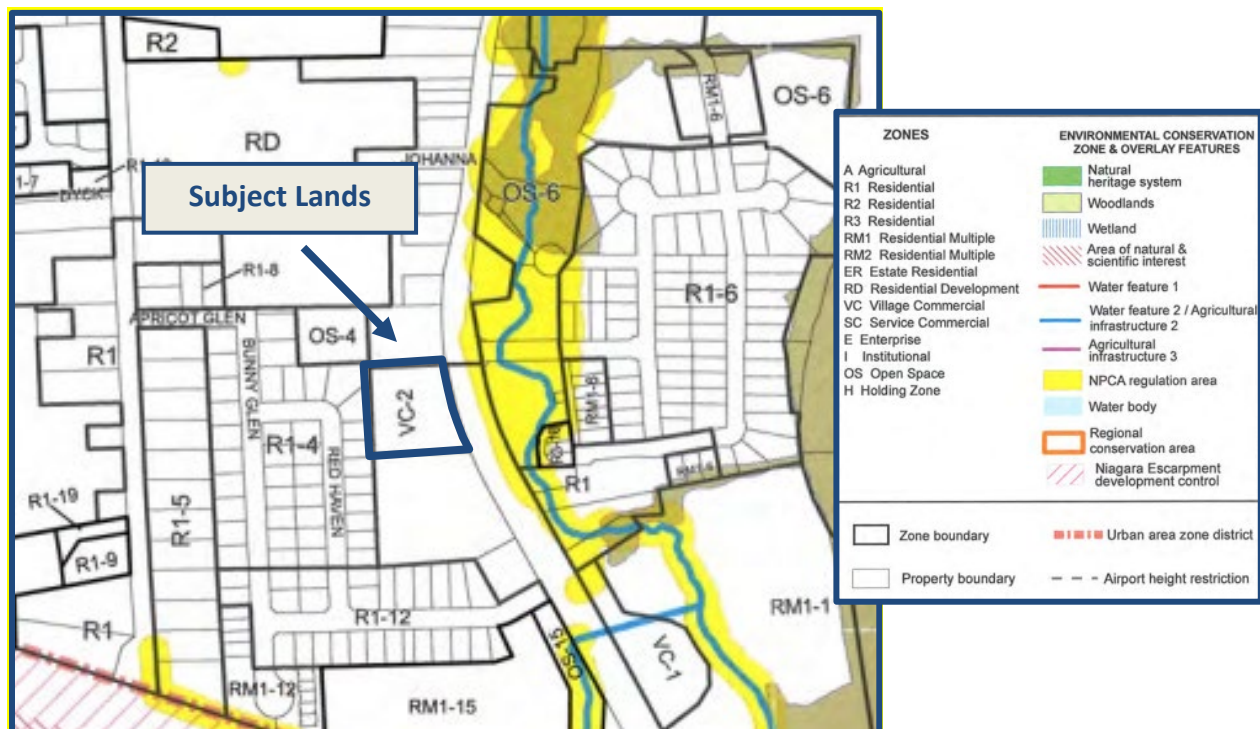


Figure 11 – Excerpt of Schedule “A-23” – Niagara-on-the-Lake Zoning By-law

PROPOSED ZONING BY-LAW AMENDMENT

An application for a Zoning By-law Amendment has been submitted to change the zoning of the subject lands from Village Commercial (VC-2) to a site specific Residential Multiple (RM2-XX) Zone to permit the apartment use and regulate the proposed development with regards to building setbacks, height and coverage.

An overview of how the proposed development conforms to the Residential Multiple (RM2) Zone provisions is provided in **Table 1** below.

Table 1 – Zoning Matrix
116 Four Mile Creek Road Proposed Development
Residential Multiple (RM2) Zone

Section 9.5.1: Permitted Uses			
Permitted Uses		Proposed Uses	
a) Accessory building and structures in accordance with Section 6.1 b) Group home in accordance with 6.20 c) Nursing home including secondary dwelling units d) Senior citizen apartment building including secondary dwelling units		Apartment building	
Section 9.5.2: Zone Requirements			
Provisions	By-law 4316-09	Provided	Proposed
Minimum lot frontage	30 m	89.71 m	No Change
Minimum lot area	2,000 m ²	7,439 m ²	No Change
Maximum lot coverage	50%	30.11%	No Change
Minimum landscaped open space	30%	32.12%	No Change
Minimum front yard setback	7.5 m	3.57 m	3.5 m
Minimum interior side yard setback of 6.0 m Except where the interior lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone, Residential 3 (R3) Zone or Estates Residential (ER) Zone in the St. Davids Community Zoning District, a minimum interior side yard equal to the building height is required, whichever is greater.		3.0 m	3.0 m
Minimum exterior side yard setback	7.5 m	N/A	No Change
Minimum rear yard setback of 7.5 m Except where the rear lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone, Residential 3 (R3) Zone or Estate Residential (ER) Zone in the St. Davids Community Zoning District, a minimum rear side yard equal to the building height is required		12.16 m	12 m
Minimum distance between main buildings located on the same of 15.0 m		N/A	No Change
Minimum dwelling unit area:			No Change
i) Bachelor unit	i) 37 m ²	2 bedroom – 92.14 m ²	
ii) 1-bedroom unit	ii) 41 m ²		
iii) 2-bedroom unit	iii) 69 m ²		
Maximum building height	10.5 m	13.15m (based on average grade)	14 m

Minimum accessory building yard setback	1.2 m	N/A	
Minimum accessory building exterior side yard setback	7.5 m	N/A	
Section 6: General Provisions			
Section 6.3: Amenity Area			Proposed
Except for a senior citizen apartment dwelling or where otherwise provided herein, where a building contains ten (10) or more apartment units, an equipped children's play area shall be provided at a rate of 2.5m ² per residential unit. The minimum size of such equipped children's play area shall be 46m ² , while the maximum size of such equipped children's play area shall be 140m ²			140m²

REQUESTED SITE-SPECIFIC RELIEF

The site-specific relief being sought relates to the permitted use, building setbacks and building height. With regards to the use, while the Zoning By-law permits an apartment building, it is specific to a 'senior citizens apartment building' in the St. Davids Residential Multiple (RM2) Zone category. It is noted that the Zoning By-laws are not to 'people' zone uses which the appears to be the case in this instance by restricting the occupants of the apartment building to only being senior citizens. To provide clarity it is proposed the use be amended to permit an apartment building in accordance with the definition of 'apartment building' contained in the Zoning By-law 4316-09 thereby eliminating the restriction of the occupants of building to senior citizens.

With regards to the building setbacks, relief is being sought for the minimum front yard, side yard and rear yard setbacks. The minimum front yard setback of 3.5m from 7.5m is being requested to move the building closer to the front lot line. It is noted that the front yard setback does vary across the building face given the step back nature of the front building face and the curvature in the front lot line, with the setback exceeding 7.5m in certain areas and being less in other areas. The 3.5m is the shortest setback. The proposed request is appropriate given the building design and orientation, the curve of the street, the desire for a strong urban street edge and adequate space still being available to provide for front yard landscaping and amenity areas. It is also noted that across the road, the lands are within the NPCA regulated area and will not be occupied by buildings, as result there is no impact on the future use of the lands across the road from the reduced front yard setback.

With regards to the side yard setback the request is to reduce the interior side yard from being equal to the height of building to 3.0m. The proposed building height is 13.15m to the highest point of the roof's surface and is 14.57m to the top of the parapet. In this case, reducing the side yard setback to 3.0m for the southern side yard is appropriate as this is the south side of the building and there are no shadow impacts on the adjacent property as a result of moving the building closer to the south property line. The 3.0m setback provides for an adequate side yard

that can accommodate landscaping and a drainage swale that will ensure that there is no impact from stormwater runoff onto the adjacent property. Further a 1.8m solid wood board fence is also proposed to be located along the property line ensuring that the adjacent property is protected and there are no issues with regards to encroachment. While residential units will face onto this side of the building, the balconies are recessed into the building ensuring privacy and overlook concerns are mitigated. Given these circumstances, the reduction to the side yard setback would have minimal impact on the adjacent property. It is noted that while the adjacent property contains a single detached dwelling located at its southern end away from the subject lands, the property is large and will also be subject to redevelopment at some point in time in the future and also likely for a higher density residential use.

With regards to the proposed relief to the rear yard setback from being equal to the height of the building to 12.0m, this request is also considered to be appropriate. It is noted that the height of the building is 13.15m to the highest point of the roof surface and 14.57m to the top of the parapet and a reduction to 12.0m is considered to be nominal and is for the shortest length of the building with the majority of the building being more than 50+m setback from the rear lot line. Within the 12.0m setback there is adequate area to provide for a solid board fence, drainage swale, landscape area and amenity area for the residents. In addition, there are minimal shadow impacts on the adjacent properties to the west experiencing shadows for a short duration and only the early morning hours. As a result, the reduction to the rear yard setback is considered to be suitable in this instance.

With regards the maximum building height the site-specific relief being sought is to permit an increase in height from 10.5m to 14.0m. It is noted that in accordance with the definition of building height for a flat roof the highest point of the flat roof's surface is 13.15m. Also, it is noted that the height to the parapet is 14.57m. The parapets are decorative and will screen the rooftop mechanical equipment and are not counted towards the defined building height. The proposed increase in building height would permit the proposed 4-storey apartment building. The increase in building height can be supported based on the findings of the VIA that determined building height has minimal visual impact on the Escarpment environment and with the recommended landscaping measures, building design and colour palette, the impacts of the increase in building height can be mitigated. It is noted that with the increase in building height, there is the potential for shadow impacts. Based on the findings of the shadow study, the most significant shadow impacts occur during the winter months when the shadows are the longest and is expected. However, the impacts on adjacent properties are for short periods of time in either early morning or late afternoon and are not of a significant duration to result in adverse impacts.

For these reasons, the submitted applications have regard for matters of municipal and public interest including providing for a housing form that is lacking and needed in the community, will provide for an appropriate redevelopment of the subject lands that fits the St. Davids context and will integrate well with the community. Further the proposed redevelopment provides for improvements to the public realm and will not result in adverse impacts to adjacent land uses or

on the Niagara Escarpment. The site-specific zoning relief sought will implement an appropriate and compatible development for the subject lands.

PLANNING POSITION

This Planning Justification Report has been prepared to provide a planning rationale for the Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval and Draft Plan of Standard Condominium applications made for 116 Four Mile Creek Road.

The subject lands are within the St. Davids Settlement Area, and propose the construction of a four-story apartment building containing seventy-seven (77), 2-bedroom dwelling units.

The applications are appropriate as they will establish the necessary land use permissions for the suitable and compatible development of the lands in accordance with Provincial, Regional and local land use planning documents.

The proposed development contributes to the diversity and availability of housing options in the area, aligning with the objectives of the Niagara Escarpment Plan, Region of Niagara Official Plan and Town Official Plan. The proposed development supports sustainable land use patterns outlined in Provincial land use documents, provides for compatible development with the Escarpment environment and adjacent land uses, and supports compact land uses that help to optimize the efficient use of existing infrastructure and land.

Based on the analysis of the Applications, it has been demonstrated that they:

- Have regard for, and satisfy the relevant sections of the *Planning Act*;
- Are consistent with the 2024 Provincial Planning Statement;
- Are in conformity with the 2017 Niagara Escarpment Plan;
- Are in conformity with the 2022 Niagara Official Plan;
- Are in conformity with the Niagara-on-the-Lake Official Plan.

It is our opinion that the applications will facilitate appropriate forms of development that will contribute to the achievement of community goals and additional housing supply and forms.

The applications are considered to be in the public interest and represent good planning, therefore, should be approved by the Town of Niagara-on-the-Lake.

Prepared by,



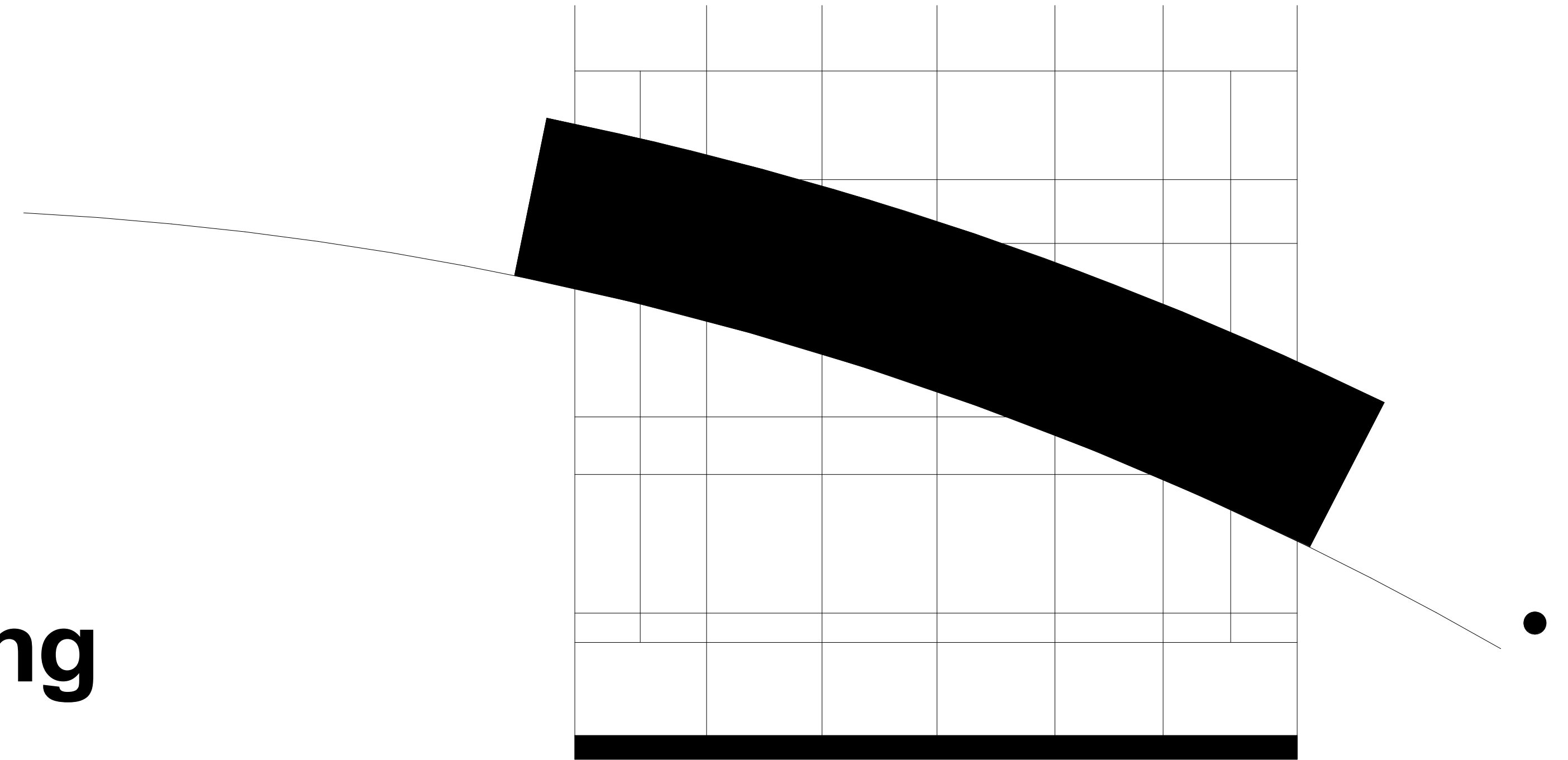
Chelsea Liotta
Planner
Upper Canada Consultants

Reviewed by,



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

APPENDIX I
ARCHITECTURAL SET



Pinewood Homes (Tara) Pine Mansions 4 - Apartment Building

116 Four Mile Creek Road, NOTL

RAIMONDO + **ASSOCIATES**

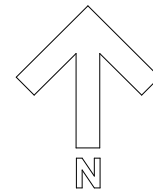
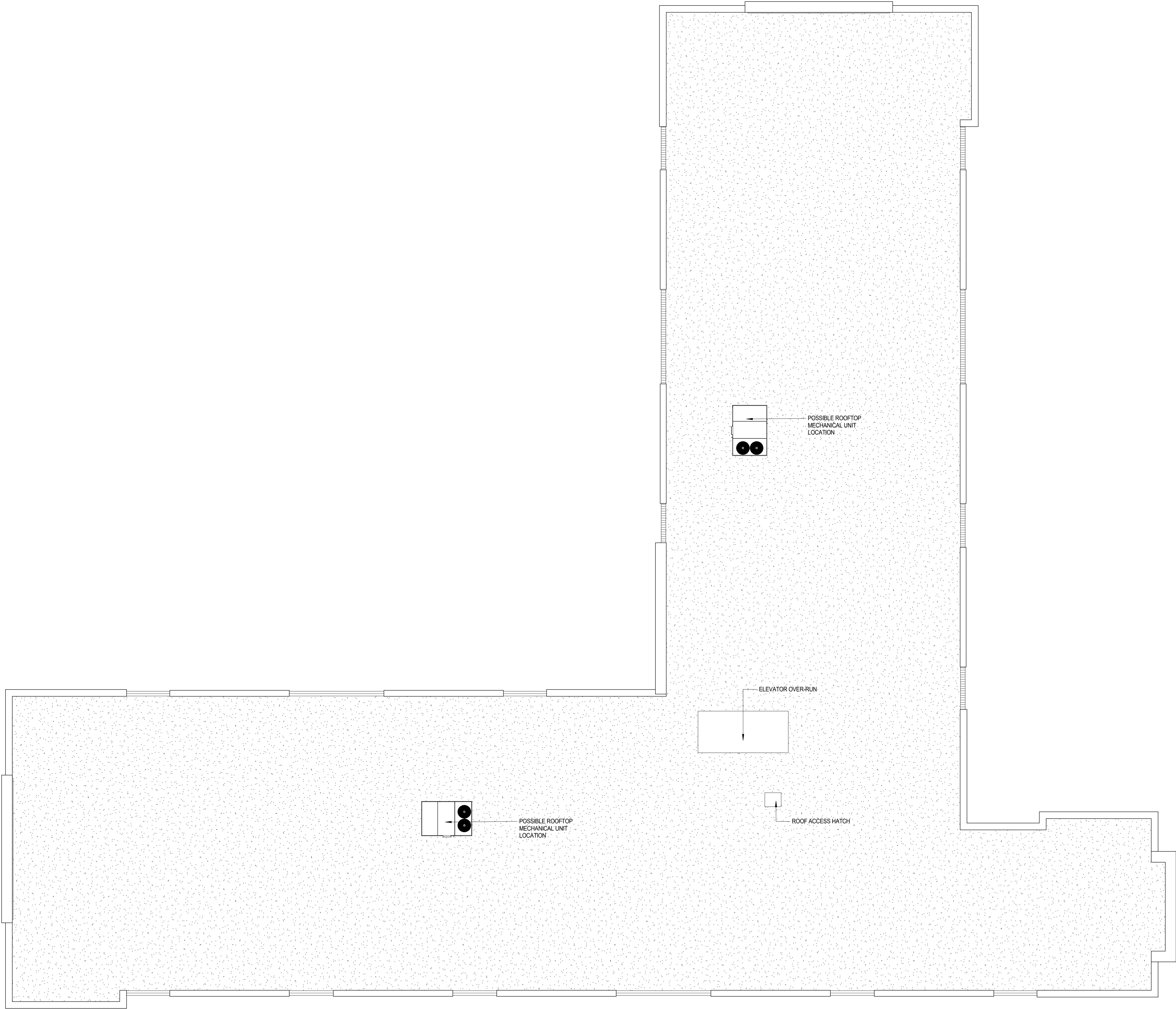
4687 Queen Street, Studio 2
Niagara Falls, Ontario
L2E 2L9

Tel: 905-357-4441
Fax: 905-357-9203
Email: mail@raimondoarchitects.com

ARCHITECTS INC.

J:\2023\23-069 - Colaneri - Former Orchard Glen Development\03-Drafting\02-Revit\03-069 - Pinewood - Pine Mansion 4 (Backup - Dont Delete).rvt

Roof Level
scale: 3/32" = 1'-0"



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E | mail@raimondosarchitects.com

CLIENT NAME

Pinewood Homes (Tara)

PROJECT NAME

Pine Mansions 4 -
Apartment Building

PROJECT ADDRESS

116 Four Mile Creek Road, NOTL

SHEET NAME

Roof Plans

DRAWN BY: JJV

DATE: 8/28/2025 9:09:47 AM

SCALE: 3/32" = 1'-0"

PROJECT NO.: 22-069

CHECKED: ER

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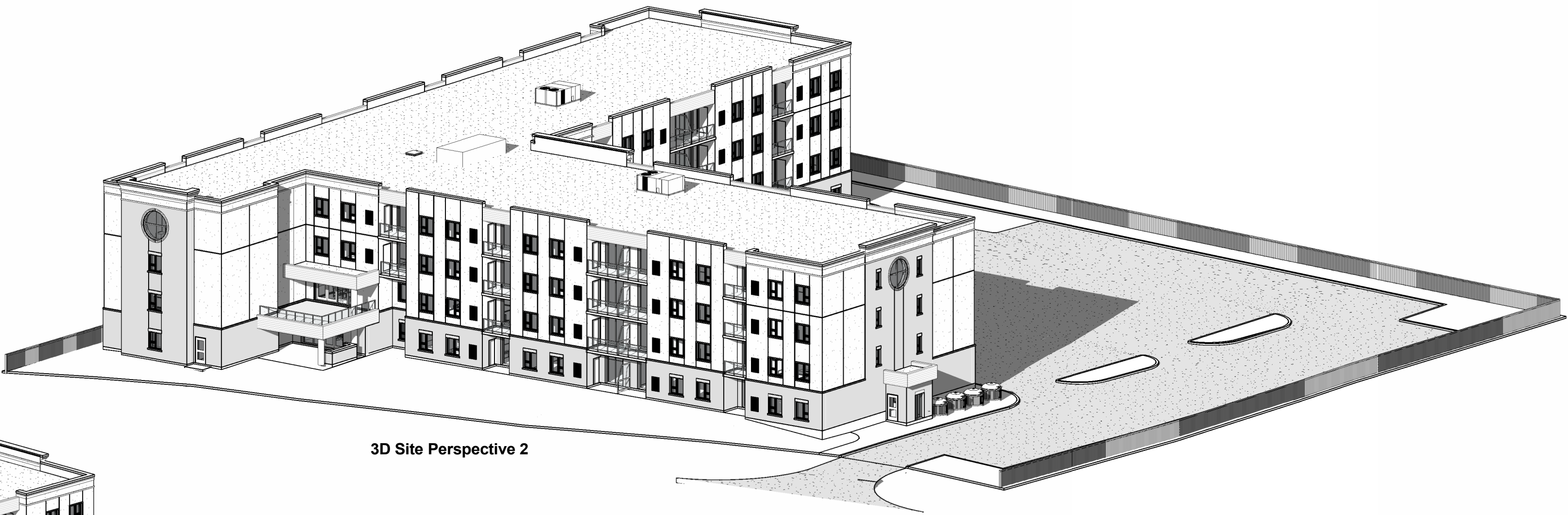
SHEET #

A2-200

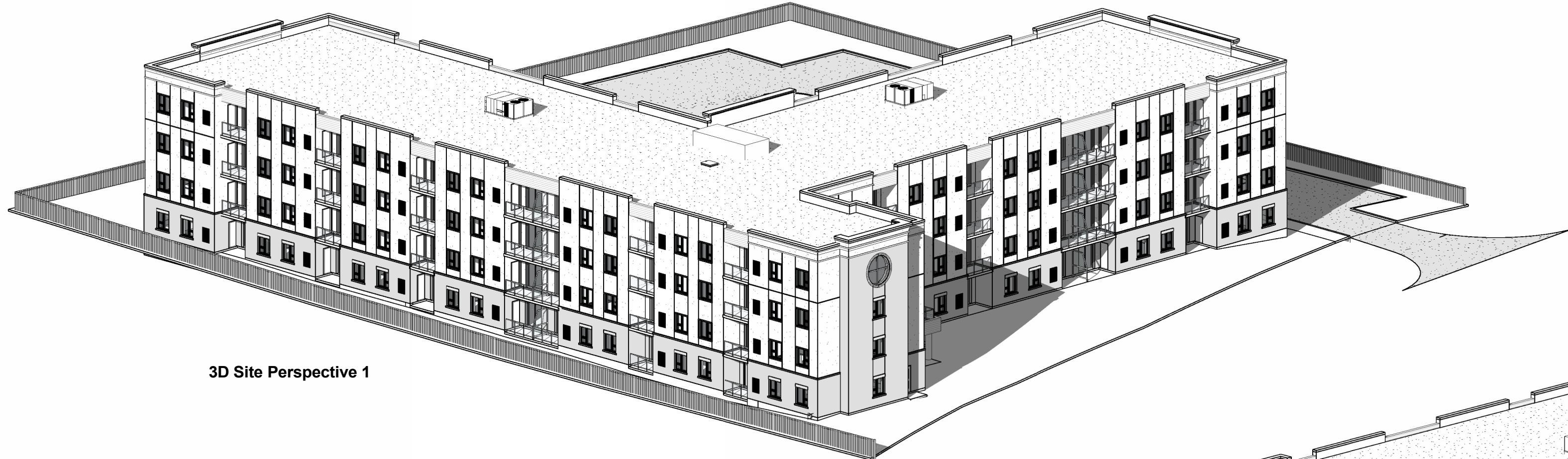
REV. #



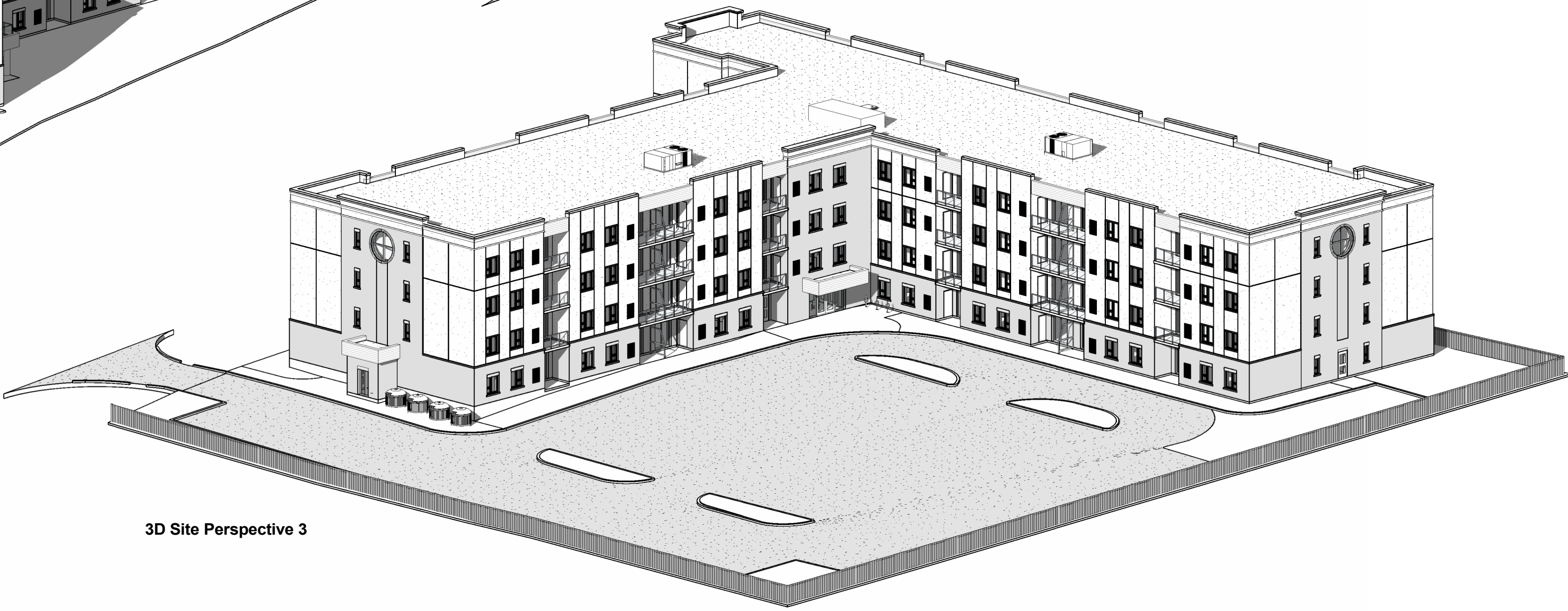
Elevation - East
scale: 3/32" = 1'-0"



3D Site Perspective 2



3D Site Perspective 1



3D Site Perspective 3

MATERIAL LEGEND

Eifs / Stucco Rainscreen

Colour 1 - French Vanilla
RGB: (227,221,208)

Colour 2 - Ivory Key
RGB: (205,196,178)

Brick Veneer
Morning Smoke Colour

Glazing

Metal Siding
Dark Walnut Colour

Metals
Sable Colour
RGB (101,94,84)

A

6-12-2023

Issued For Pre-Con

RAIMONDO

+ ASSOCIATES

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CLIENT NAME

Pinewood Homes (Tara)

PROJECT NAME

Pine Mansions 4 -
Apartment Building

PROJECT ADDRESS

116 Four Mile Creek Road, NOTL

SHEET NAME

Building Elevations

DRAWN BY: JJV

DATE: 8/28/2025 9:10:31 AM

SCALE: As indicated

PROJECT NO.: 22-069

CHECKED: ER

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SHEET #

A3-000

REV. #

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Elevation - North
scale: 3/32" = 1'-0"



Elevation - West
scale: 3/32" = 1'-0"



Elevation - South
scale: 3/32" = 1'-0"

MATERIAL LEGEND

- Eifs / Stucco Rainscreen
 - Colour 1 - French Vanilla
RGB: (227,221,208)
 - Colour 2 - Ivory Key
RGB: (205,196,178)
- Brick Veneer
Morning Smoke Colour
- Glazing
- Metal Siding
Dark Walnut Colour
- Metals
Sable Colour
RGB (101,94,84)

RAIMONDO
+ ASSOCIATES
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CLIENT NAME

Pinewood Homes (Tara)

PROJECT NAME

Pine Mansions 4 -
Apartment Building

PROJECT ADDRESS

116 Four Mile Creek Road, NOTL

SHEET NAME

Building Elevations

DRAWN BY:

JJV

DATE:

8/28/2025 9:10:59 AM

SCALE:

As indicated

PROJECT NO.:

22-069

CHECKED:

ER

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SHEET

A3-100

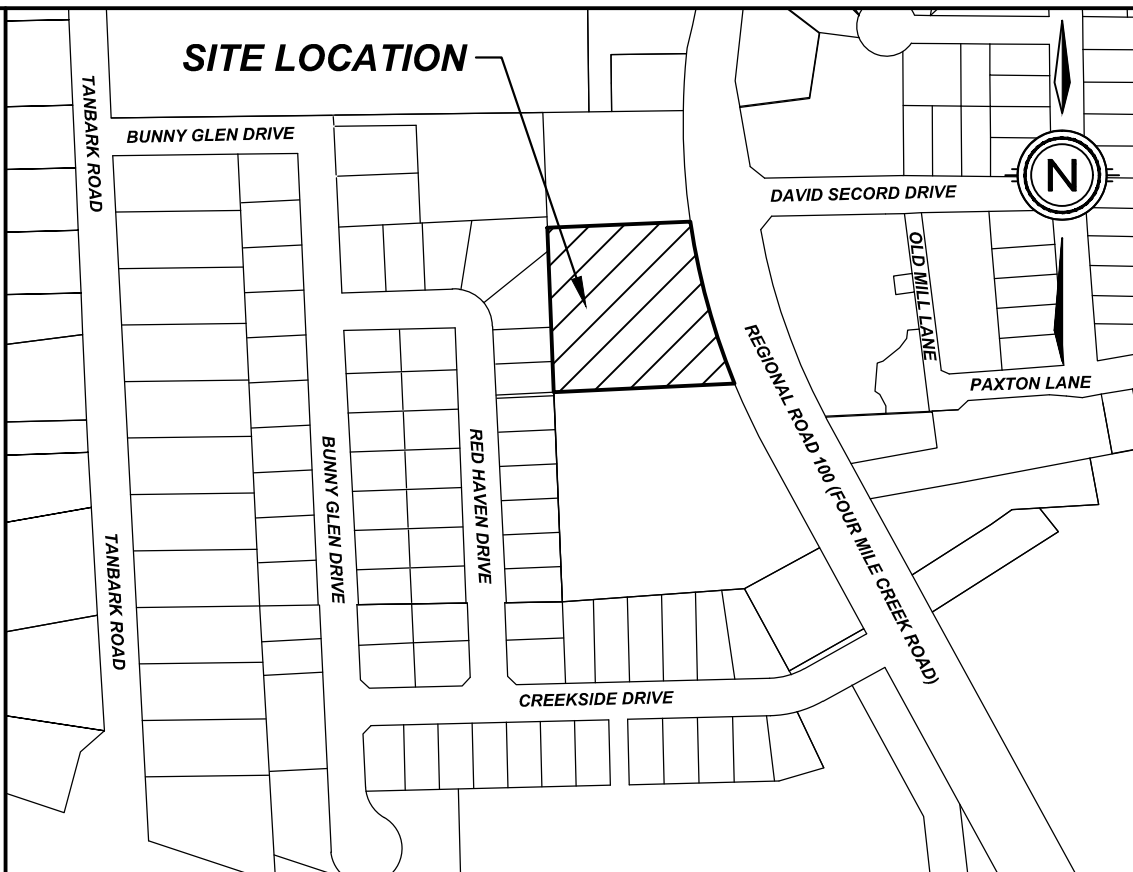
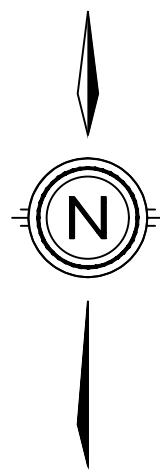
REV. #

APPENDIX III

SITE PLAN

PINE MANSION IV

NIAGARA-ON-THE-LAKE



KEY PLAN

N.T.S.

LEGAL DESCRIPTION

PLAN OF SURVEY OF PART OF LOT 91
GEOGRAPHIC TOWNSHIP OF NIAGARA, NOW IN THE
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING (77 UNITS)	0.224	30.11
ROADWAY/PARKING	0.281	37.77
LANDSCAPE	0.239	32.12
TOTAL	0.744	100.00
DENSITY		103.49 un/ha

PARKING STATISTICS:

REQUIRED SPACES - 1 SPACE PER UNIT
77 X 1 = 77

ACCESSIBLE SPACES REQUIRED - FOR 76-100 STANDARD
SPACES REQUIRED = 4 ACCESSIBLE SPACES

TOTAL SPACES REQUIRED = 77

TOTAL SPACES PROVIDED = 84 (INCLUDES 4 ACCESSIBLE)

OWNER'S NAME

OWNER'S SIGNATURE



LORD MAYOR

TOWN CLERK

Date

0	ISSUED FOR APPROVAL	2025-08-14	TA
#	REVISION	DATE	INIT



30 Hanover Drive Unit 3
Cottontown, Ontario
L2W 1A2
Phone: (905) 688-9400
Fax: (905) 688-5274

DRAWING TITLE

SITE PLAN
PINE MANSION IV

DRAFTING TA

DATE AUGUST 14, 2025

PRINTED AUGUST 18, 2025

SCALE 1:250

DWG No.

25010-SP

REV

0

ZONING MATRIX (RM2) - RESIDENTIAL MULTIPLE 2 (ST DAVIDS COMMUNITY ZONING DISTRICT)

PERMITTED USES	ACCESSORY BUILDINGS AND STRUCTURES, GROUP HOME, NURSING HOME, SENIOR CITIZEN APARTMENT BUILDING, APARTMENT BUILDING		
PROVISION	PARENT BY-LAW (RM2)	PROVIDED	PROPOSED
MINIMUM LOT FRONTAGE	30m	89.71m	NO CHANGE
MINIMUM LOT AREA	2000m ²	7439m ²	NO CHANGE
MAXIMUM LOT COVERAGE	50%	30.11%	NO CHANGE
MINIMUM LANDSCAPE OPEN SPACE	30%	32.12%	NO CHANGE
MINIMUM FRONT YARD SETBACK	7.5m	3.57m	3.5m
MINIMUM INTERIOR SIDE YARD SETBACK	6m (EXCEPT WHERE INTERIOR LOT LINE IS ADJACENT TO AN R1, R2, R3 OR EX ZONE, A MINIMUM INTERIOR SIDE YARD EQUAL TO THE BUILDING HEIGHT IS REQUIRED, WHICHEVER IS GREATER)	3.0m	3.0m
MINIMUM EXTERIOR SIDE YARD SETBACK	7.5m	N/A	NO CHANGE
MINIMUM REAR YARD SETBACK	7.5m (EXCEPT WHERE REAR LOT LINE IS ADJACENT TO R1, R2, R3 OR EX ZONE, A MINIMUM REAR YARD EQUAL TO THE BUILDING HEIGHT IS REQUIRED, WHICHEVER IS GREATER)	12.16m	12.00m
MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON THE SAME LOT	15m	N/A	NO CHANGE
MINIMUM DWELLING UNIT AREA	(i) BACHELOR UNIT-37m ² (ii) 1 BEDROOM - 41m ² (iii) 2 BEDROOM - 69m ²	2 BEDROOM - 92.14m ² (991.76ft ²)	NO CHANGE
MAXIMUM BUILDING HEIGHT	10.5m	4.75m (BASED ON AVERAGE GRADE)	15.00m
MINIMUM ACCESSORY BUILDING YARD SETBACK	1.2m	N/A	NO CHANGE
MINIMUM ACCESSORY BUILDING EXTERIOR SIDE YARD SETBACK	7.5m	N/A	NO CHANGE
UNENCLOSED AND UNCOVERED PORCH, DECK, BALCONY, PATIO OR STEPS ENCROACHMENTS ALLOWED (SECTION 6-10)	FRONT OR REAR YARD - 1.5m MAXIMUM SIDE YARD - 0.6m	N/A	NO CHANGE
MAXIMUM AMENITY AREA	140m ²	140m ²	NO CHANGE

SIGNAGE NOTES:

ALL PARKING STALLS FOR PHYSICALLY CHALLENGED PERSONS SHALL BE INDICATED WITH TYPICAL ACCESSIBLE SIGNAGE (AS SHOWN ON THIS DWG)

ALL SIGNS SHALL CONFORM TO RB-93 THE ONTARIO TRAFFIC MANUAL AND HIGHWAY TRAFFIC ACT.

ONE GALVANIZED STEEL T-BAR STAKES EACH DRIVEN SECURELY INTO THE GROUND

ACCESSIBLE PARKING
SIGN DETAIL

NTS

SIGNAGE NOTES:

ALL SIGNS & FIRE ROUTE SIGNS TO BE LOCATED ON STREET LIGHTS WHERE POSSIBLE.

ALL SIGNS SHALL BE MOUNTED AT A HEIGHT OF 2-3 METRES FROM TOP OF CURB TO BOTTOM OF SIGN.

ALL SIGNS SHALL CONFORM TO THE ONTARIO TRAFFIC MANUAL AND HIGHWAY TRAFFIC ACT.

ONE GALVANIZED STEEL T-BAR STAKES EACH DRIVEN SECURELY INTO THE GROUND

FIRE ROUTE PARKING
SIGN DETAIL

NTS

APPENDIX IV
DRAFT OFFICIAL PLAN AMENDMENT

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. ####-25**

Official Plan Amendment No. XX
116 Four Mile Creek Road
Roll #262702002509825

LT TWP LT 91 NIAGARA PT 1 30R8296; Town of Niagara-on-the-Lake

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

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

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

1. Amendment No. 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 XX 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.

DRAFT

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to redesignate the subject lands from “Low Density Residential” to a residential exception designation “EX- RES-XX” with site-specific exceptions to permit a medium density residential development (being a 4-storey apartment building) with a maximum residential net density of 105 units per hectare, with parking located in the rear, and that the lot is located on a Regional Road.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of St. Davids, and are known municipally as 116 Four Mile Creek Road.
2. The Official Plan directs that medium density residential developments will generally not exceed a residential net density of 12 units per acre (30 units per hectare) unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighborhoods. The proposal would result in a residential net density of 42 units per acre (104 units per hectare). Analysis provided with the requested amendment demonstrates that the proposed development is not anticipated to have a significant adverse impact on the surrounding area.
3. The proposed residential apartment building is compatible with existing and planned development in St. Davids and represent an appropriate and compatible form of intensification by making efficient use of existing services and optimizing the use of land that is currently underutilized.
4. The proposal would provide apartment style type housing contributing to the housing supply and a more diverse housing stock, to better address current housing needs, specifically for the aging population.
5. The Amendment is consistent with the Provincial Planning Statement (2024) and conforms with the Niagara Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
6. A concurrent application for Site Plan Approval is required to facilitate the development of the apartment building.

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. That Schedule D to the Official Plan, as amended, is further amended by redesignating the subject lands from “Low Density Residential” to “EX-RES-XX,” as shown on Schedule 1 attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 9: Residential under section “9.5 EXCEPTIONS”:

“EX-RES-XX The lands identified as “EX-RES-XX” on Schedule D, being 116 Four Mile Creek Road, shall be subject to all requirements of the “Medium Density Residential” designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Subsection 6.32.3 Residential Land Use (3) and (4), Subsection 9.3.2 (1) and 9.4 (4) of the Official Plan, an apartment building being four (4) storeys and 14.0 metres in height and having a maximum *residential net density* of 42 units per acre (104 units per hectare), shall be permitted.

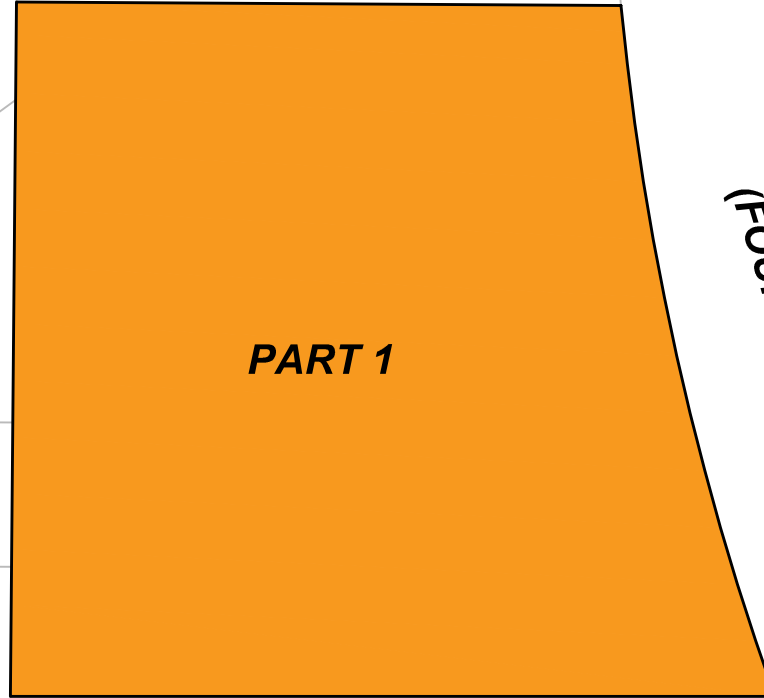
PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. XXXX



RED HAVEN DRIVE



PART 1

**REGIONAL ROAD 100
(FOUR MILE CREEK ROAD)**

DAVID SECORD DR

LEGEND



**PART 1 - FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL
SPECIAL POLICY AREA**

**116 FOUR MILE CREEK ROAD, ST. DAVID'S
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. _____**

MAYOR: _____

CLERK: _____



APPENDIX V
DRAFT ZONING BY-LAW AMENDMENT

Explanation of the Purpose and Effect of
By-law XX-XX

The subject lands are known as 116 Four Mile Creek Road located on the west side of Four Mile Creek Road. The subject lands are legally described as “LT TWP LT 91 NIAGARA PT 1 30R8296; in the 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 the development of a four-storey apartment building consisting of a maximum of 77 dwelling units, in addition to implementing site-specific provisions, with common elements for a private road, visitor parking, servicing and landscaping.

Effect

The effect of this By-law is to rezone the subject lands from “St Davids Community Zoning District - Village Commercial (VC-2)” to “St Davids Community Zoning District - Residential Multiple (RM2-XX) – Site Specific Zone” with site-specific provisions for permitted use, front yard setback to the property line, interior side yard setback, rear yard setback, and building height.

<i>Applicant:</i>	Pinewood Homes (Niagara) Ltd.
<i>File Number:</i>	ZBA-XX-XX
<i>Report Number:</i>	CDS-XX-XX
<i>Assessment Roll Number:</i>	262702002509825

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. XX - 25**

116 Four Mile Creek Road, Niagara-on-the-Lake
Roll # 262702002509825

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

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

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

1. Schedule "A-23" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map 'A' attached to and forming part of this By-law from "St Davids Community Zoning District – Village Commercial (VC-2) Zone" to "St Davids Community Zoning District - Residential Multiple (RM2-XX) – Site Specific Zone"

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

9.XXX – 116 Four Mile Creek Road [RM2-XX]

9.XXXX RM2-XX Permitted Uses

In lieu of the permitted uses contained in Subsection 9.5.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM2-XX on Schedule 'A-23:

- a) *apartment building* with a maximum of seventy-seven (77) apartment dwelling units.
- b) *Accessory building and structure in accordance with Section 6.1*

9.XXXX RM2-XX Zone Requirements

Notwithstanding the corresponding provisions of Subsection 9.5.2 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the lands identified as RM2-XX on Schedule 'A-23:

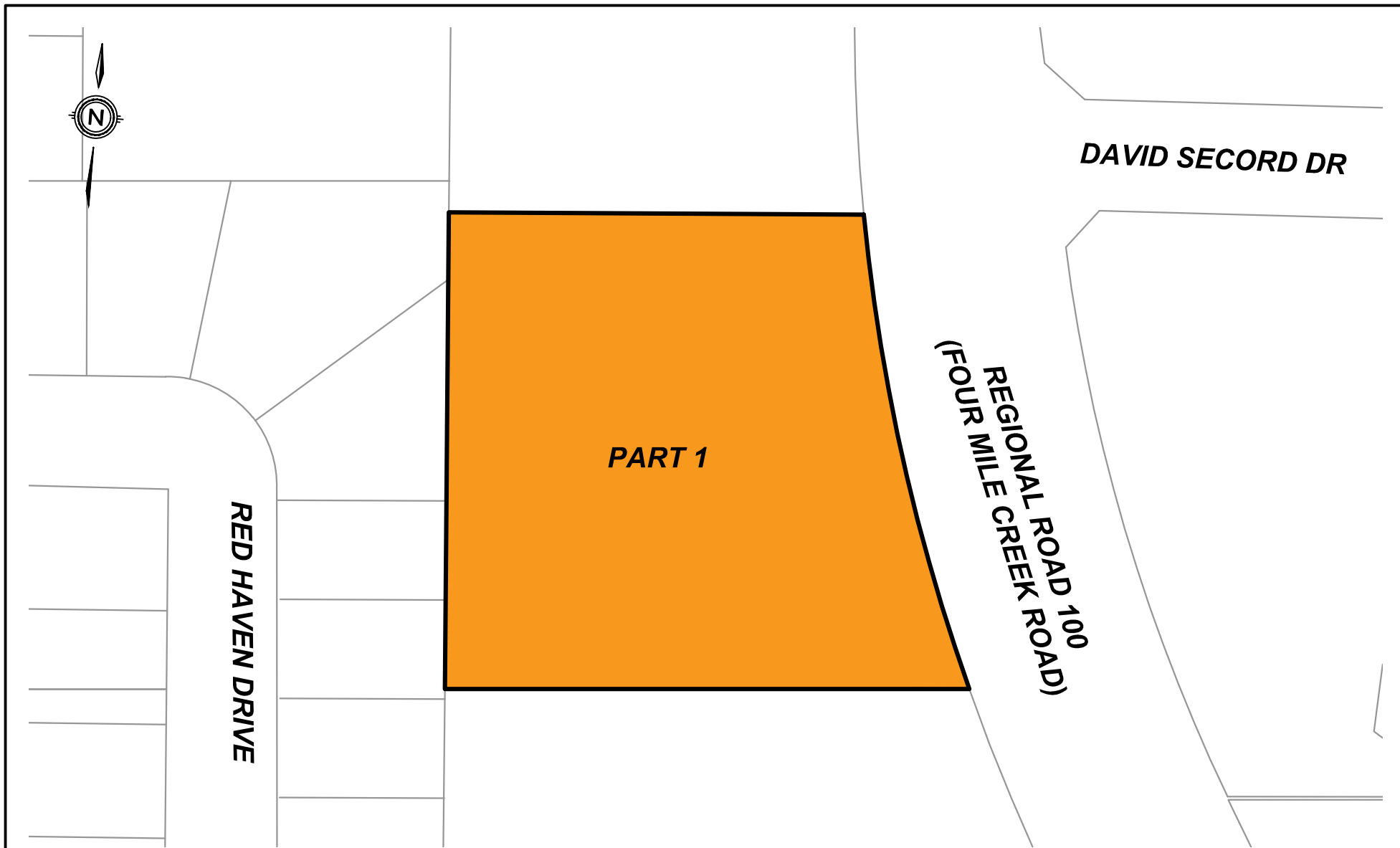
(e)	Minimum front yard setback	3.5 m
(f)	Minimum interior side yard setback	3.0 m
(h)	Minimum rear yard setback	12.0 m
(k)	Maximum building height	14.0 m

5. That this By-law shall become effective upon final approval of the related Amendment No. XX to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS XX DAY OF XXX 20XX.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



LEGEND



**PART 1 - FROM VILLAGE COMMERCIAL 2 (VC-2) TO RESIDENTIAL MEDIUM DENSITY 2
SITE SPECIFIC (RM2-XX)**

**116 FOUR MILE CREEK ROAD, ST. DAVID'S
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____**

MAYOR: _____

CLERK: _____

