

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – 1839 Four Mile Creek Road
Official Plan Amendment Application (OPA-03-2025)
Zoning By-law Amendment Application (ZBA-03-2025)

DATE: 2025-06-03

REPORT #: CDS-25-074

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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and all comments received will be considered through the review of the application. No recommendation is being made at this time.

Applications for an Official Plan Amendment and a Zoning By-law Amendment (the “Applications”) have been received for the subject lands, known municipally as 1839 Four Mile Creek Road. The Applications propose to facilitate the development of a three (3) storey apartment building with 29 residential units and underground parking.

The Official Plan Amendment proposes to redesignate the lands from “Low Density Residential” to a site-specific “Medium Density Residential” designation with provisions to allow for the apartment building height and its density. The Zoning By-law Amendment proposes to rezone the lands from “Residential (R1) Zone” to “Residential Multiple (RM2) Zone” with a range of site-specific provisions.

Location

The subject lands are located on the east side of Four Mile Creek Road, south of East and West Line, in the urban area of Virgil (see **Figure 1**). The property has an area of approximately 3,194 square metres and a frontage of 38.1 metres along Four Mile Creek Road.

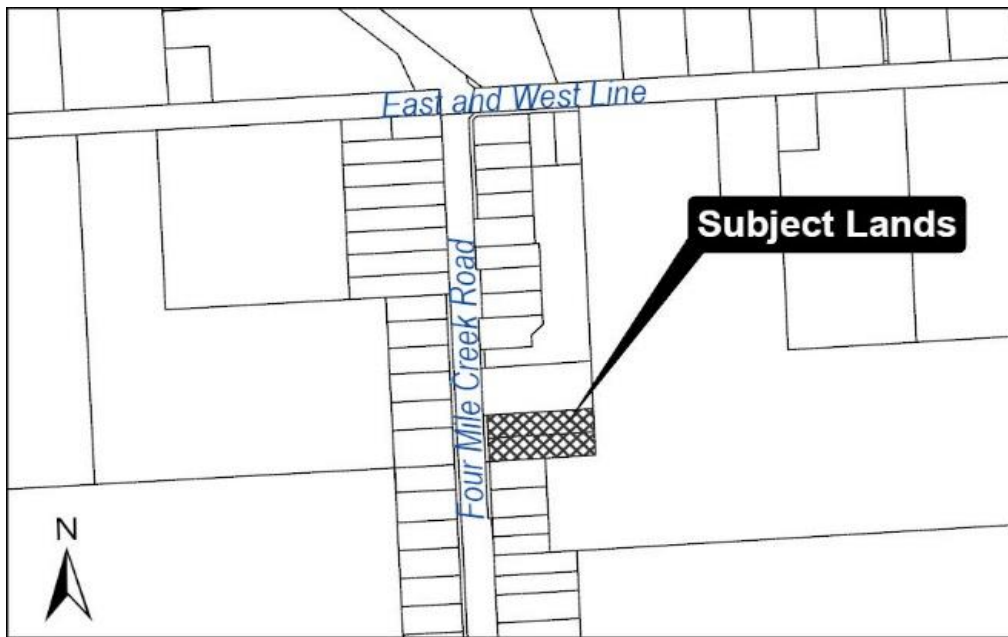


Figure 1: Location of subject lands

The subject lands are currently vacant and contain a number of mature trees. Municipal water and sanitary connections are available along Four Mile Creek Road. The surrounding lands are comprised of predominantly low density residential uses such as single-detached dwellings, as well as adjacent agricultural lands to the east.

The subject lands were previously severed into two residential parcels by way of Consent Application B-03/23. The lands must re-merge in title in order to facilitate the current Applications.

Development Process

The Applications are in the first phase of the development review process. Should the Official Plan Amendment and Zoning By-law Amendment be approved by Council, the applicant will be required to obtain Site Plan Approval to facilitate the proposal.

Proposal

Applications have been received to facilitate the development of a three (3) storey apartment building with a total of 29 residential units and underground parking. The Official Plan Amendment proposes to redesignate the lands from “Low Density Residential” to a site-specific “Medium Density Residential” designation with policies to allow for the apartment building height and its density.

The Zoning By-law Amendment proposes to rezone the lands from “Residential (R1) Zone” to “Residential Multiple (RM2) Zone” with site-specific provisions for encroachments, lot area per unit, lot coverage, rear and interior side yard setbacks, building height, buffers, and fencing.

The architectural drawings (site plan, underground parking layout, elevations and renderings) are attached as **Appendix I** to this report.

The following documents have been submitted and are being considered during the review of these Applications:

- Official Plan and Zoning Amendment Application Form
- Architectural Drawings
- Conceptual Landscape Plan
- Functional Servicing and Stormwater Management Report
- Planning Justification Report
- Shadow Study
- Urban Design Brief and Streetscape Analysis
- Tree Inventory and Preservation Report and Plan

The submitted materials can be found at the following link: <https://www.notl.com/business-development/public-planning-notices/1839-four-mile-creek-road-opa-03-2025-zba-03-2025>

The Applications were deemed complete by Town Staff on April 17, 2025.

Policy Review

The following provides a general overview of the policy framework regarding these Applications. A full policy review will be completed and included in the recommendation report.

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

The *Planning Act* permits individuals to request amendments to a municipal official plan and/or zoning by-law.

Provincial Planning Statement, 2024

The subject lands are identified as being within a “Settlement Area” under the Provincial Planning Statement (“PPS”). The PPS sets the overall policy direction for regulating land use in Ontario.

The PPS indicates that growth and development are intended to be directed primarily to settlement areas. The policies provide direction for managing and directing efficient use of land, resources and services, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure. A range and mix of housing options and general intensification and redevelopment is to support the achievement of complete communities.

Niagara Official Plan, 2022

As of March 31, 2025, pursuant to Bill 23 (the More Homes Built Faster Act, 2022), the Planning Act was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. As a result, the Niagara Official Plan, 2022 (the “NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

The subject lands are within a “Delineated Built-Up Area” in the NOP.

The NOP outlines forecasted growth shall be directed to settlement areas. The objectives include accommodating growth through strategic intensification, planning for orderly implementation of infrastructure and services, and supporting the overall health of the community. Development in urban areas should support intensification targets, compact built form, a range of housing types, overall quality of life, and the efficient use of existing services and infrastructure.

The NOP allocates a minimum residential intensification target of 25% to the Town. To support the achievement of this target, the NOP directs that a mix of housing options should be provided to address current and future needs. Further, residential intensification is encouraged to be planned to mitigate and adapt to the changing climate through facilitating compact built form.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated “Low Density Residential” on Schedule C and “Built Up Area” on Schedule I-2 of the Town of Niagara-on-the-Lake Official Plan (the “Town OP”).

The Town OP provides growth management policies under Section 6A and outlines intensification policy direction to accommodate additional growth within the Built-up Areas and land use compatibility criteria to ensure compatibility with surrounding lands and existing municipal infrastructure and services. Medium density residential uses, such as an apartment building, are permitted in a Low Density Residential area, subject to conformity with the relevant policies of the Residential section in the Town OP, specific design and locational criteria, and a site-specific zoning by-law amendment. The predominant built form for residential intensification within the residential areas include single-detached, semi-detached and townhomes, as well as low rise apartment buildings subject to development and compatibility policies of the Town OP. Minimum and maximum net densities are established in the Town OP.

The Town OP identifies that single-detached, semi-detached and duplex dwellings are main uses in the “Low Density Residential” designation. Further, multi-unit residential housing such as townhouses and apartments are permitted as main uses in the “Medium Density Residential” designation. The development of Medium Density Residential uses must consider the following, but not limited to: massing, height, compatibility, parking, servicing, landscaping, and access criteria.

OPA 78 outlines that infill development in Virgil will respect and reflect the existing pattern and character of adjacent development, where frontages, lot areas, heights, setbacks, and designs are to be complimentary and accommodating to the surrounding neighbourhood.

The Town OP contains building height restrictions, stating that building heights in the Town do not generally exceed 11 metres. It further directs that the implementing zoning by-law should limit the building height to less than 11 metres in low density residential areas where the majority of buildings are 1-1.5 storeys in height. Ornamental features on the roof of a building are exempt from height measurements, provided they are recognized in the implementing zoning by-law.

The Town OP also directs that existing trees must not be unnecessarily removed and that, wherever possible, existing trees should be preserved and protected. In urban areas where it is unavoidable that trees be removed, the proponent shall plant trees of a similar or comparable species.

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been adopted and is therefore not in effect but represents Council intent. The subject lands are designated “Residential” in the proposed Official Plan. Medium-rise structures such as multi-floor apartment buildings are permitted, subject to design and location considerations and a zoning by-law amendment. For the Virgil area, building height restrictions further limit buildings heights to up to four (4) storeys or 14 metres, whichever is less, on sites designated for medium density development.

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

The subject lands are zoned “Virgil Community Zoning District – Residential (R1) Zone” in Zoning By-law 4316-09, as amended. Single-detached dwellings and accessory buildings are permitted uses in this zone.

Proposed Amendments

The Official Plan Amendment requests to redesignate the lands from “Low Density Residential” to a site-specific “Medium Density Residential” designation. The site-specific designation would permit the proposed apartment building height and its proposed density at 94.2 units per hectare.

The Zoning By-law Amendment requests to rezone the lands to a site-specific “Residential Multiple (RM2) Zone” to facilitate the proposed apartment building. The following chart outlines the standard “Residential Multiple (RM2) Zone” provisions in comparison to the requested site-specific provisions:

Zone Requirement	Standard RM2 Zone	Site-Specific RM2 Zone
Maximum lot area per unit	135 m ²	106.2 m ²
Maximum lot coverage	35%	42.26%
Minimum interior side yard setback	Minimum interior side yard setback of 6.0 m (19.69 ft), except where the interior lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone or Residential 3 (R3) Zone in the Virgil Community Zoning District, a minimum interior side yard equal to the building height is required, whichever is greater. The proposed parking structure is 1.83 m in height, and the proposed apartment building is 11.28 m to the top of the roof.	1.0 m setback from interior lot line to parking ramp structure 7.22 m setback from interior lot line to third storey of apartment building
Minimum rear yard setback	7.5 m	5.99 m to parking structure
Maximum building height	10.5 m	11.28 m

In addition to the provisions above, the following general provision amendments are being requested:

Provision	Standard	Requested
Permitted Yard Projections and Encroachments	Maximum projection into required yard for unenclosed and uncovered steps: Side yard: 0.6 m	1.2 m to the side yard steps
Residential / Agricultural Interface	Where a residential zoned lot abuts an agricultural zone, a 3 m wide buffer strip constructed and maintained along the residential property line, with a board on board wood fence, constructed by the residential developer, is required. The board on board fence shall have no openings and be a minimum height of 1.8 m.	1.4 m buffer strip to the south 1.91 m buffer strip to the east 1.5 m aluminum fence

Consultation

The Applications were circulated to required Town Departments and external agencies for review and comment. Public Notice of the Applications was provided as required by the *Planning Act*.

To date, the following comments have been received:

Town Departments

Building – A full Building Code Matrix must be provided to identify the building classification, and two exits are required from the basement parking garage.

Finance – No objections.

Fire and Emergency Services – No objections. More detailed comments regarding fire hydrant flows, hydrant location, building matrix, and fire route access to be addressed at the subsequent Site Plan Approval (SPA) stage.

Heritage – No objections. The lands are not mapped as having archaeological potential, and there are no heritage resources nearby.

Urban Forestry – No objections. A review of the detailed landscape plan will occur at the subsequent SPA stage.

External Agencies

District School Board of Niagara – No objections.

Enbridge Gas – No objections.

Niagara Region – No objections for the OPA and ZBA stage. More detailed comments with respect to waste collection eligibility will be provided at the SPA stage, as the proposal is currently unable to satisfy the Regional waste collection requirements.

Public

An electronic Open House was held on Wednesday, May 14, 2025. Three (3) members of the public were in attendance and outlined concerns with respect to noise, traffic, and drainage. No formal public comments have been provided to Staff to date. Should any public comments be received after the preparation of this report, they will be noted during the Public Meeting.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through review of the applications. The applicant will have an opportunity to respond to comments and may submit revised applications materials. Any revised materials will be made publicly available. Once the review process is concluded, a staff recommendation report, including a full review of all applicable policies, will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

- **Appendix I** – Architectural Drawings