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

**SUBJECT:** Public Meeting – 308 Four Mile Creek Road  
Zoning By-law Amendment Application (ZBA-24-2025)  
Modification to Approved Draft Plan of Condominium (26CD-18-25-06)

**DATE:** 2025-12-02

**REPORT #:** CDS-25-172

**PREPARED BY:** John Federici, MCIP, RPP – Senior Planner

**DEPARTMENT:** Community & Development Services

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### 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 collecting comments. No recommendation is being made at this time.

Applications have been received for a Zoning By-law Amendment and Modification to an Approved Draft Plan of Vacant Land Condominium on the subject lands, municipally known as 308 Four Mile Creek Road. The applications would facilitate the next phase of development of six (6) additional townhouse dwellings, for a total of fifteen (15) block townhouse dwelling units on the subject lands, to be accessed via a private road which connects and runs parallel to Four Mile Creek Road.

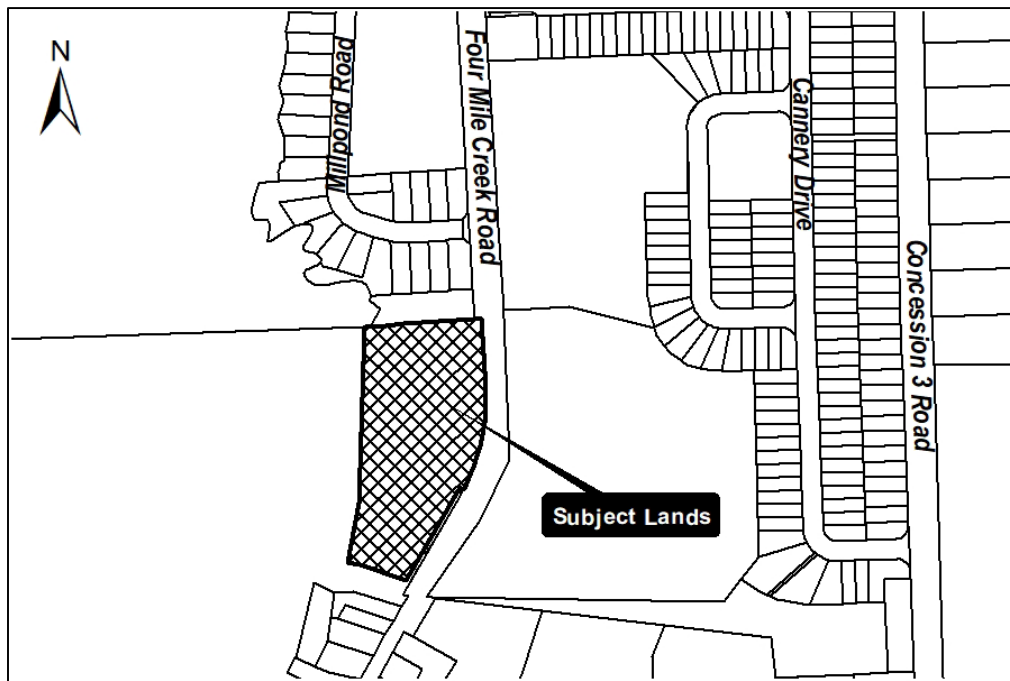
The Zoning By-law Amendment proposes to rezone the development portions of the subject lands from “Residential (R1) Zone” and “Residential Multiple (RM1-41-H) Site Specific Holding Zone” to a site-specific “Residential Multiple (RM1) Zone” to permit the block townhouse dwellings, with provisions for permitted yard projections and encroachments, distance between buildings on the same lot, interior side yard setback, and garage door width.

### Location

The subject lands are municipally known as 308 Four Mile Creek Road and are located on the west side of Four Mile Creek Road, south of Millpond Road and north of York Road, in the Urban Area of St. Davids (see **Figure 1**). The lands are surrounded by residential, industrial, agricultural, open space, and commercial uses.

A section of Four Mile Creek traverses the subject lands, which was previously relocated with permission and supervision of the Niagara Peninsula Conservation Authority (the “NPCA”).

The creek was realigned under a works permit from the NPCA to enhance its natural flow and to accommodate future development in a more efficient manner. The subject lands contain a single-detached dwelling at the southern end of the parcel, and the balance of the property is vacant.



**Figure 1:** Location of the subject lands.

### **Development Process**

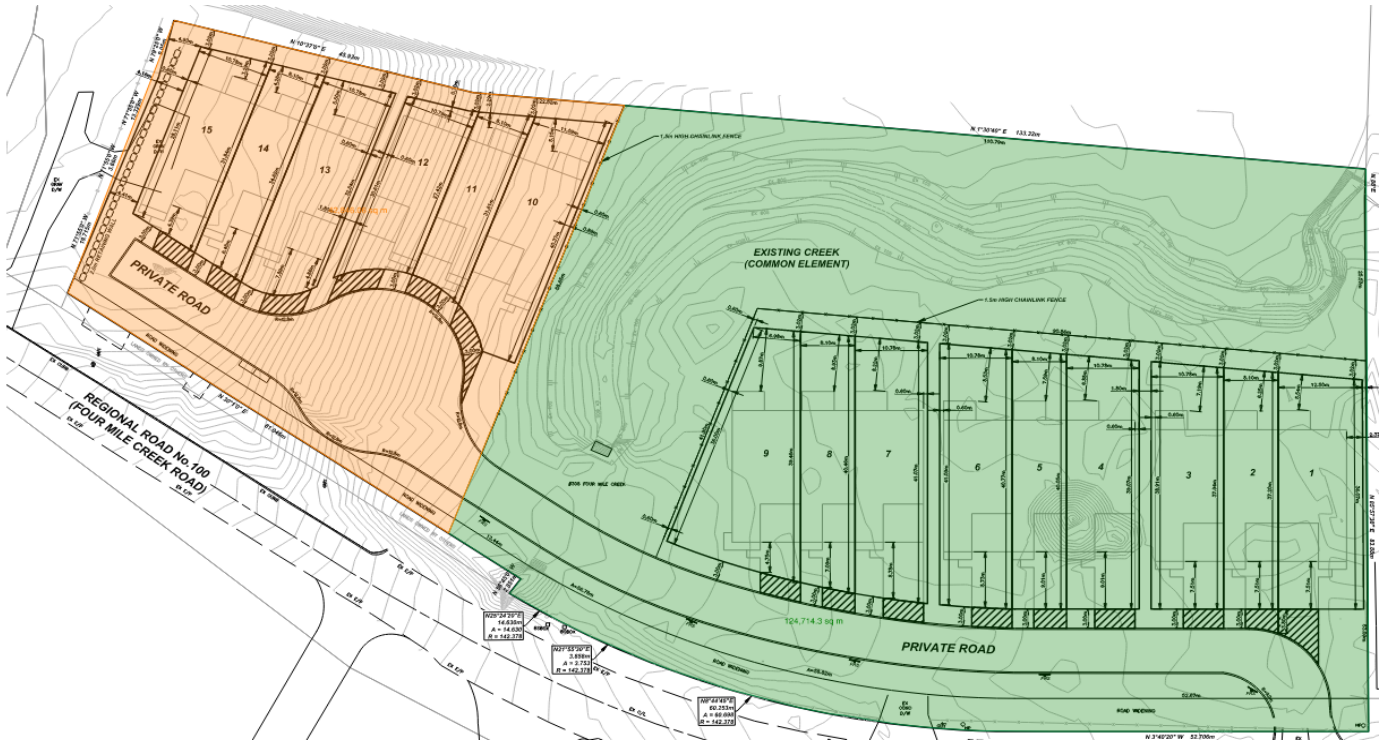
The Applications are in the first phase of the development review process. Should the Zoning By-law Amendment and the proposed modification to the Draft Plan of Vacant Land Condominium be approved by Council, the applicant will be required to clear all Conditions of Draft Plan Approval and obtain Site Plan Approval to facilitate the proposal.

### **Previous Approval**

The Draft Plan of Vacant Land Condominium (Town File No. 26CD-18-23-01), was approved by Town Council on July 30, 2024. The approved Draft Plan includes nine (9) condominium units for townhouse dwellings on the northern portion of the property, a block at the southern portion of the property identified for future development, and a common element block for open space to protect the Four Mile Creek and associated buffer lands.

Town Staff note that an Official Plan Amendment and Zoning By-law Amendment were approved to redesignate and rezone the northern portion of the subject lands to permit nine (9) block townhouse dwelling units, and to redesignate and rezone a portion of the property to protect an existing environmental area from development. These amendments were approved by Town Council on July 30, 2024.

**Figure 2** provides an understanding of portions of the property that were subject to the previous approvals (shaded in green), and the portions of the property where further development is being proposed (shaded in orange) through the Applications currently under review.



**Figure 2:** Previous approvals (green) versus newly proposed development (orange)

**Proposal**

Applications have been received for a Zoning By-law Amendment and for Modification to an Approved Draft Plan of Vacant Land Condominium on the subject lands.

The modification is seeking to add six (6) condominium units for block townhouse dwellings at the southern portion of the subject lands, which is marked as Phase 2 – Future Development on the approved Draft Plan. The applications would facilitate the development of six (6) additional townhouse dwelling units for a total of fifteen (15) block townhouse dwelling units to be accessed via a private road which connects and runs parallel to Four Mile Creek Road. In addition, the Plan proposes to revise the configuration of the private road to allow for a turnaround for emergency and waste collection vehicles.

The Zoning By-law Amendment proposes to rezone the development portions of the subject lands from “Residential (R1) Zone” and “Residential Multiple (RM1-41-H) Site Specific Holding Zone” to “Residential Multiple (RM1) Zone” to permit the block townhouse dwellings, with site-specific provisions for permitted yard projections and encroachments, distance between buildings on the same lot, interior side yard setback, and garage door width. No changes are proposed to the two site-specific “Open Space (OS)” zones, which were implemented as part of the previous approval on the subject lands to protect the Four Mile Creek and associated buffer lands, with permissions to allow for a private road and infrastructure subject to approval from the NPCA.

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

- Cover Letter – September 24, 2025
- Environmental Impact Study – September 23, 2025
- Functional Servicing Report – September 2025
- Noise Study – August 19, 2025
- Planning Justification Report – August 2025
- Townhouse Elevations – August 29, 2025
- Landscape Plan – July 2025
- Revised Draft Plan of Vacant Land Condominium – July 11, 2025
- Record of Site Condition (RSC) – February 26, 2025
- Ministry of Environment, Conservation and Parks Letter (RSC) – February 26, 2025
- Draft Site Plan – September 2, 2025
- Arborist Report – October 15, 2025
- Phase I Environmental Site Assessment – August 2, 2023
- Phase II Environmental Site Assessment – December 7, 2023

The application materials can be found on the Town's website here:

**<https://www.notl.com/business-development/public-planning-notice/308-four-mile-creek-road-zba-24-2025-and-26cd-18-25-06>**

The applications were deemed complete by Town Staff on October 24, 2025.

### **Policy Review**

The following provides a general overview of the policy framework regarding the 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* provides individuals with the ability to request amendments to a municipal 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 directs growth and development to Settlement Areas and encourages land use patterns within Settlement Areas to be based on densities, and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure, and support active transportation. A range and mix of housing options and general intensification and redevelopment is to support the achievement of complete communities.

The PPS sets out that natural features and areas shall be protected for the long term, and that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems should be maintained, restored or where possible improved, recognizing linkages between and among natural features and areas, surface water features, and ground water features.

### **Niagara Escarpment Plan, 2017**

The subject lands are designated as being within the St. Davids “Minor Urban Centre” and the “Escarpment Rural Area” in the Niagara Escarpment Plan (“NEP”).

The NEP sets out objectives and includes policies on permitted uses and lot creation within Minor Urban Centres. Development and growth must be in accordance with the Town’s Official Plan. New development and growth should minimize land use conflicts, encourage environmentally sound development, and maintain community character. Development should not conflict with other land uses such as agriculture.

The subject lands are not within the Niagara Escarpment Commission’s (NEC) Development Control Area and, therefore, no Development Permit is required from the NEC.

### **Niagara Official Plan, 2022**

The Niagara Official Plan is now an Official Plan of the Town. The subject lands are identified as being within the “Delineated Built-up Area” in the Niagara Official Plan (the “NOP”).

The NOP outlines that 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.

The NOP directs that environmental and natural heritage features are to be protected and wisely managed in accordance with applicable policies. Natural features and areas should be protected for the long term, and the diversity and connectivity of natural features and ecosystem function should be maintained, restored or, where possible, improved.

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

The subject lands are designated “Low Density Residential,” “Conservation,” and “Conservation – EX-CON-1” on Schedule D and “Built-up Area” on Schedule I-3 of the Town of Niagara-on-the-Lake Official Plan (“Town OP”). The subject lands are located within Special Policy Area A-3 (St. Davids) and are subject to the St. Davids Urban Design Guidelines.

The Town OP provides growth management direction under Section 6A, which sets out policies for intensification that are focused on appropriately accommodating additional growth within the Built-up Areas. The policy direction contains criteria to establish land use compatibility with surrounding lands and ensure that existing municipal infrastructure and services can accommodate planned growth. 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.

The Official Plan recognizes St. Davids as a Special Policy Area A-3 – St. Davids Secondary Plan. Those policies include preserving the ambience and character of the historic village and protecting the Niagara Escarpment. Policies related to infill and intensification, St. Davids Urban Design Guidelines, and land use compatibility, as well as all other applicable policies of the Town OP, will be considered through the review of this application.

Within the “Medium Density Residential” designation, a maximum residential net density of 30 Units per hectare are permitted.

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” and “Employment” in the proposed Official Plan. Medium-rise or multiple residential uses, such as townhouses, are permitted within the “Residential” designation. Town Staff note that the northern portion of the subject lands, which is designated “Employment” in the proposed Official Plan, has received approval from Town Council to be redesignated for residential use through the Official Plan Amendment in 2024.

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

The southern portion of the subject lands is zoned “Residential (R1) Zone,” and the northern portion of the subject lands is zoned “Residential Multiple (RM-1-41-H) Site Specific Holding Zone.” The Holding symbol was applied to require the filing of a Record of Site Condition as Areas of Potential Environmental Concern were identified on the subject lands through the Phase I Environmental Site Assessment provided at that time.

The Zoning By-law Amendment proposes to rezone the subject lands from “Residential (R1) Zone” and “Residential Multiple (RM-1-41-H) Site Specific Holding Zone” to “Residential Multiple (RM1) Zone” to permit block townhouse dwellings on the entirety of the development portions of the site, with site-specific provisions, as identified below:

<b>Zone Requirement</b>	<b>Standard RM1 Zone</b>	<b>Site-Specific RM1 Zone</b>
Minimum Distance Between Buildings Located on the Same Lot	Minimum distance between buildings located on the same lot:  (i) Between walls not containing windows to a habitable room – 3.0 metres  (ii) Between walls where one wall contains a window to a habitable room – 9.0 metres  (iii) Between walls where both walls contain a window to a habitable room – 15.0 metres	3.0 metres
Minimum Interior Side Yard Setback	6.0 metres	1.2 metres
Maximum Garage Door Width	N/A	50% of the dwelling unit's width.

The applicant is further requesting relief from the general provisions related to permitted yard projections and encroachments, as identified below:

<b>Zone Requirement</b>	<b>General Provision</b>	<b>Site-Specific RM1 Zone</b>
Permitted Yard Projections and Encroachments for unenclosed and uncovered porch, deck, balcony, patio or steps	Front or Rear Yard – 1.5 metres  Side Yard – 0.6 metres	Covered porches are permitted to encroach into a rear yard 3.5 metres and into a front yard 2.0 metres

Town Staff note that the permissions for the Phase 2 lands at the southern portion of the property, where new development is proposed, are generally in alignment with the previous approvals for the Phase 1 lands at the northern portion of the property. Further, the applicant has provided the Record of Site Condition from the MECF. As such, the Holding is not necessary going forward.

### **Consultation**

The Applications were circulated to the 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**

Finance – No objections.

Fire and Emergency Services – Request that the proposed hydrant locations be shown on the Site Plan, and request that the drawing show the centerline turning radius of the proposed turnaround for emergency vehicles, as well as the change in gradient measurement to ensure it meets requirements set out in the Ontario Building Code. Fire and Emergency Services

Staff recommend that the applicant consider the installation of residential fire sprinklers for the added life safety of the occupants and responding firefighters.

Heritage – No objections.

Urban Forestry – Request further justification for the proposed removal of certain trees, clarification on the study area boundaries for the Arborist Report submitted, and request that plant and tree species information is shown on the Landscape Plan.

### **External Agencies**

Enbridge Gas – No objection.

At the time of report preparation, Town Staff had not received any written comments from the local school boards, the Niagara Escarpment Commission, or the Niagara Region. Staff will continue to follow up.

### **Public Comments**

An electronic Open House is scheduled for November 24, 2025. Any comments received during the Open House will be addressed during the Public Meeting presentation and future recommendation report prepared by Town Staff. At the time of preparation of this report, no written comments have been received.

### **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 application 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** – Revised Draft Plan of Vacant Land Condominium
- **Appendix II** - Elevations