

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-052**

Official Plan Amendment No. 96
308 Four Mile Creek Road
Roll 262702002506000 and 262702002505800

FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; 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. 96 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. 96 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 30th day of July, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. 96 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. 96 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.

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to redesignate a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and a site-specific “Conservation” designation to facilitate residential uses.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of St. Davids, located on the west side of Four Mile Creek Road, north of York Road and south of Millpond Road, on lands municipally known as 308 Four Mile Creek Road.
2. The Amendment is required to redesignate a portion of the subject lands to facilitate residential uses (9 townhouse dwelling units). A portion of the subject lands are located within an environmentally protected area. No development is proposed on the environmental lands, save and except for a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.
3. A portion of the subject lands are currently recognized as locally designated employment lands located outside of a regionally identified Employment Area. The change in land use to accommodate residential uses conforms with the intent of applicable Provincial, Regional and Town planning policies. The change in land use has been examined and evaluated in the context of applicable planning policies and the studies and information submitted in support of the application which demonstrate the need and suitability for the change in land use.
4. Studies submitted as part of the application to support the development, demonstrate protection of the environmental area, and address land use compatibility with surrounding existing industrial land uses.
5. The proposal would provide more housing and a more diverse housing stock, to address current housing needs.
6. The Amendment is consistent with the Provincial Policy Statement (2020) and conforms with the intent of the Growth Plan (2020), the Regional Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
7. A future application for Site Plan Approval would be required to facilitate the development of the proposed 9-unit private road townhouse development.

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 96 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 a portion of the subject lands from “Prestige Industrial (Cannery Park)” and “Conservation” to “Low Density Residential”, “Conservation” and site-specific “Conservation – EX-CON-1” as shown on Schedule 1 attached hereto.
2. That the following is added to Part 3 – Land Use Policies, Section 16: Conservation/Wetlands:

“16.5 EXCEPTIONS

Within the Conservation designation, certain lands are shown as exceptions. An exception designation may recognize an existing land use which is not normally permitted in the Conservation designation or it may place some other restriction on the property. The following is a Conservation exception.

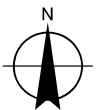
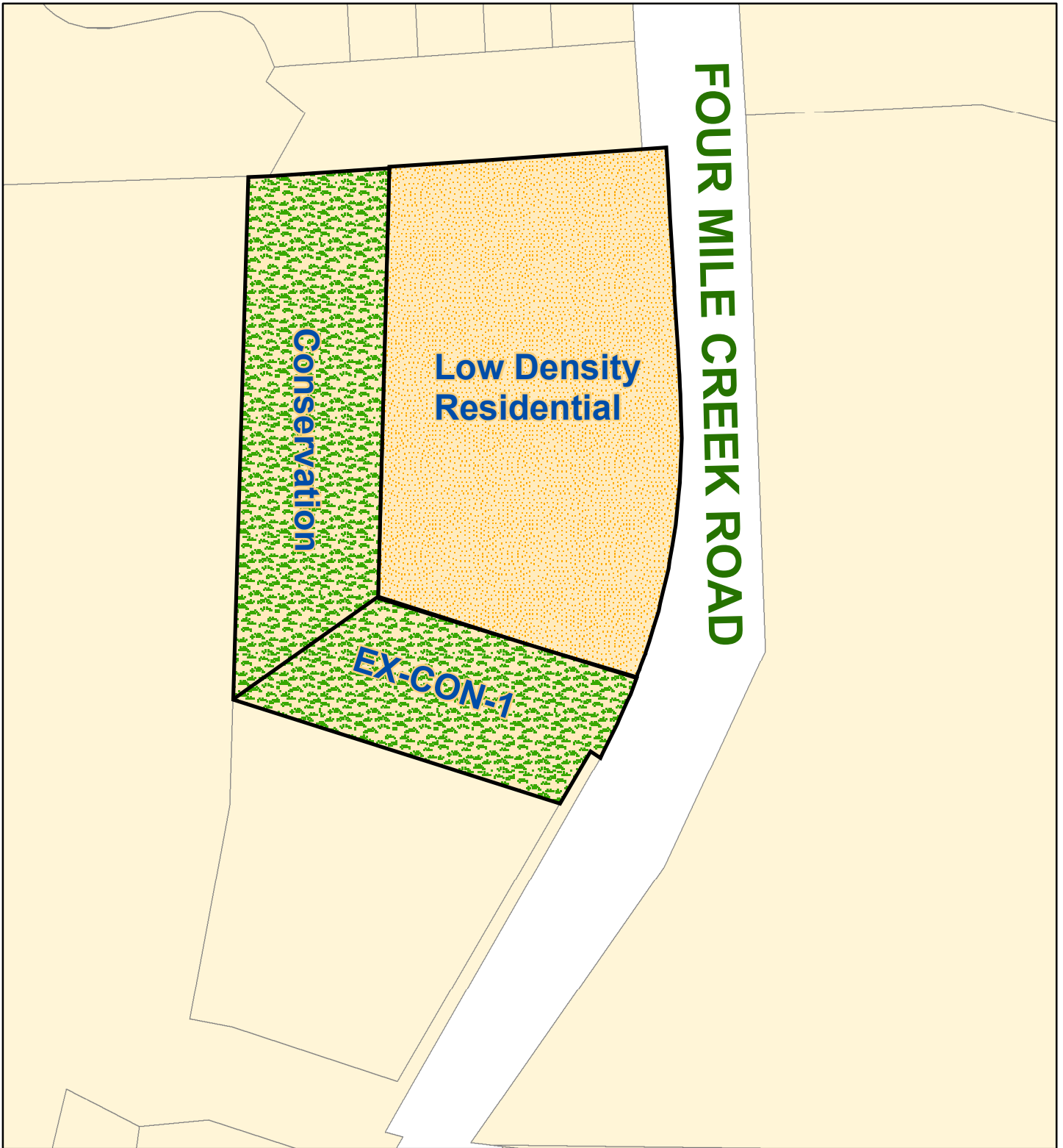
EX-CON-1 The portion of the lands identified as Conservation – EX-CON-1 on Schedule D, municipally known as 308 Four Mile Creek Road, shall be subject to all requirements of the “Conservation” designation and any other general requirements of this Plan, except the following shall apply:

In addition to the uses identified under Subsection 16.3.1 of the Official Plan, a private road is permitted as well as private infrastructure, subject to Niagara Peninsula Conservation Authority approval.”

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Information Report to Council – Public Meeting, 308 Four Mile Creek (CDS-23-210)
2. Committee of the Whole – Planning Meeting Minutes dated October 3, 2023
3. Community and Development Services Report CDS-24-085
4. Council Meeting Minutes dated June 25, 2024



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT 96
BEING AN AMENDMENT TO SCHEDULE "D" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL