

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-060**

Official Plan Amendment No. 97
223 and 227 Mary Street
Roll 262701000508000 and 262701000507900

“PT LT 246, 271 TP PL 86 NIAGARA AS IN RO631891” and “PT LT 245-246, 271-272 TP PL 86 NIAGARA AS IN NTW8594”; 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. 97 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. 97 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 24th day of September, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

**Amendment No. 97 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. 97 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 “Established Residential” to a residential exception designation “EX-RES-16” with site-specific exceptions to permit a medium density residential development (4-storey apartment building) with a maximum net residential density of 100 units per hectare, with parking located to the side and front of the building.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Old Town, located on the north side of Mary Street, west of Mississauga Road and south of William Street, on lands municipally known as 223 and 227 Mary Street.
2. The Official Plan directs that medium density residential developments will generally not exceed 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 net density of 40 units per acre (100 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 this area of Old Town while maintaining the general character of this area in Old Town and represents an appropriate and compatible form of intensification by making efficient use of land and existing services.
4. The proposal would provide more housing and a more diverse housing stock, to address current housing needs.
5. The Amendment is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan (2020), the Niagara Official Plan (2022) and the Town’s Official Plan (2017 Consolidation, as amended).
6. A future application for Site Plan Approval would be 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. 97 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. That Schedule B to the Official Plan, as amended, is amended by redesignating the subject lands from “Established Residential” to “EX-RES-16,” 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-16 The lands identified as “EX-RES-16” on Schedule B, municipally known as 223 and 227 Mary Street, 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:

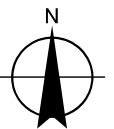
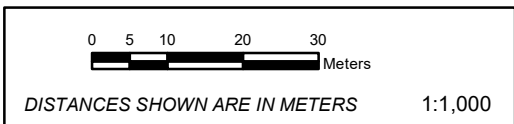
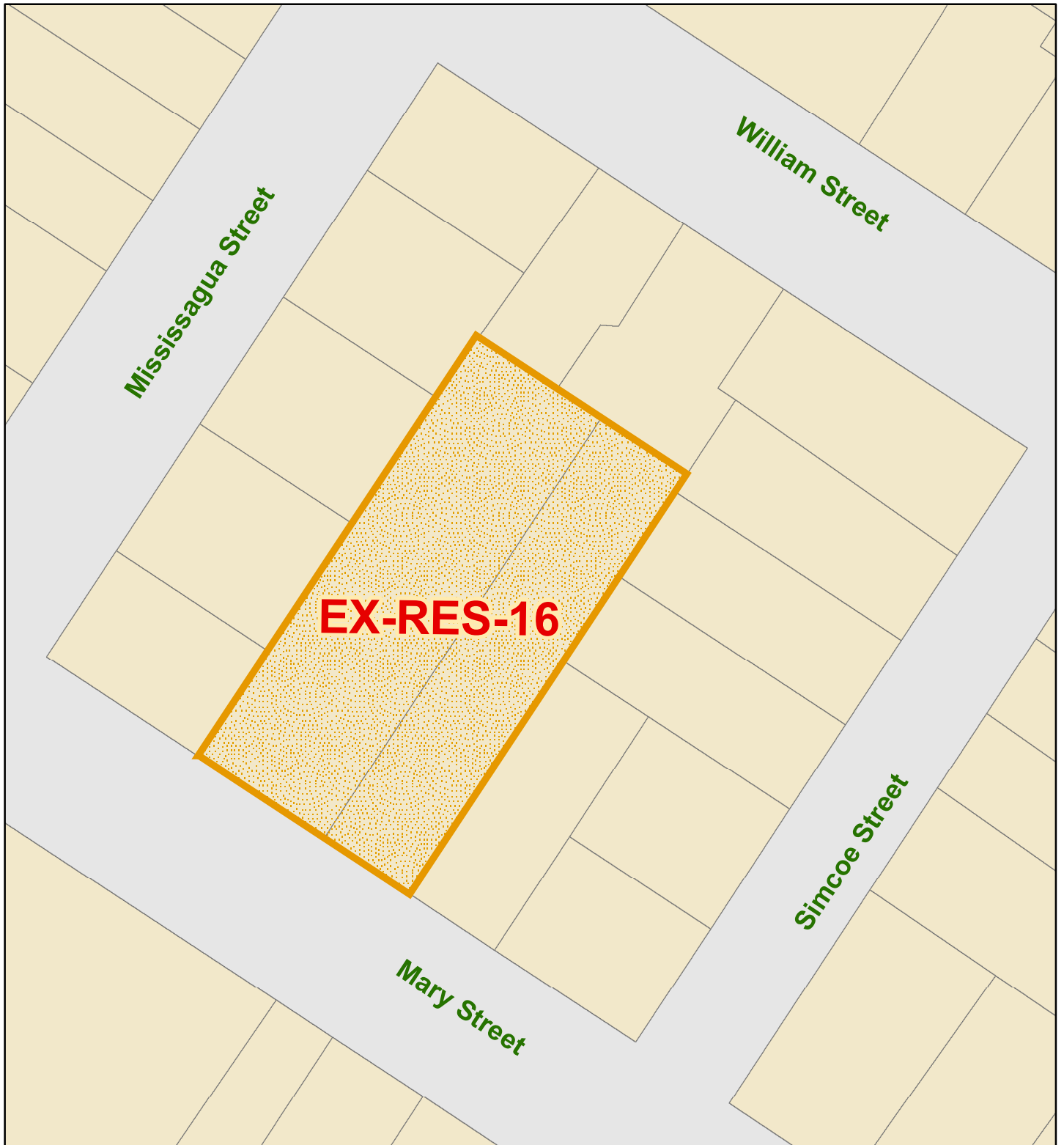
In addition to the uses identified under Subsection 9.3.2 (1) of the Official Plan, an apartment building being four (4) storeys in height containing a maximum of forty-one (41) apartment dwelling units with a maximum net residential density of 100 units per hectare shall be permitted.

Notwithstanding Subsection 6A.4.4 f) (Built-Up Area Intensification Policies) and 6A.4.4 b) (Urban Design) of the Official Plan, parking for the apartment building is permitted at the side and front of the building.”

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Information Report to Council – Public Meeting, 223-227 Mary Street (CDS-23-026)
2. Community and Development Services Report CDS-24-108
3. Council Meeting Minutes dated September 24, 2024



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #97
BEING AN AMENDMENT TO SCHEDULE "B" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL