

Explanation of the Purpose and Effect of
By-law 4316FS-24

The subject lands are described as 223 Mary Street and 227 Mary Street and are legally described as “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,” now 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 a four (4) storey apartment building at a maximum height of 14.0 metres consisting of a maximum of forty-one (41) apartment dwelling units.

Effect

The effect of this By-law is to rezone the subject lands from “Old Town Community Zoning District – Established Residential Zone” to “Residential Multiple (RM1-115-H) – Site Specific Holding Zone” with site-specific provisions for maximum building height, minimum front yard setback, minimum interior side yard setbacks which increase for the upper storeys of the building, encroachments, minimum rear yard setback, and minimum landscaped open space, with the inclusion of a Holding (H) symbol to require that the subject lands are merged in title to facilitate the proposed development. The Holding (H) symbol is also included to address requirements related to stormwater management and associated agreements required to ensure that the stormwater approach for the development is addressed to the satisfaction of the Town and prior to Site Plan Approval.

<i>Applicant:</i>	Veronica and Mihai Balaj
<i>File Number:</i>	ZBA-23-2022
<i>Report Number:</i>	CDS-24-108
<i>Assessment Roll Number:</i>	262701000508000 and 262701000507900

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FS-24**

223 and 227 Mary Street

Roll 262701000508000 and 262701000507900

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-1" 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 "Old Town Community Zoning District – Established Residential Zone" to "Old Town Community Zoning District - Residential Multiple (RM1-115-H) – Site Specific Holding Zone".
2. That Subsection 7.14 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following sections:

7.14.115 – 223 and 227 Mary Street – See Schedule ‘A-1’

7.14.115.1 RM1-115-H Permitted Uses

In lieu of the permitted uses contained in Subsection 7.5.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM1-115-H:

- a) *accessory buildings and structures* in accordance with Section 6.1.
- b) *apartment building* with a maximum of forty-one (41) apartment dwelling units.

7.14.115.2 RM1-115-H Zone Requirements

In lieu of the corresponding provisions of Subsection 7.5.2.3 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the lands identified as RM1-115-H on Schedule “A-1”:

(d)	Minimum landscaped open space	45%
(e)	Minimum front yard setback	7.5 m for an above-ground building or structure 6.0 m for an underground structure
(f)	Minimum interior side yard setback	10.0 m from the western property line for an above-ground building or structure 12.0 m from the western property line for the fourth storey of an above-ground building or structure 10.0 m from the western property line for an underground structure 12.0 m from the eastern property line for an above-ground building or structure 13.0 m from the eastern property line for the third storey of an above-ground building or structure 14.0 m from the eastern property line for

		the fourth storey of an above-ground building or structure 0.0 m from the eastern property line for an underground structure
(h)	Minimum rear yard setback	12.0 m for an above-ground building 1.0 m for an underground structure
(j)	Maximum building height	14.0 m

7.14.115.3 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM1-115-H on Schedule "A-1", the following provisions shall apply:

- a) an unenclosed and uncovered porch, balcony, patio or steps may project 2.0 metres into a required interior side yard on the ground floor.
 - b) an unenclosed and uncovered terrace, balcony or patio, or an enclosed and covered common stairwell, may project 1.0 metre into a required interior side yard for the third storey of an above-ground building or structure.
 - c) an unenclosed and uncovered terrace, balcony or patio, or an enclosed and covered common stairwell, may project 2.1 metres into a required interior side yard for the fourth storey of an above-ground building or structure.
3. The development of the subject lands identified as RM1-115-H on Schedule "A-1" shall only be permitted upon removal of the Holding (H) symbol. The Holding (H) symbol shall not be removed until such time as:
- a. The merging in title of the lands known municipally as 223 Mary

Street and 227 Mary Street is confirmed through the submission of a parcel register and PIN map confirming the merging of the lands in title, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake; and,

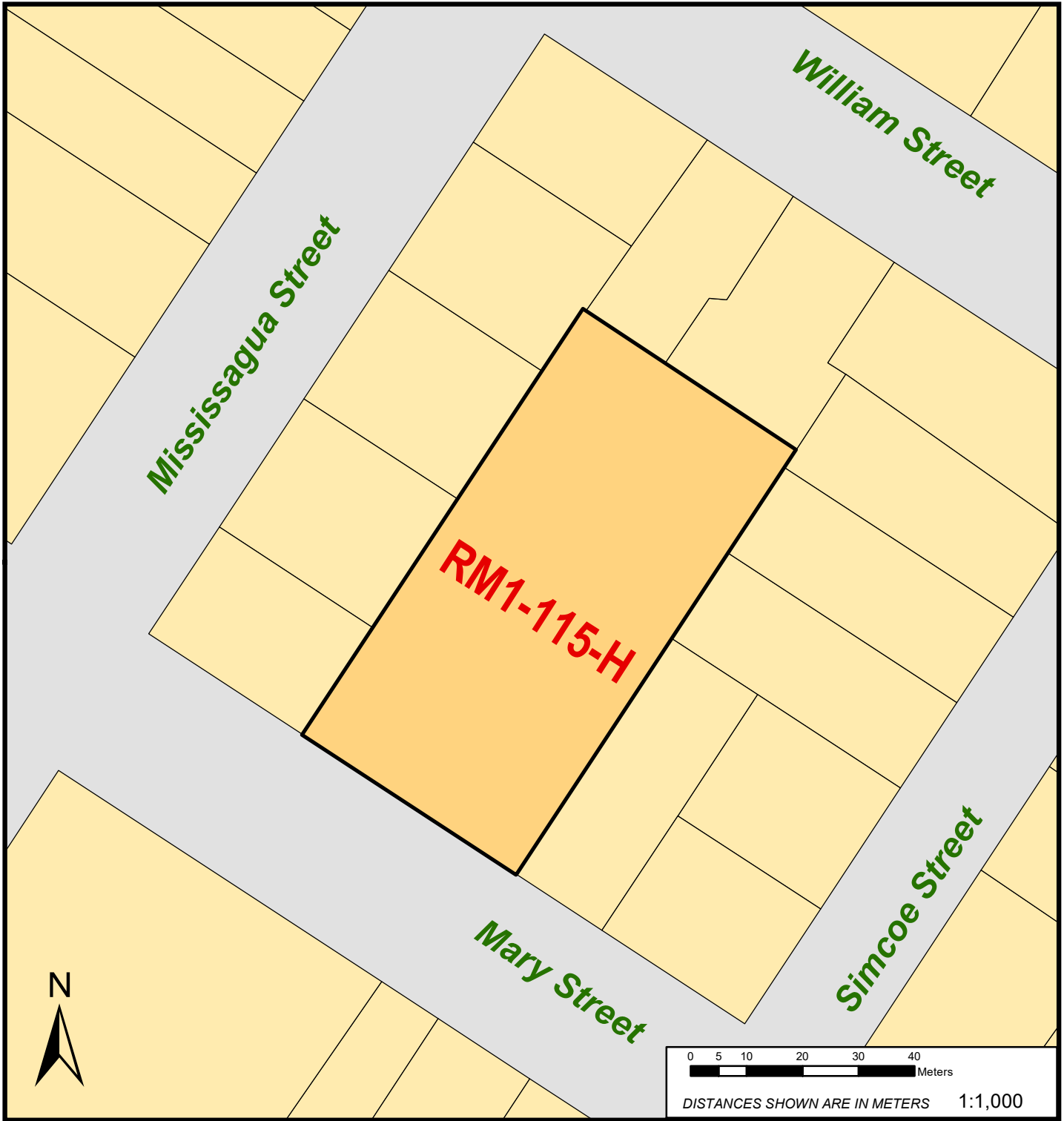
b. The stormwater management approach for the development is addressed and all required agreements, as applicable, are entered into, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake, prior to Site Plan Approval.

4. That this By-law shall become effective upon final approval of the related Amendment No. 97 to the Town of Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 24th DAY OF SEPTEMBER 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FS-24, BEING AN AMENDMENT TO SCHEDULE "A-1" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 24th DAY OF SEPTEMBER, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL