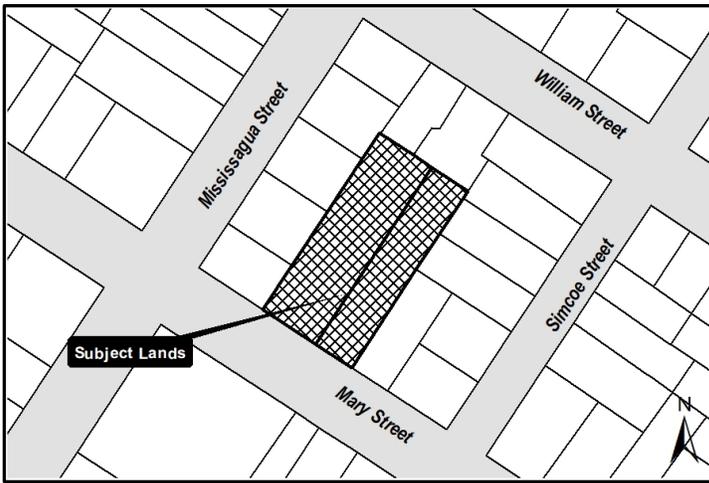


	What:	Notice of Decision for an Official Plan Amendment and Zoning By-law Amendment (under Section 22 and Section 34, respectively, of the <i>Planning Act, R.S.O. 1990, c. P.13</i> , as amended).
	When:	Refused at the September 24, 2024 Council Meeting
	Regarding:	Official Plan Amendment 97 - By-law 2024-060 (File OPA-04-2022) Zoning By-law Amendment - By-law 4316FS-24 (File ZBA-23-2022) 223 and 227 Mary Street, Niagara-on-the-Lake

What is this?



Town Council for Niagara-on-the-Lake has considered written and oral submissions and refused an Official Plan Amendment and Zoning By-law Amendment on the subject lands as follows (see the location map). The Amendments were refused, as the By-laws were defeated by Council in a tie vote.

Official Plan Amendment 97

The Amendment requested to designate the lands to a site-specific “Medium Density Residential”



designation. The site-specific “Medium Density Residential” designation requested to permit a four (4) storey apartment building with a maximum of forty-one (41) apartment dwelling units and a maximum net residential density of 100 units per hectare. The site-specific designation also requested to permit parking for the apartment building at the side and front of the building.

Zoning By-law 4316FS-24

The By-law requested a “Residential Multiple (RM1-H) Site Specific Holding Zone,” to permit the apartment building. The “Residential Multiple (RM1-H) Site Specific Holding Zone” contained provisions for maximum building height, minimum front yard setbacks, minimum interior side yard setbacks which increase for the upper storeys of the building, encroachments, minimum rear yard setbacks, 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 was 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.



The last date for filing a notice of appeal is October 29, 2024.

A notice of appeal:

- i. must be filed with the Town Clerk;
- ii. must set out the reasons for the appeal; and
- iii. must be accompanied by the fee required by the Ontario Land Tribunal.

Please refer to the Ontario Land Tribunal website at olt.gov.on.ca for more information.



Further notice and appeal eligibility:

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed Official Plan Amendment and/or Zoning By-law Amendment to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of Town Council, unless the person or public body, before Town Council made its decision, made oral submissions at a public meeting or written submissions to Town Council, or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

Third party appeals are restricted for these applications as per Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*. *Planning Act* appeals may be filed by the applicant, the Minister of Municipal Affairs and Housing, a “specified person” (as defined by the *Planning Act 1(1)*), and any “public body” (as defined by the *Planning Act 1(1)*).

Dated at the Town of Niagara-on-the-Lake, **October 9, 2024**

Grant Bivol, Town Clerk (clerks@notl.com or 905-468-3266)

Town Hall, 1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0