



Town of Niagara-on-the-Lake

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REPORT #: CDS-24-108 **COMMITTEE DATE:** 2024-09-10
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2024-09-24

SUBJECT: 223 and 227 Mary Street - Official Plan Amendment (OPA-04-2022) and Zoning By-law Amendment (ZBA-23-2022)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Official Plan Amendment (File No. OPA-04-2022) for lands municipally known as 223 and 227 Mary Street, **BE APPROVED**, and that the draft Official Plan Amendment, attached as **Appendix IV**, be forwarded to Council for adoption; and,
- 1.2 The Application for Zoning By-law Amendment (File No. ZBA-23-2022) for lands municipally known as 223 and 227 Mary Street, **BE APPROVED**, and that the draft Zoning By-law Amendment, attached as **Appendix V**, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding applications for an Official Plan Amendment and Zoning By-law Amendment, for the development of a four-storey apartment building containing 41 apartment dwelling units, located at 223 and 227 Mary Street.
- The Official Plan Amendment application proposes to redesignate the subject lands from “Established Residential” to “Medium Density Residential” with a site-specific exception to permit a four (4) storey apartment building at a height of 14.0 metres consisting of 41 apartment units, comprising a density of 100 units per hectare.
- The Zoning By-law Amendment proposes to rezone the subject lands from “Established Residential” to “Residential Multiple (RM1-H) Site Specific Holding Zone.” Site-specific provisions are included for maximum building height, minimum front yard setback, minimum interior side yard setbacks, minimum rear yard setback, and minimum landscaped open space. The proposed setbacks will regulate the location of the building on the site, as well as the underground parking area. The amendment includes a Holding (H) symbol to require that the subject lands merge in title to facilitate the proposed development, and to address requirements related to stormwater management and the associated agreements to ensure the stormwater approach for the development is addressed to the satisfaction of the Town prior to Site Plan Approval.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms with Provincial, Regional, and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee and Council regarding Applications under the *Planning Act* for an Official Plan Amendment and Zoning By-law Amendment for the proposed residential apartment building development at 223 and 227 Mary Street. The Applications would permit the development of 41 apartment dwelling units within a four (4) storey residential apartment building fronting onto Mary Street. A future application for Site Plan Approval is required to facilitate the proposed development.

The Official Plan Amendment proposes to redesignate the subject lands from “Established Residential” to “Medium Density Residential,” with a site-specific exception to recognize an increased density and height to accommodate the proposed development, and to permit parking at the side and front of the building.

The Zoning By-law Amendment proposes to rezone the subject lands from “Established Residential (ER) Zone” to “Residential Multiple (RM1-H) Site-Specific Holding Zone.” Site-specific provisions are included for maximum height, minimum front yard setback for the building and the underground parking structure, minimum interior side yard setback for the building and underground parking structure, minimum rear yard setback for the building and the underground parking structure, in addition to specific setbacks for the third and fourth storeys of the building. The proposed setbacks will regulate the location of the building on the site, as well as the underground parking area. The inclusion of a Holding (H) symbol will require that the subject lands merge in title to facilitate the proposed development, and address stormwater management requirements.

The Applications were deemed complete on December 16, 2022.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands are known municipally as 223 and 227 Mary Street and are located on the north side of Mary Street, east of Mississagua Street, south of William Street, and west of Simcoe Street within the Urban Area of Old Town. The location of the subject lands is shown on **Map 1 of Appendix II**.

The subject lands consist of two (2) properties, which have a combined area of 4,130 square meters (1.02 acres) with a frontage of 45.59 metres along Mary Street and a lot depth of 90.8 metres. The lands will be required to merge in title to facilitate this development. Town Staff recommends the inclusion of a Holding (H) provision to ensure that this occurs. The subject lands at 227 Mary Street currently contain an existing dwelling and two accessory buildings. The lands at 223 Mary Street are vacant. Municipal water and sewer are connected to 227 Mary Street and are available for the vacant parcel.

The surrounding land uses include low-rise residential uses, with several commercial uses to the south of the subject lands spanning along the Mary Street corridor and along Mississagua Street.

4.2 Proposal Revisions

Since the Applications were initially submitted, in response to comments from Town departments, external agencies and the public, the applicant has made several changes to the proposal related to height, massing, interior side yard setbacks, rear yard setbacks, rooftop amenities, and driveway location.

The proposed height has been reduced from 18.0 metres to 13.8 metres which was facilitated through the architectural redesign of the building. A key element in reducing the height of the building included removing the rooftop pool and terrace.

To address comments and reduce the massing of the building, the building location has been shifted to relocate the proposed driveway of the underground parking lot, to be farther away from the Mississauga Street and Mary Street intersection and to align with the commercial driveway on the south side of Mary Street. The redesign included the inseting of balconies and increasing setbacks from the minimum requirements of the Zoning By-law overall. With the shifting of the building, the setback on the west side of the property went from 13.5 meters to 10.23 metres, and on the east side from 7.7 metres to 12.57 metres. The interior side yard setbacks are now increased for the 3rd and 4th storeys of the building to provide stepping of the building to provide transition in height to surrounding low-rise residential uses. The rear yard setback has been increased from 9.2 metres to 12.56 metres to provide further buffering from abutting properties.

The applicant has also agreed to include space for the required children's play area. Items specific to landscaping and building design are to be addressed and implemented during the future Site Plan Application stage.

5. DISCUSSION / ANALYSIS

The Applications have been evaluated for consistency and conformity with relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix III**.

5.1.1 Planning Act, R.S.O. 1990, c. P.13

The Applications support the matters of provincial interest, are consistent with policy statements, and conform to provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial, Regional and Town Planning Policies

The subject lands are designated as being within a "Settlement Area" according to the Provincial Policy Statement, 2020 (the "PPS"), and within the "Delineated Built-up Area" according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the "Growth Plan"). The Niagara Official Plan, 2022 (the "NOP") designates the subject lands as "Delineated Built-up Area."

The subject lands are identified as "Established Residential" on Schedule B and "Built-up Areas" on Schedule I-1 of the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the "Town OP"), within the Urban Area of Old Town. The Town OP designations on the subject lands are shown on **Map 2 of Appendix II**.

5.1.2.1 Summary of Proposed Official Plan Amendment

The Official Plan Amendment application proposes to redesignate the subject lands from “Established Residential” to “Medium Density Residential” with a site-specific exception to permit a density of 100 units per hectare, as well as a four (4) storey apartment building at a height of 14.0 metres consisting of 41 apartment units. While most of the parking for the apartment building is proposed to be within an underground parking lot, the exception would also allow parking primarily for accessible and visitor spaces to be in the side and front yards. The proposed apartment building is considered as a Medium Density Residential use in the Town OP.

5.1.2.2 Archaeology

Provincial, Regional and Town policies provide direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

A Stage 1 and 2 Archaeological Assessment was submitted with the Applications to assess the subject lands. The Licensed Archaeologist who completed the assessments concluded that no further archaeological work is recommended for the property as the investigation resulted in the identification and documentation of no archaeological resources. In 2014, the then Ministry of Tourism, Culture, and Sport acknowledged the recommendations of the report and advised that the report has been entered into the Ontario Public Register of Archaeological Reports.

5.1.2.3 Intensification and Infill

Provincial and Regional policies direct growth to Settlement Areas and the Delineated Built-up Areas to optimize the use of existing infrastructure and public service facilities. A focus is placed on promoting intensification of the Delineated Built-up Area to achieve efficient, compact land use patterns, a mix of diverse land uses, and a range of housing options to support complete communities. The Niagara Official Plan requires that a minimum of 25% of all residential development occurring annually will be within the Delineated Built-up Area.

Like Provincial and Regional policies, the growth management objectives of the Town OP support accommodating future growth within the urban boundary, directing growth and development to the Town’s urban areas. A minimum of 15% of all residential development is directed to Built-up Areas. The Town OP directs that medium density residential development is a permitted form of development within the Established Residential designation and generally within the Built-up Area, subject to criteria focused on design, compatibility, and location. Intensification and redevelopment within the Built-up Area is to be consistent with the heritage and character of the area.

The Applications support the Town in achieving its minimum intensification target by directing growth to the Built-up Areas and will optimize and make efficient use of existing infrastructure. The Applications are in alignment with the direction to develop compact, vibrant, and complete communities as the subject lands are located within walking distance of several commercial uses located along Mary Street and Mississagua Street. The area of the proposed development does not contain heritage value or resources as there are no designated or listed heritage properties on or surrounding the lands, and the character of the area is varied given

the transition from commercial to residential uses. Additional comments regarding compatibility are provided under Section 5.1.3.7.

The proposed development meets the intent of policies for intensification within the Built-up Area.

5.1.2.4 Housing and Density

Provincial, Regional, and Town planning documents encourage efficient development patterns that provide a variety of housing options, optimize the use of land, resources, and public investment in infrastructure and public service facilities, and consider impacts to climate change. The policy direction focuses on supporting the development of compact, vibrant, sustainable, and complete communities.

The General Residential Policies in the Town OP direct that density is a function of service capacity and typography. The Town OP directs that medium density residential developments will not exceed a net density of 30 units per hectare unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods, which will be subject to a public review process. The Applications would allow for the development of a four-storey apartment building containing 41 residential units, which results in a net density of 99.25 units per hectare.

Surrounding development includes one and two-storey single detached dwellings, in addition to several commercial uses along Mary Street and Mississagua Street. A Planning Justification Report ("PJR"), prepared by NPG Planning Solutions Inc. was submitted in support of the proposal. The PJR provides an analysis that reviews Provincial, Regional, and Town OP policies and identifies potential impacts the development may have on the surrounding area. As part of the PJR, a detailed Urban Design and Streetscape Study was undertaken which concludes that the proposed development will not result in incompatibility with surrounding lands, due in part to increased large interior side yard setbacks and rear yard setbacks from adjacent residential dwellings, which minimize shadowing impacts, in addition to the building design that encompasses increased setbacks through stepping for the upper floors to provide for a transition from low-rise residential uses.

The PJR identifies that the subject lands are within a transitional area and, as such, the community's built-form and character in this particular section of Mary Street are not well defined. As noted above, several revisions have occurred to the proposed development since the initial submission in response to comments from Town departments, external agencies, and the public that have addressed overlook, height, massing and ultimately land use compatibility.

The proposed development supports more diverse housing stock to address current housing needs. The existing housing stock in Old Town is primarily comprised of single-detached dwellings. The Applications will add apartment dwellings to the housing stock, which would cater to residents of different age groups, lifestyles, incomes, and household sizes. The Applications also align with the direction for compact, vibrant, and complete communities as the lands are located along a commercial corridor along Mary Street and Mississagua Street, providing direct access to local stores and services within walking distance, in addition to being

within 1 kilometre of a park, places of worship and the Niagara-on-the-Lake Community Centre and Public Library.

5.1.2.5 Height and Massing

The Town OP requires that the bulk, mass, and scale of new development shall fit the context within which it is located. The proposed building is 4-storeys in height, with a height to the top of the building being 13.8 metres, excluding the height of parapets. The surrounding residential properties to the west, north, and east are permitted to have a maximum building height of 10.0 metres, with the commercial property across the street from the subject lands (242 Mary Street) being permitted a maximum height of 10.5 metres.

As noted, several revisions have been made to the proposal which have been implemented to address height and massing of the building, including a reduction in building height from 18.0 metres to 13.8 metres, the removal of the rooftop pool and terrace, the use of inset balconies, increased interior side yard and rear yard setbacks, as well as increased setbacks specifically on the 3rd and 4th floors of the building, and increased minimum landscaping requirements. Staff are of the opinion that the reduction in height coupled with the graduated setbacks on the 3rd and 4th floors of the building provide for a sufficient transition in height between the low-rise residential uses abutting the subject lands. The architectural changes also reduce the massing of the building. The removal of the rooftop pool and terrace combined with inset balconies will minimize overlook to the adjacent residential properties. The PJR and associated addendum letter advises that the revised building design provides a 45-degree angular plane with minor encroachments on the east and west side of the building. The 45-degree angular plane, measured from the property lines, is used to evaluate whether there is a gradual height transition on the lands, to mitigate concerns related to overlook, privacy, and shadowing.

As part of the review of the Applications, Town Staff considered potential shadow impacts on adjacent properties resulting from the proposed building. The table below identifies the seasons and times during which shadows will be cast onto adjacent properties:

Season	Time	Address
Spring (April)	10:00 am	424 Mississauga Street
	4:00 pm	226 William Street
	5:00 pm	226 William Street 411 Simcoe Street 427 Simcoe Street 429 Simcoe Street 219 Mary Street
	6:00 pm	226 William Street 216 William Street 411 Simcoe Street 427 Simcoe Street 429 Simcoe Street 435 Simcoe Street 219 Mary Street

Season	Time	Address
Summer (June)	5:00 pm, 6:00 pm	411 Simcoe Street 427 Simcoe Street 429 Simcoe Street 435 Simcoe Street 219 Mary Street
Fall (September)	10:00 am	442 Mississagua Street 434 Mississagua Street 424 Mississagua Street
	2:00 pm	226 William Street
	4:00 pm	226 William Street 411 Simcoe Street 427 Simcoe Street 429 Simcoe Street
	5:00 pm	226 William Street 216 William Street 411 Simcoe Street 427 Simcoe Street 429 Simcoe Street 219 Mary Street
	6:00 pm	226 William Street 216 William Street 411 Simcoe Street 427 Simcoe Street 429 Simcoe Street 435 Mississagua Street 219 Mary Street

While the Town OP contains policies regarding compatibility which reference shadowing, it does not contain specific policies regarding the evaluation of shadow impacts.

The Town currently does not have locally specific guidelines to evaluate shadow impacts. Staff has utilized the Shadow Study Terms of Reference (the “TOR”) prepared by Niagara Region to evaluate the shadow impacts of this proposal. Staff note that the Region’s TOR requires the submission of a Shadow Study for buildings that are greater than 6 storeys in height. Buildings lower than 6 storeys may require the submission of such Study where a site-specific basis is identified. Regardless, the requirement for a Shadow Study must conform local Official Plan policies and relevant local guidelines. While the proposed building is 4 storeys, and the Town does not have specific policies or guidelines to require the submission, the Regional TOR provides appropriate guidance to consider the shadowing resulting from the proposed building on adjacent lots.

To minimize the impact of shadow on existing adjacent properties from new development, the TOR advises that adjacent residential amenity areas should receive a minimum of 6 hours of sunlight between 10 am and 6 pm, from April 21 to September 21. Based on the proposed building location, height and increased setbacks on the upper storeys, the Shadow Study submitted with the Applications demonstrates that the majority of adjacent properties will

receive a minimum of 6 hours of sunlight between 10 am and 6 pm, from April 21 to September 21.

The property located immediately to the northeast of the subject lands, municipally known as 226 William Street, will not receive the minimum of 6 hours of sunlight between 10 am and 6 pm on September 21. This property is anticipated to receive 4 hours of sunlight on September 21 during this timeframe. While the property at 226 William Street will not receive 6 hours of sunlight between 10 am and 6 pm, the property will receive 7 hours of sunlight overall, from sunrise at approximately 7 am to 2 pm. Staff do not anticipate any impacts to the existing landscaping within the rear yard of 226 William Street as a result of shadows from the proposed building. Given the amount and timing of sunlight provided, the usability of the rear yard is also not anticipated to be impacted as the shadowing is occurring later in the day, with sunset occurring at approximately 7:15 pm on September 21st. Further, the rear yard exceeds the minimum rear yard setback for the zoning on the subject lands, which assists with mitigating shadow impacts. In accordance with urban design best practices, the proposed building provides for a 45-degree angular plane, since the rear yard setback is nearly equal to the proposed height of the building.

Overall, Staff are of the position that the shadowing impacts anticipated from the proposed development are acceptable.

5.1.2.6 Servicing, Transportation and Pedestrian Connectivity

Town Operations Staff has reviewed the Functional Servicing Report (the "FSR"), Grading Plan, Sanitary Drainage Area Plan, Sanitary Sewer Capacity Analysis, and Servicing Plan, as well as the updates to these studies and plans that were submitted with the Applications.

There is an existing 150 mm watermain along Mary Street that the proposed development is planned to connect to and provide domestic supply and fire protection to the building. Fire flow tests and detailed fire and domestic flow calculations were completed which predict that the existing system pressure can meet the fire flow and domestic water demands for the proposed development.

There is an existing Town-owned 375mm sanitary sewer located on Mary Street. As part of the resubmission, the applicant has provided a sanitary sewer capacity analysis, which includes the entirety of the sanitary drainage area leading to the William Street pumping station. The analysis concludes that sufficient capacity exists in the existing municipal sanitary sewer system to accommodate this proposed development and shows some segments reaching approximately 70% full. Town Operations Staff have reviewed this material and are satisfied that the existing sanitary sewer infrastructure is adequate to accept these proposed flows and the proposed use of the site.

The submitted FSR proposes to connect the subject property to the Town-owned storm sewer network. The existing storm sewer arrangement within this section of Mary Street includes a series of pipes and catch basins before finally connecting to the main storm sewer on Mississagua Street. Based on the review of the existing storm sewer network, the Town will require that the owner enter into a cost-sharing arrangement for the installation/oversizing of a new storm sewer extending from Mississagua Street to the proposed development. The Town

is currently in the design phase for the Mississaugua Street reconstruction project, which encompasses infrastructure upgrades in close proximity to the proposed development, with construction targeted for 2025. Staff will work with the applicant through the site plan process to coordinate the required upgrades. A Holding (H) symbol has been included in the site-specific Zoning By-law Amendment to address requirements related to stormwater management and establish that associated agreements are entered into to ensure that the stormwater approach for the development is addressed to the satisfaction of the Town prior to Site Plan Approval.

The proposed development is located at the corner of Mary Street and Mississaugua Street, which are both arterial roads designed for higher traffic volumes. The Town OP directs that apartments should be located to provide convenient access to a collector or arterial roadway. The proposal has been revised to provide for only one driveway, which has been relocated to align with the commercial driveway on the south side of Mary Street. This change allows for a greater distance from the Mary Street and Mississaugua intersection. There are currently sidewalks on both sides of Mary Street, with a signalized intersection 60 metres from the subject lands, providing safe pedestrian access to nearby local stores and services.

5.1.2.7 Land Use Compatibility

The Town OP acknowledges that neighbourhoods are stable but not static and that there is a degree of change that occurs within neighbourhoods over time. Policies within the Town OP provide direction for this change to establish that development is appropriate and compatible within the Town's existing neighbourhoods. The Town OP recognizes that it is important to have a range and mix of built form within a neighbourhood to provide a range of housing options, subject to appropriateness and compatibility.

The subject lands are currently designated as "Established Residential" in the Town OP, which permits for single-detached, semi-detached and duplex dwellings, as well as medium-density residential uses subject to a site-specific Zoning By-law Amendment. The proposed apartment building is considered a medium-density residential use. As per the policies of the "Medium Density Residential" designation, the design and location of medium-density residential development is to achieve several provisions:

- a) The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.

The height, bulk and arrangement of the building has been discussed in Sections 5.1.2.4 and 5.1.2.5. Given the redesign of the building, which encompasses a reduction in height, increased setbacks, inset balconies, and graduated setbacks on the upper floors, Staff do not anticipate negative impacts to low-rise residential uses within the surrounding area. The design principles that have been applied all contribute to mitigating potential impacts on the surrounding area while allowing for the integration of the building.

- b) Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.

The draft Zoning By-law Amendment requires that a minimum of 45% of the lands are comprised of landscaped open space to offer buffering to minimize potential impacts to adjacent lower density residential uses. The required landscaped open space for surrounding residential uses is 30% and the standard required minimum landscaped open space in Residential Multiple Zone is 25%. The proposal provides close to double the amount of landscaped open space required in the Residential Multiple Zone.

- c) Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.

The proposal provides a total of 44 parking spaces through the underground parking lot and surface spaces, exceeding the minimum number of required parking spaces by 3 spaces. Given that the parking spaces are located primarily underground, there are no anticipated impacts to adjacent properties resulting parking. A limited number of above-ground parking spaces are proposed, which are to be visually screened in part by tree and shrub plantings. The details of the future parking areas and landscaping details will be addressed and implemented during the future Site Plan Approval application stage.

- d) Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).

The plans submitted with the Applications did not indicate the intention for waste collection. This will be addressed as part of the Site Plan Approval stage, in consultation with Niagara Region. The building design drawings submitted with the Applications identify a garbage room, mail room, and loading area on the first floor at the front of the building.

- e) The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.

The surface and underground parking areas, pedestrian access, and open space landscaped areas are required to meet the provisions of the Town's Zoning By-law, and with respect to landscaped open space the proposal exceeds the minimum set out in the Town's Zoning By-law. Amenity space will be provided on-site through a children's play area, terraces and balconies, a community room and a gym.

- f) Adequate municipal services can be provided to accommodate the needs of the development.

Adequate municipal services can be provided to accommodate the needs of this proposal.

- g) Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.

Traffic to and from the location will not be directed towards local streets as Mary Street is an arterial road, with Mississagua Street also being an arterial road south of Mary Street and a collector road north of Mary Street per Schedule G of the Town OP. Town Operations Staff

and Regional Staff offered no concerns regarding traffic generated from the proposed development.

- h) Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.

The Zoning By-law Amendment seeks to place the subject lands within a site-specific Residential Multiple (RM1) Zone as discussed throughout this report.

Lastly, with respect to the compatibility policies, intensification and/or redevelopment shall integrate with the established character and heritage of the area, and have regard to:

- a) Street and block patterns
- b) Lot frontages lot area, depth
- c) Building setbacks
- d) Privacy and overview
- e) Lot grading and drainage
- f) Parking
- g) Servicing

The proposal is not seeking to create new streets or a new block.

As shown in the Urban Design Brief and Streetscape Study contained in the PJR, the property has a lot frontage along Mary Street of 45.6 metres and is located within a transition area from commercial to residential uses. In the PJR, the property was compared to six (6) blocks on the north and south side of Mary Street, spanning from Butler Street to the west to Gate Street to the east, which consist of both commercial and residential built forms. The analysis demonstrates that the average lot frontage ranges from 12.2 metres to 68.9 metres for each property in the blocks surrounding the subject lands. Generally, the properties within the commercial blocks have larger frontages, which transition to smaller frontages for residential uses. The lot frontage for the subject lands falls within the range of the surrounding blocks. The lot areas within the blocks examined range from 494 square metres to 4,499.2 square metres, again with the larger lot sizes for commercial uses which transition to smaller lot sizes for the lower density forms of housing. The lot size of the subject lands is 4,130.9 square meters, which falls within the higher end of the range of surrounding blocks. In terms of lot depth, the average lot depths within the blocks examined range from 24.5 metres to 66.6 metres, with the subject lands being at 90.8 metres. While the lot depth is larger when compared to surrounding properties, Staff are of the opinion that this is appropriate for the lands, given that it provides room for a larger rear yard and front yard setback than required by the Town's Zoning By-law.

The building setbacks meet or exceed all setbacks of the standard Residential Multiple (RM1) Zone for above-ground structures, with relief requested to accommodate the underground parking structure. In comparison to the surrounding properties directly abutting the subject lands within the same block, the proposed development provides a generous rear yard setback and side yard setbacks, as well as stepping of the building at the third and fourth storey.

Sufficient setbacks coupled with balconies being designed to be primarily inset into the building, in addition to the reduction in height and the removal of the rooftop pool, reduce impacts on privacy and overlook to surrounding properties. Combined, all these revisions work together to address compatibility.

The studies completed identify that services are adequate to service the proposed development, with detailed design to occur at a future Site Plan Approval stage. Lot grading and drainage will also be addressed through the site plan. The proposal exceeds the parking requirements and the majority of the proposed parking spaces in an underground parking lot to reduce impacts to surrounding properties.

5.1.2.7.1 Residential Infill and Intensification Policies (OPA 78)

Through the approval of Official Plan Amendment No. 78, the Town implemented residential infill and intensification policies for Old Town and Virgil, which are focused on compatibility.

The following development criteria are applicable:

- a) The lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located.

A new lot is not being proposed. Two lots will be combined to support this development. This policy does not apply.

- b) The proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street.

As noted, the revisions made to the proposed development include a reduction in height, removal of the rooftop pool, terrace, and measures such as increased setbacks on the upper floors to reduce massing and provide an appropriate transition to adjacent properties. The character of this area is not uniform, given the transition from commercial to residential uses.

- c) Front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street.

Front and rear yard setbacks for the proposed building are generally consistent with surrounding properties examined in the PJR, given that the proposed setbacks fall within the range of setbacks of existing buildings, which vary greatly in this area of transition from commercial to residential uses.

- d) The setback between new building(s) and the interior side lot line shall increase as the lot frontage increases.

Greater interior side yard setbacks are being proposed in excess of what is required under the Town's Zoning By-law in the Residential Multiple (RM1) Zone.

- e) The new buildings shall have a complimentary relationship with existing buildings while accommodating a diversity of building styles, materials and colors.

The surrounding properties are commercial buildings and single-detached dwellings which have varied architectural styles. The proposed development has a compatible architectural style, which will be further refined at the Site Plan Approval stage.

- f) Existing trees and vegetation shall be retained and enhanced through a new street tree planting and additional on-site landscaping.

An Arborist Report has been prepared in support of the proposed development that recommends the removal of 21 trees, with the remaining 13 trees identified to be protected. This is discussed in more detail in Section 5.1.3.8 of this report. The applicant is planning to plant 28 deciduous trees, 12 coniferous trees, and 371 additional plantings consisting of deciduous and coniferous shrubs, ornamental grasses, broadleaf evergreen shrubs and perennials according to the draft Landscape Plan provided, which will be implemented at the Site Plan Approval stage.

- g) The width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways.

The width of the garage to the underground parking is limited to the extent that it could provide two-way traffic. Vehicular access is provided at the side of the building to minimize impacts to the streetscape.

- h) New driveways and service connections shall be sited to minimize tree loss.

Substantive excavation will be required to accommodate the proposed apartment building, which will require the removal of trees. Replacement plantings of trees and shrubs are proposed to mitigate the loss of trees on the subject lands.

- i) Impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing.

The building has been redesigned and relocated to sufficiently address privacy and shadowing.

- j) The orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighborhood.

No new lots are being proposed.

- k) Proposals to extend the public street network should be designed to improve neighborhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists.

The public street network is not being extended.

- l) Road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.

Adequate servicing is available to support the proposed development.

5.1.2.8 Tree Protection and Preservation

A Tree Inventory and Preservation Plan Report was submitted with the Applications. The Tree Inventory completed examined all trees 10 cm in diameter and larger on the subject property, on neighbouring properties and within the road allowance. The tree preservation analysis was completed on each tree individually considering the impacts from the proposed development and other factors such as tree condition, species, and the existing site conditions.

The results of the inventory indicate that there are 34 trees on the subject lands, on neighbouring properties and within the Town's road allowance. The results of the impact assessment indicate that 21 of the 34 trees will require removal on the subject lands to accommodate the proposed development. The remaining trees will be maintained, and tree protection recommendations have been made to reduce the impacts to trees identified for preservation.

A Landscape Plan has been submitted with the Applications which includes numerous plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The Landscape Plan is conceptual and will be refined and implemented through a future Site Plan application. The recommendations of the Tree Inventory and Preservation Plan Report will be implemented during the future Site plan stage.

5.1.2.9 Urban Design

The Applications were brought to the Town's Urban Design Committee (the "UDC") for review and input on urban design matters during the April 26, 2023, meeting. The Town's UDC provided the following recommendations:

- Meet 12-metre height restriction;
- Additional vegetation for screening planted along west side of building;
- Wider blocks with interior courts/ linked parallel blocks;
- Reduce height at the street;
- Move the pool to the front of the building;
- Single access point of the driveway;
- Relocate the driveway to the other side of the building (East side);
- Add more contextual design;
- Lower ceiling height;
- Stagger the North side of the building back;
- Wood privacy fence along east/north/west property lines to be boarded on both sides and to be 2-meters in height;
- Set the ornamental fence at the front of the property back from the front lot line approximately 1.5 metres to allow for the planting of low shrubs in front similar to other properties on Mary Street;
- Review whether there is sufficient soil above the underground garage to plant trees;
- Look at mimicking the development at 175 Queen Street by making the proposal stacked townhomes instead of an apartment building.

In response to the comments, the applicant has revised the proposal to reduce the building height from 18.0 metres to 13.8 metres, removed the rooftop pool and terrace with increased setbacks on the upper floors to minimize the massing of the building, provided a single access point of the driveway and relocated the driveway to the east side of the building. In addition, the Landscape Plan has been revised to move trees away from the underground parking area to provide more soil depth for new tree plantings and provide for more plantings overall, as well as an increase in timber perimeter fence height to 2 metres. The updated Site Plan and Landscape Plan show the ornamental fence set back 1.5 metres from the front property line. The redesign of the building adds contextual architectural style, employing the use of red brick materials, arched windows, French doors, and inset balconies throughout the proposed development. The proposal will be required to proceed back to the Urban Design Committee as part of the Site Plan application process.

Staff consider the Applications to be consistent with the PPS and conform with the applicable policies of the Growth Plan, Niagara Official Plan and the Town of Niagara-on-the-Lake Official Plan, and generally find it compatible with the surrounding area. A draft Official Plan Amendment is attached as **Appendix IV**.

5.1.2.10 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 approved and is therefore not in effect but represents Council’s intent. The subject lands are designated “Established Residential”. An Official Plan Amendment would be required to permit the proposed apartment building under the proposed Official Plan.

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

The subject lands are zoned “Old Town Community Zoning District – Established Residential (ER) Zone” in the Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3 of Appendix II**.

The Zoning By-law Amendment proposes to rezone the subject lands to “Residential Multiple (RM1-H) Holding Zone” with site-specific provisions to facilitate the development of the proposed apartment building. Relief from the standard RM1 provisions is requested from the maximum building height, and from the front yard setback, interior side yard setbacks, and rear yard setback for the underground portion of the building to accommodate the underground parking structure. For the above ground portion of the apartment building, site-specific provisions for landscaped open space, interior side yard setbacks, and rear yard setback are increased when compared to the minimum requirements set out in the standard RM1 Zone to provide further buffering from abutting properties. Increased interior side yard setbacks have been integrated for the 3rd and 4th storeys of the building.

The following chart illustrates the standard RM1 Zone provisions and the site-specific zoning provisions recommended by Staff:

Zone Requirement	RM1 Zone - Apartment	Site-Specific RM1 Zone
Minimum Landscaped Open Space	25%	45%

Zone Requirement	RM1 Zone - Apartment	Site-Specific RM1 Zone
Minimum Front Yard Setback	7.5 metres	7.5 metres from an above-ground building or structure 6.0 metres from an underground parking structure
Minimum Interior Side Yard Setback	5 metres	10.0 metres from the western property line for an above-ground building or structure 12.0 metres 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 metres from the eastern property line for an above-ground building or structure 13.0 metres from the eastern property line for the third storey of an above-ground building or structure 14.0 metres from the eastern property line for the fourth storey of an above-ground building or structure 0.0 metres for an underground structure
Minimum Rear Yard Setback	7.5 metres	12.0 metres for an above-ground building 1.0 metres for underground structures
Maximum Building Height	12.0 metres	14.0 metres

When compared to the standard zone requirements, the RM1 site-specific zone provisions provide a larger percentage of landscaped open space and a larger rear yard setback and interior side yard setback for the above-ground parts of the apartment building to ensure that the proposed building is located a sufficient distance away from abutting existing residential properties. The interior side yard setbacks have been structured to increase in the upper storeys of the building to provide a transition in height to the surrounding low-rise residential uses. The RM1 site-specific provisions also request setback relief for the underground parking structure. In addition, encroachments are proposed for unenclosed and uncovered terraces, balconies, patios, or enclosed and covered common staircases, which differ for each storey of

the building. The ground floor patio encroachment may project 2.0 metres into the required setback, while the requested encroachments for the upper building storeys will not allow a terrace or balcony to project beyond the required setback (i.e. 1.0 metre for the third storey and 2.1 metres for the fourth storey with decorative cornice). Relief from the standard zone requirements is requested for the height of the building (excluding parapets) to 14.0 metres. The site and building have been designed to minimize overlook on surrounding properties. Further, the increase in minimum landscaped open space provides greater visual screening for abutting properties through the planting of trees and shrubs.

Given the increased setbacks provided, and stepping of upper storeys of the building, Staff are of the opinion that the proposed development provides a sufficient transition in height to the surrounding community. Staff are supportive of these site-specific provisions to address compatibility with the surrounding residential uses abutting the subject lands.

The remaining standard RM1 zone requirements will apply to the proposal.

The subject lands currently contain two separate parcels, with an existing dwelling at 227 Mary Street and two accessory buildings, while the lands at 223 Mary Street sitting vacant. Town Staff recommend the inclusion of a Holding (H) provision in the amending By-law to ensure that the subject lands are merged in title to facilitate the proposed development. The Holding (H) symbol is also required to address stormwater management for the development as noted in Section 5.1.3.6, including any associated agreements, to the satisfaction of the Town prior to Site Plan Approval.

Staff support the site-specific provisions contained in the draft Zoning By-law Amendment. A draft Zoning By-law Amendment is attached as **Appendix V**.

5.3 Consultation

The Applications were circulated to Town departments and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VI** with overall comments summarized below.

5.3.1 Town Comments

Building – No objections.

Finance – No objections.

Fire and Emergency Services – No objections.

Heritage – No objections.

Operations – No objections. Detailed servicing and stormwater management design will be required at the Site Plan stage. Details regarding the cost-sharing agreement with the Town for upgrading the storm sewer extending from Mississagua Street will be determined as part of the future Site Plan Agreement.

Forestry – No objections. A signed Tree Protection Declaration Form and tree permits will be required at the Site Plan stage.

5.3.2 Agency Comments

Enbridge – No objections.

Niagara Region – No objections.

Canada Post – No objections.

Niagara Catholic District Schoolboard – No objections. Request to be circulated on future development applications pertaining to the development.

5.3.3 Public Comments

An electronic Open House was held on January 26, 2023, which was attended by 24 people. The statutory Public Meeting was held on February 14, 2023, during which 13 members of the public stated their opposition to the proposal. In addition to the verbal comments received during the Public Meeting, Staff has received approximately fifty (50) letters or items of correspondence with most of the letters in opposition to the proposal and two (2) letters in support. The concerns raised at the Public Meeting and through the written correspondence generally had the same common themes as reasoning for their opposition, which are summarized in a table below:

Public Comment	Response
<p>Privacy and compatibility concerns related to the proposed building height, density and scale, overlook, shadowing, and rooftop pool.</p> <p>Impacts to existing character of the surrounding neighbourhood and Old Town (i.e., different from the scale of surrounding dwellings).</p>	<p>Privacy and compatibility with respect to height, density and scale, overlook, shadowing, rooftop pool, as well as impact to the character, have been addressed throughout Sections 5.1.2.4, 5.1.2.5, and 5.1.2.7 of this report.</p>
<p>Noise impacts on adjacent properties.</p>	<p>Staff anticipate that the balconies and amenity areas will produce a similar amount of noise to the amenity areas in the yards of surrounding single-detached dwellings. Roof top amenity area has been removed.</p>
<p>There are no other apartments in the area, and the precedent that the approval would set for apartment buildings.</p>	<p>Each application proposal submitted is evaluated individually by Town Staff and external agencies against applicable policy requirements and supporting study information submitted.</p>

Public Comment	Response
Lack of parking and children's play area.	<p>The proposal meets the minimum parking requirements set out in the Town's Zoning By-law.</p> <p>A children's play area will be required.</p>
Increased traffic on the streets will cause congestion.	Mary Street and Mississagua Street are designed to carry higher volumes of traffic and as such Staff do not anticipate traffic concerns, as discussed in more detail in Section 5.1.2.6.
Impacts to heritage and the need to preserve the historic core.	Town Heritage Staff have reviewed the proposal in the context of the surrounding area and have confirmed that no heritage resources will be impacted by the proposal.
Concerns regarding flooding in the area and flooding of underground parking.	<p>Stormwater management and the ability to service the development have been addressed in Section 5.1.2.6. A Holding (H) symbol has been applied to the zoning to ensure the stormwater management approach is addressed prior to development occurring.</p> <p>Additional information will be required at the time of site plan application and will be reviewed by Town Operations, as well as peer reviewed by the Town's engineer.</p>
The proposal does not address the need for attainable or affordable housing.	The proposal is for apartment dwelling units which will help to diversify the existing housing stock and is considered a more affordable option when compared to other dwelling types such as single-detached dwellings.
No accessible parking spaces are provided in the underground parking lot.	Accessible parking spaces have been provided through the building design revisions.
Concerns regarding the removal of trees on the property.	Tree removal is addressed in Section 5.1.2.8 of this report. Additional information has been provided via the Landscape Plan to demonstrate new trees, shrubs and plantings to be added to the site.
Ability to service the proposed development.	Addressed in Section 5.1.2.6.

All comments are included as **Appendix VII**.

5.4 Future Site Plan Requirements

As noted throughout the report, there are a number of site plan requirements to be addressed as part of a future site plan application, including but not limited to:

- Detailed Landscape Plan and Planting Plan
- Detailed Stormwater Management Report
- Site Servicing Report, including water and sanitary, and stormwater management specifics
- Final building design
- Hydrogeological Study for underground parking
- Streetscape Plan
- Cost Sharing Agreement specifics
- Matters such as sidewalks, waste management, and all other site works

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

The Committee may approve, refuse, or modify the proposed Official Plan Amendment and/or Zoning By-law Amendment.

8. FINANCIAL IMPLICATIONS

The applicant is responsible for all costs associated with the development, including the costs associated with upgrading the storm sewer extending from Mississagua Street, which will be determined as part of the future Site Plan Agreement. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of a future Site Plan Agreement.

9. ENVIRONMENTAL IMPLICATIONS

There are no protected environmental features located on the subject lands.

The applicant has submitted a Tree Inventory and Preservation Plan Report. The results of the inventory indicate that there are 34 trees on the subject lands, on neighbouring properties and within the Town road allowance. The results of the impact assessment indicate that 21 of the 34 trees will require removal on the subject lands to accommodate the proposed development. The remaining trees will be maintained, and tree protection recommendations have been made to reduce the impacts on trees identified for preservation.

As noted, the applicant has submitted a Landscape Plan which includes several tree and shrub plantings that will occur on the subject lands, which will replace several trees that are recommended for removal to accommodate the proposed development. The Landscape Plan is conceptual and will be refined and implemented through a future Site Plan application. The recommendations of the Tree Inventory and Preservation Plan Report will be implemented during the future Site plan stage.

10. COMMUNICATIONS

Once Council has made decisions on the Applications, notice of the decisions will be given as required under the *Planning Act*. The decisions of Council are subject to a 20-day appeal period. If no appeals are received during the appeal period, the decisions of Council are final.

11. CONCLUSION

Community and Development Services Staff recommend approval of the Official Plan Amendment Application (OPA-04-2022) and the Zoning By-law Amendment Application (ZBA-23-2022) subject to a Holding provision, as detailed in this report, as the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with Growth Plan, Regional Official Plan, and Town Official Plan.

12. PREVIOUS REPORTS

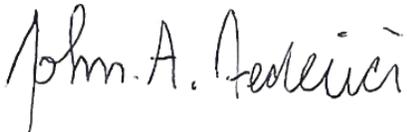
- **CDS-23-026** – Public Meeting – 223-227 Mary Street, Information Report, February 14, 2023.

13. APPENDICES

- **Appendix I** – Draft Architectural Drawings and Site Plan
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Official Plan Amendment
- **Appendix V** – Draft Zoning By-law Amendment
- **Appendix VI** – Agency Comments
- **Appendix VII** – Public Comments

Respectfully submitted:

Prepared by:



**John Federici, MCIP, RPP
Senior Planner**

Recommended by:



**Aimee Alderman, MCIP, RPP
Manager of Planning**

Recommended by:



**Kirsten McCauley, MCIP, RPP
Director, Community and Development
Services**

Submitted by:



**Darren MacKenzie
Acting Chief Administrative Officer**



LEFT (WEST) ELEVATION

1:100



RIGHT (EAST) ELEVATION

1:100

OWNER'S NAME

OWNER'S SIGNATURE



LORD MAYOR

TOWN CLERK

DATE

All contractors and/or trades shall verify all dimensions, notes, site and report any discrepancies prior to commencement of the work. This drawing not to be scaled, all drawings, prints and related documents are the property of the architect and must be returned upon request. Reproduction of drawings and related documents in part or in whole is strictly forbidden without written consent. Drawings to be for the purpose for which they are issued.

No.	Description	Date
1	REVISED CONCEPT PACKAGE	01/16/2023
2	SHADOW STUDY	03/26/2024
3	REVISED PLAN FOR SUBMISSION	04/26/2024

**PROPOSED
4-STORY
RESIDENTIAL
BUILDING**

227 MARY STREET, NIAGARA ON THE LAKE, ONTARIO



SHEET TITLE

**LEFT AND RIGHT
ELEVATION**

PROJECT NUMBER: 2021-324
 DATE: FEBRUARY 2022
 DRAWN BY: JMR
 CHECKED BY: MDA
 SCALE: AS SHOWN

A7



NORTH EAST PERSPECTIVE



EAST PERSPECTIVE



SOUTH WEST PREPECTIVE



SOUTH EAST PERSPECTIVE

OWNER'S NAME

OWNER'S SIGNATURE



Town of
Niagara-on-the-Lake

LORD MAYOR

TOWN CLERK

DATE

All contractors and/or trades shall verify all dimensions, notes, site and report any discrepancies prior to commencement of the work. This drawing not to be scaled, all drawings, prints and related documents are the property of the architect and must be returned upon request. Reproduction of drawings and related documents in part or in whole is strictly forbidden without written consent. Drawings to be for the purpose for which they are issued.

No.	Description	Date
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**PROPOSED
4-STOREY
RESIDENTIAL
BUILDING**

227 MARY STREET, NIAGARA ON THE LAKE, ONTARIO

A · C · K
architects
STUDIO INC.

SHEET TITLE

MASSING CONCEPTS

PROJECT NUMBER: 2021-324

DATE: FEBRUARY 2022

DRAWN BY: JMR

CHECKED BY: MDA

SCALE: AS SHOWN

A8

Key Map



MAP 1 - LOCATION MAP
223 & 227 Mary Street
File: OPA-04-2022
& ZBA-12-2022



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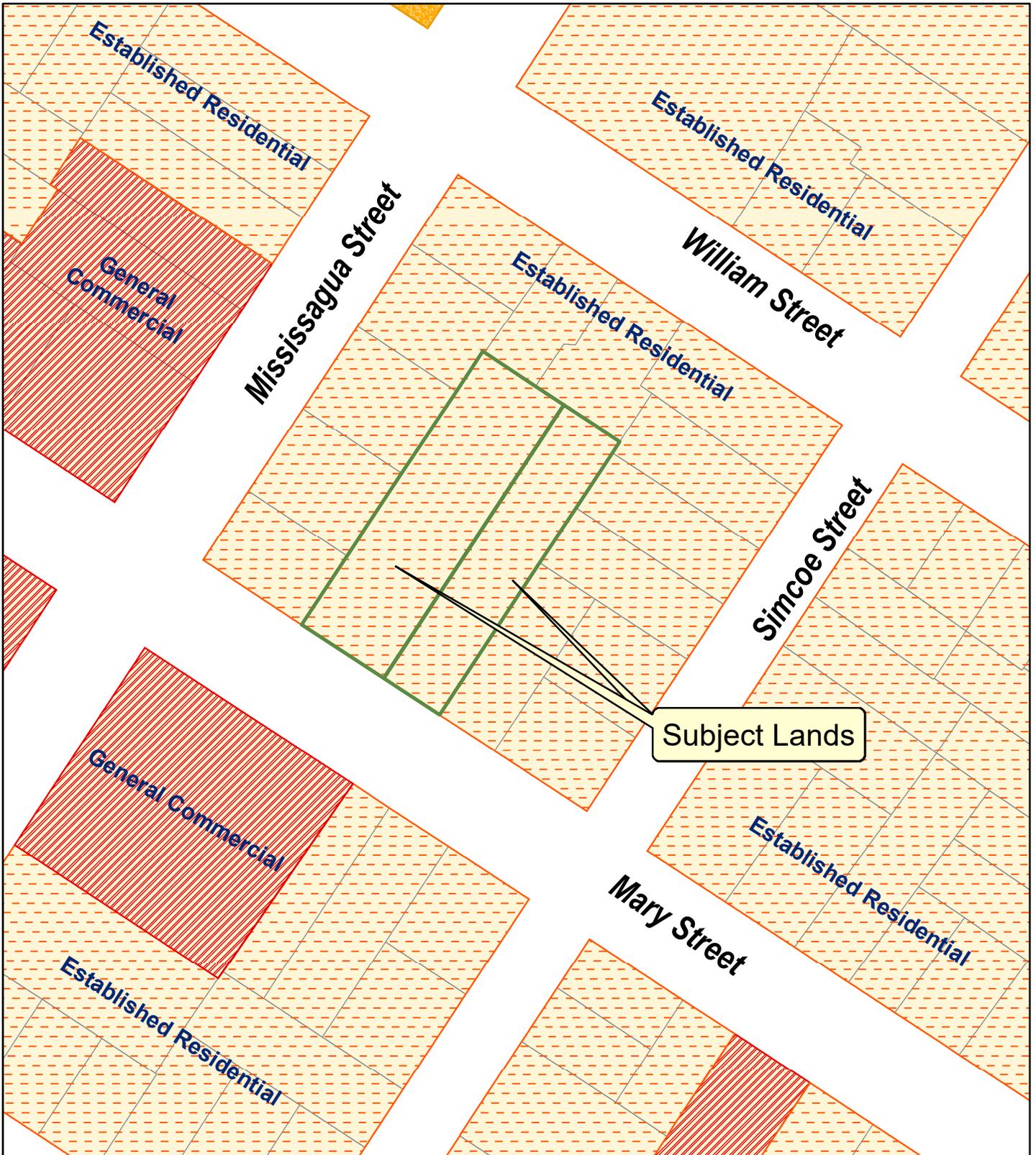
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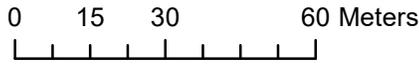
MAP 2 - OFFICIAL PLAN

Land Use Designations

223-227 Mary Street

File No: OPA-04-2022 & ZBA-23-2022





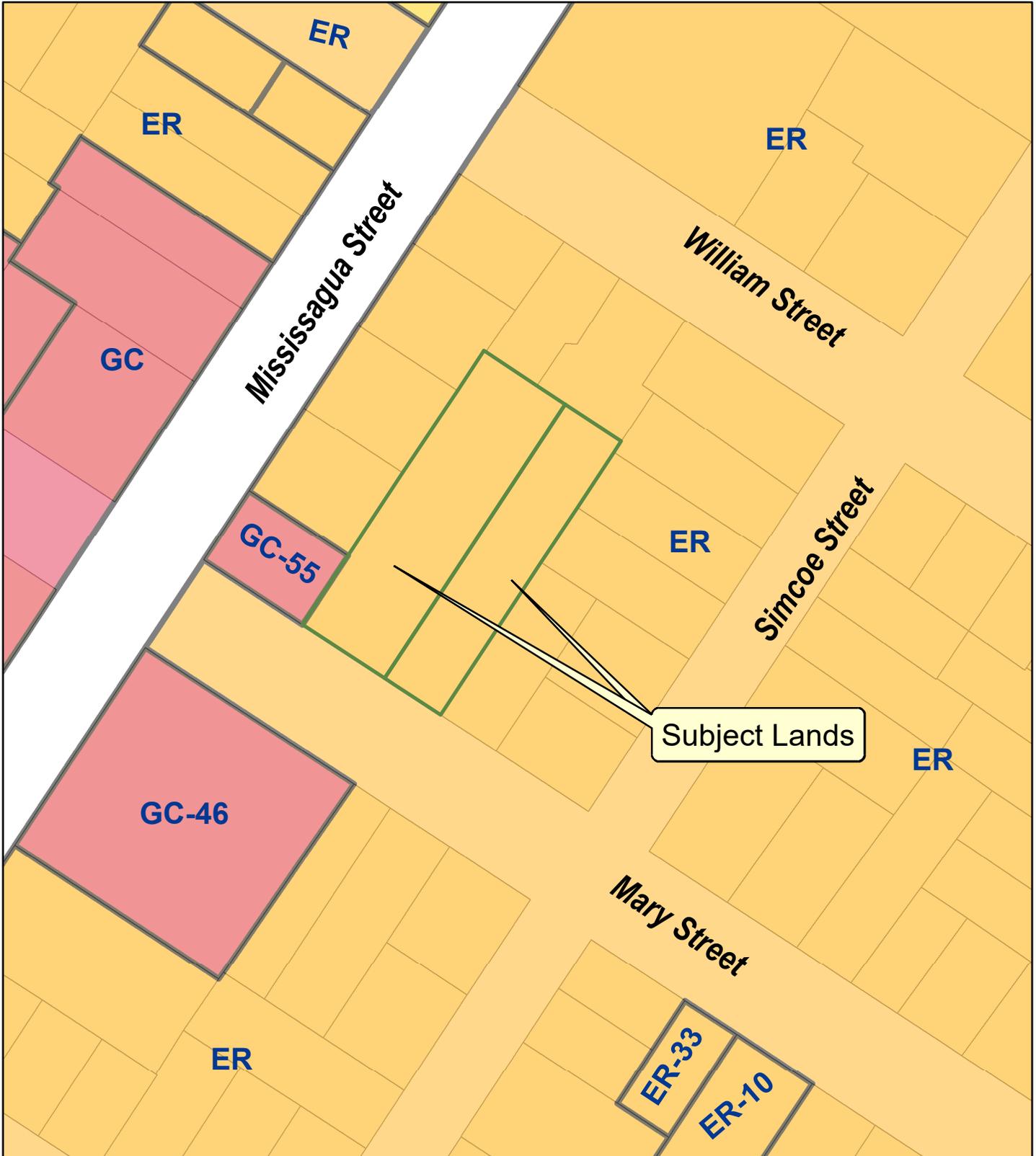
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MAP 3: ZONING

As per Zoning By-law 4316-09, as amended

223-227 Mary Street

File No: OPA-04-2022 & ZBA-23-2022



PLANNING LEGISLATION AND POLICIES

Planning Act, R.S.O. 1990, c. P.13

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Policy statements

Policy statements and provincial plans

3 (5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

Official plan

Mandatory adoption

17 (13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality.

22 Request for amendment

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).

24 Public works and by-laws to conform with plan

(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the

parcel of land and the proportion of the area thereof that any building or structure may occupy.

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

Provincial Policy Statement, 2020

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial)... and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

1.1.3 Settlement Areas

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation...*

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.1.3.5 *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

1.2 Coordination

1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including: ...*

- g) *population, housing and employment projections, based on regional market areas; and*
- h) *addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.*

1.4 Housing

1.4.1 *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and*

affordable housing needs of current and future residents of the regional market area by: ...

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment...*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; ...*

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*
 - 1. municipal sewage services and municipal water services...*
- b) ensure that these systems are provided in a manner that:*
 - 1. can be sustained by the water resources upon which such services rely;*
 - 2. prepares for the impacts of a changing climate;*
 - 3. is feasible and financially viable over their lifecycle; and*
 - 4. protects human health and safety, and the natural environment;*
- c) promote water conservation and water use efficiency;*
- d) integrate servicing and land use considerations at all stages of the planning process*

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*

- c) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces; and*
- f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

1.7 Long-Term Economic Prosperity

1.7.1 *Long-term economic prosperity should be supported by: ...*

- b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) *optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character...*

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020

2.2.1 Managing Growth

2. *Forecasted growth to the horizon of this Plan will be allocated based on the following: ...*

- a) *the vast majority of growth will be directed to settlement areas that:*
 - i. *have a delineated built boundary;*
 - ii. *have existing or planned municipal water and wastewater systems; and*
 - iii. *can support the achievement of complete communities ;...*
- c) *within settlement areas, growth will be focused in:*
 - i. *delineated built-up areas; ...*
- d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise; ...*

4. *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

- d) *expand convenient access to:*
 - i. *a range of transportation options, including... active transportation;*
 - ii. *public service facilities...*
 - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;*
 - iv. *healthy, local, and affordable food options...;*
- e) *provide for a more compact built form and a vibrant public realm...;*
- f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;*
- g) *integrate green infrastructure and appropriate low impact development.*

2.2.2 Delineated Built-up Areas

1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
 - a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;*
3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*
 - c) *encourage intensification generally throughout the delineated builtup area;*
 - d) *ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; ...*

2.2.6 Housing

1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
 - a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i. *identifying a diverse range and mix of housing options and densities... to meet projected needs of current and future residents;*
 - ...
 - b) *identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
 - c) *align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;*
 - d) *address housing needs in accordance with provincial policy statements such as the Policy Statement: “Service Manager Housing and Homelessness Plans”; and*
 - e) *implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.*
2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

- a) *planning to accommodate forecasted growth to the horizon of this Plan;*
 - b) *planning to achieve the minimum intensification and density targets...;*
 - c) *considering the range and mix of housing options and densities of the existing housing stock; and*
 - d) *planning to diversify their overall housing stock across the municipality.*
4. *Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.*

3.2.6 Water and Wastewater Systems

2. *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following: ...*

- b) *the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan*

5.2.3 Co-ordination

2. *Upper-tier municipalities, in consultation with lower-tier municipalities, will, through a municipal comprehensive review, provide policy direction to implement this Plan, including:*

- a) *identifying minimum intensification targets for lower-tier municipalities based on the capacity of delineated built-up areas...to achieve the minimum intensification target in this Plan...*

5.2.4 Growth Forecasts

1. *All references to forecasted growth to the horizon of this Plan are references to the population and employment forecasts in Schedule 3 or such higher forecasts as are established by the applicable upper- or single-tier municipality through its municipal comprehensive review.*

2. *All upper- and single-tier municipalities will, at a minimum, through a municipal comprehensive review, apply the forecasts in Schedule 3 or such higher forecasts as are established by the applicable upper- or single-tier municipality through its municipal comprehensive review for planning and managing growth to the horizon of this Plan.*

5.2.5 Targets

1. *The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan.*

2. *The minimum intensification and density targets in this Plan or established pursuant to this Plan will be identified in upper- and single-tier official plans...*

3. For the purposes of implementing the minimum intensification and density targets in this Plan, upper- and single-tier municipalities will, through a municipal comprehensive review, delineate the following in their official plans, where applicable:

a) delineated built-up areas...

4. Except as provided in policy 2.2.7.3, the minimum intensification and density targets in this Plan will be measured across all lands within the relevant area, including any lands that are subject to more than one target.

Niagara Official Plan, 2022

2.1 Forecasted Growth

The objective of this section is as follows:

- a) coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.

2.1.1 Regional Growth Forecasts

2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

2.1.1.3 Forecasts in Table 2-1 are used to determine the location and capacity of infrastructure, public service facilities, and the delivery of related programs and services required to meet the needs of Niagara's current and future residents.

2.1.1.4 Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051...

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Niagara-on-the-Lake	28,900	17,610

2.2 Regional Structure

The objectives of this section are as follows:

- a) manage growth within urban areas;
- b) accommodate growth through strategic intensification and higher densities; ...
- d) plan for the orderly implementation of infrastructure and public service facilities; ...and
- e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.

2.2.1 Managing Urban Growth

2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. *a range of transportation options, including public transit and active transportation;*
 - ii. *affordable, locally grown food and other sources of urban agriculture;*
 - iii. *co-located public service facilities; and*
 - iv. *the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities; ...*
- g) *opportunities for intensification, including infill development...;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) *mitigation and adaptation to the impacts of climate change by: ...*
 - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

2.2.2 Strategic Intensification and Higher Densities

2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas...*

2.2.2.5 *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

Table 2-2

Municipality	Units	Rate
Niagara-on-the-Lake	1,150	25%

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, ... zoning by-laws... that identify:*

- a. *development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety...*

2.3 Housing

The objectives of this section are as follows:

- a) *provide a mix of housing options to address current and future needs;*
- b) *provide more affordable and attainable housing options within our communities; and*
- c) *plan to achieve affordable housing targets through land use and financial incentive tools.*

2.3.1 Provide a Mix of Housing Options

2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

- a) *facilitating compact built form; ...*

5.2.2 Municipal Water and Wastewater Servicing within Urban Areas

5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

5.2.5 Stormwater Management and the Planning Process

5.2.5.1 *All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

5.2.5.3 *Local Area Municipalities shall implement sustainable stormwater management plans and strategies as part of development and redevelopment.*

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

SECTION 6: GENERAL DEVELOPMENT POLICIES

6.4 BUILDING HEIGHT RESTRICTIONS

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally, the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and

the implementing zoning by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law limiting the building height to less than 11 metres (36 feet) in low density residential, and established residential areas where the majority of the buildings are one or 1 1/2 storeys in height.

6.21 PARKING AND LOADING FACILITIES

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing Zoning By-law. Access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic in the immediate area and compatible with abutting properties.

6.22 PARKS AND DEDICATION

...the Town of Niagara-on-the-Lake shall, as a condition of approval, require that up to five per cent of such lands be conveyed to the municipality for park or other public recreational purposes...

The municipality, in the alternative, may require the developer to convey cash-in-lieu of parklands. The cash value of such lands shall be equal to the required amount of land dedication and will be determined by an appraisal authorized by the municipality. The value of the lands shall be determined as of the day before the day of the issuance of the building permit as outlined in Section 41 of the Planning Act, 1983. For plans for subdivision, the value of the land is determined as of the day before the day of the Draft Plan is approved, as outlined in Subsections 51(8) and (9) of the Planning Act, 1983.

6.30 SERVICING POLICIES

(1) GENERAL POLICIES

a) New development will be limited by the available capacities of services. Where within any Urban Boundary full municipal services are not available it is a policy of this Plan that development may be restricted.

(2) SANITARY SEWERS

c) Within any Urban Boundary development shall be required to connect to municipal sanitary sewers upon confirmation that sewage treatment capacity is available.

(4) DRAINAGE

a) No development shall occur without appropriate regard for storm run-off, on-site collection and channeling of storm water to an adequate outlet. Drainage shall be to a storm sewer outlet satisfactory to the Town...

e) Design of development proposals shall incorporate on-site control techniques to minimize peak storm water flows, and to ensure adequate water quality treatment...

h) Development shall be permitted only on lands having soil and drainage conditions which are suitable for development and only with appropriate storm water management and sediment control...

6.33 TREE PRESERVATION AND REFORESTATION

It is a policy of this Plan 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 following policies shall apply.

- (1) As a condition of any development or redevelopment where it is unavoidable that trees must be removed, the proponent shall plant trees of a similar or comparable species having a minimum caliper acceptable to the Town elsewhere on the site and the Town may require the proponent retain the services of a qualified arborist or similar professional. Where no other reasonable location exists on the site the town may require the owner to contribute to the town sufficient money to replant an equal number of new trees on public lands identified for reforestation by the Town.*

SECTION 6A: GROWTH MANAGEMENT POLICIES

2.4 Built-up Area and Built Boundary

Planned Function

The Built-up Area is the limit of existing development within the urban areas of Virgil and the Old Town as defined by the Province of Ontario in April, 2008. All growth and development which will occur within the Built-up Area is considered to be intensification and will count towards the achievement of the Town's intensification target.

Delineation of the Urban Area Boundary and Built-up Area

The Urban Area Boundary and the boundary of the Built-up Area are delineated on Schedule "I-1" to I-5" of this Plan. When the Town undertakes a municipal comprehensive review of the Official Plan, the Urban Area Boundary will be reviewed and updated according to the Growth Management Policies of this Plan and in collaboration with the Region. The Region of Niagara is responsible for determining urban area boundaries and is the approval authority for boundary expansions. The Province of Ontario is responsible for reviewing and updating the Built Boundaries within the Greater Golden Horseshoe.

3.2 Growth Management Objectives

- a) To accommodate all future urban growth within the present-day urban boundary;*
- d) Direct urban growth and development to the Town's existing Urban Areas.*
- e) Direct a minimum of 15% of the Town's future residential development to the Built-up Area located in Virgil, the Old Town, St. Davids, and Queenston through appropriate intensification.*
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.*
- j) Require growth in stable neighbourhoods within residential designations shall meet the "Residential" objectives and policies of the Official Plan.*
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

3.4 Housing Mix

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan.

A number of parcels in the municipality are designated for medium density residential development which includes multi-unit residential housing such as townhouses, apartments, seniors' homes, etc. The policies of the Official Plan provide that while low density residential uses are permitted they are not encouraged in Medium Density Residential designations as the potential loss of residential units over medium density needs to be carefully considered.

Given the small-Town character and heritage of Niagara-on-the-Lake, high density development will be limited especially within established residential areas where high density development may adversely impact heritage resources and the character of the area in terms of scale, mass or height.

4.1 General Intensification Policy

The Town supports intensification and infilling within appropriate areas throughout the Built-Up Area in accordance with Land Use Compatibility, urban design and other applicable land use compatibility criteria of this Plan. The Town also supports forms of infilling that use the existing built form, including garden suites and accessory dwelling units, where the proposed development and reuse is consistent with the land use compatibility of this Plan.

4.2 Intensification Target

Intensification Target

By the year 2015 and for each year thereafter the Town shall target for a minimum of 15% of all new dwelling units occurring annually to occur within the Built-up Area identified on Schedules "I-1" and "I-2".

4.3 Strategy

The majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots...

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to: ...

- b) Provide land use policy directions for accommodating additional growth within the Built-up Areas;*

- c) *Provide a policy framework that supports intensification and infilling throughout the Town's Built-up Area; ...*
- e) *Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area...*

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- a) *The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031...*
- b) *The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- c) *The provision of affordable housing in intensification areas will be encouraged through the application of the policies in Section 9 of the Official Plan.*
- d) *Mixed use development is also encouraged within the commercial areas of the Built-Up Area. The preferred built form for mixed use development is a minimum of 2 storeys with commercial and office uses on the ground floor, with residential units or office uses located above. The 2 storey height will ensure mix use developments are not underdeveloped.*
- e) *The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...*
- f) *Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building.*
- g) *The Region and the Town will ensure that an adequate supply of sanitary and water services are made available to accommodate the unit target for the Built-up Area and for the existing potential developable lands within the urban area and that the infrastructure for the distribution of water collection of wastewater can support the increased load.*
- h) *The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- k) *The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*
- m) *Intensification Areas will be planned to provide a diverse mix of land uses that complement and support the overall residential intensification objective. This includes providing for employment, commercial, recreation, institutional and other compatible land uses.*

Urban Design

...the following urban design guidelines apply to intensification proposals in Virgil and the Old Town...

- a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face...*
- b) Parking for... apartment buildings should be located at the rear of the building, with a secondary entrance at the side or back of the building. The main entrance to the building should front onto the street.*
- c) Where appropriate, the design of the commercial, mixed use and apartment buildings development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) Bulk, mass and scale of new development shall fit the context within which it is located.*
- e) Garages for single, semi and townhouse units shall not exceed 50% of the building façade and shall be setback from the front face of these units.*
- f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.*

4.6 Land Use Compatibility Policies

Residential Neighbourhoods

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that this change will be appropriate and compatible within the Town's neighbourhoods and throughout the entire Built-Up Area.

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*
- f) Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
 - Lot frontages lot area, depth*
 - Building Setbacks*
 - Privacy and overview*
 - Lot grading and drainage*
 - Parking*
 - Servicing*

SECTION 7: INFRASTRUCTURE

7.3 Water and Wastewater Services

Urban Growth on Full Municipal Services

The provision of water and wastewater services is a shared responsibility with the Region; however, the Town is responsible for local water and wastewater services in the municipality. Municipal sewage services and water services are required for the servicing of development in the Town's settlement areas. Stormwater management strategies shall be based on current, innovative, best practices and are subject to the approval of the municipal Public Works and Community & Development Services Departments.

Phasing Strategy

The review of all developments will consider the implications of increased servicing demands which may include upgrading of watermains, sanitary sewers and storm sewers and potential implications relating to development charges and that any identified needs and will be undertaken with input from the Region of Niagara to also ensure there is alignment with respect to Regional infrastructure requirements.

The approval of specific development applications shall be governed by the following principles:

- i.) avoidance of scattered or "leap frog" development;*
- ii.) sequential development of neighbourhood facilities;*
- iii.) provision of community facilities and services;*
- iv.) provision of schools and parks;*
- v.) sequential construction of collector roads and access to arterial and boundary roads;*
- vi.) sequential construction of sanitary sewer and watermain extension and electrical distribution system;*
- vii.) adequacy of storm drainage; and,*
- viii.) protection of the environment and significant natural resources.*

SECTION 9: RESIDENTIAL

9.2 GOALS AND OBJECTIVES

- (1) To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*
- (3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design... and uses land in an efficient manner...*
- (4) To encourage the development of economical housing in a suitable environment.*
- (7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*

- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities and non-residential uses.*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

9.3 LAND USE DESIGNATIONS

9.3.1 LOW DENSITY RESIDENTIAL

- (1) *In the low density residential designation the following uses shall be permitted:*

Main Uses:

Low Density Residential uses such as single detached, semi-detached and duplex dwellings.

Uses permitted independent of a Main Use:

- *Medium density residential uses subject to; the relevant policies of Section 9, and a site specific amendment to the Zoning By-law.*

9.3.2 MEDIUM DENSITY RESIDENTIAL

- (1) *In the Medium Density Residential designation the following uses shall be permitted:*

Main Uses:

Multi-unit Residential housing such as townhouses, apartments...

Secondary Uses:

Uses permitted with a Main Use:

- *roomers and boarders*
- *bed and breakfasts*
- *accessory apartments*
- *group homes*
- *home occupations*
- *accessory buildings and structures*

- (2) *Low density residential uses are permitted but not encouraged in the Medium density residential designation. The potential loss of residential units over Medium density will be carefully considered.*
- (3) *The design and location considerations for Medium Density Residential development shall include provisions of the following:*
 - a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*
 - b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
 - c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*

- d) *Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).*
- e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
- f) *Adequate municipal services can be provided...*
- g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*
- h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

9.4 GENERAL RESIDENTIAL POLICIES

The following policies shall apply to all residential designations shown on the land use schedules.

(4) RESIDENTIAL DENSITY

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally, ...medium density residential developments will 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 neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore, new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.

SECTION 20: TRANSPORTATION

20.2.2 ARTERIAL ROADS

Schedule "G" "Transportation Plan" identifies the Arterial Roads in the Town.

- a) *The main function of the Arterial Roads identified on Schedule "G" Transportation Plan is to move large volumes of vehicles over long distances within the region.*
- b) *The Arterial Roads will provide connection to the Queen Elizabeth Way, other Highways and Regional Roads, and the collectors. Connections from local roads will be minimized, but not prohibited.*
- c) *Reverse residential lotting where lots have their back yards facing the arterial road with the front yard and driveway access facing an interior local*

road may be required when abutting Arterial Roads. Access to existing Arterial Roads will be controlled, but not prohibited and shall be subject to approval by the road authority.

- d) *Design of access to Arterial Roads will ensure safe and convenient ingress and egress.*

20.2.3 COLLECTOR ROADS

Schedule "G" "Transportation Plan" identifies the Collector Roads in the Town.

- a) *Collector Roads are intended to afford organization for the local road system and to provide the main connecting points to the Arterial Roads. They are expected to be reasonably continuous, and to carry lower traffic volumes than the Arterial Roads.*
- b) *The right-of-way width for Collector Roads shall be sufficient to accommodate the intended traffic volumes as well as on-street parking. The right-of-way width the construction of the road and the location of all necessary services shall be the satisfaction of the Town.*

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

2.6 Complete Communities

2.6.1 Sustainability

2.6.1.1 *The concept of a sustainable community is one that directs growth to well-planned built-up areas and protects the integrity of the agricultural sector. Compact development within settlement areas is key to growth management in the Town. In managing growth for the next 20 to 30 years, the Town will continue to direct growth to the settlement areas and maintain a balance of residential and employment opportunities.*

2.6.1.3 *Sustainability is achieved through a variety of initiatives that can include: ...*

- d) *providing choices and opportunities for housing, employment, transportation, social, recreational and cultural amenities;*
- e) *building on the existing employment strengths within the Town to generate economic prosperity;*
- g) *making efficient use of public infrastructure by focusing on a compact, mixed use, walkable, and connected community, and support for active transportation alternatives;*
- h) *having vibrant downtowns and attractive public spaces;*
- i) *maintaining a commitment to low profile development; ...*

2.6.2 Healthy Neighbourhoods

2.6.2.1 *...Components of healthy communities in the Town include:*

- a) *Vibrant, walkable, complete settlement areas with a mix of housing, jobs, parks, shops and services in close proximity to each other; ...*
- c) *a range of quality housing choices to meet the needs of people in all stages of life; ...*

2.6.2.2 *Development applications will be required to identify how the development will contribute to the health of the community.*

2.6.3 Housing

- 2.6.3.1 A diversity of housing types and tenure and affordable housing options contribute to the liveability of neighbourhoods and the quality of life for residents. To ensure a stable workforce and market for goods and services, businesses, both urban and rural depend on housing with access to jobs, public transportation, recreation, schools, parks and services.
- 2.6.3.2 Within settlement areas, a greater diversity of housing stock, including townhouses and small apartment buildings, and increased opportunities for more affordable housing choices will be provided through infilling, intensification
- ...
- 2.6.3.3 Multi-unit residential developments may be required to incorporate a mix of unit sizes to *accommodate a diverse range of household sizes and incomes.*

4.8 Community Design

4.8.1 Design Policies

4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in **Virgil** and **Old Town** until more detailed *Community Design Guidelines* are approved by the Town:*

- a) *Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face; ...*
- c) *Where appropriate, the design of the commercial, mixed use and multi-unit residential development should provide linkages and connections to existing and proposed pedestrian and bicycle networks;*
- d) *Height, mass and scale of new development will fit the context within which it is located;*
- e) *Garages for... townhouse units will not exceed 50% of the building facade and will be setback from the front face of these units; and*
- f) *The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.*

4.10 Residential Areas

4.10.1 Background and Identification

4.10.1.2 The Residential Areas are divided into two designations: Established Residential and Residential. The Established Residential designation generally applies to older, stable residential neighbourhoods. The Residential designation generally applies to newer, developing neighbourhoods or to neighbourhoods in transition.

4.10.2 Objectives

4.10.2.1 *Objectives for residential development areas are as follows:*

- a) *To ensure that sufficient lands have been placed in a Residential designation to accommodate the anticipated population in a suitable variety of locations, densities and unit types.*

- b) *To improve housing supply options in the Town through various means...*
- c) *To ensure new housing is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains important natural heritage features and uses land efficiently.*
- d) *To ensure that existing housing and existing residential areas are conserved and improved.*
- f) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of municipal services and community facilities.*
- j) *To encourage development of well-designed and visually distinctive housing projects.*
- k) *To provide an appropriate mix of housing to meet the Town's long-term land needs and housing growth in the Town*

4.10.3 Policies

- 4.10.3.1 *Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment. Low-rise structures are generally one (1) or two (2) storeys in height. Medium-rise structures are generally three (3) or four (4) storeys in height, may not require elevators for access to units, and are subject to the restrictions on building height in Section 4.8.2.*
- 4.10.3.4 *Any construction of additions or new structures within residential areas will complement existing adjacent development in terms of its scale, character, height, design and mass.*
- 4.10.3.5 *The design and location considerations for multiple unit residential buildings shall include provisions of the following:*
 - a) *The height, mass, scale and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses or on cultural heritage resources.*
 - b) *Appropriate open space, including landscaping and buffering, shall be provided to maximize privacy and minimize the impact on adjacent lower density uses.*
 - c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*
 - d) *Service areas shall be required on the site of each development (e.g. garbage storage, recycling containers).*
 - e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*
 - f) *Adequate municipal services can be provided to accommodate the needs of the development.*
 - g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*

h) Close proximity to community facilities such as schools and recreation facilities, and to commercial facilities should be available.

4.10.5 Residential Designation

4.10.5.1 Character

a) In the Residential designation, a variety of residential uses, types and densities are permitted, as detailed in the secondary plans, where such secondary plans have been approved.

4.10.5.2 Permitted Uses:

a) In general, the housing mix in the Residential designation will include low rise structures, including:

- single-detached,*
- semi-detached and duplex dwellings, and*
- medium rise or multiple unit residential uses (e.g. townhouses, walk-up apartments).*

These may be identified in separate zoning categories in the Comprehensive Zoning By-law.

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

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:

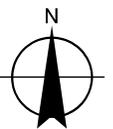
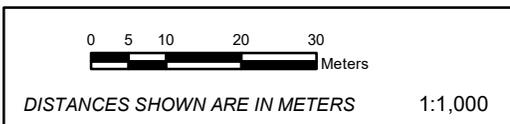
In addition to the uses identified under Subsection 9.3.2 (1) of the Official Plan, an apartment building being four (4) storeys in height containing a maximum of forty-one (41) apartment dwelling units with a maximum net residential density of 100 units per hectare shall be permitted.

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

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,

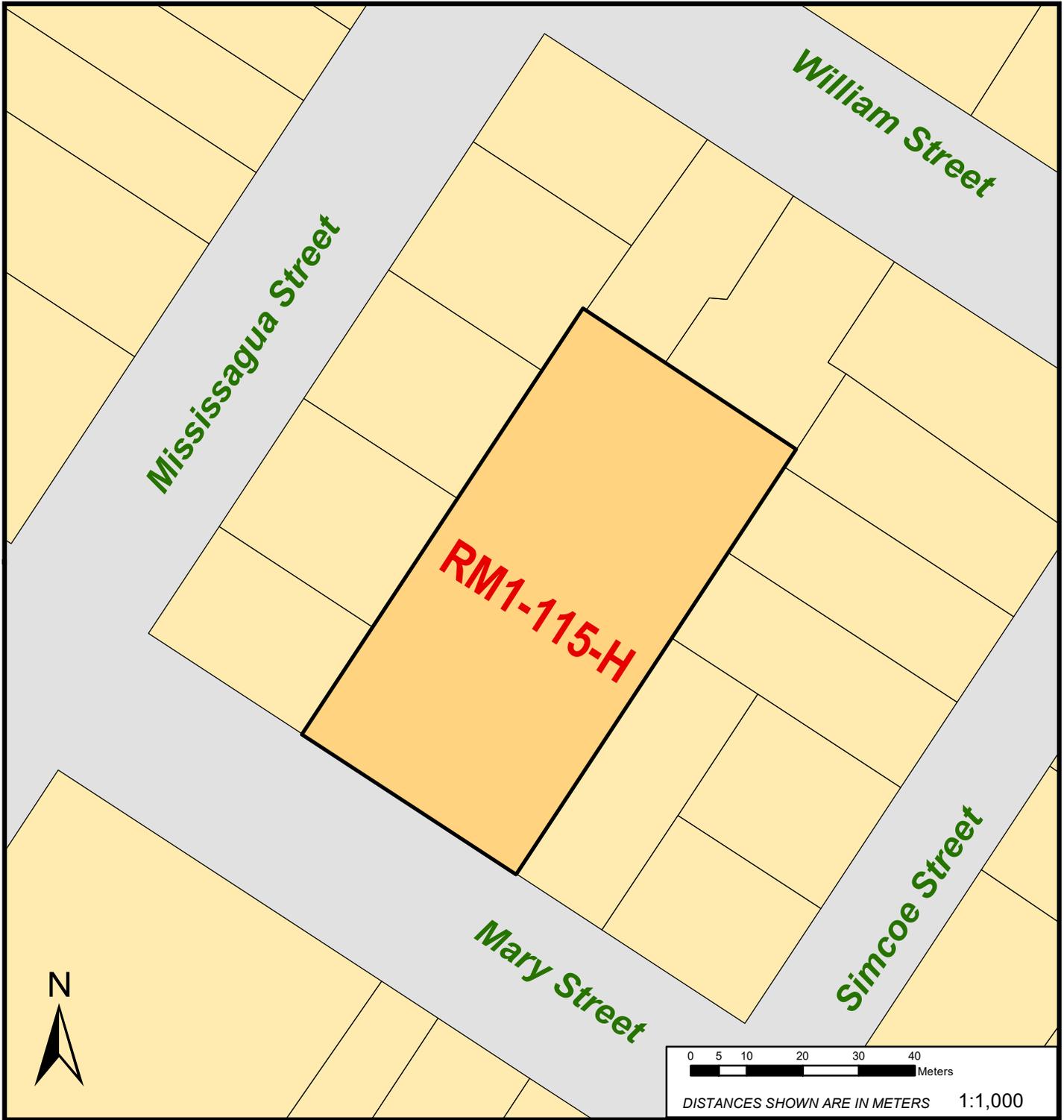
b. The stormwater management approach for the development is addressed and all required agreements, as applicable, are entered into, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake, prior to Site Plan Approval.

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

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

January 11, 2023

File No.: D.10.05.OPA-22-0046

Mark Iamarino, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Iamarino:

**Re: Regional and Provincial Comments
Official Plan Amendment
Town File Number: OPA-04-2022
Applicant: 1486592 Ontario Inc. (Veronica and Mihai Balaj)
Agent: NPG Planning Solutions (Jesse Auspitz)
Address: 223 – 227 Mary Street
Town of Niagara-on-the-Lake**

Regional Planning and Development Services staff have reviewed the information circulated with the application for an official plan amendment for lands municipally known as 223 and 227 Mary Street in the Town of Niagara-on-the-Lake.

The subject lands are currently designated Established Residential in the Town's Official Plan. The official plan amendment proposes to amend this existing designation to include site-specific policies which would permit the development of 3.5 storey (18 metres), 41 unit apartment building, with a maximum density of 100 units per hectare, on the subject lands.

The application was circulated with an associated zoning by-law amendment application, which proposes to rezone the subject lands to a Residential Multiple (RM1) zone with site-specific provisions for minimum front yard setback, minimum rear yard setback (for a underground parking structure), maximum building height, and required provision of an equipped children's play structure, to permit the proposed development. As the zoning by-law amendment does not affect any Regional or Provincial interests, Regional staff have no comments on this application.

A pre-consultation meeting for this proposal was held on March 31, 2022. The following Provincial and Regional comments are provided to assist the Town in considering the official plan amendment application.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and located within the Settlement Area Boundary for the Town of Niagara-on-the-Lake and designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population.

The proposed development is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. The proposed development, which will result in the creation of 41 apartment units, will also provide an alternative form of housing, offering more options in the neighbourhood to meet the needs of a variety of households, populations and income groups. The proposal therefore generally conforms to Provincial and Regional policies for the provision of a range of housing types and densities in the Built-Up Area. Regional staff note that the NOP encourages proposals for infill and intensification within the Delineated Built-Up Area to consider the character of established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of this aspect of the proposed official plan amendment application to Town staff.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the lands exhibit high potential for the discovery of archaeological resources.

A Stage 1 and 2 Archaeological Assessment, prepared by Archaeological Services Inc. (dated May 22, 2014) was submitted with the application. The Stage 1 background research indicated that the subject property exhibited moderate to high potential for the identification and recovery of archaeological resources, and recommended that a Stage

2 field assessment be undertaken for the undisturbed portions of the subject lands. The Stage 2 assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the Licensed Archaeologist recommended that no further archaeological assessment for the subject property was warranted.

In a letter dated November 3, 2014, the (then) Ministry of Tourism, Culture and Sport acknowledged the information contained in the report and the recommendations, and indicated that the report had been entered into the Ontario Public Register of Archaeological Reports without technical review. Regional staff note that the Ministry letter references a Stage 1 and 2 Archaeological Assessment dated October 17, 2014, whereas the report received with the application was dated May 22, 2014. Accordingly, Regional staff recommend that the Town require the applicant to forward a copy of the final report that was submitted to the Ministry prior to final consideration of the application by Council to ensure all archaeological resource concerns associated with the proposal have been adequately addressed.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection, provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling: Unlimited blue/grey boxes collected weekly;
- Organics: Unlimited green bins collected weekly; and;
- Garbage: Two garbage bags/cans collected bi-weekly.

Collection would be required to occur curbside on Mary Street.

The plans submitted with the application did not indicate the intention for waste collection. This will have to be addressed as part of the future site plan submission. If the proposed development is unable to comply with Niagara Region's waste collection requirements, the owner is advised that waste collection services will be the responsibility of the owner through a private contractor and not Niagara Region.

Conclusion

In conclusion, Regional staff have no objection to the proposed official plan amendment from a Provincial and Regional perspective, subject to any local requirements, including those pertaining to archaeological resources. The proposed official plan amendment is consistent with the Provincial Policy Statement (PPS), and conforms to Provincial Plans and the Niagara Official Plan (NOP). Accordingly, the official plan amendment is exempt from Regional Council approval, in accordance with Section 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send copies of the staff report and notice of the Town's decision on this application.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Planner

cc: Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

May 30, 2024

File No.: D.10.05.OPA-22-0046

John Federeci, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil, ON L0S 1T0

Dear Mr. Federeci:

**Re: Updated Provincial and Regional Comments
Official Plan Amendment
Town File Number: OPA-04-2022
Applicant: 1486592 Ontario Inc. (Veronica and Mihai Balaj)
Agent: NPG Planning Solutions (Jesse Auspitz)
Address: 223 – 227 Mary Street
Town of Niagara-on-the-Lake**

Staff from the Region's Growth Management and Economic Development Department have reviewed the information circulated with the revised application for an Official Plan Amendment for lands municipally known as 223 and 227 Mary Street in the Town of Niagara-on-the-Lake.

The subject lands are currently designated Established Residential in the Town's Official Plan. The Official Plan Amendment proposes to amend this existing designation to include site-specific policies which would permit the development of four (4) storey (14.0 metres), 41 unit apartment building, with a maximum density of 100 units per hectare, on the subject lands.

The application was circulated with an associated Zoning By-law Amendment application, which proposes to rezone the subject lands to a site-specific Residential Multiple (RM1) zone to permit the proposed development. As the Zoning By-law Amendment does not affect any Regional or Provincial interests, Regional staff have no comments on this application.

A pre-consultation meeting for this proposal was held on March 31, 2022. Regional staff previously provided comments on this application in a letter dated January 11, 2023.

The applicant has since revised their application to address comments received. The following updated Provincial and Regional comments are provided to assist the Town in considering the Official Plan Amendment application.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and located within the Settlement Area Boundary for the Town of Niagara-on-the-Lake and designated Delineated Built-Up Area in the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population.

The proposed development is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. The proposed development, which will result in the creation of 41 apartment units, will also provide an alternative form of housing, offering more options in the neighbourhood to meet the needs of a variety of households, populations and income groups. The proposal therefore generally conforms to Provincial and Regional policies for the provision of a range of housing types and densities in the Built-Up Area.

Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Policy 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the lands exhibit high potential for the discovery of archaeological resources.

A Stage 1 and 2 Archaeological Assessment, prepared by Archaeological Services Inc. (dated October 17, 2014) was submitted with the second submission. The Stage 1 background research indicated that the subject property exhibited moderate to high

potential for the identification and recovery of archaeological resources, and recommended that a Stage 2 field assessment be undertaken for the undisturbed portions of the subject lands. The Stage 2 assessment did not result in the identification or documentation of any archaeological resources. Accordingly, the Licensed Archaeologist recommended that no further archaeological assessment for the subject property was warranted.

In a letter dated November 3, 2014, the (then) Ministry of Tourism, Culture and Sport acknowledged the information contained in the report and the recommendations, and indicated that the report had been entered into the Ontario Public Register of Archaeological Reports without technical review.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff note that the inclusion of a standard warning clause will be requested at the time of future *Planning Act* applications (i.e. site plan), relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection, provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Organics: Unlimited green bins collected weekly; and;
- Garbage: Two garbage bags/cans collected bi-weekly.

Collection would be required to occur curbside on Mary Street.

The plans submitted with the application did not indicate the intention for waste collection. This will have to be addressed as part of the future *Planning Act* applications (i.e. site plan). If the proposed development is unable to comply with Niagara Region's waste collection requirements, the owner is advised that waste collection services will be the responsibility of the owner through a private contractor and not Niagara Region.

Regional staff note that Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding this program can be found at the following link:

<https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

In conclusion, Regional staff have no objection to the proposed Official Plan Amendment from a Provincial and Regional perspective, subject to any local requirements. The proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS), and conforms to Provincial Plans and the Niagara Official Plan (NOP). Accordingly, the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Please send copies of the staff report and notice of the Town's decision on this application.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca.

Kind regards,



Amy Shanks, MCIP, RPP
Senior Planner

cc: Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region

From: [Pasquini-Smith, Alexandria](#)
To: [Mark Iamarino](#)
Subject: NCDSB Comments: New Applications - OPA-04-2022, ZBA-23-2022 - 223-227 Mary Street, NOTL
Date: January 24, 2023 5:50:40 PM
Attachments: [image001.png](#)
[image006.png](#)
[image002.png](#)
[223-227 Mary_Circulation Letter.pdf](#)

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Hello,

Thank you for circulating the above-noted application to Niagara Catholic. The proposed development is likely to generate enrollment increase at St. Micheal CES.

Niagara Catholic requests to be circulated on future development applications pertaining to the development.

Thank you.

Alex

Alexsandria Pasquini-Smith, MCIP, RPP

Administrator of Planning & Properties

Niagara Catholic District School Board

427 Rice Road, Welland, ON, L3C 7C1

Tel: 905-735-0240 Ext. 131

Cell: 905-933-1734



From: [Municipal Planning](#)
To: [Mark Iamarino](#)
Subject: RE: New Applications - OPA-04-2022, ZBA-23-2022 - 223-227 Mary Street, NOTL
Date: January 9, 2023 12:15:13 PM
Attachments: [image002.png](#)
[image003.png](#)

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Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Thank you,

Casey O'Neil (she/her)

Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: [CARRIGAN, Andrew](#)
To: [Mark Iamarino](#)
Subject: RE: New Applications - OPA-04-2022, ZBA-23-2022 - 223-227 Mary Street, NOTL
Date: January 6, 2023 1:16:07 PM
Attachments: [image002.png](#)
[image003.png](#)

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Hi Mark,

CPC has no comments regarding this OP amendment and zoning bylaw amendment.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

Andrew R. Colwell
216 William Street, Niagara-on-the-Lake, Ontario
LOS !JO

January 23, 2023

Town Clerk
1593 Four Mile Creek Road
PO Box 100
Virgil, ON LOS !TO

Br; Notice o(Applcatlop: 223-227 Mary Strrrt, Njagara-on-thr:Lake

I reside at 216 William Street in Niagara-on-the-Lake. I have reviewed the proposed plans for the building of an apartment building at 223-227 Mary Street (File No: OPA-04-2022 & ZBA-23-2022). I do not support this proposal and would respectfully ask that the applications for permit changes not be approved.

The proposed apartment building complex and parking lot would directly abut both of my neighbour's properties (one on William Street and one on Simcoe Street) as well as four neighbouring residential properties along Mississagua Street. While my property does not directly abut the proposed apartment building complex, it would certainly impact my residence.

My specific concerns related to this proposed apartment building complex include:

- Direct visible impact on my residence and the residences of my neighbours
- Noise concerns that would negatively impact my residence and residences of my neighbours
- Traffic concerns. The Mary Street/Mississagua Street intersection is already very busy. The proposed apartment complex would dramatically increase vehicular traffic, creating additional traffic congestion and potentially an unsafe environment for pedestrians.
- Residential density. Old Town Niagara-on-the-Lake is already a dense residential location. I do not believe adding an apartment building would serve the community well.
- Green space. There is little enough green space left in Niagara-on-the-Lake. We should be protecting what little open green space we have left.
- Residential house values. I believe the proposed apartment complex would negatively impact the value of my home and the value of every home in the surrounding area.

I purchased my home last year and am currently undergoing a significant renovation to increase the street appeal of the property. It would be very disappointing to go to all this work and expense only to have an apartment building overlooking my residence.

For all of these reasons I respectfully ask that the applications for permit changes not be approved.

Thank you very much for your consideration.

Sincerely,



Andrew Colwell

Andrew R. Colwell
216 William Street, Niagara-on-the-Lake, Ontario
LOS 1J0

February 3, 2023

Niagara-on-the-Lake Council:

Gary Zalepa, Lord Mayor
Erwin Wiens, Deputy Lord Mayor & Councillor
Tim Balasiuk, Councillor
Gary Burroughs, Councillor
Wend Cheropita, Councillor
Maria Mavridis, Councillor
Sandra O'Connor, Councillor
Nick Ruller, Councillor
Adriana Vizzari, Councillor

Dear Lord Mayor Zalepa, Deputy Lord Mayor Wiens, and Councillors;

Re: Notice of Application: 223-227 Mary Street, Niagara-on-the-Lake

I reside at 216 William Street in Niagara-on-the-Lake. I have reviewed the proposed plans for the building of an apartment complex at 223-227 Mary Street (File No: OPA-04-2022 & ZBA-23-2022). I do not support this proposal and would respectfully ask that the applications for permit changes not be approved.

My husband and I moved here to Niagara-on-the-Lake this past September. We are long time NOTL lovers and worked hard to realize our dream of making Canada's most beautiful town our home. We are strong supporters of Niagara-on-the-Lake, our local businesses, The Shaw Festival (where we are Governor's Council members), local wineries, and many other community enterprises. The proposed four-story (not "3.5" story as the builder is positioning it) apartment building complex, parking lot, outdoor patios, roof top terrace, and pool would directly abut both of our neighbour's properties (one on William Street and one on Simcoe Street) as well as four other neighbouring residential properties along Mississagua Street. While my property does not directly abut the proposed apartment building complex, it would certainly have a dramatic impact my residence, as it will over-look my back yard.

We purchased our home for \$2.475 million and in the middle of a full internal and external remodel. We are working hard to make our home more beautiful for our neighbours and the community at large. We are investing approximately \$1 million of additional spend to complete our home renovation – and we are using all local contractors and suppliers to complete our project. As you can appreciate, this is a very significant investment for us. We did not purchase this property only to have an apartment building built in our back yard.

In addition to our personal concerns, other concerns related to this proposed apartment building complex include:

- Direct visible impact on my residence and the residences of my neighbours
- Noise concerns that would negatively impact my residence and residences of my neighbours

- Traffic concerns. As you know, the Mary Street/Mississagua Street intersection is already very busy. The proposed apartment complex would dramatically increase vehicular traffic, creating additional traffic congestion and potentially an unsafe environment for pedestrians.
- Residential density. Old Town Niagara-on-the-Lake is already a dense residential location. I do not believe adding an apartment building would serve the community or our infrastructure well.
- Green space. There is little enough green space left in Niagara-on-the-Lake. We should be protecting what little open green space we have left.
- Residential house values. I believe the proposed apartment complex would negatively impact the value of my home and the value of every home in the surrounding area.
- Short-term rental issues. As we all know, NOTL is a very popular tourist destination. I have real concerns that many of the proposed 41 apartment units will be used as short-term rental units (Air BnB, VRBO, etc.).

I attended the recent open house related to this proposed project. I was struck by the comments that were made by so many caring Niagara-on-the-Lake residents. As one community member put it: "...if we approve this project it is a very slippery slope for the ongoing heritage of Niagara-on-the-Lake." I could not agree more. What makes Niagara-on-the-Lake so special is the unique heritage we have here. Please do not let our heritage be destroyed. What we have here is very special and it should be treated with great care.

As first-time voters in the recent municipal election, we voted for a number of you – including you, Mr. Lord Mayor – because we did our research and talked to our neighbours and friends. We voted for leaders like you to protect Niagara-on-the-Lake and all that is so special here. Now it's time for you to do what's right and stop this proposal from moving forward. It clearly doesn't meet the criteria of the town's Official Plan or current zoning bylaws. The Plan and bylaws are there for a reason – to stop projects like this one from happening. As you know, this is not the first time those behind this proposal have tried to get approval. It was declined before and should be declined once again.

For all of these reasons I respectfully ask that the applications for permit changes, changes to the Official Plan, and numerous zoning changes not be approved.

Thank you very much for your consideration.

Sincerely,

Andrew Colwell

From: [REDACTED]
To: [Mark Iamarino](#)
Subject: Written Comment Alexander Evans - Open House – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street
Date: January 26, 2023 6:33:43 PM

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Hi Mark,

Please see my written comment below:

“As a NOTL resident I would like to voice my support for the proposal and hope it is approved.”

Sincerely,
Alexander Evans

This message may have been dictated. If you see a strange phrase or misspelling, please understand it's a typo I did not catch.

Dr. Amir Rastpour and Dr. Sylvia Grewatsch
179 Mary Street, Niagara-on-the-Lake
email: [REDACTED]

Feb 14, 2023
Town Clerk,
1593 Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Re: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

As homeowners on Mary Street and residents of the beautiful town of Niagara-on-the-Lake, we would like to express our objection to Official Plan Amendment and Zoning By-law Amendment to permit an apartment building containing 41 residential units with a height of 18 meters on the subject lands.

We believe, if this project is permitted, it will have irreversible negative impacts on the environment and cultural heritage of this historical town, and it will have negative impacts on our property.

The More Homes, More Choice Act, 2019, S.O. 2019, c. 9 - Bill 108, of the Government of Ontario lists "Protecting the environment and cultural heritage" as one of the goals that should be achieved through new development projects. This new 41-unit project, however, will damage the environment and the cultural heritage of our town.

This new project has a density of about 40 dwelling units per acre. It is significantly higher than the density of other houses located in the zone designated as Established Residential. Please refer to the attached Schedule B: Land Use Plan - Niagara/Old Town. In this context, it is important to note that if this construction is permitted in the zone designated as Established Residential, it will set a precedent and we should expect more constructions of this size and density in the future. Given that most cultural heritage sites of the town are located inside the Established Residential zone, allowing high-density buildings in this zone may damage the integrity and attraction of this zone, and the entire town.

This 41-unit building does not have enough parking spaces and it will cause significant traffic issues, especially during the summer when the traffic demand is at its peak. During the Open House meeting, it was mentioned that "the building meets the city's minimum requirements." However, I would like to emphasize that the city's minimum requirements will not be enough when we are dealing with a construction that has a density of 40 dwelling units per acre. Due to the lack of efficient public transport and being far away from the closest major cities (Niagara Falls and St Catherine's), the car ownership in Niagara-on-the-Lake is higher than 1. It seems the last household survey to collect relevant data was conducted in 2008, and there has not been any recent household surveys since. Therefore, it is impossible to calculate the accurate car ownership rate in Niagara-on-the-Lake. With the lack of data, it will be so dangerous to assume that 1 parking per unit is enough. Especially, during the holiday seasons and the summertime, when we expect so many guests in the town, we should expect many cars from this high-density building that spill over to the neighborhood hunting for street-side parking spots.

This high-density building will escalate the already-chronic traffic problem in town, and especially on Mary Street. During the Open House meeting, it was mentioned that Mary Street is an “arterial road” and can handle the traffic coming from the new building. However, I should emphasize that just having the label of “arterial” on a street is not enough to ensure that it will handle the demand at its peak. In our research, we could not find any traffic simulation models that would specify the service level of Mary Street (or any other roads in the region). Even if such models exist, it is important to understand what the basis of these models were. If they are based on the 2008 data, we should say that it is too outdated, and the results of such models cannot and should not be the basis for giving permits to such a high-density building. The traffic gridlock jeopardizes public safety (for example, how an ambulance is supposed to timely reach this new building, or the houses around, if all streets are locked?) and has significant negative impacts on the quality of life of all residents.

The builders are also asking for an exemption from adding the play area for children inside the building. During the Open House meeting, they justified this request by mentioning that their target customers will not have children, but they did not clarify who were their target customers. We would like to stress that the development company needs to be clear about their target customers as it may impact the current Niagara-on-the-Lake residents. Even if families do not have children of their own (because of being in certain age group, for example), it does not mean that they will not have minor visitors or guests. Therefore, the argument of having a specific group of target customers may not justify this exemption.

In addition to all above mentioned negative impacts, adding this high-density building to Mary Street will negatively impact the value of many houses around it, especially those that are in a closer proximity to this building, including our house. Such high-density building, given its large balconies and the roof-top pool/patio, will be very noisy and will compromise the privacy of neighbors.

In the end, we would like to thank the City for giving us the opportunity to raise our concerns, and would like to re-iterate that we have significant concerns regarding this new high-density building and request that it is not permitted. This proposed building is not compatible with The More Homes, More Choice Act of 2019, and will damage the environment and the cultural heritage of our town. It will not even provide a quality experience for its residents due to shortcomings such as the lack of children play area. It will also negatively impact the value of neighboring houses.

Dr. Amir Rastpour



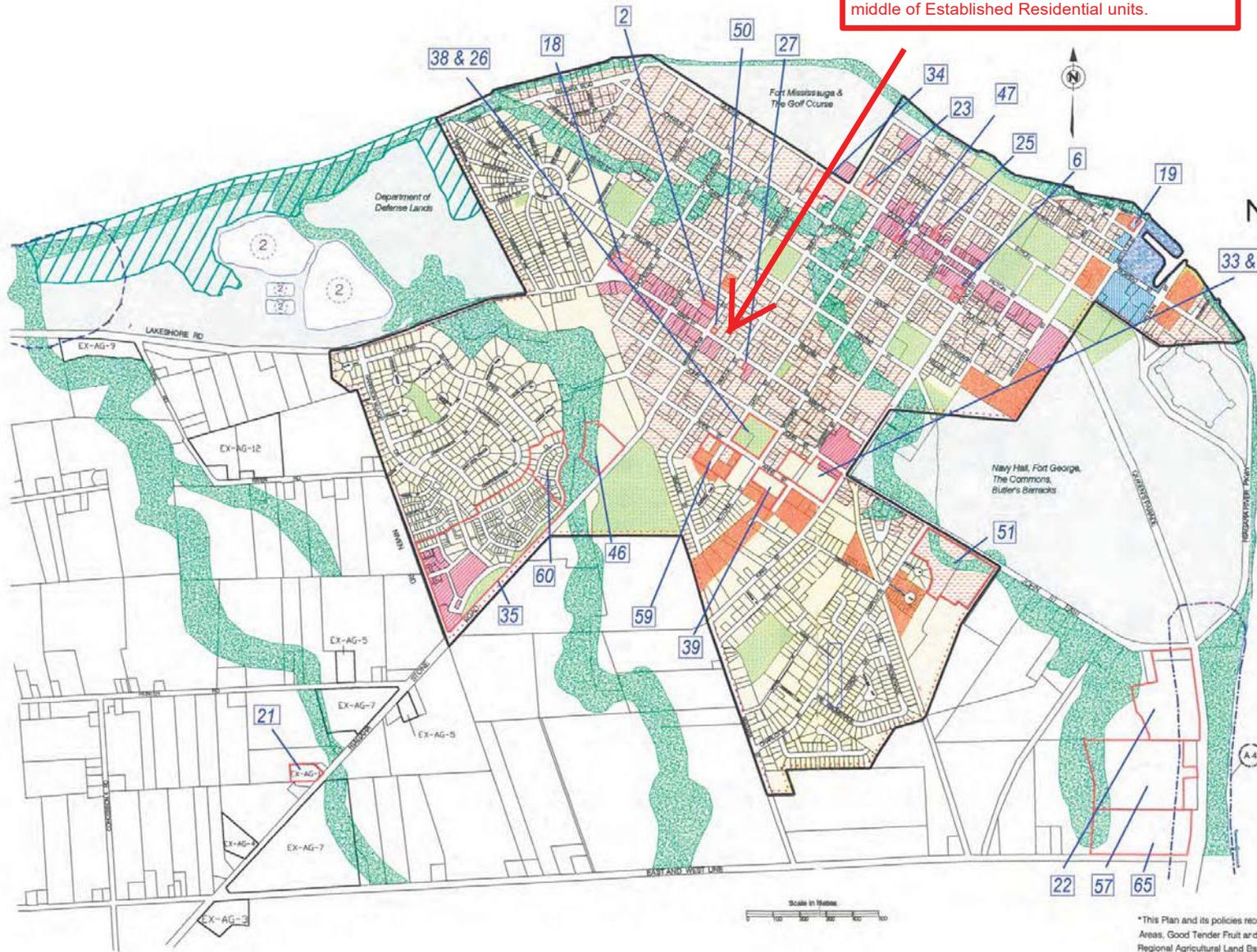
Dr. Sylvia Grewatsch



The proposed project, which is located in the middle of Established Residential units.

SCHEDULE "B"
Land Use Plan

NIAGARA/OLD TOWN



- Agricultural*
 - Non-Farm Rural
 - Low Density Residential
 - Medium Density Residential
 - Established Residential
 - General Commercial
 - Service Commercial
 - General Industrial
 - Light Industrial
 - Prestige Industrial
 - Extractive
 - Institutional
 - Marina
 - Marine Commercial
 - Open Space & Community Facilities
 - Conservation
 - Major Open Space
 - Escarpment Protection Area
 - Escarpment Natural Area
 - Escarpment Rural Area
 - Niagara District Airport
 - Area of Natural & Scientific Interest
 - Amendments
-
- Urban Area Boundary
 - Community Improvement Area Boundary
 - Wetlands (including adjacent lands)
 - Special Study Area
 - Sanitary Sewage Lagoons
 - Exception - See Exceptions, Section 7

Consolidated Schedules as of July, 2017. In all instances, reference should be given to original plan and amendments as approved by Council.

*This Plan and its policies recognize the policy distinctions that are made between Good General Agricultural Areas, Good Tender Fruit and Good Grape Areas in the Regional Policy Plan (see Appendix 4). When a new Regional Agricultural Land Base Map and policies are approved by the Province, the Land Use Schedules and policies in this Plan will be amended to conform with the Regional Policy Plan.

From: [Shannon Mista](#)
To: [Mark Iamarino](#)
Subject: FW: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake
Date: February 1, 2023 9:55:07 AM

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Wednesday, February 1, 2023 9:43 AM
To: Planning Development <planning.development@notl.com>
Subject: FW: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

Good Morning,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Alex Sunarich [REDACTED]
Sent: Tuesday, January 31, 2023 11:09 PM
To: Clerks <clerks@notl.com>
Subject: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

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Dear council members,

As residents and property owners living in relatively close proximity to the site of this proposed construction project, we are opposed to the passing of an amendment allowing for the increase in height to 18 meters from the current 10 meters.

Passing this amendment allowing for such an increase in height would set a precedent which would enable other similar developments to spring up within the historic old town. With such a precedent set, it is very likely that in the coming years, the envelope would continue to be pushed with respect

to maximum height restrictions, very conceivably resulting in the transformation of the character of the old town, eventually making it unrecognizable; just another suburb.

Placing a 3.5 storey, 18 meter tall building in this location would be visually highly disruptive to the surrounding low rise neighborhood, in addition to creating greater traffic and congestion issues.

We respectfully propose that the the current height restriction of 10 meters be kept and that the developers resubmit plans for an apartment building which would conform to the current height restriction.

We need to preserve the character of the historic OldTown as much as possible.

We thank you for taking the time to consider the views set out in this letter.

Yours sincerely,

Alex and Nadine Sunarich
443 Nassau St.
Niagara on the Lake

From: [REDACTED]
To: [Mark Iamarino](#)
Subject: 223-227 Mary St. Development.
Date: January 27, 2023 1:12:25 PM

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Dear Mark, first of all thank you for your patience at the Open House. I realise that you have to consider this development proposal despite its completely inappropriate nature in a zone that is clearly designated " Established, Residential, Single Family, Two Storey" development.

For such an outsized project I believe the on-line Open House format is demonstrably unsuited to such a contentious application that affects so many neighbouring properties and carries such significant implications for future high density development in similarly zoned residential areas.

I have been a resident of NOTL since May of 2008 and live within a two minute walk of the Mary St/ Mississauga St intersection and have witnessed for years the growth of all forms of traffic here and witnessed accidents and near misses with cyclists and pedestrians caused primarily by impatience due to the volume of traffic. The drive-in entry for Tim Hortons off Mississauga St is a perfect example of what will happen when residents and guests try to enter or exit this proposed development with the driveway situated so close to this already overworked intersection!!

With all due respect I must state that this proposal is absolutely inappropriate for the site in question and should be summarily dismissed as the former submission was.

There are several great examples of appropriate developments in town that would be entirely suitable and profitable for the owners of this property. Unfortunately not as profitable as 40+ units!!

In closing I think it important to address the issues to immediate neighbours as to the sheer disruption that a project of this scale would cause. Having experienced endless new construction projects nearby I can attest to the fact that The Town is sadly laughed at by construction companies that I have personally experienced with respect to all forms of disruption. I was openly told by a local contractor that the Town has no enforcement powers as to construction issues. Amazingly I found this to be true.

Thank you once again for your professionalism and patience in dealing with such a contentious application.

Sincerely
Barry Solomon
469 Simcoe St
NOTL

From: [REDACTED]
To: [Gary Zalepa](#); [Erwin Wiens](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Sandra O'Connor](#); [Nick Ruller](#); [Adriana Vizzari](#); [Mark Tamarino](#); [Clerks](#)
Subject: 223-227 Mary Street, Niagara-on-the-Lake
Date: February 7, 2023 9:25:38 AM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Cynthia Koelsch



Re: File No. OPA-04-2022 & ZBA-23-2022
223-227 Mary Street, Niagara-on-the-Lake

From: Cynthia Koelsch

To: Lord Mayor Gary Zalepa; Councillor Erwin Wiens; Councillor Tim Balasiuk; Councillor Gary Burroughs; Councillor Wendy Cheropita; Councillor Maria Mavridis; Councillor Sandra O'Connor; Councillor Nick Ruller; and Councillor Adriana Vizzari

For your respectful consideration:

According to the Urban Design Guidelines for NOTL, any development should

”maintain a scale and level of activity appropriate for the home, the lot and the neighbourhood”.

It seems that no aspects of this development proposal meet these criteria, and in essence the building would have a deleterious effect on the neighbourhood, being entirely inappropriate for the lot size.

Many residents question the inappropriate aesthetics of such an apartment building “plunked” right in the centre of the block, overlooking single story homes around the entire periphery of the block.

HEIGHT BYLAW

One of the greatest legacies of Mayor Hazel McAllion was her strict

enforcement of height bylaws in the small towns around which Mississauga developed, creating attractive, and “human scale” centres like Streetsville, Port Credit and Oakville.

These are centres that retain their desirability to this day.

Perhaps it would be wise to adhere to current height restrictions, especially on the border of the Heritage district, if the charm of the downtown core is to be maintained.

INADEQUATE PARKING

In spite of current bylaws, which Council might consider reviewing, 50 parking spaces for 41 units is clearly inadequate. There is no rapid transit to rely on. A more appropriate business assumption would be an allowance for 80 cars, assuming, not unreasonably, double occupancy. Add to that, the number of out-of-town visitors who will no doubt arrive on holidays, and the current parking issues are clearly exacerbated.

STREET PARKING

What will inevitably happen, is congested parking around the immediate neighbourhood as a result of inadequate parking for the building

FLOODING IN UNDERGROUND PARKING

The areas along Mary Street are already prone to flooding, so the idea of underground parking raises some serious questions. It could result in liability for the town and many resultant insurance claims, should flooding occur.

The water table is, in many places, only 4 feet below ground level.

INFRASTRUCTURE

Will an independent, in–depth study of the infrastructure required to support a building of that density be conducted?

AN UNCLEAR TARGET MARKET

It was apparent during the preliminary virtual call that the developer is unclear about their ideal client, which begs questions about the amenities or lack thereof.

Regardless of the target market, the units will be sold to any qualified buyer.

(eg: eliminating the children’s playground and providing a rooftop pool and deck overlooking the neighbours ?)

ARE TOWN HOUSES PERHAPS BETTER SOLUTION?

It would seem that a tasteful townhouse development might be more appropriate for the size of the lot and increase density to a more appropriate level for the surrounding neighbourhood.

I respectfully suggest that Council seriously consider the many concerns expressed by local residents and use wisdom in setting precedents in a town beloved by so many.

I would also ask that council members and any one in the employ of the town publicly declare any conflict of interest in this matter at the public meeting on February 14th.

With thanks for your dedication and your kind attention to these concerns,

Sincerely,

Cynthia Koelsch



From: [REDACTED]
To: [Clerks](#); [Gary Zalepa](#); [Erwin Wiens](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Sandra O'Connor](#); [Nick Ruller](#); [Adriana Vizzari](#); adrea.kaiser@niagararegion.ca; [Mark Tamarino](#)
Subject: File No. OPA-04-2022 & ZBA-23-2022 for 223-227 Mary Street, Niagara-on-the-Lake
Date: January 25, 2023 2:31:59 PM
Attachments: [OPA-04-2022 & ZBA-23-2022 223-227 Mary Street Comments.pdf](#)

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Attached please find comments regarding the above noted official plan and zoning by-law amendments for 223-227 Mary Street for your consideration.

with kind thanks,
Connie Tintinalli
58 Gage Street, Niagara-on-
[REDACTED]

From: [REDACTED]
To: [Mark Iamarino](#)
Subject: Re: Open House – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street
Date: January 27, 2023 11:23:30 AM

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Thanks Mark, much appreciated.

Regards,
Doug

On Jan 27, 2023, at 9:22 AM, Mark Iamarino <Mark.Iamarino@notl.com> wrote:

Hi Doug,

Short-term rentals are not permitted in the “Residential Multiple (RM1) Zone” proposed by the application and a site-specific permission has not been requested. Also, the Town’s existing Short-Term Rentals By-law only permits a licence to be given for single-detached dwellings. Therefore, short-term rentals would not be permitted in the proposed apartment.

Mark Iamarino, MCIP, RPP
Senior Planner
Phone: 905-468-6423
1593 Four Mile Creek Road
PO Box 100, Virgil ON L0S 1T0

<image001.png>

From: Douglas Dow [REDACTED]
Sent: January 26, 2023 6:42 PM
To: Mark Iamarino <Mark.Iamarino@notl.com>
Subject: Re: Open House – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street

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Mark, I was only able to live stream the meeting.
My major question is related to short term rentals. Will these 41 units be allowed to apply for short term rental.

Regards,
Doug

On Jan 23, 2023, at 9:23 AM, Mark Iamarino <Mark.Iamarino@notl.com> wrote:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 275 869 848 561

Passcode: mo7ML3

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 647-749-7500,,922786452#](tel:+16477497500,922786452#) Canada, Toronto

Phone Conference ID: 922 786 452#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

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<mime-attachment.ics>

<223-227 Mary Street_OPA-04-2022 & ZBA-23-2022_Notice of Complete App, OH and PM.pdf>

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From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake
Date: February 10, 2023 2:29:37 PM

Good Afternoon Mark,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

-----Original Message-----

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Friday, February 10, 2023 2:29 PM
To: David Gilchrist [REDACTED] Clerks <clerks@notl.com>
Subject: RE: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

Good Afternoon,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

-----Original Message-----

From: David Gilchrist [REDACTED]
Sent: Friday, February 10, 2023 12:36 PM
To: Clerks <clerks@notl.com>
Subject: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

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I wish to express my deep concern regarding the construction of this building as presented in the file above. It is definitely not right for that area as proposed. The height, the density and issues related to privacy for the

established neighbours are very detrimental!

David Gilchrist

Sent from my iPhone

From: [REDACTED]
To: [Gary Zalepa](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Nick Ruller](#); [Sandra O'Connor](#); [Adriana Vizzari](#); [Erwin Wiens](#)
Cc: [Clerks](#); [Marnie Cluckie](#); [Mark Jamarino](#)
Subject: Proposed Mary Street Apartment Building
Date: February 13, 2023 3:33:51 PM

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Re: 223-227 Mary Street - Official Plan and Zoning Amendments
Permission for a four-storey apartment building
Public Meeting

As one of many residents of the Old Town of Niagara-on-the-Lake, I appreciate the opportunity to let you know that there is considerable concern about the creep in medium-density high-rise buildings towards the centre of Old Town of Niagara-on-the-Lake. The heritage and cultural landscape of the village is unique in Canada. Original pathways, such as Mary Street, to National Historic Sites, such as Butler's Barracks and Fort George, need particular attention and preservation in terms of context of buildings and streetscape. Mary Street and William Street are mostly one-story or two-story buildings, which are the immediate successors of the structures that stood in the [REDACTED] in Niagara-on-the-Lake. As can be seen from the map (attached), the west end of Mary Street stands well inside the [REDACTED] boundaries, which should be respected in the planning of future structures.

A high-rise at 223-227 Mary Street should be considered structurally inappropriate in the context of our [REDACTED] heritage - where over 200 black heritage residents lived in the 1800s - and the proximity to designated historic properties in the vicinity. I urge the Planning Department and the new Council to strategize the means to avoid such current and future incursions by prospective for-profit construction firms on our unique cultural landscape within the "Old Town" of Niagara-on-the-Lake village.

Recent medium density and townhouse developments have been approved for areas immediately outside the [REDACTED] and other parts of Niagara-on-the-Lake. The location of such developments on, say, Anne Street south side, Shaw's Lane, Evergreen Street and Albion Way do not have the same impact on the village as prospective building north of Anne Street and east of Dorchester Street, the southern and western perimeters of the [REDACTED]. There is also less potential for significant archaeological finds of [REDACTED] and [REDACTED] habitation and burials outside the periphery of this village.

I urge the Planning Department and the Council to deny a zoning change for any part of Mary Street, and to ensure that respect is paid to those who lived in the [REDACTED] as a part of our heritage and cultural landscape. The impact of reconciliation by [REDACTED] with regard to [REDACTED] Heritage in Canada has important implications to us here in Niagara-on-the-Lake. A similar request to the Council was made by me on 8 March 2015, after which permission for this development was denied.

Thank you.

Sincerely,

David F. Hemmings

1 Shaws Lane, Niagara-on-the-Lake.

--

David F. Hemmings

1 Shaws Lane, Niagara-on-the-Lake,

Ontario L0S 1J0, Canada

Cell: [REDACTED]
[REDACTED]

May 29, 2023

We are writing to present our concerns regarding the submission to the Urban Design Committee on April 26, 2023 for a proposed Apartment Building at 227 Mary Street. Our concern is specific to the scale and height of the proposed building. The proposed four storey building is located mid-block, is sited in the middle of and will overlook the rear yards of 13 existing one and two storey homes. These homes have been there for decades and each homeowner has a right to enjoy the privacy, sunlight and noise levels encountered as provided by the zoning bylaws. The proposed development will destroy virtually all visual privacy in their rear yards and through their windows into their homes. Moreover, we can anticipate a significant increase in noise levels.

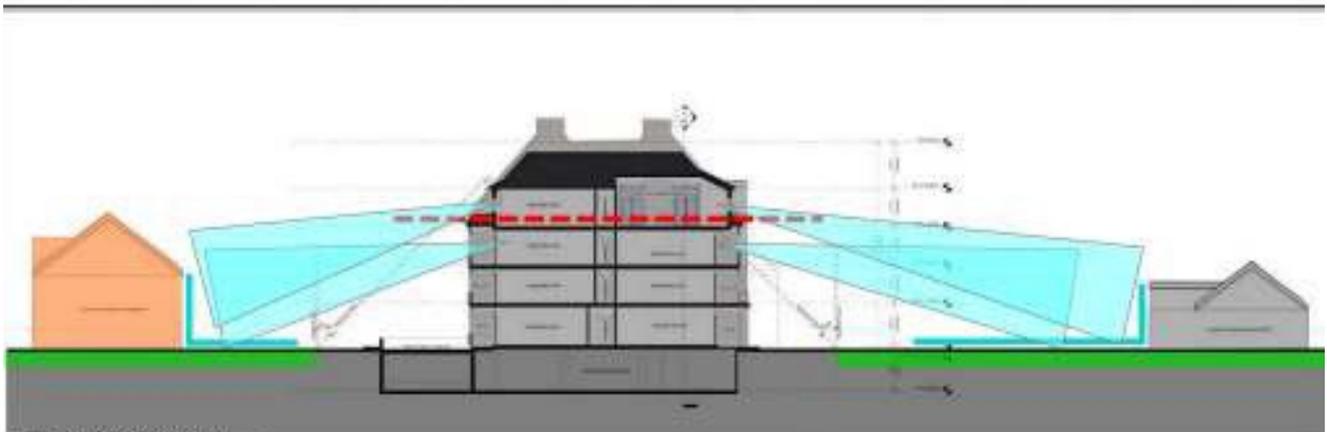
We have attached a copy of the architect's section through the properties to which we have added the sight lines from the proposed third and fourth floors clearly showing this direct line of sight invasion of the neighbour's back yards. The drawing also clearly shows the proposed building's fourth floor is significantly higher than the current zoning building maximum permitted height(dashed line).

It should be "without question" that the 13 neighbours have the right to expect new adjacent developments to respect the existing zoning and honour their expectation of continued privacy in their back yards and into their homes.

This proposed building would set a dangerous precedent for the town whereby potentially no one house or households will be safe from similar proposals all in the name of increased density and developers profits.

This proposal disrespects the town's existing unique built character and quality of life. There can be no question that it would cause the town and its residents immense harm.

Sincerely, David Parker, Architect, Gordon Stratford, Architect, David Anthony, P. Eng., John Gartner, Retired Planner



SIGHT LINES FROM PROPOSED APARTMENT BUILDING INTO NEIGHBOURS REAR YARDS



SITE PLAN

From: [REDACTED]
To: [Gary Zalepa](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Nick Ruller](#); [Sandra O'Connor](#); [Adriana Vizzari](#); [Marnie Cluckie](#); [Mark Tamarino](#); [Erwin Wiens](#)
Cc: [Clerks](#)
Subject: Mary Street Proposal
Date: February 14, 2023 8:42:50 AM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Comments regarding the 4 story Mary Street Condo Proposal.
I disagree with any height adjustment to the current status.
Follow the rules that have already been put in place. Respect the neighbours, neighbourhood and town in general for now and the future.
This proposal is out of context with the community.
It will set a dangerous precedent.

DEBI
Debi Pratt
36 Delater Street, Box 269
Niagara on the Lake, ON



Committee Member, Niagara-on-the-Lake Fund, Niagara Community Foundation

Elena & Kevin Morandi-Bonner
243 Mississagua St
Niagara-on-the-Lake, ON L0S 1J0

Town Clerk, Niagara-on-the-Lake
1593 Four Mile Creek Road, P.O. Box 100
Virgil, ON L0S 1T0
Email: clerks@notl.com

February 10, 2023

RE: Input/Comments on File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

Dear Ms. Steele,

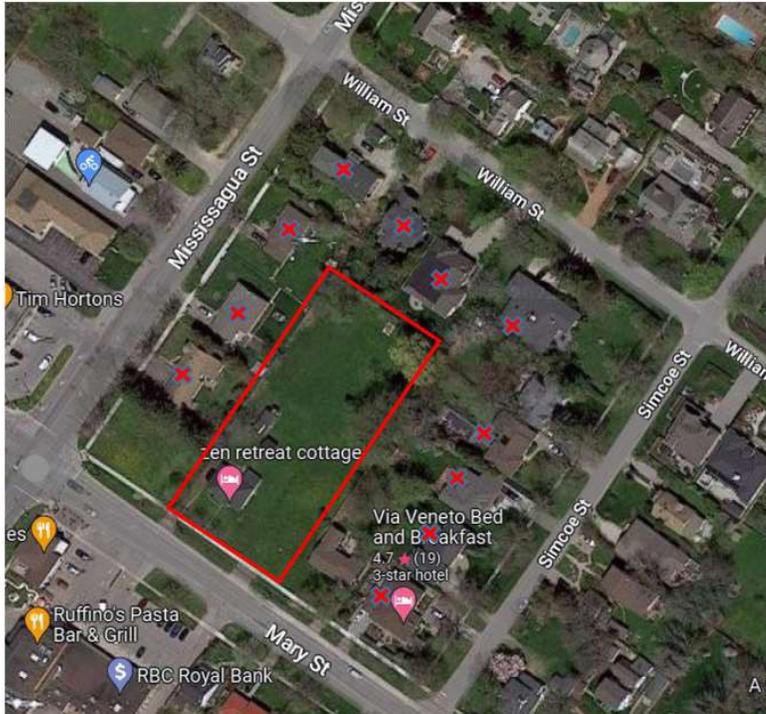
We are writing to you, the Acting Town Clerk for the Town of Niagara-on-the-Lake, to provide input as residents of this town, after having reviewed the plans and the developer's proposal for an "Official Plan Amendment (under Section 22 of the Planning Act, R.S.O. 1990, c. P.13, as amended) and Zoning By-law Amendment (under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended)".

We have a number of concerns re. this proposed development, as described below:

1. The building appears to be much larger than would be expected or appropriate for this lot size, even if the amendment allowed a change from Established Residential (ER) to Residential Multiple (RM1). Under ER, the **maximum** density is **12 units per acre**, "unless accompanied by analysis demonstrating minimal impact on surrounding neighbourhoods". The size of this lot is of 1.02 acres with a combined frontage of less than 150 ft (the normal frontage of 2 Niagara-on-the-Lake residential lots).
 - a. The builder is requesting a change that would bring the density from 12 units to 41 units, an **increase of 342%**, which is far beyond what is reasonable.
 - b. The proposal also refers to a new (RM1) maximum lot coverage of 50%. It is unclear from the Draft Site Plan whether the proposed 4-story building would, in fact, only cover 50% of the lot.
2. It is not obvious from the proposal that the builder conducted an in-depth analysis of the impact on surrounding neighbourhoods, or that the town requested such an in-depth analysis. This analysis should also include the impact on being able to easily access the retail area on Mary St.
3. Parking provided for the 41 units amounts to just one spot per unit, which appears to be far below what would reasonably be expected. If only one-half of the unit owners own two vehicles, there will already be 20+ vehicles that will have to find parking permanently elsewhere. This is without consideration of guest parking requirements which, on weekends and holidays, may raise the parking gap at this location to a significant extent (for example, as many as 50-60 cars with no place to park except the small shopping mall across the street, which may become overrun with cars and inaccessible).

- Part of the impact on the neighbourhood that is not mentioned in the report would be on the ten (10) single-family homes directly bordering this lot (see Figure 1 below, homes marked with a red X).

Figure 1 - Lot on Mary St. showing neighbouring properties affected



- Change in building height from a maximum of 10 m to 18 m (an increase of 80%)
- New rear patio encroaching 6.2 m into required rear yard setback (6 houses affected)
- New patio encroaching 1.8 m into required interior side yard setback (7 houses affected)

There is no doubt that the character and privacy of the ten (10) neighbouring properties would be altered permanently, not to mention the loss in value of the empty lot at Mississauga and Mary Streets. The height of the building, the rooftop terrace and the additional encroachment very close to the back and side fences of these homes would eliminate their privacy, not only in their gardens and yards, but also into the windows of both ground and first floors of their homes. This should be addressed.

- Traffic in this area would likely become unmanageable and unsafe. There is a mention in the proposal of Mary and Mississauga Streets being “major arteries”, but in fact, they are just two-lane streets in a small town at the entrance to the historic area of Niagara-on-the-Lake. A study of increases in traffic patterns and safety (including the crosswalks) should be required, also taking into account the problems with parking mentioned in Item #3 above.

We would like to add that we are not opposed, per se, to the building of a higher density dwelling on this site. We are simply stating that, in our opinion, this proposal would bring a dwelling with a density

that may be far beyond the scope or capability of this particular Old Town intersection to manage effectively and safely. We would like to see the existing RM1 Zoning requirements respected, rather than allowing such a significant modification.

Thank you for the opportunity to address our concerns.

With our sincere regards,



Elena Morandi-Bonner



Kevin Morandi-Bonner

SUBMISSION TO THE TOWN OF NIAGARA-ON-THE-LAKE

February 23, 2023

RE: 223-227 MARY STREET, NIAGARA-ON-THE-LAKE

FILE# OPA-04-2022 & ZBA-23-2022

FROM: Frances Stocker, 19 Lucia Court, Niagara-on-the-Lake, LOS 1J0.

I wish to record my opposition to the proposed building at 223-227 Mary St., NOTL. My objections are grounded in the standards set out in the various legally agreed plans that relate to the site that were cited in the Planning Department's presentation at the NOTL Council Committee of the Whole February 14, 2023. In my submission I refer to some people by name, and these are members of the public who spoke at the Committee meeting during the time I was watching. I left at approximately 3hrs 45mins.

My submission is summarized on page 5.

1. PRIMARY OBJECTION – ZONING BY-LAW DESIGNATION SHOULD PREVAIL

As you (Town Council and Staff) know, **this proposal violates either the letter or the spirit of officially agreed policy and bylaws relating to the site.**

- By-law 4316-09 directs that the site's "suitable only for a single-detached dwelling."
- Proposed Town Official Plan "Medium-rise structures (3-4 storeys) permitted...subject to...location consideration"

In my view, the Zoning By-law is the most relevant statement about this proposal's unsuitability. **In this By-law the Town, on behalf of the community, has clearly stated what the general character of this area should be: low rise, low density, and in keeping with other residential properties in the area.**

Permitting this re-zoning would irrevocably weaken the Town's ability to resist similar redevelopments throughout Old Town. This is unacceptable, and the Town should hold fast to the property's designation throughout the planning stages for development of these lots.

2. HEIGHT

A key part of submissions about this proposal object to the excessive height of the building. NPG's presentation at the Committee meeting showed **an image** (at 2hrs 37mins of the recording) showing the apartment building and the adjoining house. **It clearly shows how the building would dominate the**

landscape, no matter how far back it's set or shielded with foliage, **and the aspect of the typical existing residential environment of very low-rise homes would be entirely overwhelmed.**

At the meeting, Mr. Kennedy's PPT (3hrs 20mins), **demonstrated the shadow that the building will cast** at times that weren't included in NPG's report. His analysis showed that **the shadow would stretch between 568m and 700m, depending on time of day and time and year.** The maximum measurement takes the shadow all the way to Nassau Street. **I urge Council to direct staff to conduct a shadow analysis to establish a definitive assessment before a decision is made about zoning.**

As a final comment on height, I offer two up-to-date images illustrating the importance of height restrictions in retaining the character of exceptional urban environments.



CENTRAL PARIS – where the city government has made an over-riding policy of **protecting building heights to preserve the unique urban landscape** and the pleasure of visiting and living in the city.



CENTRAL LONDON – where **development seems dominated by single-site decisions**, without reference to neighbourhood character and overall design coherence.

3. TRAFFIC & PARKING

The proposed building will negatively impact the Town's policies on walkable communities and climate adaptation.

We can be fairly certain that **each of the 41 apartment owners will have a car. They'll have visitors and overnight guests who may** not all be accommodated by the nine additional parking spaces. They **will be tempted to park on the street** or in the private plaza parking. They'll also have delivery vans in and out of the site.

The site is opposite a busy plaza's entrances/exits. It's near one of the major Old Town intersections, and three of the corners have busy properties with more than one entrance/exit. **The increase in traffic entering and leaving the location will have an irregular but significant impact on traffic**, especially when the traffic lights create a queue near the property. **General congestion will increase, and road/sidewalk users' safety will be reduced.**

Finally, public consultations have demonstrated that **there is a real urgency for the Town and its communities to commit to reducing private vehicles in Old Town and on all access routes in and out of NOTL.** With two new hotels currently on the planning agenda, together with the new laws allowing increased density on single-home lots, **it's essential that Council resists avoidable growth in personal vehicle density**, especially in crowded areas of the Town.

4. ACCESSIBILITY

The proposal allows for two accessible parking spaces outside the building, but none in the covered underground garage. This means that vehicles for residents with disabilities who require additional space for their vehicle, will not experience the benefit of sheltered parking provided to other residents. Their vehicle will be overheated in summer, and they'll have to deal with problems of ice and snow on and around the vehicle in winter. If the rezoning is approved, **I urge the Council to require at least two accessible parking spaces in the underground parking garage.**

5. OTHER COMMENTS AT THE COMMITTEE MEETING

Please note that I support the following comments I heard during the meeting:

- **The increase in population density from two lots of single detached dwellings to 41 apartments is inappropriate for this location.**
- The applicant's argument that this development contributes to the Town's population goals are insubstantial. With other major developments planned, **these apartments aren't an essential component of the Town's requirement to accommodate its population targets.**
- Much of the pleasure of staying more than a few hours in NOTL comes from strolling in the town among mature houses and landscapes that are unlike the urban environments that many of our new residents and visitors come from. The approach to the Town at Glendale, through St. David's, and along parts of Niagara Stone Road, is increasingly similar to driving through the GTA. **Buildings like the proposed apartments will continue to diminish the qualities that attract residents and visitors to NOTL, and to Old Town in particular.**
- **If the re-zoning is approved,**
 - **Available methods of saving existing trees on the property must be employed,**
 - **A playground or recreation area must be included on the site.** Such spaces are essential to the quality of life for the residents who would have no other outdoor leisure space on their property.

I urge the council to reject the re-zoning application because

- **Through the current official planning criteria and by-laws, the Town and its residents have clearly stated what the general character of this area should be: low rise, low density, and in keeping with other residential properties in the area.**
- **Permission to rezone will set a precedent that will be taken up by other property developers and the character of Old Town will be increasingly undermined.**
- **The proposed height will totally overwhelm the adjacent properties and permanently change the character of Mary Street between Mississauga and King Streets.**
- **The proposed building is unnecessary to achieve the Town's population targets.**
- **It will create a significant negative change in the dynamics of vehicle traffic in the immediate neighbourhood, reducing safety for all vehicles and pedestrians.**
- **It causes an inessential increment in the creeping growth of traffic in the Town which is wholly detrimental to its character and livability.**
- **The traffic implications don't contribute to the creation of a walkable community.**
- **If the re-zoning is approved,**
 - **At least two accessible parking spaces must be provided in the underground parking garage.**
 - **Available methods of saving existing trees on the property must be employed.**
 - **A playground or recreation area must be included on the site.**

I also urge the Council to ask staff to carry out an analysis to establish the impact of the building's shadow on the neighbourhood.

Respectfully submitted,
Frances Stocker

From: [REDACTED]
To: [Clerks](#)
Cc: [Gary Zalepa](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Nick Ruller](#); [Sandra O'Connor](#); [Adriana Vizzari](#); [Erwin Wiens](#); [Mark Tamarino](#); [Marnie Cluckie](#)
Subject: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street
Date: February 15, 2023 6:09:26 PM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Dear Ms. Steele

Please accept my written submission for the record to register my opposition to the application to rezone 223-227 Mary St. file ZBA-23-2022 - report CDS -23-026. First, a bit of history. In 2010-2014 the Council of the day approved a 3 story condo on the former St. Vincent de Paul elementary school property. The subject property ,known as Averton,is bounded by John,Gate, Anne and Victoria streets. 20 detached houses around the perimeter and a 3 story condo with an entrance on John Street and stretching through the middle,essentially in the backyards of the detached houses. Not surprisingly, there were no sales for the houses nor the condo units as no one wanted to buy an expensive house with an apartment building overlooking their backyard. So the developer came back to the Town to re-rezone the condo apartment to town houses and detached houses on John St.

In the period 2012-2016 ,after much public opposition,Council approved a rezoning for a 4 story condominium apartment on Anne St. on the former Sentinel stable lands. The developer spent 2 years marketing and trying to sell the units including setting up a sales office on Queen St. Again this developer had to return to the Town for a re-rezoning of condo apartments to condo townhouses. Clearly these 2 failed initiatives would suggest that there is no market for apartments in NOTL.

Finally , there was a previous application submitted in 2015 for a 4 story apartment building at 223-227 Mary St. There was significant public opposition to the rezoning application. In Sept. 2016 the town planners recommended NOT to support the application and Council of the day turned the application down. So why are we going over the same ground when the same changes to the OP and zoning bylaws are being requested as in 2016 by the same applicants? Surely the town planners have the authority to refuse a submission as non-conforming with existing zoning and by-laws.

There is much growth and development in all of NOTL, not just old town so undoubtedly staff have more than enough to do without having to deal with multiple submissions on the same properties.

I am sharing this email with Council as some may not be familiar with the history of previous applications.

Irene Bader
9 Shaw's Lane
NOTL

February 12, 2023

Town of Niagara-on-the-Lake
P.O. Box 100
Virgil, ON
L0S 1T0

By email: clerks@notl.com

ATTENTION: Committee of the Whole/Planning

RE: **File ZBA-23-2022 - 223-227 Mary Street - Report CDS-23-026**
Public Meeting – February 14, 2023

We formally submit our comments and concerns regarding the proposed apartment structure, to be located at 223-227 Mary Street.

As longtime, active and involved residents, we have watched the real estate escalate from a most affordable town for young families (in the early '70s when we moved here) to its current exclusive pricing levels. In reading the proposed apartment proposal, these units would only be affordable to those retiring from larger and more expansive lifestyles and now looking to “downsize,” using their built-up equity. These are not designed for working families or individuals looking for “starter” homes or rentals.

The faux-colonial design negatively impacts a gateway entrance (an area once considered to become the centre of town) to the Old Town tourism district, and directly would affect and throw shadows onto the backyards of the 5 neighbouring properties on Mississauga Street, 2 backyards on William St., 4 backyards on Simcoe St. as well as the neighbouring properties which front onto Mary Street. This town is not obligated to allow maximum development to reward the developers' investment while possibly destroying the individual real estate of those properties that abut the property. This is an incredible impact of an existing neighbourhood of the proposed 41 units, a minimum guesstimate of 82 residents and their vehicles (excluding visitors and their cars) on a property frontage of merely 45.59 metres.

Having been members in many local organizations and being local business owners, we have been involved in many aspects of promoting, protecting and preserving Niagara-on-the-Lake's history and its cultural resources. We believe that this and future Councils are the stewards of the town and the direction and impact of development is your responsibility. There must be included in an over-arching plan, a commitment to preserve landscapes, minimize the impact of development, protect the open spaces and promote this unique community to benefit tourism opportunities which highlight our history and establishment as the first capital of Upper Canada.

As this letter is being drafted, there are news reports about recent world events – war and natural disasters – which have destroyed the natural landscapes and heritage buildings of Eastern Europe. As world citizens we decry the horrors of the loss of lives and destruction and mourn that the built-history and its stories are forever lost and now will be mere memories in history books. While there is no comparison to the horror and conflict, Niagara-on-the-Lake did suffer in the War of 1812. We could have easily lost our history, our spaces, our buildings but they fought hard to protect that which was valued for future generations. And now we are faced with a different assault - by those who financially benefit

from the destruction of our heritage resources and landscapes, while those empowered as our decision-makers must act on behalf of the community and preserve our history for the future generations. Our town is a unique and special place, unlike any other in Ontario. This proposal is one of many currently being considered by Council and one of many that will come in the future. As our community leaders, as Canadians, as world citizens you have a responsibility to be stewards of our spaces, stories and buildings.

Yours very truly

Erika & Jim Alexander
716 King Street, Box 283
Niagara-on-the-Lake, ON
L0S 1J0

[REDACTED]

c.c. Lord Mayor Gary Zalepa and Councillors
Andrea Kaiser, Regional Representative
Niagara This Week
The Lake Report
The Niagara-on-the-Lake Local

From: [Shaunna Arenburg](#)
To: [Mark Iamarino](#)
Cc: [Clerks](#)
Subject: FW: File No. OPA-04-2022 & ZBA-23-2022. 223-227 Mary Street NOTL
Date: January 19, 2023 2:36:38 PM
Attachments: [Veronica Balaj Apartment Proposal-January 2023.pdf](#)
[Veronica Balaj-Open House Notice from NOTL Jan 26 2023\(1\).pdf](#)
[Veronica Balaj-Open House Notice from NOTL Jan 26 2023\(2\).pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Mark,

Attached are comments for the 223-227 Mary St. application.

Kind Regards,
Shaunna Arenburg
(A) Deputy Clerk
1593 Four Mile Creek Road
Virgil, ON L0S 1T0



Tel: [\(905\) 468-6488](tel:(905)468-6488)
Web: www.notl.com
Email: shaunna.arenburg@notl.com

From: Janice Barker [REDACTED]
Sent: January 19, 2023 2:19 PM
To: Clerks <clerks@notl.com>
Subject: File No. OPA-04-2022 & ZBA-23-2022. 223-227 Mary Street NOTL

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Clerks of NOTL:

Veronica Balaj is seeking an Official Plan Amendment so she can build a four-storey apartment literally in the backyards of single home dwellings. Many of the homes are bungalows. The proposal is for a height of 18 metres (59 feet) with 41 units.

We've been here before with the people of the Town voicing their objection. Here we go again.

I believe the area is zoned for single home dwellings; the high density of 41 residential units is unsuitable for the block; and the height will result in a lack of privacy for the surrounding homes especially the ones whose backyards will be directly affected.

In my opinion, the location is totally inappropriate and, if approved, will be the beginning of the end of Niagara-on-the-Lake's heritage and historical community. If this receives a "go", there may be no stopping developers from inserting apartment complexes in the middle of single homes throughout the Old Town or within other areas of Niagara-on-the-Lake. It will set a precedent.

Sincerely,

Janice Barker

418 Simcoe Street, PO 877



From: [Shannon Mista](#)
To: [Mark Iamarino](#)
Subject: FW: 223-227 Mary Street NOTL
Date: February 1, 2023 9:54:57 AM

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Wednesday, February 1, 2023 9:47 AM
To: Planning Development <planning.development@notl.com>
Subject: FW: 223-227 Mary Street NOTL

Good Morning,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Jim Kaufman [REDACTED]
Sent: Wednesday, February 1, 2023 9:12 AM
To: Clerks <clerks@notl.com>
Subject: 223-227 Mary Street NOTL

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

This email is to confirm our objection to the above application for the following reasons

- the existing zoning does not permit the mass nor the height of the proposed building. Most of the buildings in the area are single family one and two stories. Our home which is a two-story single family is directly behind this lot. We built our retirement home in accordance to the existing bylaws. We did not expect a 4-storey apartment to be built in a single family neighbourhood
- the apartment will cause traffic problems as it is close to the major intersection of Mary and Mississagua Streets
- we object to landscaping works on the roof of the apartment being used in the calculation for lot coverage
- we will lose our privacy in our rear yard due to the height of the building adjacent to our rear yard

Overall we do not believe this rezoning is appropriate in this area

We object to the proposed Official Plan Amendment and the Proposed Zoning By-law Amendment

Jim and Maureen Kaufman

226 William St

NOTL

LOS 1J0



Presentation to the Committee of the Whole
February 14, 2023
Re: 223-227 Mary St.
File # ZBA-23-2022 / CDS-23-026

I want to begin my brief with a general statement about the suitability of this apartment in its proposed context. It would be easy to plunge into the details of design, height, setbacks and density while ignoring the overriding principle at stake here: this building is totally inappropriate for its location within the Old Town of Niagara-on-the-Lake. No assertion that we need for "a variety of housing" within our municipality justifies the desecration that this building would bring to one of the most precious heritage towns in Canada. There are voices which would dismiss this assertion as blatant NYMYBYism but they would be ignoring the unassailable truth that the historic centre of Niagara-on-the-Lake is very different and very special. The founders of the town laid out a grid of streets which have been lined with single family homes on sizeable lots for the past 230 years. This design, along with the wonderful tree canopy that has grown up over the centuries, is one of the main reasons that millions of tourists visit each year to walk these historic streets. While there has been some cannibalizing of the larger lots to build additional houses, the scale and shape of the housing has remained more or less intact. No visitor comes to our town to view an apartment building they could see in Oakville or Brampton or Pickering.

This proposed apartment structure is to be located at the gateway to the town and it will tower over the neighbouring homes and landscape with brutal and intrusive ugliness. Its plan also hangs like the sword of Damocles over the future of the town in a metaphorical sense, since it will be the edge of a wedge which will split open other neighbourhoods within the Old Town. The abandoned Parliament Oak School and George III Hotel / Jetboat sites are two which await the crucial decision on Mary St. There is no doubt that the owners of these properties will take any exemptions or easing of requirements on this current property as a precedent to drive their demands for density and height on their own lands.

In rejecting this zoning change and this plan, the Town has a host of contraventions of our Official Plan, building regulations and common sense with which to justify its decision. Add to the violations of the rules the destruction of the neighbours' peace and quiet enjoyment of their homes and gardens and there is no way that an approval is possible.

A few of the factors to consider...

Height: if the zoning were changed to medium density residential, the height limit would be 12 metres. The applicant is asking for 18 metres, 50% more than allowable. This stretches the bounds of reason to the point of absurdity. Why have a height limit at all if it is to be so flagrantly disregarded? The developer claims that this is a 3.5 storey building because the fourth floor runs up into the roof. Look at the rear elevation on the rendering to see the full four floors. This is a sham.

Density: The applicant is asking for a density of 40 units per acre, 33% more than is allowable under Medium Density Residential. As with height limits, density limits are imposed for a reason. What possible advantage beyond increased profit for the developer can be found in such an increase?

Privacy: purchasers of these proposed apartments would install curtains or blinds on their windows to prevent neighbours from seeing into their unit. Unfortunately the neighbours cannot install curtains and blinds over their gardens and patios. Even a six foot high fence will do nothing to prevent intrusive gazes being fixed on private spaces from 60 feet in the air.

Sunlight: the proposed building would cast massive shadows throughout the day onto all of the properties within the Anne - Simcoe - William - Mississagua block. Gardens will be forever changed and a good part of the sky will permanently disappear for these residents.

Traffic: the only possible exit from the proposed underground garage would be directly onto Mary Street, one of the busiest arterial roads in town. The intersection directly west of the site presents a host of challenges with through traffic and turning traffic meeting cars exiting from the commercial plaza immediately east of Mississagua. Eastbound cars turning left into the apartment will provide another variable. This will only make the situation more dangerous. There has been no traffic study done to assess the impact of the additional cars.

Affordability: any argument that we need this building to provide more affordable housing is a specious one. These apartments will not attract families. They will be marketed to people with deep pockets and there is no guarantee that they will be owner occupied. What will prevent this from becoming an apartment hotel containing investment properties rather than residences?

Intrusiveness: It would take two years to construct this building. It is frightening to imagine the traffic chaos with cranes, excavators, trucks and dozens of workers all vying for a parking spot or a place to manoeuvre. No neighbourhood deserves the traffic danger, noise and poor air quality that such a massive project would bring.

This building would be suitable in an urban setting on the north side of Lake Ontario or up against the QEW with the other apartment towers in Grimsby and Stoney Creek. In Niagara-on-the-Lake it might be suitable next to the Outlet Mall. Mary Street is the wrong place for such a monstrous creation. Allowing this cuckoo into the nest will only breed further destruction of the heritage landscape within the Old Town.

Jim Reynolds
120 Delatre St.
Box 901
Niagara-on-the-Lake L0S 1J0
[REDACTED]

From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: 223-227 Mary Street--Zoning By-law Amendment & Official Plan Amendment - ZBA-23-2022 & OPA-04-2022 -- OBJECTION
Date: February 10, 2023 11:46:23 AM

Good Morning Mark,

Please see the below notes.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Friday, February 10, 2023 11:46 AM
To: [REDACTED]; Clerks <clerks@notl.com>
Subject: RE: 223-227 Mary Street--Zoning By-law Amendment & Official Plan Amendment - ZBA-23-2022 & OPA-04-2022 -- OBJECTION

Good Morning,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: [REDACTED]
Sent: Friday, February 10, 2023 11:42 AM
To: Clerks <clerks@notl.com>

Subject: 223-227 Mary Street--Zoning By-law Amendment & Official Plan Amendment - ZBA-23-2022
& OPA-04-2022 -- OBJECTION

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Dear Staff and Council Members of the Town of Niagara-on-the-Lake:

As residents of the Old Town, we are writing to object to the above-mentioned application with respect to the height of the proposed building. We strongly encourage you to restrict the height of the building to the 11 metres as permitted under the Official Plan of the Town of Niagara-on-the-Lake, rather than the requested height of 18 metres. Eighteen metres is far too high in the context of the character of the Old Town and the surrounding homes. To not adhere to the Official Plan and allow a height in excess of 11 metres would be setting a dangerous precedent for future development applications. We ask you to please continue to support the character of our beautiful Old Town and the integrity of the Official Plan by denying the requested height of 18 metres.

Yours very truly,

Douglas and Kathleen Keller-Hobson
120 Front Street, Niagara-on-the-Lake

--

Kathleen L. Keller-Hobson

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Mark Jamarino](#); [Victoria Steele](#); [Council](#)
Cc: [Sandra O'Connor](#); [Erwin Wiens](#); [Wendy Cheropita](#); [Gary Burroughs](#)
Subject: Basic Questions Regarding the Planning Process Nature and Extent of Notifications throughout NOTL
Date: January 26, 2023 12:21:45 PM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Regarding our calls to the Clerk's office and your call back, let us just ask the process-related question as follows:

At the town, who is/are and with what authority [by-law or administrative notice] does - the responsible entity/persons decide on the ***nature and extent*** of OP and ZB amendment proposals in terms of their:

- 1- timing for Open houses and required Public Meetings
- 2- defining "affected parties" and the subsequent notice distribution by mail or otherwise
- 3- Open House and Public meetings timing and scheduling
- 4- the registration requirement for access to on-line events such as today's Open House
- 5- only having online and NOT physical presence access to the 'Open House'?

NOTES:

1- Attending open houses for significant OP and ZB amendments can be critically important and informative to community residents or other affected parties, Many prefer to or can only engage more meaningfully, comfortably or completely when direct face-to-face presentations are made instead of only having to try to rely on remote online methods.

2- We understand from our earlier discussions that apparently NOTL exceeds minimum ON Planning Act requirements regarding the above. However, the process related to these questions are particularly important for such consequential proposals that involve OFFICIAL PLAN & ZONING BY-LAW Amendments. That is especially pertinent when a proposal seems strategically timed by the proponent to have its required process occur during the winter period. At this time, as everyone acknowledges, many people are absent and their awareness and participation potential is dramatically reduced.

3- OBJECTION: Scheduling the Public meeting to occur on Valentines day at dinner time is clearly a societal hiccup - regardless of it being a Council Meeting. This day is regarded universally as a one of special opportunity and it is regrettable first, that the Town Council would hold a meeting that evening and second, that the scheduling of a Public Meeting for a Official Plan and Zoning By-Law Amendments as the proposal's community interface, be conducted on this day in the evening.

Respectfully submitted,

Keith & Paulette Kennedy

IWRM.org

[Iconic Whites, Reds & MCCs] [] [] []
Currently Sippin' n Tassin' Globally in NOTL

From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: 223 - 227 Mary Street PowerPoint
Date: February 15, 2023 10:51:11 AM
Attachments: [223 Mary Street Public Meeting.pdf](#)

Good Morning Mark,

Please see the comments below and attached.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Wednesday, February 15, 2023 10:50 AM
To: Lyle Hall [REDACTED]
Cc: Clerks <clerks@notl.com>
Subject: RE: 223 - 227 Mary Street PowerPoint

Good Morning,

Thank you for your clarification!

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Lyle Hall [REDACTED]
Sent: Wednesday, February 15, 2023 8:41 AM
To: Council <council@notl.com>
Cc: Clerks <clerks@notl.com>
Subject: 223 - 227 Mary Street PowerPoint



CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Members of Council:

While giving my presentation last evening, I noticed a point that could have been made somewhat clearer. On the second slide, the second bullet under “But” contained a reference to density but didn’t state whether this was residents, dwelling units or some other measure. In fact, it is dwelling units. In other words, the 13 dwelling units (excluding 223 and 227 Mary) occupy approximately 5 hectares for a density of 2.6 units per hectare. The proposed project has a planned density of 99 units/hectare, or 38 times (rounded to 40 in the presentation) the current density. I have enclosed a slightly modified version for your reference.

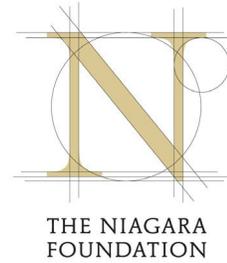
I apologize for this lack of clarity.

While I have your attention, please allow me to address two additional issues:

- Attainability/Affordability and project economics—there was considerable talk about the need for attainable/affordable housing in Niagara-on-the-Lake. While I don’t disagree with this statement, the proposal at 223 -227 Mary, in its current form, will be neither attainable nor affordable. In fact, I would argue this project may never be built, as proposed, because of project economics. This is a four story, concrete building with a rooftop pool and one level of subterranean parking. The development costs for the parking alone, is likely to exceed \$4 million. The total construction costs (not including land, project finance, marketing and developer profit) likely to exceed \$30 million...or an average cost/unit of \$730,000. I say this based on discussions with a local architect and a contractor, each with significant experience in mid-rise residential projects in the Niagara area. Given this, and considering the applicant has relatively little experience in developing similar projects, the OPA and ZBA requests appear more likely to be an attempt to increase the land value prior to an eventual sale to an actual developer. The fear is that the end developer then approaches the Town for even further concessions.
- Consistency—A point I neglected to make last night is the need for clarity and consistency in applying heritage-related rules in Old Town (and hopefully an expanded heritage district). During the Applicant’s presentation (by NPG Planning) it was mentioned that the Mary Street project is outside the area for heritage consideration. The Staff report noted that there were no concerns regarding heritage. Yet, within 200 meters of the 223-227 Mary project, the owners of two different heritage homes have had to seek approval from the Town for paint colour selection and method of application to the exterior of their homes. Many spoke last night about the special character and charm of Niagara-on-the-Lake. It is dedication like this, from committed homeowners, that contributes to this charm. Why would the Town permit development that is so uncharacteristic, inappropriate and precedent setting? How could the Town expect dedicated homeowners such as these to remain committed to preserving heritage...at their cost?

Thank you for your attention.

Lyle Hall
277 King Street
Niagara-on-the-Lake



February 14, 2023

Ms. Victoria Steele, Acting Town Clerk
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road, P.O. Box 100
Virgil, Ontario
L0S 1T0

Re: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street

Dear Madame Clerk:

On behalf of The Niagara Foundation, I wish to register our strong objection to the Official Plan Amendment (“OPA”) proposed for 223-227 Mary Street.

The current application is the second time since 2015 this wholly inappropriate and incompatible project has been presented to Council for consideration. In 2015, The Niagara Foundation engaged Lehman & Associates (“Lehman”) to prepare a planning opinion on the proposed OPA. This document concluded, among other findings, that:

“The planning approvals requested would allow for the construction of a building with a mass and height that is out of character with both the immediately adjacent uses and the surrounding neighborhood. While a full analysis of character cannot be undertaken as there is no site plan application before the Town, it is clear that a four-story building located in the middle of a block is not consistent with the built form, massing or spacing of the existing homes in the area.”

Earlier this year, we re-engaged Lehman to update the report. The conclusions in the 2023 report are consistent with the 2015 version, identifying numerous shortcomings in the application, areas where the application fails to meet requirements of the Official Plan and the approach taken in submitting the application. However, a single statement perhaps best summarizes the report’s findings:

“It is difficult to find an adjective that describes how inconsistent the proposed building is with the existing or planned densities. “

The 2015 and 2023 Lehman reports are enclosed.

PRESERVING NIAGARA-ON-THE-LAKE’S
HERITAGE SINCE 1962
PO Box 790
Niagara-on-the-Lake
Ontario, L0S 1J0

Ms. Victoria Steele, Acting Town Clerk
Town of Niagara-on-the-Lake
February 14, 2023

The Niagara Foundation was established as a voluntary charitable organization in 1962 to promote the history, traditions, and culture of the Niagara area. We believe heritage architecture—not just individual buildings but the context, streetscape, landscaping, and related features—are worth preserving. We are not anti-development and recognize that growth is both inevitable and desirable. However, the Town of Niagara-on-the-Lake has identified intensification areas within the Old Town...and Mary Street is **not** one of those zones.

In order to limit the assault on Niagara-on-the-Lake heritage, we strongly recommend that the Town: a) enlarge and rigidly define the Heritage Area; b) set parameters for development within this area; and c) be clear, act consistently and defend these parameters. Above all, we recommend that you do not create a precedent for similar applications by approving the proposed OPA at 223 – 227 Mary Street.

Yours very truly,

The Niagara Foundation

A handwritten signature in blue ink that reads "Lyle Hall". The signature is written in a cursive, flowing style.

Lyle Hall
President

Encls: Lehman & Associates 2015 and 2023 Planning Opinions

PLANNING OPINION

**PROPOSED OFFICIAL PLAN AMENDMENT
AND
ZONING BY-LAW**

**223-227 MARY STREET
TOWN OF NIAGARA-ON-THE-LAKE**

LEHMAN

& ASSOCIATES

For the Niagara Foundation

February, 2023

1.0 INTRODUCTION

This opinion is provided at the request of the Niagara Foundation. I have been asked to review the planning issues applicable to the proposed development at 223-227 Mary Street (the “Property” in the Town of Niagara-on-the-Lake (the Town)). The information on the proposal was filed with the Town as part of the application for Official Plan Amendment and zoning change in November of 2022.

2.0 THE PROPOSAL

An application has been filed with the Town of Niagara-on-the-Lake to amend the Official Plan and zoning by-law to permit the development of an apartment building that is four storeys or 18.0m in height with 17 two bedroom units and 24 one bedroom units. The Property has a frontage of 45.59 metres on Mary Street, a depth of 90.83 metres and an area of 4,130.9 square metres. The project would have a density of 99 units per hectare.

The Application for Official Plan Amendment proposes to redesignate the Subject Lands includes the following:

In addition to the uses identified under Section 9.3.3(1) of the Official Plan an apartment building being 3.5-storeys (18.0 metres) in height and consisting of 41 units with a density of 100 units per hectare shall be permitted.

3.0 SUMMARY OF OPINION

1. There are few, if any, communities in Ontario that have the character of the Old Town of Niagara-on-the-Lake. While walkability is touted as a goal for most Ontario communities, it exists and has always existed in the Old Town. The character of the neighborhoods with large trees and yards, the historic homes and institutions, and the generous park system focused on a main street that attracts thousands of tourists, is one that requires a very cautious approach to managing change.
2. The neighborhood north of Mary Street, where the proposal is located, is composed of low density homes on relatively narrow streets with a semi-rural character. The area has a wide variety of housing styles and sizes and is characterized by modest homes, wide frontages and large trees. The street pattern is one of one and two storey dwellings with a consistent proportion of building height to the separation between dwellings – a key factor in the character of a residential community. There are no multi-storey apartment buildings in the neighborhood north of Mary Street.
3. The application would allow for the construction of a building at a density of 100 units per hectare. The proposed unit mix would result in a site density of a minimum of 280 persons per hectare. This level of density is even higher than that expected by the Region of Niagara

Official Plan in highly urban locations with major transit facilities such as downtown St. Catharines.

4. There is no development in the Old Town with density comparable to the proposed building (100 units per hectare). The Kings Point condominium development on Ricardo Street has a density of 56 units per hectare. The thirteen dwellings surrounding the proposal are on properties that total approximately 5 ha with a resulting density of 2.6 dwelling units per hectare. It is difficult to find an adjective that describes how inconsistent the proposed building is with the existing or planned densities.
5. The proposed building is 18m in height. The existing zoning permits a height of 10m and most of the existing homes are less than 10m in height. The proposed building height is not consistent with height of buildings in the neighborhood. The homes in the neighborhood are relatively small and on large well treed properties. The proposed building will tower over them with a mass that runs through the interior of the block with a significant overlook of all of the homes.
6. There are a series of policy requirements in the Niagara-on-the-Lake (“NOTL) Official Plan that variously require development to be in character with the existing built form and, in the case with higher buildings, to provide a transition between forms of development. This proposal is in direct conflict with this primary goal of the Town’s Official Plan. There is no transition provided and the building is completely out of character with the existing forms of development in both the area and the Old Town more generally.
7. The Plan’s permissions for intensification are directly linked to meeting the tests of Section 4.6, Land Use Compatibility, which require both compatibility and consistency with the existing built form, density and height and massing of the neighborhood. The proposed four storey apartment does not meet any of these tests.
8. An Official Plan Amendment permitting a density of 100 uph does not exempt an application from meeting all of the Plan tests dealing with neighborhood character, built form consistency, density consistency and building height and mass. While the applicant’s material deals with a wide variety of specific impacts it provides no justification for a building of this size or density.
9. The proposal does not conform with the general objectives, land use permissions, built form, density, character and justification policies of the existing NOTL Official Plan.
10. The proposal does not conform to the use policies, the compatibility policies, the intensification policies or the urban design policies of the adopted Official Plan. It should be noted that the adopted Plan classifies development that is over 75 uph as high density and does not permit this level of density in the Old Town but only in Glendale and only subject to a secondary plan.
11. The recently approved Region of Niagara Official Plan requires the Town to conduct studies to determine the most appropriate location and form of intensification.

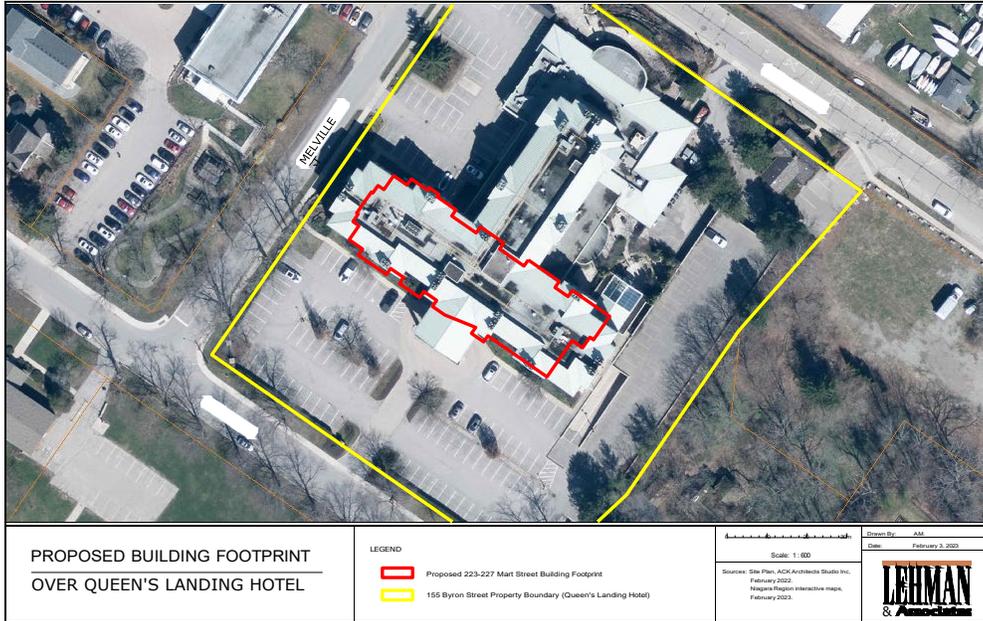
12. The Planning Justification Report (the 'PJR') relies on a context for the site that is overstated. The proximity of a commercial node is used as an indicator of the suitability of the site in providing for the needs of the new residents. While there is a nearby collection of commercial uses these provide for few daily needs and offer little in the way of support for intensification. A grocery store, drug store and/or other common retail facilities would provide such support.
13. The applicant has provided a detailed analysis of their planning opinion on potential impacts but has not addressed the myriad of Official Plan policies that deal with the nature of the existing Town, the anticipated forms of growth, the nature of that growth and the more general consistency with the character of the Old Town.
14. The PJR cites the role of Mary Street as an arterial suggesting that this corridor might at some point be provided with a transit route that would serve the development. The future holds great promise but is not relevant to a planning analysis of this nature.
15. The PJR incorrectly relies on the Mary Street Urban Design Guidelines as a policy document of the Town.
16. It may be that a more gentle form of intensification on the site with a smaller and lower building, at a density more in character with the neighborhood would be appropriate on this site. This determination should be made as part of the Official Plan update to be undertaken by the Town to implement the Regional Plan.

4. THE PROPOSED BUILDING

In order to better understand the relative size of the proposed building I have prepared two elevations and a comparison diagram. The two elevations are from the north and the east of the building showing the elevations of the homes on Mississauga Street and William Street. These are shown below with the proposed building in the background.



In addition I have prepared a drawing superimposing the outline of the proposed building on a plan view and front elevation of the wing of the Queen’s Landing Hotel that faces Byron Street. The proposed building is approximately 66m in length and 23.5m in width. The height as calculated to the ridge of the roof is 18m. All dimensions are taken from the site plan and elevations filed with the application.



The purpose of these drawings is twofold. First to demonstrate the height and bulk of the building in relation to the actual dwellings in the same block and secondly, to understand the size of the building in the context of other structures in the Old Town. Put simply, this would be the largest residential building in the Old Town with the exception of the Kings Point condominium buildings which are both wider and longer but only three storeys in height. The proposed building would be approximately equal in size to the Byron Street wing of the Queens Landing Hotel in length and width and be an additional storey higher.

Density

The application proposes to amend the Official Plan by permitting a density of 100 units per hectare. There is no information in the application material to provide a context for this level of density. In a case where the Official Plan is being amended it would be reasonable to expect the supporting planning analysis to provide a justification for the density. For example, are other similar densities found in the Town?

It is my understanding that there is no other building in the Old Town that approaches this density. For example, the Kings Point Condominium development on Ricardo Street has 90 units on a site of approximately 1.6 hectares. This is a density of 56 units per hectare. There are many policies in the Plan that require a consistency in density, no context is available to understand the rationale for such an increase.

The existing Official Plan for the Town sets a maximum density for intensification at less than one-third of the proposed density:

k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).

As such there is an onus on the applicant to justify this significant increase in density, not simply say that the amendment will permit it.

There are other relevant means of measuring density. The application proposes to have a total of 58 bedrooms, assuming two persons per bedroom as an average that would be 116 persons on approximately .41 ha of land or $116/.41=280$ persons per hectare. The Functional Servicing Report submitted by the applicant estimated a maximum load in the building of 168 persons which would be a density of $168/.41= 407$ persons per hectare. This measure of density thus ranges between 280 to 407 persons per hectare.

The Growth Plan and Region of Niagara Official Plan densities are calculated by including any roads and parklands but excluding natural heritage features. Road allowances and parkland average at between 25 and 35% of urban land area. For the purpose of this analysis the site density of the application can be factored down by 35% to make it comparable to the minimum density requirements of the Growth Plan. Using this factor the density of the Mary Street proposal would range between 182 and 267 persons per hectare.

The Region of Niagara Official Plan implements the requirements of the Growth Plan by directing minimum densities to areas that are considered to be strategic growth areas such as downtowns and transit hubs. These key areas are required to have much higher densities to support the infrastructure. At the same time the Growth sets out a minimum density for new greenfield areas to ensure compact development, minimum environmental impact, and again, more efficient use of municipal infrastructure.

The minimum density for a new residential greenfield area in Niagara Region is established at 50 persons per hectare. Downtown Welland is required to have a minimum density of 125 persons per hectare and downtown St. Catharines 150 pph.

This analysis is a rather long way of describing the density of the project as one that would be welcome in adjacent to a major transit hub throughout the GTA or any of the Downtown Growth Centres designated for development by the Growth Plan. However it is totally out of context for a low density neighborhood in Niagara-on-the-Lake.

Mary Street Urban Design Guidelines

The PJR characterizes the Mary Street Urban Design Guidelines as follows:

“The Mary Street Urban Design Guidelines (MSUDG) have been prepared as part of the Town’s new OP (2019) and is intended to be adopted along with the new Town OP (2019). They provide design guidance on developments along the Mary Street corridor. Although they have not been officially adopted by the Town, their contents establish important context and key design considerations for future developments along Mary Street. These design guidelines should be read and understood in conjunction with the provisions of the Town’s OP (2019)”

It is my understanding that these Design Guidelines were not adopted as part of the adopted Official Plan as there is no reference to them in the document. It is not appropriate to rely to any great extent on a planning analysis that has not been through a public process and approved by Council. The Official Plan sets out the following requirements for all Design Guidelines:

The Town may develop Community Design Guidelines for all or parts of each settlement area. These guidelines may be implemented through the preparation and approval of secondary plans, community improvement plans, heritage district plans, or through a community planning permit system. Community Design Guidelines may be adopted by the Town as free-standing initiatives following a public review and may be incorporated into site plan approval or development approval standards.

As such, before the Mary Street Design Guidelines can be relied upon the adopted Official Plan must be approved by the Province of Ontario, the guidelines must go through a public review and then implemented through one of the means noted above, all of which allow for an appeal.

It may be appropriate for the PJR to conclude that, in its opinion, the area is in ‘transition’ but not to conclude that this analysis is in any way Town policy as constituted under the Planning Act. That would be premature.

5.0 PLANNING POLICY

There are five planning documents with policy relevant to the application:

- Provincial Policy Statement (the “PPS”);
- Growth Plan;
- Region of Niagara Official Plan;
- Town of Niagara-on-the-Lake existing Official Plan; and,
- Town of Niagara-on-the-Lake adopted but not yet approved Official Plan.

PPS and Growth Plan

The PPS requires that municipalities make land available for intensification by identifying appropriate locations and promoting opportunities. The Growth Plan sets a 50% target for the proportion of development to occur by intensification in Niagara Region. Provincial policies require the Region of Niagara to set targets for each municipality in the Region for the total amount of residential growth and the proportion of that growth that is to occur through intensification.

Using these targets each municipality must establish where the growth through intensification should occur. Municipalities are also required to establish official plan policies directing the form and nature of the intensification. These targets can vary by municipality within the Region provided the overall 50% intensification target is met.

Due to the recent changes to the Growth Plan and the more recent approval of the Niagara Region Official Plan the Town of Niagara-on-the-Lake adopted Official Plan (2019) will require substantial revision. In addition to meeting longer term targets – 2050 instead of 2030, the Town will be required to determine the best locations for intensification and provide this direction in the Official Plan. The relevant Provincial policies are provided with commentary in Appendix A.

Region of Niagara Official Plan

The Region of Niagara Official Plan was approved in November of 2022 and sets out a variety of policies dealing with the amount and nature of intensification.

2.2 Regional Structure Established residential neighbourhoods have a unique scale and character. Local Area Municipalities may establish standards for appropriate infill development in these areas.

Table 2-1 sets out the minimum targets for population and employment growth:

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

The policies and targets for intensification are set out in Table 2.2 of the Official Plan of the Region of Niagara (the ROP).

2.2.2 Strategic Intensification and Higher Densities

2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:

a) strategic growth areas, including:

- i. Downtown St. Catharines urban growth centre;*
- ii. protected major transit station areas;*
- iii. regional growth centres; and*
- iv. district plan areas identified in Section 6.1;*

b) areas with existing or planned public service facilities; 18

c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and

d) local growth centres and corridors, as identified by Local Area Municipalities.

2.2.2.7 Local Area Municipalities shall prepare intensification strategies to set out where and how the minimum intensification targets in Table 2-2 will be accommodated.

Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

Municipality	Units	Rate
Fort Erie	3,680	50%
Grimsby	4,500	98%
Lincoln	8,895	90%
Niagara Falls	10,100	50%
Niagara-on-the-Lake	1,150	25%
Pelham	1,030	25%
Port Colborne	690	30%
St. Catharines	18,780	95%
Thorold	1,610	25%
Wainfleet	0	0%
Welland	10,440	75%
West Lincoln	1,130	13%
Niagara Region	62,005	60%

2.2.2.8 *Local intensification strategies will identify strategic growth areas, as shown on Schedule B, and local growth centres as a focus for intensification, as well as other areas appropriate for intensification.*

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

a) *development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*

b) *the location and boundaries of local growth centres and corridors, that:*

1. *are considered priority areas for development;*
2. *achieve higher densities than what currently exist;*
3. *identify an appropriate design and scale of development and the transition of built forms to adjacent areas pursuant to Section 6.2;*

4. *provide a diverse mix of land uses at densities that support existing or planned public transit and active transportation infrastructure;*
5. *support the provision of affordable housing; and*
6. *revitalize and, where appropriate, preserve cultural heritage resources within areas that reflect local heritage, character, and streetscapes pursuant to Section 6.5;*

c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites; and

The Regional Plan requires local municipalities to identify the locations where intensification will be directed. It states: *“Local Area Municipalities shall prepare intensification strategies to set out where and how the minimum intensification targets in Table 2-2 will be accommodated.”* The Plan specifically references ‘local growth centres’ and ‘corridors’ that are considered priority areas for intensification.

For these areas the local Official Plans are to identify *“the location and boundaries of local growth centres and corridors”*. In addition the local Plans are to identify *“other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites.”*

While both the existing and approved NOTL Official Plans designate areas for intensification neither sets out the location of local growth centres or corridors, a new Regional requirement. This exercise will occur as the Town brings their Official Plan into conformity with the new PPS, new Growth Plan and new Region of Niagara Official Plan. The definition of Local Growth Centres and Corridors in the Region of Niagara Official Plan is as follows:

Local Growth Centres and Corridors

Established areas, outside of strategic growth areas, that will be the focus for growth within Area Municipalities and the preferred location for public and private investment. Local growth centres and corridors will vary in size, nature and character, and may include traditional downtown cores and key mixed use areas and areas of intensification along transit corridors.

Until the Town has had an opportunity to consider the new Regional requirements and assess where local growth centres and corridors might be this application is premature.

Town of Niagara-on-the-Lake Existing Official Plan

The relevant policies are described in the following section.

Section 2.0, Municipal Urban Structure sets out the basic framework of the Town, one component of which is termed “*Intensification Areas within the Built-Up Areas*”. This Section notes that there is a difference between existing developed areas that are to remain as stable neighbourhoods and, within those areas, pockets of land which are intended to be redeveloped over the long term, such pockets being designated for that purpose as Intensification Areas and shown on the Official Plan Schedules.

Section 2.5 of the Plan establishes the planned function of Intensification Areas. It states that such areas “*are planned to provide the Town with an opportunity to accommodate growth and/or redevelopment on lands within the Built-Up Area*”.

The existing Official Plan is quite specific about where intensification is to occur. The Intensification Areas are delineated on Schedules I-1 and I-2. Schedule I-1 shows the six parcels of land have been designated as Intensification Areas in the Old Town. They are found in cluster all south of John Street West between Charlotte Street and Gate Street.

In the Growth Management section the Plan states:

3.2 Growth Management Objectives

Growth Strategy Objectives

The objectives of the Town's growth strategy are to:

- f) Direct appropriate intensification to Designated Intensification Areas.*

The lands designated for intensification are shown in purple and the Mary Street site with a red dot.



Section 3.4 introduces the theme of character as a test of impacts.

3.4 Housing Mix

The Official Plan's land use policies are based on providing an appropriate mix of housing to meet the needs of the Town and its long term land needs and housing growth. While a majority of the lands are designated for low density residential development medium density development is also a permitted form of housing in low density residential and established residential designations subject to specific design and locational criteria as provided in the residential policies of the Official Plan.

Given the small Town character and heritage of Niagara-on-the-Lake, high density development will be limited especially within established residential areas where high density development may adversely impact heritage resources and the character of the area in terms of scale, mass or height.

The proposal is a medium density building form but is a high density use as described earlier and as such the Plan policy is to limit such development, especially within established residential areas.

The existing Plan supports intensification generally with the requirement that it be consistent with the character of the Old Town and the specific neighborhood as stated in section 3.6 and 4.1 below:

4. INTENSIFICATION

4.1 General Intensification Policy

The Town supports intensification and infilling within appropriate areas throughout the Built-Up Area in accordance with Land Use Compatibility, urban design and other applicable land use compatibility criteria of this Plan. The Town also supports forms of infilling that use the existing built form, including garden suites and accessory dwelling units, where the proposed development and reuse is consistent with the land use compatibility of this Plan.

The strategy in Section 4.3 is to direct intensification to specific locations but allow development on other sites provided “in accordance with Land Use Compatibility, urban design and other applicable land use compatibility criteria of this Plan.” These criteria are repeated in the next section of the Plan.

4.3 Strategy

The majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots. The Town also supports the intensification through providing for the potential for second dwelling units within a detached house, semi-detached house or townhouse located in an area where residential use is permitted provided the development is consistent with the applicable residential policies of this plan and meets requirements of the Ontario Building Code and Fire Code and provided that sufficient public services are available.

An objective in Section 4.4 repeats the policy to direct the majority of development to the Intensification Areas:

4.4 Intensification Objectives Objectives

The objectives of the intensification policies of this Plan are to:

- a) Support the Built-up Areas by strategically directing the majority of intensification to Intensification Areas;*

The policies dealing with intensification outside of the Intensification Areas are quite specific. These policies require consistency with character of the area:

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings subject to the relevant development and compatibility policies of this plan.*
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment.*

The above policy is directed specifically at the designation that includes the subject lands. It refers to the need for consistency with the character of the larger Built-Up Area, which like the immediate neighborhood is composed primarily of detached dwellings of one or two storeys in height.

k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).

This policy (k) is a blanket and mandatory policy for the subject lands. The maximum density is 30 units per hectare, the proposal is 100 units per hectare. No explanation is given in the supporting material to justify waiving the maximum density. There is great detail of discussion of impacts and compatibility however the current Official Plan policy is a maximum density of one-third that proposed, and there is no anticipation in the Plan that this will be amended.

In a section on Urban Design the Plan sets out tests which include a requirement to be consistent with the Land Use Compatibility criteria and that the *“Bulk, mass and scale of new development shall fit the context within which it is located”*.

Urban Design

In addition, the Town will continue to prepare Urban Design Guidelines as part of the preparation of Secondary Plans. In the interim, the following urban design guidelines apply to intensification proposals in Virgil and the Old Town. (Development within the urban area boundary of St. Davids, Queenston and Glendale shall be in accordance with its approved Secondary Plan and urban design guidelines for these communities).

a) Infill and intensification sites should match the average pre-established building setback of adjacent buildings within the block face.

d) Bulk, mass and scale of new development shall fit the context within which it is located.

f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan.

The Plan’s permissions for intensification are directly linked to meeting the tests of Section 4.6, Land Use Compatibility, which require both compatibility and consistency with the existing built form, density and height and massing of the neighborhood. The proposed four storey apartment does not meet any of these tests.

4.6 Land Use Compatibility Policies

Residential Neighbourhoods

Neighbourhoods are stable but not static. There is a degree of change that occurs within neighbourhoods over time and the policies of this provide that this change

will be appropriate and compatible within the Town's neighbourhoods and throughout the entire Built-Up Area.

Compatibility and Appropriate Infrastructure

Notwithstanding the requirements for a severance, site plan, plan of subdivision or plan of condominium, intensification development within the Built-up Area should be compatible with surrounding existing and planned land uses as shown in the Land Use Schedules of this Plan. Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*

The term consistent means, according to the Miriam Webster online dictionary:

“marked by harmony, regularity, or steady continuity : free from variation or contradiction”

There are no apartment buildings in the surrounding neighborhood. A four storey, high density apartment building is not consistent with this requirement.

- c) The existing and/or planned densities of the surrounding neighbourhood; and,*

The thirteen dwellings surrounding the proposal are on properties that total approximately 5 ha with a resulting density of 2.6 dwelling units per hectare. The proposed density of the apartment is 99 units per hectare. It is difficult to find an adjective that describes how inconsistent the proposed building is with the existing or planned densities.

- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*

The building is 18m in height. The existing zoning permits a height of 10m and most of the existing homes are less than 10m in height. The proposed height is not consistent with height of buildings in the neighborhood. The homes in the neighborhood are relatively small and on large well treed properties. The proposed building will tower over them with a mass that runs through the entire interior of the block with a significant overlook of all of the homes. The proposal is contrary to this policy.

- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

All of the buildings in this block are one or two storeys in height. All of the buildings in the surrounding neighborhood are one or two storeys in height. There are some commercial uses on the opposite side of the Mary Street and Mississauga Street frontages. However there is no difference between the built form north, south, east or west of the property. The zoning by-law's maximum height for the residential uses is 10m and for the commercial uses 10.5 m.

There is no transition or buffer between anything. The proposed building would be the largest residential building in this part of the Old Town in a sea of one and two storey homes.

The Plan further confirms the importance of the built form policies by noting that they would take precedence over meeting any intensification targets.

Conflicts Between Built Form and the Target

In circumstances where a proposed development supports the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.

Section 6.23 provides a general requirement to be met for any Official Plan amendment. The policy notes that if an amendment is requested the test is twofold - to determine the appropriateness of such a change and secondly, to identify ways of reducing any adverse impacts.

6.23 PLANNING IMPACT ANALYSIS

A Planning Impact Analysis is required as part of any application for an Official Plan and/or Zoning change. If the application is initiated by a development proposal then the proponent shall prepare and submit the required Planning Impact Analysis as part of the application. If the request to amend the Official Plan or Zoning By-law is initiated by the municipality then the Town through its resources shall prepare and submit the required Impact Analysis. The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.

The applicant has provided a detailed analysis of their planning opinion on potential impacts but has not addressed the Official Plan policies that deal with the nature of the existing Town, the anticipated forms of growth, the nature of that growth and the more general consistency with the character of the Old Town. Policy 6.23 specifically states:

“It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan.”

This has not been done. In planning terms the approach used in the planning justification report is referred to as the slice and dice approach, one in which the detail overwhelms and/or ignores the basic issues and principles relied upon to manage growth.

Section 9.4 below anticipates change in the form and density of new housing. This section limits medium density housing to 30 uph, which is a common and standard upper limit for medium density housing in Official Plans in Ontario.

9.4 General Residential Policies

(4) (RESIDENTIAL DENSITY)

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy.

Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character. Therefore new residential development in these areas consisting of more than two units will be accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development.

The Plan does contemplate allowing a density greater than 30 uph subject to an analysis demonstrating that *“there will be minimal impact on surrounding neighbourhoods and development.”* It should be noted that this is not an omnibus policy in the sense that this is the only test for a density greater than 30 uph.

Even within this section there is specific reference to the Old Town and the Established Residential designation (where the subject lands are located) noting that special care will be taken to maintain the low-density character. This policy specifically addresses the density of a proposal but does not exempt an application from meeting all of the Plan tests dealing with

neighborhood character, built form consistency, density consistency and building height and mass.

Placing a four storey apartment building at a density over three times the permitted maximum in the middle of block of thirteen single detached homes in a semi-rural setting does not conform with this policy. While the applicant's material deals with a wide variety of specific impacts it provides no justification for a building of this size or density.

The proposal does not conform with the general objectives, land use permissions, built form, density, character and justification policies of the existing NOTL Official Plan.

Niagara-on-the-Lake Adopted Official Plan (2019)

The adopted Plan sets out a comprehensive policy for dealing with intensification. The policies direct the majority of intensification areas to lands shown in Schedule B7, as the existing Official Plan does. In general terms the adopted Plan sets out policies that do not anticipate this form of development in the Old Town, in fact do not anticipate this level of density in any location in the Town of Niagara-on-the-Lake.

The proposal does not conform to the use policies, the compatibility policies, the intensification policies or the urban design policies. Rather than providing a commentary on the degree or nature of non-conformity I have quoted the relevant policies below and underlined those that, in my opinion, the proposal does not conform to.

It should be noted that the adopted Plan classifies development that is over 75 uph as high density and does not permit this level of density in the Old Town but only in Glendale and only subject to a secondary plan.

Areas of Non-Conformity

1. The proposal does not reflect the "existing built form".
2. The proposal is not "consistent with the character of the surrounding neighborhood".
3. The proposal in no way "respects and reflects the existing pattern and character of adjacent development".
4. The proposal does not "have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street."
5. The proposal does not: "have a complementary relationship with existing buildings".
6. The proposal does not meet the requirement that "existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;".

7. The proposal does not meet the requirement: “that Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:
 - b) Existing and/or planned densities;
 - e) Privacy;
 - h) The existing and/or planned height and massing of buildings.”

8. The proposal provides literally no transition when the Official Plan requires that: “Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.”

9. This Plan requirement is not met: “ Height, mass and scale of new development will fit the context within which it is located;”.

11. The proposal does not meet this test: “The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.”
12. The building is 18m high and provides no justification for exceeding the height limit: “Generally, building heights in Old Town, St. Davids, and Queenston do not exceed ten (10) metres. This low-rise character will be maintained, and the implementing zoning by-law will limit building height accordingly.”

13. The Plan does not permit medium-rise structures except in a Secondary Plan area, which is not the case: Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment. Low-rise structures are generally one (1) or two (2) storeys in height. Medium-rise structures are generally three (3) or four (4) storeys in height, may not require elevators for access to units, and are subject to the restrictions on building height in Section 4.8.2.

14. Development greater than 75 units per hectare is not permitted in any location except Glendale and subject to the preparation of a secondary plan. There is no secondary plan in the Old town and the proposal is at 99 uph: “High density development, over 75 units per hectare and high-rise structures of five or more storeys in height maybe permitted in Glendale, following completion of a new secondary plan for Glendale. The secondary plan will identify locational and site criteria for potential high density and high rise development.”

15. The proposal is completely out of scale and character with the surrounding residential area: “Any construction of additions or new structures within residential areas will complement existing adjacent development in terms of its scale, character, height, design and mass.”

17. The proposal is out of scale and character despite the consistent and repeated mandatory policies to the contrary: “The existing character of the Established Residential areas shall be maintained.”

17. While a report has been filed addressing the matters required by the Plan the substance of the Report is incorrect, incomplete and flawed. In short it does not ensure the character of the area is maintained:

“b) Until a Secondary plan is approved, within the Established Residential designation new medium-rise development shall only be considered by amendment to this Plan. Any amendment application for medium density development in this area will be accompanied with a detailed visual analysis, planning justification report, traffic study and a heritage impact assessment, if required. In addition, any application must be accompanied by a report by a qualified professional which addresses the adjacent streetscape and character of the existing residential development in the area, to ensure that the character of the area is maintained.”

18. The proposal does not respect and reinforce the character of the neighborhood in any way :

e) Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:

This policy again requires similarity of character which is not achieved:

iii. Heights, massing, scale and dwelling type of nearby residential properties;
iv. Prevailing building type(s).

19. The low profile character of the area is not maintained:

f) Special care will be taken to maintain the low profile character of the area.

The specific policies referred to are provided in Appendix B.

It should be noted that both the Region of Niagara Official Plan and the Town’s adopted Plan anticipate further work to define additional areas for intensification together with a phasing plan. The policy reads as follows:

4.6.2 Following completion of the Regional Municipal Comprehensive Review, this Plan will be amended to provide more specific phasing policies, as needed and based on the direction from the review.

6.0 ALTERNATIVE DEVELOPMENT

It may be that a more gentle form of intensification on the site with a smaller and lower building, at a density more in character with the neighborhood would be appropriate on this

site. This determination should be made as part of the Official Plan update to be undertaken by the Town to implement the Regional Plan.

A handwritten signature in dark ink, appearing to be 'R. Lehman', written over a light grey rectangular background.

Robert Lehman, F.C.I.P.
February 8, 2023

Appendix A

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement 2020 (PPS) provides a relatively prescriptive direction to municipalities on how to plan for intensification. The proposal at 223-227 Mary Street (the Proposal) is considered as intensification by the PPS as it is the redevelopment to a higher density of an existing property in a developed area. The PPS definition is as follows:

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

Section 1.1.2 of the PPS establishes the requirement to make available land for intensification using a planning horizon to 2050:

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Section 1.1.3.2 and 1.1.3.3 direct municipalities to identify in their Official Plans where intensification and redevelopment is to occur. These Sections state:

“1.1.3.2 Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

“1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

It should be noted that the existing NOTL Official Plan is consistent with the PPS. It sets out specific areas for intensification on Schedule I-1 and has policies that deal with the form and location of intensification. In the context of Provincial policies there has been a recent change from a 2041 growth horizon to a 2051 target year. This is reflected in the Niagara Region Official Plan and requires the Town to undertake further studies in a number of areas, including the determination of whether additional lands are needed to provide the capacity for the 2051 intensification target.

The PPS policy 1.2.4 directs the Region of Niagara, as an upper-tier municipality, to identify the targets for intensification within the lower tier municipalities, which would include Niagara-on-the-Lake:

“1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:

- a) identify, coordinate and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect provincial plans where these exist;*
- b) identify areas where growth or development will be directed including the identification of nodes and the corridors linking these nodes;*
- c) identify targets for intensification and redevelopment within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of settlement areas is permitted in accordance with policy 1.1.3.91.1.3.8;”*

The Growth Plan 2020

The policies of the Growth Plan establish the amount of intensification required. The Growth Plan is the provincial plan referenced in Section 1.1.3.5 of the PPS which reads as follows:

“1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.”

The Growth Plan, in Section 2.2.3 sets out a 40% minimum target for intensification as follows:

2.2.2 Delineated Built-up Areas

1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

5.2.5 Targets

6. *In planning to achieve the minimum intensification and density targets in this Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.*

To summarize, Provincial policies require the Region of Niagara to set targets for each municipality in the Region for the total amount of residential growth and the proportion of that growth that is to occur through intensification. Using these targets each municipality must establish where the growth through intensification should occur. Municipalities are also required to establish official plan policies directing the form and nature of the intensification. These targets can vary by municipality provided the overall 50% intensification target is met.

Appendix B

Relevant Planning Policies in the Adopted Official Plan

Underlining indicates polices with requirements that are not met by the application.

2.4.2 Growth Strategy Objectives

2.4.2.1 The objectives of the Town's growth strategy are to:

d) direct appropriate intensification to Designated Intensification Areas;

4.5 Intensification Strategy

4.5.1 Intensification and infilling within appropriate areas throughout the Built-Up Area will be supported in accordance with Community Design and other applicable land use compatibility criteria of this Plan. The Town supports forms of infilling that use the existing built form, including garden suites and second dwelling units, where the proposed development is consistent with the policies of this Plan.

4.5.2 Objectives

4.5.2.1 The objectives of the intensification policies of this Plan are to:

a) Support the Built-up Areas by strategically directing most intensification to Intensification Areas identified on Schedule B7;

f) Ensure that intensification and infilling are consistent with the character of the surrounding neighbourhood.

4.5.3 Policies

4.5.3.2 The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single- detached, semi-detached, townhouses, and low-rise apartment buildings subject to the relevant development and compatibility policies of this Plan.

4.5.3.7 Intensification areas will be developed at a higher density than surrounding areas, subject to other applicable policies of this Plan related to cultural heritage resources, the character of the area and appropriate design standards.

4.5.3.10 In considering an application for development approval on lands in the Established Residential and Residential designations, or on properties not currently zoned for high density residential development, Council shall ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development, by adhering to the development criteria outlined below, unless otherwise specified in a Heritage Conservation District Plan:

- a) *the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) *the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- e) *the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) *existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*

4.7.2 Compatibility

4.7.2.1. *Intensification within the Built-up Areas should be compatible with surrounding existing and planned land uses. Intensification and/or redevelopment should be compatible with the property and the surrounding neighbourhood, having regard to:*

- b) Existing and/or planned densities;*
- e) Privacy;*
- h) The existing and/or planned height and massing of buildings. _*

4.7.2.2. *Development proposals shall demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

4.7.3 Conflicts between Built Form and Intensification

4.7.3.1. *In circumstances where a proposed development satisfies the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail.*

4.8 Community Design

4.8.1 Design Policies

4.8.1.9. *In addition to meeting other design related policies of this Plan, the following design guidelines apply to intensification proposals in **Virgil and Old Town** until more detailed Community Design Guidelines are approved by the Town:*

d) Height, mass and scale of new development will fit the context within which it is located;

f) The design of infill and intensification development will be consistent with the Land Use Compatibility criteria of this Plan.

4.8.2 Building Height Restrictions

4.8.2.1 With the exception of **Glendale**, the Town consists of low-rise structures in a small town setting with a large number of cultural heritage resources. Generally, building heights in **Old Town, St. Davids, and Queenston** do not exceed ten (10) metres. This low-rise character will be maintained, and the implementing zoning by-law will limit building height accordingly. Special provisions may be included in the zoning by-law limiting the building height to less than ten (10) metres in residential areas where the majority of the buildings are 1 or 1.5 storeys in height. The lands identified in special policies S4-17 may have increased building heights, as identified in S4-17.

4.10. Residential Areas

4.10.3 Policies

4.10.3.1 Low-rise structures are the predominant built form throughout the residential areas. Medium-rise structures (e.g. multi-floor apartment buildings) may be recognized in specific locations within specific secondary plans, and subject to a zoning by-law amendment. Low-rise structures are generally one (1) or two (2) storeys in height. Medium-rise structures are generally three (3) or four (4) storeys in height, may not require elevators for access to units, and are subject to the restrictions on building height in Section 4.8.2.

4.10.3.3 High density development, over 75 units per hectare and high-rise structures of five or more storeys in height maybe permitted in Glendale, following completion of a new secondary plan for Glendale. The secondary plan will identify locational and site criteria for potential high density and high rise development.

4.10.3.4 Any construction of additions or new structures within residential areas will complement existing adjacent development in terms of its scale, character, height, design and mass.

4.10.4 Established Residential Designation

4.10.4.1 Character:

a) *The Established Residential areas represent older, stable neighbourhoods. These neighbourhoods can include cultural heritage resources that must be conserved. The existing character of the Established Residential areas shall be maintained.*

4.10.4.2 Permitted Uses:

b) *Until a Secondary plan is approved, within the Established Residential designation new medium-rise development shall only be considered by amendment to this Plan. Any amendment application for medium density development in this area will be accompanied with a detailed visual analysis, planning justification report, traffic study and a heritage impact assessment, if required. In addition, any application must be accompanied by a report by a qualified professional which addresses the adjacent streetscape and character of the existing residential development in the area, to ensure that the character of the area is maintained.*

e) *Development will respect and reinforce the existing physical character of the neighbourhood, including in particular:*

- i. *Patterns of streets, blocks and lanes, parks and public building sites;*
- ii. *Size and configuration of lots;*
- iii. *Heights, massing, scale and dwelling type of nearby residential properties;*
- iv. *Prevailing building type(s);*
- v. *Setbacks of buildings from the street or streets;*
- vi. *Prevailing patterns of rear and side yard setbacks and landscaped open space;*
- vii. *Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and*
- viii. *Conservation of cultural heritage resources.*

f) *Special care will be taken to maintain the low profile character of the area. New residential development in these areas consisting of more than two units shall be accompanied by a detailed site and area analysis demonstrating there will be minimal impact on surrounding neighbourhoods and development.*

January 22, 2023

To: Town of Niagara-on-the-lake

Re Proposed change: 223-227 Mary Street – Official Plan and zoning Amendments

File No. OPA-04-2022 & ZBA-23-2022

c/o Town Clerk

Dear Sir/Madam

I am the owner of 429 Simcoe Street property which backs directly to the above property. I am opposing the proposed changes based on the following criteria/reasons:

- First of all, as a heritage town, if we want to destroy our town and the history behind it, we will let this project to go ahead and create a precedence. This will allow further projects like this to go ahead. Imagine for a moment, what is preventing properties backing to the subject property, get together and build a comparable project. This will be repeated over and over.
- These zoning amendments are major change to the zoning of this area and the “Old Town of Niagara-on-the-lake”. There are no apartment buildings the in the area of Mary street, King Street, Queen Street and Mississauga Street let alone 3 storey building
- Is this proposed amendment desirable from a planning and public interest perspective, the answer is “NO”, it I against the characteristics and the zoning of the Niagara-on-the-lake. It does not go with the general characteristics of the town and will diminish the beauty and the value of the town and the neighborhood.
- The intent and purpose of a zoning by-law is to prescribe the front, rear and side yard setbacks, building size, height and use. It speaks to matters such as spacing, privacy, density, light and air and gives the neighborhood its built form and character. This proposed amendment does not maintain the general intent and purpose of the zoning by laws. This proposed development is not compatible with existing houses in the neighborhood with respect to size, set back and side yards and will impede the privacy and parking and detrimental to the street scape or the character of the neighborhood.
- This proposed amendment doesn’t maintain the general intent and purpose of the Official Plan (OP) of the area
- In addition to the above proposed amendment will impact sunlight, privacy and views of the adjoining properties.
- Mass, bulk and the height of the proposed amendment will be detrimental to the neighborhood as well as the whole town and area.

- Based on the grading of the area drainage will be an huge issue to the adjoining properties as well as the proposed property.
- Already trees were removed on this above property and will also be removed to open space for this 3 storey building. In addition there are trees which were planted to mark the boundary with the properties on Simcoe street backing to the subject property, will be removed. This doesn't have our agreement.
- Traffic will be significantly increase by the addition of this proposed property and parking on the side streets will be a significant issue

I don't believe there is a pressing necessity to build a 3 storey building in this neighborhood, and I am opposing to any changes to the zoning related changes to the above properties, they should stay as single Residential (R1) Zone .

Please inform me of the future decision re subject property.

Regards,

Levent Kurth
429 Simcoe Rd, NOTL, ON

From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: Opposing the proposal of File No. – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street
Date: February 6, 2023 2:48:14 PM

Good Afternoon Mark,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Cassandra Cruickshank
Sent: Monday, February 6, 2023 2:46 PM
To: Liman [REDACTED] Clerks <clerks@notl.com>
Subject: RE: Opposing the proposal of File No. – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street

Good Afternoon,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Liman [REDACTED]
Sent: Monday, February 6, 2023 1:53 PM
To: Clerks <clerks@notl.com>
Subject: Opposing the proposal of File No. – OPA-04-2022, ZBA-23-2022 – 223-227 Mary Street



CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

To Town of NOTL,

This is Liman Lu, the owner of 219 Mary street. I am writing to oppose your recent proposal of zoning amendment and apartment building project on the lot of 223-227 Mary street.

I would like to point out that the project proposed is contradicted to the development of NOTL tourism in the long run and against the benefits of people who lives in the Historic Old Town neighborhood.

1, Niagara on the lake and the Historic Old Town has successfully marketed itself as a tourism destination. Mississauga/Mary area specifically, after many years of contribution, has become a mature business cluster and played an important role in providing services (vacation homes, restaurants, grocery stores, weddings service, etc) that ensuring tourists's longer stay, which will greatly contribute to the tourism economy of the Town.

As a Airbnb owner and the manager of a few other vacation houses in NOTL, I receive many compliments from the guests about how they enjoyed strolling on our beautiful and quiet streets feeling "relaxed" and "romantic". With many years of efforts, NOTL(especially the core area) has built its brand being a beautiful, quiet, elegant, historical and tasty town. Mary/Mississauga area specifically, with many years of development and contribution of the Town and small businesses, has become another hot spot of NOTL beside Queen street. If the condo apartment is built, with the rise of population density, the traffic and the noise, it losses it's attraction and the brand of Historic Town of NOTL that we have been building together for years vanishes.

According to a study "TOURISM AND LIFE IN NIAGARA-ON-THE-LAKE AND NIAGARA REGION" that was done in 2022 and posted on the town's website, NOTL residents think "reduce traffic congestion" is one of the most prioritized issues(ranks Number two; The number one issue is to improve parking). Mississauga/Mary as a crucial connection of people coming in and out of the Historic Town has already been a busy cross, a new apartment building would make the traffic even worse.

2, Another big concern in front of us who surrounds 223-227 Mary Street is, the potential 18 meter residential building would be overlooking each single neighbor's house around it. That would effect the lifestyle of all the neighborhood in a tremendous way. The value of the each single house of ours will be highly devalued. We have been fighting very hard through the past years financially, and we don't want the future years to be even worse.

We trust the town council's leadership since the day one that you were being elected. Please make the decision based on the the future of NOTL development in a bigger picture and benefits of the all

the residence(not just the single one).

Thanks for listening to my opinion, I would greatly appreciate if you respond this email that you have received it. Thanks

Sincerely,

Liman Lu

From: [REDACTED]
To: [Gary Zalepa](#); [Erwin Wiens](#); [Gary Burroughs](#); [Sandra O'Connor](#); [Tim Balasiuk](#); [Maria Mavridis](#); [Nick Ruller](#); [Wendy Cheropita](#)
Cc: [Marnie Cluckie](#); [Kirsten McCauley](#); [Mark Iamarino](#); [Connie & Rick](#); [Alan Gordon](#); andrea.kaiser@niagararegion.ca; [Clerks](#); [Marilyn Bartlett](#)
Subject: Public Meeting - 223-227 Mary Street (OPA-04-2022 & ZBA-23-2022)
Date: February 12, 2023 4:02:58 PM

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Lord Mayor and Councillors;

I am a member of POST (Preserve our Special Town), which is a group of Niagara on the Lake residents and neighbours, concerned that we have been losing the neighbourhoods and streetscapes of our special Town. We are not opposed to growth and development, but it must be responsible and respectful of the unique history, culture and character of the Old Town of Niagara on the Lake. Any redevelopment must achieve a harmonious design, integrate with and not negatively impact this well-established community. These are principles that are enshrined in our Official Plan.

I wish to register my objection to the development proposal for 223 - 227 Mary Street which is completely incompatible with the surrounding neighbourhood, streetscapes and vistas that characterize the Old Town.

Specific concerns include:

Height, Massing and Scale

S. 6.4 of the OP outlines building height restrictions and directs that “*the Town consists of low-rise structures in a small town setting . . . Generally, the building height has not exceeded 11 metres (36 feet). For the most part, this low rise character should be maintained.*”

S. 4.6 of the OP deals with Land Use Compatibility Policies and provides that “*Intensification and/or redevelopment should be consistent with: d) the existing and/or planned height and massing of buildings within the surrounding neighbourhood*”.

An apartment building almost 60 feet high (18 metres) plus an additional 6 feet for the parapet, with 41 apartments, simply does not fit with the surrounding neighbourhood.

It is described in the application as 3.5 or 4 storeys high. But it is the *actual* height that really matters because that is what impacts the surrounding neighbourhood which is zoned Established Residential. In reality, in terms of height alone (65 feet including the parapet), its impact is more like that of a 5 storey building in a 2 storey neighbourhood! The surrounding neighbourhood is made up of one, one and one-half and 2 storey homes. The commercial area that borders it to the west and immediate south is also single storey, with the exception of the 2 storey Willow Bakery.

The proposed apartment building would tower over that neighbourhood, being almost 80%

higher than what is permitted by the OP and zoning! An apartment building of this height and scale should not be permitted in the Old Town.

Density

The OP notes: *Special care will be taken in the Old Town of Niagara and Established Residential designations to maintain the low-density character.* The density of the surrounding Established Residential neighbourhood is slightly less than 9.3 houses per hectare (or 3.8 units per acre). The proposal is for a density of 99.25 units per hectare (or 40.2 units per acre). That is more than 10 times the density of the surrounding area!

The OP amendment being requested is for Medium Density Residential, which ordinarily would permit a density of 12 units/acre (or 30 units per hectare). However, this apartment block is not medium density, but something far in excess of that: 40.2 units per acre (99.25 units per hectare). That is more than 3 times what is permitted by the OP.

Intensification

While the developer cites intensification as a justification for its proposal, the development is not situated within an area designated by the Town for intensification (see Schedules I in the OP and Schedule B7 in the OPR).

The planning justification report filed in support of the application often refers to this single block of Mary Street, between Mississauga Street and Simcoe Street as a “transitional area”. In reality, there is not much of anything to transition between: with the exception of a small vacant lot zoned commercial to the west, the subject property is surrounded by a low-rise established residential neighbourhood to the west, north and east.

This idea of "transition" seems to arise from the Draft Mary Street Design Guidelines prepared in November, 2015. While only a draft, it is noteworthy that the design principles for this single block would not permit this proposal.*

Contributions of Residents into Maintaining and Enhancing the Charm of Niagara on the Lake

There are many residents in the Old Town who have spent considerable amounts of money ensuring their homes are maintained and/or renovated in ways that fit in with the charm and character of Niagara on the Lake. To accept this proposal or anything close to it, is an affront to all residents who have invested to maintain the original character and architecture of their homes and their Town.

Effect of Provincial and Regional Policies

Provincial and regional policies for growth do not take away the Town’s right to determine where intensification and re-development is appropriate and where it is not. Local municipalities may apply different intensification rates throughout their built-up area, provided the overall minimum intensification target required by provincial and regional policies can be achieved.**

Furthermore, the Provincial Policy Statement, 2020 recognizes *the importance of conserving a neighbourhood’s character* and cultural heritage landscapes.

The Growth Plan for the Greater Golden Horseshoe, 2020 recognizes the value of cultural heritage resources and that it is necessary to plan in a way that protects and maximizes the

benefits of these resources *that make our communities unique and attractive places to live.*

And the Regional Official Plan delegates and defers to local municipalities the responsibility for identifying appropriate areas for intensification and for ensuring compatibility with surrounding neighbourhoods, recognizing that *established residential neighbourhoods have unique scale and character.* The Region has recognized that local compatibility considerations and interface with neighbouring land uses are local planning matters and defers them to the Town.

In Conclusion

The OP and the OPR recognize the unique character and atmosphere of the Old Town of Niagara on the Lake and the need to protect and enhance it. Several years of planning studies, public meetings and a great deal of effort was spent to develop these important frameworks for future development. Council and staff have a duty to give effect to the vision and values of our Official Plans and to provide for intensification in appropriate forms and areas in order to preserve the unique history, culture and character of this special town which has been centuries in the making. This proposal would significantly and permanently damage it. If this proposal moves forward, it would set a very dangerous precedent. Growth is inevitable and desirable, but erosion and destruction of our community is not.

Yours truly

Marilyn Bartlett
12 Centre Street

* Those principles (at pp.18-19) include the following:

- *New development within the transition area shall be compatible with residential development in the east Mary Street area.*
- *Building height should generally be 2-3 storeys (11 metres).*
- *Residential densities should typically be in the range of 12 units/acre.*
- *New buildings should generally fit in with the existing buildings in terms of height, massing and character.*

** The Region has increased its intensification rate, opting to target a minimum of 60% of growth allocated to existing built-up areas, over the required 50% of the Growth Plan. Niagara on the Lake's contribution to this target will increase from 15% to 25%.

From: [Shannon Mista](#)
To: [Mark Iamarino](#)
Subject: FW: 41 unit plan 223/27 Mary St
Date: January 30, 2023 10:54:28 AM

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Monday, January 30, 2023 10:47 AM
To: Planning Development <planning.development@notl.com>
Subject: FW: 41 unit plan 223/27 Mary St

Good Morning,

Please see the comments below regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: budin.maria [REDACTED]
Sent: Sunday, January 29, 2023 5:55 PM
To: Clerks <clerks@notl.com>
Subject: 41 unit plan 223/27 Mary St

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According to The Lake Report picture, the plan/building looks great. We need apartments or condos for single and senior people getting too old to maintain their properties and stay in town. This building has only 41 units of different sizes to suit many of our people. Parking bellow the building is excellent idea. Proximity to shopping for these folks is ideal situation. Even exercise room is on the top of the building and parks for their walks just across the street. For the sake of old and single adults I do hope you approve this addition to the town, apartments like that are needed. I think logistics of traffic will be sorted out with no problem!

Maria Budin
Edgar Morriss

281 Gage St



Sent from my Galaxy

From: [Mark Iamarino](#)
To: [REDACTED]
Subject: [Clerks](#)
Date: RE: 223/227 Mary Street Development
January 31, 2023 10:05:00 AM
Attachments: [image001.png](#)

Hi Michael,

Thank you for providing comments. Please see responses below in red.

Mark Iamarino, MCIP, RPP
Senior Planner
Phone: 905-468-6423
1593 Four Mile Creek Road
PO Box 100, Virgil ON L0S 1T0



From: Michael Ennamorato [REDACTED]
Sent: January 30, 2023 2:43 PM
To: Mark Iamarino <Mark.Iamarino@notl.com>
Cc: Clerks <clerks@notl.com>
Subject: 223/227 Mary Street Development

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hi Mark,

I attended the open house on the proposed 223/227 Mary Street development last week and have the following comments and questions:

1. Is there an analysis, or one planned, regarding the capacity of the existing infrastructure (hydro, water, sewage, runoff mediation, etc.) to support the addition of 41 residential units on this site? Will infrastructure upgrades be required?

The Functional Servicing Report submitted with the applications outlines the applicants plans for servicing the proposal. It is available online. The applicant has been asked to provide a sanitary capacity analysis. Private utilities such as gas and hydro are not managed by the Town. Utility companies, such as Bell and Enbridge, have been circulated for comments.

2. Related to the above, what analyses on traffic and parking impacts have been done or will be done? I know, Mary Street east of Mississagua is designated as a collector road, but that is just a technical designation. It could certainly still be overwhelmed by additional traffic, particularly so close to the intersection with Mississagua.

Mary Street is managed by the Town where the proposal is located and becomes a Regional Road west of Mississagua Street. The proposal was reviewed by both the Town Operations Department and Niagara Regional Transportation Staff during the pre-consultation stage and neither felt that a Transportation Study was warranted.

3. I know the developer is required to supply only one parking spot per unit. Nonetheless, 50 parking spots seems inadequate in current times given that there are currently 1.5 cars per Canadian household on average (as of 2014), with that number continuing to grow. Moreover, in a town like NOTL with just basic public transit, that average is likely to be higher for those households inclined to buy into this development. Moreover, there needs to be adequate space for guest parking. So, something like 75 parking spaces (1.8 spaces per unit) would probably be required to avoid issues on neighbouring streets. Will any consideration be given to examination of this issue?

The Town cannot require any additional parking spaces beyond the requirements of the Zoning By-law. I am not sure where the statistic come from, but I would presume that single-detached dwellings with larger families in more are included. I presume the purchase and/or lease agreements will state the unit comes with one parking space for consideration is decided to rent/purchase the unit.

4. It is very likely that a considerable number of these units will be purchased as investments and treated as short-term rentals. This could exacerbate a problem that already exists for the town in this regard, unless much stricter limits are placed on conversion of existing housing to rental units of this type. (In other words it might not be a bad idea to put future short-term rentals in one confined basket, rather than further hollowing-out existing neighbourhoods.) However, this would require applying a broader perspective and a coordinated approach to the issue, which goes beyond this one proposed development. Is any thought being given to this issue in the context of 223/227 Mary St.? Short-term rentals are not permitted in the "Residential Multiple (RM1) Zone" being proposed and a site-specific permission has not been requested. Also, the Town's existing Short-Term Rentals By-law only permits a licence to be given for single-detached dwellings. Therefore, short-term rentals would not be permitted in the proposed apartment.

5. I suppose one thing that really jumped out for me is the proposed height amendment. The developer is asking for a 50% increase above plan. Whether you call this 3.5 stories or 4 stories, it is the absolute height that counts, and what is being proposed is well above anything in the surrounding area. Those living close by will be detrimentally affected in a major way regardless of what is done with screening and landscaping. Moreover, there will be an impact on the overall ambiance of the town for visitors and residents alike. It is just too high.

It would seem to make sense to remove one floor, effectively dropping the current top floor down one story. This would bring us closer to the 12 metre threshold, though still exceed it. The number of units would drop from 41 to 29, but a redesign of the top floor could add a few more. As well, consideration might be given to expanding the footprint somewhat, by reducing the proposed

setbacks. In this way, more units could be added to each floor, or the units could be enlarged to command a higher price. Substantially reduced height and a somewhat larger footprint might be more acceptable to local residents and the town as a whole than what is currently proposed. It would also allow for expansion of the number of parking garage spots and a more realistic ratio of spots per unit.

The proposed setbacks are fairly generous, which suggests possibilities for adjusting the grade and landscaping to accommodate a somewhat lower "ground level" starting point for the building as a whole, thus reducing the overall height from street level. However, I suspect the cost for doing this would be considerable, particularly in light of the water management issues this would involve for the development, and possibly for the town more generally. I also doubt that you would practically gain all that much in terms of managing the height issue from this approach alone. It could only be a supportive measure applied in concert with other actions.

Noted. Comments will be provided to the applicant and considered by Town Staff. Comments will also be appended in Staff's recommendation report to Council for their consideration.

6. One last comment: I found the tone of the developer and consultant to be somewhat arrogant during the course of the open house. They seemed to suggest that they would consider only superficial changes to the proposal and have no interest in listening to deeper concerns or considering more substantive compromises in the interest of local residents or the town. They also seemed to be woefully unprepared to answer even some of the basic questions that were put forward, and just brushed others aside for "future consideration". Surely they must have known that the proposed height of the building would be a major issue, yet they were seemingly unaware of something as basic as how the proposed height compares with other structures in town. And I do take issue with the consultant taking it upon himself to aggressively berate one resident for suggesting too close a connection between developers and planners. This could have been handled very differently and, frankly, the aggressive approach just reinforced the resident's position, even if incorrect. Maybe this is just a sign of the times, given that recent provincial legislation has weakened the position of residents and local governments on these matters. Nonetheless, hopefully a more constructive tone can be adopted for the upcoming public meeting.

Thanks for the opportunity to respond with comments and questions. I think it is a good idea to develop this site, and I support the idea of doing so in a way that increases density and delivers more affordable housing. However, I also believe that particular care must be taken to preserve the essence of Old Town. It is, after all, a largely manmade and inherently fragile asset, despite being a commanding driver of the economy and lifestyle. I believe that, with thoughtfulness, foresight and care, it is possible to revise this plan in a manner that satisfies the business interests of the developer while being respectful of local neighbours and the town's future.

Sincerely,

Michael Ennamorato
327 Gage St. NOTL

February 9, 2023

Official Plan Amendment and Zoning By-law Amendment: File No. OPA-04-2022 & ZBA-23-2022

Description: 223-227 Mary Street, Niagara-on-the-Lake

Dear Mr. Mark Iamarino,

As a long time (50+ years) resident of Niagara-on-the-lake and adjacent property owner (424 Mississauga Street), I am writing to you and your municipal colleagues to object to the above planning application for the following reasons:

1. Design

The proposed apartment building is not of a design which is in keeping with the scale, character, heritage, or appearance of the area.

All other dwellings on Mary Street and adjacent streets and properties are one to two story homes (typically bungalows) whereas the proposed is for a four (4) story building (as noted in the Elevation drawings drafted by ACK Architects Studio Inc.) that will both tower over all properties in the area reducing the openness, sunlight (increasing shadowing) and character of the neighbourhood and community.

Could the property owner look at alternative designs and submissions that are more inline with the community's scale, character, heritage, or appearance of the area in similar fashion to other developers and development projects that have taken place in the neighbourhood.

2. Privacy and Security

The apartment building proposes 41 units (1 to 2 bedrooms) that will increase the neighbourhood's value based on target demographic and assumptions made) a much greater value than what is in place today.

When combined with the increased four (4) storey elevation, roof top recreational facilities (terrace, pool) and ground level sitting area and parking these changes introduce a much larger number of residents and visitors.

Individuals who will have clear and unobstructed access to view, monitor and watch my own and neighbouring properties and our day-to-day activities both outside (in our yards) and inside our homes (example bedrooms or washrooms which are typically place in rear of our homes).

When combined all factors the proposed changes introduce significantly reductions into individual, the neighbourhood/ neighbours and our community's privacy and security.

3. Residential Parking

typical number of cars per household {1.5 cars per household average in Canada - Statistics Canada - Vehicle registrations 2021) a minimum of 62 cars (or more) and associated parking needs is very likely a resident requirement.

Based on the Site Plan (drawings from ACK Architects Studio Inc.) 41 residential parking spaces will be available. Leaving new residents to find alternative long term, 24 hour, above ground parking spaces in neighbouring streets {Mary, Simcoe, William, Mississauga, others) where parking is available.

Leading to a negative impact to area residents and likely Town/ municipal and regional services (for example snow removal), and overall community. The Town would likely need to introduce, administer, and enforce new unplanned and less than desired parking by-laws impacting all residents (new and old) and Town/ municipal services and financials (budgets, expenditures) associated with the dwelling that would be built in conjunction with the proposed application.

4. Visitors Parking

Like with residential parking, evaluating the proposed visitor parking spaces (6 spaces as noted in drawings from ACK Architects Studio Inc.) a similar conclusion can be made.

The target resident demographic (soon to be retired or retirees) will have extended family members (children, grandchildren) and friends/ acquaintances (built over decades of life experience).

Given these personal relationships and Niagara-on-the-Lake's well-established reputation as a must visit destination, we can expect a high number of resident visitors requiring visitor's parking so they can enjoy

spending time with family and friends in our beautiful and picturesque community of Niagara-on-the-Lake.

With limited visitor parking spots, we can again see (in addition to the resident parking overflow) visitors trying to find alternative above ground parking spaces in neighbouring streets (Mary, Simcoe, William, Mississauga, others) *where* parking is available.

Further negatively impacting the area residents and the community and leading to the need for the Town's involvement, administration, and unexpected costs.

5. Traffic

Over my years as a resident, have seen a growing number of year-round domestic and international visitors who are drawn to our community to enjoy the restaurants, wineries, parks, and other recreational activities.

With the rise of tourism and visitors has come growing traffic including cars, vans, buses, bikes and more that bring about bumper to bumper traffic, long waits to enter and exit the Old Town and other Traffic congestion problems. Especially in the Mississauga and Mary Street area which is one of the primary entry and exit routes into the Old Town.

As previously noted, additional vehicles and parking needs (overflows) will further worsen the traffic situation and extend these traffic issues into neighbouring streets (William, Simcoe, potentially others).

Parking related impact aside, more residents and vehicles (due to high resident density change versus low density today) will bring more traffic and congestion into the already congested Mississauga and Mary Street area further worsening today's problems.

6. Residential Infrastructure and Services

Historically the Mary Street properties housed two single storey homes and associated residential infrastructure and services such as hydro electricity, water, sewer / wastewater, telecommunications, and possibly more.

The proposed new dwelling (41 units; 41/82/more residents; increase density) will bring significantly increase the load factor on existing residential infrastructure and services. Can the infrastructure be leveraged for these changes or will modifications and updates be required (at additional costs and impact to community and stakeholders)

For example,

- Can the sewage/ wastewater systems handle the volumes brought with the increase resident density/ numbers?
- Can the water and hydro electric system handle the additional volumes of water and electricity needed to support the new building and resident needs?
- Will new telecommunications infrastructure (example cabling) need to be placed and connected?
- or more.

Given the different nature of the new versus historical dwellings (two single storey buildings versus a 41-unit apartment building), one can expect the changes to residential infrastructure and services will be required bringing potentially new unplanned, unexpected, and unfunded work activities, capital expenditures that may require additional Town revenue (and possibly Hydro taxes and levies).

Combining all factors this application and its proposed dwelling bring a high *degree* of unknowns and uncertainty to the Town, neighbourhoods, and community. As well, approval of this application could place the individual's needs ahead of resident tax payers, community members and stakeholder plans.

7. Noise and Noise Pollution

Niagara-on-the-Lake is known as a quiet, charming, picturesque, and historic community. Over the last 50+ years, I have enjoyed the opportunity to live, work, raise a family and build a life here.

However, with the growth of our town so has come growing noise and noise pollution in the Mississauga and Mary Street area from traffic, visitors, commercial properties (for example bike rentals) and more.

The proposed application will bring more dense (higher units and resident counts) and a taller dwelling (4 story building) with open area recreation area (pool, terrace, sitting areas) and parking (both underground and surface) will bring further noise and noise pollution to the immediate community.

For example, we can expect:

- Residents and visitors may choose to spend late nights in the dwelling's sitting area or roof top terrace enjoying a conversation among friends or family, a glass of Niagara's world class wine, or star filled night skies. Given the location and open area concepts of these locations adjacent neighbouring properties can expect noise or other disruptions.

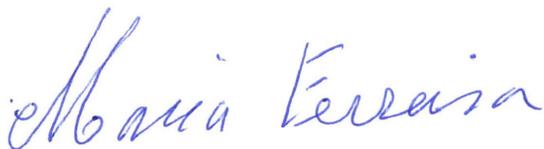
- Residents and visitors will surely use the roof top pool, terrace, and recreational facilities for swimming, celebrations, ceremonies, and more though both the day and night. Given the open air and elevated location of the new dwelling design, neighbours can expect to hear noise and noise pollution through the day echoing to their surrounding properties reducing their privacy, opportunities to rest and recharge, and overall quality of living in our quiet and charming community.
- The dwellings underground parking entrance and exit will be directly adjacent to neighbouring property (significant portion will be mine). We can expect residents will enter and exit their underground parking during all hours of the day or night as they care on their lives. Leading to the echoing sounds of garage doors open and closing through the neighbourhood which of concern. Especially during evening hours when many residents like myself are preparing for or have gone to rest for the night.

Would like to thank you and your Town colleagues for making time understand these concerns and objections. Please note that this list of planning application questions and objections is not a complete list of every possible item, concern, or objection to consider when reviewing the application submission.

Speaking with my neighbours, I understand that many of them share these and other concerns as well. That's why I consider the proposed application does not provide sufficient benefits and should be refused.

We hope that you and your municipal colleagues will take these and other community stakeholders into account when making your decision.

Yours sincerely,



Maria Ferreira

424 Mississauga St.

Niagara on the Lake

Development Application for 223-227 Mary Street Open House January 26

Comments submitted by Mike James [REDACTED]

The Planning Act R.S.O. 1990, identifies a number of matters of provincial interest that Council must take into consideration when making planning decisions. These include, but are not limited to:

- (h) the orderly development of safe and healthy communities
- (j) the adequate provision of a full range of housing, including affordable housing

The applicant includes the following quotes in their planning justification report, all of which highlight multiple contraventions of the above noted considerations. My concerns are italicized in blue, following each quote.

1. "A Traffic Impact Study was not requested. However, the Subject Lands are located on an Arterial Road. Higher Density Residential Uses are typically associated with larger traffic volumes than their lower density counterparts." (p.33)

The applicant fails to comprehend that although these roads are designated as regional, they are part of the town's local road system. The traffic impact both during, and after construction, will add significantly to the congestion and have adverse environmental impact on both residents and visitors.

2. "...there are a mix of commercial and residential uses within very close proximity to the Subject Lands, inclusive of varying built forms, design, mass, scale and setbacks. This varying context, allows for a flexibility regarding scale, mass and height without significant impact to the overall character of the area." (p.39)

"The Established Residential Zone permits a maximum building height of 10.0 metres. The Applications propose a building height of 18.0 metres." (p.40)

There are no buildings approaching the requested 18m height accommodation. This represents an almost 200% increase in height over the allowable maximum. For reference and comparison, both St. Andrews and St. Mark's churches are only 12.5 m high.

3. "The Subject Lands abut a number of low density residential dwellings. Large interior side yard setbacks for the above-ground portion of the apartment building and sloped roofs have been incorporated to mitigate impacts on adjacent uses." (p. 30)

The definition of mitigate is to make less severe, serious, or painful. In no way does it imply total removal of the "impacts on adjacent uses", i.e., the loss of privacy and property enjoyment by those living adjacent to the subject property. This statement is an admission of the detrimental effect that this height of structure will have on the surrounding community.

4. "The proposed development provides for a density of 99.25 units per hectare. "(p.47)

This represents 330% increase over the permitted density. This does not meet the standard for healthy communities, and does not align with the Town's Official Plan.

5. "The proposed units are not anticipated to accommodate a significant number of children..." (p.79)

This was reconfirmed by the applicant at the online Open House held on January 26th, as families were noted as not being part of their "marketing target". As such, the project contributes nothing to providing for "a full range of housing, including affordable housing."

Additionally, given the size of the units, the developer appears to target affluent retirees or investors who may not plan to make these units their permanent residences. This would encourage further "hollowing out" of the Old Town's permanent population, increasing transiency and failing to meet the expectation for the "orderly development of safe and healthy communities" as stated in the Planning Act R.S.O. 1990.

Conclusion

In summary, the overall proposal lacks any design attributes that would make it an appropriate addition to the local streetscape or overall community development and approval should therefore be denied by the Niagara on the Lake town council.

Lord Mayor and Councillors,
Town Clerk
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, Ontario L0S 1J0

January 31st, 2023

Re: File No. OPA-04-2022 & ZBA-23-2022 223-227 Mary Street, Niagara-on-the-Lake

I am writing to express my opposition to any proposed change in town zoning to allow a four storey (18m tall) 41-unit apartment to be built on two residential lots in an area zoned 'Established Residential' within the Downtown Heritage Character Area of Niagara on the lake. Moreover, I am extremely disappointed that consideration is being given to a building that even exceeds the height of the proponent's previous (2015) proposal rejected by the town, under then town planner advice of Jesse Auspitzs.

This is a low-density area marked by single homes and mixed low rise commercial. In short, the proposal is "incompatible with adjacent uses, does not consider the existing building stock, and will adversely impact adjacent properties." This is not a transitional area of town; the land use and building scale/size has been well established for a long time.

Here are only a few of the many concerns that this proposal raises:

1. *Traffic congestion and safety issues:* the area at corner of Mary and Mississauga already struggles with an extremely high volume of traffic. Especially during spring, summer and fall months there are regular long, slow line-ups along Mississauga Street from Mary Street to the Golf Course. It has been marked by increasing accidents and proving hazardous for the high volume of bike traffic. The infrastructure could not support the size and scale of such a building.
2. *Lack of Compatibility with the neighbourhood:* A structure of this scale will not blend with the one and half story homes in the neighbourhood and the low-rise shops/offices. In fact, this will stick out and become the highest building structure in the entire town.
3. *Infringement on area owners' privacy and right to enjoy their property:* the proponent suggests some roof sloping and 3 metre trees should disguise the 18-metre-tall building and balconies -- essentially it is an observation deck into the surrounding neighbourhood homes and yards. The design attempts to address privacy are simply not believable. Compounded by a roof top pool with a recreation area I am truly confused what city or town the proponents believe that they are trying to be compatible with.

As a heritage home owner I have invested significantly in the restoration of my home according to regulations and town requirements. Like many others, I did this understanding the overall context and

plan for the town. If I want to paint my heritage home I must apply, pay for a permit, and wait for approval of the paint colour within the town heritage guidelines. In contrast, it seems somewhat silly and incongruent that I would have to follow these guidelines to meet the town plan requirements while something much more significant and inconsistent to the town plan and neighbourhood compatibility is considered.

I am not against intensification and the provision of many forms of housing when it is done thoughtfully within an overall growth plan. However, it must be compatible with the neighbourhood and meet the requirements of the town plan. The current town plan recognizes land use compatibility should override intensification. The approval of such an incompatible building will run counter to this policy.

If the town agrees to the requested zoning changes it will establish a new historical moment that will mark the creation of a community that no one would like to reside in nor visit. And sadly, it will also drive out the many people who have invested in preserving the heritage and overall character of the town.

M.O'Neill
392 Mississauga Street,
PO BOX 1352
NOTL

From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: Construction plan on Mary Street
Date: February 10, 2023 11:35:32 AM

Good Morning Mark,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

-----Original Message-----

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Friday, February 10, 2023 11:02 AM
To: Nicky Bin sadoon [REDACTED] Clerks <clerks@notl.com>
Subject: RE: Construction plan on Mary Street

Good Morning,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

-----Original Message-----

From: Nicky Bin sadoon [REDACTED]
Sent: Friday, February 10, 2023 10:39 AM
To: Clerks <clerks@notl.com>
Subject: Construction plan on Mary Street

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Unfortunately we are out of town on 14/2 unable to attend the public hearing.

However, we are against your plans to build high rises units on Mary street. This is not only taking away our quaintness, it also take away our peace.

Your statement of “will listen to the neighbours still will go ahead with our plan “ is unacceptable. We moved to notl 23 years ago because we wanted to live on a small town with quaintness.

When these kind of projects are to be considered, bear in mind the people who have lived here for many years.

Town office encouraged Dairy Queen to open a store in the historical old town.

Next you might even allow a Walmart to open a store.

When will you stop been greedy to make money out of these kind of projects and care for the historical town and preserve it.

Thank you

Nicky and Bin Sadoon

From: [REDACTED]
To: [Aimee Alderman](#)
Subject: Three proposals
Date: Friday, August 18, 2023 2:32:54 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

My wife and I have lived in Niagara on the Lake for over fifty years. We have seen over the decades town councils preserve the ambiance of the Town despite many attempts to intrude upon its heritage and gracefulness. It is the most beautiful town preserved in an ongoing semblance of tradition thanks to past councils vigilance.

Now there are three attempts to destroy what past councils have fought so hard to preserve.

The proposal for the Parliament Oak School property is an insult to even propose such a project. This property must be developed to withhold the continuance of the properties that surround it. A hotel of the magnitude of the proposal will totally destroy the neighbourhood.

The proposal on the property on the corner of Mary Street and Mississauga would be a gateway to the town and a outrage and indignity to the town. This must not happen.

The Condominium proposal on King Street is another example of a developer trying to destroy the community for the sake of making financial gain.

It is with sincere hope that this council will forbid these proposals and retain the Town as it has been for many many decades. Previous councils worked hard for the preservation of a beautiful and admired Town. Let us hope that that hard work will not be in vain.

Sincerely
Nick Cannon
*1317 McNab Road
Niagara on the Lake
Ontario Canada*
[REDACTED]

From: [Cassandra Cruickshank](#)
To: [REDACTED]
Cc: [Mark Iamarino](#); [Planning Development](#)
Subject: RE: February 14 Public Meeting Confirmation
Date: February 16, 2023 1:04:15 PM

Good Morning,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street .

Town Staff have made note of the comments in your email and will consider these in our review of the application. The comments are not circulated to the individual Council Members, the Mayor and the Committee of the Whole directly.

Planning Division Staff summarizes the comments received from the public, in addition to questions and comments made at the Open House and Public Meeting, in a Staff Recommendation Report. Public written comments are also attached to the Recommendation Report as an Appendix. Council reviews the Staff Recommendation Report to make a decision.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Nancy Macri [REDACTED]
Sent: Wednesday, February 15, 2023 4:49 PM
To: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Subject: Re: February 14 Public Meeting Confirmation

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

February 15, 2023

RE: Meeting of the Whole Feb 14, 2023, 6pm

RE: 223-227 Mary St. (OPA-04-2022 & ZBA-23-2022) - CDS-23-26

Hello Cassandra,

I attended this meeting last night, but did not realize, until I consulted the agenda, that this particular discussion Meeting of the Whole Application would be the last item on the list. Unfortunately for personal reasons, I had to leave before this hearing began.

I continued to watch the proceedings on line but was not cognizant of how to make my presence known there. I would have appreciated the opportunity to express my views in person, but did not know how to operate the virtual program to get myself heard. I did actually hear my name being called to come forward.

I would like to express my opinion in this letter with the hope that you will forward it "For the Record" under the Information Report Agenda Item #10.1.4 to the individual Council Members, the Mayor and the Committee of the Whole. If this is not possible, kindly advise me of other options.

My name is Nancy Macri and I live at 129 Anne Street, NOTL ON LOS 1J0

Respected Lord Mayer, Councillors and Mr. Iamarino, Senior Planner and other members of the Committee of the Whole.

I am stating that I oppose the application for this development for the same reasons mentioned by 99% of those who have spoken in opposition last evening. They have carefully and critically analyzed the issues surrounding the applicant's proposal.

I would like to appeal especially to the Councillors who vote on our behalf, to vote against this application because it does not meet the criteria of the pertaining lands.

The Official Plan classifies the area as **Established Residential, Low Density Zoning** (Single Family Dwelling), **Specified Height Restrictions** (much less than 4 stories/59'), in addition to issues of **Traffic** flow, parking and congestion relative to the increase in the numbers of vehicles living on the proposed two lots. With regard to **Housing**, the province's requirement for intensification has more than been satisfied in this part of Niagara Region by the completion of the Glendale housing development which I understand is a part of Niagara on the Lake. Yes, we ought to have diversified living dwellings, but developers ought to meet these requirements under the existing official plans, bylaws and guidelines.

Lastly, I would like to appeal to Mr. Iamarino, Senior Planner. Perhaps, Sir, you might wish to convey to potential applicants that creativity in design while meeting the specified existing housing laws under the Official Plan will assist in getting an application approved. Consistently going outside the plans creates unnecessary conflict. We wish to work together, not against. We want to continue to grow, but we also want to reflect the heritage of this unique town. It is the heritage and the history which make it attractive to tourists and prospective home buyers. That must be sustained in all new development above all. We leave that responsibility in your hands, Sir. Thank you.

Regards,
Nancy Macri

Nancy Macri

On Feb 10, 2023, at 2:03 PM, Cassandra Cruickshank
<Cassandra.Cruickshank@notl.com> wrote:

Hello,

Thank you for registering to attend the Committee of the Whole - Planning meeting on Tuesday, February 14th, starting at 6 PM. This email confirms you are registered to attend the meeting in-person for ZBA-23-2022 – 223 – 227 Mary Street. Please note that we have a large volume of speakers attending and if possible, we request only those registered to speak attend in person. Those interested in hearing the discussion are encourage to watch the live video on the [Town's website](#).

For your information, below are additional details.

The Chair has a list of both in-person and virtual speakers. When your name is called, please come forward to the podium and state your name and address. Please note the following guidelines:

1. Speakers are limited to 10 minutes, however, the length of time may be limited by the Chair if a large volume of individuals is expected to speak to the item.
2. Remarks are to be concise. Discussion on topics, other than the subject matter of the delegation request, will not be permitted.
3. Personal attacks or inappropriate language will not be tolerated.

The agenda is posted at this [link](#). You can select to view the agenda in either an HTML format (online version) or PDF (print-friendly version).

If you have any questions, or should you prefer to attend virtually, please email clerks@notl.com.

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

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From: [REDACTED]
To: [Zalepa, Gary](#)
Cc: [Mark Iamarino](#)
Subject: Proposed Development with Zoning and Building Application for Amendment: 223-227 Mary St. (OPA-04-2022 & ZBA-23-2022) - CDS-23-26
Date: February 18, 2023 5:53:50 PM

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February 18, 2023

RE: Meeting of the Whole Feb 14, 2023, 6pm

I attended this meeting but had to leave before Agenda Item#10.1.4 was discussed. I was able to view it livestream but unable to give my comments.

RE: 223-227 Mary St. (OPA-04-2022 & ZBA-23-2022) - CDS-23-26

My name is Nancy Macri and I live at 129 Anne Street, NOTL ON L0S 1J0

Respected Lord Mayer, Councillors and Mr. Iamarino, Senior Planner and other members of the Committee of the Whole.

I am stating that I oppose the application for this development, for the record, for the same reasons mentioned by 99% of those who have spoken in opposition at the meeting. They have carefully and critically analyzed the issues surrounding the applicant's proposal.

I would like to appeal especially to the Councillors who vote on our behalf, to vote against this application because it does not meet the criteria outlined in the Official Plan of the pertaining lands.

The Official Plan classifies the area as **Established Residential, Low Density Zoning** (Single Family Dwelling), **Specified Height Restrictions** (much less than 4 stories/59'), in addition to issues of **Traffic** flow, parking and congestion relative to the increase in the numbers of vehicles living on the proposed two lots. With regard to **Housing**, the province's requirement for intensification has more than been satisfied in this part of Niagara Region by the completion of the Glendale housing development which I understand is a part of Niagara on the Lake. Yes, we ought to have diversified living dwellings, but developers ought to meet these requirements under the existing official plans, bylaws and guidelines.

Regards,
Nancy Macri

129 Anne Street
NOTL, ON L0S1J0



Presentation to the Committee of the Whole
February 14, 2023
Re: 223-227 Mary St.
File # ZBA-23-2022 / CDS-23-026

I am writing to address the issue of the proposed apartment building that is being planned for 223 Mary St., in a single family residential area at the gateway to our small town. As you are aware, the developer is requesting significant concessions in terms of height and density, which will have far-reaching consequences for our community.

The requested increase of 50% in height is a significant departure from the current regulations, even if the property is rezoned and this will have a profound impact on the character of our historic old town. The building will tower over the surrounding homes and will be a noticeable blight on the neighbourhood. The proposed building is simply out of scale with the rest of the area and will detract from the charm and beauty of our community.

Furthermore, the requested 33% increase in density is also cause for concern. Our medium density residential zoning is designed to ensure that development is in keeping with the existing character of the neighbourhood, and the increased density will result in more traffic, more noise, and more people living in close quarters.

Finally, I would like to bring to your attention the danger of setting a precedent with this proposed building. If this concession is granted, it will open the door for other developers to seek similar exceptions, and our community will soon be overrun with high-density, high-rise developments that are completely out of character with our historic town.

In conclusion, I would strongly urge you to reject the proposed concessions for this building. Our community has worked hard to maintain the character of our historic old town, and we cannot afford to compromise on this. I believe that we can achieve our goal of providing affordable housing while also preserving the character and integrity of our community. Please remember that in order to preserve our town as a real place, not just a tourist destination or a rental community, we need to attract families with children who would live here round.

Thank you ,

Pat Hartman
120 Delatre Street, Box 901
Niagara-on-the-Lake

BRIEF

SUBJECT: Notice of Application 223/227 Mary Street

My name is Peter Howe and with my wife, Judy McLeod, provide the following comments regarding the Development. Judy will provide additional oral comments at the scheduled Public Meeting February 14 2023.

Preliminary:

As the Notice states. The Application is for an Official Plan Amendment and a related Zoning By-law Amendment.

Why does this development require these Amendments?

Principally because the development CONFLICTS with both.

The development proposes land use and planning policy changes that are precedent setting.

This development ignores the effort spent by so many over so many years and at tremendous cost to all stakeholders to shape the framework for future development that is expressed in our Town's Official Plan; whether it be its height, density massing, streetscape, transportation and other relevant criteria.

Discussion:

Colloquially speaking this Application is referred to as the [REDACTED] Application.

Why?

The facts speak for themselves.

And do those facts scream excessive and egregious. One could plumb the English language and still be wanting in describing what an insult this is to our Town, its Planning Department and Administration, our Council and to us who live here.

The proposed amendments make a mockery of our Official Plan.

This Development flies in the face of every planning and development principle that is enshrined in our Official Plan and that has been husbanded and architected with care and consideration as to what our community is about.

If not rebuffed completely and irrevocably, this will be precedent setting and will find its way into the lexicon of other similar egregious land use proposals for our Town's consideration.

And, of course, Applicant's Planning consultants, NPG Planning Solutions, have noted in their presentation before the Open House the Application meets all the technical requirements to be considered for Official Plan and Zoning By-law Amendments—but not, we would suggest, the substantive legal and regulatory criteria, let alone reflecting the spirit, purpose and intent of both.

NPG at the end of its presentation stated the following conclusions as facts.

They are as follows:

1) CONSISTENT with the Provincial Policy Statements-

- if it is then we have an even larger problem than this abhorrent proposal

2) CONFORMS with the Growth Plan and NOP (Regional Official Plan)

- to suggest this development as blessed by either is absurd

3) CONSISTENT with the general direction of the Town's Official Plan

- *this is a complete misrepresentation*

4) CONTRIBUTES to intensification and a range of housing options

- *it does in some perverse interpretation of what the goals of intensification and housing options translates to in our Town)*

5) OPPORTUNITY to make efficient use of land and existing services and infrastructure by directing growth to an area designated for residential use

- *many thoughts come to mind about this proposition-how gullible does the Applicant think we are*

6) COMPACT, well designed and compatible built form with surrounding areas" ...

- *the building is indeed "pretty" on paper but is in every way not compatible with the surrounding areas nor any other residential areas in our Town*

AND

Almost in every way this application is like another application, for the same property refused by the Town on the basis of a detailed Report (CD-16-048) of the Department of Community and Development Service and dated September 12, 2016.

Now the Town is being asked to revisit a "refreshed" application that bears eerily remarkable similarities to the 2016 application and should

on analysis merit refusal on the same arguments as the earlier application.

Do ask for a copy of this Report and it is quite clear that the basis of refusal of the older application is appropriate for a refusal of this application.

What is inexplicable to us, prior to submitting the Application, the Applicant had a pre-consultation meeting with the Town and still proceeded to advance this application.

Conclusion:

Every property owner is entitled to seek amendments to the Official Plan and consequentially to the Comprehensive zoning by-law.

With this we take no issue

What we do take issue with is overreach with no regard to the community in which these changes are sought.

These amendments are in conflict with and disruptive of the vision and character this Town embraces. It seeks to fundamentally alter not improve or enhance the state of neighbours' properties and lives and adversely affects the community not just the directly affected neighbours.

REFUSE THIS APPLICATION

Peter Howe and Judy McLeod

Old Town

From: [REDACTED]
To: [Mark Iamarino](#); [Gary Zalepa](#); [Tim Balasiuk](#); [Gary Burroughs](#); [Wendy Cheropita](#); [Maria Mavridis](#); [Nick Ruller](#); [Sandra O'Connor](#); [Adriana Vizzari](#); [Erwin Wiens](#); [Marnie Cluckie](#)
Cc: ["Judy McLeod"](#)
Subject: RE: Mary Street Development
Date: February 15, 2023 4:41:47 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Mark

Thanks for your note.

Thanks for the clarification that it is still the same related persons making the Application.

Mark, my point is not that the Town should have made the Applicant aware of what you now have made clear facts that they already knew. As you point out the players are essentially the same including a former Town staff member of Planning who advised on the earlier Application and who is now heading the Applicant's renewed application.

Perhaps you the Town staff had this knowledge.

We the public did not know and I think Section 14 makes clear a duty to disclose these facts. They can become the basis of further enquiry

We the public looking at the Application could not divine that this was the same group coming back asking the Town to consider what had already been rejected in their earlier application; albeit with some height accommodations and other adjustments to what had been rejected earlier

My point is the Application has a flaw on the record and certainly always known to the Applicant who under oath swore to the truth of their knowledge regarding Section 14 addressing earlier applications.

The Town in its due diligence review of the Application should have discovered this error or flaw and rejected the Application when initially submitted and I do believe you may need to get proper legal review if the Application is void ab initio due to a fundamental error on the record

Of course this is vitally important otherwise why is the Section even addressed in the Application.

This is not just a simple mea culpa moment or a failure to dot an “i” but much more

It raises for me questions as to what was the nature of the pre-consultation and how tied to this and how independent is the Town staff from this matter and able to provide a professional and unconflicted report and recommendations to the Council

peter

From: Mark Iamarino <Mark.iamarino@notl.com>

Sent: February 15, 2023 3:47 PM

To: Peter Howe [REDACTED]; Gary Zalepa <gary.zalepa@notl.com>; Tim Balasiuk <tim.balasiuk@notl.com>; Gary Burroughs <gary.burroughs@notl.com>; Wendy Cheropita <wendy.cheropita@notl.com>; Maria Mavridis <maria.mavridis@notl.com>; Nick Ruller <nick.ruller@notl.com>; Sandra O'Connor <sandra.oconnor@notl.com>; Adriana Vizzari <Adriana.Vizzari@notl.com>; Erwin Wiens <erwin.wiens@notl.com>; Marnie Cluckie <marnie.cluckie@notl.com>

Cc: Judy McLeod [REDACTED]

Subject: RE: Mary Street Development

Hi Peter,

Thank you for the comments. I just want to provide a point of clarification:

It was unnecessary for Staff to make the applicant's team aware of the previous 2016 applications because the current owner/applicant has not changed since 2016 and select members from the current planning consultant (NPG Planning Solutions) and architect (ACK Architects) were also directly involved with the proposal in 2016.

Mark Iamarino, MCIP, RPP
Senior Planner
Phone: 905-468-6423
1593 Four Mile Creek Road
PO Box 100, Virgil ON L0S 1T0



From: Peter Howe [REDACTED]
Sent: February 15, 2023 11:34 AM
To: Gary Zalepa <gary.zalepa@notl.com>; Tim Balasiuk <tim.balasiuk@notl.com>; Gary Burroughs <gary.burroughs@notl.com>; Wendy Cheropita <wendy.cheropita@notl.com>; Maria Mavridis <maria.mavridis@notl.com>; Nick Ruller <nick.ruller@notl.com>; Sandra O'Connor <sandra.oconnor@notl.com>; Adriana Vizzari <Adriana.Vizzari@notl.com>; Erwin Wiens <erwin.wiens@notl.com>; Marnie Cluckie <marnie.cluckie@notl.com>; Mark Iamarino <Mark.Iamarino@notl.com>
Cc: Judy McLeod [REDACTED] Peter Howe [REDACTED]
Subject: Mary Street Development

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Good day

I am attaching the Brief that Judy Mcleod (my wife) and I submitted to the Clerks Office ahead of the meeting last evening.

I had intended to circulate this Brief to each of you in advance of that meeting thinking that the Brief and other submissions in writing on this matter would be passed directly to each of you before last night's session.

Please note on page 4 of the Brief we make reference to the required pre-Consultation Meeting that was held with the Applicant and it is surprising that when questioned about the Town's participation in that meeting last evening and the opportunity the "Town Planning group" had to advise the Applicant of the preceding application in 2016 it did not do so. It would be noteworthy to review what is the purpose of that pre-Consultation session and why in the name of all that cries out for full and frank disclosure it did not.

It is also noteworthy in regard to the Application itself in Section 14 addressing Previous Applications, that the Applicant states it is unknown to it whether these lands have been subject to another "...official plan amendment, a zoning by-law amendment...". This statement is sworn to by none other than Jesse Auspitz (a Planner with NPG Solutions and the Applicant's agent in this matter) and also who was a signatory to the Report of the Planning Department of the Town to the Community and Advisory Committee on September 12, 2016 to reject the 2016 application that bears much resemblance to this.

So on its face the Application appears flawed but what is troubling is

the fact that the Town simply accepted this Application as complete without any due diligence.

This should not be simply a “check all the boxes” review for an application to be accepted—that is not the intent of the Planning Act and if it is our practice it should be changed as once an Application is accepted or deemed complete it starts the statutory clocks running and the horse is out of the gate whether it should ever have got out.

This is not a simple oversight by the Applicant or the Town staff but points to a more substantive issue as to the quality of the application process from pre-Consultation to review to recommendation.

Much more transparency is needed and it need be more timely.

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File No. OPA-04-2022 & ZBA-23-2022

Objection to Application for Amendment -223-227 Mary Street, NOTL

Attention: Mark Iamarino, Senior Planner and the Town Clerk

Via email: Mark Iamarino, (mark.iamarino@notl.com
clerks@notl.com

The submission for a 4-storey 41 unit apartment building on Mary St. near Mississagua St. is an assault on the historic district of Niagara-on-the-Lake.

With respect, I object on every level to this development for trying to bypass every By-Law on every level in the Historic area of the Town.

Once the historic character of a Town has been destroyed it can't be regained.

The objection concerns:

1. The population density would be greater than allowed by the By-Laws.
2. The height is a blight on all the neighbouring properties because it would block the sun on all the neighbouring properties during many hours of daytime. The height exceeds the Official Plan by 80%!!
3. Parking spaces – since many people have more than one car – the # of parking spaces is insufficient. This would lead to cars being parked on side streets.
4. The parking garage would be of great concern regarding the drawdown of the underground water which could affect the surrounding biota/ecosystems and has the further potential to affect subsurface and surface watercourses and their dependent ecosystems.
5. There is no garden for people to sit outside – a roof with a pool would most likely be very hot – which means residents would probably use it late in the day – thereby causing noise to the surrounding neighbours.
6. Traffic in and out of the driveway would be a strain on traffic to Mary St, which is already a busy major thoroughfare –e.g. the number of cars waiting to turn left into the development after turning right onto Mary St. from Mississagua, which is a single lane, would mean that there would be no room for a car to pass.
7. The only structures that should be built and that would fit in with the neighbourhood on this lot are single family dwellings such as homes or condominiums – with appropriate gardens to match each unit.

I hereby submit that the project is completely wrong for the lots where the owner wishes to build and that this plan should be rejected in total.

Paulette M. Kennedy, Full time resident and owner of

208 Mary Street, NOTL

From: [REDACTED]
[Mark Iamarino](#)
Cc: [Gary Burroughs](#); [Erwin Wiens](#); [Tim Balasiuk](#); [Gary Zalepa](#); [Maria Mavridis](#); [Nick Ruller](#); [Adriana Vizzari](#); [Sandra O'Connor](#); [Wendy Cheropita](#)
Subject: 223-227 Mary St Open House File No. OPA-04-2022 & ZBA-23-2022
Date: January 21, 2023 10:24:06 PM

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Hi Mark,

I am planning on attending the Open House and the Public meeting for the above mentioned application in person at Town Hall. I'm not certain if there will be an opportunity to address questions at the Open House, so I thought I might raise a few with you for clarification.

- 1) I note throughout the submission the proposed building is referred to as an 18 m high four (4) storey building although in their draft official plan amendment (page92) it is described as being a three and a half (3.5) storey building whereas in fact with the height of the recreation/party facilities on the top floor it might more appropriately be called a four and a half (4.5) storey building?
- 2) Speaking of the rooftop pool, terraces and recreational facilities; are they planned specifically for the top floor to ensure maximum noise and disruption to the neighbouring residential properties? One wonders how many of the units will be used as Air B&B's.
- 3) Maximum Building Heights; According to 8.3.2 in their submission the RM1 zone permits a maximum height of 12.0 metres for an apartment building and they are suggesting a building 50% higher than acceptable at 18 metres because the height intrusion in the neighbourhood of largely single storey dwellings will be somehow mitigated by a 45 degree angle of site from the lot lines? Even when taking into account in Table 17 neither the front/rear or side requirements will be in compliance??
- 4) Again considering the suitability of this structure at the gateway to Old Town, I'm pretty certain the only building within 500 metres of this proposal which might project anywhere close to this height might be the Spire of St. Andrews Presbyterian Church...and do we in Niagara on the Lake actually want to have an apartment dwarfing a church almost 200 years old?
- 5) Policy & Analysis; How can this massive 18 M high 4 1/2 storey apartment block in any way be deemed compatible with the existing design of the Downtown Heritage Character area and compatible with the Mary Street Transition Area which although has commercial aspects and residential homes and bed and breakfast enterprises is consistently of a low rise nature with nothing approaching anywhere near the height and mass of this proposal.
- 6) Finally, is this what one wants visitors to view upon first entering the Historic Village of Niagara-on-the-Lake? Does it in any way add to the charm and character of what has been called the Prettiest town in Canada??

Thank you,

Bob Bader

9 Shaw's Lane

Niagara-on-the-Lake

Bob Bader [REDACTED]

Ramiz Baykara & Sare Baykara
411 Simcoe Street, P.O. Box 1244
427 Simcoe Street, P.O. Box 1136
ON L0S 1J0



Feb 12, 2015
Town Clerk,
1593 Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

RE: File No. OPA-04-2022 & ZBA-23-2022, 223-227 Mary Street , Niagara-on-the-Lake proposal

We wish to put on record, our objection to the zoning amendment which will allow proposed construction of 18 meters high, four story multi residential property at 223-227 Marry Street. We would oppose any proposal that require any change to the R1 designation of the said land.

Right at the out outset, we would like to point out that despite being marketed/mentioned as 3.5 story high, according to the plans provided to us, this proposal is still the four-story high (see Attachment-1) just like the original 2016 proposal which was objected and shot down by the residents and town's council. Apart from changes to the number of units and some minor side and rear yard setbacks, this is still four-story high-density residential proposal which does not confirm with the R1 designation of the land. We, like our neighbors think that this proposal is a such a major change to the R1 designation of the Old Town and therefore requires opinions not only from nearby selected neighbors but those entire Old Town residences.

We are in the opinion that, a structure of this size in the middle of single residential area and in very narrow land will only create an absolute eye sore, right at the entrance of beautiful and charming Niagara-on-the-Lake. As all my neighbor's and town's other residents believe and support, as well as the feedback we get from all the visitors we talked to about the town's appeal and the distinction will be impacted adversely.

We also like to raise the question of a need for additional 41 residences in such a tiny narrow area. We do not believe nor we support, not only this small land but also entire historic NOTL area, as densely populated residential area. Being lived and had experiences in Toronto and Markham for more than 30 years, it is a simple fact that the high-density living areas and residences require nearby public transit, shopping and health emergency services where we don't have in town of Niagara-on-the-Lake. We also strongly believe; this proposal is totally against the accepted planning principals and the existing pattern of the of development on this land as well as the adjacent lands and it will kill NOTL as being as a Historic Tourism destination.

In addition to this proposal's adverse effects to the Town's historic charm, overall character and its incompatibility to the single dwelling residential properties adjacent to the proposed development, we would also like to express our concerns about this proposed colossal property's

direct negative impact to us as the owners of 411 Simcoe Streets and 427 Simcoe Street properties;

Our specific concerns;

1. **Major traffic congestion** at Mary St and Mississauga St. intersection where there is already congestion especially during weekends and high tourist season.
 - According to the published plan (see [Attachement-2](#)) in [Niagara-on-the-Lake Local](#), shows that the property will have two-way vehicle entry to the building from the Marry Street. This means that vehicles coming from Mississauga and Lake streets have to make a left turn for the proposed property. This left turn is about 2-3 car length from the traffic lights from the corner of Marry Street and Mississauga Street and therefore regardless of season, it definitely means road blockages for this corner by vehicles trying to enter to the property with a left turn. Similarly, vehicles trying to exit to the Marry street will create some road blockages at times. Since right across this property there is a small plaza which receives goods by the trucks who make deliveries by parking on the Marry street instead of entering the plaza's parking due to maneuvering limitations will add to such blockages at this corner by left turners to the proposed property.
 - If the left turn at Marry Street to proposed building is not to be allowed, then incoming building traffic will automatically be diverted to the smaller arteries such as, a right turns Williams St. to Simcoe St. to Mary St. and right turn to property, or right turn to John St. or Anne St. to Simcoe St. and left turn to Marry St. and right turn to the property. This definitely means doubling the traffic by the residences of proposed 41 units in those small arteries where the area circled by above mentioned arteries currently have less than 41 residences.
 - According to some study's average vehicle per residences in Ontario is 1.5 vehicle. This means the planned residence parking and the visitor parking would not be enough for the proposed building. There is also possibility of these units being rented as AirB&B which will definitely mean more vehicle which will spill over to the neighboring arteries which will not be acceptable for us nor neighbors. This will then end up with "No parking" on the roads in the neighboring arteries thus requiring more enforcement officers and in turn increase in our property taxes.
 - Increased traffic will also means increased traffic noise and air pollution.
2. **Unnecessary Loss of sunlight:** Considering the proposed height (doubling the current allowed single residence height of 10m) and length of proposed colossal structure, our both properties and the rest of the properties on Simcoe Street from Marry St. to Williams St. and some on Williams St. will be losing the afternoon light starting 3pm and on.
3. **Privacy:** our privacy in our backyard will be greatly compromised.
 - Despite comments made by the developers and planners of this proposal, unless they plant 18meters high trees, our privacy concerns will continue until the implanted trees reach to 18m which we believe will take many years.

- And later they will cause additional concerns of being falling and causing costly damages in windy and stormy weathers.
 - There is also a major concern for possibility of thrown items from upper level residences into our back yards; which would be very difficult to regulate and determine the perpetrators especially when the units are rented as AirB&B and they have unit parties. If and when this happens, it will create huge tensions between us, Town and building residences and may lead to costly court cases.
4. **Nosie from proposed top level pool:** Especially during warm seasons, this town hosts wedding parties by the crowded visitors; when this high occupancy units started to be rented as AirB&B by those visitors, their before and after wedding gatherings/parties on this open pool and terrace will create huge noise distraction and problem to occupants in the neighboring properties, especially for ours. This will have an adverse effect to the value of our properties.
 5. **Trees:** There were many beautiful trees in the proposed land which was recently bulldozed down. And we don't know if a permit was obtained. When we had a dead tree with a 12inch trunk to be cut down and root to be removed, we have been told to get a permit from the town to cut the tree and another permit from Heritage foundation to get the roots to be removed. The main reason was stated to us for a permit and analysis for digging, that these lands could have been burial sites. So, we did not touch the roots. If such a small tree requires a permit, one would ask how such a big land containing historical trees were cut down and rooted out without a permit. After the trees removed we started have more flooding in our back yards (both 411 and 427 Simcoe properties) areas bordering this land in question.
 6. **Drainage and flooding concern:** this proposed property will create flooding and drainage problems in our backyards. As you will see in the attachment (See Attachment-3), our both 411 and 427 Simcoe property backyards at the border to the proposed land due to being the lowest level in the neighborhood, are prone to flooding during mid to high rains. This flooding also covers a large at the east corner of 223-227 Mary Street land. These floods turn our backyards into a wetland and may take close to week to drain. We spent over \$1000 to resolve this problem with a French Drain which did not help. A year later, we spent over \$600 to lay 6inch drainage pipes (See Attachment-4) and connected it to very kind neighbor's garden drainage system. Although this solution helped a lot, during very heavy rains we still experience flooding (See Attachment-5), but drainage takes about two days instead of week time.
 - We are extremely concerned that if this colossal building proposal is given a green light with its ground level parking, it will cause larger area and long-lasting flooding in our backyards. It will cause more headaches and costly solutions and may cause law suits amongst us, The town, proposed property, and neighboring property owners on the Williams street side.
 - In addition, problems to be caused by long standing waters (i.e. mosquito producing factories) unresolved disputes will have additional impact on the values of properties.

7. **Precedence setting for future high-density developments:** As was once stated by Garcia Jane, president of Niagara-on-the-Lake Conservancy, and have been supported by almost all current residents of the town, *“once you get the first one the others follow”* soon after this proposal is given a green light, not only the close neighboring area but the entire old town and the Heritage District will become a construction zone in the next 10 to 20 years. The properties in this area are currently zoned established residential, which does not allow for the density proposed in the development. But once the transition to high density building constructions starts the main concerns will be
- Continued road closures lasting for years and years for high density buildings constructions
 - Increased Town’s and utility provider’s constructions and road closures due to high density population requirements for drainage/sewage, water, hydro and cable requirements due to increased volumes and demands.
 - President of Niagara-on-the-Lake Conservancy, once stated *“a development of this size and density have no place in the Town’s heritage district”*, we are concerned that Town’s Heritage designation will be impacted.
8. **High density-density development’s impacts to Town and future property valuations:** Based on many published studies, we have a main concern regarding approval of this proposal to the high density impacts to the Old Town
- Land pollution, water contamination, air & noise pollution (specifically due to increased number of massive vehicles),
 - Lack of water facility for high density needs,
 - Lack of emergency health services,
 - Overcrowding leading to peace in society,
 - Pressure on resources and services,
 - Road and transport congestions due to limited space for new roads,
 - Loss of historical trees and leading to potential loss of “green belt” landscapes,
 - Impact on quite village life, which in turn impacting the quality of life,
 - Diminish desirability which **will have huge adverse impact on the property values.**
9. **Future Tax Increase:** In addition to above, especially Town’s new utility constructions and added law enforcement requirements due to high density will result increases our property taxes.

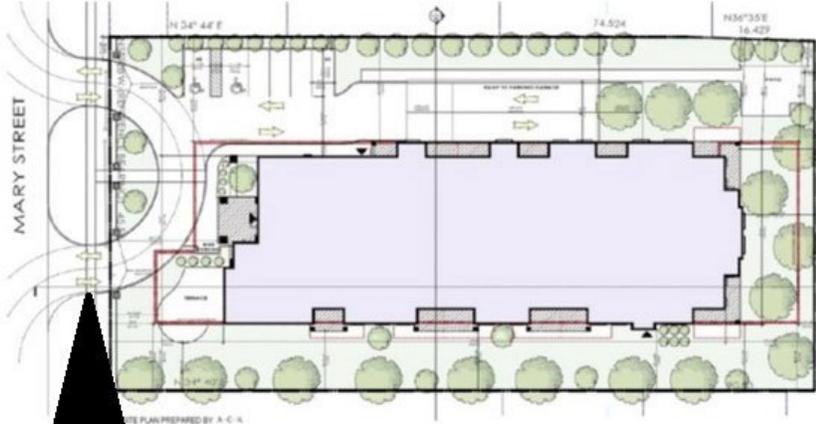
We as the owners of two adjacent properties bordering to the east side of the proposed property are completely against this proposal due to its colossal size, possible drainage and flooding problems, density and future possible impacts to taxes, constructions, our property values and impact to Heritage appeal to this Historic town. Please keep us informed of the Town Council's decision in this regard.

Yours sincerely,

Proposed Development

Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications are proposed to facilitate a:

- 3.5 storey apartment building
- 41 residential units
 - 24 one-bedroom units
 - 17 two-bedroom units
- 50 parking spaces
 - 6 above-ground spaces
 - 44 underground spaces



OPA-04-2022 and ZBA-23-2022 223/227 Mary Street - Open House

Residents are not happy with the height and size of a proposed apartment building fronting on Mary Street.

Two way in and out

Attachment – 3



Attachment – 4



Attachment – 5



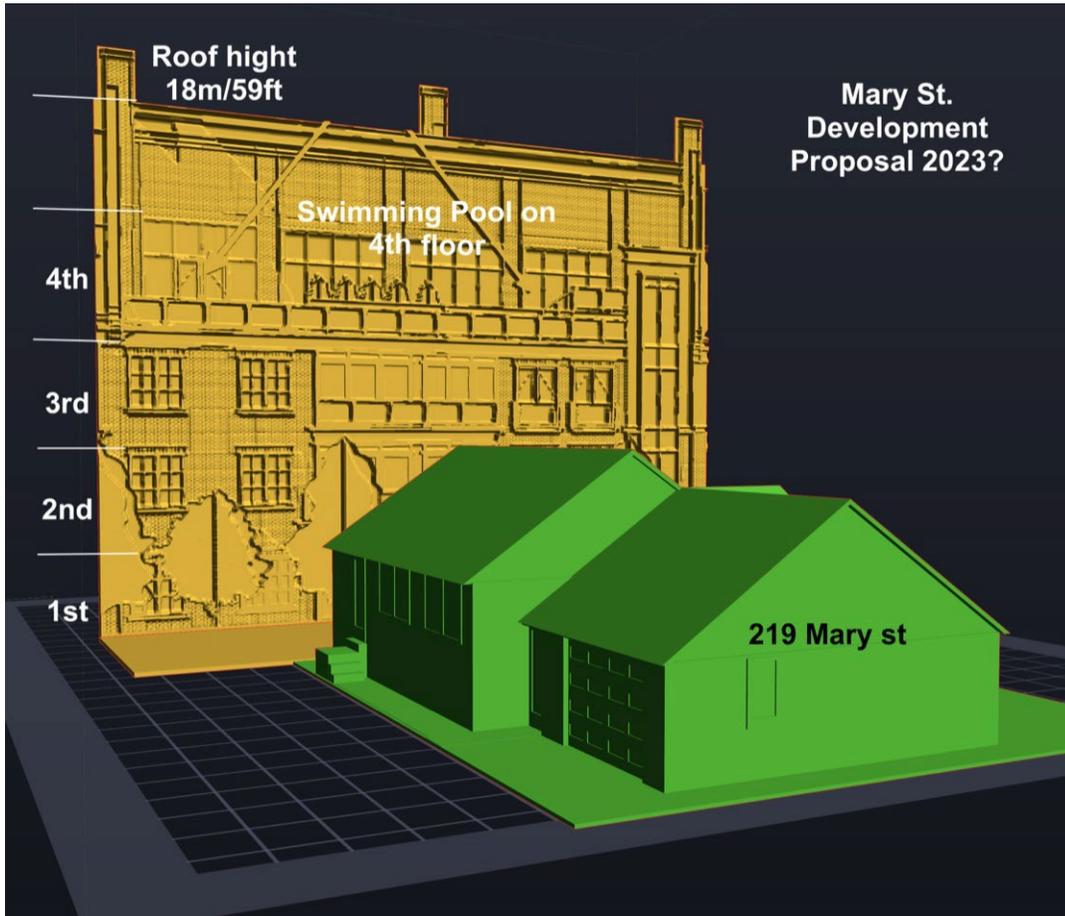
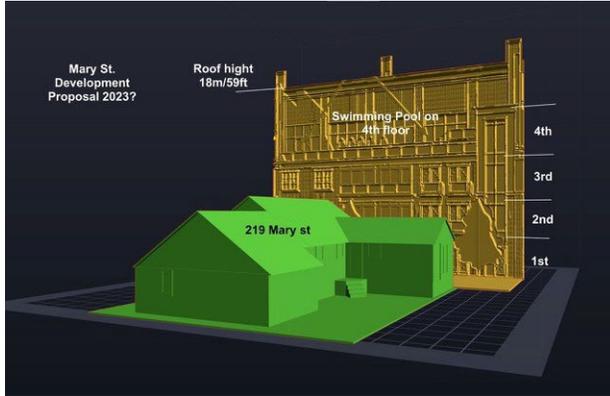
From: [REDACTED]
To: [Gary Zebitz](#); [Tim Balasuk](#); [Erwin Wiens](#); [comadrana.vizzari@notf.com](#); [Sandra O'Connor](#); [Nick Buller](#); [Maria Mavridis](#); [Wendy Cheropita](#); [Gary Burroughs](#)
Cc: [Clerks](#); [Marnie Cluckie](#); [Mark Iamarino](#)
Subject: Mary st
Date: February 13, 2023 9:38:37 AM
Attachments: [Apartment won't be approved Niagara Advance - iPhone OS 9.3.1 Quartz PDFContext_000292.pdf](#)
[Screen Shot 2023-02-10 at 13:48:37.png](#)
[Screen Shot 2023-02-10 at 13:41:58.png](#)
[7F026DA2-DA14-4E2D-89E4-770A33074C7E.png](#)
[Screen Shot 2023-02-11 at 11:36:22.png](#)
[99955FA8-765E-48F2-9856-FA8B9D4803E4.png](#)
[Screen Shot 2023-02-11 at 11:35:32.png](#)

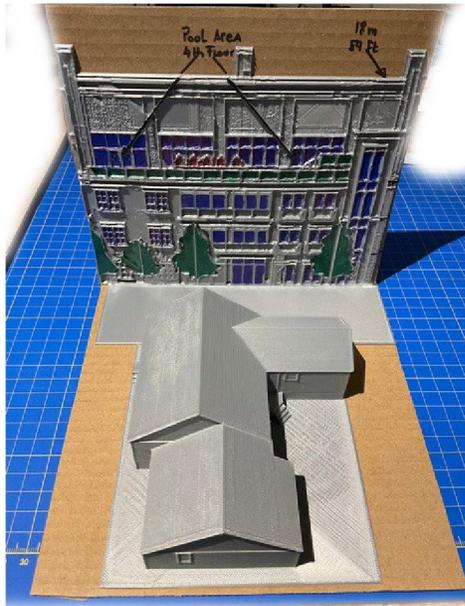
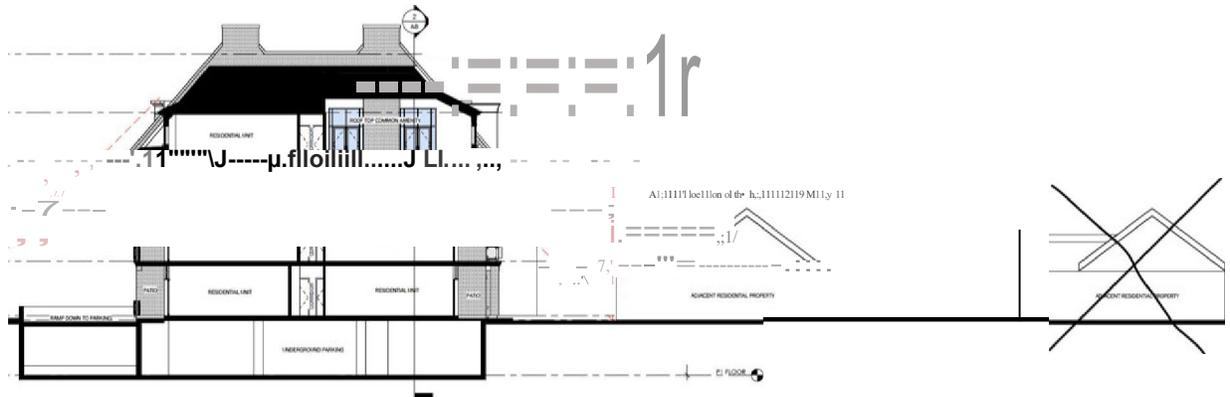
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Greeting Lord Mayor & Councillors.

Unfortunately I can't participate at tomorrow's public meeting to discuss the Mary Street development project. In 2015 I argued and presented my objections to the 4 story building development back then and now 7 years later it is presented again to council with another 4 story building. Not only 18m / 59ft high, but it also has a swimming pool on the 4th floor? I was against it back then and looking at the surrounding structures, it should not be approved again.

Some of my presentation I wanted to present:









Regards and thanks for listening, have a great meeting.

René Bertschi
23 Shaw's Lane
Niagara on the Lake
L0S1J0, Ontario Canada
[REDACTED]

From: [REDACTED]
To: [Mark Iamarino](#)
Subject: Mary Street Proposal
Date: April 18, 2023 5:06:53 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Mark,

As you are aware, I am concerned about the development proposal for the Mary Street apartments. The local infrastructure and services for this site were designed many years ago for two single-family (SF) residences only. The service designs would have included the sanitary sewer, the storm sewer, the watermain (including fire suppression), local utilities, and the fronting roadway. Council should be made fully aware that **the proposed apartment complex consisting of 41 residential units will far exceed all of the available and original design capacities provided for this property.**

The required fire flow for this huge block of 41 apartments is a major safety concern, as is the significant increase of stormwater runoff from this massive complex. If this project is to proceed, I would strongly recommend that there be a complete and comprehensive review of the available capacities within the existing servicing and to include a review of the affect and impact on the local treatment systems (water supply, and the impact on capacity reserve for the new sewage treatment system) before any final approval be granted for rezoning and changes to the Official Plan.

Stormwater management is a major concern. The runoff from the proposed development will far exceed the flows derived from two SF residential units (and thus the limited capacity of the local storm sewer system). The impervious area change and a major increase in the runoff coefficient will affect a significant increase in runoff from the development of this proposal. This will exceed the capacity of the storm sewer originally designed for this property . If the development proceeds, there will be a significant change in traffic flow and patterns that will affect the local community. With the close proximity to Mississagua and the high current use of Mary Street as an east-west commuter route, the addition of traffic from the 41 apartments will be significant. There should be a turning lane into the project as well as a merge lane for access to Mary Street from the apartment site. Public safety is a major concern.

The cost of an servicing impact study (similar to an Environmental Study Report) should lie with the developer. The study should be prepared by a qualified Professional Engineer, reviewed and approved by your Engineering Consultant, and the MOEE, prior to any consideration for approving zoning and OP changes. Any costs associated with engineering assistance for the review and/or participation in the study should be paid by the developer. The study needs to address all of the clear and apparent concerns within our community. The impact of this project, both visually and from an infrastructure perspective is immense and needs NOTL due diligence in order to avoid the consequences of overloading the local services and affecting the local neighborhood, traffic safety, and our Old Town community. Dealing with fire suppression, traffic, and stormwater management are key elements of the recommended study and would be necessary components of designs for future

servicing.

I would appreciate hearing from you regarding my concerns and recommendations as above. I have personally been involved in many studies relative to land use changes and would strongly recommend that studies are an absolute must for this project in order to protect the interest of our community and our taxpayers.

Thank you for your attention.

Sincerely,

Richard W. Connelly, P.Eng.

From: [Cassandra Cruickshank](#)
To: [Mark Iamarino](#)
Subject: FW: Feb 14 public meeting re 223-227 Mary st
Date: February 10, 2023 9:50:29 AM

Good Morning Mark,

Please see the below comments.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Cassandra Cruickshank <Cassandra.Cruickshank@notl.com>
Sent: Friday, February 10, 2023 9:49 AM
To: Ruth Cook [REDACTED] Clerks <clerks@notl.com>
Subject: RE: Feb 14 public meeting re 223-227 Mary st

Good Morning,

Thank you for your comments regarding the proposed Zoning By-law Amendment Application for 223-227 Mary Street.

Town Staff have made note of the comments in your email and will consider these in our review of the application.

Thank you,

Cassandra Cruickshank
Administrative Assistant Corporate Services
Phone: 905-468-3266 Ext 248
1593 Four Mile Creek Road, PO Box 100, Virgil ON L0S 1T0

From: Ruth Cook [REDACTED]
Sent: Friday, February 10, 2023 9:37 AM
To: Clerks <clerks@notl.com>
Subject: Feb 14 public meeting re 223-227 Mary st

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

I am a NOTL resident who would like to go on record opposing the proposal for this property as it is presented. I am not opposed to development of the land but its clear that the integrity of the town is not being considered.

Requesting 20 more feet in height than the established bylaw is too much to ask. The Best Western at 277 Mary is a 2 story building, other homes and establishments nearby are 2 stories or less making this new build significantly out of character for the neighbourhood and the whole town! It also reduces privacy for homes adjacent to this property with a huge building filling the lot, blocking sunlight to gardens, reducing green space and the land between them.

41 unit plan: significant increase in traffic and parking issues, each unit maybe with 2 occupants and cars! Excluding a children's play area doesn't accommodate families or grandchildren who visit, or the official plan.

Thank you for taking my thoughts to Council.

Ruth Cook

Richard P. Ellis
216 William Street, Niagara-on-the-Lake, Ontario
LOS 1J0

January 23, 2023

Town Clerk
1593 Four Mile Creek Road
PO Box 100
Virgil, ON LOS 1T0

Re: Notice of Application: 223-227 Mary Street, Niagara-on-the-Lake

I reside at 216 William Street in Niagara-on-the-Lake. I have reviewed the proposed plans for the building of an apartment building at 223-227 Mary Street (File No: OPA-04-2022 & ZBA-23-2022). I do not support this proposal and would respectfully ask that the applications for permit changes not be approved.

The proposed apartment building complex and parking lot would directly abut both of my neighbour's properties (one on William Street and one on Simcoe Street) as well as four neighbouring residential properties along Mississagua Street. While my property does not directly abut the proposed apartment building complex, it would certainly impact my residence.

My specific concerns related to this proposed apartment building complex include:

- Direct visible impact on my residence and the residences of my neighbours
- Noise concerns that would negatively impact my residence and residences of my neighbours
- Traffic concerns. The Mary Street/Mississagua Street intersection is already very busy. The proposed apartment complex would dramatically increase vehicular traffic, creating additional traffic congestion and potentially an unsafe environment for pedestrians.
- Residential density. Old Town Niagara-on-the-Lake is already a dense residential location. I do not believe adding an apartment building would serve the community well.
- Green space. There is little enough green space left in Niagara-on-the-Lake. We should be protecting what little open green space we have left.
- Residential house values. I believe the proposed apartment complex would negatively impact the value of my home and the value of every home in the surrounding area.

I purchased my home last year and am currently undergoing a significant renovation to increase the street appeal of the property. It would be very disappointing to go to all this work and expense only to have an apartment building overlooking my residence.

For all of these reasons I respectfully ask that the applications for permit changes not be approved.

Thank you very much for your consideration.

Sincerely,

Richard Ellis

My name is Susan Riss and I own and reside at 4/4 Mississauga St.

I have the following concerns with proposed development at 223-227 Mary St.

File No. OPA-04-2022 & ZBA-23-2022

① At 18 meters it will tower over existing homes, blocking out the sun.

② where will the waste be, is there a plan to handle this

③

③ with 41 units there will be more cars than there are parking spaces.

④ A pool on the road overlooking my backyard would be a privacy.

In closing the land being developed but with reason.

Susan Riss 02/10/2023
Susan Riss

From: [REDACTED]
To: [Clerks](#)
Cc: [Mark Iamarino](#)
Subject: File No. OPA-04-2022 & ZBA-23-2022
Date: January 29, 2023 10:27:23 PM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Hello:

I'm writing to comment on the Application listed in the Subject line above.

I attended the online Open House, but will be unable to attend the Public Meeting. Aside from the fact that I (and others who expressed the same sentiment on the call) find it strange to hold such an important meeting on an evening that is widely known to be a time when people make personal dinner plans), I will be out of the country on that date.

I am the owner of 220 Mary Street which is directly across from the property requesting the amendment. I was not the owner of the house when the last application (2016) was apparently put forth, so that was new information for me to hear that at the Open House.

My comments:

1) The proposed structure **will look incredibly out-of-place in Old Town**. The very fact that in addition to requesting a change of zoning in order for the project to take place there are further exemptions/amendments requested supports that. There is a reason why the zoning is set up as it currently is - to protect the nature of Old Town.

2) **Safety:** It is already quite precarious to back a car out of my own property, especially due to my property's proximity to both the plaza and the Mary St./Mississauga Rd. intersection. In addition to having to be careful with those walking on the sidewalk or cycling, one must diligently watch out for traffic from one direction (turning left as I back out). However, from the other direction there is a multitude of places from which cars may be approaching due to the complication of two exits from the plaza, cars coming straight across Mississauga from Lakeshore, and cars turning both left and right toward my home off of Mississauga as well. Even when the light is red, 3 of the 4 scenarios I just described still often have a flow of cars. I simply cannot understand how it could be considered acceptable to add an apartment building of 41 units that will add even more complications with regard to traffic safety. **This scenario is multiple accidents waiting to happen.** It should also be noted that when people cross over Mississauga, they tend to really pick up speed as they pass the plaza. In particular, motorcycles are notorious for this. Even when I am gardening at the back of the property I hear them speed by.

I do not understand why a traffic study was not required as part of this application. If there had been, it would certainly have indicated the dangers associated with the addition of so many more cars to an already incredibly busy intersection.

When I posed this question at the meeting, the response was that Mary St. is a collector/arterial road. **How does this response address safety?** To be honest, it doesn't matter what the designation is. For practical purposes of people driving cars, it's a busy two-lane road with no safe shoulders (and, in actuality, gutters), nor a centre turn lane. Adding more traffic would simply be foolish and irresponsible.

3) While the construction period was somewhat brushed off when I asked the question, I will again make it clear that my concern is not just about the outcome of the completion of the project. It's also everything that will happen in order to build and complete it. In addition to the impact of the extra noise, the trucks of various types that will need to enter and exit the property will further impact the issue I raised in #2 above. From witnessing many construction projects in Toronto, I know that the actual road often ends up being restricted to accommodate the needs of the project.

To close, I will reiterate that this project is not in keeping with the overall nature of Historic Old Town, and is therefore inappropriate. I purchased 220 Mary Street in 2019 specifically because it was part of that charming area. It should also be noted that all of the other recent additions to Mary Street/Lakeshore are single family homes. A 41-unit apartment building would be completely out of character.

Thank you,
Tara Abrams


From: Will Gibbons [REDACTED]
Sent: Sunday, February 5, 2023 11:59 AM
To: Gary Zalepa <gary.zalepa@notl.com>; Erwin Wiens <erwin.wiens@notl.com>; Gary Burroughs <gary.burroughs@notl.com>; Tim Balasiuk <tim.balasiuk@notl.com>; Maria Mavridis <maria.mavridis@notl.com>; Wendy Cheropita <wendy.cheropita@notl.com>; Sandra O'Connor <sandra.oconnor@notl.com>; Nick Ruller <nick.ruller@notl.com>; Adriana Vizzari <Adriana.Vizzari@notl.com>; andrea.kaiser@niagararegion.ca <andrea.kaiser@niagararegion.ca>
Subject: Proposal for 3.5 storey appartments at Mary & Mississauga Sts.

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Folks: Happy 2023!

- Just wanted you to be aware that I do NOT approve of this latest high-rise apartment proposal in NOTL Old Town near the corner of Mary & Mississauga Sts.
- Why not? It doesn't fit in architecturally with the residential houses nearby, apartment dwellers will be staring into houses' backyards, & it reeks of turning NOTL Old Town into another Oakville or Burlington soon.
- In addition, *Virgil & other nearby villages outside NOTL Old Town* could easily fit this project into their villages to address the insufficiency of housing in general in Ontario, as mentioned by Premier Ford last year.

Thanks in advance for considering my opinion as a homeowner & taxpayer in NOTL Old Town. Continue please to serve the people & not moneyed interests,

Sincerely,
Will Gibbons
376 Johnson St
NOTL, ON [REDACTED]