

Explanation of the Purpose and Effect of  
By-law 4316GA-26

The subject lands are municipally known as 222 Gate Street, located on the east side of Gate Street, north of Johnson Street, south of Queen Street, and west of Victoria Street. The subject lands are legally described as “Part Lot 99 Township Plan 86 Niagara Part 1 30R3361” 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 the development of a hotel on the subject lands. A “Holding (H)” symbol is included to require the merging in title of 222 Gate Street with lands legally described as “Part Lot 99 & 100 Township Plan 86 Niagara Parts 1 & 3, 30R15764 Save & Except Part 2, 30R16064,” which abut the subject lands to the east to provide legal access to the proposed underground parking spaces. The “Holding (H)” symbol may also be removed if it can be demonstrated, to the satisfaction of the Director of Planning, Building and Development Services, that legal access can sufficiently be provided to the proposed underground parking spaces if the properties do not merge in title.

Effect

The effect of this By-law is to rezone the subject lands at 222 Gate Street from “Old Town Community Zoning District – Established Residential (ER) Zone” to “Queen Picton Commercial (QPC-118-H) – Site Specific Holding Zone,” with site-specific provisions for building height, maximum building area, lot frontage, front yard setback, rear yard setback, interior side yard setback, permitted yard projections and encroachments, loading space requirements, and bicycle parking space requirements.

<i>Applicant:</i>	Penncapital Holdings Inc. (c/o David Jones)
<i>File Number:</i>	ZBA-02-2025
<i>Report Number:</i>	CDS-26-004
<i>Assessment Roll Number:</i>	262701000418300

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316GA-26**

222 Gate Street

Roll #262701000418300

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 (ER) Zone" to "Old Town Community Zoning District – Queen Picton Commercial (QPC-118-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:

## 7.14.118 – 222 Gate Street – See Schedule ‘A-1’ [QPC-118-H]

### 7.14.118.1 QPC-118-H - Permitted Uses

In lieu of the corresponding provisions of Subsection 7.7.1 only the following use is permitted on the lands identified as QPC-118-H on Schedule ‘A-1’:

- a) a *hotel* with a maximum of eighteen (18) guest rooms or suites

### 7.14.118.2 QPC-118-H - Site Specific Definitions

1. In lieu of the corresponding definition of a “hotel” set out in Section 5, for the purposes of this By-law, the following definition applies to lands identified as QPC-118-H on Schedule ‘A-1’:

- a) A “hotel” is defined as a commercial establishment in which accommodation is provided for the traveling public, having a minimum of ten (10) guest rooms or suites and shall not include among its internal or external functions a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop, indoor or outdoor commercial recreation facilities, restaurant facilities, commercial entertainment facilities, adult entertainment facilities or body rub parlour.

2. For the purposes of this By-law, an Outdoor Hotel Patio is permitted, and is defined as follows:

- a) **OUTDOOR HOTEL PATIO** – means a platform that shall be uncovered, with or without a foundation, attached to or abutting a hotel building at grade, which shall be available for use by the hotel guests occupying the guest rooms or suites for leisure activities only. No amplified music or public address system shall be utilized on an Outdoor Hotel Patio.

### 7.14.118.3 QPC-118-H – Multiple Zones on One Lot

- a) For the purposes of this By-law, where a lot falls into two or more zones, the use permissions and regulations for the “Queen Picton Commercial (QPC-118-H) Site Specific Holding Zone” shall apply to that portion of the lot only.
- b) The “Queen Picton Commercial (QPC-118-H) Site Specific Holding Zone” zone boundary dividing a lot into two or more zones is recognized as a rear lot line for the purpose of applying Zone Requirements for the “Queen Picton Commercial (QPC-118-H) Site Specific Holding Zone.”
- c) Notwithstanding subsection 7.14.118.3 b) above, parking spaces, driveways, and aisles required by this By-law may be provided anywhere on a lot that falls into two or more zones, provided that the parking spaces and aisles are located underground.

### 7.14.118.4 QPC-118-H Zone Requirements

In lieu of the corresponding provisions of Subsections 7.7.3, 7.7.4, 7.7.5, 7.7.6, and 7.7.7, the following provisions shall apply on the lands identified as QPC-118-H on Schedule ‘A-1’:

(a)	Minimum lot frontage (Gate Street)	As Existing
(b)	Maximum building area of a hotel on the ground floor	510 square metres
(c)	Minimum front yard setback (Gate Street)	3.8 metres for above-ground buildings and structures

		0 metres for underground structures
(d)	Minimum interior side yard setback	3.0 metres for above-ground buildings and structures, measured to the southerly lot line  3.0 metres for underground structures, measured to the southerly lot line  1.5 metres for above-ground buildings and structures, measured to the northerly lot line  1.5 metres for underground structures, measured to the northerly lot line
(e)	Minimum rear yard setback	1.3 metres for above-ground buildings and structures  0 metres for underground structures
(f)	Maximum building height	10.0 metres
(g)	Minimum landscaped open space	30%
(h)	Buffer strip	A strip of land being a minimum of 3.0 metres in width in the interior side yard, to the south of the hotel building, shall be used as a buffer strip in accordance with Section 6.6.

#### 7.14.118.5 QPC-118-H Loading Space Requirements

In lieu of the provisions of Subsection 6.27(a), zero (0) loading spaces are required for the lands identified as QPC-118-H on Schedule 'A-1.'

#### 7.14.118.6 QPC-118-H Parking, Bicycle Requirements

In lieu of the provisions of Subsection 6.41 Table 6-7: Bicycle Parking Ratios, zero (0) bicycle parking spaces shall be required for the lands identified as QPC-118-H on Schedule 'A-1.'

#### 7.14.118.7 QPC-118-H Permitted Yard Projections and Encroachments

In lieu of the provisions of Subsection 6.44, Table 6-10, an unenclosed and uncovered *Outdoor Hotel Patio* or steps may encroach 2.25 metres into the front yard and 1.70 metres into a rear yard. A porch, balcony, patio, *Outdoor Hotel Patio* or steps shall not be permitted in an interior side yard which abuts a residential zone.

#### 7.14.118.8 QPC-118-H Holding (H) Provision

The development of the subject lands identified as QPC-118-H on Schedule 'A-1' shall only be permitted upon the merging in title of the lands known municipally as 222 Gate Street with lands legally described as "Part Lot 99 & 100 Township Plan 86 Niagara Parts 1 & 3, 30R15764 Save & Except Part 2, 30R16064," which abut 222 Gate Street to the east to ensure that legal access is provided to the proposed underground parking spaces. The Holding (H) symbol shall not be removed until such time as the submission of a parcel register and PIN map confirming the merging of the lands in title, to the satisfaction of the Town. Alternatively, the Holding (H) symbol may be removed if it can be demonstrated, to the satisfaction of the Director of Planning, Building and Development Services, that legal access can sufficiently be provided to the proposed underground parking spaces if the properties do not merge in title.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
4. That this By-law shall become effective upon final approval of the related Amendment No. 104 to the Niagara-on-the-Lake Official Plan.

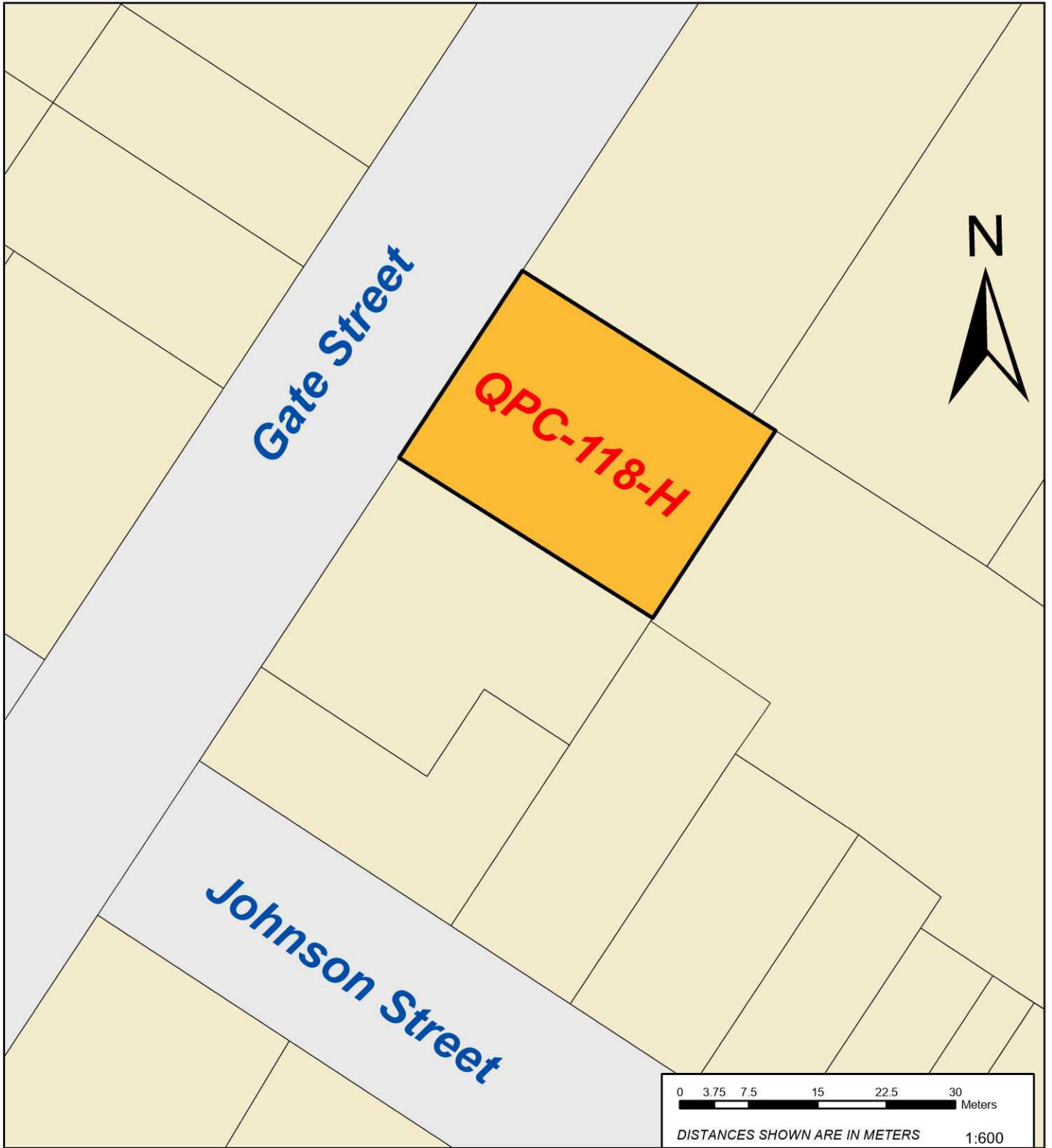
READ A FIRST, SECOND AND THIRD TIME THIS 24<sup>th</sup> DAY OF FEBRUARY 2026.

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316GA-26, BEING AN AMENDMENT TO SCHEDULE 'A-4' OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 24TH DAY OF FEBRUARY, 2026.

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LORD MAYOR  
GARY ZALEPA

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TOWN CLERK  
GRANT BIVOL