

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. XXXX-18**

(Official Plan Amendment No. 77 – 412 Four Mile Creek Road, Roll 262702002409200)

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;

NOW WHEREAS 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. 77 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text is hereby adopted.
2. Amendment No. 77 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 XXth day of XXXX, 2018

LORD MAYOR PAT DARTE

TOWN CLERK PETER TODD

**Amendment No. 77 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. 77 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. Part C outlines additional information available upon request.

PART A - THE PREAMBLE

Part A - The Preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to change the designation of the subject lands from 'Low Density Residential' and 'Conservation' to 'EX-COM-5' to facilitate the development of a multi-unit commercial building and permit parking in the front yard, rear yard and interior side yard only.

BASIS

The basis of the Official Plan Amendment is as follows:

1. The subject lands are located in the Built-Up Area within the Urban Area Boundary of St Davids. In recent years there has been substantial residential growth and development in St. Davids. The proposed restaurant and retail uses are appropriately located to add to a mix of jobs and employment opportunities for St Davids residents and provide goods and services to a growing population. The proposed commercial development is also appropriately located along a Regional road where it can be accessed by Town residents and passing tourists, and is accessible to the surrounding residents by walking and cycling.
2. The proposed Official Plan Amendment is considered to conform to the St. Davids Secondary Plan that encourages appropriately located commercial opportunities and activities to serve the needs of the St. Davids community; new buildings that are arranged in relation to, and designed to facilitate, street oriented pedestrian movement; and parking that has a minimal visual presence from the public realm.
3. The proposed Official Plan Amendment is also considered to conform to the St. Davids Urban Design Guidelines that suggests buildings located at the entrances of St. Davids have the opportunity to serve as gateways to the Village through quality architectural treatments and landscape design reminiscent of local styles, and encourages walking and cycling as healthy and sustainable alternatives to driving within the Village.
4. Niagara Region staff note that that the natural heritage features associated with the 'Conservation' designation were acknowledged through the draft plan of subdivision and condominium (vacant land), and zoning by-law amendment applications for the adjacent Vintages at Four Mile Creek development (dated January 24, 2017). Through these previous applications and correspondence

APPENDIX B

on the abutting lands, it appears that there will no negative impacts to the natural heritage features on the subject lands.

5. The amendment is consistent with and conforms to the Provincial Policy Statement, Greenbelt Plan, Growth Plan, Regional Official Plan, and the Town's Official Plan.
6. The proposal will be subject to further approvals associated with a site-specific Zoning By-law Amendment and Site Plan Approval.

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 77 to the Official Plan of the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule 'D' of the Official Plan for the Town of Niagara-on-the-Lake is amended for the lands shown on 'Schedule 1' attached hereto by re-designating the lands from 'Low Density Residential' and 'Conservation' to 'EX-COM-5'.
2. That section 10.5 "Exceptions" of the Official Plan for the Town of Niagara-on-the-Lake, as amended, is hereby further amended by adding the following text at the end of the subsection:

EX-COM-5 The lands shown as 'EX-COM-5' on Schedule D of the Official Plan are subject to the requirements of the 'General Commercial' designation. However, parking shall only be permitted in the front yard, rear yard and interior side yard.

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community and Development Services Report CDS-18-XXX
2. Community and Development Advisory Committee Meeting Minutes dated XXX, 2018
3. Town of Niagara-on-the-Lake Council Meeting Minutes dated XXX, 2018



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #77
BEING AN AMENDMENT TO SCHEDULE "D" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

LORD MAYOR
PAT DARTE

TOWN CLERK
PETER TODD