

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. _____-25

Official Plan Amendment No 05-2025
85 Queen Street
Lot 57 and 58, Niagara Township Plan 86, Niagara-on-the-Lake
Assessment Roll Number 2627 010 0061 1900

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 *Ontario Planning Act* hereby Enacts as follows:

1. Amendment No. 05-2025 to the Official Plan for the Town of Niagara-on-the-Lake consisting of the attached explanatory text and Schedule 1 is hereby adopted.
2. Amendment No. 05-2025 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 xx day of xxxx 2025

LORD MAYOR GARY ZALEPA

TOWN CLERK DONNA DELVECCHIO

PART A - THE PREAMBLE

This part does not constitute part of this Amendment.

PART B - THE AMENDMENT

This part consists of the following text and attached plan which constitutes Official Plan Amendment No. 05-2025 to the Official Plan for the Town of Niagara-on-the-Lake.

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PART A - PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this Official Plan Amendment is to redesignate the subject lands municipally known as 85 Queen Street from "Established Residential" and "General Commercial" to "General Commercial – Site Specific." This amendment is required to permit a theatre, as defined herein, as the sole permitted use on the subject lands. Additionally, the amendment permits a maximum height of 19.6 metres for a portion of the building known as the fly tower (an increase in height from the existing tower of under 6 ft), and to facilitate the submission of future applications for a Site-Specific Zoning By-law Amendment and Site Plan Approval.

BASIS

The basis of the amendment is as follows:

1. Subsection 3(5) of the Planning Act requires that decisions of Council shall be consistent with Provincial Policy Statements and shall conform with provincial plans that are in effect. Section 14.7(3) of the Planning Act requires a municipality to prepare and adopt an Official Plan. Section 16(1)(a) of the Planning Act provides that an Official Plan shall contain (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on social, economic, the built and natural environment of the municipality or part thereof, or an area that is without municipal organization. Section 22 of the Planning Act further permits persons to request a Council to amend its Official Plan.
2. The amendment is consistent with the Planning Act, the Provincial Policy Statement and conforms to the Niagara Official Plan and the general intent of the Town of Niagara-on-the-Lake Official Plan. The amendment is consistent with the general intent of the policies of the Council approved Niagara-on-the-Lake Official Plan.
3. The amendment would facilitate the redevelopment of the Royal George Theatre on the amalgamated building site known as 85 Queen Street within the Built-up area of the Old Town of Niagara-on-the-Lake.

4. The proposed development will be subject to further approvals associated with a Site-Specific Zoning By-law amendment and Site Plan Approval.

PART B - THE AMENDMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text, definition and Schedule xx constitutes Amendment No. 05-2025 for the Official Plan of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

1. Schedule "B" of the Official Plan for the Town of Niagara-on-the-Lake is amended for the lands shown on Schedule xx attached hereto by redesignating the subject lands from "Established Residential" and "General Commercial" to General Commercial - Site Specific" to permit a theatre, as herein defined:

"Theatre" shall mean a building or structure, or parts thereof, used for the purpose of providing access to live performing arts, directly and through their associated support systems, to the public. This includes, but is not limited to, live stage performances such as plays, musicals, concerts, dance, and other live entertainment, but can include the exhibition of films (cinema). A theatre may be used periodically for community-based or charitable events. Accessory uses may include the sale and service of food and beverages or sale of associated merchandise, subject to applicable regulations. It may also host charitable fundraising events, patron centred events, educational workshops, artistic workshops or other non-profit events that advance or support the live arts or other charitable or related endeavours. Beyond the theatre venue itself, there may also be an artistic practice halls, lobby areas, technical and artistic preparatory spaces, education spaces or other support areas needed to conduct the theatre operations.

Schedule "B" of the Official Plan is further amended to recognize the new height of the fly tower at 19.6 metres.