

Explanation of the Purpose and Effect of
By-law 4316ES-23

The subject lands are a parcel of land described as 1570 Niagara Stone Road, Niagara-on-the-Lake, more particularly described as Lot 40, Part of Lots 34, 35, 38 & 39 Plan 304 and Part of Block 9, Township Plan 85, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the southern portion of the lands to recognize the continued use of a church, reduced interior side yard setback and buffer strip width, and the height of the existing building. Further, the remaining commercial and residential lands fronting Elden Street are to be rezoned to add a “Holding (H)” symbol to prohibit future development or site alteration until future planning applications are received.

Effect

The effect of this By-law is to rezone, in part, the southern portion of the property to “Village Commercial (VC) – Site Specific” with provisions pertaining to interior side yard setback, buffer strip width, and building height, and also to rezone, in part, the northern portion of the property to add a “Holding (H)” symbol to the existing “Residential (R1) Zone” and “Village Commercial (VC) Zone” to require approval of a future Zoning By-law Amendment prior to development on these lands.

<i>Applicant:</i>	Cornerstone Community Church (Niagara)
<i>File Number:</i>	ZBA-05-2023
<i>Report Number:</i>	CDS-23-133
<i>Assessment Roll Number:</i>	262702001313300

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316ES - 23**

1570 Niagara Stone Road
Roll No. 262702001313300

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES THEREON.

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;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule "A-14" 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 "Virgil Community Zoning District – Village Commercial (VC) Zone" and "Virgil Community Zoning District – Residential (R1) Zone" to "Virgil Community Zoning District – Village Commercial (VC-42) – Site Specific Zone," from "Virgil Community Zoning District – Village Commercial (VC) Zone" to "Virgil Community Zoning District – Village Commercial Holding (VC-H-42) Zone," and from "Village Commercial Zoning District – Residential (R1) Zone" to "Virgil Community Zoning District – Residential Holding (R1-H-42) Zone."
2. That Subsection 10.12, Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following:

10.12.42 - 1570 Niagara Stone Road – See Schedule ‘A-14’ (VC-42, VC-H-42, R1-H-42)

10.12.42A VC-42 Zone Requirements

In lieu of the corresponding provisions of Subsection 10.7.2.1, and in addition to such provisions, the following provisions shall apply to the subject lands identified as VC-42 on Schedule ‘A-14’:

(j)	Maximum building height	As existing, or 10.5 metres
(n)	Minimum most northerly interior side yard setback	2.25 metres

In addition to the provision of Subsection 10.7.3, the following provision shall apply to the subject lands identified as VC-42 on Schedule ‘A-14’:

Where the most northerly and the western interior side yard lot lines of a lot zoned Village Commercial (VC) abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 2.2 metres in width shall be used as a buffer strip in accordance with Section 6.6.

10.12.42B VC-H-42 Zone Requirements

In lieu of the corresponding provisions of 10.7, the following provision shall apply to the subject lands identified as VC-H-42 on Schedule ‘A-14’:

Existing uses are permitted. The development of any new buildings or building additions or new structures shall not be permitted until the removal of the Holding (H) symbol, subject to an amendment to the Zoning By-law.

10.12.42C R1-H-42 Zone Requirements

In lieu of the corresponding provisions of 10.1, the following provision shall apply to the subject lands identified as R1-H-42 on Schedule ‘A-14’:

Existing uses are permitted. The development of any new buildings or building additions or new structures shall not be permitted until the removal of the Holding (H) symbol, subject to an amendment to the Zoning By-law.

3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 25TH DAY OF JULY, 2023.

LORD MAYOR GARY ZALEPA

ACTING TOWN CLERK
SHAUNNA ARENBURG