

Explanation of the Purpose and Effect of
By-law 4316EY-24

The subject lands are municipally known as 325 King Street, and legally described as Lots 149, 150, 191, 192 Township Plan 86 Niagara, Part 1 on Plan 30R15804 Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a hotel, up to a maximum of 19.0 metres in height, with associated uses, including a restaurant, outdoor restaurant patio, conference centre, banquet facilities, spa, retail uses, and personal service establishment as secondary uses to a hotel.

Effect

The effect of this By-law is to rezone the subject lands from “Old Town Community Zoning District – Institutional (I) Zone” to “Old Town Community Zoning District – General Commercial (GC-110) - Site Specific Zone” with site-specific provisions for permitted uses, maximum area of the outdoor patio restaurant, lot frontage, lot area, lot coverage, landscaped open space, setbacks (front yard, interior side yard, exterior side yard, rear yard), building height, prohibition of amplified noise, parking and loading spaces, and encroachments.

<i>Applicant:</i>	Two Sisters Resorts Corp.
<i>File Number:</i>	ZBA-01-2023
<i>Report Number:</i>	CDS-23-192
<i>Assessment Roll Number:</i>	262701000317700

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316EY-24**

325 King Street Roll 262701000317700

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 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 – Institutional (I) Zone" to "Old Town Community Zoning District – General Commercial (GC-110) - Site Specific Zone."
2. That Subsection 7.14 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

7.14.110 325 King Street – See Schedule 'A-1' (GC-110)

7.14.110.1 GC-110 Permitted Uses

In lieu of the corresponding provisions of Subsection 7.8.1, only the following provisions shall apply on the subject lands identified as GC-110 on Schedule 'A-1':

- a) Hotel, with a maximum of 129 rooms;

- b) Restaurant;
- c) Conference centre;
- d) Banquet facilities;
- e) Spa;
- f) Outdoor patio restaurant, as a secondary use to an existing restaurant in accordance with Section 6.36, except that:
 - a. The maximum size of the patio shall be 385.0 square metres; and,
 - b. Provision 6.36 (a), (b), (d), (g), (h) and (k) shall not apply.
- g) Personal service establishment, as a secondary use to a hotel; and,
- h) Retail use(s), as a secondary use to a hotel and to a maximum total ground floor area of 900 square metres.

7.14.110.2 GC-110 Zone Requirements

In lieu of the corresponding provisions of Subsection 7.8.2, and in addition to such provisions, the following provisions shall apply on the lands identified as GC-110 on Schedule 'A-1':

a)	Minimum lot frontage	125.0 metres
b)	Minimum lot area	16,000 square metres
c)	Maximum lot coverage	25%
d)	Minimum landscaped open space	65%
e)	Minimum front yard setback (from King Street)	24.0 metres
f)	Minimum interior side yard setback	N/A
g)	Minimum exterior side yard setback (from Gage Street and Centre Street)	20.0 metres
h)	Minimum rear yard setback (from Regent Street)	45.0 metres
j)	Maximum building height	19.0 metres
k)	Maximum Gross Floor Area	13,500 square metres

7.14.110.3 No amplified music or public address system shall be utilized outdoors on the subject lands identified as GC-110 on Schedule 'A-1'.

7.14.110.4 GC-110 Loading Space Requirements

Notwithstanding the provisions of Subsection 6.27 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the subject lands identified as GC-110 on Schedule 'A-1':

- a) A total of two (2) loading spaces shall be required.
- b) A loading space may be located 15.0 metres from the street line, accessed only from Gage Street and/or Centre Street.

7.14.110.5 GC-110 Parking Space Requirements

Notwithstanding the provisions of Subsection 6.39 and 6.40 of Zoning By-law 4316-09, as amended, a minimum of 248 parking spaces total shall be required on the subject lands identified as GC-110 on Schedule 'A-1'.

7.14.110.6 GC-110 Accessible Space Requirements

Notwithstanding the provision of Subsection 6.42 of Zoning By-law 4316-09, as amended, a minimum of seven (7) accessible parking spaces shall be provided on the subject lands identified as GC-110 on Schedule 'A-1'.

7.14.110.7 GC-110 Parking Space Requirements

Notwithstanding the provisions of Subsection 6.44 of Zoning By-law 4316-09, as amended, a Porte Cochere is permitted to encroach into the front yard up to a maximum setback of 12.0 metres from the lot line on the subject lands identified as GC-110 on Schedule 'A-1'.

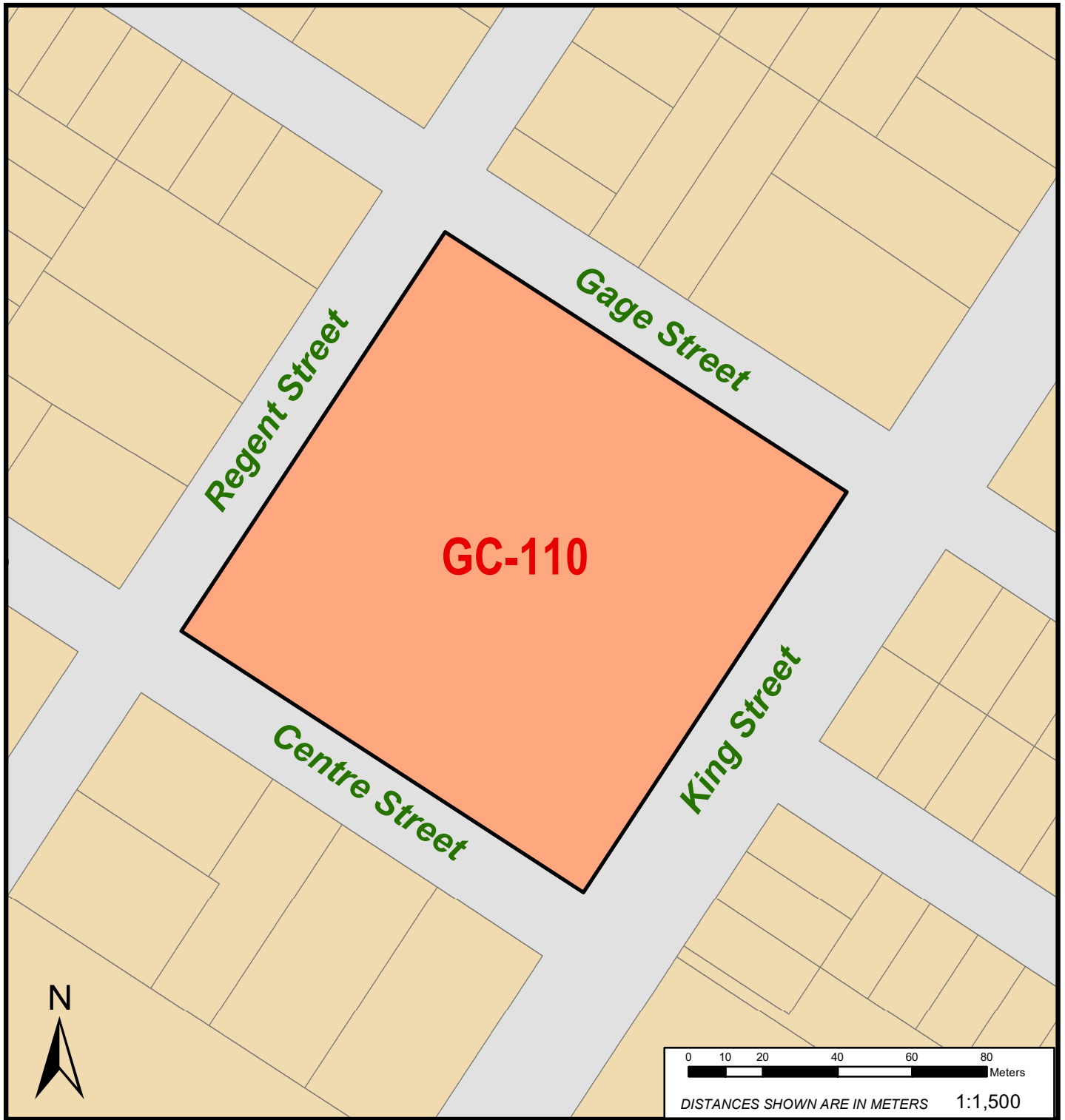
3. That this By-law shall become effective upon final approval of the related Amendment No. 85 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 25th DAY OF JUNE, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

DRAFT



MAP 'A' ATTACHED TO BY-LAW 4316EY-23, 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 25th DAY OF JUNE, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL