

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

The subject lands are municipally known as 235 and 253 Taylor Road, and legally described as Part of Lot 2 of Concession 9 Grantham; Part 44 and 45 as in Plan 30R14403, Being Stopped Up, Closed, Declared Surplus and Disposed as a Portion of Regional Road 70 (Taylor Road) by By-law 88-2014 as in NR442322; Subject to an Easement in Gross Over Part 44 of Plan 30R14403 as in NR469304; Subject to an Easement as in NR469306 and Part Lot 2, Concession 9 Grantham Designated as Part 2 on Plan 30R569 Except Part 52 on Plan 30R14403; Town of Niagara-on-the-Lake; and, Firstly: Part Lot 2 of Concession 9 Grantham Parts 1 and 2 of 30R2395; Secondly: Part Lots 2-3 of Concession 9 Grantham; Part Road Allowance Between Lots 2 and 3 of Concession 9 Grantham, Parts 8, 9, 14-20, 25-31, 34-40 of Plan 30R14403, Being Stopped Up, Closed, Declared Surplus and Disposed as a Portion of Regional Road 70 (Taylor Road) by By-law 88-2014 as in NR442322; Thirdly: Part Lots 2-3 of Concession 9 Grantham; Part Road Allowance Between Lots 2 and 3 of Concession 9 Grantham, Parts 21, 32, 41 to 43 and 46 to 51 of Plan 30R14403, Being Stopped Up, Closed, Declared Surplus and Disposed as a Portion of Regional Road 70 (Taylor Road) by By-law 88-2014 as in NR442322; Fourthly: Part Lot 3 of Concession 9 Grantham, Parts 6 and 7 of Plan 30R14403, Being Stopped Up, Closed, Declared Surplus and Disposed as a Portion of Regional Road 70 (Taylor Road) by By-law 88-2014 as in NR442322; Subject to an Easement in Gross Over Parts 25-31 of Plan 30R14403 as in NR569304; Subject to an Easement in Gross Over Parts 19, 30 and 39 of Plan 30R14403 as in NR469305; Subject to an Easement Over Parts 8, 14, 17, 18, 19, 25, 27, 28, 29, 30, 37, 38 and 39 in Plan 30R14403 as in NR469306; Subject to an Easement in Gross Over Parts 8, 9 and 14 to 20 of Plan 30R14403 as in NR491489; Subject to an Easement in Gross Over Parts 32, 42, 48 and 49 on Plan 30R14403 as in NR469304; Subject to an Easement Over Parts 42 and 43 on Plan 30R14403 as in NR469306;

Subject to an Easement in Gross Over Parts 21, 50 and 51 on Plan 30R14403 as in NR491489; Subject to an Easement in Gross as in NR491489; Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the development of 810 residential units, and a range of commercial-related uses, in four buildings ranging in height from 17-storeys to 25-storeys, with two podiums of 1- to 5-storeys in height.

A “Holding (H)” symbol is included to prohibit the development of any buildings beyond the Airport Zoning Regulation height restrictions until such time as an exemption to the Airport Zoning Regulation is issued by Transport Canada. A “Holding (H)” symbol is also included to address site condition requirements, and Ministry of Transportation Ontario (MTO) requirements related to stormwater management, traffic, light trespass onto the Queen Elizabeth Way (QEW), setbacks to the MTO right-of-way, to the satisfaction of the Town, in consultation with Niagara Region and the MTO, and prior to Site Plan Approval.

Effect

The effect of this By-law is to rezone the subject lands from “Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone” to “Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone” with site-specific provisions for permitted uses, setbacks, building height, and parking requirements, and to add a “Holding (H)” symbol to the “Village Commercial (VC-10) Site-Specific Zone” to require issuance of an exemption to the Airport Zoning Regulation from Transport Canada to permit the development of building heights greater than 140 metres above sea level on these lands, and to require the submission of Record of Site Condition documentation, and satisfy Ministry of Transportation Ontario (MTO) requirements related to stormwater management, traffic, light trespass onto the Queen Elizabeth Way (QEW), setbacks to the MTO

right-of-way, to the satisfaction of the Town, in consultation with Niagara Region and the MTO, and prior to Site Plan Approval.

<p><i>Applicant:</i> White Oaks Tennis World Inc. <i>File Number:</i> ZBA-16-2023 <i>Report Number:</i> CDS-24-096 <i>Assessment Roll Number:</i> 262702001802500 & 262702001802501</p>

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

235 and 235 Taylor Road
Roll 262702001802500 & 262702001802501

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-21" 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 "Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone" to "Glendale Community Zoning District – Village Commercial Holding (VC-10-H) Site-Specific Zone."
2. That Subsection 11.18 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

11.18.10 235 and 253 Taylor Road – See Schedule 'A-21' (VC-10-H)

11.18.10.1 VC-10-H Permitted Uses

In addition to the corresponding provisions of Subsection 11.11.1, the following permitted use shall apply on the subject lands identified as VC-10-H on Schedule 'A-21':

- (aa) Apartment buildings

11.18.10.2 VC-10-H Zone Requirements

In lieu of the corresponding provisions of Subsection 11.11.2, the following provisions shall apply on the subject lands identified as VC-10-H on Schedule 'A-21':

(h)	Maximum building height	25 storeys (206.5 metres above sea level, approximately 85.5 metres in height) for one building All other building heights shall be as existing or in accordance with Figure 11.18.10F: 235-253 Taylor Road
(j)	Maximum gross commercial leasable floor area	1,515 square metres within all mixed-use buildings

11.18.10.3 VC-10-H Zone Requirements

In lieu of the corresponding provisions of Subsection 11.11.2, and in addition to the provisions of Section 11.18.10.2 of this By-law, the zone requirements shall be in accordance with Figure 11.18.10F: 235-253 Taylor Road.

11.18.10.4 VC-10-H Parking Space Requirements

In lieu of the provisions of Subsection 6.39, a minimum of 1,318 parking spaces shall be provided for the subject lands identified as "VC-10'H" on Schedule 'A-21.'

11.18.10.5 VC-10-H Holding (H) Provision

The development of the subject lands identified as RC1-17(b)-H on Schedule 'A-21' shall only be permitted upon removal of the Holding (H) symbol. The Holding (H) symbol shall not be removed until such time as:

- a. An exemption to the Airport Zoning Regulation is granted by Transport Canada and is submitted to the Town for the development of building heights greater than 140 metres above sea level on the subject lands

identified as VC-10-H on Schedule 'A-21.' In lieu of an exemption by Transport Canada for increased height, the development of the subject lands identified as VC-10-H on Schedule 'A-21' shall be permitted to a maximum height of 140 metres above sea level;

- b. The submission of a parcel register and PIN map confirming the merging of the lands in title, to the satisfaction of the Town;
- c. The submission of confirmation of the filing of a Record of Site Condition with the Ministry, to the satisfaction of the Town in consultation with the Region; and,
- d. The submission of formal correspondence from the Ministry of Transportation Ontario (MTO) confirming that their interests including, but not limited to, stormwater management, traffic, light trespass, and setbacks, have been addressed to the satisfaction of the MTO.

11.18.10.6 VC-10-H Site-Specific Exceptions

That "VC-10" under Section "11.18 Site-Specific Exceptions" is amended by deleting the following:

"Notwithstanding the provisions of the Village Commercial (VC) Zone, for lands identified as VC-10 on Schedule 'A-21', the following zone requirements shall apply:

11.18.10.1 Permitted Uses:

- (a) As approved on October 24th, 2005."

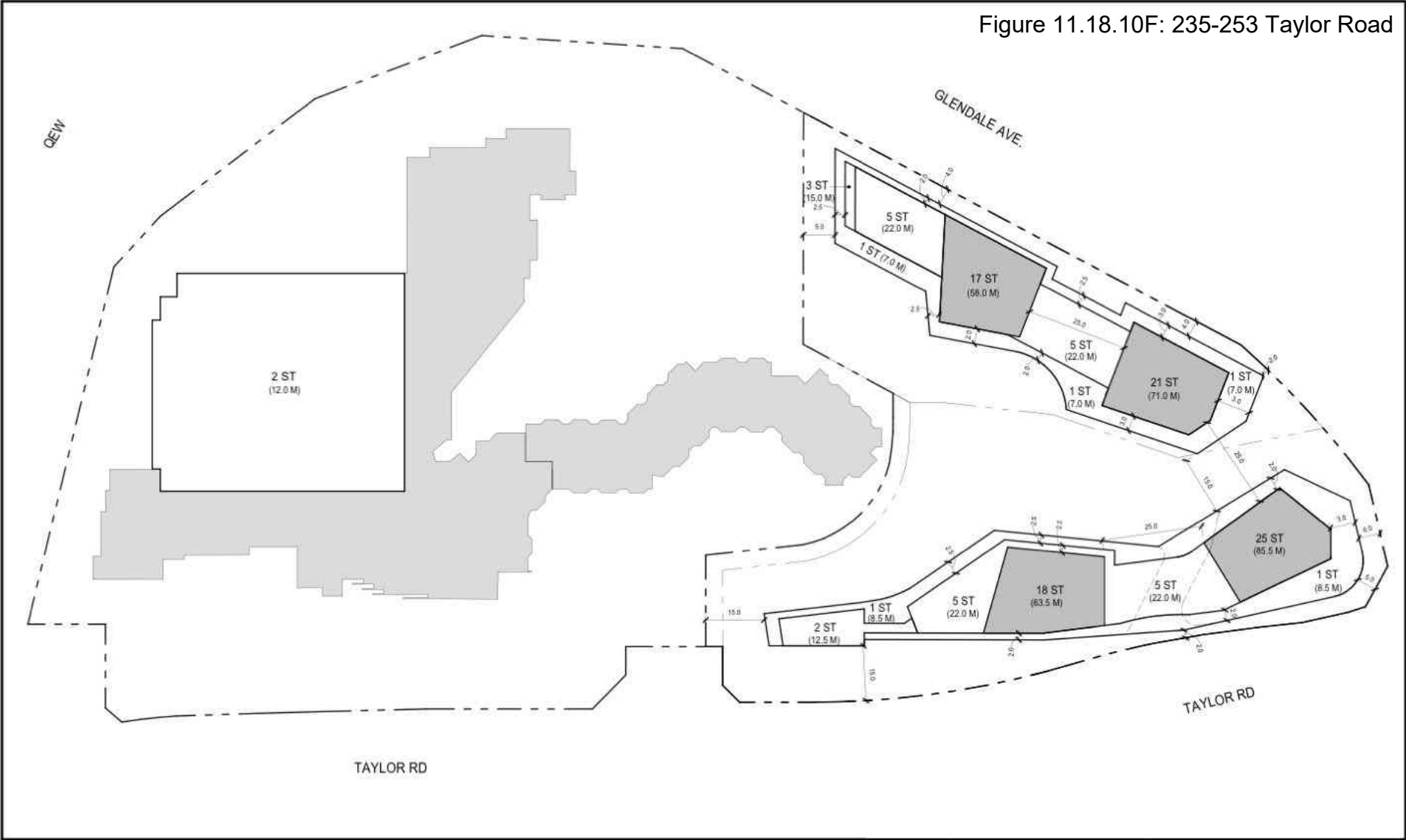
- 3. That this By-law shall become effective upon final approval of the related Amendment No. 95 to the Niagara-on-the-Lake Official Plan.

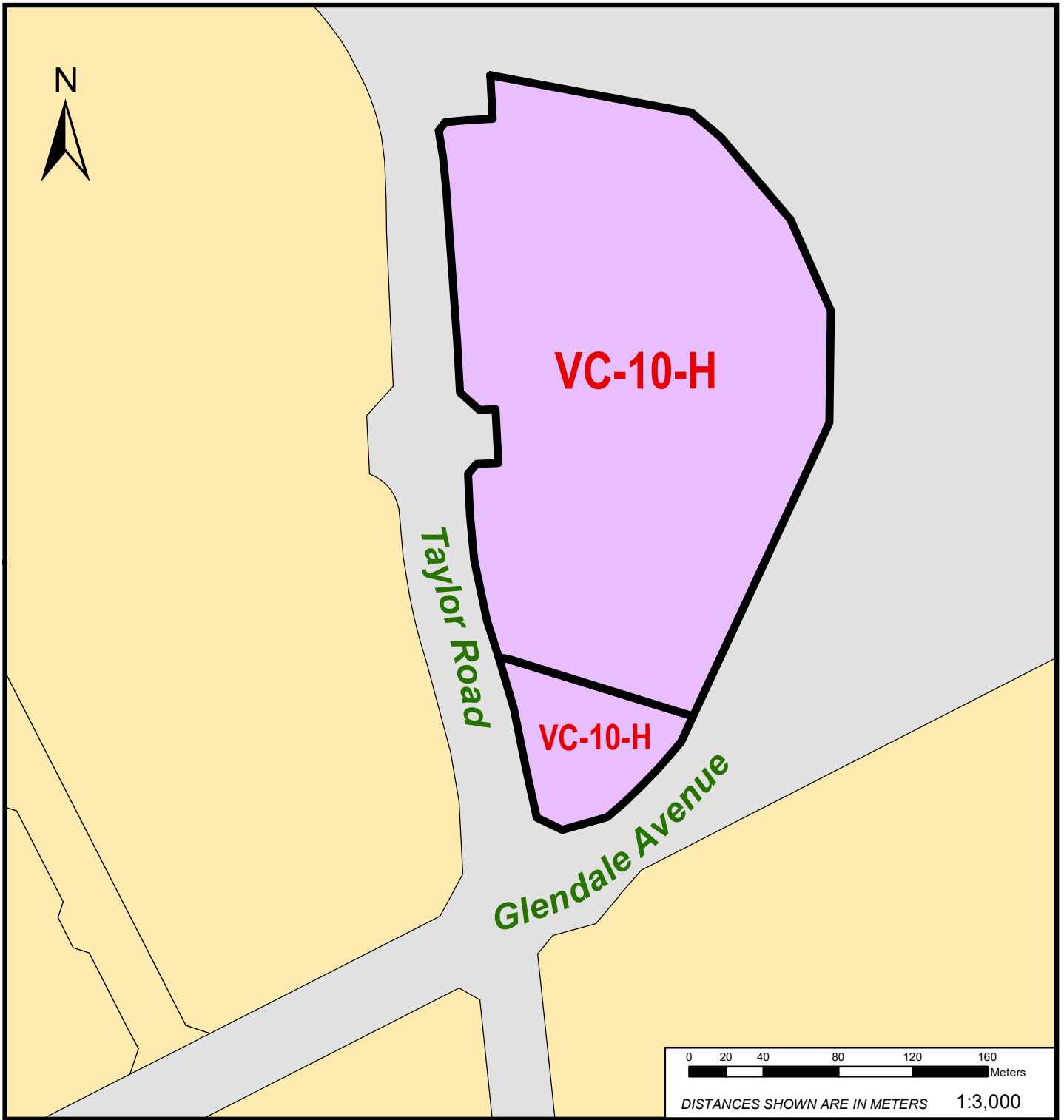
READ A FIRST, SECOND AND THIRD TIME THIS 25th DAY OF JUNE, 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

Figure 11.18.10F: 235-253 Taylor Road





MAP 'A' ATTACHED TO BY-LAW 4316FP-24, BEING AN AMENDMENT TO SCHEDULE "A-21" 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