

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

The subject lands are known municipally as 228 Queen Street, 209 Simcoe Street, and 217 Simcoe Street, and legally described as Lots 73-74, 95 and Part of Lot 96 of Plan 86 Niagara, Parts 1, 2, 3 of 30R11437 Except 30M344; Subject to an Easement Over Part 3 of 30R11437 as in NR65741; and, Lot 6 of Plan 30M344; and, Lot 7 of Plan 30M344, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit an 81-room hotel, including a restaurant, meeting room and spa facilities. A "Holding (H)" symbol is included to require the merger of 228 Queen Street, 209 Simcoe Street and 217 Simcoe Street.

Effect

The effect of this By-law is to rezone the subject lands from "Old Town Community Zoning District – General Commercial (GC-31) Site-Specific Zone" to "Old Town Community Zoning District – General Commercial (GC-31a) Site-Specific Zone" and "Old Town Community Zoning District – General Commercial (GC-31b) Site-Specific Zone" with site-specific provisions for permitted uses, lot frontage and area, front yard setback, exterior side yard setback, rear yard setback, building height, accessory building yards setback, loading space requirements, parking aisle and space requirements, accessible parking, and buffer strips.

<i>Applicant:</i>	Van Risen Hotel Group Inc. & Hummel Properties Inc.
<i>File Number:</i>	ZBA-15-2023
<i>Report Number:</i>	CDS-24-059
<i>Assessment Roll Number:</i>	262701000500100, 262701000500114, 262701000500112

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

228 Queen Street, 209 Simcoe Street, and 217 Simcoe Street
Roll 262701000500100, 262701000500114, 262701000500112

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. That Subsection 7.14 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by deleting and replacing Section 7.14.31 with the following:

**7.14.31 228 Queen Street, 209 Simcoe Street and 217 Simcoe Street
(GC-H-31a and GC-H-31b)**

7.14.31.1 GC-H-31a and GC-H-31b Permitted Uses

In lieu of the corresponding provisions of Subsection 7.8.1, the following uses are permitted on the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1':

- a) Accessory buildings and structures in accordance with Section 6.1
- b) One (1) single-detached dwelling, provided that a hotel, restaurant, meeting room and/or spa facilities does not exist on the subject lands
- c) An eighty-one (81) room hotel with a restaurant, meeting room, conference room and spa facilities (personal service establishment)

7.14.31.2 GC-H-31a and GC-H-31b Zone Requirements

In lieu of the corresponding provisions of Subsection 7.8.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1':

(a)	Minimum lot frontage (Simcoe Street)	54 metres
(b)	Minimum lot area	8,800 square metres
(c)	Maximum lot coverage	40%
(d)	Minimum landscaped open space	37%
(e)	Minimum front yard setback	3.5 metres for above-ground buildings and structures 0.0 metres for underground structures
(h)	Minimum rear yard setback	1.5 metres
(i)	Minimum building height	N/A
(k)	Minimum accessory building yards setback	1.2 metres 0.0 metres for a fence up to 2.0 metres in height

7.14.31.3 GC-H-31a Zone Requirements

In lieu of the corresponding provisions of Subsection 7.8.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as GC-H-31a on Schedule 'A-1':

(g)	Minimum exterior side yard setback (Queen Street)	8.0 metres for above-ground buildings and structures 0.0 metres for underground structures
(j)	Maximum building height	10.7 metres

7.14.31.4 GC-H-31b Zone Requirements

In lieu of the corresponding provisions of Subsection 7.8.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as GC-H-31b on Schedule 'A-1':

(g)	Minimum exterior side yard setback (Queen Street)	8.0 metres for above-ground buildings and structures 9.0 metres for the third-storey of an above-ground building and structure 13.0 metres for the fourth-storey of an above-ground building or structure 0.0 metres for underground structures
(j)	Maximum building height	13.5 metres

7.14.31.5 GC-H-31a and GC-H-31b Buffer Strip

In lieu of the corresponding provisions of Subsection 7.8.3, a buffer strip shall not be required where an interior lot line abuts a residential zone, provided a fence is constructed with a minimum height of 1.8 metres.

7.14.31.6 GC-H-31a and GC-H-31b Loading Space Requirements

In lieu of the corresponding provisions of Subsections 6.27(a) and 6.27(e), only one (1) loading space shall be required, and such loading space may be setback 3.0 metres from the street line, for the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1'.

7.14.31.7 GC-H-31a and GC-H-31b Parking Requirements

In lieu of the corresponding provisions of Subsection 6.38(e) and Table 6-3, up to three (3) parking spaces are permitted to park in tandem in an

underground parking structure associated with the hotel use on the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1'.

7.14.31.8 GC-H-31a and GC-H-31b Parking Space Requirements

In lieu of the corresponding provisions of Section 6.39 and Table 6-4, one (1) parking space shall be required per 18.5 square metres for a restaurant use associated with the hotel use on the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1'.

7.14.31.9 GC-H-31a and GC-H-31b Parking, Accessible Space Requirements

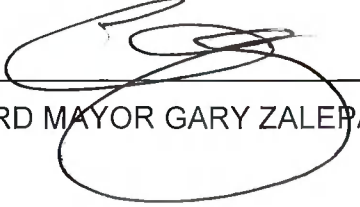
In lieu of the corresponding provisions of Section 6.42, two (2) accessible parking spaces shall be required for the subject lands identified as GC-H-31a and GC-H-31b on Schedule 'A-1'.

7.14.31.10 GC-H-31a and GC-H-31b Holding (H) Provision

The development of the subject lands identified as GC-31a and GC-31b on Schedule 'A-1' shall only be permitted upon the merging in title of the lands known as 228 Queen Street, 209 Simcoe Street and 217 Simcoe Street. The Holding (H) symbol shall not be removed until such time as the submission of a parcel register and PIN map confirming the merging of the lands in title, to the satisfaction of the Town.

2. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
3. That this By-law shall become effective upon final approval of the related Amendment No. 94 to the Niagara-on-the-Lake Official Plan.

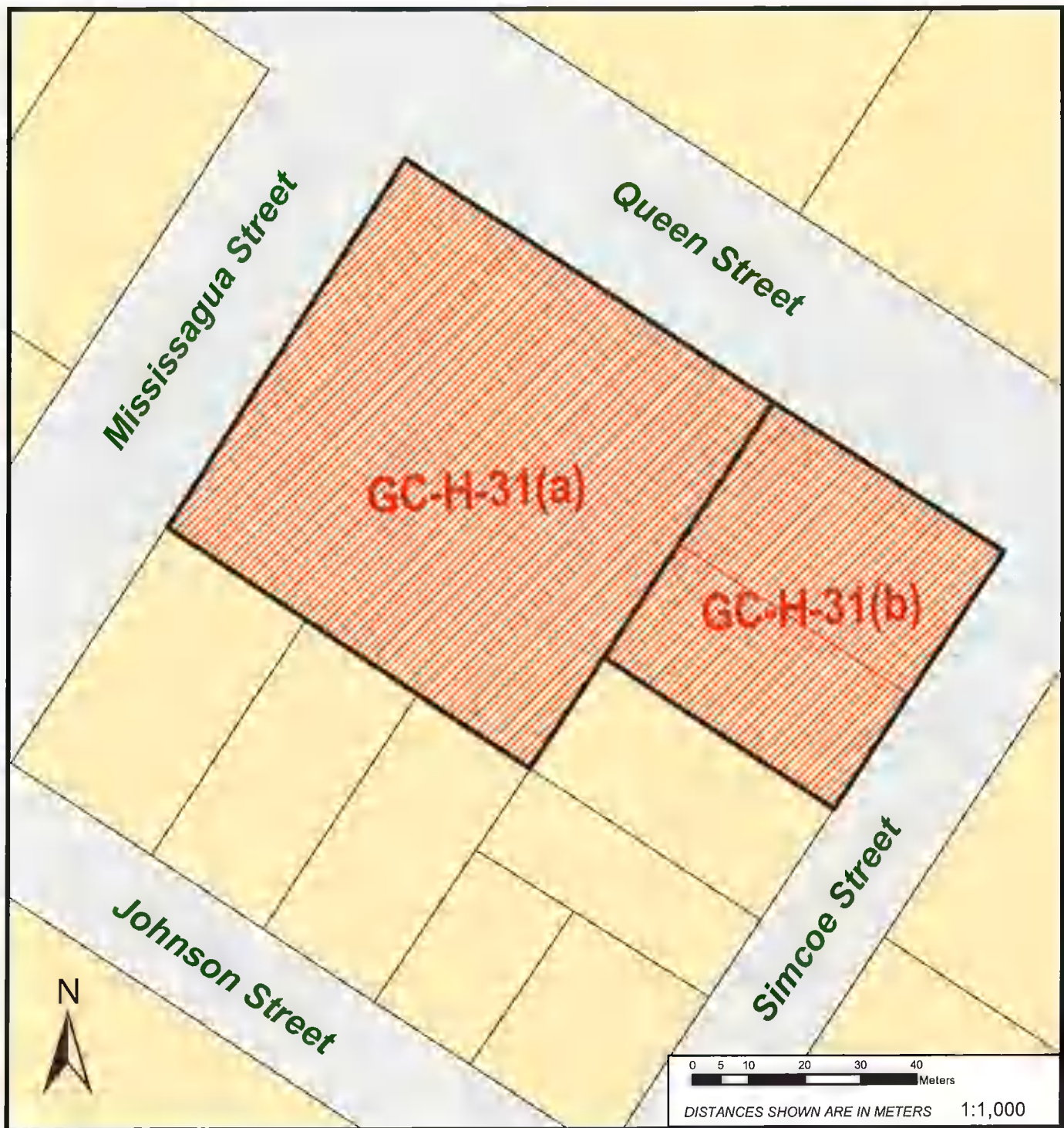
READ A FIRST, SECOND AND THIRD TIME THIS 28th DAY OF MAY, 2024.



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FK-24, 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 28th DAY OF MAY, 2024.


LORD MAYOR
GARY ZALEPA


TOWN CLERK
GRANT BIVOL