

Explanation of the Purpose and Effect of
By-law XXXX - 25

The subject lands are described as 1544 & 1546 Four Mile Creek Road, Niagara-on-the-Lake, more particularly described as PT LT 112, Town of Niagara-On-The-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the Subject Lands to permit a two-storey commercial building and five-storey residential building and removing the holding (H) provision.

The entirety of the Subject Lands is zoned “Village Commercial with Holding (VC-H) Zone”. The proposed amendment will rezone a portion of lands to “Open Space (OS) Zone” for the lands pertaining to the Natural Environment System, and to rezone the remainder of the Subject Lands to “Village Commercial (VC-XX)” with site-specific provisions.

Effect

The effect of this By-law is to rezone the Subject Lands from “Village Commercial with Holding (VC-H) Zone” to: “Open Space (OS) Zone” for a portion of the lands pertaining to the Natural Environment System; and, “Village Commercial (VC-XX) Site Specific Zone” with site specific provisions for residential uses in a separate building, maximum height, rear yard setbacks, buffer strip abutting a residential zone, permitted yard projections into the front yard, and to prohibit specific uses.

<i>Owner:</i>	Times Group Corp.
<i>File Number:</i>	ZBA-XX-2025
<i>Report Numbers:</i>	CDS-25-XXX
<i>Assessment Roll Number:</i>	262702001423600 & 262702001423700

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2025 - XX**

1544 Four Mile Creek Road Roll 262702001423600
1546 Four Mile Creek Road Roll 262702001423700

A BY-LAW TO AMEND BY-LAW NO **4316-09**, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION, AND USE OF BUILDINGS AND STRUCTURES IN 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;

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. That .Schedule "A-14" of By-law 4316-09, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-law) from "Village Commercial with Holding (VC-H) Zone" to "Open Space (OS) Zone" and "Village Commercial (VC-XX) Site Specific Zone".
2. That Schedule A (attached to and forming part of this By-Law) be included and form part of the Town of Niagara-on-the-Lake Zoning By-law 4316-09 as "Figure X: On the Lake Developments – Phase 2".
3. That Subsection 10.12 – Site Specific Exceptions of Section 10 – Virgil Community Zoning District is hereby further amended by adding the following:

10.12.XX 1544 & 1546 Four Mile Creek Road, On the Lake Developments (Phase 2) – See Schedule 'A-14' (VC-XX)

Notwithstanding the provisions of the "Village Commercial (VC) Zone" of Section 10 – Virgil Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following prohibited uses and provisions shall be applicable on those lands shown on Schedule A.

10.12.XX.1 VC Prohibited Uses:

- (a) *Automobile sales & service establishment*
- (b) *Automobile service station*
- (c) *Gas bar*

10.12.XX.2 VC Zone Requirements:

(a)	At grade minimum rear yard setback to the nearest part of any building or structure	0.0 m
(b)	At grade minimum rear yard setback to the second storey and above of a building or structure	0.7 m
(c)	Below grade minimum rear yard setback	0.0 m
(d)	Maximum building height	21.28 m
(e)	Buffer Strip - Interior side yard abutting Residential zone	1.0 m
(f)	Permitted Yard Projections and Encroachments at 3.66 metres above grade at the main entrance - Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	1.8 m
(g)	<i>Maximum GFA of one Restaurant use</i>	<i>720 m²</i>
(h)	<i>Accessory outdoor patios shall be located from any loading area, parking spaces, internal road or driveway located on the lot a minimum of</i>	<i>0.0 m</i>
(i)	In the VC-XX zone, residential uses shall be permitted within a stand-alone building separate from a non-residential use building.	
(j)	Permit parking space dimensions of 1.2 m x 3.0 m for the storage of motorcycle vehicles and of 2.6 m x 5.0 m for compact cars that are exclusive from the required parking rate.	

Notwithstanding provision 6.21, elevator shafts and mechanical rooms shall not be included in the building height restriction when habitable floor space is situated higher than the maximum height permitted.

Notwithstanding subsection f) of provision 6.48, residential units shall be located in a separate building.

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

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____, 2025.

LORD MAYOR – GARY ZALEPA

TOWN CLERK – GRANT BIVOL

DRAFT

SCHEDULE A to By-law 2025-XX



LEGEND



FROM VILLAGE COMMERCIAL WITH HOLDING (VC-H) ZONE TO VILLAGE COMMERCIAL (VC-XX) SITE SPECIFIC ZONE



FROM VILLAGE COMMERCIAL WITH HOLDING (VC-H) ZONE TO OPEN SPACE (OS)



ON THE LAKE DEVELOPMENTS
SCHEDULE 'A' TO DRAFT ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

