

CORPORATION OF THE CITY OF NIAGARA FALLS

By-law No.70-69.....

A By-law to regulate the use of land and the erection and use of buildings and structures in that part of the former Township of Humberstone now in the City of Niagara Falls.

WHEREAS it is considered desirable for the adequate control of development within the defined area of the Municipality of the City of Niagara Falls, to regulate the use of land and the character, use and location of all buildings and structures thereon;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, pursuant to its powers under Section 30 of the Planning Act, ENACTS AS FOLLOWS:

1. The provisions of this by-law shall apply to that part of the lands within the City of Niagara Falls in the Regional Municipality of Niagara, formerly in the Township of Humberstone, in the County of Welland, more particularly described as follows:

Commencing at the southeast angle of the former Township of Crowland, thence westerly along the boundary between the former Townships of Humberstone and Crowland, to the southerly prolongation of the line between Lots 9 and 10 in the Gore of the said former Township of Crowland;

Thence southerly along the last mentioned prolongation, to a point distant 1,000 feet south of the south limit of the road allowance between the former Townships of Humberstone and Crowland;

Thence easterly parallel with the south limit of the road allowance between the said former Townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the said former Township of Humberstone;

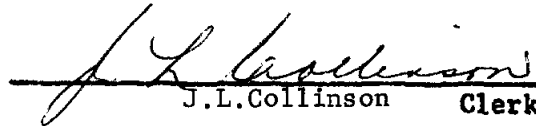
2. No land or buildings or structures shall be used for any purpose other than the presently existing use of such land, building or structure on the date of the passing of this By-law with the exception of those permitted in Section 6.
3. No building or structure shall hereafter be erected or altered and no change of use in any building, structure, lot, or premises, shall be made except in conformity with the provision of this By-law, unless the plans for such erection, alteration, or change in use have, prior to the day of the passing of this By-law, been approved by the Building Inspector, but no further erection or alteration or change of use shall be permitted.
4. Nothing in this By-law shall apply to prevent the reconstruction of any building or structure that is damaged by causes beyond the control of the owner subsequent to the date of the passing of this By-law, provided the reconstruction of such building or structure will not increase the height, size, or volume, or change the use of such building or structure.
5. Nothing in this By-law shall apply to prevent the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure or alteration or repair of an existing building or structure, provided such alteration or repair will not increase the height, size, or volume, or change the use of such building or structure.
6. Nothing in this By-law shall apply to prevent any land from being used for any agricultural purpose and residence associated with that use, providing there is a minimum lot size of 25 acres and minimum front, side and rear yards of 25 feet, and further provided that where a farm building abuts a neighbouring residential use that building will be set back a minimum distance of 100 feet.
7. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, in the discretion of the Convicting Magistrate, a penalty not exceeding the sum of Three Hundred Dollars (\$300.00), exclusive of costs, for each offence. Every such penalty shall be re-

9. This By-law shall take effect on the day it is passed by the Council, subject to the approval of The Ontario Municipal Board.

Read a First, Second and Third time and finally passes this 20th day of April , 1970 A.D.



F. J. Miller Mayor



J.L. Collinson Clerk

City of Niagara Falls

Inter-Department

To..... Mr. A.C. Huggins, City Manager

..... April 3, 1970

Re: Interim Zoning By-law, former Humberstone Section

At a recent meeting of the Planning and Development Committee, a draft interim zoning by-law was presented to the Planning and Development Committee with the explanation that this was in answer to a request by the Regional Municipality of Niagara that interim zoning by-laws be passed for all areas without zoning by-law control.

The consolidation of the Niagara Falls-Chippawa-Willoughby and Crowland by-laws will be proceeding and, of course, we hope that the O.M.B. will grant the extension to the Willoughby by-law but it was considered that this interim zoning by-law should be passed now for the former Humberstone section.

Would you kindly place this on the Staff Committee agenda. The attached report will give additional background.

Yours truly,

A. Greaves
A. Greaves

Planning Director

AG/BB

Encl.

cc. Mr. P. Van Belle

*Com. of Whole
Planning Dept Report*

*background for Com of Whole
Members HCA, JLC, RWR, ARY only.*

Signed.....

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

RE: INTERIM ZONING BY-LAW, FORMER HUMBERSTONE SECTION

Wednesday, March 25, 1970

Recently we received a communication from the Regional Government requesting each of the area municipalities to enact suitable planning controls over all or parts of their respective areas.

The only area without zoning control is that section of the City formerly the Township of Humberstone.

Committee will recall that Council has approved a recommendation to consolidate the Willoughby Crowland Official Plan and By-law and to extend this coverage to the former Humberstone section. However, this will take some time.

We therefore recommend that an interim zoning by-law be passed for the former Humberstone section.

We have requested and received a standard draft of such a by-law which is attached hereto. This by-law simply fixes the existing land uses. Thus a farmer can continue to farm and can build another barn, etc. Also, general repairs can be made to existing buildings or rebuilt if severely damaged. It would not allow a farm use to change to Residential or Commercial use.

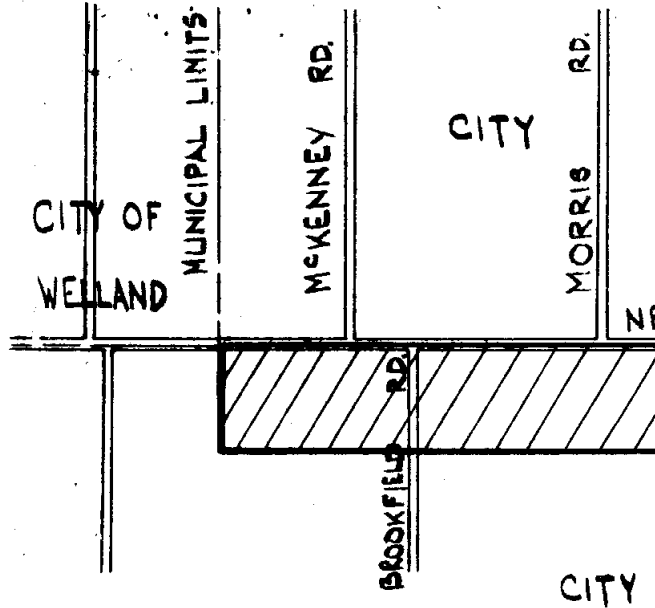
Staff Recommendation:

That the Planning and Development Committee recommend to Council that an interim zoning by-law be passed for the former Humberstone area and that the Clerk be instructed to circulate the by-law and to make application for temporary approval to the Ontario Municipal Board after the normal waiting period.



A. Greaves
Planning Director

PVB/BB



LANDS REFERRED TO IN BY

BY-LAW NO.....

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and the erection and use of buildings
and structures in

WHEREAS it is considered desirable for the adequate control of development within the defined area of the municipality of the City of Niagara Falls, to regulate the use of land and the character, use and location of all buildings and structures thereon;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, pursuant to its powers under Section 30 of The Planning Act, ENACTS AS FOLLOWS:

1. The provisions of this By-law shall apply to that part of the lands within the Municipality of the City of Niagara Falls, more particularly described as follows:

"Part of the Township of Humberstone, commencing at the south-east angle of the Township of Crowland;
Thence westerly along the boundary between the Townships of Humberstone and Crowland, to the southerly prolongation of the line between Lots 9 and 10 in the Gore of the said Township of Crowland;
Thence southerly along the last-mentioned prolongation, to a point distant 1,000 feet south of the south limit of the road allowance between the Townships of Humberstone and Crowland;
Thence easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;
Thence northerly along the boundary between the Townships of Humberstone and Bertie, to the north-easterly angle of the Township of Humberstone;

change in use have, prior to the day of the passing of this By-law, been approved by the Building Inspector, but no further erection or alteration or change of use shall be permitted.

4. Nothing in this By-law shall apply to prevent the reconstruction of any building or structure that is damaged by causes beyond the control of the owner subsequent to the date of the passing of this By-law, provided the reconstruction of such building or structure will not increase the height, size, or volume, or change the use of such building or structure.

5. Nothing in this By-law shall apply to prevent the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure or alteration or repair of an existing building or structure, provided such alteration or repair will not increase the height, size, or volume, or change the use of such building or structure.

6. Nothing in this By-law shall apply to prevent any land from being used for any agricultural use and residence associated with that use, providing there is a minimum lot size of 25 acres and minimum front, side and rear yards of 25 feet, except where a farm building abuts a neighbouring residential use that building will be set back a minimum distance of 100 feet.

7. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay, in the discretion of the Convicting Magistrate, a penalty not exceeding the sum of Three Hundred Dollars (\$300.00), exclusive of costs, for each offence. Every such penalty shall be recoverable under The Summary Convictions Act.

8. The provisions of Section 7 shall be in addition to any other remedy which the Corporation of the City of Niagara Falls or a ratepayer thereof may have to restrain by action a contravention of this By-law.

9. This By-law shall take effect on the day it is passed by the Council, subject to the approval of The Ontario Municipal Board.

Read a First, Second and Third time and finally

PASSED this..... day of....., 19..., A.D.

By-law Number ..70-69.....

PASSED April 20th

CORPORATION

OF

THE CITY OF NIAGARA FALLS

BY-LAW NO.70-69.....

A by-law to regulate the use of land and t
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INTRODUCED BY

.....*Larry R. Schuler*.....