

Explanation of the Purpose and Effect of
By-law 4316EN-23

The subject lands are described as 380 Nassau Street, Niagara-on-the-Lake, more particularly described as Lot 208 and part of Lot 221, Plan 86; Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands to facilitate a future Consent application to create one new lot for a single-detached dwelling fronting onto Nassau Street and allow for the existing dwelling with access to Nassau Street to be retained on a separate lot.

Effect

The effect of this By-law is to rezone the subject lands from “Established Residential (ER)” to “Established Residential (ER-104(a)) – Site Specific Zone”, “Established Residential (ER-104(b)) – Site Specific Zone” and “Open Space (OS-104) – Site Specific Zone.”

<p><i>Owner:</i> Pauline Petek <i>File Number:</i> ZBA-19-2022 <i>Report Number:</i> CDS-23-038 <i>Assessment Roll Number:</i> 2627 010 006 07400</p>

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316EN-23**

380 Nassau Street - Roll 2627 010 006 07400

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LAND 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;

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. Schedule "A-3" 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 – Established Residential (ER)" to "Old Town Community Zoning District – Established Residential (ER-104(a)) – Site Specific Zone," "Old Town Community Zoning District – Established Residential (ER-104(b)) – Site Specific Zone," and "Old Town Community Zoning District – Open Space (OS-104) – 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:

7.14.104 – 380 Nassau Street – See Schedule ‘A-3’ (ER-104(a), ER-104(b), OS-104)

7.14.104.1 ER-104(a) Zone Requirements

In lieu of the corresponding provisions of Subsection 7.1.2, the following provisions shall apply to the subject lands identified as ER-104(a) on Schedule ‘A-3’:

(a)	Minimum lot frontage	32 metres
	Required lot depth	as existing

7.14.104.2 ER-104(b) Zone Requirements

In lieu of the corresponding provisions of Subsection 7.1.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as ER-104(b) and OS-104 on Schedule ‘A-3’:

(a)	Minimum lot frontage (includes OS-104 lands)	61 metres
	Required lot depth (includes OS-104 lands)	as existing
(b)	Minimum front yard setback	27 metres
(c)	Minimum rear yard setback (includes OS-104 lands)	15 metres
(g)	Maximum lot coverage (includes OS-104 lands)	33%
(h)	Minimum landscaped open space (includes OS-104 lands)	30%
(k)	Maximum encroachment into a required rear yard for a covered porch and covered deck	3.1 metres
(l)	The door(s) of an attached garage shall not occupy more than 55% of the width of the dwelling facade	

7.14.104.3 OS-104 Permitted Uses

In lieu of the permitted uses in Subsection 7.11.1, only the following permitted use shall apply on the subject lands identified as OS-104 on Schedule ‘A-3’:

a) Accessory buildings and structures existing on the date of the passing of this By-law

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.

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

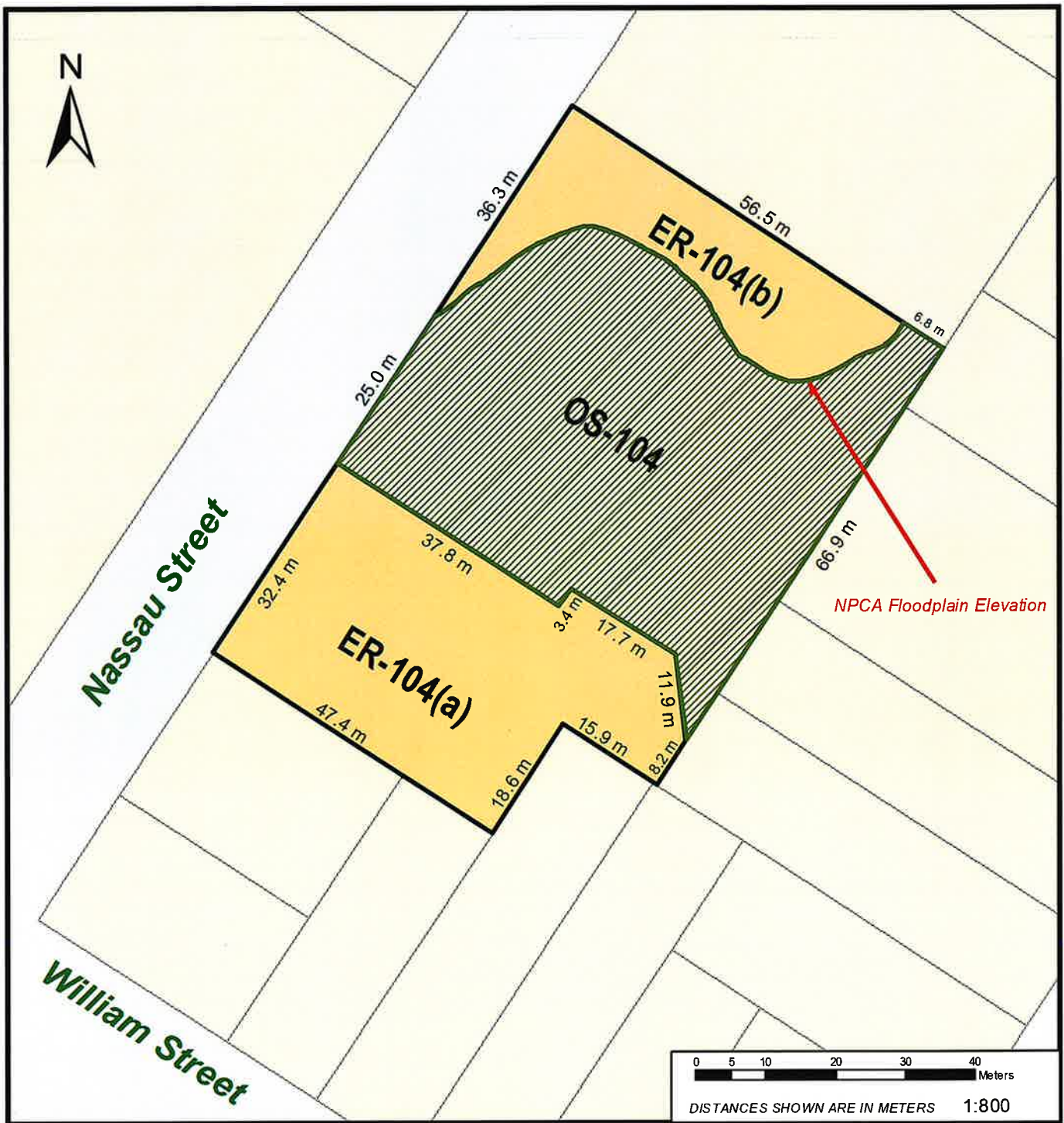
READ A FIRST, SECOND AND THIRD TIME THIS 28TH DAY OF MARCH, 2023.



LORD MAYOR
GARY ZALEPA



TOWN CLERK
DONNA DELVECCHIO



MAP 'A' ATTACHED TO BY-LAW 4316EN-23, BEING AN AMENDMENT TO SCHEDULE "A-3" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 28th DAY OF MARCH, 2023.


LORD MAYOR
GARY ZALEPA


TOWN CLERK
DONNA DELVECCHIO