

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

The subject lands are described as 240 Nassau Street, Niagara-on-the-Lake, more particularly described as Part of Lots E & F, 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 single-detached dwellings fronting onto Nassau Street and Johnson Street.

Effect

The effect of this By-law is to rezone the subject lands from “Established Residential (ER)” to “Established Residential (ER-105(a)) – Site Specific Zone”, and “Established Residential (ER-105(b)) – Site Specific Zone.”

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| <p><i>Owner:</i> Susan Russell &amp; Catherine Russell-Powers<br/><i>File Number:</i> ZBA-03-2023<br/><i>Report Number:</i> CDS-23-134<br/><i>Assessment Roll Number:</i> 262701000607000</p> |
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**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4316ER-23**

240 Nassau Street - Roll No. 262701000607000

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-105(a)) – Site Specific Zone," and "Old Town Community Zoning District – Established Residential (ER-105(b)) – 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:

**7.14.105 – 240 Nassau Street – See Schedule ‘A-3’ (ER-105(a), ER-105(b))**

**7.14.105A ER-105(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-105(a) on Schedule ‘A-3’:

|     |                      |             |
|-----|----------------------|-------------|
| (a) | Minimum lot frontage | 22.8 metres |
| (g) | Maximum lot coverage | 34%         |

**7.14.105B ER-105(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-105(b) on Schedule ‘A-3’:

|     |   |             |
|-----|---|-------------|
| (a) | Minimum lot frontage  | 18.3 metres |
| (f) | Minimum rear and interior side yard setback for accessory buildings | 1.2 metres  |
| (k) | Maximum height of an accessory building or structure                | 6.7 metres  |

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 25TH DAY OF JULY, 2023.

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LORD MAYOR  
GARY ZALEPA

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ACTING TOWN CLERK  
SHAUNNA ARENBURG