

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

The subject lands are described as 1436 & 1442 York Road, Niagara-on-the-Lake, more particularly described as Part of Township Lot 89 Niagara as in NTP5465, R010065 & R0258616 Except Highway 446; Subject to NTP17619; Subject to the rights, if any, in NTP5465; 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 the creation of one (1) new residential lot for the existing church building to be converted to a dwelling and retain one (1) lot for an existing single-detached dwelling.

Effect

The effect of this By-law is to rezone the subject lands from “St. Davids Community Zoning District - Institutional (I) Zone” to “St. Davids Community Zoning District - Residential [R1-37(a)] Site-Specific Zone,” “St. Davids Community Zoning District - Residential [R1-37(b)] Site-Specific Zone” and “St. Davids Community Zoning District – Open Space [OS-37] Site-Specific Zone” with site-specific provisions pertaining to front yard setbacks, garage widths, slope setback and open space uses.

<i>Owner:</i>	Brenda Lynn Stewart
<i>File Number:</i>	ZBA-17-2023
<i>Report Numbers:</i>	CDS-23-235
<i>Assessment Roll Number:</i>	262702002515300 & 262702002515200

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

1436 York Road, Roll #: 262702002515300
1442 York Road, Roll #: 262702002515200

A BY-LAW TO AMEND BY-LAW NO. 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;

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-23" 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 "St. Davids Community Zoning District - Institutional (I) Zone" to "St. Davids Community Zoning District - Residential [R1-37(a)] Site-Specific Zone," "St. Davids Community Zoning District - Residential [R1-37(b)] Site-Specific Zone" and "St. Davids Community Zoning District – Open Space [OS-37] Site-Specific Zone".
2. That Subsection 9.13 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

9.13.37 – 1436 & 1442 York Road – See Schedule ‘A-23’

9.13.37.1 R1-37 (a) Zone Requirements

In lieu of the corresponding provisions of Subsection 9.1.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as R1-37 (a) on Schedule ‘A-23’:

(k)	Maximum width of garage face	10.4 metres
(p)	Minimum front yard setback to the existing structure on the date of passage of this by-law	4.9 metres
(q)	Minimum front yard setback to front face of garage	30 metres
(r)	Minimum setback to stable top of slope	0.0 metres

9.13.37.2 R1-37 (b) Zone Requirements

In lieu of the corresponding provisions of Subsection 9.1.2, the following provisions shall apply to the existing dwelling on the subject lands identified as R1-37(b) on Schedule ‘A-23’:

(p)	Maximum front yard setback, Maximum width of garage face	As existing on the date of passage of this by-law
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9.13.37.3 In lieu of the permitted uses identified 9.11.1 and the zone requirements of Section 9.11.2, only environmental conservation uses shall be permitted in the OS-37 Site-Specific Zone and the zone requirements do not apply.

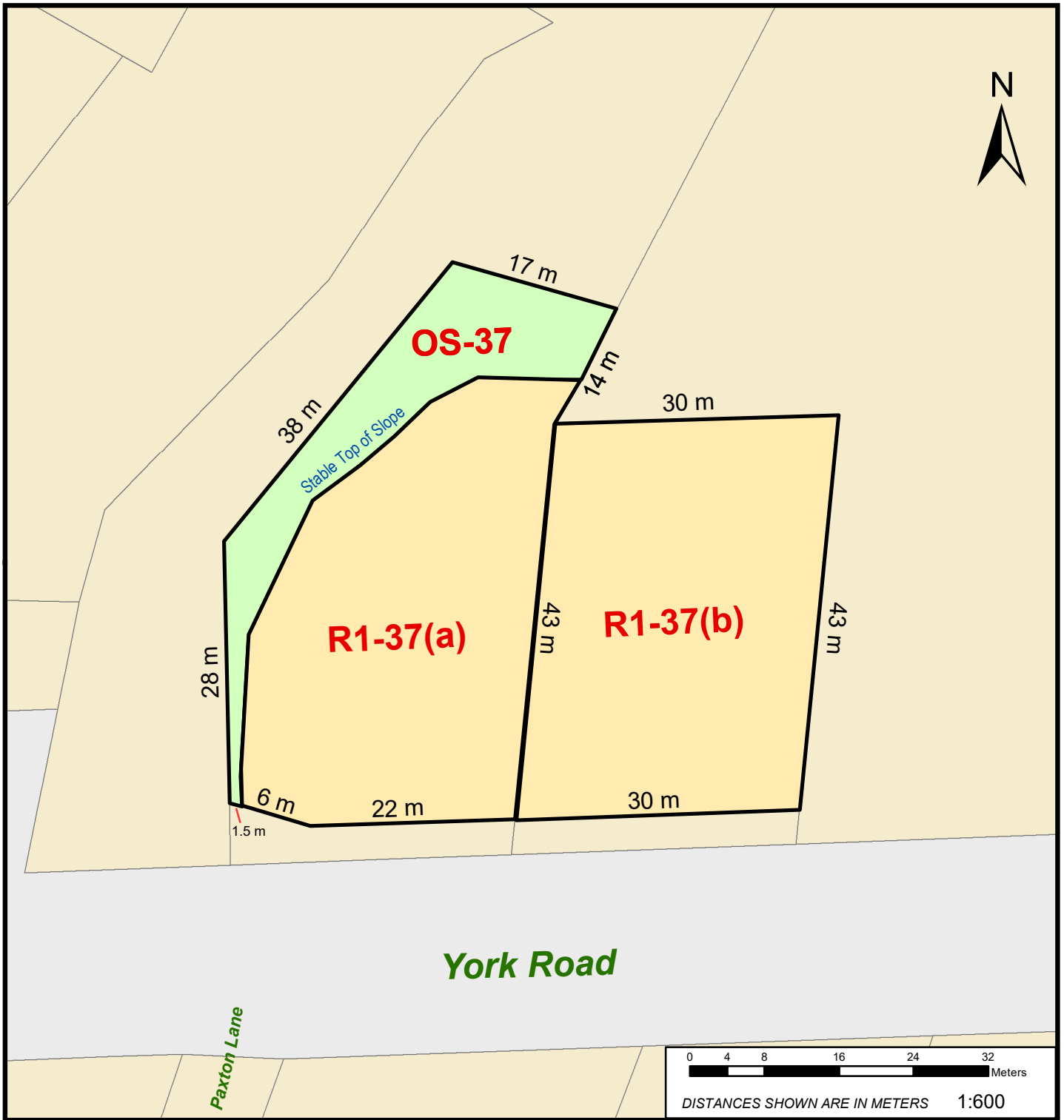
3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 12TH DAY OF DECEMBER,
2023.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL

DRAFT



MAP 'A' ATTACHED TO BY-LAW 4316EZ-23, BEING AN AMENDMENT TO SCHEDULE "A-23" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 12th DAY OF DECEMBER, 2023.

 LORD MAYOR
 GARY ZALEPA

 TOWN CLERK
 GRANT BIVOL