

Explanation of the Purpose and Effect of  
By-law 4316FB-24

The subject lands are located on the north side of Hickory Avenue (south portion) and west of Tanbark Road, and legally described as Firstly: Part Township Lot 94 Niagara as in RO178996, Subject to an Easement as in RO190469, Together with an Easement as in RO190504, Subject to an Easement in Gross Over Part 6 Plan 30R13040 as in NR194732, Secondly: Part Township Lot 94 Niagara, Part 1 Plan 30R1154 and Part 3 Plan 30R16093, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a proposed subdivision with a public road and lots for 28 single-detached dwellings.

Effect

The effect of this By-law is to rezone the subject lands from “St. Davids Community Zoning District – Residential Development (RD) Zone” to “St. Davids Community Zoning District – Residential (R2-38a) Site Specific Zone,” “St. Davids Community Zoning District – Residential (R2-38b) Site Specific Zone,” and “St. Davids Community Zoning District – Residential (R2-38c) Site Specific Zone” with site-specific provisions for lot frontage, lot area, lot coverage, front yard setback, rear yard setback, exterior side yard setback, and permitted yard projections and encroachments.

<i>Applicant:</i>	Cyrus Gatta (1784510 Ontario Limited)
<i>File Number:</i>	ZBA-14-2023
<i>Report Number:</i>	CDS-23-215
<i>Assessment Roll Number:</i>	262702002513100, 262702002514493

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

North Side of Hickory Street (South Portion), West of Tanbark Road  
Roll 262702002513100, 262702002514493

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO *PLANNING ACT* TO AMEND BY-LAW 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.

**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 – Residential Development (RD) Zone" to "St. Davids Community Zoning District – Residential (R2-38a) - Site Specific Zone," "St. Davids Community Zoning District – Residential (R2-38b) - Site Specific Zone," and "St. Davids Community Zoning District – Residential (R2-38c) - 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:

**9.13.38 Opulence Subdivision – See Schedule 'A-23' (R2-38a), (R2-38b) and (R2-38c)**

9.13.38.1 R2-38a Zone Requirements

In lieu of the corresponding provisions of Subsection 9.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as R2-38a on Schedule 'A-23':

(a)	Minimum lot frontage	12.6 metres 15.0 metres for lots fronting Hickory Avenue
(b)	Minimum lot area	415 square metres 450 metres for lots fronting Hickory Avenue
(c)	Maximum lot coverage	45%  An additional 5% lot coverage is permitted for covered and unenclosed porches, decks and patios
(e)	Minimum front yard setback to front face of dwelling	3.0 metres 4.5 metres for lots fronting Hickory Avenue
(g)	Minimum front yard setback to front face of the attached garage	6.0 metres 7.5 metres for lots fronting Hickory Avenue  An attached garage shall be setback a minimum of 1.5 metres behind the main facade of the dwelling on the ground floor
(h)	Maximum width of garage face	6.0 metres
(j)	Minimum exterior side yard setback	3.0 metres
(k)	Minimum rear yard setback	6.0 metres

#### 9.13.38.2 R2-38a Permitted Yard Projections and Encroachments

Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as R2-38a on Schedule 'A-23,' an unenclosed and uncovered or 1-storey covered porch, deck, patio and steps, at ground level,

may project 3.0 metres into a required rear yard, and 0.6 metres into a required side yard.

Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, an ornamental fencing structure may project from the side of a dwelling, behind the front face of the dwelling and no greater than 2.0 metres in height, to a shared fence line (0 metre setback) on the subject lands identified as R2-38a on Schedule 'A-23'.

### 9.13.38.3 R2-38b Zone Requirements

In lieu of the corresponding provisions of Subsection 9.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as R2-38b on Schedule 'A-23':

(a)	Minimum lot frontage	12.6 metres
(b)	Minimum lot area	333 square metres
(c)	Maximum lot coverage	45%  An additional 5% lot coverage is permitted for covered and unenclosed porches, decks, and patios
(e)	Minimum front yard setback to front face of dwelling	3.0 metres
(g)	Minimum front yard setback to front face of the attached garage	6.0 metres  An attached garage shall be setback a minimum of 1.5 metres behind the main facade of the dwelling on the ground floor
(h)	Maximum width of garage face	6.0 metres
(k)	Minimum rear yard setback	5.0 metres  A minimum of 50% of the width of the dwelling shall be setback a minimum of 6.0 metres from the

		rear lot line  The second storey of the dwelling shall be setback a minimum of 6.0 metres from the rear lot line
--	--	--

9.13.38.4 R2-38b Permitted Yard Projections and Encroachments

Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as R2-38b on Schedule 'A-23,' an unenclosed and uncovered or 1-storey covered porch, deck, patio and steps, at ground level, may project 3.5 metres into a required rear yard that is 6.0 metres in depth, and 0.6 metres into a required side yard.

Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, an ornamental fencing structure may project from the side of a dwelling, behind the front face of the dwelling and no greater than 2.0 metres in height, to a shared fence line (0 metre setback) on the subject lands identified as R2-38c on Schedule 'A-23'.

9.13.38.5 R2-38c Zone Requirements

In lieu of the corresponding provisions of Subsection 9.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as R2-38c on Schedule 'A-23':

(c)	Maximum lot coverage	45%  An additional 5% lot coverage is permitted for covered and unenclosed porches, decks, and patios
(e)	Minimum front yard setback to front face of dwelling	3.0 metres
(g)	Minimum front yard setback to front face of the attached garage	6.0 metres  An attached garage shall be

		setback a minimum of 1.5 metres behind the main facade of the dwelling on the ground floor
(k)	Minimum rear yard setback	5.0 metres

9.13.38.6 R2-38c Permitted Yard Projections and Encroachments

Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as R2-38c on Schedule 'A-23,' an unenclosed and uncovered or 1-storey covered porch, deck, patio and steps, at ground level, may project 2.0 metres into a required rear yard, and 0.6 metres into a required side yard.

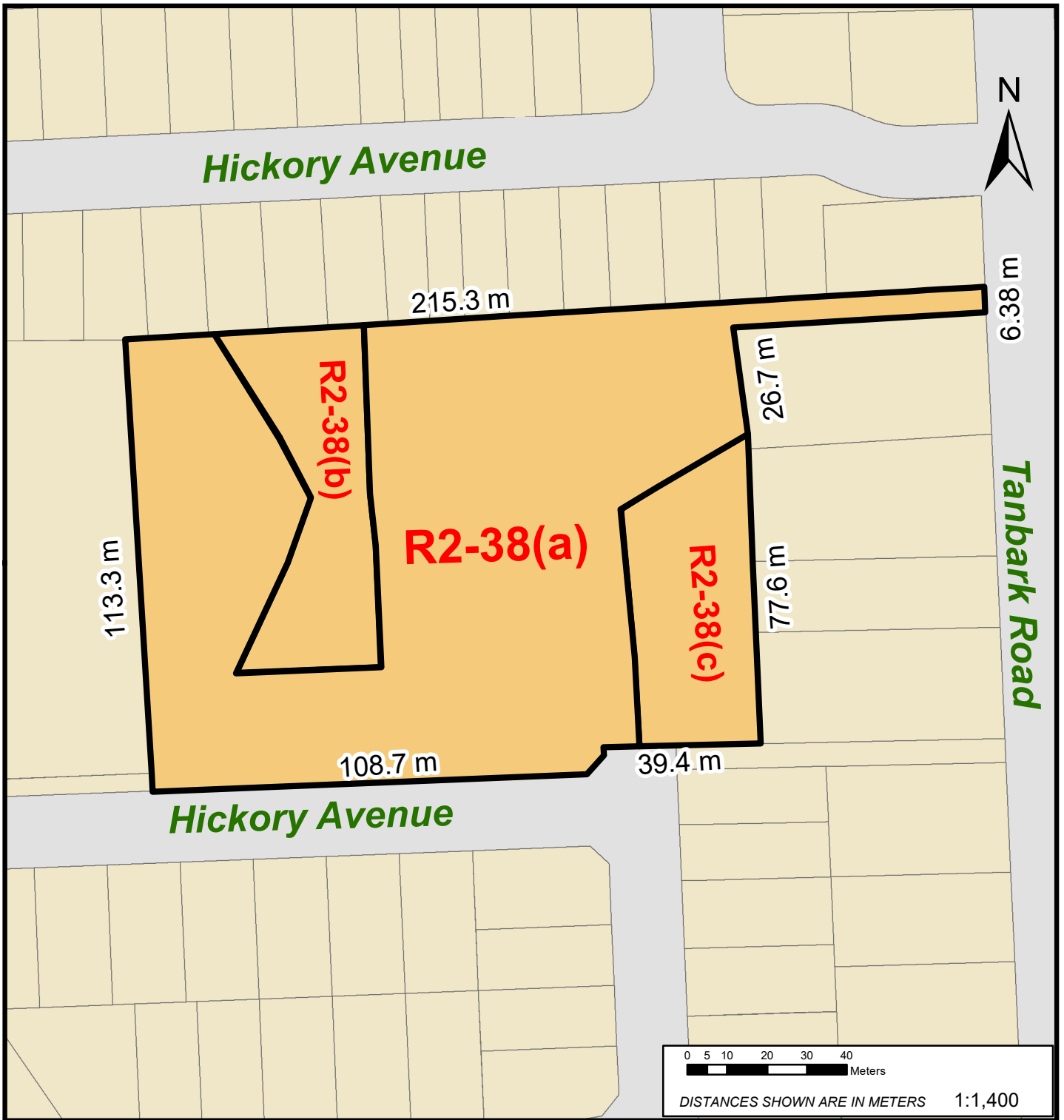
Notwithstanding the provisions of Subsection 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, an ornamental fencing structure may project from the side of a dwelling, behind the front face of the dwelling and no greater than 2.0 metres in height, to a shared fence line (0 metre setback) on the subject lands identified as R2-38c on Schedule 'A-23'.

3. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
4. That this By-law shall become effective upon final approval of the related Amendment No. 86 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 30<sup>th</sup> DAY OF APRIL, 2024.

\_\_\_\_\_  
LORD MAYOR GARY ZALEPA

\_\_\_\_\_  
TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FB-24, BEING AN AMENDMENT TO SCHEDULE "A-1" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 30th DAY OF APRIL, 2024.

\_\_\_\_\_  
 LORD MAYOR  
 GARY ZALEPA

\_\_\_\_\_  
 TOWN CLERK  
 GRANT BIVOL