

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

The subject lands are described as 308 Four Mile Creek Road and are legally described as “FIRSTLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R13725; SECONDLY: PART TOWNSHIP LOT 89 NIAGARA, PART 1 PLAN 30R14992; TOGETHER WITH AN EASEMENT OVER PART LOT 89 NIAGARA TOWNSHIP, PARTS 2, 3 & 4 PLAN 30R14992 AS IN NR362619; TOWN OF NIAGARA-ON-THE-LAKE”, now in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone a portion of the subject lands to permit the development of nine (9) townhouse dwelling units and one (1) block for future development, with common elements for a private road, environmental protection area and landscaping, and to rezone a portion of the subject lands to protect the existing Four Mile Creek watercourse and associated buffer lands by prohibiting any type of development, save and except a private road and private infrastructure, subject to approval from the Niagara Peninsula Conservation Authority.

Effect

The effect of this By-law is to rezone the subject lands from “St. Davids Community Zoning District – Enterprise (E-17) Site Specific Zone” and “St. Davids Community Zoning District - Enterprise (E) Zone” to “Open Space (OS-41(a)) Site Specific Zone”, “Open Space (OS-41(b)) Site Specific Zone” and “Residential Multiple (RM1-41-H) – Site Specific Holding Zone” with site-specific provisions for minimum front yard setback from a private road, minimum rear yard setbacks, maximum garage door width and garage setback from face of dwelling, minimum interior side yard setback, minimum distance between buildings on the same lot, and encroachment into front yard and rear yard for a porch, with the inclusion of a Holding (H) symbol to require the filing of a Record of Site Condition.

<p style="text-align: center;"><i>Applicant:</i> Sleek Developments Inc. <i>File Number:</i> ZBA-18-2023 <i>Report Number:</i> CDS-24-085 <i>Assessment Roll Number:</i> 262702002506000 and 262702002505800</p>
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**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FQ-24**

308 Four Mile Creek Road

Roll 262702002506000 and 262702002505800

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

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 – Enterprise (E-17) Site Specific Zone" and "St. Davids Community Zoning District - Enterprise (E) Zone" to "St. Davids Community Zoning District - Residential Multiple (RM1-41-H) – Site Specific Holding Zone", "Open Space (OS-41(a)) Site Specific Zone" and "St. Davids Community Zoning District – Open Space (OS-41(b)) 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 sections:

9.13.41 – 308 Four Mile Creek Road – See Schedule ‘A-23’

9.13.41.1 RM1-41-H Zone Requirements

In lieu of the corresponding provisions of Subsection 9.4.2.3, and in addition to such provisions, the following provisions shall apply on the lands identified as RM1-41-H on Schedule “A-23”:

(f)	Minimum front yard setback	6.0 m from a private lane to the main façade of a dwelling unit 16.0 m from the property line abutting Four Mile Creek Road to the main façade of a dwelling unit An attached garage shall be setback a minimum of 1 metre behind the main façade of the dwelling unit on the ground floor
(g)	Minimum interior side yard setback	1.2 m from a dwelling unit or covered porch to a property line 0 m from a common wall
(i)	Minimum rear yard setback	41.0 m from the rear face of a dwelling unit to a property line 8.0 m from the rear of a condominium unit line to the rear face of a dwelling unit
(j)	Minimum distance between buildings located on the same lot from end wall to end wall	2.4 m
(k)	Minimum distance between any townhouse dwelling and an internal driveway	Not applicable

	and parking area to the front of the dwelling, and to the front face of garage	
(q)	Maximum total width of garage doors	50% of the front face of a dwelling unit

9.13.41.2 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM1-41-H on Schedule “A-23’, the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, patio or steps may project 2.0 metres into a required front yard.
- b) an unenclosed and uncovered or covered porch, deck or patio or steps may project 3.5 metres into a required rear yard, provided that any covered area is no greater than 15 square meters (excluding eaves and gutters).

9.13.41.3 OS-41(a) Permitted Uses

In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the “Open Space (OS-41(a)) Site Specific Zone”:

- a) *conservation management activities* and uses.

9.13.41.4 OS-41(b) Permitted Uses

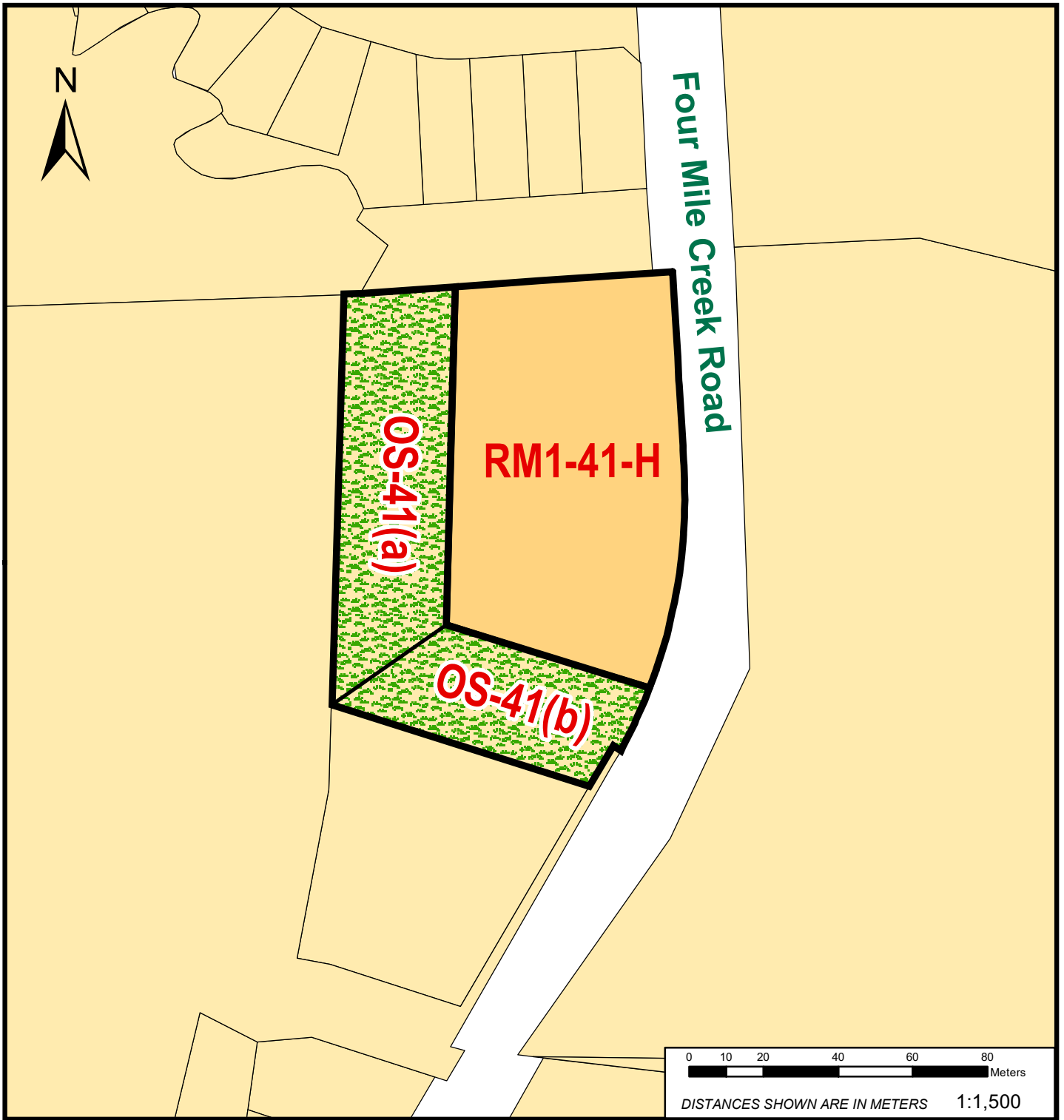
In lieu of the permitted uses contained in Subsection 9.11.1 of Zoning By-law 4316-09, as amended, and the zone requirements contained in Subsection 9.11.2 of the By-law, only the following use shall be permitted within the “Open Space (OS-41(b)) Site Specific Zone”:

- a) *conservation management activities* and uses.
 - b) a *private road* and *private infrastructure*, subject to approval from the Niagara Peninsula Conservation Authority.
3. The development of the subject lands identified as RM1-41-H on Schedule “A-23” shall only be permitted upon removal of the Holding (H) symbol. The Holding (H) symbol shall not be removed until such time as the submission of confirmation of the filing of a Record of Site Condition with the Ministry, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake and Niagara Region.
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 30th DAY OF JULY 2024.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FQ-24, 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 30th DAY OF JULY, 2024.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL