

Explanation of the Purpose and Effect of
By-law 4316EB-21

The subject lands are a parcel of land described as 455 Line 2 Road, Niagara-on-the-Lake, more particularly described as Part of Township Lot 120, Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the property to permit the development of one (1) new lot for a single-detached dwelling and retain one (1) lot for an existing single-detached dwelling.

Effect

The effect of this By-law is to rezone the property from “Virgil Community Zoning District - Residential Development (RD) Zone” to “Virgil Community Zoning District - Residential (R1-38) – Site Specific Zone” and “Virgil Community Zoning District - Residential (R2-38) – Site-Specific Zone” with site-specific provisions pertaining to the following:

- lot frontage
- lot area
- lot coverage
- front yard setback
- rear yard setback
- garage setback and garage door width

<i>Owner:</i>	Wesley and Ruth Hummel
<i>File Number:</i>	ZBA-03-2021
<i>Report Number:</i>	CDS-21-015A
<i>Assessment Roll Number:</i>	2627020014287000000

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316EB-21**

455 Line 2 Road Roll 2627020014287000000

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-14" 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 "Virgil Community Zoning District – Residential Development (RD) Zone" to "Virgil Community Zoning District – Residential (R1-38) – Site Specific Zone" and "Virgil Community Zoning District – Residential (R2-38) – Site Specific Zone".
2. That Subsection 10.12 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following section:

10.12.38 - 455 Line 2 Road – See Schedule A-14 (R1-38 and R2-38)

10.12.38.1 R1-38 Zone Requirements

In lieu of the corresponding provision of Subsection 10.1.2, the following provision shall apply to the subject lands identified as R1-38 on Schedule 'A-14':

(h)	Minimum rear yard setback for the dwelling existing on the date of passage of this By-law	6.1 metres
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10.12.38.2 R2-38 Zone Requirements

In lieu of the corresponding provisions of Subsection 10.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified and R2-38 on Schedule 'A-14':

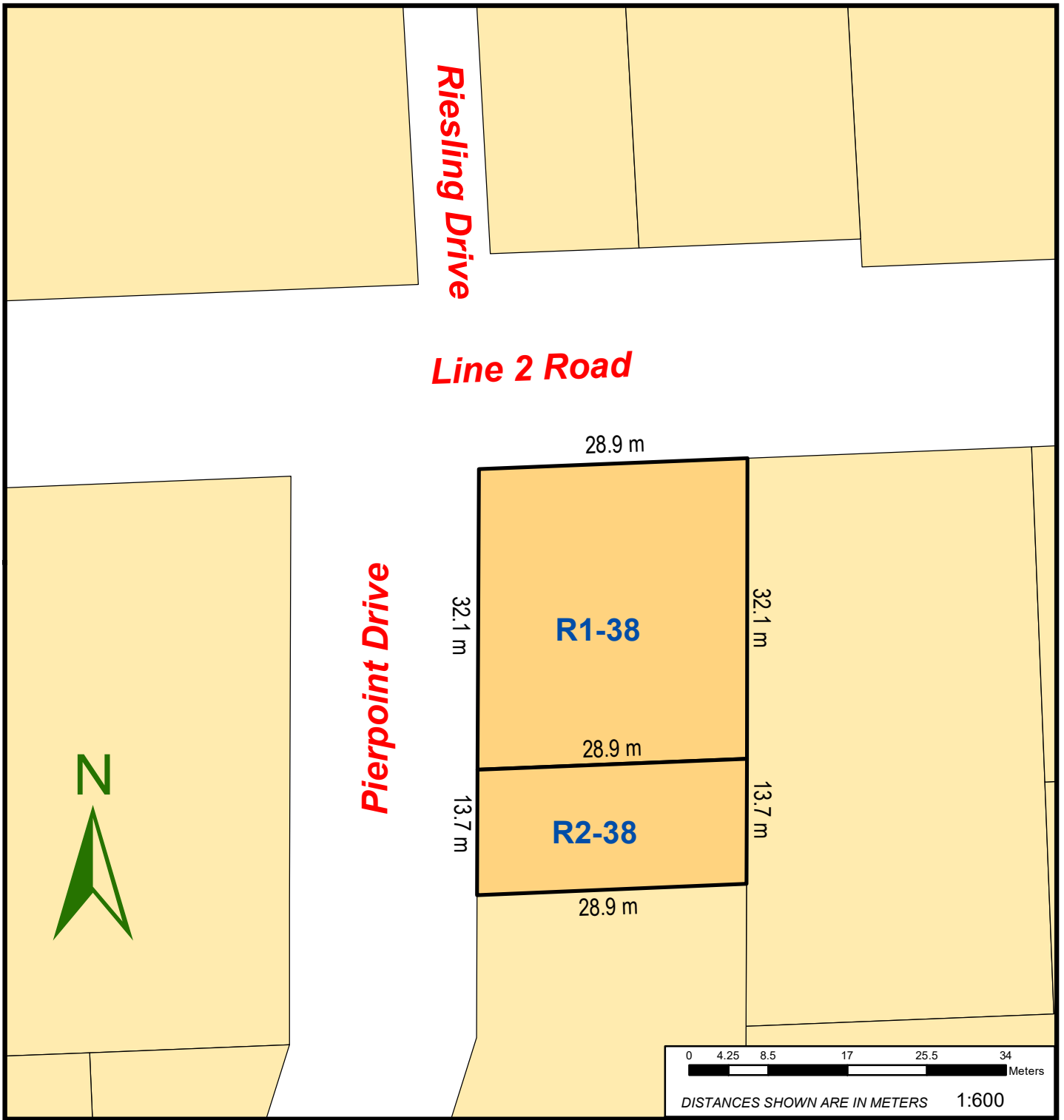
(a)	Minimum lot frontage	13.0 metres
(b)	Minimum lot area	396 m ²
(c)	Maximum lot coverage	45%
(e)	Minimum front yard setback	4.0 metres to dwelling 6.0 metres to garage
(m)	Maximum encroachment into a required rear yard for a covered porch and covered deck	3.0 metres
(n)	Maximum encroachment into a required front yard for a covered porch and covered deck	1.5 metres
(o)	A detached or attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the main floor, except where a covered front porch is provided, an attached garage may project to the rear of the covered front porch provided the garage has a minimum front yard setback of 6.0 metres.	
(p)	The door(s) of an attached garage shall not occupy more than 50% of the width of the dwelling façade.	

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

READ A FIRST, SECOND AND THIRD TIME THIS 26TH DAY OF JULY, 2021.

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT



MAP 'A' ATTACHED TO BY-LAW 4316EB-21, BEING AN AMENDMENT TO SCHEDULE "A-14" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 26TH DAY OF JULY, 2021.

 LORD MAYOR
 BETTY DISERO

 ACTING TOWN CLERK
 COLLEEN HUT