

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

The subject lands are comprised of two properties that do not have a municipal address and are located on the west side of Concession 7 Road, north of York Road and south of Queenston Road, Niagara-on-the-Lake, and legally described as NIAGARA ON THE LAKE PART LOTS 179 TO 181 PART ROAD ALLOWANCE REGISTERD PLAN 30R3553 PT PART 1 AND REGISTERED PLAN 30R13678 PART 1; and PART TOWNSHIP LOT 181 REGSITERED PLAN 30R11752 PT PART 2.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the development of a plan of subdivision (Modero Estates), containing 306 townhouse dwellings, 55 single-detached dwellings, and 28 apartment dwelling units within a mixed-use block, for a total of 389 dwelling units.

Effect

The effect of this By-law is to rezone the subject lands from “Glendale Community Zoning District – Light Industrial (LI) Zone”, “Glendale Community Zoning District - Prestige Industrial (PI) Zone”, and “Glendale Community Zoning District - Open Space Key Feature (OSF) Zone” to “Residential (R1) Site Specific Zone”, “Residential Multiple (RM5) Site Specific Zone”, “Village Commercial (VC) Site Specific Zone”, “Open Space (OS) Zone Site Specific Zone” and “Open Space Key Feature (OSF) Site Specific Zone”.

Site specific provisions for Residential uses pertain to:

- Minimum lot area for single-detached and on-street townhouse dwellings.
- Minimum front yard setback for on-street and block townhouse dwellings.
- Minimum setback to privacy yard for block townhouse dwellings.

- Maximum building height for block townhouse dwellings.
- Minimum amenity areas for block townhouse dwellings.
- Minimum front yard setback to a private road for block townhouse dwellings.

Site specific for Village Commercial provisions pertain to:

- Minimum front yard setback.
- Maximum front yard setback.

<p><i>Applicants:</i> 2645162 Ontario Inc. & Hummel Properties Inc. <i>File Number:</i> ZBA-07-2022 <i>Report Number:</i> CDS-24-036 <i>Assessment Roll Number:</i> 262702001916000 and 262702001915000</p>

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FI-24**

West Side of Concession 7 Road, North of York Road
Roll 262702001916000 and 262702001915000

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-21 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:
 - a. "Glendale Community Zoning District – Light Industrial (LI) Zone" to "Glendale Community Zoning District - Residential (R1-16) Site-Specific Zone", "Glendale Community Zoning District - Residential Multiple (RM5-16(a)) Site-Specific Zone" and "Glendale Community Zoning District – Open Space (OS-16) Site-Specific Zone".
 - b. "Glendale Community Zoning District - Prestige Industrial (PI) Zone" to "Glendale Community Zoning District - Residential Multiple (RM5-16(a)) Site-Specific Zone", "Glendale Community Zoning District - Residential Multiple (RM5-16(b)) Site-Specific Zone", "Glendale Community Zoning District - Village Commercial (VC-16) Site Specific Zone", "Glendale Community Zoning District – Open Space (OS-16) Site-Specific Zone", and "Glendale Community Zoning District – Open Space Key Features (OSF-16) Site-Specific Zone".

2. That Section 11 entitled “Glendale Community Zoning District – Table 11-1 and Table 11-2” of Bylaw 4316-09, as amended, is hereby further amended by adding the Table appended to this By-law, entitled “Table 11-3 – Zone Requirements: R1-16, RM5-16(a), RM-5-16(b) – MODERO ESTATES SUBDIVISION”.
3. That Subsection 11.18 Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following sections:

11.18.16 - West Side of Concession 7 Road, North of York Road (Modero Estates) – See Schedule ‘A-21’

11.18.16.1 R1-16 Permitted Uses

In lieu of the permitted uses identified in Subsection 11.3.1, only the following permitted uses shall apply on lands identified as R1-16 on Schedule “A-21”:

- a. *accessory buildings and structures* in accordance with Section 6.1;
- b. *group homes* in accordance with Section 6.20;
- c. *home occupations or home profession* in accordance with Section 6.24;
- d. *semi-detached dwelling*; and
- e. *single detached dwelling*.

11.18.16.1(a) R1-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as R1-16 on Schedule “A-21”:

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.1(b) R1-16 Zone Requirements:

In lieu of the provisions of Subsection 11.3.2 and “Table 11-1 – Zone Requirements (R1, RM5)”, the provisions identified on “Table 11-3 – Zone requirements: R1-16, RM5-16(a), RM5-16(b) – MODERO ESTATES SUBDIVISION” shall apply on the lands identified as R1-16 on Schedule “A-21”.

11.18.16.2 RM5-16 Permitted Uses

In lieu of the permitted uses identified in Subsection 11.7.1, only the following permitted uses shall apply on lands identified as RM5-16(a) and RM5-16(b) on Schedule “A-21”:

- a. *accessory buildings and structures* in accordance with Section 6.1;
- b. *fourplex or quadraplex dwelling*;
- c. *group homes* in accordance with Section 6.20;
- d. *home occupations or home profession* in accordance with Section 6.24;
- e. multiple dwellings such as *on-street townhouses* and *block development townhouses*;
- f. *semi-detached dwelling*;
- g. Block Townhouses including Back-to-Back Townhouses as defined in 11.18.16.10 below, and *stacked townhouses*.

11.18.16.2(a) RM5-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as RM5-16(a) and RM5-16(b) on Schedule “A-21”:

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.2(b) RM5-16 Zone Requirements:

In lieu of the corresponding provisions of Subsection 11.7.2 and “Table 11-1 – Zone Requirements (R1, RM5)”, the provisions identified on “Table 11-3 – Zone requirements: R1-16, RM5-16(a), RM5-16(b) – MODERO ESTATES SUBDIVISION” shall apply on the lands identified as RM5-16(a) and RM5-16(b) on Schedule “A-21”.

11.18.16.2(c) RM5-16 Site Specific Definition:

BACK-TO-BACK TOWNHOUSE is a form of *block townhouse* dwelling within a residential building containing a minimum of 4 and a maximum of 16 units, having attached units separated by a common or party wall above grade, including a common or party rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front elevation or exterior side elevation of the dwelling unit. This definition shall apply on the lands identified as RM5-16(a) and RM5-16(b) on Schedule “A-21”.

11.18.16.3 VC-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.11.1, only the following permitted uses shall apply on lands identified as VC-16 on Schedule "A-21":

- a. *bake shop*;
- b. *catering establishment*;
- c. *convenience store*;
- d. corporate or other *business office*;
- e. *day care centre*;
- f. *educational facility*;
- g. *financial institution*;
- h. *grocery store*;
- i. *medical or professional office*;
- j. *outdoor patio restaurant* as a secondary use to a restaurant use in accordance with Section 6.36;
- k. *personal service establishment*;
- l. *postal outlet*;
- m. *public use*;
- n. residential dwelling units, as a secondary use to the principal commercial use, above any commercial use located within the same building, in accordance with Section 6.48.
- o. *restaurants*;
- p. *retail stores*; and
- q. *tavern*.

11.18.16.3(a) VC-16 Prohibited Uses:

The following uses shall be prohibited on lands identified as VC-16 on Schedule "A-21":

- a. A Short-Term Rental use as defined, licensed, regulated, and governed by the in-effect By-laws within the Town of Niagara-on-the-Lake.

11.18.16.3(b) VC-16 Zone Requirements:

In lieu of the corresponding provisions of Subsection 11.11.2, the following provisions shall apply on the lands identified as VC-16 on Schedule “A-21”:

(b)	Minimum front yard setback	3.0 m
(c)	Maximum front yard setback	6.0 m

11.18.16.3(c) VC-16 Zone Requirements Footnotes

The following Footnotes shall apply to the Zone Requirements on the lands identified as VC-16 on Schedule “A-21”:

1. The parking requirements set out in Provisions Section 6 of Zoning By-law 4316-09, as amended, shall apply to lands identified as VC-16 on Schedule “A-21”.
2. For Lots identified within the VC-16 Zone with Frontage on Concession 7 Road, the Front Lot Line shall be deemed the Frontage on Concession 7 Road.
3. All Lot Lines abutting a Public Street, other than the Front Lot Line, shall be deemed to be an Exterior Lot Line.
4. Notwithstanding the creation of lot lines of a condominium, the zoning regulations in the VC-16 Zone shall be applied to the entirety of the lands zoned VC-16, not the individual lots created through condominium registration.

11.18.16.4 OS-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.15.1, only the following permitted uses shall apply on lands identified as OS-16 on Schedule “A-21”:

- a. *conservation management activities and uses*;
- b. existing building and structure;
- c. *public and private parks*; and
- d. *public use*.

11.18.16.5 OSF-16 Permitted Uses:

In lieu of the permitted uses identified in Subsection 11.16.1, only the following permitted uses shall apply on lands identified as OSF-16 on Schedule "A-21":

- a. existing accessory *Building or Structure* in accordance with Section 6.1;
- b. existing *Agricultural Farm*;
- c. existing *Agricultural Related Uses*;
- d. expansions of (a) to (c) inclusive, subject to an EIS;
- e. *conservation Management Activities and Uses*;
- f. existing *Cemetery*;
- g. existing Historic Sites and Forts;
- h. existing *Public Parks*;
- i. municipal Irrigation and Drainage Systems, including dams; and
- j. uses pursuant to the Niagara Parks Act on Niagara Parks Commission land in accordance with Section 1.2.

- 4. That this By-law shall become effective upon final approval of the related Amendment No. 91 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 27th DAY OF FEBRUARY 2024.

LORD MAYOR GARY ZALEPA

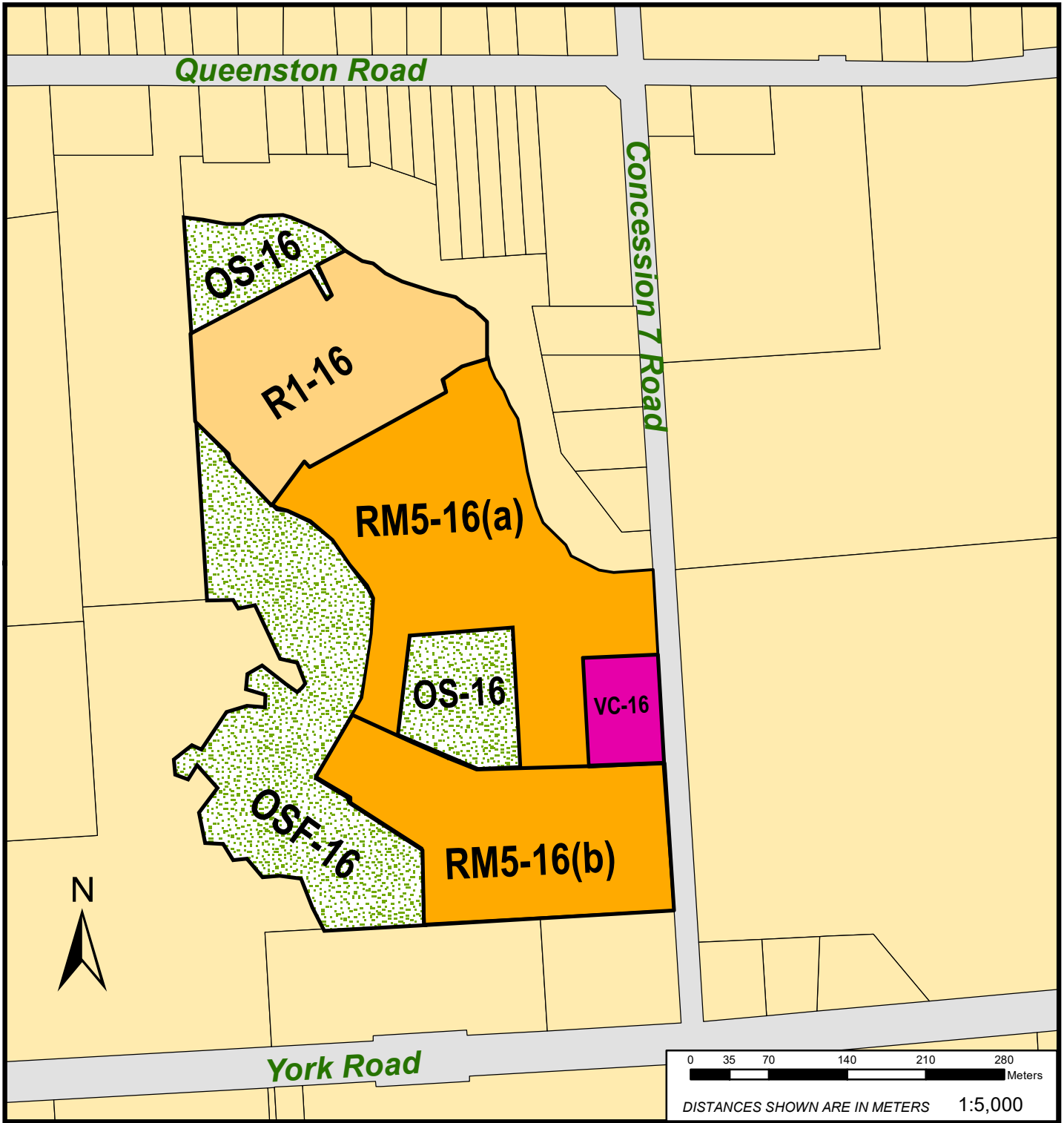
TOWN CLERK GRANT BIVOL

Table 11-3 - Zone Requirements: R1-16, RM5-16(a), RM5-16(b) - MODERO ESTATES SUBDIVISION

Zone	Dwelling Type	Minimum Lot Requirements				Minimum Yards (m)					Minimum Dwelling Floor Area	Maximum Building Height	Maximum Garage Door(s) Width	Minimum Amenity Area per unit (m ²)
		Frontage (m)	Area (m ²)	Landscaped Open Space	Maximum Lot Coverage	Front Yard Setback to Garage	Front Yard Setback to Dwelling Facade	Interior Side Yard	Exterior Side Yard	Rear Yard Setback				
R1-16	Single Detached Dwelling	12	360	25%	48%	6	4.5	1.2	3	7.5	93 m ²	10 m	50% of the dwelling facade	30
RM5-16(a)	On-Street Townhouse (on public road)	6 per unit	175	25%	55%	6	4	1.5	3	5.0/garage 6.0/unit	93 m ²	10 m	50% of the dwelling facade	30
RM5-16(a)	Block Townhouses (on public roads)	20	4000	25%	50%	6	4	See note 3	3	7	93 m ²	12 m		30
RM5-16(b)	On-Street Townhouse (on public road)	6 per unit	155	25%	60%	6	4	1.5	3	5.0/garage 6.0/unit	93 m ²	10 m	50% of the dwelling facade	30
						<i>From a private road</i>								
RM5-16(a)	Block Townhouses	20	4000	25%	50%	6	3.5	See note 3	3	7	93 m ²	12 m		30
						<i>From a private road</i>								
RM5-16(b)	Block Townhouses (on private roads)	130	33,700	25%	50%	6	3.5	See note 3	3	7	93 m ²	12 m		4 (back to back & stacked)

Footnotes to Table 11-3:

1. An unenclosed covered porch with open sides and/or balcony above, located in the front or exterior side yard shall be excluded from any calculation of maximum lot coverage provided the area of the porch does not exceed 5% of the total unit area for interior units and 10% of the total unit area for corner units. Such porch may encroach into the front and/or exterior side yard a maximum of 1.5 m provided the porch floor level is no more than 1.87 m above grade.
2. The parking requirements set out in Provisions Section 6 of Zoning By-law 4316-09, as amended, shall apply to the lands identified as R1-16 and RM5-16 (a), and RM5-16(b).
3. The interior side yard setback for Block Townhouses shall be:
 Building Front - 4.0 m
 Building End Wall - 1.5 m
 Building Privacy Yard - 7.0 m
 For the purposes of this Section:
 (i) Building Front: means the face of the building which contains the main entrance;
 (ii) Building End Wall: means a wall face which has less than 10% of its surface devoted to access and window openings;
 (iii) Building Privacy Yard: means an outdoor space directly accessible from the inside of the dwelling unit for the purpose of passive outdoor recreations exclusively for the unit.
4. All accessory buildings will be setback a minimum of 1.2 m from any rear or interior side yard and 3 m from any exterior side yards. All accessory buildings will be included in lot coverage.
5. For Lots identified within the RM5-16(a) and RM5-16(b) Zone with Frontage on Concession 7 Road, the Front Lot Line shall be deemed the Frontage on Concession 7 Road.
6. For dwelling units in the RM5-16(a) and RM5-16(b) Zone located on a curved or corner lot, the minimum setback from a private road to a dwelling corner shall be a minimum of 2.75 metres.
7. Notwithstanding the creation of lot lines of a condominium, the lot frontage, lot coverage and lot area provisions for Block Townhouses in the RM5-16(a) and RM5-16(b) Zone, shall be applied to the entirety of the lands zoned RM5-16(a) or RM5-16(b) within an individual block, not the individual lots created through condominium registration.
8. For Lots identified within the RM5-16(a) and RM5-16(b) Zone, all Lot Lines abutting a Public Street, other than the Front Lot Line, shall be deemed to be an Exterior Lot Line.



MAP 'A' ATTACHED TO BY-LAW 4316FI-24, BEING AN AMENDMENT TO SCHEDULE "A-21" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 27th DAY OF FEBRUARY, 2024.

LORD MAYOR
GARY ZALEPA

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