

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

The subject lands are located on the north side of Line 2 Road, east of Concession 6 Road, south of Homestead Drive, and west of Frontier Drive, and legally described as Part Township Lot 119 Niagara Part 1, 30R15177; Part Township Lot 119 as in RO334969; and, Part Township Lot 119 Niagara Parts 1 and 2, 30R15178 Except Plan 30M468, Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the subject lands to permit a proposed subdivision and condominium with public and private roads, and lots for 52 single-detached dwellings fronting onto public roads, 6 street townhouse dwellings fronting Line 2 Road, and 102 block townhouse dwelling units to be accessed via private roads.

Effect

The effect of this By-law is to rezone the subject lands from “Virgil Community Zoning District – Residential Development (RD) Zone” to “Virgil Community Zoning District – Residential Multiple [RM1-45(a)] Site Specific Zone,” “Virgil Community Zoning District – Residential Multiple [RM1-45(b)] Site Specific Zone,” “Virgil Community Zoning District – Residential [R2-45(a)] Site Specific Zone,” and “Virgil Community Zoning District – Residential [R2-45(b)] Site Specific Zone” with site-specific provisions for lot frontage, lot area, lot coverage, setbacks, width of garage doors and permitted yard projections and encroachments.

<i>Applicant:</i>	Ron Berard (Grey Forest Homes Ltd.)
<i>File Number:</i>	ZBA-02-2024
<i>Report Number:</i>	CDS-24-123
<i>Assessment Roll Number:</i>	262702001419900, 262702001419990, 262702001420200

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

Konik Estates Phase 2  
Roll 262702001419900, 262702001419990, 262702001420200

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-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 Multiple [RM1-45(a)] Site Specific Zone," "Virgil Community Zoning District – Residential Multiple [RM1-45(b)] Site Specific Zone," "Virgil Community Zoning District – Residential [R2-45(a)] Site Specific Zone," and "Virgil Community Zoning District – Residential [R2-45(b)] 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:

**10.12.45 Konik Estates Phase2 Subdivision – See Schedule 'A-14'  
[RM1-45(a)], [RM1-45(b)], [R2-45(a)], [R2-45(b)]**

10.12.45.1 RM1-45(a) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.2, and in addition to such provisions, the following provisions shall apply to the subject lands identified as RM1-45(a) on Schedule 'A-14':

(a)	Minimum lot frontage	8.5 metres for an exterior lot
(b)	Minimum lot area	288 square metres for an exterior lot (Riesling Drive and Line 2 Road)
(c)	Maximum lot coverage	45%  An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks and patios
(e)	Minimum front yard setback	4.5 metres 6.0 metres to the front face of a garage  An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
(f)	Maximum interior side yard setback	1.5 metres  No interior side yard is required between the common vertical wall dividing one unit from another.
(g)	Minimum exterior side yard setback	1.5 metres
(h)	Minimum rear yard setback	6.0 metres
(n)	Maximum total width of garage doors	50% of the dwelling unit

#### 10.12.45.2 RM1-45(b) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.4.2.3, and in addition to such provisions, the following provisions shall apply to the subject lands identified as RM1-45(b) on Schedule 'A-14':

(a)	Minimum lot frontage	15.0 metres
(c)	Maximum lot coverage	45% (entire development)
(e)	Minimum front yard setback	4.5 metres

		6.0 metres to the front face of a garage  An attached garage shall be setback a minimum of 1.0 metres behind the main façade of the dwelling on the ground floor
(f)	Minimum interior side yard setback	0.0 metres to a common wall 2.0 metres from the end wall of a dwelling unit to a property line
(g)	Minimum exterior side yard setback	3.0 metres from the end wall of a dwelling unit to a property line abutting a public or private street
(h)	Minimum rear yard setback	6.0 metres
(j)	Minimum distance between any townhouse dwelling and a private roadway and parking area	1.4 metres
(m)	Minimum accessory building yards setback	Not applicable
(o)	Minimum accessory building exterior side yard setback	Not applicable
(p)	Maximum total width of garage doors	50% of the dwelling unit frontage on a private lane

### 10.12.45.3 R2-45(a) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.2.2, and in addition to such provisions, the following provisions shall apply the subject lands identified as R2-45(a) on Schedule 'A-14':

(a)	Minimum lot frontage	13.0 metres for an interior lot
(b)	Minimum lot area	400 square metres
(c)	Maximum lot coverage	50%  An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
(e)	Minimum front yard setback	4.5 metres to the main façade of the dwelling 6.0 metres to the front face of a

		garage  An attached garage shall be setback a minimum of 1.0 metres behind the main facade of the dwelling on the ground floor
(g)	Minimum exterior side yard setback	3.0 metres 6.0 metres for a garage with the entrance facing the exterior side yard
(k)	Minimum accessory building yards setback	1.0 metres for rear yard and interior side yard
(l)	Minimum accessory building exterior side yard setback	3.0 metres
(m)	Maximum total width of garage doors	6.0 metres

#### 10.12.45.4 R2-45(b) Zone Requirements

In lieu of the corresponding provisions of Subsection 10.2.2, and in addition to such provisions, the following provisions shall apply the subject lands identified as R2-45(b) on Schedule 'A-14':

(c)	Maximum lot coverage	40%  An additional 5% lot coverage is permitted for attached covered and unenclosed porches, decks, and patios
(f)	Minimum interior side yard setback	1.4 metres to an existing in-ground swimming pool

#### 10.12.45.5 RM1-45(a) & RM1-45(b) Parking Space Requirements, Additional Provisions

In lieu of the provisions of Subsection 6.40(i) and (j), the minimum interior side yard setback for a driveway shall be 0.25 metres from a dwelling unit line where driveways are abutting and 0.0 metres from a dwelling unit line where driveways are not abutting.

10.12.45.6 RM1-45(a), RM1-45(b) & R2-45(a) 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 RM1-45(a), RM1-45(b) and R2-45(a) on Schedule 'A-14,' the following provisions shall apply:

- 1) an unenclosed and uncovered or covered porch, patio or steps may project 2.5 metres into a required front yard and may project 1.5 metres into a required exterior side yard.
- 2) an unenclosed and uncovered or covered porch, deck or patio (such porch, deck or patio shall have a platform no greater than 1.2 metres above finished grade) or steps may project 3.8 metres into a required rear yard, provided that any covered area is no greater than 14.5 square metres (excluding eaves and gutters) and has a maximum height of 5.0 metres above finished grade.
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.

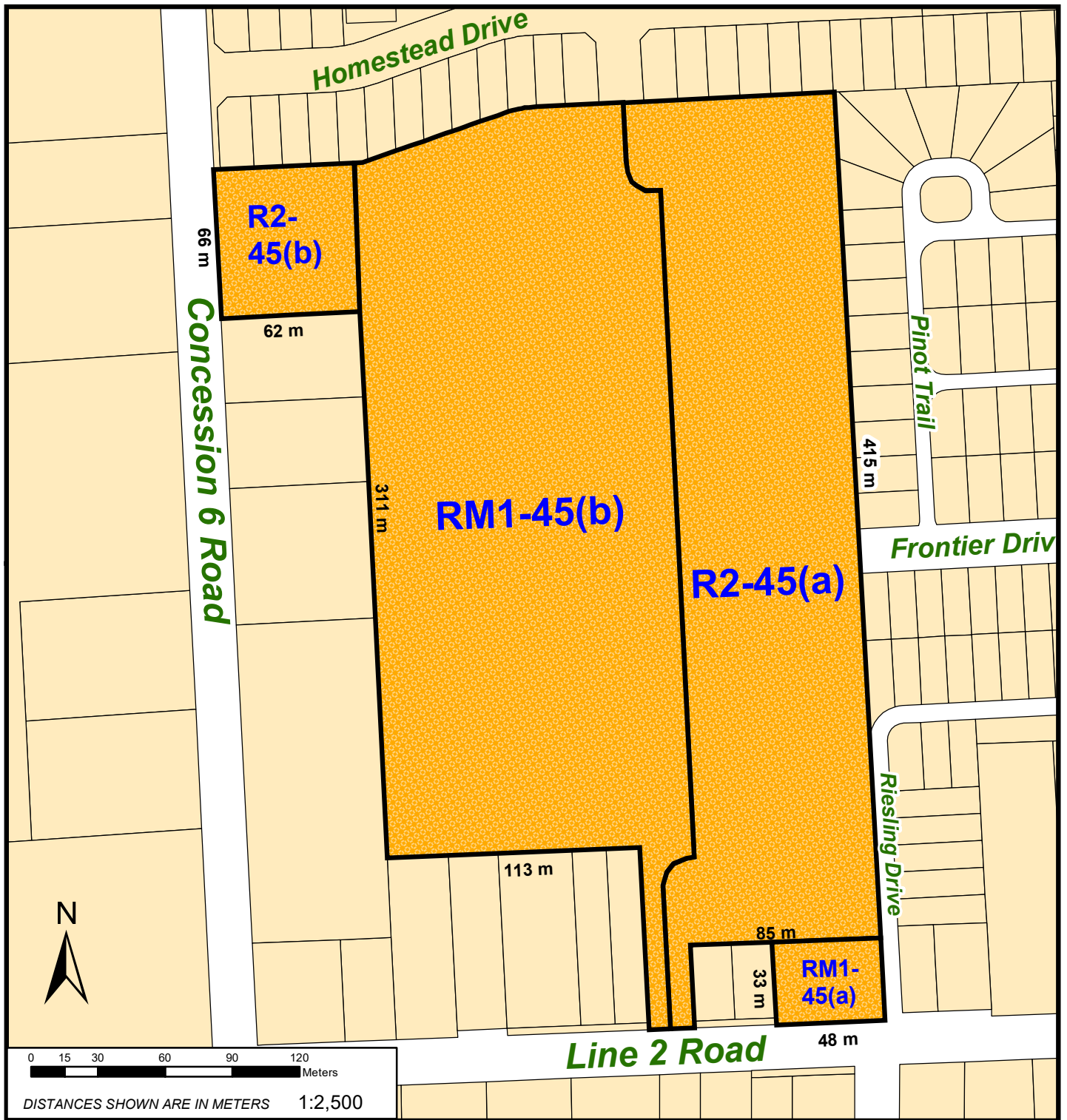
READ A FIRST, SECOND AND THIRD TIME THIS 30<sup>th</sup> DAY OF JULY, 2024.

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LORD MAYOR GARY ZALEPA

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TOWN CLERK GRANT BIVOL



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

LORD MAYOR  
GARY ZALEPA

TOWN CLERK  
GRANT BIVOL