

Planning Act
Loi sur l'aménagement du territoire

ONTARIO REGULATION XX/23
ZONING ORDER – TOWN OF NIAGARA ON THE LAKE,
REGION OF NIAGARA

This Regulation is made in English only.

Definitions

1. In this Order,

“Zoning By-Law means the Town of Niagara On the Lake Zoning By-Law No. 4316-09, as amended.

“Yard-Front” means the minimum horizontal distance, measured at a right angle between the back of the curb from a Private Road to the nearest part of any building or structure.

Application

2. This Order applies to lands in the Town of Niagara on the Lake in the Regional Municipality of Niagara, in the Province of Ontario, being the lands outlined in red on a map numbered XX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Permitted Uses

3. Every use of land and every erection, location or use of any building or structure is prohibited on the lands identified on the map referred to in section 2, except for:

(a) In the Residential Multiple 1 Zone (RM1-XX)

- i) Block Townhouse Dwelling;
- ii) Semi-Detached Dwelling; and,
- iii) Single Detached Dwelling.

(b) In the Residential Multiple 2 Zone (RM2-XX)

- i) Apartment buildings; and,
- ii) Senior Citizen Apartment Building.

Zoning Requirements

4. Notwithstanding the regulations set out in the Zoning By-law, the following site-specific exceptions shall apply to the lands outlined in red on a map numbered XX and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

a) Minimum unit count for the RM1 zone is 103.

b) Minimum unit count within the RM2 zone is 150.

c) For the area zoned RM1-XX, the maximum overall lot coverage shall be 40%

d) In the Residential Multiple 1 Zone (RM1-XX)

- i) Minimum Lot Area per unit does not apply.
- ii) Minimum interior yard setback does not apply.
- iii) Minimum exterior yard setback does not apply.
- iv) Minimum Outdoor Amenity Space shall be 1, 800 m² over the area zoned RM1-XX.
- v) Minimum front yard setback to a Private Road:

- a. 4.5m to a dwelling face;
- b. 6.0m to a garage face.
- vi) Minimum distance between any part of a dwelling and a Private Road or Parking Area is 3.0m.
- vii) Notwithstanding Subsections 6.40(i) and 6.40(j) of Zoning By-law 4316-09, in instances where adjacent units result with a paired driveway, a landscape strip consisting of granular material or unit pavers, shall be provided for visual separation. The landscape strip shall have a minimum width of 0.25 metres.
- viii) Notwithstanding Table 6-10 under Section 6.44 Permitted Yard Projections and Encroachments of the By-Law, an unenclosed and uncovered porch, a covered porch, deck, balcony patio or steps are permitted to project 1.5m into the Front Yard, and 4.0m into the Rear Yard.
- ix) A covered porch, deck or patio shall be a maximum of one storey in height.
- x) Notwithstanding Section 6.46 Residential / Agricultural Interface of the By-law, a 3.0m wide buffer strip along the residential property line is permitted to be a part of the Side or Rear Yard setback requirement and the required fence may be 1.5 m black chain link fence which is to be constructed by the residential developer.
- xi) Notwithstanding Section 6.39, Table 6-5: Residential Parking Ratios, Townhouse Dwellings require a minimum of 2 parking space per unit, where tandem parking and garage parking spaces are included as part of the parking space count per unit.

(1) Block Townhouse and Semi-Detached Dwellings

- (a) Minimum distance between buildings located on the same lot:
 - (i) End wall to end wall is 2.0m
 - (ii) End wall to a Private Road is 3.0m
 - (iii) Rear wall to rear wall is 12.0m
 - (iv) Rear wall to end wall is 7.5m
 - (v) Sidewall to a Public Road is 3.0m
 - (vi) Rear wall to property boundary 6.0m
 - (vii) Side/end wall to a property boundary 3.0m

(2) Single Detached Dwellings

- (b) Minimum distance between dwellings:
 - (i) End wall to end wall is 2.0m
 - (ii) End wall to a Private Road is 3.0m
 - (iii) Rear wall to rear wall is 14.0m
 - (iv) Rear wall to townhouse/semi-detached rear wall is 13.0m
 - (v) Rear wall to end wall is 8.5m
 - (vi) Sidewall to a Public Road is 3.0m
 - (vii) Rear wall to property boundary 7.0m
 - (viii) Side/end wall to a property boundary 3.0m

e) In the Residential Multiple 2 Zone (RM2-XX)

- a) For the area zoned RM2-XX, the maximum overall lot coverage for an Apartment Building shall be 40% and a Senior Citizen Apartment Building shall be 50%. Minimum lot area per unit shall not apply.
- b) Minimum Landscaped Open Space is 30%.

- (1) Apartment Buildings and Senior Citizen Apartment Building:
 - (a) Minimum lot frontage is not applicable.
 - (b) Minimum building setback from a Private Road is 4.5m.
 - (c) Minimum building setback from a Parking Area is 3.0m.
 - (d) Minimum building separation from a dwelling within an RM1-XX zone is 20.0m
 - (e) Maximum building height is 22.0m.
 - (f) Notwithstanding Section 6.22 of By-Law 4316-09, Height Restrictions Exceptions defined within 6.21 (g) are permitted.
 - (g) Notwithstanding Section 6.38 (g) - Parking Requirements, the minimum dimensions of a parking space in a parking structure or on the surface is 2.75m x 5.8m.
 - (h) Notwithstanding Section 6.39, Table 6-5: Residential Parking Ratios, an Apartment building requires a minimum of 1 parking space per unit.
 - (i) Notwithstanding Section 6.3 Amenity Area, an equipped children's play area is not required for an Apartment building.
 - (j) Notwithstanding Section 6.46 Residential / Agricultural Interface of the By-law, a 3.0m wide buffer strip along the residential property line is permitted to be a part of a proposed private road or any yard requirement and the required fence may be 1.5 m black chain link fence which is to be constructed by the residential developer.

Terms of use

5. (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.
- (5) Nothing in this Order prevents the construction of up to 2 additional residential units within any residential dwelling.

Deemed by-law

6. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the Town of Niagara on the Lake.