

Explanation of the Purpose and Effect of
By-law 4316FV - 25

The subject lands are unaddressed and are located south of Penner Street, east of Elden Street, north of Field Road, and west of Niagara Stone Road. The subject lands are legally described as “Lots 39 and 40, Part of Lots 34, 35 and 38, Plan 304, Part of Block 9, Township Plan 85, Niagara, Parts 1 & 2 30R16153” in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

Purpose

The purpose of this By-law is to rezone the subject lands to permit the development of eight (8) townhouse dwelling units and a four-storey apartment building consisting of a maximum of 24 dwelling units, in addition to implementing site-specific provisions, with common elements for a private road, visitor parking, servicing and landscaping.

Effect

The effect of this By-law is to rezone the subject lands from “Virgil Community Zoning District – Village Commercial Holding (VC-H-42) Zone” and “Virgil Community Zoning District – Residential Holding (R1-H-42) Zone” to “Residential Multiple (RM1-48) – Site Specific Zone” and “Residential Multiple (RM2-48) – Site Specific Zone,” with site-specific provisions for lot frontage, lot area, lot coverage, front yard setbacks to the property line and a private road, interior side yard setbacks, rear yard setbacks, setbacks from the rear of a dwelling unit, setbacks to a private street, driveway or parking area, distance between buildings on the same lot, total width of garage doors, building height, and encroachments into rear yard and front yard.

<i>Applicant:</i>	2559165 Ontario Inc. (John Bufalino)
<i>File Number:</i>	ZBA-09-2024
<i>Report Number:</i>	CDS-25-023
<i>Assessment Roll Number:</i>	262702001313304

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316FV - 25**

Unaddressed Parcel Located South of Penner Street, East of Elden Street, North
of Field Road, and West of Niagara Stone Road
Roll # 262702001313304

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-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 – Village Commercial Holding (VC-H-42) Zone" and "Virgil Community Zoning District – Residential Holding (R1-H-42) Zone" to "Virgil Community Zoning District - Residential Multiple (RM1-48) – Site Specific Zone" and "Virgil Community Zoning District - Residential Multiple (RM2-48) – Site Specific Zone"
2. That Subsection 10.12.42B and Subsection 10.12.42C of By-law 4316-09, as amended, are hereby repealed.

3. That Subsection 10.12, Site Specific Exceptions of By-law 4316-09, as amended, is hereby further amended by adding the following:

10.12.48 - Unaddressed Parcel Located South of Penner Street, East of Elden Street, North of Field Road, and West of Niagara Stone Road [RM1-48 and RM2-48]

10.12.48.1 RM1-48 Permitted Uses

In lieu of the permitted uses contained in Subsection 10.4.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM1-48 on Schedule 'A-14':

- a) *townhouse dwelling*

10.12.48.2 RM1-48 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 on the lands identified as RM1-48 on Schedule 'A-14':

(a)	Minimum lot frontage	59 m measured over the entire lot
(b)	Minimum lot area	4,650 m ² measured over the entire lot
(c)	Maximum lot coverage	50% measured over the entire lot
(d)	Minimum landscaped open space	30% measured over the entire lot
(e)	Minimum front yard setback	4.5 m from the western property line 4.5 m from a private lane to the front wall of a dwelling unit 6.0 m from a private lane to the front face of a garage An attached garage shall be setback a minimum of 1 metre behind the front wall of a

		dwelling unit on the ground floor The front wall of a dwelling unit shall be interpreted to be the outside wall of a building, facing the location where access is provided from a private lane, excluding the front face of a garage
(f)	Minimum interior side yard setback	3.5 m from the rear wall of a dwelling unit to the northern property line The rear wall of a dwelling unit shall be interpreted to be the outside wall opposite to and farthest from the front wall of a dwelling unit
(h)	Minimum rear yard setback	1.8 m from an end wall of a dwelling unit to the eastern property line
(i)	Minimum distance between buildings located on the same lot	3.5 m from end wall to end wall
(j)	Minimum distance between a townhouse dwelling and a parking area	11.0 m
(l)	Maximum building height	One (1) <i>storey</i> being a maximum of 8.5 m
(p)	Maximum total width of garage doors	50% of the front face of a dwelling unit

10.12.48.3 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 RM1-48 on Schedule “A-14”, the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, deck, balcony, or patio shall not project into a required front yard, side yard or rear yard
- b) unenclosed and uncovered steps may project 1.0 metres into a front yard or side yard

10.12.48.4 RM1-48 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 0.0 metres from an abutting condominium unit line, and the minimum setback for a driveway from the western property line shall be 7.0 metres.

10.12.48.5 RM2-48 Permitted Uses

In lieu of the permitted uses contained in Subsection 10.5.1 of Zoning By-law 4316-09, as amended, only the following uses are permitted on lands identified as RM2-48 on Schedule ‘A-14’:

- a) *apartment building* with a maximum of twenty-four (24) apartment dwelling units.
- b) *accessory building and structures* in accordance with Section 6.1.

10.12.48.6 RM2-48 Zone Requirements

In lieu of the corresponding provisions of Subsection 10.5.2.1 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the lands identified as RM2-48 on Schedule ‘A-14’:

(a)	Minimum lot frontage	59 m measured over the entire lot
(b)	Minimum lot area	4,650 m ² measured over the entire lot

(c)	Maximum lot coverage	50% measured over the entire lot
(d)	Minimum landscaped open space	30% measured over the entire lot
(e)	Minimum front yard setback	6.0 m 4.75 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the front face of the apartment building
(f)	Minimum interior side yard setback	1.5 m to the southern property line 5.5 m to a private lane 0.5 m to a parking space 4.2 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 30% of the width of the northern face of the apartment building
(h)	Minimum rear yard setback	1.5 m 0.3 m for a roof overhang projecting from the fourth <i>storey</i> occupying no more than 40% of the width of the rear face of the apartment building
(k)	Maximum building height	13.0 m

10.12.48.7 RM2-48 Parking Space Requirements

In addition to the provisions of Subsection 6.39 of Zoning By-law 4316-09, as amended, a minimum of nine (9) visitor parking spaces shall be provided on lands zoned RM2-48.

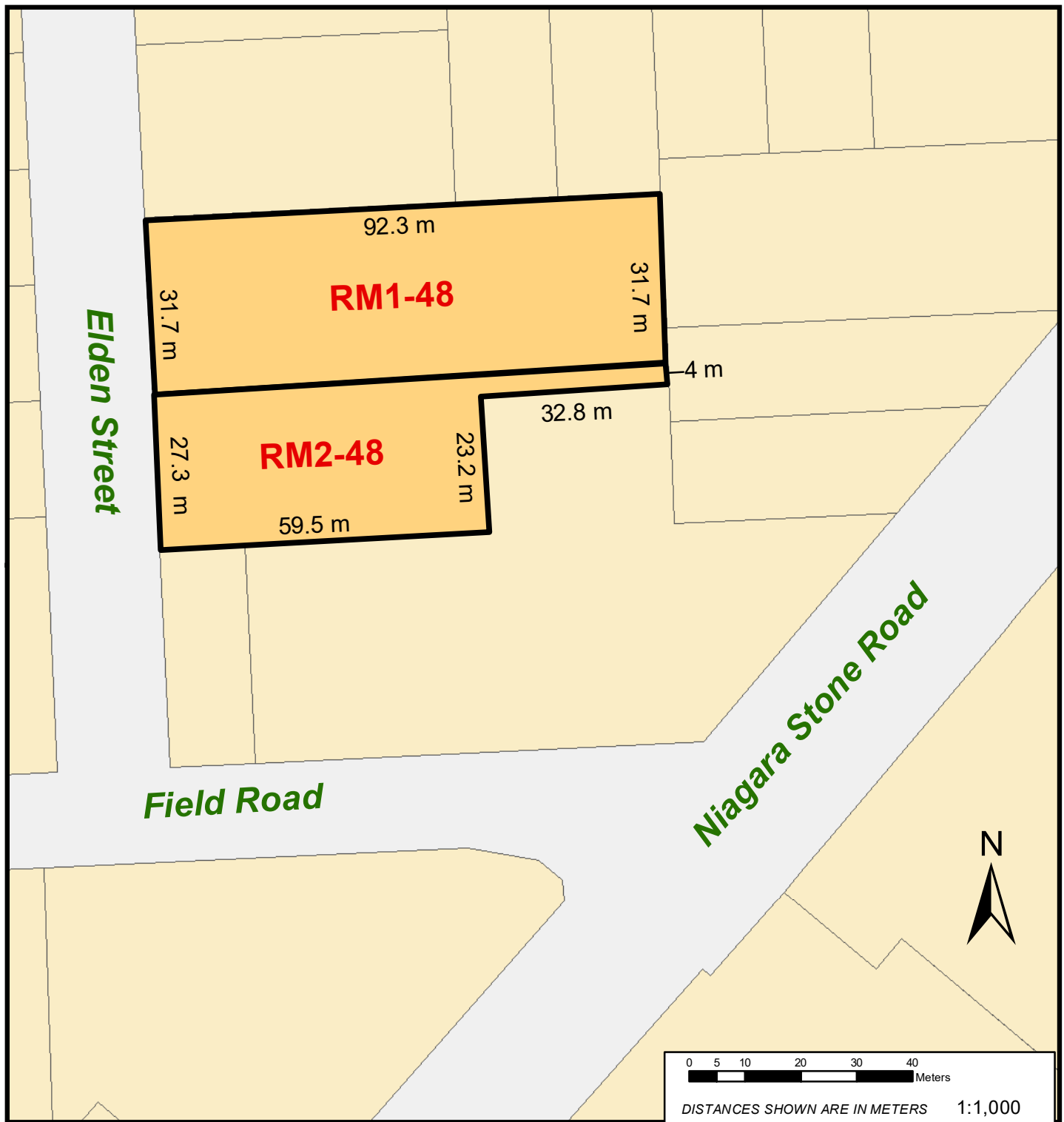
10.12.48.8 In lieu of the corresponding provisions of Section 6.44 Table 6-10 of Zoning By-law 4316-09, as amended, Permitted Yard Projections and Encroachments, on lands identified as RM2-48 on Schedule "A-14", the following provisions shall apply:

- a) an unenclosed and uncovered or covered porch, deck, terrace, balcony, patio or steps shall not project into a required front yard, side yard or rear yard.
- 4. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the subject lands.
- 5. That this By-law shall become effective upon final approval of the related Amendment No. 100 to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS 25th DAY OF MARCH 2025.

LORD MAYOR GARY ZALEPA

TOWN CLERK GRANT BIVOL



MAP 'A' ATTACHED TO BY-LAW 4316FV-25, 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 25th DAY OF MARCH, 2025.

LORD MAYOR
GARY ZALEPA

TOWN CLERK
GRANT BIVOL