

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316BT-16**

1532 Concession 4 Road (Woodcastle Acres)
Roll 2627 020 013 071 00

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 and Section 36 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 (R2-30-H) Site Specific Holding Zone" and "Virgil Community Zoning District - Residential Multiple (RM1-30-H) Site Specific Holding Zone."
2. That Section 10.12 Site Specific Exemptions, is hereby further amended by adding the following:

"10.12.30 1532 Concession 4 Road (Woodcastle Acres) - See Schedule 'A-14' (R2-30-H & RM1-30-H)

In lieu of the corresponding provisions of Subsection 10.2.2 the following provisions shall apply on the subject lands identified as R2-30-H Schedule “A-14”:

10.12.30.1 R2-30-H Zone Requirements:

| | | |
|-----|---|--|
| (a) | Minimum lot frontage | 11 m (36 ft) |
| (b) | Minimum lot area | 350 m ² (3767 ft ²) |
| (c) | Maximum lot coverage | 45% |
| (d) | Minimum landscaped open space | 25 % |
| (e) | Minimum front yard setback | 4 m (13 ft) |
| | Minimum front yard setback to attached garage | 6 m (19.5 ft) |
| (f) | Minimum interior side yard setback | 1.2 m (4 ft) |
| (g) | Minimum exterior side yard setback | 4.2 m (13.76 ft) |
| (h) | Minimum rear yard setback | 7.5 m (24.6 ft) |
| (i) | Minimum dwelling floor area | 93 m ² (1001 ft ²) |
| (j) | Maximum building height | 10 m (32.8 ft) |
| (m) | Minimum rear yard setback to a covered patio, porch or deck | 4 m (13.2 ft) |

In lieu of the corresponding provisions of Subsection 10.4.1, only the following uses shall apply on the subject lands identified as RM1-30-H Schedule “A-14”:

10.12.30.2 RM1-30-H Permitted Uses:

- (a) On-street townhouse dwellings
- (b) A semi-detached dwelling
- (c) A group home in accordance with Section 6.20
- (d) A public use
- (e) Accessory buildings and structures in accordance with Section 6.1

In lieu of the corresponding provisions of Subsection 10.4.2.2, the following provisions shall apply on the subject lands identified as RM1-30-H Schedule “A-14”:

10.12.30.3 RM1-30-H Zone Requirements:

| | | |
|-----|---|--|
| (a) | Minimum lot frontage per unit | 6.2 m (20.3 ft) |
| (b) | Minimum lot area per unit | 250 m ² (2690 ft ²) |
| (c) | Maximum lot coverage per unit | 48 % |
| (d) | Minimum landscaped open space per unit | 25 % |
| (e) | Minimum front yard setback to front face of dwelling per unit Minimum front yard setback to attached garage per unit | 4 m (13 ft) 6 m (19.5 ft) |
| (f) | Minimum interior side yard setback for an end unit No interior side yard is required between the common vertical wall dividing one unit from another | 1.5 m (4.9 ft) |
| (g) | Minimum exterior side yard setback | 4.0 m (13.12 ft) |
| (h) | Minimum rear yard setback | 7.5 m (24.6 ft) |
| (i) | Minimum dwelling floor area | 80 m ² (861 ft ²) |
| (j) | Maximum building height | 10 m (32.8 ft) |
| (n) | Rear yard setback to a covered patio, porch or deck | 4 m (13.2 ft) |

10.12.30.4 In lieu of the corresponding provisions of Section 6.40(j) of Zoning By-law 4316-09, as amended, under Parking Space Requirements, Additional Provisions, the following provision shall apply to the lands zoned “Virgil Community Zoning District - Residential Multiple (RM1-30-H) Site Specific Holding Zone”:

“Where there is a common vertical wall dividing two garages on a property line, the minimum interior side yard setback for a driveway along that property line shall be 0 metres, otherwise the minimum interior side yard setback for a driveway shall be 0.6 metres.”

10.12.30.5 In lieu of the corresponding provisions of Section 6.44 of Zoning By-law 4316-09 Permitted Yard Projections and Encroachments, the following provision shall apply to the lands zoned “Virgil Community Zoning District - Residential (R2-30-H) Site Specific Holding Zone” and “Virgil Community Zoning District - Residential Multiple (RM1-30-H) Site Specific Holding Zone”:

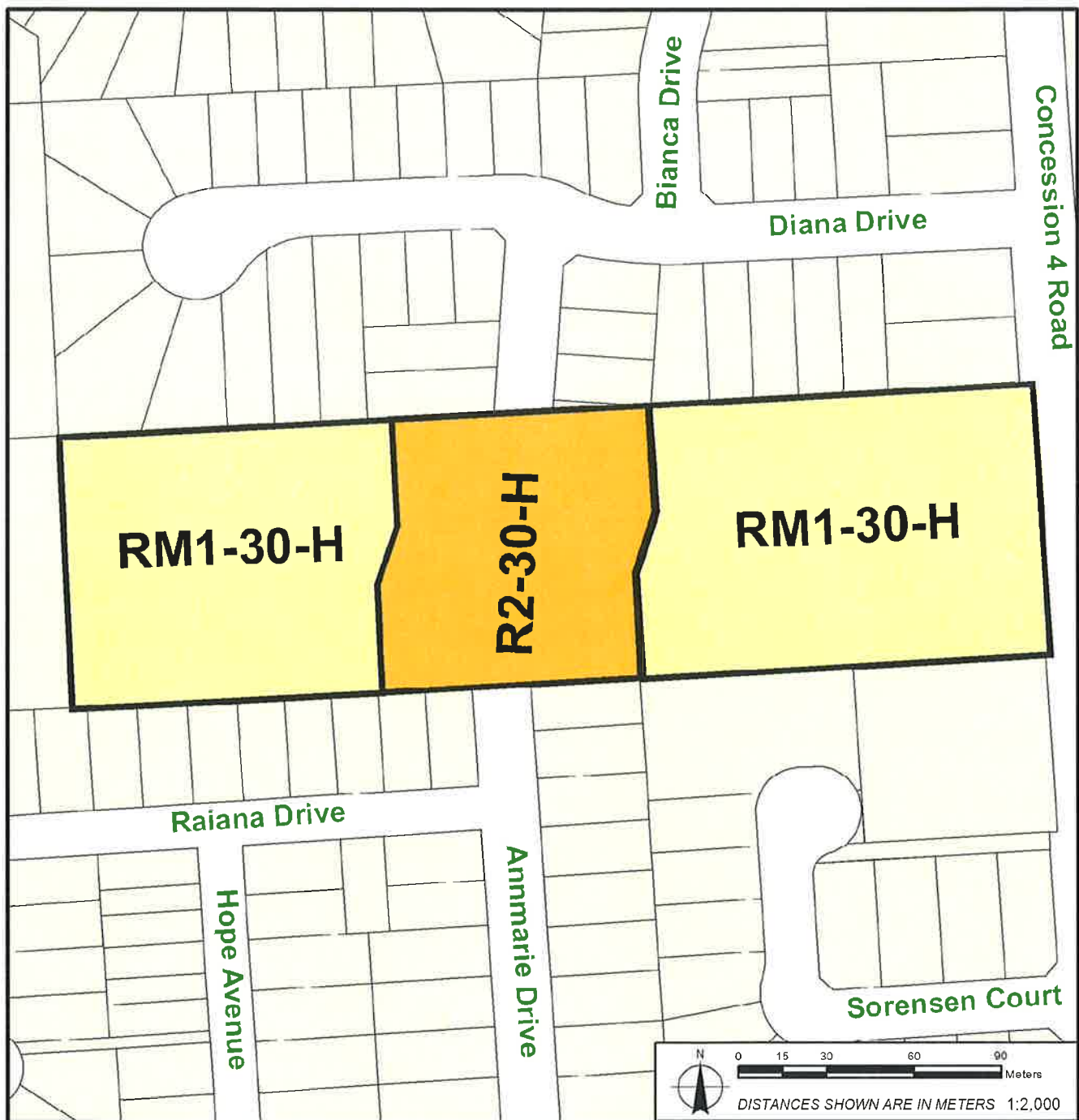
“An unenclosed and uncovered porch, deck, patio or steps may project into a rear yard 3.5 m. An unenclosed and uncovered balcony may project into a rear yard 1.5 metres.”

3. That the Holding “H” provision of this By-law shall be removed once the new regional waste water treatment facility that services Virgil is constructed and operational, and upon request by the owner, to the satisfaction of the Corporation of the Town of Niagara-on-the-Lake.
4. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 1ST DAY OF FEBRUARY, 2016.

LORD MAYOR PAT DARTE

TOWN CLERK HOLLY DOWD



SCHEDULE ATTACHED TO BY-LAW 4316BT-16, 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 1st DAY OF FEBRUARY, 2016.

**LORD MAYOR
PAT DARTE**

**TOWN CLERK
HOLLY DOWD**