

**CITY OF NIAGARA FALLS**

**By-law No. 2024-\_\_\_**

A by-law to amend By-law No. 2023-080, to permit detached dwelling units in certain lands zoned R5E(H)-1206, to amend the provisions for interior side yard setbacks in lands zoned R5D(H)-1203, to amend By-Law 79-200 to permit model homes in certain lands zoned R5(E)-1206 and to propose site-specific standards to non-residential uses.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:**

1. The Subject Lands that are the subject of and affected by the provisions of this by-law are described in Appendix A of this by-law and shall be referred to in this by-law as the "Subject Lands". Appendix A forms part of this by-law.
2. The Subject Lands are further identified as, Parcels R5E(H)-1206 and R5D(H)-1203., respectively, all in accordance with Schedule 1.
3. The purpose of this by-law is to amend the provisions of By-law No. 2023-080 and By-Law No. 79-200, to permit the use of the Subject Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 2023-080, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. By-law No. 2023-080 to the contrary, the following regulations shall govern on Parcels R5D(H)-1203, as shown on Schedule 1:
  - i. Minimum interior side yard width for a back-to-back dwelling 1.2 m. on one side  
0.0m on a mutual side lot line
5. Except as modified above, the balance of the regulations of the R5D(H)-1203 zone shall apply.
6. Notwithstanding any provision of By-law No. 2023-080 to the contrary, the following uses shall be permitted on the portion of Parcel R5E(H)-1206, as shown on Schedule 1:
  - i. A detached dwelling
  - ii. Accessory dwelling units may be permitted within an accessory building and within the primary dwelling on the same lot.
  - iii. Sales office
  - iv. Community centre
  - v. Model Homes
  - vi. Temporary Sales Trailer
  - vii. All other uses permitted in the R5E(H)-1026 Zone.

7. The regulations governing the permitted uses on those portions of the Subject Lands zoned R5E(H)-1206 shall be as follows:

- i. For detached dwellings, the regulations shall be as provided for the R2(H)-1198 zone.
- ii. For detached dwellings with accessory buildings, the regulations shall be as provided for the R1F(H)-1199 zone.
- iii. For detached dwellings without an attached or detached garage, the regulations shall be as provided for the R1F(H)-1200 zone.
- iv. For non-residential uses the regulations shall be as provided below:

a) Minimum Lot Frontage	30 m
b) Minimum Front Yard Depth measured from Future Street A	15 m
c) Minimum rear yard depth measured from a private driveway of internal road	10 m
d) Minimum Interior side yard width measured from private driveway or internal road	3 m
e) Minimum Exterior side yard width measured from Grassy Brook ROW	4 m
f) Maximum Lot Coverage	40%
g) Maximum Height	8 m
h) Maximum Floor Area	500 sq.m
i) Parking and Access Requirements	In accordance with section 4.19.1 of By-Law 79-200
j) Loading Area requirements	In accordance with section 4.20 of By-Law 79-200

8. Notwithstanding provision 4.11 of By-Law 79-200, access may be permitted from a private driveway/future internal road.

9. Notwithstanding provision 4.14.1 of By-Law 79-200, lots abutting a future internal road or private driveway on one side and a public street on the other are not to be treated as a through lot.

10. Notwithstanding provision 4.14.2 of By-Law 79-200, a front yard shall not be required along a future internal road or a private driveway that is opposite a public street.

11. All Property regulations are to be measured using future lot lines to be created through consent, severance or part lot control.

12. Except as modified above, the balance of the regulations of the R5E(H)-1206 zone shall apply.

## APPENDIX "A"

### Legal Description

PART OF LOTS 3 AND 4 BROKEN FRONT CONCESSION CROWLAND PARTS 1 TO 18, 59R17767 SUBJECT TO AN EASEMENT OVER PART OF LOTS 3 AND 4 BROKEN FRONT CONCESSION CROWLAND PARTS 2, 6, 7 AND 8, 59R17767 AS IN CR18048 AND CR19077; SUBJECT TO AN EASEMENT OVER PART OF LOT 4 BROKEN FRONT CONCESSION CROWLAND PARTS 4 AND 6, 59R17767 AS IN R0647432; SUBJECT TO AN EASEMENT OVER PART OF LOT 4 BROKEN FRONT CONCESSION CROWLAND PART 5 AND 7 , 59R17767 AS IN AA68179; SUBJECT TO AN EASEMENT OVER PART OF LOTS 3 AND 4 BROKEN FRONT CONCESSION CROWLAND PARTS 10,12, AND 14 59R17767 AS IN AA68755; SUBJECT TO AN EASEMENT IN GROSS OVER PART OF LOTS 3 AND 4 BROKEN FRONT CONCESSION CROWLAND PARTS 11, 12 AND 13 59R17767 AS IN AA68755; SUBJECT TO AN EASEMENT PART OF LOT 3 BROKEN FRONT CONCESSION CROWLAND PARTS 16, 59R17767 AS IN SN704910; SUBJECT TO AN EASEMENT OVER PART OF LOT 3 BROKEN FRONT CONCESSION CROWLAND PART 18, 59R17767 AS IN AA 68752 AND AA68754; CITY OF NIAGARA FALLS PIN: 64262-0291 (LT)

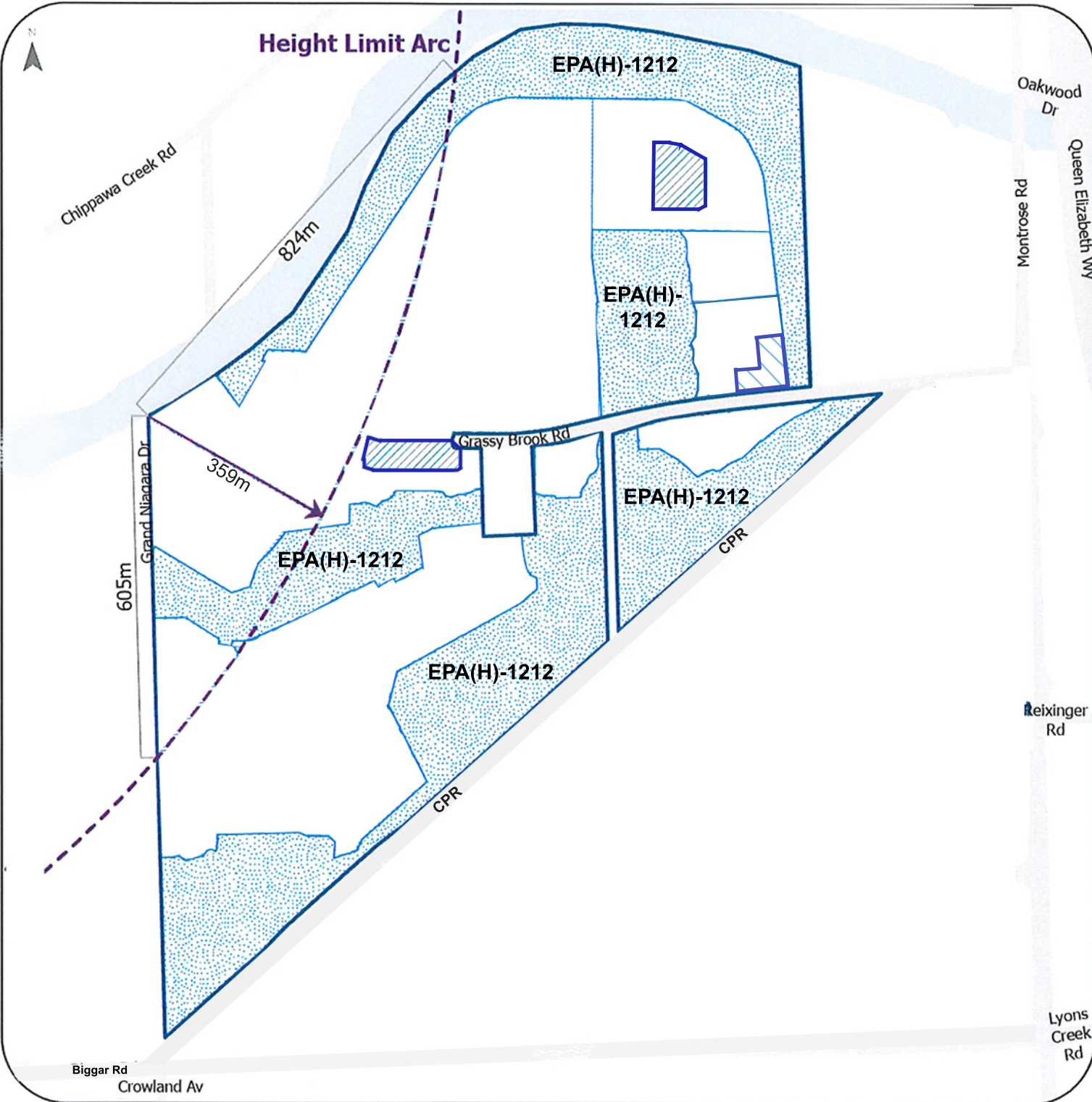
PART LOTS 2, 3 AND 4 AND PART OF THE ROAD ALLOWANCE BETWEEN LOTS 2 AND 3 BROKEN FRONT CONCESSION (AS CLOSED BYLAW AA76417) CROWLAND PARTS 1 TO 5, PLAN 59R17786; SUBJECT TO AN EASEMENT IN GROSS OVER PART 2, 59R17786 AS IN SN 704910; SUBJECT TO AN EASEMENT IN GROSS OVER PART 3, 59R17786 AS IN SN704909; SUBJECT TO AN EASEMENT OVER PART 5; 59R17786 AS IN LT211765; CITY OF NIAGARA FALLS PIN: 64262-0294 (LT)

# SCHEDULE 1 TO BY-LAW NO. 2024-

Area Affected  
by this Amendment

R5D(H)-1203

R5E(H)-1206



## Amending Zoning By-law No. 2023-080

Description: Refer to Appendix A

Applicant: EMPIRE (GRAND NIAGARA) PROJECT GP INC

Assessment: 272514000212506, 272514000212300, 272514000212320, 272514000212100, 272514000212310, 272514000211501, 272514000212000, 272514000211901