

CITY OF NIAGARA FALLS

REDLINED By-law No. 2025-XXX

A by-law to amend By-law No. 79-200, to introduce new definitions and regulatory provisions (AM-2024-033).

1. SECTION 1 – TITLE AND INTERPRETATION: Section 1.4 is hereby deleted, and the remainder of Section 1 is renumbered accordingly:

~~1.4 BOLD FACED WORDS: Words which are defined in section 2 of this By-law have, in most cases, been boldfaced where they appear elsewhere in this By-law. The boldfacing is for the purpose of assisting persons in interpreting this By-law but shall not be deemed to form a part of this By-law. The definitions in section 2 shall apply and govern whether or not the defined word or words is or are boldfaced elsewhere in this by-law.~~

2. SECTION 2 – DEFINITIONS of By-law No. 79-200 is amended as follows:

- (a) by adding the following definitions:

“ARTICULATION” means the stepping out and/or recessing of a balcony, roof, awnings, columns, cornices or external wall of a building in plan and in section.

“BAKE SHOP” means a building or part thereof in which food is prepared and offered for sale to the public but does not include a restaurant.

“BALCONY” means an uncovered platform projecting from the façade of a wall or walls, cantilevered or supported by columns or brackets, located above the grade of the ceiling height of the first storey above the basement”

“BACK-TO-BACK TOWNHOUSE DWELLING” means a building containing four or more dwelling units divided by vertical common walls above grade, and a common rear wall.

“CAR SHARE” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

“CAR SHARE PARKING SPACE” means a parking space that is exclusively reserved and actively used for car-sharing.

“EXTERIOR REAR WALL” means the exterior wall furthest from and opposite to the front entrance of a dwelling unit

“FAÇADE” means the exterior of the building exposed to public view.

“GLAZING” means the fitting or furnishing of a building façade with glass.

“PLACE OF WORSHIP” means a premises owned or occupied by a religious organization or congregation which is dedicated exclusively to worship and related social and charitable activities.”

“PRIVACY YARD” means the yard measured from the exterior rear wall of a dwelling unit, providing exclusive outdoor amenity space.

“PUBLIC SCHOOL” means an elementary school or secondary school facility operated by the Government of Ontario.

“ROOF FEATURE” means a distinct architectural element erected above the top storey and shall be provided for the purposes of enhancing the design of the building and may enclose any roof mounted mechanical equipment, mechanical penthouses, or other similar elements. Notwithstanding Section 4.7 of By-law No. 79-200, and except for any flagpoles, or other similar decorative roof features, and radio, telephone, television or telecommunication towers or antennae, no water tank, elevator or other mechanical penthouse shall have a height greater than the roof feature unless clad to be aesthetically consistent with the roof feature.

“SEMI-DETACHED DWELLING” means a building divided vertically into two dwelling units, each with an independent entrance to an exterior.

“STEPBACK” means the horizontal recessing of a building façade above a specified storey.

“TOWER” means a building with a minimum height of 12 metres above the average grade at the front of the building.

“TOWER FLOOR PLATE” means the floor area of a tower measured from the outside of the exterior walls, but excluding inset and projecting unenclosed balconies.

(b) by amending the following definitions:

“DETACHED DWELLING” means a building containing one primary dwelling unit.

“DWELLING UNIT” means a unit that:

~~(i) consists of a self-contained set of rooms located in a building or structure;~~

~~(ii) is used, intended or designed for use as residential premises; and~~

~~(iii) contains kitchen and bathroom facilities that are intended for the use of the unit only~~

means a self-contained set of rooms occupied or designed to be occupied as an independent and separate self-contained unit and shall include kitchen with cooking facilities and bathroom facilities that are intended for the use of the unit only.

“BOARDING OR ROOMING HOUSE” means a dwelling building in which the proprietor supplies for gain, directly or indirectly, lodging with or without meals to three or more persons other than the proprietor but does not include a tourist establishment, hotel, hospital, home for the aged or other establishment otherwise classified or defined in this By-law;

3. SECTION 4.7 HEIGHT EXCEPTIONS is amended by:

HEIGHT EXCEPTION: The height regulations of this By-law shall not apply to ~~church~~ **place of worship** belfries, spires, **steeple and bell towers, ornamental architectural features such as, but not limited to, cupolas and finials,** chimneys, water tanks, elevator or mechanical penthouses, flag poles, clock towers, radio, **solar panels,** telephone, television or telecommunication towers and antennae, tents and mechanical amusement rides or devices in any Zone except as hereinafter provided or to farm buildings and farm structures (which shall not include buildings or structures to be erected or used for the purpose of human habitation in an A Zone, an R Zone or an OS Zone and shall not apply to the following types of structures and buildings in HI Zones

4. SECTION 4.19.1(a) Table 1 parking requirements for a Place of Worship is amended by:

Place of Worship: 1 parking space for each 5 seats or for each 5 persons that can be lawfully accommodated therein at any one time”.

5. SECTION 4.19.3(a)(iii) is amended by:
Maximum area of a rear yard which can be used as a **surface** parking area.
6. SECTION 4.40 NIGHTCLUBS is amended by deleting 4.40 (i) and renumbered accordingly:
 - ~~(i) A nightclub shall be separated from another nightclub or licensed establishment by a minimum distance of 100 metres measured from premises to premises.~~
 - (a)** “A nightclub shall be separated from the boundary of a Residential Zone by a minimum distance of 45 metres.”
 - (b)** “Parking for a nightclub shall be provided at a rate of 1 parking space for each 5 persons that can be lawfully accommodated therein at any one time.”
7. Section 4.14(c) is amended by:
 - (a) open balconies not covered by a roof or canopy may project into any required front yard ~~or rear yard~~ **or side yard** a distance of not more than 1.8 metres ~~and into any required side yard a distance of not more than 0.45 metres;~~
8. SECTION 4.44 is amended by adding “or stacked townhouse dwelling” after every reference to an apartment dwelling:
 - 4.44 AMENITY AREAS FOR APARTMENT DWELLINGS **OR STACKED TOWNHOUSE DWELLING** (2022-095)
 - 4.44.1 Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones a minimum amenity area of 20 square metres per dwelling unit shall be provided.
 - 4.44.2. Section 4.44.1 shall not apply to an apartment dwelling **or stacked townhouse dwelling** for which, prior to By-law No. 2022- 095 coming into force, a complete application for amendment to the zoning by-law has been made under Section 34(10.2) of the Planning Act, R.S.O. 1990, has submitted drawings under Section 41(4) of the Planning Act, R.S.O.1990 or for which an amendment to the zoning by-law has come into effect under Sections 34(21) or (30) of the Planning Act, R.S.O. 1990.
9. SECTION 5.10 MODEL HOMES is amended by:

“5.10 MODEL HOMES: Model homes shall be permitted in all R1A, R1B, R1C, R1D, R1E, R1F, R2, R3, and **R4** zones subject to the following provisions

 - (i) the lands on which the model homes are to be constructed have received draft plan approval under the Planning Act and all appropriate agreements

- have been executed; (2008-148)
- (ii) a model home shall comply with the provisions of the zone in which it is located and the regulations of this By-law such that it will comply upon registration of the plan of subdivision; and
- (iii) the number of model homes in any draft approved plan of subdivision shall not exceed the lesser of ten (10) dwelling units or ten percent (10%) of the total number of lots.”

10. SECTION 7.9.1 is deleted and replaced with the following:

- (a) A townhouse dwelling containing not more than 8 dwelling units
- (b) An apartment dwelling
- (c) A back-to-back townhouse dwelling
- (d) A stacked townhouse dwelling
- (e) Group dwellings, provided that no townhouse dwelling in the group dwelling contains more than 8 dwelling units
- (f) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14
- (g) A home occupation in a detached dwelling, or a dwelling unit of a semi-detached dwelling or a duplex dwelling, subject to the provisions of section 5.5

11. SECTION 7.9.2 is amended by adding “or back-to-back townhouse dwelling” after every reference of a townhouse dwelling, save and except for clause (n).

(a) Minimum lot area	
(i) for a townhouse dwelling or back-to-back townhouse dwelling	250 square metres (2,691 sq. ft.) for each dwelling unit
(ii) for an apartment dwelling or stacked townhouse dwelling	200 square metres (2,152.8 sq. ft.) for each dwelling unit
(b) Minimum lot frontage	
(i) for a townhouse dwelling or back-to-back townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing more	30 metres (98.4 ft.)

than four dwelling units	
(ii) for a townhouse dwelling or back-to-back townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on an interior lot	24 metres (78.7 ft.)
(iii) for a townhouse dwelling or back-to-back townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres (83.7 ft.)
(c) Minimum front yard depth	
(i) for a townhouse dwelling or back-to-back townhouse dwelling (93-284)	6 metres (19.7 ft.) plus any applicable distance specified in section 4.27.1
(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1
(d) Minimum rear yard depth	
(i) for a townhouse dwelling or back-to-back townhouse dwelling	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1
(ii) for an apartment dwelling or stacked townhouse dwelling	10 metres (32.81 ft.) plus any applicable distance specified in section 4.27.1
(e) Minimum interior side yard	one-half the height of the building
(f) Minimum exterior side yard width	
(i) for a townhouse dwelling or back-to-back townhouse dwelling	4.5 metres (14.8 ft.) plus any applicable distance specified in section 4.27.1
(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres plus any applicable distance 24.6 ft. specified in section 4.27.1
(g) Maximum lot coverage	35%
(h) Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7
(i) Deleted by By-law No. 2011-136	
(j) Number of dwellings on one lot	subject to compliance with section 7.9.3, more than one dwelling is permitted on one lot
(k) Parking and access requirements	in accordance with section 4.19.1
(l) Accessory buildings and accessory structures	in accordance with sections 4.13 and 4.14
(m) Minimum landscaped open space	45 square metres (484.4 sq. ft.) for each

	dwelling unit
(n) Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit (2008-148)	7.5 metres
(o) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling	in accordance with section 4.44

12. SECTION 7.9.3 is amended by adding “or back-to-back townhouse dwelling” after every reference of a townhouse dwelling.

7.9.3 ADDITIONAL REGULATIONS FOR GROUP DWELLINGS: No person shall within any R4 Zone use any land or erect or use any building or structure for the purpose of group dwellings except in accordance with the provisions of sections 4, 5 and 7.10.2 as altered or extended by the following additional regulations:

(a) The minimum lot area shall not be less than the sum of the minimum lot area requirements of clause (a) of section 7.9.2 of each townhouse dwelling **or back-to-back townhouse dwelling** and each apartment dwelling or stacked townhouse dwelling erected or to be erected on the lot.

(b) Nothing in section 4.11 or in clause b of section 7.9.2 shall be deemed to require each townhouse dwelling **or back-to-back townhouse dwelling** and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.

13. SECTION 7.10.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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14. SECTION 7.11.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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15. SECTION 7.12.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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16. SECTION 7.13.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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17. SECTION 7.14.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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18. SECTION 7.15.2 (m) is amended by adding “or stacked townhouse dwelling unit” after apartment dwelling unit.

(m) Minimum amenity space for an apartment dwelling unit or stacked townhouse dwelling unit	in accordance with section 4.44
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19. SECTION 8.2.2 (h) is deleted, and the remaining section renumbered accordingly.

(h) Maximum floor area	not specified
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20. SECTION 8.5.2A(h) is deleted, and the remaining section renumbered accordingly.

(h) Maximum floor area	not specified
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21. SECTION 8.6.2 (h) is deleted, and the remaining section renumbered accordingly.

(h) Maximum floor area	not specified
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