

CITY OF NIAGARA FALLS

By-law No. 2024-XX

A by-law to amend By-law No. 79-200, to permit the use of the lands for a mixed-density residential subdivision composed of front-loaded townhouses, back-to-back townhouses, stacked townhouses, and three 10-storey apartment buildings, subject to an Official Plan amendment to permit higher residential densities and approval of Draft Plan of Subdivision.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law is described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200 to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands identified as R4 Zone on Schedule 1 of this by-law.
4. The permitted uses shall be:
 - (a) A townhouse dwelling containing not more than 8 dwelling units
 - (b) A back-to-back townhouse dwelling, being a townhouse dwelling where each dwelling unit shares a common rear wall with an adjacent dwelling unit and is located on a through lot
 - (c) An apartment dwelling
 - (d) A stacked townhouse dwelling
 - (e) Group dwellings
 - (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.
5. The regulations governing the permitted uses shall be:
 - (a) Minimum Lot Area
 - (i) for a townhouse dwelling 150 square metres for each dwelling unit

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	(ii) for an apartment dwelling or stacked townhouse dwelling	100 square metres for each dwelling unit
	(iii) for a back-to-back townhouse dwelling	85 square metres for each dwelling unit
(b)	Minimum Lot Frontage	
	(i) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing more than four dwelling units	24 metres
	(ii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on an interior lot	23 metres
	(iii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres
	(iv) for a back-to-back townhouse dwelling	24 metres
(c)	Minimum Front Yard Depth	
	(i) for a townhouse dwelling	6 metres (19.7 ft.)
	(ii) for an apartment dwelling or stacked townhouse dwelling	3 metres
	(iii) for a back-to-back townhouse dwelling	6 metres when abutting a public right-of-way; 4.8 metres when abutting a private right-of-way
(d)	Minimum Rear Yard Depth	
	(i) for a townhouse dwelling	7.5 metres (24.61 ft.)
	(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres (24.61 ft.)
	(iii) for a back-to-back townhouse dwelling	0 metres; no applicable rear yard
(e)	Minimum Interior Side Yard Width	1.5 metres
(f)	Minimum Exterior Side Yard Width	
	(i) for a townhouse dwelling	3 metres
	(ii) for an apartment dwelling or stacked townhouse dwelling	3 metres
	(iii) for a back-to-back townhouse dwelling	3 metres
(g)	Maximum Lot Coverage	

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(i) for a townhouse dwelling	48%
(ii) for an apartment dwelling or stacked townhouse dwelling	60%
(iii) for a back-to-back townhouse dwelling	63%
(h) Maximum Height of Building or Structure	10 metres or 3-storeys
(i) Number of dwellings on one lot	subject to compliance with section 7.9.3, more than one dwelling is permitted on one lot
(j) Parking and Access Requirements	<p>Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:</p> <p>(i) a minimum of 1 parking space for each dwelling unit shall be provided.</p> <p>(ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.</p> <p>(iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.</p> <p>All other provisions of Section 4.19.1 not to the contrary shall continue to apply.</p>
(k) Accessory Buildings and Accessory Structures	in accordance with sections 4.13 and 4.14
(l) Minimum Landscaped Open Space	
(i) for a townhouse dwelling	45 square metres for each dwelling unit
(ii) for an apartment dwelling or stacked townhouse dwelling	30 square metres for each dwelling unit
(iii) for a back-to-back townhouse dwelling	14 square metres for each dwelling unit
(m) Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit (2008-148)	Same as minimum required rear yard setback.

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(n) Minimum Amenity Space for an Apartment Dwelling Unit in accordance with section 4.44

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 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 and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.

6. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands identified as R5F Zone on Schedule 1 of this by-law.

7. The permitted uses shall be:

(a) An apartment dwelling

(b) A stacked townhouse dwelling

(c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14.

8. The regulations governing the permitted uses shall be:

(a) Minimum Lot Area 30 square metres for each dwelling unit

(b) Minimum Lot Frontage 35 metres

(c) Minimum Front Yard Depth 6 metres

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| (d) Minimum Rear Yard Depth | one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1 |
| (e) Minimum Interior Side Yard Width | 6.5 metres |
| (f) Minimum Exterior Side Yard Width | 3 metres |
| (g) Maximum Lot Coverage | 0.3 |
| (h) Maximum Height of Building or Structure | 30 metres (10 storeys) |
| (i) Number of apartment dwellings on one lot | One Only |
| (j) Parking and Access Requirements | Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:

(i) a minimum of 1 parking space for each dwelling unit shall be provided.

(ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.

(iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.

All other provisions of Section 4.19.1 not to the contrary shall continue to apply. |
| (k) Accessory Buildings and Accessory Structures | in accordance with sections 4.13 and 4.14 |
| (l) Minimum Landscaped Open Space | 20% of the lot area |
| (m) Minimum Amenity Space for an Apartment Dwelling Unit | in accordance with section 4.44 |

9. All other applicable regulations set out in By-law No. 79-200, as amended, shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

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10. No person shall use the Lands for a use that is not a permitted use.

11. No person shall use the Lands in a manner that is contrary to the regulations.

12. The provisions of this by-law shall be shown on Sheets E6 and E7 of Schedule "A" of By-law No. 79-200 by designating the Lands from GC, R1E, R2, R4 and R4 (501) to R4 and R5F and number XXXX.

13. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.XXXX Refer to By-law No.2024-XX

Read a First, Second and Third time; passed, signed and sealed in open Council this _____th day of _____ 2024.

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE 1 TO BY-LAW NO. 2024-XX

