

Revised to February 22, 2023

**CITY OF NIAGARA FALLS**

**By-law No. 2023-\_\_\_**

A by-law to amend By-law No. 79-200, to permit mixed-use development on the Lands.

**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 Schedule 1 of this by-law and shall be referred to in this by-law as the “Subject Lands”. Schedule 1 forms part of this by-law.
2. The Subject Lands shall be identified, and be zoned as, Parcels R2-AAA, R1F-BBB, R1F-CCC, R1F-DDD, R3-EEE, R3-FFF, R4-GGG, R4-HHH, R5E-III, R5F-JJJ, I-KKK, I-LLL, EPA-MMM, and OS-NNN, respectively, all in accordance with Schedule 1.
3. The purpose of this by-law is to amend the provisions of 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. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall govern the Subject Lands.
5. The uses and regulations on all those portions of the Subject Lands zoned R2-AAA shall be:

Permitted Uses	As per the uses permitted in the R2 Zone
Min. Lot Area	225 m <sup>2</sup> per Detached Dwelling 415 m <sup>2</sup> per Semi-Detached Dwelling
Min. Lot Frontage	8.0 m interior and 10.0 m corner (Detached Dwelling) 15.0 m interior and 18.0 m corner (Semi-Detached)
Min. Front yard	3 m. to dwelling, plus 6 m. for a private garage with driveway access from front yard, subject to 4.27.1
Min. Exterior Side Yard	2.4 m. to dwelling, plus 6 m. for a private garage with driveway access from exterior side yard, subject to 4.27.1
Min. Interior Side Yard	1.2 metres on one side and 0.6 metres on the other side (Detached Dwelling) 1.2 m.and 0.0m on a mutual side lot line (Semi-Detached)
Min. Rear Yard	7.0 m.

Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Building Height (m)	12.5 m.  Except 8.0m for any dwellings located within the Cytec + 200m arc.
Max. Lot Coverage	Not Applicable
Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m, subject to Section 4.27.1
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations in the R2 zone shall apply.	

6. The uses and regulations on all those portions of the Subject Lands zoned R1F-BBB shall be:

Permitted Uses	As per the uses permitted in the R1F Zone. In addition, accessory units may be provided in an accessory building and within the primary dwelling on the same lot.
Min. Lot Area	260 m <sup>2</sup>
Min. Lot Frontage	9.5 m for an interior lot and 12.0 m for a corner lot
Min. Exterior Side Yard	2.4 m. to dwelling, plus 6 m. for a private garage with driveway access from exterior side yard, subject to 4.27.1
Min. Interior Side Yard	1.2 metres on one side and 0.6 metres on the other side of the main dwelling.
Min. Rear Yard	13.0 m. to the main dwelling.
Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Lot Coverage	Not Applicable
Max. Building Height (m)	12.5 m.
Min. Landscaped Open Space	25%
Second Units Interior to the Primary Dwelling	Notwithstanding Section 5.13, the following shall apply for Second Units interior to the Primary Dwelling:

	<p>a) The primary dwelling unit or second unit is occupied by the owner of the lot: Not Applicable</p> <p>b) The floor area of the second unit shall not exceed 40% of the floor area of the primary dwelling unit, excluding any attached garage: Not Applicable</p> <p>c) One parking space shall be provided for the occupant of the second unit in addition to the parking space required for the primary dwelling</p>
<p>Accessory Buildings and Second Units within Accessory Buildings</p>	<p>Notwithstanding Sections 4.13 and 5.13, the following shall apply:</p> <p><u>Exterior Side Yard Setback:</u> 4.5 m, save and except for unsupported canopies, eaves or gutters which may project a distance of not more than 0.45 metres into this setback.</p> <p><u>Interior Side Yard Setback:</u> No side yard setback is required where the accessory building shares a common lot line with a similar accessory building on the abutting lot.</p> <p>Otherwise, an interior side yard setback of 0.6 m is required.</p> <p><u>Rear Yard Setback:</u> 1.2 m, save and except for unsupported canopies, eaves or gutters which may project a distance of not more than 0.45 metres into this setback.</p> <p><u>Maximum Height:</u> 8.5 m. (to a maximum of two storeys).</p> <p><u>Max. Lot Coverage:</u> Not Applicable</p> <p><u>Owner Occupancy:</u> The owner of the lot may or may not live in the primary dwelling or the second unit.</p> <p><u>Parking Space:</u> One parking space shall be provided in addition to the parking space required for the primary dwelling. The parking space for second unit shall not be required to be located in an accessory building.</p> <p><u>Porch/Deck:</u> No roofed-over porch or deck shall be closer than 1.2 metres from the rear lot line.</p>

Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m, subject to Section 4.27.1
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Maximum area of a rear yard which can be used as a parking area	Notwithstanding Section 4.19.4(b)(iii), there shall be no maximum area of a rear yard which can be used as a parking area.
Except as modified above, the balance of the regulations of the R1F zone shall apply.	

7. The uses and regulations on all those portions of the Subject Lands zoned R1F-CCC shall be:

Permitted Uses	As per the uses permitted in the R1F Zone.
Min. Lot Area	130 m <sup>2</sup>
Min. Lot Frontage	7.0 m interior and 9.0 m corner
Min. Exterior side yard	2.4 m. to dwelling
Min. Interior Side yard	1.2 metres on one side and 0.6 metres on the other side
Min. Rear Yard	4.0 m.
Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Building Height (m)	8.0m
Max. Lot Coverage	Not Applicable
Min. Landscaped Open Space	Not Applicable
Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m
Grassy Brook Road - Road Allowance Requirements under Section 4.27	Not Applicable
Except as modified above, the balance of the regulations of the R1F zone shall apply.	

8. The uses and regulations on all those portions of the Subject Lands zoned R1F-DDD shall be:

Permitted Uses	As per the uses permitted in the R1F Zone.
Min. Lot Area	190 m <sup>2</sup>

Min. Lot Frontage	8.0 m for an interior lot and 10.0 m for a corner lot
Min. Front yard	3 m. for a detached dwelling, subject to 4.27.1.  The front yard shall be deemed the yard adjacent to the non-garage side of the dwelling.
Min. Exterior Side Yard	2.4 m. to dwelling, plus 6 m. for a private garage with driveway access from exterior side yard, subject to 4.27.1
Min. Interior Side Yard	1.2 metres on one side and 0.6 metres on the other side.
Min. Rear Yard	6.0 m to the garage face and 3 m. to the dwelling, subject to 4.27.1.  The rear yard shall be deemed the yard adjacent the garage.
Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Lot Coverage	Not Applicable
Max. Building Height (m)	12.5 m.
Min. Landscaped Open Space	Not Applicable
Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m, subject to Section 4.27.1
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations of the R1F zone shall apply.	

9. The uses and regulations on all those portions of the Subject Lands zoned R3-EEE shall be:

Permitted Uses	Notwithstanding the uses permitted in the R3 Zone, only On-Street Townhouse Dwellings, Home Occupation, Accessory Buildings/Structures shall be permitted.
Min. Lot Area	120 m <sup>2</sup>
Min. Lot Frontage	4.7 m
Min. Exterior Side Yard	2.4 m. to dwelling, plus 6 m. for a private garage with driveway access from exterior side yard, subject to 4.27.1
Min. Rear Yard	7.0 m, subject to 4.27.1

Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Building Height (m)	12.5 m.
Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m, subject to Section 4.27.1
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Maximum Width of a Driveway in the front yard of a lot	65%
Except as modified above, the balance of the regulations of the R3 zone shall apply.	

10. The permitted uses and regulations on all those portions of the Subject Lands zoned R3-FFF shall be:

Permitted Uses	Notwithstanding the uses permitted in the R3 Zone, only Back-to-Back Townhouse Dwellings shall be permitted.
Definition of “Back-to-Back Townhouse”	“DWELLING, BACK-TO-BACK TOWNHOUSE” means a building containing four or more dwelling units divided by vertical common walls above grade with a common rear wall.
Min. Lot Area	85 m <sup>2</sup>
Min. Lot Frontage	6.0 m
Min. Exterior Side Yard	2.4 m. to dwelling, plus 6 m. for a private garage with driveway access from exterior side yard, subject to 4.27.1
Min. Rear Yard	0.0 m
Setback from Daylight Triangle	The front, rear and exterior side yards shall be measured as if the Daylight Triangle does not exist.
Max. Building Height (m)	14.5 m.
Maximum projection of a one or two storey porch or balcony into a required front or exterior yard	1.5 m, subject to Section 4.27.1
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations of the R3 zone shall apply.	

11. The uses and regulations on all those portions of the Subject Lands zoned R4-GGG shall be:

Permitted Uses	Notwithstanding the uses permitted in the R4 Zone, only Apartment Dwellings, Group Dwellings, Accessory building/Structures, Home Occupation, Stacked Townhouse Dwellings shall be permitted.  Townhouses Dwellings, other than Stacked Townhouse Dwellings, shall not be permitted.
Min. Lot Area	133 m2 per dwelling unit of any type
Max. Building Height (m)	4 Storeys
Min. Landscaped Open Space	25% of Lot Area (Equates to 4,400 sq. m. for Block 85 and 5,300 sq. m for Block 87)
Maximum projection of a one or two storey porch or balcony	Subject to Section 4.27.1:  Maximum projection of a one or two storey porch or balcony of a townhouse into a required front or exterior side yard – 1.5 m  Maximum projection of a one or two storey porch or balcony into a privacy yard of a townhouse– 2.5 m
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations in the R4 zone shall apply.	

12. The uses and regulations on all those portions of the Subject Lands zoned R4-HHH shall be:

Permitted Uses	As per the uses permitted in the R4 Zone. In addition, Back-to-Back Townhouse Dwelling shall also be permitted.
Definition of “Back-to-Back Townhouse Dwelling”	“DWELLING, BACK-TO-BACK TOWNHOUSE” means a building containing four or more dwelling units divided by vertical common walls above grade with a common rear wall.
Min. Lot Area	133 m2 per dwelling unit of any type
Min. Front yard	Apartment Dwellings – 7.5m, subject to 4.27.1  All other permitted residential uses – 4.5 m to dwelling and 6.0m to garage, subject to 4.27.1
Max. Building Height (m)	4 Storeys

Min. Landscaped Open Space	25% of Lot Area (Equates to 2,675 sq. m. for Block 86 and 7,800 sq. m for Block 88)
Min. Privacy Yard	Same, except 0.0m for Back-to-Back Townhouse Dwellings
Maximum projection of a one or two storey porch or balcony	Subject to Section 4.27.1:  Maximum projection of a one or two storey porch or balcony of a townhouse into a required front or exterior side yard – 1.5 m  Maximum projection of a one or two storey porch or balcony into a privacy yard of a townhouse – 2.5 m
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations in the R4 zone shall apply.	

13. The uses and regulations on all those portions of the Subject Lands zoned R5E-III shall be:

Permitted Uses	As per the uses permitted in the R5E Zone. In addition, the following shall be permitted: <ul style="list-style-type: none"> <li>On-Street and/or Block Townhouse Dwellings, and Back-to-Back Townhouse Dwellings may be permitted as part of an Apartment Building development</li> <li>Non-Residential Uses as permitted in the Neighbourhood Commercial (NC) Zone, may be permitted on the ground floor fronting onto Grassy Brook Road</li> </ul>
Definition of “Back-to-Back Townhouse Dwelling”	“DWELLING, BACK-TO-BACK TOWNHOUSE” means a building containing four or more dwelling units divided by vertical common walls above grade with a common rear wall.
Min. Front yard	Apartment Dwellings – 7.5m, subject to 4.27.1  All other permitted residential uses – 4.5 m to dwelling and 6.0m to garage, subject to 4.27.1
Min. Rear Yard	Apartment Dwellings and Stacked Townhouse Dwellings – one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1  All other permitted residential uses – 7.0 m, subject to 4.27.1
Max. Building Height (m)	10 Storeys for Apartment Building; 4 Storeys for a Stacked Townhouse Dwellings; 3 Storeys for Townhouse or Back-to-Back Townhouse Dwellings
Maximum Number of Apartment Buildings Per Lot	Not Applicable



Min. Landscaped Open Space	35%
Maximum projection of a one or two storey porch or balcony	Subject to Section 4.27.1:  Maximum projection of a one or two storey porch or balcony of a townhouse into a required front or exterior side yard – 1.5 m  Maximum projection of a one or two storey porch or balcony into a privacy yard of a townhouse– 2.5 m
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations of the R5E zone shall apply.	

14. The uses and regulations on all those portions of the Subject Lands zoned R5F-JJ shall be:

Permitted Uses	As per the uses permitted in the R5F Zone. In addition, the following shall be permitted: <ul style="list-style-type: none"> <li>• <b>On-Street and/or Block</b> Townhouse Dwellings, and Back-to-Back Townhouse Dwellings may be permitted as part of an Apartment Building development</li> <li>• Non-Residential Uses as permitted in the Neighbourhood Commercial (NC) Zone, may be permitted within a residential building as part of a mixed-use development, or as stand-alone buildings.</li> </ul>
Definition of “Back-to-Back Townhouse Dwelling”	“DWELLING, BACK-TO-BACK TOWNHOUSE” means a building containing four or more dwelling units divided by vertical common walls above grade with a common rear wall.
Min. Lot Area	50 m2 for each dwelling unit
Min. Front yard	Apartment Dwellings and Stacked Townhouse Dwellings – NO CHANGE  All other permitted residential uses – 4.5 m to dwelling and 6.0m to garage, subject to 4.27.1
Min. Rear Yard	Apartment Dwellings and Stacked Townhouse Dwellings – NO CHANGE  All other permitted residential uses – 7.0 m, subject to 4.27.1
Max. Building Height (m)	15 Storeys for Apartment Building; 4 Storeys for Stacked Townhouse Dwellings; 3 Storeys for Townhouse or Back-to-Back Townhouse Dwellings
Maximum Number of Apartment Buildings Per Lot	Not Applicable
Min. Landscaped Open Space	35%

Maximum projection of a one or two storey porch or balcony	<p>Subject to Section 4.27.1:</p> <p>Maximum projection of a one or two storey porch or balcony of a townhouse into a required front or exterior side yard – 1.5 m</p> <p>Maximum projection of a one or two storey porch or balcony into a privacy yard of a townhouse– 2.5 m</p>
Parking Space	A maximum two-step encroachment into a parking space in a garage may be permitted.
Except as modified above, the balance of the regulations of the R5F zone shall apply.	

15. The uses and regulations on all those portions of the Subject Lands zoned I-KKK shall be:

Permitted Uses	<p>As per the uses permitted in the Institutional (I) Zone. In addition, the following shall be permitted:</p> <ul style="list-style-type: none"> <li>• Hospice</li> <li>• Clinic</li> <li>• Animal Clinic</li> <li>• Office</li> <li>• Retail Store</li> <li>• Restaurant</li> <li>• Personal Service Shop</li> </ul>
Max. Building Height (m)	3 Storeys
Except as modified above, the balance of the regulations of the Institutional (I) zone shall apply.	

16. The uses and regulations on all those portions of the Subject Lands zoned I-LLL shall be:

Permitted Uses	<p>As per the uses permitted in the Institutional (I) Zone. In addition:</p> <ul style="list-style-type: none"> <li>• Residential uses in accordance with the provisions of the R2-AAA zone are permitted should a school block not be required for the purpose of a school</li> </ul>
Except as modified above, the balance of the regulations of the Institutional (I) zone shall apply.	

17. The uses and regulations on all those portions of the Subject Lands zoned EPA-MMM shall be:

Permitted Uses	<p>As per the uses permitted in the EPA Zone. In addition, the following shall be permitted:</p> <ul style="list-style-type: none"> <li>• Trails</li> </ul>
Except as modified above, the balance of regulations of the EPA zone shall apply.	

18. The uses and regulations on all those portions of the Subject Lands zoned OS-NNN shall be:

Permitted Uses	As per the uses permitted in the OS Zone. In addition, the following shall be permitted: <ul style="list-style-type: none"><li>• Trails</li><li>• Stormwater Management Facilities</li></ul>
Except as modified above, the balance of the regulations of the OS zone shall apply.	

19. The provisions of this by-law shall be shown on Sheets B7 and B8 of Schedule “A” of By-law No. 79 - 200 redesignating the Lands from OS and numbered 774, 774 and 776 and EPA and numbered 777, to R2 and numbered AAA, R1F and numbered BBB, R1F and numbered CCC, R1F and numbered DDD, R3 and numbered EEE, R3 and numbered FFF, R4 and numbered GGG, R4 and numbered HHH, R5E and numbered III, R5F and numbered JJJ, I and numbered KKK, I and numbered LLL, EPA and numbered MMM, and OS and numbered NNN.

20. Section 19 - Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

19.1.AAA Refer to By-law No. 2023-XX

19.1.BBB Refer to By-law No. 2023-XX

19.1.CCC Refer to By-law No. 2023-XX

19.1.DDD Refer to By-law No. 2023-XX

19.1.EEE Refer to By-law No. 2023-XX

19.1.FFF Refer to By-law No. 2023-XX

19.1.GGG Refer to By-law No. 2023-XX

19.1.HHH Refer to By-law No. 2023-XX

19.1.III Refer to By-law No. 2023-XX

19.1.JJJ Refer to By-law No. 2023-XX

19.1.KKK Refer to By-law No. 2023-XX

19.1.LLL Refer to By-law No. 2023-XX

19.1.MMM Refer to By-law No. 2023-XX

19.1.NNN Refer to By-law No. 2023-XX

Passed this \_\_\_ day of \_\_\_\_, 20XX

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WILLIAM G. MATSON, ACTING CITY CLERK

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JAMES M. DIODATI, MAYOR

First Reading: \_\_\_\_, 20XX Second Reading: \_\_\_\_, 20XX Third Reading: \_\_\_\_, 20XX

**Schedule 1 to Bylaw No. 2023-XX**

