

**CITY OF NIAGARA FALLS**

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

A by-law to amend By-law No. 79-200, to permit residential dwellings 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 ENACTS AS FOLLOWS:**

1. The 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 “Lands”. Schedule 1 is 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 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.
3. Deleting from By-law 79-200 Schedule ‘A’, Sheet B6, the Planned Shopping Centre Commercial (SC-833) zone on the subject lands, and substituting therefore on Schedule ‘A’, Sheet B6 the Residential Low Density, Group Multiple Dwelling (R4(H)-XXXX) Zone.
4. Section 19 – Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

2022-XXX	19.1.XXXX	<p>Notwithstanding any provision of By-law 79-200 to the contrary, the lands zoned R4 and numbered XXXX shall be subject to the following:</p> <ul style="list-style-type: none"><li>• One second unit is permitted per unit, within the primary building that is a traditional townhouse dwelling in the R4-XXXX zone, subject to the following:<ul style="list-style-type: none"><li>○ The primary dwelling unit or second unit is occupied by the owner of the lot;</li><li>○ The floor area of the second unit shall not exceed 40% of the floor area of the primary dwelling unit, excluding any attached garage; and</li><li>○ One parking space shall be provided for the occupant of the second unit in addition to the parking space required for the primary dwelling.</li></ul></li><li>• For the purpose of determining compliance with Section 7.9 of this By-law, and all other provisions of Zoning By-law No. 79-200, notwithstanding land ownership, all the land described in Section 1 of this by-law and shown hatched and designated R4(H) and numbered XXXX on the plan Schedule 1 attached hereto, shall be considered one lot;</li><li>• The northern property line shall be deemed to be the Front Lot Line;</li><li>• Minimum lot area for apartment dwellings and townhouse dwellings is 231m<sup>2</sup> per unit;</li><li>• Minimum front yard depth for an apartment dwelling or townhouse dwelling is 3.10m;</li><li>• Maximum height of buildings or structures is 12.3m;</li><li>• Minimum maneuvering aisle width is 6.0m;</li></ul>
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		<ul style="list-style-type: none"> <li>• Minimum parking stall width is 2.69m; and</li> <li>• Privacy Yard is not applicable.</li> </ul>
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5. The holding (H) symbol that appears on Schedule 1 attached hereto is provided for in the City of Niagara Falls Official Plan pursuant to Section 36 of the Planning Act. No person shall use the Lands described in Section 1 of this by-law as shown hatched and zoned R4(H)-XXXX and numbered XXXX on the plan Schedule 1 attached hereto for any purpose, prior to the H symbol being removed pursuant to the Planning Act. Prior to the H symbol being removed, the landowner or developer shall receive Clearance from the Ministry of Tourism Culture and Sport, to the satisfaction of the City of Niagara Falls.
  
6. All other provisions of By-Law 79-200, as amended, shall apply to the lands subject to this by-law.
  
7. This by-law shall come into force and take effect upon the approval of Official Plan Amendment No.\_\_\_\_\_, and in accordance with the Planning Act, R.S.O. 1990, c.P.13.

Passed this XX day of XXXX 2023.

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CITY CLERK

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MAYOR

First Reading:  
Second Reading:  
Third Reading: