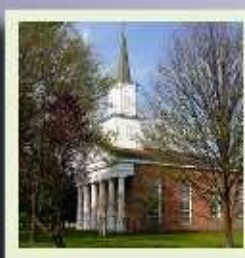




# Zoning By-law

4316-09, as amended

*[approved by Council on July 27, 2009]*



**Office Consolidation: as of March 1, 2014**

This consolidation is provided as a convenience reference only.  
To ensure greater accuracy, the original Zoning By-law and Amendments should be consulted.

# *Comprehensive Zoning By-law 4316-09*

## Introductory Statement

# THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

## ZONING BY-LAW 4316-09

(as amended by 4316##-14)

### INTRODUCTORY STATEMENT

This document is the Town of Niagara-on-the-Lake's Comprehensive Zoning By-law **Number 4316-09**. This By-law amends Zoning By-law 500A-74, as amended, insofar as it applies to the entire municipality. The exceptions are: *(as amended by 4316AH-13)*

- 1) The Agricultural Community Zoning District; and,
- 2) Lands covered by Development Permit Control by the Niagara Escarpment Commission

In these regards, the provisions of Zoning By-law 500A-74, as amended, continue to apply to the Agricultural Community Zoning District only. . *(as amended by 4316AH-13)*

The Town of Niagara-on-the-Lake's new Zoning By-law is a precise document used by the Town to regulate the use of land. It states exactly what land uses will be permitted in the Town and provides other detailed information such as:

- 1) Where buildings or structures may be located;
- 2) Types of land uses within the municipality; and
- 3) Standards for lot sizes, location requirements, parking requirements, building heights and required yard setbacks.

The Town of Niagara-on-the-Lake Zoning By-law is needed to assist the Municipality to implement the objectives and policies of the Official Plan. The Zoning By-law functions as a legal document under the Ontario *Planning Act*, as amended, for managing the area of land and guiding future development in the Town of Niagara-on-the-Lake. Zoning By-laws also protect property owners from the development of conflicting land uses. Any use of land or the construction or use of any building or structure not specifically authorized by the By-law is prohibited.

The complete text and mapping for the comprehensive Zoning By-law are presented in this document. The rural area mapping is based on a review of the 2006 aerial photography and site visits. The following is a brief summary of the contents of the Town of Niagara-on-the-Lake's Zoning By-law:

**SECTION 1:** Explains the title given to the entire document and outlines its general scope.

- SECTION 2: Provides details on the scope and effect of this Zoning By-law.
- SECTION 3: Provides guidelines on the administration and enforcement of this Zoning By-law.
- SECTION 4: Provides information on the interpretation of this Zoning By-law.
- SECTION 5: Defines many of the words and terms used in this By-law.
- SECTION 6: Describes and explains the general provisions which apply to more than one of the zones in this Zoning By-law. The general provisions cover such matters as: accessory buildings and structures, parking requirements, home occupations, home industries, outdoor patio restaurants, etc.
- SECTION 7 - 12: Details specific zoning districts and sets out the permitted uses and regulations for the specific land use zones and site specific zone categories within each zoning district.

Schedule 'A-1' - 'A-25' delineates the location of all zones outlined in Sections 7 - 12. By-Law No. 4316-09 applies only to the urban areas of the Town. This means that of the entire map schedules, only the following will apply to this By-Law:

- 1) Schedule 'A-1' – 'A-3' regarding the Old Town;
- 2) Schedule 'A-14' and \* 'A-9' regarding Virgil;
- 3) Schedule 'A-21' regarding Glendale; . *(as amended by 4316AH-13)*
- 4) Schedule \* 'A-25' regarding Queenston; and
- 5) Schedule 'A-23' regarding St. Davids.

Note: (\*) Denotes that the identified schedule covers more than one community zoning district.

## **HOW TO USE THIS BY-LAW**

### **Community Districts**

The Zoning By-law for the Town of Niagara-on-the-Lake contains six (6) Community Zoning Districts:

- Section 7: Old Town Community Zoning District
- Section 8: Queenston Community Zoning District
- Section 9: St. Davids Community Zoning District
- Section 10: Virgil Community Zoning District
- Section 11: Glendale Community Zoning District
- Section 12: Agricultural Community Zoning District

Each Community Zoning District contains a full range of zoning classifications that recognize existing land uses and provides community based regulations to control future building and land uses within the community, (i.e. Village Commercial (VC) in the St. Davids Community Zoning District).

### **Environmental Conservation Zone Overlay**

The Town's Zoning By-law also contains provisions for an Environmental Conservation Zone Overlay for the urban areas of the Town.

The Environmental Conservation Zone Overlay provides regulations in the underlying zone-category, including permitted uses, and setbacks from each natural feature as listed.

For each natural feature, there is a list of permitted uses within the feature and a list of permitted uses adjacent to the feature, along with a number of regulations. These include minimum setbacks, as well as the provision for a potential environmental impact study (EIS) which are required to determine the effect of development on the natural feature.

### **Environmental Conservation (EC) Zone**

The Town's Zoning By-law also contains provisions for an Environmental Conservation (EC) Zone within the agricultural areas of the Town.

The Environmental Conservation (EC) Zone provides regulations for new development proposals and additions to existing development, as well as mandates new setback requirements from each natural or man-made feature as listed.

### **Environmental Impact Study (EIS)**

The Town's Zoning By-law also contains provisions for the requirement of a potential environmental impact study for the lands which falls within the Environmental Conservation

**Zone Overlay.** The requirement for an EIS only applies to proposed new development and proposed expansions to existing development that are within or adjacent to a natural or man-made feature.

The requirement for an EIS is specified in the individual zone provisions in each of the Community Zoning Districts. Larger developments will require a more detailed study; conversely, smaller development may only require a scoped EIS.

### **Zone Identification**

For each zone, there is a list of permitted uses and a number of standards or regulations such as lot size, frontage, required yards, building height, etc.

The location of each of these zones is shown on Schedule 'A-1' – 'A-3', 'A-9', 'A-14', 'A-21', 'A-23' and 'A-25'. The specific uses and regulations applicable to each zone are found in the relevant section(s) of the By-law which bears the same zone's name(s). In order to determine the provisions of the By-law that affect your property, it is suggested that you use the following technique: *(as amended by 4316##-14)*

- 1) Locate your property on a Zoning Schedule, which are the zoning maps immediately following the last page of Section 12.
- 2) Identify the zone that has been applied to your land (e.g. R1 for Single Detached Residential or VC for Village Commercial).
- 3) Once you have identified the zone, turn to the appropriate Community Zone District which outlines permitted uses and regulations. For example, if your property is zoned C1, you would turn to the appropriate zoning District and Zone Category to determine the specific permitted uses and regulations affecting your property. The Table of Contents will assist you in locating the appropriate page number.
- 4) If a zone symbol is followed by a dash and a number (e.g. C1-1) then special provisions apply to such lands. Such provisions are found in the Site Specific Exceptions section of each Community Zoning District.
- 5) Please note that the general provisions contained under Section 6 can also affect your property. Care should be taken to review these general provisions as well as the applicable definitions outlined in Section 5. Guidelines outlined in Sections 3 and 4 may also be applicable to your property.

The Zoning By-law is only one of many planning tools used to implement the Official Plan. If it is intended to alter the use of a property, alter or erect a building or structure, or alter a lot, you should be aware that it may be necessary to consult other additional legislation or Town By-laws. The following applications, legislation or processes are outlined simply to assist in understanding the scope of potential requirements:

- 1) Building Permit (Building Code and Zoning By-law compliance);
- 2) Site Plan Control Approval (detailed plans showing the building envelope and illustrating building massing, height, floor space, yard setbacks, parking, loading, landscaping, etc., which may be implemented through a Site Plan Control Agreement);
- 3) Consent Approval (alteration of a lot configuration, easement, right-of-way, creation of a single lot, etc.);
- 4) Subdivision or Condominium Approval (to create multiple lots, to establish new roads or to divide a building into multiple ownerships);
- 5) Minor Variance (to vary a zone regulation, a general provision or to extend or change a non-conforming use);
- 6) Zoning Amendment (to amend sections of the Zoning By-law as it relates to a specific property);
- 7) Official Plan Amendment (to amend the Official Plan as it relates to a specific property or a general policy consideration);
- 8) Heritage Permit (required if alterations are contemplated for a property designated under Part IV or Part V of the *Ontario Heritage Act*); and
- 9) Other Town Permits or Licenses.

The Zoning By-law should be considered in conjunction with all other relevant legislative and Town By-laws.

For further information, the Town of Niagara-on-the-Lake Community and Development Services Department should be consulted.

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# *Section 1*

## Title, Defined Area and Interpretation



## 1.1 **TITLE**

This By-Law shall be known as “The Zoning By-Law” of the Corporation of the Town of Niagara-on-the-Lake.

## 1.2 **DEFINED AREA**

This By-law applies to all land within the urban boundaries of the Corporation of the Town of Niagara-on-the-Lake, except lands subject to a development permit from the Niagara Escarpment Commission pursuant to the *Niagara Escarpment Planning and Development Act*, and regulations thereto. Lands in the Niagara escarpment planning area are identified as areas of development control on the zoning schedules. Within these areas, the Niagara Escarpment development control regulations determine the development provisions and land use restrictions. These regulations shall be adhered to prior to the commencement of any development. *(as amended by 4316AH-13)*

Land located in the rural agricultural area outside of the urban area boundaries will be incorporated at a later date and subject to an amendment to this by-law. *(as amended by 4316AH-13)*

The use of lands owned by The Niagara Parks Commission is governed by the provisions of the *Niagara Parks Act*. The Niagara Parks Commission, in the use of its lands, shall be consistent with Provincial Policy Statements and shall conform to Provincial plans that are in effect or shall not conflict with them as per requirements of the *Ontario Planning Act*, as amended. Before carrying out any undertaking that the Niagara Parks Commission considers will directly affect the Town of Niagara-on-the-Lake, The Niagara Parks Commission shall consult with and have regard for established planning policies of the municipality as may be required under subsection 6(2) of the *Ontario Planning Act*, as amended. *(as amended by 4316C-09)*

## 1.3 **INTERPRETATION**

**1.3.1** For the purpose of this By-law, the definitions and interpretations given herein shall govern. In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements, except when expressly stated otherwise, adopted for the promotion of public health, safety, convenience or general welfare.

Every use of land, building and structure in the defined area shall conform to the relevant zone provisions and any other relevant applicable provision or requirement contained herein.

Whenever two or more provisions or requirements of this By-law are at variance, one to the other, the more restrictive shall apply except where specifically stated otherwise.

**1.3.2** For the purpose of this By-law:

- (a) words used in the present tense shall be deemed to include the future tense;
- (b) unless otherwise specified herein, words used in the singular shall be deemed to include the plural and words used in the plural shall be deemed to include the singular;
- (c) the words “use”, “used” or “occupy” shall be deemed to include the words “intended”, “arranged or designed for use or occupancy” or “intended arranged or designed to be used or occupied” or “intend, arrange or deemed for use or occupancy”;
- (d) the words “shall” and “will” are mandatory; and
- (e) the word “may” is permissive.

**1.3.3 Minimum and/or Maximum Requirements**

The provisions of this By-law shall be held to be the minimum requirements, unless the word ‘maximum’ is used, in which case the maximum requirement shall apply. If both a minimum and a maximum requirement are specified then both requirements shall apply.

**1.3.4 Metric Conversion Clause**

All imperial measurements converted to metric and all figures submitted in metric but with three or more decimal places shall be rounded to one decimal place to determine By-law compliance.

**1.3.5 Imperial Measurements**

Imperial measurements in this By-law are provided for convenience only and do not form part of this By-law.

**1.3.6 Examples and Illustrations**

Examples and illustrations attached as an appendix are for the purpose of clarification and convenience and do not form part of this By-law.

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*Section* **2**

Scope and Effect of this By-law

- 2.1** Within the defined area no person shall cause any land to be used or any building or structure to be located, used, altered or erected, in whole or in part, except in conformity with the provisions contained herein.
- 2.2** No lot shall be created if the effect of such creation causes any lot, building or structure to contravene any provision contained herein.
- 2.3** Notwithstanding the provisions of subsection 2.2 above, where a portion of a parcel of land is acquired by the Town, the Region, the Province of Ontario or the Federal Government, and the effect of such acquisition is to make the remaining parcel of land, building or structures either non-conforming or further non-conforming in regard to the lot frontage, lot area, yard setback, or lot coverage provisions contained herein, the said remaining parcel of land shall:
- (a) In the case of a parcel of land, building or structure made non-conforming, be deemed to conform to the provisions which were made non-conforming by said acquisition; or
  - (b) In the case of a parcel of land, building or structure made further non-conforming deemed to be non-conforming only to the extent of the non-conformity, which existed prior to the said acquisition.
- 2.4** Where any setback or separation distance contained herein is required for the location of uses, buildings or structures, such setbacks or separation distance shall also be required from uses, buildings or structures in adjacent Municipalities.
- 2.5** If a decision of a court of competent jurisdiction declares that one or more of the provisions of this By-law, including anything contained in the Zoning Maps are invalid then that judgment shall not affect the validity of the remaining portions of this By-law which shall remain in full force and affect until repealed.
- 2.6** All previously enacted By-laws passed pursuant to Section 34 of the *Ontario Planning Act*, as amended, or a predecessor thereof, are hereby repealed insofar as they apply to the areas included within the urban boundaries of the Town of Niagara-on-the-Lake and the Definitions and General Provisions. *(as amended by 4316AH-13)*
- 2.7** This By-law shall not be interpreted so as to reduce or mitigate any other By-law, regulation, or restriction lawfully imposed by this Corporation or any other governmental authority having jurisdiction to do so.
- 2.8** Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of any By-law of the Town in force from time to time or from the obligation to obtain any license, permit, authority or approval required under any By-law of the Town.

- 2.9** In the event of a conflict between this By-law and any general or special Town By-law, this By-law, as amended from time to time, shall prevail.
- 2.10** No other By-law, regulation or Act shall be interpreted so as to reduce or mitigate any requirement of this By-law, unless, the other By-law, regulation or Act was specifically intended to affect zoning and the governmental authority responsible for the By-law, regulation or Act has the jurisdiction to do so.
- 2.11** This By-law shall come into force and take effect on its passing, provided that no Notice of Appeal is filed to this By-law. Where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsection 30 of the *Ontario Planning Act*, as amended, apply and the By-law shall be deemed to have come into force and take effect on the day it was passed, unless otherwise amended by the Ontario Municipal Board or the Lieutenant Governor in Council.

## *Section* **3**

## Administration and Enforcement

### **3.1 ADMINISTRATION AND ENFORCEMENT**

This By-law shall be administered by the Director of Planning and Development Services or his/her designate, and enforced by the By-law Enforcement Officer(s) and any other employee of the Town as Council appoints from time to time.

### **3.2 INSPECTIONS**

Where the By-law Enforcement Officer(s), or any official or employee of the Town acting under direction, believes on reasonable grounds that this By-law may have been contravened, the By-law Enforcement Officer(s), or any person under direction, shall at all reasonable times and upon producing proper identification, be permitted to enter on or in and inspect any land, building, or structure in respect of which it is believed that the contravention may be occurring.

### **3.3 LICENCES AND PERMITS**

No permit, certificate or license shall be issued where the said permit, certificate or license is required for a proposed use of land or a proposed erection, alteration, enlargement or use of a building or use of any land, building or structure that is known to be in violation of any provision of this By-law.

Determination that a permit, certificate or license has been issued for a use of building or structure, or addition, alteration or enlargement thereto which does not conform to any provision contained herein shall result in said permit, certificate or license being revoked or withdrawn.

It shall be the duty of the Chief Building Official or his / her designate to make the necessary inspection and to certify all building permits. It shall be unlawful for any person, persons, or Corporation to use or to permit the use of any building or part of a building or structure erected, altered, enlarged or renovated after the passage of this By-law until a building permit has been properly issued and certified by the Chief Building Official or his / her designate.

The Niagara Parks Commission is responsible for giving approvals and issuing permits for signs, docks, structures in water and accesses within the Niagara River Parkway corridor as identified in the Niagara Parks Act and regulations. In addition to the Niagara Parks Commission responsibilities, the Niagara Peninsula Conservation Authority is responsible for giving approval for structures in water as part of the approval process.

Agricultural markets, seasonal produce stands, bed and breakfast establishment, Country Inns, home industries, home occupations, home professions, estate wineries, farm or cottage wineries, and single detached residential dwellings located along the Niagara River Parkway will require Niagara Parks Commission approval for access and signage.

### **3.4 OFFENCE**

No person shall occupy any lot, building, or structure, or permit the use of any lot, building, or structure, except in compliance with the provisions of this By-law. It shall be an offence for any person to use any lot, building, or structure within any Zone Classification except in compliance with the permitted uses and regulations established by this By-law.

### **3.5 ENFORCEMENT**

#### **3.5.1 Penalties**

**3.5.1.1** Every person who contravenes this By-law is guilty of an offence, and on conviction is liable:

- (a) On a first conviction, to a fine of not more than \$25,000.00; and
- (b) On a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

**3.5.1.2** Every corporation that contravenes the By-law is guilty of an offence, and upon conviction is liable:

- (a) On a first conviction, to a fine of not more than \$50,000.00; and,
- (b) On a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

In addition to any other remedy or any penalty provided by law, the court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of an offence.

#### **3.5.2 Remedial Action**

Where any matter or thing is required to be done by a person or corporation under the provisions of this By-law, Council may direct that in default of it being done by said person or corporation, such matter or thing may be done by the Town at the sole expense of the person or corporation and the expenses thereof with interest may be recovered by the Town in accordance with the provisions of the *Municipal Act* given appropriate notice.



### **3.5.3 Previous Violations**

No building or structure illegally erected, no use illegally established and no lot illegally created prior to the date of passing of this By-law shall become legal solely by reason of the passing of this By-law. Where such building, structure, use or lot is in conflict with one or more provisions of this By-law, such activity will remain illegal and shall not be deemed to be legal in this By-law, except where specifically provided for.

### **3.6 REQUESTS FOR AMENDMENTS**

Every request for an amendment to this By-law shall be accompanied by fully completed copies of the appropriate application form provided by the Town, by such application fee as may be established from time to time by Council, and by such information as required by the Provincial Plans, the Provincial Policy Statement, the Official Plan and / or the *Ontario Planning Act*, as amended, and regulations issued hereunder.

### **3.7 MINOR VARIANCES**

An application can be made to obtain a minor variance from the provisions of this By-law in accordance with the *Ontario Planning Act*, as amended and in conformity with the Provincial Plans. The appropriate application form shall be provided by the Town and such application form shall be completed by the applicant and submitted with such application fee as may be established from time to time by Council.

## *Section* **4**

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## Zones and Zone Maps

**4.1 ESTABLISHMENT OF ZONES** *(as amended by 4316AH-13)*

For the purpose of this By-law, the maps hereto attached as Schedules 'A-1, A-2, A-3', A-9, A-14, A-21, A-23 and A-25 shall be referred to as the "Zoning Maps" for the urban areas of Town of Niagara-on-the-Lake (except the rural area remains as existing). The zoning maps shall be divided into the following Zoning Districts and Zones:

<b>OLD TOWN COMMUNITY ZONING DISTRICT:</b>	
Established Residential (ER) Zone	ER
Established Residential (ER2) Zone	ER2
Established Residential (ER3) Zone <i>(as amended by 4316Z-12)</i>	ER3
Residential (R1) Zone	R1
Residential (R2) Zone	R2
Residential Multiple (RM1) Zone	RM1
Residential Development (RD) Zone	RD
Queen Picton Commercial (QPC) Zone	QPC
General Commercial (GC) Zone	GC
Marine Commercial (MC) Zone	MC
Institutional (I) Zone	I
Open Space (OS) Zone	OS
Environmental Conservation Zone Overlay	
Heritage Zone Overlay	
Holding (H) Zone	H

<b>QUEENSTON COMMUNITY ZONING DISTRICT:</b>	
Established Residential (ER1) Zone	ER1
Established Residential (ER2) Zone	ER2
Residential (R3) Zone <i>(as amended by 4316N-11)</i>	R3
Residential Multiple (RM1) Zone <i>(as amended by 4316N-11)</i>	RM1
Village Commercial (VC) Zone	VC
Institutional (I) Zone	I
Open Space (OS) Zone	OS
Environmental Conservation Zone Overlay	
Holding (H) Zone	H
Development Control of the Niagara Escarpment Commission	

<b>ST. DAVIDS COMMUNITY ZONING DISTRICT:</b>	
Residential (R1) Zone	R1
Residential (R2) Zone	R2
Residential (R3) Zone	R3
Residential Multiple (RM1) Zone	RM1
Residential Multiple (RM2) Zone	RM2
Residential Development (RD) Zone	RD
Village Commercial (VC) Zone	VC
Service Commercial (SC) Zone	SC
Enterprise (E) Zone	E
Institutional (I) Zone	I
Open Space (OS) Zone	OS
Environmental Conservation Zone Overlay	
Holding (H) Zone	H
Development Control of the Niagara Escarpment Commission	

<b>VIRGIL COMMUNITY ZONING DISTRICT:</b>	
Residential (R1) Zone	R1
Residential (R2) Zone	R2
Residential Multiple (RM1) Zone	RM1
Residential Multiple (RM2) Zone	RM2
Residential Development (RD) Zone	RD
Village Commercial (VC) Zone	VC
Enterprise (E) Zone	E
Institutional (I) Zone	I
Open Space (OS) Zone	OS
Environmental Conservation Zone Overlay	
Holding (H) Zone	H

<b>GLENDALE COMMUNITY ZONING DISTRICT:</b>	
Queenston Road Residential (QR) Zone	QR
Residential (R1) Zone	R1

Residential Multiple (RM2) Zone	RM2
Residential Multiple (RM3) Zone	RM3
Residential Multiple (RM4) Zone	RM4
Residential Multiple (RM5) Zone	RM5
Residential Development (RD) Zone	RD
Regional Commercial (RC) Zone	RC
Regional Commercial (RC1) Zone	RC1
Village Commercial (VC) Zone	VC
Prestige Industrial (PI) Zone	PI
Light Industrial (LI)	LI
Institutional (I) Zone	I
Open Space (OS) Zone	OS
Open Space – Key Features (OSF) Zone	OSF

## 4.2 **USE OF ZONE SYMBOLS**

The symbols listed in Section 4.1 shall be used to refer to land, buildings and structures and uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word "Zone" is used preceded by any of the said symbols, such zones shall mean any area within the Town of Niagara-on-the-Lake delineated on the zoning maps and designated therein by the said symbol.

## 4.3 **INTERPRETATION OF ZONE BOUNDARIES**

Where any uncertainty exists as to the location of the boundary of any of the said zones, as shown on the zoning maps, the following shall apply:

- (a) Unless otherwise shown, the boundary of the zones as shown on the zoning maps shall be the centre lines of the road allowance or lot lines and the projection thereof;
- (b) Where zone boundaries are indicated as approximately following lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the said boundary;
- (c) Where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zoning maps;
- (d) Unless otherwise indicated, a road, lane, or watercourse included on the zoning maps, is included within the zone of the adjoining property on either side thereof; and where such road, lane, right-of-way or watercourse serves as a boundary between two or more different zones, a line midway in such road, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones, unless specifically indicated otherwise;

- (e) In the event a dedicated road, lane or right-of-way shown on the zone maps is closed, the property formerly in said road lane or right-of-way shall be included within the zone of the adjoining property or either side of the said closed road lane right-of-way and the zone boundary shall be the former centre line of the closed road, lane or right-of-way;
- (f) Where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zoning maps in the office of the Director of Planning and Development Services; and,
- (g) Wherever it occurs, the municipal limit of the Town of Niagara-on-the-Lake is the boundary for the zone adjacent to it.

#### 4.4 **ZONE CLASSIFICATIONS**

**TABLE 4.1: Zone Classifications**

Zone Symbol	Zone
<b>CLASS: RESIDENTIAL</b>	
ER	Established Residential Zone ( <i>Old Town</i> )
ER1	Established Residential Zone ( <i>Queenston</i> )
ER2	Established Residential Zone ( <i>Old Town, Queenston</i> )
ER3	Established Residential Zone ( <i>Old Town</i> ) (as amended by 4316Z-12)
R1	Residential Zone ( <i>Old Town, St. Davids, Virgil, Glendale</i> ) (as amended by 4316AH-13)
R2	Residential Zone ( <i>Old Town, St. Davids, Virgil</i> )
R3	Residential Zone ( <i>St. Davids, Virgil, Queenston</i> )
RM1	Residential Multiple Zone ( <i>Old Town, St. Davids, Virgil, Queenston</i> ) (as amended by 4316N-11)
RM2	Residential Multiple Zone ( <i>St. Davids, Virgil, Glendale</i> ) (as amended by 4316N-11)
RM3	Residential Multiple Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
RM4	Residential Multiple Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
RM5	Residential Multiple Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
QR	Queenston Road Residential Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
RD	Residential Development Zone ( <i>Old Town, St. Davids, Virgil, Queenston, Glendale</i> ) (as amended by 4316AH-13)
<b>CLASS: COMMERCIAL</b>	
QPC	Queen Picton Commercial Zone ( <i>Old Town</i> )
GC	General Commercial Zone ( <i>Old Town</i> )
MC	Marine Commercial Zone ( <i>Old Town</i> )
VC	Village Commercial Zone ( <i>Queenston, St. Davids, Virgil, Glendale</i> ) (as amended by 4316AH-13)
SC	Service Commercial Zone ( <i>St. Davids</i> )
RC	Regional Commercial Zone ( <i>Glendale</i> ) (as amended by 4316AH-13)

Zone Symbol	Zone
RC1	Regional Commercial Zone ( <i>Glendale</i> ) (as amended by 4316AH-13)
<b>CLASS: INDUSTRIAL</b>	
E	Enterprise Zone ( <i>St. Davids, Virgil</i> )
EI	Extractive Industrial Zone ( <i>Agricultural</i> )
PI	Prestige Industrial Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
LI	Light Industrial Zone ( <i>Glendale</i> ) (as added by 4316AH-13)
<b>CLASS: OTHER ZONES</b>	
OS	Open Space Zone
AR	Airport Zone
I	Institutional Zone
H	Holding Zone
EC	Environmental Conservation Zone
OSF	Open Space Key Features Zone
<b>MISCELLANEOUS (No Class)</b>	
	Development Control of the Niagara Escarpment Commission
	Environmental Conservation Zone Overlay

#### 4.5 **SITE SPECIFIC EXCEPTIONS**

Whenever lands on any Zoning Schedule have the zone symbol followed directly by a dash ( - ) and a number, for example, VC - 1, such lands shall be considered to have a "Site Specific Exception" number and to have reference to a zone category. The said lands shall be subject to the provisions of the relevant zone category and all other provisions contained herein, and in addition, shall be subject to any special provisions provided for within the relevant special provision subsection of the relevant zone category.

#### **4.6 ENVIRONMENTAL CONSERVATION ZONE OVERLAY**

**4.6.1** This Comprehensive Zoning By-law includes an environmental conservation zone overlay within the urban community zoning districts to ensure that development of properties within and / or adjacent to the environmental feature achieve the objectives of:

- The Regional Policy;
- The Open Space portion of Section 15: Open Space and Community Facilities;
- Section 16: Conservation / Wetlands of the Official Plan;
- The Provincial Policy Statement;
- Niagara Peninsula Conservation Authority Regulation Area under Ontario Regulation 155/06; and,
- The *Ontario Planning Act*.

**4.6.2** The underlying zone category works together with the environmental conservation zone overlay in determining the density and required setbacks of a permitted use from an environmental feature.

**4.6.3** There are cases where the environmental conservation zone overlay may consist of more than one key natural heritage feature or key hydrologic feature on a specific site, creating several layers of development and zone requirements. In these instances, the most restrictive environmental feature's zoning requirements will take precedence.

**4.6.4** A building permit will not be issued on a property affected by the environmental conservation zone overlay unless the zone requirements of the environmental feature have been met. Where a building is subject to an Environmental Impact Study (EIS) no change in use, no new building or structure and no expansion to any existing building or structure shall be permitted unless it has been demonstrated through an EIS that there will be no negative impact on the adjacent natural feature.

#### **4.7 ENVIRONMENTAL IMPACT STUDY (EIS)**

An Environmental Impact Study (EIS) may be required where lands are in or adjacent to an environmental feature to ensure that the environmental feature is protected against impacts of development.



#### **4.8 ENVIRONMENTAL CONSERVATION (EC) ZONE**

The limits of the Environmental Conservation (EC) Zone may be subject to change as new detailed information and accurate mapping from the Niagara Peninsula Conservation Authority becomes available as it relates to natural and man-made features. The zone schedules in the Comprehensive Zoning By-Law will be updated to reflect updated mapping from the Niagara Peninsula Conservation Authority.

#### **4.9 HOLDING ZONES**

Land subject to a Holding Zone shall not be used, nor any building or structure used, altered or erected until the Holding Zone is removed by amendment. This provision shall not prevent continuation of uses existing at the time the Holding Zone was established on said lands.