

Section 10

Virgil Community Zoning District

SECTION 10: VIRGIL COMMUNITY ZONING DISTRICT

The provisions of the Virgil Community Zoning District shall apply to all lands within the Urban Area Boundary established on Schedule “C” in the Town of Niagara-on-the-Lake’s Official Plan and shown on Schedules ‘A-9’ and ‘A-14’ of this By-law.

10.1 **RESIDENTIAL (R1) ZONE**

In the Virgil Community Zoning District - Residential (R1) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.1.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *bed and breakfast establishment* in accordance with Section 6.5
- (c) *cottage rental (added by 4316AI-13, OMB PL130581, December 5, 2013)*
- (d) *group home* in accordance with Section 6.20
- (e) *home occupation* or a *home profession* in accordance with Section 6.24
- (f) *public use* in accordance with Section 5.381 (as amended by 4316Y-12)
- (g) *single detached dwelling*

10.1.2 Zone Requirements:

(a)	Minimum lot frontage	18.0 m (59 ft)
(b)	Minimum lot area	668 m ² (7190.53 ft ²)
(c)	Maximum lot coverage	33%
(d)	Minimum landscaped open space (as amended by 4316J-11)	30%
(e)	Minimum front yard setback	7.5 m (24.6 ft)
(f)	Minimum interior side yard setback of 1.5 m (5 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 m (9.84 ft) on one side.	
(g)	Minimum exterior side yard setback	4.5 m (14.76 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Minimum dwelling floor area	125 m ² (1345.53 ft ²)
(j)	Maximum building height	10.0 m (32.8 ft)
(k)	Minimum accessory building yards setback	1.5 m (5 ft)
(l)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)

10.2 RESIDENTIAL (R2) ZONE

In the Virgil Community Zoning District - Residential (R2) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.2.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *bed and breakfast establishment* in accordance with Section 6.5
- (c) *cottage rental* (added by 4316AI-13, OMB PL130581, December 5, 2013)
- (d) *group home* in accordance with Section 6.20 (a) *single detached dwelling*
- (e) *home occupation* or a *home profession* in accordance with Section 6.23
- (f) *public use* in accordance with Section 5.381 (as amended by 4316Y-12)
- (g) *single detached dwelling*

10.2.2 Zone Requirements:

(a)	Minimum lot frontage	15.0 m (49.2 ft)
(b)	Minimum lot area	475 m ² (5113 ft ²)
(c)	Maximum lot coverage	40%
(d)	Minimum landscaped open space	25%
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum interior side yard setback of 1.2 m (3.94 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 m (9.84 ft) on one side.	
(g)	Minimum exterior side yard setback	4.5 m (14.76 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Minimum dwelling floor area	93 m ² (1001 ft ²)
(j)	Maximum building height	10.0 m (32.8 ft)
(k)	Minimum accessory building yards setback	1.5 m (5 ft)
(l)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)

10.3 RESIDENTIAL (R3) ZONE

In the Virgil Community Zoning District - Residential (R3) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.3.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *duplex dwelling*
- (c) *group home* in accordance with Section 6.20
- (d) *public use* in accordance with Section 5.381 (as amended by 4316Y-12)
- (e) *semi-detached dwelling*

10.3.2 Zone Requirements:

10.3.2.1 A Semi Detached Dwelling:

(a)	Minimum lot frontage per unit of 10.75 m (35.27 ft) for an interior lot and 12.25 m (40.19 ft) for an exterior lot	
(b)	Minimum lot area per unit	325 m ² (3498.39 ft ²)
(c)	Maximum lot coverage per unit	33%
(d)	Minimum landscaped open space	30%
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum interior side yard setback of 1.2 m (3.94 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 m (9.84 ft) on one side	
(g)	Minimum exterior side yard setback	4.5 m (14.76 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Minimum dwelling floor area	93 m ² (1001 ft ²)
(j)	Maximum building height	10.0 m (32.8 ft)
(k)	Minimum accessory building yards setback	1.5 m (5 ft)
(l)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)
(m)	Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m (2 ft).	

10.3.2.2 A Duplex Dwelling:

(a)	Minimum lot frontage	18.0 m (59.0 ft)
(b)	Minimum lot area	668 m ² (7190.53 ft ²)
(c)	Maximum lot coverage	33%
(d)	Minimum landscaped open space	30%
(e)	Minimum front yard setback	7.5 m (24.6 ft))
(f)	Minimum interior side yard setback	1.5 m (5 ft)
(g)	Minimum exterior side yard setback	4.5 m (14.76 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Minimum dwelling floor area per unit	93 m ² (1001 ft ²)
(j)	Maximum building height	10.0 m (32.8 ft)

(k)	Minimum accessory building yards setback	1.5 m (5 ft)
(l)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)

10.4 RESIDENTIAL MULTIPLE (RM1) ZONE

In the Virgil Community Zoning District - Residential Multiple (RM1) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.4.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1.
- (b) *bed and breakfast establishment* in an existing detached dwelling in accordance with Section 6.5.
- (c) *fourplex or quadraplex dwelling*
- (d) *existing single detached dwelling*
- (e) *group home* in accordance with Section 6.20
- (f) *public use*
- (g) *townhouse dwelling*
- (h) *triplex dwelling*

10.4.2 Zone Requirements:

10.4.2.1 Existing *Single Detached Dwelling*:

In accordance with the provisions of the Residential 2 (R2) Zone, Section 10.2.2.

10.4.2.2 Townhouse Dwelling, On-Street:

(a)	Minimum lot frontage per unit of 6.2 m (20.34 ft) for an interior lot and 10.0 m (32.8 ft) for an exterior lot.	
(b)	Minimum lot area per dwelling unit of 230 m ² (2475.78 ft ²) for an interior lot and 300 m ² (3229.28 ft ²) for an exterior lot.	
(c)	Maximum lot coverage	45%
(d)	Minimum landscaped open space	25%
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum interior side yard setback of 1.5 m (5 ft) for end units, except for end units having a height of 5.0 m (16.4 ft) or greater, then 1.8 m (5.9 ft) shall be provided; further, where no attached garage is provided, the minimum side yard shall be 3.0 m (9.84 ft). No interior side yard is required between the common vertical wall dividing one unit from another.	

(g)	Minimum exterior side yard setback of 4.5 m (14.76 ft), except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 m (19.69 ft)	
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except for units having a height of 8.0 m or greater, then 9.0 m (29.53 ft) shall be provided	
(i)	Minimum dwelling floor area	80 m ² (861.14 ft ²)
(j)	Maximum building height	10.0 m (32.8 ft)
(k)	Minimum accessory building yards setback	0.5 m (1.64 ft)
(l)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)
(m)	Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m (2 ft).	

10.4.2.3 Block Townhouse Dwellings:

(a)	Minimum lot frontage	30.0 m (100 ft)
(b)	Minimum lot area per unit	285 m ² (3067.81 ft ²)
(c)	Maximum lot coverage	35%
(d)	Minimum landscaped open space	30%
(e)	Minimum front yard setback	7.5 m (24.6 ft)
(f)	Minimum interior side yard setback	7.5 m (24.6 ft)
(g)	Minimum exterior side yard setback	7.5 m (24.6 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Minimum distance between buildings located on the same lot of 3.0 m (9.84 ft) between walls not containing windows to a habitable room, and 9.0 m (29.53 ft) between walls where one wall contains a window to a habitable room, and 15.0 m between walls where both walls contain a window to a habitable room.	
(j)	Minimum distance between any townhouse dwelling and a private roadway and parking area	6.0 m (19.69 ft)
(k)	Minimum dwelling unit area	80 m ² (861.14 ft ²)
(l)	Maximum building height	10.0 m (32.8 ft)
(m)	Minimum accessory building yards setback	0.5 m (1.64 ft)
(n)	Minimum setback of uncovered, unenclosed or covered patio or deck form requires a side yard setback of 0.6 m (2 ft).	
(o)	Minimum accessory building exterior side yard	7.5 m (24.6 ft)

	setback (as amended by 4316Y-12)	
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10.4.2.4 A Triplex Dwelling:

(a)	Minimum lot frontage	21.5 m (70.54 ft)
(b)	Minimum lot area	690 m ² (7427.34 ft ²)
(c)	Minimum lot area per dwelling unit	230 m ² (2475.78 ft ²)
(d)	Maximum lot coverage	35%
(e)	Minimum landscaped open space	30%
(f)	Minimum front yard setback	6.0 m (19.69 ft)
(g)	Minimum interior side yard setback of 4.5 m (14.76 ft) on one side and 1.8 m (5.9 ft) on the other side.	
(h)	Minimum exterior side yard setback of 5 m (14.76 ft) where an entrance to an attached garage faces an exterior side yard, the minimum exterior side for the garage shall be 6 m (19.69 ft)	
(i)	Minimum rear yard setback	9.0 m (29.53 ft)
(j)	Minimum dwelling unit area	80 m ² (861.14 ft ²)
(k)	Maximum building height	10.0 m (32.8 ft)
(l)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(m)	Minimum accessory building exterior side yard setback (as amended by 4316Y-12)	4.5 m (14.76 ft)

10.4.2.5 A Fourplex or Quadraplex Dwelling:

(a)	Minimum lot frontage	24.5 m (80.38 ft)
(b)	Minimum lot area	800 m ² (8611.41 ft ²)
(c)	Minimum lot area per dwelling unit	200 m ² (2152.85 ft ²)
(d)	Maximum lot coverage	35%
(e)	Minimum landscaped open space	20%
(f)	Minimum front yard setback	7.5 m (24.6 ft)
(g)	Minimum interior side yard setback of 4.5 m (14.76 ft) on one side and 1.8 m (5.9 ft) on the other side.	
(h)	Minimum exterior side yard setback of 4.5 m (14.76 ft) where an entrance to an attached garage faces an exterior side yard, the minimum exterior side for the garage shall be 6 m (19.69 ft)	
(i)	Minimum rear yard setback	9.0 m (29.53 ft)
(j)	Minimum dwelling unit area	80 m ² (861.14 ft ²)
(k)	Maximum building height	10.0 m (32.8 ft)
(l)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(m)	Minimum accessory building exterior side yard setback	7.5 m (24.6 ft)

10.5 RESIDENTIAL MULTIPLE (RM2) ZONE

In the Virgil Community Zoning District - Residential Multiple (RM2) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.5.1 Permitted Uses:

- (a) *accessory building and structures* in accordance with Section 6.1
- (b) *apartment building*
- (d) *group home* in accordance with Section 6.20
- (d) *nursing home* including secondary dwelling units
- (e) *senior citizen apartment building* including secondary dwelling units

10.5.2 Zone Requirements:

10.5.2.1 An Apartment Building:

(a)	Minimum lot frontage	30.0 m (100 ft)
(b)	Minimum lot area per unit	135 m ² (1453.18 ft ²)
(c)	Maximum lot coverage	35%
(d)	Minimum landscaped open space	30%
(e)	Minimum front yard setback	7.5 m (24.6 ft)
(f)	Minimum interior side yard setback of 6.0 m (19.69 ft), except that where the interior lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone or Residential 3 (R3) Zone in the Virgil Community Zoning District, a minimum interior side yard equal to the building height is required, whichever is greater <i>(as amended by 4316J-11)</i>	
(g)	Minimum exterior side yard setback	7.5 m (24.6 ft)
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except that where the rear lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone or Residential 3 (R3) Zone in the Virgil Community Zoning District, a minimum rear yard equal to the building height is required, whichever is greater. <i>(as amended by 4316J-11)</i>	
(i)	Minimum distance between buildings located on the same lot	15.0 m (49.2 ft)
(j)	Minimum dwelling unit area:	
	(i) Bachelor unit	37 m ² (398.28 ft ²)
	(ii) 1 bedroom unit	41 m ² (441.33 ft ²)
	(iii) 2 bedroom unit	69 m ² (742.73 ft ²)
	(iv) 3 bedroom unit	80 m ² (861.14 ft ²)

(k)	Maximum building height	10.5 m (34.45 ft)
(l)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(m)	Minimum accessory building exterior side yard setback <i>(as amended by 4316Y-12)</i>	7.5 m (14.76 ft)

10.5.2.2 A Senior Citizen Apartment building and Nursing Home:

(a)	Minimum lot frontage	30.0 m (100 ft)
(b)	Minimum lot area	2,000 m ² (21,528.53 ft ²)
(c)	Maximum lot coverage	50%
(d)	Minimum landscaped open space	30%
(e)	Minimum front yard setback	7.5 m (24.6 ft)
(f)	Minimum interior side yard setback of 6.0 m (19.69 ft), except that where the interior lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone or Residential 3 (R3) Zone in the Virgil Community Zoning District, a minimum interior side yard equal to the building height is required, whichever is greater	
(g)	Minimum exterior side yard setback	7.5 m (24.6 ft)
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except that where the rear lot line is adjacent to a Residential 1 (R1) Zone, Residential 2 (R2) Zone or Residential 3 (R3) Zone in the Virgil Community Zoning District, a minimum rear yard equal to the building height is required, whichever is greater. <i>(as amended by 4316J-11)</i>	
(i)	Minimum distance between buildings located on the same lot	15.0 m (49.2 ft)
(j)	Minimum dwelling unit area:	
	(i) Bachelor unit	37 m ² (398.28 ft ²)
	(ii) 1 bedroom unit	41 m ² (441.33 ft ²)
	(iii) 2 bedroom unit	69 m ² (742.73 ft ²)
(k)	Maximum building height	10.5 m (34.45 ft)
(l)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(m)	Minimum accessory building exterior side yard setback	7.5 m (14.76 ft)

10.6 RESIDENTIAL DEVELOPMENT (RD) ZONE

In the Virgil Community Zoning District - Residential Development (RD) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.6.1 Permitted Uses:

- (a) existing uses

10.6.2 Zone Requirements:

(a)	As existing
(b)	Additions to an existing single detached dwelling shall be in accordance with Section 10.1.2

NOTE: This zone is a development zone intending that the lands so zoned shall be developed for residential purposes at a subsequent date. The appropriate zone category shall be established through a zoning By-law amendment.

10.7 **VILLAGE COMMERCIAL (VC) ZONE**

In the Virgil Community Zoning District - Village Commercial (VC) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.7.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *agricultural produce warehouse and/or shipping establishment*
- (c) *art, craft or photography studio*
- (d) *automobile sales & service establishment*
- (e) *automobile service station*
- (f) *bank or financial institution*
- (g) *bake shop*
- (h) *brew your own operation*
- (i) *building supply outlet*
- (j) *business or professional office*
- (k) *church or religious institution*
- (l) *coin laundry*
- (m) *commercial recreation facility*
- (n) *commercial school*
- (o) *convenience store*
- (p) *dry cleaning outlet*
- (q) *farm implement dealer*
- (r) *fire hall*
- (s) *funeral home*
- (t) *garden centre*
- (u) *gas bar*

- (v) *grocery store (v)hotel*
- (w) *hardware store*
- (x) *manual or an automatic car wash*
- (y) *medical clinic, medical office, medical practitioner (as amended by 4316J-11)*
- (z) *micro-brewery*
- (aa) *motel*
- (bb) *outdoor patio restaurant as a secondary use to a restaurant use in accordance with Section 6.36*
- (cc) *personal service establishment*
- (dd) *postal outlet*
- (ee) *residential use in accordance with Section 6.48*
- (ff) *restaurant*
- (gg) *retail store*
- (hh) *service establishment*
- (ii) *tavern*
- (jj) *taxi establishment*
- (kk) *take-out restaurant*
- (ll) *vacation apartment (added by 4316AI-13, OMB PL130581, December 5, 2013)*
- (mm) *veterinary office (as amended by 4316J-11)*

10.7.2 Zone Requirements:

10.7.2.1 Commercial Uses:

(a)	Minimum lot frontage	15.0 m (49.2 ft)
(b)	Minimum lot area	700 m ² (7534.98 ft ²)
(c)	Maximum lot coverage	50%
(d)	Minimum landscaped open space	20%
(e)	Minimum front yard setback	0 m (0 ft)
(f)	Minimum interior side yard setback of nil, except that where the interior side yard abuts a residential zone, 4.5 m (14.76 ft) setback is required.	
(g)	Minimum exterior side yard setback	6.0 m (19.69 ft)
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except that where the rear yard abuts a residential zone, 12.0 m (39.37 ft) is required.	
(i)	<i>Deleted by 4316Y-12</i>	
(j)	Maximum building height	10.5 m (34.45 ft)

(k)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(l)	Minimum accessory building exterior side yard setback	6.0 m (19.69 ft)
(m)	Outside storage in accordance with Section 6.37	

10.7.2.2 Automobile sales and service establishment use:

(a)	Minimum lot frontage	36.0 m (118.11 ft)
(b)	Minimum lot area	1,400 m ² (15069.97ft ²)
(c)	Maximum lot coverage	35%
(d)	Minimum landscaped open space	10%
(e)	Minimum front yard setback	12.0 m (39.37 ft)
(f)	Minimum interior side yard setback of 7.5 m (24.6 ft), except that where the interior side yard abuts a residential zone, 12.0 m (39.37 ft) setback is required.	
(g)	Minimum exterior side yard setback	12.0 m (39.37 ft)
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except that where the rear yard abuts a residential zone, 12.0 m (39.37 ft) is required.	
(i)	Maximum building height	10.5 m (34.45 ft)
(j)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(k)	Minimum accessory building exterior side yard setback	12.0 m (39.37 ft)
(l)	Outside storage in accordance with Section 6.37	

10.7.3 Buffer Strip:

Where the interior side yard or rear lot line of a lot zoned Village Commercial (VC) abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 3.0 m (9.84 ft) in width shall be used as a buffer strip in accordance with Section 6.6.

10.7.4 Village Commercial Holding (VC-H) Zone (as added by 4316J-11)

In the Virgil Community Zoning District – Village Commercial Holding (VC-H) Zone, no land shall be used and no building or structure shall be use, altered or erected except in accordance with the following uses and provisions:

10.7.4.1 Permitted Uses:

- a) existing uses

NOTE: Lifting of the “H” symbol is subject to an amendment of the Zoning By-law.

10.8 **ENTERPRISE (E) ZONE**

In the Virgil Community Zoning District - Enterprise (E) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.8.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *assembly hall*
- (c) *automobile parts and accessories sales*
- (d) *automobile sales establishment*
- (e) *automobile service station*
- (f) *automobile rental establishment*
- (g) *automatic or manual car wash establishment*
- (h) *bakery*
- (i) *bank or financial institution*
- (j) *commercial entertainment establishment*
- (k) *commercial school or Trade school (as amended by 4316J-11)*
- (l) *estate Winery*
- (m) *existing estate winery*
- (n) *farm implements dealership*
- (o) *hotel*
- (p) *household furnishings store*
- (q) *manufacturing establishment*
- (r) *micro-brewery*
- (s) *motel*
- (t) *office complex*
- (u) *personal service establishment*
- (v) *rental outlet*
- (w) *repair service establishment*
- (x) *research and development establishment*
- (y) *restaurant*
- (z) *retail use secondary to a permitted use*
- (aa) *take-out restaurant*
- (bb) *warehouse*
- (cc) *wholesale establishment*

(dd) winery production facility

10.8.2 Zone Requirements:

(a)	Minimum lot frontage	15.0 m (49.2 ft)
(b)	Minimum lot area	700 m ² (7534.98 ft ²)
(c)	Maximum lot coverage	50%
(d)	Minimum landscaped open space	20%
(e)	Minimum front yard setback	0 m (0 ft)
(f)	Minimum interior side yard setback of 6.0 m (19.69 ft), except that where the interior side yard abuts a residential zone, 10.0 m (32.8 ft) is required.	
(g)	Minimum exterior side yard setback	10.0 m (32.8 ft)
(h)	Minimum rear yard setback of 12.0 m (39.37 ft), except that where the rear yard abuts a residential zone, 15.0 m (49.2 ft) is required	
(i)	Minimum floor area	380 m ² (4090.42 ft ²)
(j)	Maximum building height	10.5 m (34.45 ft)
(k)	Minimum accessory building yards setback	1.5 m (5 ft)
(l)	Minimum accessory building exterior side yard setback	10.0 m (32.8 ft)
(m)	Outside storage in accordance with Section 6.37	

10.8.3 Buffer Strip:

Where the interior side yard or rear lot line of a lot zoned Enterprise (E) abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 3.0 m (9.84 ft) in width shall be used as a buffer strip in accordance with Section 6.6.

10.9 **INSTITUTIONAL (I) ZONE**

In the Virgil Community Zoning District - Institutional (I) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.9.1 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *ambulance service detachment*
- (c) *arena*
- (d) *cemetery*
- (e) *church or religious institution*
- (f) *day care centre*

- (g) *government office*
- (h) *institutional use*
- (i) *library*
- (j) *municipal park*
- (k) *school*
- (l) *secondary dwelling unit to a permitted use*

10.9.2 Zone Requirements:

(a)	Minimum lot frontage	30.0 m (100 ft)
(b)	Minimum lot area	2,000 m ² (21,528 ft ²)
(c)	Maximum lot coverage	50%
(d)	Minimum landscaped open space	20%
(e)	Minimum front yard setback	9.0 m (29.53 ft)
(f)	Minimum interior side yard setback.	7.5 m (24.6 ft)
(g)	Minimum exterior side yard setback	9.0 m (29.53 ft)
(h)	Minimum rear yard setback of 7.5 m (24.6 ft), except that where the rear yard abuts a residential zone, 12.0 m (39.37 ft) is required	
(i)	Maximum building height	10.5 m (34.45 ft)
(j)	Minimum accessory building yards setback	1.2 m (3.94 ft)
(k)	Minimum accessory building exterior side yard setback	9.0 m (29.53 ft)

10.9.3 Buffer Strip:

Where the interior side yard or rear lot line of a lot zoned Institutional (I) abuts a residential zone, a strip of land adjacent to the adjoining lot line being a minimum of 3.0 m (9.84 ft) in width shall be used as a buffer strip in accordance with Section 6.6.

10.10 OPEN SPACE (OS) ZONE

In the Virgil Community Zoning District - Open Space (OS) Zone, no land shall be used and no building or structure shall be used, altered or erected except in accordance with the following uses and provisions:

10.10.1 Permitted Uses:

- (e) *accessory buildings and structures* in accordance with Section 6.1
- (a) *conservation management activities and uses*
- (f) *existing building and structure*

- (c) historic sites
- (d) private club
- (b) public and private parks

10.10.2 Zone Requirements:

(a)	Minimum lot frontage	n/a
(b)	Minimum lot area	n/a
(c)	Maximum lot coverage	10%
(d)	Minimum front yard setback	15.0 m (49.21 ft)
(e)	Minimum interior side yard setback.	7.5 m (24.6 ft)
(f)	Minimum exterior side yard setback	15.0 m (49.21 ft)
(g)	Minimum rear yard setback	15.0 m (49.21 ft)
(h)	Maximum building height	8.6 m (28.22 ft)
(i)	Minimum accessory building yards setback	1.5 m (5 ft)

10.11 **ENVIRONMENTAL CONSERVATION ZONE OVERLAY**

The Environmental Conservation Zone Overlay provides regulations for new development, additions to existing development, 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, and studies required to determine the effect of development on the natural feature.

Where the zoning regulations specify that a use is permitted subject to an Environmental Impact Study (EIS), 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.

10.11.1 Wetland

10.11.1.1 Permitted Uses:

- (a) *Conservation management activities and uses* subject to an environmental impact study (EIS).
- (b) Permitted uses adjacent to a wetland:

- (1) existing *accessory buildings and structures* in accordance with Section 6.1, including expansions, subject to an environmental impact study (EIS).
- (2) existing dwellings, buildings and structures
- (3) existing *public and private parks*
- (4) expansions to existing dwellings, building and structures, subject to an environmental impact study (EIS).
- (5) *infrastructure*
- (6) *single detached dwelling* and *accessory buildings* on existing lots of record subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)

10.11.1.2 Zoning requirements:

(a)	Within 120 m of the edge of the features, an EIS is required to determine the minimum setback.
(b)	Development subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)

10.11.2 Water Feature 2

10.11.2.1 Permitted Uses:

- (a) *conservation management activities and uses*, subject to an environmental impact study (EIS).
- (b) existing private boathouses and docks.
- (c) permitted uses adjacent to *Water Feature 2*:
 - (1) existing *accessory buildings and structures* in accordance with Section 6.1, including expansions, subject to an environmental impact study (EIS)
 - (2) existing dwellings, buildings and structures.
 - (3) expansions to existing dwellings, building and structures, subject to an environmental impact study (EIS)
 - (4) *infrastructure*
 - (5) *single detached dwelling* and *accessory buildings* on existing lots of record subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)
- (d) public boat launch and dock, subject to an environmental impact study (EIS)

10.11.2.2 Zoning requirements:

(a)	Within 30 m of the edge of the feature an EIS is required to determine the required minimum setback, with a minimum setback no less than 15 m is required. A narrower buffer may be considered where the EIS has demonstrated it will not harm fish or fish habitat.
(b)	Development subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)

10.11.3 Regional Environmental Conservation Area

10.11.3.1 Permitted Uses:

- (a) *conservation management activities and uses*, subject to an environmental impact study (EIS)
- (b) existing *accessory buildings and structures* in accordance with Section 6.1, including expansions, subject to an environmental impact study (EIS)
- (c) existing dwellings, buildings and structures
- (d) expansions to existing dwellings, building and structures, subject to an environmental impact study (EIS)
- (e) existing private boathouses and docks
- (f) existing public and private parks
- (g) *infrastructure*
- (h) public boat launch and dock, subject to an environmental impact study (EIS)
- (i) *single detached dwelling* and *accessory buildings* on existing lots of record subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)

10.11.3.2 Zoning requirements:

(a)	Within 50 m of the edge of the conservation area, an EIS is required to determine the minimum setback
(b)	A single detached dwelling is permitted within a significant woodland on existing lots of record, but will require an environmental impact study (EIS) and clearance from the Niagara Peninsula Conservation Authority (NPCA).
(c)	Development subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)

10.11.4 NPCA Regulation Area

10.11.4.1 Development subject to NPCA approval

10.11.5 Water body

10.11.5.1 Permitted Uses:

- (a) *conservation management activities and uses*, subject to an environmental impact study (EIS)
- (b) existing private boathouses and docks
- (d) infrastructure
- (e) permitted uses adjacent to a water body:
 - (1) existing *accessory buildings and structures* in accordance with Section 6.1, including expansions, subject to an environmental impact study (EIS)
 - (2) existing dwellings, buildings and structures
 - (3) existing *public and private parks*
 - (4) expansions to existing dwellings, building and structures, subject to an environmental impact study (EIS)
 - (5) *infrastructure*
 - (6) *single detached dwelling* and accessory buildings on existing lots of record subject to clearance from the Niagara Peninsula Conservation Authority (NPCA)
- (f) Public boat launch and dock, subject to an environmental impact study (EIS)

10.11.5.2 Zoning requirements:

- | | |
|-----|---|
| (a) | Development subject to clearance from the Niagara Peninsula Conservation Authority (NPCA) |
|-----|---|

10.12 SITE SPECIFIC EXCEPTIONS

10.12.1 1561-1567 Niagara Stone Road, Pallek Estates – See Schedule ‘A-14’ (R1-1, RM1-1, VC-1 & OS-1)

Notwithstanding the provisions of the Residential (R1) Zone, Residential Multiple (RM1) Zone, Village Commercial (VC) Zone and Open Space (OS) Zone, lands known as the Pallek Farm Subdivision identified as (R1-1), (RM1-1), (VC-1) and (OS-1) on Schedule ‘A-14’ and shown on Figure 10.12.1F below, the following permitted uses and zone requirements shall apply:

10.12.1.1 R1-1 Permitted Uses:

- (a) *accessory structures* in accordance with Section 6.1
- (b) *bed and breakfast establishment* in accordance with Section 6.5
- (c) *home occupation or home profession* in accordance with Section 6.24
- (d) *single detached dwellings*

10.12.1.2 R1-1 Zone Requirements (Plan 30M-304):

(a)	Maximum number of dwelling units	111
(b)	Minimum lot frontage	13 m (39.37 ft)
(c)	Minimum lot area	405 m ² (4359.53 ft ²)
(d)	Minimum lot depth	32 m (105 ft)
(e)	Minimum rear yard width for lots in Part 1	14.94 m (40.02 ft)
(f)	Minimum lot area for lots in Part 1	480 m ² (5166.85 ft ²)
(g)	Minimum lot depth for lots in Part 1	32 m (105 ft)
(h)	Minimum rear yard width for lots in Part 2	18 m (59 ft)
(i)	Minimum lot depth for lots in Part 2	45 m (147.64 ft)
(j)	Minimum lot area for lots in Part 2	809 m ² (8708 ft ²)
(k)	Maximum lot coverage:	
	(i) For lots with an area of 668.8m ² or more	28%
	(ii) For lots with an area of 603.8 m ² to 668.7 m ²	33%
	(iii) For lots with an area of 538.8 m ² to 603.7 m ²	36%
	(iv) For lots with an area of 473.8 m ² to 538.7 m ²	38%
	(v) For lots with an area of 405 m ² to 473.7 m ²	40%
(l)	Minimum front yard setback	6 m (19.69 ft)
(m)	Minimum interior side yard setback	1.22 m (4.0 ft)
(n)	Minimum interior side yard setback for lot identified as Part 4	3.04 m (9.97 ft)

(o)	Minimum exterior side yard setback	4.0 m (13.12 ft)
(p)	Minimum exterior side yard setback for lot identified as Part 4	2.13 m (7.0 ft)
(q)	Minimum rear yard setback	7.62 m (25 ft)
(r)	Maximum building height to peak of roof of 9.75 m for lots 12, 13, 18-40, 43, 44, 46-52, 54, 55, 94-104, 106-111 and 8.53 m (28.0 ft) for all other lots	
(s)	Minimum landscaped open space	35% of the lot area
(t)	Minimum parking space requirement	1 space/unit
	A garage may extend a maximum of 1.83 m (6.0 ft) beyond the front face of the dwelling provided the garage does not exceed 55% of the front face of the dwelling and that the front face of the dwelling includes a fully covered porch across the remainder of the dwelling face or the foremost front face of the first floor of living space, where there is no covered porch for lots 12- 40, 43, 44, 46-52, 54, 55, 66-78, 94-104, 106-111. For all other lots, 1 space per unit located behind the front face of the dwelling. A garage shall not be permitted to extend beyond the front face of the dwelling.	

10.12.1.3 RM1-1 Permitted Uses:

- (a) *accessory structures*
- (b) *block townhouse dwelling units*
- (c) *townhouse dwelling units*

10.12.1.4 RM1-1 Zone Requirements for on-street townhouse dwelling units:

(a)	Maximum number of dwelling units	98
(b)	Minimum lot depth	31 m (101.7 ft)
(c)	Maximum number of attached units	8
(d)	Minimum lot frontage per unit	10 m (32.8 ft)
(e)	Minimum lot area per unit	320 m ² (3444.56 ft ²)
(f)	Minimum front yard setback	6 m (19.69 ft)
(g)	Minimum side yard setback for end units*	1.2 m (3.94 ft)
(h)	Side yard setbacks for common walls	0.0 m (0 ft)
(i)	Minimum rear yard setback	7.62 m (25 ft)
(j)	Minimum unit area	102 m ² (1097.95 ft ²)
(k)	Maximum lot coverage	45%
(l)	Maximum building height	8.53 m (28.0 ft) to peak of the roof
(m)	Minimum landscaped open space	35%
(n)	Accessory building height	4.5 m (14.76 ft)

(o)	Minimum parking requirement: 1space/unit which shall be located behind the front yard setback
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* For the purposes of this Section an end unit means the unit at the end of a block of units that does not abut a public street

10.12.1.5 RM1-1 Zone Requirements for block townhouse dwelling units:

(a)	Minimum lot frontage onto a public road for access	15 m (49.2 ft)
(b)	Minimum lot area	0.5 ha (1.24 ac)
(c)	Maximum number of connected townhouse units	8 units
(d)	Maximum density	25 units/ha (61.7 units/ac)
(e)	Minimum setback from any property line except for end units	7.62 m (25 ft)
(f)	Side yard setbacks for common walls	0.0 m (0 ft)
(g)	Minimum distance between end units*	3.0 m (9.84 ft)
(h)	Minimum end unit setback	3.0 m (9.84 ft)
(i)	Minimum unit area	102 m ² (1097.95 ft ²)
(j)	Maximum lot coverage	45%
(k)	Maximum building height to the peak of the roof	8.53 m (28.0 ft)
(l)	Minimum landscaped open space	35%
(m)	Accessory building height	4.5 m (14.76 ft)
(n)	Minimum parking requirement	1.5 spaces/unit

10.12.1.6 Zone Requirements for Steps, Porches, Verandas, Patios and Decks:

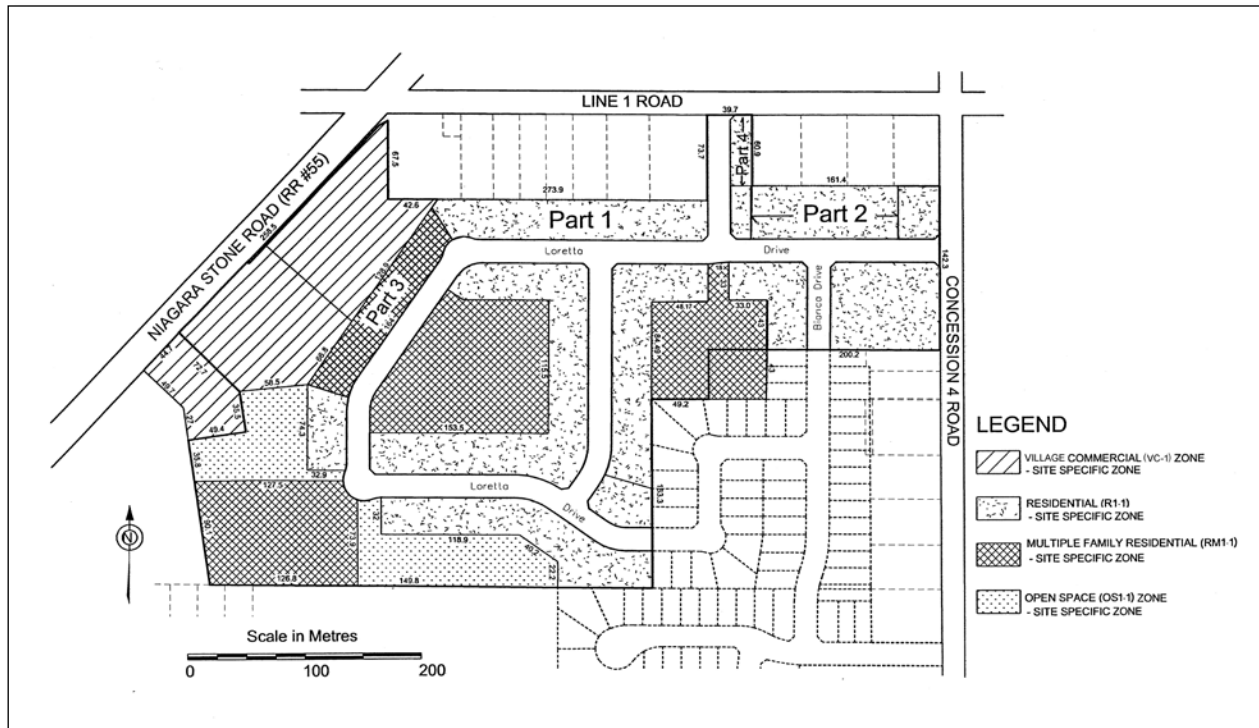
(a)	An unenclosed porch, or veranda may encroach into a required front or exterior side yard setback a maximum distance of 2.0 m (6.56 ft)
(b)	Steps shall be permitted to encroach into any yard except that in a front, or exterior side yard they shall not be more than 1.8 m (5.9 ft) above grade
(c)	Patios and decks not more than 0.5 m (1.64 ft) above grade are permitted to encroach into any exterior side or rear yard
(d)	Patios and decks of a height greater than 0.5 m (1.64 ft) but less than 2.0 m (6.56 ft) are permitted to encroach into a required rear yard to a maximum of 4 m (13.12 ft)

10.12.1.7 VC-1 Zone Requirements

(a)	Minimum front yard setback	0.0 m (0 ft)
(b)	No parking spaces are required for apartments on the second floor	

- 10.12.1.8 OS-1 Permitted Uses:
- (a) *public park*
 - (b) *storm water management facility*

Figure 10.12.1F: Pallek Estates



10.12.2 Line 2 Road Hunter Farm Subdivision – See Schedule ‘A-14’ (R1-2, RM1-2 & OS-2)

Notwithstanding the provisions of the Residential (R1) Zone, Residential Multiple (RM1) Zone and Open Space (OS) Zone, for lands known as the Hunter Farm Subdivision identified as R1-2, RM1-2 and OS-2 on Schedule ‘A-14’, the following permitted uses and zone requirements shall apply:

- 10.12.2.1 R1-2 Permitted Uses:
- (a) *accessory buildings and structures* in accordance with Section 6.1
 - (b) *bed and breakfast establishment* in accordance with Section 6.5
 - (c) *home occupation or home profession* in accordance with Section 6.24
 - (d) *single detached dwelling unit*

10.12.2.2 R1-2 Zone Requirements:

(a)	Minimum lot frontage	10.4 m (34.12 ft)
(b)	Minimum lot depth	30.48 m (100 ft)
(c)	Minimum interior side yard setback	0.914 m (3 ft)
(d)	Minimum exterior side yard setback	2.743 m (9.0 ft)
(e)	Minimum lot area	334 m ² (3595.26 ft ²)
(f)	Maximum lot coverage	35%
(g)	Maximum building height to peak of roof	9.14 m (30 ft)

10.12.2.3 RM1-2 Permitted Uses:

- (a) *accessory buildings and structures*
- (b) *townhouse dwelling units*

10.12.2.4 RM1-2 Zone Requirements:

(a)	Minimum lot frontage per unit	7.5 m (24.6 ft)
(b)	Minimum lot frontage of townhouse block 1	9 m (29.53 ft)
(c)	Minimum lot depth	32 m (105 ft)
(d)	Minimum lot area	250 m ² (2691.07 ft ²)
(e)	Maximum lot coverage	65%
(f)	Maximum building height to peak of roof	9.14 m (30 ft)
(g)	Minimum interior side yard setback (common wall)	0.0 m (0 ft)
(h)	Minimum end unit side yard setback	1.52 m (5 ft)

10.12.2.5 OS-2 Permitted Uses are limited to:

- (a) *public park*
- (b) *storm water management facility*

10.12.2.6 Parking Requirements:

- (a) 2 spaces/dwelling unit where the unit fronts onto a public street;
- (b) 2.5 spaces/dwelling unit where the unit is in a block development; and
- (c) A stacked parking space in a driveway shall be considered as a parking space. Not more than two (2) parking spaces in a driveway shall constitute required parking.

10.12.3 Line 2 Road – The Vineyards Subdivision– See Schedule ‘A-14’ (R1-3 & OS-3)

Notwithstanding the provisions of the Residential (R2) Zone and Open Space (OS) Zone, for lands known as the Vineyards Subdivision identified as (R2) and (OS-3) on Schedule ‘A-14’, the following permitted uses, prohibited uses and zone requirements shall apply: (as amended by 4316J-11)

10.12.3.1 R2 Permitted Uses: (as amended by 4316J-11)

- (a) accessory buildings and structures in accordance with Section 6.1
- (b) home occupation or home profession in accordance with Section 6.24
- (c) single detached residential dwelling

10.12.3.2 R2 Prohibited Uses: (as amended by 4316J-11)

- (a) bed and breakfast establishment

10.12.3.3 R2 Zone Requirements: (as amended by 4316J-11)

(a)	Minimum lot frontage on a public street or private road of 12 m (39.37 ft) (Note: For setback purposes a private road shall be regarded the same as a public road.)	
(b)	Minimum lot depth	30 m
(c)	Maximum lot depth for lots 37, 43, & 49, Plan 30M-270	16 m (52.49 ft)
(d)	Minimum lot area	360m ²
(e)	Maximum lot coverage (includes bay windows/cantilevered walls)	37%
(f)	Minimum front yard setback of a dwelling	3.0 m (9.84 ft)
(g)	Minimum front yard setback of an attached garage	6 m (19.69 ft)
(h)	Minimum interior side yard setback	1.0 m (3.28 ft)
(i)	Minimum exterior side yard setback of a dwelling	3.0 m (9.84 ft)
(j)	Minimum exterior side yard setback of an attached garage	6 m (19.69 ft)
(k)	Minimum rear yard setback	7.62 m (25 ft)
(l)	Minimum accessory building rear yard setback	1.0 m (3.28 ft)
(m)	Maximum building height (to roof ridge)	9.1 m (29.86 ft)
(n)	Minimum privacy area* setback of 7.6 m (24.93 ft) (* One required per lot. May be located in a side or rear yard.)	
(o)	Minimum building setback from east boundary identified as Lots 5, 10, 15, 20, 25, 31, 37, 43 & 49 on 30M-270	3.0 m (9.84 ft)

10.12.3.4 Notwithstanding Section 6.44 “Permitted Yard Projections and Encroachments”, the following provisions shall apply:

- (a) A bay or box window may project 0.61 m (2 ft) into a required front or rear yard.
- (b) An unenclosed and uncovered porch, deck, patio, balcony or steps may project a maximum of 3.81 m (12.5 ft) into a required rear yard.

10.12.3.5 OS-3 Permitted Uses:

- (a) buildings and structures accessory to a *single detached dwelling unit*
- (b) *landscaping*

10.12.3.6 OS-3 Zone Requirements:

(a)	Lands in the abutting zone shall not be used in the calculation of lot area, lot depth or building coverage for any use.
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10.12.3.7 Frontage on a public street shall not apply to those lands in the Vineyards Subdivision.

10.12.4 Concession 4 Road – Somerset Subdivision– See Schedule ‘A-14’ (R1-4)

Notwithstanding the provisions of the Residential (R1) Zone, for lands known as the Somerset Subdivision identified as R1-4 on Schedule ‘A-14’, the following zone requirements shall apply:

10.12.4.1 Zone Requirements:

(a)	Minimum lot frontage	14.2 m (46.59 ft)
(b)	Minimum lot depth	32.0 m (105 ft)
(c)	Minimum lot area	489 m ² (5263.72 ft ²)
(d)	Maximum lot coverage of 40% for lots less than the 668.88 m ² (7200 ft ²) and 33% for lots 668.88 m ² (7200 ft ²) and larger.	
(e)	Front yard setback	6.0 m (19.69 ft)
(f)	Interior side yard setback	1.5 m (5 ft)
(g)	Exterior side yard setback	4.5 m (14.76 ft)
(h)	Rear yard setback	7.5 m (24.6 ft)
(i)	Maximum number of dwelling units	43

10.12.5 1487 Niagara Stone Road (Roll #14-233) – See Schedule ‘A-14’ (VC-5)

Notwithstanding the provisions of the Village Commercial (VC) Zone, for the lands identified as (VC-5) on Schedule ‘A-14’, the following special provisions shall apply:

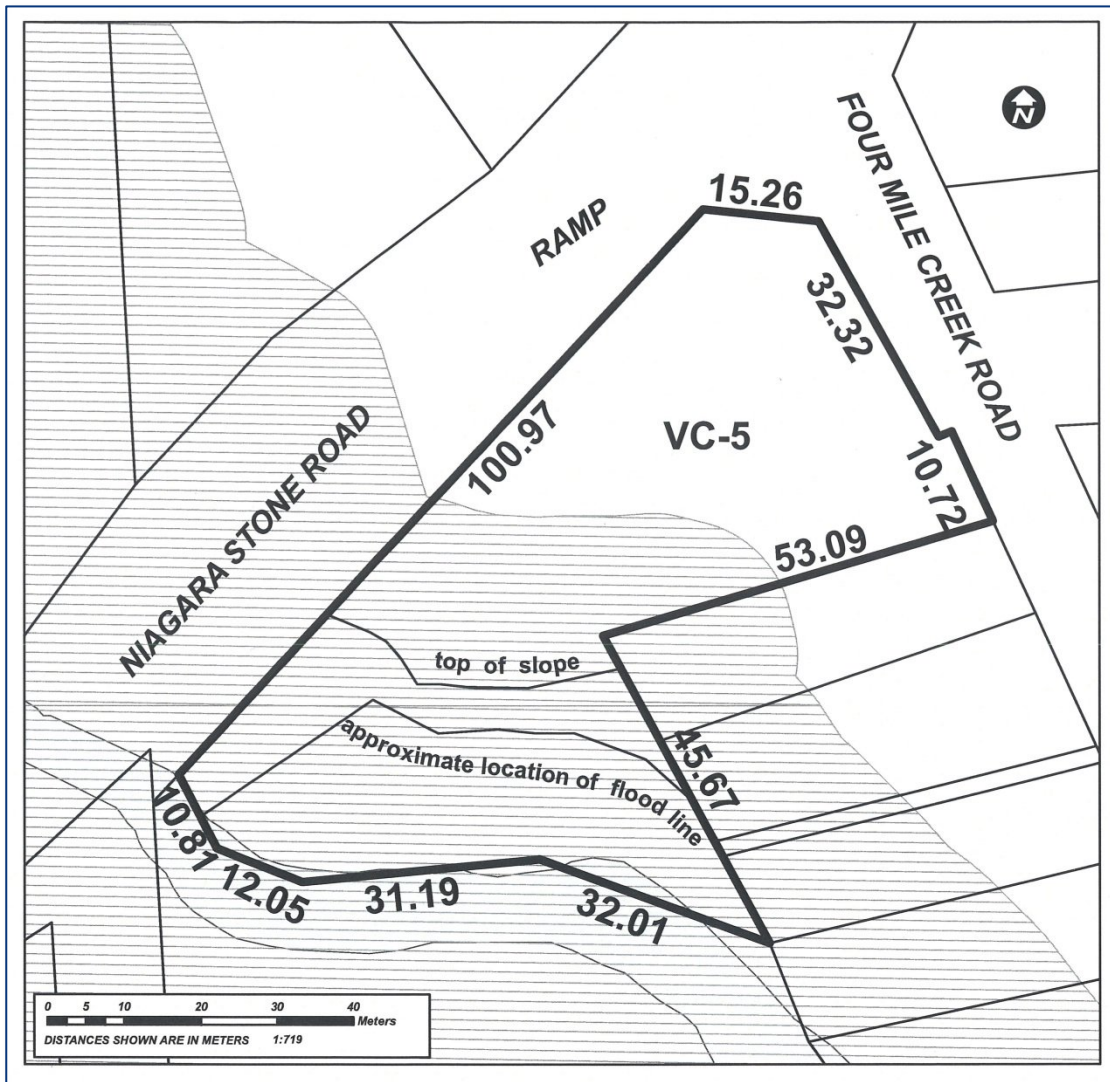
10.12.5.1 Permitted Uses:

- (a) *bank or other financial institution*
- (b) *business or professional office*
- (c) *motor vehicle sales and service*
- (d) *restaurant / eating establishment*
- (e) *retail store*
- (f) *service station*

10.12.5.2 Zone Requirements:

(a)	Minimum building setback from existing top of bank	3.048 m (10 ft)
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Figure 10.12.5F: 1487 Niagara Stone Road



10.12.6 1544 Concession 4 Road (Roll #13-070) – See Schedule ‘A-14’ (R1-6)

Notwithstanding the provisions of the Residential (R1) Zone, the lands identified as (R1-6) on Schedule ‘A-14’, the following special provisions shall apply: *(as amended by 4316J-11)*

10.12.6.1 Zone Requirements:

(a)	Minimum front yard setback	10.0 m (33ft.)
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10.12.7 Oak Meadows Subdivision, 1272 Niagara Stone Road – See Schedule ‘A-14’ (R1-7) & (OS-7)

Notwithstanding the provisions of the Residential (R1) Zone and the Open Space (OS) Zone for lands identified as R1-7 & OS-7 on Schedule 'A-14', the following special provisions shall apply:

10.12.7.1 R1-7 Permitted Uses:

- (a) 23 single detached dwellings

10.12.7.2 R1-7 Zone Requirements:

(a)	Minimum lot frontage	8.5 m (27.85 ft)
(b)	Minimum lot area.	560 m ² (6,028 ft ²)
(c)	Minimum lot depth	30.022 m (98.5 ft)
(d)	All buildings and structures	15 m (49.2 ft) from top of bank
(e)	Lots fronting on the Niagara Stone Road: (i) Minimum front yard setback (ii) Minimum side yard setback for accessory buildings	10.7 m (35.2 ft) 0.30 m (1.0 ft)
(f)	For lots 19, 20, 21, 22 and 23 as set out in 30M-345 lot frontage shall be Niagara Stone Road for the purposes of determining lot setback requirements and the front yard shall be that yard adjacent to Niagara Stone Road	

10.12.7.3 OS-7 Permitted Uses:

- (a) No buildings or structures

10.12.8 Vineyards Annex Subdivision, Line 2 Road – See Schedule 'A-14' (R2-8)

Notwithstanding the provisions of the Residential (R2) Zone for lands known as the Vineyards Annex Subdivision identified as (R2-8) on Schedule 'A-14', only the following special provisions shall apply: *(as amended by 4316J-11)*

10.12.8.1 Permitted Uses:

- (a) *buildings and structures accessory* to the residential use
 (b) *home occupation* as defined in Section 6.24
 (c) one (1) *single detached residential dwelling* per subdivision lot

10.12.8.2 Prohibited Uses:

- (a) *bed and breakfast establishment* as per Section 6.5

10.12.8.3 “Public Street Frontage Required” as per Section 6.45 of this By-law, shall not apply to the lands identified on Schedule ‘A-14’ (R2-8). (as amended by 4316J-11)

10.12.8.4 For the purposes of this By-law the front lot line means:

- (a) In the case of an interior lot, the lot line that divides the lot from the street
- (b) In the case of a lot that fronts on more than one street, the shorter lot line abutting the street unless each lot line is of equal length, in which case the front lot line shall be the lot line onto which the principal means of access is provided.
- (c) In the case of a corner lot on a single street the shortest lot line abutting the street shall be considered the front lot line and the longer lot line abutting the street shall be considered the exterior lot line for the purpose of establishing setbacks.

10.12.8.5 Zone Requirements:

(a)	Minimum lot frontage*	12 m (39.37 ft)
(b)	Minimum lot frontage* for lots 52 to 57 on 30M-359	9 m (29.53 ft)
<i>*[on a public street or a private road]</i>		
(c)	Minimum lot depth	30 m (98.4 ft)
(d)	Minimum lot depth for lots 42 to 51 on 30M-359	27.7 m (90.9 ft)
(e)	Minimum lot area	360 m ² (3875.13 ft ²)
(f)	Maximum lot coverage for lot areas less than 668.8m ² (7,200ft ²) of 37%. 37% lot coverage may be increased to 40% where the area of increase is used for attached covered and unenclosed porches.	
(g)	Maximum lot coverage for lot areas of 668.8m ² (7,200 ft ²) or greater	33%
(h)	Minimum front yard setback of a dwelling	3.0 m (9.8 ft)
(i)	Minimum front yard setback for attached garage	6.0 m (19.69 ft)
(j)	Minimum front yard setback of a dwelling and attached garage from Line 2 Road for lot 1 on 30M-359	10 m (32.8 ft)
(k)	Minimum exterior side yard setback of a dwelling for Lots 17 & 25 on 30M-359	2.5 m (8.2 ft)
(l)	Minimum exterior side yard setback of an attached garage	6 m (19.69 ft)
(m)	Minimum interior side yard setback	1.0 m (3.28 ft)
(n)	Minimum exterior side yard setback of a dwelling	3.0 m (9.84 ft)

(o)	Minimum rear yard setback	7.5 m (24.6 ft)
(p)	Maximum building height (to peak of roof)	9.1 m (29.86 ft)
(q)	Minimum accessory building setback from westerly property line for lots 42 to 51 on 30M-359	1.0 m (3.28 ft)
(r)	Accessory building yards: (i) Minimum interior and rear setback (ii) Minimum exterior side yard setback	1.0 m (3.28 ft) 3.0 m (9.8 ft)
(s)	Minimum number of visitor parking spaces	26
(t)	Minimum front yard setback for visitor parking spaces	0 m (0 ft)
Note: For setback purposes a private road shall be regarded the same as a public road		

10.12.8.6 Notwithstanding Section 6.44 “Permitted Yard Projections and Encroachments” of this By-law, the following provisions shall apply:

- (a) An unenclosed and uncovered porch, deck, balcony, patio or steps may project a maximum of 3.81 m (12.5 ft) into a required rear yard except for lots 1 through 6.
- (b) A bay or box window may project 0.61 m (2 ft) into a required front or rear yard

10.12.8.7 Parking requirements for a home occupation are as per Section 6.39 “Parking Space Requirements”.

10.12.9 1592 Concession 4 Road & Bianca Drive – See Schedule ‘A-14’ (R1-9)

Notwithstanding the provisions of the Residential (R1) Zone, only the following shall apply to those lands identified as R1-9 on Schedule ‘A-14’:

10.12.9.1 Zone Requirements for Lot fronting Bianca Drive:

(a)	Minimum lot area	486 m ² (5,231 ft ²)
(b)	Minimum lot frontage	14.35 m (47.0 ft)
(c)	Minimum lot depth	33.85 m (111.0 ft)
(d)	Maximum lot coverage	40%
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum side yard setback	1.5 m (5 ft)
(g)	Minimum rear yard setback	7.5 m (24.6 ft)

10.12.9.2 Zone Requirements for Lot fronting Concession 4 Road:

(a)	Minimum rear yard setback of existing dwelling	4.77 m (15.65 ft)
(b)	Minimum rear yard setback for new dwelling	7.62 m (25 ft)

10.12.10 Four Mile Creek Road (Enns Estate Condominium) Roll #010 014 05301 & 020 014 05701; and 1650 Four Mile Creek Road – See Schedule ‘A-14’ (R1-10), (R1-10A) & (OS-10) (as amended by 4316J-11)

Notwithstanding the provisions of the Residential (R1) Zone and the Open Space (OS) Zone, for lands identified as (R1-10) and (OS-10) on Schedule ‘A-14’, only the following provisions shall apply:

10.12.10.1 Prohibited Uses:

- (a) bed and breakfast establishment as per the provisions of Section 6.5 and/or a home occupation as defined in Section 6.24

10.12.10.2 OS-10 Permitted Uses:

- (a) no structural development is permitted

10.12.10.3 R1-10 & OS-10 Zone Requirements:

(a)	Minimum lot area of development	1.22 ha (3.03 ac)
(b)	Maximum total lot coverage for development	25%

10.12.10.4 R1-10 Zone Requirements for:

(a)	Maximum number of single detached dwelling units for development	17
(b)	Minimum lot frontage per unit	12 m (39.4 ft)
(c)	Minimum lot depth per unit	24.7 m (81.0 ft)
(d)	Minimum lot area per unit	295 m ² (3,175.5 ft ²)
(e)	Maximum building height (to peak of roof)	10 m (32.8 ft)
(f)	Maximum number of storeys	1 with optional loft
(g)	Minimum front yard setback from property line	0.8 m (2.6 ft)
(h)	Minimum interior side setback of 1.2 m (3.94 ft) on one side and 0.3 m (0.98 ft) on the other side.	
(i)	Minimum distance between dwelling units	1.5 m (5 ft)
(j)	Minimum rear yard setback	7.62 m (25 ft)
(k)	Minimum visitor parking spaces	4 spaces

(l)	All structural development must be setback a minimum of 7.62 m (25 ft) from the existing top of bank.
-----	---

Note: Accessory buildings and fences between dwellings are not permitted.

10.12.10.5 Notwithstanding Section 6.44 “Permitted Yard Projections and Encroachments” of this By-law, the following provisions shall apply to R1-10:

- (a) Cantilevered windows are permitted to encroach into a 1.2 m (3.94 ft) interior side setback a maximum of 0.35 m (1.14 ft)
- (b) Eaves and gutters are permitted to encroach in a 0.3 m (0.98 ft) interior side yard a maximum distance of 0.3 m (0.98 ft)
- (c) An enclosed and uncovered porch, deck, patio or steps can encroach a maximum distance of 1.8 m (5.9 ft) into the required rear yard for Lots 1, 2, 3 and 4 of Niagara North Vacant Land Condominium Plan No. 193.

10.12.10.6 “Public Street Frontage Required” as per Section 6.45 of this By-law, shall not apply to the lands identified on Schedule ‘A-14’ (R1-10).

10.12.10.7 Notwithstanding Section 6.45, those lots shown as R1-10 on Schedule ‘A-14’ shall be considered to have frontage on a public road, being the interior private roadway for the purpose of setback requirements.

10.12.10.8 R1-10A Zone Requirements for 1650 Four Mile Creek Road:

(a)	Minimum lot frontage	14.5 m (47.57 ft)
(b)	Minimum lot depth	30.5 m (100 ft)
(c)	Minimum lot area	452.5 m ² (4,870.82 ft ²)
(d)	Maximum lot coverage	40%
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum front yard setback to covered porch	5.5 m (18 ft)
(g)	Minimum rear yard setback to covered porch	6.2 m (20.3 ft)

10.12.11 1573 Four Mile Creek Road – See Schedule ‘A-14’ (VC-11)

Notwithstanding the provisions of the Village Commercial (VC) Zone for lands identified as (VC-11) on Schedule ‘A-14’, only the following provisions shall apply:

10.12.11.1 Additional Permitted Uses:

- (a) *shopping centre*, as defined in Section 5.450

10.12.11.2 Zone Requirements:

(a)	Minimum lot depth	50.29 m (165 ft)
(b)	Minimum front yard setback	10.67 m (35 ft)
(c)	Minimum interior side yard setback	0.2 m (0.66 ft)

10.12.11.3 The provisions of Section 6.27, Loading Spaces Requirements, shall not apply.

10.12.12 Niagara Stone Road Block 26, Plan 30M-345 (W side of Bright Drain, extension of Oak Meadows Development) – See Schedule ‘A-14’ (R1-12) & (OS-12)

Notwithstanding the provisions of the Residential (R1) Zone and the Open Space (OS) Zone, for lands identified as R1-12 and OS-12 on Schedule ‘A-14’ and shown on Figure 10.12.12F below, the following provisions shall apply:

10.12.12.1 R1-12 Permitted Uses:

- (a) *single detached dwelling*

10.12.12.2 R1-12 Zone Requirements:

(a)	Minimum lot frontage for Parts 2, 3 & 4	17 m (55.77 ft)
(b)	Minimum front yard setback:	10.7 m (35.2 ft).
	For Parts 2, 3 and 4, an attached garage shall not project beyond the front face of the dwelling except:	
	(i) Where a side entry attached garage is provided the garage may project beyond the front face of the dwelling a maximum distance of 6.71 m (22 ft).	
	(ii) Where an attached front entry garage is provided the garage may project beyond the front face of the dwelling provided the garage only occupies forty five per cent (45 %) of the front face of the dwelling and that a 3.66 m (12 ft) covered front porch across the front of the dwelling is provided that projects an equal distance as the garage.	
(c)	Minimum interior side yard setback:	
	(i) Parts 2, 3 & 4 interior side yard setback of 1.52 m (5 ft) on each side except where there is no attached garage the minimum side yard shall be 3 m (9.8 ft) on one side.	0.2 m (0.66 ft)
	(ii) Part 1 – NW Side Yard	1.5 m (5 ft).
	(iii) Part 1 – NE Side Yard (<i>from top of bank on Part 5</i>)	10 m (32.8 ft) .
	(iv) Maximum building height (<i>measured</i>	10.66 m (35 ft) .

	<i>to peak of roof)</i>	
	(v) Minimum lot area	845.8 m ² (9,104.4 ft ²)

10.12.12.3 OS-12: Open Space (EC) Zone

10.12.12.3.1 OS-12 Permitted Uses:

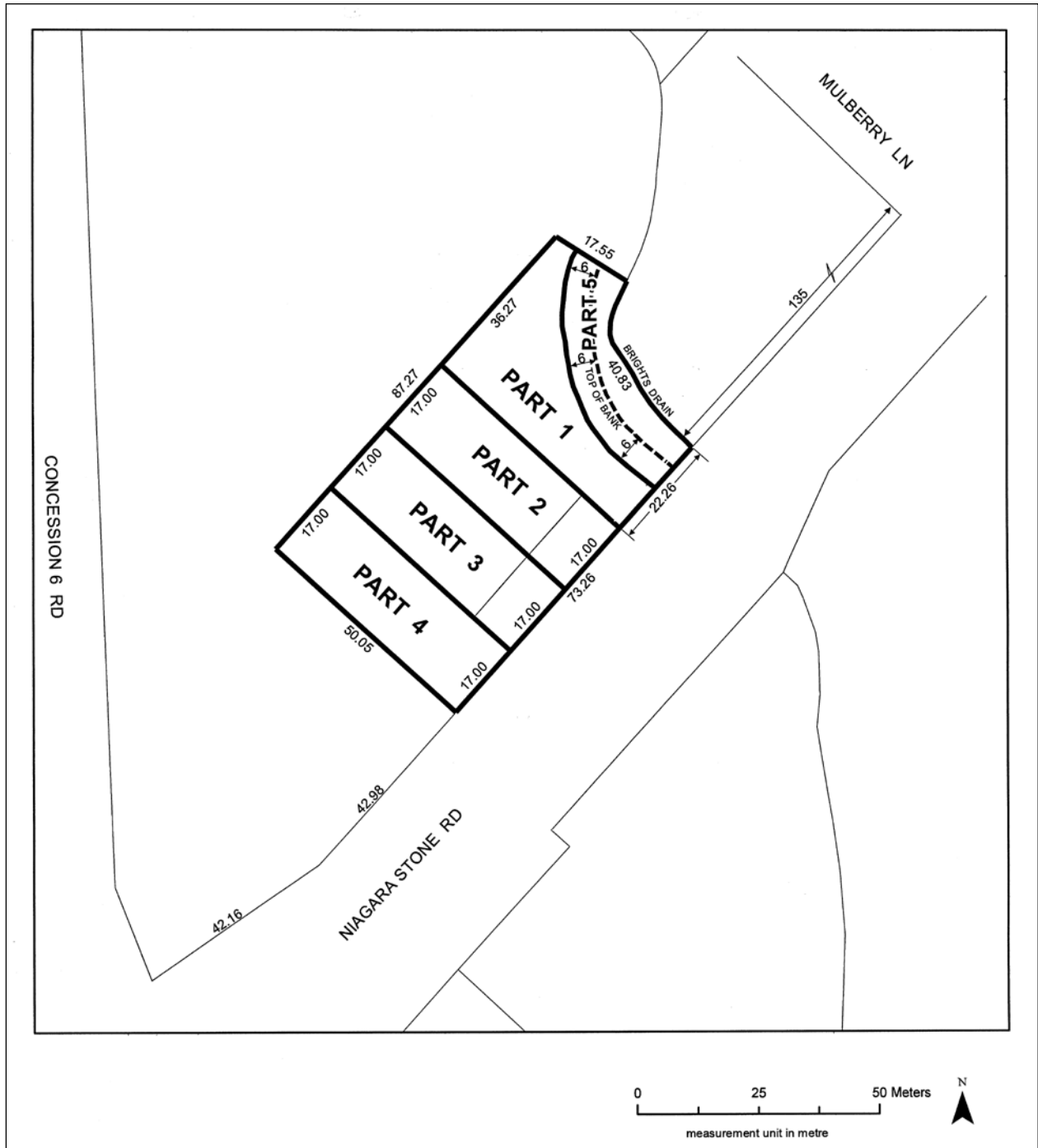
- (a) no development permitted, including accessory buildings, and/or site alteration.

10.12.12.4 OS-12 Zone Requirements:

(a)	No structural development within 6.0 m (19.69 ft) from the top of bank of Bright Drain.
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10.12.12.5 Part 1 and 4 shown on the attached schedule shall be exempt from Section 6.45 Public Street Frontage Required. Notwithstanding Section 5.262, definition of a lot, Part 1 and 4 lots shown on the attached Schedule shall be considered to have frontage on a public road being Niagara Stone Road for the purpose of setback requirements and lot frontage requirements.

Figure 10.12.12F: Block 26, Plan 30M-345, Niagara Stone Road



10.12.13 776 Line 2 Road (Gates of Virgil) – See Schedule ‘A-14’ (R1-13 & RM1-13)

Notwithstanding the provisions of the Residential (R1) Zone and the Residential Multiple (RM1) Zone, for lands identified as R1-13 and RM1-13 on Schedule ‘A-14’,

the following provisions shall apply:

10.12.13.1 R1-13: Residential (R1) Zone – Zone Requirements:

(a)	Maximum number of dwelling units	23
(b)	Minimum lot frontage	16 m (52.5 ft)
(c)	Minimum lot area	600 m ² (6,458.6 ft ²)
(d)	Minimum lot depth	35 m (114.8 ft)
(e)	Maximum building height to peak of roof for lots 1 to 8	9.14 m (30 ft)
(f)	Maximum building height to peak of roof for lots 9 to 23	10.67 m (35 ft)
(g)	Maximum lot coverage lots 1 to 8 as shown on 30M-360	35%
(h)	Maximum lot coverage lots 9-23 as shown on 30M-360	33%
(i)	Minimum front yard setback	6 m (19.68 ft)
(j)	Minimum interior side yard setback	1.2 m (3.94 ft)
(k)	Maximum number of stories	2
(l)	Minimum exterior side yard setback (<i>as amended by 4316J-11</i>)	4.5 m (14.76 ft)
(m)	Minimum rear yard setback (<i>as amended by 4316J-11</i>)	7.5 m (24.6 ft)

10.12.13.2 RM1-13: Notwithstanding the provisions of the Residential Multiple (RM1) Zone, uses shall be limited to row house (townhouse) dwellings and structures accessory thereto, and subject to the following Zone Requirements:

(a)	Minimum lot area	0.287 ha (0.7 ac)
(b)	Minimum lot frontage onto public road for access	18.28 m (60 ft)
(c)	Maximum number of dwelling units	8
(d)	Minimum front yard setback from Sorensen court	6.0 m (19.69 ft)
(e)	Minimum front yard setback from private road	3.5 m (11.48 ft)
(f)	Minimum front yard setback from garage to private road	6.0 m (19.69 ft)
(g)	Minimum side yard setback	3.0 m (9.84 ft)
(h)	Side yard setbacks for common walls	0 m (0 ft)
(i)	Minimum distance between end units	3.0 m (9.8 ft)
(j)	Maximum building height to peak of roof	9.14 m (30 ft)
(k)	Maximum total lot coverage	40%
(l)	Minimum dwelling unit area	102m ² (1,097.9 ft ²)

(m)	Minimum landscaped open space of 35% of the townhouse block, identified as RM1-13 on Schedule 'A-14'	
(n)	Minimum parking requirement	1.5 spaces / unit
(o)	An end unit means a unit at the end of a block of units that does not abut a public street (as amended by 4316J-11)	

10.12.13.3 "Public street frontage required" as per Section 6.45 of this By-law, shall not apply to individual units on the lands identified as RM1-13 on Schedule 'A-14'.

10.12.13.4 Notwithstanding the provisions of this By-law, a bed and breakfast establishment as defined in Section 6.5, a cottage or season residential dwelling as defined in Section 5.114, and a home occupation as defined in Section 6.24 may be permitted as a secondary use to a single detached dwelling provided that the associated lot meets the minimum lot size provisions for a residential (R1) zone in the Comprehensive Zoning By-law for lands identified as R1-13 on Schedule 'A-14'.

10.12.14 678 Line 2 Road – See Schedule 'A-14' (RM1-14)

Notwithstanding the provisions of the residential multiple (RM1) zone, for lands identified as RM1-14 on Schedule 'A-14', the following special provisions shall apply:

10.12.14.1 Zone requirements:

(a)	Minimum lot area	1.068 ha (2.4 ac)
(b)	Minimum lot frontage onto public road	9 m (29.53 ft)
(c)	Minimum site frontage per townhouse unit	7.5 m (24.6 ft)
(d)	Maximum total lot coverage of development	34%
(e)	Minimum total landscaped area of development	30% of lot area
(f)	Maximum number of dwelling units of 55. Dwelling units to be comprised of 11 townhouses units and 44 multiple dwelling units.	
(g)	Minimum setback from northerly and southerly block boundary	7.62 m (25 ft)
(h)	Minimum front yard setback from private road for townhouse unit	6.0 m (19.69 ft)
(i)	Minimum interior side yard setback for apartment building.	1.5 m (5 ft)
(j)	Maximum building height of apartment buildings	13 m (42.7 ft) to peak
(k)	Maximum building height of townhouses	9.14 m (30.0 ft) to peak
(l)	Minimum number of parking spaces	90

10.12.15 Niagara Stone Road – Block 115 (1585 Niagara Stone Road) – See Schedule ‘A-14’ (VC-15)

Notwithstanding the provisions of the Village Commercial (VC) Zone, for lands identified as VC-15 on Schedule ‘A-14’, the following special provisions shall apply:

10.12.15.1 Permitted Uses:

- (a) *shopping centre*

10.12.15.2 Zone Requirements:

(a)	Minimum front yard setback	0.0 m
(b)	No parking spaces are required for apartments on the second floor.	

10.12.16 1439 Niagara Stone Road – Glenbrook Townhomes (Roll #14-197) – See Schedule ‘A-14’ (RM1-16)

Notwithstanding the provisions of the Residential Multiple (RM1) Zone, for lands identified as RM1-16 on Schedule ‘A-14’, only the following uses shall apply:

10.12.16.1 Permitted Uses:

- (a) *row house dwellings* with a maximum number of thirty two (32) units

10.12.16.2 Zone Requirements:

(a)	Maximum building height	7.92 m (26 ft)
(b)	Minimum building setback from all property lines	9.14 m (30 ft)

10.12.17 1448 Niagara Stone Road, Parkway Place (Roll #14-066) – See Schedule ‘A-14’ (RM1-17) & (OS-17)

Notwithstanding the provisions of the Residential Multiple (RM1) Zone, for lands identified as RM1-17 and OS-17 on Schedule ‘A-14’, the following special provisions shall apply:

10.12.17.1 Zone Requirements:

(a)	Maximum number of units	18
(b)	Maximum building height	7.62 m (25 ft)
(c)	Maximum lot coverage	33%
(d)	Minimum building setbacks as per Niagara North Condo Plan 153.	

10.12.18 551 Line Road – See Schedule ‘A-14’ (R1-18) & (OS-18)

Notwithstanding the provisions of the Residential (R1) Zone, and the Open Space (OS) Zone, for lands identified as R1-18 and OS-18 on Schedule 'A-14', the following provisions shall apply:

10.12.18.1 Residential (R1) Zone Setback Requirements:

(a)	All setback and coverage requirements will be based on the boundaries of the portion of the property identified as R1-18 on Schedule 'A-14.'
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10.12.18.2 Open Space (OS) Zone Permitted Uses:

- (a) there shall be no structural development, no removal of riparian vegetation and no dumping of fill or material on these lands.

10.12.19 1458 Niagara Stone Road – See Schedule 'A-14' (R1-19) & (OS-19)

Notwithstanding the provisions of the Residential (R1) Zone and the Open Space (OS) Zone for lands identified as R1-19 & OS-19 on Schedule 'A-14', the following special provisions shall apply:

10.12.19.1 Zone Requirements – Residential (R1) Zone:

(a)	Minimum lot depth	28.5 m (93.5 ft)
(b)	Minimum front yard setback of dwelling	3.0 m (9.84 ft)

10.12.19.2 Permitted Uses – Open Space (OS) Zone:

- (a) no structural development is permitted on the lands identified as OS-19 on Schedule A-14.

10.12.19.3 Zone Requirements – Open Space (OS) Zone:

(a)	Minimum setback for buildings and structures from the lands identified as OS-19 on Schedule A-14 is 7.62 m (25 ft).
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10.12.20 Concession 4 Road, Virgil Square Subdivision – See Schedule 'A-14' (R1-20)

Notwithstanding the provisions of the Residential (R1) Zone for lands identified as R1-20 on Schedule 'A-14', the following special provisions shall apply:

10.12.20.1 Zone Requirements:

(a)	Minimum lot frontage	14.2 m (46.59 ft)
(b)	Minimum lot depth	32.0 m (105 ft)
(c)	Minimum lot area	500 m ² (5,382.13 ft ²)
(d)	Maximum lot coverage of 40% for lots less than 688 m ² (7405.81 ft ²) and	

	33% for lots 688 m ² (7405.81 ft ²) and larger.	
(e)	Minimum front yard setback	6.0 m (19.69 ft)
(f)	Minimum interior side yard setback	1.5 m (5 ft)
(g)	Minimum exterior side yard setback	4.5 m (14.76 ft)
(h)	Minimum rear yard setback	7.5 m (24.6 ft)
(i)	Maximum number of dwelling units	31

10.12.21 1823 Four Mile Creek Road – See Schedule ‘A-9’ (R1-21) & (R1-21A)

Notwithstanding the provisions of the Residential (R1) Zone for lands identified as R1-21 & R1-21A on Schedule ‘A-14’, the following special provisions shall apply:

10.12.21.1 R1-21 & R1-21A Zone Requirements:

(a)	Minimum lot frontage	15.24 m (49.2 ft)
(b)	Minimum lot area	650.0 m ² (6996.77 ft ²)
(c)	Maximum height to peak of roof	8.5 m (28 ft)
(d)	Any attached garage is not permitted to project beyond the front face of the dwelling	

10.12.21.2 R1-21 Additional zone requirements:

(a)	Minimum driveway width shall be 2.65 m (8.69 ft) from the southerly interior side lot line.
(b)	Minimum setback from parking area shall be 0 m (0 ft) from the southerly interior side lot line.

10.12.22 Line 2 Road – See Schedule ‘A-9’ (R1-22) (as amended by 4316J-11)

Notwithstanding the provisions of the “Virgil Community Zoning District – Residential (R1) Zone,” for lands identified as R1-22 on Schedule ‘A-14’, the following special provisions shall apply:

10.12.22.1 Permitted Uses:

- (a) *accessory buildings and structures*
- (b) *single detached dwelling*

10.12.22.2 Zone Requirements:

(a)	Minimum lot frontage	18 (59.06 ft)
(b)	Minimum lot area	648 m ² (6975.01 ft ²)

(c)	Minimum lot depth	36 m (118.11 ft)
(d)	Maximum building height (to peak).	9.1 m (30 ft)
(e)	Maximum lot coverage	35%

10.12.23 1546 Concession 4 Road - See Schedule 'A-9' (R1-23) (as amended by 4316J-11)

Notwithstanding the provisions of the "Virgil Community Zoning District – Residential (R1) Zone" for lands identified as R1-23 and R1-23A on Schedule 'A-14', the following provisions shall apply:

10.12.23.1 Permitted Uses:

- (a) *single detached dwelling*

10.12.23.2 Zone Requirements:

(a)	Minimum lot frontage	14.64 m (48.03 ft)
(b)	Minimum front yard setback:	
	(i) R1-23	9.1 m (30 ft)
	(ii) R1-23A	10 m (33 ft)
(c)	Minimum interior side yard setback:	
	(i) R1-23A	3.70 m (12 ft)
	(ii) Minimum exterior side yard setback (R1-23A)	4.8 m (15.75 ft)
(d)	Minimum rear yard setback (R1-23A)	20.40 m (66.93 ft)
(e)	A garage may extend a maximum of 1.83 m (6 ft) beyond the front face of the dwelling provided the garage does not exceed 50% of the front face of the dwelling and that the front face of the dwelling includes a fully covered porch across the remainder of the dwelling face.	

10.12.24 2 Andres Street – See Schedule 'A-9' (R1-24) (as amended by 4316G-11)

Notwithstanding the provisions of Section 10.1 – Residential (R11) Zone, the following provisions shall apply to the lands shown on the Schedule attached hereto:

- (a) 'Home Occupation': means an occupation comprised of an artist studio and retail display area;
- (b) The retail hours of the home occupation shall be limited to Saturday and Sunday 10:00 am to 5:00 pm only from Victoria Day to Labour Day, or by appointment the remainder of the year.
- (c) There shall be no external display or advertising on the property other than a sign not exceeding 0.1859 m² (2.0 ft²) in area. Such sign shall not be externally or internally illuminated by artificial means and shall only indicate the name of the artist studio, and the opening times

- (d) The retail display use shall not occupy more than 18.58 m² (200 ft²)
- (e) All other provisions of a 'Home Occupation' use as provided by Section 6.24 of Zoning By-law 4316-09, as amended, shall continue to apply.

10.12.25 445 Line 2 Road - Bradfield Estates – See Schedule 'A-9' (R1-25) (as amended by 4316W-12)

Notwithstanding the provisions of the "Virgil Community Zoning District – Residential (R2) Zone" and "Residential Multiple (RM1) Zone", for lands identified as R2-25 and RM1-25 on Schedule 'A-14', the following special provisions shall apply::

R2-25

10.12.25.1 Permitted Uses

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *bed and breakfast establishment* in accordance with Section 6.5
- (c) *group home* in accordance with Section 6.20
- (d) *home occupation* or a *home profession* in accordance with Section 6.24
- (e) *public use* in accordance with Section 5.381 (as amended by 4316Y-12)
- (f) *single detached dwelling*

10.12.25.2 Zone Requirements:

(a)	Minimum lot frontage	12 m (39.37 ft)
(b)	Minimum lot area	360 m ² (3,875 ft ²)
(c)	Maximum lot coverage without covered porch and/or deck	40%
(d)	Maximum lot coverage with covered porch and/or deck	45%
(e)	Minimum landscaped open space	25%
(f)	Minimum front yard setback	4 m (13.1 ft)
(g)	Minimum interior side yard setback of 1.2 m (4 ft) on each side; except where there is no attached garage, the minimum side yard shall be 3.0 m (9.83 ft) on one side.	
(h)	Minimum exterior side yard setback 4 m (13.1 ft) except Lot 4 (southeast corner of Street "A" and Copper Beech Blvd) shall have an exterior side yard setback of 5.5 m (18.0 ft)	
(i)	Minimum rear yard setback	7.5 m (24.6 ft)
(j)	Maximum building height	10 m (32.8 ft)
(k)	Minimum garage setback	6 m (19.7 ft)

(l)	Garage shall not project beyond the front face of the dwelling façade except where a front porch extends across the face of the dwelling, the garage may project to the depth of the front porch.	
(m)	Garage doors shall not occupy more than 55% of the width of the dwelling	
(n)	Minimum accessory building interior side yard and rear yard setback	1.5 m (5 ft)
(o)	Minimum accessory building exterior side yard setback	4.5 m (14.76 ft)
(p)	Minimum dwelling floor area	90 m ² (968.75 ft ²)
(q)	A covered porch and a covered deck is allowed to encroach 1.5 m in the required front yard, rear yard and exterior side yard setback.	

RM1-25

10.12.25.3 Permitted Uses:

- (a) *accessory buildings and structures* in accordance with Section 6.1
- (b) *group home* in accordance with Section 6.20
- (c) *townhouse dwelling*

10.12.25.4 Zone Requirements: Townhouse Dwelling, On-Street

(a)	Minimum number of townhouse dwellings	20
(b)	Minimum lot frontage per unit of 8.5 m (27.8 ft) for an interior lot and 10.9 m (35.76 ft) for an exterior lot.	
(c)	Minimum unit lot area of 320 m ² (3444.45 ft ²) for an interior lot and 380 m ² (4090.28 ft ²) for an exterior lot	
(d)	Maximum lot coverage per unit without covered porches and/or covered decks	50%
(e)	Maximum lot coverage per unit with covered porch and/or deck	53%
(f)	Minimum landscaped open space	25%
(g)	Minimum front yard setback	4.0 m (13.1 ft)
(h)	Minimum interior side yard setback of 1.2 m (3.9 ft) for end units; where no attached garage is provided, the minimum side yard shall be 3.0 m (9.84 ft). No interior side yard is required between the common vertical wall dividing one unit from another.	
(i)	Minimum exterior side yard setback 1.5 m (4.9 ft) except where an entrance to an attached garage faces an exterior side yard, the minimum exterior side yard for the garage shall be 6 m (19.69 ft).	
(j)	Minimum rear yard setback of 7.5 m (24.6 ft), except where a covered porch is provided, in which case the minimum rear yard setback shall be 5.0 m (16.4 ft)	

(k)	Maximum building height	10 m (32.8 ft)
(l)	Minimum garage setback of 6 m (19.7 ft) and 1.0 m (3.28 ft) behind the front face of the dwelling or behind a covered porch that extends across the front face of the dwelling.	
(m)	Garage doors shall not occupy more than 50% of the width of the dwelling	
(n)	Minimum accessory building interior side yard and rear yard setback	0.6 m (2 ft)
(o)	Minimum accessory building exterior side yard setback	3 m (9.8 ft)
(p)	Minimum dwelling floor area	80 m ² (861.14 ft ²)
(q)	A covered porch and a covered deck is allowed to encroach 1.5 m in the required front yard, rear yard and exterior side yard setback.	

10.12.26 428 Line 2 Road - See Schedule 'A-14' (R2-26) (as amended by 4316AG-13)

Notwithstanding the provisions of the "Virgil Community Zoning District – Residential (R2) Zone", the following provisions shall apply to the lands shown as R2-26 on Schedule 'A-14' and shown on Figure 10.12.12F below:

10.12.26.1 Zone Requirements:

PART 1: R2-26

(a)	Minimum front yard setback	7.5 m (24.61 ft)
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PART 2: R2-26

(a)	Minimum front yard setback	7.5 m (24.61 ft)
(b)	Minimum interior side yard setback (easterly property line)	3 m (9.84 ft)
(c)	Minimum accessory building side yard setback (easterly property line)	4.5 m (14.76 ft)

10.12.26.2 Permitted Temporary Use:

- (a) The temporary use to allow the existing accessory building to remain on Part 2 as shown on the attached Schedule shall be permitted for a period of 3 years from the date of passage of By-law 4316AG-13 (*January 21, 2013*).
- (b) The temporary use may be extended by by-law for a further period not exceeding three (3) years each during which time the temporary use may be authorized.

Figure 10.12.26F: 428 Line 2, Part 1 & 2



10.12.27 1249 Niagara Stone Road - See Schedule 'A-1' (E-27)

In lieu of the corresponding provision of Section 6.13(e) of Zoning By-law 4346-09, as amended, the following provision shall apply on the subject lands:

10.12.27.1 Zone Requirements:

(a)	Maximum floor area for winery secondary uses	1166 m ² (12551 ft ²)
	With each individual secondary use not exceeding the following:	
	i) Reception Area	189 m ²
	ii) Gourmet Shop	137 m ²
	iii) Hospitality Room/Conference Room/Kitchen/Restaurant	771 m ²
	iv) Wine Shop/Tasting Room/Building	566 m ²
	v) Restaurant Outdoor Patio	168 m ²
	vi) Covered Outdoor Patio	163 m ²

10.12.27.2:

In lieu of the corresponding provisions of Section 10.8 of Zoning By-law 4316-09, as amended, the following provisions shall apply on the subject lands:

f)	Minimum interior side yard setback	3.5 m
j)	Maximum building height	11 m

Figure 10.12.27F: 1249 Niagara Stone Road



**10.12.28 1391 Niagara Stone Road - See Schedule 'A-14' (RM2-28)
(as amended by 4316BP-14)**

In accordance with Section 4.5 - Site Specific Exceptions and the provisions of the "Virgil Community Zoning District - Residential Multiple (RM2) Zone", the following special provisions shall apply to those lands identified as RM2-28 on Schedule "A-14":

10.12.28.1 Zone Requirements:

(a)	Minimum Lot Frontage	15 m (49.21 ft)
(b)	Minimum Rear Yard Setback	3.1 m (10.17 ft)

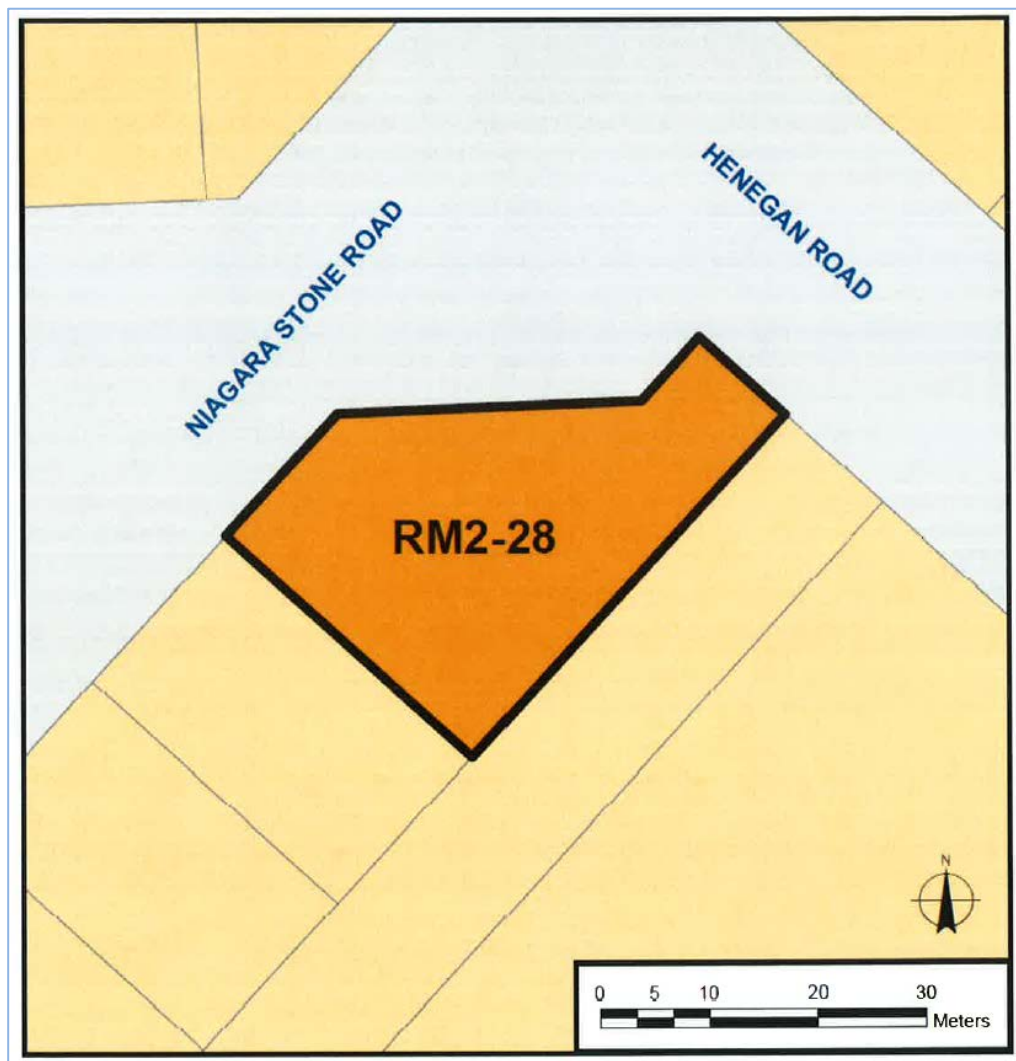
10.12.28.2:

In lieu of the corresponding provision of Section 6.44, steps may encroach 0.7 metres (2.29 feet) into a required side yard setback for those lands identified in Figure 10.12.28F.

10.12.28.3:

In lieu of the corresponding provision of Section 6.40(i), the required setback to the parking area shall be 0.5 metres (1.64 feet) to an exterior lot line and 1 metre (3.28 ft) to a front lot line for those lands identified in Figure 10.12.28F.

Figure 10.12.28F: 1391 Niagara Stone Road



10.12.29

10.12.30 1532 Concession 4 Road (Woodcastle Acres) - See Schedule 'A-14' (R2-30-H & RM130-H) (as amended by By-law 4316BT-16)

- (a) In lieu of the corresponding provisions of Subsection 10.2.2 the following provisions shall apply on the subject lands identified as R2-30-H Schedule "A-14":

10.12.30.1 Zone Requirements R2-30-H:

(a)	Minimum Lot Frontage	11 m (36 ft)
(b)	Minimum Lot Area	350 m ² (3767 ft ²)
(c)	Maximum Lot Coverage	45%
(d)	Minimum Landscaped Open Space	25%
(e)	Minimum Front Yard Setback	4 m (13 ft)
	Minimum Front Yard Setback to Attached Garage	6 m (19.5 ft)
(f)	Minimum Interior Side Yard Setback	1.2 m (4 ft)
(g)	Minimum Exterior Side Yard Setback	4.2 m (13.76 ft)
(h)	Minimum Rear Yard Setback	7.5 m (24.6 ft)
(i)	Minimum Dwelling Floor Area	93 m ² (1001 ft ²)
(j)	Maximum Building Height	10 m (32.8 ft)
(m)	Minimum Rear Yard Setback to a Covered Patio, Porch or Deck	4 m (13.2 ft)

In lieu of the corresponding provisions of Subsection 10.4.2.2 the following provisions shall apply on the subject lands identified as RM1-30-H Schedule "A-14":

10.12.30.2 Permitted Uses RM1-30-H:

- (i) accessory buildings and structures in accordance with Section 6.1
- (ii) group home in accordance with Section 6.20
- (iii) on-street townhouses dwellings
- (iv) public use
- (v) semi-detached dwelling

In lieu of the corresponding provisions of Subsection 10.2.2 the following provisions shall apply on the subject lands identified as R2-30-H Schedule "A-14":

10.12.30.3 Zone Requirements RM1-30-H:

(a)	Minimum Lot Frontage per unit	6.2 m (20.3 ft)
(b)	Minimum Lot Area per unit	250 m ² (2690 ft ²)
(c)	Maximum Lot Coverage per unit	48%
(d)	Minimum Landscaped Open Space per unit	25%
(e)	Minimum Front Yard Setback to front face of dwelling per unit	4 m (13 ft)

	Minimum Front Yard Setback to Attached Garage per unit	6 m (19.5 ft)
(f)	Minimum Interior Side Yard Setback for an end unit. No interior side yard is required between the common vertical wall dividing one unit from another	1.5 m (4.9 ft)
(g)	Minimum Exterior Side Yard Setback	4.0 m (13.12 ft)
(h)	Minimum Rear Yard Setback	7.5 m (24.6 ft)
(i)	Minimum Dwelling Floor Area	80 m ² (861 ft ²)
(j)	Maximum Building Height	10 m (32.8 ft)
(m)	Rear Yard Setback to a Covered Patio, Porch or Deck	4 m (13.2 ft)

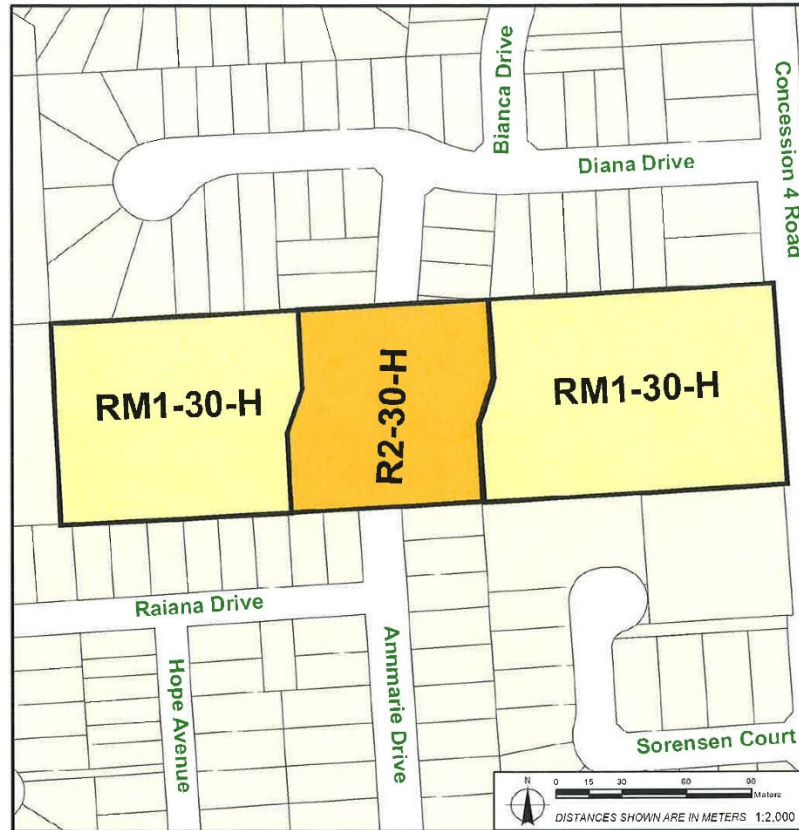
10.12.30.4 In lieu of the corresponding provision of Section 6.40(j) of Zoning By-law 43016-09, as amended, under Parking Space Requirements, Additional Provisions, the following provision shall apply to the lands zone "Virgil Community Zoning District - Residential Multiple (RM1-30-H) Site specific Holdings Zone":

"Where there is a common vertical wall dividing two garages on a property line, the minimum interior side yard setback for a driveway along that property line shall be 0 metres, otherwise the minimum interior side yard setback for a driveway shall be 0.6 metres."

10.12.30.5 In lieu of the corresponding provision of Section 6.44 of Zoning By-law 4316-09 Permitted Yard Projections and Encroachments, the following provision shall apply to the lands zoned "Virgil Community Zoning District - Residential (R2-30-H) Site Specific Holding Zone" and "Virgil Community Zoning District - Residential Multiple (RM1-30-H) Site Specific Holding Zone":

"An unenclosed and uncovered porch, deck, patio or steps may project into a rear yard 3.5 m. An unenclosed and uncovered balcony may project into a rear yard 1.5 metres."

Figure 10.12.30F: 1532 Concession 4 Road



10.12.31 Settler's Landing - Harvest Drive - See Schedule 'A-14' (R2-31-H) (as amended by By-law 4316BW-16)

In lieu of the corresponding provisions of Subsection 10.2 the following uses and provisions shall apply on the subject lands:

10.12.31.1 Zone Requirements:

(a)	Minimum <i>lot frontage</i>	13.0 m (42.65 ft)
(b)	Minimum lot area	430 m ² (4628.5 ft ²)
(c)	(i) Maximum <i>lot coverage</i>	45%
	(ii) Additional <i>lot coverage</i> for covered <i>porches</i> and/or covered <i>decks</i>	5%
(d)	Minimum <i>landscaped open space</i>	25%
(e)	Minimum front yard setback	6.0 m (19.69 ft) to

		garage face 4.5 m (14.76 ft) to front face of dwelling
(f)	In addition to the above, an <i>attached</i> or detached <i>garage</i> shall be located at least 1 m (3.28 ft) further from the <i>front lot line</i> than the <i>main building</i> , which includes a covered <i>porch</i> in the <i>front yard</i>	
(g)	Maximum width of garage door	50% of <i>dwelling façade</i> which faces the <i>front lot line</i>
(h)	Minimum interior side yard setback of 1.2 m (3.94 ft) on each side, except where there is no attached garage, the minimum side yard shall be 3.0 (9.84 ft) on one side	
(i)	Minimum <i>exterior side yard setback</i>	4.0 m (13.12 ft)
(j)	Minimum rear yard setback	7.5 m (24.6 ft)
(k)	Maximum building height	10.0 m (32.8 ft)
(l)	Minimum accessory building yards setback	1.2 (3.94 ft)
(m)	Minimum accessory building exterior side yard setback	4.0 m (13.12 ft)
(n)	A covered porch and a covered deck is allowed to encroach 1.5 m (4.92 ft) in the required front yard, rear yard and exterior side yard setback	

10.12.31.1 That development of the lands shall only be permitted upon removal the Holding "(H)" provision of this By-law, upon the completion of the Niagara-on-the-Lake Wastewater Treatment Plant, or when it can be proven that there is capacity in the existing plant for this development, to the satisfaction of The Corporation of the Town of Niagara-on-the-Lake.

Figure 10.12.31F: Harvest Drive

