

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

BY-LAW NO. 4316BZ-16

General & Technical Amendments

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION, USE, BULK, HEIGHT, LOCATION AND SPACING OF BUILDINGS AND STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

AND WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

SECTION 4: Zones and Zone Maps

1. That section 4.3 (g) be amended from "... Director of Planning and Development Services;" to "...Director of Community and Development Services; "

SECTION 5: Definitions

2. That the following definitions be added alphabetically to this section:

OPERATING APPARATUS means outdoor mechanical equipment or machinery used in conjunction with buildings or structures including but not limited to air conditioners, pool pumps and pool heaters, generators, heat exchangers and compressors.

DWELLING, BUNGALOW means a single detached dwelling that is one storey and does not include a mobile home or a 1½ storey dwelling.

3. That the following definitions be amended as follows:

LOT FRONTAGE be deleted in its entirety and replaced with the following:

LOT FRONTAGE shall mean:

- (a) where the side lot lines are parallel, the distance between the side lot lines measured at right angles;
- (b) where the side lot lines are not parallel, the length of a line drawn between the side lot lines parallel to the front lot line at the minimum required front yard setback;
- (c) where the side lot lines are not parallel and where the front lot line is curved, the length of a line drawn between the side lot lines back from and parallel to the chord of the lot frontage at the minimum required front yard setback. The chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.

SECTION 6: General Provisions

4. Section 6.1 ACCESSORY BUILDINGS AND STRUCTURES (f)

Be amended by changing “air conditioning units and heat pumps” to “operating apparatus” so that this section now reads:

- (f) Within an urban boundary, all *operating apparatus* shall be permitted in the front yards, exterior side yard and rear yards only and shall be appropriately screened and buffered.

5. That a new section be added as Section 6.33.A that reads:

6.33.A NUMBER OF DWELLING UNITS PER LOT

Where this by-law allows a dwelling to be located on a *lot*, not more than one (1) *dwelling* shall be permitted except in those zones which specifically state that more than one *dwelling* is permitted.

6 Section 6.44 PERMITTED YARD PROJECTIONS AND ENCROACHMENTS

That Table 6.44 be deleted and replaced with the following:

TABLE 6-10: PERMITTED YARD PROJECTIONS AND ENCROACHMENTS

STRUCTURE TYPE	YARDS (FRONT, REAR & SIDES)	MAXIMUM PROJECTION INTO REQUIRED YARD	MINIMUM SETBACK FROM LOT LINE
Fire Escapes	All yards	1.2 m (3.94 ft)	n/a
Canopies, awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs	All yards	n/a	n/a
Cantilevered box and bay	Front or Rear	0.6 m	n/a

windows, gas fireplace projection, chimney flue <i>(with no foundation below projections and no greater than 50% of the total area of the wall face)</i>	Yard		
	Side Yard	0.3 m	n/a
Sills, cornices, eaves, gutters, parapets, pilasters or other ornamental structures	All yards	0.6 m (2 ft)	n/a
Unenclosed and uncovered porch, deck, balcony, patio or steps	Front or Rear Yard	1.5 m (5 ft)	n/a
	Side Yard	0.6 m (2 ft)	n/a
Gate House	Front & Side Yard	n/a	1.5 m (5 ft)

7. Section 6.61 MINI-WAREHOUSE (n) lot requirements, be corrected for (6) and (7) so that it now reads:

(6)	Minimum front yard setback: a) York Road b) Airport Road c) Other	6.0 m (19.69 ft) 9.0 m (39.37 ft) 6.0 m (59.06 ft)
(7)	Maximum front yard setback: a) York b) Airport Road b) Other	9.0 m (29.53 ft) 12.0 m (19.69 ft) 18.00 m (59.06 ft)

8. 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

In all of the above community zoning districts, under every zoning classification's 'Permitted Uses', the indefinite articles 'a' or 'an' which precedes the actual use, will be removed and the list will be alphabetized according to the use listed.

Example:

7.1.1 Permitted Uses:

- (a) A single detached dwelling
- (b) A bed and breakfast establishment in accordance with Section 6.5
- (c) A home occupation or a home profession in accordance with Section 6.24
- (d) A group home in accordance with Section 6.20
- (e) A public use in accordance with Section 5.381

- (f) *Accessory buildings and structures* in accordance with Section 6.1
- (g) *Cottage rental* (added by 4316AI-13, OMB PL130581, December 5, 2013)

... will now read:

- (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) *Dwelling, single detached*
- (e) *Group home* in accordance with Section 6.20
- (f) *Home occupation or home profession*
- (g) *Public use*

Also, if the use is a defined term in Section 5, it will be italicized in these sections.

SECTION 7: Old Town Community Zoning District

9. Section 7.1.2 (b) Zone Requirements for Established Residential (ER) Zone be amended so that '... greater than the setback of the main building' be changed to read ' ... greater than the building face (including a covered porch) of the main building.'
10. Section 7.2A.2 (b) Zone Requirements for Established Residential (ER3) Zone be amended so that '... greater than the setback of the main building' be changed to read ' ... greater than the building face (including a covered porch) of the main building.'
11. Section 7.14.48 209 Queen Street (GC-43) be corrected to read 'Section 7.14.48 209 Queen Street (GC-48) on Schedules 'A-1' and 'A-3'.

In addition, in the first paragraph, it should also addidentified as GC-48 on **Schedules 'A-1' and 'A-3'**.

12. Section 7.14.54 43 Castlereagh Street (I-54) – See Schedule 'A-1' be amended so that subsection 7.14.54.1 Zone Requirements (a) add the following text underneath the 'Minimum front yard setback' that explains that the 'front yard' shall be considered for the purposes of this site specific zoning that part of the lot that has frontage on Castlereagh.

The table will now read:

(a)	<p>Minimum front yard setback</p> <p><i>(for the purposes of this site-specific zoning, the front yard will be that part of the lot that has frontage on Castlereagh Street)</i></p>	3.3 m (10.83 ft)
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13. Section 7.14.63 Evergreen Lane (Regent Street closed road allowance), Evergreen Estates – See Schedule 'A-2' (R2-63) be amended so that this section number is corrected to #71 and not #63 as a site specific.

This will now read:

Section 7.14.71 Evergreen Lane (Regent Street closed road allowance), Evergreen Estates – See Schedule 'A-2' (R2-71).

The zone requirements will be changed from '7.14.63' to '7.14.71.1'.

Schedule A-2 will also be amended to change from 'R2-63' to 'R2-71'.

14. Schedule 'A-2' be amended to recognize the correct zoning as per Map A attached to this by-law for the townhouses on Paffard Street.

SECTION 9: St. Davids Community Zoning District

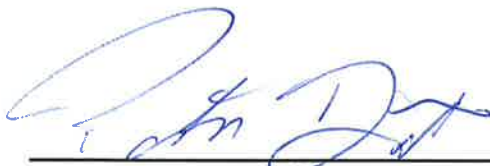
15. That Section 9.13.6.2 R1-6 Zone Requirements be amended so that (q) is deleted and the remainder of the section re-lettered.

SECTION 10: Virgil Community Zoning District

16. Section 10.4.1 Permitted Uses be amended to add a new subsection (h) Public Use.

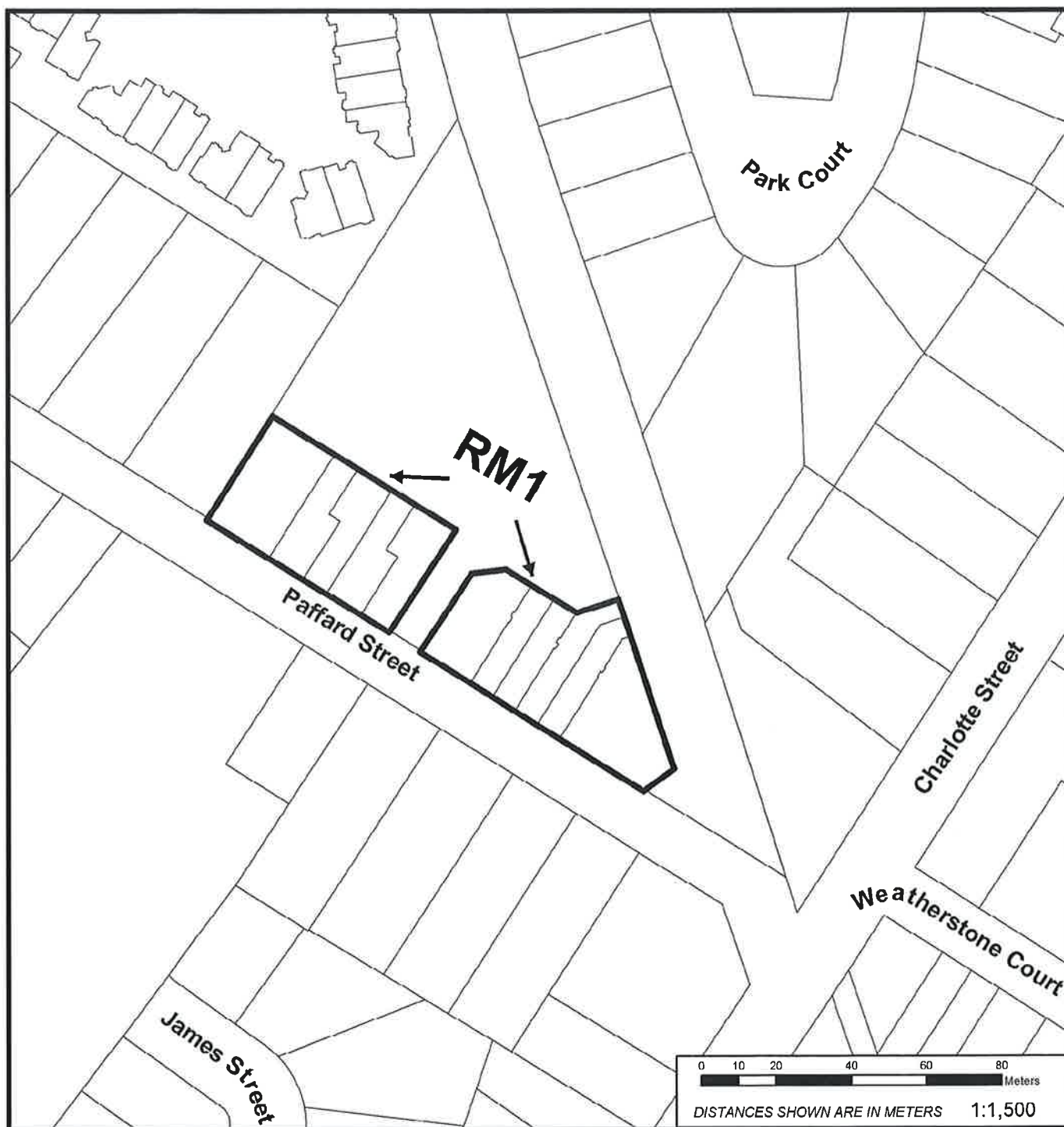
That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS 27th DAY OF JUNE, 2016.



LORD MAYOR PAT DARTE

TOWN CLERK HOLLY DOWD



MAP 'A' ATTACHED TO BY-LAW 4316BZ-16, BEING AN AMENDMENT TO SCHEDULE "A-2" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS 27TH DAY OF JUNE, 2016.

LORD MAYOR
PAT DARTE

TOWN CLERK
HOLLY DOWD