

**Explanation of the Purpose and Effect of
By-law X**

The subject lands are comprised of Parts of land known municipally as 170, 178 184 and 192 Tanbark Road and an unaddressed parcel of land located on the south side of Warner Road in Niagara-on-the-Lake. The properties are located in the St. Davids Settlement Area on the west side of Tanbark Road, south of Warner Road, north of Hickory Avenue.

Purpose

The purpose of this By-law is to establish Zoning provisions that facilitate the comprehensive development of the subject lands as Plan of Subdivision containing seventy-four (74) residential dwelling units.

The subject lands are zoned Residential 1 (R1) and Residential Development (RD). The proposed amendment will rezone the lands to Residential 2 (R2-X) with site-specific provisions and Residential Multiple 1 (RM1-A & RM1-B) with site specific provisions.

These lands represent the second of two phases of the Tawny Ridge Estates Development.

Effect

The effect of this By-law is to rezone the subject lands as Residential 2 Site Specific (R2-X) and Residential Multiple 1 (RM1-A & RM1-B) with site specific provisions to facilitate the development of twenty (20) lots for single detached dwellings, six (6) blocks for twenty-four (24) street townhouse dwellings and one (1) block for multiple unit development.

<i>Applicant:</i>	name
<i>File Number:</i>	X
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316-09**

FIRSTLY: PART TOWNSHIP LOT 95 NIAGARA AS IN RO481788; SECONDLY:
PART LOT 6, PLAN 326 NIAGARA AS IN RO394608; THIRDLY: PART
TOWNSHIP LOT 95 NIAGARA;PART LOT 6 PLAN 326 NIAGARA AS IN
RO443882; PART TOWNSHIP LOT 95 NIAGARA AS IN RO418784, EXCEPT
THE EASEMENT THEREIN; PART TOWNSHIP LOT 94 NIAGARA;PART
TOWNSHIP LOT 95 NIAGARA AS IN RO527884; TOWN OF NIAGARA-ON-
THE-LAKE

A BY-LAW PURSUANT TO SECTION 34 OF THE ONTARIO PLANNING
ACT TO AMEND BY-LAW 4316-09, AS AMENDED, ENTITLED A BY-LAW
TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION
AND USE OF BUILDINGS AND STRUCTURES THEREON.

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:

1. Schedule "D" of By-law 4316-09, as amended, is further amended by
changing the zoning of the subject lands identified on Map A (attached to and
forming part of this By-law) from "Residential 1" (R1) to "Residential 2" Site
Specific (R2-X) and "Residential Multiple" Site Specific (RM1-A RM1-B).
2. That Map A (attached to and forming part of this By-Law) be included and
form part of the Town of Niagara-on-the-Lake Zoning By-law 4316-09 as
"Figure X: Tawney Ridge Estates – Phase 2";
3. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David's
Community Zoning District is hereby further amended by adding the following:

"9.13.X

*Notwithstanding the provisions of the "Residential 2 (R2) Zone" of Section 9 –
St. Davids Community Zoning District and Section 6 – Provisions of Zoning
By-law 4316-09, the following provisions shall be applicable on those lands
shown on Figure X.*

Residential 2 Zone (R2 - X)

(c) Maximum Lot Coverage	55%
(g) Minimum Front Yard Setback to the Front Face of the Attached Garage	6.0 metres
(j) Minimum Exterior Side Yard Setback	3.9 metres
(k) Minimum Rear Yard Setback	7.0 metres
(m) Maximum Building Height	11.0 m

Provisions

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections And Encroachments	3.95 m from rear lot line

4. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David’s Community Zoning District is hereby further amended by adding the following:

“9.13.X

Notwithstanding the provisions of Section 9.4.2.2, Townhouse Dwelling, On-Street of the “Residential Multiple 1 (RM1) Zone” of Section 9 – St. Davids Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following provisions shall be applicable on those lands shown on **Figure X.**

Residential Multiple 1 Zone (RM1-A)

(c) Maximum Lot Coverage	55%
(j) Minimum Front Yard Setback to Garage Face	6.0 metres
(g) Minimum Width of a Garage Face	5.4 metres
(i) Minimum Interior Side Yard Setback	1.5 metres
(j) Minimum Exterior Side Yard Setback	3.9 metres
(k) Minimum Rear Yard Setback	7.0 metres
(m) Maximum Building Height	11.1 m

Provisions

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections	3.95 m from rear lot line
And Encroachments	0.0 m along common/shared lot lines

5. That Subsection 9.13 – Site Specific Exceptions of Section 9 – St. David’s Community Zoning District is hereby further amended by adding the following:

“9.13.X

Notwithstanding the provisions of Section 9.4.2., Block Townhouse Dwellings of the “Residential Multiple 1 (RM1) Zone” of Section 9 – St. Davids Community Zoning District and Section 6 – Provisions of Zoning By-law 4316-09, the following provisions shall be applicable on those lands shown on **Figure X.**

**Residential Multiple 1 Zone
(RM1-B)**

Deemed Front Yard	Chestnut Street
(a) Minimum Lot Frontage	85 metres
(b) Minimum Lot Area per Unit	139 square metres
(c) Maximum Density	Not Applicable
(d) Maximum Lot Coverage	50%
(f) Minimum Front Yard Setback	3.0 metres
(g) Minimum Interior Side Yard Setback	3.0 metres
(h) Minimum Exterior Side Yard Setback	3.0 metres
(i) Minimum Rear Yard Setback	3.0 metres
(j) Minimum Distance Between Building Located on the Same Lot	Not Applicable.
(k) Minimum distance between any townhouse dwelling and an internal driveway and parking area	3.0 metres to the dwelling 6.0 metres to the garage face.
(m) Maximum Building Height	11.0 m

Provisions

6.44 Table 6-10	Unenclosed and covered or uncovered porch, deck, balcony, patio and steps.
Permitted Yard Projections	3.0 m from rear lot line
And Encroachments	0.0 m along common/shared lot lines

6. That, in addition to the Provisions of the RM1-B Zone, that the following definition, uses and provisions also be applicable / permitted:

Definitions:

“Stacked Townhouse Dwelling – A building containing four or more dwelling units divided horizontally and vertically, with each unit having a private entrance to the grade level.”

**Residential Multiple 1 Zone
(RM1-B)**

Permitted Uses	Stacked Townhouse Apartment Building
Deemed Front Yard	Chestnut Avenue
Minimum Lot Frontage	85 metres
Minimum Lot Area	0.4 hectares
Minimum Lot Area per Unit	139 square metres
Maximum Lot Coverage	50%
Minimum Landscaped Open Space	25%
Minimum distance between any building and an internal driveway and parking area	3.0 metres
Minimum Front Yard Setback	3.0 metres
Minimum Interior Side Yard Setback	3.0 metres
Minimum Exterior Side Yard Setback	3.0 metres
Minimum Rear Yard Setback	3.0 metres
Maximum Building Height	11.5 metres for a stacked townhouse 13.5 metres or 4 storeys for an apartment dwelling
Minimum Accessory Building Setback	0.5 metres
Minimum Accessory Building Exterior Side Yard Setback	3.0 metres
Required Parking	1 space per stacked townhouse

dwelling unit

Provisions

*Permitted Yard Projections
And Encroachments*

*Unenclosed and covered or
uncovered porch, deck, balcony, patio
or steps
1.5 metres into any required yard*

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

READ A FIRST, SECOND AND THIRD TIME THIS X DAY OF X, 2023.

LORD MAYOR

TOWN CLERK

DRAFT

<i>Applicant:</i>	name
<i>File Number:</i>	x
<i>Report Number:</i>	x
<i>Assessment Roll Number:</i>	x

