CITY OF NIAGARA FALLS

By-law No. 2026-XXX

A by-law to amend By-law No. 79-200, to regulate the Northwest Secondary Plan Area on the Lands subject to the removal of a Holding (H) symbol and to repeal By-law No. 1995-127, By-law No. 1998-34, and By-law No. XXXX-XX (Re: Zone A-17).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.

2. The Lands shall be identified as seven parcels, known as Parcels R3(H)-XXX(1), R3(H)-XXX(2), R4(H)-XXX, GC(H)-XXX, OS, OS-XXX, and EPA-XXX.

3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.

4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.

5. The permitted uses shall be:

   (a) For Parcel R3(H)-XXX (1):

      (i) For parcels of land abutting Montrose Road:

         i. An on street townhouse dwelling

         ii. Home occupations in an on street townhouse dwelling unit subject to the provisions of section 5.5 of By-law No. 79-200

         iii. Owner occupied short-term rental (OOSTR) subject to the provisions of section 4.37 of By-law No. 79-200

         iv. Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a

to j of section 8.1.1 of By-law No. 79-200 provided up to 100% of the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

(ii) For all other parcels of land:

i. The uses permitted in a R3 Zone

ii. An on street townhouse dwelling containing not more than 8 dwelling units

iii. Group home type 1 subject to the regulations of a detached dwelling in section 7.8.2 and section 4.19.1 of By-law No. 79-200

iv. Home occupations are permitted in all dwelling units subject to the provisions of section 5.5 of By-law No. 79-200

v. Owner occupied short-term rental (OOSTR) subject to the provisions of section 4.37 of By-law No. 79-200

vi. Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200 provided up to 100% of the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

(b) For Parcel R3(H)-XXX(2):

(i) For parcels of land abutting Montrose Road:

i. An on street townhouse dwelling

ii. Home occupations in an on street townhouse dwelling unit subject to the provisions of section 5.5 of By-law No. 79-200

iii. Owner occupied short-term rental (OOSTR) subject to the provisions of section 4.37 of By-law No. 79-200

iv. Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200 provided up to 100% of

the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

v. Existing place of worship including a day care subject to the regulations of section 9.2 of By-law No. 79-200

(ii) For all other parcels of land:

i. The uses permitted in a R3 Zone

ii. An on street townhouse dwelling containing not more than 8 dwelling units

iii. Group home type 1 subject to the regulations of a detached dwelling in section 7.8.2 and section 4.19.1 of By-law No. 79-200

iv. Home occupations are permitted in all dwelling units subject to the provisions of section 5.5 of By-law No. 79-200

v. Owner occupied short-term rental (OOSTR) subject to the provisions of section 4.37 of By-law No. 79-200

vi. Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200 provided up to 100% of the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

vii. Existing place of worship including a day care subject to the regulations of section 9.2 of By-law No. 79-200

(c) For Parcel R4(H)-XXX:

(i) The uses permitted in a R4 Zone

(ii) Group home type 1 subject to the regulations of a townhouse dwelling or back-to-back townhouse dwelling or apartment dwelling or stacked townhouse dwelling in section 7.9.2 and section 4.19.1 of By-law No. 79-200

(iii) A back-to-back townhouse dwelling containing not more than 8 dwelling units

(iv) Home occupations are permitted in all dwelling units subject to the provisions of Section 5.5 of By-law No. 79-200

(v) Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200 provided up to 100% of the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

(d) For Parcel GC(H)-XXX:

(i) For one parcel of land on the south east corner of Mountain Road and Kalar Road

i. One (1) gasoline bar subject to the provisions of section 8.9.3 of By-law No. 79-200

ii. All other permitted uses listed in section (d) (ii) i. to xxii.

(ii) For all other parcels of land:

i. Animal clinic

ii. Bake shop

iii. Bank, trust company, credit union, currency exchange

iv. Clinic

v. Community building

vi. Day nursery

vii. Dry cleaning establishment

viii. Dwelling units in a building in combination with one or more of the uses listed in this section provided up to 100% of the total floor area of such building may be used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor

ix. Dancing studio

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x. Group home type 1 subject to the provisions of section 9 of this by-law.

xi. Health centre

xii. Home occupations are permitted in all dwelling units subject to the provisions of section 5.5 of Zoning By-law No. 79-200

xiii. Long term care home

xiv. Office

xv. Personal service shop

xvi. Place of entertainment

xvii. Place of worship

xviii. Restaurant

xix. Retail store

xx. Outdoor patio which is an accessory use to a bake shop, place of entertainment, or restaurant, in accordance with section 4.25A of By-law No. 79-200

xxi. A bed and breakfast in a dwelling unit that complies with the provisions set out in section 4.37 of By-law No. 79-200

xxii. Vacation rental unit that complies with the regulations set out in section 4.38 of Zoning By-law No. 79-200

(e) For Parcel OS, the uses permitted in a OS Zone.

(f) For Parcel OS-XXX:

(i) The uses permitted in a OS Zone

(ii) Stormwater Management Facilities

(g) For Parcel EPA-XXX(1):

(i) The uses permitted in an EPA zone

(ii) Walkways

6. The regulations governing the permitted uses on those portions of the Lands zoned R3(H)-XXX (1) shall be:

(a)	Minimum lot area for a building on a parcel of land abutting an arterial or collector road containing dwelling units in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	300 square metres
(b)	Minimum lot frontage for a building on a parcel of land abutting an arterial or collector road containing dwelling units in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	10 metres
(c)	Minimum front yard depth	
	(i) For parcels on land abutting Kalar Road	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(ii) For parcels on land abutting Montrose Road	3 metres plus 14 metres Ministry of Transportation (MTO) Highway Corridor Allowance Requirement measured from the MTO right-of-way
	(iii) For parcels on land not abutting Kalar Road or Montrose Road	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(iv) For a private garage with driveway access from the front yard	6 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(v) Driveway access is not permitted to be provided	

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		from Kalar Road or Montrose Road	
	(vi)	Front elevation	
		a. For parcels of land abutting Kalar Road or Montrose Road	The front façade and a principal entrance to the building must be oriented towards Kalar Road or Montrose Road
		b. For all other parcels of land	Not applicable
(d)	Minimum exterior side yard width for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200		3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
(e)	Minimum and maximum height of an on street townhouse dwelling for parcels of land abutting Montrose Road		3 storeys and 10 metres subject to section 4.7 of By-law No. 79-200
(f)	Minimum height of dwelling units in a building on parcels of land abutting Montrose Road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200		3 storeys and 10 metres subject to section 4.7 of By-law No. 79-200
(g)	Minimum height of building or structure of all other parcels of land		Not applicable
(h)	Maximum height of dwelling units in a building on parcels of land abutting Montrose Road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200		4 storeys or 14 metres, whichever is less, subject to section 4.7 of By-law No. 79-200

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(i)	Maximum height of building or structure for all other parcels of land	
	(i) For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex dwelling	3 storeys or 10 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
	(ii) Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	4 storeys or 14 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
(j)	Minimum privacy yard depth for each on street townhouse dwelling unit, as measured from the exterior rear wall or exterior front wall of every dwelling unit	7.5 metres
(k)	Minimum amenity area for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	20 square metres per dwelling unit
(l)	Parking and access requirements	
	(i) For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex dwelling	In accordance with section 4.19.1 of By-law No. 79-200

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(ii)	For dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200 or a group home type 1	Surface parking areas shall only be located in the rear or interior side yard and a screening device(s) and landscaping is required in accordance with section 4.16 of By-law No. 79-200
	a. Each dwelling unit	1 parking space
	b. Each Neighbourhood Commercial use	In accordance with section 4.19.1 of By-law No. 79-200
(iii)	Group home type 1	In accordance with section 4.19.1 of By-law No. 79-200
(m)	Required parking space	A required parking space in a garage shall be unobstructed and free of structures and encroachments
(n)	Maximum width of a driveway or parking area in the front yard of a lot	
(i)	For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex	65% of the lot frontage but in no case more than 9 metres
(ii)	For a triplex, quadruplex, for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law	No person shall use any portion of the front yard or exterior side yard for the parking or storing of any motor vehicle.

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	No. 79-200, or a group home type 1	
(iii)	Maximum area of a rear yard which can be used as a surface parking area	Not applicable
(o)	Maximum projection of a one or two storey roofed over porch or balcony	
(i)	Into a required front yard or exterior side yard	1.5 metres
(ii)	Into a required interior side yard	0.45 metres
(iii)	Into a required privacy yard of an on street townhouse dwelling or required rear yard	2.5 metres
(p)	Maximum projection of a deck into a required front yard	1.5 metres
(q)	Maximum number of permitted Neighbourhood Commercial (NC) Zone uses	3 per lot
(r)	Maximum amount of floor area for each permitted Neighbourhood Commercial (NC) Zone use	230 square metres
(s)	The balance of regulations for a R3 use.	

7. The regulations governing the permitted uses on those portions of the Lands zoned R3(H)-XXX (2) shall be:

(a)	Minimum lot area for a building on a parcel of land abutting an arterial or collector road containing dwelling units in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	300 square metres

(b)	Minimum lot frontage for a building on a parcel of land abutting an arterial or collector road containing dwelling units in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	10 metres
(c)	Minimum front yard depth	
	(i) For parcels of land abutting Montrose Road	3 metres plus 14 metres Ministry of Transportation (MTO) Highway Corridor Allowance Requirement measured from the MTO right-of-way
	(ii) For parcels of land not abutting Montrose Road	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(iii) For a private garage with driveway access from the front yard	6 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(iv) Driveway access is not permitted to be provided from Montrose Road	
	(v) Front elevation	
	a. For parcels of land abutting Montrose Road	The front façade and a principal entrance to the building must be oriented towards Montrose Road
	b. For all other parcels of land	Not applicable
(d)	Minimum exterior side yard width for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200

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(e)	Minimum and maximum height of an on street townhouse dwelling for parcels of land abutting Montrose Road	3 storeys and 10 metres subject to section 4.7 of By-law No. 79-200
(f)	Minimum height of dwelling units in a building on parcels of land abutting Montrose Road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	3 storeys and 10 metres subject to section 4.7 of By-law No. 79-200
(g)	Minimum height of building or structure for all other parcels of land	Not applicable
(h)	Maximum height of dwelling units in a building on parcels of land abutting Montrose Road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	4 storeys or 14 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
(i)	Maximum height of building or structure for all other parcels of land	
	(i) For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex dwelling	3 storeys or 10 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
	(ii) Dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a	4 storeys or 14 metres, whichever is less, subject to section 4.7 of By-law No. 79-200

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	to j of section 8.1.1 of By-law No. 79-200	
(j)	Minimum privacy yard depth for each on street townhouse dwelling unit, as measured from the exterior rear wall or exterior front wall of every dwelling unit	7.5 metres
(k)	Minimum amenity area for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	20 square metres per dwelling unit
(l)	Parking and access requirements	
	(i) For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex dwelling	In accordance with section 4.19.1 of By-law No. 79-200
	(ii) For dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	Surface parking areas shall only be located in the rear or interior side yard and a screening device(s) and landscaping is required in accordance with section 4.16 of By-law No. 709-20
	a. Each dwelling unit	1 parking space
	b. Each Neighbourhood Commercial use	In accordance with section 4.19.1 of By-law No. 79-200
	(iii) Group home type 1	In accordance with section 4.19.1 of By-law No. 79-200

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(m)	Required parking space	A required parking space in a garage shall be unobstructed and free of structures and encroachments
(n)	Maximum width of a driveway or parking area in the front yard of a lot	
	(i) For detached dwelling, semi-detached dwelling, duplex dwelling, an on street townhouse dwelling, triplex, or quadruplex	65% of the lot width but in no case more than 9 metres
	(ii) For a triplex, quadraplex, for dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200, or a group home type 1	No person shall use any portion of the front yard or exterior side yard for the parking or storing of any motor vehicle.
	(iii) Maximum area of a rear yard which can be used as a surface parking area	Not applicable
(o)	Maximum projection of a one or two storey roofed over porch or balcony	
	(i) Into a required front yard or exterior side yard	1.5 metres
	(ii) Into a required interior side yard	0.45 metres
	(iii) Into a required privacy yard of an on street townhouse dwelling or required rear yard	2.5 metres
(p)	Maximum projection of a deck into a required front yard	1.5 metres

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(q)	Maximum number of permitted Neighbourhood Commercial (NC) Zone Uses	3 per lot
(r)	Maximum amount of floor space for each Neighbourhood Commercial (NC) Zone use	230 square metres
(s)	The balance of regulations for a R3 use.	

8. The regulations governing the permitted uses on those portions of the Lands zoned R4(H)-XXX shall be:

(a)	Minimum lot area	133 square metres for each dwelling unit
(b)	Minimum lot frontage for all parcels of land	30 metres
(c)	Minimum front yard depth	
	(i) For all parcels of land	6 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(ii) For a private garage with driveway access from the front yard	6 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
	(iii) Driveway access is not permitted to be provided on Kalar Road, Montrose Road, or Mountain Road	
	(iv) Front elevation	
	a. For parcels of land abutting Kalar Road or Montrose Road or Mountain Road	The front façade and a principal entrance to the building must be oriented towards Kalar Road or Montrose Road or Mountain Road
	b. For all other parcels of land	Not applicable
(d)	Minimum interior side yard width	

(i)	For a townhouse, back-to-back townhouse, or stacked townhouse	3 metres
(ii)	For an apartment dwelling, dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	One half the height of the building

(e) Minimum exterior side yard width

(i)	For an apartment dwelling or dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	7.5 metres plus any applicable distance specified in section 4.27.1

(f) Minimum rear yard depth

(i)	For a townhouse, back-to-back townhouse, or stacked townhouse	7.5 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
(ii)	For an apartment dwelling or dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j	10 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200

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	of section 8.1.1 of By-law No. 79-200	
(g)	Maximum height of building or structure	
	(i) For a townhouse, back-to-back townhouse, or stacked townhouse	4 storeys or 14 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
	(ii) For an apartment dwelling or dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	6 storeys or 21 metres, whichever is less, subject to section 4.7 of By-law No. 79-200
(h)	Minimum landscaped open space	30% of lot area
(i)	Minimum privacy yard	
	(i) For each townhouse dwelling, as measured from the exterior rear wall or exterior front wall of every dwelling unit	7.5 metres
(j)	Minimum amenity area	
	(i) For an apartment dwelling unit, back-to-back townhouse dwelling or stacked townhouse dwelling	In accordance with section 4.44 of By-law No. 79-200
	(ii) For dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j	20 square metres per dwelling unit

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	of section 8.1.1 of By-law No. 79-200	
(k)	Minimum stepback of enclosed/screened mechanical equipment and stairwell/elevator shaft	1 metre, measured from the edge of the roof
(l)	Parking and access requirements	
	(i) For a townhouse dwelling, back-to-back townhouse dwelling, stacked townhouse dwelling, apartment dwelling, or a group home type 1	In accordance with section 4.19.1 of By-law No. 79-200
	(ii) For dwelling units in a building on a parcel of land abutting an arterial or collector road in combination with one or more of the permitted Neighbourhood Commercial (NC) Zone uses listed in clauses a to j of section 8.1.1 of By-law No. 79-200	
	a. Each dwelling unit	1 parking space
	b. Each Neighbourhood Commercial use	In accordance with section 4.19.1 of By-law No. 79-200
(m)	Required parking space	A required parking space in a garage or structured parking area shall be unobstructed and free of structures and encroachments
(n)	Active entrances:	
	(i) For each townhouse dwelling, back-to-back townhouse dwelling, stacked townhouse dwelling, or apartment dwelling	Provide a minimum of one active entrance to the front lot line or exterior side lot line
	(ii) For non-residential uses	Provide a minimum of one active entrance from each individual

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		occupancy to the front lot line or exterior side lot line

(o) Surface parking areas:

	(i)	Shall be located at the rear or interior side yard of the building(s), save and except a back-to-back townhouse dwelling
	(ii)	Are not permitted in a yard between the street line and the building elevation facing the street, save and except a back-to-back townhouse dwelling
	(iii)	On any lot which has any side lot line of an interior lot or any rear lot line that abuts land in a residential zone a close-board type fence or decorative wall with a minimum height of 1.8 metres abutting the side lot line and the rear lot line must be erected and maintained, save and except where the lot line abuts the front yard of a residentially zoned lot.

(p) Structure parking areas and interior utility closet areas:

	(i)	Shall be fronted by permitted uses listed in section 7.9.1 of By-law No. 79-200 abutting the front lot line or exterior side yard lot line.
	(ii)	Garage doors shall only be located at the rear or interior side yard of the building(s)

(q) Waste storage:

(i) Shall be located in the interior side or rear yard only.

(ii) Shall be screened from view by an opaque screen/fence with a minimum height of 1.8 metres.

(iii) (q) (i) and (ii) Is not required if an in-ground refuse container is provided.

(r) Loading area:

(i) Shall be located in the interior side or rear yard only.

(ii) Shall be screened from view by an opaque screen/fence with a minimum height of 1.8 metres.

(s)	Maximum projection of a one or two storey roofed over porch or balcony	
	(i) Into a required front yard or exterior side yard	1.5 metres
	(ii) Into a required interior side yard	0.45 metres
	(iii) Into a required privacy yard or rear yard of a townhouse dwelling	2.5 metres
(t)	Maximum projection of a deck into a required front yard	1.5 metres
(u)	Maximum number of permitted Neighbourhood Commercial (NC) Zone Uses	3 per lot

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(v)	Maximum amount of floor space for each permitted Neighbourhood Commercial (NC) Zone use	230 square metres
(w)	The balance of regulations for a R4 use.	

9. The regulations governing the permitted uses on those portions of the Lands zoned GC(H)-XXX shall be:

(a)	Minimum lot area	80 square metres for each dwelling unit
(b)	Minimum lot frontage	30 metres
(c)	Minimum front yard depth	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200
(d)	Minimum rear yard depth	3 metres plus any applicable distance specified in section 4.27.1 of By-law No. 79-200, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot
(e)	Required height of building or structure for a gasoline bar	1 storey and 3 metres subject to section 4.7 of By-law No. 79-200
(f)	Minimum height of building or structure for all other permitted uses	
	(i) Within 37 metres measured from the most easterly extent of the Kalar Road road allowance	6 storeys and 18 metres subject to section 4.7 of By-law No. 79-200
	(ii) Between 38 metres and 160 metres, on the north side of Montrose Road, measured from the most easterly extent of the Kalar Road road allowance	10 storeys and 30 metres subject to section 4.7 of By-law No. 79-200
	(iii) Between 161 metres and 410 metres, on the north side of Montrose Road, measured from the most	12 storeys and 36 metres subject to section 4.7 of By-law No. 79-200

	easterly extent of the Kalar Road road allowance	
	(iv) Beyond 38 metres from the Kalar Road road allowance, on the south side of Montrose Road, measured from the most easterly extent of the Kalar Road road allowance	10 storeys and 30 metres subject to section 4.7 of By-law No. 79-200
(g)	Maximum height of building or structure for all other permitted uses	
	(i) Within 37 metres measured from the most easterly extent of the Kalar Road road allowance	6 storeys or 18 metres, whichever is the lesser, subject to section 4.7 of By-law No. 79-200
	(ii) Between 38 metres and 160 metres, on the north side of Montrose Road, measured from the most easterly extent of the Kalar Road road allowance	12 storeys or 36 metres, whichever is the lesser, subject to section 4.7 of By-law No. 79-200
	(iii) Between 161 metres and 410 metres, on the north side of Montrose Road, measured from the most easterly extent of the Kalar Road road allowance	15 storeys or 45 metres, whichever is the lesser, subject to section 4.7 of By-law No. 79-200
	(iv) Beyond 38 metres from the Kalar Road road allowance, on the south side of Montrose Road, measured from the most easterly extent of the Kalar Road road allowance	12 storeys or 36 metres, whichever is the lesser, subject to section 4.7 of By-law No. 79-200
(h)	Minimum building stepback	Above 3 storeys or 10 metres, whichever is the lesser, a minimum stepback of 2 metres shall be provided
(i)	Minimum landscaped open space	15% of lot area

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(j)	Maximum projection of a roofed over porch or balcony	
	(i) Into a required front yard or required rear yard	1.5 metres
(k)	Minimum amenity area for an apartment dwelling	20 square metres per dwelling unit
(l)	Maximum gross floor area for each ground floor commercial use	185 square metres
(m)	Minimum transparent glazing for ground floor facades abutting public streets and facades abutting open space/park uses	50 % of the ground floor area
(n)	Minimum stepback of enclosed/screened mechanical equipment and stairwell/elevator shaft	1 metre, measured from the edge of the roof
(o)	Parking and access requirements	In accordance with section 4.19.1 of By-law No. 79-100
(p)	Active entrances:	
	(i) For an apartment dwelling	Provide a minimum of one active entrance to the front lot line or exterior side lot line
	(ii) For non-residential uses	Provide a minimum of one active entrance from each individual occupancy to the front lot line or exterior side lot line
(q)	Surface parking areas:	
	(i) Shall be located at the rear or interior side yard of the building	
	(ii) Are not permitted in a yard between the street line and the building elevation facing the street	

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(iii) On any lot which has any side lot line of an interior lot or any rear lot line that abuts land in a residential zone a close-board type fence or decorative wall with a minimum height of 1.8 metres abutting the side lot line and the rear lot line must be erected and maintained, save and except where the lot line abuts the front yard of a residentially zoned lot.

(r) Structure parking areas and interior utility closet areas:

(i) Shall be fronted by permitted uses listed in section 8.2.2 of By-law No. 79-200 abutting the front lot line or exterior side yard lot line.

(ii) Garage doors shall only be located at the rear or interior side yard of the building(s)

(s) Waste storage:

(i) Shall be located in the interior side or rear yard only.

(ii) Shall be screened from view by an opaque screen/fence with a minimum height of 1.8 metres.

(iii) (s) (i) and (ii) is not required if an in-ground refuse container is provided.

(t) Loading area:

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(i) Shall be located in the interior side or rear yard only.

(ii) Shall be screened from view by an opaque screen/fence with a minimum height of 1.8 metres.

(u) Soft landscaping is required for any area not covered by: surface parking area, driveway, walkways, waste storage, or accessory structures.

(v) Minimum landscape buffer:

(i) For a lot line that abuts land in a residential zone save and except where the lot line abuts the front yard of a residentially zoned lot	A close-board type fence or decorative wall with a minimum height of 1.8 metres and shrub and/or tree plantings at a minimum depth of 2 metres from the lot line
(ii) For a rear or exterior lot line that abuts a public road	A minimum depth of 2 metres of shrub and/or tree plantings measured at grade perpendicular from the lot line

(w) Merchandise for retail sale is permitted to be displayed outdoors as long as it is not stored in a truck, trailer, or other vehicle.

(x) The balance of regulations for a GC use.

10. The regulations governing the permitted uses on those portions of the Lands zoned OS shall be the regulations of the OS zone.

11. The regulations governing the permitted uses on those portions of the Lands zoned OS-XXX shall be:

(a) Minimum lot frontage	Not applicable
(b) Minimum lot area	4 hectares

(c) The balance of regulations for an OS use.

12. The regulations governing the permitted uses on those portions of the Lands zoned EPA-XXX shall be the regulations of the EPA zone.

13. For the purposes of this by-law:

"Active entrance" means a door that is clearly intended and designed to be the principal entrance or one of the principal entrances to the building.

"Arterial road" means a high-capacity urban road designed to move large volumes of traffic between major hubs and to highways.

"Collector road" means a low-to-moderate capacity street that collects traffic from local residential streets and distributes it to arterial roads and/or highways.

"Façade" means the exterior of the building exposed to public view.

"Glazing" means the fitting or furnishing of a building façade with glass.

"Hardscaping" means the foundation and shape of the yard and includes permanent features such as walkways, paved surface areas, and walls/fences.

"On street townhouse dwelling" means a building divided vertically into three or more primary dwelling units and having frontage on an improved street or lane.

"Privacy yard" means the yard measured from the exterior rear wall or exterior front wall of a dwelling unit providing exclusive outdoor amenity space.

"Soft landscaping" means vegetative materials used to improve the aesthetics of the yard.

"Walkway" means a passage or path for walking in an environmental protection area open space, or park zone.

"Utility Closet Area" means an internal room used for the maintenance of the building, accessory structures, and grounds.

14. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

15. No person shall use the Lands for a use that is not a permitted use.

16. No person shall use the Lands in a manner that is contrary to the regulations.

17. The Holding (H) symbol that appears on Schedule 1 attached hereto is provided for in the City of Niagara Falls Official Plan pursuant to Section 36 of the *Planning Act*. No person shall use the Lands described in section 1 of this by-law and shown hatched and designated R3(H) and numbered XXX (1), R3(H) and numbered XXX (2), R4(H) and numbered XXX, and GC(H) and numbered XXX on the plan Schedule 1 attached hereto for any purpose, prior to the H symbol being removed pursuant to the *Planning Act*. Prior to the H symbol being removed, the landowner or developer shall complete for each respective phase of development to the satisfaction of the City of Niagara Falls:

    - A Stage 1 and 2 Archaeological Study and Clearance Certificate Issued by the Ministry of Tourism, Culture and Gaming.
    - A Land Use Compatibility Study; and,
    - A Noise, Air, and Vibration Study

18. The provisions of this by-law shall be shown on Sheet B2 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from A, in part, A and numbered 17, A and numbered 382, in part, A and numbered 443, in part to designated R3(H) and numbered XXX (1), R3(H) and numbered XXX (2), R4(H) and numbered XXX, and GC(H) and numbered XXX, OS, OS and numbered XXX, and EPA and numbered XXX.

19. Section 19 of By-law No. 79-200 is amended by adding thereto:

    19.1.XXXX Refer to By-law No. 2026-XXX.
    19.1.XXXX Refer to By-law No. 2026-XXX.
    19.1.XXXX Refer to By-law No. 2026-XXX.
    19.1.XXXX Refer to By-law No. 2026-XXX.
    19.1.XXXX Refer to By-law No. 2026-XXX.

20. By-laws Nos. 1995-127, By-law No. 1998-34, and By-law No. XXXX-XX (Re: Zone A-17 are repealed.

Read a First, Second and Third time; passed, signed and sealed in open Council this XXth day of XXX, 2026.

....
WILLIAM G. MATSON, CITY CLERK JAMES M. DIODATI, MAYOR

APPENDIX "A"
Legal Description

64293-0617 8254 Mountain Rd – Part Township Lot 27, Stamford, Part 1, 659R-11101; Niagara Falls

64293-0616 2570 Kalar Rd - Part Township Lot 27, Stamford, Part 2, 659R-11101; Niagara Falls

64293-0003 8236 Mountain Rd - Part Township Lot 27, Stamford, as in RO461763; Niagara Falls

64293-0004 8168 Mountain Rd - Part Township Lot 27, Stamford, as in RO281213; Niagara Falls

64293-0005 8068 Mountain Rd - Part Township Lot 27, Stamford, as in RO2499057, description may not be acceptable in future as in RO294057, except the easement therein; Niagara Falls

64293-0005 8064 Mountain Rd - Part Township Lot 27, Stamford, as in RO2499057, description may not be acceptable in future as in RO294057, except the easement therein; Niagara Falls

64293-0007 Mountain Rd - Part Township Lot 27, Stamford, as in RO346018, s/t BB18436; Niagara Falls

64293-0008 2600 Mountain Rd – PCL 27-1, SEC 59, Stamford; Part Township Lot 27, Stamford, Part 1, 659R-7971; Niagara Falls

64294-0002 2525 Montrose Rd – Part Township Lot 34, Stamford, Part 1, 59R-3344; Part Township Lot 46, Stamford, Part 1, 59R-9730; Niagara Falls

64294-0003 Montrose Rd - Part Township Lot 34, Stamford, as in RO390959; Niagara Falls

64294-0247 Montrose Rd – Part Township Lots 46 & 53, Stamford, as in RO695720 & RO428170, except Parts 1 & 2, 59R-9730; Niagara Falls

64294-0300 3017 Montrose Rd – Part Township Lot 46, Stamford, Part 1, 59R-2471, except Part 1, 59R-15529

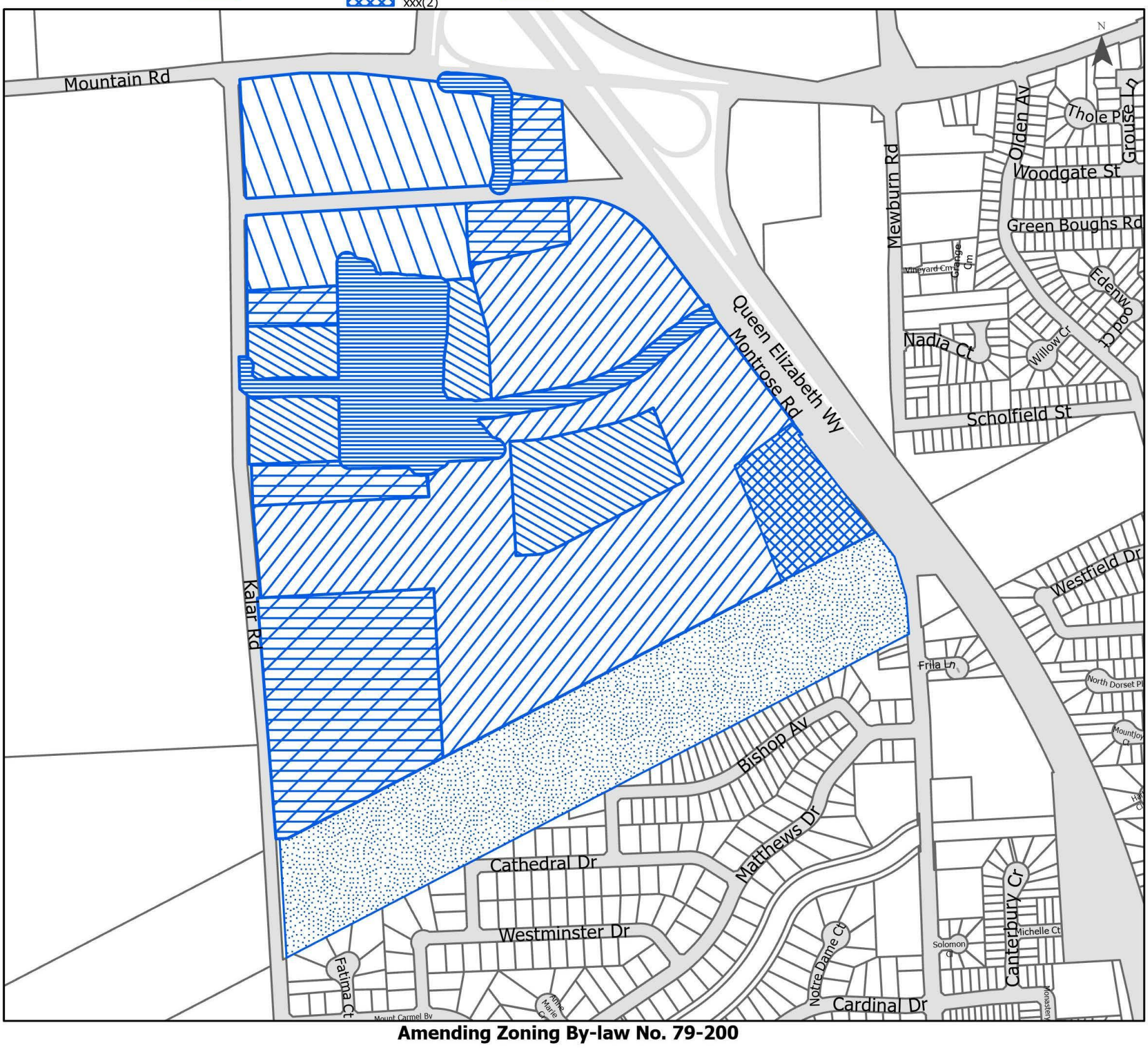
64294-0004 Kalar Rd – Part Township Lot 46 & 53, Stamford, as in ST49793, except Part 1, RD167, s/t ST49793; Part Township Lot 53, Stamford, as in ST48910. s/t LT132972 & LT132973; Niagara Falls

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SCHEDULE 1 TO BY-LAW NO. 2026-xxxx (Draft)

Area Affected
by this Amendment

OS
OS-xxx
R3(H)-xxx(1)
R3(H)-xxx(2)
R4(H)-xxx
GC(H)-xxx
EPA



Amending Zoning By-law No. 79-200

Description: see by-law text

Applicant: City of Niagara Falls

Assessment: 272510000304705, 272510000304711, 272510000304801, 272510000304802, 272510000304900, 272510000305000, 272510000305001, 272510000305100, 272510000305200, 272510000305300, 272510000305400, 272510000305401, 272510000305410, part of 272504000106000

K:\GIS_Requests\2026\Schedule\Schedule2026.aprx 3/19/2026