

## **CITY OF NIAGARA FALLS**

### **By-law No. 2023-XXX**

A by-law to amend By-law No. 79-200, to permit the use of the lands for a 30-storey mixed use building with two levels of underground parking, one main level parking, three levels of above ground parking; bicycle parking spaces, two ground level commercial units; 350 residential apartment dwelling units (AM-2023-xx).

### **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". Schedules 1 is part of this by-law.
2. The Lands shall be identified as Parcel Tourist Commercial (TC-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 those permitted in the TC Zone.
6. The regulations governing the permitted uses on Parcel TC-xxx shall be:
  - a) Section 8.6.1 (ii) dwelling units in a building in combination with one or more of the uses listed in this 2002-061 section, provided that no more than 33,816 square metres of the total floor area is used for dwelling units and further provided that such dwelling units except entrances are located entirely above Level 5 (parking and amenity area).
  - b) Minimum rear yard, where any part of the building is used exclusively for residential purposes shall not be less than 9.5 metres or 3.8 metres for the building podium.
  - c) Maximum lot coverage shall not exceed 78%.

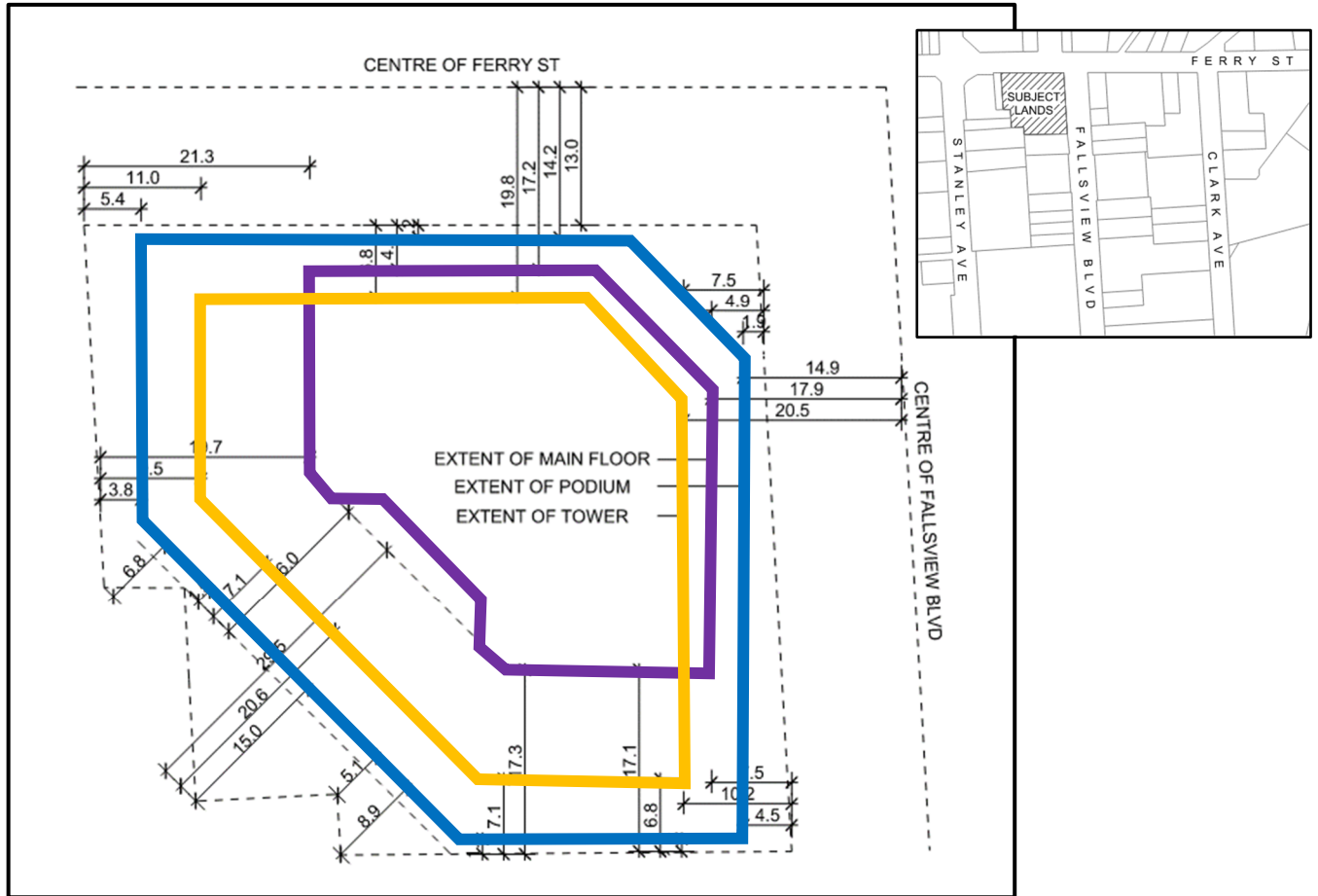
- d) Maximum height of building or structure shall not exceed 30 storeys or 120 metres including mechanical penthouse and equipment, and subject to Section 4.7 of By-law 79-200.
  - e) Minimum number of parking spaces shall not be less than 1 space per dwelling unit with 9 spaces being dedicated for car share spaces provided on the ground level.
  - f) Minimum width of manoeuvring aisle/access shall not be less than 6.9 metres.
  - g) One loading space/area shall be provided.
7. 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.
8. No person shall use the Lands for a use that is not a permitted use.
9. No person shall use the Lands in a manner that is contrary to these regulations.

Read a First, Second and Third time; passed, signed and sealed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

.....  
WILLIAM G. MATSON, CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

## SCHEDULE 1 TO BY-LAW NO. 2022-XXX



Applicant: 1788618 Ontario Inc.

Assessment #: 272503000810506

<b>Building Heights Excluding Rooftop Mechanical Penthouse</b>		
Main Floor	5 metres	
Podium (Level 2-5 parking and amenity)	10 metres	
Tower (Level 6-30 residential units)	101.4 metres	
<b>TOTAL</b>	<b>116.4 metres</b>	