

CITY OF NIAGARA FALLS

By-law No. 2025- 0XX

A by-law to amend By-law No. 79-200, to permit the use of the lands for a 20 storey mixed use development (AM-2024-036)

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 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.
3. 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.
4. The permitted uses shall be:
 - (a) The uses permitted in the CB2 zone
 - (b) Public school
 - (c) Private school
 - (d) Dwelling units are only permitted in a building in combination with one or more of the uses listed in Section 8.5.1 and further provided that such dwelling units, except entrances, lobby, and amenity area, are located above the ground floor.
 - (e) Student residence is only permitted in a building in combination with one or more of the uses listed in Section 8.5.1 and further provided that such student residence, except entrances, lobby, and amenity area, are located above the ground floor.
5. Despite the regulations listed in section 8.5.2.B, the regulations governing the permitted uses shall be:
 - (a) Minimum lot frontage not applicable
 - (b) Minimum front yard depth
 - (i) For a building wall 15 storeys in height or less 0 metres plus any applicable distance specified in section 4.27, where applicable, in

accordance with clause 6 (a) of this by-law.

- (ii) For a building wall greater than 15 storeys in height 0 metres and a minimum stepback of 2 metres for all storeys above the 4th storey plus any applicable distance specified in section 4.27, where applicable
- (c) Maximum front yard depth
- (i) For a building wall 15 storeys in height or less 6 metres plus any applicable distance specified in section 4.27, where applicable, in accordance with clause 6 (a) of this by-law.
- (ii) For a building wall greater than 15 storeys in height 6 metres and a minimum stepback of 2 metres for all storeys above the 4th storey plus any applicable distance specified in section 4.27, where applicable
- (d) Minimum rear yard depth
- (i) For a building wall 15 storeys in height or less 7.5 metres, in accordance with clause 6 (a) of this by-law.
- (ii) For a building wall greater than 15 storeys in height 7.5 metres and a minimum stepback of 2 metres for all storeys above the 4th storey
- (e) Minimum interior side yard width
- Abutting land used for open space/park
- (i) For a building wall 15 storeys in height or less 0 metres, in accordance with clause 6 (a) of this by-law.
- (ii) For a building wall greater than 15 storeys 0 metres and a minimum stepback of 2 metres for all

		storeys above the 4 th storey
	<u>Abutting land used for all other uses</u>	
	(i) For a building wall 15 storeys in height or less	3 metres, in accordance with clause 6 (a) of this by-law.
	(ii) For a building wall greater than 15 storeys	3 metres and a minimum stepback of 2 metres for all storeys above the 4 th storey
(f)	Minimum exterior side yard width	
	(i) For a building wall 15 storeys in height or less	0 metres plus any applicable distance specified in section 4.27, where applicable, in accordance with clause 6 (a) of this by-law.
	(ii) For a building wall greater than 15 storeys in height	0 metres and a minimum stepback of 2 metres for all storeys above the 4 th storey plus any applicable distance specified in section 4.27, where applicable
(g)	Maximum exterior side yard width	
	(i) For a building wall 15 storeys in height or less	6 metres plus any applicable distance specified in section 4.27, where applicable, in accordance with clause 6 (a) of this by-law.
	(ii) For a building wall greater than 15 storeys in height	6 metres and a minimum stepback of 2 metres for all storeys above the 4 th storey plus any applicable distance specified in section 4.27, where applicable
(h)	Maximum lot coverage	not applicable

(i)	Maximum height of a building or structure	70 metres or 20 storeys, whichever is less, subject to section 4.7, which shall include a roof feature
(j)	Minimum number of parking spaces	not applicable
(k)	Loading area requirements	not applicable
(l)	Bicycle parking requirements	
	(i) Apartment dwelling	0.35 spaces/ dwelling unit
	(ii) Student residence	0.35 spaces/ unit Short-term bicycle parking for residential uses is not applicable.
	(iii) Non-residential uses	In accordance with section 4.39 Short-term bicycle parking for non-residential uses is not applicable.
(m)	Minimum amenity area for	
	(i) Apartment dwelling	10 square metres per dwelling unit
	(ii) Student residence	10 square metres per unit
(n)	Minimum density	not applicable
(o)	Maximum building length	not applicable
(p)	Minimum transparent glazing for ground floor facades abutting public streets and facades abutting open space/park uses	50% of ground floor area, excluding loading area
(q)	Minimum ground floor height	3 metres
(r)	Minimum elevation for residential uses at grade	not applicable

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| (s) | Minimum stepback of enclosed/screened mechanical equipment and stairwell/elevator shaft | 1 metre, measured from the edge of the roof |
| (t) | Maximum floor area for each retail store | not applicable |
| (u) | Number of buildings on a lot | More than one (1) building permitted |

6. Despite the regulations listed in section 8.5.3 , the following built form regulations shall apply to lands zoned CB2-1274:

- (a) For buildings less than 15 storeys in height, entire building walls on all sides must have at least one form of articulation at a minimum depth of 0.5 metres between the first and fourth storeys and between the fourth and fifteen storeys.
- (b) Exterior ground floor building walls must:
 - i. Provide a minimum of one active entrance from each individual occupancy to the front lot line or exterior side lot line for non-residential uses.
 - ii. Provide a minimum of one active entrance to the front lot line or exterior side lot line in the case of a residential or student residence use.
- (c) Surface parking areas:
 - i. Shall be located at the rear of the building.
 - ii. Are not permitted in a yard between the street line and the building elevation facing the street unless a 1.5 metre landscape buffer is provided.
- (d) Driveways:
 - i. Where a rear lane abuts the lot, at least one driveway access shall be from the rear lane.
 - ii. Where a rear lane does not abut the lot, one driveway may comprise part of the exterior side yard.
- (e) Structure parking areas:
 - i. Shall be fronted by permitted uses listed in Section 8.5.1, save and except a parking lot.
- (f) Merchandise for retail sale is permitted to be displayed outdoors as long as it is not stored in a truck, trailer, or other vehicle.
- (g) 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. (g) i. and ii. is not required if an in-ground refuse container is provided.
- (h) Soft landscaping is required for any area not covered by: surface parking area, driveway, walkways, waste storage, or accessory structures.

7. 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.

“Articulation” means the stepping out and/or recessing of a balcony, roof, awnings, columns, cornices or external wall of a building in plan and in section.

“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.

“Public school” means a body of students enrolled in any elementary, secondary, or post-secondary courses of study in an educational institution operated by the Government of Ontario.

“Private school” means a body of students enrolled in any elementary, secondary, or post-secondary courses of study in an educational institution not operated by the Government of Ontario.

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

“Student” means an individual registered in a public school or private school.

“Student residence” means a building or part of a building used for the housing of students within units that may consist of independent bedrooms, independent or shared washroom facilities, independent or shared kitchen and dining facilities and common indoor and outdoor amenity areas.

“Roof feature” means a distinct architectural element providing a minimum height of 1 metre erected above the top storey and shall be provided for the purposes of enhancing the design of the buildings and may consist of an enclose any roof mounted mechanical equipment, mechanical penthouse or other similar elements. Notwithstanding section 4.7 of By-law No. 79-200, and except for any flagpoles, or other similar decorative roof features, and radio, telephone, television or telecommunication towers or antennae, no watertank, elevator, or other mechanical penthouse shall have a height greater than the roof feature.

8. SECTION 4- TABLE 1 of By-law No. 79-200 is amended as follows:

- (a) By deleting “11.5 m” in column D Minimum Distance from Centreline of Original Road Allowance for Queen Street from Victoria Avenue to River Road and replacing it with the following: “10 m”.

9. 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.

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

11. No person shall use the Lands in a manner that is contrary to the regulations.
12. The provisions of this by-law shall be shown on Sheet D3 of Schedule "A" to By-Law No. 79-200 by redesignating the Lands from CB2 to CB2-and numbered 1274.
13. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.1274 Refer to By-law No. 2025-XXX.

Read a First, Second and Third time; passed, signed and sealed in open Council this 14th day of January, 2025.

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR