

## **CITY OF NIAGARA FALLS**

### **By-law No. 2022-XXX**

A by-law to amend By-law No. 79-200, to permit the use of the lands for a 25 and 35 storey residential development on lands legally described as Part of Township Lot 175, in the geographic Township of Stamford, and Parts 2, 3 and 4 on Reference Plan 59R-10776; Niagara Falls, and as identified on Schedule \_\_\_ to this by-law.

**WHEREAS** the City's Official Plan contains policies to ensure the creation of a high-quality built form and urban environment in the City's tourist districts and to provide the opportunity to approve zoning by-law amendments which permit increases in building heights in return for improvements to the public realm as authorized by Section 37 of the *Planning Act*;

**AND WHEREAS** pursuant to Section 37 of the *Planning Act*, authority is given to Council to prepare and adopt a Community Benefits Charge by-law pursuant to subsection 37(9) of the Act;

**AND WHEREAS** Subsection 37(3) of the *Planning Act* provides that, a Community Benefits Charge may be imposed only with respect to development or redevelopment that requires, among other matters, the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;

**AND WHEREAS** the owner of the lands hereinafter referred to has elected to pay Community Benefits Charges as is hereinafter set forth in the amount of 4% of the Value of the Land that is the subject of the Development or Redevelopment on the day before the first Building Permit is issued in respect of the Development or Redevelopment in return for the increase in height in connection with the aforesaid lands;

**AND WHEREAS** the Community Benefits Charge otherwise payable shall be reduced on a proportionate basis based on the percentage of the building comprised of the Gross Floor Area for the types of Development or Redevelopment set out in section 1 of Ontario Regulation 509/20 to the Act;

**AND WHEREAS** Subsection 34(5) of the *Planning Act* provides that the Council of a local municipality may prohibit the use of land or the erection of buildings or structures until such municipal services as maybe set out in a by-law passed under Section 34 of the *Planning Act* are available to service the land, building and structures;

**AND WHEREAS** City Council has held a Public Meeting to consider these matters, including an increase in height;

**AND WHEREAS** City Council has adopted Official Plan Amendment No. XXX, which permits the development of one 25 and one 35 storey tower with a podium up to 4-storeys in height at the base of each tower and terraces levels between floors 5 to 7. The total height of the development to be 25 and 35 storeys at a maximum height of 84 and 116 metres, respectively, subject to the payment of a Community Benefits Charge pursuant to Subsection 37(32) of the *Planning Act*.

**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 Schedules 1 and 2 of this by-law and shall be referred to in this by-law as the "Lands". Schedules 1 and 2 are 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 a TC zone; and
  - (b) Apartment dwelling.
5. The regulations governing the permitted uses shall be:
 

(a) Minimum lot area:	the whole of the Lands, save and except for any part required for road widening
(b) Maximum lot coverage:	not applicable
(c) Maximum height of buildings or structures:	
<ol style="list-style-type: none"> <li>(i) Building A as shown on the plan Schedule 2 attached hereto:</li> </ol>	116 metres and a maximum of 35 storeys, not including the mechanical penthouse;
<ol style="list-style-type: none"> <li>(ii) Building B as shown on the plan Schedule 2 attached hereto:</li> </ol>	84 metres and a maximum of 25 storeys, not including the mechanical penthouse;

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|-----|--|---|
| (d) | Location of buildings or structures, their maximum height and maximum number of storeys and minimum yards: | Refer to Schedule 2 and clause (c) of this section                                      |
| (e) | Minimum number of parking spaces:  | 1.25 parking spaces for each dwelling unit  |
| (f) | Minimum number of loading spaces:  | 2 Type 'G' loading spaces   |
| (g) | Front lot line:  | For the purposes of this By-law, Portage Road shall be deemed to be the front lot line. |
| (h) | The balance of regulations specified for a TC use.   |   |
6. The owner of the Lands is required pursuant to pay Community Benefits Charges in the amount of 4% of the Value of the Land that is the subject of the Development or Redevelopment on the day before the first Building Permit is issued in respect of the Development or Redevelopment in return for the increase in height in connection with the aforesaid lands.
  7. The Community Benefits Charge otherwise payable shall be reduced on a proportionate basis based on the percentage of the building comprised of the Gross Floor Area for the types of Development or Redevelopment set out in Section 1 of Ontario Regulation 509/20 to the Act.
  8. The height of the buildings or structures permitted by section 5 of this by-law shall only be permitted subject to payment of the Community Benefits Charges described in clauses 6 and 7 of this by-law.
  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 D5 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from TC to TC-XXX.
  13. Section 19 of By-law No. 79-200 is amended by adding thereto:
    - 19.1.1170 Refer to By-law No. 2022-XXX.

**Read a First, Second and Third time; passed, signed and sealed in open Council  
this \_\_\_ day of \_\_\_\_\_, 2022.**

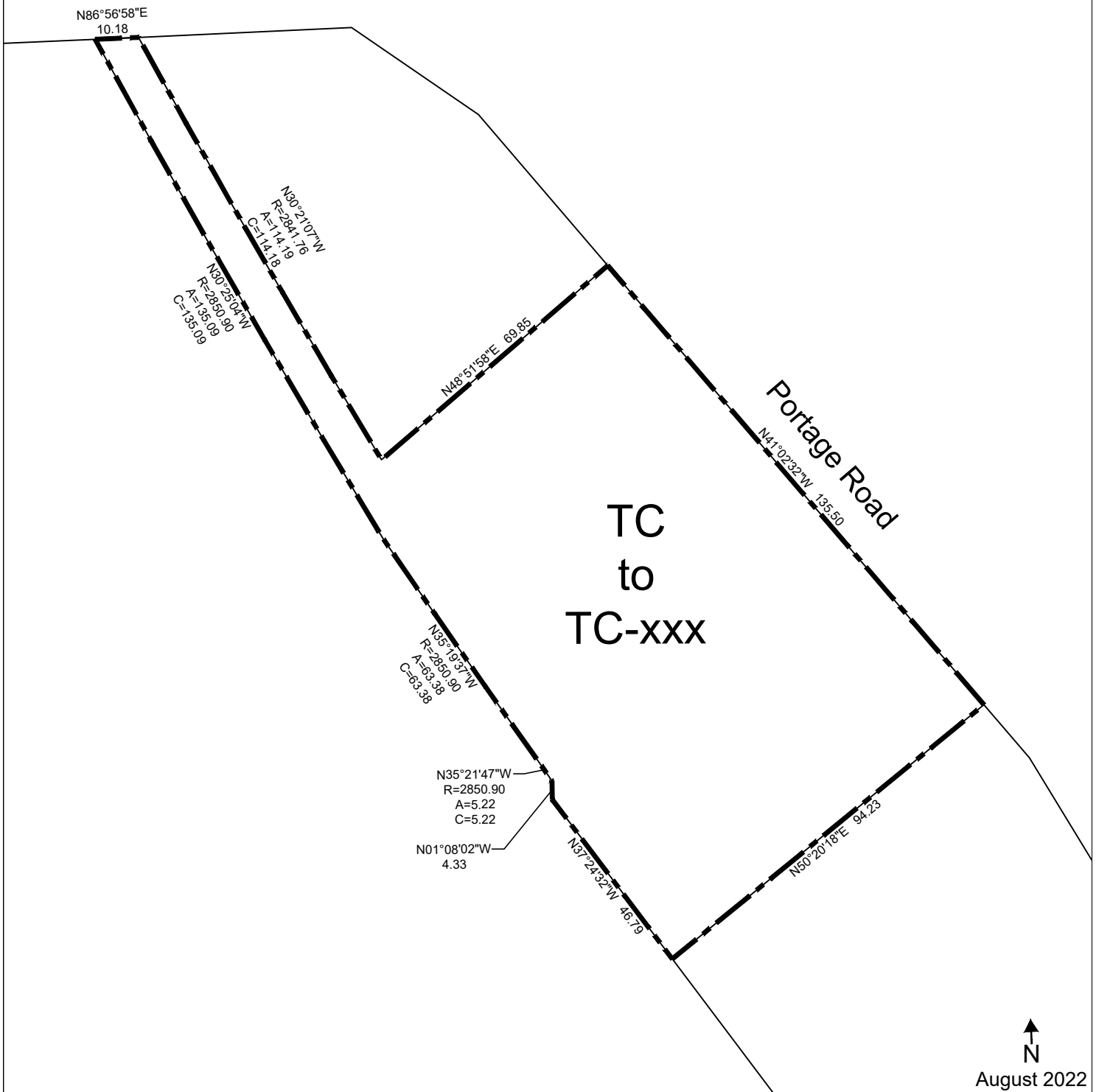
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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

# Schedule '1' to Zoning By-law 2022-XXX

--- Subject Lands

Lot 175, Geographic Township of Stamford



# Schedule '2' to Zoning By-law 2022-XXX

--- Subject Lands

■ Road Widening

Lot 175, Geographic Township of Stamford

