

Draft Zoning By-law Amendment

Schedule X

5640 Stanley Avenue & 5609 and 5619 Buchanan Avenue

THE CORPORATION

OF THE

CITY OF NIAGARA FALLS

BY-LAW NO.

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate Part of Lots 816 & 187, Registered Plan 9 and Part of Lots 803, 804, 805, 806 and 807, Registered Plan 17, Niagara Falls, Regional Municipality of Niagara

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 zoning on the subject lands from “Tourist Commercial” (TC) and “Deferred Tourist Commercial” (DTC) to Site-Specific Tourist Commercial (TC-X), to permit the lands to be developed 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 provision of this by-law are to prevail.
3. The subject lands currently consist of three (3) lots which are intended to be consolidated under one Property Identification Number (PIN) prior to development. Accordingly, the zoning provisions of the TC-X zone are to be applied to the subject lands as if they are one (1) Lot. Consistent with this approach, the required Yards are defined as follows:
 - Front Yard – Stanley Avenue
 - Rear Yard – Buchanan Avenue
 - Exterior Side Yard – North Street

4. Notwithstanding the permitted uses in the TC Zone, the following provision shall also be applicable:

“Dwelling Units in A Building In Combine With One Or More Of The Uses Listed in This Section, Provided That Not More Than 69 % Of The Total Floor Area Of Such Building Is Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.”

5. Notwithstanding the Regulations of Section 8.6.2 of the Zoning By-law that the following provisions shall be applicable:

Tourist Commercial – Site Specific Zone (TC- X)

Minimum Front Yard Setback 0.0 metres

Minimum Rear Yard Setback 0.0 Metres

Minimum Exterior Side Yard 0.0 metres

Setback

Maximum Height of a Building or 43.28 metres (14 Storeys)

Structure

Parking and Access Requirements 1.25 spaces per unit for an Apartment Dwelling

6. Notwithstanding the requirements of Section 4.14 that the following encroachments be permitted:

a) open balconies not covered by a roof or canopy or at grade patios may project into any required front, rear or exterior yard to the lot line.

b) That an ornamental architectural feature may be provided on the south side of the building over the parking lot access to a distance of 1.4 metres from the southernmost lot line.

c) That any awnings associated with building entrances or patios may project to the front, rear or exterior side yard lot lines.

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 the regulations.
10. The provisions of this by-law shall be shown on Sheet B6 of Schedule "A" of By-law No. 79-200 by re-designating the Lands from TC and DTC to TC-_____.

Passed this ____ day of _____, 2023.

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

MAYOR

CITY CLERK

Draft