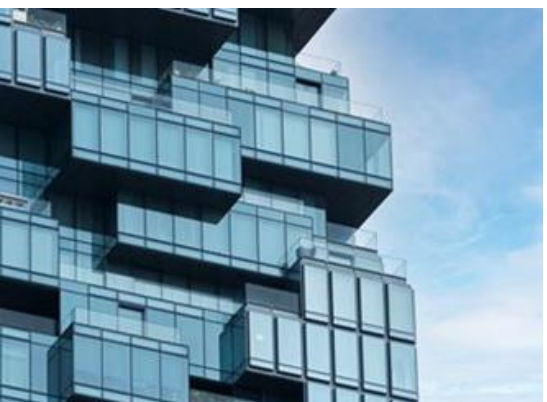


CITY OF NIAGARA FALLS

# Site Plan Guidelines

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# 1. Introduction

The *Niagara Falls Site Plan Guidelines* document is intended to serve as a practical resource to assist applicants through the site plan review and approval process, and to promote the creation of attractive, functional, safe, and environmentally sustainable development. The *City of Niagara Falls Site Plan Guidelines* document has been created to achieve the following design objectives:

- To ensure developments are compatible, harmonious, and sensitive with surrounding developments.
- To ensure site designs that are functional and promote vehicular and pedestrian safety.
- To promote attractive developments through the use of greenspace and landscaped area.
- To encourage site and building designs that enhance streetscapes and do not cause or contribute to any adverse pedestrian level wind impacts.
- To encourage sustainable site design through Low Impact Development (LID) and Passive Solar Design.
- To ensure that developments comply with applicable legislation and policies and maintain a consistent municipal standard.
- To encourage tree preservation through site design.
- To ensure properties are maintained in the long term through the execution and registration of agreements.

The guidelines contained in this document are intended to complement existing City of Niagara Falls Official Plan policies, engineering standards, and by-law requirements, as well as Regional and Provincial policies.



## 2. Site Plan Approval Authority

Site Plan Approval is a multi-stakeholder process, authorized under Section 41 of the Planning Act R.S.O. and implemented through the City of Niagara Falls Official Plan and Site Plan Control By-law 2011-112.

The City's Site Plan Control By-law designates all lands lying within the limits of the City of Niagara Falls as a site plan control area and requires all landowners to apply and obtain Site Plan Approval prior to undertaking any "development" on their lands as defined by Section 41 (1) of the Planning Act and the City of Niagara Falls Site Plan Control By-law (#2011-112).

Bill 23, the 'More Homes Built Faster Act 2022' Bill was passed on November 28<sup>th</sup>, 2022 and received Royal Assent the same day. The bill introduced several changes to the Planning Act including amendments to Section 41 impacting Municipal Site Plan Control Authority. Under Bill 23, developments with 10 residential units or less are no longer considered "development" under the Planning Act and do not require Site Plan Approval. However, the City encourages developers to use these guidelines when they prepare their building plans to ensure developments are attractive and functional. Staff will monitor developments under 10 units and showcase the results for the Province.

## 3. Site Plan Process

### **Step 1: Pre-Consultation**

A pre-consultation meeting with City staff and key agencies is required prior to making an application to assist applicants with the site plan approval process. The purpose of the pre-consultation meeting is to identify the necessary approvals for the proposed project, to address any process questions, to discuss the merits of the proposal, to identify any potential issues that may impact the feasibility of the project, and to confirm the supporting studies and information that will be required for a complete application.

Applicants are required to submit a pre-consultation meeting request form, a preliminary drawing of their proposal, and the associated pre-consultation meeting fee in order to schedule a meeting time. Applicants are expected to utilize the City of Niagara Falls Zoning By-law, Official Plan, and this Site Plan Guideline document when preparing the preliminary drawing of their proposal. Upon completion of the pre-consultation meeting, a pre-consultation checklist will be prepared and signed by City staff and will be shared to the applicant for review and signature.

## **Step 2: Site Plan Application Submission**

Following the pre-consultation meeting, the applicant will prepare the documents, plans, and studies identified during the pre-consultation meeting and submit a formal application. Once a site plan application is submitted, City staff will review the application and supporting materials to deem whether the application is complete. This review will occur within the 30-day period required under the Planning Act. If the application is incomplete, the applicant will be sent a notice of incomplete application letter identifying the outstanding items. Once all outstanding items are addressed, Staff will issue a letter deeming the application complete.

## **Step 3: Site Plan Review**

If the application is deemed complete, the submitted application and supporting materials will be circulated to applicable external agencies for review and comment. Potential City and external stakeholders include but are not limited to:

Site Plan Review Stakeholders	
City of Niagara Falls	External Agencies
Building	Adjacent Municipalities
Finance	Niagara Parks Commission
Fire	Niagara Peninsula Conservation Authority (NPCA)
Heritage	Provincial Agencies
Legal Services	Niagara Region
Municipal Works: Engineering	Railways
Municipal Works: Transportation	Schools Boards
Municipal Works: Landscape Services	Utilities (Hydro One, Ontario Power Generation).

City and agency staff will have the opportunity to review the application from their area of expertise and provide feedback. The staff member assigned to the file will provide the applicant with a consolidated comment letter, identifying any further revisions or additional information required for the application. The City will offer a meeting to discuss the provided comments in detail with the applicant. If further revisions are required to any of the supporting materials, including plans and/or studies, they should be submitted as a second submission package for staff review. The lead planner assigned to the file will circulate that second submission package to relevant departments and agencies for further review. There is no additional charge for this second submission, however, please note that an additional charge will be imposed for any subsequent submissions.

Once all requested information has been received and all revisions have been made to the satisfaction of the City of Niagara Falls, the applicant will submit final copies of the plans for approval.

#### **Step 4: Site Plan/Conditional Site Plan Approval**

Once final drawings have been satisfactorily reviewed by City departments and agencies, approval of drawings will be granted, and a site plan agreement drafted for execution. See Steps 5, 6 and 7 below.

Provided the building footprint, driveway entrances and municipal service connections are finalized, conditional site plan approval may be granted to allow for phasing of construction activity prior to final site plan approval and the registration of the site plan agreement. This includes pre-grading of site, tree removal, on-site municipal services, and footings and foundation construction. Building fees, security deposits and a Conditional Permit Agreement will be required.

Conditions will be required to be fulfilled prior to final approval, including but not limited to:

- Approval of Final Plans
  - Site Plan
  - Servicing Plan
  - Grading Plan
  - Erosion and Sediment Control Plans
  - Fire Access Routes Plans
  - Traffic Impact Study
  - Elevations and Landscape Plans
- Obtaining Permits:
  - Site Alteration Permit
  - NPCA and Niagara Region Tree Removal Permit(s), if required.
- Approval of Studies and/or implementation of study recommendations
  - Noise Study
  - Cultural Heritage Impact Study
  - Environmental Site Assessment/RSC
- Full Payment of Remaining Securities

Once these conditions are fulfilled and final site plan approval granted, full Building Permits can be granted.

### **Step 5: Preparation of the Site Plan Agreement**

Conditional or final approval of the site plan will require the applicant to enter into a Site Plan Agreement with the City of Niagara Falls. The agreement will require that the applicant construct and maintain the site in accordance with the drawings approved by the City. A fee is required for the preparation of the site plan agreement and its registration on the title of the property. The specific form of the site plan agreement (whether conditional or not) will be determined by the City of Niagara Falls.

### **Step 6: Payment of Securities/Deposits**

As a condition of site plan approval, the City of Niagara Falls will require securities to ensure that site works comply with the approved plans. Securities must be received prior to registration of a site plan agreement. The amount of the security is based on a cost estimate for the site works prepared by the consulting engineer. A security of 100% is required for on-site works including top course asphalt, curbing, landscaping, fencing, and lighting.

Partial payment of securities may be required for site works authorized through conditional site plan approval. In such a case, the remainder of the securities will be required prior to final site plan approval.

Securities and deposits can be provided in the form of a certified cheque, a Letter of Credit, or a Surety Bond. Refer to Appendix 13.2 for standard Letter of Credit and Surety Bond templates.

### **Step 7: Final Site Plan Approval**

Final site plan approval is issued once all comments have been addressed and financial securities have been deposited. If conditional site plan approval was granted, the final site plan will be issued once all outstanding conditions of approval have been cleared.

### **Step 8: Construction**

Prior to construction activity taking place, a construction management plan may be required to address matters of site security and how noise, vibration, debris, and dust will be mitigated for the surrounding area.



## **Step 9: Completion of Works & Release of Securities**

Upon the completion of development, the applicant's consulting engineer and/or landscape architect, must certify in writing that site works have been constructed in accordance with the approved plans and site plan agreement. Once the final as-built plans have been submitted where necessary, and a final site inspection is completed and approved by staff, the Planning Department will authorize the release of securities.

During development, a reduction to held securities, on a one-time basis, will be considered by the Planning and Development Department. The applicant shall submit an application for reduction along with supporting documentation demonstrating site plan conformance to date and up-to-date cost-estimates.

Upon review of the supporting materials and the completion of a site inspection, a reduction to securities may be permitted at the discretion of the General Manager of Planning, Building, & Development or their designate.

## **4. General Drawing Requirements/Checklist**

Materials and drawings submitted for Site Plan Review are required to be professionally prepared and where applicable, stamped by Professional Engineer in Province of Ontario, Ontario Land Surveyors, or licensed architects (OALA). Typical drawings required include:

- Site Plan
- Landscape Plan
- Building Elevations
- Floor Plans
- Grading Plan
- Storm Water Management Plan
- Servicing Plan
- Photometric Plan

The chart below broadly identifies the types of professionals accepted by the City of Niagara Falls to prepare Site Plan Application drawings:

Building Area or Lot Area	Site Plan Application Drawings			
	Site Plan & Other Architectural Plans	Servicing Plans	Grading Plans	Landscape Plans
Building Area greater than 600 sq. m	-as required by the Ontario Building Code	- Professional Engineer	-Professional Engineer or Landscape Architect	- Landscape Architect
Building Area less than 600 sq. m	-Certified Planning, Engineering or Architectural Technologists or Technician*	- Professional Engineer	Professional Engineer or Landscape Architect	-Landscape Architect
Lot Area greater than 0.2 ha (0.5 ac)		- Professional Engineer	-Professional Engineer or Landscape Architect	- Landscape Architect

\*Or equivalent as permitted by the Ontario Building Code

### **Technical Drawing Requirements:**

- ☐ Title Block
  - ☐ Title of Drawing
  - ☐ City File Number
  - ☐ Date of Drawing and/or version
  - ☐ Legal Description and Municipal Address
- ☐ Scale 1:200 or 1:500
- ☐ All measurements shall be in metric units only
- ☐ North Arrow
- ☐ Key plan
- ☐ Site Statistics Matrix:
  - ☐ Total Lot Area
  - ☐ Gross Building Floor Area (existing and proposed)
  - ☐ Building Coverage Ratio
  - ☐ Number of Units (If applicable)
  - ☐ Parking Calculations
- ☐ Building Code Matrix - a quick overview of key OBC factors concerning your design
- ☐ Zoning Matrix – a chart comparing current and proposed zoning regulations

### Site Elements:

- ☐ Property boundaries
- ☐ Footprints of existing and proposed buildings and structures including locations and dimensions
- ☐ Outline of existing buildings on adjacent properties
- ☐ Dimensions of all yards and setbacks
- ☐ Easements and right of ways
- ☐ Fire access routes and signage
- ☐ Traffic circulation and pavement markings
- ☐ Garbage and storage enclosures
- ☐ Snow storage areas
- ☐ Loading areas fully dimensioned
- ☐ Driveways, parking stalls, and parking aisles fully dimensioned
- ☐ Location of building entrances
- ☐ Location of utility poles, hydrants, and other utilities
- ☐ Adjacent street names
- ☐ Location of above ground utilities – existing and proposed (utility poles, lighting, street signs, transformer, utility pedestals, fire hydrants etc.)
- ☐ Sidewalks, ramps, and curbs
- ☐ Driveways, parking stalls, and parking aisles fully dimensioned
- ☐ Neighbouring driveways within 10m of the property boundary and across the street
- ☐ Existing trees recommended for preservation (boulevards and site) and tree preservation fencing

## 5. Engineering

The City of Niagara Falls Municipal Works department is responsible for reviewing servicing designs for development projects during site plan application. Areas of review can include municipal road design, storm water management, noise attenuation, site servicing, grading and drainage. Discussions regarding engineering requirements and/or submission of materials should be coordinated through the staff member assigned to your file.

The City of Niagara Falls *Engineering Design Standards Manual* was prepared by the Municipal Works Department to assist applicants in the preparation of engineering plans/reports and development agreements. A copy of the *Engineering Design Standards Manual* can be requested from the City of Niagara Falls Municipal Works Department and should be read in conjunction with this document.

## 5.1 Low Impact Development (LID)

Low Impact Development (LID) is a land development and storm water management practice that seeks to replicate and maintain natural hydrological processes on site. LID is incorporated into a development project through site design and landscape features that filter, store, evaporate, and detain rainwater on site.

LID best practices that can be incorporated into a site plan include, but are not limited to:

- Green roofs
- Permeable pavers
- Rain barrels
- Cisterns
- Bioswales
- Rain gardens
- Infiltration trenches

The City of Niagara Falls encourages the use of Low Impact Development practices where feasible to manage storm water and minimize the impact of development. Further information regarding the use of LID best practices to meet storm water management requirements can be sought during the pre-consultation process or by contacting the City of Niagara Falls Municipal Works Department.



*Example of bioswale incorporated within a development. Bioswales can be used to filter rainwater on-site (Image Source: City of Seattle).*



## 6.Site Design

Site organization and building design are key components in activating the public realm, enhancing pedestrian safety, reducing land use conflict, and promoting sustainability. The following guidelines should be read in conjunction with applicable policies and urban design guidelines including:

- City of Niagara Falls Tourism Policy Review Implementation Handbook for the Central Tourist District.
  - Applicable to lands between Highway 420 to the north and Livingston Street to the south, the Hydro Corridor and Allendale Avenue to the west and Queen Victoria Park to the east.
- Lundy's Lane Urban Design Guidelines
  - Applicable to development along Lundy's Lane approximately between Beechwood Road to the west and Drummond Road to the east.
- Region of Niagara Model Urban Design Guidelines
  - Applicable across the Regional Municipality of Niagara.

Design guidelines applicable to your proposal will be identified during the pre-consultation meeting. Further urban design guidelines may be produced or adopted by the City of Niagara Falls, please confirm prior to making a site plan application if a new design guideline is applicable to your property.

### 6.1 Building Siting and Setbacks

- Buildings should generally be situated to reinforce the character of the neighbourhood, help to frame the street edge, and be designed to create an attractive and safe environment for the internal and external spaces of the site.

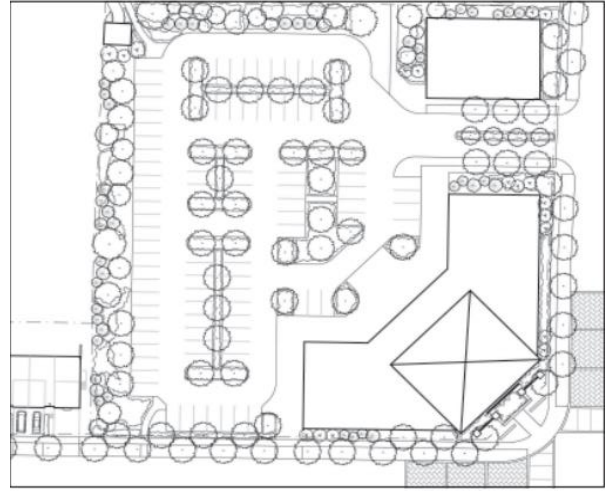


*Examples of buildings providing a continuous street edge and oriented to the street to improve pedestrian experience.  
(Image Source: Lundy's Lane Urban Design Guidelines).*

- Building setbacks from the street should take into account the general character of the neighbourhood and the building setback of the adjacent properties to maintain a compatible and consistent street edge.
- Where appropriate and compatible with surrounding development, buildings on corner lots oriented close to the street intersection can frame both primary and secondary streets and emphasize the location as a focal point in the streetscape.

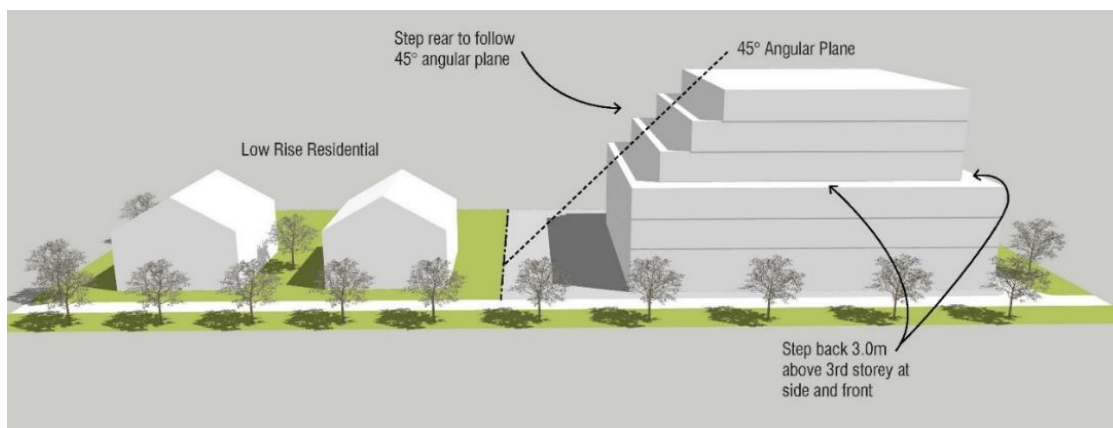


*Example of Mixed-Use Development Framing Both Primary and Secondary Streets on a Corner Lot.  
(Source: Town of Milton).*



*Example of Site Plan Orienting the Primary Building Close to the Street intersection and Parking to the Rear.  
(Source: City of Burlington).*

- Taller buildings that are adjacent to low rise residential neighbourhoods should provide a setback and/or step down in building height to the adjacent residential neighbourhood that is equivalent to the building height. For such developments, drawings should illustrate a 45-degree plane from the tallest point of the building to the property line of adjacent properties. The objective is to minimize shadowing and the impacts of overlook on adjacent neighbourhoods.



*Application of a 45-degree plane to a development abutting low-rise residential  
(Image Source: Lundy's Lane Urban Design Guidelines).*

## 6.2 Location of Parking Areas

- Parking areas should be located behind or beside the principal building. This will allow the building to be oriented closer to the street edge, creating attractive and pedestrian oriented streets.
- Where parking in the front yard already exists, it shall be effectively screened from view through landscaping.
- Where feasible, parking areas should not be located in yards adjacent to a residential zone. If unavoidable, adequate screening should be provided through landscape buffer and/or fencing to screen headlight glare (Refer to 11.3 for further screening requirements).



*Example site plan with parking located internal to the site and to the rear of the primary buildings (Source: Better Town Toolkit).*

## 6.3 Amenity Area

- Larger residential developments are encouraged to create common public spaces within their site that help to establish a neighbourhood identity and provide opportunities for residents to socialize. These spaces may include (but are not limited to) features such as: distinctive paving, landscaping, site furniture, open-air structures and public art.

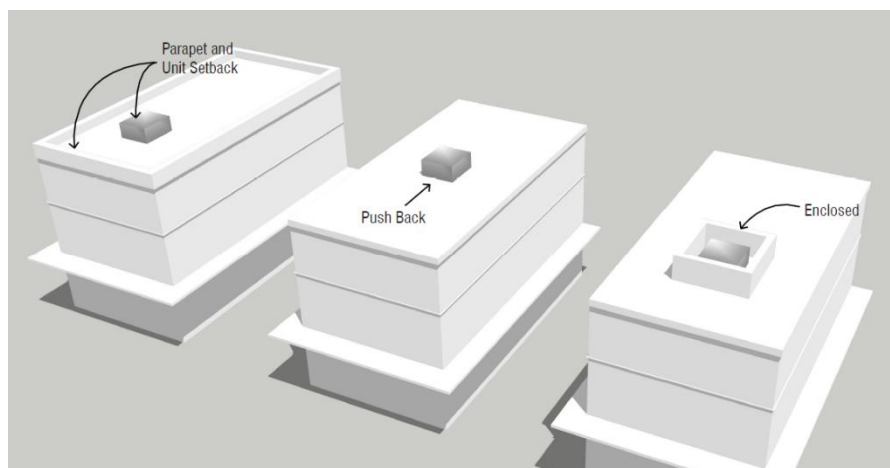
- Larger commercial and industrial developments are encouraged to create outdoor spaces that add employee and/or public benefit. These spaces may include (but are not limited to) features such as: distinctive paving, landscaping, site furniture, open-air structures and public art.



*Example of outdoor amenity areas for office, commercial, and residential development (Image Sources left to right: Michael Starghill for the New York Times, Urban Land Institute, Strong Towns).*

## 6.4 Building Design

- The massing and setbacks of new buildings in established neighbourhoods should be sensitive to adjoining properties and complement the overall character of the area.
- Developments shall be encouraged to create attractive and interesting building facades and architectural features, particularly where the structures are in prominent public view.
- Rooftop mechanical equipment shall be screened from public view whether by location or by providing a screening enclosure. The enclosure exterior should match, or complement, the exterior architectural finish of the primary building.



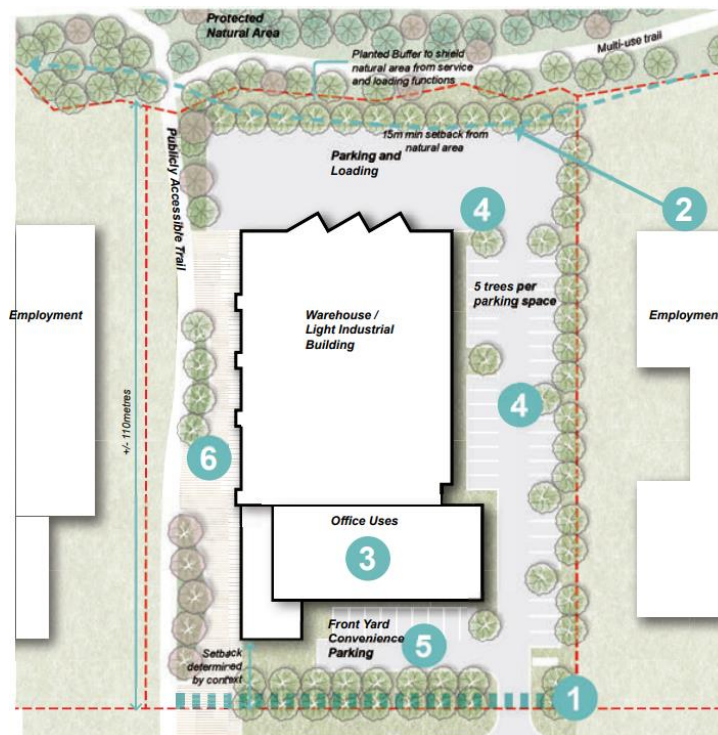
*Rooftop mechanical equipment screened from public view through placement and enclosures (Image Source: Lundy's Lane Urban Design Guidelines).*



- Building materials and their finishes should be of a high quality, durable, sustainable and easy to maintain. In addition, materials should be coordinated and complementary to each other and the architectural style of the building.
- Wherever possible, transformers and other utilities should be located within the building, screened from public view, or located inconspicuously within the property.
- Taller buildings are to be designed to mitigate the impacts of wind and microclimate on pedestrian level activities. In this regard, a microclimate study may be required as part of a submission to identify potential adverse and unsafe pedestrian level conditions as a result of development and how these conditions are to be mitigated.

## 6.5 Employment Uses

- Office uses, showrooms, or any retail components of an employment development should be located along public streets to activate the streetscape.
- Warehouse, servicing, and outdoor storage areas should be located at the rear of sites and should not be visible from the primary street. Where this cannot be accommodated, appropriate screening should be implemented to screen outdoor storage from public spaces.



*Example site plan orienting office uses towards the public street and warehouse uses to the rear of site (Image Source: City of Vaughan Urban Design Guidelines).*

- Building and site design should promote access for pedestrians, cyclists, and transit users.
- Architectural treatment emphasizing entry areas should be considered in building and site design. This can include transparent features such as atriums, plazas, and forecourts.
- Building façades that are visible from the street should create architectural interest to avoid single material walls. Treatments could include colour and material variations, windows, and articulations in the wall plane.



*Example of buildings using glass façades and varying materials to break up single material walls and create architectural interest (Image Source: Adobe Stock).*

## 6.6 Commercial Uses

- Commercial buildings should be sited along public street frontages to reinforce streetscapes and minimize the visual impact of parking areas.
- Where possible, sites should be designed to visually connect interior uses with exterior uses through glazing and outdoor patios.
- Patios should be located away from stacking lanes, loading and garbage areas, and/or any area where vehicle idling is anticipated.

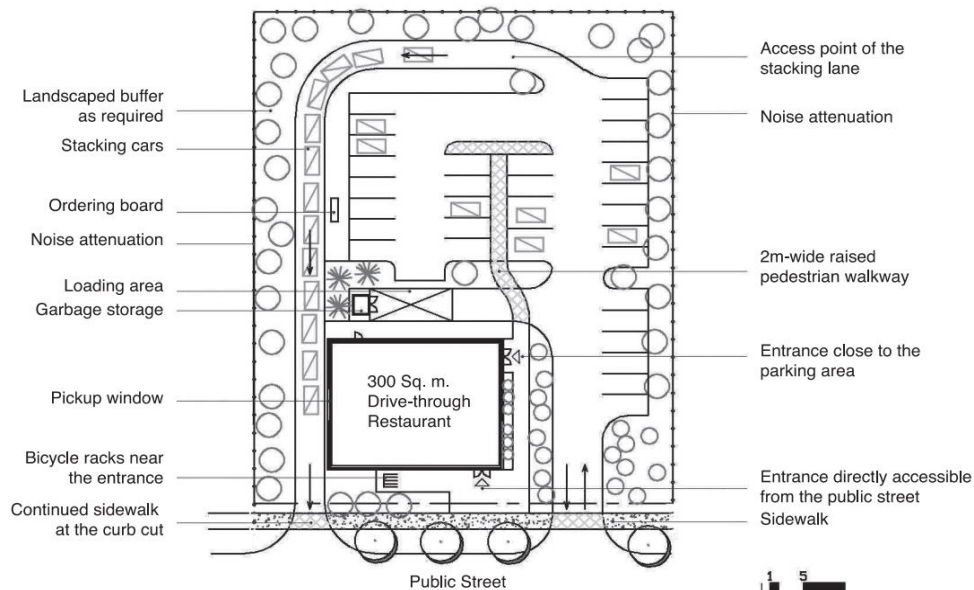


*Example retail development utilizing glazing and patios to connect interior and exterior uses.*

*(Image Source: Upper Cumberland Business Journal).*

## 6.7 Drive-Through Facilities

- Commercial drive-through facilities shall be effectively screened and oriented away from adjacent residential areas. At minimum, drive-through facilities are required to be separated from the boundary of residential zones by a minimum perpendicular distance of 10 metres, as measured from the speaker box.
- Drive-through facilities accessory to a restaurant or retail store require a queuing lane that can accommodate 12 parking spaces measured from where products are dispensed.
- Drive through facilities accessory to a financial institution require a queuing lane that can accommodate 3 parking spaces measured from where products are dispensed.
- The site should be designed to limit pedestrian conflict with vehicular movement including drive through pathways.
- Drive through facilities should be located behind or along the sides of the building, and away from public streets or internal roads. Where a drive-through facility must be located adjacent to a public street or a major internal road, it must be screened by a landscape strip.



*Example drive-through site plan with landscape buffers, noise attenuation measures, and clear pedestrian pathways that do not conflict with vehicular movement (Image Source: City of Ottawa).*

## 6.8 Car-wash facilities

- *Car wash facilities* should be located away from abutting residential properties or be effectively screened. A noise study may be required where a car wash is in close proximity to residential areas.

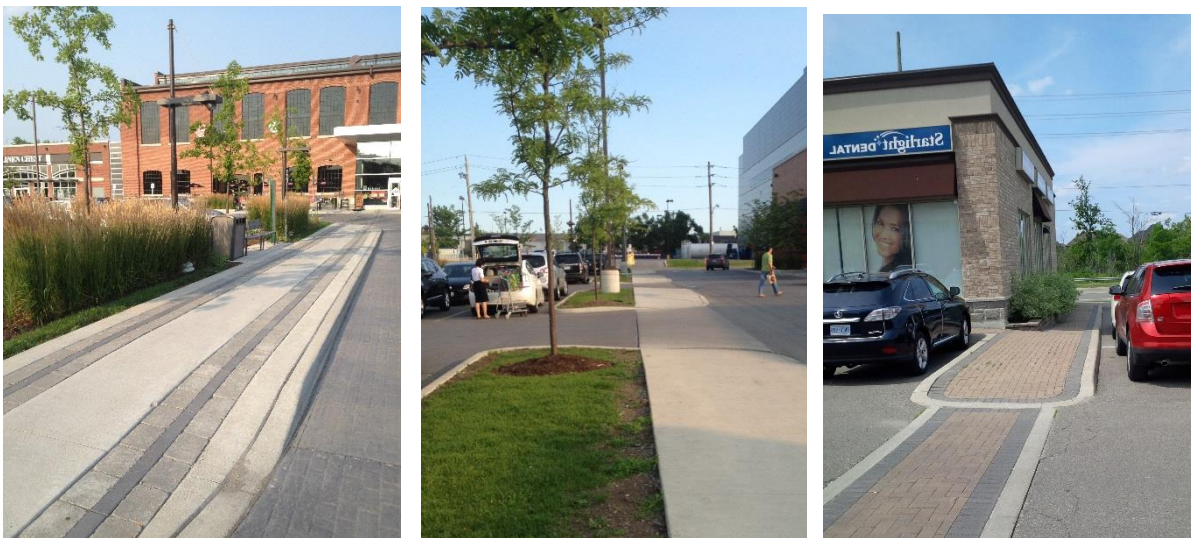


## 7. Parking Areas

The following guidelines are intended to promote parking areas that minimize vehicle-pedestrian conflict, accommodate vehicle turning movements, and support the City's urban design and sustainability objectives. The following guidelines should be read in conjunction with the City's Zoning By-law, Transport Association Canada's *Geometric Design Guide for Canadian Roads* (2019), and City of Niagara Falls *Traffic Considerations for Site Plan Preparation* (Appendix 13.13).

### 7.1 Pedestrian Circulation

- Paths of travel for pedestrians should be designed to provide safe, direct, predictable and barrier-free access throughout the site. This includes appropriate connections with building entrances, municipal sidewalks, parking lots, and amenity areas throughout the site.



*Paths of pedestrian travel identified through different materials and colouring (Image Source: Lundy's Lane Urban Design Guidelines).*

- Pedestrian paths of travel shall be made barrier free through the use of ramps, curb cuts, handrails and in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).
- Areas where pedestrian walkways cross vehicular lanes shall be identified by signage, bollards, and or different paving materials or hatched crosswalk markings, to improve visibility and pedestrian safety.



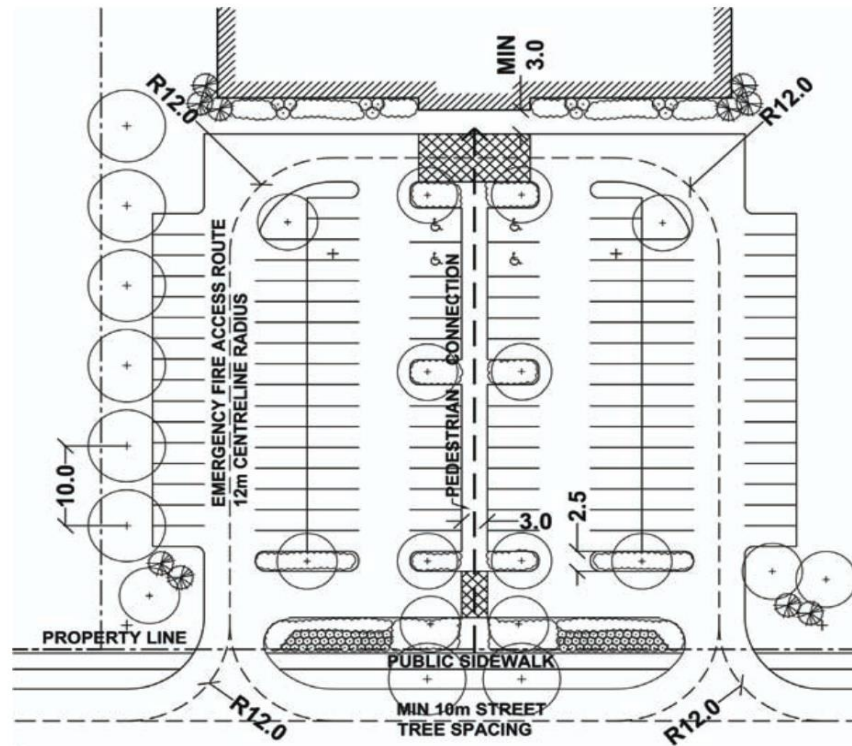


*Parking area site plan with dedicated pedestrian walkways connecting to building entrances and the adjacent municipal sidewalk (Image Source: City of Vaughan Urban Design Guidelines).*

- Surfaces for all pedestrian walkways shall be hard, non-slip surfaces, and made of durable materials, to provide for safe movement under all weather conditions and for people with disabilities.
- Developments should provide cyclists with safe and convenient bicycle parking. Employment related developments should take into consideration employees who may commute by bicycle. In employment related developments consideration may be made for large secure bicycle lockups and bicycle lockers. Where possible bicycle parking should have an overhead cover.
- Bicycle parking spaces should be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width and have a minimum overhead clearance of 2.1 metres for covered spaces. Each space should abut an access aisle with a minimum width of 1.5 metres.
- If vertical storage is proposed, then the minimum length of each bicycle parking space can be reduced to 1.2 metres.

## 7.2 Vehicular Flow

- Vehicular circulation routes should be predictable and well-defined throughout the site.
- Vehicular routes should be designed to promote forward movement. Where possible, vehicular routes should avoid dead-end aisle that may result in vehicles reversing on site. If a dead-end aisle cannot be avoided, a hammerhead or similar type of turnaround will need to be provided.



*Site plan showing proper parking orientation, vehicle lanes promoting forward movement, and defined pedestrian pathway and crossings (Image Source: City of Hamilton).*

- Reversing onto Municipal Right of Ways is not permitted.
- Access and circulation should facilitate both standard vehicles, as well as service vehicles including fire trucks, waste collection trucks and emergency vehicles. Access routes for these vehicles shall be identified on the site plan.
- Limiting the number of street access driveway entrances is recommended. Where feasible, street access driveway entrances are recommended to be shared between adjacent sites.
- Distance between site driveways and intersections should be provided to create safe turning movements.

- Landscaped islands and medians should be incorporated within the parking area to clearly define vehicle circulation routes.
- Passenger loading areas should be located in close proximity to the main building entrance.
- Directional signage shall conform to the *Ontario Traffic Manual (OTM)*.
- Please refer to the City of Niagara Falls *Traffic Considerations for Site Plan Preparation* for more detailed requirements (see Appendix 13.13).

### 7.3 Parking Stalls

- Parking stalls should not be located along or accessed from major drive aisles and/or driveway throats to minimize potential conflicts.
- It is recommended that parking stalls are not located in front of primary building entrances to avoid conflicts with pedestrian circulation.
- In larger parking areas, the parking layout should be designed to provide opportunity for landscaping areas where possible. A target of one (1) landscaping strip for every fifteen (15) consecutive parking stalls should be achieved.



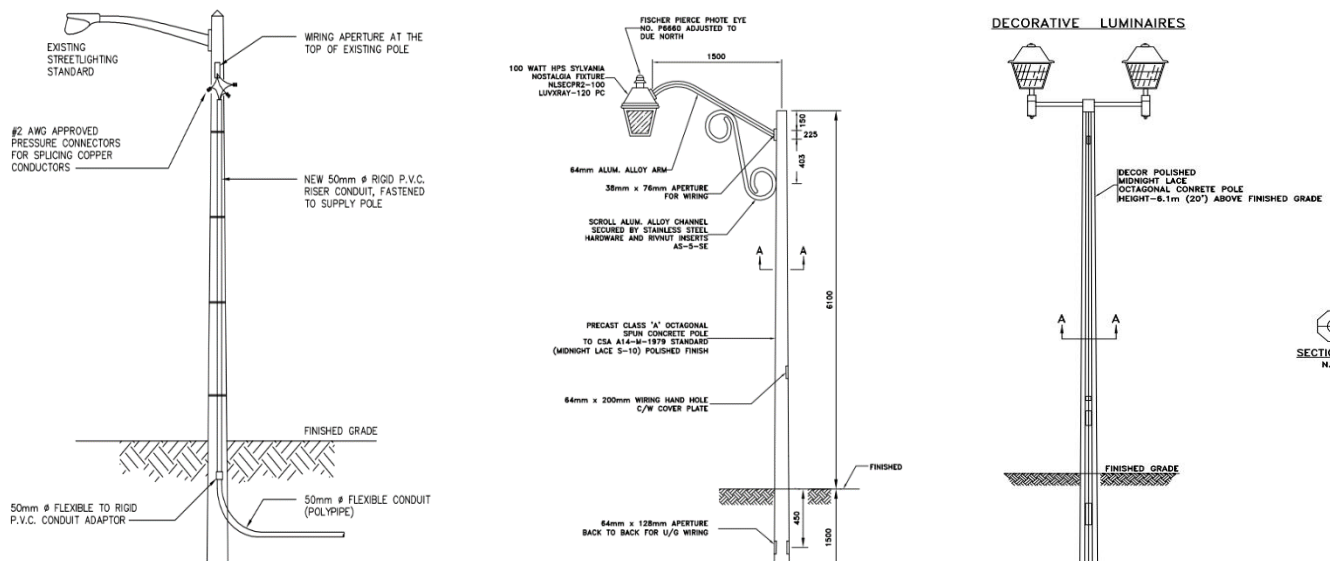
*Example of a large parking area utilizing landscaping to break up consecutive parking stalls  
(Image Source: Adobe Stock).*

- Parking stall length and width and aisle width are to comply with the specifications outlined in the City's Zoning By-law, as amended.

## 8. Lighting

Lighting of residential, commercial, and industrial sites is an important site plan consideration for pedestrian safety, vehicular movement, and the enhancement of building design. The following lighting standards shall apply:

- A photometric or 'lighting' plan shall be prepared by a qualified professional engineer and should utilize 'LUX' measurements. The plan should demonstrate sufficient and uniform light levels across the site with zero (0) light trespass onto adjacent properties.
- The type, location, height, intensity, and direction of lighting shall ensure that glare is not cast onto adjacent residential properties adversely affecting living environment, or onto adjacent public streets. No light sources shall be visible from any adjacent residential properties.
- Lighting fixtures should complement the design of the development. The City encourages decorative style fixtures that architecturally complement the building design.
- Design of lighting and light fixtures shall be compatible with the character of the buildings, and landscaping of the site.
- The proposed location of the light poles must not conflict with the location of existing or proposed utilities, trees, landscaping on the site or any proposed tree protection measures.
- Lighting fixtures should be designed to City of Niagara Falls *Engineering Standards Manual*.



Example of Light Pole standards from the City of Niagara Falls Engineering Standards Manual.

## 9. Signage

- All signage must comply with the regulations of the City of Niagara Falls Sign By-law (refer to Appendix 13.14).
- Ground signage is to be shown on the site plan and must not block site lines for vehicular or pedestrian traffic.
- Signage shall not be located within any required parking space, municipal right-of-way, daylighting triangle or within 1.5 metres of the adjacent property line.
- Signage shall be designed so as not to overwhelm the site or streetscape and should be consistent with the overall architecture of the building.
- Any external lighting used to illuminate a sign shall be designed to not direct light onto an adjacent street or property.

## 10. Storage & Loading Areas

On-site storage and loading areas need to be considered during site plan design to ensure proper function year-round. The following storage guidelines shall be considered:

### 10.1 Waste and Recycling Storage

- Where possible, waste and recycling storage shall be located in a primary or accessory building on site. Where this is not possible, storage shall be located discreetly in the side or rear yard of the building it serves, within an enclosed structure screened from public view (Refer to Appendix 13.6).
- The enclosure exterior should match, or complement, the exterior architectural finish of the primary building.
- Consider the use of low-profile waste storage systems (such as the Molok or Earth Bin systems).
- Waste and recycling storage areas shall be designed with sufficient space for service vehicle access without the need for reversing or maneuvering onto the municipal right of way.



- Where a site abuts residential development, waste storage facilities are to be located away from such residential development. In situations where this is not possible, a fully enclosed waste disposal system (such as a Molok system), may be considered.

## 10.2 Snow Storage

- Snow storage shall be provided on site and in such a manner as to not impact the proper functioning of the site, including the provision of parking, vehicle circulation, and pedestrian paths of travel.



*Designated Snow Storage Area properly signed for no parking (Source: OPPI)*

- The location of snow storage should not be piled on landscaping plantings, fencing or other structures. If snow is to be stored in a landscape buffer area, the buffer should be designed with urban tolerant plant materials (refer to Appendix 13.5) and enough space to prevent damage to the perimeter fencing.
- Snow storage areas shall be designed with sufficient space for service vehicle access without the need for reversing or maneuvering onto the municipal right of way.
- Where feasible, snow storage should be located in proximity to catch basins to promote drainage. Catch basins shall not be covered by snow storage.



*Snow storage placed in proximity to a drainage feature (Source: OPPI)*

### 10.3 Loading Areas

- Loading facilities shall be located in areas that are outside the general view from all abutting streets and in close proximity to the building's delivery access area.
- Where this is not possible, screening through fencing and/or landscape buffering will be required.
- Screening materials should match, or complement, the exterior architectural finish of the primary building.
- Noise attenuation may be required for service and loading areas adjacent to residential zones.
- Commercial and industrial sites may require dedicated truck access to loading areas.
- Signage should clearly identify loading and service areas.
- Loading areas shall be designed with sufficient space for service vehicle access without the need for reversing or maneuvering onto the municipal right of way.



*Example of screened loading area. Screening materials are consistent with overall architectural treatment (Image Source: Lundy's Lane Urban Design Guidelines).*

## 11. Landscaping

Landscaping is a critical element of site plan development that enhances the overall design and function of the site. Landscaping promotes compatibility by helping to integrate new buildings with the surrounding area and buffer undesirable noise and sightlines from adjacent uses. The following guidelines shall be considered:

### 11.1 Landscape Plans

- In addition to the general drawing requirements identified in Section 3, landscape plans shall be developed to illustrate:
  - The location of all existing natural features including vegetation, top of bank, watercourse features, valley lands, etc.
  - The location of existing site and City street trees to be preserved or removed that are 100mm DBH or greater in size.
  - All existing trees abutting the proposed development.
  - Existing and/or proposed fencing, including material, height, and description.
  - Proposed vegetation and plantings.



- Proposed site furnishings, including street furniture, waste receptacles, bicycle racks and associated details.
  - Gradients and drainage patterns throughout the site.
  - Existing and/or proposed swales.
  - Identification of all surface material (pavement, sod, interlocking stone, etc.).
  - Outdoor amenity space.
  - Any other proposed landscape features.
- Landscape plans shall be produced under the supervision of a licensed Landscape Architect in good standing with the Ontario Association of Landscape Architects and shall certify all submissions.

## 11.2 Landscaping in Parking Areas

- Large driveways, parking areas and plazas contribute to the “heat island” effect. These large, paved areas shall be flanked by tree plantings to provide some areas of shade throughout the day. Treed islands within paved areas should be established to provide additional shade. The islands shall be large enough to support the planted trees when mature.



*Example of large parking area utilizing landscaping to reduce “heat island” effect (Image Source: Adobe Stock).*

- Landscaping and distinctive paving should be utilized to help identify and buffer pedestrian routes within parking areas.
- Where an underground parking structure is included, the roof decks shall be fully integrated into the landscape plan and shall be designed to support plantings appropriate for the site.

### 11.3 Landscape Buffers, Screening, & Fencing

- Landscape buffers should be designed to a width of 3 metres in order to accommodate mature plantings, particularly adjacent to parking areas where the parking areas abut residential development or a street.
- Narrower landscape strips may be considered for smaller parking areas where the landscape buffer is densely planted to provide an effective screen from abutting streets and properties.
- Landscape buffers shall be established along the interface of the development and public road allowances.
- Utilization of all-season plant materials is encouraged to provide a year-round buffer.
- Parking lots adjacent to public streets should be screened with low level fences, walls or shrub planting. The screening treatment should be low and visually permeable to some degree to maintain some visibility to enhance safety.



*Parking area screened with low level shrub planting to maintain some visibility (Image Source: Better Town Toolkit).*

- A minimum 1.8m high property line privacy fencing shall be required between all residential properties adjacent to multi-residential, commercial, industrial, or institutional uses. Property line privacy fencing shall be constructed of durable materials and be designed to an appropriate long service life (refer to Appendix 13.7). On a case-by-case basis, development abutting residential use may require a taller fence.



- A commercial grade 1.8m high black vinyl chain link fence shall be required on lands adjacent to City owned parks and open spaces (Refer to Appendix 13.8).
- Any wood fencing shall have posts sizing no smaller than 150mm x 150mm (6"x6") cross-sectional nominal dimension.
- In areas where chain link fencing is required, a standard 1.8m high black vinyl coated fence shall be installed (Refer to Appendix 13.8).
- All landscape buffers, screening and fencing to conform to the City's Zoning By-law and Fence By-law (#2014-153).

## 11.4 Plantings

- The use of native species to Niagara Falls is encouraged in all developments. Where the development is adjacent to a natural heritage system, native species plantings are required. Please refer to Appendix 13.4 and Appendix 13.5 for a list of suggested native plantings. Exceptions may be made on a case-by-case basis for special extenuating circumstances.
- For brownfield developments, as well as other appropriate sites, considerations should be made for planting phytoremediation species and may be required through an Environmental Site Assessment (ESA). Appropriate plants for phytoremediation are site specific. When phytoremediation is required within a development application, the recommendations of a professional ecologist should be included in the proposal.



*Example of Foundation Plantings Enhancing the Facade of an Office Building (Image Source: Adobe Stock)*

- Building foundation plantings are encouraged near building entrances and areas of high public visibility.
- Unless designed as part of the storm water management system, landscape plantings shall not occur within drainage swales.
- Low height plantings (knee high) should be provided where higher plantings may impede driver sight lines at decision points.
- Landscape plantings located in close proximity to lighting fixtures and/or utilities shall be avoided.
- Landscape plantings shall be installed in accordance with the planting details outlined in this document (Refer to Appendices 13.10, 13.11 and 13.12).

## **11.5 Tree Preservation**

- Tree Preservation Plans shall be produced under the supervision of a licensed professional qualified to undertake the work within the Province of Ontario who shall certify all related submissions. This includes: a Registered Professional Forester (RPF), Certified Arborist (ISA), Licensed Landscape Architect (OALA), Professional Biologist and Professional Ecologist.
- Tree Preservation Plans shall inventory all trees with a Diameter at Breast Height (DBH) of 100mm or greater. This includes all trees within the subject site and includes boundary line trees, border trees, municipal boulevard trees at frontages and trees on adjacent properties that the qualified professional believes could be impacted from the proposed development.
- The inventory shall be completed in accordance with industry best practices and include at a minimum a plan indicating the location of every tree along with an inventory table. The inventory table shall identify every tree by species name (botanical and common names), size (DBH), condition/tree health and proposed action (preservation or removal.) If a removal is proposed, then a statement of justification is required and there may be a requirement for tree compensation.
- Trees that are recommended for preservation shall be protected on-site by sturdy preservation fencing located an appropriate distance from the trunk of the tree. Preservation fencing shall be illustrated on the tree preservation plans and on all site plans.



*Example of Tree Protection Fencing (Image Source: City of Calgary).*

- Special effort shall be made to retain trees adjacent to existing residential land uses.
- Developers shall receive written permission from applicable adjacent property owners before any boundary line trees are removed.
- Tree Preservation Plans shall be produced in accordance with Niagara Regional and City Tree Preservation Plan guidelines. Where Regional and Local Guidelines conflict, the more protective guidelines shall prevail.

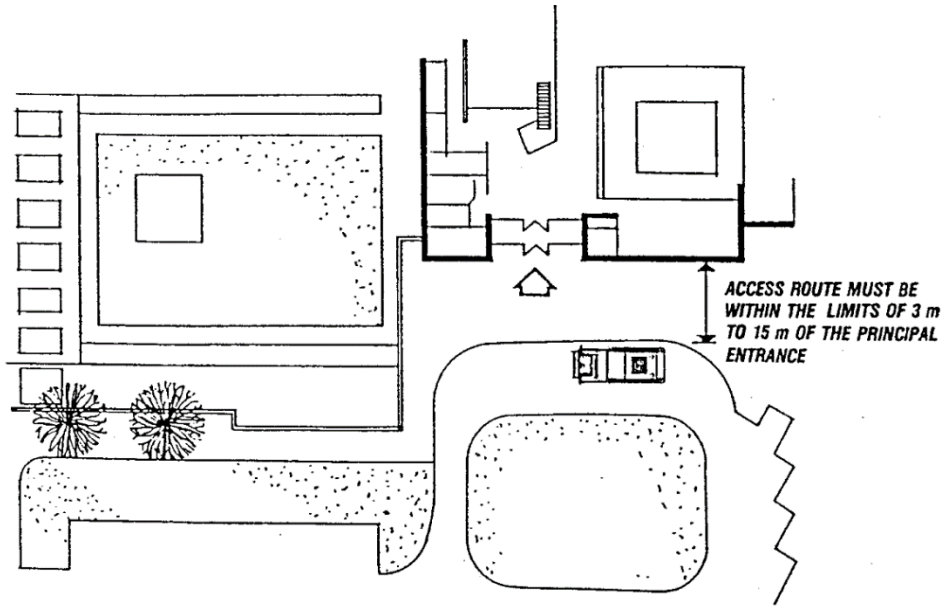
## 12. Fire

All proposed development will need to meet Ontario Building Code, Fire Code, and the City of Niagara Falls Emergency Access Requirements for a safe and functional site. This includes design and location requirements for emergency access routes and fire hydrants, signage requirements, and site design to accommodate emergency vehicle turning movements.

### 12.1 Design Requirements for Access Routes

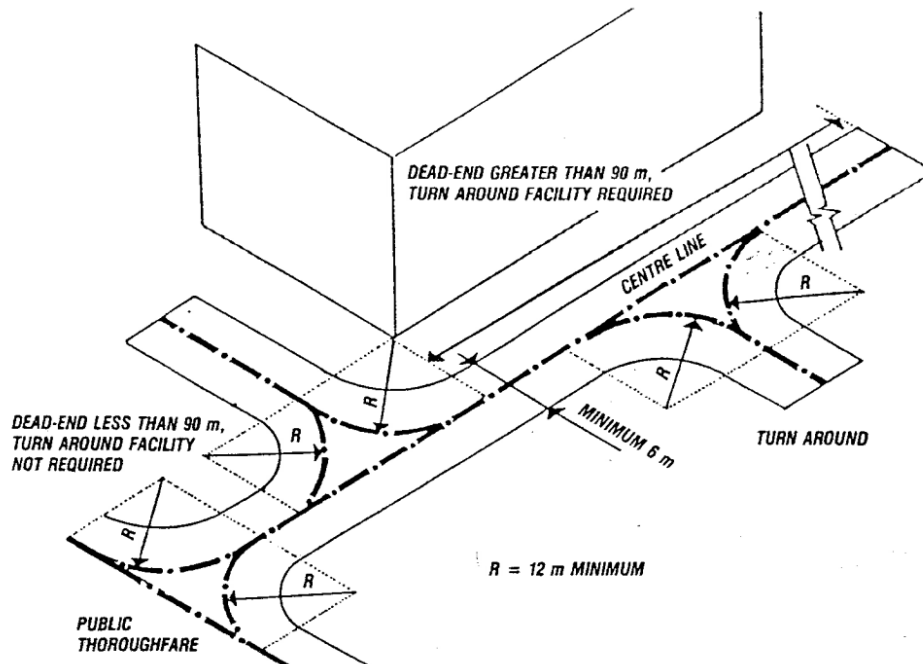
Where access is required to a building for fire department vehicles and is provided by a roadway or yard the following criteria shall apply to the design and construction of that access route:

- Access routes must:
  - Be located between 3m -15m from the principal entrance, or any entrance that requires firefighting access;
  - Be constructed of a hard surface material that can support the weight imposed by fire apparatus;
  - Be surfaced with concrete, asphalt or other surface designed for year-round accessibility;
  - Include turn around facilities if dead-end exceeds 90m; and,
  - Have direct connection to a public thoroughfare.
- Access routes shall be designed to a:
  - Minimum width of the access route – 6m
  - Minimum centerline radius – 12m
  - Minimum overhead clearance – 5m
  - Maximum gradient change – 1:12.5 over at least 15m



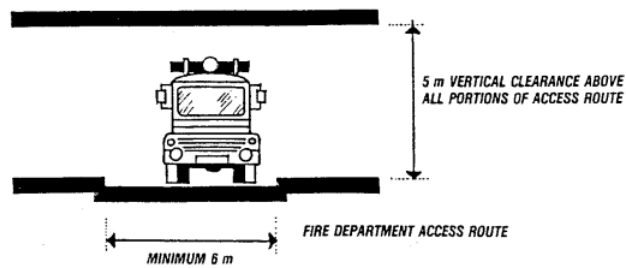
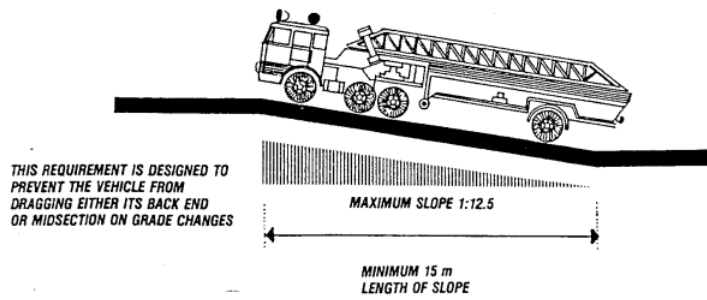
**FIRE DEPARTMENT ACCESS ROUTE**

### Access to Building Face

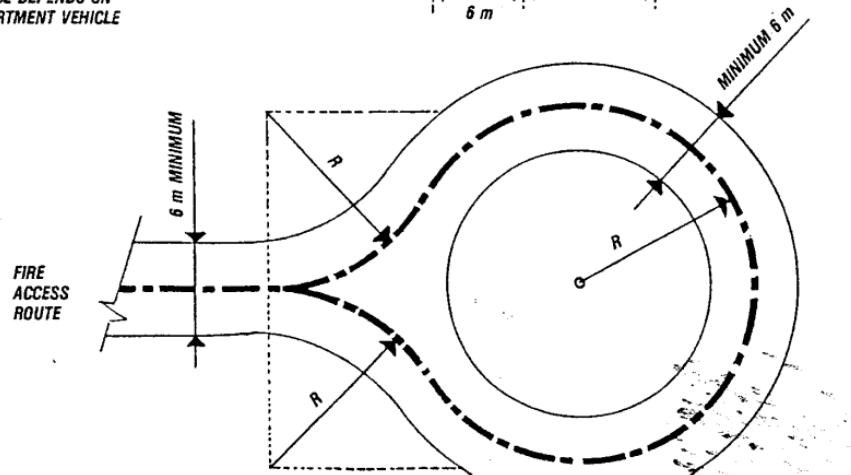
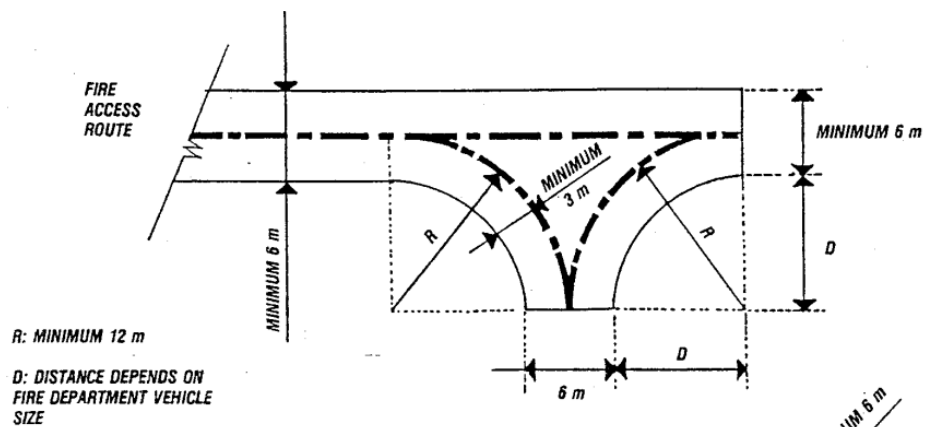


### Design Requirements for Access Routes





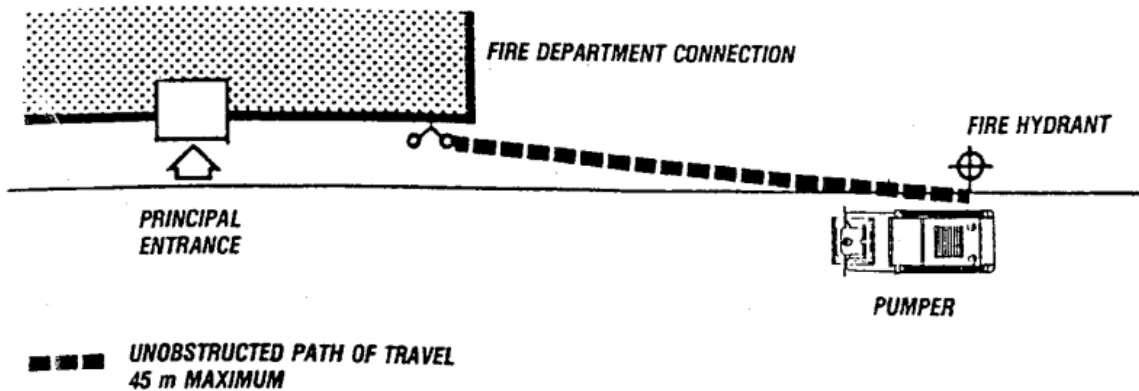
#### Design Requirements for Access Routes



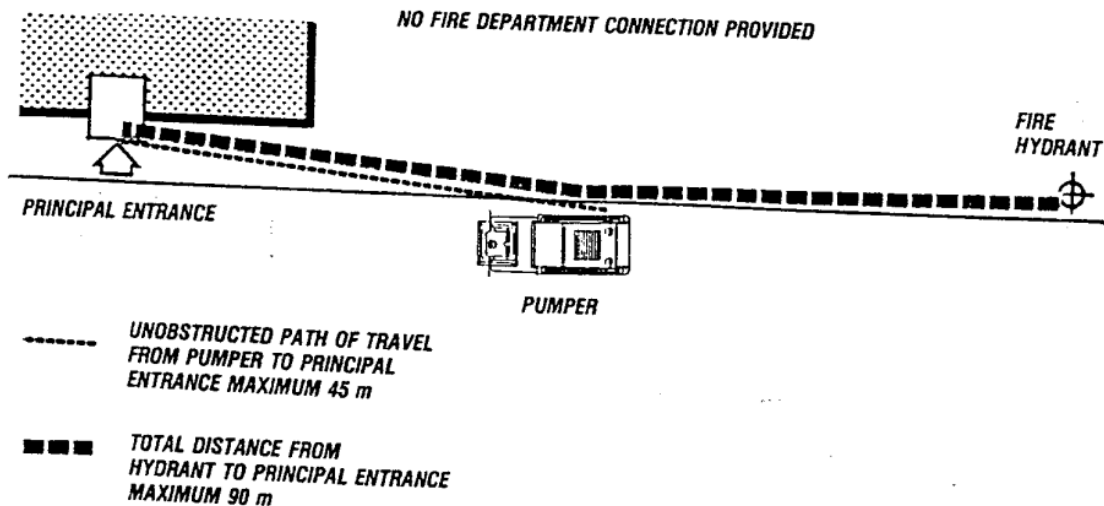
#### Examples of Turn Around Facilities

## 12.2 Location of Hydrants

Access routes to every building are required to be designed so that there is an unobstructed path of travel from a fire department pumper to the fire department connection for the building, or where there is no fire department connection, from a fire department pumper to the principal entrance of the building.

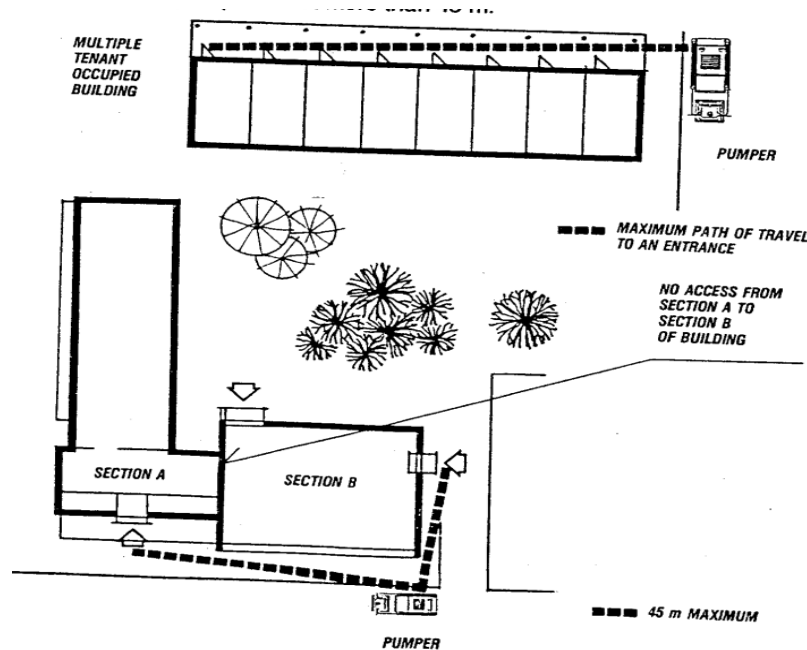


The maximum path of travel from the principal entrance to a fire hydrant is 90m for buildings that are not equipped with a fire department connection. The path of travel from the fire department vehicle to the principal entrance or fire department connection must be unobstructed and cannot exceed 45m.



Where a building is internally divided so that no internal access is possible between each section, exterior firefighting access must be provided to each section of the building so that the maximum unobstructed path of travel to each section from a fire department pumper is not more than 45m.

Fire hydrants shall be located in an area unobstructed from landscaping, snow accumulation or any other impediment. Upon completion of the project, the installing contractor shall certify in writing to the City's Fire Prevention Office that the hydrant(s) have been tested and left fully operational.



## 12.3 Fire Access Route Signs

Designated fire routes shall be identified by signs erected and maintained in accordance with the following:

- All signs indicating a fire route shall be (30) centimeters in width and forty-five (45) centimeters in length,
- The Fire Access Route Sign shall display the information "Fire Access Route, No Parking or Stopping" or a symbol in lieu thereof as specified by the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and its regulations; and
- The Fire Access Route Sign shall display additional information required by the Fire Chief.

All fire access route signs shall be installed:

- At each limit of the Fire Access Route and at intervals not exceeding fifteen (15m) metres along the designated route.
- At a height between 1.9m and 2.5m and shall be clearly visible to operators of motor vehicles in the vicinity of the Fire Access Route.

# 13. Appendices

## 13.1 Site Plan Control By-law

### CITY OF NIAGARA FALLS

#### **By-law No. 2011 - 112**

A by-law to designate the whole of the City of Niagara Falls as a site plan control area, to define the classes of development that may be undertaken without the approval of plans and drawings, and to delegate to an appointed officer of the municipality the powers or authority of council permitted under section 41 of the *Planning Act*, R.S.O. 1990, c.P.13.

**WHEREAS** the Official Plan of the City of Niagara Falls states that the whole of the area of the City of Niagara Falls shall be a site plan control area;

**AND WHEREAS** the Council of the Corporation of the City of Niagara Falls deems it desirable to designate the whole of the area of the City of Niagara Falls as a site plan control area as established by the Official Plan of the Regional Municipality of Niagara and the City of Niagara Falls, pursuant to section 41 of the *Planning Act*, R.S.O. 1990, c.P.13;

**AND WHEREAS** the Council of the Corporation of the City of Niagara Falls deems it desirable to define certain class or classes of development that may be undertaken in the site plan control area without the approval of plans and drawings otherwise required under subsections 41(4) or 41(5) of the *Planning Act*, R.S.O. 1990, c.P. 13 pursuant to clause 41(13)(a) of the said Act;

**AND WHEREAS** the Council of the Corporation of the City of Niagara Falls deems it desirable to streamline and expedite the approval of plans and drawings;

**AND WHEREAS** clause 41(13)(b) of the *Planning Act*, R.S.O. 1990, c.P.13 states that the council may by by-law delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers and authority under section 41 of the said Act, except the authority to define any class or classes of development as mentioned in clause 41(13)(a) of the said Act;

**AND WHEREAS** the Council of The Corporation of the City of Niagara Falls deems it desirable to delegate its powers and authority under section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 to the Director of Planning, Building and Development or his or her designate, when the Director of Planning, Building and Development is unable to conduct his or her duties pursuant to this by-law through illness or otherwise.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. In this by-law,

“development” means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act* or of sites for the



location of three or more community homes as defined in subsection 46(1) of the *Planning Act*, but does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

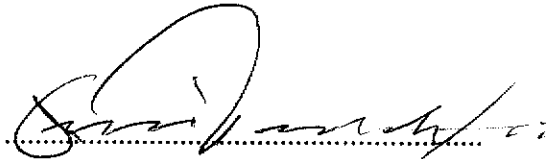
2. All the lands lying within the limits of the City of Niagara Falls are hereby designated as a site plan control area.
3. The class or classes of development that may be undertaken in the site plan control area without the approval of plans and drawings otherwise required under subsections 41(4) or 41(5) of the *Planning Act*, R.S.O., 1990, c.P.13 are hereby defined as follows:
  - (a) Any residential development that is proceeding by plan of vacant land condominium and any residential building containing less than three dwelling units, and buildings and structures accessory thereto.
  - (b) An addition or alteration to a building or structure mentioned in clause (a) above.
  - (c) Any building or structure located on a parcel of land owned and operated by the City of Niagara Falls, the Niagara Peninsula Conservation Authority, the Government of Ontario, or any Authority, Board or Ministry of the Province of Ontario or the Government of Canada.
  - (d) Any structure erected for the purposes of flood or erosion control by the Niagara Peninsula Conservation Authority.
  - (e) Any building or structure permitted under the OS 6 zone.
  - (f) Any agricultural building or structure, save and except for greenhouses greater than 2000 square metres.
  - (g) Any building or structure permitted as part of any extractive industrial use licensed under the *Aggregate Resources Act*, R.S.O. 1990, c.A.8.
4. Notwithstanding any clause contained in paragraph 3 above, the Council of the Corporation of the City of Niagara Falls may impose, as condition of a zoning by-law amendment, site plan control on any use otherwise exempt from site plan control, without amendment to this by-law.
5. Notwithstanding any clause contained in paragraph 3 above, the Committee of Adjustment may impose, as condition of a minor variance or a consent, site plan control on any use otherwise exempt from site plan control, without amendment to this by-law.
6. Notwithstanding any of the provisions of section 3 of this by-law, the approval by Council of the plans and drawings referred to in subsections 4 and 5 of Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 shall be required for any non farm residential development on the lands located within Special Policy Area "37" in the City's Official Plan.

7. All applications submitted to the Corporation of the City of Niagara Falls shall conform to the policies within the Site Plan Control Policy.
8. The Corporation of the City of Niagara Falls may regulate, through site plan control, matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design in accordance with Official Plan policies which have been adopted.
9. The Corporation of the City of Niagara Falls may regulate, through site plan control, matters relating to sustainable design elements on any adjoining highway under the City's jurisdiction or the Region of Niagara's jurisdiction, including without limitation, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities in accordance with Official Plan policies which have been adopted by Council.
10. The approval of the drawings that make up the site plan may be subject to a requirement that the applicant/owner enter into one or more agreements with the City which agreements may, at the sole discretion of the City, require the applicant to post such security of performance as the City, in its sole discretion, considers appropriate.
11. The Council of the Corporation of the City of Niagara Falls hereby delegates to and appoints the Director of Planning, Building and Development or his or her designate when the Director of Planning, Building and Development is unable to conduct his or her duties pursuant to this by-law through illness or otherwise, to execute any of the powers and authority of Council under section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 except the authority to define any class or classes of development as stated in clause 41(13)(a) of the said Act.
12. Any approval granted in accordance with this by-law shall be deemed to be subject to the terms of any agreement required as a condition of that approval. Failure to adhere to the terms of any agreement required as a condition of an approval, including, without limiting the generality of the foregoing, failure to post or maintain any required securities, shall nullify that approval. In the event an approval is nullified due to a failure to adhere to the terms of an agreement, any and all development that has been undertaken in purported reliance upon the nullified approval shall be deemed to have been undertaken without the approval of Council.
13. Notwithstanding any clause contained in this by-law, the Director of Planning, Building and Development, or his or her designate, may amend an approved site plan drawing and/or site plan agreement with a redline revision to facilitate a change, alteration or modification that is considered minor in the opinion of the Director of Planning, Building and Development or his or her designate.
14. The Mayor and Clerk are hereby authorized to execute on behalf of and under the seal of The Corporation of the City of Niagara Falls any agreement made pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 and provided for by this by-law.

15. By-laws No. 2001-103, 2003-28 and 2004-152 are hereby repealed.

Passed this twenty-fifth day of August, 2011.

  
.....  
DEAN IORFIDA, CITY CLERK

  
.....  
JAMES M. DIODATI, MAYOR

First Reading: August 25, 2011  
Second Reading: August 25, 2011  
Third Reading: August 25, 2011

## 13.2 Letter of Credit/Surety Bond Template

[bank/credit union letterhead]

### IRREVOCABLE STANDBY LETTER OF CREDIT

Amount: \$

Letter of Credit No:

**Date of Issue:**

**Initial Expiry Date:**

**Beneficiary:**

The Corporation of The City of Niagara Falls 4310 Queen Street  
Niagara Falls, Ontario L2E 6X5

**Applicant:**

[name]

[address]

**TO:** The Corporation of the City of Niagara Falls  
4310 Queen Street  
Niagara Falls, Ontario L2E 6X5

We hereby authorize you to draw on [name of bank/credit union & address] for the account of [name of applicant] up to an aggregate of \_\_\_\_\_ (\$\_\_\_\_), available on demand.

Pursuant to the request of the applicant, we, [name of bank/credit union], hereby establish and give you an Irrevocable Standby Letter of Credit in your favour in the total amount of \_\_\_\_\_ (\$) which may be drawn on by you at any time, and from time to time, upon written demand for payment made upon us by you, which demand we shall honour without enquiring whether you have a right as between yourself and the applicant to make such demand and without recognizing any claim of the applicant.

Provided however, that you are to deliver to [bank/credit union, branch & address] at such time as a written demand for payment is made upon us, a certificate confirming that monies drawn are pursuant to an agreement between and The Corporation of the City of Niagara Falls dated \_\_\_\_\_.

The amount of this Letter of Credit may be reduced from time to time as advised by notice in writing given to us by you.

This Letter of Credit will continue up to the [date- to be one year from date of issue] and will expire on that date and you may call for payment of the full amount outstanding under this Letter of Credit at any time prior to that date, should this Letter of Credit not be renewed.

It is a condition of this Letter of Credit that that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to any such date, we notify you in writing by registered mail that we elect not to consider this Letter of Credit renewable for any additional period. Upon receipt by you of such notice, you may draw hereunder by means of your demand accompanied by your written certificate as noted above.

Partial drawings are permitted.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20XX

[Authorized Signatures]

Rev. Sep/09



## DEVELOPMENT AGREEMENT SURETY BOND

**BOND NO.:**

**AMOUNT: \$**

**KNOW ALL PERSONS BY THESE PRESENTS**, that

,

as Principal, hereinafter called the "**Principal**", and

,

as Surety, hereinafter called the "**Surety**", are held and firmly bound unto , as Obligee, hereinafter called the "**Obligee**", in the amount of Dollars (\$ ) lawful money of Canada, for the payment of which sum, well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**WHEREAS** the Principal and Obligee have entered into, or will enter into, an agreement with reference number with respect to lands known as in the City of Niagara Falls (said agreement is by reference made a part hereof and is hereinafter referred to as the "**Development Agreement**").

**NOW THEREFORE**, the condition of this obligation is such that if the Principal shall, in the opinion of the Obligee do and perform all of the stipulations, conditions, covenants and terms of the Development Agreement, then this obligation shall be void and of no effect; otherwise, it shall remain in full force and effect.

**PROVIDED**, however, the foregoing obligation is subject to the following terms and conditions:

1. Whenever the Principal shall be declared in writing by the Obligee to be in default under the Development Agreement, and the Obligee intends to make a claim under this bond, the Obligee shall promptly notify the Principal and the Surety in writing of such default in the form of a Demand, the form of which is attached to this Bond as Schedule "A".
2. On determination by the Obligee, in its sole and absolute discretion, that the Principal is in default of its obligations under the Development Agreement, the Surety and Principal agree that the Surety will make

payments to the Obligee for amounts demanded by the Obligee, up to an aggregate of the Bond Amount, within ten (10) business days after the Surety's receipt of a Demand from the Obligee at the address noted herein by hand or courier.

3. This Bond is irrevocable and payment will be made notwithstanding any objection by the Principal. Where a Demand in the prescribed form has been delivered to the Surety, it shall be accepted by the Surety as conclusive evidence of its obligation to make payment to the Obligee, and the Surety shall not assert any defence or grounds of any nature or description for not making payment to the Obligee, in whole or in part, pursuant to such Demand, including but not limited to any of the following reasons: that a Default has not occurred, that the Principal committed any fraud or misrepresentation in its application for the Bond, or that the amount set out in the Demand is not appropriate, warranted or otherwise not in accordance with the Development Agreement. The Surety's liability under this Bond is unconditional and shall not be discharged or released or affected by any arrangements made between the Obligee and the Principal or by any dispute between the Surety and Principal, or the taking or receiving of security by the Obligee from the Principal, or by any alteration, change, addition, modification, or variation in the Principal's obligation under the Development Agreement, or by the exercise of the Obligee or any of the rights or remedies reserved to it under the Development Agreement or by any forbearance to exercise any such rights or remedies whether as to payment, time, performance or otherwise (whether or not by any arrangement, alteration or forbearance is made without the Surety's knowledge or consent). All payments by the Surety shall be made free and clear without deduction, set-off or withholding.
4. The Obligee may make multiple Demands under this bond.
5. The amount of the Bond may be reduced from time to time as advised by notice in writing by the Obligee to the Surety. The Obligee has the ability and sole discretion to make a determination as to whether the amount of the Bond should be reduced.
6. Each payment made by the Surety under this Bond shall reduce the amount of this Bond.

7. In no event shall the Surety be liable for a greater sum than the amount of this Bond.
8. No right of action shall accrue upon or by reason hereof to or for the use or benefit of any person other than the Oblige.
9. When the Principal has completed all works required by the Development Agreement to the Oblige's satisfaction, all maintenance and rectification periods contained within the Development Agreement have expired, and the Oblige has finally assumed all works in writing, the Oblige shall return this Bond to the Surety for termination or advise the Surety in writing that this Bond is terminated, in accordance with the terms of the Development Agreement.
10. If the Surety at any time delivers at least ninety (90) days prior written notice to the Oblige and to the Principal of its intention to terminate this obligation, the Principal shall deliver to the Oblige, not less than thirty (30) days prior to the termination of this Bond, financial security in the amount of this Bond in a form acceptable to the Oblige. If the replacement financial security is not provided by the Principal or is not accepted by the Oblige, this Bond shall remain in effect.
11. Nothing in this bond shall limit the Principal's liability to the Oblige under the Development Agreement.
12. This Bond shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable thereto and shall be treated, in all respects, as a contract entered into in the Province of Ontario without regard to conflict of laws principles. The Principal and Surety hereby irrevocably and unconditionally attorn to the jurisdiction of the courts of the Province of Ontario.
13. All Demands and notices under this Bond shall be delivered by hand, registered mail or courier to the Surety, with a copy to the Principal at the addresses set out below, subject to any change of address in accordance with this Section. All other correspondence may be delivered by regular mail, registered mail, courier, or email. A change of address for the Surety is publicly available on the Financial Services Regulatory Authority of Ontario website. The address for the Principal may be changed by giving notice to the other parties setting out the new address in accordance with this Section.

<b>The Surety:</b>	<b>The Principal:</b>	<b>The Obligee:</b>
Name	Name	Name
Address	Address	Address
Email	Email	Email
Phone	Phone	Phone

**IN TESTIMONY WHEREOF**, the Principal has hereto set its hand and affixed its seal and the Surety has caused these presents to be sealed with its corporate seal duly attested by the signature of its authorized signing authority.

**SIGNED AND SEALED** this            day of            , **20**            , in the presence of:

Per: _____	Per: _____
Name:	Name:
Title:	Title:

I/We have  
the  
authority  
to bind the  
Corporatio  
n.

\_\_\_\_\_, Attorney in Fact

## **13.3 Fence By-law**

### **CITY OF NIAGARA FALLS A consolidated Bylaw**

#### **Being By-Law No. 2005 -70 as amended by By-law 2014-153**

#### **FENCE BY-LAW**

A by-law to prescribe the height and description of lawful fences.

WHEREAS section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes a municipality to pass by-laws respecting fences.

WHEREAS this by-law consolidates various amendments to the Fence by-law for ease of use.

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

#### **Definitions**

1 In this by-law:

- a. "City" means The Corporation of the City of Niagara Falls;
- b. "City Clerk" means the City Clerk appointed by the Corporation of the City of Niagara Falls;
- c. "corner lot" means a lot or parcel which is situated at the intersection of and abutting upon two or more streets or parts of the same street provided that the angle contained by two of such lots' or parcels' adjacent lot lines that abut the street or streets is not more than 135 degrees;
- d. "Council" means the Council of The Corporation of the City of Niagara Falls;
- e. "front lot line" means, in the case of an interior lot, the line dividing the lot or parcel from the street; where the lot or parcel is a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line abutting a street shall be deemed to be an exterior side lot line, provided that, where a corner lot has the same dimensions on the two streets upon which it abuts, the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance shall be deemed to be the front lot line; where the lot or parcel is a through lot, the lot line where the principal access to the lot or parcel is provided shall be deemed to be the front lot line;



- f. "front yard" means a yard extending across the full width of any lot or parcel between the front lot line and the nearest wall of any building or structure on the lot or parcel;
- g. "grade level of roadway" means the grade level of the centre of the traveled portion of any roadway;
- h. "highway" includes a common and public highway, street, avenue, lane, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- i. "interior lot" means a lot or parcel other than a corner lot;
- j. "intersection" means the area embraced within the prolongation or connection of the lateral boundary lines of the roadway of two or more highways which join one another at an angle, whether or not one highway crosses the other;
- k. "lawful fence" means any fence, wall (other than a wall of a building), hedge or gate which separates or divides any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto, which is erected and maintained in accordance with the provisions of this By-law;
- l. "lot line" means any boundary of a lot or parcel;
- m. "municipality" means the geographical area in respect of which the City has jurisdiction;
- n. "rear lot line" means the lot line farthest from and opposite to the front lot line;
- o. "rear yard" means a yard extending the full width of any lot or parcel from the rear lot line to the wall of any building or structure nearest to the front lot line;
- p. "side lot line" means a lot line other than a front lot line or a rear lot line;
- q. "snow fence" shall mean a light fence of lath and wire; and
- r. "through lot" means an interior lot that abuts more than one street.

### **Delegated Powers**

- 2.1 The City Clerk is hereby delegated the power to grant minor variances to this By-law subject to the following criteria:
  - l. the general purpose and intent of this By-law are maintained; and

II. the variance is minor in nature.

- 3 The decision of the City Clerk shall be in writing, setting out reasons therefor, and sent to the requester of the minor variance and to every owner of land who shares the fence with the requester.
- 4 The decision shall state that it does not take effect for thirty days from the date it is given and that any person who has an interest in the minor variance may appeal the decision to Council within thirty days after the decision is given, which appeal must be in writing.

#### **Lawful Fence**

- 3.1 No person shall erect, or caused to be erected, or maintain or cause to be maintained, any fence within the municipality unless such fence is a lawful fence.

#### **Damaged Fences**

- 4.1 No fence shall be maintained, or caused to be maintained, in a damaged or disrepaired state of condition by reason of fire, decay or otherwise and all fences shall be constructed or caused to be constructed in a sound manner and shall be straight and true.

#### **Fence Height**

- 5.1 No fence of a height greater than 75 centimetres above the grade level of any adjacent highway shall be erected or maintained, or caused to be erected or maintained, within 9 metres of any highway intersection.

#### **Front Yard**

- 6.1 Subject to section 5 of this By-law, no fence of a height greater than 1 metre above the adjoining ground level, shall be erected or maintained, or caused to be erected or maintained, in any front yard, provided, however, that the portion of any such fence erected or maintained along the side or rear lot line of the rear yard of any adjoining property may be of a height not greater than 2.5 metres.

- 6.2 Where a fence is erected on a terrace in a front yard, the height of such fence shall be calculated as the combined height of the fence and the terrace above the adjoining ground level.

#### **Rear Yard**

- 7.1 Subject to section 5 of this By-law, no fence of a height greater than 2.5 metres above the

adjoining ground level, shall be erected or maintained, or caused to be erected or maintained, in any rear yard, provided, however, that the portion

of any such fence erected or maintained along the side lot line of the front yard of any adjoining lot shall not be of a height greater than 1 metre unless such fence is erected or maintained in the rear yard of a corner lot along the side lot line of the front yard of an adjoining property, in which case the fence may be erected or maintained to a height not greater than 2.5 metres.

### **Commercial, Agricultural or Industrial**

8.1 Subject to section 5, a fence not exceeding 2.75 metres in height above the adjoining ground level shall be permitted around the perimeter of any parcel of land used for commercial, agricultural or industrial purposes wherever such parcel does not abut a residential use.

### **Barbed Wire- Vehicle Tires**

9.1

No fence composed wholly or partly of barbed wire, other barbed material or vehicle tires

shall be erected or maintained, or caused to be erected or maintained, within the municipality, provided, however, that barbed wire or other barbed material may be permitted along the top of any fence of a height greater than 2 metres enclosing land used for commercial or industrial purposes, wherever such land does not abut land used for residential purposes, and the manner of affixing such barbed wire or other barbed material is approved by the City Clerk.

9.2 This section shall not apply to barbed wire fences erected in agricultural areas for the purpose of confining livestock.

### **Snow Fence**

10.1 No snow fence shall be erected or maintained, or caused to be erected or maintained, for a period exceeding six (6) consecutive months in any year within the municipality on land being used for residential or commercial purposes.

### **Along Highways**

11.1 fences erected along a highway or any part thereof shall be maintained and kept in a proper state of repair and condition in accordance with the provisions of this By-law.

### **City-Boards-Commission Fences**

12.1 The provisions of this By-law shall not apply to any fence or other barrier wholly or partially enclosing lands owned and in use by the City or any Boards, Commissions or companies providing telephone, electric, water or gas service to the inhabitants of the

municipality.

### **Enforcement**

13.1 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and upon conviction is liable to a fine as provided for under the provisions of the Provincial Offences Act.

### **By-laws Repealed**

14. By-law Nos. 77-75, 83-239, 91-11, 94-269 and 2004-042 are hereby repealed.

### **Short Title**

15. The short title of this by-law is the Fence By-law.

Passed this second day of May, 2005.

\_\_\_\_\_  
DEAN IORFIDA, CITY CLERK

\_\_\_\_\_  
R.T. (TED) SALCI, MAYOR

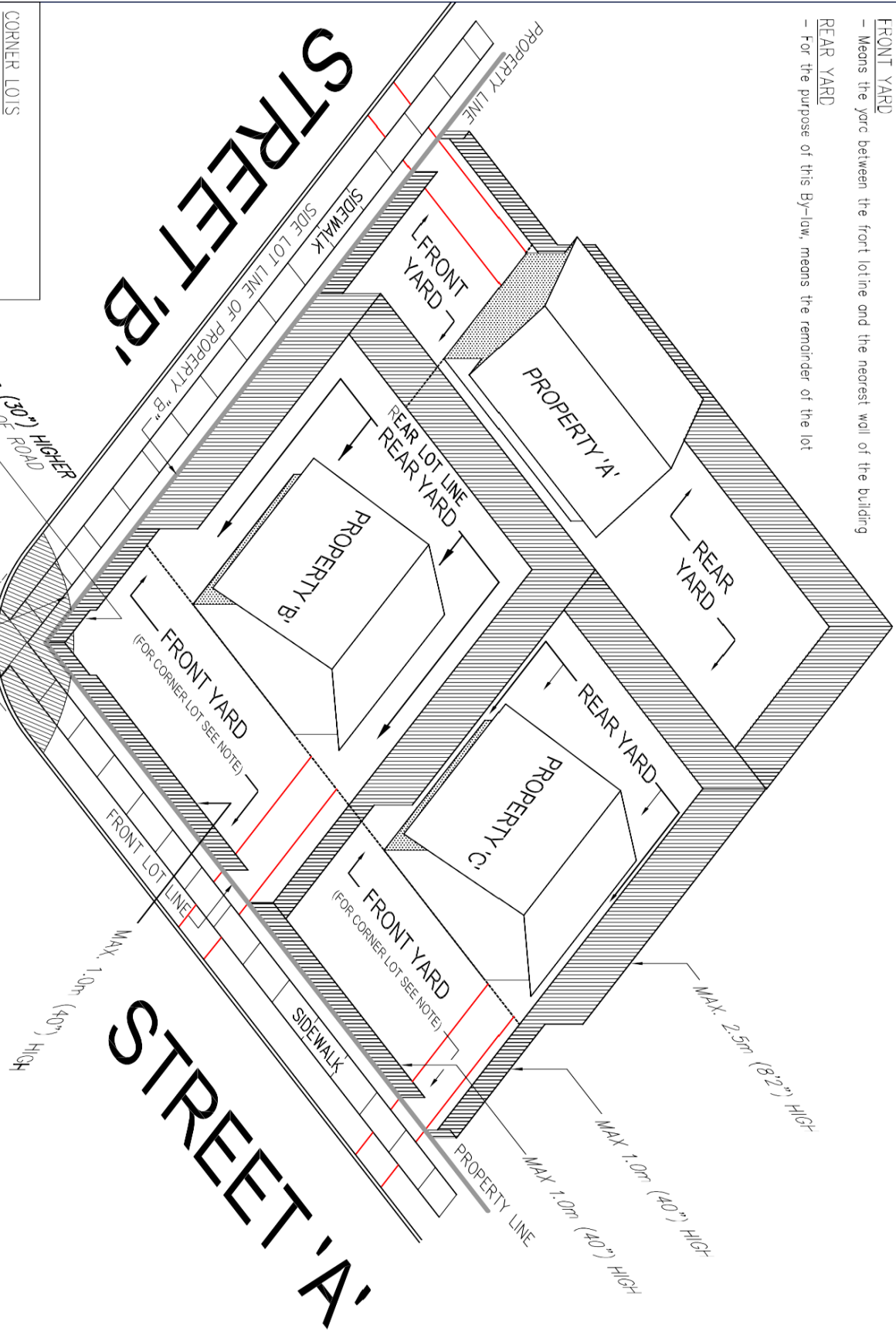
First Reading: May 2nd , 2005. Second  
Reading: May 2nd , 2005. Third Reading:  
May 2nd , 2005.

**FRONT YARD**

Means the yard between the front lotline and the nearest wall of the building

**REAR YARD**

For the purpose of this By-law, means the remainder of the lot



**CORNER LOTS**









For a corner lot the front yard is on the shortest lot line facing a street regardless of which street the front door of the building faces.

Where both lot lines facing a street are equal, the front yard is where the front door of the building faces.

CITY OF NIAGARA FALLS		The City of Niagara Falls Canada	
CLERK'S DEPARTMENT		REVISION DATE	
City Fence By-Law		December 2004	
EXPLANATORY RESIDENTIAL SKETCH		DWG. NO.	
(NOTE: SKETCH APPLIES TO NEW RESIDENTIAL FENCES ONLY.)		T:\CLERKS\By-Law\Orange\	
		fence detailing	
		REV.	
		1	



## 13.4 Approved Street Trees

Botanical Name	Common Name	Description	Native	Form	Size	Soil Type/Conditions	Urban Tolerant	For Use Under Hydro	Picture	Additional Notes
<i>Acer ginnala</i>	Amur Maple	Can occur as a multi-stemmed shrub or as a small tree. Rounded shape. 5 meters in height, occasionally up to 8 meters	No	Rounded	Ornamental	Tolerates wind, dry soil and drought	Yes	✓		Easy to transplant. Adaptable. Can be planted in full sun or partial shade. It can withstand heavy pruning
<i>Acer nigrum</i>	Black Maple	60-75 ft	Native to Canada	Oval	Large	Loam, Silt-Loam	Yes			Black maple is often found in mixed hardwood forest setting in nature.
<i>Acer platanoides spp.</i>	Norway Maple Cultivars (Crimson King, Globe Maple)	40' to 50', but growth up to as much as 90'. Width of 35' to 45', rounded symmetrical crown	No	Rounded/Columnar	Medium	Sand, Clay	Yes			Has ability to outshade native species and outcompete them in habitat
<i>Acer rubrum</i>	Red Maple (Fremani, Autumn Blaze)	Medium sized tree, 13 - 20 m, occasionally to 33 m or more, with ascending branches. Irregular or rounded crown.	Native to Canada	Oval/Rounded	Medium	Sand, Loam				Grows in moderately moist sites, likes sandy loam but often found on rocky uplands. Transplant balled and burlapped. Does not tolerate city conditions as well as the Norway maple.
<i>Acer saccharum</i>	Sugar Maple	17m x 12 m in height, growth up to 35m in height at maturity	Native to Canada	Oval/Rounded	Large	Loam, Clay				Does not do well in a restricted root zone location. Moderate pollution tolerance and leaf scorch can develop with drought.
<i>Amelanchier canadensis</i>	Serviceberry	Small tree: height of 5m by 4 m spread	Native to Canada	Rounded	Ornamental		Yes*	✓		
<i>Celtis occidentalis</i>	Common Hackberry	Medium sized tree 12-25m height & 30-60cm round. Trunk divides into several arching branches.	Native to Canada	Vase	Large	Loam, Clay	Yes			Fast growing and tolerant of species. Fruit of this tree is sought after by a variety of birds and small mammals.
<i>Cornus florida</i>	Flowering dogwood	20' in height, with spread equaling or greater than that. Growth up to 30-40ft in height	Native to Canada	Rounded	Ornamental	acid, well drained soil, in partial shade, although sun is acceptable	Yes	✓		Fruit which is poisonous to humans, dyingout in wild due to fungus

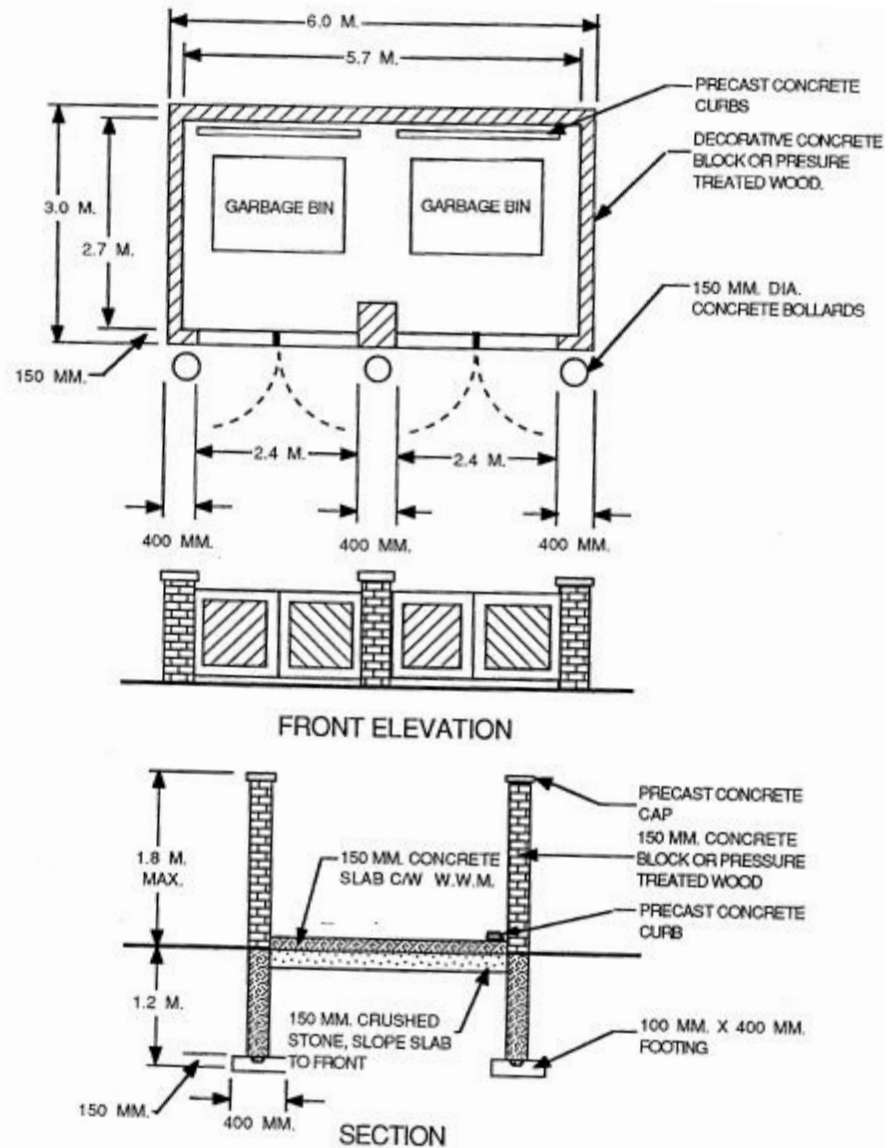
<b><i>Crataegus crus galli</i> var. <i>inermis</i>.</b>	Thornless Cockspur Hawthorn (Crusader Hawthorn)	15-20 ft in height & spread	Thornless Cultivars of native species	Rounded	Ornamental	loam, clay	yes	✓		
<b><i>Fagus sylvatica</i></b>	European Beech (Rivers Beech, Purple Beech, Tricolour Beech (not as big))	17-20m x 12-15m	Non-native	Oval/Rounded	Large	Moist, slightly acidic				Does not make for good street tree, but withstands heavy pruning and is useful in hedge material
<b><i>Ginkgo biloba</i></b>	Maidenhair tree	50-80 ft height, variable spread of 30-40 ft	No	Pyramidal Spreading	Large	Sandy, Deep, Moderately moist	Yes			Excellent city tree. Does not fruit until 20-50 years of age.
<b><i>Gleditsia triacanthos</i> Varieties <i>inermis</i></b>	Thornless Honeylocust (Shademaster, Skyline, Sunburst)	30-70 ft in height with similar spread	Thornless cultivars of native species	Spreading	Medium	Moist bottomland, limestone origin	Yes			Very salt tolerant, drought tolerant as well.
<b><i>Gymnocladus dioica</i></b>	Kentucky coffeetree	18-25m, spread of 15-22m.	Native to Canada	Oval	Large	Deep, rich, moist soils	Yes			First tree to lose leaves in fall, and last to leaf out in spring.
<b><i>Liriodendron tulipifera</i></b>	Tuliptree	22-30m in height, branch spread varies depending on open space or in wooded areas.	Native to Canada	Rounded	Large	Most, fertile, well drained loam. Slightly acidic and full sun				Ontario's tallest native tree species
<b><i>Malus</i> spp.</b>	Flowering & Domestic Crab Apple	15-25 in height	No	Rounded/Spreading	Ornamental	Heavy Loam		✓		Flowering period of April-late May/early June.
<b><i>Prunus</i> spp.</b>	Kkwanzan (Shubert cherry)	7-10m height, 5-7m spread	Varies	Rounded/Vase	Ornamental	Infertile, dry soils.		✓		Somewhat short lived, 20 years. Leaves emerge green and mature purple.
<b><i>Pyrus calleryana</i></b>	Callery Pear (Chanticleer)	35 ft high and 16ft wide in maturity	No	Pyramidal	Medium	Loam Soil	Yes			Hardens early and susceptible to early freezes

<i>Quercus macrocarpa</i>	Bur Oak	22-30m in height, spread of 20-30 m. Grown in open space, trunk is short with stout, horizontal widespread branch	Native to Canada	Rounded	Large	Sandy, dry clay soils	Yes			Can live up to 300 years, and resist salt and pollution in urban areas for survival
<i>Quercus alba</i>	White Oak	50-80 ft height	Native to Canada	Rounded	Large	Best in deep, moist, well drained soils.				Beautiful tree year round
<i>Quercus robur</i> <i>'Fastigata'</i>	Fastigate English Oak	50-60 ft in height, only 10-15 width	No	Columnar	Large	Sand, sandy-loam	Yes			
<i>Quercus robur</i>	English Oak	75-100' height & spread	No	Rounded	Large	Sandy loam, in full sun	Yes			Good tree for parks and other large spaces. Seed requires no pretreatment.
<i>Quercus rubra</i>	Red Oak	20-27m tall, 15-22m spread. Often rounded when young and mature	Native to Canada	Rounded	Large	Sandy-loam	Yes			Acceptable street tree, sought after for furniture and floor manufacturing.
<i>Syringa reticulata</i>	Japanese Lilac Tree (Ivory Silk)	20-30 ft height, 15-25 in spread	No	Rounded	Ornamental	Loose, well drained, slightly acidic		✓		
<i>Tilia cordata</i>	Littleleaf Linden (Glenleven, Greenspire, Greenglobe)	12-15 m height and 8-10m spread. Densley branched	No	Pyramidal	Medium	Moist, well drained, fertile soil.	Yes			Quite pollutant tolerant
<i>Liquidambar styraciflua</i>	Sweet Gum	60-70 ft with 45 ft spread	No, Carolinian	Spreading	Large	Loam	Yes			
<i>Nyssa sylvatica</i>	Black Gum	30-50 ft height, 20-30 ft spread	Yes	Pyramidal at young age	Medium	Prefer moist and deep soils, but also found in dry mountain ridges				Responds well to water and fertilization.
<i>Zelkova serrata</i>	Japanese zelkova	50-80 ft in height with lesser spread.	No	Vase Shaped	Large	Moist, deep soil	Yes			Reasonable pollution tolerance
<i>Quercus ellipsoidalis</i>	Northern Pin Oak (Hills Oak)	50-60 ft high	Yes	Rounded Crown	Large	Dry, Sandy, acid soils				
<i>Quercus bicolor</i>	Swamp white oak	50-60 ft tallm with equal or greater spread	Yes	Open, round top	Large	Acid soil				Excellent drought resistance, numerous short branches from secondary branches.
<i>Quercus palustris</i>	Pin oak	60-70 ft in height, 25-40ft spread	Yes	Strongly pyramidal	Large	Clay (in wild). Moist, rich acid, & drained soils	Yes			
<i>Tilia americana</i>	Basswood	60-80ft in height, with spread of 30-40ft	Yes	Rounded Crown	Large	Drier heavier soils, rocky. Full sun, partial shade.				Limited to landscape due to size. Tough inner bark used to make some ropes.
References	<b>Websites:</b> City of Toronto: Urban Forestry, City of Hamilton Forestry, City of St.Catharines, Ontario Trees and Shrubs		<b>Books:</b> Manual of Woody Landscape Plants							

## 13.5 Suggested Native Species Plantings

NATIVE SHRUB & HERBACOUS PERENNIAL SUGGESTION INVENTORY			
Botanical Name	Common Name	Type	Urban Tolerant
<i>Cornus stolonifera</i>	Red-osier dogwood	SHRUB	Yes
<i>Cephalanthus occidentalis</i>	Buttonbush	SHRUB	Yes
<i>Amelanchier stolonifera</i>	Serviceberry	SHRUB	Yes
<i>Taxus canadensis</i>	American Yew	SHRUB	Yes
<i>Juniperus communis</i>	Common Juniper	SHRUB	Yes
<i>Euonymus atropurpurea</i>	Burning-bush Euonymus	SHRUB	Yes
<i>Hamamelis virginiana</i>	Witch-hazel	SHRUB	Yes
<i>Ilex verticillata</i>	Winterberry	SHRUB	Yes
<i>Physocarpus opulifolius</i>	Ninebark	SHRUB	Yes
<i>Potentilla fruticosa</i>	Shrubby cinquefoil	SHRUB	Yes
<i>Rhus typhina</i>	Staghorn Sumac	SHRUB	Yes
<i>Rosa blanda</i>	Smooth wild rose	SHRUB	Yes
<i>Salix discolor</i>	Pussy Willow	SHRUB	Yes
<i>Sambucus racemosa</i>	Red Elderberry	SHRUB	Yes
<i>Spiraea latifolia</i>	Broad-leaved meadowsweet	SHRUB	Yes
<i>Viburnum lentago</i>	Nannyberry	SHRUB	Yes
<i>Maianthemum racemosum</i>	False Solomon's Seal	HERBACOUS PERENNIAL	Yes
<i>Zizia aurea</i>	Golden Alexanders	HERBACOUS PERENNIAL	Yes
<i>Penstemon hirsutus</i>	Hairy Beardtongue	HERBACOUS PERENNIAL	Yes
<i>Geranium maculatum</i>	Wild Geranium	HERBACOUS PERENNIAL	Yes
<i>Agastache foeniculum</i>	Anise Hyssop	HERBACOUS PERENNIAL	Yes
<i>Monarda didyma</i>	Bee Balm	HERBACOUS PERENNIAL	Yes
<i>Rudbeckia hirta</i>	Black-eyed Susan	HERBACOUS PERENNIAL	Yes
<i>Asclepias tuberosa</i>	Butterfly Milkweed	HERBACOUS PERENNIAL	Yes
<i>Anemone canadensis</i>	Canada Anemone	HERBACOUS PERENNIAL	Yes
<i>Lobelia cardinalis</i>	Cardinal Flower	HERBACOUS PERENNIAL	No
<i>Liatris spicata</i>	Dense Blazing Star	HERBACOUS PERENNIAL	Yes
<i>Oenothera biennis</i>	Evening Primrose	HERBACOUS PERENNIAL	Yes
<i>Eutrochium maculatum</i>	Joe-pye Weed	HERBACOUS PERENNIAL	Yes
<i>Coreopsis lanceolata</i>	Lance-leaved coreopsis	HERBACOUS PERENNIAL	Yes
<i>Echinacea pallida</i>	Pale Purple Coneflower	HERBACOUS PERENNIAL	Yes
<i>Symphyotrichum novae-angliae</i>	New England Aster	HERBACOUS PERENNIAL	Yes
<i>Solidago rigida</i>	Stiff Goldenrod	HERBACOUS PERENNIAL	No
<i>Helianthus divaricatus</i>	Woodland Sunflower	HERBACOUS PERENNIAL	Yes

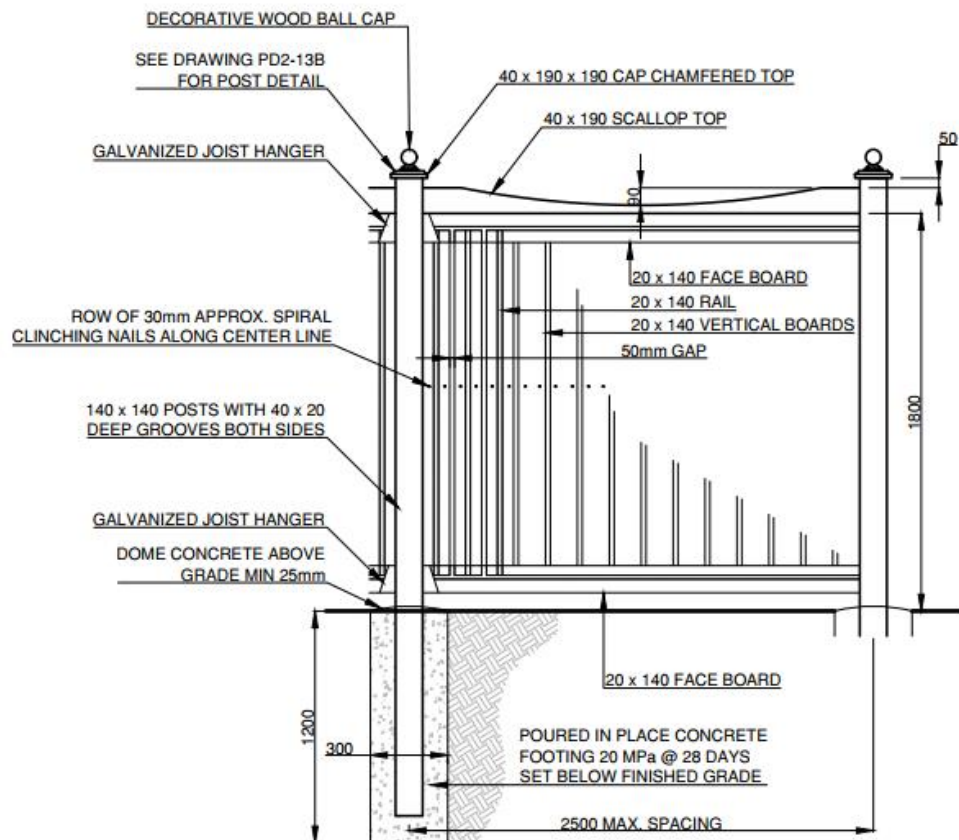
## 13.6 Typical Garbage Bin Enclosure



1. The arrangement shown on this plan may be used as a guide. Additional styles and materials may be used which will add to the surrounding architecture.
2. External dimensions must be checked against container size for development.
3. Location of screen must be approved by the City.
4. Garbage vehicles require a minimum 26'-0" turning radius.
5. Structural elements such as footing sizes, slab sizes, and stone depths may be subject to change to suit the sites geotechnical conditions and design requirements.



### 13.7 Typical Wooden Fence Detail



NOTES:

1. All wood to be No.1 grade pressure treated S.P.F.
2. All dimensions in mm

### 1800 (6') WOOD PRIVACY FENCE - ELEVATION



**MUNICIPAL WORKS DEPT.**  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

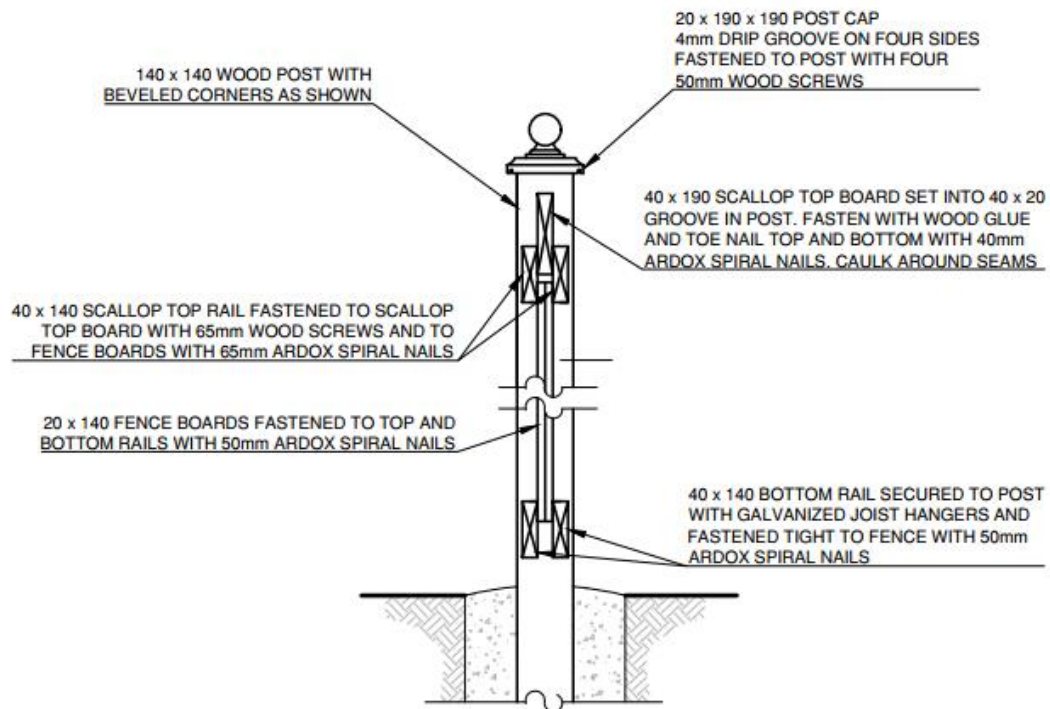
Telephone: (905) 356-7521  
Fax: (289) 296-0048  
[www.niagarafalls.ca](http://www.niagarafalls.ca)

Date: **DEC. 2022**

Drawing No.  
**PD2-13A**

Scale:  
**NTS**

Revision No.  
1



NOTES:

1. All wood to be No.1 grade pressure treated S.P.F.
2. All dimensions in mm

## 1800 (6') WOOD PRIVACY FENCE - SECTION



MUNICIPAL WORKS DEPT.  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

Telephone: (905) 356-7521  
Fax: (289) 296-0048  
www.niagarafalls.ca

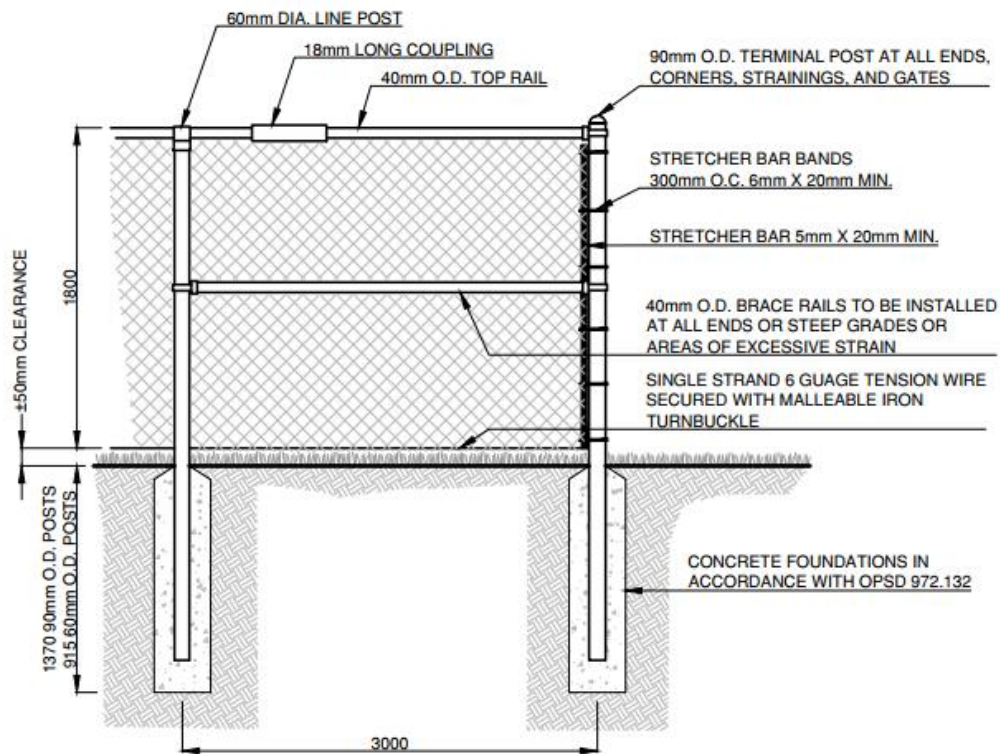
Date:  
**DEC. 2022**

Scale:  
**NTS**

Drawing No.  
**PD2-13B**

Revision No.  
**1**

## 13.8 Black Vinyl Coated Chain Link Fence Detail



### NOTES:

1. All material and installation to conform to the requirements of OPSS.MUNI 771
2. Chainlink fabric shall be 50mm woven mesh 1800 high of 8 gauge bonded black vinyl wire fastened to top rail, brace rail, line post, stretcher bar, and tension wire with 9 gauge wire at 400mm O.C.
3. All posts, components, and hardware shall be factory painted black in accordance with industry standards
4. All dimensions in mm

## 1800 (6') BLACK VINYL CHAINLINK FENCE



MUNICIPAL WORKS DEPT.  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

Telephone: (905) 356-7521  
Fax: (289) 296-0048  
www.niagarafalls.ca

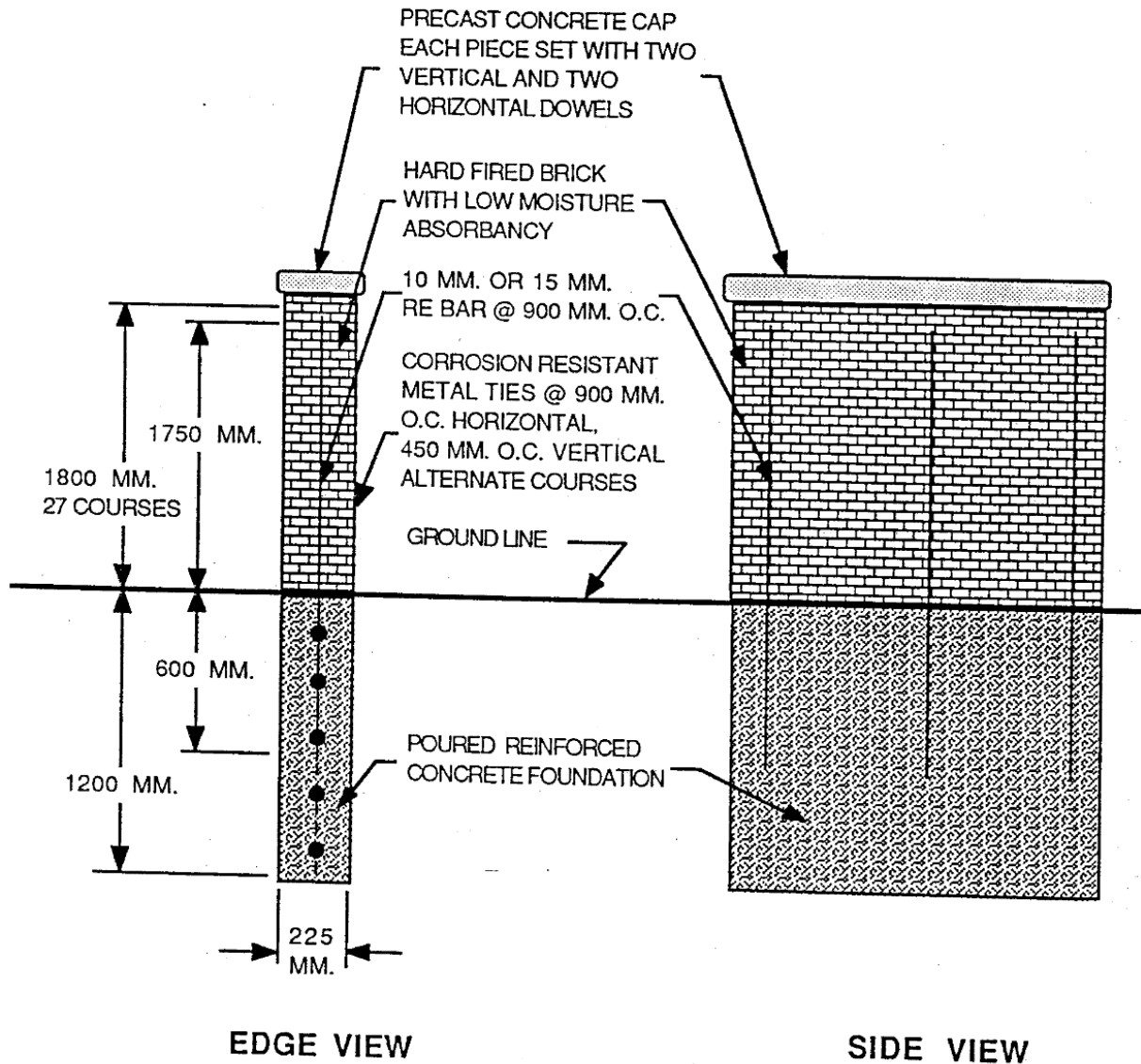
Date:  
**DEC. 2022**

Scale:  
**NTS**

Drawing No.  
**PD2-15**

Revision No.  
**0**

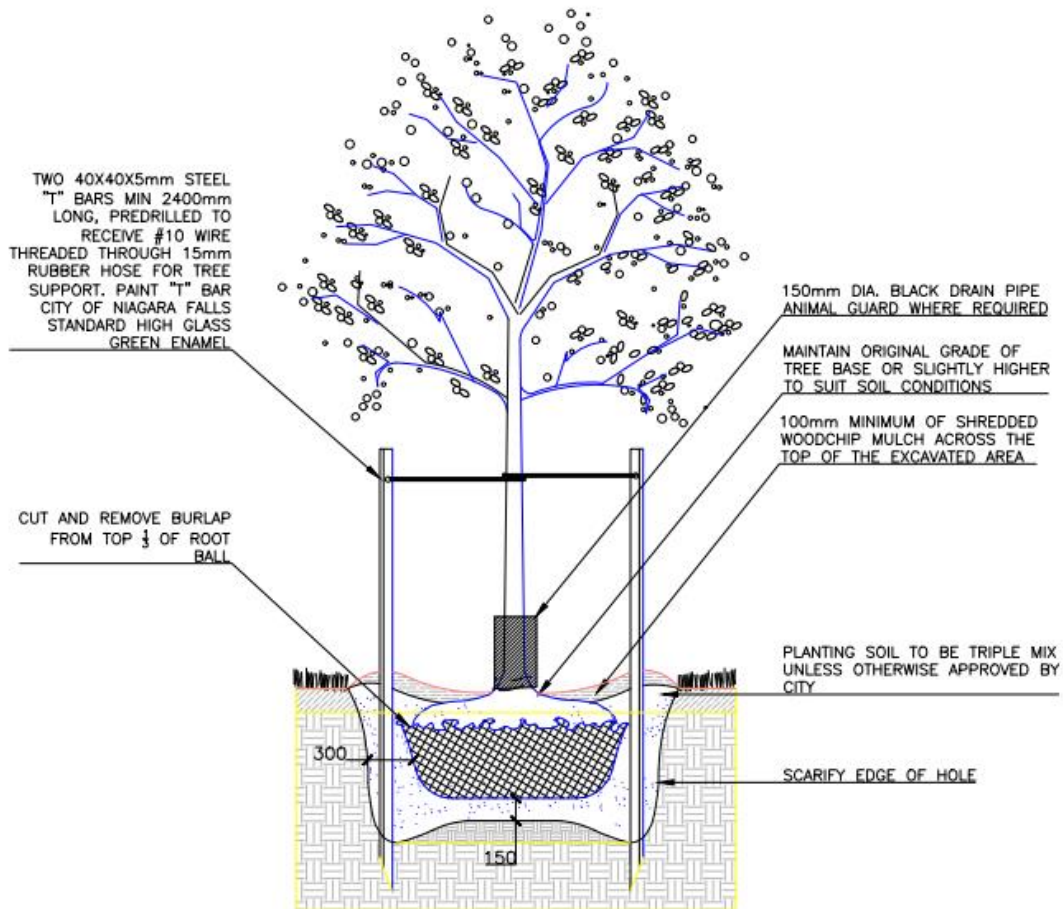
### 13.9 Typical Brick Wall Detail



1. The drawing shown may be used as a guide. Additional styles and materials may be used which will add to the surrounding architecture.
2. Structural element such as footing sizes, slab sizes, and stone depth may be subject to change to suit the sites geotechnical conditions and design requirements.



## 13.10 Deciduous Planting Detail



### NOTES:

1. Prune to suit species. Remove all damaged branches following horticultural standards. Do not prune leader.
2. Top of woodchip mulch should be level with finished grade.
3. For bare root, set plant at original depth or slightly higher and spread out roots. Gently back fill with soil mix in layers, working soil between roots. Firmly pack soil and water well upon completion.
4. Soil mixture should be firmly compacted to eliminate air pockets and to prevent settlement
5. This detail does not represent any particular species
6. Plant material to be supplied in accordance with Canadian Nursery Stock Standard
7. Where permitted by City, clean native material may be supplemented to planting soil mix

## DECIDUOUS TREE PLANTING



MUNICIPAL WORKS DEPT.  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

Telephone: (905) 356-7521  
Fax: (289) 296-0048  
www.niagarafalls.ca

Date:  
**JULY 2020**

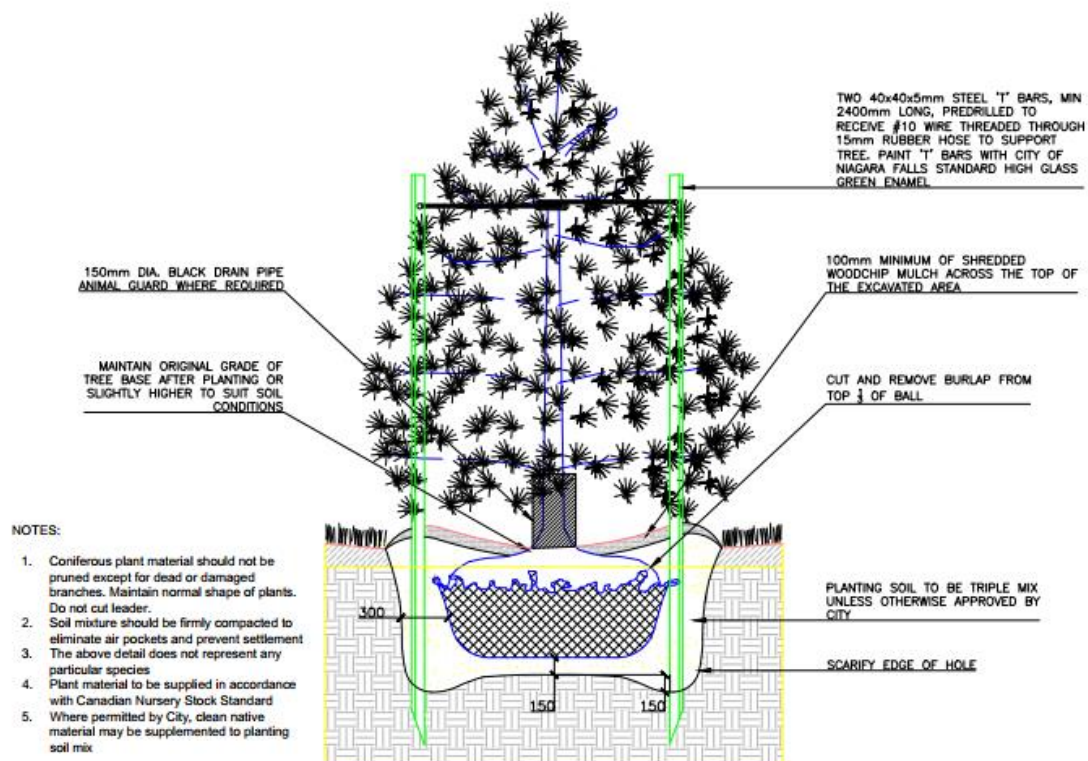
Scale:  
**NTS**

Drawing No.  
**PD4-1**

Revision No.  
**0**



## 13.11 Coniferous Planting Detail



### CONIFEROUS TREE PLANTING



MUNICIPAL WORKS DEPT.  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

Telephone: (905) 356-7521  
Fax: (289) 296-0048  
www.niagarafalls.ca

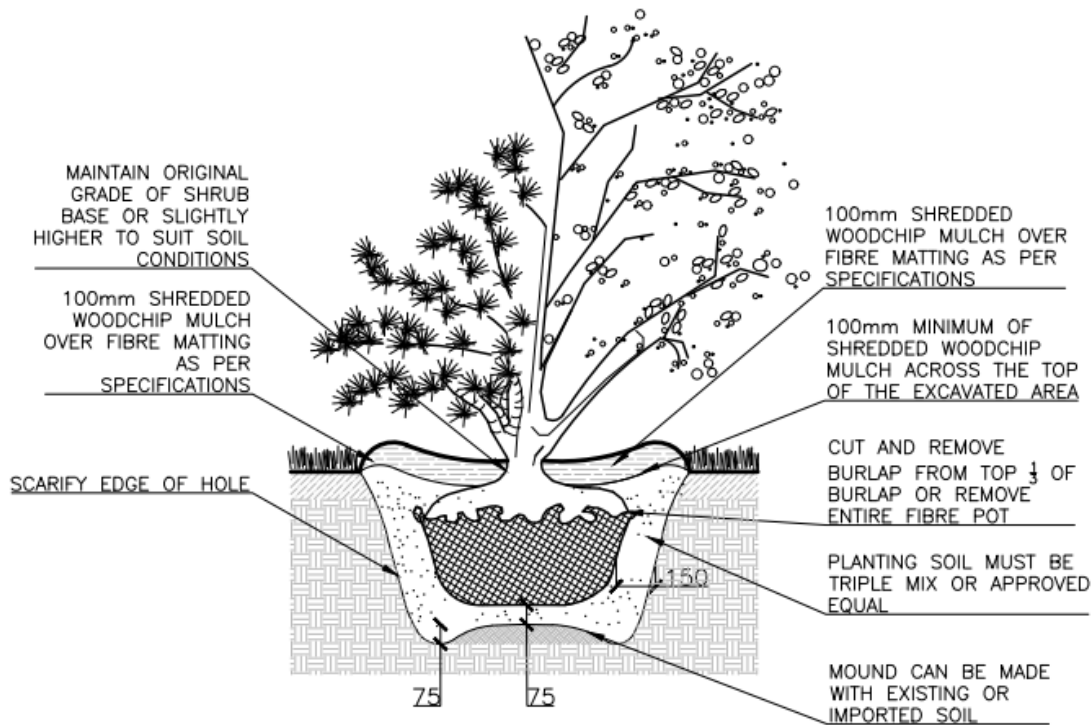
Date:  
**July 2020**

Drawing No.  
**PD4-2**

Scale:  
**NTS**

Revision No.  
**0**

## 13.12 Shrub Planting Detail



### NOTES:

1. Prune to suit species. Remove all damaged branches following horticultural standards. Do not prune leader.
2. Maintain normal shape of plant.
3. Top of woodchip mulch should be level with finished grade.
4. For bare root, set plant at original depth or slightly higher and spread out roots. Gently back fill with soil mix in layers, working soil between roots. Firmly pack soil and water well upon completion.
5. Shrubs to be planted in a continuous bed and edged with 150mm high black diamond edging adjacent to grassed areas
6. Soil mixture should be firmly compacted to eliminate air pockets and to prevent settlement
7. This detail does not represent any particular species
8. Plant material to be supplied in accordance with Canadian Nursery Stock Standard

### DECIDUOUS/CONIFEROUS SHRUB PLANTING



MUNICIPAL WORKS DEPT.  
4310 Queen Street P.O. Box 1023  
Niagara Falls, ON, CA, L2E 6X5

Telephone: (905) 356-7521  
Fax: (289) 296-0048  
www.niagarafalls.ca

Date:  
**12/01/18**

Drawing No.  
**PD4-3**

Scale:  
**NTS**

Revision No.  
**0**

## **13.13 Traffic Considerations for Site Plan Preparation**

# **The Corporation of the City of Niagara Falls**



**Traffic Considerations for  
Site Plan Preparation**

**Adopted May 2006  
Amended November 2011**

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Addendum

March 2007

Minimum Corner Clearance pg. 7 (Arterial Roads - Traffic Signal Control)

November 2011

TDM Strategies, per the STMP, 2011 - See Section 3.0 and 3.2

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	Design Vehicle Radius - Bus (B-12TAC)	
	Design Vehicle Radius - Tractor Trailer (WB-19TAC)	
	Design Vehicle Radius - Front Loading Garbage Truck	
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	Urban Residential Entrance OPSD 351.010 (April 1999)	

## 1.0 INTRODUCTION

To assist the applicant in the preparation of a site plan, the following is provided. Although an attempt has been made to include all relevant issues related to Parking & Traffic, it is virtually impossible to identify all applicable conditions for every possible scenario. Therefore, applicants should reference the Geometric Design Manual for Canadian Roadways, published by the Transportation Association of Canada, 2000 for additional details. For site plans requiring a Traffic Impact Study refer to “Guidelines for the Preparation of Transportation Impact Studies and Site Plan Review”. Questions related to this document may be directed to Transportation Services Department at 905-356-7521.

### 1.1 *Road Authority*

The applicant should be aware that there are the following road authorities are located within the City of Niagara Falls. Site plan may be subject to review by several authorities depending on the site location. It is the responsibility of the applicant to ensure that the appropriate authorities are circulated to obtain the necessary approvals.

- Federal
- Provincial (MTO)
- Regional (Niagara Region)
- Niagara Parks Commission
- City of Niagara Falls

The following information is applicable only at locations where a site abuts a City of Niagara Falls road. Requirements from other authorities may vary.



## 2.0 SITE PLAN CONTENT

All site plans will illustrate the following:

### 2.1 *Site Plan Scale*

The site plan should be prepared at a scale of 1:200 or 1:500. All dimensions must be in metric.

### 2.2 *Site Location*

- street name, address, site map
- existing right-of-way on adjacent streets
- existing daylight triangles
- parking control and signage on both sides of street abutting the site
- Existing and proposed easements
- Property lines, angles and lengths

### 2.3 *Site Layout*

- Building footprint and location
- All building entrances, garages, loading docks and service areas
- Pick-up and drop-off areas
- Utilities within property boundaries - Water lines, Sanitary sewer, Storm sewer, Gas, Electric, if overhead or underground, Fire hydrants, Light poles and illumination, Electrical, telephone, cable, or postal kiosks and signs
- Access location and design, including
  - Angle
  - Curb return radius
  - Throat width
  - Throat length
  - Channelization
  - Turn bays
  - Driveway and aisle way profiles (one way or two way)
  - Driveway and lane measurements
  - Number of lanes
  - Traffic control at internal intersections
  - Existing and proposed signs
- Parking lot layout, including
  - Parking angle, Stall size, Aisle width
  - Number of stalls in each row of parking
  - Short term parking areas
  - Reserved parking areas
  - End island location and shape indicating if painted, curbed or landscaped
  - Location and number of disabled spaces
  - Location of motorcycle and bicycle spaces
- All sidewalks including those abutting the building, whether the sidewalks are elevated
- Pedestrian walkways providing connection to streets and abutting developments
- Location and orientation of refuse compactors and dumpsters
- Fire lanes and fire vehicle turning path

### 3.0 SITE DESIGN CONSIDERATIONS

Strategies promoting the reduced dependence on the private automobile are taken into consideration during the site plan review. The development of the site should accommodate facilities that incorporate transportation demand management (TDM) initiatives as outlined in the Sustainable Transportation Master Plan Study, 2011. The initiatives include active transportation, transit, car sharing, employee participation and awareness.

The following should be taken into consideration when designing the site.

#### 3.1 *Vehicle Types Accessing the Site*

- Passenger vehicles
- Delivery vehicles
- Service vehicles
- Shuttle buses and/or tour buses
- Transit buses
- Taxis
- Emergency vehicles
- Cyclists
- Pedestrians

#### 3.2 *Parking Layout*

- Queuing at accesses
- Corner clearances prior to first parking access opportunity
- Orient perpendicular to building access
- Consider winter maintenance functions (snow storage capability)
- Reserve land for future parking expansion capabilities
- Designated parking stalls for disabled persons
- Preferential parking stalls for car pooling
- Preferential parking stalls for electric/green vehicles
- Pedestrian, cycling and transit friendly road network

#### 3.3 *Pedestrian & Cycling Facilities*

- Separate vehicular and pedestrian traffic; minimize pedestrians walking through parking area
- Provide sidewalks and ensuring that sidewalks are not obstructed by overhang of vehicle
- Minimize crossing distances across internal roadways
- Signed and marked crossing areas
- Provide access from on-street facilities
- Bicycle storage areas
- Direct pedestrians and cyclists to where you want them to cross

#### 3.4 *Transit and Taxi's*

- For large developments, locate transit and taxi facilities on-site and close to entrances
- Provide sidewalk to existing on-street locations

3.5 *Loading Areas - Delivery/Service/Tour Bus*

- All forward and reversing manoeuvring to be carried out on private property
- Locate delivery/service areas away from primary parking sites
- Provide on-site storage space for an adequate number of vehicles provided, such as tour buses
- Ensure all manoeuvring takes place without using adjacent parking stalls
- Entire vehicle must be contained within the private property limits when delivering or carrying out service

3.6 *Manoeuvring of Vehicles*

- The manoeuvring of service and delivery vehicles must be carried out on-site without the use of city right-of-way
- Large vehicles must be able to enter the site in a forward motion and leave the site in a forward motion. Reversing onto the road allowance is not considered as an acceptable alternative
- All manoeuvring takes place without using adjacent parking stalls
- Turning paths of all vehicles the size of a cube van and larger must be plotted using AutoTurn or other similar software. The vehicle type, code, dimensions and wheel base shall be noted.

3.7 *Signs and Markings*

- Use conformity and consistency application
- Use directional signs at accesses for one way movements (one way, do not enter, etc.)
- Paint directional arrows for one way movements
- Use signs to direct motorists to external roadways/exits
- All signs must be placed within the limits of the property
- Advertising signs must be forwarded for review and approval to Building & Bylaw Services

3.8 *Visibility*

- Ensure unobstructed visibility at:
  - Accesses
  - Pedestrian crossing locations
- Reduced visibility may be caused by the following
  - Signs
  - Shrubbery
  - Street hardware (benches, transit shelters, mailboxes, newspaper vending boxes, pedestrian rails, signs)
  - Garbage refuse
  - Grade of property

3.9 *Drive Through Facilities*

- Identify location of pick up window(s)
- Identify ordering location(s)
- Provide distance and queuing space between pick up window and ordering kiosk
- Provide distance and queuing space between pick up window and street
- Identify distance and queuing space between entry and ordering kiosk
- Identify drive through lane width
- Turn radius, if applicable
- Ensure design does not have pedestrians crossing drive through lane

## 4.0 DESIGN ELEMENTS

The following design elements shall be incorporated in the site plan.

### 4.1 Driveway Dimensions

Dimension (m)	<u>Residential</u>	Land Use	
		<u>Light Industrial &amp; Commercial</u>	<u>Heavy Industrial</u>
<i>width</i>	min - max	min - max	min - max
one-way	3.0 - 4.3 (single)	4.5 - 7.5	5.0 - 9.0
two-way	6.0 - 7.3 (double)	7.2 - 12.0	9.0 - 15.0
<i>Right turn radius</i>	3.0 - 4.5	4.5 - 12.0	6.0 - 15.0

#### 4.1.1 Notes

- minimum driveway widths are normally used with radii at or near the upper end of the range
- radius requirements are dependant on type of vehicle accessing the site
- all vehicle manoeuvres shall be carried out from and to appropriate lane, without encroaching into opposing traffic flow
- increased widths may be considered for capacity purposes; where up to 3 exit lanes and 2 entry lanes are employed, 17.0 is the max width, exclusive of any median
- applicable to driveways only, not road intersections
- residential establishments with five (5) or more units are categorized as a commercial development with respect to access design standards
- curb returns on radii shall be contained within the extended line of the property limits and shall not encroach within the extension of the neighbouring property line
- all driveways shall have at least one (1) metre clearance from any utility structure
- any driveways exceeding 90m in length must be designed with a turning station for fire equipment
- The applicant will be requested to illustrate the turning paths of delivery/ service vehicles using either AutoTurn or other approved software package.
- **Refer to “Commercial Development Site Plan Minimum Requirements for Driveway Design” & Urban Residential Entrance OPSD 351.010 & Urban Industrial, Commercial and Apartment Entrances OPSD 350.010 in the list of Figures at the end of this document.**



#### 4.2 Driveway Minimum Spacing

Driveway Spacing - use this information in conjunction with minimum corner clearance standards (below)

Dimension (m)	Land Use		
	<u>Residential</u>	<u>Light Industrial &amp; Commercial</u>	<u>Heavy Industrial</u>
from corner on minor street at minor intersection	2.0	5.0	5.0
between driveway	1.0	3.0	3.0

##### 4.2.1 Notes

- applies on minor streets and near minor intersections
- the above are measured the end of curve at driveway to beginning of curve at intersection (straight section only )
- **Refer to “Commercial Development Site Plan Minimum Requirements for Driveway Design” in the list of Figures at the end of this document.**

#### 4.3 Minimum corner clearance

	<u>No control/ Stop control</u>	<u>Traffic Signal Control</u>
local roads - residential	11m	
local roads	15m	15m
collector roads	20 - 25m	25 - 55m
arterial roads	25 - 35m	70 m

##### 4.3.1 Notes

- Measurements are taken from the driveway to the corner (measurements include radius at both the driveway and corner)
- higher values are used with higher traffic volumes
- **Refer to “Commercial Development Site Plan Minimum Requirements for Driveway Design” in the list of Figures at the end of this document.**

#### 4.4 Minimum Clear Throat Lengths for Major Driveways

In order for major driveways to function efficiently, a clear zone is desirable to provide a conflict free storage area within the driveway.

<u>Land Use</u>	<u>Development Size</u>	<u>Minimum Clear Throat Distance</u>	
		<u>Collector</u>	<u>Arterial</u>
Light Industrial	< 10,000 m <sup>2</sup>	6	15
	10,000 - 45,000 m <sup>2</sup>	15	30
	> 45,000 m <sup>2</sup>	15	60
Discount Store	<3,000 m <sup>2</sup>	6	15
	≥3,000 m <sup>2</sup>	6	25
Shopping Centre	<25,000 m <sup>2</sup>	6	15
	25,000 - 45,000 m <sup>2</sup>	15	25
	45,001 - 70,000 m <sup>2</sup>	25	60
	>70,000 m <sup>2</sup>	40	75
Supermarket	<2,000 m <sup>2</sup>	15	25
	>2,000 m <sup>2</sup>	25	40
Apartments	<100 units	6	15
	100 - 200 units	15	25
	>200 units	25	40
Quality Restaurant	<1,500 m <sup>2</sup>	6	15
	>1,500 m <sup>2</sup>	6	25
Drive-in Restaurant	<200 m <sup>2</sup>	6	25
	>200 m <sup>2</sup>	15	30
General Office	<5,000 m <sup>2</sup>	6	15
	5,000 - 10,000 m <sup>2</sup>	6	25
	10,001 - 20,000 m <sup>2</sup>	15	30
	20,001 - 45,000 m <sup>2</sup>	30	45
Motel/Hotel/Lodging	>45,000 m <sup>2</sup>	40	75
	<150 rooms	6	25
	>150 rooms	6	30

##### 4.4.1 Notes

- Measurements are taken from the start of driveway curve.
- Driveway throats are to extend straight for the minimum clear throat distance
- For larger developments, the appropriate throat length is best determined by a detailed site-specific traffic impact study
- Clear throat lengths may be exempt from developments with less than 20 parking spaces at the discretion of the city
- **Refer to “Commercial Development Site Plan Minimum Requirements for Driveway Design” in the list of Figures**

#### 4.5 Design Vehicle Dimensions (m)

	Front Overhang	Wheelbase	Rear Overhang	Total Length
Passenger Vehicle (P)	1.1	3.2	1.3	5.6
Single Unit - Light (LSU)	0.8	3.4	2.2	6.4
Single Unit - Medium (MSU)	0.8	6.5	2.7	10.0
Single Unit - Heavy (HSU)	0.8	8.4	2.3	11.5
Bus	2.2	7.2	2.8	12.2
Tractor Trailer	0.8	6.2/12.0	1.7	20.7
Front Loading Garbage Truck	2.3	5.4	2.5	10.2

#### 4.6 Design Vehicle Radius (m)

	Centre line	Curb to Curb	Wall to Wall
Passenger Vehicle (P)	5.42	6.3	6.82
Single Unit - Light (LSU)	5.19	6.3	6.71
Single Unit - Medium (MSU)	10.08	11.1	11.59
Single Unit - Heavy (HSU)	13.14	14.2	14.65
Refuse	8.4		10.64

##### 4.6.1 Notes

- Design vehicles used from Transportation Association of Canada (1999)
- Contact City of Niagara Falls Traffic & Parking Services for additional vehicle types
- Design templates available in **List of Figures for**
  - **P (passenger car)**
  - **LSU (light single unit)**
  - **MSU (medium single unit)**
  - **HSU (heavy single unit)**
  - **B-12 (bus)**
  - **WB-19 (tractor trailer)**
  - **Front Loading Garbage Truck**

#### 4.7 Number of Accesses

The number of driveways per lot shall be limited to:

##### Residential Zone

- 1 driveway for the first 15m of lot frontage
- 2 driveways for the first 30m of lot frontage; plus 1 additional driveway for each additional 30m of frontage thereafter

##### Commercial/Institutional/Open Space/Recreational/Industrial and any zone not classified

- 1 driveway for the first 15m of lot frontage
- 2 driveways for the first 30m of lot frontage; plus 1 additional driveway for each

additional 30m of frontage thereafter

### Agricultural

- 2 driveways for the first 100m of lot frontage plus 1 driveway for each additional 100m of lot frontage thereafter

#### 4.7.1 Notes

- Applicants requesting additional driveways over what is noted above must prove through a traffic impact study that the additional driveway is required to maintain an adequate level of service, rather than for convenience
- for corner lots the property is deemed to have frontage on both sides adjacent to the road
- access from commercial developments into residential areas will be restricted wherever possible. Applicants will be required to prove that the access is required to maintain an adequate level of service of operation, rather than for convenience.

### 4.8 Disabled Parking Stalls

As an owner/operator of a public parking facility that provides 50 or more parking spaces to the general public, the applicant is required under the City's Disabled Parking By-law 94-262, as amended to allocate the appropriate number of disabled parking spaces and display all signs and markings as required. Every owner and every operator of a public parking facility in Niagara Falls must provide the minimum number of designated parking spaces in their parking facilities as prescribed by the following table:

Number of Parking Spaces	Minimum Number of Spaces to be Reserved For Disabled Persons
Less than 50 spaces	Not required
50 - 99	1
100 - 199	2
200 - 499	5
500 - 999	10
1,000 or more total spaces	10 spaces plus 5 spaces for each additional 1,000 parking spaces or part thereof

Nothing in the by-law prohibits property owners from providing additional disabled parking spaces above the minimum requirement in the by-law.

Each parking stall reserved solely for vehicles operated by or carrying disabled persons must consist of the following:

#### 4.8.1 Notes

- One authorized disabled parking sign on display, one ‘\$300.00 Fine’ sign tab directly beneath the authorized disabled parking sign
- Both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign
- Be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6.0 metres (19 feet, 8 inches) in length
- Shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface
- Located on a level surface
- Placed in a location as to minimize the distance to building entrances and exits and so as to permit the easy access to such entrances and exits

Authorized disabled parking signs, tabs, and hardware are available at cost from the Municipal Service Centre, 3200 Stanley Avenue, Monday to Friday, between the hours of 8:00 a.m. and 4:00 p.m. **Refer to Figure “Disabled Parking Sign Specification” and “Disabled Parking Spaces, Signs and Markings”**

#### 4.9 *Parking Stall Configuration*

All tables are from City Zoning Bylaw

Surface Parking Area  
**Parking Spaces at Least 3.0m in width**  
 Open building or structure inclusive of any building or structure parking

Angle Parking Space with Manoeuvring Aisle	Minimum Perpendicular Length of Parking Space	Minimum Perpendicular Width of Manoeuvring Aisle
More than 60 degrees, up to 90 degrees	6.0 metres (19.69 ft)	5.9 metres (19.36 ft) 2-way movement
More than 45 degrees, up to 60 degrees	6.4 metres (21.00 ft)	4.6 metres (15.09 ft) 1-way movement
More than 30 degrees, up to 45 degrees	6.0 metres (19.69 ft)	3.6 metres (11.81 ft) 1-way movement
0 degrees (parallel), up to 30 degrees	6.7 metres (21.98 ft)	3.0 metres (9.84 ft) 1-way movement



Surface Parking Area  
**Parking Spaces at Less than 3.0m wide but Not Less than 2.75m**  
Open building or structure inclusive of any building or structure parking

Angle Parking Space with Manoeuvring Aisle	Minimum Perpendicular Length of Parking Space	Minimum Perpendicular Width of Manoeuvring Aisle
More than 60 degrees, up to 90 degrees	6.0 metres (19.69 ft)	6.9 metres (22.64 ft) 2-way movement
More than 45 degrees, up to 60 degrees	6.4 metres (21.00 ft)	5.2 metres (17.06 ft) 1-way movement
More than 30 degrees, up to 45 degrees	6.0 metres (19.69 ft)	3.7 metres (12.14 ft) 1-way movement
0 degrees (parallel), up to 30 degrees	6.7 metres (21.98 ft)	3.0 metres (9.84 ft) 1-way movement

**Covered Building or Structure Parking Area**  
**Parking Spaces at Least 3.0m in width**

Angle Parking Space with Manoeuvring Aisle	Minimum Perpendicular Length of Parking Space	Minimum Perpendicular Width of Manoeuvring Aisle
More than 60 degrees, up to 90 degrees	6.0 metres (19.69 ft)	5.9 metres (19.36 ft) 2-way movement
More than 45 degrees, up to 60 degrees	6.4 metres (21.00 ft)	4.4 metres (14.44 ft) 1-way movement
More than 30 degrees, up to 45 degrees	6.0 metres (19.69 ft)	3.6 metres (11.81 ft) 1-way movement
0 degrees (parallel), up to 30 degrees	6.7 metres (21.98 ft)	3.0 metres (9.84 ft) 1-way movement

**Covered Building or Structure Parking Area**  
**Parking Spaces at Less than 3.0m in width but Not Less than 2.75m**

Angle Parking Space with Manoeuvring Aisle	Minimum Perpendicular Length of Parking Space	Minimum Perpendicular Width of Manoeuvring Aisle
More than 60 degrees, up to 90 degrees	6.0 metres (19.69 ft)	6.3 metres (20.67 ft) 2-way movement
More than 45 degrees, up to 60 degrees	6.4 metres (21.00 ft)	5.2 metres (17.06 ft) 1-way movement
More than 30 degrees, up to 45 degrees	6.0 metres (19.69 ft)	3.7 metres (12.14 ft) 1-way movement
0 degrees (parallel), up to 30 degrees	6.7 metres (21.98 ft)	3.0 metres (9.84 ft) 1-way movement

4.10 *Driveway & Parking Area Construction*

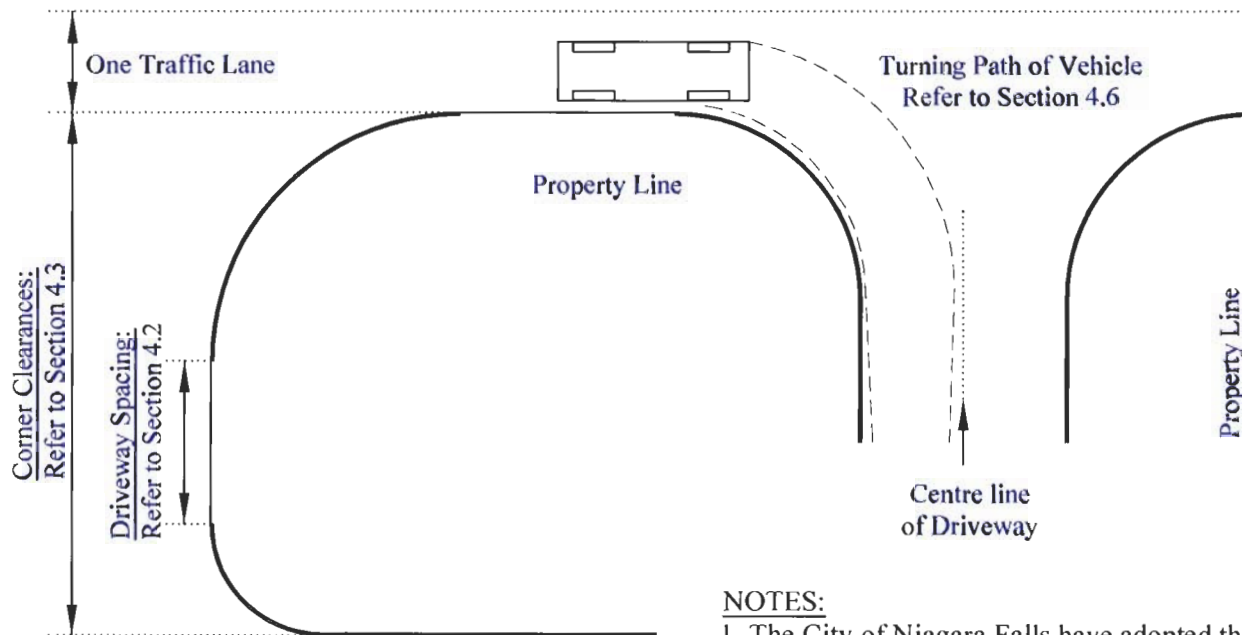
All asphalt parking areas shall have a minimum of the following cross section:

- 12 inches (300mm) Granular "A" base compacted to 100% proctor dry density
- 2 inches (50mm) HL 8 asphalt
- 1 inch (25mm) HL3 asphalt

All parking areas shall be asphalt paving or concrete paving , design and construction shall conform to the OPSD Volume 3 section 500, OPSD 350.010, 351.010.

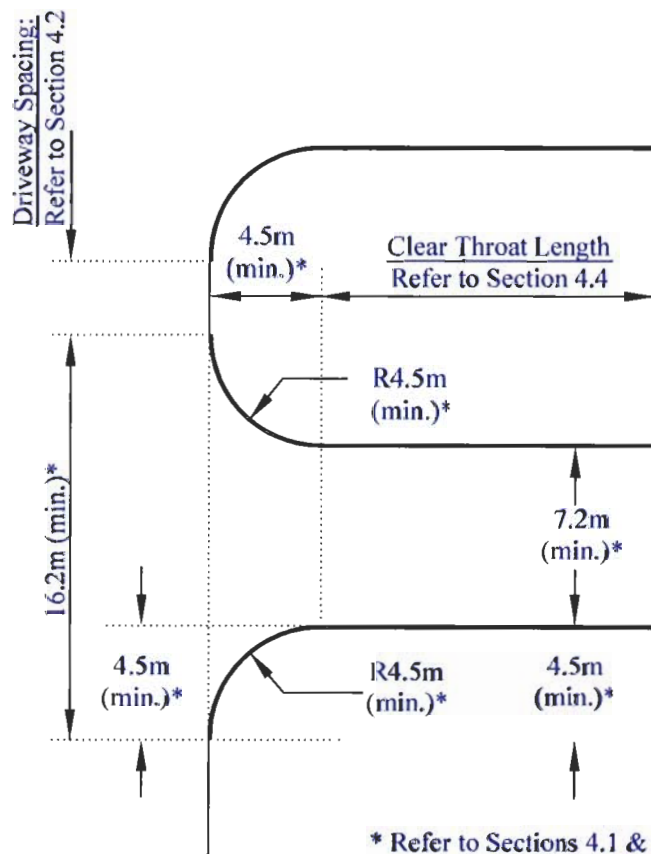
The maximum grade on a driveway or entranceway shall be 10% with 8% being preferable.

**FOLLOWING PAGES ARE LIST OF FIGURES**



#### NOTES:

1. The City of Niagara Falls have adopted the TAC Manual for site plan design guidance. The designer is to refer to the Guide for applicable standards and interpretation.
2. The applicant is solely responsible in demonstrating that a development and design is suitable for the site.
3. All site plans are to be designed considering typical business operations. For example, curb returns should be designed to accommodate large trucks that are used for deliveries.
4. The path of design vehicles entering and exiting the site from/to respective lanes without encroaching into opposing traffic flows is required. Movements within the site to the loading area is also required to be identified on the site plan.
5. All business operations must be contained entirely within the site (loading and unloading of passengers and/or merchandise, garbage collection, parking, etc.), without adversely affecting road operations. All drivers must enter and exit the site in a forward direction. Use of the road allowance for movements, such as reversing is not acceptable.
6. All curb radii are to be contained entirely within the projected property limits of the property. Driveways are to be offset accordingly.



\* Refer to Sections 4.1 & 4.6

DIAGRAM NOT TO SCALE  
FOR DEMONSTRATION  
PURPOSES ONLY



**MUNICIPAL WORKS  
TRAFFIC & PARKING SERVICES**

Commercial Development Site Plan  
Minimum Requirements for Driveway Design

# **DISABLED PARKING SIGN SPECIFICATIONS**

No Parking Symbol :    **BLACK LETTER "P", LEGEND, AND BORDER**  
                                  **2 cm RED REFL. ANNULAR BAND**  
                                  **1.5 cm RED REFL. INTERDICTIONARY STROKE**  
                                  **WHITE REFL. BACKGROUND**

Disabled Symbol :      **BLUE REFL. BACKGROUND**  
                                  **WHITE REFL. SYMBOL AND BORDER**



(30x45) cm



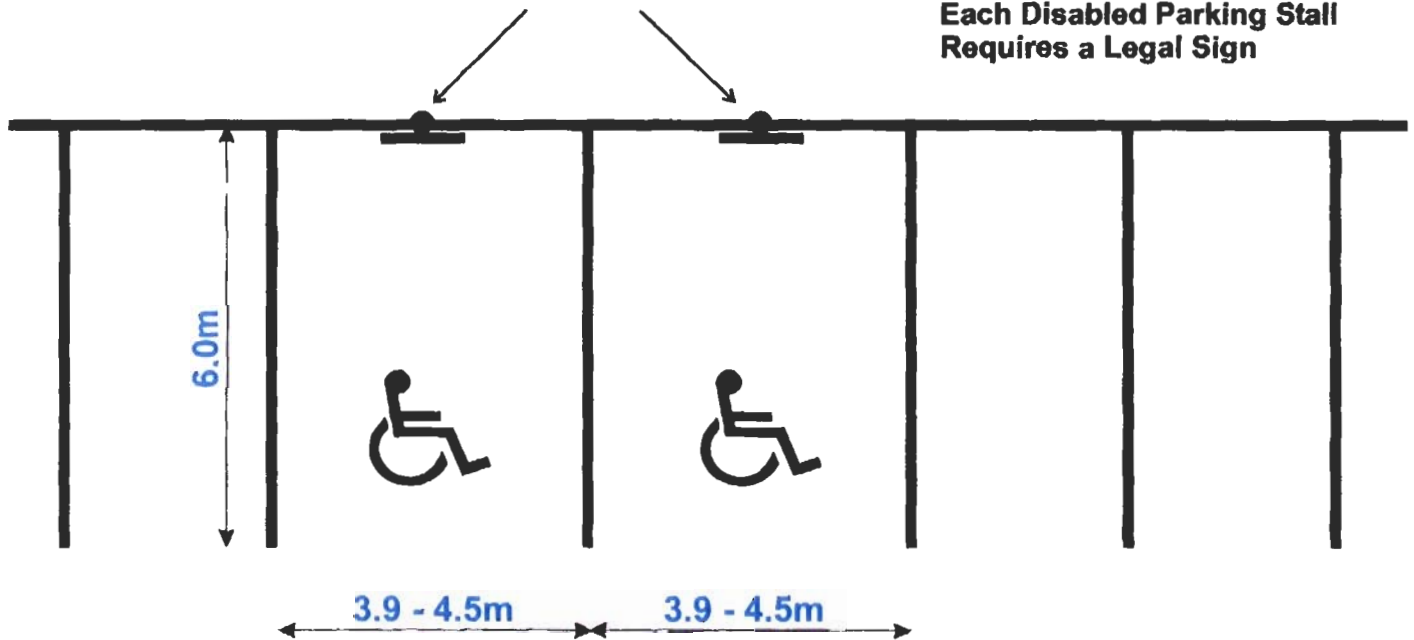
(30x15) cm

# DISABLED PARKING SPACES

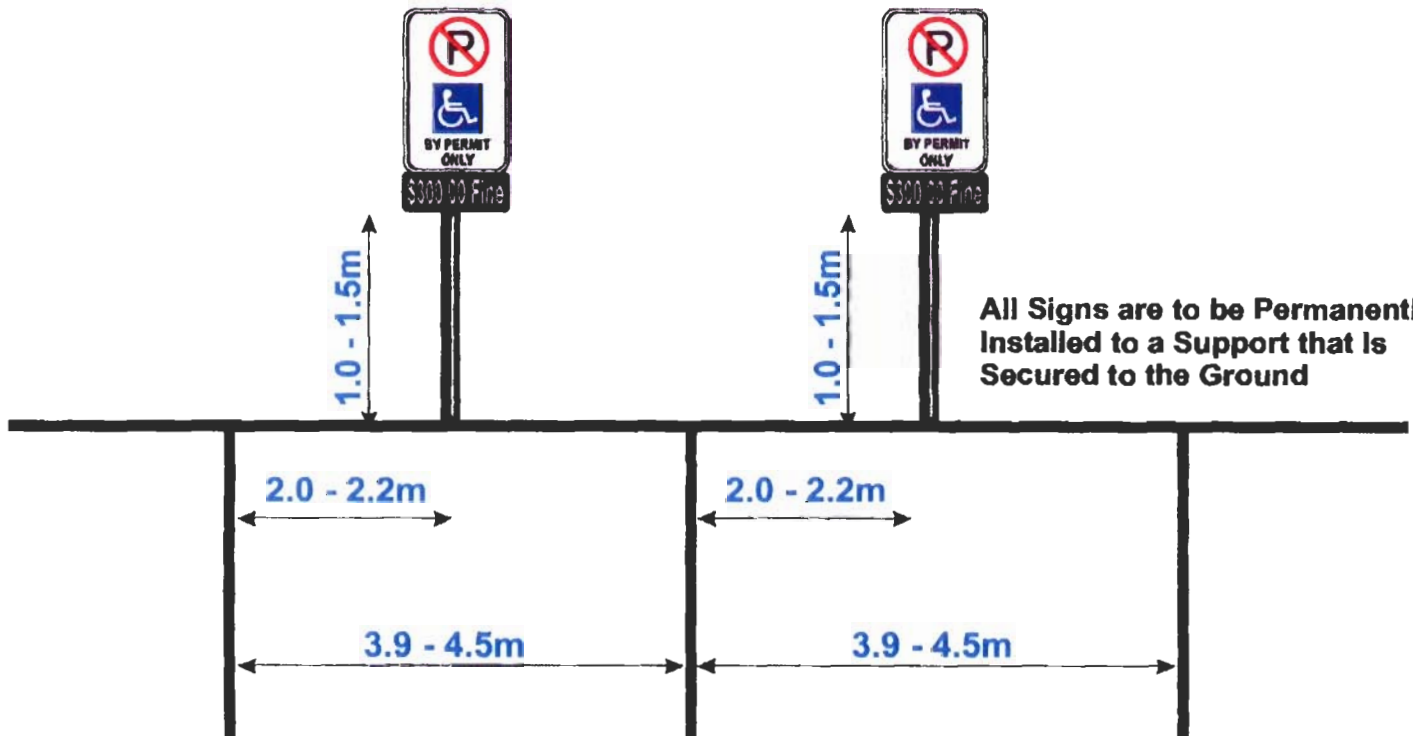
## SIGNS AND MARKINGS

Locations of Signs

Each Disabled Parking Stall Requires a Legal Sign

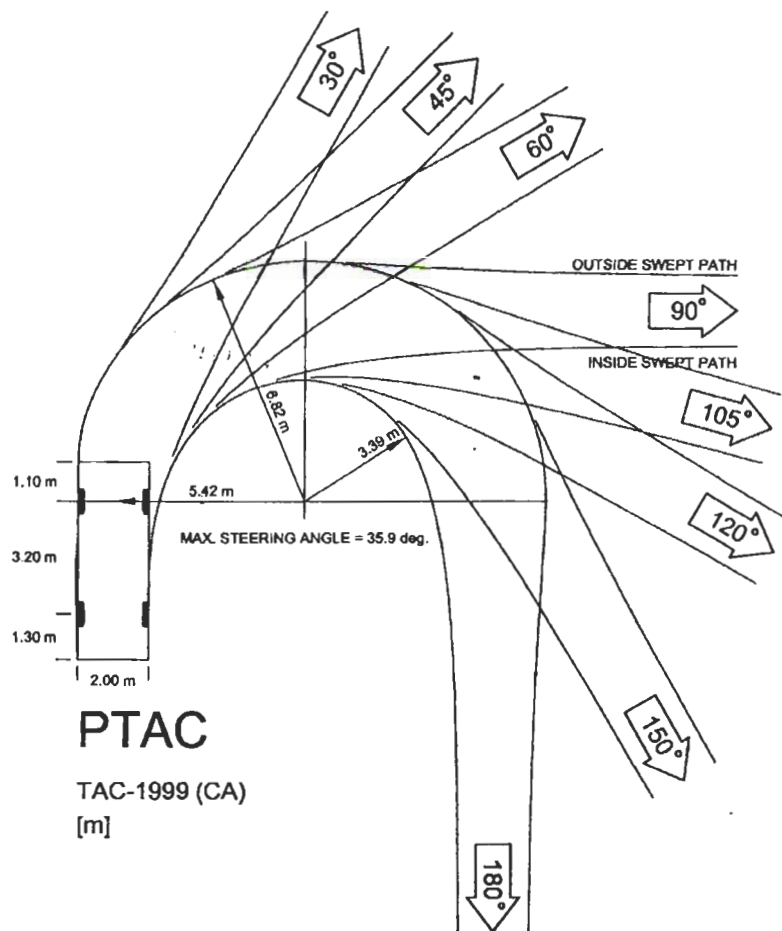


All Pavement Markings Associate with Disabled Parking Stalls Are to be White in Colour



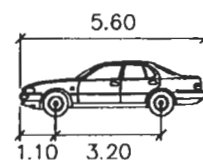
All Signs are to be Permanently Installed to a Support that Is Secured to the Ground





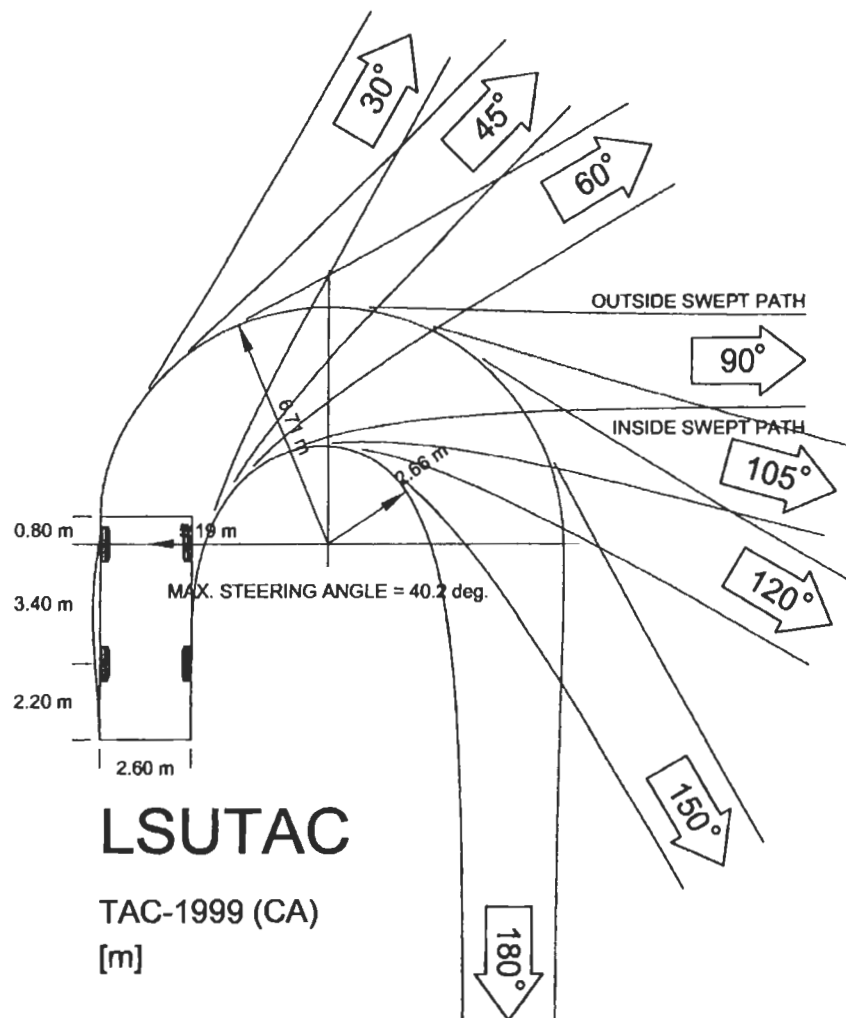
**PTAC**

TAC-1999 (CA)  
[m]



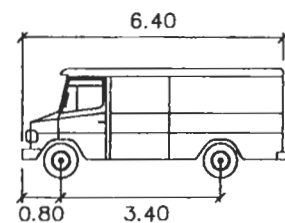
PTAC	metres
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Track	: 2.00
Lock to Lock Time	: 6.00
Steering Angle	: 36.21

SCALE 1:200

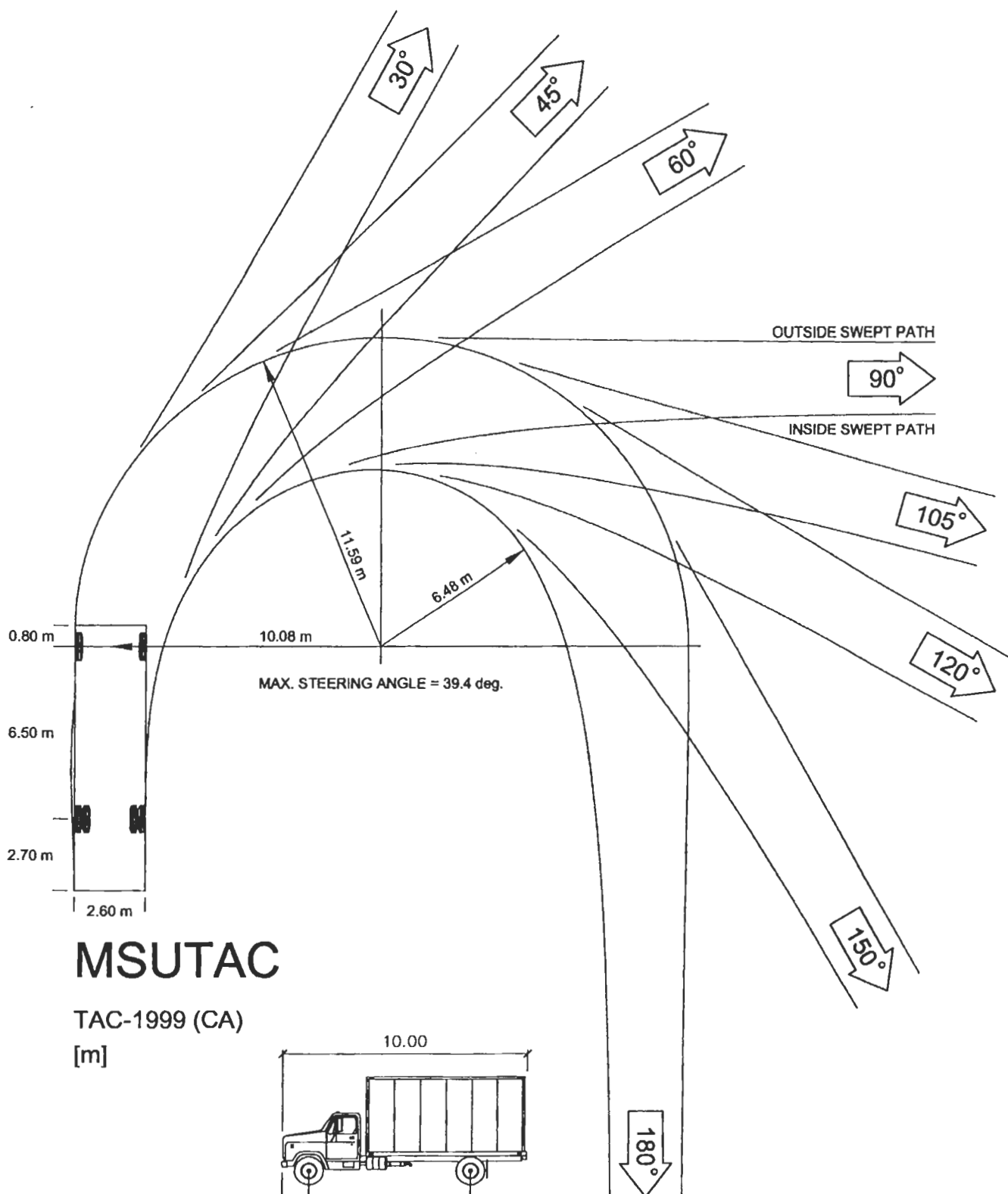


**LSUTAC**

TAC-1999 (CA)  
[m]



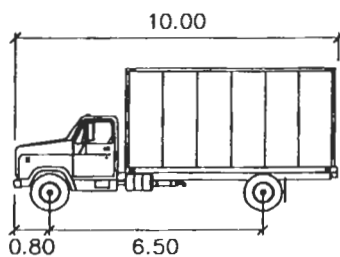
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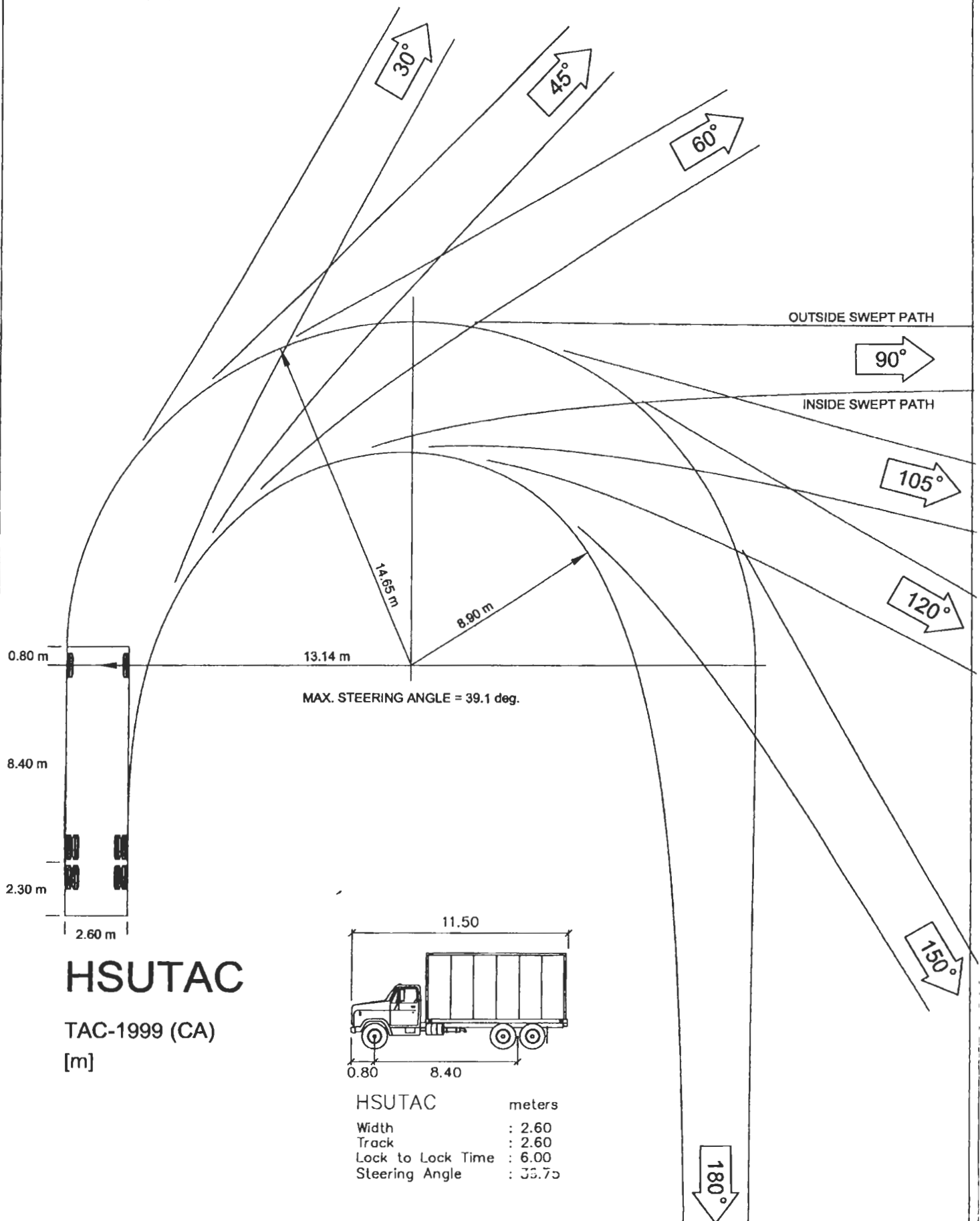
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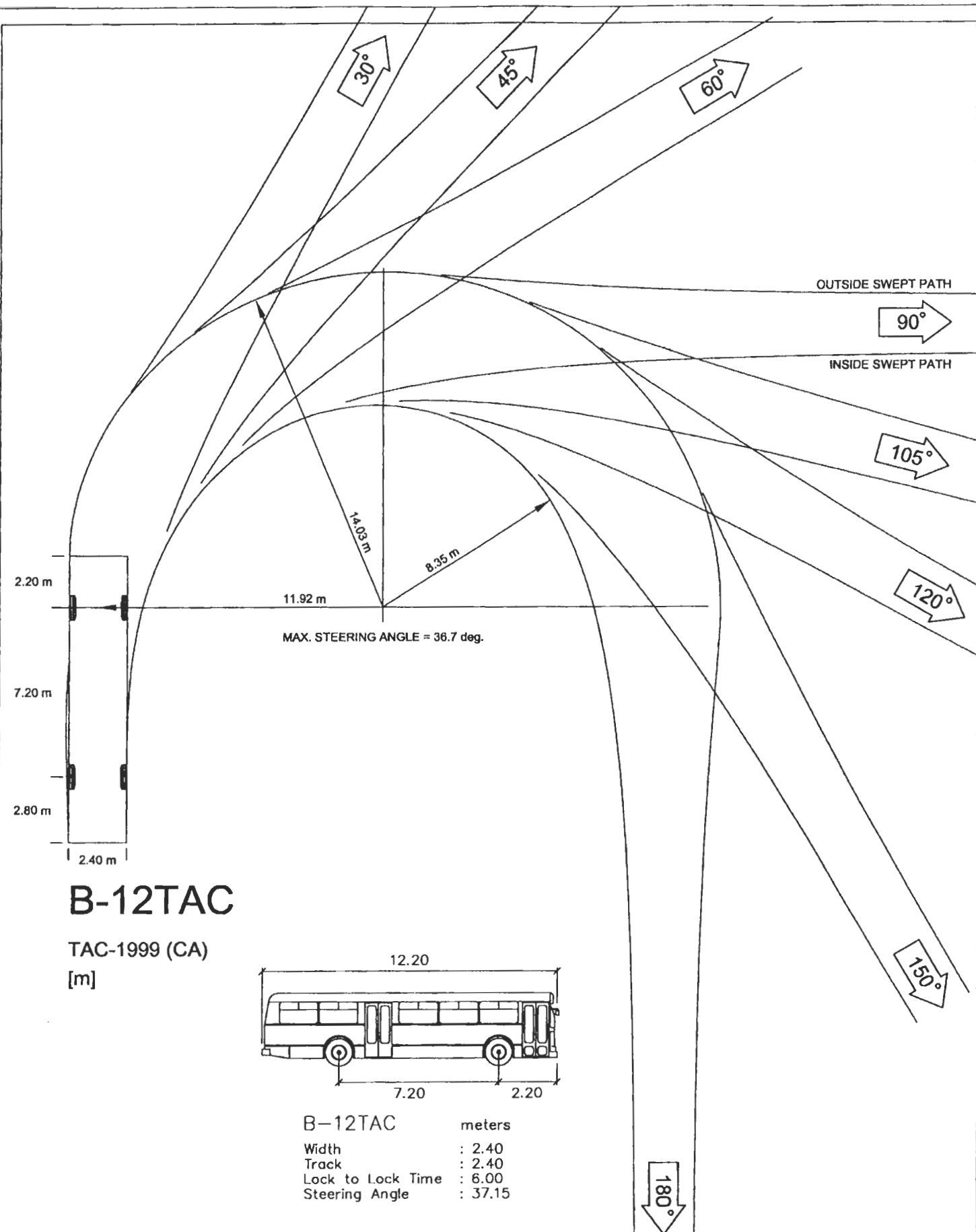
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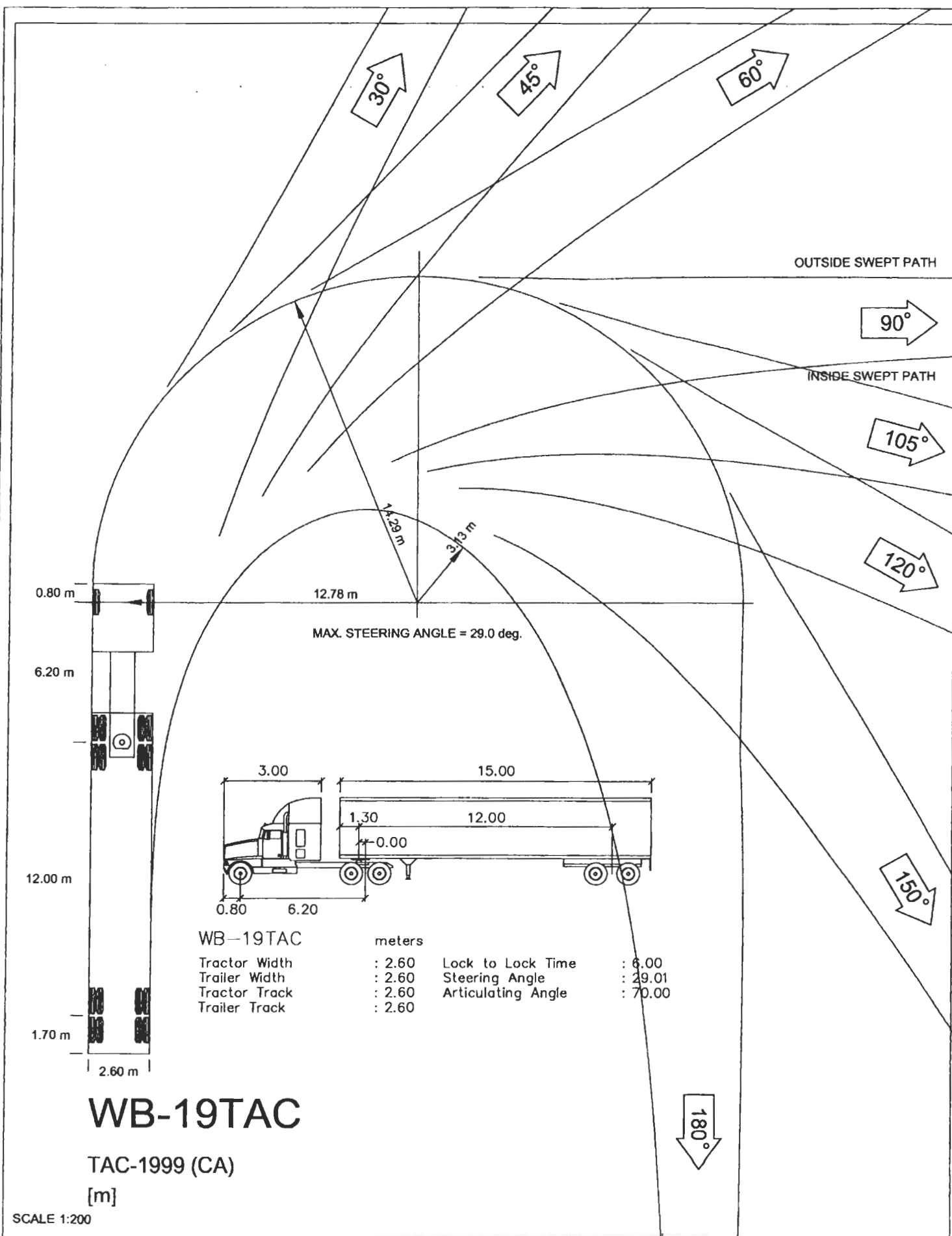
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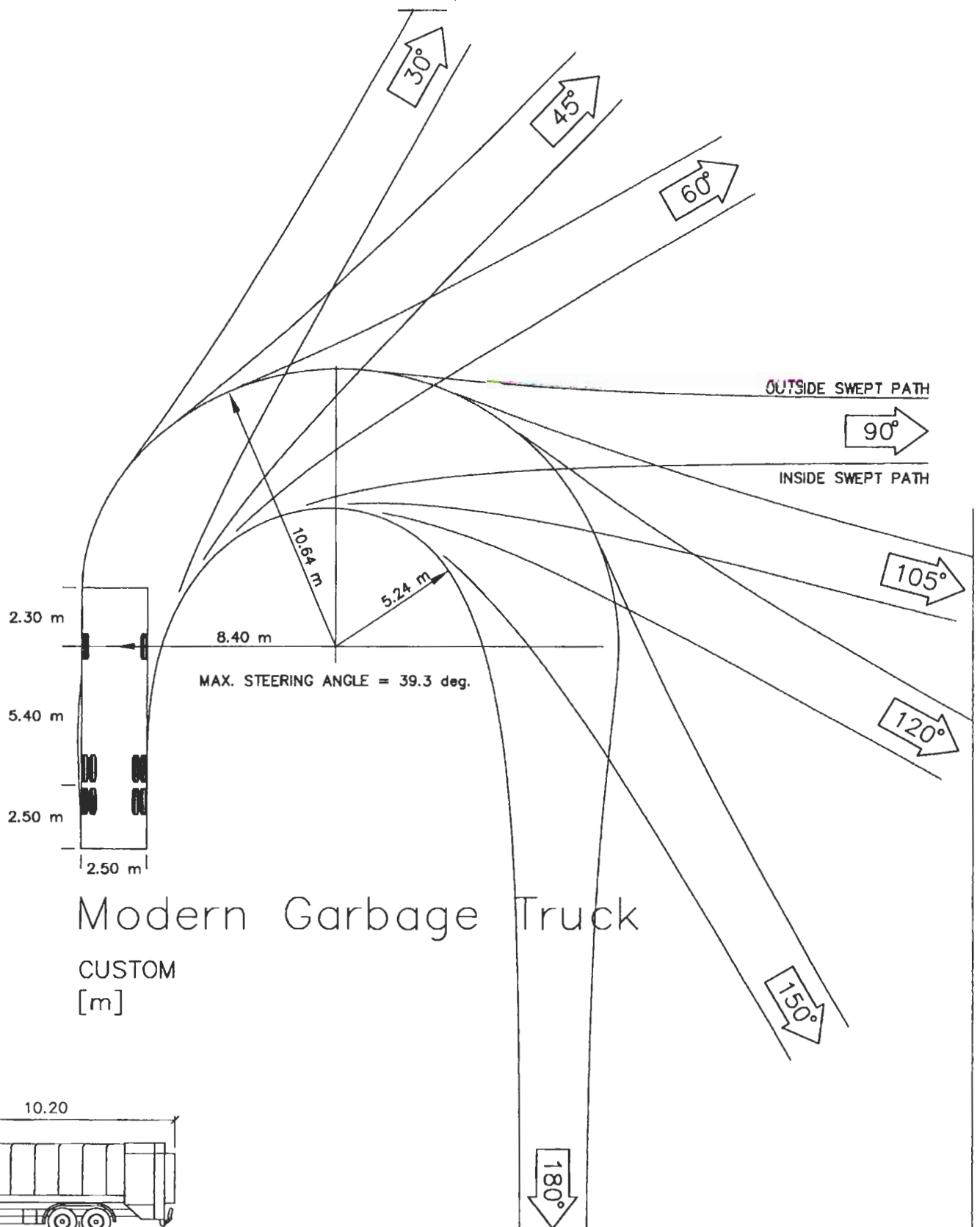
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SCALE 1:200

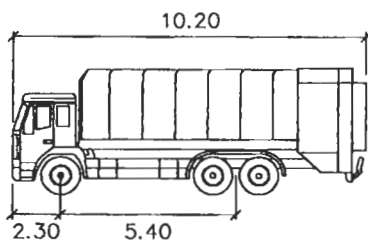






## Modern Garbage Truck

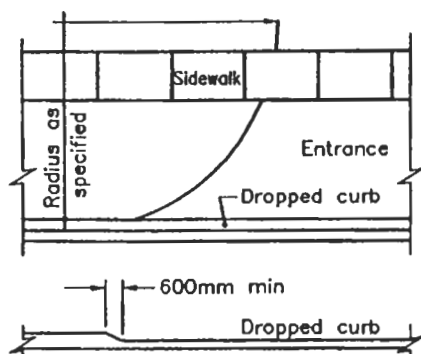
CUSTOM  
[m]



### Modern Garbage Truck

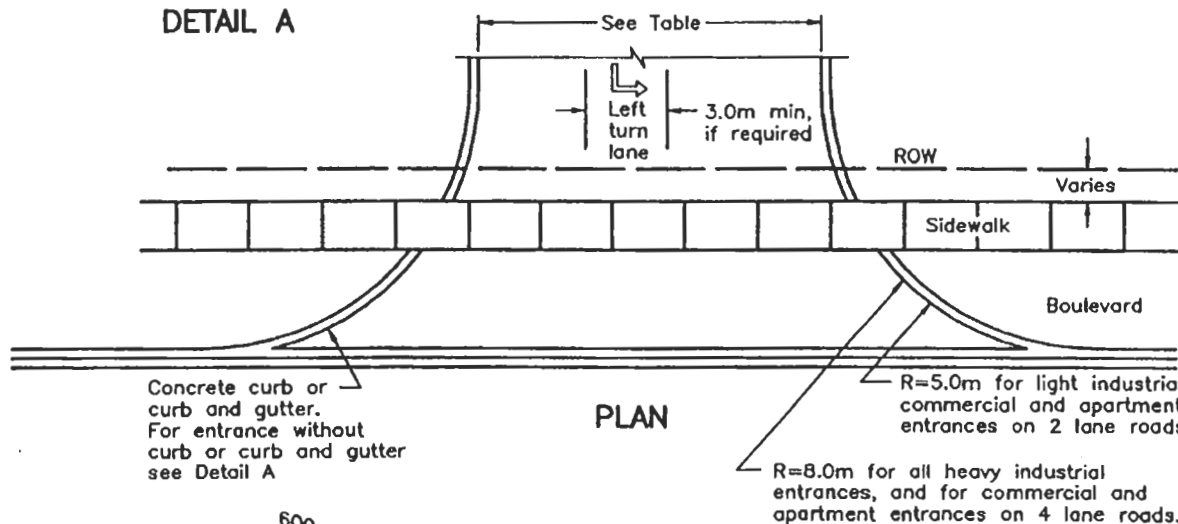
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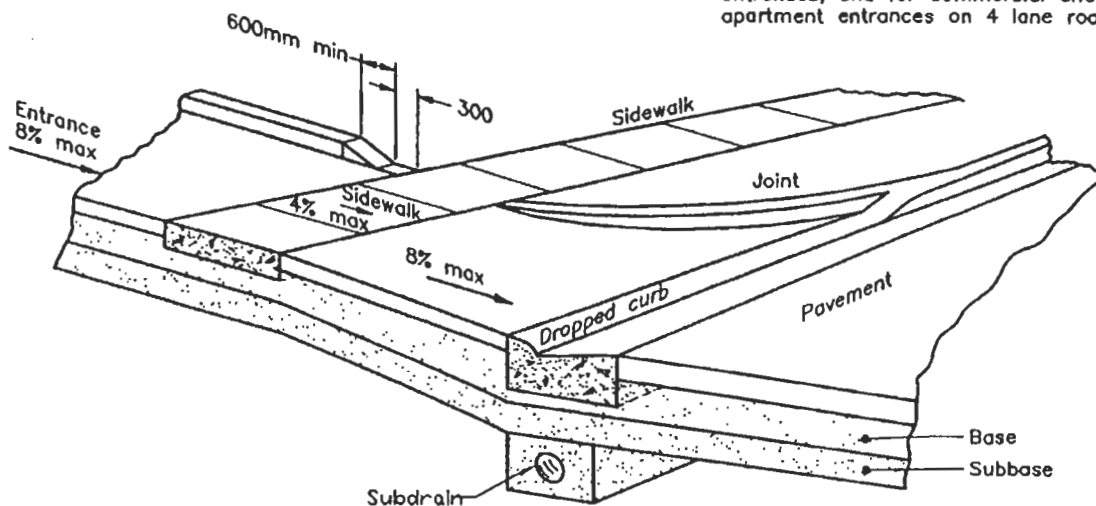


DETAIL A

DRIVEWAY DIMENSIONS						
LAND USE	WIDTH m				RADIUS m	
	One-Way		Two-Way		min	max
	min	max	min	max		
Light Industrial Commercial and Apartment	4.5	7.5	7.2	12.0	4.5	12.0
Heavy Industrial	5.0	9.0	9.0	15.0	6.0	15.0



PLAN



NOTES:

A All dimensions are in millimetres unless otherwise shown.

ONTARIO PROVINCIAL STANDARD DRAWING

April 1999

Rev

**URBAN  
INDUSTRIAL, COMMERCIAL AND  
APARTMENT ENTRANCES**

OPSD - 350.010



OPSD – 351.010

## 13.14 Sign By-law

### CITY OF NIAGARA FALLS

#### By-law No. 2021 – 24

**A by-law to prohibit or regulate the placing or erecting of signs, notices, and advertising devices on public and private property within the City of Niagara Falls.**

**WHEREAS** under section 8 and section 11(1) of the *Municipal Act, 2001*, R.S.O. 2001, c. 25, a municipal corporation has the powers of a natural person including by-law making powers respecting signs.

**AND WHEREAS** under s. 99 of the *Municipal Act, 2001*, R.S.O. 2001, c. 25 rules are prescribed applicable to the by-law making powers respecting advertising devices including signs.

**AND WHEREAS** the Council of the City of Niagara Falls has engaged in public consultation, including public meetings and direct consultations with representatives of the business community and sign industry.

**AND WHEREAS** the Council of the City of Niagara Falls desires to regulate signage within the City for purposes of public safety and public aesthetics.

**AND WHEREAS** the Official Plan and related policies of the City of Niagara Falls includes provisions concerning signs.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

#### 1.0 TITLE

This By-law shall be known and cited as the "Sign By-law."

#### 2.0 DEFINITIONS

The following definitions shall apply for the purposes of this By-law:

**Advertising device** means any device or object erected or located so as to attract public attention to any goods or services or facilities or events and includes flags, banners, pennants and lights.

**Agricultural land use** means the use of land, buildings or structures for agriculture or agricultural-related uses or land zoned Agriculture in the Zoning By-law.

**Agricultural sign** means a sign erected on an agricultural land use.

**Awning** means a fabric over frame structure that projects from the exterior wall of a building that provides shade or other weather protection.

**Awning sign** means a sign that is marked or inscribed upon or within the fabric of an awning.

**Banner** means a sign or advertising device made from cloth, plastic or a similar lightweight non-rigid material erected upon or supported by one (1) or more poles and includes a flag, pennant or other similar device.

**Bench sign** means a sign painted on or attached to a bench.

**Billboard** means a permanent outdoor third party sign erected and maintained by a person, company, or business engaged in the sale or rental of the sign or the use of the sign to a clientele.

**Building face** means an exterior wall of a building.

**Canopy** means a permanent, rigid, roof-like structure that is attached to and supported by the exterior wall of a building and may be supported from the ground.

**Canopy sign** means a sign attached to, marked or inscribed on a canopy.

**Chief Building Official** shall mean the person and/or his designate, so appointed by Council pursuant to the *Building Code Act*.

**City** means The Corporation of the City of Niagara Falls.

**Community bulletin board** means a bulletin board designated by the City upon which a poster may be placed by members of the public.

**Community Event sign** means a temporary sign that is erected for a local charitable community event and may be erected 7 days prior to the event and must be removed 72 hours after the event has concluded.

**Construction sign** means a type of temporary sign that provides information about the activity occurring at a construction site.

**Council** means the Council of The Corporation of the City of Niagara Falls.

**Directional sign** means a free-standing sign that gives directions or instructions for the control of vehicular or pedestrian traffic on a property.

**Directory sign** means a sign listing the tenants of a building containing at least two (2) distinct tenant units and that displays only the name and address of the tenants or occupancies for identification purposes.

**Electronic Message Centre sign (EMC)** means a sign that is capable of displaying words, symbols, figures or images as copy, which can be electronically changed by remote or automatic means. This could include full motion video or fixed copy that changes.

**Fascia sign** means a sign attached to, marked or inscribed on, erected or placed against a wall forming part of a building on a plane at any angle greater or less than ninety degrees to the plane of the building's wall.

**First party sign** means a sign which advertises, promotes, or directs attention to businesses, goods, services matters or activities that are only available at or related to the premises where the sign is located.

**General ground sign** means a ground sign supported by the ground with a maximum vertical clearance of 0.75 metres between grade and the base of the sign.

**Grade** means the average surface elevation of the finished ground below a sign or the point where the ground is in contact with any sign, building, or other structure.

**Ground sign** means a sign directly supported by one (1) or more uprights, poles or braces or located on a structural base placed in or upon the ground and includes a pylon sign.

**Illumination study** shall mean a study completed by a qualified professional that examines the impact of the illumination from a sign on adjacent areas and properties.

**Information sign** means a sign installed for public safety or convenience regulating on premises traffic, parking or a sign denoting sections of a building and displaying no commercial advertising.

**Institutional land use** means the use of land, buildings or structures for any use permitted under the Institutional zone or land zoned Institutional in the Zoning By-law.

**Institutional sign** means a sign installed on an institutional land use.

**Legal Non-conforming sign** means an existing sign, legally erected prior to December 15, 2008 and for which a permit was previously obtained and which does not conform with any or all of the provisions of this by-law, as amended.

**Logo sign** means a sign attached to the wall of a building and located at the uppermost storey of a building and consisting solely of a graphic, corporate symbol or trademark used to identify a particular building or premise or a particular occupant of a building.

**Lot** means a parcel of land fronting onto a street, which may be described by metes and bounds in a registered deed or be shown in a registered plan of subdivision. Contiguous lots in common ownership and occupied by a single building shall be deemed to be a single lot for the purpose of this By-law.

**Mansard roof** means a roof having two (2) slopes on all sides with the lower slope at an angle of not less than 60 degrees and steeper than the upper slope.

**Menu Board sign** means a sign erected as part of a drive-through facility and used to display and order products and services available in association with the drive-through business.



**Murad** means any type of display or artistic endeavour applied as paint, film or other covering to an external wall or other integral part of a building or structure that may include words or advertisement or other promotional message or content, including logos or trademarks.

**New development sign** means a first party sign or third party sign that identifies or provides information relating to or advertising the development or construction of a building or buildings.

**Official population** means the total number of residents of the City of Niagara Falls as determined by the most recent population census completed by the Government of Canada.

**Official sign** means a sign erected by a public authority for the purposes of that public authority.

**Owner** means the registered owner of the premises on which a sign is located or is proposed to be located.

**Park** means any publicly owned or publicly controlled land that is used or intended to be used for outdoor recreation, green space or as a natural buffer.

**Person** means an individual, firm, corporation, association or partnership.

**Portable sign** means a sign not permanently anchored to the ground or attached to a building and designed in a manner as to be capable of being moved from place to place. Without limiting the generality of the foregoing, this definition shall include a mobile sign, sandwich board sign, A-frame sign, and inflatable sign.

**Poster** means a printed notice conveying information intended to be displayed for a temporary period of time and includes but is not limited to a bill, bulletin, handbill, leaflet, notice and placard.

**Premises** means a lot and includes all buildings and structures thereon.

**Projected image sign** means a sign that consists of an image projected onto a wall, sidewalk or other surface.

**Projecting sign** means a building mounted sign with the sign faces perpendicular to the building fascia, excepting an awning sign and a canopy sign.

**Property line** means the boundary of a lot.

**Public property** means property, land or a building owned by the City, The Regional Municipality of Niagara, Province of Ontario, Government of Canada, or a local board as defined in the *Municipal Affairs Act*, as amended.

**Pylon sign** means a ground sign with a minimum vertical clearance of 2.7 metres between the grade and the lowest part of the sign face.

**Readograph** means a sign or part thereof, composed of alpha-numeric characters which is changed either manually or electronically.

**Region** means The Regional Municipality of Niagara.

**Regulation** means, unless the context indicates a reference to provincial or federal regulations, any standard, rule, requirement or prohibition set out in this by-law.

**Residential land use** means the use of land, buildings or structures exclusively for human habitation.

**Roof sign** means a sign supported entirely or partly by the roof of a building or structure and projects above the roof and parapet and shall not include a sign painted onto a roof.

**Sign** means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information, or advertising purposes and includes an advertising device or notice.

**Sign area** means the total area of the surface of every face of a sign including the border or frame, together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or building against which it is erected. Where there is no border or the sign is composed of individually installed letters, numerals, or shapes, the sign area shall include all of the area of the smallest rectilinear outline that uses the least number of horizontal and vertical lines to enclose the grouping of letters, numerals, or shapes.

**Sign District** means an area defined by the City for the purpose of prohibiting or regulating the placing or erecting of signs, notices, and advertising devices.

**Sign face** means that portion of a sign upon which or through which the message of the sign is displayed.

**Sign uniformity plan** means drawings and specifications approved by the City showing the arrangement of all wall signs erected and to be erected on a building or premises containing more than one (1) occupancy, and providing details of the type, character, height, and design of the signs in relation to the architectural features of the building.

**Street** means any highway as defined in the Municipal Act, 2001.

**Streetline** means and is the property line between a lot and a street.

**Temporary sign** means a sign anchored to the ground but erected for a limited period of time. Without limiting the generality of the foregoing, this definition shall include a real estate sign, construction sign, election sign, portable signs, sale banner, and new development sign.

**Third party sign** means a sign that advertises, promotes, or directs attention to businesses, goods, services matters or activities that are not available at or related to the premises where the sign is located.

**Visual impact study** means a study that demonstrates through graphics and other means, the expected visual appearance a sign will have at its proposed locations within its surroundings as viewed from relevant vantage points.

**Wall area** means the total area of an upright or vertical side of a building including any articulations.

**Wall sign** means a sign attached to or erected or placed against a wall forming part of a building, or supported by or through a wall of a building and having the exposed face thereof on a plane approximately parallel to the plane of such wall and includes awning signs, fascia signs, and murads.

**Window sign** means a sign posted, painted, or affixed in or on a window exposed to public view.

## **I. ADMINISTRATION**

### **3. ADMINISTRATION**

#### **3.1. Interpretation**

- 3.1.1. Words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and the converse.
- 3.1.2. The Chief Building Official or his designate shall determine the type of sign that any particular sign is and his determination of this issue shall be final.

#### **3.2. Administration**

- 3.2.1. The Chief Building Official and/or his designate shall be responsible for the administration of this By-law.

#### **3.3. Permits**

- 3.3.1. Except for signs referred to in section 3.5.1, no person shall erect, display or maintain a sign on private property unless a permit is obtained under the provisions of this By-law prior to the erection for that sign.
- 3.3.2. All signs shall conform to the provisions of this By-law.
- 3.3.3. A permit shall be refused if the proposed sign does not comply with this or any other By-law of the City or Region, or Provincial or Federal statute, regulation or approval.

- 3.3.4. (1) A permit issued by the City for a sign shall expire six months from the date of issuance unless the sign is erected for its intended purpose.
- (2) In the event that an application is made to extend the six month period referred to in subsection 3.3.4(1) above, prior to the expiration of that six month period the time to erect the sign may be extended for a further six months by the Chief Building Official.
- (3) A permit may only be extended once.
- 3.3.5. When a sign is removed, the permit issued for that sign shall be deemed to be revoked.
- 3.3.6. The City may revoke a permit under the following circumstances:
- (a) The City issued the permit in error, or
  - (b) The sign does not conform to this By-law, the Ontario Building Code, or any other applicable regulation or legislation or approval, or
  - (c) The permit has been issued as the result of false, mistaken, incorrect, or misleading statements, information, or undertakings on the application, plans, drawings, sketches and other documents submitted with the application, or
  - (d) The sign is causing, will cause or is contributing or will contribute to a hazardous condition.
- 3.3.7. If a building permit is issued for a sign that building permit is deemed to be a sign permit for the purposes of this By-law.

#### **3.4. Application for Permit**

- 3.4.1. The applicant for a permit shall be the owner of the property or building on which the sign is to be erected or the authorized agent of the owner.
- 3.4.2. The applicant shall file with the City an application for a permit on the prescribed form.
- 3.4.3. The applicant for a permit shall provide to the City:
- (a) A completed application in the form prescribed by the City;
  - (b) The written authorization of the owner where the applicant is not the owner of the property or building where the sign is to be erected;
  - (c) A drawing showing the location and dimensions of all existing and proposed signs, and identifying the materials of which the proposed sign is to be constructed;

- (d) A site plan showing the location of the sign in relationship to other buildings and structures, the street, and the boundaries of the property upon which the sign is proposed to be erected;
- (e) Sufficient information for the Chief Building Official to determine that the sign has been designed and will be constructed in compliance with the applicable structural and fire prevention provisions of the Ontario Building Code.

- 3.4.4. An application for a fascia sign for a building or property containing more than one (1) occupancy or tenant shall include a sign uniformity plan where signs are proposed for more than one (1) occupancy or tenant.
- 3.4.5. Prior to applying to the City for a permit, the applicant shall obtain approval for the proposed sign, if required, from any other governmental authority having jurisdiction over the sign.
- 3.4.6. Notwithstanding section 3.4.5 above, in the case of a sign subject to the jurisdiction of the Niagara Parks Commission, the approval of the Niagara Parks Commission may be obtained after the application has been made.
- 3.4.7. Notwithstanding section 3.4.5 if the Chief Building Official believes unreasonable delays in the process would occur he may issue a conditional sign permit following as closely as possible the rules and procedures of the *Building Code Act*, 1992, S.O. 1992, c. 23, any replacement legislation of that Act and any regulations promulgated pursuant to that Act or replacement legislation for the issuance of Conditional Building Permits.
- 3.4.8. Fees payable at the time of the application shall be in accordance with the permit fee structure adopted by the City and shall be paid prior to the City accepting any sign permit application for processing.

### 3.5. **Signs for Which a Permit is not required**

- 3.5.1. No sign permit shall be required for the following signs, provided the erection of such sign complies with all other provisions of this by-law and that a valid building permit is issued by the City, where required by the Ontario Building Code, to permit the erection of such sign:
  - (a) Signs to be located on lands that lie within an area that is under the jurisdiction of the Regional Municipality of Niagara, the Niagara Escarpment Commission or the Ministry of Transportation, provided that:
    - (i) a permit has been issued by the agency having jurisdiction; and

- (ii) a valid building permit has been issued by the City for the following types of signs prior to the commencement of erection of such sign:
  - A. Ground signs exceeding 7.5 metres (24.6 ft.) in height;
  - B. Roof signs exceeding 10 square metres in sign area; and
  - C. Billboard signs.
- (b) Official signs or signs pertaining exclusively to public safety;
- (c) Flags of corporations, nations, educational, or religious organizations provided not more than three (3) flags are located at one (1) premises;
- (d) A poster affixed to a community bulletin board in accordance with the provisions of this By-law;
- (e) A sign containing the name and address of a resident or occupant, provided the sign is not more than 0.2 square metres in sign area and does not include any commercial advertising for a residential land use of less than six (6) dwelling units;
- (f) A sign containing the name and address of the building, provided the sign is not more than 2.4 square metres in sign area and does not include any commercial advertising for a residential land use of six (6) or more dwelling units;
- (g) Information signs not more than 0.4 square metres in sign area;
- (h) Real estate signs not more than 0.5 square metres in sign area in a residential zone and 2.0 square metres in all other areas. Such real estate sign shall be removed within 14 days after the date of closure of an offer of purchase or lease of the premises;
- (i) A window sign on the first storey of a building occupied by a commercial use provided the window sign is not more than 20% of each window section or pane;
- (j) Directional sign not more than 0.5 square metres in sign area and 1.2 metres in height;
- (k) An open house directional sign;
- (l) A Construction sign not more than 5.0 square metres in sign area and to be removed within 30 days of the construction being completed or discontinued;
- (m) A sign for a contractor undertaking landscaping, home repairs or renovations, provided such sign is erected no more than two (2) days prior to the commencement of the project and is removed from the property immediately after the project is completed;
- (n) A garage sale sign or a sign advertising a lost pet;
- (o) Election sign;
- (p) Community Event sign not more than 3 m<sup>2</sup> (32.29 sq. ft.) in sign area.



- (q) Menu Board sign not more than 3.5 m<sup>2</sup> (37.67 sq. ft.) in sign area and not more than 3 m. in height.

### 3.6. Prohibited Signs

3.6.1. Any sign not expressly permitted by this By-law is prohibited and without limiting the generality of the foregoing, the following signs are specifically prohibited:

- (a) A sign located on or over public property;
- (b) Bench sign;
- (c) A sign located so as to obstruct the view of any pedestrian or motorist so as to cause an unsafe condition;
- (d) A sign attached to or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying the sign or advertisement;
- (e) A sign which obstructs or is located in a parking space that is required to enable the premises upon which the portable or temporary sign is located to comply with the requirements of a City of Niagara Falls Zoning By-law;
- (f) A sign located in a daylight triangle;
- (g) An inflatable sign;
- (h) No sign located within 30 metres of an intersection shall contain any green or red lettering or graphics that are illuminated or flashing;
- (i) Any sign which violates in any way any statute, regulation or by-law of the Government of Canada, the Province of Ontario, the Region or the City.

### Niagara Civic Convention Centre

3.6.2. Notwithstanding the foregoing and the provisions of section 12.1, a banner is permitted to be located on public property, in accordance with the following:

3.6.2.1. The provisions of this section shall apply to any banner erected by the Operator of the Niagara Civic and Convention Centre Inc.

3.6.2.1.1. in this part:

- (a) "Approved fixture" means a fixture for erecting a banner, attached to a pole or structure in a location and of a construction approved by the Director of Municipal Works of the City within the Designated Area.
- (b) "NCCC Banner" means a banner that complies with the regulations of this by-law and is authorized to be erected upon an approved fixture by or at the direction

of the NCCC within the Designated Area which relates to events to take place at the Niagara Convention and Civic Centre.

- (c) "Designated Area" means the area designated on Schedule B for the erection of NCCC Banners.

3.6.2.1.2. No permit shall be required to erect an NCCC Banner on an Approved Fixture.

3.6.2.1.3. The Operator of the Niagara Civic and Convention Centre Inc., or designate, shall obtain written acknowledgment of any proposed banner prior to installation.

3.6.2.1.4. Contractors retained by the NCCC to erect NCCC Banners shall comply with all applicable standards, rules and regulations of the City concerning or related to undertaking work in City streets.

3.6.2.1.5. An Approved Fixture may be located on public lands.

3.6.2.1.6. An NCCC Banner shall not be used for advertising or promoting any event which is not related to the NCCC or any business other than the NCCC.

3.6.2.1.7. All other relevant provisions of this by-law shall apply to NCCC banners.

3.6.2.1.8. The appropriate Business Improvement Association shall be consulted with by the Operator of the Niagara Civic and Convention Centre Inc. where the Designated Area intersects with a Business Improvement Area prior to the installation of any banners.

### **Business Improvement Areas**

3.6.2.2. The provisions of this Part shall apply to banners erected by or at the direction of, Boards of Management of a Business Area within the Business Improvement Area of that Board of Management.

3.6.2.2.1. in this part:

- (a) "Approved fixture" means a fixture for erecting banners, attached to a pole or structure in a location and of a construction approved by the Director of

Municipal Works of the City within the Designated Area.

- (b) "BIA Banner" means a banner that complies with the regulations of this by-law and is authorized to be erected upon an approved fixture by the Board of Management of a Business Improvement Area within the Business Improvement Area governed by the Board of Management giving the approval and which relates to events and businesses within the BIA.

3.6.2.2.2. No permit shall be required to erect a BIA Banner on an approved fixture.

3.6.2.2.3. The Operator of the Niagara Civic and Convention Centre Inc., or designate, shall obtain written acknowledgment of any proposed banner prior to installation.

3.6.2.2.4. Contractors retained by Boards of Management of Business Improvement Areas to erect BIA banners shall comply with all applicable standards, rules and regulations of the City concerning or related to undertaking work in City streets.

3.6.2.2.5. An Approved Fixture may be located on public lands.

3.6.2.2.6. A BIA Banner shall not be used for advertising or promoting any event which is not related to the BIA or to any business located outside boundaries of the BIA.

3.6.2.2.7. All other relevant provisions of this by-law shall apply to BIA banners.

3.6.2.3. Any banner installed in accordance with subsections 3.6.2.1 and 3.6.2.2 above shall comply with the following regulations:

3.6.2.3.1. A banner projecting over a sidewalk shall have a minimum vertical clearance of 2.75.m between the grade and the lowest part of the sign face.

3.6.2.3.2. A banner projecting over any portion of a road shall have a minimum vertical clearance of 4.8m between the road surface and the lowest part of the sign face.

3.6.2.3.3. A banner shall not be installed on poles supporting traffic control signals or stop/yield signs.

3.6.2.3.4. A banner shall not be installed within 30m of a rail crossing.

3.6.2.3.5. A banner shall not obstruct the visibility of traffic signs, traffic signals or other traffic control devices.

3.6.2.3.6. A banner shall not resemble images or text that imitates any official parking or traffic control signal, sign or device.”

#### **4. GENERAL PROVISIONS**

- 4.1. No sign shall be located so as to obstruct the view of the movement of traffic or pedestrians upon any street or railway crossing to persons using or seeking to use the street or railway crossing or of the view of any traffic signal located on or near the street, lane, highway or railway crossing.
- 4.2. Except where otherwise permitted, no sign shall be fixed, attached to or painted onto a fence, board, tree, transit shelter, splash guard, safety or guard rail, utility pole, street furniture, trash or recycling bin.
- 4.3. The owner of the premises upon which any sign is located, shall be responsible for every aspect of any sign on that premises and, without limiting the generality of the foregoing, shall obtain any licence required for the sign and maintain the sign in a proper state of repair to prevent the sign becoming unsafe or dangerous.
- 4.4. No sign shall be located within 1.5 metres of an adjacent lot, except for a fascia sign or wall sign where the adjacent lot line is a shared wall, or is on a structure located on a street corner.
- 4.5. Any external lighting used to illuminate a sign shall be arranged to not direct light onto an adjacent street or premises.
- 4.6. Except as provided for in clauses (e) and (f) of section 3.5.1 and section 15 of this By-law no sign is permitted on a residential land use.
- 4.7. A sign must be located or displayed at a location where that type of sign is permitted and must comply with the regulation applicable to that type of sign in that location.
- 4.8. It is the express intent of Council that this by-law is not to be interpreted so as to grant rights to persons that they would not have enjoyed but for the passage of this by-law.
- 4.9. The onus of demonstrating that a sign is not subject to the provisions of this by-law shall be upon the owner of that sign.

4.10. Changes to a legal non-conforming sign including replacement of the sign content and sign face or restoration, reinforcement and repair to the structural elements of a sign shall be permitted provided all dimensions and location of the sign remain exactly the same and shall be subject to obtaining the necessary sign permit.

4.10.1. Where changes to a legal non-conforming sign necessitate the removal or disassembly of structural elements, in whole or in part, it is, deemed a replacement sign, which necessitates full compliance with all provisions of this by-law and shall require a building permit.

4.10.2. A sign permit shall not be required for any alterations or repairs to a sign for which a sign permit has been issued where such alterations or repairs involve only a change in copy or the repainting, cleaning or other normal activities provided the sign structure is not modified in any other way.

## II. **SIGNS PERMITTED BY DISTRICT**

### 5. **SIGN DISTRICTS**

5.1. (1) For the purposes of this By-law, the following Sign Districts shown in Schedule "A" are hereby established for the regulation of signs in the City: Downtown District, Fallsvie District, Clifton Hill District, Lundy's Lane District, Whirlpool District, Chippawa District, Commercial District and Industrial District.

(2) The types of signs permitted in each district shall be as set out in Tables 1 and 2.

(3) Where a type of sign is permitted, it shall be subject to the regulations relating to that type of sign.

(4) In addition to the regulations described in subsection 5.1(3) a sign shall be subject to any special regulations that apply to that type of sign in the Sign District where the sign is located.

5.2. (1) Those areas of the City that are not within a Sign District listed above in Article 5.1(1) and that are zoned any Neighbourhood Commercial designation pursuant to By-law No. 79-200 as amended are designated Neighbourhood Commercial Sign District for the purposes of this By-law.

(2) Those areas of the City that are not within a Sign District listed above in Article 5.1(1) and that are zoned any Commercial designation other than a Neighbourhood Commercial designation pursuant to By-law No. 79-200 as amended that are designated Commercial/Industrial Sign District for the purposes of this By-law.

- (3) Those areas of the City that are not within a Sign District listed above in Article 5.1(1) and zoned any Industrial designation pursuant to By-law No. 79-200 as amended that are designated Commercial/Industrial Sign District for the purposes of this By-law.

<b>Table 1 Sign Districts</b>				
<b>Column 1</b>		<b>Column 2</b>		
<b>Sign Type</b>				
		<b>Fallsview</b>	<b>Clifton Hill</b>	<b>Downtown</b>
Ground Signs	Pylon Sign	Yes	Yes	No
	General	Yes	Yes	Yes
Wall Signs	Fascia Sign	Yes	Yes	Yes
	Murad	Yes	Yes	No
	Awning Sign	Yes	Yes	Yes
	Logo Sign	Yes	Yes	Yes
Roof Sign		No	Yes	No
Projecting Sign		Yes	Yes	Yes
Canopy Sign		Yes	Yes	Yes
Billboard		see section 11.0		
Portable Sign		No	No	Sandwich Board Signs - Yes  All other Portable Signs - No
Temporary Sign		No	No	No
Banner		Yes	Yes	No
Electronic Message Centre		Yes	Yes	No
Projected Image Signs	Above Ground	Yes	Yes	No
	On Ground	Yes	Yes	No
Readograph		Yes	Yes	Yes



<b>Table 2 Sign Districts</b>				
<b>Column 1</b>		<b>Column 2</b>		
<b>Sign Type</b>				
		<b>Lundy's Lane</b>	<b>Whirlpool</b>	<b>Chippawa</b>
Ground Signs	Pylon Sign	Yes	Yes	No
	General Ground	Yes	Yes	Yes
Wall Signs	Fascia Sign	Yes	Yes	Yes
	Murad	Yes	Yes	Yes
	Awning Sign	Yes	Yes	Yes
	Logo Sign	Yes	Yes	Yes
Roof Sign		No	No	No
Projecting Sign		Yes	Yes	Yes
Canopy Sign		Yes	Yes	Yes
Billboard		see section 11.0		
Portable Sign		Yes	Yes	No
Temporary Sign		No	No	Yes
Banner		Yes	Yes	Yes
Readograph Sign		Yes	Yes	No
Projected Image Signs	Above Ground	Yes	Yes	No
	On Ground	Yes	Yes	No
EMC		Yes	Yes	No

<b>Table 3 Sign Districts</b>			
<b>Column 1</b>		<b>Column 2</b>	
<b>Sign Type</b>		<b>Neighbourhood Commercial</b>	<b>Commercial/Industrial District</b>
Ground Signs	Pylon Sign	No	Yes
	General Ground	Yes	Yes

Wall Signs	Fascia Sign	Yes	Yes
	Murad	Yes	Yes
	Awning Sign	Yes	Yes
	Logo Sign	No	Yes
Roof Sign		No	No
Projecting Sign		Yes	Yes
Canopy Sign		Yes	Yes
Billboard		see section 11.0	
Portable Sign		Yes	Yes
Temporary Sign		No	Yes
Banner		No	Yes
Readograph Sign		No	Yes
Projected Image Signs	Above Ground	No	Yes
	On Ground	No	Yes
EMC		No	Yes

5.3. In the Downtown Sign District, the following regulations apply in addition to those set out in Tables 1 and 2:

- (a) A fascia sign shall be located within the horizontal band which divides the store front windows from the upper facade;
- (b) A sign in the Downtown Sign District shall not be internally illuminated.

5.4. Notwithstanding Table 1, the following signs are permitted outside of the Sign Districts:

- (a) institutional signs;
- (b) agricultural signs;
- (c) New development signs.

### III. THE REGULATIONS

The regulations specific to each type of sign are as follows:

#### 6. **GROUND SIGNS**

A ground sign shall conform to the following regulations:

##### 6.1. **Ground Signs**

General ground signs and pylon signs must comply.

- 6.1.1. One (1) ground sign may be located along a street frontage for each 45 metres of street frontage.
- 6.1.2. No more than two (2) ground signs may be located on the street frontage of a property.
- 6.1.3. No ground sign shall be located closer than 30 metres to any other ground sign on the same property.
- 6.1.4. The maximum total sign area for all ground signs on a street frontage shall be as set out in Table 4.

<b>Table 4</b> <b>Maximum Area Ground Signs</b>		
<b>Lot Frontage</b>	<b>Sign Districts</b>	
	<b>Chippawa</b>	<b>All Other Sign Districts</b>
23 metres or less	-	4.6 sq. m
23 metres to 30 metres	-	7.0 sq. m
Over 30 metres but less than 46 metres	-	9.3 sq. m
Over 46 metres	-	General Ground Signs : 18.6 sq. m Pylon Sign: 23.0 sq. m
All frontages	4.6 sq. m	-

- 6.1.5. The maximum sign area for all ground signs on a property shall include the area of all permitted directional signs.
- 6.1.6. Every ground sign shall display the municipal address of the property upon which the sign is located in numerals that are a minimum height of 150 millimetres.
- 6.1.7. No part of a ground sign shall be located within 1.5 metres of a street line or public sidewalk.
- 6.1.8. The maximum height of a ground sign other than a pylon sign shall be 2.4 metres.

## 6.2. **Pylon Signs**

A pylon sign shall conform to the following regulations:

- 6.2.1. A pylon sign shall be erected on a property with a minimum street frontage of 30 metres.
- 6.2.2. A pylon sign shall not be erected on a street frontage of a lot that is less than 30 metres.
- 6.2.3. There shall be no more than one (1) pylon sign erected on any frontage of any lot.
- 6.2.4. Notwithstanding Table 3, a pylon sign shall not be erected in the Main and Ferry District as shown on Schedule "A" of this By-law.
- 6.2.5. The maximum height of a pylon sign shall be 9 metres.
- 6.2.6. A pylon sign shall have and maintain a minimum vertical clearance of 2.7 metres between the grade and the lowest part of the sign face.

## **7. WALL SIGNS**

### **7.1. Fascia Signs**

A fascia sign shall conform to the following regulations:

- 7.1.1. No fascia sign shall cover or project into any window, door, or other opening on a building face.
- 7.1.2. A fascia sign may project a maximum of 0.45 metres from a building face over the street line.
- 7.1.3. A fascia sign projecting .08 metres or more from a building face shall be a minimum of 2.70 metres above grade.
- 7.1.4. The upper limit of a fascia sign shall not project above the roofline or parapet of a building.
- 7.1.5. No fascia sign shall be attached to a mansard roof.
- 7.1.6. The maximum aggregate area of all fascia signs on any one (1) building face shall be 25% of the area of the building face to which it is attached.
- 7.1.7. Notwithstanding sub-section 7.1.6, the maximum area of all fascia signs on any one (1) building face within the Chippawa District shall be 9.3 square metres.
- 7.1.8. Where two (2) or more fascia signs are attached to a building, the signs shall maintain a uniform band of signage along the building face defined by locating all signage on the building face in a manner that maintains a consistent horizontal alignment and vertical height.

7.1.9. In the case of a building containing multiple occupancies or tenants, a maximum of one (1) fascia sign shall be permitted for each tenant or occupancy provided the maximum total sign area permitted for fascia signs is not exceeded.

7.1.10. One (1) fascia directory sign shall be permitted on any building and shall be included in the total maximum sign area for fascia signs.

## **7.2. Murad Signs**

A Murad sign shall conform to the following regulations:

7.2.1. The maximum area of a Murad sign shall be 25% of the area of the building face from which it is displayed.

7.2.2. Notwithstanding sub-section 7.2.1, the maximum area of a Murad sign displayed within the Chippawa District shall be 9.3 square metres.

## **7.3. Awning Signs**

An awning sign shall conform to the following regulations:

7.3.1. The maximum sign area of an awning sign shall be 25% of the awning to which it is applied.

7.3.2. The maximum length of an awning sign shall be 10 metres.

7.3.3. Awning signs shall not consist of three dimensional letters or graphics.

7.3.4. Notwithstanding clause (a) of section 3.6.1, an awning sign may encroach onto a street or shoulder of a street to within 0.8 metres of a street curb or the shoulder of a road.

## **7.4. Logo Signs**

A logo sign shall conform to the following regulations:

7.4.1. Where a logo sign is displayed on a building that is four (4) or more stories in height the logo sign shall be displayed on the building face of the upper most storey of that building.

7.4.2. Where a logo sign is displayed on a building of three (3) or fewer stories, it may be displayed anywhere on the building.

7.4.3. The maximum sign area of a logo sign shall be 10% of the portion of the building face defined by the floor and ceiling of the storey of the building upon which the logo sign is displayed.

# **8. ROOF SIGNS**

A roof sign shall conform to the following regulations:

- 8.1. No more than one (1) roof sign shall be located on a building.
- 8.2. A roof sign shall be integrated with the architecture of the building on which it is erected and shall not appear as a separate structure.
- 8.3. A roof sign shall be located a minimum of 1.2 metres from the outer wall of the building on which it is displayed. In no case shall a roof sign overhang the outer wall of a building.
- 8.4. No part of a roof sign shall be higher than 5.5 metres above the roof or parapet of the building.
- 8.5. No part of a roof sign shall be closer than 1.0 metres to the roof deck.
- 8.6. The maximum sign area of a roof sign shall not exceed 20 square metres.
- 8.7. A roof sign shall not obstruct any door, window, skylight, scuttle, or fire escape or prevent the free access of fire fighters to any part of the building.
- 8.8. A roof sign shall not obstruct the view from any window or skylight that is in a building located on an adjacent property.
- 8.9. An application for a roof sign shall include a visual impact study and an illumination study to illustrate and evaluate the impact of the roof sign with respect to the City's skyline and appearance from Queen Victoria Park.

## **9. PROJECTING SIGNS**

A projecting sign shall conform to the following regulations:

- 9.1. A projecting sign shall not encroach onto a public property.
- 9.2. Notwithstanding section 9.1 a projecting sign may encroach onto a street one half of the distance between the street line and the street curb or the shoulder of the street where a shoulder exists or to within 0.8 metres of a street curb or the shoulder of a road, where a shoulder exists, whichever is the lesser of the two distances.
- 9.3. The maximum area of a projecting sign shall be 7.0 square metres.
- 9.4. A projecting sign shall maintain a minimum clearance of 2.7 metres above grade.

## **10. CANOPY SIGNS**

A canopy sign shall conform to the following regulations:

- 10.1. The maximum height of a canopy sign shall be 0.6 metres.

- 10.2. Where a canopy sign is displayed above the canopy the vertical space between the lowest point of the sign and the top of the canopy or overhang shall not exceed 0.3 metre.
- 10.3. A canopy sign may project a maximum 0.3 metre from the canopy face.
- 10.4. A canopy sign shall maintain a minimum clearance of 2.7 metres above grade.
- 10.5. Notwithstanding clause (a) of section 3.6.1, a canopy sign may encroach onto a street one half the distance between the street line and the street curb or the shoulder of the street where a shoulder exists or to within 0.8 metres of a street curb or the shoulder of a road where a shoulder exists whichever is the lesser of the two distances.

## **11. BILLBOARDS**

A billboard shall conform to the following regulations:

- 11.1. A billboard shall only be located on a vacant property designated Major Commercial, Industrial, Good General Agriculture by the City's Official Plan.
- 11.2. Where a billboard is located on a premise, no other signs for which a permit is required shall be displayed on that premises and no sign permits shall be issued to permit any additional signs on that premises.
- 11.3. Notwithstanding the provisions of section 11.1, billboards are not permitted within the Downtown District and the Chippawa District.
- 11.4. The sign face of a billboard shall be a minimum 18.0 square metres and a maximum of 70 square metres in sign area.
- 11.5. The minimum distance between billboards shall be 300 metres.
- 11.6. The maximum height of a billboard shall be 7.5 metres.
- 11.7. A billboard shall have no more than two (2) sign faces. Each sign face shall comply with section 11.4.
- 11.8. Where a billboard has two (2) sign faces the sign faces shall be located, placed and displayed at an angle no greater than 120 degrees which angle shall be measured from the back of the sign faces of the billboard.
- 11.9. A billboard shall be located more than 90 metres from a designated historic site, a public park, or any property designated Residential by the City's Official Plan.
- 11.10. An application for a sign permit to erect and display a billboard shall include an illumination study and a visual impact study.



11.11. The maximum number of billboards in the City shall not exceed the official population of the City divided by 625.

11.12. The City in each calendar year may approve a maximum of 10 permits for billboards at new locations not currently containing billboards subject to the provisions of section 11.11 which shall supersede this section such that the total number of billboards within the City shall never exceed the number specified the calculation described in section 11.11.

## **12. BANNERS, PORTABLE SIGNS AND TEMPORARY SIGNS**

Banners, Portable Signs and Temporary Signs shall conform to the following regulations:

### **12.1. Banners**

12.1.1. Not more than two (2) banners shall be placed on a single pole.

12.1.2. The maximum area of a banner shall be 2.5 square metres.

12.1.3. The minimum distance between any part of a banner and the grade shall be 2.7 metres.

12.1.4. A sign permit authorizing the erection, display or maintenance of a banner, that permit shall authorize that owner to erect, display or maintain any number of banners of the same design erected, displayed or maintained in the same manner.

### **12.2. Portable Signs and Temporary Signs**

12.2.1. (1) A sign permit to erect, display, or maintain a portable or temporary sign shall have a maximum term of no more than 30 days.

(2) No more than four (4) permits for a portable or temporary sign shall be issued to the same business per calendar year.

(3) The total number of days of erection, display or maintenance authorized by the four (4) permits described in sub-section 12.2.1 shall not exceed 120 days per calendar year.

12.2.2. The maximum height of a portable or temporary sign is 1.8 metres.

12.2.3. A portable or temporary sign shall have no more than two (2) sign faces.

12.2.4. The maximum sign area of an individual sign face of a portable or temporary sign shall be 3.0 square metres.

- 12.2.5. Where a portable or temporary sign has two (2) sign faces, the sum of the sign area of the two (2) sign faces shall be no more than 6.0 square metres.
- 12.2.6. (1) Notwithstanding the number of occupancies in a premises, a maximum of one (1) portable or temporary sign per 15 metres of frontage shall be displayed along a street frontage of a property.
- (2) No portable sign shall be erected, displayed or maintained within 15 metres of another portable sign.
- 12.2.7. A portable or temporary sign shall be located as specified in the drawings submitted by the applicant to obtain the permit for that portable sign.
- 12.2.8. A portable or temporary sign shall be secured firmly to the ground to prevent any movement or tipping of the sign.
- 12.2.9. A portable or temporary sign shall not be animated in any manner and shall contain no mechanically or wind driven moving parts.
- 12.2.10. Streamers, flags, or flashing lights shall not be attached to a portable or temporary sign.
- 12.2.11. A portable or temporary sign shall contain no flashing lights or animation.
- 12.2.12. Without limiting in any way the effect of sub-section 3.6.1(e) a portable or temporary sign shall not be located in or obstruct a parking space that is required to enable the premises upon which the portable or temporary sign is located to comply with the requirements of a City of Niagara Falls Zoning By-law.
- 12.2.13. Without limiting in any way the effect of sub-section 3.6.1(a) portable or temporary sign shall not be located on any street or public property.

### 12.3. **New Development Signs**

A new development sign shall conform to the following regulations:

<b>Table 5</b>	
<b>New Development Sign Regulations</b>	
Maximum height	7.0 metres
Maximum sign area	For a first party sign - 50 square metres
	For a third party sign – 30 square metres
Minimum setback from a property line	5.0 metres
Number of signs per street	1

Duration	Sign shall be removed when the City assumes the plan of subdivision or within 60 days of the issuance of an occupancy permit or three years, whichever is the lesser.
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### 13. READOGRAPH or ELECTRONIC MESSAGE CENTRE (EMC)

A readograph or electronic message centre sign shall conform to the following regulations:

- 13.1. A readograph or electronic message centre sign may be incorporated into any ground, fascia, roof sign or billboard permitted by this By-law in the Sign Districts listed in Table 6 below and is subject to the accompanying restrictions:

<b>Table 6</b> <b>Readograph or Electronic Message Centre Sign Area</b>	
<b>Sign District</b>	<b>Maximum Area of Readograph or Electronic Message Centre</b>
Fallsview District	A maximum of 100% of an existing or proposed sign
Clifton Hill District	A maximum of 100% of an existing or proposed sign
Lundy's Lane District	A maximum of 50% of an existing or proposed sign
Whirlpool District	A maximum of 15% of an existing or proposed sign
Commercial/Industrial Districts	A maximum of 15% of an existing or proposed sign

- 13.2. The message or animation of a readograph or electronic message centre shall cycle at an interval of not less than six (6) seconds.

- 13.3. For the purposes of this By-law, the installation of a readograph or electronic message centre on an existing sign shall require a building permit to ensure compliance with the Ontario Building Code.

#### 13.4. Distance Separation

- 13.4.1. Electronic message centre sign shall not be erected within 60 m. of any Residential zone, if such a sign will face directly toward the Residential zone; and,
- 13.4.2. Electronic message centre on a billboard or roof sign shall not be erected within 150 m of any Residential zone, if such a sign will face directly into a Residential zone.

### **13.5. Brightness**

- 13.5.1. Electronic message centre signs shall have an intensity of luminance and illumination shall not exceed the lesser of: (a) 3 lux (0.3 foot candles) above the ambient light conditions, or 300 nits (300 cd/m<sup>2</sup>) during the hours between dusk and dawn; and (b) 5 lux (0.5 foot candles) above ambient light conditions or 5000 nits (5000 cd/m<sup>2</sup>) during the daytime hours.

### **13.6. Automatic Dimming**

- 13.6.1. Electronic message centre signs must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the illumination regulations of this by-law.

### **13.7. Maintenance**

- 13.7.1. Every sign owner shall ensure that each sign be maintained so that electronic message centre signs shall be turned off if not in 100% working order.

## **14. PROJECTED IMAGE SIGNS**

Projected image sign shall conform to the following regulations:

### **14.1. Above Ground Projected Image Sign**

- 14.1.1. An above ground-projected image sign shall be projected onto a building face by a projector located on the same property.
- 14.1.2. When calculating the maximum sign area permitted on a particular building face, an above ground projected image sign shall be deemed a wall sign.
- 14.1.3. The image projected by an above ground projected image sign shall be displayed for an interval of not less than six (6) seconds.
- 14.1.4. An application for an above ground-projected sign shall include a visual impact study, an illumination study, and the written authorization of the owner of the property or building onto which the sign will be projected.
- 14.1.5. The projector used to project the aboveground projected image sign shall be incorporated into its surroundings and shall not interfere with the reasonable use of any neighbouring premise or street.

### **14.2. On-Ground Projected Image Signs**

- 14.2.1. An on-ground projected image sign shall be projected onto a horizontal ground plane surface by a projector located on the same premises.
- 14.2.2. The image projected by an on-ground projected image sign shall be displayed for an interval of not less than six (6) seconds.
- 14.2.3. An application for an on-ground projected sign shall include a visual impact study, an illumination study, and the written authorization of the owner of the property onto which the sign will be projected.
- 14.2.4. The projector used to project an on-ground projected image sign shall be incorporated into its surroundings and shall not interfere with the reasonable use of any neighbouring premises or street.

## **15. TOURIST HOMES SIGNS**

Tourist Home signs shall conform to the following regulations:

- 15.1. A Tourist Home may have a maximum of one (1) sign.
- 15.2. A Tourist Home sign may be a ground sign or a projecting sign.
- 15.3. A Tourist Home sign shall not be erected in a rear yard or an internal side yard, such yards to be determined in accordance with the provisions of any Zoning By-law of the City of Niagara Falls that applies to the subject Tourist Home.
- 15.4. No part of a ground sign on a Tourist Home premises shall be located within 3.0 metres of a street line.
- 15.5. No part of a ground sign on a Tourist Home premises shall be located within 1.8 metres of a side property line.
- 15.6. A projecting sign for a Tourist Home shall be attached to the front wall of the premises.
- 15.7. The maximum area of a ground sign shall be 3.0 square metres.
- 15.8. The maximum area of a projecting sign shall be 1.5 square metres.
- 15.9. The maximum height of a ground sign shall be 3.0 metres.

## **16. POSTERS**

Posters shall conform to the following regulations:

- 16.1. No person shall erect, place or display a poster on public property other than a community bulletin board.

- 16.2. The community bulletin boards shall be located as set out in Schedule "B" to this By-law.
- 16.3. The maximum area of a poster shall be 0.28 squares metres.
- 16.4. A maximum of one (1) poster concerning a particular topic may be placed on a community bulletin board at any one time.
- 16.5. A poster may not be located that obstructs or covers any other poster.
- 16.6. Posters shall be erected, placed or fastened on the community bulletin board only by means of thumbtacks, pins, or tape.
- 16.7. City Staff may remove any poster that does not comply with these regulations.
- 16.8. City Staff shall remove all posters from community bulletin boards on the last day of each month.

## **17. SANDWICH BOARD SIGNS**

The regulations governing the sandwich board signs permitted in the Downtown Sign District shall be as follows:

- 17.1. Notwithstanding any other provision of this By-law, the owner of a premises located in the Downtown Sign District shall be entitled to a permit for one (1) sandwich board sign.
- 17.2. A sandwich board sign shall consist of two (2) boards, supported by the ground and joined at the top edge to form a rectangular prism.
- 17.3. A sandwich board sign shall have no more than two (2) sign faces.
- 17.4. The maximum sign area of a sandwich board sign shall be 1.25 square metres.
- 17.5. The maximum width of a sandwich board sign shall be 0.75 metres.
- 17.6. The maximum height of a sandwich board sign shall be 1.5 metres.
- 17.7. The maximum number of sandwich board signs permitted for each premises shall be one (1).
- 17.8. A sandwich board sign shall be located on the sidewalk immediately in front of the premises to which the sandwich board sign relates.
- 17.9. A sandwich board sign shall not be located such that it impedes the movement of pedestrians in any way.

17.10. A sandwich board sign shall be removed from the sidewalk during any time that the premises to which the sandwich board sign relates is not open for business.

17.11. All other provisions and regulations of this By-law shall apply to sandwich board signs located in the Downtown Sign District, with all necessary changes in detail.

## 18. INSTITUTIONAL SIGNS

The regulations governing the institutional signs permitted outside the designated Sign Districts in Table 1 shall be as follows:

<b>Table 7</b> <b>Institutional Sign Regulations</b>		
Type of signs permitted	ground sign, fascia sign, projecting sign	
Maximum number of signs permitted	3	
Maximum readograph/electronic message centre sign area	15% of the sign area	
Maximum sign area	<i>Lot frontage</i>	<i>Max. sign area</i>
	0 to 15m	2.3 sq. m
	16m to 23m	4.6 sq. m
	24m to 31m	7.0 sq. m
	>31m	9.3 sq. m
Maximum height of a ground sign	<i>Lot frontage</i>	<i>Max. height</i>
	0 to 15m	2.4m
	16m to 23m	3.6m
	24m to 31m	6.0m
	>31m	7.5m
Minimum setbacks for a ground sign	1.5 metres from any property line unless the ground sign has less than 1.2 metres of ground clearance then it shall have a minimum setback of 3.0 metres from a street line.	

## 19. AGRICULTURAL SIGNS

The regulations governing the agricultural signs permitted outside the designated Sign Districts in Table 1 shall be as follows:

<b>Table 8</b> <b>Agricultural Sign Regulations</b>	
Types of signs permitted	ground signs
Maximum height	2.0 metres
Maximum sign area	3.0 square metres
Minimum setbacks	1.5 metres from any property line unless the ground sign has less than 1.2 metres of ground clearance then it shall have a minimum setback of 3.0 metres from a street line



IV. **VARIANCES AND AMENDMENTS**

20. **VARIANCES**

- 20.1. Council hereby delegates the authority to grant minor variances to this By-law to the Director of Planning, Building and Development.
- 20.2. An application for variance from the provisions of this By-law shall be made to the Director of Planning, Building and Development on the appropriate form and shall be accompanied by the fee prescribed by the City.
- 20.3. The Planning, Building and Development Department shall prepare a report for the consideration of the Director of Planning, Building and Development, that provides for an assessment of the application, the reasons for the variance and a recommendation to the Director of Planning, Building and Development.
- 20.4. The Director of Planning, Building and Development shall give notice of his intention to consider the application not less than ten (10) days before the day the decision is to be made with respect to that application.
- 20.5. Notice of the application shall be given to the applicant, all registered owners of property within 60 metres of the property subject of the application and to any appropriate agency or authority.
- 20.6. The notice shall identify the subject premises, state the date scheduled for the decision, provide a brief description of the proposed variance and particulars of how to make representations to the Director of Planning, Building and Development concerning the proposed variance.
- 20.7. The applicant shall post a sign, provided by the Director of Planning, Building and Development, on all street frontages the premises identifying the subject premises, stating the date scheduled for the decision, a brief description of the proposed variance, and the particulars of how to make representations to the Director of Planning, Building and Development concerning the proposed variance.
- 20.8. If the applicant does not correspond with the Director of Planning, Building and Development, the Director of Planning, Building and Development may proceed in the absence of the applicant and the applicant will not be entitled to further notice.
- 20.9. In the event that the applicant desires to submit additional information for the consideration of the Director of Planning, Building and Development, the applicant may request a deferral of the decision by submitting a written request by 4:30 P.M. of the day before the date the decision is to be made.
- 20.10. In considering, an application for the variance, the Director of Planning, Building and Development shall have regard to:

- (a) Special circumstances or conditions applying to the lot, building, or use referred to in the application;
- (b) Whether strict application of the provisions of this By-law in the context of the special circumstances applying to the lot, building, or use, would result in practical difficulties or unnecessary and unusual hardship for the applicant of a type and nature inconsistent with the general intent and purpose of this By-law and the Official Plan;
- (c) Whether such special circumstances or conditions are pre-existing and not created by the owner or applicant;
- (d) Whether the sign that is subject of the variance will alter the essential character of the area in which it is located; and
- (e) Any comments received.

20.11. The Director of Planning, Building and Development may authorize a variance from the provisions of this By-law, with or without conditions, if, in the opinion of the Director of Planning, Building and Development:

- (a) The variance is desirable;
- (b) The variance is minor in nature;
- (c) That the general intent and purpose of this by-law is maintained: and,
- (d) That the general intent and purpose of the Official Plan is maintained.

20.12. In the event that the Director of Planning, Building and Development has refused to grant the minor variance, the applicant may appeal the refusal to Council and the following rules shall apply:

- (a) The applicant shall deliver written notice of his intention to appeal to City Council in the prescribed form together with the prescribed fee within ten days of the date of the decision.
- (b) The Director of Planning, Building and Development shall notify anyone who has requested notice of the Council meeting when the appeal is to be heard;
- (c) The Director of Planning, Building and Development shall submit a report to Council stating the rationale for the decision.
- (d) The applicant, or his representative, shall attend the meeting where Council is to consider the appeal.
- (e) Council may uphold, vary or refuse the recommendation of the Director of Planning, Building and Development. The applicant shall not be entitled to a further hearing on the same matter before Council and the decision of Council on the application shall be final.
- (f) If the City does not receive a written notice of intention to appeal to Council in the prescribed form together with the prescribed fee within ten days of the date of the refusal, the decision of the Director of Planning, Building and Development is final.

## 21. **AMENDMENTS**

21.1. Where a proposed sign fails to meet any of the provisions of clauses (a), (b), (c) or (d) of section 20.11; or where a billboard is proposed to be 100% electronic message centre, other than as permitted in this By-law as determined by the Director of Planning, Building and Development or where a proposed sign is not permitted by this By-law, the applicant shall make application for an amendment to this By-law by:

- (a) Filing an application on the form provided with the Planning, Building and Development Department;
- (b) Submitting the prescribed fees; and
- (c) Submitting any plans, drawings, documents or studies that may be deemed necessary by the Director of Planning, Building and Development to assess the application.

21.2. The Director of Planning, Building and Development shall submit a report for the consideration of Council that provides an assessment of the application, the reasons and appropriateness of the proposed amendment and a recommendation to Council.

21.3. At least one (1) public meeting shall be held.

21.4. Notice of a public meeting shall be given to the applicant, all registered owners of property within 120 metres of the property subject of the application and to any appropriate agency or authority not less than 20 days before the day of the public meeting.

In the case of a proposed general amendment to this by-law, notice shall be given by publishing a notice in a newspaper, that, in the opinion of the City Clerk or the Director of Planning, Building and Development, is of sufficient general circulation in the area to which the proposed general amendment would apply, that it would give the public reasonable notice of the public meeting.

21.5. The applicant shall post a sign, provided by the Planning, Building and Development Department, on all street frontages of the premises stating the date, time and location of the public meeting and a brief description of the requested amendment.

21.6. If the applicant does not attend the public meeting, Council may proceed in the absence of the applicant and the applicant will not be entitled to further notice in the proceeding.

21.7. In considering an application for an amendment, Council shall have regard for, with all necessary modification, clauses (a), (b), (c), and (d) of section 20.11 of this By-law.

21.8. Council may impose such conditions, including, but not limited to, the use of electronic message centre signs for public service messaging, upon the granting of an amendment, as it deems appropriate in the public interest.

- 21.9. Council may uphold, vary or refuse the recommendation of the Director of Planning, Building and Development. The applicant shall not be entitled to a further hearing on the matter before Council and the decision of Council on the application shall be final.

**21.10. Site Specific Provisions**

- 21.10.1. Notwithstanding the provisions contained in sections 3.6.1 and 6.1.4 hereof to the contrary, one pylon sign shall be permitted on the lands at the southeast corner of Murray Street and Stanley Avenue, being PIN 64377-0171 (LT), that are associated with the hotel located at 6361 Fallsview Boulevard, being PIN 64377-0105 (LT), having a maximum sign area of 63 square metres.”
- 21.10.2. Notwithstanding any provisions contained in section 7.1 hereof to the contrary, one fascia sign composed entirely of an electronic video screen having a maximum sign area of 5.02 square metres, shall be permitted on the south elevation of the building located on the lands on the east side of Portage Road, south of Keith Street and being PIN 64278-0062(LT), that are associated with the dentist office located at 3690 Portage Road. The sign shall not be used as a third party sign.
- 21.10.3. Notwithstanding the provisions contained in section 5.0 Table 3 hereof to the contrary, one pylon sign shall be permitted on the lands at the northeast corner of Thorold Stone Road and Kalar Road, being PIN 64296-0194, that is the location of a gas station known as 8267 Thorold Stone Road, and shall:
- i. be located not less than 42 metres from the north property line and not less than 82 metres from the east property line;
  - ii. have a maximum height of 8 m;
  - iii. have a maximum sign area of 13 sq. m.; and
  - iv. have the lights dimmed between the hours of 11 pm and 7 am.”
- 21.10.4. Notwithstanding the provisions contained in section 13.0 Table 6 hereof to the contrary, a billboard sign that is 100% electronic message centre shall be permitted on the lands at the southwest corner of Thorold Stone Road and Garner Road, being PIN 64266-0145, that is known as 8972 Thorold Stone Road, and shall:
- i. be equipped with photocell technology to automatically adjust the sign's brightness based on ambient light levels so as to not cause any impacts on surrounding residential use nor cause distraction to drivers along Thorold Stone Road; and,

- ii. remove the second existing static billboard sign located nearest the west property line before a permit is issued for the installation of an electronic message centre sign.

## **V. PENALTIES AND ENFORCEMENT**

### **22. PENALTIES AND ENFORCEMENT**

#### **22.1. No person shall:**

- (a) Erect, locate or display a sign without a permit if a permit is required under this By-law for that sign;
- (b) Erect, locate or display a sign for which a permit has been obtained except in accordance with the approved plans and drawings submitted as part of the permit application;
- (c) Erect, locate or display a sign in a manner that is not in accordance with the regulations of this By-law or the conditions of any variance granted under this By-law;
- (d) Erect, locate or display a sign of a type that is not specifically permitted under this By-law;
- (e) Erect, locate or display a sign that is on or overhangs public property;
- (f) Fail to comply with an order issued pursuant to section 22.6 of this By-law.

22.2. Every person who contravenes any provision of this By-law or an order issued pursuant to section 22.6 of this By-law is guilty of an offence and upon conviction, subject to the penalties and sanctions provided by provincial law for such an offence.

22.3. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdictions thereafter may, in addition to any other remedy or penalty provided for by law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

22.4. Where a sign is erected or displayed on, over, partly on, or partly over property owned by or under the jurisdiction of the City, such sign may be removed immediately by the City without notice.

22.5. Where a sign is erected or displayed in contravention of this By-law, the Chief Building Official or his designate may immediately pull down or remove any sign that he determines constitutes a safety hazard or concern.

22.6. Where a sign erected on private property does not comply with this By-law or a permit issued under this By-law, the Chief Building Official or his designate, may by order, require the owner to bring the sign into conformity in the manner and within the time specified in the order.

22.7. Any order required under this By-law may be given by:

- (a) Personal service upon the party being served, or
- (b) prepaid registered mail sent to the last address of the party being served, shown on the records of the City, or
- (c) Prominently posting a copy of the order either on the sign in respect of which the order is given, or on the land upon which the sign is located.

22.8. If the owner does not comply with an order given under this By-law within the time specified in the order, the Chief Building Official or his designate may order the owner to remove the sign and restore the property and building in the manner and within the time specific in the order.

22.9. Any order required under this By-law may be given by:

- (a) Personal service upon the party being served, or
- (b) prepaid registered mail sent to the last address of the party being served, shown on the records of the City, or
- (c) Prominently posting a copy of the order either on the sign in respect of which the order is given, or on the land upon which the sign is located.

22.10. Where the order is served in accordance with the provisions of this By-law, it is deemed to have been received by the party being served upon the mailing or posting of the order.

22.11. Where a sign is not removed or a property and building are not restored as required by an order issued under this By-law, the Chief Building Official or his designate may have the sign removed and the property and building restored. For this purpose, the Chief Building Official, his designate, or a contractor or other agent may enter upon the property and premises at any reasonable time.

22.12. The costs of removing the sign and restoring the property or building may be recovered by adding those costs to the tax roll to be collected in the same manner as taxes.

22.13. Any sign removed by the City shall be stored by the City for 30 days, during which time the owner may redeem the sign upon payment of the applicable fee prescribed by the City.

22.14. Where a sign has been removed by the City and stored for a period of 30 days and has not been redeemed by the owner, the City may destroy or otherwise dispose of the sign after 30 days without notice or compensation to the owner.

## 23. **CONFLICT**

23.1. Where a provision of this By-law conflicts with any other By-law, the By-law containing the higher standard shall prevail.

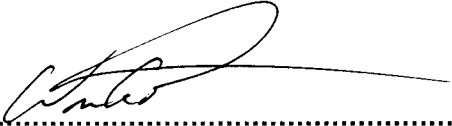
24. **VALIDITY**


24.1. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

25. **REPEAL**

25.1. By-laws 2008-224, 2009-101, 2010-113, 2010-149, 2011-001, 2013-128, 2016-043 and 2020-065 are hereby repealed effective the date of the passing of this By-law.

**Read a first, second and third time; passed, signed and sealed in open Council this 9<sup>th</sup> day of February, 2021**

  
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**WILLIAM G. MATSON, CITY CLERK**

  
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**JAMES M. DIODATI, MAYOR**



## **SCHEDULE "B"**

### **Community bulletin board locations:**

1. MacBain Community Centre - 7150 Montrose Road, Niagara Falls
2. Gale Centre – 5152 Thorold Stone Road, Niagara Falls
3. Chippawa Willoughby Memorial Arena - 9000 Sodom Road, Niagara Falls
4. Oakes Park - 5700 Morrison Street, Niagara Falls
5. M.F. Ker Park - 3420 Sinnicks Avenue, Niagara Falls
6. E.E. Mitchelson Park - 3750 - 3800 Springdale Avenue, Niagara Falls