

October 8, 2024

CITY OF NIAGARA FALLS

By-law 2024-XXX

A by-law to amend By-law 79-200, to permit the use of the land for a 6-storey mixed-use development on land legally described as non-addressed parcels.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedules 1 and 2 of this by-law and shall be referred to in this by-law as the “Lands”. Schedules 1 and 2 are a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The regulations governing the permitted uses shall be:
 - (a) The uses permitted in the Residential Apartment 5F Density (R5F) zone.
5. The regulations governing the permitted uses shall be:

a)	Minimum lot area:	the whole of the Lands, save and except for any part required for road widening
b)	Location of the various components of the building or structure on the Lands, their maximum heights and maximum number of storeys and minimum yard depths and widths	Refer to the plan on Schedule 2 and clause (d) of this section
c)	Maximum lot coverage	36% of the lot area

d)	Maximum height of building or structures	25 metres as measured from Geodetic Elevation 187.50 metres excluding the mezzanine level and a maximum of 6 storeys.
e)	Minimum number of parking spaces:	1.25 parking spaces for each dwelling unit
f)	Minimum number of bicycle parking spaces:	1 bicycle parking space for each dwelling unit
g)	Minimum number of loading spaces:	1
h)	Minimum landscaped open space:	28% of the lot area
i)	Minimum amenity space for an apartment dwelling unit:	7.00 square metres per dwelling unit
j)	The balance of regulations specified for a R5F use.	

6. For the purposes of this by-law:

“Height” means the perpendicular distance measured from the average finished grade level at the front elevation of such building to the highest point of the roof but exclusive of any water tank, ventilating fan, air conditioning and heating unit, elevator or mechanical penthouse or similar enclosure used solely for accommodating machinery or equipment for the mechanical operation of such building. Notwithstanding Section 4.7 of By-law No. 79-200, elevator or other mechanical penthouse, enclosed stairwells, roof access, maintenance units, window washing equipment, chimneys, vents, architectural features, parapets, green roof, planters, landscaping features, guard rails, privacy screens, noise and acoustic barriers, wind screens, trellises, pergolas which have a minimum height of 6 metres shall have a greater height than the maximum height of a building greater than 25 metres.

“Storey” means the portion of a building, other than a basement, cellar, attic, mezzanine floor, or mechanical penthouse, between the surface of one floor and the surface of the floor, ceiling or roof next above it.

“Mezzanine level” means located between the first storey and the second full storey of a building shall not be considered a storey, provided that the gross floor area of the

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mezzanine level shall not exceed 50 percent of the gross floor area of the first storey in the building.

“Bicycle Parking Space” means a space to park a bicycle. Notwithstanding Section 4.39 of By-law 79-200, a bicycle parking space shall be permitted in a bicycle ring, bicycle stacker, or wall mounted bicycle hanger.

Notwithstanding Section 4.14 of By-law 79-200, in addition to the minimum permitted yards in this by-law and the permitted yards in Section 4.14 of By-law 79-200, a canopy may project into any required yard of a distance of not more than 2 metres.

Notwithstanding Table 2 of By-law 79-200, a surface parking area for parking spaces less than 3 metres in width, the minimum perpendicular width of manoeuvring aisle for an angle of more than 60 degrees up to 90 degrees permitted is 6.3 metres.

7. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
8. No person shall use the Lands for a use that is not a permitted use.
9. No shall use the Lands in a manner that is contrary to the regulations.
10. The provisions of this by-law shall be shown on Sheet B5 of Schedule “A” of By-law No. 79-200 by redesignating the Lands from TC to R5F-XXX.
11. Section 19 of By-law 79-200 is amended by adding thereto:

19.1.XXXX Refer to By-law No. 2024-XXX

**Read a First, Second and Third time; passed, signed and sealed in open Council
this ____ day of _____, 2024.**

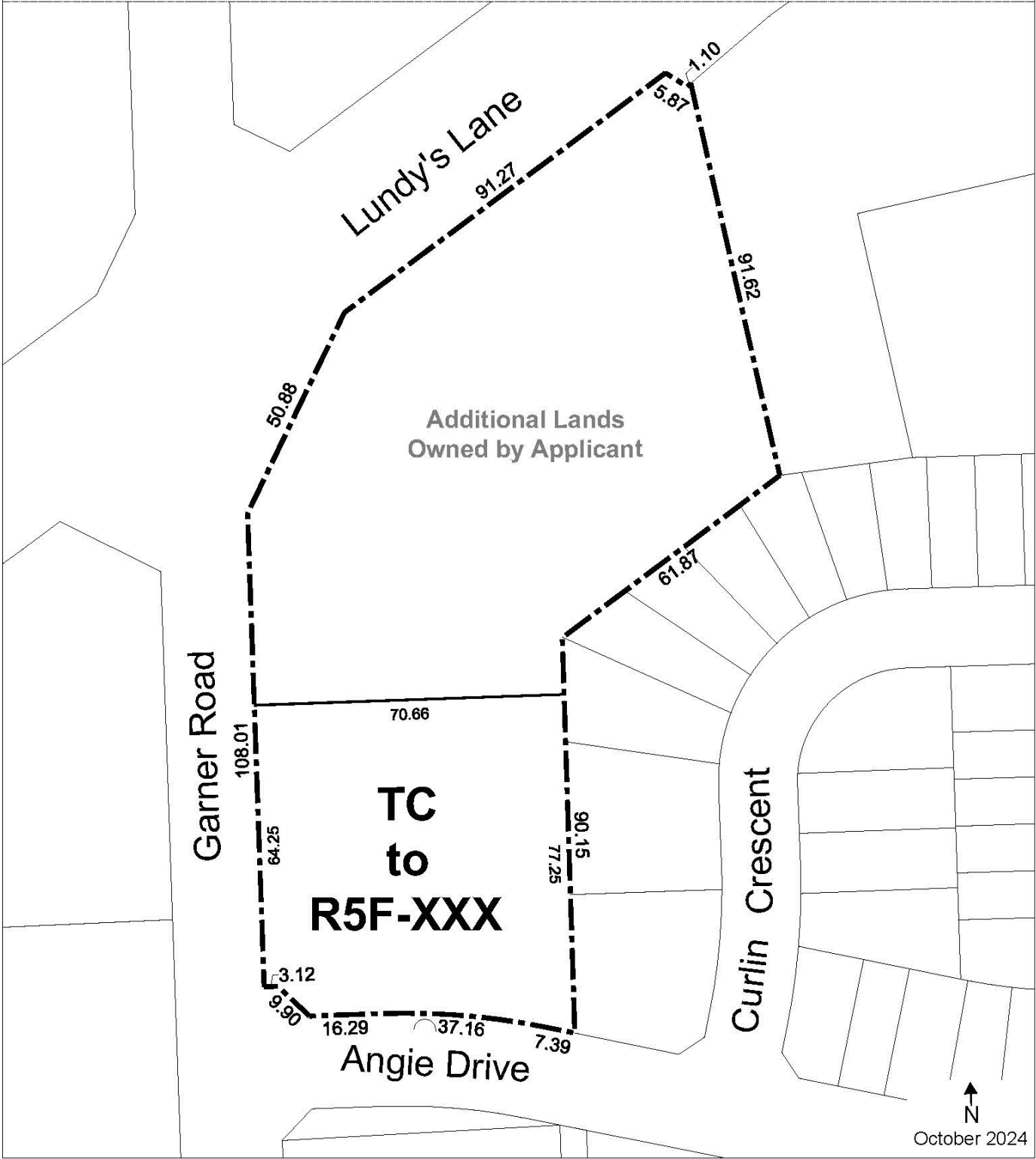
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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

Schedule '1' to Zoning By-law 2024-XXX

Part of Lot 139, Geographic Township of Stamford
City of Niagara Falls

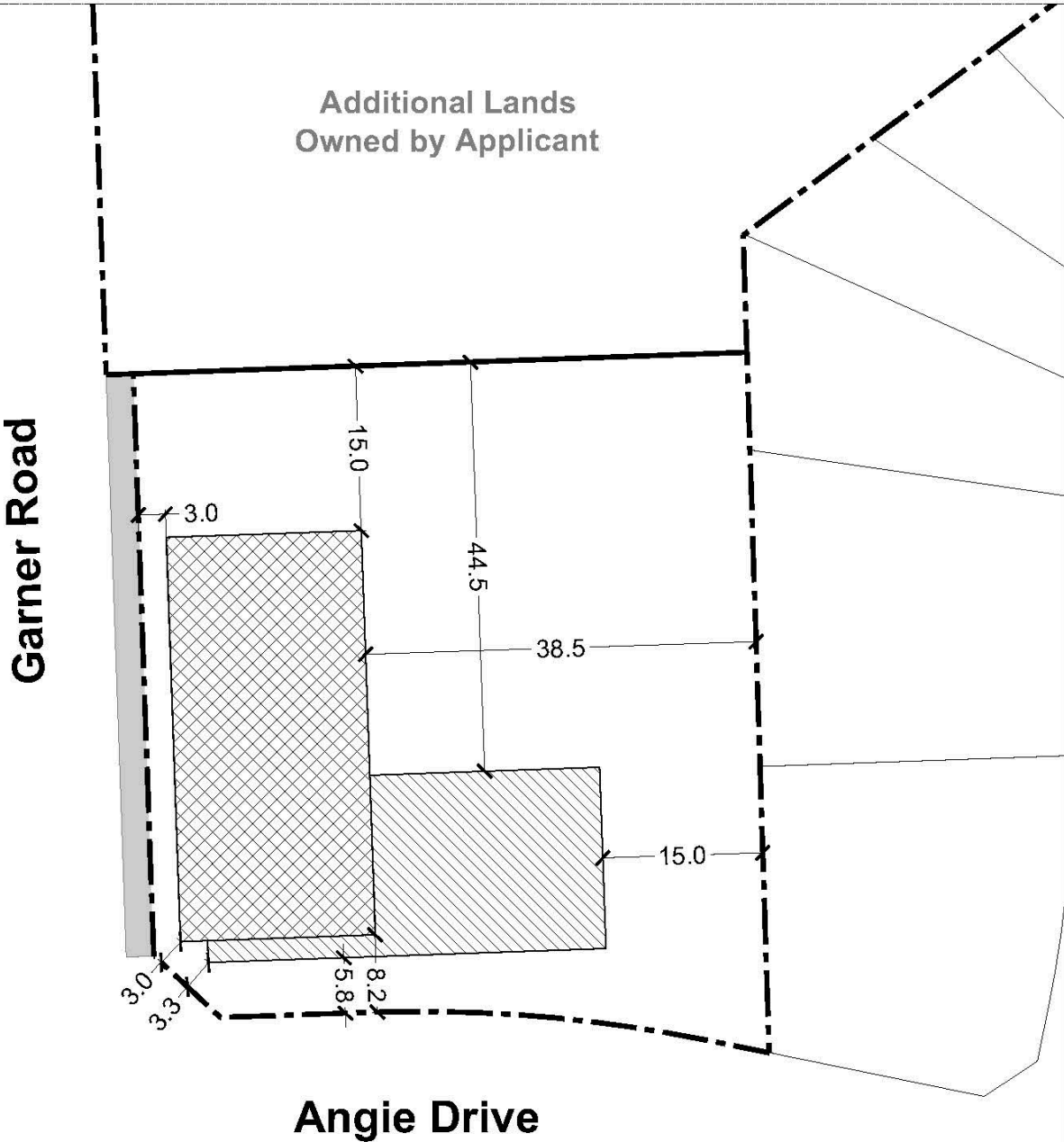
--- Subject Property
— Zone Boundary



Schedule '2' to Zoning By-law 2024-XXX

Part of Lot 139, Geographic Township of Stamford
City of Niagara Falls

- - - Subject Property
- Development Block Boundary
- 3.0m Road Widening



Maximum No. of Storeys

- 4 Storeys (17.5m)
- 6 Storeys (25.0m)

NOTE: A mezzanine and mechanical penthouse are not considered a storey