

PART 2 LAND USE POLICIES

SECTION 4 TOURIST COMMERCIAL

PREAMBLE

This Official Plan establishes policies for the Tourist Commercial Area which emanate from the Niagara Falls Tourist Area Development Strategy and public consultation. The overall emphasis of that strategy is to improve the physical setting of the Tourist Area, creating a world-class tourist destination which fosters increased visitor spending, lengthens visitor stays and extends the tourist season.

The policies have been established within an overall planning framework based on the following objectives:

- to preserve and protect the primary tourism resource - the Falls, and the quality of its viewing experience;
- to ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area; C to establish Tourist Districts which complement and support each other;
- to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;
- to ensure that the new Casino Development supports the objectives of this Plan and enhances the existing tourism product;
- to ensure that the People Mover system supports the objectives of this Plan, enhances the existing tourism product, and is constructed in a manner which improves future development opportunities; and,
- to ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods.

None of the policies in this Plan supersede any site-specific zoning approvals which exist before the day of passage of these policies. Furthermore, site specific zoning approvals will not create any additional setback requirements on adjoining lands.

GENERAL POLICIES

4.1 THE NIAGARA FALLS TOURIST AREA VISION

- 4.1.1 The creation of a world-class tourism destination is envisioned for Niagara Falls - a modern urban centre at the heart of one of the world's most beautiful landscaped settings and natural wonders.
- 4.1.2 In order to achieve this vision, a high quality tourism environment needs to be created. A substantial commitment and investment will be required on the part of all stakeholders to revitalize the physical setting to one worthy and respectful

of the Falls and to promote high standards of building design in order to effectively compete in the international market place.

- 4.1.3 By virtue of adopting this Official Plan, a new planning framework will be established to promote high quality development and an enhanced urban environment. All new tourist commercial development will be guided by the policies of this Plan.
- 4.1.4 This Plan also recognizes that the tourism and accommodation sector is a major source of employment for residents of the City and the Region. As such, lands designated Tourist Commercial are considered to be employment lands and the policies regarding conversion of employment lands to non-employment uses contained in PART 4, Sections 2.9 and 2.10 apply except as provided for in this Plan.

THE PARK IN THE CITY

- 4.1.5 Niagara Falls is one of the world's natural wonders. Cast in a physical setting of parkland and open space, a high quality visitor experience is provided. To enhance this experience, the park setting of Queen Victoria Park shall be extended into the City, creating a high quality urban environment as a framework for new private development. Upgrading the tourism environment shall be implemented through a programme of greening and beautification - bringing the Park into the City.
- 4.1.6 Pedestrian movements between Queen Victoria Park and the adjacent Tourist Commercial Districts are an important part of the visitor's encounter with Niagara Falls. New and improved linkages will be created including the upgrading of connecting streets, the improvement of gateways and the introduction of pedestrian paths and walkways.
- 4.1.7 Within the Tourist Commercial Districts, City streets need to be planted with trees, thus extending the "green" of Queen Victoria Park into the urban setting. The greening of streets shall be accompanied by other streetscape improvements designed to create a vibrant and animated public realm, consistent with the expectations of the international traveller.
- 4.1.8 The escarpment separating the City and Queen Victoria Park shall be protected as a significant environmental feature. Development or redevelopment plans shall not take place within the escarpment area. Pedestrian connections through the escarpment and new developments at its top shall maintain and protect this natural and physical quality.

AN INTEGRATED PEOPLE MOVER SYSTEM

- 4.1.9 The elimination of the railway line, which currently traverses the Central District, is a critical component of this Plan. The railway lands shall be acquired for public transportation purposes in order to improve visitor circulation throughout the core area.

- 4.1.10 The rail corridor together with Niagara Parks Commission lands shall provide for the alignment of the high tech visitor transportation service linking principal attractions and parking facilities in a looped system. Satellite Tourist Districts shall be connected to the People Mover system through the extension of transit services.
- 4.1.11 The People Mover shall be fully integrated with the Tourist Area. Stations will be designed to be directly accessible to the street level to service the surrounding area and maximize interaction with adjacent developments.
- 4.1.12 The People Mover shall:
- a) be flexible as to the precise alignment in order to facilitate integration with adjacent developments;
 - b) be elevated through the built-up area to avoid traffic conflicts at street level;
 - c) contain strategically planned stops;
 - d) be environmentally sensitive in design; and
 - e) enhance public and private development.

A GRAND BOULEVARD CONCEPT ON THE RAIL CORRIDOR

- 4.1.13 Grand Boulevard is a concept aimed at improving linkages between Tourist Districts, creating street frontages for large development sites and eliminating barriers which restrict the movement and circulation of visitors. With the elimination of the CP rail line as a major impediment to development, the rail corridor can be utilized to expand the existing street pattern to better service the tourist area and its growth potential.
- 4.1.14 The Grand Boulevard is also a concept aimed at the creation of a new publicly-owned transportation corridor targeted at improving the movement and experience of the visiting tourist. It will provide for the extension of Victoria Avenue southerly to Robinson Street and then to Buchanan thereby connecting the existing activity node at Clifton Hill to the new activity node in Fallsview. Similar opportunities exist to improve the Portage Road link between Marineland and the Rapidsview amphitheater and the Fallsview subdistrict. The extension of Ferry Street through to the new Grand Boulevard will also serve to create a stronger link with the Lundy's Lane District.
- 4.1.15 The new Grand Boulevard shall provide for a comfortable and animated public street featuring wide sidewalks and a variety of activities and amenities for pedestrians. It shall contain the People Mover where the Grand Boulevard follows the railway right-of-way.
- 4.1.16 Detailed engineering and design studies for the Grand Boulevard follows the railway right-of-way.

- a) determine the alignment and right-of-way along the full length of the new boulevard required to accommodate pedestrians, bicycles, a People Mover System and automobile traffic;
 - b) identify detailed streetscape improvements such as road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in street allowance and signage.
- 4.1.17 Implementation of the Grand Boulevard concept will be considered as part of future undertakings including a Master Transportation Plan update and a Streetscape Master Plan.

THE NEW CASINO DEVELOPMENT

- 4.1.18 The new casino complex on the Murray Hill site shall be consistent with the policies of this Plan and shall make a positive contribution to the public realm of the Niagara Falls Tourist Commercial Area.
- 4.1.19 The area around the new casino development shall become the second activity node in the Tourist Area, with the first activity node located at Clifton Hill and the existing casino. Council shall ensure that both activity nodes remain important tourist destinations, each containing a wide range of commercial uses.
- 4.1.20 Other components of the new casino initiative include an expansion of Marineland and the establishment of an amphitheatre at Rapidsview. This will result in a third activity node being created. Improved linkages between these nodes will be required to ensure that economic spin-offs accrue to the surrounding properties.
- 4.1.21 It is important to ensure that the new casino complex is designed to achieve full integration with the existing tourism plant as well as the tourism objectives set out in this Plan. In this regard, natural and heritage attributes of the site shall be protected and provision shall be made for animated street frontages, public open spaces and the movement of visitors through and around the site.
- 4.1.22 In relation to the development of the casino site, the City shall seek:
- a) active and inviting publicly-accessible uses located along all public street frontages;
 - b) implementation of the Grand Boulevard concept through the site in so far as People Mover and pedestrian circulation is concerned;
 - c) public pedestrian access from the top of the escarpment to the Park in consultation with the Niagara Parks Commission;
 - d) the consideration of the historical importance of the Ontario Hydro building at the top of the escarpment, its designation as such and its active reuse for tourist-related purposes;

- e) pedestrian bridge linking the landscaped park space and trail system at the top of the escarpment as generally set out in section 4.3.12 of this Plan, across Murray Hill; and
- f) needed public improvements identified in this Plan.

BUILDING QUALITY AND THE EMERGING SKYLINE

- 4.1.23 The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.
- 4.1.24 A system of built-form regulations in the Tourist Area shall be established, based on the following principles:
- a) The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;
 - b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;
 - c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;
 - d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;
 - e) Council will consider the merits of development applications having regard to the policies of this Plan;
 - f) All applications for additional building heights will be treated on a quid pro-quo basis wherein the developer agrees to provide public realm improvements; and,
 - g) Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.

4.2 TOURIST DISTRICTS

- 4.2.1 Land Uses in the Tourist Commercial designation shall be organized in a complementary fashion. To this end, a hierarchy of tourist districts will be established, consisting of a Central Tourist District and four Satellite Districts as delineated on Schedule E.
- 4.2.2 The Central Tourist District shall be comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. The Central Tourist District shall continue to be the focal point for tourism activities in the City, including the Falls, the primary attraction, interpretive natural and cultural facilities in Queen Victoria Park, and a wide mix of tourist attractions, accommodations, and services in Clifton Hill and Fallsview. Large-scale "thrill" style attractions/amusements will generally be directed to Theme Park and Resort Commercial designations.
- 4.2.3 The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the District also provides opportunities for cultural heritage preservation.
- 4.2.4 The Whirlpool Satellite District shall function as a sightseeing area allowing visitors to view and experience the Niagara River gorge. Accommodations and ancillary commercial uses are also encouraged in this district.
- 4.2.5 The River Road Satellite District shall continue to function as an established residential area with many older homes offering Bed & Breakfast facilities. Alternative accommodations of this nature are appropriate for this area providing the residential character of the neighbourhood is maintained.
- 4.2.6 The Chippawa Satellite District shall function as a historical village with a minor supporting commercial role. Set in a village atmosphere, Chippawa offers shops, restaurants and small-scale accommodations to the travelling public.
- 4.2.7 *(OPA #63, Approved February 14, 2006)*
Tourist Commercial designation includes three parcels of land, identified on Future Land Use Schedule "A", which are located outside the Tourism Districts. These lands are well suited to tourist commercial development of a highway service nature, given their exposure to the Q.E.W. and their accessibility to the travelling public.
- 4.2.7.1 The site bounded by Lyon's Creek Road, Montrose Road, Reixinger Road and the Q.E.W. will be subject to the following additional policies:
- a) Limited prestige industrial uses will also be permitted in this area subject to consideration at a Zoning By-law amendment stage.
 - b) In order to ensure that the lands are adequately serviced and develop in an orderly fashion, the amending zoning by-law shall include a holding "H" symbol to address the following:

- (i) The availability of municipal sanitary sewers, water and completion of a satisfactory stormwater management plan.
- (ii) The completion of a traffic study approved by the Ministry of Transportation and Regional Public Works.
- (iii) The preparation of an acceptable tree savings plan for the whole of the areas identified on the completed Environmental Impact Study previously submitted or on any follow-up detailed studies such that the connectivity and ecological function of the wooded area is maintained.
- (iv) The completion of an archaeological study and submission to the Ministry of Culture and Regional Niagara Planning Department.

The holding "H" symbol may be removed in whole or in part for each of the above matters independently.

4.2.8 The designation of lands for Tourist Commercial purposes as delineated on Schedule "A" provides for compact growth rather than dispersed development as well as a servicing program aimed at realizing the full potential of each tourist district. Except for minor boundary adjustments, no new Tourist Commercial District or major expansion of an existing district is contemplated during the life of this Plan. However, where such development is proposed, an amendment to this Plan may be considered based on need and the submission of the following studies:

- (i) land use study describing the appropriateness of the site for the proposed use, compatibility with surrounding land uses and integration with the established tourist plant;
- (ii) traffic impact study addressing the functionality of roads and necessary upgrades;
- (iii) servicing report outlining the method of accommodating sanitary and storm water systems; and,
- (iv) environmental studies describing any woodlots, fish habitats and watercourses which may be affected by the development.

4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.

CENTRAL TOURIST DISTRICT

- 4.2.10 The Central Tourist District shall be the primary attraction area for Niagara Falls visitors. Comprised of three subdistricts; Queen Victoria Park, Clifton Hill and Fallsview, the District is regarded as the focal point for the City's tourism activities. The role and function of individual subdistricts are set out in the following policies. Maintaining the delicate balance between commercialism and environmental protection underpins the policies prescribed herein.

QUEEN VICTORIA PARK SUBDISTRICT

- 4.2.11 Municipal land-use regulations do not apply to Queen Victoria Park or other parklands under the jurisdiction of the Niagara Parks Commission as the development of such lands is mandated by the Niagara Parks Act. Nevertheless, the Niagara Parks Commission and the City of Niagara Falls will consult on plans for future harmonious development.
- 4.2.12 Queen Victoria Park shall be maintained as a high-quality, well-landscaped urban park within which to experience and protect the natural environment of the Falls, the gorge and the Niagara River. Council shall cooperate with the Niagara Parks Commission to ensure that Queen Victoria Park continues to function as the primary attraction and main destination for visitors to Niagara Falls.
- 4.2.13 The future development focus for Queen Victoria Park shall be on nonintrusive facilities which interpret and/or enhance "the Falls experience". New buildings and structures shall be carefully sited and designed to complement and not detract from the open space and viewing function of the Park. No third-party advertising shall be permitted on any buildings or structures which are visible from the Park. The definition of "third party advertising" and implementation guidelines for existing, approved and future signs will be developed by Council in consultation with the NPC and area landowners.
- 4.2.14 The City shall encourage the Niagara Parks Commission to make specific improvements to Queen Victoria Park, including but not limited to:
- a) eliminating large car and bus parking areas at Table Rock;
 - b) narrowing and realigning the Niagara Parkway away from the Niagara River; and,
 - c) reclaiming portions of the Park to the south of Murray Hill and around Table Rock for renaturalization and enhancement of the escarpment landscape.
- 4.2.15 The City shall cooperate with the Niagara Parks Commission to improve the relationship and access between the City and the Park, including but not limited to:
- a) improvements to Murray Hill for the purpose of directing tourists between the Park and the City;

- b) creating additional pedestrian access points between the top of the escarpment and the Park; and,
- c) constructing and maintaining a People Mover system which services both the City and the Park.

CLIFTON HILL SUBDISTRICT

- 4.2.16 The Clifton Hill Subdistrict shall function as the commercial-entertainment centre of the Tourist Area, preserving its festival atmosphere. A wide range of commercial/entertainment uses shall be permitted including, but not limited to, tourist retail, hotels, restaurants, cafes, nightclubs, museums, art galleries, theatres and other tourist-related uses, all of which provide a pedestrian focus at the street level. The most intensive uses shall be located to the east of Victoria Avenue where a concentration of tourism activities already exists. Tourist-related uses to the west of Victoria Avenue shall provide an appropriate transition and relationship with the adjacent residential and institutional uses located within this Subdistrict.
- 4.2.17 The Clifton Hill Subdistrict shall maintain a direct connection to Lundy's Lane and provide improved access to the Fallsview Subdistrict through the Grand Boulevard concept. The intersection of Victoria Avenue, Ferry Street and the Grand Boulevard shall be distinguished by a public plaza.
- 4.2.18 New developments within the Clifton Hill Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 of this Plan with respect to the development's built form.
- 4.2.19 Given the extensive area encompassed by the Clifton Hill Subdistrict and the large tracts of land occupied by non-tourist serving uses, such as industry, housing and schools, discretion shall be exercised in phasing tourist commercial development into these areas in order to concentrate tourism activities along the streets of Clifton Hill, Victoria Avenue and Ferry Street, and to minimize impacts on existing land uses. To accomplish this phasing, the implementing Zoning By-law shall defer tourism development until expansion is required and adequate services are available.
- 4.2.20 A comprehensive Streetscape Master Plan for the Clifton Hill Subdistrict shall be undertaken, in cooperation with area BIA's, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

FALLSVIEW SUBDISTRICT

- 4.2.21 The Fallsview Subdistrict shall function as the primary location for large scale accommodations, entertainment, retail and cultural attractions. It shall be the primary location for high-rise hotels and multiple family residential developments in the Tourist Area.

- 4.2.22 The Fallsview Subdistrict shall be better connected to Queen Victoria Park through new and improved pedestrian connections from the top of the escarpment into the Park and enhanced pedestrian designs along the east west streets in the subdistrict for the purpose of encouraging movement to and from the Park. The Fallsview Subdistrict shall also be better connected to the Clifton Hill Subdistrict and Lundy's Lane Satellite District through the new Grand Boulevard and the extension of Ferry Street.
- 4.2.23 New developments within the Fallsview Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.
- 4.2.24 A comprehensive Streetscape Master Plan for the Fallsview Subdistrict shall be undertaken, in cooperation with the area BIA, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

SATELLITE DISTRICTS

- 4.2.25 Satellite Districts shall each have a particular characteristic and tourism focus which attracts specific market segments. In order to enhance the quality of the visitor experience within the individual Satellite Districts, clearly defined roles and functions need to be established. The following policies provide this direction.

LUNDY'S LANE SATELLITE DISTRICT

- 4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.
- 4.2.27 The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9.
- 4.2.28 The enhancement of the Lundy's Lane Battlefield site and its retention as a historically important open space together with other related historical uses such as the Lundy's Lane Museum shall be supported.
- 4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:
- a) a uniform building setback, closer to the street line with a consistent landscaped setback;
 - b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,

- c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.
- 4.2.30 The Lundy's Lane Satellite District interfaces primarily with residential lands north and south. To lessen potential land use conflicts with the residential lands, commercial development shall be designed in accordance with the following:
- a) screening and buffering is to be provided adjacent to residential lands through a combination of fencing and landscaping;
 - b) loading areas should be located within interior side yards;
 - c) garbage and recycling materials should be stored within fully enclosed structures;
 - d) access ramps onto intersecting roads should be located as far from the residential interface as possible; and
 - e) any signage should not be illuminated when facing residential lands.
- 4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:
- a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.
 - b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.
 - c) Residential uses may develop to a maximum building height of 6 storeys, with a maximum net density of 100 units per hectare and a minimum net density target of 50 units per hectare.
 - d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.
 - e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;
 - f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.

- g) Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.
- h) Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.
- i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.
- j) Amenity space is to be provided for residential uses and may take the form of:
 - private on-site green space;
 - balconies and roof-top green space; or
 - public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.

4.2.32 New developments within the Lundy's Lane Satellite District shall be consistent with Section 4.3.7 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.

4.2.33 A comprehensive Streetscape Master Plan for the Lundy's Lane Satellite District shall be undertaken, in cooperation with area BIA'S, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

WHIRLPOOL SATELLITE DISTRICT

4.2.34 The Whirlpool Satellite District shall function as a gateway to the City of Niagara Falls. The focus of new developments shall be on tourist commercial uses which enhance the existing sightseeing and recreational uses on the Niagara Parkway. Land uses shall include additional recreational and sightseeing opportunities, accommodations, restaurants, gift and souvenir shops, bicycle and sports equipment rentals, and other related uses.

4.2.35 New developments in the Whirlpool Satellite District shall be of a form compatible with the district's natural areas and the existing residential scale and character. Applications for additional height shall be considered having regard to Sections 4.4.2 through 4.4.8.

4.2.36 The Niagara Glen-View Tent & Trailer park represents a significant redevelopment opportunity. The future use of this property shall be considered

within the context of a specific and comprehensive development application brought forward by the property owner having regard to the policies of this Plan. Height restrictions shall be appropriate to the redevelopment, but shall not exceed the maximum allowed in the Central Tourist District.

RIVER ROAD SATELLITE DISTRICT

- 4.2.37 The River Road Satellite District shall function as a residential area where Bed & Breakfast(s) are permitted so long as the residential character of the area is maintained.
- 4.2.38 No commercial uses shall be permitted in the River Road Satellite District.

CHIPPAWA SATELLITE DISTRICT

- 4.2.39 The Chippawa Satellite District shall be developed in a manner which enhances its role and function as a historical village. Development shall be restricted to small-scale commercial and residential uses which relate to and respect the existing fabric of the village and respond to its historical setting.
- 4.2.40 The enhancement of the Chippawa Battlefield Site and its retention as a historically important open space shall be encouraged, as shall the provision of additional historically-related uses.
- 4.2.41 New developments in the Chippawa Satellite District shall be no more than 4 storeys in height and designed in a manner which is compatible with the historic village character.

4.3 THE PUBLIC REALM

- 4.3.1 The physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.

GATEWAYS

- 4.3.2 A series of Entrance Gateways shall be created, as identified on Fig. 1. Entrance Gateways shall be located at main entry points in order to welcome visitors to Niagara Falls. Entrance gateways shall direct visitors to the City's Tourist Districts and provide information as to the various attractions and commercial functions available.
- 4.3.3 *(OPA #79, Approved May 2008)*
A series of Landscaped Entry Points shall be created, as identified on Fig. 1. Landscaped Entry Points shall be located at important intersections along Stanley Avenue which provide direct connections to the escarpment, Queen Victoria Park and the Falls and also to highlight the heritage of the Historic Drummondville Area along Main Street at the intersections of Lundy's Lane and Murray Street and at the Hydro Corridor where it meets Ferry Street. To assist

in the orientation of visitors, directional signage, display panels and information kiosks shall be incorporated into the design of landscaped entry points.

- 4.3.4 Gateways and landscaped entry points will be constructed as part of a tourist area greening programme and will be designed to visually attract visitors through distinctive landscaping, paving and lighting.

CIRCULATION SYSTEM AND STREETSCAPES

- 4.3.5 Streets are a vital part of the public open space system. Streetscape improvements shall be used as a means to create a high-quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development.
- 4.3.6 The Grand Boulevard concept, as set out in Sections 4.1.13 through 4.1.17 of this Plan and identified on Fig. 2, shall be created. Council shall ensure that public improvements and new developments along this new public street are consistent with the Design Criteria for the new Grand Boulevard.
- 4.3.7 Entry Corridors, as identified on Fig. 2, shall be designated as the main points of access through which visitors arrive at the Niagara Falls Tourist Area. Entry Corridors shall be automobile-oriented streets whose main purpose is to accommodate vehicular traffic within an attractive, sign-posted and landscaped streetscape. Council shall ensure that public improvements and new developments are consistent with the Design Criteria for Entry Corridors.
- 4.3.8 Retail Streets, as identified on Fig. 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Retail Streets.
- 4.3.9 A network of pedestrian-related east-west streets shall be designated as Falls Access Streets, as identified on Fig. 2, which lead from the commercial uses at the top of the escarpment to access points to and from Queen Victoria Park. Falls Access Streets shall encourage pedestrian circulation with a variety of experiences. Buildings built to the street with publicly accessible uses at grade as well as attractively landscaped setbacks are considered to be appropriate. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Falls Access Streets.
- 4.3.10 Council shall ensure that public improvements and new developments abutting all streets in the Tourist Area not otherwise designated on Fig. 2, help improve the physical setting of the Tourist Area through streetscape improvements such as reconstructed sidewalks, the planting of street trees, and landscaping treatment. The details of these improvements shall be outlined in Streetscape Master Plans.

FIGURE 1 - GATEWAYS

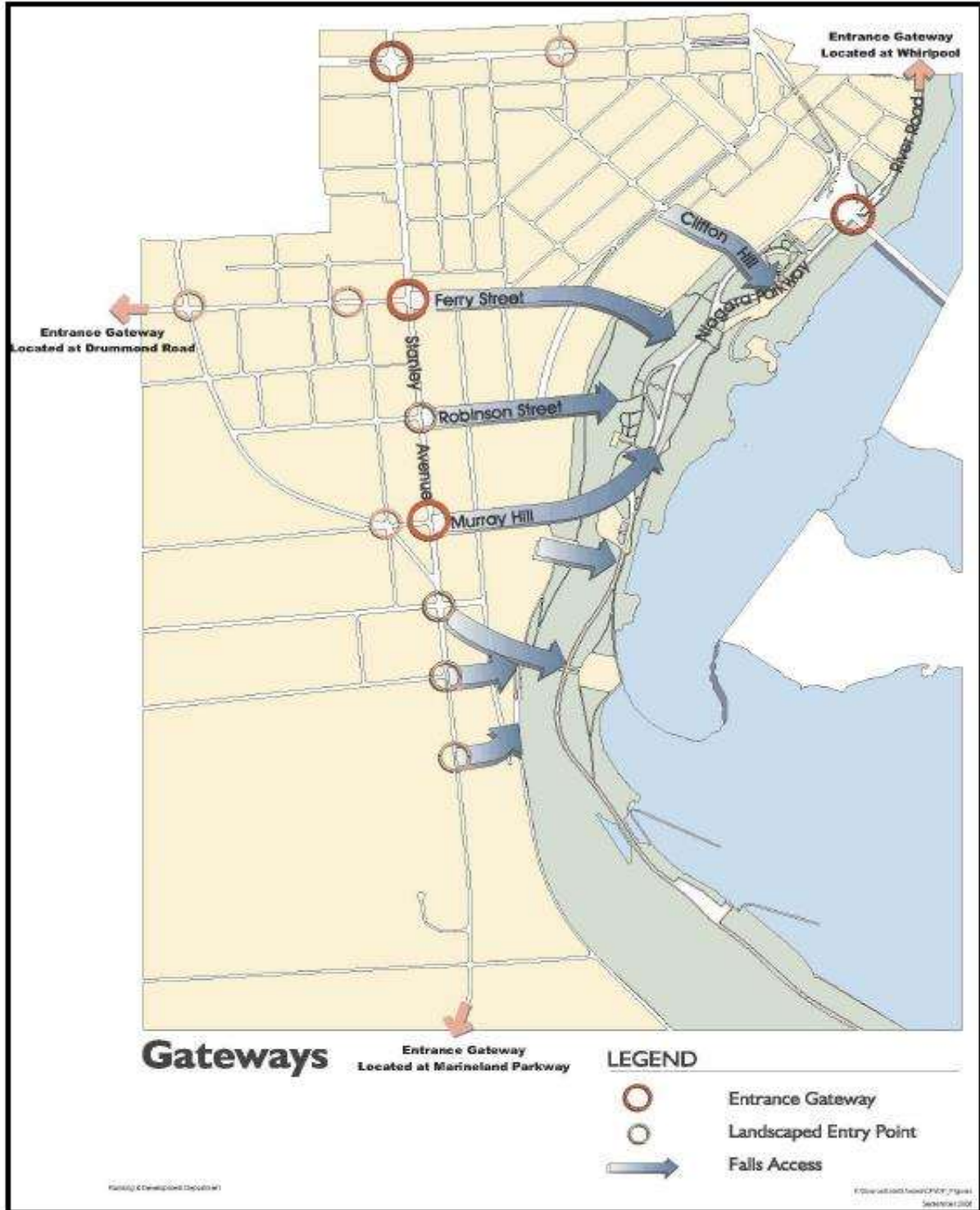
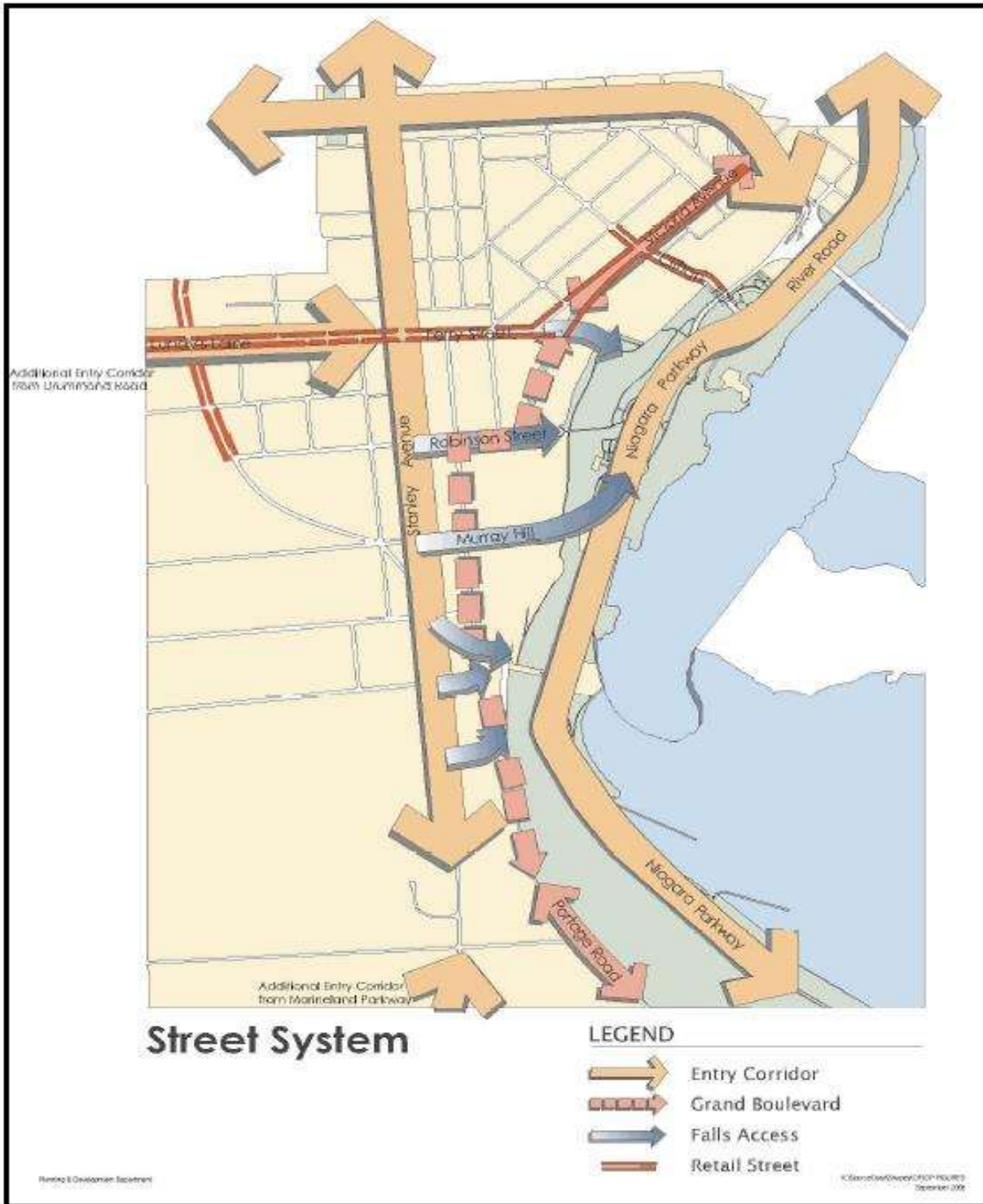


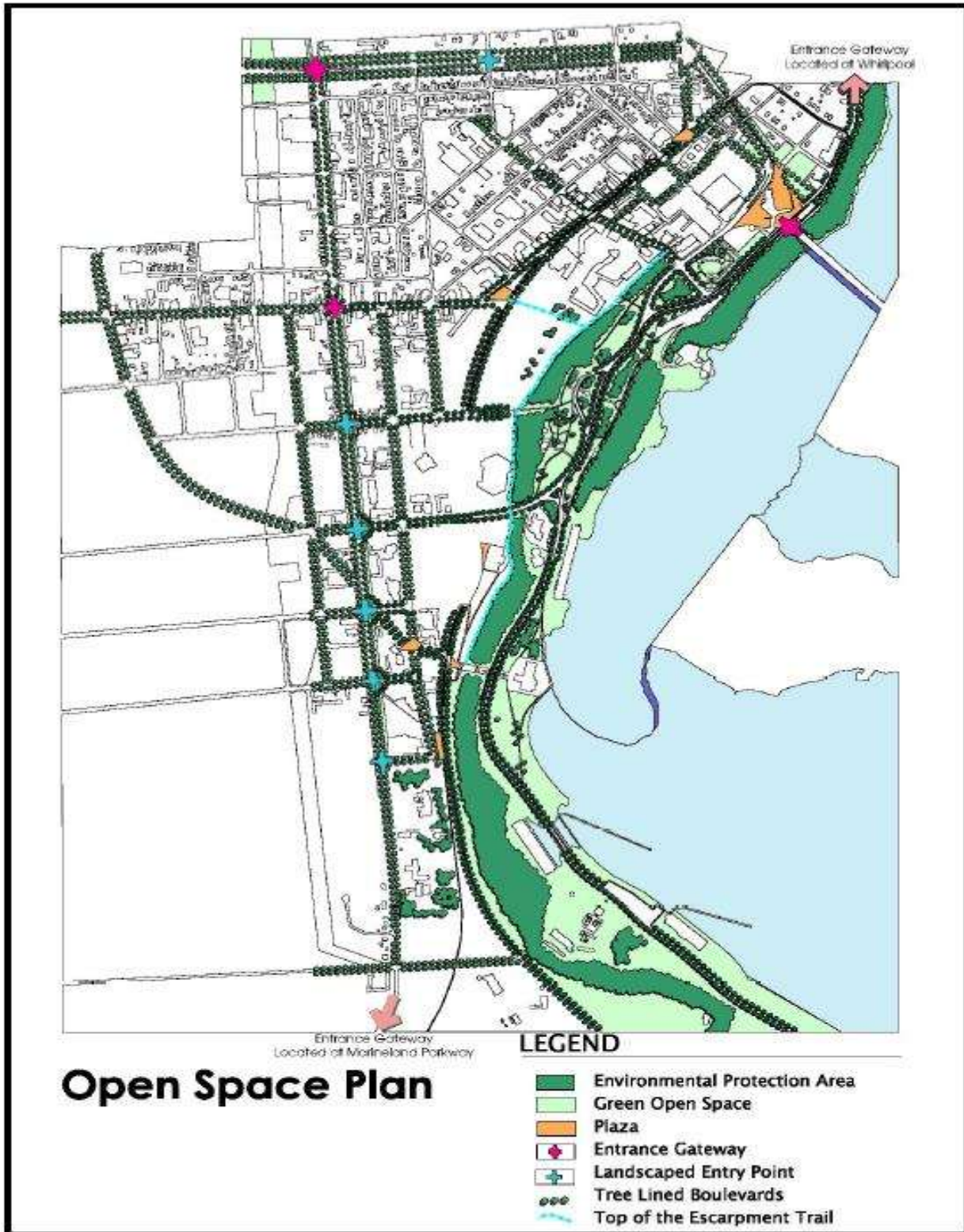
FIGURE 2 - STREET SYSTEM



OPEN SPACE SYSTEM

- 4.3.11 The City's vision of becoming an international tourist destination shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programmes as illustrated on Fig. 3.
- 4.3.12 A continuous publicly-accessible landscaped trail shall be created along the top of the escarpment from Clifton Hill to the southern end of Fallsview. Details regarding the location of the escarpment trail will be incorporated into a Streetscape Master Plan for the area.
- 4.3.13 New and improved pedestrian connections shall be developed between Queen Victoria Park and the top of the escarpment, as generally illustrated in Fig. 3.
- 4.3.14 Open Space improvements around the new casino development site, as illustrated in Fig. 3, shall be pursued as part of the new casino development.
- 4.3.15 To assist in the greening of the public realm, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces pursuant to Section 42(6) of the Planning Act. Contributions shall be maintained in a specially identified Parkland Dedication Account for each Tourist District and all expenditures shall be made by Council in consultation with the Business Improvement Area Association for the particular Tourist District.
- 4.3.16 Where lands designated as Open Space or Pedestrian Paths on Fig. 3 are in private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public or will definitely be purchased by the municipality. It is the long term objective of Council, in such cases, to make it best efforts to seek such public access or dedication in relation to a specific development or redevelopment application.

FIGURE 3 - OPEN SPACE PLAN



4.4 HIGH-QUALITY PRIVATE DEVELOPMENT

- 4.4.1 High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.

BUILDING HEIGHTS

- 4.4.2 Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set out in Fig. 4 and section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria:

- a) the applicant has submitted all required rezoning information;
- b) the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4;
- c) in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed an architectural peer review; and
- d) the proposed development, in the opinion of Council, adheres to the intent of this plan and applicable design criteria."

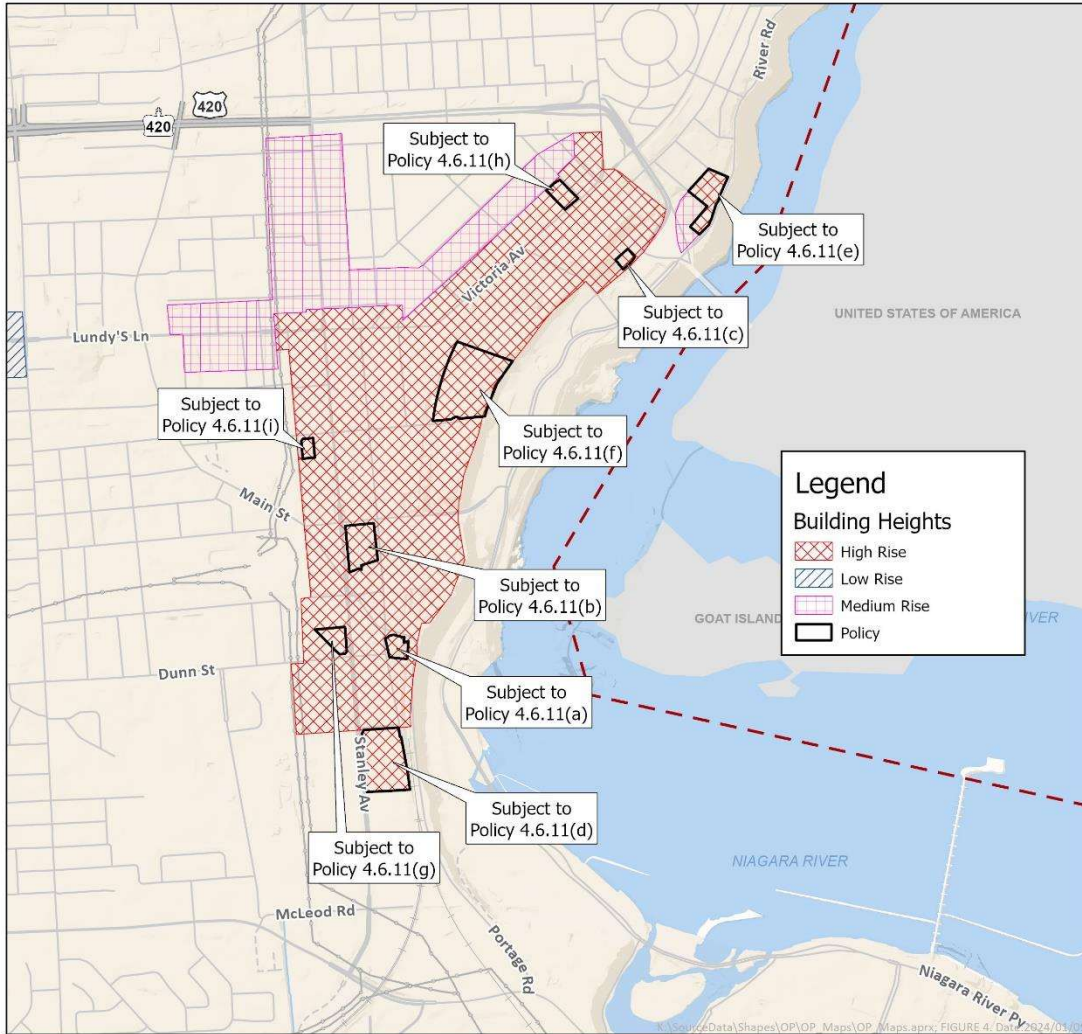
- 4.4.3 In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:

High-rise	13 To	30 storeys
Medium-rise	9 to	12 storeys
Low-rise	5 to	8 storeys

- 4.4.4 In approving zoning by-law amendments permitting increases in building heights, Council shall authorize the use of Section 37 of the Planning Act and enter into legal agreements under that Section to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture and the provision of landscaped open space.

- 4.4.5 By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.

FIGURE 4 - HEIGHT STRATEGY



HEIGHT STRATEGY



INSERT MAP 1



INSERT MAP 2

MASSING OF NEW DEVELOPMENT

4.4.6 High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.

4.4.7 Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.

- a) to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;
- b) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;
- c) to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;
- d) to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;
- e) to minimize adverse impacts on residential areas.

4.4.8 Regulating the scale and massing of buildings, as described in policy 4.4.7, will be implemented through the adoption of site specific zoning provisions for individual development projects.

4.5 PARKING

4.5.1 In order for the local business community to realize the full benefits of tourism, an integrated visitor circulation system needs to be established.

Such a system should be designed to accommodate large numbers of visitors who have parked their cars for the day to explore the City as pedestrians. The following parking strategies shall be pursued in order to meet this overall objective:

- a) Parking shall be distributed throughout the Tourist Area with parking lots of various sizes. Large parking facilities shall be strategically located at major attractions where tourists can easily use other modes of travel, including walking to reach a range of tourist destinations;

- b) The availability of parking at Table Rock contributes to short lengths of stay by visitors. The City shall work with the Niagara Parks Commission to find parking alternatives which will allow for the reduction of vehicle and bus parking at Table Rock; and
- c) Remote parking lots, serving only casinos, shall not be permitted unless connected to the people mover system.

4.5.2 With the establishment of a people mover and structured parking facilities en route, parking requirements for individual retail or entertainment uses may be reduced. A review of City parking requirements, as they apply within the Central District, will be undertaken as part of a Transportation Master Plan update.

4.5.2.1 *(OPA #103, By-law 2012-83 approved September 11, 2012 – Policies 4.5.2.1 & 4.5.2.2)*

The City completed a parking demand study in 2009 to review the parking requirements of restaurants, retail stores, motels, hotels, museums and theatres in the Clifton Hill and Fallsview Tourist Districts, as shown on Schedule E to this Plan. The parking demand study determined that the Clifton Hill and Fallsview Tourist Districts, as shown on Schedule E to this Plan, are unique compared to other areas in the City because of the high number of day trips and overnight visitors who park once and make multiple stops while walking through the districts. Based on the 2009 parking demand study, the City may establish specific parking requirements to be implemented in the Zoning By-law for the Clifton Hill and Fallsview Tourist Districts, as shown on Schedule E to this Plan.

4.5.2.2 When implementing parking requirements for the Clifton Hill and Fallsview Tourist Districts, as shown on Schedule E to this Plan, the City may provide the option for land owners to use the parking requirements which applied to their land as of June 1, 2011, or the requirements based on the 2009 parking demand study, but not a combination of both. The City will not support minor variances to establish such a combination.

4.5.2.3 While it is the intent of this Plan to ensure that adequate offstreet parking is provided for all development, consideration may be given to the elimination of parking requirements for non-accommodation uses within the area shown on Figure 5. Exemption from parking requirements shall be implemented through an amendment to the Zoning By-law.

4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:

- a) As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;
- b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;
- c) Where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure; and
- d) Parking lots and structures shall be designed in accordance with the City's Design Criteria for Parking Areas.

4.6 **PLANNING IMPLEMENTATION**

4.6.1 A set of built-form zoning regulations and design criteria shall be established by Council, consistent with Sections 4.4.1 through 4.4.8 of this Plan, which will ensure that all new buildings contribute to creating an appropriate skyline for Niagara Falls.

4.6.2 A timely and efficient approval process shall be established for development applications, which is made clear to applicants and allows Council to properly evaluate proposals in the context of the policies contained in this Plan.

4.6.3 It is recognized that some buildings and structures already exist which may not fully comply with the policies of Part 2, Section 4. Such developments shall be deemed to comply with the extent of the existing development.

- a) Any proposal to enlarge, increase or otherwise expand such facilities or any proposal to replace such existing developments shall satisfy the intent of these policies.

ZONING BY-LAW AMENDMENTS

4.6.4 Given the focus of this Plan on built-form regulations and the greening of the Tourist Area, applicants for rezoning shall be required to submit a detailed set of prescribed information, describing the proposed building, site planning and landscaping. Council shall prepare a Rezoning Application Guide, which will

set out in detail the full requirements of any applicant for rezoning in the Tourist Area.

- 4.6.5 A one-stop approach shall be established for processing applications in the Tourist Area. To do this, applications for amendments to Zoning By-laws and Site Plan Approval may be considered by City Council at the same time. In any event, applicants will be required to submit all information in sufficient detail for Site Plan Review at the same time as a Rezoning is submitted.

SITE PLAN APPROVAL

- 4.6.6 The area comprising the Tourist Area, as shown on Schedule E, shall be designated as a site plan control area under Section 41(2) of the Planning Act.
- 4.6.7 No building permit shall be issued in respect of any development in the Tourist Area unless Council has approved the required drawings and the required agreements are executed and registered on title. Agreements may include, but are not limited to:
- a) access ramps, curbs and signage;
 - b) parking, loading and driveway areas and their surface treatment;
 - c) pedestrian walkways and ramps, including surface treatment lighting;
 - d) walls, fences, landscaping and buffering;
 - e) garbage storage facilities;
 - f) easements for the construction and maintenance of public services and utilities;
 - g) grade and site drainage;
 - h) site servicing; and,
 - i) road widenings.

ARCHITECTURAL PEER REVIEW

- 4.6.8 All Zoning By-law Amendment applications for buildings or structures greater than 10 storeys shall be required to undergo a process of Architectural Peer Review for the purpose of ensuring that the design objectives of this Plan have been met.
- 4.6.9 The City shall retain design and/or architectural professionals for the purpose of undertaking Architectural Peer Reviews based on the design objectives and criteria contained in this Plan. The Architectural Peer Review process shall have a limited time frame for its completion and the costs of same shall be paid by the applicant.
- 4.6.10 Proponents of development or redevelopment plans within Tourist Districts adjoining Niagara Parks Commission property shall, pursuant to section 34 (10.2) of the Planning Act, complete the Architectural Peer Review process prior to making formal application for a zoning by-law amendment. The report of the Peer Review panel shall form part of the application.

OFFICIAL PLAN AMENDMENT

4.6.11 Applications will be considered for Official Plan amendments for proposed developments in excess of the 30-storey height limit set out in this Plan. The amendment application shall be supported by one or more reports prepared by a professional urban designer, land use planner or architect in order to address the manner in which the proposed development, at a defined building height, will maintain the built form objectives set out in policies 4.1.23 and 4.1.24. Further, such a report or reports shall demonstrate that no significant adverse impacts will be created because of the proposed development and its additional height. Issues to be addressed shall include extensive shadowing on residential areas, public streets and green spaces, encroachments on the views of the Falls of other landowners and the creation of severe wind impacts at street level.

- a) *(OPA #44, approved September 2002)*
Pursuant to the foregoing and notwithstanding Policy 4.4.3 of this Section 4, a hotel building not exceeding a height of 36 storeys will be permitted on the lands described as Part 1, Reference Plan 59R11398 and as labelled on Figure 4.

- b) *(OPA #56, approved March 2005)*
Notwithstanding the provisions of PART 2, section 4.4.3 and further to the provisions of PART 2, section 4.4.4 and PART 4, section 4.5.1, Council may pass by-laws to permit an addition to the existing 15 and 32-storey hotel located on a 0.89 hectare parcel on the southwest corner of Fallsview Boulevard and Murray Street, through to Stanley Avenue, consisting of:
 - i) one hotel tower to a maximum building height of 172 metres and a podium comprised of convention centre facilities, a theatre, a four-level parking structure and associated ancillary pedestrian-scale uses; and
 - ii) a gross floor area not exceeding 130,000 square metres, of which a maximum 2,600 square metres is to be used for convention centre facilities.

Subject to this specific development policy, the following services, facilities and matters shall be provided under section 37 of the Planning Act for any building in excess of 30 storeys:

- i) the contribution of facilities and/or funds to the City, in the amount of \$1,200,000, to be used for the capital facilities of one or more of the following projects as determined by Council:
 - Approved arena project
 - Millennium Trail project
 - Hyrdo corridor trail and buffering project
 - Niagara Falls Community Centre project

- ii) the restriction of the use of the theatre for hotel and convention centre patrons only;
- iii) the construction of the on-site parking garage to accommodate parking stackers in the event of closure of the Allendale parking lot at the discretion of the City of Niagara Falls and/or the Jungleland parking lot in accordance with drawings and text to be attached to the section 37 agreement;
- iv) the restriction of the parking levels within the on-site parking garage to valet parking only; and
- v) the provision of the architectural design including, but not limited to, surface articulation, exterior materials, roof structure and pedestrian-scale uses, satisfactory to the Architectural Peer Review Panel and the Director of Planning and Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the Planning Act to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreements and site plan agreements shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- c) *(OPA #61, approved September 2005)*
Notwithstanding the provisions of PART 2, sections 4.1.23 and 4.4.3 and further to the provisions of PART 2, section 4.4.4 and PART 4, section 4.5.1, Council may pass a by-law to permit a development on a 0.2 hectare site on the north side of Falls Avenue between Clifton Hill and Bender Hill, consisting of one combined hotel and observation tower to a maximum building height of 230 metres, including observation levels and ancillary uses normally associated with the hotel, and a gross building area not exceeding 61,771 square metres. Subject to this specific development policy, the following services, facilities and matters shall be provided under an agreement pursuant to section 37 of the Planning Act for any portion of the building in excess of 30 storeys:
 - i) the contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre X the area of each floor capable of being occupied above 30 storeys X 5%, to be used for the capital facilities of one or more of the following projects as determined by Council that are beyond those that would otherwise be provided under the provisions of the Planning Act or the Development Charges Act:
 - Approved arena project

- Projects approved under a Master Community Improvement Plan such as the Downtown Arts Nights project
 - Millennium Trail project
 - Hydro Corridor trail and buffering project
- ii) the provision of an architectural design for both the hotel and observation tower including, but not limited to, surface articulation, exterior materials, roof structure, pedestrian-scale uses, and design of the public realm satisfactory to the Architectural Peer Review Panel and the Director of Planning and Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the Planning Act to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreement and the site plan agreement shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- d) *(OPA #90, approved September 2009, amended by OPA #101, approved September 11, 2012, deleted and replaced by OPA #153, approved August 30, 2022)*

Notwithstanding the provisions of PART 2, sections 4.1.23 and 4.4.3 and further to the provisions of PART 2, section 4.4.4 and PART 4, section 4.5.1, Council may consider passing a by-law to permit a development on a 3.03 hectare site on the east side of Stanley Avenue, south of Livingston Street, consisting of three hotel and/or residential towers with a maximum building height of 39 storeys for the southern tower, 60 storeys for the central tower and 45 storeys for the northern tower.

The additional height above 30 storeys is in return for: retaining, conserving and/or restoring the former Loretto building as per the requirements of its new use on the lands and; retaining and conserving the portion of the site running north/south in an alignment to the east of the existing building. The specific dimensions are to be determined at the Zoning By-law amendment stage.

Any application to amend the Zoning By-law to permit one or more of the said towers shall be accompanied by a heritage impact assessment, in conjunction with the provisions of PART 3, sections 3.2 and 3.2.19, undertaken to determine the significance of the building and lands and what actions are required to minimize or mitigate any adverse impacts.

Further, any application to amend the Zoning By-law to permit one or more of the said towers shall be accompanied by the following studies: a shadow impact assessment, pedestrian level wind study,

transportation impact study, tree inventory and tree saving plan, an archaeological study and an architectural peer review report.

Subject to this specific development policy, the following services, facilities and matters shall be provided under an agreement pursuant to Section 37 of the Planning Act for any portion of the buildings in excess of 30 storeys:

- i) the contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre multiplied by the area of each floor capable of being occupied above 30 storeys, multiplied by 5%, to be used for capital facilities of one or more projects as determined by Council that are beyond those that would otherwise be provided under the provisions of the *Planning Act* or the *Development Charges Act* and secured through an agreement.

The City of Niagara Falls has a set of urban design guidelines for buildings over 10 storeys in height. These guidelines shall be adhered to for the three building towers. In light of the site's prominent location and to prevent a built wall, the following policies shall apply to any hotel/residential condominium development on this site:

- i) have clearly defined podiums, which engage the pedestrian, that are designed to animate and define street(s), this can be accomplished by placing podiums to street frontage and/or through landscaping at lot frontage;
 - ii) coordinate with adjacent buildings, driveways and parking spaces as much as possible;
 - iii) to have a podium of 3-5 storeys and 24 metres;
 - iv) have towers generally setback a minimum of 3 metres from the street, with some minor encroachments permitted, provided a majority of the towers maintain a setback of 3 metres; and,
 - v) supply all required parking on-site, at grade and in parking garages.
- e) *(OPA #105, approved December 11, 2012)*
Notwithstanding the policies of PART 2, section 4.4.3, and further to the policies of PART 2, section 4.4.4 and PART 4, section 4.5.1, the development of a hotel and associated ancillary uses may be permitted on the lands bounded by John Street, River Road, Rainbow Bridge and Blondin Avenue. The development may consist of:
- i) not more than two towers, neither of which shall exceed 61 storeys and 229 metres in height;
 - ii) a podium set beneath each tower; and

- iii) a total floor area of 138,000 square metres, inclusive of structured parking and excluding any pedestrian linkages across any road allowance.

The amending zoning by-law shall specifically regulate the development in terms of permitted uses, building heights, tower separation distances and setbacks, floor areas and parking.

Subject to this specific development policy, the following services, facilities and matters shall be provided under an agreement pursuant to section 37 of the Planning Act for any portion of the building in excess of 30 storeys:

- i) the contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre x the area of each floor capable of being occupied above 30 storeys x 5%, to be used for the capital facilities of one or more of the following project as determined by Council that are beyond those that would otherwise be provided under the Planning Act or the Development Charges Act:
- Downtown revitalization projects
 - Proposed extension of Olympic Legacy Trail over Highway 420 (bridge)
 - Sylvia Place Market
 - Sanitary and/or storm sewer system improvements necessary to service the Downtown area
- ii) the provision of an architectural design for both the hotel tower and podium components, including, but not limited to, surface articulation, exterior material, roof structure, pedestrian-scale uses, and design of the public realm satisfactory to the Director of Planning, Building & Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the Planning Act to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreement shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- f) *(OPA #130, approved January 18, 2020)*
Notwithstanding the policies of PART 2, section 4.4.3, and further to the policies of PART 2, section 4.4.4 and PART 4, section 4.5.1, Council may pass a zoning by-law to permit the development of three hotels and associated ancillary uses on the lands. The development may consist of:

- i) one hotel shall not exceed 56 storeys or 187 metres in height; and the other two shall not exceed 40 storeys or 131 metres in height; and
- ii) a podium at the base of each hotel

The amending zoning by-law shall specifically regulate the development in terms of permitted uses, building heights and storeys, separation distances between buildings, setbacks, floor areas and parking.

A portion of the site forms part of a natural area known as the “Treed Moraine”. Development shall comply with the policies of PART 2, section 11.2.12. To demonstrate that the development does not impact this natural feature, a geotechnical study shall be submitted to the satisfaction of the City and Niagara Parks Commission, prior to passage of the amending zoning by-law. Furthermore the amending by-law shall contain a holding (H) provision requiring the submission of an updated environmental impact study to the satisfaction of the Niagara Parks Commission and the Niagara Peninsula Conservation Authority, prior to development.

A Phase 1 Archaeological Assessment completed for the property concludes there is a potential for archaeological resources and recommends further study. To ensure such archaeological resources are assessed and preserved if necessary, the amending by-law shall contain a hold (H) provision requiring the submission of archaeological studies to the satisfaction of the Regional Municipality of Niagara.

Prior to the development of the second and third phases, servicing and transportation studies shall be submitted to demonstrate adequate servicing and transportation infrastructure is provided. The amending by-law shall contain a hold (H) provision to secure the completion of these studies to the satisfaction of the City and the Regional Municipality of Niagara and the execution of the appropriate agreement to secure any recommended infrastructure improvements, prior to development of the second and third phases.

Subject to this specific development policy, the following services, facilities and matters may be provided under an agreement pursuant to section 37 of the *Planning Act* for any portion of the building in excess of 30 storeys:

- i) the contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre x the area of each floor capable of being occupied above 30 storeys x 5%, to be used for the capital facilities of one or more of the following project as determined by Council that are beyond those that would otherwise be provided under the *Planning Act* or the *Development Charges Act*:

- Pedestrian connections to Queen Victoria Park, which may include improvements to the Jolley Cut
- Improvements to the Robinson Street Corridor, including streetscaping, removal of the disused rail bridge and construction of a new roundabout
- Improvements to the former rail corridor west of the lands

- ii) the provision of an architectural design for both the hotel tower and podium components, including, but not limited to, surface articulation, exterior material, roof structure, pedestrian-scale uses, and design of the public realm satisfactory to the Director of Planning, Building & Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the Planning Act to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreement shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- g) *(OPA #135, approved August 9, 2022)*

Notwithstanding the policies of Part 2, Section 4.4.3, and further to the policies of Part 2, Section 4.4.4 and Part 4, Section 4.5.1, Council may pass a zoning by-law to permit the development of mixed use building and associated ancillary uses on the lands. The building shall not exceed 72 storeys or 255 metres in height.

The amending zoning by-law shall specifically regulate the development in terms of permitted uses, building heights and storeys, setbacks, floor areas and parking.

To ensure wind speeds meet acceptable safety criterion on abutting sidewalks and street, the amending by-law shall contain a holding (H) regulation requiring the submission of a microclimate study to the satisfaction of the city and Regional Municipality of Niagara.

Subject to this specific development policy, the following services, facilities and matters may be provided under an agreement pursuant to section 37 of the *Planning Act* for any portion of the building in excess of 30 storeys:

- i) The contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre x the area of each floor capable of being occupied above 30 storeys x 5%, to be used for the capital facilities of one or more of the following projects as determined by Council that are beyond those that would otherwise be provided under the *Planning Act* or the *Development Charges Act*:

- The development of the Niagara Falls Exchange
- The development of Portage Prospect (proposed plaza at the top of the incline railway)
- Improvements to or expansion of the Millennium Trail or other recreational trail approved by the City
- The development or provision of affordable housing

- ii) The provision of an architectural design for both the tower and podium components, including, but not limited to, surface articulation, exterior material, roof structure, pedestrian-scale uses, and design of the public realm satisfactory to the Director of Planning, Building & Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the *Planning Act* to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreement shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- h) *(OPA #144, approved August 9, 2022)*

Notwithstanding the policies of Part 2, section 4.4.3, and further to the policies of Part 2, section 4.4.4 and Part 4, section 4.5.1, Council may pass a zoning by-law to permit the development of two towers for dwelling and tourist commercial uses abutting Ellen and Victoria Avenues on the lands. The development shall have a maximum height of 35 and 36 storeys and 116 metres.

The amending zoning by-law shall specifically regulate the development in terms of permitted uses, building heights and storeys, separation distances between buildings, setbacks, floor areas and parking.

To ensure wind speeds meet acceptable safety criterion on abutting sidewalks and streets, the amending by-law shall contain a holding (H) regulation requiring the submission of a microclimate study to the satisfaction of the City and Regional Municipality of Niagara.

Subject to this specific development policy, the following services, facilities and matters may be provided under an agreement pursuant to section 37 of the *Planning Act* for any portion of the building in excess of 30 storeys:

- i) The contribution of facilities and/or cash to the City, in the amount based on the cost of construction per square metre x the area of each floor capable of being occupied above 30 storeys x 5%, to be used for the capital facilities of one or more of the following projects as determined by Council that are beyond those that would

otherwise be provided under the *Planning Act* or the *Development Charges Act*,

- The development of the Niagara Falls Exchange
 - The development or provision of affordable housing
 - The development of Portage Prospect (proposed plaza at the top of the incline railway)
- ii) The provision of an architectural design for both the residential tower and podium components, including, but not limited to, surface articulation, exterior material, roof structure, pedestrian-scale uses, and design of the public realm satisfactory to the Director of Planning, Building & Development.

Such services, matters and facilities shall be described in the implementing zoning by-law and secured through appropriate legal agreements executed under section 37 of the Planning Act to the satisfaction of the City prior to the passing of the implementing zoning by-law.

In order to provide for the implementation of these policies, the section 37 agreement shall be executed by the applicant and be ready for registration on title by the City Solicitor prior to the passage of the amending zoning by-law.

- i) *(OPA #158, approved July 11, 2023)*
Notwithstanding the policies of Part 2, section 4.4.3, Council may pass a zoning by-law to permit the development of one tower for residential and tourist commercial uses abutting Robinson Street and Allendale Avenue. The development shall have a maximum height of 245 metres or 77 storeys, whichever is the lesser, with a maximum podium height of 20 metres.

The amending zoning by-law shall specifically regulate the development in terms of permitted uses, building heights and storeys, setbacks, minimum commercial floor area and parking.

To ensure wind speeds meet acceptable safety criterion on abutting sidewalks and streets, the amending by-law shall contain a holding (H) regulation requiring the submission of a microclimate study to the satisfaction of the City and Regional Municipality of Niagara.

8.6 TOURIST COMMERCIAL ZONE (TC ZONE).

8.6.1 PERMITTED USES: No person shall within any TC Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:

- (a) Art gallery
- (b) Assembly hall
- (c) Automobile service station
- (d) Bake shop
- (e) Bank, trust company, credit union, currency exchange (2002-061)
- (f) Beer, wine or liquor store
- (g) Car rental establishment, truck rental establishment
- (h) Car wash, interior and exterior hand car cleaning (2002-061)
- (i) Clothing store
- (j) Convention centre
- (k) Day nursery
- (l) Drive-in restaurant
- (m) Drug store
- (n) Exhibitions of wax works, automobiles, handcrafts, natural or artificial curiosities, freaks of nature
- (o) Food store
- (p) Health centre
- (q) Hotel
- (r) Motel
- (s) Museum
- (t) Parking lot
- (u) Personal service shop
- (v) Photographer's studio
- (w) Place of entertainment
- (x) Place of worship
- (y) Private club
- (z) Public garage, mechanical
- (aa) Recreational uses
- (bb) Restaurant
- (cc) Service shop
- (dd) Sightseeing tours establishment, sightseeing tourist information centre (2002-061)
- (ee) Souvenir store
- (ff) Tobacco store
- (gg) A bed and breakfast in an existing detached dwelling or dwelling unit, that complies with the provisions set out in section 4.37 (2018-91)
- (hh) Adult store provided the adult store is separated from another adult store by a minimum distance of 100 metres and from an adult entertainment parlour or body-rub parlour by a minimum distance of 300 metres. (2002-199)
- (ii) Dwelling units in a building in combination with one or more of the uses listed in

this section, provided that not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor. (2002-061)

- (jj) Gasoline bar (81-62)
- (kk) Body-rub parlour (98-03) (Repealed by By-law 2002-201)
- (ll) Timeshare sales office (99-79)
- (mm) Retail store (2000-135)
- (nn) Office (2016-03)
- (oo) Outdoor patio which is an accessory use to a drive-in restaurant, hotel, place of entertainment and a restaurant, in accordance with section 4.25A. (2016-03)
- (pp) Vacation rental unit within an existing detached dwelling or dwelling unit, that comply with the regulations set out in section 4.38 (2018-92)

8.6.2 REGULATIONS: Subject to sections 8.6.3 and 8.6.4, no person shall within any TC Zone use any land or erect or use any building or structure except in accordance with the provisions of section 4 and the following regulations:

(a)	Minimum lot frontage	6 metres (19.7 ft.)
(b)	Minimum front yard depth	in accordance with sections 4.27.1, where applicable
(c)	Minimum rear yard depth	
	(i) where any part of the building is used for residential purposes	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1
	(ii) where no part of the building is used for residential purposes	3 metres (9.8 ft.) plus any applicable distance specified in section 4.27.1, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot
(d)	Minimum interior side yard width	
	(i) where the side lot line abuts a residential, institutional or open space zone	3 metres (39.8 sq. ft.)
	(ii) where the side lot line does not abut a residential, institutional or open space zone	none required
(e)	Minimum exterior side yard width	in accordance with section 4.27.1, where applicable 1
(f)	Maximum lot coverage	70%
(g)	Maximum height of building or structure	12 metres (40.0 ft.) subject to section 4.7
(h)	Parking and access requirements	in accordance with section 4.19.1
(i)	Loading area requirements	in accordance with sections 4.20
(j)	Maximum floor area for each retail store (2000-135)	400 square metres
(k)	Maximum floor area of all retail stores per property (2000-135)	3,530 square metres

8.6.3 REGULATIONS FOR CAR WASHES, DRIVE-IN RESTAURANTS AND MOTELS: The

regulations in clauses (a) to (g) inclusive of section 8.6.2 shall not apply to car washes, drive-in restaurants or motels in TC Zones. The remaining provisions of section 8.6.2 and all of the supplementary regulations for car washes in section 4.22 and all of the supplementary regulations for drive-in restaurants in section 4.23 and all of the supplementary regulations for motels in section 4.25 shall apply to car washes, drive-in restaurants and motels, respectively, in TC Zones.

8.6.4 REGULATIONS FOR GASOLINE BARS: The regulations in section 8.6.2 shall not apply to gasoline bars but all of the regulations in section 8.9.3 for gasoline bars in AS Zones shall also apply to gasoline bars in TC Zones. (2011-136)

8.6.5 REGULATIONS FOR AUTOMOBILE SERVICE STATIONS: The regulations in section 8.6.2 shall not apply to automobile service stations but all of the regulations in section 8.9.2 for automobile service stations in AS Zones shall also apply to automobile service stations in TC Zones.

8.6.6 REGULATIONS FOR BODY-RUB PARLOURS:

- (a) No body-rub parlour shall be located closer than 100 metres measured in a straight line from the nearest part of the body-rub parlour building(s) to the lot line of a Residential zone, an Institutional zone, or Open Space zone, or to any of the following uses: place of worship; nursery school; day nursery; community building; or school. (98-03) (Repealed by By-law 2002-201)
- (b) No body-rub parlour shall have a floor area greater than 300 square metres. (98-03) (Repealed by By-law 2002-201)