

## 1314 - DOWNTOWN DISTRICTS

*(NF Zoning Ordinance - Proposed Amendments September 2019)<sup>1</sup>*

Proposed Amendments are highlighted in yellow

### 1314.1 Description And Purpose *(Excerpt)*

#### D2-A GORGE VIEW - - Purpose:

The purpose of the sub-district is to provide for enhanced waterfront accessibility and integration of cultural and tourist activities, within this State Park / City / Niagara River Greenway area; to be protective of heritage assets including view-sheds, by controlling building height and massing, and by encouraging unique architecture and design flexibility. Development is intended to be a high-quality, low-intensity, sustainable development, with the intent of establishing a scalable transition of built forms, which mediates between state parkland and adjacent downtown commercial districts. Development should enhance the overall aesthetic of the area; contribute positively to celebrating the river's natural heritage, and enhance the natural and cultural resources therein. Parking, where provided, shall be concealed or structured.

#### D2-B GORGE VIEW TRANSITION - - Purpose:

The purpose of this sub-district is to provide a buffer zone for the unique development of the Gorge View district. The sub district will provide for the commercial, residential, and mixed-use types of buildings, which currently exist within the perimeter of the Gorge View District. Development is intended to create a scalable transition from the surrounding districts

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<sup>1</sup> *The Proposed Amendment is to add to the CNF Zoning Ordinance a new district classification "D3-A." D3-3 will energize and compliment the development of North Main Loft District, as defined in the City's Comprehensive Plan. It should also be read as energizing and complimenting the heritage of the former Suspension Bridge Village, and in so doing further heritage tourism interpretation, as defined by the community/ and to support the emergence of a new 'Bi-National Bridge District,' as defined by Blue Cardinal Capital —primary owner/investor in the proposed new district.*

**D3-A GORGE VIEW NORTH MAIN - - Purpose:**

The purposes of this district are: to enhance the opportunity for residents, businesses and visitors to enjoy the benefits of newly created access to the Niagara River Gorge through the removal of the Robert Moses Parkway and the expansion of Niagara Falls State Park and Niagara River Greenway and to provide for a diverse combination of commercial, residential and mixed-use building types within the North Main Street Precinct. In so doing, the intention of development in this district is: to regenerate living and employment opportunities; to provide for the enhanced integration of those opportunities with the new and emerging amenities of the Niagara River Greenway corridor; to be sensitive of public amenities and viewsheds, and; to ensure that new developments can appropriately capitalize on those key amenities and emerging new opportunities. Density is intended to be generally moderate and always promoting a high-quality public realm and pedestrian experience. The inclusion of a height bonus enables occasional projects to be built to an increased density provided that public amenities, parking management, and viewshed protections are proactively addressed. Overall, developments should contribute positively to the aesthetic of the area, the area's natural heritage, and celebrating local history. Parking, where provided, shall be concealed or structured.

**1314.2 Allowed Uses**

Refer to Schedule 1 – Use Table

### 1314.3 Bulk And Density Standards

District	Sub-District	Maximum Front Yard Setbacks <sup>1</sup>	Percent of Building Façade Within Maximum Setback <sup>2</sup>	Base Building Height Allowance	Maximum Building Height (Base plus Bonus) <sup>3</sup>
<b>D1</b>	<b>A</b> <i>Near-Casino</i>	10'	100%	320'	<i>Up to 608'</i>
	<b>B</b> <i>Transition</i>	10'	90%	160'	<i>Up to 304'</i>
	<b>C</b> <i>Near-Park</i>	10'	80%	80'	<i>Up to 152'</i>
	<b>D</b> <i>CASINO</i>	10'	100%	400'	n/a
<b>D2</b>	<b>A</b> <i>Gorge-View</i>	n/a	n/a	45'	n/a
	<b>B</b> <i>Transition</i> <small>(Cultural District)</small>	10'	n/a	80'	n/a
<b>D3-A</b>	<b>North-Main</b>	<b>10'</b>	<b>80%</b>	<b>100'</b>	<b>Up to 190'</b>

<sup>1</sup> Where the Downtown District abuts a Residential District the side, front, and rear setback required for a residential use in the abutting district applies. These setbacks shall apply only to the area of the Downtown district adjacent to the residential use.

<sup>2</sup> The percent of building façade facing the street that must abut the city right-of-way or be located within 10' of the sidewalk. Areas set aside for publicly accessible parks or plazas, as well as, interior-facing courtyards are exempt from strict interpretation of the maximum setback area requirement. For hotels, the façade may be within a maximum 30' of the right-of-way to accommodate a driveway serving only a Porte coche function (temporary pick-up and drop-off area). A Porte coche shall not be used as a parking area and shall be appropriately landscaped and safely integrated with adjacent sidewalks etc.

<sup>3</sup> Any buildings exceeding the base building height allowance shall be required to perform a viewshed analysis and incorporate design considerations to mitigate the impact of the additional height upon the gorge view of surrounding properties. These measures may include step-backs, material considerations and site plan design

## **1314.4 Additional Regulations And Standards**

The regulations in this chapter state the development standards for the Downtown Districts and Sub-districts. Sites within the Overlay Design District are also subject to the additional regulations **and standards** found in Chapter 1319. Additionally, other specific uses or development types may also be subject to regulations found within the City-Wide Regulations series of chapters, including but not limited to Chapters 1322 and 1325.

### **1314.4.1 Height Bonus**

#### **A. Purpose.**

This section sets forth a system of potential building height bonuses that are intended to promote high quality architecture and urban design within specified downtown areas by incentivizing appropriate scaling of building floorplates and the provision of community benefits and district amenities by the private sector for the purpose of creating, protecting and, optimizing world-class views and viewsheds, and otherwise improving the quality of life of City residents and visitors. These incentives and bonuses are also intended to complement and advance the City's urban revitalization policies while also providing greater flexibility in responding to emerging market demands. Developments meeting the requirements of this section shall be eligible for a height bonus over and above the base building height allowances stated in Table 1314.3.

#### **B. Eligibility**

Projects within the D1 **and D3-C** that meet the criteria specified in subsection D below are eligible for a height bonus. Projects eligible for bonuses are subject to all other applicable approvals and procedures required under this Zoning Ordinance and other federal, state, and local laws. Use or dimensional restrictions otherwise applicable to a project seeking a height bonus shall apply, except where a more restrictive standard set forth below is required as a condition for granting a height bonus, in which case such more restrictive standards shall apply.

#### **C. Application Requirements**

1. All applications for the bonuses available hereunder shall be included with application or pre-application submissions for site plan approval in accordance with the procedures set forth in Section §1324 of this Zoning Ordinance.
2. All such applications for a height bonus shall specifically address possible impacts on adjacent properties with respect to wind, shadow and the views of and from adjacent properties, particularly with regard to views of important local natural resources such as the Falls, the Niagara River and the Niagara River Gorge. In addition, all applications for a height bonus shall address possible water and sewer impacts, and the demand for and adequacy of police and fire protection services. All applications for height bonuses shall include such technical studies and analyses, as the Planning Board may deem necessary and appropriate to evaluate such possible impacts.

## D. Bonus System

Building height bonuses for each proposed building development, expressed as percentages of the base building height allowances specified in Table 1314.3, may be obtained in exchange for the provision of the following specified amenities. No project shall be eligible for a total aggregate building height bonus in excess of 90% of the applicable base building height allowance specified in Table 1314.3 (i.e., total building height may not exceed 1.9x the applicable base building height allowance) provided, however, that applicants may, with Planning Board concurrence, round up to the next full story when applying the building height bonus percentages authorized by this section.

### 1. Public Plaza and Parks Provision

Proposed developments providing for a publicly accessible plaza and/or park shall be eligible for a height bonus of up to 30% of the applicable base building height allowance, as specified in the below table, provided the plaza or park meets the following minimum standards:

- a. Minimum plaza or park site area of 1,000 square feet.
- b. A minimum of 30% of the park or plaza area must consist of landscaping or water features such as fountains, pools or ponds. Such water features shall be permanent and maintained in good, working condition and operated as the season allows.
- c. A minimum of one (1) tree shall be provided per 250 square feet of plaza or park area with a minimum caliper size of 3" for deciduous shade trees and a minimum height of 6' for coniferous trees. Areas of water features and indoor plaza shall not be counted toward calculating the minimum number of trees.
- d. Approximately one (1) linear foot of seating area must be provided for each 30 square feet of plaza or park space.
- e. The plaza or park must be highly visible from the public way and be adjacent and connected to a public sidewalk or way.
- f. The length of the park or plaza may not exceed 3 times its width. Long and narrow public spaces are not considered consistent with the purposes and intent of this section.
- g. Plazas or parks must be open to the public during daytime, or approximately 12 hours per day.
- h. Plazas cannot be used for vehicle parking or vehicle standing.

<b>Area of Landscaped Park or Plaza</b>	<b>Building Height Bonus</b>
1000 s.f. +	10%
1500 s.f. +	15%
2000 s.f. +	30%

2. **Structured Parking Provision.**

Proposed developments which include structured parking, either below grade and/or above grade, shall be eligible for an additional height bonus of up to 30% of the base building height as follows:

- a. For purposes of determining this bonus, the term "structured parking" shall be defined to include vehicle parking or loading spaces contained in a parking structure either underground, within, or on a raised parking deck.
  - (i) Structured parking that is aboveground and within the footprint of the primary-use building (and not otherwise creating additional impervious surface area on the site) shall be counted twice in calculating "percentage of parking spaces located in a parking structure" as that phrase is used in the below table.
  - (ii) Underground structured parking shall be counted twice for the purposes of calculating "percentage of parking spaces located in a structure" as that phrase is used in the below table.
- b. Above-ground parking or parking structures generally shall be designed to encompass off street loading, trash, and similar functional areas of the primary use development and shall be designed to shield such function to the extent possible, so as to not undermine the desired character of the district or undermine the pedestrian function of the adjoining streetscapes.

<b>Percentage of parking spaces located in a parking structure</b>	<b>Building Height Bonus</b>
25% of provided parking	5%
50% of provided parking	10%
75% of provided parking	20%
100% of provided parking	30%

3. **Improved Retail / Commercial Design and Streetscape Provision**

Proposed developments, which incorporate retail/commercial uses at grade, with direct pedestrian access to a public right-of-way, shall be eligible for an additional height bonus of up to 30% of the base building height provided the following minimum standards are achieved:

- a. Building façades adjacent to a public right-of-way shall contain fenestration in which window and doorway openings are not less than 75% of the total façade area adjacent to such public right-of-way.
- b. Building façades adjacent to a public right-of-way shall contain no areas of blank walls (not containing any window or storefront openings) greater in length than 30 feet.
- c. Streetscape material enhancement or additional amenities to improve pedestrian / sidewalk areas between the building façade and the street, which incorporates special build features such as concrete designs, colored pavers, brick borders, banding patterns, or similar design enhancements for not less than 75% of the total building façade adjacent to a right-of-way.

<b>Meeting Improved Streetscape Design Criteria</b>	<b>Building Height Bonus</b>
One [1] criteria from #3 above	10%
Two [2] criteria from #3 above	20%
Three [3] criteria from #3 above	30%

**E. Maximum Floor Area Per Bonus Floor / Story.**

For projects qualifying for a building height bonus, the square footage of each floor or story above the base building height allowance specified in Table 1314.3 shall be limited as follows:

<b>Bonus Floor / Story Elevation</b>	<b>Maximum Permitted Floor Area Per Floor</b>
> Base Building Height up to 1.5 x Base Building Height	50% of building's ground floor area or 18,000 square feet, whichever is less
> 1.5 x Base Building Height up to 1.9 x Base Building Height	9,000 square feet