

RESOLUTION No. 2020-

**RELATIVE TO THE REVISION OF ZONING CHAPTER 1314-DOWNTOWN  
DISTRICTS AND SCHEDULE 1: OFFICIAL MAP/TEXT**

BY:

Council Member Andrew Touma

**BE IT RESOLVED**, by the City Council of the City of Niagara Falls, New York that Chapter 1314 entitled “Downtown Districts” is hereby amended to read as follows:

**1314.1** Description and Purpose

...

**D3 GORGE VIEW NORTH MAIN**

**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.**

Kennedy \_\_\_\_\_ Spanbauer \_\_\_\_\_ Tompkins \_\_\_\_\_ Touma \_\_\_\_\_ Voccio \_\_\_\_\_

**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)
<b>D1</b>	A <i>Near-Casino</i>	10'	100%	320'	<i>Up to 608'</i>
	B <i>Transition</i>	10'	90%	160'	<i>Up to 304'</i>
	C <i>Near-Park</i>	10'	80%	80'	<i>Up to 152'</i>
	D <i>CASINO</i>	10'	100%	400'	n/a
<b>D2</b>	A Gorge-View	n/a	n/a	45'	n/a
	B Transition	10'	n/a	80'	n/a
<b><u>D3</u></b>	<b><u>A</u></b> <b><u>North-</u></b> <b><u>Main</u></b>	<b><u>10'</u></b>	<b><u>80%</u></b>	<b><u>100'</u></b>	<b><u>Up to 190'</u></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 **[are exempt from the maximum setback area requirement. For hotels, the façade may be within a maximum 30' of the right-of-way to accommodate a one-**

*way driveway to serve as a porte coche (temporary pick-up and drop-off area). This porte coche shall not be used as a parking area and shall be attractively landscaped and integrated with adjacent sidewalks.] 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 of 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.*

*3 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 [(**Chapter 1319**)] 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 with the City-Wide Regulations series of chapters, including but not limited to Chapters 1322 and 1325.**

[Specific uses or development types may also be subject to regulations in the City-Wide Regulations series of chapters, including but not limited to Chapters 1322 and 1325.]

Projects within the D1 **and D3** Districts 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 standard shall apply.

##### 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 compliment 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 Districts** 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 before is required as a condition for granting a height bonus, in which case such more restrictive standard shall apply.

...

**Bold and Underline Indicate Additions**

**[Bold and Brackets Indicate Deletions]**