

**APPENDIX A**

**URBAN RENEWAL AREAS:  
RULES AND REGULATIONS  
REGARDING  
LAND USE AND ZONING PROVISIONS**

1.

Urban Renewal Area (R-42)  
Commonly Known as "Allen-Mackenna"

2.

Urban Renewal Area (R-91)  
Commonly Known as "Highland-Hyde Park"

3.

Urban Renewal Area (R-155)  
Commonly Known as "Rainbow Center Project No. 1"

4.

Urban Renewal Area (A-204)  
Commonly Known as "East Falls Street Redevelopment"

## **1. (URA) URBAN RENEWAL AREA (R-42) - "ALLEN-MACKENNA"**

The following information are excerpts from the approved Urban Renewal Plan and Final Plan for the Allen-Mackenna area dated February, 1961. Persons seeking development in this area should review the Plan document in its entirety for other required information prior to proceeding.

### **Land Use Plan/Zoning Regulations:**

#### **1. Land Use:**

The land use in the project area shall conform with the Urban Renewal Plan and Final Plan dated February, 1961.

#### **2. Land Use Provisions and Building Requirements:**

Land use provisions and building requirements shall conform to the City's zoning ordinances, regulations and controls, except as modified or restricted herein. Hotels, motels, tourist homes, and transient accommodations are uses which shall not be permitted within the project.

##### **a. Permissible Uses:**

- (1) Single, double, multi-family (lower density) dwellings, and churches will be permitted along Mackenna Avenue.
- (2) Places for the conduct of retail business will be permitted along 24th Street between Allen Avenue and Cudaback Avenue.
- (3) General commercial use will be permitted in the clearance section along Allen Avenue and along 24th Street south of Allen Avenue. Residential uses will not be permitted in this section.

##### **b. Regulations, Controls, and Restrictions Applicable to Tracts Designated for:**

###### **(1) Residential Use:**

- A) Land coverage by structures shall not exceed 40 percent of the lot area for new construction.
- B) A maximum of thirty dwelling units per acre will be permitted.
- C) Building height shall not exceed two and one-half stories with total height of 30 feet for new construction.
- D) There shall be a minimum of one off-street parking space for each dwelling unit. Each space shall have a minimum area of 200 square feet and shall have access to a public way. No open parking space shall be permitted in any front or side yard.
- E) The minimum width of lot shall be 40 feet for future construction provided, however, that properties which are presently vacant shall not be required to conform to this minimum control or width except in those instances where two or more contiguous lots are in the same

ownership. In no event, however, shall any structure be built on any lot which is less than 25 feet in width.

- F) Front yard set-back distance shall be not less than 25 feet and rear yard distance for new construction shall be not less than 20 feet.
- G) The minimum side yard width required for new construction will be one-sixth the width of the lot to a maximum required width equal either to: one-half the height of the building or 15 feet, whichever is less; provided that on any lot with a permitted width of 45 feet to 31 feet, the width of each side yard need not exceed one-eighth the width of the lot and that on any lot with a permitted width of 30 feet to 25 feet, the width of each side yard need not exceed one-tenth the width of the lot.
- H) The structures to be rehabilitated must conform with the City's Minimum Housing Standards Ordinance of 1958 which is included in the Urban Renewal Plan and Final Plan dated February, 1961.
- I) No habitable living space shall be permitted on any floor above the second floor.
- J) J) Owners of properties to be rehabilitated will be encouraged to maintain their properties in a good state of repair and to keep such properties and the grounds well tended.

(2) Retail Business Use:

- A) Land and structures for retail business use may be banks, offices, personal service shops, food stores, places of amusement or recreation, restaurants, cafes, and other places serving food or beverages, with or without entertainment provided in connection therewith, self-service laundries, studios, theaters, mortuaries, and other places for the conduct of retail business in accordance with Section 2a above.
- B) Land coverage by any new structures shall not exceed 70 percent of the lot area.
- C) The maximum building height for new construction shall not exceed two stories or 30 feet above grade, whichever is lower.
- D) No advertising sign shall extend above the roof lines of the various buildings. No signs other than a flat wall type of sign shall be permitted. The text of any sign shall apply solely to the operations conducted on the premises where installed.
- E) Residential use of any new construction will not be permitted.
- F) The minimum width of lot shall be 25 feet for future construction.
- G) The minimum number of off-street parking spaces required shall be in accordance with the following schedule:
  - (i) Theaters: One space per six seats.
  - (ii) Auditoriums, stadiums, and arenas: one space per four seats.

- (iii) Office buildings: one space per 800 square feet of gross floor area.
- (iv) Restaurants, cafes, and other places serving food and beverages which have a seating capacity of more than fifty and are established in a building constructed in whole, or in part, for such use: one space per three seats in excess of fifty seats.
- (v) Bowling alleys: five spaces per each alley.
- (vi) Mortuaries: six spaces per each room used as chapel, parlor, or slumber room.

The Department of Inspections shall determine the amount of off-street parking spaces required for particular retail uses not included in the above schedule in light of their function, size, location, and site plan. All off-street parking spaces shall have access to a public way. The above off-street parking requirements shall be waived for any existing uses upon receipt of substantial evidence of the inability of the site to accommodate the required facilities such as topography, location of structures on lot, or as may be deemed unnecessary in view of the particular use in question.

- H) Access to sites for loading and unloading will be limited to the public alleys contiguous to the rear lot lines of the retail business section shown on the Project Area Plan. In addition, one loading space for the first 6,000 square feet of gross floor area, or major fraction thereof, plus one space for each additional 20,000 square feet of gross floor area, or major fraction thereof, in excess of the first 6,000 square feet shall be provided.
  - I) A definite restriction on front, side, and rear setback distances is hereby waived; however, the Department of Inspections reserves the right to approve all setback distances proposed for retail business uses in light of their function, size, location, site plan, and their relation to existing structures.
- (3) General Commercial Use:

- A) Land and structures designated for general commercial uses may be used for printing establishments, bottling works, dairies, laundries, research laboratories, office buildings, warehouses, trucking terminals, machine shops, monument works, cabinet shops, fabrication of plastic products, manufacture of professional or scientific instruments, industrial distributor, fabrication of electrical products, commercial bakeries, photo-engraving plants, and such other uses which in the opinion of the City's Zoning Board of Appeals and the City's Department of Inspections may be deemed compatible with adjacent residential and retail business uses and which are similar to the foregoing uses and subject to any conditions that said Board and the Department of Inspections may specify, will not be more objectionable than any of such uses by reason of noise, vibration, or other

characteristics of operations and, in addition, are in keeping with the Urban Renewal Plan and Final Plan.

- B) Land coverage by all structures shall not exceed 70 percent of the lot area.
- C) The maximum building height shall not exceed two stories or 30 feet above grade, whichever is lower, except other appurtenances required for fire protection, water cooling, or venting.
- D) There shall be a minimum of one off-street parking space for every three employees. Each space shall have a minimum area of 200 square feet and shall have access to a public way.
- E) On-street parking will not be permitted on Allen Avenue.
- F) Access to sites will be limited to Allen Avenue and 24th Street.
- G) A buffer strip consisting of fence and landscaping will be installed at the rear and side lines of each site by the developer.
- H) Sidewalks will be installed at the margin of each site by the developer.
- I) No advertising sign shall extend above the roof lines of the various buildings. No signs other than a flat wall type of sign shall be permitted. The text of any sign shall apply solely to operations conducted on the premises where installed.
- J) A minimum 10 foot setback will be required for front, side, and rear yards.
- K) Off-street loading space shall be provided as follows:
  - One space for the first 6,000 square feet of gross floor area or major fraction thereof plus one additional space for each additional 20,000 square feet of gross floor area or major fraction thereof in excess of the first 6,000 square feet.

(4) Easements:

The developer may install service drives, parking spaces, sidewalks, lawns, and shrubbery on the easements indicated on Exhibit 1, Project Area Plan, provided that the details of such construction have been approved beforehand by the Department of Inspections.

A) Duration of Provisions and Requirements Established by the Urban Renewal Plan and Final Plan:

- The Urban Renewal Plan and Final Plan shall remain in force and effect for a period of forty years from the time of its official adoption by the City Council of the City of Niagara Falls.

B) Regulations, Controls, and Restrictions Applicable to Real Property Which is not to be Acquired:

- The above regulations, controls, and restrictions are applicable to all properties including properties which are not to be acquired in the residential and retail

business sections. In addition, should an owner of property not scheduled for acquisition under this plan desire to acquire project land he must first execute an agreement in recordable form with the Department of Inspections to the affect that the land use provisions, regulations, controls, and restrictions, including those specifically identified with new or future construction, shall be applicable to the purchaser's non-acquired property. Exceptions to this regulation will be granted by the Department of Inspections when it is evident that all the above controls cannot be applied to existing buildings not to be acquired.

3. Redeveloper's Obligations:

- a. When land in the project area is sold by the City of Niagara Falls, the purchaser and their successors and assignees shall be obligated to:
  - (1) devote such land to the uses specified in the Urban Renewal Plan and Final Plan; and
  - (2) to begin and complete the construction of improvements on such land within a reasonable time as established by appropriate provisions in the instrument of sale, and as determined by the Department of Inspections.
- b. There shall be appropriate covenants running with the land with respect to the prohibition of restrictions upon the sale or occupancy of any land or real property in the project area on the basis of race, color, or creed.
- c. Purchasers of land in the project area designated for residential use shall be required to give reasonable preference in the initial occupancy of the new residential properties to families displaced by the project provided said families can qualify as to financial responsibility.

## **2. (URA) URBAN RENEWAL AREA (R-91) - "HIGHLAND-HYDE PARK"**

The following information are excerpts from the approved Urban Renewal Plan and Final Plan for the Highland-Hyde Park area dated September, 1963. Persons seeking development in this area should review the Plan document in its entirety for other required information prior to proceeding.

Land Use Plan/Zoning Regulations:

### **1. Land Use:**

The land use in the project area shall conform with the Urban Renewal Plan dated September, 1963.

### **2. Easements:**

Easements to permit access to the project area property shall be provided as defined in the Final Plan for the Niagara-Mohawk Power Corporation for maintenance of existing power transmission towers and lines, and to the City of Niagara Falls for maintenance of the existing trunk, sewer, water line, and power line along Massachusetts Avenue.

### **3. Land Use Provisions and Building Requirements:**

No building shall be erected, and no land shall be used, designed, or arranged to be used for any purpose other than is included among the uses listed under Permissible Uses:

#### **A. Heavy Industrial Use:**

1. Permissible Uses - Manufacturing, including chemical, electrical, ore processing, synthetics, mechanical equipment, metal fabrication, cement, brick, concrete block, ceramics, glass and similar industrial operations, warehousing, trucking, and material and equipment processing and transporting, building contractors' yards; raw material and metal scrap storage and processing, but not to include junk yards; railroad freight operations; power plant and generating installations; refining of petroleum and gas products; sawmills, planing mills and similar wood processing; light industrial and commercial activities in support of the heavy industrial uses proposed for the project areas; research and development activities;
2. Buildings shall not occupy more than 75 percent of the contiguous land in one ownership;
3. Building setbacks from property lines along Hyde Park Boulevard and James Avenue shall not be less than 25 feet, and along Highland Avenue not less than 50 feet;
4. No raw materials or scrap metal shall be stored closer than 50 feet from property lines abutting public rights-of-way;
5. All buildings, plants, warehouses, and similar type construction shall be of fireproof materials;

6. No food processing or packaging or explosives manufacturing industries shall be permitted;
7. Off-street parking shall be provided for all personnel employed at any establishment within the area and for visitors to such areas. In no case shall parking spaces be less than one for every three employees;
8. A minimum of one off-street loading space is required for the first 6,000 square feet of gross floor area or major fraction thereof, plus one additional space for each additional 20,000 square feet of gross floor area or major fraction thereof in excess of the first 6,000 square feet;
9. No building shall be erected to a height of more than 100 feet above grade except for chimneys and appurtenances required for fire protection, water cooling, or venting;
10. No junk yards or dumping of refuse, garbage, or other discarded material shall be permitted.

B. General Commercial Use:

1. Land and structures designated for general commercial uses may be used for printing establishments, bottling works, dairies, laundries, research laboratories, office buildings, warehouses, trucking terminals, machine shops, monument works, cabinet shops, fabrication of plastic products, manufacture of professional or scientific instruments, industrial distributor, fabrication of electrical products, commercial bakeries, photoengraving plants, and such other uses which in the opinions of the City's Zoning Board of Appeals and the City's Department of Inspections may be deemed compatible with adjacent residential and retail business uses and which are similar to the foregoing uses and, subject to any conditions that said Board and the Department of Inspections may specify, will not be more objectionable than any of such uses by reason of noise, vibration, or other characteristics of operations and, in addition, are in keeping with the Urban Renewal Plan.

Hotels, motels, tourist homes, and transient accommodations are uses which shall not be permitted within the project;

2. The maximum coverage by all buildings on the land in one ownership may not exceed 70 percent of the land area;
3. The maximum building height shall not exceed two stories or 30 feet above grade, whichever is lower, except other appurtenances required for fire protection, water cooling, or venting;
4. There shall be a minimum of one off-street parking space for every three employees. Each space shall have a minimum area of 200 square feet and shall have access to a public way;
5. A minimum of one off-street loading space is required for the first 6,000 square feet of gross floor area or major fraction thereof, plus one additional

space for each additional 20,000 square feet of gross floor area or major fraction thereof in excess of the first 6,000 square feet;

6. A minimum ten foot setback will be required for front, side, and rear yards.

C. Time In Effect:

1. The foregoing land use and building regulations and controls shall be in effect for a period of fifty years, and the period of duration shall become effective one month following the date of approval of the Urban Renewal Plan by the Niagara Falls City Council.

D. Applicability of Provisions and Requirements to Real Property Not To Be Acquired:

1. All of the property within the boundaries indicated in the Final Plan were acquired and cleared, except those parcels marked "NOT TO BE ACQUIRED". The owners of all properties within the project boundaries not to be acquired shall be subject to the regulations, controls, and restrictions of this plan.

4. Redeveloper's Obligations:

Redeveloper's acquiring land which becomes available within the project area shall be obligated to comply with all of the requirements as established within this Urban Renewal Plan and also the following provisions:

A. All property redeveloped for industrial use shall be provided with a chain link or similar type metal fence not less than 6 feet in height separating such property from land in public use;

B. Air pollution shall be controlled in accordance with the standards as established in the Air Pollution Control Ordinance of the City of Niagara Falls, which can be found in the Final Plan;

C. Necessary additions to utilities and facilities shall be provided as required for this specific use within this redevelopment parcel, including but not limited to, water supply, sewage disposal, roadways, parking and loading areas, and rail facilities;

D. Screen planting shall be provided along property lines on Hyde Park Boulevard, Highland Avenue, and James Avenue;

E. Construction of improvements shall begin in accordance with the objectives of this Plan within twelve months from the date of acquisition;

F. There shall be no discrimination on the basis of race, creed, or color on the part of any redeveloper, owner, or lessee within the project area.

### **3. (URA) URBAN RENEWAL AREA (R-155) - "RAINBOW CENTER PROJECT"**

The following information are excerpts from the approved Urban Renewal Plan and Final Plan for the Rainbow Center Project No. 1 area dated April 30,1974. Persons seeking development in this area should review the Plan document in its entirety for other required information prior to proceeding.

Land Use Plan/Zoning Regulations

#### **1. Land Use:**

The land use in the project area shall conform to the following designates:

- A. All thoroughfares and public streets and services and access streets, whose locations are fixed or are subject to minor modification;
- B. Pedestrian rights-of-way, including both surface and air-right;
- C. Land use tracts and their primary and secondary land uses;
- D. Existing area proposed easements;
- E. Properties not-to-be acquired; and
- F. Project boundary.

#### **2. Land Use Provisions and Building Requirements:**

The Land Use Plan has not attempted, in these and other controls of this Urban Renewal Plan, to anticipate every possible design or land use solution. Rather, the controls and regulations covering land use and structural form within Rainbow Center Project No. 1 are designed to promote innovative and creative private and public redevelopment of the project area in accordance with local objectives and in conformity with public improvement programs of the State of New York.

#### **2a. Land Use Permitted:**

The following primary and secondary land uses shall be permitted in the project area on only those tracts as shown in Urban Renewal Plan Map No. 2, Land Use Plan:

- A. Transient shall be limited to such uses as hotels, motels, motor inns or motor courts, and their accessory uses such as eating and drinking establishments, meeting rooms and exhibition areas, swimming pools, health clubs, passive and active recreational facilities, off-street parking and loading and service drives.
- B. Commercial shall be limited to such uses as department stores, retail shops, service retail shops, banks, theaters, studios, exhibit halls, museums, restaurants, night-clubs, transportation center, amusement facilities, and their accessory uses such as off-street parking and loading and service drives.
- C. Offices shall be limited to such uses as general offices, professional offices, medical and dental offices, philanthropic and eleemosynary institutions, business trades, exhibition areas, etc., but shall not include warehousing or

manufacturing. Also permitted shall be their accessory uses such as off-street parking and loading, service drives, and retail sales and service of size and character to primarily provide for the needs of building tenants and or by on those tracts where such secondary use is indicated.

- D. Semi-Public shall be limited to such uses as existing places of worship, community buildings, rectories, related recreational facilities, and their accessory uses such as off-street parking and loading and service drives. Also permitted shall be membership clubs and accessory uses customarily associated with such use.
- E. Public shall include such public or quasi-public uses as a convention center, exhibition centers, museums, landscaped parks and plazas, information and service centers, parking garages and areas, open and enclosed pedestrian malls, fountains and reflecting pools, gardens, tram-ways and terminus areas, transportation center, passive and active recreational facilities, and innovative lighting, urban graphics and street furniture.

Provision is being made for the transportation center to be included on an alternate site within the project area, all of which are readily accessible to the Falls and the Convention Center.

- F. Air rights land uses are permitted as air-rights over public rights-of-way and private development parcels providing such use is in conformity with URA Map No. 2, Land Use Plan.

**2b. Additional regulations, controls, or restrictions to be imposed by the Plan on the sale, lease, or retention of all real property acquired.**

A. General Statement:

- 1. The following regulations, controls, and restrictions are designed to provide guidelines for the physical development of the project area within which the developer and their architects and engineers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with local objectives and this Urban Renewal Plan.

B. Standards and Controls:

- 1. Compliance with all applicable laws, codes, rules and regulations adopted by the City of Niagara Falls and/or the State of New York will be required in the development of all real property to be acquired. Whenever the local codes or regulations contain comparable but less restrictive provisions or requirements than set forth by these Land Use Provisions and Building Regulations, the standards and controls set forth herein shall govern.
- 2. Equal Opportunity. No covenants, agreements, leases, conveyances or other instruments shall be affected or executed by the Local Public Agency or by the Redeveloper (or any successor in interest) whereby the use of land in the project area is restricted upon the basis of race, creed, color or national origin in the sale, lease, or occupancy thereof. These restrictions shall be

implemented by appropriate covenants or other provisions in the land disposal instruments as covenants running with the land.

3. Building Heights: The maximum building heights for primary land uses, excluding mechanical penthouse, towers, and antennas shall not exceed the following heights on the following land use tracts:

Tracts 12-1, 13, and 19: No Building

Tracts 2-3, 3-2, 4-3, 7-2,  
7-3, 9-3, 14-1, 14-2, and 18: Three Levels or 40 Feet

Tracts 2-1, 3-1, 9-1, 9-4, 10 :

Tracts 1, 9-5, 11-1, 11-2, 16

Tracts 6-1 and 7-1: Thirty Levels or 310 Feet

All Other Tracts: Twenty Levels or 210 Feet

Secondary land uses as air rights or vertical inclusions shall not exceed those heights as provided for where such secondary uses are primary uses on tracts directly adjacent thereto.

4. Easements. No buildings shall be erected on a utility easement. However, buildings may be erected over or within utility easements providing there is adequate clearance to allow for inspection, repair, and maintenance. Such improvement must be approved by the Local Public Agency.

5. Off-Street Parking. Off-street parking shall be provided as follows:

For Transient Use: 1.0 parking space per occupancy unit.

For Commercial Uses: 3.75 parking spaces per 1,000 square feet of department store space: 3.0 parking spaces per 1,000 square feet of other leasable commercial space.

For Offices: 1.0 parking space per 300 square feet of gross floor area.

For Semi-Public Uses and Major Assembly Areas: 1.0 parking space for each 6 seats, and 1.0 parking space for each eight club members.

Each required parking space within a self park structure shall be a minimum of 300 square feet which includes ramps, aisles and access/egress areas. Open parking areas shall be paved, adequately drained, landscaped, and lighted. Such lighting is not to be disturbing to any adjacent land use.

A developer's parking requirements may be satisfied by use of parking spaces within a public parking facility, provided that such facility is located no more than 500 feet from the building entrance. A copy of the written agreement must be filed by the developer with the Local Public Agency evidencing that the Parking Authority and/or the City of Niagara Falls has allocated spaces from available capacity to meet the developer's parking requirements.

6. Off-Street Loading.

- a. Each structure primarily designed for retail and/or office space, shall have off-street loading based on square foot gross floor area, excluding hallways, stairways, and similar open public areas, in accordance with the following schedule:

Square Foot Gross Required Floor Area Spaces	
6,000 - 20,000	1
each additional 20,000 sq. feet or major fraction thereof	2

All retail uses and/or office establishments with less than 3,000 square feet of gross floor area, excluding hallways, stairways, and similar open public areas, shall have access to and be serviced by an off-street loading area which may be used in common with other establishments, with such off-street loading areas required in number for a total floor area of such establishments as set forth in the above requirements.

Floor area devoted to public or private parking facilities shall not be subject to any requirement for off-street loading.

- b. Each structure primarily designed for a hotel or motel or similar designation shall have off-street loading in accordance with the following schedule:

Number of Units	Required Spaces
0 - 100 Units	1
100 - 500 Units	2
500 or More	3

- c. Public Hall and Plaza. There shall be no off-street loading requirements for commercial establishments within public malls and plaza.
- d. Semi-Public. No off-street loading shall be required for semi-public and residential uses.
- e. Public Buildings. A minimum of one off-street loading space shall be required for any buildings, except parking garages, with gross floor area from 6,000 to 30,000 square feet. For each additional 30,000 square feet of gross floor area, one additional off-street loading space shall be provided.
- f. Off-Street Loading and Service Area. Access to loading areas shall be only from a service drive or alley and shall be provided in a manner to eliminate interference with public use of sidewalks and streets by

vehicles loading or unloading. Each loading space shall be not less than 12 feet in width, 40 feet in length, and, if constructed within the building, 14 feet in height.

7. Signs. No sign shall be erected or maintained unless such sign complies with all of the following conditions:

- Each sign shall be non-flashing and non-moving and clearly incidental customary and commonly associates with the principal use upon each disposition parcel. Illuminated signs shall not disturb adjoining properties;
- Each sign shall be limited in location to the disposition parcel on which the principal use is located;
- Each sign shall be limited in subject matter to name, design, picture or trademark of the owner, operator, builder, sales agent, managing agent, lessor or lessee of the premises (including merchandise handled or services rendered) and shall not include any general commercial advertising unrelated to the principal use;
- No sign may be painted on building walls;
- No sign shall project above the building line to which it is affixed nor project more than 24 inches from the facade to which it is affixed without the written approval of the Local Public Agency; and
- All signs along the Pedestrian Mall and within the project area are to be approved by the Local Public Agency.

8. Landscaping. Appurtenant landscaping shall be required for any part of any reuse parcel not used for buildings, off-street parking, loading space, storage, or access drives thereto. Landscaping shall include appropriate trees and shrubbery, pedestrian walks, plazas, sitting areas, or other features of a similar nature. The developer's plan shall include plans for landscaping indicating the location, size, and quantity of the various plant species to be used in landscaping.

9. Maximum Density.

<u>Land Use Tract No.</u>	<u>Maximum F.A.R.</u>
14-1	2.0
1, 15, 16	3.0
4-3, 10	4.0
2-2, 3-2, 11-1, 11-2	5.0
4-4, 8	6.0
4-2, 12-2	8.0
2-1, 3-1	9.0
4-1, 5, 6-1, 7-1	10.0

Secondary land uses on a particular tract, as provided for on Land Use map, URA Map No. 2, shall not exceed in their aggregate 35 percent of the Maximum F.A.R. for that specific tract.

10. Land Coverage and Setbacks. A site plan will be submitted to the Local Public Agency for each development element. Land coverage and setbacks will be reviewed and approved by the Local Public Agency as to conformity with the Land Use Plan, local objectives and this Urban Renewal Plan.

11. Design Objectives. In order to promote and encourage the sound and attractive development of the Urban Renewal Area, a series of basic design objectives and specific design controls have been established. These design objectives and controls are included as Exhibit "A" of the Urban Renewal Plan.

**2 c. Duration of Land Use Provisions and Building Requirements:**

The land use provisions and building requirements shall remain in effect for a period of forty years from the date of original approval of the Urban Renewal Plan by the governing body of the City of Niagara Falls. The termination of this Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, color, or national origin in the sale, lease, use, or occupancy thereof.

**2 d. Redeveloper's Obligations:**

A. The redeveloper shall begin and complete the development of the land for the uses required in the Urban Renewal Plan and the construction of improvements agreed upon in the disposition contract within a reasonable period of time to be provided for in the said disposition contract between the Local Public Agency and the redeveloper.

B. Prior to commencement of construction, architectural drawings and specifications and site plans for the construction of improvements on the land shall be submitted by redeveloper's to the Local Public Agency for review and approval so that the Local Public Agency may determine compliance of such drawings, specifications, and plans with the Urban Renewal Plan.

C. It is expressly understood that approval of any plans by the Local Public agency applies to any and all features shown thereon, and that any subsequent additions, deletions, or other modifications thereof are required to be submitted by the developer for approval by the Local Public Agency before actual construction can begin.

D. The redeveloper shall comply with the Design Objectives which are a part of the Urban Renewal Plan and set forth in Exhibit A of this Plan.

**3. Underground Utility Lines:**

All utility lines within the project area are to be placed underground.

#### **4. (URA) URBAN RENEWAL AREA (A-204) - "EAST FALLS STREET REDEVELOPMENT"**

*The following information are excerpts from the approved Urban Renewal Plan and Final Plan for the East Falls Street Redevelopment area dated March, 1991. Persons seeking development in this area should review the Plan document in its entirety for other required information prior to proceeding.*

*Note: As part of this proposed zoning ordinance, the East Falls Street development area is being recommended as a "Negotiated Plan Development (NPD) District, from its present C-1 Retail Business District Zoning Classification. The NPD District regulations are contained in Chapter 1321 of this Zoning Ordinance.*

##### **GENERAL LAND USE PLAN:**

###### **1. Land Use and Zoning:**

Map #3, titled Proposed Zoning and Land Use Map contained in the Urban Renewal Plan displays the proposed land use and zoning classifications of the East Falls Street Redevelopment 1991 Action Area. Map #3a, the Existing Zoning Map, also contained in the Urban Renewal Plan, reflects the current zoning pattern for comparison purposes.

The conceptual site plan for the 1991 East Falls Redevelopment Action Area is shown on Map #4, titled Proposed Site Plan Map contained in the Urban Renewal Plan. This Map also shows the proposed land use of the 1991 Action Area, including circulation plans, and parking facilities. It should be noted that this site plan is included for illustrative purposes only and does not represent the approved site plan for the Action Area.

###### **2. Description of Predominant Land Use Categories:**

###### **(For Disposition Parcels)**

Commercial: Municipal C-1 zoning supplemented and superseded by URA land controls specific to the area.

A super regional commercial development of no less than 1,200,000 square feet of Gross Leasable Area (G.L.A.) inclusive of complementary food, hotel, and amusement services is proposed.

Parking: Parking facilities at a standard of no less than 4.5 spaces per 1,000 square feet of Gross Leasable Area shall be constructed according to City Traffic Engineering specifications.

###### **3. Planning Criteria:**

- A. Commercial uses not complementary to high volume retail/tourism uses will not be permitted (see URA Land Use Controls).
- B. Uses accessory to C-1 uses will be permitted pursuant to existing zoning criteria but subject to site plan review and approval by the Planning Board.

- C. The Circulation and Parking systems in the project area will blend public and private streets, parking and access roads to create a coherent traffic circulation system (for details, see Map #4 Conceptual Site Plan and Map #5 Right-of-Way Adjustment Plan) contained in the Urban Renewal Plan.
- D. Green spaces and landscaping will be required as specified in Urban Renewal Land Use Controls for landscaping.
- E. Water and sewer systems will be redesigned to accommodate the Action Area as shown on Map #6 Utilities Plan Map contained in the Urban Renewal Plan. Easements throughout the Action Area will be granted as necessary to provide for or preserve a satisfactory utility network. All electrical services will be placed underground to the maximum extent feasible.

**4. Imposition of New Land Use Controls:**

No building shall be erected, and no land shall be used, designed or arranged to be used for any purpose other than as described below. In addition, all buildings shall meet the requirements listed below:

A. Commercial. C-1 (City Zoning Ordinance of 1959. as Amended):

The permitted uses, heights, and coverage shall be those listed in the C-1 district of the Niagara Falls Zoning Ordinance, as amended, with the following exclusions and conditions:

- 1. No residential use shall be permitted.
- 2. No laundries, mortuaries, dry cleaning establishments, gasoline stations, or any manner of auto repair shall be permitted, except as a component of a department store, or wholesale club.
- 3. No hospitals, clinics, shelters, boarding houses, lodging houses, or social membership clubs, shall be permitted.
- 4. Uses permitted by right include:
  - a. Retail establishments.
  - b. Theaters.
  - c. Restaurants, cafes, cafeterias, food courts, and taverns with or without entertainment.
  - d. Amusement and recreational areas within buildings.
  - e. Offices.
  - f. Parking (on site privately controlled, or public parking facilities within the Action Area boundaries).
  - g. Banks.
  - h. Hotels and motor inns.
  - i. Religious institutions (see following section).
  - j. Parking.

B. C-1, Religious Institutions:

In accordance with the adopted policy of the Urban Renewal Agency and the concurrence of the City of Niagara Falls, the East Falls Redevelopment Plan will designate certain land areas which shall be used and/or developed exclusively for religious purposes as defined by the federal and state tax codes. Should such religious purpose cease or fail to develop, the Agency may then exercise its right to acquire such land for green space with commemorative indications.

No future use would be allowed that would generate unanticipated loading of traffic, noise, or emissions unaccounted for in the adopted Environmental Impact Statement for the project area; and

1. Significantly impact upon the findings thereof as determined by the Agency; or
2. In the opinion of the Agency, negatively impact upon project circulation, sight lines, aesthetic harmony, or existing commercial uses.

C. Historic Preservation Control:

1. The buildings of the Holy Trinity cluster and the M & T Bank building shall be preserved and protected as architecturally significant buildings. The Nabisco grain silos shall be protected from visual site line obstruction from the south and west over three stories. There are no other significant buildings or sites in the clearance area.
2. Development within 100 feet of architecturally significant buildings shall be reviewed by the Urban Renewal Agency for impact on subject buildings regarding sight lines, building height, and compatibility of exterior materials.

D. Parcel-Specific Supplementary Controls:

In order to achieve the objectives of this plan, the following controls shall be enforced on a parcel basis for the disposition parcels shown on Map #8 contained in the Urban Renewal Plan and listed below:

Parcel #1:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: maximum building height, six stories, as defined by this Zoning Ordinance.
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A. and one space per hotel room.

Parcel #2:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: none
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries, with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #3:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: maximum building height, three stories as defined by this Zoning Ordinance.
- iii. Parking: Parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #4:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: maximum building height, six stories, as defined by this Zoning Ordinance.
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #5:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: maximum building height, three stories, as defined by this Zoning Ordinance. No demolition of M & T Bank. Exterior materials of new development to be harmonious with Bank. No significant alteration of M & T Bank exterior.
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #6:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: no demolition of Holy Trinity buildings. No significant alteration of exterior of cluster buildings or fencing.
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #7:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: building height will not exceed six stories as defined by this Zoning Ordinance.
- iii. Parking: parking requirements may be met in part or in whole by use of public parking facilities within the Action Area Boundaries with the approval of the Agency. Agency approval shall be based upon parking needs and resources as described in the Developer's Site Plan Submission. Parking resources will not be allocated at a level less than 4.5 cars per 1,000 square feet of G.L.A.

Parcel #8:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: visual buffering by landscaping or fencing approved by the Agency along 12th Street right-of-way.
- iii. Parking. parking requirements may be met in part or in whole by use of other Nabisco Plant property resources.

Parcel #9:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: none
- iii. Parking: parking requirements may be met in part or in whole by use of other Nabisco Plant property resources.

Parcel #10:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: none

- iii. Parking: parking requirements may be met in part or in whole by use of other Nabisco Plant property resources.

Parcel #11:

- i. Zoning Classification: C-1, URA
- ii. Supplementary (and superseding) Development Controls: none
- iii. Parking: this parcel will be publicly held for the purpose of creating public improvements in support of the area's redevelopment. Parking and roadways will be the primary public improvements.

**5. Construction of New Public Facilities:**

- A. New water and sewer systems will be constructed to induce and service new commercial development of the Action Area site.
- B. New electrical services will be constructed to induce and service new commercial development. Wherever feasible, all electrical facilities shall be placed below ground as an aesthetic improvement within the Action Area.
- C. Parking facilities in accordance with plan controls shall be constructed on the site according to City engineering standards.
- D. New roadways and walks will be constructed to create a circulation system to service the proposed redevelopment of the site.
- E. New green spaces will be constructed to create an aesthetically pleasing environment and develop appropriate buffers.

**6. Land Disposition Supplement:**

- A. Other Land Use Controls:

The Agency contemplates the leasing of 31 acres of the Action Area for commercial development. The Land Use Controls of the 1991 Urban Renewal Plan Amendment will be incorporated into the development leases. The remaining acreage (approximately 77 acres) will remain under public control for the duration of Urban Renewal Plan (approximately 21 years).

- B. Circulation Requirements:

See Right-of-Way Adjustment Plan, Map #4, and Map #5, Site Plan contained in the Urban Renewal Plan.

- C. Statement of Obligations to be Imposed on Redeveloper's:

Developers acquiring or leasing land which becomes available within the project area shall be obligated to comply with all of the requirements as established within this Urban Renewal Plan and also the following provisions:

- a. Necessary additions to utilities and facilities will be provided as required for a specific use within a redevelopment parcel, including but not limited to, water supply, sewage disposal, roadways, parking and loading areas.
- b. Discrimination shall be prohibited on the part of any redeveloper, owner or lessee within the project area;

D. Urban Design Objectives and Controls:

Prior to disposition of Parcels #1 through #7, as shown on the Disposition Parcel Map contained in the Urban Renewal Plan, the developer shall prepare and submit a site plan and narrative. The site plan and narrative will be referred to as the Developer's Plan. This shall include a site plan map accompanied by a summary narrative describing in specific terms and in adequate detail as to present a true and accurate account of the proposed development actions. A three dimensional model of the proposed planned unit development will also be provided by the developer. Approvals by the Agency, City, and Planning Board of the Developer's Plan will be required prior to disposition. The Developer's Plan shall meet or exceed the review criteria as outlined in Exhibit D of the plan. Such approval process shall ensure that the highest and best use of the redevelopment land shall occur within the best judgment of the Agency, City, Board, and related professional staff, while protecting the surrounding community from potentially injurious development. The Agency, City, and Board shall use the following guidelines and the design objectives listed in Exhibit D in the review of the Developer's Plan.

The Plan guidelines are as follows:

**1. Road, Sidewalk, Plaza, and Open Space Design Objectives:**

- a. Interior drives within redevelopment parcels shall be aligned to provide access to buildings and parking areas.
- b. Building access drives shall be provided with adequate turnaround radii.
- c. Sidewalks and plazas shall be attractively and durably paved and provided with adequate lighting.
- d. Open spaces and landscaping areas shall be so located to provide buffering of parking areas, loading spaces, and maintenance areas from sightline within and from without the project area.

**2. Off-Street Parking and Loading Area Objectives:**

- a. Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction of pedestrian walks.
- b. Loading areas shall be landscaped and/or screened from public view in accordance with the site plan.

c. Parking and loading areas and any islands used for dividers contained therein shall be properly curbed with a durable material other than asphalt.

d. All outdoor parking areas abutting street rights-of-way shall be landscaped on the periphery with shrubs, trees or ground cover in accordance with the Landscape Design Objectives.

**3. Landscape Design Objectives:**

a. General. Landscaping shall be required. The basic design objectives of landscaping shall be to use any or all of the following landscaping elements to achieve creative and attractive landscaping of properties identified under the Urban Renewal Plan as a benefit to the owners and/or users of the property, as an asset to the surrounding neighborhoods, and as a source of identity and pride to the City of Niagara Falls:

- Major and Minor Deciduous Trees
- Coniferous Trees
- Deciduous and Evergreen Shrubs
- Vines and Ground Covers
- Decorative Stone, Brick or Pavement
- Special Plant Materials

b. Design Objectives. The following should be the design objectives of all proposed landscape plans:

1. Landscaping should be designed to be natural looking while having proportion, balance, unity, variety of species, and variety of color throughout the seasons;
2. As an architectural feature, landscaping should visually soften the mass of the buildings, parking areas, and other structures;
3. Landscaping should reduce the intrusion of headlights and other glare;
4. Landscaping should trap noise, odor and dust;
5. Landscaping should provide a natural habitat for birds and other animal life;
6. Landscaping should control erosion;
7. Landscaping should allow ground water recharge;
8. Landscaping should provide a visual separation or screen between land uses that have an intense activity, or significantly different appearances, or are otherwise incompatible to some degree;
9. Landscaping should provide a safety barrier between vehicles and pedestrian;
10. Landscaping should shade seating, walking and outdoor activity areas;
11. Landscaping should shield buildings from winter wind and summer sun so as to conserve energy, and should not interfere with clear access to the sun where solar energy collection is anticipated;

12. Landscaping plans should preserve existing natural vegetation and other natural features of a site so as to enhance overall site design and protect animal populations and other ecological systems;
13. Landscaping plans should ensure the proper long-term maintenance of landscaping as needed;
14. Landscaping materials that are native to the area should be selected whenever feasible;
15. Landscaping should be innovative and creative; and
16. The best professional practices and standards of the American Nursery Association regarding planting, installation, trimming, fertilizing, and other maintenance should be followed.

**4. Developer's Plan.** The Developer's Plan shall include a Landscape Plan indicating the location, size, and quantity of the various plant species (listed both by botanical and common name) used in the plan.

a. **Vegetation Size Standards.** The landscaping identified in the Landscape Plan shall be of the following sizes measured at the time of planting. The Landscape Plan, however, shall show the plants at full growth:

1. Evergreen Shrubs - minimum 2 feet high.
2. Evergreen Trees - minimum 5 to 6 feet high.
3. Shade Trees - minimum caliper 2 1/2 inches in diameter measured 6 inches above the ground.
4. Ornamental Trees - minimum caliper 2 inches in diameter measured 6 inches above the ground.
5. Deciduous Shrubs - minimum 2 feet high.
6. Shrub Clusters - three to seven shrubs, depending on the species, to be planted close together.

b. **Parkway Standards.** That property, identified under the Urban Renewal Plan adjacent to Quay, Niagara, Portage and Buffalo Avenue, shall be referred to as Parkway Lands. The following standards shall be used in all proposed Landscape Plans showing Parkway Lands:

1. Where not occupied by driveway, pavement, trees or shrubs, parkway lands shall be grass.
2. Other than trees, no landscaping shall be taller than 2 feet.
3. No trees or other landscaping taller than 2 feet shall be located within 33 feet of the intersection of two street curb lines or, as necessary, to avoid traffic sightline problems.
4. Parkway trees shall be selected from the following varieties: Ash, Linden, Hard Maple, Hackberry, Male Ginko, Oak, Thornless Honeylocust, Tulip, Red Bud, Bradford Pear, Kentucky Coffeetree, or other suitable varieties.

5. If possible, a mixture of species should be planted.
6. Trees shall be located so as not to interfere with overhead wires or traffic or pedestrian safety.
7. Where feasible, parkway trees should be planted on the private property side of the sidewalk. Parkway trees planted on the public parkway should be planted only with appropriate authority granted by the agency having jurisdiction over the right-of-way.

**5. Public Improvement Design Objectives:**

1. The design of all streets, sidewalks, and open spaces within the public right-of-way will be consistent with all Plan design objectives. Where feasible and appropriate, street trees will be provided. Street furniture shall be selected to harmonize with private development and shall include signs of attractive appearance. Street lighting facilities of compatible design and meeting modern standards of illumination will be selected.
2. All new and relocated utilities will be installed underground where feasible. Any supporting equipment which must necessarily be located above ground will be adequately screened from view and public access in an attractive manner.

**6. Duration of Controls:**

All special conditions and requirements imposed by the Urban Renewal Plan shall be kept in force for a period of no less than 40 years from the date of the original Urban Renewal Plan adoption of March 1972.