

# OFFICIAL PLAN – CITY OF NIAGARA FALLS

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## ***PART 1***

***PLAN  
OVERVIEW***

***AND***

***STRATEGIC  
DIRECTION***

## **PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTION**

### **SECTION 1 BASIS OF THE PLAN**

The Official Plan for the Niagara Falls Planning Area is a document outlining the long term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of the necessary infrastructure.

The Official Plan is adopted under the provisions of the Planning Act and is required, through legislation which established the Regional Municipality of Niagara, to conform with the provisions of the Regional Policy Plan. Based upon the above, the Official Plan for the City of Niagara Falls is to be brought into conformity with the policies of the Regional Official Plan and is approved by the Regional Municipality of Niagara.

Changes to the Planning Act and the introduction of the Growth Plan for the Greater Golden Horseshoe Area (Growth Plan) as well as other Provincial Plans enables Council to effectively use all available planning tools when considering development and the protection of heritage within the City of Niagara Falls. This Plan reflects the changes in legislation and respects the growth targets of the Growth Plan and the Regional Policy Plan.

A series of public meetings of Council have been held to fulfill the public participation requirements of the Planning Act. Comments and input received have been carefully considered in the formulation of policies for this Plan.

The Official Plan will be regularly reviewed and a special meeting of Council, open to the general public will be held at least once every five years from the date of Ministerial approval. Such a special meeting is required under the Planning Act, and will determine the need for any revisions to the Official Plan based upon changing conditions such as growth patterns, economic trends and Provincial Planning Policies.

### **INTERPRETATION**

Locations, boundaries or limits described in the text or indicated on Schedules "A", "B", "C", "D" or "E" are intended to be approximate only, except where they are bounded by roads, railway lines, or other clearly defined physical features. Where the general intent of the Plan is maintained, minor boundary adjustments will not require an amendment to this Plan. Nonetheless, urban area Boundaries are considered to be precise. In any case, where the location of the Urban Boundary is in question, the precise Boundary may be defined with the Region's concurrence.

Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.

Where any of the policies of this Plan refer to an Ontario Ministry, the reference to such Ministry shall continue to apply regardless of any change in title to the Ministry and/or any successor Ministry that may become responsible for the subject policies.

## FORMAT OF THE PLAN

The Official Plan is organized as follows:

**Part 1** entitled PLAN OVERVIEW AND STRATEGIC DIRECTION describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan as well as the period during which the Plan is to apply. This part also outlines the Strategic Policy Direction of the Plan to accommodate future growth through land use and intensification.

**Part 2** entitled LAND USE POLICIES establishes twelve (12) land use designations with preambles which highlight the intention of the land use designations and policies which describe permitted uses and various physical development guidelines. The land use designation for Section 10 prescribes that the policies of the Niagara Escarpment Plan, as amended from time to time, shall be applied to the Niagara Escarpment Plan Area. Unless otherwise specified, the policies of Parts 3, 4 and 5 of this Official Plan will not be applied to the lands within the Niagara Escarpment Plan Area. In addition, there are certain special policy areas which because of unique character and/or circumstances will be subject to special policies.

**Part 3** entitled ENVIRONMENTAL MANAGEMENT contains strategic type policies that are to be utilized in conjunction with the land use designation policies.

**Part 4** entitled ADMINISTRATION AND IMPLEMENTATION highlights the various planning tools available to implement the Official Plan.

**Part 5** entitled SECONDARY PLANS contains the policies and plans for specific areas of the City prepared through the secondary plan process and adopted as amendments to this Plan.

**SCHEDULES** to this Plan illustrate the land use designations, height strategies, roads, districts and special policy areas of this Plan and are to be read in conjunction with its text. There are additional Schedules "B", "C", "D" and "E" that form part of the Plan.

The **APPENDICES** contain supplementary and supporting information for the Policies of this Plan but do not form part of the Plan itself.

**PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTION****SECTION 2 STRATEGIC POLICY DIRECTION**

The Official Plan for the City of Niagara Falls is intended to guide growth and development to the year 2031. The population during this planning period is expected to reach 106,800 with employment for 53,640 people. It is the intent of this Plan to focus new growth to accommodate these people and jobs in a sustainable fashion that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City's natural heritage and agricultural lands.

Schedule A-2 to this Plan illustrates the City as being divided into three areas: the Urban Area, the non-urban area and the Natural Heritage Areas. It is the intention of this Plan to balance efficient use of urban land with the protection of Natural Heritage Areas and direct development away from the non-urban area towards the urban area. To further guide development, the urban area is divided into two categories: the Built-Up Area, (the area within the Built Boundary defined by the Province within which growth is to be accommodated through intensification); and Greenfield Areas (undeveloped lands within the urban area Boundary) and outside of the Built Boundary where growth will be guided by proper design.

In order to provide for future employment opportunities within the City areas most suited for such uses are to be protected from non-employment uses. The tourism industry is now the major employer with the decline of heavy manufacturing. Lands along the Queen Elizabeth Way are ideal for those employment opportunities dependent on cross-border trade and the movement of goods. Schedule A-2 identifies the Gateway Economic Zone which are lands within the Urban Area which, due to their proximity to major international border crossings, have unique economic importance to the City and Niagara Region. It is the intent of this Plan to identify these areas and protect them for future employment.

**GROWTH OBJECTIVES:**

1. To direct growth to the urban area and away from non-urban areas.
2. To protect Natural Heritage Areas and their functions.
3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.
4. To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.
5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.
6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review:

Table 1. Forecast of Households, Population and Employment

Forecast Period	Total Households	Total Population	Household Size (ppu)	Total Employment
2011	34070	89100	2.62	45690
2016	36170	94000	2.6	48560
2021	38590	99100	2.57	50820
2026	40870	103100	2.52	52240
2031	42740	106800	2.5	53640

\* This table can be amended by Niagara Region without amendment to this Plan.

7. To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015.
8. To develop the Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.
9. To encourage alternative forms of transportation such as walking, cycling and public transit.
10. To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.
11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.
12. To protect prime employment lands for the long term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.
13. To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.
14. To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of "affordable".

## Policies

- 2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.
- 2.2 The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.
- 2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.
- 2.4 The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.
- 2.5 Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.
- 2.6 The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.
- 2.7 The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the Province.
- 2.8 The City shall consider residential and employment growth in relation to Schedule “B” - Phasing of Development and the policies of Part 1, Section 3 of this Plan.
- 2.9 The City shall monitor growth within the urban area at 5 year intervals to measure compliance with targets of the Province’s Growth Plan and the Regional Niagara Policy Plan.
- 2.10 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.
- 2.11 No new urban areas shall be created.

## PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTIONS

### SECTION 3 INTENSIFICATION

The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit within the Residential land use designation. However, opportunities for residential intensification on lands not currently designated Residential may also be considered. The City has identified specific intensification areas which have the potential to accommodate higher density development over the long term as nodes and corridors on Schedule A-2. The nodes and corridors may contain a mix of land use designations and will be subject to the following policies.

#### GENERAL POLICIES

- 3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publically assessed. Proposals of sufficient land area shall be developed through plans of subdivision.
- 3.2 The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.10.5(iii)(iii).
- 3.3 The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.
- 3.4 The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan.

#### INTENSIFICATION CORRIDORS

- 3.5 Intensification Corridors contain lands that front onto arterial roads and have the attributes conducive to supporting medium or high density residential redevelopment over the long term. Lands with frontage directly onto these corridors may be considered for residential use.
- 3.6 Proposals for residential development shall comply with the policies of Part 2, Section 1.10.5(ii) with respect to building height and density for the following intensification corridors, as shown on Schedule A-2:
  - 1. Dunn Street
  - 2. Thorold Stone Road
  - 3. Victoria Avenue (notwithstanding the Minor Commercial designation)

Proposals within these intensification corridors may develop in accordance with the policies of PART 2, Section 1.10.5(iii)(iii) should the subject lands have sufficient lot area, street frontage and other site attributes that allow for the development of increased densities.

3.7 The McLeod Road intensification corridor provides a connection between the major commercial node at its interchange with the QEW and the tourist district commencing at Stanley Avenue. The corridor is characterized by single detached dwellings, mid-rise apartment buildings, a Minor Commercial node at Drummond Road and vacant lands in the eastern part of the corridor. Long term development along this corridor is envisioned as a mix of local serving commercial uses at the intersection of Drummond Road, and mid-rise residential buildings. In addition to the built form policies of Part 2, Section 1.15.5(iii), the following height and density provisions shall apply:

- building heights shall grade from a maximum of 8 storeys at the east end to a maximum of 4 storeys at the west end;
- development density shall also have gradation from a minimum net density of 65 units per hectare at the west end and not exceeding 150 units per hectare at the east end.

3.8 Lands within the Portage Road Intensification Corridor may develop to a maximum height of 10 storeys, and a maximum density of 150 units per net hectare, at the south end of the corridor grading to a maximum height of 4 storeys, and a maximum density of 75 units per net hectare, at the north end. Densities shall not be less than 100 units per net hectare at the south end grading to a minimum of 50 units per net hectare at the north end.

3.9 The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:

- c) tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged;
- d) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and
- e) residential uses in accordance with the policies of Part 2, Section 4.2.31.

## INTENSIFICATION NODES

3.10 Intensification nodes are geographic areas within which this Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial or industrial areas. Intensification nodes have been identified as having significant potential for medium and high residential intensification and are shown on Appendix A-2. It is not the intention of this Plan to promote the dislocation and re-designation of non-residential uses in order to achieve intensification but to provide guidance for long-term compatible co-existence of residential and non-residential uses within these nodes.

Where commercially designated lands are in excess of demand, zoning by-law amendments for medium and high density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied together with the policies for each node.

- 3.10.1 Intensification is to be consistent with the height and density parameters for each node.
- 3.10.2 Development will be arranged in a gradation of building heights and densities.
- 3.10.3 The proposed development is designed to be compatible with commercial development in the surrounding area.
- 3.10.4 The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment.
- 3.10.5 The proposal does not hinder commercial traffic patterns.

### **Downtown and Drummondville Nodes**

- 3.11 Downtown and Drummondville have been identified through Community Improvement Plans as nodes for residential intensification and are shown on Appendix A-2.
- 3.12 Within the Downtown Node:
  - a 4 storey height shall be permitted within the Zoning By-law as this respects the existing built form and also allows for a degree of intensification;
  - additional building height may be allocated in accordance with Schedule A-2(a);
  - residential uses may develop as part of a multiple use building or as stand-alone buildings; and
  - intensification and redevelopment in the eastern and western gateways is encouraged to be designed in a manner that creates a sense of arrival and also improves connections to the Downtown.
- 3.13 Within the Drummondville Node:
  - residential uses may develop as part of a multiple use building or as stand-alone buildings;
  - new development and/or redevelopment shall respect the existing built form of 4 storeys while allowing for intensification.
  - additional building height may be allocated in accordance with Schedule A-2 (b);
  - increases in building height may be considered for lands outside those designated for additional height through an amendment to the Zoning By-law, subject to the following criteria:
    - the subject lands, whether a single lot or a consolidation of lots, having sufficient lot area and frontage to provide for the building, parking and landscaped open space;
    - setbacks and separation distances are provided that are in character with adjacent properties so as to avoid or reduce impacts;
    - the scale and massing of the proposed building respects the surrounding built form; and
    - parking areas are adequately screened.

## GENERAL POLICIES FOR THE DOWNTOWN AND DRUMMONDVILLE NODES

3.14 In order to support the revitalization and redevelopment of Downtown and Drummondville nodes, Council shall:

- c) facilitate development and improvement so that these nodes become a focus for retail and commercial re-development and residential intensification;
- d) promote development that builds on the unique features and heritage aspects of the nodes; and
- e) consider the provision of additional public facilities and infrastructure to serve as both a catalyst for re-development and to support those living, working and visiting these nodes.

### URBAN DESIGN

3.14.1 Both nodes have a main street built form characterized by 2 to 3 storey buildings built to the sidewalk with little or no side yard setbacks. New development shall respect the existing built form. Urban Design Guidelines will be used as a guide to evaluating applications with respect to height and massing together with the following criteria:

- a) a built form that provides street frontage buildings with setbacks that are consistent with adjacent properties and parking located behind buildings is encouraged;
- b) the minimum building height shall be two storeys in order to promote an intensification of use and to reflect the built heritage;
- c) all new buildings and developments located:
  - in the Downtown: on Queen Street, Erie Avenue and River Road, and
  - within Drummondville: on Main Street and Ferry Street, shall provide active pedestrian-related uses at the street level;
- d) all new buildings and developments shall be designed not to overwhelm:
  - buildings listed on the Municipal Register of Heritage Properties; and
  - open space areas;
- e) all new buildings and developments shall be designed so as not to impede the views and vistas of natural or cultural heritage landscapes;
- f) all new buildings and developments shall be oriented to, and located to frame, the abutting streets and create a continuous street edge;
- g) buildings are not to create significant microclimatic effects on adjacent properties, open spaces or streets;

- h) the height and massing of mid-rise and high rise buildings must be carefully controlled to ensure that they complement the heritage character of these nodes and are sensitive to adjoining properties. In this regard, such buildings are to:
  - be designed to provide a height transition to the street and adjacent developments by incorporating stepbacks above 15 metres;
  - be designed so as to reduce and/or mitigate their mass with increasing height;
  - with respect to Downtown, tier downwards to the east from Cataract Avenue to provide a pedestrian scale along River Road and to respect the presence of the Niagara Gorge;
  - incorporate a distinctive roof feature as a skyline element; and
  - any vents, mechanical equipment, elevator penthouses and other similar building components located on the roof should be integrated with the architectural treatment of the roof and screened from view;
- i) parking is encouraged to be located on-site within parking structures, which shall be integrated with the principal development and have pedestrian-scale uses along any street frontage. Surface parking shall be located in the rear yard and appropriately buffered from the street; and
- j) shared parking arrangements and reductions to parking requirements may be considered on a site specific basis. Proposals for either may be required to be supported by a Parking Demand Analysis to the satisfaction of the Director of Transportation Services and the Director of Planning, Building and Development.

## STREET SYSTEM

3.14.2 The built form of these nodes supports pedestrian activity and the use of public transit. This Plan supports the maintenance of an active and safe pedestrian environment through the following policies and Urban Design Guidelines:

- a) Clearly defined pedestrian routes, including easily navigable, barrier free sidewalks, open spaces, walkways and cross walks, will be identified separately from vehicular traffic areas. All new development should maximize opportunities to create, define and enhance pedestrian routes. Alleyways and other mid-block connections should provide a safe and engaging route for pedestrians; and
- b) Improvements to streets and streetscapes to create attractive streetscapes through measures such as consistent street furniture and directional signage, a range of pavement materials, planting of street trees, and increased sidewalk widths.

## HERITAGE

3.14.3 These nodes exhibit a rich architectural heritage comprised of several architectural styles and periods including buildings designated under the Ontario Heritage Act, as well as buildings or properties listed on the Municipal Register of Heritage Properties. Development adjacent to and surrounding any significant heritage properties shall be designed so as not to adversely impact on the character, quality or amenity associated with the heritage resource.

New development shall be of original design which reflects the character of the heritage buildings through consideration of massing, scale and, to a lesser degree, elements and details. Particularly in infill situations, new development, should respect the height, street wall setback and massing of adjacent heritage buildings and/or reintegrate those aspects of heritage design which have been lost in a particular street segment.

## PROPERTY CONSOLIDATION

3.14.4 Section 28 of the Planning Act permits municipalities to acquire land for the purpose of community improvement. The Community Improvement Plan for each node provides for a general program for the City's involvement in property acquisition, investment and public/private partnerships. Council may also consider selling surplus City-owned land for redevelopment. In such cases, the City will also undertake a process that requires interested parties to submit a proposal for the development of the lands. These proposals shall be assessed on specific criteria established for the subject lands and the following policies:

- compliance with the policies of this Plan;
- consistency with the goals and objectives of the Community Improvement Plan;
- sensitivity of the proposal to the surrounding land uses and heritage character;
- the potential of the proposal to stimulate further regeneration and intensification;
- the provision of affordable and attainable housing; and
- the financial impacts of the proposal on the City.

## STAMFORD NODE

3.15 The boundaries of the Stamford Node are shown on Schedule A-2(c). The lands between O'Neill Street and Thorold Stone Road and that have frontage onto Portage Road, are identified as the Portage Road Intensification Corridor on Schedule A-2.

3.16 Within the Stamford Node:

3.16.1 Residential intensification may develop as either stand alone buildings or together with commercial uses as mixed use buildings.

3.16.2 Residential uses within the Stamford Node may develop in accordance with the height and density strategy shown on Schedule A-2(c).

3.16.3 Building heights shall respect surrounding building heights. Taller buildings shall increase separation distances from buildings of lower height. Building heights shall also decrease with proximity to the street.

3.16.4 Development shall engage the street through the use of unit frontages, podiums, porte cochères or landscaping. Within multiple use buildings, commercial uses shall fully occupy the whole of the ground floor, preferably with retail or service commercial uses located such that they provide a pedestrian presence along the street.

3.16.5 Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have retail or service commercial uses or residential units when abutting street frontages.

3.16.6 Where surface parking is provided, the parking area shall 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 the parking area from adjacent uses and streets.

3.16.7 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.

3.16.8 Developments shall provide pedestrian connections to the surrounding neighbourhood where possible.

3.16.9 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.

3.16.10 Developments on lands that do not have direct access to an arterial road shall be designed such that traffic movement on local streets is minimized. In such situations, optimum densities as envisaged by this Plan may not be achievable. High density developments that are 6 storeys or more in height or exceed 50 units per hectare shall have direct access onto an arterial road.

3.16.11 In order to comprehensively plan the re-development of the Brownfield and Greyfield lands located south of Thorold Stone Road, east of Carroll Avenue and Portage Road, a Neighbourhood Plan may be prepared pursuant to the policies of PART 4, Section 3, Community Secondary Plans and Neighbourhood Plans. In addition to these policies, the Neighbourhood Plan will consider appropriate amendments to the land use designations as shown on Schedule A to this Plan. Accordingly, notwithstanding PART 4, Section 3, any Neighbourhood Plan for this area shall be adopted as an amendment to this Plan.

3.16.12 The lands designated Industrial, which are located on the north side of Thorold Stone Road, abutting the west side of the CN Rail line, are of sufficient size and are of a configuration which could accommodate either a mixed employment/residential use or a solely residential redevelopment. Redevelopment shall be planned and undertaken comprehensively through a Plan of Subdivision and Amendments to this Plan and the Zoning By-law. Redevelopment Plans shall have regard to the following:

3.16.12.1 Mixed employment/residential uses may redevelop in accordance with the provisions of the zoning by-law and the following policies:

- d) Employment uses shall be located within the southern area of the lands;
- e) Employment uses shall be accessed directly from Thorold Stone Road;
- f) Landscaping shall be provided along the Thorold Stone Road frontage;
- g) Any property line that abuts residential land uses shall be appropriately screened and buffered;
- h) Outside storage is not permitted;
- i) Development of residential uses shall have regard to the policies of 3.16.12.2, below; and
- j) Acceptable variations of the zoning which may be deemed compatible with the surrounding area.

3.16.12.2 Residential uses, either as part of a mixed Employment/Residential or a sole Residential development, may redevelop having regard to the following policies:

- d) Development shall proceed by way of a Plan of Subdivision;
- e) A Record of Site Condition shall be required in accordance with PART 3, Section 6 of this Plan to verify that the lands have been appropriately remediated for residential use;
- f) A noise and vibration study shall be provided. Mitigating provisions are to be included in the design of development;
- g) A mix of housing types shall be provided;
- h) Lower density housing forms shall be located internally with access provided through the extension of local area roads;
- i) Lower density housing forms shall have a building height and massing that is consistent with the adjacent residential neighbourhood;
- j) Apartment dwellings up to 6 storeys high, may be developed in the southern area of the site and shall be accessed directly from Thorold Stone Road; and
- k) The overall minimum net density for residential development shall be 20 units per hectare.

## MORRISON/DORCHESTER NODE

3.17 The Morrison/Dorchester Retail District is surrounded by three large areas suitable for intensification. Redevelopment for employment at higher densities should generally be located south of Morrison Street and west of Dorchester Road. Long term development within this node is envisioned as a mix of major commercial/institutional uses with a range of residential uses and densities.

3.18 Development proposals for residential intensification shall conform to the following:

- 3.18.1 Residential uses may develop as stand alone buildings or as a plan of subdivision or together with commercial uses as part of a mixed use development.
- 3.18.2 Residential uses may develop in accordance with the height and density strategy shown on Schedule A-2(d).
- 3.18.3 Development proposals for intensification shall comply with the following:
  - 3.18.3.1 Building heights shall respect surrounding building heights. Taller buildings shall increase separation distances from buildings of lower height. Building heights shall also decrease with proximity to the street.
  - 3.18.3.2 Development shall engage the street through the use of unit frontages, podiums, porte cochères or landscaping. Within multiple use buildings, commercial uses shall fully occupy the whole of the ground floor, preferably with retail or service commercial uses located such that they provide a pedestrian presence along the street.
  - 3.18.3.3 Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have retail or service commercial uses or residential units when abutting street frontages.
  - 3.18.3.4 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 the parking area from adjacent uses and streets.
  - 3.18.3.5 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.
  - 3.18.3.6 Developments shall provide pedestrian connections to the surrounding neighbourhood where possible.

3.18.3.7 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.

3.18.3.8 Developments on lands that do not have direct access to an arterial road shall be designed such that traffic movement on local streets is minimized. In such situations, optimum densities as envisaged by this Plan may not be achievable. High density developments that are 6 storeys or more in height or exceed 50 units per hectare shall have direct access onto an arterial road.

3.19 Any intensification shall only proceed when servicing and traffic have been confirmed to be sufficient for both the existing and proposed land use.

3.20 The Morrison/Dorchester Node encompasses an area comprised of large format retail stores, service commercial, employment and industrial uses. It is the intent of this Plan to preserve and strengthen business and employment uses in the node through the introduction of residential intensification. Residential proposals should not detrimentally impact on the day-to-day operations of business and employment uses. Proposals for residential intensification shall demonstrate, through the submission of appropriate studies, that impacts on the day-to-day operations of business and employment uses will be minimized. As such, studies addressing the impacts of noise, odour, vibration, traffic or other land use compatibility issues shall be required to be submitted as part of a complete application. Peer reviews of such studies may also be required, the cost of which shall be borne by the applicant. Mitigation measures, as identified by the requisite studies, including at-source mitigation, shall be implemented through the Zoning By-law and through Site Plan Control and shall be undertaken by the proponent/developer.

**PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTIONS****SECTION 4 HOUSING**

A range of housing which is affordable, accessible, adequate, and appropriate is needed to ensure a high quality of life for residents. In order to meet the needs of current and future residents, a range of housing options is needed that includes the full spectrum of housing types, such as emergency shelters, transitional housing, subsidized and/or government assisted housing, affordable rental housing, affordable home ownership, market rental housing, market home ownership, and supportive housing.

Planning for and supporting housing affordability is a shared responsibility between the City of Niagara Falls and Niagara Region. City Council also has an important role to play in housing affordability. City Council should have an understanding of the housing needs of residents across the entire housing spectrum and can advocate for housing affordability to other levels of government, develop partnerships with local providers, agencies and the private sector and educate the community more broadly about housing needs and affordability in the City. Understanding this shared responsibility is key to ensuring people living within Niagara Falls are served by effective local and regional municipal partnerships and collaboration that support housing affordability in the City.

The policies in this section conform to the policy framework established in the Niagara Official Plan and are intended to meet the following vision and goals for housing to assist in addressing housing needs as outlined in the City's Housing Strategy.

**VISION AND GOALS FOR HOUSING****Vision**

All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.

**Goals**

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.
4. Understand the City's housing system moving forward through continuous and ongoing comprehensive data collection, monitoring and reporting.
5. Cultivate and maintain strong relationships with regional and municipal partners, other levels of government, the private sector, and not-for-profit sectors to advance the various actions set out in the City's Housing Strategy.

4.1 The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:

- Provide opportunities for the development of affordable housing across the municipality
- Establish targets for affordable housing
- Promote a greater diversity of housing types
- Ensure a healthy supply of rental units
- Increase public awareness about housing and provide advocacy for partnerships
- Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing
- Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated time frames

4.2 The City's Housing Strategy and key actions shall be implemented in collaboration with the Region, senior levels of government, the development industry, community partners and other stakeholders to increase housing options, including affordable and purpose-built rental options.

4.3 Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:

- 4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.
- 4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.
- 4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
- 4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.
- 4.3.5 Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.

4.4 Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;

- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);
- c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and,
- e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

4.5 A housing impact statement as set out in Policy 4.4 is required where a development proposal would result in the loss of six or more rental housing units, and will also require:

- a) A tenant relocation plan; and,
- b) How the rental units will be replaced, either on site or at a new location.

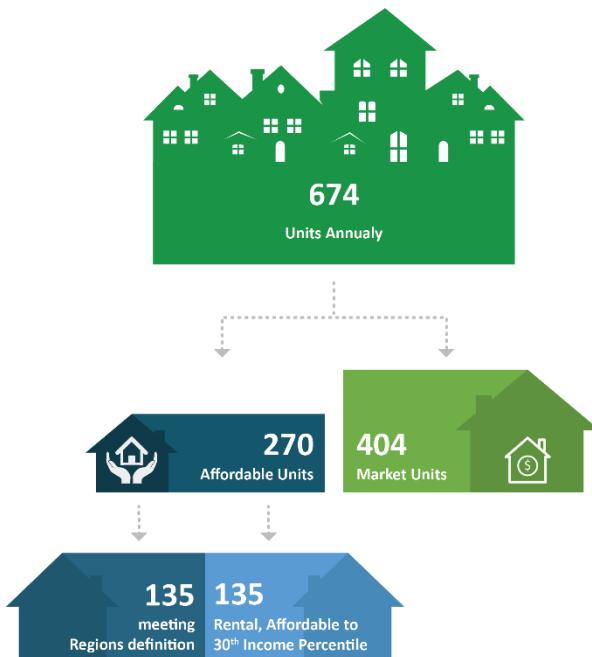
4.6 The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.

4.7 The City will collaborate with Niagara Region, Niagara Regional Housing and other agencies in the provision of affordable housing and the development of targets for affordable housing.

4.8 Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.

As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30<sup>th</sup> income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.



4.9 The City will consult with all levels of government and government agencies to:

- Identify surplus government lands and/or buildings that may be suitable for affordable and attainable housing development,
- Prioritize the sale of suitable surplus municipal property for the development of affordable and attainable housing in accordance with the City's By-laws; and
- Identify brownfield and greyfield sites, including underutilized commercial sites or strip plazas, outside employment areas for mixed-use residential intensification and affordable housing development.

4.10 In disposing of City-owned surplus lands that are suitable for residential use, Council shall consider offering the lands to not-for-profit organizations for affordable housing. Similarly, various boards, commissions and agencies shall be encouraged to dispose of surplus lands suitable for residential use for the purpose of affordable housing development.

4.11 The City may consider the purchase of surplus institutional sites for the purposes of providing additional opportunities for affordable housing or other broader community needs. The City may also consider development partnerships with the Region or not-for-profit housing providers in the redevelopment of surplus school sites.

4.12 The City supports the provision of additional dwelling units. Accordingly, additional dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached, duplex or townhouse dwellings. For clarity, where in conflict with any other policies in this plan, these policies prevail. Zoning regulations shall be based on the following:

- An additional dwelling unit in the principal building and an additional dwelling unit in an accessory building, for a maximum of three residential dwelling units on one property, shall be permitted.

- 4.12.2 Within the Good General Agriculture designation, an additional dwelling unit in a detached dwelling or an additional dwelling unit in an accessory building, for a maximum of two residential dwelling units on one property, shall be permitted.
- 4.12.3 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the accessory dwelling unit(s).
- 4.12.4 The accessory dwelling unit(s) meets all applicable law.
- 4.12.5 The overall appearance and character of the existing dwelling shall be maintained.
- 4.12.6 Accessory structures that have an accessory dwelling unit shall not be severed from the existing dwelling.

Within this Plan additional dwelling units may be referenced as second units or accessory dwelling units.

- 4.13 The conservation and renewal of the existing house stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law, where permitted under the *Planning Act*, without amendment to this Plan.
- 4.14 Where permitted under the *Planning Act*, the conversion of residential rental properties to a purpose other than a residential rental property with six or more units, the demolition of residential rental properties with six or more units, or the assembly of residential rental properties for the purposes of redevelopment with a cumulative total of six or more units, will not be permitted if it adversely impacts the supply of rental housing, as determined by housing targets, including affordable rental targets, set out in this Plan, the Niagara Official Plan; or, as determined by rental vacancy rates being below the minimum 3 per cent threshold.
- 4.15 Where permitted under the *Planning Act*, rental accommodation shall further be protected from condominium conversion by prohibiting the conversion of rental accommodation to condominium tenure when the vacancy rate is at or below 3 per cent over the preceding three year period.
- 4.16 The City's housing market shall be monitored. The City shall initiate, when required, changes to municipal policy to satisfy local housing requirements. This annual monitoring program will include various housing-related information with particular emphasis on the following items:
  - 4.16.1 Residential land supply.
  - 4.16.2 The range of housing forms built in new residential development.
  - 4.16.3 New housing prices relative to household income distribution.

- 4.16.4 Intensification performance analysis.
- 4.16.5 Accessory dwelling units, including the number of units registered and incentive uptakes, if applicable.
- 4.17 The City will implement a Demolition and Conversion Control By-law and a Rental Replacement By-law to further ensure protection of rental housing options where permitted under the *Planning Act*, without further amendment to this Plan.
- 4.18 The City will explore opportunities to implement Inclusionary Zoning in the Downtown Niagara Falls Protected Major Transit Station Area, where a Municipal Assessment Report completed in accordance with O. Reg 232/18, under the Planning Act, demonstrates financial viability of implementing such a tool.
- 4.19 The City will address housing affordability gaps through the provision of a suite of tailored incentives through an affordable and rental housing Community Improvement Plan. The City will work with the Region to identify opportunities for partnership and alignment for affordable and rental housing.
- 4.20 The City will provide ongoing monitoring and reporting on the implementation and achievement of the targets set out in the Housing Strategy and in this Plan. An annual report will be provided to Council to update on progress in implementing the Housing Strategy.

***PART 2***

***LAND***

***USE POLICIES***

**PART 2 LAND USE POLICIES****SECTION 1 RESIDENTIAL****PREAMBLE**

The policies of this section are intended to guide the provision of housing which is affordable, accessible, adequate and appropriate to the needs of a full range of households in the City and to guide the development and redevelopment of Residential lands shown on Schedule "A" of this Plan. The City will ensure that a sufficient supply of land is available, on a continuing basis, to accommodate all forms of housing and that appropriate opportunities are provided for residential intensification. Lands designated for residential use shall be sufficient to accommodate anticipated population growth and the need for various housing types and densities throughout the period of the Plan. Residential development should occur in a manner which is compatible with the surrounding neighbourhood. Various amenity features will be incorporated within developments to ensure pleasant living conditions and a high quality of life. While housing represents the main component within this land use designation, other compatible land uses serving area residents which contribute to and enhance the surrounding residential environment will be encouraged and permitted in order to achieve a complete community.

**GENERAL POLICIES**

- 1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.
- 1.2 A variety of ancillary uses may also be permitted where they are compatible with the residential environment and contribute to a complete community. Ancillary uses shall include, but are not limited to schools, churches, nursing homes, open space, parks, recreational and community facilities, public utilities and neighbourhood commercial uses. In interpreting compatibility, ancillary uses will be assessed according to the following principles.
  - 1.2.1 Ancillary uses within the Built-up Area that have the potential of generating large volumes of traffic are generally encouraged to locate:
    - on an arterial or on a collector in proximity to an arterial road in order to minimize disturbances to area residents;
    - such that area residents can conveniently access the uses by means of walking, cycling, public transit or motor vehicle; and
    - in proximity to a transit stop.
  - 1.2.2 Ancillary uses with the Greenfield Area shall be provided for through design within secondary plans taking into consideration the above criteria.
- 1.3 Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the residential neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of

the overall neighbourhood.

- 1.4 The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision is not necessary to implement the policies of this Plan or applicable secondary plan.
- 1.5 Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.
- 1.6 Minor increases in height and/or density may be allowed for individual multiple unit proposals in accordance with the Bonus Zoning provisions contained in Part 4, Section 4 of this Plan.
- 1.7 All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.
- 1.8 Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.
- 1.9 Rooming, boarding and lodging houses may be permitted by the Zoning By-law subject to the following policies:
  - 1.9.1 The site is suitably located with convenient access to public transit and commercial districts.
  - 1.9.2 The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas.
  - 1.9.3 The Ontario Building Code, the Maintenance and Occupancy Standards By-law, as well as health and safety requirements can be satisfied.
  - 1.9.4 The structure and use would be compatible with the surroundings or, satisfactory buffering measures can be introduced to achieve such compatibility.

## BUILT-UP AREA

- 1.10 It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:

- 1.10.1 The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.
- 1.10.2 A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.
- 1.10.3 Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.
- 1.10.4 The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law.
- 1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:
  - (i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood.
  - (ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.
  - (iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads.

Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should be employed to lessen the impacts of taller buildings;
- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;
- street frontages shall be engaged through the use of porte cochères, podiums or landscaping;
- parking is to be encouraged to be located within parking structures that are integrated with the development; and
- 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.

## **GREENFIELD AREA**

1.11 The Greenfield Area as shown on Schedule A-2 is to develop as complete communities at a small scale. Not more than 60% of new housing units are to be built in the Greenfield Area on an annual basis by the year 2015. Secondary planning shall be the primary implementation tool for the development of the Greenfield Area. The following policies shall apply to the preparation of secondary plans and to subdivision proposals where secondary plans do not currently exist.

1.11.1 The target density of development shall be no less than 53 people and jobs per hectare. The calculation shall be made over the gross developable land area, at a secondary plan scale, which is defined as total land area net of natural heritage areas identified for protection under this Plan, the Regional Policy Plan, any provincial plan or Niagara Peninsula Conservation Authority regulation.

1.11.1.1 Greenfield densities and housing mix will be monitored by the City annually and reviewed every five years.

1.11.2 A diverse range of uses is to be provided including neighbourhood, commercial facilities and community services and employment. These uses shall be located and designed such that they compatibly integrate with the built and natural environments.

1.11.3 It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:

(i) Steep gradients of building heights are to be avoided.

- (ii) High density housing should be located within 250 metres of an arterial road.
- (iii) High density housing should be designed to avoid undue microclimatic impacts on abutting lands.
- (iv) Structured parking is encouraged to be utilized in the development of high density housing.
- (v) Increases in height may be permitted, through site specific amendments to the Zoning By-law, pursuant to s.37 of the Planning Act in exchange for the provision of housing units that meet the criteria established for affordability within the Provincial Policy Statement.
- (vi) Appropriate separation distances shall be provided between residential and other sensitive land uses and industrial uses and, more specifically, shall not be located in close proximity to heavy industrial uses.

1.11.4 Within the Garner South Secondary Plan Area, as shown on Schedule A-2, the policies of PART 2, Section 13.56.6 of this Plan shall prevail. In addition, the Secondary Plan shall provide for a distribution and gradation of densities, heights and housing types where lower densities and heights are proximal to the 2km Cytec arc and higher densities are directed to the north and east quadrant of the Secondary Plan Area to assist in the strengthening of the Niagara Square Retail District.

1.11.5 Street configurations and urban design are to support walking, cycling and the early integration and sustained viability of public transit. Although detailed urban design guidelines may be developed through the secondary planning process, the following policies shall apply as a minimum:

- (i) All collector roads are to be designed to accommodate public transit.
- (ii) Transit routes should be designed such that potential users have no more than 300 metres to walk to a transit stop.
- (iii) Neighbourhoods should be designed on a modified or fused grid pattern with interconnected streets. Block lengths should not exceed 250 metres. Along Natural Heritage features which will be accommodating public trails, local roads shall dead end at the feature thus providing a viewshed of the natural area as well as providing direct public access to the trail.
- (iv) Sidewalks are to be provided on at least one side of a local road and on both sides of a collector or arterial road.
- (v) Culs-de-sac are discouraged. Abutting culs-de-sac should be connected by parkland or open space. Pedestrian connections are to be provided out of culs-de-sac.

- (vi) Off-road trails should connect to the road network seamlessly in order to provide cyclists with on-road or off-road options.
- (vii) Commercial and employment uses are encouraged to provide facilities for bicycle storage and cyclists.
- (viii) Speed control programs should be utilized to reduce traffic impacts within residential neighbourhoods.
- (ix) Pedestrian connectivity, in addition to a formal trail system, is encouraged to lessen walking distance to public facilities, such as schools, parks and neighbourhood commercial uses.

1.12 Vacation Rental Units are not to establish indiscriminately. In this regard, official plan and zoning by-law amendment applications will be processed on an site-by-site basis. Amendment applications will be reviewed subject to the following criteria:

- 1.12.1 Vacation Rental Units are limited to single or semi-detached dwellings or a second unit to a principal dwelling unit.
- 1.12.2 Vacation Rental Units shall be limited to 3 bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood.
- 1.12.3 Parking and landscaping shall be consistent with the residential environment.
- 1.12.4 The size of the lot, the provision of landscaped amenity space, ability to accommodate required parking, nature and classification of the street and the proximity to tourist areas shall all be considered.
- 1.12.5 An undue concentration of Vacation Rental Units is to be avoided in order to reduce the impact on the character of the residential nature of the area and residential enjoyment of permanent residents.
- 1.12.6 To ensure lands designated as Residential meet the primary purpose of providing dwellings for a wide range of households, Council shall consider the current vacancy rate(s) and supply of available housing for tenants.
- 1.12.7 Vacation Rental Units will be subject to a licensing by-law passed under the *Municipal Act, 2001*, designed to regulate the operational aspects of Vacation Rental Units including, but not limited to: compliance with zoning; excessive noise; garbage disposal; property standards and adequate insurance.

**PART 2 LAND USE POLICIES****SECTION 2 PARKWAY RESIDENTIAL****PREAMBLE**

The policies of this section are intended to guide the development and redevelopment of lands designated Parkway Residential, as shown on Schedule "A" of this Plan. Lands along the Niagara River Parkway shall be developed in a complementary manner which preserves and enhances the environmental and scenic qualities of the area. In this regard, the existing character of the Parkway shall be maintained by protecting natural areas and vegetation and by limiting development to preserve the character of the area. In all cases, buildings and structures shall be generously set back from the Niagara River Parkway and properties should provide significant landscaping and green areas.

- 2.1 In order to preserve and enhance the qualities of the Niagara River Parkway, development shall be limited to single detached dwellings on large estate-type lots. Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of the overall neighbourhood. Private sewage disposal systems will be installed and maintained to the satisfaction of the Regional Public Health Department and/or Ministry of the Environment.
- 2.2 New residential development shall be permitted through plans of subdivision and infill severances which should include as conditions of approval, those requirements necessary to ensure appropriate development and having regard to the following.
  - 2.2.1 Development shall be linear in design, front on the Niagara River Parkway and be one tier in depth not exceeding 137 metres measured from the centreline of the roadway.
  - 2.2.2 Dwellings shall be situated on lots of regular shape and dimension, ranging in size from 0.6 to 0.8 hectares in area.
  - 2.2.3 Individual lot frontages in excess of 50 metres shall be promoted in order to preserve the spaciousness of the Parkway setting.
  - 2.2.4 In certain cases, lot shape and size may vary slightly due to such items as environmental constraints, desire to preserve natural site amenities, blend in with surrounding development and accommodate special design factors.
  - 2.2.5 Vacation Rental Units shall be subject to the policies of Part 2, Section 1.17.
- 2.3 The Niagara Parkway is designated a controlled access highway under the Niagara Parks Act. Residential development shall be coordinated with the Niagara Parks Commission and their service road construction policies, wherever possible. Individual site access shall be from service roads parallel to the Niagara River Parkway. However, where service roads are not available, mutual or individual driveways with shared access may be permitted in order to limit points of ingress and egress on this Controlled Access Highway.

Any new vehicular access points along the Niagara Parkway will necessitate approval from the Niagara Parks Commission.

- 2.4 Niagara Parks Commission approval is required for such things as, but not limited to, access to roads, signs, shoreline docks, shorewells, and adjacent property uses within the limits set out by the Niagara Parks Act and the Public Transportation and Highway Improvement Act and accompanying Regulations.
- 2.5 The conservation of natural open spaces, woodlots and environmentally significant features along the entire Parkway Residential designation shall be encouraged so that these areas may be interspersed with residential development in keeping with the passive linear parkland setting of the scenic Niagara River Parkway. Developments will be designed to protect the long term integrity of these natural features.
- 2.6 In order to prevent land use conflicts, proposed residential development along the Parkway in the vicinity of existing livestock farming operations shall satisfy the Minimum Distance Separation Formulas as implemented by the Province.
- 2.7 Individual residential lots shall have suitable site and soil conditions and be of sufficient size to support the long term operation of a private waste disposal system and have an adequate potable water supply system, both in accordance with requirements of the Niagara Health Services Department and/or the Ministry of the Environment.
- 2.8 Building sites for residential lots shall be located outside of physical hazards such as flooding, unstable slopes or soils, erosion, organic soils or wetlands in compliance with the environmental policies of Part 2, Section 11 of this Plan. Development or site alteration along the Niagara River shall be reviewed by the Niagara Peninsula Conservation Authority and the Ministry of Natural Resources.
- 2.9 Proposed development shall be designed, as much as possible, to retain desirable natural features, vegetation and mature trees and to make provision for the enhancement of the site.
- 2.10 Abundant landscaping and greening measures shall be encouraged in residential development to complement and to promote the scenic and environmental amenity of the Niagara River Parkway.
- 2.11 The municipality shall work in cooperation with the Niagara Parks Commission in promoting initiatives for the protection, enhancement and development of the recreational features, natural landscape and amenity of the Niagara River Parkway.

**PART 2 LAND USE POLICIES****SECTION 3 COMMERCIAL****PREAMBLE**

The City has a large and varied commercial inventory which represents a significant capital investment and major tax base. In order to foster a healthy business climate and promote a balanced retail and office structure, the Plan establishes a hierarchy of commercial districts, promotes the strengthening of existing commercial areas, directs new commercial growth and provides for the recapture of retail dollars leaving the City.

A hierarchy based on major, minor and neighbourhood commercial uses follows the established commercial patterns of the City. The classification of commercial areas recognizes the locational and trade area requirements of business and the varying size function of commercial areas to meet the needs of residents. The Plan also promotes a high aesthetic quality in all commercial areas and endeavours to minimize their impacts on adjacent land uses.

Commercial areas can also be strengthened through the introduction or expansion of residential uses to create mixed use areas. This Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial areas. It is not, however, the intention of this Plan to promote the dislocation and re-designation of non-residential uses in order to achieve intensification. Rather, this Plan provides guidance for long-term compatible co-existence of residential and non-residential uses within these nodes.

**POLICIES**

3.1 The commercial hierarchy shall consist of Major Commercial Districts, Minor Commercial Districts and Neighbourhood Commercial facilities to ensure a full range of shopping opportunities are available. The commercial structure is based on established retail patterns and existing and projected floor areas.

3.1.1 No new districts or major expansions of existing facilities are contemplated, except as provided for in this Plan. The minor rounding out of commercial areas or boundaries which assist in the consolidation of commercial uses, enhance economic viability and improve internal traffic circulation and landscaping may occur without amendment to this Plan.

3.1.2 Several commercial areas have been identified on Schedule A-2 as having significant potential for medium and high residential intensification so as to create mixed use areas. New development or redevelopment within these nodes shall be subject to the policies of Part 1, Section 3.

3.1.3 Accommodations are only permitted to be developed in Major or Minor Commercial Districts.

**3.2 MAJOR COMMERCIAL**

3.2.1 *(OPA #60, Approved June 2005)*

Major Commercial Districts, shown on Schedule "A", represent the largest concentrations of commercial space in excess of 10,200 square metres of gross

leasable retail floor area. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted subject to appropriate provisions in a zoning bylaw amendment and other relevant sections of this Plan.

## DOWNTOWN

3.2.2 The Downtown was, historically, the centre of commerce in the City. While this function has subsided recently, this area has the potential for the re-development of substantial retail and commercial floor space. In addition, the Downtown CIP area is identified as a node for residential intensification on Schedule A-2. This Plan envisages the area as a mixed use commercial node.

3.2.2.1 A potential retail gross floor area of 40,000 square metres is envisaged. Uses that serve the Downtown, as well as City residents as a whole, such as a supermarket and a farmer's market, are encouraged.

3.2.2.2 The development of 1,000 dwelling units is anticipated. Residential uses may develop as part of a multiple use building or as stand-alone buildings. Proposals for residential development shall comply with the policies of Part 1, Section 3.

3.2.2.3 Arts, entertainment and cultural facilities are encouraged to locate in the Downtown to provide day and evening activity year round and foster a lively and vibrant people place for residents and visitors.

3.2.2.4 Public transit will play a fundamental role in the development of Downtown. The VIA Rail Station, GO Transit and inter-City bus terminus, and Niagara Transit transfer area create a major public transit node. The area within a 500 metre radius is considered by the Growth Plan for the Greater Golden Horseshoe as a Major Transit Station Area and will be a focus of intensification with increased residential and employment densities that support and ensure the viability of existing and planned transit service levels.

## NIAGARA SQUARE RETAIL DISTRICT

3.2.3 The Niagara Square Retail District shall be promoted as a regional retail shopping district providing complete comparison shopping, comprising of three major commercial developments. Free-standing box outlets and/or multiple groupings of medium and smaller retail outlets, together with recreational, community and cultural facilities, will also be permitted to reinforce the function as a regional commercial district.

3.2.3.1 Niagara Square shall be promoted as a full regional shopping centre containing approximately 50,000 square metres of gross leasable floor area.

3.2.3.2 The land on the northwest corner of McLeod Road and Montrose Road, due to its size, location, accessibility and exposure shall be promoted for development to strengthen and enhance the role of the district. This land is to be utilized for warehouse membership clubs, a supermarket, non-department store DSTM outlets, excluding a major and/or junior department store, and limited number of ancillary service commercial outlets to a total maximum gross leasable floor area of 29,000 square metres (throughout). To ensure that the primary function of these lands is retained for large, freestanding retail outlets:

- (i) the zoning by-law shall regulate the development by establishing provisions for minimum and maximum gross leasable floor area of the permitted uses and the number of buildings; and
- (ii) ancillary retail/service commercial outlets and restaurants shall not exceed 4,200 square metres in gross leasable floor area, with ancillary retail/service outlets generally not exceeding 2,400 square metres.

3.2.3.3 (*OPA #83, By-law 2008-110, OMB approval February 18, 2009 – Policies 3.2.3.3 & 3.2.3.4*)  
The land within the southeast quadrant of McLeod Road and the Q.E.W. shall be developed to reinforce the Niagara Square Retail District as a regional commercial district. A shopping centre is planned for this quadrant having a total gross leasable floor area of approximately 40,000 square metres. The shopping centre is generally comprised of two parcels of land located on the north and south side of Oakwood Drive. The permitted uses include a department store, a home improvement store, retail stores, personal service shops, commercial services, restaurants, automotive services, recreational and entertainment uses and accommodations. A free-standing supermarket is not permitted. Each parcel is to be anchored by a large retail outlet or use or a grouping of medium sized retail outlets. The balance of the floor area on each parcel is to be comprised of smaller retail outlets, personal service shops, services and restaurants. To this end, the implementing zoning by-law will include minimum and maximum gross leasable floor areas for many of the permitted uses. The development of the shopping centre shall be phased in order to ensure that prevailing market conditions, the health of other planned commercial development in this district and other districts throughout the City are properly considered before the composition of outlets is allowed to change. To ensure the shopping centre develops as planned:

- i) The first phase of development shall include a department store with a minimum floor area of 13,500 square metres and a maximum floor area of 20,500 square metres on one of the parcels, may include a home improvement store with a minimum floor area of 4,800 square metres and a maximum floor area of 14,000 square metres on the other parcel, and may include up to a combined maximum aggregate floor area of 7,000 square metres for small retail stores on both parcels. Personal service shops, commercial services, restaurants, automotive services, recreational and entertainment uses and accommodations will not be limited on either parcel; and
- ii) A second phase of development may be considered through a zoning amendment application. This phase may allow an additional maximum floor area of 8,400 square metres within the 40,000 square metre shopping centre to be developed for general retail purposes, with a minimum individual retail store size of 1,390 square metres.

3.2.3.4 The balance of the lands within the district shall develop in a manner that complements and enhances the function of the district. Accommodations, mixed use commercial/residential, service commercial and personal service facilities may be developed on a limited scale. Recreational, community and cultural facilities may also locate on these lands.

### **NORTHWEST RETAIL DISTRICT**

3.2.4 The Northwest Retail District shall be promoted as a sub-regional shopping district anchored by a major shopping centre and will generally include a junior department store to recapture outflowing expenditures by residents.

3.2.4.1 A shopping centre on the east side of Montrose Road shall not exceed 24,154 square metres of gross leasable floor area.

3.2.4.2 Those lands not reserved for the shopping centre shall develop in a complementary fashion by providing retail, business and personal service facilities on a limited scale. Non-retail automotive service commercial uses shall be directed toward the intersection of Montrose Road and Thorold Stone Road.

### **STAMFORD RETAIL DISTRICT**

3.2.5 The Stamford Retail District functions as a principal shopping district providing a full range of retail uses to meet the weekly shopping requirements of residents. The district contains a wide range of uses from local commercial, high density residential, and major commercial plazas, north of the intersection with Thorold Stone Road, all fronting onto Portage Road. Local serving commercial uses are

located at the intersection and extend sporadically, intermixed with single detached dwellings, southward along both Portage and Drummond Road toward Gallinger St. Brownfield and greyfield sites are located east of Portage Road.

3.2.5.1      Council may consider zoning by-law amendments for residential projects subject to Part 1, Section 3.1 to 3.4 inclusive, 3.15 and 3.16

## MORRISON/DORCHESTER RETAIL DISTRICT

### 3.2.6      *(OPA #58, Approved July 2005)*

The Morrison/Dorchester retail district shall be promoted as a subregional shopping district comprised predominantly of large, freestanding retail outlets, as described herein, to provide the municipality a greater opportunity to recapture outflowing expenditures and alternative commercial shopping for its residents. Notwithstanding any other policies of Section 3.2, commercial development within this district shall be permitted as set out below.

In addition, the Morrison/Dorchester Retail District, together with abutting lands, has been designated on Schedule A-2 as a node for intensification. Significant intensification can be achieved through the redevelopment of lands. Long term development within this node is envisioned as a mix of major commercial/institutional uses with a range of residential uses and densities. Development proposal for intensification shall conform to policies 3.17 to 3.19 of PART 1.

3.2.6.1      The existing commercial centre in the northeast quadrant of the district shall be allowed to develop to the extent permitted by the governing zoning by-law and encouraged to develop and expand in its current format of free-standing and independent retail and service commercial uses.

3.2.6.2      The lands within the southwest quadrant of Morrison Street and Dorchester Road shall, due to their size, location, accessibility, exposure and land use compatibility, be promoted for the development of large free-standing and/or multiple groupings of retail outlets and service commercial uses. This may include a junior department store, a home improvement store, a home improvement centre, non-department Department Store-Type Merchandise (DSTM) stores and limited ancillary service commercial outlets. The centre shall not exceed a maximum of 39,297 square metres of gross leasable floor area until warranted by the market. To ensure that the primary function of the centre is retained for large, free-standing retail outlets:

- i)      the Zoning By-law shall include provisions establishing the maximum number of buildings and regulating the gross leasable floor areas of the permitted retail uses;

- ii) ancillary retail outlets shall not exceed 1,858 square metres of gross leasable floor area;
- iii) the easterly 3.9 hectares of the lands may be developed to a maximum gross leasable floor area not exceeding 11,334 square metres. The existing building may be remerchandised and expanded to a maximum gross leasable floor area of 7,432 square metres and subdivided into smaller units for the retailing of DSTM merchandise. Each unit shall have a gross leasable floor area of not less than 1,858 square metres and not exceeding 3,716 square metres; ancillary service commercial uses shall not exceed gross leasable floor area of 3,900 square metres, notwithstanding clause (ii) of this policy; and iv) a supermarket is not a permitted use.

### 3.2.6.3

The 10 hectare parcel of land on the northwest quadrant of Dorchester Road and Highway 420 shall be promoted for a large free-standing supermarket and may include commercial (non-DSTM) uses such as restaurants, a gasoline bar/car wash and ancillary retail office, health centre, clinic, banks and personal service commercial uses in separate buildings. The development of these lands shall not exceed a maximum gross leasable floor area of 18,786 square metres.

- i) The supermarket shall not exceed 16,640 square metres of gross leasable floor area. In addition the supermarket shall not exceed 7,432 square metres of FCTM floor space, 6,503 square metres of DSTM floor space and 2,525 square metres of non-DSTM services. A maximum of 2,326 square metres of gross leasable floor space may be provided in separate buildings, of which a maximum of 930 square metres may be DSTM floor space, with the balance as non-DSTM floor space.
- ii) In order to ensure that these lands are adequately serviced from a traffic perspective, the amending zoning by-law shall include an "H" symbol. The "H" symbol may be removed only after the approval by the Ministry of Environment of the Class Environmental Assessment for Dorchester Road.

## 3.3 MINOR COMMERCIAL

- 3.3.1 Minor Commercial Districts shown on Schedule "A" represent a moderate concentration of commercial space and approximate range in size from 3,700 square metres to 10,200 square metres of gross leasable retail floor area. The predominant land uses include a wide range of retail outlets and personal service shops and limited offices, all on a small scale to serve a segment of the population. In addition, mixed use development, recreational uses and

community and cultural facilities such as churches and libraries may be permitted subject to appropriate provisions in the Zoning By-law and other relevant sections of this Plan.

3.3.1.1 In order to maintain and improve the economic viability of Minor Commercial Districts, continued consolidation of properties is encouraged to ensure functionally obsolescent structures are renovated or removed and a more efficient and intensive utilization of land is achieved.

3.3.1.2 Development and redevelopment shall be oriented toward the street in the form of plazas and multi-unit buildings to ensure orderly development which is integrated with adjacent properties and to achieve economic stability. Single use buildings will only be allowed when developed on a comprehensive scale where no land use conflicts would occur or where an expansion of an existing single use would allow for improved design and functioning of the site such that it is integrated with adjacent development.

3.3.1.3 Amalgamation of properties to provide significant frontages and exposure to arterial roads shall be encouraged.

3.3.1.4 The exceptions shall be the Drummondville Area, which is subject to the policies of Part 1, Section 3, and the lands fronting on Cummington Square where a compact building form, close to the sidewalk, shall be encouraged in order to maintain the existing pedestrian oriented environment.

#### 3.3.1.5 DRUMMONDVILLE

Drummondville, like the Downtown was historically the centre of commerce in the City. While this function has subsided recently, this area has the potential for the re-development of substantial retail and commercial floor space. In addition, the Drummondville CIP area is identified as a node for residential intensification on Schedule A-2. This Plan envisages the area as a mixed use commercial node.

- i) Commercial re-development is encouraged that serves local residents and, notwithstanding Policy 3.3.1, also attracts a broader population and tourists. In recognition of this, a section of the Lundy's Lane and Main Street have been identified as Retail Street on Figure 2 of Part 2, Section 4 of this Plan and shall be subject to Policy 4.3.8 of Part 2.
- ii) Commercial redevelopment of Drummondville should capitalize on the heritage attributes of the area, specifically the Lundy's Lane battlefield, the Niagara Falls Historical Museum, and an expanded and

revitalized Sylvia Place Market. The Market and Museum should serve as a focal point for the area, attracting both residents and tourists. The Market is envisioned to have a presence and visibility on both Main Street and Ferry Street.

- iii) The development of 1,000 dwelling units is anticipated. Residential uses may develop as part of a multiple use building or as stand-alone buildings. Proposals for residential development shall comply with the policies of Part 1, Section 3.

### 3.4 NEIGHBOURHOOD COMMERCIAL

3.4.1 Not all of the City's commercial inventory will be located within the designated Major or Minor Commercial Districts. Limited, small scale, neighbourhood commercial development will be permitted within the Residential designation of this Plan, subject to the inclusion of appropriate provisions in the Zoning By-law.

#### 3.4.2 BUILT-UP AREA

3.4.2.1 Neighbourhood commercial facilities will primarily provide for the day-to-day needs of nearby residents and shall generally not exceed 930 square metres of gross leasable floor space. Such facilities should not reduce the economic viability of designated commercial districts.

3.4.2.2 Neighbourhood commercial facilities shall be integrated into the neighbourhood into which they are to be located in terms of built form; the location of on-site parking and on-site delivery areas; and landscaping.

3.4.2.3 Neighbourhood commercial facilities may locate not less than 500 metres from any other commercial development.

3.4.2.4 Notwithstanding the policies of this Subsection 3.4, it is recognized that commercial developments on the following properties may continue provided they are appropriately zoned.

2895 St. Paul Avenue	3464 Cattell Drive
5233 Stanley Avenue	8550 Willoughby Drive
6150 Valley Way	6295, 6309, 6313 & 6321 Drummond Road

#### 3.4.3 GREENFIELD AREA

3.4.3.1 Neighbourhood commercial facilities within the Greenfield Area are to be limited to not more than 930 square metres of total floor area across an individual secondary plan area unless substantiated by appropriate studies in the preparation of the secondary plan.

- 3.4.3.2 Retail stores should be limited to a size that does not compete with community serving facilities.
- 3.4.3.3 Parking areas should be located in the interior side or rear yards and screened from adjacent uses by decorative fencing and landscaping.
- 3.4.3.4 Residential uses may be permitted in the Zoning By law in order to create mixed use buildings.
  - i) Residential units are encouraged to be provided where total gross leaseable floor area exceeds 370 square metres;
  - ii) Residential units should be located above the ground floor.
  - iii) Private amenity space should be created by the incorporation into the building of balconies and roof top patios.
- 3.4.3.5 Shared parking facilities may be permitted through an amendment to the Zoning By law, conditional upon the submission by the applicant of a parking demand analysis to the satisfaction of the Planning, Building and Development Department in consultation with Transportation Services.

### 3.5 GENERAL POLICIES

- 3.5.1 Commercial areas will be designed to effectively minimize their incompatibility with adjacent residential, institutional and recreational areas. Appropriate screening and landscaping shall be incorporated on site in order to buffer noise, light, dust or undesirable visual impacts emanating from the commercial uses. Outdoor storage uses and display areas may be provided for seasonal goods where the areas are designed as an integral part of the commercial development and are subject to the appropriate provisions in the Zoning By-law.
- 3.5.2 The preferred location of automobile service stations, fuel bars and car washes will be adjacent to arterial roads within commercially designated areas where the impact of vehicular movement can be minimized. The Zoning By-law shall provide minimum setbacks from lot lines for buildings and structures with increased distance separation from Residential zones for improved landscaping. Significant areas of landscaping will be provided to compensate for the large paved areas required for on-site vehicular movements. No outside storage will be permitted other than the temporary keeping of vehicles. Gas bar facilities which are part of a retail or service commercial facility shall be functionally separated so that on-site vehicular conflicts are not created.
- 3.5.3 Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high density apartments as a form of residential

intensification may be considered provided the following general criteria are satisfied.

- 3.5.3.1 The policies of PART 1, Section 3.10 to 3.19 shall apply lands that are designated a Node on Schedule A-2 to this Plan.
- 3.5.3.2 Intensification is to be consistent with the height and density parameters for each node, should the lands be so designated. For lands not designated a node, height and density should be consistent with the policies of PART 2, Section 1.10.5.5.
- 3.5.3.3 Development will be arranged in a gradation of building heights and densities.
- 3.5.3.4 The proposed development is designed to be compatible with commercial development in the surrounding area.
- 3.5.3.5 The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment.
- 3.5.3.6 The proposal does not hinder commercial traffic patterns.

3.5.4 While this Plan promotes and encourages residential intensification of lands designated Major and Minor Commercial, it also recognizes that there is the potential for land use conflicts with intensification. Accordingly, an applicant may be required to undertake studies to determine impacts and provide mitigation measures.

**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 cochères, 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.

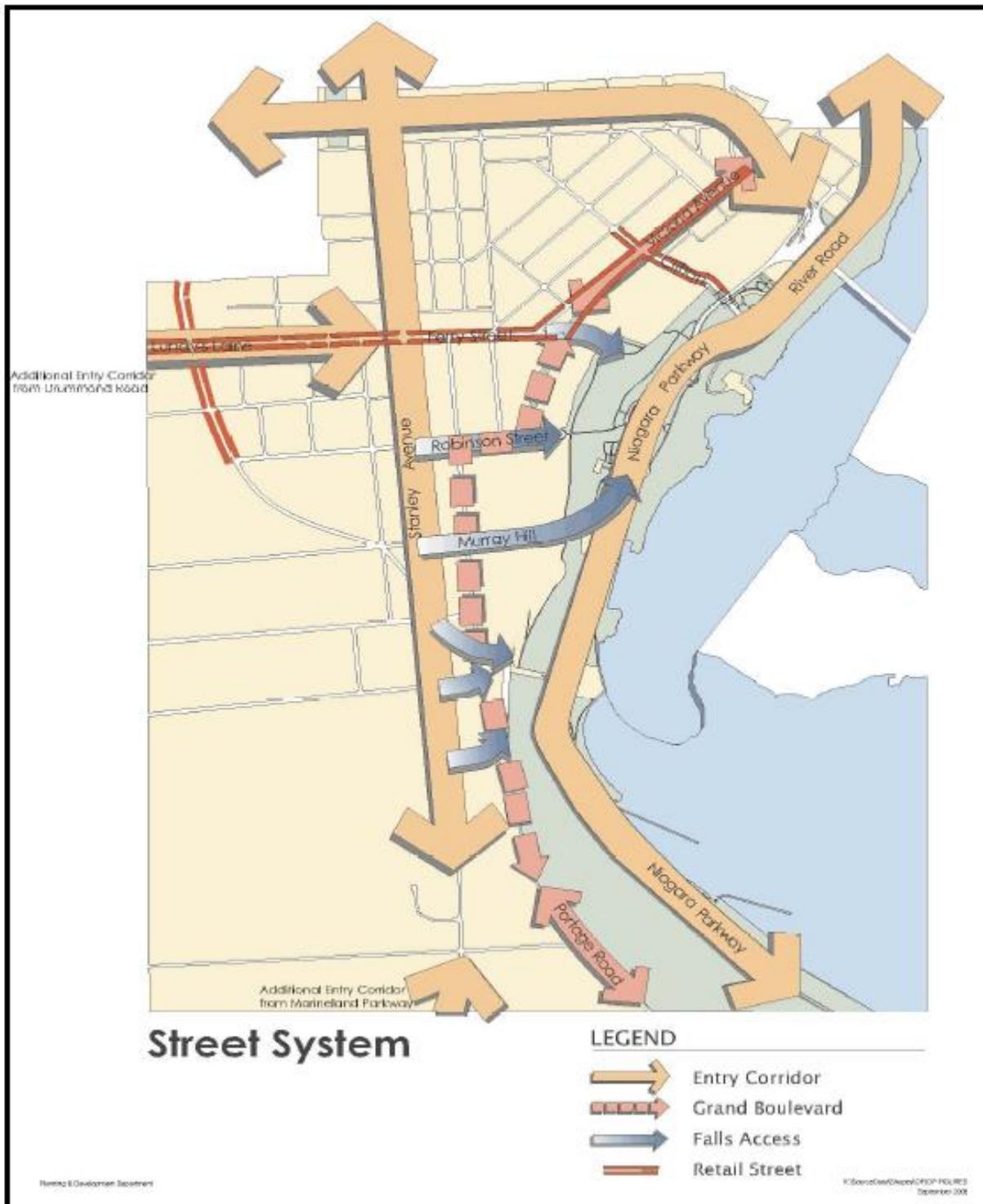
4.3.8 Retail Streets, as identified on Fig. 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design 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.

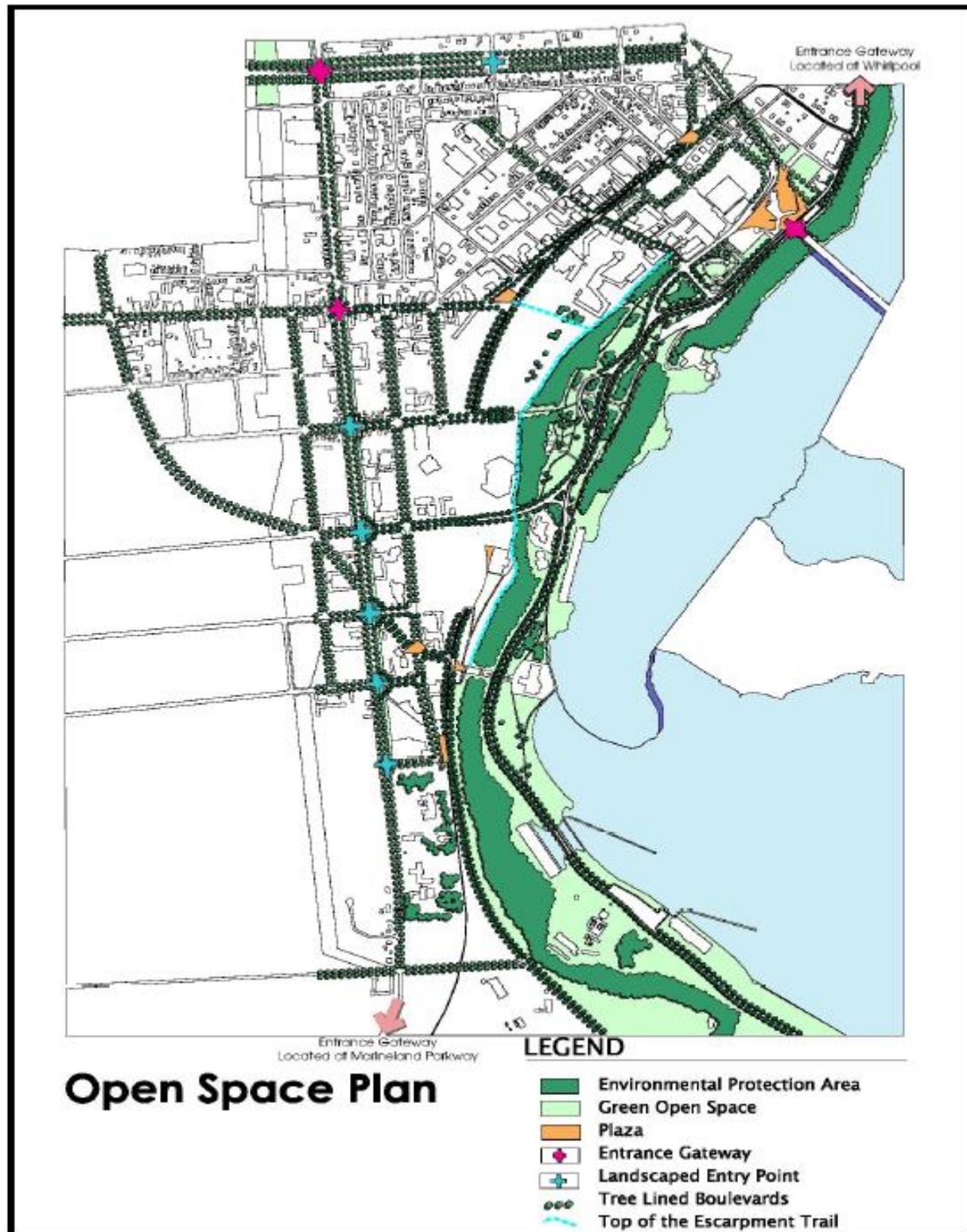
**FIGURE 1 - GATEWAYS**

## 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:

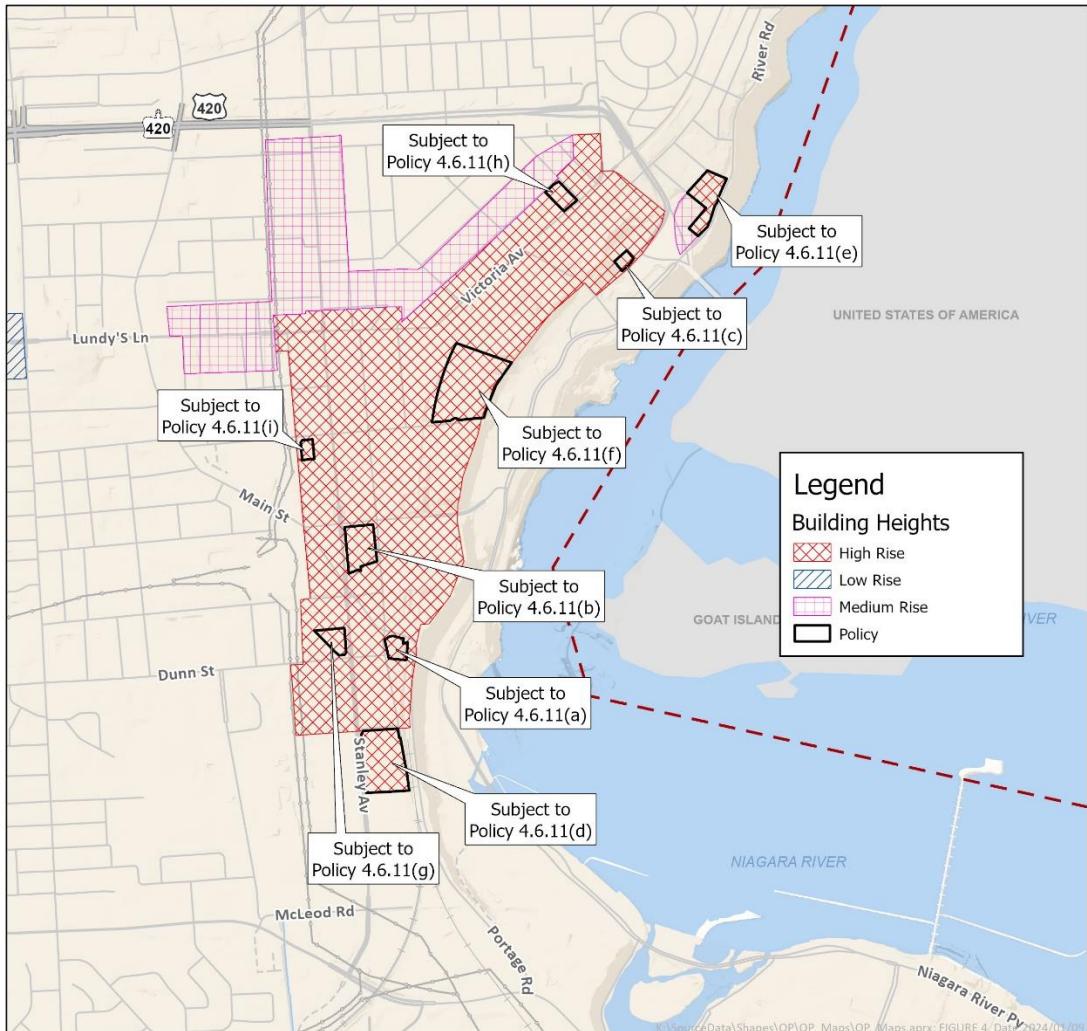
- a) the applicant has submitted all required rezoning information;
- b) the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4;
- c) in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed 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:

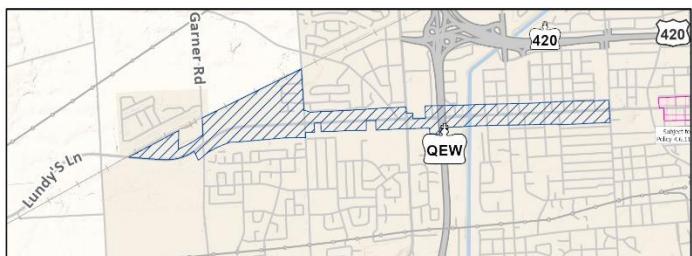
High-rise	13	To	30	storeys
Medium-rise	9	to	12	storeys
Low-rise	5	to	8	storeys

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.

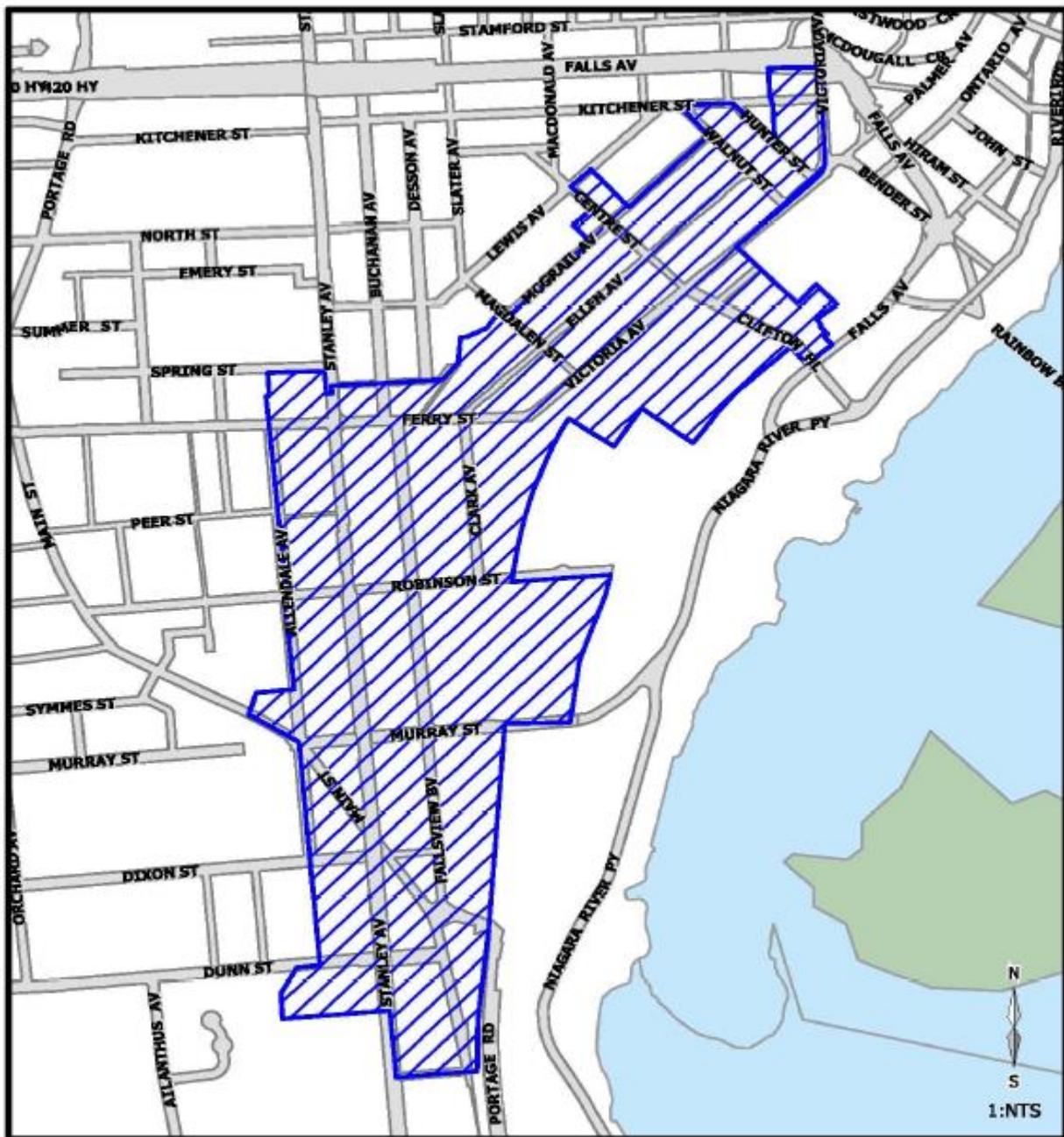
4.5.2 With the establishment of a people mover and structured parking facilities en route, parking requirements for individual retail or entertainment uses may be reduced. A review of City parking requirements, as they apply within the Central District, will be undertaken as part of a Transportation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

## FIGURE 5 – PARKING

## **AREA SUBJECT TO POLICY 4.5.2.3**



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.

**PART 2 LAND USE POLICIES****SECTION 5 RESORT COMMERCIAL****PREAMBLE**

Lands designated Resort Commercial provide a land use reserve for future large scale travel generators in the form of themed attractions, destination resort developments, golf courses, campgrounds, open space and recreation uses. Such land uses will be low intensity in nature and shall be designed to complement the major attractions and visitor services located in the urbanized tourist commercial districts.

**GENERAL POLICIES**

- 5.1 It is an objective of this Plan to promote tourism development within the City's tourism districts. The concentration of tourist commercial land uses within designated tourism districts shall be promoted in accordance with the policies set out in Part 2, Section 4 of this Plan.
- 5.2 The development of Resort Commercial lands will be permitted as warranted by future demands for large scale themed attractions and/or other destination type travel generators which require large tracts of land and cannot be accommodated in tourist commercial areas.
- 5.3 Hotel and motel facilities, restaurants, and other visitor services will be permitted to establish as ancillary uses, subordinate to the principal attraction. The location and size of such facilities will be carefully regulated in order to complement, not compete with, similar uses located in tourist commercial areas.
- 5.4 Development within the Resort Commercial designation shall be undertaken in an environmentally sensitive manner having regard to the areas' natural and scenic attributes; more particularly:
  - 5.4.1 Adequate provision will be made to preserve the scenic qualities of the Welland River and its shorelines when development proposals are considered.
  - 5.4.2 Lands immediately adjacent to the Welland River should be preserved and developed as a scenic parkway incorporating pedestrian walkway and bicycle path facilities.
  - 5.4.3 Environmentally sensitive areas including woodlands, wetlands and fish habitats need to be protected through proper building orientations, setbacks and complementary landscaping, appropriate storm water management and erosion and sediment control measures.
  - 5.4.4 In order to effectively safeguard the environment, all development will be subject to site plan control.
- 5.5 Lands designated Resort Commercial provide a land reserve for future tourism development. In this regard, a development holding zone will be established as an interim land use control.

- 5.6 Development will be permitted through amendments to the Zoning By-law. Applications to amend the Zoning By-law shall be accompanied by supporting studies demonstrating methods of servicing, environmental and traffic impacts.

**PART 2 LAND USE POLICIES****SECTION 6 THEME PARK - MARINELAND****PREAMBLE**

Marineland is a themed attraction area located in south Niagara Falls. With its focus on family entertainment, Marineland provides a wide variety of amusement and recreational facilities. The Marineland Theme Park is delineated on Schedule A. The policies of this section apply to the Marineland Theme Park.

- 6.1 Marineland is a large scale themed attraction which serves as a major travel generator. The progressive development of Marineland into a full-day, and ultimately a year-round attraction, would contribute significantly to the tourism plant by expanding the product offering and lengthening the stay of visitors. To aid in its development, a separate land use designation has been created which recognizes the lower intensity use of a theme park.
- 6.2 Marineland focuses its operation on family entertainment. Predominant facilities include theatres, exhibits, aquariums, botanical and zoological gardens, amusements, mechanical rides, eating establishments, retail space, and a variety of ancillary visitor services. This major amusement and recreation facility, with its specialized development theme, is highly complementary to the visitor services and facilities located within other tourism districts.
- 6.3 In order to reinforce the complementarity of tourism districts, Marineland's role as a themed attraction and secondary travel generator should be continued. An expansion of this role to include accommodation facilities may be appropriate in time as Marineland achieves the status of a full-day attraction. To this end, Council may consider amendments to the zoning by-law to permit accommodation facilities within the theme park. A specific Tourist Commercial zoning by-law amendment will be required to establish the precise size and location of such accommodation facilities.
- 6.4 Expansion plans for Marineland provide for a phased programme of development. In order to ensure that such plans are compatible with adjacent land uses and do not impact on municipal services, the following policies will apply:
  - 6.4.1 Provisions will be included in the zoning by-law to ensure that building heights, setbacks from property lines and peripheral landscaping provide a compatible interface between the theme park and adjacent land uses. Building forms of a medium to high-rise nature are suitable within the theme park area.
  - 6.4.2 Engineering studies addressing traffic, fire protection, water and sewer servicing requirements undertaken by Marineland, commensurate with any major expansion programme which would affect municipal streets and/or services will be submitted to the City.
- 6.5 The establishment of an integrated transportation system which fosters links within and between the City's tourism districts is a key objective of this Plan. Marineland will be included in the planning and development of this transportation system.

**PART 2 LAND USE POLICIES****SECTION 7 GOOD GENERAL AGRICULTURE****PREAMBLE**

The lands within the Good General Agriculture area of the Municipality represent a blend of agricultural uses and natural areas. The area boasts a wide range of active agricultural uses including tender fruit and vineyards, vegetable and field crops, hay and pasture and livestock operations. This area is also characterized by some limited non-agricultural, recreational and agriculturally related uses. Interspersed with the agricultural uses are natural areas including creeks, wetlands and woodlots.

It is the intent of this Plan to protect the continuation of farming operations by providing a range of agriculturally related uses that support and enhance the agricultural industry. It is also the intent of this Plan to restrict the establishment of non-farm uses and minimize land use conflicts in favour of agriculture wherever possible, while protecting the natural environment consistent with the Provincial Policy Statement and the Regional Policy Plan.

**POLICIES**

7.1 The predominant use of land in the Good General Agriculture Area will be for agriculture of all types including crop farming, tender fruit and vineyards, dairy farming, livestock operations including equestrian activities, nurseries, and intensive greenhouse as well as agricultural value retention uses, forestry, conservation uses and farm related residential dwellings. Uses of land not related to agricultural uses will not be permitted in the Good General Agriculture Area except as provided for in this Plan.

7.2 Secondary uses that provide farm diversification opportunities related to the agricultural or residential use of lands within the Good General Agriculture designation such as a home industry, value added uses, agritourism uses or uses ancillary to an existing residential dwelling such as a home occupation or a Bed and Breakfast(s) can offer financial assistance to land owners in the agricultural area and, in the case of Bed and Breakfast(s), provide an alternative form of accommodation for the City's tourism industry.

These secondary uses may be permitted where it can be demonstrated that they are compatible with and retain the agricultural, rural or rural residential character of the Good General Agriculture Area. To ensure compatibility, secondary uses shall remain designated and zoned for agricultural or rural purposes and be in compliance with other policies of this Official Plan. The ancillary uses shall not have associated outside storage of materials or hinder the surrounding agricultural uses in terms of noxious odours, noise or traffic and shall provide adequate on-site parking as outlined in the City's Zoning By-law. The severance of an ancillary use is not permitted.

7.2.1 In addition to the above:

- (i) A home industry shall be small in scale and remain secondary to the agricultural or residential use of the property and shall be subject to a site specific Zoning By-law amendment.

- (ii) A home occupation or a Bed and Breakfast(s) shall be carried on entirely within the residence and remain secondary to the residential use of the property.
- (iii) Bed and Breakfast(s) shall be operated by a permanent resident of the existing dwelling and shall have a maximum of 6 guest rooms. The facilities shall be carefully regulated through a Zoning By-law amendment as to their location, size and traffic generation in order to minimize potential disturbances to adjacent properties and to ensure that the private sewage disposal system can accommodate the increased sewage loading to the satisfaction of the Regional Public Health Department.
- (iv) Vacation Rental Units shall be subject to the policies of Part 2, Section 1.17.

7.2.2 Value added uses are small scale uses related to the current on-site farming activity or surrounding farm operations that support farming and adds value to the agricultural products through processing, sales or distribution involving:

Production i.e. the processing of agricultural products such as wineries, cideries, canneries, bakeries, cheese, abattoirs; or

Marketing i.e. methods of increasing sales of raw and/or processed farm products such as road side stands, farm markets, limited retail sales of items that implement the farm products, or agri-tourism; or

Support i.e. uses that provide for day to day farming such as: machinery repair, seed supplies and other uses that are not appropriate for urban areas.

- a) Value added uses are to remain secondary to the principal farm activity and operated on behalf of the individual and/or corporation farming the lands.
  - i) These uses will be permitted as-of-right through the City's Zoning By-law.
  - ii) The maximum size of any structure or floor areas related to value added uses may be defined in the implementing zoning by-law.
  - iii) Uses that exceed the maximum size provisions of the Zoning Bylaw or that pose a potential conflict or concern regarding:
    - off-site conflicts on traffic or normal farming operation; or
    - water and effluent usage (the use can be accommodated on private water and sewage treatment systems); or
    - impacts on utilities or infrastructure such as roads or energy services.

shall be subject to a site specific Planning Act amendment which will be evaluated based on the following criteria:

- the appropriateness of the use for the agricultural area and its requirement to be located close to the agricultural use of the property it is intended to support and complement;
- compatibility with existing and future farm operations both on and adjacent to the property;
- the appropriateness of scale with regards to lot size and farming activity;
- consistency with and maintenance of the character of the agricultural area; and
- acceptable mitigation of off-site conflicts.

7.2.3 Agri-tourism uses are uses that invite visits to a working farm operation for the purpose of enjoyment, education and active involvement in the activities of the farm operation. They are dependent on the product of the farm operation and are therefore considered secondary to the farming activity.

7.2.3.1 Agri-tourism uses that are permitted as of right may include, but are not limited to: hay or corn mazes, hay or sleigh rides, petting zoos, farm tours, processing and farming demonstrations, pick-your-own operations, working holidays and similar uses.

7.2.3.2 An agri-tourism use that is not agriculturally related but would benefit from a farm location may be considered through a site specific zoning by-law amendment. When presented with such an amendment Council shall consider the following:

- the proposed use shall be appropriate for the size of farm and farm operation;
- at least 50% of the arable land of such farm parcel shall be in active and full agricultural production with higher amounts encouraged;
- the proposed use shall be operated by the farm or farm family member;
- any indoor space required for the use should be limited to 100 m<sup>2</sup> and within existing buildings and/or structures on site;
- the impact of the operation on neighbouring lands in terms of: noise (sound systems), hours of operation;

frequency of events and the control of these impacts under the Municipal Act;

- the use of site plan control to address issues such as access, servicing, parking, protection of natural areas and agricultural lands, and setbacks from livestock and adjacent uses.

7.3 Farm related small-scale commercial and industrial uses may be considered where such uses are directly related to and require close proximity to the farm operation which they serve and if it not possible to locate these uses within the designated Urban Area. Such uses will be encouraged to locate where the impact on adjacent uses is minimal and shall be implemented through a site specific zoning amendment within which site design details and limits on the floor space area provisions can be established.

7.4 Uses of land and the creation of lots not related to agricultural uses are not permitted in the Good General Agriculture Area. However, Council may consider a site specific amendment to this Plan to remove land from the Good General Agriculture designation for a non-agricultural use where it has been demonstrated that the use cannot be accommodated in a non-agricultural designation. In addition, the siting of a non-agricultural use shall be supported by qualified evidence demonstrating matters of need for the proposed use over the next 20 years, poor soil capability, suitability of the site for the proposed development, no disruption of natural areas, effects on adjacent properties and financial impact on the City. The requirements of the Provincial Policy Statement and the Regional Niagara Policy Plan also shall be satisfied.

All non-agricultural uses satisfying these policy requirements shall be subject to site plan review to regulate the extent of the use and mitigate any impact the use may have on adjacent lands.

7.5 Nothing in this Plan will prohibit the continued operation of legal non-conforming uses of land, buildings or structures in the Good General Agriculture Area. The expansion or enlargement of such uses may also be permitted subject to compliance with the following criteria and Part 4, Section 6 of this Plan.

- 7.5.1 The expansion/enlargement is considered to be minor in nature having minimum detrimental impact to surrounding uses.
- 7.5.2 The expansion/enlargement complies with the Minimum Distance Separation Formula in order to ensure such development is suitably separated from any surrounding livestock operations.
- 7.5.3 The suitability of the expansion/enlargement is acceptable to the Regional Public Health Department and/or the Ministry of the Environment with respect to the provision of water and private waste disposal systems.
- 7.5.4 The expansion/enlargement will not encroach into or interfere with the function of significant wetlands, habitat of threatened or endangered species, areas of natural or scientific interest, significant woodlands and farm drainage systems.

7.5.5 The expansion/enlargement is desirable for the appropriate development or use of the land, building or structure and also maintains the general purpose and intent of the Official Plan and Zoning By-law.

7.6 All development will be expected to depend on private waste disposal systems and private water supply in accordance with the requirements of the Regional Public Health Department and/or the Ministry of the Environment. Municipal sewers or water supply will not be provided within the Good General Agriculture Area except where required to correct an existing health problem as determined by the Medical Officer of Health or where there is a clean-up order from the Ministry of Environment. All alternatives to municipal mains for resolving the health concern must be considered.

7.7 The municipality recognizes its role in preserving the agricultural resource base. To every extent possible, the municipality will participate in the policy initiatives and programs of other levels of government aimed at supporting farmers by encouraging new and maintaining existing viable farm operations. In this regard, Council shall promote good farming practices by encouraging vegetative strips along stream banks on ploughed fields, crop rotation and topsoil preservation.

7.8 Notwithstanding the Good General Agriculture designation of this Plan, two existing golf courses located in the northwest portion of the City are hereby recognized as permitted uses. These golf courses are located on Garner Road through to Beechwood Road and south to Lundy's Lane and on Beaverdams Road from Beechwood through to Townline Road.

7.9 In order to maintain and improve agricultural operations, every attempt will be made to encourage the retention and creation of farm units of an appropriate size for the proposed farm use through the following:

- 7.9.1 The consolidation of small farm parcels into larger units will be promoted.
- 7.9.2 The establishment of additional permanent or portable farm-related residential dwellings will be permitted without severance for family members or farm help working full time on the farm, subject to a Zoning By-law amendment. These dwellings may only be permitted on farms which are of a nature that additional help is required and that this assistance needs to be located close by the farm.
- 7.9.3 Severances will be restricted to avoid the fragmentation of farmland and creation of non-viable farm parcels. Severances will be in accordance with Part 4, Section 8 of this Plan.
- 7.9.4 Lot creation to accommodate any secondary use under Policy 7.2 is not permitted.

7.10 The Minimum Distance Separation Formulae (MDS) of the Ministry of Agricultural, Food and Rural Affairs, as revised or updated from time to time, shall be applied where a new development or land use change is proposed within the Good General Agriculture Area designation or through a site specific zoning amendment. New dwellings on existing lots of record must also comply with the MDS.

**PART 2 LAND USE POLICIES****SECTION 8 INDUSTRIAL****PREAMBLE**

It is the intent of this Plan to provide opportunities for the expansion of existing industry and the stimulation of new industrial growth. To this end, the Plan promotes infilling and redevelopment within established industrial districts in the Built-up Area, as well as the progressive development of lands within the Greenfield Area for new industry and employment uses.

In accommodating the changing needs of industry and business growth trends, emphasis will be placed on improved aesthetics and environmental quality, including measures which will safeguard the integrity of adjacent land uses. The proximity of employment uses to residential and other uses is, however, critical in the future growth of the City as a complete community.

The contribution of industry to employment and economic growth and diversity is clearly recognized in this Plan. In order to maintain a strong and competitive industrial resource base, programs which provide for the enhancement of industrial districts and the attraction of new firms will be pursued.

**POLICIES**

- 8.1 The City has a substantial supply of land available for industrial development within the Built-up Area. The redevelopment and intensification of this land supply for industrial and employment uses that are compatible with surrounding land uses is encouraged.
  - 8.1.1 Conversion of brownfield sites to non-employment uses, where the removal of the industrial land is consistent with a Municipal Comprehensive Review, may be considered through an amendment to this Plan where at least one of the following criteria are met:
    - the reduction or elimination of any long-standing land use compatibility issues with surrounding conforming uses;
    - provision of affordable housing;
    - contributing to a mix of housing types and densities in the planning area; or
    - the provision of facilities that assist in the development of a complete community.
- 8.2 The primary uses permitted in areas designated on Schedule "A" as Industrial will be for industry. In this regard, industry is defined as manufacturing, assembly, fabricating, processing, reclaiming, recycling, warehousing, distribution, laboratory and research, and storage. All forms of service industries and utilities are included within this definition. The indoor production of cannabis, adult entertainment parlours and body-rub parlours will also be permitted within the industrial designation subject to other policies of this plan. In addition, the following uses may be permitted within Industrial areas, subject to the policies of Subsection 8.8.

- 8.2.1 Uses that are ancillary to industrial operations including offices, retail and wholesale showrooms and outlets for products produced on the premises.
- 8.2.2 Commercial services such as, but not limited to, banks, restaurants, convenience retail outlets, material suppliers, which are incidental to the industrial district servicing industries and their personnel.
- 8.2.3 Corporate and business offices.
- 8.2.4 Health and fitness facilities, conference centres and private clubs.

8.3 Several categories of industrial land use will be established in the Zoning By-law to accommodate a variety of industrial activities ranging from heavy to prestige use. Moreover, industrial zones will be arranged in a gradation with the lighter, more prestige type industries located near residential areas and other sensitive land uses. In the zoning of lands for industrial purposes, regard will be had to the following objectives.

- 8.3.1 To group industries with similar characteristics and performance standards.
- 8.3.2 To provide a suitable environment for industrial operations, free from interference and restriction by other uses.
- 8.3.3 To minimize potential land use conflicts caused by the indiscriminate mixing of heavier and light industrial types.
- 8.3.4 To protect adjacent lands, particularly residential areas from the effects of incompatible uses.
- 8.3.5 General Industrial or Heavy Industrial zones will be separated from residential areas, wherever possible, in order to protect such areas from the effects of noise, heavy traffic and other offensive characteristics.

8.4 Council will entertain amendments to the Zoning By-law to permit the establishment of free-standing offices, recreational and commercial services and other complementary land uses within industrial districts in order to progressively accommodate changing market conditions and new development trends. Such uses, however, will be restricted as to their location, size and extent of operations, having regard to the following.

- 8.4.1 Industrial districts are not intended to serve a significant commercial function. In this regard, Council will exercise discretion in the rezoning of industrial lands for non-industrial purposes in order to promote industry as the predominant land use.
- 8.4.2 Frontage lands along controlled access highways and high volume arterial roadways will be preserved for industrial and business uses which require visual prominence and which foster a good impression of the community.
- 8.4.3 Wherever possible, commercial service and office uses shall be grouped in multiple use buildings and shall not be allowed to proliferate along arterial road frontages.

- 8.4.4 Commercial and office developments generate higher densities of employment and use by the public. Where such development is proposed, Council will ensure that adequate provision is made for on-site parking, traffic circulation and pedestrian safety.
- 8.4.5 The integration of industries, businesses and other complementary land uses will be encouraged in business park settings where a premium is placed on aesthetic appeal and environmental quality.

## **GREENFIELD AREA**

- 8.5 Secondary planning within the Greenfield Area shall provide for industrial uses within the individual plan areas so as to assist in the creation of a complete community at the secondary plan scale and ensure an adequate separation distance is provided between residential and other sensitive land uses and heavy industrial uses.
- 8.6 Employment uses are to be integrated with the overall neighbourhood design and shall be located consistent with the Ministry of Environment D6 Guidelines. The following uses are permitted within secondary plan areas that contain residential and other sensitive land uses:
  - 8.6.1 offices;
  - 8.6.2 government services, research and, training facilities;
  - 8.6.3 facilities for the production of alternate energy sources;
  - 8.6.4 prestige industrial uses, including research and development facilities, communications facilities, and manufacturing and processing of fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
  - 8.6.5 commercial facilities such as, but not limited to, restaurants, material suppliers, which are incidental to the employment designation industries and their personnel; and
  - 8.6.6 ancillary retail and service uses which shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use.
- 8.7 While urban design guidelines and architectural guidelines may be developed for individual secondary plan areas, the following general design principles should apply to employment lands:
  - 8.7.1 Building facades that face the street should utilize architectural treatments. Blank walls are to be avoided in favour of windows, articulations and changes in building materials.
  - 8.7.2 Buildings should have a consistent setback from the street.

- 8.7.3 Outside storage, where permitted by the secondary plan, should be located in rear or interior side yards only. Storage areas are to be screened from views from the street.
- 8.7.4 Parking areas will be limited in size and proportion. Parking areas shall be generously landscaped along any street.
- 8.7.5 Loading and service areas are to be located in the rear or interior side yards.
- 8.7.6 Access driveways to the street should be minimized. Where possible, abutting lots should use combined driveways.

## **QEWT EMPLOYMENT CORRIDOR**

- 8.8 The QEWT is the major highway transportation corridor through the Niagara Region. It conveys goods and people within, to and from the Golden Horseshoe area and western New York State. Development of lands adjacent to the QEWT has played a significant role in the economy of the Niagara Region and such lands within the City's urban area can be capitalized on for future employment growth.

The corridor, located along the QEWT as shown on Schedule A-2 extending from south of Lundy's Lane to the interchange at Lyon's Creek Road, includes a substantial amount of vacant Greenfield land and under-utilized parcels within the Built-up Area. This corridor, given its exposure and accessibility to the QEWT, is well suited to the development of employment uses that require highway frontage. The lands that extend south of the Welland River have recently been serviced with municipal water and sanitary facilities, which have opened up these lands for the development of employment uses.

This corridor also marks the southern gateway into the urban area of the City. Given its locational advantages, this corridor can play a major role in implementation of the Gateway Economic Zone as envisaged by the Growth Plan of the Greater Golden Horseshoe. The urban areas of Niagara Falls and Fort Erie are identified as the Gateway Economic Zone which is to be developed to support economic diversity and the promotion of cross-border trade, the movement of goods and tourism. Due to the proximity to the U.S. border, the Gateway Economic Zone has a unique economic importance to the region and the province. The intent of the QEWT Employment Corridor policies is to assist in the capitalization of trade and the movement of goods and to protect these lands from conversion to non-employment uses. Moreover, the overarching goal of the policies is the establishment of employment uses on these lands that add to the overall diversity of employment in the City.

It is not the intent of these policies to preclude or limit this designation being applied to other gateway lands that have proximity and exposure to the QEWT. Accordingly, other lands may be added to this designation as warranted, from time to time.

- 8.8.1 The lands within the QEWT Employment Corridor are intended to provide a long term base for the future development of uses that require access and exposure to the QEWT.
- 8.8.2 The QEWT Employment Corridor shall be protected from conversion to, and encroachment from, non-employment uses.

- 8.8.3 These lands are to be targeted for manufacturing, warehousing, wholesaling and logistics uses. In addition, offices and large scale institutional uses that require QEW access are also to be permitted.
- 8.8.4 Retail that is ancillary to the principal use, is permitted to a maximum of 25% of the gross floor area of the principal use but shall not exceed 465 square metres.
- 8.8.5 Automotive uses, service commercial including restaurants, printing shops, fitness and recreation and convenience stores and other uses that do not require QEW exposure and access are not to be permitted.
- 8.8.6 Development of lands within the QEW Employment Corridor should be designed in accordance with the design principles in the PART 2, Section 8.7 of this Plan and provide an architectural and landscape design that promotes the gateway character of the Corridor.
- 8.8.7 The lands on the east side of the QEW, south of the Welland River, designated Resort Commercial can provide for the development of employment uses, and as such, are included within the QEW Employment Corridor. These lands require further planning assessment regarding such issues as the appropriate uses to be permitted including land use designation, road pattern, impacts on residential uses and natural heritage preservation.

## **GENERAL POLICIES**

- 8.9 In any Industrial zone, industries shall comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants, such as dust, smoke, fumes, odours and other particulates, water quality, water quality control and waste control, including the quality and quantity of discharge and runoff.
- 8.10 Uses which are offensive or dangerous to the general health, safety and welfare of community residents shall only be permitted through site specific zoning amendments, where deemed appropriate.
- 8.11 In order to ensure that obsolete industrial buildings and formerly occupied industrial sites are suitable for redevelopment, compliance with Provincial guidelines and Part 3, Section 6 will be sought prior to any new development.
- 8.12 Adequate vehicular access, off-street parking and loading facilities will be required in clearly defined areas for all development and redevelopment within Industrial zones.
- 8.13 Industrial property owners proposing to develop lands adjacent to existing industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 8.14 As far as possible, traffic generated by industrial uses will be prohibited from penetrating designated Residential areas.
- 8.15 Signs in Industrial areas will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

- 8.16 In order to enhance the viability of industrial areas, Council, where feasible and deemed appropriate, will encourage the appropriate authorities to establish, maintain and improve the accessibility of industrial areas through the provision of highways, arterial roads, bridge, rail and public transit services.
- 8.17 Council will cooperate with the Region in promoting industrial development in the City of Niagara Falls. Furthermore, Council may pass by-laws, acquire and develop lands or otherwise ensure an adequate supply of serviced land is available for prospective industrial developments.
- 8.18 Council will encourage and, where feasible, assist in the relocation of uses not permitted in areas designated for industrial purposes and in the relocation of existing industries located outside of Industrial designated areas into such areas.
- 8.19 Council will encourage and where feasible, assist in programs for the improvement of the appearance and amenity of industrial areas.
- 8.20 *(OPA #45, approved January 2003)*  
Notwithstanding that adult entertainment parlours have not been historically permitted in any land use designation, a limited number of licensed adult entertainment parlours and body-rub parlours currently exist throughout various geographic areas of the City. It is the intent of this Plan to provide guidance and direction with respect to appropriate areas of any new licensed adult entertainment parlours and body-rub parlours or their relocation.

Generally, adult entertainment parlours and body-rub parlours are not promoted as a land use in any part of the City. In particular, adult entertainment parlours and body-rub parlours shall not be permitted in designations and zones of a predominantly residential, institutional, commercial, rural, agricultural and parks and open space nature. These areas are considered to be incompatible with adult entertainment as they are frequented by families with children, tourists, have high pedestrian traffic volumes or are subject to economic revitalization that could be adversely affected. Rural and agricultural areas are not serviced and would generally not be compatible with these urban areas. In order to minimize adverse effects, adult entertainment parlours and body-rub parlours shall be appropriately separated from sensitive zones including Residential, Development Holding, Institutional and Open Space zones; as well as specific sensitive land uses such as places of worship, residential care facilities, campgrounds, schools, day care centres, children's museums, parks, arenas and other similar community/institutional or public uses regardless of their zone category. An appropriate separation distance shall be a minimum of 300 metres from the property line associated with the sensitive use or zone to the building of the body-rub parlour or adult entertainment parlour. The 300-metre separation distance noted above shall not apply in cases where the QEW, hydro canal and Welland River, which represent effective physical barriers, are present. Furthermore, no exterior wall of any adult entertainment parlour and/or body-rub parlour buildings shall be located closer than 100 metres from the road allowance of a controlled access highway.

Notwithstanding this policy, the property municipally known as 8675 Montrose Road (Sam's Montrose Hotel), situated at the southwest corner of Montrose Road and Chippawa Creek Road, is excluded from the 100-metre setback requirement from the QEW.

In addition to the above, neither adult entertainment parlours or body-rub parlours will be permitted within lands, generally situated south of Brown Road and west of Kalar Road,

which are subject to the development of a Christian resort commercial development. These lands are also considered as a sensitive land use and adult entertainment parlour and body-rub parlour buildings shall be separated from these lands by a minimum distance of 300 metres. Further, the industrial lands situated along the north side of Bridge Street, east of Victoria Avenue, are not suitable for an adult entertainment parlour or body-rub parlour.

It is the policy of this Plan to avoid a future concentration of licensed adult entertainment parlours and body-rub parlours within one geographic area of the City. In order to avoid clustering, the City's zoning by-law shall be amended to establish an appropriate distance separation between and among adult entertainment parlours and body-rub parlours.

8.21 Permitted production of cannabis shall be in accordance with the following:

- (i) The production of cannabis is only permitted to occur within an enclosed building with appropriate air filtration that ensures the use does not emit any odour. Production of cannabis may include the cultivation of cannabis and/or activities related to cannabis cultivation such as processing, packaging, testing, destruction, research and shipping;
- (ii) Outdoor cultivation is not permitted;
- (iii) The production of cannabis shall be in accordance with all applicable Federal Regulations, as amended from time to time;
- (iv) Buildings should be appropriately distanced a minimum of 500 metres away from sensitive land uses or zones where sensitive land uses are permitted, including but not limited to existing day care facilities, hospitals, places of worship, playgrounds and residential uses; and
- (v) Cannabis production shall be subject to site plan control, which may require the submission of studies relating to relevant matters including, but not limited to, air quality control, environment impacts, traffic and lighting, which demonstrate appropriate nuisance mitigation to the City's satisfaction. The Site Plan Control process may require the applicant to enter into a site plan agreement.

**PART 2 LAND USE POLICIES****SECTION 9 EXTRACTIVE INDUSTRIAL****PREAMBLE**

The extraction of mineral aggregate resources is an important industry to the local and Regional economy. Areas licensed for extractive industrial operations are shown on Schedule "A". It is the intent of the Plan to ensure compatibility of such operations with adjacent properties, as well as their progressive rehabilitation to suitable after-uses. New and/or expanded pits and quarries shall require approval from the Ministry of Natural Resources under the Aggregate Resources Act and an amendment to this Plan. Potential Mineral Aggregate Areas to be protected for future extractive industrial purposes are identified in Appendix IV.

**POLICIES**

- 9.1 The predominant use of land within the Extractive Industrial designation will be for the extraction and processing of mineral aggregates such as clay, sand, gravel and quarry stone. Extractive industrial operations may also include storing, refining and further processing of mineral aggregates and other ancillary uses.
- 9.2 Proposals for new or expanded extractive industrial uses must be approved by the Ministry of Natural Resources under the Aggregate Resources Act. In addition, any new or expanded extractive industrial uses will require an official plan amendment and will be considered on the basis of detailed plans and submissions prepared to the satisfaction of the City. The plans and submissions shall include but not be limited to the following.
  - 9.2.1 The location of the site including all dimensions, topography, existing elevations and any natural or archaeological features found on the site.
  - 9.2.2 The location and use of all lands and buildings within 500 metres from the boundaries of a proposed quarry and 150 metres from the boundaries of a proposed pit.
  - 9.2.3 The proposed use of the site detailing the limits of extraction, proposed depth of extraction, sequence of extraction, location and use of all buildings and structures, internal roads and points of access.
  - 9.2.4 The location of all existing water wells within a minimum of 300 metres of the proposed site, hydrogeological reporting identifying water table levels relative to the proposed depth of extraction and the effect of the proposed extraction upon the water table and wells in the general area as well as on stream flows and surface water quality.
  - 9.2.5 Detailed landscaping plans including fencing and screening.
  - 9.2.6 Proposed haulage routes for the off-site distribution of the aggregate.
  - 9.2.7 Progressive and final rehabilitation plans.

9.2.8 A social impact assessment or any other information that may be required by the City to assess the appropriateness of the proposed extractive operation including predicted impact of noise, dust and vibration beyond the site and necessary mitigating measures.

9.3 In considering any application to establish a new extractive industrial operation or the extension of an existing one, Council shall have regard to the following.

- 9.3.1 No extraction will generally be permitted within an Environmental Protection Area. Extraction adjacent to or within an Environmental Protection Area may only be permitted where the results of any necessary studies indicate that the Areas will not be adversely affected by the extraction operation. Any mitigating measures as outlined in such studies, including a suitable buffer, will be required where extraction is proposed in these areas.
- 9.3.2 A sequence of extraction and rehabilitation is to be encouraged which would have the effect of minimizing the amount of land disturbed at any one time.
- 9.3.3 The effect of the proposed extractive operation on the ground water resources and hydrology of the surrounding area, including on-site drainage and treatment of waste water and the effect of the operation on adjacent areas.
- 9.3.4 The effect of the proposed extractive operation on the roads and traffic patterns in the area.
- 9.3.5 Where applicable, no extraction will be permitted on Good General Agriculture lands unless the Ministry of Agriculture and Food is satisfied that the site can be substantially rehabilitated for agriculture to allow production of the same area and at the same level of productivity.
- 9.3.6 The amounts of noise, vibration, dust, traffic and related factors which may affect properties and their occupants in the surrounding area must satisfy the Ministry of the Environment guidelines.

9.4 In order to encourage land use compatibility of extractive industrial operations with adjacent properties and their occupants, Council may request additional setbacks or separation distances be established by the Ministry of Natural Resources through the licensing process. Similarly, incompatible land uses, particularly residential uses, must be suitably separated from and shall not be permitted to encroach on lands used for extractive industrial purposes or lands designated Extractive Industrial.

9.5 Council shall cooperate with the proper road authorities in order to determine the most appropriate haulage routes and points of access for mineral extraction operations.

9.6 A progressive rehabilitation program shall be encouraged during the period that aggregate is being extracted. Final rehabilitation for all extractive industrial sites will be required following the expiration of any licensed site or extraction of material has been exhausted. Rehabilitation will be required in accordance with a Ministry of Natural Resources approved rehabilitation plan. Development on, or adjacent to, former mineral mining or aggregate operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The City

will encourage the rehabilitation that will restore and create compatible land uses with adjacent properties and their occupants. An Official Plan and Zoning By-law amendment shall be required to consider new uses within extractive industrial sites that are not agriculturally related.

- 9.7 Temporary wayside pits and wayside quarries may be permitted in all land use designations, except within Environmental Protection Areas and Residential areas, without requiring an amendment to this Plan or to the implementing Zoning By-law.
- 9.8 Portable asphalt plants, used by a public road authority or their agent, shall be permitted in the Extractive Industrial, Industrial and Good General Agriculture designations without requiring an amendment to this Plan or the implementing Zoning By-law. Portable asphalt plants must comply with the Ministry of the Environment separation distances and must obtain a Certificate of Approval from the Ministry of the Environment. In Good General Agriculture Areas, the sites used for portable asphalt plants will be rehabilitated back to their former agricultural use.

**PART 2 LAND USE POLICIES****SECTION 10 NIAGARA ESCARPMENT PLAN AREA****PREAMBLE**

The Province of Ontario, through the Niagara Escarpment Planning and Development Act, provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment. Within the Niagara Escarpment Plan Area, development is to be compatible with the natural environment in accordance with the Niagara Escarpment Plan. Municipal zoning regulations do not apply to lands under the jurisdiction of the Niagara Escarpment Plan. Instead, a development permit is required from the Niagara Escarpment Commission for all development not specifically exempted. This Official Plan clearly recognizes the Niagara Escarpment Plan and its prevalence in land use decision making, together with any applicable and more restrictive policy contained in the Niagara Regional Policy Plan.

**POLICIES**

- 10.1 The Niagara Escarpment Plan, as amended from time to time, prescribes designations, policies and development criteria to regulate the use of land within the Niagara Escarpment Plan Area within the City. The outer boundary of the Niagara Escarpment Plan Area is fixed and inflexible and shall only be changed by an amendment to the Niagara Escarpment Plan. The Niagara Escarpment Plan Area within the City of Niagara Falls is shown on Schedule "A".
- 10.2 The Niagara Regional Policy Plan, which has been amended to incorporate the Niagara Escarpment Plan, contains land use designations and policies affecting lands within the Niagara Escarpment Plan Area. Where the Regional Plan policies are in conformity with the policies of the Niagara Escarpment Plan but are more restrictive, the Regional Plan policies would take precedence over the policies of the Niagara Escarpment Plan.
- 10.3 Development within the area defined by Ontario Regulation 683/80, as amended, (Niagara Escarpment Development Control Area) is regulated by the Niagara Escarpment Commission through the issuance of Development Permits. All development requires a development permit from the Niagara Escarpment Commission unless specifically exempted by Ontario Regulations 685/80.
- 10.4 Within the Niagara Escarpment Plan Area, "development" includes a change in the use of any land, building or structure.
- 10.5 In the review of Development Permits within the Niagara Escarpment Plan Area, the City shall ensure that its interests are maintained by the application of the policies in Part 3, Environmental Management, Section 1 through Section 6; and Part 4, Administration and Implementation, Section 13. Where there is a conflict between the Official Plan and the Niagara Escarpment Plan, the provisions of the Niagara Escarpment Plan shall prevail; unless the provisions of this Official Plan are more restrictive than the Niagara Escarpment Plan, in which case the more restrictive policies shall prevail.
- 10.6 Notwithstanding Schedule "C" and the Policies of Part 3, Environmental Management, Section 1.4 Road Network, new roads and road improvements within the Niagara Escarpment Plan Area shall be in harmony with the Escarpment landscape. The objective

is to design and locate new and expanded transportation facilities to minimize the impact on the Escarpment environment and the natural and cultural landscape. Any development shall comply with the objectives, policies and development criteria of the Niagara Escarpment Plan.

- 10.7 The Niagara Escarpment Plan contains policies and a framework for the Niagara Escarpment Parks System that stretches the length of the Escarpment. The Bruce Trail, the Woodend Conservation Area and the Welland Canal lands are an integral part of the Niagara Escarpment Parks System within the City of Niagara Falls. It shall be the policy of the City to support the development of the Niagara Escarpment Commission Parks System in this area.

**PART 2 LAND USE POLICIES****SECTION 11 ENVIRONMENTAL POLICIES****11.1 NATURAL HERITAGE SYSTEM****PREAMBLE**

Awareness of the connection between the natural environment and human health has increased in recent years and has been translated into land use planning through more stringent environmental policies at the Federal, Provincial and Local levels. Through the implementation of the policies of this Plan, the City intends to play a major role in the protection and conservation of resources.

Niagara Falls has an abundance of natural heritage features due to its location between two Great Lakes and along the Niagara River. The City is within the northerly extent of Carolinian Forests in Canada which boasts a high number and diversity of plant and wildlife. The conservation and wise use of natural resources is important to ensure that clean air and water will be part of the City's future. It is recognized that natural heritage features do not exist in isolation and that the health of these features is intrinsically connected and dependent on the health of heritage features both near and far away. Consequently the function of the natural heritage system shall be assessed on a watershed scale, exceeding lot boundaries, and in some cases, municipal boundaries. Within each watershed area, subwatershed plans and environmental impact studies will be utilized to identify, assess and protect the City's flora, fauna and water resources not only on a site specific, but also on a cumulative basis.

**GENERAL POLICIES**

- 11.1.1 The City supports an ecosystem approach to the identification, protection and enhancement of our natural heritage resources that addresses:
  - a) the interrelationships between air, land, water, plant and animal life, and human activities;
  - b) the health and integrity of the overall landscape, within and beyond the City's boundaries; and
  - c) the long term and cumulative impacts on the ecosystem.
- 11.1.2 The City shall encourage and support the efforts of the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Region of Niagara to protect, maintain, rehabilitate or improve the quality of the natural heritage features resources within the municipality in accordance with environmental and natural resource management legislation.
- 11.1.3 Land owners shall be encouraged to consult with the Ministry of Natural Resources, Niagara Peninsula Conservation Authority and the Region of Niagara prior to commencing work of any kind on or adjacent to an area containing natural heritage resources in order to determine the means by which to avoid or minimize negative impacts.

- 11.1.4 Schedules A and A-1, along with Appendices III-A, III-B, III-C, III-D and III-E to this Plan detail the natural heritage features that are located within the Environmental Protection Area (EPA) or Environmental Conservation Area (ECA) designations of this Plan as well as linkages and natural corridors, water resources, Municipal Drains and other natural heritage features.
- 11.1.5 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.
- 11.1.6 The Natural Heritage Policies shall apply when development or site alteration is proposed on lands within the City that are adjacent to a natural heritage feature identified within the Official Plan of a neighbouring municipality, the Niagara Region Official Plan or by the Ministry of Natural Resources.
- 11.1.7 Prior to undertaking major public work projects on or adjacent to an area containing natural heritage resources, the City shall consult the Ministry of Natural Resources and/or the Niagara Peninsula Conservation Authority, as appropriate, in order to determine what design requirements or modifications may be necessary to eliminate or minimize any potential adverse impacts.
- 11.1.8 A permit from the Niagara Peninsula Conservation Authority may be required for any works within areas regulated by the Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 155/06).
- 11.1.9 The City will collaborate with the Niagara Region and the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements.
- 11.1.10 The policies of the Natural Heritage System shall apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact Study regardless of the land use designation applying to such feature in this Plan.
- 11.1.11 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.

#### Watershed Planning

- 11.1.12 The City recognizes the watershed as a meaningful scale to integrate water management, natural heritage management and land use decisions. A watershed plan provides a broad assessment of the natural environment and the interconnections between features extending beyond lot boundaries and municipal boundaries and shall be utilized as a guide for more site specific studies such as subwatershed plans, drainage plans and environmental impact studies.

- 11.1.13 The City will participate with the Region and the Niagara Peninsula Conservation Authority in the preparation of watershed studies in consultation with landowners, community groups and other public agencies.
- 11.1.14 Where a watershed plan has been completed, applications for draft plan of subdivision/condominium or site plan approval shall demonstrate, through required studies such as an environmental impact study, drainage plan or a subwatershed plan, how the proposed development will comply with the objectives, targets and recommendations of the watershed plan.
- 11.1.15 A subwatershed plan may be required through secondary plans, neighbourhood plans or for large scale developments that require an amendment to this Plan, whether or not a watershed plan exists, to provide specific guidance on the means to protect, restore and rehabilitate natural resources and to provide a framework for integrating environmental concerns into the land use development process in context of the watershed area.
- 11.1.16 The location and extent of completed watershed and subwatershed plans are shown on Appendix III-E of this Plan.

#### Environmental Impact Studies (EIS)

- 11.1.17 An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:
  - a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or
  - b) that contain or are adjacent to a natural heritage feature.
- 11.1.18 An EIS required under this Plan shall:
  - a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;
  - b) be prepared and signed by a qualified professional;
  - c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA within the Urban Area Boundaries; and
  - d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for the remaining areas.
- 11.1.19 An EIS required under this Plan shall be prepared in accordance with the Environmental Impact Study Guidelines adopted by Regional Council.
- 11.1.20 The City, in consultation with the Region and the Niagara Peninsula Conservation Authority, may require a scoped EIS in place of a full EIS for developments to address specific issues such as encroachment into a natural area, potential impact on a natural

heritage feature or the degree of sensitivity of the natural area. A scoped environmental impact study is an area specific study that addresses issues of particular concern.

- 11.1.21 The required content of an EIS may be reduced, in consultation with the appropriate authorities, where:
  - a) the environmental impacts of a development are thought to be limited; or
  - b) other environmental studies fulfilling some or all requirements of an EIS has been accepted by the appropriate authority.
- 11.1.22 An EIS is not required for uses authorized under an Environmental Assessment (EA) process carried out in accordance with Provincial or Federal legislation. However, where, in the opinion of the City, Region or NPCA a specific environmental issue has not been addressed under the EA, or more detailed information is needed to properly assess the impact of a proposal made under an application to the Planning Act, a scoped EIS may be required.

#### Environmental Corridors & Ecological Links

- 11.1.23 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. The City shall promote the function of valleylands or stream corridors as natural resource linkages and encourages the protection, naturalization and, wherever possible, the rehabilitation of valleylands or stream corridors in accordance with Niagara Peninsula Conservation Authority Regulations. New development should not interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or rehabilitation of natural heritage resource connections.
- 11.1.24 Potential corridors and linkages can be identified through Watershed Plans, the Regional Policy Plan and environmental impact studies and are shown conceptually on Appendix III-E to this Plan. Where specifically defined through an EIS or other natural heritage study or plan linkages and corridors shall be protected through use of an appropriate zone in the City's Zoning Bylaw.
- 11.1.25 Development or site alteration in or near a natural heritage feature should be designed to maintain and, where possible, enhance the ecological functions of existing linkages. If necessary an alternative corridor may be created through the development process that will function as an ecological link between all natural heritage features in the area (water, wildlife, flora). Alternative corridors must be supported by an EIS that is reviewed by the appropriate authorities and approved by the City or Region.
- 11.1.26 On privately owned lands, the City will support and encourage the use of conservation agreements to maintain, enhance or restore linkages between plant and animal species habitat and to protect and improve water quality and quantity; and the management of watersheds.

## Water Resources

11.1.27 Development or site alteration shall not have an adverse impact on ground or surface water quality or quantity. The City, in consultation with the appropriate agencies, may require a hydrogeological study or an environmental impact study for development or site alteration for any proposal that may impact, either locally or cross-jurisdictionally, on:

- a) the quantity and quality of surface and ground water;
- b) the functions of ground water recharge and discharge areas, aquifers and headwaters;
- c) the natural hydrologic characteristics of watercourse such as base flow;
- d) surface and ground water such that other natural heritage features are negatively affected;
- e) natural drainage systems and stream forms; and
- f) flooding or erosion.

11.1.28 The City shall promote water conservation measures in an effort to reduce water consumption through such programs as water meters and rain barrel programs.

11.1.29 The City supports the efforts of the Province, Region and private property owners to improve water quality by the reduction of pollution sources through legislation, programs and guidelines and:

- a) will endeavour to maintain City owned lands without the use of harmful pesticides and herbicide.
- b) will encourage the participation in design with nature programs such as the Audobon Cooperative Sanctuary Program for Golf Courses that provides guidance for the protection, rehabilitation and enhancement of open spaces through environmental planning, wildlife/habitat management, chemical use safety, water conservation, water quality management and education.
- c) will continue to refuse downspout connections to the sanitary or combined sewer and follow up on violations.
- d) will continue with the program to disconnect weeping tiles from the sanitary sewer system with an aim to implement the program City wide.
- e) the progressive elimination of combined sewer overflows.
- f) will continue to pursue other programs to protect water quality.

11.1.30 A stormwater management plan and a sediment and erosion control plan may be required at the discretion of the NPCA as part of a complete application under the Planning Act based on the scale and nature of the proposal and the site specific environmental conditions. These plans shall not be required for a new mineral

aggregate operation or an expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

- 11.1.31 A stormwater management plan shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sedimentation, and impervious surfaces. Where a watershed or subwatershed plan exists, the stormwater management plan shall implement the recommendations of such plans. The Stormwater Management Plan shall be prepared and signed by a qualified engineer.
- 11.1.32 Stormwater management facilities shall not be constructed within any EPA or ECA features. A stormwater management facility may be permitted in accordance with Land Use Polices of this Section only where it has been demonstrated through an applicable study, completed to the satisfaction of the City and Region, that there will be no impact on any natural heritage feature or the function of the natural heritage system.
- 11.1.33 Where a Watershed Study or Aquifer Management Plan or any other related environmental study has identified sensitive surface water features and/or sensitive ground water features, these features and their related hydrologic functions will be protected, improved or restored through a restriction of land uses in the implementing Zoning By-law. Uses that may be restricted include, but are not limited to: landfills, lagoons or other waste disposal facilities, asphalt and concrete batching plants, the storage or processing of chemical products, gasoline or oil depots and service stations and vehicle salvage, maintenance and services yards.

As watershed and ground water studies identify surface and ground water features, hydrologic functions and natural heritage features and areas necessary for the ecological and hydrologic integrity of the City's watersheds, the City shall consider appropriate amendments to this Plan.

- 11.1.34 Prior to any planning approval, new development applications requiring a Provincial Permit to Take Water shall satisfy the City and the Region that the water taking will not have negative impacts with respect to land use and with the Niagara Peninsula Conservation Authority with respect to natural ecosystems or the quality and quantity of water to meet current and future uses.
- 11.1.35 Municipal Drains may include engineered and natural watercourses. Requisition and Petition Drains authorized under the Drainage Act are to be designed, constructed and maintained in accordance with the Province's Best Management Practices and may require a permit from the Niagara Peninsula Conservation Authority to avoid detrimental effects on farmland or water resources, natural areas or wildlife habitat or the mitigation of any negative impacts.
- 11.1.36 Development or site alteration adjacent to any hydrologic feature such as valleylands, stream corridors or Municipal Drains shall be setback from the stable top of slope in accordance with the Regulations of the Niagara Peninsula Conservation Authority. The required setback shall be protected through the implementing zoning by-law.
- 11.1.37 The City may consider a reduced setback from the top of slope within an urban area where an existing lot provides insufficient depth to accommodate the required setback and where a geotechnical report, supported by the Niagara Peninsula Conservation

Authority, finds that there are mitigative measures that will maintain long term bank stability with no adverse environmental impacts and will not create new hazards or increase existing ones. In no case shall development or site alteration be permitted below the top of the valley bank, unless specifically permitted by the NPCA.

11.1.38 Development or site alteration along the Niagara River shall be reviewed by the Niagara Peninsula Conservation Authority, the Ministry of Natural Resources and, where applicable the Region of Niagara and the Niagara Parks Commission.

#### Woodlands and Forestry Resources

11.1.39 The City recognizes the values and benefits of trees, hedgerows and woodlands to the overall environmental health of the community as well as its visual appeal. The City shall place a high priority on the protection of these features.

11.1.40 The City shall endeavour to meet forest cover and vegetative buffer targets set through watershed studies and environmental impact studies by including minimum vegetative setbacks from all order streams under the Environmental Conservation Area designation. The protection of land adjacent to woodlands, water features and other natural heritage features by retaining the buffer in a natural state shall also be undertaken through these policies.

11.1.41 All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:

- (i) The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance.
- (ii) Ensuring efficient harvesting and use of trees that must be removed to accommodate the placement of buildings, structures and roads.
- (iii) The incorporation of land with existing tree cover into the urban area park system, if appropriate.
- (iv) The maintenance and possible enhancement of tree cover along watercourses and on steep slopes, in order to reduce soil erosion and improve water quality.
- (v) Permitting the continued management and selective harvesting of forest resources, where appropriate.
- (vi) The use of native trees in development design.

11.1.42 The City supports the protection of woodlands greater than 0.2 hectares in size and individual trees or small stands of trees on private lands that are deemed by Council to be of significance to the City because of species, quality, age or cultural association from injury and destruction through such means as the Region's Tree and Forest Conservation By-law or any similar municipal by-law.

11.1.43 Good stewardship of urban woodlots and forested areas shall be promoted. The location of treed and wooded areas, including those located outside of significant

woodlands, are illustrated on Appendix III to this Plan. Where such lands are under private ownership and are contemplated for development, the preservation and maintenance of natural environment conditions will be encouraged to the fullest extent possible. Where deemed appropriate, the City will consider such measures as bonusing, land purchase, transfer of development rights or land exchanges to safeguard important natural areas.

- 11.1.44 The City shall encourage the retention of individual trees or stands of trees wherever possible through development applications including site plan control, plan of subdivision or vacant land condominiums. A Tree Savings Plan may be requested as a condition of development.
- 11.1.45 City Council may consider the preparation of Policy and Procedural Guidelines for a formal compensation program that would outline the level of compensation required for the removal of a tree either in terms of the replanting of trees on site or elsewhere in the community, or the monetary equivalent of the tree(s) lost to be applied towards the planting of trees on public lands elsewhere in the community or City.
- 11.1.46 Land owners in Good General Agricultural and Rural/Agricultural areas as well as the Niagara Escarpment Area shall be encouraged to recognize the forest resource as both a source of income from various forest products and as an important element in providing essential soil and water conservation benefits. In this respect, land owners shall be encouraged to carry out the following:
  - (i) Employ proper forest management practices in consultation with the Ministry of Natural Resources and within the Niagara Escarpment Plan Area in accordance with applicable Ontario Regulations.
  - (ii) Retain existing tree cover wherever possible.
  - (iii) Discourage the grazing of livestock within woodlots.
  - (iv) Provide for the reforestation of non-productive or abandoned farmland.
  - (v) Apply for tax reduction programs and other benefits associated with the protection and management of woodlots.
  - (vi) Maintain or establish tree and shrub cover on soils of low agricultural capability and in hazardous areas such as steep slopes and flood prone areas, in order to reduce water runoff and minimize soil erosion.

#### Soils

- 11.1.47 The City shall regulate the fill, topsoil Removal or site alteration through a bylaw and consider the approval of additional regulatory measures, as specified under the Topsoil Preservation Act. Site alteration or development which may result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas the dumping or placing of fill, and the grading of land shall not be permitted unless in compliance with the City's Fill, Topsoil Removal or Site Alteration By-law and where the site alteration/development is proposed through a planning

application under the Planning Act, no site alteration shall occur until all required studies under Part 4, Section 14 of this Plan have been approved.

## Mineral Resources

- 11.1.48 The City recognizes the importance of ensuring the availability of an adequate supply of mineral aggregate for future use. Potential mineral resources, as identified in the Regional Niagara Policy Plan and the Ministry of Natural Resources Niagara District Land Use Guidelines, shall be protected by restricting land uses in these areas to those which do not preclude the option of future aggregate extraction.
- 11.1.49 A new mineral aggregate operation or an expansion to an existing operation that is located within any area identified as a Bedrock Resource Area on Appendix 4 to this Plan may be permitted through applications to amend this Plan and/or the Zoning By-law within NPCA regulated wetlands greater than 2 ha in size, floodways and erosion hazard areas and environmentally sensitive areas designated EPA, subject to the following:
  - a) Completion of an Environmental Impact Study (EIS), as set out in policies 11.1.17 to 11.1.21 inclusive, to the satisfaction of Niagara Region in consultation with the City of Niagara Falls and the Niagara Peninsula Conservation Authority;
  - b) Completion of a hydrogeological study in accordance with policy 11.1.27;
  - c) The EIS is to include the considerations set out in policy 11.2.30a) and b);
  - d) The requirements of the Niagara Peninsula Conservation Authority; and
  - e) Other applicable policies of this Plan including the requirements of Part 2 Section 9.

## 11.2 ENVIRONMENTAL PROTECTION AREA (EPA) AND ENVIRONMENTAL CONSERVATION AREA (ECA)

### PREAMBLE

The City boasts a rich natural heritage base with a number of wetlands and Carolinian forests that provide habitat for a diversity of animals and plants that is among the highest in Canada, including threatened, endangered and rare species. In addition to this is the Niagara River, Falls and gorge which is a major natural heritage system within itself into which the majority of the city's creeks and waterways drain. The City also contains areas that are significant at a provincial level for their contribution to life and earth science.

It is the aim of this Plan to protect, maintain and enhance the important ecological and environmental features within the City. Areas designated EPA are to receive the highest level of protection with policies that prohibit development or site alteration. The Environmental Conservation Areas are important natural heritage areas where some restricted development or site alteration may occur if supported by an environmental impact study.

The individual features protected through the EPA and ECA designations are most often interconnected through their location and function. The functions of the natural heritage features

within the ecosystem are to be identified, maintained and, if at all possible, improved as identified in studies required through the planning process referred to in Section 11.1.

Other Environmental areas may exhibit naturally-hazardous conditions such as flood and erosion susceptibility, instability or any other physical condition which may pose a risk to occupants, loss of life, property damage and social disruption. It is the intent of these policies to identify these areas and guide development adjacent to them. The schedules to this Plan identify those heritage features that were identified at the time of policy approval. New features that are identified subsequently will still be subject to protection through these policies.

The Environmental Protection Areas and Environmental Conservation Areas provide opportunities for scientific research, conservation and education. These policies aim to preserve natural heritage features for this purpose and for ensuring that the quality and quantity of our water, plant life, animal life, air and soils are improved for our present health and the health of future generations.

## **GENERAL POLICIES**

11.2.1 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 11.1.

a) The policies of sections 11.1 and 11.2 shall not apply to the development of those lands subject to the provisions of Section 12.34 of this Plan.

11.2.2 In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 11.1.17 to 11.1.22. Adjacent lands are illustrated on Schedule A-1 to this Plan, except for areas within the Urban Area Boundary where lots have been developed or have received final approval through a Planning Act process.

11.2.3 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

Where an Environmental Impact Study has concluded that an expansion to the EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.

11.2.4 A holding provision may be utilized through the City's Zoning By-law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions.

11.2.5 Where, through a review of a planning application, it is found that there are important natural heritage features, habitats or functions that have not been adequately

evaluated, the City shall require that the applicant have an evaluation prepared by a qualified biologist in consultation with the Region, the City and, where appropriate, the Ministry of Natural Resources and the Niagara Peninsula Conservation Authority.

- 11.2.6 Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning Bylaw.
- 11.2.7 Stormwater management facilities shall not be constructed within an EPA. A stormwater management facility may only be permitted within an ECA or on lands adjacent to an EPA or ECA only where it has been demonstrated that there will be no impact on any natural heritage feature or the function of the natural heritage system.
- 11.2.8 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted to extend through an EPA or ECA designation, or within adjacent lands, where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.
- 11.2.9 Notwithstanding the following policies existing agricultural activities may continue within the EPA or ECA designations and their adjacent lands.
- 11.2.10 The City shall work with various provincial agencies and other groups to protect identified areas of natural and scientific interest. The educational, interpretive and recreational values of these resources shall be preserved by limiting development and surrounding land uses to those of a compatible nature.
- 11.2.11 Where development is permitted within an ECA or on adjacent lands existing natural linkages between the lands designated ECA and EPA lands, other designated or non-designated natural heritage features shall be maintained. Possible linkages are identified as Potential Natural Heritage Corridors on Appendix III-E to this Plan and are approximate. The exact limits of such linkages shall be assessed and approved through an Environmental Impact Study through development applications or natural area inventories. New linkages, where needed, should form part of applications for development through a land use designation or easement.
- 11.2.12 A natural area known as the 'Treed Moraine' forms a backdrop to the Horseshoe Falls and Queen Victoria Park between Clifton Hill and Burning Springs Hill. It is a complex landscape which needs to be protected, properly maintained and stabilized and is recognized as an important local, regional and international landscape. This forested slope separates the urban, commercial development at the top of the moraine and the natural area of the Niagara Parks. Development in close proximity to the moraine should have regard to the Moraine Management Plan (January 21, 2000) prepared by the Niagara Parks Commission.

## ENVIRONMENTAL PROTECTION AREAS (EPA)

11.2.13 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

11.2.14 Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:

- a) forest, fish and wildlife management;
- b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;
- c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions.

11.2.15 Minor expansions to an existing legal non-conforming use within the EPA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or increase in footprint shall require an Environmental Impact Study as part of a complete application.

11.2.16 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not be permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- a) the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- b) the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.

11.2.17 Endangered and Threatened species are identified through lists prepared by the Ministry of Natural Resources. The Significant habitat of threatened and endangered species are identified, mapped and protected through management plans prepared by the Ministry of Natural Resources and the Committee on the Status of Endangered Wildlife in Canada and all applications made pursuant to the Planning Act within or adjacent to the EPA designation will be circulated to the Ministry of Natural Resources for review.

## HAZARD LANDS

- 11.2.18 Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By-law. Development and site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.
- 11.2.19 Floodplains in the City are based on 100 year floodline mapping have been prepared for most waterways in the City. However a Regional Floodline shall apply to Beaverdams Creek, Shriner's Creek, Ten Mile Creek and Tributary W-6-5.
- 11.2.20 Where, as a result of a planning application, new Floodline or stream corridor mapping has been generated to the approval of the Niagara Peninsula Conservation Authority, amendments to this Plan may not be required. However, where the planning application involves a site specific Zoning Bylaw amendment, it shall be amended accordingly.
- 11.2.21 A geotechnical investigation may be required for development close or within areas susceptible to erosion. The geotechnical investigation shall evaluate the impact of the proposed development on slope stability on site and off site and shall provide recommendations on how negative impact can be avoided and slope stability improved.

## ENVIRONMENTAL CONSERVATION AREA (ECA)

- 11.2.22 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.
- 11.2.23 Permitted uses within the ECA designation shall include:
  - a) forest, fish and wildlife management;
  - b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;
  - c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions;
  - d) uses ancillary to the uses listed above including: parking areas, interpretive centres, conservation area shelters, essential utility structures and other related uses that are compatible with the ECA designation;

where such works have been approved by the Niagara Peninsula Conservation Authority or other appropriate authority.
- 11.2.24 Minor expansions to an existing legal non-conforming use within the ECA designation may be permitted through an application pursuant to the Planning Act where the City is

satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or an increase in footprint shall require an Environmental Impact Study as part of a complete application.

- 11.2.25 Single family residential development on an existing lot of record may be permitted in whole or in part of the ECA designation or adjacent lands where an approved environmental impact study or scoped study, whichever is deemed appropriate by the NPCA, has demonstrated that the development is located, designed and constructed to minimize negative impacts on any natural heritage feature and their ecological function.
- 11.2.26 Notwithstanding the above policies, development and site alteration may be permitted within fish habitat in accordance with Provincial and Federal requirements. The buffer areas for fish habitat have been designated ECA in this Plan with the intention of providing a vegetative buffer and riparian areas along the water channel for protection from soil or chemical runoff and to stabilize water temperature.

Where a site specific study has identified a setback for a protective buffer for fish habitat, this setback shall be reflected in any implementing zoning by-law

Not all fish habitat have been evaluated and mapped and may, therefore, not be reflected on Schedules A or A-1 to this Plan. Fish habitat may be identified by the Niagara Peninsula Conservation Authority through preconsultation. Where this is the case, the fish habitat policies of this Plan apply.

- 11.2.27 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By-law.
- 11.2.28 Valleylands are identified through mapping of the Niagara Peninsula Conservation Authority. A minimum vegetated setback from the top of bank shall be established through the implementing zoning by-law based on site specific conditions in accordance with the Niagara Peninsula Conservation Authority Regulations. Where development or site alteration is proposed within or adjacent to a significant valleyland and ownership of the valleyland or flood plain is not assumed by the City or other public agency, the City may require the submission of a detailed site grading plan for any new lot prior to the issuance of a Building Permit as a condition of development.
- 11.2.29 Where a valleyland has been identified as significant in accordance with the Provincial Policy Statement through approved studies an Environmental Impact Study shall be required for any development or land alteration on or within 50m of the significant valleyland.

11.2.30 Where a new mineral aggregate operation or an expansion to an existing operation is proposed within hazard lands, an ECA or their respective adjacent lands, the Environmental Impact Study will include, in addition to the requirements under this Section, consideration of:

- a) the maintenance or enhancement of the connectivity of natural heritage features as well as significant hydrologic features and functions before, during and after mineral aggregate extraction;
- b) the way in which significant natural heritage features and ecological functions that would be affected will be replaced, on or off site, with features and functions of equal or greater ecological value that are representative of the natural ecosystem in that particular setting.

**PART 2        LAND USE POLICIES****SECTION 12    OPEN SPACE****PREAMBLE**

It is the intent of this Plan to promote and enhance an attractive community environment through the development and maintenance of appropriate recreation and open space areas. Lands designated Open Space are shown on Schedule "A". Open Space areas will be preserved for the benefit and enjoyment of City residents. In addition, Council will seek the cooperation of public agencies, community groups and other organizations in advancing the opportunities available for recreation and enjoyment of the natural environment.

**POLICIES**

- 12.1 The uses of land permitted within the Open Space designation include major public parks, conservation areas, cemeteries, golf courses, private clubs, and recreational areas. Uses ancillary to recreational, conservation and open space uses may also be permitted provided such uses will not harm or interfere with the open space nature of the land.
- 12.2 Where land designated Open Space is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these are free and open to the general public. In this respect, when an application is made requesting a change of land use and a public agency does not wish to purchase the land for open space purposes, due consideration shall be given by Council to the most desirable use.
- 12.3 Where land designated Open Space is the subject of a proposed development, Council will ensure that the lands be developed in a manner complementing the open space character of the land and preserving the natural environment.
- 12.4 The acquisition of open space lands by public agencies will be encouraged in order to maximize the opportunities for public use and enjoyment.
- 12.5 Council shall encourage the integration and linkage of areas designated Open Space, including those lands along the Welland River and Lyons Creek, lands of the Niagara Parks Commission, and major utility corridors. Where such open space linkages offer recreation or scenic amenities, Council will promote their use through the cooperation and agreement of the appropriate authority and/or landowner for pedestrian walkways, bicycle paths and passive recreational use.
- 12.6 Council will encourage the cooperation between Federal, Provincial, local agencies and private groups to ensure the preservation and maintenance of Open Space lands with significant environmental features.
- 12.7 Notwithstanding the Open Space policies, estate residential development existing at the time of the adoption of the Official Plan located within the Open Space designation shall be recognized.

**PART 2 LAND USE POLICIES****SECTION 13 SPECIAL POLICY AREAS****PREAMBLE**

Notwithstanding the general policies of the Official Plan, certain areas are designated Special Policy Areas due to their unique characteristics and/or special circumstances, some which may affect their development or redevelopment. Special Policy Areas are shown in a triangular pattern on Schedule "A" of this Plan and are subject to the following special policies.

**POLICIES****13.1 SPECIAL POLICY AREA "1"**

Special Policy Area "1" includes the lands located on the west side of Portage Road, lying between North Street and Britannia Crescent. This area includes lands on the north side of Kitchener Street, east of Portage Road. While the Residential land use policies of this Plan will continue to apply to this area, the Special Policy Area designation will permit consideration of additional land uses which are compatible with and/or ancillary to the Greater Niagara General Hospital. Such development will be considered by amendments to the Zoning By-law, having regard to the following matters.

- 13.1.1 The provision of on-site parking above minimum standards to help alleviate existing parking problems.
- 13.1.2 The provision of landscaped open space and building setbacks in keeping with the residential character of the area.
- 13.1.3 The dedication of land for road widening purposes in order to increase the right-of-way width of Portage Road to a minimum of 20 metres.
- 13.1.4 The reduction in the number of access points onto Portage Road through land assembly, the provision of mutual driveways and other site plan features.

**13.2 SPECIAL POLICY AREA "2"**

Special Policy Area "2" includes lands located on the east side of Ort Road and comprising Part of Township Lot 28, Concession 3, in the former Township of Willoughby and designated Good General Agriculture. Notwithstanding the Good General Agriculture designation of the property, these lands may be used for the establishment of a commercial operation, including the repair and retailing of firearms and an underground firing range.

**13.3 SPECIAL POLICY AREA "3"**

Special Policy Area "3" includes the lands which comprise the site of the Nabisco Cereal Plant and other associated properties, known municipally as 5651, 5695 and 5700 Lewis Avenue. Existing industries are deeply entrenched in the Queen Victoria Park Tourist Commercial District. This Plan seeks to protect their interests for as long as they exist. However, in the long term, it is the intent of this Plan to provide for the transition to Tourist

Commercial land uses. Notwithstanding the Tourist Commercial land use policies of this Plan, the industrial use of the lands shall be maintained in recognition of existing industrial operations and any future expansionary plans will be subject to other policies of this Plan.

#### 13.4 **SPECIAL POLICY AREA "4"**

Special Policy Area "4" includes the lands located east of Oakwood Drive and north of the Hydro Canal which comprise the site of Yogi Bear's Jellystone Park Campground. Notwithstanding the Industrial designation of these lands, they may be used to accommodate an existing camping establishment.

#### 13.5 **SPECIAL POLICY AREA "5"**

*(OPA #23, Approved October 1998)*

Special Policy Area "5" applies to an assembly of land to a depth of approximately 407 metres along the west side of the Queen Elizabeth Way, with a frontage of approximately 190 metres on the south side of Lundy's Lane. The lands are designated Tourist Commercial and Open Space.

- 13.5.1 The Tourist Commercial lands are designated to reflect the Queen Elizabeth Way and Lundy's Lane exposure, and notwithstanding any other policies of the Official Plan, a factory outlet centre is permitted which will serve the needs of tourists and the travelling public.

The factory outlet centre shall be comprised of an agglomeration of stores and commercial services. Besides a limited number of signature stores, the majority of the stores will not exceed 700 sq. metres in gross leasable floor area. Each store will market a limited number of brands or range of products. Also permitted are service commercial uses as permitted by the Zoning By-law, such as restaurants, etc., which serve the tourist oriented nature of the centre.

- 13.5.2 The Open Space lands are designated as such to protect the existing woodlot.

#### 13.6 **SPECIAL POLICY AREA "6"**

*(OPA #3, Approved October 1994)*

Special Policy Area "6" shall apply to those lands located on the north side of Mountain Road and the west side of St. Paul Avenue, being comprised of Part of Lots 5, 16 and 25 and part of the road allowance between Township Lots 16 and 25, as closed and conveyed, formerly Township of Stamford, now City of Niagara Falls, having an area of approximately 15.5 hectares as designated on Schedule "A" of this Plan. Development of these lands shall be subject to the following policies (See OPA 3):

- 13.6.1 A prerequisite for development of lands shall be the undertaking of a bank stability study. This study shall determine building setbacks and remedial measures to be employed to ensure bank stability necessary to satisfy the City, Ministry of Natural Resources and the Niagara Peninsula Conservation Authority.
- 13.6.2 Prior to submission approval and/or new residential construction, the developer shall be required to carry out a rail noise and vibration impact assessment from

the railway operations along the Grimsby Subdivision main line in consultation with the Ministry of Environment and Energy, Canadian National Railways and the City of Niagara Falls. Council shall ensure that appropriate safety, noise and vibration mitigation measures are implemented at the subdivision and rezoning stages in consultation with the Ministry of the Environment, Ministry of Transportation and Canadian National Railways.

13.6.3 To ensure that the development of the subject lands is undertaken in an environmentally-sensitive manner and that a high degree of land use compatibility is achieved with respect to the surrounding residential neighbourhood, the design and layout of new residential development will be required to adhere to the following:

- a) that the panoramic view of Lake Ontario and the countryside presently enjoyed by the established neighbourhood is not obstructed;
- b) that a gradation of building heights and densities be established such that lower intensity housing is situated next to existing single detached homes;
- c) increased building heights shall be permitted where lands abut St. Paul Avenue but in no case shall the height of any building exceed five stories;
- d) roof designs of all multiple storey developments shall be consistent with the roof designs of existing development with roof top mechanical equipment appropriately screened from public view;
- e) the overall gross density of the site shall not exceed 22 units per hectare;
- f) that natural and regenerated areas be protected to the greatest extent possible; and
- g) high standards of design and land use regulation will be applied through the subdivision, zoning by-law amendment and site plan processes.

### 13.7 SPECIAL POLICY AREA "7"

*(OPA #88, Regional Approval November 16, 2009 By-law 2009-61 as amended by OPA #125, Regional Approval June 14, 2018, By-law 2018-33)*

Special Policy Area "7" shall apply to the lands south of Ferguson Street to the CN Rail corridor between Victoria Avenue and the westerly portion of the boundary of properties fronting on River Road, with the exception of the Regional High Rate Pre-Treatment Facility. This Special Policy Area is recognized as a regeneration area and is envisioned as an employment area which will redevelop with a mix of light industrial, service commercial, office uses and recreational facilities. Existing residential uses south of Ferguson Street are recognized in this Special Policy Area. Further to the employment uses, a retail outlet mall shall be permitted on the lands. Given that the lands are within a Major Transit Station Area, this area is to be the focus of intensification with increased employment densities that support and ensure the viability of existing and planned transit

service levels. These lands are designated Employment through the Transit Station Secondary Plan.

13.7.1 In addition to the Industrial policies in Part 5, Section 2, and other applicable policies of this Plan, development of lands designated Industrial with a Special Policy Area designation is subject to the following policies:

13.7.1.1 These lands are intended to develop for a broad range of employment activities including light industrial; warehousing; office; laboratory and research facilities; automotive uses; service commercial uses; technology industries; recreational and fitness facilities.

- i) Industrial uses shall primarily occur inside buildings and have minimal outdoor storage. Any outdoor storage must be screened.
- ii) The implementing Zoning By-law shall list the permitted uses as well as the development regulations which will apply.

13.7.1.2 In addition to Policy 13.7.1.1, a commercial outlet mall primarily serving the tourist market may be permitted on the approximately 21 ha site south of Buttrey Street. The mall shall serve as a catalyst to spur further development within the area. Each store within the outlet mall will market a limited number of brands or range of products. The outlet mall shall be regulated through a site specific Zoning By-law amendment that will:

- i) limit the total retail gross floor area to 27,870 square metres within two phases. The first phase shall be limited to 18,580 square metres. An additional second phase shall be limited to 9,290 square metres of retail space;
- ii) limit the gross floor area for the individual retail units and retail signature stores through the implementing Zoning By-law;
- iii) excludes department store, supermarket, home improvement centre and big box retail uses; and
- iv) apply the appropriate siting provisions for the development including, but not limited to, parking, setback, building massing and lot coverage.

13.7.1.3 The developer of the lands referenced under Policy 13.7.1.2 shall be responsible for all improvements to road system, including, but not limited to, design and traffic control measures required as a result of the development which occurs south of Buttrey Street.

13.7.1.4 Through the implementing zoning a limited range of industrial uses and no outside storage will be permitted on properties within 50 metres of Ferguson Street in this Special Policy Area in order to promote compatibility with the residential neighbourhood to the north.

13.7.1.5 This Plan provides for the continuation and expansion of the existing general industrial businesses within the Special Policy Area. In the long term, it is the intent of this Plan to provide for a transition of the area to light industrial, service commercial and tourist commercial uses.

13.7.1.6 In addition to the employment uses permitted in the areas, Tourist Commercial uses may also be developed on land to a depth of 120 metres from Victoria Avenue between Ferguson and Buttrey Streets. Development of this land for Tourist Commercial uses may be permitted subject to an amendment to the Zoning By-law and the provision of the necessary infrastructure and transportation facilities to accommodate the development.

13.7.1.7 In order to ensure a comprehensive approach to servicing, street systems and stormwater management for the 21 ha property south of Buttrey Street development may occur by way of plan of subdivision, condominium, site plan control or other planning process.

13.7.1.8 The City of Niagara Falls, in consultation with neighbourhood residents and businesses, may prepare a plan to provide streetscape improvements along and in the Buttrey Street area and upgrade needed infrastructure. The City may also provide grants and loans to promote environmental remediation, building and site improvement, as well as acquire and prepare property for redevelopment as permitted in the Community Improvement policies of this Plan and in the City of Niagara Falls Brownfields Community Improvement Plan.

13.7.1.9 The development of the Buttrey Street area should provide for a high quality of streetscape design, site planning and building design. The intersection of Victoria Avenue and Buttrey Street should be improved to serve as a gateway to the district. Public and Private street design should provide for pedestrian comfort and accommodate the needs of cyclists and transit users while maintaining a connection between the Glenview residential area and the City's downtown.

13.7.1.10 The design and development of individual sites should have regard to the following principles:

d) Buildings, with the exception of the outlet mall, are encouraged to be placed close to the street edge with a

majority of parking located in the side and rear yards, subject to individual site development conditions.

- e) A high quality of building design is encouraged throughout this neighbourhood with particular emphasis on buildings fronting onto Victoria Avenue.
- f) Common driveways that access more than one site should be considered to minimize the driveways on public roadway.
- g) Loading and service areas should generally be located in the rear or interior side yard to minimize views from public streets.
- h) Loading areas should be provided so that all required truck movements are on-site.
- i) Outdoor amenity areas are encouraged to be provided for employees.
- j) Office and entrance elements should be generally oriented to the street with convenient visitor parking provided.
- k) Landscaping should be used as a major visual element in unifying the streetscape, screening and softening long expanses of blank walls.
- l) Individual entrances of a multiple tenant building should be identifiable without detracting from the overall appearance of the building.

13.7.1.11 Prior to the approval of a plan of subdivision, consent, or site plan application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

13.7.2 The lands between the Transit Station to the south and the existing low density Glenview neighbourhood to the north is an area in transition from heavy industrial uses towards lighter industrial uses and, over time, will realize the introduction of a greater mix of housing units. These parcels should be reviewed as part of the Region of Niagara's Municipal Comprehensive Review. Non-employment uses are not permitted unless approved through the Regional Municipal Comprehensive Review process.

13.7.3 The Residential and other applicable policies of this Plan apply to the area designated Residential within this Special Policy Area designation. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

### 13.8 SPECIAL POLICY AREA "8"

*(See OPA #66, By-law 2006-141, July 31, 2006)*

Special Policy "8" applies to the lands south of the Urban Area Boundary to Ussher's Creek and east of the QEW and to the lands surrounding the Sodom Road/QEW interchange. These lands are to be studied as part of Regional Niagara's Growth Management Study to determine if they are appropriate in the long range for urban development.

Notwithstanding, the lands at the Sodom Road/QEW interchange, in the vicinity of the existing airstrip, will continue to be considered for the manufacturing of components as well as technological and research facilities related to the aerospace industry. Additional

uses related to and complementary to aerospace industries shall be permitted as ancillary uses. Development shall be subject to an Official Plan amendment phased through amendments to the Zoning By-law and commensurate with approval of appropriate sewage disposal systems and potable water supplies.

### **13.9 SPECIAL POLICY AREA "9"**

*(Replaced by SPA #44)*

### **13.10 SPECIAL POLICY AREA "10"**

The designation of Special Policy Area "10" is representative of the Drummond Hill area of Lundy's Lane. This area contains historic significance as the location of the Battle of Lundy's Lane in the War of 1812. It is intended that the lands in this area will be protected and preserved to commemorate the Battle of Lundy's Lane.

### **13.11 SPECIAL POLICY AREA "11"**

*(Deleted by OPA 2, approved August 25, 1994)*

### **13.12 SPECIAL POLICY AREA "12"**

Special Policy Area "12" encompasses the lands known municipally as 7170 McLeod Road and located on the south side of McLeod Road, east of the Hydro Canal. This parcel has been used as offices and service facility. This Plan seeks to protect the interest of the use and to enable the occupancy of similar type uses. Therefore, notwithstanding the policies of this Plan, offices and service facility type uses or other similar type uses will be allowed.

### **13.13 SPECIAL POLICY AREA "13"**

Special Policy Area "13" includes those lands located along the east side of St. Paul Avenue and north of the former hydro haulage route. This area contains a number of residential, light industrial and commercial uses. Many of these uses have existed for many years. This Plan seeks to protect their interests for as long as they exist. In the long term, it is the intent of this Plan to provide for the transition of land uses to more desirable and appropriate land uses overtime. Notwithstanding the policies of this Plan, the existing land uses can be maintained.

### **13.14 SPECIAL POLICY AREA "14"**

*(OPA #119, By-law 2015-123, adopted Oct 27, 2015)*

Special Policy Area "14" applies to 2.02 hectares (5 acres) of land on the southwest corner of Beechwood Road and Upper's Lane. Notwithstanding the policies of the Plan, the Special Policy Area limits the principal use of the lands to a place of worship, with or without a private day school.

### **13.15 SPECIAL POLICY AREA "15"**

Special Policy Area "15" applies to the lands located along the south side of Morrison Street and east of Dorchester Road. This area is one of transition where, in addition to

the industrial policies of this Plan, service commercial, limited specialty and office uses may be permitted subject to a zoning by-law amendment provided the uses are harmonious and would have minimal impacts on the surrounding area.

#### 13.16 SPECIAL POLICY AREA "16"

*(OPA #1, By-law 93-177, adopted July 12, 1993)*

Special Policy Area "16" applies to the lands located along the west side of Drummond Road between Ash and Murray Streets. These lands fall within the Residential designation of the Official Plan which permits a variety of ancillary uses. In addition to these uses, a liquidation centre, an auction hall and accessory offices will be permitted as interim uses until the lands are redeveloped for residential purposes.

#### 13.17 SPECIAL POLICY AREA "17"

*(OPA #4, By-law 94-165, adopted June 13, 1994)*

Special Policy Area "17" applies to the lands located at the intersection of River Road and Otter Street and known as 5171 River Road. These lands fall within the Residential designation of the Official Plan which does not permit tourist commercial accommodations of the scale and intensity proposed. Notwithstanding this designation, a Bed and Breakfast(s) having eight rentable rooms will be permitted to operate in this location.

#### 13.18 SPECIAL POLICY AREA "18"

*(OPA #6, By-law 94-203, adopted August 8, 1994)*

Pine Tree Village Mobile Home Park is an existing use pursuant to the policies of the Niagara Escarpment Plan. The lands may continue to be used for residential accommodation in the form of trailer and mobile home dwelling units. The maximum number of trailers and mobile homes is restricted to 69 units serviced by a private sewage disposal system. Ancillary uses to the extent necessary to service the park residents may also be permitted where such uses are compatible with the residential environment and the natural features of the site and surrounding area. Ancillary uses may include open space, recreational facilities, utilities including sewage lagoons servicing the site and limited convenience commercial uses internal to the site and appropriately located to serve the residents of the mobile home park.

The City will use Site Plan Control to achieve a high quality of development which ensures the safety of residents, satisfies applicable municipal licensing requirements, maintains the quality of the environment and minimizes the impact on the surrounding lands. In this regard, the Site Plan and Site Plan Agreement will provide for adequate municipal standards and will allow the existing development to be brought up the standards contained in the site plan.

#### 13.19 SPECIAL POLICY AREA "19"

*(OPA #7, By-law 94-245, adopted October 3, 1994)*

Special Policy Area "19" applies to the lands located on the southeast corner of the unopened Graham Street road allowance and Montrose Road and known as 6398 Montrose Road. Notwithstanding the intent of the Residential designation of the land, a catering and food take-out business will be permitted to operate within and in conjunction with an existing single-detached dwelling provided that the residential character of the

property is maintained, with parking spaces provided only in the rear yard. Notwithstanding Part 4, Section 10.1.1 of the Official Plan, the above-noted property shall be subject to site plan control.

#### 13.20 **SPECIAL POLICY AREA "20"**

*(OPA #53, By-law 2004-70, adopted Apr 5, 2004, Replaced by OPA #97, By-law 2010-134, adopted Aug 30, 2010)*

Special Policy Area "20" applies to 0.18 hectares of land located on the west side of Montrose Road, between Chorozy Street and Alpine Drive. Notwithstanding the Residential designation of the land, clinic, office and/or personal service shop uses can occupy the existing building to a maximum aggregate floor area of 228 square metres. These uses will be considered interim in nature in order to protect the long term redevelopment of the land for multiple-unit residential purposes.

#### 13.21 **SPECIAL POLICY AREA "21"**

*(OPA #12, By-law 95-41, adopted Feb 27, 1995)*

Special Policy Area "21" applies to the lands known as 7611 Lundy's Lane. These lands fall within the Tourist Commercial designation of the Official Plan. Up to one third (465 sq. m) of the existing plaza can be used for general retail purposes.

#### 13.22 **SPECIAL POLICY AREA "22" *(OPA #15 Withdrawn by Applicant)***

#### 13.23 **SPECIAL POLICY AREA "23"**

*(OPA #24, By-law 98-237, adopted Nov 9, 1998)*

Special Policy Area "23" applies to the 10 hectare parcel of land located on the northeast corner of Thorold Townline Road and Highway 20. These lands are designated Good General Agriculture on Schedule "A" to the Official Plan. Notwithstanding the land use designation, a passive recreational park and a private club with a maximum floor area of 290 square metres is permitted on the site. The private club must be located to the west of the Ministry of Transportation of Ontario's designated right-of-way for the future realignment of Highway 20. Passive field sports such as boccie are restricted to existing grass covered areas located generally to the west of the designated right-of-way.

#### 13.24 **SPECIAL POLICY AREA "24"**

*(OPA #21, By-law 98-30, adopted Feb 9, 1998)*

Special Policy Area "24" applies to the 6 hectare parcel of land located on the east side of Kalar Road approximately 395 metres south of the intersection of Montrose Road. The lands are designated Good General Agriculture on Schedule "A" to the Official Plan. Notwithstanding the land use designation, up to 25 senior citizen housing units and/or a youth centre for sports and recreation will be permitted on the existing sanitary sewer facilities and private water supply. Development shall be limited to the extent of the capacity of the sanitary forcemain which is currently available to the site.

### 13.25 SPECIAL POLICY AREA "25"

*(OPA #26, adopted May 2000)*

Special Policy Area "25" shall apply to those lands on the west side of Stanley Avenue owned by Marineland as shown on Schedule F. Notwithstanding the Industrial designation on Schedule A - Future Land Use Plan, these lands shall be subject to the policies of Part 2, Section 6 - Theme Park - Marineland designation. The lands shall be used for the office and service buildings ancillary to the Marineland operations. Such uses are to be an integral part of the Marineland theme park. A specific zone will be established in the Zoning By-law for such uses and the expansion of this area shall be by amendment.

### 13.26 SPECIAL POLICY AREA "26"

*(OPA #27, adopted Mar 2013 OMB Decision)*

Special Policy Area "26" applies to approximately 1.5 hectares of land located on the northeast corner of St. Paul Avenue and Mountain Road. These lands are designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies of Part 2, Section 1.7.3, an apartment building, having a maximum building height of 32 metres or 10 storeys, as measured from the elevation of 192 metres to the top of the tenth storey excluding the elevator or mechanical penthouse, which may include 929 square metres of neighbourhood commercial space, will be allowed on the lands up to a maximum density of 75 units per hectare. A prerequisite for site plan approval is a detailed noise and vibration study because the lands are within 500 metres of a railway line, and a detailed storm water management report because there are no storm sewers available to the service the site.

### 13.27 SPECIAL POLICY AREA "27"

*(OPA #27, By-law 2000-08, adopted Jan 17, 2000, OMB issue date Mar 31, 2000 pending site plan)*

Special Policy Area "27" applies to 19.7 hectares of land located on the east side of St. Paul Avenue, south of the CN railway line. These lands are designated Open Space on Schedule "A" to the Official Plan. In addition to the Open Space Policies of this Plan which allow the existing golf course, driving range and an ancillary restaurant, the development of these lands shall be subject to the following policies:

- 13.27.1 A sand and gravel resource area will be protected on the easterly 5.5 hectares of the site until the Ministry of Natural Resources lifts the aggregate licence for this area. After the licence has been lifted and the sand and gravel extraction has ceased, the golf course will be allowed to expand into this area as part of an approved rehabilitation plan. The expansion of the golf course may be subject to certain separation requirements due to the proximity of the former Cyanamid waste disposal site.
- 13.27.2 A residential plan of subdivision comprised of lots for single detached dwellings may be considered on part of the lands. A noise and vibration assessment and an air quality study/impact assessment are required to be submitted with the subdivision application because of the proximity of a railway line, and an active sand and gravel pit. In addition, a soil study may be required to be submitted

because wastes have been found on the site. The location of the subdivision may be subject to certain separation requirements due to the proximity of the former Cyanamid waste disposal site. The lands have the potential to contain archeological resources. A condition of draft plan approval will require development activities to cease and the Ministry of Culture to be informed if any archeological remains are uncovered.

### 13.28 SPECIAL POLICY AREA "28"

*(OPA #28, By-law 2000-080, adopted Apr 10, 2000)*

Special Policy Area "28" applies to approximately 1,118 sq. m of land located on the northeast corner of Valley Way and Drummond Road. The lands are designated as Residential on Schedule "A" to the Official Plan. Notwithstanding the policies contained in Section 3.4 Neighbourhood Commercial, these lands may be used for a full service beauty/hair salon, including a spa with massage therapy by one or more registered massage therapists.

### 13.29 SPECIAL POLICY AREA "29" *(OPA #29 Withdrawn by City)*

### 13.30 SPECIAL POLICY AREA "30" *(Withdrawn through OMB decision)*

### 13.31 SPECIAL POLICY AREA "31"

*(OPA #31, By-law 2000-173, adopted Aug 21, 2000, Regional approval Nov 2000)*

Special Policy Area "31" applies to the lands located on the west side of Kalar Road and north of Lundy's Lane. Due to the proximity of an established Camping Establishment, residential development of the subject land shall at the interface be limited to single detached units and appropriate mitigation measures employed, including but not limited to the use of adequate separators, fencing, berthing and landscaping."

### 13.32 SPECIAL POLICY AREA "32"

*(OPA #35, By-law 2001-51, adopted Mar 5, 2001, Regional approval May 2001, amended by OPA #116, By-law 2015-50, adopted May 12, 2015)*

Special Policy Area "32" applies to 0.16 hectares of land on the northwest corner of River Road and Eastwood Avenue. Notwithstanding the policies contained in Part 2, Section 1, Subsection 1.3, and Part 2, Section 4, Subsections 4.2.37 and 4.2.38, this land may be developed with an inn containing up to 12 rentable bedrooms for tourists and 1 bedroom for an innkeeper or manager. Development shall be subject to site plan control in order to address building design, access, parking lot design, landscaping, fencing and servicing to ensure compatibility with the neighbouring residential properties.

### 13.33 SPECIAL POLICY AREA "33"

*(OPA #36, By-law 2001-40, adopted Feb 12, 2001, Regional approval May 2001)*

Special Policy Area "33" applies to lands situated on the east side of Stanley Avenue, north of Portage Road, south of the hydro corridor. Due to the proximity of existing extractive industrial operations and railway to the west, the applicant will be required to prepare air quality (dust) studies, as well as noise and vibration studies as part of a future rezoning and/or plan of subdivision application. In addition, the following studies will be required prior to subdivision approval:

- environmental site assessment to address possible effects of previous pesticide use from the existing orchard;
- traffic impact study to address road entrances in relation to future realignment of Portage Road and Stanley Avenue;
- storm water management plan; and
- archeological resource study.

### 13.34 SPECIAL POLICY AREA "34"

*(OPA #37, Approved Apr 2002, OMB Decision, Amended by OPA #69, By-law 2007-163, adopted Apr 2010, Amended by OPA #118, By-law 2018-68, adopted Jun 19, 2018)*

Special Policy Area "34" applies to approximately 106ha of land bounded by Grassybrook Road to the north, Biggar Road to the south and extending west from Grand Niagara Drive to approximately 225m west of Morris Road. The lands are designated Environmental Protection Area and Open Space. The lands are intended to be developed for golf courses and associated accessory uses. In addition to the policies of Part 2, sections 11 and 12, the following policies shall apply.

#### OPEN SPACE

- 13.34.1 The land designated Open Space is intended for the development of golf courses, a golf driving range, golf course clubhouse and accessory buildings and structures.
- 13.34.2 A golf course clubhouse developed as part of this facility shall have a maximum building height of 2 storeys and shall be subject to the setback regulations as established in the zoning by-law.
- 13.34.3 To ensure that land use compatibility is maintained between the golf course facility and existing and future heavy industrial uses located in the northwest quadrant of Garner Road and Chippawa Creek Road, and in accordance with the policies of Part 2, section 9 of this Plan, a separation distance of 2km as illustrated on Schedule A shall be included in any amending zoning by-law.
  - a) Open Space lands within the 2km separation distance shall be restricted to low intensity recreational type uses such as golf course facilities and uses ancillary thereto, including the golf course clubhouse facility and any accessory buildings and structures and shall not include any residential, assembly or overnight accommodation uses.
  - b) Any Planning Act application shall be circulated to the registered owners of the heavy industrial facility located in the northwest quadrant of Garner Road and Chippawa Creek Road.

#### ENVIRONMENTAL PROTECTION

- 13.34.4 In accordance with Part 2, sections 11.2.14 and 11.2.23, forest, fish and wildlife management works, including the rehabilitation, enhancement and restoration of existing natural heritage features and the creation of anthropogenic features, may be undertaken adjacent to lands designated EPA and within lands designated ECA, in accordance with the following policies:

- a) Works shall be undertaken in the locations as shown on Schedule A-4(b).
- b) Works shall be subject to any Work Permits that may be required from the Niagara Peninsula Conservation Authority.
- c) The works will be subject to the land owner entering into a Resource Management Agreement with the City. Council may enter this agreement pursuant to section 37 of the Planning Act, in accordance with Part 4, section 4.5.1, as a bonus for increases in building height or density within the Grand Niagara Secondary Plan Area.
- d) The Resource Management Agreement shall address the following:
  - (i) The removal of certain identified natural heritage features within the Grand Niagara Secondary Plan Area consistent with Schedule A-4(a) Natural Heritage Removal Plan and the Ecological Restoration Plan, Savanta Inc., February, 2017;
  - (ii) The compensation of any removed features within the Secondary Plan Area;
  - (iii) Compensation consistent with Schedule A-4(a) Natural Heritage Removal Plan and Schedule A-4(b) Natural Heritage Rehabilitation Plan as well as the Ecological Restoration Plan, Savanta Inc., February, 2017;
  - (iv) The identification of compensation lands;
  - (v) A detailed restoration/enhancement plan;
  - (vi) A description of works related to environmental restoration or enhancements and the timing of these works;
  - (vii) The completion and establishment of restoration works prior to the removal of any existing natural heritage features;
  - (viii) The requirement for a Work Permit regarding the compensation of any feature regulated by the Niagara Peninsula Conservation Authority;
  - (ix) A detailed, multi-year monitoring plan of the compensation/restoration works including performance benchmarks;
  - (x) The securement of compensation through the provision of a Letter of Credit submitted to the City prior to the initiation of any of the rehabilitation works; and
  - (xi) Other matters that may be required.

- e) The lands identified for restoration will be designated EPA in the Official Plan and zoned Environmental Protection zone to ensure the long-term protection of the compensation/restoration area.

13.34.5 Development of the lands designated SPECIAL POLICY AREAS 34A, 34B and 34C will be subject to plan(s) of subdivision, plan(s) of condominium and/or site plan agreement(s) which shall implement, in addition to measures typically implemented under such controls, measures outlined in Sections 14.34.4, 14.34.6 and 14.34.7, as well as measures to control herbicide/pesticide impacts and to preserve any archeological resources.

13.34.6 The plan(s) of subdivision, plan(s) of condominium and/or site plan agreement(s) shall include a notice clause to notify owners and potential purchasers of the vacation dwelling units and/or resort dwelling units that there are potential odour, air and noise emissions, including the provision of lighting emanating from nearby industries, and, in particular, the existing and future heavy industrial facilities permitted on Industrial designated lands situated to the northwest of Garner Road and Chippawa Creek Road.

13.34.7 To ensure the safety of the residents and patrons, the golf course resort and lands designated to SPECIAL POLICY AREAS 34A, 34B and 34C will be designed to ensure proper and efficient access by emergency vehicles, including consultation with emergency services including the Fire Department.

13.34.8 Notwithstanding Open Space policy 13.7, existing rural residences, remnant farm dwellings and hobby farms within the subject area shall be recognized and may continue as permitted uses as regulated by the Zoning By-law.

## B. ENVIRONMENTAL PROTECTION AREA

Portions of the lands contain environmentally sensitive lands including provincially significant wetlands and are designated Environmental Protection Area. In addition to the Environmental Protection Area policies attached as Appendix IX to this plan, the following policies will apply to land described above and designated Environmental Protection Area:

13.34.9 Development of these lands, including site alteration, will not be permitted unless otherwise stated in this subsection. Development of adjacent lands shall not adversely impact the Environmental Protection Areas. In this regard, the recommendations of the Environmental Impact Assessment (March 2001) and Addendum Report Environmental Impact Assessment (June 2001) prepared by ESG International and any subsequent environmental impact assessments shall be implemented through the amending zoning bylaw and through Section 13.34.5.

Notwithstanding the above, bridge and municipal service crossings of watercourses within Environmental Protection Areas may be permitted provided an environmental impact assessment demonstrates that such lands will not be adversely impacted, and the necessary permits are obtained from the Niagara Peninsula Conservation Authority.

13.34.10 The boundaries of the Environmental Protection Area designation applying to watercourses west of Morris Road are approximate only. Prior to passage of the amending zoning by-law, the exact boundary of the fish habitat setback, as defined by the federal Department of Fisheries and Oceans, and the regulatory flood plain for these watercourses shall be mapped in consultation with the Niagara Peninsula Conservation Authority.

### 13.35 SPECIAL POLICY AREA "35"

*(OPA #40, By-law 2002-141, adopted Aug 12, 2002, Regional approval Oct 2002)*

Special Policy Area "35" applies to approximately 100 hectares of land located on the south side of Brown Road, west of Kalar Road, north of Chippawa Creek Road. While the Resort Commercial and Environmental Land Use Policies of this plan will continue to apply to this area, the Special Policy Area designation will permit the development of the land subject to the following policies.

- 13.35.1 The property is intended to be developed as a comprehensive fully integrated, large-scale resort commercial development consisting of both high and low intensity resort commercial components. These commercial components, as well as their locational requirements, are described in more detail by Policy 13.35.2.
- 13.35.2 Portions of the land contain designated Environmental Protection areas. The large significant woodlot/wetland on the site is to be retained and protected. It will be integrated into the resort commercial development by providing for passive recreational/education use.

In order to ensure that Environmental Protection Areas are adequately protected, the following criteria shall apply:

- a) Any application to amend the Zoning By-law must be accompanied by an Environmental Impact Study completed to the satisfaction of the Regional Municipality of Niagara and/or Ministry of Natural Resources and/or the Niagara Peninsula Conservation Authority.
- b) The EIS shall identify the boundaries of provincially significant wetland habitats, use and woodlot areas, significant stands of trees, and fish habitats, together with appropriate means of mitigation for development including, but not limited to, distance separations, buffer requirements, drainage and stormwater management, and any other protection measures and monitoring procedures required to be implemented by the applicant.
- c) Only trail development will be permitted within the wetland boundary of the woodlot and only limited golf course development within the upland woodlot area. Such development will be subject to a detailed EIS at the Site Plan Agreement stage.

13.35.3 Pursuant to Part 2, Section 8 of this Plan, it is important to ensure that a compatible arrangement of land uses be maintained respecting lands designated and zoned for heavy industrial purposes situated to the west and

the resort commercial development. These heavy industrial facilities are situated west of Garner Road and north of Chippawa Creek Road. In order to ensure compatibility between these sensitive land uses, the criteria set out below shall apply:

- a) A separation distance of 1.09 km will be implemented providing for a transition of land uses from these heavy industrial facilities to the intensive resort commercial component of the development. This minimum separation distance will be identified by a line running in a north-south direction, across the subject property, measured 1.09 km from the eastern edge of the Garner Road allowance.
- b) The lands subject to the Amendment and located within the 1.09 km separation distance will be restricted to lower intensity uses such as golf courses, sports field, trails, water parks, garden centres, greenhouses and those uses normally ancillary thereto.

In comparison, intensive resort commercial uses including resort and overnight accommodation facilities, places of assembly and/or entertainment, educational facilities, and/or housing for animals, and those uses normally ancillary thereto will be restricted to those lands beyond the 1.09 km separation distance.

- c) Any application to amend the policies associated with Special Policy Area "35" and/or the implementing zoning by-law shall be subject to the public notification requirements of the Planning Act and shall include circulation to registered owners of properties west of Garner Road, south of Brown Road within the municipal boundaries.
- d) Prior to development, a warning clause shall be registered on title of these lands to notify the owners of the land that there are potential odour, air and noise emissions, including the provision of high intensity lighting, emanating from neighbouring industries, including the heavy industrial facilities located west of Garner Road and north of Chippawa Creek Road, and from the Region's Garner Road Biosolids Treatment Facility.

**13.35.4 Development of the land will be subject to a site specific zoning amendment which must address the following requirements:**

- a) Building heights, particularly those used for accommodations, shall be low rise in design in order to be less affected by odours and air emissions from neighbouring industries, to fit in with the character of the area, and not dominate the natural landscape of the area.
- b) The zoning amendment will establish the exact boundaries of the natural features to be preserved.
- c) A zoning application must be accompanied by an overall traffic study, sanitary and water servicing study, stormwater management study,

previously mentioned environmental impact study, as well as updated noise and odour studies.

13.35.5 Prior to any development, a master site plan shall be registered on title which shall identify the staging of development. Detailed site plans for each stage of development shall be added as an amendment to the master plan. Site plan agreements will be used to implement the findings of required archeological, environmental impact, and stormwater management studies. The agreements will also deal with lighting, fencing, parking and any other prescribed measure to mitigate the impact of the development.

- a) Should the development impact upon or alter existing conditions of Thompson Creek, located to the south of the development, the developer shall obtain consent of the owner of Thompson Creek to permit these impacts or alterations, or in the alternative shall redesign its development so as to maintain the existing conditions. These impacts or alterations include impacts on flood potential, erosion, water quality and quantity and fish habitat.
- b) The developer shall enter into development agreements with the City to address off-site traffic and road network improvements as required by traffic studies and/or relevant agencies.

### 13.36 SPECIAL POLICY AREA "36"

*(OPA #41, By-law 2001-217, adopted Oct 15, 2001, Regional approval Dec 2001)*

Special Policy Area "36" applies to approximately 0.33 hectares of land located on the northwest corner of the intersection of Drummond Road and Morrison Street. The land is designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies contained in Section 3.43.4, Neighbourhood Commercial, the lands may be developed with a one-storey office building not to exceed a gross floor area of 930 square metres including the basement. To ensure the office use of the property does not impact on and is compatible with the surrounding residential neighbourhood, the commercial development shall:

- be designed in an environmentally sensitive manner;
- maintain a high quality landscape setting;
- reflect the low scale residential character and pitched roof form of surrounding buildings.

The higher development standards shall be implemented through site specific zoning provisions and site plan agreement.

### 13.37 SPECIAL POLICY AREA "37"

*(OPA #42, By-law 2002-20, adopted Jan 20, 2003, OMB Decision)*

Special Policy Area "37" includes the subject lands described as follows:

- A. Part of Township Lot 1, Concession 1, Former Township of Crowland, now in the City of Niagara Falls, in the Regional Municipality of Niagara,

being Parts 1 to 8, Reference Plan 59R 8761, and Parts 5 to 13, Reference Plan 59R-3305.

B. Part of Township Lots 9, 10, 11 & 12, Concession 7, Part of the Road Allowance between Township Lots 10 and 11, former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 42, Reference Plan 59R-6480.

C. Part of Township Lots 7 & 8, Concession 5, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 4, Reference Plan 59R-6827.

D. Part of Township Lots 2 & 3, Part of Unopened Road Allowance between Parts 2 and 3, Broken Front Concession, Welland River, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 14, Reference Plan 59R-6996.

E. Part of Township Lots 15 & 16, Concession 1, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 8 and 10 to 17, Reference Plan 59R-5128.

F. Part of Township Lot 15, Broken Front Concession, Niagara River, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 8, Reference Plan 59R-5340.

G. Part of Township Lot 6, Concession 6, Former Township of Crowland, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 16, Reference Plan 59R-7651.

H. Part of Township Lot 6, Concession 7, Former Township of Crowland, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 13, Reference Plan 59R7428.

I. Part of Township Lot 1, Concession 6, Former Township of Crowland, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 25, Reference Plan 59R-7401.

J. Part of Lot 12, Concession 4, Niagara River, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 14, Reference Plan 59R8642.

K. Part of Township Lot 10, Concession 2, Former Township of Willoughby, now in the City of Niagara Falls, in the Regional Municipality of Niagara, being Parts 1 to 22, Reference Plan 59R-7414.

13.37.1 Within Special Policy Area No. 37 the following policies shall apply to non-farm residential development notwithstanding the Good General Agriculture designation of these lands:

13.37.1.1 A significant amount of non-farm land fragmentation activity has taken place in the former Townships of Willoughby and Crowland through a process known as testamentary devise. The testamentary devise process allowed parcels to be created through a bequest of land by Will, thus circumventing the

Planning Act. The testamentary devise process resulted in the ad-hoc establishment of numerous “rural-residential type development” involving a concentration of parcels. The manner in which these parcels were created did not address the municipality’s policies respecting land use planning and servicing.

Having regard to the foregoing, the municipality is concerned that lands have been divided without the benefit of supporting studies dealing with such matters as potential land use conflicts, the longterm functioning of private waste disposal systems, impacts on natural features including woodlots, creeks and wetlands, increased demands for servicing, storm water management and municipal financial impacts. The parcels also represent a form of strip development which, from a design perspective, can create traffic impacts particularly along arterial roads. The majority of parcels within most of the testamentary devise reference plans do not meet current zoning by-law regulations and are generally smaller in size than envisioned for estate residential lots.

13.37.1.2 To effectively manage the development of testamentary devise lots, having regard to the concerns expressed, the following policies have been established by Council:

13.37.1.2 (1) Council will pursue the consolidation of the Willoughby and Crowland by-laws in order to prescribe a consistent set of standards for rural residential development on testamentary devise lots.

- d) Lot sizes shall be a minimum of 2.5 acres (1.01 hectare).
- e) Lot frontage shall be a minimum of 200 feet (60 metres).
- f) Under no circumstances will lot sizes or lot frontages be reduced from the minimum requirements.
- g) Testamentary devise lots having a lesser lot size or frontage than prescribed herein will not qualify for development unless they have met all of the zoning requirements set out in By-law No. 395, 1966 or No. 1538 (1958), as amended.

13.37.1.2 (2) Where testamentary devise parcels comply with the provisions of the zoning by-law as set out in Policy 13.37.1.2d)e)f)g), building permits may be issued provided the following criteria can be met.

- a) The applicant shall supply a deed of good title for the lands to the satisfaction of the City Solicitor’s Department.
- b) The Niagara Peninsula Conservation Authority shall be satisfied that any proposed development is in compliance with the Authority’s Fill, Construction and Alteration to Waterways Regulation (Ontario Regulation 99/91, as amended) and the Authority’s approved Plan Input and

Review Policies/Guidelines, as amended. Development is to be situated outside of the floodplain and shall be subject to any Fill Regulations associated with the floodplain.

- c) The Regional Municipality of Niagara shall be satisfied the lots comply with the Regional Policy Plan, with respect to the Minimum Distance Separation Formula prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs. The Region shall also be satisfied that any proposed residential development shall comply with relevant Provincial Policy Statements which could require archeological and fish habitat impact studies.
- d) The City's Development Charges fee is paid by the applicant.
- e) The Regional Municipality of Niagara's Development Charge is paid, if applicable.
- f) Any development proposed on a testamentary devise parcel within 120 metres of a Provincially Significant Wetland complex, or significant woodlot boundary, will be required to complete an Environmental Impact Study to ensure the development will not impact features and functions.
- g) The Regional Public Health Department and/or appropriate agency shall be satisfied that the lot can accommodate the long-term functioning of a private waste disposal system and appropriate storm water management. To obtain these clearances, the following requirements shall be met:
  - i) A lot grading and drainage plan shall be submitted for each lot. All surface water must drain to a suitable outlet. The City's Municipal Works Division will review each plan to ensure individual plans conform to an overall drainage concept developed by the Municipal Works Division. If a suitable outlet or overall drainage conformity cannot be achieved, the applicant shall provide an engineered solution.
  - ii) Each plan shall establish a building envelope, amenities envelope and a sewage envelope.
  - iii) The sewage envelope shall depict primary and secondary tile bed and mantle areas setback a minimum of 30 feet from a property line.
  - iv) Designs for primary and secondary tile beds and mantle areas will be based on a Class 4 tile bed system.
  - v) All surface runoff must drain to a suitable outlet. Where a suitable drainage outlet is not readily available an engineered solution shall be provided. Where a lot is one of a grouping of six or more abutting lots which are less than the prescribed

minimum lot size of 2.5 acres, and comply with section 13.37.1.2(1)d, a hydrogeological study and master drainage plan shall be submitted by the landowner. The hydrogeological study shall verify to the satisfaction of the Regional Public Health Department and/or appropriate agency that the lands can support a private waste disposal system in compliance with the Ministry of Environment's multiple lot criteria. The master drainage plan shall demonstrate storm water drainage as being addressed to the satisfaction of all agencies having an interest in this matter.

- h) All lots will be subject to a warning clause to be implemented via the site plan agreement indicating the lots could be subject to nuisances in the form of odour, dust and noise from either existing or future agricultural operations.
- i) In order to reduce the traffic impacts associated with multiple driveways along arterial roads, abutting driveway entrances between lots shall be promoted.
- j) With respect to Reference Plan 59R-3305, as shown marked Map A on the attached map, any development shall satisfy the requirements of Trans Canada Pipelines.
- k) The dedication of road widenings will be reviewed on an individual basis based on the extent of existing development within the subject area, as well as previous road widenings dedicated to the City within and beyond the subject area.
- l) The owners of lots shall be advised that there are no municipal water, storm or sanitary sewer services available to service these lots and the City will not consider requests for the extension of services.
- m) All of the above requirements in this section shall be implemented by site plan agreement.

13.37.1.2 (3) Where testamentary devise parcels have been created which do not meet the regulatory provisions of the zoning by-law, except for grandfathered parcels, the amalgamation of lots will be encouraged in order to permit the issuance of building permits.

13.37.1.2 (4) In order to encourage the amalgamation of parcels Council will provide opportunities for land severances provided the following conditions are met:

- a) The severance will promote lot amalgamation and/or better lot configuration.
- b) The severance will represent an improvement over existing conditions.
- c) The severance will not increase the number of testamentary devise parcels in a specific plan.

- d) The severance will not involve lands outside of testamentary devise plans.

13.37.1.2 (5) By encouraging the amalgamation of lots and the consolidation of by-law standards, it is Council's intent to reduce the impact of unplanned development in the rural area, provide better configured estate size parcels and improve the prospects for the long-term functioning of waste disposal systems for each testamentary devise reference plan. In this respect, the attached Appendix V, Maps 1 to 11 illustrate each testamentary devise reference plan as it exists and the optimum or desired layout for each plan based on the implementation of these policies.

13.37.1.2 (6) The municipality will not assume any new internal road patterns intended to provide frontage to existing internal testamentary devise parcels. The objective is for existing internal testamentary devise parcels which do not front on a municipal road allowance, to amalgamate to form one larger parcel of land or alternatively be merged with existing parcels in the same reference plan which front on a roadway. This will eliminate the internal parcels and/or construct larger, better configured parcels.

13.37.1.2 (7) Where unopened municipal road allowances currently exist, roads may only be extended by agreement with the City, and subject to appropriate studies, as may be required.

13.37.1.2 (8) The Environmental Protection Area policies of the Official Plan will continue to be adhered to. In this regard, a zoning amendment shall be processed which zones all the natural areas within these plans (flood plains, Provincially Significant Wetlands) as hazard lands. Development will not be permitted within floodplains and identified boundaries of Provincially Significant Wetlands.

### 13.38 SPECIAL POLICY AREA "38"

*(OPA #43, By-law 2002-41, OMB approved May 31, 1999)*

Special Policy Area "38" applies to that portion of the lands located south of the Beaverdams Creek which are part of a 1.3 hectare (3 acre) parcel located at the southwest corner of Beaverdams Road and Kalar Road, known municipally as 8310 Beaverdams Road and Kalar Road, being part of the former Township of Stamford Lot 122, now City of Niagara Falls.

Notwithstanding the Good General Agriculture designation on the subject lands, a contractor's shop and yard may be permitted on a limited scale and may include a building not to exceed 557 square metres to be used as a repair shop, storage building and office in conjunction with the permitted use. The contractor's yard is to be separated from the Beaverdams Creek, designated as Environmental Protection Area, by either a 3-metre planted buffer or a closed-board fence located at the top of the bank. The bank of the

creek is to be graded to a 3:1 slope. The lands shall be included as an area of site plan control.

### 13.39 SPECIAL POLICY AREA "39"

*(OPA #46, By-law 2003-40, adopted Apr 2003)*

Special Policy Area "39" applies to approximately 111.5 hectares of the land located at the foot of Oldfield and Drummond Roads, being the former Canadian Pacific Railway Marshalling yard, except those lands identified as Special Policy Area "53". These lands are designated Open Space on Schedule "A" to the Official Plan. While the Open Space Land Use policies of the Plan will continue to apply to this area, the Special Policy Area designation will permit the development of land subject to the following policies:

- 13.39.1 The property is intended to be developed for a golf course with the accessory uses customarily incidental to a golf course and may include: a driving range and various recreational amenities.
- 13.39.2 Portions of the land contain Locally Significant Wetlands and Woodlands. These natural features will be integrated into the golf course through the design and development process.

In order to ensure that the Significant Wetlands and Woodlands are adequately protected, Site Plan Control shall apply to the golf course, driving range and accessory facilities. Particularly:

- a) the Site Plan shall provide appropriate buffers and buffer management techniques to protect and enhance the Locally Significant Wetlands, Woodlands and other isolated environmental features as recommended in an approved environmental impact study and a tree preservation plan. The environmental impact study and tree preservation plan shall be completed by a qualified professional(s) to the satisfaction of the Regional Planning and Development Department and the City of Niagara Falls. The Site Plan shall also address grading, stormwater management and herbicide/pesticide impacts.
- 13.39.3 Notwithstanding the Open Space policies of this Plan, approximately 24 hectares of land which encompass the lands historically used as a railway line and marshalling yard shall be subject to the following:
  - a) Redevelopment of the said railway line and marshalling yard will be subject to site specific zoning including the use of a Holding "H" provision as provided for in Part 4, Section 4.2 of this Plan and subject to the preparation of a plan to address the method and extent of lands to be decommissioned;
  - b) Prior to the removal of the "H" symbol and before redevelopment of the former marshalling yard occurs, a remediation program (if required) will be established for the site or part thereof, and decommissioned in accordance with the regulations of the Ministry of Environment; and

- c) Should Canadian Pacific Railway retain a portion of the 24 hectare site, and said retained portion not be redeveloped for golf course purposes, industrial uses compatible with surrounding sensitive land uses shall be permitted.

#### 13.40 SPECIAL POLICY AREA "40"

*(OPA #47, By-law 2003-47, adopted May 21, 2003)*

Special Policy Area "40" applies to approximately 32 hectares of land located on the north side of Miller Road between Willoughby Drive and the Niagara Parkway. While the Good General Agriculture and Environmental Protection Area land use policies of the Official Plan will continue to apply to this area, the Special Policy Area designation will permit the estate residential development of the land, as provided for in Regional Policy Plan Amendment 113, subject to the following policies:

- 13.40.1 Single-detached dwellings on large estate lots ranging in area from 1 hectare (2.5 acres) to 2 hectares (5.0 acres) shall be permitted within the Special Policy Area. Development shall be by plan of subdivision that provides an internal street system, and is designed to be compatible and complementary with the surrounding rural character and sensitively integrated with natural features. Individual lots shall be serviced with private water and waste disposal systems. The division of estate residential properties to create smaller parcels will not be permitted after plan registration.
- 13.40.2 The site includes a tributary of Ussher's Creek, classified as a Critical (Type 1) fish habitat. This watercourse is designated Environmental Protection Area corresponding to the 100-year Floodline approved by the Niagara Peninsula Conservation Authority. Special protection measures are required for development near the watercourse including specific review and approval for a proposed roadway crossing of the creek.
- 13.40.3 A large woodlot in the northeast section of the subject land, as well as hedgerows providing wildlife corridors and connecting with the woodlot and the creek, are designated Environmental Protection Area. These lands are in private ownership and shall be protected. There is no tree cutting permitted within the woodlot except in accordance with an approved Tree Saving/Preservation Plan and the Regional Tree Conservation By-law.
- 13.40.4 Provisions within the implementing zoning by-law and the subdivision agreement for the development require special protection for the natural features of the site. No structures shall be allowed in the Environmental Protection Area - designated floodplain, woodlot and hedgerows. Increased building setbacks are necessary, and studies regarding stormwater management and the protection of the fish habitat are required.

#### 13.41 SPECIAL POLICY AREA "41"

*(OPA #48, By-law 2003-126 and amended by OPA #125, Regional Approval June 14, 2018, By-law 2018-33)*

Special Policy Area "41" applies to approximately 0.41 hectares of land located on the southwest corner of Elgin Street and Terrace Avenue. The land is designated Low Density

Residential on Schedule "A-5" to the Official Plan. Notwithstanding the Low Density Residential policies contained in Part 5, Section 2, an inn, comprised of not more than two buildings and not more than 16 guest suites, shall be permitted. The inn may include a dining room and a spa for the sole use of overnight guests. The spa may include massage therapy which shall be provided by registered massage therapists. The existing apartment building, which is a historically significant structure, shall be converted from its residential use and may contain up to 10 guest suites. A second building may contain up to six guest suites. Development shall be subject to Site Plan Control and an agreement registered on title in order to address access, parking lot design and construction, loading, refuse storage, lighting, landscaping, fencing and servicing to ensure compatibility with the neighbouring residential properties.

#### 13.42 SPECIAL POLICY AREA "42"

*(OPA #49, approved May 2004, OMB Decision #0900)*

Special Policy Area "42" applies to approximately 8 hectares of land located on the south side of Dunn Street, west of Ailanthus Avenue. The lands are designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies of Part 2, Section 1 - Residential, a tourist commercial-serving satellite parking lot and associated administration/security/employee building shall be permitted to be developed on the lands, subject to the following policies:

- 13.42.1 The use of the lands as a satellite parking lot shall be restricted to providing some or all required, additional, and employee parking, by valet or other service, for a number of properties located in the Central Tourist District.
- 13.42.2 Not more than 600 employee parking spaces shall be permitted on the lands. The lands shall not be used as a commercial parking lot, being an area used for the temporary parking of vehicles for profit or gain.
- 13.42.3 The floor area of the administration/security/employee building shall not exceed 2,800 square metres.
- 13.42.4 The satellite parking lot shall be linked to the lands in the Central Tourist District by a site specific zoning by-law. In order to ensure that the satellite parking lot is utilized exclusively for some or all required, additional, and employee parking, by valet or other service, as set out in Policy 13.49.1 and to reduce the impacts of the satellite parking lot on the surrounding residential land uses, the implementing zoning by-law shall include provisions to:
  - a) prohibit the satellite parking lot from being used as a commercial parking lot;
  - b) limit the maximum number of employee parking spaces to 600;
  - c) specify the height, location and extent of the noise attenuation barrier; and
  - d) specify the location and width of perimeter landscape strips.

13.42.5 The maximum number of parking spaces permitted on the lands shall be 1,651. The first phase of development shall not exceed 1,360 parking spaces. Expansion of the number of parking spaces to 1,651 shall occur only if the surrounding road network can accommodate the expected increase in traffic volume and shall be controlled with a holding "H" provision. Lifting of the holding provision shall be subject to the following:

- a) a traffic analysis, satisfactory to the Director of Municipal Works, that addresses impacts to the surrounding road network and any necessary road improvements; and
- b) an amended Site Plan Agreement and any necessary Development Agreement relating to off-site works being registered on title.

13.42.6 The development of the satellite parking lot shall be subject to Site Plan Control and a site plan agreement registered on title in order to address the following matters so as to minimize the impacts on the surrounding residential land uses:

- a) access and traffic circulation at the Dunn Street entrances;
- b) parking lot design and construction, including grading and storm water management;
- c) lighting and floodlighting; and
- d) landscaping, berthing and buffering treatments including mitigative measures to address noise, lighting and odour abatement.

#### 13.43 SPECIAL POLICY AREA "43"

*(OPA #104, By-law 2012-069, approved July 24, 2012)*

Special Policy Area 43 applies to approximately 24 hectares of land located on the northwest corner of Lundy's Lane and Beechwood Road, through to Thorold Townline Road. In addition to the policies of Part 2, Section 7 - Good General Agriculture, a Bed and Breakfast(s) having not more than four rentable rooms for tourists shall be permitted on the lands. An estate winery may be permitted as a secondary use to a vineyard operation subject to the following policies:

- 13.43.1 To ensure an estate winery is secondary to the principal farm use, the minimum area of vineyards to be planted shall be 8 hectares, of which 75% shall be actively producing grapes.
- 13.43.2 A local farm produce building shall be permitted as an agriculturally related use to the farm operation and may sell produce and other local agriculturally related products.
- 13.43.3 The maximum floor area for an estate winery, local farm produce building, and ancillary uses, excluding storage, shall be 1300 square metres in order to ensure the estate winery is small scale.

13.43.4 All ancillary uses to a winery shall not detract from the principal agricultural use nor adversely affect surrounding land uses.

13.43.5 The estate winery shall be subject to site plan control to ensure that the winery operations do not negatively impact the agricultural use of the land and manage servicing, parking, drainage and landscaping.

#### 13.44 SPECIAL POLICY AREA "44"

*(OPA #51, By-law 2004-157, approved Dec 4, 2006, OMB Decision #PL040922)*

Special Policy Area "44" refers to a parcel of land approximately 40 hectares in size and located on the west side of Garner Road and north of Lundy's Lane. In order that development occur in a manner appropriate with the attributes and constraints of the site, the following special policies apply:

13.44.1 The lands described in Map 1 being Schedule A hereto as "RESIDENTIAL", shall be designated Residential and, although the Phase 1 Plan Subdivision approved by the Ontario Municipal Board on or about November 10, 2006 may have only residential single family lots, the lands will feature an integrated housing mix throughout the site with an overall minimum of 6 units per acre to provide for efficient land use and foster a diverse and attractive community within the plan area. A variety of single family lot sizes along with townhomes, apartments and multiple residential units will be integrated throughout the plan area in order to provide a choice of housing types and tenure.

13.44.2 A 5 ha woodlot containing rare Carolinian tree species is located along the northerly periphery of the residential area. This area, which is bounded by the woodlot dripline, will be protected in accordance with the policies of Part 2, Section 11, Environmental Protection Areas.

13.44.3 In order to ensure that future residential development adjacent to the woodlot in 13.44.2 is designed in a sensitive manner and does not negatively impact on its features and functions, the following shall be implemented:

- (i) development and structures surrounding the woodlot area shall be set back 5 metres from the drip line of the woodlot perimeter; and
- (ii) any master grading plan prepared for the development of adjacent residential lands shall be sensitive to the protection of the woodlot area.

13.44.4 Council is required to plan for, protect and preserve employment areas for current and future uses. In this respect, prior to residential uses being permitted, Council should ensure that the future residential use cause no undue negative impacts or place no undue limitations on permitted and lawful industrial use of the Industrial designated lands (the Redpath Facility) shown on Map 1, being Schedule A hereto, located directly south of the lands subject to Special Policy 44.

13.44.5 Prior to Council passing by-laws, the City entering into any subdivision agreements, or the City granting subdivision approval permitting residential uses on lands subject to Special Policy 44, the City shall be satisfied having had

regard for applicable environmental guidelines, that adequate buffering and separation distance is achieved between any proposed residential development and the Redpath Facility, with particular regard for noise and vibration so as to minimize adverse impact from the new development on the ability of the industrial use to conduct lawful operations and to expand as permitted under existing zoning in compliance with municipal and provincial lawful requirements and to minimize adverse impacts on the new development from the continuing abutting industrial use and its potential for operational expansion.

#### 13.45 SPECIAL POLICY AREA "45"

*(OPA #52, By-law 2004, adopted Apr 19, 2004)*

Special Policy Area "45" applies to 0.18 hectares of land located on the southwest corner of Barker Street and Drummond Road. Notwithstanding the Residential designation of the land, not more than two offices can occupy the first and second floors of the existing building to a maximum aggregate floor area of 275 square metres. The office uses will be considered interim in nature to protect the long-term redevelopment of the lands for multiple-unit residential purposes.

#### 13.46 SPECIAL POLICY AREA "46"

*(OPA #54, By-law 2004-177, approved Aug 2004, OMB Decision #1396)*

Special Policy Area "46" applies to approximately 2.18 ha of land located on the north side of Lyon's Creek Road. The land is designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies contained in Part 2, Section 1.2, Residential and Section 3.43.4, Neighbourhood Commercial, the existing building may be used for a restaurant and retail stores to a maximum of 515 square metres of gross leasable floor area until the lands are developed for residential purposes. Private services are to be provided to the satisfaction of the Regional Public Health Department. In order to ensure that the site is developed to minimize impacts on the neighbouring residential land uses, Site Plan Control shall apply to the land and a site plan agreement shall be registered on title which addresses landscaping, drainage, lighting, vehicular access and parking and related issues.

#### 13.47 SPECIAL POLICY AREA "47"

*(OPA #55, By-law 2004-134, adopted July 12, 2004)*

Special Policy Area "47" applies to 1.1 hectares of land located on the north side of Biggar Road, west of Morris Road. Notwithstanding the Good General Agriculture designation of the land, a contractor's yard may be permitted. The yard may include buildings and structures not exceeding a gross floor area of 1,650 square metres and a height of one storey, for the purpose of an office and vehicle storage, maintenance facility and ancillary storage. Site Plan Control shall apply to the land and a Site Plan Agreement shall be registered on title. The agreement shall satisfactorily address mitigation and screening measures between the development and abutting residential use as well as grading, drainage, landscaping, tree preservation and lighting.

### 13.48 SPECIAL POLICY AREA "48"

*(OPA #59, By-law 2005-30 approved June 2005 deleted and replaced by OPA #138, By-law 2021-041 approved March 23, 2021)*

Special Policy Area "48" applies to approximately 1.9 hectares of land located on the southwest corner of McLeod Road and Alex Avenue. Notwithstanding the Minor Commercial Policies, Residential uses may be developed on the east half of the land in accordance with part 1, Section 3.7 of this Plan. The balance of the land may be developed for general commercial purposes, not exceeding 2 storeys and a floor area of 2,576 square metres. To ensure the developments do not impact the neighbourhood to the south, provisions shall be included in the amending by-laws to require high quality landscaped settings and any restaurants to be located in the northerly half of the site along McLeod Road.

### 13.49 SPECIAL POLICY AREA "49"

*(OPA #68, By-law 2006-126, approved Jul 10, 2006)*

Adopting By-law for O.P.A. #68 repealed by By-law No. 2009-42 & replaced by O.P.A. #86 (Special Policy Area "60").

### 13.50 SPECIAL POLICY AREA "50"

*(OPA #70, By-law 2007-082, approved Apr 16, 2007)*

Special Policy area "50" applies to 85.68 hectares of land located north of Thorold Stone Road, west of Taylor Road, south of former Mountain Road and east of Thorold Stone Road (Township Lots 31, 49, 50 and 66 in the former Township of Stamford). The land is designated Extractive Industrial in the Official Plan and has been used for aggregate extraction. Notwithstanding the policies contained in Part 2, Section 9 - Extractive Industrial regarding final rehabilitation of the site for agricultural use, an interim land use consisting of a non-hazardous, solid waste landfill use shall be permitted.

The landfill shall operate as part of an integrated system of waste management facilities located on adjacent lands. The adjacent waste management facilities may include, but are not limited to: residential and small business recycling; yard waste and waste drop-off; composting for organic waste; landfill gas collection and distribution for re-use; recycling of asphalt, concrete, glass and other ICI (Industrial, Commercial and Institutional) materials; haulage for waste and recyclables and a bio-solids management facility.

The maximum annual capacity of the landfill site will be 750,000 tonnes accommodating waste from the Province of Ontario. An additional capacity of up to 100,000 tonnes may be used by the Regional Municipality of Niagara for contingency/emergency waste residuals.

13.50.1 The landfill use is expected to operate for 20 to 25 years commencing in 2009. Site preparation may take place prior to the commencement of landfilling.

- 13.50.2 Landfilling will be done in phases. Final rehabilitation to an agricultural land use shall take surrounding land use and approved land use designations into consideration. Plantings and landscaping required through the approval of the Environmental Assessment shall remain throughout and subsequent to the rehabilitation of the lands to an agricultural use.
- 13.50.3 All necessary approvals under the Environmental Protection Act shall be obtained prior to commencement of the landfill use. Other approvals, such as under the Ontario Water Resources Act, shall be obtained as required.
- 13.50.4 The City may enter into an agreement to address the Host Community Compensation program to ensure land use compatibility with the surrounding area.

#### 13.51 SPECIAL POLICY AREA "51"

*(OPA #72, By-law 2007-121, approved Jun 11, 2007)*

Special Policy Area "51" applies to approximately 4 hectares of land located northwest of the Stanley Avenue and Portage Road intersection. These lands are designated Residential on Schedule "A" of the Official Plan. Notwithstanding the policies contained in PART 2, Section 1.7.5 and in addition to the policies contained in PART 4, Section 4.2, a comprehensive residential community may be developed on the land in accordance with the following policies:

- 13.51.1 A maximum of 276 dwelling units to a maximum overall density of 75 units per hectare may be developed on the land, consisting of up to two apartment dwellings, with a maximum building height of 10 storeys and 37 metres, and group dwellings.
- 13.51.2 The community shall be developed in an attractive landscaped setting with appropriate buffering and landscaped setbacks from adjacent land uses. Any on-site stormwater management facilities shall be designed in such a way as to contribute to the aesthetics of the development.
- 13.51.3 Development will be subject to a Plan of Subdivision(s), Plan of Condominium(s) and/or Site Plan Control which shall implement, in addition to measures typically implemented under such controls, measures outlined in Sections 13.51.4 below.
- 13.51.4 The development shall be designed in a manner to ensure impacts of surrounding industrial uses are mitigated and adequate building setbacks are provided from the adjacent railway line. To ensure land use compatibility, noise and servicing matters are addressed, the amending zoning by-law shall include a Holding "H" provision. Prior to removal of the "H" symbol, the following matters shall be completed and addressed in an appropriate agreement:
  - a) The aggregate mining pits on the subject land shall be closed and decommissioned to the satisfaction of the Regional Municipality of Niagara and the Ministry of Natural Resources.

- b) A study demonstrating the availability of adequate stormwater management facilities shall be completed to the satisfaction of the City and the Regional Municipality of Niagara.
- c) A noise and vibration study shall be completed addressing potential impacts from the adjoining rail line on adjacent dwellings, to the satisfaction of the City, the Regional Municipality of Niagara and CN Rail.
- d) An agreement shall be executed with Hydro One Networks securing a driveway to Portage Road.
- e) A traffic study shall be completed to identify the necessary improvements to surrounding roads, to the satisfaction of the City and the Regional Municipality of Niagara.
- f) A dust study shall be completed to ensure there are no adverse impacts from aggregate mining pits on the adjacent lands, to the satisfaction of the City and the Regional Municipality of Niagara.

### 13.52 SPECIAL POLICY AREA "52"

*(OPA #75, By-law 2007-231, approved Nov 12, 2007)*

Special Policy Area "52" applies to approximately 0.89 hectares of land located on the southwest corner of Sodom Road and Nassau Avenue. The land is designated Residential, in part, and Environmental Protection Area, in part, on Schedule "A" to the Official Plan. The land is adjacent to the Hunter Drain which is a Type 1 fish habitat. Notwithstanding the policies contained in Part 2, Section 3.43.4, Neighbourhood Commercial, the lands may only be developed with a 1500 square metre restaurant and an associated parking lot. To ensure the development does not impact on and is compatible with the Hunter Drain, an Environmental Impact Study must be completed to the satisfaction of the Regional Municipality of Niagara. This policy will be implemented through zoning and site plan control. The measures recommended by the Environmental Impact Study, as well as landscaping, drainage, lighting, vehicular access and parking lot surfacing, shall be addressed in a site plan agreement.

### 13.53 SPECIAL POLICY AREA "53"

*(OPA #77, By-law 2007-235, approved Nov 2007, replaced by OPA #98, By-law 2011-002, approved Jan 17, 2011)*

Special Policy Area "53" applies to approximately 11 hectares of land located northeast of the Drummond Road and Oldfield Road intersection. The lands are designated Residential and Environmental Protection Area.

13.53.1 The Residential policies of the Plan will apply to the area designated Residential with a Special Policy Area designation that permits the development of the land subject to the following policies:

- a) A maximum of 321 dwelling units may be developed on the land consisting of a mix of townhouse units, single-detached dwellings and one apartment building with a maximum height of 10 storeys.

- b) Development will be subject to Plan(s) of Condominium which shall implement site controls including grading and storm water management. Also through Plan(s) of Condominium and/Site Plan agreements, a tree preservation plan shall be completed to determine the extent of treed areas outside of Environmental Protection Areas that are to be protected and the measures to implement protection to the satisfaction of the City and the Regional Municipality of Niagara.
- c) The residential units shall be developed in an attractive landscaped setting and shall be designed in a manner to ensure land use compatibility.

13.53.2 No development or site alteration shall be permitted within the areas designated Environmental Protection Area. An area of natural regeneration along the southerly limit of the hydro corridor shall be delineated through the Plan(s) of Condominium. Conservation easements within the back yards of the lots abutting the natural regeneration area and along Drummond Road will protect those trees and shall be required through Plan(s) of Condominium.

#### 13.54 SPECIAL POLICY AREA "54"

*(OPA #78, By-law 2008-012, approved Jan 2008)*

Special Policy Area "54" applies to approximately 1.05 hectares of land located on the south side of Marineland Parkway, east of Alex Avenue. The land is designated Residential on Schedule "A" of the Official Plan. Notwithstanding the policies contained in PART 2, Section 1.7.5, the land can be developed for up to two apartment dwellings with a maximum overall density of 154 units per hectare, subject to the following policies:

- a) to ensure the development is compatible with low density housing located to the southwest, a gradation of building heights will be achieved by restricting building heights on the westerly half of the land to 4 storeys and the maximum building height of 8 storeys will only be permitted on the easterly half of the land; and
- b) to ensure the provision of adequate servicing infrastructure to the site, the amending by-law shall include a holding symbol "H". Prior to the removal of the "H" symbol, the owner shall enter into a development agreement(s) with the City to provide the servicing infrastructure for the land.

#### 13.55 SPECIAL POLICY AREA "55"

*(OPA #80, By-law 2008-52, approved Mar 31, 2008)*

Special Policy Area "55" applies to approximately 550 square metres of land located on the west side of Drummond Road, between Thorold Stone Road and Crawford Street. The land is designated Residential on Schedule "A" to the Official Plan. In addition to the policies contained in Part 2, Section 1.2, Residential, the property may be used for a single detached dwelling, a duplex dwelling or an office subject to a zoning amendment. The amending zoning by-law shall include provisions addressing the maximum floor area of the office, minimum landscaped open space and fencing. Any required alteration of the site shall be subject to site plan control.

### 13.56 SPECIAL POLICY AREA "56"

*(OPA #81, By-law 2008-72, amended by OPA #100, By-law 2011-067, OMB June 4, 2012, amended by OPA #128, By-law 2018-76, OMB October 31, 2019)*

Special Policy Area "56" applies to approximately 252 hectares of land located south of McLeod Road and north of Chippawa Parkway, between Stanley Avenue and Dorchester Road. The lands are designated Residential, Environmental Protection Area, Tourist Commercial, Minor Commercial, Open Space and Environmental Protection Area.

- 13.56.1 Development will occur in accordance with a Secondary Plan to be adopted as an amendment to this Plan. The extent of the Environmental Protection Area and various other designations may be affected by the environmental and feasibility studies yet to be completed and will be refined through the Secondary Plan process. In the absence of a Secondary Plan or a Community Plan, the policies of this Plan shall continue to apply to the area.
  - 13.56.1.1 Notwithstanding that development is to occur in accordance with a Secondary Plan, approximately 23 hectares of land located on the northwest quadrant of Oldfield Road and Drummond Road may be developed in advance of a Secondary Plan by way of a plan of subdivision in accordance with the policies contained in Part 2, Section 1.4, Residential and Sections 14.56.2, 14.56.4 and 14.56.5 below.
  - 13.56.1.2 Notwithstanding that development is to occur in accordance with a Secondary Plan, approximately 48.6 hectares of land located in the southwest portion of this area where Dorchester Road and Chippawa Parkway meet, may be developed in advance of a Secondary Plan by way of a Community Plan as detailed in Part 5, Section 4 of this Plan.
- 13.56.2 The Secondary Plan shall address the policies of Part 4, Section 3 of this Plan and the following:
  - 13.56.2.1 Residential design in compliance with the greenfield policies and density targets of the Growth Plan for the Greater Golden Horseshoe and Niagara Region' Municipal Comprehensive Review.
  - 13.56.2.2 The separation and buffering of sensitive land uses from existing rail lines and proximate industrial land uses, facilities and designations in accordance with relevant Provincial and Regional policies and regulations and in consultation with industrial properties owners in the area.
  - 13.56.2.3 The availability of adequate municipal services including road, water, sanitary sewer and stormwater management services.
    - 13.56.2.3.1 The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP) has identified the

need for a future South Niagara Falls Wastewater Treatment Plan (WWTP).

13.56.2.3.2 Special Policy Area No. 56 is located within the South Side High Lift Sewage Pumping Station sewershed. Development in Special Policy Area No. 56 will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.

13.56.2.3.3 The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/Inflow and Infiltration reduction program to determine the interim capacity available for development. The strategy will include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls.

13.56.2.3.4 Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City.

13.56.2.3.5 All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities.

13.56.2.3.6 As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

13.56.3 The Secondary Plan may include design guidelines for public realm facilities including neighbourhood structure, block design, lot size and variety, neighbourhood edge interfaces, local street design guidelines, sidewalks and streetscaping, parks, trails and open spaces and natural heritage as well as the private realm including building variety and density, setbacks, building height, apartment buildings and parking areas.

- 13.56.4 The Secondary Plan shall require the completion of the appropriate studies or the receipt of Records of Site Conditions through implementing planning applications.
- 13.56.5 No development or site alteration shall be permitted within the areas designated Environmental Protection Area. Refinement to the extent of the Environmental Protection Area and other designations and the establishment of appropriate setbacks and linkages will occur at the Secondary Plan, zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on detailed Environmental Impact Studies.
- 13.56.6 The 2017 Niagara Region Transportation Master Plan, which included extensive consultation with the City as well as other agencies and the public, determined that a crossing of the Welland River would best address future transportation needs over the long term. A Municipal Class Environmental Assessment ("Class EA") shall be undertaken in the future to confirm the need and preferred location for a crossing of the Welland River. The Class EA process would include more detailed planning, environmental, engineering, and design work within a public and agency consultation framework."
- 13.56.7 Initiation of the Class EA shall be triggered by any relevant development approvals beyond the Riverfront Community OPA boundary. A Transportation Impact Study will be required prior to approvals for these applications. The Class EA study shall identify community and environmental impacts, and shall identify measures to be undertaken to mitigate any such impacts.
- 13.56.8 The subject lands will be placed in an appropriate "Holding" category in the implementing zoning by-law in order to control further development in advance of approval of the secondary plan, plans of subdivision/ condominium and site plan.

#### 13.57 SPECIAL POLICY AREA "57"

*(OPA #82, OMB approved Apr 21, 2009, By-law 2008-73)*

Special Policy Area "57" applies to approximately 77 hectares of land located on the north side of Brown Road, west of Montrose Road to just east of Garner Road. The lands are designated Residential, Industrial and Environmental Protection Area.

- 13.57.1 The Residential policies of this Plan apply to the area designated Residential with a Special Policy Area designation. Development will occur in accordance with a Secondary Plan adopted as an amendment to this Plan.
- 13.57.2 The Secondary Plan shall address the policies of Part 4, Section 3 of this Plan and the following:
  - 13.57.2.1 Residential design in compliance with the community design policies and density targets of the Greater Golden Horseshoe Growth Plan and all applicable Growth Management Studies.
  - 13.57.2.2 To ensure compatibility is maintained policies for the appropriate separation and buffering of sensitive land uses from

proximate existing and future heavy, medium and light industrial facilities are required in accordance with relevant Local, Regional and Provincial plans and policies. More specifically, the Provincial Policy Statement and Ministry of the Environment Guidelines require that industrial and sensitive residential uses be appropriately designed, buffered and/or separated from each other.

In order to maintain a compatible arrangement of land uses, this Official Plan Amendment, the subsequent Secondary Plan and any implementing approvals will conform with and prescribe in greater detail the following:

- a) A minimum distance separation of a 2 km radius from heavy industrial uses located south of Brown Road west of Garner Road to sensitive residential uses is to be maintained. This minimum distance separation is delineated in the form of an arc with a radius of 2 km with the end points of the arc measured from the northeast corner of the north leg of Garner Road and Brown Road easterly to a point 516 metres and northerly to a point 608 metres as shown and labeled on Map 1 to OPA No. 82.
- b) Lands located within this minimum separation distance as set out in (a) above will be restricted to lower intensity uses within the Environmental Protection Area as per Policy 12.57.4 and to industrial uses within the Industrial designation. No residential uses, overnight accommodation uses, institutional uses or assembly type uses will be permitted. Buildings in this area will be restricted to three (3) storeys.
- c) In addition to providing an appropriate separation distance between industrial and residential uses, residential building heights will be restricted to 2½ storeys within this Special Policy Area, including all forms of housing set out in d) below.
- d) Any form of senior citizen housing or other type of higher density residential development will be restricted to locations east of Kalar Road and north of Warren Creek.
- e) Notices regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour and air emissions will be included in future subdivision agreement(s), site plan agreement(s) and purchase and sale agreements.
- f) Any application to amend these Official Plan Policies or related implementing Zoning Bylaw(s) and any other Planning Act application(s) within Special Policy Area 57

shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands south of Brown Road and west of Garner Road and north of Chippawa Creek Road within the municipal boundaries.

- 13.57.2.3 The availability of adequate municipal services including roads, water, sanitary sewer and stormwater management services including the location of a pumping station to service the southern portion of the subject lands.
- 13.57.3 The Secondary Plan may include design guidelines for public realm facilities including neighbourhood structure, lot size and variety, local street design guidelines, sidewalks and streetscaping, parks, trails and open spaces and natural heritage as well as the private realm including building variety and density, setbacks, building height, apartment buildings and parking areas.
- 13.57.4 No development or site alteration shall be permitted within the areas designated Environmental Protection Area. For clarification, development and site alteration does not include the creation of a passive trail system that will be in designed in conformity with a Trails and Open Space Plan that forming part of the Secondary Plan.

Refinement to the extent of the Environmental Protection Area lands and appropriate setbacks will occur at the Secondary Plan, zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on detailed Environmental Impact Studies.

- 13.57.5 The subject lands will be placed in an appropriate 'Holding' category in the implementing zoning by-law in order to control further development in advance of approval of the secondary plan, plans of subdivision/ condominium and site plan.

#### 13.58 SPECIAL POLICY AREA "58"

*(OPA #84, By-law 2008-129, approved Aug 18, 2008)*

Special Policy Area "58" applies to approximately 2,475 square metres of land located on the south side of Thorold Stone Road between Confederation Avenue and St. James Avenue. The land is designated Residential on Schedule "A" to the Official Plan. In addition to the policies contained in Part 2, Section 1.2**Error! Reference source not found.**, Residential, the property may be developed for a commercial building not exceeding a gross leasable floor area of 750 square metres. Commercial uses shall be limited to offices and clinics. Integration with surrounding residential properties shall be achieved by implementing a building design with a residential character and pitched roof form and by providing generous areas of landscaped open space. The implementing zoning by-law shall include provisions addressing the maximum floor area of the uses, building height, minimum landscaped open space and fencing. Site plan control shall be used to implement a site design that mitigates impacts on surrounding properties and to implement high quality landscaping, fencing and buffering.

#### 13.59 SPECIAL POLICY AREA "59"

*(OPA #85, By-law 2008-163, approved Sep 22, 2008)*

Special Policy Area "59" applies to approximately 0.4 hectares of land with approximately 80 metres of frontage on Main Street between Summer Street and North Street. The land is designated Minor Commercial on Schedule "A" to the Official Plan. In addition to the policies contained in Part 2, 3.5.2, the property may be developed for a mixed use building with commercial uses on the ground floor and a retirement home above. The building may be developed to a maximum height of 10 storeys and density of 251 units per hectare. The implementing zoning by-law shall include provisions which specify the permitted uses, maximum building height and number of private living units as well as minimum building setbacks, landscaping and parking spaces. Site plan control shall be used to implement a site design that is compatible with surrounding commercial and residential uses.

#### 13.60 SPECIAL POLICY AREA "60"

*(OPA #86, By-law 2008-173, OMB approved Feb 27, 2009)*

Special Policy Area "60" applies to 0.50 hectares of land located on the west side of River Road, between Philip Street and John Street. The land is designated Residential on Schedule "A" of the Official Plan. In addition to the policies contained in Part 2, Section 1.7.5 and Part 4, Section 4.5, the portion of the land between River Road and River Lane may be developed with an apartment building to a maximum building height of 7 storeys and 27 metres, as measured from the intersection of River Road and John Street, and a maximum density of 238 units per hectare. The portion of the site west of River Lane shall only be used for parking and buffering.

The density of the project is authorized pursuant to Section 37 of the Planning Act. The owner is required to enter into an agreement with the City, prior to the passage of the amending by-law, to secure a cash contribution which the owner has elected to provide in return for the density of the project. The cash contribution is calculated based on the cost of construction per square metre X the floor area of the additional 56 units X 1%. The cash contribution is to be used for the construction of a recreational trail on the lands of the former Michigan Central Railway between the CBD and Newman Hill or for projects approved under the Downtown Community Improvement Plan.

The implementing zoning by-law shall include provisions requiring the owner of the land to enter into a Section 37 agreement with the City and specify the details of the project.

#### 13.61 SPECIAL POLICY AREA "61"

*(OPA #87, By-law 2009-23, OMB approved, as amended Feb 13, 2009)*

Special Policy Area "61" applies to approximately 0.33 hectares of land located southwest of the Thorold Stone Road and Kalar Road intersection. The land is designated Good General Agriculture on Schedule "A" of the Official Plan. Notwithstanding the policies contained in PART 2, Section 7.1, the land may only be developed with a 737 square metre neighbourhood commercial plaza including a seasonal patio and 70 square metre storage and office building and an associated parking area subject to the following policies:

- 13.61.1 To ensure the parking area does not impact on abutting land uses, provisions shall be included in the amending by-law to require the parking lot to be developed with generous buffering and landscaping along adjacent land uses.

13.61.2 Development will be subject to site plan control and a site plan agreement shall be registered on title.

## 13.62 SPECIAL POLICY AREA "62"

*(OMB #89, By-law 2009-061, Region approved Sep 30, 2009, and amended by OPA #125, Regional Approval June 14, 2018, By-law 2018-33)*

Special Policy Area "62" applies to approximately 61 ha of land located west of Victoria Avenue, east of Stanley Avenue, north of the former NS&T Railway corridor, and south of the CN rail corridor. The lands are designated Industrial, Employment, Residential, Open Space, and Tourist Commercial. The Special Policy Area designation will permit the development of land subject to the following policies:

13.62.1 The Industrial and other applicable policies of this Plan apply to the area designated Industrial with a Special Policy Area designation and the Employment policies of Part 5, Section 2 of the Transit Station Secondary Plan and other applicable policies of this Plan apply to the area designated Employment with a Special Policy Area designation. The Special Policy Area designation permits the development of the land subject to the following policies:

13.62.1.1 These lands are intended to develop for a broad range of employment activities including light industrial (activity primarily occurring within buildings and minimal outdoor storage); warehousing; office; laboratory and research facilities; automotive uses; service commercial uses such as restaurants, printing shops, fitness and recreation, convenience stores; and, institutional uses such as community centres, arenas, and churches. The zoning bylaw applicable to this area will list the permitted uses as well as the development regulations which will apply.

13.62.1.2 Development of the Cytec land will occur by way of a plan of subdivision, condominium, site plan control, and/or any other planning process to establish a new street system and development parcels. The approval of any planning application will require preparation of a functional servicing study to determine the necessary sanitary sewer, water system and stormwater management strategy for this area.

13.62.1.3 Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

13.62.1.4 Prior to approval of any planning application for the Cytec land, the City of Niagara Falls and the Region of Niagara shall establish the alignment for the extension of Thorold Stone Road onto and through the Cytec land subject to the remediation of the property to the satisfaction of the City of Niagara Falls and the Region of Niagara.

13.62.1.5 The development of the Cytec land should provide for a high quality of streetscape design and site planning and building design. The intersection of Thorold Stone Road and Stanley Avenue should be designed to serve as a gateway to this area and the City's arena/recreation complex. Street design should provide for pedestrian comfort and accommodate the needs of both cyclists and transit users.

13.62.1.6 The design and development of individual sites within the Special Policy Area should have regard to the following principles:

- d) Buildings should generally be placed close to the street edge with a majority of parking located in the side and rear yards, subject to individual site development conditions.
- e) A high quality of building design is encouraged with particular emphasis on buildings fronting onto the extension of Thorold Stone Road.
- f) Common driveways that access more than one site should be considered to minimize the driveways on public roadway.
- g) Loading, service and parking areas should generally be located in the rear or interior side yard to minimize views from public streets. Landscaping and screening from public views will be required to achieve this objective.
- h) Loading areas should be provided so that all required truck movements are on-site.
- i) Outdoor amenity areas should be provided for employees.
- j) Office and entrance elements should be generally oriented to the street with convenient visitor parking provided.
- k) Landscaping should be used as a major visual element in unifying the streetscape, screening and softening long expanses of blank walls.
- l) Individual entrances of a multiple tenant building should be identifiable without detracting from the overall appearance of the building.

13.62.2 The Residential and other applicable policies of this Plan apply to the area designated Residential with a Special Policy Area designation. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

13.62.3 The Open Space and other applicable policies of this Plan apply to the area designated Open Space with a Special Policy Area designation. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

13.62.4 The Tourist Commercial and other applicable policies of this Plan apply to the area designated Tourist Commercial with a Special Policy Area designation. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or Noise Study shall be required where necessary.

### 13.63 SPECIAL POLICY AREA "63"

*(OMB #95, By-law 2010-098, approved Jul 19, 2010)*

Special Policy Area "63" applies to approximately 39 hectares of lands located on the north side of McLeod Road between Montrose Road and Oakwood Drive and on the south side of McLeod Road from west of Pin Oak Drive to Oakwood Drive. The land is designated Major Commercial, in part, and Tourist Commercial, in part, on Schedule "A" to the Official Plan. Studies undertaken by the Region of Niagara identify required road improvements to the Queen Elizabeth Way interchange at McLeod Road which are necessary to accommodate future commercial growth in this area. In addition to the policies contained in Part 4, Sections 4.2.1.1 through to 4.2.1.7 of the Official Plan, Council may apply holding provisions to the lands to provide for contributions to fund these road improvements. The removal of the holding provision is conditional on the landowner providing proportionate contributions to the above noted road improvements to the satisfaction of the Director of Planning, Building and Development. The amending zoning by-law implementing the holding provision will remain in effect for a period of 10 years after passage of such by-law.

### 13.64 SPECIAL POLICY AREA "64"

*(OMB #108, By-law 2012-127, approved Nov 27, 2012)*

Special Policy Area "64" applies to approximately 15 hectares of land located on the south side of Miller Road between Willoughby Drive and the Niagara Parkway. The land is designated Good General Agriculture, in part, and Environmental Protection Area, in part. Notwithstanding the Good General Agriculture designation, the Special Policy Area designation will permit the development of estate residential lots by plan of subdivision, subject to the following policies:

- 13.64.1 Detached dwellings on large estate lots ranging in area from 1 hectare to 2 hectares shall be permitted within the Special Policy Area. Development shall be by plan of subdivision that provides an internal street system, is designed to be compatible and complementary with the surrounding rural character in terms of lot sizes and generous building setbacks and landscaping and is sensitively integrated with natural features. Individual lots shall be serviced with private water and waste disposal systems.
- 13.64.2 A portion of the site is designated Environmental Protection Area and contains a Provincially Significant Wetland. An Environmental Impact Study (EIS) is to be completed to the satisfaction of the City and Niagara Peninsula Conservation Authority. The boundaries of the Provincially Significant Wetland and its necessary buffers shall be determined through the EIS and shall be appropriately zoned in the implementing zoning by-law. Recommended mitigation measures will be implemented in the plan of subdivision and the subdivision agreement.
- 13.64.3 The lands designated Environmental Protection Area, together with any buffers determined through the EIS, shall be maintained in a natural state. Lots may extend into the lands designated Environmental Protection Area, however no buildings, structures or drainage works shall be permitted within this area. No tree cutting shall be permitted within this area except in accordance with an approved Tree Saving/Preservation Plan and the Regional Tree Conservation

By-law to the satisfaction of the Niagara Region Conservation Authority. Conservation easements between the City and landowners shall be used to protect the portion of the lands designated Environmental Protection Area and associated buffers which are located on the site and fall under private ownership.

### 13.65 SPECIAL POLICY AREA "65"

*OPA No. 107 Pending Regional Approval*

### 13.66 SPECIAL POLICY AREA "66"

*(OPA #111, approved Aug 13, 2013, OMB approval Jun 26, 2013, By-law 2013-125)*

Special Policy Area "66" applies to 4.22 hectares (10.45 acres) of land on the northwest corner of Pettit Avenue and Cropp Street. These lands are permitted to redevelop with a mix of residential built form including single detached dwellings, semi detached dwellings and/or street townhouse dwellings and low to mid-rise apartment dwellings.

- 13.66.1 Notwithstanding the density provisions of Part 2, Section 1, policies 1.7.1 and 1.7.2, single detached, semi-detached, street townhouse dwellings or a combination thereof may be permitted to develop with a net density between 34 and 61 units per hectare. Net density in this instance recognizes the units will access existing public right of ways that have not been included as part of the density calculation.
- 13.66.2 Notwithstanding the density provisions of Section 1.7.4, multiple 4 to 6 storey apartment dwellings may establish on the site up to a maximum density of 128 units per hectare. Net density for this calculation includes lands subject of the CNR 30 metre building setback and excludes lands fronting Pettit Avenue and Cropp Street that are identified in 13.66.1.
- 13.66.3 The implementing By-law shall contain appropriate regulations respecting setback and separation of built form on the same lot.
- 13.66.4 In order to ensure that the lands can be developed for residential purposes, a Record of Site Condition must be filed with the Ministry of the Environment demonstrating compliance for the intended uses.
- 13.66.5 The owner, builder or developer shall provide a Record of Site Condition and Noise Attenuation Report to the City's satisfaction at the Site Plan Application stage to ensure compliance with the Ministry of Environment guidelines for residential use of the site.
- 13.66.6 Reduced parking standards may be considered for the apartment dwellings because the redevelopment is supported by transit facilities along Morrison Street and Dorchester Road and due to the proximity of the site to major commercial shopping facilities. Underground parking will be provided as part of the total requirement.
- 13.66.7 Consents may be permitted for:

- a) technical or legal purposes; or
- b) where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of the land.

#### 13.67 **SPECIAL POLICY AREA "67"**

*(OPA #114, By-law 2014-074, approved Jun 10, 2014)*

Special Policy Area "67" applies to 1.159 hectares (2.9 acres) of land on the northwest corner of Stanley Avenue and Portage Road. Notwithstanding the density provisions of Part 2, Section 1, policy 1.10.5(ii), this land may be developed with apartment dwellings up to a maximum height of 3 storeys and a maximum density of 62 units per hectare.

#### 13.68 **SPECIAL POLICY AREA "68"**

*(OPA #96, approved Oct 24, 2014, OMB Decision)*

Special Policy Area "68" the policies of Part 2, Section 12 shall not be interpreted or applied in any manner that would interfere with the legal rights associated with the existing buildings and improvements on and to the Cytec lands (as identified on Schedule A and Schedule A-1) as of the date these policies come into effect. Further, the policies of Part 2, Section 12 shall not be interpreted or applied in any manner as imposing the requirement for the carrying out of an Environmental Impact Statement for any repair, maintenance, renovation and/or replacement in kind of those existing buildings and improvements.

#### 13.69 **SPECIAL POLICY AREA "69"**

*(OPA #122, By-law 2017-16, adopted Feb 14, 2017)*

Special Policy Area "69" applies to approximately 0.9 hectares of land with approximately 82 metres of frontage on Montrose Road, north of McLeod Road. The land is designated Major Commercial on Schedule "A" to the Official Plan. Notwithstanding the policies contained in Part 2, Section 3, Subsection 3.5.3.2, this land may be developed for a retirement home with a maximum height of 6 storeys and a density of 167 units per hectare.

#### 13.70 **SPECIAL POLICY AREA "70"**

*(OPA #121, By-law 2015-148, adopted Dec 8, 2015)*

Special Policy Area "70" applies to 1.41 hectares of land on the west side of Dorchester Road, south of Lundy's Lane. Notwithstanding the policies contained in Part 2, Section 1, Subsection 1.15.5, this land may be developed for apartment dwellings with a maximum density of 109 units per hectare.

#### 13.71 **SPECIAL POLICY AREA "71"**

*(OPA #126, By-law 2017-135 adopted Nov 28, 2017)*

Special Policy Area "71" applies to 5.1 hectares of land on the northeast side of Portage Road adjacent to the CN Railway. Lands may be developed for residential purposes in accordance with Part 2, Subsection 1.15.5(i).

- 13.71.1 Detailed air quality, acoustical and vibration studies have been prepared in order to address long term land use compatibility with existing adjacent industries as well as CN Rail operations abutting the subject lands. Appropriate mitigation measures will be implemented through the site specific zoning by-law, plan of subdivision and/or plan of condominium.
- 13.71.2 In order to provide for long term land use compatibility for residential land uses on the subject lands with existing adjacent industries as well as CN Rail operations, appropriate mitigation measures shall be incorporated into the implementing zoning by-law, plan of subdivision and/or plan of condominium.

### 13.72 **SPECIAL POLICY AREA “72”**

*(OPA #129, By-law 2018-74 adopted Jul 10, 2018)*

Special Policy Area “72” applies to approximately 0.82 hectares of land with approximately 55 metres of frontage on the south side of Dunn Street, west of Ailanthus Avenue. Notwithstanding the density provisions of Part 2, Section 1, policy 1.15(ii), this land may be developed with townhomes at a minimum density of 45 units per hectare.

### 13.73 **SPECIAL POLICY AREA “73”**

*(OPA #, By-law 2018-74 adopted Jul 10, 2018)*

Special Policy Area “72” applies to approximately 0.82 hectares of land with approximately 55 metres of frontage on the south side of Dunn Street, west of Ailanthus Avenue. Notwithstanding the density provisions of Part 2, Section 1, policy 1.15(ii), this land may be developed with townhomes at a minimum density of 45 units per hectare.

### 13.74 **SPECIAL POLICY AREA “74”**

*(OPA #131, By-law 2018-117 adopted November 13, 2018, LPAT approval February 24, 2020)*

Special Policy Area “74” applies to 1.5 hectares of land on the south side of Marineland Parkway, opposite Ailanthus Avenue. Notwithstanding the policies of Part 1, Section 3.7 – McLeod Road Intensification Corridor, the land may be developed for an apartment building, up to 8 storeys in height, and townhouse dwellings and the maximum density shall be 112 units per hectare.

- 13.74.1 To maximize the amount of open space available to residents, structured or underground parking is to be integrated with the apartment building. In addition the apartment building is to be located in a manner to minimize shadowing impacts on adjacent residential uses.
- 13.74.2 To ensure land use compatibility with nearby industries, appropriate mitigation measures, as determined through land use compatibility studies, shall be incorporated into the implementing zoning by-law, plan of subdivision and/or plan of condominium.

### 13.75 *On hold*

### 13.76 SPECIAL POLICY AREA “76”

*(OPA #135, By-law 2022-092, adopted August 9, 2022 – pending)*

Special Policy Area “76” applies to approximately 0.8 hectares of land located on the east side of Level Avenue, south of and including a portion of the right-of-way of Dixon Street. The lands are designated Residential on “Schedule “A” to the Official Plan”. Notwithstanding the policies of Part 2, Section 1 – Residential, a tourist commercial satellite parking garage shall be permitted on the lands, subject to the following policies:

The property shall be linked to lands subject to the policies of Part 2, Section 4.6.11(g) – Tourist Commercial Official Plan Amendment, by a site specific zoning by-law, in order to ensure that the satellite parking garage is utilized primarily for uses on 665 Stanley Avenue.

To ensure surrounding residential properties are not adversely impacted by the proposed parking garage:

- a) A setback consistent with the built form of Level Avenue shall be provided, and the portion of the land between the parking garage and Level Avenue shall be landscaped.
- b) Vehicular access shall not be permitted from Level Avenue.
- c) The height of the parking garage shall be limited in the amending zoning by-law.
- d) The parking garage shall be designed in a manner to complement the residential character of the residential neighbourhood.

The development of the parking garage shall be subject to site plan control and a site plan agreement registered on title in order to address the following matters so as to minimize the impacts on the surrounding residential land uses:

- a) Grading and stormwater management shall be designed to mitigate impacts on surrounding properties and streets.
- b) Lighting impacts on surrounding properties will be demonstrated to be mitigated through a photometric analysis.
- c) Landscaping and buffering treatments shall be used to screen the adjacent residential properties from the parking garage and to complement the residential character of adjacent properties.

### 13.77 SPECIAL POLICY AREA “77”

*(OPA #137, By-law 2021-008, adopted January 19, 2021, LPAT approved December 16, 2020)*

Special Policy Area “77” applies to 3,942 square metres of land on the east side of Portage Road south of Virginia Street. Lands may be developed for mixed use commercial/residential purposes in accordance with Part 1, Section 3, Policies 3.15; 3.16.1; 3.16.2; 3.16.5; 3.16.6; 13.16.7; 3.16.9; and

- 13.77.1 The building height shall step back above the fifth floor along the east side of the building, save and except for stairwells, elevator shafts and mechanical penthouse. Ground floor commercial uses shall occupy 50 percent of the building frontage to engage the street and pedestrian environment.
- 13.77.2 The maximum density shall be 154 dwelling units per hectare. The owner shall enter into a Section 37 Agreement with the City, to be registered on title, to provide a financial contribution toward public benefits and to secure affordable housing units.
- 13.77.3 Twelve (12) ground floor dwelling units are to be designed as affordable housing units and made available for purchase by persons on the Niagara Regional Housing wait list, whose annual income is in the third percentile of the annual average income within the Region.

#### 13.78 **SPECIAL POLICY AREA “78”**

*(OPA #140, By-law 2021-119, approved November 16, 2021)*

Special Policy Area “78” applies to 0.26 hectares of land on the east side of St. Paul Avenue, north of Riall Street. Notwithstanding the density policies of Part 2, Section 1 Subsection 1.15.5(iii), this land may be developed for apartment dwellings with a maximum density of 150 units per hectare.

#### 13.79 **SPECIAL POLICY AREA “79”**

*(OPA #141, By-law 2021-133, approved December 7, 2021)*

Special Policy Area “79” applies to 0.21 hectares of land on the east side of Main Street Chippawa, south of Greenwood Street. Notwithstanding the density policies of Part 2, Section 1, Subsection 1.15.5(ii), this land may be developed for apartment dwellings with a maximum density of 105 units per hectare.

#### 13.80 **SPECIAL POLICY AREA “80”**

*(OPA #143, By-law 2022-062, approved May 31, 2022)*

Special Policy Area “80” applies to 1.4 hectares of land on the north side of Dunn Street, east of Orchard Avenue. Notwithstanding the policies contained in Part 2, Section1 – Residential, this land may be utilized for the existing office building and a satellite parking lot for a number of properties located within the Tourist Commercial district subject to the following policies:

- 13.80.1 The satellite parking lot shall be linked to lands located within the Tourist Commercial district by a site specific zoning by-law.
- 13.80.2 The maximum number of parking spaces permitted for the satellite parking lot shall be 127 parking spaces on the lands after providing all the required parking for the existing office building.

#### 13.81 **SPECIAL POLICY AREA “81”**

*(OPA “145”, By-law 2022-109, approved August 30, 2022)*

Special Policy “81” applies to approximately 0.43 hectares of land located on

the west side of Main Street, south of North Street. The lands are designated as Residential, in part, and Minor Commercial, in part, on Schedule "A" to the Official Plan. Notwithstanding the height and density provisions contained in Part 1, Section 3.13, a mixed use building may be permitted to develop with a maximum residential density of 250 units per hectare and a maximum height of 10 storeys and 41 metres, provided the building is stepped back provide appropriate transition to abutting residential use.

13.82 (under appeal)

**13.83 SPECIAL POLICY AREA "83"**

*(OPA #148, By-law 2022-087, approved August 9, 2022)*

Special Policy Area "83" applies to approximately 5.4 hectares of land located on the east side of Montrose road, north of Thorold Stone Road, municipally known as 3770 Montrose Road. The lands are designated as Major Commercial on Schedule "A" to the Official Plan. Notwithstanding the general commercial policies contained in Part 2, Section 3.5.3, where commercially designated lands are in excess of demand, zoning by-law amendments for a mix of semi-detached, townhouse and apartment dwellings as a form of residential intensification may be considered provided the general criteria of Part 2, Section 3.5.3.1-3.5.3.6 are satisfied.

13.84 **SPECIAL POLICY AREA "84"**

*(OPA #150, By-law 2022-107, approved August 30, 2022)*

Special Policy Area "84" applies to approximately 1.9 hectares of land located on the south side of McLeod Road, east of Alex Avenue. Notwithstanding the policies of Part 1, Section 3.7 of this plan, the lands may be developed with a mix of townhouse dwellings, stacked townhouse dwellings, and apartment dwellings with a maximum density of 75 units per hectare.

13.85 **SPECIAL POLICY AREA "85"**

*(OPA #151, By-law 2022-113, approved August 9, 2022)*

Special Policy "85" applies to approximately 1.5 hectares of land located on the east side of Bailey Avenue, at the terminus of Avery Avenue, north of Miller Road. The land is designated Rural under the Regional Municipality of Niagara Official Plan. Notwithstanding the consent policies of Part 4, Policy 8.2, 3 rural residential lots each with a minimum lot area of 0.5 hectares in size with frontage on Bailey Avenue can be developed.

13.86 **SPECIAL POLICY AREA "86"**

*(OPA #152, By-law 2022-116, approved September 12, 2022)*

Special Policy Area "86" applies to approximately 2.34 hectares of land located on the northeast corner of McLeod Road and Kalar Road. Notwithstanding the height and density provisions of Part 2, Policy 1.15.5 (iii), a 12 storey and 13 storey building with 483 dwelling units with a maximum density of 207 units per hectare may be permitted to develop on the Residential designated portion of the lands.



## ***PART 3***

# ***ENVIRONMENTAL MANAGEMENT***

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 1 MUNICIPAL INFRASTRUCTURE****PREAMBLE**

Schedule "A" of this Plan sets out land use designations for future development within the City. In order to achieve appropriate development in accordance with the Land Use designations certain servicing programs must be established. To this end, this Plan provides for the extension and oversizing of water and sewer services to accommodate urban growth in an efficient and financially-sound manner. In addition, sewer separation, rehabilitation and water conservation programs shall be carried out within older sections of the City. The control of storm water runoff as a result of development shall be effectively managed through acceptable engineering techniques, with particular attention paid to protecting the natural environment.

Equally important is a transportation system which is integrated, safe and efficient, facilitating the movement of people and goods within and outside of the City. The needs of all users in the City have to be considered in transportation. Users include: pedestrians, bicyclists, transit users, those with disabilities (in accordance with the provisions of the Accessibility for Ontarians with Disabilities Act), automobiles, trucks, local residents, and visitors. Other utilities and services are to be coordinated in an appropriate manner to meet the needs of existing and future land uses in the City.

**POLICIES****1.1 PHASING OF GROWTH**

- 1.1.1 Schedule B illustrates the Phasing Plan for the City. Lands shall be brought into the development stream in accordance with Schedule B and the policies of this section. Moreover, plans for expansion of existing services, or for new services are to serve growth in a manner that supports the achievement of the greenfield density target and the intensification target of this Plan.
- 1.1.2 Greenfield Area
  - 1.1.2.1 The development of lands in the Greenfield Area shall proceed in an orderly and efficient manner.
  - 1.1.2.2 New development should occur as a logical extension of preceding development.
  - 1.1.2.3 Land that is considered to be in-phase is that for which servicing has been included in the Five-Year Capital Works Program.
  - 1.1.2.4 The determination of which lands may be brought into the development stream shall be based on land use, servicing and financial assessments that address the following criteria:
    - the supply of short term lands;
    - the extent of land that will benefit from servicing;

- the use and the density at which the lands will be developed;
- financing for the public works necessary for development to proceed; and
- an assessment of the potential financial risk to the City.

1.1.2.5 Secondary plans shall provide details on the staging of development within the plan areas with respect to uses, residential densities, the extension of services and roads.

1.1.2.6 Proposals to bring out-of-phase lands into the development stream shall be assessed based on the following criteria:

- compliance with the policies of this Plan;
- the extent of the inventory of in-phase lands and their availability;
- the benefit to the City such as revenue generation, employment growth and contributions to the strategic goals of Council;
- the financial risk to the City's taxpayers;
- the impacts on approved development; and
- whether infrastructure is planned for the lands.

1.1.2.7 An out-of-phase development may be the subject of a front ending agreement, pursuant to section 44 of the Development Charges Act, or similar type of development agreement which shall be a condition of any application to amend this Plan and/or the Zoning By-law, or any site plan or subdivision or condominium agreement.

1.1.3 Built-up Area

1.1.3.1 Capital works expenditures shall be directed to the Intensification Areas shown on Schedule A-2 in order to resolve any servicing constraints that exist which may hinder the achievement of intensification.

1.1.3.2 Capital works expenditures within greenfields are not to jeopardize servicing improvements within the Built-up Area that will allow for the achievement of intensification.

1.2 **WATER AND SANITARY SEWAGE**

1.2.1 The City shall implement a strategy for the systematic reduction or mitigation of combined sewer overflows in order to improve the effectiveness of the sanitary sewage system and to eliminate or reduce the negative impacts on the City's natural heritage system. The City will also continue its programs of sewer separation, extraneous flow reduction and waste water reduction with priority being given to intensification areas, nodes and corridors so as to allow for the realization of the intensification targets in this Plan.

- 1.2.2 Municipal sanitary sewers and/or watermains shall not be extended beyond the urban area, except where required to correct a health problem as identified by the Regional Public Health Department and/or the Ministry of the Environment.
- 1.2.3 Council shall every five years, in accordance with the Development Charges Act, 1997, undertake a background study, including public consultations, and pass by-laws to implement Development Charges within the City that will be imposed to recover the costs of public services related to growth. The background study will consider the phasing of Greenfield lands, the realization of intensification targets as well as future land use in the determination of a Development Charge that is appropriate.
- 1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.

### 1.3 STORM DRAINAGE

- 1.3.1 It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.
- 1.3.2 Council shall not permit any new development or redevelopment where it would interfere with, or reduce, the drainage capacity of any natural watercourse or agricultural field drainage system, result in any erosion, pollution or drainage problems along watercourses and their tributaries or where it would adversely affect the quality/quantity of ground water or a water recharge/discharge area.
- 1.3.3 Master storm water management plans shall be developed for watershed areas in advance major development or redevelopment in conjunction with the Niagara Peninsula Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, Niagara Region and other agencies. Council may adopt such plans as part of a secondary plan or Environmental Assessment. Where applicable, developers may be required to undertake storm water management studies for specific sites.
- 1.3.4 Storm water management plans shall incorporate the use and creation of naturalized overland systems. Naturalized off-stream ponds and wetlands are encouraged to properly regulate and control water quantity and quality flows going into natural watercourses. In addition to controlling water quality and quantity, such systems shall be as natural as possible to create habitat areas and where applicable, will be used to provide linkages to other natural features.

- 1.3.5 In the review of development or redevelopment proposals, Council shall cooperate, where practicable, with the Niagara Peninsula Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, and other agencies in any flood management study or engineering work that may be undertaken to improve or maintain the drainage capacity of natural watercourses. All existing storm drainage systems shall be maintained and improved in order to ensure their efficient operation and to minimize the potential for flooding.
- 1.3.6 The City will continue to implement sewer rehabilitation programs, including ongoing storm sewer and sanitary sewer separation, detention ponds, in-line storage and other improvement works.
- 1.3.7 Requisition and Petition Drains authorized under the Drainage Act are to be designed, constructed and maintained in accordance with the Province's Best Management Practices to avoid significant detrimental effects on farmland or water resources, natural areas or wildlife habitat.

#### 1.4 WASTE DISPOSAL

- 1.4.1 It is recognized that the management of solid waste is the responsibility of the Niagara Region. Proposals for new, or expansions to existing, waste disposal sites will require amendments to the Official Plan and Zoning Bylaw.
- 1.4.2 In the selection and approval of sites for landfill use, the City will require that certain items be examined and reported on such as the social, economic and environmental effects of the creation of such landfill sites, assessment of alternatives to landfill uses and views of affected citizens. These items will be in keeping with the Environmental Assessment Act and requirements of the City.

#### 1.5 TRANSPORTATION

The City's transportation system is made up of the following elements:

- Transportation corridors
- Public transit
- Active transportation facilities
- Collector and local road network

One of the goals of this Plan is to reduce the dependency on passenger vehicles and increase the modal share of public transit and active transportation. It is also a goal of this Plan that the transportation system work seamlessly and efficiently to convey people and goods safely.

This Plan may be amended as the result of recommendations from a Transportation Master Plan regarding matters such as, but not limited to, route prioritization for moving goods and people into and out of employment areas, transportation demand management, modal share targets, active transportation facilities and multimodal use.

## TRANSPORTATION CORRIDORS

- 1.5.1 As shown on Schedule A-2, the City's transportation corridors consist of rail corridors, provincial highways and the arterial road system. These corridors are the primary conveyors of goods and people within, into and out of the City.
- 1.5.2 The corridors within the City's jurisdiction shall be of the width provided for in this Plan and should contain sidewalks and bicycle lanes of sufficient width to safely accommodate users.
- 1.5.3 The streetscape of corridors within the City's jurisdiction should be designed to increase the comfort level of pedestrians through the use of street trees, benches and bus shelters.
- 1.5.4 Access ramps from private developments should be minimized and amalgamated with adjoining properties where possible.

## RAIL AND PUBLIC TRANSIT

- 1.5.5 The City will provide a public transit system to service the transit needs of residents and tourists. This system includes inner-City buses, inter-city bus rapid transit and a tourist peoplemover. This Plan envisages a modal share of public transit increase to 3.2%.
- 1.5.6 Public transit routes shall be designed to service employment areas, intensification areas, nodes and intensification corridors. It is desirable for public transit services to be encouraged in proximity to higher density residential developments, areas of high employment concentration, major medical and social service centres, housing developments for people with special needs and social amenity areas such as the Niagara Parks and other attractions. Transit stops should be located within hubs and major public facilities. The development of inner-City bus rapid transit lines into high density employment areas is encouraged.
- 1.5.7 Transit service planning shall be connected with the City and Regional Bicycling Network and co-ordinated with the planning of bicycle routes and pedestrian paths to enhance the convenience, safety and usability of these modes of transportation.
- 1.5.8 Collector roads within Greenfield secondary plan areas shall be designed to accommodate transit.
- 1.5.9 This Plan envisages the expansion of commuter GO Transit rail service to the City in the long term. The City will participate with Regional and Provincial agencies in the establishment of this service.
- 1.5.10 Council recognizes the capability of rail lines to provide an alternative to road traffic for transporting tourists, residents and goods in and out of the City. To minimize the interference of rail service with vehicular and pedestrian traffic, Council shall seek to eliminate grade crossings on a priority basis and with the financial assistance of the appropriate authorities. Where the elimination of such

grade crossings is not feasible, Council shall petition the appropriate authority to provide and maintain appropriate level crossing control devices.

1.5.11 Where residential or institutional development is proposed in close proximity to operational railway lines, Council shall require the preparation of a noise and vibration impact assessment. If necessary, the assessment shall include measures necessary to achieve acceptable attenuation levels in accordance with Ministry of the Environment, and Railway criteria. The measures may take the form of fencing, increased setbacks, earthberms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts to the satisfaction of the City and the Ministry of the Environment, and in consultation with the appropriate Railway.

## ACTIVE TRANSPORTATION FACILITIES

1.5.12 In an effort to achieve an increase in the modal share of bicycle and pedestrian trips, the City will provide public facilities for active transportation in the form of bicycle or shared use lanes, paved shoulders of rural roads, off-road recreational trails, bicycle parking facilities and sidewalks to the extent that is financially feasible.

1.5.13 The City will endeavour to achieve connectivity of off-road trails with the goal of creating an inner-City trail system that links residential, employment and recreational areas.

1.5.14 Sidewalks on certain roadways will be provided where required for the safety and convenience of pedestrians. In this regard, Council may undertake and continually update a detailed sidewalk construction and maintenance programs.

1.5.15 The City may require the dedication of trails, in accordance with the provisions of the Planning Act, as a condition of development approval.

1.5.16 New development will be encouraged to provide bicycle parking and other facilities to accommodate active transportation. In this regard, the City will provide bicycle facilities within its own buildings.

## COLLECTOR AND LOCAL ROAD NETWORK

1.5.17 The collector and local road network functions primarily to convey traffic and pedestrians to transportation corridors.

1.5.18 A hierarchy of roads is contained within the transportation system.

1.5.18.1 Provincial Highways are designed to permit the free flow of large volumes of traffic through the City and to interconnect with the arterial road system. Such highways typically include four to six lanes with accesses permitted only at selected separated interchanges. Rights-of-way width, alignment of Provincial highways and related concerns are under the jurisdiction of the Ministry of Transportation.

Provincial Highways in Niagara Falls include: The Queen Elizabeth Way (Q.E.W.) which travels from the north to south City limits; Highway 420 from Regional Road 420 (Roberts Street) to the Q.E.W.; and Highway 405 south of Niagara Townline Road.

1.5.18.2 Niagara Parkway - is considered to be a scenic road that is classified as a controlled access highway. This road network functions primarily as an arterial roadway for the benefit of tourist traffic along the Niagara River. Design, road allowance widths, use, alignment and access are regulated by the Niagara Parks Commission.

1.5.18.3 International Crossings - these two international boundary crossings at the Rainbow Bridge and Whirlpool Bridge represent critical links in the transportation networks of Ontario and New York State. Development activity in the vicinity of these crossings should consider the impacts on the transportation systems, particularly as it pertains to traffic queues at the inspection plazas.

1.5.18.4 Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City.

Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Design, road allowance width, use, alignment and access are regulated by the Regional Municipality of Niagara. Road widths vary from 20 metres to 42 metres.

City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the "tourist commercial roads" classification.

1.5.18.5 Collector Roads - include all roadways under the City's jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. The roadways in this classification are generally two lanes, undivided with a road allowance width of 20 metres to 23 metres which will allow the addition of turning

lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors. Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted.

1.5.18.6 Local Roads - are intended to provide access to abutting properties and carry traffic predominantly of a local nature. Typically, roadways in this section carry low volumes of traffic short distances. Local roads generally are designed to accommodate on-street parking, sidewalks and limited landscaping in the boulevards. All local road allowances are to be 20 metres in width; however, there may be cases when they may be less than 20 metres under special circumstances approved by Council.

1.5.19 The road classification system will be used as the basis for decisions regarding design standards for road construction, transit and truck routes, road widenings and access. As traffic conditions change in response to development, Council may reclassify roads where considered necessary by way of an amendment to this Plan.

1.5.20 Road right-of-ways can provide for a variety of functions. Regional and City arterial roads and collector roads within the Tourism Districts, as shown on Schedule E of this Plan, perform two equally important functions: an efficient, functional vehicular network; and an attractive, pedestrian-friendly public space. Therefore, it is important that these roadways be of sufficient width to accommodate adequate traffic and turning lanes as well as desired streetscape improvements as detailed in the Tourist Area Streetscape Master Plan. In its implementing by-law, the City shall, for roadways under the jurisdiction of the City, establish an appropriate building setback width from the centre line of the original road allowance for those roads identified in the Streetscape Master Plan.

1.5.21 The City will determine and implement the long-term road network needs having regard to the Transportation Master Plan and the Regional Bicycling Network. It is intended that the utilization of existing transportation infrastructure will be maximized before new transportation infrastructure is constructed and that opportunities will be available for all residents to use a variety of transportation modes. Appropriate transportation linkages will be developed in order to provide efficient movement of people and goods both within and outside the City.

1.5.22 It is recognized that Provincial Highways and most Arterial Roads are to be installed and maintained by other road authorities, including the Niagara Region, the Niagara Parks Commission, the Ontario Ministry of Transportation and the Niagara Falls Bridge Commission. Examples of new proposed Highways and Roads, as shown on Schedule "C", include: Highway 420 - westerly extension from the Queen Elizabeth Way; the "Niagara Freeway" - parallelling Stanley Avenue to the east, between Lundy's Lane and south of McLeod Road; and the crossing of the Hydro Canal, north of the Welland River.

1.5.23 The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and when such road construction or widening is contemplated on a City-owned road within a five year time space. Road widenings, as identified in Policy 1.4.19, may be required to expand the width of the travelled portion of the roadway, or for servicing locations, including ditches and drains.

1.5.24 The dedication of lands for such pedestrian or bicycle pathways and public transit rights-of-way as the City considers necessary for efficient vehicular and/or pedestrian movement will be made a condition of plan of subdivision. These pathways and rights-of-way shall be designed in accordance with and interconnected with those pathways and rights-of-way identified through the City's Trail and Bikeways Master Plan, the Region's Bikeways Master Plan and any future plans such as the City's Transit Master Plan and Growth Strategy Study.

1.5.25 The dedication of property for daylighting triangles on existing roads will be required at such times as the property is to be developed or redeveloped through Site Plan Control, or where a consent or subdivision is required. Daylighting requirements shall generally be based on the functional road classification of intersecting roadways as follows:

<b>Road Classification of Intersecting Streets</b>	<b>Daylighting Requirements</b>
Within the Urban Area Boundary:	
Local to Local or Collector Local to Arterial; and	5 m x 5 m triangle
Collector to Collector	7 m x 7 m triangle
Collector or Arterial	12 m x 12 m triangle
Outside of the Urban Area Boundary	15 m x 15 m triangle

1.5.26 All new development abutting Arterial Roads shall provide adequate off-site loading and unloading facilities located in such a manner to minimize the detrimental impact by vehicles using such facilities.

1.5.27 With respect to Collector Roads, direct frontage development may be permitted but all points of access to such roads are to be in accordance with requirements of the City. Access may be permitted to Local Roads, subject to the approval of the City.

1.5.28 Council shall cooperate with the Niagara Region to designate, maintain, monitor and improve truck routes to accommodate the safe and efficient movement of truck traffic while prohibiting the penetration of non-essential trucking into residential areas. In addition, Council shall require appropriate building setbacks, screening and buffering along designated truck routes to alleviate

excessive noise impacts on adjacent land uses where the noise level from traffic is above the relevant level established by the Ministry of the Environment.

1.5.29 In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required.

1.5.30 The long-term impacts on population growth, tourist visitation, land use, public finances and the environment will be taken into consideration in any decisions regarding major transportation improvements.

1.5.31 Council shall require the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads.

1.5.32 Council shall minimize the nuisance of dust from municipal roads and shall encourage the Region to do the same for roads under its jurisdiction by means such as, but not limited to regular cleaning of roads and sidewalks, reduce speed limits on unpaved roads and application of dust control agents on unpaved roads.

1.5.33 Where land for road widening is required as a condition of site plan control or lot creation, such land shall be acquired equally from both sides of the road as measured from the centreline wherever feasible. Where topography, existing or proposed development, utilities or other constraints, necessitate a larger widening on one side, no more than 50 percent of the required widening shall be acquired through the planning application. Additional land may be acquired by other means.

1.5.34 The proposed widths of roads are as follows:

Road	From	To	Regional Arterial	City Arterial	Collector
Ailanthus Avenue	McLeod Road	Dunn Street			23
Alex Avenue	McLeod Road	Crimson Drive			20
Allendale Ave	Ferry St	Dixon St			23
Alpine Drive	Montrose Road	Brookdale Drive			20
Badger Road	Charnwood Avenue	Montrose Road			20
Baker Road	Lapp Road	East City Limit			23
Barker Street	Dorchester Road	Main Street			20
Beaverdams Road	Thorold Townline Rd	Kalar Road		26	
Beaverdams Road	Kalar Road	Lundy's Lane			23
Beck Road	Lyons Creek Road	Gonder Road			23
Beechwood Road	Taylor Road	Brown Road	26		
Bender Street	Victoria Avenue	Falls Avenue			23
Biggar Road	West City Limit	Montrose Road		26	

Road	From	To	Regional Arterial	City Arterial	Collector
Bossert Road	Beck Road	King Road		26	
Bossert Road	King Road	Ort Road			23
Bossert Road	Ort Road	Niagara Parkway		26	
Bridge Street	Stanley Avenue	Victoria Avenue	20.1		
Bridge Street	Victoria Avenue	River Road	23.2		
Brookdale Drive	Thorold Stone Road	Alpine Drive			20
Brown Rd	West City Limit	Montrose Rd		26	
Buchanan Avenue	Ferry Street	Highway 420			26
Buttrey Street	Victoria Avenue	River Road			20
Caledonia Street	Dorchester Road	Dunn Street			20
Canadian Drive	Montrose Road	Pin Oak Drive			23
Cardinal Drive	Montrose Road	Thorold Stone Rd			23
Carl Road	McCredie Road	West City Limit			20
Caronpost Road	Willoughby Drive	East City Limit			20
Casey Street	Dorchester Road	Harriman Street			20
Catalina Street	Kalar Road	Pitton Road			20
Cattell Drive	Willoughby Drive	East City Limit			20
Charnwood Avenue	Montrose Road	Montrose Road			20
Chippawa Creek Rd	West City Limit	Montrose Road	26.2		
Chippawa Parkway	Dorchester Rd	Stanley Ave		26	
Chippawa Parkway	Stanley Avenue	Portage Road			23
Church's Lane	St. Paul Avenue	Whirlpool Road			23
Clark Avenue	Ferry Street	Robinson Street			26
Clifton Hill	Victoria Avenue	River Road			23
Corwin Crescent	Drummond Road	Stokes Street			20
Crimson Drive	Drummond Road	Alex Avenue			20
Earl Thomas Avenue	Progress Street	Don Murie Street			26
Ellen Avenue	Ferry Street	Walnut Street			20
Falls Avenue	Rainbow Bridge	Clifton Hill			20
Fallsview Boulevard	Ferry Street	Portage Road			26
Fallsview Boulevard	Portage Road	Livingstone Street			26
Ferguson Street	Victoria Avenue	River Road			20
Ferry Street	Stanley Ave	Victoria Ave		26	
Ferry Street	Main Street	Stanley Avenue	23.2		
Forsythe Street	Stanley Avenue	Lewis Avenue			20
Frederica Street	Dorchester Road	Drummond Road			20
Gallinger Street	Drummond Road	Portage Road		43	
Garner Road	Mountain Road	Chippawa Creek Rd		26	
Glengate Street	Drummond Road	Pettit Avenue			20
Gonder Road	Montrose Road	Beck Road			23
Grassy Brook Road	Montrose Road	West Limit			23
Harriman Street	Harte Circle	Dorchester Avenue			20
Harvard Avenue	Wiltshire Boulevard	Oxford Street			20
Heartland Forest Blvd	Brown Road	Chippawa Creek Road		26	
Hiram Street	River Road	Ontario Avenue			23
Huron Street	Victoria Avenue	Ontario Avenue			20
Jubilee Drive	McLeod Road	Dorchester Road			20
Kalar Road	Mountain Road	Montrose Road	26.2		

Road	From	To	Regional Arterial	City Arterial	Collector
Kalar Road	Montrose Road	Thorold Stone Rd		26	
Kalar Road	Thorold Stone Rd.	McLeod Road		30	
Kalar Road	McLeod Road	Brown Road		26	
King Road	Bossett Road	Baker Road		26	
Kister Road	Ramsey Road	Chippawa Parkway			26
Kitchener Street	Victoria Avenue	Portage Road			20
Koabel Road	Montrose Road	Willodell Road		26	
Lapp Road	Baker Road	South City Limit		26	
Lemon Road	Montrose Road	Willodell Road			23
Lewis Avenue	Forsythe Street	Kitchener Street			20
Lincoln Street	Crowland Avenue	West Limit			23
Livingstone Street	Stanley Avenue	Fallsview Blvd			26
Logan Road	Beck Road	Ort Road			23
Lundy's Ln (Hwy 20)	West City Limit	Garner Road	35		
Lundy's Ln (Hwy 20)	Garner Road	Main Street	26.2		
Lyon's Creek Road	Montrose Road	Sodom Road	26.2		
Main St (Chippawa)	Willoughby Drive	Niagara Parkway			23
Main St (Chippawa)	Sodom Road	Willoughby Drive		26	
Main Street	Fallsview Boulevard	Summer Street			23
Marineland Parkway	Stanley Avenue	Portage Road		26	
Marineland Parkway	McLeod Road	Stanley Avenue	30.5		
Marshall Road	Willodell Road	Niagara Parkway			23
Matthews Drive	Mount Carmel Blvd	Montrose Road			23
Mayfair Drive	Sinnicks Avenue	Swayze Drive			20
McCourt Road	Willodell Road	Beck Road			23
McCredie Road	Carl Road	Willodell Road			23
McGarry Drive	Kalar Road	West Limit			23
McKenney Road	Grassy Brook Road	Young Road			23
McKenney Road	Schisler Road	Netherby Road			23
McLeod Road	Oakwood Drive	Marineland Pkwy	30.5		
McLeod Road	Thorold Townline Rd	Montrose Road		30	
Marshall Road	Willodell Road	Niagara Parkway			23
Marshall Road	Willodell Road	Niagara Parkway			23
Matthews Drive	Mount Carmel Blvd	Montrose Road			23
Mayfair Drive	Sinnicks Avenue	Swayze Drive			20
McCourt Road	Willodell Road	Beck Road			23
McCredie Road	Carl Road	Willodell Road			23
McGarry Drive	Kalar Road	West Limit			23
McKenney Road	Grassy Brook Road	Young Road			23
McKenney Road	Schisler Road	Netherby Road			23
Marshall Road	Willodell Road	Niagara Parkway			23
McLeod Road	Oakwood Drive	Marineland Pkwy	30.5		
McLeod Road	Thorold Townline Rd	Montrose Road		30	
McRae Street	Stanley Avenue	Victoria Avenue			20
Mewburn Road	Mountain Road	Scholfield Street			20
Mewburn Road	Mountain Road	North City Limit		26	
Miller Road	Sodom Road	Niagara Parkway			23
Misener Road	Carl Road	Schisler Road			23

Road	From	To	Regional Arterial	City Arterial	Collector
Misener Road	Yokom Road	Netherby Road			23
Montrose Road	Mountain Road	McLeod Road	26.2		
Montrose Road	McLeod Road	Welland River	30.5		
Montrose Road	Welland River	South City Limit	26.2		
Morningstar Road	King Road	Sodom Road			23
Morris Road	Lincoln Street	Netherby Road		26	
Morris Road	Grassy Brook Road	Schisler Road		26	
Morrison Street	Montrose Road	Dorchester Road		30	
Morrison Street	Dorchester Road	Stanley Avenue		26	
Morrison Street	Stanley Avenue	Victoria Avenue			20
Mount Carmel Blvd	Kalar Road	Montrose Road			23
Mountain Road	Taylor Rd (Beechwood Rd)	Portage Rd	26.2		
Murray Street	Drummond Road	Allendale Avenue			23
Murray Street	Allendale Avenue	River Road			26
Netherby Road	West City Limit	Montrose Rd	30.5		
Niagara Townline Rd	St. Paul Ave	Stanley Ave	26.2		
North Street	Drummond Road	Stanley Avenue			23
North Street	Stanley Avenue	Buchanan Avenue			26
O'Neil Street	Dorchester Road	Portage Road			20
Oakwood Drive	McLeod Road	Montrose Road			23
Old McLeod Road	Ailanthus Avenue	East Limit			23
Olden Avenue	Mountain Road	Casey Street			20
Oldfield Rd	Dorchester Rd	Drummond Rd		26	
Ontario Avenue	Park Street	Palmer Avenue			20
Ontario Avenue	Hiram Street	Bender Street			20
Ort Road	Bossert Road	Baker Road			23
Oxford Street	Harvard Avenue	Dorchester Road			20
Paddock Trail Drive	Kalar Road	Brookdale Drive			20
Palmer Avenue	Ontario Avenue	Bender Street			20
Park Street	Victoria Avenue	River Road			20
Mountain Road	Taylor Rd (Beechwood Rd)	Portage Rd	26.2		
Pettit Avenue	Dorchester Road	Glengate Street			20
Pin Oak Drive	McLeod Road	South Limit			26
Pitton Road	Catalina Street	Westwood Street			20
Portage Road	Stanley Avenue	Mountain Road	26.2		
Portage Road	Mountain Road	O'Neil Street			23
Portage Road	Thorold Stone Rd	O'Neil Street		26	
Portage Road	Thorold Stone Rd	Gallinger Street			20
Portage Road	Summer Street	Gallinger Street			23
Portage Road	Fallsview Blvd	Marineland Pkwy			26
Portage Road	Marineland Parkway	Front Street		26	
Preakness Street	Paddock Trail Drive	Montrose Road			23
Preston Avenue	Paddock Trail Drive	Brookdale Drive			20
Progress Street	Stanley Avenue	West Limit			26
Queen Street	Victoria Avenue	River Road			23
Ramsey Road	Stanley Avenue	Kister Road			26
Reixinger Road	West Limit	Lyons Creek Road			23

Road	From	To	Regional Arterial	City Arterial	Collector
Reixinger Road	Stanley Avenue (West)	Ort Road			23
Riall Street	Dorchester Road	St. Paul Avenue			20
Ridge Road	Montrose Road	West Limit			23
Roberts Road	Stanley Avenue	Falls Road	41.2		
Robinson Street	Allendale Avenue	Queen Victoria Pk			26
Sarah Street	Main Street	East Limit			20
Sauer Road	Willodell Road	Sodom Road		26	
Schaubel Road	Schneider Road	South Limit			23
Schihl Road	Netherby Road	South City Limit	26.2		
Schisler Road	West City Limit	Misener Road	30.5		
Schisler Road	Misener Road	Montrose Road	26.2		
Robinson Street	Allendale Avenue	Queen Victoria Pk			26
Sarah Street	Main Street	East Limit			20
Sauer Road	Willodell Road	Sodom Road		26	
Schaubel Road	Schneider Road	South Limit			23
Schisler Road	Montrose Road	Beck Road		26	
Schneider Road	Montrose Road	Schaubel Road			23
Sherk Road	King Road	Ort Road			23
Sherk Road	Sodom Road	Niagara Parkway			23
Sinnicks Avenue	Thorold Stone Road	Mayfair Drive			20
Sodom Road	South City Limit	Lyon's Creek Rd	26.2		
Somerville Road	Sodom Road	Niagara Parkway			23
St. Paul Avenue	O'Neil Street	Mountain Road		26	
St. Paul Avenue	Mountain Road	North City Limit	26.2		
Stanley Avenue	Niag. Townline Rd	Highway 420	26.2		
Stanley Avenue	Highway 420	Lyon's Creek Road	30.5		
Stanley Avenue	Lyon's Creek Road	Marshall Road		26	
Swayze Drive	Portage Road	Stanley Avenue			23
Taylor Road	Thorold Townline Rd	North City Limit	26.2		
Thorold Stone Road	West City Limit	Garner Road	42		
Thorold Stone Road	Garner Road	Stanley Avenue	26.2		
Thorold Townline Rd	Brown Road	North City Limit	26.2		
Valley Way	Drummond Road	Queen Street			23
Victoria Avenue	Ferry Street	Highway 420	26		
Victoria Avenue <sup>1</sup>	Highway 420	Bridge Street			23
Victoria Avenue	Bridge Street	Niagara Parkway		26	
Watson Street	Montrose Road	Beaverdams Road			20
Weaver Road	Ort Road	Niagara Parkway		26	
Weinbrenner Road	Sodom Road	Willoughby Drive			23
Westwood Avenue	Charnwood Avenue	Kalar Road			20
Willick Road	Ort Road	Willoughby Drive			23
Willodell Road	Lyons Creek Road	Schneider Road			23
Willoughby Drive	Cummington Square	Weaver Road			26
Willoughby Drive	Weaver Road	Somerville Road			23
Woodbine Street	Kalar Road	Montrose Road			23

<sup>1</sup> DEFERRED UNDER SECTION 17(34) OF THE PLANNING ACT (OPA #64, approved November 9, 2006)

Road	From	To	Regional Arterial	City Arterial	Collector
Woodgate Street	Dorchester Road	Olden Avenue			20
Yokom Road	Montrose Road	West Limit			23
Young Road	Montrose Road	West Limit			23

\* These road allowance widths shall not come into effect until the approval of Regional Policy Plan Amendment 2-2005. Where there is a conflict between the right-of-way widths listed herein and the Regional Niagara Policy Plan the Regional Policy Plan shall apply.

- 1.5.35 The transfer of road jurisdictions to and from the Niagara Region shall proceed through amendment to this plan; however, where there has been a transfer of road authority, the road allowance listed in the Plan of the previous road authority shall continue to apply until an amendment has received approval.
- 1.5.36 All local road allowances are to be 20 metres in width. There may be cases when local roads will be less than 20 metres under special circumstances approved by Council.

## UTILITY SERVICES

- 1.5.37 Council shall encourage and, where necessary, participate with the various public or private utility agencies to ensure the utility services such as hydro electric power, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the City. Council shall also ensure minimal disturbance to natural resources by the proposed utility services.
- 1.5.38 Utility services shall be developed to carefully integrate, as much as possible, with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control and any other measures as may be deemed to be appropriate by Council.
- 1.5.39 Council shall encourage and cooperate with the various public and private agencies in the planning of community mail boxes, future transmission routes, easements and facilities for utility services. Such services will be provided in a manner which can be integrated with the established or anticipated pattern of development, as much as practical.
- 1.5.40 All existing electrical facilities and all new Ontario and Niagara Falls Hydro facilities used directly for the generation and distribution of electric power which satisfy the requirements of The Environmental Assessment Act, and other relevant statutes, shall be permitted in any land use designation without an amendment to this Plan. Ontario Hydro will be encouraged to consult with the City and take into account the established planning policies of the municipality.
- 1.5.41 Water supply and sewage treatment facilities and essential public uses of a linear nature such as utility, communication and transportation facilities shall only be permitted within Good General Agriculture and Environmental Protection Areas if no other reasonable location is available. The impact of these facilities on agriculture and the environment should be minimized. Local power transmission facilities shall be considered a public utility.

1.5.42 Council shall encourage, upon development or redevelopment proposals, that the appropriate public or private agencies to place such services as electric power, telephone and television cable lines underground, where feasible.

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 2 PARKLAND STRATEGY****PREAMBLE**

The policies of this section shall be used to guide the acquisition and development of municipal parklands in the City of Niagara Falls. Parklands, trails and public open space form a critical part of the urban environment. Such spaces not only serve a recreational function but serve neighbourhoods and the community as a whole in terms of social interaction and active transportation. It is the intent of this Plan to provide public open space within both the Greenfield Area and Built-up Area to the extent that is appropriate for that neighbourhood or community.

**POLICIES**

- 2.1 In order to accommodate the parkland needs of City residents, a hierarchy of park facilities shall be established. This hierarchy shall be comprised of Neighbourhood, Community and City-wide Parks and shall be developed in accordance with the following standards.
  - 2.1.1 Neighbourhood Parks shall be established to serve the needs of local residents. As far as possible, such parks should be centrally located and readily accessible to the majority of park users and should be designed with extensive street frontage for visibility and safety. Facilities may include active play areas, landscaped passive areas, playgrounds and play fields. Neighbourhood parks shall be provided on the basis of 1.4 hectares per 1000 population and shall be coordinated with elementary school sites wherever possible.
  - 2.1.2 Community Parks shall be established to service residents within larger planning districts or "communities". To accommodate the needs of this broader population base, community parks shall be relatively large in size and contain a wide variety of recreational facilities. While emphasis will be placed on facilities for active recreation and organized sports, with smaller areas set aside for landscaping, beautification and passive recreation, significant tree stands, woodlots and ravine lands will be conserved and protected as much as possible. Community parks shall be provided on the basis of 1 hectare per 1000 population and shall be accessible to the entire community by means of public transit and private automobile.
  - 2.1.3 City-wide Parks shall be established for the benefit and enjoyment of all Niagara Falls residents. In this regard, opportunities for active and passive recreation, social and cultural activities, exploration of the natural environment, sports and entertainment will be provided to accommodate a diversity of interests and needs. City-wide parks shall be widely distributed throughout the municipality and shall be designed to take advantage of prominent land forms and natural features wherever possible. Other sites with limited topographical variations and natural environmental features may be more suitably developed for major sports activities or special events. City-wide parks may vary in size, depending on the nature and extent of facilities to be provided. The amount of land required to adequately serve City residents shall be determined on the basis of 2.5 hectares per 1000 population.

2.2 The hierarchy of parks shall be used as the basis for determining the adequacy of municipal parklands. Council recognizes that in certain situations, particularly in developed areas, it may not be possible to attain a full complement of parks in accordance with prescribed standards. Nevertheless, Council will endeavour to progressively eliminate parkland deficiencies through programmes of land acquisition and park development.

2.3 In areas of new development or redevelopment, Council will avail itself of the provisions of the Planning Act to ensure that sufficient lands are dedicated to the municipality for park purposes.

2.3.1 Generally, the parkland dedication provisions of the Planning Act will be used to establish Neighbourhood parks. The amount of land to be conveyed for such purposes shall be calculated on the basis of one hectare for every 300 dwelling units or at such lesser rate as Council deems appropriate.

2.3.2 Notwithstanding Policy 2.3.1, in no case shall the ratio of parkland dedication be less than 5% or exceed 20% of the lands included in a proposed development or redevelopment plan.

2.3.3 With respect to industrial and commercial development, Council may require a 2% dedication of land or cash-in-lieu thereof for parks and recreation purposes.

2.4 In accepting parkland conveyances pursuant to the provisions of the Planning Act the City will ensure that the land is suitable for park development, in accordance with prescribed municipal standards and the following criteria.

2.4.1 Open space shall be designed to respect and integrate with protected natural heritage features. The minimum prescribed buffers shall be provided and maintained as a naturalized area. Playgrounds, sports fields and other forms of active recreational uses shall be setback from buffers and the intervening area planted with vegetation that hinders human traffic.

2.4.2 Active parkland should be designed to accommodate various forms of recreational activities.

2.4.3 Within secondary plan areas, a system of trails and open space should be provided that is integrated with the built environment, with connections to schools and other forms of community infrastructure in order to create a more liveable community.

2.4.4 Park sites should be free and clear of building materials and debris and left in a condition which is satisfactory to the municipality.

2.4.5 Special attention shall be paid to develop parks in such a way to make all services accessible.

2.5 As an alternative to requiring land conveyances, cash-in-lieu of parkland dedication may be requested under the following circumstances.

- 2.5.1 Where the density of development is very low (e.g. estate housing) precluding the need for neighbourhood parkland.
- 2.5.2 Where the conveyance would render the remaining portion of the development site unsuitable or impractical for development or redevelopment.
- 2.5.3 Where the conveyance would provide insufficient land suitable for park purposes.
- 2.5.4 Where existing municipal parkland is available in sufficient quantities to accommodate further development and redevelopment in an area.
- 2.5.5 Where more suitable parcels of land are available for municipal park purposes.

2.6 Where cash-in-lieu of parkland dedication is received by the municipality, priority will be placed on using the funds to meet Neighbourhood park requirements in the vicinity of the proposed development. If the neighbourhood has sufficient parkland, the funds collected may be used for other public recreational purposes.

2.7 In addition to the hierarchy of park facilities provided by the municipality, it is important to recognize that local boards, commissions, public institutions and private organizations contribute significantly to the overall supply of recreational open space available throughout the City. Such facilities clearly complement the City's parks planning programme, hence, every effort shall be made to work cooperatively toward the integration of lands and facilities, including the planning and design thereof.

2.8 The principles enumerated in this Plan regarding the acquisition and development of municipal parklands and the coordination of planning activities with other groups and agencies shall be refined and amplified in the preparation of a Parks and Recreation Master Plan.

- 2.8.1 Such Master Plan will include, among other matters, an inventory and analysis of parks and recreation needs, priorities for land acquisition and park development, as well as budgeting programmes and monitoring systems for plan implementation.
- 2.8.2 In addition, Council will undertake periodic reviews and updates of the Master Plan in order to ensure that the needs of the community are effectively being met.

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 3 ENERGY CONSERVATION****PREAMBLE**

In recent years, there has been an increasing awareness of the need to protect and conserve our energy, heritage and natural resources. Through the implementation of the policies of this Plan, the City will play a major role in the protection and conservation of resources.

The policies of this Section are designed to promote opportunities for energy efficiency, with particular emphasis on development designs which minimize energy consumption. The protection and conservation of the City's heritage resources is also a high priority. The City contains many buildings, structures and landscapes that are of cultural heritage value or interest. These areas can provide an educational benefit to people today and for future generations. The policies of this section support this objective.

**POLICIES****3.1 ENERGY RESOURCES**

- 3.1.1 The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged. This approach is advocated by the Future Land Use Schedule "A" and may be further refined through secondary plans. In order to achieve energy efficiency, the following shall be considered.
  - 3.1.1.1 A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.
  - 3.1.1.2 Orderly, economic and energy conserving development shall be fostered through the logical extension of public services with urban expansion being phased to optimize the use of existing infrastructure.
- 3.1.2 Access to direct sunlight shall be protected in order to provide opportunities for passive solar heating thereby reducing consumption of energy resources. This may be achieved through consideration of the following.
  - 3.1.2.1 Zoning provisions regulating such matters as building height, setbacks and accessory structure locations.
  - 3.1.2.2 Building orientation and design that maximizes exposure to sunlight.
  - 3.1.2.3 High-rise developments located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian

corridors, open space and amenity areas. Special drawings or studies may be required in the assessment of development applications in such cases.

- 3.1.3 The City shall encourage the introduction of energy efficiency and conservation techniques in the built environment. However, it is recognized that the types of energy saving steps that may be used differs between new and existing development.
  - 3.1.3.1 Energy conservation considerations shall be incorporated in new urban growth plans and individual development projects. This shall be accomplished through the preparation of Secondary Plans, the design of plans of subdivision regarding street and lot layout and the review and approval of site plans.
  - 3.1.3.2 Energy conservation shall be encouraged in the retrofitting and upgrading of energy inefficient older buildings and by utilizing materials with improved thermal qualities.
- 3.1.4 Energy conserving landscaping practices, including the use of existing natural vegetation and topography shall be promoted in site design. Appropriately selected and located vegetation shall be used to control exposure to the sun and/or wind, thereby reducing energy consumption for the mechanical heating and cooling of buildings.
- 3.1.5 The City shall cooperate with other levels of government, appropriate agencies and private industry to promote energy conservation and education. This may be achieved by encouraging the practical application of innovative ideas and measures relating to energy efficiency and conservation. In an effort to conserve the supply of natural resources and energy, the City shall support public and private efforts such as the development of efficient and comprehensive waste reduction, reuse and recycling programs. Furthermore, the City will promote the reduction of energy consumption and dependency on non-renewable energy sources in all City owned and operated facilities.

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 4 CULTURAL HERITAGE CONSERVATION**

- 4.1 The City of Niagara Falls has a rich historical background and in order to promote the conservation of heritage resources, the City shall appoint citizen representatives to a Municipal Heritage Committee (MHC) under the terms of the Ontario Heritage Act. This Committee shall research and advise City Council on heritage matters relating to the identification, protection and/or management of properties of cultural heritage value or interest. The MHC may also advise and assist Council on other heritage related matters as required.
- 4.2 The City shall maintain a register of properties that are considered to be of cultural heritage value or interest. The registry shall contain both those lands that have been designated under Parts IV or V of the Ontario Heritage Act as well as listed properties believed to be worthy of future designation.
- 4.3 The City shall consider the addition of cultural heritage properties that have not been designated under the Ontario Heritage Act to the municipal register where preliminary research has shown that there is sufficient merit to undertake a more detailed review and evaluation of the property for future designation.
- 4.4 In order to promote the conservation of heritage resources, the City shall, through the MHC, designate significant properties of cultural heritage value or interest as permitted under Parts IV or V of the Ontario Heritage Act.
- 4.5 In consultation with the MHC, built heritage resources within the municipality shall be assessed by use of studies, surveys or other methods. The following criteria shall be considered when identifying, studying, assessing or conserving properties of cultural heritage value.
  - 4.5.1 The property represents a rare, unique, or early example of a style, type, expression, material or construction method.
  - 4.5.2 Built resources or design of the property displays exceptional craftsmanship or artistic merit.
  - 4.5.3 Elements of the property demonstrate a high degree of technical or scientific achievement.
  - 4.5.4 The property is significant to the community because of direct associations to a theme, event, belief, person, activity, organization or institution.
  - 4.5.5 The property contributes to the understanding of a community or culture.
  - 4.5.6 The property demonstrates/reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.
  - 4.5.7 The property is important in defining, maintaining or supporting the character of an area.

- 4.5.8 The property is physically, functionally, visually or historically linked to its surroundings.
- 4.5.9 The property is a landmark.

4.6 In consultation with the MHC the following criteria shall be considered when identifying, studying, assessing or conserving heritage districts.

- 4.6.1 The majority of properties represents a rare, unique, or early example of a style, type, expression, material or construction method; display exceptional craftsmanship or artistic merit; or demonstrate a high degree of technical or scientific achievement.
- 4.6.2 The majority of properties have a direct association to a theme, event, belief, person, activity organization or institution that is significant to the community or contributes to the understanding of a community or culture.
- 4.6.3 The majority of the properties demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.
- 4.6.4 The district consists of a homogeneous collection of properties that are important in defining, maintaining or support the character of an area; are physically, functionally, visually or historically linked to their surroundings; or form a landmark.

4.7 The Council shall undertake a study of any area of the municipality being considered as a Heritage Conservation District. Council may pass a by-law to designate a specified area as a heritage conservation study area for a period of up to one year. Through the designation by-law, Council may prohibit or limit the alteration of property or the erection or demolition of buildings within the designated study area.

4.8 A Heritage Conservation District Study shall be based on the criteria contained in Policy 4.6 and any applicable Provincial Guidelines and will:

- c) outline the geographic boundaries of the area to be designated;
- d) provide recommendations on the objectives of the designation and what is to be contained in a Heritage Conservation District Plan;
- e) make recommendations regarding required changes to the City's Official Plan or Zoning By-law; and
- f) be adopted by a By-law that will also adopt a heritage conservation district plan in accordance with the provisions of the Ontario Heritage Act.

4.9 In consultation with the MHC, the following criteria shall be considered when identifying, studying and assessing cultural heritage landscapes.

- 4.9.1 The landscape represents a rare, unique or early example of a style, type, expression, material or construction method.

- 4.9.2 The landscape contains excellent craftsmanship or artistic merit.
- 4.9.3 The landscape is representative of a high degree of technical or scientific achievement.
- 4.9.4 The landscape has associations to a theme, event, belief, person, activity, organization or institution that is significant to the community.
- 4.9.5 The landscape contains elements that contribute to the understanding of a community or culture.
- 4.9.6 The landscape demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.
- 4.9.7 The landscape is important in defining, maintaining or supporting the character of an area.
- 4.9.8 The landscape is physically, functionally, visually or historically linked to its surroundings.
- 4.9.9 The landscape is considered a landmark of the City.

4.10 The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.

4.11 The City shall refer to the Niagara Falls Heritage Master Plan and the Region of Niagara to identify sites having potential for archaeological resources. Where potential archaeological resources have been identified, the submission of an archaeological assessment shall be required as part of complete planning application as prescribed under the Planning Act.

4.12 Where an archaeological assessment has identified that an archaeological resource should remain on site to preserve its cultural heritage significance, Council may, upon consultation with the MHC, support designation of the site as provided for under Part VI of the Ontario Heritage Act.

4.13 In order to assist in the preservation and conservation of heritage resources, the City may develop Plans and Guidelines such as, but not limited to, Heritage Impact Assessment Guidelines, Landscape Guidelines, Urban Design Guidelines or an Archaeological Master Plan, that will be used to further define, identify and evaluate properties of cultural heritage value or interest as well as outline the appropriate methods of protection including designation under the Ontario Heritage Act. Where such documents have been adopted

by Council they shall be used as a guideline for future development on heritage properties and lands adjacent to them.

- 4.14 Council may utilize other measures to pursue heritage preservation such as, but not limited to, the following:
  - c) a special policy provision or heritage overlay designation
  - d) site specific zoning or area zoning to regulate building setbacks, massing, height and density;
  - e) area design guidelines;
  - f) transfer of development rights through the use of heritage easements and agreements;
  - g) site plan control;
  - h) public education initiatives and publications;
  - i) Community Improvement Plans; or
  - j) conservation plans which may be required as a condition of development approval together with financial securities such as a letter of credit.
- 4.15 In consultation with the MHC, the City shall develop provisions to protect, conserve and maintain heritage resources through the City's property standards by-law.
- 4.16 In consultation with the MHC, the City may regulate demolition alterations, additions, maintenance and repairs to designated properties of cultural heritage value or interest. Property owners shall be required to make application and receive permission from the City Council or designate prior to commencing any such work.
- 4.17 The City shall foster creative and functional uses of heritage resources in the economic and social life of the community. Encouragement shall be given to appropriate types of development or uses which propose to incorporate a building or group of buildings with historic or architectural value. At the local level incentives, bonuses or exceptions to development requirements may be considered for those proposals which incorporate heritage conservation properties in development or redevelopment projects.
- 4.18 The City encourages the utilization of senior government programs related to heritage resource preservation and improvement. The City shall investigate and where desirable, take advantage of financial assistance and other programs to preserve heritage resources.
- 4.19 Development adjacent to and surrounding significant heritage properties shall be designed as to not adversely impact on the character, quality or amenity associated with the heritage resource.
  - 4.19.1 In consultation with the MHC, the City may require a proponent of development to submit a heritage impact assessment to determine the impact of a specific development proposal on any heritage resource or area of archaeological

potential and to recommend the most appropriate method of conservation through mitigative measures or alternative development.

4.19.2 The City shall consider the impact of public works activities on heritage properties or districts and design such necessary work to mitigate the effects on heritage resources as outlined in a heritage impact assessment.

4.20 When considering an amendment to this Plan or through a zoning by-law amendment application within an area identified by the City as a cultural heritage landscape, the proponent shall address the following as part of a heritage impact assessment to be submitted with the application:

- c) the significance of the place and its contribution to the City's heritage;
- d) the impact of the proposal on the significance of the place; and
- e) the alternatives to the development as proposed and how development impacts will be minimized and/or mitigated.

4.21 City-owned heritage properties and buildings shall be conserved, maintained and, where possible, restored in accordance with the policies of this Plan.

In addition, the City and other public agencies may acquire heritage property on a selective basis, where preservation under private ownership is not feasible, and when appropriate.

4.22 In recognition of the ongoing evolution of heritage, the City shall continue to study areas of cultural heritage interest to understand the history of place and for possible recognition as a significant heritage resource. Areas identified for possible future studies are listed in Appendix VI."

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 5 URBAN DESIGN STRATEGY****PREAMBLE**

Urban design is the shaping of the built environment. It plays an important role in the upgrading and maintenance of the City's civic image and economic potential and is critical to the quality of life for its citizens. It is the intent of this Plan to create a compact and interconnected, pedestrian-oriented and transit-supportive community. The built environment consists of the public realm and private properties, both of which have to be designed to work harmoniously together. The policies of this section are to provide guidance to both the public and private sectors.

**POLICIES**

- 5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.
  - 5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.
  - 5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.
  - 5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.
  - 5.1.4 In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.
  - 5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.
  - 5.1.6 Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.

5.1.7 The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.

5.2 Streets are a public space that, while conveying motorized traffic, should be designed as a safe, comfortable and convenient environment for the pedestrian and cyclist. Streetscaping should serve to improve the pedestrian experience of an area through the use of amenities such as widened sidewalks, decorative street lighting, rest areas, tree planting and other landscaping features.

5.2.1 The provision of adequate and accessible space for pedestrians, cyclists and transit are to be considered in the design of streets.

5.2.2 The improvement and upgrading of streetscapes is encouraged through the development of facilities and amenities such as sidewalk cafes, plazas, piazzas and other spaces. Where appropriate, streetscape plans, urban design guidelines or community improvement plans will be undertaken and implemented in cooperation with area land owners and Boards of Management for business improvement areas.

5.2.3 The City shall cooperate with other levels of government in protecting existing trees and planting new trees along roadways and highways in accordance with municipal, Regional and Provincial guidelines for aesthetics, maintenance and safety.

5.2.4 In all public works, no trees within the road allowance or on public property shall be removed unnecessarily. However, if they must be removed, suitable, native trees shall be replaced as soon as possible where it is desirable and practical.

5.2.5 The City shall participate in a tree planting program to enhance the environment and shall encourage private landowners to protect existing trees, hedgerows, windbreaks and other natural areas and plant additional trees on their own property using native species wherever possible.

5.2.6 In cooperation with the appropriate agencies, the number of utility poles shall be minimized and overhead wiring shall be progressively buried underground.

5.2.7 The City shall cooperate with other levels of government and agencies in consolidating driveway entrances and/or providing access turnarounds, wherever possible, within and between properties to improve traffic flow efficiencies and to protect private and public property.

5.3 Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.

5.3.1 The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In

addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.

- 5.3.2 Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.
- 5.3.3 The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.
- 5.3.4 Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.
- 5.3.5 The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.
- 5.3.6 Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.

- 5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect its functioning and safety.
- 5.4.2 Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.

5.5 Signs within the City are regulated by the comprehensive sign by-law. The by-law implements the following amenity and design principles:

- 5.5.1 The city is organized into sign districts in order to establish the appropriate sign types and regulations for each district.
- 5.5.2 Proposed signs should be designed so as not to compete for visual attention and airspace with streetscape elements, existing signage and buildings.
- 5.5.3 Signs are a part of the streetscape and are to be designed to complement the built form and character of the surrounding area. Signs are not to be intrusive nor add to visual clutter. Separation distance between signs and residential

uses, designated heritage properties and open space should be such that these uses are not impacted negatively.

5.5.4 Signs should be designed to integrate with building architecture and the development in general.

5.5.5 Electronic signage should be carefully sited. Due to its illumination and display characteristics, electronic signage should be located such that impacts on vehicular and pedestrian traffic are minimized.

5.5.6 Signs located in the Downtown and Drummondville Districts shall be designed to respect the historic character or heritage theme for these areas. As such, signs are to be at a scale and size that is appropriate for the districts and in compliance with the specific design guidelines to be developed for the Downtown and Drummondville Districts.

5.5.7 Applications for minor variances from the comprehensive sign by-law may be considered by Council or its designated staff member provided that:

- the general intent and purpose of the Official Plan is maintained;
- The general intent of the Sign By-law is maintained;
- the request is minor in nature; and
- is desirable for the appropriate development of the land.

5.5.8 Any major deviations will require Council approval as an amendment to the by-law and will be subject to the submission of an application accompanied by studies and/or reports, to demonstrate the reasons why the by-law regulations cannot be complied with and to address issues of aesthetics and design as well as impacts on the surrounding area, traffic safety and public property.

5.5.9 Approvals of by-law amendment applications may be subject to conditions including, but not limited to, submission of Letters of Credit, agreements registered on title to safeguard the City's interests in the regulation of signs and their content as Council considers appropriate.

5.6 The City advocates high quality development through the preparation of secondary plans, community or neighbourhood plans and community improvement plans. The achievement of this goal shall also be assisted in the review and approval of subdivisions, zoning amendment applications and the utilization of site plan control.

5.6.1 Individual subdivisions and rezoning developments are to be coordinated through applicable secondary plans to ensure appropriate aesthetic qualities are attained.

5.6.2 Aspects such as the arrangement of uses and densities, road layout and orientation, lotting schemes, parks, pedestrian and cycling routes, tree planting, landscaping and services shall all be addressed as design elements within secondary plans and plans of subdivision.

5.7 The City may prepare urban design plans or neighbourhood plans to implement the Urban Design Policies on specific areas. In the absence of such plans, reference should be made to Niagara Region's Model Urban Design Guidelines.

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 6 ENVIRONMENTAL QUALITY****PREAMBLE**

With the ever increasing public awareness and interest in the environment, it is important to ensure that development proposals are assessed in an environmentally sensitive manner. This section is intended to provide evaluation policies that will minimize adverse effects of development on the natural and human living environment. The policies encourage the improvement of developed areas through greening and landscaping, increased use of public transit and alternative modes of transportation, and the protection of the public from noise, water and air pollution, with the cooperation of other government agencies.

It is recognized that the main responsibility for environmental matters rests with the Federal and Provincial Ministries of the Environment through the implementation of such legislation as contained in the Environmental Assessment Act, the Environmental Protection Act and the Ontario Water Resources Act. However, the City will initiate a proactive approach for environment protection through the implementation of the Environmental Quality policies.

Potentially contaminated properties are properties where the environmental condition of the site (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, it is important prior to permitting development, to identify these properties and ensure that they are suitable or have been made suitable for the proposed land use(s) in accordance with Provincial legislation and regulations.

**POLICIES**

- 6.1 While the identification of potentially contaminated properties through the planning application review process is important, the policies in this section should not be interpreted as a commitment on the part of the City to identify all contaminated properties or sites. Rather, these policies should be regarded as an effort on the part of the City to responsibly utilize available information in the planning application review process in order to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.
- 6.2 In order to minimize the effects of development or redevelopment from an environmental perspective, Council may, in consultation with the appropriate public agency, require the proponent to undertake various studies by a qualified professional to ensure protection of the environment and the quality and quantity of surface and ground water features.
- 6.3 Council may provide the appropriate public agencies such as the Ministry of Natural Resources, the Niagara Escarpment Commission, the Niagara Peninsula Conservation Authority, the Niagara Parks Commission, the Regional Municipality of Niagara, and the Ministry of the Environment with an opportunity to review and make recommendations on the acceptability of any required studies prior to any decision on the support or denial of the proposal. The City will take an active role in the preparation of any necessary studies.
- 6.4 The studies, as noted in Policy 6.2 above, will not be required as part of a submission where the development or redevelopment proposal is subject to an environmental

assessment or related assessment or study pursuant to the Environmental Assessment Act, the Environmental Protection Act, or other pertinent legislation.

- 6.5 Council will encourage, together with the Niagara Parks Commission, that the Niagara River Parkway, including the Gorge and Niagara River, be protected and maintained for continued public use and enjoyment. Future development along the Niagara River Parkway will be kept to a minimum and in accordance with the development standards of the Niagara Parks Commission and the policies as contained in this Plan.
- 6.6 Council will cooperate with the Ministry of the Environment to ensure potential pollution sources or noise and/or vibration, odour and/or dust, will be minimal. In addition, Council will cooperate with the Ministry of the Environment to ensure safe water quality of streams, ground water or domestic water supply.
- 6.7 The following list of general uses represents some current or past activities on a property that may be causing or may have caused environmental contamination:
  - 6.7.1 activities involved with the elimination of waste and other residues, including, but not limited to, landfill sites, settling ponds and waste disposal areas;
  - 6.7.2 industrial, commercial or agricultural activities involving the storage and/or use of hazardous substances, including, but not limited to, fuels, oils, chemicals, paints or solvents;
  - 6.7.3 railway lands, which include private lands where railway spur lines have been located; and
  - 6.7.4 lands that may be potentially impacted by the migration of potentially contaminated ground or surface water emanating from other sites.
- 6.8 In order to assist the City in determining the potential for site contamination, development proponents shall provide as part of any planning application, the documenting of previous uses of the lands that are the subject of a planning application and/or adjacent lands that may be adversely impacting the lands that are subject to a planning application.
- 6.9 For properties that have been identified as potentially contaminated, and where there is a proposed change in land use to a more sensitive use, the City shall:
  - 6.9.1 require verification to the satisfaction of the City and the Region from a Qualified Person as defined by provincial legislation and/or regulations, that the property or properties in question do not require remediation in accordance with provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by City policies or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission by the owner to the City and the Region of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC.

6.9.2 not consider an RSC as acknowledged by the MOE for the purposes of Policy 6.9.1 until either:

- the MOE has confirmed that the RSC will not be audited; or
- the MOE has confirmed that the RSC has passed the audit.

6.9.3 in order to ensure that satisfactory verification of suitable environmental site conditions is received in accordance with Policy 6.9.1, Council shall utilize Holding provisions, pursuant to the provisions of the Planning Act, in any amending zoning by-law. Where a Zoning By-law amendment is not required, Council shall attach appropriate conditions to draft approval of an application for subdivision.

6.10 Where the City is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the City shall require, as a condition of transfer, satisfactory verification of environmental site condition as per Policy 6.9.1.

6.11 The City discourages hazardous wastes from being stored, treated or disposed of within the City of Niagara Falls. The City shall continue to sponsor Hazardous Waste Collection Days for proper treatment and disposal in conjunction with private operations.

6.12 Council supports compact, efficient designs, a compatible mix of land uses and the use of alternative or renewable energy, such as solar and wind, to support energy efficiency and improved air quality.

6.13 The City supports all efforts to reduce sources of air pollution and activities that contribute to greenhouse gas emissions. To this end the City shall:

- endeavour to operate City facilities in an energy efficient manner and, wherever possible, utilize alternatives to fossil fuel based energy.
- encourage site design that support a healthy environment such as building orientation to minimize heating/cooling costs, mixed land uses to minimize the necessity of vehicular travel for basic goods, the provision of walkways, cycling facilities and public transit to provide alternative forms of travel.
- promote the retention and enlargement of green spaces in site design through such measures as tree planting, tree preservation, roof top gardens, and the use of native species in landscaping.
- support the use of alternative and renewable sources of energy such as wind or solar power.

**PART 3 ENVIRONMENTAL MANAGEMENT****SECTION 7 SOURCE WATER PROTECTION POLICIES****PREAMBLE**

The following Source Water Protection policies have been developed under the Source Protection Plan for the Niagara Peninsula Source Protection Area which implements the Clean Water Act directive to ensure that source drinking water is protected for now and for the future.

The objective of the Source Protection Plan (SWP) is to identify potential risks to local water quality and water supply and to create a plan to reduce or eliminate these risks. The following policies implement the goal of the SWP through land use restrictions within the identified Municipal drinking water Intake Protection Zone.

**OBJECTIVES**

- To protect the quality and supply of existing and future drinking water sources.
- To ensure that activities that may be considered significant threats to drinking water are prevented or, if they exist, cease to be a significant threat.

**POLICIES**

7.1 Source Water Protection Policies shall apply to those lands identified as 'Niagara Falls Intake Protection Zone 1' (IPZ-1) as shown on Schedule "A".

7.2 The application of untreated septage to land is considered a significant drinking water threat. New waste disposal sites for the application of untreated septage to land shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1).

7.3 The discharge from new stormwater management facilities is considered a significant threat where the storm sewer drainage area is at least 100ha in size with the predominant land use being commercial or industrial. The following shall apply:

- i) New stormwater management facilities which meet these criteria are not permitted to discharge into the Niagara Falls Intake Protection Zone 1 (IPZ-1); and
- ii) New industrial or commercial land uses which meet the 100ha storm sewer drainage criteria are not permitted within the IPZ-1. For the purposes of this policy, new industrial or commercial land uses only includes industrial or commercial land uses which are not currently designated as such in the Official Plan.

7.4 The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant threat as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report for the Source Protection Plan (2013). Future combined sewers, wastewater treatment facilities, and industrial effluent systems shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1) where they would be a significant threat.

7.5 The storage, handling, and application to land of agricultural source material, and the

lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered significant threats therefore future agricultural land uses shall not be permitted within the IPZ-1.

- 7.6 The City shall cooperate with the Source Protection Authority in the monitoring and implementation of the Source Protection Plan for the Niagara Peninsula Source Protection Area.

***PART 4***

***ADMINISTRATION***

***AND***

***IMPLEMENTATION***

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 1 PROVINCIAL POLICIES, OFFICIAL PLANS OF THE REGION AND ADJACENT MUNICIPALITIES****PREAMBLE**

This section recognizes that planning within the municipality shall be consistent with Provincial or Regional interests and may affect neighbouring municipalities. Relevant planning documents of the Province, Region and abutting municipalities therefore, must be taken into consideration when applying or attempting to change the policies of this Plan.

**POLICIES**

- 1.1 The Province has issued Provincial Policy Statements on matters relating to municipal planning under Section 3 of the Planning Act. The Province has also issued a Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe. Any development or redevelopment shall be consistent with the Policy Statements and shall be in conformity with, or shall not conflict with Provincial Plans that are in effect on the date of decision.
- 1.2 In keeping with the Planning Act, and the Niagara Escarpment Planning and Development Act, and the Regional Municipality of Niagara Act, it is intended that this Plan and subsequent implementing procedures will comply with the Official Plan of the Regional Municipality of Niagara and the Niagara Escarpment Plan.
- 1.3 Council shall not approve amendments to this Plan or to the Zoning By-law which do not conform to the Region's Official Plan and the Niagara Escarpment Plan. City Council may request Regional Council or the Niagara Escarpment Commission to initiate amendments, when warranted, to the Region's Official Plan or the Niagara Escarpment Plan.
- 1.4 The City will have regard to the approved land use designations of adjacent municipalities upon the review of development proposals within the vicinity of neighbouring municipalities.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 2 OFFICIAL PLAN REVIEW AND AMENDMENTS****PREAMBLE**

The Planning Act sets out the steps necessary for reviewing Official Plan documents and for amending the Official Plan. The procedures allow for and encourage public participation in the review of proposed changes to the Plan.

**POLICIES**

- 2.1 The Official Plan for the City of Niagara Falls is intended to provide planning policies for a plan period ending in 2031. In order to ensure the continued relevance and practicality of the Official Plan it will be regularly reviewed and at least one open house will be held once every five years from the date of Regional approval. The review shall ensure that the Official Plan conforms with and does not conflict with Provincial Plans; has regard to the matters of provincial interest; and is consistent with Provincial Policy Statements and the Regional Policy Plan.
- 2.2 Amendments will be required to this Plan when revisions are made to the Region's Official Plan which have a direct effect on the planning of Niagara Falls. In addition, amendments will be required when a change in land use designation or a major public work is proposed that does not comply with the policies of this Plan or any other major change that is proposed to the policies of this Plan.
- 2.3 Council recognizes that an important part of the planning process for the City is the continuous evaluation, through special studies, of existing development as the basis for policy formulation and review. Based upon the above, a system will be implemented to monitor development and measure the effectiveness of the policies of this Plan. Ongoing monitoring will evaluate such matters as the following.
  - 2.3.1 Population changes.
  - 2.3.2 Intensification and Density Targets
  - 2.3.3 Employment changes.
  - 2.3.4 Land use changes
  - 2.3.5 Rate of development.
  - 2.3.6 Housing densities, housing mix, housing needs and conditions, lot inventories and vacancy rates.
  - 2.3.7 Municipal assessment and the residential non-residential assessment balance.
  - 2.3.8 Sewage and water capacity utilization.
  - 2.3.9 Changes in Federal and Provincial programs.
  - 2.3.10 Recreation and cultural facilities.

- 2.3.11 Volume, nature and location of industrial and commercial development.
- 2.3.12 Preservation of environmental features.
- 2.3.13 Traffic volumes and conditions.
- 2.3.14 Sustainable development.
- 2.3.15 Transit and pedestrian supportive design.

2.4 Council shall promote the active participation of the citizens of Niagara Falls in the implementation of the policies of this Plan and any subsequent amendments in accordance with the provisions of the Planning Act. All proposed amendments to this Plan will be subject to a formal public meeting. When a public meeting is to be held to inform the public and to provide them an opportunity to make representation in respect to a proposed Official Plan amendment, notice of such meeting shall be given in compliance with the Regulations issued under the Planning Act.

2.5 Council shall provide information regarding a proposed amendment to the Official Plan to such boards, members of the public, commissions or agencies that may have an interest. Prior to adopting a proposed amendment, Council shall afford such agencies an opportunity to submit comments.

2.6 When considering an amendment to the Official Plan, Council shall consider the following matters.

- 2.6.1 The conformity of the proposal to the general objectives of this Plan.
- 2.6.2 Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.
- 2.6.3 Compatibility of the proposed use with adjacent land use designations and natural resources.
- 2.6.4 The need for and market feasibility of the proposed use.
- 2.6.5 The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.
- 2.6.6 The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.
- 2.6.7 The financial implications of the proposed development.
- 2.6.8 The protection of specialty crop land as defined in the Provincial Policy Statement from development.
- 2.6.9 Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.

- 2.6.10 Compliance with a Comprehensive Review prepared by the City when considering the conversion of employment areas including an area of employment, to another land use category, except where the conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City.
- 2.7 Expansion to the Urban Area Boundary (shown on Schedule A and identified in the Regional Policy Plan) where a Municipal Comprehensive Review has been completed (as defined by the Provincial Places to Grow Growth Plan), will be considered during the periodic City review of the Official Plan as outlined in Policy 2.1 or through specific applications initiated by the City.

## URBAN BOUNDARY EXPANSION

- 2.8 An urban area boundary expansion shall only occur where the Regionally led and subsequent Local Growth Management Studies have demonstrated that:
  - 2.8.1 Sufficient opportunities to accommodate forecasted growth through intensification and greenfield development, using the intensification target and density targets of this Plan, are not available.
  - 2.8.2 The expansion makes available sufficient lands for a time horizon not exceeding 20 years. The timing of the expansion and phasing of development within the greenfield area will not adversely affect the achievement of the intensification target, density targets or any other policies of this Plan.
  - 2.8.3 Where applicable, the proposed expansion will meet the requirements of the Greenbelt and Niagara Escarpment Plans.
  - 2.8.4 The existing or planned infrastructure required to accommodate the proposed expansion can be provided in a financially and environmentally sustainable manner.
  - 2.8.5 In prime agricultural areas:
    - a) The lands do not comprise specialty crop areas.
    - b) There are no reasonable alternatives that avoid prime agricultural areas.
    - c) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
  - 2.8.6 Impacts from expanding urban areas on agricultural operations that are adjacent or close to the urban area are mitigated to the extent feasible.
  - 2.8.7 In determining the most appropriate location for expansions to the boundaries of an urban area, the policies of Sections 2 and 3 of the PPS and Sections 6 and 7 of the Regional Policy Plan or corresponding policies of this Plan are applied.
  - 2.8.8 The expansion will plan to maintain or move significantly towards a minimum of one full time job per three residents within the municipality.

## EMPLOYMENT LAND CONVERSIONS

2.9 The City may permit the conversion of lands within employment areas to non-employment uses but only through a municipal comprehensive review where it has been demonstrated that the conversion meets each of the tests identified in Policy 2.10 where it meets at least one of the following strategic objectives:

- 2.9.1 promotes brownfield redevelopment;
- 2.9.2 addresses issues related to land use incompatibility;
- 2.9.3 provides affordable housing; or,
- 2.9.4 meets any of the other strategic policies of this Plan.

2.10 Conversion of employment lands to non-employment uses must demonstrate that:

- 2.10.1 there is a need for the conversion;
- 2.10.2 the City will meet employment targets allocated to the Municipality as documented in this Plan;
- 2.10.3 the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification target, density targets and other policies of this Plan;
- 2.10.4 there is existing or planned infrastructure in place to accommodate the proposed use;
- 2.10.5 the lands are not required over the long term for the employment purposes for which they are designated; and,
- 2.10.6 Cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 3 COMMUNITY SECONDARY PLANS AND NEIGHBOURHOOD PLANS****PREAMBLE**

Secondary plans are land use, transportation and servicing policy plans for sub-areas of Niagara Falls that indicate in greater detail than the Official Plan, how the policies and land use designations of the Official Plan are to be implemented in a particular area. Such plans ensure appropriate and efficient development of areas from a land use perspective and will be administered in conjunction with servicing strategies for the areas. It is intended that the City will assume an aggressive approach to providing secondary plans for future growth areas.

**POLICIES**

- 3.1 Council may require that a secondary plan be prepared prior to the undertaking of any major development, redevelopment, or where any major proposal will have the potential effect of substantially altering the pattern of land use in an area. In particular, secondary plans will be prepared for greenfield areas in accordance with Part 2.
- 3.2 Secondary plans will be adopted as amendments to this Official Plan. As a result, any land use change to these plans will require an Official Plan amendment in accordance with the provisions of this Plan. Where secondary plans are to be prepared and do not exist at the time of approval of this Plan, development shall be guided by the relevant policies of this Plan.
- 3.3 Secondary plans are land use policy plans that indicate in greater detail how the preambles, policies and designations of this Official Plan are to be implemented in a particular area. Secondary plans shall generally detail the following items.
  - 3.3.1 The overall population capacity of the community related to road and service infrastructure.
  - 3.3.2 Identify the location of major engineering services and public utilities.
  - 3.3.3 The location and areas of various residential densities.
  - 3.3.4 The needs of the residents of the community, including access to parks and open space, schools, convenience opportunities for shopping, employment and energy conservation.
  - 3.3.5 The road pattern, including existing and proposed arterial, major collector, collector roads and local roads and where required, the general location of controlled access highways.
  - 3.3.6 The environmental constraints to development and particularly recognizing important natural heritage features and areas of hydrological significance.
- 3.4 Neighbourhood plans may be prepared as a guide to localized development where secondary plans are not warranted and may be incorporated into the Official Plan.
- 3.5 In addition to the details generally found in a secondary plan, neighbourhood plans will

indicate the location of existing and proposed local roads; the ultimate population and number of residential units to be expected in the neighbourhood; the distribution and mix of housing of various densities; the location of major redevelopment areas and the location and design of basic engineering services, public parks and public utilities. Neighbourhood plans will also form a basis for the maintenance of relevant statistical information.

- 3.6 Where a watershed plan has been completed, all required studies for the Secondary Plan, such as subwatershed plans, drainage plans or environmental impact studies, shall conform to the goals and objectives of the watershed plan.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 4 BY-LAWS****PREAMBLE**

The comprehensive Zoning By-law of the City provides the mechanism in which to implement the policies of this Plan. In addition, the Planning Act provides a number of special zoning tools, such as the use of holding zones and temporary use by-laws that can further assist in plan implementation. The City will endeavour to utilize a full range of zoning mechanisms relevant to the policies of the Plan. Within the Niagara Escarpment Area of the City, development shall be regulated by the issuance of Development Permits by the Niagara Escarpment Commission rather than through the zoning mechanisms as outlined below (See Part 2, Section 10 - Niagara Escarpment Plan Area).

**POLICIES****4.1 ZONING BY-LAW**

4.1.1 Following adoption of this Plan and any general amendments to it, it is intended that the comprehensive Zoning By-law will be updated to implement the relevant provisions of this Plan. Any application to amend the Zoning By-law shall be in conformity with the provisions of this Plan, the Regional Policy Plan and any applicable Provincial Plans.

4.1.1.1 Minor Zoning By-law Amendments, as determined by the General Manager of Planning, Building and Development, may include:

- a) Updates to terminology or mapping to align with the Official Plan,
- b) The lifting of a holding provision,
- c) The approval of a temporary use by-law,
- d) A zoning by-law amendment required as part of a surplus farm dwelling severance to prohibit future residential uses on agricultural lands,
- e) Any other amendments that meet the following criteria:
  - i. No studies or reports are required to review the application, other than a Planning Justification report, and
  - ii. The proposal does not contradict any Provincial Policies, and
  - iii. The proposal conforms to the Region and City's Official Plan.

4.1.1.2 Approval of minor zoning by-law amendments as outlined in Policy 4.1.1.1 may be delegated, by by-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the Planning Act.

4.1.2 In considering the merits of any proposed amendment to the Zoning By-law, Council or their designate shall be guided by the following procedure of notification and public participation.

4.1.2.1 All proposed amendments will be circulated to those public and private agencies which, in the opinion of Council, have an interest in or may be affected by the proposal. A reasonable period of time will be given for receipt of such submission.

4.1.2.2 At least one public meeting will be held to inform the public on the particulars of the proposed amendment. Notification of such meeting(s) will be given in accordance with the Regulations issued under the Planning Act.

4.1.2.3 Public meetings shall not be required for minor amendments adopted by Council which correct numerical, typographical, punctuation and grammatical errors, correct the format of the text of schedules, delete outdated or obsolete terms, and where required, substituting the current equivalent.

4.1.3 After a required public meeting has been held, Council or their designate may make changes to a proposal prior to approving it. Council or their designate will determine if further notice and a public meeting are necessary. Any such public meeting shall be held in accordance with the requirements of the Planning Act.

## 4.2 HOLDING ZONE

4.2.1 Section 36 of the Planning Act, provides Council with the authority to zone lands for specific uses, the development of which is intended to occur at a later date, when certain identified conditions have been met. The use of the letter "H" may be considered in conjunction with the appropriate zone categories in the implementing Zoning By-law. The by-law will also specify what uses may occur while the holding zoning is in place. In this regard, it is expected that such interim uses will be limited to those which are existing, and to minor extensions or expansions of existing uses which do not require large capital investment and which will not adversely affect the future development of the lands. Holding provisions may be applied to achieve the following.

4.2.1.1 To encourage orderly development of lands in the municipality in situations where other lands in the same zone category should be developed first.

4.2.1.2 To phase development in accordance with the necessary approvals and the orderly progression of sanitary sewers and waterlines.

4.2.1.3 To provide for further study of lands for the purpose of establishing design criteria for development.

Correspondingly, the removal of the holding provision is conditional upon the following.

- 4.2.1.4 Undertaking one or more studies listed in Policy 14.2 of Part 4 of this Plan, that has been identified as necessary through the processing of any development application.
- 4.2.1.5 The substantial development of other lands in the same zone category or the need for large parcels of land which cannot be accommodated in these other lands in the same zone category.
- 4.2.1.6 The necessary approvals have been obtained to facilitate the logical progression of sanitary sewers and waterlines.
- 4.2.1.7 A study has been carried out and design criteria has been established relevant to the lands, and the necessary implementing agreements have been entered into.
- 4.2.1.8 Completion of the requisite studies listed in Policy 14.2 of Part 4 of this Plan and the implementation of any recommended measures through the appropriate development, subdivision, condominium or site plan agreement.

Council or Staff, as delegated by by-law in accordance with the Planning Act, may pass by-laws to lift the Holding provision.

- 4.2.2 When the conditions relating to the holding provisions have been satisfied, the holding symbol can be removed. The City will give notice to the public of its intention to pass any by-law to remove the holding provision. Such notice shall be given in accordance with the provisions of the Planning Act.

**4.3 INTERIM CONTROL**

- 4.3.1 Where Council has directed that a study or review of land use policies be undertaken for a defined area, Council may pass an Interim Control By-law in accordance with Section 38 of the Planning Act to restrict the use of land, buildings or structures to those established in such a By-law. The effective period of an Interim Control By-law shall not exceed one year except that Council may amend the By-law to extend the period provided the total effective period of the by-law does not exceed two years from the date of passing of the original Interim Control By-law. When an Interim Control By-law ceases to be in effect, Council may not pass a further Interim Control By-law on the subject lands for a minimum period of three years.

**4.4 TEMPORARY USE**

- 4.4.1 In accordance with Section 39 of the Planning Act, Council or their designate as delegated by by-law in accordance with the *Planning Act*, may pass by-laws authorizing the temporary use of lands, buildings, or structures. It is recognized that on occasion a use may not conform to the land use designation of this Plan. Any use allowed by a temporary use by-law shall be of a limited duration and shall not entail any major construction or investment so that it can be easily removed when it is required to cease. As a condition of approval, Council may require the applicant to enter into an agreement with the City and to deposit

sufficient securities with the City to ensure that the land, building or structure is returned to an acceptable condition once the temporary use by-law expires.

- 4.4.2 When considering the merits of any temporary use, matters such as the compatibility of the use with surrounding land uses; the potential impact of the temporary use on both the future use of the subject property and surrounding lands; traffic circulation and parking; servicing; and noise shall be considered. Temporary uses, buildings and structures that are not farm related should be directed away from the Good General Agriculture Areas as set out in this Plan.
- 4.4.3 Temporary use by-laws may allow a use for a maximum of three years. Council may grant an extension of up to three years at a time to permit the continuance of an authorized temporary use. Once a temporary use by-law expires, the use permitted by the by-law must cease and cannot be considered a non-conforming use.

#### 4.5 COMMUNITY BENEFIT CHARGES

- 4.5.1 Council may pass, under Section 37 of the Planning Act, a by-law that imposes community benefits charges to pay for the capital costs of facilities, services and matters required due to development and redevelopment.
- 4.5.2 A community benefits charge may be imposed with respect to development or redevelopment that requires:
  - A zoning by-law or an amendment to a zoning by-law;
  - The approval of a minor variance;
  - A conveyance of land to which a part lot control by-law applies;
  - An approval of a plan of subdivision;
  - A consent;
  - The approval of a condominium description; and
  - The issuing of a Building Permit in relation to a building or structure.

The Planning Act, as amended from time to time, may list one or more types of developments that are exempt from a community benefits charge. Such exemptions shall apply under this Plan. Furthermore, amendment of the community benefits by-law to address changes to these exemptions under the Planning Act shall not require an amendment to this Plan.

- 4.5.3 Prior to passing a community benefit charge by-law, the City shall adopt a community benefits charge strategy that identifies the facilities, services and matters that will be funded with community benefits charges. The facilities, services and matters that may be funded with community benefit charge may include, but shall not be limited to:
  - The provision of public parking;
  - The provision of urban amenities, including streetscaping, parks and related public realm improvements;
  - The provision of public art, heritage and culture facilities;
  - The provision of active transportation, including bike lanes and trails.

4.5.4 A community benefits charge shall be in the amount of 4% of the value of the land, which is subject to development or redevelopment, as determined by an appraisal. The community benefits charge by-law shall specify the requirements of this valuation. Any changes to the Planning Act that affect the above noted value shall not require an amendment to this Plan.

- the proposed development is compatible with the scale and character of the surrounding neighbourhood and does not constitute an undue concentration of density;
- there is adequate infrastructure and community facilities available, or can be made available, to support the proposed development;
- the transportation system can accommodate the proposed increased density; and
- the site is of a size and configuration that can accommodate the necessary on-site functions, parking and landscaping.

## 4.6 **CONDITIONAL ZONING**

4.6.1 In accordance with Section 34 of the Planning Act, Council may, through a zoning amendment, impose one or more conditions on the use, erection or location of lands and/or buildings and structures that may be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for development. Conditions that may be imposed through a zoning by-law amendment shall be consistent with prescribed Provincial regulations and may include: a requirement to implement measures identified through the zoning amendment review, the provision of services and infrastructure and the protection of natural resources, built environments, sustainability, energy efficiency, and public health and safety.

4.6.2 Council may require the owner of land subject to a zoning amendment to enter into an agreement to implement, maintain and/or enforce a condition of zoning approval or to provide a time limit for completion of such conditions. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 5 NON-COMPLYING USES****PREAMBLE**

While the land use designations as shown on Schedule "A" of this Plan represent a concept which will be worked towards in the zoning of lands, it is recognized that there exist uses that do not presently comply with this concept. Many of these uses have been established for a number of years and frequently a measure of stability has been obtained between them and their neighbours. While this Plan does not encourage a mix of uses that may be incompatible with each other, it is recognized that many of these situations can be tolerated in the interim without serious adverse effects.

**POLICIES**

- 5.1 Where an existing use of land does not comply with the land use designation shown on Schedule "A" or to any other applicable policy in this Plan, it may, notwithstanding these policies, be zoned in accordance with the present use or a limited range of similar uses and performance standards subject to the following.
  - 5.1.1 The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses.
  - 5.1.2 The use does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance.
  - 5.1.3 The use does not contribute to any urban renewal problem by virtue of being associated with the deterioration of buildings and the lack of maintenance or property.
  - 5.1.4 The use does not interfere with desirable development in adjacent areas that are in conformity with this Plan.
- 5.2 Where an existing use in one or more of these respects is incompatible, it will not be so zoned and will be identified as a non-conforming use in the Zoning By-law.
- 5.3 Due to the potential secondary effects of adult entertainment parlours and body-rub parlours and their existing concentration in certain geographic locations of the City, only those facilities that comply with the Industrial land use designation shown on Schedule "A" of this Plan and any other applicable policy of the Official Plan shall be zoned as a permitted use. *(OPA #45, approved January 2003)*

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 6 NON-CONFORMING USES****PREAMBLE**

The policies of this Plan and the lands use designations in Schedule "A" represent a strategy to be followed over the course of the planning period. This strategy will be implemented through the Zoning By-law. It is recognized that there will be instances where uses legally operating at the day of the adoption of the Zoning By-law will not conform to the policies of this Plan and that they will not be permitted uses in the implementing Zoning By-law. Such uses shall be deemed legal non-conforming uses. The long term intent of this Plan is that such legal non-conforming uses cease so that the lands may then be used for a purpose in conformity with the provisions of this Plan.

**POLICIES**

- 6.1 When a legal non-conforming use seriously affects the general amenity of the surrounding area, consideration will be given to the possibility of reducing or eliminating such conditions, especially when public health and welfare are directly affected. Where the incompatibility is particularly serious, Council may undertake those measures it deems necessary to remove or relocate such uses and to improve the amenity of the area.
- 6.2 Where land, buildings or structures are used as a legal non-conforming use, such a use must cease to exist prior to the establishment of the legal use permitted by the Zoning By-law on the land.
- 6.3 In order to provide some flexibility to the Zoning By-law and to avoid unnecessary hardship, expansions of legal non-conforming uses may be considered. These expansions may be permitted if in conformity with the policies of this Section and provided the community will not be adversely affected. Council may also permit such expansion by means of a by-law enacted pursuant to Section 34 of the Planning Act. When considering such expansions, Council shall be satisfied that the following requirements are or will be, fulfilled.
  - 6.3.1 The proposed extension or enlargement of the established legal non-conforming use is not to unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law.
  - 6.3.2 The proposed extension or enlargement is to be in an appropriate proportion to the size of the legal non-conforming use established prior to the passing of the Zoning By-law.
  - 6.3.3 An application which would affect the boundary between areas of different land use designations in this Plan will only be processed under these policies if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan.
  - 6.3.4 The characteristics of the existing legal non-conforming use and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to

the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area.

- 6.3.5 The neighbouring complying uses will be protected, where necessary, by the provisions of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and by regulations for reducing adverse effects caused by such items as outside storage, lighting, advertising and signs.
- 6.3.6 Provisions and regulations, including site plan control, may be applied to the proposed extension or enlargement and, wherever feasible, be extended to the established use in order to improve its compatibility with the neighbourhood.
- 6.3.7 Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design or access points and improvement of site conditions, especially in proximity to intersections.
- 6.3.8 Adequate provisions have been or will be made for off-street parking and loading facilities.
- 6.3.9 Adequate services such as sewage disposal facilities, storm drainage and roads are adequate or can be made adequate.
- 6.3.10 Council may also consider the feasibility of acquiring, selling, leasing or redeveloping the property concerned in accordance with the provisions of the Planning Act. Council shall further examine the merits and potential for the relocation of the use to an area in compliance with this Plan.

6.4 In consideration of any application submitted to the Committee of Adjustment for expansion of a legal non-conforming use pursuant to Section 45 of the Planning Act, the Committee shall have regard to those matters set out in Policy 6.3.1 through 6.3.10 as noted above.

6.5 *(OPA #45, approved January 2003)*  
The long-term intent of the Plan is to reduce the potential secondary effects of existing adult entertainment parlours and body-rub parlours with sensitive and incompatible uses and to reduce the concentration of existing adult entertainment parlours and body-rub parlours. It is the intent of this Plan that the adult entertainment parlours and body-rub parlours existing as of August 12, 2002 that are legal non-conforming should ultimately cease or relocate to the appropriate Industrial designations. As such, any proposed expansions or enlargements of legal nonconforming adult entertainment parlours and body-rub parlours shall not be permitted.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 7 SUBDIVISION CONTROL****PREAMBLE**

The development of land shall generally proceed by a registered plan of subdivision in accordance with Section 51 of the Planning Act. Consents to sever land as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a plan is clearly not needed to ensure that the intent of the policies of this Plan are satisfied.

**POLICIES**

7.1 The division of land is to occur by plan of subdivision which provides for a comprehensive review of development with special consideration of such matters as items of Provincial interest, conformity with local planning documents and the public interest.

7.2 The development of more than two parcels of land from an original property shall proceed by plan of subdivision. Exceptions may be considered in cases where lands front on an existing open public road constructed to municipal standards, the development is considered to be infilling and the proponent pays all fees generally related to the requirements of a subdivision. Council shall recommend to the Regional Municipality of Niagara only those draft plans of subdivision which comply with the policies and land use designations of this Plan and appropriate secondary plans and which, to the satisfaction of Council, can be supplied with adequate services and maintain a sound municipal financial position.

7.2.1 Council may, by by-law, delegate approval authority for the following:

- Extending the lapsing period of a draft approved plan;
- Draft plan approval of condominium;
- Condominium exemption; and
- Minor status revisions to a draft approved plan as established in 7.2.2.

7.2.2 Minor status revisions to draft approved plans may include:

- A change that does not require additional technical studies or revisions to existing technical studies;
- A change to lot or block lines which do not significantly affect the number of units or road patterns;
- A change to a proposed right-of-way width;
- A minor change to draft plan conditions that does not significantly alter the intent of the condition;
- A change that does not conflict with any Provincial or Regional policies; and
- A change that will not result in conflict with Official Plan policies and Zoning By-law regulations.

7.3 Development by way of plan of subdivision shall be in conformity with the following items.

7.3.1 No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance

of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.

- 7.3.2 Access to Provincial Highways, Regional roads and the Niagara River Parkway must conform with access requirements of the Provincial Ministry of Transportation, the Regional Municipality of Niagara and Niagara Parks Commission.
- 7.3.3 Any lot created shall have direct frontage on a public road of an acceptable standard of construction.
- 7.3.4 Development shall not create a traffic hazard.
- 7.3.5 The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.
- 7.3.6 Development shall be prohibited in significant wetlands and habitat of endangered or threatened species and discouraged in woodlots; and other natural resource areas. Development within or adjacent to a natural heritage resource area or other natural area may be restricted and will be subject to the policies of Part 2, Section 11. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.
- 7.3.7 Extensions to linear or ribbon development along roadways are to be discouraged except within the Parkway Residential Area.
- 7.3.8 Development will be discouraged where a division of land would interfere with land assembly for the purpose of planned development.
- 7.3.9 Development will be discouraged when it does not comply with the staging policies of this Plan.

7.4 Development within areas which have hazardous conditions, such as flooding or steep slopes, shall be prohibited except when such consents are required to allow the undertaking of a necessary public work for flood or erosion control or for watercourse protection or the conservation of land in accordance with the regulations of the Niagara Peninsula Conservation Authority and/or the Ministry of Natural Resources. The creation of new lots adjacent to a floodway or erosion hazard may be subject to conditions in a plan of subdivision or consent to include the protection of these natural heritage features and their adjacent tablelands in perpetuity. Protection may take the form of the dedication of land to the City or another public agency or land trust.

7.5 Plans of subdivision that have received draft approval as of the date of appeal of Amendment No. 96 to this plan are not subject to the new policies of Part 2, Section 11. If draft approval lapses or is withdrawn the policies of Part 2, Section 11 will apply to subsequent planning applications involving the subject lands. Where significant modifications to a draft plan are proposed such that the plan is recirculated for comment the revised plan should be designed to reduce significant negative impacts on the natural heritage system.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 8 CONSENT POLICIES****PREAMBLE**

In situations where it is clearly not necessary or in the public interest that developments of lands proceed by a registered plan of subdivision, an application for the division of land by consent to the Committee of Adjustment may be considered under the relevant sections of the Planning Act.

**8.1 CONSENT POLICIES FOR URBAN AREAS**

- 8.1.1 Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning By-law.
- 8.1.2 Consents may be permitted for a minor boundary adjustment, easement or right-of-way.
- 8.1.3 Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.
- 8.1.4 In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.
- 8.1.5 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource is required.

**8.2 CONSENT POLICIES FOR GOOD GENERAL AGRICULTURE AREAS**

- 8.2.1 A consent may be permitted for a minor boundary adjustment, easement or right-of-way provided it conforms with other policies of the Plan and does not create a separate lot for a residential dwelling.
- 8.2.2 Consent may be permitted for a parcel to be conveyed to and merged on title with adjoining lands on which there is an existing farm operation and the remnant parcel is large enough to support a viable farm operation that is of a size that is appropriate for the type of agricultural uses common in the area.
- 8.2.3 When two or more farms have been consolidated under one farm parcel and an existing house which is capable of habitation is considered surplus and is not required as accommodation for farm help employed on the farm, the severance of a lot with the surplus house thereon may be permitted, subject to the proposal conforming in all respects to other relevant policies of this plan and provisions

of the relevant zoning by-law. The remnant farm parcel created by the severance shall be rezoned to preclude any further residential development. In addition, the surplus dwelling must meet the standards of the City's Maintenance and Occupancy Standards By-law.

The lot lines for the surplus farm houses will be carefully sited so as to reduce their effect on existing farm operations, minimize the amount of agricultural land taken out of production, ensure no disruption to natural features, and allow the lots, as well as existing neighbouring lots, to properly function on private services. The maximum size of a lot shall be 0.4 hectares except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by the Regional Public Health Department and/or the Ministry of the Environment. The lots must also satisfy the following criteria:

- 8.2.3.1 Severances shall be located at the corners of existing farm holdings or between established residences, wherever possible.
- 8.2.3.2 Any new lot created will be required to have sufficient frontage on an improved public road in accordance with the implementing zoning by-law.
- 8.2.3.3 The size of any lot created shall be sufficient to achieve the long-term functioning of a private waste disposal system and avoid any future negative effects on the ground water system. A minimum of 0.4 hectares of land should be outside the flood risk area for any new lot.
- 8.2.3.4 The severance of land will not interfere with significant wetlands, habitat of threatened or endangered species, areas of natural or scientific interest, significant woodlands or their ecological functions, or farm drainage systems; and any new lot created shall have sufficient area to accommodate a dwelling, accessory structures and an associated private waste disposal system outside of these features and their adjacent lands.
- 8.2.4 In order to minimize land use conflicts in the Good General Agriculture Area, new or expanding livestock operations and new development on proposed new lots will be appropriately separated from each other in accordance with the Minimum Distance Separation (MDS) Formulae. Notwithstanding the above, new lots suitable for new dwellings must be separated from existing livestock operations by 304.8 metres or the distance determined by the MDS formula, whichever is greater.
- 8.2.5 Consent to convey a farm parcel may be permitted where supported through a farm business plan and provided that the resulting parcels are both for agricultural use and the size of the resulting farm parcels:
  - a) are appropriate for the farming activities proposed;
  - b) are suited to the particular location and common in the area; and

- c) provide some flexibility for changes in the agricultural operation.

The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive agricultural uses such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.

Where an application for consent results in the creation of a new residential building opportunity within an existing development cluster of 5 or more lots, a hydrogeological report that evaluates on-site and off-site impacts, water quality and water quantity may be required to conform to the suitability of the site for private servicing and to evaluate the impact of the proposed new lot on the servicing of the adjacent existing lots. The report shall be prepared and signed by a qualified professional and submitted with the development application.

- 8.2.6 Consent may be granted for the creation of a lot for facilities and corridors of a linear nature that cannot be accommodated through the use of an easement or right-of-way and provided that the infrastructure is supported by the policies of this Plan, the Provincial Policy Statement, the Growth Plan and the Regional Policy Plan. The creation of lots for communication towers, waste disposal sites, waste transfer stations, automobile recycling uses, including tire storage and recycling, shall not be permitted.
- 8.2.7 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, a new lot, where permitted, shall have a sufficient building envelope that will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodland areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 9 MINOR VARIANCE AND RELATED APPROVALS****PREAMBLE**

A Committee of Adjustment shall be appointed for the purpose of authorizing minor variances from the provisions of the Zoning By-law, the extension or enlargement of non-conforming uses, buildings or structures and other such matters as deemed appropriate by Council pursuant to the provisions of Section 45 of the Planning Act.

**POLICIES**

- 9.1 The Committee of Adjustment shall be guided by the policies of this Plan in making decisions within their mandate.
- 9.2 Relief from current standards of development as set out in the Zoning By-law shall be minor in nature and be based on the merits of each application having regard to the policy directions established in the Official Plan, the intent of the Zoning By-law and the appropriateness of the proposed development or use of the land. Notwithstanding this policy, the Committee of Adjustment shall not consider variances to conditions of zoning by-law approval.
- 9.3 Any decision by the Committee of Adjustment may be for such time and subject to such terms and conditions as the Committee considers advisable. The Committee may require the owner/applicant to enter into an agreement to implement, maintain and/or enforce a condition of variance approval. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners.
- 9.4 A legal non-conforming use is a continuing use which was legally operating on the day of adoption of the Zoning By-law but no longer conforms with the policies of this Plan are not permitted in the implementing Zoning By-law. Such uses do not have the right to expand or change to an alternative use unless this privilege is granted by the Committee of Adjustment.
- 9.5 In permitting any extension, enlargement or change of a legal non-conforming use, the Committee of Adjustment shall in addition to Policy 6.3 in Part 4 Section 6 be satisfied that the following requirements which are relevant to each specific application are, or will be fulfilled, in order to safeguard the wider interest of the general public.
  - 9.5.1 The approval of an application will not unduly aggravate the situation or result in the further entrenchment of the use in keeping with the policies of the Official Plan and the provisions of the Zoning By-law.
  - 9.5.2 The proposed extension, enlargement or change of use is similar to, or is more compatible with, existing development in terms of street character, traffic generation, noise vibration, fumes, smoke, dust, odour, lighting and hours of operation.
  - 9.5.3 Neighbouring conforming uses will be afforded reasonable protection and, where applicable, enhancement through the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and

measures for reducing nuisances and, where necessary, by specific conditions which minimize adverse effects caused by outside storage, lighting, advertising signs, etc.

- 9.5.4 Any proposed extension or enlargement will be in an appropriate portion to the size of the non-conforming use established prior to the passing of the Zoning By-law.
- 9.5.5 Adequate provisions have or will be made for parking, loading and storage facilities.
- 9.5.6 Municipal services such as water, sanitary and storm sewers and roads can accommodate the proposed development.

9.6 Where a legal non-conforming use seriously affects the amenity of the surrounding area, the possibility of improving such conditions will be considered, especially when public health and welfare are directly affected. In such situations, Council may be requested to consider the feasibility of acquiring the property concerned and holding, selling, leasing or redeveloping it in accordance with the provisions of the Planning Act. Special attention will be given to the possibility of re-establishing the use in conformity with the policies of this Plan.

9.7 Where the Zoning By-law defines the use of lands in general terms, the Committee of Adjustment may permit the use of any land, building or structure that, in its opinion, conforms with the uses permitted in the by-law.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 10 SITE PLAN CONTROL****PREAMBLE**

In order to exercise proper control and assist in implementing the policies of this Plan, Council may establish site plan control areas in accordance with Section 41 of the Planning Act. The purpose of site plan control is to maintain City standards and ensure development occurs in a safe and aesthetically pleasing manner.

**POLICIES**

- 10.1 All of the area of the City affected by this Plan shall be a site plan control area. The actual uses which will or which will not be subject to site plan control will be established by by-law of Council. It is intended that all classes of development, including but not limited to Residential, Commercial, Industrial, Institutional and Open Space, shall be subject to site plan control. However, the following developments may be exempted from the provisions of the site plan control by-law.
  - 10.1.1 Any one or two unit dwelling.
  - 10.1.2 A portable classroom on an existing District School Board school site.
  - 10.1.3 Any farm operation, with the exception of agri-tourism uses, commercial farm markets, permanent or mobile farm helphouses, greenhouses and cannabis cultivation and/or cannabis production.
  - 10.1.4 Any extractive industrial use subject to a license under the Aggregate Resources Act.
  - 10.1.5 Any building or structure erected for the purpose of flood or erosion control by the City or Niagara Peninsula Conservation Authority.
  - 10.1.6 Any building or structure exempted under the Planning Act.
  - 10.1.7 Any building or structure accessory to the uses stated above.
- 10.2 Approval of drawings within a site plan control area shall be delegated, by by-law, to the General Manager, Planning, Building and Development or designate, in accordance with the requirements of the Planning Act.
- 10.3 Council may adopt guidelines to establish specification for site works. Alternatively, Council may delegate, by by-law, the adoption of such guidelines to the General Manager, Planning, Building and Development. Site plan guidelines may establish minimum standards for site works.
- 10.4 Site plan agreements, ensuring the provision of certain items and ensuring development proceeds in accordance with the approved plans, shall be executed and may be registered on title. Agreements may include, but not be limited to, the following items:
  - 10.4.1 Access ramps, curbs and signage.

- 10.4.2 Parking, loading and driveway areas and their surface treatment.
- 10.4.3 Pedestrian walkways and ramps, including surface treatment lighting.
- 10.4.4 Walls, fences, landscaping and buffering.
- 10.4.5 Garbage storage facilities.
- 10.4.6 Easements for the construction and maintenance of public serves and utilities.
- 10.4.7 Grading and site drainage.
- 10.4.8 Site servicing.
- 10.4.9 Road widenings.
- 10.4.10 Exterior design including, but not limited to, character, scale, appearance and design features of buildings and their sustainable designs.
- 10.4.11 Sustainable design elements on adjoining municipal roads such as, but not limit to, trees, shrubs, hedges, plantings, pavement, furniture, curb ramps, and bicycle parking facilities.
- 10.4.12 Facilities designed to have regard for accessibility for persons with disabilities.
- 10.4.13 Facilities for lighting, including floodlighting, of the land or any buildings or structures thereto.
- 10.4.14 Conveyance of part of the land to the municipality to the satisfaction of and at no expense to the City for a public transit right of way, where such right of way is shown or is described in this Plan.
- 10.4.15 Protection for natural heritage resources.

The Planning Act, as amended from time to time, may alter these requirements. Such changes shall not require an amendment to this Plan.

- 10.5 A building permit shall be issued in respect of any development in the site plan control area only where the plans required have been approved by the municipality and the required agreements ensuring the provision of certain items and ensuring that development proceeds in accordance with the approved plans are executed.
- 10.6 The City may grant a conditional site plan approval by imposing one or more conditions through the granting of approval of site plan drawings and the execution of a site plan agreement. These conditions may include, but are not limited to, completion of certain studies, implementation of recommended measures in said studies and completion of recommended on and off-site works. Agreements detailing the conditions may specify deposits to secure necessary works, as well as expiry dates of conditions.
- 10.7 In instances where land will be dedicated for road widening purposes as a condition of site plan approval, the road widening policies to be implemented, as well as the roads and extent of roads to be widened, are to be in accordance with the policies of this Plan. The

Region may, by amendment to the Niagara Regional Official Plan, identify widening requirements for Regional Roads.

10.8 The Regional Municipality of Niagara shall be circulated site plans where development is proposed along Regional Road allowances and/or adjacent to other Regional owned lands or operated facilities.

## PART 4 ADMINISTRATION AND IMPLEMENTATION

### SECTION 11 COMMUNITY IMPROVEMENT

#### PREAMBLE

The Community Improvement provisions of the Planning Act give Council a range of tools to proactively stimulate community improvement, rehabilitation and revitalization through the preparation and adoption of community improvement plans for designated community improvement project areas. It is the intent of Council to maintain and promote an attractive and safe living and working environment through community improvement. A community improvement project area may be the entire urban area of the City of Niagara Falls, or any part of the urban area.

Once a community improvement plan has been adopted, Council may undertake a wide range of actions for the purpose of carrying out the community improvement plan. Provincial approval of a community improvement plan will be obtained to offer financial incentives to stimulate or leverage private and/or public sector investment.

#### POLICIES

- 11.1 Council shall promote a living and working environment that is attractive, well maintained and safe through community improvement.
- 11.2 Community improvement will be accomplished through the:
  - 11.2.1 ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, social, community or recreational services, or economic instability;
  - 11.2.2 establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;
  - 11.2.3 designation by by-law of Community Improvement Project Areas, the boundary of which may be the entire urban area of the City of Niagara Falls, or any part of the urban area of the City of Niagara Falls, as defined in this Plan and as amended from time to time; and
  - 11.2.4 preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.
- 11.3 The following criteria should be considered when designating a Community Improvement Project Area:
  - 11.3.1 buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;
  - 11.3.2 non-conforming, conflicting, or incompatible land uses or activities;

- 11.3.3 deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;
- 11.3.4 poor road access and/or traffic circulation;
- 11.3.5 deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
- 11.3.6 inadequate mix of housing types;
- 11.3.7 brownfield sites;
- 11.3.8 poor overall visual quality, including but not limited to, streetscapes and urban design;
- 11.3.9 high commercial or industrial vacancy rates and the general underutilization of buildings and land;
- 11.3.10 existing or potential business improvement areas;
- 11.3.11 vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;
- 11.3.12 shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
- 11.3.13 other barriers to the repair, rehabilitation or redevelopment or underutilized land and/or buildings; and,
- 11.3.14 any other environmental, energy efficiency, social or community economic development reasons.

11.4 Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas:

- 11.4.1 shown as General Areas for Community Improvement in Appendix V of this Plan; and/or
- 11.4.2 where the greatest number of conditions as established in Section 11.3 are present; and/or
- 11.4.3 where one or more of the conditions as established in Section 11.3 is particularly acute; and/or
- 11.4.4 where one or more of the conditions as established in Section 11.3 exists across the urban area of the City.

11.5 Community Improvement Plans shall be prepared and adopted which:

- 11.5.1 encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;

- 11.5.2 encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings;
- 11.5.3 encourage residential and other types of infill and intensification;
- 11.5.4 encourage the construction of a range of housing types and the construction of affordable housing;
- 11.5.5 upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
- 11.5.6 improve traffic circulation;
- 11.5.7 provide accessibility for persons with disabilities;
- 11.5.8 encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
- 11.5.9 promote the ongoing viability and revitalization of the downtown and other general areas requiring community improvement;
- 11.5.10 support existing or potential business improvement areas;
- 11.5.11 improve environmental conditions or energy efficiency;
- 11.5.12 improve social conditions;
- 11.5.13 promote cultural development;
- 11.5.14 facilitate and promote community economic development;
- 11.5.15 improve community quality, safety and stability; and
- 11.5.16 improve energy efficiency.

11.6 In order to implement Community Improvement Plans within designated Community Improvement Project Areas, Council may undertake a range of actions, including:

- 11.6.1 the municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent:
  - 11.6.1.1 clearance, grading, or environmental remediation of these properties;
  - 11.6.1.2 repair, rehabilitation, construction or improvement of these properties;
  - 11.6.1.3 sale, lease, or other disposition of these properties to any person or governmental authority;
  - 11.6.1.4 other preparation of land or buildings for community improvement.

- 11.6.2 provision of public funds such as grants, loans and other financial instruments;
- 11.6.3 application for financial assistance from senior level government programs or other applicable organizations;
- 11.6.4 participation in senior level government or other programs that provide assistance to private landowners for the purposes of community improvement;
- 11.6.5 provision of information on municipal initiatives, financial assistance programs, other government assistance programs, and other assistance programs;
- 11.6.6 support of heritage conservation through the Ontario Heritage Act and the Niagara Falls Municipal Heritage Committee;

11.7 All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.

11.8 Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the City.

11.9 Approval of Simple Grant CIP applications as outlined in Policy 11.9.1 shall be delegated, by-by-law to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the Planning Act.

11.9.1 Simple Grant CIP applications include programs that offer one-time grant payments valued up to \$25,000.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 12 PROPERTY MAINTENANCE****PREAMBLE**

In order to make provisions relating to property conditions in the City, Council may pass a by-law prescribing standards for the maintenance of property pursuant to Section 31(3) of the Planning Act. It is the aim of the City to maintain a reasonable standard of building and property maintenance for all properties in the City.

**POLICIES**

- 12.1 Council shall attempt to maintain and improve the condition of all properties through the enforcement of Zoning, Building and Property Standards By-laws which will consider the following.
  - 12.1.1 Set out property standards for the maintenance and occupancy of all property within the City.
  - 12.1.2 Prohibit the use or occupancy of any property that does not conform to the standards.
  - 12.1.3 Require property to be repaired and maintained to comply with certain standards.
  - 12.1.4 Require lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.
- 12.2 Council shall endeavour to keep in a well-maintained condition, all municipal properties and structures and to provide or maintain in good repair, services that are under the jurisdiction of the City, such as roads, sidewalks, water and sewage facilities and other public works.

**PART 4 ADMINISTRATION AND IMPLEMENTATION****SECTION 13 FINANCIAL CONSIDERATIONS****PREAMBLE**

Sound financial practices shall be adopted to secure a healthy long-term financial position for the municipality. This will be achieved through capital budget planning and the strategic use of revenue resources. This Plan recognizes that there may be development proposals which should be analyzed, based on their effect on municipal finances.

**POLICIES**

- 13.1 Council shall prepare and adopt a five year Capital Budget identifying all approved capital facilities to be undertaken during the succeeding five years. The budget will include a list of individual capital facilities, a statement concerning the need for each facility, estimated cost and timing of the facilities, method of financing the facilities and the impact of financing and operating the capital facilities on taxes.
- 13.2 The implementation of this Plan shall be such that the Municipal tax base will be protected and sufficient funds will be available to maintain and enhance the levels of public works. As a result, further developments may be analysed for their financial impact. Where such an analysis demonstrates that the development will have an adverse effect on the City's financial situation, then the development will be considered to be contrary to the intent of this Plan.
- 13.3 It is a principle of this Plan that the cost of servicing new development or redevelopment shall be borne by that development or redevelopment. To finance the net capital costs of satisfying the service demands and burdens resulting from growth, Council may impose a development charge under the Development Charges Act and regulations with respect to new growth through development and redevelopment of land. In addition, the City of Niagara Falls may utilize the financing arrangements permitted under the front end payments provisions of the Development Charges Act and regulations.

## PART 4 ADMINISTRATION AND IMPLEMENTATION

### SECTION 14 GENERAL IMPLEMENTATION POLICIES

14.1 Pre-consultation provides an opportunity for an applicant to ascertain what is required to be submitted for a complete application under the Planning Act, any Provincial Plans, the Regional Niagara Policy Plan and this Plan. It will provide the opportunity to discuss the nature of the application, development and planning issues, the need for additional information and the planning process. Pre-consultation may also involve the Niagara Region, the Niagara Peninsula Conservation Authority or other agencies that may have an interest in the application as determined by the City.

14.1.1 Pre-consultation between the applicant and the City is required prior to the submission of an application for an official plan amendment, zoning by-law amendment, request for a Minister's Zoning Order or an application under the Community Accelerator Tool, draft plan of subdivision, draft plan of condominium, consent or site plan control. Completion of the pre-consultation process and preparation of studies and information in accordance with the requirements stated in pre-consultation shall be considered a requirement for submission of a complete application.

14.1.2 Notwithstanding Section 14.1.1, The General Manager, Planning, Building and Development or designate may determine that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application.

14.1.3 Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable.

14.1.4 Pre-consultation shall involve two stages:

Stage 1 – Pre-Consultation

Identifying the studies, information and material to be submitted with a complete application.

Stage 2 – Complete Application Review

Evaluation and review of studies, reports, information and material to determine if such studies, report information and material are complete and meet requirements stipulated in a pre-consultation checklist. Such review shall occur within the provisions and time line requirements of the Planning Act for deeming an application complete.

14.1.5 The City may consult with agencies which may have an interest in a proposed application, including but not limited to the Region, Niagara Peninsula Conservation Authority, Provincial Ministries, the Niagara Parks Commission, the Niagara Escarpment Commission, electric generation or transmission

entities and railways or other agencies that may have an interest in the application as determined by the City in determining if the submission meets the requirements of a complete application.

14.1.6 The City may pass a by-law requiring and establishing the requirements of mandatory pre-consultation and pre-submission, including but not limited to the following:

- a) Expiry dates of preconsultation checklists;
- b) Requirements to resubmit a pre-consultation request to address substantial changes to a proposal;
- c) Fees for pre-consultation and pre-submission review of studies, reports, materials and information; and
- d) Format of and participants in pre-consultation meetings including required and eligible participants.

## COMPLETE APPLICATION

14.2 Complete applications are those that contain all reports, studies and information required by the Planning Act, any Provincial Plans, the Niagara Official Plan and this Plan. A complete application allows Council, the public, municipal staff and commenting agencies to review all relevant information early in the process resulting in fewer processing delays and provides Staff and Council with the required information to make solid recommendations and decisions. In order to ensure that all possible information is available to the City, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as, but not limited to, the following:

- 14.2.1 A planning justification report describing the appropriateness of the site for a proposed use and compatibility of the proposed development with surrounding land uses and consistency with the Planning Act and its Policy Statements and conformity with any Provincial Plans, the Region Official Plan and this Plan.
- 14.2.2 A neighbourhood plan, to determine how a development may integrate into surrounding lands that may be subject to development or redevelopment.
- 14.2.3 A needs study for residential proposals for development within a local and Regional context.
- 14.2.4 A servicing study addressing the availability of adequate municipal services and facilities for the proposed use and its impact on existing municipal services and facilities or a private sewage disposal or water servicing plan addressing the impact on the quality and/or quantity of surface or ground water. This includes a storm sewer drainage or risk management plan required by a Risk Management Official within the Niagara Falls Intake Protection Zone 1 (IPZ-1).
- 14.2.5 A hydrology, hydrogeology and/or sub-watershed study to determine to address any impacts on an aquatic natural heritage system, including groundwater.

- 14.2.6 A private well assessment and well monitoring report to evaluate impacts on private wells or water supply systems.
- 14.2.7 An environmental impact study for proposals located on or adjacent to:
  - lands containing natural heritage features; and
  - lands within 120m of a Provincially Significant Wetland or a Wetland regulated by the NPCA which is greater than 2ha, 50m of a Significant Habitat of a Threatened or Endangered Species, a Provincially Significant Life Science ANSI or any lands designated as Environmental Conservation Area within the Plan; or 30m of a fish habitat, flood/erosion hazard, or a Wetland regulated by the NPCA and less than 2ha in size.
- 14.2.8 A species at risk study.
- 14.2.9 A slope stability or geotechnical study for proposals within or adjacent to valleylands, steep slopes or hazard lands.
- 14.2.10 A traffic impact study where the development proposal may affect traffic patterns, safety or the intensity of traffic or revisions to a roadway or entrance.
- 14.2.11 A parking demand analysis, where a reduction in parking requirements is proposed to determine an appropriate parking supply.
- 14.2.12 A sight line analysis, which may be included in a traffic impact study, to evaluate the safety of entrances and exits into a site.
- 14.2.13 A construction impact mitigation study, to address the mitigation of impacts on surrounding properties, including construction traffic management, vibration mitigation and haul routes.
- 14.2.14 A photometric analysis, to determine how the impacts of floodlighting on surrounding streets and properties will be mitigated.
- 14.2.15 A parking demand analysis, to examine parking needs and their impact on-site or off-site and on adjacent lands.
- 14.2.16 A microclimatic assessment that addresses sun shadowing, pedestrian scale wind impacts, snow and ice hazards of a development on the subject lands as well as surrounding properties and roads.
- 14.2.17 An agricultural impact assessment for non-agricultural uses proposed outside of the Urban Area Boundary to evaluate the capability of the site for agricultural use including soil, micro-climate and drainage conditions, the pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
- 14.2.18 A tree inventory and tree preservation plan, where an individual significant tree or any group of trees, including a woodland as defined by the Region's Tree and Forest Conservation By-law, may be impacted by a proposed development.

- 14.2.19 The impact of the proposed development on the quality and quantity of ground and surface water and the watershed and, if required, the identification of methods of protection, including a stormwater management plan.
- 14.2.20 A noise and vibration study and an air quality study to address impacts of roads, rail lines, air traffic etc. on development proposals involving residential uses and other similar sensitive uses.
- 14.2.21 A land use compatibility study in accordance with Provincial regulations and guidelines, including D Series guidelines, which may include one or more of the studies listed under 14.2.1.20 of Part 4 of this Plan, to address the impacts of industrial uses on residential uses and other similar sensitive uses.
- 14.2.22 A cultural heritage impact study where development is proposed on or adjacent to lands, structures or buildings listed on the City's Register of Heritage Properties or is proposed within or adjacent to a cultural heritage landscape.
- 14.2.23 A park and trail needs assessment that demonstrates how the proposed development integrates or conforms with the City's Bike and Trails Master Plan or any other plan that the City may pass from time to time.
- 14.2.24 An archaeological study if the lands are within an area of archaeological potential.
- 14.2.25 A financial impact study addressing the financial implications of the proposal on the City, neighbouring lands or the general market in the City.
- 14.2.26 The location, size and type of livestock operation proposed or within the vicinity of a new lot or land use outside of the urban area boundary in accordance with the information required for calculation of a Minimum Distance Separation.
- 14.2.27 An Environmental Site Assessment (Phase 1, 2 or 3) where there is the potential of contamination of land due to previous uses that will assess existing conditions and address the need for further environmental testing or remediation in accordance with Provincial regulations and guidelines. Such Environmental Site Assessment may include a Letter of Reliance from a qualified professional that states the City or relevant agencies are authorized to rely on information or opinions provided in such Assessments. However, where the development or redevelopment proposal is subject to an environmental assessment or related assessment or study pursuant to the Environmental Assessment Act, the Environmental Protection Act, or other pertinent legislation, additional studies may not be required.
- 14.2.28 A public consultation and future consultation strategy report, to identify methods to engage the public.
- 14.2.29 One or more plans to illustrate the current site conditions and the proposed development, which may include but is not limited to a site plan which may include an Ontario Building Code Matrix, zoning compliance review and road widening details, elevation plan, landscape plan/details, streetscape plan, site grading plan, site servicing plan, erosion and sediment control plan, drainage

area plan, topographical and boundary survey, conceptual and contextual plans.

14.2.30 An urban design brief.

- 14.3 Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the City to make this information readily available to the public and commenting agencies including the Region and Niagara Peninsula Conservation Authority. Where the City, Region, or Niagara Peninsula Conservation Authority or other agency has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review which shall be payable upon submission of an invoice from the City, Region, Niagara Peninsula Conservation Authority, or any other agency.
- 14.4 Any information, studies and/or reports shall be prepared in accordance with requirements of the Planning Act and any Provincial policy statements or Plans that are in effect, as well as the terms of reference approved through a pre-consultation process and the requirements and guidelines adopted by the city and other agencies who may have an interest in the application.
- 14.5 The General Manager, Planning, Building and Development or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the local municipality, the Region, Niagara Peninsula Conservation Authority or any other public agency, the application may be deemed to be incomplete.
- 14.6 The General Manager, Planning, Building and Development or their designate shall determine if revision requests made subsequent to the submission of a complete application meet the intent of the original application. Substantial changes to an application may require a new pre-consultation and the filing of a new application. Revisions made to an application in response to City or agency comments, or in response to public comments, shall not require the filing of a new application.

## ***PART 5***

# **SECONDARY PLANS**

## **PART 5        SECONDARY PLANS**

### **SECTION 1    GARNER SOUTH**

#### **PREAMBLE**

The purpose of the Garner South Secondary Plan is to provide a detailed land use plan for the development of the lands within the Garner South Secondary Plan Area. The Secondary Plan applies to the lands shown on Schedule A-3 to the Official Plan. The Garner South Secondary Plan Area does not include the Heartland Forest lands or the Cytec lands.

The Garner South Secondary Plan Area encompasses approximately 225 hectares of developable Greenfield land. Two small portions of the Secondary Plan Area in the northeastern quadrant are within the Built-up Area. A substantial amount of the Secondary Plan Area is natural heritage including Provincially Significant Wetlands, Warren Creek and associated wetlands and significant woodlands.

It is intended that the Secondary Plan Area develop as a complete community providing a mix of housing, employment, commercial services and community facilities that serve the residents as well as an integrated open space system. The provision of housing in various forms will assist in meeting the various financial resources of households. Development is to occur in a manner that protects the natural heritage features and utilizes them to enhance the overall design and character of the community.

At build-out the Secondary Plan Area is designed to accommodate, approximately:

- 6,900 people
- 2,700 dwelling units
- 2,000 jobs

These figures are based on a greenfield target density of 53 people and jobs per hectare as established by the Regional Policy Plan.

The following general principles and objectives are the basis from which the policies are derived. As such, development applications are to be consistent with the policies as well as the general principles and objectives.

#### **Principles and Objectives**

The following principles and objectives are to be achieved in the Garner South Secondary Plan Area.

##### **1.        Principle - Foster a Sense of Place**

Development is to create a community feel and identity through a strong pedestrian realm and integration of the re-channeled Warren Creek as a naturalized open space.

## OBJECTIVES

- to create an urban form together with an interconnected street system that is transit-supportive, comfortable and engaging for the pedestrian as well as effectively transporting people and vehicles;
- to create a community with a system of paths and walkways that allows for convenient walking and cycling;
- to integrate the re-channelled Warren Creek into the design of open space and residential areas; and
- to include natural heritage features in the community design as aesthetic amenities and provide for vistas and viewsheds in order to assist in the creation of a sense of place.

### 2. Principle - To Create a Diverse Residential Community

The Secondary Plan Area is to provide housing over a 10- to 15-year term and shall be developed with a mix of housing types that allows for a range of affordability levels.

## OBJECTIVES

- to ensure that a variety of housing types are integrated into the Secondary Plan Area;
- to ensure a compatible arrangement of housing types so as to avoid land use conflicts;
- to provide a range of affordability, consistent with targets established by Regional Niagara; and
- to provide for schools, neighbourhood commercial uses, retirement residences and other community facilities.

### 3. Principle - Protect Natural Heritage Features

The Secondary Plan Area has a large number of wetlands, woodlands as well as two creek systems. These natural heritage areas are to be protected and, if possible, enhanced.

## OBJECTIVES

- to ensure that development does not negatively impact on natural heritage features by providing appropriate separation distances and buffers;
- to contain storm water through a system of storm water management ponds that are integrated with Warren Creek and Thompson Creek;
- to maintain the hydrology of wetlands at a quantity and quality that will ensure the long term preservation of the wetland; and
- to preserve woodlands to the greatest extent possible and to integrate the built environment with them.

### 4. Principle - Development of an Integrated Trails and Open Space System

Recreational trails and open space increase the quality of life for residents. When integrated into a design that functions with the built and natural environments, a trail and open space system provides an amenity for the community.

## OBJECTIVES

- to utilize Warren Creek and hydro transmission corridor as key lineal open space elements that link to community;
- to integrate schools and parkland with Warren Creek and the hydro transmission corridor;
- to provide public open space close to medium and high density developments; and
- to integrate open space with the natural heritage features.

### 5. Principle - Create Employment Opportunities

The creation of employment opportunities within the Secondary Plan Area is essential to the development of a complete community.

## OBJECTIVES

- to retain lands along the QEW in the eastern part of the Plan Area being the lands west of Montrose Road; and also to retain lands within a 2km radius of the Cytec phosphine plant for employment designations together with a Neighbourhood Commercial designation located at the north eastern part of the radius as shown on Schedule A-3;
- to achieve an overall density of 30 jobs per hectare on employment lands;
- to provide for live/work land uses within the eastern part of the Plan Area;
- to allow for a variety of employment uses throughout the community in order to provide opportunities for employment close to home;
- to achieve high quality urban design on employment lands; and
- to provide connectivity between employment and residential areas supporting alternative modes of transportation (such as pedestrian, cycling or public transit)

## POLICIES

### 1. General

1.1 The basic pattern of future land use is illustrated on Schedule A-3 and the Concept Plan (Appendix VII-A) to the Official Plan. The Concept Plan provides a physical framework that implements the general principles and objectives. Development is to be consistent with the land use pattern and collector road system. The location of local roads, however, will be determined through individual plans of subdivision.

The general phasing concept for the Secondary Plan Area is shown on the Phasing Concept Plan, Appendix VII-B.

The Concept Plan (Appendix VII-A) and the Phasing Concept Plan (Appendix VII-B) do not constitute part of the Secondary Plan and are included as appendices as supporting documents.

1.2 The following land use policies and designations are established for the Secondary Plan Area only and are shown on Schedule A-3. Any changes in land use designation from that shown on Schedule A-3 shall require an amendment to this Plan, save and except for revisions to the boundaries of the limits of the EPA and ECA designations as set out in policy 2.9.2.3.

- Residential, low density;
- Residential, medium density;
- Residential, high density;
- Neighbourhood Commercial;
- Mixed Use;
- Employment;
- Open Space;
- Environmental Protection and Environmental Conservation Areas.

1.3 The overall greenfield density target for the Secondary Plan Area shall be 53 people and jobs per hectare. The calculation of greenfield density is provided in Appendix VII-C as supporting data. The density is calculated on the Gross Developable Land Area over all of the lands outside the Built Area Boundary. Gross Developable Land Area is the total Greenfield Area less the area of protected natural heritage features. Protected natural heritage features are those that are designated Environmental Protection Area or Environmental Conservation Area as well as buffers adjacent to Provincially Significant wetlands to a depth of 30 metres. Lands within the Secondary Plan Area and within the Built-up Area are not to be used in any greenfield density calculation. Densities will be monitored by the City to ensure that the target density is achieved, across the Secondary Plan Area.

1.4 Notices regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour and air emissions will be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements. In addition for any development of retirement residences and senior citizens residences on the lands located north and east of Warren Creek and south of the hydro corridor and north of Brown Road a provision requiring the approval of an emergency plan and evacuation protocol to the satisfaction of the City shall be required as part of any development approvals granted.

1.5 Home occupations shall be permitted in accordance with the regulations contained within the Zoning By-law.

1.6 Lands may be developed at densities lower than the minimum prescribed in this Secondary Plan without amendment to this Secondary Plan. Such proposals shall be accompanied by an analysis, based on approved land use, which demonstrates that the overall target density for the Secondary Plan will not be jeopardized.

1.7 [\(OPA #115, Approved by By-law 2018-41 April 24, 2018\)](#)  
Accessory dwelling units shall be permitted by the Zoning By-law within residential areas. Zoning regulations shall be based on the following

- 1.7.1 Only one accessory dwelling unit per lot is to be permitted.
- 1.7.2 The lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas for both the principal dwelling and the accessory dwelling unit.
- 1.7.3 The accessory dwelling unit meets all applicable law.

- 1.7.4 The overall appearance and character of the principal dwelling shall be maintained.
- 1.7.5 Accessory structures that have an accessory dwelling unit shall not be severed from the principal dwelling.
- 1.8 The target maximum densities set forth in this Secondary Plan are based on ideal site conditions. Accordingly, if such conditions are not present, maximum densities may not be achievable.
- 1.9 The provision of employment lands is a critical element of this Secondary Plan. Employment lands are an integral part of creating a complete community and will assist in diversifying the City's employment base overall. Moreover, the location of the employment lands adjacent, and/or with ready access to, the QEW, will also assist in the realization of the Gateway Economic Zone as envisioned by the Growth Plan for the Greater Golden Horseshoe. As such, the conversion of employment lands to non-employment uses is prohibited.
- 1.10 Any application to amend these Official Plan Policies or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variance or consent application(s) within the Garner South Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands south of Brown Road and west of Garner Road and north of Chippawa Creek Road within the municipal boundaries, which lands are as the date of adoption of this Official Plan Amendment owned by Cytec Canada Inc.

## **2. Land Use**

### **2.1 Residential, Low Density**

Lands designated Residential, Low Density predominate the Secondary Plan Area as low density housing is the primary housing form in the City. Lands under this designation are to be developed to include a variety of housing forms.

- 2.1.1 Residential, Low Density areas shall accommodate a mix of low density housing types within each plan of subdivision. These housing types include single detached dwellings, semi-detached dwellings.
- 2.1.2 Development in Residential, Low Density areas shall proceed by way of plan of subdivision or condominium.
- 2.1.3 In order to meet the greenfield density target, subdivisions within the Residential, Low Density area shall have a density of not less than 16 units per gross developable hectare with a maximum density of 30 units per hectare.

Building heights shall not exceed 3 storeys, except on lands within the area shown on Figure 6 where building heights shall not exceed 2 or 2½ storeys which locations are as detailed on Figure 6.

2.1.4 Reverse lot frontage shall be avoided wherever possible. In addition, garage doors should not dominate the streetscape.

## 2.2 Residential, Medium Density

Lands designated Residential, Medium Density are integrated throughout the Secondary Plan Area, as shown on Schedule A-3 and the Concept Plan, so as to allow for a mix of housing types in the Secondary Plan Area. These lands are generally in proximity to the Open Space System in order to provide residents easy access to this public amenity space and commercial areas.

*(OPA #123, By-law 2017-02, adopted Jan 25, 2017)*

2.2.1 Residential, Medium Density areas shall provide for on-street and block townhouses, including stacked townhouses, and apartment buildings. Notwithstanding this Policy, single detached dwellings can be developed in a 5.02 hectare area on the north side of Brown Road, east of Kalar Road in accordance with subsection 2.2.3.1.

2.2.2 Retirement homes and senior citizens residences (as those terms are defined in the City's Zoning By-law as of the date of approval of this Official Plan Amendment), are permitted on lands located north and east of Warren Creek and south of the hydro corridor and north of Brown Road. The development of these lands for institutional type uses requiring additional care facilities such as a hospital, homes for the aged or nursing homes is not permitted.

2.2.3 In order to meet the greenfield density target, Residential, Medium Density areas shall be developed at a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare.

2.2.3.1 Lands may be developed at densities lower than 50 units per hectare without amendment to this Plan if it is demonstrated that the proposed density will not jeopardize the achievement of the greenfield density target.

2.2.3.2 Brownfield sites may be developed at densities higher than 75 units per hectare, without amendment to this Plan, but should be of a scale and massing that is generally consistent with the Residential, Medium Density designation.

2.2.3.3 Retirement homes and seniors citizens residences may only develop to a maximum density of 80 units per hectare.

2.2.4 Building heights shall not exceed 4 storeys, except as follows:

2.2.4.1 On lands within the area shown on Figure 6, building heights shall not exceed 2, 2½ or 3 storeys in the locations as detailed on Figure 6.

2.2.4.2 Building heights for retirement residences and senior citizens residences located north and east of Warren Creek and south of

the hydro corridor and north of Brown Road not exceed the building heights of 2 and 3 storeys as shown on Figure 6.

- 2.2.5 Buildings are encouraged to be designed with a street frontage that is pedestrian-oriented. To achieve this, buildings should be located close to the street. Exterior pedestrian access to individual dwelling units encouraged. Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
- 2.2.6 Block townhouses shall be designed so as to integrate with the streetscape by facing the street. More specifically, reverse lot frontage is discouraged.
- 2.2.7 Vehicular access, where possible, shall be located on a collector road.
- 2.2.8 Neighbourhood commercial uses consistent with section 2.5 may be established as part of a mixed residential/commercial development on the lands located on the west side of Kalar Road, immediately south and adjacent to the hydro corridor, as shown on Schedule A-3 and the Concept Plan, Appendix VII-A.
- 2.2.9 The Zoning By-law shall regulate the siting of buildings in the following manner:
  - 2.2.9.1 Any senior citizens residence shall be located as far east as possible on lands on the north side of Brown Road and east of Kalar Road.

### 2.3 Residential, High Density

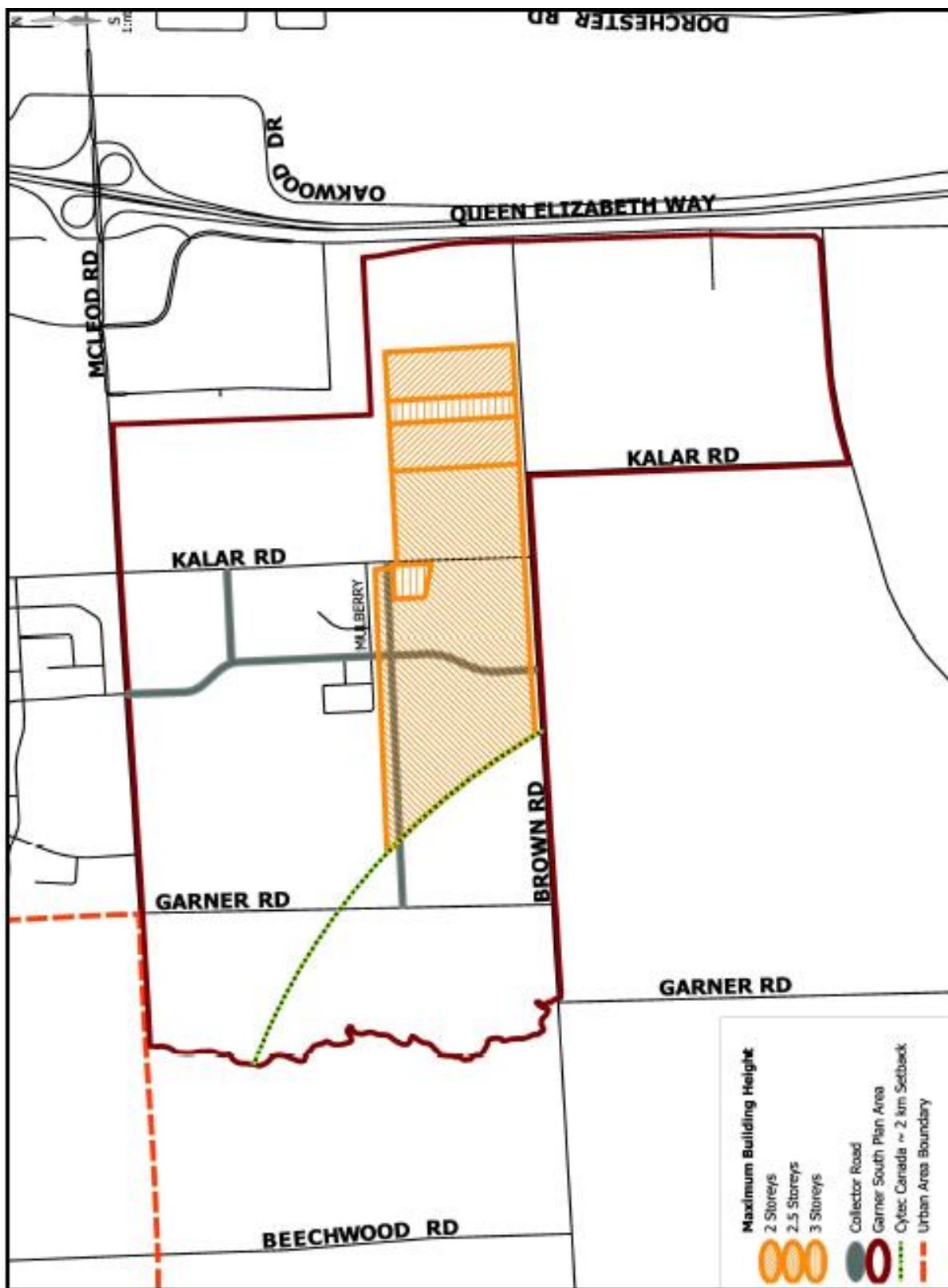
Lands designated Residential, High Density are located primarily on the east side of Kalar Road as shown on Schedule A-3 and the Concept Plan.

- 2.3.1 Residential, high density areas shall provide for apartment buildings.
- 2.3.2 Retirement and long term care facilities are also permitted.
- 2.3.3 In order to meet the greenfield density target, Residential, high density areas shall be developed at a minimum density of 75 units per net hectare to a maximum of 125 units per net hectare. Despite Policy 2.3.1, lower density housing types may be permitted on a site specific basis:
  - (a) within a development to provide for a mix of housing if the overall density for the development meets the minimum for this designation; or
  - (b) where justified by market conditions and the overall density target for the Plan Area is not jeopardized.
- 2.3.4 Unless otherwise stated, building heights shall not exceed 8 storeys for apartment buildings and 2 storeys for long term care facilities in the

Secondary Plan Area. Despite this, in order to capitalize on this area's proximity to the Niagara Square Retail District, lands east of Kalar Road are intended to develop as a high-rise node. As such, densities may exceed 125 units per net hectare and building heights up to 12 storeys may be considered without amendment to this Plan.

- 2.3.5 In addition to the policies of PART 4, Section 4.5 of this Plan, increases in height and density may be considered in exchange for additional amenity space or parkland, or the provision of on-site or off-site sustainable design elements without amendment to this Secondary Plan.
- 2.3.6 Buildings shall be designed facing the street in order to be pedestrian-oriented. Apartment dwellings should be located such that front and exterior side yards are generously landscaped to complement the streetscape or with podiums set close to the street. Lower density housing forms may be utilized along street frontages in combination with higher density apartment dwellings located internally.
- 2.3.7 Parking areas should be located within rear yards or interior side yards. Landscape buffers along all property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening. Where a rear or exterior lot line or the rear or side building facade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades and servicing areas are attractive and/or appropriately screened from view.
- 2.3.8 Although lands designated as Residential, High Density are shown on Schedule A-3, applications to amend this Secondary Plan to permit high density housing on lands not so designated shall be considered, provided such lands front on McLeod Road, or provided such lands are located adjacent to or in proximity to the Niagara Square Retail District, and provided such lands are not in proximity to employment lands based on the following, in addition to the policies of this section noted above:
  - 2.3.8.1 Lands should have frontage on an arterial road.
  - 2.3.8.2 Lands should be close to:
    - public open space or parkland; or
    - commercial services.
- 2.3.9 Lands are to be of sufficient area and frontage to provide appropriate setbacks and landscaping.

FIGURE 6: AREA OF RESTRICTED BUILDING HEIGHT



## 2.4 Institutional

2.4.1 Although not shown on Schedule A-3, lands under any of the Residential designations may be used for institutional uses, subject to the following policies:

### 2.4.1.1 Schools

- (i) Two elementary school sites are to be provided in the Secondary Plan Area. Elementary schools provide a focus to the community and their locations contribute to its walkability. While school sites are illustrated conceptually on the Concept Plan, their ultimate location is to be guided by the following policies:
  - (a) Each school site should be centrally located such that the majority of students are within an 800 metre radius.
  - (b) Each school site shall have an area of between 2 to 3 hectares and be located with at least one frontage on a collector road.
  - (c) School sites should also be integrated with the trails and open space system.
  - (d) School sites shall be required to locate outside and away from the 2 km Cytec Arc, and school sites shall not be located within the lands east of Garner Road, and south of the Hydro Corridor and west of Kalar Road.

### 2.4.1.2 Places of Worship

- (i) Places of worship are to be located and designed in accordance with the following:
  - (a) Places of worship shall not be located on a local road.
  - (b) Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
  - (c) Buildings should be located close to the street to provide a street presence.
  - (d) Places of Worship shall be required to locate outside and away from the 2 km Cytec Arc.

- (ii) Places of worship may be integrated with Residential, Medium Density and Residential, High Density designations as part of an overall development that is primarily residential.

#### 2.4.1.3 Community Centres

- (i) Community centres shall be permitted on lands designated Medium Density and High Density in accordance with the following policies:
  - (a) Community centres may be permitted as either standalone buildings or integrated within a mixed use building.
  - (b) Community centres are to be located on arterial roads.
  - (c) Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
  - (d) Buildings should be located close to the street to provide a street presence.
  - (e) Community centres shall be required to locate outside and away from the 2 km Cytec Arc.

### 2.5 Neighbourhood Commercial

Lands designated Neighbourhood Commercial are shown on Schedule A-3, located on the east side of Garner Road, north of the Hydro Corridor. In addition, the lands designated medium density lands located on the west side of Kalar Road, immediately south and adjacent to the hydro corridor, as shown on Schedule A-3 and the Concept Plan, Appendix VII-A, may establish neighbourhood commercial uses as part of a mixed residential/commercial development. No residential building or residential unit may be sited with the 2 km Cytec Arc as shown on Schedule A-3.

- 2.5.1 Recognizing the proximity of the Secondary Plan Area to the Niagara Square Retail District, and that development in the Plan Area should serve to strengthen the Retail District, commercial facilities within the Secondary Plan Area shall be limited to those that serve the day-to-day needs of residents.
- 2.5.2 The maximum retail gross floor area in the Secondary Plan Area shall not exceed 2,000 square metres. Any requests that will result in an increase beyond 2,000 square metres will require an amendment to this Plan and will be accompanied by an analysis that demonstrates:

- that there is a sufficient population base within the Secondary Plan Area that will support the proposed floor area; and
- that the establishment of the retail will not jeopardize the planned function of the Niagara Square Retail District.

2.5.3 The maximum gross floor area for any retail use shall not exceed 300 square metres.

2.5.4 The uses permitted within the Neighbourhood Commercial designation may include convenience stores, day nurseries, personal services and small scale restaurants, offices, clinics and financial institutions.

2.5.5 Notwithstanding the list of permitted Neighbourhood Commercial uses in policy 2.5.4, the following land uses are specifically prohibited:

- automotive-related uses;
- day nurseries or medical clinics within the 2.0 km Cytec Arc as shown on Schedule A-3 or on any part of the Neighbourhood Commercial designation that is part of that radius; and
- any retail stores or commercial use that requires the outdoor storage of goods.

2.5.6 Building heights shall not exceed 3 storeys, except as prescribed by Figure 6.

2.5.7 Dwelling units are only permitted as part of mixed use buildings on the lands described in section 2.5, above. Within mixed use buildings, dwelling units may be established to a maximum of 75% of the total gross floor area and should be located above the ground floor.

2.5.8 Shared parking arrangements within mixed use buildings may be permitted on a site specific basis, subject to a Parking Demand Analysis being submitted, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services.

2.5.9 Parking areas should be located within rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

2.6 Mixed Use

The lands designated Mixed Use, as shown on Schedule A-3, are generally located within the southeast quadrant of Kalar Road and McLeod Road.

2.6.1 The intent of the Mixed Use lands is to provide opportunities for commercial and service commercial uses that benefit from arterial road frontage, recognize the uses that currently exist and to provide a transition to the residential lands by permitting further commercial as well as residential uses.

2.6.2 Buildings may be developed as stand alone commercial or residential uses or in combination. However, it is the intention of this Plan that the lands located on the southwest corner of Kalar Road and McLeod Road be developed as a mixed commercial/residential use.

2.6.3 Building heights shall not exceed 6 storeys.

2.6.4 Commercial uses may be developed in the following manner:

2.6.4.1 Retail, offices, day nurseries, clinics and personal and service commercial uses that benefit from arterial road frontage shall be permitted.

2.6.4.2 Parking areas located along Kalar Road should be limited to a single row and drive aisle and should be separated from Kalar Road by a landscape buffer of sufficient depth and intensity such that the parking area is appropriately screened from Kalar Road.

2.6.5 Residential uses may be developed in the following manner:

2.6.5.1 Densities for stand-alone residential buildings shall not be less than 50 units per net hectare to a maximum of 75 units per net hectare.

2.6.5.2 Parking areas should be located in the rear or interior side yards. Where a rear or exterior lot line or the rear or side building facade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades and servicing areas are attractive and/or appropriately screened from view.

2.6.5.3 Residential uses should occupy floors above the ground floor in mixed use buildings.

2.6.5.4 Shared parking arrangements within mixed use buildings may be permitted on a site specific basis, subject to a Parking Demand Analysis being submitted, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services.

2.6.5.5 Amenity areas should be located adjacent to natural heritage features in order to assist in mitigation of the development and to integrate built and natural environments.

## 2.7 Employment

The lands designated Employment are shown on Schedule A3 and are considered as two distinct precincts.

2.7.1 It is the objective of this Plan to attain an employment density of 30 jobs per hectare, and as such, this density shall be applied to Employment lands when calculating overall densities across the Secondary Plan Area. Densities will be monitored by the City as Employment lands develop.

2.7.2 The principal uses permitted within the Employment designation may include:

(a) on the lands on the west side of Montrose Road:

- offices, medical clinics;
- government services, research and, training facilities;
- facilities for the research, development and production of alternate energy sources;
- opportunities for live/work environment and form, subject to policy 2.7.7;
- prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations;
- commercial services such as, but not limited to, banks and restaurants, which may only develop once the majority of the land area designated Employment has been developed with the uses noted above;
- ancillary retail and service uses to the above, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use; and
- medical clinics are limited to 3 storeys in height.

(b) on lands within the southwest quadrant of the Plan Area:

- prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations; and
- ancillary retail and service uses, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of an employment use.

2.7.3 Notwithstanding the list of permitted employment uses in policy 2.7.2, the following land uses are specifically prohibited:

- assembly of persons and accommodation uses within the 2.0 km Cytec Arc as shown on Schedule A-3;
- the outdoor display or storage of goods in front or exterior side yards;
- nightclubs or banquet halls;
- places of entertainment;
- adult entertainment parlour; • body rub parlour; and
- taxi establishments.

2.7.4 The number of access points from individual lots to public roads shall be minimized. Shared access and internal connections between multiple lots is encouraged.

2.7.5 Employment lands shall be developed in accordance with the following design criteria:

- loading and servicing areas should be located in the rear yard of the lot and be screened from view through built form and landscaping;
- buildings shall front onto, and have a consistent front yard setback;
- buildings should be sited and massed consistently;
- front and exterior side yards should have a minimum landscaped area of 6 metres, except along Montrose Road which should be 12 metres in width; and
- shall have a maximum building height of 3 storeys within a 2.0 km radius of the Cytec phosphine plant.

2.7.6 The City shall participate in discussions with telecommunications providers regarding the feasibility of servicing employment areas with leading edge telecommunications services, including broadband technology, to attract knowledge-based industries and support economic development, technological advancement and growth of existing businesses.

2.7.7 Provision of live/work units within the eastern precinct represents an opportunity to supply a unique lifestyle choice to a segment of society that desire to offer goods and/or services to the marketplace from a small scale production and/or office unit space combined with their principle residence.

Live/work differs from a general Mixed Use designation through the type of use that may be anticipated or conducted on the premise. The supply of live/work units would be limited to the lands identified on Figure 7 and subject to the following:

2.7.7.1 Live/work units are intended to serve as a transitional land use between Employment and Residential or Environmental land use designations and as an alternative to traditional employment areas.

Identification of the live/work location on the Concept Plan is intended to provide guidance for the adjacent prestige industrial

uses fronting onto Montrose Road and to plan for design mitigation measures.

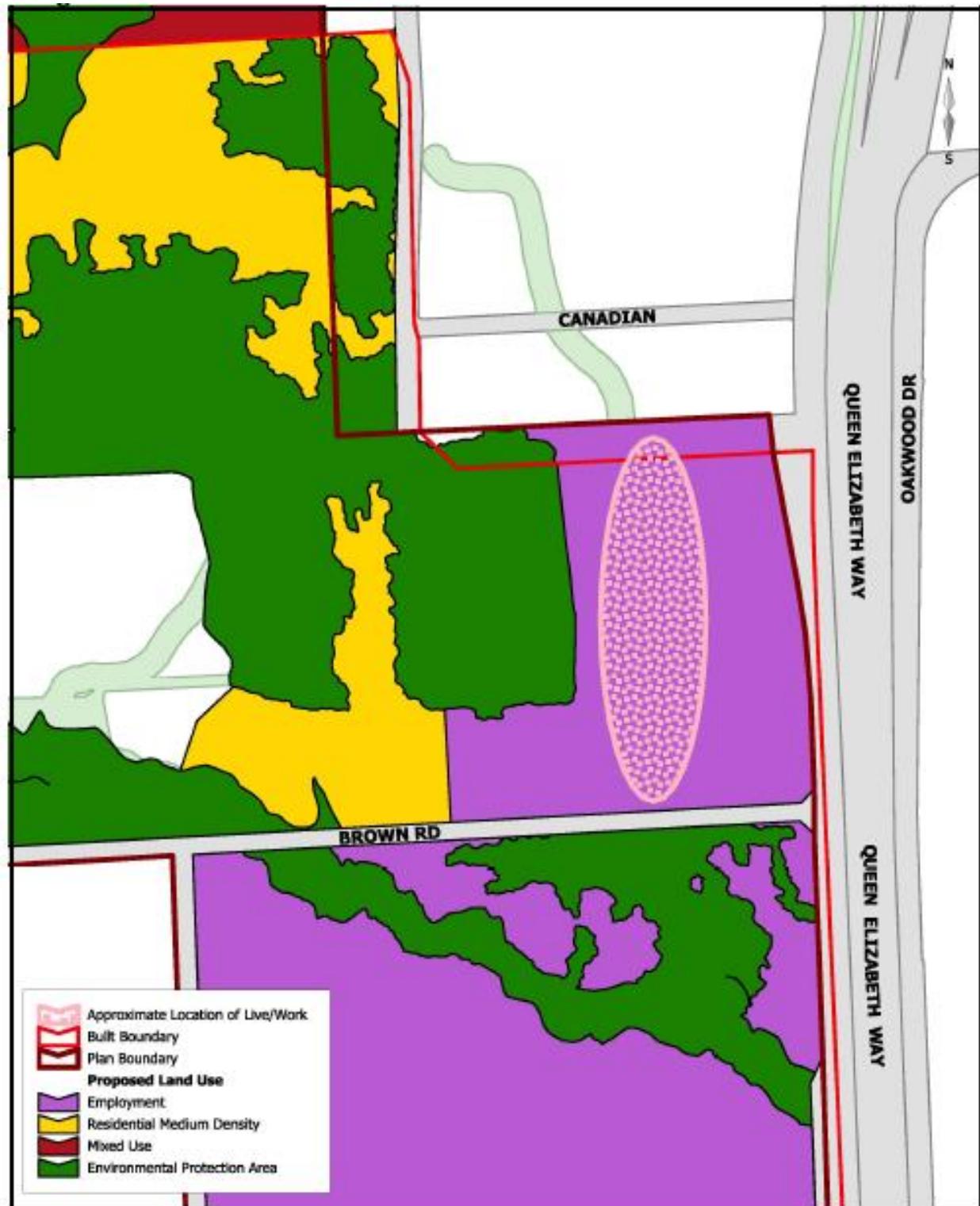
Live/work units shall only be permitted through an amendment to the Zoning By-law and subject to the following policies:

- (a) At least 50% of the land area of the adjacent Employment lands shall be developed prior to the establishment of any live/work use.
- (b) Establishment of live/work uses shall not negatively impact the future development of industrial uses in the Employment lands through impositions of Distance Separation Criteria.
- (c) Proponents of live/work uses shall demonstrate that established industrial uses within the Employment designation will not negatively impact residential occupancy through application of Ministry of Environment Distance Separation Criteria.
- (d) Live/work built form should be restricted to three storey structures with business operations restricted to the ground floor.
- (e) Each live/work unit should be self-contained.
- (f) Adequate outdoor amenity space should be provided for residential units.
- (g) Adequate parking is to be provided for both employment and residential uses.

2.7.7.2 The zoning by-law shall detail the uses permitted and regulations. Although a broad range of uses may be permitted, it is anticipated that uses will involve light manufacturing or minor production of goods, such as cabinet making, graphics printing and publishing, clothing customizing and industrial sewing. Uses are not to utilize or emit noxious substances.

2.7.7.3 Employment uses adjacent to live/work uses shall provide generously planted landscaped areas along adjacent property lines and utilize other design measures to buffer these uses from the live/work uses.

FIGURE 7: LOCATION OF LIVE / WORK



## 2.8 Open Space System

- 2.8.1 The Trails and Open Space System, comprised of trails, parkland and the rechanneled Warren Creek, is illustrated on the Concept Plan (Appendix VII-A). Parkland is shown on Schedule A3, designated Open Space. Lands under this designation shall include parkland and trails. The locations are conceptual in nature and may be revised during the approval of individual draft plans of subdivision.
- 2.8.2 Neighbourhood parks should be a minimum of 2 hectares in size and may be for either active or passive recreation.
- 2.8.3 Individual plans of subdivision or condominium that provide a dedication of land shall design the park such that it has connections, or can be readily connected to, other components of the trails and open space system.
- 2.8.4 Site specific storm water management facilities and natural heritage features shall not be accepted as parkland dedication.
- 2.8.5 Trails shall be obtained in accordance with the Planning Act, pursuant to section 51 (25) (b), over and above lands dedicated for parkland. In addition, trails shall be constructed by the developer during the initial construction phase of a plan of subdivision or condominium or site plan, in accordance with the applicable City standards for trail construction.
- 2.8.6 The trail system is to provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network as well as to the employment areas, neighbourhood commercial uses and mixed use areas.
- 2.8.7 Trails and bikeways should connect into the Regional Bicycle Network System. This System, part of the Regional Bikeways Master Plan, includes the following arterial roads in the Secondary Plan Area:
  - Brown Road;
  - Chippawa Creek Road;
  - McLeod Road; and
  - Montrose Road.
- 2.8.8 An Environmental Impact Study shall be prepared when requested to the satisfaction of the City, Niagara Region and the Niagara Peninsula Conservation Authority for any trail system that is planned to be extended into or adjacent to an area designated Environmental Protection Area or Environmental Conservation Area.

2.9 Environmental Protection (EPA) and Environmental Conservation (ECA) Areas

2.9.1 General Natural Heritage System Policies

- 2.9.1.1 The City supports an ecosystem approach to the identification, protection and enhancement of our natural heritage resources that addresses:

- (a) the interrelationships between air, land, water, plant and animal life, and human activities;
- (b) the health and integrity of the overall landscape; and
- (c) the long term and cumulative impacts on the ecosystem.

2.9.1.2 The City shall encourage and support the efforts of the Ministry of Natural Resources, the Niagara Peninsula Conservation Authority and the Region of Niagara to protect, maintain, rehabilitate or improve the quality of the natural heritage features resources within this Plan area in accordance with environmental and natural resource management legislation.

2.9.1.3 Land owners shall be encouraged to consult with the Ministry of Natural Resources, Niagara Peninsula Conservation Authority and the Region of Niagara prior to commencing work of any kind on or adjacent to an area containing natural heritage resources in order to determine the means by which to avoid or minimize negative impacts.

2.9.1.4 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.

2.9.1.5 A permit from the Niagara Peninsula Conservation Authority may be required for any works within areas regulated by the Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 155/06).

2.9.1.6 The policies of the Natural Heritage System shall apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact Study regardless of the land use designation applying to such feature in this Plan.

2.9.1.7 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.

2.9.1.8 Applications for draft plan of subdivision/ condominium or site plan approval shall demonstrate, through required studies such as an environmental impact study, drainage plan or a subwatershed plan, how the proposed development will comply with the objectives, targets and

recommendations of the Warren Creek watershed plan or any subsequent subwatershed plans.

2.9.1.9 An Environmental Impact Study (EIS) shall be required as part of a complete application under the Planning Act for site alteration or development on lands:

- (a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A 3; or
- (b) that contain or are adjacent to a natural heritage feature.

2.9.1.10 An EIS required under this Plan shall be prepared in accordance with the EIS Guidelines adopted by Regional Council and:

- (a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;
- (b) be prepared and signed by a qualified professional;
- (c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA; and
- (d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to EPA.

2.9.1.11 The City, in consultation with the Region and the Niagara Peninsula Conservation Authority, may require a scoped EIS in place of a full EIS for developments to address specific issues such as encroachment into a natural area, potential impact on a natural heritage feature or the degree of sensitivity of the natural area. A scoped environmental impact study is an area specific study that addresses issues of particular concern.

2.9.1.12 The required content of an EIS may be reduced, in consultation with the appropriate authorities, where:

- (a) the environmental impacts of a development are thought to be limited; or
- (b) other environmental studies fulfilling some or all requirements of an EIS has been accepted by the appropriate authority.

2.9.1.13 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. New development should not

interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or rehabilitation of natural heritage resource connections. Where specifically defined through an EIS or other natural heritage study or plan linkages and corridors shall be protected through use of an appropriate zone in the City's Zoning By law.

2.9.1.14 Development or site alteration shall not have adverse impacts on ground or surface water quality or quantity. The City, in consultation with the appropriate agencies, may require a hydrogeological study or an environmental impact assessment for development or site alteration for any proposal that may impact, either locally or cross jurisdictionally, on:

- (a) the quantity and quality of surface and ground water;
- (b) the functions of ground water recharge and discharge areas, aquifers and headwaters;
- (c) the natural hydrologic characteristics of watercourse such as base flow;
- (d) surface and ground water such that other natural heritage features are negatively affected;
- (e) natural drainage systems and stream forms; and
- (f) flooding or erosion.

2.9.1.15 Development or site alteration adjacent to any hydrologic feature such as valleylands, stream corridors or Municipal Drains shall be setback from the stable top of slope in accordance with the Regulations of the Niagara Peninsula Conservation Authority. The required setback shall be protected through the implementing zoning by law.

2.9.1.16 All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:

- (i) The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance.
- (ii) Ensuring efficient harvesting and use of trees that must be removed to accommodate the placement of buildings, structures and roads.
- (iii) The incorporation of land with existing tree cover into the urban area park system, if appropriate.
- (iv) The maintenance and possible enhancement of tree cover along watercourses and on steep slopes, in order to reduce soil erosion and improve water quality.

- (v) Permitting the continued management and selective harvesting of forest resources, where appropriate.
- (vi) The use of native trees in development design.

2.9.1.17 The City supports the protection of woodlands greater than 0.2 hectares in size and individual trees or small stands of trees on private lands that are deemed by Council to be of significance to the City because of species, quality, age or cultural association from injury and destruction through such means as the Region's Tree and Forest Conservation By law or any similar municipal by law.

2.9.1.18 The City shall encourage the retention of individual trees or stands of trees wherever possible through development applications including site plan control, plan of subdivision or vacant land condominiums. A Tree Savings Plan may be requested as a condition of development.

2.9.1.19 The City shall regulate the fill, topsoil Removal or site alteration through a by law and consider the approval of additional regulatory measures, as specified under the Topsoil Preservation Act. Site alteration or development which may result in flooding and erosion, property damage, poor water quality, degradation of farmland and adverse impacts on natural areas the dumping or placing of fill, and the grading of land shall not be permitted unless in compliance with the City's Fill, Topsoil Removal or Site Alteration By law and where the site alteration/development is proposed through a planning application under the Planning Act, no site alteration shall occur until all required studies under Part 4, Section 14 of this Plan have been approved.

2.9.2 General EPA and ECA Policies

2.9.2.1 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 2.9.1.

2.9.2.2 In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 2.9.1.9to 2.9.1.12. Adjacent lands include:

- 15m from NPCA Regulated Wetlands less than 2ha in size and creeks outside the flood plain
- 30m from Non-Provincially Significant Wetlands

50m from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands

120m from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2 ha.

2.9.2.3 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

Where an Environmental Impact Study has concluded that an expansion to the EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.

2.9.2.4 A holding provision may be utilized through the City's Zoning By law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions.

2.9.2.5 Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning By law.

2.9.2.6 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted to extend through an EPA or ECA designation, or within adjacent lands, where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

2.9.2.7 Where development is permitted within an ECA or on adjacent lands existing natural linkages between the lands designated ECA and EPA lands, other designated or non-designated natural heritage features shall be maintained. The exact limits of such linkages shall be assessed and approved through an Environmental Impact Study through

development applications or natural area inventories. New linkages, where needed, should form part of applications for development through a land use designation or easement.

### 2.9.3 Environmental Protection Areas (EPA)

2.9.3.1 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

2.9.3.2 Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:

- (a) forest, fish and wildlife management;
- (b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;
- (c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions.

2.9.3.3 Minor expansions to an existing legal nonconforming use within the EPA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or increase in footprint shall require an Environmental Impact Study as part of a complete application.

2.9.3.4 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- (a) the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- (b) the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.

2.9.3.5 Endangered and Threatened species are identified through lists prepared by the Ministry of Natural Resources. The Significant habitat of threatened and endangered species are identified, mapped and protected through management plans prepared by the Ministry of Natural Resources and the Committee on the Status of Endangered Wildlife in Canada and all applications made pursuant to the Planning Act within or adjacent to the EPA designation will be circulated to the Ministry of Natural Resources for review.

2.9.3.6 Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By law. Development or site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.

2.9.4 Environmental Conservation Area (ECA)

2.9.4.1 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

2.9.4.2 Permitted uses within the ECA designation shall include:

- (a) forest, fish and wildlife management;
- (b) conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;
- (c) small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions;
- (d) uses ancillary to the uses listed above including: parking areas, interpretive centres, conservation

area shelters, essential utility structures and other related uses that are compatible with the ECA designation;

where such works have been approved by the Niagara Peninsula Conservation Authority or other appropriate authority.

2.9.4.3 Minor expansions to an existing legal non conforming use within the ECA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or an increase in footprint shall require an Environmental Impact Study as part of a complete application.

2.9.4.4 Notwithstanding the above policies, development and site alteration may be permitted within fish habitat in accordance with Provincial and Federal requirements. The buffer areas for fish habitat have been designated ECA in this Plan with the intention of providing a vegetative buffer and riparian areas along the water channel for protection from soil or chemical runoff and to stabilize water temperature.

Where a site specific study has identified a setback for a protective buffer for fish habitat, this setback shall be reflected in any implementing zoning by law.

Not all fish habitat have been evaluated and mapped and may, therefore, not be reflected on Schedules A 3 to this Plan. Fish habitat may be identified by the Niagara Peninsula Conservation Authority through preconsultation. Where this is the case, the fish habitat policies of this Plan apply.

2.9.4.5 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By law.

2.9.4.6 Valleylands are identified through mapping of the Niagara Peninsula Conservation Authority. A minimum vegetated

setback from the top of bank shall be established through the implementing zoning by law based on site specific conditions in accordance with the Niagara Peninsula Conservation Authority Regulations. Where development or site alteration is proposed within or adjacent to a significant valleyland and ownership of the valleyland or flood plain is not assumed by the City or other public agency, the City may require the submission of a detailed site grading plan for any new lot prior to the issuance of a Building Permit as a condition of development.

## 2.10 Infrastructure

### 2.10.1 Storm Water Management

- 2.10.1.1 A combination of piped storm sewers and overland drainage systems will be employed due to the generally flat topography of, and the shallow drainage courses that flow through, the Secondary Plan Area.
- 2.10.1.2 Overland and piped storm water flows will not be directed outside of the respective watershed.
- 2.10.1.3 Storm drainage for the lands within the Warren Creek Watershed will be conveyed to the re-channelled Warren Creek in accordance with the provisions of the Warren Creek Watershed Plan and Implementation Plan.
- 2.10.1.4 The location of storm water management facilities are shown on the Concept Plan. Such facilities are not shown on Schedule A-3 and may be located under any land use designation, including the facility within the northeast quadrant of Kalar Road and Brown Road, which is designated Environmental Protection Area.
- 2.10.1.5 Private, individual or temporary storm water management facilities are discouraged. Such installations shall be undertaken at the cost of the developer.
- 2.10.1.6 Storm water management facilities will be constructed as naturalized features, utilizing native plant species and grading techniques to create a natural area. If required, public access will be precluded through the use of vegetation and not fencing. Such facilities will be integrated with the Open Space System of the Secondary Plan Area.
- 2.10.1.7 The lands shown Figure 8 are located within the Thompson's Creek Watershed. In the absence of a watershed plan for Thompson's Creek Watershed, a Scoped Watershed and Master Drainage Plan is required to be completed prior to development. It is anticipated that the

Scoped Watershed and Master Drainage Plan will be prepared by the City as a Development Charges study. Alternatively, the Plan may be prepared by an individual or group of individual landowners within the affected area. The Plan shall be developed in consultation with the owner of Thompson's Creek and completed to the satisfaction of, in the case of a landowner-initiated study the City and, the Niagara Peninsula Conservation Authority, and will:

- assess pre-development surface and subsurface hydrological conditions;
- model post-development conditions to identify storm water management requirements to ensure that the hydrology of the natural heritage features is not negatively impacted;
- provide a hydrogeological analysis to identify storm water management requirements in order to ensure that pre-development infiltration conditions into Thompson's Creek remain unaffected;
- develop a storm drainage and storm water management plan for this portion of the watershed that manages storm water on a communal scale and provides for buffers to natural heritage features;
- assess the natural heritage features in this portion of the watershed in accordance with the Environmental Impact Study requirements of the Niagara Peninsula Conservation Authority and the Natural Heritage policies of this Plan;
- identify the natural heritage constraints to development;
- characterize surface and subsurface hydrological conditions of the natural heritage areas and requirements of the storm management plan to meet these conditions; and
- identify any impacts on the natural heritage system from the proposed storm water management plan and any methods that may be necessary to mitigate these impacts.

2.10.1.8 No development shall occur within the Thompson's Creek Watershed area in advance of any municipal storm water management works required by the Scoped Watershed and Master Drainage Plan. Any applications to amend the Zoning By-law to permit development prior to the completion of these works shall have a Holding provision attached to the zone classification.

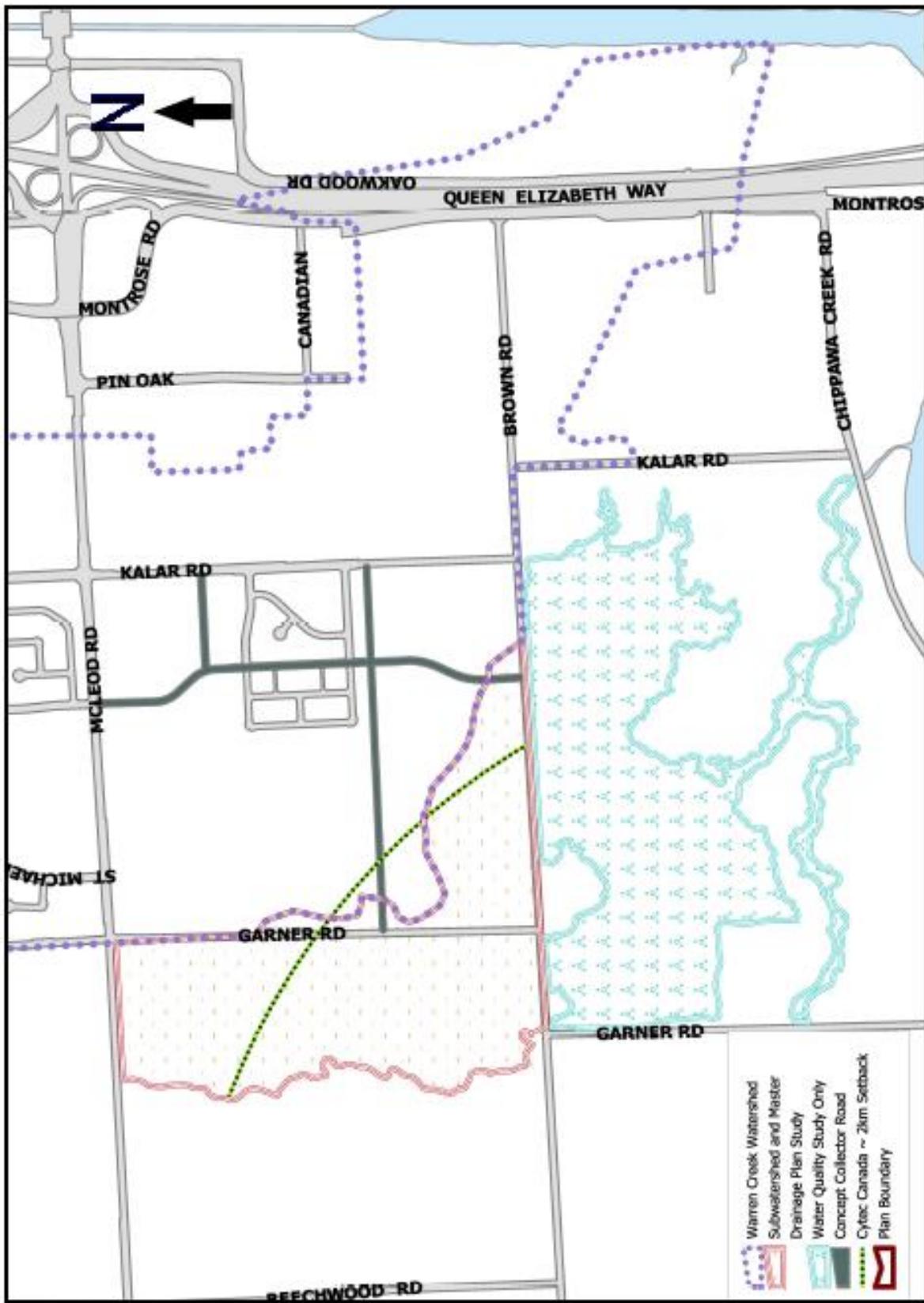
2.10.1.9 Should development impact upon or alter existing conditions of Thompson's Creek, developers shall obtain consent of the owner of Thompson's Creek and the Niagara

Peninsula Conservation Authority to permit these impacts or alterations, or in the alternative shall redesign its development so as to maintain the existing conditions. These impacts or alterations include impacts on flood potential, erosion, water quality and quantity and fish habitat.

*(OPA #133, By-law 2019-02, adopted Jan 15, 2019)*

Notwithstanding the requirements of this Section, or Sections 2.10.1.8 and 2.10.1.9, the lands on the south-west corner of McLeod Road and Garner Road, with a gross land area of 15.5 hectares, may be developed in advance of a comprehensive Scoped Watershed and Master Drainage Plan. Development of the lands shall be subject to a site specific stormwater management plan/scoped watershed study which will demonstrate that the hydrology of natural heritage features is not negatively impacted and pre-development conditions into Thompson's Creek remain unaffected. Recommended measures shall be implemented as conditions of subdivision approval to the satisfaction of the City, The Regional Municipality of Niagara and/or the Niagara Peninsula Conservation Authority, and the owner of Thompson's Creek. Lands designated Environmental Protection Area shall continue to be subject to the policies of Section 2.9.

FIGURE 8: THOMPSON'S CREEK SUBWATERSHED



## 2.10.2 Sanitary and Water Services

- 2.10.2.1 Sanitary services will be constructed in accordance with the recommendations of the Garner/Southwest Sanitary Service Area Municipal Class EA. This shall not preclude the extension of sanitary and water services through private lands to service lands within the northwest quadrant of the Secondary Plan Area.
- 2.10.2.2 Water services may be constructed in concert with sanitary services.
- 2.10.2.3 Lands served by private septic systems shall connect to municipal sanitary sewers and water services when available.

## 2.10.3 Utilities

- 2.10.3.1 The City shall participate in discussions with utility providers such as hydroelectric power, communications/telecommunications, pipelines and natural gas to ensure that sufficient infrastructure is or will be in place to serve the Secondary Plan Area.
- 2.10.3.2 Through the Environmental Assessment and subdivision processes, appropriate locations for large utility equipment and cluster sites will be determined. Consideration will be given to the locational requirements for larger infrastructure within public rights of way, as well as easements on private property.
- 2.10.3.3 Utilities will be planned for and installed in a coordinated and integrated basis in order to be more efficient, cost effective and to minimize disruption.

## 2.11 Growth Strategy

### 2.11.1 Phasing of Development

- 2.11.1.1 Development shall progress in an orderly, efficient and fiscally responsible manner. The phasing strategy for the Secondary Plan Area is shown on Appendix VII-B to the Official Plan. The servicing of lands, including the upgrading and widening of roads, within this Secondary Plan Area shall be undertaken as is required by demand.
- 2.11.1.2 In order to ensure that development occurs in an orderly manner Council may use holding provisions in the zoning of lands. Holding provisions can be lifted only after the following matters have been satisfied:

- that sufficient revenue has been, or will be, generated through Development Charges to finance the servicing of the proposed stage of Secondary Plan development;
- that any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- that the extent of the short term (serviced) land supply within the Secondary Plan Area is not more than 10 years;
- whether the extent of intensification occurring within the City's Built-up Area over the previous 5 years has been at the targeted rate;
- completion of the Thompson's Creek Scoped Watershed and Master Drainage Plan to the satisfaction of the City and the Niagara Peninsula Conservation Authority for the lands located on the west side of Garner Road; and
- execution of any front ending agreement by the owner of lands subject to a holding provision, all in accordance with requirements of the Development Charges Act.

2.11.1.3 The timing of subsequent phases of the Secondary Plan Area will be determined based on the following:

- (a) an evaluation of infrastructure investments, including Development Charge revenue;
- (b) the extent of short term supply, not only within the Secondary Plan Area, but within the City=s Greenfield Area; and
- (c) the extent of intensification occurring within the City's Built-up Area over the current phase of development.

2.11.1.4 Development of lands within the Thompson's Creek Watershed area shall not proceed until the completion of the Scoped Watershed and Master Drainage Plan to the satisfaction of the City and the Niagara Peninsula Conservation Authority. In the case of lands on the west side of Garner Road, development shall also not proceed until a municipal sanitary sewer and watermain are extended along Garner Road. The timing of the Scoped Watershed and Master Drainage Plan and the extension of the municipal sanitary sewers and watermains will be dependent on the financial resources of the City and/or any front-ending agreements between benefiting landowners in the Thompson's Creek Watershed Area.

2.11.1.4.1 Notwithstanding the above the lands within the southwest quadrant of Garner Road and McLeod

Road may be serviced by way of extension of municipal sanitary sewers and watermains internally through the Secondary Plan Area. Such a servicing alternative is subject to negotiation and mutual consent of the applicable landowners as detailed in Section 2.12.

- 2.11.1.5 The City, through future Development Charge By-law Reviews, may consider an area specific Development Charge By-law for the Secondary Plan Area.
- 2.11.1.6 The development of employment lands is encouraged to proceed concurrently with residential development in order to create a live/work community. Retail and service commercial uses are also encouraged to develop concurrently with residential development so as to provide residents with neighbourhood shopping and services.
- 2.11.1.7 Medium and high density housing forms are to develop concurrently with lower density forms. Applications for draft plan approval of plans of subdivision on lands designated Residential, Low Density should contain a land area of not less than 20 gross developable hectares or 300 housing units. Notwithstanding, the staging of registration of lands within draft approved plans of lesser land area or number of housing units is permitted. Applications should include a mix of the housing types noted in Policy 2.1.1 and provide an indication of the phasing in of each dwelling type.

## 2.11.2 Front-ending Agreements

- 2.11.2.1 For the purposes of this Secondary Plan, a front-ending agreement, pursuant to the Development Charges Act, is a financial contract entered into with the City whereby an individual or individuals agree to pay for the installation of infrastructure identified in the Secondary Plan in order to permit development to proceed within the Secondary Plan Area in advance of other benefiting developments paying its share of costs.
- 2.11.2.2 Where an application has been made for a development in advance of the installation of infrastructure identified within this Secondary Plan as required to support the subject development, including both on-site and off-site services as well as upstream and downstream system requirements, Council may consider entering into a front-ending agreement with a developer, as a condition of approval, in accordance with City policies and procedures respecting such agreements.

## 2.12 Transportation

- 2.12.1 The Concept Plan illustrates the conceptual design for the Secondary Plan Area. The design employs a modified grid system of streets with the aim to allow for walking, cycling and access to transit. Individual plans of subdivision will be consistent with this grid system.
- 2.12.2 Right-of-way widths for all roads shall be in accordance with PART 3, Section 1.4.19 of this Plan.
- 2.12.3 As part an application to amend the Zoning By-law application, a traffic impact study may be required to be submitted. The study will assess the impacts on the existing road network, intersections and recommend any improvements to the road network that will be needed. Any improvements to the existing road network or to intersections shall be constructed at the cost of the applicant unless such improvements have been identified in the Development Charges By-law.
- 2.12.4 The arterial road system currently exists in the Secondary Plan Area. The following policies shall apply to arterial roads:
  - 2.12.4.1 Expansion of arterial roads from their current width shall generally proceed in phase with development, subject to the Development Charge revenue generated at the time being sufficient.
  - 2.12.4.2 Driveways access to arterial roads shall be minimized. On corner lots, driveway access shall only be provided on the lesser order road frontage.
  - 2.12.4.3 Reverse lot frontage shall be avoided where at all possible.
  - 2.12.4.4 Developments along any arterial road, shall provide generously landscaped open space adjacent to the arterial frontage, save and except for any driveway or sidewalk access.
- 2.12.5 The collector network is shown on Schedule A-3 and on the Concept Plan. Collector roads are to provide for the conveyance of traffic into and out of the community and to provide for transit routes. Accordingly the following policies shall apply:
  - 2.12.5.1 Parkside Drive shall be extended south of McLeod Road so as to provide for a continuous north-south collector road. Parkside Drive will function as a transit route.
  - 2.12.5.2 An east-west collector road connection may be made between Kalar Road and Pin Oak Drive and designed to serve as a transit route.

2.12.5.3 An east-west collector, in the vicinity of the Hydro corridor, shall extend across Warren Creek in order to provide for a connection to the lands on the west side of the Creek.

2.12.5.4 Bicycle lanes should be provided on all collector roads.

2.12.6 Traffic circles will be encouraged to be used at the intersection of any two collector roads.

2.12.7 The specific configuration of local roads, laneways and the resultant lot patterns are to be established through individual plans of subdivision.

## 2.13 Implementation

2.13.1 The Secondary Plan shall be implemented in accordance with the requirements of the Planning Act, Development Charges Act and other applicable legislation.

2.13.2 The lands that are subject to future development shall be zoned Development Holding. Development shall proceed by way of amendment to the Zoning By-law. Applications made shall comply with the policies regarding complete applications in PART 4 of this Plan.

2.13.3 Lot creation shall proceed primarily by way of plan of subdivision or condominium. Applications for consent that do not impact on the integrity of the Secondary Plan may be considered:

- for lands where plans of subdivision or condominium are not appropriate;
- for lands that have not been included in a plan of subdivision or condominium;
- for technical or purposes; or
- in the case of part lot control.

An air quality, noise and vibration study is required for any development for a sensitive land use that is located near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility, pumping station or a landfill operation

**PART 5        SECONDARY PLANS****SECTION 2    TRANSIT STATION SECONDARY PLAN****PREAMBLE**

The purpose of the Transit Station Secondary Plan is to provide the vision and planning framework to guide future transit-supportive development and redevelopment in the area around the Transit Station.

**VISION**

The Transit Station Secondary Plan Area will be a vibrant and complete neighbourhood. It will emerge as a walkable, mixed use area based on the principles of sustainable development and provide seamless integration between the existing VIA Rail Station, the Niagara Regional Transit Hub, and Downtown Niagara Falls. The area will provide enhanced pedestrian and cycling facilities, transit connectivity, and a multitude of new uses and community facilities to help create a diverse and bustling urban destination.

The Transit Station Secondary Plan Area is planned as a transit-supportive neighbourhood with attractive built form, safe and walkable streets with a diversity of housing typologies and mix of uses. Future growth will include new office, commercial, institutional, and residential development to support investment in transit infrastructure and other facilities.

New development intensification will address housing needs, including affordable housing and the redevelopment of underutilized sites, through encouraging a mix of inclusive and attractive new developments. The siting and scale of new community facilities and development will complement the form, scale and character of the community.

New public open spaces within the Transit Station Secondary Plan Area will provide gathering spaces and catalysts for the neighbourhood close to the Transit Station Area. New active transportation connections will form part of improved streetscapes, lined by a mix of active uses forming a more vibrant pedestrian environment. River Road is an iconic street that is a priority for significant investment. Bridge Street, Buttrey Street and portions of Erie and Victoria Avenue are secondary improvement streets that will receive public realm enhancements to help revitalize the area and support a walkable urban setting with a healthy and diverse mix of 'main street' retail frontages that are supportive of the retail function of Queen Street.

Downtown Niagara Falls will continue to function as a mixed use commercial node with access and viewing opportunities of the Niagara River, and future tourist-related investments in hotels and other tourist commercial uses to support Downtown Niagara Falls.

The Transit Station Secondary Plan Area has the potential capacity to accommodate an additional 2,450 people and 560 jobs by 2041.

**OBJECTIVES**

Create a Gateway/Terminus Hub through the following measures:

- Comprehensively improve the public realm;

- Concentrate mixed use intensification along Bridge Street, Erie Ave, Park Street and portions of Queen Street and other sites in proximity to the Station;
- Strengthen residential neighbourhoods and provide for a network to address land use compatibility along Buttrey Street and Ferguson Street;
- Support tourist uses along River Road; and
- Celebrate, conserve and enhance the historic and cultural assets of the Downtown.

## **POLICIES**

### **1. General**

- 1.1 The limits of the Transit Station Secondary Plan Area are depicted on Figure 9: Transit Station Secondary Plan Area. The Plan Area extends approximately 800 metres around the station site and includes key properties that may redevelop as a result of the station as well as corridors that will form important transportation arteries and connections to and from the station. Changes to the boundary of the Secondary Plan shall require an amendment to this Plan.
- 1.2 Lands within the Secondary Plan Area are designated as one of the following land use categories, as depicted on Schedule A-5: Transit Station Secondary Plan Area:
  - Residential Low Density
  - Residential Medium Density
  - Residential High Density
  - Mixed Use 1 Downtown
  - Mixed Use 2
  - Tourist Commercial
  - Employment
  - Utility
  - Open Space
  - Environmental Protection Area and Environmental Conservation Area
  - Transit Station Area
  - Special Policy Areas
- 1.3 The land use designations for the Transit Station Secondary Plan are intended to complement the broader land use designations provided in this Plan. In most cases, the land use policies and permissions described in the Transit Station Secondary Plan are more detailed than those provided for in other Sections of this Plan. Where there are inconsistencies between a particular policy in the Transit Station Secondary Plan and the remainder of the Plan, the policies of the Transit Station Secondary Plan shall prevail.

Figure 9: Transit Station Secondary Plan Area



- 1.4 Nothing in the Transit Station Secondary Plan will prohibit the continued operation of legal nonconforming uses of land, buildings or structures within the Transit Station Secondary Plan Area. Please refer to Part 4, Section 6 - Non-Conforming Uses of this Plan.
- 1.5 The land uses of the Transit Station Secondary Plan are identified to support an overall density target of 150 people and jobs per hectare.
- 1.6 Any new proposed development for sensitive uses which is within 1000 metres of an existing Class 3 industrial facility, 300 metres of an existing Class 2 industrial facility or 70 metres of an existing Class 1 industrial facility shall be subject to Ministry of the Environment and Climate Change D-6 Guidelines for Land Use Compatibility.
- 1.7 In addition to the above, new development should be oriented and designed to avoid negative land use compatibility and implications on surrounding employment uses, and it may be subject to further study.
- 1.8 No new residential development is permitted within a 30 metre setback of a rail right-of-way. Permitted uses within this setback include public and private roads, parkland and other outdoor recreational space including backyards, swimming pools and tennis courts, unenclosed gazebos, garages and other parking structures and storage sheds. Development in proximity to active rail (within 300m) will be subject to further study (including air quality, noise and other sensitivity studies).
- 1.9 The maximum building heights are shown on Schedule A-2(a). The following policies apply:
  - 1.9.1 The City may allow for marginally taller buildings, without amendment to this Plan, through a site specific Zoning By-law amendment where the findings of supporting studies, such as an urban design study, wind study and light/shadow study can demonstrate that there are no negative impacts on adjacent properties nor the public realm;
  - 1.9.2 The City may require a peer review of any studies which propose to exceed the planned building heights;
  - 1.9.3 Transitioning of height from the street edge is to be achieved with the use of step-backs as per Section 3.13.10 of the Transit Station Secondary Plan; and
  - 1.9.4 All developments which are proposed to be taller than 6 storeys shall require a light/shadow study and an urban design study to demonstrate how the development fits within the context of the site and surrounding area.
- 1.10 Affordable housing is encouraged by allowing for a wider range of mid and high rise housing choices in close proximity to higher order transit. The City also encourages the Region of Niagara to consider locations in close proximity to the

Transit Station Area for any future affordable housing projects provided by Niagara Regional Housing.

1.11 Any application to amend the policies of the Transit Station Secondary Plan or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variance or consent application(s) within the Transit Station Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the industrial lands on the north side of Buttrey Street between Broughton Avenue and Hickson Avenue.

## 2. LAND USE POLICIES

### 2.1 Residential Low Density

2.1.1 The planned function of the Residential Low Density designation is to provide opportunities for ground-oriented housing in a low density format in accordance with the policies of Part 2, Section 1 of this Plan. The intention of this designation is to recognize the existing, established low density residential neighbourhoods which form the edges of the Transit Station Secondary Plan Area. Areas which are designated for low density residential development are expected to generally be maintained as low density areas and should not be the focus of significant intensification.

2.1.2 Permitted uses include residential uses such as:

- (a) Single detached dwellings;
- (b) Semi-detached dwellings;
- (c) Street townhouses;
- (d) Duplexes;
- (e) Block townhouses; and
- (f) Other compatible housing forms (as defined in this Plan).

2.1.3 The permitted density for new low density residential is up to a maximum of 50 units per hectare with a minimum net density of 15 units per hectare.

2.1.4 Opportunities for medium density housing up to a maximum net density of 75 units per hectare may be considered without amendment to this Plan where lands have:

- (a) proximity to the Transit Station Area;
- (b) proximity to an arterial road;
- (c) medium density housing on adjacent lands; or
- (d) pre-existing medium density housing.

### 2.2 Medium Density Residential

2.2.1 The planned function of the Medium Density designation is to provide opportunities for residential development in a low-rise format in proximity to existing residential uses. A diversity of dwelling types is encouraged to

support the City's range of accommodation options and housing intensification objectives.

2.2.2 Permitted uses include residential uses such as:

- (a) Townhouses;
- (b) Stacked townhouses;
- (c) Apartments; and
- (d) Other multiple dwellings (as defined in this Plan).

2.2.3 The permitted density for new medium density residential development shall range from a minimum residential net density of 50 units per hectare up to a maximum of 75 units per hectare.

### 2.3 High Density Residential

2.3.1 The planned function of the High Density Residential designation is to provide opportunities for residential development in higher intensity development format. Diversity of dwelling types is encouraged to support the City's range of accommodation options.

2.3.2 Permitted uses include:

- (a) Mid-to-high-rise apartments; and
- (b) Other multiple dwellings (as defined in this Plan).

2.3.3 Residential development within the High Density designation is permitted up to a maximum net density of 100 units per hectare.

2.3.4 A maximum net density of 200 units per hectare may be developed on lands fronting onto Morrison Street between Buckley Avenue and Ontario Avenue.

### 2.4 Mixed Use 1

2.4.1 The planned function of the Mixed Use 1 designation is to provide opportunities for mixed use development in a high density format. Uses can be mixed across a parcel or mixed within a building. Commercial, office, institutional uses that enliven the street should be located on the ground floor of buildings close to the front property line to help frame and animate the street. Structured parking is encouraged. Surface parking should be located at the rear of buildings to prioritize orientation of building frontages along the street.

2.4.2 The Mixed Use 1 designation generally corresponds to the Major Commercial area as identified in Part 2, Section 3.2 of this Plan. Permitted uses include:

- (a) Commercial uses such as a full range of personal and professional service commercial uses, office, retail uses except for large format

retail, and may include recreational, community and cultural facilities as secondary uses.

- (b) Medium and high density apartments in accordance with the height provisions of Schedule A-2(a).
- 2.4.3 Residential development within the mixed use buildings should attain a minimum net density of 50 units per hectare.
- 2.4.4 The Mixed Use 1 designation includes the City's historic downtown and adjacent main street areas. Development within these areas is intended to be located along downtown streets where a mix of different uses could be located at the street level including commercial or office type uses.

The policies allow flexibility in terms of which uses are located at the street level and accommodates a mix of uses within a single building or within multiple buildings throughout an area. Development shall be characterized by buildings that provide a defined street wall and are proportional to the width of the street.

## 2.5 Mixed Use 2

- 2.5.1 The planned function of the Mixed Use 2 designation is to provide opportunities for mixed use development within the Victoria Avenue corridor. The Mixed Use 2 designation permits similar uses to the Mixed Use 1 designation with lower development intensities as a transition to the adjacent residential areas. Uses can be mixed across a parcel or mixed within a building.
- 2.5.2 Commercial, office, institutional uses that enliven the street should be located on the ground floor of buildings close to the front property line to help frame and animate the street. Surface parking should be located at the rear of buildings to prioritize orientation of building frontages along the street.
- 2.5.3 Permitted uses include:
  - (a) Commercial uses such as personal and professional service commercial uses, office, retail except for large format retail and may include recreational, community and cultural facilities as secondary uses.
  - (b) Medium density apartments in accordance with the height provisions of Schedule A-2(a).
- 2.5.4 Residential development within the Mixed Use 2 designation is permitted up to a maximum net density of 100 units per hectare.

## 2.6 Tourist Commercial

- 2.6.1 Lands designated Tourist Commercial are located along River Road between Leader Lane and Bridge Street and along Victoria Avenue between Ferguson Street and Leader Lane. These lands are identified on Schedule E to this Plan as the Whirlpool Subdistrict. The planned function of the Tourist Commercial designation is to provide facilities for tourist information facilities, public facilities, accommodations, etc. to meet the demands of tourists, as prescribed by Part 2, Section 4.2.34 of this Plan.
- 2.6.2 The Tourist Commercial area provides an interface along River Road and integrates the Niagara Parkway greenway and views of the Niagara River and of the United States. As such, this area functions 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.
- 2.6.3 Permitted uses, including residential uses, are to be consistent with the policies of Part 2, Section 4 of this Plan.
- 2.6.4 The general intent for development is to enhance the overall physical setting of the Tourist District, provide tourism-related amenities, uses, and destinations, with a high quality built form and public realm that attracts people to the area. Buildings should be built close to the street, minimal setback, in order to engage pedestrians and frame the west side of River Road, in accordance with Section 3.12 of the Transit Station Secondary Plan.

## 2.7 Employment

- 2.7.1 The lands between the Transit Station Area to the south and the existing low density Glenview neighbourhood to the north are designated Employment. This is an area in transition from heavy industrial uses towards lighter industrial uses and, over time, will realize the introduction of a greater mix of housing units. In the interim, the establishment of employment/service commercial uses may proceed through a Zoning By-law amendment.
- 2.7.2 This Plan recognizes existing industrial uses within the Transit Station Secondary Plan Area and provides reasonable opportunities for the limited expansion of these uses. Additional policies for separate Special Policy Areas that overlay the Employment designation within the Transit Station Secondary Plan Area are referenced in Policy 2.12.
- 2.7.3 Permitted uses include the following:
  - (a) Industrial uses in existence at the time of the adoption of this Transit Station Secondary Plan;
  - (b) Knowledge-based research, technology, service, communication, information, management uses.

- (c) Service commercial, restaurants, clinics, financial institutions, indoor recreation, offices; and
- (d) Existing residential uses.

2.7.4 Extensions for expansions to existing industrial uses which have the potential for adverse noise, vibration or odour impacts are not permitted within the Employment designation.

2.7.5 Lands under this designation are currently, or have been used in the past, for industrial purposes. As such, as a condition of any development approval, a Record of Site Condition will be required to be submitted prior to commencement of development in accordance with Part 3, Section 6 of this Plan.

2.8 Utility

2.8.1 The Utility designation has been provided to recognize the Regional High Rate Pre-Treatment Facility located south of Buttrey Street. The lands designated Utility shall be protected for current and future municipal infrastructure and associated uses.

2.9 Open Space

2.9.1 New recreation and open spaces shall be provided for based on the Section 3.11 of the Transit Station Secondary Plan and shall be consistent with the policies of Part 2, Section 12 of this Plan.

2.9.2 The public realm policies outlined in this Transit Station Secondary Plan are intended to ensure that a high quality public realm, open space, and protected environment is achieved. The policies define an open space framework that links outdoor spaces through the creation of new parks, gateways, streetscape improvements, and active transportation paths to create a unique, beautiful, and healthy public realm environment. The public realm guidelines also provides guidance and direction for future investment into new parks, multi-use trails, streetscapes, sidewalks, bike racks, water bottle refill areas, on-road cycling facilities to get to recreational areas, and green spaces.

2.10 Environmental Protection Area and Environmental Conservation Area

2.10.1 Refer to the policies of Part 2, Section 11.2 of this Plan for applicable land use permissions.

2.11 Transit Station Area

2.11.1 The lands designated as Transit Station Area on Schedule A-5 of this Plan are intended to function as an integrated transit station facility, supporting a range of transit options. The Transit Station Area will support international, national, regional and local transit connections, including both train and bus services.

2.11.2 Access to the Transit Station Area should support a range of transportation choices and prioritize access for pedestrians, cyclists and transit users. Opportunities for passenger pick and drop off should also be provided, along with an appropriate supply of parking for commuters.

2.11.3 The precise layout and limits of the Transit Station Area may be refined without amendment to this Plan, as the location of the Transit Station Area may be subject to further refinement through the design process. Furthermore, as GO service becomes more established, Metrolinx may need to modify the station layout to better support opportunities for travel.

2.11.4 The City will work closely with the Region of Niagara, Niagara Falls Transit and Metrolinx to ensure that the new GO rail facilities are designed and implemented to support the objectives and policies of the Transit Station Secondary Plan.

2.11.5 Permitted uses include public infrastructure, such as a train station and bus station, as well as any associated transit-supportive uses which might enhance the function of the Transit Station Area (such as commercial, institutional uses/public uses).

## 2.12 Special Area Designations

Special Policy Area designations within the Transit Station Secondary Plan Area include:

- Special Policy Area “7a” and “7b” (see PART 2, SECTION 13.7),
- Special Policy Area “41” (see PART 2, SECTION 13.41),
- Special Policy Area “62a” and “62b” (see PART 2, SECTION 13.62).

## 3. TRANSPORTATION POLICIES

3.1 The planned road hierarchy is shown on Figure 10: Planned Road Network, illustrating Arterial Roads, Collector Roads and Local Roads. This Plan contemplates the following potential improvements to the transportation network:

- Road improvements and connections (as shown on Figure 11: New Road Connections and Improvements);
- Transit improvements; and,
- Active transportation improvements (as shown on Figure 12: Planned Active Transportation Network).

Figure 10 Planned Road Network



3.2 Figure 11: New Road Connections and Improvements illustrate new connections, road widening and other road improvement opportunities which are intended to support the implementation of the Transit Station Secondary Plan. The current road network is expected to accommodate the forecasted travel demand into the area resulting from intensification and commuter traffic associated with enhanced rail services. Three main road-related improvements (excluding streetscape improvements which are addressed in the Urban Design Policies) include:

- Thorold Stone Road Extension: the extension of Thorold Stone Road from Fourth Avenue to Bridge Street.
- Victoria Avenue Improvements: between Bridge Street and Valley Way.
- Signalization of Victoria Avenue at Buttrey Street.

3.3 The Transit Station Area includes the existing VIA Rail station and surrounding lands as identified on Schedule A-5 – Transit Station Area Land Use Plan. Transit service to the Station Area integrates existing public and private bus services. The design of the Transit Station Area will be planned to address the following elements:

- c) Improved access to the station area for pedestrians, cyclists, transit users, passenger pick-up and passenger drop off, and carpool users;
- d) A sufficient supply of parking for commuters;
- e) Pedestrian-scaled lighting and other safety features to promote and support active transportation at any time of day or night;
- f) Wayfinding solutions;
- g) Opportunities to preserve, restore and maintain the heritage aspects of the train station building and to re-purpose the building for a multi-modal transit station; and,
- h) Opportunities for universal access and incorporation of sustainable design measures.

3.4 The City encourages the improvement to existing and the implementation of new transit-supportive amenities such as shelters, bike racks, short and long-term bicycle storage, seating, wayfinding and lighting within and around the Transit Station Area and other transit stops.

3.5 The City will work with the Region of Niagara and the Niagara Parks Commission to enhance the public realm, increase passenger amenities and improve linkages in and around existing and proposed transit stops. Refer to Section 4 of the Transit Station Secondary Plan, titled Phasing and Implementation.

Figure 11: New Connections and Improvements



3.6 The Active Transportation Network is depicted on Figure 12: Planned Active Transportation Network is planned to improve connectivity for pedestrians and cyclists within the Transit Station Secondary Plan Area and to surrounding areas. It should provide direct and safe connections to the Station, transit stops, multi-use trails, major destinations (e.g. Riverfront and the Downtown), parks, schools, employment opportunities and recreational facilities. Amenities for cyclists and pedestrians should be a priority, located at key points all along the network. There are a number of active transportation improvements proposed for the Transit Station Secondary Plan Area, including the following:

- a) On-Road Bike Route/Lanes (on-road and where possible, protected):
  - Victoria Avenue;
  - Bridge Street (between Victoria Avenue and River Road);
  - Erie Avenue (from Huron Street to Bridge Street);
  - River Road bike lane widening; and,
  - North to south connection from Buttrey Street to Leader Lane.
- b) Multi-Use Trail (off road):
  - Multi-use trail extending from Erie Avenue across the transit station site (routing/alignment to be confirmed through Station Design) through the Glenview neighbourhood to River Road;
  - Extension of Olympic Torch Trail to River Road and to the Michigan Central Railway Bridge to provide a cross border pedestrian and cyclist connection; and,
  - Enhancements to River Road to allow for off-road/separated cycling and pedestrian facilities, including sidewalks and lookouts.
- c) In addition, Figure 12 shows the active transportation improvements proposed by the Region of Niagara's 2041 Transportation Master Plan.

3.7 The implementing Zoning By-law may require the provision of secure bicycle parking facilities in a conspicuous location, long-term bike parking areas within buildings, and on-site shower facilities and lockers for employees who bike to work. A reduction in the number of required parking spaces where bicycle parking facilities are provided may be considered by the City.

3.8 Development applications in proximity to the Transit Station Area may be required to include a Transportation Demand Management (TDM) Plan, prepared to the satisfaction of the City. The TDM Plan shall implement and promote measures to reduce the use of low-occupancy automobiles for trips and to increase transit use, cycling and walking.

3.9 Through the development approvals process, the City will consider alternative parking requirements for mixed use and high density developments including shared parking standards. Such requests will be supported by a Parking Demand Analysis completed to the satisfaction of the City.

3.10 Future amendments to the Transit Station Secondary Plan shall ensure alignment with both the Region of Niagara's and the City's Transportation Master Plans.

## URBAN DESIGN POLICIES

### 3.11 PUBLIC REALM

3.11.1 The public realm improvement strategy is intended to enhance the attractiveness and functionality of the Transit Station Secondary Plan Area. The planned Public Realm Improvement Plan is depicted on Schedule C-1: Public Realm Improvement Strategy and considers the following:

- Gateway Improvement areas;
- Streetscape Improvement areas;
- Potential Street Grid Refinement;
- Potential New Public Spaces;
- Potential Public Space Improvements; and,
- Active Transportation Connections.

Refer to Table 2 of the Transit Station Secondary Plan for additional direction on recommended phasing and implementation of these improvements. The following identifies the improvement areas as presented on Schedule C-1.

#### 3.11.2 Gateways

Gateways are intended to function as formal entranceways into the Transit Station Secondary Plan Area and create a strong sense of place. Gateways include lands within the right-of-ways and all abutting lands.

3.11.2.1 Gateway improvements should include prominent signage, enhanced lighting, intensive landscaping (such as seasonal floral displays, tree planting), cycling-supportive infrastructure, public art and other types of public realm enhancements. Adjacent redevelopment should be designed to support the function of the gateway. Three gateway improvement areas have been identified:

- a) Victoria Avenue and Bridge Street intersection and surrounding area: The Victoria Avenue/Bridge Street intersection is a gateway node due to its direct connectivity with Whirlpool Bridge, Niagara Falls, and the future Transit Station that connects users with transit into the downtown and beyond. In addition, uses to the northwest of the intersection, such as Great Wolf Lodge, function as a key regional destination and draws in customers from across the region and beyond. There is an opportunity to establish a visual identity that can be carried through the study area. To achieve gateway improvements to this node, private realm signage should be

Figure 12: Planned Active Transportation Network



consolidated and minimized, new welcome and wayfinding public signage should be introduced, sidewalks should be widened and landscaping and planting should be expanded for the intersection.

- b) Erie Avenue and Bridge Street: This is an important intersection that offers significant opportunities for redevelopment, due to its location within the Transit Station Area, and has been identified as a gateway improvement area. Gateway improvements should include new high quality mixed use development, street furniture, street trees, planting, and hard landscaping. New pedestrian realm enhancements should include signage and wayfinding. Pedestrian realm design treatments should be expanded to link the Transit Station with the Downtown through the introduction of a new linear public space and enhanced sidewalk connection along Erie Avenue to Queen Street.
- c) Bridge Street and River Road: This intersection has been identified as a gateway improvement area. This intersection serves an important international border crossing function and offers important views and vistas into the Niagara River.

3.11.2.2 Enhanced landscaping and tree plantings, pedestrian-scaled lighting, cycling facilities, street furniture and new public spaces should be considered in these gateway improvement areas.

3.11.2.3 The gateway proposed at the intersection of River road and Bridge Street will require consultation with and approval of the Niagara Parks Commission.

### 3.11.3 Streetscape Improvements

Streetscape Improvements are intended to provide direction for future enhancements to the key roads within the public right of way in the Plan Area.

3.11.3.1 The City, in consultation with the Niagara Parks Commission, is encouraged to undertake major streetscape improvements to River Road within the Transit Station Secondary Plan Area. Key improvements may include, but not limited to, tree plantings on the west side of the street to provide shade and comfort for pedestrians, improved lighting and occasional street furniture.

3.11.3.2 Streetscape improvements have been identified for Buttrey Street (between Victoria Avenue and River Road), Bridge

Street (east of Victoria Avenue), and Victoria Avenue (between Buttrey Street and Morrison Street). Key improvements should include (but not limited to) curbs, sidewalks, and tree plantings on both sides of the street to provide shade and comfort for pedestrians and bike lanes, as well as completion of the sidewalk network along Buttrey Street.

#### 3.11.4 Potential New Public Spaces and Public Space Improvements

3.11.4.1 Where new major mixed use development or redevelopment is planned, new public spaces should be provided to enhance the pedestrian environment and provide amenities for residents, employees and visitors. Where public spaces exist, improvements should be made to better serve the existing and planned community. Public spaces should be universally designed and include a mix of design elements including (but not limited to) enhanced landscaping, shade trees, ample locations for seating and public art.

3.11.4.2 New public spaces should be located close to the street and be connected to the pedestrian network. New public spaces should also be connected with existing or planned transit stops. Schedule C-1: Public Realm Improvement Strategy identifies a potential new public space west of Erie Avenue between Bridge Street and Park Street and a potential public space improvement along Bridge Street. The icons on Schedule C-1: Public Realm Improvement Strategy are for illustrative purposes only and the need, location and design of public spaces shall occur through a development application process.

#### 3.11.5 Active Transportation Connections

Schedule C-1 also identifies the existing and planned active transportation network, including new active transportation connections that are needed to achieve the future network.

#### 3.11.6 Implementation of Public Realm Improvements

The public realm improvements depicted on Schedule C-1 shall be implemented through a future Community Improvement Plan, Public Realm Master Plan, the redevelopment approvals process or as part of other municipal works. The improvements depicted on Schedule C-1 are intended to support growth and intensification within the Transit Station Secondary Plan Area.

## 3.12 URBAN DESIGN FOR THE PUBLIC REALM

### 3.12.1 Building Public Spaces for People

As properties within the Transit Station Secondary Plan Area redevelop, it will be increasingly important to improve the public realm for pedestrians, cyclists and transit users.

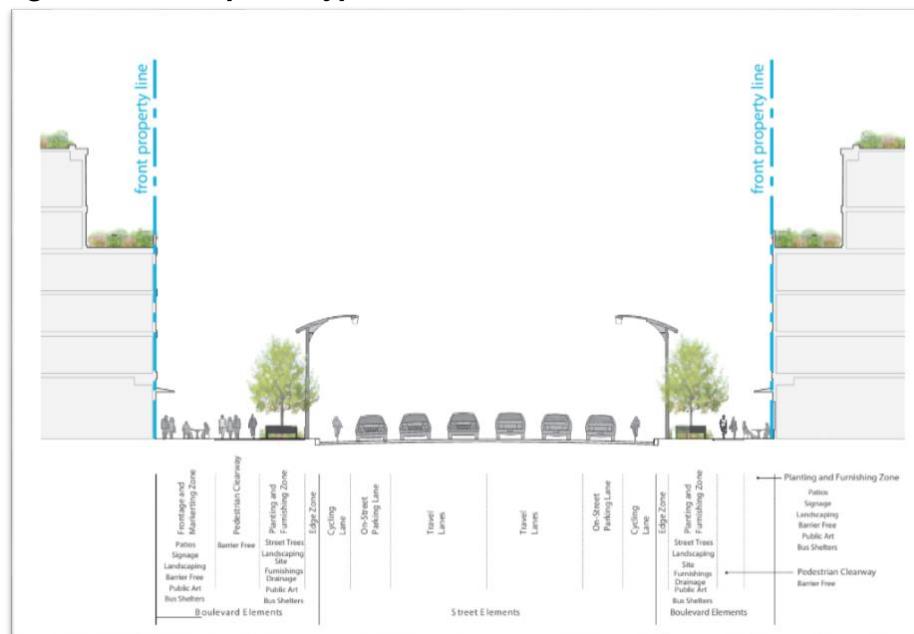
### 3.12.2 Boulevard Design

Boulevards are the component of the public right-of-way from building face to street edge. The design of the boulevard must accommodate pedestrian circulation, and an attractive public realm. It should support its multi-purpose function, accommodating pedestrian circulation, adequate space for healthy tree growth, plants and other landscaping, bicycle parking, public art, transit shelters, street lighting, signage, street furniture, utilities and adequate space for commercial and social activity.

Within the Transit Station Secondary Plan Area, the boulevard width should reflect the character and function of the street. Where insufficient space exists within the right-of-way to achieve the minimum recommended boulevard width, a combination of measures should be explored including setting buildings back at-grade and reduced lane widths. Boulevards typically consist of:

- Patio and Marketing Zone (Transition Zone);
- Pedestrian Through Zone (Sidewalk);
- Planting and Furnishing Zone and Edge Zone; and
- Cycle Tracks or Multi-Use Paths may also be part of the boulevard (Figure 13).

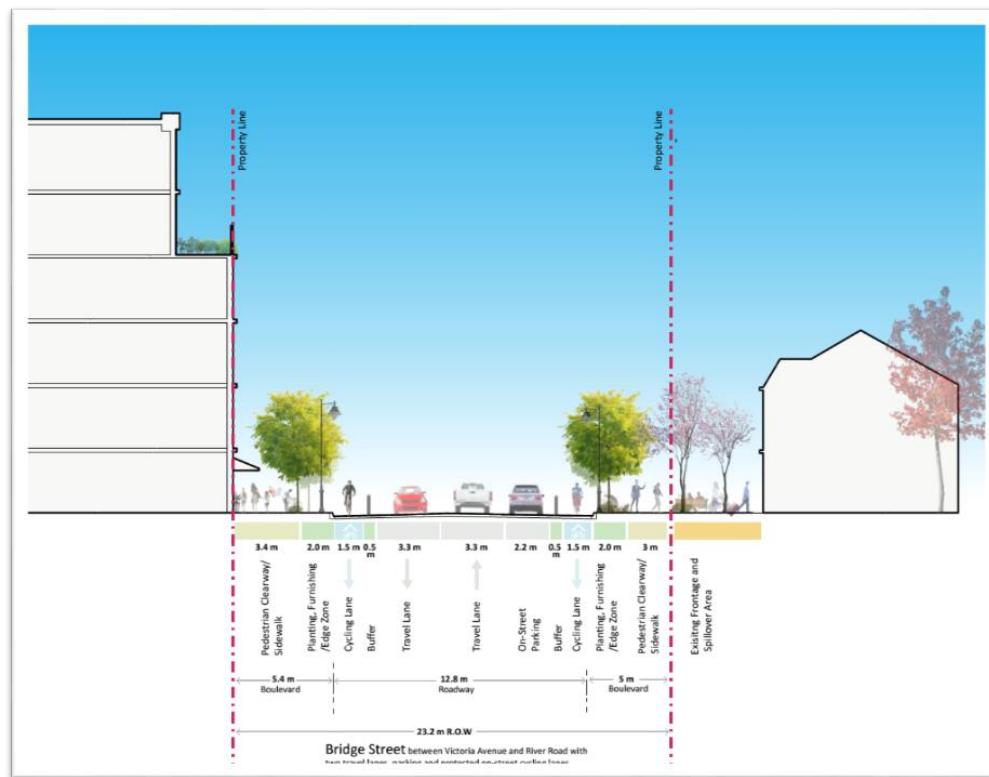
**Figure 13: Example of typical street and boulevard elements within general right-of-way**



### 3.12.2.1 Bridge and Park Streets

- a) Improvements are recommended for the area between Bridge Street and Park Street, including development of a linear park along the abandoned rail corridor and streetscape improvements along Bridge Street within proximity of the existing VIA Rail station building.
- b) Along Bridge Street as redevelopment occurs, it is recommended that buildings be setback to accommodate minimum 4.4 metre boulevard width to improve pedestrian mobility and accommodate street trees, bicycle parking, landscaping, street furniture, etc. Further, it is recommended that dedicated bicycle lanes be provided along Bridge Street connecting to bicycle lanes along Victoria Avenue and River Road to more safely accommodate active transportation to the Transit Station Area.

**Figure 14: Street cross section on Bridge Street between Victoria Avenue and River Road**



c) Redevelopment of Bridge Street is proposed to be accommodated within a planned 23.2 metre right-of way as illustrated on Figure 14. The previous general boulevard recommendations apply to Bridge Street and specific design recommendations include:

- (i) A minimum pedestrian clearway/sidewalk of 2.5 metres.
- (ii) Textured edges and sound assisted crosswalks to assist the visually impaired.
- (iii) High quality treatments, such as a decorative band, for the pedestrian clearway. The pedestrian clearway should be coordinated with the design of feature paving across boulevards, intersections, crosswalks and driveways.
- (iv) Feature paving used to delineate areas of pedestrian priority.
- (v) The Planting and Furnishing Zone plus Edge Zone with a width of 1.9 metres.
- (vi) On-street parking 2.5 metres in width and provided on both sides of the street.
- (vii) On-street cycling lanes on both sides of the street with minimum widths of 1.2 metres.
- (viii) One 3.3 metre wide travel lane in each direction.

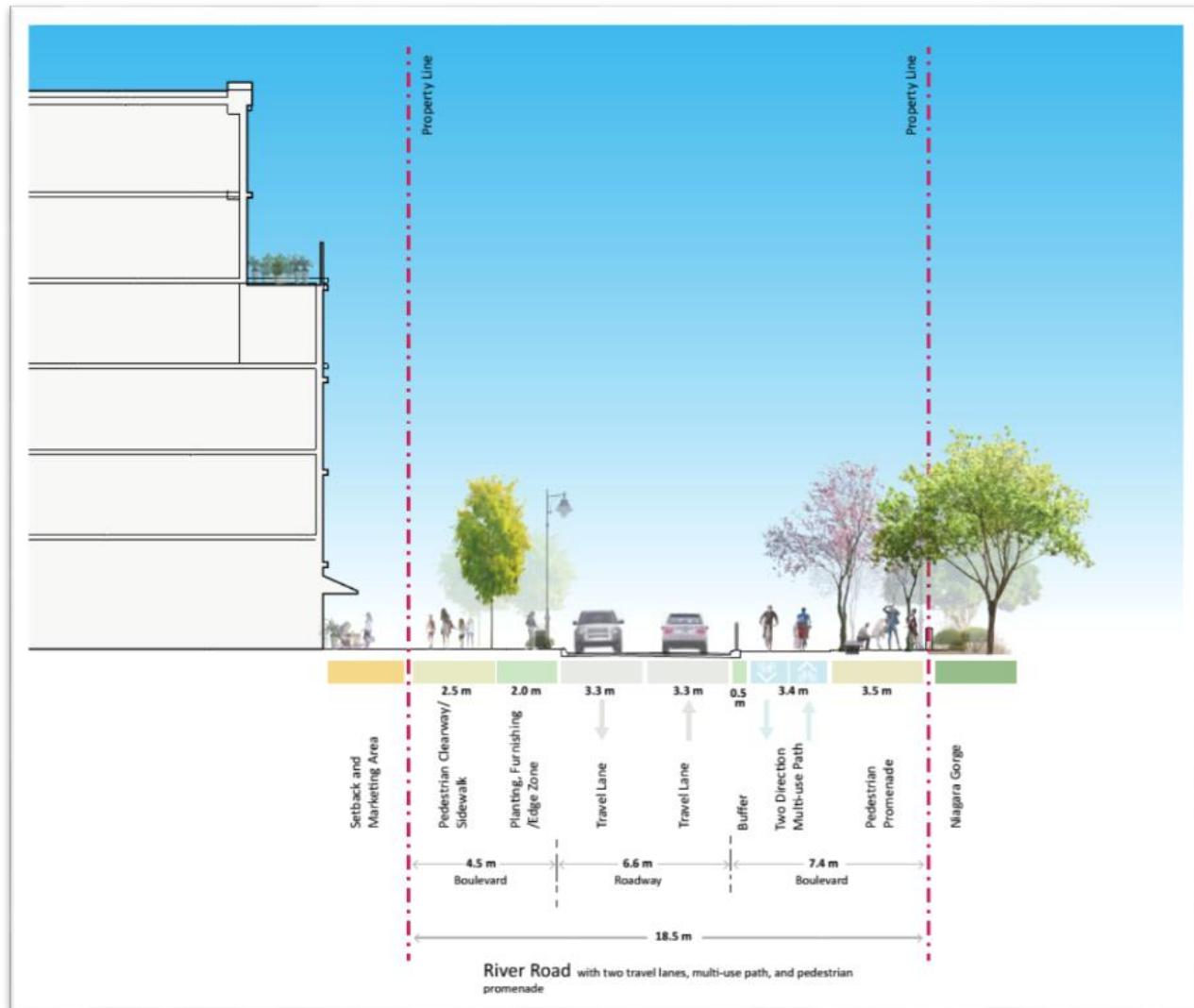
### 3.12.2.2 River Road

The Niagara Parks Commission is encouraged to undertake the public realm improvements on River Road, in consultation with the City. In undertaking public realm improvements, the Niagara Parks Commission may consider the following:

- a) To serve the mix of tourists including cyclists, local shoppers and residents, River Road should also be treated as a Complete Street, as shown on Figure 14.
- b) A minimum 4.0 metre boulevard will provide spill-over space for retail establishments while enhancing pedestrian mobility and creating more opportunities for street trees, landscaping and street furniture.
- c) Redevelopment of River Road is proposed to be accommodated within a planned 21 metre right-of-way as illustrated on Figure 15. Design recommendations include:
  - (i) New buildings setback from the public right-of-way to provide space for an enhanced frontage and spillover area.
  - (ii) A minimum pedestrian clearway / sidewalk of 2.5 metres along the west boulevard.
  - (iii) The Planting and Furnishing Zone plus Edge Zone with a minimum width of 1.5 metres.

- (iv) One 3.5 metre wide travel lane should be provided in each direction.
- (v) A 3.4 metre wide physically separated two-direction multi-use path should be located within the east boulevard.
- (vi) Durable surfaces, such as asphalt or concrete should be used in the design of the multi-use path.

**Figure 15: Street cross section on River Road**

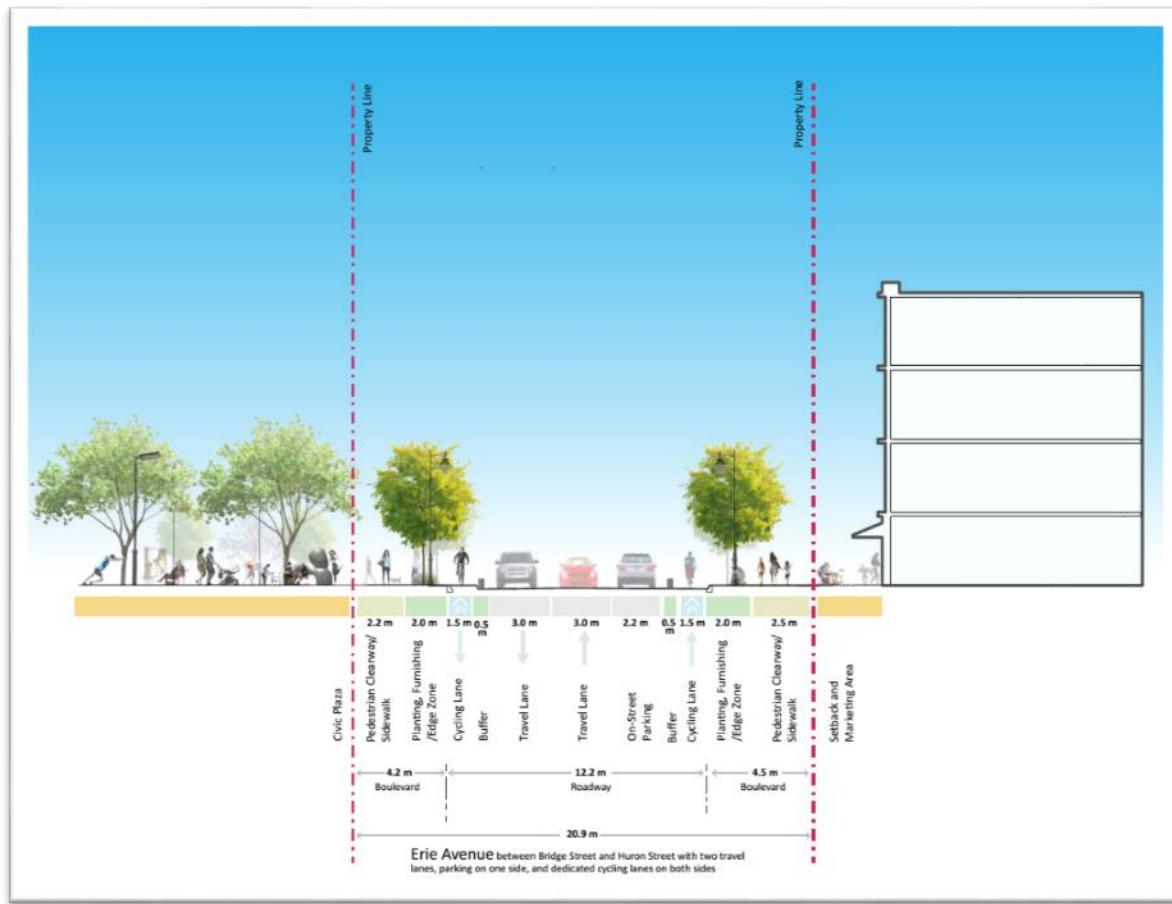


## 3.12.2.3 Erie Avenue

Erie Avenue connects Queen Street, the heart of downtown Niagara Falls, to Bridge Street and provides a direct view corridor to the existing VIA Rail station. A comprehensive design exercise should be conducted to transform Erie Avenue into a woonerf between Queen Street and Bridge Street that follows the direction of the cross section identified in Figure 16: Street cross-section on Erie Avenue between Queen Street and Bridge Street. Due to their complex nature, shared streets need to be designed in a collaborative manner with city staff, landowners and residents. Design recommendations include:

- a) The elimination of grade separated sidewalks and a focus placed on differentiated material use.
- b) Surface treatments that include varied materials to provide visual and textural cues to users across the width of the right-of-way.
- c) Gateway or entry points that are well defined by a change in paving and signs to indicate a change in road behaviour expectations.
- d) Incorporate changes in texture, bollards or other property demarcation elements to define parking spaces.
- e) A palette of streetscape materials that is consistent and visually strong to establish a consistent visual character along the length of the street.
- f) Integrated street furniture in to encourage community engagement within the streetscape and provide driver engagement.
- g) Integrated principles of inclusivity and accessibility considerations.
- h) Provision for active transportation infrastructure such as bicycle parking.
- i) Cluster or group utilities where possible to minimize visual impact.

**Figure 16: Street cross-section on Erie Avenue between Queen Street and Bridge Street**



### 3.12.2.4 Buttrey Street

- a) Buttrey Street connects Victoria Avenue with River Road, to the north of the Transit Station Area. It currently functions as an industrial street with a planned 20 metre right-of-way, which does not have sidewalks, curbs and gutters nor defined street components. Future uses north of the street are envisioned as medium density residential in the long term, although employment/mixed uses will be accommodated in the short term.
- b) Design recommendations include:
  - (i) A minimum pedestrian clearway/sidewalk of 2.5 metres on both sides of the street.
  - (ii) The Planting and Furnishing Zone plus Edge Zone with a minimum width of 1.5 metres
  - (iii) On-street parking 2.5 metres in width and provided along both sides of the street.
  - (iv) One 3.5 metre wide travel lane provided in each direction.

## 3.12.2.5 Victoria Avenue

- a) Victoria Avenue functions as a major north-south accessway through the Transit Station Secondary Plan Area. The design of Victoria Avenue should accommodate transit and provide safe and dedicated facilities for pedestrians and cyclists.
- b) Design recommendations include:
  - (i) Sidewalks and high quality and visible pedestrian amenities.
  - (ii) Pedestrian crossings only at signalized intersections.
  - (iii) Transit amenities with transit in mixed traffic.
  - (iv) Dedicated cycling facility (bike lane or cycle track) on both sides of the street.
  - (v) Landscaping.
  - (vi) A minimum pedestrian clearway / sidewalk of 1.8 metres on both sides of the street.
  - (vii) The Planting and Furnishing Zone plus Edge Zone with a minimum width of 1.6 metres.
  - (viii) Physically separated bicycle lanes on each side of the street be designed to include a 1.8 metre bicycle lane plus 0.8 metre buffer.
  - (ix) Two 3.5 metre wide travel lanes provided in each direction.

## 3.12.3 Potential Street Grid Refinement

- 3.12.3.1 The mid-block laneway between Park Street and Queen Street shall be used as access to parking, loading and servicing. The lands along the laneway will be planned for with the following design recommendations:
  - a) Buildings to the north of the laneway shall front onto Park Street;
  - b) Buildings to the south of the laneway shall front onto Queen Street; and
  - c) The laneway should be planned at a width of 7 metres.
- 3.12.3.2 Another potential refinement to the grid system would be an extension of Ontario Avenue north from Park Street to Bridge Street. This extension would allow for increased flow and circulation in and around the Transit Station Area.

## 3.12.4 Public Art

- 3.12.4.1 The design of public art should:
  - a) Be located in high use areas such as public parks, plazas, curb extensions, multi-use paths, etc.

- b) Be limited near forms of traffic control (i.e. stop signs) to minimize driver distractions and sight-line obstructions.
- c) Be durable and easily maintained.
- d) Reflect Transit Station Secondary Plan policy in its coordination and maintenance.

### 3.12.5 New Public Open Spaces

3.12.5.1 New public open spaces or public space improvements should be provided at the following locations, as identified on Schedule C-1:

- a) Within the old rail corridor running between Bridge Street and Park Street, and continuing northwest from the Bridge Street and Victoria Avenue intersection.
- b) At the southwest corner of Erie Avenue and Bridge Street.
- c) South of Bridge Street, mid-block between Crysler Avenue and Erie Avenue.
- d) Along River Road, mid-block between Bridge Street and Park Street.

3.12.5.2 Additional public open spaces shall be planned for through the development application process.

### 3.12.6 Semi-Public Open Spaces

The majority of open spaces within the Transit Station Secondary Plan Area will be semi-public open spaces. Their function will be similar to that of public open spaces, but the land will be under control of agencies such as Metrolinx or private developers via condominium corporations.

3.12.6.1 Semi-public open spaces should be designed to:

- a) Provide direct access from adjacent public sidewalks.
- b) Be visible from active indoor areas.
- c) Include features (e.g. paving, seating, public art, etc.) constructed of materials equal in quality and appearance to those used in station entrances, main private buildings and nearby public spaces.
- d) Maximize sun exposure through the location and massing of taller building elements.
- e) Use hard and soft landscaping materials that are high quality, easily replaceable and low maintenance.
- f) Select site furnishings (e.g. play equipment, public art, shelters, signage, fencing, etc.).
- g) Use plant materials that are low maintenance, and pest and disease resistant.

### 3.12.7 Landscaping

3.12.7.1 Providing improved landscaping, along Bridge Street and within public and semi-public open spaces, will help create visual continuity throughout the Transit Station Secondary Plan Area. Trees shall be incorporated into public street design and will frame all streets and pathways. Trees provide shade and comfort and enhance the visual and environmental qualities of the street.

3.12.7.2 To sustain trees, planting should occur in sufficiently deep and wide planting areas backfilled with appropriate soil. Native and disease-resistant species for street trees should be used, wherever possible, to promote long-term growth. The following are general landscaping guidelines that should be adhered to as the Transit Station Secondary Plan Area develops:

- a) To allow for full growth and to ensure their long-term viability, street trees should be planted with appropriate soil volume in continuous tree trenches.
- b) Where compaction of planting soil is anticipated, the use of soil cells should be considered.
- c) Only species that are tolerant of urban conditions should be used. Mono-culture planting may, in the case of disease, be entirely lost and is, therefore, strongly discouraged. Refer to Niagara Peninsula Conservation Authority's Native Plant Guide for information on appropriate native plants.
- d) Plantings should be selected that require little maintenance and do not require the use of pesticides and fertilizers.
- e) Shrub and ground cover planting should be utilized in open tree pits, provided the minimum pedestrian clearway dimension is available.
- f) Careful consideration should be given to the type and location of trees. Higher branching trees should be positioned to ensure there is no interference with cyclists or truck traffic. Sight lines shall not be obstructed by trees planted near intersections.
- g) Seasonal appeal, especially for the winter months, should be considered for all planting.
- h) The planting of trees, as infill along existing streets where the rhythm of existing trees is interrupted, should be implemented.

### 3.12.8 Low-Impact Development

Low-Impact Development (LID) is an approach to managing stormwater run-off at the source by replicating natural watershed functions.

3.12.8.1 The Transit Station Secondary Plan should incorporate LID practices, where possible and as appropriate. LID options can include:

- a) Bioswales or drainage swales;
- b) Bioretention planters, units or curb extensions;
- c) Perforated pipe system;
- d) Permeable paving; and
- e) Pre-cast tree planters or soil cells.

3.12.8.2 Where possible, replace unnecessarily paved areas with permeable materials (medians, dedicated parking lanes / lay-bys, traffic islands). However, do not use permeable materials within the pedestrian clearway.

### 3.13 URBAN DESIGN FOR THE PRIVATE REALM

#### 3.13.1 Site Design - A Strong Neighbourhood Framework

Community design includes the location and orientation of buildings. Buildings should enhance the existing character of the street. This can be accomplished through protecting and directing views, providing a consistent street wall, and relating buildings to the street and pedestrian activities.

#### 3.13.2 Redevelopment Potential

The Transit Station Secondary Plan Area includes significant lands with redevelopment potential. These lands are primarily located within the following areas:

- South of Park Street between Buckley Avenue and Cataract Avenue
- North of Buttrey Street between Dyson Avenue and Stanton Avenue
- South and north of Bridge Street
- Along the west side of River Road
- In the under-utilized lots northeast of Ferguson Street and Terrace Avenue

It is critical that the design of these sites ensures that buildings contribute to a human scale while providing a grid street and block network and support residential intensification as well as innovative employment and tourism uses that capitalize on transit investment.

#### 3.13.3 Gateway Features

3.13.3.1 Buildings adjacent to the gateways along Bridge Street should have an appropriate built form to provide orientation and to assist in defining a neighbourhood's distinct character. The design should:

- a) Create a sense of entrance and arrival, contributing to community image and identity, at a scale appropriate for the given context. Elements contributing to gateway features and design include: signage and wayfinding, trees and other landscaping, feature lighting, paving, seat walls and public art.
- b) Development at gateways should meet a high standard of design, recognizing their role as a gateway, and be appropriately oriented to the public realm.

### 3.13.4 Access and Entrances

- 3.13.4.1 Vehicular access to on-site parking, loading and servicing facilities should be located from side streets and rear lanes wherever possible. Where this is not possible, mid-block access can be considered in instances where:
  - a) The driveway is located an appropriate distance from the nearest intersection or side street.
  - b) Appropriate spacing between adjacent driveways is maintained resulting in no more than one driveway every 30 metres.
  - c) Opportunities to consolidate shared access to minimize curb-cuts are prioritized.
  - d) Consideration is provided to contain mid-block driveways within the building massing with additional floors built above.

### 3.13.5 Parking

As the Transit Station Secondary Plan Area develops, a variety of parking solutions will be appropriate to support increased densities and build out. As a general rule, surface parking should be designed to minimize its visual impact and to allow for future intensification as a development site. As such, the layout of parking should consider site access, landscaping and site servicing that will permit the eventual redevelopment of these sites.

#### 3.13.5.1 Surface Parking

- a) Surface parking lots should be divided into smaller “parking courts.” Large areas of uninterrupted surface parking should be avoided.
- b) Surface parking areas should be located at the rear or side-yard of a building and should not be placed between the front face of a building and the sidewalk.
- c) Driveways to parking should be from rear lanes and side streets wherever possible.
- d) Shared parking and shared driveways between adjacent properties are encouraged. Where multiple access points currently exist, they should be consolidated where possible.

- e) Where appropriate, permeable paving should be considered to promote drainage.
- f) Use planting strips, landscaped traffic islands and/or paving articulation to define vehicle routes that include pedestrian walkways, improve edge conditions and minimize the aesthetic impact of surface conditions.
- g) Distinctive pavement and pavement markings should be used to indicate pedestrian crossings and create an interesting visual identity.
- h) Clear, 1.5 metre (minimum) dedicated pedestrian routes should provide direct connections from parking areas to building entrances.
- i) Pedestrian-scaled lighting should be provided along pathways.
- j) Preferential parking (i.e. accessible parking stalls, bicycles, car-share, energy efficient vehicles) should be located close to building entrances.
- k) Parking along the rail tracks should be adequately screened with high-quality landscaping.
- l) Parking on corner lots is discouraged. However, where required, it should be screened by landscaping.

#### 3.13.5.2 Landscaping for Parking

- a) High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.
- b) Parking should be screened from the public realm.
- c) Landscaped parking islands, of at least 1.5 metres wide, at the end of parking rows and pedestrian connections that contain salt tolerant shade trees are encouraged. Selection of plant materials should consider the following:
  - (i) Year-round maintenance;
  - (ii) Seasonal variety;
  - (iii) Hardiness and resistance to disease;
  - (iv) Maintenance requirements; and
  - (v) Tolerance of plant materials to salt and urban conditions.

#### 3.13.5.3 Bicycle Parking

- a) Bicycle parking should be provided at regular intervals along major roads and other areas of high pedestrian activity, and located close to building entrances.
- b) Bicycle parking should not impede pedestrian circulation. Post-and-ring and inverted 'u' parking, constructed of painted or galvanized steel is preferred as larger units can impede pedestrian movement and snow clearing.

- c) Bicycle parking and storage facilities should encourage active transportation, including parking at the Station, within public parks and open spaces and short term bicycle storage at employment areas.
- d) Provide secure and plentiful bicycle parking at the Station entrances.
- e) Provide sheltered bike areas that are integrated with the station design and located in highly visible areas in the vicinity of platform access points.
- f) In addition to bicycle racks, bicycle lockers are strongly encouraged, especially for large office developments and at the Station.

#### 3.13.5.4 Structured Parking

Parking lots are to be designed such that, as the Transit Station Secondary Plan Area intensifies, surface parking lots can transition to structured parking, if and when warranted. Structured parking should adhere to the following guidelines:

- a) Integrate above-ground parking structures into the streetscape through active-at-grade uses, and attractive façades that animate the streetscape and enhance pedestrian safety.
- b) Locate pedestrian entrances for parking structures adjacent to station entrances, main building entrances, public streets or other highly visible locations.
- c) Screen parking structures from view at sidewalk level through architectural detailing and landscaping.

#### 3.13.6 Storage, Servicing and Loading

- 3.13.6.1 Loading docks, outside storage and service areas are to be located in areas of low visibility such as at the side, or at the rear of buildings.
- 3.13.6.2 Where possible, accommodate garbage storage areas within the building. Where this is not possible, screen outdoor storage areas from public view through an attractive and integrated enclosure.
- 3.13.6.3 Outside storage and servicing facilities should be constructed of materials to match or complement the building material.
- 3.13.6.4 Service and refuse areas should be designed with a paved, impervious surface asphalt or concrete to minimize the potential for infiltration of human materials.

3.13.6.5 Loading and service areas may occupy the full rear yard if adequate landscape edge and buffer treatments are provided.

3.13.6.6 Service and refuse areas are not to encroach into the exterior side or front-yard set-back.

### 3.13.7 Front Property Setbacks

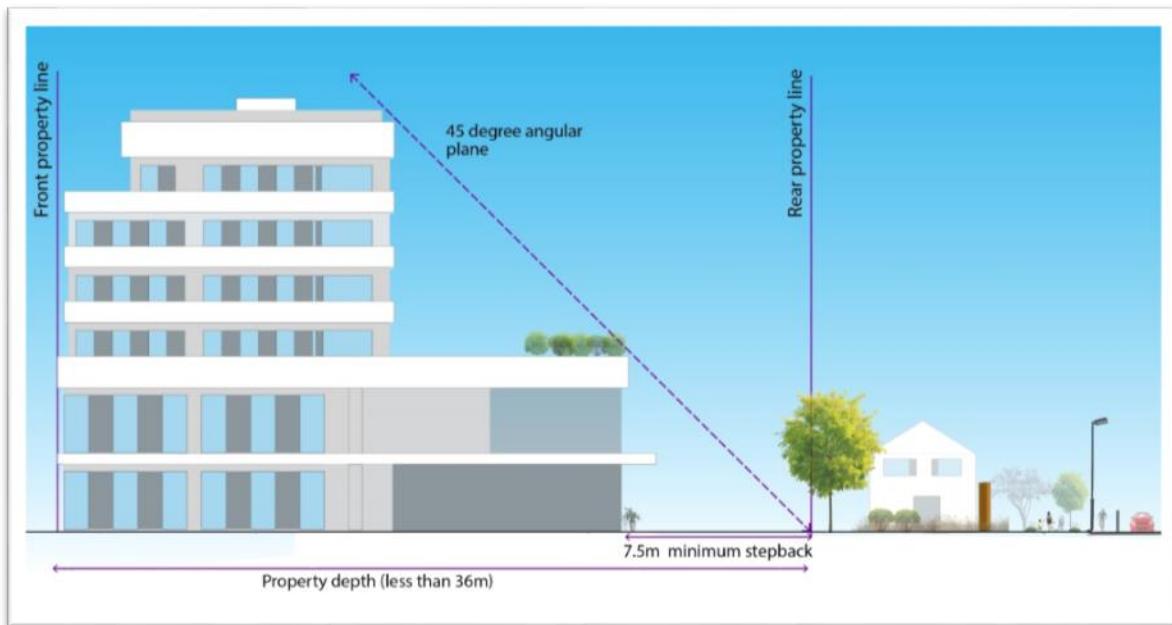
3.13.7.1 To create a consistent street wall to frame Buttrey Street, Bridge Street, Park Street and River Road, and to create an active streetscape, design should:

- a) Locate buildings at the front property line, or applicable setback line.
- b) Provide additional setbacks in areas with retail at grade to accommodate a minimum 4.8 metre boulevard width for outdoor display areas, seating and landscaping.
- c) Where streets have a variety of setbacks, locate new buildings at a setback distance that reflects the average of the adjacent buildings.

### 3.13.8 Rear Setbacks and Transitions

3.13.8.1 Where mid-rise sites abutting stable residential areas exist the following rear setbacks and transitions are required to minimize shadow and privacy issues on adjacent uses:

- a) Provide a 7.5 metre rear-yard setback from the abutting property line.
- b) Apply a 45-degree angular plane from the abutting property line for sites deeper than 36 metres.
- c) Apply a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line on properties less than 36 metres deep.

**Figure 17 Podium Setback**

### 3.13.9 Sites Abutting Open Spaces

3.13.9.1 Where buildings are adjacent to open spaces (i.e. Transit Plaza), apply shadow testing on a case-by-case basis to ensure a minimum of five hours of sunlight per day from spring to fall.

### 3.13.10 Building Height and Massing

#### 3.13.10.1 Getting the Right Fit

Buildings within the Transit Station Secondary Plan Area will be predominantly low to mid-rise, with taller buildings focused on lands in proximity to the Transit Station Area.

#### 3.13.10.2 Mid Rise Building Design

The potential for mid-rise buildings has primarily been identified south of Buttrey Street, along Victoria Avenue, River Road, Park Street, Bridge Street and Erie Avenue.

These buildings should:

- Provide a focus on residential mixed use density consistent with Schedule A-5 of this Plan, in the neighbourhoods surrounding the Station Area. Mid-rise buildings near Bridge Street and Erie Avenue and along River Road should be built to support the feasible integration of ground floor retail.

- b) Generally be located at the front property line to create a continuous street wall.
- c) Be aligned with street frontages along corner sites.
- d) Minor variations in setbacks are encouraged to facilitate wider boulevards, accommodate public amenity space and create a more interesting streetscape.
- e) Taller buildings should have a building base (podium).
- f) Taller buildings should step back 3.0 metres above the building base.
- g) An additional stepback in the building should be determined by a 45-degree angular plane applied at a height equivalent to 80 percent of the width of the right-of-way.
- h) Main building entrances should be directly accessible from the public sidewalk.
- i) The ground floor of all buildings with commercial uses should be 4.5 metres (floor-to-floor height) to accommodate internal servicing and loading, and future conversion to retail (where appropriate).
- j) 60 percent of the building frontage on the ground floor and at building base levels should be glazed to allow views of indoor uses and to create visual interest for pedestrians.
- k) Clear glass is preferred over tinted glass to promote the highest level of visibility, and mirrored glass should be avoided at street level.
- l) Balconies should be designed as integral parts of the building, which may include protruding balconies. Balconies should not be designed as an afterthought.

#### 3.13.10.3 Building Podiums and Stepbacks

A clear building podium, defined by a front stepback, reinforces a consistent streetwall, helps to integrate new development into an existing lower building fabric, and creates a human-scaled building at grade.

- a) The height of the podiums should range between 3 to 4 storeys.
- b) Achieve a minimum building stepback of 2.5 metres. In special circumstances (i.e. to protect views), a setback of 5 metres may be appropriate.

#### 3.13.10.4 Employment - Office

New employment - office uses are identified for a small parcel west of Victoria Avenue at the northeast corner of Bridge Street and First Avenue. Any new buildings in this location should:

- a) Be located to address Victoria Avenue, but may incorporate setbacks that provide attractive landscaping and tree-planting.
- b) The principle façades should incorporate large glazed areas and entrances, providing visibility between the building and the street.
- c) Parking should not be located between the principle façade and the adjacent street / sidewalk.
- d) Main entrances should be directly accessible from public sidewalks.
- e) Where possible, shared driveways should be provided.
- f) Open storage should be minimized. Where permitted, it should be screened from public view.
- g) Site design must define a well-organized system of entrances, driveways and parking areas that minimizes conflicts between pedestrians, bicycles and vehicles.
- h) On large, flat roofs, opportunities for green roofs and or patios should be incorporated to create green spaces and usable outdoor amenity areas for employees. Roof top units should be screened from view.

#### 3.13.10.5 Tourist Commercial

Tourist Commercial uses are located along River Road between Leader Lane and Bridge Street. New buildings along River Road should have:

- a) A 4.5 metre ground floor height to accommodate retail uses.
- b) Ground floor façades should incorporate large, non-reflective, glazed areas to promote visibility from the street to the building interior.
- c) Provide additional setbacks, where necessary, to accommodate a minimum 4.0 metre boulevard width for outdoor display areas, seating and landscaping.
- d) A continuous street wall and façade fronting River Road should be maintained.
- e) Main entrances should be directly accessible from public sidewalks.
- f) Parking should not be located between the principle façade and the adjacent street / sidewalk.

#### 3.13.10.6 Façade Design

The aesthetic qualities of a building's façade are a vital factor in how the public perceives the building, and how that building impacts their experience of the street.

- a) Façades facing streets, sidewalks and public open spaces should be composed of large areas of glazing

- to encourage pedestrian interaction and enhance safety.
- b) Extend finishing materials to all sides of the building, including building projections and mechanical penthouses.
- c) Avoid blank walls, or unfinished materials along property lines, where new developments are adjacent to existing smaller-scaled buildings.
- d) Articulate the façades of large buildings to express individual commercial or residential units through distinct architectural detailing, including entrance and window design.
- e) Utilize a design and material quality that is consistent and complementary.
- f) Where lots have frontages on an open space, provide dual façades that address both frontages with an equal level of material quality and articulation.
- g) Emphasize the focal nature of corner buildings through elements such as projections, recesses, special materials, and other architectural details.
- h) Provide weather protection through architectural details such as vestibules, recessed entrances, covered walkways, canopies and awnings.

### 3.13.11 Sustainability - Considering the Future

Buildings account for approximately 40 percent of greenhouse gas (GHG) emissions in North America. Adopting sustainable practices in building design not only decreases the amount of GHG emissions released, but also lowers operating costs. Key considerations for achieving sustainable building design include:

- a) Building orientation;
- b) Sustainable landscape design;
- c) Urban heat island mitigation;
- d) Stormwater management;
- e) Alternate transportation options;
- f) Renewable energy;
- g) Green roofs;
- h) Building envelope design;
- i) Natural ventilation;
- j) Day light design;
- k) Dark sky design;
- l) Bird friendly design;
- m) Waste management; and
- n) Water use reduction and waste water technologies.

Sustainable goals and guidelines are included throughout the document, but the key guidelines are outlined in the following sections.

### 3.13.11.1 Passive Solar Design

New development within the Transit Station Secondary Plan Area should be massed to maximize opportunities for access to natural light and heating, cooling, security and views. Building design should analyze site characteristics and address existing conditions. For example:

- a) Intended uses within buildings should be arranged to make the best use of natural conditions.
- b) The following climatic conditions should be analyzed when designing block layout, buildings and open spaces:
  - (i) Solar loss and gain;
  - (ii) Temperature;
  - (iii) Air quality;
  - (iv) Wind conditions;
  - (v) Cloud cover; and
  - (vi) Precipitation.
- c) Within new developments, residential uses should maximize indirect natural light.
- d) Within new developments, retail or office uses that employ heat-producing machinery should face north.
- e) Trees and vegetation, operable windows, treated glass, roof coverings and other building elements should be selected to take advantage of natural means of regulating interior temperature, lighting and other environmental variables.

### 3.13.11.2 Energy Efficiency

Building design will need to utilize life-cycle cost analysis in the design process to take long-term energy costs into account. This will lead to adjustments in the orientation of buildings and the configuration of internal space to make the best use of natural processes to control interior environmental variables.

- a) Lifecycle cost analysis should be used to evaluate mechanical, electrical and plumbing systems.
- b) Buildings and windows should be oriented and designed to optimize natural means of heating, cooling, ventilating and lighting interior spaces.
- c) Street and pedestrian-scaled lighting systems should incorporate LED technology to reduce energy and maintenance demand.
- d) Development proposals are encouraged to explore the potential use of geothermal technology and solar energy to reduce grid energy dependency.

- e) Inventories of all plumbing fixtures and equipment, as well as all heating, ventilation and air conditioning systems, should be summarized in building packages as well as a strategy for minimizing water demand.
- f) Canada Mortgage and Housing Corporation standards and design guidelines should be implemented and exceeded, where appropriate.
- g) Buildings should consume energy at a rate that is at least 10 percent lower than specified by the Commercial Building Incentive Program (CBIP) administered by Natural Resources Canada.

**3.13.12 Design Integration - Developing Accessible and Comfortable Communities**

The successful design of buildings, streets and open spaces will be reinforced by the creation of comfortable, welcoming, weather protected and accessible connections between buildings that promote an inviting community atmosphere. The guidelines in this section outline key considerations that will support the development of accessible and comfortable communities.

**3.13.12.1 Accessibility**

A key to providing a high quality public realm is making it accessible to all people. The guidelines and requirements in the following documents provide more detailed information with respect to creating and promoting accessible environments and should be referred to in the design of all public and private spaces:

- Ontario Building Code
- Accessibility for Ontarians with Disabilities Act
- Principles of Universal Design
- The Planning Act

**3.13.12.2 Crime Prevention Through Environmental Design**

All publicly accessible areas, including streetscapes, parks, parkettes, mid-block connections, forecourts and patios should conform to the provisions recommended through CPTED (Crime Prevention Through Environmental Design). The application of CPTED principles should address items such as:

- a) Providing clear views to sidewalks and public areas.
- b) Taking advantage of passing traffic surveillance as a deterrent for unwanted activities.

- c) Identifying point of entry locations.
- d) Placing amenities such as seating and lighting in areas where positive activities are desired and expected.

#### 3.13.12.3 Microclimate and Shadows

- a) The design of buildings should be informed by their context including their impact on adjacent properties.
- b) The design of buildings within the Transit Station Secondary Plan Area will be informed by shade and micro-climatic studies that examine wind mitigation, solar access and shadow impacts on adjacent streets, open spaces, buildings and associated properties.
- c) Building massing should allow ample sunlight to penetrate to the sidewalk and adjacent public spaces, and should mitigate the impact of high winds to support pedestrian comfort.
- d) Where existing and future open spaces are adjacent to development sites, the scale of development will be restricted, as determined through wind and shadow studies.
- e) Building and site design will provide semi-weather protected spaces that blend indoor and outdoor uses including deep canopies, overhangs, sheltered terraces, roof terraces, courtyards, forecourts and gardens that optimize active use throughout the year.
- f) Building heights above four storeys will incorporate step-backs to mitigate the perception of building height from the surrounding areas.
- g) Shadow studies for blocks and individual buildings should be undertaken on the equinoxes and solstices.

### 4. PHASING AND IMPLEMENTATION

#### 4.1 Capital Improvements

The Transit Station Secondary Plan identifies a number of capital improvements to the public realm and transportation network. Table 2 outlines the short, medium and long-term priorities to implement the capital improvements within the Transit Station Secondary Plan Area, and should be referenced in conjunction with Figures 9 through 13 of this Plan. Short-term priorities are intended to be implemented within a 5 year timeframe. Mid-term priorities are intended to be implemented within a 10-year timeframe. Long-term priorities are intended to be implemented within a 20-year timeframe. Modifications to Table 2 may be required

due to shifts in capital planning, funding, or strategic priorities, and can be made without an amendment to the Transit Station Secondary Plan.

TABLE 2: PHASING PROGRAM: Capital Improvements

<b><u>New Connections and Roadway Improvements</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
Thorold Stone Road Extension	n/a	Short-Term
Signalization of Victoria Avenue at Buttrey Street	Alternative would be to realign Buttrey Street to connect with Ferguson Street to improve sight lines	Mid-Term
Victoria Avenue Improvements	-	Mid-Term

<b>Bike Route/Lane (On-Road)</b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
Bridge Street	Between Victoria Avenue and River Road	Short-Term
Victoria Avenue	Between Bridge Street and Armoury Street	Mid-Term
Erie Avenue	Between Bridge Street and Huron Street	Short-Term
Hickson Avenue	Between Buttrey Street and Leader Lane	Mid-Term
Morrison Street	Between Victoria Avenue and River Road	Mid-Term

<b><u>Multi-Use Trail</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
Transit Station Trail	Connecting Erie Avenue with Hickson Avenue and Hickson Avenue with River Road	Short-Term
Olympic Torch Race Legacy Trail Extension	Connecting existing Olympic Torch Race Legacy Trail with the Michigan Central Railway Bridge and River Road	Mid-Term

<b><u>Streetscape Improvements</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
River Road Major Streetscape Improvements	Between Buttrey Street and Simcoe Street	Mid-Term
Bridge Street Minor Streetscape Improvements	Between Victoria Avenue and River Road	Short-Term

<b><u>Streetscape Improvements</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
Buttrey Street Minor Streetscape Improvements	Between Victoria Avenue and River Road	Mid-Term
Victoria Avenue Minor Streetscape Improvements	Between Buttrey Street and Bridge Street	Long-Term
Erie Avenue Minor Streetscape Improvements	Between Bridge Street and Queen Street	Short-Term
Potential Street Grid Refinement	Mid block between Park Street and Queen Street connecting St. Lawrence Avenue with River Road	Long-Term

<b><u>Gateway Features</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
Victoria Avenue and Bridge Street Gateway	-	Mid-Term
Erie Avenue and Bridge Street Gateway		Short-Term
River Road and Whirlpool Bridge Gateway		Mid-Term

<b><u>Public Space</u></b>	<b>Details/Extent</b>	<b>Priority (short-, mid- or long-term)</b>
New Public Space at southwest corner of Erie Avenue and Bridge Street	-	Short-Term
New Public Space adjacent to Transit Station Area		Mid-Term
Public Space Improvement south of Bridge Street	Mid-block between Crysler Avenue and Erie Avenue	Mid-Term
Public Space Improvement along River Road	Mid-block between Bridge Street and Park Street	Mid-Term

#### 4.2 Implementation Tools

The Transit Station Secondary Plan shall be implemented through a variety of tools, including, but not limited to:

- The planning and development application process, through tools such as site plan approval, plans of subdivision and condominium and consents to sever;
- Environmental Assessments;
- The City of Niagara Falls Zoning By-law;
- Updates to the City's various Community Improvement Plans;

- City of Niagara Falls Transportation Master Plan and,
- Other tools as described in the Transit Station Secondary Plan.

#### 4.3 Municipal Works

All future municipal works undertaken by the City within the Transit Station Secondary Plan Area shall be consistent with the policies of this Plan.

#### 4.4 Official Plan

Applications for development under the Planning Act shall be consistent with the Transit Station Secondary Plan. Proposals which are not consistent with the Transit Station Secondary Plan shall require an Official Plan Amendment.

#### 4.5 Zoning By-law

The City will update its Zoning By-law to ensure that the land use and design policies for the Transit Station Secondary Plan are reflected in the City's Zoning By-law.

4.5.1 The City may establish a Community Plan Permit System within all or part of the Transit Station Secondary Plan Area. The Community Planning Permit System shall:

- a) Implement the goals and objectives of the Transit Station Secondary Plan;
- b) Establish a policy basis for the Community Planning Permit By-law respecting permitted uses, discretionary uses and built form regulations.
- c) Establish the types of condition that may be included in the Community Planning Permit By-law; and
- d) Set out the scope of the authority that may be delegated to a committee or staff, as well as any limitations on delegation.

#### 4.6 Community Improvement Plans

The City shall review the Community Improvement Plans (CIP) for lands within the study area to align with the vision, objectives and policies of the Transit Station Secondary Plan. Updates to the Brownfield CIP should reflect the site specific redevelopment needs of lands along Buttrey Street. Updates to the Downtown CIP should prioritize transit-supportive redevelopment in proximity to the Transit Station Area.

#### 4.7 Signage and Wayfinding Strategy for Downtown Niagara Falls

Upon adoption of the Transit Station Secondary Plan and the completion of the Community Improvement Plan, the City will prepare a signage and wayfinding strategy for Downtown Niagara Falls. The purpose of the signage and wayfinding strategy is to reduce visual pollution and improve wayfinding. The City may also refer to the Region of Niagara's Transportation Master Plan Bikeway Identification and Destination Wayfinding Signage for Cyclists guide.

## 4.8 Coordination with the Region of Niagara

### 4.8.1 General Coordination

The City will work with Region of Niagara to ensure that the policies of the Transit Station Secondary Plan are implemented including any opportunities to implement the urban design and public realm improvements through any future Regional works. The City also encourages Region of Niagara to consider opportunities for affordable housing development within the Transit Station Secondary Plan Area.

### 4.8.2 GO Transit Service

The City will work collaboratively with Region of Niagara and other appropriate agencies (including Niagara Parks Commission and the Niagara Peninsula Conservation Authority) to ensure that the planning, design and implementation of the expanded GO transit service, as well as upgrades to the VIA Rail station, addresses the vision and policies of the Transit Station Secondary Plan. It is expected that the City will collaborate with the Region of Niagara and agencies to ensure that:

- a) The Transit Station Area includes attractive, pedestrian friendly and transit-supportive public spaces and connections;
- b) The Transit Station Area is planned to address integrated and diversified mobility options and seamless access; and,
- c) The Transit Station Area is designed to help support the mixed use vision for Downtown Niagara Falls.

## 4.9 Development Charges

The City will include any growth-related infrastructure identified in this Plan as part of the next Development Charges By-law update.

## 4.10 Parkland Dedication

Where the City accepts cash-in-lieu of parkland dedication, the City will dedicate the funding to the development of the public space program for the Transit Station Secondary Plan Area. The City will prioritize development which contributes to the enhancement of the public realm and transportation.

## 4.11 Opportunities for Property Acquisition

In order to facilitate the implementation of the plans and policies of the Transit Station Secondary Plan, the City may acquire property pursuant to section 28 of the Planning Act. Should property acquisition be required, the municipality shall undertake a fair and equitable process that minimizes effects on landowners and tenants.

#### 4.12 Monitoring Program

The City will prepare a monitoring program to track the implementation of the Transit Station Secondary Plan and report on the progress of its implementation. The monitoring program should identify development statistics for residential intensification and employment growth as well as the status of the various actions identified in this Plan (such as the Community Improvement Plan and various streetscape projects).

#### 4.13 Transit Station Secondary Plan Review

The City will comprehensively review the policies of the Transit Station Secondary Plan at the 10 year review of the City's Official Plan. Depending on the outcomes of the review, the City may decide to update the Plan.

#### 4.14 Property Notification

Any application to amend the policies of the Transit Station Secondary Plan or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variance or consent application(s) within the Transit Station Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the industrial lands on the north side of Buttrey Street between Broughton Avenue and Hickson Avenue.

#### 4.15 Policy Clarification

In the event of a conflict between the Official Plan and the Transit Station Secondary Plan, the policies of the Transit Station Secondary Plan shall prevail.

## PART 5        SECONDARY PLANS

### SECTION 3    GRAND NIAGARA SECONDARY PLAN

#### PREAMBLE

The purpose of this Secondary Plan is to provide a detailed land use and policy framework for the regulation of development within the Grand Niagara Secondary Plan Area.

The Secondary Plan Area includes lands located north of Biggar Road, south of the Welland River, east of Crowland Avenue, and west of the Queen Elizabeth Way (QEW) and have a total area of 330 hectares (815 acres). A substantial amount of the Secondary Plan Area is natural heritage including Provincially Significant Wetlands (PSW's) and associated wetlands and significant woodlands.

It is intended that the Secondary Plan Area will develop as an environmentally sustainable, healthy, and complete community with distinctive, liveable neighbourhoods, integrated and connected green spaces, efficient transportation, transit, and trails systems, and employment opportunities.

#### PRINCIPLES AND OBJECTIVES

The following principles and objectives are to be achieved.

##### **Principle 1 - Protect and restore natural heritage features**

To grow and develop in an environmentally appropriate manner that protects and restores the natural environment and promotes the creation of a comprehensive and linked Natural Heritage System. The Natural Heritage System will be enhanced by connections via the trails system to parks and stormwater management facilities.

##### **Objectives**

- To ensure that development does not negatively impact on natural heritage features or their ecological functions by providing appropriate separation distances and buffers.
- To provide a functional and highly interconnected network of natural heritage resources, parks, and stormwater management facilities for the community that are accessible and visible to residents.
- To integrate the Natural Heritage System into the design of the community and the public realm as aesthetic amenities.
- To provide a continuous trails network within the community that incorporates links of varying character and function, among the Natural Heritage System, public parks, storm water management facilities, and a full array of community amenities.

##### **Principle 2 - Promote the responsible use of resources**

To encourage the responsible use of resources to ensure long-term sustainability, reduce greenhouse gas emissions, and reduce demands on energy, water, and waste systems.

## Objectives

- To ensure that municipal services are provided in a cost effective and efficient manner.
- To utilize Low Impact Design Standards that emphasize the use of bio-swales, innovative stormwater practices, at-source infiltration, greywater re-use system, and alternative water conservation measures.
- To utilize opportunities for passive solar gains through building orientation.
- To ensure the reduction of air pollution through the development of 'complete' communities that are characterized by greater densities placed at mixed use centres; mix and diversity of housing types; and connected and walkable road patterns that are designed to encourage active transportation;
- To ensure that storm water management facilities are designed to fulfill their functional purpose, are treated as aesthetic components of the greenlands system, and that they do not negatively impact on natural heritage features.

## Principle 3 - Promote place-making

To promote and strengthen a community structure that provides a strong pedestrian realm and businesses and services in a manner that respects the community's natural heritage system.

## Objectives

- To create an urban form that supports an interconnected street system that is transit supportive and pedestrian friendly to effectively transport people and vehicles.
- To orient streets and open spaces to provide for vistas and view sheds to the Natural Heritage System and the Welland River to assist in the creation of a sense of place.
- To promote place-making that instills a sense of civic pride.
- To improve the quality of the living environment through the distribution and access to parks and recreational facilities.
- To integrate the Welland River into the design of the open space and trail system.
- To promote the provision of local convenience commercial, business, and institutional uses that will serve the local community.

## Principle 4 - Create a diverse community

To create a well-designed and connected community of residential neighbourhoods that provide for a range of housing types and densities that meet the needs of a diverse population, a mix of uses, and a diversity of open spaces and parks.

## Objectives

- To provide for a range and mix of housing opportunities, choices, and accessibility for all income levels and needs.

- To provide for a range of affordability, consistent with targets established by the Region and the Province.
- To create opportunities for life-cycle housing and assisted living.
- To provide for neighbourhood commercial uses, schools, a diverse range of parks and open spaces, and community facilities to support the needs of the community.
- To support the mix and diversity of land uses in a compact, active transportation supportive development form to ensure a proper balance of residential, employment, and services to shorten distances between homes, workplaces, schools, and amenities.
- To plan for a density of development that will support transit.

### **Principle 5 - Promote active transportation**

To develop a connected, multi-modal, active transportation system that promotes walking, cycling, and transit usage, to not only encourage daily physical activity, but to provide an efficient road network for motor vehicles.

#### **Objectives**

- To create walkable and connected neighbourhoods with sufficient destinations within a walking distance of approximately 400 to 800 metres (5-10 minute walk) of most residents.
- To create a highly interconnected network of streets with comfortable pedestrian environments and streetscapes that provide for ease of access, orientation, and safety for pedestrian, cyclists, and motor vehicles.
- To provide a variety of economical, safe, and accessible mobility options through the provision of a connected network of streets, sidewalks, bicycle lanes, trails, and a public transit system to ensure all members of society have transportation options while reducing automobile dependence.
- To ensure that pedestrian connections adjacent to the Natural Heritage System are planned to anticipate use and to avoid impact on the natural features and their ecological functions.
- To ensure all roads will be designed as important components of the public realm to provide a network that is appealing for pedestrians, cyclists, transit facilities, and motor vehicles.

### **Principle 6 - Create a connected and integrated open space and trails system**

To create a linked open space and trails system composed of roads, lanes, parks, sidewalks, off road trails, and bicycle lanes that are integrated with the natural heritage features.

#### **Objectives**

- To utilize the existing Natural Heritage System as key trail elements to link the community.
- To provide parks and open spaces close to medium density residential development.

- To ensure access to parks by placing parkettes within 200 metres (2-3 minute walk) and neighbourhood parks within 400 metres (5 minute walk) of residents.
- To ensure that all parks, open spaces, and trails are visible and accessible.
- To integrate schools and parks with the trail system.
- To provide a variety of trails and pathways such as on-road bike lanes, boulevard multi-use pathways, and off-road multi-use pathways.

### **Principle 7 - Create employment opportunities**

The provision of employment opportunities within the Secondary Plan Area is essential to creating a complete community.

#### **Objectives**

- To recognize the economic importance of the Regional Hospital in attracting a range of employment opportunities within this community and beyond.
- To ensure employment lands are available to permit an appropriate balance of employment opportunities in conjunction with the development of the residential neighbourhoods.
- To allow for a variety of employment uses throughout the community to provide opportunities for employment close to home.
- To provide for live-work opportunities within the mixed use centre along Biggar Road.
- To promote office uses and services associated with the planned Regional Hospital.
- To ensure land use compatibility between non-residential and residential buildings through high quality urban design and the application of appropriate setbacks/buffers/ mitigation measures between incompatible land uses.
- To provide active transportation connections between residential and employment areas.
- To ensure no net loss of employment uses.

### **Principle 8 - Manage growth**

To manage growth over time in a manner that respects existing residents, is logical, efficient and cost-effective, balanced with employment opportunities, and is reflective of the financial and administrative capabilities of the City of Niagara Falls and Niagara Region.

#### **Objectives**

- To ensure that growth and development is fiscally sustainable.
- To create jobs concurrent with residential growth to ensure a long-term balanced economy while encouraging closer live and work proximity.

- To ensure the Secondary Plan Area is designed to help the City meet Provincial growth targets with respect to intensification.

### **Principle 9 - Promote green infrastructure and building**

To promote leadership in sustainable forms of green technologies and building design that is architecturally attractive, accessible, energy efficient, and environmentally healthy for future residents and occupants.

#### **Objectives**

- To encourage plans and building designs to maximize solar gains and ensure that buildings are constructed in a manner that facilitates future solar installations (i.e. solar ready).
- To utilize green infrastructure to make use of the absorbing and filtering abilities of plants, trees, and soil to protect water quality, reduce runoff volumes, and recharge groundwater supplies.
- To utilize drought tolerant and native tree and shrub species in parks and along streetscapes to reduce water use.

#### **1. General Policies**

##### Community Structure

1.1 Schedule 'A-4' – Land Use, identifies, the following primary components of the planned community structure of this Secondary Plan:

- Residential Low/Medium Density;
- Employment
- Hospital Employment Campus
- Mixed Use Centre;
- Proposed Elementary Schools;
- Open Space/Parkland; and,
- Natural Heritage System (lands designated EPA and ECA).

These form the basis of the land use designations and policies of this Secondary Plan.

##### Growth Management

1.2 The Secondary Plan Area includes lands with the 'Built-up Area' and the 'Greenfield Area' as illustrated on Appendix IX-A.

- 1.2.1 Greenfield Areas must achieve a minimum gross density requirement of 53 people and jobs per hectare.
- 1.2.2 The growth allocation for the Built-up Area is achieved through intensification.

## Population and Employment Growth

1.3 The City of Niagara Falls has an approximate population of 88,071 residents. It is expected that the City will grow to a resident population of 108,770 with employment at 52,060 jobs by 2031. A minimum of 40% of all residential development will be in the form of intensification within the Built-up Area. Further growth is expected within the 20-year time horizon of this Secondary Plan – to beyond 2036.

## Phasing

1.4 The City and Region shall carefully monitor residential growth within the Grand Niagara Secondary Plan Area. Development Phasing will be established based on population growth over time, in accordance with, and in conjunction with the ability of the developers, City, and Region to pay for their respective responsibilities of infrastructure development costs as required.

1.4.1 This Secondary Plan shall achieve a population range of approximately 3,500 to 4,300 people and provide approximately 3,600 jobs.

1.4.2 Growth shall occur in an orderly and phased manner. The phasing strategy for the Secondary Plan Area is shown on Development Phasing Plan (Appendix IX-B) and the primary factors to consider in this regard include:

- The integration of new development within the planned community structure of this Secondary Plan, resulting in a more contiguous, connected, and compact urban form;
- The provision of adequate municipal services (water, sanitary, stormwater) to accommodate the proposed growth in a cost-efficient manner; and the ability of new growth to facilitate the provision of municipal services to existing privately serviced areas within the Urban Boundary;
- Dedication of the lands within the identified 2km Cytec Arc, as shown on Schedule A-4 – Land Use to the City as per Policy 2.3 of this Secondary Plan;
- The provision of appropriate transportation facilities, and the availability of adequate capacity on the existing road network; and,
- The provision and adequacy of educational and social services, recreational facilities and other community services.

If one or more of these factors cannot be addressed to the satisfaction of the City and Region, the processing and/or approval of development applications may be held in abeyance, or deferred, until an appropriate service level or facilities can be provided.

1.4.3 The timing of subsequent phases of the Secondary Plan Area will be determined based on the following:

- An evaluation of infrastructure investments, including Development Charge revenue;
- The extent of short term supply, not only within the Secondary Plan Area, but within the City's Greenfield Area; and,
- The extent of intensification occurring within the City's Built-up Area over the current phase of development.

1.4.4 In order to ensure that development occurs in an orderly manner Council may use holding provisions in the zoning of lands. Holding provisions can be lifted only after the following matters have been satisfied:

- That sufficient revenue has been, or will be, generated through Development Charges to finance the servicing of the proposed stage of Secondary Plan development;
- That any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- That the extent of the short term (serviced) land supply within the Secondary Plan Area is not more than 10 years;
- Whether the extent of intensification occurring within the City's Built-up Area over the previous 5 years has been at the targeted rate; and,
- Execution of any front ending agreement by the owner of lands subject to a holding provision, all in accordance with requirements of the Development Charges Act.

1.4.5 The City, through future Development Charge By-law Reviews, may consider an area specific Development Charge By-law for the Secondary Plan Area.

### Residential Neighbourhoods

1.5 The 3 residential Neighbourhoods identified are delineated on the basis of sub-watershed boundaries, or other physical plan components, and typically include at least one stormwater management facility. The residential neighbourhoods are within the Built-up Area of Niagara Falls and are subject to the policies of Section 3.1 of this Secondary Plan.

1.5.1 The residential neighbourhoods and the residential component of the Mixed Use Centre, are expected to generate a total range of approximately 1,350 to 1,800 units and a total population range of 3,500 to 4,300 people. The expected development yield may increase, subject to the final delineation of the Natural Heritage System through the Environmental Impact Study process, without the need for a further Amendment to this Secondary Plan.

1.5.2 Medium density housing forms are to develop concurrently with lower density forms. Applications for draft plan approval of plans of subdivision on lands designated Residential Low Density should contain either a land

area of not less than 20 gross developable hectares or 300 housing units. Notwithstanding, the staging of registration of lands within draft approved plans of lesser land area or number of housing units is permitted. Applications should include a mix of the housing types noted in Policy 1.6.1 and the phasing for each dwelling type.

#### Housing Range and Mix

1.6 Much of the developable land area subject to this Secondary Plan are within the designated Built-up Area, and as such are not subject to any identified minimum density target. Notwithstanding a full range and mix of housing types shall be provided within each neighbourhood.

1.6.1 Three (3) residential Neighbourhoods are shown on Schedule 'A-4' - Land Use and are planned to achieve the following housing targets as per Section 3.1 of this Secondary Plan:

**NEIGHBOURHOOD ONE (N1)** - Approximately 400 to 520 dwelling units, including a mixture of Single Detached, Semi Detached, and Duplex units; and 30% Street and Block Townhouses, Stacked Townhouses, as well as Multi-unit buildings and Low-rise Apartments.

**NEIGHBOURHOOD TWO (N2)** - Approximately 450 to 580 dwelling units including a mixture of Single Detached, Semi Detached, and Duplex units; and 30% Street and Block Townhouses Stacked Townhouses, as well as Multi-unit buildings and Low-rise Apartments.

**NEIGHBOURHOOD THREE (N3)** - Approximately 220 to 280 dwelling units, including a mixture of Single Detached and Semi-Detached units and 30% Street and Block Townhouses, Stacked Townhouses, as well as Multi-unit buildings and Low-rise Apartments.

1.6.2 The amount and distribution of new housing shall be consistent with the Development Phasing Plan (Appendix IX-B), principles, growth management provisions, and other policies set out in this Secondary Plan.

1.6.3 All residential development shall conform with the policies of Sections 2.3 and 3.1 of this Plan.

1.6.4 As per Policy 1.3.1 of the Official Plan, a variety of ancillary uses may also be permitted where they are compatible with the residential environment and contribute to a complete community. Ancillary uses shall include, but are not limited to schools, churches, nursing homes, open space, parks, recreational and community facilities, public utilities, and neighbourhood commercial uses.

1.6.5 Ancillary uses within the Built-up Area that have the potential of generating large volumes of traffic are generally encouraged to locate:

- on an arterial, or on a collector in proximity to an arterial road, to minimize disturbances to area residents;

- such that area residents can conveniently access the uses by means of walking, cycling, public transit or motor vehicle; and
- in proximity to a transit stop.

1.6.6 The Secondary Plan shall encourage and support, where appropriate, private, public and non-profit housing developments designed to provide a variety of housing options for seniors including small ownership dwellings, higher density condominium dwellings, building with rental units, as well as developments that facilitate "aging-in-place".

1.6.7 New residential buildings should incorporate universal physical access features and follow the accessibility requirements as set out by the Ontario Building Code (OBC) and the Accessibility for Ontarians with Disabilities Act.

1.6.8 Residential development abutting the Natural Heritage System shall be oriented and developed in a manner that is compatible, complimentary, and supportive of the natural heritage features and ecological functions of the system.

1.6.9 All residential development shall be consistent with the Grand Niagara Urban Design Guidelines and, as per Policy 1.11 of this Plan, submit an Urban Design Brief as a component of a development application.

#### Affordable Housing

1.7 The Secondary Plan supports the provision of affordable housing as defined by the Province of Ontario. Affordable housing may be achieved by:

- Promoting higher density housing forms, where housing is more affordable due to reduce per unit land costs;
- Building smaller units, where housing is more affordable due to lower development and/or redevelopment costs;
- Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs; and,
- Encouraging the development of accessory apartments/secondary suites.

1.7.1 The City will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.

1.7.2 Affordable housing shall be located in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

## Mixed Use and Employment

1.8 The areas identified as Mixed Use on the Urban Structure Plan (Appendix IX-A), are within the Built-up Area and are subject to the policies of Part 2, Section 1.15.5 of the Official Plan.

1.8.1 Mixed Use and Employment development may proceed at any time subject to the provision of appropriate municipal services, transportation infrastructure, and required approvals.

1.8.2 Mixed Use Centres are expected to generate approximately 780 jobs. This development yield is based on an average Floor Space Index (FSI) of 1.5 and an average building height of 3 storeys, notwithstanding that denser and taller buildings may be permitted. FSI generally refers to the ratio of the gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are being developed.

1.8.3 Employment Area designations are identified on the Urban Structure Plan (Appendix IX-A) and are expected to generate approximately 3,600 jobs, including existing jobs. This development yield is based on a minimum gross density of approximately 30 jobs per gross hectare for the Employment Areas both within the Built-up Area and in the Greenfield Area.

1.8.4 Employment land development is encouraged to proceed concurrently with residential development in order to create the opportunity to live and work in the same community. Retail and service commercial uses are also encouraged to develop concurrently with residential development to provide residents with shopping and services in proximity.

1.8.5 The location of the QEW along the eastern edge of the Secondary Plan Area has the potential to enhance the area's accessibility and attractiveness as both a place to live and as a place to locate an industry or business. With this long-term potential in mind, subsequent reviews of this Secondary Plan should consider the Regional allocation of employment projections - both in terms of the amount and the type of employment - to this Secondary Plan Area to accommodate additional employment opportunities, including the substantial potential of the planned Regional Hospital.

## Front-Ending Agreements

1.9 For the purposes of this Secondary Plan, a front-ending agreement, pursuant to the Development Charges Act, is a financial contract entered into with the City whereby an individual or individuals agree to pay for the installation of infrastructure identified in the Secondary Plan in order to permit development to proceed within the Secondary Plan Area in advance of other benefiting developments paying its share of costs.

1.9.1 Where an application has been made for a development in advance of the installation of infrastructure identified within this Secondary Plan as required to support the subject development, including both on-site and off-

site services as well as upstream and downstream system requirements, Council may consider entering into a front-ending agreement with a developer, as a condition of approval, in accordance with City policies and procedures respecting such agreements.

### Sustainable Design

1.10 Green building technologies, renewable and alternative energy sources, and other sustainable design options for development are promoted through the following policies:

- 1.10.1 In order to reduce energy consumption, energy efficient building design and practices and alternative energy systems are encouraged. Conformity with LEED<sup>©</sup> (Leadership in Energy and Environmental Design - Canada) standards<sup>®</sup> (or equivalent alternative) shall be encouraged.
- 1.10.2 In order to minimize the air quality and climate change impacts associated with new growth, the following are encouraged:
  - The reduction of air pollution through the development of 'complete' communities that are characterized by greater densities placed at mixed use centres, or near transit facilities; mix and diversity of housing types; and connected and walkable road patterns that are designed to encourage active transportation;
  - The reduction of vehicle kilometres travelled across the Secondary Plan Area through the promotion of active transportation to reduce automobile dependence and the provision of future local transit within a 200 to 400 metre (3 to 5 minute) walking distance of residential development;
  - A reduced parking strategy for office and retail areas to encourage walking, cycling, and the use of transit and carpooling; and,
  - The separation of sensitive land uses from air pollutant sources through appropriate separation distances, mitigation measures, land use planning, and zoning.
- 1.10.3 The use of green infrastructure is encouraged to utilize the absorbing and filtering abilities of plants, trees, and soil to protect water quality, reduce runoff volumes, and recharge groundwater supplies. An interconnected network of open spaces, natural areas, greenways, wetlands, parks, and forest areas shall be provided.
- 1.10.4 Drought tolerant and native tree and shrub species in parks and along streetscapes shall be used to reduce water use
- 1.10.5 The implementation of Low Impact Design Standards that emphasize the use of bio-swales, innovative stormwater practices, constructed wetlands, at-source infiltration, greywater re-use system, and alternative filtration systems such as treatment trains and water conservation measures.

- 1.10.6 Development plans and building designs shall maximize solar gains and that buildings be constructed in a manner that facilitates future solar installations (i.e. solar ready).
- 1.10.7 Development plans and building designs shall provide opportunities for south facing windows and building orientation to maximize potential for passive and active solar energy.
- 1.10.8 Opportunities for local food production, such as community gardens, edible landscapes, or a farmer's market are encouraged where feasible.

#### Urban Design Guidelines

- 1.11 All development within the Secondary Plan Area shall be consistent with the Urban Design Guidelines for the Grand Niagara Secondary Plan. Adjustments and further refinements to the Urban Design Guidelines are anticipated and may be considered at the development stage through submission of an Urban Design Brief which demonstrates how the general design approach in the Urban Design Guidelines is being achieved, or the rationale for the deviation, to the satisfaction of the City and Region,

#### Public Parks and Open Space

- 1.12 An integrated system of municipally owned Neighbourhood Parks and Parkettes, and other publicly accessible open space areas, trails, and pathways shall be provided within the community in accordance with the following:
  - 1.12.1 Public parks and open spaces, along with associated active and passive recreational facilities including, but not limited to, community centres, pools, arenas, sports fields, picnic areas, pedestrian and cycling trails, and other compatible special purpose uses or events and accessory uses, buildings and structures, are permitted in all land use designations, with the exception of the Natural Heritage System, where the permitted uses are set out in Section 3.5 of this Secondary Plan.
  - 1.12.2 The general location of Neighbourhood Parks are identified symbolically on Schedule 'A-4' – Land Use. The precise distribution and location of such parks will be determined in the consideration of development applications in accordance with the policies of this Secondary Plan and other municipal initiatives.
  - 1.12.3 Neighbourhood Parks are intended to serve local neighbourhoods within the community and shall be dedicated to the City at a rate of 1.0 hectare per 300 dwelling units. Lands dedicated for parks shall be in a location and condition acceptable to the City.
  - 1.12.4 The majority of residences shall be served by a Neighbourhood Park within a 400 to 800 metre radius (5 to 10 minute walking distance).
  - 1.12.5 Lands within the Natural Heritage System shall be incorporated into the parks and open space system for leisure uses and compatible, passive

recreational functions. Such lands shall not be included as part of the parkland dedication requirements identified in this Secondary Plan.

1.12.6 Parks that are in proximity to residential uses shall be designed so as to minimize any potential negative impacts on the residential uses.

1.12.7 Park and open space design shall reflect the requirements of the Urban Design Guidelines and shall consider the following:

- Crime Prevention through Environmental Design (CPTED) principles and the Accessibility for Ontarians with Disabilities Act (AODA).
- New trees and landscaping within parks that are of a diverse, native, robust species selection, drought tolerant, that contribute to the tree canopy objectives of the City and Region, and where possible, are salvaged from the site or the local area.
- Accessible, safe and visible bicycle and pedestrian routes to and within parks.
- Bicycle parking provided within all parks, regardless of park size.
- Parks that are accessible and accommodate a range of age groups.
- The illumination of recreational facilities, including parking areas and playing fields, that is directed away from the Natural Heritage System to minimize disturbance to wildlife.
- The inclusion of public art, facilities and pedestrian spaces.

### Neighbourhood Parks

1.12.8 Neighbourhood Parks shall be:

- centrally located and within 400 to 800 metre radius (5 to 10 minute walking distance) of all residential uses within the neighbourhood it is serving;
- greater than 0.5 hectares, and preferably 2.0 hectares, in size, except where smaller parkettes, open space, or village greens are approved by the City;
- designed for passive and active recreational facilities such as playground equipment and the recreational needs of the neighbourhood residential area(s) as determined through more detailed planning;
- integrated with other community facilities such as schools, where deemed appropriate by the City;
- located with frontage on a Local and/or Collector Road, with a minimum 60 metres of continuous frontage; and,
- connected and/or integrated with the broader Natural Heritage System and active transportation routes shown on the Active Transportation Plan (Appendix IX-C) to this Secondary Plan, where appropriate and feasible.

### Parkettes

1.12.9 Parkettes are smaller scale parks that are intended to provide passive open space areas, serve as focal points within sub-areas of each neighbourhood. Parkettes shall be:

- easily accessible for residents within a 200 to 400 metre radius (3 to 5 minute walking distance);
- designed to have significant public exposure and access. Urban design options include surrounding the park with streets or fronting dwellings directly on to the parkette/village square;
- a reflection of the needs of surrounding residents including places to sit and socialize, junior play area for children, and a significant tree canopy for shade; and,
- designed with 100 percent public frontage, however less frontage is acceptable where other design alternatives achieve public view and access. Public frontage can be a public road, a school, or natural heritage features.

### Pocket Parks

1.12.10 Pocket Parks are small scaled urban components of the Public Parks and Open Space Designation. They are expected to be less than 1,000 square metres in size, but greater than 75 square metres; and are expected to develop consistent with the following criteria:

- frontage on at least one public street;
- adjacent built form shall have primary and active frontages facing the Pocket Park, where appropriate; and,
- Facilities shall include seating and a full furniture program, including lighting, opportunities for outdoor cafés and restaurants, and facilities that promote a passive, relaxing atmosphere.

1.12.11 Pocket Parks may be publicly owned, or privately owned. However, if they are to count toward a required parkland dedication under the provisions of the Planning Act, they shall:

- Be designed and built to standards acceptable to the City;
- Have a maintenance agreement that is satisfactory to the City; and,
- Ensure public access at all times, or other arrangements, satisfactory to the City.

### Institutional Uses

1.13 Although shown symbolically on Schedule 'A-4' – Land Use, any lands within the Residential Low/Medium Density designation may be used for institutional uses, subject to the following policies.

## Schools

1.13.1 Two elementary school sites can be accommodated in the Secondary Plan Area. Elementary schools provide a focus to the community and their locations contribute to their walkability.

1.13.2 The proposed number, site locations, and configurations identified may be modified or relocated by the respective school boards in cooperation with the City, without Amendment to this Secondary Plan.

1.13.3 Proposed school site locations shall be finalized by the Niagara Catholic District School Board and the District School Board of Niagara in consultation with the City, subject to the following:

- schools shall be located on sites adjacent to proposed municipal parks, and linked to the broader Natural Heritage System wherever possible;
- where appropriate, and subject to the approval of the City and/or Region of Niagara, lay-by lanes may be provided within the design of roads abutting school sites;
- Safe and convenient access routes shall be planned between the school and surrounding residential areas; and,
- Shared use facilities for joint schools and for joint school and recreation facilities shall be permitted. Shared facilities with other uses may also be considered.

1.13.4 Each school site should be centrally located such that the majority of students are within an 800 metre radius or 10 minute walk

1.13.5 School sites should be located adjacent to public parks, integrated with the trail system, and central to the community to promote walking or cycling, enabling most students to walk to school.

1.13.6 Each school site shall have an area between 1.5 to 2.0 hectares and be located with at least one frontage on a Local Road with a right-of way of up to 20.0 metres.

1.13.7 The coordinated use of recreational space and facilities to meet the needs of both the school and the community is encouraged.

1.13.8 School sites should not be located adjacent to:

- commercial, industrial, or agricultural uses;
- railway lines, Arterial Roads; and,
- utility transmission corridors, including gas pipelines, and hydro corridors.

1.13.9 Where an identified school site is not acquired by either Board after a period of three years from the approval of this Secondary Plan, the land which has been identified for school purposes may be used for other uses permitted

within the Residential Low/Medium Density designation, without the need for an Amendment to the Secondary Plan

1.13.10 School sites shall be required to locate outside and away from the 2km Cytec Arc, as shown on Schedule A-4 – Land Use.

#### Places of Worship

1.13.11 Places of Worship shall be permitted within the Residential Low/Medium Density, Mixed Use, and Hospital Employment Campus designations, subject to the policies of this Secondary Plan and subject to the following:

- 1.13.11.1 Places of Worship should be located on Arterial or Collector Roads and along public transit routes in order to maximize transit ridership, ensure accessibility, and to provide terminus views of an important architectural feature.
- 1.13.11.2 Parking areas should be located within the rear yards or interior side yards. Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.
- 1.13.11.3 In Mixed Use Centres, the joint use of places of worship parking areas with adjacent off-peak uses is encouraged in order to reduce land requirements and promote compact development.
- 1.13.11.4 The massing and scale of buildings should be compatible with the character of adjacent development, especially within Residential Low/Medium Density areas, through the use of similar setbacks, material selection, and architectural elements.
- 1.13.11.5 Places of Worship shall be required to locate outside and away from the 2km Cytec Arc, as shown on Schedule A-4 – Land Use.

## 2. General Policies for Specific Uses

### Day care Centres

2.1 Day Care Centres shall only be permitted in Residential Low/Medium Density, Mixed Use, Hospital Employment Campus, and Employment designations. Day Care Centres proposed within Employment designations should consider compatibility with existing and permitted land uses.

2.1.1 Day Care Centres shall be permitted within a place of worship or other place of public assembly, a place of employment, a community centre, an apartment building or a multiple unit housing project, and are subject to Provincial licensing policies.

2.1.2 Day Care Centres are encouraged within elementary schools, subject to the consent of the School Boards, to encourage shared facilities and concentration of related land uses.

2.1.3 Day Care Centres shall be required to locate outside and away from the 2km Cytec Arc, as shown on Schedule A-4 – Land Use.

#### Automobile Service Stations

2.2 Automobile service stations shall be permitted in Mixed Use and Employment Areas, subject to the following criteria:

- Located on a site of not more than 0.6 hectares in size;
- Located on an Arterial Road;
- Not more than one automobile service station shall be located at any one road intersection;
- The principal building or gas bar kiosk shall generally be oriented to the intersection with the pump islands to the rear, to reduce the visual impact of the canopies and pump islands and to provide a more pedestrian-oriented environment at the intersection; and,
- Extensive landscaping shall be provided to improve aesthetics and to buffer adjoining properties from the vehicular activities of the automobile service station.

#### Cytec Canada Inc. Setback Policies

2.3 A compatible arrangement of land uses shall be developed between the Grand Niagara Secondary Plan and the industrial lands designated and zoned for heavy industrial purposes located to the northwest at the intersection Garner Road and Chippawa Creek Road. In order to ensure compatibility between these sensitive land uses, the following policies will apply:

2.3.1 Notwithstanding any other policy of this Plan, an approximate 200 metre setback from the 2km Cytec Arc, as shown on Schedule A-4 – Land Use, is established for the purposes of limiting development on lands designated Residential Low/Medium Density within this setback to single detached dwelling units on larger lots. The building height shall be a maximum of 2.5 storeys or 8 metres, whichever is the lesser, in accordance with the implementing zoning by-law.

2.3.2 The lands within the identified 2km Cytec Arc are to be dedicated to the City and be included as a Condition of Draft Plan Approval that shall be fulfilled prior to the registration of the first Draft Plan of Subdivision, for the purposes of and use as the Grassy Brook Road right-of-way, stormwater management ponds and passive open space uses. Any agreement executed between the City and the landowner will establish the terms of the dedication and any municipal purpose (if any) for these lands. The

dedication of these lands would not constitute part of any parkland dedication required as a condition of draft plan approval pursuant to s.42 of the Planning Act.

- 2.3.3 Notices/warning clauses regarding the proximity of heavy industrial land uses to residential dwellings and the inherent possibility of noise, odour, and air emissions will be included in subdivision agreement(s), condominium agreement(s), site plan agreement(s), and purchase and sale agreements. In addition, for any development of retirement residences, senior citizens residences, and elementary schools (in consultation with the school boards) on the lands located east of Grand Niagara Drive and south of Grassy Brook Road, and north of the hydro corridor, a condition requiring the approval of an emergency plan and evacuation protocol to the satisfaction of the City shall be required as part of any development approvals granted.
- 2.3.4 Any application to amend these Official Plan Policies or related implementing Zoning By-law(s) and any other Planning Act application(s) including minor variances or consent application(s) within the Grand Niagara Secondary Plan Area shall be subject to the public notification requirements of the Planning Act and shall include circulation of notice(s) to the registered owners of the heavy industrial lands north and west of the Welland River within the municipal boundaries, which lands are as of the date of adoption of this Official Plan Amendment, owned by Cytec Canada Inc.

### 3. Land Use

#### Residential Low/Medium Density Designation

- 3.1 Lands designated Residential Low/Medium Density allow for a range and mix of housing types in the Secondary Plan Area. Low Density Housing, including Single Detached, Semi-Detached, and Townhouses, are the predominant housing form, Medium Density Housing are integrated throughout the Secondary Plan Area and are generally in proximity to the Open Space System and commercial areas, to provide residents easy access to this public amenity space and services.

#### Permitted Uses

- 3.1.1 The following uses are permitted within the Residential Low/Medium Density Designation:

  - single detached;
  - semi-detached;
  - duplex;
  - street townhouses, block townhouses, and stacked townhouses;
  - multi-unit buildings (triplex, fourplex, quadruplex);
  - live-work buildings;
  - low rise apartments;
  - accessory dwelling units;
  - home occupations; and,

- neighbourhood commercial (subject to the implementing Zoning By-law).

3.1.2 The appropriate mix of units, lot sizes, and specific density within the ranges set out in this Secondary Plan under sections 1.6.1, 3.13 and 3.1.4 for any Neighbourhood, property, or site, shall be determined at the time of the consideration of draft plans of subdivision and other development applications, in order to ensure compatibility and proper integration with surrounding land uses. Despite this, the lands located within the 200m setback from the 2km Cytec Arc shall be restricted to single detached dwellings on larger lots.

**Development Policies**

3.1.3 Single and semi-detached dwellings, duplexes, street townhouses, block townhouses, and other compatible housing forms may be developed within a net density range of 20 to 50 units per hectare.

3.1.4 Stacked townhouses, apartments, and other multiple housing forms may be developed to a maximum net density of 75 units per hectare

3.1.5 The building height shall be up to a maximum of 3 storeys, or 10 metres, whichever is less, with the exception of dwelling units located within the approximate 200 metre setback from the 2km Cytec Arc which shall be 2.5 storeys or 8 metres, whichever is less. Stacked Townhouses, apartments, and other multiple housing forms shall be a maximum of 4 storeys, or 14.0 metres, whichever is less.

3.1.5.1 Notwithstanding the height provisions of Part 5, Section 3 Policy 3.1.5, a maximum building height of 10 storeys may be permitted.

3.1.6 Back-lotting or reverse lot frontages shall be avoided and not considered unless demonstrated to be the only alternative (i.e. a buffer from industrial uses) and shall be minimized where abutting parks and valleys.

3.1.7 Dwellings shall address all road frontages and garage doors shall not dominate the view of the streetscape. Front and exterior side yard porches shall be encouraged. The implementing zoning by-law shall include details with respect to permitted encroachment for front and exterior side yards, as well as the maximum percentage of lot frontage permitted to accommodate garage doors.

3.1.8 Street and block townhouses should be located in proximity to open spaces and neighbourhood commercial uses to allow for walkable to amenity spaces and services.

3.1.9 Block townhouses shall be designed to integrate the streetscape by facing the street.

3.1.10 Live-work opportunities shall be supported through a combination of flexible zoning permissions and accommodations for combined residential and business or personal services, office uses, where appropriate, to facilitate home-based employment, which ensures proximity between housing and jobs and provides a mix of uses.

3.1.11 Live-work development shall be promoted, subject to implementing zoning, adjacent to, and within residential neighbourhoods and located along Collector Roads, transit routes, or at the gateway to a neighbourhood. These units provide not only higher densities to help support transit systems but a diverse range of shops and services that are within a convenient walking distance of the majority of adjacent residential neighbourhoods. Live-work units:

- are permitted within street and block townhouses;
- may use the first floor for commercial, retail, and office uses, and be oriented towards a public road; and,
- shall not have off-street parking in front of buildings. Parking should be accommodated through on-street parking or in driveways located off a rear lane.

3.1.12 Apartments and other multi-unit buildings are encouraged to be designed with a street frontage that is pedestrian-oriented with buildings located close to the street. Exterior pedestrian access to individual dwelling units is encouraged. Parking areas should be located within rear yards or interior side yards.

3.1.13 Apartment dwellings should be located such that front and exterior side yards are generously landscaped to complement the streetscape. Lower density housing forms may be utilized along street frontages in combination with apartment dwellings located internally.

### Second Units

3.1.14 Accessory dwelling units shall be permitted by the Zoning By-law within residential areas in single detached, semi-detached dwellings, street townhouses and accessory buildings thereto. Zoning regulations shall be based on the following:

- Only one second unit per lot is to be permitted.
- Sufficient lot size and configuration to accommodate adequate parking, green space and amenity areas for both the principal dwelling and the second unit.
- All applicable laws are met for the second unit
- The overall appearance and character of the principal dwelling is maintained.
- Accessory structures that have a second unit shall not be severed from the principal dwelling.

### Home Occupations

3.1.15 Home occupations shall be permitted in accordance with the regulations contained within the Zoning By-law.

## Employment

3.2 Lands designated Employment promote employment uses, supportive uses and transit supportive mixed use development.

### Permitted Uses

3.2.1 The following are uses permitted within the Employment Designation:

- Offices;
- Medical clinics;
- Government services and training facilities;
- Facilities for the research, development, and production of alternate energy sources;
- Prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations and are considered Class 1 industries in accordance with the MOECC D-6 Guidelines; and,
- Ancillary retail and commercial uses, which may be up to 25% of the gross floor area of the principal employment use, shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of the employment use.

3.2.2 A limited amount of ancillary uses may be permitted in the Employment Designation provided they are designed to primarily serve the local businesses and that ancillary uses collectively do not exceed 20% of total gross land area in the Employment Designation.

3.2.3 Notwithstanding the list of permitted uses in sections 3.2.1 and 3.2.2, the following uses are specifically prohibited:

- The outside display or storage goods in front or exterior side yards;
- Nightclubs or banquet halls;
- Places of entertainment;
- Adult entertainment parlour;
- Body rub parlour; and,
- Taxi establishments.

### Development Policies

3.2.4 Development on fully serviced employment lands shall be compact and should achieve an average minimum target density of 30 jobs per hectare in both the Built-up area and the Greenfield area. Densities will be monitored by the City as lands develop.

3.2.5 Employment uses shall be developed in accordance with the following design criteria:

- Loading and servicing areas located in the rear yard of the lot and screened from view through built form and landscaping;
- Buildings shall front onto the street and have a consistent front yard setback;
- Buildings sited and massed consistently with adjacent lands,
- Minimum landscaped area of 6 metres in front and exterior side yards except along Montrose Road where a minimum landscaped area of 12 metres in width shall be provided;
- Parking areas located at the rear of the building, away from the public street frontage. Parking areas shall be designed to incorporate vegetative islands; and,
- Structured or underground parking where feasible.

3.2.6 The City shall participate in discussions with telecommunications providers regarding the feasibility of servicing employment areas with leading edge telecommunications services, including broadband technology to attract knowledge-based industries and support economic development, technological advancement and growth of existing businesses.

3.2.7 Compatible and context sensitive building, site, and streetscape design, higher design standards shall be applied to properties visible from Arterial and Collector Roads, or where having exposure and visibility to the Queen Elizabeth Way (QEW); and on properties adjacent to, or across a road, from a residential, commercial or park use, a large scale public institutional use, or other sensitive land uses.

3.2.8 Large employment uses adjacent to residential uses shall be adequately screened and/or separated by appropriate buffers to provide a visual/noise barrier, and that land use compatibility is considered through subsequent planning processes.

3.2.9 The number of access points from individual lots to public roads shall be minimized. Shared access and internal connection between multiple lots is encouraged.

3.2.10 Opportunities for smaller-scale industrial uses in the form of industrial condominiums or similar forms of development which specifically cater to the needs of small business ventures are encouraged. These uses must be compatible with the existing and planned land uses in the area.

3.2.11 Employment generating land uses shall be easily accessible by vehicle, transit, bicycle, and walking.

3.2.12 Flexible and adaptable street patterns, building design, and siting shall consider future redevelopment and intensification opportunities.

3.2.13 Passive solar gain is to be considered in the design and layout of the internal Local Road/lotting pattern.

- 3.2.14 Best practices for waste management through on-site separation and storage for all recyclables shall be utilized.
- 3.2.15 Parking areas shall include preferential parking spaces for low-emitting and fuel-efficient vehicles and carpools or vanpools serving employees.
- 3.2.16 All new development within the Employment Designation shall be consistent with the Grand Niagara Urban Design Guidelines.

#### Hospital Employment Campus Designation

The primary use on Hospital Employment Campus Designation will be the proposed South Niagara Hospital and associated uses and facilities. The Hospital Employment Campus Designation (HECD) allows the opportunity for comprehensive health and wellness service delivery and employment for the surrounding communities.

Investment in public service facilities should be planned to keep pace with changing needs, maximize existing infrastructure accessible by active transportation and transit and to support the achievement of a complete community through the creation of community hubs. The Hospital Employment Campus Designation recognizes the hospital as the primary use and is intended to apply to lands adjacent to the hospital to support and encourage complementary associated and ancillary uses.

The HECD applies to lands located east and west of Montrose Road and north of Biggar Road/Lyons Creek Road, as identified on Schedule 'A-4' – Land Use.

#### 3.3 Permitted Uses

- 3.3.1 Hospital providing regional care services shall be the primary use.
- 3.3.2 Other permitted uses that support and maximize the operational benefits of community health and wellness provided in the HECD include:
  - Large scale institutional uses, medical clinics, laboratories uses that serve or support the hospital function;
  - Prestige employment uses including research, innovation, and development facilities, and business and administrative office buildings;
  - Community infrastructure including indoor recreation facilities and fire and emergency services; and,
  - Complimentary employment, office, retail, small scale commercial, hotels, restaurants, structured parking, assisted living for special needs groups and long term care facilities for seniors.

#### Development Policies

- 3.3.3 Gross target density measured across the HEC designation will be a minimum of approximately 30 jobs per hectare, notwithstanding Part 2, section 1.16.1.

- 3.3.4 All development, with the exception of the proposed Regional Hospital, shall be a maximum of 6 storeys, or 25 metres in height, whichever is less.
- 3.3.5 All uses are permitted only within enclosed buildings. No outside storage is permitted.
- 3.3.6 Driveway access to Arterial Roads shall be limited. All roads within the Hospital Employment Campus Designation shall be constructed to an adequate standard to accommodate anticipated traffic, including emergency services vehicles. Shared access is encouraged.
- 3.3.7 Lands within this designation are to be well served by public transit and well connected to active transportation facilities.
- 3.3.8 Development or redevelopment within the Hospital Employment Campus Designation shall be consistent with the following minimum requirements:
  - At grade parking areas in front yards or side yards that are paved and designed with internal and perimeter landscaping;
  - Parking spaces for employees and clients that are clearly delineated;
  - Structured parking utilized whenever possible;
  - Street edges that are clearly articulated with landscaping;
  - Lighting that is directed away from adjacent uses;
  - Processing areas and waste management facilities that are adequately screened from view; and,
  - Active transportation connections within and between the employment designation and other uses.
- 3.3.9 Compatible and context sensitive building, site, and streetscape design, in support of gateway initiatives, shall be achieved through higher design standards applied to: properties visible from Arterial and Collector Roads, or exposure and visibility to the Queen Elizabeth Way (QEW); and properties adjacent to, or across a road, from a residential, commercial or park use, a large scale public institutional use, or other sensitive land uses.
- 3.3.10 The location of new employment uses or operations may be subject to Provincial guidelines to ensure adequate minimum distance separation is provided from sensitive land uses.
- 3.3.11 Prestige Industrial uses shall be encouraged to locate at major highway interchanges to recognize these areas as gateways into the community.
- 3.3.12 Structured parking within the Hospital Employment Campus Designation should:
  - have active uses on at least two sides, and any side that faces a road;
  - provide screening to minimize the visual impact of the structured parking where it abuts a road;
  - integrate with the architecture and overall design of the site; and;

- be not more than 3 storeys in height.

### Mixed Use Centre Designation

3.4 The Mixed Use Centre Designation provides opportunities for retail and commercial uses that benefit from Arterial Road frontage and provides a transition to residential lands by permitting both commercial, as well as residential uses.

3.4.1 The following uses are permitted within the Mixed use Centre designation:

- Retail and service commercial uses;
- Restaurants;
- Offices;
- Recreational uses;
- Cultural uses;
- Residential uses in the form of stacked townhouses, apartments or other multi-unit buildings;
- Institutional uses;
- Public or private medical clinics; and
- Daycare centres, day nurseries.

### Development Policies

3.4.2 The Mixed Use Centre Designation is expected to accommodate approximately 475 to 710 people and 780 jobs, at a minimum, based on development assumptions of this Secondary Plan. The achievement of substantially greater population and/or employment yields shall be permitted without Amendment to this Secondary Plan.

3.4.3 Buildings may be developed as stand-alone commercial or residential uses, or in combination. However, it is the intention of this Plan to require that the lands located in the southwest quadrant, north of Biggar Road, and south of the rail line and lands on Montrose Road be developed as a mixed commercial/residential use.

3.4.4 Building heights shall not exceed 6 storeys, or 25 metres, whichever is less. Minimum building heights shall be 2 storeys, or 7.5 metres whichever is greater.

3.4.4.1 Notwithstanding the height provisions of Part 5, Section 3 Policy 3.4.4, a maximum building height of 15 storeys may be permitted.

3.4.5 Individual stand alone or mixed use buildings may be developed at an average Floor Space Index (FSI) of 3.0. The FSI generally refers to the ratio of the gross floor area of all buildings on a lot divided by the area of the lot on which the buildings are being developed.

3.4.6 Commercial uses may be developed as follows:

- Stand alone and ground floor commercial uses permitted in 3.4.1 that would benefit from exposure along an Arterial Road frontage are encouraged along Biggar Road and Montrose Road;
- Parking areas shall be located at the rear of the building, away from the public street frontage. Parking areas shall be designed to incorporate vegetative islands.

**3.4.7 Residential uses may be developed as follows:**

- Parking areas shall be located in the rear or interior side yards. Where a rear or exterior lot line, or rear or side building façade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades are attractive and parking areas are appropriately screened from view;
- Where residential uses are proposed in mixed use buildings, they must be located above the ground floor;
- Shared parking arrangements within mixed use buildings may be permitted on a site-specific basis, subject to a Parking Demand Analysis being submitted, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services; and
- Amenity areas should be located adjacent to natural heritage features in order to assist in mitigation of the development and to integrate built and natural environments, where appropriate.

**Environmental Protection (EPA) and Environmental Conservation (ECA) Areas**

**Natural Heritage System Policies**

**3.5** The Natural Heritage System recognizes the interdependence of natural heritage features and their associated functions, and thus seeks to maintain connections among natural features, so that their existing ecological and hydrological functions are maintained or enhanced.

**3.5.1** The biodiversity, ecological function, and connectivity of the Natural Heritage System shall be protected, maintained, restored or, where possible, improved for the long-term, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features. The Natural Heritage System is intended to:

- Protect the health and water quality of the Welland, Grassy Brook, and Lyon's Creek Watersheds;
- Conserve biodiversity;
- Protect all significant natural heritage features and their associated functions; and,
- Protect surface and underground water resources.

**3.5.2** The Natural Heritage System is comprised of Environmental Protection (EPA) and Environmental Conservation (ECA) Areas and associated buffers that the City shall protect and conserve.

3.5.3 Associated buffers are defined by an approximate 120 metre setback from the boundary of the Natural Heritage System. The 120 metre setback is intended to act as a trigger for the completion of an Environmental Impact Study (EIS).

3.5.4 The Natural Heritage System is subject to the policies of Part 2, Section 11 Environmental Policies of the City of Niagara Official Plan, with specific reference to the policies of Environmental Protection Area and Environmental Conservation Area, as identified in Section 11.2.

3.5.5 The Natural Heritage System is comprised of the following environmental components:

- Provincially significant wetlands;
- Provincially significant woodlands;
- Provincially significant valley lands;
- Significant wildlife habitat attributes and functions, including habitat for species-at-risk and rare plant communities such as prairie, savannah, and oak woodland;
- Significant areas of natural and scientific interest (ANSI);
- Hazard lands;
- Other natural heritage features (i.e. NPCA regulated wetlands, woodlands that are less than 4 hectares, treed slopes, and cultural habitat features); and,
- Enhancement/restoration areas.

3.5.6 The Natural Heritage System includes a 30 metre buffer from identified natural heritage features, such as Provincially significant wetlands and valleylands, and a 10 metre buffer to retained woodlands, to protect their ecological and hydrological functions. The 30 metre buffer may be increased, or decreased, as a result of further analysis carried out in an Environmental Impact Study.

3.5.7 Linkages and natural corridors that provide a connection between natural heritage features can include valleylands, contiguous woodlands and wetlands, creeks, hedgerows, and service corridors. New development should not interfere with the function of these linkages and corridors and all efforts should be made through design for the enhancement or rehabilitation of natural heritage resource connections. Where specifically defined through an EIS or other natural heritage study or plan linkages and corridors shall be protected through use of an appropriate zone in the City's Zoning By law.

3.5.8 Permitted uses, subject to the results of an Environmental Impact Study, on lands designated Natural Heritage System, may include:

- Conservation uses;
- Trails and other associated passive recreational opportunities and facilities that do not require substantial site alterations; and,
- Existing lawful uses, restricted to their geographic location as of the date of the passing of this Plan.

- 3.5.9 In addition to those permitted land uses, the extension of existing municipal infrastructure projects where the alignments or locations of those facilities have been established in this Plan, approved Secondary Plans, and Plans of Subdivision require the approval of an Environmental Assessment, and may be permitted within lands designated as Natural Heritage System, subject to the application of specific mitigation measures as set out in an approved Environment Impact Study.
- 3.5.10 Where development and/or site alteration, as permitted by the policies of this Secondary Plan, is proposed within the Natural Heritage System Designation, the City shall require that an Environmental Impact Study be prepared that demonstrates that there will be no negative impacts on any natural heritage features, or their ecological and hydrological functions
- 3.5.11 Where an application for development and/or site alteration is of a minor nature, the City in consultation with the Conservation Authority, or any other agency having jurisdiction, may waive the requirement to conduct an Environmental Impact Study, or appropriately scope the study requirements.
- 3.5.12 Significant changes to the Natural Heritage System Designation may be considered through an Environmental Impact Study, submitted in support of an Official Plan Amendment application.
- 3.5.13 No buildings or structures, nor the removal or placing of fill of any kind whether originating on the site or elsewhere, may be permitted within the Natural Heritage System Designation, except with the approval of the City and the Conservation Authority, where applicable, and any other agency having jurisdiction.
- 3.5.14 The establishment of any permitted use shall demonstrate no negative impact to the natural heritage feature or the supporting ecological and hydrological functions, as demonstrated through the required Environmental Impact Study. Where a permitted use requires mitigation, the mitigation shall result in no negative impact on the natural heritage features or their ecological functions.
- 3.5.15 Where fish habitat and/or the habitat of endangered species and/or the habitat of threatened species are identified, the required Environmental Impact Study shall ensure that all Provincial and Federal requirements have been satisfied.
- 3.5.16 Measures shall be provided to facilitate wildlife movement within the NHS, i.e., enhanced wildlife crossings to guide small and medium-sized animals through culverts beneath roadways; and a wildlife linkage to connect the NHS portions that are separated by Grassy Brook Road. Enhanced wildlife crossings are identified on Defined Natural Heritage System (Appendix IX-C).
- 3.5.17 The Natural Heritage System was derived using the detailed environmental information included in the Defined Natural Heritage System (Appendix IX-

C) and the Natural Heritage System Features and Functions (Appendix IX-D) to this Secondary Plan.

3.5.18 The Natural Heritage System has been defined through an environmental review as part of this Secondary Plan process. Some non-significant features and anthropogenic features and associated their functions will be removed and compensation for these lands will be provided to the satisfaction of the City, in consultation with, the Region and the Niagara Peninsula Conservation Authority (NPCA).

Where a negative impact is unavoidable, then the City at its sole discretion, and in consultation with the Conservation Authority and any other agency having jurisdiction, may accept a compensatory mitigation approach. Where compensatory mitigation is proposed, it must be demonstrated that the mitigation results in no net loss of the natural heritage feature and/or its ecological and hydrological functions. Compensation of wetlands identified as Provincially significant wetlands in the Natural Heritage System Features and Functions (Appendix IX-D) is not permitted.

The compensation program will be confirmed through the execution of a restoration and compensation agreement between the City and the landowner. The agreement shall address the following:

- Provision for the removal of certain natural heritage features within the Secondary Plan Area consistent with Schedule A-4(a) Natural Heritage Removal Plan and the Ecological Restoration Plan Savanta, February, 2017;
- Provision for the compensation of these features either on land within or outside of the Secondary Plan Area;
- Compensation permitted in a manner that is consistent with Schedule A-4(b) Natural Heritage Rehabilitation Plan and Ecological Restoration Plan Savanta, February, 2017;
- The identification of compensation lands;
- The preparation of a detailed restoration/enhancement plan;
- A description of works related to environmental restoration and/or enhancements and the timing of these works;
- The completion and establishment of restoration works prior to the removal of any existing natural heritage features;
- The requirement for a Work Permit regarding the compensation of any feature regulated by the Niagara Peninsula Conservation Authority;
- A detailed, multi-year monitoring plan of the compensation/restoration works; and
- The securement of compensation through the provision of a Letter of Credit submitted to the City.

3.5.19 The lands identified for restoration will be designated in an appropriate Environmental Protection category in the Official Plan and zoned to an appropriate Environmental Protection zone to ensure the long-term protection of the compensation/restoration works.

## General EPA and ECA Policies

3.6 Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 3.5.

3.6.1 An Environmental Impact Study is required for the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation. Adjacent lands are defined as:

- 15m from NPCA Regulated Wetlands less than 2ha in size and creeks outside the flood plain;
- 30m from Non-Provincially Significant Wetlands;
- 50m from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands; and,
- 120m from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2 ha.

3.6.2 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

3.6.3 A holding provision may be utilized through the City's Zoning By law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions.

3.6.4 Essential public uses of a linear nature including utilities, communication facilities and transportation routes may be permitted to extend through an EPA or ECA designation, or within adjacent lands, where an Environmental Assessment for the proposed use has been approved under Provincial or Federal legislation.

## Environmental Protection Areas (EPA)

3.7 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

3.7.1 Development or site alteration shall not be permitted in the EPA designation except where it has been approved by the Niagara Peninsula Conservation Authority or other appropriate authority, for the following:

- forest, fish and wildlife management;

- conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;
- small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions.

3.7.2 Minor expansions to an existing legal nonconforming use within the EPA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or increase in footprint shall require an Environmental Impact Study as part of a complete application.

3.7.3 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area.

3.7.4 Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By law. Development or site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.

#### Environmental Conservation Areas (ECA)

3.8 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

3.8.1 Permitted uses within the ECA designation shall include

- forest, fish and wildlife management;
- conservation and flood or erosion projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available;

- small scale, passive recreational uses and accessory uses such as trails, board walks, footbridges, fences, docks and picnic facilities that will not interfere with natural heritage features or their functions;
- uses ancillary to the uses listed above including: parking areas, interpretive centres, conservation area shelters, essential utility structures and other related uses that are compatible with the ECA designation;
- where such works have been approved by the Niagara Peninsula Conservation Authority or other appropriate authority.

3.8.2 Minor expansions to an existing legal non-conforming use within the ECA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. Expansions that result in a substantial intensification in land use or an increase in footprint shall require an Environmental Impact Study as part of a complete application.

3.8.3 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By law.

3.8.4 Valleylands are identified through mapping of the Niagara Peninsula Conservation Authority. A minimum vegetated setback from the top of bank shall be established through the implementing zoning by law based on site specific conditions in accordance with the Niagara Peninsula Conservation Authority Regulations. Where development or site alteration is proposed within or adjacent to a significant valleyland and ownership of the valleyland or flood plain is not assumed by the City or other public agency, the City may require the submission of a detailed site grading plan for any new lot prior to the issuance of a Building Permit as a condition of development.

#### Environmental Impact Study

3.9 An Environmental Impact Study may be required, in accordance with the policies of the Official Plan: Part 2, Section 11, Policies 11.1.17 to 11.1.21 (inclusive).

#### 4. Infrastructure

##### General

4.1 The road network serving the Secondary Plan Area will be developed under the principle of “complete streets”, with appropriate facilities provided for pedestrians, cyclists, transit, and vehicles.

4.1.1 The policies applicable to the provision of transportation services within this Secondary Plan are within Part 3, Section 1.5.18 of the Official Plan. Notwithstanding the provisions of Section 1.5.18, roads shall be provided in accordance with the provisions and standards established through this Secondary Plan Lands designated Residential Low/Medium Density allow for a range and mix.

4.1.2 Final route alignments, designs and requirements for roads, trails and other components of the active transportation system shall be established based on the further detailed traffic impact studies that will be required at future planning applications (site plans/draft plan of subdivisions). This study shall be completed and the requirements for all active transportation system components confirmed to the satisfaction of the City in consultation with other agencies having jurisdiction, prior to approval of development within the Secondary Plan Area.

4.1.3 Road classifications and right-of-way requirements established by this Secondary Plan shall be subject to confirmation through the further studies required by this Secondary Plan. Minor revisions to these requirements to incorporate design features such as streetscaping and bikeways may be made without further Amendment to this Secondary Plan, provided the requirements are established and confirmed through detailed studies and development approvals.

4.1.4 All road designs shall be consistent with the Grand Niagara Urban Design Guidelines and a traffic impact study submitted as part of a development application.

#### Arterial Roads

4.1.5 The following policies shall apply to Arterial Roads:

4.1.5.1 An increase in width of Arterial Roads from their current width shall be concurrent with development, subject to the confirmation that the Development Charge revenue generated at the time being sufficient and that the work qualifies under the Regional Development Charge By-law.

4.1.5.2 Arterial Road right-of-way widths shall be designed in accordance with the City and Region Official Plans, the Regional Transportation Master Plan, and the Region's Complete Streets Design Guidelines.

4.1.5.3 Driveway access to Arterial Roads shall be limited. On corner lots, driveway access shall only be provided on the lesser order road frontage.

- 4.1.5.4 Back-lotting or reverse lot frontages shall be avoided and not considered unless demonstrated to be the only alternative.
- 4.1.5.5 All development within the Secondary Plan Area that directly abuts an Arterial Road or the QEW shall provide appropriate buffering, landscaped open space, and shall consider the aesthetic function of the corridor.

#### Collector Roads

- 4.1.6 Collector Roads are to provide for the conveyance of traffic through the community and to provide for future transit routes,
  - 4.1.6.1 The routes, other than those currently existing, as shown on the Active Transportation Plan (Appendix IX-E), are schematic and are intended to be confirmed through a more detailed Traffic Impact Assessment and subsequent development approvals. Consequently, the routes may be adjusted without further Amendment to this Secondary Plan, provided that the principles of permeability and inter-connectivity are maintained to the satisfaction of the City.
  - 4.1.6.2 Grassy Brook Road will be extended west from Montrose Road to the terminus east of Morris Road, west of the boundary of the Secondary Plan Area, to provide for a continuous east west Collector Road and an alternate emergency exit.
  - 4.1.6.3 Collector Road right-of-way widths shall be designed up to a maximum of 20 metres, and in accordance with Part 3, Section 1.15.8 of the Official Plan.
  - 4.1.6.4 The location and design requirements for Collector Roads will be confirmed and implemented through subsequent development approvals.
  - 4.1.6.5 Back-lotting or reverse lot frontages shall be avoided and not considered unless demonstrated to be the only alternative.
  - 4.1.6.6 Bicycle lanes should be provided on all Collector Roads.
  - 4.1.6.7 Traffic circles are encouraged to be used at the intersection of any two Collector Roads.

#### Local Roads

- 4.1.7 A conceptual Local Road pattern is identified as part of the Grand Niagara Urban Design Guidelines. Changes to the identified Local Road Pattern shall not require any further amendment to this Secondary Plan, provided

that the principles of permeability and inter-connectivity are achieved to the satisfaction of the City.

- 4.1.7.1 Local Roads are expected to have a right-of-way width of up to a maximum of 20.0 metres.
- 4.1.7.2 Local Roads will be designed to accommodate on-street parking, sidewalks on both sides, and landscaping in the boulevards.
- 4.1.7.3 The location and design requirements for Local Roads will be confirmed and implemented through subsequent development approvals.
- 4.1.7.4 Back-lotting or reverse lot frontages shall be avoided and not considered unless demonstrated to be the only alternative.

#### Residential Lanes

- 4.1.8 Residential lanes may be provided for dwelling units that front onto Collector Roads or neighbourhood parks. The inclusion of rear lanes provides significant benefits, such as creating safer pedestrian environments through the removal of driveways.
- 4.1.8.1 The Residential Lane right-of-way will be a maximum of 8.5 metres, with a pavement width of 6.0 metres.
- 4.1.8.2 The location and design requirements for Residential Lanes will be confirmed and implemented through subsequent development approvals.

#### Public Transit

- 4.1.9 The City will develop an appropriate system of transit service for the Secondary Plan Area. Transit services to the Regional Hospital are considered crucial to the development of the Hospital Employment Campus lands.
- 4.1.9.1 Transit services will be implemented on a phased basis and based on acceptable operational and financial criteria.

#### Transit-Supportive Development

- 4.1.10 The following measures shall be provided through development proposals, including the subdivision of land, to facilitate the development of a transit supportive urban structure:
  - Local Road pattern and related pedestrian routes that provide for direct and safe pedestrian access to future transit routes and stops.

- Provision for transit stops with shelters and incorporation of bus bays where appropriate into road design requirements; and
- Transit waiting areas incorporated into buildings located adjacent to transit stops.

### Pedestrian and Bicycle Path System

4.1.11 Pedestrian and bicycle path systems shall serve the entire Secondary Plan community and be linked with other pathway systems in the City. Pedestrians and cyclists shall be appropriately accommodated within the entire road network, and within the trails network, conceptually identified on the Active Transportation Plan (Appendix IX-E).

- 4.1.11.1 Trails shall be designed, built, and maintained to City standards.
- 4.1.11.2 Trails for pedestrians and cyclists within the Secondary Plan Area shall be consistent with the Grand Niagara Urban Design Guidelines.
- 4.1.11.3 The trails system may include trails within natural features, stormwater management facilities, open spaces, parks, and the road system.
- 4.1.11.4 The trail system is to provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network, as well as to the employment areas and mixed use centres.
- 4.1.11.5 Trails and bikeways should connect into the Regional Bicycle Network System. This System, part of the Regional Bikeways Master Plan, includes the Arterial Roads Montrose Road and Lyons Creek Road.
- 4.1.11.6 The Plan encourages increased bicycle and pedestrian traffic and as such:
  - Dedicated bicycle/pedestrian paths will be provided in new development to create linkages to centres of activity and the sidewalk/trail system;
  - Rights-of-way for bicycle/pedestrian paths will be dedicated as part of the land requirements for transportation and will be dedicated as public rights-of-way as part of new development or redevelopments;
  - Adequate provision will be made in the planning, design, and development of all developments to ensure safety and efficient bicycle/pedestrian movement;
  - Pedestrian circulation will be on sidewalks or multi-use trails adjacent to roads and shall be separated from the

road by a landscaped boulevard. Exceptions may be considered where insufficient right-of-way widths exist, or other terrain constraints exist;

- The active transportation network will connect to major destinations, such as elementary schools, in order to provide convenient and safe access to facilitate travel by alternate modes of transportation;
- Vehicular crossings of off-street trails shall be minimized; and,
- Trail crossings of roads shall ideally be located at an intersection where trail users can be afforded the right-of-way. At trail crossings at midblock locations of a collector road, provisions should be made for a signed trail crossing to alert drivers of the likely presence of trail users.

## Sanitary Sewage and Water Supply Services

### Sewage and Water Allocation

4.2 Sanitary services will be constructed in accordance with the recommendations of the approved Grand Niagara Servicing Report, in the general locations shown on Appendix IX-F and in accordance with the requirements of the City and Region.

- 4.2.1 The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP) has identified the need for a new South Niagara Falls Wastewater Treatment Plant (WWTP) to accommodate anticipated future growth in South Niagara Falls which is estimated to be under construction by 2025, pending budget approval.
- 4.2.2 The Grand Niagara Secondary Plan Area is located within the South Side High Lift Sewage Pumping Station sewershed, which will be directed to the new South Niagara Falls Wastewater Treatment Plant (WWTP).
- 4.2.3 The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/Inflow and Infiltration reduction program to determine the interim capacity available for development prior to the construction and operation of the new South Niagara Falls WWTP. The strategy shall include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls.
- 4.2.4 Wastewater infrastructure shall be constructed in accordance with the recommendations of relevant servicing studies and the South Niagara Falls Servicing Strategy, subject to approvals from the appropriate authorities. This includes any upgrades to the existing pumping station required to service the Plan Area.

- 4.2.5 Water infrastructure shall be constructed in concert with wastewater infrastructure in accordance with the recommendations of the relevant servicing studies, subject to approvals from the appropriate authorities
- 4.2.6 All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities.
- 4.2.7 As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
- 4.2.8 Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City.
- 4.2.9 Lands served by private septic systems shall be properly decommissioned and connected to municipal sanitary sewers and water services when available.

#### Stormwater Management

- 4.3 Stormwater management facilities shall be permitted in all land use designations within the Grand Niagara Secondary Plan Area, except for the Natural Heritage System subject to the following:
- 4.3.1 Facilities may be permitted in the Natural Heritage System, outside of the Environmental Protection Areas (EPA) designation without the need for a further Amendment to this Plan. The preparation of an Environmental Impact Study, may be required to the satisfaction of the City and the Conservation Authority, and any agency having jurisdiction.
- 4.3.2 Storm drainage for the lands within the Welland, Grassy Brook, and Lyon's Creek Watersheds will be conveyed to the Welland River in accordance with the provisions of the Grand Niagara Stormwater Management Report.
- 4.3.3 A combination of piped storm sewers and overland drainage systems will be employed due to the generally flat topography and shallow drainage courses that flow through the Secondary Plan Area.
- 4.3.4 Stormwater management facilities will be key features within the community contributing to the appearance and ambience of the neighbourhood, while achieving functional objectives related to flow moderation and water quality.
- 4.3.5 Stormwater management facilities will blend with the natural landscape. Geometric forms and standard slope gradients will be avoided in favour of

organic shapes and land form grading designed to replicate natural land forms in the area. Inlet and outlet structures will be concealed using a combination of planting, grading and natural stone.

- 4.3.6 Stormwater management facilities shall not be fenced, but rather be designed with trails, overlooks and interpretive signage so that they are an integral part of the parks and open space system.
- 4.3.7 Stormwater management best practices shall be applied including stormwater attenuation and re-use, and low impact development techniques.
- 4.3.8 Stormwater management for the Secondary Plan area will be designed in such a manner that pre-development water balance conditions are maintained for all wetlands in the Natural Heritage System Designation. A detailed water balance will be required as part of a stormwater management plan submitted at the time of future development applications.

#### Alternative/Renewable Energy Policies

- 4.4 The Plan strongly supports and encourages development that minimizes energy consumption, optimizes passive solar gains through design, and makes use of renewable, on-site generation including but not limited to, solar, wind, biomass, and geothermal energy and as such:
  - 4.4.1 Alternative energy systems and renewable energy systems shall be permitted throughout the Secondary Plan Area in accordance with Provincial and Federal government requirements.
  - 4.4.2 Developers may consider the use of Regional Financial incentives that support alternative/renewable energy systems.

#### Utilities

- 4.5 The City shall participate in discussions with utility providers such as hydroelectric power, communications/telecommunications, pipelines and natural to ensure that sufficient infrastructure is or will be in place to serve the Secondary Plan Area.
  - 4.5.1 The City shall promote utilities to be planned for and installed in initial common trenches, where feasible, in a coordinated and integrated basis in order to be more efficient, cost effective, and minimize disruption.
  - 4.5.2 Utility services shall be developed to be compatible with the general character of the surrounding uses and minimize visual impact, where feasible. The City will encourage utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc., when determining appropriate locations for large utility equipment and utility cluster sites.

### 5. Implementation

- 5.1 The Secondary Plan shall be implemented in accordance with the requirements of the Planning Act, Development Charges Act, and other applicable legislation, including Part 4, Section 3 of the Official Plan.
- 5.2 The Secondary Plan shall be developed in accordance with the policies of this Section in conjunction with the application policies of the Official Plan. Where there is a conflict, the principles, objectives and/or policies of this Secondary Plan shall prevail.
- 5.3 The lands that are subject to future development shall proceed by way of an Amendment to the Zoning By-law. Applications shall comply with the policies regarding complete applications in Part 4 of the Official Plan.
- 5.4 The Phasing of development shall occur in accordance with the policies under Section 1.3 of this Plan and the Development Phasing Plan (Appendix IX-B).
- 5.5 Lot creation shall proceed primarily by way of Plan of Subdivision or Condominium. Applications for consent, and that do not impact the integrity of the Secondary Plan, may be considered for:
  - 5.5.1 lands where plans of subdivision or condominium are not appropriate;
  - 5.5.2 lands that have not been included in a plan of subdivision or condominium;
  - 5.5.3 technical purposes; or
  - 5.5.4 part lot control.
- 5.6 Air quality, noise, and vibration studies are required for any development of a sensitive land use that is located near a major facility such as a transportation corridor, rail line, industrial use, sewage or water treatment facility, pumping station, or a landfill operation. The developer shall be responsible for addressing and implementing any necessary mitigation measures required by the approved studies to the satisfaction of the City and the Region.
- 5.7 Development in the Secondary Plan is to proceed based on the restoration and compensation agreement executed between the City and the landowner and the associated Letter of Credit.
- 5.8 A Record of Site Condition under the Environmental Protection Act (EPA) for the change to a more sensitive land use (i.e. institutional, parkland, residential) shall be required.
- 5.9 Stage 1 and 2 Archaeological Assessments are required for all lands within the Secondary Plan, due to proximity (within 300m) to watercourses such as the Welland River and feeder creeks/streams.
- 5.10 Additional studies may be required based on the requirements of other agencies having jurisdiction.

**PART 5 SECONDARY PLANS****SECTION 4 RIVERFRONT COMMUNITY PLAN****PREAMBLE**

The purpose of the Riverfront Community Plan is to provide the vision and planning framework to guide future development in the Riverfront Community Plan Area.

**Principles and Objectives**

The following principles and objectives are to be achieved in Riverfront Community.

**Principle 1: Create a Healthy, Complete Community**

To create a safe, livable, attractive, and healthy community that provides living, working, learning, recreational and community services opportunities with linkages to natural features that encourage healthy, active living and create a strong sense of community.

**Objectives**

- to create a vibrant, memorable community core which is focused on lively streets that provide residents and tourists with a multicultural setting and acts as the focal point and draw for the community;
- to create an interconnected street system that is transit-supportive, comfortable and engaging for pedestrians and efficiently transports people and goods;
- to provide for a range of residential, commercial, employment, institutional, community and retirement facilities and uses that meets the daily and weekly needs of residents and employees;
- to create an interconnected system of parks, greenways, trails and open space linkages throughout the community that encourages active transportation and a healthy lifestyle and facilitates connections to nearby recreational opportunities;
- to integrate into the existing context, protecting against and limiting conflicts with adjacent industrial uses by mitigating any potential environmental air quality, noise and vibration effects.

**Principle 2 – Create a Sustainable, Resilient, Green Community**

To create a Natural Heritage System (NHS) that includes provincially significant wetlands among other natural heritage features that will provide the core for a healthy and green community structure designed.

**Objectives**

- to employ the approach of avoid, mitigate and rehabilitate in the conservation of natural heritage features;

- to sustain and enhance the natural environment through protection of Provincially Significant Wetlands (PSW's) and associated buffers and promote opportunities for functional linkages of protected areas using a combination of natural corridors and green space and special features which are incorporated into the built form;
- to maintain and improve the hydrologic function of protected wetlands;
- to provide for views to natural areas, parks and open spaces as well as to the Welland River and OPG Canal where possible to assist in the creation of an unique sense of place;
- to provide municipal services (water, wastewater and storm) to the satisfaction of the regulatory agencies, and apply storm water management best management practices which mimic the natural hydrology of the area and protect water quality;
- to create a walkable development community interconnected with cycling opportunities;
- to preserve existing mature trees located outside of the environmental protection areas and to integrate them into the built environment; and
- to encourage environmentally sustainable development, construction and servicing standards which consider climate change resiliency.

### **Principle 3 - Create a Diverse Residential Community**

To provide for a diverse range of housing types and densities that caters to people in all their life stages and allows for a range of affordability levels.

#### **Objectives**

- to provide a range of low to high rise buildings and ensure an appropriate transition between housing types;
- to meet the needs of residents of all ages including children, students, adults, and seniors, and ensure that development is accessible to all abilities;
- to provide a range of affordability, consistent with targets established by Niagara Region; and
- to develop neighbourhoods that each have a “sense of place” created by the design of the development, including the pedestrian orientation of the buildings and streetscapes, and the provision of parks and greenways which are designed to facilitate interaction.

### **Principle 4 - Develop an Integrated Open Space System**

To provide integrated open spaces, greenways, Environmental Protection, and parkland systems as a core feature of the community.

#### **Objectives**

- to integrate parkland and key community features with the greenways and open space system;

- to provide connected public open spaces throughout the community to enhance connectivity as well as provide view corridors;
- to integrate the Con Rail drain into the design of the community as a receiver of treated storm water drainage as a component of the storm water management systems and an aesthetic enhancement to the community; and
- to ensure that development protects significant natural heritage features by providing appropriate separation distances and buffers.

### **Principle 5 - Create Employment Opportunities with a Vibrant Local Economy**

To create opportunities for a vibrant local economy that provides local employment as part of this community.

#### **Objectives**

- to create a community core of high quality design that provides for a variety of commercial, entertainment, health care and tourist facilities and to create new institutional facilities all of which provide various employment opportunities;
- to provide an efficient, integrated transportation network that connects employment and residential areas with the greater community.

#### **1. General Policies**

1.1 Land use shall be consistent with the land use pattern shown on Schedule A-6. Future local and collector road locations will be determined through individual plans of subdivision that implement this land use plan. Any public road or public infrastructure proposed in a PSW will be subject to a Class EA if a suitable location cannot be approved as part of a plan of subdivision.

1.2 The following land use designations are established for the Plan Area

Residential, low/medium density;  
Mixed Use;  
Open Space and  
Environmental Protection Area.

Any changes in land use designation from that shown on Schedule A-6 shall require an amendment to this Plan.

1.3 The overall Greenfield density target for the Plan Area is a minimum of 53 combined residents and jobs per hectare. The City will monitor densities to ensure the target density is achieved. Individual sites may be developed at densities lower than the minimum without amendment to this Plan if it is demonstrated through appropriate analysis using the approved land use plan that the overall Greenfield target density will continue to be met within Riverfront Community.

1.3.1 The anticipated development yield for the Plan Area is:

- Population – 2,100 to 3,000
- Dwellings units – approximately 1,100
- Employment capacity – 1,800 to 2,800 jobs

1.3.2 Implementing by-laws should allow for a wide range of housing choices to ensure builders can respond to shifting market demands.

1.4 This Plan supports the provision of affordable housing as defined by the Province of Ontario. Affordable housing may be achieved by:

- Promoting higher density housing forms, where housing is more affordable due to reduce per unit land costs;
- Building smaller units, where housing is more affordable due to lower development and/or redevelopment costs;
- Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs; and
- Encouraging the development of second units.

1.4.1 The City will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.

1.4.2 Affordable housing shall be located in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

1.5 Guidelines from the Ministry of the Environment and Climate Change (MOECC) will be applied to limit potential for future land use conflicts with new sensitive land uses near existing industrial uses. Warning clauses shall be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements where appropriate regarding the proximity of heavy industrial land uses and railway lines to residential dwellings and the possibility that noise and vibration from them may be discernable.

1.6 The focus for employment opportunities in Plan Area will be in the Mixed-Use designations.

1.7 The availability of adequate municipal services including road, water, sanitary sewer and storm water management services including the location of a pumping station to service the southern portion of the subject lands shall be confirmed prior to the registration of implementing subdivision plans, plans of condominiums, and site plan agreements.

## 2. Land Use

### 2.1 Residential, Low/Medium Density

- 2.1.1 Lands designated Residential, Low / Medium Density are to include a wide variety of housing forms. These can range from low density ground oriented units including detached units, semi-detached, duplex and triplex dwellings to medium density units that include townhouses (on-street, stacked, and block), low-rise apartment buildings, and retirement homes (independent living, assisted living).
- 2.1.2 Low Density housing forms may be developed within a net density range of 20 to 50 units per hectare. Maximum building heights shall be 3 storeys.
- 2.1.3 Medium density housing forms may be developed to a maximum net density of 75 units. Building heights will be limited to 4 storeys however a building height of up to 6 storeys may be considered with appropriate architectural or urban design guidelines in place.
- 2.1.4 An increase in the maximum density may be considered without amendment to the Plan if appropriate design controls are in place and internal and external municipal services are sufficient to accommodate higher overall densities in the Plan Area.
- 2.1.5 Reverse lot frontage is to be avoided for all housing forms and only considered where it is demonstrated to be the only alternative.
- 2.1.6 Building designs should minimize the visual impact of garage doors on the public streetscape. The implementing by-law shall address this by regulating provisions such as garages being setback behind the livable portions of ground oriented dwellings, limiting garage widths to a percentage of the overall unit width, and other means Council deems appropriate to limit their visual impacts on public streetscapes.
- 2.1.7 Medium Density housing forms should:
  - 2.1.7.1 be located near the open space system and/or a community centre to provide residents easy access to a variety of amenities;
  - 2.1.7.2 be designed with a pedestrian-oriented street frontage that locates buildings close to the street and provides front entrances that are visible from the street. Parking lots should be located within rear or interior side yards. Landscape buffers along any property line shall be designed to provide appropriate levels of screening; and
  - 2.1.7.3 have direct vehicular access to a collector road, subject to site specific conditions.

## 2.2 Institutional

2.2.1 Institutional uses including public schools, private schools, places of worship, community centres and retirement homes and long-term care facilities are permitted the Residential, Low/Medium Density and Mixed Use designations subject to the following policies:

### Public Schools

2.2.2 The need for publicly funded schools will be determined by the respective school boards. Locations of any future schools will be guided by the following:

- 2.2.2.1 The site should be centrally located such that the majority of students are within an 800 metre radius to contribute to its walkability;
- 2.2.2.2 Elementary school sites shall have an area of approximately 2 hectares and be located with adequate frontage on at least one collector road;
- 2.2.2.3 School sites should be integrated with the open space system; and
- 2.2.2.4 Sites should be adequately separated from lands designated Industrial and the CP Rail line. Any site located within 300 metres of lands designated Industrial or 300m for noise mitigation, and 75m for vibration, from the rail line shall be required to address noise and/or vibration issues and provide appropriate building design and mitigation measures.

### Other Institutional Uses

2.2.3 Institutional uses not listed in Policy 2.3.1 shall:

- not have direct access onto a local road;
- locate parking within rear or interior side yards;
- provide landscape buffers along any property line with appropriate levels of screening;
- construct buildings near the street frontage to provide a street presence; and
- address noise or vibration issues where institutional uses are located within 300 metres of lands designated Industrial or 300m for noise mitigation, and 75m for vibration, from the rail line through building design and mitigation measures.

## 2.3 Mixed-Use

- 2.3.1 Land uses within the Mixed-Use designation include commercial (e.g. retail, hotel, restaurants) and residential uses.
- 2.3.2 Buildings may be developed as mixed use or stand-alone commercial or residential uses.
- 2.3.3 Building heights should be a minimum of 2 storeys, although 2 interior functional storeys may not be required, up to a maximum of 12 storeys with building massing increased at major road intersections.
- 2.3.4 Buildings should be designed and massed to frame streets and open spaces, enhance the public realm, and provide a comfortable pedestrian environment during all four seasons by ensuring adequate sunlight to public spaces and limiting uncomfortable wind conditions.
- 2.3.5 Sidewalks and public squares should be designed to provide safe, attractive, well designed and coordinated landscaping, lighting and street furnishings that enhance the pedestrian experience. Public art may be added to public squares to provide further interest.
- 2.3.6 Parking areas should be provided in structures. Where structures cannot be accommodated surface parking areas should be located in rear or interior side yards. Where a rear or exterior lot line or the rear or side building facade abuts a public road, enhanced landscaping and building treatments shall be employed to ensure that building facades and servicing areas are attractive or appropriately screened from view.

### Commercial Uses

- 2.3.7 Commercial uses may be developed as follows:
  - permitted uses include retail, office, theatre, arts, entertainment, restaurant, hotel, tourist, time share, medical, health and wellness, recreational, cultural and personal service commercial uses; and
  - The maximum amount of retail floor space envisaged is 26,000 square metres. Individual retail stores will be limited to a size which reflects an urban scale of development and supports the pedestrian oriented built form and will be established in the Zoning By- law.
  - Non-residential uses shall occupy no less than 10% of the total floor area.

### Residential Uses

- 2.3.8 Residential uses may be developed as follows:
  - Stand-alone residential buildings may be developed at a minimum net density of 75 units per hectare;

- Types of dwellings include apartment buildings, and retirement and long-term care facilities;
- Residential uses, except for lobbies and associated functions, should occupy floors above the ground floor in mixed use buildings;
- Shared parking arrangements within mixed use buildings may be permitted on a site-specific basis subject to submission of a Parking Demand Analysis, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services; and
- Outdoor amenity areas shall be provided.

## 2.4 Open Space System

- 2.4.1 The Open Space system includes parkland, trails and greenways and shall be confirmed during the approval of individual draft plans of subdivision.
- 2.4.2 Neighbourhood parks should be a minimum of 2 hectares in size and may accommodate active or passive recreation. The size of parkettes will be determined at the time of subdivision application.
- 2.4.3 Parkland dedication provided through individual plans of subdivision or condominium shall have connections to, or be readily connected to, other components of the open space system.
- 2.4.4 Storm water management facilities and natural heritage features will not be accepted as parkland dedication.
- 2.4.5 Greenways provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network as well as to the office business park and mixed-use areas.
- 2.4.6 Trails and greenways should connect with Dorchester Road and Chippawa Creek Road which are within the Regional Bicycle Network System.
- 2.4.7 An Environmental Impact Study shall be prepared to the satisfaction of the City in consultation with Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), when deemed appropriate, for any recreational trails that are planned to be extended into or adjacent to an area designated Environmental Protection Area. A Work Permit from the NPCA shall be obtained prior to construction, if deemed necessary.

## 2.5 Natural Heritage System

- 2.5.1 A Natural Heritage System (NHS) shall be applied to recognize the interdependence of natural heritage features and their associated functions, and to maintain those connections so that their existing ecologic and hydrologic functions are maintained or enhanced. Lands within the

NHS are subject to the policies of Part 2, Section 11 Environmental Policies of the City of Niagara Falls Official Plan.

2.5.2 The NHS within the Plan Area is comprised of the following environmental features and associated buffers:

- Provincially Significant Wetlands;
- Significant Woodlands;
- Significant Valley lands;
- Significant Wildlife Habitat attributes and functions, including habitat for species-at-risk and rare plant communities;
- Significant areas of natural and scientific interest (ANSI);
- Hazard Lands;
- Other natural heritage features (i.e. NPCA regulated wetlands, woodlands that are less than 4 hectares, treed slopes, and cultural habitat features; sensitive ground water areas, locally significant wetlands); and
- Enhancement/restoration areas.

#### Provincially Significant Wetlands

2.5.3 Provincially Significant Wetlands (PSW's) identified by the Ministry of Natural Resources and Forestry (MNRF) shall be designated Environmental Protection Area on Schedules A and A-6.

2.5.4 A feature no longer identified as a PSW by the MNRF shall assume the land use designation of the adjacent land use designation provided that the feature fails to meet any other natural heritage criteria. Should the feature meet other criteria, the applicable policies of this Plan shall apply.

#### Endangered Species Act

2.5.5 Endangered and threatened species shall be addressed in accordance with the Endangered Species Act (ESA) and continues to apply to subsequent Planning Act applications.

2.5.6 Natural Heritage feature FOD 7-3 as identified in the Savanta Environmental Impact Study, September, 2017 and Addendum, March, 2018 and on Schedules A-1, A-6 and A-6 (a) has the potential for endangered species habitat. Further studies as required by the MNRF shall be satisfactorily completed as part of the submission of any further Planning Act application in the vicinity of this feature.

2.5.7 Significant species habitat relocation shall be undertaken pursuant to any permits or approvals required under the ESA obtained from the MNRF.

2.5.7.1 The lands where the habitat is to be relocated shall be designated EPA.

2.5.7.2 The lands from which the habitat is removed shall be considered as EPA until such time as the habitat is

removed. Subsequent to removal, the adjacent land use designation shall apply to the feature provided that feature fails to meet another other criteria.

2.5.7.3 The policies of 11.2.14 shall not apply with respect to habitat relocation pursuant to the ESA.

#### Significant Wildlife Habitat

2.5.8 Natural Heritage Feature FOD 7-3 in the Savanta Environmental Impact Study, September, 2017 and Addendum, March, 2018 as FOD 7-3 and identified on Schedules A-1, A-6 and A-6 (a) contains potential Significant Wildlife Habitat (SWH). Further studies as shall be completed to the satisfaction of the City and NPCA as part of the submission of any further Planning Act application.

2.5.9 Development and site alteration may only be permitted if no negative impact has been demonstrated to the satisfaction of the City, in consultation with Niagara Region and the NPCA.

2.5.10 The relocation of SWH may only be undertaken after the satisfactory demonstration of no negative impact.

2.5.11 As a condition of draft plan approval, site plan approval or zoning by-law amendment, relocation works may only be undertaken under a Work Permit issued by the NPCA and in accordance with the conditions of a Resource Management Agreement entered into by the developer and the City.

#### Woodlands

2.5.12 Woodlands that are shown on Schedule A-6(a) as “potential woodland removal area” will be subject to a holding provision in the implementing zoning by-law. A condition to be met prior to the lifting of the H-provision will be the submission of an updated EIS to the satisfaction of the City, in consultation with Niagara Region, as part of a complete Planning Act application which demonstrates no negative impact on significant natural features or their ecological function. Woodlands located outside the subject lands within Special Policy Area #56 as shown on Schedule A-6(a) shall be rehabilitated in accordance with the conditions of a Resource Management Agreement entered into by the developer and the City as a condition of draft plan approval, site plan approval or zoning by-law amendment.

#### Resource Management Agreement

2.5.13 A Resource Management Agreement shall be executed between the property Owner and the City for any approved natural heritage feature removal and replacement, restoration, or enhancement program. The Agreement shall address the following:

- The provisions for the removal of certain environmental components within Plan Area consistent with Schedule A-6(a);
- The provision for enhancement, restoration or replacement either on land within or outside of the Plan Area, consistent with Schedule A-6(a);
- The identification of replacement lands that shall be designated as EPA and zoned Environmental Protection to ensure long-term protection of the restoration/enhancement areas;
- A description of the works related to environmental restoration, replacement or enhancements and the timing of these works, including provision of a detailed ecological restoration/enhancement plan. Such a plan shall require restoration/enhancement to help restore degraded woodlands and existing natural heritage features.
- A detailed multi-year monitoring plan of the restoration/enhancement works is required;
- Any work permits required under NPCA regulations; and
- A Letter of Credit for the total of the restoration/enhancement works shall be submitted to the City prior to initiation of the restoration/enhancement works.

#### Buffers

2.5.14 A thirty (30) metre buffer shall be established to protect the ecologic and hydrologic functions of natural heritage features. The thirty (30) metre buffer may be increased or decreased, based on an approved Environmental Impact Study required through the subdivision and development application process.

2.5.15 Where the extent of a buffer has been reduced through an approved EIS, the adjacent land use designation shall apply without amendment to this Plan. New development or site alteration within the naturally vegetated buffer determined through an approved EIS is not permitted.

#### General

2.5.16 Development within wetlands and other features regulated under Ontario Regulation 155/06 within the OPA boundary may be permitted based on the findings and subject to the conditions of any relevant EIS. These requirements may be further refined through new Environmental Impact Studies, prepared to the satisfaction of the City in consultation with Niagara Region and the NPCA, submitted in support of subdivision or condominium applications. An NPCA Work Permit shall be obtained as a condition of draft plan approval, site plan approval or zoning by-law amendment.

2.5.17 Linkages and natural corridors will be provided in accordance with the findings of any relevant EIS at locations intended to facilitate species movement and maintain biodiversity. The linkages may include both anthropogenic corridors provided by parks and open space areas as well as natural corridors. The width of the linkages should be a minimum of 50 metres wide but the specific location, width, function and implementation details of all linkages and natural corridors will be addressed through an approved Environmental Impact Study at the subdivision or condominium approval stage.

2.5.18 The Con-Rail Drain may be enhanced to improve its ecological and aesthetic function.

2.5.19 Conservation measures permitted in accordance with Section 11.2.14 b) may include Low Impact Development Best Management Practices used to create a water balance to PSW's subject to being limited to locations within buffer areas, appropriate technical supporting documentation and approval by Niagara Peninsula Conservation Authority. On-site stormwater management shall not negatively impact PSW's or their hydrology.

2.5.20 Refinement to the extent of the Riverfront Community land use designations and the establishment of appropriate setbacks and linkages will occur at the zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on relevant current or more detailed future Environmental Impact Studies.

2.5.21 Tree saving plans shall be required as part of subdivision and site plan applications to identify existing mature trees located outside of the Environmental Protection Areas and associated buffers to preserve and integrate them into the built environment where possible.

### **3. Infrastructure**

#### **3.1 Storm Water Management**

3.1.1 Overland and piped storm water flows will not be directed outside of the respective watershed.

3.1.2 Storm drainage shall be conveyed to the Welland River or OPG Canal.

3.1.3 The location of storm water management facilities shall be confirmed through plans of subdivision in accordance with the recommendations of relevant studies and subject to approvals from the appropriate approval authorities. Such facilities are not shown on Schedule A-6 and may be located under any land use designation with the exception of the Environmental Protection Area.

3.1.4 Private individual or temporary storm water management facilities are discouraged. Such installations shall be undertaken at the cost of the developer.

- 3.1.5 Storm water management facilities will be constructed as naturalized features, utilizing native plant species and grading techniques to create a natural area. If required, public access will be limited using approved landscaping techniques; fencing is strongly discouraged. Such facilities should be integrated with the community's Open Space System.
- 3.1.6 Low Impact Development storm water management best management practices is encouraged where appropriate to mimic the natural hydrology of the area and protect water quality.
- 3.1.7 The Con Rail drain will continue to act as a component of the storm water management system and will receive treated drainage from Plan Area as well as drainage from outside of this area. It may be enhanced with improved bed and slope treatments and added vegetation to aesthetically improve the appearance of the drain. Enhancements shall be implemented through subsequent Planning Act applications and will be subject to approvals from the appropriate authorities.

### 3.2 Sanitary and Water Services

- 3.2.1 Sanitary services will be constructed in accordance with the recommendations of approved servicing studies. This includes a pumping station required to service the Riverfront Community.
- 3.2.2 The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP) has identified the need for a future South Niagara Falls Wastewater Treatment Plant (WWTP).
- 3.2.3 The Riverfront Community is located within the South Side High Lift Sewage Pumping Station sewershed. The Riverfront Community will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.
- 3.2.4 The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/Inflow and Infiltration reduction program to determine the interim capacity available for development. The strategy will include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls.
- 3.2.5 Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City
- 3.2.6 All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities.
- 3.2.7 As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that

draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

### 3.3 Utilities

- 3.3.1 The City shall participate in discussions with utility providers such as hydroelectric power, communications/ telecommunications, pipelines and natural gas to ensure that sufficient infrastructure is or will be in place to serve the community.
- 3.3.2 The appropriate locations for large utility equipment and cluster sites will be determined through the Environmental Assessment and subdivision processes. Consideration will be given to the locational requirements for larger infrastructure within public rights of way, as well as easements on private property.
- 3.3.3 Utilities will be planned for and installed in a coordinated and integrated basis to provide for efficient, cost effective services and to limit disruptions.

## 4. Transportation

- 4.1 Individual Plans of subdivision will provide suitable connectivity to facilitate walking, cycling and access to transit.
- 4.2 Right-of-way widths for arterial and collector roads shall be in accordance with PART 3, Section 1.5 – Transportation of the Official Plan. Right of way widths for local roads shall be determined at the time of subdivision approval but may be less than 20 metres subject to Council approval. The City may require road widening dedications in addition to the designated road allowances indicated in PART 3, Section 1.5 without the need for amendments to this Plan for purposes of:
  - Additional site triangles at intersections and entranceways necessary for traffic operational design purposes;
  - Turning lanes at intersections or to provide suitable access to major traffic generator developments;
  - Sites for traffic control devices (e.g. roundabouts) and transit facilities (e.g. bus lay-bys); and
  - Additional width to the scenic parkway to facilitate enhanced landscaping and active transportation facilities.
- 4.3 A traffic impact study or other transportation-related studies as may be determined shall be provided as part of an application for subdivision or Zoning By-law approval, to the satisfaction of the City. The traffic impact study will assess the impacts of the proposed phase of development on the existing road network, intersections and recommend any improvements to the road network that will be needed for that phase. A traffic monitoring program will be established as a

condition of initial draft plan approval to assess the performance of the Stanley/Chippawa Parkway intersection and the need for any improvements. Any improvements to the existing road network or to intersections shall be a condition of draft plan approval and constructed at the cost of the applicant unless such improvements have been identified in the Development Charges By-law.

4.4 Dorchester Road and Chippawa Parkway are designated as local municipal arterial roads. The following policies shall apply to these arterial roads within this Plan Area:

- Expansion of Dorchester Road and Chippawa Parkway from their current width is not required to support development of Riverfront Community.
- Driveway access to arterial roads shall be restricted in accordance with the City's requirements. On corner lots, driveway access shall be provided only from the lesser order road frontage.
- Reverse lot frontage shall be avoided.
- Generously landscaped open space shall be provided along arterial road frontages save and except for any driveway or sidewalk access.
- Chippawa Parkway shall be designed as a scenic parkway through implementing plans of subdivision or municipally initiated processes, with designs that provide opportunities to enhance its scenic nature and facilitating views to the Welland River.

4.5 The collector road network is shown on Schedule A-6. Collector roads are to provide for the conveyance of traffic within the community and to provide for transit routes. Accordingly, the following shall apply:

- Bicycle lanes should be provided on all collector roads.
- Reverse lot frontage shall be avoided where possible.
- Traffic circles/roundabouts will be encouraged to be used at the intersection of collector and arterial roads.

4.6 The specific configuration of local roads, laneways and the resultant lot patterns shall be established through implementing plan(s) of subdivision.

4.7 New road crossings of the CP Rail line will be limited to one inside the Plan Area, subject to federal rail legislation and prevailing railway regulations.

4.8 The construction of the bridge the Welland River is not required prior to the completion of the development of Phase 1 of Riverfront Community, based on the findings of the current transportation assessment. The 2017 Niagara Region Transportation Master Plan, which included extensive consultation with the City as well as other agencies and the public, determined that a crossing of the Welland River would best address future needs. A Municipal Class Environmental Assessment ("Class EA") shall be undertaken in the future to confirm the need and

preferred location for a crossing of the Welland River. The Class EA process would include more detailed planning, environmental, engineering, and design work within a public and agency consultation framework

4.9 Initiation of the Class EA shall be triggered by any relevant development approvals beyond the Riverfront Community OPA boundary. This process may also be triggered if densities within the OPA boundary exceed those assumed in the Riverfront Community Transportation Assessment – April, 2018 (Paradigm Transportation Solutions Limited). In either case, a Transportation Impact Study will be required prior to approvals for these applications. The Class EA study shall identify community and environmental impacts, and shall identify measures to be undertaken to mitigate any such impacts.

## 5. Sustainable Development

5.1 Development shall occur in accordance with the Energy Conservation policies established in Part 3 Section 3.1 of this Official Plan and will be encouraged to exceed the energy efficiency requirements within the Ontario Building Code. New development will be encouraged to incorporate alternative energy sources where appropriate.

5.2 Development will be designed to encourage the use of transit and active modes of transportation and should facilitate the use of alternative energy vehicles where appropriate.

## 6. Growth Strategy

6.1 Order of Development

6.1.1 Development shall progress in an orderly, efficient and fiscally responsible manner.

6.1.2 Council may use holding provisions in the zoning of lands to ensure development occurs in an orderly manner.

6.1.3 Holding provisions can be lifted only after the following matters have been satisfied:

- sufficient revenue has been, or will be, generated to finance the servicing of the proposed Plan Area, either through Development Charges revenue or other suitable means of finance;
- any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- the extent of the short term (serviced) land supply within Plan Area is not more than 10 years; and

- the execution of a required front ending agreement by the owner of lands in accordance with requirements of the Development Charges Act

6.1.4 Development shall not proceed until a municipal sanitary sewer and watermain are extended along Chippawa Parkway or Dorchester Road to Plan Area. The timing of the extension of the municipal sanitary sewers and watermains will be dependent on the financial resources of the City and/or any front-ending agreements between benefiting landowners.

6.1.5 The City, through future Development Charge By-law Reviews, may consider an area specific Development Charge By-law for Plan Area.

6.1.6 The development of employment generating uses is encouraged to proceed concurrently with residential development to help create a complete community. Convenience retail and service commercial uses are encouraged to develop concurrently with residential development to provide residents with daily services.

6.1.7 Medium and high-density housing forms should develop concurrently with lower density forms. Applications should provide an indication of the phasing of each dwelling type.

6.2 Front-ending Agreements

6.2.1 For the purposes of the policies associated with Plan Area, a front-ending agreement, pursuant to the Development Charges Act, is a financial contract with the City whereby an individual or individuals agree to pay for the installation of infrastructure identified in the Plan to permit development to proceed within Plan Area in advance of other benefiting development paying its share of costs within or outside the boundaries of Plan Area.

6.2.2 Council may consider entering into a front-ending agreement with the developer, as a condition of approval, in accordance with City policies and procedures respecting such agreements where an application has been made for development in advance of the installation of infrastructure identified within Plan Area policies as required to support the subject development, including both on-site and off-site services as well as upstream and downstream system requirements.

**7. Implementation**

7.1 This Amendment shall be implemented in accordance with the requirements of the Planning Act, Development Charges Act and other applicable legislation. Development shall proceed by way of amendment to the Zoning By-law. Applications made shall comply with the policies regarding complete applications in PART 4 of this Plan.

7.2 Lands which require a Record of Site Condition (RSC) prior to development will be subject to an H-provision in site specific zoning.

7.3 Detailed air quality, noise and vibration studies will be required for any development for a sensitive land use proposed near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility or pumping station, as part of subsequent Planning Act applications, including Zoning By-law Amendments, Draft Plans of Subdivision or Condominium, or Site Plan Approval.

7.4 Lands located in the eastern part of the Plan Area within a 300m distance separation from the concrete batching plant (Class III industry) on Progress Street as shown on Schedule A-6, shall be subject to further detailed land use compatibility assessments. Such assessments shall be submitted as part of any further Planning Act application.

7.5 Lot creation shall proceed primarily by way of plan of subdivision or condominium. Applications for consent or exemption from part lot control that maintain the integrity of the land use plan found on Schedule A-6 may be considered when:

- plans of subdivision or condominium are not appropriate;
- lands were not included in a plan of subdivision or condominium; or
- further separation of buildings is required and either severance or exemption from part lot control is the most appropriate mechanism available or for other similar technical reasons.

7.6 Applications shall be consistent with the urban design policies of this Community Plan. Additional criteria may be provided through specific urban design guidelines submitted with applications for draft plan approval, site plan approval or zoning by-law amendment. Alternatively, the Region's Model Urban Design Guidelines will be used if Urban Design Guidelines are not prepared in support of the Riverfront Community's draft plans of subdivision and condominium or for site plan review.

7.7 A Stage 3 Archaeological Assessment shall be conducted for Site AgGs-387 prior to development within 50 metres of this site. Development related activities shall not occur within the buffers recommended by this report. This site lies near Dorchester Road just north of the Con-Rail Drain.

7.8 Appropriate studies and clearances, such as Records of Site Conditions and detailed Environmental Impact Studies (EIS), shall be required through implementing planning applications prior to final subdivision approval and site development.

7.9 Residential uses permitted in the implementing zoning by-laws shall allow for a wide range of housing opportunities to ensure affordable options are available.

7.10 Subject to specific requirements agreed upon with Indigenous communities, conditions of subdivision approval may require appropriate engagement with Indigenous communities, including requirements for the developer to engage personnel on site to monitor construction on behalf of those communities. This policy is will enable negotiations between the City and Indigenous communities as appropriate and shall not fetter opportunities for alternate approaches that may

be agreed upon that more appropriately address Indigenous communities' concerns and comments.