

OFFICIAL PLAN AMENDMENT NO. XXX

PART 1 – PREAMBLE

(i) **Purpose of the Amendment**

The purpose of the amendment is to redesignate the lands known municipally as 9304 McLeod Road to “Residential” and “Open Space” and to be identified as Special Policy Area “XX” as shown on the map attached entitled Map 1 to Amendment XXX.

(ii) **Location of the Amendment**

The amendment applies to lands shown as “Special Policy Area XX” on Map 1 to Amendment XXX.

(iii) **Details of the Amendment**

Text Change

PART 2, SECTION 13 – SPECIAL POLICY AREAS, is amended as outlined in PART 2 – BODY OF THE AMENDMENT.

(iv) **Basis of the Amendment**

The City of Niagara Falls completed an Employment Lands Strategy to provide a long-term land use and planning policy framework for the City to enhance the competitive position for industrial and office employment. The study assessed “the City’s long-term employment land needs to the 2051 planning horizon, considered the adequacy and marketability of the City’s ‘shovel-ready’ employment lands in the near-term, and provided a number of policy recommendations for implementation to achieve consistency, conformity and alignment with upper-tier and provincial planning policy.”¹

Watson & Associated Economists Ltd (Watson), in partnership with Dillon Consulting Ltd (Dillon), and MOB Insight Inc. (MOB), completed the Employment Land Strategy. The Niagara Falls Employment Land Strategy was subject to a thorough public process including the required statutory public meetings.

The Strategy resulted in the adoption of Official Plan Amendment No. 147 on March 21, 2023 by Niagara Falls City Council. The Region of Niagara approved Amendment 147, with modifications, on August, 17, 2023. Amendment 147 is currently under appeal and before the Ontario Land

¹ City of Niagara Falls, Official Plan Amendment No. 147, Basis of the Amendment

Tribunal.

The Subject Lands, 9304 McLeod Road, were reviewed and assessed in the Niagara Falls Employment Land Strategy. The Strategy concluded the Subject Lands would be redesignated to “Residential”. Specific policies relative to land use compatibility were included in Amendment 147, relative to the Subject Lands. The specific policies were further modified by the Region of Niagara in its approval.

The City of Niagara Falls has also approved a Zoning By-law and a Plan of Subdivision for the Subject Lands. The Zoning By-law has been appealed to the Ontario Land Tribunal. The Plan of Subdivision (“McLeod Meadows”) is draft approved and not under appeal. The Draft Plan of Subdivision is being revised to incorporate changes in the layout. The revisions to the Draft Plan of Subdivision require changes to the City’s Official Plan and Zoning By-law. In order for the proposed revisions to the Draft Plan of Subdivision to be addressed by the City, applications for an Official Plan Amendment and Zoning By-law Amendment are required.

Proposed Amendment XXX incorporates the findings of the Niagara Falls Employment Land Strategy and the Special Policy Area policies as detailed in the Region of Niagara’s approval of Amendment 147.

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XXX to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. MAP CHANGES

SCHEDULE “A” – FUTURE LAND USE PLAN is amended by designating lands currently identified as Part 1 as shown on the map attached entitled Map 1 to Amendment No. XXX as “Residential”.

SCHEDULE “A” – FUTURE LAND USE PLAN is amended by designating lands currently identified as Part 2 as shown on the map attached entitled Map 1 to Amendment No. XXX as “Open Space”.

2. TEXT CHANGES

Policy 13.XX SPECIAL POLICY AREA “XX”.

Special Policy Area “XX” applies to 22.9 hectares of land on the south side of McLeod Road, east of Beechwood Road, known municipally as 9304 McLeod Road.

1. The Residential designation of the lands will come into effect only when the following conditions are cleared by the City of Niagara Falls in consultation with Niagara Region
 - a. That as part of any development application submission on the lands, the applicant shall undertake a Risk Assessment for review and approval to support a Residential designation on the lands.
 - i. Niagara Region will undertake a peer review of the Risk Assessment to confirm that the methodology utilized is appropriate and to certify that the Risk Assessment complies with the approved Terms of Reference.
 - ii. If the Risk Assessment determines that Residential uses are not appropriate for the lands, due to there being an unacceptable risk to public health or safety or other factors, the Risk Assessment shall identify appropriate non-residential uses to be considered for the lands.

- b. That as part of any development application submission on the lands, the applicant shall prepare a Land Use Compatibility Study in accordance with Provincial D-6 Guidelines, which shall be peer reviewed.
 - c. That as part of any development application submission on the lands, the applicant shall provide written acknowledgement demonstrating the gross floor area of non-residential space being retained for a similar number of jobs to remain accommodated on the site to support the conversion of the lands in accordance with Part 2, Policy 8.33 of this Plan.
2. A “Limit of Residential Development” is included on Map 1 to Official Plan Amendment XXX. Land use south of the “Limit of Residential Development” shall be restricted to the following uses: conservation use, existing agricultural use, wildlife management, work of a conservation authority, recreational uses without residential uses, and public services including walkways but excluding schools.
 3. That any Residential development on the lands within Special Policy Area “XX” shall have a maximum building height of 12 metres.
 4. Notice/warning clause(s) shall be registered on title to any future Residential lots/units to notify the owners that there is potential odour, air and noise emissions, including provision of high intensity lighting emanating from neighbouring industries, including the heavy industrial uses located west Garner Road and north of Chippawa Creek Road, and from the Region’s Garner Road Biosolids Treatment Facility.
 5. The lands within Special Policy Area “XX” are located within the Thompson Creek Watershed. Prior to any development, a comprehensive Stormwater Management Report is required to assess the impact on Thompson Creek.