

**Official Plan Amendment and Zoning By-law Amendment
Applications**

Modification to Approved Draft Plan of Subdivision

9304 McLeod Road - “McLeod Meadows”

Niagara Falls

For: 800460 Ontario Limited

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1.0 Introduction

This Planning Justification Report is prepared in support of applications being submitted to the City of Niagara Falls for lands known municipally as 9304 McLeod Road. NPG Planning Solutions Inc. are planning consultants to 800460 Ontario Limited, “Owner” of approximately 22.92 hectares of land in the City of Niagara Falls, in the southeast quadrant of McLeod Road and Beechwood Road (“Subject Lands”) and known municipally as 9304 McLeod Road.

NPG has been retained to prepare this Planning Justification Report (“PJR”) as part of applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) to implement requested modifications to an approved Draft Plan of Subdivision for the Subject Lands. Modifications to the approved Draft Plan of Subdivision are also being requested as part of the OPA and ZBA applications. The applications will allow for the development of 544 dwelling units on the Subject Lands, including 149 single detached dwellings, 201 on-street townhouse dwellings, 86 reverse frontage on-street townhouse dwellings, and 108 back-to-back townhouse dwellings.

1.1 Current Applications

This PJR evaluates the appropriateness of the OPA and ZBA applications when assessed against the *Planning Act*, Provincial Planning Statement, Niagara Official Plan, Niagara Falls Official Plan, and Niagara Falls Zoning By-law (“ZBL”) No. 79-200, as amended.

The applications are for:

- An OPA to redesignate the Subject Lands for residential purposes with an Open Space designation to recognize the NPCA regulated watercourse on the Subject Lands and lands for a park and stormwater management pond.
- A ZBA to rezone lands to implement the OPA and facilitate modifications to the approved draft Plan of Subdivision, including site-specific provisions and zoning relief.
- Modifications to the approved Draft Plan of Subdivision that reflect discussions with adjoining landowners, the City, and the Region and involve changes to the physical layout and the conditions of Draft Plan approval.

Sections 5.1, 5.2, and 5.3 of this PJR assess the proposed development against provincial and regional planning policies. Section 5.4 demonstrates the proposal conforms to the Niagara Falls Official Plan and the City’s Employment Land Strategy, while Sections 8.0 and 9.0 provide planning justification for the proposed OPA and ZBA.

In our opinion, the proposed OPA and ZBA applications, as well as the modifications to the Draft Plan of Subdivision, constitute good land use planning, are in the public interest, and should be approved.

1.2 Previous Applications

The Subject Lands were considered and approved for residential development by the City of Niagara Falls through a combination of a City initiated study of Employment Lands and private applications for a Zoning By-law Amendment and Draft Plan of Subdivision. The principle of residential use of the Subject Lands has been established and supported by the City previously.

1.2.1 – City of Niagara Falls OPA 147 for Employment Lands

Watson & Associated Economists Ltd (Watson), in partnership with Dillon Consulting Ltd (“Dillon”), and MOB Insight Inc. (“MOB”), completed an Employment Land Strategy for the City of Niagara Falls. The Strategy was subject to a thorough public process including the required statutory public meetings, assessed the City’s long-term employment land needs, and provided policy recommendations to achieve consistency, conformity and alignment with Regional and Provincial planning policy.

The Strategy resulted in the adoption of OPA No. 147 on March 21, 2023, by Niagara Falls City Council. The Region of Niagara approved OPA No.147, with modifications, on August 17, 2023—after which it was appealed to the Ontario Land Tribunal (“OLT”) by two parties. The Subject Lands were reviewed and assessed in the Niagara Falls Employment Lands Strategy, which determined they should be redesignated to “Residential”. The Watson Study determined that the Subject Lands were not required as Niagara Falls had sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan. Specific policies concerning land use compatibility were included in OPA 147 pertaining to the Subject Lands and were further modified by the Region.

OPA 147 was appealed to the OLT by Cytec Canada (now “Solvay”). The appeal of OPA 147 is before the Tribunal.

1.2.2 – McLeod Meadows Draft Plan of Subdivision and Zoning By-law

Draft Plan of Subdivision and Zoning By-law Amendment applications pertaining to the Subject Lands were approved by Niagara Falls City Council on June 20, 2023. The applications proposed a total of 498 dwelling units consisting of 203 detached lots, 23 blocks for 107 on-street townhouse dwellings, 11 blocks for reverse frontage on-street townhouse dwellings, 6 blocks for 46 back-to-back townhouse dwellings, 3 multiple residential blocks for 80 dwellings, and blocks for park, stormwater management, environmental protection, road widenings, reserves, and land to be dedicated as municipal streets. The approval of the Draft Plan of Subdivision included a comprehensive list of conditions provided in Appendix A to Niagara Falls Report PBD-2023-34 (see **Appendix A** for approved Draft Plan and Conditions).

Zoning By-law 2023-078 implemented the residential use and the standards of development for the variety of housing units included in the Draft Plan of Subdivision. Zoning By-law 2023-078 included the following provisions specific to the Subject Lands:

- R3 (Residential Mixed) Zone, modified – for single detached, semi-detached and street townhouses
- R5B (Residential Apartment) Zone, modified – for stacked townhouses
- EPA/EPA (Environmental Protection Area), modified – for the creek and stormwater pond
- OS (Open Space), modified – for the park block

Appropriate standards were included for each zone as well site specific use permissions for the EPA modified zoned lands.

The ZBA was approved with a Holding (H) provision requiring the following:

- *The "Compatibility/Mitigation Study-Air Quality, Noise and Vibration" prepared by SLR Consulting (Canada) Ltd. (dated March 23, 2022), as well as any subsequent revisions thereto, be approved by Niagara Region and City;*
- *The approval of City Official Plan Amendment 147 by the Regional Municipality of Niagara and the Amendment going into force and effect;*
- *Any development on the subject lands shall conform to the policies of Official Plan Amendment 147, including any resulting modifications; and,*
- *The implementation of any mitigation measures as required by the approved Land Compatibility- Air Quality, Noise and Vibration Study, all to the satisfaction of the City and Niagara Region;*

The ZBA was subsequently appealed to the Ontario Land Tribunal (“OLT”) by Cytec Canada Inc./now Solvay (“Solvay”). The Draft Plan of Subdivision was not appealed as there is no appeal permitted under the Ontario *Planning Act*.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located south of McLeod Road and east of Beechwood Road in the City of Niagara Falls, Regional Municipality of Niagara (see **Figure 1** below).

The Subject Lands are described legally as Part 1 & Part 2, Plan 59R-16846; Part of Lot 181 Geographic Township of Stanford, now in the City of Niagara Falls, Regional Municipality of Niagara and are comprised of two assessment parcels:

- The westerly parcel (ARN 272511000200100) is unaddressed; and
- The easterly parcel (ARN 272511000207700) is addressed as 9304 McLeod Road.

Combined, the Subject Lands are 22.92 hectares in area and have 618.24 metres of frontage on McLeod Road and 367.14 meters of frontage on Beechwood Road.

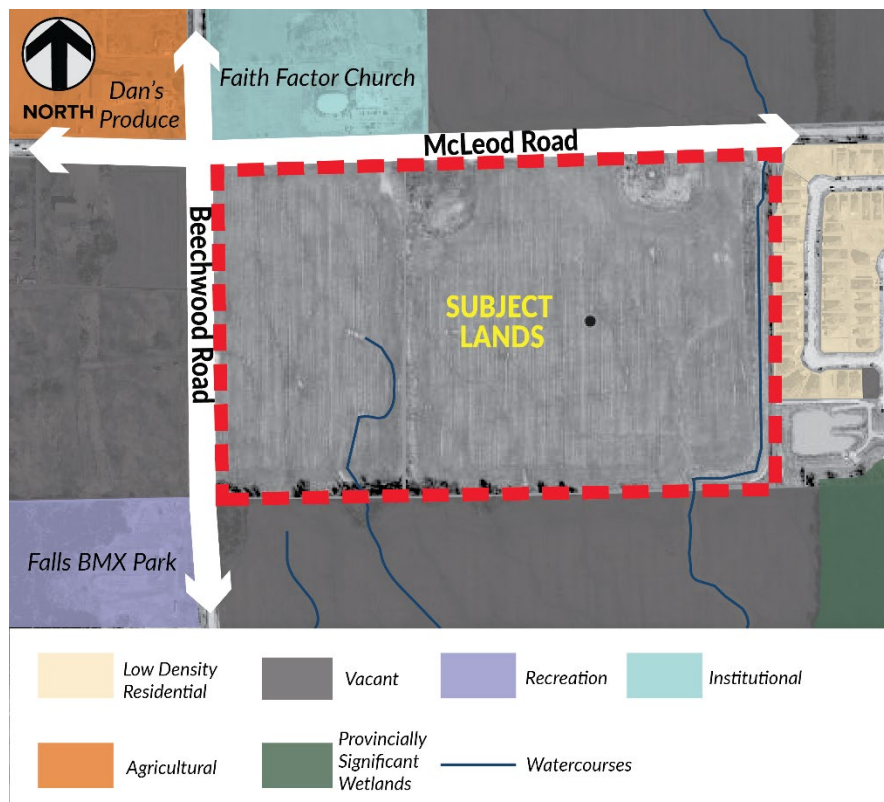


Figure 1 – Aerial Context

Existing Site Conditions

The Subject Lands are primarily comprised of cultivated field with NPCA regulated watercourses on a portion of the Subject Lands. Available aerial imagery indicate the Subject Lands have likely been used for agricultural purposes since at least the first half of the 20th century. A dwelling and accessory structure were located at 9304 McLeod Road but have been removed. There are no buildings or structures currently on the Subject Lands. A watercourse traversing the eastern portion of the site was realigned in accordance with NPCA permit no. 202001142. Other drainage features on the Subject Lands will be replaced by stormwater management infrastructure installed as part of the proposed development.¹

Surrounding Land Uses

As shown diagrammatically on **Figure 1**, the existing uses on surrounding lands can generally be described as vacant or agricultural, with the exception of lands immediately to the east which are occupied by residential uses (the Forestview Estates Subdivision).

¹ NPCA mapping shows three regulated watercourses on the Subject Lands. The regulated watercourse on the eastern portion of the Subject Lands has been re-aligned in accordance with NPCA permit no. 202001142 and is shown on Figure 1 along the eastern property. The other two regulated watercourses are shown on NPCA mapping on the western portion of the Subject Lands. These drainage features were assessed by LCA Environmental Consultants, who determine only one of the features, characterized as a swale, was actually present on the Subject Lands and that it provided limited hydrologic function.

Other existing uses located nearby include:

- a place of worship on the north side of McLeod Road;
- Dan's Produce Ltd., a fruit and vegetables wholesale/distribution business, on the northside of McLeod Road, to the west of Beechwood Road; and,
- a BMX park on the westside of Beechwood Road to the south.

Lands on the north side of McLeod Road were added to the Urban Area through the approval of the Niagara Official Plan in 2022. These lands were identified for residential/community purposes through the Municipal Comprehensive Review that was included in the adoption of the Niagara Official Plan.

3.0 Proposed Development

The applicant is proposing an OPA, ZBA, and modifications to an approved Draft Plan of Subdivision to facilitate the development of 544 dwelling units on the Subject Lands.

The components of the proposed development are identified on the modified Draft Plan of Subdivision (see **Figure 2** below) as follows:

- Lots for single-detached dwellings;
- Blocks for on-street townhouses;
- Blocks for reverse frontage on-street townhouses;
- Blocks for back-to-back townhouses; and,
- Blocks for parks, stormwater management, and a creek/buffer to the creek.

Each component is described further under the subheadings below. The modified Draft Plan of Subdivision is included as **Appendix B** to this PJR.

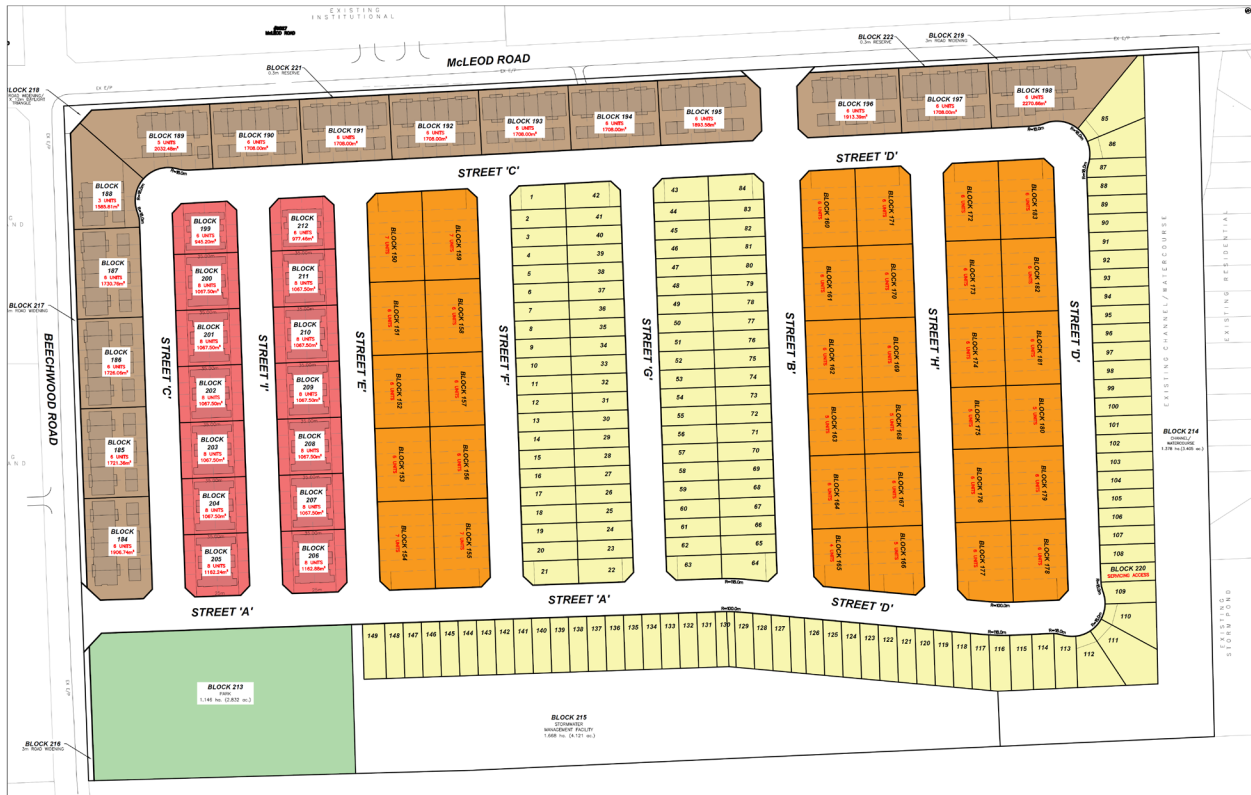


Figure 2 – Components of Proposed Development

Housing Forms

A total of 544 dwelling units are proposed consisting of 149 single detached lots, 34 blocks for 201 street townhouse dwellings, 15 blocks for 86 reverse frontage street townhouse dwellings, and 14 blocks for 108 back-to-back townhouse dwellings.

The single-detached lots are *shown in yellow* and are distributed throughout the subdivision with proposed frontages of 10-13 metres and lot depths of 30 metres (+/- 2 metres). The lot areas range accordingly but are generally between 300-400 square metres.

The street townhouses blocks are *shown in orange* and are located within the interior of the development. 4-7 townhouses per block are proposed.

The reverse frontage street townhouse blocks are *shown in light brown* and are located along both the Beechwood Road and McLeod Road frontages. 6 units per block are proposed, except for Blocks 188 and 189 at the northwest corner of Street “C”, which are 3 and 5 units per block. The general layout of units on these blocks will have the front face of the street townhouses oriented to Beechwood Road or McLeod Road with their driveways and garages facing Streets “C” or “D” within the subdivision.

Back-to-back townhouse blocks are *shown in light red* and are located within the interior western portion of the development. 8 units per block is proposed, except for Blocks 199 and 212, which are 6 units per block.

Road Network

Access and frontage to the interior of the site will be provided by an internal road network containing 9 individual streets (labelled Street 'A' – 'I' on the Draft Plan). The internal roads create a consistent grid pattern of long north-south blocks and short east-west block conducive to effective traffic circulation and efficient servicing of the site. The proposed road network is integrated into the existing road network via intersections at Street 'A' and Beechwood Road and at Street 'B' and McLeod Road.

Park

Block 213 is for a proposed park 1.146 hectares in size located in the southern portion of the subdivision and is *shown in light green*. The proposed park represents 5% of the total land area of the Subject Lands to satisfy parkland dedication requirements under the *Planning Act*.

Stormwater Management Block

Stormwater quality and quantity controls are proposed to be provided by a wet pond facility, located in the southern portion of the site (Block 215). The pond has been designed to provide stormwater quality protection to MECP enhanced protection levels and quantity and erosion controls up to and including the 100 year storm event.

Watercourse

Block 214 provides a 30-metre wide corridor for a watercourse and associated buffer area along the eastern property line and a portion of the southern property line. The watercourse is NPCA regulated and was previously realigned in accordance with NPCA permit no. 202001142.

3.1 Official Plan Amendment

A draft OPA has been submitted to facilitate modifications to the approved Draft Plan of Subdivision for the Subject Lands. This is required as the lands are currently designated "Industrial" in the City Official Plan; however, as the Draft Plan revisions are required this necessitates the private OPA application. The OPA application is consistent with and implements the City of Niagara Falls Employment Strategy.

The draft OPA proposes both map and text changes to the Niagara Falls Official Plan principally to redesignate lands to Residential and Open Space with a special policy (Special Policy Area XX) to:

- Limit residential buildings to a maximum of height of 12 metres;
- Require application submissions provide a Risk Assessment and Land Use Compatibility Study (in accordance with Provincial D-6 Guidelines);
- Require notice/warning clauses be registered on title to future residential lots/units; and,
- Require a comprehensive Stormwater Management Report to assess impacts on Thompson Creek prior to any development.

The draft OPA map and text changes also restrict permitted land uses south of the limit of residential development on the Subject Lands.

It should be noted that the draft OPA incorporates the modifications and wording included in the Special Policy Area in the approval of Niagara Falls OPA 147. This includes that the residential designation will be come into effect when the conditions in the OPA have been satisfied.

3.2 Zoning By-law Amendment

A draft ZBA has been submitted to implement the proposed OPA and facilitate modifications to the approved Draft Plan of Subdivision. The ZBA is required to rezone lands as follows:

- Single detached dwellings, street-townhouse dwellings and back-to-back townhouse dwellings as Residential 3 (R3) Zone;
- The park and stormwater management facility as Open Space (OS) Zone; and,
- The block containing the creek and its buffer area as Environmental Protection Area (EPA) Zone.

Site-specific changes to the Residential 3 (R3) Zone are also required to facilitate the modified Draft Plan of Subdivision. Site-specific zoning provisions or zoning relief are outlined and assessed in Section 9.0 in this PJR.

3.3 Modified Draft Plan of Subdivision

The proposed development is outlined above and describes the components of the modified Draft Plan of Subdivision provided as part of the complete submission for the current applications. Modifications to the approved Draft Plan are described below in terms of changes to the physical layout and the conditions of Draft Plan approval.

Physical Layout

Overall, the modified Draft Plan maintains the compact street grid of the approved Draft Plan. Access to Beechwood Road and McLeod Road are provided in essentially the same locations. Key modifications to the physical layout relate to the lots and blocks including, but not limited to, their location, size and housing types.

Specifically, the modified Draft Plan:

- Moves and reshapes blocks for the Park and Stormwater Management Facility to align with the Schedule to the proposed Official Plan Amendment where the limit of residential use is defined. The Park block is now located in the southwest corner of the subdivision adjacent to Beechwood Road with an elongated block for the Stormwater Management Facility to its east. Together these blocks provide an additional separation of residential uses from the lands of Solvay and implement the limit of residential development in the proposed Official Plan Amendment.
- The removal of the blocks for Multiple Family Residential housing has facilitated the elimination of Single Family Residential dwellings and residential driveways

along Beechwood Road. Street Townhouses with rear lane access for parking are now proposed for the entirety of the Beechwood Road and McLeod frontages, with the exception of the park block.

- Internal blocks for Back-to-Back Townhouses and Street Townhouses have increased.
- Lots for Single Family Residential dwellings have been reduced and consolidated on two centrally located internal blocks and along the outer side of Streets “D” and “A” along the eastern and southern edges of the subdivision.

The following table provides a number summary of differences in unit types and areas between the approved and modified Draft Plans.

Table 1: Draft Plan Comparison

LAND USE	# of UNITS		AREA (ha)	
	Approved	Modified	Approved	Modified
Single Family Residential	203	149	7.236	4.780
Reverse FRTG Street Towns	62	86	2.188	2.703
Street Towns	107	201	2.487	4.097
B2B Towns	46	108	0.800	1.492
Multiple Family Residential	80	-	1.234	-
Parkland	-	-	1.145	1.146
Channel / Watercourse	-	-	1.377	1.378
Stormwater MGMT Facility	-	-	1.084	1.668
3.0 Road Widening / Daylight Triangle	-	-	0.285	0.285
10m Servicing Access	-	-	-	0.030
0.3m Reserve	-	-	0.024	0.027
Roadway	-	-	5.063	5.317

Conditions of Draft Plan Approval

The conditions of Draft Plan Approval address the requirements of the City, Region and various agencies in order to register the Plan of Subdivision. Revisions required are as follows:

- Update references to Lots and Blocks in the Draft Plan Conditions to the current proposed Draft Plan of Subdivision;
- Modifications to wording to reflect the current privately initiated Official Plan Amendment.

3.4 Pre-Consultation

Pre-Consultation for the current applications was held on October 3, 2024. The following requirements for a complete application submission were identified:

1. Updated Planning Justification Report
2. Urban Design Brief
3. Housing Impact Statement
4. Updated Functional Servicing Report and Stormwater Management Report
5. Updated Transportation Impact Statement
6. Updated D-6 Land Use Compatibility Study
7. Risk Assessment
8. Resubmission of Archaeological Assessment
9. Identification of an area of parkland dedication on the revised Draft Plan of Subdivision
10. Parcel Register

4.0 Supporting Studies

4.1 Archaeological Assessment

A Stage 1-2 Archaeological Assessment of the property was previously undertaken by AMICK Consultants and submitted as part of the previous applications outlined in Section 1.2.2 of this PJR. No archaeological resources were encountered as part of the Stage 2 property assessment and no further archaeological assessment of the Subject Lands was recommended.

The Stage 1-2 Archaeological Assessment Report was acknowledged by the Ministry of Heritage, Sport, Tourism and Culture Industries and has been entered into the Ontario Public Register of Archeological Reports.

4.2 D-6 Compatibility and Mitigation Study

SLR Consulting conducted a Compatibility / Mitigation Study in accordance with the Provincial guidelines, standards, and procedures, including Ontario Ministry of Environment, Conservation and Parks (“MECP”) D-Series Guidelines, particularly Guideline D-6.

Their assessment addressed land use compatibility and considered industrial, air quality, odour, and dust emissions, industrial/ commercial noise and vibration and transportation-related noise and vibration and found:

- Potential transportation noise impacts do not require upgraded glazing but forced air forced air heating, and various warning clauses are required to address road traffic noise.
- Adverse vibration emissions from industrial and transportation sources are not anticipated.
- The proposed development of the Subject Lands is anticipated to be compatible with surrounding land uses and will not affect the ability of industrial facilities to

obtain or maintain compliance with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines.

More specifically, the study concluded the requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC300 are met and as such, the proposed development is:

- *Unlikely to result in increased risk of complaint and nuisance claims;*
- *Unlikely to result in operational constraints for the major facilities; and*
- *Unlikely to result in constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.*

4.3 Risk Assessment

SA Consulting has prepared the Screening Level Quantitative Risk Assessment (“Risk Assessment”) dated March 30, 2024. The Risk Assessment was prepared using a Terms of Reference that was submitted to Niagara Region and approved by Niagara Region.

The Risk Assessment was completed “to consider whether the risks due to operations at Cytec are acceptable concerning the existing and proposed residential land uses at 9304 McLeod Road”. The Risk Assessment notes that the hazard modelling “was used to conservatively estimate the longest offsite impact distances that may be expected from an accidental release at the Cytec Canada site”. The Risk Assessment utilized an accepted industry matrix to determine that the qualitative risk level is low and residential uses of all densities are permitted.

4.4 Functional Servicing Report & Stormwater Management Plan

Upper Canada Consultants has prepared a revised Functional Servicing Report (“FSR”) and Stormwater Management Plan (“SWMP”), dated October 2024.

The FSR identifies needs for servicing and outlines the proposed water, sanitary, and stormwater infrastructure to service the proposed development. The FSR determined there exists adequate municipal servicing for the proposed development and recommends the following:

- The existing 300mm diameter municipal watermain on the McLeod Road will be extended to the west boundary of the site and will have sufficient capacity to provide both domestic and fire protection water supply.
- The existing downstream sanitary sewer network will have adequate capacity for the proposed development.
- Stormwater quantity and erosion controls can be provided by the proposed wetland facility up to and including 100 year design storm event.
- Major overland flows are directed to the proposed Stormwater Management Facility.
- Stormwater quality controls can be provided to MECP Stormwater quality controls can be provided to MECP Enhanced protections levels (80% TSS Removal) by the proposed wetland facility.

The SWMP found that infiltration techniques would not be suitable for the Subject Lands as the primary control facility due to low soil infiltration rates and the large drainage area of the proposed development. A stormwater management facility is recommended to provide stormwater quality and quantity controls, as noted in the FSR, along with additional lot level controls and vegetative practices. Sediment and erosion controls to be implemented during construction are also described in the SWMP. The stormwater management facility is shown on the Draft Plan of Subdivision (Revised).

4.5 Headwater Drainage Feature Assessment Summary

An Environmental Impact Study was requested through pre-consultation for the previous applications (described in Section 1.2.2 in this PJR) which was to include an assessment of headwater drainage features.

Following a site visit attended by LCA Environmental Consultants, Niagara Region, and NPCA staff on March 8, 2022, Regional staff determined the requirement for a scoped environmental impact assessment would be waived—subject to updated plans providing a sufficient setback from a realigned watercourse along the eastern edge of the Subject Lands and a Headwater Drainage Feature Assessment Summary completed by LCA Environmental Consultants.

The Headwater Drainage Feature Assessment Summary notes:

- The Subject Lands generally drains south, with overland flow on the eastern parcel contributing to the realigned watercourse along the eastern edge of the property. The realigned watercourse provides important primary flow contributions to downstream wetland and fish habitat that are neither on nor adjacent to the Subject Lands.
- The previous watercourse channel re-alignment improved storage capacity during storm events which enhanced riparian function.
- Drainage from the western parcel flows through ill-defined drainage features on adjacent agricultural fields south to the main channel of Thompson Creek but makes a very limited flow contribution and there is no requirement for retention of functions.

Note: the realigned watercourse and associated buffer will be contained within a 30-metre wide block shown on the approved Draft Plan of Subdivision and maintained on the modified Draft Plan of Subdivision included as part of these applications. The watercourse block is proposed to be designated “Open Space” in the Official Plan Amendment and zoned as “Open Space” in the proposed Zoning By-law.

4.6 Traffic Impact Study

A Traffic Impact Study (TIS) for the proposed development was conducted by RV Anderson to determine the traffic impacts generated by the proposed development and identify any necessary transportation infrastructure improvements to accommodate it.

The TIS analyzed traffic generation, the proposed road network and accesses, and existing intersections and found:

- Traffic generated from the proposed development is not anticipated to result in critical capacity, delay or queuing concerns at the McLeod / Kalar, or McLeod/Garner intersections to the 2032 horizon year.
- A westbound left turning lane at the McLeod/Beechwood intersection will be warranted by 2032.
- The proposed site access intersections are forecast to operate well to the 2032 horizon year with no delay, capacity, or queuing concerns.
- The existing roadway system has capacity to accommodate the proposed development.

4.7 Wetland Catchment Assessment

A Wetland Catchment Assessment was completed by Terra-Dynamics to determine if development of the Subject Lands will impact the surface water catchments of the Thompson Creek Wetland Complex to the south-east.

The report concludes the proposed development of the Subject Lands should not negatively impact the hydrology of the nearby wetlands because they are surface water depression wetlands on low permeability silty clay within separate surface water catchments.

4.8 Housing Impact Statement

The Housing Impact Statement is provided in Section 7.0 of this PJR.

4.9 Urban Design Brief

The Urban Design Brief is provided in Section 6.0 of this PJR.

5.0 Planning Policies

5.1 *Planning Act*

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.

5.1.1 Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard for in carrying out their responsibilities under the Act. The following table assesses the proposed development against these provincial interests.

Table 2: Analysis of Provincial Interest – Section 2 of Ontario Planning Act

SECTION	PROVINCIAL INTEREST	ANALYSIS
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	There is a Provincially Significant Wetland located approximately 100 metres to the southeast of the property boundary. However, the requirement for an EIS was waived for the previous applications and note required for the current applications in favour of sufficient setbacks for the watercourse that traverses the eastern edge of the Subject lands and Headwater Drainage Features Assessment. The latter concluded there is no existing fish habitat on the Subject Lands but that the watercourse provides important primary flow contributions to downstream wetland and fish habitat. A 30-metre wide block is provided for the watercourse and associated buffering on the Subject Lands, ensuring the protection of ecological systems. The watercourse block is designated (Official Plan) and zoned (Zoning By-law) for its protection.
b)	<i>the protection of the agricultural resources of the Province</i>	The Subject Lands are within the Urban Area Boundary (i.e. Settlement Area). Facilitating development at appropriate densities within Urban Areas reduces pressure to remove prime agricultural areas for non-agricultural uses.
c)	<i>the conservation and management of natural resources and the mineral resource base</i>	This is not applicable. There are no aggregate resources on the Subject Lands.
d)	<i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i>	A Stage 1-2 Archaeological Assessment of the Subject Lands did not find any archaeological resources.
e)	<i>the supply, efficient use and conservation of energy and water</i>	The compact grid pattern proposed for the development is contributes to an efficient use of land and energy efficient built form. The

SECTION	PROVINCIAL INTEREST	ANALYSIS
		inclusion of townhouses reduces the number of external walls which reduces heating and cooling (energy) needs.
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed development will be provided new water and sanitary services as described in the FSR. New local roads within the proposed development will be provided as shown on the revised Draft Plan of Subdivision. The proposed development of the Subject Lands will also contribute to the efficient use of existing communication, transportation, sewage and water services, and waste management systems in the area.
g)	<i>the minimization of waste</i>	This is not applicable.
h)	<i>the orderly development of safe and healthy communities</i>	The Subject Lands are within a Designated Greenfield Area identified in the Niagara Official Plan and Greenfield Area in the Niagara Falls Official Plan, meeting the definition of a Designated Growth Area provided in the PPS. Lands immediately to the north are also part of the Designated Growth Area in Niagara Falls and are being planned for future development as part of the City's ongoing Secondary Plan process. The proposed development represents a logical and orderly extension of urban development in Niagara Falls.
h.1)	<i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i>	During the Building Permit phase the proposed development will be analyzed against the <i>Ontarians with Disabilities Act</i> (AODA) requirements.
i)	<i>the adequate provision and distribution of educational, health,</i>	The proposed development will contribute a block for a parkland in accordance with parkland dedication requirements of the <i>Planning Act</i> and the City.

SECTION	PROVINCIAL INTEREST	ANALYSIS
	<i>social, cultural and recreational facilities</i>	
j)	<i>the adequate provision of a full range of housing, including affordable housing</i>	The proposed development will contribute to a full range of housing by providing single detached building lots and blocks for street townhouses and back-to-back townhouses. Please refer to the Housing Impact Statement for an analysis of the affordability of the proposed units.
k)	<i>the adequate provision of employment opportunities</i>	The Subject Lands are near a range of commercial and industrial uses that provide employment opportunities in the City of Niagara Falls and surrounding municipalities. The Subject Lands, however, are not designated as an Employment Area in the Niagara Official Plan and the Employment Lands Strategy prepared for the City of Niagara Falls determined the Subject Lands were not required for employment uses.
l)	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	The SLR Land Use Compatibility report confirms the proposed residential uses will not negatively impact any employment uses in the surrounding area.
m)	<i>the co-ordination of planning activities of public bodies</i>	The planning applications will be circulated for review by public bodies, including Niagara Region and the Niagara Peninsula Conservation Authority.
n)	<i>the resolution of planning conflicts involving public and private interests</i>	The applications are subject to the notice, consultation, and approval process prescribed by the <i>Planning Act</i> .
o)	<i>the protection of public health and safety</i>	The watercourse and its associated floodplain on the Subject Lands are located within a block on the Draft Plan of Subdivision where no development is permitted. The identified block includes the buffer to the

SECTION	PROVINCIAL INTEREST	ANALYSIS
		watercourse/floodplain which will be designated and zoned for its protection.
p)	<i>the appropriate location of growth and development</i>	The Subject Lands are within a Settlement Area which is to be the focus of growth and development. The Subject Lands are also a Designated Growth Area (PPS 2024) within the Urban Area of Niagara Region/City of Niagara Falls where new urban development is to occur.
q)	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	The Subject Lands are located in proximity to existing public transit bus routes operating to the east. The proposed development will increase the density of the area and be generally transit supportive.
r)	the promotion of built form that: i.) is well-designed ii.) encourages a sense of place iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant	The proposed development is organized by a compact grid street layout and features a range of ground-oriented housing types with similar building heights and setbacks and generally consistent orientation toward public streets. Street townhouses will face outward toward McLeod Road and Beechwood Road to improve the building interfaces along these major/arterial streets. Recommendations are provided in the Urban Design Brief included as Section 6.0 in this PJR to ensure Niagara Region and Niagara Falls urban design policies and guidelines are addressed as development proceeds and detailed design work is undertaken.
s)	the mitigation of greenhouse gas emissions and adaptation to a changing climate	The proposed development includes housing types—street townhouses and back-to-back townhouses—with fewer exterior walls. That generally makes the housing more efficient for heating and cooling, which reduces energy consumption and related greenhouse gas emissions.

5.1.2 Section 51 – Matters to be Addressed in Draft Plans of Subdivision

When considering a Draft Plan of Subdivision regard shall be had to the matters outlined in Section 51(24) in the *Planning Act*. The table below assesses the matters outlined in Section 51(24) in relation to the amended Draft Plan of Subdivision.

Table 3: Analysis of Section 51(24) of the Ontario Planning Act

SECTION	CRITERIA	ANALYSIS
a)	<i>the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2</i>	The revised Draft Plan of Subdivision has regard for matters of provincial interest provided in Section 2 of the <i>Planning Act</i> .
b)	<i>whether the proposed subdivision is premature or in the public interest</i>	<p>The Niagara Official Plan allocates population growth to be accommodated within the City of Niagara Falls. The proposed subdivision and associated applications are within the Urban Area identified by the Niagara Official Plan and Niagara Falls Official Plan. The proposed subdivision is contiguous with existing development and will connect to existing services, including through an adjoining subdivision. The proposed subdivision is therefore not premature.</p> <p>The proposed subdivision is in the public interest as it will both increase housing supply and housing choice and utilize existing municipal services with available capacity which is cost efficient.</p>
c)	<i>whether the plan conforms to the official plan and adjacent plans of subdivision, if any</i>	The proposed subdivision conforms to the Niagara Falls Official Plan, subject to the approval of the amendment requested, as outlined in Section 8.0 in this PJR. The proposed subdivision conforms to adjoining Forestview Estates Plan of Subdivision to its east.
d)	<i>the suitability of the land for the purposes for which it is to be subdivided</i>	The Subject Lands are located within the Urban Area Boundary and are adjacent to existing residential development. The Subject Lands have frontage along two arterial roads, access to full municipal services, and have

SECTION	CRITERIA	ANALYSIS
		favourable topography and environmental conditions.
d.1)	<i>if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	No affordable housing as defined by the Province is proposed but some of the units would achieve the affordable sale price determined by the City of Niagara Falls. The proposed subdivision will provide a range of market housing by type/form, which will increase the range of household incomes that might purchase the dwelling units.
e)	<i>the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them</i>	The proposed subdivision includes a comprehensive public road network with 9 streets organized in a grid pattern. The proposed street network has one connection to McLeod Road and one connection to Beechwood Road. A Traffic Impact Study was conducted to determine traffic impacts and identify infrastructure needs to support the proposed development. Overall the study found the existing road network could accommodate the traffic generated by the proposed subdivision.
f)	<i>the dimensions and shapes of the proposed lots</i>	The dimensions and shapes of the proposed lots are shown on the Draft Plan of Subdivision. The lot fabric is appropriate for the area and makes efficient use of the lands.
g)	<i>the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land</i>	The portion of the Subject Lands proposed for residential development will be subject to a 12 metre maximum building height limit. There are no restrictions on adjoining lands proposed.
h)	<i>conservation of natural resources and flood control</i>	The Draft Plan of Subdivision creates a block for an existing watercourse/drainage channel and associated buffer. This block will be

SECTION	CRITERIA	ANALYSIS
		appropriately zoned and designated. The watercourse / drainage channel was constructed to appropriately manage flooding within its banks in accordance with an NPCA Permit.
i)	<i>the adequacy of utilities and municipal services</i>	A Functional Servicing Report outlines how the proposed subdivision will be serviced and confirms the adequacy of municipal infrastructure.
j)	<i>the adequacy of school sites</i>	Local school boards will have an opportunity to comment on the development applications and confirm the adequacy of service. The proposed subdivision does not provide a school site and existing schools and the sites of future schools are located nearby on McLeod Road and Kalar Road.
k)	<i>the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes</i>	The Draft Plan includes the following blocks to be conveyed or dedicated for public purposes: <ul style="list-style-type: none"> • Block 213 - public park • Block 214 - environmental lands • Block 215 - stormwater management facility.
l)	<i>the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i>	The proposed subdivision includes street townhouses and back-to-back townhouses with shared walls which reduces heat loss, contributing to the efficient use and conservation of energy. The layout of the proposed development as a compact grid enables the efficient use of land and provision of infrastructure and provides for efficient vehicular and pedestrian circulation which reduces distances travelled and conserves energy.
m)	<i>the interrelationship between the design of the proposed plan of subdivision and site plan control matters</i>	The proposed development is subject to Subdivision approval which ensures that all matters affecting the approval authority and commenting agencies are adequately addressed prior to the commencement of

SECTION	CRITERIA	ANALYSIS
	<p><i>relating to any development on the land, if the land is also located within a site plan control area designated</i></p>	<p>development. The Subject Lands are within a Site Plan Control Area. However, the housing types proposed (residential buildings with less than 3 dwelling units) are generally exempted from Site Plan Control in accordance with Niagara Falls By-law No 2011-113.</p>

CONCLUSION

In our opinion the proposed development has regard for matters outlined in Section 2 and Section 51(24) of the *Planning Act*. All of the relevant matters have been considered throughout this PJR and the applications are considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024), hereinafter referred to as the PPS, is a province-wide land use planning framework and set of policies that went into effect on October 20, 2024. It replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both.

The Subject Lands are in the Settlement Area and Designated Growth Area, per the Niagara Official Plan and City of Niagara Falls Official Plan.

5.2.1 Planning for People and Homes

POLICY

2.1.2 *Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.*

2.1.6 *Planning authorities should support the achievement of complete communities by:*

a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;

b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and

c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

ANALYSIS

The Niagara Official Plan was approved in 2022 and uses population and employment forecasts previously issued by the Province as part of an amendment to the A Place to Grow—Growth Plan for the Greater Golden Horseshoe in 2020. Consistent with Policy 2.1.2, the planning analysis provided in this Planning Justification Report relies on population and employment forecasts and analysis carried out in creating the approved Niagara Official Plan (2022). The proposed development will contribute to the achievement of complete communities by providing a range and mix of housing options, which increases housing choices and supports commercial and institutional uses and nearby transit services.

5.2.2 Housing

POLICY

2.2.1 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

ANALYSIS

The housing mix of the proposed development includes single-detached, street townhouses, rear lane townhouses, and back-to-back townhouses. Approximately 25% of the dwelling units will be single detached. According to 2021 census data, 24,900 of 37,795 private dwelling units in the City of Niagara Falls were in single-detached dwellings—or 66%. Consistent with Policy 2.2.1, the proposed development will increase the range and mix of housing options and densities provided in Niagara Falls. The Housing Impact Statement provided in Section 7.0 of this PJR addresses affordability thresholds used by the City of Niagara Falls to determine rents and housing prices affordable to households within income deciles. Back-to-back Townhouses in the proposed development may be affordable to moderate income households based on the affordability thresholds provided. The proposed development will exceed the minimum target density identified in the Niagara Falls Official Plan of 53 people and jobs per hectare in Greenfield Areas at 63 people and jobs per hectare. This density indicates the development will be transit-supportive, support active transportation, and efficiently use land, resources, and public service facilities.

5.2.3 Settlement Areas

POLICY

2.3.1.1 *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

2.3.1.5 *Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.*

2.3.1.6 *Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.*

ANALYSIS

The proposed development is within the Urban Area Boundary (i.e. Settlement Area) and is identified as Designated Greenfield Area in the Niagara Official Plan and designated

Greenfield Area in the Niagara Falls Official Plan². The proposed development is consistent with PPS direction that Settlement Areas be the focus of growth and development. The Subject Lands meet the PPS definition for Designated Growth Areas:

means lands within settlement areas designated for growth or lands added to settlement areas that have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 2.1.4.a), as well as lands required for employment and other uses.

The City of Niagara Falls is included in the list provided in Schedule 1 of the PPS of Large and Fast-Growing Municipalities. The density of the proposed development is anticipated to be 63 residents and jobs per hectare, which exceeds the PPS target for Designated Growth Areas of 50 residents and jobs per hectare.

Phasing policies are within the Niagara Falls Official Plan and establish the City's phasing approach. The analysis of the phasing policies is addressed in Section 5.4 of this PJR.

5.2.4 Supporting a Modern Economy

POLICY

2.8.1.3 *In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.*

ANALYSIS

The Subject Lands are not within 300 m of an Employment Area. Employment Areas are identified on Schedule G of the Niagara Official Plan. OPA 147 of the City of Niagara Falls identifies Employment Areas on Schedule A-7 to that amendment. There are no Employment Areas within 300 m of the Subject Lands as identified in OPA 147 or the Niagara Official Plan Schedule G.

5.2.5 Employment Areas

POLICY

2.8.2.1 *Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.*

2.8.2.2 *Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors*

² It is noted that the Niagara Official Plan and the Niagara Falls Official Plan use "Designated Greenfield Area". This term is not used in the PPS 2024; the term is now "Designated Growth Area".

identified in provincial transportation plans, for the employment area uses that require those locations.

2.8.2.3 *Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:*

- a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;*
- b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;*
- c) prohibiting retail and office uses that are not associated with the primary employment use;*
- d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and*
- e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.*

2.8.2.4 *Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function of employment areas. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.*

2.8.2.5 *Planning authorities may remove lands from employment areas only where it has been demonstrated that:*

- a) there is an identified need for the removal and the land is not required for employment area uses over the long term;*
- b) the proposed uses would not negatively impact the overall viability of the employment area by:
 - 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;*
 - 2. maintaining access to major goods movement facilities and corridors;**
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and*
- d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.*

ANALYSIS

The Subject Lands are not within an Employment Area designated by the Niagara Official Plan. The Niagara Falls Official Plan designates the lands Industrial, in part, and considers them to be Employment Lands and not an Employment Area. The above policies apply to Employment Areas, which the Subject Lands are not designated as such. Policy 2.8.2.5 addresses removal lands from Employment Areas – this policy is not applicable as the Subject Lands are not in an Employment Area as defined in the Niagara Official Plan and by the City through OPA 147.

5.2.5 Land Use Compatibility

POLICY

3.5.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

3.5.2 *Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

ANALYSIS

SLR Consulting conducted a land use compatibility assessment that considered: industrial air quality, odour, and dust emissions; industrial/commercial noise and vibration; and transportation-related noise and vibration. Their study found the requirements of Guideline D-6, Ontario Regulation 419/05, and Publication NPC-300 are met and the proposed development would be unlikely to result in increased risk of complaints and nuisance claims, operational constraints for the major facilities; constraints on major facilities to reasonably expand, intensify or introduce changes to their operations. In summary, the proposed development is compatible with surrounding land uses, including major facilities, and would not impact their long-term operational and economic viability.

5.2.6 Sewage, Water and Stormwater

POLICY

3.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize*

potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

3.6.8 Planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.*

ANALYSIS

An updated Functional Servicing Report and Stormwater Management Plan has been prepared by Upper Canada Consultants and provided as part of the complete submission for the Official Plan Amendment, Zoning By-law Amendment, and modified Draft Plan of Subdivision applications. The proposed development will be serviced by municipal sewage and water services and connected to existing public infrastructure that has sufficient capacity to accommodate the proposed development. An updated Stormwater Management Plan has been prepared to establish stormwater quantity and erosion controls can be provided by a proposed wet pond facility up to and including a 100 year design storm event.

The proposed development is therefore consistent with the policy direction provided in Section 3.6 of the PPS.

5.2.7 Natural Heritage

POLICY

4.1.1 *Natural features and areas shall be protected for the long term.*

4.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

4.1.4 *Development and site alteration shall not be permitted in:*

- a) significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) significant coastal wetlands.*

4.1.5 *Development and site alteration shall not be permitted in:*

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- d) significant wildlife habitat;*
- e) significant areas of natural and scientific interest; and*
- f) coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 4.1.4.b), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

4.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*

4.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

4.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

ANALYSIS

There are no natural heritage features and areas identified in Policies 4.1.4, 4.1.5, and 4.1.6 on the Subject Lands. The mapped boundary of a Provincially Significant Wetland is located about 50 metres to the southeast of the Subject Lands. This wetland was evaluated through a Wetland Catchment Assessment completed by Terra-Dynamics Consulting. The Assessment concluded residential development on the Subject Lands should not negatively impact the hydrology of the nearby wetlands because they are within separate surface water catchments. A Headwater Drainage Features Assessment

Summary provided by LCA Environmental Consultants reviewed drainage features on the Subject Lands and found no existing fish habitat but noted an existing watercourse, the re-aligned drainage channel, provides important primary flow contributions to downstream wetland and fish habitat. It will be contained within a 30-metre wide block shown on the modified Draft Plan of Subdivision to protect it and an associated buffer area for the long-term.

5.2.8 Cultural Heritage and Archaeology

POLICY

4.6.2 *Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

ANALYSIS

A Stage 1-2 Archaeological Assessment of the Subject Lands was completed by AMICK Consultants and found no archaeological resources.

CONCLUSION

Based on the foregoing, the proposed development is consistent with the PPS (2024).

5.3 Niagara Official Plan (2022) (NOP)

The NOP is the long-term, strategic policy planning framework for managing growth in Niagara Region. The NOP identifies what needs to be protected, how and where growth should occur, and the policy tools needed to manage forecast growth and development.

Table 4 – NOP Schedules

NIAGARA OFFICIAL PLAN SCHEDULES (see Appendix C)	
SCHEDULE	SUBJECT LAND DESIGNATION
Schedule B – Regional Structure	Urban Area - Designated Greenfield Area
Schedule J1 – Transportation Infrastructure	Local Road
Schedule J2 – Strategic Cycling Network	On Strategic Cycling Network

5.3.1 Forecasted Growth

POLICY

2.1.1.1 *Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

2.1.1.2 *Forecasts in Table 2-1 are a minimum.*

2.1.1.4 *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.*

ANALYSIS

The City of Niagara Falls is forecasted to have 141,650 people and 58,110 jobs in 2051 according to Table 2-1 in the Niagara Official Plan. The proposed development will provide housing to accommodate the population growth allocated to the City of Niagara Falls by the Niagara Official Plan. The redesignation of the Subject Lands to facilitate residential development is consistent with the City’s Employment Lands Strategy which established the Subject Lands were not required for employment uses.

5.3.2 Regional Structure

POLICY and ANALYSIS

Table below assesses the proposed development against Policy 2.2.1.1, which requires development in urban areas “integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support”:

Section	Policy	Analysis
2.2.1.1 a)	<i>the intensification targets in Table 2-2 and density targets outlined in this Plan;</i>	The Subject Lands are within the Designated Greenfield Areas identified on Schedule B of the Niagara Official Plan. The proposed development will exceed the minimum density target of 50 residents and jobs combined per hectare provided in Policy 2.2.2.23.
2.2.1.1 b)	<i>a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;</i>	The proposed development will support the creation of complete communities. A mix of land use is provided through the range of housing types, the park, and the protection of the environmental feature.
2.2.1.1 c)	<i>a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future</i>	The proposed development will contribute to housing choice by include a range and mix of housing types.

Section	Policy	Analysis
	<i>market-based and affordable housing needs;</i>	
2.2.1.1 d)	<p><i>social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:</i></p> <ul style="list-style-type: none"> <i>i. a range of transportation options, including public transit and active transportation;</i> <i>ii. affordable, locally grown food and other sources of urban agriculture;</i> <i>iii. co-located public service facilities; and</i> <i>iv. the public realm, including open spaces, parks, trails, and other recreational facilities;</i> 	<p>The proposed development is located near existing public transit and will be transit supportive. The proposed development includes a Park.</p>
2.2.1.1 e)	<p><i>built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;</i></p>	<p>The proposed development will be compact and is contiguous with existing residential development, ensuring it will optimize investments in infrastructure and support the financial well-being of the Region and Niagara Falls.</p>
2.2.1.1 f)	<p><i>opportunities for transit-supportive development pursuant to Policies 2.2.2.17, 2.2.2.18 and 2.2.2.19;</i></p>	<p>This policy is not applicable as the Subject Lands are not within a Protected Major Transit Station Area.</p>
2.2.1.1 g)	<p><i>opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;</i></p>	<p>This policy is not applicable as the Subject Lands are not intensification.</p>
2.2.1.1 h)	<p><i>opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;</i></p>	<p>This policy is not applicable as the Subject Lands are entirely vacant. The proposed development is consistent with the form and character of the lands to the east (Forestview Estates).</p>

Section	Policy	Analysis
2.2.1.1 i)	<i>the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;</i>	The proposed development will include lots for single-detached dwelling, street townhouses, and back-to-back townhouses that do not exceed 12 metres in height. This mix of residential built forms will ensure compatibility with nearby established residential areas.
2.2.1.1 j)	<i>conservation or reuse of cultural heritage resources pursuant to Section 6.5;</i>	There are no cultural heritage resources on the Subject Lands to conserve or reuse.
2.2.1.1 k)	<i>orderly development in accordance with the availability and provision of infrastructure and public service facilities;</i>	The Subject Lands are located within the Designated Greenfield Areas identified on Schedule B of the Niagara Official Plan and are abutting lands already developed as a residential subdivision to the east and adjacent to lands planned for future development north of McLeod Road between Beechwood Road and Garner Road.
2.2.1.1 l)	<i>mitigation and adaptation to the impacts of climate change by:</i> <i>i. protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;</i> <i>ii. where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and</i> <i>iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.</i>	This policy is achieved by: i. The watercourse and buffer zone on the Subject Lands will be designated and zoned to protect it and its function. ii. The proposed development will integrate green infrastructure and low impact development, where possible. Blocks provided for the Park and Stormwater Management Facility are adjacent and integrated into the development. iii. The proposed development will be compact and dense with townhouses that have shared walls which reduce heat loss. The street configuration employs short blocks to improve walkability within the proposed development.

Section	Policy	Analysis

5.3.3 Housing

POLICY

2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

2.3.3.1 *The following tools will be considered to support the development of affordable and attainable housing:*

- a. flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;*
- b. streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for developments receiving time-sensitive government funding;*
- c. financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing;*
- d. the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*
- e. site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards;*
- f. inclusionary zoning provisions within protected major transit station areas and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as described in the Planning Act and Ontario Regulation 232/18; and*
- g. demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without replacement of the same or higher number of rental units.*

ANALYSIS

The proposed development provides a range and mix of densities, lot sizes, unit sizes, and housing types. The Draft Plan of Subdivision for the proposed development includes: lots for single-detached dwelling with 10 metre and 12 metre frontages; blocks for rear lane street townhouses with 7.5 metre and 9.4 metre lot widths; blocks for street

townhouses with 6.1 metre and 7.7 metre lot widths; and blocks for back-to-back townhouses with 6.4 metre and 8.8 metre lot widths.

As noted in the Housing Impact Statement in Section 7.0 of this PJR, the proposed development will include housing (back-to-back townhouses) that could be marketed at price levels below the affordable price thresholds—i.e. the maximum affordable house price—determined by the City for moderate income households in the sixth decile.

The site standards support the implementation of additional residential units through the variety of housing options for the Subject Lands.

5.3.4 Natural Heritage

POLICY

3.1.9.5.4 *Notwithstanding any other policies of this Plan, development and site alteration in, and adjacent to watercourses, provincially significant wetlands, and other wetlands that are regulated by the Conservation Authority, may also be subject to the regulations and land use planning policies of the Conservation Authority. When development or site alteration is proposed in or adjacent to any watercourse, provincially significant wetland, significant valleyland, or other wetland the applicant shall contact the Conservation Authority, at which time Conservation Authority staff will advise the applicant and the Region of the land use or regulatory policies that will apply.*

3.1.9.7.1 *A proposal for new development or site alteration outside of a Provincial natural heritage system which is adjacent to a natural heritage feature or area shall require an environmental impact study and/or hydrological evaluation to determine that there will be no negative impacts on the feature, ecological function, or hydrologic function in accordance with the adjacent lands distances outlined in Table 3.1.*

3.1.9.9.1 *Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.*

3.1.10.1 *Development or site alteration shall not be permitted unless it can demonstrated that it will not have negative impacts on:*

- a. the quantity and quality of water in key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features;*
- b. the hydrologic functions of key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features;*

- c. the interaction and linkage between key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features and other components of the natural environment system;*
- d. the natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;*
- e. natural drainage systems and shorelines areas; and*
- f. flooding or erosion.*

ANALYSIS

There are no natural heritage features and areas identified on Schedules C1-C3 within the Subject Lands. There is an NPCA regulated watercourse on the Subject Lands located along its eastern edge and a Provincially Significant Wetland on an adjacent property to the southeast.

The requirement for an environmental impact study (see Policy 3.1.9.7.1 and 3.1.9.9.1) was waived following a site visit conducted as part of development approval process for the previous applications discussed in Section 1.2 of this PJR in favour of a sufficient setback on the Draft Plan of Subdivision and summary of the Headwater Drainage Features Assessment.

An Open Space Block is provided on the Draft Plan of Subdivision for the existing watercourse (realigned drainage channel) and a buffer area. This Open Space Block will be appropriately designated and zoned through the proposed OPA and ZBA to ensure the long-term protection of the feature and its ecological function.

The Headwater Drainage Features Assessment Summary provided by LCA Environmental Consultants notes no existing fish habitat was found on the Subject Lands but the existing drainage channel provides important primary flow contributions to downstream wetland and fish habitat.

The nearest wetland (noted above) is located approximately 50 metres from the Subject Lands and was evaluated through a Wetland Catchment Assessment completed by Terra-Dynamics Consulting, per Policy 3.1.10.1. The Assessment concluded residential development on the Subject Lands should not negatively impact the hydrology of the nearby wetlands because they are within separate surface water catchments.

5.3.5 Employment Lands

POLICY

4.2.4.1 *The Region will support Locally identified employment lands by:*

- a. improving connectivity with transit and active transportation networks;*

- b. providing for an appropriate mix of amenities and open space to serve the workforce;*
- c. planning for the intensification of employment uses;*
- d. ensuring that the introduction of non-employment uses, if permitted by other policies in this Plan, would be limited and not negatively impact the primary function of the area; and*
- e. encouraging approaches to transportation demand management that reduce reliance on single-occupancy vehicle use.*

4.2.4.2 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.*

4.2.4.3 *Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:*

- a. there is an identified need for the proposed use;*
- b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c. adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

4.2.4.10 *Notwithstanding Policy 7.12.2.5, development applications within a two kilometer radius of the Cytec Canada Inc. facility in Niagara Falls shall be subject to Policy 4.2.1.11 of this Plan, except for the lands currently designated Neighbourhood Commercial in the local official plan.*

ANALYSIS

The Subject Lands are designated on Schedule A of the Niagara Falls Official Plan primarily as Industrial which identifies them as Employment Lands based on the definition provided in the glossary to the Niagara Official Plan:

Lands that are designated in Local official plans or zoning by-laws for employment uses. Employment lands may be within and outside of employment areas.

The appropriateness of the Subject Lands for a change in land use to residential was addressed as part of the OPA 147 process and the City's Employment Land Strategy, which redesignated them largely to Residential. The Subject Lands are not in an Employment Area.

SLR Consulting conducted a Compatibility/Mitigation Study in accordance with Provincial guidelines, standards, and procedures. The Subject Lands were determined to be within the area of influence for two industrial facilities: Cytec Canada Inc. and Dan's Produce. In accordance with Provincial Guideline D-6, the Compatibility/Mitigation Study reports:

- Cytec Canada Inc. is a Class III Industry with a 1000 metre area of influence and a recommended minimum separation distance of 300 metres.
- Dan's Produce is a Class II Industry with a 300 metre area of influence and a recommended minimum separation distance of 70 metres.

Cytec Canada Inc. is located approximately 850 metres to the south of the Subject Lands as measured between their closest property lines, which is within the area of influence for a Class III industrial facility but well outside the recommended minimum separation distance. The report also notes that SLR personnel observed no odours, visible dust, or noise from this facility during site visits to the area.

Dan's Produce is located approximately 75 metres to the west of the Subject Lands, which is well within the area of influence for a Class II industrial facility but just outside the recommended minimum separation distance. The report also notes that SLR personnel observed no odours, visible dust, or noise from this facility during site visits to the area.

The SLR Consulting Compatibility/Mitigation Study also found that the proposed development of the Subject Lands is compatible with surrounding land uses and unlikely to increase risk of complaints and nuisance claims, result in operational constraints for major facilities, or constrain their ability to expand or intensify their operations.

Finally, SLR Consulting's Study notes there are residential uses located closer to the Cytec Canada Inc. site than the Subject Lands. The *RioTrin Properties (Burnhamthorpe) Inc. v Mississauga* decision accepted evidence that existing sensitive land uses being located closer to an industrial facility than a proposed development indicate compatibility can be achieved at the latter.³

Based on the preceding, particularly that the Subject Lands are located outside the recommended minimum distance separation from existing industrial facilities and larger setbacks are not recommended, the proposed development conforms to Policies 4.2.4.2 and 4.2.4.3.

With regard to Policy 4.2.4.10, the Subject Lands are not identified as Employment Areas on Schedule G of the Niagara Official Plan or as an Employment Area through the

³ *RioTrin Properties (Burnhamthorpe) Inc. v Mississauga*, 2021 CanLII 37073 (ON LPAT), <<https://canlii.ca/t/jfr4>>, retrieved on 2024-10-31

Schedules to OPA 147. On that basis, Policy 4.2.1.11⁴, which applies to Employment Areas, is not applicable to the portion of the Subject Lands within a two kilometre radius of the Cytec facility.

5.3.6 Archaeological Resources and Areas of Archaeological Potential

POLICY

6.4.2.1 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

6.4.2.7 *When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.*

ANALYSIS

A Stage 1-2 Archaeological Assessment of the Subject Lands was completed by AMICK Consultants and found no archaeological resources. An acknowledgement letter from the Province has been provided to verify this.

CONCLUSION

Based on the foregoing, the proposed development conforms to the Niagara Official Plan.

5.4 City of Niagara Falls Official Plan

The Niagara Falls Official Plan outlines long term objectives and policies to guide growth and development to 2031. The intent of the Plan is to focus new growth to accommodate the increase in people and jobs expected in a sustainable fashion that makes for an orderly and effective use of land and infrastructure, creates compact and livable communities, and protects natural heritage and agricultural lands.

The following are Growth Objectives for the City relevant to the proposal:

- *To direct growth to the urban area and away from non-urban areas.*

⁴ Niagara Official Plan Policy 4.2.1.11 states “Conversion of lands within employment areas shall not be permitted except during the Region’s municipal comprehensive review. The Region will work with Local Area Municipalities to review and update employment area minimum density targets through the Region’s municipal comprehensive review.”

- To protect Natural Heritage Areas and their functions.
- To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.
- To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.
- To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.
- To develop the Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.
- To encourage alternative forms of transportation such as walking, cycling and public transit.

Relevant Policies and Analysis

The following table identifies the Official Plan Schedules pertaining to the Subject Lands:

Table 5 – Niagara Falls OP Schedules

NIAGARA FALLS OFFICIAL PLAN SCHEDULES (see Appendix D)	
SCHEDULE	SUBJECT LAND DESIGNATION
A – Future Land Use	Subject Lands are within the Urban Area Boundary and mostly designated Industrial. The eastern edge of the Subject Lands is designated Environment Protection Area.
A1 – Natural Heritage	A portion of the Subject Lands are designated Environmental Protection Area (EPA) and identified as Adjacent Land.
A2 – Urban Structure	Greenfield Area
B – Phasing of Development	Phase 4
C – Roads	McLeod Road and Beechwood Road are identified as Arterial Roads.
D – Communities	The Subject Lands are in the community of Westlane.

5.4.1 Growth Objectives and Policies

POLICY

Objectives

1. *To direct growth to the urban area and away from non-urban areas.*
2. *To protect Natural Heritage Areas and their functions.*
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.*
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.*

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.*

2.8 *The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the polices of Part 1, Section 3 of this Plan.*

ANALYSIS

The Subject Lands are within the Urban Area Boundary shown on Schedule A of the Niagara Falls Official Plan and abut an existing residential subdivision. The Subject Lands are adjacent to the Urban Area Expansion approved by the Niagara Official Plan for which a Secondary Plan process is being undertaken (lands north of McLeod Road). The proposed development is consistent with the phasing of infrastructure and development within Greenfield Areas in an orderly and efficient manner as addressed in Section 5.4.6 of this PJR.

The proposed OPA designates a portion of the Subject Lands Environmental Protection Area to protect a watercourse on the Subject Lands and its associated buffering as part of the proposed development.

The proposed development will meet or exceed the minimum target density of 53 people and jobs per hectare for Designated Greenfield Areas in the Niagara Official Plan (see Section 5.3.2 in this PJR). The Subject Lands are to be developed at a density of 63 people and jobs per hectare.

The proposed development, which includes single detached lots and blocks for different types of townhouses, will contribute to the achievement of a compact community in this part of Niagara Falls.

5.4.2 Housing

POLICY

Objectives

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.*

Policies

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*

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.*

4.4 *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.*

4.6 *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.*

ANALYSIS

The proposed development will contribute to the achievement of the housing goals and policies of the Niagara Falls Official Plan by providing for a diversity of housing forms and lot sizes to meet a range of housing needs. The proposed housing mix includes single detached lots and blocks for street townhouses and back-to-back townhouses providing greater housing choice.

The Subject Lands are currently vacant. The proposed development represents the efficient and full utilization of these lands for comprehensive residential development.

The Housing Impact Statement is provided in Section 7.0 of this PJR to address Policy 4.4.

5.4.3 Residential

POLICY

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.*

1.2.2 *Ancillary uses with the Greenfield Area shall be provided for through design within secondary plans taking into consideration the above criteria.*

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.*

1.7 *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.*

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. 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.

1.11.5 *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.

ANALYSIS

The proposed development will result in the predominant use of Subject Lands being for housing. As a mix of single detached lots and blocks for street townhouses and back-to-back townhouses is proposed, the development will provide housing choice that caters to households in the moderate to high income range based on affordability thresholds established by the City.

The proposed park and stormwater management facility shown on the Draft Plan of Subdivision are ancillary uses permitted in the Residential designation in accordance with Policy 1.2 and consider the direction provided in Policy 1.2.2. The proposed park is primarily intended to serve future residents of the proposed development who will be within convenient walking distance. The proposed stormwater management facility is a passive use.

In accordance with Policy 1.4, comprehensive development of the Subject Lands is proposed through a Plan of Subdivision.

The proposed OPA applies an area-specific height provision that permits building heights up to 12 metres.

A Functional Servicing Report has been prepared and details how the proposed development will be serviced, including connection to existing services installed when the adjacent Forestview Estates Subdivision developed. The proposed development represents a logical extension of residential development.

The Draft Plan of Subdivision minimizes the exposure of new residential development as identified in policy 1.8. The report from SLR Consulting on Land Use Compatibility confirmed the required mitigation measures for roadway traffic from McLeod Road to the units facing McLeod Road. These measures will be implemented in the development.

The density of proposed development is anticipated to be 63 people and jobs per hectare, which exceeds the target density for development provided in Policy 1.11.1 for Greenfield Areas of 53 people and jobs per hectare.

The proposed development includes residential uses supported by a park and stormwater management facility. The existing watercourse will be contained within a 30 metre corridor with a planting buffer to ensure the proposed development integrates compatibly with the natural environment.

In accordance with Policy 1.11.3, single detached lots and blocks for street townhouses and back-to-back townhouses are provided. The proposed OPA permits building heights up to 12 metres, which will ensure steep height gradients are avoided. High density housing forms such as apartment buildings are not proposed. The proposed density does achieve transit supportive development standards.

An Urban Design Brief is provided in Section 6.0 in this PJR to comprehensively assess the proposed development's site layout and built form. The proposed road network within the development will be a grid with interconnected local streets designed to applicable

municipal standards. Block lengths internal to the development do not exceed 250 metres in length. Cul-de-sacs and off-road trails are not proposed. Pedestrian connectivity will be provided by way of public sidewalks.

5.4.4 Environmental Policies

POLICY

Natural Heritage

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.*

11.1.8 *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).*

11.1.11 *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.*

Environmental Impact Studies

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.*

Water Resources

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 Policies 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.

Environmental Protection

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.

11.2.13 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.

Hazard Lands

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.

ANALYSIS

The Subject Lands are partially within lands designated Environment Protection Area on Schedules A-1 of the Niagara Falls Official Plan. These lands are associated with an

NPCA regulated watercourse on the far eastern side of the Subject Lands and an adjacent Provincially Significant Wetland located to the southeast.

The Environmental Protection Area shown on the Subject Lands is associated with the former location of a watercourse and associated floodplain (per Policy 11.12.13). The watercourse was realigned with buffer planting in accordance with NPCA permit no. 202001142 as permitted by Policy 11.12.14 (b). The Draft Plan of Subdivision provides a block for the realigned watercourse and associated buffering. The proposed OPA designates lands within this block Open Space to protect it from development and site alteration.

The adjacent Provincially Significant Wetland is located approximately 50 metres from the Subject Lands and 80 metres from the nearest portion of the Subject Lands redesignated to Residential through the proposed OPA.

The requirement for Environmental Impact Study (see Policy 11.1.17) was waived following a site visit conducted as part of development approval process for the previous applications discussed in Section 1.2 of this PJR (see also discussion in Section 5.3.4).

In accordance with Policies 11.1.30 and 11.1.31, a stormwater management plan has been prepared to establish stormwater quantity and erosion controls can be provided by a proposed wet pond facility up to and including a 100 year design storm event.

The block for the stormwater management facility is provided on lands adjacent to those designated in the proposed OPA as Open Space. Policies 11.1.32 and 11.2.7 are met as the location of the stormwater management facility has not changed from the approved Draft Plan of Subdivision for which the requirement for an Environmental Impact Study was waived by the City and Region.

The site-specific ZBA included as part of the current applications for the proposed development would amend the zoning of Hazards Lands (HL) for the Subject Lands to reflect the realignment of a watercourse on Subject Lands described above.

5.4.5 Municipal Infrastructure

POLICY

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.*

1.1.2.6 *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.*

Water and Sanitary Sewage

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.*

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.*

1.3.4 *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.*

Transportation

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.*

1.5.18.4 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.

ANALYSIS

The Subject Lands are located within Phase 4 on Schedule B of the Niagara Falls Official Plan. However, per Policies 1.1.2.1 and 1.1.2.2, the proposed development abuts lands to the east identified as being within Phase 1 that have already developed as a residential subdivision (Forestview Estates). The servicing described in the FSR demonstrates the proposed development is a logical extension of preceding development and will connect, per Policy 1.2.4, to existing municipal watermains and sanitary sewers with available capacity. Approval of the Draft Plan of Subdivision establishes the City was satisfied the evaluation criteria provided in Policy 1.1.2.6 had been met.

The FSR prepared to support the proposed development addresses stormwater management and propose an appropriately designed wet pond facility to achieve stormwater quantity and erosion controls up to and including a 100 year design storm event. The Draft Plan of Subdivision provides a block for the proposed stormwater management (wet pond) facility at the southeast corner of the Subject Lands.

Beechwood Road and McLeod Road are identified on Schedules A-2 and C of the Niagara Falls Official Plan as Arterial Roads. The Draft Plan of Subdivision for the proposed development includes blocks to be dedicated to the City for road widening (3 metres) along Beechwood Road and McLeod Road and for a daylight triangle at the southeast corner where Beechwood Road and McLeod Road intersect. The road widening will contribute to achieving a road allowance width of 26 metres for these City Arterial Roads.

5.4.6 Energy Conservation

POLICY

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.*

3.1.3 *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.*

3.1.4 *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.*

ANALYSIS

The proposed development will contribute to a compact and contiguous pattern of urban growth and achieves the minimum density target for Greenfield Areas through a mix of housing types, including medium density forms such as street townhouses and back-to-back townhouses.

The Subject Lands abut an existing residential subdivision to their east. Lands to the north are being planned as part of the Garner West Secondary Plan process currently being undertaken. The proposed development forms part of the logical extension of public services within this area of the City, and, as noted in Section 5.4.6 above in this PJR, optimizes the use of existing infrastructure.

The Draft Plan of Subdivision incorporates a compact street grid which optimizes for density and accessibility. The proposed development will be appropriately landscaped. It can be anticipated that energy conserving landscaping practices will be promoted, including in the selection and location of vegetation to control exposure of buildings to the sun and/or wind.

5.4.7 Cultural Heritage Conservation

POLICY

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.*

ANALYSIS

A Stage 1-2 Archaeological Assessment of the Subject Lands was completed by AMICK Consultants and found no archaeological resources. An acknowledgement letter from the Province has been provided to verify this.

5.4.8 Urban Design and Landscaping

See Urban Design Brief provided in Section 6.0 of this PJR.

5.4.9 Employment Land Conversion

POLICY

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.*

ANALYSIS

The Niagara Official Plan and the City's Housing Strategy have established there is a need for additional residential lands to accommodate projected population growth to 2051. The City's Employment Lands Strategy found the Subject Lands were not required to meet applicable employment targets, are not viable or required over the long term for employment use and could be redesignated from Industrial to Residential.

The Subject Lands are also not located within or in close proximity to an Employment Area and their redesignation to residential/community uses is not anticipated to impact any employment area or the achievement of the City's intensification target. Cross jurisdictional issues have been considered.

CONCLUSION

Based on the foregoing, the proposed development conforms to the Niagara Falls Official Plan.

6.0 Urban Design Brief

6.1 Introduction

The requirement for an Urban Design Brief was identified at the pre-consultation meeting and is required for a complete application. This brief analyzes the proposed development within the context of urban design policies under the City's Official Plan and the Region's Model Urban Design Guidelines (MUDG).

6.2 Design Objectives

The following design objectives have been established for developments on the Subject Lands:

- Efficient street and block layout – to balance between efficiency for vehicular traffic and walkability for pedestrians;
- Housing options – providing a variety of dwelling types and lot sizes;
- Quality public realm – contributing to a positive public realm, especially along important road corridors through the design and siting of buildings, landscaping and parking;
- Built form compatibility – achieving compatibility within the proposed uses and between the with existing and proposed uses through height, setback and massing; and
- Environmental sustainability - providing open space for recreation and sustainable stormwater management.

6.3 Policy Context & Analysis

The City's OP contains relevant design policies in Part 2 Section 1 Residential and Part 3 Section 5 Urban Design. As there are no specific Urban Design Guidelines developed for this part of the City nor are the Subject Lands part of any Secondary Plan, this Brief will also examine the relevant design recommendations from the Region's Model Urban Design Guidelines (MUDG). Developed in accordance with Smart Growth principles, the MUDG provide design principles and guidelines for a range of development types.

Because of the nature of the applications, information related to elevation design and landscape design are not available at this stage. As such, the Urban Design Brief will not discuss policies and guidelines concerning building elevations and landscaping.

6.3.1 Niagara Region's Model Urban Design Guidelines

POLICY

3a.2 Neighbourhood Structure

The following guidelines support the principles of compact, mixed-use neighbourhoods that foster a sense of place, prioritize pedestrian and transit movement, and respect natural environments.

a) *Neighbourhoods should generally be designed to include:*

- Neighbourhood Centre: The neighbourhood centre should contain a variety of uses, services and amenities such as community facilities, neighbourhood retail, small scale employment areas, residential, urban open spaces, and access to transit.

- Neighbourhood Edge: Neighbourhoods should have an edge that defines their extent. The edge is generally located within walking distance of the centre (approx. 400m) and may be typically defined by:

i) Urban infrastructure, such as arterial roads or railway lines;

ii) Natural features, such as public parks and open spaces, agricultural lands, watercourses, etc.;

iii) Community facilities such as schools, large parks, large format retail, etc; and/or

iv) The edge of an adjacent neighbourhood.

b) *Areas in close proximity to the neighbourhood centre, a transit corridor, or an employment district should be of higher density to provide a 'critical mass' of population that can sustain commercial and community activities and transit systems. Density should generally decrease towards the edge. Higher density is encouraged at the edge where it is adjacent to large open spaces such as community parks.*

- c) *The neighbourhood movement network should be defined by a fine grain grid pattern of streets with a consistent block orientation that provides multiple connections and maximizes permeability to filter local traffic; assists in local orientation and wayfinding; and reduces traffic speeds.*
- d) *A non-repetitive yet simple street and block layout should be provided for visual interest and to maximize views and vistas to parks, greenlands, the rural periphery and heritage and landmark buildings.*
- e) *Parks and recreation areas should be distributed evenly throughout the neighbourhood and located within walking distance of most homes. Open spaces should cater to a variety of recreation activities.*

ANALYSIS

The proposed development will facilitate a compact community (density of 63 people and jobs per ha) that also respects the natural environment. An approximately 1.4-ha area with a minimum width of 30 metres has been set aside to accommodate a tributary of Thompson's Creek. The subdivision consists of largely residential use in addition to parkland and lands dedicated to stormwater management.

The proposed development is approximately 584 metres in length and 372 metres in width, excluding the watercourse. Since Subject Lands are not as large as a neighbourhood as described in the MUDG (400-metre radius), a neighbourhood centre consisting of non-residential uses, services and amenities has not been proposed.

The subdivision has clear edges that are defined by a watercourse to the east and two arterial roads, McLeod Road to the north and Beechwood Road to the west. The proposed park and stormwater management facility make up the southern edge of the proposed development.

In terms of street pattern, the subdivision adopts a modified grid that is easy to navigate. Street "C" and Street "I" provide views to the proposed park located at the southwest corner of the lands. Though not centrally located, the proposed park is within a 5-min-walk (equivalent to a 400-metre walking distance) from most of the proposed dwellings. The dwelling furthest away is approximately 660 metres in walking distance to the park, or about 8 minutes.

Additionally, more recreational opportunities are available in the form of proposed passive walkways within Block 214 and Block 215, i.e. the watercourse block and the stormwater management block respectively. Pedestrian connections to these blocks are provided from Street 'A' and Street 'D', effectively reducing the walking distance between future dwellings and the nearest open space within the Subject Lands.

POLICY

3a.3 *Blocks define and structure neighbourhoods, and directly influence development opportunities, movement options, and neighbourhood character. Blocks should*

be designed to be flexible and accommodate both residential and commercial lot sizes.

- a) *Block lengths should generally range between 200 and 250 metres.*
- b) *In special circumstances where blocks are longer than 250 metres, a through-block pedestrian walkway or a mid-block parkette should be provided. The walkway should be a minimum width of 3.5 metres, and parkettes a minimum width of 12 metres. Downcast pedestrian-scaled lighting should be provided.*
- c) *The width of blocks should vary to promote lot size variety and development options, without exceeding 250m.*
- d) *To maximize connections for vehicular and especially pedestrian traffic, streets should be based on a grid pattern that is modified in response to natural open space, built heritage or existing street conditions.*
- e) *The street grid should shift at key locations to create distinct neighbourhood enclaves, while allowing for significant view opportunities to natural features, parks, public buildings and landmarks.*
- f) *In existing neighbourhoods, opportunities should be pursued to connect ending streets to adjacent or new development. The number of connections should be maximized for permeability.*
- g) *Laneways are recommended where possible to eliminate the need for driveways and street facing garages.*

3a.4 Lot Size & Variety

Lot size and variety have a direct impact on development costs, density, and affordability. The following guidelines are established to achieve an appropriate balance of large and small lot sizes and to promote a variety of development types, sizes and designs.

- d) *Generally, lot shapes should be simple and rectilinear so as not to limit design and siting options. However, variations to the traditional lot may be considered to manage slope, property boundary, or density issues. Potential alternatives include the 'Z Lot', 'Zipper Lot', 'Wide Shallow', etc. (see 'Further Reading' at the end of this section for more information).*
- d) *Corner lots should have adequate width to permit appropriate building setbacks from both streets.*
- d) *Irregular lots, corner lots, and some mid-block lots may be developed as small neighbourhood parks, providing comfortable areas for passive recreation, attractive landscaping, or public art.*
- d) *Lots adjacent to neighbourhood centres, public transport facilities, or adjacent to higher amenity areas such as parks and environmental features should be designed to support higher density development*

ANALYSIS

Most of the proposed blocks on the Draft Plan are between 215 and 240 metres in length. The block fronting on McLeod Road between Beechwood Road and Street “B” with a length of approximately 380 metres is the only block exceeding 250 metres in length. This was done because Public Works would not allow more than one access to McLeod Road. The proposed development also consists of blocks varying in widths between 35 and 60 metres, facilitating a variety of lot sizes. There are four dwelling typologies with four typical lot sizes throughout the subdivision:

- Single detached dwellings: 10m x 30m (typ.)
- On-street townhouse dwellings: 6.1m x 30m (typ.)
- Rear-access townhouse dwellings: 7.5m x 35m (typ.)
- Back-to-back townhouse dwellings: 6.4m x 17.5m (typ.)

Most of the proposed lots are rectilinear in shape. Corner lots are afforded greater widths to accommodate increased setbacks from exterior side lot lines.

As described, the proposed streets follow a modified grid pattern that facilitates views into the proposed parkland and one vehicular access to McLeod Road and one to Beechwood Road for efficient circulation. Vehicular access to Blocks 174 to 198 (inclusive) is through Streets “C” and “D” instead of McLeod Road and Beechwood Road. This minimizes the number of individual driveways into these arterial roads and eliminates garages facing these roads.

POLICY

3a.5 Neighbourhood Edge Interface

A high quality and ‘positive’ interface should be achieved at the edge of neighbourhoods, to provide opportunities for overview and public access from streets and adjacent developments. Therefore, single loaded roads and developments that ‘face’ open space are ‘positive’ and promoted.

- a) Wherever possible, the perimeter of parks and other public opens spaces and natural should be faced with single-loaded streets. Generally, a minimum of 50% of the total open space/natural feature perimeter should be bounded by the public road right-of-way.*
- b) Where the open space/natural feature perimeter is bounded by private properties, a balance between flanking lots on open crescents and rear lotting is encouraged. Lots flanking or backing onto park areas should be subject to architectural and landscaping controls to provide a high quality interface between these uses.*

ANALYSIS

The proposed development contributes to a positive interface with the Subject Lands’ edges. The proposed rear access townhouse dwellings along McLeod Road and Beechwood Road not only minimizes the number of driveways onto arterial roads but also

eliminates garages from the public view. The private public interfaces along these roads could accommodate enhanced landscaping to contribute to attractive streetscapes. The watercourse, the park and the stormwater management block are located along the easterly and southerly perimeter of the Subject Lands, providing appropriate interface with existing dwellings to the east and vacant lands to the south

Half of the perimeter of the proposed park abuts public right-of-ways, allowing unobstructed views into this open space. Additionally, no private development is proposed immediately to the east of the park either. Locating the park next to the stormwater management block provides an opportunity for coordinated landscaping between these two blocks for an attractive and seamless interface.

Moreover, Lots 85-149 (inclusive) back onto open space areas, i.e. the watercourse and the stormwater management facility. To ensure a positive and appropriate interface between these uses, development of these lots should incorporate high quality architectural articulation, particularly in the rear elevations, as well as attractive landscape treatment in the rear yards.

POLICY

4a.2 *Building Variation & Density*

- a) *Housing variety should be achieved on each street and block as a means of strengthening neighbourhood character and identity. Repetition of house type, size and design (style, elevation, materials, etc) should therefore be avoided.*
- b) *A full range of housing types (i.e., detached, semidetached, townhouse, apartments) should be provided to promote variety and diversity, and to address changes in market conditions.*

ANALYSIS

The proposed development consists of a wide range of housing options: detached, on-street townhouse, rear access townhouse and back-to-back townhouse, catering to a wide range of prospective purchasers. Similar housing type is located on the same block to achieve an efficient layout and to maximize the number of units. In spite of the lack of housing variety within each street and block, the proposed number of housing options is still effective at fostering a unique character and identity for a community of this size.

POLICY

4a.3 *Orientation*

- a) *All housing should face adjacent streets and open spaces. Rear lotting should not be permitted unless it is required to achieve a reasonable design objective (such as to limit access to environmentally sensitive open space).*

ANALYSIS

It is contemplated that all proposed dwellings will be oriented towards the streets, with the exception of dwellings on Blocks 184-98. These dwellings front onto arterial roads from which individual driveways are not encouraged. These dwellings are proposed to have their vehicular access from the public road within the subdivision. This design approach ensures the safety and efficiency of McLeod Road and Beechwood Road in addition to improving the appearance of the public realm.

POLICY

4a.4 Setbacks

The intention of the following residential setback guidelines is to promote appropriate front, site and rear yard setbacks to control lot coverage, provide adequate private open space, situate buildings in close proximity to the right-of-way, and to ensure adequate separation between adjoining buildings. Refer to Section 4a.5 for a summary of recommended setback guidelines.

Front Yard

- a) *All residential front yards should have a minimum 1.5 metre “no encroachment” area. The balance of the setback may be encroached with non-interior building elements including porches, steps, roof elements, etc.*
- b) *A range of front yard setbacks along any street is recommended in order to achieve a diversity of setbacks on the streetscape. However, front yard setbacks should generally be a minimum of 2.5 metres and a maximum of 4.5m.*

Side Yard

- c) *Side yard setbacks should be a minimum of 1.2m, but 3.5m for lots with a garage located in the rear yard accessed by a driveway.*
- d) *On a lot abutting a non-residential use (including a walkway) the minimum interior side yard setback should be 3.5m.*

Rear Yard

- e) *On lots accessed by a driveway, the minimum rear yard setback should remain as 7.5 metres measured from the rear face of the garage, or rear property line to the rear face of the dwelling.*
- f) *On lots with a rear yard garage, the minimum rear yard setback should be 9.0 metres.*

ANALYSIS

Front yard

The ZBA seeks to provide a range of front yard setbacks for the proposed development. In detail, rear access townhouse dwellings have a minimum front yard width of 3 metres

while all other dwellings have a minimum front yard width of 4.5 metres and garages located in the front yard have a minimum setback of 6 metres from the front lot lines. The increased minimum setback for garages ensures vehicles can be accommodated within the driveways and that garages do not dominate the front yard visually.

Interior side yard

The ZBA seeks to implement a minimum side yard of 1.2 metres for all dwellings, except for single detached dwelling less than 2 storeys where a minimum side yard of 0.9 metres is required. These setbacks are appropriate for the following reasons:

- Only Lots 114, 115 and 133 have their side lot lines abut a non-residential use, in this case the stormwater management facility. Increased side yard setbacks for these lots are not necessary given the non-intrusive nature of the adjacent non-residential use;
- Although dwellings on Blocks 184-98 have garages located in the rear yards, they are accessed directly from a public streets at the rear instead of from a driveway next to the dwellings. The increased setback of 3.5 metres is not necessary;
- The requested decreased side yard setback for detached dwellings of less than 2 storeys is appropriate to facilitate a compact development, considering the lower dwelling height minimizes potential nuisance on adjacent properties.

Rear yard

The ZBA seeks to permit a rear yard setback of 7 metres for detached dwellings and on-street townhouse dwellings. This is not a significant reduction of the recommended 7.5 metres in the MUDG. For the rear access townhouse dwellings, the rear yard setback from the garages is 6 metres. This is adequate to ensure vehicles can be fully accommodated within the driveways.

POLICY

4a.6 Building Height

- a) *The following table summarizes the range of appropriate heights for typical housing types.*

Type	Height
Single Detached	2 ~ 3 storeys
Semi-Detached	2 ~ 3 storeys
Townhouse (Row)	3 ~ 5 storeys
Apartment	5 ~ 8+ storeys

ANALYSIS

The proposed single detached and on-street townhouse dwellings have a maximum height of 10 metres while the back-to-back townhouse dwellings have a maximum height of 3 storeys and 12 metres. All are within the range recommended by the MUDG.

POLICY

4a.8 Driveways & Garages

The primary issue regarding residential parking is the dominant proportion of the garage over the house façade. This limits opportunities for 'positive' design features such as front porches and windows, front facing rooms, and public safety through casual surveillance of the street from the house.

Garages

- b) *There should be no projection of the garage from the front face of the house (measured from the primary building façade not the porch) where there is no front porch and 1.0m where there is a front porch.*
- f) *Within townhouse or multiplex dwelling lots, no more than six double car garages or the equivalent in single car garage length should generally occur in a row.*

ANALYSIS

As mentioned, the proposed development ensures garages do not visually dominate the public realm as they are either located in the rear yards or recessed from the main dwelling face if they are in the front yards. Rear access garages are also located approximately 6 metres from the adjacent roads, i.e. Streets "C" and "D", lessening their visual impacts on these streets.

For on-street townhouse and back-to-back townhouse dwellings, no more than six single car garages are located in a row.

6.3.2 Niagara Falls Official Plan

POLICY

Part 2

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:*

- (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.*

- (v) *Cul-de-sacs are discouraged. Abutting cul-de-sacs should be connected by parkland or open space. Pedestrian connections are to be provided out of cul-de-sacs.*
- (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.*

ANALYSIS

As mentioned, the proposed development's road network is on a modified grid pattern with most block lengths under 250 metres and no cul-de-sacs. The block fronting on McLeod Road between Beechwood Road and Street "B" with a length of approximately 380 metres is the only block exceeding 250 metres in length. This was done because Public Works would not allow more than one connection to McLeod Road. Pedestrian connectivity is expected to be provided through public sidewalks within the proposed public roads.

POLICY

Part 3

- 6.1 *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.*
 - 6.1.1 *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.*
 - 6.1.2 *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.*
 - 6.1.3 *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.*
 - 6.1.4 *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.

6.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.

6.1.7 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.

ANALYSIS

As the lands along the easterly lot line of the Subject Lands are dedicated to the existing watercourse, the proposed residential uses do not abut any existing properties. The proposed ZBA seeks to rezone the residential uses on the lands to a site-specific Residential Mixed Zone (R3). The nearest residential uses to the Subject Lands are the detached dwellings on Sherrilee Crescent which are zoned Residential Mixed Zone (R3-1081). Not only do they share the same parent zone, the site-specific regulations related to minimum yard widths and maximum heights between these two zones are also largely similar. The only exception is the proposed back-to-back townhouse dwellings have a maximum height of 12 metres. This is appropriate as these dwellings are located within the interior of the Subject Lands and will have minimal impacts on any existing properties. At 12 metres, no adverse shadow or privacy concerns are expected.

As mentioned, most dwellings are oriented to the streets where public sidewalks may be provided, except for the townhouse dwellings fronting on McLeod Road and Beechwood Road. All proposed dwellings are close to the streets, with a front yard width ranging between a minimum of 3.5 metres to 4.5 metres.

The proposed development provides appropriately sized parkland and stormwater management facility and preserves the existing watercourse. This helps minimize potential impacts on the environment and adjacent lands as much as possible.

The proposal pays special attention to the Subject Lands' interfaces with the adjacent arterial roads. No individual driveways or parking areas are proposed along these important roadway corridors. The number of access points onto these arterial roads is therefore restricted to one each. For the new public roads, parking is contemplated within the front attached garages that are set back a minimum distance of 6 metres from the street. This ensures the visual impacts of parking areas in the front yards is minimized.

6.4 Design Considerations & Recommendations

As the proposed development is still in the conceptual design stage, detailed considerations related to architectural articulation, landscape treatment and site planning matters such as lighting are not available.

6.4.1 Site Layout

The proposed development features residential, open space and environmental conservation uses organized in a simple and efficient street layout that ensures pedestrian safety and efficient vehicular traffic. Most blocks are under 250 metres for improved walkability.

Along McLeod Road and Beechwood Road are rear access townhouse dwellings to minimize the number of individual driveways onto these arterial roads and to improve the interfaces along these public streets. Detached dwellings are located closer to the southern and eastern boundaries of the Subject Lands, providing an appropriate interface with the adjacent open space and environmental conservation uses.

6.4.2 Built Form

The proposed residential uses feature a wide range of ground-oriented dwelling types that are highly appropriate for the location. The different dwelling types, however, share similar built form characteristics such as building height, orientation and setbacks to create a consistent visual image for the community. In detail, building height ranges between a maximum of 10 metres to 12 metres while interior side yard and front yard widths are consistent across all typologies. Most dwellings are oriented towards the public streets with the exception of the rear access townhouse dwellings in which the front elevation faces the arterial roads while the rear garages face the new public roads. Detailed architectural design of the rear garages should lessen their appearance to achieve a residential image consistent with the other streets.

6.4.3 Recommendations

The proposed development aligns with the general intent of the applicable urban design policies and guidelines as evaluated. As the development moves forward, we recommend the following items be considered in the detailed design:

- Within a building block, there should be variations in building elevations through the use of materials, colours and architectural elements to minimize visual monotony;
- Dwelling units located at corner locations should be oriented to both streets and provide detailed articulation on both street elevations to emphasize their locations;
- For townhouse and back-to-back townhouse dwellings, individual driveways should be twinned to maximize areas for landscaping in the front yards;
- Landscape treatment should be coordinated across the entire development for the visual quality of both the private and public realm and to reduce the visual impacts of driveways and garages;
- Attached garages that are located in the front elevations should be recessed from the main building walls to lessen garages' visual impact on the public realm;
- For rear access townhouse dwellings, the dwelling rear elevation and the detached garages should be carefully designed to complement the adjacent streetscapes;
- Development of lots backing onto open space areas should incorporate high quality architectural articulation, particularly in the rear elevations, as well as attractive landscape treatment in the rear yards; and

- Environmentally sustainable considerations should be incorporated into the design of the building during the construction stage, such as using sustainably sourced building materials where possible to reduce the environmental impact of construction activities and permeable paving materials in driveways to enhance stormwater management and reduce surface runoff

6.5 Conclusion & Recommendations

The proposed development on the Subject Lands demonstrates a thoughtful and comprehensive approach to urban design that aligns with the general intent of the applicable policies and guidelines in the City OP and the Region’s MUDG.

Additionally, the Proposed Development’s design successfully fits into the streetscape of Lewis Road and positively contributes to the urban design quality of the area through its facade design, massing, setbacks and height.

A summary of the proposal’s positive urban design merits is as follows:

- The proposal incorporates a simple and effective street layout with appropriately sized blocks to improve pedestrian walkability and traffic efficiency.
- The proposed built form is compatible with nearby uses by maintaining appropriate building heights and setbacks. The minor increase in height for the back-to-back townhouse dwellings is appropriate because of its interior location within the Subject Lands.
- The proposal features a wide range of housing options and a variety of lot sizes and configurations for a diverse community.
- Most dwellings will complement their adjacent streetscapes by being close to and oriented towards the street and having attached garages set further back from the street lines. The introduction of rear access townhouse dwellings along the arterial roads not only improves the safety and efficiency of these roads but also provide opportunities for enhanced landscaping treatment in the front yard.
- The inclusion of a public park, stormwater management facility and environmental conservation lands within the Subject Lands provide recreational options for residents and improve the development’s overall environmental sustainability.

7.0 Housing Impact Statement

Part 1, Section 4, Policy 4.4 requires the submission of a housing impact statement to be included with an application for Draft Plan of Subdivision. The following is an analysis of the information required to be submitted with the housing impact statement:

POLICY & ANALYSIS

Section	Policy	Analysis
4.4 a)	<i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i>	The application will facilitate the development of the following units:

Section	Policy	Analysis									
		Townhouses with 3 bedrooms: 395 Singles with 3-4 bedrooms: 149 Total: 544 units									
4.4 b)	<i>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);</i>	<p>The Applications will facilitate the development of 544 new housing units for the City of Niagara Falls, contributing to the City's growth target of 674 new units yearly.</p> <p>As discussed further below, 20% of the units could be affordable for moderate income households in the sixth decile with the remaining 80% of units anticipated to be affordable for households in the high income deciles. None of the proposed units will be affordable for low income households per the affordability thresholds.</p> <p>However, additional dwelling units (ADUs) in accessory structures are proposed in the Zoning By-law. All single detached lots will be capable of providing an ADU. The reverse frontage townhouses are wider which provides additional opportunity for ADUs within the buildings. This would provide for rental units and support affordability for purchasers through a rental unit. ADUs could contribute to the City's supply of rental housing as well as affordability targets (affordability of ADUs not known at this time).</p>									
4.4 c)	<i>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;</i>	<p>The unit and price breakdowns are as follows:</p> <table border="1" data-bbox="899 1545 1412 1831"> <thead> <tr> <th data-bbox="899 1545 1105 1619">Unit Type</th> <th data-bbox="1112 1545 1247 1619"># of Units</th> <th data-bbox="1253 1545 1412 1619">Price (\$)</th> </tr> </thead> <tbody> <tr> <td data-bbox="899 1627 1105 1730">Single Detached</td> <td data-bbox="1112 1627 1247 1730">149</td> <td data-bbox="1253 1627 1412 1730">\$800,000 to \$900,000</td> </tr> <tr> <td data-bbox="899 1738 1105 1831">Street Townhouse</td> <td data-bbox="1112 1738 1247 1831">287</td> <td data-bbox="1253 1738 1412 1831">\$650,000 to \$750,000</td> </tr> </tbody> </table>	Unit Type	# of Units	Price (\$)	Single Detached	149	\$800,000 to \$900,000	Street Townhouse	287	\$650,000 to \$750,000
Unit Type	# of Units	Price (\$)									
Single Detached	149	\$800,000 to \$900,000									
Street Townhouse	287	\$650,000 to \$750,000									

Section	Policy	Analysis		
		Back-to-Back Townhouse	108	\$500,000 to \$600,000
4.4 d)	<i>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;</i>	The City has established housing units up to \$539,460 as affordable for moderate household incomes in the sixth decile. The back-to-back townhouses could be marketed at prices below this affordability threshold. All other units are anticipated to be affordable at the high income thresholds provided. Construction is anticipated to occur in 2 phases. The blocks to be included in each phase have not been determined.		
4.4 e)	<i>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.</i>	This policy is not applicable regarding the proposed development.		

8.0 Proposed Official Plan Amendment

The Subject Lands are designated Industrial, Environmental Conservation Area, and Environmental Protection Area on Schedule A of the Niagara Falls Official Plan. An OPA is required to redesignate lands to Residential and Open Space and identified as Special Policy Area “XX” as shown on the map attached to the Draft OPA entitled Map 1 to Amendment XXX (see **Appendix E**). The proposed OPA will also restrict building heights in Special Policy Area “XX” to 12 metres and redesignate the blocks containing the realigned watercourse and associated buffer to Open Space and blocks containing a public park and stormwater management facility (wet pond) to Open Space.

The OPA can be supported for the following reasons:

- The proposed OPA addresses matters of Provincial interest outlined in the Planning Act as analyzed in Section 5.2 of this PJR;
- The proposed OPA is consistent with the Provincial Planning Statement (2024);
- The proposal conforms to the Niagara Official Plan and implements the growth strategy for Niagara Region; and,

- The proposal implements the policies of the City of Niagara Falls Official Plan as the proposal provides new housing in an area planned for growth, implements the Niagara Falls Employment Land Strategy, contributes to the City’s goals and priorities for building housing, and addresses the natural environment policies of the Official Plan.

9.0 Proposed Zoning By-law Amendment

The subject property is presently zoned Light Industrial (LI), Hazard Land (HL), and Development Holding (DH) on Schedule A – Sheet A6 (see **Appendix F**) of Zoning By-law No. 79-200. The requested rezoning is for a change in zoning to “R3” (Residential Mixed) Zone, Open Space Zone and Environmental Protection Area Zone. The proposed Zoning By-law also repeals By-law 2023-078 relative to the Subject Lands.

The following table assesses the proposed development against the policies of the Residential Mixed (R3) Zone. The draft ZBA included as part of the complete submission for the current applications is provided as **Appendix G** to this PJR.

Table 6: Compliance with Residential Mixed (R3) Zone in Zoning By-law No. 79-200

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
7.8.2				
(a) Minimum lot area	(i) for a detached dwelling	300 square metres	300 square metres	Yes
	(iii) for an on-street townhouse dwelling	160 square metres for each dwelling unit	180 square metres	Yes
(b) Minimum lot frontage	(i) for a detached dwelling on an interior lot	10 metres	10 metres	Yes
	(ii) for a detached dwelling on a corner lot	12 metres	13 metres	Yes
	(v) for an on-street townhouse dwelling	6 metres for each dwelling unit	6 metres for each dwelling unit	Yes
(c) Minimum front yard depth	(i) for a dwelling or dwelling unit	3 metres plus any applicable distance specified in section 4.27.1	4.5 metres	Yes
	(ii) for a private garage with driveway access from the front yard	6 metres plus any applicable distance specified in section 4.27.1	6 metres, 3.0 metres for on-street townhouse dwellings fronting McLeod Road or Beechwood Road with their front elevation oriented towards these streets.	No

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
d) Minimum rear yard depth		7.5 metres plus any applicable distance specified in section 4.27.1	7 metres, detached dwelling and on-street townhouses, 6 metres for on-street townhouse dwellings fronting McLeod Road or Beechwood Road with their front elevation oriented towards these streets.	No
(e) Minimum interior side yard width		1.2 metres	0.9 metres for a detached dwelling with a height less than 2 storeys, otherwise 2 metres.	No
(f) Minimum exterior side yard width	(i) for a dwelling or dwelling unit	3 metres plus any applicable distance specified in section 4.27.1	3 metres	Yes
	(ii) for a private garage with driveway access from the exterior side yard	6 metres plus any applicable distance specified in section 4.27.1	-	-
(g) Maximum lot coverage	-	55%	Not Applicable	No
(h) Maximum building height	-	10 metres subject to section 4.7	12 metres	No
(i) Deleted by By-law No. 2011-136	-	-	-	-
(j) Maximum number of dwellings on one lot	-	1 only	Additional dwelling units within accessory buildings or structures in accordance with 4.45	No
(k) Parking and access requirements	-	in accordance with section 4.19.1	Parking will be provided in accordance with 4.19.1	Yes
(l) Accessory buildings and accessory structures	-	in accordance with sections 4.13 and 4.14	Maximum height of an accessory building or	No

No.	REGULATION	REQUIRED (metres ⁽²⁾)	PROPOSED (metres ⁽²⁾)	COMPLIANCE
			structure containing an additional dwelling unit up to 9 metres	
(m) Minimum landscaped open space	-	25% of the lot area	-	Yes

RELIEF

Residential Mixed Use (R3) Zone

The Residential Mixed (R3) Zone permits and regulates various residential dwelling types, including detached dwellings and on-street townhouse dwelling.

Back-to-back townhouse dwellings are not specifically permitted, however, and the zoning provisions for similar permitted uses such as on-street townhouse dwellings do not contemplate the back-to-back typology. For this reason, it is proposed that back-to-back townhouse dwellings be included as a site-specific permitted use with the following provisions and definition:

Provision	Requirement
Definition	A townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.
Minimum lot area	120 square metres for each dwelling
Minimum lot frontage	6 metres for each dwelling
Minimum front yard depth	4.5 metres
Minimum rear yard depth	0 metres
Minimum interior side yard width	1.2 metres

The inclusion of back-to-back townhouse dwellings increases housing choice via an innovative housing form that is similar to existing permitted dwelling types in the Residential Mixed (R3) Zone. The site-specific provisions proposed specifically for back-to-back townhouse dwellings are intended to provide appropriate regulations consistent with those provided for on-street townhouses, recognizing back-to-back townhouses have no rear yards and consequently require smaller lots.

Other site-specific zoning relief being requested:

- reduce minimum front yard depth for an on-street townhouse dwelling fronting McLeod Road or Beechwood to 3.0 metres;
- reduce minimum rear yard depth for detached dwellings and on-street townhouse dwellings to 7 metres or 6 metres for on-street townhouse dwellings fronting McLeod Road or Beechwood Road;
- reduce minimum interior side yard width for detached dwellings with a height less than 2 storeys to 0.9 metres;

- eliminate maximum lot coverage requirements;
- increase the maximum driveway width for an on-street townhouse dwelling unit and eliminate it for on-street townhouse dwellings fronting McLeod Road or Beech; and,
- prohibit vehicle access to accessory buildings for on-street townhouse dwellings fronting McLeod Road or Beechwood Road;

The above site-specific relief is requested to facilitate the proposed development and ensure the efficient use of land and compact form will be achieved based on the blocks and lots provided through the modified Draft Plan of Subdivision. The elimination of maximum lot coverage is appropriate as the minimum open space regulation is maintained and will ensure suitable amenity area will be provided.

In addition to the above, site-specific provisions are provided for additional dwelling units in accessory buildings or structures to refine regulations provided in Section 4.45 of the City's ZBL No. 79-200, including increase the maximum building height to 9 metres.

Environmental Protection Area (EPA) Zone

Site-specific relief is sought to allow a stormwater management facility (wet pond) and public services including walkways but not a school or other educational institution in the Environmental Protection Area (EPA-XXXX) Zone. This is appropriate as the stormwater management facility is contiguous with the block containing the realigned watercourse/drainage channel and is functionally connected to it. The Open Space (OS-XXXX) zoned lands are for a public park in the southwest corner of the Subject Lands and forms with the lands zoned Environment Protection Area (EPA-XXXX) a connected linear green space running along the southern edge of the development. A public pathway is proposed to run east-west through these lands.

Open Space (OS) Zone

Site-specific relief is sought to eliminate minimum lot frontage and minimum lot area requirements for the Open Space (OS) Zone. The lands being zoned Open Space (OS-XXXX) are for a public park to be conveyed to the City to satisfy parkland dedication requirements for the subdivision.

10.0 Modified Draft Plan of Subdivision

Draft Plan of Subdivision approval was granted for "McLeod Meadows" by the City of Niagara Falls. As a result of discussions with adjoining landowners, the City, and the Region, revisions to the approved Draft Plan of Subdivision were made in terms of the physical layout and the conditions of Draft Plan approval.

The revised Draft Plan of Subdivision modifies the layout of the proposed development as follows:

- Implements the limit of residential development identified in the Schedule to the proposed Official Plan Amendment by placing the park and stormwater pond at the southern limit of the Subject Lands.

- Retaining the grid street pattern and redesigning the internal street network;
- Adjusting the unit types to include reverse frontage street townhouses fronting on McLeod Road and Beechwood Road;
- Maintaining the back to back townhouses;
- Maintaining single family dwellings;
- Modifying the mix of housing unit types;
- Incorporating road widenings, reserves, and access as required to facilitate the development.

The Draft Plan Conditions are requested to be modified to:

- Update references to lots, blocks and unit counts as well as other administrative updates (date references to reports);
- Modifying wording to reflect the privately initiated Official Plan Amendment and remove references to City Initiated OPA 147.

The above changes are appropriate for the proposed development as:

- The Draft Plan layout implements the feedback received to incorporate physical changes and the limits of residential development; and,
- The proposed modifications implement the Draft Plan and are administrative in nature.

11.0 Summary and Conclusion

It is our opinion the proposed development represents good land use planning, is the public interest and should be approved for the following reasons:

- The proposed OPA and ZBA have regard for matters of provincial interest;
- The modified Draft Plan of Subdivision has regard for the criteria provided in Section 51(24) of the *Planning Act*;
- The proposed development is consistent with the Provincial Planning Statement and conforms to the Niagara Official Plan;
- The proposed ZBA and revised Draft Plan of Subdivision conform to the Niagara Falls Official Plan, subject to approval of the proposed OPA;
- The proposed OPA, ZBA and revised Draft Plan of Subdivision represent good planning and are in the public interest.

Report prepared by:



Rob Fiedler, PhD
Intermediate Planner
NPG Planning Solutions Inc.



Jeremy Tran, MCIP, RPP
Senior Planner, Urban Designer
NPG Planning Solutions Inc.

Report reviewed and approved by:



Mary Lou Tanner, FCIP, RPP
President
NPG Planning Solutions Inc.

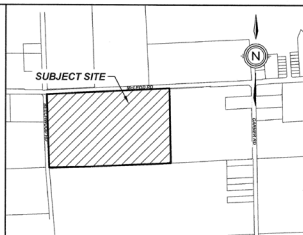
12.0 Appendices

- Appendix A – Approved Draft Plan of Subdivision
- Appendix B – Modified Draft Plan of Subdivision
- Appendix C – Niagara Official Plan Schedules
- Appendix D – Niagara Falls Official Plan Schedules
- Appendix E – Draft OPA and Schedule
- Appendix F – Niagara Falls Zoning Schedule
- Appendix G – Draft ZBA and Schedule

Appendix A – Approved Draft Plan of Subdivision

McLEOD MEADOWS CITY OF NIAGARA FALLS

DRAFT PLAN OF SUBDIVISION
Subject to the conditions, if any, attached to any other dated
June 31, 2023
The City of Niagara Falls, Ontario, P.L.S. 11, of the Planning Act
July 19, 2023
Date
[Signature]
Authorized Signature



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART 1 & PART 2, PLAN 55R-16846; PART OF LOT 161
GEOGRAPHIC TOWNSHIP OF STAFFORD
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORISE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF NIAGARA FALLS
FOR APPROVAL.

800460 ONTARIO LIMITED DECEMBER 16, 2022 DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

[Signature] Dec. 16, 2022 DATE
ALAN J. REYNOLD
J.D. BARNES LTD. 20-16-176

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) SEE PLAN
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-203	203	7.236	31.57
REVERSE TWO STREET TOWN	BLOCK 204-214	62	2.168	9.24
STREET TOWNS RESIDENTIAL	BLOCK 215-237	107	4.487	18.85
BBB TOWNS RESIDENTIAL	BLOCK 238-243	46	0.800	3.49
MULTIPLE FAMILY RESIDENTIAL	BLOCK 244-246	80	1.234	5.28
PARKLAND	BLOCK 247		1.145	5.00
CHANNEL/WATERCOURSE	BLOCK 248		1.377	6.01
COMMERCIAL HOME FACILITY	BLOCK 249		0.084	4.23
5.0m ROAD W/SHEDS/DAYLIGHT	BLOCK 250-253		0.285	1.24
CLM RESERVE	BLOCK 254-257		0.024	0.11
ROADWAY			0.063	2.69
TOTAL		498	22.923	100.00

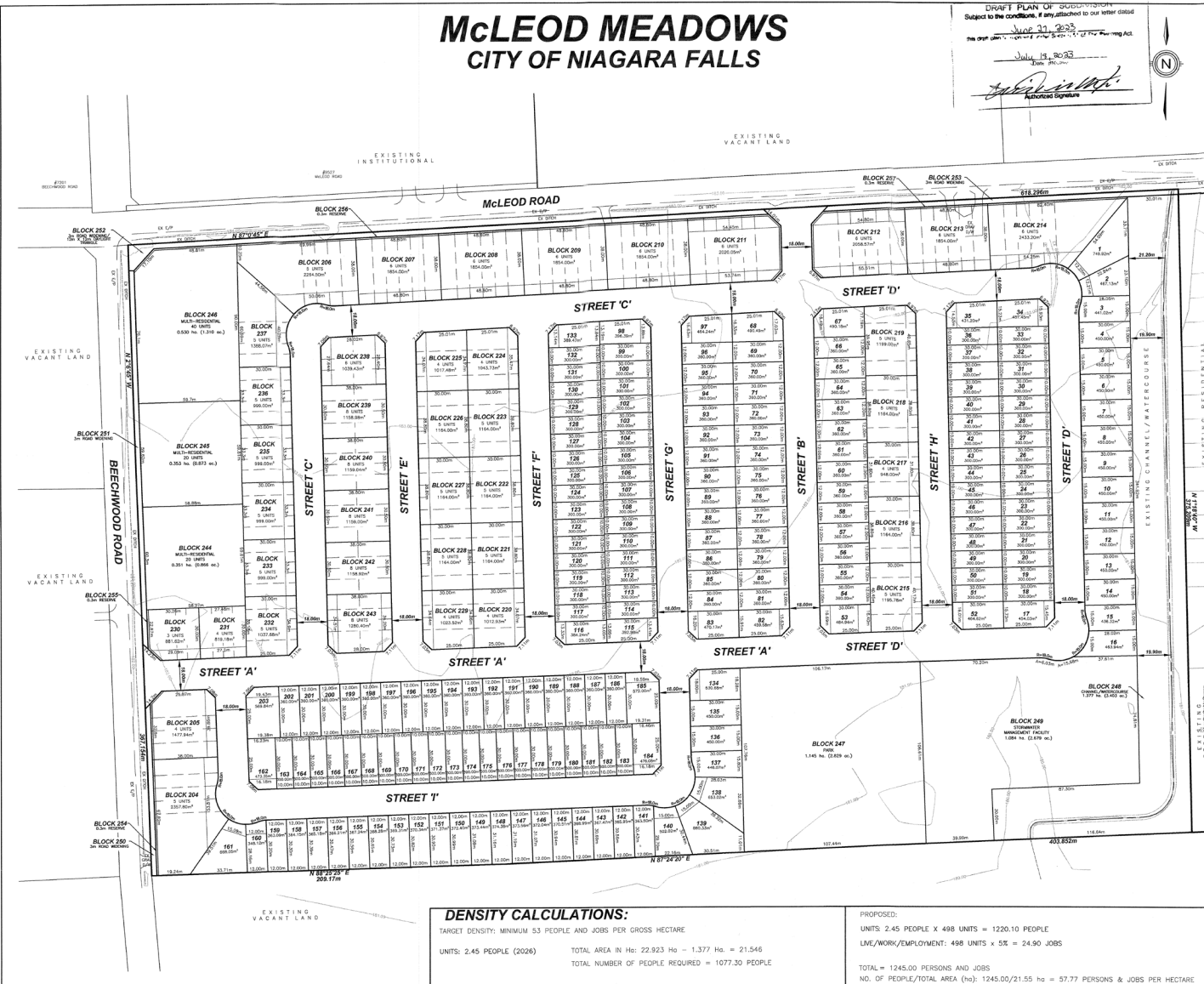
DEVELOPABLE AREA: 22.923ha = 1.377ha = 21.546
DEVELOPABLE DENSITY = 23.11 units/ha

#	REVISION AS PER TRANSPORTATION COMMENTS	DATE	BY
1	REVISED AS PER TRANSPORTATION COMMENTS	2023-06-01	M.K.
0	ISSUED FOR APPROVAL	2023-03-01	M.K.
#	REVISION	DATE	BY



UPPER CANADA CONSULTANTS
ENGINEERS & PLANNERS

DRAWING TITLE	DRAFTING	DATE	DATE
DRAFT PLAN OF SUBDIVISION	MK	DECEMBER 14, 2022	2022
		PRINTED JUNE 1, 2023	
		SCALE	1:1000
		DWG NO.	2054-DP
		REV	1

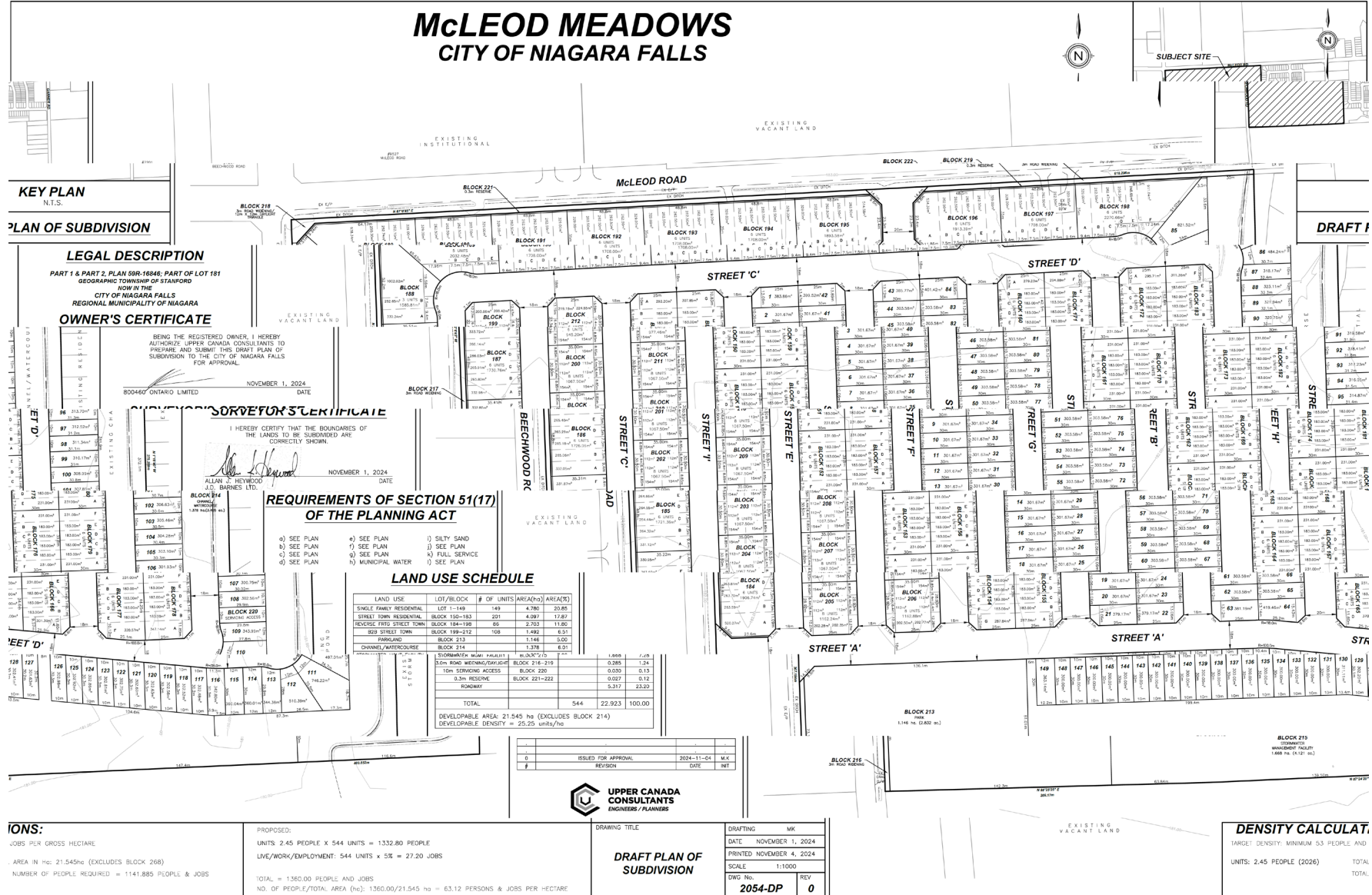


DENSITY CALCULATIONS:
TARGET DENSITY: MINIMUM 53 PEOPLE AND JOBS PER GROSS HECTARE
UNITS: 2.45 PEOPLE (2026) TOTAL AREA IN Ha: 22.923 ha = 1.377 ha = 21.546
TOTAL NUMBER OF PEOPLE REQUIRED = 1077.30 PEOPLE
LIVE/WORK/EMPLOYMENT: 498 UNITS x 5% = 24.90 JOBS
TOTAL = 1245.00 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha): 1245.00/21.55 ha = 57.77 PERSONS & JOBS PER HECTARE

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Appendix B – Modified Draft Plan of Subdivision

McLEOD MEADOWS CITY OF NIAGARA FALLS



KEY PLAN
N.T.S.

PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART 1 & PART 2, PLAN 59R-18546, PART OF LOT 181
GEOGRAPHIC TOWNSHIP OF STANFORD
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF NIAGARA FALLS
FOR APPROVAL.

800460 ONTARIO LIMITED
NOVEMBER 1, 2024 DATE

CONVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

ALLAN J. HEYWOOD
D. BARNES LTD.
NOVEMBER 1, 2024 DATE

**REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT**

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) SEE PLAN
- i) SILTY SAND
- j) FULL SERVICE
- k) MUNICIPAL WATER

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-149	149	4.780	20.85
STREET TOWN RESIDENTIAL	BLOCK 150-183	293	4.907	17.87
REVERSE FRONT STREET TOWN	BLOCK 184-198	66	2.703	11.80
STREET TOWN	BLOCK 199-212	108	1.446	6.51
PARKLANDS	BLOCK 213	1,143	5.500	
CHANNEL/WATERCOURSE	BLOCK 214	1,378	6.011	
150m WATERWAY BUFFER	BLOCK 215		1.888	7.18
50m ROAD WIDENING/DRAINAGE	BLOCK 216-219		0.285	1.24
10m SERVING ACCESS	BLOCK 220		0.030	0.13
3.5m RESERVE	BLOCK 221+222		0.027	0.12
ROADWAY			5.317	23.50
TOTAL		544	22.923	100.00
DEVELOPABLE AREA: 21.545 ha (EXCLUDES BLOCK 214)				
DEVELOPABLE DENSITY = 25.25 units/ha				

0	ISSUED FOR APPROVAL	2024-11-04	M.K.
1	REVISION	DATE	NET

**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

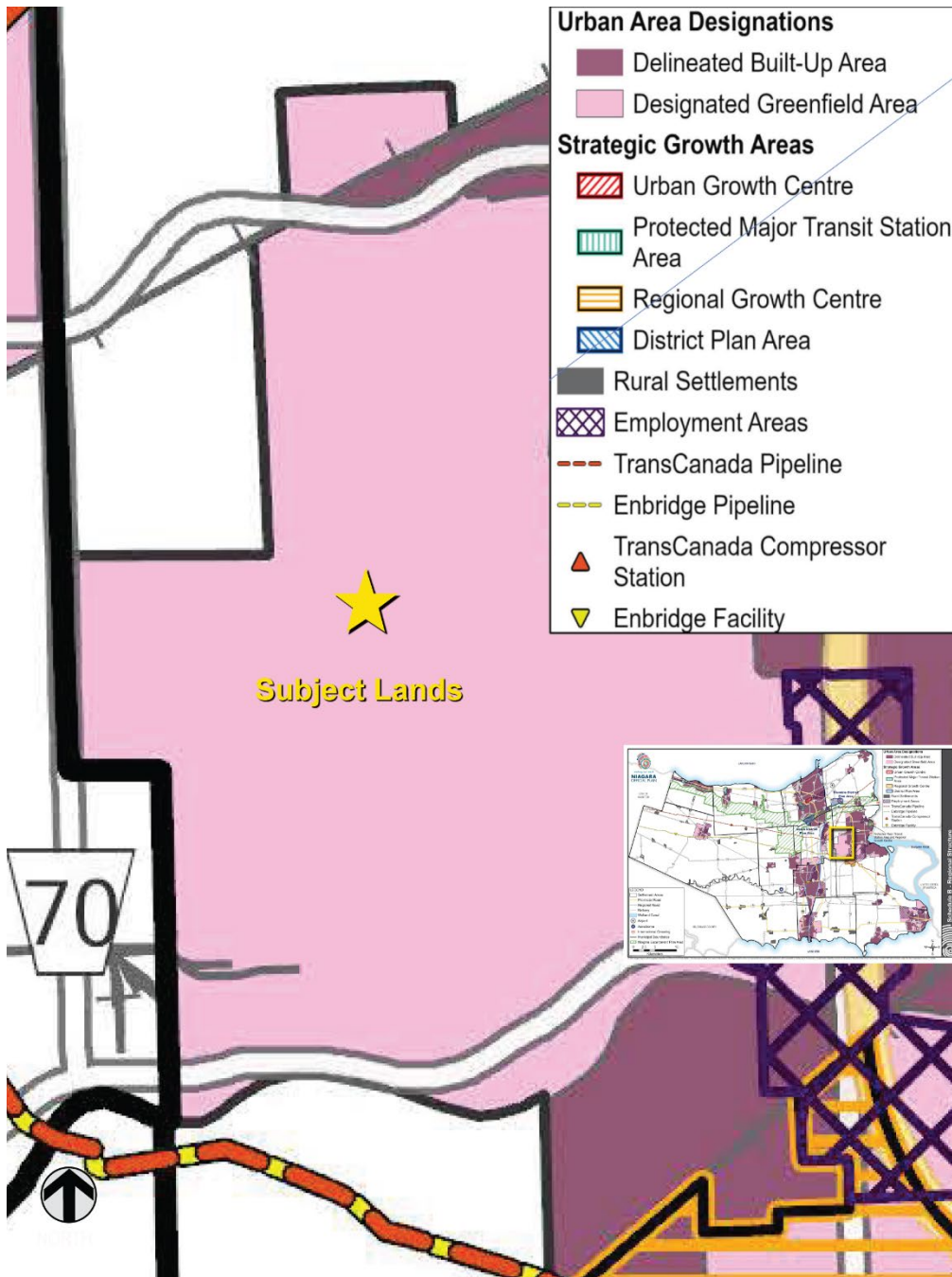
**DRAFT PLAN OF
SUBDIVISION**

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DATE NOVEMBER 1, 2024
PRINTED NOVEMBER 4, 2024
SCALE 1:1000
DWG. NO. 2054-DP
REV 0

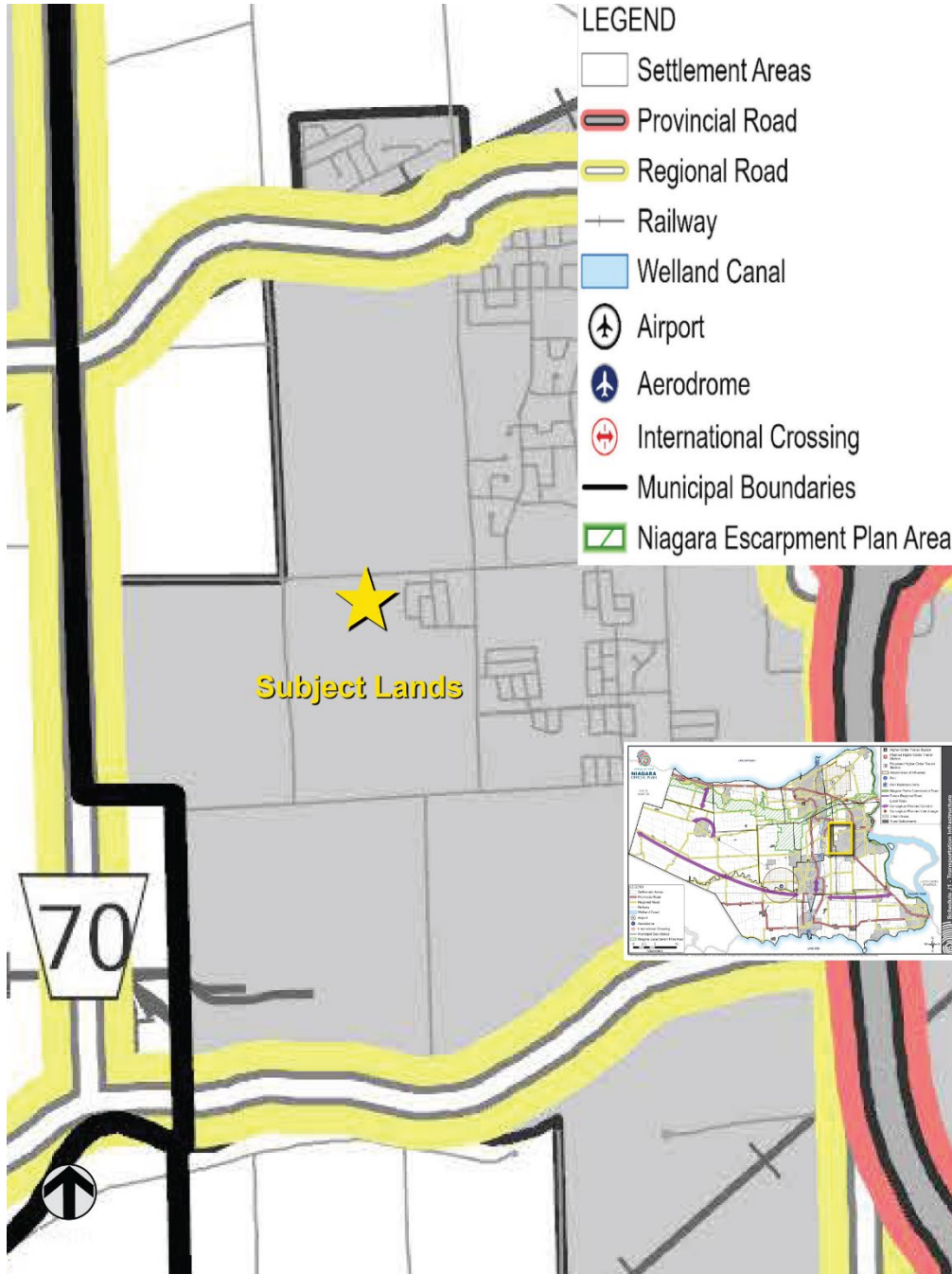
DENSITY CALCULATION
TARGET DENSITY: MINIMUM 0.5 PEOPLE AND
UNITS: 2.45 PEOPLE (2026)

NOTES:
UNITS PER GROSS HECTARE
AREA IN Ha: 21.545ha (EXCLUDES BLOCK 208)
NUMBER OF PEOPLE REQUIRED = 1141,885 PEOPLE & JOBS
TOTAL = 1360.00 PEOPLE AND JOBS
NO. OF PEOP./TOTAL AREA (ha): 1360.00/21.545 ha = 63.12 PERSONS & JOBS PER HECTARE

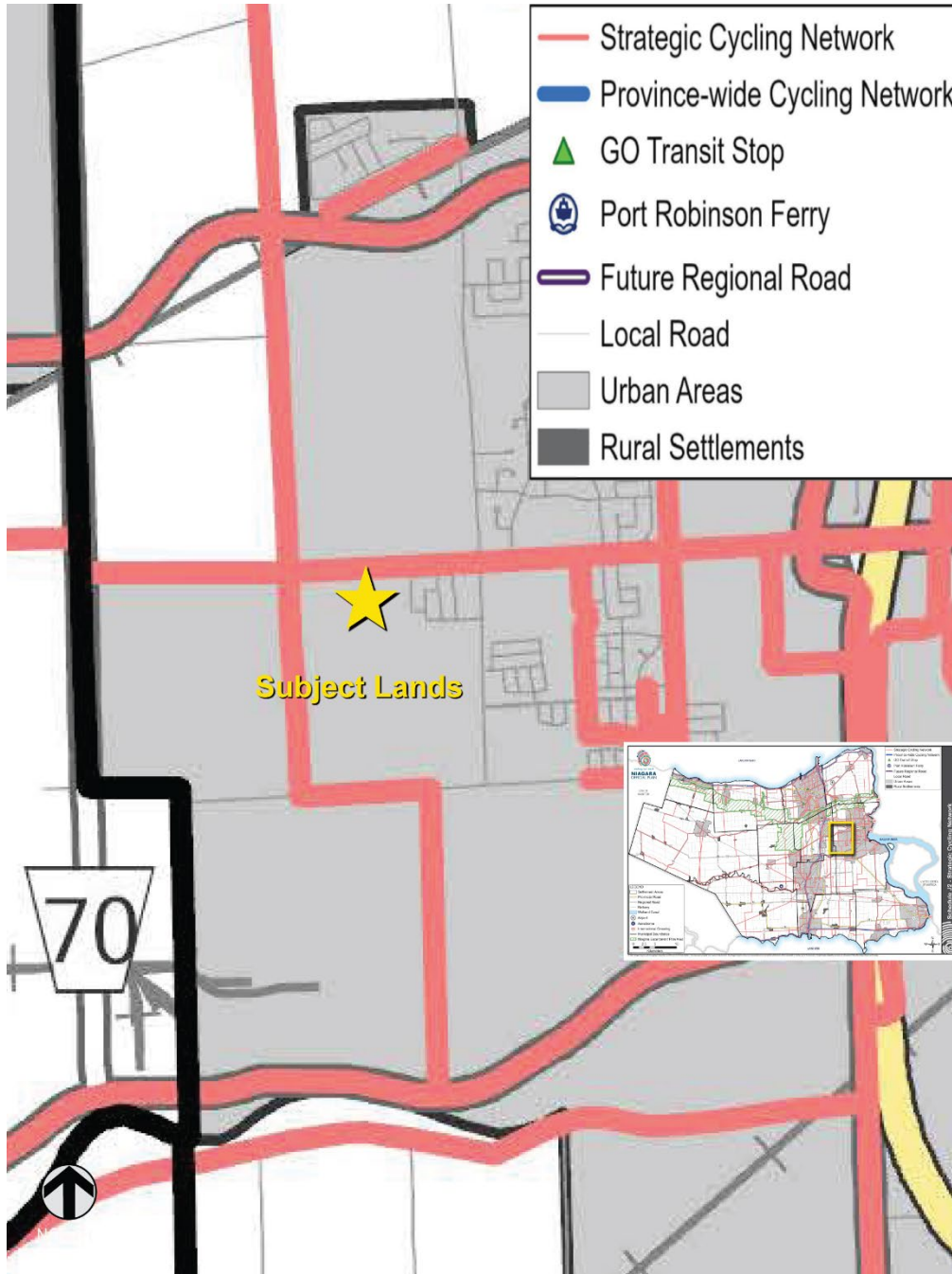
Appendix C – Niagara Official Plan Schedules
 Schedule B



Schedule J1

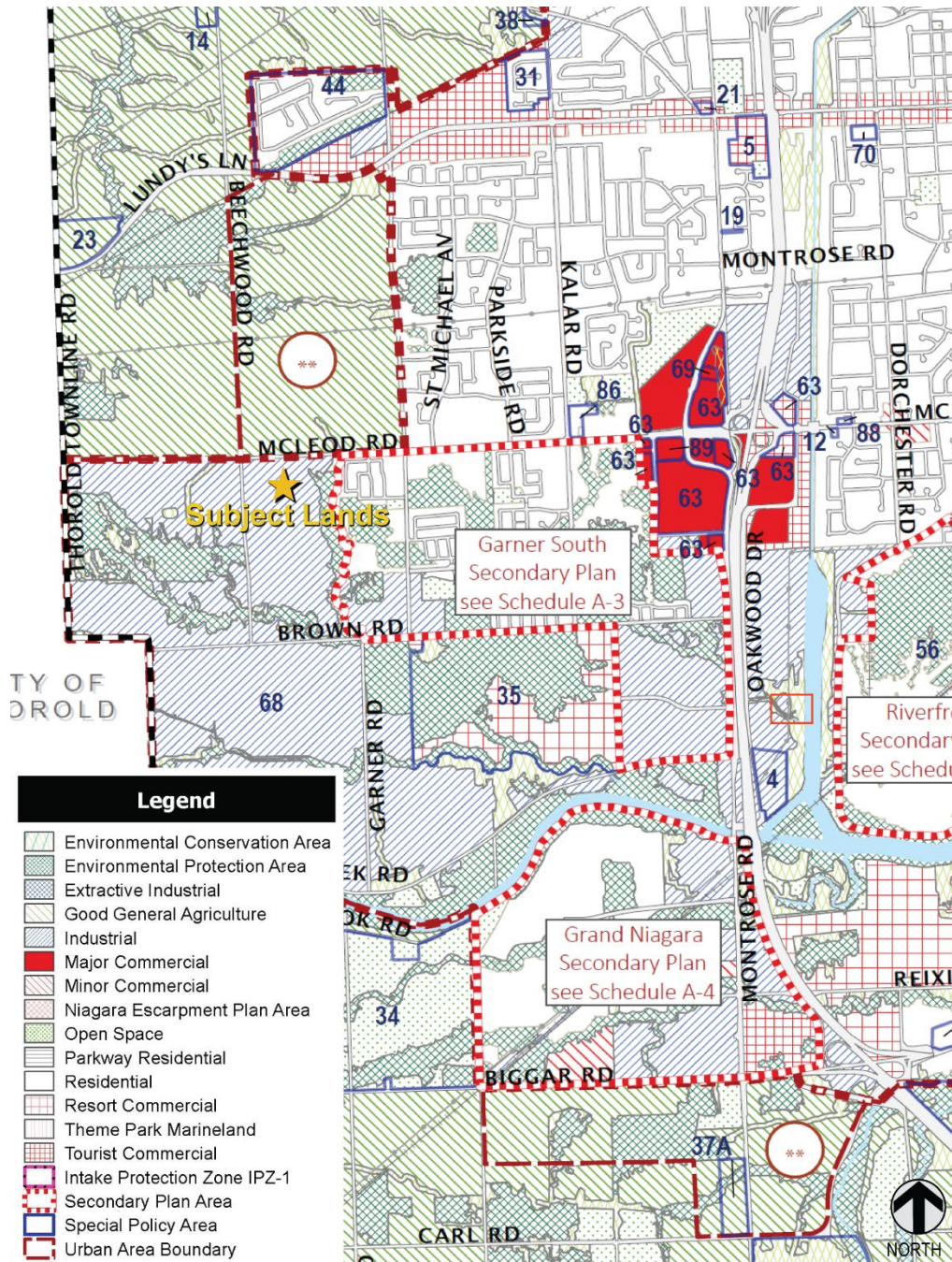


Schedule J2



Appendix D – Niagara Falls Official Plan Schedules

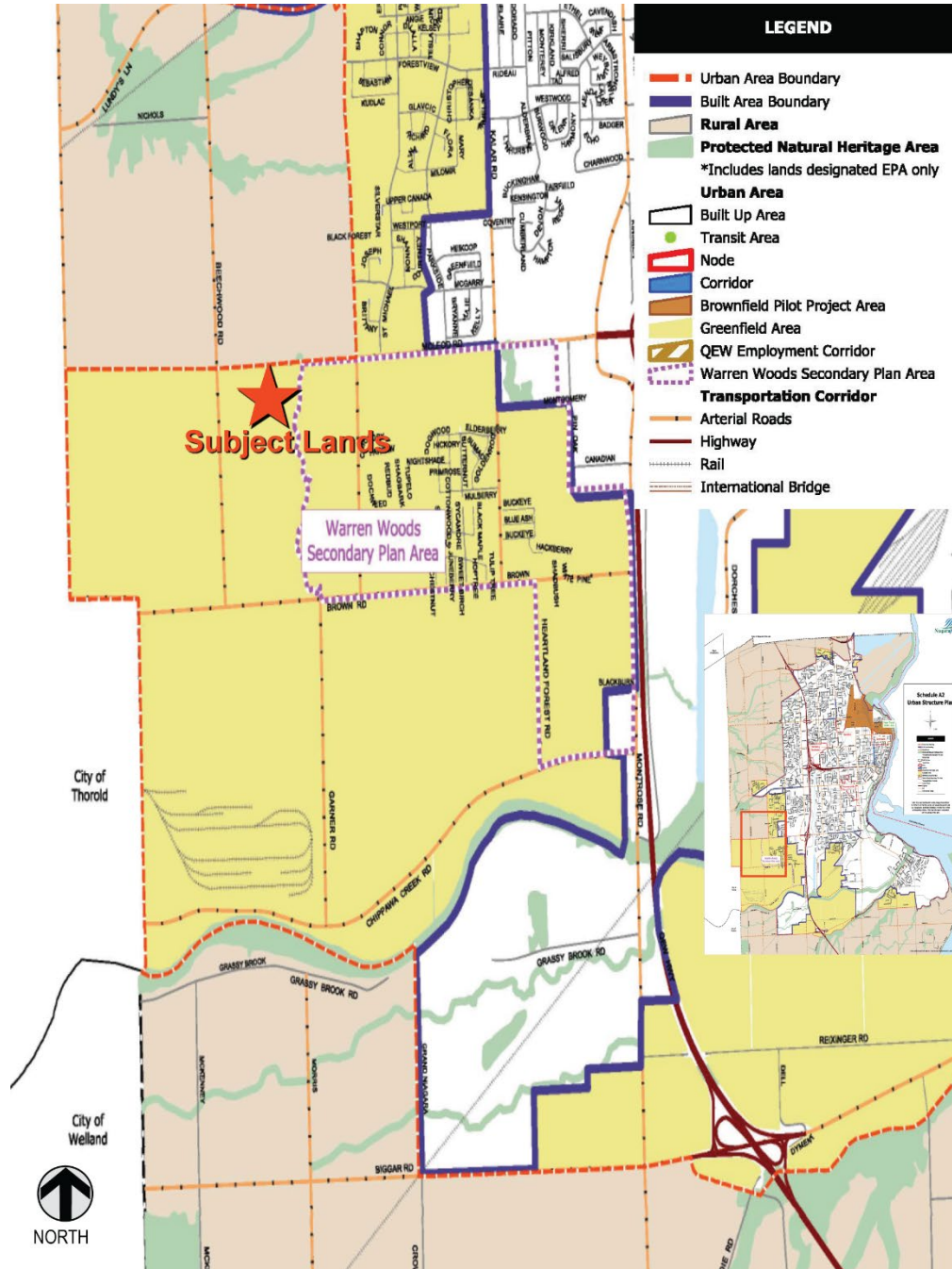
Schedule A



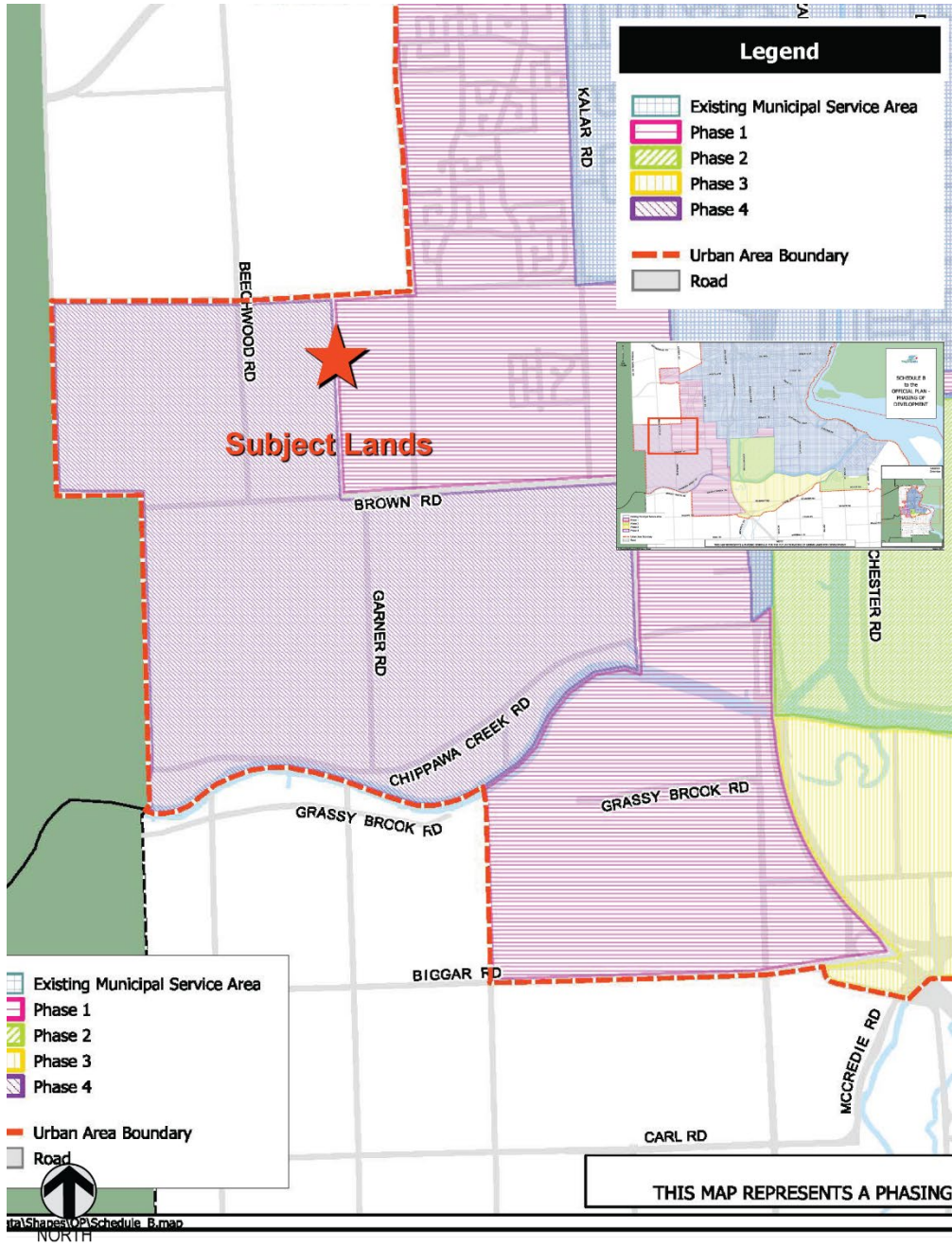
Schedule A1



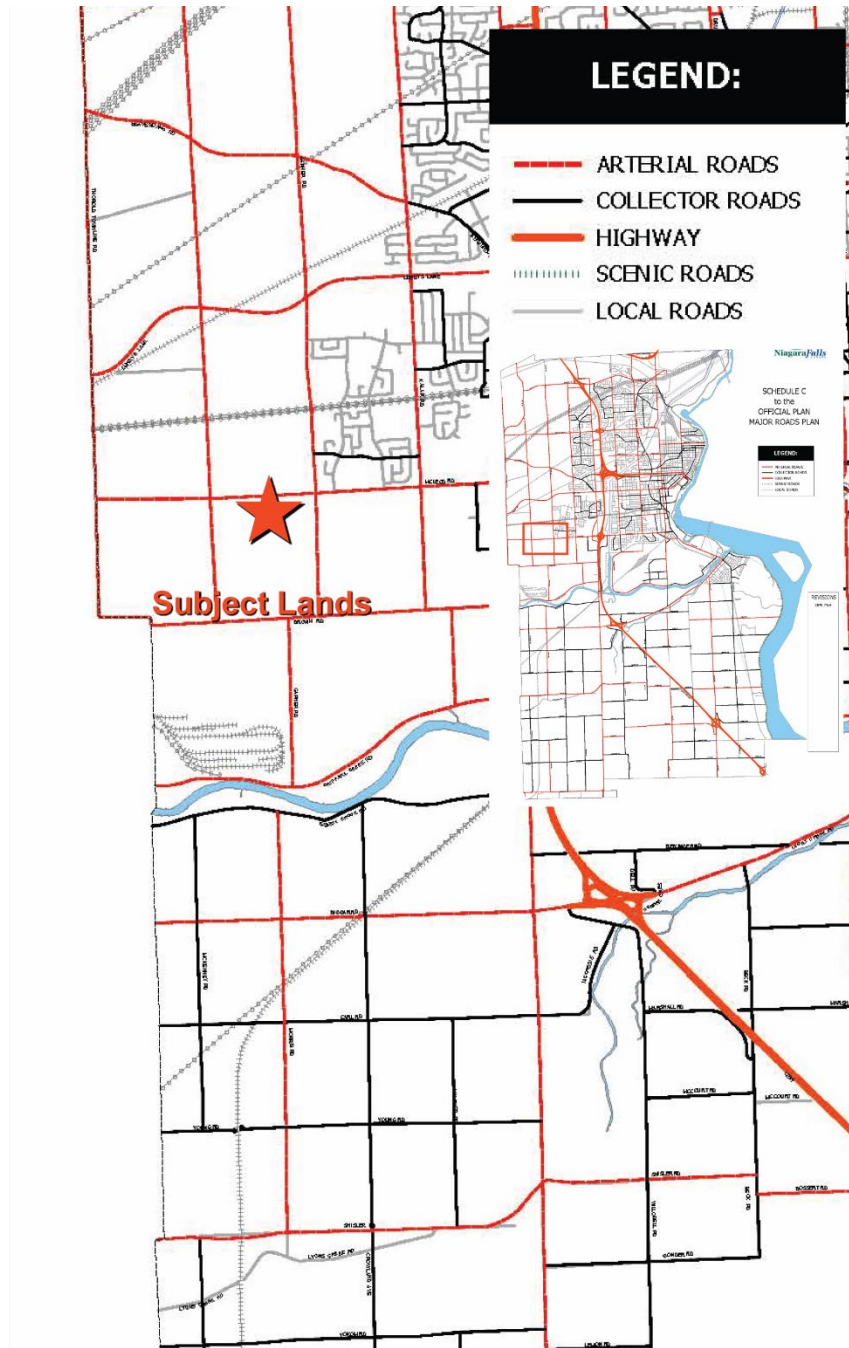
Schedule A2



Schedule B



Schedule C



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.”⁵

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

⁵ City of Niagara Falls, Official Plan Amendment No. 147, Basis of the Amendment

currently under appeal and before the Ontario Land 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”.

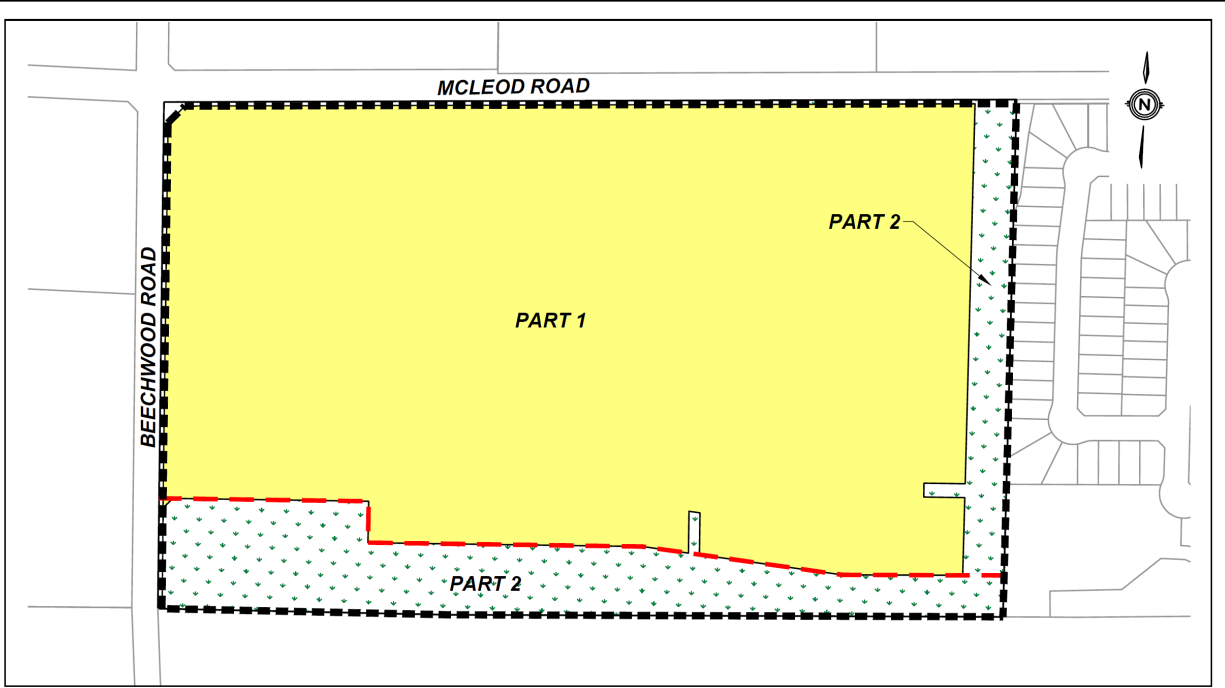
2. TEXT CHANGES

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.




LEGEND

	PART 1 - RESIDENTIAL
	PART 2 - OPEN SPACE
	SPECIAL POLICY AREA
	LIMIT OF RESIDENTIAL DEVELOPMENT

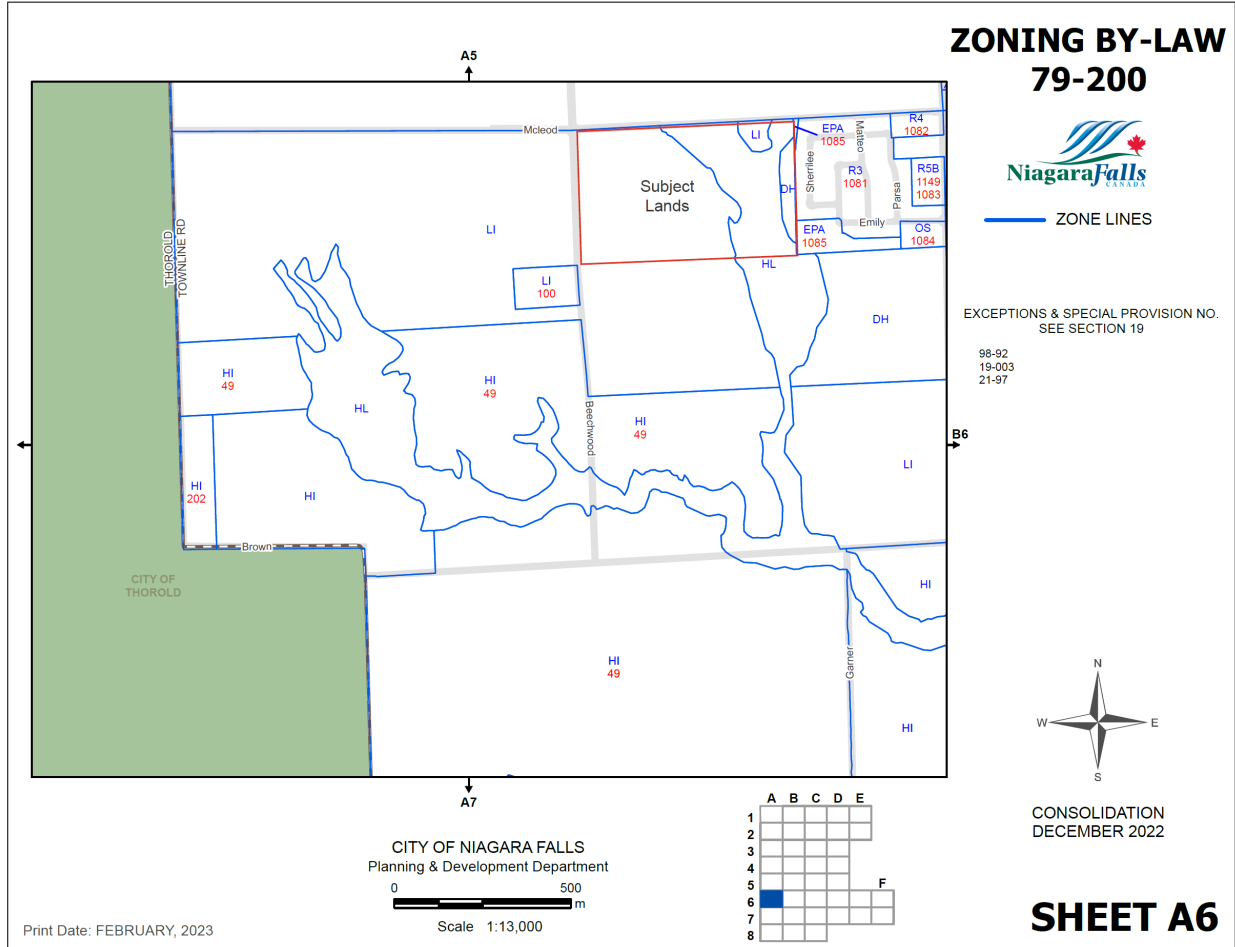
McLEOD MEADOWS
MAP 1 TO OFFICIAL PLAN AMENDMENT No. _____

MAYOR: _____

CLERK: _____



Appendix F – Niagara Falls Zoning By-law Schedules



Appendix G – Draft Zoning By-law and Schedule

CITY OF NIAGARA FALLS

By-law No. 2024-XXX

A by-law to amend By-law No. 79-200, to regulate the McLeod Meadows plan of subdivision on the lands.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule “A” of this by-law and shall be referred to in this by-law as the “Lands”. Schedule “A” is a part of this by-law.

2. The Lands shall be identified as three parcels, known as Part 1 R3-XXXX, Part 2 OS-XXXX, and Part 3 EPA-XXXX.

3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.

4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.

5. The permitted uses shall be:

(a) For Part 1, R3-XXXX,

- (i) The uses permitted in a R3 Zone
- (ii) A back-to-back townhouse dwelling

(b) For Part 3, EPA-XXXX,

- (i) The uses permitted in an EPA Zone
- (ii) Stormwater management facility
- (iii) Public services including walkways but excluding clause 4.4 d) of By-law 79-200

(c) For the lands zoned OS-XXXX, the only permitted use is a recreational use and accessory buildings and structures thereto. Residential dwelling units are prohibited.

6. The regulations governing the permitted uses Part 1 R3-XXXX shall be:

(a) Minimum lot area:

i.	For a detached dwelling:	300 square metres
ii.	For an on-street townhouse dwelling unit:	180 square metres for each dwelling
iii.	For a back-to-back townhouse dwelling unit:	110 square metres for each dwelling

(b) Minimum lot frontage:

i.	For a detached dwelling on an interior lot:	10 metres
ii.	For a detached dwelling on a corner lot:	12 metres
iii.	For an on-street townhouse dwelling:	6 metres per unit
iv.	For a back-to-back townhouse dwelling unit	6 metres per unit

(c) Minimum front yard depth:

i.	For a detached dwelling, on-street townhouse dwelling, or back-to-back townhouse dwelling, save and except for an on-street townhouse dwelling fronting on McLeod Road or Beechwood Road:	4.5 metres
ii.	For a private garage with driveway access from the front yard save and except for an on-street townhouse dwelling fronting on McLeod Road or Beechwood Road:	6 metres
iii.	For an on-street townhouse dwelling fronting McLeod Road or Beechwood Road:	3.0 metres The front elevation of the dwelling must be oriented towards McLeod Road or Beechwood Road

(d) Minimum rear yard depth:

i.	For a detached dwelling:	7 metres
ii.	For an on-street townhouse dwelling:	7 metres

iii.	For an on-street townhouse dwelling fronting on McLeod Road or Beechwood Road:	6 metres
iv.	For a back-to-back townhouse dwelling:	0 metres

(e) Minimum interior side yard width:

i.	For a detached dwelling with a height of less than 2 storeys:	0.9 metres
ii.	For a detached dwelling with a height of greater than 2 storeys:	1.2 metres
iii.	For an on-street townhouse dwelling:	1.2 metres
iv.	For a back-to-back townhouse dwelling:	1.2 metres

(f) Minimum exterior side yard width 3 metres

(g) Maximum lot coverage Not applicable

(h) Maximum driveway width for an on-street townhouse dwelling unit save and except for an on-street townhouse dwelling fronting on McLeod Road or Beechwood Road 70% of the lot frontage

(i) Maximum driveway width for an on-street townhouse dwelling unit fronting on McLeod Road or Beechwood Road Not applicable

(j) Vehicular access to an accessory building or structure that will function as a garage and location of a driveway for an on-street townhouse dwelling fronting McLeod Road or Beechwood Road Vehicle access shall not be provided from McLeod Road or Beechwood Road

(k) Maximum building height 12 m

(l) In addition to Section 4.45.4 (a), the following shall apply: Common detached accessory buildings or structures containing an additional dwelling unit may be centred on the mutual lot line if erected simultaneously on two abutting lots.

(m) Notwithstanding Section 4.45.4 (d), the following shall apply: the maximum height of an accessory building or structure containing an additional dwelling unit shall be 9 metres.

(n) Notwithstanding 4.13.2, minimum yard depths shall be provided in accordance with site-specific requirements for R3-XXXX.

(o) The balance of regulations specified for a R3 use. Back-to-back townhouse dwellings will be subject to requirements for on-street townhouse dwellings, except where site-specific requirements are provided.

7. The regulations governing the permitted uses Part 3 EPA-XXXX shall be the regulations for an EPA use.

8. The regulations governing the permitted uses Part 2 OS-XXXX shall be:

(a) Minimum lot frontage Not applicable

(b) Minimum lot area Not applicable

(c) The balance of regulations specified for an OS use.

9. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

10. For the purposes of this By-law:

“Back-to-Back Townhouse Dwelling” means a townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.

11. No person shall use the Lands for a use that is not a permitted use.

12. No person shall use the Lands in a manner that is contrary to the regulations.

13. The provisions of this by-law shall be shown on Sheets A6 of Schedule “A” of Bylaw No. 79-200 by redesignating the Lands from LI, in part, HL, in part, and DH, in part to designated R3 and numbered XXXX, OS and numbered XXXX, and EPA and numbered XXXX.

14. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.XXXX Refer to By-law No. 2024-XXX.

19.1.XXXX Refer to By-law No. 2024-XXX.

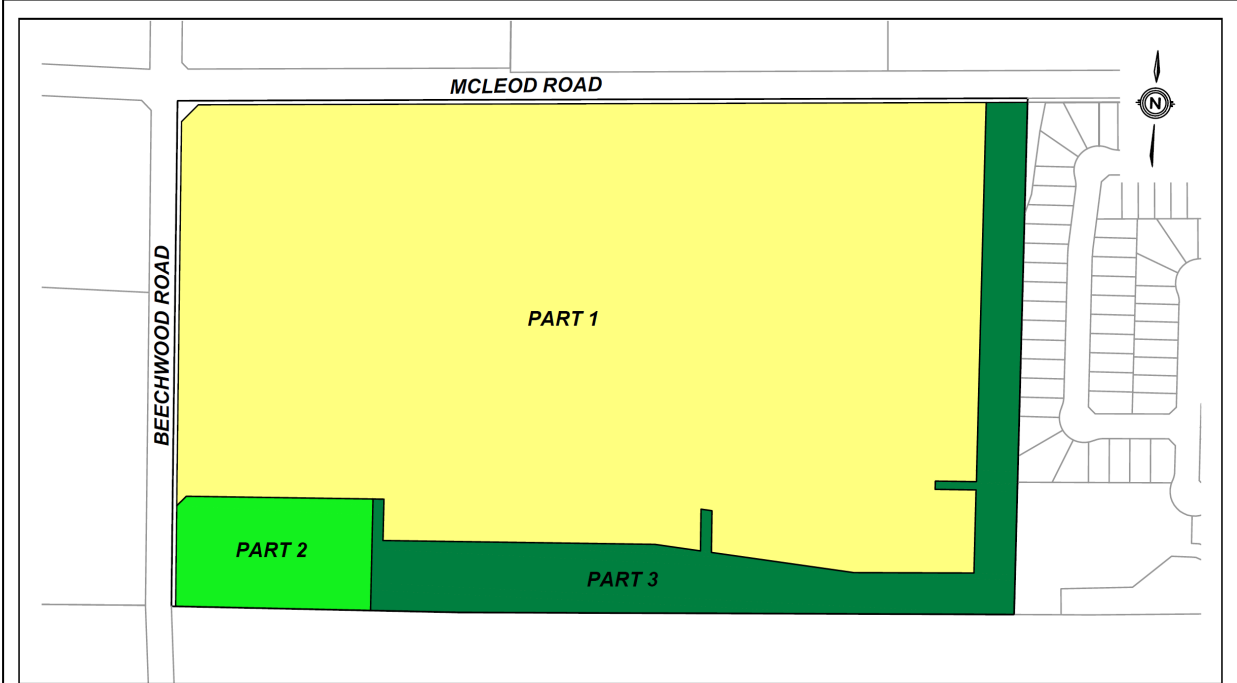
19.1.XXXX Refer to By-law No. 2024-XXX.

15. That By-law No. 2023-078 is repealed in its entirety.

Read a First, Second and Third time; passed, signed and sealed in open Council
this ____ day of _____, 202X.

.....
WILLIAM G. MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR



LEGEND

- PART 1 - RESIDENTIAL MIXED (R3-XXXX) SITE SPECIFIC ZONE
- PART 2 - OPEN SPACE (OS-XXXX) SITE SPECIFIC ZONE
- PART 3 - ENVIRONMENTAL PROTECTION AREA (EPA-XXXX) SITE SPECIFIC ZONE

McLEOD MEADOWS
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. ____

MAYOR: _____
CLERK: _____

