

CITY OF NIAGARA FALLS

By-law No. 2025-XXX

A by-law to provide for the adoption of Amendment No. 177 to the City of Niagara Falls Official Plan (AM-2024-036).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. Amendment No. 177 to the City of Niagara Falls Official Plan, constituting the attached text and maps, is hereby adopted.

Read a First, Second and Third time; passed, signed and sealed in open Council this 14th day of January, 2025.

.....
BILL MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR

OFFICIAL PLAN AMENDMENT NO. 177

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of the amendment is to allow for the development of:

- residential use building(s) up to a maximum of twenty (20) storeys in height located on the south side of Park Street between Chrysler Avenue and St. Clair Avenue (approximately 0.56 hectares in size) as shown in Map 1 of Amendment No. 177; and,
- mixed-use building(s) up to a maximum of twenty (20) storeys in height located on the south side of Queen Street west of Zimmerman Avenue (approximately 0.38 hectares in size) as shown in Map 2 of Amendment No. 177.

(ii) Location of the Amendment

The amendment applies to lands shown as Special Policy Area 102 on Schedule A5 to the Official Plan-Transit Station Area.

(iii) Details of the Amendment

Map Changes

Schedule A5 to the Official Plan – Transit Station Area has been amended to show the Mixed Use 1 Downtown designation with Special Policy Area 102 for the subject lands identified on Maps 1 and 2; and, the “Proposed Change” land, shown on Map 2, shall be redesignated from Open Space to Mixed Use 1 Downtown.

Text Change

PART 2, SECTION 13 – SPECIAL POLICY AREAS, is amended by the addition of Subsection 13.102.

PART 5, SECTION 2 SUBSECTION 2.12 SPECIAL AREA DESIGNATIONS, is amended by the addition of:

- Special Policy Area “102” (see PART 2 SECTION 13.102).

(iv) Basis of the Amendment

The applicant (City of Niagara Falls) proposes to permit development of:

- residential use building(s) up to a maximum of twenty (20) storeys on

0.56 hectares on the subject property legally known as PIN 64328-0050 (LT) Lots 1-8 and Part Lot 9 Block BB Plan 999-1000 as in RO183817, S/T NF31591 & RO215677, City of Niagara Falls; and,

- mixed-use building(s) up to a maximum of twenty (20) storeys in height located on the subject property legally known as PIN 64328-0198 (LT) Part Lot 2 Blok F Plan 999-1000 Town of Niagara Falls Part 1, 59R-6682, Part Lot 3 Block F Plan 999-1000 Town of Niagara Falls Part 1, 59R-6682; Part Lot 7 Block F Plan 999-1000 Town of Niagara Falls as in RO720047; Part Lot 8 Blk F Plan 999-1000 Town of Niagara Falls Pat 1 & 2, 59R-6682 and as in RO722141; Part lot 9 Block F Plan 999-1000 Town of Niagara Falls Part 1 & 2, 59R-6682, Part Lot 10 Block F Plan 999-1000 Town of Niagara Falls Part 1, 59R-6682, Part Lot 11 Block F Plan 999-1000 Town of Niagara Falls Part 1, 59R-6682, Niagara Falls; and, part of PIN 64328-0197 (LT) Part Lots 5, 10 and 11, all in Block F, Plan 999-1000, Part Township Lot 93, Stamford; Niagara Falls.

The lands known as 4500 Park Street are designated Mixed Use 1 Downtown and the lands known as 4200 Queen Street are designated Mixed Use 1 Downtown, in part, and Open Space, in part, as shown on Schedule A5 to the Official Plan- Transit Station Secondary Plan.

The amendment will redesignate a portion of the lands known as 4200 Queen Street, depicted as “Proposed Change” in Map 2, from Open Space to Mixed Use 1 Downtown. The redesignation is appropriate as the entire legal parcel is to be developed for high density mixed use.

The amendment meets the intent of the Official Plan as the area, identified as a strategic growth area, is suitable for intensification and the buildings are to be either setback, stepped back, or articulated in form to lessen the impact of height and massing. The increase in height will be appropriate as the lands are within an area targeted for intensification due to their proximity to the GO Transit Station.

The proposed developments will contribute to the overall density target of 150 people and jobs per hectare for the Transit Station Secondary Plan Area.

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – BODY OF THE AMENDMENT, consisting of the following Mapping Changes and Text Changes, constitute Amendment No. 177 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

The “Areas Affected by this Amendment”, shown on the maps attached hereto, entitled “Map 1 to Amendment 177”, and “Map 2 to Amendment 177” shall be identified as Special Policy Area 102 on Schedule A5 to the Official Plan-Transit Station Area.

2. TEXT CHANGES

PART 2, SECTION 13 –SPECIAL POLICY AREAS, is hereby amended by adding the following subsection:

13.102 Special Policy Area “102” applies to:

- land located on the south side of Park Street between Chrysler Avenue and St. Clair Avenue (approximately 0.56 hectares) as shown on Map 1 of Amendment No. 177; and,
- land located on the south side of Queen Street west of Zimmerman Avenue (approximately 0.38 hectares) as shown on Map 2 of Amendment No. 177.

The following policies in Part 5 Secondary Plans Section 2 Transit Station Secondary Plan are not applicable to the lands shown in Maps 1 and 2 of Amendment No. 177: Sections 3.8, 3.9, 3.13.4.1, 3.13.5.1 b), c), h) and l), 3.13.5.4, 3.13.7.1 b) and c), 3.13.8.1, 3.13.10.2 a), f), g), and j), 3.13.10.3 a) and b), and 3.13.12.3 f).

The following figure and schedule in Part 5 Secondary Plans Section 2 Transit Station Secondary Plan are not applicable to the lands shown in Maps 1 and 2 of Amendment No. 177: Figure 12- Planned Active Transportation Network and Schedule C-1- Public Realm Improvement Strategy.

Despite the height illustrated in Schedule A-2(a) of the Transit Station Secondary Plan, the residential use building(s) on the land shown on Map 1 of Amendment No. 177, and mixed-use building(s) on the land as shown on Map 2 of Amendment No. 177, shall be permitted to have a height up to a maximum of twenty (20) storeys subject to the following policies:

- 13.102.1 In addition to the requirements of Sections 2.4.1 and 2.4.4, the land on the south side of Park Street between Chrysler Avenue and St. Clair Avenue (approximately 0.56 hectares), may have

stand-alone residential uses provided that residential uses are not located on the ground floor. Residential amenity uses, such as lobby and communal use rooms, may be permitted on the ground floor.

13.102.2 In addition to the requirements of Section 2.4.1, the land on the south side of Queen Street west of Zimmerman Avenue (approximately 0.38 hectares), may permit residential amenity uses and student residence amenity uses, such as lobby and communal use rooms, on the ground floor.

13.102.3 In addition to the permitted uses of Section 2.4.2, the land located on the south side of Queen Street west of Zimmerman Avenue (approximately 0.38 hectares), may permit student residence and private or public school.

13.102.4 Finishing material (i.e. brick, siding/cladding, stucco) shall be applied to the most outer, visible layer in building construction to all exterior walls facing a public street and land used for open space/park.

13.102.5 Vehicular access to on-site structured parking, loading, and servicing shall be located from side streets and rear lanes.

13.102.6 Surface parking areas shall be located at the rear or side-yard of a building and shall not be placed between the front face of a building and the sidewalk.

13.102.7 Structured parking shall be located at the rear or side yard of the building and shall be appropriately screened along the sidewalk interface and upper storeys shall be screened from view from the public street.

13.102.8 Driveways to surface parking areas shall be from rear lanes and side streets.

13.102.9 Clear dedicated pedestrian routes should provide direct connections from parking areas to building entrances.

13.102.10 The land located on the south side of Queen

Street west of Zimmerman Avenue (approximately 0.38 hectares) shall provide a minimum rear-yard setback from the abutting property line as detailed in the City's Zoning By-law to provide for separation from the listed property on the City's Municipal Heritage Register.

13.102.11 New development is encouraged to have glazing on the ground floor of the building to allow views of indoor uses and to create visual interest for pedestrians.

13.102.12 New development that is 15 storeys or less in height shall provide at least one form of articulation on the entirety of all building walls on all sides between the first and fourth storeys and between the fourth and fifteenth storeys. In addition, new development may use different building material treatment and colour to provide variety to the building's built form.

New developments greater than 15 storeys in height shall provide a minimum setback on all building sides for all storeys above the 4th storey as detailed in the City's Zoning By-law to create a human-scaled building at grade.

13.102.13 New development shall provide adequate separation between towers on the same lot.

13.102.14 New development shall provide a roof top feature that is complementary to the building's architecture.

13.102.15 New residential or student residence development shall provide communal indoor and/or outdoor amenity space.

PART 3 ENVIRONMENTAL MANAGEMENT SECTION 1 MUNICIPAL INFRASTRUCTURE Section 1.5.34 is hereby amended as follows:

Road	From	To	Collector
Queen Street	Victoria Avenue	River Road	Amend 23 to 20.

APPENDIX 1- DEFINITIONS is hereby amended by adding the following text:

“Articulation” Means the stepping out and/or recessing of a balcony, roof, awnings, columns, cornices or external wall of a building in plan and in section.

“Roof feature” Means a distinct architectural element erected above the top storey and shall be provided for the purposes of enhancing the design of the buildings and may consist of an enclose any roof mounted mechanical equipment, mechanical penthouse or other similar elements. Notwithstanding section 4.7 of By-law No. 79-200, and except for any flagpoles, or other similar decorative roof features, and radio, telephone, television or telecommunication towers or antennae, no watertank, elevator, or other mechanical penthouse shall have a height greater than the roof feature.

“Student residence” Means a building or part thereof used for the housing of students within dwelling units that may consist of independent bedrooms, independent or shared washroom facilities, independent or shared kitchen and dining facilities and common indoor and outdoor amenity areas.