

**Planning Justification Brief
Consent and Minor Variance Applications**

7657 Portage Road

For: Marineland of Canada Inc.

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1.0 Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Marineland of Canada Inc., “Owner” of approximately 266.9 hectares of land generally bounded by Marineland Parkway and Portage Road in the north, Stanley Avenue in the west and Chippawa Parkway in the south in the City of Niagara Falls (“Subject Lands”). The Subject Lands are made up of two land parcels: Parcel A (approximately 22.5 hectares) fronting on Marineland Parkway and Portage Road and lying north of the hydro and rail corridor traversing across the Subject Lands and Parcel B (approximately 244.4 hectares) fronting on Stanley Avenue and Chippawa Parkway and lying south of the mentioned hydro/rail corridor. Legal description of Parcel A is CAROLINE ST PL 255; LT 6-11 PL 255; LT 112 W/S FIRST CROSS ST, 113 W/S FIRST CROSS ST, 114 W/S FIRST CROSS ST PL 251; PT LT 1-5, 12-18 PL. The Legal description of Parcel B is FIRSTLY: PT TWP LT 219 STAMFORD AS IN RO767951; S/T RO393466; NIAGARA FALLS; SECONDLY: PT TWP LT 190 STAMFORD; PT TWP LT 193 STAMFORD; PT. Located on the Subject Lands is the Marineland theme park, which is known for its animal exhibits and amusement rides.

The Owner proposes to sever the Subject Lands to create a total of four (4) lots and to provide mutual blanket easements across the four (4) lots for servicing and access for emergency vehicles. The Owner proposes to sever Part 2 from Part 1, and to sever Part 4 from Part 3, as shown on the attached Consent Sketch (Appendix A). The proposed severances allow the extent of the Subject Lands that contains theme park, including marine animals, to be separated from the rest of the Subject Lands to secure necessary credit financing. Minor Variance applications are also required to provide relief from maximum lot coverage for Part 1 and minimum interior side yard setback requirements for Part 3. NPG has been retained to provide professional planning advice pertaining to the Consent and Minor Variance applications required to sever the Subject Lands and to provide mutual blanket easements between the newly created lots.

This Planning Justification Brief (“PJB”) provides an analysis of the proposed Consent and Minor Variance applications (the “Applications”) and evaluates their appropriateness when assessed against the criteria provided in Section 51(24) of the *Planning Act*, as well as policies in the Provincial Planning Statement (“PPS”), the Niagara Official Plan (2022) (“NOP”), the City of Niagara Falls’ Official Plan (“City’s OP”) and the City of Niagara Falls’ Zoning By-law No. 79-200 (“City’s ZBL”).

Sections 4.1, 4.2, and 4.3 in this PJB present an analysis of the applications with respect to the *Planning Act* and provincial and regional planning policies. Section 4.4 in this PJB assesses the proposal against the policies of the City’s OP, while Section 5 outlines the required variances and evaluation against the four tests as established in the *Planning Act*.

2.0 Description of the Subject Lands and Surrounding Area

The Subject Lands (approximately 266.87 hectare in size) consist of two parcels for which information is provided in the below table.

Parcel	Legal Description	As shown on Consent Sketch	Municipal Address	Land area (ha)	Lot frontage (m)
Parcel A	CAROLINE ST PL 255; LT 6-11 PL 255; LT 112 W/S FIRST CROSS ST, 113 W/S FIRST CROSS ST, 114 W/S FIRST CROSS ST PL 251; PT LT 1-5, 12-18 PL	Part 1 & Part 2	7657 Portage Road	+/- 22.51 ha	+/- 1,760.6 m along Portage Road
Parcel B	FIRSTLY: PT TWP LT 219 STAMFORD AS IN RO767951; S/T RO393466; NIAGARA FALLS; SECONDLY: PT TWP LT 190 STAMFORD; PT TWP LT 193 STAMFORD; PT	Part 3 & Part 4	No municipal address	+/- 244.36 ha	+/- 1,535.5 m along Stanley Avenue

Parcel A is composed of Part 1 and Part 2 while Parcel B is composed of Part 3 and Part 4 as shown on the Consent Sketch prepared by J.D. Barnes (Appendix A – Consent Sketch). The Subject Lands are operated as Marineland Canada, a theme park with a range of marine mammals and land animal exhibits and amusement rides, along with ancillary uses in support of the theme park.

The main portion of Marineland, consisting of exhibits and rides, lies on Part 1 and Part 3 as shown on the Consent Sketch. The remaining portion which corresponds to Part 2 and Part 4 is either undeveloped or used for ancillary purposes to the park such as surface parking area, storage and accessory buildings. Appendix B – Survey Sketch shows existing buildings and structures on the Subject Lands, including amusement rides.

The current public access into the is via Portage Road across from Upper Rapids Boulevard. This access road connects Portage Road with Part 2 (as shown on the Consent Sketch), and traverses through surface parking areas on Part 2 and Part 1 where the entrance into the park is located. There are currently three (3) accesses from Stanley Avenue: a northerly access which lies immediately south of Washington Mills, an access slightly south of Ramsey Road and a southerly access that is labelled “Service Entrance” on Appendix B – Survey Sketch. There are currently no vehicular accesses from Portage

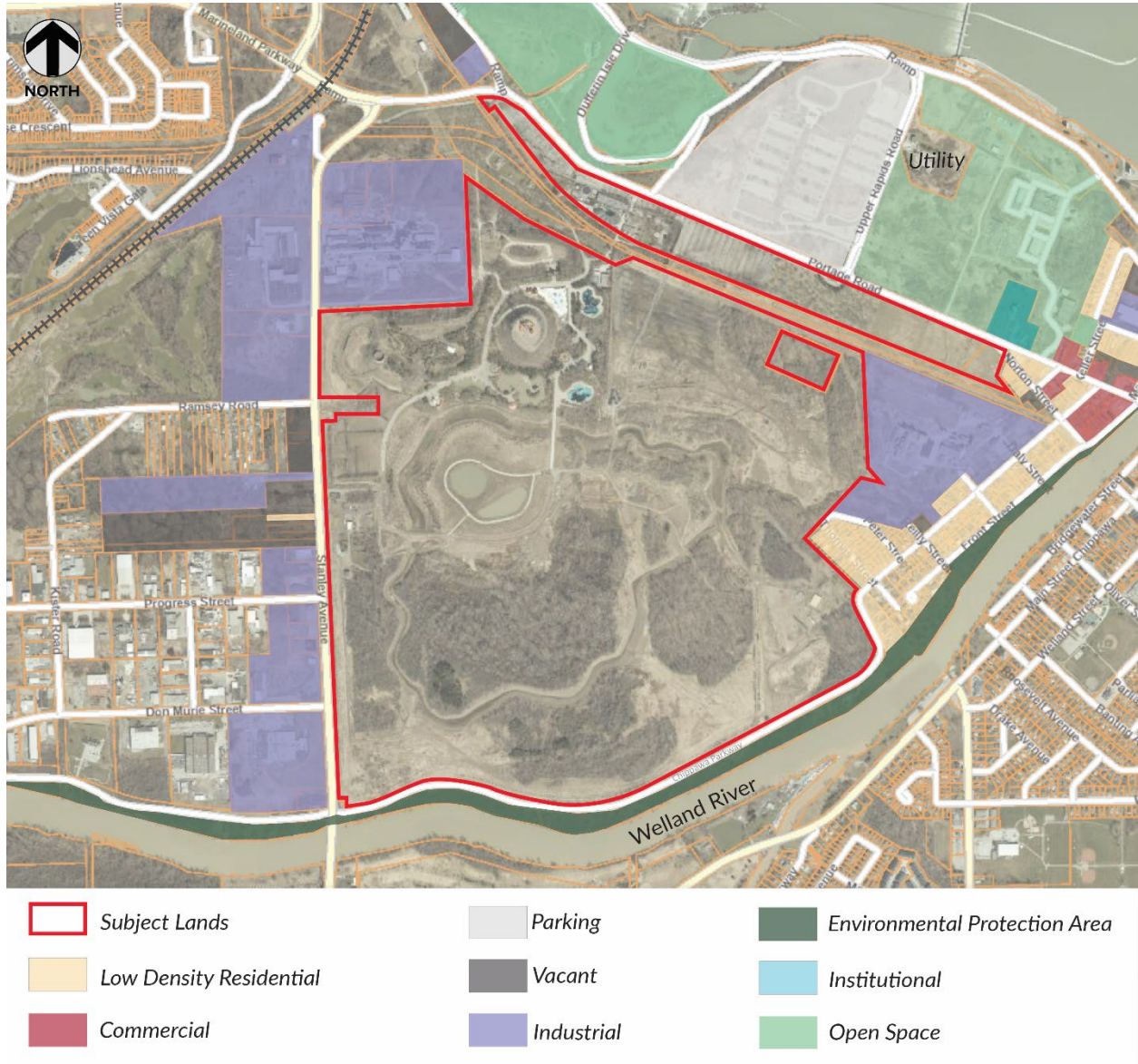
Road to Part 1 or from Stanley Avenue to Part 4. There is an access from Chippawa Parkway to Part 4 to the west of Thomas Street which is labelled “Service Entrance” on Appendix B – Survey Sketch.

There are several easements on the Subject Lands and Appendix C – Parcel Registers provide a list of them. There are also several natural heritage features identified on the Subject Lands in the City’s OP and the NOP (2022), including a Provincially Significant Wetland (PSW) at the northerly tip of Part 3, Other Wetlands in Part 4 near Stanley Avenue and pockets of Significant Woodlands and Other Woodlands scattered across Part 3 and Part 4.

The Subject Lands’ surrounding land uses are summarized in the below table.

	Surrounding Land Uses
North	Heavy Industrial (Washington Mills) North of Portage Road are open space, surface parking area, Rapidsview Park and the Holy Trinity Anglican Church
West	West of Stanley Avenue are industrial and commercial uses Marineland’s administrative office is located at 7885 Stanley Avenue
East	Heavy Industrial (Saint-Gobain Ceramic Materials Canada Inc) Low-rise residential uses along Thomas Street, Peter Street, Reilley Street and Chippawa Parkway
South	South of Chippawa Parkway is undeveloped lands adjacent to the Welland River

Figure 1 - Location of the Subject Lands



3.0 The Proposal

3.1 Consent applications

The Owner proposes to sever Part 2 (Severed lands) from Parcel A (Consent application #1) and to sever Part 4 (Severed lands) from Parcel B (Consent application #2), as shown in Appendix A – Consent Sketch. Part 1 and Part 3 are the retained lands in Consent applications #1 and #2, respectively. The consents would separate the theme park infrastructure from the remaining lands, and specifically the extent of the theme park that contains marine and land animals, so as to secure necessary operational credit financing. The Owner has secured third-party bridge loan financing that requires the Owner to remove the marine animals from the property expeditiously. The financing is released in two tranches. In order to receive the second tranche, which is necessary to pay operational expenses prior to removing the marine mammals, the credit financier requires the Owner to obtain the requested consent. The severed lands are not proposed to be transferred separately from the retained lands. Details of the four (4) new lots are provided in the below table.

Parent Lots	Proposed New Lots	Land Area (ha)	Lot frontage (m)
Parcel A	Part 1 (Retained lands)	7.76 ha	618.4 m on Portage Road
	Part 2 (Severed lands)	14.75 ha	154.3 m on Norton Street
Parcel B	Part 3 (Retained lands)	72.74 ha	856.1 m on Stanley Avenue
	Part 4 (Severed lands)	171.62 ha	678.9 m on Stanley Avenue

The proposed severance lines were drawn based on the following:

- All attractions and rides and any buildings and structures needed for the theme park operations are located on Part 1 and Part 3;
- The new lot lines follow the edges of existing roadways or parking areas on the Subject Lands. At some locations, there is an approximate buffer of 3 metres between the new lot line and existing roadway to facilitate snow clearance and storage; and
- The new lot lines lie outside of natural heritage features identified in the NOP's Schedule C2 – Natural Environment System in most locations. The only instance where the new lot line between Part 3 and Part 4 intersects with a feature as shown on the NOP's Schedule 2 concern an Other Woodlands feature and an Other Wetland feature and will be discussed later in this brief.

In addition, the Owner also proposes four other Consent applications #3, #4, #5 and #6 to provide blanket easements on each of the new lot in favour of the other three. A summary of the proposed Consent applications and their purposes is included in the below table.

Consent Application	Details	Purpose
Consent application #1 (Severance)	Retained lands: Part 1 Severed lands: Part 2	All existing rides and attractions and any buildings and structures that support the theme park function are located on Part 1 and Part 3. The proposed Consent applications #1 & #2 allow the extent of the theme park to be separated from the rest of the Subject Lands so as to secure necessary operational credit financing. Part 1 and Part 3 will continue to have theme park infrastructure. Despite the proposed severance, the entire Subject Lands are expected to continue to operate in a similar fashion. As such, blanket easements are needed to permit access including emergency access and servicing across the four newly created lots.
Consent application #2 (Severance)	Retained lands: Part 3 Severed lands: Part 4	
Consent application #3 (Easement)	A blanket easement on Part 1 in favor of Part 2, Part 3 and Part 4	
Consent application #4 (Easement)	A blanket easement on Part 2 in favor of Part 1, Part 3 and Part 4	
Consent application #5 (Easement)	A blanket easement on Part 3 in favor of Part 1, Part 2 and Part 4	
Consent application #6 (Easement)	A blanket easement on Part 4 in favor of Part 1, Part 2 and Part 3	

3.2 Minor Variance applications

Minor Variance applications are also needed as a result of the proposed severance:

- To provide relief for Part 1 from maximum lot coverage provision under the Zoning By-law No. 79-200; and
- To provide relief for Part 3 from minimum interior side yard setback provision under the Zoning By-law No. 79-200.

Section 5 of this Brief will discuss the requested variances in detail. The parking requirement for each parcel is determined based on the number of visitors that could be accommodated within buildings and structures and is summarized in Appendix D. In detail, Part 1 requires 1,069 parking spaces, Part 3 requires 66 spaces while there is no parking requirement for Part 2 and Part 4. The proposal will necessitate an expansion to the existing parking and driveway area on Part 1 to provide a total of 1,154 parking spaces with reconfiguration of an existing parking area on Part 3 to provide 68 parking spaces. No relief on parking requirements under the Zoning By-law 79-200 is requested. The layout of the parking areas is demonstrated in Appendix E – Minor Variance Sketch.

3.3 Summary of Proposal & Pre-Consultation Meeting

In summary, the proposal can be summarized as:

- Two (2) severances to create a total of four (4) lots;
- Provision of mutual blanket easements across the four (4) newly created lots for servicing and access for emergency vehicles;
- Provision of relief from Zoning By-law for Part 1 and Part 3 through Minor Variance applications;
- Expansion or reconfiguration of existing parking areas; and
- Not involving development of any buildings on the site.

Pre-consultation for the proposed applications was initiated on November 29, 2024 and formal comments were received on December 23, 2024 and subsequently on December 24, 2024.

4.0 Planning Policies

4.1 Planning Act

Section 53(12) of the *Planning Act* states that Council shall determine whether a provisional consent is to be given with regard to Section 51(24) in the *Planning Act*. The below table assesses the criteria outlined in Section 51 (24) in relation to the proposed development.

Criteria	Evaluation
<p><i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i></p>	<p>The proposed consent has regard for the matters of provincial interest identified in Section 2 of the <i>Planning Act</i>.</p> <p>In particular, the proposal respects the protection of “ecological systems, including natural areas, features and functions”. The proposed severance lines do not cause negative impacts to the natural heritage features identified in Schedule C2 of the NOP and the proposal’s conformity with natural heritage policies in the NOP and City’s OP will be discussed in subsections 4.3 and 4.4 of this brief.</p>
<p><i>(b) whether the proposed subdivision is premature or in the public interest;</i></p>	<p>The proposed consent will not negatively impact surrounding uses; it divides the theme park lands from the remainder of the lands, and is in the public interest.</p>
<p><i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i></p>	<p>The proposed applications conform with the intent of the NOP and City’s OP. Analysis of the proposal against these documents is in subsections 4.3 and 4.4 of this brief.</p>

Criteria	Evaluation
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	There are no changes in land use as a result of the proposed applications. The Subject Lands have been used as a theme park since the 1960s. The lands are suitable for this purpose.
<i>(e) 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 Consent applications do not necessitate any changes to the roadways that the Subject Lands front onto. Required road widenings will be conveyed to the City and the Region through fulfilling of conditions in accordance with the <i>Planning Act</i> .
<i>(f) the dimensions and shapes of the proposed lots;</i>	As previously discussed, the configurations of the proposed lots facilitate the consolidation of theme park attractions and ancillary buildings and structures on Part 1 and Part 3. The new lot line configuration is largely derived from the outline of existing service roads on the property to minimize any impacts to natural heritage features as much as possible.
<i>(g) 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>	There is no restriction on the Subject Lands and adjoining lands.
<i>(h) conservation of natural resources and flood control;</i>	As discussed, the proposed severance lines do not cause negative impacts to the natural heritage features identified in the Region's NES Map. The new lot lines either provide adequate buffers from natural heritage features or follow the outline

Criteria	Evaluation
	of existing service roads to minimize impacts on these features.
<i>(i) the adequacy of utilities and municipal services;</i>	There is no change to the existing use nor any additional building or structure proposed on the Subject Lands. As such, the current utilities and municipal services remain adequate. The proposed blanket easements ensure the existing infrastructure can remain in place.
<i>(j) the adequacy of school sites;</i>	The theme park use on the Subject Lands has no implication on school adequacy.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</i>	Besides the required road widenings, no lands are proposed to be conveyed or dedicated for public purposes.
<i>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</i>	The proposed Consent applications have no implication on the supply, means of supplying, use and conservation of energy.
<i>(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006.</i>	Most of the Subject Lands are zoned OS-6 (except for the southwest corner of Part 4 being zoned OS). Buildings and structures permitted under the OS-6 zone are exempted from Site Plan control as per By-law 2011-113.

4.2 Provincial Planning Statement

The Provincial Planning Statement (2024) (PPS) is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement (2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) while building

upon economic, environmental and community building policies from both documents. The PPS came into effect on October 20, 2024.

The subject lands are within a Settlement Area according to the Provincial Planning Statement (2024) (PPS).

Policy 2.3.1.1 of the PPS directs settlement areas to be the focus of development. The proposed Consent applications involve lands within settlement areas and therefore, are consistent with the PPS.

Moreover, the PPS provides policy directions to protect natural heritage features. As the proposed severance does not take place within any PSW or significant woodlands on the Subject Lands, the proposal is consistent with Policy 4.1.4 and 4.1.5 of the PPS. As discussed, the proposed new lot lines go through an area of Other Woodlands as identified in the Region’s natural environment system. However, as other woodlands are not considered natural heritage feature under the PPS, this feature will be discussed in Section 4.3 of this brief. The proposed lot creation takes place on adjacent lands to significant woodlands. Policy 4.1.8 directs no development is permitted on adjacent lands to natural heritage features and areas unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The NOP provides detailed policies for development on adjacent lands to natural heritage features and areas. Section 4.3 of this Brief concludes the proposed lot creation will not cause negative impacts on the features or their ecological functions.

Based on the foregoing, the proposal is consistent with the PPS.

4.3 Niagara Official Plan (2022) (NOP)

The Niagara Official Plan (2022) (NOP) is a long-range document that guides the physical, economic, and social development of Niagara Region. The subject lands are designated Delineated Built-Up Area within the Urban Areas on Schedule B of the NOP.

As mentioned, Schedule C2 of the NOP identifies lands within the Subject Lands that are within the Region’s Natural Environment System consisting of PSW, Other Wetlands, Significant Woodlands and Other Woodlands. No feature within the Provincial natural heritage system nor the Niagara Escarpment Plan Area is found on the Subject Lands. The features found on the Subject Lands are described in the below table:

Natural Heritage Feature	Description
<i>Provincially Significant Wetlands</i>	<p>Within the Subject Lands is a PSW located at the north end of Part 3. As this PSW is more than 400 metres away from the proposed new lot lines, the proposal will not have any negative impacts on the feature.</p> <p>There is also PSW across the Subject Lands from Stanley Avenue. As this PSW is more than 200 metres</p>

Natural Heritage Feature	Description
	<p>away from the proposed new lot lines and is separated from the lands by Stanley Avenue, the proposal will not have any negative impacts on the feature.</p> <p>Therefore, this brief will not discuss the proposal against policies related to PSW.</p>
Other Wetlands	<p>Within the Subject Lands are unregulated Other Wetlands features located close to and along Stanley Avenue. The new lot line between Parts 3 and 4 follows the outline of an existing service road that traverses through two (2) Other Wetlands features.</p> <p>Adjacent to the Subject Lands are also Other Wetlands features on lands that belong to Washington Mills. These features are more than 300 metres from the proposed lot line. Because of the considerable distance between the proposed lot lines and these Other Wetlands features, the proposal will not have any negative impacts on the feature and will not be discussed against policies related to Other Wetlands.</p>
Significant Woodlands	<p>There are Significant Woodlands scattered across Part 3 and Part 4. The proposed lot line maintains a minimum 15-metre buffer from all Significant Woodlands features.</p>
Other Woodlands	<p>There are Other Woodlands scattered throughout Part 3 and Part 4. The proposed lot line maintains a minimum 10-metre buffer from all Other Woodlands features, except the feature south of the Arctic Cove. In Figure 2, the proposed lot line appears to go through an Other Woodlands feature. In reality, the proposed lot line follows an existing service road as shown in Appendix B - Survey Sketch.</p>

The proposed lot lines are outside of PSW, other wetlands and significant woodlands features but do cross an Other Woodlands feature. The new lot lines are also subject to policies related to adjacent lands of natural heritage system as they are within 120 metres from a Significant Woodlands and 50 metres from an Other Woodlands feature.



Figure 2. The Subject Lands and the proposed new lot lines overlaid with the Region's NES Map (2022)

Policy

3.1.4.8 *Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature...*

3.1.9.5.2 *Development and site alteration shall not be permitted in the following natural heritage features and areas unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions: other woodlands; significant valleylands; significant wildlife habitat; and areas of natural and scientific interest*

3.1.9.5.4 *...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.*

- 3.1.9.5.6 *Where an other wetland in a settlement area has been identified, and it is determined that it is not regulated by the Conservation Authority:*
- a. *the Region shall require that an evaluation be undertaken through an environmental impact study, and if required, a wetland evaluation using the Ontario Wetland Evaluation System, and/or hydrological evaluation as part of an application for development or site alteration, or through a subwatershed study to determine the appropriate classification and protection or management of the feature;*
- 3.1.9.7 *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 hydrologic 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.*

Table 3-1: Adjacent Lands for Natural Heritage Features and Areas Outside of a Provincial Natural Heritage System

Natural Heritage Feature and Area	Adjacent Lands
<i>Provincially Significant Wetland</i>	120 metres
<i>Significant Coastal Wetland</i>	120 metres
<i>Significant Woodland</i>	120 metres
<i>Other Woodland</i>	50 metres

- 3.1.11.2 *Development or site alteration shall not be permitted in other woodlands unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the other woodland or its ecological functions.*

Analysis

The proposal conforms to the above policies of the NOP (2022) because:

- The proposed new lot lines follow edges of existing roadways on the Subject Lands. Such roadways are used for regular operational and maintenance purposes in support of the theme park. As the roadways and their usage have been established, the proposed lot lines will not create negative impacts on nor cause further fragmentation of the features (Policies 3.1.4.8 and 3.1.9.7).
- In particular, the proposed lot lines between Part 3 and Part 4 extend into the Other Woodlands feature south of the Arctic Cove and go between two (2) Other

Wetlands features near Stanley Avenue. It is notable that the Region's NES Map is, although the most up to date natural heritage map of the Subject Lands, still largely a desktop exercise and certain mapped features do not correspond to the actual situation on the ground. There are existing roadway and buildings within the mapped Other Woodlands features and immediately adjacent to the mentioned Other Wetlands features. Under the NOP (2022), development is still permitted within Other Woodlands features if it is demonstrated through an environmental impact study that there will be no negative impacts on the features. Although no environmental impact study has been submitted, the new lot line generally follows the southern and eastern edge of existing access roads to avoid impacting the existing features. As such, no negative impact on the features is expected as a result of the proposed Applications.

Policy

3.1.9.7.2 Notwithstanding Table 3-1, the requirement for an environmental impact study and/or hydrologic evaluation may be scoped if the proposed development or site alteration is minor and is not anticipated to have a negative impact on the natural environment system in accordance with the policies of this plan, provincial policies and the Environmental Impact Study and/or Hydrologic Evaluation Guidelines.

3.1.33.3.1 The Region, in consultation with the other commenting bodies, shall review the proposed development in accordance with policies of this Plan, Provincial policies, and the waiving requirements of the Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines to determine whether an environmental impact study and/or hydrologic evaluation is required or whether requirements can be waived.

Analysis

According to Table 3-1 in the NOP, an Environmental Impact Study ("EIS") would be required as the proposed severance takes place on lands within 50 metres of a Significant Woodland feature. However, Policy 3.1.9.7.2 provides that the requirement for an EIS may be scoped while Policy 3.1.33.3.1 further provides that the Region may review a proposed development and waive the EIS requirement. As mentioned, the proposed lot lines provide a minimum setback of 10 metres from Other Woodlands features and 15 metres from Significant Woodlands features, except when they cross an Other Woodlands feature and go between two (2) Other Wetlands features. For these two (2) instances, the new lot lines follow the edges of existing roadways and will therefore, not cause any negative impacts to the features.

Policy

- 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 hydrologic evaluation at the time an application for development or site alteration is made...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.*
- 3.1.11.4 *Inside of settlement areas other woodlands are subject to an ecologically appropriate buffer to be determined at the time an application is made for development or site alteration in accordance with Policy 3.1.9.9.1.*

Analysis

The NOP requires ecologically appropriate buffers from natural heritage features. The buffer width depends on the sensitivity of the ecological functions from the proposed lot lines and the potential for impacts to the features because of the lot creation.

There is a minimum buffer of 15 metres between the new lot lines and all Significant Woodlands features and a minimum buffer of 10 metres between the new lot lines and most of the Other Woodlands features (except where the lot line crosses through the feature where the new easternmost lot line of Part 3 is located) on the Subject Lands (Figure 3). Although the proposed lot creation lies adjacent to an Other Wetlands feature with minimal buffer, the new lot line follows the outline of an existing service roadway. No negative impact to this feature and its ecological function is expected from the development.

The buffer widths are appropriate as the proposed lot lines mostly follow existing roadways where ground disturbance has already occurred. The strip of Significant Woodlands and Other Woodlands features to the west of the new lot line between Part 3 and Part 4 is currently fenced and will not likely expand closer into the new lot lines. The proposed severance will not introduce any development and therefore, the provided buffer widths are adequate at preserving the features and their ecological functions.

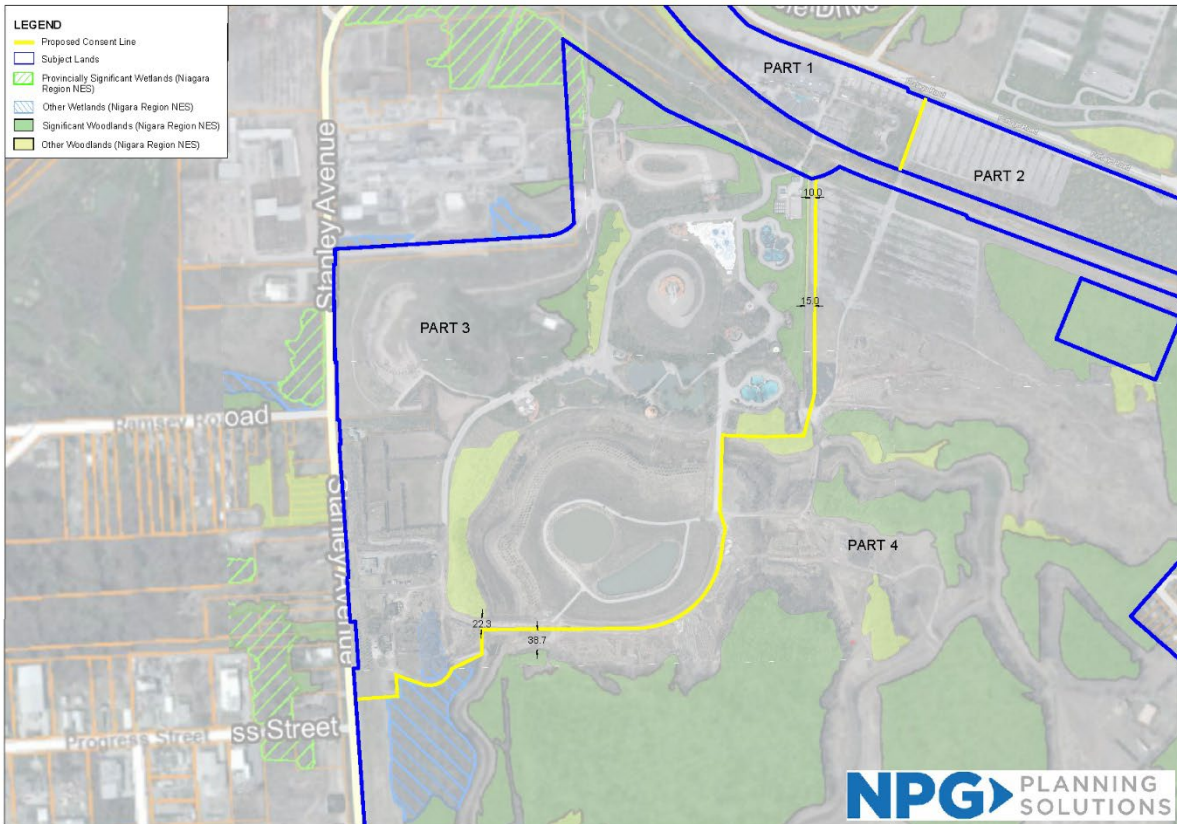


Figure 3. Minimum buffer widths from the proposed lot lines to Significant Woodlands and Other Woodland features.

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.*

Analysis

Although part of the Subject Lands is within areas of archaeological potential (Appendix G), the proposal does not involve any ground disturbances and as such an Archaeological Assessment has not been requested.

Summary

Based on the preceding, the proposed applications conform to the Niagara Region Official Plan (2022).

4.4 City of Niagara Falls Official Plan

Under Schedule A of the City's Official Plan ("City's OP"), Parcel A (consisting of Part 1 and Part 2) is designated Theme Park Marineland while Parcel B (consisting of Part 3 and Part 4) is largely designated Theme Park Marineland in part and Environmental Conservation Area in part. A small portion of Part 3 is designated Environment Protection Area and Tourist Commercial while a small portion of Part 4 is designated Industrial. As the areas designated Environment Protection Area, Tourist Commercial and Industrial are significantly distanced from the proposed lot lines, discussion of the proposal's conformity with the City's OP will focus on policies of the Theme Park Marineland and Environmental Conservation Area designations.

4.4.1 Theme Park Marineland

- 6.1 *Marineland is a large scale themed attraction which serves as a major travel generator. The progressive development of Marineland into a full-day, and ultimately a year-round attraction, would contribute significantly to the tourism plant by expanding the product offering and lengthening the stay of visitors. To aid in its development, a separate land use designation has been created which recognizes the lower intensity use of a theme park.*
- 6.2 *Marineland focuses its operation on family entertainment. Predominant facilities include theatres, exhibits, aquariums, botanical and zoological gardens, amusements, mechanical rides, eating establishments, retail space, and a variety of ancillary visitor services. This major amusement and recreation facility, with its specialized development theme, is highly complementary to the visitor services and facilities located within other tourism districts.*

As discussed, the proposed Applications are needed to secure the necessary credit financing required to remove the marine animals from the property. The consents do not impact the ability of the Subject Lands to continue to operate as a theme park.

4.4.2 Environmental Conservation Area

A portion of Part 3 and Part 4 is designated Environmental Conservation Area ("ECA") under Schedule B of the City's OP. However, the City's OP will have to be brought into conformity with the Region's NES mapping and policies. As such, discussion of natural heritage features for the purpose of the proposed Applications will be based on Schedule C2 of the NOP (2022).

Section 11 of the City's OP contains relevant policies related to Environmental Conservation Areas:

- 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.*
- 11.2.6 *Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state*

or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning Bylaw.

11.2.22 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

As discussed in Section 4.3 of this brief, the proposed Consent applications do not cause negative impacts on natural heritage features on the lands. Aside from the expansion and reconfiguration of existing parking areas to address zoning deficiencies, no actual development is proposed as part of the Consent applications. The new lot lines generally follow edges of existing roadways and a minimum 15-metre buffer is established between the new lot lines and Significant Woodland features. In summary, the proposal conforms with ECA-related policies of the City's OP.

4.4.3 Consent Policies

Section 8.1 Policies	Evaluation of Proposed Applications
<p>8.1.1 Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning By-law.</p>	<p>As mentioned, the proposed severance is needed to facilitate the consolidation of theme park attractions and ancillary buildings and structures on Part 1 and Part 3. The new lots meet the minimum lot size requirement for the Open Space Zone under the Zoning By-law No. 79-200.</p> <p>A table demonstrating the proposal's conformity with the relevant regulations of the Zoning By-law No. 79-200 is included in Appendix F.</p>
<p>8.1.2 Consents may be permitted for a minor boundary adjustment, easement or right-of-way.</p>	<p>Consent applications #3, #4, #5 and #6 are needed to provide mutual blanket easements on Part 1, Part 2, Part 3 and Part 4, respectively, in favour of the other three lots.</p>
<p>8.1.3 Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.</p>	<p>Part 1 and Part 2 front on Portage Road while Part 3 and Part 4 front on Stanley Avenue. Both public roads are of acceptable standard of construction.</p>

Section 8.1 Policies	Evaluation of Proposed Applications
<p>8.1.4 In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.</p>	<p>The proposed severance will not impede future development of adjacent lands. All new lots will have adequate street frontage on a public road.</p>
<p>8.1.5 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource is required.</p>	<p>As the proposed severance either follows edges of existing roadways or buffer areas of significant woodlands and other woodlands features, the proposal will not cause fragmentation of the natural heritage features nor any negative impact of fragmented ownership on the natural heritage system.</p>

In summary, the proposed applications conform with the policies of the City's OP.

5.0 Minor Variance

The Subject Lands are zoned Open Space OS-6 in part and OS in part. As discussed, relief from the Zoning By-law No. 79-200 is needed to facilitate the proposed severances. The following variances are requested through Minor Variance Applications:

5.1 Requested variances

Variance #1 – Maximum Lot Coverage

Part: Part 1
 Required: 10%
 Requested Variance: 14%¹

Variance #2 – Minimum Interior Side Yard Width

Part: Part 3
 Required: 10m
 Requested Variance: 8.8m for Building A

Variance #3 – Minimum Interior Side Yard Width

Part: Part 3
 Required: 10m
 Requested Variance: 4.6m for Building B

Variance #4 – Minimum Interior Side Yard Width

Part: Part 3
 Required: 10m
 Requested Variance: 1m for Structure C

5.2 Analysis of Four Tests

The following provides an analysis of the four tests under Section 45(1) of the *Planning Act* for all requested variances.

Test	Analysis
<p>1. Is the requested variance minor in nature?</p>	<p>The requested variances are minor as they are not expected to generate adverse impacts on the surrounding uses. In particular, the permitted uses on Part 4 are not sensitive in nature and the reduced interior side yard widths on Part 3 will not cause impacts.</p>

¹ Actual lot coverage is 13.9%

Test	Analysis
<p>2. Is the requested variance desirable for the appropriate development or use of the land, building or structure?</p>	<p>The requested variances are desirable for the appropriate use of the lands and buildings as a theme park.</p> <p>The proposed lot lines generally travel along the edge of existing roadways and as a result, in proximity to existing buildings and structures on the site in order to minimize potential impacts to the surrounding natural heritage features.</p>
<p>3. Does the requested variance maintain the general intent and purpose of the By-law?</p>	<p>The general intent and purpose of the By-law is maintained as the requested variances continue to adequately regulate the theme park use and will not cause undue impacts on surrounding uses. The remaining yards and coverage are adequate.</p>
<p>4. Does the requested variance maintain the general intent and purpose of the Official Plan?</p>	<p>The general intent and purpose of the Official Plan is maintained as discussed in Section 4.4 of the Brief.</p>

6.0 Summary and Conclusion

In our opinion the proposed Consent and Minor Variance applications represent good land use planning, are in the public interest, and should be approved for the following reasons:

1. The proposal is consistent with the PPS and conforms to the Niagara Official Plan, and the City of Niagara Falls' Official Plan.
2. The proposal allows Marineland to obtain the necessary credit financing to facilitate moving marine mammals.
3. The proposal continues to facilitate the use of the lands for theme park purposes.
4. The proposal does not generate undue impacts on surrounding properties and uses nor create increased demand on municipal infrastructure.
5. The proposed severances create lots with appropriate configuration, frontage on public roads and do not cause significant negative impacts on any natural heritage features on the lands.
6. The requested variances meet the four tests of the *Planning Act*.

Brief prepared by:



Jeremy Tran, MCIP, RPP, MPlan

Manager of Urban Design & Development Planning
NPG Planning Solutions Inc.

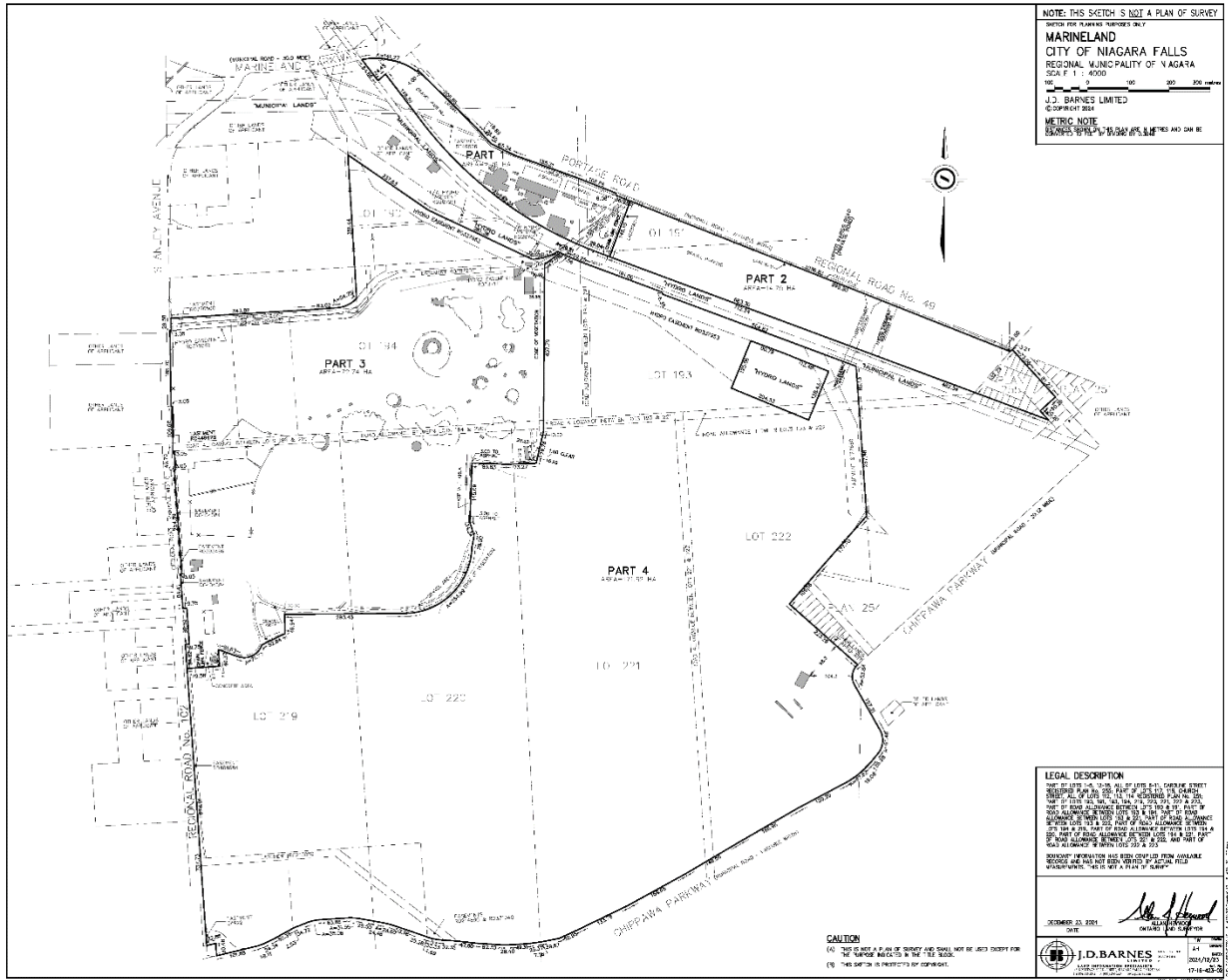


Aaron Butler, MCIP, RPP

Principal Planner, Niagara
NPG Planning Solutions Inc.

7.0 Appendices

APPENDIX A – Consent Sketch



APPENDIX B – Survey Sketches

PLAN OF SURVEY OF
PART OF LOTS 107, 109
ALL OF LOT 108
(WEST SIDE OF BRIDGEWATER STREET)
PART OF LOT 117
(EAST SIDE OF BRIDGEWATER STREET)
PART OF LOT 118
(EAST SIDE OF BRIDGEWATER STREET)
ALL OF LOTS 112, 113, 114
(WEST SIDE OF FIRST CROSS STREET)
PART OF LOT 32
(SOUTH SIDE OF CROSS STREET)
PART OF CHURCH STREET
PART OF SHORT STREET
REGISTERED PLAN No. 251
AND
ALL OF LOTS 1, 2, 3
REGISTERED PLAN No. 254
AND
PART OF LOTS 1-5, 12-18
ALL OF LOTS 6-11
CAROLINE STREET (CLOSED)
REGISTERED PLAN No. 255
AND
PART OF TOWNSHIP LOTS 175,
190 TO 194 (INCLUSIVE), 219 TO 223 (INCLUSIVE)
PART OF ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 190 & 191
PART OF ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 192 & 193
PART OF ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 193 & 194
PART OF ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 221 & 222
ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 194 & 219
ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 194 & 220
ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 193, 194 & 221
ROAD ALLOWANCE BETWEEN
TOWNSHIP LOTS 193 & 223
GEOGRAPHIC TOWNSHIP OF STAMFORD
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1:1500

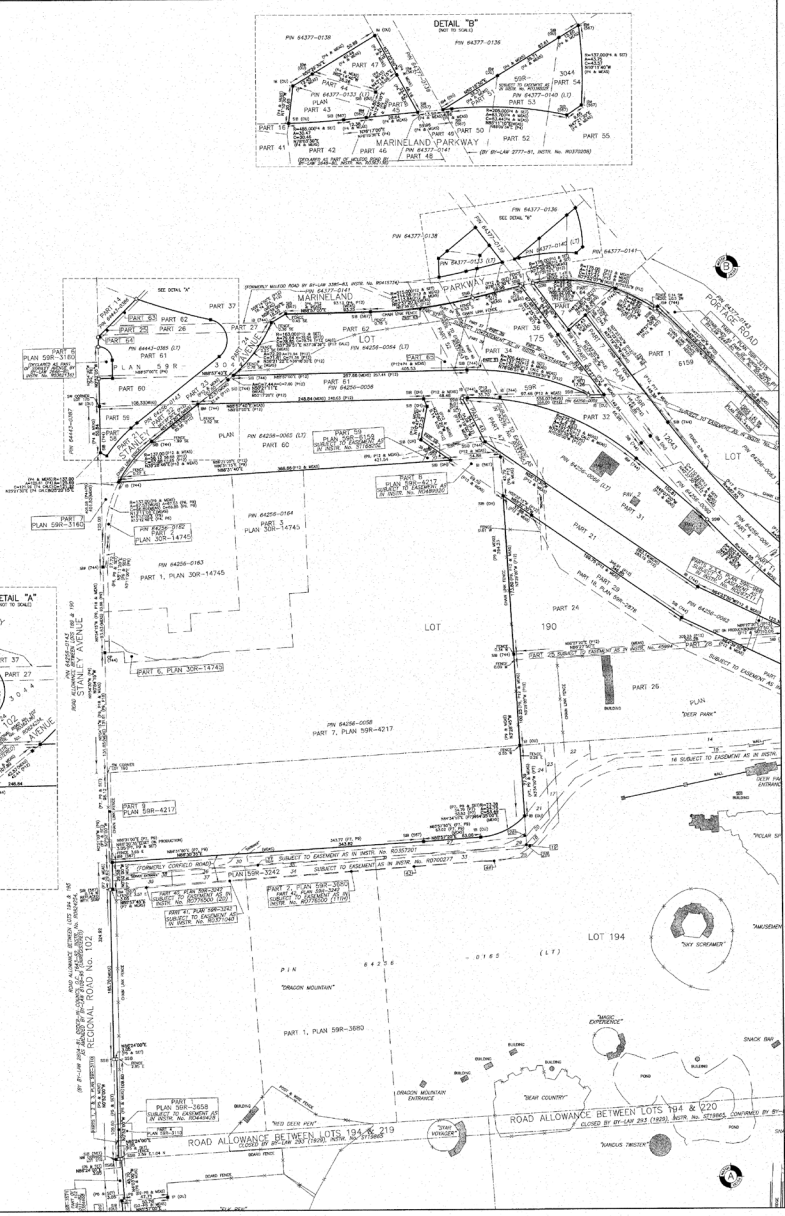
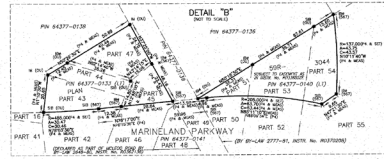
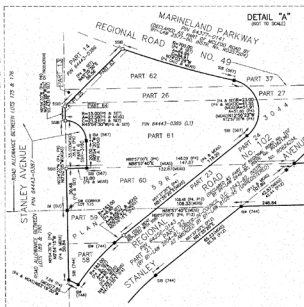
J.D. BARNES LIMITED
SURVEYORS
METRIC SYSTEM PLANS (INTERNATIONAL SYSTEM OF UNITS) TO BE USED
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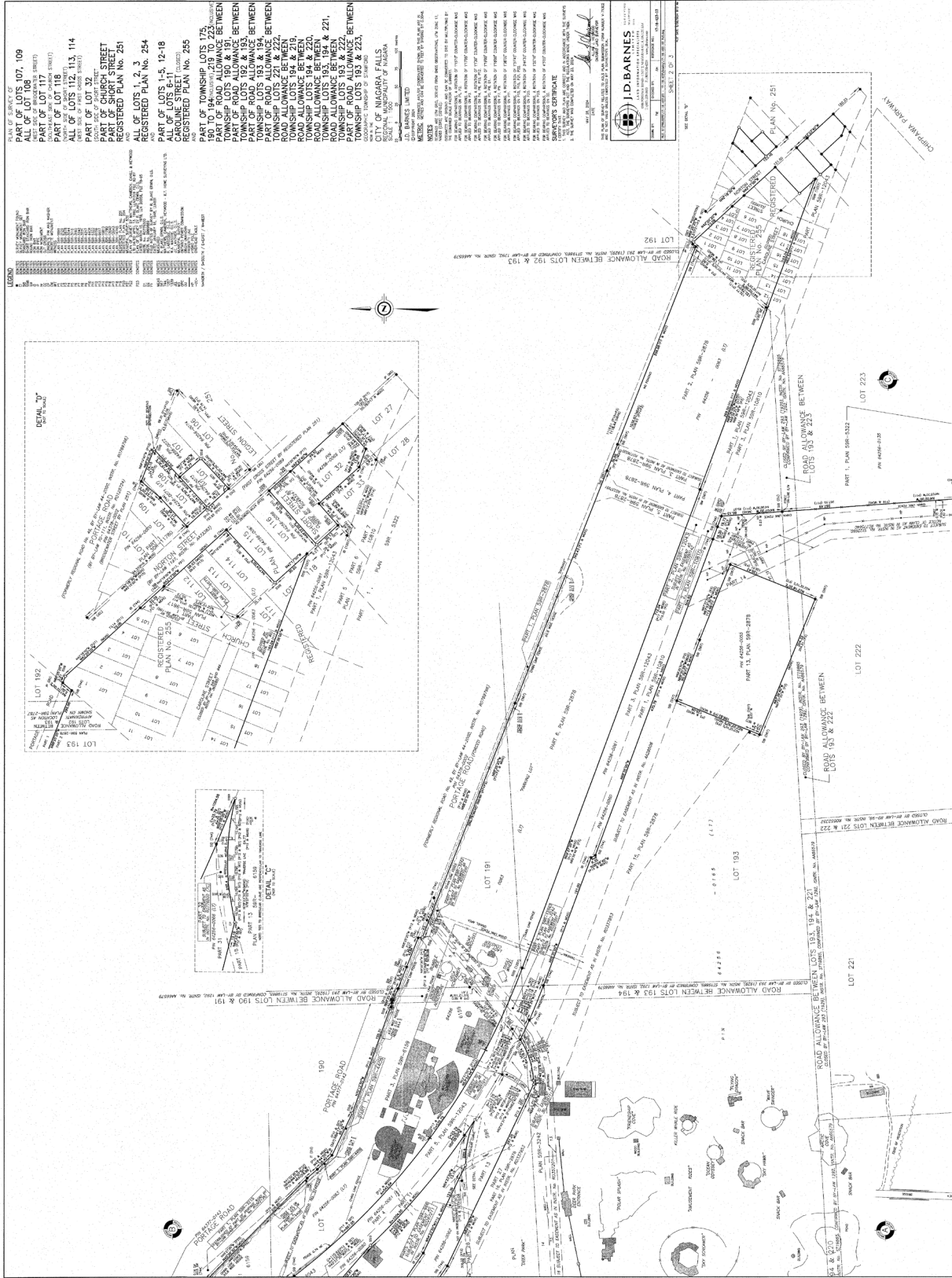
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SURVEYOR'S CERTIFICATE
I, J.D. BARNES, being duly sworn, depose and say that I am a duly Licensed Surveyor in the Province of Ontario, and that I am the author of the foregoing Survey and that the same is a true and correct copy of the original Survey as the same appears in my office, and that I have not been guilty of any fraud or collusion in the preparation thereof.
J.D. BARNES
DATE: 17-10-2018
BY: J.D. BARNES
17-10-2018

J.D. BARNES
17-10-2018
17-10-2018





APPENDIX C - Parcel Registers

PARCEL A



Ontario

ServiceOntario

LAND
REGISTRY
OFFICE #59

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

64256-0063 (LT)

PAGE 1 OF 3
PREPARED FOR db
ON 2024/12/18 AT 11:48:10

ONLAND

PROPERTY DESCRIPTION:

CAROLINE ST PL 255; LT 6-11 PL 255; LT 112 W/S FIRST CROSS ST, 113 W/S FIRST CROSS ST, 114 W/S FIRST CROSS ST PL 251; PT LT 1-5, 12-18 PL 255; PT LT 117 SE/S CHURCH ST, 118 W/S SHORT ST, 119 W/S SHORT ST PL 251; PT CHURCH ST PL 251; PT THE LT 175 STAMFORD; PT THE LT 190 STAMFORD; PT THE LT 191 STAMFORD; PT TWP LT 193 STAMFORD; PT RDAL BTM TWP LOTS 190 AND 191 STAMFORD; PT RDAL BTM TWP LOTS 192 AND 193 STAMFORD CLOSED BY A866579, R0357329, R0360285 & R0112930 BEING PT 2 TO 6, 59R2878, PT 2 TO 5, 59R3242, PT 1 TO 3, 59R4408, PT 1, 2, 3, 7, 8 & 84, 59R6159, PT 1, 59R9617, AS IN R0345157 (SECONDLY), R0776500 (FOURTEENTHLY); S/T R0337951, R0513570, R0776500, B812564, R0717450 PARTIALLY RELEASED BY R0760584, CH4339 PARTIALLY RELEASED BY R0758953; S/T R0357200, R0357201, B746526; NIAGARA FALLS

PROPERTY REMARKS:

PLANNING ACT CONSENT AS IN R0338552. PLANNING ACT CONSENT AS IN R0337951.

ESTATE QUALIFIER:

RESIDENTIAL

FIN CREATION DATE:

FILE SIMPLE

FIRST CONVERSION FROM BOOK

2007/03/26

LT CONVERSION QUALIFIED

MARINELAND OF CANADA INC.

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES * AND ESCHETS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2007/03/26 **						
NOTE: THE NO DEALINGS INDICATOR IS IN EFFECT ON THIS PROPERTY						
5T46526	1951/06/23	TRANSFER EASEMENT			THE CORPORATION OF THE CITY OF NIAGARA FALLS	C
REMARKS: SKETCH ATTACHED.						
R0114455	1969/12/30	BYLAW				C
REMARKS: R0609890, R0611660 & R0609891						
59R2878	1979/05/02	PLAN REFERENCE				C
59R2927	1979/06/21	PLAN REFERENCE				C
R0338552	1979/07/27	REST COV AEL ANNEX				C
59R3044	1979/11/02	PLAN REFERENCE				C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



Ontario

ServiceOntario

LAND
REGISTRY
OFFICE #59

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

64256-0063 (LT)

PAGE 2 OF 3
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ONLAND

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
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R0356873	1980/07/10	BYLAW DEEM PLAN				C
R0357200	1980/07/10	AGREEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
REMARKS: EASEMENT						
R0357201	1980/07/18	AGREEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
REMARKS: EASEMENT						
59R3787	1982/06/15	PLAN REFERENCE				C
59R4408	1984/12/19	PLAN REFERENCE				C
59R6159	1980/12/08	PLAN REFERENCE				C
R0611659	1991/07/04	NOTICE OF CLAIM				C
REMARKS: 5T46526						
59R9617	1996/08/06	PLAN REFERENCE				C
R0718990	1996/08/19	NOTICE				C
REMARKS: 'NOTICE OF CLAIM : RE: MULTI'						
59R9675	1996/10/04	PLAN REFERENCE				C
R0776500	2002/12/12	TRANSFER	\$2		MARINELAND OF CANADA INC.	C
R0778877	2004/03/25	TRANSFER	\$48,000		MARINELAND OF CANADA INC.	C
59R14950	2013/08/29	PLAN REFERENCE				C
59R45955	2020/10/07	CHARGE	\$40,000,000	MARINELAND OF CANADA INC.	HOLER, MARIE	C
59R45956	2020/10/07	CHARGE	\$50,000,000	MARINELAND OF CANADA INC.	HOLER, MARIE	C
59R79537	2024/02/15	CHARGE	\$30,000,000	MARINELAND OF CANADA INC.	JOHN HOLER HOLDINGS LIMITED	C
59R12314	2024/08/23	CHARGE	\$25,000,000	MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC.	C
59R12315	2024/08/23	NO ASSIGN RENT GEN		MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC.	C
REMARKS: 59R12314						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

7657 Portage Road - Planning Justification Brief



LAND REGISTRY OFFICE #59
 64256-0063 (LT)
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PAGE 3 OF 3
 PREPARED FOR db
 ON 2024/12/18 AT 11:48:10

ONLAND

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
SN812338	2024/08/23	POSTFONEMENT REMARKS: SN645055 TO SN812214		HOLER, MARIE	FIRM CAPITAL MORTGAGE FUND INC.	C
SN812339	2024/08/23	POSTFONEMENT REMARKS: SN645056 TO SN812314.		HOLER, MARIE	FIRM CAPITAL MORTGAGE FUND INC.	C
SN812622	2024/09/06	POSTFONEMENT REMARKS: SN793037 TO SN812314		JOHN HOLER HOLDINGS LIMITED	FIRM CAPITAL MORTGAGE FUND INC.	C
SN814510	2024/09/16	NOTICE REMARKS: SN812314	\$2	MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC	C
SN815783	2024/09/27	RESTRICTION-LAND REMARKS: NO FURTHER CHARGE WITHOUT THE CONSENT OF FIRM CAPITAL MORTGAGE FUND INC.		MARINELAND OF CANADA INC.		C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

PARCEL B



LAND REGISTRY OFFICE #59
 64256-0165 (LT)
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PAGE 1 OF 4
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 ON 2024/12/18 AT 11:42:42

ONLAND

PROPERTY DESCRIPTION: FIRSTLY: PART TOWNSHIP LOT 219 STAMFORD AS IN BE69889 SAVE AND EXCEPT PART 1, 59R3571; SECONDLY: PART TOWNSHIP LOT 219 STAMFORD AS IN R0767951; SUBJECT TO R0393466 THIRDLY: PART TOWNSHIP LOTS 190, 193, 194, 219, 220, 221, 222, 223, STAMFORD; PART ROAD ALLOCANCES: BETWEEN TOWNSHIP LOTS 193 AND 194, BETWEEN TOWNSHIP LOTS 193 AND 221; BETWEEN TOWNSHIP LOTS 193 AND 222, BETWEEN TOWNSHIP LOTS 194 AND 219, BETWEEN TOWNSHIP LOTS 194 AND 220, BETWEEN TOWNSHIP LOTS 194 AND 221, BETWEEN TOWNSHIP LOTS 220 AND 221, BETWEEN TOWNSHIP LOTS 222 AND 223, STAMFORD, CLOSED BY R0705115, R0357329 & AA66579, AS IN R0302054, R0302055 SAVE AND EXCEPT PART 3 59R3110, R037044, R0400609, R0510527, R0515570 (FIRSTLY & SECONDLY), PARTS 10 TO 21 & 26 TO 39 59R3242, PART 4 59R3110 & PART 1 & 2 59R3960; SUBJECT TO RIGHT IN R0389429; SUBJECT TO RIGHT IN R076500; TOGETHER WITH ALLI035; TOGETHER WITH R0676711; SUBJECT TO AA28506, R0214890, R0215080, R0228107, R0337953, R0337954, R0357111, R0357201, R0404684, R0449428, R0628046, R0700277, ST46526; SUBJECT TO AN EASEMENT AS IN A11035; SUBJECT TO AN EASEMENT AS IN R0776500; SUBJECT TO AN EASEMENT AS IN R0371040; CITY OF NIAGARA FALLS

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN R0389429.

ESTATE/QUALIFIER: RECENTLY: CONSOLIDATION FROM 64256-0052, 64256-0160
PIN CREATION DATE: 2024/03/07

FEE SIMPLE: IT CONVERSION QUALIFIED

CURRNT NAME: MARINELAND OF CANADA INC.
CAPACITY: GRADE: ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT	INCLUDES ALL	DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **				
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**	SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *					
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.					
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF					
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY					
**	CONVENTION.					
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.					
**DATE OF	CONVERSION TO	LAND TITLES: 2007/09/26 **				
NOTE: THE	NO BEALINGS INDICATOR IS IN EFFECT	ON THIS PROPERTY				
8746526	1951/06/23	TRANSFER EASEMENT REMARKS: SKETCH ATTACHED.			THE CORPORATION OF THE CITY OF NIAGARA FALLS	C
AA28506	1959/09/10	TRANSFER EASEMENT REMARKS: SKETCH ATTACHED.			THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO	C
R01555332	1971/12/31	REST COV ABL ANNEX				C
59R723	1974/01/21	PLAN REFERENCE				C
R0214890	1974/06/18	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C

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7657 Portage Road - Planning Justification Brief



PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER
 LAND REGISTRY OFFICE #59 64256-0165 (LT)
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PAGE 2 OF 4
 PREPARED FOR db
 ON 2024/12/18 AT 11:42:42

ONLAND

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
RO215080	1974/06/20	AGREEMENT <i>REMARKS: SKETCH ATTACHED. EASEMENT</i>			THE REGIONAL MUNICIPALITY OF NIAGARA	C
59K1899	1977/01/06	PLAN REFERENCE				C
RO300614	1979/01/06	NOTICE OF CLAIM <i>REMARKS: SKETCH ATTACHED. ST2648</i>				C
RO304081	1978/03/02	AGREEMENT <i>REMARKS: SKETCH ATTACHED.</i>			THE CORP. OF THE CITY OF NIAGARA FALLS	C
59R2878	1979/05/02	PLAN REFERENCE				C
RO337953	1979/07/19	TRANSFER EASEMENT			ONTARIO HYDRO	C
RO337954	1979/07/19	TRANSFER EASEMENT			ONTARIO HYDRO	C
59R3110	1980/01/10	PLAN REFERENCE				C
59R3242	1980/06/18	PLAN REFERENCE				C
RO357111	1980/07/16	TRANSFER EASEMENT			ONTARIO HYDRO	C
RO357201	1980/07/18	AGREEMENT <i>REMARKS: EASEMENT</i>			THE REGIONAL MUNICIPALITY OF NIAGARA	C
59R3571	1981/08/17	PLAN REFERENCE				C
59R3658	1981/11/24	PLAN REFERENCE				C
59R3680	1981/12/29	PLAN REFERENCE				C
59K3787	1982/06/15	PLAN REFERENCE				C
RO393466	1982/08/04	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
RO404694	1983/02/15	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
RO449428	1985/05/24	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
59R6159	1988/12/08	PLAN REFERENCE				C
RO611659	1991/07/04	NOTICE OF CLAIM				C

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PAGE 3 OF 4
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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
		<i>REMARKS: ST46526</i>				
RO628046	1992/03/20	TRANSFER EASEMENT			THE REGIONAL MUNICIPALITY OF NIAGARA	C
RO700277	1996/01/12	TRANSFER EASEMENT			NIAGARA FALLS HYDRO ELECTRIC COMMISSION	C
RO710990	1996/08/19	NOTICE <i>REMARKS: 'NOTICE OF CLAIM ; RE: MULTI'</i>				C
RO767490	1999/12/07	NOTICE <i>REMARKS: RE: 4239, 4944, 2581, 2637, 1298, 4285, 4286, 4287, 4289, 2516, 4767, 5706 RO693747, ETC. (AMENDED 2001/11/27 BY LF AT 12:57)</i>		CANADIAN NIAGARA POWER COMPANY LTD.		C
RO775640	2002/07/10	NOTICE OF CLAIM <i>REMARKS: ST22660</i>				C
RO776500	2002/12/12	TRANSFER	\$2		MARINELAND OF CANADA INC.	C
SN370452	2013/03/08	CERTIFICATE		HER MAJESTY THE QUEEN, MINISTER OF ENVIRONMENT		C
SN465035	2016/04/07	TRANSFER	\$2	138342 CANADA INC.	MARINELAND OF CANADA INC.	C
SN645055	2020/10/07	CHARGE	\$40,000,000	MARINELAND OF CANADA INC.	HOLER, MARIE	C
SN645056	2020/10/07	CHARGE	\$50,000,000	MARINELAND OF CANADA INC.	HOLER, MARIE	C
SN645058	2020/10/07	CHARGE	\$50,000,000	138342 CANADA INC.	HOLER, MARIE	C
SN793537	2024/02/15	CHARGE	\$30,000,000	MARINELAND OF CANADA INC.	JOHN HOLER HOLDINGS LIMITED	C
SN793545	2024/02/15	TRANSFER		138342 CANADA INC.	MARINELAND OF CANADA INC.	C
SN793546	2024/02/15	APL CONSOLIDATE		MARINELAND OF CANADA INC.		C
SN812314	2024/08/23	CHARGE	\$25,000,000	MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC.	C
SN812315	2024/08/23	NO ASSGN RENT GEN <i>REMARKS: SN812314</i>		MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC.	C
SN812338	2024/08/23	POSTPONEMENT <i>REMARKS: SN645055 TO SN812314</i>		HOLER, MARIE	FIRM CAPITAL MORTGAGE FUND INC.	C
SN812339	2024/08/23	POSTPONEMENT <i>REMARKS: SN645056 TO SN812314.</i>		HOLER, MARIE	FIRM CAPITAL MORTGAGE FUND INC.	C

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7657 Portage Road - Planning Justification Brief



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PAGE 4 OF 4
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REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SN812340	2024/08/23	POSTPONEMENT <i>REMARKS: SN645050 TO SN812214.</i>		HOLER, MARIE	FIRM CAPITAL MORTGAGE FUND INC.	C
SN813623	2024/09/06	POSTPONEMENT <i>REMARKS: SN793537 TO SN812314</i>		JOHN HOLER HOLDINGS LIMITED	FIRM CAPITAL MORTGAGE FUND INC.	C
SN814510	2024/09/16	NOTICE <i>REMARKS: SN812314</i>	\$2	MARINELAND OF CANADA INC.	FIRM CAPITAL MORTGAGE FUND INC	C
SN815783	2024/09/27	RESTRICTION-LAND <i>REMARKS: NO FURTHER CHARGE WITHOUT THE CONSENT OF FIRM CAPITAL MORTGAGE FUND INC.</i>		MARINELAND OF CANADA INC.		C

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APPENDIX D – Parking Requirements

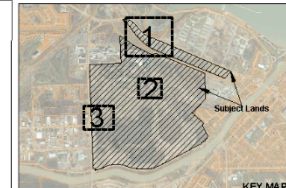
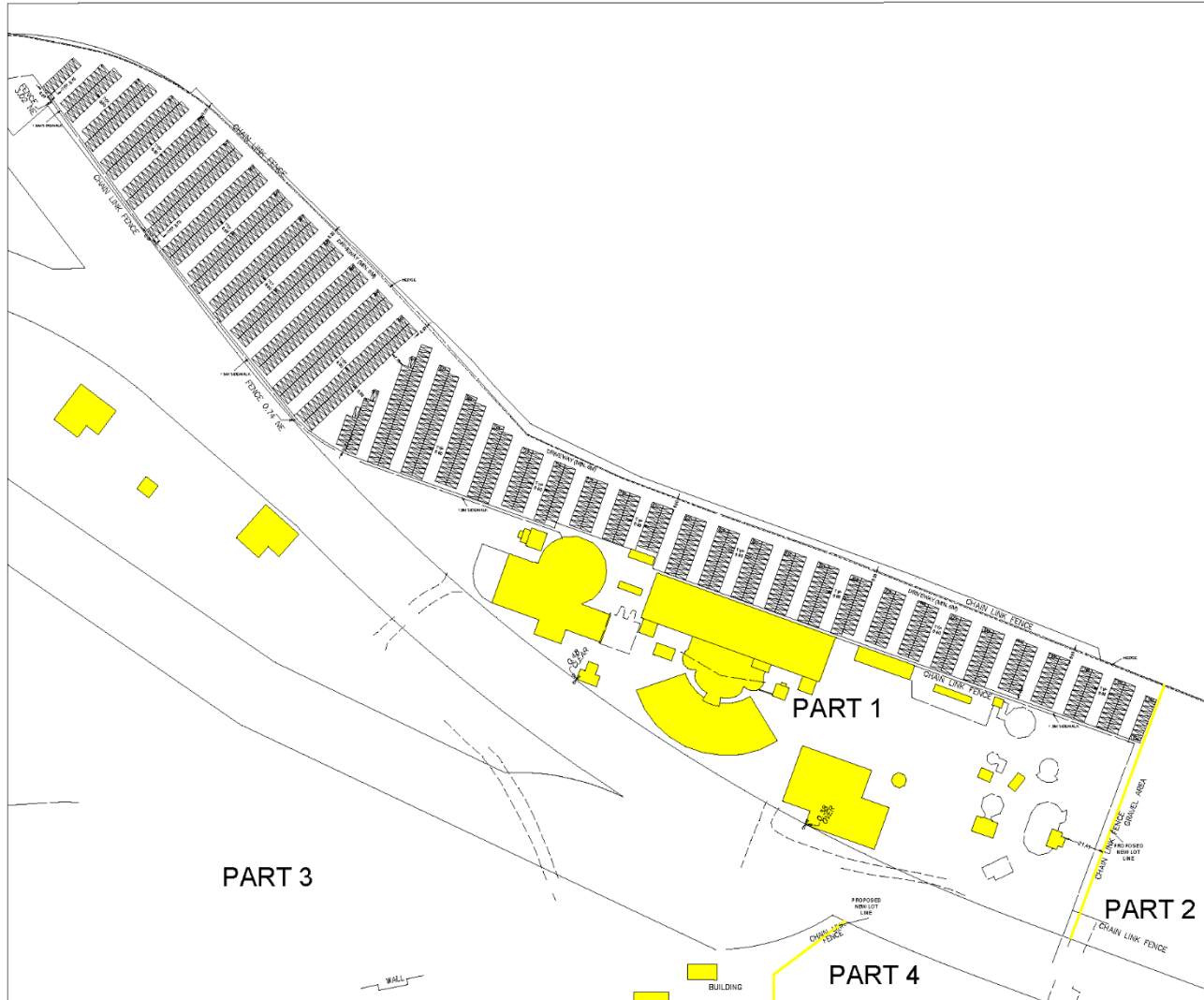
Parking requirement: 1 space every 5 persons as per Zoning By-law No. 79-200 for Place of Entertainment

Building/ Ride	Located on Part	No. of People that could lawfully be accommodated	Parking requirement
Aquarium	1	600	120
King Waldorf® Stadium	1	4,000	800
Whale Shop	1	200	40
Hungry Bear	1	400	80
Eagle Tower	1	10	2
Boat Carousel	1	24	4.8
Bumble Bee	1	24	4.8
Lady Bug Coaster	1	12	2.4
Orca Screamer	1	10	2
Tivoli Wheel	1	32	6.4
Viking Adventure	1	32	6.4
		Part 1 (Subtotal)	1,069
Dragon Mountain	3	28	5.6
Flying Dragon	3	40	8
Kandu Twister	3	60	12
Magic Experience	3	48	9.6
Ocean Odyssey		24	4.8
Sky Hawk	3	44	8.8

7657 Portage Road - Planning Justification Brief

Sky Screamer A, B & C	3	12	2.4
Star Voyager	3	25	5
Polar Splash	3	0	
Wave Swinger	3	48	9.6
		Part 3 (Subtotal)	66

APPENDIX E – Minor Variance Sketch



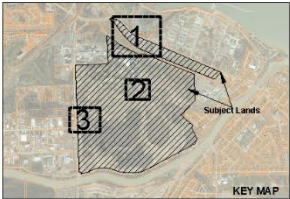
SITE STATISTICS	
PART 1 PARKING	1,154
PART 3 PARKING	68
PART 1 LOT COVERAGE	13.9%
PART 3 LOT COVERAGE	0.97%
PART 1 BUILDING & RIDE CAPACITY	5,344
PART 3 BUILDING & RIDE CAPACITY	329

MINOR VARIANCE SKETCH AREA 1

7657 PORTAGE ROAD
 For: MatruLand of Canada Inc. Scale: 1:2000
 Drawing No.: 26501.01.01 Date: December 20, 2024

THIS SKETCH HAS BEEN PREPARED USING DATA PROVIDED BY J. J. BOWEN, IN RESPECT OF A PROPERTY INTEREST AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.
 THE DRAWING SHALL ONLY BE USED IN CONNECTION WITH THE PROJECT FOR WHICH IT WAS ORIGINALLY PREPARED AND FOR WHICH NPG PLANNING SOLUTIONS INC. HAS RETAINED.
 NPG PLANNING SOLUTIONS INC. DOES NOT TAKE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED OR OTHER MATERIALS PROVIDED BY ANY OTHER SOURCE OR FOR THE RESULTS OF THE INFORMATION PROVIDED BY ANY OTHER SOURCE.
 OTHER THAN BY THE PRESENTING, THIS DRAWING IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF NPG PLANNING SOLUTIONS INC. ACCEPTED AS A CONDITION OF THE SALE OF THIS DRAWING TO THE USER OR ANY OTHER PARTY.
 ALL DIMENSIONS AND THE ACCURACY OF ANY PLANNING SOLUTIONS INC. AND MAY NOT BE ALTERED WITHOUT WRITTEN PERMISSION FROM NPG PLANNING SOLUTIONS INC.
 DO NOT SCALE THE DRAWING.





SITE STATISTICS

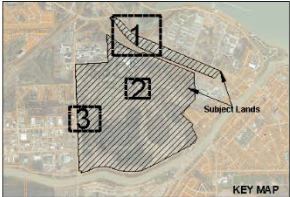
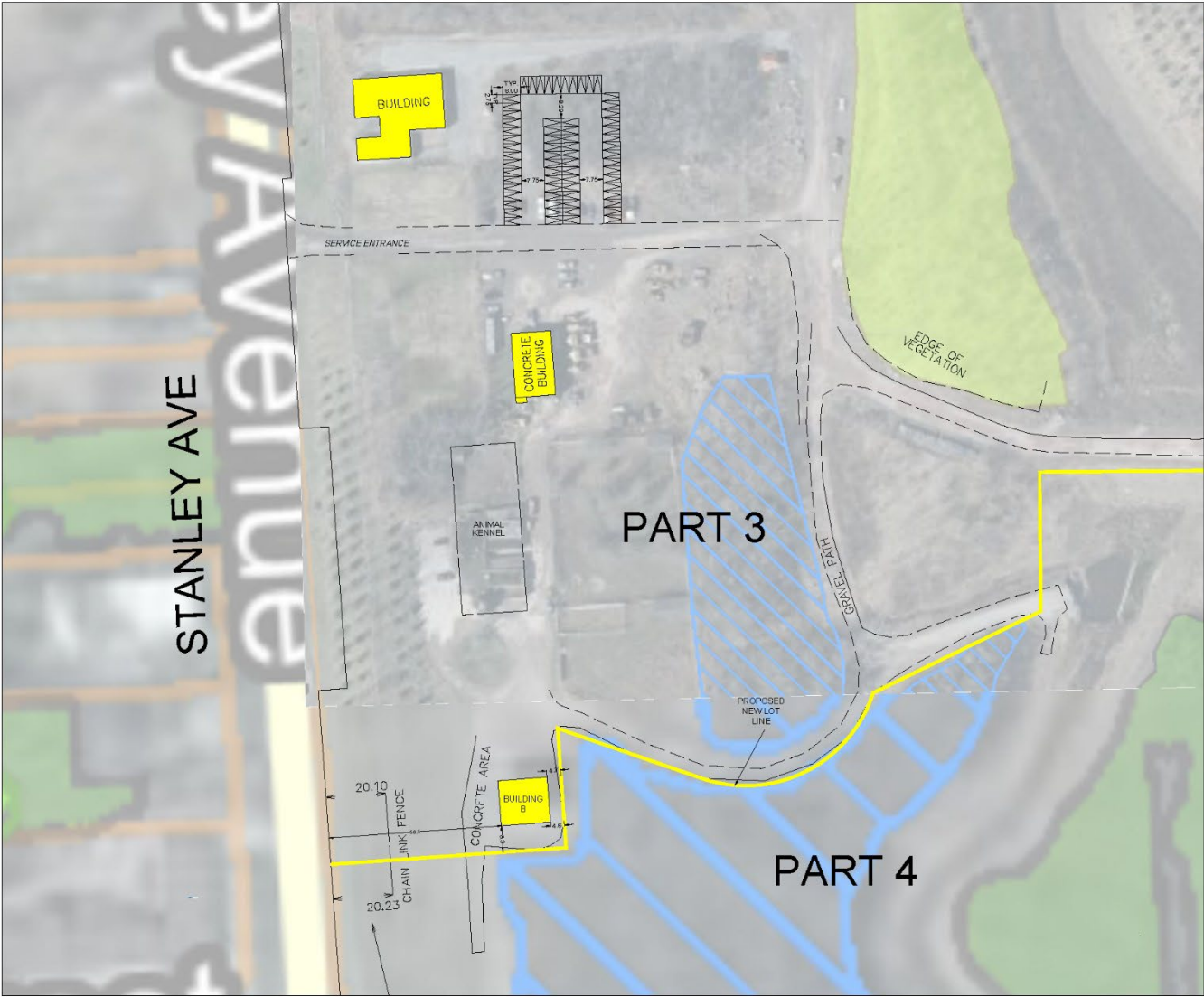
PART 1 PARKING	1,154
PART 3 PARKING	68
PART 1 LOT COVERAGE	13.9%
PART 3 LOT COVERAGE	0.9%
PART 1 BUILDING & REDE CAPACITY	5,344
PART 3 BUILDING & REDE CAPACITY	329

**MINOR VARIANCE SKETCH
AREA 2**

7857 PORTAGE ROAD
 For: Mainland of Canada Inc. Scale: 1:1000
 Drawing No.: 20501.02.01 Date: December 20, 2024

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SITE STATISTICS

PART 1 PARKING	1,154
PART 3 PARKING	68
PART 1 LOT COVERAGE	13.9%
PART 3 LOT COVERAGE	0.9%
PART 1 BUILDING & RIDE CAPACITY	5,344
PART 3 BUILDING & RIDE CAPACITY	329

**MINOR VARIANCE SKETCH
AREA 3**

7657 PORTAGE ROAD
 For: Metroland of Canada Inc. Scale: 1:1,250
 Drawing No.: 20201 03 01 Date: December 20, 2024

THIS DOCUMENT HAS BEEN PREPARED USING DATA PROVIDED BY A 3rd PARTY SOURCE. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE DATA AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE DESIGNER SHALL ONLY BE USED IN CONNECTION WITH THE PROJECT AND SHALL NOT BE USED FOR ANY OTHER PROJECTS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE LOCAL AND NATIONAL DATA OTHER THAN THAT PROVIDED TO THE DESIGNER BY THE CLIENT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE LOCAL AND NATIONAL DATA OTHER THAN THAT PROVIDED TO THE DESIGNER BY THE CLIENT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE LOCAL AND NATIONAL DATA OTHER THAN THAT PROVIDED TO THE DESIGNER BY THE CLIENT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE LOCAL AND NATIONAL DATA OTHER THAN THAT PROVIDED TO THE DESIGNER BY THE CLIENT.



APPENDIX F – Compliance with the Zoning By-law No. 79-200

Regulations	OS & OS-6 Requirements	Part 1	Part 2	Part 3	Part 4
Minimum lot frontage	150 m	+/- 618.45 m (on Portage Road)	+/- 1,001 m	+/- 856.1 m	+/- 678.9 m
Minimum front yard depth	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1	+/- 38.1 m (smallest dimension)	N/A	+/- 22.7 m	+/- 1,429.62 m
Minimum lot area	2 ha	7.76 ha	14.75 ha	72.74 ha	171.62 ha
Minimum side yard width each side	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1	+/- 21.41 m	N/A	8.8 m (Building A) 4.6 m (Building B) 1 m (Structure C)	198.2 m
Minimum rear yard depth	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1	0 m ²	N/A	+/- 14.8 m	+/- 212.4 m
Maximum lot coverage	10%	13.9%	N/A	0.97 %	0.068 %

² Existing condition

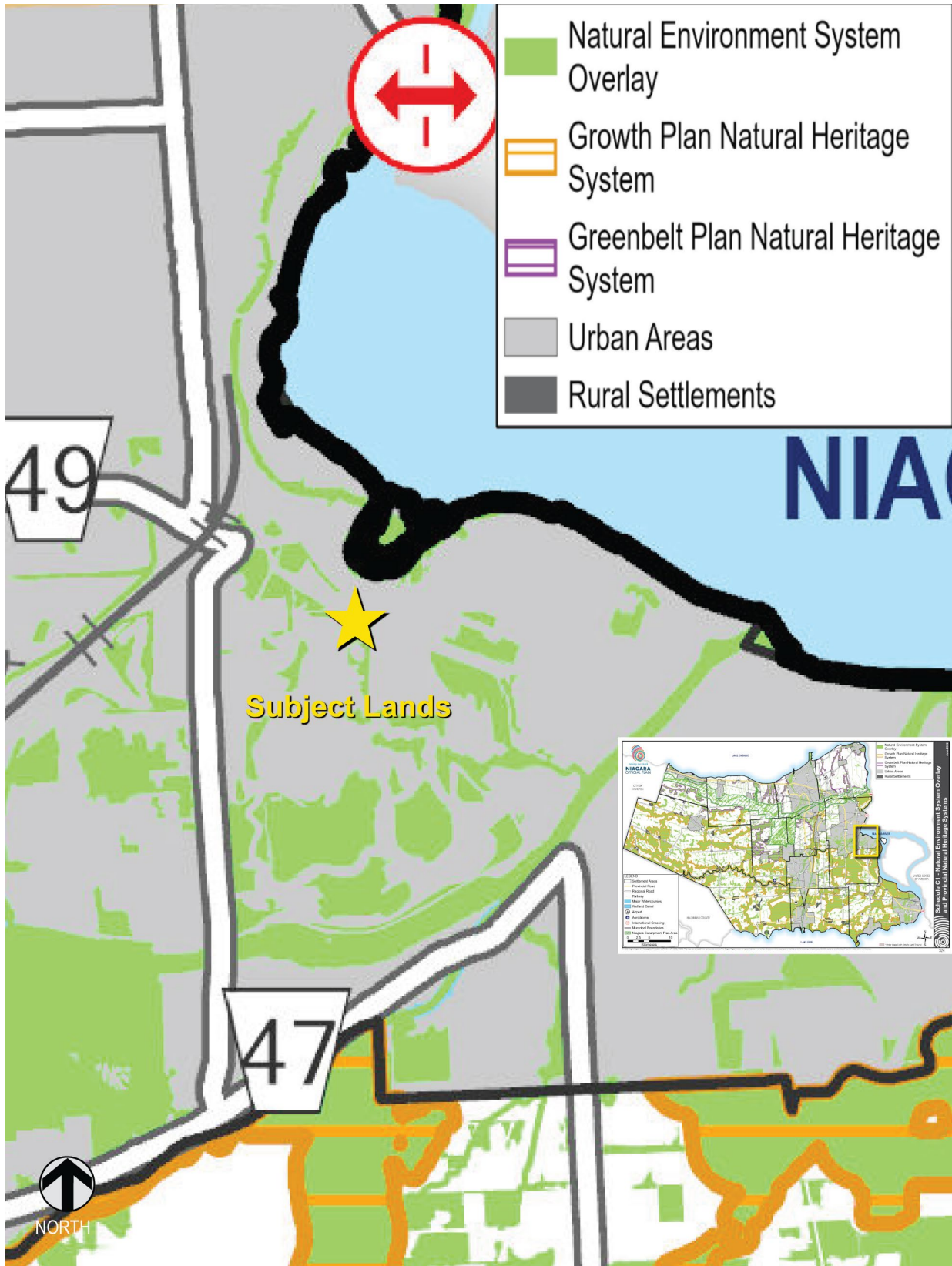
Regulations	OS & OS-6 Requirements	Part 1	Part 2	Part 3	Part 4
Maximum height of building or structure	10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1	Less than 10 m	Less than 10 m	Less than 10 m	Less than 10 m
Maximum number of dwelling units on one lot	1 only	None	None	None	None
Parking requirement	Place of Entertainment: 1 parking space for each 5 persons that can be lawfully accommodated therein at any one time	Required: 1,069 spaces Provided: 1,154 spaces	None required	Required: 66 spaces Provided: 68 spaces	None required

APPENDIX G – Niagara Region Official Plan Schedules

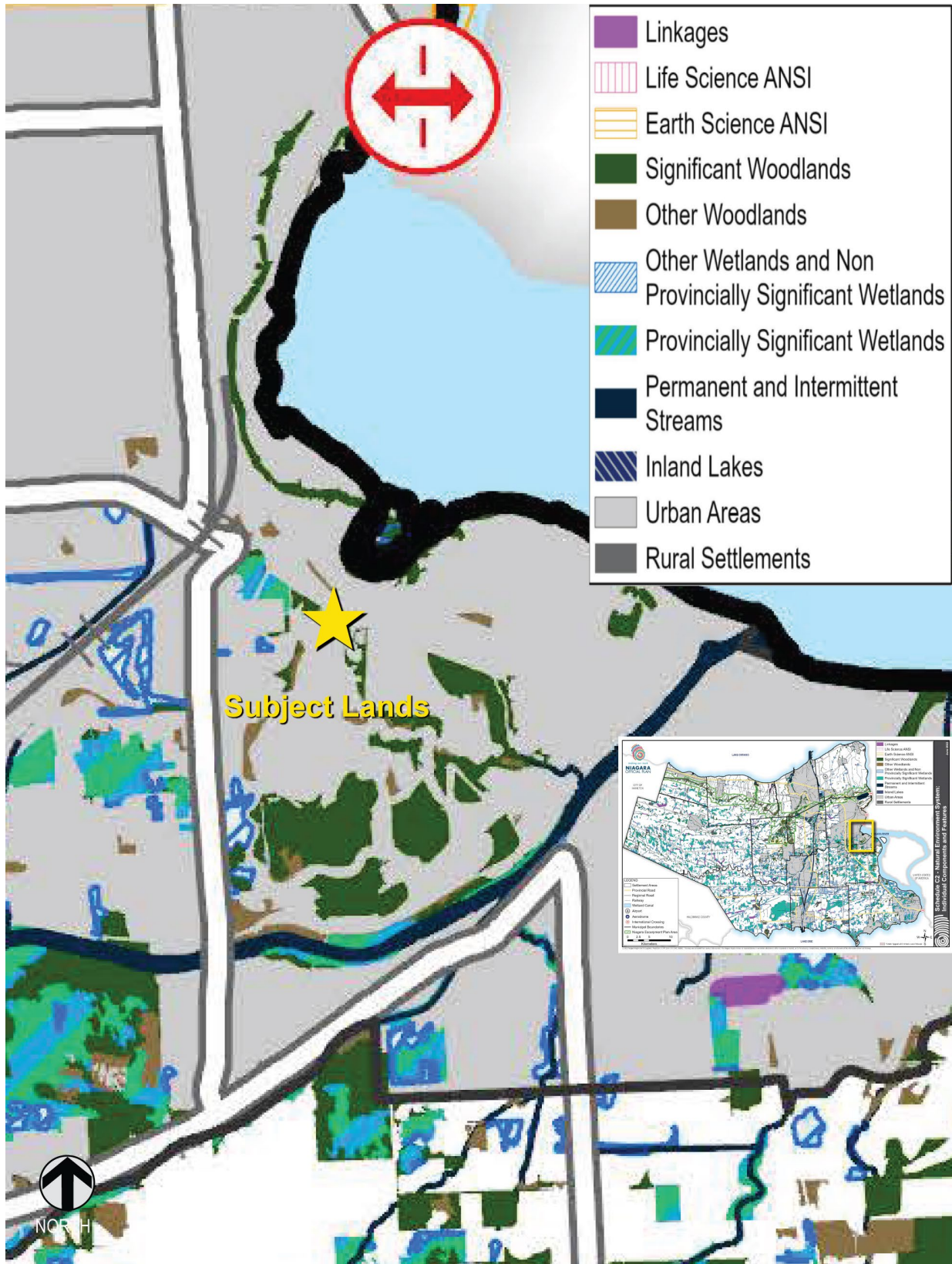
Niagara Region Schedule B: Regional Structure



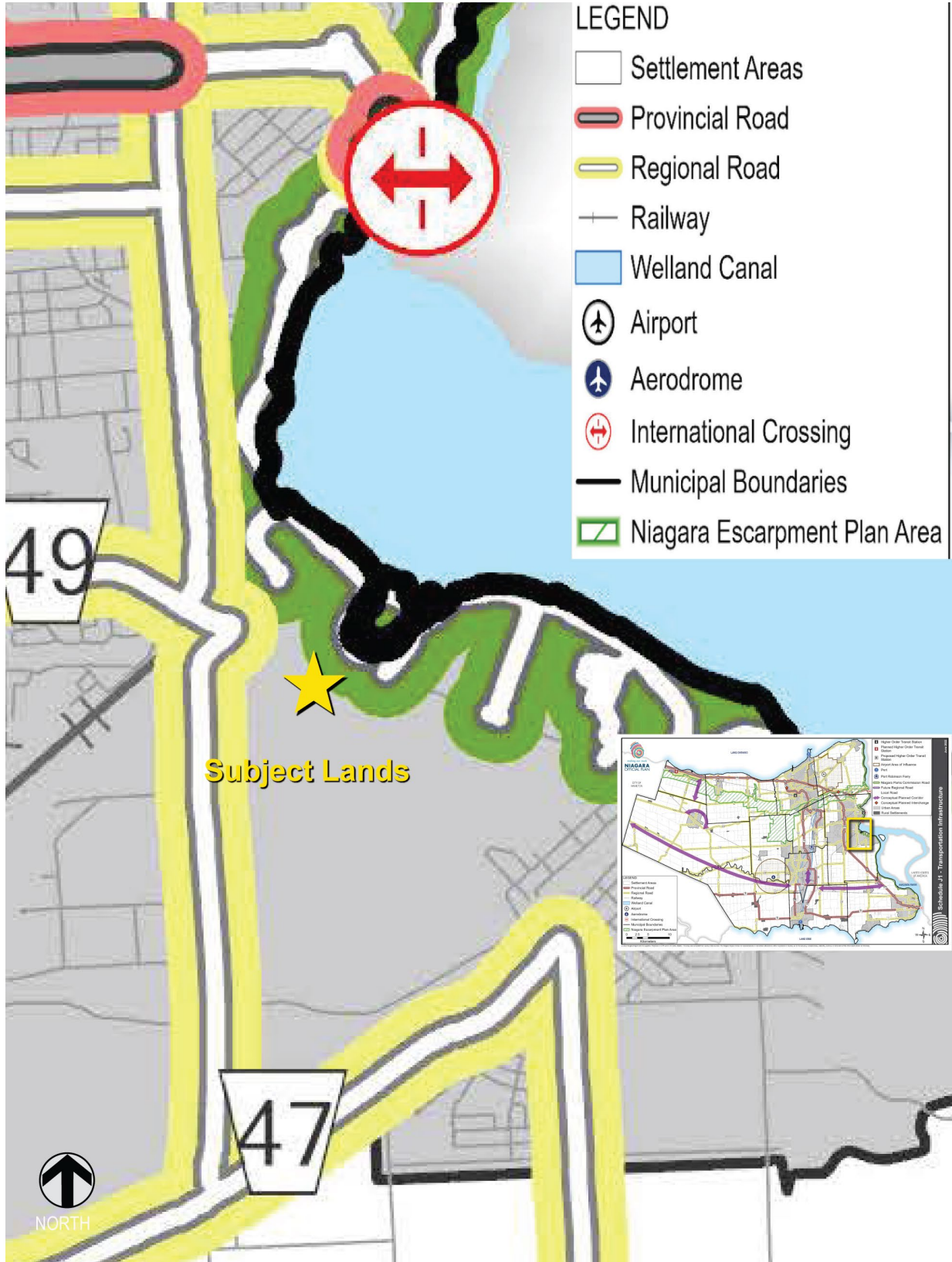
Niagara Region Schedule C1: Natural Environment System Overlay and Provincial Natural Heritage Systems



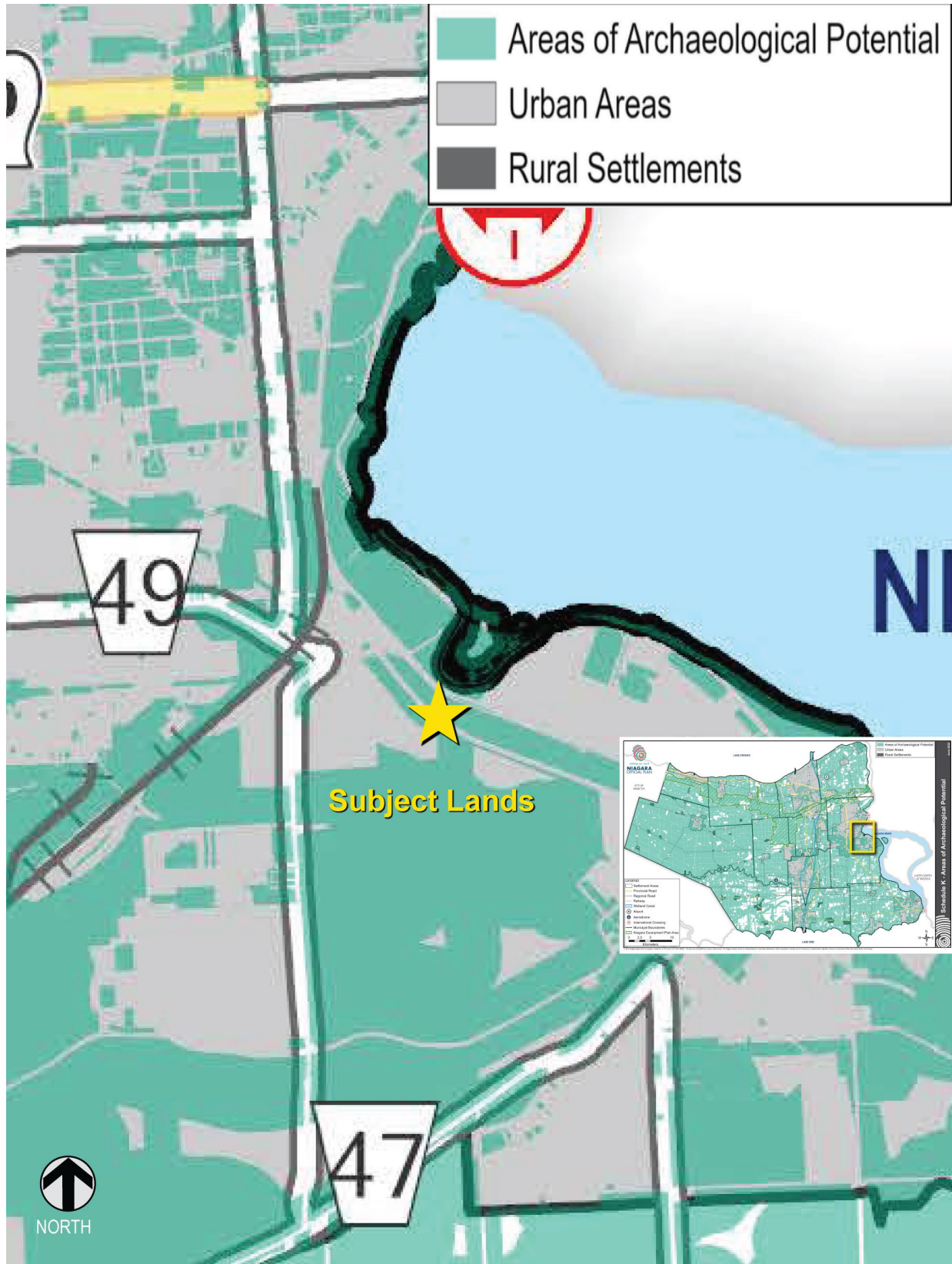
Niagara Region Schedule C2: Natural Environment System: Individual Components and Features



Niagara Region Schedule J1: Transportation Infrastructure

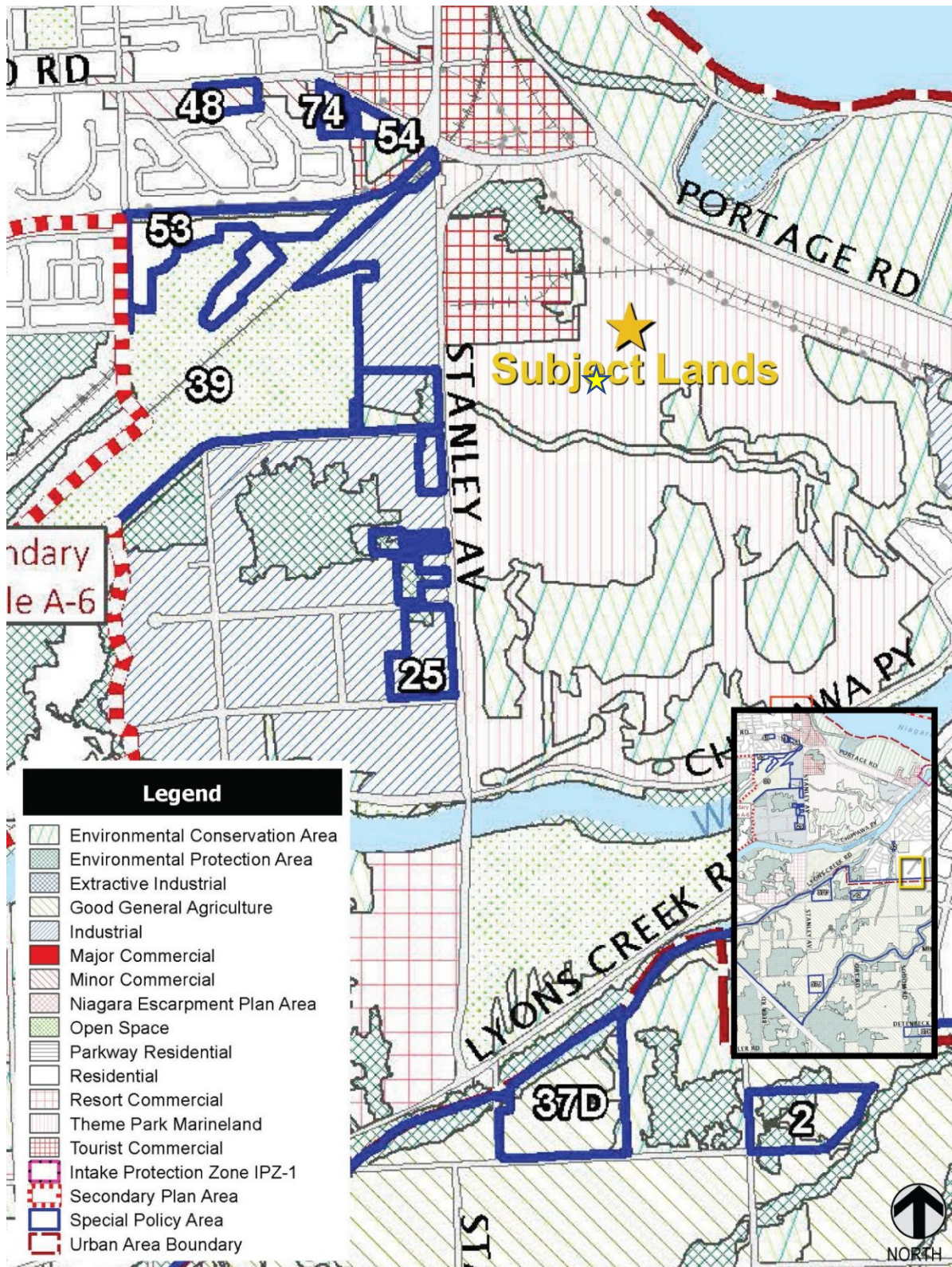


Niagara Region Schedule K: Areas of Archaeological Potential



APPENDIX H – Niagara Falls Official Plan Schedules

Niagara Falls Official Plan Schedule A: Land Use Plan



Niagara Falls Official Plan Schedule A1: Natural Heritage Plan



Niagara Falls Official Plan Schedule A2: Urban Structure Plan

