

REPORT TO: General Manager of Planning, Building & Development

SUBMITTED BY: Planning, Building & Development

SUBJECT: **PBD-2024-04**
AM-2022-018
Zoning By-law Amendment Application
5687 Ferry Street
Applicant: Midtown Bowling (Niagara) Ltd.
Agent: Arcadis Professional Services (Canada) Inc. (Mike Crough)
Lifting of Holding (H) Symbol

Recommendation

That the General Manager of Planning, Building and Development or other delegate pass a by-law to remove the holding (H) symbol and related regulations from 5687 Ferry Street, which is currently zoned General Commercial (GC-1193), to permit the re-development of the property for an 8 storey mixed-use development with 3 commercial ground floor with 77 apartment dwelling units.

Executive Summary/Background

On March 21 2023, Council granted approval for a Zoning By-law amendment at 5687 Ferry Street to permit an 8 storey mixed-use building with 3 ground floor commercial units and 77 apartment dwelling units. A holding (H) symbol, under the authority of Section 36 of the *Planning Act*, was included in the By-law to ensure the landowner submitted an updated Functional Servicing Report and that Third-Party Modelling was completed for sanitary services to the satisfaction of the City's Municipal Works Department.

Midtown Bowling (Niagara) Ltd. is requesting the H symbol be removed to permit the re-development of the land for a mixed-use development.

The Municipal Works department has reviewed the submitted Functional Servicing Report and completed Third-Party Modeling for sanitary services. Municipal Works have accepted the updated Functional Servicing Report and the Third-Party Modelling with no concerns. Therefore, the H symbol can be removed from the subject land.

Analysis

Midtown Bowling (Niagara) Ltd. wishes to proceed with the re-development of the land for a mixed-use development. A location map can be found in Schedule 1. The parcel is zoned General Commercial Zone (GC(H)-1193), in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2023-62. The GC-1193 zoning permits the land to be developed with a mixed-use building containing 3 ground floor commercial units and 77 apartment dwelling units. The removal of the H symbol is required prior to development. The H symbol was included in the amending by-law to ensure the landowner submitted an updated Functional Servicing Report and that Third-Party Modeling was completed for sanitary services to the satisfaction of the City's Municipal Works Department.

The Municipal Works department has reviewed the submitted Functional Servicing Report and completed Third-Party Modeling for sanitary services. Municipal Works have accepted the report, and Third-Party Modeling with no concerns. Therefore, the H symbol can be removed from the subject land.

Circulation Comments


The *Planning Act* requires notice of the removal of a holding (H) symbol to be given to the subject landowners and any members of the public or agencies that submitted a written request for notice. In accordance with these regulations, notice regarding the removal of the H symbol was circulated to the applicant and the Municipal Works Department. Municipal Works is satisfied the requirements for lifting the H symbol have been met and have no objections. Therefore, Staff are satisfied the H symbol can be lifted from the subject lands.


Strategic/Departmental Alignment

This proposal contributes to Council's Strategic Priority of Financial Sustainability by redeveloping lands on existing services to promote sustainable fiscal practices. It also contributes to economic diversification and growth by providing space for new commercial businesses.

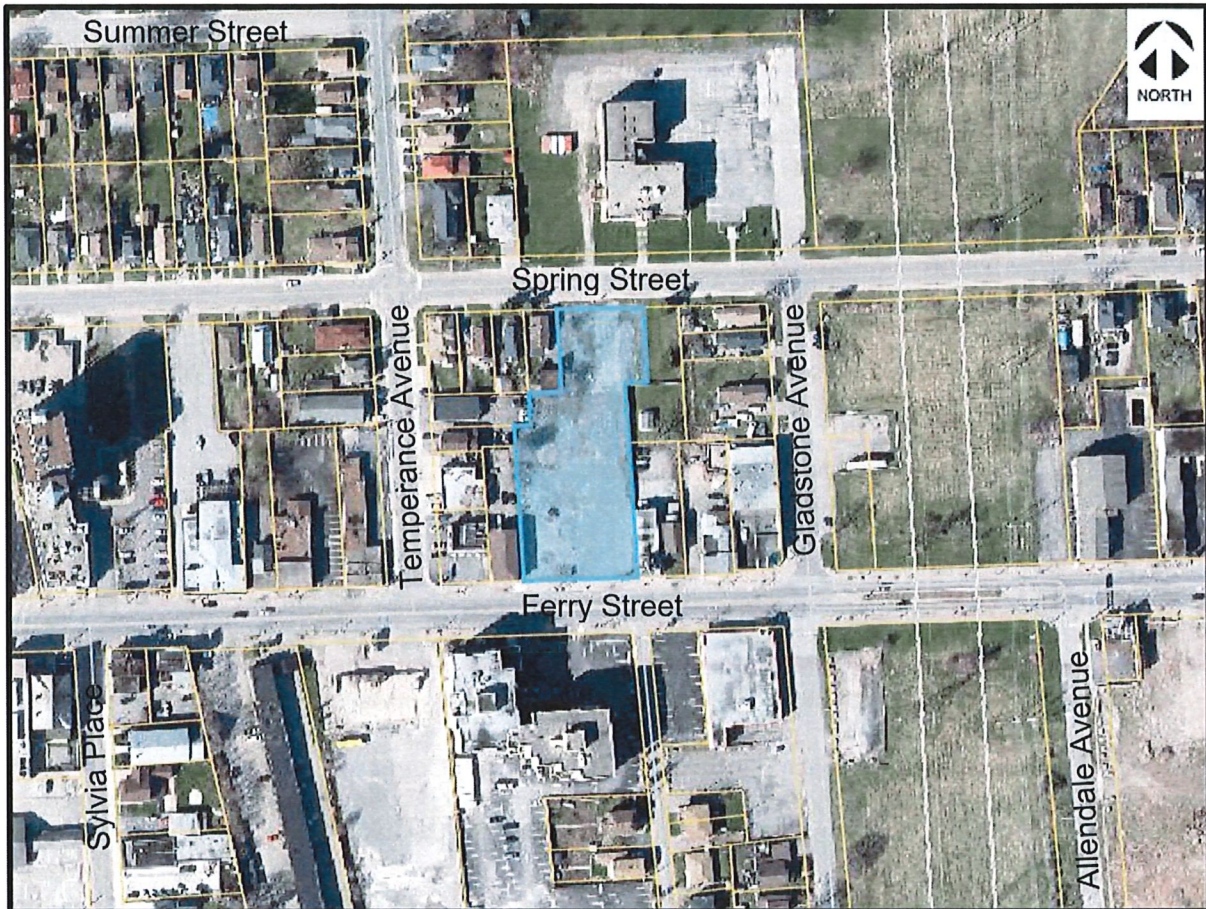
List of Attachments

- Schedule 1 – Location Map
- Appendix A – Draft Zoning By-law

Recommended by: 
Alexa Cooper, RPP, MCIP
Planner 2

Reviewed by: 
Andrew Bryce, MCIP, RPP
Director of Planning

**SCHEDULE 1
(Location Map)**



CITY OF NIAGARA FALLS

By-law No. 2024-XXX

A by-law to amend By-law No. 2023-062, which amended By-law No. 79-200, to remove the holding symbol (H) on the lands municipally known as 5687 Ferry Street to allow for the development of an 8 storey mixed-use building with 3 ground floor commercial units and 77 apartment dwelling units (AM-2022-018).

WHEREAS By-law No. 2023-062 includes land use holding prohibitions that have the effect of zoning the lands GC(H)-1193;

AND WHEREAS the lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law;

AND WHEREAS the purpose of this by-law is to remove the land use holding prohibitions set out in By-law No. 2023-062 on the Lands, to have the effect of zoning the Lands GC-1193;

AND WHEREAS the purpose of this by-law is to amend By-law No. 2023-062 such that the provisions of By-law No. 2023-062 concerning the permitted uses and governing regulations for the Lands will be of full force and effect from the date of this by-law;

AND WHEREAS the General Manager of Planning, Building and Development, or other delegate of the City of Niagara Falls has been given delegated authority as per By-law No. 2023-107 and By-law No. 2023-108;

AND WHEREAS the General Manager of Planning, Building and Development, or other delegate of the City of Niagara Falls is satisfied that the purpose of the holding provisions of By-law No. 2023-062 with respect to the Lands, has been achieved and that the conditions required for the removal of the holding provisions of By-law No. 2023-062 for the Lands will or can be fulfilled;

AND WHEREAS it is and has always been the intent of the Council of the City of Niagara Falls that the holding provisions of By-law No. 2023-062 would be removed and the permitted uses and regulations set out in the by-law would be implemented once the conditions set out in By-law No. 2023-062 had been fulfilled;

AND WHEREAS the General Manager of Planning, Building and Development, or other delegate of the City of Niagara Falls is proceeding in accordance with subsection 36(4) of the *Planning Act*, R.S.O. 1990, c. P.13.

THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108, ENACTS AS FOLLOWS:

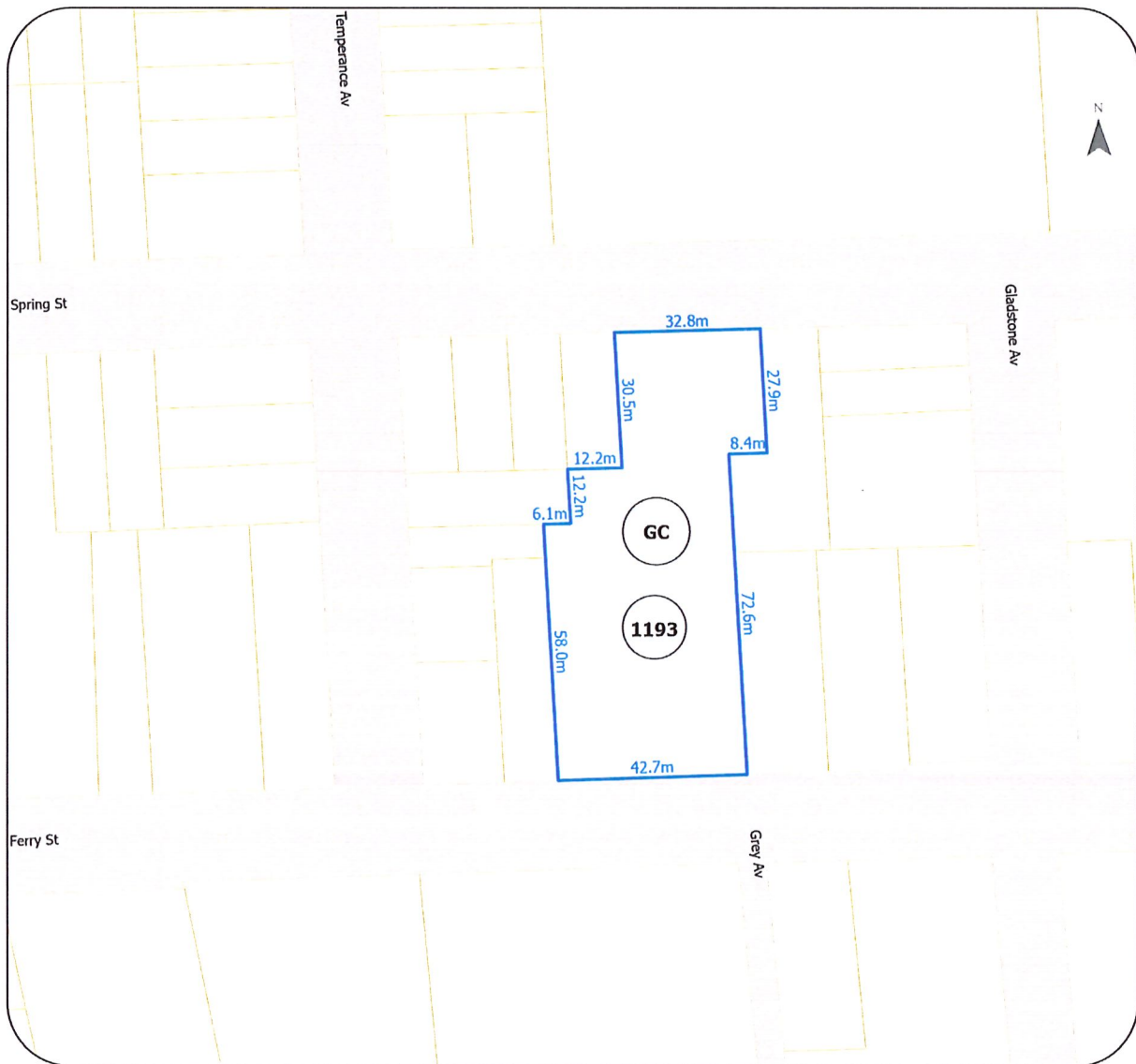
1. The holding provisions of By-law No. 2023-062 are hereby declared to be of no force and effect on the Lands.
2. The holding symbol (H) is hereby removed from the zoning designation of the Lands, as shown on Schedule 1.
3. The balance of By-law No. 2023-062 is hereby declared to be in full force and effect on the Lands.

Signed and sealed under the delegated authority of Council to the General Manager of Planning, Building and Development, as per By-law No. 2023-107 and By-law No. 2023-108, this 28th day of February, 2024.

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KIRA DOLCH, GENERAL MANAGER OF
PLANNING, BUILDING AND DEVELOPMENT

SCHEDULE 1 TO BY-LAW NO. 2024-

Area Affected by this Amendment



Amending Zoning By-law No. 79-200

Description: LOTS 51, 57, 58, PLAN 3; PART LOT 50 PLAN 3 AS IN AA28338, S/T & T/W A28338; PART LOT 52 PLAN 3 AS IN AA15552 & RO609314; PART LOT 53 PLAN 3 AS IN AA22039; PART LOT 56 PLAN 3 AS IN AA15552, VILLAGE OF NIAGARA FALLS; CITY OF NIAGARA FALLS

Applicant: Midtown Bowling Niagara Limited (Rocco & Kim Oliverio)

Assessment: 272506000303601