

# **Planning Justification Report**

## **Dorchester Road & Oldfield Road Apartment Development**

### **Official Plan and Zoning By-law Amendment Niagara Falls, ON**

**July 2025**

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## **TABLE OF CONTENTS**

PREFACE .....	3
DESCRIPTION AND LOCATION OF THE SUBJECT LANDS .....	5
THE PROPOSED DEVELOPMENT.....	10
REQUIRED PLANNING ACT APPLICATIONS .....	12
RELATED STUDIES AND REPORTS.....	14
PROVINCIAL LEGISLATION AND PLANS.....	19
PLANNING ACT (R.S.O. 1990) .....	19
2024 PROVINCIAL PLANNING STATEMENT.....	24
NIAGARA OFFICIAL PLAN (2022) .....	31
Chapter 2 – Growing Region .....	31
Chapter 3 – Sustainable Region .....	33
CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended) .....	36
PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION .....	38
PART 2 – LAND USE POLICIES .....	44
PART 3 – ENVIRONMENTAL MANAGEMENT.....	51
CITY OF NIAGARA FALLS ZONING BY-LAW (By-law No. 79-200).....	55
URBAN DESIGN / ARCHITECTURAL ANALYSIS.....	59
Niagara Region Model Urban Design Guidelines .....	61
PLANNING OPINION.....	65

### **List of Appendices**

Appendix I – Preliminary Site Plan

Appendix II – Pre-consultation Agreement

Appendix III – Draft Official Plan Amendment

Appendix IV – Draft Zoning By-law Amendment

## **PREFACE**

Upper Canada Consultants has been retained by 14456335 Canada Inc. to prepare a Planning Justification Report pertaining to a combined application for an Official Plan Amendment and Zoning By-law Amendment on lands located at the southern terminus of Dorchester Road at Oldfield Road in Niagara Falls.

The submitted combined application is required to facilitate the development of the subject lands with two, six-storey residential apartment buildings. The development plan proposes fifty-three units per building for a total of one-hundred and six (106) residential dwelling units.

The purpose of the Official Plan Amendment is to permit the development of the subject lands prior to the completion of a Secondary Plan. Policy 13.56.1 of the City's Official Plan restricts development on these lands and within the greater Special Policy Area 56 until such time that a Secondary Plan is completed. Due to the isolated nature of the property, the subject lands are desired to advance through independent applications.

The purpose and intent of the Zoning Amendment is to amend the zoning of the subject lands from "General Industrial (GI)" to a "Site-specific Residential Apartment 5D Zone (R5D-XX)" to permit the development of residential apartment dwellings on the property. Site-specific relief is requested for the minimum front yard, minimum landscaped area, number of apartment dwellings on one lot, and maximum projection of balconies in the front yard. These deviations will be explained further on within the report.

This Planning Justification Report has been prepared to evaluate how the applications satisfy the requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and City of Niagara Falls Official Plan (as amended).

This report should be read in conjunction with the following reports:

- Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Ltd.;
- Ministry Clearance Letter;
- Environmental Impact Study prepared by Colville Consulting Inc.;
- Tree Preservation Plan prepared by Colville Consulting Inc.;
- Phase 1 Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd.;
- Phase 2 Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd.;
- Functional Servicing Report including Stormwater Management Plan prepared by Upper Canada Consultants;

- D-6 Compatibility & Mitigation Study, Air Quality, Dust, Odour & Noise Report prepared by SLR (Canada) Consultants Inc.; *and*
- Traffic Impact Study prepared by R.V. Anderson Associates Limited

## **DESCRIPTION AND LOCATION OF THE SUBJECT LANDS**

The submitted applications pertain to lands known legally as PCL 197-6 SEC 59-STAMFORD; PT TWP LT 197 STAMFORD; PT RDAL BTN TWP LT 196 & 197 STAMFORD PT 1 59R7873; CITY OF NIAGARA FALLS, REGIONAL MUNICIPALITY OF NIAGARA. The subject lands are located at the southern terminus of Dorchester Road at Oldfield Road, as shown in **Figure 1**.



**Figure 1 - Context Map – Cropped from Niagara Navigator (2020 Aerial)**

### **Property Size and Characteristics**

The subject lands are irregularly shaped and have been surveyed to measure 2.627 hectares in area with 121.92 metres of frontage along the south side of Dorchester Road.

There are no buildings or structures located on the property. The southern portion of the lands are comprised primarily of forested lands. There is currently one driveway access from the intersection where Dorchester and Oldfield Road meet.

The vegetation on the central and southern portions of the property consists primarily of deciduous forest, deciduous swamp and cultural thicket and woodland.

Photographs of the subject lands taken on September 19, 2023 are included in **Figures 2 and 3**.





**Figure 2 – Photograph of the Current Site Condition**



**Figure 3 – Photograph of the Current Site Condition**

### Former Land Uses

Based on a review of aerial photography and the Phase One Environmental Site Assessment prepared by Soil-Mat Consulting Engineers (dated February 14, 2023), the subject lands were formerly utilized for agricultural purposes up until approximately 1991, when they were used for industrial purposes.

The northern portion of the property was used to store railway construction materials. This use has since ceased and the site has been cleared of any industrial materials. Only granular parking/storage areas remain.

### Surrounding Area

The surrounding area is comprised of a mixture of residential and industrial land uses, as well as large scale nature heritage features including woodlands and wetlands.

Adjacent land uses are as follows:

**North:** Existing Hydro Corridor owned by Hydro One Networks Inc.; existing residential land uses consisting of single-detached dwellings, semi-detached dwellings, townhouse dwellings and apartment buildings; further north is the McLeod Road Commercial Corridor.

**East:** A Significant Woodland is located to the east on the south side of Oldfield Road; on the north side of Oldfield Road are single-detached dwellings, semi-detached dwellings, and townhouse dwellings.

**South:** On the southern portion of the subject lands are natural heritage features including a portion of a Significant Woodland and a portion of the Niagara Falls Slough Forest Wetland Complex;

**West:** Industrial uses are to the west including; Niagara Moving & Storage, Quantum Niagara Gymnastic, Palfinger, and Storage One Self Storage.

### Transportation Network

Vehicular access to the subject lands is provided from Dorchester Road, which is classified as an Arterial Roadway on Schedule C of the City of Niagara Falls Official Plan. The subject lands are within approximately 1.6 kilometres of the Queen Elizabeth Way, which provides access throughout and external to Niagara Region.

It is noted that a Road Widening was previously taken from the subject lands in 1991 via reference Plan 59R-7873. Accordingly, no additional widening is proposed or required to be considered as part of future development applications.

There are no sidewalks provided in the immediate vicinity along Dorchester Road, however, a new municipal sidewalk is proposed in front of this proposed development. There are sidewalks provided on the west side of Dorchester Road approximately 70-metres north from the subject lands. There is also a sidewalk provided along the north side of Oldfield Road, approximately 40-metres east of the subject lands.

To add, there are conventional on-road bicycle lanes on both sides of Oldfield Road, east of Dorchester Road, as well as along Dorchester Road to the north.

Lastly, there are several City of Niagara Falls Transit Service routes in close proximity that operate along Dorchester Road and Oldfield Road. The closest stops are located approximately 150-metres north of the subject lands at Dorchester Road and Jubilee Drive, while 300-metres east along Oldfield Road and Cole Court are two more stops.

#### Natural Heritage Features

As verified through site visits and the completion of an Environmental Impact Study, Wetland Water Balance Analysis, and Environmental Impact Study Addendum, the subject lands have been identified to contain natural heritage features including a Significant Woodland and a portion of the Niagara Falls Slough Forest Provincially Significant Wetland Complex (PSW).

The proposed development area is located generally within the portion of the property that is currently unvegetated. The submitted studies conclude that this development will not directly or indirectly impact the ecological function of the woodland and wetland on the property, or affect use by Species of Special Concern. Mitigation measures have been recommended to ensure there is no significant impact to these noted natural heritage features.

#### Site Servicing

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the subject lands have existing municipal water and sanitary services and utilities available on Dorchester Road.

The subject lands also have a suitable stormwater outlet, being Dorchester Road and to the south of the property. The exact method of stormwater management will be subject to detailed design including quantity and quality controls.



## Parkland

The subject lands are located within approximately 500-metres of two large municipal parks being FJ Miller Park and Fern Park. These parks are shown below in **Figure 4**.

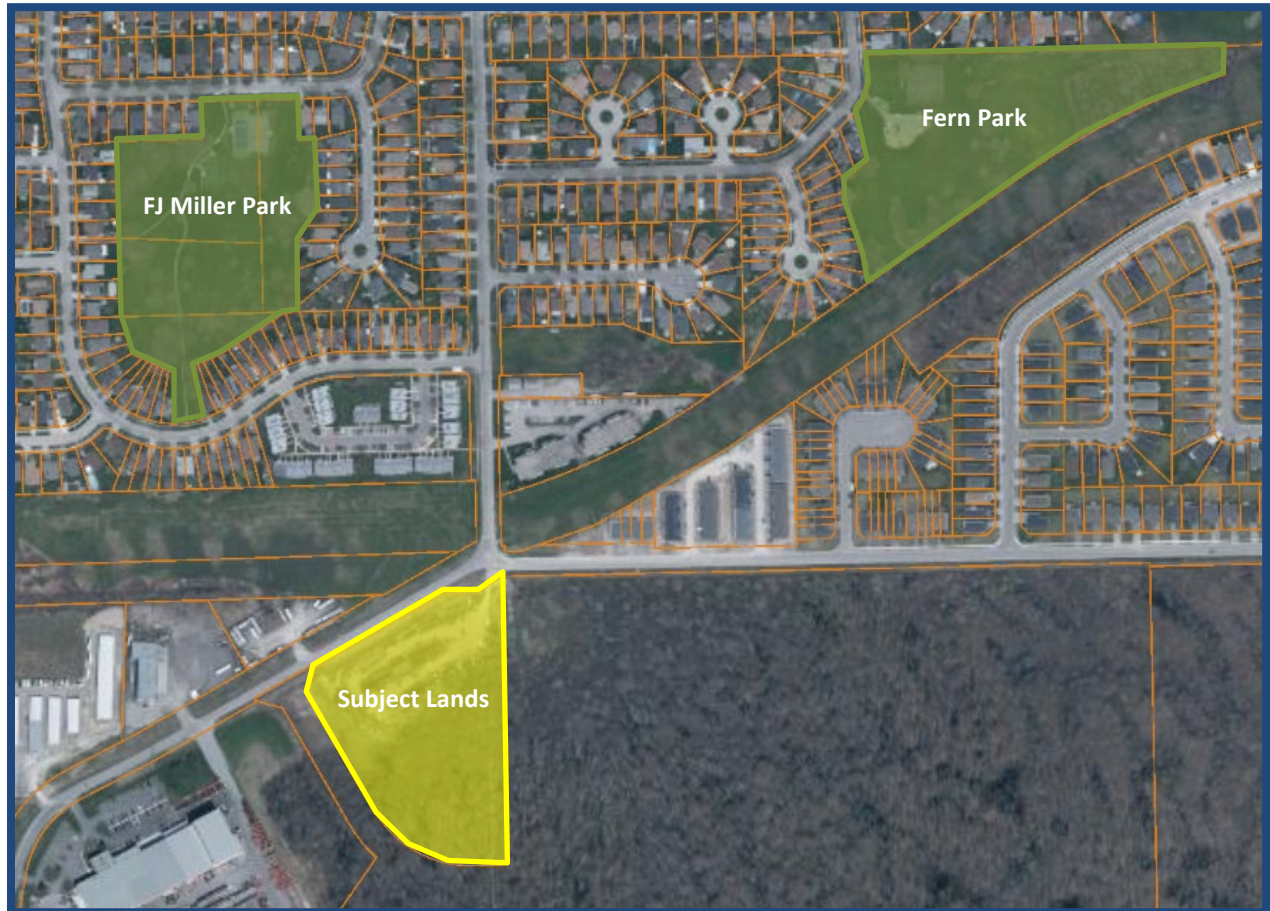


Figure 4 - Context Map – Cropped from Niagara Navigator (2020 Aerial)

## THE PROPOSED DEVELOPMENT

The owner is proposing the development of two (2) six (6) storey residential apartment buildings. These apartments will consist of fifty-three (53) dwelling units each, yielding a total of one-hundred and six (106) dwelling units.

The Preliminary Site Plan showing the development plan and zoning compliance is included as **Appendix I** to this report, and below in **Figure 5**.

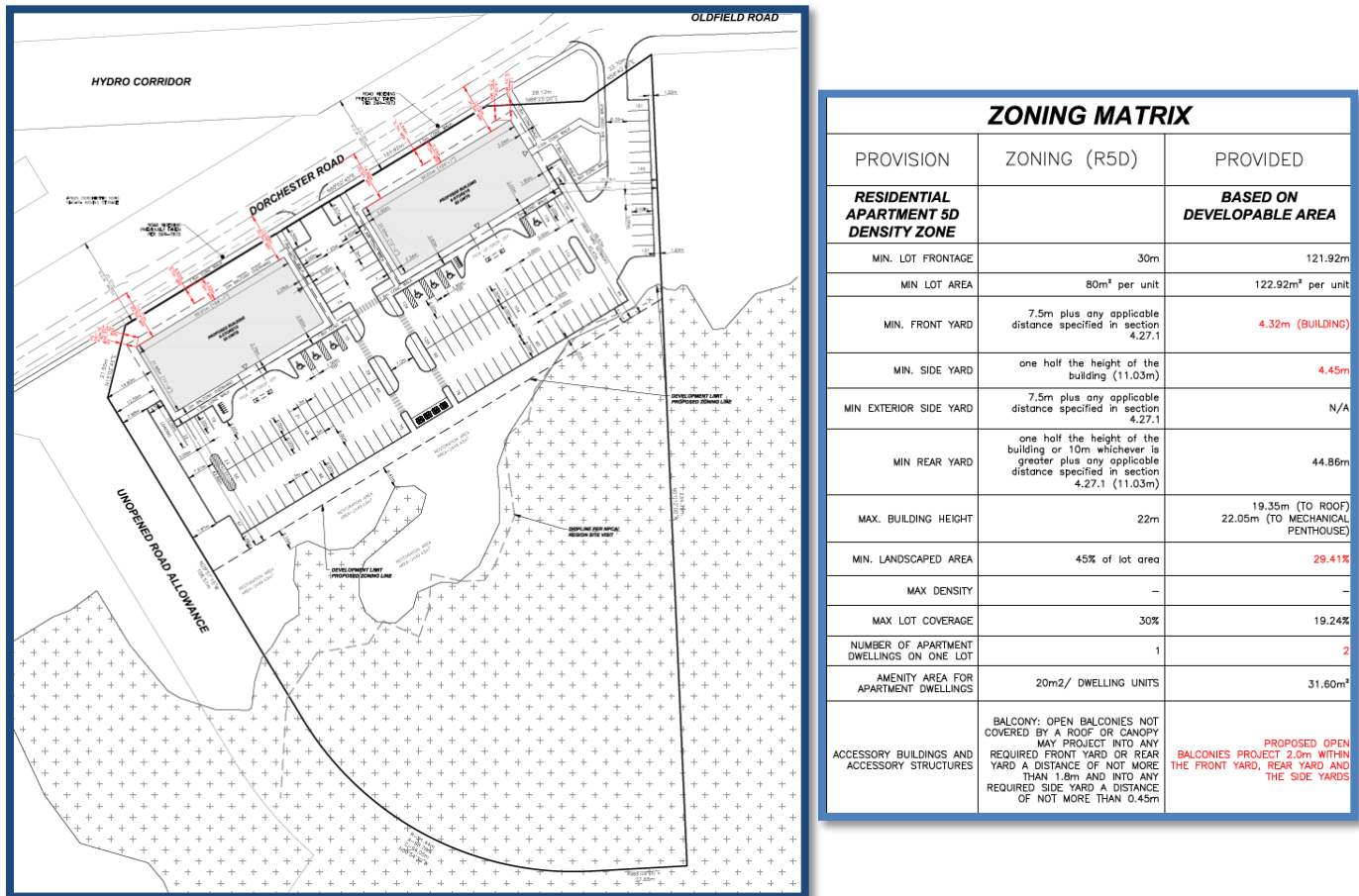


Figure 5 – Preliminary Site Plan prepared by Upper Canada Consultants

There are two proposed driveway accesses for the proposed development. The east site access will be located at the intersection of Dorchester Road and Oldfield Road, to form a fourth leg of the existing intersection. The west site access will be approximately 95-metres west of the Dorchester and Oldfield Road intersection along Dorchester Road. Both the east and west accesses will be 6.3 metres wide.

These entrances provide access to the subject lands with a surface parking lot in the rear. This surface parking lot will consist of one-hundred and fifty-one (151) residential parking spaces, including seven (7) accessible spaces.

A common amenity area at the eastern portion of the property may contain play equipment, a gazebo and/or landscaping. Additionally, convenient pedestrian routes have been provided within the development to provide direct connections to the proposed amenity space and the sidewalk along Dorchester Road.

The subject lands have a developable area of 1.143 hectares, excluding the required wetland and woodlot restoration area. Based on the 106-unit proposal, the site will be developed at a density of 92.74 units per hectare (uph).

The apartment buildings and urban design aspects will be described in detail later on in this report.

## **REQUIRED PLANNING ACT APPLICATIONS**

The pre-consultation meeting pertaining to this development proposal occurred on May 5, 2022. Through this meeting, City staff confirmed that a combined application for an Official Plan and a Zoning By-law Amendment is required to facilitate the proposed development.

A copy of the Pre-consultation Agreement is included as **Appendix II** to this report.

As requested by the City and review agencies, a complete application submission for the combined Official Plan and Zoning By-law Amendment application must include:

- Air Quality, Noise & Vibration, Sensitive Land Use Report
- Archaeological Assessment
- Conceptual Site Plan
- Draft Local Official Plan Amendment
- Draft Local Zoning By-law Amendment
- Environmental Impact Study
- Tree Inventory Preservation Plan
- Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment
- Functional Servicing Report and Stormwater Management Plan
- Shadow Analysis
- Transportation Impact Study / Parking Impact Analysis
- Planning Justification Report including Urban Design and Architectural Brief

These required materials have been provided with the Application submission.

### **Official Plan Amendment**

An application for an Official Plan Amendment is required to facilitate the development of the subject lands for residential purposes. A site-specific policy exemption from Section 13.56.1 of the Official Plan pertaining to Special Policy Area #56 is required to permit the development to proceed prior to a Secondary Plan.

Additionally, a mapping amendment to refine the extent of the “Residential” land use designation against the required “Environmental Conservation Area” and “Environmental Protection Area” designations pertaining to natural heritage features is required.

The lands are also noted to be designated as “QEW Employment Corridor” in the City of Niagara Falls Official Plan, however, this land use designation was amended to “Residential” through

Official Plan Amendment No. 128. Accordingly, an amendment to remove the Corridor is not required.

A copy of the Draft Official Plan Amendment is included as **Appendix III** to this report.

### **Zoning By-law Amendment**

An application for a Zoning By-law Amendment is required to facilitate the development of the site as a residential apartment complex. To facilitate the development of the lands as proposed, the Zoning will be amended from “General Industrial (GI)” to “Residential Apartment 5D Density Site-Specific Zone (R5D-XX)”.

The southern portion of the lands are to be amended from “General Industrial (GI)” to “Environmental Protection Area (EP)” to reflect the findings of the EIS and EIS Addendum, and provide long term protection to the wetland and woodland features.

A copy of the Draft Zoning By-law Amendment is included as **Appendix IV** to this report.



## **RELATED STUDIES AND REPORTS**

In addition to this Planning Justification Report, a Stage 1 & 2 Archaeological Assessment, a D-6 Compatibility & Mitigation, Air Quality, Dust, Odour & Noise Study, Environmental Impact Study, Tree Preservation Plan, Phase One Environmental Site Assessment, Phase Two Environmental Site Assessment, Functional Servicing Report with Stormwater Management Plan, Traffic Impact Study, Wetland Water Balance, and Environmental Impact Study Addendum have been submitted with the application. A brief overview of the purpose, findings and conclusions of these reports/studies are provided below.

### **Stage 1 & 2 Archaeological Assessment (Detritus Consulting Ltd.)**

Detritus Consulting Ltd. completed a Stage 1 & 2 Archaeological Assessments for the subject lands in May 2022. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review and acknowledgement. Ministry clearance is forthcoming.

### **D-6 Compatibility & Mitigation, Air Quality, Dust, Odour & Noise Study (SLR Consulting (Canada) Inc.)**

SLR Consulting (Canada) Inc. completed a D-6 Compatibility & Mitigation, Air Quality, Dust, Odour & Noise Study for the subject lands in February 2023. This study assessed the land use compatibility of the proposed development with surrounding proposed and existing employment lands. The assessment considered; industrial air quality, odour, and dust emissions, industrial/commercial noise, and transportation-related noise. The assessment also included a review of air quality and noise emissions from industrial facilities in the area.

From an air quality perspective, the proposed development is anticipated to be compatible with the surrounding land uses. Emissions of dust and odour are not anticipated and it will not limit surrounding existing or future industries and their ability to obtain or maintain required MECP permits or approvals.

The review of noise emissions from industrial facilities in the area concluded that sound levels will meet the exclusionary NPC 300 Class 1 guideline limits. With regard to transportation noise impacts, standard Ontario Building Code windows will meet the indoor sound level requirements. Lastly, Forced Air Heating with the Provisions for Air Conditioning are required for portions of the proposed development, with mandatory central air conditioner and associated warning clauses.

The proposed development meets applicable policies and guidelines, including requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC-300, and is unlikely to result in increased risk of complaint and nuisance claims, operational constraints for the major facilities, and constraints on major facilities to reasonably expand, intensify or introduce changes to their operations.

#### Environmental Impact Study (Colville Consulting Inc.)

Colville Consulting Inc. completed an Environmental Impact Study for the subject lands in September 2023. This Study was prepared to delineate the extent of natural heritage features on the property and assess potential impacts future development may have on these features.

Natural heritage features that were identified on the property include a portion of a Significant Woodland and a portion of the Niagara Falls Slough Forest Wetland Complex (PSW). Due to the presence of these features, the portion of the property associated with the PSW has been designated as Environmental Protection Area (EPA) within the Niagara Region and City of Niagara Falls Official Plans, while the Significant Woodland on the property has been designated as Environment Conservation Area (ECA) within these plans.

Based on the assessment, it was concluded that this development will not directly or indirectly impact the function of the woodland and wetland features on the property, or affect use by Special Concern Species. To assist with avoiding impacts to the ecological function of these areas, there were numerous recommended mitigation measures that are to be implemented during final design and construction on the property.

#### Environmental Impact Study Addendum (Colville Consulting Inc.)

Colville Consulting Inc. prepared an Environmental Impact Study Addendum as a supplement to the Wetland Water Balance that was requested and prepared by Terra-Dynamics. The mapping was also updated per site visits, which impacted the natural heritage features that were mapped. The results remained the same, concluding that the future development will have no impact on the ecological and hydrological functions of the wetland on the property, and that a variable wetland buffer of 6-metres with a restoration area that is identified as a young woodlot is appropriate. The mitigation measures remained and are recommended to be implemented during final design and construction.

#### Wetland Water Balance Analysis (Terra-Dynamics Inc.)

Terra-Dynamics Inc. completed a Wetland Water Balance to complement the Environmental Impact Study. The intent of the Water Balance is to confirm that the proposed wetland buffer

widths, and the stormwater management plan, will be sufficient to ensure that the hydrologic function of the wetlands will not be negatively impacted.

The Wetland Water Balance identified the risk as medium-risk based on the high magnitude of hydrological change and a medium wetland sensitivity. With this, recommendations were provided, and it was concluded that the development should not negatively impact the hydrology of the wetland with the implementation of a stormwater management plan to maintain average October saturated conditions and discharge of larger precipitation events.

#### Tree Preservation Plan (Colville Consulting Inc.)

Colville Consulting Inc. completed a Tree Preservation Plan for the subject lands in September 2023. This study was prepared to gather an inventory of the trees on and adjacent to the subject lands, and to assess the health and any mitigation measures required to sustain the health of the trees.

110 trees were inventoried on and adjacent to the subject lands. These trees were identified to be generally young to mid-aged with no obvious signs of wide-spread disease. Through the assessment, it is anticipated that 1 of the 110 inventoried trees will need to be removed to facilitate the proposed development and associated grading.

It was also noted that the proposed parking area is located adjacent to several trees in the south east corner of the development area. These tree roots have historically been subject to fill, granular material and concrete blocks, however have maintained good to fair condition. It is recommended that fill and site disturbance be minimized within the critical root zones of these trees and that six replacement trees be installed as the longevity of these trees may have been impacted.

There are several mitigation measures that are suggested in order to maintain the health of all trees on and adjacent to the subject lands, which are to be implemented during grading and construction works.

#### Phase One and Two Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd.)

A Phase One Environmental Site Assessment was conducted by Soil-Mat Engineers & Consultants Ltd. in February 2023. Based on the findings, it was concluded that the potential of Site contamination was considered medium, and it was recommended that additional investigations be conducted.

A Phase Two Environmental Site Assessment (ESA) was prepared by Soil-Mat Engineers & Consultants Ltd. in September 2023 to support the filing of a Record of Site Condition (RSC). The Phase Two ESA field observations and laboratory analytical test results concluded that all

submitted soil samples and groundwater samples were below the applicable Ontario Regulation 153/04 (as amended) Table 2 Site Condition Standards for the selected tested contaminant of potential concern groupings. Therefore, based on these findings, it was concluded that the subject site is suitable for residential development and that an RSC can be filed in support of the residential development.

#### Functional Servicing Report (Upper Canada Consultants)

The Functional Servicing Report prepared by Upper Canada Consultants contains an overview of existing servicing, proposed servicing methods and the preliminary stormwater management method required to support the planned development.

The Report identifies that there are existing water and sanitary services proximate to the site within Dorchester Road that can support the development.

More specifically, the existing 250mm diameter PVC watermain on Dorchester Road will have sufficient capacity to provide both domestic and fire protection water supply, the existing 825mm diameter sanitary sewer on Dorchester Road will have adequate capacity for the proposed residential development, and the stormwater quantity controls will be provided to MECP Normal Protection levels on site to the allowable capacity of the existing stormwater drainage system conditions.

The report concludes that the existing and proposed services will be sufficient to support the proposed development. The specific design of servicing infrastructure will occur through future detailed planning processes.

#### Traffic Impact Study (R.V. Anderson Associates Inc.)

R.V. Anderson Associates Inc. completed a Traffic Impact Study for the subject lands in February 2023.

The City of Niagara Falls has been undergoing the process of completing an MCEA for the intersection of Dorchester Road and Oldfield Road. The study examined operations of the intersection for two planning horizons (2031 and 2041) under three different traffic control options including traffic signal control and roundabout control in addition to the existing All Way Stop Control. This study evaluated the three options.

The proposed site access intersections are expected to operate sufficiently with substantial reserve capacity, minimal delays, and no queueing concerns through the 2031 horizon year.

This analysis concluded that the proposed development can be accommodated by implementing a traffic signal or roundabout at the intersection of Dorchester Road and Oldfield Road. It is

suggested that the City of Niagara Falls consider a signalized traffic control at the intersection to accommodate the future traffic growth, as the current All Way Stop Control will not be able to sustain the network growth, and a roundabout control could require a substantial amount of land to be implement. Nonetheless, if the City proceeds with the installation of a traffic signal, the implementation of a left-turn lane with a protective/permissive phase should be considered for the eastbound left-turn movement, to achieve an efficient overall Level of Service at the intersection through the 2031 horizon year.



## **PROVINCIAL LEGISLATION AND PLANS**

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990) and 2024 Provincial Planning Statement. An assessment of how the applications are consistent and in conformity with applicable Provincial legislation and policies is provided below.

### **PLANNING ACT (R.S.O. 1990)**

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to follow when making or considering applications for development.

#### **Section 2 – Matters of Provincial Interest**

Section 2 of the Planning Act outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*
- n) *the resolution of planning conflicts involving public and private interests;*
- o) *the protection of public health and safety;*

- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
  - (i) is well-designed,*
  - (ii) encourages a sense of place, and*
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Clauses a), f), h), j), p), q), r) and s) are deemed to be relevant to these applications, and are evaluated below.

- a) the protection of ecological systems, including natural areas, features and functions;

*An Environmental Impact Study was completed by Colville Consulting Inc. to assess potential impacts associated with the construction of the proposed development, as well as the associated parking on the subject lands. In addition to this, an Environmental Impact Study Addendum and Wetland Water Balance were completed.*

*The site contains a portion of a Significant Woodland and a portion of the Niagara Falls Slough Forest Wetland Complex. An approximate 6-metre wide buffer was established to be maintained from a slough on the western side of the property and to coincide with the current limit of crushed stone/former storage area on the eastern side of the property.*

*Therefore, it was concluded that this development will not directly or indirectly negatively impact the ecological functions of the woodland and wetland on the property, or affect use by Special Concern Species. To assist with the avoidance of impacts to the functions of the woodland and wetland, Colville Consulting Inc. provided recommended mitigation measures to be implemented during final design and construction on the property.*

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

*The subject lands are accessible from Dorchester Road, an Arterial roadway which can be serviced by existing municipal watermain and sanitary sewer. As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the development will efficiently use these existing municipal services to support the development.*

- h) the orderly development of safe and healthy communities;

*The orderly development of safe and healthy communities is achieved through the development of the subject lands as a multiple-unit development. The lands to the north are residentially designated consisting of different housing forms.*

*Although there are industrial lands to the west, the subject lands are not negatively impacted by these operations. These operations include Niagara Moving & Storage, Quantum Niagara Gymnastics, Palfinger, and Storage One Self Storage. The completed Land Use Compatibility study provided with the application submission concludes that existing industrial land uses and the proposed residential apartments will not be negatively impacted by one another.*

*The proposed apartment dwellings will provide additional housing opportunities in a built form style that facilitates increased density and public transit usage and the use of existing municipal services. The development site is located amongst several established residential land uses and municipal parks and will contribute positively to the overall healthy and resiliency of the neighbourhood.*

- j) the adequate provision of a full range of housing, including affordable housing;

*The development will contain one-hundred and six (106) apartment dwelling units. The unit count is comprised of two (2) residential apartment buildings. The inclusion of apartment housing contributes to the existing variety of housing choices within the surrounding area, including single-detached, semi-detached, street townhouse, and apartment dwellings.*

*Apartment dwellings can be generally considered as a more affordable housing opportunity than ground-based dwellings. Residential apartments are more compact and efficient, and may facilitate additional attainable housing opportunities in the area. Furthermore, increasing the overall housing supply within the City of Niagara Falls contributes to improved housing affordability.*

- p) the appropriate location of growth and development;

*As outlined in the Provincial Planning Statement and Niagara Official Plan, the vast majority of growth is to be directed to Settlement Areas, and within those Settlement Areas, to Built-up Areas and lands with available municipal services.*

*The subject lands are located within the Niagara Falls Settlement Area Boundary and Provincially delineated Built Boundary, and are provided with municipal services, therefore, the subject lands are an appropriate location for growth and development.*

*The subject lands are also located proximate to transit, pedestrian and cycling routes, and are within a short walk or drive of commercial and institutional land uses, Regional roads and provincial highways, and employment opportunities.*

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

*The development proposal efficiently uses serviced and underutilized urban lands, thus limiting the need for urban boundary expansions and or development that unnecessarily encroaches upon natural heritage features and good agricultural lands. The development contains an adequate balance of growth and natural environment that will support urban living.*

*The surrounding neighbourhood is walkable and within a reasonable distance of numerous amenities including parks, schools, grocers, restaurants, churches, and more.*

*The subject lands are located within a short walk of public transit stops at the corner of Dorchester Road and Jubilee Drive, as well as Oldfield Road and Cole Court, that will be conveniently accessible from the proposed sidewalk connections.*

- r) the promotion of built form that,
- (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

*The proposed built form exhibits good urban design principles and engages positively with the public realm along Dorchester Road. The inclusion of building mass, landscaping, glazing and other urban elements will improve the current visual condition of the property to the benefit of surrounding residential land uses.*

*Furthermore, the interface with the existing natural environment backdrop creates a high-quality public realm, enhancing the aesthetic appeal of the development and overall area. The natural backdrop also enhances on site amenity areas and provides suitable buffering from adjacent non-residential land uses.*

*The site layout creates a sense of place through a compact, village/complex layout which is inclusive of redundant walking routes, green spaces, and common amenity spaces. The interface with surrounding forested areas creates an excellent balance of residential density and natural areas.*

## **Section 22 – Official Plan Amendments**

Applications for Official Plan Amendments are considered under Section 22 of the Planning Act. Amendments to municipal by-laws are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

## **Section 34 – Zoning By-laws and Amendments**

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments to municipal by-laws are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.



## **2024 PROVINCIAL PLANNING STATEMENT**

The Provincial Planning Statement, 2024, 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 housing-supportive policies from both documents.

It provides municipalities with the tools and flexibility required to build more homes, enabling them to;

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

The PPS sets the policy foundation for regulating the development and use of land provincially, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

### **Planning for People and Homes (PPS 2.1)**

Section 2.1 of the PPS provides guidance for population forecasts, and required municipalities and planning authorities to provide sufficient land to accommodate an appropriate range and mix of land uses to meet projected needs informed by provincial guidance.

Section 2.1.6 directs that planning authorities should support the achievement of complete communities by;

- accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities, and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- improving social equity and overall quality of life for people of all ages, ability, and incomes, including equity-deserving groups.

The applications are consistent with the direction of Section 2.1 of the PPS as they facilitate the development of additional housing opportunities in an area that has servicing capacity to accommodate the planned residential units.

The proposed residential development will contribute to the achievement of complete community by providing housing opportunities in an area that is supported by institutional and recreational uses, and will be compatible with the surrounding existing and planned development. The residential apartment building will meet accessibility requirements to ensure people of all ages and abilities can navigate safely. Lastly, the inclusion of apartment dwelling units into the area contributes to the range of housing choices available, supporting social equity and quality of life for people.

### **Housing (PPS 2.2)**

As per Section 2.2.1, planning authorities must ensure a diverse range of housing options and densities to meet current and future needs by setting minimum affordable housing targets, addressing the full range of housing including affordable housing needs, and supporting residential intensification, including redevelopment of underutilized sites. They must also promote efficient land use, infrastructure, and active transportation, while prioritizing transit supportive development and intensification near transit corridors and stations.

Per Section 2.1, the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are allocated by municipality in Table 2-1 of the NOP, and Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051. This anticipated growth must be supported by an increase in housing supply and a range and mix of dwelling forms of different affordability ranges.

The applications will facilitate the development of one-hundred and six (106) new dwelling units in the City of Niagara Falls. The location of this development is desirable for additional residential dwelling units due to the abundance and variety of existing residential land uses. The efficiently designed development includes dwelling units that will be at a different affordability threshold than the existing surrounding residential dwellings catering to a larger demographic. By utilizing these lands for additional housing, additional housing supply can be generated which assists in overall affordability.

Overall, this development efficiently uses underutilized lands and infrastructure, and provides a transit supportive density, therefore portraying many characteristics that are desirable and appropriate.

### **Energy Conservation, Air Quality and Climate Change (PPS 2.9)**

Section 2.9 directs that planning authorities must plan to reduce greenhouse gas emissions and adapt to climate change by promoting compact, transit-supportive communities, integrating climate considerations into infrastructure planning, supporting energy conservation, promoting green infrastructure and active transportation, protecting the environment, and improving air quality. Additionally, they should adopt any other measures that enhance community resilience and help mitigate climate change impacts.

Constructing the proposed development as an apartment building poses many positive benefits with respect to reducing greenhouse gas emissions. This compact form of housing takes climate change into consideration and provides many efficiencies.

Further energy efficiencies will be explored through detailed design.

### **Transportation Systems (PPS 3.2)**

Section 3.2 policies of the PPS direct that transportation systems should be safe, energy efficient, and facilitate the movement of people and goods, while supporting zero- and low emission vehicles. Efficient use of existing and planned infrastructure should be prioritized, using transportation demand management strategies where feasible. Connectivity within and between transportation systems and modes should be planned, maintained, and improved, including across jurisdictional boundaries, as part of a multimodal transportation system.

The subject lands are located on Dorchester Road, which is classified as an Arterial Road on Schedule C of the Niagara Falls Official Plan.

Public transit service is currently provided at the corner of Dorchester Road and Jubilee Drive, and Oldfield Road and Cole Court. These stops are within a short walk of the subject lands.

The proposed development will be situated in a location with convenient access to transit, pedestrian networks, and local and regional roadways. Further, the site has access to the QEW, as it is approximately 1.6 kilometres away. The provision of this compact development on the subject lands appropriately benefits from, and will utilize the various transportation modes available in the area.

### **Land Use Compatibility (PPS 3.5)**

As per Section 3.5, major facilities and sensitive land uses should be planned and developed to avoid or, if necessary, minimize and mitigate adverse effects from odour, noise, and contaminants, while protecting public health and safety. This ensures the long-term viability of major facilities in line with provincial guidelines. If avoidance isn't possible, planning authorities must protect existing or planned industrial facilities from encroachment by ensuring adjacent sensitive land uses are only permitted if potential adverse effects are minimized and mitigated, in accordance with provincial standards.

A D-6 Compatibility and Mitigation, Air Quality, Dust, Odour and Noise Study was prepared by SLR Consulting (Canada) Inc. to assess the land use compatibility of the proposed development. It was concluded that the proposed development meets applicable policies and guidelines including requirements of MECP Guideline D-6, Regulation 419/05, and Publication NPC-300, and is unlikely to result in increased risk of complaint and nuisance claims, operational constraints for the major facilities, and constraints on major facilities to reasonably expand, intensify or introduce change to their operations.

### **Sewage, Water and Stormwater (PPS 3.6)**

Section 3.6.1 outlines that planning for sewage and water services should prioritize accommodating forecasted growth by efficiently using and optimizing existing municipal and private communal systems. This approach ensures that services can be sustained by available water resources, remain financially viable over their lifecycle, and protect both human health and the natural environment, particularly water quality and quantity. The services should also align with broader municipal planning efforts.

Additionally, planning should encourage water and energy conservation, integrating servicing with land use consideration throughout the process, and assessing opportunities to reallocate unused capacity to support housing needs. All planning should be consistent with specific servicing policies to ensure effective and sustainable management of water and sewage services.

Section 3.6.8 suggests that stormwater management planning should be integrated with sewage and water services to ensure systems are optimized. As outlined in the provided Functional Servicing Report and Stormwater Management Plan prepared by Upper Canada Consultants, the proposed development can be adequately serviced by existing services. The specific design of servicing infrastructure will occur through future detailed planning processes.

### **Public Spaces, Recreation, Parks, Trails and Open Space (PPS 3.9)**

Section 3.9 directed that to promote healthy, active, and inclusive communities, planning should ensure that public streets and spaces are safe, accessible, and encourage social interaction and active transportation. It should also provide diverse recreational opportunities for people of all ages and abilities, including parks, trails, and natural areas, while offering public access to shorelines. Moreover, the protection of provincial parks and conservation areas should be recognized, with efforts to minimize any negative impacts on these protected spaces.

The subject lands are located within walking distance of several parks. These parks include;

- F.J. Miller Park, situated 0.4 kilometres north;
- Fern Park, situated 0.65 kilometres north-east;
- Westfield Park, situated 1.3 kilometres north;
- Prince Charles Park, situated 1.7 kilometers north-east;
- Wilson Park, situated 1.8 kilometres north-east;
- Crimson Park, situated 2.1 kilometres north-east; and
- Charnwood Park, situated 2.5 kilometres north-west

To add, an internal sidewalk network has been proposed within the development that facilitates convenient access to dwelling units from the parking area and refuse area, and to Dorchester Road and Oldfield Road, where a future trail network is planned to continue.

### **Natural Heritage (PPS 4.1)**

Sections 4.1.1 and 4.1.2 of the PPS outline that natural features and areas must be preserved for the long term, with a focus on maintaining or enhancing their diversity, connectivity, and ecological functions. Efforts should ensure that the biodiversity of natural heritage systems is sustained, restored, or improved where possible. This involves recognizing and preserving the connections between natural heritage areas, as well as between surface and groundwater features, to support the overall ecological health and balance of the region.

The subject lands are impacted by the Region's Core Natural Heritage System (NHS). The natural heritage features identified include a portion of a Significant Woodland and a portion of the Niagara Falls Slough Forest Wetland Complex, which is a Provincially Significant Wetland (PSW). These features are located both on and adjacent to the subject lands, and are subject to environmental policies of the Niagara Region and City of Niagara Falls, as well as policies of the NPCA. These policies generally require that the proposed development demonstrates no negative impact to the ecological functions of the Significant Woodland and PSW, as per policy 2.1.8.



Colville Consulting Inc. was retained to prepare the EIS, which indicated there are no negative direct or indirect impacts to the ecological function of both the woodland and wetland on the subject lands, and provided recommended mitigation measures for implementation during final design and construction to avoid any impacts. An additional EIS Addendum and Wetland Water Balance were prepared, which further indicate that with the mitigation measures implemented there will be no negative impacts. An approximate 6-metre buffer was established, with additional restoration areas in the young open woodland that lies between the proposed development area.

#### **Cultural Heritage and Archaeology (PPS 4.6)**

Section 4.6 of the PPS outlines that protected heritage properties, including built heritage resources and cultural heritage landscapes, must be conserved. Development and site alteration are not allowed on lands with archaeological resources unless these resources are preserved.

Similarly, development on adjacent lands is restricted if it impacts heritage attributes. Planning authorities are encouraged to create archaeological management plans and strategies for conserving significant heritage resources. They must also engage early with Indigenous communities to ensure their interests are considered in the protection and management of archaeological and heritage resources.

Detritus Consulting Ltd. was retained by the property owner to complete Stage 1 & 2 Archaeological Assessments in the Winter of 2023. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Citizenship and Multiculturalism for review and acknowledgement. Ministry clearance has been received.

Overall, the application is considered to be consistent with PPS Policy 2.6.

#### **Coordination (PPS 6.2)**

Section 6.2.1 details that a coordinated, integrated, and comprehensive approach is essential for effective planning across municipalities, government agencies, and service managers. This involves managing growth and development in alignment with infrastructure planning, public service facilities, and economic development strategies. It also includes the management of natural and cultural heritage, transportation, waste systems, and addressing housing needs.

Consistent with this policy direction, a pre-consultation meeting for the proposed development was held on May 5<sup>th</sup>, 2022. The pre-consultation meeting allowed for the upper and lower-tier municipalities and other commenting agencies to review and comment on the development proposal early in the process. This coordinated approach allows for appropriate consideration to be made during the planning stage to ensure that potential areas of concern are suitably addressed.

## **NIAGARA OFFICIAL PLAN (2022)**

The subject lands are located within the Niagara Falls Urban Area and the delineated Built-Up Area on Schedule B – Regional Structure of the Niagara Official Plan (see **Figure 6**).



Figure 6 – Schedule B of the Regional Official Plan – Regional Structure (Cropped Image)

### **Chapter 2 – Growing Region**

Chapter 2 of the Niagara Official Plan (NOP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The Regional Plan directs growth and development to settlement areas where full urban services are available, as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring annually within Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

The subject lands are located within the Niagara Falls Urban Area (Settlement Area) and are within the delineated Built-up Area. Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051, per Table 2-1 of the ROP. The required intensification target set by the Region for the City of Niagara Falls is 50% or 10,100 units, per Table 2.2 of the Regional Official Plan.

The proposed development will contribute one-hundred and six (106) new dwellings into the City's housing supply and incorporate greater housing options with regard to the residential neighbourhoods to the north and east. The subject lands are a logical location for more intensive residential development due to their location along an Arterial roadway with transit services, being proximate to commercial, industrial and other residential land uses, and that the property can be serviced by existing municipal infrastructure. The development will assist the City in the achievement of its annual growth, housing and intensification targets.

Section 2.2.1 of the Niagara Official Plan contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The applications conform with this policy direction through the provision of a compact apartment development underutilized urban serviced land. The proposed development will assist the City in the achievement of Regional intensification targets and round out available lands with a logical development that will contain a vibrant housing form and streetscape.

The objectives of the policy direction under Section 2.3 of the Niagara Official Plan are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes and housing types should be accommodated in the settlement area to meet housing needs at all stages of life.

The proposed development will provide apartment dwelling units that range in size between 615 square feet and 1,766 square feet. Therefore, the development contains and provides diverse housing options and can meet the needs of individuals at various stages of life, aligning with the goals outlined in this policy.

### Chapter 3 – Sustainable Region

Chapter 3 of the Regional Official Plan contains the policies pertaining to the natural environment hazards and natural resources. Specifically, these policies pertain to features shown on *Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage System* and *Schedule C2 – Natural Environment System – Individual Components and Features*.

As shown on Schedule C1 of the NOP (**Figure 7**), the subject lands contain a Natural Environment System Overlay designation.

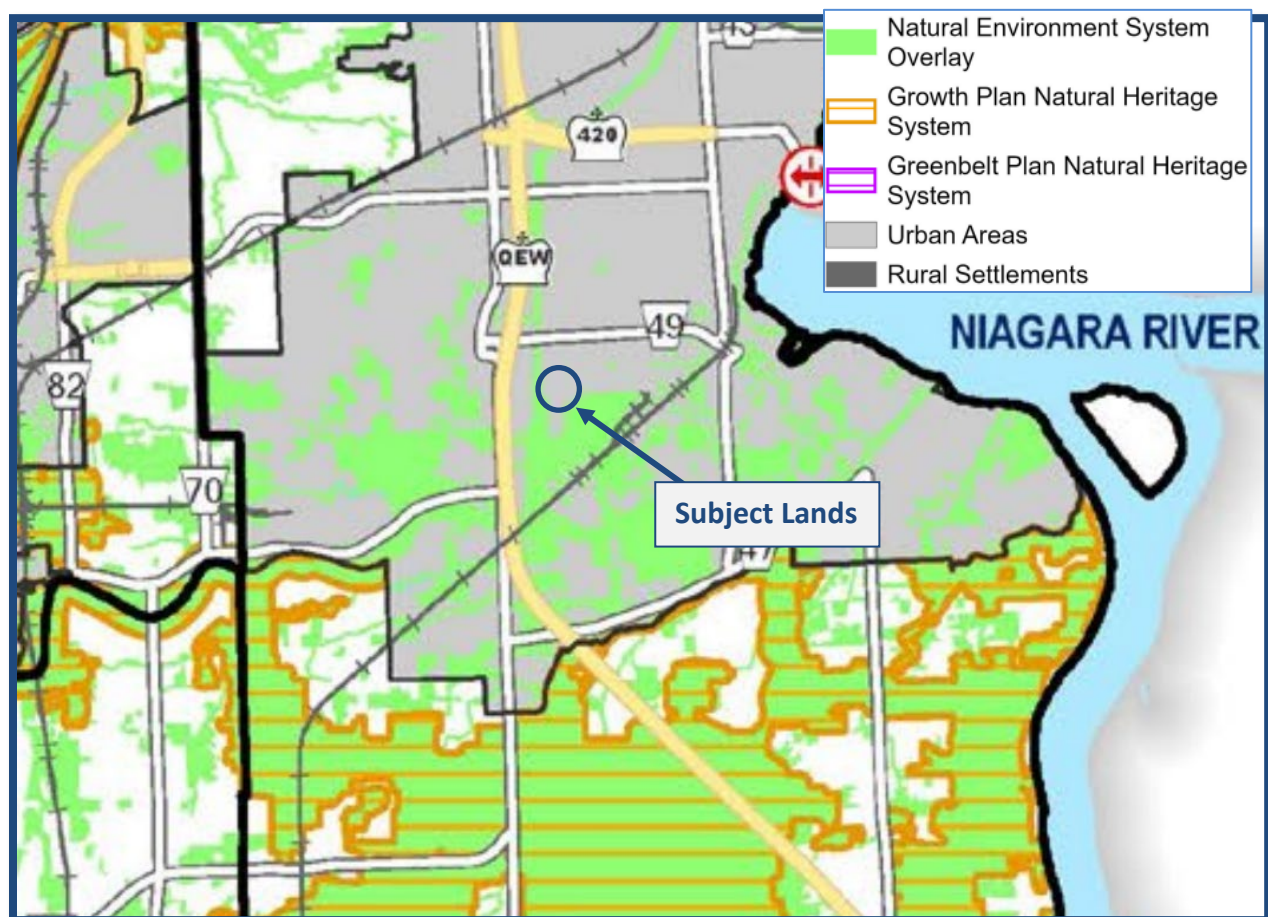


Figure 7 - Schedule C1 of the Niagara Official Plan (2022)

Policy 3.1.1 of the NOP outlines that the Natural Environment System (NES) is comprised of several features, which are listed in Schedule L of the Official Plan.

The NES includes Core Natural Areas which are classified as Environmental Protection Areas (EPA) and Environmental Conservation Areas (ECA). A portion of the subject lands have been identified as Environmental Protection Area due to the presence of the Provincially Significant Wetland (PSW) and an Environmental Conservation Area due to the Significant Woodland.



The natural heritage features that were identified on a portion of the property included a Significant Woodland and the Niagara Falls Slough Forest Wetland Complex (PSW).

Consistent with the Regional Official Plan policy 7.B.1.11, an Environmental Impact Study (EIS) was prepared in support of site alterations and development proposed within 120 metres of the PSW and within 50 metres of the Significant Woodland. Colville Consulting Inc. was retained to prepare the EIS, and as per Policy 7.B.2 of the Official Plan, a Terms of Reference was developed.

The EIS concluded there are no significant negative direct or indirect impacts to the ecological function of both the woodland and wetland on the subject lands, and provided recommended mitigation measures for implementation during final design and construction to avoid any potential impacts. An additional EIS Addendum and Wetland Water Balance were prepared to further support the proposed development to confirm that the proposed approximate 6-metre buffer is sufficient to ensure that no negative impacts are imposed on the natural heritage features due to the development.

The presence of these natural heritage features correlates with the “Significant Woodlands” and “Provincially Significant Wetlands” features shown on Schedule C2 of the Regional Official Plan. These features are shown in **Figure 8**.

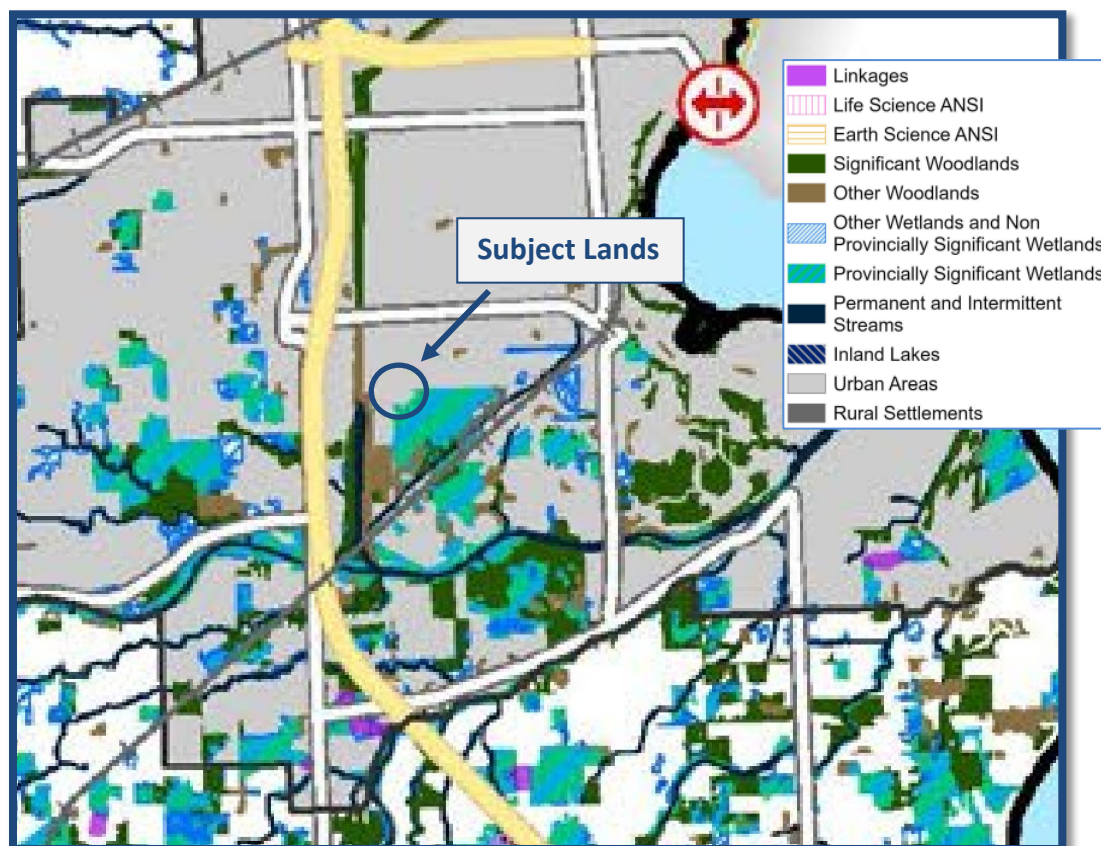


Figure 8 - Schedule C2 of the Niagara Official Plan (2022)

As recommended in the EIS Addendum, an approximate 6-metre buffer is sufficient to protect the natural heritage features. This buffer will not contain any physical development and a restoration area is proposed along with further mitigation measures that are recommended for implementation during construction of the development. This buffer is supported by the Wetland Water Balance.

As the natural heritage features will not be negatively impacted by the development and the ecological functions are not disrupted, the application conforms with the natural heritage policies of the Regional Official Plan.



The City of Niagara Falls Official Plan (OP) outlines the long-term objectives and policies of the City and is intended to guide growth and development to the year 2031. The population during this period is expected to reach 106,800 with employment for 53,640 people. The intention of the Official Plan is to focus new growth to accommodate these people and jobs in a sustainable way that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City's natural heritage and agricultural lands.

**LEGEND:**

- Environmental Conservation Area
- Environmental Protection Area
- Extractive Industrial
- Garner South Secondary Plan
- Good General Agriculture
- Industrial
- Major Commercial
- Minor Commercial
- Niagara Escarpment Plan Area
- Open Space
- Parkway Residential
- Residential
- Resort Commercial
- Theme Park Marineland
- Tourist Commercial

**Subject Lands**

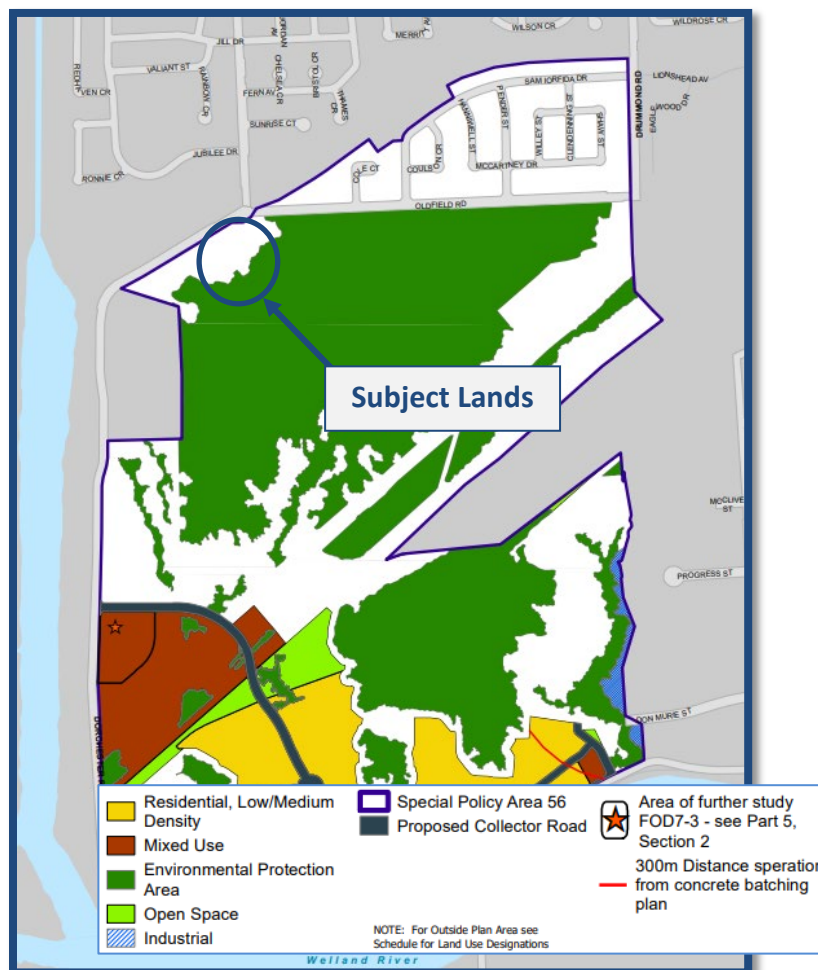
**Riverfront Secondary Plan see Schedule A-6**

**Grand Niagara Secondary Plan see Schedule A-4**

Map labels include: CHIPPAWA CREEK RD, REIXINGER RD, STANLEY AVE, OAKWOOD DR, DORCHESTER RD, QUEEN ELIZABETH WAY, RD 50, and various lot numbers (e.g., 69, 63, 12, 39, 25, 58, 84, 74, 54, 46, 48, 33, 4, 83, 46).

Page 36 of 66

As shown in **Figure 10**, the subject parcel is noted as “Special Policy Area 56” within in the Riverfront Community Plan. Unlike the other portions of the Secondary Plan area, specifically those lands in the south, the property remains subject to the policies of the formerly overarching Special Policy Area 56, rather than the Riverfront Community Plan policies.



**Figure 10 – Schedule A6 – Riverfront Community Plan - City of Niagara Falls Official Plan (Cropped Image)**

Policy 13.56.1 of the Official Plan requires that a Secondary Plan be completed prior to the consideration of any development applications. This application seeks an exemption from Policy 13.56.1 to permit the submitted applications to be considered and development to proceed without the need to complete a Secondary Plan. The noted policy is as follows:

**13.56.1**      *The Residential policies of this Plan apply to the area designated Residential with a Special Policy Area designation. Development will occur in accordance with a Secondary Plan to be adopted as an amendment to this Plan. The extent of the Residential designations and Environmental Protection Area designations may be*

*affected by the environmental and feasibility studies yet to be completed and will be refined through the Secondary Plan process.*

The proposed lands are within an area that has been identified for urban development for many years. The requested policy exemption via Official Plan Amendment is a reasonable and appropriate approach to the development of the subject lands, primary due to their isolated nature. Similar to a Secondary Plan, the submitted application have evaluated relevant planning matters such as natural heritage preservation, the protection of existing employment lands and the creation of housing within the City of Niagara Falls. The overall requirement to complete a comprehensive review of the lands prior to development is considered to be satisfied, albeit at a smaller scale.

## **PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION**

Part 1 of the City of Niagara Falls Official Plan describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan as well as the period during which the Plan is to apply. This Part also outlines the Strategic Policy Direction of the Plan to accommodate future growth through land use and intensification.

### **Strategic Policy Direction (Section 2)**

Part 1, Section 2 of the Niagara Falls Official Plan contains the growth objectives for the municipality that pertain to lands within the municipality both within and outside the Urban Area. These objectives range in focus between development, employment, tourism and the environment.

Specifically, the proposed development will contribute to the achievement of Objectives 1, 2, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

- Objective 1: To direct growth to the urban area and away from non-urban areas.

*The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area and delineated Built-up Area amongst existing development.*

- Objective 2: To protect Natural Heritage Areas and their functions.

*The Natural Heritage Areas have been evaluated by a qualified professional in the preparation of the development plan. As outlined in the EIS, EIS Addendum and Wetland Water Balance, the proposed development will not have a negative impact on the Provincially Significant Wetland or the Significant Woodland. Accordingly, the natural heritage area and functions are protected.*

- Objective 3: To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up section of the Urban Area.

*Conformity with Objective 3 is achieved as the applications propose development within the Built-up Area, which is a priority location for development and growth within the community.*

*The plan proposes a residential development density of 81.35 units per hectare that conforms with the prescribed range in Section 1.15.5 of the Official Plan. The development site is supported by full urban services, existing public roadway frontage and utilities. The site is also situated adjacent to a transit route and is proximate to commercial uses and parkland.*

- Objective 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.
- Objective 6: To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.
- Objective 7: To achieve a minimum of 40% of all residential development occurring annually within the Built-up Area shown on Schedule A-2 by the year 2015.

*The development of one-hundred and six (106) dwelling units within the Urban Built-up Area will contribute to the City's ability to achieve growth targets prescribed in Provincial and Regional plans. The Niagara Region has updated their Official Plan, and set the minimum residential intensification target for Niagara Falls at 50% from 2021-2051. The Region has also forecasted a population of 141,650 people and 58,110 jobs by 2051.*

*Higher density development is an efficient use of underutilized urban land and limits the need for future urban boundary expansions while protecting areas containing sensitive environmental features.*

- Objective 9: To encourage alternative forms of transportation such as walking, cycling and public transit.
- Objective 13: To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.

*The development will be supported by and benefit from proximate public transit service and existing pedestrian and cycling infrastructure in the area. The development plan contemplates sidewalks to provide access within the site and to all surroundings. Therefore, the development will contribute to the achievement of a transit supportive and pedestrian friendly community.*



Section 2 of Part 1 of the Official Plan also includes Growth Policies for the City of Niagara Falls. Objectives relevant to the application include:

- 2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related 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.
- 2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.

*The submitted applications implement Policies 2.1, 2.2 and 2.3 of the Official Plan. With regard to limiting growth pressures on the agricultural area, the development will occur on underutilized urban lands that can accommodate additional, intensified residential growth. By allocating growth within the Urban Area and Built-up Area, pressures for expansions to the Urban Boundary into sensitive agricultural and natural areas are reduced.*

*Natural Heritage Features have been identified on the subject lands, to the south and east of the property. These Features include a Provincially Significant Wetland and a Significant Woodland. An EIS Addendum was prepared which concluded that an approximate 6-metre buffer will ensure there are no negative direct or indirect impacts on these areas. The buffer lands will be designated as Environmental Conservation Area and Environmental Protection Area and will be dedicated to the City at a later time.*

*This development, which will contain 106 units at a density of 92.74 units per hectare contributes to the projected housing, population and employment targets.*

### **Intensification (Section 3)**

Intensification developments are required to represent a minimum of 40% (now 50%, per the 2022 Niagara Official Plan) of annual residential development in the City of Niagara Falls to the planning horizon. In conformity with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated for Residential purposes.

Policy 3.4 of the Official Plan states that “The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.” It appears that the policy is actually referring to Part 2, Section 1.1.5.5 as opposed to Section 2. An overview of conformity with this Policy is provided further on in this report.

## **Housing (Section 4)**

### Vision and Goals

The City of Niagara Falls housing policies that were approved by City Council via Official Plan Amendment No. 149 were prepared in response to the findings and directions of the City's Housing Directions Study (2020). The policies were prepared to direct the municipality (corporation) and guide private applications with regard to housing affordability and supply within the City.

The overall vision new policy set is to ensure that within the City of Niagara Falls that there is a safe, stable and appropriate range of housing choices and opportunities that meet residents physical and financial needs throughout a lifetime.

The goals that are used to implement this vision pertain to housing availability, diversification of supply, prices and tenure types, the removal of barriers for alternative housing forms, the commitment to monitoring of supply and to work with partners and agencies to advance actions set out in the housing strategy.

### Policy Analysis

The submitted combined Official Plan and Zoning By-Law Amendment application will create one-hundred and six (106) new apartment dwelling units at the terminus of Dorchester Road and Oldfield Road in the City of Niagara Falls.

Policy 4.3 directs that opportunities for a choice in housing type, tenure, cost and location shall be provided within the City. To achieve this, the City will support:

- Multiple Unit Developments, smaller lot sizes and innovative housing forms.
- Development of vacant lands, and more efficient use of under-utilized parcels and existing housing stock.
- The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
- Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.
- Accessory Dwelling units within ground based dwelling forms (i.e. singles, semis, townhouses).

The overall intention of the policies within this section are to conform to the policy framework established in the 2022 Niagara Official Plan and to meet the vision and goals for housing that are to assist in addressing housing needs as outlined in the City's Housing Strategy.

The proposed development specifically addresses policies of Section 4.3 which speak to achieving a greater diversity of housing choice including type, tenure, cost, and location.

The subject lands are currently vacant and under-utilized. The proposed development proposes two residential apartment buildings, yielding 106 dwelling units, ranging in size from 615 square feet to 1,766 square feet. Apartment buildings utilize land more efficiently than other forms of housing. The proposed plan is comprehensive and large scale, appropriately coinciding with the adjacent lands. The subject lands are provided with public transit services, pedestrian walkways and bicycle routes, and are situated in close proximity to commercial developments.

Policy 4.4 requires that applicants provide a Housing Impact Statement that includes detailed information about new housing projects as part of applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plans of Subdivision and Condominium. As the submitted application is an Official Plan Amendment and Zoning By-law Amendment, the following relevant criteria must be addressed:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;

*As the lands are currently vacant, the proposed development represents a net increase of +106 new residential housing opportunities on the subject lands.*

*Although all residential dwellings within this proposed development will be apartment dwellings, there is a range in both the size of the unit and number of bedrooms. These dwelling units range in size from 615 square feet to 1,766 square feet and consist of 1 bedroom, 1 bedroom plus a den, 2 bedrooms, and 3 bedrooms as shown in the architectural package.*

- 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);

*Policy 4.8 a) and b) speak to affordable housing targets. The Niagara Region set its affordable housing minimum targets at 20% of all new rental housing, and 10% of all ownership dwellings to be affordable.*

*The City has aimed to exceed the minimum targets for affordable housing established by the Niagara Region, targeting 40% of all new units meeting the definition of "affordable." 135 dwelling units per year are targeted to be built at a purchase price or rental price at or below the Niagara Region's definition of affordable housing and 135 dwelling units to*



*be built as affordable rental housing in the 30th percentile or lower based income levels in the City's annual housing monitoring report.*

*The addition of one-hundred and six (106) homes in Niagara Falls brings the municipality and Region close to achieving their growth objectives. These objectives include ensuring housing is available throughout the City, diversifying the City's housing supply, and eliminating barriers to the creation of various housing types, and more.*

*This development will directly contribute to both the Region and City's affordable housing targets, as it proposes to integrate approximately 5% of the housing units, equivalent to 5 dwelling units, as affordable units.*

*Though the remaining 101 dwelling units do not meet the definition of "affordable" as set out by the Region at this time, they contribute to enhancing the overall housing supply and range of housing in Niagara Falls.*

*Apartment dwelling units are more compact and cost effective than other housing forms, adding diversity in housing options in the surrounding area, considering all demographics. The proposed dwelling units are also modest in size, providing further attainability, and higher density housing can be more financially accessible for single individuals, sole-parent households, those working in tourism, hospitality, service and agriculture sector, and more.*

- 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;

*Approximately 5% of the proposed dwelling units will be considered affordable as per the Region's definition of affordable housing. It is unknown at this time whether these will be ownership units or rental units, however, these units are intended to be sold at \$539,460 or below or rented at \$2,589 or below per month. These amounts are the maximum affordable ownership/rental prices for moderate incomes.*

*The remainder of the units are anticipated to be sold at around \$600,000 to \$850,000, though subject to change, dependent on the size and number of bedrooms, amid numerous other variables. Though these units are not considered "affordable", they increase the supply of housing within Niagara Falls, which contributes to the housing policies.*

- 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,

*It has yet to be determined if the proposed apartment buildings will be developed in phases, but it is likely that one building will be constructed at a time.*

- e) The proposed legal and/or financial mechanism to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

*The proposed dwelling units will be brought to market in the affordable price range, as specified by the City of Niagara Falls at the time of this report. This satisfies the financial commitment of the developer and the objective of contributing to the overall affordable housing target. It is proposed that a clause in the Site Plan Agreement be included that guarantees that these 5 units will be sold or rented at the maximum affordable housing price for moderate incomes.*

All-in-all, the submitted combined Official Plan Amendment and Zoning By-law Amendment application is considered to conform with the intent and purpose of the housing policies of Part 1 Section 4 of the Niagara Falls Official Plan by introducing additional housing supply with a range of selling prices and unit sizes, along with five (5) dwelling units that are considered affordable.

## **PART 2 – LAND USE POLICIES**

Part 2 of the City of Niagara Falls Official Plan contains policies for different land uses within the municipality. As noted, the subject lands are designated as "Residential" in the City's Official Plan and in addition to general policies, the development is specifically subject to Part 2, Section 1 of the Plan.

### **Residential (Section 1)**

The Residential land use designation is the general category within the Official Plan that applies to existing and planned residential areas in the City of Niagara Falls. The Official Plan requires that the City's supply of residential lands be sufficient to accommodate anticipated population growth and various housing types and densities. Residential developments are to be compatible with surrounding uses and include various amenities that benefit the community as a whole and ensure a high quality of life.

Within the Residential designation, all types of dwellings are permitted, with an additional emphasis placed on the provision of affordable housing. To achieve the housing goals set out in the Official Plan, the City encourages multiple unit developments on smaller lots, or innovative housing forms, development of vacant and underutilized lands, and the full utilization and consolidation of properties to achieve more comprehensive, residential community.

The applications conform with the Residential policies of the Official Plan by proposing permitted housing on urban lands (i.e. residential apartment units).

The physical context of the subject lands and surrounding area are also consistent with the traits that are identified as desirable for the City when contemplating new residential developments, such as having frontage along an Arterial roadway, having municipal servicing connections available and being along public transit routes.

#### Section 1.10 - Built-Up Area

As shown on Schedule A-2 of the City of Niagara Falls Official Plan (see **Figure 11**), the subject lands are within the Built-up Area. Section 1.10 contains a clear municipal position that opportunities exist throughout the Built-up Area to develop new housing units. These infilling and intensification opportunities are supported, but must integrate well into the surrounding neighbourhood. This Section of the Official Plan contains a policy subset that directs how development within the Built-up Area is to occur and contains the specific policy criteria that regulates intensification on land designated as Residential within the Built-up Area.

Policy 1.10.1 requires that the character of existing neighbourhoods be retained through the blending of new development into the lot fabric, streetscape and built-form of the area. The plan proposes two six-storey apartment buildings, that consists of one-hundred and six (106) dwelling units on the south side of Dorchester Road. This development is compatible with the surrounding neighbourhoods to the north and east, as they are made up of several different housing forms including single-detached, semi-detached, townhouse, and apartment dwellings. Most notably, there are two existing three-storey apartment buildings north of the property. Overall, the layout reflects the typical neighbourhood design character, only at a more compact scale, complete with well-designed buildings that are located close to the street and vibrant landscaping.

Policy 1.10.3 requires that development within the Built-up Area should generally be at a higher density than that which currently exists. Policy 1.10.5(iii) states that apartment buildings with no more than six-storeys shall be developed with a minimum net density of 75 units per hectare and a maximum of 100 units per hectare. The proposed development plan is more intensive than adjacent neighbourhood blocks, with a proposed density is 81.35 units per hectare. As the site also is located along an Arterial roadway, the property is considered to be appropriate for a

higher scale of intensified development, than other properties in the neighbourhood that are located along local roadways.

The neighbourhood is serviced by Niagara Falls Transit routes, and is in proximity to the McLeod Road Commercial Corridor. The preliminary plan proposes pedestrian connections to the street that facilitate the use of public transit or active transportation modes. Although private vehicles are expected to be the primary mode of transportation utilized by future residents, the associated parking areas have been located out of public view to ensure the achievement of a compact, urban form.

The proposed apartment development is suitably situated amongst compatible land uses and provides additional housing choice within this area of the community for various segments of the population. The height and massing of the buildings are considered to be appropriate for the site and are not expected to visually conflict or have negative offsite impacts on adjacent lands.

## **Industrial (Section 8)**

### Section 8.8 - QEW Employment Corridor

The lands are also identified as being within the QEW Employment Corridor, as per Schedule A2, shown in **Figure 11**. This Schedule was printed prior to Official Plan Amendment No. 128 which designated the lands as Residential, therefore the designation is outdated and invalid. Therefore, as per the pre-consultation notes provided for the application, an amendment to remove the Corridor is not required.

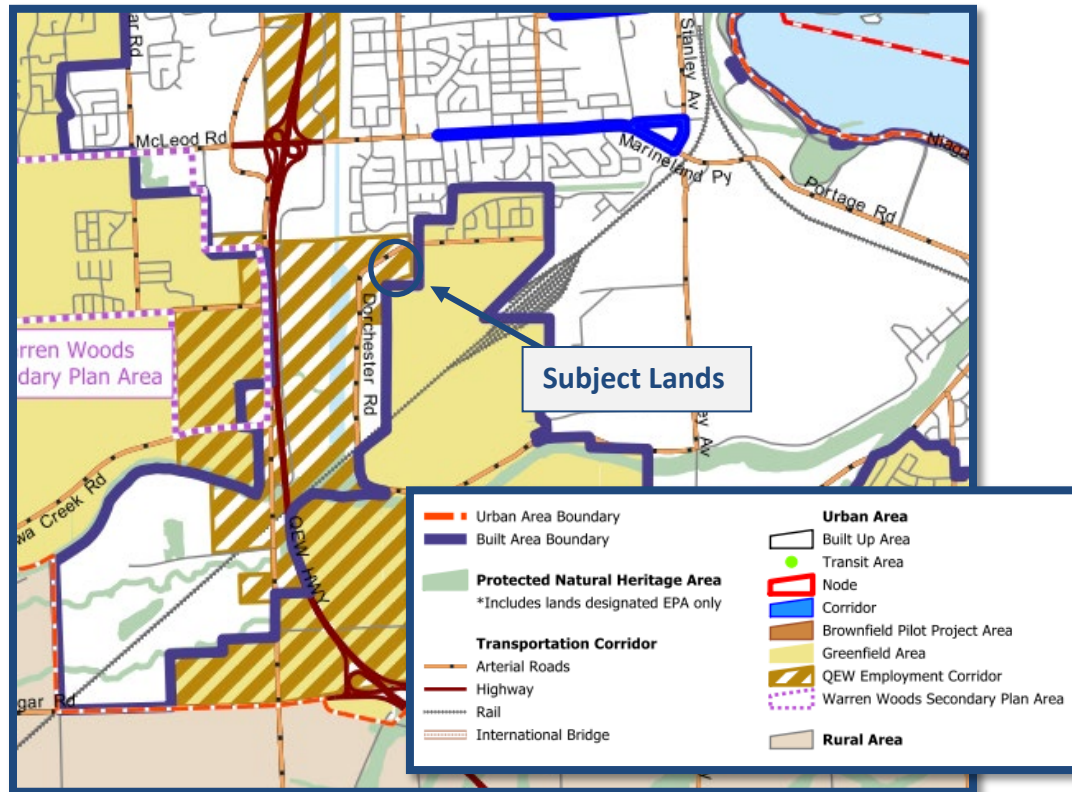


Figure 11 - Schedule A2 – Urban Structure - City of Niagara Falls Official Plan

## Environmental Policies (Section 11)

Schedule A-1 of the City of Niagara Falls Official Plan illustrates that portions of the property have been designated Environmental Protection Area (EPA). This is shown in **Figure 12**.

More specifically, the Natural Heritage Features that have been identified on the property include a portion of a Significant Woodland and a portion of the Niagara Falls Slough Forest Wetland Complex.

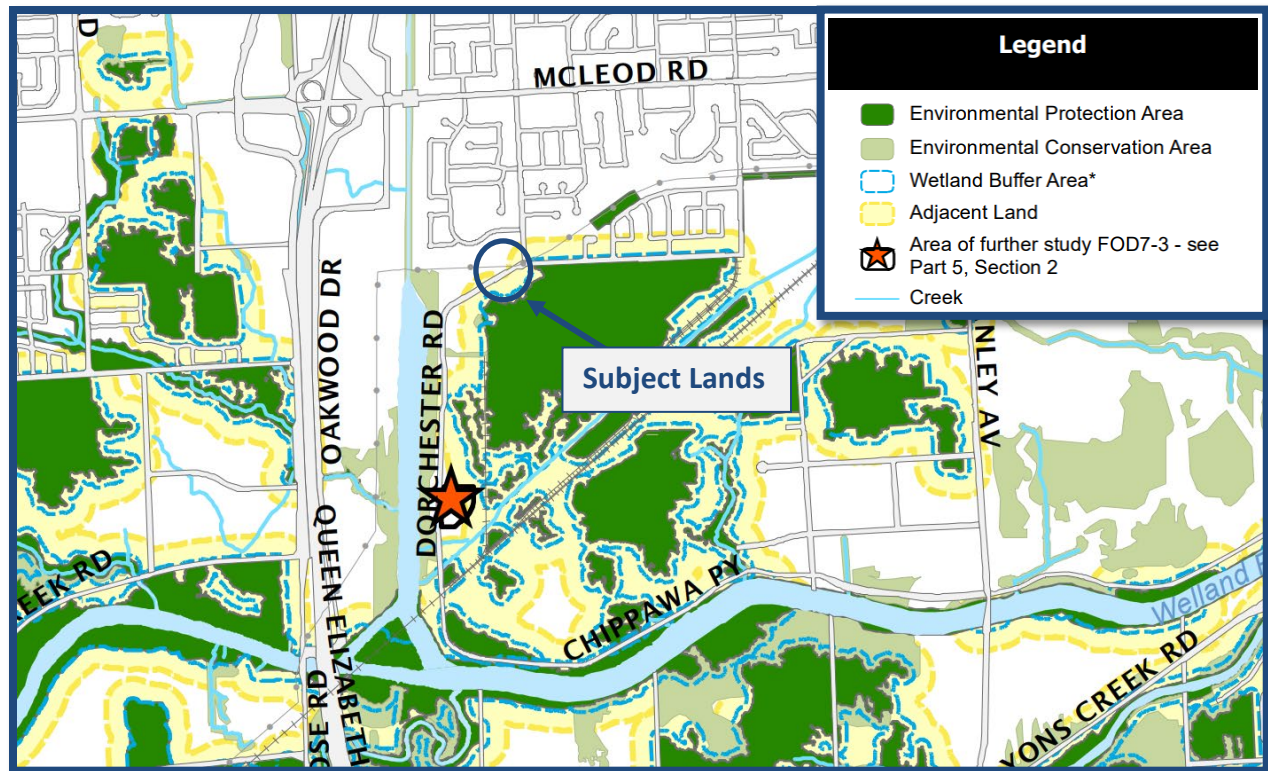


Figure 12 - Schedule A1 – Land Use Plan - City of Niagara Falls Official Plan

The subject lands contain Natural Heritage Features to the south of the property. The Environmental Designations within the City's Official Plan designations are generally based on high level mapping review and do not typically reflect detailed site analysis that is achieved through study by a qualified professional such as a biologist or ecologist.

Lands with an ECA designation are reviewed and managed by protective environmental policies that allow for some limited development and site alteration to occur, subject to study. This designation is more flexible than the Environmental Protection Area (EPA) Zone, which largely prohibits development within, and adjacent to specific features. EPAs must receive the highest level of protection with policies that prohibit development or site alterations. In order to develop Adjacent Lands to an EPA, an Environmental Impact Study (EIS) is required.

An EIS was prepared by Colville Consultants Inc. in February 2023. This Study was scoped by the Consultant through consultation with the Regional Municipality of Niagara and the NPCA.

The purpose of the EIS study was to identify and evaluate any natural heritage features and natural hazards on site or adjacent to the property, and to provide an opinion and recommendation on if the application and subsequent development would have an impact on those features or ecological functions.



As outlined in the EIS, the subject lands are impacted by the Niagara Falls Slough Forest Provincially Significant Wetland Complex, which is a Provincially Significant Wetland, and a Significant Woodland.

Provincially Significant Wetlands identified by the Ministry of Natural Resources and Forestry (MNRF) shall be designated Environmental Protection Area on Schedule A and A-6. The PSW buffer on the lands is proposed to be designated EPA, and will be deeded to the City of Niagara Falls for protection at a later time.

In the EIS, the Significant Wildlife Habitat Criteria Schedule for Ecoregion 7E (OMNRF 2015) identified four main types of significant wildlife habitat; seasonal concentrations areas, rare vegetation communities, specialized wildlife habitat of Specifies of Conservation Concern.

It was concluded that there was no evidence of these features on the northern portion of the subject property, where development is to occur. Though it is possible that trees in the wetland and woodland are providing potential habitat, they are not to be negatively impacted by the development.

Further to the EIS, an EIS Addendum and Wetland Water Balance were prepared. An approximate 6-metre buffer is provided and shown on the site plan which offers assurance that no physical development is proposed within the required setback. The woodlot restoration area is planned to be designated Environmental Conservation Area, while the mapped featured area is to be designated Environmental Protection Area. These lands will be deeded to the City of Niagara Falls.

Policy 11.1.5 of the Official Plan states that “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.” The EIS provided recommended mitigation measures for consideration during the preparation of final design.

Based on the conclusions and recommendations of the prepared studies, the applications are deemed to conform with the Natural Heritage Policies of the City of Niagara Falls Official Plan as the development will have no negative impact to the wetland or woodland, or their ecological functions. The EIS, EIS Addendum and Wetland Water Balance will provide greater details and have been submitted with the application.



### **Special Policy Area “56” (Section 13)**

As per Policy 13.56, Special Policy Area “56” applies to approximately 252 hectares of land located south of McLeod Road and north of Chippawa Parkway, between Stanley Avenue and Dorchester Road. The lands are designated Residential, Environmental Protection Area, Tourist Commercial, Minor Commercial and Open Space.

As these lands are mapped within the Riverfront Community Plan area, yet not included in the Plan, as per Special Policy Area “56” Policy 13.56.1, a Secondary Plan is to be required prior to development. In absence of a Secondary Plan or a Community Plan, the policies of Special Policy Area “56” shall continue to apply to the area. The Official Plan amendment is being requested, as per direction provided in the Pre-consultation notes, to permit the subject lands to be developed in advance of a Secondary Plan.

Section 13.56.2 states that the Secondary Plan shall address the policies of Part 4, Section 3 of this Plan and the following:

- 13.56.2.1 Residential design in compliance with the greenfield policies and density targets of the Growth Plan for the Greater Golden Horseshoe and Niagara Region’ Municipal Comprehensive Review.
- 13.56.2.2 The separation and buffering of sensitive land uses from existing rail lines and proximate industrial land uses, facilities and designations in accordance with relevant Provincial and Regional policies and regulations and in consultation with industrial properties owners in the areas.
- 13.56.2.3 The availability of adequate municipal services including road, water sanitary sewer and stormwater management services
  - 13.56.2.3.1 The Niagara Region 2016 Water and Wastewater master Servicing Plan (MSP) has identified the need for a future South Niagara Falls Wastewater Treatment Plan (WWTP)
  - 13.56.2.3.2 Special Policy Area No. 56 is located within the South Side High Lift Sewage Pumping Station sewershed. Development in Special Policy Area No. 56 will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.
  - 13.56.2.3.3 The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/inflow and infiltration reduction program to determine the interim capacity

available for development. The strategy will include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls

- 13.56.2.3.4 Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City.
- 13.56.2.3.5 All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities
- 13.56.2.3.6 As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

The City recommended that an Official Plan amendment be applied to permit the subject lands to be developed in advance of a Secondary Plan.

These lands are within the delineated Built-up Area, rather than the designated Greenfield Area. They conform with the surrounding developments and assist the City and Region in achieving their density and intensification targets. The subject lands are surrounded by established land uses and are a natural progression of the surrounding lands. This development is orderly and appropriately situated, and protects both the Significant Woodland and the Provincially Significant Wetland.

These lands are prepared for development and a Secondary Plan for this area should not be considered necessary as the majority of the surroundings are already built-up or proposed to be, and the lands to the south are all within the Riverfront Community Plan. Therefore, these lands should be developed in advance of a Secondary Plan.

### **PART 3 – ENVIRONMENTAL MANAGEMENT**

Part 3 of the City of Niagara Falls Official Plan contains policy direction on phasing, infrastructure, transportation and the public realm.

## **Municipal Infrastructure (Section 1)**

### Section 1.2 – Water and Sanitary Sewage

Section 1.2 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. In conformity with this requirement, the proposed development is located within the Niagara Falls Urban Area will utilize existing municipal water and sanitary infrastructure connections available within Dorchester Road.

### Section 1.3 – Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that “all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.”

The proposed development will utilize stormwater quantity controls that are to be provided on site to the allowable capacity of the existing stormwater drainage system conditions. These controls will be provided to MECP Normal Protection (70% TSS removal) levels.

### Section 1.5 – Transportation

As shown on Schedule C of the City of Niagara Falls Official Plan (**Figure 13**), the subject lands have frontage on an Arterial Roadway (Dorchester Road).

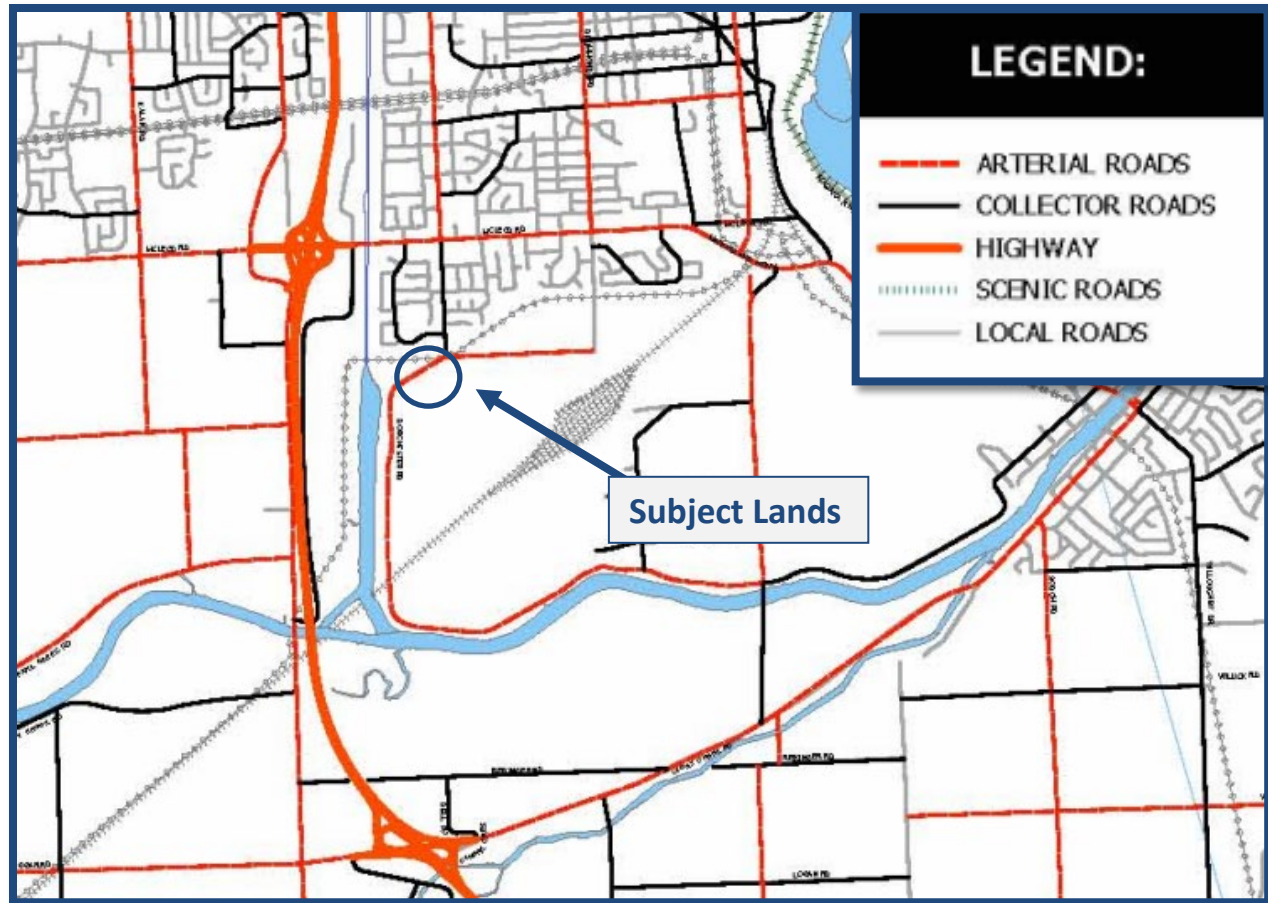


Figure 13 - Schedule C – Roads - City of Niagara Falls Official Plan

Policy 1.5.18.4 states that Local Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Further, the policy also states that the use of shared driveways to larger development projects will be encouraged in Urban Areas.

The applications conform with overarching transportation policies of the City of Niagara Falls Official Plan. Conformity is achieved by providing opportunities for the development to leverage existing road networks, transit services and proximity to adjacent active transportation/pedestrian routes.

### **Parkland Strategy (Section 2)**

The City of Niagara Falls outlines its Parkland acquisition and development approach in the Official Plan. The overall intent of the approach is to ensure that public open space is provided in both Greenfield and Built-up Areas, and that it is provided at a scale which is appropriate for the area.

Parkland dedication will be provided in the form of cash-in-lieu at a value of 5% of the appraised value of the property, consistent with Section 42 of the Planning Act. This appraisal will be completed as a condition of Draft Plan of Condominium Approval.

#### **PART 4 – ADMINISTRATION AND IMPLEMENTATION**

##### **Community Secondary Plans and Neighbourhood Plans (Section 3)**

Secondary plans are land use, transportation and servicing policy plans for sub-areas of Niagara Falls that indicate in greater detail than the Official Plan, how the policies and land use designations of the Official Plan are to be implemented in a particular area. Such plans ensure appropriate and efficient development of areas from a land use perspective and will be administered in conjunction with servicing strategies for the areas. It is intended that the City will assume an aggressive approach to providing secondary plans for future growth areas.

This parcel is not in an area that requires further guidance for implementation such as a Secondary Plan. The subject lands have a residential designation, and are within the Urban delineated Built-up Area. The lands are surrounded by industrial, environmental and residential uses, and are within an established area. All lands to the east and south are designated Greenfield Area, with the majority of these lands being within the Riverfront Community Area. The Secondary Plan would solely consist of the subject lands alone, therefore it is logical to proceed with the development of this lands, eliminating the requirement for a Secondary Plan.

As shown on **Figure 14**, the subject lands are zoned General Industrial (GI) in accordance with Zoning By-law No. 79-200. The current zoning does not permit residential land uses, and therefore must be amended to an appropriate zone to facilitate the apartment dwelling use.



Page 55 of 66

## **Residential Apartment 5D Zone (R5D-XX)**

The requested R5D Zoning permits apartment dwellings and is an appropriate zone for the proposed scale of development.

Site-specific provisions have been requested to support the proposed development design that include a reduction in minimum front yard depth, an increase in the number of apartment dwellings on one lot, decrease in minimum landscaped area, and increase in front yard encroachment. An overview and justification of these zoning departures from the Zoning By-law is provided in the following sections.

### **Site Specific Provisions**

#### **Minimum Front Yard Depth**

The minimum front yard depth in the R5D Zone is 7.5 metres plus any applicable distance specified in Section 4.27.1. This setback is utilized to ensure sufficient separation of the built form from the public realm, as the R5D Zone permits taller apartment buildings than other R5 Zones.

The proposed reduction in front yard setback to 4.32 metres is requested to accommodate the required parking, buffer and woodlot restoration area at the rear of the property. To provide such elements, the design has worked backwards from the EPA limit. The small reduction in front yard setback is negligible and will still provide sufficient separation between the buildings and the roadway/sidewalk. The reduction does not result in any significant impediment to providing landscaping, walkways or balconies/patios along Dorchester Road. Further, bringing the buildings closer to the street fulfills urban design principles regarding streetscape and street presence.

#### **Minimum Side Yard**

The minimum side yard depth in the R5D Zone is one half the height of the building (11.03m). This setback is utilized to ensure sufficient separation of the built form from the adjacent properties, as the R5D Zone permits taller apartment buildings than other R5 Zones.

The proposed reduction in the side yard setback to 4.45-metre is negligible as the property line in the area that is deficient is a daylight triangle of an old unopened road allowance, where the site yard is otherwise 14.6-metres. The setback does not pose any negative impacts on the neighbouring land or the site itself.

#### **Number of Apartment Dwellings on One Lot**

The proposed development will include two buildings rather than one. This approach breaks up the massing of built form along the street and also provided sufficient room for parking and two site accesses.



This same configuration of multiple apartment buildings on one property can be found less than 100-metres to the northeast of the subject lands at 7720 Dorchester Road.

#### Minimum Landscaped Open Space Area

The requested reduction in minimum landscape area is appropriate for the site as the entirety of the southern portion of the lands will remain untouched and be dedicated to the City as a woodlot restoration area and environmental protection area. Most notably, the minimum amount of outdoor amenity spaces is met and exceeded.

To increase landscaping would require a reduction in the parking areas, which would in turn require relief from zoning requirements or for the spaces to be put underground. Underground parking for buildings of this scale is somewhat cost prohibitive and typically will result in higher purchase prices which works against objectives focused on housing affordability.

The reduction in landscaped area on a site wide basis is considered to a minor request. The intent of the provision will be upheld through the implementation of future landscaping plans throughout the site.

#### Front Yard Balcony Projection

As per section 4.14(c) site-specific provision is requested for the projection of the balconies into the required front yard. A projection distance of no more than 1.8 metres is required and 2.0 metres is requested. By increasing this projection distance, there is more private amenity space for residence, as their balconies are larger, and it allows for better interactions between the public and private realm with a prominent street presence.

A copy of the Draft Zoning By-law Amendment is included as **Appendix IV** to this report.

Zoning conformity is also visually shown in **Table 1**.

**Table 1: Zoning Compliance Table – Site Specific Residential Apartment 5D Density Zone (R5D) Zone**

Provision	Requirement	Provided	Proposed
Minimum lot area	80 m <sup>2</sup> for each dwelling unit	120.66 m <sup>2</sup> for each dwelling unit	80 m <sup>2</sup> for each dwelling unit (no change)
Minimum lot frontage	30 m	121.92 m	30 m (no change)
Minimum front yard depth	7.5 m + 13 m from the original centerline of Dorchester Road	4.32 m	4.30 m
Minimum rear yard depth	One-half the height of the building or 10 m, whichever is greater 19.5 m / 2 = 9.75 m 10 m required	10.0 m	10.0 m (no change)
Minimum interior side yard width	One-half the height of the building 19.5 m / 2 = 9.67 m	4.45 m	4.45 m
Minimum exterior side yard width	7.5 m	N/A	N/A
Maximum lot coverage	30%	19.24%	19.24% (no change)
Maximum height of building or structure	22 m	19.35 m	22 m (no change)
Number of apartment dwellings on one lot	1 only	2	2
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces per dwelling unit 1.4 x 106 = 149 parking spaces	151 parking spaces  151 residential 7 of the spaces are Accessible	149 parking spaces (no change)
Minimum parking stall width	3 m	3 m	3 m (no change)
Minimum parking stall length	6 m	6 m	6 m (no change)
Minimum manoeuvring aisle	5.9 m	6.3 m	5.9 m (no change)
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None	N/A
Minimum Landscaped Open Space Area	45% of the lot area	29.41%	29%

## **URBAN DESIGN / ARCHITECTURAL ANALYSIS**

### **Urban Design Strategy (Section 5)**

Urban design is the shaping of the built environment. It plays an important role in the upgrading and maintenance of the City's civic image and economic potential and is critical to the quality of life for its citizens. It is the intent of the City's Official Plan to create compact pedestrian-oriented and transit-supportive neighbourhoods throughout the municipality.

The built environment consists of the public realm and private properties, both of which should be designed to work harmoniously together. The policies within Part 3, Section 5 of the Official Plan provides guidance to the development community on urban design.

Generally, the urban design policies have clear thematic elements which can be summarized as follows:

1. Compatibility with Adjacent Land Uses and Buildings
2. Pedestrian Oriented Development and Connectivity
3. High Quality Interfaces between Public and Private Realms
4. Tree and Natural heritage Protection and Enhancement

The following analysis will summarize how the development implements these themes and directions.

#### **Compatibility**

The proposed development will be situated amongst a variety of residential land uses and building types. These forms include apartments, townhouses, single-detached dwellings and semi-detached dwellings.

The subject lands are located approximately 100 metres from existing residential development. However, as the site is at the southern terminus of Dorchester Road at Oldfield Road, any development on this site is be visible from adjacent lands.

The proposed massing of the buildings is considered appropriate as it will not result in any adverse impacts on existing, adjacent lands uses such as overlook, shadowing or nuisance. The distance of the subject lands from other residential land uses allows for the consideration of additional building height, and is considered to be compatible overall.

#### **Pedestrian Oriented Development**

The proposed site design includes pedestrian connections to and through the subject lands.

On site, the development design contemplates clear connections from Dorchester Road to the buildings, parking lot and shared amenity areas. There are clear paths of travel both east and west as well as north south to facilitate typical activities on site such as walking, utilizing amenity areas or depositing effuse in the waste collection area.

Off-site, the preliminary plan contemplates the development of a new municipal sidewalk along the frontage of the property on the south side of Dorchester Road. This sidewalk improvement will allow for residents to access other parts of the neighbourhood safely and directly and will also provide access to public transit stops in the immediate area.

Due to the somewhat isolated nature of the site, external connectivity is and important design consideration. Providing connections to external lands improves accessibility and mobility, fosters better community interaction and facilitates non-automobile modes of travel, including public transit usage.

The proposed development plan proactively demonstrates the need for external connections to and from the site.

A diagram showing the planned pedestrian routes and connections on, and proximate to the site is shown in **Figure 15**.

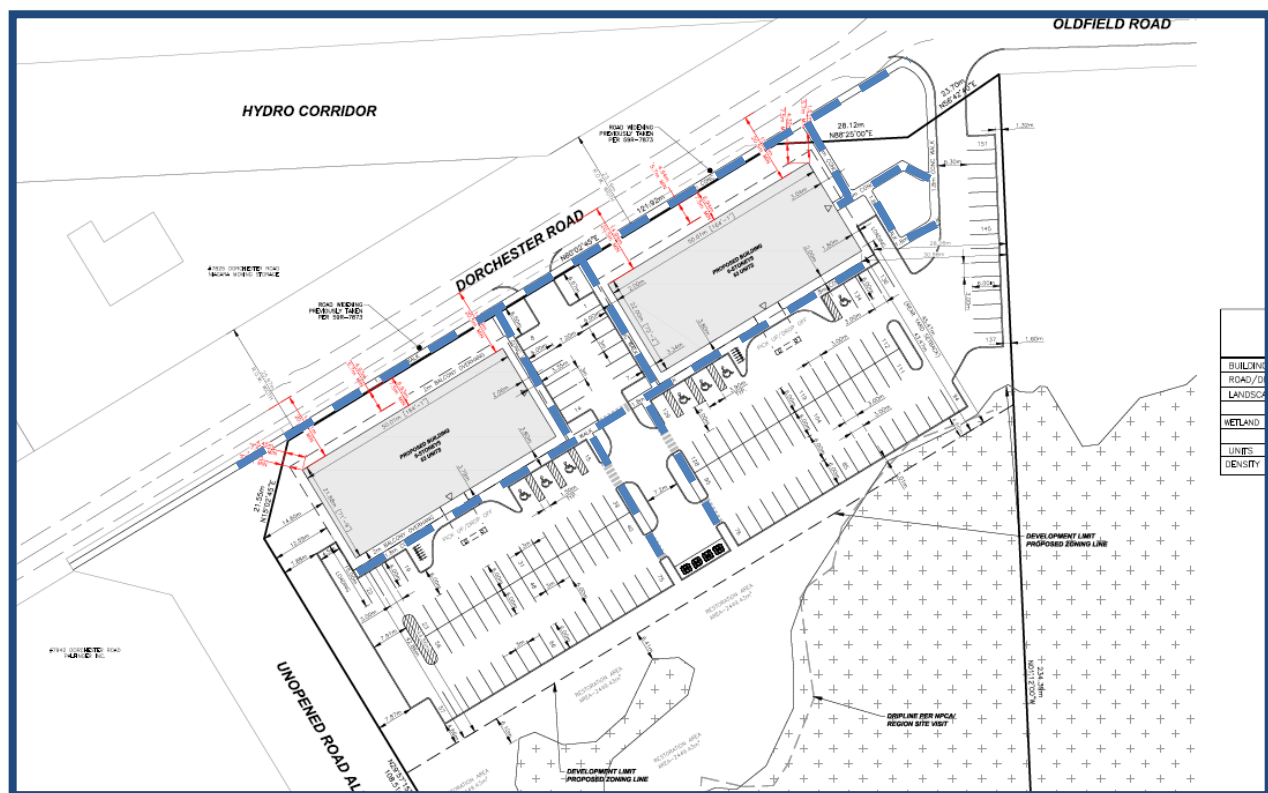


Figure 15 – Site Plan with planned pedestrian routes and connections

### High Quality Interfaces between Public and Private Realms

The Urban Design policies seek to establish a harmonious relationship between private development sites and adjacent public roadways and lands.

The proposed design of the subject lands will place the built form at a suitable setback from the road which provides ample room for pedestrian scaled landscaping and lighting. These elements will help to frame the street and will integrate well with the desired municipal sidewalk along Dorchester Road.

The subject lands are uniquely situated at the end of Dorchester Road at Oldfield Road, and act as a terminating vista for the street. Sites such as this require extra effort in terms of architectural design and landscaping. The preliminary site plan buildings upon these unique characteristics by providing suitably scaled development at the end of the roadway. The built form contains breaks on each side and between the dwellings which will provide permeable views through the site to the protected natural heritage features to the south.

### Tree and Natural Heritage Protection and Enhancement

The subject lands contain a significant area of natural heritage features that require long term protection including wetlands and woodlands. The developable portion of the site, however, is largely barren and contains limited vegetation that would enhance the development.

As required, the owners have completed a Tree Preservation Plan and Environmental Impact Study.

With regard to tree preservation, the majority of trees on the property will be retained for long term preservation; all trees are to remain but one. The consideration of additional tree plantings on site is desirable and should be completed throughout the site, and specifically focused within the amenity area adjacent to the existing woodland.

The natural heritage feature will be preserved for the long term through the utilization of a protective buffer and fencing. These features are a unique backdrop that softens the overall look and scale of development on the property. Such elements contribute positively to site design and aesthetics and through the utilization of several breaks in built form can be enjoyed from adjacent lands as well.

### **Niagara Region Model Urban Design Guidelines**

The Niagara Region Model Urban Design Guidelines (2005) was adopted as part of the Region's Smart Growth Agenda to implement the ten Smart Growth principles for development and redevelopment through the Region. These principles include;

1. Create a mix of land-uses
2. Promote compact built form
3. Offer a range of housing opportunities and choices
4. Produce walkable neighbourhoods and communities
5. Foster attractive communities and a sense of place
6. Preserve farmland and natural resources
7. Direct development into existing communities
8. Provide a variety of transportation choices
9. Make development predictable and cost effective
10. Encourage community stakeholder collaboration

These Guidelines further outline guidelines for both the public and private realm. Section 4a is most relevant to these Applications as it outlines the urban design guidelines for residential development. Section 4a. 1 sets out the following design principles for residential development:

1. Positive Image
2. Context Sensitive
3. Housing Variety & Choice
4. Flexible & Adaptable
5. Environmentally Sustainable

The proposed six-storey apartment buildings were intentionally designed to enhance the quality and character of the overall streetscape and neighbourhood. The development plan proposes buildings situated 6 metres from Dorchester Road with the incorporation of several sidewalk connections along the frontage. These design elements promote and increase opportunities for multi-modal transportation.

The surrounding lands have a mix of residential and industrial uses. The residential uses to the north and east include low-rise and mid-rise housing with various architecture styles. While the surrounding uses vary, they are not directly adjacent to the lands as most of the surrounding lands are designated Provincially Significant Wetlands.

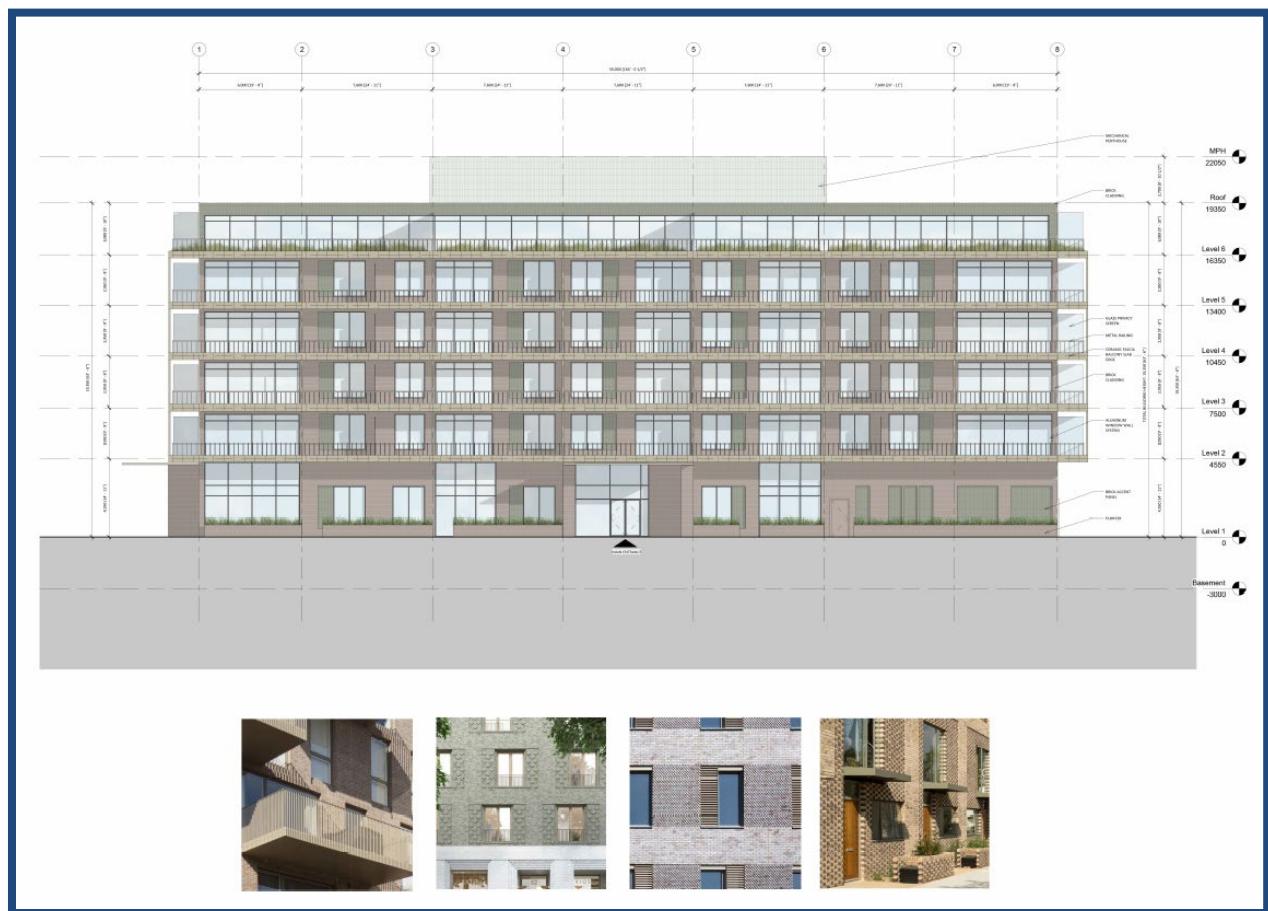
The proposed development is compatible and integrates with the established character of the neighbouring lands as there is both a range of uses and built forms. As there is a great amount of variability, these apartment buildings are an appropriate mix of uses within the area.

The incorporation of these two apartment buildings, that yield one-hundred and six (106) residential dwelling units, increase the range of housing types and options in the area. The area consists of all housing types including single-detached units, semi-detached units, townhouse units, and apartment units. These apartment units provide a greater amount of housing options for all family types, which provides greater flexibility for individuals at a variety of income levels.



These apartment units range in size from approximately 600 square feet to 1800 square feet. These units also range in bedroom count including one bedroom, one bedroom plus a den, two bedrooms and three bedrooms. These options further add to the different demographics of purchasers/renters and variability in pricing. The increased number of bedrooms and inclusion of dens also allows for work from home options, increasing flexibility and adaptability.

These apartment buildings propose green roofs in order to increase environmental sustainability. They also provide many indoor bike racks, as well as a sidewalk along the frontage of the buildings, increasing the opportunities for multi-modal transportation. Sustainable elements will also be considered during the building stage.



**Figure 16 – Proposed Six-Storey Apartment Building Elevations**

As shown in **Figure 16**, the apartment buildings will have a visually rich residential building fabric that is consistent with the surrounding neighbourhoods. This high-quality design includes a generous number of windows, which encourages strong visual connections between the dwellings and public realm.

The two six-storey apartment buildings have a minimized impact on the adjacent properties as there is separation through landscaping and open space areas. The buildings are situated close

to Dorchester Road where pedestrian infrastructure is proposed, supporting vibrant street environments, pedestrian access and comfort.

Surface parking is provided in the rear of the building, with outdoor amenity space further south in the rear yard, adjacent to the buffer lands. This amenity space will receive direct sunlight and be in view of the residential units.

Overall, the proposed development provides an opportunity for residential intensification and infill development in the Built-up Area on lands that are designated for residential use. The proposed development will facilitate a compact form and contribute to complete communities. It will also contribute to the range of housing options required to meet the social, health, economic and well-being requirements of current and future residents. The proposed development efficiently utilizes under utilized land and existing services and infrastructure. It is well-designed and compatible with the surrounding areas from an urban design and land use compatibility perspective.

## **PLANNING OPINION**

14456335 Canada Inc. has submitted an application for a combined Official Plan and Zoning By-law Amendment for lands known municipally as Dorchester and Oldfield Road Parcel ID 28232, City of Niagara Falls. The applications propose the development of one-hundred and six (106) dwelling units.

The proposed dwelling form will be apartment dwellings including two six-storey apartment buildings, yielding fifty-three (53) dwelling units each. The subject lands are designated Residential in the City's Official Plan that permits all forms of residential dwellings. The proposed 81.35 units per hectare density conforms with the policy set out regarding apartment buildings with no more than six-storeys. The suggested density is a minimum of 75 units per hectare and a maximum of 100 units per hectare.

The proposed Site-Specific Residential Apartment 5D Density Zone (R5D-XX) permits the proposed development. Zoning relief is requested for minimum front yard, minimum landscaped area, number of apartment dwellings on one lot, and the maximum front yard projection of a balcony.

The change in zoning is appropriate for the property as it will facilitate the development residential dwellings. It will allow for new, compatible forms of dwellings, additional housing units in the City's supply and the efficient use of urban, serviced land. The subject lands are located in a desirable location for additional density and growth due to their proximity to Provincial Highway access, Regional Roads, public transit stops, commercial uses and employment.

The required studies related to this development including Archeological Assessment, Air Quality, Noise, Sensitive Land Use Study, Environmental Impact Study, Environmental Impact Study Addendum, Wetland Water Balance, Tree Protection Plan, Phase 1 and Phase 2 Environmental Site Assessments, Shadow Study, Traffic Impact Assessment and Functional Servicing Report all conclude that the development can be facilitated without any impact on adjacent lands, human health, natural features or existing infrastructure.

The subject lands are readily developable with full municipal servicing available along the frontage of the property and have access to an open municipal roadway (Dorchester Road). The subject lands are located near walkable neighbourhoods containing two parks, a municipal cycling route and public transit stops within 400 metres of the site.

For these stated reasons, I consider the submitted application to be consistent with the 2024 Provincial Planning Statement, 2022 Niagara Official Plan, and the City of Niagara Falls Official Plan, as amended.

It is our professional opinion that the combined Official Plan and Zoning By-law Amendment application will facilitate a compatible and efficient use of urban land that will assist in the achievement of growth and intensification targets, additional housing supply and is in the public interest. Accordingly, it is recommended that the application be supported and approved.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Chelsea Liotta'.

Chelsea Liotta  
Planner  
Upper Canada Consultants

Respectfully Reviewed,

A handwritten signature in blue ink, appearing to read 'William Heikoop'.

William Heikoop, BURPI, MCIP, RPP  
Planning Manager  
Upper Canada Consultants

## Appendix I

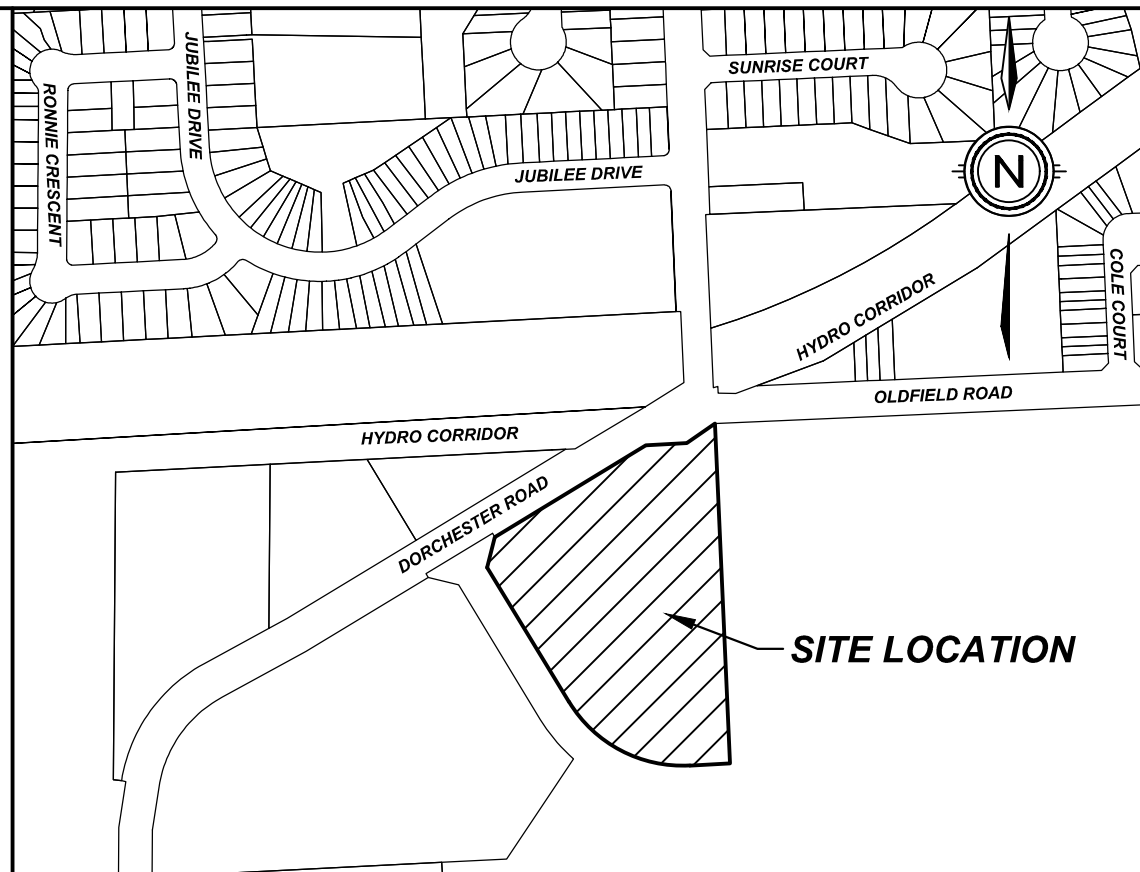
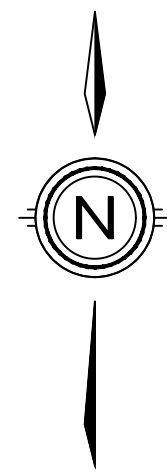
### Site Plan





# DORCHESTER ROAD

## NIAGARA FALLS



### KEY PLAN

N.T.S.

### LEGAL DESCRIPTION

PART OF LOT 197 AND PART OF THE ROAD ALLOWANCE  
BETWEEN LOTS 196 & 197 (CLOSED BY BY-LAW 482)  
TOWNSHIP OF STAMFORD, NOW IN THE  
CITY OF NIAGARA FALLS  
REGIONAL MUNICIPALITY OF NIAGARA

### ZONING MATRIX

PROVISION	ZONING (R5D)	PROVIDED
<b>RESIDENTIAL APARTMENT 5D DENSITY ZONE</b>		<b>BASED ON DEVELOPABLE AREA</b>
MIN. LOT FRONTAGE	30m	121.92m
MIN LOT AREA	80m <sup>2</sup> per unit	122.92m <sup>2</sup> per unit
MIN. FRONT YARD	7.5m plus any applicable distance specified in section 4.27.1	4.32m (BUILDING)
MIN. SIDE YARD	one half the height of the building (11.03m)	4.45m
MIN EXTERIOR SIDE YARD	7.5m plus any applicable distance specified in section 4.27.1	N/A
MIN REAR YARD	one half the height of the building or 10m whichever is greater plus any applicable distance specified in section 4.27.1 (11.03m)	44.86m
MAX. BUILDING HEIGHT	22m	19.35m (TO ROOF) 22.05m (TO MECHANICAL PENTHOUSE)
MIN. LANDSCAPED AREA	45% of lot area	29.41%
MAX DENSITY	-	-
MAX LOT COVERAGE	30%	19.24%
NUMBER OF APARTMENT DWELLINGS ON ONE LOT	1	2
AMENITY AREA FOR APARTMENT DWELLINGS	20m <sup>2</sup> / DWELLING UNITS	31.60m <sup>2</sup>
ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES	BALCONY: OPEN BALCONIES NOT COVERED BY A ROOF OR CANOPY MAY PROJECT INTO ANY REQUIRED FRONT YARD OR REAR YARD A DISTANCE OF NOT MORE THAN 1.8m AND INTO ANY REQUIRED SIDE YARD A DISTANCE OF NOT MORE THAN 0.45m	BALCONIES: PROPOSED OPEN BALCONIES PROJECT 2.0m WITHIN THE FRONT YARD, REAR YARD AND THE SIDE YARDS

REQUIRED	PROVIDED
FOR DWELLING CONTAINING 3 OR MORE DWELLING UNITS 1.4 SPACES PER DWELLING UNIT 106 UNITS X 1.4 = 148.4 SPACES REQUIRED	151 TOTAL SPACES
ACCESSIBLE PARKING (101-200 SPACES) = 1+3% OF THE TOTAL PARKING = 5.5	7 SPACES

0	ISSUED FOR ZONING REVIEW	2025-06-24	TA
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	TA
SITE PLAN	DATE	JUNE 24, 2025
	PRINTED	JUNE 24, 2025
	SCALE	1:500
	DWG No.	2251-SP
	REV	0

SITE STATISTICS		
AREA	ha	% COVERAGE
BUILDING (106 UNITS)	0.220	19.24
ROAD/DRIVEWAY/PARKING	0.587	51.35
LANDSCAPING	0.336	29.41
TOTAL	1.143	100.00
WETLAND (NON-DEVELOPABLE)	1.484	
TOTAL	2.627	
UNITS		106
DENSITY (UNITS/DEVELOPABLE AREA)		92.74 u/ha

HYDRO CORRIDOR

OLDFIELD ROAD

DORCHESTER ROAD

UNOPENED ROAD ALLOWANCE

DEVELOPMENT LIMIT  
PROPOSED ZONING LINE

DRIPLINE PER NPCA/  
REGION SITE VISIT



## **Appendix II**

### **Pre-Consultation Notes**





# City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2022)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

## PRE-CONSULTATION- WAIVED BY DIRECTOR

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date:

Signature:

## PRE-CONSULTATION

Day: May 5, 2022

Time:3:00

## 1. SUBJECT PROPERTY INFORMATION

Street Address: Dorchester & Oldfield Road Parcel ID 28232

Legal Description: (Lot, Concession, Registered Plan, etc.)

Part of Lot 197 and Part Rd Allow btn Lots 196 & 197 City of Niagara

Land Area (ha):  
2.639

Lot Frontage (m):  
121.92 m

Municipal Land Involved: Yes ☐ No ☒

## 2. CONTACT INFORMATION

### Owner Information

Registered Owner(s):  
1070146 Ontario Ltd.

Mailing Address: (Street address, unit number, city & postal code)  
PO Box 208 Niagara Falls L2E 6T3

Phone Number: 905-358-1805

E-mail Address: pmurdx@pgm.ca

### Applicant/Agent Information (if applicable)

First and Last Name(s):  
Milica Kovacevich (UCC)

Mailing Address: (Street address, unit number, city & postal code)  
30 Hannover Drive Unit 3 St. Catharines ON L2W 1A3

Phone Number:  
905-688-9400

E-mail Address: mil@ucc.com

Contact for all future correspondence (select one): ☐ Registered Owner ☒ Authorized Agent

## 3. PROPOSAL

To permit 2 apartment buildings each 6 storeys with 54 dwelling units.  
151 residential and 21 visitor parking spaces are proposed.

#### 4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area:

Building Height: 6 storeys, 195 metres

# Dwelling Units: 108

# Hotel/Commercial Units:

Location:

Brownfield ☐ Greenfield ☐ Built-up ☐  
Outside Urban Boundary ☐ NEP Area ☐ CIP Area ☐

\*\*\*Note: If within a CIP Area, please speak to the City's CIP Coordinator

#### 5. DESIGNATIONS

Regional Official Plan: Urban Area- Built Boundary Yes ☐ No ☐

Niagara Escarpment Plan: n/a Yes ☐ No ☐

City Official Plan: Residential, Environmental Protection Area; Yes ☐ No ☒  
within Special Policy Area 56  
Dorchester- classified as arterial  
Within the QEW Employment Corridor  
**\*\* PSW & 30m buffer covers portion 120 m buffer covers all of  
land—EIS needed prior to confirming meets OP policies**

Secondary Plan: Yes ☐ No ☐

Zoning: General Industrial (GI) Yes ☐ No ☒

#### 6. PROPOSED APPLICATION(S)- Check all that are applicable

Regional Policy Plan <input type="checkbox"/>	City Official Plan <input checked="" type="checkbox"/> Amendment *see notes	Zoning By-law <input checked="" type="checkbox"/> Amendment
Subdivision Approval <input type="checkbox"/>	Condominium- Vacant Land <input type="checkbox"/>	Condominium- Standard <input type="checkbox"/>
Site Plan Approval <input checked="" type="checkbox"/>	Consent/Severance <input type="checkbox"/>	NEC <input type="checkbox"/>
Other:		

#### 7. REQUIRED INFORMATION AND STUDIES- To be submitted with the Application(s).

**Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.**

L o c a l	R e g i o n	N P C A	Reports, Studies, Plans	Number of Copies		Notes
			(See notes for additional details)	Digital	Paper	
			Agricultural Impact Assessment			
X	X		Air Quality*	X	1	Peer review, at applicant's cost.
X	X		Archaeology Assessment- Please be mindful of duty to consult	X	1	Stage 1 & 2, Clearance Letter from Ministry

			Conceptual Site Plan	X	10	<u>Official Plan/Zoning By-law Application</u>  Site Plan, Coloured Site Plan, Elevations and submit CAD .dwg file or survey plan (.dwg file) to City projection standards.
					14	<u>Site Plan Application</u>  Site Plan, Elevations (including floor plans), Landscape Plan (by OALA), Grading Plan, SWM Plan, Servicing Plan, STANDA, STWMDA, Photometric, Zoning Chart, and CAD .dwg files to City projection standards of the site & servicing plans.
			Condominium Plan- if creating a condominium		10	<u>Condominium Application</u>  Draft Plan of Condominium and submit CAD .dwg file to City projection standards.
			Cultural Heritage Impact Analysis			
X	X		Draft Local Official Plan Amendment	X	1	
			Draft Regional Policy Plan Amendment			
X	X	X	Environmental Impact Study	X	1	Scope with Region and NPCA Environmental Planning Staff
			Environmental Planning Study/ Sub-Watershed Study			
X	X		Environmental Site Assessment/Record of Site Condition	X	1	Phase 1 & 2 ESA; RSC
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X			Municipal Servicing Study	X	2	To review services and demonstrate capacity. Infrastructure modelling may be required—if required, at applicant’s cost
X	X		Noise & Vibration Study*	X	1	Peer review, at applicant’s cost.
			Other			
			Phasing Plan			
X	X		Planning Justification Report	X	1	Review and analyze applicable Provincial, Regional, and City policies.  Discuss affordability policies and provide potential prices/rental rates.  Provide draft OPA and Zoning By-law amendment.
			Risk Management Study			
			Road Widenings			Property survey to confirm if ROW dedication required
X	X		Sensitive Land Use Report	X	1	D6 analysis, peer review at applicant’s cost

X			Shadow Analysis	X	1	
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X	X		Stormwater Management Plan	X	2	Pre- to post, 5 year storm
X			Transportation Impact Study/ Parking Impact Analysis	X	2	Discuss with City Transportation staff T of R
X			Tree inventory Preservation Plan	X	2	Submit as part of OPA/ZBA application.
X			Urban Design Brief/Architectural Brief			Region's Model Urban Design Guidelines
			Urban Design/Landscape Plans			
			Wind Study			

### 8. COMMENTS

Note: QEW Employment Corridor is shown on the land. However, as the land is designated Residential an amendment to remove the Corridor is not required.

- 1) The subject parcel was not included in the Riverfront Community Plan area (the Fallsview mapping is going to be updated), a Secondary Plan will be required prior to development (as per Special Policy Area “56” Policy 13.56.1). The Secondary Plan shall address the policies of Part 4, Section 3 of the Official Plan and the items listed in Policy 13.56.2. We recommend that an Official Plan amendment be applied to permit the subject land to be developed in advance of a Secondary Plan.
- 2) As the subject parcel contains Natural Heritage Features (PSW and wooded area) and is fully within the 120 m buffer (adjacent properties) and 30 m (PSW), the proposal will be subject to Official Plan Part 2 Section 11 policies as well as the following Secondary Plan policies: 2.5.3 & 4 (PSW), 2.5.8-2.5.11 (significant wildlife habitat), 2.5.12 (woodlands), 2.5.14 &15 (buffers), and 2.5.16-2.5.21 (general). An EIS will be required to address all of the natural heritage features on the subject parcel, and proposed buffers, prior to Staff being in a position to support the proposed development.
- 3) Outdoor amenity spaces will need to be provided and confirmed in final site plans and elevations submitted with an application.
- 4) Confirmation will be required that the subject parcel can be adequately serviced through municipal infrastructure.
- 5) The property is currently utilized for industrial purposes and is surrounded by industrial uses. D6 analysis, including air and noise studies, will be required.
- 6) Information will be needed on the number of bedrooms proposed per unit, prices, etc.
- 7) Parking should be provided to be below grade to increase the landscape area and amenity space offered to residents. At grade parking should have landscape medians as well as pedestrian routes through the parking area that provide direct routes to the entrances.
- 8) Sidewalk should be provided along Dorchester with connectivity to the proposed development. Front doors and Dorchester Road elevation to address interface with street.
- 9) Bicycle parking should be provided.
- 10) Garbage location is unknown.
- 11) Western driveway proposed is not within a municipal right-of way—this will need to be relocated/removed.
- 12) Zoning- Please review attached comments.
- 13) Elevations required prior to providing design comments.

#### Engineering:

Infrastructure on Dorchester	300mmØ PVC Watermain (Regional) 825mmØ Conc Sani Sewer (Regional) 1200mmØ Conc Sani (Regional)
North Corner of pty	250mm Ø Conc Sani 450mmØ PVC Storm Sewer

#### As Part of ZBA

- Eng. Services requires a FSR with SWM brief where the applicant must ensure that the municipal infrastructure will adequately service the development as proposed. This is to include all necessary supporting documentation
- Based on FSR details, the city may require third party infrastructure modelling at applicants' expense (in accordance with City schedule of fees) to verify available infrastructure capacities
- Engineering drawings of existing underground infrastructure available upon request

- There are no Municipal Sanitary Sewers fronting the property
- Defer to Region Comments as the Sanitary infrastructure fronting the property is regional
- There is Municipal Class Environmental assessment for that intersection which may impact this development

As part of Site Plan

- Updated FSR, SWM report
- Site, Grading, Servicing, STMDA, SANDA, Landscape, Photometric illustrating zero trespass to adjacent properties

#### Building

- Geotechnical required at building permit.
- OBC requirements to be met.

#### Economic Development:

- D6 land use compatibility studies will be triggered.
- Within an industrial area with new industries opening and existing industries are planning expansions

#### Fire:

- Fire has no concerns or comments with the OP or ZBA.
- With respect to the site plan and draft plan of condo, the developer shall ensure compliance with the fire access route requirements of the Ontario Building Code.

#### GIS:

- o No current address on file; A new singular address will be assigned at the appropriate stage
- o The developer is responsible to provide a coherent list of Building and Unit identifiers
- o Please have the developer identify the primary or main access

#### Landscape:

- No concerns with OP, ZBA
- At Site Plan
- A Tree survey is required as per the City of Niagara Falls site plan guidelines. Consideration should be made in the survey for the evaluation and consideration for preservation of trees on site. Considerations should also be made for trees directly adjacent to the site on neighbouring properties. Grading and servicing designs should have regard for any tree preservation recommendations.
- A landscape plan will be required for this site plan and shall be developed by an Ontario certified Landscape Architect.
- Parkland Dedication will be required at 5% residential rate

#### Transportation:

Dorchester Road south of Oldfield Road is a City arterial road.

It has a planned 26.0m right-of-way. Our mapping notes that Dorchester Road is 26.21m (86') wide abutting the subject lands with a 3.05m (10') road widening along the frontage of the subject lands, and is described as Part 2 of plan 59R-7873. A property survey is requested with the formal submission to confirm the widening is no longer part of the subject lands.

The western access encroaches onto private property. It is not a municipal right-of-way.

A traffic study is required. The applicant's traffic consultant is requested to contact City Transportation Staff to get a terms of reference approved prior to starting their study.

The City has started an Environmental Assessment study to evaluate intersection improvements to Dorchester Road & Oldfield Road.

A 108 unit apartment in 2 buildings would require 151 parking spaces at a rate of 1.4 parking spaces per unit. A total of 172 parking spaces are proposed.

The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 172 parking spaces requires a minimum of seven (7) accessible parking spaces and this is determined through the following formula for parking lots between 101 – 200 parking spaces:  $1 + 3\%$  of the total number of parking spaces, rounding up to the nearest whole number, thus  $1 + .03 \times 172 = 6.16$ , rounded up to 7 accessible parking spaces.

Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:

- a. one authorized disabled parking sign on display;
- b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;



- c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
  - d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
  - e. have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
  - f. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
  - g. located on a level surface; and,
  - h. placed in a location as to minimize the distance to building entrances
- The site is serviced by Niagara Falls Transit route 103/203. Buses proceed south on Dorchester Road and then east on Oldfield Road, and vice versa. Currently, the closest bus stops are on Dorchester Road just south of Jubilee Drive.

NPCA- Nicholas

The subject property is impacted by an NPCA regulated Provincially Significant Wetland known as the Niagara Falls Slough Forest Wetland Complex.

Site Plan

- Our office would not support any development within the wetland, or within 30m of the wetland.
- If any works are proposed within 30m of the wetland, we will require an Environmental Impact Study to our office’s satisfaction to ensure there are no negative impact to the wetland or buffer.

OPA/ZBA

- It would be our office’s request that the PSW and those lands measured 30m from the edge of wetland be designated in the Official Plan & Zoning By-law as “Conservation” or a similar form of environmental protection.
- Fees:
  - o OPA/ZBA \$570

Niagara Region- Cheryl

Please see attached comments. Note the Region is accepting payment on their website.

9. APPLICATION FEES- Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan & Zoning By-law Amendment	\$13, 900	\$10,015+ \$1.345	\$570
Site Plan	\$4,100	\$1,345 + \$650 SWM	
EIS review fee		TofR review \$410 (deducted from Major EIS review fee) Major EIS review fee \$2,320	
Total (less \$500)	\$18,000	\$15,265	\$570



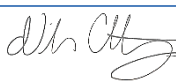

Notes:  
Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.

Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.

The \$500 pre-consultation fee is deducted from a City application fee if made within 1 year of the meeting date.

Additional Agencies to be contacted:

MTO ☐ NPC ☐ NEC ☐ Hydro ☐ Pipeline ☐ CN/CP ☐ Other:

10. ATTENDEES		
City	Applicant	Agency
Julie Hannah jhannah@niagarafalls.ca	Matt Kernahan- UCC	Cheryl Selig (Region) Cheryl.Selig@niagararegion.ca
Sue Scerbo (Zoning) sscerbo@niagarafalls.ca	Milica Kovacevich- UCC	Nicholas Godfrey (NPCA) ngodfrey@npca.ca
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Eric Lehtinen (Engineering) elehtinen@niagarafalls.ca		
Josiah Jordan (Engineering) jjordan@niagarafalls.ca		
Michael Parniak (Engineering) mparniak@niagarafalls.ca		
David Antonsen (Landscape) dantonsen@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Cesar Ramires (Bldg) cramires@niagarafalls.ca		
<b>Signatures</b>		
Planning Staff		May 12, 2022
Planning Staff		
Regional Planning Staff		May 12, 2022
NPCA Staff		
Agent		
Owner		
Owner		
Other		
<p>Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.</p> <p></p> <p>Signature</p>		

## 11. NOTES

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within one year from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent .

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

# Inter-Departmental Memo

**To:** Julie Hannah, Planner 2

**From:** Sue Scerbo, Senior Zoning Administrator

**Date:** May 5, 2022

**Re:** **Proposed Official Plan, Zoning By-law Amendment and Site Plan  
Vacant Land on S/S Dorchester Road/Oldfield Road  
272511000103303  
Proposed two apartment dwellings**

## Summary:

The applicant is proposing to construct two apartment dwellings containing a total of 108 units on the above noted property.

The subject property is currently zoned General Industrial (GI) in accordance with Zoning By-law No. 79-200, as amended. The applicant is proposing to rezone the land to a site specific Residential Apartment 5D Density Zone (R5D) Zone.

The following table compares the regulations of the R5D zone with what is proposed:

Provision	Requirement	Proposal	Comply
Minimum lot area	80 square metres for each dwelling unit	120.78 square metres for each dwelling unit: 120.78 sq.m x 108 units = 13,044 square metres (not including the wetlands)	Yes
Minimum lot frontage	30 metres	121.92 metres	Yes
Minimum front yard depth	7.5 metres + 13 metres from the original centerline of Dorchester Road	6 metres + not shown from the original centreline	No Please show width of road allowance
Minimum rear yard depth	One-half the height of the building or 10	199.16 metres	Yes

	metres, whichever is greater 19.5 metres/2=9.75 metres 10 metres required		
Minimum interior side yard width	One-half the height of the building 19.5 metres/2=9.75 metres	26.92 metres 30.52 metres	Yes Yes
Minimum exterior side yard width	7.5 metres	n/a	n/a
Maximum lot coverage	30%	8%	Yes
Maximum height of building or structure	22 metres	19.5 metres	Yes
Number of apartment dwellings on one lot	1 only	2	No
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces per dwelling unit 1.4 x 108= 151 parking spaces	172 parking spaces	Yes
Minimum parking stall width	3 metres	3 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	5.9 metres	6 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None	n/a
Minimum Landscaped Open Space Area	45% of the lot area	19% of the lot area (not including the wetlands)	No

Comments:

- Additional information should be provided where missing
- The westerly access is located on abutting lands not part of the subject parcel

SS

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# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

S/W corner of Dorchester Road/Oldfield Road

May 5, 2022

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**Attendees:** Cheryl Selig (Region); Julie Hannah (City); John Grubich (City); Cesar Ramires (City); Josiah Jordan; Michael Parniak (City); Michael Warchala (City); Ben Trendle (City); Milca Kovacevich (agent);

**Type of Applications:** Official Plan & Zoning By-law Amendment, and Site Plan

### **Application Description**

Proposing to remove the QEW Employment Corridor designation and to rezone from General Industrial (GI) to a site specific Residential Apartment 5D Density (R5D) Zone to permit two 6-storey buildings for 108 residential units.

### **Provincial & Regional Land Use Designations**

- Provincial Policy Statement (PPS): Settlement Area
- Growth Plan: Built-Up Area
- Regional Official Plan (ROP): Urban Area

### **Planning Comments**

- Regional staff have concerns with the application for residential as it relates to land use compatibility and the employment uses that exist and are planned to exist into the future. Need to ensure that residential uses do not negatively impact on the employment lands.

### **Archaeological Resources**

- The site exhibits high potential for archaeological findings, as such, a Stage 1-2 Archaeological assessment will be required

### **Land Use Compatibility**

- A land use compatibility study is required to address the impacts from the adjacent industrial use and the impacts of the sensitive land use on the permitted industrial uses and future expansion of the uses. The study must assess any potential noise, odour and air quality impacts and provide recommendations for mitigation.

### **Site Condition**

- The site is currently used for industrial uses. Since the proposal is a change in land use to more sensitive use (residential), an Stage 1-2 Environmental Site Assessment will be required and mandatory filing of a Record of Site Condition.

### **Environmental Planning**

- The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Niagara Falls Slough Forest Provincially Significant Wetland Complex (PSW) and Significant Woodland. Consistent with Regional Official Plan (ROP) policy 7.B.1.11, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

S/W corner of Dorchester Road/Oldfield Road

May 5, 2022

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development proposed within 120 m of PSW and within 50 m of Significant Woodland. The EIS must demonstrate that there will be no significant negative impact on the features or their ecological function.

- The proposed development is within the above-noted setback. As such, a Terms of Reference for a scoped EIS should be developed consistent with Policy 7.B.2 of the Region's Official Plan. Staff are happy to visit the site to confirm our requirements.

### **Transportation/ Roads**

- Local- Dorchester Road

### **Servicing**

- Water: 300 D UNK (Local)- Dorchester Road
  - 1050 mm diameter Regional trunk watermain located along the Oldfield Road intersection is not to be disturbed during any construction or site servicing works.
- Sanitary: Region staff will need to review the proposed servicing strategy as Niagara Region would prefer to limit new connections to the existing Regional trunk sewer. Must exhaust all options for connecting to local services prior to proposing to connect to the Region's sanitary. Any extension of municipal services would require the necessary Environmental Compliance Approvals (ECA's) from the MECP.
- Proposed site servicing plans will need to be reviewed and approved by Regional staff.
- Storm: Roadside Ditch

### **Stormwater Management**

- At the time of future Planning Act Application (i.e. Draft Plan and/or Site Plan), the Region will require a stormwater management report. The following comments are provided by information purposes to assist the applicant with the preparation of a detailed site plan:
  - a) Stormwater runoff from the development be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
  - b) Region has no flow control requirements. Confirm with City requirement how to accommodate the development additional flow.
  - c) Niagara Region will require that a stormwater management brief (and the associated \$650 fee) be submitted to this office indicating in details how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of SWM measures for the future owner.
  - d) Prior to construction, Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

### **Waste Collection**

- Recycling: Weekly Blue/Grey Boxes or Carts;
- Organics: Weekly Green Carts; and,

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

S/W corner of Dorchester Road/Oldfield Road

May 5, 2022

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- Garbage: 2 Bags/Cans per unit to maximum of 24 per building collected every-other-week.
- Curbside collection only
- The proposed residential development would be eligible for Enhanced front-end bin collection through the Region provided that the City was agreeable to providing this service and that the site was able to accommodate the turning maneuvers and front-end loading of the garbage bins. If this service is deemed not feasible, waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

### **Required Reports**

- Stormwater Management Report
- Planning Justification Report
- Noise Study
- Archeological Assessment
- Environmental Site Assessment Phase 1 and 2
- Land Use Compatibility Study
- Environmental Impact Assessment

### **Regional Review Fees**

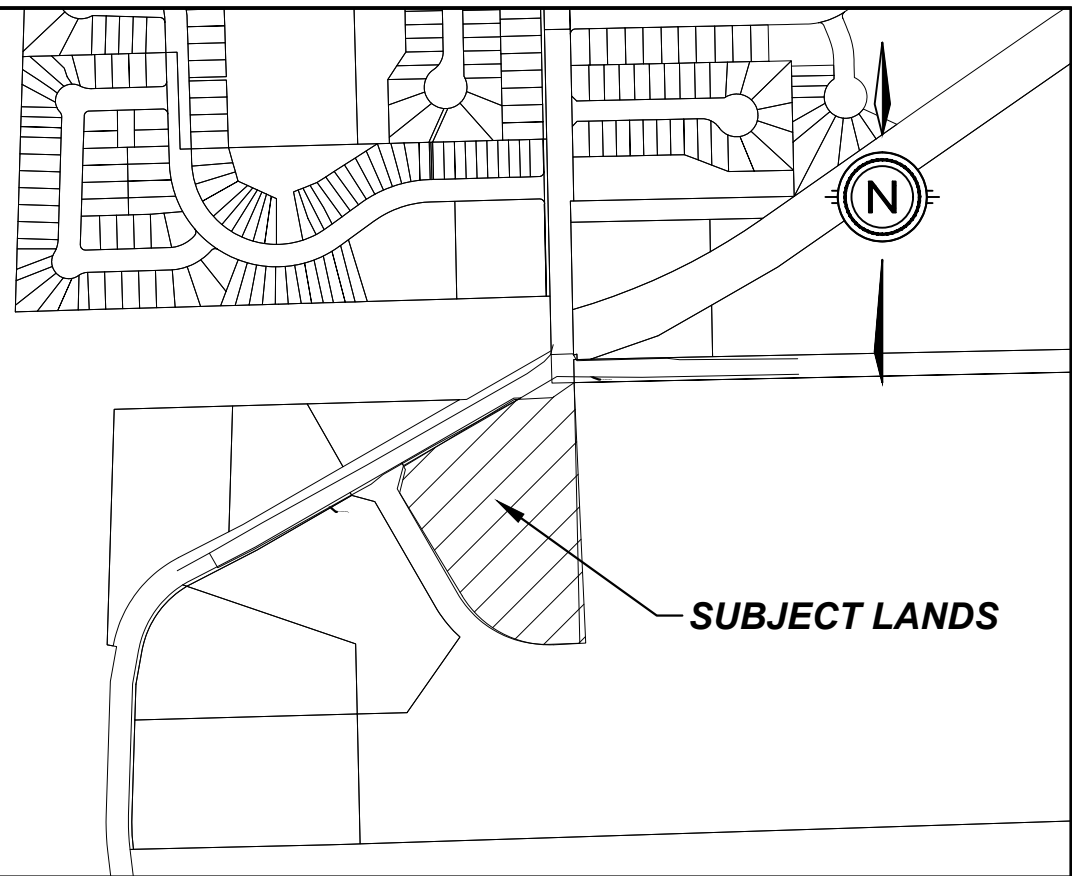
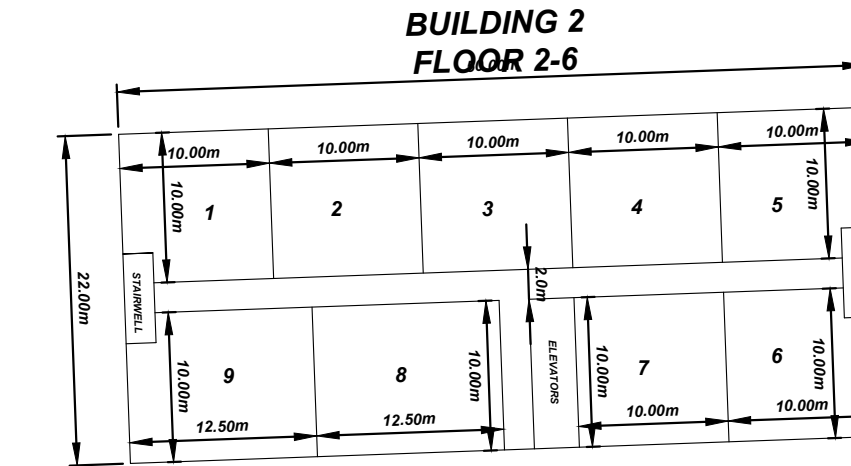
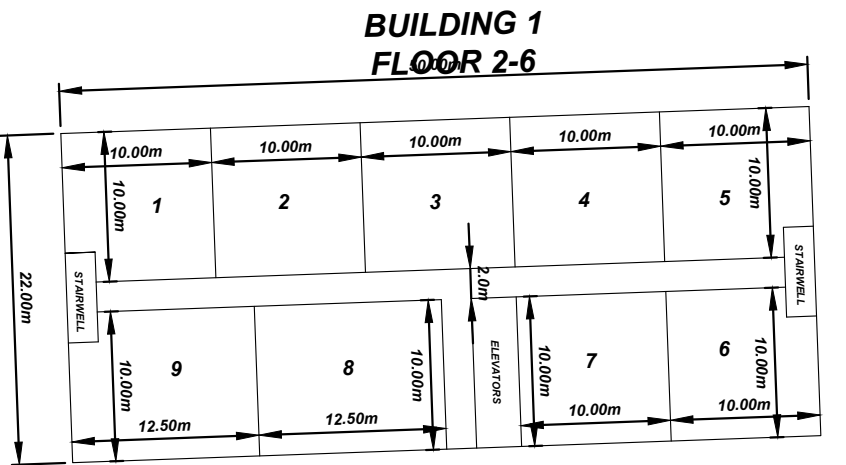
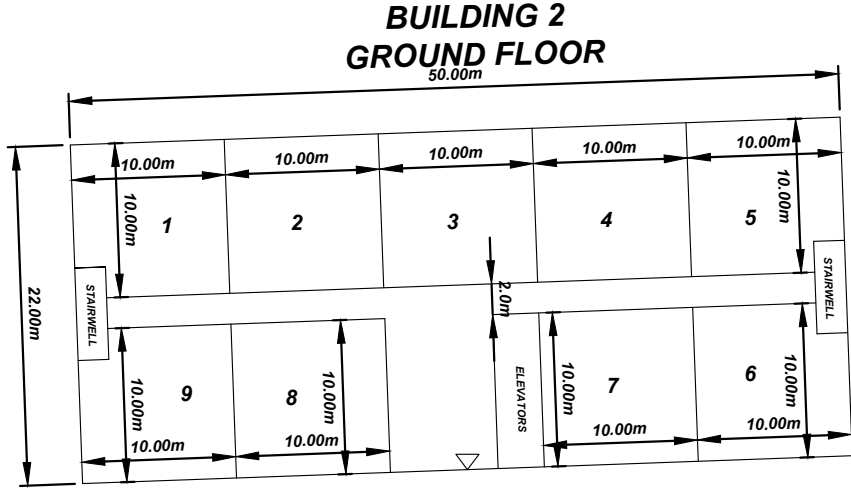
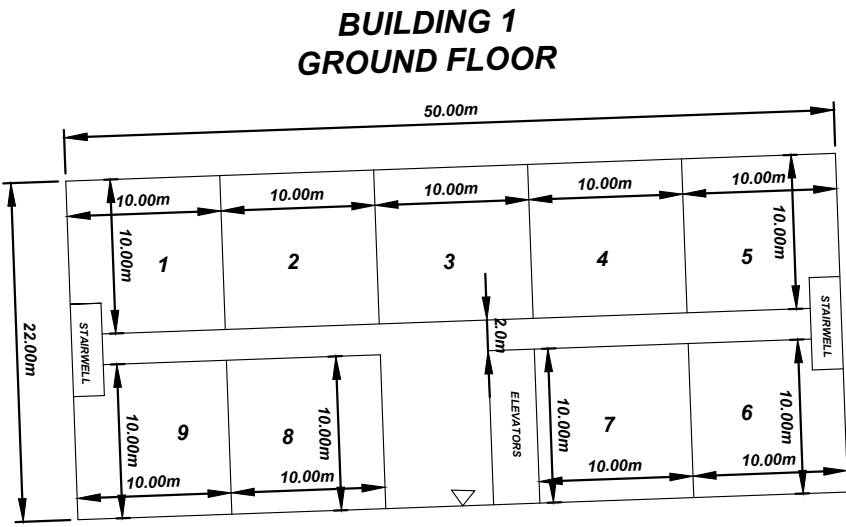
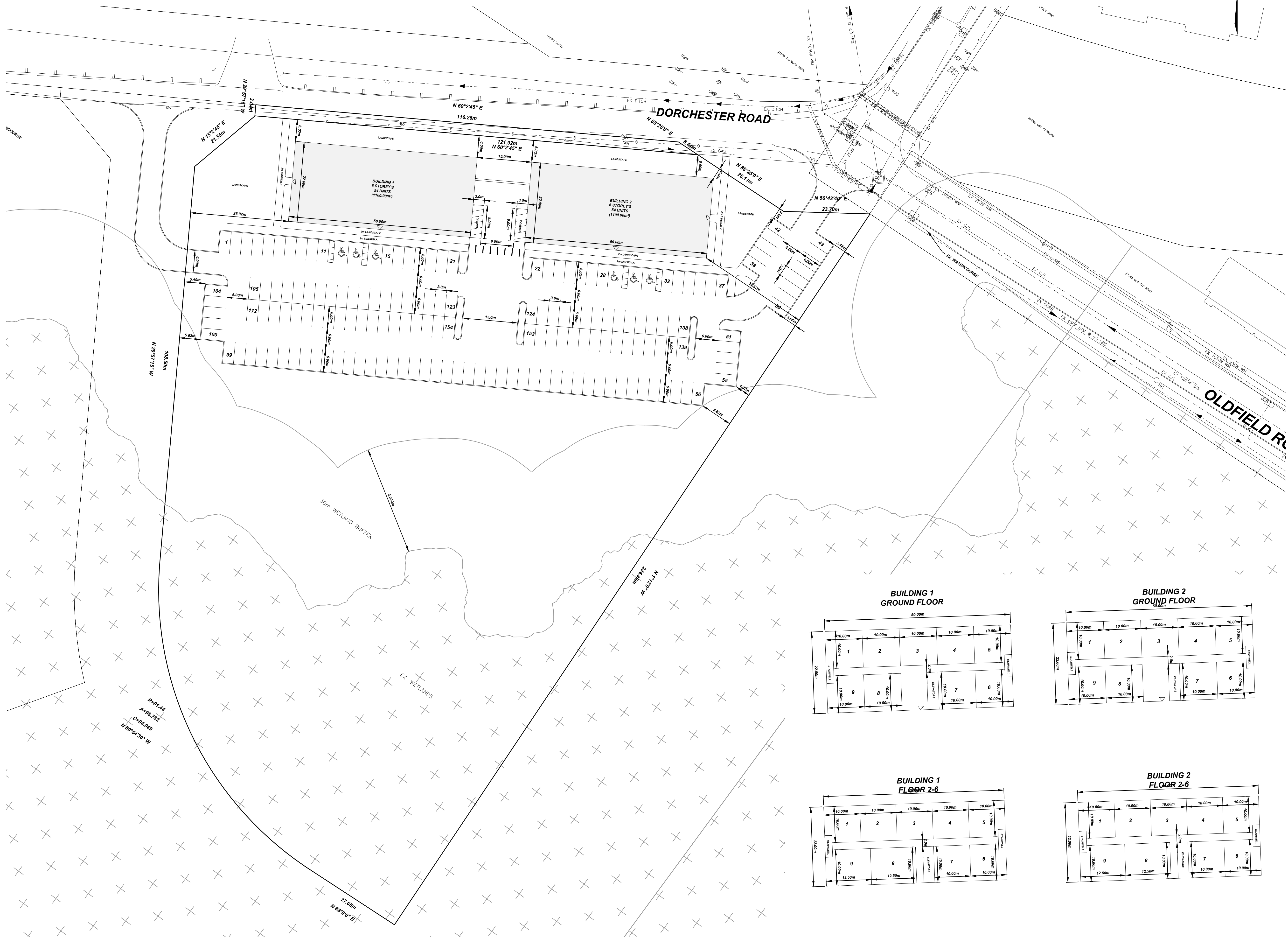
- Official plan review fee: \$10,015
- Zoning by-law review fee: \$1,345
- Site plan review fee: \$1,345
- Stormwater review fee: \$650
- Terms of reference review: \$410 (to be deducted from Major EIS review fee)
- Major EIS review fee: \$2,320

### **City Comments**

- This parcel were not included in the community plan and therefore the community plan policies are not applicable. The parent Official Plan policies about residential and environmental policy applies.
- A secondary plan is required for this parcel prior to a planning application as in Special Policy Area 56.

# DORCHESTER AND OLDFIELD ROAD

## CITY OF NIAGARA FALLS



KEY PLAN  
N.T.S.

### CONCEPT PLAN

### LEGAL DESCRIPTION

PART OF LOT 197 AND  
PART OF THE ROAD ALLOWANCE  
BETWEEN LOTS 196 & 197  
CITY OF NIAGARA FALLS  
REGIONAL MUNICIPALITY OF NIAGARA

#### ZONING MATRIX

PROVISION	ZONING (R5D)	PROVIDED
RESIDENTIAL APARTMENT 5D DENSITY ZONE		
MIN. LOT FRONTAGE	30m	121.92m
MIN. LOT AREA	80m² per unit	243m² per unit
MIN. FRONT YARD	7.5m plus any applicable distance specified in section 4.27.1	6m
MIN. SIDE YARD	one half the height of the building	26.92m
MIN EXTERIOR SIDE YARD	7.5m plus any applicable distance specified in section 4.27.1	N/A
MIN REAR YARD	one half the height of the building or 10m whichever is greater plus any applicable distance specified in section 4.27.1	199.16m
MAX. BUILDING HEIGHT	22m	195m
MIN. LANDSCAPED AREA	45% of lot area	138
MIN DISTANCE BETWEEN BUILDINGS ON SAME LOT	15m	15m
MAX DENSITY	-	-
MAX LOT COVERAGE	30%	8%
NUMBER OF APARTMENT DWELLINGS ON ONE LOT	1	2

REQUIRED	PROVIDED
FOR DWELLING CONTAINING 3 OR MORE DWELLING UNITS 1.4 SPACES PER DWELLING UNIT = 151 SPACES	172 TOTAL SPACES (151 residential & 21 visitor)
ACCESSIBLE PARKING 101-200 SPACES = 1+3% OF THE TOTAL PARKING = 6	6 SPACES

### LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
MULTI FAMILY RESIDENTIAL		108	0.2200	8
PARKING			0.5917	23
LANDSCAPE			0.4926	19
WETLAND/BUFFER			1.3224	50
TOTAL		108	2.6268	100.00
DEVELOPABLE AREA = 1.3044ha DEVELOPABLE DENSITY = 82.79 units/ha				

ISSUED FOR	2022.03.18		
REVISION	DATE	INIT	



DRAWING TITLE	DRAFTING	AV
CONCEPT PLAN	DATE	MARCH 18, 2022
	PRINTED	MARCH 18, 2022
	SCALE	1:500
	DWG No.	2251_CP
	REV	0

**Appendix III**  
**Draft Official Plan Amendment**



**CITY OF NIAGARA FALLS**

**By-law No. 2025 - \_\_\_\_\_**

A by-law to provide for the adoption of Amendment No. \_\_\_\_ to the City of Niagara Falls Official Plan (OPA #\_\_\_\_).

**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. The attached text and mapping constituting Amendment No. \_\_\_\_ to the City of Niagara Falls Official Plan is hereby adopted.

Passed this \_\_\_\_ day of \_\_\_\_, 2025.

\_\_\_\_\_  
WILLIAM G. MATSON, ACTING CITY CLERK

\_\_\_\_\_  
JAMES M. DIODATI, MAYOR

First Reading:

Second Reading:

Third Reading:

## OFFICIAL PLAN AMENDMENT NO. \_\_\_\_

### PART 1 – PREAMBLE

#### (i) Purpose of the Amendment

The amendment will exempt the subject lands from Policy 13.56.1 of the Official Plan that requires the completion of a Secondary Plan prior to the consideration of development applications on the subject lands. Further, a technical amendment is required to align the uses on the subject lands with accurate mapping.

#### (ii) Location of the Amendment

The Amendment applies to the lands shown on Map 1, which are generally bound by Dorchester Road and Oldfield Road to the north, natural heritage features to the east, an unopened road allowance to the west and natural heritage features to the south.

#### (iii) Details of the Amendment

##### Text Changes

- i) That the following policy be applied to the subject lands:

*“Notwithstanding the requirements of Policy 13.56.1, that the subject lands may be developed prior to, or without the completion of a Secondary Plan.”*

##### Map Changes

- i) Schedule A – Land Use has been amended to align the Residential, Environmental Conservation Area and Environmental Protection uses within the site.

#### (iv) Basis of the Amendment

The proposed amendment will guide the development of the subject lands to permit the proposed land use and continue the protection of natural heritage.



## **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 maps, constitute Amendment No. \_\_\_\_ 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:

#### **TEXT CHANGES**

- i) That the following policy be applied to the subject lands:

*“Notwithstanding the requirements of Policy 13.56.1, that the subject lands may be developed prior to, or without the completion of a Secondary Plan.”*

#### **MAP CHANGES**

Schedule A to the Land Use, is hereby amended by designating the lands identified on Map 1 attached hereto, and forming part of the amendment, from ‘Residential’ to ‘Environmental Conservation Area for Part 2, and from ‘Residential’ to ‘Environmental Protection Area’ for Part 3.

**DORCHESTER ROAD**

**OLDFIELD RD**



PART 1

PART 2

PART 3

PART 3

PART 3

**LEGEND**



PART 1 - OPA: RESIDENTIAL



PART 2 - OPA: RESIDENTIAL TO ENVIRONMENTAL CONSERVATION AREA



PART 3 - OPA: RESIDENTIAL TO ENVIRONMENTAL PROTECTION AREA



PART 4 - OPA: TO REMAIN ENVIRONMENTAL PROTECTION AREA

**DORCHESTER AND OLDFIELD ROAD  
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. \_\_\_\_\_**

**MAYOR:** \_\_\_\_\_

**CLERK:** \_\_\_\_\_



**Appendix IV**  
**Draft Zoning By-law Amendment**

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## CITY OF NIAGARA FALLS

### **Draft** By-Law No. 2025-\_\_

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate lands known as PCL 197-6 SEC 59- STAMFORD; PT TWP LT 197 STAMFORD; PT RDAL BTN TWP LT 196 & 197 STAMFORD PT 1 59R7873; in The City of Niagara Falls, Regional Municipality of Niagara.

#### **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 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.
2. The purpose of this by-law is to amend the zoning of the subject lands from “General Industrial (GI)” to a site-specific “Residential Apartment 5D Zone (R5D-XX)” and “Environmental Protection Area Zone (EPA)” to permit the lands to be developed 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 provision of this by-law shall prevail.
3. Notwithstanding Section 4.14(c) of this By-law, open balconies not covered by a roof or canopy may project into any required front, site or rear yard a distance of not more than 2-metres.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the permitted uses and regulations of the R5D-XX and EPA Zone shall apply, notwithstanding the additional provisions outlined below:

(a)	Minimum Front Yard Setback	4.32 metres + 13 metres from the original centerline of Dorchester Road
(b)	Minimum Interior Side Yard	4.45 metres
(c)	Number of Apartment Dwellings on One Lot	Two (2)
(d)	Minimum Landscaped Area	29%

5. 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.
6. No person shall use the Lands for a use that is not a permitted use.
7. No person shall use the Lands in a manner that is contrary to the regulations.
8. The provisions of this by-law shall be shown on **Sheet X** of Schedule "A" of By-law No. 79-200 by amending the zoning of the Lands from "GI" to "R5D-" and "EPA".
9. Section 19 of By-law No. 79-200 is amended by adding thereto:  
**19.x.x** Refer to By-law 2025 - .

Passed this  day of , 2025.

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

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**MAYOR**

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**CITY CLERK**

**DORCHESTER ROAD**

**OLDFIELD RD**



**PART 1**

**PART 2**

**LEGEND**



**PART 1 - ZONING: GENERAL INDUSTRIAL (GI) TO SITE SPECIFIC  
RESIDENTIAL APARTMENT 5D DENSITY ZONE (R5D-XX)**



**PART 2 - ZONING: GENERAL INDUSTRIAL (GI) TO ENVIRONMENTAL  
PROTECTION AREA (EPA)**

**DORCHESTER AND OLDFIELD ROAD  
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. \_\_\_\_\_**

**MAYOR: \_\_\_\_\_**

**CLERK: \_\_\_\_\_**

