

DELIVERED VIA CITYVIEW PORTAL

August 29, 2025

Tara O'Toole
Senior Manager of Current Development
Planning, Building, and Development
City of Niagara Falls
4310 Queen Street
Niagara Falls, ON L2E 6X5

Dear Tara,

Re: *Minor Zoning By-law Amendment*
7972 Thorold Townline Road, Niagara Falls

On behalf of our client 1900029 Ontario Inc., the owner of the property municipally addressed as 7972 Thorold Townline Road in the City of Niagara Falls (the “**subject site**” or “**site**”), we are pleased to submit this letter in support of the enclosed Minor Zoning By-law Amendment application (the “**application**”). The application proposes to expand the permitted uses through a site specific by-law to allow the upgrade of existing mobile dock facilities, which is leased and operated by Federal Express Corporation (known herein as “**FedEx**”), a new office trailer, restroom and quality assurance trailers, as well as expand the distribution capacity by installing additional mobile docking units and employee parking spaces.

In support of the application, the following digital materials are enclosed:

- Site Plan and Details prepared by MTE Consultants Inc;
- City of Niagara Falls Owner Authorization Form;
- Land Registry PIN Sheet; and
- Office and Restroom Trailer Details.

The required City application fee in the amount of \$9,385.00 and a Private Sewage System Review fee of \$545 to Niagara Region will be delivered to the City under separate cover by our client.

The following will provide a background on the site, describes the proposal, includes a summary of the applicable planning policy framework, and our analysis on why the proposal is appropriate for the site.

1.0 SUBJECT SITE

The subject site is located on the east side of Thorold Townline Road, approximately 260 metres north of Brown Road, in the City of Niagara Falls, in the Region of Niagara (see **Figure 1**). The subject site is municipally addressed as 7972 Thorold Townline Road and is a portion of a larger parcel of land which extends south to Brown Road (the “**subject parcel**”). The subject parcel is approximately 3.8 hectares (9.4 acres) in size; however, only the northern portion of the subject parcel is subject to this minor variance application (i.e. the subject site).

The subject site is generally rectangular in shape with an area of approximately 8,199 metres, a frontage of approximately 67 metres along Thorold Townline Road and has a depth of approximately 121 metres. The subject site is currently used by FedEx as a mobile facility to distribute and transport goods. There are currently two mobile docks units with 18 loading spaces, an existing office trailer, and a portable washroom facility on the site. A fence encloses the subject site and there is one access gate off Thorold Townline Road. The site is generally flat and is comprised of a gravel surface.



Figure 1 – Aerial of Subject Site

The subject site is situated at the western edge of the Westlane community, an area predominantly characterized by the City's greenfield lands. The surrounding context includes agricultural properties, industrial operations, low-density residential development, and natural heritage elements.

2.0 PROPOSED MINOR ZONING BY-LAW APPLICATION

The purpose of this minor Zoning By-law application is to continue to allow for the current operations on the subject site and allow a Distribution Warehouse/Depot and Truck Transport of Goods. This will facilitate a modest expansion of the existing legal non-conforming uses on the site to include a Distribution Warehouse/Depot and Truck Transport of Goods in the applicable site-specific Heavy Industrial (HI-202) Zone.

The expansion of the existing use on the subject site is required to address additional demand from the Niagara Region community. More specifically, the proposed expansion would include the following:

- Similar uses to the current legal non-conforming use on the site;
- Increasing the loading dock capacity to process growing volumes in the area;
- An additional restroom trailers to serve the number of employees;
- Water and sewage tanks required to operate the restrooms will not require any earthworks or foundational structures, but will be located on concrete slabs to ensure stability during rainfall. The tanks help reduce the frequency of pumping waste from the site; and
- An administrative office trailer and quality assurance trailer which will not require any permanent structural buildings and foundations on the site.

It is important to note that no earthworks or foundational structures necessitating municipal water and wastewater infrastructure are required to service the expansion of the legal non-conforming uses on the subject site. In addition, City Staff noted that they have not identified any issues with the proposed servicing. In our opinion, the proposed development is modest and would facilitate the creation of new jobs in the City and Region and meets the legislative test for the expansion of a legal non-conforming use.

3.0 PLANNING AND REGULATORY FRAMEWORK

3.1 Planning Act, R.S.O. 1990, c. P.13

Section 34 of the *Planning Act* includes the legislated provision that gives municipalities the authority to pass and amend zoning by-laws. Section 34 gives municipalities a broad range of powers to regulate land use. These include the ability to create by-laws that:

- **Restrict Land Use:** Prohibit the use of land, buildings, or structures for specific purposes within a defined area (e.g., designating an area for residential use only).
- **Regulate Building Standards:** Set standards for building and structure characteristics, such as:
 - a. Height and size of buildings.
 - b. Minimum lot sizes and parcel dimensions.
 - c. Building setbacks, which are the required distances from a building to a lot line.
 - d. Parking and loading requirements for different types of uses.
- **Address Environmental Hazards:** Prohibit the erection of buildings on lands that are hazardous, such as areas prone to flooding, erosion, or that are contaminated.
- **Protect Natural Areas:** Prohibit land use or building on significant natural features like wetlands, woodlands, or wildlife habitats.

3.2 Niagara Region Official Plan

The Niagara Region Official Plan (“**NROP**”) (2022) is the Region of Niagara’s long-term strategic policy planning framework for managing growth, and the policies of the plan will guide land use and development in Niagara until 2051 and beyond. The NROP was approved by the Province in December 2023. Through *Bill 185, the Cutting Red Tape to Build More Homes Act, 2024*, Niagara Region is an upper-tier municipality without planning responsibilities and the NROP was deemed to be an official plan of the City of Niagara Falls (and of other municipalities within Niagara Region) as of March 31, 2025.

The NROP identifies the subject site within the *Urban Area - Designated Greenfield Area* on Schedule B – Regional Structure of the NROP.

Section 2.1.1 sets out policies for Regional Growth Forecasts. Specifically, Policy 2.1.1.1 identifies population and employment forecasts for all lower tier municipalities that are the basis for all land use decisions to 2051. Table 2-1 of the NROP identifies that by 2051 the City of Niagara Falls is forecasted to have a population of 39,690 and 12,510 employees. Policy 2.1.1.2 states that forecasts in Table 2-1 are a minimum.

Policy 5.2.2.12 provides that within urban settlement areas full municipal services are the preferred form of servicing. Partial services shall only be permitted in the following circumstances:

- a. where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or
- b. to allow for infilling and minor rounding out of existing development on partial services provided site conditions are suitable for the long-term provision of such services with no negative impacts.

For the reasons outlined herein, it is our opinion that the proposal conforms to the NROP and will allow for an employment use to continue.

3.3 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (“**OP**”), as amended, office consolidation January 1, 2024, was originally approved on October 6, 1993 by the Ministry of Municipal Affairs. The OP is intended to guide growth and development in the City to the year 2031. At the time of writing this letter, the City has begun the process of developing a new OP with an outlook to 2051 that will ultimately conform with the new NROP and Provincial policies.

The subject site is identified as Greenfield Area within the Urban Area Boundary on Schedule A1 – Urban Structure Plan of the OP. Table 1 of the OP provides that a total of 42,740 households and 53,640 jobs are to be accommodated in Niagara Falls by 2031.

Schedule A – Future Land Use of the OP designates the subject site as *Industrial*. Policy 8.2 provides that the primary uses permitted in areas designated *Industrial* will be for industry and that industry is defined as manufacturing, assembly, fabricating, processing, reclaiming, recycling, warehousing, distribution, laboratory and research, and storage. Policy 8.2 continues to note that all forms of service industries and utilities are included within this definition. Policy 8.2.1 states that uses ancillary to industrial operations including offices, retail and wholesale showrooms and outlets for products produced on the premises are permitted.

Policy 8.3 provides that several categories of industrial land use will be established in the Zoning By-law to accommodate a variety of industrial activities ranging from heavy to prestige use. Moreover, industrial zones will be arranged in a gradation with the lighter,

more prestige type industries located near residential areas and other sensitive land uses. In the zoning of lands for industrial purposes, regard will be had to the following objectives, among others:

- To group industries with similar characteristics and performance standards;
- To provide a suitable environment for industrial operations, free from interference and restriction by other uses; and
- To minimize potential land use conflicts caused by the indiscriminate mixing of heavier and light industrial types.

Municipal infrastructure policies are provided in Part 3 Section 1 of the OP. Policy 1.2.4 provides that development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.

For the reasons outlined herein, it is our opinion that the Proposal conforms to the City of Niagara Falls OP and will infill and redevelop an industrial designated site in a manner that is compatible with surrounding land uses.

3.4 City of Niagara Falls Zoning By-law No. 79-200

The in-effect City of Niagara Falls Zoning By-law No.79-200 (the “**ZBL**”), as amended, zones the subject site as Heavy Industrial (“**HI**”) zone with a site-specific exception applied via By-law No. 1989-266 (“**HI-202**”).

The HI Zone permits a range of heavy industrial uses, including, but not limited to: manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials; cement manufacture; fertilizer processing plant and; iron and steel plant.

Site-specific By-law No.89-266 permits a metal scrap yard, in addition to a single detached dwelling in accordance with regulations contained in clauses c – f of the Residential R1C Density zone. Additionally, the subject parcel was subject to a previous Committee of Adjustment Decision (A-2019-011) to permit the use of a used car lot on the property.

This Minor Zoning By-law application seeks to expand the legal non-conforming uses on the subject site to include a Distribution Warehouse/Depot and Truck Transport of Goods. In this regard, the current use has existed since prior to 1989, which is when By-law 89-266 came into effect, and prior to 1979, which is when Zoning By-law 79-200 came into effect.

4.0 PLANNING OPINION

In our opinion, the proposed use is consistent with the established operations on the site and would not propose any new uses. The site-specific permission would allow the site to expand and service the nearby community without the addition of any permanent buildings. The proposed expansion would increase capacity for the operation, provide amenities to employees in line with health and safety requirements, and does not necessitate any foundational or earth works for new structures.

- The uses proposed are already existing on the site, and the proposed expansion is reflective of the growing community demand for the logistical services provided by the site, which support local business and residents.
- The proposed expansion to the existing uses are comprised of structures that do not require any foundations or earthworks. Despite their long-term anticipated use and operations, the structures themselves are movable and can easily be disassembled.
- The proposed expansion of the existing legal non-conforming use is less impactful on the surrounding area than other as-of-right permitted uses on the site.
- In line with the envisioned employment uses for the subject site, the proposed expansion will generate additional employment opportunities for the community.

Based on the foregoing, it is our opinion that a site specific zoning by-law that allows for current operations on the site to continue, where the Distribution Warehouse/Depot and Truck Transport of Goods use be included as a Site-Specific Permitted Use for the Heavy Industrial zone by way of Special Provision, is minor in nature, desirable, and compatible with current zoning and Official Plan policies.

Furthermore, the proposal allows for an appropriate transitional use that utilizes the subject site, which will not negatively impact the surrounding community or preclude future development. Accordingly, it is our opinion that the proposed expansion of a legal non-

conforming use is modest in size and scale whereby it will function similar to the existing uses on the site and it is in the public interest as it will facilitate new jobs in the community while operating in a similar fashion to what exists today. For all these reasons and more, it is our opinion that the proposed development is desirable in land use planning terms and should be approved.

From an official plan perspective, the proposal will help accommodate new jobs on a site within the urban boundary in accordance with the NROP and the proposed partial services within the urban boundary are to allow for infilling of an existing use, which conforms to Policy 5.2.2.12 b) of the NROP. Similarly, the proposed development will help the city achieve its population and job targets in the OP and the proposed use is permitted with the current *Industrial* designation that applies. Also, Policy 1.2.4 of the OP states that urban areas shall be accommodated based on full municipal services if available and in these circumstances, they are currently not available and when they are the subject site will connect and allow for a greater range of uses and intensification.

5.0 CONCLUSION

Based on the above, we respectfully request that the City approve the proposed Minor Zoning By-law Amendment application.

Should you require any additional information or clarification, please feel free to contact the undersigned at dfalletta@bousfields.ca or 416-418-5422.

Respectfully submitted,
Bousfields Inc.



David Falletta, MCIP RPP