

## **PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT**

Proposed Official Plan and Zoning By-law Amendment to permit  
Additional Height, Use and Minimum Lot Area for

**3665 Macklem Street, Niagara Falls, ON  
(Vedas Developers)**

July 2025  
Quartek Project #22146



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## **A. INTRODUCTION**

Quartek Group Inc. (Quartek) was retained by Dhruvkumar Thakkar – Veda Developers (Owner/Applicant) to prepare this Planning Justification Report for an application to amend the Official Plan and Zoning By-law to permit an apartment use with an increase in building height above what is currently permitted with site specific minimum lot area requirements.

A pre-consultation meeting took place on April 17th, 2025, to propose the development of a 5-storey apartment building. An Official Plan amendment is required as the areas Official plan designation does not permit new developments in the Chippawa Satellite District in excess of 4 storeys in height. Since the use doesn't comply with the existing Official Plan Designation the permission would be subject to approval through an Official Plan Amendment.

Additionally, a zoning amendment is required to permit the 5-storey apartment building as it exceeds the height provision of the zoning by-law, where a maximum of 19 metres is permitted, but a maximum of 21 metres is being sought and for the minimum lot area. Please refer to the pre-consultation agreement found in [Appendix A](#).

According to the City and Regional requirements, in addition to the Planning Justification Report, the following technical studies and drawings were completed to support the proposed development and have been included with the applications:

- Conceptual Site Plan Layout
- Floor Plans
- Coloured Elevations
- Draft Zoning By-law Amendment and Schedule
- Planning Justification Report – inclusive of Housing Impact Study and Affordability.
- Archaeology Warning Clause
- Noise Impact Study

The purpose of this Report is to describe the site, and its surrounding lands uses, outline the proposed use, summarize the relevant planning policies and regulations, outline the proposed zoning by-law amendment, and provide the justification and rationale for approval of the 5-storey apartment building.



## **B. SITE CONTEXT**

The subject lands are located on the west side of Macklem Street, municipally referred as **3665 Macklem Street**, and legally described as PLAN 251 PT MACKLEM POTATO FIELD; PLAN 251 PT GARDEN PLOT.

The subject property is currently vacant and is designated as Tourist Commercial based on the City's Official Plan. The subject property is zoned Residential Apartment 5C Density Zone (R5C-979) Zone in accordance with Zoning By-law No. 79-200, as amended by site specific By-law No. 2013-032 and further amended by Committee of Adjustment Decision A-2020-018.

The lot occupies 0.860 ha of area with 49.1 metres of frontage along Macklem Street.



**FIGURE 1 : SUBJECT LANDS (SOURCE : NIAGARA NAVIGATOR)**

**-- SUBJECT LANDS**





**FIGURE 2: SUBJECT LANDS AERIAL (SOURCE: NIAGARA NAVIGATOR)**



**FIGURE 3: STREET VIEW OF SUBJECT LANDS (GOOGLE MAPS)**





## B.1 Surrounding Land Uses

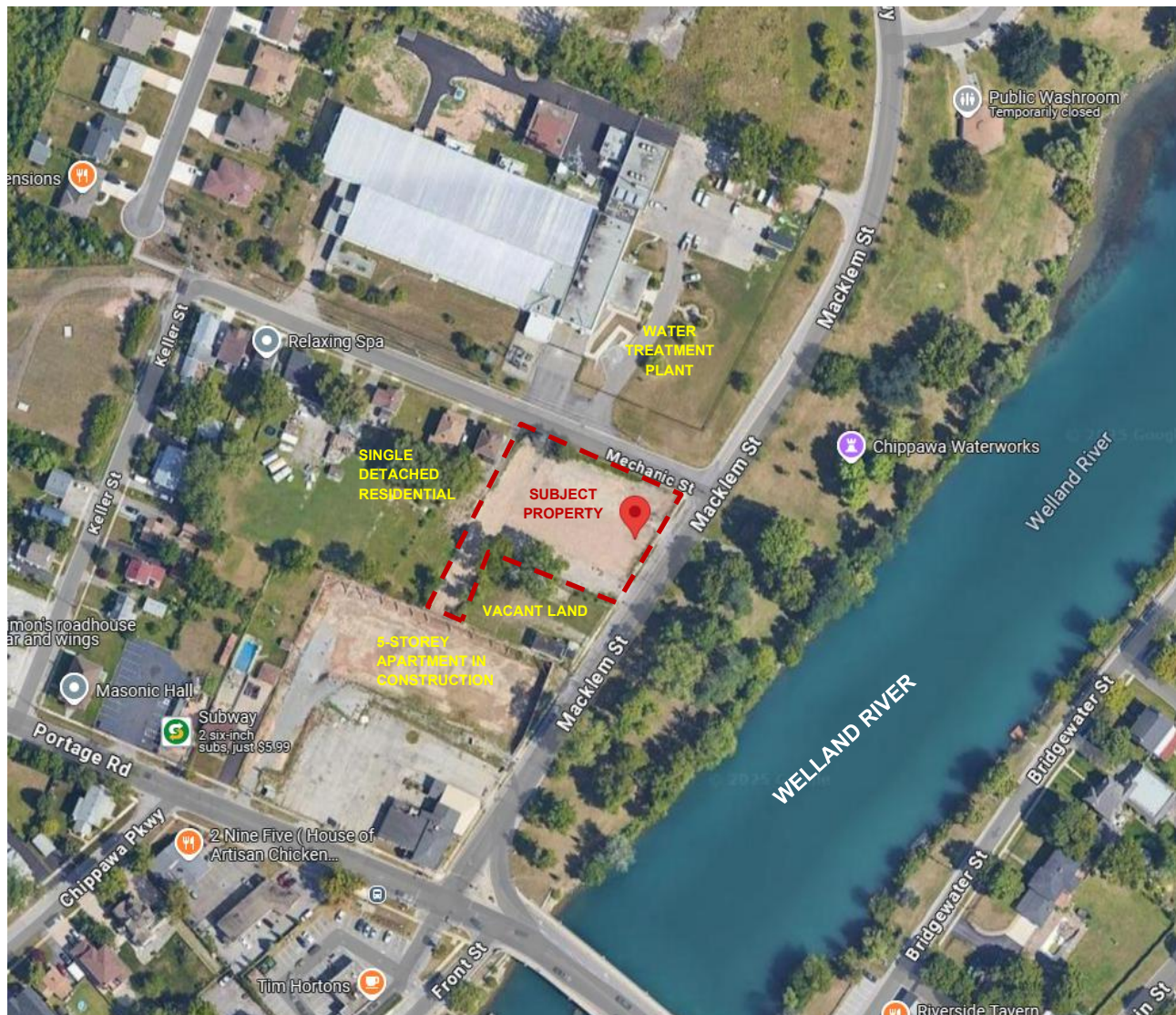
The following describes the surrounding land uses to the proposed development:

**North:** Niagara Falls Water Treatment Plant

**East:** Single detached Residential

**South:** Vacant Land (5-storey apartment under construction)

**West:** Welland River



**FIGURE 4: SURROUNDING LAND USES (SOURCE: GOOGLE EARTH)**



### **C. PROPOSED DEVELOPMENT**

The subject property is currently zoned as **Residential Apartment 5C density** reserved for

- (a) An apartment dwelling
- (b) A stacked townhouse dwelling
- (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14

A zoning by-law amendment is required to permit deficiency in lot area and height.

The City's Official Plan currently designates the parcel as Tourist Commercial and new developments in the Chippawa Satellite District shall be no more than 4 storeys in height and designed in a manner which is compatible with the historic village character. (**Section 4.2.41**)

The proposed use will add residential uses to a mixed uses area.

Setbacks will be used to establish privacy for the existing single detached residences towards the west within the site and also the neighbouring property to the south. The existing and proposed vegetated buffer acts as a noise attenuation feature and provides privacy for the neighbouring properties.

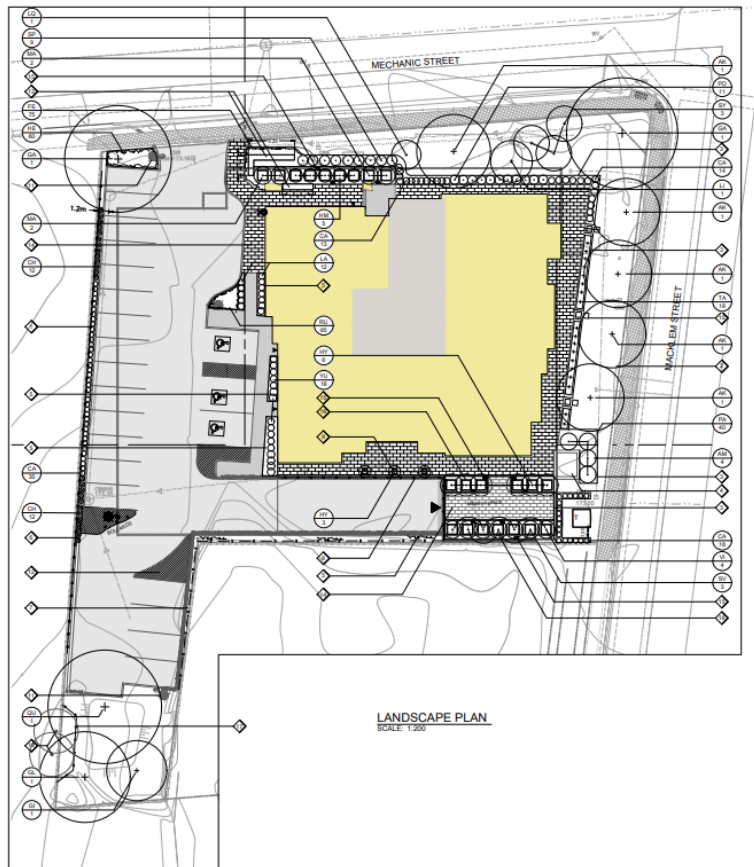
Figure 5 and 6 provides the layout of the conceptual site plan and location of the proposed use providing sufficient setbacks in relation to the adjacent land uses along the common property line shared by the adjacent property owners.

Refer to **Appendix B** for the conceptual site plan.

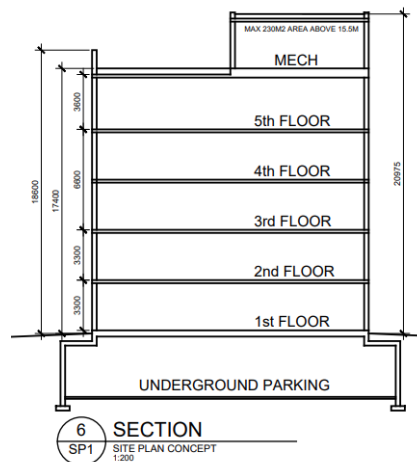


**FIGURE 5: PROPOSED APARTMENT BUILDING (SOURCE: NIAGARA NAVIGATOR)**





**FIGURE 6: PROPOSED SITE PLAN – 5-STOREY APARTMENT BUILDING – 3665 MACKLEM STREET, NIAGARA FALLS, ON**



**FIGURE 7: PROPOSED BUILDING HEIGHT – 3665 MACKLEM STREET, NIAGARA FALLS, ON**



**FIGURE 8: SOUTH ELEVATION – PROPOSED DEVELOPMENT**



**FIGURE 9: EAST ELEVATION – PROPOSED DEVELOPMENT**



**FIGURE 10: NORTH ELEVATION – PROPOSED DEVELOPMENT**



**FIGURE 11: WEST ELEVATION – PROPOSED DEVELOPMENT**



## **D. PLANNING POLICY ANALYSIS**

### **D.1 Planning Act, R.S.O. 1990, c.P.13**

The Planning Act (January 1, 2025, Consolidation) sets out the basis for land use planning in Ontario.

**Section 1.1** - The purposes of this Act are,

- a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- b) to provide for a land use planning system led by provincial policy;
- c) to integrate matters of provincial interest in provincial and municipal planning decisions;
- d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
- e) to encourage co-operation and co-ordination among various interests;
- f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4.

The proposed development is a residential building. Though it doesn't contribute towards a sustainable economic development the rest of it applies.

**Section 2** - The Planning Act addresses matters of Provincial interest and requires municipal Council to have regard to matters such as the protection of ecological systems and agricultural resources; conservation of significant architectural, cultural, historical, archaeological, or scientific interest; supply, efficient use and conservation of energy and water; adequate provision and efficient use of transportation, sewage, water services, and waste management systems; orderly development of safe and healthy communities; accessibility for persons with disabilities to all facilities, services; provision of a full range of housing, including affordable housing; protection of the financial well-being; and protection of public health and safety.

**Subsection 3** requires that a decision of Municipal Council, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Planning Statement (PPS).

**Section 21** Except as hereinafter provided and except where the context requires otherwise, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, and the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and section 17 applies to any such amendment or repeal.

**Section 34** of the Act permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material to the Council including public consultation when required.

Having regard for the Planning Act, the Owner/Applicant has completed the necessary technical studies that evaluate the proposed apartment building in the property. Furthermore, the application





and required planning review fees for the requested amendments to the Zoning By-law and Official Plan Amendment seeking approval from the City Council was provided.

## **D.2 Provincial Planning Statement**

The Provincial Planning Statement 2024 (PPS) was issued under Section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that was previously in effect.

The Provincial Planning Statement (PPS, 2024) provides the policy foundation for regulating land uses in Ontario. Ontario's land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.

The policies applicable to the proposal have been considered to determine the appropriateness of the development.

### **Section 2.1 Planning for People and Homes**

1. As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.
2. Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.
3. At the time of creating a new official plan and each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon. Where the Minister of Municipal Affairs and Housing has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan. At the time of the municipality's next official plan update, this additional growth shall be incorporated into the official plan and related infrastructure plans.
4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
  - a. maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and
  - b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
5. Where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality identified in policy 2.1.4 shall be based on and



reflect the allocation of population and units by the upper-tier municipality.

## Section 2.2 Housing

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

## Section 2.3 Settlement Areas and Settlement Area Boundary Expansions

### 2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

## Section 3.2 Transportation Systems

2. Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

The proposed development provides an appropriate mix of housing options available in the neighborhood to accommodate significant population and employment growth. The location for the 5-storey apartment building is ideal because of the proximity to commercial and amenity spaces in within the community of Chippawa.

## D.3 Niagara Regional Official Plan

The Niagara Region's Official Plan (NOP), November 2022 was adopted by Regional Council in June 2022 and received the Ministry of Municipal Affairs and Housing approval in November 2022.

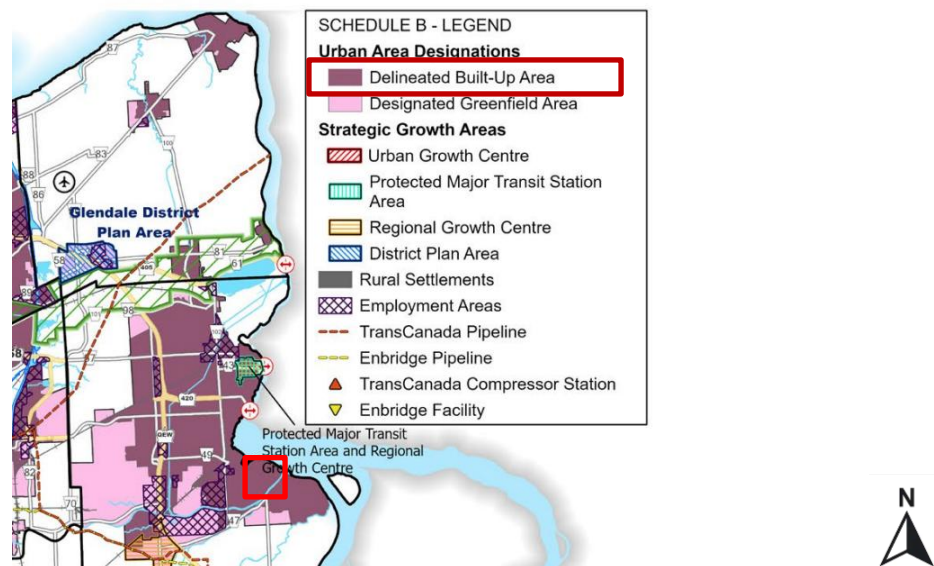


The NOP includes expansions to the urban settlement boundaries, enhanced policies, and new mapping of the natural environmental system, updated mapping and more concise text revisions to the policies. Recently, the Province has rescinded the Region's planning authority as of April 1, 2025, requiring the City to be in compliance with both the Regional Official Plan and the City's Official Plan.

The NOP is the framework used to guide land use and development in Niagara thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The economy, cultural heritage and community health have on growth. The Plan manages growth by identifying what needs protection; where and how to grow; and which policy tools need to guide growth.

The Niagara Regional Official Plan designated the site as **Delineated Built-up Area (Schedule B)**.

Please refer Figure 10 for Official Plan Designation – Schedule B



**FIGURE 12: NIAGARA REGIONAL OFFICIAL PLAN DESIGNATION – DELINEATED BUILT-UP AREA**

## Section 2 Growing Region

### Section 2.2 Regional Structure

The objectives of this section are as follows:

- manage growth within urban areas;
- accommodate growth through strategic intensification and higher densities;
- protect and enhance the character of rural settlements;
- plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and
- promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.



The proposed development is a transit supportive development with transit stops right along Portage Road and frequent bus services. Amenities are also located in very close proximity encouraging a walkable neighborhood and the proposed development can accommodate growth through strategic intensification and higher density in an efficient way. The subject property is appropriate for residential intensification as it is a predominantly residential neighborhood with a similar 5-storey apartment along the same street.

#### **D.4 City of Niagara Falls Official Plan**

The City of Niagara Falls Official Plan (NFOP) is a document outlining the long-term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of the necessary infrastructure. It is the intent of the NFOP to focus new growth to accommodate people and jobs in a sustainable fashion 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.

##### Growth Objectives:

1. To direct growth to the urban area and away from non-urban areas.
2. To protect Natural Heritage Areas and their functions.
3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.
4. To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.
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.
6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review:

The City's Official Plan designates the property as **Tourist Commercial** land use.

#### **Section 4 Tourist Commercial**

This Official Plan establishes policies for the Tourist Commercial Area which emanate from the Niagara Falls Tourist Area Development Strategy and public consultation. The overall emphasis of that strategy is to improve the physical setting of the Tourist Area, creating a world-class tourist destination which fosters increased visitor spending, lengthens visitor stays and extends the tourist season.

The policies have been established within an overall planning framework based on the following objectives:

- to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;





## General Policies

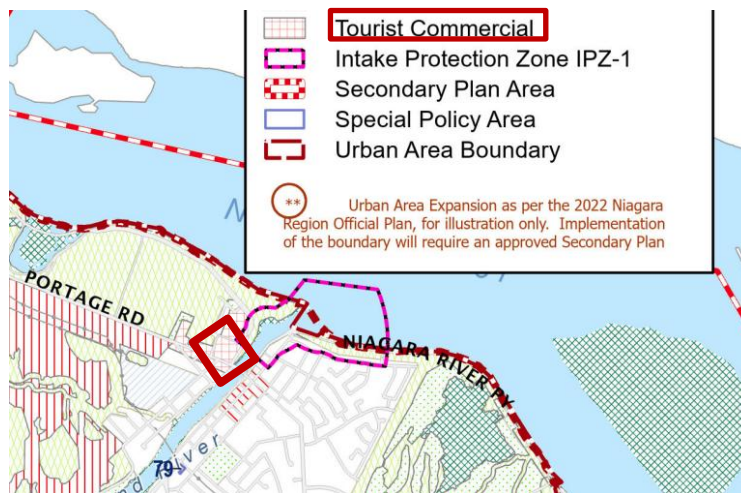
### Chippawa Satellite District

4.2.39 The Chippawa Satellite District shall be developed in a manner which enhances its role and function as a historical village. Development shall be restricted to small-scale commercial and residential uses which relate to and respect the existing fabric of the village and respond to its historical setting.

4.2.40 The enhancement of the Chippawa Battlefield Site and its retention as a historically important open space shall be encouraged, as shall the provision of additional historically-related uses.

4.2.41 New developments in the Chippawa Satellite District shall be no more than 4 storeys in height and designed in a manner which is compatible with the historic village character.

**Schedule A** further identifies the subject lands as within the Agriculture and Conservation Area.



**FIGURE 13: CITY OF NIAGARA FALLS - LAND USE PLAN (SCHEDULE A)**

The proposal will contribute to the mix of housing types available in the neighborhood. The proposed development is appropriate given the nature of the neighborhood, adds on to the nature of the neighborhood, which is predominately mixed use. Additionally, proximity of commercial uses will result in reduced reliance on vehicles.

### Section 4.2.6 – Land Use – Tourist Commercial

Based on the City's Official Plan, the Chippawa Satellite District shall function as a historical village with a minor supporting commercial role. Set in a village atmosphere, Chippawa offers shops, restaurants and small-scale accommodations to the travelling public.

The proposed use ensures enough privacy for its adjacent property owners by providing adequate setbacks from its neighbouring properties and matching with the existing neighborhood.

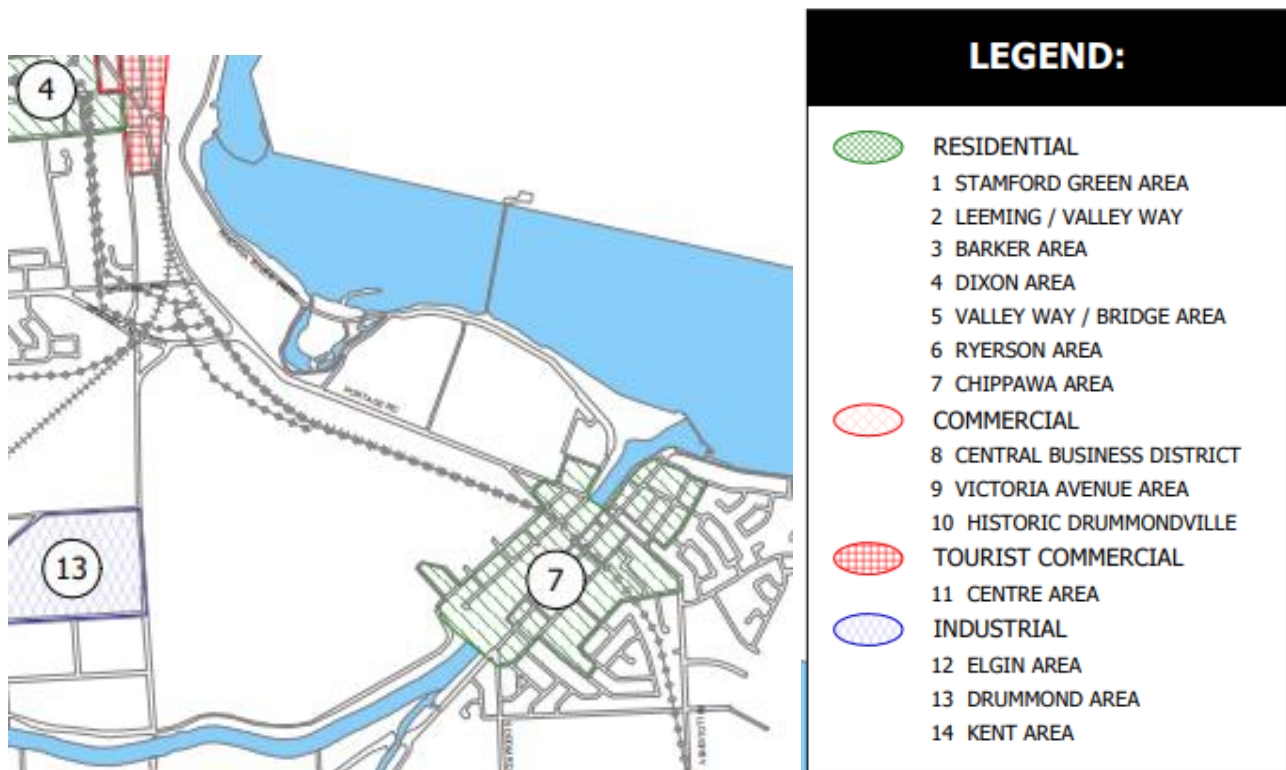


However, based on Section 4.2.41 the proposed development does not comply with the building height requirement of 4 storeys and will require an Official Plan Amendment. The proposed development requests an addition of one-storey. This would reflect an area in transition as the proposed height matches the building height of the multi-residential building being proposed adjacent to the subject property.

The proposed development has minimal impact as the adjacent properties have multiple routes to access the major road and hence the traffic can be regulated in the neighborhood.

The proposed use aligns with the area character blending along with other residential uses in the property. A 5-storey apartment building is also currently being constructed on 3779 Macklem Street with access along both Macklem Street and Portage Road. The proposed development is purely residential and hence there are no concerns about unexpected traffic caused due to commercial units if proposed in the building otherwise.

The proposed development will contribute towards providing a broader range of housing options to the community of the Village of Chippawa, and the City of Niagara Falls. Additionally, the subject property falls within the Community Improvement Areas – Chippawa. (Appendix V)

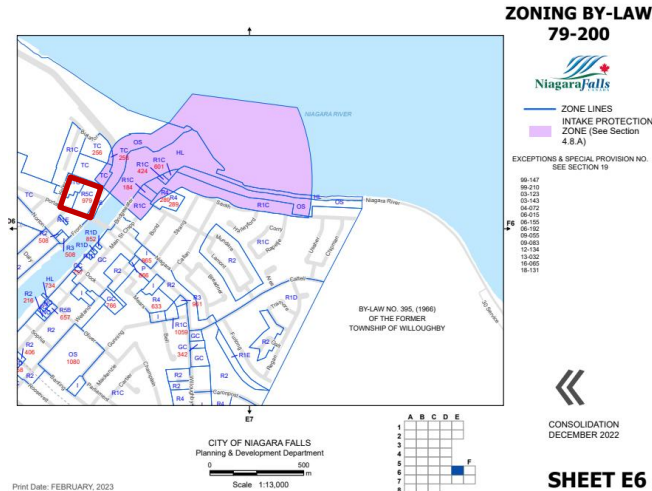


**FIGURE 14: COMMUNITY IMPROVEMENT AREA - APPENDIX V**



## D.5 Town of Niagara-on-the-Lake Zoning By-law

According to Schedule A – top half, of the Town's Zoning By-law 79-200, the subject lands are zoned as **Residential Apartment 5C Density** and has a **Site-Specific Zoning 2013-032**. Figure 15 shows the location of the lands.



**FIGURE 15: ZONING BY-LAW SCHEDULE E6 – ZONING BYLAW 79-200**

### Section 7.12 Residential Apartment 5C Density Zone

The Residential Apartment 5C Density is intended for

- (a) An apartment dwelling
- (b) A stacked townhouse dwelling
- (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14

Though the proposed use falls within the permitted uses it requires a zoning bylaw amendment for building height and minimum lot area.

The following table provides the zoning provisions for the Residential Apartment 5C Density (R5C) and the requested amendments to facilitate the development.

**TABLE 1 – SECTION 7.12 – RESIDENTIAL APARTMENT 5C DENSITY ZONE (R5C ZONE) – BYLAW 79-200**

ZONE REGULATIONS	REQUIRED	PROPOSED
Minimum Lot Frontage	30 metres	49.1 metres
Minimum Lot Area	89 square metres for each dwelling unit 89 square metres x 45 units = 4,005 square metres	70.9 square metres for each dwelling unit 70.93 square metres x 45 = 3,192 square metres
Maximum Lot Coverage	42% (By-law No. 2013-32)	27.9% (892 square metres)
Minimum Front Yard	7.5 metres	7.5 metres (rounded up as per section 4.43(d))



ZONE REGULATIONS	REQUIRED	PROPOSED
Minimum Interior Side Yard	7.5 metres (By-law No. 2013-32)	9.0 metres (rounded up as per section 4.43(d))
Minimum Exterior Side Yard	7.5 metres	7.6 metres
Minimum Rear Yard	7.5 metres (By-law No. 2013-32)	18.8 metres
Maximum Building Height	18.15 metres is proposed for the 230 square metres roof - top penthouse and amenity area. (A-2020-018)	Building Roof: 18.9 metres Mechanical Penthouse Roof: 21 metres and 140 sq.m. rooftop penthouse and amenity space
Number of Apartment dwellings on one lot	1 only	1 apartment dwelling
Parking and access requirements	1.1 parking spaces for each unit: 45 units x 1.1= 49.5 parking spaces	63 parking spaces (21 surface spaces & 42 structure spaces)
Surface parking stall width	2.75 metres 3.0 metres	2.75 metres 3.0 metres
Surface parking stall length	6 metres	6 metres
Surface parking aisle width	5.9 metres (for parking spaces at least 3m) 6.3 metres (for parking spaces 2.75m in width)	5.9 metres 6.3 metres
Building or structure parking stall width	2.75 metres	2.75 m
Building or structure parking stall length	6 metres	6 m
Building or structure aisle width	6.3 m	6.3 m
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14 Balconies: 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 1.8 m and into a required side yard a distance of not more than 0.45 metres	Balcony projects 1.3 metres into the required front yard.  Balcony does not project into the required rear yard  Balcony projects 0.31 metres into the required interior side yard
Permitted encroachments	An open balcony may encroach into the required exterior side yard a distance of not more than 2.5 metres (By-law No. 2013-32)	Balconies project 2.5 metres into the exterior side yard
Minimum Landscaped Open Space Area	36% of the lot area (By-law No. 2013-32)	37.9%
Minimum amenity space for an apartment dwelling unit	In accordance with section 4.44 A minimum amenity space of 20 square metres per dwelling unit shall be provided.	903 sq.m





## **E. PROPOSED ZONING BYLAW AMENDMENT**

### **Requested Zoning Bylaw Amendment:**

The proposal offers an economic opportunity that aligns with the community vision while maintaining a similar use. As displayed in Table 1, the development will request two amendments to the existing R5C-979 zoning provisions.

### **R5C – 979, Site specific Bylaw 2013-032 - xx**

1. Permitting the proposed minimum lot area – 70.9 square metres for each dwelling unit.
  - i. 70.93 square metres x 45 = 3192 square metres
2. Increasing the building height to permit an additional storey.
  - i. Building Roof – 18.6 metres
  - ii. Mechanical Penthouse Roof – 20.9 metres

### **Setbacks:**

The proposed use is aligned along with Mechanic Street and Macklem Street providing enough setbacks from the existing single detached dwelling towards the west (7.7 metres) and 5-storey multi residential building towards the rear of the property (9.8 metres).

The noise privacy concerns caused by vehicles passing by the street has been addressed by providing vegetative buffer along the streets whilst maintaining setbacks. For further details please also refer to the Noise Impact Study prepared for this development.

## **F. PLANNING IMPACT ANALYSIS**

Having regard to the potential impacts from the proposed development, the planning exercise of determining the appropriate scale and location of the proposed apartment building considered the following:

- Offering a mix of housing types mixed use neighborhood.
- Access to nearby amenities and employment opportunities.
- Maintaining appropriate setbacks and providing landscaped screening to limit the potential impacts towards adjacent uses.
- Providing a conscious and adapting use that makes more efficient use of the property.

### **F.1 Policy Conformance**

In conformity with the Provincial Planning Statement, the subject lands are designated for Tourist Commercial and will serve as Residential as per the City's Official Plan. Although designated Tourist Commercial in the Official Plan, the designation permits residential uses up to 4 storeys in height, hence the Official Plan Amendment to permit an additional storey. The proposed use is appropriate for the neighbourhood, and the extra storey will have minimal impacts in the area due to appropriate siting of the built form on the property.



The development will be connected to the community through the use of existing infrastructure. The proposed development represents an excellent access to parks, commercial uses nearby for shopping and making the proposed development an ideal place for working families hence being consistent with the policies of the PPS.

In conformity with the Regional Official Plan policies, the proposed use will contribute towards achieving the offering of alternative mix of housing types than what currently exists. The proposed use can be considered appropriate development given the nature of the use that adapts with the existing environment.

## **F.2 Compatibility with Adjacent Land Use**

The subject property in whole has been compatible with the adjacent neighborhood giving a harmonious blend of uses in the neighborhood. A balanced approach has been considered by keeping in mind the number of storeys that is being proposed in the neighborhood and limits to just one additional storey to not contradict with the neighborhood character.

While residential use is permitted within the Tourist commercial designation, an Official Plan and Zoning Bylaw Amendment is required to permit the proposed height/additional storey along with the lot area provisions.



**FIGURE 16: SURROUNDING CONTEXT – CHIPPAWA WATERWORKS – HISTORIC LANDMARK (EAST)**

As shown on Figure 16 3664 Macklem Street, Niagara Falls, ON has a historic landmark that is located right at the intersection at Macklem Street and Mechanic Street.

As shown on Figure 17 – the property located on 3769 Macklem Street is right adjacent to the subject property towards the rear. The property is currently a vacant land with access along Macklem Street.





**FIGURE 17: SURROUNDING CONTEXT – 3769 MACKLEM STREET, NIAGARA FALLS, ON (SOUTH)**



**FIGURE 18: SURROUNDING CONTEXT – 3779 MACKLEM STREET, NIAGARA FALLS, ON (SOUTH)**

As shown on Figure 18, the property located at 3779 Macklem Street has an ongoing construction of a 5-storey multi-residential development. The property is located south of the subject property and provides vehicular entrance through both Macklem Street and Portage Road. The property is not affected by the proposed use as the development faces towards Mechanic Street.





**FIGURE 19: SURROUNDING CONTEXT – 3559 MACKLEM STREET, NIAGARA FALLS, ON (NORTH)**

Figure 19 shows the location of the water treatment plant towards the other side of Mechanic Street. Based on a previous noise study that was prepared by dBa Acoustical Consultants Inc. in 2012, it was indicated that the noise impact created by the water treatment plant was negligible.



**FIGURE 20: SURROUNDING CONTEXT – 8085 MECHANIC STREET, NIAGARA FALLS, ON (WEST)**





As shown in Figure 20 the single detached units along mechanic street go uphill as travelled away from the proposed development. Hence, the proposed 5-storey development doesn't create negative visual impact in the neighborhood.

### F.3 Traffic and Access

The proposed development will use Mechanic Street as the lot frontage and access for vehicular access. Waste collection will also happen at the rear of the building. Noise impacts will be negligible considering the underground parking for most vehicles and amenity space located towards Macklem Street towards the rear side of the building.

### F.4 Municipal Site Servicing

#### Water Supply:

There is an existing 300mm diameter cast iron watermain on the north-west side of Macklem Street. It is proposed to supply the new development with a 150mm diameter fire protection line and a 100mm diameter domestic water service, both appropriately valved and separately connected to this 300mm diameter pipe.

We understand that the existing watermain on Macklem Street, particularly given the site's location adjacent to the Niagara Falls Water Treatment Plant, has adequate water supply and pressure to cater for maximum day plus fire demands for the proposed development. If required, the water supply and pressure can be confirmed with hydrant flow tests coordinated through the City's Environmental Services Division.

#### Sanitary Sewer:

We understand that there is currently an existing 450mmØ gravity sewer fronting the property on Macklem Street, running from north-east to south-west at 0.19% slope, and that the on-site buried sanitary sewage system can connect to and outlet to this existing sewer.

The downstream sanitary sewers are shown on drawings CC-4225 and CC4224, provided by the City. Sanitary sewers affected by this development include the previously mentioned 84.4m sanitary sewer from station 0+190 to station 0+105, a 86.4m sanitary sewer from station 0+105 to station 0+019, and a 23.6m sanitary sewer from station 0+019 to the existing trunk sewer.

### F.5 Garbage Waste Collection

The proposed development has a temporary waste holding location at the parking area used on waste collection day only for immediate pickup. Bins are returned to the underground storage room following collection.

### F.6 Natural Heritage and Environmental Considerations

The subject property does not fall within an area of **archaeological potential** on Schedule K of the Niagara Official Plan. Based on the pre-consultation comments received from the City, the Department of Consultation and Accommodation (DOCA) consultation team was able to review the



project related correspondence and documentation and is comfortable waiving the Stage 1 requirement. The subject property also does not fall within lands identified with natural heritage features and hence an Environmental Impact Study (EIS) won't be required by the Region.

## **F.7 Noise**

The subject property is located adjacent to the Water treatment plant. The noise study prepared by JJ Acoustics has determined that the potential environmental noise impact from road traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning and noise warning clauses. Road traffic noise control requirements for the site were determined based on road traffic volumes provided by the City of Niagara (City) and forecasted to 20 years from the date of this study. JJAЕ has supplied traffic data in Attachment B.

The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:

- **Warning Clause Type C** should be registered on Title and/or included in all agreements of purchase and sale and/or leases and/or disclosure statements and declarations for the development for all units.
- JJAЕ and the Client Requirement for **Air Conditioning** for the entire building. Outdoor Living Area:
- **Warning Clause Type A** should be registered on Title and/or included in all agreements of purchase and sale and/or leases and/or disclosure statements and declarations for the development for all units.

The stationary noise impacts from the neighboring buildings to the site were evaluated and the sound level predictions were determined to be below the noise limits for all façades and the Outdoor Living Area (OLA).

The proposed development has provided vegetative buffer along Macklem Street and Mechanic Street to address the noise concerns for its users.



## **G. SUMMARY AND CONCLUSIONS**

The proposed development represents an appropriate land use for the following reasons:

1. It conforms to the policies for intensification and the efficient use of land and existing infrastructure within the urban area, as well as policies for encouraging infill residential development as contained in the Provincial Planning Statement, Niagara Region Official Plan, and the City's Official Plan.
2. The proposed development will diversify housing options while utilizing setbacks and design principles to conform to the neighbourhood identity.
3. The proposed development will contribute to the achievement of a complete, safe community by offering pedestrian sidewalks with close connection to community facilities
4. The proposed development can efficiently connect to the existing infrastructure (water, sanitary and storm sewers) thereby contributing to environmental sustainability.

The proposed development will implement the principles of urban design and represents good land use planning.

Prepared By:

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Intern Urban Planner

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Adam Moote, MCIP, RPP  
Senior Consulting Planner



## **H. REFERENCES**

1. Planning Act, R.S.O. 1990, c. P.13, Ministry of Municipal Affairs and Ministry of Housing
2. Provincial Policy Statement, Ministry of Municipal Affairs and Ministry of Housing (2024)
3. Niagara Regional Official Plan 2022
4. City of Niagara Falls Official Plan
5. City of Niagara Falls Zoning By-law 79-200
6. Site specific Bylaw - 2013-032
7. Committee of Adjustment decision A-2020-018





## **APPENDIX A – PRE-CONSULTATION AGREEMENT**



**APPENDIX B – CONCEPTUAL SITE PLAN**



## **APPENDIX C DRAFT ZONING BY-LAW AMENDMENT**

### **CITY OF NIAGARA FALLS**

#### **By-law No. 2025-XX**

A by-law to amend site-specific bylaw no. 2013-032 to rezone the Lands to Residential 5C Density (R5CXX) site-specific zone.

#### **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 site-specific 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 provisions of site-specific By-law No. 2013-032, to permit the use of the Lands 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 provisions of this by-law are to prevail.
3. Notwithstanding any provision of site-specific By-law No. 2013-032 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The regulation governing the permitted use of the Lands shall be:
  - a) Permitting the proposed minimum lot area – 70.9 square metres for each dwelling unit.
    - a. 70.93 square metres x 45 = 3192 square metres
  - b) Increasing the building height to permit an additional storey.
    - a. Building Roof – 18.6 metres
    - b. Mechanical Penthouse Roof – 20.9 metres
5. All other applicable regulations set out in site-specific By-law No. 2013-032 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 E6 of Schedule "A" of Bylaw No. 79-200 by redesignating the Lands from R5C-979, to RC and numbered XXXX.
9. Section 5 of By-law No. 2013-032 is amended and adding thereto:



Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2025.

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

**Schedule – Zoning Bylaw Amendment:**



**LEGEND**



**Subject Land - Change R5C (2013-032) Zone to R5C-XX Zone**





## APPENDIX D 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.

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**WILLIAM G. MATSON, ACTING CITY CLERK**

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**JAMES M. DIODATI, MAYOR**

**First Reading:**

**Second Reading:**

**Third Reading:**



## Schedule – Official Plan Amendment:



### LEGEND

- Subject Land - Tourist Commercial Zone to Site-specific Tourist Commercial Zone