

## CITY OF NIAGARA FALLS

### By-law No. 2023-023

A by-law to provide for the adoption of Amendment No. 147 to the City of Niagara Falls Official Plan.

**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 constituting Amendment No. 147 to the City of Niagara Falls Official Plan is hereby adopted.
2. This by-law will come into force and effect on the day of the approval of the amendment by the Regional Municipality of Niagara.

Passed this twenty first day of March, 2023.



WILLIAM G. MATSON, CITY CLERK



JAMES M. DIODATI, MAYOR

First Reading: March 21, 2023  
Second Reading: March 21, 2023  
Third Reading: March 21, 2023

## **OFFICIAL PLAN AMENDMENT NO. 147**

### **PART 1 – PREAMBLE**

#### **(i) Purpose of the Amendment**

The purpose of the amendment is to update existing policies and introduce new policies within the City of Niagara Falls Official Plan respecting employment lands that implement the recommendations of the City of Niagara Falls Employment Lands Strategy.

#### **(ii) Location of the Amendment**

The amendment applies to all lands within the City of Niagara Falls currently designated for employment (industrial) uses as well as those lands proposed to be re-designated as part of this amendment, either from a current employment (industrial use) to a new land use or from an existing land use to an employment land use.

#### **(iii) Details of the Amendment**

##### **Map Change**

- Schedule A is amended to illustrate the City's designated employment lands. The 'Industrial' land use designation within the legend of Schedule A is amended such that the word 'Industrial' is replaced with the word 'Employment'
- Schedule A-5 is amended to illustrate the recommended conversions within the Transit Station Secondary Plan
- Schedule A-7 is a new schedule depicting the City's employment lands, Employment Areas, and the Gateway Economic Zone.

##### **Text Change**

- The amendment updates Section 8 - Industrial of the Official Plan to address issues of consistency and conformity with Provincial and upper-tier plans, as well as general reorganization.
- Minor revisions were made throughout the Official Plan, related to the replacement of the word 'Industrial' with the word 'Employment' and other clarifications respecting employment lands and Employment Areas.

#### **(iv) Basis of the Amendment**

Watson & Associated Economists Ltd (Watson), in partnership with Dillon Consulting Ltd (Dillon), and MDB Insight Inc. (MDB), were retained in the winter of 2020 by the City of Niagara Falls to conduct an Employment Lands Strategy with the intent to provide a long-term vision and planning policy framework for the City to enhance the competitive position for industrial and office employment. The study assessed the City's long-term employment land needs to the 2051 planning horizon, considered the adequacy and marketability of the City's 'shovel-ready'

employment lands in the near-term, and provided a number of policy recommendations for implementation to achieve consistency, conformity and alignment with upper-tier and provincial planning policy.

The Niagara Falls Employment Land Strategy was subject to a number of stakeholder sessions, as well as a public consultation process on the proposed recommendations and implementing amendments to the Official Plan and Zoning By-law. A Statutory Public meeting under the Planning Act was held on July 13, 2021 and on August 9, 2022.



## **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. 147 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:

#### **1. MAP CHANGES**

- a) SCHEDULE A – FUTURE LAND USE PLAN of the Official Plan is amended by:
  - i) revising the legend to replace the word 'Industrial' with the word 'Employment';
  - ii) redesignating lands currently identified as 'Resort Commercial' to 'Employment' as shown on the map attached entitled "Map 1 to Amendment No. 147;
  - iii) redesignating lands currently identified as 'Industrial' to 'Minor Commercial' as shown on the map attached entitled Map 2 to Amendment No. 147;
  - iv) redesignating lands currently identified as 'Industrial' to 'Minor Commercial' as shown on the map attached entitled Map 3 to Amendment No. 147;
  - v) redesignating lands currently identified as 'Industrial' to 'Residential' and identified as Special Policy Area 87 as shown on the map attached entitled Map 4 to Amendment No. 147.
- b) SCHEDULE A-5 – TRANSIT STATION SECONDARY PLAN AREA is amended by redesignating a portion of the lands currently identified as 'Employment' to 'Mixed Use 2' as shown on the map attached entitled Map 5 to Amendment No. 147
- c) A new SCHEDULE A-7 –EMPLOYMENT LANDS is added as shown on the map attached entitled "Map 6 to Amendment No. 147".

#### **2. TEXT CHANGES**

- a) TABLE OF CONTENTS is amended by replacing the word 'INDUSTRIAL' with the word 'EMPLOYMENT'.
- b) PART 1, SECTION 2 - STRATEGIC POLICY DIRECTION, paragraph 3 is deleted in its entirety and replaced with the following:

"In order to provide for future employment opportunities within the City areas most suited for such uses are to be protected from non-employment uses. The tourism industry is now the major employer with the decline of heavy manufacturing. Lands along the Queen Elizabeth Way are ideal for those employment opportunities dependent on cross-border trade and the movement of goods. It is the intent of this Plan to identify these areas and protect them for future employment.



Schedule A-7 identifies the Gateway Economic Zone, which is comprised of the total geographic area of lands within the Municipalities of Niagara Falls and Fort Erie, which, due to their proximity to major international border crossings, have unique economic importance to the City and Niagara Region. Lands within the Niagara Economic Gateway are preferred for the identification of future Employment Areas and Provincially Significant Employment Zones. “

- c) PART 1, SECTION 2, GROWTH OBJECTIVES is amended by: replacing the word ‘Industrial’ with the word ‘Employment’ within Objective 12; and by renumbering Objective 13 to Objective 14 and adding the following new Objective 13:

“13. To meet the minimum employment density targets established through the Region of Niagara Comprehensive Review.

Table 2. Employment Area Minimum Density Targets to 2051

Employment Area		Minimum Overall Density Target
1 – Highway 405	Core	15 jobs/ha
2 – North Secure Storage Area	Core	15 jobs/ha
3 – QEW/420	Dynamic	25 jobs/ha
4 – QEW Centre	Dynamic	50 jobs/ha
5 – Montrose/Grassy Brook	Dynamic	20 jobs/ha
6 – Dorchester Road	Core	45 jobs/ha
7 – Stanley Avenue Business Park	Dynamic	15 jobs/ha

- d) PART 1, SECTION 2, POLICY 2.7 is deleted in its entirety and replaced with the following:

“2.7 Employment Areas located within the Urban Area along the Queen Elizabeth Way, are identified on Schedule A-7. Lands within these Areas are to be protected for employment uses under the Gateway Economic Zone directive of the Province. The City may identify future employment areas where required, which would become an Employment Area following a settlement area boundary expansion exercise.”

- e) PART 1, SECTION 3, INTENSIFICATION, is amended by:

- i) replacing the word ‘Industrial Areas’ with the word ‘Employment Areas’ in POLICY 3.10.
  - ii) replacing the word ‘Industrial’ with the word ‘Employment’ in POLICY 3.16.12.
  - iii) adding the word ‘and’ after the word ‘service commercial’ and before the word ‘employment’; and, deleting the words ‘and industrial’ after the word ‘employment’ and before the word ‘uses’ in POLICY 3.20.
  - iv) by replacing the word ‘Industrial’ with the word ‘Employment’ in POLICY 3.20
- f) PART 2, SECTION 1, POLICY 1.16.3 (vi) is amended by replacing the word ‘industrial’ with the word ‘employment’.

- g) PART 2, SECTION 4, is amended by:
- i) replacing the word 'PART 2' with the word 'PART 4'; and, replacing the phrase 'Sections 2.9 and 2.10' with 'Section 8' in POLICY 4.1.4.
  - ii) replacing the word 'industrial' with the word 'employment' in POLICY 4.2.7.1 a).
- h) PART 2, SECTION 8 INDUSTRIAL, is amended by replacing the word 'INDUSTRIAL' with the word 'EMPLOYMENT'.
- i) PART 2, SECTION 8, PREAMBLE is deleted in its entirety and replaced with the following:

"Employment lands and Employment Areas within the City will provide a diverse collection of parcels and opportunities for Greenfield development and intensification of existing employment sites in order to allow the City competitively respond to market demands and meet employment needs to 2051. The City's Employment Areas and employment lands are shown together on Schedule A-7- Employment Lands.

#### Objectives

The policies of this Plan promote

- infilling and redevelopment within established Employment Areas in the Built-up Area; as well as
- the progressive development of vacant employment lands within the Built-up area and within the Greenfield Area for new industry and employment uses; and
- In accommodating the changing needs of industry and business growth trends.

Emphasis will be placed on improved aesthetics and environmental quality, including measures which will safeguard the integrity of adjacent land uses. The proximity of employment uses to residential and other uses is critical in the future growth of the City as a complete community.

The contribution of employment to economic growth and diversity is clearly recognized in this Plan. In order to maintain a strong and competitive resource base, programs which provide for the enhancement of Employment Areas and the attraction of new firms will be pursued.

- j) PART 2, SECTION 8, POLICIES is deleted in its entirety and replaced with the following:
- 8.1 The lands designated Employment are shown on Schedule A – Future Land Use Plan. The City's Employment Areas and employment lands are shown together on Schedule A7- Employment Lands.
  - 8.2 The primary uses permitted in Employment Lands as designated on Schedule "A" will be for: manufacturing, assembly, fabricating, processing, reclaiming, recycling, warehousing, distribution, laboratory and research,



and storage. All forms of service industries and utilities are included within this definition. The indoor production of cannabis, adult entertainment parlours and body-rub parlours will also be permitted within the employment designation subject to other policies of this plan.

- 8.3 Employment Areas reflect clusters of specific types of employment uses that exist and are appropriate for that identified area. The City's Employment Areas are shown on Schedule A-7 – Employment Lands and permit the following uses:

Core Employment Area – traditional employment uses such as industrial, manufacturing, construction, transportation and warehousing. Core Employment Areas are to be protected for similar employment uses: major facilities and freight-supportive forms of development and redevelopment. Major institutional uses are prohibited.

Dynamic Employment Area - traditional and lighter industrial uses with a broader mix of office parks and institutional uses that can function without limiting the ability for the expansion or continued use of other permitted uses.

New development within the Employment Areas shall meet the minimum employment density targets of Part 2, Section 2.

- 8.4 In addition to Policy 8.2, the following uses may be permitted on employment lands outside of Employment Areas, subject to the policies of Subsection 8.15:

8.4.1 Uses that are ancillary to an employment use, including offices, retail and wholesale showrooms and outlets for products produced on the premises.

8.4.2 Commercial services such as, but not limited to, banks, restaurants, convenience retail outlets, material suppliers, which are incidental to the Employment Area, servicing industries and their personnel.

8.4.3 Corporate and business offices.

8.4.4 Health and fitness facilities, conference centres and private clubs.

- 8.5 Several categories of employment land uses will be established in the Zoning By-law to accommodate a variety of activities ranging from heavy industrial to prestige employment uses. Moreover, employment zones will be arranged in a gradation with the lighter, more prestige type uses located near residential areas and other sensitive land uses. In the zoning of lands for employment purposes, regard will be had to the following objectives.

8.5.1 To group employment uses with similar characteristics and performance standards.

8.5.2 To provide a suitable environment for employment uses, free from interference and restriction by other uses.



- 8.5.3 To minimize potential land use conflicts caused by the indiscriminate mixing of heavier and light industrial types.
  - 8.5.4 To protect adjacent lands, particularly residential areas from the effects of incompatible uses.
  - 8.5.5 General industrial or heavy industrial uses will be separated from residential areas, wherever possible, in order to protect such areas from the effects of noise, heavy traffic and other offensive characteristics.
- 8.6 Council will consider amendments to the Zoning By-law to permit the establishment of free-standing offices, recreational and commercial services and other complementary land uses within Employment Areas that are not planned for industrial or manufacturing uses in order to progressively accommodate changing market conditions and new development trends. Such uses, however, will be restricted as to their location, size and extent of operations, having regard to the following.
- 8.6.1 Employment Areas are not intended to serve a significant commercial function. In this regard, Council will exercise discretion in considering the use of Employment Areas for non-employment purposes in order to promote employment as the predominant land use.
  - 8.6.2 Frontage lands along controlled access highways and high volume arterial roadways will be preserved for employment and business uses which require visual prominence and which foster a good impression of the community.
  - 8.6.3 Wherever possible, commercial service and office uses shall be grouped in multiple use buildings and shall be discouraged to proliferate along arterial road frontages.
  - 8.6.4 Commercial and office developments generate higher densities of employment and visits by the public. Where such development is proposed, Council will ensure that appropriate provision is made for on-site parking, traffic circulation, transit and pedestrian safety. Where appropriate, the City will encourage a variety of transportation demand management measures for higher density employment uses.
  - 8.6.5 The integration of businesses and other complementary land uses with industrial/employment uses will be encouraged in business park settings where a premium is placed on aesthetic appeal and environmental quality.
- 8.6 The Province may identify Provincially Significant Employment Zones and provide specific direction for planning within an identified Provincially Significant Employment Zone to be implemented through appropriate



Official Plan policies, designations and economic development strategies. The City will work with the Region and the Province to identify, plan for, and protect Provincially Significant Employment Zones.

- 8.7 While the Province has not identified any Provincially Significant Employment Zone within the City of Niagara Falls, the City will integrate any identified Provincially Significant Employment Zone into Schedule A-7 of the Official Plan. Any updates to the Official Plan mapping respecting a PESZ to reflect changes made by the Province can be completed without the need for an Amendment to this Plan.
- 8.8 Council will coordinate with the Region in promoting development of the City's employment lands. Council may pass by-laws, acquire and develop lands or otherwise ensure an adequate supply of serviced land is available for prospective employment developments.
- 8.9 The City will take a co-ordinated approach to planning for large areas with high concentrations of employment that cross municipal boundaries and are major trip generators, including co-ordination on matters such as transportation demand management and economic development.
- 8.10 The development of new employment uses on vacant employment lands within the City's Urban Area is encouraged.
- 8.11 The redevelopment and intensification of existing employment uses within the Built-up Area with uses that are compatible with surrounding land uses is encouraged.
- 8.12 In order to maintain land use compatibility, within Employment Areas planned for industrial or manufacturing uses, residential uses and other sensitive land uses that are not ancillary to the primary employment uses are prohibited from encroaching on Employment Areas and an appropriate transition to employment areas should be provided.
- 8.13 Development proposals for employment uses on designated employment lands shall be planned and developed to avoid and minimize potential adverse effects from odour, noise and other contaminants, minimize the risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.
- 8.14 Where avoidance is not possible in accordance with Policy 8.12, the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted where the following are demonstrated:
  - 8.14.1 there is an identified need for the proposed use,
  - 8.14.2 alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations,



- 8.14.3 adverse effects of employment uses on the proposed sensitive land use are minimized and mitigated, and,
- 8.14.4 potential impacts of sensitive uses on industrial, manufacturing or other uses are minimized and mitigated as demonstrated through studies.
- 8.15 Employment uses which are offensive or dangerous to the general health, safety and welfare of community residents shall only be permitted through site specific zoning amendments, where deemed appropriate.
- 8.16 In order to ensure that obsolete industrial buildings and formerly occupied industrial sites are suitable for redevelopment, compliance with Provincial guidelines and Part 3, Section 6 will be sought prior to any new development.
- 8.17 Adequate vehicular access, off-street parking and loading facilities will be required in clearly defined areas for all development and redevelopment within employment lands and areas. Where possible, development plans for new employment uses or the expansion of existing employment uses should seek to minimize surface parking, where possible, and, where necessary, provide a high-quality design of surface parking on the site.
- 8.18 Development proposals on lands adjacent to existing employment uses are encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 8.19 As far as possible, traffic generated by employment uses will be prohibited from penetrating designated Residential areas.
- 8.20 Signs in Employment Areas will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- 8.21 In order to enhance the viability of Employment Areas, Council, where feasible and deemed appropriate, will encourage the appropriate authorities to establish, maintain and improve the accessibility of Employment Areas through the provision of highways, interchanges, arterial roads, bridge, rail and public transit services.
- 8.22 Council will encourage and, where feasible, assist in the relocation of uses not permitted in areas designated for employment purposes and in the relocation of existing industries located outside of designated employment lands and Employment Areas into such areas.
- 8.23 Council will encourage and where feasible, assist in programs for the improvement of the appearance and amenity of employment lands and Employment Areas.



8.24 (OPA #45, approved January 2003)

Notwithstanding that adult entertainment parlours have not been historically permitted in any land use designation, a limited number of licensed adult entertainment parlours and body-rub parlours currently exist throughout various geographic areas of the City. It is the intent of this Plan to provide guidance and direction with respect to appropriate areas of any new licensed adult entertainment parlours and body-rub parlours or their relocation.

Generally, adult entertainment parlours and body-rub parlours are not promoted as a land use in any part of the City. In particular, adult entertainment parlours and body-rub parlours shall not be permitted in designations and zones of a predominantly residential, institutional, commercial, rural, agricultural and parks and open space nature. These areas are considered to be incompatible with adult entertainment as they are frequented by families with children, tourists, have high pedestrian traffic volumes or are subject to economic revitalization that could be adversely affected. Rural and agricultural areas are not serviced and would generally not be compatible with these urban uses. In order to minimize adverse effects, adult entertainment parlours and body-rub parlours shall be appropriately separated from sensitive zones including Residential, Development Holding, Institutional and Open Space zones; as well as specific sensitive land uses such as places of worship, residential care facilities, campgrounds, schools, day care centres, children's museums, parks, arenas and other similar community/institutional or public uses regardless of their zone category. An appropriate separation distance shall be a minimum of 300 metres from the property line associated with the sensitive use or zone to the building of the body-rub parlour or adult entertainment parlour. The 300-metre separation distance noted above shall not apply in cases where the QEW, hydro canal and Welland River, which represent effective physical barriers, are present. Furthermore, no exterior wall of any adult entertainment parlour and/or body-rub parlour buildings shall be located closer than 100 metres from the road allowance of a controlled access highway.

Notwithstanding this policy, the property municipally known as 8675 Montrose Road, situated at the southwest corner of Montrose Road and Chippawa Creek Road, is excluded from the 100-metre setback requirement from the QEW.

In addition to the above, neither adult entertainment parlours nor body-rub parlours will be permitted within lands, generally situated south of Brown Road and west of Kalar Road, which are subject to the development of a Christian resort commercial development. These lands are also considered as a sensitive land use and adult entertainment parlour and body-rub parlour buildings shall be separated from these lands by a minimum distance of 300 metres. Further, the employment lands situated along the

north side of Bridge Street, east of Victoria Avenue, are not suitable for an adult entertainment parlour or body-rub parlour.

It is the policy of this Plan to avoid a future concentration of licensed adult entertainment parlours and body-rub parlours within one geographic area of the City. In order to avoid clustering, the City's zoning by-law shall be amended to establish an appropriate distance separation between and among adult entertainment parlours and body-rub parlours."

8.25 Permitted production of cannabis shall be in accordance with the following:

- (i) The production of cannabis is only permitted to occur within an enclosed building with appropriate air filtration that ensures the use does not emit any odour. Production of cannabis may include the cultivation of cannabis and/or activities related to cannabis cultivation such as processing, packaging, testing, destruction, research and shipping;
- (ii) Outdoor cultivation is not permitted;
- (iii) The production of cannabis shall be in accordance with all applicable Federal Regulations, as amended from time to time;
- (iv) Buildings should be appropriately distanced a minimum of 500 metres away from sensitive land uses or zones where sensitive land uses are permitted, including but not limited to existing day care facilities, hospitals, places of worship, playgrounds and residential uses; and
- (v) Cannabis production shall be subject to site plan control, which may require the submission of studies relating to relevant matters including, but not limited to, air quality control, environment impacts, traffic and lighting, which demonstrate appropriate nuisance mitigation to the City's satisfaction. The Site Plan Control process may require the applicant to enter into a site plan agreement.

k) PART 2, SECTION 8, GREENFIELD AREA is amended by:

- i) renumbering Policy 8.5 to Policy 8.26 and replacing the word 'industrial' with the word 'employment'
- ii) by renumbering Policy 8.6 to Policy 8.27 and subsequently renumbering the sub-policies accordingly
- iii) is amended by replacing the word 'industrial' with the word 'employment' in Policy 8.27.4 (former Policy 8.6.4)
- iv) renumbering Policy 8.7 to Policy 8.27 and subsequently renumbering the sub-policies accordingly

l) PART 2, SECTION 8, QEW EMPLOYMENT CORRIDOR is amended by:

- i) renumbering Policy 8.8 to Policy 8.29 and subsequently renumbering the sub-policies accordingly.
- ii) by deleting and replacing Policy 8.29 (former Policy 8.8) with the following:



"The QEW is the major highway transportation corridor through the Niagara Region. It conveys goods and people within, to and from the Golden Horseshoe area and western New York State. Development of lands adjacent to the QEW has played a significant role in the economy of the Niagara Region and such lands within the City's urban area can be capitalized on for future employment growth.

The corridor, located along the QEW as shown on Schedule A-2 extending from south of Lundy's Lane to the interchange at Lyon's Creek Road, includes a substantial amount of vacant Greenfield land and under-utilized parcels within the Built-up Area. This corridor, given its exposure and accessibility to the QEW, is well suited to the development of employment uses that require highway frontage. The lands that extend south of the Welland River have recently been serviced with municipal water and sanitary facilities, which have opened up these lands for the development of employment uses.

This corridor also marks the southern gateway into the urban area of the City. Given its locational advantages, this corridor can play a major role in implementation of the Gateway Economic Zone as envisaged by the Growth Plan of the Greater Golden Horseshoe. The Gateway Economic Zone is comprised of the total geographic area of the municipalities of Niagara Falls and Fort Erie, including all major goods movement facilities and corridors identified by the Region. The Gateway Economic Zone is to be developed to support economic diversity and the promotion of cross-border trade, the movement of goods and tourism. Due to the proximity to the U.S. border, the Gateway Economic Zone has a unique economic importance to the region and the province. The intent of the QEW Employment Corridor policies is to assist in the capitalization of trade and the movement of goods and to protect these lands from conversion to non-employment uses. Moreover, the overarching goal of the policies is the establishment of employment uses on these lands that add to the overall diversity of employment in the City."

- m) PART 2, SECTION 8, GENERAL POLICIES is deleted in its entirety as it has been incorporated into PART 2, SECTION 8, POLICIES through Modification "i)" of this document.
- n) PART 2, SECTION 8, amended by adding a new sub-section, EMPLOYMENT CONVERSIONS, as shown below:

#### **"EMPLOYMENT CONVERSIONS**

8.30 The City may permit the conversion of lands within Employment Areas to non-employment uses but only through a Regional municipal comprehensive review where it has been demonstrated that the conversion meets each of the tests identified in Policy 8.31 and where it meets at least one of the following strategic objectives:

8.30.1 promotes brownfield redevelopment,



- 8.30.2 addresses issues related to land use incompatibility in accordance with Policy 8.14 of this section,
  - 8.30.3 provides affordable housing, or,
  - 8.30.4 meets any of the other strategic direction of this Plan.
- 8.31 The conversion of lands within Employment Areas to non-employment uses may be permitted only through a Regional Municipal Comprehensive Review where it is demonstrated that
- 8.31.1 there is a need for the conversion;
  - 8.31.2 the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;
  - 8.31.3 the City will maintain sufficient employment lands to accommodate the forecasted employment growth to 2051;
  - 8.31.4 the proposed uses would not adversely affect the overall viability of the Employment Area or the achievement of the minimum intensification and density targets of this Plan and the Growth Plan, as well as any other applicable policies of this Plan and the Growth Plan;
  - 8.31.5 there is existing or planned infrastructure in place to accommodate the proposed use; and,
- 8.30.6 cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered.
- 8.32 Notwithstanding Policy 8.30, until the next Municipal Comprehensive Review, lands within existing Employment Areas may be converted to a designation that permits non-employment uses in consultation with the Region, if applicable, provided the conversion would:
- 8.32.1 Satisfy the requirements of Policy 8.30;
  - 8.32.2 Satisfy the requirements of Policies 8.31.1, 8.31.2 and 8.31.6;
  - 8.32.3 Maintain a significant number of jobs on those lands through the establishment of development criteria; and,
  - 8.32.4 Not include any part of an Employment Area identified as a Provincially Significant Employment Zone unless the part of the Employment Area is located within a Major Transit Station Area as delineated in the Growth Plan.
- 8.33 Conversion of brownfield sites to non-employment uses, where the removal of the employment land is consistent with the Region's Municipal Comprehensive Review with an associated Regional Official Plan Amendment, may be considered through an amendment to this Plan where at least one of the following criteria are met:

- 8.33.1 the reduction or elimination of any long-standing land use compatibility issues with surrounding conforming uses,
  - 8.33.2 provision of affordable housing,
  - 8.33.3 contributing to a mix of housing types and densities in the planning area, or;
  - 8.33.4 the provision of facilities that assist in the development of a complete community.
- 8.34 The City may consider conversion of employment lands located outside of an Employment Area in consultation with Niagara Region, subject to ensuring space is retained for a similar number of jobs to remain accommodated on the site and compliance with the criteria outlined in Policy 8.29.
- 8.35 Notwithstanding policy 8.34, development applications within a two kilometre radius of the Cytex Canada Inc. facility in Niagara Falls shall be subject to Policy 8.30 of this Plan, except for the lands currently designated Neighbourhood Commercial in this Plan."

o) PART 2, SECTION 13, SPECIAL POLICY AREAS is amended:

- i) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.4,
- ii) by replacing the words 'employment area' with the words 'Employment Area' in Policy 13.7,
- iii) by replacing the word 'Industrial' with the word 'Employment' in both instances within Policy 13.7.1,
- iv) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.7.1.1i),
- v) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.7.1.4,
- vi) by replacing the word 'industrial' with the word 'employment' in Policy 13.15,
- vii) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.25,
- viii) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.34.6,
- ix) by replacing the words 'employment areas' with the words 'Employment Areas' in Policy 13.44.4
- x) by replacing the word 'industrial' with the word 'employment' in both instances within Policy 13.44.5,
- xi) by replacing the word 'industrial' with the word 'employment' in Policy 13.51.4,



- xii) amended by replacing the word 'industrial' with the word 'employment' in both instances; and replacing the word 'properties' with the word 'property' in Policy 13.56.2.2,
- xiii) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.57,
- xiv) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.57.2.2b),
- xv) by replacing the word 'industrial' with the word 'employment' in Policy 13.57.2.2c),
- xvi) by replacing the word 'Industrial' with the word 'Employment' in Policy 13.62,
- xvii) by replacing the word 'Industrial' with the word 'Employment' in both instances within Policy 13.62.1, and
- xviii) by adding the following new policy:

**Policy 13.87 SPECIAL POLICY AREA "87".**

Special Policy Area "87" applies to 18.5 hectares of land on the south side of McLeod Road, east of Beechwood Road. The Residential designation of the lands will come into effect upon approval by the Niagara Region. Notwithstanding the policies contained in Part 2, Section 1, development of the lands will be subject to a 10m height restriction within a 2km radius of Phosphine Storage on Cytex Industries lands as shown on Appendix A to the Cytex Canada Inc. Emergency Response Plan, dated July 23, 2016. A risk assessment shall be prepared and peer reviewed to justify residential use within this radius failing which a more appropriate use will be considered. Any mitigation required through further study to address Provincial D6 Guidelines shall be provided on site. Further, the job replacement for conversion justification contained in Part 2, Policy 8.30 shall be provided prior to redevelopment of the site in conjunction with an application under the Planning Act.

- p) PART 3, SECTION 1, Policy 1.5.6 is amended by replacing the word 'employment areas' with the word 'Employment Areas' in both instances
- q) PART 3, SECTION 2, Policy 2.3.3 is amended by replacing the word 'industrial' with the word 'employment'
- r) PART 3, SECTION 6, Policy 6.7.2 is amended by replacing the word 'industrial' with the word 'employment'
- s) PART 3, SECTION 7, is amended:
  - i) by replacing the word 'industrial' with the word 'employment' in Policy 7.3; and



- ii) amended by replacing the word 'industrial' with the word 'employment' in all instances within Policy 7.3ii).
- t) PART 4, SECTION 2 is amended:
  - i) by replacing the word 'industrial' with the word 'employment' in Policy 2.3.11;
  - ii) by deleting Policy 2.6.10 in its entirety and replacing it with the following:

"2.6.10 Compliance with the applicable policies of Section 8, when considering the conversion of Employment Areas."
  - iii) by deleting EMPLOYMENT LAND CONVERSIONS its entirety as it has been incorporated into PART 2, SECTION 8, POLICIES through modification "m" of this document.
- u) PART 4, SECTION 5, Policy 5.3 is amended by replacing the word 'Industrial' with the word 'Employment'
- v) PART 4, SECTION 6, Policy 6.5 is amended by replacing the word 'Industrial' with the word 'Employment'
- w) PART 4, SECTION 10, Policy 10.1 is amended by replacing the word 'Industrial' with the word 'Employment'
- x) PART 4, SECTION 11, Policy 11.3.9 is amended by replacing the word 'industrial' with the word 'employment'
- y) PART 5, SECTION 1 GARNER SOUTH, is amended:
  - i) by replacing the word 'employment areas' with the word 'Employment Areas' in Policy 2.7.6,
  - ii) by replacing the word 'employment areas' with the word 'Employment Areas' in Policy 2.7.7.1,
  - iii) by replacing the word 'industrial' with the word 'employment' in Policy 2.7.7.1(b),
  - iv) by replacing the word 'industrial' with the word 'employment' in Policy 2.7.7.1(c),
  - v) by replacing the word 'areas' with the word 'lands' in Policy 2.8.6,
  - vi) by replacing the word 'industrial' with the word 'employment' in Policy 2.13.3,
- z) PART 5, SECTION 2 TRANSIT STATION SECONDARY PLAN, is amended:
  - i) by replacing the word 'industrial' with the word 'employment' in Policy 1.11,
  - ii) by replacing the word 'industrial' with the word 'employment' in Policy 2.7.2,
  - iii) by replacing the word 'Industrial' with the word 'Employment' in Policy 2.7.3(a),
  - iv) by replacing the word 'industrial' with the word 'employment' in Policy 2.7.4,

- v) by replacing the word 'industrial' with the word 'employment' in Policy 2.7.5,
- vi) by replacing the phrase 'at employment areas' with the phrase 'on employment lands and in Employment Areas.' in Policy 3.13.5.3c); and
- vii) by replacing the word 'industrial' with the word 'employment' in Policy 4.14.

aa) PART 5, SECTION 3 GRAND NIAGARA SECONDARY PLAN, is amended by:

- i) by replacing the word 'areas' with the word 'uses' in Principle 7 – Create Employment Opportunities; Objectives, bullet seven (7),
- ii) by deleting the word 'Area'; and, replacing the phrase 'Employment Areas' with the phrase 'employment lands' in Policy 1.8.3,
- iii) by replacing the word 'industrial' with the word 'employment' in Policy 1.13.8,
- iv) by replacing the term "Employment Areas" with "employment lands" in Policy 2.2,
- v) by replacing the word 'industrial' with the word 'employment' in Policy 2.3,
- vi) by replacing the word 'areas' with the word 'lands' in Policy 3.2.6,
- vii) by replacing the word 'industrial' with the word 'employment' in Policy 3.2.10,
- viii) by replacing the word 'areas' with the word 'lands' in Policy 4.1.11.4,
- ix) by replacing the word 'industrial' with the word 'employment' in Policy 5.6.

bb) PART 5, SECTION 4 RIVERFRONT COMMUNITY PLAN, is amended:

- i) by replacing the word 'industrial' with the word 'employment' in Principle 1: Create a Healthy, Complete Community, Objectives, bullet five (5),
- ii) replacing the word 'industrial' with the word 'employment' in Policy 1.5,
- iii) by replacing the word 'Industrial' with the word 'Employment' in both instances in Policy 2.2.2.4,
- iv) replacing the word 'Industrial' with the word 'Employment' in Policy 2.2.3,
- v) by replacing the word 'Industrial' with the word 'Employment' in Policy 7.3.

cc) APPENDIX I, DEFINITIONS is amended as follows:

- i) "Employment Lands" is deleted and replaced with the following definition:  
 "Employment Area"- areas designated in an official plan for clusters of business and economic activities including, but not limited to: manufacturing, warehousing, offices and associated retail and ancillary uses."
- ii) adding the following new defined term "Employment Lands" after the defined term "Employment Area" and before the defined term "Endangered Species":



"Employment Lands"- a broad range of lands designated for employment uses that may be located within or outside of Employment Areas, including light, medium and heavy industrial, business parks and rural employment lands. Employment lands accommodate primarily export-based employment, including a wide range of industrial uses (e.g., manufacturing, distribution/ logistics, transportation services) as well as specific commercial and institutional uses (e.g., office, service commercial, ancillary/ accessory retail) as set out in the Zoning By-law"

- iii) adding the following new defined term "Gateway Economic Zone" after the defined term "Forest Resource Areas" and before the defined term "Greening":

"Gateway Economic Zone"- settlement areas identified in A Place to Grow: Growth Plan for the Greater Golden Horseshoe and conceptually depicted on Schedules 2, 4 and 6, that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario. The Gateway Economic Zone is shown on Schedule A-7 of the City of Niagara Falls Official Plan.

- iv) adding the following new defined term "Municipal Comprehensive Review" after the defined term "Mineral Resource Areas" and before the defined term "Natural Heritage Corridor":

"Municipal Comprehensive Review"- a new official plan, or an official plan amendment, initiated by an upper-or single-tier municipality under Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan for the Greater Golden Horseshoe

- v) amended by adding the following new defined term "Provincially Significant Employment Zone" after the defined term "Progressive Rehabilitation" and before the defined term "Portable Asphalt Plants":

"Provincially Significant Employment Zones"- Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. Provincially Significant Employment Zones can consist of Employment Areas as well as mixed-use areas that contain a significant number of jobs.





# Map 1 to Amendment No. 147 to the Official Plan Schedule "A" - Future Land Use Plan

Proposed Change from Resort Commercial to  
Employment

Area affected by this Amendment

Legend

Land Use

Employment

Environmental Conservation Area

Environmental Protection Area

Open Space

\*The extent of the Environmental Conservation Area and  
Environmental Protection Area Designations do not  
necessarily include the extent of the Region's NES and  
the Regional mapping should be consulted. The actual  
extent of the NES is currently being refined through  
studies being undertaken as part of the Grassy Brook  
Secondary Plan and will be implemented through a  
future Official Plan Amendment.

Note: the schedule forms part of Amendment No. 147  
to the Official Plan for Niagara Falls and should  
be read in conjunction with the written text.

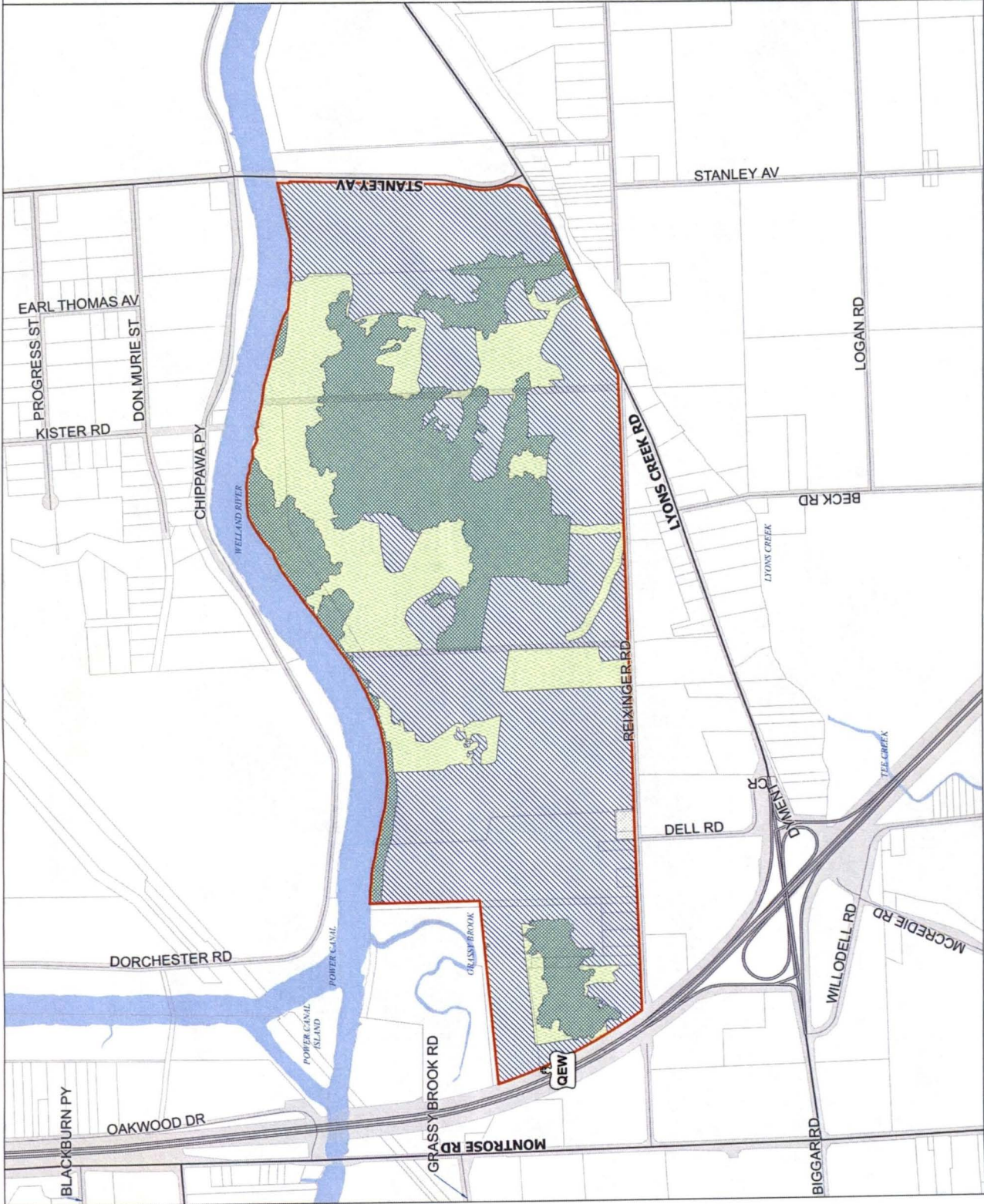


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**Map 2 to Amendment No. 147  
to the Official Plan  
Schedule "A" - Future Land  
Use Plan**

 Area affected by this Amendment

**Legend**

 Official Plan

 Minor Commercial

Note: the schedule forms part of Amendment No. 147 to the Official Plan for Niagara Falls and should be read in conjunction with the written text.

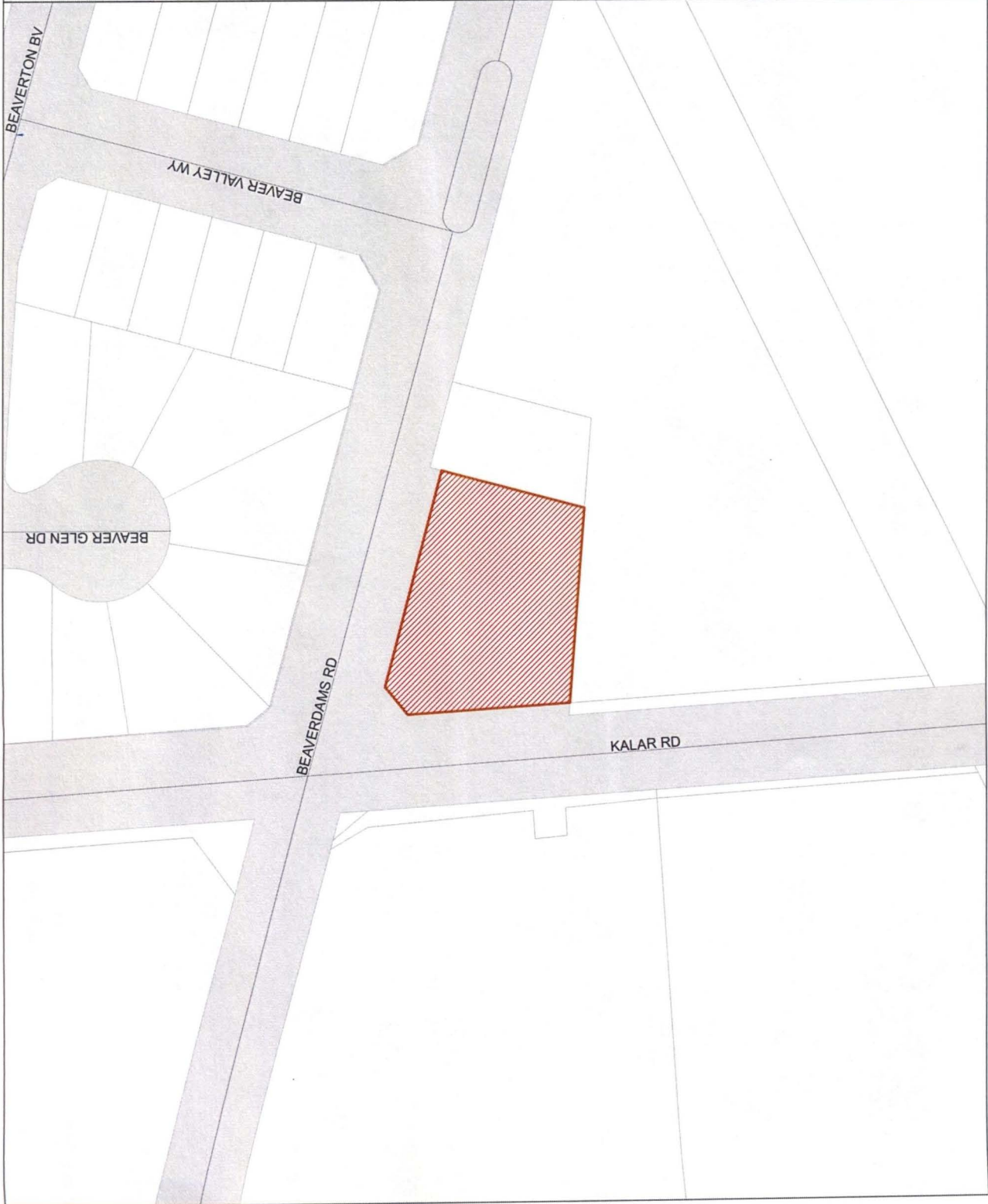


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





Map 3 to Amendment No. 147  
to the Official Plan  
Schedule "A" - Future Land  
Use Plan

 Area affected by this Amendment

Legend

 Official Plan

 Minor Commercial

Note: the schedule forms part of Amendment No. 147 to the Official Plan for Niagara Falls and should be read in conjunction with the written text.



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5/26/2022

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**Map 4 to Amendment No. 147  
to the Official Plan  
Schedule "A" - Future Land  
Use Plan**

 Area affected by this Amendment

**Legend**

 Official Plan

 Residential

 Special Policy Area

Note: the schedule forms part of Amendment No. 147 to the Official Plan for Niagara Falls and should be read in conjunction with the written text.



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**Map 5 to Amendment No. 147  
to the Official Plan  
Schedule "A-5" - Transit Station  
Secondary Plan Area**

Area affected by this Amendment

Legend

Official Plan

ECA

Mixed Use 2

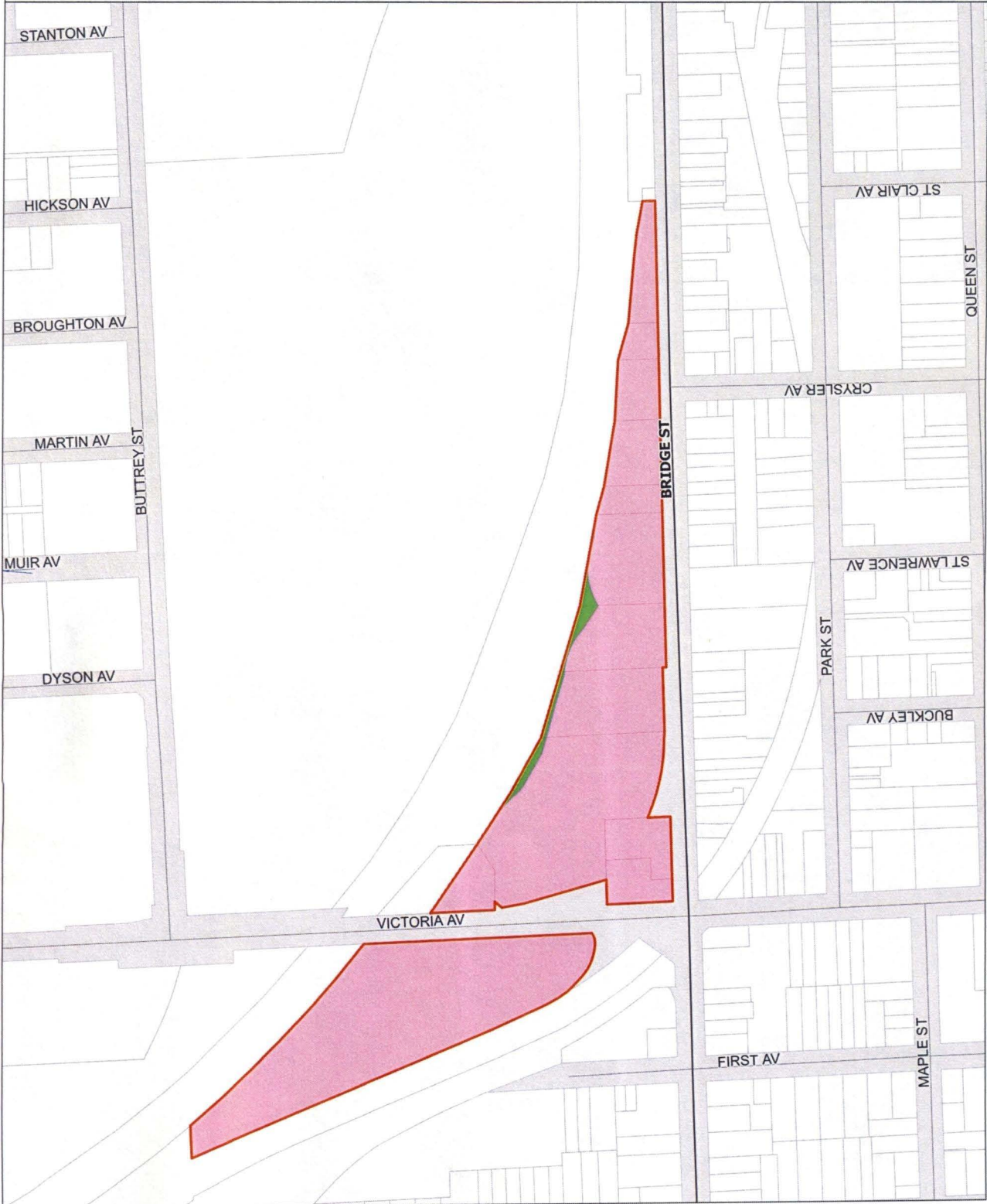
Note: the schedule forms part of Amendment No. 147 to the Official Plan for Niagara Falls and should be read in conjunction with the written text.



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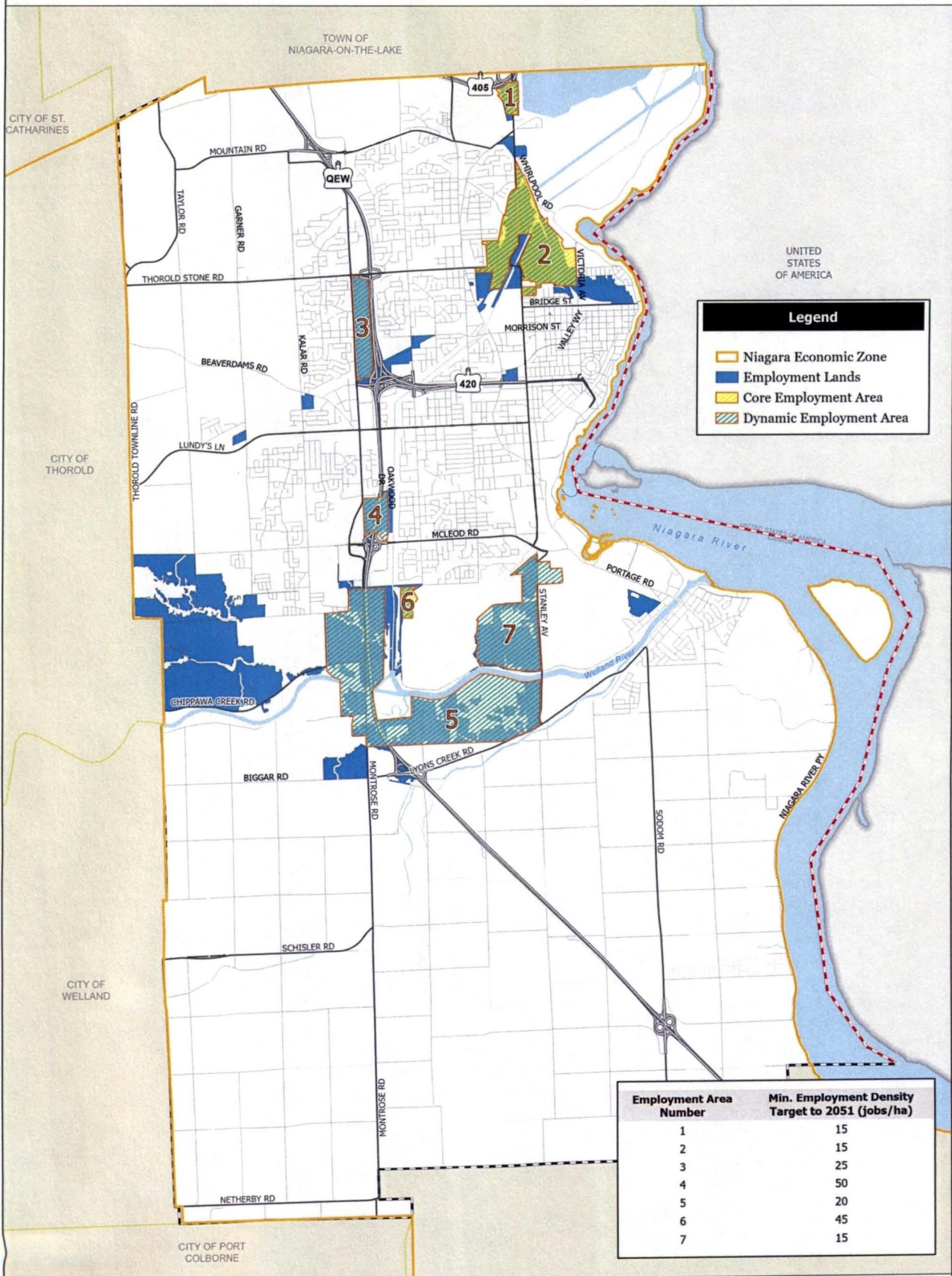
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# Schedule A-7 Employment Lands



NOTE: THE SCHEDULE FORMS PART OF AMENDMENT NO. \_ TO THE OFFICIAL PLAN FOR NIAGARA FALLS AND SHOULD BE READ IN CONJUNCTION WITH THE WRITTEN TEXT.

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