

AMENDMENT NO. 128

TO THE

CITY OF NIAGARA FALLS

OFFICIAL PLAN

CITY OF NIAGARA FALLS
OFFICIAL PLAN
AMENDMENT NO. 128


The attached text constitutes Amendment No. 128.

This amendment was prepared by the Planning & Development Division of the City of Niagara Falls.

This amendment was adopted by the Corporation of the City of Niagara Falls by By-law No. 2018-76 on the 10th day of July, 2018 in accordance with the Planning Act R.S.O. 1990, Chapter P.13. Written Notice of the Passing of By-law No. 2018-76 was given on the 20th day of July, 2018, pursuant to subsection 34(18) of the Planning Act. A Notice of Appeal was filed with the City Clerk pursuant to subsection 34(19), and subsequently dismissed, therefore the decision of Council is final and binding.



WILLIAM G. MATSON, ACTING CITY CLERK



JAMES M. DIODATI, MAYOR

Planning Certificate

I certify that this is a Duplicate Original of Amendment No. 128 to the City of Niagara Falls Official Plan as adopted by the Council of the Corporation of Niagara Falls on the 10th day of July, 2018.

November 6, 2019

DATE



ALEX HERLOVITCH, MCIP, RPP
DIRECTOR OF PLANNING,
BUILDING & DEVELOPMENT

CITY OF NIAGARA FALLS

NOTICE UNDER SUBSECTIONS 17(15) & 17(23) OF THE PLANNING ACT, R.S.O. 1990, cP13 O.REG. 543/06 – AMENDMENT NO. 128 TO THE OFFICIAL PLAN OF THE CITY OF NIAGARA FALLS.

I, ALEX HERLOVITCH, Director of Planning, Building & Development for the City of Niagara Falls, in the Regional Municipality of Niagara, hereby certify that the requirements for the giving of Notice and holding of at least one Public Meeting for informing and obtaining views of the public, have been complied with and the requirements for the giving of Notice of Adoption have been complied with pursuant to subsections 17(15 and 17(23).

Sworn before me at the)
)
City of Niagara Falls in the)
)
Regional Municipality of Niagara)
)
this 6th day of November, 2019.)


ALEX HERLOVITCH


A Commissioner etc.

**Susan Alice Jean Scerbo
a Commissioner, etc.,
Province of Ontario, for
the Corporation of the City of Niagara Falls.
Expires February 2, 2021**

CITY OF NIAGARA FALLS

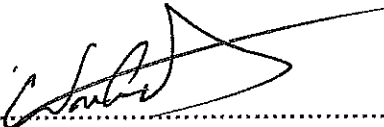
By-law No. 2018 - 76

A by-law to provide for the adoption of Amendment No. 128 to the City of Niagara Falls Official Plan (OPA #128).

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. 128 to the City of Niagara Falls Official Plan is hereby adopted.

Passed this tenth day of July, 2018.


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


.....
VINCE KERRIO, ACTING MAYOR

First Reading: July 10, 2018
Second Reading: July 10, 2018
Third Reading: July 10, 2018

OFFICIAL PLAN AMENDMENT NO. 128

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of this amendment is to include a set of policies that provide a policy direction for the development of the lands within the area known as the Riverfront Community, located within Special Policy Area #56. The amendment also includes modifications to the boundaries of lands identified as Provincially Significant Wetlands that lie outside the boundaries of the Riverfront Community.

(ii) Location of the Amendment

The amendment applies to the land shown on Map 1.

(iii) Details of the Amendment

Map Changes

- Schedule A – Land Use has been amended to:
 - Illustrate the Riverfront Community Plan Area;
 - Apply Environmental Protection Area, Open Space, Tourist Commercial and Minor Commercial designations to portions of the subject lands; and
 - Modify the lands designated Environmental Protection Area that lie outside the subject lands to reflect current Ministry of Natural Resources and Forestry mapping of Provincially Significant Wetlands.
- Schedule A-1 – Natural Heritage Features and Adjacent Lands has been amended to apply a symbol denoting a natural heritage feature that requires further study.
- A new Schedule A-6 is added to depict future land use within the Riverfront Community Plan Area.
- A new Schedule A-6(a) is added to depict natural heritage removal and rehabilitation areas.

Text Change

The amendment deletes the existing Special Policy Area No. 56 text and replaces it with revised policies and adds a new Section 4 – Riverfront Community Plan to Part 5 – Secondary Plans of the Official Plan.

(iv) Basis of the Amendment

The Riverfront Community Plan is a detailed policy framework that will guide the development of the subject lands and for the protection of natural heritage. It is

also includes Natural Heritage System policies for certain lands that lie outside Plan Area development limits that were subject to a comprehensive EIS.

The land affected by this amendment is recognized as Greenfield. There are industrial lands developed nearby to the north on Dorchester Road south of Oldfield Road. Other industrial lands are found east of the site in an area known as the Stanley Avenue Industrial Park.

The Community Plan has been created to meet the Greater Golden Horseshoe Growth Plan requirements and to take advantage of a unique setting to provide an array of housing forms that will meet the needs of a variety of ages and households. An environmentally friendly, energy efficient "green" community is intended that will incorporate nearby woodlots and wetlands, and a golf course to embrace the outdoors and offer a variety of active lifestyle opportunities.

The Plan Area limits development in a manner that will protect nearby key environmental features and wetlands while establishing a community core. The built-out community will include a mix of housing, employment, commercial services and community facilities as well as an integrated open space system.

The Riverfront Community Plan Area is designed to accommodate, approximately:

- 2675 people
- 879 dwelling units
- 238 seniors' units
- 500 hotel units
- 1800 - 2800 jobs

These figures will exceed the minimum combined gross target density of 53 residents and jobs combined per hectare for designated Greenfield Areas established by the Official Plan. The calculation of Greenfield density excludes lands designated Environmental Protection Area and Environmental Conservation Area.

This amendment was the subject of comprehensive public consultation. A Public Information Centre was held on November 20, 2017 and an Open House on January 24, 2018. The statutory public meeting was held on May 8, 2018. Council considered and approved the staff report that contained 27 recommendations which are incorporated into this amendment. Further discussions were held with commenting agencies after the public meeting to ensure that the amendment implemented their comments as well as the recommendations of the staff report.

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. 128 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:

MAP CHANGES

- i) SCHEDULE A – LAND USE PLAN of the Official Plan is amended by:
 - identifying the Riverfront Community Plan Area and referring to SCHEDULE A-6 for land use designations;
 - applying Environmental Protection Area, Tourist Commercial and Minor Commercial designations to portions of the subject lands;
 - designating lands outside the Riverfront Community Plan Area Environmental Protection Area;as shown on the map attached entitled 'Map 1 to Amendment No. 128.'
- ii) SCHEDULE A-1 – NATURAL HERITAGE FEATURES AND ADJACENT LANDS is amended by adding a symbol and adding the following in the legend "See Part 5, Section 2", as shown on the map attached entitled "Map 2 to Official Plan Amendment No.128."
- iii) A new SCHEDULE A-6 – LAND USE PLAN FOR THE RIVERFRONT COMMUNITY PLAN AREA is added as shown on the map attached entitled "Map 3 to Amendment No. 128."
- iv) A new SCHEDULE A-6(a) – NATURAL HERITAGE REMOVAL AND REHABILITATION PLAN FOR THE RIVERFRONT COMMUNITY PLAN AREA is added as shown the map attached entitled "Map 4 to Amendment No. 128."

TEXT CHANGES

- i) PART 2, SECTION 13.56 – SPECIAL POLICY AREA "56" is hereby deleted and replaced with the following:

"13.56 SPECIAL POLICY AREA "56"

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

13.56.1 Development will occur in accordance with a Secondary Plan to be adopted as an amendment to this Plan. The extent of the Environmental Protection Area and various other designations may be affected by the environmental and feasibility studies yet to be completed and will be refined through the Secondary Plan process. In the absence of a Secondary Plan or a Community Plan, the policies of this Plan shall continue to apply to the area

13.56.1.1 Notwithstanding that development is to occur in accordance with a Secondary Plan, approximately 23 hectares of land located on the northwest quadrant of Oldfield Road and Drummond Road may be developed in advance of a Secondary Plan by way of a plan of subdivision in accordance with the policies contained in Part 2, Section 1.4, Residential and Sections 14.56.2, 14.56.4 and 14.56.5 below.

13.56.1.2 Notwithstanding that development is to occur in accordance with a Secondary Plan, approximately 48.6 hectares of land located in the south-west portion of this area where Dorchester Road and Chippawa Parkway meet, may be developed in advance of a Secondary Plan by way of a Community Plan as detailed in Part 5, Section 4 of this Plan.

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

13.56.2.1 Residential design in compliance with the Greenfield policies and density targets of the Growth Plan for the Greater Golden Horseshoe and Niagara Region' Municipal Comprehensive Review.

13.56.2.2 The separation and buffering of sensitive land uses from existing rail lines and proximate industrial land uses, facilities and designations in accordance with relevant Provincial and Regional policies and regulations and in consultation with industrial properties owners in the area.

13.56.2.3 The availability of adequate municipal services including road, water, sanitary sewer and stormwater management services.

13.56.2.3.1 The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP) has identified the need for a future South Niagara Falls Wastewater Treatment Plant (WWTP).

13.56.2.3.2 Special Policy Area No. 56 is located within the South Side High Lift Sewage Pumping Station sewershed. Development in Special Policy Area No. 56 will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.

13.56.2.3.3 The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/Inflow and Infiltration reduction program to determine the interim capacity available for development. The strategy will include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls.

13.56.2.3.4 Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City

13.56.2.3.5 All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities.

13.56.2.3.6 As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

13.56.3 The Secondary Plan may include design guidelines for public realm facilities including neighbourhood structure, block design, lot size and variety, neighbourhood edge interfaces, local street design guidelines, sidewalks and streetscaping, parks, trails and open spaces and natural heritage as well as the private realm including building variety and density, setbacks, building height, apartment buildings and parking areas.

13.56.4 The Secondary Plan shall require the completion of the appropriate studies or the receipt of Records of Site Conditions through implementing planning applications.

13.56.5 No development or site alteration shall be permitted within the areas designated Environmental Protection Area. Refinement to the extent of the Environmental Protection Area and other designations and the establishment of appropriate setbacks and linkages will occur at the Secondary Plan, zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on detailed Environmental Impact Studies.

13.56.6 The 2017 Niagara Region Transportation Master Plan, which included extensive consultation with the City as well as other agencies and the public, determined that a crossing of the Welland River would best address future transportation needs over the long term. A Municipal Class Environmental Assessment ("Class EA") shall be undertaken in the future to confirm the need and preferred location for a crossing of the Welland River. The Class EA process would include more detailed planning, environmental, engineering, and design work within a public and agency consultation framework."

13.56.7 Initiation of the Class EA shall be triggered by any relevant development approvals beyond the Riverfront Community OPA boundary. A Transportation Impact Study will be required prior to approvals for these applications. The Class EA study shall identify community and environmental impacts, and shall identify measures to be undertaken to mitigate any such impacts.

13.56.8 The subject lands will be placed in an appropriate "Holding" category in the implementing zoning by-law in order to control further development in advance of approval of the secondary plan, plans of subdivision/ condominium and site plan.

- ii) A new PART 5, SECTION 4 – RIVERFRONT COMMUNITY PLAN is to be added as follows:

"SECTION 4: RIVERFRONT COMMUNITY PLAN

Preamble

The purpose of the Riverfront Community Plan is to provide the vision and planning framework to guide future development in the Riverfront Community Plan Area.

Principles and Objectives

The following principles and objectives are to be achieved in Riverfront Community.

Principle 1: Create a Healthy, Complete Community

To create a safe, livable, attractive, and healthy community that provides living, working, learning, recreational and community services opportunities with linkages to natural features that encourage healthy, active living and create a strong sense of community.

Objectives

- to create a vibrant, memorable community core which is focused on lively streets that provide residents and tourists with a multicultural setting and acts as the focal point and draw for the community;
- to create an interconnected street system that is transit-supportive, comfortable and engaging for pedestrians and efficiently transports people and goods;
- to provide for a range of residential, commercial, employment, institutional, community and retirement facilities and uses that meets the daily and weekly needs of residents and employees;
- to create an interconnected system of parks, greenways, trails and open space linkages throughout the community that encourages active transportation and a healthy lifestyle and facilitates connections to nearby recreational opportunities;
- to integrate into the existing context, protecting against and limiting conflicts with adjacent industrial uses by mitigating any potential environmental air quality, noise and vibration effects.

Principle 2 – Create a Sustainable, Resilient, Green Community

To create a Natural Heritage System (NHS) that includes provincially significant wetlands among other natural heritage features that will provide the core for a healthy and green community structure designed.

Objectives

- to employ the approach of avoid, mitigate and rehabilitate in the conservation of natural heritage features;
- to sustain and enhance the natural environment through protection of Provincially Significant Wetlands (PSW's) and associated buffers and promote opportunities for functional linkages of protected areas

using a combination of natural corridors and green space and special features which are incorporated into the built form;

- to maintain and improve the hydrologic function of protected wetlands;
- to provide for views to natural areas, parks and open spaces as well as to the Welland River and OPG Canal where possible to assist in the creation of an unique sense of place;
- to provide municipal services (water, wastewater and storm) to the satisfaction of the regulatory agencies, and apply storm water management best management practices which mimic the natural hydrology of the area and protect water quality;
- to create a walkable development community interconnected with cycling opportunities;
- to preserve existing mature trees located outside of the environmental protection areas and to integrate them into the built environment; and
- to encourage environmentally sustainable development, construction and servicing standards which consider climate change resiliency.

Principle 3 - Create a Diverse Residential Community

To provide for a diverse range of housing types and densities that caters to people in all their life stages and allows for a range of affordability levels.

Objectives

- to provide a range of low to high rise buildings and ensure an appropriate transition between housing types;
- to meet the needs of residents of all ages including children, students, adults, and seniors, and ensure that development is accessible to all abilities;
- to provide a range of affordability, consistent with targets established by Niagara Region; and
- to develop neighbourhoods that each have a "sense of place" created by the design of the development, including the pedestrian orientation of the buildings and streetscapes, and the provision of parks and greenways which are designed to facilitate interaction.

Principle 4 - Develop an Integrated Open Space System

To provide integrated open spaces, greenways, Environmental Protection, and parkland systems as a core feature of the community.

Objectives

- to integrate parkland and key community features with the greenways and open space system;
- to provide connected public open spaces throughout the community to enhance connectivity as well as provide view corridors;
- to integrate the Con Rail drain into the design of the community as a receiver of treated storm water drainage as a component of the storm water management systems and an aesthetic enhancement to the community; and
- to ensure that development protects significant natural heritage features by providing appropriate separation distances and buffers;

Principle 5 - Create Employment Opportunities with a Vibrant Local Economy

To create opportunities for a vibrant local economy that provides local employment as part of this community.

Objectives

- to create a community core of high quality design that provides for a variety of commercial, entertainment, health care and tourist facilities and to create new institutional facilities all of which provide various employment opportunities;
- to provide an efficient, integrated transportation network that connects employment and residential areas with the greater community.

POLICIES

1. General

- 1.1. Land use shall be consistent with the land use pattern shown on Schedule A-6. Future local and collector road locations will be determined through individual plans of subdivision that implement this land use plan. Any public road or public infrastructure proposed in a PSW will be subject to a Class EA if a suitable location cannot be approved as part of a plan of subdivision.

- 1.2. The following land use designations are established for the Plan Area

Residential, low/medium density;
Mixed Use;
Open Space and
Environmental Protection Area.

Any changes in land use designation from that shown on Schedule A-6 shall require an amendment to this Plan.

- 1.3. The overall Greenfield density target for the Plan Area is a minimum of 53 combined residents and jobs per hectare. The City will monitor densities to ensure the target density is achieved. Individual sites may be developed at densities lower than the minimum without amendment to this Plan if it is demonstrated through appropriate analysis using the approved land use plan that the overall Greenfield target density will continue to be met within Riverfront Community.

1.3.1. The anticipated development yield for the Plan Area is:

- Population – 2,100 to 3,000
- Dwellings units – approximately 1,100
- Employment capacity – 1,800 to 2,800 jobs

1.3.2. Implementing bylaws should allow for a wide range of housing choices to ensure builders can respond to shifting market demands.

- 1.4. This Plan supports the provision of affordable housing as defined by the Province of Ontario. Affordable housing may be achieved by:

- Promoting higher density housing forms, where housing is more affordable due to reduce per unit land costs;
- Building smaller units, where housing is more affordable due to lower development and/or redevelopment costs;
- Applying government grants and/or subsidies, including land dedication, that will reduce overall development costs; and,
- Encouraging the development of second units.

1.4.1. The City will work with other government agencies and the private sector, to promote innovative housing forms, development techniques, and incentives that will facilitate the provision of affordable housing.

1.4.2. Affordable housing shall be located in proximity to local community facilities and existing or potential public transit routes and active transportation facilities.

- 1.5. Guidelines from the Ministry of the Environment and Climate Change (MOECC) will be applied to limit potential for future land use conflicts with new sensitive land uses near existing industrial uses. Warning clauses shall be included in subdivision agreement(s), condominium agreements, site plan agreement(s) and purchase and sale agreements where appropriate regarding the proximity of heavy industrial land uses and railway lines to

residential dwellings and the possibility that noise and vibration from them may be discernable.

- 1.6. The focus for employment opportunities in Plan Area will be in the Mixed-Use designations.
- 1.7. The availability of adequate municipal services including road, water, sanitary sewer and storm water management services including the location of a pumping station to service the southern portion of the subject lands shall be confirmed prior to the registration of implementing subdivision plans, plans of condominiums, and site plan agreements.

2. Land Use

2.1. Residential, Low / Medium Density

- 2.1.1. Lands designated Residential, Low / Medium Density are to include a wide variety of housing forms. These can range from low density ground oriented units including detached units, semi-detached, duplex and triplex dwellings to medium density units that include townhouses (on-street, stacked, and block), low-rise apartment buildings, and retirement homes (independent living, assisted living).
- 2.1.2. Low Density housing forms may be developed within a net density range of 20 to 50 units per hectare. Maximum building heights shall be 3 storeys.
- 2.1.3. Medium density housing forms may be developed to a maximum net density of 75 units. Building heights will be limited to 4 storeys however a building height of up to 6 storeys may be considered with appropriate architectural or urban design guidelines in place.
- 2.1.4. An increase in the maximum density may be considered without amendment to the Plan if appropriate design controls are in place and internal and external municipal services are sufficient to accommodate higher overall densities in the Plan Area.
- 2.1.5. Reverse lot frontage is to be avoided for all housing forms and only considered where it is demonstrated to be the only alternative.
- 2.1.6. Building designs should minimize the visual impact of garage doors on the public streetscape. The implementing by-law shall address this by regulating provisions such as garages being setback behind the liveable portions of ground oriented dwellings, limiting garage widths to a percentage of the overall unit width, and other means Council deems

appropriate to limit their visual impacts on public streetscapes.

2.1.7. Medium Density housing forms should:

2.1.7.1. be located near the open space system and/or a community centre to provide residents easy access to a variety of amenities;

2.1.7.2. be designed with a pedestrian-oriented street frontage that locates buildings close to the street and provides front entrances that are visible from the street. Parking lots should be located within rear or interior side yards. Landscape buffers along any property line shall be designed to provide appropriate levels of screening; and

2.1.7.3. have direct vehicular access to a collector road, subject to site specific conditions and

2.2. Institutional

2.2.1. Institutional uses including public schools, private schools, places of worship, community centres and retirement homes and long-term care facilities are permitted the Residential, Low/Medium Density and Mixed Use designations subject to the following policies:

Public Schools

2.2.2. The need for publicly funded schools will be determined by the respective school boards. Locations of any future schools will be guided by the following:

2.2.2.1. The site should be centrally located such that the majority of students are within an 800 metre radius to contribute to its walkability;

2.2.2.2. Elementary school sites shall have an area of approximately 2 hectares and be located with adequate frontage on at least one collector road;

2.2.2.3. School sites should be integrated with the open space system; and

2.2.2.4. Sites should be adequately separated from lands designated Industrial and the CP Rail line. Any site located within 300 metres of lands designated Industrial or 300m for noise mitigation, and 75m for vibration, from the rail line shall be required to address noise and/or vibration issues and provide

appropriate building design and mitigation measures.

Other institutional uses

2.2.3. Institutional uses not listed in Policy 2.3.1 shall:

- not have direct access onto a local road;
- locate parking within rear or interior side yards;
- provide landscape buffers along any property line with appropriate levels of screening;
- construct buildings near the street frontage to provide a street presence; and
- address noise or vibration issues where institutional uses are located within 300 metres of lands designated Industrial or 300m for noise mitigation, and 75m for vibration, from the rail line through building design and mitigation measures.

2.3. Mixed-Use

2.3.1. Land uses within the Mixed-Use designation include commercial (e.g. retail, hotel, restaurants) and residential uses.

2.3.2. Buildings may be developed as mixed use or stand-alone commercial or residential uses.

2.3.3. Building heights should be a minimum of 2 storeys, although 2 interior functional storeys may not be required, up to a maximum of 12 storeys with building massing increased at major road intersections.

2.3.4. Buildings should be designed and massed to frame streets and open spaces, enhance the public realm, and provide a comfortable pedestrian environment during all four seasons by ensuring adequate sunlight to public spaces and limiting uncomfortable wind conditions.

2.3.5. Sidewalks and public squares should be designed to provide safe, attractive, well designed and coordinated landscaping, lighting and street furnishings that enhance the pedestrian experience. Public art may be added to public squares to provide further interest.

2.3.6. Parking areas should be provided in structures. Where structures cannot be accommodated surface parking areas should be located in rear or interior side yards. Where a rear

or exterior lot line or the rear or side building facade abuts a public road, enhanced landscaping and building treatments shall be employed to ensure that building facades and servicing areas are attractive or appropriately screened from view.

Commercial Uses

2.3.7. Commercial uses may be developed as follows:

- permitted uses include retail, office, theatre, arts, entertainment, restaurant, hotel, tourist, time share, medical, health and wellness, recreational, cultural and personal service commercial uses; and
- The maximum amount of retail floor space envisaged is 26,000 square metres. Individual retail stores will be limited to a size which reflects an urban scale of development and supports the pedestrian oriented built form and will be established in the Zoning By- law.
- Non-residential uses shall occupy no less than 10% of the total floor area.

Residential Uses

2.3.8. Residential uses may be developed as follows:

- Stand-alone residential buildings may be developed at a minimum net density of 75 units per hectare;
- Types of dwellings include apartment buildings, and retirement and long-term care facilities;
- Residential uses, except for lobbies and associated functions, should occupy floors above the ground floor in mixed use buildings;
- Shared parking arrangements within mixed use buildings may be permitted on a site-specific basis subject to submission of a Parking Demand Analysis, as part of an application to amend the Zoning By-law, to the satisfaction of the Director of Transportation Services; and
- Outdoor amenity areas shall be provided.

2.4. Open Space System

2.4.1. The Open Space system includes parkland, trails and greenways and shall be confirmed during the approval of individual draft plans of subdivision.

- 2.4.2. Neighbourhood parks should be a minimum of 2 hectares in size and may accommodate active or passive recreation. The size of parkettes will be determined at the time of subdivision application.
- 2.4.3. Parkland dedication provided through individual plans of subdivision or condominium shall have connections to, or be readily connected to, other components of the open space system.
- 2.4.4. Storm water management facilities and natural heritage features will not be accepted as parkland dedication.
- 2.4.5. Greenways provide both a recreational and utilitarian function. Accordingly, connections will be made to the road network as well as to the office business park and mixed-use areas.
- 2.4.6. Trails and greenways should connect with Dorchester Road and Chippawa Creek Road which are within the Regional Bicycle Network System.
- 2.4.7. An Environmental Impact Study shall be prepared to the satisfaction of the City in consultation with Niagara Region and the Niagara Peninsula Conservation Authority (NPCA), when deemed appropriate, for any recreational trails that are planned to be extended into or adjacent to an area designated Environmental Protection Area. A Work Permit from the NPCA shall be obtained prior to construction, if deemed necessary.

2.5. Natural Heritage System

- 2.5.1. A Natural Heritage System (NHS) shall be applied to recognize the interdependence of natural heritage features and their associated functions, and to maintain those connections so that their existing ecologic and hydrologic functions are maintained or enhanced. Lands within the NHS are subject to the policies of Part 2, Section 11 Environmental Policies of the City of Niagara Falls Official Plan.
- 2.5.2. The NHS within the Plan Area is comprised of the following environmental features and associated buffers:
 - Provincially Significant Wetlands;
 - Significant Woodlands;
 - Significant Valley lands;
 - Significant Wildlife Habitat attributes and functions, including habitat for species-at-risk and rare plant communities;

- Significant areas of natural and scientific interest (ANSI);
- Hazard Lands;
- Other natural heritage features (i.e. NPCA regulated wetlands, woodlands that are less than 4 hectares, treed slopes, and cultural habitat features; sensitive ground water areas, locally significant wetlands); and
- Enhancement/restoration areas.

Provincially Significant Wetlands

- 2.5.3. Provincially Significant Wetlands (PSW's) identified by the Ministry of Natural Resources and Forestry (MNRF) shall be designated Environmental Protection Area on Schedules A and A-6.
- 2.5.4. A feature no longer identified as a PSW by the MNRF shall assume the land use designation of the adjacent land use designation provided that the feature fails to meet any other natural heritage criteria. Should the feature meet other criteria, the applicable policies of this Plan shall apply.

Endangered Species Act

- 2.5.5. Endangered and threatened species shall be addressed in accordance with the Endangered Species Act (ESA) and continues to apply to subsequent Planning Act applications.
- 2.5.6. Natural Heritage feature FOD 7-3 as identified in the Savanta Environmental Impact Study, September, 2017 and Addendum, March, 2018 and on Schedules A-1, A-6 and A-6 (a) has the potential for endangered species habitat. Further studies as required by the MNRF shall be satisfactorily completed as part of the submission of any further Planning Act application in the vicinity of this feature.
- 2.5.7. Significant species habitat relocation shall be undertaken pursuant to any permits or approvals required under the ESA obtained from the MNRF.
- 2.5.7.1. The lands where the habitat is to be relocated shall be designated EPA.
- 2.5.7.2. The lands from which the habitat is removed shall be considered as EPA until such time as the habitat is removed. Subsequent to removal, the adjacent land use designation shall apply to the feature provided that feature fails to meet another other criteria.

- 2.5.7.3. The policies of 11.2.14 shall not apply with respect to habitat relocation pursuant to the ESA.

Significant Wildlife Habitat

- 2.5.8. Natural Heritage Feature FOD 7-3 in the Savanta Environmental Impact Study, September, 2017 and Addendum, March, 2018 as FOD 7-3 and identified on Schedules A-1, A-6 and A-6 (a) contains potential Significant Wildlife Habitat (SWH). Further studies as shall be completed to the satisfaction of the City and NPCA as part of the submission of any further Planning Act application.
- 2.5.9. Development and site alteration may only be permitted if no negative impact has been demonstrated to the satisfaction of the City, in consultation with Niagara Region and the NPCA.
- 2.5.10. The relocation of SWH may only be undertaken after the satisfactory demonstration of no negative impact.
- 2.5.11. As a condition of draft plan approval, site plan approval or zoning by-law amendment, relocation works may only be undertaken under a Work Permit issued by the NPCA and in accordance with the conditions of a Resource Management Agreement entered into by the developer and the City.

Woodlands

- 2.5.12. Woodlands that are shown on Schedule A-6(a) as "potential woodland removal area" will be subject to a holding provision in the implementing zoning by-law. A condition to be met prior to the lifting of the H-provision will be the submission of an updated EIS to the satisfaction of the City, in consultation with Niagara Region, as part of a complete Planning Act application which demonstrates no negative impact on significant natural features or their ecological function. Woodlands located outside the subject lands within Special Policy Area #56 as shown on Schedule A-6(a) shall be rehabilitated in accordance with the conditions of a Resource Management Agreement entered into by the developer and the City as a condition of draft plan approval, site plan approval or zoning by-law amendment.

Resource Management Agreement

- 2.5.13. A Resource Management Agreement shall be executed between the property Owner and the City for any approved natural heritage feature removal and replacement,

restoration, or enhancement program. The Agreement shall address the following:

- The provisions for the removal of certain environmental components within Plan Area consistent with Schedule A-6(a);
- The provision for enhancement, restoration or replacement either on land within or outside of the Plan Area, consistent with Schedule A-6(a);
- The identification of replacement lands that shall be designated as EPA and zoned Environmental Protection to ensure long-term protection of the restoration/enhancement areas;
- A description of the works related to environmental restoration, replacement or enhancements and the timing of these works, including provision of a detailed ecological restoration/enhancement plan. Such a plan shall require restoration/enhancement to help restore degraded woodlands and existing natural heritage features.
- A detailed multi-year monitoring plan of the restoration/enhancement works is required;
- Any work permits required under NPCA regulations; and
- A Letter of Credit for the total of the restoration/enhancement works shall be submitted to the City prior to initiation of the restoration/enhancement works.

Buffers

2.5.14. A thirty (30) metre buffer shall be established to protect the ecologic and hydrologic functions of natural heritage features. The thirty (30) metre buffer may be increased or decreased, based on an approved Environmental Impact Study required through the subdivision and development application process.

2.5.15. Where the extent of a buffer has been reduced through an approved EIS, the adjacent land use designation shall apply without amendment to this Plan. New development or site alteration within the naturally vegetated buffer determined through an approved EIS is not permitted.

General

- 2.5.16. Development within wetlands and other features regulated under Ontario Regulation 155/06 within the OPA boundary may be permitted based on the findings and subject to the conditions of any relevant EIS. These requirements may be further refined through new Environmental Impact Studies, prepared to the satisfaction of the City in consultation with Niagara Region and the NPCA, submitted in support of subdivision or condominium applications. An NPCA Work Permit shall be obtained as a condition of draft plan approval, site plan approval or zoning by-law amendment.
- 2.5.17. Linkages and natural corridors will be provided in accordance with the findings of any relevant EIS at locations intended to facilitate species movement and maintain biodiversity. The linkages may include both anthropogenic corridors provided by parks and open space areas as well as natural corridors. The width of the linkages should be a minimum of 50 metres wide but the specific location, width, function and implementation details of all linkages and natural corridors will be addressed through an approved Environmental Impact Study at the subdivision or condominium approval stage.
- 2.5.18. The Con-Rail Drain may be enhanced to improve its ecological and aesthetic function.
- 2.5.19. Conservation measures permitted in accordance with Section 11.2.14 b) may include Low Impact Development Best Management Practices used to create a water balance to PSW's subject to being limited to locations within buffer areas, appropriate technical supporting documentation and approval by Niagara Peninsula Conservation Authority. On-site stormwater management shall not negatively impact PSW's or their hydrology.
- 2.5.20. Refinement to the extent of the Riverfront Community land use designations and the establishment of appropriate setbacks and linkages will occur at the zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on relevant current or more detailed future Environmental Impact Studies.
- 2.5.21. Tree saving plans shall be required as part of subdivision and site plan applications to identify existing mature trees located outside of the Environmental Protection Areas and associated buffers to preserve and integrate them into the built environment where possible.

3. Infrastructure

3.1. Storm Water Management

- 3.1.1. Overland and piped storm water flows will not be directed outside of the respective watershed.
- 3.1.2. Storm drainage shall be conveyed to the Welland River or OPG Canal.
- 3.1.3. The location of storm water management facilities shall be confirmed through plans of subdivision in accordance with the recommendations of relevant studies and subject to approvals from the appropriate approval authorities. Such facilities are not shown on Schedule A-6 and may be located under any land use designation with the exception of the Environmental Protection Area.
- 3.1.4. Private individual or temporary storm water management facilities are discouraged. Such installations shall be undertaken at the cost of the developer.
- 3.1.5. Storm water management facilities will be constructed as naturalized features, utilizing native plant species and grading techniques to create a natural area. If required, public access will be limited using approved landscaping techniques; fencing is strongly discouraged. Such facilities should be integrated with the community's Open Space System.
- 3.1.6. Low Impact Development storm water management best management practices is encouraged where appropriate to mimic the natural hydrology of the area and protect water quality.
- 3.1.7. The Con Rail drain will continue to act as a component of the storm water management system and will receive treated drainage from Plan Area as well as drainage from outside of this area. It may be enhanced with improved bed and slope treatments and added vegetation to aesthetically improve the appearance of the drain. Enhancements shall be implemented through subsequent Planning Act applications and will be subject to approvals from the appropriate authorities.

3.2. Sanitary and Water Services

- 3.2.1. Sanitary services will be constructed in accordance with the recommendations of approved servicing studies. This includes a pumping station required to service the Riverfront Community.

- 3.2.2. The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP) has identified the need for a future South Niagara Falls Wastewater Treatment Plant (WWTP).
- 3.2.3. The Riverfront Community is located within the South Side High Lift Sewage Pumping Station sewershed. The Riverfront Community will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.
- 3.2.4. The City, in consultation with the Region, shall prepare the South Niagara Falls Servicing Strategy and wet weather/Inflow and Infiltration reduction program to determine the interim capacity available for development. The strategy will include a monitoring program to measure overall capacity of the South Side High Lift Sewage Pumping Station to accommodate interim growth in South Niagara Falls.
- 3.2.5. Future planning applications will require verification of the available wet weather sanitary capacity in the South Niagara Falls system as it relates to the development and identification of required mitigation measures to accommodate development to the satisfaction of the Region and City
- 3.2.6. All infrastructure shall be designed and constructed in accordance with the appropriate Regional and City standards and subject to review and approval by the appropriate authorities.
- 3.2.7. As a condition of future planning approvals, the Region will require that the owner provide a written undertaking to acknowledge to Niagara Region that draft approval of any development within the plan area does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

3.3. Utilities

- 3.3.1. The City shall participate in discussions with utility providers such as hydroelectric power, communications/telecommunications, pipelines and natural gas to ensure that sufficient infrastructure is or will be in place to serve the community.
- 3.3.2. The appropriate locations for large utility equipment and cluster sites will be determined through the Environmental Assessment and subdivision processes. Consideration will

be given to the locational requirements for larger infrastructure within public rights of way, as well as easements on private property.

3.3.3. Utilities will be planned for and installed in a coordinated and integrated basis to provide for efficient, cost effective services and to limit disruptions.

4. Transportation

4.1. Individual Plans of subdivision will provide suitable connectivity to facilitate walking, cycling and access to transit. .

4.2. Right-of-way widths for arterial and collector roads shall be in accordance with PART 3, Section 1.5 – Transportation of the Official Plan. Right of way widths for local roads shall be determined at the time of subdivision approval but may be less than 20 metres subject to Council approval. The City may require road widening dedications in addition to the designated road allowances indicated in PART 3, Section 1.5 without the need for amendments to this Plan for purposes of:

- Additional site triangles at intersections and entranceways necessary for traffic operational design purposes;
- Turning lanes at intersections or to provide suitable access to major traffic generator developments;
- Sites for traffic control devices (e.g. roundabouts) and transit facilities (e.g. bus lay-bys); and
- Additional width to the scenic parkway to facilitate enhanced landscaping and active transportation facilities.

4.3. A traffic impact study or other transportation-related studies as may be determined shall be provided as part of an application for subdivision or Zoning By-law approval, to the satisfaction of the City. The traffic impact study will assess the impacts of the proposed phase of development on the existing road network, intersections and recommend any improvements to the road network that will be needed for that phase. A traffic monitoring program will be established as a condition of initial draft plan approval to assess the performance of the Stanley/Chippawa Parkway intersection and the need for any improvements. Any improvements to the existing road network or to intersections shall be a condition of draft plan approval and constructed at the cost of the applicant unless such improvements have been identified in the Development Charges By-law.

4.4. Dorchester Road and Chippawa Parkway are designated as local municipal arterial roads. The following policies shall apply to these arterial roads within this Plan Area:

- Expansion of Dorchester Road and Chippawa Parkway from their current width is not required to support development of Riverfront Community.
- Driveway access to arterial roads shall be restricted in accordance with the City's requirements. On corner lots, driveway access shall be provided only from the lesser order road frontage.
- Reverse lot frontage shall be avoided.
- Generously landscaped open space shall be provided along arterial road frontages save and except for any driveway or sidewalk access.
- Chippawa Parkway shall be designed as a scenic parkway through implementing plans of subdivision or municipally initiated processes, with designs that provide opportunities to enhance its scenic nature and facilitating views to the Welland River

4.5. The collector road network is shown on Schedule A-6. Collector roads are to provide for the conveyance of traffic within the community and to provide for transit routes. Accordingly, the following shall apply:

- Bicycle lanes should be provided on all collector roads.
- Reverse lot frontage shall be avoided where possible.
- Traffic circles/roundabouts will be encouraged to be used at the intersection of collector and arterial roads.

4.6. The specific configuration of local roads, laneways and the resultant lot patterns shall be established through implementing plan(s) of subdivision.

4.7. New road crossings of the CP Rail line will be limited to one inside the Plan Area, subject to federal rail legislation and prevailing railway regulations.

4.8. The construction of the bridge the Welland River is not required prior to the completion of the development of Phase 1 of Riverfront Community, based on the findings of the current transportation assessment. The 2017 Niagara Region Transportation Master Plan, which included extensive consultation with the City as well as other agencies and the public, determined that a crossing of the Welland

River would best address future needs. A Municipal Class Environmental Assessment ("Class EA") shall be undertaken in the future to confirm the need and preferred location for a crossing of the Welland River. The Class EA process would include more detailed planning, environmental, engineering, and design work within a public and agency consultation framework

- 4.9. Initiation of the Class EA shall be triggered by any relevant development approvals beyond the Riverfront Community OPA boundary. This process may also be triggered if densities within the OPA boundary exceed those assumed in the Riverfront Community Transportation Assessment – April, 2018 (Paradigm Transportation Solutions Limited). In either case, a Transportation Impact Study will be required prior to approvals for these applications. The Class EA study shall identify community and environmental impacts, and shall identify measures to be undertaken to mitigate any such impacts.

5. Sustainable Development

- 5.1. Development shall occur in accordance with the Energy Conservation policies established in Part 3 Section 3.1 of this Official Plan and will be encouraged to exceed the energy efficiency requirements within the Ontario Building Code. New development will be encouraged to incorporate alternative energy sources where appropriate.
- 5.2. Development will be designed to encourage the use of transit and active modes of transportation and should facilitate the use of alternative energy vehicles where appropriate.

6. Growth Strategy

6.1. Order of Development

- 6.1.1. Development shall progress in an orderly, efficient and fiscally responsible manner.
- 6.1.2. Council may use holding provisions in the zoning of lands to ensure development occurs in an orderly manner.
- 6.1.3. Holding provisions can be lifted only after the following matters have been satisfied:
 - sufficient revenue has been, or will be, generated to finance the servicing of the proposed Plan Area, either through Development Charges revenue or other suitable means of finance;

- any extensions of municipal sanitary sewers and watermains required to service the lands have been designed and approved for construction;
- the extent of the short term (serviced) land supply within Plan Area is not more than 10 years; and
- the execution of a required front ending agreement by the owner of lands in accordance with requirements of the Development Charges Act

6.1.4. Development shall not proceed until a municipal sanitary sewer and watermain are extended along Chippawa Parkway or Dorchester Road to Plan Area. The timing of the extension of the municipal sanitary sewers and watermains will be dependent on the financial resources of the City and/or any front-ending agreements between benefiting landowners.

6.1.5. The City, through future Development Charge By-law Reviews, may consider an area specific Development Charge By-law for Plan Area.

6.1.6. The development of employment generating uses is encouraged to proceed concurrently with residential development to help create a complete community. Convenience retail and service commercial uses are encouraged to develop concurrently with residential development to provide residents with daily services.

6.1.7. Medium and high-density housing forms should develop concurrently with lower density forms. Applications should provide an indication of the phasing of each dwelling type.

6.2. Front-ending Agreements

6.2.1. For the purposes of the policies associated with Plan Area, a front-ending agreement, pursuant to the Development Charges Act, is a financial contract with the City whereby an individual or individuals agree to pay for the installation of infrastructure identified in the Plan to permit development to proceed within Plan Area in advance of other benefiting development paying its share of costs within or outside the boundaries of Plan Area.

6.2.2. Council may consider entering into a front-ending agreement with the developer, as a condition of approval, in accordance with City policies and procedures respecting such agreements where an application has been made for development in advance of the installation of infrastructure identified within Plan Area policies as required to support the

subject development, including both on-site and off-site services as well as upstream and downstream system requirements.

7. Implementation

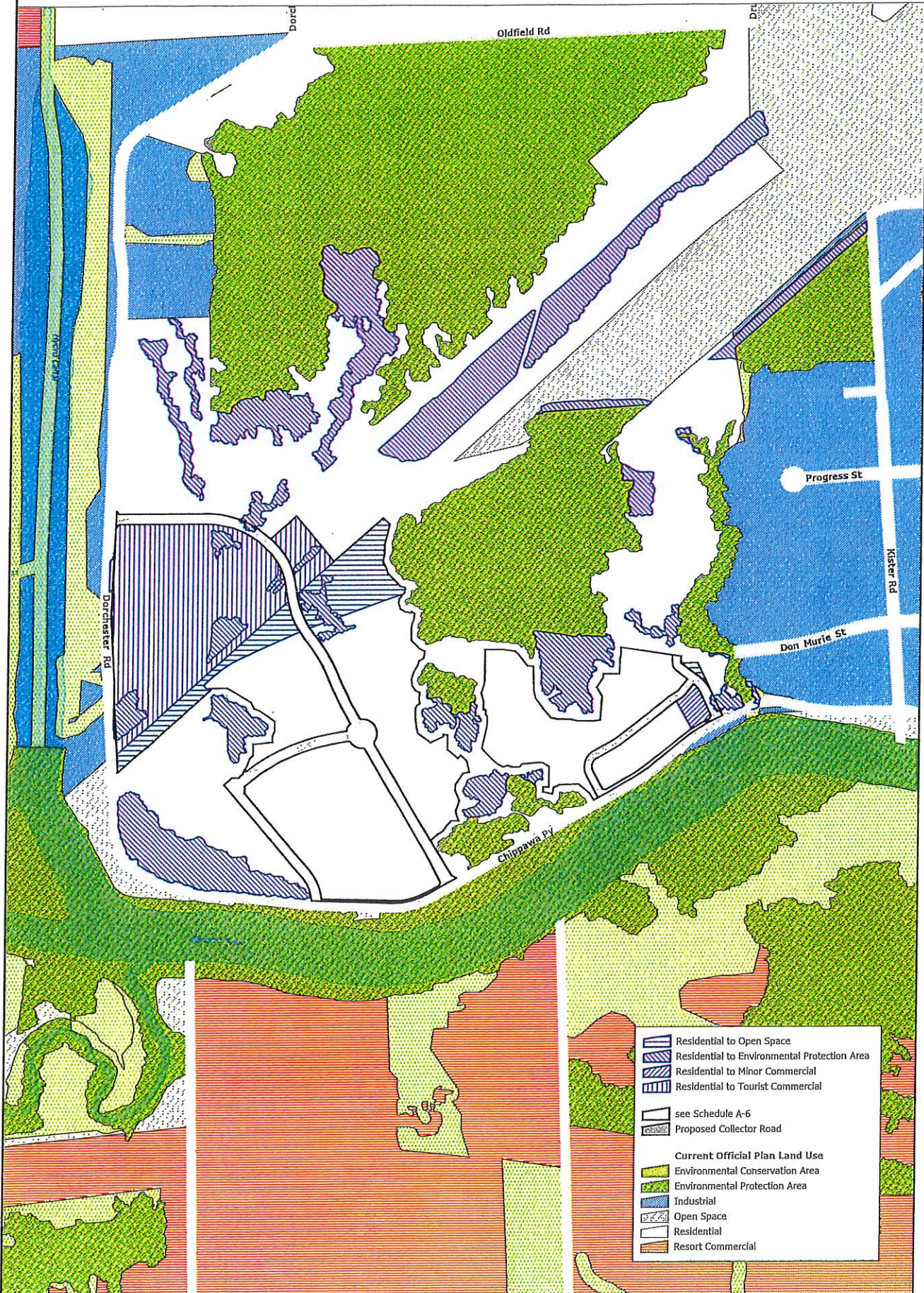
- 7.1. This Amendment shall be implemented in accordance with the requirements of the Planning Act, Development Charges Act and other applicable legislation. Development shall proceed by way of amendment to the Zoning By-law. Applications made shall comply with the policies regarding complete applications in PART 4 of this Plan.
- 7.2. Lands which require a Record of Site Condition (RSC) prior to development will be subject to an H-provision in site specific zoning.
- 7.3. Detailed air quality, noise and vibration studies will be required for any development for a sensitive land use proposed near a major facility such as a transportation corridor, industrial use, sewage or water treatment facility or pumping station, as part of subsequent Planning Act applications, including Zoning By-law Amendments, Draft Plans of Subdivision or Condominium, or Site Plan Approval.
- 7.4. Lands located in the eastern part of the Plan Area within a 300m distance separation from the concrete batching plant (Class III industry) on Progress Street as shown on Schedule A-6, shall be subject to further detailed land use compatibility assessments. Such assessments shall be submitted as part of any further Planning Act application.
- 7.5. Lot creation shall proceed primarily by way of plan of subdivision or condominium. Applications for consent or exemption from part lot control that maintain the integrity of the land use plan found on Schedule A-6 may be considered when:
 - plans of subdivision or condominium are not appropriate;
 - lands were not included in a plan of subdivision or condominium; or
 - further separation of buildings is required and either severance or exemption from part lot control is the most appropriate mechanism available or for other similar technical reasons.
- 7.6. Applications shall be consistent with the urban design policies of this Community Plan. Additional criteria may be provided through specific urban design guidelines submitted with applications for draft plan approval, site plan approval or zoning by-law amendment. Alternatively, the Region's Model Urban Design Guidelines will be used if Urban Design Guidelines are not

prepared in support of the Riverfront Community's draft plans of subdivision and condominium or for site plan review.

- 7.7. A Stage 3 Archaeological Assessment shall be conducted for Site AgGs-387 prior to development within 50 metres of this site. Development related activities shall not occur within the buffers recommended by this report. This site lies near Dorchester Road just north of the Con-Rail Drain.
- 7.8. Appropriate studies and clearances, such as Records of Site Conditions and detailed Environmental Impact Studies (EIS), shall be required through implementing planning applications prior to final subdivision approval and site development.
- 7.9. Residential uses permitted in the implementing zoning by-laws shall allow for a wide range of housing opportunities to ensure affordable options are available.
- 7.10. Subject to specific requirements agreed upon with Indigenous communities, conditions of subdivision approval may require appropriate engagement with Indigenous communities, including requirements for the developer to engage personnel on site to monitor construction on behalf of those communities. This policy is will enable negotiations between the City and Indigenous communities as appropriate and shall not fetter opportunities for alternate approaches that may be agreed upon that more appropriately address Indigenous communities' concerns and comments.

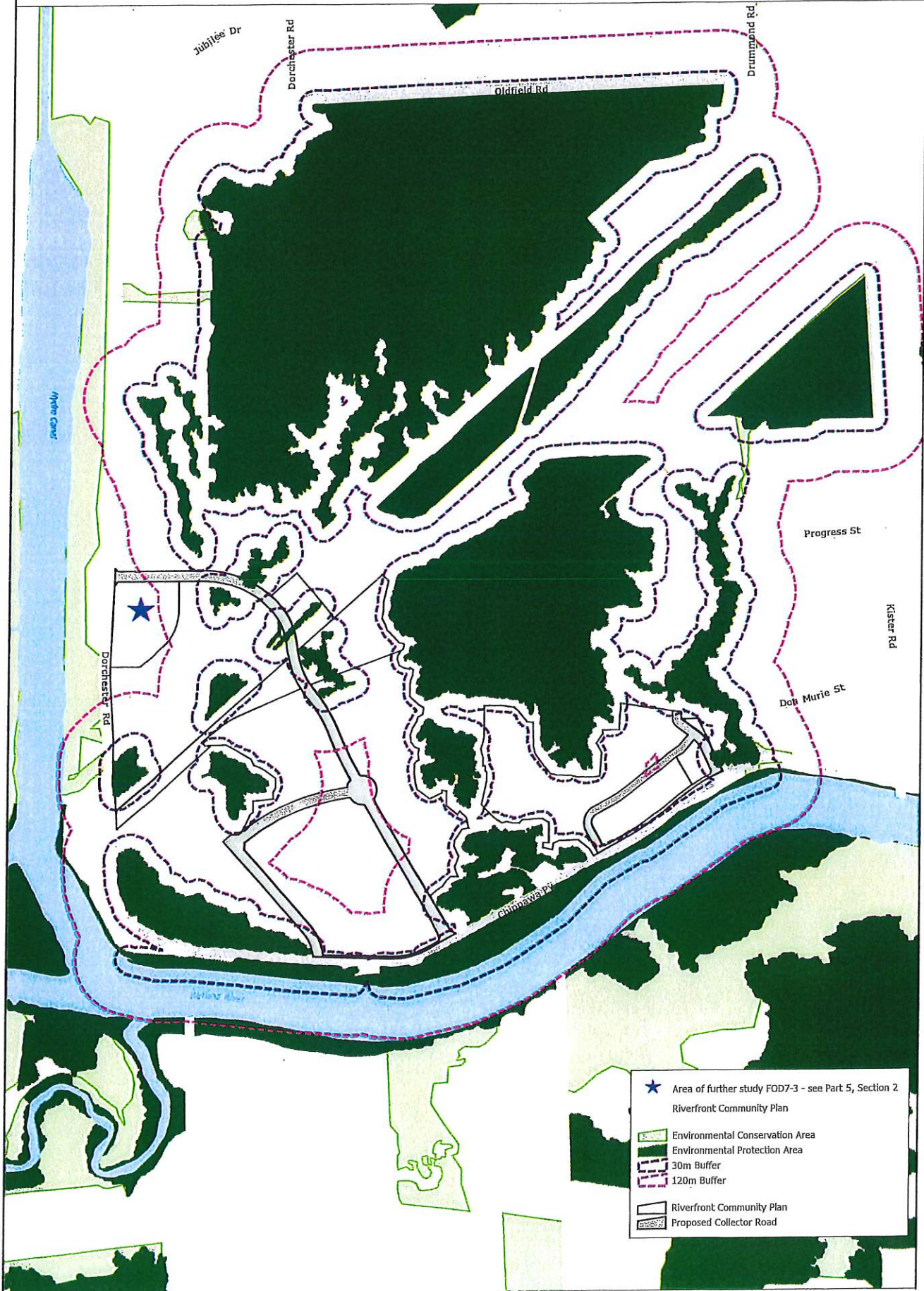


Amendment to Schedule A to the Official Plan, Riverfront Community Plan

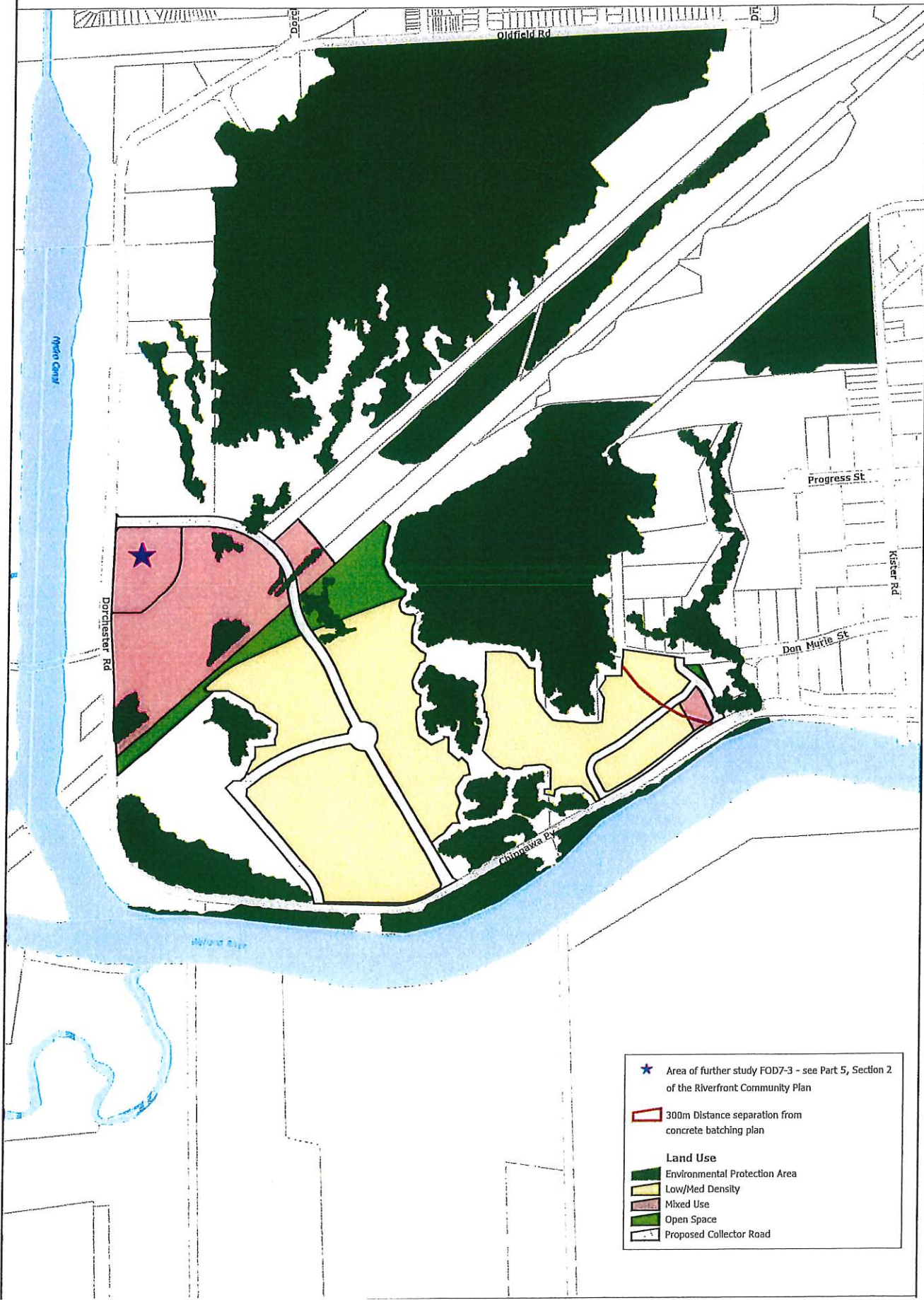




Amendment to Schedule A-1 to the Official Plan, Riverfront Community Plan



Schedule A-6, Land Use Riverfront Community Plan



★ Area of further study FOD7-3 - see Part 5, Section 2 of the Riverfront Community Plan

300m Distance separation from concrete batching plan

Land Use

- Environmental Protection Area
- Low/Med Density
- Mixed Use
- Open Space
- Proposed Collector Road

Schedule A-6(a) Potential Woodland Removal and Enhancement/Rehabilitation Areas

