



AGENDA

DELEGATION OF AUTHORITY MEETING

4:30 PM - Wednesday, August 13, 2025

Zoom

All Delegation of Authority Meetings are open to the public. Members of the public can attend virtually via Zoom.

1. CALL TO ORDER

2. ADOPTION OF MINUTES

2.1 July 23, 2025 Minutes

3. DISCLOSURES OF PECUNIARY INTEREST

Disclosures of pecuniary interest and a brief explanation thereof will be made for the current Delegation of Authority Meeting at this time.

4. PLANNING MATTERS

4.1 PBDD-2025-14

B-2025-019 & B-2025-020 - Marineland Easement/Encroachment Agreement

Proposal:

The applications have been requested to satisfy conditions of consent applications B-2025-001 to B-2025-004, which were approved by the Committee of Adjustment on February 18th, 2025.

- Part 2 – easement for access in favour of Marineland of Canada Inc. in perpetuity.
- Part 3 – easement/encroachment agreement for the existing building, including access to and maintenance of the building, in favour of Marineland of Canada Inc. for a period 50 years.

Applicant: Jeremy Tran

Property Owner: Canadian Niagara Power Company Ltd.

5. REPORTS

5.1 PBDD-2025-14 - B-2025-019 & B-2025-020 - Marineland Easement/Encroachment Agreement

It is recommended:

1. That the General Manager of Planning, Building and Development or their designate **APPROVES** application B-2025-019, being the easement/ encroachment agreement (Part 3) for the existing building, including access to and maintenance of the building, in favour of Marineland of Canada Inc. for a period 50 years; and
2. That the General Manager of Planning, Building and Development or their designate **APPROVES** application B-2025-020, being the easement for access (Part 2) in favour of Marineland of Canada Inc. in perpetuity.

5.2 PBDD-2025-13 - 26CD-11-2025-001– 6638 Mcleod Road Condominium Exemption

It is recommended:

1. That the General Manager of Planning, Building and Development or their designate **EXEMPTS** the condominium description from the provisions of Sections 51 and 51.1 of the *Planning Act* for lands municipally known as 6638 McLeod Road, pursuant to Sections 9(3)(b) and 9(7) of the *Condominium Act*;
2. That issuance of the Certificate of Exemption, as required to be issued by the City under Sections 9(3)(b) and 9(7) of the *Condominium Act*, be conditional upon the submission of the final Plan of Condominium and registered Site Plan Agreement for compliance review prior to registration; and
3. That the General Manager, Planning Building and Development or their designate **PASSES** By-law No. 2025-100 to exempt 6638 McLeod Road from the requirements for approval of condominium descriptions under Sections 51 and 51.1 of the *Planning Act*.

6. CONSENT AGENDA

7. BY-LAWS

- 7.1. By-law No. 2025-100 – to exempt 6638 McLeod Road from the requirements for approval of condominium descriptions under Sections 51 and 51.1 of the *Planning Act* (26CD-11-2025-001).

8. ADJOURNMENT



MINUTES

DELEGATION OF AUTHORITY MEETING

4:30 PM - Wednesday, July 23, 2025

Wayne Thompson Basement Boardroom/Zoom App.

The City of Niagara Falls Delegated Authority Meeting of the City of Niagara Falls Planning Department was called to order on Wednesday, July 23, 2025 at 4:30pm, in Wayne Thompson Basement Boardroom with the following members present:

DELEGATED AUTHORITY: Signe Hansen
Director of Planning, Building & Development

STAFF PRESENT: Mackenzie Ceci, Senior Planner, Current Planning
Tammy Trowers, Planning Technician, Current Planning

1. CALL TO ORDER

The meeting was called to order at 4:30 PM.

2. DISCLOSURES OF PECUNIARY INTEREST

None indicated by the Director of Planning.

3. PLANNING MATTERS

3.1. PBDD-2025-008

AM-2025-010, Minor Zoning By-Law Amendment

8598 Biggar Road

Proposal: Zoning By-law amendment to change the zoning on a portion of lands from Rural Agricultural (RA) to a site-specific Development Holding with a holding provision (DH-XX(H)).

Mackenzie Ceci, Senior Planner, provided presentation and an overview of Report PBDD-2025-008.

Mallory Nievas, The Biglieri Group, had no additions to the presentation.

Mallory Nievas also stated she was supportive of the recommendation.

No members of the public present.

Director of Planning had no questions.

Approved by Signe Hansen, Director of Planning.

3.2. PBDD-2025-009

AM-2025-011, Minor Zoning By-Law Amendment

4067 Drummond Road

Proposal: Zoning By-law amendment to change the zoning from Neighbourhood Commercial (NC-818) to a site specific Residential To (R2-XX) zone to permit the proposed semi-detached dwelling.

Mackenzie Ceci, Senior Planner, provided a presentation and overview of Report PBDD-2025-009.

Public Present: Katherine Berggen (4079 Portage Road), no other members of the public present.

Katherine Berggen stated she was concerned about the management of snow removal and was not pleased with the building design.

Joanna Bodnik, Owner, & Eric Beauregard, Upper Canada Consultants Present.

Eric Beauregard, provided presentation.

Eric Beauregard stated there was sufficient landscape & driveway space for snow removal. Eric also stated the setbacks provided avoid negative impact on surrounding trees.

Director of Planning, asked about snow removal plan (already addressed), setbacks, confirmation of existing zoning as well as what the zone permits. The difference between a semi-detached property and a duplex was also asked.

Mackenzie Ceci, stated there would be no changes to side yards or rear yard setbacks (they are following the R2 standard). Also, the subject land is currently zoned Neighbourhood Commercial (NC-818), the applicant is requesting the land to be placed under a site-specific Residential Two R2 zone (which allows 2 primary units). Mackenzie further explained that the duplex dwelling is typically described by 2 primary residences in a vertical orientation and the proposed semi-detached will have a horizontal orientation (side-by-side dwellings). Mackenzie also stated all site drainage needs to be contained within the site.

Approved by Signe Hansen, Director of Planning.

4. REPORTS

4.1. PBDD-2025-008 AM-2025-010, Minor Zoning By-Law Amendment 8598 Biggar Road

Approved as part of planning matters by Signe Hansen, Director of Planning, Planning, Building & Development.

**4.2. PBDD-2025-009 AM-2025-011, Minor Zoning By-Law Amendment
4067 Drummond Road**

Approved as part of planning matters by Signe Hansen, Director of Planning, Planning, Building & Development.

**4.3. PBDD-2025-010 AM-2024-031, Minor Zoning By-Law Amendment
4932 Kitchener Street**

Director of Planning notes, Information Report was received at the June 25th, 2025 Public Meeting. No members of the public attended the June 25th meeting.

Approved by Signe Hansen, Director of Planning, Planning, Building & Development.

**4.4. PBDD-2025-12 26CD-11-2021-007, Draft Plan of Vacant Land Condominium
Extension
6353 Carlton Avenue**

Approved by Signe Hansen, Director of Planning, Planning, Building & Development.

5. CONSENT AGENDA

6. BY- LAWS

- 6.1** Deeming By-law No. 2025-089 – to designate Lot 3, Plan 136 to be deemed not to be within a registered plan of subdivision (DB-2025-002).
- 6.2** By-law No. 2025-090 – to designate Plan 82, Lot 27, municipally known as 4653 Lee Avenue, not to be subject to part-lot control (PLC-2025-004).
- 6.3** By-law No. 2025-091 – to permit the use of the Lands municipally known as 4932 Kitchener Street for a Vacation Rental Unit (AM-2024-031).

7. ADJOURNMENT

Approved by Signe Hansen, Director of Planning, Planning, Building & Development to adjourn the meeting at 5:12pm.

File Number: B-2025-019 & B-2025-020

Delegated Meeting Date: August 13th, 2025

Applicant: Aaron Butler & Jeremy Tran (NPG Planning Solutions Inc.)

Location: Part of Parcel 2725 110 00109 502 Portage Road (south of 7657 Portage Road)

Proposal & Background:

At the February 18th, 2025 Committee of Adjustment meeting, the Committee of Adjustment approved consents, easements, and partial discharge of mortgages (B-2025-001 to B-2025-004) at 7657 Portage Road and 2725 110 00100 285 Stanley Avenue. The following easements/encroachment agreement have since been requested to satisfy the conditions of consent applications B-2025-001 to B-2025-004:

- **B-2025-019:** An encroachment agreement and easement for the existing building, including access to and maintenance of the building, in favour of Marineland of Canada Inc. for a period of 50 years; and
- **B-2025-020:** An access easement on Part 2 in favour of Marineland of Canada Inc. in perpetuity.

As the proposed easements and encroachment agreement are requested for a period greater than twenty-one years less a day, consent from the approval authority, being the General Manager of Planning, Building and Development, or their designate, is required.

Provincial & Regional Policies

Does the proposal conform with Provincial & Regional policies? YES ☒ NO ☐

Comment: The subject lands are designated Delineated Built-Up Area in accordance with Provincial and Regional Plans. The proposed easements and encroachment agreement do not constitute development in accordance with the 2024 Provincial Planning Statement and the 2022 Niagara Regional Official Plan. However, approval of the easements and encroachment agreement will facilitate the finalization of consent applications B-2025-001 to B-2025-004, which were previously approved by the Committee of Adjustment and deemed to be in conformance with Provincial and Regional policies.

Official Plan: Theme Park – Marineland

Does the proposal conform with Official Plan policies? YES ☒ NO ☐

Comment: As the proposed easements and encroachment agreement do not constitute development, approval of the proposed applications will not impact the continued use of the lands for a theme park. Rather, the applications will legally formalize and recognize the existing access and building.

Zoning: Open Space (OS-6) Zone

Does the proposal conform with zoning? YES ☒ NO ☐

Comment: Special provision #6 of the OS-6 Zone permits the existing theme park and ancillary uses. Approval of the proposed easements and encroachment agreement will not result in any zoning deficiencies.

Municipal Works (Development Engineering)

Are municipal services available? YES ☒ NO ☐

Comment: No comments.

Landscape Services

Parkland Dedication or Cash-in-Lieu YES ☐ NO ☒

Comment: No comments

Municipal Works (Transportation Services)

Road Widening/Daylighting Triangle Dedication YES ☐ NO ☒

Comment: No concerns/objections.

Building Services

Comment: No comments.

Business Development

Comment: No comments.

Regional Municipality of Niagara

Comments: Title Records are satisfied that the subject parts do not cross or interfere with any regional infrastructure or easements.

Niagara Peninsula Conservation Authority

Comments: No objections.

Recommendation:

Approval of consent applications B-2025-019 and B-2025-020 conditional on:

1. The Applicant submitting a legal undertaking, to the satisfaction of Planning Staff, indicating that the approved easements and encroachment agreement will be registered on title; and
2. The concurrent finalization of consent applications B-2025-019 and B-2025-020.

Date: August 13th, 2025

Prepared by:



Mackenzie Ceci, MCIP, RPP
Senior Planner (Current Development)

Submitted by:



Tara O'Toole, MCIP, RPP
Senior Manager of Current Development

Reviewed by:



Signe Hansen, OALA, CSLA, MBA
Director of Planning

Delegated Report

Report to:	General Manager of Planning, Building and Development or their Designate
Date:	August 13 th , 2025
Title:	26CD-11-2025-001 Draft Plan of Condominium Exemption 6638 McLeod Road Applicant: M5V THE NIAGARA 2 INC Agent: Rhea Varghese (NPG Planning Solutions Inc.)

Recommendation(s)

1. That the General Manager of Planning Building and Development or their designate exempt the condominium description from the provisions of Sections 51 and 51.1 of the *Planning Act* for lands municipally known as 6638 McLeod Road, pursuant to Sections 9(3)(b) and 9(7) of the *Condominium Act*;
2. That issuance of the Certificate of Exemption, as required to be issued by the City under Sections 9(3)(b) and 9(7) of the *Condominium Act*, be conditional upon the submission of the final Plan of Condominium and registered Site Plan Agreement for compliance review prior to registration; and
3. That the General Manager, Planning Building and Development or their designate pass By-law No. 2025-100 to exempt 6638 McLeod Road from the requirements for approval of condominium descriptions under Sections 51 and 51.1 of the *Planning Act*.

Executive Summary

The applicant is in the process of constructing 60 stacked townhouse dwelling units within 4 blocks on the subject lands municipally known as 6638 McLeod Road (**See Appendix 1**). The application intends to unitize 72 parking spaces as a part of the condominium corporation, with the remaining 3 on site parking spaces to be held in common ownership through the condominium corporation for accessible parking. The exemption is supported for the following reasons:

- Planning considerations, including conformity with the Official Plan and matters of provincial interest, the suitability of the land, site plan control matters, parkland dedication, and the adequacy of school sites, utilities and municipal services, have been adequately addressed through the previous Zoning By-law Amendment (AM-2019-024) and Site Plan Control (SPC-2020-018) approvals.

Background

The applicant is in the process of constructing 60 stacked townhouse dwelling units within 4 blocks, on the subject property known municipally as 6638 McLeod Road. Construction of the stacked townhouse dwellings has occurred in accordance with the applicant's registered Site Plan Agreement, which regulates the development of the site with respect to building locations, ingress/egress, parking, landscaping, and site servicing, drainage, and lighting.

The applicant intends to unitize 72 parking spaces, while the remaining 3 parking spaces will be allocated to accessible parking and are not included in the condo plan (**See Appendix 2**). The applicant has requested an exemption from the provisions of sections 51 and 51.1 of the *Planning Act* in accordance with Section 9(6) of the *Condominium Act*. A condominium exemption may be granted by an approval authority when all relevant planning considerations have been reviewed and satisfied, and the exemption is considered appropriate in the circumstances.

Delegated Authority

In accordance with By-law No. 2023-107, approval of the condominium exemption and associated By-law can be delegated to the General Manager of Planning, Building and Development or their designate.

Site Conditions and Surrounding Land Uses

The subject property contains 4 blocks containing 60 stacked townhouses associated parking, landscaping and servicing. Construction of the dwellings, which is nearing completion, has occurred in accordance with the applicant's registered Site Plan Agreement.

Surrounding land uses include:

- North – Detached dwellings and McLeod Road
- South – Detached dwellings
- East – Detached dwellings
- West – Residential apartment building

Analysis

The subject property is designated Residential in accordance with the City's Official Plan and is zoned Residential Apartment 5C Density (R5C-1125) Zone in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2020-083.

Condominium exemptions are regulated under Section 9 of the *Condominium Act* and may be granted by an approval authority when all relevant planning considerations have been reviewed and satisfied, and the exemption is considered appropriate in the

circumstances. Planning considerations include, but are not limited to, conformity with the Official Plan and matters of provincial interest, the suitability of the land, site plan control matters, parkland dedication, and the adequacy of school sites, utilities and municipal services. Staff are satisfied that these matters have been adequately addressed through the previous Zoning By-law Amendment and Site Plan Control approvals. Staff note that securities were collected through the Site Plan Control process, which will ensure that any outstanding on-site works are completed to the satisfaction of the City.

For these reasons, Staff support the requested exemption.

Circulation Comments

The request was circulated to City departments and divisions for comments. The following summarises the comments received to date:

- Municipal Works (Transportation Services), Municipal Works (Development Engineering), Urban Design/Landscape Architect, Fire Department & Zoning
 - No concerns, comments or objections. All matters have been addressed through the Site Plan Approval and Agreement.
- Building Services
 - No concerns.

Neighbourhood Comments

In accordance with Section 9 of the *Condominium Act*, there are no requirements for a Public Information Open House or statutory Public Meeting.

Operation Implications and Risk Analysis

There are no operational implications or risk. In accordance with By-law No. 2023-107, approval of the condominium exemption and associated By-law can be delegated to the General Manager of Planning, Building and Development or their designate.

Financial Implications/Budget Impact

The proposal will generate property tax revenue for the City. There are no other financial implications. Securities were collected through the Site Plan Control process, which will ensure that any outstanding on-site works are completed to the satisfaction of the City.

Strategic/Departmental Alignment

While this proposal does not directly align with the Pillars of the 2023-2027 Strategic Plan, it does support the achievement of a liveable community.

List of Attachments

Appendix 1 – Location Map

Appendix 2 – Draft Plan of Standard Condominium

Prepared by: Original Signed
Chris Roome, MCIP, RPP
Planner 2 (Current Development)

Reviewed by: Original Signed
Signe Hansen, OALA, CSLA, MBA
Director of Planning

Appendix 1 Location Map

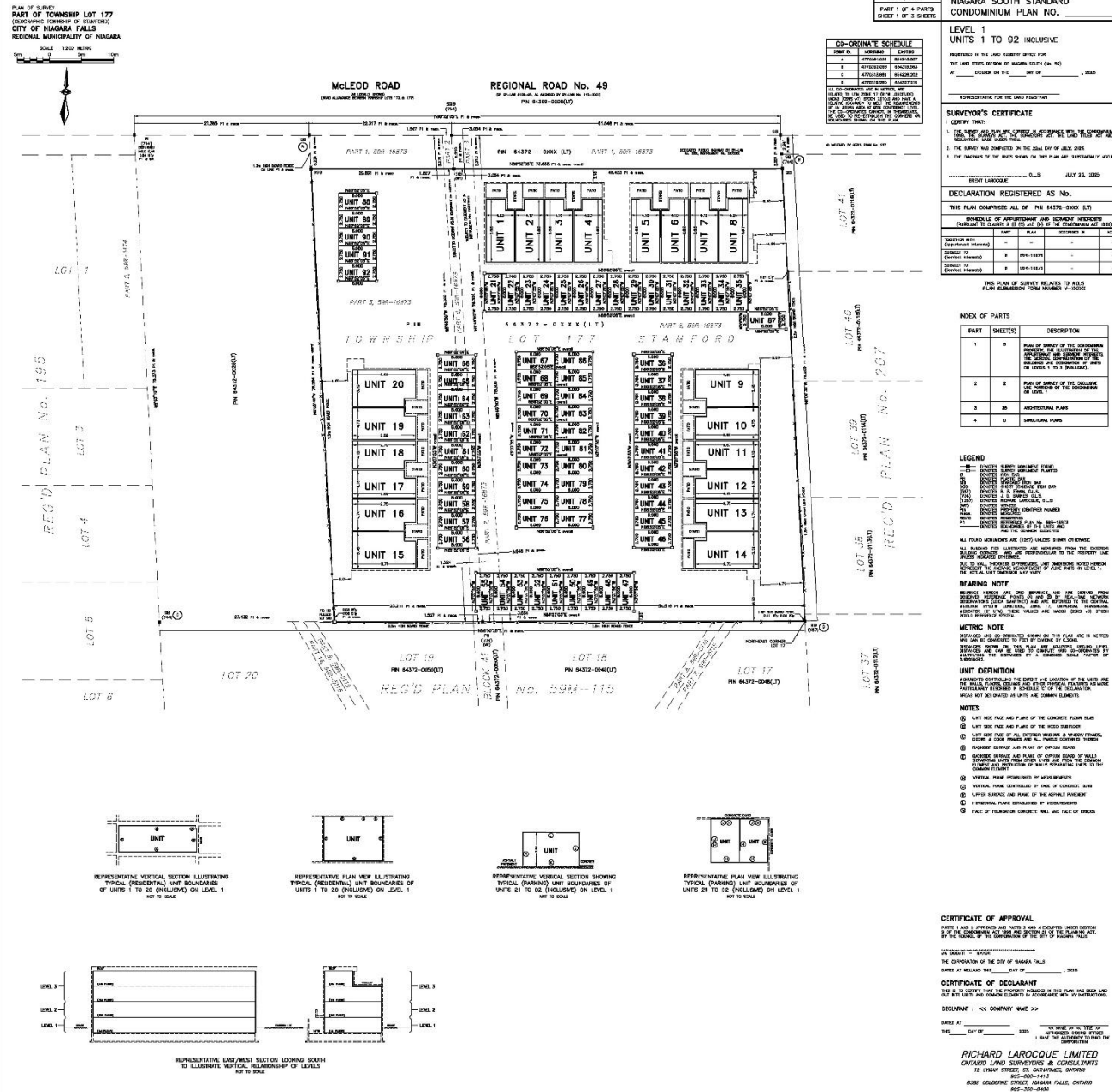


Location Map



This data is provided "as is" and the City of Niagara Falls (the City) makes no representations or warranties, expressed or implied, as to the accuracy or completeness of the data. The maps and drawings contained herein are intended for general layout purposes only and shall not be considered as official plans or drawings. For further information, please contact the City. The City shall not be held liable for special, incidental, consequential or indirect damages arising from the use of this data. Users assume all risks in using this data. No part of these digital images, or information, or hardcopies made from them may be reproduced and/or distributed without this disclaimer.

Draft Plan of Standard Condominium



PART OF LOT 177
PART OF TOWNSHIP LOT 177
(INCORPORATED TOWNSHIP OF NIAGARA)
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:200 METERS



PARTY/DEPT
PART 2 OF 4 PARTS
SHEET 1 OF 1 SHEETS

NIAGARA SOUTH STANDARD
CONDOMINIUM PLAN NO. _____

PLAN OF SURVEY OF
THE EXTENT AND LOCATION OF THE
EXCLUSIVE USE PORTIONS OF THE
COMMON ELEMENTS ON LEVEL 1

SURVEYOR'S CERTIFICATE
I CERTIFY THAT
THIS PLAN IS A TRUE AND CORRECT COPY OF THE ORIGINAL AND LOCATED AT THE
OFFICE OF THE SURVEYOR OF THE PROVINCE OF ONTARIO

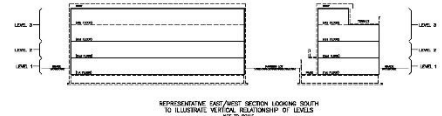
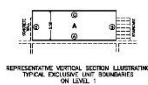
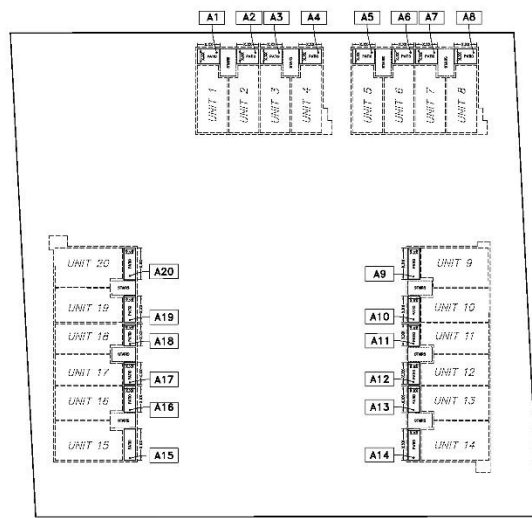
DATE: JULY 22, 2009

METRIC NOTE
DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED BY THE SURVEYOR

UNIT DEFINITION
UNITS ARE DEFINED BY THE EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS
ON LEVEL 1 OF THIS PLAN AND ARE NOT TO BE CONSIDERED AS PARTS OF THE COMMON
ELEMENTS OF THE BUILDING OR OF THE SURROUNDING LAND

LEGEND
--- EXCLUSIVE USE PORTION OF THE COMMON ELEMENTS

NOTES
① UNIT 155 HAS THE WEST FACE OF THE CONCRETE WALL
② VERTICAL PLANE ESTABLISHED BY THE EXCLUSIVE USE PORTION OF THE COMMON ELEMENTS
③ VERTICAL PLANE ESTABLISHED BY THE EXCLUSIVE USE PORTION OF THE COMMON ELEMENTS
④ VERTICAL PLANE ESTABLISHED BY THE EXCLUSIVE USE PORTION OF THE COMMON ELEMENTS
⑤ UNIT 155 HAS THE WEST FACE OF THE CONCRETE WALL



RICHARD LAROCQUE LIMITED
GRAND LANE SUITE 100 & CROSSLANDS
17 LORRAINE STREET, SU. 100, NIAGARA FALLS, ONTARIO
L2G 3G6
905-232-1111
RICHARD LAROCQUE LIMITED
RICHARD LAROCQUE LIMITED
RICHARD LAROCQUE LIMITED

CITY OF NIAGARA FALLS

By-law No. 2025-100

A by-law to exempt the condominium description from the provisions of Sections 51 and 51.1 of the *Planning Act* for the lands municipally known as 6638 McLeod Road.

WHEREAS Sections 9(3)(b) and 9(7) of the *Condominium Act, 1998*, provides that the approval authority may by by-law exempt a plan from the provisions of Sections 51 and 51.1 of the *Planning Act*;

AND WHEREAS the property is subject to a registered site plan agreement (Instrument No. SN783613);

AND WHEREAS all issues regarding development, servicing, grading, parking, landscaping and zoning compliance were reviewed at the time of rezoning, and Site Plan Approval.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The lands described PART LOT 177 STAMFORD, PARTS 5, 6, 7 AND 8 59R16873; SUBJECT TO AN EASEMENT OVER PART 6 59R16873 AS IN RO317641; SUBJECT TO AN EASEMENT OVER PART 7 59R16873 AS IN RO317642; SUBJECT TO AN EASEMENT IN GROSS AS IN SN816782; CITY OF NIAGARA FALLS is hereby exempt from the provisions of Sections 51 and 51.1 of the *Planning Act* in accordance with Sections 9(3)(b) and 9(7) of the *Condominium Act, 1998*.
2. This by-law shall be in effect for a period of one year from August 13, 2025.

Signed and sealed under the delegated authority of Council to the Director of Planning, Building and Development, as per By-law No. 2023-107 and By-law No. 2023-108, on this 13th day of August, 2025.

.....
Kira Dolch, MCIP, RPP, CNU-A
General Manager Planning Building and Development