

Our Niagara Falls plan

Our Niagara Falls Plan

Part 1

(updated to August 12, 2026)

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FIRST NATIONS LAND ACKNOWLEDGEMENT

For more than 13,000 years, Indigenous peoples have lived on and cared for the lands now referred to as the City of Niagara Falls.

“With the aim of educating our community and thanking the Indigenous peoples who were stewards of this land for a millennia before us.”

The City of Niagara Falls is situated on treaty land and steeped in the rich history and stewardship of the original inhabitants of Turtle Island. We acknowledge *the Traditional Territory* of the Mississaugas of the Credit First Nation as the treaty holder of the Niagara Purchase of 1764/1781 (Treaty 381) and the Six Nations of the Grand River.

The City honours and respects Indigenous heritage and the Our Niagara Falls Plan seeks to fulfil the directives of the Province of Ontario as set out in the Provincial Planning Statement (2024).

The engagement and public consultation process through which this Plan was prepared has reached out to area First Nations to:

- Coordinate on land use planning matters to support consideration of First Nations interests in land use decision-making, and support the identification of potential impacts of decisions on the exercise of Aboriginal or *treaty rights*; and,
- Engage the interests of First Nations early when identifying, protecting and managing *built heritage resources, cultural heritage landscapes, and archaeological resources*.

The conversation on reconciliation is continuous and not limited to the development and implementation of the Our Niagara Falls Plan. The City will be developing a First Nation engagement protocol, which may require an update to this Plan to recognize further City implementation.

FOREWORD – CITY OF NIAGARA FALLS

Recognized as one of the seven natural wonders of the world, Niagara Falls delivers an enormously popular tourist destination drawing welcoming over 12 million visitors a year, while also serving as a major source of hydroelectricity for Ontario. The City of Niagara Falls overlooks both the magnificent Horseshoe (Canadian) and the American Falls. This natural beauty is the anchor for a thriving City and its strategic location, along the U.S. border combined with its proximity to Toronto, fuel a thriving business landscape, attracting visitors and new residents alike.

The City of Niagara Falls has been recognized by the Province of Ontario as one of the largest and fastest growing Municipalities in the Province and has recognized the continued potential of the City, and the Niagara Region through its Destination Niagara Strategy.

PART 1 – Our Niagara Falls Official Plan

1.0 INTRODUCTION

This Section of the Our Niagara Falls Plan includes the legislative basis for the preparation of an Official Plan, and a description of how the Our Niagara Falls Plan was prepared, and how it is to be interpreted.

1.1 Foundation of the Plan

- 1.1.1 The *Planning Act* provides the legislative authority for the City to implement and utilize an array of planning tools, including the requirement for the City to prepare and adopt an Official Plan. The Our Niagara Falls Plan (referred to hereinafter as the “Plan”) is the City's Official Plan and applies to all lands within the City of Niagara Falls.
- 1.1.2 This Plan uses 2051 as the planning horizon while recognizing that land use decisions can shape the City well beyond this timeframe. The policies of this Plan are intended to be achieved within the 2051 horizon, however, opportunities to plan beyond this timeframe may be considered for *infrastructure, public service facilities*, employment areas, and strategic growth areas. It is a dynamic document that is designed to be flexible in responding to changes in regulations, circumstances, and priorities.
- 1.1.3 This Plan has been informed by the Region of Niagara Official Plan (2022) and the background studies feeding into that Plan such as the Archaeological Master Plan and Environment mapping, among others, as well as: the Niagara Falls Strategic Plan (2023–2027); the Niagara Falls Housing Direction Study and Housing Strategy (2022); the Employment Lands Strategy (2021); the Niagara Falls Transportation Master Plan; the Master Servicing Plan and Wet Weather Management Strategy; the Recreation Culture and Parks Plan; the Niagara Falls Climate Adaptation Plan (2021); and the Niagara Falls Economic Development Strategy (2024–2029). This Plan was also informed by the Niagara Falls Official Plan (1993) and its applicable policies, special policies and secondary plans.
- 1.1.4 This Plan was purposefully written to celebrate inclusivity and diversity, and as such, it avoids the identification of any person or group of persons. This Plan and associated policies apply equally to people of all ages and abilities, ethnicities, and religious affiliations, socioeconomic circumstances, identities, and any other protected human right.

- 1.1.5 The City recognizes the unique relationship that First Nations have with this land, and their rights and interests are considered in this Plan.
- 1.1.6 This Plan applies within the municipal boundary of the City of Niagara Falls and provides direction on how short and long term land use planning and growth management decisions are to be made.
- 1.1.7 This Plan sets out a Vision Statement, Key Directions for the City and a development policy framework that:
- a) Establishes where and how the City of Niagara Falls will grow to the year 2051;
 - b) Directs the City on how to balance growth with sustainability, to ensure that the environmental, economic and social needs of both present and future generations are met;
 - c) Establishes policies for the conservation and management of the natural environment, agricultural lands, *mineral aggregates resources* and cultural heritage resources;
 - d) Directs where new housing, commercial opportunities, employment development, tourist-focused facilities, parks and open spaces and *public service facilities* will be located within the City;
 - e) Provides a framework for moving among people and goods in and through the City, increasing connectivity between neighbourhoods and districts and providing greater choice in mobility;
 - f) Provides guidance on growth management and the provision of *infrastructure*, including a strategy for phasing and the assignment of *infrastructure* capacity over time;
 - g) Identifies the planning and financial tools that will be implemented to manage and facilitate growth and ensure the financial well-being of the City; and
 - h) Implements relevant Provincial directives, including all applicable legislation, plans, policy statements and guidelines.

1.2 The Vision Statement

- a) This Plan guides and facilitates land use planning and growth in the City of Niagara Falls to the year 2051 and beyond. It provides a framework that will ensure Niagara Falls remains a desirable place for all to live and to invest in. The Vision Statement and six interconnected Key Directions frame the policy directions in the Plan.

“Niagara Falls is a natural wonder and the anchor for a thriving, resilient and connected City for all. It is a community of beautiful and culturally rich neighbourhoods connected to each other and linked to the jewels in the City’s crown: the beauty of the Falls, the Niagara Parkway and the City’s parks, trails and natural areas.”

1.3 Key Directions

- a) The vision for Niagara Falls is supported by Key Directions, and the policies of this Plan build upon the following:

Key Direction #1 – Growth

Growth expands the-options of places to live and work, increases revenue for *public service facilities* the network of green lands, drives the use and improvement of *infrastructure*, strengthens and diversifies the local economy, and creates opportunities to renew and revitalize the City.

Crucial to this Plan is the accommodation of growth within a defined Community Structure that identifies where growth should occur, as well as areas where growth is to be considered through a managed approach.

Key Direction #2 – Climate Resiliency

The City must grow in a way that is sustainable and resilient. This Plan prioritizes adapting to and mitigating the impacts of climate change. A sustainable and resilient City has less environmental impact and provides climate change adaptation and mitigation strategies. Factors key to this approach are:

- Achieving a more compact City by promoting higher density forms of mixed use development in a structure that supports transit;
- Protecting and connecting the Natural Heritage System and its associated *ecological functions*; and
- Encouraging green building technology and *green infrastructure*.

Key Direction #3 – Mobility

A safe, equitable, and accessible *multimodal transportation system* is essential to:

- Ensure that people and goods can move efficiently through and within the City; and
- Support healthy living and a more sustainable and resilient City.

The delivery of a robust *multimodal* transportation system, that is based on a *transit-supportive* Community Structure, is a crucial part of the City's response to a changing climate. This Plan ensures comprehensive and complementary planning for transit and active transportation facilities that enhances the *multimodal transportation system* to ensure that it is well connected and accessible for all visitors and residents.

Key Direction #4 – Housing

Providing a range of housing choices, including more *affordable* and *attainable* options, is essential to maintaining a high quality of life for residents as the City grows ensuring an adequate supply and choice of suitable housing types supports the community and the retention of employees who are vital to the City's economic development.

Key Direction #5 – Attractive and Cultural City

An attractive and cultural City is welcoming, beautiful, and generates both a sense of pride and stewardship. An attractive and cultural City includes high-quality architecture, beautiful streets and a robust system of parks and open spaces. The conservation of archaeological resources, *built heritage resources* and *cultural heritage landscapes* and strategies for interpreting the City's history are all key elements of an attractive and cultural City.

An attractive and cultural City includes a host of cultural facilities—libraries, museums, recreational areas, and space for individual expression and activities—where social connections are made and a sense of community is enhanced.

Key Direction #6 – Strong Economy

Niagara Falls is an international tourist destination, well-situated to facilitate cross-border trade and the movement of goods. Strengthening and diversifying the local economy is central to the policies in the Plan.

Diverse employment opportunities, as well as places to shop and socialize, are essential for a complete community. This means continued support of the tourism economy, while at the same time expanding the role of Niagara Falls in the economy of the Greater Golden Horseshoe through flexibility, innovation, and the creation of new jobs.

1.4 How to Read This Plan

- 1.4.1 This Plan is to be read and interpreted as a fully integrated and comprehensive whole document. In all circumstances, all the relevant policies of this Plan must be considered together to guide its interpretation and determine conformity. Individual policies should not be read or interpreted in isolation from other relevant policies.
- 1.4.2 This Plan provides a breakdown of the Community Structure and is divided into five key areas: Strategic Growth Areas; Neighbourhoods; Employment Districts; Rural/Agricultural; and the Greenlands System.

Statutory Elements

- 1.4.3 The Vision Statement, Key Directions, policies, and the following Schedules constitute the statutory elements of this Plan:
 - a) Schedule 1 – Community Structure
 - b) Schedule 2 – Land Use Designation.
 - c) Schedule 3-1 – Natural Heritage Features
 - d) Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan
 - e) Schedule 3-3 – Grand Niagara Area: Natural Heritage System Components and Enhancement Plan
 - f) Schedule 3-4 – Grand Niagara Area: Phasing Plan and Conceptual Parks Plan
 - g) Schedule 3-5 – Water Resources System
 - h) Schedule 4 – Area Specific Policies
 - i) Schedule 5 – Road Network; and
 - j) Schedule 6 – Active Transportation Plan
 - k) Schedule 7 – Mineral Aggregate Resources Deposits and Petroleum Pools

Non-Statutory Elements

- 1.4.4 This Plan includes the following Appendices, which constitute the non-statutory elements of this Plan:

- a) Appendix A – Glossary
 - b) Appendix B – Natural Hazards
 - c) Appendix D – Cultural Heritage Resources
 - d) Appendix E – Design Guidelines for the Entertainment District Designation
 - e) Appendix F – Design Vision for the Protected Major Transit Station Area; and
 - f) Appendix G – The Infrastructure Capacity Allocation Protocol
 - g) Appendix H – Illustration of Building Heights Policies
 - h) Appendix I - Natural Heritage Feature Criteria
- 1.4.5 This Plan contains images, icons, and explanatory sidenotes intended to provide additional context and help the reader to understand the intent or source of the policy in question. These contextual appendices, images, icons and explanatory sidenotes are meant for illustrative and supportive purposes only. They are non-statutory and are not an operative part of this Plan.

Key Words and Definitions

- 1.4.6 This Plan includes several key words or phrases that require a common understanding of their meaning:
- a) “**conform with**” means to comply with the policies or requirements of the Plan. Conformity is a mandatory requirement of this Plan, unless otherwise modified by specific wording to the contrary;
 - b) “**consistent with**” means to comply/conform with the policies or requirements, of this Plan unless there are compelling circumstances that do not permit compliance/conformity;
 - c) “**shall**”, “**will**”, or “**must**”, is a mandatory policy or requirement of this Plan;
 - d) “**should**” means something that ought to be done unless supported by a study or strong justification as to why it cannot be done.
 - e) “**encourage**” or “**may**” means to give support to or give favourable consideration to a matter or thing. Typically, encouragement policies need to include an opportunity to incentivize the identified action; and

- f) “**enhance**” means to complement and improve the physical, functional, aesthetic, or intrinsic value of the natural environment, neighbourhood, place, area, building, structure, or facility.

The Glossary

- 1.4.7 For the purpose of interpreting this Plan, key words included in the Glossary attached as **Appendix A** shall be interpreted in accordance with the definition provided. Where words are not defined within the Glossary, or within any applicable Provincial Act, policy, or guideline, these words shall be defined in accordance with their common usage, and if necessary, in reference to the Canadian Oxford Dictionary.

Minor or Technical Revisions

- 1.4.8 Technical revisions to this Plan will not require an Official Plan amendment provided they do not change the intent of the Plan. Technical revisions include:
 - a) Changing the numbering, cross referencing, and arrangement of the text, tables, Schedules, and maps;
 - b) Altering punctuation or language for consistency;
 - c) Correcting grammatical, dimensional and boundary, mathematical, or typographical errors;
 - d) Changing or updating non-statutory elements of the Plan, which includes the Appendices;
 - e) Changing format or presentation; and/or
 - f) Updated or changed titles for any document referenced, or Agency or Provincial Ministry or any successor Ministry names.

Land Use Boundaries, Symbols, and Roads

- 1.4.9 Locations, boundaries, or limits described on the Schedules to this Plan are intended to be approximate, except where they are bounded by roads, railways, watercourses, or other bodies of water, or other clearly recognizable or defined physical features.
- 1.4.10 Amendments to this Plan will not be required to make minor adjustments to the approximate boundaries and symbols provided that the general intent of this Plan is preserved, at the sole discretion of the General Manager of Planning, Building and Development. Where a change is

proposed to the Settlement Area Boundary, an amendment shall be required.

- 1.4.11 The representation of future road and active transportation facilities shown on any Schedule to this Plan are for illustrative purposes only and may not be accurate to the final location of construction.
- 1.4.12 Where a parcel of land is subject to two or more land use designations, the policies of that designation shall apply to the portion of the lands so designated.

Numeric Standards

- 1.4.13 Numeric standards are considered approximate and amendments to this Plan may not be required for minor variations that are consistent with and maintain policy intent.

Targets, Forecasts, and Estimates

- 1.4.14 This Plan uses the terms targets, forecasts, and estimates. “Targets” are defined as goals to be achieved; “Forecasts” are defined as a prediction or estimate of future events or conditions; and “Estimates” are defined as an approximate calculation or judgment of the value, number, quantity or extent of something.

Policy Conflicts

- 1.4.15 This Plan must conform to any Provincial plan and be consistent with the Provincial Planning Statement (2024). The City has the ability to go beyond the minimum requirements of the Provincial Planning Statement (2024), unless in conflict with the direction in the Provincial Planning Statement (2024).
- 1.4.16 In the case of a conflict between this Plan and a Provincial plan or policy statement, the more restrictive policy shall prevail.
- 1.4.17 An approved site-specific policy shall prevail in the case of a conflict with the general policies of this Plan.

Transition of Existing Approvals and Applications

- 1.4.18 Throughout the City, there are existing development approvals that have not yet been built. While many are recognized in this Plan, the existing development approval shall prevail where there is a conflict between this Plan and any development approval received prior to the date of approval of this Plan.
- 1.4.19 All development applications, and the adopted policies for those applications, deemed complete prior to the approval of this Plan shall be

subject to the policies in effect on the date the application was deemed to be complete. Prior to final approval of this Plan, where an applicant subject to any prior policy regime wishes to leverage the policies of this Plan as part of justifying that application, the application shall be assessed against this Plan.

- 1.4.20 City staff will also consider and apply any direction of Council in the review of an application, considering the time between adoption and final approval.
- 1.4.21 Amendments, extensions, or revisions to existing approvals that require applications under *the Planning Act* submitted after the approval of this Plan shall be subject to the policies of this Plan.

Subsequent Legislation, Plans, Guidelines, and Standards

- 1.4.22 Where a Provincial or Federal Act, regulation or guideline is referred to in this Plan, that reference shall be interpreted to include any subsequent amendment to such legislation, regulation, or guideline. Similarly, where reference is made to Provincial Ministries or agencies, or other agency having jurisdiction, such reference is intended to include any Ministry, agency or government branch who may assume responsibility for a particular policy/regulation currently administered by the referenced organization.
- 1.4.23 Where reference is made to any City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws, it is intended that such reference be interpreted to include any subsequently revised or updated version that may replace the specified master plan, strategy, study, guideline, engineering standard or By-law.

Other Key Land Use Planning Tools

- 1.4.24 This Plan will be implemented through planning tools that are permitted under the *Planning Act*, and any other applicable legislation or provincial guidelines.

1.5 A Commitment to Collaboration

1.5.1 Government Agencies

- 1.5.1.1 Collaboration is essential to delivering on the City's goals and objectives for managing growth and change. The City will work with any agency having a degree of control or interest over infrastructure, service delivery, and environmental protection to ensure the City makes informed planning decisions.
- 1.5.1.2 The direction for Niagara Falls' future relies on the long-range plans and appropriate legislation applying to the identified government. Appropriate regard, consistency, integration, or conformity with those plans and legislation, where applicable shall be applied to land use planning matters in Niagara Falls.

1.5.2 First Nations Communities

- 1.5.2.1 The affected First Nations communities and various government agencies shall be circulated, as required, on land use planning matters in Niagara Falls.

1.5.3 Neighbouring Municipalities

- 1.5.3.1 When making planning decisions, the City will communicate with neighbouring municipalities when required through the *Planning Act* and its regulations to have adequate regard to the approved land use policies on neighbouring and nearby lands. The affected neighbouring municipalities shall be consulted, as appropriate, on land use planning matters in Niagara Falls.

1.5.4 Local Utility Providers

- 1.5.4.1 The affected local utility providers shall be circulated, as required, on land use planning matters in Niagara Falls.

1.5.5 Advisory Committees of Council

- 1.5.5.1 Council may create advisory committees to make recommendations that support and advance Council's role in making good land use planning decisions. These committees may have roles and scope defined through Provincial legislation and shall be subject to terms of reference approved by Council. The affected Committees of Council shall be

consulted, as appropriate, on land use planning matters in Niagara Falls.

1.5.6 Consultation with the Community

- 1.5.6.1 The *Planning Act* contains provisions regarding public meetings, notification requirements, and processing timelines for the consideration of development applications. The City will comply with the public notification procedures and regulations on planning matters in accordance with the provisions of the *Planning Act*.
- 1.5.6.2 The City reserves the right to provide or require enhanced or expanded circulations beyond *Planning Act* requirements for any application.
- 1.5.6.3 Proponents are encouraged to consult with adjacent property owners and the nearby community before submitting applications to identify concerns and work to resolve potential issues prior to filing applications.

2.0 MANAGING POPULATION AND EMPLOYMENT GROWTH

This Section of the Our Niagara Falls Plan provides direction for managing growth throughout the City to the year 2051. It includes policies that reflect requirements from the Province, establishes the City's structure, as well as guidance for phasing growth and for considering New Settlement Areas/Settlement Area Boundary Expansions.

2.1 Planning for a Growing City

The intent of this Plan is to provide population and employment forecasts that form the basis for long-term planning for growth including supporting infrastructure, public service facilities and employment land needs. This Plan also serves to:

- > Protect the City's Settlement Area Boundary as identified and planned for through growth management work and the City's infrastructure master planning processes; and*
- > Manage and allocate capacity in the City's infrastructure systems and public service facilities to implement the City's long-term growth forecasts for both population and employment.*

2.1.1 Planning Horizon

- 2.1.1.1 The planning horizon for this Plan is to the year 2051. Planning for water/wastewater *infrastructure, public service facilities*, employment opportunities, and Strategic Growth Areas may extend beyond the identified 2051 planning horizon.

2.1.2 Population and Employment Forecasts

Population Growth

- 2.1.2.1 Niagara Falls has been identified as one of the Province's Largest and Fastest-Growing Municipalities and substantial growth in population and employment is anticipated. The following provides a breakdown of population figures used in planning for growth in the City:

- a) 2021 Census Population: **98,274** (*Source: 2021 Census of Canada, plus adjustment for undercount*);

- b) 2025 Interim Population Estimate: **116,500** (*Source: 2025 Statistics Canada Interim Population Estimates*);
- c) 2051 Estimated population forecast: **141,650** (*Source: Niagara Official Plan, 2022*); and
- d) Estimated population based on the existing land supply in the urban settlement area, as well as opportunities for *redevelopment* and *intensification*: **180,000** (*Source: City of Niagara Falls in cooperation with the Region of Niagara*).

Employment Growth

2.1.2.2 Employment opportunities are expected to grow in tandem with population growth:

- a) 2021 Employment base: **38,930** jobs (source: 2024 Development Charge Background Study).
- b) 2051 Estimated employment forecast: **58,110** jobs (source: *Niagara Official Plan, 2022*).
- c) Estimated employment growth in tandem with existing land supply and opportunities for *redevelopment* and *intensification*: **73,860** jobs (source: *City of Niagara Falls Planning in cooperation with the Region of Niagara*).

Residents Per Job Ratio

2.1.2.3 The residents per job ratio is an important measure of economic success and a balanced tax base. The City's overall 2021 residents per job ratio is: **2.43** residents per job.

2.1.2.4 The City shall monitor the residents per job ratio, with the intent to, maintain the existing **2.43** residents per job ratio as both residential and employment-generating developments are approved over the 2051 planning horizon.

Interpretation of the Forecasts

2.1.2.5 The range of forecasted population and employment growth identified in this Plan are:

- a) Intended to be used to monitor development activity over time;
- b) To be used to determine how much land will be required to accommodate growth to 2051; and

- c) Considered to be minimums and are not intended to provide limitations on growth and development within existing settlement area boundaries where the policies of this Plan are achieved.
- 2.1.2.6 Achieving population and employment growth within the 2051 planning horizon is dependent on achieving a particular range and mix of housing types, the delivery of economic development opportunities, the delivery of *public service facilities*, the capacity of existing and planned *infrastructure* systems, the motivation of the development community and market demand.
- 2.1.2.7 Population growth and development activity will fluctuate from year to year. There is nothing in this Plan that establishes annual growth rates that could be construed as posing any specific limitations on population or employment growth and development year by year.

2.1.3 Accommodating Growth in the Community Structure

- 2.1.3.1 The City's urban structure is identified on **Schedule 1 - Community Structure**. **Schedule 1** helps visualize where and how growth will occur. The population and employment growth forecasts of this Plan are to be focused within the Settlement Area Boundary, primarily directed to the Strategic Growth Areas within the Built-up Area and the *Designated Growth Areas*, as shown on **Schedule 1**.

- 2.1.3.2 The identified Community Structure includes:

The Municipal Boundary

- a) The Municipal Boundary represents the jurisdictional extent of the City of Niagara Falls;

The Settlement Area Boundary

- b) The lands within the Settlement Area Boundary will accommodate urban development forms and uses that currently are, or will be, connected to urban *infrastructure* systems. Lands within the Settlement Area Boundary include:
 - i. **The Built-Up Area** - The Built-Up Area represents the area of the City that has achieved a level of development and that have a mix of land uses and consist of:

> **Strategic Growth Areas** are mixed use centres, corridors and tourist-serving areas that will accommodate significant population and employment growth through *intensification*. Strategic Growth Areas will include a broad mix of land uses in mid-rise and high-rise buildings. It includes both the Entertainment and Entertainment Generation Districts. The identified Strategic Growth Areas also include the *Protected Major Transit Station Area* which will evolve based on the principles transit supportive development and sustainable development. The *Protected Major Transit Station Area* will provide a seamless integration between the existing train station, the Niagara Regional Transit Hub and Downtown Niagara Falls;

> **Neighbourhoods** are the City's existing residential communities, with neighbourhood-supporting uses, *public service facilities* and associated parks and open spaces. These neighbourhoods may continue to evolve through managed *intensification* with a focus on built form and land use compatibility.

> **Employment Districts** are the existing industrial areas and clusters of businesses where there are primarily employment-generating land uses with the potential for *redevelopment* to add more jobs to the local economy.

- ii. **The Designated Growth Areas** - The *Designated Growth Areas* represents areas within the Settlement Area Boundary that have yet to be fully developed and may include lands *designated and available* for residential use, for mixed use development, as well as lands required for employment or other uses. The *Designated Growth Areas* consist of:

> **New Strategic Growth Areas** that are currently undeveloped but planned to allow for future unique opportunities that should be leveraged to create synergies, drawing people from Niagara Falls and beyond. Lands identified as New Strategic Growth Areas include corridors and the South West Growth District;

> **New Communities** are areas that are expected to accommodate planned residential neighbourhoods,

where future residential growth is anticipated along with neighbourhood-supporting uses, *public service facilities* and associated parks and open spaces. These areas are anticipated to be compact, *complete communities* that support a range and mix of uses and a variety of housing types. Future Neighbourhoods are to be designed through a City-led process;

> ***New Employment Districts*** are areas of the City where new employment-generating development growth is to be accommodated. The identified Employment Districts within the *Designated Growth Areas* are a crucial component of the City's ongoing and future economic success by providing the greatest diversity of lot designs and locations that can accommodate a broad range of employment-generating uses;

The Rural/Agricultural Area

- c) The Rural/Agricultural Area includes lands that are outside of the Settlement Area Boundary.

Planning in the Rural/Agricultural Area is focused on supporting agriculture and the agricultural economy. The Rural/Agricultural Area also includes lands that accommodate important aggregate extraction operations or opportunities.

The Greenlands System

- d) The Greenlands System identifies lands that are protected from development due to their environmental sensitivity and their ability to help the City adapt to a changing climate within both the Settlement Boundary Area and the Rural/Agricultural Area. The Greenlands System includes the Natural Heritage System, identified significant *natural heritage features*, lands within the Niagara Escarpment Plan Area and the larger scale City-wide parks and open space system.

2.1.4 Balanced Growth Opportunities

- 2.1.4.1 Growth will occur through a combination of the *intensification* of lands within the Built-Up Area and through the planned development of *Designated Growth Areas*.

Intensification within the Built-up Area

- 2.1.4.2 A minimum annual target of **60 percent** of all new residential dwelling units to the year 2051 will be provided within the Built-Up Area through some form of *intensification*.
- 2.1.4.3 **Strategic Growth Areas** - *Intensification* opportunities within the City will be primarily accommodated within Strategic Growth Areas. Minimum density targets for specific Strategic Growth Areas include:
- a) 150 residents and jobs combined per gross hectare in the *Protected Major transit station area* boundary; and
 - b) 100 residents and jobs combined per gross hectare for all other identified Strategic Growth Areas.
- 2.1.4.4 Higher density proposed within a Strategic Growth Area may be considered where a development proposal can demonstrate built form and land use compatibility with the adjacent community and:
- a) Adequate *infrastructure* capacity is planned or is available in accordance with The Infrastructure Capacity Allocation Protocol; and
 - b) Adequate *public service facilities* are planned or available.
- 2.1.4.5 **Neighbourhoods** - *Intensification* opportunities within Neighbourhoods shall achieve built form and land use compatibility with the adjacent community in conformity with this Plan.
- 2.1.4.6 **Employment Districts** - *Intensification* of the Employment Districts will be encouraged, as appropriate where there is adequate *infrastructure* capacity in accordance with the City's Infrastructure Capacity Allocation Protocol and where built form and land use compatibility with the adjacent community is achieved in conformity with this Plan.

New Development in-Designated Growth Areas

- 2.1.4.7 **New Strategic Growth Areas** (i.e. beyond the Built-Up Area)- Development within the New Strategic Growth Areas, including the South Niagara Growth District, will achieve a minimum density target of 100 residents and jobs combined per gross hectare, subject to the following:

- a) Higher densities proposed within any New Strategic Growth Area may be considered where a development proposal can demonstrate built form and land use compatibility with the adjacent community, subject to the following:
 - i. Adequate *infrastructure* capacity is planned or is available; and
 - ii. Adequate *public service facilities* are planned or available.

2.1.4.8 **New Community Areas** - Development within New Community Areas will achieve a minimum density of 60 residents and jobs combined per gross hectare, subject to the following:

- a) The minimum density target is to be measured at a scale applying to the entire New Community Area. The City will monitor the planning processes for all lands identified as New Community Areas to ensure that the minimum density target is achieved.
- b) The density target for any area identified as New Community Areas may be exceeded where a comprehensive planning process has determined that:
 - i. Built form and land use compatibility with the adjacent community is achieved in conformity with this Plan;
 - ii. Adequate *infrastructure* capacity is planned or is available; and
 - iii. Adequate *public service facilities* are planned or available.

2.1.4.9 **New Employment Districts** - Development within the New Employment Districts will achieve a minimum density target of 20 jobs per gross hectare, subject to the following:

- a) The minimum density target is to be measured at a scale applying to the entire New Community Area;
- b) The minimum density target for any area identified as New Employment Districts may be exceeded where a comprehensive planning process has determined that:
 - i. Built form and land use compatibility with the adjacent community is achieved in conformity with this Plan;

- ii. Adequate *infrastructure* capacity is planned or available in accordance with The Infrastructure Capacity and Allocation Protocol; and
- iii. Adequate *public service facilities* are available.

2.1.5 Planning for Infrastructure and Public Service Facilities

- 2.1.5.1 Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:
 - a) Are financially viable over their life cycle, which may be demonstrated through asset management planning;
 - b) Leverage the capacity of development proponents, where appropriate; and
 - c) Are available to meet current and projected needs.

2.2 Phasing of Development

2.2.1 Comprehensive and Community Development Plans

- 2.2.1.1 A Comprehensive Development Plan for a New Community Area or a Community Development Plan that facilitates large scale development/*redevelopment* opportunities may be required by the City and shall include a phasing strategy to ensure that development proceeds in a logical and timely manner with respect to *public service facilities* and any required improvements and extensions to *infrastructure* systems.

2.2.2 Time-Limited Approvals

- 2.2.2.1 Approvals made under the *Planning Act* may be subject to an agreement that establishes a time limit for the approval and/or servicing allocation, to ensure build out in a logical and timely manner. If the City is not satisfied with the progress of development based on this agreement, any municipal financial commitments for servicing may be reallocated to another project.

2.2.3 The Use of Holding Provisions

- 2.2.3.1 The City may apply a Holding (H) Provision pending the execution of all agreements, including financial agreements, development agreements, an agreement to provide the required *public service facilities*, an *infrastructure* capacity allocation agreement, and any agreement to facilitate improvements to infrastructure systems, as well as the completion of any required studies or the timing of development through a sunset clause.

2.2.4 Infrastructure Capacity

- 2.2.4.1 Meeting the 2051 population and employment growth projections depends on sufficient municipal water supply capacity, municipal wastewater treatment capacity and *transportation system* capacity to accommodate this growth. **Appendix G – The Infrastructure Capacity Allocation Protocol**, aims to ensure that development approvals are linked to the ability of the City to provide adequate *infrastructure* in a logical and timely manner.
- 2.2.4.2 A commitment to allocate infrastructure capacity can be established by the City at the time of Draft Plan of Subdivision/Condominium Approval, or Site Plan Approval, where the City has determined that there is uncommitted reserve capacity available. The City may establish requirements for the timely use of an *infrastructure* capacity allocation in a development, servicing, front-ending, or other agreement (i.e., agreements under the *Planning Act* or *Development Charges Act*) and, if necessary, the *Expropriations Act*.

2.2.5 Out-of-Phase Development

- 2.2.5.1 Phasing of development will be in coordination with the City's Master Servicing Plan and Development Charges Study.. Proposals to bring out-of-phase lands into the development stream shall be assessed based on the following criteria:
- a) Compliance with the policies of this Plan;
 - b) The extent of the inventory of in-phase lands and their availability;
 - c) The benefits to the City such as revenue generation, employment growth, large-scale *affordable* and *attainable* housing and contributions to the strategic goals of Council;

- d) The financial risk to the City's taxpayers;
- e) The impacts on approved development; and
- f) Whether *infrastructure* is planned for the lands.

2.2.5.2 An out-of-phase development may be the subject of a front ending agreement, pursuant to Section 44 of the *Development Charges Act*, or similar type of development agreement which shall be a condition of any application to amend this Plan and/or the Zoning By-law, or any site plan or subdivision or condominium agreement.

2.2.6 Monitoring – Tracking Effectiveness

2.2.6.1 The City will establish a program to monitor and report on the level of development within the City and thereby track the effectiveness of the approach to phasing and the capacity allocation program. The monitoring program will address matters such as:

- a) Population and employment generated by approved development, including an understanding of the pace of development;
- b) The delivery of new housing units by housing type;
- c) Growth numbers in new *designated growth areas*;
- d) Intensification rates;
- e) Implementation of required *infrastructure* system enhancements; and
- f) The delivery of *public service facilities*, park and open space elements, and the elements of the Active Transportation Network (including rail, in-boulevard trails, on-street bicycle lands, and sidewalks).

2.2.6.2 The City may also track the delivery of community benefits, the type and amount of non-residential floor area, and affordable and *attainable* housing.

2.3 New Settlement Areas and Settlement Area Boundary Expansions

2.3.1 Settlement Areas and Settlement Area Boundary Expansion Applications

- 2.3.1.1 Settlement Areas and Settlement Area Boundary Expansions shall only be considered where it is demonstrated that the policies of this Plan are achieved.
- 2.3.1.2 Applications for new settlement areas and settlement area boundary expansions shall:
 - a) Be contiguous to the existing settlement area boundary as identified On Schedule 1 – Community Structure (expansions only); and
 - b) Not be comprised of specialty crop land.
- 2.3.1.3 Settlement areas and settlement area boundary expansion applications shall successfully demonstrate the following:
 - a) Need
 - b) Infrastructure Capacity
 - c) Appropriateness of Lands for Growth
- 2.3.1.4 A new settlement area or settlement area boundary expansion application shall demonstrate how the proposed change satisfies the considerations outlined in this Plan and shall include supporting studies in accordance with this Plan. Studies shall be prepared in accordance with an agreed upon Terms of Reference between the City, the applicant, and any relevant agency.
- 2.3.1.5 Where there are multiple landowners within a proposed settlement area or settlement area boundary expansion all of the owners will be required to enter into a private landowners agreement to address matters such as the application and study preparation costs, phasing, and access, among other considerations.

2.3.2 Need

- 2.3.2.1 An application for a new settlement area or settlement area boundary expansion shall demonstrate that there is need for the proposed expansion.
- 2.3.2.2 The demonstration of need shall be based on the 2051 planning horizon and shall demonstrate that the expansion is warranted to accommodate an appropriate range and mix of land uses to meet projected population and employment needs.
- 2.3.2.3 The demonstration of need shall be supported by an analysis of the following:
 - a) current population and employment projections;

- b) current development trends, including the supply of approved units, building permit activity, and recently approved densities;
- c) planned build out of the existing settlement area, including lands within approved or identified New Community Areas;
- d) opportunities for intensification and redevelopment throughout the City, including within underutilized, vacant, brownfield, and greyfield lands, and areas identified for growth and redevelopment, including Strategic Growth Areas;
- e) an assessment of whether the existing settlement area provides sufficient land to accommodate an appropriate range and mix of land uses, including housing types, employment lands, institutional uses, and community services to meet projected needs; and
- f) demonstration that the proposed expansion will not adversely affect the achievement of the intensification target, density and employment targets, or any other relevant policies of this Plan. This analysis shall include consideration of lands identified for intensification or redevelopment, and whether the expansion would impact the City's ability to achieve density targets within the Protected Major Transit Station Area or the South West Growth District.

2.3.3 Infrastructure Capacity

- 2.3.3.1 An application for a new settlement area or settlement area boundary expansion shall demonstrate that the proposed expansion can be accommodated by existing or planned infrastructure in a manner that supports orderly, efficient, and financially sustainable growth.
- 2.3.3.2 The demonstration of infrastructure capacity shall be supported by the following:
 - a) in consultation with the City and Niagara Region, an assessment of existing and planned capacity for municipal infrastructure and services, including but not limited to water, wastewater, stormwater and public service facilities. This assessment shall include modelled analyses utilizing the City's infrastructure models, and shall be conducted by the City's engineering consultant upon payment of fees in accordance with the City's Schedule of Fees By-law (as amended);
 - b) where existing or planned infrastructure capacity is insufficient, identification of the required on-site and off-site infrastructure improvements, including preliminary cost estimates, timing and phasing considerations, and responsibilities for implementation shall be provided;

- c) demonstration that the proposed expansion can be serviced and maintained in a financially sustainable manner and will not result in undue financial impacts on the City or Region over the long term, beyond lifecycle replacement, having regard for growth-related capital costs, operating costs, and infrastructure lifecycle considerations, and whether the proposed expansion would result in underutilization of existing or planned infrastructure within the current settlement area boundary; and
 - d) demonstration that the subject lands represent a logical extension of the settlement area boundary and can be serviced in a contiguous and efficient manner, without the creation of isolated or fragmented development or servicing patterns.
- 2.3.3.2 Notwithstanding Policy 2.3.3.1, a new settlement area may only be identified where it has been demonstrated that infrastructure and public service facilities are planned or available to support development.

2.3.4 Appropriateness of Lands for Growth

- 2.3.4.1 An application for a proposed new settlement area or settlement area boundary expansion shall demonstrate that the subject lands represent an appropriate and desirable location for urban growth, having regard for the policies of this Plan.
- 2.3.4.2 To support the justification that the subject lands are appropriate for growth, the applicant shall demonstrate that:
- a) the subject lands represent the most appropriate location for settlement area expansion, including an evaluation of reasonable alternative locations, and demonstrate consistency with the Planning Act, the Provincial Planning Statement (2024), and the policies of this Plan;
 - b) the subject lands represent a logical and contiguous extension of the existing settlement area boundary, support efficient and orderly development patterns, integrate efficiently with the planned urban structure, and align with the City's growth management strategy, including the phasing of development based on the availability of infrastructure, as supported by the policy requirements of this Plan;
 - c) the amount of land proposed for the expansion represents the appropriate amount necessary to accommodate the demonstrated need as supported by the policy requirements of this Plan;
 - d) the proposed expansion will not result in negative impacts on the existing or planned transportation network, or where impacts are

identified, appropriate mitigation measures or improvement requirements are identified to address such impacts in a manner that aligns with and does not conflict with City and Regional Transportation Master Plans, and that the proposed expansion can integrate effectively with the existing and planned transportation network, including road, transit, cycling, and pedestrian connections;

- e) the proposed expansion supports the achievement of complete communities, including access to a range of housing options, employment opportunities, and community services;
- f) any natural heritage features and hydrologic features and areas, and their associated ecological functions, including the quality and quantity of water, are protected, and that risks from natural hazards are avoided, or where avoidance is not possible, minimized and appropriately mitigated in accordance with this Plan;
- g) impacts to the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible;
- h) compliance with Minimum Distance Separation (MDS) I & II formulae is demonstrated;
- i) where the subject lands include prime agricultural areas, it is demonstrated that there are no reasonable alternative locations that avoid prime agricultural areas, and where avoidance is not possible, reasonable alternatives on lower priority agricultural lands within prime agricultural areas have been considered;
- j) the proposed expansion will not place an undue financial burden on the City and other public service providers, to provide additional parkland, public service facilities, and municipal services, having regard for the long-term capital and operating financial implications of the proposed expansion, including implications beyond infrastructure lifecycle replacement costs;
- k) cultural heritage resources are conserved and protected, and that impacts are avoided, or where avoidance is not possible, minimized; and
- l) land use compatibility issues are appropriately addressed, including potential impacts from adjacent uses such as agriculture, industry, transportation corridors, or major infrastructure.

2.3.5 Multiple Applications

- 2.3.5.1 Where the City has multiple expansion applications that meet the policies of this Plan, the City shall determine the most appropriate location for growth, having regard for City-wide growth management objectives, infrastructure capacity, environmental impacts, impacts to the agricultural system and the policies of this Plan.
- 2.3.5.2 The City shall comprehensively consider the cumulative impacts of all active and concurrent settlement area boundary expansion applications and shall undertake an assessment of cumulative impacts against the requirements of Policy 2.3 above.

Where the cumulative impacts of multiple applications would result in adverse impacts on any of the considerations identified in this Plan, the City may refuse an application or approve applications in a phased or prioritized manner to ensure orderly, efficient, and sustainable growth.

2.3.6 Comprehensive Planning for Settlement Area Boundary Expansions

- 2.3.6.1 Where a new settlement area or settlement area boundary expansion is approved by Council, the City may prepare a Comprehensive Development Plan, depending on the scale and context of the expansion. The applicant shall be responsible for the costs associated with the preparation of the Plan, associated studies, and peer reviews as required by the General Manager or Planning, Building and Development, or a designate.

3.0 CITY-WIDE POLICIES

This Section of the Our Niagara Falls Plan identifies policies that are general in nature and may apply to development applications across the entire municipality.

3.1 Housing

The intent of this Plan is to establish a policy framework that supports and encourages a full range of housing options to the year 2051. The City recognizes that housing options must meet the economic, social, and health requirements of a growing and diverse population. Housing options within the City shall include ownership and rental opportunities, as well as affordable, attainable, and additional needs housing.

3.1.1 Minimum Requirements for Planning for Housing

- 3.1.1.1 The City shall provide an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the regional market area. Planning authorities shall:
- a) Maintain at all times the ability to accommodate residential growth for a minimum of fifteen years through lands which are *designated and available* for residential development; and
 - b) Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

3.1.2 Protecting and Providing a Diverse Range of Housing Forms

Achieving Intensification and Density Targets

- 3.1.2.1 All residential development within the Built-up Area shall demonstrate its contribution to the City's *intensification* target or the required minimum density target for the *Designated Growth Areas*.

- 3.1.2.2 Opportunities for choice of housing including type, tenure, cost, and location shall be provided to meet the changing needs of households throughout the Built-up and *Designated Growth Areas* by supporting the following:
- a) Multiple unit developments, smaller lot sizes, and innovative housing forms;
 - b) Development of vacant land and more efficient use of under-utilized parcels;
 - c) The full utilization and consolidation of properties to achieve more comprehensive residential development;
 - d) A mix of housing types and forms within developments, on individual streets within developments, and on individual development blocks or sites;
 - e) A mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;
 - f) Development of housing in conjunction with commercial developments to create walkable neighbourhoods; and
 - g) *Additional residential units*, in accordance with legislation set out in the *Planning Act* and further regulated through the policies of this Plan and the Implementing Zoning By-law.

Implementing the City's Housing Strategy

- 3.1.2.3 This Plan aligns with the Niagara Falls Housing Strategy (2022) and the supporting Niagara Falls Housing Needs and Supply Report (2021). These studies may be updated periodically in consultation with the Region and/or surrounding municipalities.
- 3.1.2.4 The City, in approving developments that include residential dwelling units, shall make reference to the conclusions and recommendations of the Niagara Falls Housing Strategy (2022), including any subsequent strategy updates.
- 3.1.2.5 Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large scale projects or as a section within

a planning justification report for small scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;
- b) How the proposal contributes to achieving the City's annual housing targets;
- c) The estimated rents and/or sales prices of the development, indicating where they are, either above or below the threshold for affordable as defined by the City;
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet the City's definition of *affordable* and *attainable* to be provided per phase, where applicable; and,
- e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

3.1.3 Promoting Affordable and Attainable Housing

- 3.1.3.1 ***Affordable and Attainable Housing Target:*** 40 percent of all new approved dwelling unit permits per year will meet the definition of affordable and *attainable* housing.
- 3.1.3.2 The City shall explore opportunities to coordinate and collaborate with Niagara Region, local housing advocacy groups, community partners, government agencies, and the development community to support the affordable housing policies of this Plan through studies, guidelines, incentives and development applications to promote innovative housing forms and development techniques that will facilitate the provision of affordable housing.
- 3.1.3.3 The City may explore the following implementation tools to achieve its *affordable* and *attainable* housing target:
 - a) Inclusionary Zoning within the Protected Major transit station area;

- b) Enact a Municipal Housing Capital Facilities By-law under the *Municipal Act* to enable the City to enter into agreements with private and non-profit partners;
- c) Identify opportunities to work with all levels of government or other bodies to provide affordable units;
- d) Identify opportunities to form public-private partnerships to provide a percentage of *affordable* or *attainable* units;
- e) A community planning permit system for key areas of the City;
- f) Provide priority allocation of municipal service *infrastructure* capacity;
- g) Apply for available government grants and/or subsidies;
- h) Provide financial incentives through Community Improvement Plans;
- i) Identify programs under a Community Benefits Charges By-law;
- j) Provide targeted relief from City-wide Development Charges, where identified, through the City's Development Charges By-law;
- k) Streamlining of planning approvals with a priority on development receiving time-sensitive government funding;
- l) Establish reduced parking requirements through the Implementing Zoning By-law;
- m) Permit a range of innovative housing types and tenure models, including, for example, cohousing, communal housing, and life-lease housing; and
- n) Pre-approve permissive Zoning.

3.1.3.4 The City will consult with school boards, the Region, and Federal and Provincial agencies to identify surplus government lands and/or buildings that may be suitable for *affordable* and *attainable* housing developments.

3.1.3.5 *Affordable* and *attainable* housing should be located:

- a) In areas with existing planned municipal water and wastewater services/systems and urban amenities;
 - b) Near existing or planned transit, including *higher order transit* and *frequent transit* service, and active transportation facilities;
 - c) Near *public service facilities*, social supports, and *community hubs*, where possible; and
 - d) In areas that have a mix of housing forms and tenures.
- 3.1.3.6 A housing impact statement is required where a development proposal would result in the loss of six or more rental housing units and will also require demonstration as to how the rental units will be replaced, either on site or at a new location.
- 3.1.3.7 The City shall only permit the demolition or conversion of rental housing to ownership tenure where:
- a) The average rental vacancy rate within the City based on the CMHC Rental Market Survey (pertaining to unit type proposed to be removed), is at or above three percent over the preceding three-year period;
 - b) The conversion to ownership housing would result in the creation of *affordable* or *attainable* housing; or
 - c) The demolition or conversion is needed to address existing health and safety issues, as ordered, through retrofits and renovations, which would result in an increase in rental levels above the threshold for affordability.

3.1.4 Monitoring the Supply of Housing

- 3.1.4.1 The City will monitor the following key housing supply indicators and periodically report to Council through a Development and Housing Monitoring Report:
- a) Residential land supply;
 - b) Construction activity and the range of housing forms built within the identified Strategic Growth Areas, through *intensification* of the Built-Up Area and within the *Designated Growth Areas*;
 - c) The delivery of additional residential units;

- d) Vacancy and intensification rate; and
- e) Progress toward the achievement of the affordable housing target, including the success of any related implementation tools identified in this Plan.

3.2 Climate Resiliency

It is the intent of this Plan to lead in adapting to a changing climate by increasing density, integrating transportation options, protecting natural heritage and promoting green infrastructure and green building technologies, all to reduce greenhouse gas emissions, and to plan through a climate adaptation lens.

3.2.1 Implementing the City's Climate Change Adaptation Plan

- 3.2.1.1 Responding to a changing climate requires a highly interrelated and multifaceted approach that is addressed through the policies of this Plan, and includes:
- a) Requiring urban development to be more compact with higher or increased density and more mixed use opportunities in Strategic Growth Areas, as well as other appropriate locations, making the City more efficient;
 - b) Protecting and enhancing the natural heritage system, water resource system, key natural heritage features, hydrologic features and their associated ecological functions;
 - c) Requiring all development to retain tree canopy on-site where possible, in accordance with appropriate By-laws;
 - d) Encouraging intensification and redevelopment of underutilized sites, greyfields, and brownfield sites;
 - e) Encouraging *green infrastructure* and green building technologies that promote the reduction of greenhouse gases, the sustainable use of water and energy resources, and waste reduction, reuse, and recycling;
 - f) Supporting compact development within the Settlement Boundary and avoid the loss of agricultural lands; and

- g) Increasing mobility choices and promoting a *multimodal transportation system* that reduces the reliance on the automobile, supports robust transit, and includes a full range of micromobility and *Active Transportation* opportunities.

3.2.1.2 All planning decisions shall consider the City's Climate Adaptation Plan (2021) and Climate Adaptation Implementation Plan (2023), including any subsequent plan updates and all relevant policies of this Plan. The City may also make reference to the Niagara Region Climate Change Discussion Paper (2019) and the Climate Projections for Niagara (2022), including any subsequent updates.

3.2.2 Protect the Urban Forest

3.2.2.1 The City has prepared the Niagara Falls Woodland Management Plan (2016). All new development shall have reference to the City's Woodland Management Plan and shall be consistent with the standards and guidelines of an Urban Forest Management Plan.

3.2.2.2 The tree canopy coverage target across the whole of the City shall:

- a) Maintain the 2025 coverage of 25 percent within the Settlement Area Boundary and 30 percent across the whole of the City; and
- b) Increase coverage to 30 percent within the Settlement Area Boundary and 35 percent across the whole of the City by 2051; and
- c) Aim to provide an equitable spatial distribution of tree canopy coverage across all of the Settlement Area Boundary

3.2.2.3 A development application that must result in a net loss of trees outside of significant *woodlands* or other *woodlands* shall compensate at a ratio of 2:1 with consideration given to the significance and value of the *ecological function*, age, and variety of species that the existing tree inventory provides, including carbon sequestration. The retention and protection of large, healthy trees is preferred over replacement plantings and compensation, with an emphasis on boundary trees.

3.2.2.4 To achieve a "no net-loss" tree canopy preservation framework, the replacement of trees lost to development with

new trees planted elsewhere on-site is preferred. However, the City may consider a suitable alternate site(s).

- 3.2.2.5 Tree replacement areas, whether cash in lieu or replacement plantings on- or off-site, shall not be considered as parkland dedication.
- 3.2.2.6 The City may preserve, protect, manage, replace, or acquire tree stands, hedgerows, *woodlands*, and forested areas within the municipal boundary to enhance connectivity of green spaces and habitat where possible.
- 3.2.2.7 The City shall encourage, on both public and private lands, the planting of a diverse range of tree species, particularly native species that are resilient to drought, storm and disease.

3.2.3 Energy and Water Conservation

- 3.2.3.1 The City will aim to reduce water use and energy in all City-owned, maintained, and operated facilities and equipment and ensure that all new City facilities are designed to meet a high standard of environmentally conscious design for conservation where feasible.
- 3.2.3.2 The City will encourage and support:
 - a) Alternative and *renewable energy systems*, and district energy systems to accommodate current and projected needs of the community, as well as facilitate a transition away from reliance on fossil fuels;
 - b) Encourage energy-efficient building design and construction techniques that minimize space heating and cooling energy consumption; and
 - c) Water management and reuse practices in development, to provide context-appropriate solutions for managing rainfall and snowfall, including low-impact development techniques such as bioswales, permeable pavement and rain gardens.
- 3.2.3.3 The City will, in collaboration with the Region, promote enhanced waste reduction, composting and recycling initiatives to support source reduction, reuse and diversion, where appropriate. Consideration shall be given to increased convenience and access for waste diversion collection programs to promote participation.

3.2.4 Air Quality and Reducing Carbon Emissions

- 3.2.4.1 The City supports carbon sequestration efforts in all forms and will strive to reduce carbon emissions in all City-owned, maintained and operated facilities and equipment.
- 3.2.4.2 The installation of electric vehicle charging facilities and the use of low-carbon public transit, *active transportation* and public transportation is encouraged to support the reduction of emissions related to transportation.
- 3.2.4.3 Large development applications and/or area specific plans may be required to submit an Air Quality Assessment to determine any potential impact on air quality.

3.2.5 Renewable Energy Projects

- 3.2.5.1 Large scale renewable energy projects such as wind turbines, solar farms, and other renewable or alternative energy facilities may be permitted within the Prime Agriculture Designation, and/or the Employment Area Designation and/or the Flex Business District Designation and implemented through site specific zoning. Proposals shall be evaluated and assessed based on:
 - a) Impact on the viewscales, vistas, and any cultural heritage resources in the vicinity, along with an assessment of potential benefits;
 - b) *Agricultural impact assessment* and environment impact assessment based on a predetermined terms of reference;
 - c) The impact of shadow flicker that has been professionally addressed;
 - d) A noise report demonstrating compliance with Provincial requirements;
 - e) Whether the nature and scale of the proposal is appropriate, and how any identified impacts can be mitigated;
 - f) How the size of the operation is appropriately limited to preserve the maximum amount of land available for other uses; and
 - g) How the site will be accessed for maintenance.

- 3.2.5.2 The Implementing Zoning By-law for a large scale renewable or alternative energy installation may include limits on its extent, height, size, and minimum setbacks based on noise, environmental, health, and community impacts based on a professional analysis.
- 3.2.5.3 The City, in partnership with the Province, as appropriate, shall ensure that the necessary agreements are in place to deal with ongoing operation and maintenance of any large scale renewable or alternative energy facilities, as well as appropriate protocols for their ultimate decommissioning.
- 3.2.5.4 The City may consider reduced standards for building-mounted renewable energy generation facilities.
- 3.2.5.6 The development of new *alternative energy systems* and *renewable energy systems* in areas adjacent to or on known deposits of aggregate, mineral, or *petroleum resources* shall be permitted where it has been demonstrated that the energy system serves a greater long-term public interest during the lifetime of the wind energy system and does not compromise the future extraction of the *mineral aggregate, resources*.
- 3.2.5.7 The development of *alternative energy systems* and *renewable energy systems* shall be prohibited where they may cause a potential aviation safety hazard as determined by Transport Canada or the appropriate agency.
- 3.2.5.8 The City will encourage coordination in planning for the provision of hydro corridors. It is recognized that such facilities are subject to the approval or permits of the Province and relevant ministries, agencies and approval bodies.

3.3 Mobility

It is the intent of the Plan to ensure that the City continues to develop a safe, sustainable, integrated and well-connected multimodal transportation system, including facilities for motorized vehicles, for active transportation, and for micromobility opportunities. This will facilitate the safe and efficient Vision Zero concept for the movement of people and goods within and throughout the City.

3.3.1 The Transportation Master Plans

- 3.3.1.1 The City's Sustainable Transportation Master Plan and the Niagara Region Transportation Master Plan should be considered through planning decisions in the effort to mitigate

the effects of climate change through the reduction of the reliance on automobiles and the promotion of opportunities for a *multimodal* and sustainable *transportation system*.

- 3.3.1.2 This Plan will support and work in conjunction with City's and Region's Transportation Plans, including the Transportation Master Plan(s) and Active Transportation Master Plan and supporting studies.

3.3.2 Mobility Options

- 3.3.2.1 Street patterns that disperse traffic by providing alternative routes and integrate multiple modes of travel are encouraged, such as a grid system of streets. Development shall avoid mobility-limiting options such as cul-de-sacs and reverse frontage lots.

3.3.3 Key Components of the Transportation System

Transit Supportive Development

- 3.3.3.1 The City may acquire property in proximity to existing neighbourhoods or planned transit routes where barriers exist to providing direct access for *active transportation* nodes and corridors as identified in this Plan, the City's Transportation Master Plan and/or any associated plans or approved planning studies.
- 3.3.3.2 Transit oriented development should be provided for within Strategic Growth Areas to create compact, walkable communities with a range and mix of uses and active streetscapes to support the viability and sustainability of transit systems.
- 3.3.3.3 Design elements that have an impact on ridership and modal choices by enhancing mobility and comfort at transit stops, as well as along pedestrian routes to get to and from the transit stops are encouraged. Special design attention is essential for all buildings, parks and open spaces and movement networks adjacent to a transit stop.
- 3.3.3.4 The design of the transit stops must consider the role and function that they play, and beyond their functional role, contribute to shaping the character of the City. The City may prepare design and site plan guidelines for transit stops.

The Active Transportation Network

- 3.3.3.5 *Active transportation* linkages include safe cycling and pedestrian routes on streets, sidewalks, multi-use trails, and private properties. This includes bicycle storage infrastructure, potential separation of travel modes and streetscaping elements that promote pedestrian and cyclist comfort and safety. These linkages shall be designed to enhance accessibility for all residents and comply with the *Accessibility for Ontarians with Disabilities Act*.
- 3.3.3.6 Separated bike and pedestrian paths are strongly encouraged along all Arterial and Collector roads in the Strategic Growth Areas with a target of 50 percent of all Arterial and Collector Roads within Strategic Growth Areas having separated bike and pedestrian paths by 2051.
- 3.3.3.7 The active transportation network should be highly integrated and connected within the community, the adjacent communities, and transportation networks that serve the broader region. This supports the concept of the first and last mile which refers to the distance a passenger needs to travel from a transit stop to their destination or vice versa.
- 3.3.3.8 Above-grade walkways may be considered in the Entertainment District designation in connection with an enhancement of the at-grade public realm to encourage and maintain a commercially active, attractive streetscape in accordance with a City-initiated urban design guideline for above-grade connections.
- 3.3.3.9 All development should contribute to the creation of a walkable and connected community, with multiple destinations within walking distance of all residents.
- 3.3.3.10 New development should connect to existing pedestrian, cycling, transit, and street networks, and provide opportunities for future extensions of these networks up to abutting property boundaries.

Complete Streets

- 3.3.3.11 Streetscapes shall be a component of complete streets design and be considered as public spaces for all users. Complete streets should be designed for the safety of people of all ages and abilities. Complete streets movement corridors accommodate all transportation modes and are considered to be public places. Sidewalks, street trees and landscaping are

all elements that contribute to comfortable and attractive complete streets.

- 3.3.3.12 The City shall promote healthy neighbourhoods by strongly encouraging new development over 3 storeys to be located within 800 metres (via pedestrian network) of a transit stop or basic needs.
- 3.3.3.13 The City shall prepare Complete Streets Guidelines to promote mixed-land uses and built forms adjacent to existing or planned Active Transportation Facilities that will:
 - a) Detail the fundamental requirements for *transit-supportive* design,
 - b) Establish a comprehensive pedestrian sidewalk network;
 - c) Establish a comprehensive cycling network, as shown on **Schedule 6 – Active Transportation Plan**;
 - d) Improve pedestrian safety where sidewalks are not currently provided; and
 - e) Require street trees to enhance the streetscape.
- 3.3.3.14 Where pedestrian or cycling routes intersect with roads, appropriate traffic control design shall be provided.
- 3.3.3.15 New roadways or the reconstruction of existing roadways shall be designed in accordance with the Region's Complete Streets Guidelines until such time as the City of Niagara Falls Complete Streets Guidelines have received approval.

3.4 Attractive and Cultural City

It is the intent of this Plan to provide clear, high-quality urban design guidance for new development/redevelopment. The focus is on built form and the public realm as key quality-determining elements. This Plan intends to enhance community safety through environmental design, integrate historic and neighbourhood character with contemporary design elements, and enhance the overall quality and character of the community.

3.4.1 Design-Focused Development

Community Structure for Heights and Density

- 3.4.1.1 Appendix H – Building Height (pending) provides visual guidance for the gradation of building height as directed through the policies of this Plan.
- 3.4.1.2 Design Guidelines and the Implementing Zoning By-law will further detail height, building design, and density, as well as guide the transition of building height across the City and within key areas such as the *Protected Major Transit station area*, Entertainment District, mixed use corridors and within New Community Areas.
- 3.4.1.3 The City will prepare a City-wide comprehensive Urban Design Guideline document to support the policies of this Plan. All decisions on development applications, as well as decisions about public realm improvements, shall be consistent with any relevant Urban Design Guidelines, including the Region's Model Urban Design Guidelines, and any subsequent guideline updates. The City's Urban Design Guidelines will recognize and support the individual character of the different communities and neighbourhoods throughout the City.

Accessibility for Ontarians with Disabilities

- 3.4.1.4 All new development with access to the general public, including public realm elements, shall comply with all the requirements of the *Accessibility for Ontarians with Disabilities Act*.

Crime Prevention Through Environmental Design

- 3.4.1.5 All development shall be evaluated for consistency/adequacy of achieving the following Crime Prevention Through Environmental Design (CPTED) considerations:
 - a) Adequate lighting designed with regard for vehicular, cyclist, and pedestrian requirements so that the size, height and style of lighting reflect and complement the character of the community;
 - b) Clear sight lines, allowing views from one end of the walkway to the other;
 - c) Appropriate landscaping, but avoiding landscaping that might create blind spots or hiding places;
 - d) Adequate fencing;

- e) Clear signage that delineates wayfinding; and
- f) Streetscape and building design that promotes “eyes on the street”.

3.4.2 Culture Plan

- 3.4.2.1 New development should integrate interpretive elements and facilities to support interpretation of the City’s history and cultural programming and events, with reference to any current or updated Niagara Falls Culture Plan.

3.4.3 Public Art

- 3.4.3.1 The City shall pursue the installation of public art throughout the City in situations of public or private sector development, or on an adjacent streetscape or within key elements of the public realm network. Public art shall be required at all new large-scale institutions and facilities and encouraged for all new development along major corridors and Strategic Growth Areas.
- 3.4.3.2 Where the City enacts a Community Benefits Charges By-law, the City may identify public art as a defined Community Benefit, with City decision-making in accordance with the Niagara Falls Public Art Policy.

3.4.4 Cultural Heritage Resources

- 3.4.4.1 Protected heritage property, which may contain cultural heritage resources or cultural heritage landscapes, shall be *conserved* so that they may be experienced and appreciated by existing and future generations and enhance the City’s sense of history, community, identity, sustainability, economic health and quality of life.
- 3.4.4.2 Cultural Heritage Resources include:
 - a) *Built heritage resources*;
 - b) Cultural heritage landscapes; and
 - c) Archaeological resources.

Currently designated Cultural Heritage Resources are recognized in **Appendix D – Cultural Heritage Resources**.

Cultural Heritage Impact Assessment/Archaeological Assessment

- 3.4.4.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be *conserved*.
- 3.4.4.4 Development proposals within or adjacent to an identified *built heritage resource* and/or *cultural heritage landscape* will be required to carry out studies (a Cultural Heritage Impact Assessment and/or an Archaeological Assessment) to:
- a) Survey and assess the cultural heritage value or interest of the cultural heritage resource;
 - b) Assess the impact of the proposed development or *redevelopment* on the cultural heritage resource; and
 - c) Indicate the methods proposed to be used to mitigate any *negative impact* of the proposed development or *redevelopment* on the cultural heritage resource.
- 3.4.4.5 A required Archaeological Assessment must be prepared in accordance with Provincial requirements by a licensed archaeologist, or licensed marine archaeologist to the satisfaction of the City and the Province. All Archaeological Assessments shall be provided to the Province in accordance with Provincial requirements, as well as any applicable City policies, along with any subsequent correspondence or documentation regarding Provincial review and acceptance.
- 3.4.4.6 Council may defer approval or consideration of development proposals on lands accommodating any Cultural Heritage Resource until studies related to cultural or archaeological significance are complete.
- 3.4.4.7 The City will consider the impact of Municipal works activities on protected heritage properties and undertake such necessary work to conserve cultural heritage resources as outlined in a heritage impact assessment or archaeological assessment.
- 3.4.4.8 Adaptive reuse of identified or designated Cultural Heritage Resources is supported by adding compatible and contemporary additions subject to a heritage impact assessment.

Archaeological Resources

- 3.4.4.9 Planning authorities shall not permit *development* and *site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *significant archaeological resources* have been *conserved*.
- 3.4.4.10 The City shall rely upon the Niagara Region's Archaeological Management Plan (2023) to identify *areas of archaeological potential* within the City until such time as a new Niagara Falls Archaeological Master Plan has been prepared and approved.
- 3.4.4.11 Where development or site alteration is proposed in proximity to any burial sites or *archaeological resources* affiliated with Indigenous communities/ancestors that are identified through an archaeological assessment, the licensed archaeologist or licensed marine archaeologist shall engage with all applicable Indigenous communities regarding the management of these resources and appropriate mitigation options.
- 3.4.4.12 Unexcavated archaeological sites and *archaeological resources* shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed.
- 3.4.4.13 *Site alteration*, mitigation, and development shall be permitted only in accordance with the recommendations of an archaeological assessment, where applicable.

Municipal Heritage Committee

- 3.4.4.14 The City shall appoint citizen representatives to a Municipal Heritage Committee under the terms of the *Ontario Heritage Act*. This Committee shall research and advise City Council on heritage matters relating to the identification, protection, and/or management of properties of cultural heritage value or interest. The Municipal Heritage Committee may also advise and assist Council on other heritage-related matters, as required.

Heritage Conservation Districts

- 3.4.4.15 Council may designate, under the *Ontario Heritage Act*, heritage conservation districts. Prior to the designation of a heritage conservation district(s), Council should:
 - a) Pass a by-law defining an area or areas to be examined for future designation as a heritage conservation district(s);
and

- b) Should prepare a study for the area or areas to determine the feasibility of designation, the delineation of the district boundaries, an evaluation of the area's heritage character, and guidelines for future conservation and planning.

3.4.5 Early Engagement with Indigenous Communities

- 3.4.5.1 The City will engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing *archaeological resources, built heritage resources, and cultural heritage landscapes*.

3.5 A Strong Economy

It is the intent of this Plan to support economic development activities and a strong and healthy economy by ensuring that sufficient land is made available to meet future employment needs, including sufficient shovel-ready lands. The Plan will identify and protect the City's supply of lands for a full range and scale of employment-generating land uses and built forms. The City will continue to attract and retain a diverse and skilled labour force.

3.5.1 Implementing the Municipal Economic Development Strategy

- 3.5.1.1 Planning decisions will consider the City's Niagara Falls Municipal Economic Development Strategy, 2024–2029, including any subsequent strategies. The City's Music City Strategy (2023), the Niagara Falls Employment Lands Strategy (2021) and the Niagara Region Employment Area Strategy (2020) and other approved supporting studies should be considered where they are not in conflict with this Plan.

3.5.2 Facilitating Economic Development

A Broad-Based Approach

- 3.5.2.1 A broad-based approach to economic development will be facilitated through:
 - a) The identification and protection of the City's supply of lands for the accommodation of a full range and scale of employment generating land uses and built forms;

- b) Policy support for a full range of home-based business opportunities, including *home occupations* and live/work units;
- c) The development of large scale institutions and facilities concurrent to population growth, such as post-secondary educational facilities, hospitals, entertainment or sport venues and cultural facilities that can-draw both residents and visitors from outside of the City, supporting sectors such as tourism and facilities such as public transit; and
- d) The construction, upgrading, and maintenance of high-quality infrastructure systems including the ongoing expansion of a *multimodal transportation system* intended to promote options for the efficient and convenient transportation movement of people and goods.

Tourism

- 3.5.2.2 Tourism is recognized as a major source of employment for the City and the surrounding Region. It has been recognized through the Province's Destination Niagara Strategy which aims to unlock Niagara's 'enormous potential' as both a globally recognized tourism destination and an economic engine for the Province. The Strategy targets five key pillars of gaming, wine and culinary tourism, arts and culture, and transportation development.

The City supports the vision of the Destination Niagara Strategy through flexible land use policies which provide the opportunity for a wide range of entertainment venues, visitor attractions, recreational opportunities and the access to appreciate the natural beauty of the falls and the surrounding Niagara Parks lands.

The Environmental Economy

- 3.5.2.3 The City will support and promote eco-tourism activities on private and public lands, where appropriate, based on the applicable land use designation and associated development criteria, provided the activities do not negatively impact the *natural heritage system*.

Commercial/Institutional Diversification

- 3.5.2.4 A diversification of the City's economic base is supported by an evolving urban structure, which includes a full range of

commercial and institutional uses, including office development, and a variety of Provincial, Regional and City focused institutions, restaurants, retail, and service commercial businesses that foster competition and choice.

- 3.5.2.5 The City encourages the establishment and expansion of post-secondary institutions and other private education providers.

Entrepreneurship and Cultural Industries

- 3.5.2.6 The City supports the growth and expansion of entrepreneurial, creative, and cultural industries and institutions as important sectors of the economy.
- 3.5.2.7 New development should make reference to the conclusions and recommendations of the City's Recreation, Culture and Parks Plan (2021) and the Music City Strategy (2023) for opportunities to guide the provision of arts and cultural programs, services, and facilities that serve a growing and increasingly diverse population.

The Rural/Agricultural Economy

- 3.5.2.8 Agriculture is an important economic activity and land use for the City, and the policies of this plan strive to:
- a) Protect lands suitable for agricultural production from fragmentation and land uses not related to agriculture; and
 - b) Promote, grow, and diversify the agricultural industry by promoting agriculture-related uses and *on-farm diversified uses*, including *agri-tourism uses* and associated activities.

Urban Agriculture

- 3.5.2.9 The City will support and promote *urban agriculture* activities, excluding livestock, on private and public lands.
- 3.5.2.10 *Urban agriculture* activities shall be provided outside of natural heritage and hydrologic features and any areas contaminated by existing or previous land uses.

4.0 GENERAL LAND USE POLICIES, COMPATIBILITY, AND BUILT FORM

This Section of the Our Niagara Falls Plan identifies those specific land uses that are either permitted or prohibited in multiple land use designations. It also discusses compatibility between land uses and guides built form across the City. The policies of this Section are to be applied when reading and understanding the policies included in Section 5.0.

4.1 General Land Use Permissions

The intent of this section is to present land use permissions, both permissive and restrictive, that are applicable within multiple land use designations, and to further introduce and expand on land uses that are applicable across multiple land use designations.

4.1.1 Permitted Land Uses

Land Uses Permitted

- 4.1.1.1 In addition to the identified permitted uses within each Land Use Designation, uses accessory to those identified permitted use are also permitted.
- 4.1.1.2 Permitted uses within any Land Use Designation may be further refined through the Implementing Zoning By-law or a site-specific Zoning By-law to ensure that new development is appropriate in the context of the adjacent and surrounding community.

Land Uses Permitted in All Land Use Designations

- 4.1.1.3 The following uses are permitted within all of the Land Use Designations of this Plan with the exception of the Natural Heritage Features Designation, subject to the relevant policies of this Plan:
 - a) Parks and open spaces;
 - b) Public service facilities;

- c) Small-scale *renewable energy systems*, subject to relevant Provincial legislation and regulations;
 - d) *Infrastructure*, including sewer, water, stormwater management, and transportation facilities, including Active Transportation Facilities; and
 - e) Public and private utilities.
- 4.1.1.4 *Wayside pits and quarries, portable asphalt plants, and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, with the exception of the Natural Heritage System and areas of existing development, which have been determined to be incompatible.

Existing Land Uses

- 4.1.1.5 Land uses and site design which legally existed as of the date of approval of this Plan may continue to be recognized until such a time when they are redeveloped to be in conformity with this Plan. Enlargements, extensions, changes to site design and/or the construction of accessory buildings may be permitted, without the requirement for an amendment to this Plan.
- 4.1.1.6 Within the Prime Agriculture designation, proposed uses shall be subject to the non-agricultural use policies of the applicable designation. This includes demonstrating that impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated through an Agricultural Impact Assessment.

Existing Industrial and Service Commercial Clusters

- 4.1.1.7 There are light industrial and service commercial clusters that have existed for many years that are surrounded by designations containing residential uses that may continue to operate for as long as they exist, with a long term intent for those lands to transition to other uses permitted in the applicable land use designation over time.
- a) Uses shall be limited to only minor expansions and interior renovations; and

- b) Outward expansions of existing light industrial and service commercial clusters into the neighbourhood designation shall not be permitted.

4.1.2 Prohibited Land Uses

4.1.2.1 The following uses are prohibited in all Land Use Designations of this Plan, with the exception of the Employment Area Designation, or as a site-specific policy:

- a) Uses that are noxious, polluting, or produce or store hazardous substances; and
- b) Uses that involve waste management, recycling, and/or the storage of contaminated materials.

4.1.2.2 Uses may be further refined through the Implementing Zoning By-law which may incorporate general provisions setting out those uses which are prohibited in all and/or in individual zone categories.

Vacation Rental Units

4.1.2.3 *Vacation Rental Units* (VRUs) are only permitted as-of-right within the Mixed Use II, the Queen Street Downtown Mixed Use, and the Entertainment District Designation and the specific areas identified in Policy 4.1.2.4.. Any application for a VRU within any other land use designation shall require an official plan and zoning by-law amendment considered on an individual basis. Amendment applications will be reviewed subject to the following criteria:

- a) VRUs are limited to a dwelling unit;
- b) VRUs shall be limited to three bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood;
- c) Parking and landscaping shall be consistent with the residential environment;
- d) The size of the lot, the provision of landscaped amenity space, ability to accommodate required parking, nature and classification of the street, and the proximity to tourist areas shall all be considered;

- e) An undue concentration of VRUs is to be avoided to reduce the impact on the character of the residential nature of the area and residential enjoyment of permanent residents;
- f) To ensure lands designated for residential uses meet the primary purpose of providing dwellings for a wide range of households, Council shall consider the current vacancy rate(s) and supply of available housing for tenants; and
- g) VRUs shall be required to obtain a license in accordance with the licensing by-law, which is designed to regulate the operational aspects of VRUs

4.1.2.4 The following residential communities are located in close proximity to the main tourism areas of the City and are surrounded by either a Mixed Use II and/or Entertainment land use designation. In consideration of their location, Vacation Rental Units may also be permitted as-of-right in these areas where a Mixed Use I designation is applied and subject to any relevant zoning by-law provisions:

- a) located north and east of Main Street, south of Ferry Street and west of Allendale Avenue; and
- b) those lands located east of Main Street, south of North Street, west of Gladstone Avenue and north of Spring Street.

4.2 Land Uses Permitted in Multiple Land Use Designations

4.2.1 Additional Needs Housing

- 4.2.1.1 *Additional Needs Housing* is listed as a permitted land use in those Land Use Designations that allow residential uses. This use is defined in **Appendix A – Glossary** and must conform to the associated development policies of the applicable designation.

Small-Scale Additional Needs Housing

- 4.2.1.2 Small-scale *additional needs housing* (eight or fewer beds/residents) shall be subject to the provisions of the Implementing Zoning By-law, and in keeping with the physical form and character of the surrounding neighbourhood in accordance with the following criteria:
- a) The conversion of an existing building and/or the construction of a new building shall provide adequate buffering, parking and amenity areas on-site.

Large Scale Additional Needs Housing

- 4.2.1.3 Large scale *additional needs housing* (greater than eight beds/residents) shall be subject to the provisions of the Implementing Zoning By-law, and the satisfaction of the following criteria:
- a) The proposed site is located with frontage onto a collector or an arterial road;
 - b) The site is located with convenient access to *public service facilities*;
 - c) Adequate buffering, parking, and amenity areas shall be provided on-site;
 - d) The conversion of an existing building shall be in keeping with the physical form and character of the surrounding neighbourhood;
 - e) It is encouraged that the site be located in proximity to parks and open space or natural areas providing opportunities for quiet, tranquil spaces; and

- f) The proposed site is within 250 metres of an existing or planned public transit route and is in proximity to community facilities and retail and service commercial facilities.

4.2.2 Additional Residential Units

4.2.2.1 Up to two *additional residential units* on a lot (for a maximum of three total dwelling units) within the settlement area shall be permitted where residential uses are allowed to encourage context-sensitive smaller scale *intensification*.

4.2.2.2 *Additional residential units* shall meet the following criteria:

- a) The lot size and configuration is sufficient to accommodate adequate parking, green spaces, and amenity areas for both the existing principal dwelling and the additional residential unit(s);
- b) There is sufficient space for emergency services access;
- c) There is sufficient pedestrian and vehicular access;
- d) The overall appearance and character of the existing dwelling is maintained; and
- e) A second driveway on the property shall not be permitted with the exception of corner lots.

4.2.2.3 Detached *additional residential units* shall be designed to integrate with the surrounding land uses and be compatible with the built form on the lot and surrounding area in terms of massing, height, and visual appearance. Any detached additional residential unit shall maintain the privacy and scale of adjacent properties through appropriate setbacks, height, and landscaping.

4.2.2.4 A maximum of two *additional residential units* may be created per principal dwelling unit outside of the Settlement Area Boundary provided at least one additional residential unit is located within or attached to the principal residence. These units shall meet the following criteria:

- a) Compliance with the Minimum Distance Separation formulae;
- b) Are compatible with, and would not hinder, surrounding agricultural operations;

- c) The appropriate provision of sewage and water *infrastructure*;
- d) The proper consideration of any public health and safety concerns;
- e) Are limited in scale and are located within, attached, or in proximity to the principal dwelling or farm building cluster; and
- f) The minimizing of land taken out of agricultural operation.

4.2.2.5 A detached accessory building that includes an additional residential unit outside of the Settlement Area Boundary may not be severed from the property that accommodates the existing principal dwelling unit, and/or converted into a condominium, or any other form of strata ownership.

4.2.3 Auto-Oriented Uses

4.2.3.1 Auto-oriented uses may include motor vehicle service centres (which may include a gas bar, wash facility, and convenience retail/coffee shop facility), dealerships and rental operations, repair shops and body shops, and are directed toward the Flex Business District and mixed use areas. Where identified as a permitted use, any auto-oriented use shall be developed in accordance with the following criteria:

- a) The site is located on an Arterial Road or Collector Road, except for motor vehicle service centres which are limited to Arterial Roads.
- b) The site is large enough to accommodate the building, on-site parking areas, other integrated land uses, and appropriate amenity areas and buffering, where required;
- c) Where abutting any sensitive land use, or abutting any lands within the Neighbourhoods Designation, landscaping shall be provided to improve aesthetics and to buffer adjoining properties from the vehicular activities of the auto-oriented use; and
- d) The principal building or gas bar kiosk shall generally be oriented to the intersection with the pump islands to the rear to reduce the visual impact of the canopies and pump islands and to provide land scaping with a more pedestrian-oriented environment at the intersection, unless doing so

will have a *negative impact* on an adjacent sensitive land use.

4.2.4 Day Care Facilities

4.2.4.1 Where identified as a permitted use, Day Care Facilities shall be permitted in accordance with the following policies:

- a) The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads; and
- b) The site is large enough to accommodate the building, on-site play areas, parking and pick-up/drop-off facilities, and appropriate buffering, where required.

4.2.4.2 Where a Day Care Facility is operated within a dwelling unit, it shall be operated by a permanent resident of the dwelling unit in accordance with the *Child Care and Early Years Act*.

4.2.5 Drive-Throughs

4.2.5.1 Where identified as a permitted use, drive-throughs shall be permitted in accordance with the following policies:

- a) Buildings are encouraged to be located close to the public street, providing a consistent street edge and safe pedestrian environment between the primary building entrance and the public street;
- b) Sufficient vehicle stacking spaces shall be provided on-site so as not to impede traffic flow to and from the site;
- c) Stacking lanes are to be located at the side or rear of buildings and not located between the building and street;
- d) Stacking lanes and audio and video devices are encouraged to be located to minimize potential impacts and *adverse effects* on adjacent areas. Supporting studies may be required by the City to identify and address potential impacts; and
- e) Landscaping is to be provided to appropriately screen vehicle headlamps from public view and/or surrounding land uses.

4.2.6 Home Occupation

- 4.2.6.1 A *home occupation* is a business conducted by a permanent resident of a dwelling unit and further described and defined in **Appendix A – Glossary**.
- 4.2.6.2 All *home occupations* shall clearly be an accessory use, small in scale, and shall be implemented through the Implementing Zoning By-law, which may:
- a) Limit the number of employees or volunteers;
 - b) Limit the number of rooms and/or the total floor area associated with the *home occupation*;
 - c) Require sufficient parking facilities and limits that prevent the use from becoming a traffic hazard;
 - d) Regulate signage, in accordance with the City's Sign By-law, to maintain the exterior character of the primary residential building as a residence;
 - e) Prohibit outdoor storage of materials, equipment, or goods associated with the business;
 - f) Prohibit *home occupations* that may be noxious or offensive by the emission of noise, vibration, smoke, dust, odour, or other objectionable emission; and
 - g) For *bed and breakfasts* and owner-occupied short-term rentals, limits on the size of operation, including maximum guest rooms, to reduce the impact on the nature and character of the residential community and the enjoyment of permanent residents.

4.2.7 Live-Work Units

- 4.2.7.1 Live-work units may be located where residential uses are permitted where they can provide a diverse range of shops and services within convenient walking distances. Live-work units are subject to the Implementing Zoning By-law provisions and:
- a) Are permitted within street and block townhouses;
 - b) May contain commercial, retail, or office uses on the first floor and be oriented towards a public road;
 - c) Have amenity areas and buffering with planting and/or fencing from adjacent residential dwellings; and

- d) shall not have off-street parking in front of the building. Parking should be accommodated through on-street parking or in driveways located off a rear lane.

4.2.8 Neighbourhood-Supporting Uses

4.2.8.1 Neighbourhood-supporting uses and *Accessory Commercial Units* should be integrated with residential uses in mixed-use buildings, and may be permitted in stand-alone buildings, where appropriate and desirable. These uses can contribute to a walkable and complete community. Neighbourhood-supporting uses and *Accessory Commercial Units* may include:

- a) Home occupations;
- b) Business offices;
- c) Financial institutions;
- d) Healthcare offices and clinics;
- e) Small scale recreational and/or cultural facilities;
- f) Convenience retail commercial;
- g) Personal service establishments; and
- h) Restaurants.

4.2.8.2 Neighbourhood-supporting uses and *Accessory Commercial Units* will be encouraged to locate on the ground floor in conjunction with a residential use in the same building or located on the same property. The Implementing Zoning By-law shall establish where these uses can locate along with criteria or site-specific zoning, but not limited to:

- a) Limiting the size of the use;
- b) Directing parking and servicing areas to the side or rear of buildings, with appropriate screening from adjacent residential development;
- c) Providing distinct parking areas for the residential uses and neighbourhood-supporting uses in mixed use buildings and developments, and the use of underground and/or structured parking facilities where possible;
- d) Clustering of uses where possible;

- e) Locating at an intersection of Collector Roads, Collector/Arterial Roads, or Arterial Roads;
- f) Regulating shared road access where feasible, in accordance with the requirements of the City or Region; and
- g) Limiting the combined gross floor area of clustered neighbourhood-supporting uses, including development in a plaza format.

4.2.9 Places of Worship

4.2.9.1 A Place of Worship are used primarily for the practice of religious rites and may include ancillary/*accessory uses* that are subordinate and incidental to the practice of religious rites. Examples of *accessory uses* include, but shall not be limited to, classrooms, assembly areas, a kitchen, a residence for the faith group leader, and offices subordinate and incidental to the principal place of worship use but shall exclude any assembly areas with potential occupancy greater than the main worship area(s).

4.2.9.2 Where Places of Worship are identified as a permitted use, they shall be permitted in accordance with the following criteria:

- a) The use is only permitted on a Collector or Arterial Road;
- b) The use is compatible with adjacent properties;
- c) The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads; and
- d) The site is large enough to accommodate the building, on-site parking, and appropriate amenity areas and buffering, where required.

4.2.10 Temporary Pop-Up Uses

4.2.10.1 A temporary pop-up is a time-limited use that occupies an existing structure, or parking lot and must meet the following criteria:

- a) Where located on a private property, the use shall not occur within required parking spaces;

- b) will require a temporary use permit on both private or public property;
- c) may be subject to an agreement with the City where the use is located on public property; and
- d) shall be further regulated through the Comprehensive Zoning By-law with regards to matters including, but not limited to, specific uses, separation distances and time limits.

4.2.11 Public Service Facilities

- 4.2.11.1 The City shall have regard for the type of service provided by the facility and its operator, recognizing that some uses will serve a localized population, while others will serve the whole or large portions of the City, as well as tourists and other visitors when considering appropriate locations and land uses to be integrated into a Public Service Facility.
- 4.2.11.2 The development of *Public service facilities* shall be subject to the following criteria:
 - a) The use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
 - b) The site is large enough to accommodate the building, on-site parking areas, other integrated land uses, and appropriate amenity areas and buffering, where required;
 - c) It is desirable that *Public service facilities* be clustered together to promote cost effectiveness and facilitate service integration; and
 - d) Direct access shall be made to the City's Active Transportation Network.
- 4.2.11.3 *Public service facilities* are encouraged to integrate (co-design and co-delivery) with other uses, such as housing, to deliver on other corporate and civic goals and to be strategically located to support the effective and efficient delivery of emergency management services and to ensure the protection of public health and safety.
- 4.2.11.4 School sites shall be provided in accordance with the standards of the appropriate Board of Education, where applicable and, in addition to the criteria identified above, should consider co-location with municipal parkland and/or

other *Public service facilities*, including opportunities for use by more than one Board of Education.

- 4.2.11.5 The introduction of additional uses within an existing Public Service Facility will be determined through a study of the site and/or area. The objective of the City is to ensure the existing facilities and sites continue to act as civic hubs of community activity, accessible to the public. Where additional uses are determined to be appropriate, an amendment to this Plan would not be required.

4.2.12 Secondary Schools and Post-Secondary Facilities

- 4.2.12.1 Secondary schools and post-secondary facilities may be permitted in accordance with the following criteria:
- a) When developing a new facility, the use is encouraged to be developed in conjunction with parks and open spaces and other *public service facilities*, services and amenities so that a complementary integration of lands and facilities may be achieved;
 - b) The proposed site should be within 250 metres of an existing or planned public transit route and in proximity to parks and community facilities;
 - c) The proposed facility shall have frontage onto an Arterial Road or Major Collector Road;
 - d) Adequate parking and pick-up/drop-off facilities for automobiles and buses shall be provided on-site to avoid queuing on streets;
 - e) The school facilities will be designed to minimize surface parking facilitating active transportation networks and *transit-supportive* built form;
 - f) Secondary school sites shall be provided in accordance with the standards of the appropriate Board of Education, where applicable; and,
 - g) Direct pedestrian and cycling access should be provided from all parts of the surrounding community through a comprehensive active transportation network.

4.3 Policies for Compatible Development

The policies of this section are intended to guide compatibility assessments between new development and existing land uses and built forms to encourage all new development to enhance the image, livability and character of the City as it evolves.

4.3.1 Compatibility Assessment

- 4.3.1.1 Compatible built form is a broad concept that includes aspects related to both land use and built form. Compatible built form does not need to be the same or similar to existing development within its vicinity. It is development that fits within or enhances the character of the existing community, without causing any undue adverse effect on adjacent properties in accordance with the Evaluation Criteria of this section. A compatibility assessment for any new development may be required at the discretion of the General Manager of Planning, Building and Development, or their designate, through any *Planning Act* application.

Evaluation Criteria

- 4.3.1.2 It is an objective of this Plan that new developments shall not create any undue, adverse effect on adjacent properties. The following shall be considered when evaluating the compatibility characteristics of all applications for development:
- a) The use, height, scale, massing, shadowing, wind impact, orientation and landscape and design characteristics of nearby properties are considered, and appropriate transitions, including setbacks, angular planes/height management, and landscaping between the built forms and land uses are established;
 - b) The intended use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
 - c) The intended use will avoid or mitigate any adverse effects related to noise, odour, vibration, air quality, or light spill;
 - d) The intended use will avoid unacceptable shadow, wind mist, or viewshed impacts in accordance with any approved City or Regional Urban Design Guidelines or other materials;

- e) There is provision of on-site amenity space; if required, and
- f) The design of the public realm promotes pedestrian-friendly design incorporating choice, accessibility, furnishings, and connectivity to the broader *transportation system*.

4.3.2 Compatibility/Transition Requirements Based on Land Use Designation

Built Form Compatibility with Neighbourhoods

4.3.2.1 Compatibility requirements for new development on lands that are within or abut the Neighbourhood Designation may be required to include impact mitigation related to noise, odour, traffic, overlook/loss of privacy and access to sunlight, to the satisfaction of the City. Compatibility and an appropriate transition shall be ensured through specific requirements established in the Implementing Zoning By-law and meet the following:

- a) The planned transition in permitted heights for Low Rise, Mid-Rise, and High-Rise buildings are established by this Plan. Transition in scale can be achieved by geometric relationships and design methods in different combinations, including:
 - i. Implementing angular planes;
 - ii. Reducing permitted height limits;
 - iii. Sensitive location and orientation of the building;
 - iv. Use of setbacks and stepbacks of building mass;
 - v. Enhanced separation distances;
- b) Façade articulation, enhanced landscape treatments, tree planting and fencing; and
- c) Any other applicable development transition policies or regulations found within the City's Zoning By-law, the Niagara Region Urban Design Guidelines, and/or any associated Council adopted Design Guidelines.

It is the responsibility of the new use to establish compatibility and an appropriate transition to the abutting development.

Employment Area and Flex Business District

- 4.3.2.2 Where *adverse effects* on proposed *sensitive land uses* from existing or permitted operations within the Employment Area or Flex Business District Designations cannot be avoided, the onus for minimization and mitigation of any *adverse effects* is on the proponent of the new sensitive land use, in accordance with Provincial D-series guidelines, as revised or updated, and any other standards and procedures. The City encourages the proponent of any new sensitive land use to communicate with the existing employment operator to ascertain accurate information with regards to their operation.
- 4.3.2.3 Any new sensitive land use on lands within 300 metres from the property line of an industrial use shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of industrial uses within existing or planned Employment Districts, in accordance with Provincial D-series guidelines, as revised or updated.

Prime Agricultural Designation

- 4.3.2.4 The Minimum Distance Separation Formulae (MDS), as revised or updated from time to time, shall be applied where a new development or land use change is proposed within or adjacent to the Prime Agricultural Designation or through a site-specific zoning amendment. New dwellings on existing lots of record must also comply with the MDS.
- 4.3.2.5 New or expanding livestock operations and new development on proposed new lots will be appropriately separated from each other in accordance with the MDS Formulae. In addition, new lots suitable for new dwellings must be separated from existing livestock operations as determined by the application of the MDS Formulae.

4.3.3 Compatibility Based on Specific Uses

Major Facilities

- 4.3.3.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operation and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.

- 4.3.3.2 Where avoidance is not possible in accordance with policy 4.3.3.1, the City shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are vulnerable to encroachment by ensuring that the planning and development of proposed *adjacent sensitive land uses* is only permitted if potential *adverse affects* to the proposed *sensitive land use* are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

Railways

- 4.3.3.3 Any development within a minimum of 300 metres or any greater standard directed by the Province of a rail corridor shall require the inclusion of the Noise Warning Clause.
- 4.3.3.4 Unless otherwise directed or authorized by the property owner of the railway right-of-way:
- a) Buildings shall be set back a minimum of 30 metres, or as determined by the appropriate rail authority from the property line of the railway right-of-way, *Infrastructure*, parking areas, transit facilities including ancillary uses and amenities related thereto, and parks and open spaces, may be permitted within the setback; and
 - b) All vegetation should not be planted within 3.5 metres of the railway right-of-way.

Mineral Aggregate Resources

- 4.3.3.5 Proposed new development in areas located on or within 300 metres (sand and gravel) or 500 metres (bedrock) of known *deposits of mineral aggregate resources* identified in **Schedule 7 – Mineral Aggregate Resources Deposits and Petroleum Pools**, that would preclude or hinder the establishment of new *mineral aggregate operations* or access to the resources, is not permitted, except where it can be demonstrated by the applicant that:
- a) Resource extraction would not be feasible; or
 - b) The proposed land use or development serves a greater long-term public interest; and

- c) Issues of public health, public safety, and environmental impacts are addressed.
- 4.3.3.6 For certainty, the policy above does not apply to permitting existing uses; the expansion of existing uses, buildings, or structures; the construction of buildings or structures on existing lots; or the establishment of new uses; so long as:
- a) The proposed buildings, structures, and uses are in conformity with this Plan and the Implementing Zoning By-law; and
 - b) The proposed buildings, structures, and uses do not constitute development/*redevelopment*. For clarity, this policy would not apply to a minor variance (but not if for a similar use under Section 45(2)(a)(ii) of the *Planning Act* or its successor) or site plan approval.

Mineral Aggregate Operations

- 4.3.3.7 Proposed new development or other activities in areas located within 500 metres (sand and gravel) and 1,000 metres (bedrock) of existing *mineral aggregate operations* are not permitted, unless it can be demonstrated by the applicant through undertaking a land use compatibility study to the satisfaction of the General Manager of Planning, Building and Development, or their designate, that satisfactory mitigation measures can be put in place to ensure that the ongoing operation or expansion of the existing *mineral aggregate operation* will not be hindered in accordance with local and Provincial policy, guidelines and standards.

Petroleum Resource Operations

- 4.3.3.8 Development shall not occur within 75 metres of a *petroleum resource operation* unless the *petroleum resource operation* has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.

Adult Entertainment

- 4.3.3.9 Adult Entertainment may be permitted within the Flex Business District Designation located along the west side of Stanley Avenue, south of McLeod Road and north of the Welland River within the Stanley Avenue Business District. Where an Adult Entertainment use is considered, it shall be

separated from another Adult Entertainment facility by a minimum of 300 metres.

Cannabis Production Facilities

4.3.3.10 The permitted production of cannabis may be permitted in Employment Areas and shall be in accordance with the following:

- a) 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;
- b) Outdoor cultivation is not permitted;
- c) The production of cannabis shall be in accordance with all applicable Federal Regulations, as amended from time to time;
- d) 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
- e) 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.

Waste Disposal Sites

4.3.3.11 It is recognized that the management of solid waste is the responsibility of the Niagara Region. Notwithstanding this, it is acknowledged that waste management services can also be provided by the private sector, subject to necessary approvals by the Region. Proposals for new, or expansions to existing, waste disposal sites will require amendments to the Official Plan and Zoning Bylaw.

- 4.3.3.12 In the selection and approval of sites for landfill use, the City will require that certain items be examined and reported on such as the social, economic and environmental effects of the creation of such landfill sites, assessment of alternatives to landfill uses and views of affected citizens. These items will be in keeping with the Environmental Assessment Act and requirements of the City.
- 4.3.3.13 Proposed development within the influence area, as determined by Provincial Land Use Compatibility Guidelines or through site specific study, of all waste management facilities shall demonstrate that the solid waste disposal site will not have any unacceptable adverse effects on the proposed development and will not pose any risks to human health and safety.
- 4.3.3.14 No new land use shall be permitted within the area of influence of the licensed perimeter of an operating solid waste disposal site. The following compatible uses may not require a study provided that the solid waste disposal site water table is not affected and excavations shall not result in landfill gas migration or removal of a visual screen buffering of the landfill from the public view: utilities, waste-processing facilities, above-grade transportation routes, forestry activities, and gravel pits, quarries and other mining activities.
- 4.3.3.15 Development within the area of influence of a non-operating waste disposal site shall (e.g., old closed landfills) shall address Provincial requirements for contaminated sites and shall demonstrate, the satisfaction of the City and other applicable approval authorities, that there is not risk to human health and safety from landfill gas.

4.4 Built Form

The Built Form policies are intended to provide a framework related to the scale and design of buildings to inform the land-use designation policies of this Plan. This Plan promotes design innovation and design excellence through the achievement of built form compatibility, as well as through architectural detailing, landscape treatments, colour, and building materials.

In addition to the policies of this Plan, development shall be consistent with any in effect urban design guidelines, master plans, or studies applicable to the location of a planning

application. Where a mixed height development is proposed, the design criteria of the highest building shall be applied.

4.4.1 Low-Rise Buildings

- 4.4.1.1 Low-Rise Buildings are 3 storeys or less in height.
- 4.4.1.2 The City may consider a slight variation in height for low-rise buildings, without amendment to this Plan, where the proposal is located on a Collector Road and deemed compatible with the built form in accordance with the Design Criteria of this section and land uses within the surrounding community. The increase in height shall in no case exceed a total of 5 storeys.
- 4.4.1.3 A program of architectural control may be established through a development agreement to ensure the quality and diversity in the design of Low-Rise Buildings within a Plan of Subdivision and/or /Condominium that includes 10 or more dwelling units.

Design Criteria

- 4.4.1.4 Design Criteria shall be used to evaluate a Low-Rise development proposal. Where any of the Design Criteria cannot be specifically achieved, the General Manager of Planning, Building and Development, or their designate, may exercise flexibility where merited and waive the requirement for an Official Plan Amendment provided the change meets the overall intent of this Plan. Design Criteria for Low-Rise Buildings include:
 - a) **Orientation** – The building should front the street(s) with setbacks that are compatible with the surrounding neighbourhood;
 - b) **Parking** – Driveways and/or garage doors do not dominate the front façade of the primary building, or the view from the street. The City will encourage decorative and textured options for garage doors that complement architectural design;
 - c) **Front Door/Porches** – The main front door of each at grade dwelling unit(s) shall be clearly visible from the street. Front porches are encouraged as features that increase the prominence of the front entrance; and

- d) **Amenity Space** – Ground oriented dwelling units shall provide at-grade, outdoor amenity space either individually or in a shared space.

4.4.2 Mid-Rise Buildings

- 4.4.2.1 Mid-Rise Buildings are 3 storeys to 8 storeys in height.
- 4.4.2.2 For a development to achieve the identified maximum height or density on any site, the City shall be satisfied that that the building is compatible with, and can be sensitively transitioned with the surrounding and abutting built forms and land uses. To ensure an appropriate relationship, the City may implement special measures in the Implementing Zoning By-law, such as reduced building heights, angular planes, step backs, increased building setbacks or enhanced landscape buffers to ensure sensitive transition from one built form to another.
- 4.4.2.3 The City may consider a slight variation in height for Mid-Rise buildings, without amendment to this Plan, where the proposal is located within proximity to a transit stop and is deemed compatible with the built form in accordance with the Design Criteria of this section and land uses within the surrounding community. The increase in height shall in no case exceed a total height of 12 storeys.
- 4.4.2.4 Mid-Rise Buildings shall have frontage onto an Arterial or Collector Road.
- 4.4.2.5 Mid-Rise Buildings may be considered on lands adjacent to the Entertainment District and Entertainment Generation District designations.
- 4.4.2.6 A program of architectural control may be established through a development agreement to ensure quality design of Mid-Rise Buildings that include 10 or more dwelling units.
- 4.4.2.7 Parking is encouraged to be located in structure.

Design Criteria

- 4.4.2.7 Design criteria will be used to evaluate development proposals to ensure consistency with the built form intent of this Plan for Mid-Rise Buildings. Where any of the Design Criteria are not specifically achieved, the City may exercise flexibility where merited, and waive the requirement for an Official Plan Amendment provided the change meets the overall intent of this Plan. Design Criteria for Mid-Rise Buildings include:

- a) **Placement and Orientation** – Will be sited to address street frontages through design elements and massing, and to align with streets and open spaces to frame these areas. Orientation to the sun should be considered to optimize sun exposure for units, while also considering the shadow impacts to surrounding lands.
- b) **First Floor Height** – Where non-residential uses are required at-grade, the minimum first floor height should be 4.25 metres or as prescribed in the Implementing Zoning By-law to provide for visual and aesthetic appeal at the streetscape;
- c) **Building Entrances** – Primary site entrances and building accesses shall be accentuated by the design, detailing, and visibility of its entrance. Where appropriate, canopies extending towards the street providing weather protection may be provided;
- d) **Proximity to Amenities** – Development shall provide proximity to the Active Transportation Network, parks and open spaces, and/or *public service facilities*;
- e) **Building Services** – Service areas, ramps, and garbage storage facilities shall be located and screened to minimize the impact on the streetscape and any adjacent Low-Rise Buildings. It is encouraged that these facilities be located internally within new buildings. Service areas, ramps and garbage storage facilities are to be carefully considered and may be coordinated and shared with surrounding developments;
- m) **Stepbacks and/or Articulation** – Stepbacks and/or articulation shall be incorporated to break up building mass.
- f) **Mechanical Penthouses** – Vents, mechanical equipment rooms and elevator penthouses shall be integrated with the architectural treatment of roofs, screened from view and excessive noise shall be appropriately mitigated. To create greater interest in the skyline, Mid-rise Buildings shall introduce articulation in the upper floors to be achieved through the use of terracing and/or architectural appurtenances such as projecting roof lines, trellises, or other vertical elements;
- g) **Rooftop Gardens** – Where appropriate, roofs and terraces may be used for private and communal outdoor patios,

decks, and gardens. Rooftop gardens may also offer opportunities as pet stations; and

- h) **Visibility** – Development shall exhibit high-quality design features including built form, architectural detail, landscaping and signage, where adjacent to, or visible from, any Provincial Highway, Arterial, or Collector Road.

4.4.3 High-Rise Buildings

- 4.3.3.1 High-Rise Buildings are 9 storeys to 32 storeys in height and will be subject to the height transition schedule. There shall be no defined height limit within the Entertainment District Designation, subject to the Design Criteria of this section and compatibility in terms of built form and land use with buildings and land uses on *adjacent lands*.
- 4.4.3.2 For a development to achieve the identified maximum height or density on any site, the City shall be satisfied that the building is compatible with, and can be sensitively transitioned with the surrounding and abutting built forms and land uses. To ensure an appropriate relationship, the City may implement special measures in the Implementing Zoning By-law, such as reduced building heights, angular planes, step backs, increased building setbacks or enhanced landscape buffers to ensure sensitive transition from one built form to another.
- 4.4.3.3 The City may consider additional height for High-Rise Buildings, without amendment to this Plan, where the building is located within proximity to transit and deemed compatible with the built form in accordance with the Design Criteria of this section and land use of the surrounding community.
- 4.4.3.4 High-Rise Buildings shall have frontage on an Arterial or Collector Road.
- 4.4.3.5 A tower separation between High-Rise Building towers will be required. Where a proposed development cannot provide an on-site tower setback from any interior side lot line or rear lot line, legal agreements with abutting, affected landowners shall be required to ensure compliance with the required tower separation distance, as defined in the Implementing Zoning By-law.
- 4.4.3.6 A program of architectural control may be established through a site plan or development agreement to ensure the quality of design of High-Rise Buildings that include 10 or more dwelling units.

4.4.3.7 Parking should be located in a below grade structure.

Design Criteria

4.4.3.8 The following Design Criteria will be used to evaluate development proposals to ensure consistency with the built form intent of this Plan for High-Rise Buildings. Where any of the Design Criteria are not specifically achieved, the City may exercise flexibility where merited, and waive the requirement for an Official Plan Amendment provided the change meets the overall intent of this Plan. Design Criteria for High-Rise Buildings include:

- a) **Point Towers are Preferred** – Point Towers are the preferred form for buildings that are 9 storeys or greater in height. High-Rise Point Towers are slender, with small floor plates often organized around a central elevator core;
- b) **Expressive Forms** – High-rise Buildings shall clearly express a podium at the street level, a tower component, and a distinctive roof feature. This built form shall be achieved through various means, including setbacks, stepbacks, projections, textures and materials, and other architectural treatments.
- c) **The Podium Component** – Shall be part of the High-Rise Building with a maximum height of 4 to 6 storeys, setting the scale of the appropriate street wall;
- d) **The Tower Component** – Shall step back a minimum of 3 metres from the podium façade that forms the street wall. For High-Rise Buildings, the floor plate and maximum dimensions of any side shall result in a slender tower profile to minimize shadow impacts, maximize sun exposure, and enhance the skyline;
- e) **Placement and Orientation** – Building placement should be focused on the corner of two intersecting streets;
- f) **First Floor Height** – Should be a minimum 4.25 metres where non-residential uses are required at grade to provide for visual and aesthetic appeal at the streetscape;
- g) **Building Entrances** – Shall provide canopies extending towards the street providing weather protection. The sense of arrival to a building shall be celebrated through the design, detailing, and visibility of its entrance;

- h) **Proximity to Amenities** – High-rise Buildings should be located in proximity to the Active Transportation Network, parks and open spaces, and/or *public service facilities*;
- i) **Building Services** – Service areas, motor vehicle parking, ramps, and garbage storage facilities shall be located and screened to minimize the impact on the streetscape and any adjacent Low- and Mid-Rise Buildings. It is encouraged that these facilities be located internally within new buildings. These facilities may be coordinated and shared with surrounding developments;
- j) **Mechanical Penthouses** – Vents, mechanical equipment rooms, and elevator penthouses shall be integrated with the architectural treatment of roofs, screened from view, and excessive noise shall be appropriately mitigated;
- k) **Rooftop Gardens** – Where appropriate, roofs and terraces may be used for private and communal outdoor patios, decks, and gardens. Rooftop gardens may also offer opportunities as pet stations; and
- l) **Visibility** – Development shall exhibit high-quality design features including built form, architectural detail, landscaping, and signage, where adjacent to, or visible from, any Provincial Highway, Arterial, or Collector Road.
- m) **Tower Separation** – Shall be provided with a minimum distance of 25 meters.
- n) **Parking** – Shall be located within a below grade structure. Where it has been demonstrated that parking cannot locate below grade, it shall be provided in accordance with the structured parking policies of this Plan.

4.4.4 Parking, Loading, and Garbage

- 4.4.4.1 Parking, loading, and garbage collection/storage facilities should be provided on-site.

Design Criteria

- 4.4.4.2 These required facilities, except for a limited amount of required visitor parking, should not be located between buildings and any Provincial Highway, Arterial Road, or Collector Road.

- 4.4.4.3 Access into any loading, garbage collection/storage facilities, and/or parking facility shall be from Local Roads and Laneways, avoiding Arterial or Collector Roads.
- 4.4.4.4 Loading, garbage collection/storage facilities, and/or parking facility shall be screened from public view from any Provincial Highway, Arterial, or Collector Road.
- 4.4.4.5 Where appropriate, the City will ensure that approval for new development will comply with the Region's requirements for waste collection.

Structured Parking

- 4.4.4.6 Structured parking is the preferred form of commercial parking permitted within this Plan and shall be designed so:
 - a) There are active at grade uses on all sides that face a public road;
 - b) It is screened from an abutting public road to minimize its visual impact;
 - c) It is integrated with the architecture and overall design of the site; and
 - d) It has a maximum height of 3 storeys within the Mixed Use I, Queen Street Downtown Mixed Use, South Niagara Hospital District, and Neighbourhood designations. No height limit is defined within the Mixed Use II and Entertainment District.
- 4.4.4.7 Access to any parking facility shall be from local roads and laneways, avoiding Arterial or Collector Roads.

Surface Parking

- 4.4.4.8 Surface parking lots should:
 - a) Be located at the rear of buildings to prioritize orientation of building frontage along a public road;
 - b) Connect to the on-site pedestrian network and streetscape through landscaped pedestrian linkages;
 - c) Incorporate planted landscaping of sufficient size for providing screening, shade, stormwater management, and visual relief from hard surfaces.

- 4.4.4.9 The City will encourage the improvement of existing surface parking lots to incorporate the above design improvements in development applications, recognizing the existing context of many existing surface parking lots and layouts.
- 4.4.4.10 Shared access and parking areas between properties within the Flex Business District, Employment Areas, Mixed Use I, and Mixed Use II designations is supported.

4.5 Contaminated and Hazardous Sites

It is the intent of this Plan to provide assurance that the environmental conditions on lands considered to be contaminated is protective of human health and the environment in the context of considering future development, and ensure that the ecological systems of the City are being protected or improved.

4.5.1 Human-Made Hazards

Development Limitations

- 4.5.1.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed
- 4.5.1.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.
- 4.5.1.3 Where development is proposed on, or adjacent to, land that is known or suspected to be potentially contaminated, the proponent shall submit a Phase I Environmental Site Assessment (ESA) and any other available environmental reports. Final development approval will be subject to the review of the Phase I ESA and any other environmental reports and a determination that the information provided is complete and satisfactory and can be relied upon for the proposed development.

Phase II

- 4.5.1.4 If a Phase I ESA finds or suspects contamination, the proponent shall be required to prepare a Phase II ESA. The scope of an assessment will depend upon the findings, conclusions, and recommendations of the Phase I ESA conducted in accordance with appropriate Canadian standards.
- 4.5.1.5 A Phase II ESA must determine the location and concentration of one or more contaminants in the natural environment and must include planning and conducting a site investigation, interpreting and evaluating the information from the investigation, the preparation of a written report, and submission of the report to the City. A Phase II ESA is required for purposes of filing a Record of Site Condition for proposed changes of property use.

Phase III

- 4.5.1.6 If a Phase II ESA confirms the need for a Phase III ESA, the proponent shall be required to prepare a Phase III Stage 1 Remedial Action Plan. The Phase III Stage 1 Remedial Action Plan shall be prepared by a qualified professional and submitted for review and concurrence by an independent peer reviewer prior to the approval of the planning application.

Where Remediation is Required

- 4.5.1.7 If it is determined that remediation of the land is necessary, remediation shall be undertaken in accordance with applicable Provincial standards.

Where a Record of Site Condition is Required

- 4.5.1.8 If it is determined that a Record of Site Condition (RSC) is required for the development of the land, the final posting of the RSC on the Environmental Site Registry is mandatory prior to any development occurring. The City may apply a Holding "H" symbol on the zoning of the land until proof of the remediation is provided to the City's satisfaction.

Other Factors to be Considered

- 4.5.1.9 The City may consider other relevant factors when determining the scope of the assessment of environmental conditions. This may include but shall not be limited to such matters as the intended use for the land (sensitive uses versus non-sensitive

uses) and the finding of previous assessments that may have been undertaken on the land or adjacent land. If development is proposed and the intended use of the land is already permitted by the Zoning By-law, the applicant may not be required to investigate the conditions of adjacent land as part of their assessment.

4.5.2 Wildland Fire Assessment

Study Requirement

- 4.5.2.1 *Development* shall generally be directed to areas outside of lands that are unsafe for development due to the presence of *hazardous forest types for wildland fire*.
- 4.5.2.2 *Development* may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*. Proponents submitting a planning application may be required to undertake a site review to assess for the risk of high to extreme *wildland fire* behaviour on the subject lands and adjacent lands (to the extent possible). If *development* is proceeding where high to extreme risk for *wildland fire* is present, proponents are required to identify measures that outline how the risk will be mitigated.

4.5.3 Hazardous Lands and Hazardous Sites (Naturally Occurring)

- 4.5.3.1 It is the intent of this Plan to direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage and not create new or aggravate existing hazards.
- 4.5.3.2 While lands subject to flooding, slope, and/or *erosion hazards* can be co-located with features in the Natural Heritage System, it is recognized that other *hazardous lands* or *hazardous sites* may exist within any land use designation and may not be identified on Appendix B – Natural Hazards. Hazard policies shall be read in conjunction with those of the Conservation Authority.
- 4.5.3.3 Should subsequent hazard evaluations, site visits, or other information indicate that *hazardous lands* and/or sites might exist on properties proposed for development or *site alteration*, the City and any other agency having jurisdiction may request a Subwatershed Study or Natural Hazards Assessment

prepared by a qualified professional demonstrating how the hazards are to be avoided or mitigated, including any additional risks resulting from the impacts of climate change. Development in or near hazard lands may require a permit from the Conservation Authority.

- 4.5.3.4 Development and *site alteration* may be permitted on those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with Provincial standards, and where all of the following are demonstrated and achieved.
- a) Development and *site alteration* is carried out in accordance with *floodproofing standards*, protection works standards, and *access standards*;
 - b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies;
 - c) New hazards are not created, and existing hazards are not aggravated; and
 - d) No adverse environmental impacts will result.
- 4.5.3.5 Notwithstanding the above Policy, the development of institutional uses including hospitals, *public service facilities*, emergency service facilities, *additional needs housing*, day care facilities, electrical substations, or uses associated with the disposal, manufacture, treatment, or storage of *hazardous substances* shall not be permitted.

5.0 LAND USE DESIGNATIONS

This Section of the Our Niagara Falls Plan provides the policy framework for various forms of urban and rural development on the basis of the designations as they are distributed throughout the City on Schedule 2 – Land Use Designations.

5.1 Overview

5.1.1 Land Use Designations within the Community Structure

- 5.1.1.1 The Land Use Designations are identified on **Schedule 2: Land Use Designations**. The Land Use Designations are organized into the Community Structure that is identified on **Schedule 1 – Community Structure**, as follows:

Strategic Growth Areas

- 5.1.1.2 Strategic Growth Areas are key transportation corridors and existing or planned mixed use centres. Strategic Growth Areas are expected to accommodate significant new growth over the 2051 planning horizon and will include higher density forms of development. The Land Use Designations applicable to the City's Strategic Growth Areas include:
- a) Mixed Use I Designation;
 - b) Mixed Use II Designation;
 - c) Queen Street Downtown Mixed Use Designation;
 - d) Entertainment District Designation;
 - e) Entertainment Generation District Designation; and
 - f) South Niagara Hospital District Designation.

Neighbourhoods/New Communities

- 5.1.1.3 Neighbourhoods are residential communities that include parks, *public service facilities*, schools, and neighbourhood-scaled retail uses and personal service establishments. The Land Use Designations applicable within the Neighbourhoods include:
- a) Neighbourhood Designation; and
 - b) Future Neighbourhoods Designation.

Employment Districts

5.1.1.3 Employment Districts include areas that accommodate job-generating uses including industrial, business park, and major institutional land uses. The intent of this Plan is to facilitate economic growth, ensuring that policies are conducive to creating new businesses and new opportunities sensitive to context, and to protect these areas from the encroachment of *sensitive land uses* and from their conversion to other land uses. The Land Use Designations within the Employment Districts include:

- a) Flex Business District Designation; and
- b) Employment Area Designation;

Rural/Agricultural Area

5.1.1.4 The Rural/Agricultural area consists of lands outside of the Settlement Area Boundary that will be used for agriculture, on-farm diversified, agricultural-related uses, extraction and other rural land uses. Non-farm uses are restricted, with land use conflicts to be managed in favour of agriculture operations wherever possible. The Land Use Designations within the Rural/Agricultural Area include:

- a) Prime Agriculture Area Designation;
- b) Rural Designation;
- c) Mineral Extraction Designation; and
- d) Future Employment Corridor Overlay.

The Greenlands System

5.1.1.5 The Greenlands System includes lands to be protected from development due to their environmental sensitivity and their ability to help the City adapt to a changing climate. The Greenlands System includes the Natural Heritage System, lands within the Niagara Escarpment Plan Area and larger elements of the City-wide parks and open space system. The Land Use Designations applicable to the City's Greenlands System are found in Chapter 6.0 and include:

- a) Parks and Open Space;
- b) Niagara Parks Commission Lands;
- c) Niagara Escarpment Plan;
- d) Natural Heritage Features; and

- e) Environmental Overlay.

5.2 Mixed Use I Designation

It is the intent of the Mixed Use I Designation to promote attractive, well-designed Low-Rise and Mid-Rise Buildings that ensure appropriate intensification that provides for the efficient use of existing infrastructure and public service facilitates. The policy framework of this designation anticipates compatibility with adjacent buildings and land uses and the evolution of mixed use developments at intensities that support the existing and an enhanced multimodal transportation system over time.

5.2.1 Permitted Uses

5.2.1.1 The following uses may be permitted within the Mixed Use I Designation:

- a) Residential uses including apartment dwellings, at-grade live-work units and all forms of townhouse dwellings;
- b) Related residential uses such as:
 - i. Additional needs housing;
 - ii. Additional residential units;
 - iii. Home Occupations.
- c) Places of worship;
- d) Institutional uses;
- e) Commercial and Neighbourhood Supporting uses including, but not limited to:
 - i. Retail uses, personal service establishments, and restaurants, including associated drive-through facilities;
 - ii. Office uses;
 - iii. Entertainment, cultural and recreational uses; and
- f) Commercial parking facilities, which shall not have parking spaces occupying frontage on a public street.

5.2.2 Development Policies

Building Height

- 5.2.2.1 Low-Rise and Mid-Rise Buildings are permitted within the Mixed Use I Designation in accordance with the built form and compatibility policies of this Plan.

Mix of Uses

- 5.2.2.2 Within the Mixed Use I Designation, standalone residential, standalone non-residential, and mixed use developments are permitted. Development that incorporates a mixture of land uses and a range and mix of housing types, including housing that provides some affordable units, are encouraged.

Design Policies

- 5.2.2.3 Mixed use buildings serving in a gateway capacity should have landmark architectural and signature landscaping and lighting treatment, in addition to the design criteria of this Plan. It is encouraged to have generous landscaping in front and exterior yards to complement the streetscape.

5.2.3 Development Policies for the River Road / Trail Corridor

Vision

- 5.2.3.1 Lands bounded by River Road and the multi-use trail parallel to Palmer Avenue, between the Entertainment District and the *Protected Major transit station area* is a neighbourhood with a high concentration of tourist-centred uses, many in converted historic buildings. The vision for this corridor is to provide a vibrant neighbourhood transition between those the two centres.

Permitted Uses

- 5.2.3.2 In addition to the permitted uses within the Mixed I Designation *Vacation Rental Units* shall be permitted, and commercial parking facilities shall be prohibited. A size limit to the commercial uses within this area may be limited through the Implementing Zoning By-law.

Building Height

- 5.2.3.3 Mid-Rise Buildings are permitted on the lands south of Phillip Street. Lands north of Phillip Street are limited to Low-Rise Buildings. On lands south of Philip Street, Mid-Rise Buildings are additionally permitted.

5.3 Mixed Use II Designation

It is the intent of the Mixed Use II Designation to promote attractive, well-designed Mid-Rise and High-Rise buildings that are compatible with the adjacent buildings and land uses. In addition, the Mixed Use II Designation is intended to support appropriate intensification that provides for efficient use of existing infrastructure and facilitates the evolution of dense, mixed use developments along key transportation corridors and/or existing commercial malls/plazas in support of the existing and an enhanced multimodal transportation system.

5.3.1 Permitted Uses

5.3.1.1 The following land uses may be permitted within the Mixed Use II Designation:

- a) Residential uses including apartment dwellings, at grade live-work units and all forms of townhouse dwellings.
- b) Related residential uses such as:
 - i. Additional needs housing;
 - ii. Additional Residential units; and
 - iii. Home Occupations.
- c) Places of worship;
- d) Institutional uses;
- e) Commercial uses including, but not limited to:
 - i. Retail uses, personal service establishments, and restaurants, including associated drive-through facilities;
 - ii. Tourist accommodations;
 - iii. Convention, conference, and banquet facilities;
 - iv. Office uses;
 - v. Entertainment, cultural, educational and recreational uses; and

- f) Commercial parking facilities, which shall not have parking spaces occupying frontage on a public street.

5.3.2 Development Policies

Building Height

- 5.3.2.1 Mid-Rise and High-Rise Buildings are permitted within the Mixed Use II Designation, in accordance with the built form and compatibility policies of this Plan.

Mixed Use Development Sites

- 5.3.2.2 Standalone non-residential is permitted. Stand alone residential is only permitted as part of a mixed use development within the Mixed Use II Designation.

Design Policies

- 5.3.2.3 At grade live-work units and townhouse dwellings shall be attached to a building otherwise meeting the requirement for non-residential gross floor area identified in the Implementing Zoning By-law, or be located on a Local or an internal Private Road, or located to the rear of larger development blocks.
- 5.3.2.4 The first storey of development in the Mixed Use II Designation on sites that abut an Arterial Road or Collector Road shall include a portion of the gross floor area dedicated to non-residential uses, as detailed in the Implementing Zoning By-law that requires an active street presence. For the purposes of interpreting this policy requirement, non-residential uses may also include any permitted use that is not a residential dwelling unit and includes:
 - a) Lobby space;
 - b) Meeting rooms; and
 - c) Recreation facilities, regardless of whether they are open to the public or provided solely for the use of the residents of the development.

Non-residential uses shall specifically not include outdoor recreation space, nor any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, or any loading areas located above or below grade.

5.3.3 Development Policies for Lundy's Lane and Ferry Street

Vision

- 5.3.3.1 Lundy's Lane, as well as a stretch of Ferry Street east of Main Street is a unique corridor within the City as it serves both a local commercial and a tourist function. The vision for this corridor is to ensure it continues to be a thriving mixed-use corridor that supports residents, tourists and the broader Niagara Region.

Design Policies

- 5.3.3.2 In addition to the other policies of this Plan, the following shall apply along Lundy's Lane and Ferry Street east of Main Street within the Mixed Use II Designation:
- a) The first storey of development shall include a portion of the floor area dedicated to commercial uses, as detailed in the Implementing Zoning By-law that requires an active street presence. Commercial uses do not include those uses identified in policy 5.3.2.4 of this Plan;
 - b) Any conversion from a motel to a residential use shall require appropriate landscaping, buffering, parking and amenity space in accordance with residential requirements in the implementing Zoning By-law;
 - c) New residential development should provide a range and mix of unit sizes, price points, and tenure types;
 - d) New development or *redevelopment* along Lundy's Lane shall contribute to an improved streetscape, apply Crime Prevention Through Environmental Design principles and be in accordance with the applicable urban design guidelines;
 - e) A consistent landscape setback should be provided along with a uniform building setback;
 - f) Vehicular access points should be consolidated, both on a development site and shared with neighbouring properties where possible;
 - g) Access driveways should be sited with safety in mind, with their appearance and design shielded from any residential interface;

- h) Parking should be located at the rear of the property, and is encouraged to be located within parking structures that are integrated with the development;
- i) One row/aisle of surface parking may be permitted in a front yard;
- j) Where surface parking is provided in mixed use or non-residential development, the parking area should be located in the rear or interior side yard with landscaping adjacent to the perimeter of the parking area;
- k) Loading areas should be located within interior side yards or screened from view from a public street or residential uses;
- l) Garbage and recycling should be integrated into the design of the building or where not feasible, stored within fully enclosed structures and screened from public view from any public street; and
- m) Development should provide pedestrian connections to the surrounding neighbourhood, where possible.

5.4 Queen Street Downtown Mixed Use Designation

It is the intent of the Queen Street Downtown Mixed Use Designation to recognize the status of the lands as a Protected Major Transit Station Area and to facilitate its ongoing success and evolution into a higher density, mixed use development district within the City that is supported by local, regional and inter-regional transit.

5.4.1 Permitted Uses

5.4.1.1 The following uses may be permitted within the Queen Street Downtown Mixed Use Designation:

- a) Apartment dwellings and Live-work units;
- b) Related residential uses, such as:
 - i. Additional needs housing; and
 - ii. Home occupations;
- c) Places of worship;
- d) Institutional uses;
- e) Public transit infrastructure;
- f) Commercial uses including, but not limited to:
 - i. Retail uses, personal service establishments, and restaurants;
 - ii. Tourist accommodation;
 - iii. Office uses;
 - iv. Entertainment, cultural, educational and recreational uses; and
- g) Commercial parking facilities, which shall not have parking spaces occupying frontage on a public street.

5.4.2 Prohibited Uses

5.4.2.1 The following uses are specifically not permitted within the Queen Street Downtown Mixed Use Designation:

- a) Commercial drive-through facilities;
- b) Retail uses requiring extensive indoor or outdoor storage areas such as retail warehouses, garden/landscape centres, and building supply and lumber yards; and
- c) Auto-oriented land uses including automobile service centres and repair shops, truck service centres and repair shops, body shops, automobile and truck depots, motor vehicle sales, motor vehicle gas stations, and car washes.

5.4.3 Development Policies

Building Height

5.4.3.1 Within the Queen Street Downtown Mixed Use Designation:

- a) Mid-Rise and High-Rise Buildings are permitted, in accordance with the built form and compatibility policies of this Plan.
- b) Buildings shall be a minimum building height of 3 storeys, or 11 metres, whichever is greater.

Mix of Uses

5.4.3.2 Within the Queen Street Downtown Mixed Use Designation, standalone residential, standalone non-residential, or mixed use developments are permitted. Development that incorporates a mixture of land uses and a range and mix of housing types, including housing that provides some affordable units, is encouraged.

5.4.3.3 Notwithstanding the above, where a development site abuts the Queen Street right-of-way and is within the Queen Street Downtown Mixed Use Designation, any new development shall include commercial land uses that face the street within a portion of the first storey. The size or area of any ground floor residential will be restricted by the Implementing Zoning By-law.

Transit-Supportive Density Target

5.4.3.4 The lands within the Queen Street Downtown Mixed Use Designation all fall within the *Protected Major transit station area* shown on **Schedule 1 – Community Structure**. These lands shall comprehensively develop to achieve a minimum

density target of 150 people and jobs combined per hectare for the *Protected Major Transit Station Area*.

- 5.4.3.5 Future growth will include new, higher intensity office, commercial, institutional, and residential development to support investment in transit infrastructure and associated facilities. New development within the Queen Street Downtown Mixed Use Designation shall:
- a) Be *transit-supportive*, safe, and walkable;
 - b) Represent significant *intensification*, supporting the *redevelopment* of underutilized sites; and
 - c) Include well-designed and attractive mixed use buildings that complement the form, scale and unique heritage character of the community.

Design Criteria

- 5.4.3.6 The Design Vision for the Queen Street Downtown Mixed Use Designation is found in **Appendix F – Design Vision for Downtown Niagara Falls** to this Plan. This may be replaced by an area-specific or City-wide urban design document. Development shall be consistent with whichever detailed design guidelines apply.
- 5.4.3.7 In addition to the Design Criteria established in this Plan, the following Design Criteria for new development within the Queen Street Downtown Mixed Use Designation are to be used to evaluate a development proposal's consistency with the intent of each criterion. As such, where any of the Design Criteria identified in this Section are not specifically achieved, an Official Plan Amendment may not be required. The Design Criteria for new development within the Queen Street Downtown Mixed Use Designation include:
- a) **Building Orientation** – Buildings shall generally:
 - i. Front directly onto public streets and other public spaces, in order to clearly define the public realm and create an attractive and safe pedestrian environment;
 - ii. At corner locations, buildings shall generally be sited to address the intersection, with consideration given to both street frontages;

- b) **Main Building Entrances** – Main building entrances shall face the street and shall be clearly defined with architectural details and easily identifiable within the façade composition. Publicly accessible front entrances for retail stores, personal service establishments, restaurants, offices, and institutional uses shall permit barrier-free access and universal accessibility, including both visual and physical accessibility;
- c) **Queen Street Specific Criteria** – In addition to the Design Criteria outlined in a) and b), the following Design Criteria shall also be applicable to buildings that abut the Queen Street right-of-way:
- i. The first 3 storeys of all new developments shall generally be required to reference the historic building setbacks and 3 storey building height through architectural detailing;
 - ii. Façade designs shall reference the articulation of neighbouring historic buildings, with respect to vertical and horizontal elements. Further, new buildings shall relate to the traditional building stock, either through a traditional style that reflects the character of the area, or a more contemporary style that sets them apart from and highlights heritage buildings through a defined contrast and juxtaposition;
 - iii. Where buildings are proposed that are taller than 3 storeys, the main front facade and exterior side facades shall be stepped back with a visual transition from the main front wall and exterior side wall from the top of the third storey in accordance with the Implementing Zoning By-law;
 - iv. New development shall enhance the quality of the pedestrian environment by requiring at-grade:
 - > Articulated and transparent façades using quality materials and with window displays or outdoor patios that contribute to a pedestrian-friendly street environment; and
 - > High-activity uses, such as retail stores, personal service establishments, or restaurants.

Parking Policies

- 5.4.3.8 There shall be no minimum parking required for motor vehicles in the Queen Street Downtown Mixed Use Designation.
- 5.4.3.9 The Zoning By-law will establish minimum requirements for adequate bicycle parking and micromobility parking.
- 5.4.3.10 It is recognized that in the Queen Street Downtown Mixed Use Designation, it may not be feasible or desirable for all new developments to provide on-site parking. As such, the provision of parking spaces shall be subject to the following considerations:
 - a) Private and public parking lots will be encouraged at locations convenient to Queen Street within the Queen Street Downtown Mixed Use Designation; and
 - b) The temporary use of on-street parking spaces for *pop-up uses* or outdoor cafes or eating areas may be permitted subject to the policies and procedures that may be established by the City.
- 5.4.3.11 Within the Queen Street Downtown Mixed Use Designation, access to a parking facility is strongly discouraged from Queen Street and may only be permitted where it is demonstrated that no alternatives are available.

5.5 Entertainment District Designation

Within the Entertainment District Designation, it is the intent of this Plan to advance the ongoing evolution of the Entertainment District as a world class tourism destination and as a modern urban centre at the heart of one of the world's most beautiful landscaped settings and natural wonders. The policies of this section are intended to encourage uses and activities that support the Province's Destination Niagara Strategy which will leverage regional tourist facilities and attractions and to continue to attract local and global visits.

5.5.1 Permitted Uses

5.5.1.1 The following land uses may be permitted within the Entertainment District Designation:

- a) Mixed use residential apartment dwellings;
- b) Places of worship;
- c) Institutional uses;
- d) Commercial uses including, but not limited to:
 - i. Retail uses, personal service establishments, and restaurants;
 - ii. Casino and casino resorts;
 - iii. *Tourist attractions* and facilities;
 - iv. Amusement rides and structures;
 - v. Tourist accommodations;
 - vi. Convention, conference, and banquet facilities;
 - vii. Office uses;
 - viii. Entertainment, cultural, educational and recreational uses; and;
- e) Commercial parking facilities, which shall not have parking spaces occupying frontage on a public street.

5.5.1.2 In addition to the relevant land use policies of this Plan, the uses permitted within the Entertainment District Designation may be further refined through the Implementing Zoning By-

law to ensure that new development supports and facilitates the primary entertainment function of the designation.

5.5.2 Development Policies

Building Height

- 5.5.2.1 Low-Rise, Mid-Rise and High-Rise Buildings are permitted within the Entertainment District Designation in accordance with the applicable built form policies of this Plan. Low-Rise Buildings may be permitted where appropriate to achieve compatibility and an appropriate transition to adjacent lower scale built forms and uses that abut, but are outside of the Entertainment District designations.
- 5.5.2.2 The tallest buildings in Niagara Falls are expected to be located within the Entertainment District Designation, in support of the creation of an internationally recognizable skyline. As such, and notwithstanding the Built Form policies of this Plan, there shall be no maximum height in the Entertainment District designation. New buildings shall be:
 - a) Of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the United States of America, or within the City of Niagara Falls;
 - b) Evaluated on the basis of the applicable built form policies and design criteria included in this Plan; and
- 5.5.2.3 Building heights should be reduced toward the periphery of the Entertainment District Designation to ensure compatibility and an appropriate transition to the scale and character of surrounding buildings and land uses located outside of the Entertainment District designation.

Mix of Uses

- 5.5.2.4 All permitted non-residential land uses may be within standalone buildings.
- 5.5.2.5 Residential uses are only permitted where they are part of a mixed use building. The portion of the first storey of development in the Entertainment District Designation that is oriented toward a public street shall include non-residential uses, as detailed in the Implementing Zoning By-law . For the purposes of interpreting this policy requirement, non-residential

uses may also include any permitted use that is not a residential dwelling unit and includes:

- a) Lobby space;
- b) Meeting rooms; and
- c) Recreation facilities, regardless of whether they are open to the public or provided solely for the use of the residents of the development.

Non-residential uses shall specifically not include outdoor recreation space, nor any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, or any loading areas located above or below grade.

Design Criteria

- 5.5.2.6 The Design Vision is found in **Appendix E – Design Guidelines for the Entertainment District Designation** to this Plan. This may be replaced by an area-specific or City-wide urban design document. Development shall be consistent with whichever detailed design guidelines apply.
- 5.5.2.7 **Park in the City** - The Park in the City Parkland setting of Queen Victoria Park and the Falls shall be extended into the Entertainment District through:
 - a) A program of greening and beautification bringing the park into the City with street plantings and streetscape improvements designed to create a vibrant and animated public realm;
 - b) Pedestrian connections encouraging movement through the two areas with new and improved linkages, the upgrading of connecting streets, the improvement of gateways and the introduction of pedestrian paths and walkways; and
 - c) The protection of the escarpment separating the City and Queen Victoria Park as a significant natural feature.
- 5.5.2.8 **A Grand Boulevard** - The use of the railway line which currently traverses the Entertainment District Area is a unique opportunity to not only improve visitor circulation but to capitalize on improving the visitor experience. The City will acquire the railway line to:

- a) Provide for the alignment of a visitor transportation service linking attractions and parking facilities in a looped system;
- b) Improve the linkages between large development sites and eliminating barriers restricting the movement of visitors; and
- c) Support the concept of the Grand Boulevard connecting the tourist serving uses and attractions beyond the Entertainment District Area with a comfortable and animated public street featuring wide sidewalks and a variety of activities and amenities for pedestrians. Implementation of the Grand Boulevard concept will be considered as part of future undertakings including a Master Transportation Plan update and a Streetscape Master Plan.

Conversion Policy

5.5.2.9 The conversion of lands within the Entertainment District Designation to another Land Use Designation is not encouraged. The City may consider the conversion of lands within the Entertainment District Designation to another Land Use Designation through a comprehensive Official Plan Review, or through a privately initiated application for an Official Plan Amendment, where it has been demonstrated that:

- a) There is an identified need for the conversion. The need for the conversion shall be justified by understanding and considering the potential *negative impacts* to the overall operational and economic viability of the permitted and remaining uses of the Entertainment District Designation are minimized and mitigated;
- b) Establishing that the subject lands are not required for the permitted uses within the Entertainment District Designation, and not required for the proposed uses over the 2051 planning horizon, through an analysis of the tourist-related land supply and job forecasts across the City;
- c) Alternative locations for the proposed uses within the City have been evaluated, and there are no reasonable alternative locations for the proposed land uses; and

- d) Existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed use(s).

5.6 Entertainment Generation District Designation

Within the Entertainment Generation District Designation, it is the intent of this Plan to guide the future potential of these lands as full-day, year-round tourism generators aimed at both local and international visitors, with a wide range of uses and activities in support of the Province's Destination Niagara Strategy.

5.6.1 Permitted Uses

5.6.1.1 The following uses may be permitted within the Entertainment Generation District Designation:

- a) Commercial uses, including but not limited to:
 - i. *Tourist attractions* and facilities;
 - ii. Amusement rides and structures;
 - iii. Tourist accommodations integral to a resort or large attraction;
 - iv. Convention, conference, and banquet facilities;
 - v. Entertainment uses and resorts;
 - vi. Casino and casino resorts in the vicinity of Stanley Avenue and Marineland Parkway;
- b) Uses directly associated with the uses above, such as offices, maintenance buildings facilities, and outdoor storage associated with the maintenance and operation of a large attraction;
- c) Tourism-supporting commercial uses directly associated with an established use such as tourist accommodations, retail, personal service establishments, restaurants; and
- d) Tourism-supporting cultural, educational and recreational uses;
- e) Parking facilities.

5.6.1.2 In addition to the identified permitted uses, other non-specified uses that support tourism generation activities may be permitted.

5.6.2 Development Policies

Ongoing Development

- 5.6.2.1 Ongoing development in support of the existing tourist facilities, or other similar facility on the lands within the Entertainment Generation District Designation is encouraged and shall be facilitated through appropriate Zoning and Site Plan Approval processes, supported by appropriate technical studies.

Comprehensive Redevelopment

- 5.6.2.2 The *redevelopment* of lands in the Entertainment Generation District in the vicinity of Stanley Avenue and Marineland Parkway shall proceed through a comprehensive Master Plan to best determine the ultimate development of the lands. Such a master plan shall address building heights, the protection of significant *natural heritage features* and their associated *ecological functions*, landscaping, and setback features along the boundary edges of the lands recognizing compatibility requirements with adjacent land uses, and be supported by detailed technical studies such as, but not limited to, traffic, noise, EIS, fire protection, water, wastewater, and stormwater servicing.
- 5.6.2.3 The *redevelopment* of lands in the Entertainment Generation District Designation in the vicinity of Victoria Avenue and the Niagara River Parkway shall proceed through a zoning by-law amendment that addresses building heights, remediation of the property, landscaping, and setback features along the boundary edges of the lands recognizing compatibility requirements with adjacent land uses, and be supported by detailed technical studies such as, but not limited to, traffic, fire protection, water, wastewater, and stormwater servicing.

5.7 South Niagara Hospital District Designation

Within the South Niagara Hospital District Designation, it is the intent of this Plan to promote a vibrant, integrated, and mixed use district that is focused on the new hospital and associated healthcare-related facilities.

5.7.1 Permitted Uses

5.7.1.1 The following land uses may be permitted within the South Niagara Hospital District Designation:

- a) Hospital and related uses, including:
 - i. Medical-related office uses and clinics;
 - ii. Medical-related post-secondary educational facilities;
 - iii. Laboratory and medical innovation, research and development facilities; and
 - iv. Business and administrative offices that serve or support the hospital function;
- b) Commercial parking facilities that directly support the hospital or hospital-related uses; and
- c) Residential uses may be permitted as part of a mixed use building that provides one or more of the above noted uses, with the exception of parking facilities, where those parking facilities are located on the ground floor.

5.7.1.2 Subject to a comprehensive Community Development Plan, the following additional land uses may be approved through a Zoning By-law amendment without the need for an Official Plan Amendment:

- a) Residential apartment dwellings;
- b) Related residential uses, such as:
 - i. Additional needs housing;
 - ii. Home-based businesses;
- c) Institutional uses;

- d) Commercial uses including, but not limited to:
 - i. Office uses;
 - ii. Retail uses, personal service establishments, and restaurants;
 - iii. cultural, educational and recreational uses;
 - iv. Tourist accommodations; and
- e) Commercial parking facilities, which shall not have parking spaces occupying frontage on a public street.

5.7.2 Development Policies

Building Height

- 5.7.2.1 Mid-Rise Buildings are permitted within the South Niagara Hospital District.
- 5.7.2.2 High-Rise Buildings may be permitted through a Zoning By-law amendment subject to land use compatibility and any flight path restrictions associated with the hospital use. .

Mix of Uses

- 5.7.2.3 Within the South Niagara Hospital District Designation, standalone or mixed use development forms are permitted. Development that incorporates a mixture of land uses is encouraged.

5.8 Neighbourhood Designation

Within the Neighbourhood Designation, it is the intent of this Plan to promote well-designed and attractive development that carefully considers the scale and character of existing development patterns and ensures built form and land use compatibility between existing and new built forms and uses.

5.8.1 Permitted Uses

5.8.1.1 The following land uses may be permitted within the Neighbourhood Designation:

- a) Residential dwelling units;
- b) Related residential uses such as:
 - i. Small-scale additional needs housing;
 - ii. Additional residential units;
 - iii. Home occupations; and
 - iv. Accessory Commercial Uses.
- c) Neighbourhood supporting uses; and
- d) Small-scale places of worship.

5.8.2 Development Policies

Building Height

5.8.2.1 Low-Rise Buildings are permitted within the Neighbourhood Designation in accordance with the policies of this Plan and, where applicable, the City's Site Plan Guidelines.

5.8.2.2 For lots having direct frontage and access onto an Arterial Road, or that are adjacent to the Queen Street Downtown Mixed Use, or Entertainment District Designation, Mid-Rise Buildings may be permitted in accordance with the built form and compatibility policies of this Plan and, where applicable, the City's Site Plan Guidelines.

Access to Arterial and Collector Roads

- 5.8.2.3 New development proposed along Arterial or Collector Roads within the Neighbourhood Designation shall be designed to minimize direct access to these roads.

5.9 Future Neighbourhood Designation

Within the Future Neighbourhood Designation, it is the intent to establish a comprehensive planning approach that meets the density target to create new complete communities within the identified planning horizon.

5.9.1 Permitted Uses

- 5.9.1.1 Existing land uses that were legally established before the date of approval of this Plan are permitted within the Future Neighbourhood Designation.

5.9.2 Development Policies

Comprehensive Planning

- 5.9.2.1 Development within the Future Neighbourhood Designation shall be implemented through a process resulting in an Official Plan Amendment. The study area, scope, and level of detail included within such an Amendment will be determined by the City in accordance with the policies of this Plan and shall be supported by detailed technical studies.

5.10 Flex Business District Designation

Within the Flex Business District Designation, it is the intent of this Plan to recognize those existing areas in the City that are located outside of traditional Employment Areas.

It is also the intent of this Plan that policies for the Flex Business District Designation provide flexibility for a full range of employment generating land uses. The Flex Business District Designation is not to be considered as an Employment Area.

5.10.1 Permitted Uses

5.10.1.1 The following land uses may be permitted within the Flex Business District Designation:

- a) Industrial uses including manufacturing uses, warehouses and distribution centres, laboratories and research and development facilities, including limited sales of products manufactured, processed, or assembled on the premises; and associated outside storage;
- b) Commercial uses including, but not limited to:
 - i. Retail uses, personal service establishments, and restaurants;
 - ii. Office uses;
 - iii. Industrial related post secondary educational facilities;
 - iv. Automobile service centres, rental operations, or dealerships;
 - v. Recreational facilities; and
 - vi. Commercial parking facilities.

5.10.1.2 Outside storage is permitted, but shall be limited in scale through the Implementing Zoning By-law which will address:

- a) Screened view of storage area from any abutting *sensitive land uses* or any Provincial Highway, Arterial Road, or Collector Road; and
- b) Permanent fencing and screening that will visually enhance the site.

5.10.2 Prohibited Uses

5.10.2.1 The following uses are specifically not permitted within the Flex Business District Designation:

- a) Any noxious use that would, through normal activities occurring at reasonably expected times, would emit contaminant discharges resulting in adverse effect(s) on nearby *sensitive land uses*; and
- b) *Sensitive land uses* as defined in **Appendix A – Glossary** to this Plan, including residential uses.

5.10.3 Development Policies

Building Height

5.10.3.1 Low-Rise and Mid-Rise Buildings are permitted within the Flex Business District Designation, in accordance with the built form and compatibility policies of this Plan.

Conversion Policy

5.10.3.2 The City discourages the conversion of lands from the Flex Business District Designation. The City may consider the conversion of lands through Official Plan reviews being completed under Section 26 of the *Planning Act* where:

- a) The proposed development can be integrated with and provides a built form and land use that is compatible with the existing surrounding community and adjacent buildings and uses;
- b) There will be no *negative impacts* on the overall operational and economic viability of the permitted and remaining uses of the Flex Business District Designation;
- c) Existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed conversion;
- d) The City has sufficient employment lands to accommodate the projected employment growth for the planning horizon of this Plan; and
- e) There is an identified need for the removal and the land is not required for employment uses over the long term.

5.11 Employment Area Designation

The Employment Area Designation applies to large contiguous locations in the City. It is expected that these areas will become the focus of employment in the City, provide jobs for residents, and contribute toward overall economic sustainability.

Within the Employment Area Designation, it is the intent of this Plan to accommodate a broad range of employment-generating land uses lands that provide employment opportunities through manufacturing and research and development in connection with manufacturing, warehousing and goods movement.

As an “area of employment” consistent with the Provincial Planning Statement (2024), it is also the intent of this Plan to protect these employment areas from conversions to other land uses and to maintain long-term compatibility with adjacent land uses.

5.11.1 Permitted Uses

5.11.1.1 The following land uses may be permitted within the Employment Area Designation:

- a) Industrial uses including manufacturing uses, research and development in connection with manufacturing and warehousing; and
- b) Any other prescribed business and economic uses;

5.11.1.2 Retail, office and other ancillary facilities are permitted uses where they are associated with the uses permitted in the Employment Area Designation and located on the same site.

5.11.1.3 Outside storage is a permitted use, where associated with the uses permitted in the Employment Area Designation and located on the same site. Permitted outside storage shall be limited in scale through the Implementing Zoning By-law, which will address:

- a) Screened view of storage area from any abutting sensitive land use or any Provincial Highway and Arterial Road; and
- b) Permanent fencing and screening that will visually enhance the site.

5.11.2 Prohibited Uses

- 5.11.2.1 As an *area of employment* consistent with the Provincial Planning Statement (2024), the following uses are prohibited within the Employment Area Designation:
- a) Residential uses;
 - b) Places of worship;
 - c) Institutional uses
 - d) Retail, office and other uses where they are not ancillary to a use permitted in the Employment Area Designation and are not located on the same site; and;
 - e) Any other *sensitive land uses* that are not ancillary to uses permitted in the Employment Area Designation.

5.11.3 Development Policies

Conversion Policy

- 5.11.3.1 The conversion of lands within the Employment Area Designation is not encouraged. The City will only consider the conversion of lands within the Employment Area Designation to another land use designation through an Official Plan review being completed under Section 26 of the *Planning Act* based on the following:
- a) There is an identified need for the conversion and the subject lands are not required for employment uses over the planning horizon of this Plan or as otherwise identified through studies. This is to be established through an analysis of the supply of lands with the Employment Area Designation in relation to relevant employment forecasts across the City;
 - b) Alternative locations for the proposed land uses within the City have been evaluated and there are no reasonable alternative locations for the proposed land uses;
 - c) There will be no negative impacts to the overall operational and economic viability of the permitted and remaining land uses within the abutting/adjacent Employment Area Designation;

- d) Existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed land uses; and
- e) Cross jurisdictional issues, including, but not limited to, *infrastructure* (local and regional), and Regional land supply/growth forecasts have been considered, and it has been determined that there will be no negative impacts.

Former Airport Lands

5.11.3.2 Lands that formerly accommodated the Niagara South Airport are identified on **Schedule 1** as a New Settlement Area. The use of these lands for employment generating land uses as permitted by the Employment Area Designation shall be contingent on the following:

- a) Servicing capacity, including opportunities for partial or full private servicing on an interim basis;
- b) Compliance with Minimum Distance Separation Formulae;
- c) An *Agricultural Impact Assessment* to avoid impacts on the *agricultural system*, or where avoidance is not possible, minimized and mitigated to the extent feasible; and
- d) Provide for the phased progression of urban development.

5.12 Prime Agriculture Designation

Within the Prime Agriculture Designation, it is the intent of this Plan to promote and protect geographically contiguous prime agricultural lands to ensure a viable and thriving agricultural system; support and promote the long-term economic prosperity and productive capacity of the agri-food industry; and minimize land use conflicts through compliance with minimum distance separation formulae.

5.12.1 Permitted Uses

5.12.1.1 The following uses may be permitted within the Prime Agriculture Designation:

- a) All types, sizes and intensities of agricultural uses and normal farm practices, agriculture-related uses and on-farm diversified uses;
- b) A single-detached dwelling unit associated with an agricultural operation, as well as related residential uses including:
 - i. Up to two additional residential units on a lot (for a maximum of three total dwelling units); and
 - ii. Home occupations.

5.12.2 Permitted Non-Agricultural Uses

5.12.2.1 Permitted non-agricultural uses in the Prime Agriculture Designation are limited to the following:

- a) The extraction of minerals, *petroleum resources*, and *mineral aggregate resources* are permitted as an interim use, in accordance with the policies of this Plan, provided that rehabilitation of the site will be carried out, whereby the areas and average soil quality for agriculture are substantially restored. Complete agricultural rehabilitation is not required if:
 - i. There is a substantial quantity of mineral aggregates below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability

unfeasible in accordance with the Provincial Planning Statement (2024);

- ii. Agricultural rehabilitation in remaining areas will be maximized.
 - b) Limited non-residential uses where there is an identified need at the time of an official plan review within the planning horizon of this Plan for additional land to accommodate the proposed use and:
 - i. Alternate locations have been evaluated and there is no reasonable alternative locations which avoid *prime agricultural areas* or no reasonable lower priority agricultural lands; and
 - ii. The proposed use complies with the Minimum Distance Separation Formulae.
 - c) Limited resource based recreational and tourism uses where those uses are rural in nature, and by nature of their use cannot be located within a settlement area or near a sensitive land use and:
 - i. to the extent feasible, impacts on surrounding agricultural operations are mitigated and the use complies with all applicable Provincial requirements; and
 - ii. will be subject to a site specific zoning amendment to address issues related to setbacks and site design.
- 5.12.2.2 An *agricultural impact assessment* shall be prepared for any non-*agricultural use*, based on Provincial guidance, and demonstrating that the potential impacts on the *agricultural system* are to be avoided, or where avoidance is not possible, minimized and mitigated.

5.12.3 Development Policies

Agriculture-Related Uses and On-Farm Diversified Uses

- 5.12.3.1 *Agriculture-related uses* shall be compatible with surrounding agricultural operations and be directly related to and supportive of *agricultural uses* in the area. These uses should provide products or services to farms and benefit from proximity to

them. *Agriculture-related uses* shall be subject to Site Plan Control.

5.12.3.2 *On-farm diversified uses* are secondary to the principal *agricultural use* of property and shall be located directly on that property. The size of the on-farm diversified use shall be limited through the Implementing Zoning By-law to remain compatible with and not hinder surrounding agricultural operations. *On-farm diversified uses* shall be subject to Site Plan Control.

5.12.3.3 The following criteria shall be considered when reviewing applications for agricultural-related or *on-farm diversified uses*:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or on *rural lands*;
- b) Whether the use is required for or in proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The activity does not include a new residential use;
- h) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- i) The use does not require significant improvements to *infrastructure*; and
- j) The use complies with all other applicable provisions of this Plan.

Single-Detached Dwellings

- 5.12.3.4 A lot of record within the Prime Agriculture Designation is permitted to have one single detached dwelling in accordance with the Implementing Zoning By-law. Properties that are zoned “Agricultural Purposes Only” (APO) on the date of approval of this Plan shall continue to prohibit residential use of any kind.

Additional Residential Units

- 5.12.3.5 A maximum of two *additional residential units* may be created per principal dwelling unit within the Prime Agriculture Designation subject to the relevant policies of this Plan.

Housing for Farm Workers

- 5.12.3.6 The establishment of a housing for farm workers is permitted, subject to a Zoning By-law amendment. The City shall be satisfied that each farm help housing:
- a) Is required for farm help as set out in a detailed submission addressing matters such as labour requirements related to the size and nature of the farm operation and an assessment of the available residential accommodation on the farm;
 - b) Will be located within the existing farm-building cluster;
 - c) Can be serviced by private water and wastewater services; and
 - d) The separation of farm help housing from the agricultural property through severance shall not be permitted.
- 5.12.3.7 Permitted *additional residential units* within the Prime Agriculture Designation are to be considered in addition to permitted farm help housing.

Lot Creation

- 5.12.3.8 To maintain and encourage a continuous agricultural land base, land fragmentation through new lot creation in the Prime Agriculture Designation shall be discouraged and may only be permitted in accordance with the Implementation policies of this Plan

Removal of Land from the Prime Agriculture Designation

- 5.12.3.9 The removal of land from the Prime Agriculture Designation is not permitted and may only occur through a New Settlement/Settlement Area Boundary Expansion as per the New Settlement Area/Settlement Area Boundary Expansion policies of policies of this Plan.

5.13 Rural Designation

Within the Rural Designation, it is the intent of this Plan to facilitate development that is suitable within the agricultural context of the agricultural system and that recognizes the historic and/or existing use of the identified lands.

5.13.1 Permitted Uses

- 5.13.1.1 The following uses may be permitted within the Rural Designation:
- a) All types, sizes and intensities of agricultural uses and normal farm practices, agriculture-related uses and on-farm diversified uses;
 - b) Residential uses;
 - c) Related residential uses including:
 - i. Up to two additional residential units on a lot (for a maximum of three total dwelling units);
 - ii. Home occupations;
 - d) Resource-based recreational uses (including recreational dwellings not intended as permanent residences);
 - e) The management or use of resources;
 - f) Cemeteries; and
 - g) Other rural land uses.

5.13.2 General Development Policies

Appropriate Infrastructure

- 5.13.2.1 Residential uses, including *home occupations* may be permitted within the Rural Designation where site conditions are suitable for the provision of appropriate private sewage and water infrastructure.
- 5.13.2.2 Lot creation may be permitted within the Rural Designation where site conditions are suitable for the provision of appropriate private sewage and water infrastructure.

Additional Residential Units

- 5.13.3.3 A maximum of two *additional residential units* may be created per principal dwelling unit within the Rural Designation in accordance with the relevant policies of this Plan.

Minimum Constraints

- 5.13.2.4 All non-agricultural and non-resource–related development shall be directed to areas where there will be minimum constraints on these uses and be appropriate to the planned or available *infrastructure* to avoid the need for the uneconomical expansion of *infrastructure*.

Minimum Distance Separation Formulae

- 5.13.2.5 All new development, including new lot creation, or new or expanding livestock facilities, shall comply with the Minimum Distance Separation Formulae.

5.14 Mineral Extraction Designation

Within the Mineral Extraction Designation, it is the intent of this Plan to protect mineral aggregate resources and operations and provide for their efficient extraction to make as much mineral aggregate resources as is realistically possible available close to markets as possible and to minimize negative impacts of mineral aggregate operations to ensure compatible and sustainable rehabilitation of mineral aggregate operations.

5.14.1 Permitted Uses

5.14.1.1 The following land uses may be permitted within the Mineral Extraction Designation:

- a) Mineral aggregate operations with a licence from the Province, if applicable;
- b) *Petroleum resource operations*, approved and conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a license from the Province; and
- c) Ancillary uses associated with the permitted uses shall be limited to those permitted as part of an approved license from the Province.

5.14.2 Development Policies for Mineral Aggregate Resources

Resources Protected from Development

- 5.14.2.1 Lands within the Mineral Extraction Designation shown on **Schedule 2 – Land Use Designations**, as well as lands identified as accommodating potential mineral aggregate resources and petroleum pools in **Schedule 7 – Mineral Aggregate Resources Deposits and Petroleum Pools**, are to be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons such as public safety or environmental impact.
- 5.14.2.2 Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*.

- 5.14.2.3 Only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing mineral aggregate operations.

Haulage Routes

- 5.14.2.4 The City shall cooperate with the proper road authorities in order to determine the most appropriate haulage routes and points of access for extractive industrial operations.
- 5.14.2.5 Mineral aggregate truck traffic shall be directed away from *settlement areas* to the maximum extent feasible and make use of existing Provincial and Regional road networks. Local road networks should be used as local access routes only. In general, each *mineral aggregate operation* should have a defined haul route.
- 5.14.2.6 Applications to permit a *mineral aggregate operation* shall demonstrate how adverse impacts associated with mineral aggregate truck traffic will be mitigated and shall consider:
- a) Options for delivery of resources to the market, including alternative modes of transportation and alternative routes;
 - b) Impacts on the road network and potential mitigation measures;
 - c) Safety mitigation measures in all circumstances, with particular attention required where mineral aggregate truck traffic has the potential to mix with residential traffic, school buses, agricultural vehicles, pedestrian, cyclists, and other sensitive road users; and
 - d) Social and environmental impacts and any mitigation measures.
- 5.14.2.7 The City may require applicants to enter into Haul Route Agreements as part of the process to permit a *mineral aggregate operation* to ensure haul routes are defined and utilized; to secure for improvements and additional maintenance in accordance with the ARA; and to outline the formula for the method of payment by a license-holder, where required.
- 5.14.2.8 Improvements required to a Regional or Local Road due to a new or expanded *mineral aggregate operation* shall not be at the public expense.

Proposed Mineral Aggregate Operations

5.14.2.9 New and expanding aggregate operations or mineral mining operations shall require an amendment to this Plan. Applications to permit a *mineral aggregate operation* or mineral mining operation shall be consistent with the Provincial Planning Statement (2024) and shall consider the following:

- a) Potential for negative impacts on existing and future adjacent and surrounding land uses;
- b) Potential for negative impact on views and vistas;
- c) Potential for negative air quality, odour, noise, vibration, social, and health impacts;
- d) Potential for negative impacts on significant *built heritage resources*, significant *cultural heritage landscapes*, and archaeological resources or areas of archaeological potential;
- e) Potential for negative impacts on the *natural heritage system* and *water resource system*;
- f) Proposed manner of operation and rehabilitation;
- g) Proposed haulage routes and the potential negative impacts on roads and other users of the *infrastructure*;
- h) Potential for impacts on City and Regional *infrastructure* and services;
- i) Potential economic and financial impacts/benefits;
- j) Potential for negative impacts on agricultural operations in *prime agricultural areas*;
- k) Potential geotechnical considerations, as appropriate; and
- l) Other potential impacts which may be specific to a proposed operation or site.

5.14.2.10 The City may require peer reviews of some or all of the technical studies in support of an application for a *mineral aggregate operation* at the cost of the applicant. The applicant will be required to enter a Cost Acknowledgement Agreement with the City as part of a Complete Application. The Cost Acknowledgment Agreement will outline the conditions

associated with the applicant's responsibility to pay for costs such as peer reviews of technical studies, the services of an Aggregate Advisor, and a facilitator to support the public consultation process, as required.

- 5.14.2.11 Any application for a new *mineral aggregate operation* will protect or enhance the Water Resource System and within the Natural Heritage System be required to demonstrate how:
- a) Connectivity between existing and/or future *natural heritage features* will be maintained or planned before, during, and after the extraction of *mineral aggregate resources*;
 - b) The operator could replace *natural heritage features* that would be lost from the site with equivalent features on another part of the site or on *adjacent lands*; and
- 5.14.2.12 Applications to permit a *mineral aggregate operation* shall demonstrate how potential *negative impacts* to ground and surface water resources will be minimized. Where extraction is proposed below the water table, applicants shall demonstrate how impacts on both water quality and quantity are avoided first and mitigated where avoidance is not possible.
- 5.14.2.13 In *prime agricultural areas*, applications to permit a new *mineral aggregate operation* shall be supported by an *Agricultural Impact Assessment* in accordance with Provincial guidance. The *Agricultural Impact Assessment* shall provide guidance on how to maintain or improve connectivity of the *agricultural system* and be completed by a qualified professional.

Rehabilitation Program

- 5.14.2.14 A *comprehensive rehabilitation* program shall be encouraged during the period that aggregate is being extracted. Final rehabilitation for all extractive industrial sites will be required following the expiration of any licensed site or extraction of material has been exhausted.
- 5.14.2.15 Rehabilitation will be required in accordance with the approved Rehabilitation Plan. Development on, or adjacent to, former extractive industrial operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. The City will require rehabilitation that restores and creates land use compatibility with adjacent properties and their occupants. An Official Plan and Zoning By-law amendment

shall be required to consider new uses within Mineral Extraction areas that are not agriculturally related.

5.14.2.16 In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. Complete rehabilitation to an *agricultural condition* is not required if:

- a) The depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and
- b) Agricultural rehabilitation in remaining areas is maximized.

5.14.2.17 Site-specific policies and their associated licensed area shown on **Schedule 2 – Land Use Designations**, shall be removed once the *mineral aggregate operation* land is rehabilitated and the license is surrendered to the Provincial Ministry with jurisdiction.

5.14.2.18 Progressive and final rehabilitation for *mineral aggregate operations* is required. Rehabilitation plans must achieve the following:

- a) Accommodate subsequent land uses;
- b) Promote compatibility with surrounding land uses and approved land use designations;
- c) Recognize the interim nature of extraction; and
- d) Mitigate *negative impacts* to the extent possible.

5.14.3 Development Policies for Minerals and Petroleum

Protection of Long-Term Resource Supply

- 5.14.3.1 Minerals and petroleum resources shall be protected for long-term use.
- 5.14.3.2 Mineral mining operations and petroleum resource operations shall be identified and protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 5.14.3.3 Known mineral deposits, known petroleum resources and significant areas of mineral potential shall be identified, and development and activities in these resources or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

Rehabilitation

- 5.14.3.4 Extraction of minerals and petroleum resources is permitted in prime agricultural areas provided that the site will be rehabilitated.
- 5.14.3.5 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

5.15 Future Employment Corridor Overlay

Within the Future Employment Corridor Overlay, it is the intent of this Plan to identify and protect lands within the City for long-term economic development in this general vicinity, taking advantage of their locational attributes related to proximity to the Queen Elizabeth Way.

5.15.1 Permitted Uses

- 5.15.1.1 The land use permissions and policies of the underlying Land Use Designation shall continue to apply within the Future Employment Corridor Overlay.

5.15.2 Development Policies

Future Employment Use

- 5.15.2.1 Lands identified as Future Employment Use Corridor Overlay are situated along the QEW corridor, which is considered a *major goods movement corridor*. The boundary of the Future Employment Use Corridor Overlay is intended for illustrative purposes only and may be modified based on future employment planning without an amendment to this Plan.
- 5.15.2.2 It is the City's objective to ensure that any new development on lands covered by the Future Employment Corridor Overlay does not overly complicate, impede, or prohibit the long-term intended use of these lands for future employment generating purposes. As such:
- a) Development may only be permitted in accordance with the underlying Land Use Designations; and
 - b) Lot creation on the lands identified with the Future Employment Corridor Overlay is strongly discouraged and property consolidation shall be encouraged.

Requires Settlement Area Boundary Expansion and Urban Infrastructure

- 5.15.2.3 Future use of the lands within the Future Employment Corridor Overlay that meet the City's identified long-term need for employment must:

a) Be included within the Settlement Area Boundary, subject to satisfying the applicable Provincial plans and City policies regarding settlement area boundary expansions; and

b) Be contingent on the provision of *infrastructure*.

To achieve this objective, the City may adopt an Official Plan Amendment(s) at any time, recognizing that planning for employment-generating land uses may be considered beyond the 2051 planning horizon identified in this Plan.

5.15.2.4 Lands within the Future Employment Corridor Overlay are not to be considered as part of the Employment Area Land Inventory, until such time as they are included within the City's Settlement Area Boundary and are redesignated to the Employment Area Designation.

6.0 GREENLANDS SYSTEM

The Greenlands System identifies lands that are protected from development due to their environmental sensitivity and ability to help the City adapt to a changing climate or are identified as part of the City's parks and open space system.

6.1 Parks and Open Space Designation

It is the intent of this Plan to provide for, promote, and enhance a comprehensive and connected open space system of parks, multi-use pathways, trails, and uses that increase the opportunities for recreation and contribute to general enjoyment and quality of life in the community.

The Parks and Open Space Designation policies are intended to ensure an accessible, animated, and varied hierarchy of park spaces to promote a healthy community and foster a strong sense of place within Niagara Falls.

The policies will support a system of parks and recreation facilities that accommodate an array of recreation, leisure, and cultural activities; and to encourage the integration of elements of the Natural Heritage System into the recreational open space system, where appropriate.

6.1.1 Permitted Uses

6.1.1.1 The following uses may be permitted in the Parks and Open Space Designation:

- a) Recreational areas including city-wide and community parks, conservation areas, golf courses, and open space linkages;
- b) Cemeteries, existing on the date of approval of this Plan; and
- c) Uses accessory to the main recreational function such as washrooms, food concessions, and public recreational facilities.

Parkland Acquisition

6.1.1.2 The City shall acquire parkland through the development approval process in accordance with the parkland dedication policies of **Section 8** of this Plan.

- 6.1.1.3 The Parks and Open Space Designation recognizes major existing and approved public open space areas and permits the extension and expansion of such uses. The Parks and Open Space Designation may also include lands that are unsuitable for development due to flood susceptibility, steep slopes, and erosion. Such unsuitable lands shall not be included as part of the required parkland dedication.

The Traditional Parkland Hierarchy

- 6.1.1.4 The following Traditional Parkland Hierarchy will be supported within the Neighbourhoods and Employment Districts identified on **Schedule 2– Land Use Designations**, and shall be developed according to the following standards, or as otherwise determined in the City's Parks Plan:

a) City-Wide Park

City Wide Parks vary in size and are intended to serve the needs of City residents and:

- i. are destinations for recreation, with services provided determined through the City's Parks Plan.
- ii. may accommodate specialized events and amenities may attract users from across the City;
- iii. Shall be accessible to *active transportation* routes, public transit and private vehicles as well as have extensive street frontage, with the primary frontage on arterial or collector roads
- iv. provide a minimum service level standard of 2.5 hectares of parkland per 1000 population

b) Community Park

A Community Park is 3 to 6 hectares in size and intended to support a variety of recreational and athletic interests and:

- i. may be co-located with *public service facilities*;
- ii. Shall be accessible to *active transportation* routes, public transit and private vehicles as well as have extensive street frontage, with the primary frontage on arterial or collector roads;

- iii. provides a minimum service level standard of 1 hectare of parkland per 1000 population

c) Neighbourhood Park

A Neighbourhood Park is 0.5 to 3 hectares in size and intended to serve the basic parkland needs of a local community; and:

- i. may be coordinated with school sites;
- ii. be located where most residents are located within a 10-minute walk of the park space and where access is limited by arterial roadways, major waterways or other significant barriers; and
- iii. provides a minimum service level standard of 1.4 hectare of parkland per 1000 population

d) Parkette

Parkettes are less than 0.5 hectares in size and intended for where an neighbourhood park is not necessary, but local-level facilities are required to serve a nearby development; and

- i. are spaces that support the social and cultural fabric of the community, where most residents are located within a 5-minute walk of the park space;
- ii. Are considered part of the neighbourhood parks service level standard.

e) Natural Areas

Natural areas that provide ecological, social and economic benefits to residents.

f) Trail Corridor

Trail corridors are areas with multiple public access points established to help facilitate the City's off-road trail network as determined by strategic plans, various development and study approvals, and approved Master Plans.

- 6.1.1.5 Privately owned lands within the Parks and Open Space Designation may not be open to the general public.

- 6.1.1.6 The Traditional Parkland Hierarchy is typically fee-simple ownership where the park space is owned and maintained by the City. A strata ownership model, where the City is granted ownership through a strata agreement, may be considered as articulated under the Condominium Act. The strata ownership model facilitates City ownership and maintenance over time. Parkland dedication credits for strata ownership may be discounted in recognition of life cycle/rebuilding requirements.

The Urban Parkland Hierarchy

- 6.1.1.7 For all development within a Strategic Growth Areas, the following Urban Parkland Hierarchy, which is not identified on **Schedule 2 – Land Use Designations**, will be supported:

a) Public Common

Public Common areas are 0.75 to 2 hectares in size and are social and recreational focal points of a neighbourhood typically meeting the needs of the local community, and in some instances, accommodate City-wide facilities. They:

- i. support a balance of active and passive uses and shall be coordinated with urban school sites, where possible accommodating special features that add visual interest and contribute to placemaking, including locations for public art.
- ii. intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres);

b) Urban Square

Urban Spaces are between 0.25 to 1 hectare in size and support neighbourhood-oriented social opportunities, as well as City-wide entertainment and cultural events and:

- i. may include public art, small outdoor game areas, seating areas, and places to eat, as well as street-related activities such as vendor and exhibit space.
- ii. intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres);

c) Pocket Parks

Pocket parks are small, pedestrian-friendly spaces that accommodate socializing in dense *settlement areas*, primarily on hard surface elements and:

- i. are destinations unto themselves with outdoor seating, and restaurant and retail frontages.
- ii. must be a minimum of 75 square metres in size, and must be connected to and have at least 7.5 metres of direct frontage along the public sidewalk system;

d) Promenade

Promenades are linear spaces that are located between adjacent building façades and the adjacent road right-of-way, typically only located along one side of the street and are continuous along the length of the block and:

- i. are between 6 and 20 metres in width and are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces.
- ii. may include public art, small outdoor game areas, seating areas, and places to eat, as well as street-related activities such as vendor and exhibit space.

e) Connecting Link

A Connecting Link is an outdoor or indoor walkway that may be lined with small stores, restaurants, and cafés that are intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, and restaurant and retail frontages.

6.1.1.8 The Urban Parkland Hierarchy may include the following ownership models:

- a) **Fee Simple Ownership** – including park spaces that are owned and maintained by the City;
- b) **Strata Ownership** – The City may consider a strata ownership model, where the City is granted ownership through a strata arrangement articulated under the *Condominium Act*. The strata ownership model facilitates City ownership and maintenance over time. Parkland

Dedication credits for strata ownership may be discounted in recognition of life cycle/rebuilding requirements; and

- c) **Privately Owned Public Spaces (POPS)** – The City may consider a POPS ownership model, where the space is privately owned and maintained, and is subject to a legal agreement that ensures public access, as well as design and maintenance protocols acceptable to the City. Parkland dedication credits for POPS may be discounted in recognition of a lack of City-sponsored programming opportunities.

- 6.1.1.9 Urban parks shall be distributed throughout Strategic Growth Areas, and these facilities shall be linked together and connected with the broader City-wide network of natural features, active transportation facilities, and lands within the Parks and Open Space Designation.

The Eco Park Typology

- 6.1.1.10 The City may consider the acquisition of lands beyond meeting the requirement for park service level standards, located outside of the Settlement Area and within the Agricultural Area, or within the Natural Heritage System for the purposes of establishing an Eco Park.
- 6.1.1.11 An Eco Park is generally greater than 3 hectares in size and support environmental education, interpretation, and nature-related recreation with opportunities for primarily passive recreation and provide ecological relief from the more urban environments in the City. Eco Park spaces may accommodate space for specialized events and amenities and will attract users from across the City. Where possible, Eco Parks should co-locate with other parkland opportunities that can accommodate active recreation facilities.
- 6.1.1.12 An Eco Park is typically fee simple ownership, where the park space is owned and maintained by the City.

Open Space Linkages

- 6.1.1.13 Open space linkages may be permitted in any land use designation. Open space linkages may include utility and hydro corridors, berms, or abandoned railway lines, all of which can contribute to a continuous linear open space system.
- 6.1.1.14 The City may augment its Active Transportation Network of sidewalks, bicycle lanes, multipurpose pathways and trails by acquiring open space linkages for pedestrians, cyclists, and a

full range of mobility aids and assistive devices. Open space linkages provide access to parks and other *public service facilities*, in accordance with the following:

- a) Where practical, the City may acquire and develop linear features within or adjacent to lands within the Natural Heritage System as open space linkages, subject to ensuring no net *negative impacts* on the *natural heritage features* and their associated *ecological functions*; and
- b) The City will encourage the use of utility and hydro corridors, abandoned rail corridors, rights-of-way, and easements to establish open space linkages, where supported by the accommodating utility operator or landowner.

Private Cemeteries

6.1.1.15 Proposals for the creation of a new private cemetery or the enlargement of an existing private cemetery shall require an amendment to this Plan. A proposed new or expanded private cemetery shall:

- a) Have driveway access to the road system that does not create a traffic hazard;
- b) Provide adequate on-site parking facilities; and
- c) Include screening and landscaping to complement the facilities, and to provide a *buffer* to adjacent land uses, where necessary.

6.2 Niagara Parks Commission Lands Designation

It is the intent of this Plan to recognize the importance of the character and success of the City related to the lands owned and managed by the Niagara Parks Commission, a self-financed agency of the Province.

The City will support the Niagara Parks Commission's mandate to protect the natural and cultural heritage along the Niagara River for the enjoyment of visitors.

Queen Victoria Park

- 6.2.1 Queen Victoria Park is the primary attraction and main destination for visitors to Niagara Falls and is under the jurisdiction of the Niagara Parks Commission. The City will consult and collaborate with the Niagara Parks Commission to ensure that the landscape setting of Queen Victoria Park is extended into the Entertainment District Designation, creating a high-quality urban environment as a framework for new private development—bringing the Park into the City—with a focus on the following topics:
- a) Support the continuation of the high-quality maintenance of the Park;
 - b) Ensure the protection of the environmental character of the Falls, the gorge, and the Niagara River;
 - c) Establish plans for future harmonious development within and adjacent to the Park, as well as new and improved linkages between the Park and the lands within the Entertainment District Designation, including the upgrading of connecting streets and the introduction of pedestrian paths and walkways;
 - d) Provide support for new development within the Park on nonintrusive facilities which interpret and/or enhance “the Falls experience”. New buildings and structures should be carefully sited and designed to complement and not detract from the open space and viewing function of the Park; and
 - e) Establish a definition for “third party advertising” and implementation guidelines for existing, approved, and future signage. It is the objective of the City is to prohibit

third-party advertising on any buildings or structures which are visible from the Park.

- 6.2.2 The City shall encourage the Niagara Parks Commission to make specific improvements to Queen Victoria Park, including but not limited to:
- a) Eliminating large car and bus parking areas at Table Rock;
 - b) Narrowing and realigning the Niagara Parkway away from the Niagara River; and
 - c) Reclaiming portions of the Park to the south of Murray Hill and around Table Rock for re-naturalization and enhancement of the escarpment landscape.
- 6.2.3 The City shall, in cooperation with the Niagara Parks Commission, improve the relationship and access between the City and the Park, including but not limited to:
- a) Improvements to Murray Hill for the purpose of directing tourists between the Park and the City;
 - b) Creating additional pedestrian access points between the top of the escarpment and the Park; and
 - c) Constructing and maintaining an enhanced Active Transportation Network that services both the City and the Park.

Ongoing Cooperation

- 6.2.4 Wherever possible, the City will collaborate and cooperate with the Niagara Parks Commission to celebrate and support their role in building and maintaining some of the most important tourist facilities within the City. In recognition of their exceptional stewardship over the many years, the City shall promote initiatives for the protection, enhancement, and development of recreational features, heritage assets, natural landscape, and amenity of the Niagara River Parkway, in recognition of their exceptional stewardship over many years.
- 6.2.5 The City shall work in cooperation with the Niagara Parks Commission in promoting initiatives for the protection, enhancement, and development of the recreational features, natural landscape, and amenity of the Niagara River Parkway.

Commission Approval is Required

- 6.2.6 Niagara Parks Commission approval is required for such things as, but not limited to, access to roads, signage, shoreline docks, shorewalls, and adjacent property uses within the limits set out by the *Niagara Parks Act* and the *Public Transportation and Highway Improvement Act* and accompanying Regulations.
- 6.2.6 Use permissions are under the jurisdiction of the Niagara Parks Commission.

6.3 Niagara Escarpment Plan Designation

The Niagara Escarpment is a UNESCO World Biosphere Reserve which is located within the City. It is the intent of this Plan to recognize the Niagara Escarpment Plan and its prevalence in land use decision-making within the Niagara Escarpment area.

6.3.1 Permitted Uses

- 6.3.1.1 Development within the Niagara Escarpment Plan (NEP) area is regulated by the Niagara Escarpment Commission through the issuance of Development Permits. All development requires a development permit from the Niagara Escarpment Commission unless specifically exempted by the Niagara Escarpment Commission.
 - a) Development within the Niagara Escarpment Plan area includes a change in use of any land, building, or structure; and
 - b) The City shall ensure that the policies of this Plan are met through the review of Development Permits.

General Policies

- 6.3.1.2 The Niagara Escarpment Plan includes land use designations and development criteria to regulate the use of lands within the Niagara Escarpment Plan Area. An amendment to the Niagara Escarpment Plan is required for any change to the Niagara Escarpment Plan Area. The area of Niagara Falls that is within the jurisdiction of the Niagara Escarpment Plan is shown on **Schedule 2 – Land Use Designations**.

- 6.3.1.3 The Protected Countryside policies of the Greenbelt Plan specifically do not apply to the lands within the Niagara Escarpment Plan, with the exception of Section 3.3 (Parkland, Open Space and Trails) of the Greenbelt Plan.
- 6.3.1.4 Wherever possible and appropriate, the City will support the Niagara Escarpment Commission's role in approving new development and issuing Development Permits within the Niagara Escarpment Plan area that protects the continuous landform and the natural environment of the Niagara Escarpment.
- 6.3.1.5 The Niagara Escarpment Plan contains policies and a framework for the Niagara Escarpment Parks System that stretches the length of the Escarpment. The City shall support the development of the Niagara Escarpment Commission Parks System in this area.

6.4 Natural Heritage System

It is the intent of this Plan to provide policies related to the protection, maintenance, restoration and, where possible, enhancement of the Natural Heritage System, including significant natural heritage features and other environmental components.

6.4.1 Natural Heritage System

- 6.4.1.1 The Natural Heritage System recognizes the crucial linkages between and among significant *natural heritage features and areas*, and the *water resource system*, including *surface water features* and *ground water features* and the *agricultural system*. The Natural Heritage System is made up of *significant natural heritage features* along with other environmental components that have ecological value and are identified as an Environmental Overlay.

6.4.2 Significant Natural Heritage Features Designation

- 6.4.2.1 The Significant Natural Heritage Features are identified on **Schedule 2 – Land Use Designations** and includes the following features identified **Schedule 3-1 – Natural Heritage Features**:
- a) Provincially significant *wetlands*;
 - b) Significant *coastal wetlands*;
 - c) Significant *woodlands*;
 - d) Significant *valleylands*;
 - e) Significant *wildlife habitat*;
 - f) Habitat of endangered and threatened species;
 - g) Significant areas of natural and scientific interest; and
 - h) Fish habitat;

6.4.3 Development and Site Alteration in Natural Heritage Features

- 6.4.3.1 Development and *site alteration* shall not be permitted in Provincially significant *wetlands* and significant *coastal wetlands*.
- 6.4.3.2 Development and *site alteration* shall not be permitted in the following *natural heritage features* unless it has been

demonstrated through the preparation of an *environmental impact study* that there will be no *negative impacts* to the feature or function:

- a) Significant *woodlands*;
- b) Significant *valleylands*;
- c) Significant *wildlife habitat*; and
- d) Significant areas of natural and scientific interest.

6.4.3.3 Notwithstanding Policy 6.4.3.2, permitted uses in a natural heritage feature designation are limited to:

- a) Forest, fish, and wildlife management;
- b) Conservation and flood or erosion control projects, subject to demonstrating the project is necessary in the public interest, and only after all alternatives have been considered;
- c) Activities that create or maintain *infrastructure* authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the Environmental Assessment Act;
- d) Expansions or alterations to existing buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* and expansions to existing residential dwellings if it is demonstrated that:
 - i. There is no alternative, and the expansion or alteration in the feature is minimized and, in the buffer, is directed away from the feature to the maximum extent possible;
 - ii. The impact of the expansion or alteration on the feature and its *ecological functions* is minimized and mitigated to the maximum extent possible;
- e) Small-scale structures for passive recreational uses, including but not limited to boardwalks, footbridges, fences, docks, and picnic facilities, subject to measures taken to minimize the number of such structures and their *negative impacts*; and
- f) Existing agricultural uses.

6.4.3.4 Notwithstanding any other policies of this Plan, development and *site alteration* in and adjacent to watercourses, Provincially significant *wetlands*, and other *wetlands* that are regulated by the Conservation Authority may also be subject to the

regulations and land use planning policies of the Conservation Authority.

6.4.4 Habitat of Endangered Species and Habitat of Threatened Species

- 6.4.4.1 Development or site alteration shall not be permitted in habitat of endangered species and threatened species except in accordance with Provincial and Federal requirements.
- 6.4.4.2 It is the responsibility of a proponent to work directly with the Province to determine that the Species Conservation Act has been, or will be, complied with as a condition of any permit or approval received from the Provincial Ministry with jurisdiction.

6.4.5 Fish Habitat

- 6.4.5.1 Development or *site alteration* shall not be permitted in *fish habitat* except in accordance with Federal and Provincial requirements. In order to determine whether *fish habitat* is present, proponents of development or *site alteration* shall be required to screen for the presence of *fish habitat*.
- 6.4.5.2 If *fish habitat* is determined to be present, a *fish habitat* assessment undertaken by a qualified professional shall be required for development or *site alteration* within or adjacent to *fish habitat*. Development or *site alteration* may be exempt from this requirement provided that:
 - a) The development satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority; and
 - b) The regulated setback, vegetated shoreline and slope-related policies of this Plan are met.

6.4.6 The Environmental Overlay

- 6.4.6.1 The Environmental Overlay is identified on **Schedule 2 – Land Use Designations** and includes the following features identified on **Schedule 3 – Natural Heritage Features**:
 - a) Buffers
 - b) Other woodlands;
 - c) Other wetlands;
 - d) Linkages; and
 - e) Restoration/enhancement areas.

- 6.4.6.2 The uses permitted on any specific site or area within the Environmental Overlay also include those land uses permitted by the underlying land use designation, subject to the results of an Environmental Impact Study when required by the City and in conformity with the feature-based policies below.
- 6.4.6.3 In addition to any permitted land uses, the extension of existing *infrastructure* projects where the alignments or locations of those facilities have been established in this Plan, and/or an approved Environmental Assessment, may be permitted on lands within the Environmental Overlay, subject to an Environmental Assessment.

6.4.7 Buffers

- 6.4.7.1 Outside of the Settlement Area, a *buffer* has been applied to significant *natural heritage features* in accordance with the following:
- a) 30 metres from a Provincially significant *wetland* and significant *coastal wetland*;
 - b) 20 metres from a significant woodland, other *wetland* or a life science area of natural and scientific interest;
 - c) 15 metres from a significant valleyland; and
 - d) 10 metres from an other woodland.
- A reduction in this *buffer* may be permitted where supported through an *environmental impact study* and/or hydrological evaluation at the time of an application.
- 6.4.7.2 Within *settlement areas*, a minimum *buffer* shall be established through an *environmental impact study* and/or hydrogeological evaluation, or a subwatershed study at the time of an application for development or site alteration. The width of the *buffer* shall be based on the sensitivity of the *ecological function* from the proposed development or *site alteration* and the potential for impacts to the feature or its function as a result of a change in land use.
- 6.4.7.3 Development or *site alteration* shall not be permitted within the identified *buffer* except in accordance with the permitted uses in a Natural Heritage Feature Designation or for *infrastructure* serving the agricultural sector unless it has been demonstrated through the appropriate studies that there will be no *negative impacts* and the *buffer* will continue to provide the *ecological function* for which it was intended

6.4.8 Other Woodlands

6.4.8.1 The City supports as a first priority, the protection of Other Woodlands in their original location. Where it is demonstrated and justified that development and/or *site alteration* cannot avoid an Other Woodland and no other alternatives exist, a compensatory mitigation approach will be required subject to the approval of the City. Where compensation is proposed, it must be demonstrated through a Natural Heritage Evaluation that the mitigation results in a net gain to the Other Woodland and its *ecological function*. Any compensation of an Other Woodland shall be provided in accordance with the following order of priority:

- a) Where the priority of retention cannot be achieved, the second priority is to relocate the Other Woodland on site with a required replacement ratio of 3:1.
- b) Where it has been demonstrated and justified that the first two priorities for retention cannot be achieved and no other alternatives exist, the third priority is to relocate the Other Woodland within an identified Enhancement Area with a required replacement ratio of 5:1.

Any compensation will be subject to a City approved compensation and monitoring plan and a signed agreement . Compensation shall begin within the first year of the signed agreement and shall be monitored for a minimum of 5 years or as other identified in the agreement.

6.4.8.2 Compensation and monitoring Plans will outline the requirements for ecological form and function, including aspects of size, design, and species to achieve net ecological benefit for any compensation and monitoring approved by the City. Benefits may include increasing the size of existing features, connecting features, and improving interior habitat conditions such as critical function zones.

6.4.9 Other Wetlands

6.4.9.1 The City supports the protection of *Other Wetlands* in their original location. Where it is demonstrated and justified that development and/or *site alteration* cannot avoid an *Other Wetland* and no other alternatives exist, a compensatory mitigation approach will be required subject to the approval of the City. Where compensation is proposed, it must be demonstrated through a Natural Heritage Evaluation that the mitigation results in a net gain to the Non-Provincially

Significant *Wetland* and its *ecological function*. Any compensation of a *Other Wetland* shall be provided in accordance with the following order of priority:

- a) Where the priority of retention cannot be achieved, the second priority is to relocate the *Other Wetlands* on site with a required replacement ratio of 3:1.
- b) Where it has been demonstrated and justified that the first two priorities for retention cannot be achieved and no other alternatives exist, the third priority is to relocate the *Other Wetlands* within an identified Enhancement Area in the same sub-watershed, adjacent to a Natural Heritage Feature with a required replacement ratio of 5:1.

Any compensation will be subject to a City approved compensation and monitoring plan and a signed agreement. Compensation shall begin within the first year of the signed agreement and shall be monitored for a minimum of 5 years.

- 6.4.9.2 Compensation and Monitoring Plans will outline the requirements for ecological form and function, including aspects of size, design, and species to achieve net ecological benefit for any compensation and monitoring approved by the City. Benefits may include increasing the size of existing features, connecting features, and improving interior and creating new habitat conditions such as critical function zones.

6.4.10 Linkages

- 6.4.10.1 When a subwatershed study is being undertaken, or when development or site alteration is proposed in or within 30 metres of a linkage, an Environmental Impact Assessment shall be completed that:
- a) Assesses the ecological features and functions of a linkage, including its vegetative, wildlife, and/or landscape features or functions;
 - b) Identifies appropriate boundaries/widths that permit the movement of wildlife between nearby *natural heritage features* or other environmental overlay components;
 - c) Describes the *ecological functions* the linkage is intended to provide and identifies how these *ecological functions* can be maintained or enhanced within a development proposal;
 - d) Assesses the potential for compatible uses including, but not limited to, stormwater management ponds, passive recreational uses, and trails within the linkage to determine

how the intended *ecological functions* of the linkage can be maintained or enhanced;

- e) Assesses potential impacts on the linkage as a result of the development; and
- f) Makes recommendations on how to protect, enhance, or mitigate impacts on the linkage and its *ecological functions* through avoidance and planning, design, and construction practices.

6.4.10.2 Possible outcomes of an evaluation carried out in accordance with Policy 6.4.10.1 include:

- a) The incorporation of the linkage into the development, such that development would not occur on those lands;
- b) The incorporation of the linkage into the development, with linear *infrastructure*, and other *infrastructure* and associated small-scale structures permitted in the linkage in such a manner that protects the long-term *ecological function* of the linkage;
- c) The refinement of the location, form, size, shape, or *ecological function* of the linkage; or
- d) The elimination of the linkage based on area or site-specific analysis. If a linkage is proposed to be eliminated, it must be demonstrated to the satisfaction of the City that:
 - i. Maintaining a linkage is not necessary for ecological reasons;
 - ii. The loss of the linkage will not decrease the overall ecological connectivity in the area; and
 - iii. The linkage is not required to support the long-term sustainability of the overall *natural heritage system*.

6.4.10.3 In a case where all or part of a linkage area is retained the lands within the linkage area shall be planted and left as natural self-sustaining vegetation (except for those lands used for *infrastructure*, if permitted) or remain in *agricultural use*.

6.4.10.4 Notwithstanding Policy 6.4.10.3, the full range of existing and new *agricultural uses*, *agriculture-related uses*, *on-farm diversified uses*, and *normal farm practices* are permitted within a mapped linkage.

6.4.10.5 Notwithstanding Policy 6.4.10.3, the following types of minor construction are permitted within a linkage, provided there is no alternative, without requiring an impact evaluation:

- a) New accessory buildings to a residential use (garage, workshop, etc.) below 50 square metres;
- b) Expansions to existing accessory buildings to a residential use below 50 percent of the size of the original building;
- c) Expansions to existing residential buildings below 50 percent of the size of the original building; and
- d) Reconstruction of an existing residential dwelling of the same size in the same location.

6.4.11 Restoration/Enhancement Areas

6.4.11.1 Restoration/Enhancement areas are identified on **Schedule 3 – Natural Heritage Features** and are intended to consist of natural self-sustaining vegetation that increase the ecological resilience and function of individual *natural heritage features* by:

- a) Increasing the size of natural heritage features;
- b) Connecting *natural heritage features* to create larger contiguous natural areas;
- c) Improving the shape of *natural heritage features* to increase interior habitat conditions; or
- d) Including critical function zones and important catchment areas for sustaining *ecological functions*.

6.4.11.2 The presence of potential enhancement areas shall be screened for by a proponent when an *environmental impact study* and/or hydrological evaluation is required to support an application for development and *site alteration*, both inside and outside of *settlement areas*, or when undertaking a subwatershed study.

6.4.11.3 The City will consider opportunities to acquire lands that are identified as enhancement areas and provide opportunities for offsetting, where permitted by the policies of this Plan.

6.4.11.4 Where an enhancement area is being used in accordance with the compensation policies of 6.4.8 and 6.4.9, it shall be considered a natural heritage feature and will be subject to the no *negative impact* test in accordance with Policy 6.4.3.2 of this Plan.

6.4.12 Refinements to the Limits of the Natural Heritage System

- 6.4.12.1 Changes to the limits or classification of individual features or components of the *natural heritage system* may be considered through a *Planning Act* process with the submission of a subwatershed study, an *environmental impact study*, and/ or hydrological evaluation or any study equivalent based on a terms of reference approved by the City in consultation with the Conservation Authority, as appropriate.
- 6.4.12.2 If the change to the limit, or classification of an individual feature or component of the natural heritage system can be justified to the satisfaction of the City, an amendment to this Plan shall not be required.
- 6.4.12.3 Where the limits of the natural heritage feature designation are refined through an approved *environmental impact study*, hydrological evaluation, or subwatershed study, the lands that are no longer designated shall assume the adjacent land use designation unless otherwise determined through the *Planning Act* process.
- 6.4.12.4 Updates to the appropriate schedules to this Plan shall be made on a regular basis by the City to incorporate any approved refinements to the Natural Heritage System.
- 6.4.12.5 Where development or *site alteration* is proposed within or adjacent to the Natural Heritage System in the Rural/Agricultural Area, new lots shall not be created, which would fragment a natural heritage feature.
- 6.4.12.6 Applications for a lot boundary adjustment should avoid the fragmentation of a natural heritage feature wherever possible and practical.

6.4.13 Unmapped Features and Components of the Natural Heritage System

- 6.4.13.1 Not all of the features and components that make up the *natural heritage system* can or have been mapped as part of the schedules to this Plan. Where features or components of the Natural Heritage System are not mapped, detailed area-specific or site-specific studies such as *environmental impact study*, hydrological evaluation, or subwatershed study are required for their delineation.
- 6.4.13.2 Where through the review of an application for development or *site alteration*, or through the completion of a subwatershed study, it is found that there are features or components of the *natural heritage system* that have not been adequately mapped, evaluated, or protected, the applicant shall have an evaluation prepared by a qualified professional in consultation with the City, and where applicable, the Conservation Authority. If the evaluation finds one or more features or components, the designation of lands will be modified without amendment to the plan, and the respective policies of this Plan will be applied to the lands.
- 6.4.13.3 Where lands are mapped or identified as two or more features or components of the *natural heritage system*, the policies which provide the highest level of protection shall apply in the event of any conflict.

6.4.14 Natural Heritage Features that have been Disturbed

- 6.4.14.1 Where a feature was identified as a significant woodland or other woodland as of the date of approval of this Plan or 2022 Niagara Official Plan, whichever is applicable, and no longer meets the definition of significant woodland or other woodland because of either a natural or anthropogenic disturbance, the feature shall retain its status as either a significant woodland or other woodland and the policies of this Plan shall continue to apply.
- 6.4.14.2 Where a natural heritage feature or key hydrologic feature has been removed without authorization in advance of making or prior to approval of an application for development or *site alteration*, the City, and/or Conservation Authority staff shall use all available information to determine the limit and classification of the feature that existed, and restoration of the feature shall be required through the approval of the application for development or *site alteration* and a signed restoration agreement.

6.4.15 Environmental Study Requirements and Waivers

- 6.4.15.1 An *environmental impact study* and/or hydrological evaluation required under the policies of this Plan shall be submitted with the application for development or *site alteration* and shall be prepared and signed by a qualified professional in accordance with the City's or Niagara Region *Environmental Impact Study Guidelines* or through an approved terms of reference in accordance with the policies of this Plan.
- 6.4.15.2 A proposal for new development or *site alteration* which is adjacent to a natural heritage feature shall require an *environmental impact study* and/or hydrological evaluation to determine that there will be no *negative impacts* on the features, *ecological function*, or *hydrologic function*. *Adjacent lands* are:
- a) 120 metres from any Provincially significant *wetland*/significant *coastal wetland*, significant *woodland*, significant *valleyland*, significant wildlife habitat, habitat of endangered species and threatened species, fish habitat, or significant life science area of natural and scientific interest; and
 - b) 50 metres from other *woodlands*, earth science areas of natural and scientific interest, or any other *natural heritage feature* not specifically listed in Policy 6.4.15.2.
- Notwithstanding the list above, the study distance may be adjusted based on City approaches that achieve the same objectives.
- 6.4.15.3 The City, in consultation with any agency having jurisdiction, will review a development application and determine whether an *environmental impact study* or hydrological evaluation is required based on the policies of this Plan and any relevant Guidelines.
- 6.4.15.4 The requirement for an *environmental impact study* and/or hydrological evaluation may be waived if the proposed development or *site alteration* is minor at the sole discretion of the City and is not anticipated to have a *negative impact* on the adjacent natural heritage feature.
- 6.4.15.5 The City may apply the waiving requirements of the *Environmental Impact Study Guidelines*, or may prepare its own *environmental impact study* guidelines and/or hydrological evaluation guidelines to provide clear direction on study requirements. Waiving the requirement for an *environmental*

impact study and/or hydrological evaluation may be subject to conditions.

- 6.4.15.6 New buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* will not be required to undertake an *environmental impact study* and/or hydrological evaluation if the identified *buffer* is provided from a natural heritage feature.
- 6.4.15.7 The City may require an independent peer review of an *environmental impact study* and/or hydrological evaluation, with the costs to be borne by the applicant.
- 6.4.15.8 An environmental impact assessment will not be required in adjacent lands for development or site alteration where the only natural heritage features are habitat of endangered species and/or habitat of threatened species.
- 6.4.15.9 The following types of minor construction is permitted within *adjacent lands* identified in Policy 6.4.14.2 and minimum *buffers* identified in Policy 6.4.9.1 and Policy 6.4.9.2 provided there is no alternative, without an *environmental impact study* and/or hydrologic evaluation:
 - a) New buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* below 200 square metres;
 - b) Expansions to existing buildings and structures for *agricultural uses*, *agriculture-related uses*, or *on-farm diversified uses* below 50 percent of the size of the original building, provided the expansion is less than 200 square metres;
 - c) New accessory buildings to a residential use (garage, workshop, etc.) below 50 square metres;
 - d) Expansions to existing accessory buildings for a residential use below 50 percent of the size of the original building;
 - e) Expansions to existing residential buildings below 50 percent of the size of the original building; and
 - f) Reconstruction of an existing residential dwelling of the same size in the same location.

6.5 Water Resource System

It is the intent of this Plan to protect, improve, or restore the quality and quantity of water to support the ecological and hydrological integrity of the watershed.

6.5.1 Components of the Water Resource System

6.5.1.1 The *Water Resource System* is identified as an overlay on **Schedule 3-5 – Water Resource System** and includes the following:

- a) Ground water features and areas:
 - i. Recharge/discharge areas;
 - ii. Water tables;
 - iii. Aquifers;
 - iv. Unsaturated zones;
- b) Surface water features:
 - i. Headwaters;
 - ii. Rivers;
 - iii. Permanent and intermittent streams;
 - iv. Inland lakes;
 - v. Seepage areas;
 - vi. Recharge/discharge areas;
 - vii. Springs; and
 - viii. Wetlands and associated riparian lands.

6.5.1.2 Where components of the *water resource system* are included in the Natural Heritage System, they are subject to the policies in Section 6.4 of this Plan.

6.5.1.3 In areas where development and *site alteration* could have *negative impacts* on *groundwater* quality or quantity, the City may require further review of potential impacts through the completion of a hydrological evaluation application.

6.5.1.4 Development or *site alteration* shall not be permitted unless it can demonstrate that it will not have *negative impacts* on:

- a) The quantity and quality of water in ground water features and surface water features and ground water areas;

- b) The natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;
 - c) Natural drainage systems and shorelines areas; and
 - d) Flooding or erosion.
- 6.5.1.5 Development or site alteration shall maintain the linkages and functions of the water resource system.
- 6.5.1.6 Mitigative measures and/or alternative development approaches may be required to protect, improve, or enhance the components of the water resource system.

6.6 Source Water Protection

It is the intent of this Plan to protect existing and future sources of municipal drinking water as a first step in a multi-step approach to providing a safe supply of water.

6.6.1 Source Water Protection Policy

- 6.6.1.1 The application of untreated septage to land is considered a significant drinking water threat. New waste disposal sites for the application of untreated septage to land shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1), as identified on **Schedule 3-5 – Water Resources System**.
- 6.6.1.2 The discharge from new stormwater management facilities is considered a significant threat where the storm sewer drainage area is at least 100 hectares in size with the predominant land uses being commercial or employment. The following shall apply:
 - a) New stormwater management facilities which meet these criteria are not permitted to discharge into the Niagara Falls Intake Protection Zone 1 (IPZ-1); and
 - b) New industrial or commercial land uses which meet the 100-hectare storm sewer drainage criteria are not permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1). For the purposes of this policy, new industrial or commercial land uses only include industrial or commercial land uses which are not currently designated as such in the Official Plan.
- 6.6.1.3 The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant threat as defined under the applicable circumstances as outlined in Table 22 and Table 48 in Appendix C of the Assessment Report for the 2013 Source Protection Plan. Future combined sewers, wastewater treatment facilities, and industrial effluent systems shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1), where they would be a significant threat.
- 6.6.1.4 The storage, handling, and application to land of agricultural source material, and the lands used for livestock grazing/pasturing, farm animal yards, and outdoor confinement areas are considered significant threats. Therefore, future

agricultural land uses shall not be permitted within the Niagara Falls Intake Protection Zone 1 (IPZ-1).

- 6.6.1.5 The City shall cooperate with the Source Protection Authority in the monitoring and implementation of the Source Water Protection Plan for the Niagara Peninsula Source Protection Area.
- 6.6.1.6 No significant drinking water threats shall be established within the Niagara Falls Intake Protection Zone 2 (IPZ-2).

7.0 TRANSPORTATION AND INFRASTRUCTURE

This Section is focused on all of the elements of infrastructure, including the transportation system, as well as requirements for water, wastewater, and stormwater management systems. Policies are also provided for public and private utilities.

7.1 The Transportation System

It is the intent of this Plan to promote the establishment of a safe, efficient and integrated multimodal transportation system that fosters links within the community to key destinations that meet the needs of residents and provide alternative transportation options for visitors to the City.

The policies of this section are intended to ensure that coordination exists when planning for the expansion of existing and planned transportation corridors with the development of municipal water, wastewater, and stormwater management facilities, as well as for public or private utility projects to support cost-effective and efficient development.

7.1.1 Implementing the City's Transportation Master Plan

- 7.1.1.1 The City's Transportation Master Plan, as amended and updated, shall inform transportation elements and address matters such as location, design, construction, and encouragement of alternative modes of transportation. Development and public works will be consistent with the requirements and guidelines in the City's Transportation Master Plan.
- 7.1.1.2 All transportation system infrastructures shall be:
- a) Designed and constructed in accordance with the appropriate and applicable Provincial, Regional, and City standards;
 - b) Constructed in accordance with the recommendations of any approved transportation system-related studies; and
 - c) Subject to review and approval by the appropriate authorities.

Life-Cycle Management

- 7.1.1.3 Land use planning will be supported by a *transportation system* that considers the full life cycle costs of these assets and options to pay for these costs over the long-term, and that meets the requirements of forecasted growth for the City.

7.1.2 The Road Network

Modified Grid Pattern

- 7.1.2.1 The City supports a road network based on a modified grid pattern. The modified grid pattern supports connectivity, facilitates transit use, and increases opportunities for walking and cycling trips.
- 7.1.2.2 Cul-de-sacs, or other disruptions to the modified grid pattern, are discouraged and, if utilized, should include pedestrian and cycling connections through to *adjacent lands*.

Transportation Demand Management

- 7.1.2.3 *Transportation Demand Management* (TDM) measures include, but are not limited to car sharing, carpooling programs, preferential parking for carpool members, transit pass incentives, cycling and walking infrastructure, telecommuting, flex hours, and the provision of private shuttles. Opportunities for developing *Transportation Demand Management* (TDM) measures to reduce single occupancy automobile use, especially during peak travel periods, is encouraged.
- 7.1.2.4 The City may implement parking management and/or *transportation demand management* strategies for land uses and development within Strategic Growth Areas, through comprehensive planning for New Community Areas, and in the South West Growth Area to maximize *intensification* opportunities, minimize surface parking areas, and encourage mixed use and *transit-supportive* development.

Flexibility/Adjustments

- 7.1.2.5 The location and/or alignment of the existing and future transportation facilities shown on **Schedule 5 – Road Network** may be adjusted or modified to reflect the actual constructed route without the need for an amendment to this Plan or an approved plan of subdivision.

Appropriate Hierarchy

7.1.2.6 The road classification is based on the expected long-term function of existing and future roads as shown on **Schedule 5 – Road Network**. Along with Council adopted master plans, strategies, studies, guidelines, engineering standards and By-law, this Schedule shall ensure the *transportation system* evolves to serve the City's growth and the principles of Complete Streets are satisfied.

7.1.2.7 A hierarchy of roads is contained within the *transportation system*, and includes the following:

- a) **International Bridge Crossings** – The Rainbow Bridge and the Whirlpool Bridge are international border crossings which represent critical links in the transportation networks of Ontario and New York State. Development activity in the area of these crossings shall consider the impacts on the *transportation system*, particularly as it pertains to traffic queues at the inspection plazas.
- b) **Provincial Highways** – The Queen Elizabeth Way, Highway 405, and a portion of Highway 420 west of Stanley Avenue are designed to permit the free flow of large volumes of traffic through the City and to interconnect with the arterial road system. Rights-of-way width, alignment of Provincial highways, and related concerns are under the jurisdiction of the Province.

The following policies are applicable to all Provincial Highways within the City:

- i. Provincial Highways are identified as *Major Goods Movement facilities and Corridors*. Goods Movement Corridors also include Regional Roads, City Arterial Roads, *mineral aggregate* haul routes, and railway lines. Provincial Highways are shown on **Schedule 5 – Road Network**. and are to be protected for the movement of goods over the long-term, in accordance with the following policies:

The City will ensure safe, efficient, and sustainable movement of goods to support economic development and growth. The City will work with the Province, the Region, and neighbouring municipalities and agencies, as needed, to plan for a strategic goods movement network that promotes efficient and direct

access, supports economic growth, and maximizes safety;

The City shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified;

New development proposed on *adjacent lands* to existing or planned corridors and transportation facilities shall be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate, or minimize *negative impacts* on and from the corridor and transportation facilities;

- ii. In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a Provincial Highway within the Province's Permit Control Area under the *Public Transportation and Highway Improvement Act*, will be subject to the Ministry of Transportation approval; and
 - iii. Through the development approval process, the City shall encourage early consultation with the Province to ensure the integration of City planning initiatives with Provincial transportation planning. Any areas in the City identified for future development that are located adjacent to or in the vicinity of a Provincial Highway or interchange/intersection within the Permit Control Area, or a future Provincial Highway or future interchange/intersection, will be subject to the Province's policies, standards, and requirements. Direct access will be discouraged and often prohibited.
- c) **Niagara River Parkway** – The Niagara River Parkway is considered to be a scenic road that is classified as a controlled access highway. This road network functions primarily as an arterial roadway for the benefit of tourist traffic along the Niagara River. Design, road allowance widths, use, alignment, and access are regulated by the Niagara Parks Commission.
- d) **Regional Roads** – Regional roads are designed to move large volumes of traffic and function as secondary highways and primary arterial roads for the movement of

people and goods. Design, road allowance width, use, alignment, and access are regulated by the Region of Niagara. Wayfinding signage along Regional Roads will be coordinated with the Region to ensure consistent implementation.

- e) **Arterial Roads** – Arterial Roads are designed to accommodate large volumes of traffic between major land use and/or other arterial roads. They generally include 2 to 6 traffic lanes and are under the jurisdiction of the City.
 - i. Arterial Roads shall have priority over Collector Roads and Local Roads in terms of access restrictions, road improvements, intersection improvements, and maintenance; and
 - ii. Where direct access is permitted, the use of shared driveways for larger development projects will be encouraged.

f) **Collector Roads**

Major Collector Roads are designed to accommodate moderate-to-high volumes of medium-distance traffic between Minor Collector Roads and Arterial Roads.

- i. Direct access to a Major Collector Road shall be regulated by the City to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted, as determined by a Traffic Impact Study or Brief.

Minor Collector Roads are designed to accommodate moderate volumes of medium-distance traffic between Local Roads and Major Collector Roads or Arterial Roads. Minor Collector Roads in the urban area are generally confined to residential neighbourhoods. There are generally no restrictions to access other than providing adequate setbacks at intersections.

- g) **Local Roads** – Local Roads are intended to provide access to abutting properties and carry traffic predominantly of a local nature. Local Roads should be designed to discourage the movement of through-traffic.
 - i. The City may consider a reduction in the right-of-way width identified in **Table 1** where supported by a

Traffic Impact Study, or Right-of-Way Impact Assessment.

- h) **Private Roads** – The City may consider development on existing private roads through a *Planning Act* application subject to a Traffic Impact Study that the Private Road has the capacity to handle additional traffic, and that other City interests, including emergency access, garbage collection, connectivity, and long-term road maintenance can be secured and achieved. Private roads shall:
- i. Predominantly be created by condominium description and shall have direct access to a year-round road that is under the jurisdiction of the City;
 - ii. Be subject to a condominium agreement, or where necessary, a development agreement with the City addressing such matters as limitations on provision of parking, services and/or maintenance, landowner responsibilities, and warning clauses;
 - iii. Not be assumed by the City except under extenuating circumstances where the City considers it to be in the public interest and deems it appropriate based on the following:
 - A 20 metre right-of-way width will be obtained, except where a Traffic Impact Study or Brief justifies a right-of-way width less than 20 metres;
 - The costs of upgrading the Private Road will be borne by the affected property owners; and.
 - An amendment to this Plan is not required.
 - The Private Road is be brought up to an acceptable City standard and be developed to an appropriate standard to accommodate emergency service vehicles, waste collection and utilities, as well as any other engineering standards approved or deemed acceptable by the City or Region related to road functionality, *active transportation*, snow removal, waste collection, or other identified matters.
- i) The City has jurisdiction over public roads, and pedestrian and bicycle path facilities which serve a primarily local function. Those roads facilities which serve Regional and Provincial functions are the responsibility of the Region and the Province of Ontario, respectively.

Planned Road Allowance Widenings

7.1.2.8 The proposed road allowance widths within the City are listed in **Table 1 – Road-Widening Allowances**.

Table 1 – Road Allowances (m)

Road	From	To	Regional Arterial	City Arterial	Major Collector	Minor Collector
Ailanthus Avenue	McLeod Road	Dunn Street	-	-	-	23
Alex Avenue	McLeod Road	Crimson Drive	-	-	-	20
Allendale Ave	Ferry Street	Dixon Street	-	-	23	-
Alpine Drive	Montrose Road	Paddock Trail Drive	-	-	-	20
Badger Road	Charnwood Avenue	Montrose Road	-	-	-	20
Baker Road	Lapp Road	East City Limit	-	-	-	23
Barker Street	Dorchester Road	Main Street	-	-	-	20
Beaverdams Road	Thorold Townline Road	Kalar Road	-	26	-	-
Beaverdams Road	Kalar Road	Lundy's Lane	-	-	23	-
Beck Road	Lyons Creek Road	Gonder Road	-	-	-	23
Beechwood Road	Taylor Road	Brown Road	-	26	-	-
Bender Street	Victoria Avenue	Falls Avenue	-	-	23	-
Biggar Road	West City Limit	Montrose Road	-	26	-	-
Bossert Road	Beck Road	King Road	-	-	26	-
Bossert Road	King Road	Ort Road	-	-	-	23
Bossert Road	Ort Road	Niagara Parkway	-	-	26	-
Bridge Street	Stanley Avenue	Victoria Avenue	20.1	-	-	-
Bridge Street	Victoria Avenue	River Road	23.2	-	-	-
Brookdale Drive	Thorold Stone Road	Preston Avenue	-	-	-	20
Brown Road	West City Limit	Montrose Road	-	26	-	-
Buchanan Avenue	Ferry Street	Highway 420	-	-	26	-
Buttrey Street	Victoria Avenue	River Road	-	-	-	20
Caledonia Street	Dorchester Road	Dunn Street	-	-	-	20
Canadian Drive	Montrose Road	Pin Oak Drive	-	-	23	-
Cardinal Drive	Montrose Road	Thorold Stone Rd	-	-	-	23
Carl Road	McCredie Road	West City Limit	-	-	-	20
Caronpost Road	Willoughby Drive	East City Limit	-	-	-	20
Casey Street	Dorchester Road	Harriman Street	-	-	-	20
Catalina Street	Kalar Road	Pitton Road	-	-	-	20
Charnwood Avenue	Montrose Road	Montrose Road	-	-	-	20
Chippawa Creek Rd	West City Limit	Montrose Road	26.2	-	-	-
Chippawa Parkway	Dorchester Road	Stanley Avenue	-	26	-	-
Chippawa Parkway	Stanley Avenue	Portage Road	-	-	23	-
Church's Lane	St. Paul Avenue	Whirlpool Road	-	-	-	23
Clark Avenue	Ferry Street	Robinson Street	-	-	26	-
Clifton Hill	Victoria Avenue	River Road	-	-	23	-
Corwin Crescent	Drummond Road	Stokes Street	-	-	-	20
Crimson Drive	Drummond Road	Alex Avenue	-	-	-	20
Dell Road	Lyons Creek Road	Reixinger Road	-	-	-	23
Detenbeck Road	Ort Road	Niagara Parkway	-	-	-	23

Road	From	To	Regional Arterial	City Arterial	Major Collector	Minor Collector
Dixon Street	Allendale Avenue	Fallsview Blvd	-	-	26	-
Don Murie Street	Stanley Avenue	West Limit	-	-	26	-
Dorchester Road	Chippawa Parkway	Oldfield Road	-	26	-	-
Dorchester Road	Oldfield Road	McLeod Road	-	26	-	-
Dorchester Road	Mountain Road	McLeod Road	-	26	-	-
Drummond Road	Thorold Stone Road	McLeod Road	-	26	-	-
Dunn Street	Dorchester Road	Drummond Road	-	-	20	-
Dunn Street	Drummond Road	Stanley Avenue	-	26	-	-
Earl Thomas Avenue	Progress Street	Don Murie Street	-	-	26	-
Ellen Avenue	Ferry Street	Walnut Street	-	-	20	-
Falls Avenue	Rainbow Bridge	Clifton Hill	-	-	20	-
Fallsview Boulevard	Ferry Street	Livingstone Street	-	-	26	-
Ferguson Street	Victoria Avenue	River Road	-	-	-	20
Ferry Street	Stanley Ave	Victoria Avenue	-	26	-	-
Ferry Street	Main Street	Stanley Avenue	23.2	-	-	-
Frederica Street	Dorchester Road	Drummond Road	-	-	-	20
Gallinger Street	Drummond Road	Portage Road	-	43	-	-
Garner Road	Mountain Road	Chippawa Creek Rd	-	26	-	-
Glengate Street	Drummond Road	Pettit Avenue	-	-	-	20
Gonder Road	Montrose Road	Beck Road	-	-	-	20
Grassy Brook Road	Montrose Road	West Limit	-	-	-	23
Harriman Street	Harte Circle	Dorchester Avenue	-	-	-	20
Harvard Avenue	Wiltshire Boulevard	Oxford Street	-	-	-	20
Heartland Forest Blvd	Brown Road	Chippawa Creek Rd	-	26	-	-
Hiram Street	River Road	Ontario Avenue	-	-	23	-
Jubilee Drive	McLeod Road	Dorchester Road	-	-	-	20
Kalar Road	Mountain Road	Montrose Road	26.2	-	-	-
Kalar Road	Montrose Road	Thorold Stone Rd	-	26	-	-
Kalar Road	Thorold Stone Road	McLeod Road	-	30	-	-
Kalar Road	McLeod Road	Brown Road	-	26	-	-
King Road	Bossert Road	Baker Road	-	-	26	-
Kister Road	Ramsey Road	Chippawa Parkway	-	-	26	-
Kitchener Street	Victoria Avenue	Portage Road	-	-	-	20
Koabel Road	Montrose Road	Willodell Road	-	-	26	-
Lapp Road	Baker Road	South City Limit	-	-	26	-
Lemon Road	Montrose Road	Willodell Road	-	-	-	23
Lincoln Street	Crowland Avenue	West Limit	-	-	-	23
Livingstone Street	Stanley Avenue	Fallsview Blvd	-	-	26	-
Logan Road	Beck Road	Ort Road	-	-	-	23
Lundy's Ln (Hwy 20)	West City Limit	Garner Road	35	-	-	-
Lundy's Ln (Hwy 20)	Garner Road	Main Street	26.2	-	-	-

Road	From	To	Regional Arterial	City Arterial	Major Collector	Minor Collector
Lyon's Creek Road	Montrose Road	Sodom Road	26.2	-	-	-
Main St (Chippawa)	Willoughby Drive	Niagara Parkway	-	-	23	-
Main St (Chippawa)	Sodom Road	Willoughby Drive	-	26	-	-
Main Street	Fallsview Boulevard	Summer Street	-	-	23	-
Marineland Parkway	Stanley Avenue	Portage Road	-	26	-	-
Marineland Parkway	McLeod Road	Stanley Avenue	30.5	-	-	-
Marshall Road	Willodell Road	Niagara Parkway	-	-	-	23
Matthews Drive	Mount Carmel Blvd	Montrose Road	-	-	-	23
Mayfair Drive	Sinnicks Avenue	Swayze Drive	-	-	-	20
McCourt Road	Willodell Road	Beck Road	-	-	-	23
McCredie Road	Carl Road	Willodell Road	-	-	-	23
McGarry Drive	Kalar Road	West Limit	-	-	-	23
McKenney Road	Grassy Brook Road	Young Road	-	-	-	23
McKenney Road	Schisler Road	Netherby Road	-	-	-	23
McLeod Road	Oakwood Drive	Marineland Pkwy	30.5	-	-	-
McLeod Road	Thorold Townline Rd	Montrose Road	-	30	-	-
McRae Street	Stanley Avenue	Victoria Avenue	-	-	-	20
Mewburn Road	Mountain Road	Scholfeld Street	-	-	-	20
Mewburn Road	Mountain Road	North City Limit	-	26	-	-
Miller Road	Sodom Road	Niagara Parkway	-	-	-	23
Misener Road	Carl Road	Schisler Road	-	-	-	23
Misener Road	Yokom Road	Netherby Road	-	-	-	23
Montrose Road	Kalar Road	McLeod Road	26.2	-	-	-
Montrose Road	McLeod Road	Welland River	30.5	-	-	-
Montrose Road	Welland River	South City Limit	26.2	-	-	-
Morningstar Road	King Road	Sodom Road	-	-	-	23
Morris Road	Lincoln Street	Netherby Road	-	26	-	
Morris Road	Grassy Brook Road	Schisler Road	-	-	26	-
Morrison Street	Montrose Road	Dorchester Road	-	30	-	-
Morrison Street	Dorchester Road	Stanley Avenue	-	26	-	-
Morrison Street	Stanley Avenue	Victoria Avenue	-	-	20	-
Morrison Street	Victoria Avenue	Ontario Avenue	-	-	-	20
Mount Carmel Blvd	Kalar Road	Montrose Road	-	-	-	23

Road	From	To	Regional Arterial	City Arterial	Major Collector	Minor Collector
Mountain Road/ Portage Road	Taylor Rd (Beechwood Rd)	Portage Road	26.2	-	-	-
Murray Street	Allendale Avenue	River Road	-	-	26	-
Netherby Road	West City Limit	Montrose Road	30.5	-	-	-
Niagara Townline Rd	St. Paul Ave	Stanley Avenue	26.2	-	-	-
North Street	Drummond Road	Stanley Avenue	-	-	23	-
North Street	Stanley Avenue	Buchanan Avenue	-	-	26	-
O'Neil Street	Dorchester Road	Portage Road	-	-	-	20
Oakwood Drive	McLeod Road	Montrose Road	-	-	23	-
Old McLeod Road	Ailanthus Avenue	East Limit	-	-	23	-
Olden Avenue	Mountain Road	Casey Street	-	-	-	20
Oldfield Road	Dorchester Road	Drummond Road	-	-	26	-
Ontario Avenue	Park Street	Palmer Avenue	-	-	20	
Ontario Avenue	Hiram Street	Bender Street	-	-	-	20
Ort Road	Bossert Road	Baker Road	-	-	-	23
Oxford Street	Harvard Avenue	Dorchester Road	-	-	-	20
Paddock Trail Drive	Kalar Road	Brookdale Drive	-	-	-	20
Palmer Avenue	Ontario Avenue	Bender Street	-	-	20	-
Park Street	Victoria Avenue	River Road	-	-	20	-
Pettit Avenue	Dorchester Road	Glengate Street	-	-	-	20
Pin Oak Drive	McLeod Road	South Limit	-	-	26	-
Pitton Road	Catalina Street	Westwood Street	-	-	-	20
Portage Road	Stanley Avenue	Mountain Road	26.2	-	-	-
Portage Road	Mountain Road	O'Neil Street	-	-	23	-
Portage Road	Thorold Stone Rd	O'Neil Street	-	26	-	-
Portage Road	Thorold Stone Rd	Gallinger Street	-	20	-	-
Portage Road	Summer Street	Gallinger Street	-	-	23	-
Portage Road	Fallsview Blvd	Marineland Pkwy	-	-	26	-
Portage Road	Marineland Parkway	Front Street	-	26	-	-
Preakness Street	Paddock Trail Drive	Montrose Road	-	-	-	23
Preston Avenue	Alpine Drive	Brookdale Drive	-	-	-	20
Progress Street	Stanley Avenue	West Limit	-	-	26	-
Queen Street	Victoria Avenue	River Road	-	-	23	-
Ramsey Road	Stanley Avenue	Kister Road	-	-	26	-
Reixinger Road	West Limit	Lyons Creek Road	-	-	-	23
Reixinger Road	Stanley Avenue (West)	Ort Road	-	-	-	23
Riall Street	Dorchester Road	St. Paul Avenue	-	-	-	20
Ridge Road	Montrose Road	West Limit	-	-	23	-
Roberts Road	Stanley Avenue	Falls Road	41.2	-	-	-
Robinson Street	Allendale Avenue	Queen Victoria Pk	-	-	26	-
Sauer Road	Willodell Road	Sodom Road	-	-	26	-

Road	From	To	Regional Arterial	City Arterial	Major Collector	Minor Collector
Schaubel Road	Schneider Road	South Limit	-	-	-	23
Schihi Road	Netherby Road	South City Limit	26.2	-	-	-
Schisler Road	West City Limit	Misener Road	30.5	-	-	-
Schisler Road	Misener Road	Montrose Road	26.2	-	-	-
Schisler Road	Montrose Road	Beck Road	-	-	26	-
Schneider Road	Montrose Road	Schaubel Road	-	-	-	23
Sherk Road	King Road	Ort Road	-	-	-	23
Sherk Road	Sodom Road	Niagara Parkway	-	-	-	23
Sinnicks Avenue	Thorold Stone Road	Mayfair Drive	-	-	-	20
Sodom Road	South City Limit	Lyon's Creek Road	26.2	-	-	-
Somerville Road	Sodom Road	Niagara Parkway	-	-	-	23
St. Paul Avenue	O'Neil Street	Mountain Road	-	26	-	-
St. Paul Avenue	Mountain Road	North City Limit	26.2	-	-	-
Stanley Avenue	Niag. Townline Road	Highway 420	26.2	-	-	-
Stanley Avenue	Highway 420	Lyon's Creek Road	30.5	-	-	-
Stanley Avenue	Lyon's Creek Road	Marshall Road	-	-	26	-
Swayze Drive	Portage Road	Stanley Avenue	-	-	-	23
Taylor Road	Thorold Townline Road	North City Limit	26.2	-	-	-
Thorold Stone Road	West City Limit	Garner Road	42	-	-	-
Thorold Stone Road	Garner Road	Stanley Avenue	26.2	-	-	-
Thorold Stone Road	Stanley Avenue	Bridge Street	30.5	-	-	-
Thorold Townline Rd/ Taylor Rd	Brown Road	North City Limit	26.2	-	-	-
Valley Way	Drummond Road	Queen Street	-	-	23	-
Victoria Avenue	Ferry Street	Highway 420	-	26	-	-
Victoria Avenue¹	Highway 420	Bridge Street	-	-	-	23
Victoria Avenue	Bridge Street	Niagara Parkway	-	26	-	-
Watson Street	Montrose Road	Beaverdams Road	-	-	-	20
Weaver Road	Ort Road	Niagara Parkway	-	-	26	-
Weinbrenner Road	Sodom Road	Willoughby Drive	-	-	-	23
Westwood Avenue	Charnwood Avenue	Kalar Road	-	-	-	20
Willick Road	Ort Road	Willoughby Drive	-	-	-	23
Willodell Road	Lyons Creek Road	Schneider Road	-	-	23	-
Willoughby Drive	Cummington Square	Weaver Road	-	-	26	-
Willoughby Drive	Weaver Road	Somerville Road	-	-	23	-
Woodbine Street	Kalar Road	Montrose Road	-	-	-	23
Woodgate Street	Dorchester Road	Olden Avenue	-	-	-	20
Yokom Road	Montrose Road	West Limit	-	-	-	23
Young Road	Montrose Road	West Limit	-	-	-	23

- 7.1.2.10 Collector Roads and segments not identified in **Table 1** shall have a minimum right-of-way width of 20 to 23 metres.
- 7.1.2.11 All local road allowances are encouraged to be 20 metres in except where a reduced local road allowance width is supported by a Traffic Impact Study and approved by Council.
- 7.1.2.12 Where an Arterial or Collector Road is to be widened, a Traffic Impact Study or Brief may be required to support development not providing the required road widening as identified in **Table 1** in certain circumstances, such as interference with an existing building.
- 7.1.2.13 The road allowance for an Arterial, Collector, or Local Road may include turning lanes, on-street parking facilities, bicycle facilities, shared-use lanes and paved shoulders, landscaping, sidewalks and utility controls, and traffic and parking controls.
- 7.1.2.14 The City or Region will obtain road allowance and intersection widenings in accordance with this Plan through the development approval process under the *Planning Act* or the purchase approval process as permitted under the *Planning Act*. Any road widening required to achieve the road width identified on **Table 1** shall:
- a) Be provided at no cost to the City or Region;
 - b) Be free and clear of all encumbrance, encroachments, and improvements unless otherwise agreed to by the City; and
 - c) Provide the City or Region with an Ontario Land Surveyor certificate noting that all legal survey documentation on the widened road allowance is in place.
- 7.1.2.15 A road widening required as a condition of a development approval process under the *Planning Act* shall be acquired equally from both sides of the centreline wherever feasible. Where conditions require a larger widening on one side, no more than 50 percent of the widening shall be required through development approval. Additional land may be acquired by other means.

Other Road Allowance Widenings

- 7.1.2.16 Additional Road allowance width may be required for sightlines/sight triangles, channelization, grade separation, storm drainage requirements, cuts, fills, extra lanes at intersections and for accommodating bicycles, sidewalks, and landscaping, as required to meet accepted engineering design

standards. Where additional land is required for any or all of these improvements, it shall be subject to any requirements of the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act*, and the *Public Transportation and Highway Improvement Act*, including dedication of the land. The City or Region may take additional road allowance widenings:

- a) For cut and fill purposes where the proposed road configuration cannot be achieved within the designated road allowance;
- b) To provide sufficient distances and room for auxiliary turn lanes, roundabouts, pedestrian/cycling/transit facilities, street illumination, and/or for traffic control devices; and/or
- c) At intersections to provide for daylighting triangles as follows:

City Roads

- i. Local Road to any other Road – 5 metres x 5 metres;
- ii. Minor Collector Road to Minor Collector Road – 5 metres x 5 metres;
- iii. Minor or Major Collector Road to Major Collector Road – 7 metres x 7 metres;
- iv. Minor Collector Road to Arterial Road – 7 metres x 7 metres;
- v. Major Collector/Arterial Road to Arterial Road – 12 metres x 12 metres; or
- vi. All intersections located within the Rural/Agricultural Area – 15 metres x 15 metres.

Regional Roads

- i. Urban (signalized) – 10 metres x 10 metres;
- ii. Urban (non-signalized) – 6 metres x 6 metres; or
- iii. Rural – 15 metres x 15 metres.

7.1.2.17 The conveyance of land under 7.1.2.16 shall be required at no cost to the City or Region as a condition of development. Additional land that exceeds the road allowance widths

identified in Table 1 or 7.1.2.16 may be acquired by the City or Region at its own expense, without an amendment to this Plan.

- 7.1.2.18 The City may require a 0.3 metre reserve from any property abutting a City or Regional Road to restrict access to the road through a development application under the *Planning Act*.

Unopened Road Allowances

- 7.1.2.20 Unopened road allowances are to be preserved as publicly accessible, but their level of service is dependent on their environment, land use status and ease of access.
- 7.1.2.21 The use of public road allowances as private road access to individual properties should not be permitted unless it is deemed by the City to be in the public interest. Where permitted, the affected landowner(s) may be required to enter into an agreement with the City to cover such matters as financial contribution, liability insurance, road standards, stormwater management and construction mitigation measures and a rehabilitation plan.

Vehicle Access to Lots

- 7.1.2.22 Access points to off-street parking or loading areas shall be limited in number and designed in a manner that provides for the adequate and safe movement of vehicle and pedestrian traffic.
- 7.1.2.23 Large development projects should use shared driveways within *settlement areas*.
- 7.1.2.24 The existence of multiple entrances to a parcel of land does not imply that additional lots can be created.

7.1.3 Active Transportation and Complete Streets

- 7.1.3.1 The City's existing and planned active transportation network is shown on **Schedule 6 – Active Transportation Plan**. Four types of active transportation routes are identified:
- a) Spine Routes – major routes, primarily located along arterial or collector roadways, that provide residents and visitors access to most destinations. Major existing and proposed trails are also included. Spine Routes should be designed to accommodate and attract people of all ages and abilities.
 - b) Connector Routes – provide connectivity between Spine Routes by closing gaps in the network typically on local and

collector roadways where there is less need for physical separation between active users and motor vehicles.

- c) Local Routes – local connections on neighbourhood streets with low traffic volumes and low speeds.
- d) Rural Routes – connections beyond the urban areas connecting those who live in rural areas and adjoining communities and may be used for both recreation and utility purposes.

7.1.3.2 Schedule 6 – Active Transportation Plan shall be consulted through development applications to support a highly interconnected system between transit nodes, *public service facilities*, and other key destinations such as residential, employment and/or recreational areas for the broadest range of users and at all levels of ability.

7.1.3.3 The City may adjust the location and/or alignment of existing and future active transportation facilities identified on **Schedule 6 – Active Transportation Plan** to accommodate the actual on-ground route, and to respond to new opportunities and/or constraints without the need for an amendment to this Plan.

Implementing the City's Active Transportation Master Plan

7.1.3.4 Schedule 6 – Active Transportation Plan shall inform the provision of public facilities for Active Transportation such as bicycle or shared-use lanes, separated and protected lanes within road allowances, paved shoulders of rural roads, off-road recreational trails, bicycle parking facilities and sidewalks to the extent that is financially feasible. Future development and *redevelopment* shall be consistent with the requirements and guidelines in the Active Transportation Master Plan.

The Region's Strategic Cycling Network

7.1.3.5 The City supports the Implementation of the Strategic Cycling Network of the Region's Transportation Master Plan (2017) with the aim of improving cycling connections to and within Niagara Falls.

7.1.3.6 The City will promote a Complete Streets approach to address the needs, safety, and convenience of pedestrians and cyclists when constructing or reconstructing Active Transportation facilities and support:

- a) Built forms and mixed-land uses that encourage active transportation choices adjacent to active transportation facilities;
- b) A comprehensive pedestrian sidewalk network throughout the City that creates direct, convenient, safe, and frequent connections between destinations and points of interest, including the Queen Street historic downtown, the Entertainment District, hospitals, schools and other institutions/public service facilities, and within a 200 metres radius of a transit stop; and,
- c) New public roads that accommodate bicycle lanes, sidewalks, multi-use pathways, and/or a combination thereof, shall provide such *infrastructure* on both sides of the road, unless otherwise exempted by the City.

Securing Land for Active Transportation Facilities

- 7.1.3.7 Lands owned by the City or obtained by donation, dedication, or through direct purchase may be considered in coordination with other upgrades such as servicing through comprehensive planning to support the active transportation network.
- 7.1.3.8 The City may obtain easements and/or enter into agreements with private landowners for the use of lands for temporary or permanent Active Transportation facilities.
- 7.1.3.9 The City may require the dedication of trails and/or any lands for the accommodation of Active Transportation facilities in accordance with the provisions of the *Planning Act*, as a condition of development approval.

The Design of Active Transportation Facilities

- 7.1.3.10 Active Transportation facilities shall be designed to:
 - a) Provide comfortable, safe, pedestrian-friendly, and cycling-friendly environments which may include shade trees, street furniture, bicycle racks, lighting and signed and safe street crossings and other traffic controls;
 - b) Minimize road crossings and, where viable, pedestrian overpasses/underpasses should be constructed where Active Transportation facilities intersect major roads;
 - c) Include sidewalks with sufficient width to accommodate accessible and comfortable pedestrian flows and personal mobility devices;

- d) Minimize hazard and conflict exposures through the provision of adequate lighting, signage and wayfinding, as well vehicle speed management;
- e) Incorporate changes in elevation and direction; however, steep grades should be avoided;
- f) Incorporate travel surfaces appropriate for the intended type of traffic (pedestrians/bicycles/snowmobiles, etc.), and be of a low maintenance material; and
- g) Be parallel to area roads and, as far as possible, be separated by planters, landscaping or other alternative forms from the traveled surface of the road.

7.1.4 Public Transit

- 7.1.4.1 The City will ensure that all development proposals in areas serviced by public transit shall be designed to support the provision of an efficient, convenient and safe public transit service. The City will encourage the use of public transportation through such means as:
 - a) Locating higher density housing, commercial and mixed use developments and major *employment areas* along major transit routes and within 800 metres of transit stops; and
 - b) Including public transit facilities in the consideration of development proposals.
- 7.1.4.2 The City may require development proposals to provide the dedication of a public transit right-of-way and lands for related transit facilities, at no public expense, to support the City's broader *transportation system*.
- 7.1.4.3 The layout of new arterial and collector roads shall promote efficient and direct transit routes within and between neighbourhoods and the City's key destinations and points of interest.

7.1.5 Parking

Bicycle Parking

- 7.1.5.1 Bicycle parking standards and regulations for all land uses shall be provided in the Implementing Zoning By-law. Minimum and maximum parking standards may be defined to promote *active transportation* and the efficient use of land.
- 7.1.5.2 The integration of bicycle parking and storage facilities within developments shall be considered as part of the development approvals process for all commercial, employment, and multiple-unit residential development.
- 7.1.5.3 Bicycle parking shall be provided in locations that are close to building entrances but situated to avoid any conflicts for movement along pedestrian routes.
- 7.1.5.4 The Implementing Zoning By-law may require the provision of secure bicycle parking facilities in a conspicuous location, long-term bike parking areas within buildings, and lockers and conveniences for employees who bike to work. A reduction in the number of required vehicle parking spaces may be considered by the City where bicycle parking facilities are provided.

Vehicle Parking

- 7.1.5.5 Vehicle parking standards and regulations for all land uses shall be provided in the Implementing Zoning By-law. Minimum and maximum parking standards may be defined, along with requirements for barrier-free parking, motorcycle or e-bike parking, loading and delivery spaces, and parking for other mobility types.
- 7.1.5.6 Proponents shall consider the inclusion of electric vehicle parking.

Parking Standards

- 7.1.5.7 The City may consider reductions to the parking requirements of the Implementing Zoning By-law for:
 - a) Properties within an area or areas where the City is satisfied through a transportation demand review that adequate alternative parking facilities are available, or that sufficient transit exists or is planned, or is to be provided along with adequate *Transportation Demand Management* measures.

- b) Specific housing types including *Affordable Housing*, *Additional Residential Units*, and/or *Additional Needs Housing* where the City is satisfied that adequate parking facilities can be provided on-site, or in proximity to the site, or where sufficient transit or Active Transportation facilities exist to serve the residents and/or employees and visitors to the development.

Payment-In-Lieu of Parking

- 7.1.5.8 The City may enter into an agreement with a property owner for the exemption from providing parking facilities in exchange for the payment of money to the municipality, pursuant to the provisions of the *Planning Act*. All money received by the City under such an agreement shall be paid into a special account that is to be used to offset municipal expenses related to the provision of parking. The property owner shall demonstrate that adequate municipal parking, private parking or transit options are available within a 500 metre walking distance.

Commercial Parking Facilities to be subject to Site Plan Approval

- 7.1.5.9 Commercial parking facilities will be subject to Site Plan approval, and designed, constructed, and maintained to be consistent with the City's Urban Design Guidelines and any other applicable master plan or strategy.

Required Parking on Leased Land

- 7.1.5.10 Where required parking is to be provided on leased lands, the proponent shall enter into an agreement with the City that should the lease end, parking will need to be provided on-site or within 250 meters of the development site tied to zoning and site plan control.

7.2 Water, Wastewater, and Stormwater Services

It is the intent of this Plan to ensure coordination exists when planning infrastructure. Any expansion of existing and planned urban municipal water, wastewater, and stormwater management facilities should have consideration with the development of the transportation system, as well as with public or private utility projects.

The policies of this section promote efficient and cost-effective urban municipal water, wastewater, and stormwater management systems within the Settlement Area Boundary that serves and promotes urban development.

In addition, policies ensure that appropriate privately owned and maintained water, wastewater, and stormwater management systems will serve existing and limited new development within the Rural and Agricultural Areas of the City.

7.2.1 Municipal Water and Wastewater Service Infrastructure

Implementing the Master Servicing Plan

- 7.2.1.1 All development and public works shall be consistent with the requirements and guidelines in the City's and Region's Master Servicing Plans, which provides requirements and guidelines with respect to water and wastewater *infrastructure*.

Urban Infrastructure is Required within the Settlement Area

- 7.2.1.2 All development within the identified Settlement Area Boundary shall be connected to and utilize municipal water and wastewater service *infrastructure*, unless otherwise exempted by this this Plan.
- 7.2.1.3 Any extensions of municipal water and wastewater systems shall have approval through the current water licenses and sewage disposal system approvals from both the City and Region.

Life Cycle Management

- 7.2.1.4 Land use planning and future urban development will be supported by urban municipal water and wastewater *infrastructure* that considers the full life cycle costs of these assets and options to pay for these costs over the long-term, as well as meet the requirements of forecasted growth within the identified Settlement Area Boundary.

General Policies

- 7.2.1.5 High water users or strong effluent producing uses shall be required to submit appropriate technical studies that confirm that it can be adequately served by the City's water and/or wastewater systems.
- 7.2.1.6 The City will encourage the co-location of linear water and wastewater service *infrastructure* wherever possible in planning for the expansion of existing and planned transportation and/or other *infrastructure* or utility corridors.
- 7.2.1.7 The timing of extension of services or service improvements will be informed by the Development Charges Background Study. Those not listed in the Background Study will be timed and funded privately as a result of a development application.

Design – Water Service Infrastructure

- 7.2.1.8 Water servicing *infrastructure* shall be designed, constructed, and maintained to:
 - a) Provide adequate service to proposed development;
 - b) Provide sufficient quantity and flow to meet capacity for domestic use and fire protection;
 - c) Accommodate full development of the service area; and
 - d) Satisfy the engineering/development standards of the City and/or any agency with jurisdiction.

Design – Wastewater Service Infrastructure

- 7.2.1.9 Wastewater servicing *infrastructure* shall be designed, constructed, and maintained to:
 - a) Provide adequate service to proposed developments;
 - b) Accommodate the full development of the drainage area;
 - c) Utilize gravity flow wherever possible, to avoid the need for pumping stations and other mechanical infrastructure;
 - d) Protect the natural characteristics of the landscapes in which they are located; and
 - e) Satisfy the engineering/development standards of the City and/or any agency with jurisdiction.

- 7.2.1.10 Lands served by private wastewater facilities within the Settlement Area Boundary, shall be, prior to development, properly decommissioned and connected to municipal sanitary sewers and water services when available.

7.2.2 Private, Partial, and Communal Services

Within the Settlement Area Boundary

- 7.2.2.1 The efficient use of full municipal water and wastewater services in conjunction with new urban development is a goal of this Plan. The City does recognize that certain lands, may only be serviced by private water and sanitary sewage disposal systems or partial services. In order to avoid unnecessary hardship, minor development may be permitted within these areas based on the servicing systems existing on the date of the adoption of this Plan and in accordance with the following policies:
- a) Minor extensions and enlargements to uses legally existing on the date of the adoption of this Plan may be permitted provided that the adequacy of the existing or proposed water supply and/or wastewater servicing system is demonstrated; or,
 - b) A vacant lot created prior to adoption of this Plan may be eligible for a building permit subject to compliance with the permitted use provisions and standards of this Plan and the Implementing Zoning By-law, provided the adequacy of the proposed method of water supply and wastewater disposal is demonstrated.
- 7.2.2.2 Development shall not be permitted on private, partial, or communal water and wastewater services where *municipal sewage services* and *municipal water services* are available, planned, or feasible.

Within the Rural/Agricultural Area

- 7.2.2.3 Outside of the Settlement Area Boundary:
- a) Development permitted in accordance with the policies of this Plan shall use individual on-site water and wastewater facilities provided that site conditions are suitable for the long term provision of such services with no *negative impacts*; and

- b) Multi-unit/lot development on the *private communal water* and *private communal sewage* facilities may be considered by the City provided that site conditions are suitable for the long term provision of such services with no *negative impacts*, to support protection of the environment and minimize potential risks to human health and safety.

Partial Services

7.2.2.4 Partial services shall only be permitted:

- a) Where they are necessary to address failed individual on-site water facilities and/or individual on-site wastewater facilities in existing development; or
- b) Within the identified Settlement Area, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Connections to Services Outside of the Settlement Area Boundary for Significant Tourism/Employment Generation

7.2.2.5 Connections to services from outside the Settlement Area Boundary can happen in limited situations where:

- a) Existing local urban services front the subject lands;
- b) The connection will result in a significant Regional or Provincial Investment Project; and
- c) There is capacity available beyond the needs of the land in the current Settlement Area boundary.

7.2.3 Stormwater Management Infrastructure

Implementing the Master Servicing Plan and Wet Weather Management Strategy

7.2.3.1 Development shall be consistent with the stormwater management *infrastructure* requirements and guidelines of the City's Master Servicing Plan and Wet Weather Management Strategy.

7.2.3.2 Stormwater management *infrastructure* shall adhere to best practices determined by the City, Ministry of the Environment,

Conservation and Parks, Conservation Authority and any other agency having jurisdiction.

Life Cycle Management

- 7.2.3.3 Land use planning will be supported by urban municipal stormwater management *infrastructure* that considers the full life cycle costs of these assets and options to pay for these costs over the long-term and meets the requirements of forecasted growth within the Settlement Area Boundary.

Design Policies

- 7.2.3.4 The design of stormwater management infrastructure shall:

- a) Meet the levels of quality control and quantity control established by the City, the Niagara Peninsula Conservation Authority and any other agency having jurisdiction;
- b) Ensure post-development runoff rates do not exceed pre-development flow rates unless otherwise supported by supplemental hydraulic analyses of the receiving system, and addresses quality control to the satisfaction of the City, the Conservation Authority and any other agency having jurisdiction;
- c) Minimize the impacts of development on *watershed* flow regimes including the relationship between groundwater, infiltration, discharge, and inflow;
- d) Retain existing tree cover or *natural heritage features* to the greatest extent possible, with significant natural areas to facilitate the absorption of surface water into the ground;
- e) Incorporate *Low Impact Development Best Management Practices* (LID BMPs) at source to promote infiltration and/or evapotranspiration, reduce post-development runoff volumes and enhance stormwater quality; and
- f) Provide for the protection of *fish habitat* and the maintenance of key *natural heritage features* and key hydrologic features, as well as the potential impacts of climate change.

- 7.2.3.5 A wet pond, where required, should be a landscaped feature, appropriately integrated into the parks and open space system

and outside the defined 1:100-year floodplain. A stormwater management facility shall not be accepted as parkland dedication or as part of the Natural Heritage Features Protection designation.

7.3 Public and Private Utilities

It is the intent of this Plan to ensure that new development is provided with adequate and appropriate public and private utilities and that utility providers are included in the planning and development process.

It is also the intent to ensure that planning for the expansion of existing and planned public and private utilities will be coordinated and phased in collaboration with the development of the transportation system, as well as with other infrastructure corridors.

7.3.1 Utilities and Telecommunications Facilities

- 7.3.1.1 All utilities and telecommunication facilities shall be located underground and be grouped into a single utility conduit, where feasible, in a road allowance or easement.
- 7.3.1.2 The City encourages the relocation of above-ground facilities to below-grade.
- 7.3.1.3 The City may establish location, design, and siting policies for facilities that are required to be located above grade, such as radiocommunications towers.
- 7.3.1.4 The City will support the provision of electronic communications technology involving high-capacity fibre optics to enhance telecommunications services.
- 7.3.1.5 Public and private utilities will be permitted in all land use designations and will be installed, where possible, within public road allowances. Where facilities cannot be located in a public road allowance, the provision of easements shall be permitted provided that their location does not detract from the function, amenity, or safety of adjacent land uses.
- 7.3.1.6 Any future high-voltage transmission lines should avoid existing residential areas and significant natural features and will be encouraged to locate among existing utility corridors or other rights-of-way, in order to minimize the fragmentation of properties.

- 7.3.1.7 Transmission lines should be coordinated with existing lines where feasible and, if above ground, should be designed so that the height is appropriate for the scale of the community.

7.3.2 Utility Services

- 7.3.2.1 The City shall encourage and, where necessary, participate with the various public or private utility agencies to ensure the utility services such as hydroelectric power, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the City. Council shall also ensure minimal disturbance to natural resources by the proposed utility services.
- 7.3.2.2 Utility services shall be developed to carefully integrate, where possible, with the general character of the surrounding uses through the provision of landscaping, screening, and buffering, siting of structures, height control, and any other measures may deemed to be appropriate by the City.
- 7.3.2.3 The City shall encourage and cooperate with the various public and private agencies in the planning of community mailboxes, hydro corridors, easements and facilities for utility services. Such services will be provided in a manner which can be integrated with the established or anticipated pattern of development.
- 7.3.2.4 All existing and new electricity generation facilities and transmission and distribution systems used directly for the generation and distribution of electric power that satisfy the requirements of the Environmental Assessment Act, and other relevant statutes, shall be permitted in any land use designation without an amendment to this Plan. Hydro One Networks Inc. is encouraged to consult with the City and take into account the established planning policies of the municipality.
- 7.3.2.5 Water supply and sewage treatment facilities and essential public uses of a linear nature such as utility, communication, and transportation facilities shall only be permitted within Natural Heritage Features if no other reasonable location is available. The impact of these facilities on agriculture and the environment should be minimized. Electricity generation facilities and transmission and distribution systems shall be considered a public utility.
- 7.3.2.6 Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory to

adjacent land uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of a hydro corridor is for electricity generation facilities and transmission and distribution systems, and that secondary uses require technical approval from Hydro One Networks Inc.

The requested policy would provide flexibility for future uses on hydro corridor lands. The inclusion of this policy offers clarity with respect to the types of secondary uses that are possible on hydro corridor lands, in accordance with the Provincial Secondary Land Use Program. Having these policies in place will also streamline the number of municipal planning approvals that a proponent must seek when they apply to Hydro One/IO for a secondary use.

- 7.3.2.7 Works within a Regional Road allowance will require Regional approval and be subject to the provisions of all applicable Regional policies, by-laws, standards and guidelines.

7.3.3 Gas and Oil Pipelines

- 7.3.3.1 Gas and oil distribution pipelines will be encouraged to locate within a road right-of-way or easement. The City shall encourage the location of pipelines according to regulations to minimize potential impacts on the function, safety, or amenity of adjacent land uses, or roadway operation when accessed.
- 7.3.3.2 Development shall recognize the constraints associated with being adjacent to linear *infrastructure* corridors. This may include setbacks from facilities for uses, buildings, or structures through the Implementing Zoning By-law.
- 7.3.3.3 High-pressure natural gas pipelines and an industrial compressor station operated by TransCanada PipeLines Limited (TCPL) are identified on Schedule 1 – Community Structure Plan and Schedule 2 – Land Use Designations and are subject to the following:
 - a) TCPL is regulated by the Canada Energy Regulator (CER), which has a number of requirements regulating development in proximity to the pipelines, including approval for activities within 30 metres of a pipeline centreline ;
 - b) The City shall require early consultation with TCPL for any development proposals within 200 metres of its facilities, as increased population density may result in TCPL being

required to replace its pipeline to comply with CSA Code Z662;

- c) Development within 750 metres of the TCPL compressor station may require a noise and vibration study, to be carried out by the proponent, to determine if provincial guidelines can be achieved, and if necessary, recommend appropriate mitigation;
- d) The use of pipeline right-of -way for passive parkland or open space is encouraged subject to TCPL's easement rights; and
- e) New development in proximity to a TCPL pipeline right-of-way shall incorporate appropriate setbacks in the City's Zoning By-law.

8.0 IMPLEMENTATION

This Section describes additional tools that will be utilized for the implementation of this Plan, as well as the approach to its review and Amendment. To a significant degree, this Plan will be reliant on the City's Zoning By-law, as well as a host of other key By-laws and Guidelines that will assist the City in planning for and approving new development.

8.1 The Province/Adjacent Municipalities

8.1.1 Provincial Legislation and Plans

- 8.1.1.1 The City shall implement this Plan through the use of the powers conferred upon it by a broad range of Provincial legislation including, but not limited to, the *Planning Act*, the *Municipal Act*, the *Ontario Heritage Act*, the *Development Charges Act*, and such other statutes as may be applicable and amended, including the passing of By-laws authorized by legislation.
- 8.1.1.2 The Province has issued Policy Statements on matters relating to municipal planning under Section 3 of the *Planning Act*. The Province has also issued the Greenbelt Plan under the *Greenbelt Act* and the Niagara Escarpment Plan under the *Niagara Escarpment Planning and Development Act*. Any development or *redevelopment* shall be consistent with the relevant Provincial policy statements and shall be in conformity with or shall not conflict with Provincial Plans that are in effect on the date of the approval of this Plan. Where there is a conflict between this Plan and any Provincial Act or policy statement, the more restrictive policies shall prevail.

8.1.2 Adjacent Municipalities

- 8.1.2.1 The City will have regard to the approved land use designations of adjacent municipalities through the review of development proposals.

8.2 Our Niagara Falls Plan

8.2.1 Review

- 8.2.1.1 A review of the policies of this Plan shall be conducted 5 years following the date of approval of this Plan and every 5 years following, in accordance with the requirements of the *Planning Act* and the Provincial Planning Statement (2024). The City may undertake more frequent reviews in response to changing legislation or policies, to achieve its stated planning objectives and to respond to planning issues and trends affecting the City.

8.2.2 Monitoring

- 8.2.2.1 The City may monitor development activity and changes in land use resulting from Plan amendments to evaluate the effectiveness of this Plan. Amendments to this Plan shall be considered, where deemed appropriate, in response to changes in the physical, social, or economic makeup of the City, and/or in response to new Provincial and/or municipal planning policy directives and priorities.
- 8.2.2.2 Monitoring and measuring the performance of this Plan is critical to determine if:
- a) The assumptions inherent to this Plan remain valid;
 - b) The implementation of the policies fulfills the overall Vision Statement, Key Directions, and the intent of the policies of this Plan;
 - c) Growth estimates and associated *intensification*, density, and *affordable* housing targets identified in this Plan are being met;
 - d) The priorities identified in this Plan remain constant or require change; and
 - e) That development is being carried out in conformity with the policies of this Plan and consistent with the associated City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws that support this Plan.
- 8.2.2.3 Monitoring will evaluate the effectiveness of the designations and policy framework to meet the identified targets, estimates or forecasts throughout this Plan:

8.2.3 Legal Non-conforming Uses, Buildings, or Structures

- 8.2.3.1 It is recognized that there are uses that were legally operating at the day of adoption of the Zoning By-law that do not conform to the policies of this Plan and are not permitted uses in the implementing Zoning By-law. The long-term intent of this Plan is that these legal non-conforming uses will cease to exist and be replaced by a use that conforms with this Plan.
- 8.2.3.2 When a legal non-conforming use seriously impacts the surrounding area, consideration will be given to the possibility of reducing or eliminating those impacts, especially when public health and welfare are directly affected. Where the incompatibility is serious, the City may undertake measures that it deems necessary to remove or relocate such uses.
- 8.2.3.3 An existing non-conforming use, building, or structure destroyed by fire or natural disaster may be rebuilt provided that the dimensions of the building and/or structure are not substantially increased, the use of the building and/or structure is not substantially altered, and all applicable approvals are obtained.
- 8.2.3.4 The City may evaluate the possibility and feasibility of acquiring a property with an existing non-conforming use, building, or structure at the time of the submission of an application for an extension or enlargement. At the same time, consideration may also be given to the possibility of relocating the use to a location where it is permitted within the associated Land Use Designation, and it would be able to function under improved conditions in accordance with the policies of this Plan.
- 8.2.3.5 The City, or its delegate may pass By-laws or otherwise facilitate the extension and/or enlargement of legal non-conforming use(s) on that portion of the lands which the activity is located without an amendment to this Plan provided that the applicant has demonstrated that:
 - a) The use would not pose public health or safety risks or *negative impacts* on *groundwater* and surface water quality and quantity, and is not located within or adjacent to *hazardous lands*, *hazardous sites*, or human-made hazards;
 - b) The use is compatible with and would not result in *adverse effects* on a sensitive land use;

- c) Necessary municipal services such as storm drainage, water supply, sanitary sewage disposal facilities, and road capacity and parking facilities are available or can be made available;
- d) There will be no negative traffic impacts;
- e) There is a demonstrated need for the use and adequate screening, buffering, and other appropriate landscaping can be accommodated;
- f) The legal non-conforming use of land, buildings, or structures has been a continuous use and confirmed as legally permitted prior to the change that resulted in its non-conforming status; and
- g) Where located in the Prime Agriculture designation, extensions or enlargements will also be subject to the non-agricultural use policies of the applicable designation.

8.2.3.6 The long-term intent of the Plan is to reduce the potential impact of existing adult entertainment parlours with sensitive and incompatible uses and to reduce the concentration of existing adult entertainment parlours. It is the intent of this Plan that the adult entertainment parlours existing as of August 12, 2002, that are legal non-conforming, should ultimately cease or relocate to the appropriate designations. As such, any proposed expansions or enlargements of legal nonconforming adult entertainment parlours and body-rub parlours shall not be permitted.

8.2.4 Amendments to this Plan

- 8.2.4.1 An amendment to this Plan shall be required where a policy, designation, or Schedule is added, deleted, altered or identified within a specific policy. The City will consider applications for amendments within the context of the policies and criteria set throughout this Plan.
- 8.2.4.2 All amendments to this Plan shall proceed in accordance with the *Planning Act* approval requirements, in addition to any other requirements deemed appropriate by the City, particularly with the policies/requirements that pertain to ensuring proper public notification and consultation. The City may be assisted in their review of a proposed amendment by any agency having jurisdiction.

8.3 Tools for Comprehensive Planning

8.3.1 Comprehensive Development Plans

Comprehensive Development Plans are detailed land use, transportation, and servicing policy plans across multiple properties for defined study areas that direct how the policies and land use designations of this Plan are to be implemented. Comprehensive Development Plans ensure efficient and cost-effective development patterns and promote land use and built form compatibility with adjacent properties.

- 8.3.1.1 The resulting work shall be adopted and approved as an Amendment to this Plan, forming the basis for the subsequent approval of Draft Plans of Subdivision/Condominium, implementing *Zoning By-laws*, and where applicable, more detailed site plan approval.
- 8.3.1.2 Comprehensive development planning may inform and provide the basis for a Landowners Group Agreement, where the defined Study Area includes multiple properties.
- 8.3.1.3 Comprehensive development planning is required prior to approving *development* on lands within the Future Neighbourhoods designation on **Schedule 2 – Land Use** and other areas where comprehensive planning is warranted, such as the *Designated Growth Areas* identified on **Schedule 1 – Community Structure**.
- 8.3.1.4 The City may require comprehensive development planning prior to the undertaking of or approving any major *development/redevelopment* proposal where, in the opinion of the City, the proposal will substantially alter the pattern of existing land uses and/or built forms and where direction is required to coordinate planning and the efficient use of land and infrastructure.
- 8.3.1.5 Settlement area boundary expansions that exceed 50 hectares in area shall require a Comprehensive Development Plan as part of any approval. Such areas that are located adjacent to lands that were subject to a previously completed secondary plans or a Comprehensive Development Plan shall consider the policies and background studies related to that prior work.

Requirements for a Comprehensive Development Plan

- 8.3.1.6 The goals, objectives and policies of this Plan and those of all applicable studies, master plans, guidelines and standards

approved by the City will continue to apply within a Comprehensive Development Plan Area. A Comprehensive Development Plan and resulting official plan amendment can provide more specific or alternate policies where appropriate.

8.3.1.6 *Development/redevelopment* within a Comprehensive Development Plan shall accommodate people of all ages and abilities through a mix of land uses and housing mix that has a connected and convenient system of complete streets and pathways with access to natural and recreational areas within and outside of the community. It is to be planned and designed to anticipate the evolving needs of residents.

8.3.1.7 Comprehensive Development Plans will:

- a) Include a Vision statement and a specific set of goals and objectives beyond those already identified in this Plan;
- b) Describe the defined study area in detail, including a reference map, and a description of:
 - i. The role and relationship of the defined study area to the City as a whole;
 - ii. Physical characteristics, including any potential development constraints;
- c) Identify and assess significant cultural heritage resources within the defined Study Area. The appropriate means of conservation of all significant cultural heritage resources shall be addressed;
- d) Identify the boundaries and means of protection of the *natural heritage system*, including *natural heritage features* and their associated *ecological functions*;
- e) Provide a development concept, including:
 - i. The geographic distribution of the relevant land use designations;
 - ii. The proposed road and lot/block patterns, including the local road pattern (the local road pattern may be conceptual) that shows connections to the broader City;
 - iii. The proposed transportation and active transportation network that shows connections to the broader City;

- iv. The general location of all proposed *public service facilities*, including elementary schools and, if required, secondary schools;
 - v. The general location, scale, and function of all proposed elements of the parks and open space system;
 - vi. The proposed location and scale of all neighbourhood supporting uses;
 - vii. urban design features; and
 - viii. Planning approaches that support sustainable and resilient communities;
- f) Provide a summary of the overall gross density achieved, the number of people and jobs generated, as well as development yields by land use, built form typology and dwelling unit type, and how the plan will contribute to the housing, density, and employment targets of this Plan;
 - g) Provide a phasing plan that identifies the potential sequencing of *development* based on the logical extension of infrastructure requirements (water, wastewater, stormwater management, and transportation/active transportation facilities);
 - h) Provide an implementation strategy, including identifying any agreement requirements; and
 - i) Provide a fiscal impact analysis for the desired *development* concept.

Required Reports and/or Studies

- 8.3.1.8 A Comprehensive Development Plan may be informed by the following studies, as determined by the City:
- a) A subwatershed plan for large scale *development*, or an *environmental impact study*, as determined through consultation with the City and Conservation Authority;
 - b) A functional servicing study or *infrastructure* review that includes water and wastewater servicing plans, and a stormwater management plan;

- c) A transportation study including all modes of transportation;
- d) Development phasing plan, if applicable;
- e) A fiscal impact study;
- f) A planning justification report and/or master plan process review; and
- g) Any other studies related to the location and context of the secondary plan area as listed in this Plan.

8.3.1.9 A Comprehensive Development Plan shall incorporate the urban design direction guidance policies of this Plan, the Niagara Region Model Urban Design Guidelines, or the City's Urban Design Guidelines, upon their approval.

8.3.1.10 A *development* application proposed within an area where a Comprehensive Development Plan is required shall be considered premature until such time as the study and corresponding official plan amendment has been adopted. Once adopted, a *development* application may be considered where it has been satisfactorily demonstrated that:

- a) The proposed *development* is consistent with the adopted Comprehensive Development Plan ;
- b) That the size and/or location of the proposed *development* will not adversely impact the remaining development area, or alternatively, is consistent with the vision of this Plan;
- c) How the *development* contributes to the targets of this Plan; and
- d) How *development* will align with the required reports or studies outlined under this Section of the Plan.

8.3.2 Community Development Plans

Community Development Plans are comprehensive plans for smaller defined sites or areas within the built boundary that direct how *development* and/or *redevelopment* should occur. Community Development Plans are intended to ensure efficient and cost-effective development patterns and promote land use and built form compatibility with adjacent properties.

8.3.2.1 A Community Development Plan shall be adopted by way of amendment to this Plan and form the basis for the subsequent

approval of Draft Plans of Subdivision/Condominium, Implementing *Zoning* By-laws, and where applicable, Site Plan Approvals.

- 8.3.2.2 A Community Development Plan may be required for large and/or complex development sites within the Built Up Area boundary where, in the opinion of the City, the proposal will substantially alter the pattern of existing land uses and/or built forms both on and in proximity to the development site.

Requirements for a Community Development Plan

- 8.3.2.3 The preparation of a Community Development Plan shall conform with all relevant policies of this Plan and shall be consistent with all applicable City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws.
- 8.3.2.4 The scope of work for any Community Development Plan will reflect the scale and level of complexity of the development site(s) and proposed *development/redevelopment*. Required Community Development Plans -will:
- a) Identify and assess the significant cultural heritage *resources* within the defined Study area. The appropriate means of conservation of all significant cultural heritage resources shall be addressed;
 - b) Identify and protect natural heritage features and associated ecological functions;
 - c) Provide a description of the desired development concept for the defined Study Area, including:
 - i. The proposed geographic distribution of the relevant land use designations;
 - ii. The proposed road and lot/block patterns, including the local road pattern (the local road pattern may be conceptual) that shows connections to the broader City;
 - iii. The proposed active transportation network that shows connections to the broader City;
 - iv. The general location of all proposed *public service facilities* and schools, if required;

- v. The general location, scale, and function of all proposed elements of the parks and open space system; and
- vi. The proposed location and scale of all neighbourhood supporting uses;

Required Reports and/or Studies

- 8.3.2.5 A Community Development Plan may require any number of reports and/or studies, including but not limited to those listed in this Plan, at the sole discretion of the City.

8.4 The Zoning By-law

8.4.1 The Existing Comprehensive Zoning By-law

- 8.4.1.1 The existing Zoning By-law shall remain in effect until such time as it is amended and adopted to bring it into conformity with this Plan or until a new Zoning By-law is adopted. Any amendments to the existing Zoning By-law shall be in conformity with this Plan.

8.4.2 The New Comprehensive Zoning By-law

- 8.4.2.1 Within three years of the approval of this Plan, the City shall review and amend the existing Zoning By-law, or a new Zoning By-law shall be prepared and adopted to conform to the policies of this Plan.
- 8.4.2.2 The new comprehensive Zoning By-law will implement the policies of this Plan by regulating the use of land, character, location, use of buildings or structures, and may be more restrictive than the policies of this Plan.
- 8.4.2.3 The new comprehensive Zoning By-law:
 - a) Shall include regulations for buildings and structures to ensure compatibility and appropriate transitions between different uses and built forms; and
 - b) May include “pre-zoned” lands to support the *redevelopment* and *intensification* of sites that would implement specific policies of this Plan.

8.4.3 Amendments to the Zoning By-law

- 8.4.3.1 Amendments to the Zoning By-law may be permitted when the City is satisfied that the proposed use and/or building/structure conforms to this Plan is consistent with the Provincial Planning Statement (2024) and has had regard for the matters of Provincial interest articulated in Section 2 of the *Planning Act*.
- 8.4.3.2 Zoning Approvals for new *developments* made under the *Planning Act* shall be subject to a sunset clause to ensure build out in a logical and timely manner in accordance with the City's sunset clause policy.

8.4.4 Minor Amendments to the Zoning By-law

- 8.4.4.1 Approval of minor Zoning By-law amendments may be delegated, by By-law, to the General Manager of Planning, Building and Development or their designate, in accordance with the requirements of the *Planning Act* who will determine what is considered minor and may include:
 - a) Updates to terminology or mapping to align with this Plan or make necessary and appropriate editorial changes;
 - b) The lifting of a Holding Provision;
 - c) The approval of a Temporary Use By-law;
 - d) A Zoning By-law Amendment required as part of a surplus farm dwelling severance to prohibit future residential uses on agricultural lands;
 - e) Correcting numeric, typographic, punctuation, numbering, ordering, or grammatical errors in text or on schedules that are housekeeping in intent;
 - f) Updating schedule formats, layouts, and symbology;
 - g) Deleting or replacing outdated or obsolete terms;
 - h) Enabling the creation of additional dwelling units on a lot, provided the criteria of Section 45(1) of the *Planning Act* are met; and
 - i) Any other amendment that meets the following criteria:
 - i. No studies or reports are required to review the application, other than a Planning Justification Report; and

- ii. The proposal conforms with or does not contradict any Provincial legislation and is consistent with the Provincial Planning Statement (2024); and
 - iii. The proposal conforms to this Plan.
- 8.4.4.2 The delegation of authority authorized under the above policy may be subject to conditions of Council set out in the Delegation By-law.

8.4.5 Minor Variances to the Zoning By-law

- 8.4.5.1 Council may appoint a Committee of Adjustment to authorize variances from the provisions of the Zoning By-law, the extension or enlargement of non-conforming uses, buildings, or structures, and other matters deemed appropriate by Council in accordance with the provisions of the *Planning Act*. Relief from the development standards as set out in the Zoning By-law shall:
- a) Be minor in nature;
 - b) Conform to the relevant policies of this Plan and all other relevant Provincial legislation;
 - c) Be consistent with the intent of the Zoning By-law; and
 - d) Be an appropriate use of the subject site.
- 8.4.5.2 The Committee of Adjustment shall specifically not consider:
- a) Variances to conditions of Zoning By-law approval; or
 - b) Changes in permitted land uses.
- 8.4.5.3 The Committee of Adjustment can authorize the expansion of legal non-conforming uses, buildings, and structures in accordance with the *Planning Act* or permit a use similar or more compatible to the By-law.
- 8.4.5.4 Any decision by the Committee of Adjustment may be for such time and subject to such terms and conditions as the Committee considers advisable. The Committee may require the owner/applicant to enter into an agreement to implement, maintain and/or enforce a condition of variance approval. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners.

8.5 The Subdivision of Land

The *development* of land shall proceed by registered plan of subdivision in accordance with Section 51 of the *Planning Act*. Consents to sever land as an alternative to a registered plan of subdivision will be discouraged and will only be permitted when such a Plan is clearly not needed to ensure that the intent of the policies of this Plan are satisfied.

8.5.1 General Policies

- 8.5.1.1 All lands within the City shall be subject to Subdivision Control and Part Lot Control, pursuant to the relevant provisions of the *Planning Act*.
- 8.5.1.2 Lot creation within the City shall only be permitted where:
 - a) The lands are serviced by full municipal water supply and wastewater disposal systems, except for those lands within the Rural/Agricultural Area or those lands within the Settlement Area, both as identified on **Schedule 1 – Community Structure**, that are specifically exempted from this requirement by this Plan; and
 - b) Access is provided to a City-owned road of suitable quality to accept traffic generated by the proposed land use that is maintained year-round. Alternatively, where access to a City-owned road is not possible, the lands may be accessed from a road under the authority of the Region or the Province where, in advance of considering the creation of a new lot, or lots, the City has been provided with confirmation from the appropriate road authority that that an access permit would be available for the proposed development.
- 8.5.1.3 The City shall ensure that lot creation is not permitted where:
 - a) There is a *negative impact* on significant natural heritage feature or its associated *ecological function*;
 - b) The potential for future planned development is substantially inhibited or limited;
 - c) A traffic hazard will be created due to the curve, grade, and/or existing traffic volumes on the road upon which any of the lots front and are to gain access; or

- d) The creation of lots is for communication towers, waste disposal sites, waste transfer stations, automobile recycling uses, including tire storage and recycling.

8.5.1.4 An amendment to this Plan and/or the Zoning By-law that is necessary to facilitate the creation of a new lot shall be approved prior to or concurrent with the creation of such lot(s).

Delegation of Consent

8.5.1.5 Approval of the following may be delegated, by By-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the *Planning Act*:

- a) The lifting of Part Lot Control;
- b) Minor modifications of a draft plan of subdivision or condominium as established in this Plan, and the authority not to issue a notice if such change is deemed minor;
- c) Approval to extend the lapsing period of draft approved plan of subdivision or condominium; and
- d) Approval of a draft plan of condominium including conditions under Section 51(25) of the *Planning Act*; and an exemption for a draft plan of condominium under Section 9(7) of the *Condominium Act* from the provisions in Section 51 of the *Planning Act*.

8.5.2 Plan of Subdivision or Condominium and Part Lot Control

8.5.2.1 The division of land shall occur by Plan of Subdivision which provides for a comprehensive review of *development* with special consideration of such matters as items of Provincial interest, conformity with this Plan, and the public interest where:

- a) More than 4 lots are proposed to be created;
- b) A new road or extension to an existing road is required, extension of services and/or reconfiguration of the stormwater management system is required; or,
- c) The City deems it necessary in the public interest for the proper and orderly development of the lands.

Exemption from Part Lot Control

- 8.5.2.2 The City may, in a By-law, exempt all or parts of a Registered Plan of Subdivision from Part Lot Control to permit the conveyance of portions of lots or blocks. By-laws to exempt lands from part lot control shall be limited to a period of not more than three years.

Delegation of Exemption from Part Lot Control

- 8.5.2.3 Approval of exemption from Part Lot Control may be delegated, by By-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the *Planning Act*.

When a Plan of Subdivision or Condominium is Required

- 8.5.2.4 The City shall, in considering a Plan of Subdivision or Condominium, comply with the provisions of the *Planning Act* and/or the *Condominium Act*, and will conform with all relevant Provincial policies and plans, along with the policies and procedures of any agency having jurisdiction. In addition, the City shall consider whether the proposed Plan of Subdivision or Condominium:
- a) Conforms to the policies of this Plan;
 - b) Meets the urban design criteria of this Plan or any current or future Urban Design Guidelines;
 - c) Will not impose an unacceptable financial burden on the City;
 - d) Can be provided with adequate *infrastructure*, appropriate access and *public service facilities*; and
 - e) is not deemed to be premature and is in the public interest.

Draft Plan Approvals

- 8.5.2.5 The City may, three years after draft plan approval to a plan of subdivision:
- a) Lapse the approval and require that a new application be submitted that is in conformity with the policies of this Plan; or,

- n) Extend approval where the City is satisfied that the applicant has made significant progress in satisfying the conditions of draft plan approval. Under no circumstances shall draft plan approval be extended for more than a cumulative maximum of three years. Exceptions to this policy may only be granted by Council, without an amendment to this Plan. For clarity, this policy applies to plans of subdivision draft approved after the effective date of this Plan.

8.5.2.6 As per the *Condominium Act* the City may exempt a plan of condominium from the relevant provisions of the *Planning Act* related to conditional draft plan and parkland dedication. Exemptions may be considered where:

- a) Site plan approval has been granted; and
- b) All municipal issues are addressed.

Subdivision or Condominium Agreements

8.5.2.7 Proponents for *development* shall enter into a Subdivision or Condominium Agreement with the City addressing, among other things, engineering design requirements, cost responsibilities, letters of credit or surety bonds, staging, truck routes and development timing, to the satisfaction of the City, the Region, and/or any agency having jurisdiction.

8.5.2.8 Subdivision or Condominium Agreements shall be registered on title. The applicant shall be required to post security or bonds with the City to ensure the conditions of the Subdivision/Condominium Agreement are fulfilled.

8.5.3 Consents to Sever

8.5.3.1 Any application to the Committee of Adjustment for a Consent to Sever a parcel of land will only be considered for:

- a) The creation of a new lot where a plan of subdivision is not deemed necessary;
- b) The creation of a lot for *infrastructure*, public or private utilities facilities, and corridors of a linear nature that cannot be accommodated through the use of an easement or right-of-way; and/or
- c) Legal or technical reasons, such as for boundary adjustments, lot additions, easements, rights-of-way,

leases, validation of titles, or other similar purposes that do not result in the creation of a new lot.

- 8.5.3.2 *Natural heritage features* will form lot boundaries for new lots, wherever possible, to avoid fragmented ownership and to facilitate the protection of the features and their associated *ecological functions*. Where this is not possible, the new lot shall have a building envelope which will not interfere with nor create *negative impacts* on the heritage features or their associated *ecological functions*. Efforts should be made to avoid locating development that could impact on any existing woodlot areas.
- 8.5.3.3 The future *development of adjacent lands* shall not be limited by the creation of a new lot(s) or left without access to a public road or the ability to meeting servicing requirements.
- 8.5.3.4 The proposed lot(s) and lands to be retained following a consent to sever shall be of an appropriate size and have adequate frontage on a public road for the existing and proposed uses.

Consents Policies within the Settlement Area Boundary

- 8.5.3.5 Applications for consent to create new lots within the Settlement Area Boundary may only be granted where:
 - a) A plan of subdivision is not necessary;
 - b) the number of resulting lots is 4 or less
 - c) Consent may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed in conformity with the Zoning By-law and considering the availability of *infrastructure* and *public service facilities*;
 - d) the lot can be adequately serviced by water, wastewater and storm drainage facilities;
 - e) no extension, improvement or assumption of municipal services is required;
 - f) the lot will have frontage on a public street and access will not result in traffic hazards;
 - g) the lot will not restrict the ultimate development of *adjacent lands*;

- h) the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and is compatible with adjacent lots; and
- i) the consent conforms to all relevant policies of this Plan.

Consent Policies outside of the Settlement Area Boundary

8.5.3.6 Lot creation is discouraged on lands outside of the Settlement Area Boundary and may only be permitted in accordance with the following:

- a) The consent is for *agricultural uses*, where supported through a farm business plan, and subject to the following criteria:
 - i. The resulting parcels are both for *agricultural uses*;
 - ii. The minimum lot size for the severed and retained lot is 40 hectares and is appropriate for the farming activities proposed; and
 - iii. Provides some flexibility for changes in the agricultural operation;
- b) The consent is for intensive forms of *agricultural use* such as subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for intensive *agricultural uses* such as greenhouse operations be of a sufficient size so that these uses have ample room for future expansion.
- c) The consent is for *agriculture-related uses* subject to the following criteria:
 - i. Any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewer and wastewater services; and
 - ii. Any new lot shall be zoned to preclude residential uses in perpetuity;
- d) The consent is for a residence surplus to an agricultural operation where:

- i. The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;
 - ii. The size of any new lot shall be an area of 0.4 hectares except to the extent of any additional area deemed necessary to support an on-site private water supply and private sewage disposal system as determined by Provincial and Regional requirements to a maximum of one hectare; and
 - iii. To reduce further fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the retained farm parcel shall be zoned to preclude its use for residential purposes.
- 8.5.3.8 All proposed lots will include sustainable, on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals.
- 8.5.3.9 Where an application for consent results in the creation of a new residential building opportunity within an existing development cluster of five or more lots, a hydrogeological report that evaluates on-site and off-site impacts, water quality and water quantity may be required to conform to the suitability of the site for private servicing and to evaluate the impact of the proposed new lot on the servicing of the adjacent existing lots. The report shall be prepared and signed by a qualified professional and submitted with the development application.

8.6 Planning Tools

8.6.1 Site Plan Control

Site Plan Control will be used by the City in accordance with the provisions of the *Planning Act* as a means of achieving well-designed, functional, accessible, safe, sustainable built form and public space. Site Plan Control is instrumental in implementing the urban design guidelines of this plan and the Zoning By-law. Site Plan Control approvals shall be consistent with all City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws.

- 8.6.1.1 The Site Plan Control Area encompasses the entire City.
- 8.6.1.2 The Site Plan Control By-law shall identify what aspects of development are subject to site plan control and exemptions from site plan control.

- 8.6.1.3 The City may exempt other forms of *development* which would otherwise be subject to site plan control where it considers such approval to be unnecessary due to the type or scale of *development* proposed.
- 8.6.1.4 Site plan control approval may be required:
- a) As a condition of a Subdivision or Condominium Agreement or any other type of Development Agreement;
 - b) For *on-farm diversified uses* and agricultural related uses;
 - c) As a condition of any decision of the Committee of Adjustment; and
 - d) As a condition of a heritage permit for properties designated under the *Ontario Heritage Act*, and for those properties that the City has identified as having significant *heritage attributes*.

Compatibility/Transition

- 8.6.1.5 Transitional features identified in the Implementing Zoning By-law may be required through Site Plan Control Approval to mitigate potential adverse impacts between different land uses or building types and to ensure *compatible development* through visual screening, landscaping, fencing, and other forms of buffering.

Delegation of Site Plan Approval

- 8.6.1.6 Site Plan Approval shall be delegated, by By-law, to the General Manager, Planning, Building and Development or a designate and in accordance with the requirements of the *Planning Act*.

Site Plan Guidelines

- 8.6.1.7 Council may adopt guidelines to establish specifications for site works. Alternatively, Council may delegate, by By-law, the adoption of such guidelines to the General Manager, Planning, Building and Development or a designate. Site plan guidelines may establish minimum standards for site works.

Phased Site Plan Agreements and Conditions

- 8.6.1.11 The City supports flexibility in project delivery and the option for phased Site Plan Agreements which would allow a

developer to post securities and advance construction in accordance with an approved phasing plan.

- 8.6.1.12 Phasing provisions will be incorporated into the Site Plan Agreement. Subsequent phases of the *development* that have not commenced within a prescribed timeline may require the submission of updated cost estimates for the remaining phases to ensure that securities accurately reflect current construction costs.

8.6.2 Community Improvement

The Community Improvement provisions of the *Planning Act* may be used to maintain and promote an attractive and safe living and working environment through community improvement, rehabilitation, and revitalization in designated community improvement project areas. A community improvement project area may be the entire area of the City or any part thereof.

Community Improvement Plans

- 8.6.2.1 Pursuant to the *Planning Act*, Community Improvement Plans may be prepared and adopted which:
- a) Stabilize and enhance existing *development* by providing a safe, convenient, and attractive environment for the City's residents;
 - b) Provide for and encourage the ongoing maintenance, improvement, rehabilitation, and renewal of the City's residential, commercial, industrial, and recreational areas, including the rehabilitation of *brownfield sites*;
 - c) Encourage the provision or increase the supply of a range of housing opportunities for residents, including *attainable/affordable housing options*;
 - d) Encourage the renovation, repair, rehabilitation, remediation, *redevelopment*, or other improvement or land and/or buildings;
 - e) Optimize land use while fostering vibrant, walkable neighbourhoods with a mix of residential, commercial, and recreational spaces;
 - f) Encourage the preservation, restoration, adaptive reuse, and improvement of historical or architecturally significant buildings;

- g) Encourage residential and other types of infill and *intensification*;
- h) Upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermain, roads, and sidewalks;
- i) Provide accessibility for persons with disabilities;
- j) Encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
- k) Promote the ongoing viability and revitalization of the Strategic Growth Areas, nodes, intensification corridors, and other general areas requiring community improvement;
- l) Support existing or potential business improvement areas;
- m) encourage the implementation of climate change mitigation measures including the retention and improvement of parks and open spaces, energy and water use efficiency measures, and waste reduction strategies;
- n) Improve social conditions, including community quality, safety, and stability;
- o) Facilitate economic growth and employment opportunities;
- p) To promote arts and culture that will benefit the community as a whole;
- q) To support economic development and maintain and improve the economic base of the City; and
- r) to support agriculture and agriculturally related uses.

Determining the Need for Community Improvement

8.6.2.2 In order to determine the areas needing Community Improvement, and to establish a Community Improvement Project Area, the following shall be analyzed and evaluated on a geographic basis. Community Improvement Areas shall be selected based on the need to:

- a) Improve *infrastructure, public service facilities*, and/or improvements to the public realm;

- b) Enhance the amount, variety, and/or quality of housing to meet the needs of the City's residents, including opportunities for *affordable* housing;
- c) Mitigate conflicts between and among existing non-conforming, conflicting, or incompatible land uses or activities;
- d) Reduce high commercial and employment vacancy rates and the general underutilization of buildings and land;
- e) Improve poor overall visual quality, including but not limited to, streetscapes and urban design;
- f) Consider existing or potential business improvement areas;
- g) Remediate *brownfield sites* and resolve environmental problems and/or human-made hazards;
- h) Consider and enhance the development potential of vacant or underutilized buildings, lots, or blocks;
- i) Provide support to the rural economy;
- j) Address other barriers to the repair, rehabilitation, or *redevelopment* or underutilized land and/or buildings; and
- k) Identify any other environmental, energy efficiency, social, or community economic development reasons.

Establishing a Community Improvement Area

8.6.2.3 The City will implement Community Improvement Plans by one or more of the following methods:

- a) Approval of a designating By-law for the Community Improvement Area;
- b) By participating in available Regional, Provincial, and Federal funding programs to assist in the implementation of a Community Improvement Plan;
- c) By encouraging participation of the development industry in the implementation of a community improvement plan by:
 - i. Establishing the environment for change and a clear vision for the future;

- ii. Providing administrative support and facilitating the review process;
 - iii. Reducing the risk of the development approval process by ensuring timely development approval processes and pre-zoning sites for appropriate forms of *development*; and
 - iv. Reducing the cost of *redevelopment* by potentially reducing Development Charges, Community Benefits Charges, Parkland Dedication requirements, and parking requirements;
- d) Supporting and encouraging the participation of local Business Improvement Areas, community groups, service clubs, and other public organizations in the implementation of a Community Improvement Plan;
 - e) Improving, acquiring, or disposing of land and/or buildings in a designated area in accordance with a Community Improvement Plan;
 - f) Enforcing a Property Standards By-law;
 - g) Upgrading utilities, infrastructure, and public service facilities; and
 - h) The application of the *Ontario Heritage Act* to support the conservation of cultural heritage resources.

Conformity/Consistency

8.6.2.4 Participation in a Community Improvement Plan shall require that the *development*:

- a) Conform with the policies contained in this Plan and all other related City By-laws; and
- b) Be consistent with all City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws.

Delegation of Approval for Grants

8.6.2.5 Council may delegate the approval of any grant to the General Manager of Planning, Building and Development or their designate.

8.6.3 Inclusionary Zoning

- 8.6.3.1 *Inclusionary Zoning* may be implemented within the *Protected Major transit Station Area*, pursuant to the *Planning Act*, and in conjunction with a Community Planning Permit System, to authorize the inclusion of affordable housing units within buildings or projects containing other residential units, and for ensuring that those *attainable/affordable* housing units are maintained as such over time.

8.6.4 Holding By-laws

The *Planning Act* provides Council with the authority to zone lands for specific uses where development is on “hold”, intended to occur at a late date when certain identified conditions have been met.

- 8.6.4.1 Land subject to holding provisions shall be identified within the Zoning By-law by the placement of an “H” immediately after the relevant zone symbol.
- 8.6.4.2 Permitted uses within areas subject to holding provisions shall be limited to the uses existing at the time of the passing of the Holding By-law. The Holding By-law may also be utilized to restrict the expansion of existing uses or otherwise, and the City may permit *development* which it deems to be similar to or compatible with the land use designation of the property.
- 8.6.4.3 Holding provisions may be applied to achieve:
- a) The completion of certain conditions, studies, or requirements related to a land use change;
 - b) The orderly phasing or staging of *development*;
 - c) Confirmation that adequate *infrastructure* and *public service facilities* are, or will be, available in accordance with City standards;
 - d) Adoptive measures to mitigate *negative impacts* resulting from the proximity of lands to transportation and utility corridors, incompatible land uses, or any other source of nuisance or hazard to public health and welfare;
 - e) Policies related to heritage conservation, Site Plan Control, *potentially contaminated sites*, protection of the natural environment, community improvement, and any other planning matters determined to be relevant to the *development* of the lands; and

- f) The execution of legal agreements and/or approval of necessary studies by the appropriate authorities to satisfy any of the criteria set out above.

Removal of the Holding Symbol

- 8.6.4.4 The holding symbol may be lifted once the City is satisfied that *development* can proceed in accordance with the policies of this Plan and that the provisions of the Hold are met, including any required studies, and entering into development agreements with the City, where applicable.

Delegation for Lifting of the Holding Symbol

- 8.6.4.5 Council may, through By-law, delegate the authority to approve the lifting of the holding symbol to the General Manager of Planning, Building and Development or their designate, in accordance with the requirements of the *Planning Act*.

8.6.5 Sunset Clause

- 8.6.5.1 The City servicing master plan must consider the current zoning on the individual properties to appropriately plan for the growth anticipated. It is imperative for the City to understand if site specific *developments* which have gone beyond the current zoning parameters are proceeding in a timely manner to align with servicing plans and to mitigate the necessity for expensive *infrastructure* expansion where it may not be warranted. This policy will assist in ensuring those *developments* that are intending to proceed in a timely manner will move to the next stage as outlined in the servicing protocol in Appendix G.
 - 8.6.5.1.1 To achieve the intent of the Sunset Clause, the City will place a three-year sunset clause on all site-specific zoning amendments for residential and a four year sunset clause for commercial.
 - 8.6.5.1.2 Extensions will be permitted subject to the City's Sunset Clause policy.
 - 8.6.5.1.3 If *development* does not proceed in the allocated time frame, the Zoning will revert to the previous zoning for the site.

8.6.6 Temporary Use By-law

The City may pass By-laws, pursuant to the *Planning Act*, authorizing the temporary use of lands, buildings, or structures. It is recognized that a use may not conform to the land use designation of this Plan but may be allowed for a limited duration where there is no major construction or investment and where the use can be easily removed when it is required to cease.

8.6.6.1 A temporary use By-law may be considered by the City where it is satisfied that the following requirements, which are relevant to the specific application, are or will be fulfilled to safeguard the wider interests of the general public:

- a) The use is consistent with the temporary nature of the proposal;
- b) The use will be compatible with adjacent uses;
- c) The size of the parcel of land and the building to be used is appropriate for the proposed use;
- d) *infrastructure* or, where applicable, private water and wastewater services, are sufficient;
- e) Any undue, adverse impacts such as noise, vibration, fumes, smoke, dust, odour, lighting, and traffic are considered to ensure that the temporary use will not be detrimental to adjacent uses or the wider community;
- f) Neighbouring uses will be protected, where necessary, by the provision of areas for landscaping, buffering, or screening, appropriate setbacks for buildings, structures or uses, devices or measures to reduce nuisances, and regulations for alleviating undue, *adverse effects*;
- g) The By-law has suitable regulations regarding setbacks, lot coverage, parking, and other such items as may be required either through the text of the By-law or by reference to the City's Zoning By-law; and
- h) The use is in keeping with the intent of this Plan.

Conditions of Approval

8.6.6.2 Council may require an agreement with the City as a condition of approval, and the deposit of sufficient securities to ensure that the land, building, or structure is returned to an acceptable condition once the temporary use By-law expires.

Temporary Uses not permitted on lands within the Prime Agriculture Designation

- 8.6.6.3 Temporary uses, buildings and structures that are not considered an *agricultural use* shall not be permitted on lands within the Prime Agriculture Designation.

Delegation for approval of a Temporary Use By-law

- 8.6.6.4 Council may, by By-law, delegate the authority to approve a Temporary Use By-law to the General Manager of Planning, Building and Development or their designate, in accordance with the requirements of the *Planning Act*.

8.6.7 Interim Control By-laws

- 8.6.7.1 Council may direct that a study or review of land use policies be undertaken in a defined area, and under that direction, pass an Interim Control By-law in accordance with the *Planning Act* to restrict the use of land, buildings, or structures until such time as the study or review has been completed.
- a) The effective period of an Interim Control By-law shall not exceed one year.
 - b) Council may extend an interim control By-law up to two years from the original date of passing.
 - c) When an Interim Control By-law ceases to be in effect, the City shall not pass a further Interim Control By-law on the subject lands for a minimum period of three years.

8.6.8 Demolition Control By-laws

- 8.6.8.1 The City may establish a Demolition Control By-law, in accordance with the provisions of the *Planning Act*, to regulate the demolition of residential buildings within designated areas to support the development and conservation of *affordable* and/or *attainable* housing, prevent the loss of housing stock, and retain existing residential units until new uses have been considered and *redevelopment* plans have been approved.

8.6.9 Community Planning Permit System

The Community Planning Permit System (CPP) is a land use planning tool under the *Planning Act* that streamlines the *development* review and approval process

by combining zoning, site plan, and minor variances into one development application.

8.6.9.1 The City may adopt one or more community planning permit By-laws under the provisions of the *Planning Act* to establish a Community Planning Permit System within the Employment Lands and Strategic Growth Areas identified in this Plan.

8.6.9.2 A Community Planning Permit By-law, through a public process, shall:

- a) Establish the vision, goals, objectives, and policies that are to be achieved, prior to or concurrent with the Planning Permit By-law of the Community Planning Permit Area;
- b) Identify the area that the community planning permit By-law would apply;
- c) Identify the area as one that requires public facilities, services, and matters to be provided commensurate with the area's growth and development over time; and/or
- d) Ensure that area would benefit from having development permits issued in accordance with conditions and criteria provisions of a Community Planning Permit By-law.

8.6.9.3 The Community Planning Permit By-law shall include land use permissions or restrictions, and development and design regulations that will result in a shared local vision for each specified area to which the System will apply. When making a decision on a Community Planning Permit application, the City may consider *development* based on the following criteria:

- a) Official Plan policies;
- b) The goals, objectives, criteria, and regulations noted in the area-specific CPP By-law;
- c) The class of development;
- d) The appropriateness of the location and parcel for the proposed development or use;
- e) The impact of the proposed *development* or use with respect to adjacent development and uses in the CPP-affected area and on lands adjacent to the CPP boundary;
- f) Access and transportation requirements for sustainable modes; and

- g) On-site vehicle parking and pedestrian circulation.
- 8.6.9.4 The City may impose conditions or require a development agreement to be entered into for the purposes of satisfying any conditions associated with the approval of a Community Planning Permit application. Considerations may include, but not be limited to, the following:
 - a) The removal and replacement of trees and other vegetation;
 - b) *Site alteration*, including but not limited to grade, and to the placing or dumping of fill;
 - c) Protection of public health and safety;
 - d) Protection of the Natural Heritage System;
 - e) Demonstration of adequate water resources and private sewage disposal capacity on- site;
 - f) Conveyance of parkland or cash – in lieu;
 - g) Specific increases in height or in the waiving of on-site parking requirements; and
 - h) Providing sustainable and resilient design features.

Delegation for Approval for Development

- 8.6.9.5 Council may delegate its decision-making authority to a committee or staff, as prescribed within the Community Planning Permit By-law, that may include approval or refusal, requirements, or agreements, and the issuance of permits with or without conditions.

8.7 Planning Act Applications

8.7.1 Pre-consultation

- 8.7.1.1 Pre-consultation provides an opportunity for an applicant to ascertain what is required to be submitted for a complete application under the *Planning Act*, any Provincial Plans, and this Plan. If an applicant chooses not to pre-consult with the City, there is a risk of studies being identified as missing in the submission and the application being deemed incomplete, adding time and expense to the process.

- 8.7.1.2 Pre-consultation between the applicant and the City is encouraged prior to the submission of an application for an official plan amendment, zoning By-law amendment, request for a Minister's Zoning Order, or an application under the Community Accelerator Tool, draft plan of subdivision, draft plan of condominium, consent, or site plan control.
- 8.7.1.3 The General Manager of Planning, Building and Development, or their designate, may determine that pre-consultation is not necessary based on the scale of *development* or the complexity of planning issues associated with the proposed application.
- 8.7.1.4 Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process, including the appropriateness of concurrent applications, where applicable.
- 8.7.1.5 The City may consult with agencies which may have an interest in a proposed application, including but not limited to the Region, First Nations, Conservation Authority, Province, the Niagara Parks Commission, the Niagara Escarpment Commission, electric generation or transmission entities, and railways or other agencies that may have an interest in the application as determined by the City in determining if the submission meets the requirements of a complete application.

8.7.2 Complete Applications

- 8.7.2.1 Complete applications are those which contain all reports, studies, and information and fees required by the *Planning Act* and applicable regulations, any Provincial Plans, and this Plan.
- 8.7.2.2 The City shall determine the information and materials necessary for submission with the application at its sole discretion as part of a complete application, including but not limited to:
 - a) A planning justification report describing the appropriateness of the site for a proposed use and compatibility of the proposed development with surrounding land uses and consistency with the *Planning Act*, the Provincial Planning Statement (2024), and conformity with any other Provincial Plans, and this Plan.

- b) A neighbourhood plan concept to determine how a *development* may integrate into surrounding lands that may be subject to *development* or *redevelopment*.
- c) A housing impact statement or needs study for proposed residential development within a local context.
- d) A servicing study addressing the availability of adequate municipal services and facilities for the proposed use and its impact on existing municipal services and facilities, and may include servicing modelling or a private sewage disposal or water servicing plan addressing the impact on the quality and/or quantity of surface or ground water. This includes a storm sewer drainage or risk management plan required by a Risk Management Official within the Niagara Falls Intake Protection Zone 1 (IPZ-1).
- e) A hydrology, hydrogeology, and/or sub-watershed study to determine to address any impacts on an aquatic *natural heritage system*, including groundwater.
- f) A private well assessment and well monitoring report to evaluate impacts on private wells or water supply systems.
- g) An *environmental impact study* for proposals located on or adjacent to lands containing *natural heritage features*, in accordance with the policies of this Plan.
- h) A species at risk study.
- i) A slope stability or geotechnical study for proposals within or adjacent to *valleylands*, steep slopes, or *flooding hazard* lands.
- j) A transportation impact study where the development proposal may affect traffic patterns, safety, or the intensity of traffic or revisions to a roadway, sidewalk, or entrance.
- k) A parking demand analysis to examine parking needs and their impact on-site or off-site and on *adjacent lands*.
- l) A sight line analysis, which may be included in a traffic impact study, to evaluate the safety of entrances and exits into a site.
- m) A construction impact mitigation study, to address the mitigation of impacts on surrounding properties, including

construction traffic management, vibration mitigation, and haul routes.

- n) A photometric analysis, to determine how the impacts of floodlighting on surrounding streets and properties will be mitigated.
- o) A microclimatic assessment that addresses sun shadowing, pedestrian scale wind impacts, snow, and ice hazards of a development on the subject lands, as well as surrounding properties and roads.
- p) An *agricultural impact assessment* to evaluate the capability of the site for *agricultural use* including soil, microclimate and drainage conditions, the pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities. The assessment should include Minimum Distance Separation calculations, where required.
- q) A tree inventory and tree preservation plan, where an individual significant tree or any group of trees, including a woodland as defined by the Region's Tree and Forest Conservation By-law, may be impacted by a proposed *development*.
- r) The impact of the proposed *development* on the quality and quantity of ground and surface water and the *watershed* and, if required, the identification of methods of protection.
- s) A noise and vibration study and an air quality study to address impacts of roads, rail lines, air traffic, etc. on *development* proposals involving residential uses and other similar sensitive uses.
- t) A land use compatibility study in accordance with Provincial regulations and guidelines, including D-series guidelines, which may include one or more sub-studies to address the impacts of industrial uses on residential uses and other similar sensitive uses.
- u) A cultural heritage impact assessment where *development* is proposed on or adjacent to a protected heritage property.
- v) A park needs assessment that demonstrates how the proposed *development* serves the identified needs and level of service of the City's Parks and Recreation Plan.

- w) An archaeological assessment if the lands contain archaeological resources or are within an area of archaeological potential.
- x) A financial impact study addressing the financial implications of a proposed *development* on the provision of municipal services and utilities that may cause a financial, environmental, or economic hardship for the City or any other affected agencies.
- y) The location, size, and type of livestock operation proposed or within the vicinity of a new lot or land use outside of the Settlement Area boundary in accordance with the information required for calculation of a Minimum Distance Separation.
- z) An Environmental Site Assessment (Phase 1, 2, or 3) where there is the potential of contamination of land due to previous uses.
- aa) A public consultation and future consultation strategy report to identify methods to engage the public.
- bb) One or more plans to illustrate the current site conditions and the proposed *development*, which may include but is not limited to a site plan, which may include an Ontario Building Code Matrix, zoning compliance review and road widening details, elevation plan, landscape plan/details, streetscape plan, site grading plan, site servicing plan, trails and connectivity plan, erosion and sediment control plan, drainage area plan, topographical and boundary survey, and conceptual and contextual plans.
- cc) An urban design brief.
- dd) A feasibility study for district energy, at the time of a Comprehensive Development Plan, to explore energy options.
- ee) Proof of farm operation and ownership, for any *development* or *site alteration* for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
- ff) A *wildland fire assessment*, to define mitigation standards where risk for *wildland fire* exists or *development* is proposed in a *hazardous forest type for wildland fire*.

- 8.7.2.3 Privately-Initiated amendments to this Plan shall include a Planning Justification Report as part of a complete application to demonstrate the planning rationale of the proposal, and shall be required to evaluate and address such matters, including, but not limited to:
- a) Conformity/consistency with relevant Provincial legislation, plans, and Planning Statements;
 - b) Contribution to the achievement of the general objectives and policies of this Plan,
 - c) Consistency with other City-adopted master plans, strategies, studies, guidelines, engineering standards, and By-laws;
 - d) The need for the proposed use;
 - e) Suitability of the lands for the proposed use;
 - f) Land use and built form compatibility with the existing and future land uses and built forms on surrounding lands;
 - g) Adequacy of municipal servicing *infrastructure* and *public service facilities* to support the proposed use;
 - h) Climate change mitigation measures undertaken;
 - i) Addressing the interests of Indigenous Nations related to cultural heritage resources and the natural environment;
 - j) The financial implications of the proposed *development* on the City; and
 - k) Any applicable cross-jurisdictional issues such as, but not limited to, servicing, transportation, *watersheds*, and natural areas.
- 8.7.2.4 Information, studies, and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the City to make this information readily available to the public and commenting agencies.
- 8.7.2.5 Where the City, Region, Conservation Authority, or other agency has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review, which shall be payable upon submission of

an invoice from the City, Conservation Authority, or any other agency.

8.7.2.6 Any information, studies, and/or reports shall be prepared in accordance with requirements of the *Planning Act* and any Provincial policy statements or plans that are in effect, as well as the terms of reference approved through a preconsultation process and the requirements and guidelines adopted by the City and other agencies who may have an interest in the application.

8.7.2.7 The General Manager, Planning, Building and Development or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without adequate supporting information and/or reports, and any application review fees required by the local municipality, the Region, Conservation Authority or any other public agency, the application may be deemed to be incomplete.

8.7.3 Peer Review

8.7.3.1 Where required by the City, a peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense. Where a peer review is required by the City, and where consistent with the *Planning Act*, the application may not be supported until:

- a) The City is fully satisfied with the extent and quality of the work, including any requirements for additional or supplementary work identified through the peer review process; and
- b) The City has been fully reimbursed by the applicant for the cost of the peer review study.

8.8 Land Securement/Acquisition

8.8.1 Land Securement/Acquisition for Natural Features / Affordable Housing

8.8.1.1 The City may acquire and hold lands within the City for the purposes of implementing this Plan for a variety of purposes as enabled by Provincial legislation.

8.8.1.2 It is the intent of the City to work cooperatively with the Region, the Conservation Authority, the Province, the Government of Canada, Land Trusts, and private property owners to establish

ongoing financial, policy, and legislative support for the acquisitions of lands for enhancement areas in support of the protection and/or enhancement of the natural environment; or lands appropriate for the provision of *affordable* housing.

8.8.1.3 Mechanisms to secure lands for the protection and/or enhancement of the natural environment or lands that are appropriate for the provision of *affordable* housing may include, but are not limited to, the following property acquisition tools:

- a) Land dedications/conveyance;
- b) Voluntary sale and public purchase through funds allocated in the City's budget;
- c) Land exchanges;
- d) Donations, gifts, and bequests from individuals and/or corporations;
- e) Density transfers; and/or
- f) Other appropriate land acquisition methods.

8.8.2 Parkland Dedication

All development to provide a parkland dedication

8.8.2.1 All proposals for *development* shall be required to provide a conveyance of parkland, free and clear of any encumbrances in accordance with the *Planning Act* and the City's Parkland Dedication By-law.

8.8.2.2 Notwithstanding the above, the City may exempt or reduce requirements for certain land uses or classes of land uses, to be articulated in the City's Parkland Dedication By-law.

Amount of Parkland to be Dedicated

8.8.2.3 The City's Parkland Dedication By-law shall require that land be dedicated to the City in an amount not exceeding:

- a) 2 percent of the gross developable land area proposed for *development* for commercial or industrial purposes; and/or
- b) 5 percent of the gross developable land area proposed for *development* in all other cases.

Lands Excluded from Parkland Dedication Calculation

- 8.8.2.4 The City shall not accept as part of the minimum parkland conveyance:
- a) Lands designated Natural Heritage System;
 - b) Flooding hazard lands;
 - c) Lands required for drainage purposes, stormwater management, or protection works;
 - d) Connecting walkways; and
 - e) Other lands unsuitable for *development* or *redevelopment*.

Alternative Parkland Dedication Rates

- 8.8.2.5 Where supported by a Parks Plan and By-law the City may require parkland dedication of up to 10 percent of the land proposed for *development*, where the site is less than 10 hectares in size or up to 15 percent of the land proposed for *development*, where the site is in excess of 10 hectares in size.

Cash – in lieu may be Accepted

- 8.8.2.6 The City may accept cash – in lieu of any required parkland dedication, or part thereof, in accordance with the provisions of the *Planning Act*.

Use of Parkland/Cash In Lieu

- 8.8.2.7 All lands conveyed, or cash –in lieu equivalent shall be used by the City for parks purposes, parkland acquisition or other public recreational purposes as specified in the *Planning Act*.

Consideration for Off-Site Parkland Dedication

- 8.8.2.8 The City may consider the acquisition/dedication of parkland that is not contiguous to the *development* site that is required to provide the parkland dedication. Where an off-site land dedication is considered appropriate by the City, the land value identified for the required parkland dedication from the proposed *development* site is equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated, and may be

located in an area of land that is acceptable as parkland dedication.

Opportunities to augment parkland supply

- 8.8.2.9 The City may augment the land supply for parkland achieved through the development approval process under the *Planning Act* through a Parkland Acquisition Strategy, including the acquisition and/or dedication opportunities of:
- a) Unconstrained lands from within the Natural Heritage System that can be appropriately used as an Eco Park; and/or
 - b) Lands owned by the Province, a Provincial Crown Corporation or Conservation Authority within the City.

8.9 Municipal Finance

8.9.1 Fiscal Responsibility

- 8.9.1.1 The City will strive to maintain financial sustainability and integrity by managing its financial resources and by undertaking development in a fiscally responsible manner. The City shall ensure that the required capital expenditures to provide public service facility-related works, *infrastructure* improvements, community benefits, public works, and/or any other municipally-driven projects within the City that benefit new development are paid for in an equitable and appropriate manner.
- 8.9.1.2 Future *development* will be monitored to ensure that a balance is maintained between demands for public service facility-related works, *infrastructure* improvements, community benefits, public works, and/or any other municipally-driven projects and the overall fiscal capacity of the City.
- 8.9.1.3 Where possible, the City will use financial mechanisms available to it under the *Municipal Act*, *Development Charges Act*, *Planning Act*, and any other applicable legislation, for the purposes of land use planning and the provision of public service facility-related works, *infrastructure* improvements, community benefits, public works, and/or any other municipally-driven projects within the City.

8.9.2 Capital Works Program and Budget

- 8.9.2.1 It is the intent of this Plan that, wherever possible, the City, on the basis of the policies contained within this Plan, establish a staged program for the implementation of public service facility-related works, *infrastructure* improvements, community benefits, public works, and/or any other municipally-driven projects within the City.
- 8.9.2.2 To systematically implement the staged program for implementation, a five-year capital improvement program should be developed and should be reviewed annually as part of the capital budget procedure.
- 8.9.2.3 The City will undertake capital works programs in accordance with the approved capital budget to provide the public service facility-related works, *infrastructure* improvements, community benefits, public works, and/or any other municipally-driven projects necessary for achieving growth throughout the City, with a focus on growth within the Strategic Growth Areas.

8.9.3 Development Charges By-law

A Background Study and By-law Are Required

- 8.9.3.1 The City will prepare a background study and enact a By-law under the *Development Charges Act*, to ensure that the initial capital cost of growth-related services does not place a financial burden upon the City's existing taxpayers, and to ensure that new taxpayers bear no more than the growth-related net capital cost attributable to providing the current level of services. The City may enact a Development Charges By-law that applies to the City as a whole, and/or to specific geographic areas within the City.

Exemptions

- 8.9.3.2 The City may exempt some or all the Development Charges or exempt certain *development* or *redevelopment* from the Development Charge to promote specific *development*, *redevelopment*, or revitalization objectives in accordance with this Plan.

8.9.4 Community Benefits Charges

Community benefit charges are a tool under the *Planning Act* that allows the City to collect fees to offset the capital costs of public use facilities, services, and matters incurred from development and population growth.

A Background Study and By-Law Are Required

- 8.9.4.1 The City may pass a By-law for a part or entire area of the City, pursuant to the provisions of the *Planning Act*, to ensure that the capital cost of defined Community Benefits can be collected.
- a) A community benefits charge shall be in the amount of 4 percent of the value of the land, which is subject to *development or redevelopment* as determined by an appraisal. The community benefits charge By-law shall specify the requirements of this valuation.
 - b) A community benefits charge By-law may be reviewed within five years of the date of approval, and every five years following. Council may, by resolution, declare whether a revision is needed upon such review.

Community Benefits to be Considered

- 8.9.4.2 The community benefits that may be considered for funding under the Community Benefits Charge By-law or any revisions thereto, include:
- a) *Affordable* housing;
 - b) Public art;
 - c) Streetscape improvements;
 - d) Improvements to public parks; and
 - e) Other community, cultural, and *public service facilities* identified in the required background study and By-law.

Exemptions

- 8.9.4.3 In addition to any exemptions included within the *Planning Act*, the City may exempt some or all the Community Benefits Charge or exempt certain forms of *development* or from the Community Benefits Charge to promote specific development or revitalization objectives in accordance with this Plan.

Our Niagara Falls plan

Our Niagara Falls Plan DRAFT

Part 2: Area and Site Specific Policies

(updated to August 12, 2026)

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PART 2: AREA AND SITE SPECIFIC POLICIES

Some parts of the City require further, comprehensive and area specific planning policy to guide future development. This Part of Our Niagara Falls Plan includes those detailed policies, plus recognition of historic development approvals on specific sites or areas throughout the City.

Site Specific Policies provide additional or alternative permissions or alternative development criteria on those lands identified on Schedule 4 – Area Specific Policies and may be identified as subject to a/an:

- > Area Plans (Section 1.0).
- > Community Development Plan; (Section 2.0)
- > Corridors Policies (Section 3.0)
- > Site Specific Policy (Section 4.0); or
- > Minister's Zoning Order (Section 5.0)

The policies of this Plan continue to apply to lands within Section. In the case of a policy conflict, the policy of Part 2 shall prevail.

1.0 AREA PLANS

Area Plans consist of the secondary plans and community plans approved under the previous Official Plan, plus one linear corridor approved under the previous Regional Official Plan. The following additional policies apply to those lands identified on **Schedule 4 – Area Specific Policies** as part of an Area Plan.

1.1 The Garner South Area Plan

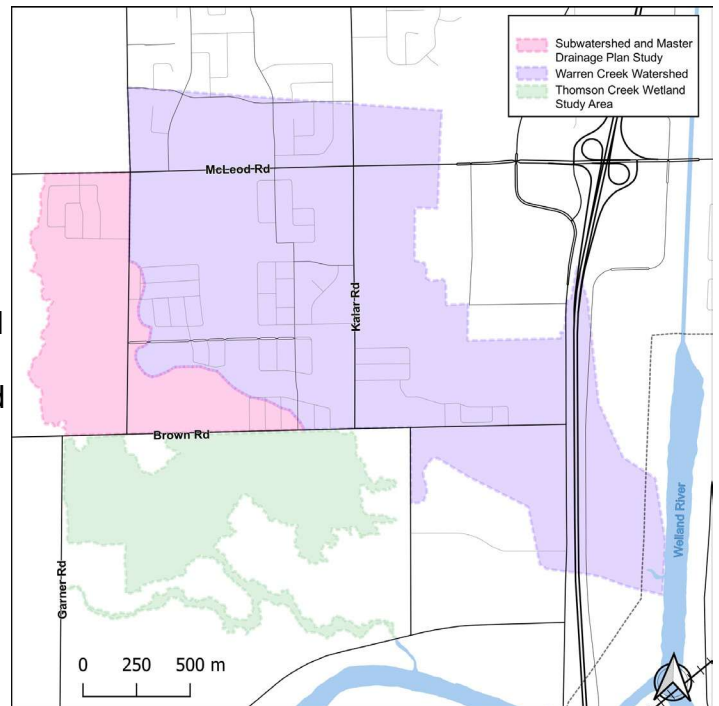
(Local Planning Appeal Tribunal Approval October 31, 2016)

- 1.1.1 The original Garner South Area Plan was approved in October 2016. Remaining lands to be developed are identified as Garner South Area Plan on Schedule 4 – Area Specific Policies.
- 1.1.2 Projected Population and Employment: 6,900 residents in approximately 2,700 dwelling units, supported by 2,000 jobs.
- 1.1.3 In addition to the policies of this Plan, the following specific policies apply:
 - a) Additional needs housing is not permitted north and east of Warren Creek and south of the hydro corridor and north of Brown Road. Additional needs housing is encouraged to be located as far east as possible on lands on the north side of Brown Road and east of

Kalar Road.

- b) Live-work units are permitted on the western half of lands designated Employment Area west of Montrose Road and north of Brown Road. Although a broad range of uses may be permitted, it is anticipated that uses will involve light manufacturing or minor production of goods, such as cabinet making, graphics printing and publishing, clothing customizing and industrial sewing. Live-work units shall be subject to the following conditions:
 - i. At least 50 percent of the land area of the designated Employment Area shall be developed prior to the establishment of any live/work use;
 - ii. Proponents of live/work uses shall demonstrate that residential occupancy and existing and future uses in the Employment Area shall not be negatively impacted through impositions of distance separation criteria;
 - iii. Live-work units should be restricted to 3-storey structures with business operations restricted to the ground floor;
 - iv. Each live/work unit should be self-contained;
 - v. Adequate outdoor amenity space should be provided for residential units;
 - vi. Adequate parking is to be provided for both employment and residential uses; and
 - vii. Uses are not to utilize or emit noxious substances;
- c) For lands designated Mixed Use Corridor I in the Garner South Area Plan at the intersection of Garner Road and Warren Woods Avenue, residential uses, day cares, medical clinics, and outdoor display and sales shall not be permitted;

- d) The lands shown on the Figure at right are located within the Thompson's Creek Watershed. In the absence of a watershed plan, a Scoped Watershed and Master Drainage Plan is required to be completed prior to development. It is anticipated that the Scoped Watershed and Master Drainage Plan will be prepared by the City as a Development Charges Study



Alternatively, the Plan may be prepared by an individual or group of individual landowners within the affected area. The Plan shall be developed in consultation with the owner of Thompson's Creek and completed to the satisfaction of, in the case of a landowner-initiated study, the City and the Niagara Peninsula Conservation Authority, and will:

- i. Assess pre-development surface and subsurface hydrological conditions;
- ii. Model post-development conditions to identify storm water management requirements to ensure that the hydrology of the natural heritage features is not negatively impacted;
- iii. Provide a hydrogeological analysis to identify storm water management requirements in order to ensure that pre-development infiltration conditions into Thompson's Creek remain unaffected;
- iv. Develop a storm drainage and storm water management plan for this portion of the watershed that manages storm water on a communal scale and provides for buffers to natural heritage features;
- v. Assess the natural heritage features in this portion of the watershed in accordance with the Environmental Impact Study requirements of the Niagara Peninsula Conservation Authority and the Natural Heritage System policies of this Plan;

- vi. Identify the natural heritage constraints to development;
 - vii. Characterize surface and subsurface hydrological conditions of the natural heritage areas and requirements of the storm management plan to meet these conditions;
 - viii. Identify any impacts on key natural heritage features and key hydrologic features from the proposed storm water management plan and any methods that may be necessary to mitigate these impacts.
- e) No development shall occur within the Thompson's Creek Watershed area in advance of any municipal storm water management works required by the Scoped Watershed and Master Drainage Plan. Any applications to amend the Zoning By-law to permit development prior to the completion of these works shall have a holding provision attached to the zone classification;
- f) Should development impact upon or alter existing conditions of Thompson's Creek, developers shall obtain consent of the owner of Thompson's Creek and the Niagara Peninsula Conservation Authority to permit these impacts or alterations, or in the alternative shall redesign its development so as to maintain the existing conditions. These impacts or alterations include impacts on flood potential, erosion, water quality and quantity and fish habitat;
- g) Notwithstanding subsections (e) and (f) above, the lands on the south-west corner of McLeod Road and Garner Road, with a gross land area of 15.5 hectares, may be developed in advance of a comprehensive Scoped Watershed and Master Drainage Plan. Development of the lands shall be subject to a site-specific stormwater management plan/scoped watershed study which will demonstrate that the hydrology of natural heritage features is not negatively impacted and pre-development conditions into Thompson's Creek remain unaffected. Recommended measures shall be implemented as conditions of subdivision approval to the satisfaction of the City, the Region and/or the Niagara Peninsula Conservation Authority and the owner of Thompson's Creek;
- h) In addition to subsection (g) above, in the case of lands on the west side of Garner Road, development shall also not proceed until a municipal sanitary sewer and watermain are extended along Garner Road. The timing of the Scoped Watershed and Master Drainage Plan and 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 in the Thompson's Creek Watershed Area; and

- i) Notwithstanding subsection (h) above, the lands within the southwest quadrant of Garner Road and McLeod Road may be serviced by way of extension of municipal sanitary sewers and watermain internally through the Area Plan area. Such a servicing alternative is subject to negotiation and mutual consent of the applicable landowners.

1.2 The Riverfront Area Plan

- 1.2.1 The original Riverfront Community Development Plan was adopted by Council on June 19, 2018. The original plan covered over 330 hectares of land. It is identified as “Riverfront Area Plan” on **Schedule 4 – Area Specific Policies**.
- 1.2.2 Projected Population and Employment: 2,100 to 3,000 residents in approximately 1,100 dwelling units, supported by 1,800 to 2,000 jobs.
- 1.2.3 In addition to the policies of this Plan, the following specific policies apply:
 - a) The maximum height for lands in the Mixed Use Corridor I Designation shall be increased to 12 storeys for buildings massed at major intersections. The minimum height for buildings shall be 2 storeys. Accessory buildings interior to the site shall not have a minimum height requirement;
 - b) The minimum density for standalone residential buildings is 75 units per hectare;
 - c) 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;
 - d) Non-residential uses shall occupy a minimum of 10 percent of the total floor area;
 - e) Woodlands that are shown as Potential Woodland Removal on **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan** 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;

- f) Woodlands located elsewhere within the Riverfront Area Plan and shown as Potential Enhancement on **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan** shall be restored 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;
- g) Natural Heritage Feature FOD 7-3 as identified in the Savanta Environmental Impact Study, September, 2017 and Addendum, March, 2018 and on Schedule 3-2 has the potential for Significant Wildlife Habitat and Endangered Species Habitat. Further studies shall be completed to the satisfaction of the City, Niagara Peninsula Conservation Authority and/or as required by the Ministry of Natural Resources as part of the submission of any further Planning Act application.
- h) 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:
 - i. The provisions for the removal of certain environmental components within the Plan Area consistent with **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan**;
 - ii. The provision for enhancement, restoration or replacement either consistent with **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan** or on land within or outside of the Plan Area;
 - iii. The identification of replacement lands that shall be within the Natural Heritage System designation and shall be zoned to ensure the long-term protection of the restoration/enhancement areas.
 - iv. 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 and multi-year monitoring plan of those works to help restore degraded woodlands and existing natural heritage features;
 - v. Any work permits required under Niagara Peninsula Conservation Authority regulations;

- vi. 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;
- i) 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 and overall ecological function. Enhancements shall be implemented through subsequent *Planning Act* applications and will be subject to approvals from the appropriate authorities;
- j) 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;
- k) 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 City and the Region;
- l) Overland and piped storm water flows will not be directed outside of the respective watershed. Storm drainage shall be conveyed to the Welland River or Hydro Canal;
- m) 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;
- n) A maximum of one new road crossing of the rail line is permitted;
- o) 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; and

- p) A Stage 3 archaeological assessment shall be conducted for Site AgGs-387 (near Dorchester Road just north of the Con-Rail Drain) prior to development within 50 metres of this site. Development related activities shall not occur within the recommended buffers.

1.3 The Grand Niagara Area Plan

- 1.3.1 The original Grand Niagara Secondary Plan was adopted by Council on July 10, 2018, and approved by the Local Planning Appeal Tribunal on October 31, 2016. The original plan covered over 250 hectares of land. It is identified as “Grand Niagara Area Plan” on **Schedule 4 – Area Specific Policies**.
- 1.3.2 Projected Population and Employment: 3,500 to 4,300 residents in approximately 1,100 dwelling units, supported by 3,600 jobs.
- 1.3.3 In addition to the policies of this Plan, the following specific policies apply:
- a) Growth shall occur in a phased manner as shown on **Schedule 3-4 – Grand Niagara Area: Phasing Plan and Conceptual Park Plan**. The timing of subsequent phases of development will be determined based on an evaluation of infrastructure investments (including Development Charge revenue), the extent of short term land supply within the City’s Designated Growth Area, and the extent of intensification occurring within the City’s Built-up Area over the current time phase of development.
 - b) Three residential neighbourhoods are planned to achieve the following housing targets in a mixture of detached, semi-detached and duplex dwellings; 30 percent street and block townhouses, stacked townhouses, multi-unit buildings and Low-Rise apartments:
 - i. Neighbourhood 1 (north of Grassy Brook Road): approximately 400 to 520 dwelling units;
 - ii. Neighbourhood 2 (west of the pipeline corridor and south of Grassy Brook Road): approximately 450 to 580 dwelling units; and
 - iii. Neighbourhood 3 (east of the pipeline corridor and south of Grassy Brook Road): approximately 220 to 280 dwelling units.
 - c) In the Existing Neighbourhoods designation, detached and semi-detached dwellings, duplexes, street townhouses, block townhouses, and other compatible housing forms may be developed within a net density range of 20 to 50 units per hectare. Stacked townhouses,

apartments, and other multiple housing forms may be developed to a maximum net density of 75 units per hectare;

- d) Buildings in the Mixed Use Corridor II designation may be developed as standalone commercial or residential uses, or in combination. The following additional policies apply:
 - i. The lands located in the southwest quadrant, north of Biggar Road, and south of the rail line and lands on Montrose Road be developed as a mixed commercial/residential use;
 - ii. Individual standalone or mixed use buildings may be developed at an average Floor Space Index (FSI) of 3.0;
 - iii. Commercial uses that would benefit from exposure along an Arterial Road frontage are encouraged along Biggar Road and Montrose Road;
 - iv. Where residential uses are proposed in mixed use buildings, they must be located above the ground floor (this does not apply to interior access areas);
 - v. Shared parking arrangements within mixed use buildings may be permitted on a site-specific basis, subject to a Parking Demand Analysis being submitted, as part of an application to amend the Zoning By-law; and
 - vi. Amenity areas should be located adjacent to natural heritage features in order to assist in mitigation of the development and to integrate built and natural environments, where appropriate.
- e) For lands in the Mixed Use Corridor II designation at the intersection of Montrose Road and the future Collector Road within the Grand Niagara Area Plan, the maximum height shall be 10 storeys;
- f) For lands in the Mixed Use Corridor II designation at the intersection of Biggar Road and the future Collector Road within the Grand Niagara Area Plan, the maximum height shall be 15 storeys;
- g) Automobile service stations shall be permitted in the Mixed Use Corridor II and Business Park designations, subject to the following:
 - i. The use shall be located abutting an arterial road and on a maximum site area of 0.6 hectares;

- ii. A maximum of one automobile services station shall be permitted at any road intersection; and
 - iii. The principal building or gas bar kiosk shall generally be oriented to the intersection with the pump islands to the rear.
- h) The Natural Heritage Features have been defined through an environmental review as part of the previous Area Plan process, and is shown on **Schedule 3-3 – Grand Niagara Area: Natural Heritage System Components and Enhancement Plan**. Some non-significant features and anthropogenic features and associated their functions will be removed and compensation for these lands will be provided to the satisfaction of the City, in consultation with the Region and the Niagara Peninsula Conservation Authority. It must be demonstrated that the mitigation results in no net loss of the natural heritage feature and/or its ecological and hydrological functions. Compensation of wetlands identified as Provincially significant is not permitted. The compensation program will be confirmed through the execution of a restoration and compensation agreement between the City and the landowner. The agreement shall address the following:
 - i. Provision for the removal of certain natural heritage features within the Area Plan area consistent with the Natural Heritage Removal Plan and the Ecological Restoration Plan Savanta, February 2017;
 - ii. Provision for the compensation of these features either on land within or outside of the Area Plan area in a manner that is consistent with the Natural Heritage Rehabilitation Plan and Ecological Restoration Plan Savanta, February 2017;
 - iii. The preparation of a detailed restoration/enhancement plan and a description of works related to environmental restoration and/or enhancements and the timing of these works;
 - iv. The completion and establishment of restoration works prior to the removal of any existing natural heritage features, including obtaining a Work Permit regarding the compensation of any feature regulated by the Niagara Peninsula Conservation Authority;
 - v. A detailed, multi-year monitoring plan of the compensation/restoration works; and
 - vi. The securing of compensation through the provision of a Letter of Credit submitted to the City.

- i) An Environmental Impact Study is required for the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act* on lands adjacent to the Natural Heritage Feature Protection designation. The adjacent lands are defined to be:
 - i. 15.0 metres from NPCA Regulated Wetlands less than 2.0 hectares in size and creeks outside the flood plain;
 - ii. 30.0 metres from Non-Provincially Significant Wetlands;
 - iii. 50.0 metres from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands; and
 - iv. 120.0 metres from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2.0 hectares.
- j) Lands served by individual private septic systems shall be properly decommissioned and connected to municipal sanitary sewers and water services when available.

1.4 Protected Major Transit Station Area (PMTSA)

- 1.4.1 The original Transit Station Secondary Plan was adopted by Council in 2018, and envisioned a transit-supportive neighbourhood with attractive built form and safe and walkable streets. The Protected Major Transit Station Area was delineated in the former Niagara Region Official Plan in 2022. These policies apply to the lands identified as “Protected Major Transit Station Area (PMTSA)” on **Schedule 4 – Area Specific Policies**.
- 1.4.2 In addition to the policies of this Plan, the following specific policies apply:
 - a) The minimum density in the Neighbourhoods designation shall be 15 units per hectare. Notwithstanding this requirement, the construction of a replacement dwelling on an existing lot shall not be required to meet this requirement.
 - b) The minimum density for townhouse, stacked townhouse, and apartment dwelling developments shall be 50 units per hectare.
 - c) Residential development within a mixed use Building in the Mixed Use I or Queen Street Downtown Mixed Use designations should attain a minimum net density of 50 units per hectare.

- d) There shall be no minimum parking requirements for motor vehicles within the Protected Major Transit Station Area.

1.5 Parkway Residential Corridor

- 1.5.1 The Parkway Residential Corridor was identified in the 2022 Regional Official Plan. That portion of the Niagara River Parkway within the Rural/Agricultural area outside of the Settlement Area Boundary is considered *Prime Agricultural Land* by the Province, and used as linear residential development. These policies apply to the lands identified as “Parkway Residential Corridor” on **Schedule 4 – Area Specific Policies**.
- 1.5.2 In addition to the policies of this Plan, the following specific policies apply:
 - a) Residential uses are limited to:
 - i. Detached dwellings;
 - ii. A maximum of two *additional residential units* per principal dwelling unit, developed in accordance with the relevant policies of this Plan; and
 - iii. Home occupations.
 - b) Development shall be limited to Low-Rise Buildings.
 - c) New residential development shall be permitted through plans of subdivision and infill severances, which should include as conditions of approval those requirements necessary to ensure appropriate development and having regard to the following:
 - i. Permitted single-detached dwellings shall be on large estate lots. Lots shall have suitable soil conditions and sizes ranging from 0.6 to 0.8 hectares in area with individual lot frontages in excess of 50 metres in order to preserve the spaciousness of the Niagara River Parkway setting and support the long-term operation of *individual on-site water services* and *individual on-site sewage services*;
 - ii. Development shall be linear in design, front on the Niagara River Parkway, and be one tier in depth, not exceeding 137 metres measured from the centreline of the roadway; and shall retain desirable natural features, vegetation, and

mature trees, and include abundant landscaping and greening measures to promote the scenic and environmental character of the Niagara River Parkway; and

- iii. All proposed residential development along the Niagara River Parkway in the vicinity of existing livestock farming operations shall satisfy the Minimum Distance Separation Formulae.
- d) Residential development shall be coordinated with the Niagara Parks Commission and their service road construction policies, wherever possible. Individual site access shall be from service roads parallel to the Niagara River Parkway. Where service roads are not available, mutual or individual driveways with shared access may be permitted in order to limit points of ingress and egress. Any new vehicular access points along the Niagara Parkway will necessitate approval from the Niagara Parks Commission.

2.0 COMMUNITY DEVELOPMENT PLANS

- 2.1 The City may, at its discretion, require the preparation of a Community Development Plan for any large or complex site/area or development application in order to comprehensively study the implications of a proposed development and to ensure land use and built form compatibility.
- 2.2 Areas described below and identified on **Schedule 4 – Area Specific Policies** as a Community Development Plan area may, at the discretion of the General Manager of Planning, Building and Development (or designate), require the preparation of a Community Development Plan prior to development.
 - a) **Greater Niagara General Hospital site and surplus MTO Lands** - The existing site of the Niagara Falls General Hospital and the adjacent parking lots formerly owned by the Ontario Ministry of Transportation.
 - b) **Dunn Street** - The lands on the south side of Dunn Street between Drummond Road and Ailanthus Avenue. The currently permitted use as a satellite parking lot continues on these lands until such time as redevelopment is proposed and remain subject to provisions of the Implementing Zoning By-law.
 - c) **Centre Street/Kitchener Park** - The cluster of properties centred on lands municipally known as 5145 Centre Street. A Community Development Plan on these lands shall incorporate an expansion of Kitchener Park.
- 2.3 Community Development Plans are to be prepared in accordance with the relevant policies of Section 8.3 of this Plan and are intended to inform subsequent Zoning By-law approvals, and where appropriate, Site Plan Approvals.

3.0 MINISTER'S ZONING ORDERS

- 3.1 Minister's Zoning Orders are orders issued by the Minister of Municipal Affairs and Housing to regulate the use of land. These permissions supersede all local planning policies and Zoning By-law regulations. The location and area of Minister's Zoning Orders are identified on **Schedule 4 – Area Specific Policies**.

a) Minister's Zoning Order 1, O. Reg. 592/22

The Province has approved a Minister's Zoning Order (MZO) on these lands that permits apartment dwellings and dwelling units in a building containing other permitted uses as additional permitted uses, subject to specific zoning text provided in the MZO.

b) Minister's Zoning Order 2, O. Reg. 4/23

The Province has approved a Minister's Zoning Order (MZO) on these lands that permits, as additional permitted uses subject to specific zoning standards provided in the MZO, an estate winery and farm winery, golf course including associated maintenance buildings and fairway structures, hotel, assembly hall, recreational uses, restaurant, retail store, spa, villa, and accessory uses.

4.0 SITE SPECIFIC POLICY AREAS

- a) Site-Specific Policies reflect unique characteristics or circumstances that may affect development that apply to one or more properties, typically resulting from a development application or special study.
- b) Site Specific Policies 1 to 34 are carried through from previous approvals into this Plan and should be read with reference to the Niagara Falls Official Plan, 1993, as amended. Reference to the previous Official Plan Amendment number and decision date are included. Site-Specific Areas are identified on **Schedule 4 – Area Specific Policies**.

4.1 Site Specific Policy Areas

4.1.1 Site Specific Policy 1

(formerly Special Policy Area “3”)

Site Specific Policy 1 includes the site of the Nabisco Cereal Plant and other associated properties known municipally as 5654, 5695, and 5700 Lewis Avenue.

The industrial use of the lands shall be maintained in recognition of existing industrial operations and any future expansionary plans will be subject to other policies of this Plan.

4.1.2 Site Specific Policy 2

(formerly Special Policy Area “4”)

Site Specific Policy 2 includes the lands located east of Oakwood Drive and north of the Hydro Canal which comprise the site of Yogi Bear's Jellystone Park Campground.

These lands they may be used to accommodate an existing camping establishment.

4.1.3 Site Specific Policy 3

(formerly Special Policy Area “14”, By-law 2015-123)

Site Specific Policy 3 applies to 2.02 hectares (5 acres) of land on the southwest corner of Beechwood Road and Upper's Lane.

The principal use of the lands is limited to a place of worship, with or without a private day school.

4.1.4 Site Specific Policy 4

(formerly Special Policy Area “17”, OPA #4, By-law 94-165)

Site Specific Policy 4 applies to lands at the intersection of River Road and Otter Street.

A Bed and Breakfast(s) having eight rentable rooms will be permitted to operate in this location.

4.1.5 Site Specific Policy 5

(formerly Special Policy Area “23”, OPA #24, By-law 98-237; and former ROP Policy 8.5.6)

Site Specific Policy 5 applies to the 10 hectare parcel of land located on the northeast corner of Thorold Townline Road and Highway 20.

A passive recreational park and a private club with a maximum floor area of 290 square metres is permitted on the site. The private club must be located to the west of the Ministry of Transportation of Ontario’s designated right-of-way for the future realignment of Highway 20. Passive field sports such as boccie are restricted to existing grass covered areas located generally to the west of the designated right-of-way.

4.1.6 Site Specific Policy 6

(formerly Special Policy Area “24”, OPA #21, By-law 98-30)

Site Specific Policy 6 applies to the 6 hectare parcel of land located on the east side of Kalar Road approximately 395 metres south of the intersection of Montrose Road.

Up to 25 senior citizen housing units and/or a youth centre for sports and recreation will be permitted on the existing sanitary sewer facilities and private water supply. Development shall be limited to the extent of the capacity of the sanitary forcemain which is currently available to the site.

4.1.7 Site Specific Policy 7

(formerly Special Policy Area “26”, OPA #27, OMB decision deleted and replaced under OPA #172, approved October 22, 2024)

Site Specific Policy 7 applies to approximately 1.4 hectares of land located on the northeast corner of St. Paul Avenue and Mountain Road.

The lands may be developed for an apartment dwelling consisting of two towers with a maximum density of 210 units per hectare and maximum building heights of 15 storeys (56 metres) and 19 storeys (68 metres), respectively, as measured from an elevation of 192 metres.

4.1.8 Site Specific Policy 8

(formerly Special Policy Area “27”, By-law 2000-008, OMB issue date Mar 31, 2000 pending site plan)

Site Specific Policy 8 applies to 19.7 hectares of land located on the east side of St. Paul Avenue, south of the CN railway line.

In addition to the existing golf course, driving range and an ancillary restaurant, the development of these lands shall be subject to the following policies:

- a) A sand and gravel resource area will be protected on the easterly 5.5 hectares of the site until the Ministry of Natural Resources and Forestry lifts the aggregate licence for this area. After the licence has been lifted and the sand and gravel extraction has ceased, the golf course will be allowed to expand into this area as part of an approved rehabilitation plan. The expansion of the golf course may be subject to certain separation requirements due to the proximity of the former Cyanamid waste disposal site.
- b) A residential plan of subdivision comprised of lots for single detached dwellings may be considered on part of the lands. A noise and vibration assessment and an air quality study/impact assessment are required to be submitted with the subdivision application because of the proximity of a railway line, and an active sand and gravel pit. In addition, a soil study may be required to be submitted because wastes have been found on the site. The location of the subdivision may be subject to certain separation requirements due to the proximity of the former Cyanamid waste disposal site. The lands have the potential to contain archeological resources. A condition of draft plan approval will require development activities to cease and the Province to be informed if any archeological remains are uncovered.

4.1.9 Site Specific Policy 9

(formerly Special Policy Area “32”, OPA #35, By-law 2001-51, amended by OPA #116, By-law 2015-50)

Site Specific Policy 9 applies to 0.16 hectares of land on the northwest corner of River Road and Eastwood Avenue.

The lands may be developed with an inn containing up to 12 rentable bedrooms for tourists and 1 bedroom for an innkeeper or manager. Development shall be subject to site plan control in order to address building design, access, parking lot design, landscaping, fencing and servicing to ensure compatibility with the neighbouring residential properties.

4.1.10 Site Specific Policy 10

(formerly Special Policy Area “34”, OPA #37; OMB Decision, Amended by OPA #69, By-law 2007-163, amended by OPA #118, By-law 2018-68, and former ROP 8.5.7 and 8.5.8)

Special Policy Area 10 applies to an approximately 106 hectare area of land bounded by Grassybrook Road to the north, Biggar Road to the south and extending west from Grand Niagara Drive to approximately 225 metres west of Morris Road

The lands are intended to be developed for golf courses and associated accessory uses.

- a) The land designated Open Space is intended for the development of golf courses, a golf driving range, golf course clubhouse and accessory buildings and structures.
- b) A golf course clubhouse developed as part of this facility shall have a maximum building height of 2 storeys and shall be subject to the setback regulations as established in the zoning by-law.

ENVIRONMENTAL PROTECTION

- c) Forest, fish and wildlife management works, including the rehabilitation, enhancement and restoration of existing natural heritage features and the creation of anthropogenic features, may be undertaken adjacent to lands designated EPA and within lands designated ECA, in accordance with the following policies:
 - i. Works shall be subject to any Work Permits that may be required from the Niagara Peninsula Conservation Authority.

- ii. The works will be subject to the land owner entering into a Resource Management Agreement with the City. Council may enter this agreement as a bonus for increases in building height or density within the Grand Niagara Area Plan area.
- iii. The Resource Management Agreement shall address the following:
 - > The removal of certain identified natural heritage features within the Grand Niagara Area Plan area consistent with **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan** and the Ecological Restoration Plan, Savanta Inc., February, 2017;
 - > The compensation of any removed features within the Area Plan area;
 - > Compensation consistent with **Schedule 3-2 – Riverfront Area: Natural Heritage System Components and Enhancement Plan** and the Ecological Restoration Plan, Savanta Inc., February, 2017;
 - > The identification of compensation lands;
 - > A detailed restoration/enhancement plan;
 - > A description of works related to environmental restoration or enhancements and the timing of these works;
 - > The completion and establishment of restoration works prior to the removal of any existing natural heritage features;
 - > The requirement for a Work Permit regarding the compensation of any feature regulated by the Niagara Peninsula Conservation Authority;
 - > A detailed, multi-year monitoring plan of the compensation/restoration works including performance benchmarks;
 - > The securing of compensation through the provision of a Letter of Credit submitted to the City prior to the initiation of any of the rehabilitation works; and
 - > Other matters that may be required.

- iv. The lands identified for restoration will be designated for protection in the Official Plan and zoned Environmental Protection zone to ensure the long-term protection of the compensation/restoration area.
- d) Development will be subject to plan(s) of subdivision, plan(s) of condominium and/or site plan agreement(s) which shall implement, in addition to measures typically implemented under such controls, outlined in this Site-Specific Policy as well as measures to control herbicide/pesticide impacts and to preserve any archeological resources.
- e) The plan(s) of subdivision, plan(s) of condominium and/or site plan agreement(s) shall include a notice clause to notify owners and potential purchasers of the vacation dwelling units and/or resort dwelling units that there are potential odour, air and noise emissions, including the provision of lighting emanating from nearby industries, and, in particular, the existing and future heavy industrial facilities permitted on Industrial designated lands situated to the northwest of Garner Road and Chippawa Creek Road.
- f) To ensure the safety of the residents and patrons, the lands will be designed to ensure proper and efficient access by emergency vehicles, including consultation with emergency services including the Fire Department.
- g) Existing rural residences, remnant farm dwellings and hobby farms within the subject area shall be recognized and may continue as permitted uses as regulated by the Zoning By-law.
- h) The following additional policies will apply to land described above and designated natural heritage features:
 - i. Development of these lands, including site alteration, will not be permitted unless otherwise stated in this subsection. Development of adjacent lands shall not adversely impact the natural heritage features. In this regard, the recommendations of the Environmental Impact Assessment (March 2001) and Addendum Report Environmental Impact Assessment (June 2001) prepared by ESG International and any subsequent environmental impact assessments shall be implemented through the amending zoning bylaw and through subsection (d) above.
 - ii. Notwithstanding the above, bridge and municipal service crossings of watercourses within the Natural Heritage Features designation may be permitted provided an

environmental impact assessment demonstrates that such lands will not be adversely impacted, and the necessary permits are obtained from the Niagara Peninsula Conservation Authority.

- iii. The boundaries of the natural heritage features applying to watercourses west of Morris Road are approximate only. Prior to passage of the amending zoning by-law, the exact boundary of the fish habitat setback, as defined by the federal Department of Fisheries and Oceans, and the regulatory flood plain for these watercourses shall be mapped in consultation with the Niagara Peninsula Conservation Authority.

4.3.11 Site Specific Policy 11

(formerly Special Policy Area “35”, OPA #40, By-law 2002-141, Regional Approval Oct 2002)

Site Specific Policy 11 applies to approximately 100 hectares of land located on the south side of Brown Road, west of Kalar Road, north of Chippawa Creek Road.

The development of this land subject to the following policies.

- a) The property is intended to be developed as a comprehensive fully integrated, large scale resort commercial development consisting of both high and low intensity resort commercial components. These commercial components, as well as their locational requirements, are described in more detail below.
- b) The large significant woodlot/wetland on the site is to be retained and protected. It will be integrated into the resort commercial development by providing for passive recreational/education use.

In order to ensure that the Natural Heritage System is adequately protected, the following criteria shall apply:

- i. Any application to amend the Zoning By-law must be accompanied by an Environmental Impact Study completed to the satisfaction of the City and/or Ministry of Natural Resources and/or the Niagara Peninsula Conservation Authority.
- ii. The EIS shall identify the boundaries of provincially significant wetland habitats, use and woodlot areas, significant stands of trees, and fish habitats, together with appropriate means of mitigation for development including, but not limited to, distance separations, buffer

requirements, drainage and stormwater management, and any other protection measures and monitoring procedures required to be implemented by the applicant.

- iii. Only trail development will be permitted within the wetland boundary of the woodlot and only limited golf course development within the upland woodlot area. Such development will be subject to a detailed EIS at the Site Plan Agreement stage.
- c) Development of the land will be subject to a site specific zoning amendment which must address the following requirements:
- i. Building heights, particularly those used for accommodations, shall be Low-Rise in design in order to be less affected by odours and air emissions from neighbouring industries, to fit in with the character of the area, and not dominate the natural landscape of the area.
 - ii. The zoning amendment will establish the exact boundaries of the natural features to be preserved.
 - iii. A zoning application must be accompanied by an overall traffic study, sanitary and water servicing study, stormwater management study, previously mentioned environmental impact study, as well as updated noise and odour studies.
- d) Prior to any development, a master site plan shall be registered on title which shall identify the staging of development. Detailed site plans for each stage of development shall be added as an amendment to the master plan. Site plan agreements will be used to implement the findings of required archeological, environmental impact, and stormwater management studies. The agreements will also deal with lighting, fencing, parking and any other prescribed measure to mitigate the impact of the development.
- i. Should the development impact upon or alter existing conditions of Thompson Creek, located to the south of the development, the developer shall obtain consent of the owner of Thompson Creek to permit these impacts or alterations, or in the alternative shall redesign its development so as to maintain the existing conditions. These impacts or alterations include impacts on flood potential, erosion, water quality and quantity and fish habitat.

- ii. The developer shall enter into development agreements with the City to address off-site traffic and road network improvements as required by traffic studies and/or relevant agencies.

4.1.12 Site Specific Policy 12

(formerly Special Policy Area “37”, OPA #42, By-law 2002-20, OMB Decision)

- a) The lands subject to this Site Specific Policy 12 include:
 - i. Parts 1 to 8, Reference Plan 59R 8761, and Parts 5 to 13, Reference Plan 59R-3305.
 - ii. Parts 1 to 42, Reference Plan 59R-6480.
 - iii. Parts 1 to 4, Reference Plan 59R-6827.
 - iv. Parts 1 to 14, Reference Plan 59R-6996.
 - v. Parts 1 to 8 and 10 to 17, Reference Plan 59R-5128.
 - vi. Parts 1 to 8, Reference Plan 59R-5340.
 - vii. Parts 1 to 16, Reference Plan 59R-7651.
 - viii. Parts 1 to 13, Reference Plan 59R7428.
 - ix. Parts 1 to 25, Reference Plan 59R-7401.
 - x. Parts 1 to 14, Reference Plan 59R8642.
 - xi. Parts 1 to 22, Reference Plan 59R-7414.
- b) A significant amount of non-farm land fragmentation activity has taken place in the former Townships of Willoughby and Crowland through a process known as testamentary devise. The testamentary devise process allowed parcels to be created through a bequest of land by Will, thus circumventing the *Planning Act*. The testamentary devise process resulted in the ad-hoc establishment of numerous “rural-residential type development” involving a concentration of parcels. The manner in which these parcels were created did not address the municipality’s policies respecting land use planning and servicing.

Having regard to the foregoing, the City is concerned that lands have been divided without the benefit of supporting studies dealing with such matters as potential land use conflicts, the long-term functioning of private waste disposal systems, impacts on natural features including woodlots, creeks and wetlands, increased demands for servicing, storm water management and municipal financial impacts. The parcels also represent a form of strip development which, from a design perspective, can create traffic

impacts particularly along arterial roads. The majority of parcels within most of the testamentary devise reference plans do not meet current zoning by-law regulations and are generally smaller in size than envisioned for estate residential lots.

- c) To effectively manage the development of testamentary devise lots, having regard to the concerns expressed, the following policies have been established by Council:
 - i. A consistent set of zone standards shall be provided for rural residential development on testamentary devise lots:
 - > Lot sizes shall be a minimum of 2.5 acres (1.01 hectare).
 - > Lot frontage shall be a minimum of 200 feet (60 metres).
 - > Under no circumstances will lot sizes or lot frontages be reduced from the minimum requirements.
 - > Testamentary devise lots having a lesser lot size or frontage than prescribed herein will not qualify for development unless they have met all of the zoning requirements set out in By-law No. 395, 1966 or No. 1538 (1958), as amended.
 - ii. Where testamentary devise parcels comply with the provisions of a consolidated zoning by-law providing a consistent set of standards for rural residential development as building permits may be issued provided the following criteria can be met.
 - > The applicant shall supply a deed of good title for the lands to the satisfaction of the City Solicitor's Department.
 - > The Niagara Peninsula Conservation Authority shall be satisfied that any proposed development is in compliance with the Authority's Fill, Construction and Alteration to Waterways Regulation and the Authority's approved Plan Input and Review Policies/Guidelines, as amended. Development is to be situated outside of the floodplain and shall be subject to any Fill Regulations associated with the floodplain.
 - > The City shall be satisfied the lots comply with the Provincial Minimum Distance Separation Formula. The City shall also be satisfied that any proposed residential development shall comply with relevant Provincial policy statements which could require archeological and fish habitat impact studies.
 - > The City's Development Charges fee is paid by the

applicant.

- > The Regional Municipality of Niagara's Development Charge is paid, if applicable.
- > Any development proposed on a testamentary devise parcel within 120 metres of a Provincially Significant Wetland complex, or significant woodlot boundary, will be required to complete an Environmental Impact Study to ensure the development will not impact features and functions.
- > The Regional Public Health Department and/or appropriate agency shall be satisfied that the lot can accommodate the long-term functioning of a private waste disposal system and appropriate storm water management. To obtain these clearances, the following requirements shall be met:
 - A lot grading and drainage plan shall be submitted for each lot. All surface water must drain to a suitable outlet. The City's Municipal Works Division will review each plan to ensure individual plans conform to an overall drainage concept developed by the Municipal Works Division. If a suitable outlet or overall drainage conformity cannot be achieved, the applicant shall provide an engineered solution.
 - Each plan shall establish a building envelope, amenities envelope and a sewage envelope.
 - The sewage envelope shall depict primary and secondary tile bed and mantle areas setback a minimum of 30 feet from a property line.
 - Designs for primary and secondary tile beds and mantle areas will be based on a Class 4 tile bed system.
 - All surface runoff must drain to a suitable outlet. Where a suitable drainage outlet is not readily available an engineered solution shall be provided. Where a lot is one of a grouping of six or more abutting lots which are less than the prescribed minimum lot size of 2.5 acres, and comply with section 4.3.12(b).(2), a hydrogeological study and master drainage plan shall be submitted by the

landowner. The hydrogeological study shall verify to the satisfaction of the Regional Public Health Department and/or appropriate agency that the lands can support a private waste disposal system in compliance with the Ministry of Environment's multiple lot criteria. The master drainage plan shall demonstrate storm water drainage as being addressed to the satisfaction of all agencies having an interest in this matter.

- > All lots will be subject to a warning clause to be implemented via the site plan agreement indicating the lots could be subject to nuisances in the form of odour, dust and noise from either existing or future agricultural operations.
 - > In order to reduce the traffic impacts associated with multiple driveways along arterial roads, abutting driveway entrances between lots shall be promoted.
 - > With respect to Reference Plan 59R-3305, any development shall satisfy the requirements of Trans Canada Pipelines.
 - > The dedication of road widenings will be reviewed on an individual basis based on the extent of existing development within the subject area, as well as previous road widenings dedicated to the City within and beyond the subject area.
 - > The owners of lots shall be advised that there are no municipal water, storm or sanitary sewer services available to service these lots and the City will not consider requests for the extension of services.
 - > All of the above requirements in this section shall be implemented by site plan agreement.
 - > Where testamentary devise parcels have been created which do not meet the regulatory provisions of the zoning by-law, except for grandfathered parcels, the amalgamation of lots will be encouraged in order to permit the issuance of building permits.
- d) In order to encourage the amalgamation of parcels Council will provide opportunities for land severances provided the following conditions are met:
- i. The severance will promote lot amalgamation and/or better lot configuration.

- ii. The severance will represent an improvement over existing conditions.
 - iii. The severance will not increase the number of testamentary devise parcels in a specific plan.
 - iv. The severance will not involve lands outside of testamentary devise plans.
- e) By encouraging the amalgamation of lots and the consolidation of by-law standards, it is Council's intent to reduce the impact of unplanned development in the rural area, provide better configured estate size parcels and improve the prospects for the long-term functioning of waste disposal systems for each testamentary devise reference plan. In this respect, Appendix V, Maps 1 to 11 to By-law 2022-20 illustrate each testamentary devise reference plan as it exists and the optimum or desired layout for each plan based on the implementation of these policies.
- f) The municipality will not assume any new internal road patterns intended to provide frontage to existing internal testamentary devise parcels. The objective is for existing internal testamentary devise parcels which do not front on a municipal road allowance, to amalgamate to form one larger parcel of land or alternatively be merged with existing parcels in the same reference plan which front on a roadway. This will eliminate the internal parcels and/or construct larger, better configured parcels.
- g) Where unopened municipal road allowances currently exist, roads may only be extended by agreement with the City, and subject to appropriate studies, as may be required.
- h) The Natural Heritage Features policies of the Official Plan will continue to be adhered to. In this regard, a zoning amendment shall be processed which zones all the natural areas within these plans (flood plains, Provincially Significant Wetlands) as hazard lands. Development will not be permitted within floodplains and identified boundaries of Provincially Significant Wetlands.

4.1.13 Site Specific Policy 13

(formerly Special Policy Area "38", OPA #43, By-law 2002-41, OMB approved May 31, 1999)

Site Specific Policy 13 applies to that portion of the lands located south of Beaverdams Creek which are part of a 1.3 hectare (3 acres) parcel

located at the southwest corner Beaverdams Creek and Kalar Road, known municipally as 8310 Beaverdams Road.

- a) A contractor's shop and yard may be permitted on a limited scale and may include a building not to exceed 557 square metres to be used as a repair shop, storage building and office in conjunction with the permitted use.
- b) The contractor's yard is to be separated from the Beaverdams Creek, designated as Natural Heritage Features, by either a 3-metre planted buffer or a closed-board fence located at the top of the bank. The bank of the creek is to be graded to a 3:1 slope.
- c) The lands shall be included as an area of site plan control.

4.1.14 Site Specific Policy 14

(formerly Special Policy Area "39", OPA #46, By-law 2003-40)

Site Specific Policy 14 applies to approximately 111.5 hectares of the land located at the foot of Oldfield and Drummond Roads, being the former Canadian Pacific Railway Marshalling yard.

Development is permitted subject to the following policies:

- a) The property is intended to be developed for a golf course with the accessory uses customarily incidental to a golf course and may include: a driving range and various recreational amenities.
- b) Portions of the land contain Locally Significant Wetlands and Woodlands. These natural features will be integrated into the golf course through the design and development process.
- c) In order to ensure that the Significant Wetlands and Woodlands are adequately protected, Site Plan Control shall apply to the golf course, driving range and accessory facilities. Particularly:
 - i. The Site Plan shall provide appropriate buffers and buffer management techniques to protect and enhance the Locally Significant Wetlands, Woodlands and other isolated environmental features as recommended in an approved environmental impact study and a tree preservation plan. The environmental impact study and tree preservation plan shall be completed by a qualified professional(s) to the satisfaction of the City of Niagara Falls. The Site Plan shall also address grading, stormwater management and herbicide/pesticide impacts.

- d) Approximately 24 hectares of land which encompass the lands historically used as a railway line and marshalling yard shall be subject to the following:
- i. Redevelopment of the said railway line and marshalling yard will be subject to site specific zoning including the use of a Holding "H" provision as provided for in this Plan and subject to the preparation of a plan to address the method and extent of lands to be decommissioned;
 - ii. Prior to the removal of the "H" symbol and before redevelopment of the former marshalling yard occurs, a remediation program (if required) will be established for the site or part thereof, and decommissioned in accordance with the regulations of the Province; and
 - iii. Should Canadian Pacific Railway retain a portion of the 24 hectare site, and said retained portion not be redeveloped for golf course purposes, industrial uses compatible with surrounding sensitive land uses shall be permitted.

4.1.15 Site Specific Policy 15

(formerly Special Policy Area "41", OPA #48, By-law 2003-126 and amended by OPA #125, Regional Approval, By-law 2018-33)

Site Specific Policy 15 applies to approximately 0.41 hectares of land located on the southwest corner of Elgin Street and Terrace Avenue.

- a) An inn, comprised of not more than two buildings and not more than 16 guest suites, shall be permitted. The inn may include a dining room and a spa for the sole use of overnight guests. The spa may include massage therapy which shall be provided by registered massage therapists.
- b) The existing apartment building, which is a historically significant structure, shall be converted from its residential use and may contain up to 10 guest suites. A second building may contain up to six guest suites.
- c) Development shall be subject to Site Plan Control and an agreement registered on title in order to address access, parking lot design and construction, loading, refuse storage, lighting, landscaping, fencing and servicing to ensure compatibility with the neighbouring residential properties.

4.1.16 Site Specific Policy 16

(formerly Special Policy Area “42”, OPA #49, OMB Decision #0900)

Site Specific Policy 16 applies to approximately 8 hectares of land located on the south side of Dunn Street, west of Ailanthus Avenue.

- a) A tourist commercial-serving satellite parking lot and associated administration/security/employee building shall be permitted to be developed on the lands.
- b) The use of the lands as a satellite parking lot shall be restricted to providing some or all required, additional, and employee parking, by valet or other service, for a number of properties located in the Entertainment District designation.
- c) Not more than 600 employee parking spaces shall be permitted on the lands. The lands shall not be used as a commercial parking lot, being an area used for the temporary parking of vehicles for profit or gain.
- d) The floor area of the administration/security/employee building shall not exceed 2,800 square metres.
- e) The satellite parking lot shall be linked to the lands in the Entertainment District designation by a site specific zoning by-law. In order to ensure that the satellite parking lot is utilized exclusively for some or all required, additional, and employee parking, by valet or other service, permitted through this Site-Specific Policy and to reduce the impacts of the satellite parking lot on the surrounding residential land uses, the implementing zoning by-law shall include provisions to:
 - i. Prohibit the satellite parking lot from being used as a commercial parking lot;
 - ii. Limit the maximum number of employee parking spaces to 600;
 - iii. Specify the height, location and extent of the noise attenuation barrier; and
 - iv. Specify the location and width of perimeter landscape strips.
- f) The maximum number of parking spaces permitted on the lands shall be 1,651. The first phase of development shall not exceed 1,360 parking spaces. Expansion of the number of parking spaces to 1,651 shall occur only if the surrounding road network can accommodate

the expected increase in traffic volume and shall be controlled with a holding “H” provision. Lifting of the holding provision shall be subject to the following:

- i. A traffic analysis, satisfactory to the Director of Municipal Works, that addresses impacts to the surrounding road network and any necessary road improvements; and
 - ii. An amended Site Plan Agreement and any necessary Development Agreement relating to off-site works being registered on title.
- g) The development of the satellite parking lot shall be subject to Site Plan Control and a site plan agreement registered on title in order to address the following matters so as to minimize the impacts on the surrounding residential land uses:
 - i. Access and traffic circulation at the Dunn Street entrances;
 - ii. Parking lot design and construction, including grading and storm water management;
 - iii. Lighting and floodlighting; and
 - iv. Landscaping, berming and buffering treatments including mitigative measures to address noise, lighting and odour abatement.

4.1.17 Site Specific Policy 17

(formerly Special Policy Area “43”, OPA #104, By-law 2012-069)

Site Specific Policy 17 applies to approximately 24 hectares of land located on the northwest corner of Lundy's Lane and Beechwood Road, through to Thorold Townline Road.

- a) A Bed and Breakfast(s) having not more than four rentable rooms for tourists shall be permitted on the lands.
- b) An estate winery may be permitted as a secondary use to a vineyard operation subject to the following policies:
 - i. To ensure an estate winery is secondary to the principal farm use, the minimum area of vineyards to be planted shall be 8 hectares, of which 75 percent shall be actively producing grapes.

- ii. A local farm produce building shall be permitted as an agriculturally related use to the farm operation and may sell produce and other local agriculturally related products.
- iii. The maximum floor area for an estate winery, local farm produce building, and ancillary uses, excluding storage, shall be 1300 square metres in order to ensure the estate winery is small scale.
- iv. All ancillary uses to a winery shall not detract from the principal agricultural use nor adversely affect surrounding land uses.
- v. The estate winery shall be subject to site plan control to ensure that the winery operations do not negatively impact the agricultural use of the land and manage servicing, parking, drainage and landscaping.

4.1.18 Site Specific Policy 18

(formerly Special Policy Area “44”, OPA #51, By-law 2004-157, OMB Decision #PL040922)

Site Specific Policy 18 applies to a parcel of land approximately 40 hectares in size and located on the west side of Garner Road and north of Lundy’s Lane.

- a) The lands described in By-law 2004-157 as “RESIDENTIAL”, shall be designated for residential use and, although the Phase 1 Plan Subdivision approved by the Ontario Municipal Board on or about November 10, 2006, may have only residential single family lots, the lands will feature an integrated housing mix throughout the site with an overall minimum of 6 units per acre to provide for efficient land use and foster a diverse and attractive community within the plan area. A variety of single family lot sizes along with townhomes, apartments and multiple residential units will be integrated throughout the plan area in order to provide a choice of housing types and tenure.
- b) A 5 hectare woodlot containing rare Carolinian tree species is located along the northerly periphery of the residential area. This area, which is bounded by the woodlot dripline, will be protected in accordance with Natural Heritage System policies of this Plan.
- c) In order to ensure that future residential development adjacent to the woodlot is designed in a sensitive manner and does not negatively impact on its features and functions, the following shall be

implemented:

- i. Development and structures surrounding the woodlot area shall be set back 5 metres from the drip line of the woodlot perimeter; and
 - ii. Any master grading plan prepared for the development of adjacent residential lands shall be sensitive to the protection of the woodlot area.
- d) Council is required to plan for, protect and preserve employment areas for current and future uses. In this respect, prior to residential uses being permitted, Council should ensure that the future residential use cause no undue negative impacts or place no undue limitations on permitted and lawful industrial use of the Industrial designated lands (the Redpath Facility), located directly south of these lands.
- e) Prior to Council passing by-laws, the City entering into any subdivision agreements, or the City granting subdivision approval permitting residential uses, the City shall be satisfied having had regard for applicable environmental guidelines, that adequate buffering and separation distance is achieved between any proposed residential development and the Redpath Facility, with particular regard for noise and vibration so as to minimize adverse impact from the new development on the ability of the industrial use to conduct lawful operations and to expand as permitted under existing zoning in compliance with municipal and provincial lawful requirements and to minimize adverse impacts on the new development from the continuing abutting industrial use and its potential for operational expansion.

4.1.19 Site Specific Policy 19

(OPA #45, By-law 2002-196)

Site Specific Policy 19 applies to the property municipally known as 9675 Montrose Road (Sam's Montrose Hotel), situated at the southwest corner of Montrose Road and Chippawa Creek Road, is excluded from the 100 metre setback requirement from the QEW for adult entertainment.

4.1.20 Site Specific Policy 20

(formerly Special Policy Area “46”, OPA #54, By-law 2004-177; OMB Decision #1396)

Site Specific Policy 20 applies to approximately 2.18 hectares of land located on the north side of Lyon’s Creek Road.

- a) The existing building may be used for a restaurant and retail stores to a maximum of 515 square metres of gross leasable floor area until the lands are developed for residential purposes.
- b) Individual private services are to be provided to the satisfaction of the Regional Public Health Department.
- c) In order to ensure that the site is developed to minimize impacts on the neighbouring residential land uses, Site Plan Control shall apply to the land and a site plan agreement shall be registered on title which addresses landscaping, drainage, lighting, vehicular access and parking and related issues

4.1.21 Site Specific Policy 21

(formerly Special Policy Area “47”, By-law 2004-134)

Site Specific Policy 21 applies to 1.1 hectares of land located on the north side of Biggar Road, west of Morris Road.

- a) A contractor’s yard may be permitted.
- b) The yard may include buildings and structures not exceeding a gross floor area of 1,650 square metres and a height of one storey, for the purpose of an office and vehicle storage, maintenance facility and ancillary storage.
- c) Site Plan Control shall apply to the land and a Site Plan Agreement shall be registered on title. The agreement shall satisfactorily address mitigation and screening measures between the development and abutting residential use as well as grading, drainage, landscaping, tree preservation and lighting.

4.1.22 Site Specific Policy 22

(formerly Special Policy Area “50”, OPA #70, By-law 2007-082; and former ROP 8.5.3)

Site Specific Policy 22 applies to 85.68 hectares of land located north of Thorold Stone Road, west of Taylor Road, south of former Mountain Road and east of Thorold Stone Road.

- a) Notwithstanding final rehabilitation of the site for agricultural use, an interim land use consisting of a non-hazardous, solid waste landfill use shall be permitted.
- b) The landfill shall operate as part of an integrated system of waste management facilities located on adjacent lands. The adjacent waste management facilities may include, but are not limited to: residential and small business recycling; yard waste and waste drop-off; composting for organic waste; landfill gas collection and distribution for re-use; recycling of asphalt, concrete, glass and other ICI (Industrial, Commercial and Institutional) materials; haulage for waste and recyclables and a bio-solids management facility.
- c) The maximum annual capacity of the landfill site will be 750,000 tonnes accommodating waste from the Province of Ontario. An additional capacity of up to 100,000 tonnes may be used by the Regional Municipality of Niagara for contingency/emergency waste residuals.
- d) The landfill use is expected to operate for 20 to 25 years commencing in 2009. Site preparation may take place prior to the commencement of landfilling.
- e) Landfilling will be done in phases. Final rehabilitation to an agricultural land use shall take surrounding land use and approved land use designations into consideration. Plantings and landscaping required through the approval of the Environmental Assessment shall remain throughout and subsequent to the rehabilitation of the lands to an agricultural use.
- f) All necessary approvals under the Environmental Protection Act shall be obtained prior to commencement of the landfill use. Other approvals, such as under the Ontario Water Resources Act, shall be obtained as required.
- g) The City may enter into an agreement to address the Host Community Compensation program to ensure land use compatibility with the surrounding area.

4.1.23 Site Specific Policy 23

(formerly Special Policy Area “51”, OPA #72, By-law 2007-121)

Site Specific Policy 23 applies to approximately 4 hectares of land located northwest of the Stanley Avenue and Portage Road intersection.

A comprehensive residential community may be developed on the land in accordance with the following policies:

- a) A maximum of 276 dwelling units to a maximum of overall density of 75 units per hectare may be developed on the land, consisting of up to two High-Rise buildings, with a maximum building height of 10 storeys and 37 metres, and group dwellings;
- b) The community shall be developed in an attractive landscaped setting with appropriate buffering and landscaped setbacks from adjacent land uses. Any on-site stormwater management facilities shall be designed to contribute to the aesthetics of the development;
- c) Development will be subject to a Plan of Subdivision(s), Plan of Condominium(s) and/or Site Plan Control which shall implement, in addition to measures typically implemented under such controls, measures outlined in subsection (d) below.
- d) The development shall be designed in a manner to ensure impacts of surrounding industrial uses are mitigated and adequate building setbacks are provided from the adjacent railway line. To ensure land use compatibility, noise and servicing matters are addressed, the amending zoning by-law shall include a Holding “H” provision. Prior to removal of the “H” symbol, the following matters shall be completed and addressed in an appropriate agreement:
 - i. The aggregate mining pits on the subject land shall be closed and decommissioned to the satisfaction of the Regional Municipality of Niagara and the Ministry of Natural Resources and Forestry.
 - ii. A study demonstrating the availability of adequate stormwater management facilities shall be completed to the satisfaction of the City and the Regional Municipality of Niagara.
 - iii. A noise and vibration study shall be completed addressing potential impacts from the adjoining rail line on adjacent dwellings, to the satisfaction of the City, the Regional Municipality of Niagara and CN Rail.

- iv. An agreement shall be executed with Hydro One Networks securing a driveway to Portage Road.
- v. A traffic study shall be completed to identify the necessary improvements to surrounding roads to the satisfaction of the City and the Regional Municipality of Niagara.
- vi. A dust study shall be completed to ensure there are no adverse impacts from mineral aggregate operations on the adjacent lands to the satisfaction of the City and the Regional Municipality of Niagara.

4.1.24 Site Specific Policy 24

(formerly Special Policy Area “52”, By-law 2007-231)

Site Specific Policy 24 applies to approximately 0.89 hectares of land located on the southwest corner of Sodom Road and Nassau Avenue.

- a) The lands may only be developed with a 1500 square metre restaurant and an associated parking lot.
- b) The measures recommended by the Environmental Impact Study, as well as landscaping, drainage, lighting, vehicular access and parking lot surfacing, shall be addressed through zoning and site plan control.

4.1.25 Site Specific Policy 25

(formerly Special Policy Area “56”, OPA #81, amended by OPA #100, By-law 2011-067, amended by OPA #128, By-law 2018-76, OMB October 31, 2019)

Site Specific Policy 25 applies to approximately 252 hectares of land located south of McLeod Road and north of Chippawa Parkway, between Stanley Avenue and Dorchester Road.

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

- i. Notwithstanding that development is to occur in accordance with an Area Plan, approximately 23 hectares of land located on the northwest quadrant of Oldfield Road and Drummond Road may be developed in advance of an Area Plan by way of a plan of subdivision in accordance with the policies of the Existing Neighbourhoods designation and subsections b, d and e below.
 - ii. Notwithstanding that development is to occur in accordance with an Area Plan, approximately 48.6 hectares of land located in the southwest portion of this area where Dorchester Road and Chippawa Parkway meet, may be developed in advance of an Area Plan by way of a Community Development Plan.
- b) The Area Plan shall address the policies Section 8.3 of this Plan and the following:
 - i. Residential design in compliance with the greenfield policies and density targets of this Plan.
 - ii. 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.
 - iii. The availability of adequate municipal services including road, water, sanitary sewer and stormwater management services.
 - > *The Niagara Region 2016 Water and Wastewater Master Servicing Plan (MSP)* has identified the need for a future South Niagara Falls Wastewater Treatment Plan (WWTP).
 - > Development will convey sanitary flows to the South Side High Lift Pumping Station in the interim and ultimately to the future WWTP.
 - > 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.

- > 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.
 - > 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.
 - > 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.
- c) The Area 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.
- d) The Area Plan shall require the completion of the appropriate studies or the receipt of Records of Site Conditions through implementing planning applications.
- e) No development or site alteration shall be permitted within the areas designated Natural Heritage System. Refinement to the extent of the Natural Heritage System and other designations and the establishment of appropriate setbacks and linkages will occur at the Area Plan, zoning by-law, plan of subdivision, plan of condominium and site plan control stages and shall be based on detailed Environmental Impact Studies.
- f) *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.”

- g) Initiation of the Class EA shall be triggered by any relevant development approvals beyond the Riverfront Area Plan 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.
- h) 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 Area Plan, plans of subdivision/ condominium and site plan.

4.1.26 Site Specific Policy 26

(formerly Special Policy Area “60”, By-law 2008-173, OMB approved Feb 27, 2009)

Site Specific Policy 26 applies to 0.50 hectares of land located on the west side of River Road, between Philip Street and John Street.

- a) The portion of the land between River Road and River Lane may be developed with an apartment building to a maximum building height of 7 storeys and 27 metres, as measured from the intersection of River Road and John Street, and a maximum density of 238 units per hectare. The portion of the site west of River Lane shall only be used for parking and buffering.
- b) The density of the project is authorized pursuant to Section 37 of the *Planning Act*. The owner is required to enter into an agreement with the City, prior to the passage of and recognized in the amending by-law, to secure a cash contribution which the owner has elected to provide in return for the density of the project. The cash contribution is calculated based on the cost of construction per square metre multiplied by the floor area of the additional 56 units and again multiplied by 1 percent. The cash contribution is to be used for the construction of a recreational trail on the lands of the former Michigan Central Railway between the Protected Major Transit Station Area / Historic Downtown and Newman Hill or for projects approved under the Downtown Community Improvement Plan.

4.1.27 Site Specific Policy 27

(formerly Special Policy Area “61”, OPA #85, By-law 2008-163)

Site Specific Policy 27 applies to approximately 0.33 hectares of land located southwest of the Thorold Stone Road and Kalar Road intersection.

- a) The land may only be developed with a 737 square metre neighbourhood commercial plaza including a seasonal patio and 70 square metre storage and office building and an associated parking area.
- b) To ensure the parking area does not impact on abutting land uses, provisions shall be included in the amending by-law to require the parking lot to be developed with generous buffering and landscaping along adjacent land uses.
- c) Development will be subject to site plan control and a site plan agreement shall be registered on title.

4.1.28 Site Specific Policy 28

(formerly Special Policy Area “62”, OPA #89, By-law 2009-061 and amended by OPA #125, By-law 2018-33)

Site Specific Policy 28 applies to approximately 61 ha of land located west of Victoria Avenue, east of Stanley Avenue, north of the former NS&T Railway corridor, and south of the CN rail corridor (with the exception of those lands designated Entertainment Generation District).

- a) Development of the land within an Employment Area designation shall be subject to the following policies:
 - i. These lands are intended to develop for a broad range of employment activities including light industrial (activity primarily occurring within buildings and minimal outdoor storage); warehousing; office; laboratory and research facilities; automotive uses; service commercial uses such as restaurants, printing shops, fitness and recreation, convenience stores; and, institutional uses such as community centres, arenas, and churches. The zoning bylaw applicable to this area will list the permitted uses as well as the development regulations which will apply.
 - ii. Development of the Cytec land will occur by way of a plan of subdivision, condominium, site plan control, and/or any other

planning process to establish a new street system and development parcels. The approval of any planning application will require preparation of a functional servicing study to determine the necessary sanitary sewer, water system and stormwater management strategy for this area.

- iii. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.
- iv. Prior to approval of any planning application for the Cytec land, the City of Niagara Falls and the Region of Niagara shall establish the alignment for the extension of Thorold Stone Road onto and through the Cytec land subject to the remediation of the property to the satisfaction of the City of Niagara Falls and the Region of Niagara.
- v. The development of the Cytec land should provide for a high quality of streetscape design and site planning and building design. The intersection of Thorold Stone Road and Stanley Avenue should be designed to serve as a gateway to this area and the City's arena/recreation complex. Street design should provide for pedestrian comfort and accommodate the needs of both cyclists and transit users.
- vi. The design and development of individual sites should have regard to the following principles:
 - > Buildings should generally be placed close to the street edge with a majority of parking located in the side and rear yards, subject to individual site development conditions.
 - > A high quality of building design is encouraged with particular emphasis on buildings fronting onto the extension of Thorold Stone Road.
 - > Common driveways that access more than one site should be considered to minimize the driveways on public roadway.
 - > Loading, service and parking areas should generally be located in the rear or interior side yard to minimize views from public streets. Landscaping and screening from public views will be required to achieve this objective.
 - > Loading areas should be provided so that all required truck movements are on-site.
 - > Outdoor amenity areas should be provided for

employees.

- > Office and entrance elements should be generally oriented to the street with convenient visitor parking provided.
 - > Landscaping should be used as a major visual element in unifying the streetscape, screening and softening long expanses of blank walls.
 - > Individual entrances of a multiple tenant building should be identifiable without detracting from the overall appearance of the building.
- b) Prior to the approval of any planning application, with residential uses, open space, or a mixed use designation, an Environmental Site Assessment and remediation, and/or a Noise Study shall be required where necessary.

4.1.29 Site Specific Policy 29

(formerly Special Policy Area “68”, OPA #96, OMB decision)

Site Specific Policy 29 applies to industrial lands in the west of Niagara Falls.

- a) The policies of this Plan shall not be interpreted or applied in any manner that would interfere with the legal rights associated with the existing buildings and improvements on and to the Cytec lands (as identified on Schedule A and Schedule A-1 to OPA #96 under the previous Official Plan) as of the date OPA #96 of the previous 1993 Official Plan came into effect.
- b) Further, the policies of this Plan shall not be interpreted or applied in any manner as imposing the requirement for the carrying out of an Environmental Impact Statement for any repair, maintenance, renovation and/or replacement in kind of those existing buildings and improvements.

4.1.30 Site Specific Policy 30

(formerly Special Policy Area “76”, OPA #135, By-law 2022-092)

- a) A tourist commercial satellite parking garage shall be permitted on the lands. The property shall be subject to a site specific zoning by-law, in order to ensure that the satellite parking garage is utilized primarily for uses on 665 Stanley Avenue.
- b) To ensure surrounding residential properties are not adversely

impacted by the proposed parking garage:

- i. A setback consistent with the built form of Level Avenue shall be provided, and the portion of the land between the parking garage and Level Avenue shall be landscaped.
 - ii. Vehicular access shall not be permitted from Level Avenue.
 - iii. The height of the parking garage shall be limited in the amending zoning by-law.
 - iv. The parking garage shall be designed in a manner to complement the residential character of the residential neighbourhood.
- c) The development of the parking garage shall be subject to site plan control and a site plan agreement registered on title in order to address the following matters so as to minimize the impacts on the surrounding residential land uses:
 - i. Grading and stormwater management shall be designed to mitigate impacts on surrounding properties and streets.
 - ii. Lighting impacts on surrounding properties will be demonstrated to be mitigated through a photometric analysis.
 - iii. Landscaping and buffering treatments shall be used to screen the adjacent residential properties from the parking garage and to complement the residential character of adjacent properties.

4.1.31 Site Specific Policy 31

(formerly Special Policy Area “80”, OPA #143, By-law 2022-062)

- a) These lands may be used for the existing office building and a satellite parking lot for a number of properties located within the Entertainment District designation.
- b) The satellite parking lot shall be linked to lands located within the Entertainment district by a site specific zoning by-law.
- c) The maximum number of parking spaces permitted for the satellite parking lot shall be 127 parking spaces on the lands after providing all the required parking for the existing office building.

4.1.32 Site Specific Policy 32

(formerly Special Policy Area “82”, OPA #146, OLT approval)

- a) The development of 33 block townhouses and 183 stacked townhouses on the north side of Thundering Waters Boulevard and 76 stacked townhouse dwelling units and vacation rental units within the stacked townhouse dwelling units on the south side of Thundering Waters Boulevard is permitted.
- b) Due to the proximity of Class III industries, the land is classified as a Class 4 area pursuant to the Ministry of the Environment, Conservation and Parks Noise Guideline, Stationary and Transportation Sources. Approval and Planning (NPC-300). To ensure land use compatibility with nearby industries, appropriate mitigation measures, as determined through land use compatibility and noise studies, shall be incorporated into the implementing zoning by-law, plan of subdivision, plan of condominium, and/or site plan approval. Warning clauses shall be included in agreements to notify residents of potential noise impacts from nearby industrial operations.
- c) Implementation of the development will be completed by:
 - i. The dedication of Thundering Waters Boulevard, being that portion within the subject lands, as a municipal right-of-way as a clause in the plan of condominium or development agreement;
 - ii. The inclusion of the conditions stipulated in Appendices A and B contained in letters from Salit Steel (dated June 4, 2021) and Washington Mills (dated April 6, 2021) in the OLT decision as clauses in the plan of condominium and/or site plan agreement(s);
 - iii. The inclusion of the noise mitigation measures as outlined in the Noise Study as clauses in the plan of condominium and/or site plan agreement(s);
 - iv. A detailed landscape plan that confirms tree preservation areas within the parkette based on the landscape plan prepared by James McWilliams, OALA, and dated October 2022. The detailed plan shall include:
 - > All fencing as recommended in the Environmental Noise and Vibration Report, as amended;

- > Coniferous plantings that screen the waste disposal enclosure at the south end of the property;
 - > Screening and hedging along the east property line; and,
 - > Any additional trees including those within the parkette that are to be preserved or determined to be preserved at site plan/draft plan of condominium stage.
- d) A letter of verification from a certified Arborist that the proposed grades within the parkette and/or residential development will not negatively affect the trees identified for preservation in the Tree Inventory and Preservation Plan Report;
- e) An agreement to be executed by the applicant and City for the compensation of trees that are proposed to be removed at a ratio of 2 trees to be provided for every tree to be removed. Trees are to be provided on site, or in locations approved by the City, of a size and species to be specified by the City.
- f) An urban design brief that will clearly identify how the proposed development will be of a high-quality urban design and incorporate the mitigation measures that flow from an updated noise study required to address the neighbouring industrial users. The brief should identify architectural distinctions between the stacked townhouse blocks including architectural details and colour palettes.
- g) Any recommended measures in studies completed shall be incorporated into an agreement executed under Section 51(26) and/or 41(7) of the *Planning Act*, R.S.O., 1990, or a development agreement.

4.1.33 Site Specific Policy 33

(formerly Special Policy Area “85”, OPA #151, By-law 2022-113)

Three rural residential lots each with a minimum lot area of 0.5 hectares in size with frontage on Bailey Avenue can be developed.

4.1.34 Site Specific Policy 34

(formerly Special Policy Area “92”, OPA #163, By-law 2024-006)

A Vacation Rental Unit is permitted to operate on the each of the subject lands for a total of 4 Vacation Rental Units.

4.1.35 Site Specific Policy 35

- a) In the village core of Chippawa, centred at the intersection of Willoughby Drive and Main Street, the ground floor of all development within the Existing Neighbourhoods Designation shall include only non-residential land uses, subject to the implementing zoning. For the purposes of interpreting this policy requirement, non-residential uses include any permitted use that is not a residential dwelling unit and includes:
 - i. Lobby space;
 - ii. Meeting rooms; and
 - iii. Recreation facilities, regardless of whether they are open to the public, or provided solely for the use of the residents of the development.
- b) Non-residential uses shall specifically not include outdoor recreation space, nor any basement, attic, mechanical room, electrical room, elevator shaft, refuse chute, escalators, vehicle and bicycle parking areas, nor any loading areas located above or below grade.

4.1.36 Site Specific Policy 36

(formerly Special Policy Area “102”, OPA #177, By-law 2025-003)

Lands located on: (1) the south side of Park Street, between Chrysler Avenue and St. Clair Avenue being approximately 0.56 hectares in size); and (2) lands located on the south side of Queen Street, west of Zimmerman Avenue being approximately 0.41 hectares in size) are exempt from:

- a) The requirement for a Transportation Demand Management Plan;
- b) Alternative parking requirements through a Parking Demand Analysis;
- c) Appendix F, Sections 2.2, 2.2.2 b), c) and h) and I), 2.5.1b) and c), and 2.5.2, and Map 1 - Public Realm Improvement Strategy, Transit Station Secondary Plan Area.

And are permitted to have a height of up to a maximum of 20 (twenty) storeys subject to the following policies:

- a) Stand-alone residential is permitted on (1) provided that residential uses on the ground floor do not exceed a maximum of 50% of the total ground floor area and provided dwelling units do not front onto the street. Residential amenity uses, such as lobby and communal use rooms, may be permitted on the ground floor;
- b) Residential amenity uses and student residence amenity uses, such as lobby and communal use rooms, on the ground floor are permitted on (1);
- c) In addition to permitted uses of this Plan, a student residence is permitted on (1);
- d) Finishing material (i.e. Brick, siding/cladding, stucco) shall be applied to the most outer, visible layer in building construction to allow exterior walls facing a public street and land use for open space/park on (1) and (2);
- e) Vehicular access to on-site structured parking, loading, and servicing shall be located from side streets and rear lanes;
- f) Surface parking areas shall be located at the rear or side yard of a building and shall not be placed between the front face of a building and the sidewalk;
- g) Driveways to surface parking areas shall be from rear lanes and side streets;
- h) Clear dedicated pedestrian routes should provide direct connections from parking areas to building entrances;
- i) A minimum rear yard setback for (2) shall be detailed in the implementing zoning by-law to provide for separation from the listed property on the City's Municipal Heritage Register;
- j) New development is encouraged to have glazing on the ground floor of the building to allow views of indoor uses and to create visual interest for pedestrians;
- k) New development that has a building wall 15 storeys or less in height shall provide at least one form of articulation on the entirety of the building wall between the first and fourth storeys and between the fourth and fifteenth storeys. In addition, new development may use different building material treatment and colour to provide variety to the building's built form.

New development that has a building wall greater than 15 storeys in height shall provide a minimum setback on the entirety of the building wall for all storeys above the 4th storey as detailed in the City's Zoning By-law to create a human-scaled building at grade.

- l) New development shall provide adequate separation between towers on the same lot
- m) New development shall provide a roof top feature that is complementary to the building's architecture; and
- n) New residential or student residence development shall provide communal indoor and/or outdoor amenity space.

4.1.37 Site Specific Policy 37

(formerly subject to Policy 4.6.11(1), OPA #175, By-law 2025-028)

A mixed-use building, not exceeding 18 storeys as measured from Palmer Avenue, is permitted for a hotel and large scale tourist attraction on a 0.4 hectare site on the north-east side of Bender Street, south-east of Palmer Avenue.

The implementing zoning by-law shall specifically regulate the development in terms of permitted uses, building heights and number of storeys, building setbacks, lot coverage, lot area, parking spaces, and loading areas.

To provide an appropriate transition to the low rise residential uses to the north, the amending By-law shall provide for setbacks in building height on the north-east side of the building. The use of stepbacks and architectural details and glass shall be utilized to reduce massing.

The amending By-law shall include a Holding (H) symbol to require the submission of an updated Wind Study and the implementation of recommendations through future Site Plan and/or off-site development agreements, where applicable.

4.1.38 Site Specific Policy 38

(formerly Niagara Official Plan 2022 Special Policy Area "8.5.10)

Notwithstanding the provisions of this Plan, a soccer and slo-pitch sport and recreation facility with connections to municipal water and sanitary sewage services is permitted on a 37 hectare (92 acre) site located west of the former Mountain Road Landfill, east of Mewburn Road and south of the CNR line in the City of Niagara Falls.

5.0 COMPREHENSIVE DEVELOPMENT PLANS

Comprehensive Development Plans are subject to the Implementation Policies of Section 8.3.

5.1 General Policies

- 5.1.1 The policies of the Official Plan in effect on the date of approval of the Comprehensive Development Plan shall apply to all secondary plans. In the case of a policy or designation discrepancy, the policies and designations of the Secondary Plan shall prevail.
- 5.1.2 The goals, objectives and policies of this Plan shall apply to all Comprehensive Development Plans approved after the date of approval of this Plan unless further detailed or specified through the Secondary Plan.

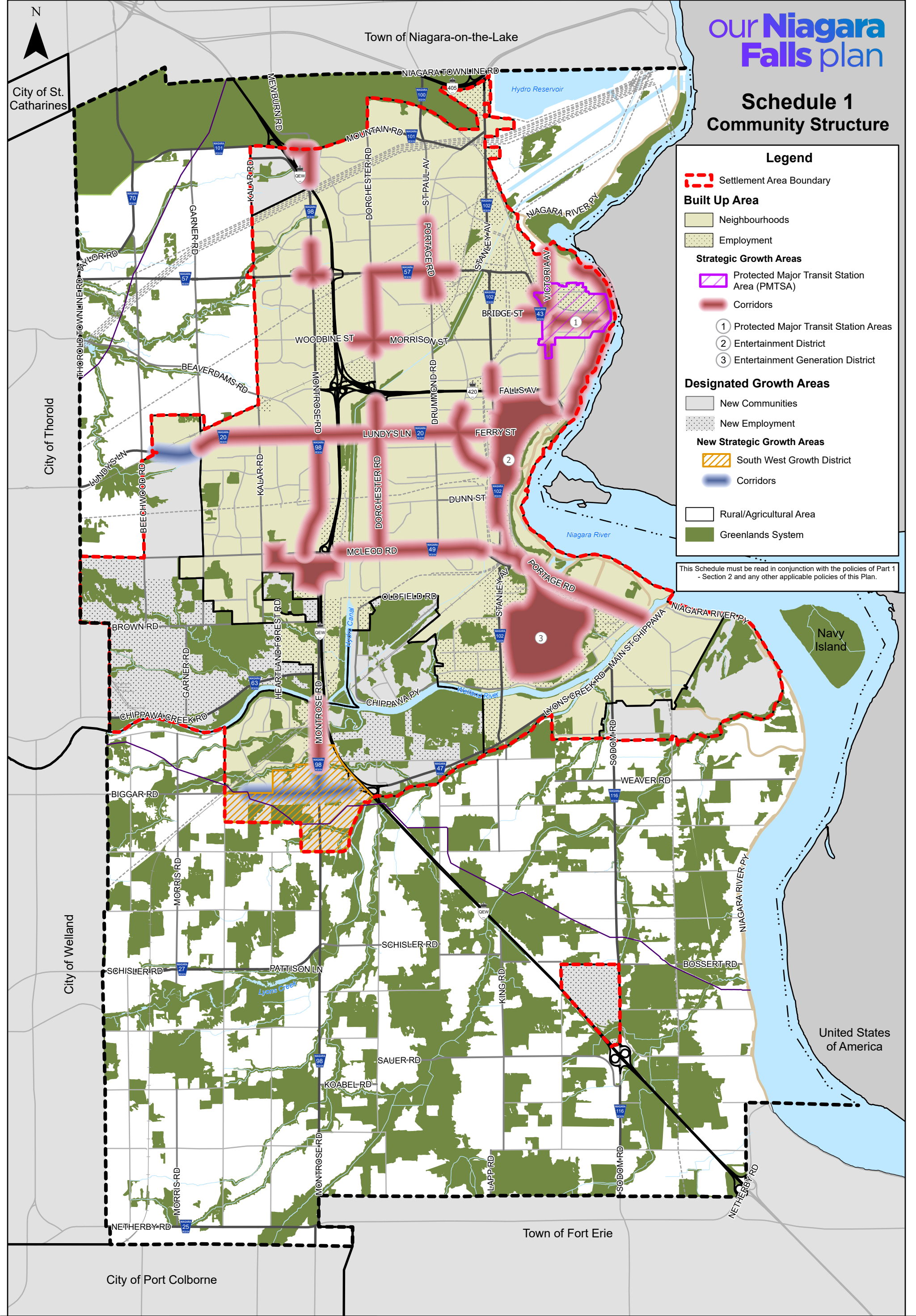
Vision Statement for New Comprehensive Development Plans

- 5.1.3 A Comprehensive Development Plan shall accommodate people of all ages and abilities through a mix of land uses and housing mix. It has a connected and convenient system of complete streets and pathways with access to natural and recreational areas within and outside of the community. It is planned and designed to anticipate the evolving needs of those who live, work and play within the neighbourhood.

Site Specific Policies within Comprehensive Development Plans

- 5.1.4 Where appropriate, new Comprehensive Development Plans shall provide additional context and specific policies to this section including the following:
 - a) A Vision Statement which expands on Part 1, Policy 1.2;
 - b) A Specific set of goal and objectives beyond those already identified within this Plan;
 - c) The identification of the boundary and extent of the lands subject to the secondary plan on **Schedule 4 – Area Specific Policies**;
 - d) The identification of individual land use designations on **Schedule 2 – Land Use Designations** and a more detailed land use designations schedule if required;
 - e) Specific policies with respect to:

- i. Housing and Population targets;
- ii. Land use policies and permitted uses;
- iii. Urban Design Guidelines;
- iv. Servicing Infrastructure including: water and sanitary services, stormwater management, utilities and energy infrastructure;
- v. Transportation networks and Active Transportation Networks;
- vi. Phasing; and
- vii. Implementation including development or any other identified agreements.



Schedule 1
Community Structure

Legend

Settlement Area Boundary

Built Up Area

Neighbourhoods

Employment

Strategic Growth Areas

Protected Major Transit Station Area (PMTSA)

Corridors

① Protected Major Transit Station Areas

② Entertainment District

③ Entertainment Generation District

Designated Growth Areas

New Communities

New Employment

New Strategic Growth Areas

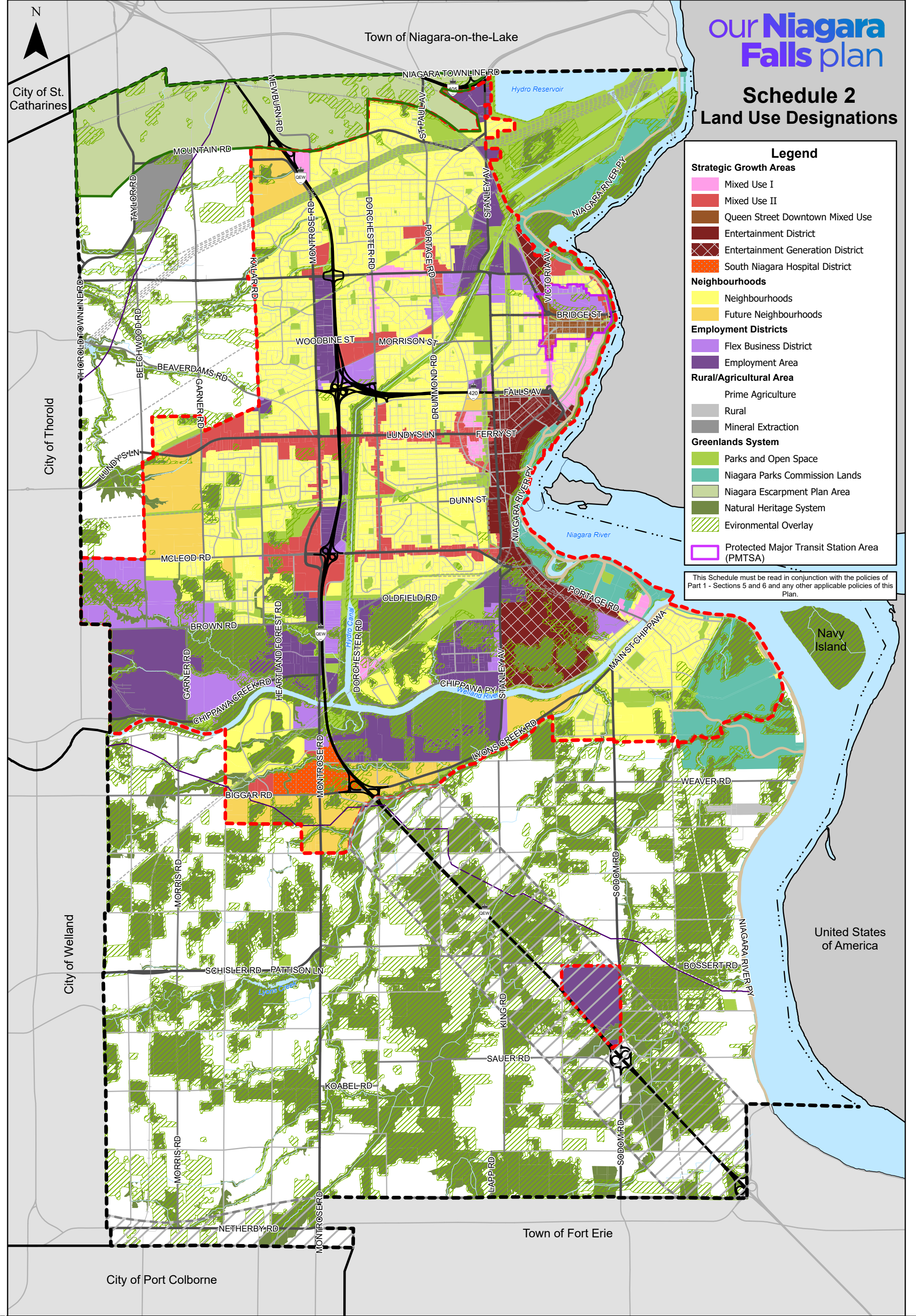
South West Growth District

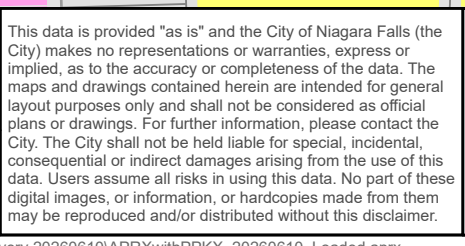
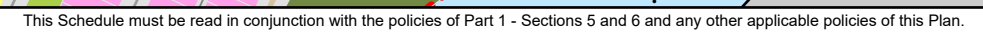
Corridors

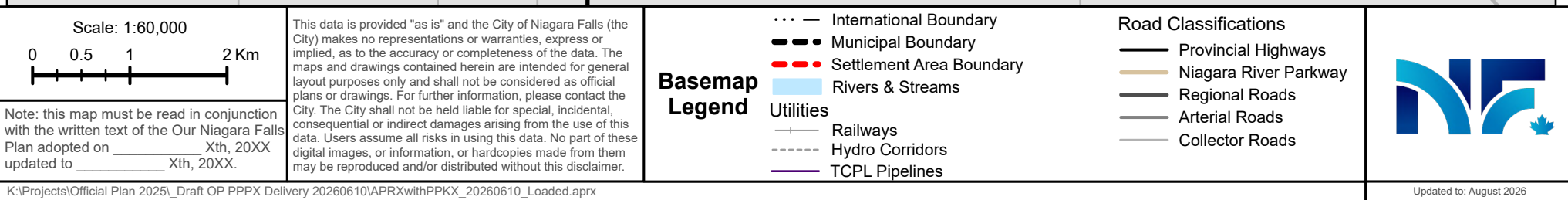
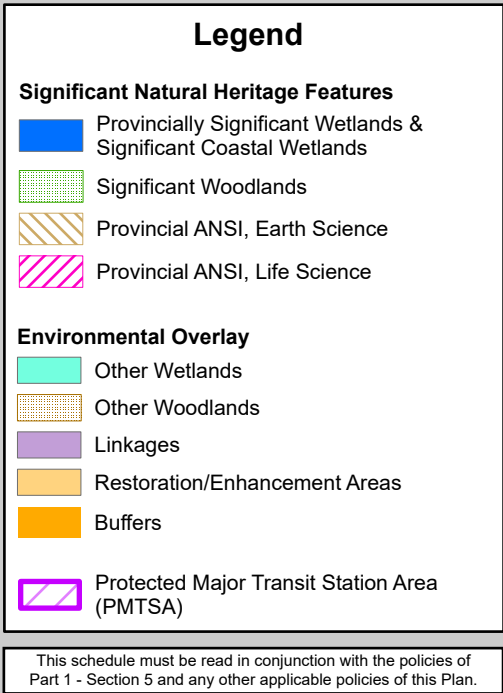
Rural/Agricultural Area

Greenlands System

This Schedule must be read in conjunction with the policies of Part 1 - Section 2 and any other applicable policies of this Plan.









This Schedule must be read in conjunction with the policies of Part 1 - Section 6, Part 2 - Section 1.2, and any other applicable policies of this Plan.

Legend

Area of Future Study

Riverfront Area Plan Lands

Significant Woodland

Potential Woodland Removal Area

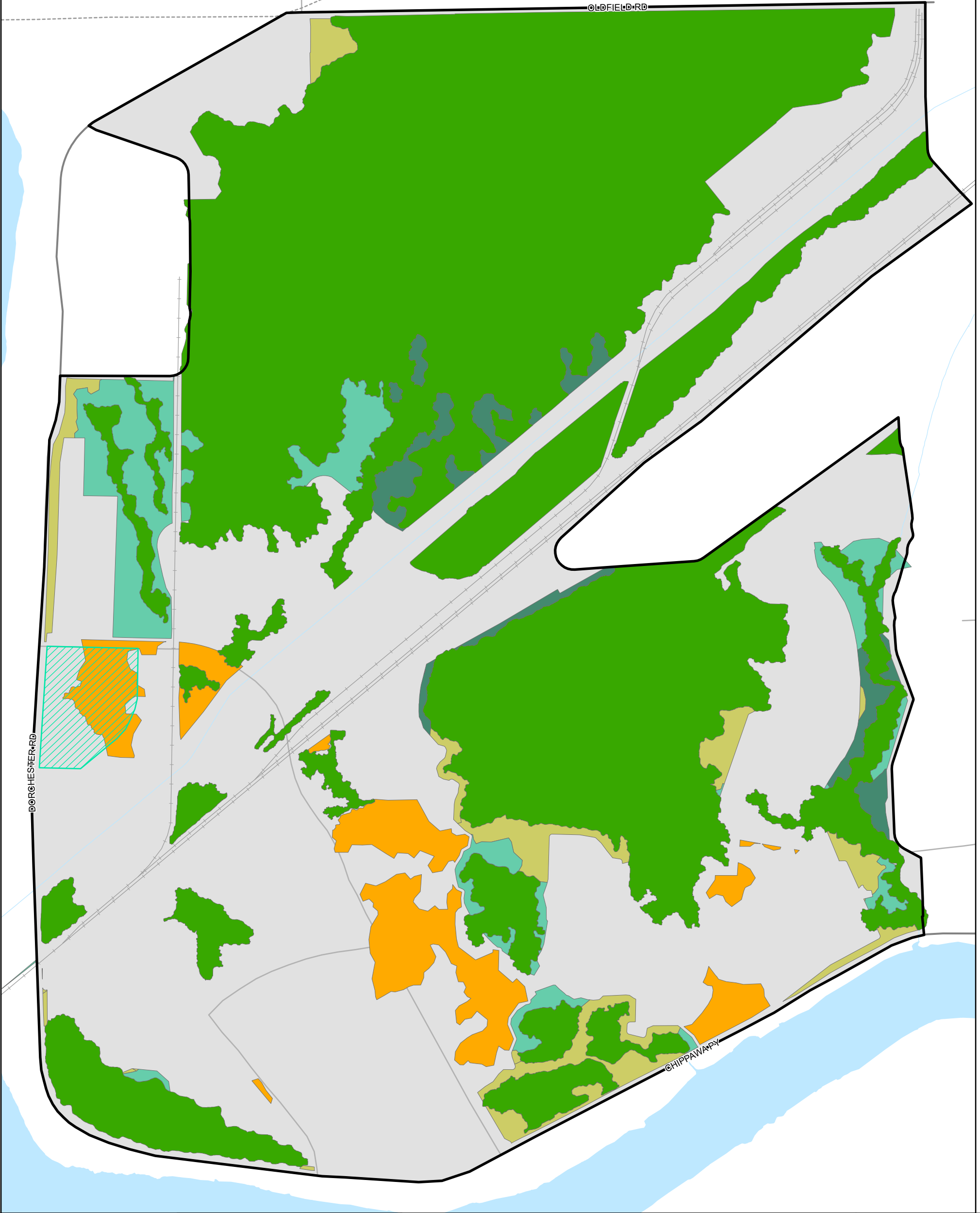
Potential Enhancement

Cultural Thicket

Cultural Woodland

Deciduous Forest

Schedule 3-2
Riverfront Area: Natural Heritage System Components and Enhancement Plan



Scale: 1:60,000

0 0.05 0.1 0.2 Km

Note: this map must be read in conjunction with the written text of the Our Niagara Falls Plan adopted on _____ Xth, 20XX updated to _____ Xth, 20XX.

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Basemap Legend

International Boundary

Municipal Boundary

Settlement Area Boundary

Rivers & Streams

Railways

Hydro Corridors

Road Classifications

Provincial Highways

Niagara River Parkway

Regional Roads

Arterial Roads

Collector Roads



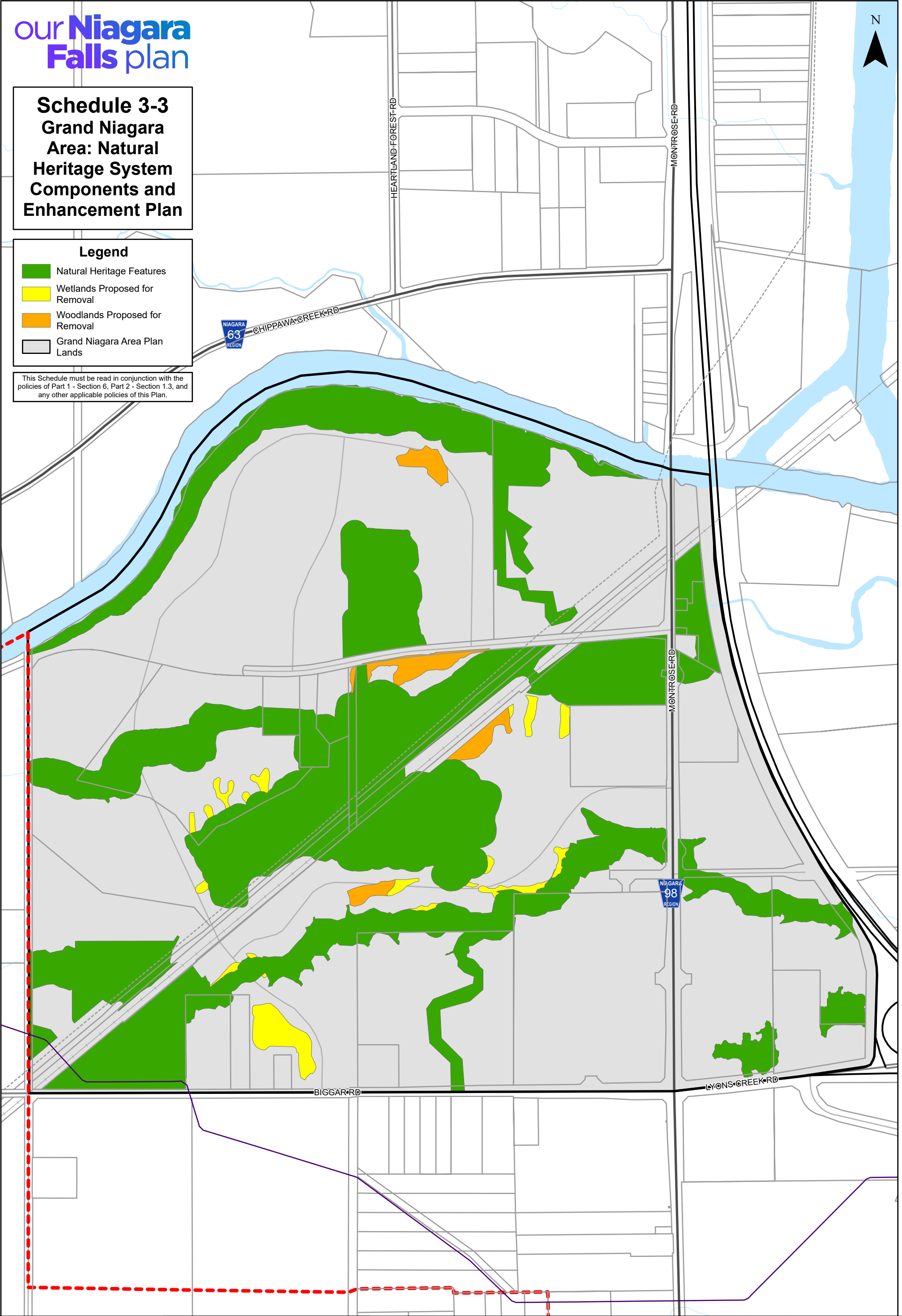
Updated to: August 2026

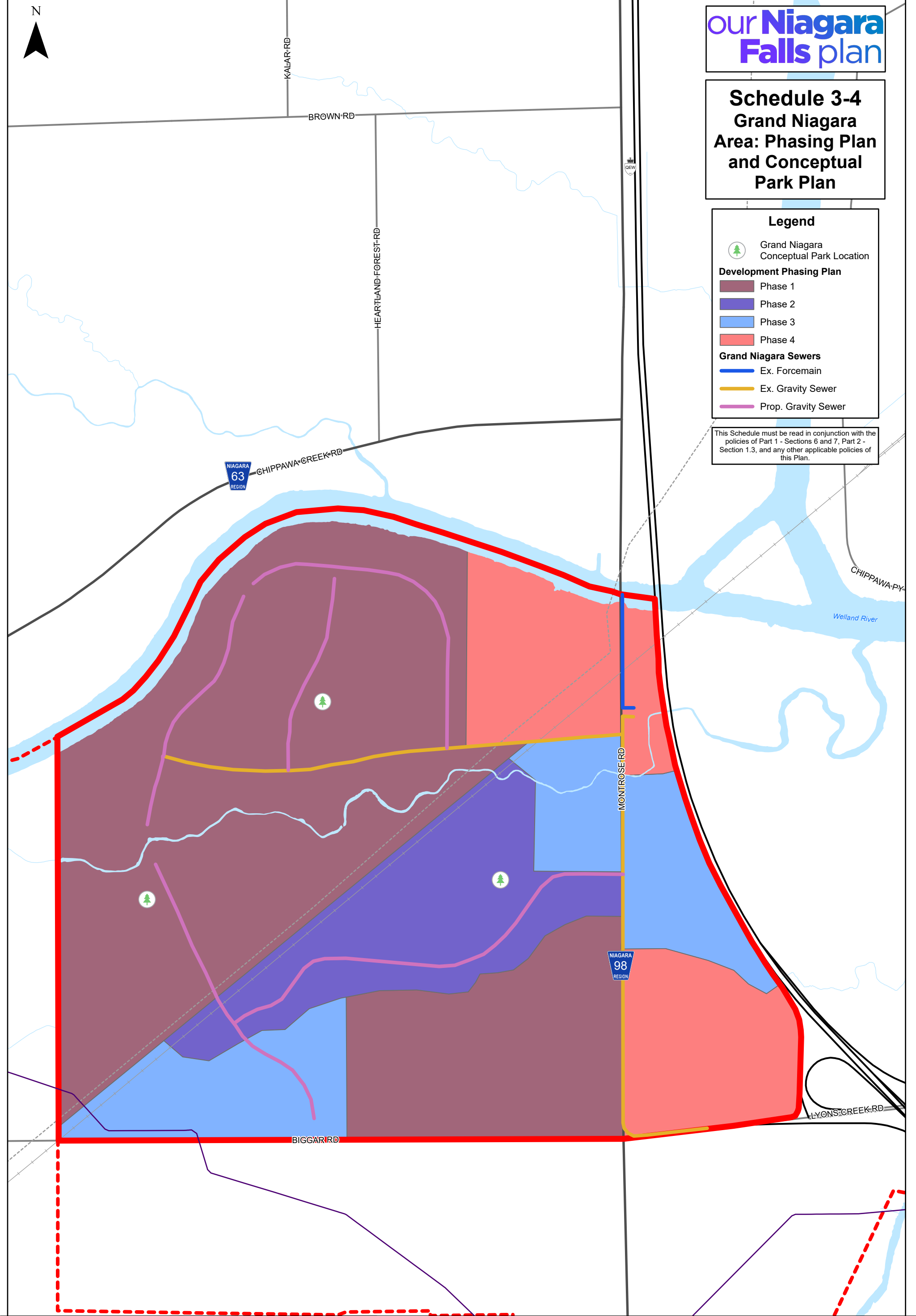
**Schedule 3-3
Grand Niagara
Area: Natural
Heritage System
Components and
Enhancement Plan**

Legend

- Natural Heritage Features
- Wetlands Proposed for Removal
- Woodlands Proposed for Removal
- Grand Niagara Area Plan Lands

This Schedule must be read in conjunction with the policies of Part 1 - Section 6, Part 2 - Section 1.3, and any other applicable policies of this Plan.





our **Niagara**
Falls plan

Schedule 3-4
Grand Niagara
Area: Phasing Plan
and Conceptual
Park Plan

Legend

Grand Niagara
Conceptual Park Location

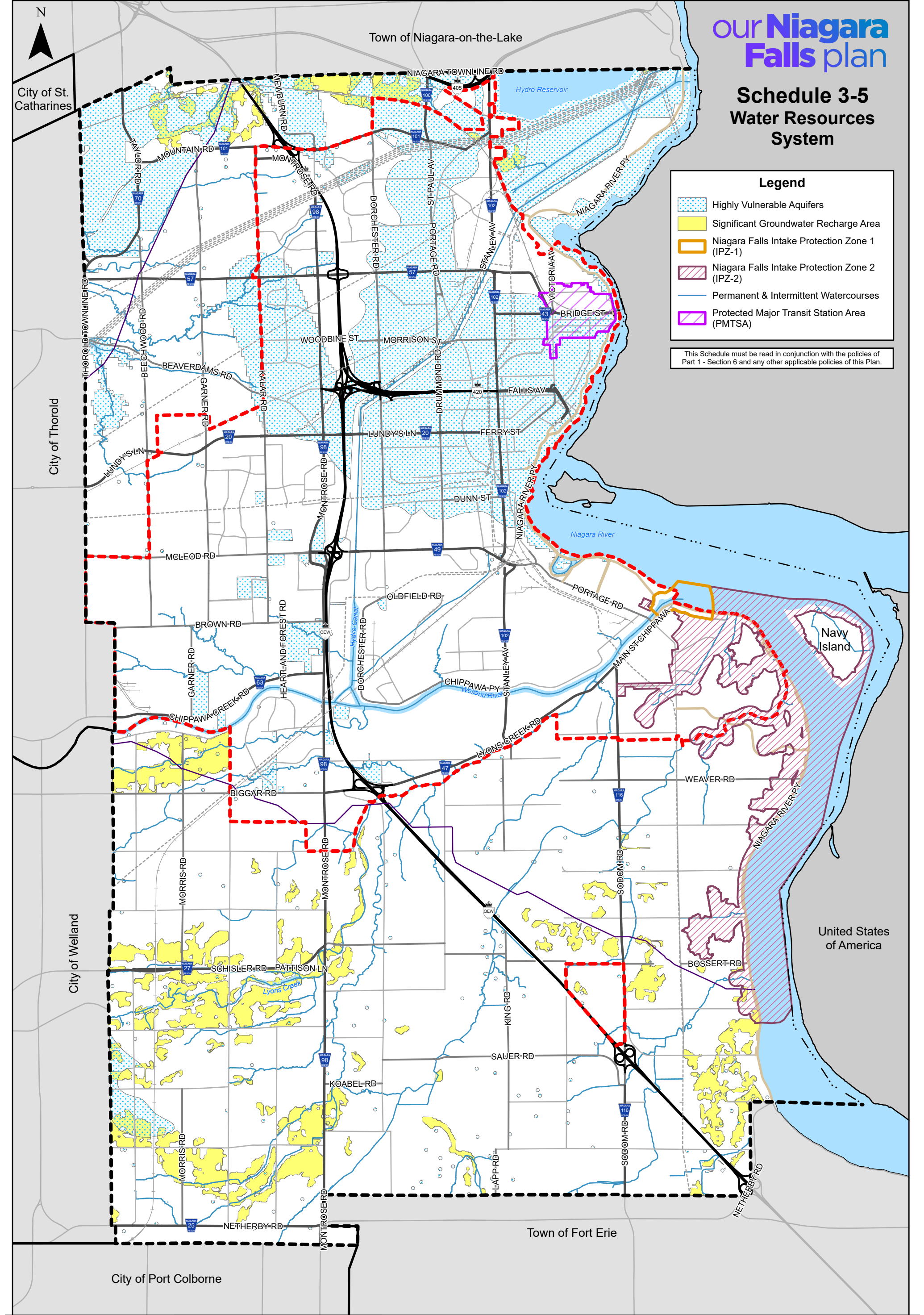
Development Phasing Plan

- Phase 1
- Phase 2
- Phase 3
- Phase 4

Grand Niagara Sewers

- Ex. Forcemain
- Ex. Gravity Sewer
- Prop. Gravity Sewer

This Schedule must be read in conjunction with the policies of Part 1 - Sections 6 and 7, Part 2 - Section 1.3, and any other applicable policies of this Plan.



Schedule 3-5
Water Resources
System

Legend

Highly Vulnerable Aquifers

Significant Groundwater Recharge Area

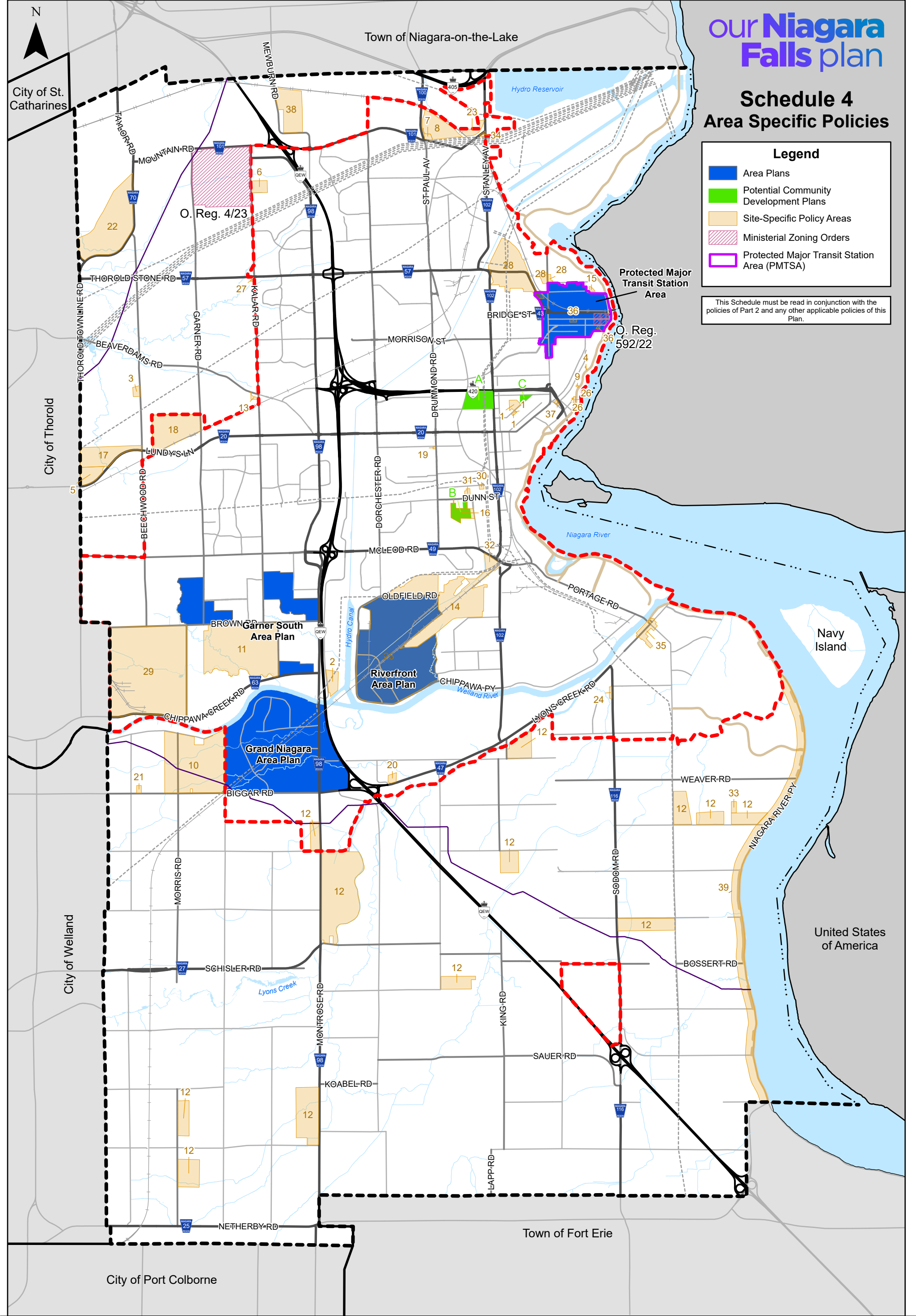
Niagara Falls Intake Protection Zone 1 (IPZ-1)

Niagara Falls Intake Protection Zone 2 (IPZ-2)

Permanent & Intermittent Watercourses

Protected Major Transit Station Area (PMTSA)

This Schedule must be read in conjunction with the policies of Part 1 - Section 6 and any other applicable policies of this Plan.



Schedule 4
Area Specific Policies

Legend

Area Plans

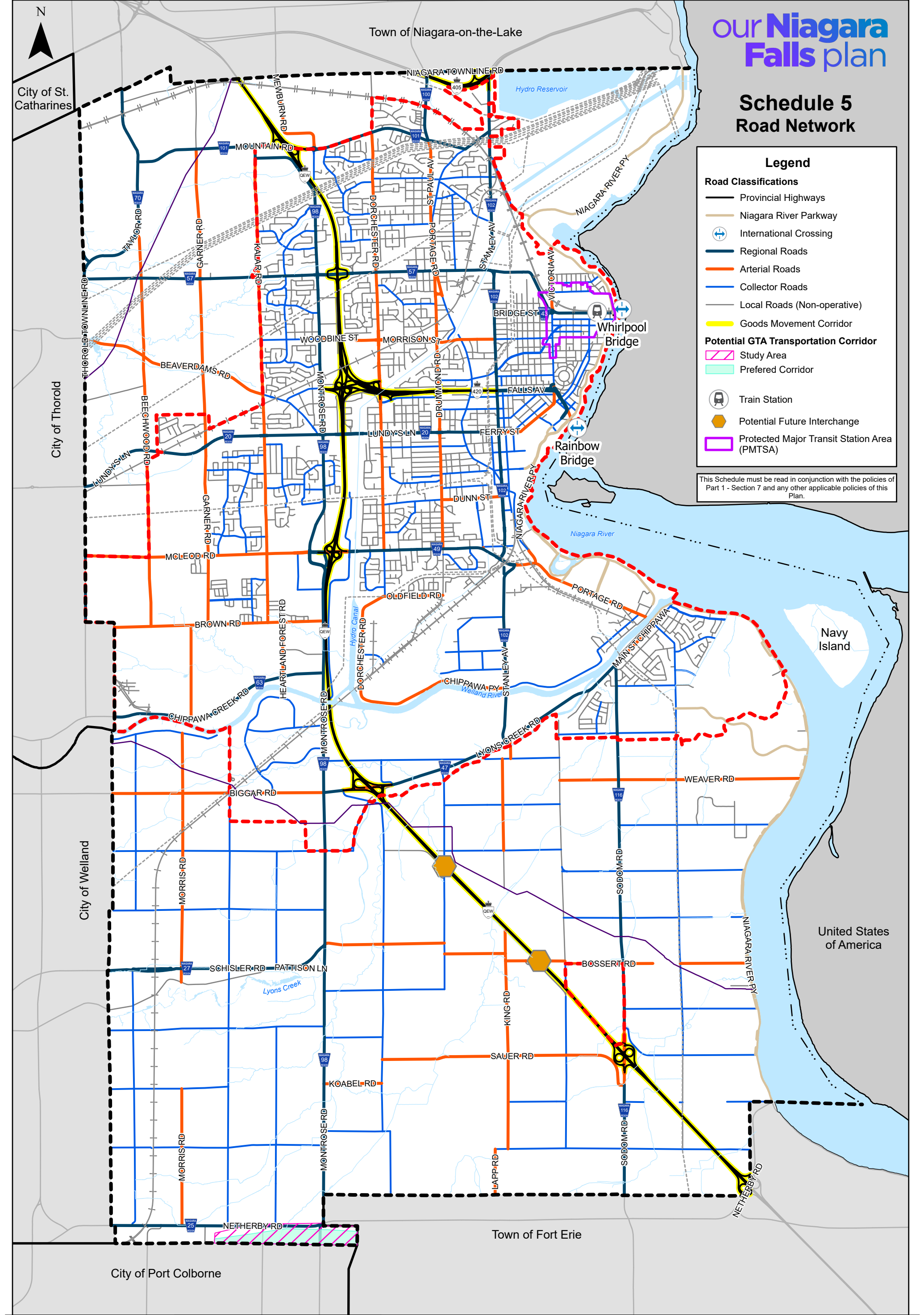
Potential Community Development Plans

Site-Specific Policy Areas

Ministerial Zoning Orders

Protected Major Transit Station Area (PMTSA)

This Schedule must be read in conjunction with the policies of Part 2 and any other applicable policies of this Plan.



Schedule 5
Road Network

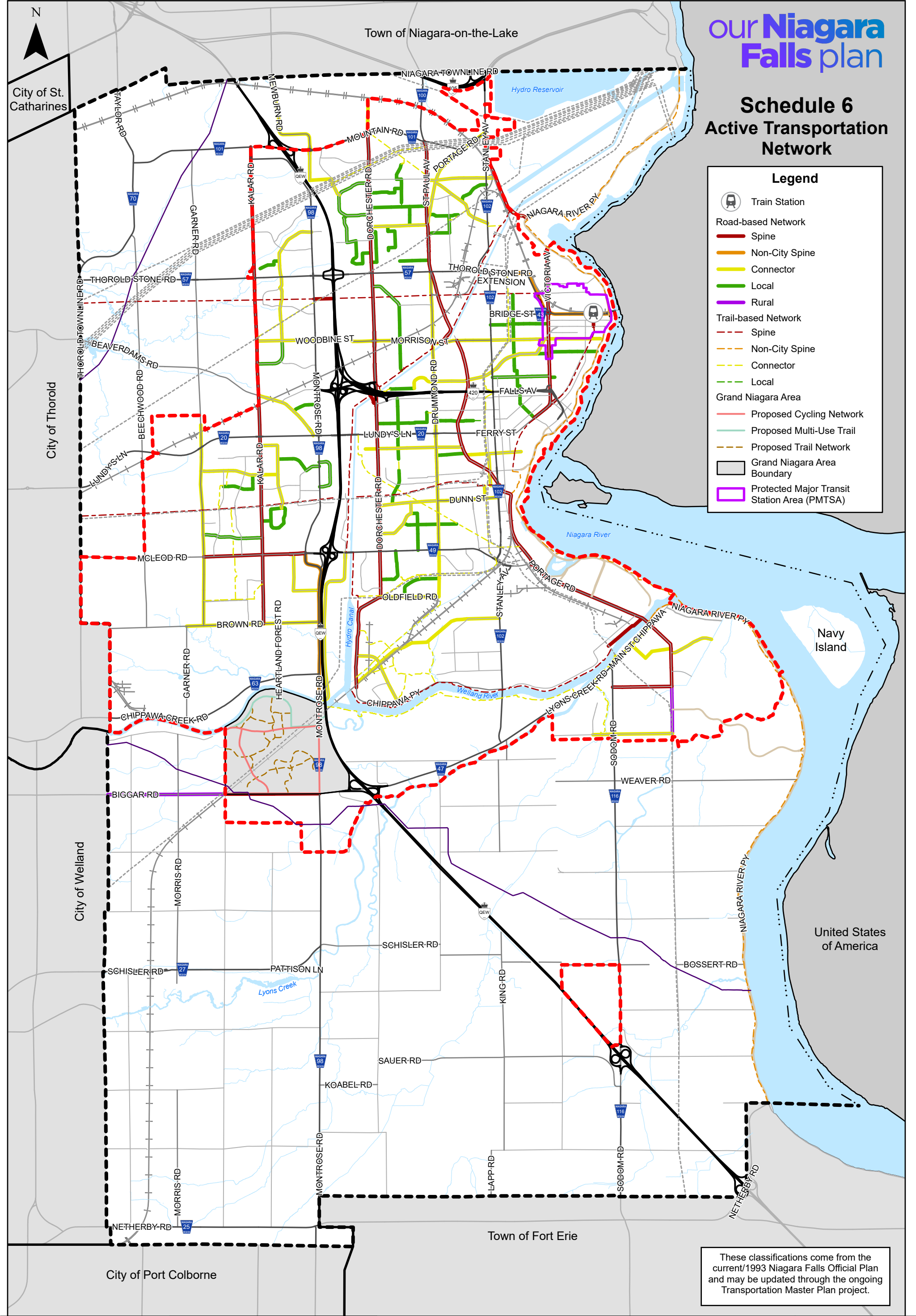
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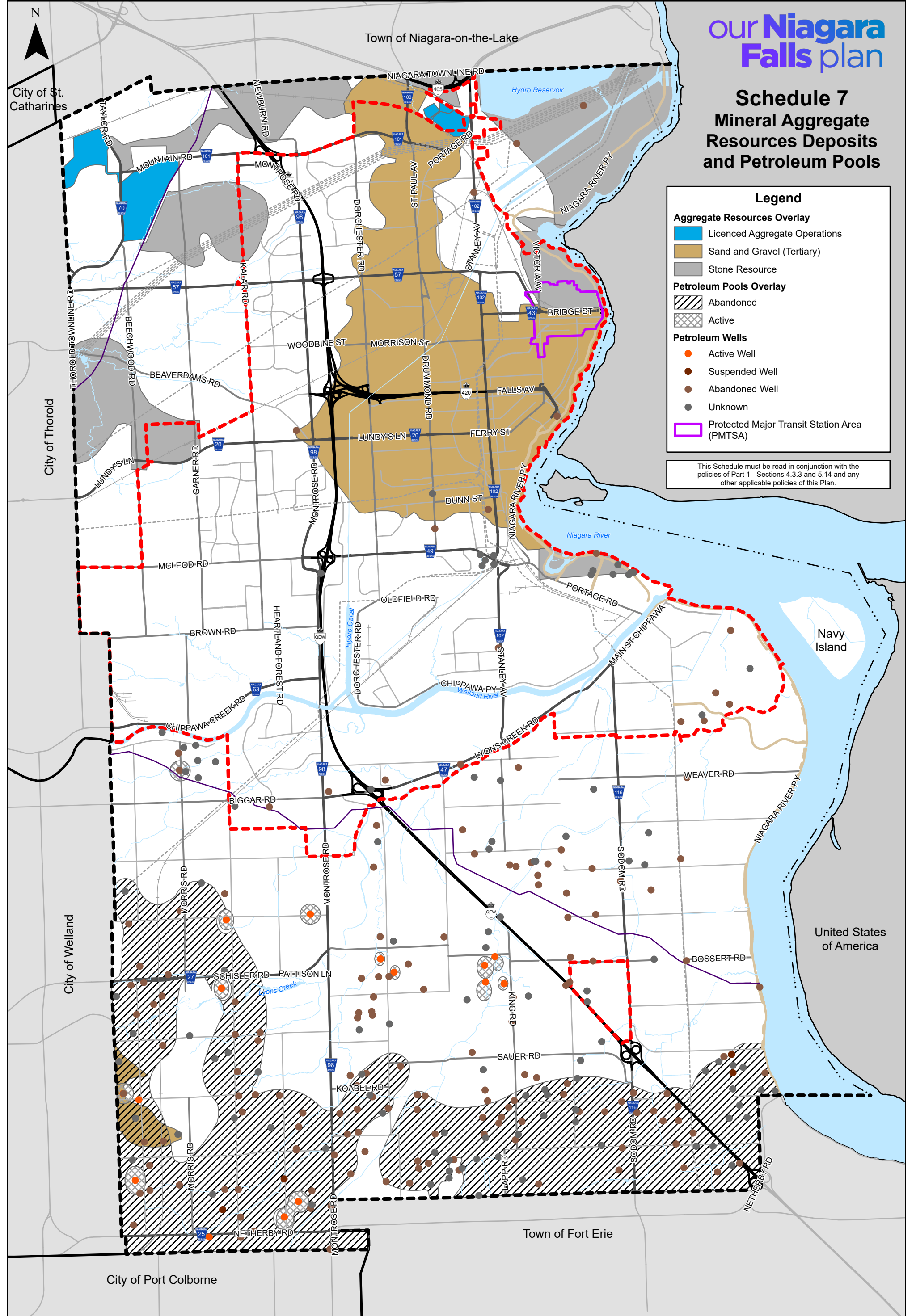
Road Classifications

Provincial Highways

Niagara River Parkway**Potential GTA Transportation Corridor**

This Schedule must be read in conjunction with the policies of Part 1 - Section 7 and any other applicable policies of this Plan.





Schedule 7
Mineral Aggregate
Resources Deposits
and Petroleum Pools

Legend

Aggregate Resources Overlay

- Licensed Aggregate Operations
- Sand and Gravel (Tertiary)
- Stone Resource

Petroleum Pools Overlay

- Abandoned
- Active

Petroleum Wells

- Active Well
- Suspended Well
- Abandoned Well
- Unknown

Protected Major Transit Station Area (PMTSA)

This Schedule must be read in conjunction with the policies of Part 1 - Sections 4.3.3 and 5.14 and any other applicable policies of this Plan.

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APPENDIX A: GLOSSARY

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards*, *erosion hazards* and/or *other water-related hazards*

Accessory Commercial Units: means a small-scale, often homeowner- or tenant-operated businesses integrated into primarily residential lots.

Accessory use(s): means uses of land that are found on the same parcel as the principal use, but which are subordinate and incidental and includes accessory structures.

Active transportation: means human-powered travel, including but not limited to, walking, cycling, rolling (inline skating, scootering) and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Additional needs housing: means housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

- a. Long-Term Care Facility: to provide living accommodation and regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas;
- b. Residential Care Home: living accommodation that may include associated support services and is

licensed or funded under Province of Ontario or Government of Canada legislation, is for persons requiring semi-independent or supervised group living arrangements, and is for more than ten persons, exclusive of staff;

- c. Group Home: supervised living accommodation that may include associated support services and is licensed or funded under Province of Ontario or Government of Canada legislation, is for persons requiring semi-independent or supervised group living arrangements, and is for ten persons or less, exclusive of staff;
- d. Respite Care Facility: used for the provision of short-term, non-emergency services for the supervised care of people of any age, in order to provide relief to their caregivers. A respite care facility may include the provision of services, such as preventive medicine, counseling, day or overnight care, or social, recreational or educational programs;
- e. Emergency Housing or Shelter: used for the provision of short-term, emergency services for the supervised care of people of any age. Emergency housing or shelter may include the provision of services, such as preventive medicine, counseling, or day or overnight care;
- f. Hospice Care Home: designed to provide a caring environment for attending to the physical and emotional needs of the terminally ill;
- g. Community House: providing semi-independent living accommodation for residents primarily in bed-sitting rooms, if there is a maximum of two persons for each bed-sitting room,

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accommodation for one staff person per five bed-sitting rooms, and a common lounge and dining area; and/or

- h. Lodging House: a dwelling, or part thereof, used for communal residential occupancy where a proprietor offers lodging units or rooms in return for remuneration or the provision of a service, or for both. All lodging houses shall be licensed by the City.

Additional residential unit(s): means a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling.

Adjacent land(s): means

- a. Those lands contiguous to existing or planned corridors and transportation facilities where development would have a negative impact on the corridor or facility.
- b. Those lands contiguous to a specific natural heritage feature or key hydrologic feature where it is likely that development or site alteration can reasonably be expected to have a negative impact on the feature.
- c. Those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources.
- d. Those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effect(s): as defined in the

Environmental Protection Act, means one or more of:

- a. Impairment of the quality of the natural environment for any use that can be made of it;
- b. Injury or damage to property or plant or animal life;
- c. Harm or material discomfort to any person;
- d. An *adverse effect* on the health of any person;
- e. Impairment of the safety of any person;
- f. rendering any property or plant or animal life unfit for human use;
- g. Loss of enjoyment of normal use of property; and
- h. Interference with normal conduct of business.

Affordable: means

In the case of ownership housing, the least expensive of:

- a. housing for which the purchase price results in annual accommodation costs not exceeding 30 percent of gross annual household income for low- and moderate-income households; or
- b. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality.

In the case of rental housing, the least expensive of:

- a. A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or,
- b. A unit for which the rent is at or below the average market rent of a unit in

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the municipality.

Agricultural condition: means

- a. in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained, restored or enhanced; and
- b. in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture will be maintained, restored or enhanced.

Agricultural impact assessment: means a study that evaluates the potential impacts of non-agricultural uses on agricultural operations and the *agricultural system* and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.

Agricultural system: means a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and
- b. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-

food sector.

Agricultural use(s): means the growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storage, value-retaining facilities, and accommodation for full-time farm labour where the size and nature of the operation requires additional employment.

Agri-food network: means within the *Agricultural System*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and *infrastructure*; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

Agri-tourism use(s): means farm-related tourism uses, including limited accommodation such as a *bed and breakfast*, that promote enjoyment, education or activities related to the farm operation.

Agriculture-related Use(s): means those farm-related commercial and farm-related industrial uses that are directly related to the farm operations in the area, support agriculture, benefit from being in close proximity to the farm operations and provide products and/or services to farm operations as a primary activity.

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast

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(NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system(s): means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes *artifacts*, *archaeological sites* and marine *archaeological sites*, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*, as evaluated using the processes and criteria that are established under the *Ontario Heritage Act*.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Attainable Housing: Rental or ownership housing provided by the market for moderate income households that are generally within the fifth and sixth income decile of the regional market area. Attainable housing can include dwelling types of various sizes, densities, and built forms, and is intended to provide individuals with the opportunity to access housing more suitable to their needs.

Bed and Breakfast Establishment:

means a home occupation that provides guest rooms and breakfast to the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business.

Best Management Practices (BMPs): means methods that have been determined to be the most effective and practical means of preventing or reducing non-point source pollution to help achieve water quality goals. BMPs include both measures to prevent pollution and measures to mitigate pollution.

Brownfield site(s): means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Buffer: An area of land located adjacent to a Natural Heritage Feature that is intended to protect the feature and their ecological functions by mitigating impacts of proposed development or site alteration. Buffers should consist of natural self-sustaining vegetation.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

Coastal wetland: means

- any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or

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- any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Community Hub

A *community hub* makes it easier for residents to access the health, social, cultural, recreational and other resources they need together in one spot. It can be in a physical building or accessed through a digital service. *Community hubs* serve as a central access point, which offer services in collaboration with different community agencies and service providers, reduce administrative duplication, improve services for residents and are responsive to the needs of their communities. Whether in a high-density urban neighbourhood or an isolated rural community, each hub is as unique as the community it serves and is defined by local needs, services and resources.

Compatible development: means new development that is not necessarily the same as, or even similar to existing development within the vicinity. Compatible development is development that enhances the character of the existing community, without causing any undue adverse impacts on adjacent properties.

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Complete communities: means places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, *public service facilities*, local stores and services. *Complete communities* are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

Conserved: means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Deposits of mineral aggregate resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource

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Inventory Papers or comprehensive studies prepared using provincial guidance for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and Available: means lands designated in the Official Plan for urban residential use. Where more detailed official plan policies (e.g. *secondary plans*) are required before *development* applications can be considered for approval, only those lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

Designated growth areas: means lands within *settlement areas* designated for growth or lands added to *settlement areas* that have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth, as well as lands required for employment and other uses.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. Activities that create or maintain *infrastructure* authorized under an Environmental Assessment process or identified in provincial standards; or,
- b. Works subject to the *Drainage Act*; or
- c. For underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining*

Act. Instead, those matters shall be subject to policy 4.1.5.a).

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An *employment area* also includes areas of land described by subsection 1(1.1) of the *Planning Act*. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

Endangered species: means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

Environmental Impact Study: A science-based study of ecological features and functions, and impacts to those features and functions resulting from development and/or site alteration, prepared in accordance with the City or Niagara Region environmental Impact Study Guidelines. The purpose of the study is to:

- Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes, and functions of components of the Natural Environment System;

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- Determine whether there are any additional components;
- Undertake a comprehensive impact analysis;
- Propose appropriate mitigation measures;
- Clearly articulate any impacts that cannot be avoided or mitigated;
- Where appropriate, recommend monitoring provisions;
- Consider climate change, cumulative and/or watershed impacts where possible; and
- Demonstrate that ecological enhancement to the natural heritage system is achieved.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish habitat: as defined in the *Fisheries Act* as spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a. along the shorelines of the *Great Lakes – St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an

allowance for *wave effects* and *other water-related hazards*;

- b. along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the *one hundred year flood*; and
3. a flood which is greater than 1. Or 2. Which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards*, *wave effects* and *other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along

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river, stream and small inland lake systems.

Frequent Transit: means a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Greyfields: means previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.

Groundwater : means water-related features in the earth's subsurface, including recharge/discharge areas. Water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means habitat within the meaning of section 2 of the *Endangered Species Act, 2007*.

Hazardous forest types for wildland fire: means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring

processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard or erosion hazard* limits.

Hazardous sites: means property or lands that could be unsafe for *development and site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous sites also means sites that accommodate land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

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Heritage attributes: means, as defined under the *Ontario Heritage Act*, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

Higher order transit: means transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. *Higher order transit* can include heavy rail (such as subways, elevated or surface rail, and commuter rail), light rail, and buses in dedicated rights-of-way.

Home occupation: means a business conducted by a permanent resident of the dwelling unit and up to 1 employee or volunteer. A Home occupation may include service commercial uses and/or office uses. A home occupation may also include:

- a. Artist Studio: means a business conducted by a permanent resident of the dwelling unit and up to 1 employee or volunteer. An Artist Studio is an establishment used as an artist's workspace and may include limited retail sales of the custom-made artisan goods or crafts produced on the premises;
- b. Bed and Breakfast: means a home occupation in a dwelling unit within or accessory to a principle residence operated by a permanent resident of the existing dwelling and shall have a maximum of 6 guest rooms;
- c. Home Industry/Maker Space: means a business conducted by a permanent resident of the dwelling unit and up to 2 employees or volunteers. A Home

Industry/Maker Space is an establishment used as a semi-industrial workspace and may include limited retail sales of the merchandise produced on the premises. The repair, storage or sale of motor vehicles is not considered to be a home industry; and

- d. Owner Occupied Short-Term Rental: means a home occupation in a dwelling unit within or accessory to a Principle Residence that is rented out by the Owner to a single group of the travelling public for a period of 28 consecutive days or less and is licensed by the City of Niagara Falls to carry out a business.

Housing options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low- and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, *additional needs housing*, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or *institutional uses*, such as long-term care homes.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the

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land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Inclusionary zoning: is a regulatory tool that allows local municipalities to require *affordable* housing units to be provided in new residential *developments* located within Protected *Major Transit Station Areas*.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, *waste management systems*, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, *active transportation* systems, oil and gas pipelines and associated facilities.

Intensification: means the *development* of a property, site or area at a higher density than currently exists through:

- a. Redevelopment, including the use of *brownfield sites* and underutilized shopping malls and plazas;
- b. The *development* of vacant and/or underutilized lots within previously developed areas;
- c. *Infill development*; or,
- d. The expansion or conversion of existing buildings.

Low impact development: means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased

runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bioswales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation *infrastructure* and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities, corridors and networks associated with the inter- and intra- provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are *freight-supportive* may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

Major transit station area: means the area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas*

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generally are defined as the area within an approximate 500 to 800-metre radius of a transit station.

Mineral Aggregate Haul Route: means a haulage route for carrying truck traffic to and from a mineral aggregate operation licenced under the Aggregate Resources Act.

Mineral aggregate operation: means

- a. Lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the Aggregate Resources Act;
- b. For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including *adjacent land* under agreement with or owned by the operator, to permit continuation of the operation; and,
- c. Associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral deposits: means areas of identified *minerals* that have sufficient

quantity and quality based on specific geological evidence to warrant present or future extraction.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multimodal: means relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, *higher order transit*, rail (such as freight), trucks, air, and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*.

Natural heritage features and areas: means features and areas, including *significant wetlands*, *significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat*, *significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system: means a system made up of *natural heritage*

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features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective.

Negative impact(s): means

- a. In regard to water, degradation to the quality or quantity of surface or groundwater, *key hydrologic features* or vulnerable areas and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;
- b. In regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*;
- c. In regard to other *natural heritage* features and areas, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.
- d. in regard to policy 4.2, degradation to the quality and quantity of water,

sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; and

- e. in regard to policy 3.3.3, any development or site alteration that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. *Normal farm practices* shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

On-farm diversified uses: means uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and *energy storage systems*.

Owner Occupied Short-Term

Accommodation: means an Owner Occupied Short-Term Rental or a Bed and Breakfast but shall not include a Vacation Rental Unit.

Owner Occupied Short-Term Rental: means a home occupation in a dwelling

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unit within or accessory to a Principal Residence that is rented out by the Owner to a single group of the travelling public for a period of 28 consecutive days or less and is licensed by the City of Niagara Falls to carry out a business.

Petroleum resource operation: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas, other hydrocarbons, and compressed air energy storage.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas, other hydrocarbons, or compressed air energy storage.

Pop-up use: means a time-limited, temporary use which occupies an existing structure, such as an existing storefront, or parking lot.

Portable asphalt plant: means a facility:

- a. With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b. Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure:

- a. With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b. Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Potentially contaminated site: means land, or a building or structure located on the land, where it is reasonable to suspect that substances, either individually or collectively, are present which may pose an unacceptable risk to public health and safety or the natural environment. Commonly these sites have been impacted by past industrial or commercial use of the property or nearby properties, and soil and/or groundwater on these sites does not meet applicable standards established by the Province.

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from

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time to time, in this order of priority for protection.

Private communal sewage services:

means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services:

means a non- municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected Major Transit Station Area

(PMTSA): means areas of land surrounding existing or planned Higher Order Transit station or stop as identified on Schedule 2 of this Plan.

Provincial and federal requirements:

means legislation and policies administered by the Federal or Provincial governments for the purpose of :

- a. Fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b. Protecting species at risk and their habitat.

Public service facilities: means land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, long-term

care services, and cultural services.

Public service facilities do not include infrastructure

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Renewable energy system: means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Residence surplus to an agricultural operation:

means one existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Secondary Plan(s): means a land use plan for a particular area of the city that is prepared as an amendment to this Official Plan.

Sensitive: in regard to *surface water features* and *ground water features*, means features that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses*

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may be a part of the natural or built environment.

Examples may include, but are not limited to: residences, day care centres, educational and health facilities and recreational uses which are deemed by the municipality or Provincial agency to be sensitive.

Settlement areas: means urban areas and rural *settlement areas* within municipalities (such as cities, towns, villages and *hamlets*) that are:

- a. *Built-up* areas where *development* is concentrated and which have a mix of land uses; and
- b. Lands which have been designated in an official plan for *development* in accordance with the PPS.

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

- a. In regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;
- b. In regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the

planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;

- c. In regard to other features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*; and
- d. In regard to *mineral* potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.
- e. In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in section c.- d. are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site Alteration: means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Strategic growth area: means within settlement areas, nodes, corridors, and

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other areas that have been identified to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include major transit station areas, existing and emerging downtowns, lands in close proximity to publicly-assisted post-secondary institutions and other areas where growth or development will be focused, that may include infill, redevelopment (e.g., underutilized shopping malls and plazas), brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

Surface Water Features

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, *seepage areas*, recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Tourist attraction: means any site, activity, or experience that draws visitors for leisure, cultural, educational, recreational, or entertainment purposes. (source Attractions Ontario)

Traditional Territory/Territories: means the geographic area traditionally occupied or used regularly by a First Nation and/or their ancestors

Transit-supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the *transportation system*. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management: means a set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Treaty rights: Treaty rights are protected by subsection 35(1) of the Constitution Act, 1982 and often address the creation of reserves for the exclusive use of First Nations, and their rights to hunt, fish and trap on provincial Crown lands. Treaties are legally binding agreements that set out the rights, responsibilities and relationships of First Nations and the

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federal and provincial governments.

Urban agriculture: means food production in settlement areas, whether it is for personal consumption, commercial sale, education, or therapy. Examples include, but are not limited to, vertical agriculture facilities, community gardens, greenhouses, and rooftop gardens.

Vacation rental unit: means the commercial use of a dwelling unit that is available for rent in its entirety for a period of 28 consecutive days or less, to provide temporary lodging to a single group of the travelling and vacationing public and is licenced by the City of Niagara Falls to carry on business.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vegetation protection zone: means a vegetated buffer area surrounding a *key natural heritage feature* or *key hydrologic feature*.

Vision Zero: means a strategy to eliminate all traffic fatalities and serious injuries, while increasing safe, healthy, equitable mobility for all. The strategy includes a focus on system-wide changes to the way streets are designed and operated to eliminate serious injuries and deaths on roadways.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Waterbody: means lakes, *woodland* ponds, etc. which provide *ecological functions*. For the purposes of determining *significant woodlands*, *waterbody* generally does not include small *surface*

water features such as farm ponds or stormwater management ponds, which would have limited *ecological function*.

Water resource system: means a system consisting of *ground water features* and areas, *surface water features* (including shoreline areas), *natural heritage features and areas*, and *hydrologic functions*, which are necessary for the ecological and hydrological integrity of the *watershed*.

Watershed: means an area that is drained by a river and its tributaries.

Wave effects: means the movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of *wave effects* is the point of furthest landward horizontal movement of water onto the shoreline.

Wayside Pits and Quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetland(s): means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or *wetlands* being used for agricultural purposes which no longer exhibit *wetland* characteristics are not considered to be *wetlands* for the purposes of this definition.

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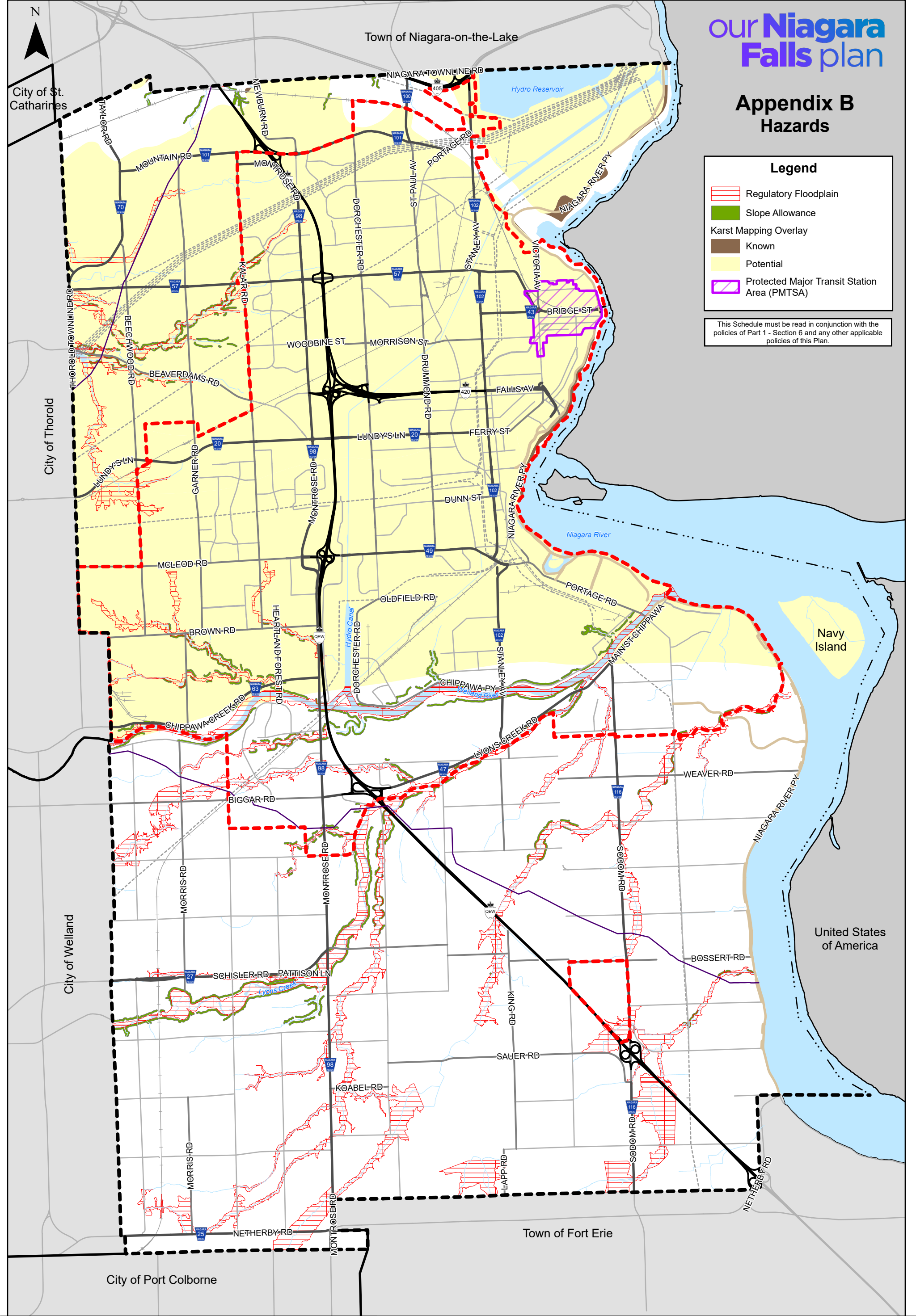
Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

Wildlife Habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodland(s): means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest."

Zoning By-law(s): Zoning By-laws are the primary tool the City has available under the Planning Act to implement the policies of this Plan. Zoning By-laws translate the higher-level policies of the Official Plan

into more specific provisions and lot and building requirements, such as building heights, massing, and setbacks, for each property within the City.



Appendix B
Hazards

Legend

Regulatory Floodplain

Slope Allowance

Karst Mapping Overlay

Known

Potential

Protected Major Transit Station Area (PMTSA)

This Schedule must be read in conjunction with the policies of Part 1 - Section 6 and any other applicable policies of this Plan.

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APPENDIX C: NATURAL HERITAGE FEATURE CRITERIA

Natural Heritage Feature	Criteria
Areas of Natural and Scientific Interest (ANSI)	The identification of both provincial and regional Life Science ANSIs and Earth Science ANSIs is determined by the Province using criteria established by the Province.
Life Science ANSIs	The identification of both provincial and regional Life Science ANSIs and Earth Science ANSIs is determined by the Province using criteria established by the Province.
Buffers	The policies of the Official Plan identify buffers outside of the settlement area based on the natural heritage feature identified and require buffers within the settlement area to be identified through an environmental impact study and/or hydrologic evaluation at the time of an application.
Ecological Function	<i>Ecological functions</i> are to be identified and assessed through the completion of an <i>environmental impact study</i> , <i>hydrologic evaluation</i> , or <i>subwatershed study</i> .
Enhancement areas	Enhancement areas may be identified where: - Identified on Schedule 3-1; or - The area is comprised of natural vegetation communities (as determined according to Ecological Land Classification); or - The area is currently under agricultural production; or - The area does not contain a permanent form of development (i.e. house, road, or related infrastructure). Enhancement areas inside of settlement areas are to be identified as follows: - In 'bays and inlets' along the edge of features less than 60 metres wide - Interior gaps in features less than 0.5 hectares - Gaps between features less than 60 metres Enhancement areas outside of settlement areas are to be identified as follows: - In 'bays and inlets' along the edge of features less than 120 metres wide - Interior gaps in features less than 1 hectare - Gaps between features less than 120 metres
Fish Habitat	<i>Fish habitat</i> is identified as any watercourse or waterbody identified by the MNRF or provided/approved by the Federal Department of Fisheries and Oceans (DFO) or a delegated authority of DFO (including <i>Conservation Authorities</i>, as appropriate). For screening purposes, and until such time appropriate studies are completed to assess watercourses and waterbodies, <i>fish</i>

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Natural Heritage Feature	Criteria
	<i>habitat</i> will be presumed to be: - any <i>permanent or intermittent stream</i> or waterbody excluding constructed and actively managed offline ponds (e.g., stormwater ponds, active farm irrigation ponds, etc.); - intermittent or ephemeral watercourses, or Headwater Drainage Features that provide contributions in terms of baseflow, material (e.g., substrates, etc.) or allochthonous inputs that are important to the maintenance of downstream <i>fish habitat</i>; or - shoreline features that provide contributions in terms of material (e.g., substrates, etc.) or allochthonous inputs that are important to the maintenance of fish habitat in the Great Lakes.
Floodplains	The <i>floodplain</i> , <i>flooding hazard</i> and floodway shall be identified in accordance with protocols deemed acceptable by the Conservation Authority.
Flooding Hazards	The <i>floodplain</i> , <i>flooding hazard</i> and floodway shall be identified in accordance with protocols deemed acceptable by the Niagara Peninsula Conservation Authority.
Groundwater Feature	<i>Groundwater features</i> and <i>sensitive groundwater features</i> which have not been mapped as <i>key hydrologic areas</i> are to be identified through more detailed studies such as <i>watershed plans</i> and <i>subwatershed studies</i> completed in accordance with watershed planning guidelines and best practices.
Habitat of Endangered Species and Threatened Species	Criteria for the identification of the <i>habitat of endangered species and threatened species</i> is determined in accordance with the habitat regulations of the <i>Species Conservation Act</i> , 2025.
Hazardous Lands	The primary responsibility for implementing restrictions on development and site alternation in natural hazards rests with the <i>Conservation Authority</i>. Policies are included in the Official Plan related to natural hazards to ensure conformity with the Provincial Planning Statement. How conformity is achieved and how the policies are implemented is determined by the <i>Conservation Authority</i>, who should be consulted when development (whether it requires <i>Planning Act</i> approval or not) is proposed within or adjacent to natural hazards.
Linkages	Known linkages have been identified between <i>natural heritage features</i> and areas and <i>key natural heritage features</i> consisting

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Natural Heritage Feature	Criteria
	of natural areas (e.g., <i>watercourses</i>, valleylands, meadow, thicket, woodland, <i>wetland</i>, and hedgerows, etc.) or rural/agricultural lands without major barriers (i.e., developed areas or major roads greater than 30 metres in width) based on the following set of criteria: a. large <i>linkages</i> (outside settlement areas and outside of the Provincial Natural Heritage System) that are: i. 200-400 metres in width; and ii. connect core areas (i.e. a group of natural features and areas within 30 metres of each other) with a combined area of equal to or greater than 50 hectares in size b. medium <i>linkages</i> (outside of settlement areas and outside of the Provincial Natural Heritage System) that are: i. 100-200 metres in width; and ii. connect core areas (i.e., a group of natural features and areas within 30 metres of each other) with a combined area of equal to or greater than 20 hectares in size; c. small <i>linkages</i>, both inside and outside of settlement areas and outside of the Provincial Natural Heritage System) that are: i. 60-100 metres in width; and ii. connect core areas (i.e. a group of natural features and areas within 30 metres of each other) with a combined area of equal to or greater than 10 hectares in size; Opportunities for additional, ecologically appropriate linkages shall be screened for when a <i>subwatershed</i> study is being completed in support of a secondary plan.
Other Wetlands	Other Wetlands include: • Non-Provincially Significant Wetlands; or • All wetlands that are equal to or greater than 0.5 hectares and meet an Ecological Land Classification for a wetland system; or • Wetlands equal to or less than 0.5 hectares that have an ecological and/or hydrological function in accordance with the Provincial Planning Statement, 2024.
Other Woodlands	Other woodlands are identified based on the Ecological Land Classification. To be identified as an <i>other woodland</i>, a

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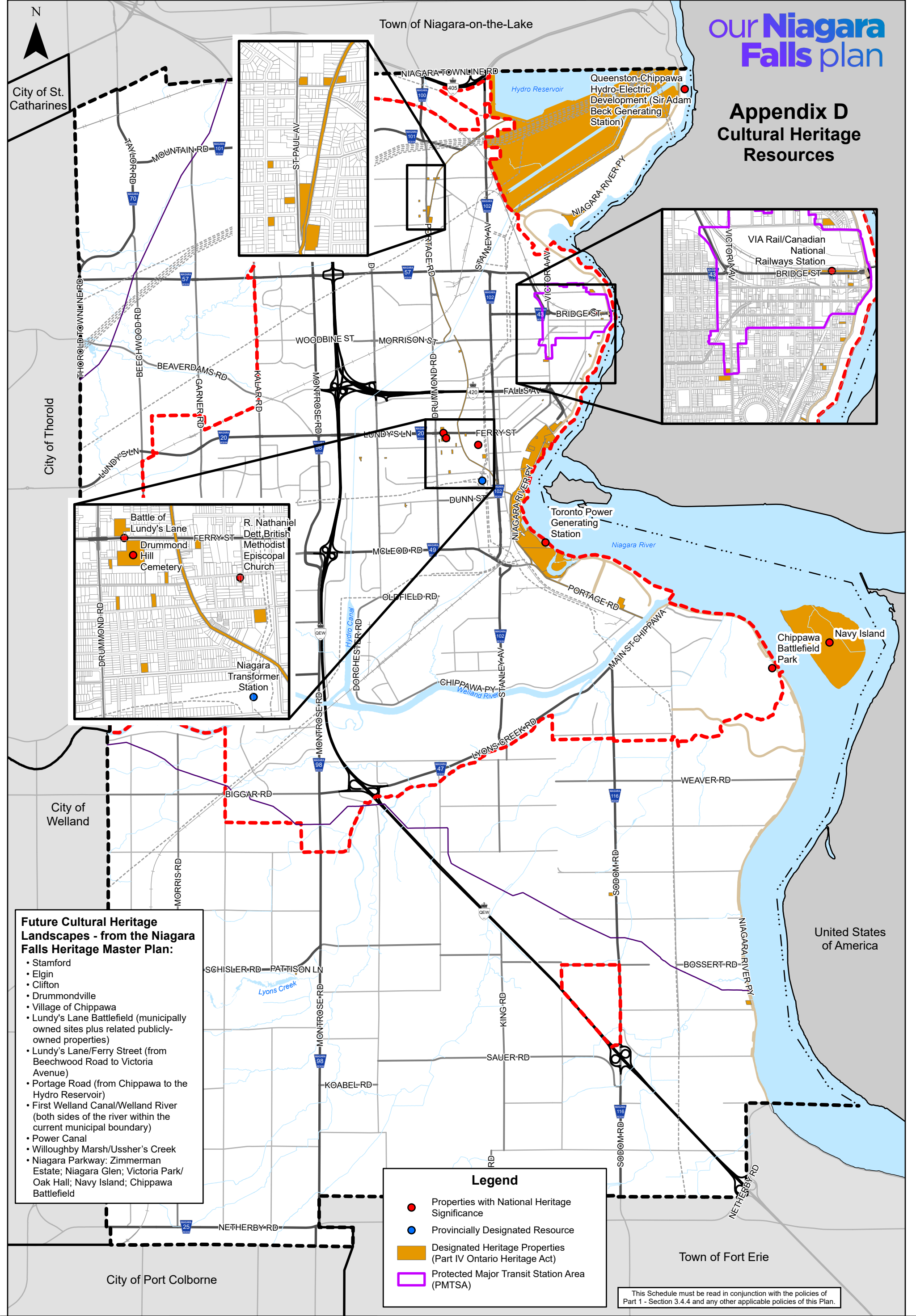
Natural Heritage Feature	Criteria
	terrestrial treed area must have equal to or greater than 35 per cent tree cover and be an average minimum width of 40 metres and equal to or greater than 0.3 hectare, measured to crown edges. Refinement or removal may be considered where it is demonstrated through an EIS that there is no loss to form or function.
Permanent and Intermittent Streams	Criteria for the identification of a <i>permanent or intermittent stream</i> should follow protocols established by the Province, such as the Ontario Stream Assessment Protocol
Provincially Significant Wetlands	The criteria for identifying <i>provincially significant wetlands</i> are established by the Province in accordance with the Ontario Wetland Evaluation System. The Ministry of Natural Resources and Forestry is responsible for review and approval of a wetland evaluation or any alteration to wetland boundaries.
Seepage Areas and Springs	Seepage areas are to be identified based on the observation of groundwater discharge at the surface as evident by springs, standing water, saturated soils, and/or vegetation indicating groundwater discharge (e.g., watercress).
Setback (to regulated features and areas in accordance with Conservation Authority policies)	Setbacks are identified in accordance with <i>Conservation Authority</i> policies.
Shoreline Areas	Shoreline areas include any natural vegetation community (as determined according to Ecological Land Classification) and will be identified based on the following criteria: a. equal to or greater than 0.1 hectares in size; and b. located within 30 metres of the limits of the shoreline flood hazard associated with the Great Lakes, or within 15 metres of a surface water feature, as defined by the Provincial Planning Statement
Significant Coastal Wetlands	The criteria for identifying <i>significant coastal wetlands</i> are established by the Province. The Ministry of Natural Resources and Forestry is responsible for review and approval of a wetland evaluation.
Significant Valleylands	Significant valleylands include any of the features identified in any of the following categories: a. all streams with well-defined valley morphology (i.e., <i>floodplains</i>, riparian zones, meander belts and/or valley slopes) of an average width of 25 metres or more; the physical boundary is defined by the stable top of bank (as defined by the conservation authority); or b. all spillways and ravines with the presence of flowing or

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Natural Heritage Feature	Criteria
	standing water for a period of no less than two months in an average year. Such features must be greater than 50 metres in length (as defined from the point of valley formation downstream to the confluence of the valley being assessed); 25 metres in average width with a well-defined morphology (i.e., two valley walls of 15 per cent slope or greater with a minimum height of 5 metres, and valley floor), and having an overall area of 0.5 hectares or greater
Significant Wildlife Habitat	<i>Significant wildlife habitat</i> shall be identified in accordance with the Significant Wildlife Habitat Criteria schedules for Ecoregion 7E (MNR, January 2015) and/or the appropriate provincial guidance document(s) as may be developed or amended from time to time. Where any disagreements arise with respect to interpretation of significant wildlife habitat, the City may confer with the Province, however the City's interpretation shall prevail if it provides equal or greater protection for wildlife habitat.
Significant Woodland	To be identified as significant, a <i>woodland</i> must meet the Ecological Land Classification definition of forest (as per the definition of 'woodland'), and then meet one or more of the following criteria: a. two hectares or greater in size; b. one hectare or greater in size meeting at least one of the following criteria: i. naturally occurring (i.e., not planted) trees (as defined in the species list of Appendix D in the Greenbelt Technical Paper); ii. treed areas planted with the intention of restoring woodland; iii. 10 or more trees per hectare greater than 100 years old or 50 cm or more in diameter; iv. wholly or partially within 30 metres of a provincially significant wetland or habitat of an endangered or threatened species; v. overlapping or abutting one or more of the following features: 1. permanent streams or intermittent streams; 2. fish habitat; 3. significant valleylands c. 0.5 hectares or greater in size meeting at least one of the following criteria:

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Natural Heritage Feature	Criteria
	i. a provincially rare treed vegetation community ; ii. habitat of a woodland plant species protected under the Species Conservation Act, 2025; iii. any woodland overlapping or abutting one or more of the following features: 1. significant wildlife habitat; or 2. habitat of threatened species and endangered species; d. any size overlapping or abutting one or more of the following features: i. <i>provincially significant wetland</i>; and ii. <i>life science area of natural and scientific interest</i> <i>Woodlands</i> that abut another feature are considered adjacent when located within 20 metres of each other. <i>Significant woodlands</i> are identified based on the Ecological Land Classification methodology.
Surface Water Feature	<i>Surface water features</i> and <i>sensitive surface water features</i> which have not been mapped as key hydrologic features are to be identified through more detailed studies such as <i>watershed plans</i> and <i>subwatershed</i> studies completed in accordance with watershed planning guidelines and best practices.



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APPENDIX E: Design Vision for the Entertainment District Designation

1.1 The Vision for the Entertainment District

- 1.1.1 The creation of a world-class tourism destination is envisioned for Niagara Falls – a modern urban centre at the heart of one of the world’s most beautiful landscaped settings and natural wonders. Development shall preserve and protect the primary tourism resource: the Falls and the quality of its viewing experience. Future development shall build upon and complement existing tourism development, while not adversely affecting the quality of life enjoyed in residential neighbourhoods.
- 1.1.2 In order to achieve this vision, a high quality tourism environment needs to be created. A substantial commitment and investment will be required on the part of all stakeholders to revitalize the physical setting to one worthy and respectful of the Falls and to promote high standards of building design in order to effectively compete in the international market place.
- 1.1.3 The physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways.
- 1.1.4 The future tourism destination and economic potential of Niagara Falls and the surrounding Niagara Region has been identified by the Province through its Destination Niagara Strategy. This Strategy will target investments and development across five key pillars: tourism attractions; world-class gaming; wine and culinary tourism; arts and culture; and transportation development. The Design Vision for the Entertainment District will support the Destination Niagara Strategy.

1.2 The Park in the City

- 1.2.1 Niagara Falls is one of the world’s natural wonders. Cast in a physical setting of parkland and open space, a high quality visitor experience is provided. To enhance this experience, the park setting of Queen Victoria Park shall be extended into the City, creating a high quality urban environment as a framework for new private development. Upgrading the tourism environment shall be implemented through a program of greening and beautification - bringing the Park into the City.

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APPENDIX E: Design Vision for the Entertainment District Designation

- 1.2.2 Pedestrian movements between Queen Victoria Park and the Entertainment District designation are an important part of the visitor's encounter with Niagara Falls. New and improved linkages will be created including the upgrading of connecting streets, the improvement of gateways and the introduction of pedestrian paths and walkways.
- 1.2.3 City streets need to be planted with trees, thus extending the "green" of Queen Victoria Park into the urban setting. The greening of streets shall be accompanied by other streetscape improvements designed to create a vibrant and animated public realm, consistent with the expectations of the international traveller.
- 1.2.4 The escarpment separating the City and Queen Victoria Park shall be protected as a significant environmental feature. Development or redevelopment plans shall not take place within the escarpment area. Pedestrian connections through the escarpment and new developments at its top shall maintain and protect this natural and physical quality.

1.3 An Integrated People Mover System

- 1.3.1 The former railway line, which currently traverses the Entertainment District, is a critical component of this Plan. The railway lands shall be acquired for public transportation purposes in order to improve visitor circulation throughout the core area.
- 1.3.2 The rail corridor together with Niagara Parks Commission lands shall provide for the alignment of the high tech visitor transportation service linking principal attractions and parking facilities in a looped system. Satellite Tourist Districts shall be connected to the WeGo system through the extension of transit services.
- 1.3.3 The WeGo shall be fully integrated with the Entertainment District. Stations will be designed to be directly accessible to the street level to service the surrounding area and maximize interaction with adjacent developments and shall:
 - a) Be flexible as to the precise alignment in order to facilitate integration with adjacent developments;

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APPENDIX E: Design Vision for the Entertainment District Designation

- b) Be elevated through the built-up area to avoid traffic conflicts at street level;
- c) Contain strategically planned stops;
- d) Be environmentally sensitive in design; and
- e) Enhance public and private development.

1.4 Circulation System and Streetscapes

- 1.4.1 Grand Boulevard is a concept aimed at improving linkages within the Entertainment District designation, creating street frontages for large development sites and eliminating barriers which restrict the movement and circulation of visitors. With the elimination of the CP rail line as a major impediment to development, the rail corridor can be utilized to expand the existing street pattern to better service the tourist area and its growth potential.
- 1.4.2 The Grand Boulevard is also a concept aimed at the creation of a new publicly-owned transportation corridor targeted at improving the movement and experience of the visiting tourist. It will provide for the extension of Victoria Avenue southerly to Robinson Street and then to Buchanan thereby connecting the existing activity node at Clifton Hill to the activity node in Fallsview. Similar opportunities exist to improve the Portage Road link between Marineland and the Rapidsview amphitheater and the Fallsview subdistrict. The extension of Ferry Street through to the new Grand Boulevard will also serve to create a stronger link with Lundy's Lane.
- 1.4.3 The new Grand Boulevard shall provide for a comfortable and animated public street featuring wide sidewalks and a variety of activities and amenities for pedestrians. It shall contain the People Mover where the Grand Boulevard follows the railway right-of-way.
- 1.4.4 Detailed engineering and design studies for the Grand Boulevard follows the railway right-of-way. Such studies shall:

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APPENDIX E: Design Vision for the Entertainment District Designation

- a) Determine the alignment and right-of-way along the full length of the new boulevard required to accommodate pedestrians, bicycles, a People Mover System and automobile traffic; and
 - b) Identify detailed streetscape improvements such as road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in street allowance and signage.
- 1.4.5 Implementation of the Grand Boulevard concept will be considered as part of future undertakings including a Master Transportation Plan update and a Streetscape Master Plan.
- 1.4.6 In relation to the development of any casino site, the City shall seek:
- a) Active and inviting publicly-accessible uses located along all public street frontages;
 - b) Implementation of the Grand Boulevard concept through the site in so far as People Mover and pedestrian circulation is concerned;
 - c) Public pedestrian access from the top of the escarpment to the Park in consultation with the Niagara Parks Commission, where applicable;
 - d) e) Pedestrian bridge linking the landscaped park space and trail system; and
 - f) Needed public improvements identified in this Plan.

1.5 An Internationally Recognized Presence

- 1.5.1 A system of built-form regulations in the Entertainment District shall be established, based on the following principles:
- a) The highest buildings shall be constructed in the Entertainment District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;

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APPENDIX E: Design Vision for the Entertainment District Designation

- b) Heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in other tourist serving areas where low- rise residential neighbourhoods predominate; and
- c) The regulation of building mass will occur through a system of built form controls consistent with the Our Niagara Falls Plan.

1.5.2 A series of Landscaped Entry Points shall be created, as identified on Fig. 1. Landscaped Entry Points shall be located at important intersections along Stanley Avenue to Queen Victoria Park and the Falls and also to highlight the heritage of the Historic Drummondville Area along Main Street at the intersections of Lundy's Lane and Murray Street and at the Hydro Corridor where it meets Ferry Street. To assist in the orientation of visitors, directional signage, display panels and information kiosks shall be incorporated into the design of landscaped entry points.

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APPENDIX E: Design Vision for the Entertainment District Designation

FIGURE 1 - GATEWAYS



Figure 1: Gateways into the Tourist District designation.

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APPENDIX E: Design Vision for the Entertainment District Designation

1.6 Circulation System and Streetscapes

- 1.6.1 Entry Corridors, as identified on Figure 2, shall be designated as the main points of access through which visitors arrive. Entry Corridors shall be automobile-oriented streets whose main purpose is to accommodate vehicular traffic within an attractive, sign-posted and landscaped streetscape. Council shall ensure that public improvements and new developments are consistent with the Design Criteria for Entry Corridors.
- 1.6.2 Retail Streets, as identified on Figure 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Retail Streets.
- 1.6.3 A network of pedestrian-related east-west streets shall be designated as Falls Access Streets, as identified on Figure 2, which lead from the commercial uses at the top of the moraine to access points to and from Queen Victoria Park. Falls Access Streets shall encourage pedestrian circulation with a variety of experiences. Buildings built to the street with publicly accessible uses at grade and attractively landscaped setbacks are considered to be appropriate. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Falls Access Streets.
- 1.6.4 Council shall ensure that public improvements and new developments abutting all streets in the Entertainment District designation not otherwise designated on Figure 2, help improve the physical setting of the Tourist Area through streetscape improvements such as reconstructed sidewalks, the planting of street trees, and landscaping treatment. The details of these improvements shall be outlined in Streetscape Master Plans.

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APPENDIX E: Design Vision for the Entertainment District Designation

FIGURE 2 - STREET SYSTEM

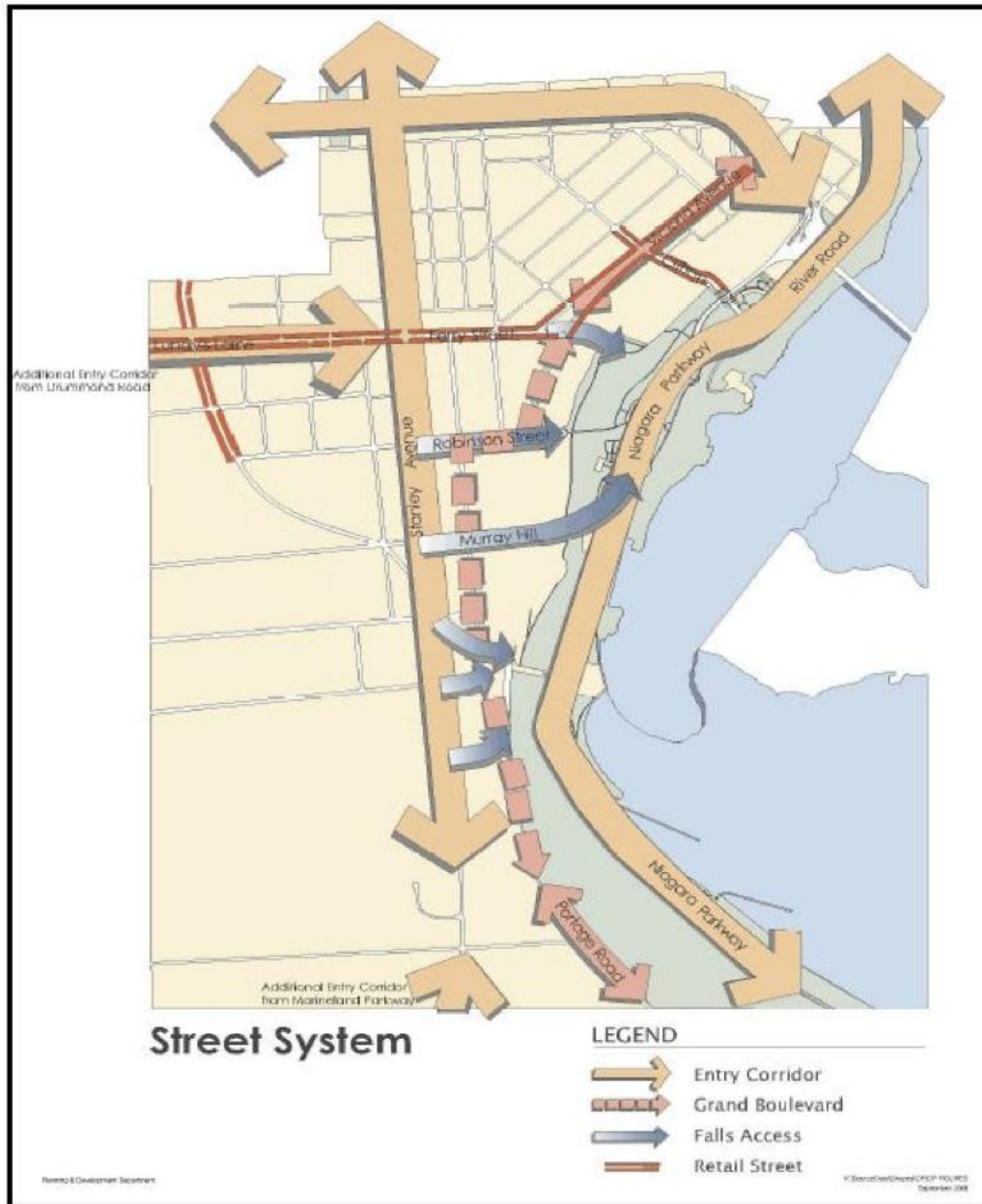


Figure 2: Gateways into and street designations within the Entertainment District designation.

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APPENDIX E: Design Vision for the Entertainment District Designation

1.7 Open Space System

- 1.7.1 The City's international status shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programs as illustrated on Figure 3.
- 1.7.2 A continuous publicly-accessible landscaped trail shall be created along the top of the escarpment from Clifton Hill to the southern end of Fallsview. Details regarding the location of the escarpment trail will be incorporated into a Streetscape Master Plan for the area.
- 1.7.3 Open space improvements around specific development sites and new and improved pedestrian connections shall be developed between Queen Victoria Park and the top of the escarpment, as generally illustrated in Figure 3.

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FIGURE 3 - OPEN SPACE PLAN

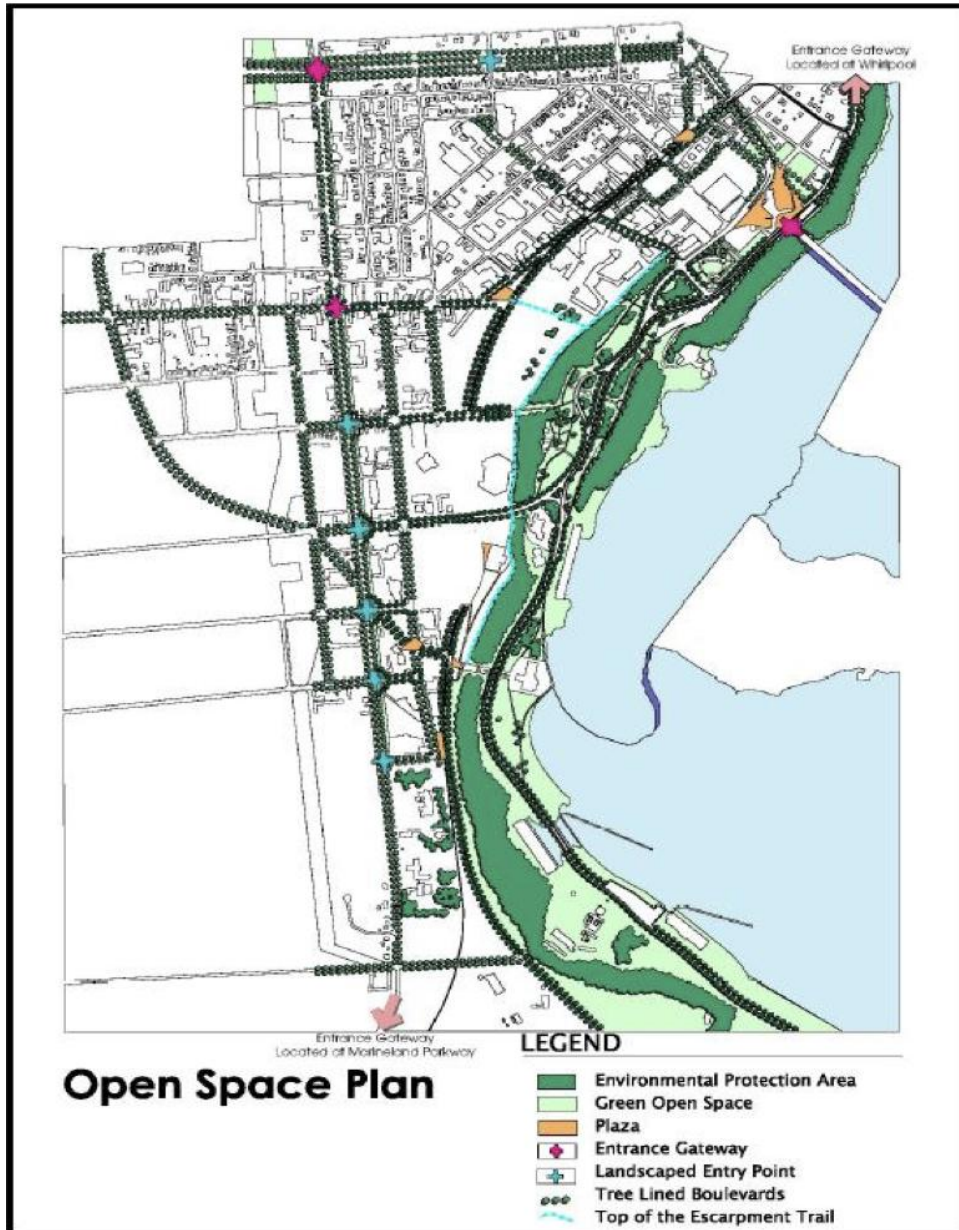


Figure 3: Open space plan for the Entertainment District designation.

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APPENDIX E: Design Vision for the Entertainment District Designation

1.8 Massing of New Development

- 1.8.1 High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.
- 1.8.2 Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.
 - a) Buildings are designed to add distinct and interesting features to the Niagara Falls skyline;
 - b) New developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;
 - c) High-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;
 - d) Building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings; and
 - e) Minimize adverse impacts on residential areas.

APPENDIX F – Design Vision for the Protected Major Transit Station Area

1.0 Urban Design for the Public Realm

As properties within the Protected Major Transit Station Area are redeveloped, it will be increasingly important to improve the public realm for pedestrians, cyclists and transit users.

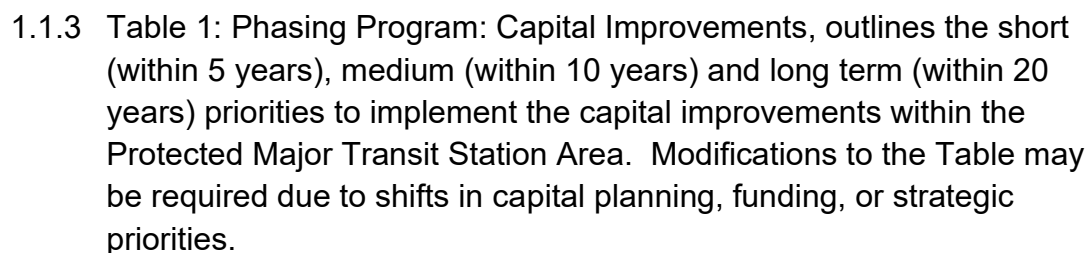
1.1 Public Realm and Improvements Phasing Plan

1.1.1 The public realm improvement strategy depicted on Map 1 – Public Realm Improvement Strategy to this Appendix is intended to enhance the attractiveness and functionality of the Protected Major Transit Station Area. It includes:

- Gateway Improvement areas;
- Streetscape Improvement areas;
- Potential Street Grid Refinement;
- Potential New Public Spaces;
- Potential Public Space Improvements; and,
- Active Transportation Connections.

1.1.2 The following Public Realm Improvement Strategy Map is for illustrative purposes only and the need, location and design of public spaces shall occur through a development application process.

APPENDIX F - Design Vision for the Protected Major Transit Station Area



1.1.3 Table 1: Phasing Program: Capital Improvements, outlines the short (within 5 years), medium (within 10 years) and long term (within 20 years) priorities to implement the capital improvements within the Protected Major Transit Station Area. Modifications to the Table may be required due to shifts in capital planning, funding, or strategic priorities.

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APPENDIX F - Design Vision for the Protected Major Transit Station Area

Table 1: Phasing Program: Capital Improvements

New Connections and Roadway Improvements	Details/Extent	Priority (short, mid or long term)
Thorold Stone Road extension	n/a	Short-term
Signalization of Victoria Avenue at Buttrey Street	Alternative would be to realign Buttrey Street to connect with Ferguson Street to improve sight lines.	Mid-term
Victoria Avenue Improvements	n/a	Mid-term

Bike Route/Lane (on road)	Details/Extent	Priority (short, mid or long term)
Bridge Street	Between Victoria Avenue and River Road	Short-term
Victoria Avenue	Between Bridge Street and Armoury Street	Mid-term
Erie Avenue	Between Bridge Street and Huron Street	Short-term
Hickson Avenue	Between Buttrey Street and Leader Lane	Mid-term
Morrison Street	Between Victoria Avenue and River Road	Mid-term

Multi-Use Trail	Details/Extent	Priority (short, mid or long term)
Transit Station Trail	Connecting Erie Avenue with Hickson Avenue and Hickson Avenue with River Road	Short-term
Olympic Torch Race Legacy Trail Extension	Connecting existing Olympic Torch Race Legacy Trail with the Michigan Central Railway Bridge and River Road	Mid-term

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APPENDIX F - Design Vision for the Protected Major Transit Station Area

Streetscape Improvements	Details/Extent	Priority (short, mid or long term)
River Road Major Streetscape Improvements	Between Buttrey Street and Simcoe Street	Mid-term
Bridge Street Minor Streetscape Improvements	Between Victoria Avenue and River Road	Short-term
Bridge Street Minor Streetscape Improvements	Between Victoria Avenue and River Road	Mid-term
Victoria Avenue Minor Streetscape Improvements	Between Buttrey Street and Bridge Street	Long-Term
Erie Avenue Minor Streetscape Improvements	Between Bridge Street and Queen Street	Short-term
Potential Street Grid Refinement	Mid-block between Park Street and Queen Street connecting St. Lawrence Avenue with River Road	Long-term

Gateway Features	Details/Extent	Priority (short, mid or long term)
Victoria Avenue and Bridge Street Major Gateway	n/a	Mid-term
Erie Avenue and Bridge Street Minor Gateway	n/a	Short-term
River Road and Whirlpool Bridge Minor Gateway	n/a	Mid-term

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Public Space	Details/Extent	Priority (short, mid or long term)
New Public Space at southwest corner of Erie Avenue and Bridge Street	n/a	Short-term
New Public Space adjacent to Transit Station Area	n/a	Mid-term
Public Space Improvement south of Bridge Street	Mid-block between Chrysler Avenue and Erie Avenue	Mid-term
Public Space Improvement along River Road	Mid-block between Bridge Street and Park Street	Mid-term

1.2 Gateways

- 1.2.1 Gateways are intended to function as formal entranceways into the Protected Major Transit Station Area and create a strong sense of place. Gateways include lands within the right-of-ways and all abutting lands.
- 1.2.2 Gateway improvements should include prominent signage, enhanced lighting, intensive landscaping (such as seasonal floral displays, tree planting), cycling-supportive infrastructure, public art and other types of public realm enhancements. Adjacent redevelopment should be designed to support the function of the gateway. Three gateway improvement areas have been identified:
 - a) Victoria Avenue and Bridge Street intersection and surrounding area: The Victoria Avenue/Bridge Street intersection is a gateway node due to its direct connectivity with Whirlpool Bridge, Niagara Falls, and the future Transit Station that connects users with transit into Downtown and beyond. In addition, uses to the northwest of the

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intersection, such as Great Wolf Lodge, function as a key regional destination and draws in customers from across the region and beyond. There is an opportunity to establish a visual identity that can be carried through the study area. To continue the gateway improvements to this node as initiated with the round about, private realm signage should be consolidated and minimized, new welcome and wayfinding public signage should be introduced, sidewalks should be widened and landscaping and planting should be expanded for the intersection.

- b) Erie Avenue and Bridge Street: This is an important intersection that offers significant opportunities for redevelopment, due to its location within the Transit Station Area, and has been identified as a gateway improvement area. Gateway improvements should include new high-quality mixed-use development, street furniture, street trees, planting, and hard landscaping. New pedestrian realm enhancements should include signage and wayfinding. Pedestrian realm design treatments should be expanded to link the Transit Station with the Downtown through the introduction of a new linear public space and enhanced sidewalk connection along Erie Avenue to Queen Street.
- c) Bridge Street and River Road: This intersection has been identified as a gateway improvement area. This intersection serves an important international border crossing function and offers important views and vistas into the Niagara River.

1.2.3 Enhanced landscaping and tree plantings, pedestrian- scaled lighting, cycling facilities, street furniture and new public spaces should be considered in these gateway improvement areas.

1.2.4 The gateway proposed at the intersection of River Road and Bridge Street will require consultation with and approval of the Niagara Parks Commission.

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1.3 Streetscape Improvements

- 1.3.1 Streetscape Improvements are intended to provide direction for future enhancements to the key roads within the public right of way in the Plan Area.
- 1.3.2 The City, in consultation with the Niagara Parks Commission, is encouraged to undertake major streetscape improvements to River Road within the Protected Major Transit Station Area. Key improvements may include, but not limited to, tree plantings on the west side of the street to provide shade and comfort for pedestrians, improved lighting and occasional street furniture.
- 1.3.3 Streetscape improvements have been identified for Buttrey Street (between Victoria Avenue and River Road), Bridge Street (east of Victoria Avenue), and Victoria Avenue (between Buttrey Street and Morrison Street). Key improvements should include (but not limited to) curbs, sidewalks, and tree plantings on both sides of the street to provide shade and comfort for pedestrians and bike lanes, as well as completion of the sidewalk network along Buttrey Street.

1.4 Potential New Public Spaces and Public Space Improvements

- 1.4.1 Where new major mixed-use development or redevelopment is planned, new public spaces should be provided to enhance the pedestrian environment and provide amenities for residents, employees and visitors. Where public spaces exist, improvements should be made to better serve the existing and planned community. Public spaces should be universally designed and include a mix of design elements including (but not limited to) enhanced landscaping, shade trees, ample locations for seating and public art.
- 1.4.2 New public spaces should be located close to the street and be connected to the pedestrian network. New public spaces should also be connected with existing or planned transit stops. Map 1 – Public Realm Improvement Strategy identifies a potential new public space west of Erie Avenue between Bridge Street and Park Street and a potential public space improvement along Bridge Street.

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- 1.4.3 The public realm improvements depicted on Map 1 – Public Realm Improvement Strategy shall be implemented through a future Community Improvement Plan, Public Realm Master Plan, the redevelopment approvals process or as part of other municipal works and are intended to support growth and intensification within the Protected Major Transit Station Area.

1.5 Active Transportation Connections

- 1.5.1 Map 1 – Public Realm Improvement Strategy identifies the existing and planned active transportation network, including new active transportation connections that are needed to achieve the future network.

1.6 Boulevard Design

- 1.6.1 Boulevards are the component of the public right-of-way from building face to street edge. The design of the boulevard must accommodate pedestrian circulation, and an attractive public realm. It should support its multi-purpose function, accommodating pedestrian circulation, adequate space for healthy tree growth, plants and other landscaping, bicycle parking, public art, transit shelters, street lighting, signage, street furniture, utilities and adequate space for commercial and social activity.
- 1.6.2 Within the Protected Major Transit Station Area, boulevard widths should reflect the character and function of the street. Where insufficient space exists within the right-of-way to achieve the minimum recommended boulevard width, a combination of measures should be explored including setting buildings back at-grade and reduced lane widths. Boulevards typically consist of:
- Patio and Marketing Zone (Transition Zone);
 - Pedestrian Through Zone (Sidewalk);
 - Planting and Furnishing Zone and Edge Zone; and
 - Cycle Tracks or Multi-Use Paths may also be part of the boulevard.

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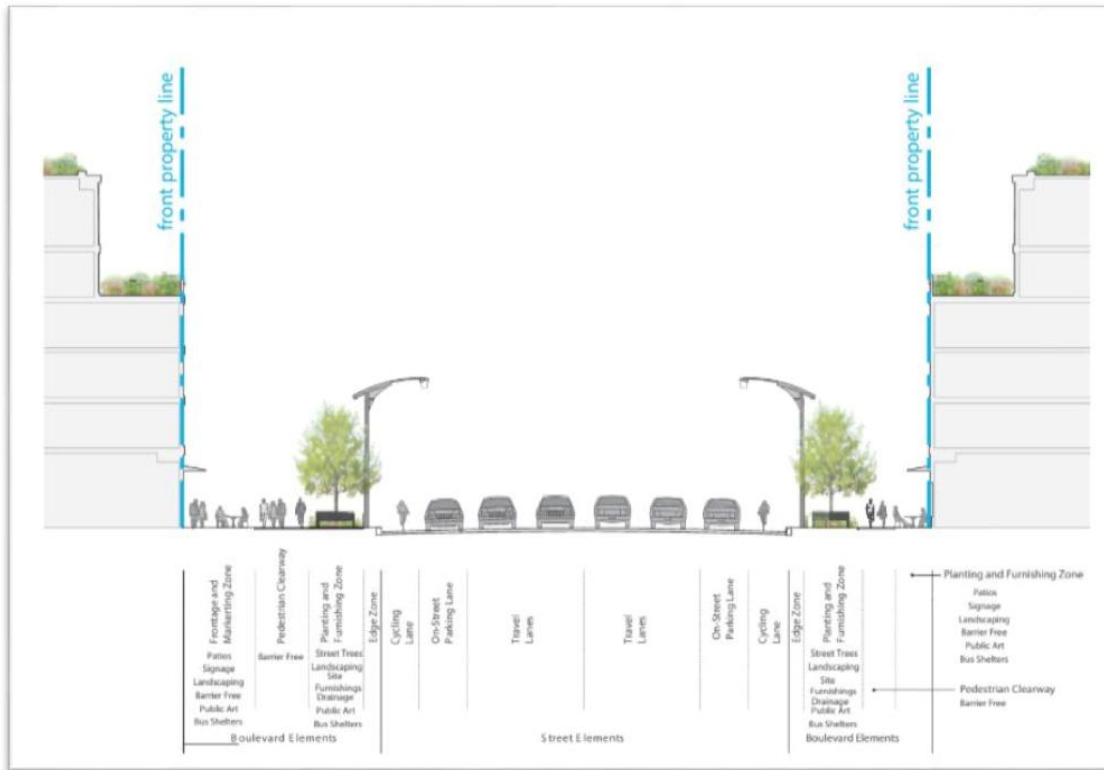


Figure 1: Example of typical street and boulevard elements within the general right-of-way

Bridge and Park Streets

- 1.6.3 Improvements are recommended for the area between Bridge Street and Park Street, including development of a linear park along the abandoned rail corridor and streetscape improvements along Bridge Street within proximity of the existing VIA Rail station building.
- 1.6.4 Along Bridge Street as redevelopment occurs, it is recommended that buildings be setback to accommodate minimum 4.4 metre boulevard width to improve pedestrian mobility and accommodate street trees, bicycle parking, landscaping, street furniture, etc. Further, it is recommended that dedicated bicycle lanes be provided along Bridge Street connecting to bicycle lanes along Victoria Avenue and River Road to more safely accommodate active transportation to the Transit Station Area.

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1.6.5 Redevelopment of Bridge Street is proposed to be accommodated within a planned 23.2 metre right-of way as illustrated on Figure 2. The previous general boulevard recommendations apply to Bridge Street and specific design recommendations include:

- a) A minimum pedestrian clearway/sidewalk of 2.5 metres.
- b) Textured edges and sound assisted crosswalks to assist the assist the visually impaired.
- c) High quality treatments, such as a decorative band, for the pedestrian clearway. The pedestrian clearway should be coordinated with the design of feature paving across boulevards, intersections, crosswalks and driveways.
- d) Feature paving used to delineate areas of pedestrian priority.
- e) The Planting and Furnishing Zone plus Edge Zone with a width of 1.9 metres.
- f) On-street parking 2.5 metres in width and provided on both sides of the street.
- g) On-street cycling lanes on both sides of the street with minimum widths of 1.2 metres.
- h) One 3.3-metre-wide travel lane in each direction.

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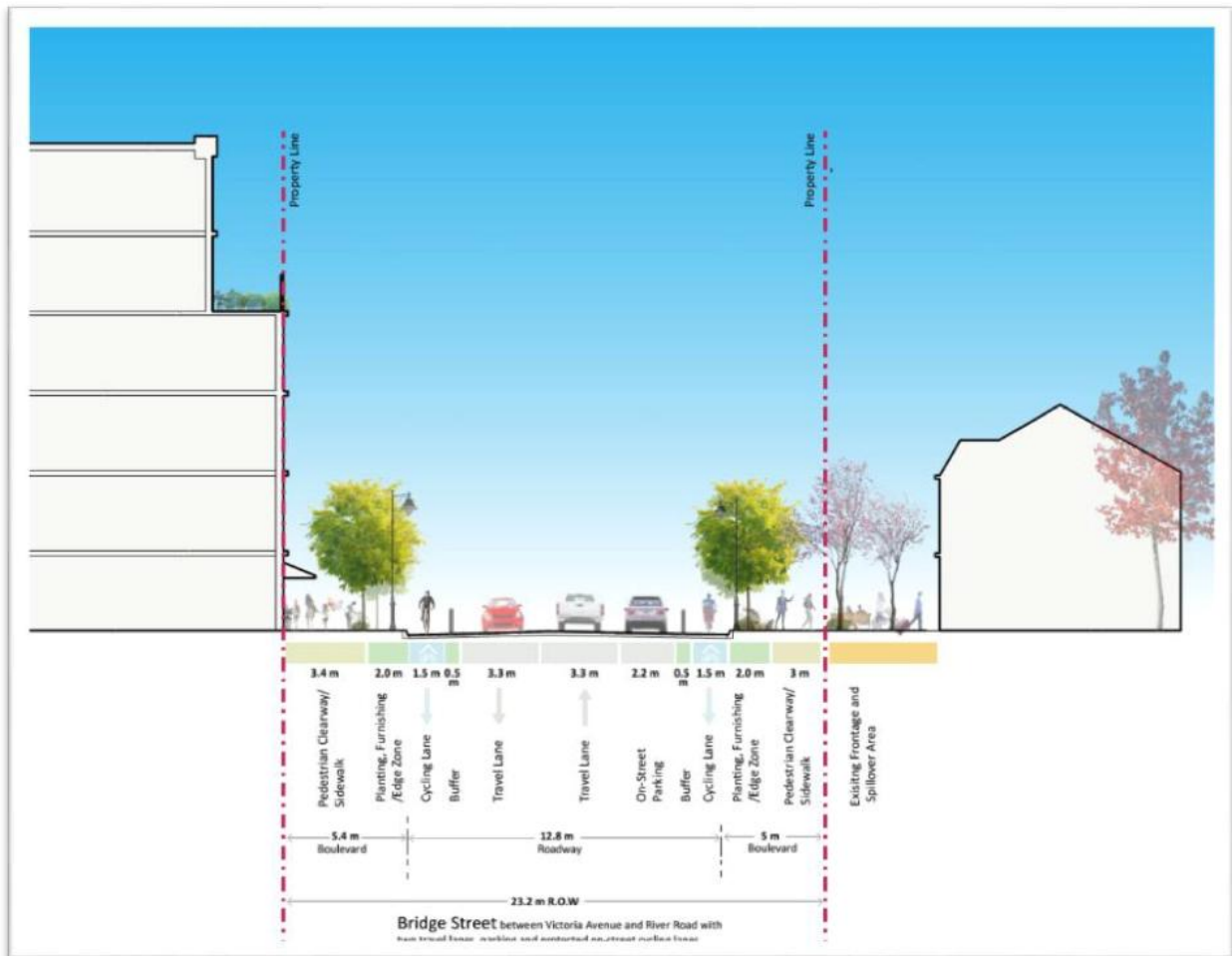


Figure 2: Street cross section on Bridge Street between Victoria Avenue and River Road

River Road

1.6.6 The Niagara Parks Commission is encouraged to undertake the public realm improvements on River Road, in consultation with the City. In undertaking public realm improvements, the Niagara Parks Commission may consider the following:

- a) Redevelopment of River Road is proposed to be designed as a Complete Street, accommodated within a planned 21 metre right-of-way as illustrated on Figure 3.
- b) A minimum 4.0 metre boulevard will provide spill-over space for retail establishments while enhancing pedestrian mobility and

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creating more opportunities for street trees, landscaping and street furniture.

- c) New buildings are to be setback from the public right-of-way to provide space for an enhanced frontage and spillover area.
- d) A minimum pedestrian clearway / sidewalk of 2.5 metres should be provided along the west boulevard.
- e) The Planting and Furnishing Zone plus Edge Zone should have a minimum width of 1.5 metres.
- f) One 3.5-metre-wide travel lane should be provided in each direction.
- g) A 3.4 metre wide physically separated two- direction multi-use path should be located within the east boulevard.
- h) Durable surfaces, such as asphalt or concrete should be used in the design of the multi-use path.

Erie Avenue

1.6.7 Erie Avenue connects Queen Street, the heart of downtown Niagara Falls, to Bridge Street and provides a direct view corridor to the existing VIA Rail station. A comprehensive design exercise may be conducted to transform Erie Avenue into a woonerf between Queen Street and Bridge Street that follows the direction of the cross section identified in Figure 4: Street cross-section on Erie Avenue between Queen Street and Bridge Street.

1.6.8 Due to their complex nature, shared streets need to be designed in a collaborative manner with city staff, landowners and residents. Design recommendations include:

- a) The elimination of grade separated sidewalks and a focus placed on differentiated material use.
- b) Surface treatments that include varied materials to provide visual and textural cues to users across the width of the right-of-way.

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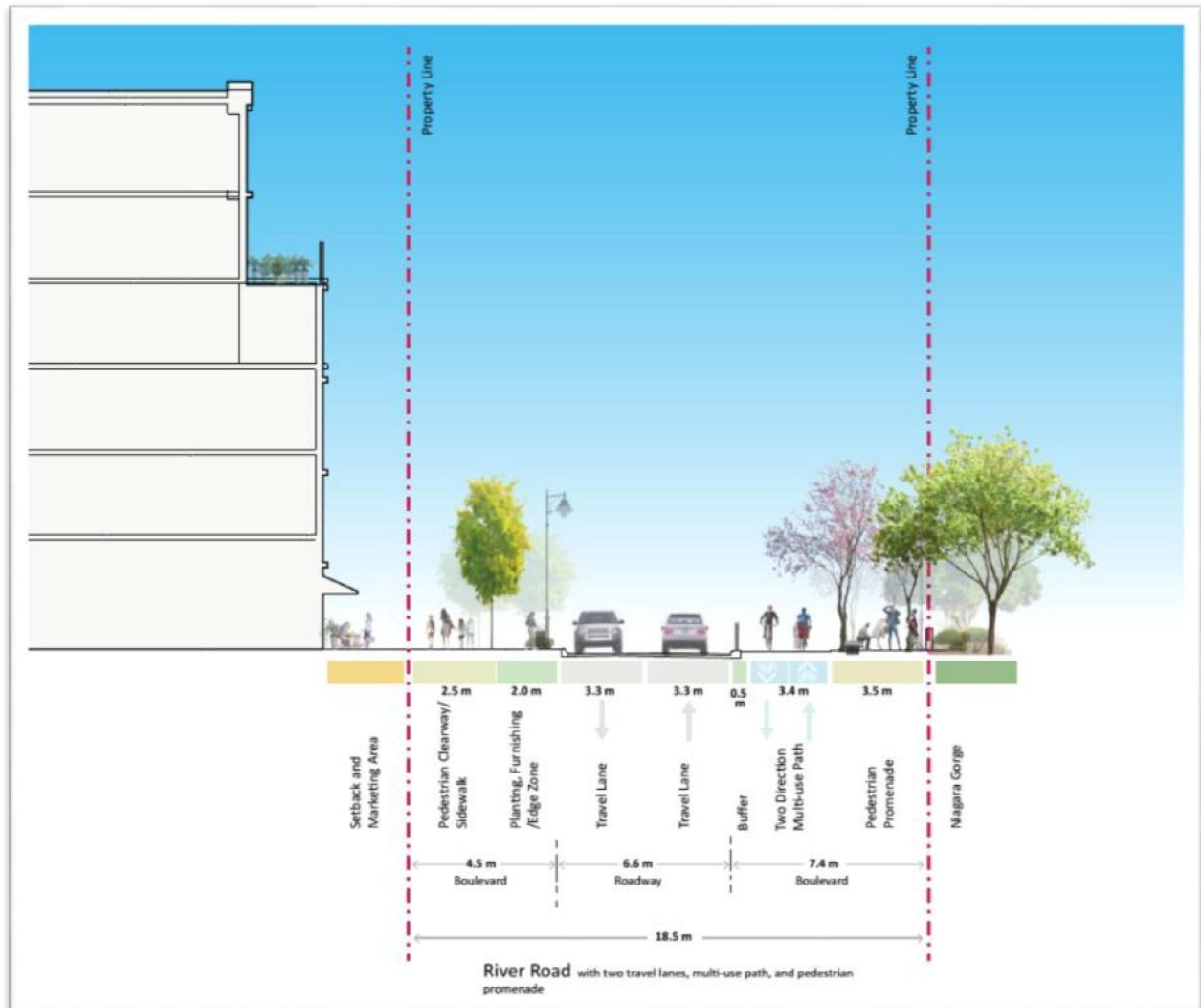


Figure 3: Street cross section on River Road

- c) Gateway or entry points that are well defined by a change in paving and signs to indicate a change in road behaviour expectations.
- d) Incorporate changes in texture, bollards or other property demarcation elements to define parking spaces.

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- e) A palette of streetscape materials that is consistent and visually strong to establish a consistent visual character along the length of the street.
- f) Integrated street furniture in to encourage community engagement within the streetscape and provide driver engagement.
- g) Integrated principles of inclusivity and accessibility considerations.
- h) Provision for active transportation infrastructure such as bicycle parking.
- i) Cluster or group utilities where possible to minimize visual impact.

Buttrey Street

1.6.9 Buttrey Street connects Victoria Avenue with River Road, to the north of the Transit Station Area. It currently functions as an industrial street with a planned 20 metre right-of-way which does not have sidewalks, curbs and gutters nor defined street components. Future uses north of the street are envisioned as medium density residential in the long term, although employment/mixed uses will be accommodated in the short term.

1.6.10 Design recommendations include:

- a) A minimum pedestrian clearway/sidewalk of 2.5 metres on both sides of the street.
- b) The Planting and Furnishing Zone plus Edge Zone with a minimum width of 1.5 metres.
- c) On-street parking 2.5 metres in width and provided along both sides of the street.
- d) One 3.5-metre-wide travel lane provided in each direction.

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Victoria Avenue

1.6.11 Victoria Avenue functions as a major north-south accessway through the Protected Major Transit Station Area.. The design of Victoria Avenue should accommodate transit and provide safe and dedicated facilities for pedestrians and cyclists.

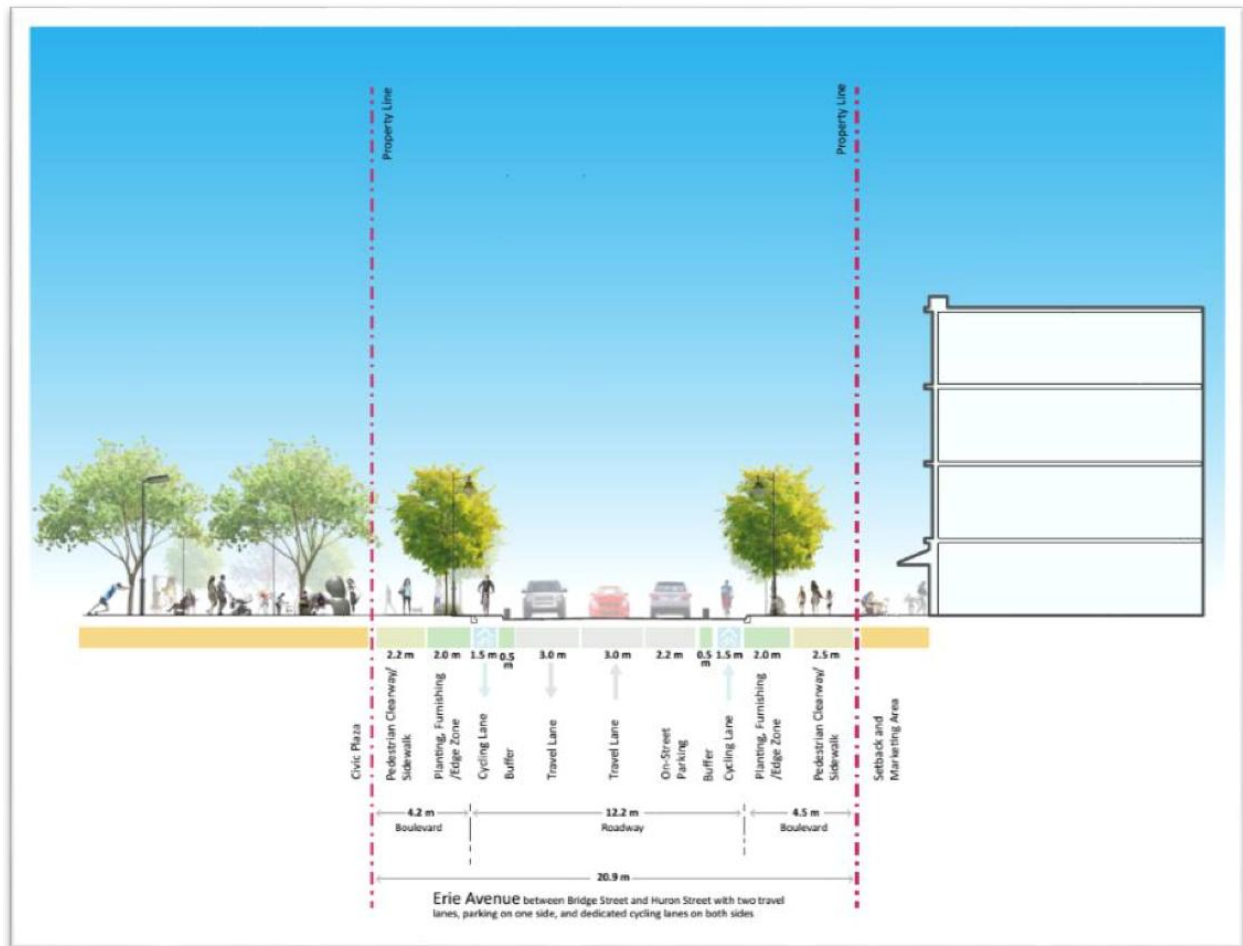


Figure 4: Street cross section on Erie Avenue between Queen Street and Bridge Street

1.6.12 Design recommendations include:

- Sidewalks and high quality and visible pedestrian amenities.
- Pedestrian crossings only at signalized intersections.
- Transit amenities with transit in mixed traffic.

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- d) Dedicated cycling facility (bike lane or cycle track) on both sides of the street.
- e) Landscaping.
- f) A minimum pedestrian clearway / sidewalk of 1.8 metres on both sides of the street.
- g) The Planting and Furnishing Zone plus Edge Zone with a minimum width of 1.6 metres.
- h) Physically separated bicycle lanes on each side of the street be designed to include a 1.8 metre bicycle lane plus 0.8 metre buffer.
- i) Two 3.5-metre-wide travel lanes provided in each direction.

Potential Street Grid Refinements

1.6.13 A potential refinement to the grid system would be an extension of Ontario Avenue north from Park Street to Bridge Street. This extension would allow for increased flow and circulation in and around the Transit Station Area.

1.7 Public Art

1.7.1 The design of public art should:

- a) Be located in high use areas such as public parks, plazas, curb extensions, multi-use paths, etc.;
- b) Be limited near forms of traffic control (i.e. stop signs) to minimize driver distractions and sight-line obstructions; and
- c) Be durable and easily maintained.

1.8 Public and Semi-public Open Spaces

1.8.1 New public open spaces or public space improvements should be provided at the following locations:

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- a) Within the old rail corridor running between Bridge Street and Park Street, and continuing northwest from the Bridge Street and Victoria Avenue intersection;
- b) At the southwest corner of Erie Avenue and Bridge Street;
- c) South of Bridge Street, mid-block between Chrysler Avenue and Erie Avenue; and
- d) Along River Road, mid-block between Bridge Street and Park Street.

1.8.2 Privately owned public open spaces should be designed to:

- a) Provide direct access from adjacent public sidewalks;
- b) Be visible from active indoor areas;
- c) Include features (e.g., paving, seating, public art) constructed of materials equal in quality and appearance to those used in station entrances, main private buildings and nearby public spaces;
- d) Maximize sun exposure through the location and massing of taller building elements;
- e) Use hard and soft landscaping materials that are high quality, easily replaceable and low maintenance;
- f) Select site furnishings (e.g., play equipment, public art, shelters, signage, fencing); and
- g) Use plant materials that are low maintenance, and pest and disease resistant.

1.8.3 Additional public open spaces shall be planned for through the development application process.

1.9 Landscaping

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- 1.9.1 Providing improved landscaping along Bridge Street and within public and privately owned public open spaces will help create visual continuity throughout the Protected Major Transit Station Area.
- 1.9.2 Trees shall be incorporated into public street design and will frame all streets and pathways. Trees provide shade and comfort and enhance the visual and environmental qualities of the street.
- 1.9.3 To sustain trees, planting should occur in sufficiently deep and wide planting areas backfilled with appropriate soil. To allow for full growth and to ensure their long-term viability, street trees should be planted with appropriate soil volume in continuous tree trenches. Where compaction of planting soil is anticipated, the use of soil cells should be considered.
- 1.9.4 Careful consideration should be given to the type and location of trees. Refer to Niagara Peninsula Conservation Authority's Native Plant Guide for information on appropriate native plants:
 - a) Native and disease-resistant species for street trees should be used, wherever possible, to promote long-term growth;
 - b) Only species that are tolerant of urban conditions should be used;
 - c) Plantings should be selected that require little maintenance and do not require the use of pesticides and fertilizers;
 - d) Mono-culture planting may, in the case of disease, be entirely lost and is, therefore, strongly discouraged;
 - e) Seasonal appeal, especially for the winter months, should be considered for all planting;
 - f) The planting of trees, as infill along existing streets where the rhythm of existing trees is interrupted, should be implemented;
 - g) Higher branching trees should be positioned to ensure there is no interference with cyclists or truck traffic. Sight lines shall not be obstructed by trees planted near intersections; and

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- h) Shrub and ground cover planting should be utilized in open tree pits, provided the minimum pedestrian clearway dimension is available.

1.10 Low-Impact Development

1.10.1 Low-Impact Development (LID) is an approach to managing stormwater run-off at the source by replicating natural watershed functions. The Transit Station Secondary Plan should incorporate LID practices, where possible and as appropriate. LID options can include:

- a) Bioswales or drainage swales;
- b) Bioretention planters, units or curb extensions;
- c) Perforated pipe system;
- d) Permeable paving; and
- e) Pre-cast tree planters or soil cells.

1.10.2 Where possible, replace unnecessarily paved areas with permeable materials (medians, dedicated parking lanes / lay-bys, traffic islands). However, do not use permeable materials within the pedestrian clearway.

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2.0 Urban Design for the Private Realm

Community design includes the location and orientation of buildings. Buildings should enhance the existing character of the street. This can be accomplished through protecting and directing views, providing a consistent street wall, and relating buildings to the street and pedestrian activities.

It is critical that the design of these sites ensures that buildings contribute to a human scale while providing a grid street and block network and support residential intensification as well as innovative employment and tourism uses that capitalize on transit investment.

2.1 Gateway Features

- 2.1.1 Buildings adjacent to the gateways along Bridge Street should have an appropriate built form to provide orientation and to assist in defining a neighbourhood's distinct character.
- 2.1.2 Development at gateways should meet a high standard of design, recognizing their role as a gateway, and be appropriately oriented to the public realm.
- 2.1.3 The design should create a sense of entrance and arrival, contributing to community image and identity, at a scale appropriate for the given context. Elements contributing to gateway features and design include signage and wayfinding, trees and other landscaping, feature lighting, paving, seat walls and public art.

2.2 Parking, Access and Entrances

- 2.2.1 Vehicular access to on-site parking, loading and servicing facilities should be located from side streets and rear lanes wherever possible. Where this is not possible, mid-block access can be considered in instances where:
 - a) The driveway is located an appropriate distance from the nearest intersection or side street;
 - b) Appropriate spacing between adjacent driveways is maintained resulting in no more than one driveway every 30 metres;

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- c) Opportunities to consolidate shared access to minimize curb-cuts are prioritized; and
- d) Consideration is provided to contain mid-block driveways within the building massing with additional floors built above.

2.2.2 As the Protected Major Transit Station Area develops, a variety of parking solutions will be appropriate to support increased densities and build out. As a general rule, surface parking should be designed to minimize its visual impact and to allow for future intensification as a development site. As such, the layout of parking should consider site access, landscaping and site servicing that will permit the eventual redevelopment of these sites:

- a) Surface parking lots should be divided into smaller “parking courts.” Large areas of uninterrupted surface parking should be avoided;
- b) Surface parking areas should be located at the rear or side-yard of a building and should not be placed between the front face of a building and the sidewalk;
- c) Driveways to parking should be from rear lanes and side streets wherever possible;
- d) Shared parking and shared driveways between adjacent properties are encouraged. Where multiple access points currently exist, they should be consolidated where possible;
- e) Where appropriate, permeable paving should be considered to promote drainage;
- f) Use planting strips, landscaped traffic islands and/or paving articulation to define vehicle routes that include pedestrian walkways, improve edge conditions and minimize the aesthetic impact of surface conditions;
- g) Distinctive pavement and pavement markings should be used to indicate pedestrian crossings and create an interesting visual identity;

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- h) Clear, 1.5 metre (minimum) dedicated pedestrian routes should provide direct connections from parking areas to building entrances;
- i) Pedestrian-scaled lighting should be provided along pathways;
- j) Preferential parking (i.e. accessible parking stalls, bicycles, car-share, energy efficient vehicles) should be located close to building entrances;
- k) Parking along the rail tracks should be adequately screened with high-quality landscaping; and
- l) Parking on corner lots is discouraged. However, where required, it should be screened by landscaping.

2.2.3 . Structured parking should:

- a) Integrate active at-grade uses into the streetscape through attractive façades that animate the streetscape and enhance pedestrian safety;
- b) Locate pedestrian entrances for parking structures adjacent to station entrances, main building entrances, public streets or other highly visible locations; and
- c) Screen parking structures above grade from view at sidewalk level through architectural detailing.

2.2.4 High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.

2.2.5 Parking should be screened from the public realm. Landscaped parking islands at least 1.5 metres wide at the end of parking rows and pedestrian connections that contain salt tolerant shade trees are encouraged. Selection of plant materials should consider the following:

- a) Year-round maintenance;
- b) Seasonal variety;

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- c) Hardiness and resistance to disease;
- d) Maintenance requirements; and
- e) Tolerance of plant materials to salt and urban conditions.

2.3 Bicycle Parking

- 2.3.1 Bicycle parking should be provided at regular intervals along major roads and other areas of high pedestrian activity and located close to building entrances.
- 2.3.2 Bicycle parking should not impede pedestrian circulation. Post-and-ring and inverted 'u' parking, constructed of painted or galvanized steel is preferred as larger units can impede pedestrian movement and snow clearing.
- 2.3.3 Bicycle parking and storage facilities should encourage active transportation, including secure and plentiful parking at the Transit Stations, within public parks and open spaces and short-term bicycle storage at employment areas.
- 2.3.4 Sheltered bike areas are to be integrated with the station design and located in highly visible areas in the vicinity of platform access points.
- 2.3.5 In addition to bicycle racks, bicycle lockers are strongly encouraged, especially for large office developments and at the Transit Station.

2.4 Storage, Servicing and Loading

- 2.4.1 Loading docks, outside storage and service areas are to be located in areas of low visibility such as at the side, or at the rear of buildings.
- 2.4.2 Where possible, accommodate garbage storage areas within the building or underground systems. Where this is not possible, screen outdoor storage areas from public view through an attractive and integrated enclosure.
- 2.4.3 Outside storage and servicing facilities should be constructed of materials to match or complement the building material.

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2.4.4 Service and refuse areas should be designed with a paved, impervious surface asphalt or concrete.

2.4.5 Loading and service areas may occupy the full rear yard if adequate landscape edge and buffer treatments are provided.

2.4.6 Service and refuse areas are not to encroach into the exterior side or front-yard set-back.

2.5 Building Setbacks

2.5.1 To create a consistent street wall to frame Buttrey Street, Bridge Street, Park Street and River Road, and to create an active streetscape, design should:

- a) Locate buildings at the front property line, or applicable setback line;
- b) Provide additional setbacks in areas with retail at grade to accommodate a minimum 4.8 metre boulevard width for outdoor display areas, seating and landscaping; and
- c) Where streets have a variety of setbacks, locate new buildings at a setback distance that reflects the average of the adjacent buildings.

2.5.2 Where mid-rise sites abutting existing stable low rise residential areas the following rear setbacks and transitions are required to minimize shadow and privacy issues on adjacent uses:

- a) Provide a 7.5 metre rear-yard setback from the abutting property line;
- b) Apply a 45-degree angular plane from the abutting property line for sites deeper than 36 metres; and
- c) Apply a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line on properties less than 36 metres deep.

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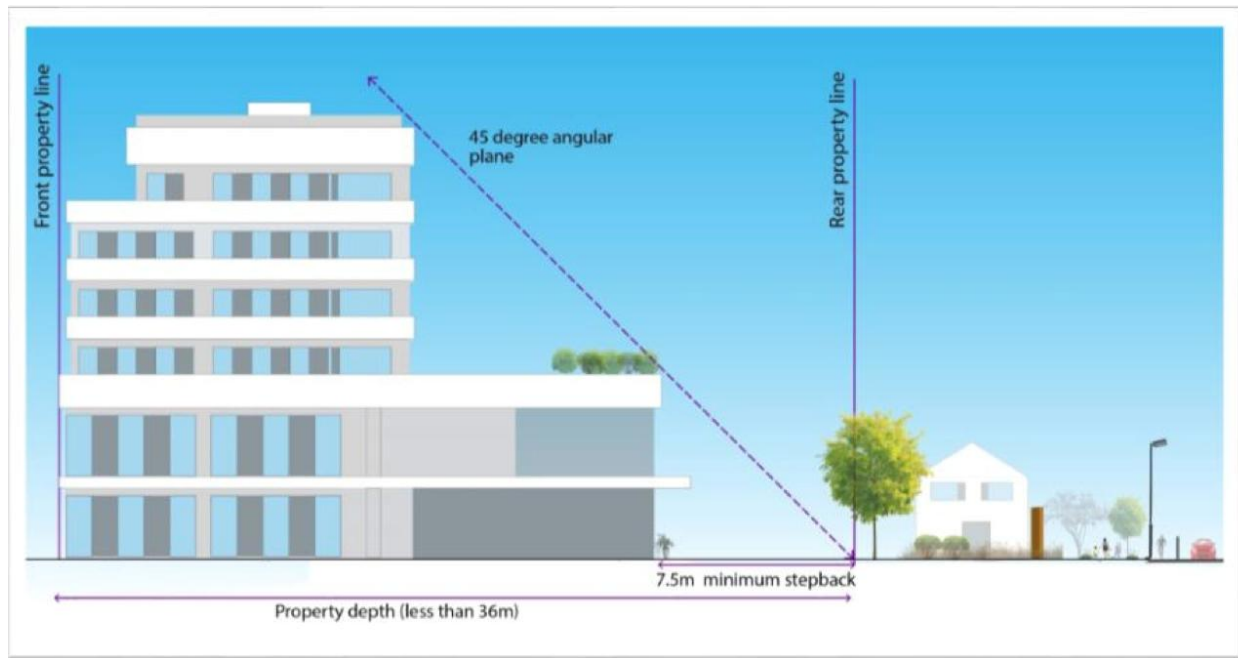


Figure 5: Podium Setback

- 2.5.3 Where buildings are adjacent to open spaces (i.e. Transit Plaza), shadow testing can be applied on a case-by-case basis to ensure a minimum of five hours of sunlight per day from spring to fall.

2.6 Building Height and Massing

- 2.6.1 Generally be located at the front lot line, and exterior side lot line where applicable, to create a continuous street wall.
- 2.6.2 Minor variations in setbacks are encouraged to facilitate wider boulevards, accommodate public amenity space and create a more interesting streetscape.
- 2.6.3 High-Rise buildings should have a building base (podium). The height of the podiums should range between 3 to 4 storeys.
- 2.6.4 High-Rise buildings should step back 3.0 metres above the building base. In special circumstances (i.e. to protect views), a setback of 5 metres may be appropriate. An additional setback in the building should be determined by a 45-degree angular plane applied at a height equivalent to 80 percent of the width of the right-of-way.

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- 2.6.5 Main building entrances should be directly accessible from the public sidewalk.
- 2.6.6 60 percent of the building frontage on the ground floor and at building base levels should be glazed to allow views of indoor uses and to create visual interest for pedestrians. Clear glass is preferred over tinted glass to promote the highest level of visibility, and mirrored glass should be avoided at street level.
- 2.6.7 Balconies should be designed as integral parts of the building, which may include protruding balconies. Balconies should not be designed as an afterthought.

2.7 Guidelines for Specific Parcels

- 2.7.1 For the small parcel west of Victoria Avenue at the northeast corner of Bridge Street and First Avenue, Any new buildings in this location should:
 - a) Be located to address Victoria Avenue but may incorporate setbacks that provide attractive landscaping and tree-planting;
 - b) The principal façades should incorporate large, glazed areas and entrances, providing visibility between the building and the street;
 - c) Parking should not be located between the principal façade and the adjacent street / sidewalk;
 - d) Main entrances should be directly accessible from public sidewalks;
 - e) Where possible, shared driveways should be provided;
 - f) Open storage should be minimized. Where permitted, it should be screened from public view;
 - g) Site design must define a well-organized system of entrances, driveways and parking areas that minimizes conflicts between pedestrians, bicycles and vehicles; and

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- h) On large, flat roofs, opportunities for green roofs and or patios should be incorporated to create green spaces and usable outdoor amenity areas for employees. Roof top units should be screened from view.

2.7.2 New buildings along River Road should:

- a) Have ground floor façades should incorporate large, non-reflective, glazed areas to promote visibility from the street to the building interior;
- b) Provide additional setbacks, where necessary, to accommodate a minimum 4.0 metre boulevard width for outdoor display areas, seating and landscaping;
- c) Maintain a continuous street wall and façade fronting River Road;
- d) Have main entrances directly accessible from public sidewalks; and
- e) Not include parking between the principal façade and the adjacent street / sidewalk.

2.8 Façade Design

- 2.8.1 Façades facing streets, sidewalks and public open spaces should be composed of large areas of glazing to encourage pedestrian interaction and enhance safety.
- 2.8.2 Finishing materials should utilize design and material quality that is consistent and complementary, and be extended to all sides of the building, including building projections and mechanical penthouses.
- 2.8.3 Blank walls or unfinished materials should be avoided along property lines where new developments are adjacent to existing smaller-scaled buildings.
- 2.8.4 Façades of large buildings should be articulated to express individual commercial or residential units through distinct architectural detailing, including entrance and window design.

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- 2.8.5 Where lots have frontages on an open space, buildings should provide dual façades that address both frontages with an equal level of material quality and articulation.
- 2.8.6 Corner buildings should emphasize the focal nature of through elements such as projections, recesses, special materials, and other architectural details.
- 2.8.7 Buildings should provide weather protection through architectural details such as vestibules, recessed entrances, covered walkways, canopies and awnings.

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3.0 Sustainability – Considering the Future

Adopting sustainable practices in building design not only decreases the amount of GHG emissions released but also lowers operating costs. Key considerations for achieving sustainable building design include: building orientation and design; site and landscape design, stormwater management, and water management and reuse.

3.1 Passive Solar Design

- 3.1.1 New development within the Protected Major Transit Station should be massed to maximize opportunities for access to natural light and heating, cooling, security and views. Building design should analyze site characteristics and address existing conditions.
- 3.1.2 Intended uses within buildings should be arranged to make the best use of natural conditions. Within new developments, residential uses should maximize indirect natural light, and retail or office uses that employ heat-producing machinery should face north.
- 3.1.3 Climatic conditions such as solar loss and gain, temperature, air quality, wind conditions, could cover and precipitation should be analyzed when designing block layout, buildings and open spaces.
- 3.1.4 Trees and vegetation, operable windows, treated glass, roof coverings and other building elements should be selected to take advantage of natural means of regulating interior temperature, lighting and other environmental variables.

3.2 Energy Efficiency

- 3.2.1 Building design will need to utilize life-cycle cost analysis in the design process to take long-term energy costs into account. This will lead to adjustments in the orientation of buildings and the configuration of internal space to make the best use of natural processes to control interior environmental variables.
- 3.2.2 Lifecycle cost analysis should be used to evaluate mechanical, electrical and plumbing systems.

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- 3.2.3 Buildings and windows should be oriented and designed to optimize natural means of heating, cooling, ventilating and lighting interior spaces.
- 3.2.4 Street and pedestrian-scaled lighting systems should incorporate LED technology to reduce energy and maintenance demand.
- 3.2.5 Development proposals are encouraged to explore the potential use of geothermal technology and solar energy to reduce grid energy dependency.
- 3.2.6 Inventories of all plumbing fixtures and equipment, as well as all heating, ventilation and air conditioning systems, should be summarized in building packages as well as a strategy for minimizing water demand.
- 3.2.7 Canada Mortgage and Housing Corporation standards and design guidelines should be implemented and exceeded, where appropriate.
- 3.2.8 Buildings should consume energy at a rate that is at least 10 percent lower than specified by the Commercial Building Incentive Program (CBIP) administered by Natural Resources Canada.

3.3 Microclimate and Shadows

- 3.3.1 The design of high rise buildings should be informed by their context including their impact on adjacent properties.
- 3.3.2 The design of buildings will be informed by shade and micro-climatic studies that examine wind mitigation, solar access and shadow impacts on adjacent streets, open spaces, buildings and associated properties.
- 3.3.3 Building massing should allow ample sunlight to penetrate to the sidewalk and adjacent public spaces and should mitigate the impact of high winds to support pedestrian comfort.
- 3.3.4 Where existing and future open spaces are adjacent to development sites, the scale of development will be restricted, as determined through wind and shadow studies.
- 3.3.5 Building and site design will provide semi-weather protected spaces that blend indoor and outdoor uses including deep canopies,

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overhangs, sheltered terraces, roof terraces, courtyards, forecourts and gardens that optimize active use throughout the year.

- 3.3.6 Shadow studies for blocks and individual buildings should be undertaken on the equinoxes and solstices.

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APPENDIX G: The Infrastructure Capacity Allocation Protocol

1.0 Intent

Meeting the population and employment growth estimates in Niagara Falls will be contingent on sufficient municipal water supply capacity and municipal sewage treatment capacity to service this growth. The allocation of municipal water supply capacity and municipal sewage treatment capacity will occur in a logical and sustainable manner, in accordance with this Municipal Service Infrastructure Capacity Allocation Protocol. The intent of the Municipal Service Infrastructure Capacity Allocation Protocol is to:

- Ensure that the remaining and future uncommitted capacity within any element of water supply and/or sewage treatment systems is planned for and allocated in a sustainable and transparent manner.
- Ensure that where infrastructure capacity is reserved for a specific development, that the development proceeds in a timely manner, or if the development does not proceed that the reserved capacity will be made available for development of other lands/developments within the City; and
- Provide fairness and predictability to the process of infrastructure capacity estimation and allocation. It clarifies for the development community and the public how finite municipal service infrastructure resources will be managed to ensure the greatest benefit to the City.

2.0 Authority

This Municipal Service Infrastructure Capacity Allocation Policy relies upon the statutory authority set out in s. 86(1) of the Municipal Act, 2001, which permits the City to adopt a policy, by By-law, providing for the allocation of water supply and/or sewage system capacity.

3.0 Application

Where this Protocol Applies

This Municipal Service Infrastructure Capacity Allocation Policy applies to all geographic areas within the City of Niagara Falls, except properties within the Rural/Agricultural Area, as identified on **Schedule 1** of the Our Niagara Falls Plan, where urban water/sewage infrastructure systems are neither available nor planned in the foreseeable future.

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More specifically, this Municipal Service Infrastructure Capacity Allocation Protocol applies to the following growth and development within the Settlement Area Boundary identified on **Schedule 1** of the Our Niagara Falls Plan:

- Any development where an extension and/or the provision of new water and/or sewage infrastructure is required;
- Any development where a Planning Act application is required, including any application for an Official Plan Amendment and/or a Zoning By-law Amendment;
- The creation of any number of new lots or units through the Plan of Subdivision/Condominium processes;
- Any development requiring Site Plan Approval; and/or
- Any development where the removal of the Holding (H) Provision is requested.

Where this Protocol Does Not Apply

The Infrastructure Capacity Allocation Policy does not apply to the following:

- The addition of up to three (3) Additional Residential Units on a lot, provided the Additional Residential Units comply with all applicable Zoning By-law requirements;
- A change on a property from one permitted use to another permitted use in accordance with the Zoning By-law that does not require a Zoning By-law Amendment, or the removal of the Hold (H) Provision;
- The construction of a deck, patio, fence, porch, accessory building or structure, temporary building or structure, or interior or exterior renovation to an existing building;
- The repair, re-build or restoration of a legally existing building or structure, or part thereof, provided that the building or structure continues to be used for the same purpose;
- Minor adjustments to Site Plan Agreements and Subdivision/Condominium Agreements; and
- The development of existing vacant lots that are within the Settlement Area identified on **Schedule 1**, where no approval under the Planning Act is required.

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4.0 Process

Priority for Strategic Growth Areas

Applications for development within the identified Strategic Growth Areas shall be given priority for the allocation of municipal service infrastructure capacity. Priority will be based on an assessment of which application(s) best support the relevant policies of the Our Niagara Falls Plan.

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Allocation Outside the Strategic Growth Areas

Outside of the identified Strategic Growth Areas, and in recognition that infrastructure capacity is limited, the City shall prioritize development applications that are most likely to benefit the City, and to be built in a timely manner. As such, the decision to provide an allocation of infrastructure capacity for development proposals outside of the identified Strategic Growth Areas, shall be considered as follows:

- Proponents are required to consider the Merit-Based Capacity Allocation Criteria and to provide an Infrastructure Capacity Allocation Criteria Evaluation with a rationale as part of a complete application and/or when preparing planning applications and supporting technical studies;
- Each request for an infrastructure capacity allocation will be evaluated by the City concurrently, or subsequent to Council's approval of the affected planning application. City staff will provide a recommendation to Council based on the point scores achieved utilizing the Merit-Based Capacity Allocation Criteria; and
- All decisions requiring the Merit-Based Capacity Allocation Process will be made at the discretion of Council, or its designate.

5.0 Merit-Based Allocation Criteria

For all developments within the Settlement Area of the City, but that are outside of an identified Strategic Growth Areas, the City will allocate water and/or sewage capacity, in consideration of the following 16 Merit-Based Capacity Allocation Criteria:

Merit	Criteria
Efficient Use of Land and Orderly Development	• Represents an orderly and sequential expansion of the Community Structure • Achieves or exceeds identified density expectations. • Includes a mixture of land uses and, where required, achieves or exceeds any requirements for Gross Floor Area assigned to non-residential land uses. • Has a minimal impact on the financial resources of the City.
Sustainable/Resilient Development	• Incorporates green development standards or building techniques that contribute to enhanced sustainability and resiliency. • Adequately conserves and/or enhances the Natural Heritage System, as determined through an Environmental Impact Study, where applicable.

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Merit	Criteria
Municipal Service Infrastructure	• Can be provided with a capacity allocation within the water/sewage infrastructure systems. • Includes efficient and cost-effective improvements to the water/sewage infrastructure systems. • Includes improvements to the Road and Active Transportation Networks, including multi-purpose trails, bicycle lanes, enhanced streetscapes and sidewalks.
Housing Diversity and Affordability	• Includes a range and mix of housing types and tenures. • Includes affordable housing and/or additional needs housing. • Proposes innovative housing solutions that contribute to affordability.
Community Building Initiatives	• Includes contributions for public service facilities and the parks and open space system.
High Quality Design	• Addresses land use and built form compatibility and community impacts. • Includes urban design approaches and implementation tools exceeding the requirements of any relevant design policies or criteria.

6.0 Allocation Time Limits

For Plans of Subdivision/Condominium

Where uncommitted reserve water/sewage infrastructure capacity exists:

- A commitment to allocate can be established by the City at the time of Draft Plan of Subdivision/Condominium Approval, subject to the Infrastructure Capacity Allocation Protocol. The timing of the allocation, as well as allocation in phases or stages to facilitate the orderly build-out of the proposal (if applicable), shall be further articulated in a development, servicing, front-ending, or other agreement (i.e., agreements under the Planning or Development Charges Act);
- If a commitment to an infrastructure capacity allocation is established and the approval includes a Draft Plan of Subdivision/Condominium, all or part of the Draft Plan must be registered within 3 years from the date of Draft Plan Approval, and if this does not occur, the commitment to an infrastructure capacity allocation may be deemed withdrawn, at the discretion of the City;
- Notwithstanding the above, in the case of an application for extension of Draft Plan Approval, an additional 1 year may be considered by the City, provided the applicant demonstrates that they have taken the appropriate steps to register all or part of the Draft Plan. Such steps may include the finalization and acceptance of servicing and

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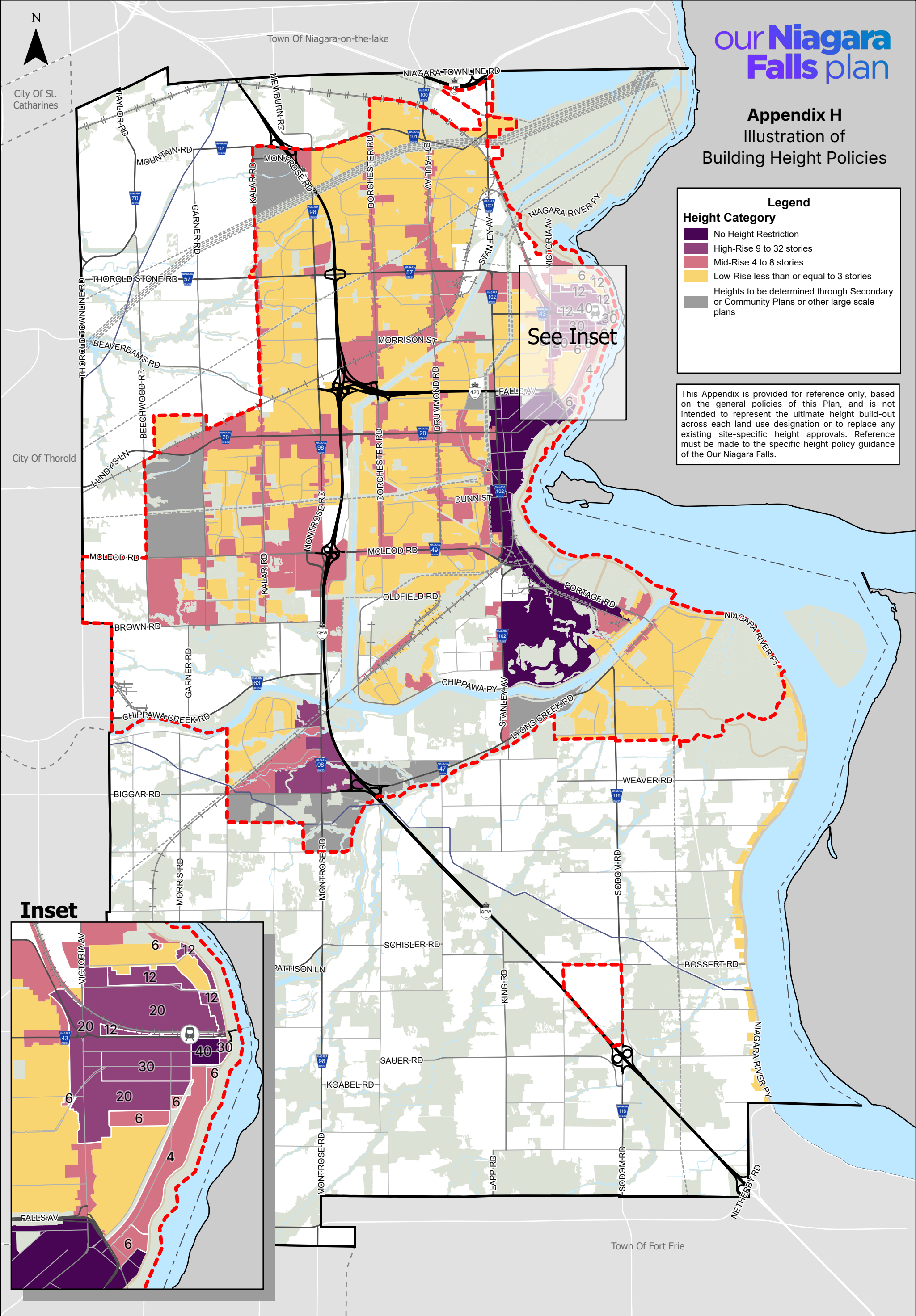
stormwater plans and drawings and/or the clearing of the majority of conditions of Draft Plan Approval.

- The City may also consider extenuating circumstances (e.g. change of ownership, significant amendments to the proposal, unforeseen economic conditions) in their decision to grant an extension of Draft Plan Approval for additional 12 months, subject to the adequate demonstration of such extenuating circumstances by the applicant;
- At the time of registration of a Draft Plan of Subdivision/Condominium the legal agreement entered into between the owner and the City shall specify that building permits have to be issued (may cover the entire Draft Plan or, in the case where phasing is required, an approved Phase 1) within 3 years of the execution and registration of a Subdivision/Condominium Agreement, or the commitment to an infrastructure capacity allocation may be deemed withdrawn from the remaining unbuilt lots/units, at the discretion of the City; and
- The Approval of a Draft Plan of Subdivision/Condominium shall be linked to the relevant approval processes, including, where applicable, an Official Plan Amendment and/or a Zoning By-law Amendment. As a condition of Draft Plan Approval, the confirmation of an infrastructure capacity allocation and the lifting of the Holding (H) Provision shall only be approved by the City when the development is ready for the building permit stage.

For Site Plan Approval

Where uncommitted water/sewage infrastructure capacity exists:

- A commitment to allocate can be established by the City at the time of the execution and registration of a Site Plan Agreement subject to the Capacity Allocation Criteria Protocol. The availability of the committed water/sewage infrastructure capacity allocation in phases or stages to facilitate the orderly build-out of the proposal may be further articulated in the Agreement.
- If water/sewage infrastructure capacity is allocated and building permits are not obtained within 3 years of the date of the execution and registration of a Site Plan Agreement, then the commitment to a water/sewage infrastructure capacity allocation may be deemed withdrawn, at the discretion of the City; and
- Notwithstanding the above, an extension period of up to 1 year may be considered by the City, provided the applicant demonstrates that they have taken the appropriate steps to commence development on the land. Such steps may include the finalization and submission of architectural, servicing and stormwater plans and drawings. If building permits are not obtained before the expiry of the extension period, then the commitment to a water/sewage infrastructure capacity allocation may be deemed withdrawn and the Agreement may be terminated, at the discretion of the City.



Appendix H
Illustration of
Building Height Policies

Legend

Height Category

No Height Restriction

High-Rise 9 to 32 stories

Mid-Rise 4 to 8 stories

Low-Rise less than or equal to 3 stories

Heights to be determined through Secondary or Community Plans or other large scale plans

This Appendix is provided for reference only, based on the general policies of this Plan, and is not intended to represent the ultimate height build-out across each land use designation or to replace any existing site-specific height approvals. Reference must be made to the specific height policy guidance of the Our Niagara Falls.

