

**CITY OF NIAGARA FALLS**

**By-law No. 2023-006**

A by-law to provide for the adoption of Amendment No. 149 to the City of Niagara Falls Official Plan.

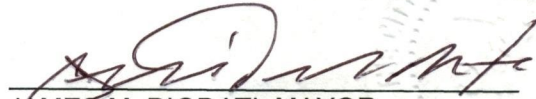
**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:**

1. The attached text constituting Amendment No. 149 to the City of Niagara Falls Official Plan is hereby adopted.
2. This by-law will come into force and effect on the day of the approval of the amendment by the Regional Municipality of Niagara.

Passed this 17<sup>th</sup> day of January 2023.



WILLIAM G. MATSON, CITY CLERK



JAMES M. DIODATI, MAYOR

First Reading:  
Second Reading:  
Third Reading:

## OFFICIAL PLAN AMENDMENT NO. 149

### PART 1 – PREAMBLE

#### (i) Purpose of the Amendment

The purpose of the amendment is to update existing policies and introduce new policies within the City of Niagara Falls Official Plan respecting housing to implement Actions 1, 2, 5, 10 and 11 of the City of Niagara Falls Housing Strategy.

#### (ii) Location of the Amendment

The amendment applies to all lands within the City of Niagara Falls.

#### (iii) Details of the Amendment

##### Text Change

- The amendment introduces a new Part 1- Section 4- Housing to the Official Plan to implement Actions 1, 2, 5, 10 and 11 of the City of Niagara Falls Housing Strategy
- The following minor revisions were also made:
  - Introduction of a new Growth Objective in Part 1- Section 2 related to increasing the supply of affordable housing;
  - Introduction of the provision of affordable and attainable housing as an assessment criteria for property acquisition, investment and public/private partnerships, and the sale of surplus land (Part 1- Section 3, Policy 3.14.4)
  - Relocation the broad city-wide affordable housing policies contained within Part 2- Section 1 to the newly created Part 1- Section 4 - Housing
  - Renumbering of policies, as appropriate.

#### (iv) Basis of the Amendment

Dillon Consulting Limited (Dillon), in collaboration with Tim Welch Consulting (TWC) were retained by the City in late 2020 by the City of Niagara Falls to conduct Housing Directions Study with the intent to undertake technical background research to inform the development of a Housing Strategy to help guide the City in meeting the various housing needs of current and future residents of Niagara Falls. The study assessed the City's socioeconomic and demographic composition and reviewed the City's residential land supply in terms of its ability to meet growth allocations the 2051 planning horizon, as well as in terms of the suitability of the housing mix distribution in providing housing types that could meet the financial needs of current and future residents. Based on the technical work completed and documented in the Housing Needs and Supply Report, a Housing Strategy was prepared, which included a vision and goals for housing in the City; and, a twenty-one (21) theme-based actions to be implemented by the City to address housing gaps in the short, medium, and long term.

The Niagara Falls Housing Directions Study was subject to engagement via an online survey and targeted stakeholder interviews in the early phases of the work. A Technical Advisory

Committee (TAC) was also formed to provide input on key deliverables throughout the duration of the project. Presentations to Council occurred on June 22, 2021, to present the Housing Needs and Supply Study; and, on March 22, 2022 to present the Housing Strategy. At the Council meeting of March 22, 2022, Council endorsed the Housing Strategy and directed staff to initiate the formal Official Plan Amendment process to implement the policy-based short-term actions (Actions 1, 2, 5, 10 and 11 of the Housing Strategy), with other policy-based actions to be implemented at a later date as part of the City's Official Plan Review. The Statutory Public meeting under the Planning Act was held on August 9, 2022.



## **PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 – Body of the Amendment, consisting of the following text and attached maps, constitute Amendment No. 149 to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

The Official Plan of the City of Niagara Falls is hereby amended as follows:

#### **1. TEXT CHANGES**

- a) PART 1, SECTION 2 STRATEGIC POLICY DIRECTION is amended by adding the following new growth objective as item 14 in the list of Growth Objectives:

14. To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of "affordable"

- b) PART 1, SECTION 3, INTENSIFICATION, Policy 3.2, Policy 3.4, Policy 3.6, and Policy 3.7 are all amended by replacing the reference to Part 2, Section 1.15.5 (iii) with Part 2, Section 1.11.4 (iii) in all instances
- c) PART 1, SECTION 3, INTENSIFICATION, Policy 3.14.4 is amended as shown below, with additions shown highlighted and underlined:

Section 28 of the Planning Act permits municipalities to acquire land for the purpose of community improvement. The Community Improvement Plan for each node provides for a general program for the City's involvement in property acquisition, investment and public/private partnerships. Council may also consider selling surplus City-owned land for redevelopment. In such cases, the City will also undertake a process that requires interested parties to submit a proposal for the development of the lands. These proposals shall be assessed on specific criteria established for the subject lands and the following policies:

- compliance with the policies of this Plan;
- consistency with the goals and objectives of the Community Improvement Plan;
- sensitivity of the proposal to the surrounding land uses and heritage character;
- the potential of the proposal to stimulate further regeneration and intensification;
- the provision of affordable and attainable housing; and
- the financial impacts of the proposal on the City.

d) PART 1, SECTION 4, HOUSING is added in its entirety, as shown below:

#### **“SECTION 4      HOUSING**

A range of housing which is affordable, accessible, adequate, and appropriate s is needed to ensure a high quality of life for residents. In order to meet the needs of current and future residents, a range of housing options is needed that includes the full spectrum of housing types, such as emergency shelters, transitional housing, subsidized and/or government assisted housing, affordable rental housing, affordable home ownership, market rental housing, market home ownership, and supportive housing.

Planning for and supporting housing affordability is a shared responsibility between the City of Niagara Falls and Niagara Region. City Council also has an important role to play in housing affordability. City Council should have an understanding of the housing needs of residents across the entire housing spectrum and can advocate for housing affordability to other levels of government, develop partnerships with local providers, agencies and the private sector and educate the community more broadly about housing needs and affordability in the City. Understanding this shared responsibility is key to ensuring people living within Niagara Falls are served by effective local and regional municipal partnerships and collaboration that support housing affordability in the City.

The policies in this section conform to the policy framework established in the Niagara Official Plan, and are intended to meet the following vision and goals for housing to assist in addressing housing needs as outlined in the City's Housing Strategy.

#### **VISION AND GOALS FOR HOUSING**

##### **Vision**

All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.

##### **Goals**

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and, a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.
4. Understand the City's housing system moving forward through continuous and ongoing comprehensive data collection, monitoring and reporting.
5. Cultivate and maintain strong relationships with regional and municipal partners, other levels of government, the private sector, and not-for-profit sectors to advance the various actions set out in the City's Housing Strategy.



## GENERAL POLICIES FOR HOUSING

4.1 The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:

- Provide opportunities for the development of affordable housing across the municipality
- Establish targets for affordable housing
- Promote a greater diversity of housing types
- Ensure a healthy supply of rental units
- Increase public awareness about housing and provide advocacy for partnerships
- Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing
- Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated timeframes

4.2 The City's Housing Strategy and key actions shall be implemented in collaboration with the Region, senior levels of government, the development industry, community partners and other stakeholders to increase housing options, including affordable and purpose-built rental options.

4.3 Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:

4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.

4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

4.3.5 Accessory dwelling units in single-detached, semi-detached and townhouse dwellings in accordance with the legislation set out in the *Planning Act* and as further regulated through the policies of this Plan and the Zoning By-law

4.4 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 as outlined in Part 1, Section 4, Policy 4.8 a) and b);
- 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 Niagara Region and the City;
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable 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.

4.5 A housing impact statement as set out in Policy 4.4 is required where a development proposal would result in the loss of six or more existing rental housing units, and will also require:

- a) A tenant relocation plan; and,
- b) How the rental units will be replaced, either on site or at a new location

4.6 The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.

4.7 The City will collaborate with Niagara Region, Niagara Regional Housing and other agencies in the provision of affordable housing and the development of targets for affordable housing.

4.8 Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.

As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30<sup>th</sup> income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.





4.9 The City will consult with all levels of government and government agencies to:

- a) identify surplus government lands and/or buildings that may be suitable for affordable and attainable housing development;
- b) prioritize the sale of suitable surplus municipal property for the development of affordable and attainable housing in accordance with the City's By-laws; and
- c) Identify brownfield and greyfield sites, including underutilized commercial sites or strip plazas, outside employment areas for mixed-use residential intensification and affordable housing development.

4.10 In disposing of City- owned surplus lands that are suitable for residential use, Council shall consider offering the lands to not-for-profit organizations for affordable housing. Similarly, various boards, commissions and agencies shall be encouraged to dispose of surplus lands suitable for residential use for the purpose of affordable housing development.

4.11 The City may consider the purchase of surplus institutional sites for the purposes of providing additional opportunities for affordable housing or other broader community needs. The City may also consider developing partnerships with the Region or not-for-profit housing providers in the redevelopment of surplus school sites.

4.12 The City supports the provision of accessory dwelling units. Accordingly, accessory dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached or townhouse dwellings. Zoning regulations shall be based on the following:

- 4.12.1 An additional dwelling unit in the principal building and an additional dwelling unit in an ancillary building, for a total of three residential dwellings on one property, shall be permitted.



- 4.12.2 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the accessory dwelling unit(s).
- 4.12.3 The accessory dwelling unit(s) meets all applicable law.
- 4.12.4 The overall appearance and character of the principal dwelling shall be maintained.
- 4.12.5 Accessory structures that have an accessory dwelling unit shall not be severed from the principal dwelling.
- 4.13 The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law, where permitted under the *Planning Act*, without amendment to this Plan.
- 4.14 Where permitted under the *Planning Act*, the conversion of residential rental properties to a purpose other than a residential rental property with six or more units, the demolition of residential rental properties with six or more units, or the assembly of residential rental properties for the purposes of redevelopment with a cumulative total of six or more units, will not be permitted if it adversely impacts the supply of rental housing, as determined by housing targets, including affordable rental targets, set out in this Plan, the Niagara Official Plan; or, as determined by rental vacancy rates being below the minimum 3 per cent threshold.
- 4.15 Where permitted under the *Planning Act*, rental accommodation shall further be protected from condominium conversion by prohibiting the conversion of rental accommodation to condominium tenure when the vacancy rate is at or below 3 per cent over the preceding three year period.
- 4.16 The City's housing market shall be monitored. The City shall initiate, when required, changes to municipal policy to satisfy local housing requirements. This annual monitoring program will include various housing-related information with particular emphasis on the following items.
  - 4.16.1 Residential land supply.
  - 4.16.2 The range of housing forms built in new residential development.
  - 4.16.3 New housing prices relative to household income distribution.
  - 4.16.4 Intensification performance analysis.
  - 4.16.5 Accessory dwelling units, including the number of units registered and incentive uptakes, if applicable.

- 4.17 The City will implement a Demolition and Conversion Control By-law and a Rental Replacement By-law to further ensure protection of rental housing options where permitted under the *Planning Act*, without further amendment to this Plan.
- 4.18 The City will explore opportunities to implement Inclusionary Zoning in the Downtown Niagara Falls Protected Major Transit Station Area, where a Municipal Assessment Report completed in accordance with O. Reg 232/18, under the Planning Act, demonstrates financial viability of implementing such a tool.
- 4.19 The City will address housing affordability gaps through the provision of a suite of tailored incentives through an affordable and rental housing Community Improvement Plan. The City will work with the Region to identify opportunities for partnership and alignment for affordable and rental housing.
- 4.20 The City will provide ongoing monitoring and reporting on the implementation and achievement of the targets set out in the Housing Strategy and in this Plan. An annual report will be provided to Council to update on progress in implementing the Housing Strategy.”

e) PART 2 SECTION 1 RESIDENTIAL is modified by deleting the following policies as they have been incorporated into the newly created PART 1, SECTION 4 HOUSING; and, renumbering the policies in PART 2 SECTION 1 RESIDENTIAL accordingly:

- General Policy 1.2
- General Policy 1.10
- General Policy 1.11
- General Policy 1.13
- General Policy 1.14