



PBDD-2024-001

Delegated Report

Report to:	General Manager of Planning, Building and Development or Delegate
Date:	February 5, 2023 AM-2023-029 Zoning By-law Amendment Application 6254 Brock Street Agent: Urban & Environmental Management Inc (Greg Taras)
Title:	Applicant: Jason and Christina Fortuna

Recommendation

That the General Manager of Planning, Building and Development or Delegate approve the Zoning By-law amendment as detailed in this report to permit a semi-detached dwelling unit subject to the regulations outlined in this report.

Executive Summary

Jason and Christina Fortuna have requested a Zoning By-law amendment to permit a semi-detached dwelling on 6254 Brock Street. The amendment is recommended for the following reasons:

- The proposal conforms to Provincial, Regional and City policies as it maintains the safe and orderly development of a healthy community, provides a greater range of housing in a neighbourhood containing predominantly detached dwelling units, and intensifies land within the Built-Up Area; and,
- The proposed zoning use and regulation is appropriate for the surrounding neighbourhood.

Background

Proposal

Jason and Christina Fortuna have requested a Zoning By-law amendment for lands approximately 585 square metres in size (see Schedule 1 for a location map and Schedule 2 for a conceptual site plan) to permit a semi-detached dwelling.

The subject land is currently zoned Residential 1C (R1C) Density zone under Zoning By-law No. 79-200. The applicant is requesting to place the land under a site specific Residential Two (R2) zone to permit the proposed semi-detached dwelling.

Delegated Authority

A Zoning By-law amendment can be delegated to the General Manager of Planning, Building and Development when the proposed amendment complies with the City's Official Plan, and the submission requirements for studies are for a Planning Justification Report only.

As a Planning Justification Report was all that was required with the application submission, the proposed Zoning By-law amendment falls under delegated authority as per City By-law 2023-107.

Site Conditions and Surrounding Land Uses

The subject land is located on the south side of Brock Street, between St. Patrick Ave and St. Paul Ave. To the north of the subject lands is a church and cemetery; to the east, south, and west are detached dwellings.

The subject land currently contains a detached dwelling.

Circulation Comments

Information about the requested Zoning By-law Amendment was circulated to City divisions, external agencies and the public for comments. The Niagara Region was not required to be circulated this application. The following summarises the comments received to date:

- Building Services, Enbridge, GIS, Municipal Works, Transportation Services, Landscape Services
 - No comments or concerns.
- Haudenosaunee Development Institute
 - Negative impacts are anticipated to Haudenosaunee rights and interests and would like to discuss a structured and funded process to review the application submission.
 - With respect to the latter comment, Staff note the property is not within an area of known archaeological potential and no further specific comments have been provided.

Neighbourhood Comments

The neighbourhood open house was held on December 18, 2023, attended by the applicant and his architect. There were no residents in attendance and no written comments have been received to date.

Analysis/Rationale

1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the Provincial Policy Statement and conform to the Provincial "A Place to Grow" Plan. The proposed development is consistent and conforms as follows:

- The proposed development satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act* by maintaining the safe and orderly development of healthy communities and providing a greater range of housing in an area that contains predominantly detached dwelling units;
- The proposed development is located within a settlement area, which is intended for development.

2. Regional Official Plan

The subject land is within the Delineated Built-Up Area in the Region's Official Plan. The proposal conforms as follows:

- The proposed semi-detached dwelling will contribute to the Region's intensification target of 50%, diversify the housing supply for the neighbourhood, and effectively utilize municipal infrastructure and urban lands.

3. City's Official Plan

The subject land is designated Residential in the City's Official Plan. The proposal complies with the intent of the Official Plan as follows:

- The proposed semi-detached dwelling is a permitted use, is of an appropriate scale, size, and density for the surrounding neighbourhood;
- The proposal will provide more housing options for the neighbourhood; and,
- Adequate municipal services are available for the proposed development.

4. Zoning By-law

The applicant requests the lands be placed under a site specific Residential Two (R2) zone to permit the proposed semi-detached dwelling.

Staff have no objection to rezoning the property a Residential Two (R2) zone. The setbacks required for the R2 zone are similar to those required in the existing R1C zone.

The departure requested from the standard R2 regulations is provided in the following table:

ZONE REGULATION	EXISTING REGULATION	REQUESTED REGULATION	STAFF RECOMMENDATION (DETAILS TO FOLLOW)
Minimum lot area	600 sq.m.	588 sq.m.	SUPPORT

The requested reduction to minimum lot area is supported as the reduced lot size will be able to accommodate an appropriate footprint for the proposed semi-detached dwelling.

Operational Implications and Risk Analysis

There are no operational implications or risks associated with the application.

Financial Implications/Budget Impact


The proposal will generate a new tax assessment, development charges, and cash-in-lieu of parkland dedication fee for the City.

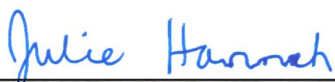
Strategic/Departmental Alignment

The proposal contributes to the social sustainability strategic pillar by utilizing existing infrastructure to promote sustainable growth.

Attachments

Schedule 1 – Location Map
 Schedule 2 – Conceptual Site Plan
 Appendix A – Draft Zoning By-law

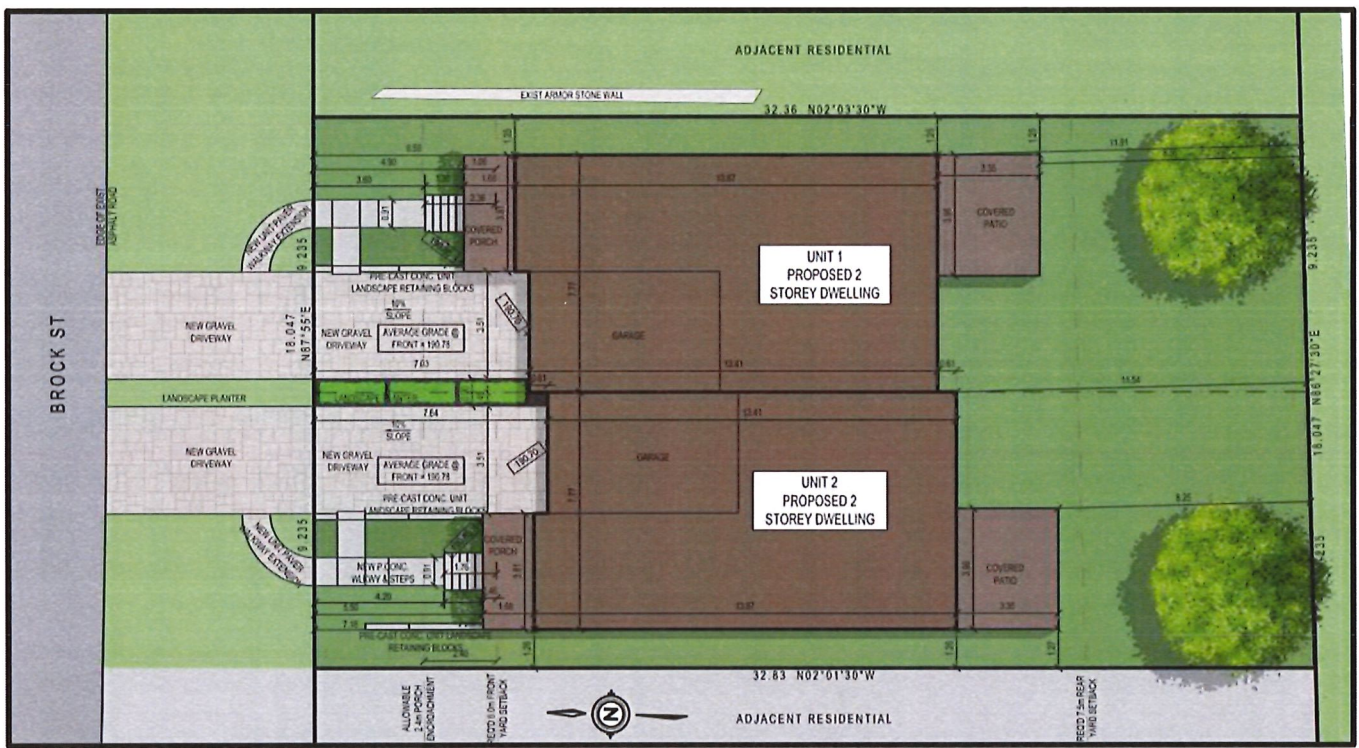
Recommended by: 
 Alexa Cooper, RPP, MCIP
 Planner 2

Reviewed by: 
 Julie Hannah, MES, MA, MCIP, RPP
 Senior Manager of Current Planning

**SCHEDULE 1
(Location Map)**



SCHEDULE 2 (Conceptual Site Plan)



CITY OF NIAGARA FALLS

By-law No. 2024-XXX

A by-law to amend By-law No. 79-200, to permit the use of the lands for a semi-detached dwelling (AM-2023-029).

THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108, ENACTS AS FOLLOWS:

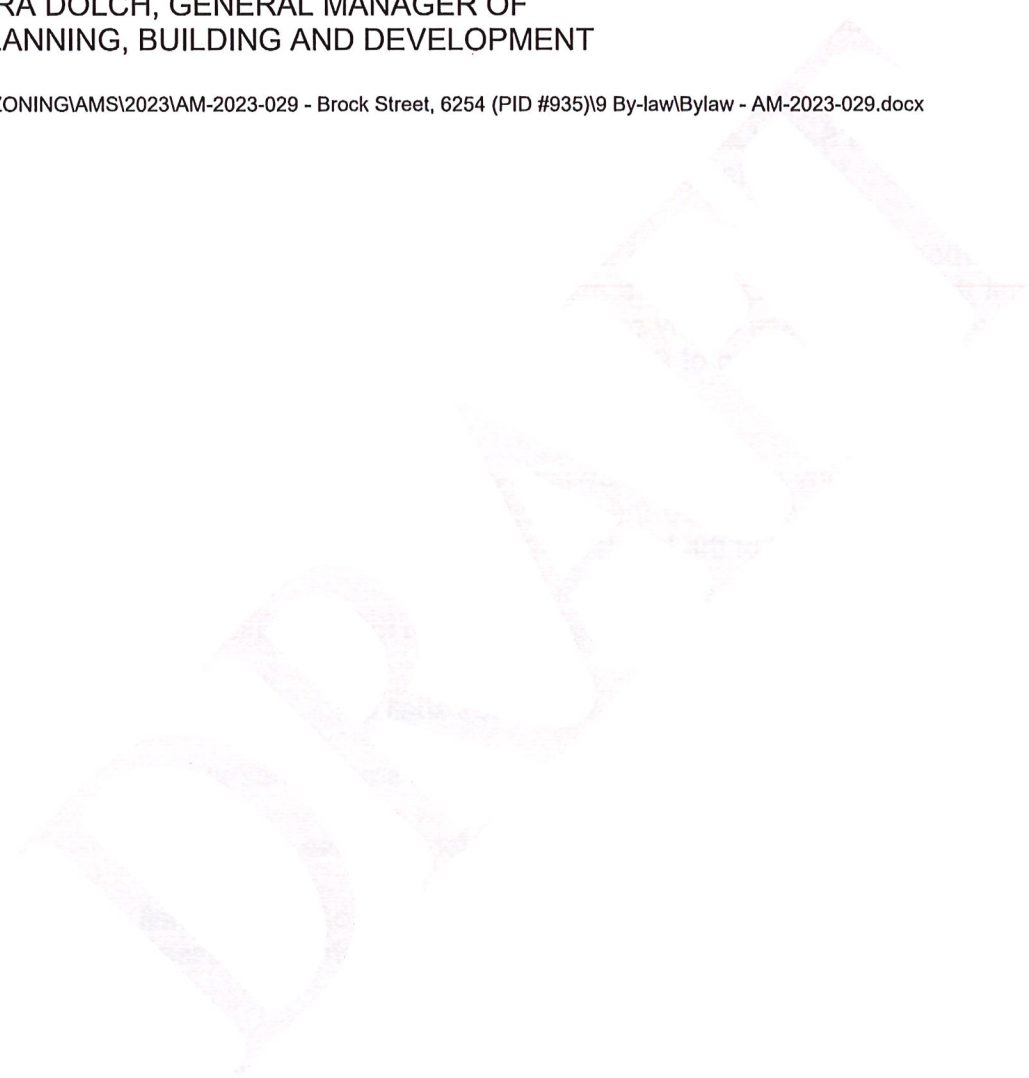
1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be the uses permitted in the R2 zone.
5. The regulations governing the permitted uses shall be:
 - (a) Minimum lot area 588 square metres
 - (b) The balance of regulations specified for a R2 use.
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet C2 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from R1C to R2 and numbered **XXXX**.
10. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.XXXX Refer to By-law No. 2024-XXX.


Signed and sealed under the delegated authority of Council to the General Manager of Planning, Building and Development, as per By-law No. 2023-107 and By-law No. 2023-108, this XX day of MONTH, 2024.

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KIRA DOLCH, GENERAL MANAGER OF
PLANNING, BUILDING AND DEVELOPMENT

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SCHEDULE 1 TO BY-LAW NO. 2024-xxxx (Draft)

Area Affected by this Amendment 



Amending Zoning By-law No. 79-200

Description: Part Lot 12, Plan 6-7, Stamford, as in RO137271, except Parts 1 & 2, 59R-14961; City of Niagara Falls

Applicant: Jason and Christina Fortuna

Assessment: 272504000700101

