

# Planning Justification Report

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3958 Cardinal Drive, City of Niagara Falls, Ontario

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## 1. Introduction

A.J. Lakatos Planning Consultant has been retained by 12604515 Canada Corporation, to prepare a Planning Justification Report in support of a Zoning By-law Amendment (“ZBA”) and a concurrent Vacant Land Condominium application, for lands referred to as 3958 Cardinal Dr in the City of Niagara Falls, Ontario (“subject lands”). The purpose of the proposed ZBA is to rezone the subject lands and implement site-specific zoning provisions to build a 33-unit townhouse complex.

## 2. Location and Context

### 2.1 Site Description

The subject lands are on the northwest corner of Cardinal Dr and Thorold Stone Rd (Refer to Figure 1) in the City of Niagara Falls (“City”) within the Regional Municipality of Niagara (“Region”). The lot is irregularly shaped and has an area of 7,712m<sup>2</sup> (0.77ha). The subject lands have 76.78m of frontage along Cardinal Dr, 63.91m of frontage along Thorold Stone Rd, and a depth of 133.13m.

The subject lands are vacant and have a minor change in elevation by approximately 3.0m and generally drain from north to south towards Thorold Stone Rd. There are 40 trees that may be affected by the proposed development including 26 trees on the subject lands, 6 neighbouring trees, 5 shared-ownership trees, and 3 City-owned trees.

The lands were previously subject to Zoning By-law Amendment No. 2020-50 (File No. AM-2015-004) to facilitate a retirement residence which has not been executed.

### 2.2 Community Context

The subject lands are at the intersection of an arterial road (Thorold Stone Rd) and a collector road (Cardinal Dr). The area is primarily residential with low-density housing immediately to the north, south, and west of the subject lands, and a co-operative apartment complex to the east. The subject lands are approximately 500m from a commercial area with a grocery store, pharmacy, restaurants, retail, and personal services. Mount Carmel Park and Shriner’s Woodlot Park are approximately 300m and 550m from the subject lands, respectively. Thorold Stone Rd has an hourly bus route and is on the Region’s Strategic Cycling Network, making the subject lands accessible by active transportation and public transit.

The subject lands are well-positioned for residential development as they are in close proximity to various amenities and transportation options. The City’s population grew by 7.2% between 2016 and 2021<sup>1</sup> and the proposed development will help to meet the growing demand for housing. The proposal is for townhouse dwellings, which will fill the need for an increased variety of housing types, as just over 70% of dwellings in the city are single-detached or semi-detached houses<sup>1</sup>.

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<sup>1</sup> Statistics Canada. 2023. (table). Census Profile. 2021 Census of Population. Statistics Canada Catalogue no. 98-316-X2021001. Ottawa. Released March 29, 2023. <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E> (accessed July 20, 2023).

Figure 1: Location of Subject Lands — 3958 Cardinal Dr, Niagara Falls, Ontario

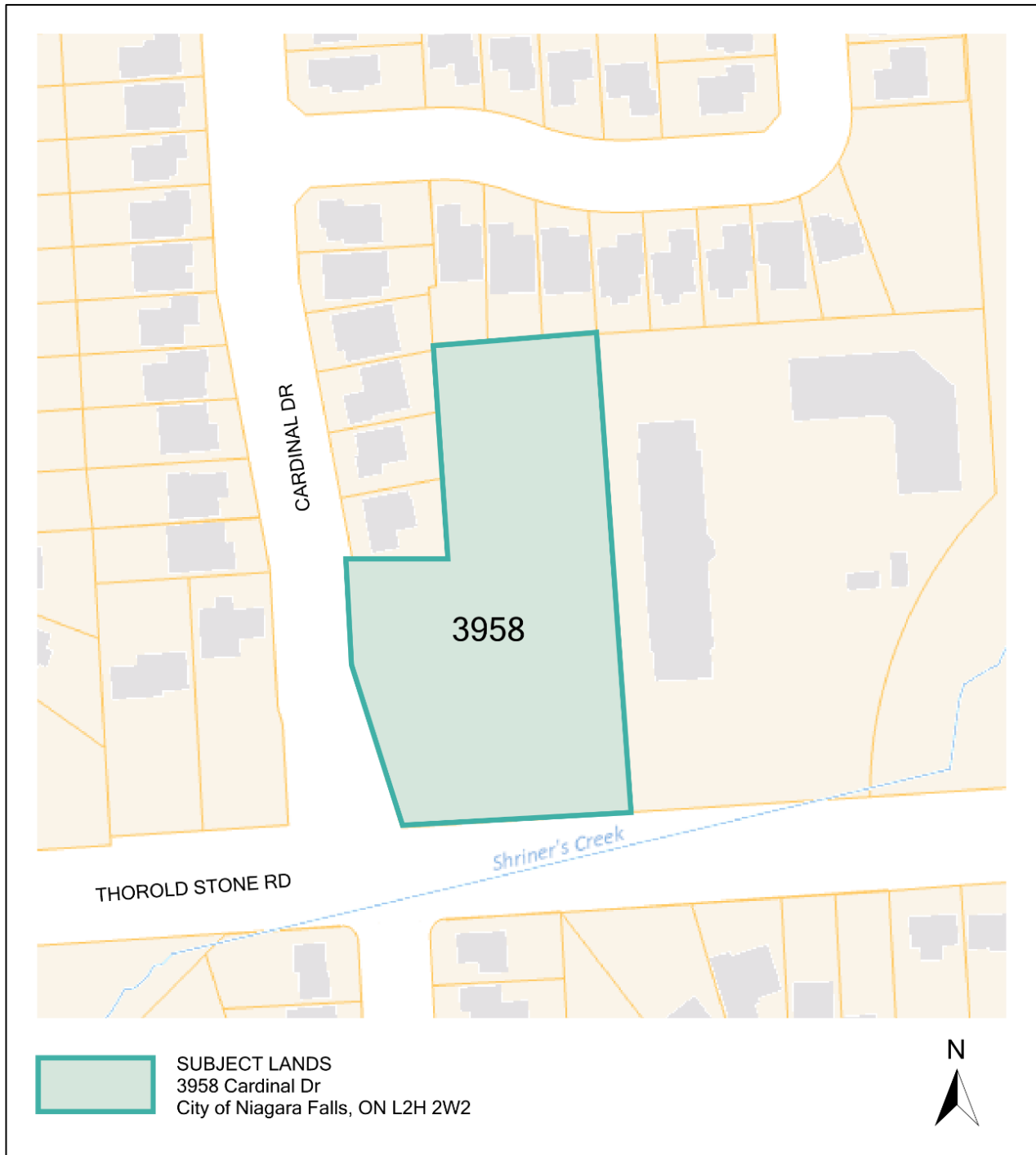
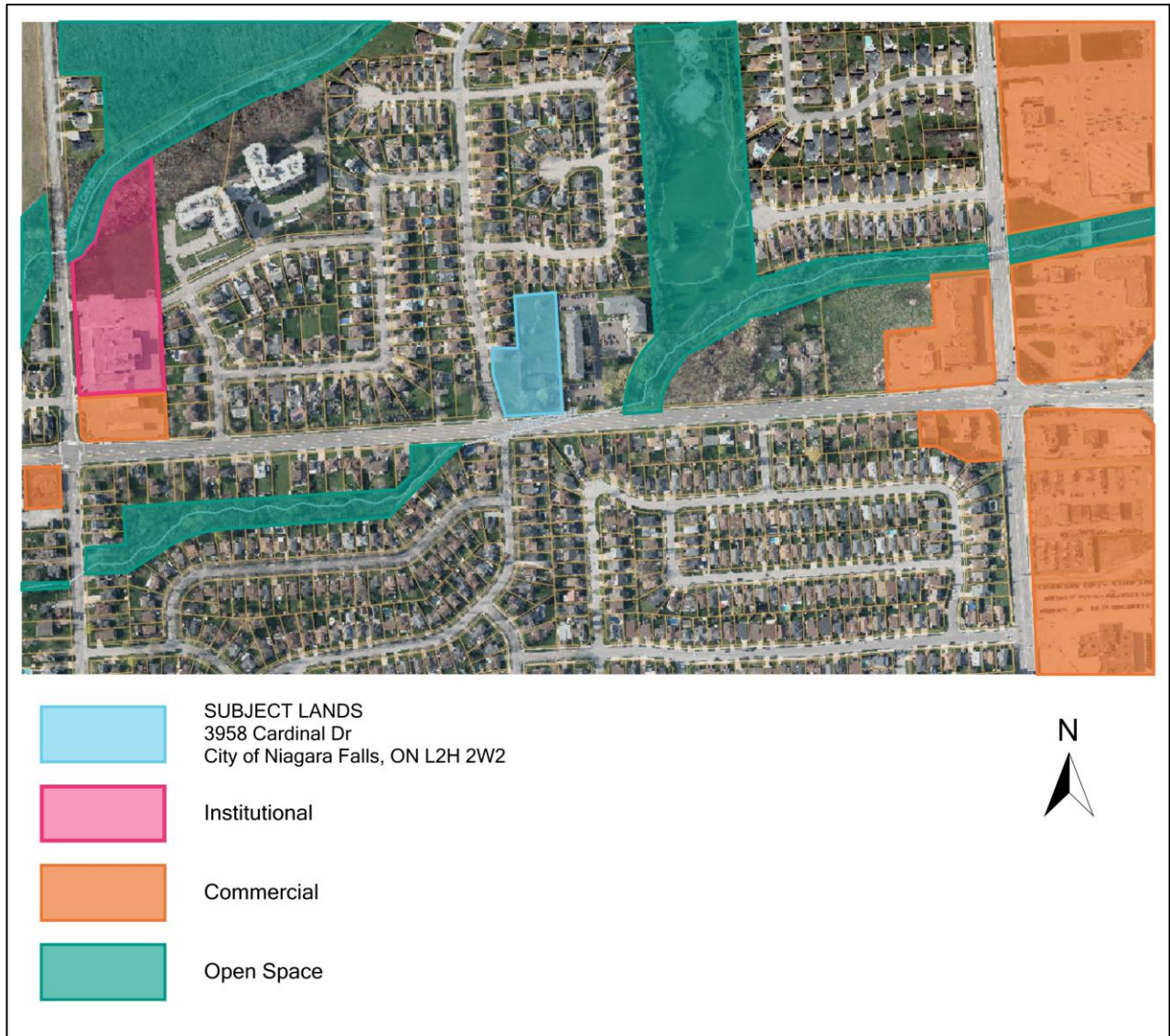




Figure 2: Aerial view of subject lands and surrounding land uses.



### 3. Proposed Development & Planning Act Applications

#### 3.1 Proposed Development

The proposed development will include five (5) blocks of three-storey townhouses containing a total of 33 units. There will be 49 parking spaces including 16 visitor spaces, one of which will be accessible. The complex will be accessed by one entrance via Cardinal Dr.

#### 3.2 Required Planning Act Applications

A Pre-Consultation meeting for the proposed development was held on July 7, 2022, with City of Niagara Falls staff, Niagara Region staff, Niagara Peninsula Conservation Authority staff, and the Applicant's Agent. The Pre-Consultation confirmed that a Vacant Land Condominium Application and a Zoning By-law Amendment Application are required to facilitate the proposed development.

The following information and studies are required to be submitted with the Applications:

- Archaeology Assessment
- Conceptual Site Plan and Draft Plan of Condominium
- Vacant Land Condominium Unit Plan
- Functional Servicing and Stormwater Management Report
- Noise & Vibration Study
- Planning Justification Report
- Tree Inventory Preservation Plan
- Landscape Plan

The proposed amendment to the City's *Zoning By-law No. 79-200* is to rezone the subject lands from "Residential Low Density, Group Multiple Dwelling Zone (R4-815) – Modified" to a different "Residential Low Density, Group Multiple Dwelling Zone (R4-XXX) – Modified" to allow for "group dwellings" (i.e. townhouse dwellings). The subject lands were rezoned to a modified R4 zone in 2020 to implement site-specific zoning provisions for the previously proposed retirement residence.

The proposed ZBA will permit the following site-specific conditions:

1. Minimum lot area for a townhouse dwelling of 230.0 m<sup>2</sup> per dwelling unit instead of 250.0 m<sup>2</sup>.
2. Minimum front yard depth for a townhouse dwelling of 3.0 m instead of 6.0 m.
3. Minimum rear yard depth for a townhouse dwelling of 5.0 m instead of 7.5 m.
4. Maximum height of a building or structure of 12.2 m instead of 10.0 m.

Refer to Appendix A for a Draft Site Plan and Appendix B for a Draft Vacant Land Condominium Plan. Appendix C demonstrates the proposed typical building elevation.

## 4. Supporting Studies

Required studies identified by City of Niagara Falls staff were completed in support of the proposed redevelopment, and the requested number of copies of each has been included within the submission package. This section provides a summary of each report.

### 4.1 Archaeological Assessment

A Stage 1-2 Property Assessment was conducted in December 2014 for the previously proposed retirement residence. No archaeological resources were encountered, and the Ontario Ministry of Tourism, Culture and Sport issued an archaeological clearance letter on July 13, 2015.

### 4.2 Functional Servicing and Stormwater Management Report

A Functional Servicing and Stormwater Management Report was provided on June 19, 2023. The study concluded that there is adequate servicing infrastructure available for the proposed development. The subject lands will be serviced by an existing municipal watermain and existing municipal sanitary sewer. Stormwater will be managed through the use of an existing municipal box culvert on Thorold Stone Rd, as well as onsite stormwater quantity and quality controls.

### 4.3 Arborist Report and Tree Preservation Plan

An Arborist Report and Tree Preservation Plan (TPP) was provided on July 18, 2023. The report identified 40 trees that may be affected by the proposed development. The report recommends the preservation of ten (10) trees and removal of 30 trees. Other recommendations include meeting with stakeholders to discuss the TPP, installing a Tree Protection Zone (TPZ), applying composted wood mulch to reduce soil compaction, root-pruning preserved trees, establishing an irrigation plan, and on-going monitoring by a Certified Consulting Arborist.

### 4.4 Noise Impact Study

A Noise Impact Study was provided on July 26, 2023. The study concluded that future road traffic sound levels will exceed Ministry of Environment, Conservation, and Parks (MECP) guidelines at the proposed development. Acoustic barriers and air conditioning are required for dwellings closest to Thorold Stone Rd. Forced air ventilation is required for future installation of air conditioning for dwelling units with some exposure to the roadway. MECP guidelines also recommend the use of warning clauses to inform residents of traffic noise impacts.

## 5. Planning Framework

This section reviews the legislation and planning frameworks applicable to the application, which includes the *Planning Act, R.S.O. 1990, c. P.13* (“*Planning Act*”), the *Provincial Policy Statement (2020)*, *Places to Grow – Growth Plan for the Greater Golden Horseshoe (2019)*, *Niagara Region Official Plan*, *City of Niagara Falls Official Plan*, and the *Niagara Falls Zoning By-law*.

### 5.1 Planning Act Section 2 and Section 51 (24)

The *Planning Act* regulates land use planning in Ontario. The following section evaluates the proposed development against Sections 2 and 51 (24) of the *Planning Act*.

#### 5.1.1 Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* states:

*The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

- (a) the protection of ecological systems, including natural areas, features and functions;*
- (b) the protection of the agricultural resources of the Province;*
- (c) the conservation and management of natural resources and the mineral resource base;*
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (g) the minimization of waste;*
- (h) the orderly development of safe and healthy communities;*
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*

- (i) *is well-designed,*
- (ii) *encourages a sense of place, and*
- (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Clauses (a), (f), (h), (j), (o), (p), (q), and (r) are considered relevant to the proposed development and are evaluated below.

*(a) the protection of ecological systems, including natural areas, features and functions;*

The Niagara Peninsula Conservation authority was contacted and has no concerns with the proposed development. An Environmental Conservation Area designation is assigned to the subject lands by the *City of Niagara Falls Official Plan*. However, it appears that the designation is unwarranted as the former watercourse represented by the designation is conveyed past the site in a large storm sewer under Thorold Stone Road. A Functional Servicing and Stormwater Management Report (“FSR”) was completed and includes measures to mitigate environmental impacts from erosion and improper stormwater drainage. A Tree Preservation Plan (“TPP”) was completed and its recommendations are to be implemented.

*(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

The proposed development will make efficient use of municipal services. The FSR concluded that the development can be serviced by existing municipal water, sanitary, and stormwater infrastructure. The subject lands are supported by public transit and active transportation systems.

*(h) the orderly development of safe and healthy communities;*

The subject lands are within a built-up area of the City of Niagara Falls. Residential intensification is encouraged in built-up areas to make use of existing amenities that contribute to healthy communities such as open space and recreational facilities. The proposed medium-density development will facilitate residential intensification in an area with convenient access to parks and recreational amenities such as playgrounds, courts, and fields.

*(j) the adequate provision of a full range of housing, including affordable housing;*

Housing in the Niagara Region consists primarily of single-detached dwellings and the proposed townhouse development will help to diversify housing types in the region. The proposed development will supply the market with additional dwelling units thereby contributing to housing attainability.

*(o) the protection of public health and safety;*

A Noise Impact Study was conducted and its recommendations will be implemented to mitigate any potential health impacts of noise pollution from the adjacent arterial road on future residents. Stormwater will be managed as recommended by the FSR to protect the health and safety of residents and the environment from stormwater runoff.

*(p) the appropriate location of growth and development;*

Provincial, regional, and local planning frameworks direct growth primarily to built-up areas. The subject lands are within the City's delineated built boundary and appropriately located for development. The proposed townhouse dwellings will provide contextually appropriate residential intensification that will blend with the existing neighbourhood fabric.

*(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*

The subject lands are adjacent to existing public transit stops. A road widening will be taken to allow for continued road and pedestrian infrastructure improvements. An abundance of soft landscaping is proposed, providing a permeable surface that will help to reduce reliance on built infrastructure for stormwater management and mitigate potential heat island effects. Landscaping in the southwest corner of the subject lands will enhance the pedestrian experience at the intersection of Thorold Stone Rd and Cardinal Dr.

*(r) the promotion of built form that,**(i) is well-designed,**(ii) encourages a sense of place, and**(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*

The townhouse dwellings will provide a transition between surrounding low-density developments and adjacent higher-density apartment buildings. The dwellings will be oriented towards the public realm with parking on the interior, encouraging a sense of place at the intersection of Cardinal Dr and Thorold Stone Rd. A road widening will allow for future improvements to public space.

## 5.1.2 Section 51 (24) – Draft Plan of Subdivision &amp; Condominium

The proposed development is evaluated below against the specific criteria for Subdivisions and Condominiums outlined in Section 51 (24) of the *Planning Act*.

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

Refer to Section 5.1.1 for analysis of the proposed development against matters of provincial interest.



*(b) whether the proposed subdivision is premature or in the public interest;*

The proposal is not premature as the subject lands are within the built boundary of the City and designated for residential growth and development.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposal conforms with the Niagara Region Official Plan and City of Niagara Falls Official Plan. Refer to Sections 5.4 and 5.5 for detailed analyses of conformity to specific policies.

*(d) the suitability of the land for the purposes for which it is to be subdivided;*

The subject lands are in a built-up area with access to existing municipal infrastructure. All required studies to confirm the suitability of the subject lands for residential development have been completed to Provincial, Region, and City standards.

*(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

The proposed Vacant Land Condominium Unit ownership fundamentally allows homeowners to control construction cost of their units (especially interior finishes) thus controlling/contributing to affordability.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

One access to the development is proposed via Cardinal Dr, which is a collector roadway. Cardinal Dr connects to Thorold Stone Rd, which is an arterial roadway and provides adequate access to many other roadways and highways including the Queen Elizabeth Way.

*(f) the dimensions and shapes of the proposed lots;*

The Draft Vacant Land Condominium Plan (refer to Appendix B) displays the dimensions and shapes of the proposed condominium units. The units are rectangular in shape and are adequately sized to accommodate a dwelling unit, driveway parking space, and rear amenity space.

*(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

There are no restrictions to development on the subject lands.

*(h) conservation of natural resources and flood control;*

The recommendations of the Tree Protection Plan and FSR will be implemented to maximize the conservation of natural resources.

*(i) the adequacy of utilities and municipal services;*

The FSR confirmed the availability and adequacy of existing municipal infrastructure to service the proposed development.

*(j) the adequacy of school sites;*

Elementary and secondary schools for the catchment area are between 2.5 km to 3.5 km from the subject lands.

*(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

There are no lands, exclusive of highways, to be conveyed or dedicated for public purposes.

*(l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The plan has been designed to accommodate urban development in a logical pattern that will support the efficient installation of energy infrastructure.

*(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act*

Technical site details will be managed as conditions of the Vacant Land Condominium application. Site Plan Approval is not required.

5.2 Provincial Policy Statement, 2020

The *Provincial Policy Statement, 2020* (“PPS”), issued under the *Planning Act* came into effect on May 1<sup>st</sup>, 2020, as a policy-led regulating document that provides direction on provincial interest related to managing land use planning and development. The *Planning Act* requires that, “decisions affecting planning matters shall be consistent with” the PPS.

The subject lands are located within an existing “Settlement Area” known as the City of Niagara Falls. The proposal has been reviewed with respect to applicable PPS policies below.

|  |
|--|
| <b>1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</b>  |
| <p><b>1.1.1</b> <i>Healthy, liveable, and safe communities are sustained by:</i></p> <ul style="list-style-type: none"> <li><i>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</i></li> <li><i>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i></li> </ul> |



- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

**Planning Response:**

The proposed ZBA will facilitate efficient and harmonious land use patterns through infill development in a built-up residential area. The development is cost-effective as the subject lands will be serviced by existing public infrastructure and supported by various modes of transportation. The development aligns with the residential character of the neighbourhood. Future residents will have access to amenities and services to meet their daily and weekly needs.

**1.1.3 Settlement Areas**

**1.1.3.1** *Settlement areas shall be the focus of growth and development.*

**1.1.3.2** *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) *efficiently use and land resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed;*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with criteria in policy 1.1.3.3, where this can be accommodated.*

**1.1.3.4** *Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.*

**Planning Response:**

The proposed development will provide residential intensification in the existing settlement area of Niagara Falls. Amenities and services such as a grocery store, pharmacy, and parks are within walking distance of the site. The location of the subject lands on the Region's Strategic Cycling Network and the installation of bike racks will encourage residents to engage in active transportation. Residents will have access to public transit from Thorold Stone Rd.

## 1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate 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 are:*

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

1.6.2 *Planning authorities should promote green infrastructure to complement infrastructure.*

1.6.3 *Before consideration is given to developing new infrastructure and public service facilities:*

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

### **Planning Response:**

The proposed development is contributing to the optimization of existing infrastructure as it will be serviced by existing municipal water, sewer, and stormwater infrastructure. The City of Niagara Falls' population is growing, and the proposed development will help to meet current and future housing needs. An abundance of soft landscaping is proposed for the development, providing a permeable surface that will absorb stormwater and reduce reliance on built infrastructure.

### **Overall Consistency with the PPS**

The proposal will facilitate residential intensification in an area with easy access to amenities and services. Development of the subject lands is supportive of existing and planned transit and active transportation. The development will make efficient use of public infrastructure by connecting to existing municipal water and sewer infrastructure. The proposal is **consistent** with the *Provincial Policy Statement, 2020*.

### 5.3 [A Place to Grow: Growth Plan for Greater Golden Horseshoe \(2019\)](#)

*A Place to Grow: Growth Plan for the Greater Horseshoe, 2019* ("Growth Plan") is a comprehensive strategy that works with municipal plans to encourage complete communities, manage growth patterns, manage land use policy, and improve quality of life. The *Growth Plan* directs new growth to the built-up areas of the City which offer full municipal services, and places responsibility on municipalities to develop policies and phasing strategies to achieve new residential units within built up areas that respect and compliment neighbourhood character.

The following objectives and policies of the *Growth Plan* were examined:

### 2.2.1 Managing Growth

2. *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- a) *the vast majority of growth will be directed to settlement areas that:*
  - i. *have a delineated built boundary;*
  - ii. *have existing or planned municipal water and wastewater systems; and*
  - iii. *can support the achievement of complete communities; ...*

4. *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
  - i. *a range of transportation options, including options for the safe, comfortable, and convenient use of active transportation;*
  - ii. *public service facilities, co-located and integrated in community hubs;*
  - iii. *an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and...*
- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *mitigate and adapt to the impacts of a changing climate, improve resilience, and reduce greenhouse gas emissions, and contribute to environmental sustainability, and...*

#### **Planning Response:**

The subject lands are within the delineated built boundary of the City of Niagara Falls. Future residents will have convenient access to parks providing a variety of outdoor recreational opportunities including a playground, basketball and tennis courts, and trails. A variety of goods and services are available within walking distance of the site including a grocery store and pharmacy. The site is accessible by public transit and is planned to be part of the Region's Strategic Cycling Network. The townhouse dwelling type will provide for a more compact built form without impacting existing neighbourhood character.

### 3.2.1 Integrated Planning

1. *Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.*
2. *Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:*
  - a) *leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;*
  - b) *providing sufficient infrastructure capacity in strategic growth areas;*
  - c) *identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and*
  - d) *considering the impacts of a changing climate.*

#### **Planning Response**

The proposed development will leverage infrastructure investment by connecting to existing municipal water, wastewater, and stormwater infrastructure. The development aligns with investments in public transit and planned investments in active transportation infrastructure.

#### **Overall Consistency with the Growth Plan**

The subject lands are within a built-up area of the City of Niagara Falls. The proposed development will contribute to residential intensification without negatively impacting the character or function of the neighbourhood. Future residents will have convenient access to goods, services, transportation options, and open space. The development will not impact significant natural or cultural heritage resources. The proposal **conforms** with *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019*.

#### 5.4 Niagara Region Official Plan

The *Niagara Region Official Plan* (“NROP”) was declared in force and effect as of November 2022. The NROP outlines the land use goals, objectives and policies that the municipality has determined are in the best interest of the long-term growth of the Region. The subject lands are designated as Delineated Built-Up Area within the Region’s Urban Area.

Applicable policies have been reviewed below:

#### **Chapter 2 – Growing Region**

#### **2.2 Regional Structure**

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a. *the intensification targets in Table 2-2 and density targets outlined in this Plan;*

- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs; [...]*
- g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods; [...]*
- k. orderly development in accordance with the availability and provision of infrastructure and public service facilities; [...]*

*2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations: [...]*

- b. areas with existing or planned public service facilities;*
- c. other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit service; [...]*

*2.2.2.5 A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

*Table 2-2 Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051*

- *Niagara Falls – 10,100 units*

## **2.3 Housing**

*2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

- a. facilitating compact built form; and*
- b. incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.*

*2.3.2.3 To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:*

- a. 20 per cent of all new rental housing is to be affordable; and*
- b. 10 per cent of all new ownership housing is to be affordable.*

### **Planning Response:**

Housing in the Region consists primarily of single-detached dwellings and the proposed townhouses will help to supply a greater diversity of housing types. The proposed development will contribute to

the Region’s residential intensification targets with gentle density. The proposed additional dwelling units within the market area will add supply to housing demands and contribute to housing attainability. The new units will be in a built-up area with existing public infrastructure and transit service.

The project proposes approximately 70% more soft landscaping than required, which will contribute to stormwater management and quality of life for future residents.

### **Overall Consistency with the *Niagara Region Official Plan***

The develop will help to achieve the residential growth targets set out in the NROP. The development is proposed in an area with existing public infrastructure. No negative environmental impacts are anticipated as a result of the development. The proposed development will provide contextually appropriate intensification and provide a net gain of family-sized residential dwelling units within the market area, contributing to housing affordability. The proposal **conforms** to the *Niagara Region Official Plan*.

### 5.5 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (OP) was declared in force and effect as of 1993. OP Schedule A – Land Use Plan, designates the subject lands “Residential”, with a portion designated “Environmental Conservation Area” adjacent to Thorold Stone Rd.

Applicable policies have been reviewed below:

#### **PART 2 – LAND USE POLICIES, SECTION 1 – RESIDENTIAL**

##### **GENERAL POLICIES**

- 1.2 *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:*
- 1.2.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
  - 1.2.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
  - 1.2.3 *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
- 1.9 *Exposure of new residential development to less compatible land uses such as **arterial roadways**, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.*
- 1.10.2 *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.*

**BUILT-UP AREA**

*1.15.1 The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*

*1.15.3 Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.*

*1.15.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:*

- (i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood. [...]*

**Planning Comment:**

The project will create a multiple unit development on vacant land in an existing built-up residential area. The development will be denser than most existing housing in the area. Despite its higher density, the development will blend with the fabric of the neighbourhood as there is a mix of housing forms within the area, including a co-operative apartment complex adjacent to the subject lands. At 42.79 units per hectare, the development is proposed to be slightly denser than the maximum net density of 40.00 units per hectare set out in the OP. However, staff from the City of Niagara Falls have confirmed that an Official Plan Amendment will not be required as the intensification intent is maintained. The subject lands will be accessed via Cardinal Dr (collector) and landscaping will provide a buffer between end units and Thorold Stone Rd (arterial).

**PART 2 – LAND USE POLICIES, SECTION 11 – ENVIRONMENTAL POLICIES****GENERAL POLICIES**

*11.1.5 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.*

*11.1.14 Where a watershed plan has been completed, applications for draft plan of subdivision/condominium or site plan approval shall demonstrate, through required studies such as an environmental impact study, drainage plan or a subwatershed plan, how the*

*proposed development will comply with the objectives, targets and recommendations of the watershed plan.*

**Planning Comment:**

The Environmental Conservation Area designation appears to be unwarranted as the former watercourse represented by the designation is conveyed past the site in a large storm sewer under Thorold Stone Road. The Niagara Peninsula Conservation Authority was contacted and does not have any concerns regarding the proposal.

The development is within the Shriner's Creek Watershed Plan area. As previously noted, a Functional Servicing and Stormwater Management Report was completed. The report provides a drainage plan and erosion and sediment control measures to minimize potential adverse environmental impacts.

**PART 3 – ENVIRONMENTAL MANAGEMENT, SECTION 5 – URBAN DESIGN STRATEGY**

5.1 *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*

5.1.1 *The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*

5.1.2 *Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*

5.1.5 *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*

5.1.7 *The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*

5.3 *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.*

5.3.1 *The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping*



*in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.*

*5.3.2 Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.*

*5.3.3 The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.*

*5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*

*5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect its functioning and safety.*

*5.4.2 Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

**Planning Comment:**

The height, massing, and siting of the townhouse dwellings will be compatible with existing development and provide a transition between surrounding low-density single-detached dwellings and abutting higher-density co-op apartment buildings. The townhouses will be oriented towards the public realm at the corner of Cardinal Dr and Thorold Stone Rd with parking areas on the interior. No direct access will be provided to arterial Thorold Stone Rd. Sidewalks will be provided for pedestrian navigation throughout the complex. Abundant soft landscaping will be dispersed throughout the development and along the lot lines facing the public, with particular attention given to the area at the corner of Cardinal Dr and Thorold Stone Rd.

**Overall Consistency with the City of Niagara Falls Official Plan**

The proposed development will provide much-needed higher density housing in an existing built-up area. The design will meet the City's urban design strategy. Measures will be taken to mitigate potential environmental impacts during and after construction. The proposal is consistent with the *City of Niagara Falls Official Plan*.

**5.6 Niagara Falls Zoning By-law No. 79-200**

The City of Niagara Falls has four Zoning By-laws that apply to various areas of the City. *Zoning By-law No. 79-200* applies to the subject lands and has been in force and effect since 1979. The subject lands are currently zoned "Residential Low Density, Group Multiple Dwelling Zone (R4-815) – Modified", which includes site-specific zoning provisions for the previously proposed retirement residence.

The ZBA application proposes to rezone the subject lands to a new modified R4 Zone to recognize the proposal including site-specific conditions. Refer to Appendix D for the Draft Amending Zoning By-law. Required modifications are outlined below.

Comprehensive Zoning Chart of Proposed (R4-XXX) Zoning

| Zoning Regulation         | Requirement (R4-815 Zone)  | Requirement (Parent R4 Zone)   | Provided   | Conforms to R4 Zone (YES/NO) |
|---------------------------|--|--|--|------------------------------|
| Min Lot Area              | 7500.0 m <sup>2</sup>  | 250.0 m <sup>2</sup> per dwelling unit<br>250.0 m <sup>2</sup> x 33 = 8,250.0 m <sup>2</sup> | 233.0 m <sup>2</sup> per dwelling unit<br>7,712.0 m <sup>2</sup> | NO                           |
| Min Lot Frontage          | 63.0 m   | 30.0 m   | 63.0 m   | YES                          |
| Min Front Yard            | 13.0 m   | 6.0 m  | 3.0 m  | NO                           |
| Min Interior Side Yard    | 5.0 m (East)   | 6.0 m  | 9.6 m (East)<br>24.3 m (West)                                    | YES                          |
|                           | 22.0 m (West, where abutting a rear lot line)<br>19.0 (West, where abutting a side lot line) |  |  | YES                          |
| Min Exterior Side Yard    | 6.0 m  | 4.5 m  | 6.1 m  | YES                          |
| Min Rear Yard             | 38.0 m   | 7.5 m  | 5.0 m  | NO                           |
| Min Landscaped Open Space | 38% of lot area  | 45.0 m <sup>2</sup> per dwelling unit<br>45.0 x 33 = 1,485 m <sup>2</sup>                    | 2,536.8 m <sup>2</sup>   | YES                          |
| Max Lot Coverage          | 35%  | 35%  | 26%  | YES                          |
| Max Building Height       | 15.6 m (within 35 m of exterior side lot line)<br>19.2 m (beyond 35 m of exterior lot line)  | 10.0 m   | 12.2 m   | NO                           |
| Min Privacy Yard Depth    | 7.5 m  | 7.5 m  | 7.5 m  | YES                          |
| Min Parking Requirements  | 0.65 spaces per private living unit  | 1.4 parking spaces per dwelling unit<br>1.4 x 33 = 47 spaces                                 | 49   | YES                          |

Overall, the proposed site-specific provisions meet the intent of the OP and Residential Low Density, Group Multiple Dwelling Zone as sufficiently sized lots are proposed which will provide on-site parking and private amenity area for each unit. The proposed modifications will facilitate compact urban development.

## 6. Planning Analysis

Sections 6.1 and 6.2 will summarize the technical findings of the supporting studies and conformity with Provincial interests and policies. Section 6.3 will provide a focused planning opinion to support the ZBA.

### 6.1 Supporting Studies

As outlined in Section 4, the subject lands have been comprehensively studied to ensure all requirements have been met to Provincial, Regional, and City standards. The studies support the approvals of the submitted applications.

### 6.2 Provincial Interests

The Planning Act requires that, “decisions affecting planning matters shall be consistent with” the *Provincial Policy Statement, 2020*. The subject lands are located within an existing “Settlement Area” known as the City of Niagara Falls. The townhouse development will contribute to the overall viability of the settlement area by facilitating residential intensification in an area with access to public infrastructure, services, and amenities. The proposed ZBA is consistent with the *Provincial Policy Statement, 2020*.

The subject lands are located within a “Delineated Built-Up Area” of the *Growth Plan for the Greater Horseshoe, 2019*. The development will contribute to residential growth targets and provision of diverse housing types. The proposed ZBA is consistent with the *Growth Plan*.

### 6.3 Zoning By-law Amendment

The proposed development will consist of five (5) blocks of three-storey townhouses containing a total of 33 units. The ZBA is intended to rezone the subject lands to a different R4 Zone, Modified, to permit townhouse dwellings with four (4) site-specific modifications:

1. Minimum lot area for a townhouse dwelling of 230.0 m<sup>2</sup> per dwelling unit.
2. Minimum front yard depth for a townhouse dwelling of 3.0 m.
3. Minimum rear yard depth for a townhouse dwelling of 5.0 m.
4. Maximum height of a building or structure of 12.2 m.

The minimum lot area reduction is proposed to maximize the serviceable urban lands. The reduction will not prevent the provision of suitably sized family dwellings, ample landscaped area, and sufficient parking.

The side yard reductions are minor, allowing for safe access through to the rear yard. Sufficient vegetation and/or fencing will be installed to ensure that the reduced setback does not impact the privacy and enjoyment of abutting rear yards.

The increased maximum building height has no anticipated shadow impacts or issues regarding overlook and privacy of abutting properties. The additional height will provide more design flexibility to incorporate pitched roofs that will align more closely to the character of surrounding developments than flat roofs. It will also allow for three-storey dwellings with no basements, resulting in fewer construction impacts to the surrounding area.

## 7. Implementation

To bring the townhouse development into conformity with the *Niagara Falls Zoning By-law*, a Zoning By-law Amendment is required. The ZBA is proposed to rezone the subject lands to a different R4 Zone, Modified. Refer to Appendix D for the Draft Amending By-law. A vacant land condominium is required to establish the tenure of the townhouses.

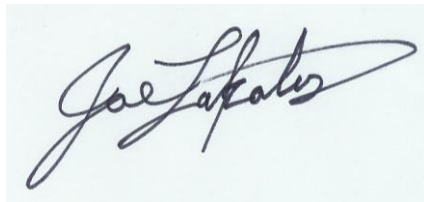
## 8. Conclusion

The Zoning By-law Amendment will implement the proposed development of townhouse units in conformity with *Niagara Falls Zoning By-law No. 79-200*. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

- The proposal has regard to the matters of provincial interest and criteria for considering a Draft Plan of Condominium as stated in Sections 2 and 51 (24) of the *Planning Act*.
- The proposal is consistent with the *Provincial Policy Statement, 2020*, and the *Growth Plan for the Greater Horseshoe, 2019*, which encourage efficient development in “Settlement Areas” and “Built-Up Areas” that are connected to existing public infrastructure and promote the overall well-being of residents.
- The proposal conforms to the *Niagara Region Official Plan* which encourages infill development in existing residential areas and a variety of housing types.
- The proposal conforms to the *City of Niagara Falls Official Plan* which encourages residential intensification through multiple unit development within the Built-Up Area to contribute to the Region’s overall growth.
- The proposal conforms to the *City of Niagara Falls Official Plan* policies as the rezoning will facilitate gentle intensification within an existing neighbourhood that will encourage a high quality of life as the subject lands are accessible to supporting uses including commercial and community facilities, a well-connected transportation network and employment opportunities.

Implementation of the proposal and associated amendment to the *Niagara Falls Zoning By-law No. 79-200* is appropriate, desirable, and reflects good land use planning for the subject lands.

Respectfully Submitted,



**A.J. Lakatos Planning Consultant**  
**Mr. Joe Lakatos, MCIP, RPP**

## **Appendix A**

### Draft Site Plan





**SITE STATISTICS:**

Existing Residential Low Density Grouped Multiple Dwellings (R4-R15), in accordance with Zoning By-law No. 78-200 as amended by By-law 2020-050.  
 Address: 3958 Cardinal Drive - Niagara Falls ON  
 Zoning: R4-R15  
 Proposed R4  
 Number of 33 Units

| DATA  | REQUIRED | PROVIDED    |
|---|----------|-------------|
| ZONING ZONE                                     | R4       | R4-Modified |
| PROPERTY ZONE                                   |          | R4-R15      |
| MINIMUM LOT AREA FOR TOWN HOUSE DWELLING (33 X) | 8250.00  | 7712.90     |
| MINIMUM LOT FRONTAGE (M)                        | 30.00    | 63.00       |
| FRONT YARD (m) (south)                          | 6.00     | 3.04        |
| INTERIOR SIDE YARD (M) East                     | 6.05     | 9.63        |
| INTERIOR SIDE YARD (M) West                     | 6.05     | 24.25       |
| EXTERIOR SIDE YARD (M) West                     | 4.50     | 6.01        |
| REAR YARD (m) North                             | 7.50     | 5.22        |
| MINIMUM LANDSCAPED OPEN SPACE (45 MP)           | 1485.00  | 2536.77     |
| MAXIMUM LOT COVERAGE (%)                        | 35%      | 26%         |
| MAXIMUM HEIGHT (M)                              | 10       | 12.05       |
| MINIMUM PRIVACY YARD DEPTH                      | 7.50     | 7.50        |

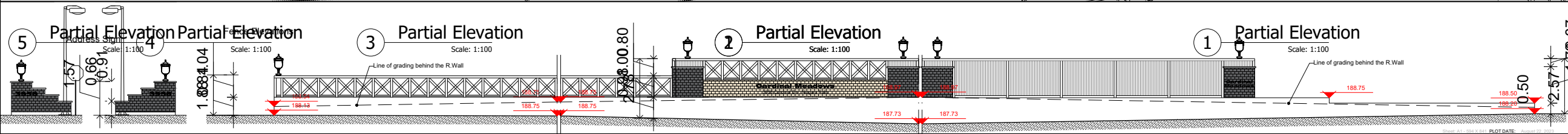
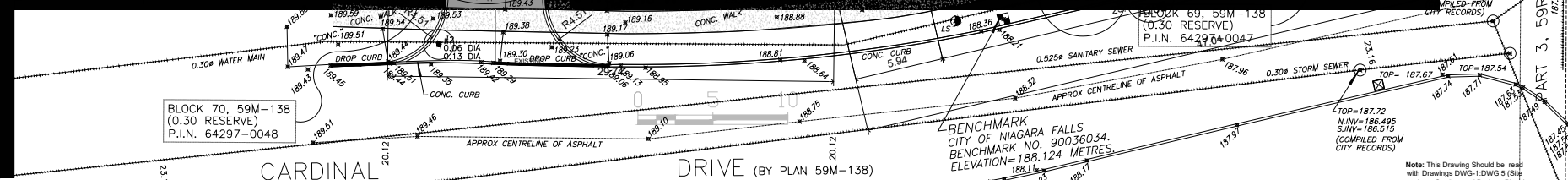
| DATA   | REQUIRED | PROVIDED |
|--|----------|----------|
| SITE AREA  |          | 7995.50  |
| ROAD WIDENING AREA                                     |          | 282.24   |
| DEVELOPABLE SITE AREA - ROAD WIDENING                  |          | 7713.26  |
| TOTAL GFA  |          | 5033.20  |
| PAVED AREA   |          | 2087.27  |
| DEVELOPABLE LANSCAPED AREA                             |          | 2536.77  |
| TOTAL LANDSCAPED AREA                                  |          | 4624.04  |
| TOTAL FLOOR SPACE INDEX BASED ON DEVELOPABLE SITE AREA |          | 1.25     |

| DATA  | REQUIRED | PROVIDED |
|---|----------|----------|
| SOFTSCAPE AREA (M <sup>2</sup> )                    | --       | 2574.03  |
| SOFTSCAPE AREA Gravel (M <sup>2</sup> )             | --       | 173.87   |
| HARDSCAPE AREA DRIVING SURFACE (M <sup>2</sup> )    | --       | 1432.28  |
| HARDSCAPE AREA PEDESTRIAN SURFACE (M <sup>2</sup> ) | --       | 501.73   |
| HARDSCAPE AREA PRIVATE DRIVEWAYS (M <sup>2</sup> )  | --       | 676.08   |

| DATA                 | REQUIRED      | PROVIDED |
|----------------------|---------------|----------|
| RESIDENTIAL VISITORS | 1.4 Sp / Unit | 47       |
| TOTAL                |               | 49       |



**CONCEPTLINES INC.**  
 340 Beach Blvd. Hamilton ON L8H 6W4  
 Email: feed@conceptlines.ca  
 www.conceptlines.ca  
 Tel: 289-919-0607

**PROJECT TITLE:**  
 CARDINAL MEADOWS  
 #33 TOWN HOUSES DEVELOPMENT

**PROJECT ADDRESS:**  
 3958 CARDINAL DRIVE  
 NIAGARA FALLS, ON

**OWNER:**  
 12604515 CANADA CORPORATION

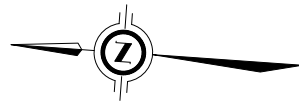
**Drawing title:**  
 Site Plan & Fence Elevation - Color

Scale: N.T.S. Drawing No. A106  
 Date: JUNE 2023  
 Project No. 2022-12



## **Appendix B**

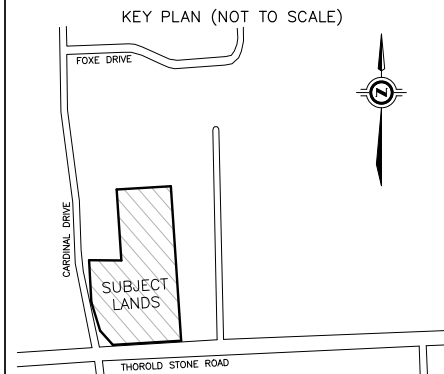
### **Draft Vacant Land Condominium Plan**



3958 CARDINAL DRIVE  
 BEING A DRAFT PLAN OF VACANT LAND CONDOMINIUM OF  
 PART OF TOWNSHIP LOT 70  
 GEOGRAPHIC TOWNSHIP OF STAMFORD  
 NOW IN THE  
 CITY OF NIAGARA FALLS  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE

N.T.S

J. D. BARNES LIMITED



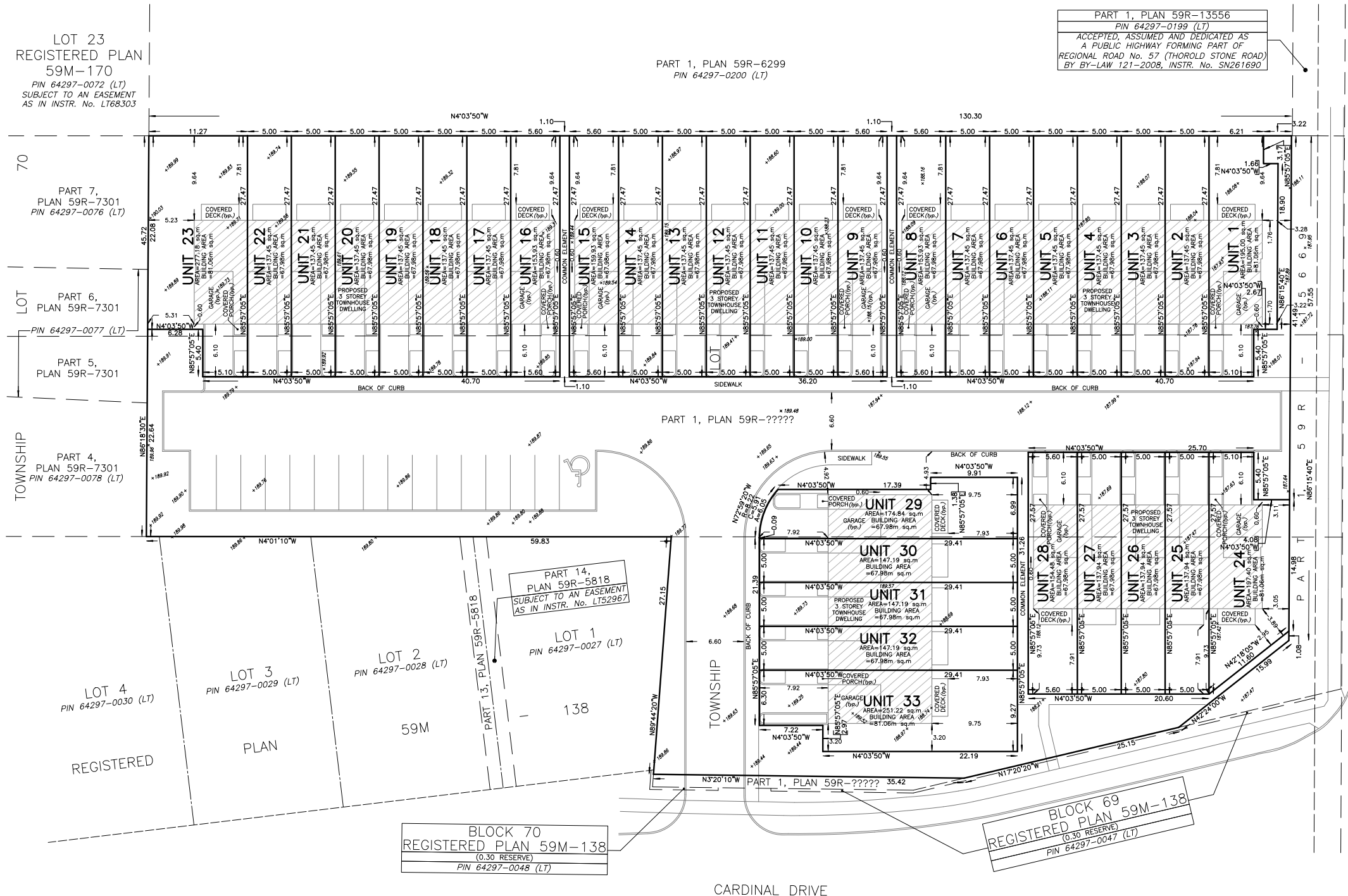
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

- (A)-AS SHOWN ON DRAFT PLAN
- (B)-AS SHOWN ON DRAFT PLAN
- (C)-AS SHOWN ON DRAFT AND KEY PLANS
- (D)-THIS IS A PROPOSED RESIDENTIAL DEVELOPMENT OF 33 TOWNHOUSE UNITS
- (E)-AS SHOWN ON DRAFT PLAN
- (F)-AS SHOWN ON DRAFT PLAN
- (G)-AS SHOWN ON DRAFT PLAN
- (H)-MUNICIPAL
- (I)-SANDY LOAM
- (J)-AS SHOWN ON DRAFT PLAN
- (K)-ALL MUNICIPAL SERVICES AVAILABLE
- (L)-AS SHOWN ON DRAFT PLAN

LAND USE ANALYSIS

|  |   |
|--|---|
| LOT AREA   | 7713.21 sq.m  |
| BUILDING AREA (INCLUDING COVERED DECK & COVERED PORCH) | 2295.66 sq.m  |
| BUILDING COVERAGE                                      | 29.8%   |
| NUMBER OF UNITS  | 33  |
| PARKING  | 33 DRIVEWAY SPACES<br>33 GARAGE SPACES<br>16 VISITOR SPACES<br>82 TOTAL |

--- DENOTES BOUNDARY OF CONDOMINIUM



BLOCK 70  
 REGISTERED PLAN 59M-138  
 (0.30 RESERVE)  
 PIN 64297-0048 (LT)

BLOCK 69  
 REGISTERED PLAN 59M-138  
 (0.30 RESERVE)  
 PIN 64297-0047 (LT)

OWNER'S CERTIFICATE  
 I HEREBY AUTHORIZE J. D. BARNES LIMITED TO SUBMIT THIS PLAN TO THE CITY OF NIAGARA FALLS FOR THEIR APPROVAL.

DATE \_\_\_\_\_ DATE \_\_\_\_\_  
 12604515 CANADA CORP.

SURVEYOR'S CERTIFICATE  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

DATE \_\_\_\_\_ DASHA PAGE \_\_\_\_\_  
 ONTARIO LAND SURVEYOR



DRAWN BY: JN CHECKED BY: \* REFERENCE NO.: 22-16-295-00  
 FILE: G:\2022\22-16-295\00\Drawing\22-16-295-00-DRAFT PLAN.dwg

PLOTTED: 08/23/2023



## Appendix C

### Typical Elevation Plan



## **Appendix D**

### **Draft Amending Zoning By-law**

## CITY OF NIAGARA FALLS

A by-law to amend By-law No. 79-200, to permit the use of the lands for the development of three storey townhouses and to repeal By-law No. 2020-50.

### **THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

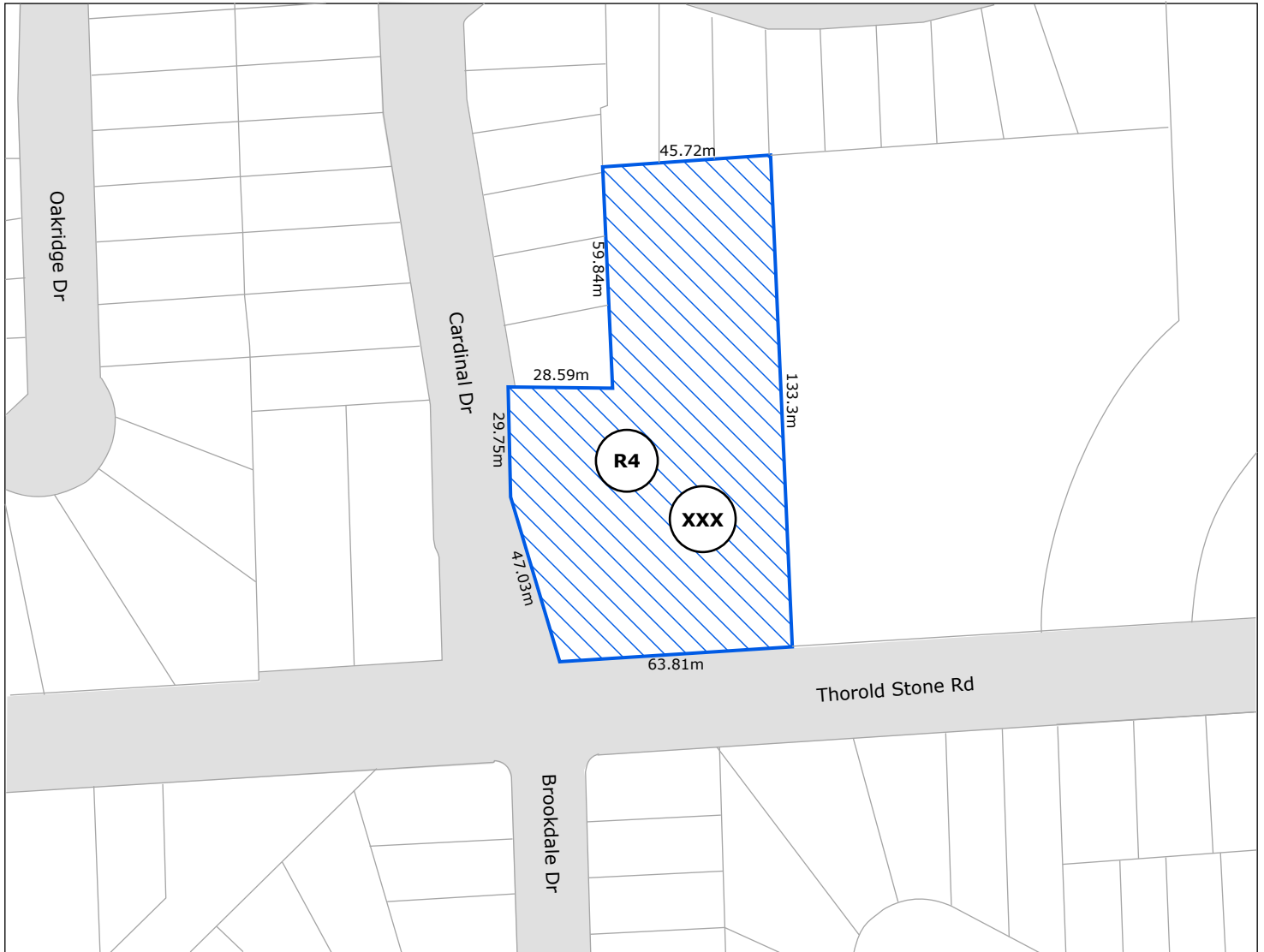
1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that 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 by the R4 Zone.
5. The regulations governing the permitted uses shall be:

|  |  |
|--|--|
| (a) Minimum lot area for a townhouse dwelling          | 230 square metres for each dwelling unit |
| (b) Minimum front yard depth for a townhouse dwelling  | 3.0 metres                               |
| (c) Minimum rear yard depth for a townhouse dwelling   | 5.0 metres                               |
| (d) Maximum height of a building or structure          | 12.2 metres                              |
| (e) The balance of regulations specified for a R4 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 X of Schedule "A" of By-law No. 79-200 by redesignating the Lands from R4 and numbered 815 to R4 and numbered XXX.

10. By-law No. 2020-50 is repealed.

# SCHEDULE 1 TO BY-LAW NO. 79-200

Subject Lands: 



## Amending Zoning By-law No. 2020-50

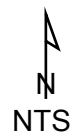
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Secondly: Pt Twp Lt 70 Stamford as in RO305820 except Pts 4 & 5, 59R7301 & Pt 4, 59R9180

Thirdly: Pt Twp Lt 70 Stamford Pt 1, 59R690 except Pt 1, 59R907 & Pt 3, 59R9180; City of Niagara Falls

Applicant: 12604515 Canada Corporation

Assessment #: 272510000306750



AM-XXXX-XXX