



Planning Justification Brief

Application for Draft Plan of Vacant Land Condominium

5881 Dunn Street, Niagara Falls

For: 1984351 Ontario Limited.

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Date: April 2024

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to 1984351 Ontario Limited., “Owner” of approximately 2.89 hectares of land in the City of Niagara Falls, municipally known as 5881 Dunn Street (“Subject Lands”). NPG has been retained to provide professional planning opinion on application for Draft Plan of Vacant Land Condominium on the Subject Lands to create 30 Units for townhouse dwellings. The Subject Lands are a through lot with a frontage of 148.19 metres on Dunn Street and 149.6 metres on Dixon Street. The lands contain an existing office building with associated surface parking.

Provisional consent was granted by the City’s Committee of Adjustment on November 28, 2023, to create a new parcel of land for the proposed Vacant Land Condominium, labelled as Part 1 on the Consent Sketch (contained in Appendix 1). Part 2 on the Consent Sketch is retained for office and parking uses. Part 3 is a road widening to be dedicated to the City.

The lands were also the subject of previous Official Plan and Zoning By-law Amendment applications (City file nos. AM-2021-023 & AM-2021-024), approved by Council in April 2022. The easterly portion of the lands (Part 2 on the Consent Sketch) are within Special Policy Area “80” in the Official Plan which permits the existing office building in the Residential designation, as well as a satellite parking lot linked to lands within the Tourist Commercial designation. Part 2 is zoned R4-1171 to permit the office and parking uses.

Part 1 on the Consent Sketch, which is the area subject to this Draft Plan of this Vacant Land Condominium application, is zoned R4-1166 which permits the proposed townhouse dwellings with various site-specific provisions. A total of 30 townhouse dwellings are proposed within Vacant Land Condominium Units, in addition to a private road, surface parking, landscaping, sidewalks and underground infrastructure within Common Element areas.

This Planning Justification Brief (“PJB”) provides an analysis of the proposed Vacant Land Condominium. In particular, this PJB evaluates the application against Section 51(24) of the *Planning Act*. NPG Planning Solutions Inc. prepared a previous Planning Justification Report for the approved Official Plan and Zoning By-law Amendment applications, dated October 2021, which contains a thorough evaluation of Provincial, Regional and City planning policies with respect to the approved uses.

Section 2.0 provides an overview of the proposed development. Section 3.0 provides an overview of the studies that are part of the application. Section 4.0 presents a summation of the proposal’s conformity with the Planning Act, and Provincial, Regional, and City OP policies. Lastly, Section 5.0 speaks to the City’s Zoning By-law.

2.0 Proposed Development

The Draft Plan of Vacant Land Condominium application proposes to create 30 Units to facilitate the proposed townhouse dwellings. Units 1 to 22 on the Draft Plan of Condominium are contained within three blocks which front onto a proposed internal private road, while Units 23 to 30 are contained within one block which fronts onto Dixon Street. The internal private road extends through the site, connecting from Dunn Street to Dixon Street. Each townhouse unit will have two dedicated parking spaces (exclusive use areas in the common elements for Units 1 to 22, and within the Unit boundaries for Units 23 to 30). An additional 38 parking spaces are provided in the Common Element area with access from the internal private road, for a total of 98 parking spaces.

As mentioned, the Common Element areas also include landscaping area, sidewalks and underground infrastructure.

It is noted that the existing office building and parking on the “retained lands” (Part 2 on the previous Consent Sketch) will be subject to a Site Plan Amendment application to re-develop the parking area and adjust the property boundaries to those approved by the City’s Committee of Adjustment.

3.0 Supporting Studies

1. An Architectural Set containing the Site Plan & CAD file to City projection standards, and Building Elevations prepared by Chapman Murray, dated March 11, 2024;
2. Engineering set containing the Existing Conditions and Removals Plan, General Servicing Plan, General Grading Plan, Erosion and Sediment Control Plan, Functional Servicing Brief, and Stormwater Management Report prepared by UEM revised February 9, 2024;
3. Photometric Plan prepared by Hallex Engineering dated August 5, 2021 and revised February 20, 2024
4. Signed Draft Plan of Condominium & CAD files to City projection standards prepared by JD Barnes dated November 28, 2023
5. Survey Plan prepared by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Limited and dated March 6, 2019
6. Land Registry PIN sheet prepared by Sullivan Mahoney
7. Tree Inventory & Preservation Plan and Arborist Report prepared by Davey Research Group (DRG) and dated November 29, 2023
8. Landscape Plan prepared by James McWilliam, dated August 2021, and revised February 12, 2024.

3.1 Stormwater Management Report

A Stormwater Management Report has been prepared by Urban & Environmental Management Inc. (UEM), dated February 2024. The following is noted in regard to the townhouse portion of the development:

- The development will utilize a new storm sewer outlet which will extend west towards the entrance to the private roadway.
- Major storm event runoff will be directed to Dixon and Dunn Streets
- Separate stormwater management facilities are proposed between the townhome and office building portions of the site, with oversized storm sewer pipes being utilized for stormwater storage.
- Flow control will be controlled at the STMH3 manhole location and provided using a 210mm orifice plate with a 450mm outlet pipe. This will ensure that the 5-year post-development flow is maintained at 89 L/s.
- The site entrance off of Dunn Street will provide an overland flow route for major storm event runoff.

3.2 Functional Servicing Brief

A Functional Servicing Brief (FSB) was prepared by Urban & Environmental Management Inc. (UEM), dated February 2024. The following is noted regarding the townhouse portion of the development:

The proposed development at 5881 Dunn Street in Niagara Falls includes extending the 450mm diameter storm sewer along Dunn Street approximately 33 metres west of the existing 675mm diameter storm sewer, which will provide a storm outlet for the Townhouse development. Separate SWM facilities will be used between the Townhome and Office Building sites to ensure both quality and quantity control. Quantity control will be achieved by means of oversized pipes and an orifice plate in a flow control structure, while quality control will involve the installation of Oil Grit Separators.

Infrastructure extensions include a 200mm diameter sanitary sewer and a 250mm diameter water main along the private roadway for the townhouse development, which will connect to existing municipal services on Dunn Street. Fire protection measures include two (2) private hydrants within the townhouse blocks. Water meters are to be installed in each individual unit rather than in a joint meter chamber.

Timing for the construction of the eight (8) proposed units fronting Dixon Street should be coordinated to take place after the City's road reconstruction project in order to utilize the new municipal services. Sanitary and storm sewer capacity will be sufficient once road and underground infrastructure improvements have been completed on Dixon Street, or if connection to the existing underground infrastructure on Dixon Avenue is agreed on by the City.

3.3 Arborist Report & Tree Protection Plan

An Arborist Report was prepared by Davey Resource Group (DRG), dated November 29, 2023. The following is noted regarding the townhouse portion of the development:

- **Tree Assessment:**
 - A total of 45 trees were evaluated for protection, injury, or removal
 - Recommended preservation of 18 trees during construction

- **Preservation Guidelines:**
 - No digging or material storage shall be permitted within the Tree Protection Zones (TPZs) of preserved trees
 - Tree Preservation Fencing (TPF) is recommended according to the Tree Protection Plan

- **Excavation and Critical Root Zones:**
 - Excavation of 3 trees (#29, 32, 34) is planned within their Tree Protection Zones (TPZs)
 - Work is planned in the critical root zones for 25 trees (#1-10, #12-19, #21-24, and #26-28). Removal of these trees is recommended

- **Ownership and Consent:**
 - Trees #12 (city owned) #19, 24 and #26-28 are owned by a third party, a Consent to Remove letter is required (provided by arborist)

- **Replacement Trees:**
 - Tree Protection Plan (TPP) suggests 25 replacement tree locations, the Landscape Plan already proposed in excess of 25 replacement trees

4.0 Planning Policies

The *Planning Act* requires development to be consistent with the Provincial Policy Statement (“PPS”) and to conform to Provincial and Regional Plans. The PPS sets the policy foundation for regulating land use in Ontario. The lands are within a Settlement Area in the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) and the Built-Up Area of the Niagara Official Plan (2022) (“NOP”). Provincial and Regional policy require that developments make efficient use of land and services and support opportunities for long-term economic prosperity. The proposed townhouse development is permitted by the City of Niagara Falls Official Plan (“City’s OP”) and Zoning By-law and through previous applications has been found to be consistent with the PPS and conforms to Provincial and Regional Plans. The use of the land for 30 townhouse units has been established. The proposed development provides residential intensification in the urban area that will make better use of existing municipal infrastructure, and will support the City in achieving its intensification target (50%) as set out in the NOP.

The Subject Lands are within the Built-up Area according to Schedule A2 – Urban Structure Plan of the City’s OP and are located along the Dunn Street Intensification Corridor. The lands are designated ‘Residential’ according to Schedule A of the City’s OP. The easterly portion of the lands (not subject to this Draft Plan of Condominium application) are within Special Policy Area “80”, The proposed townhouse condominium development complies with the Residential policies of the City’s OP, including the policies for development in Intensification Corridors. The approved site-specific zoning implements the policies of the Official Plan policies.

The following sections of this brief evaluate applicable land division policies.

4.1 Planning Act Section 51(24) Requirements

In considering applications for Draft Plan of Condominium, the City must have regard for the criteria outlined in Section 51(24) of the *Planning Act*. The Table below offers an analysis of the proposed application with respect to Section 51(24) criteria.

Table 1– Section 51(24) Criteria Assessment

CRITERIA	PROPOSED DEVELOPMENT
<i>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</i>	The proposed development conforms to Section 2 of the <i>Planning Act</i> by providing new housing and contributing to building a complete community in an appropriate location for residential growth and development as defined in Provincial, Regional, and City policy documents.
<i>(b) whether the proposed subdivision is premature or in the public interest;</i>	The Subject Lands are designated “Built-up Area” under the NOP and “Residential” under the City’s OP. The proposal incorporates the use of existing municipal services and public transit network, with supporting studies confirming that available services can accommodate the proposed development. Approval of the Application would not impact the developability of lands in proximity of the

CRITERIA	PROPOSED DEVELOPMENT
	Subject Lands; it is not premature and is considered to be in the public interest.
<i>(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;</i>	The proposal conforms to the NOP and City's OP, and there are no adjacent plans of subdivision.
<i>(d) the suitability of the land for the purposes for which it is to be subdivided;</i>	The proposed development is located on existing serviced lands within the Built-up Area, fronts onto the Dunn Street Intensification Corridor and will help meet the City's intensification targets and diversify the housing mix by making better use of an underutilized property. The lands have been re-zoned for the proposed development and are suitable for the use. There are no other known constraints on the lands.
<i>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</i>	No affordable housing units are proposed.
<i>(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;</i>	The Subject Lands have frontage on two municipal roads which are adequate to accommodate the proposed development. A 0.81 m road allowance widening along the Dunn Street frontage will be dedicated to the City.
<i>(f) the dimensions and shapes of the proposed lots;</i>	The dimensions and shapes of the proposed Condominium Units are appropriate to fit the proposed buildings and conform to the City's Zoning By-law.
<i>(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;</i>	There are no restrictions on the Subject Lands.
<i>(h) conservation of natural resources and flood control;</i>	There are no existing natural resources on the site or flood control issues related to the proposed development.
<i>(i) the adequacy of utilities and municipal services;</i>	The proposed development is located within the Built-up Area with available municipal services and infrastructure. The Functional Servicing Report and Stormwater Management Report support the proposed development, subject to conditions.
<i>(j) the adequacy of school sites;</i>	Adequate school sites are available in the City of Niagara Falls in the vicinity of the lands.
<i>(k) the area of land, if any, within the proposed subdivision that, exclusive of</i>	No other lands other than the road widening are to be conveyed for public purposes.

CRITERIA	PROPOSED DEVELOPMENT
highways, is 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 proposed development incorporates the use of existing municipal services and infrastructure through making efficient use of an under-utilized parcel. The development also fronts onto an existing public transit network and dedicated bike route on Dunn Street.
(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 or subsection 114 (2) of the City of Toronto Act, 2006.	The lands will not be subject to Site Plan Control. A Site Plan Agreement exists for the current office building development, which will be amended prior to registration of the Condominium Plan.

Based on the foregoing, the proposed Draft Plan of Vacant Land Condominium conforms with the criteria outlined in Section 51(24) of the Ontario *Planning Act*.

4.2 City of Niagara Falls Official Plan

The following sections discuss policies of the City’s Official Plan which have not already been reviewed as part of the previous Official Plan and Zoning By-law Amendment decisions of Council.

4.2.1 Housing

Part 1, Section 4, of the City’s Official Plan include the vision, goals and policies regarding the provision of housing. The preamble of this section provide that a range of housing options are needed to ensure a high quality of life for resident, across the full spectrum of housing types. The following goals and policies are applicable to this application:

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.*

POLICY

- 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:*
 - *Promote a greater diversity of housing types*
 - *Ensure a healthy supply of rental units*

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.

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

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:

- 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 (moderate-income households).
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th 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.

ANALYSIS

The proposal will not contain units meeting the definition of “affordable”, however will diversify housing options in the City in terms of type and tenure, as noted below.

The subject condominium application will permit the individual sale of the proposed residential townhouse units. Owners may occupy a unit themselves, rent a unit in its entirety (e.g., to larger families, multiple families, multi-generational families), or rent individual bedrooms within the unit to multiple tenants. The subject application creates individual units for sale, increasing the options of tenure (rental or ownership) for the development.

In 2021, there were identified a total of 37,765 occupied private dwellings in the City of Niagara Falls¹. Of these dwellings, 24,990 of them were identified as single-detached houses representing a total of 66% of dwellings. The proposed development represents a dwelling type which does not represent the majority and will therefore further diversify the housing options in the city.

The proposed townhouse units are permitted by the City’s Official Plan and Zoning By-law.

¹ <https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&SearchText=niagara%20falls&DGUIDlist=2021A00053526043&GENDERlist=1,2,3&STATISTIClist=1&HEADERlist=0>

4.2.2 Housing Impact Statement

Part 1, Section 4, Policy 4.4 requires the submission of a housing impact statement to be included with an application for Draft Plan of Condominium, demonstrating how the proposal implements the City’s Housing Strategy.

The following is an analysis of the information required to be submitted with the housing impact statement:

POLICY & ANALYSIS

Table 2 – Housing Impact Statement Policies

Section	Policy	Analysis
4.4 a)	<i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i>	There are thirty (30) townhouse units proposed on the Subject Lands. The number of bedrooms can vary in the future, depending on the choice of future owners. For Blocks A and B, up to fourteen (14) bedrooms in each can be accommodated; for Blocks C and D, up to twenty (20) bedrooms in each can be accommodated.
4.4 b)	<i>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);</i>	The proposal does not contribute to the annual housing targets outlined in Part 1, Section 4, Policy 4.8 a) as the units are not expected to meet the definition of affordable. However, the proposal will contribute to the overall housing stock in the City, including providing different options for type and tenure.
4.4 c)	<i>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;</i>	The anticipated sale price for title transfer is projected to be approximately \$2.5 million which is above the threshold for affordable.
4.4 d)	<i>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;</i>	As a Vacant Land Condominium, townhouse blocks may be built over time. It is expected that the first block to be constructed will be wither Block A (closest to Dixon) or Block D (closest to Dunn).
4.4 e)	<i>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.</i>	There are no affordable housing units proposed.

As discussed previously, the proposal increases the dwelling types available in the City, which implements Section 4.2 of the City’s Housing Strategy (Promote a Greater Diversity of Dwelling Types) and Actions #3 and #4 of the Strategy, being to “support and permit higher-density types of housing” and to “support and permit alternate forms of housing”. Also as discussed previously,

the proposed development is permitted by the Official Plan and Zoning By-law; the subject applications are to create a condominium tenure for the townhouse dwellings.

4.2.3 Subdivision Control

Part 4, Section 7, Policy 7.3 contains criteria for reviewing Plans of Subdivision (or Condominium). The City’s OP contains policies for Subdivision Control, which are also applicable to a Plan of Condominium. following is an analysis of this policy:

POLICY & ANALYSIS

Table 3 – Subdivision Conformity

Section	Policy	Analysis
7.3.1	<i>No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.</i>	The development is consistent and/or conforms with the Planning Act, PPS, Growth Plan, NOP, the City’s OP and the Zoning By-law.
7.3.2	<i>Access to Provincial Highways, Regional roads and the Niagara River Parkway must conform with access requirements of the Provincial Ministry of Transportation, the Regional Municipality of Niagara and Niagara Parks Commission.</i>	The lands have access to two local roads.
7.3.3	<i>Any lot created shall have direct frontage on a public road of an acceptable standard of construction.</i>	The condominium units have frontage on a private road. The lands as a whole have direct frontage to Dunn Street and Dixon Street.
7.3.4	<i>Development shall not create a traffic hazard.</i>	The development is not expected to create a traffic hazard.
7.3.5	<i>The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.</i>	A Functional Servicing Report has been provided in support of the proposed development.
7.3.6	<i>Development shall be prohibited in significant wetlands and habitat of endangered or threatened species and discouraged in woodlots; and other natural resource areas. Development within or adjacent to a natural heritage resource area or other natural area may be restricted and will be subject to the policies of Part 2, Section 11. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the</i>	Not applicable.

	<i>dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.</i>	
7.3.7	<i>Extensions to linear or ribbon development along roadways are to be discouraged except within the Parkway Residential Area.</i>	Not applicable.
7.3.8	<i>Development will be discouraged where a division of land would interfere with land assembly for the purpose of planned development.</i>	The land division would facilitate the planned development.
7.3.9	<i>Development will be discouraged when it does not comply with the staging policies of this Plan.</i>	The development does not conflict with any staging policies of the Plan.

5.0 Zoning By-law Review

The Subject Lands were rezoned to a site specific Residential Low Density, Grouped Multiple Dwellings (R4-1166) Zone in 2022 (AM-2021-024) to permit the development of 8 on-street and 22 block townhouse dwellings. It is noted Site Plan Control is not required for the proposed Vacant Land Condominium on Part 1 and all technical matters will be addressed through the Vacant Land Condominium process.

Table 4 – Zoning Compliance – Grouped Multiple Dwellings (R4-1166) Zone (Part 1)

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Permitted Uses	The uses permitted in the R4 Zone and permitted uses of By-law No. 2022-064	Townhouse Dwelling	Yes
		On-street townhouse dwelling	Yes
Min. Lot Area for a Townhouse Dwelling	250 square metres for each dwelling unit 30 units x 250sq. m = 7,500 square metres	496 square metres for each dwelling unit 496 sq. m. x 30 units = 14,852 sq. m.	Yes
Min. Lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing more than four (4) dwelling units	30 metres	52.47 metres (Dunn Street) 149.60 metres (Dixon Street)	Yes
Min. Lot frontage for a townhouse dwelling or an apartment dwelling or a stacked	24 metres	N/A	N/A

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
townhouse dwelling containing four (4) dwelling units or less on an interior lot			
Min. Lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres	N/A	N/A
Min. Front yard depth for a townhouse dwelling (By-law No. 2022-064)	5.5 metres from Dixon Street + 10 metres from the original centreline of Dunn Street	5.5 metres from Dixon Street + 10 metres from Dunn Street	Yes
Minimum interior side yard width (By-law No. 2022-064)	Between points A and B and D and E: 4.8 metres Between points B and C, C and D, E and F and G and H: One half the height of the building (5 metres)	Between A and B: 4.8 metres	Yes
		Between D and E: 4.8 metres	Yes
		Between B and C: 8.8 metres Block A	Yes
		Between C and D: 8.8 metres to Block B	Yes
		Between E and F: 22.61 metres	Yes
		Between F and G: 10 metres to Block D	Yes
		Between G and H: 8.8 metres	Yes
Max Lot Coverage (By-law No. 2022-064)	45%	43%	Yes
2 (f) Maximum height of building or structure	10 m	10m	Yes
Number of dwellings on one lot	[subject to compliance with section 7.9.3] More than one dwelling is permitted on one lot	30 dwellings proposed	Yes
Parking and access requirements	In accordance with section 4.19.1	96 regular parking spaces and 2 barrier free spaces	Yes

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
	<p>1.4 parking spaces for each dwelling unit</p> <p>1.4 parking spaces x 30 townhouses = 42 spaces</p> <p>Barrier Free Parking: 4% of required parking = 2 spaces Total Parking Required = 44 parking spaces</p>	Total: 98 Parking spaces	
Minimum parking stall width	2.75 metres	2.75 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	6.3 metres	6.9 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None noted	Yes
Maximum deck projection (By-law No. 2022-064)	Into a required interior side yard: 3.5 metres	3.5 metres	Yes
	Into a required privacy yard: 4 metres	4 metres	Yes
Maximum projection of architectural features (By-law No. 2022-064)	2.5 metres into a required front yard	2.5 metres	Yes
Minimum Landscaped Open Space Area	45 square metres for each dwelling unit	457 square metres per unit x 30 units = 36% of Part 1	Yes
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 metres	8.8 metres	Yes
Minimum Fencing (By-law No. 2022-064)	A closed-board type fence with a minimum height of 1.8 metres shall be erected and maintained adjacent along the interior lot lines	1.8 metre fence provided around interior lot lines	Yes
Section 4.19.3 (c) Within the R4 zone no person shall use any portion of the front yard of any lot	If only a landscaped open space is provided such landscaped open space strip shall have a min. width of 3 metres, unless a	4.70 metres adjacent to Dunn Street lot line	Yes

PROVISION	REQUIRED	PROPOSED	COMPLIANCE
for the parking or storing of any motor vehicle unless either a landscape open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street	decorative wall or decorative fence is provided in which case the landscaped open strip shall be a min. width of 1.5 metres		
	The height of a decorative wall or fence shall be a minimum of 1 metre above the average level of the parking area in the front yard	Decorative wall/fence not proposed in front yard	N/A
	Any such decorative wall or fence shall be located a min. 1 metre inside the abutting street line	Decorative wall/fence not proposed in front yard	N/A

6.0 Summary and Conclusion

The proposed Application for Vacant Land Condominium is supported as it facilitates the development of the approved site-specific zoning for the lands of thirty (30) townhouse dwellings. The proposal supports the creation of a variety of built forms and tenure, through re-development and intensification. The Vacant Land Condominium will support the efficient use of existing infrastructure through increases to density and shared site services. It is our opinion that development represents good land use planning, is in the public interest and should be approved for the following reasons:

1. The proposed Vacant Land Condominium complies with all of the requirements provided under Section 51(24) of the *Planning Act*,
2. The proposed Application is consistent with the PPS, and conforms with the Growth Plan, Niagara Region Official Plan, and City of Niagara Falls Official Plan; and,
3. The proposal conforms with the City’s Zoning By-law.

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7.0 Appendices

Appendix 1 – Consent Sketch

