



March 21, 2024

Alexa Cooper, MCIP, RPP  
Planner 2, Planning, Building and Development  
City of Niagara Falls  
4310 Queen Street  
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**RE: 3897 Welland Street – Addendum to the Planning Justification Report and the Revised Zoning By-Law Amendment Application | Niagara Falls File No. AM-2021-026**

Dear Alexa,

We are pleased to submit this Addendum to the Planning Justification Report (PJR) prepared by NPG Planning Solutions, dated November 2021 and the enclosed revised Zoning By-law Amendment (“ZBA”) application form associated with the property municipally known as 3897 Welland Street (“Subject Lands”). Official Plan Amendment (“OPA”) and ZBA applications (AM-2021-026) were previously proposed for a stacked townhouse building with 8 units. Following the February 7, 2021, Open House meeting for the proposal, and the receipt of public comments, the Owners have revised the proposal to an on-street townhouse dwelling with 5 units.

The OPA was previously required for the 8-unit stacked townhouse building, due to density. This will no longer be required as the density of the revised proposal is 38.4 units per hectare (uph) which conforms with the City of Niagara Falls Official Plan (“City’s OP”).

The ZBA application previously requested a site-specific R4 Zone with special provisions for minimum lot area per unit, minimum lot frontage, minimum front yard depth, minimum exterior side yard width, projection of covered porches into exterior side yards, minimum privacy yard depth, and minimum number of parking spaces. However, due to the change in building type and reduction of units, the ZBA application is proposed to be revised to request a site-specific R3 Zone, with special provisions for minimum rear yard depth for each unit (i.e., setback from north property line).

As part of our submission, please find enclosed the following:

- A redlined version of the signed Zoning By-law Amendment Application;
- A Conceptual Site Plan and elevations prepared by Quartek Group Inc.;
- A Functional Servicing Report prepared by Quartek Group Inc., dated Jan 2, 2024.

- A draft Zoning By-law (Appendix A to this letter)

**Functional Servicing Report**

The updated Functional Servicing Report (“FSR”) completed by Quartek Group Inc. provides two servicing scenarios. SS-1 servicing scenario assumes the townhouses will be developed as one block (i.e. condominium or rental). SS-2 shows the extension of the municipal watermain on Oliver and individual 25mm diameter copper services in the right-of-way. The SS-2 servicing scenario contemplates each individual townhouse unit on a freehold lot with individual services. Please refer to the FSR submitted with this letter for further details regarding servicing.

**Summary of Site Design Changes**

As a result of feedback heard at the Open House and through public comments, the building type has been changed to a typical on-street townhouse dwelling from the stacked townhouse form. The total unit count has been decreased from 8 units to 5 units. As a result of this change, the surface parking area on the west side of the property is no longer needed as parking spaces can be accommodated in individual driveways along Oliver Street.

The building has also been shifted west, with a resulting increase to the yard setback from the Welland Street property line. This yard is proposed to be 6 metres deep and will serve as an exterior side yard for the end unit of the townhouse block. The previous design had a 4 metre setback from this property line. The increase results in a yard setback that is more consistent with the current front yard setbacks of buildings along Welland Street.

**Proposed Zoning By-law Amendment**

The subject property is presently zoned Residential 2 (R2) in accordance with Zoning By-law No. 79-200. As the proposed development is an on street townhouse dwelling, rezoning the Subject Lands to a Residential Mixed Zone (R3 Zone) is needed. The table below provides a detailed comparison of the proposed development with the R3 regulations and other relevant provisions under the City’s Zoning By-law. Please refer to Appendix A for the proposed draft Zoning By-law Amendment.

Regulations	R3 Requirement	Proposed Concept	Compliance
<b>7.8.1</b> Permitted Uses	List of uses permitted under 7.8.1	On street townhouse dwelling	Yes
<b>7.8.2 (a) (iii)</b> Minimum lot area	160 sqm for each dwelling unit	255.6 sqm for each dwelling unit	Yes
<b>7.8.2 (b) (iv)</b> Minimum lot frontage	6 metres for each dwelling unit	Min. 9.96 m (Oliver Street lot line)	Yes
<b>7.8.2 (c) (i)</b> Minimum front yard depth	3 metres	6 metres	Yes
<b>7.8.2 (d)</b>	7.5 metres	5 metres (north property line)	No

Regulations	R3 Requirement	Proposed Concept	Compliance
Minimum rear yard depth			
<b>7.8.2 (e)</b> Minimum interior side yard width	1.2 metres	1.8 metres (west property line)	Yes
<b>7.8.2 (f)(i)</b> Minimum exterior side yard width	3 metres	6 metres	Yes
<b>7.8.2 (g)</b> Maximum lot coverage	55%	43.1%	Yes
<b>7.8.2 (h)</b> Maximum height of building or structure	10 metres	< 10 metres	Yes
<b>7.8.2 (j)</b> Maximum number of dwellings on one lot	1 only	1	Yes
<b>7.8.2 (m)</b> Minimum landscaped open space	25% lot area	Min. 40.2%	Yes
<b>4.19.1</b> Parking and access requirements	5 units x 1 parking space per dwelling unit = 5 parking spaces	10 spaces	Yes
<b>4.19.3 (a) (ii)</b> Maximum width of driveway or parking area in the front yard of a lot	60% of the lot frontage for an on street townhouse dwelling	55.2%	Yes
<b>Front Lot Line</b>	Shorter lot line: Welland Street	Oliver Street	No

### Minimum rear yard depth

The R3 zone requires a minimum 7.5-metre rear yard setback. The draft Zoning By-law proposes to amend the minimum rear yard setback requirement to be 5 metres (for the north property line). As the lot is slightly irregular in shape and the building is placed parallel with the Oliver Street lot line, the rear yard setback varies from 5 metres (at the west) to approximately 5.6 metres (at the east). The proposed reduction is not anticipated to cause any negative impacts to the adjacent lands and will not cause any adverse shadowing impacts on the neighbouring property. The proposed setback is suitable to provide an adequate rear yard for each dwelling unit.

### Front Lot Line

Since the townhouse units face Oliver Street and their main access is from Oliver Street, Oliver Street is proposed to be designated as the front lot line.

#### **Section 4 of the Niagara Falls Official Plan (“City’s OP)**

Section 4 of the City’s OP provides policy framework and guidance for planning and supporting housing affordability. The subject ZBA application is not subject to the following policies since the application was filed prior to OPA 149 coming into effect. However, the following is provided for Staff and Council information purposes. Specifically, section 4.3 states the following:

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

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

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

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

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

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

*4.8 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*

*4.8 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.*

The current site features a 1.5-storey detached dwelling. The proposed development seeks to replace it with five units, utilizing an underutilized parcel of land and creating small lot sizes. This housing typology addition also contributes to the housing stock in the

City and diversifies the neighborhood's housing options, which is primarily composed of single detached housing.

This proposal is well-suited for this area because it enhances residential use near a variety of retail, institutional, and commercial establishments, as well as parks and recreational areas like Chippawa Lions Park, Chippawa Boat Ramp & Naisbitt Parkette, and the Niagara River. This will encourage more residents to use alternative modes of transportation such as walking, cycling, and transit, improving access to public services, open spaces, and parks, and fostering a more walkable community.

### **Housing Impact Statement**

The proposed development consists of 5 townhouse units, which will contribute to the City's housing stock by adding diversity to the available dwelling types and bedroom configurations. This addition of a new housing typology will help address the City's annual housing targets, particularly outlined in Part 1, Section 4, Policy 4.8 a) and b), by increasing the overall housing supply and promoting affordability.

The proposal creates 5 units in place of one, which represents an efficient use of land and resources. While the exact pricing and tenure of the units are currently unknown, the increased housing density is expected to contribute positively to the City's housing goals. It is possible that the townhouse units could be in the affordable range if rented or sold. Furthermore, the proposal does not result in the loss of any rental housing units. This ensures that existing rental housing options are maintained, contributing to the overall stability of the housing market in the area.

### **Conclusion**

It is our opinion that the proposed Zoning B-law Amendment represents good land use planning, and are in the public interest and should be approved for the following reasons:

- The proposal addresses the matters of provincial interest outlined in the Planning Act;
- The proposed development is consistent with the Provincial Planning Policy Statement (2020), and is in conformance with the Growth Plan, Niagara Region Official Plan, and the City of Niagara Falls Official Plan;
- The proposed residential use is compatible with the adjacent land uses. The proposed development will provide an opportunity for residential intensification in the Built-up Area and will make efficient use of the existing services and infrastructure;
- The proposed development increases the housing supply and diversifies the existing housing stock of the immediate area and the City;

- The revised proposal conforms to the City OP's density policies.

We trust the above is satisfactory, should you require anything further or have any questions please do not hesitate to contact the undersigned.

Yours Truly,



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**Aaron Butler, , MCIP, RPP**  
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Appendix A- Draft Zoning By-law

**CITY OF NIAGARA FALLS**

**By-law No. 2024-XX**

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO SITE SPECIFIC RESIDENTIAL MIXED ZONE (R3-XX) (AM-2021-XX).

**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 Lands shall be identified as one parcel, known as Parcel R3-XX.
- 3 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.
- 4 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.
- 5 The permitted uses shall be the uses permitted in a R3 Zone.
- 6 The regulations governing the permitted use of the Lands shall be:
  - (a) Minimum rear yard depth 5 metres
  - (b) For the purposes of this by-law, Oliver Street shall be deemed to be the front lot line
  - (c) The balance of regulations specified for R3 use
- 7 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.

- 8 No person shall use the Lands for a use that is not a permitted use.
- 9 No person shall use the Lands in a manner that is contrary to the regulations.
- 10 The provisions of this By-law shall be shown on Sheet E6 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from R2 to R3 and numbered XX.

**Read a first, second and third time; passed, signed and sealed in open Council  
this XXth day of XX, 2024.**



**SCHEDULE 1**

