



## Willoughby Drive Subdivision

Planning Justification Report  
Draft Plan of Subdivision, Official Plan Amendment, Zoning By-law Amendment  
October 15, 2024



Prepared for Lawrence Avenue Group

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# 1.0 Introduction

Fotenn Planning + Design has been retained by Lawrence Avenue Group to prepare this Planning Justification Report (PJR) in support of applications for Draft Plan of Subdivision, Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the property legally described as Parts of Lot 21 and 22, Concession 1, Former Township of Willoughby, Welland County; as well as being Block K (which includes Parts 1-9 on Reference Plan 59R-14226) and Lots 529-539, 546, and 547 on Plan 260.

The purpose of the planning applications is to facilitate the redevelopment of the currently vacant subject property with a residential subdivision. The proposed subdivision, once completed, will contain a range of housing typologies, estimated to accommodate approximately 978 residential units across 21 residential development blocks. A centrally located public parkland space and five new public rights-of-way are also being proposed as part of this development, to be conveyed to the City, complemented by several private open spaces and roadways.

A formal pre-application consultation meeting was conducted with municipal staff on February 3, 2022, during which a preliminary version of the concept plan was presented, and application requirements were identified. As the proposed residential typologies and densities are not permitted within the current zoning and land use designation of the property, it was identified that a combined Official Plan Amendment and Zoning By-law Amendment will be required. A subsequent pre-application meeting was held with municipal staff on June 27, 2024, in anticipation of the formal application submissions.

Accordingly, the following supporting plans, studies, and documentation have been included in this submission package:

- / Completed Application Forms and Fees;
- / Concept Plan;
- / Draft Plan of Subdivision;
- / Phasing Plan;
- / Functional Servicing and Stormwater Management Report;
- / Transportation Impact Study;
- / Natural Heritage Constraints Assessment;
- / Environmental Impact Study;
- / Tree Preservation Plan;
- / Stage 1 and Stage 2 Archaeological Assessment;
- / Shadow Study;
- / Urban Design Brief; and,
- / Planning Justification Report.

The purpose of this Planning Justification Report is to assess the appropriateness of the proposed development and the requested amendments in the context of the surrounding neighbourhood and applicable policy/regulatory framework.

This report is divided into five sections and includes two appendices. Section 1 serves as an introduction to the submitted applications and associated submission package. Section 2 provides an overview site and its surrounding context. Section 3 provides a detailed description of the proposed development, required planning approvals, and supporting studies. Section 4 reviews applicable Provincial, Regional and Municipal policies and analyses the proposed development’s compliance with these policies. Section 5 includes a summary of the report and concluding remarks on the proposed development plan.

## 2.0 Site and Surrounding Context

### 2.1 Site Location

The subject property is situated in the Chippawa Community (a former village) towards the southeast corner of the City of Niagara Falls' urban boundary, within the smaller Cummings neighbourhood. It is located approximately 800 metres from the shorelines of both the Niagara River and Welland River. The subject property is situated within a broader area recognized for its historical significance, notably as the site of the Battle of Chippawa in 1814.

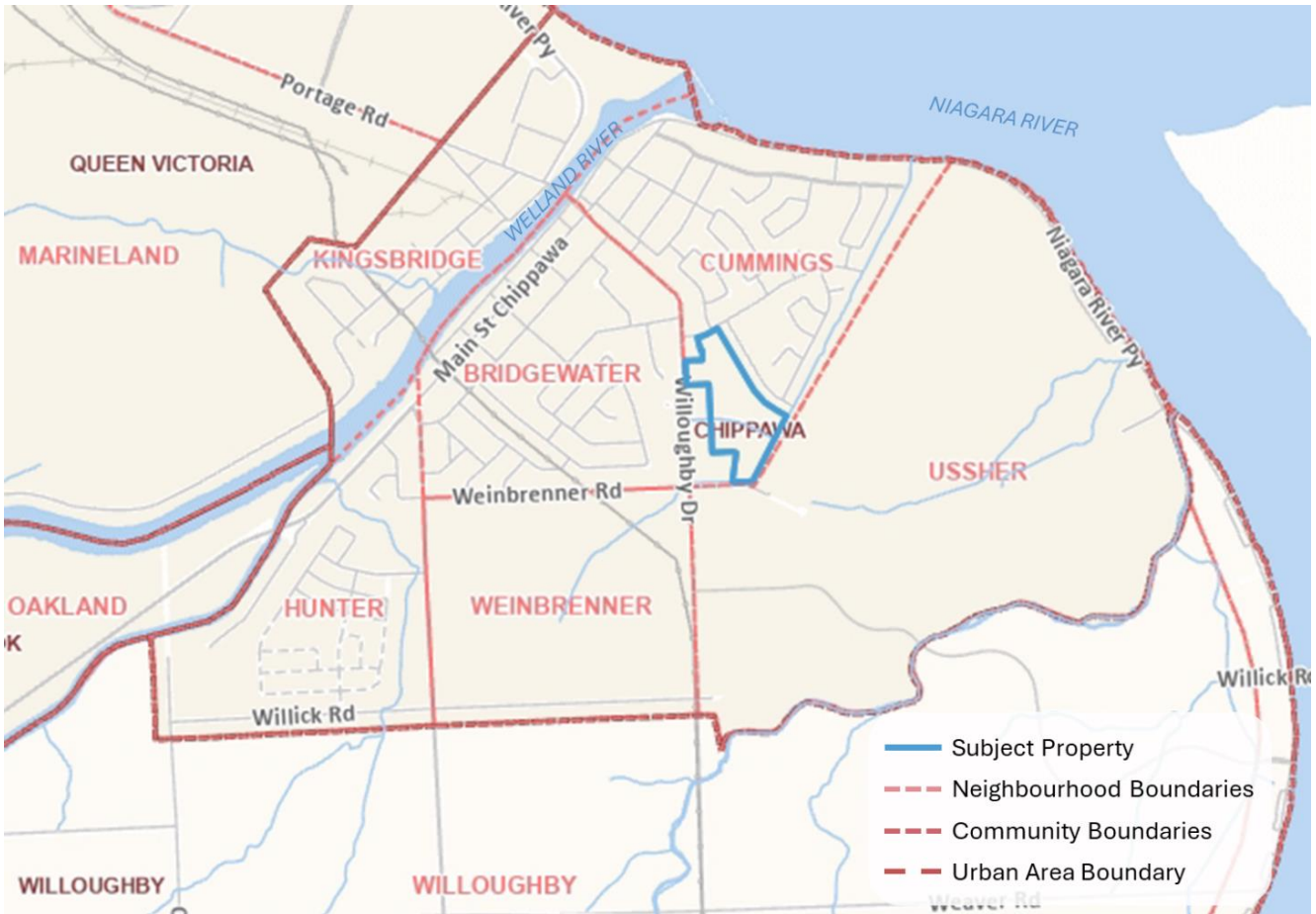


Figure 1: Neighbourhood and Community Context (Source: City of Niagara Falls Interactive Mapping Layer, Annotated by Fotenn)

The subject property is approximately 11 hectares (27 acres) in size and is currently divided into 14 individual lots, which are identified on Plan 260 as Block K, and Lots 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 546 and 547.

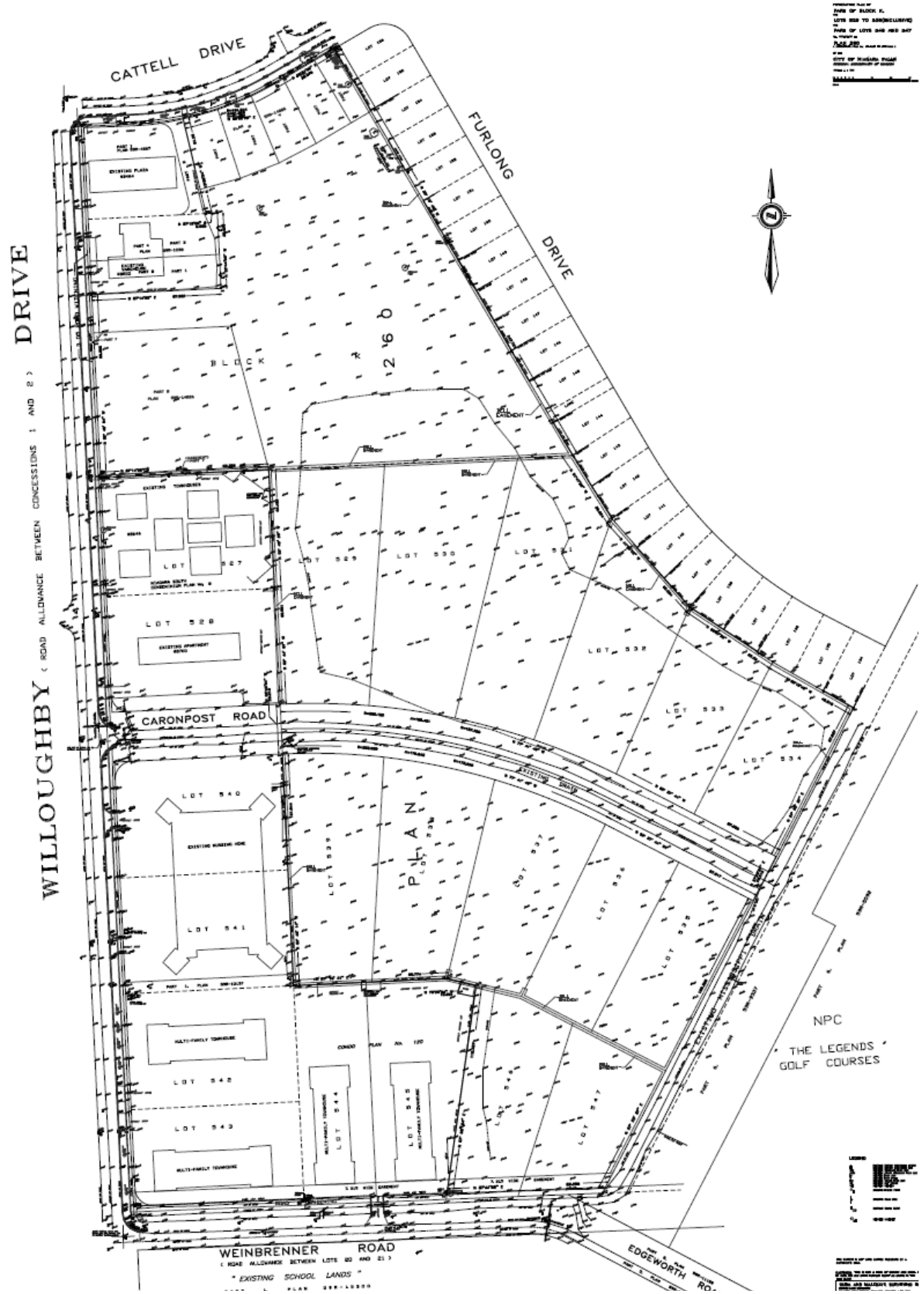


Figure 2: Subject Property, consisting of 14 individual lots, as shown on Plan 260

The largest of the 14 lots forms a broad V-shape and fronts onto Willoughby Drive to the west and Cattell Drive to the north. The property also contains 11 lots which are smaller rectangular parcels along the north and south frontages of Caronpost Road. The remaining two lots are located further south and has frontage onto Weinbrenner Road. Furlong Avenue lies to the east of the subject property, separated by single-detached dwellings fronting this street. The subject property is currently vacant and does not have an assigned municipal address. The proposed development involves the assembling of the lots and subsequent subdivision.

**2.1.1 Road Network**

Willoughby Drive is a north-south city Collector Road connecting the subject property to the City at large. To the north, Willoughby Drive changes to Portage Road past the Wightman Bridge, while to the south it connects to the Queen Elizabeth Highway.

Cattell Drive is a smaller Collector Road bringing local traffic from residential neighbourhoods to the north and east of the subject property to Willoughby Drive. Caronpost Road is a planned municipal Collector Road which is proposed to be urbanized and serviced as part of the proposed subdivision development, as discussed later in this report.

Weinbrenner Road is a local municipal road which truncates at a cul-de-sac just south-east of the subject property.

**2.1.2 Transit Network**

The City of Niagara Falls is connected to the Greater Golden Horseshoe region by the Lakeshore West GO Line, while the VIA Rail further connects the City more broadly to Ontario and Canada. The joint GO and VIA Rail station is located approximately 9 kilometers away from the subject property.

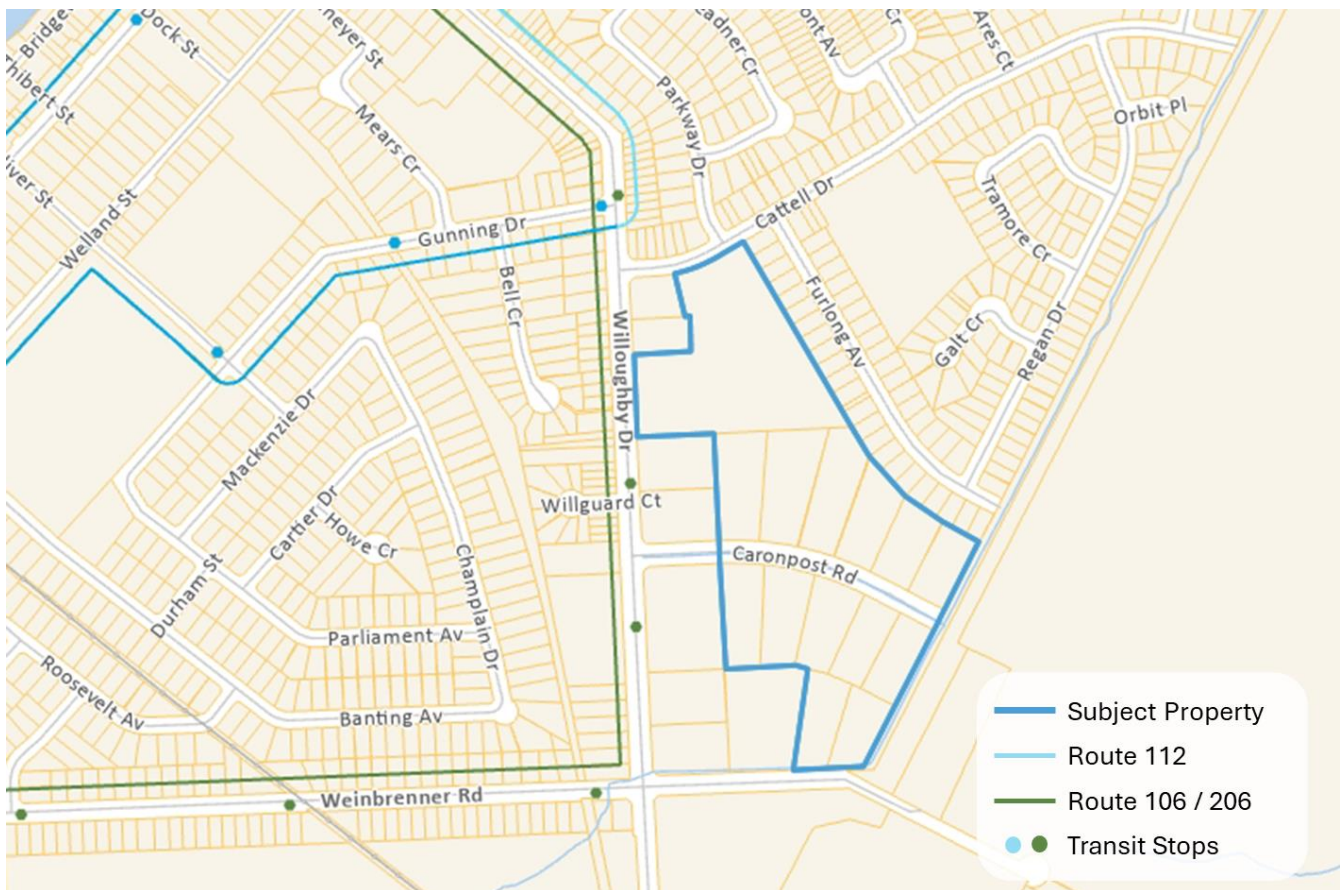


Figure 3: Transit Routes and Stations near the Subject Property (Source: City of Niagara Falls Interactive Mapping Layer, Annotated by Fotenn)

The subject property is served by three main bus routes, including:

- / Route 112 with three stops along Willoughby Drive near the subject site; and,
- / Routes 106 and 206 with a single stop along Willoughby Drive to the north of the subject site.

Each of these transit routes connect the subject property to the City's downtown, and currently operate at a frequency of every 60 minutes.

Recently, transit services offered by the various lower-tier municipalities within the Niagara Region have been unified under a streamlined Niagara Region Transit. Bus routes servicing the subject property have been retained under the new unified system.

### **2.1.3 Cycling Network**

There are currently no formal dedicated cycling lanes adjacent to the subject property. However, pre-consultation comments from municipal staff identify an existing informal bike lane along Willoughby Drive. Paved shoulder lanes along Weinbrenner Road are also used as an informal cycling route. Further east of the subject property, an existing multi-purpose trail runs along the Niagara River Parkway which offers residents and visitors scenic recreational biking opportunities.

### **2.1.4 Natural Features**

The property is within 800 metres of the Niagara River and Welland River waterfronts. The southeastern portion of the subject property abuts a wooded Environmental Conservation Area (ECA) with multiple walking trails. Additionally, there are two stormwater drain channels running along the southern side of the property adjacent to Weinbrenner Road, as well as along the Caronpost Road allowance.

## **2.2 Surrounding Neighborhood Context**

The surrounding neighborhood is predominantly residential in nature with considerable open recreational space, most notably the Legends of the Niagara Golf Course, located to the southeast side of the subject property. The residential neighbourhood is characterized by single-detached dwellings with some low-rise apartment buildings and townhouses in proximity to the property along Willoughby Drive and Weinbrenner Road. Along the eastern side of the property, at the southeast corner of the Willoughby Drive and Caronpost Road intersection, is a three-storey long term care facility with the capacity to accommodate up to 160 long-term care residents.

There are three schools within a 500-metre radius of the subject property, including the River View Public School to the east, Sacred Heart Catholic Elementary School, and the Wali Al Usr Learning Institute to the west. The Chippawa Presbyterian Church, Sacred Heart Roman Catholic Church, Lighthouse Church of God, and Holy Trinity Church are all located within walking or short driving distances away from the property.

To the northwest side of the property is a strip mall with frontage on Cattell Drive, which contains varying retail and commercial uses, including a laundromat, convenience store, jewelry and gift store, a restaurant, and personal service establishments.



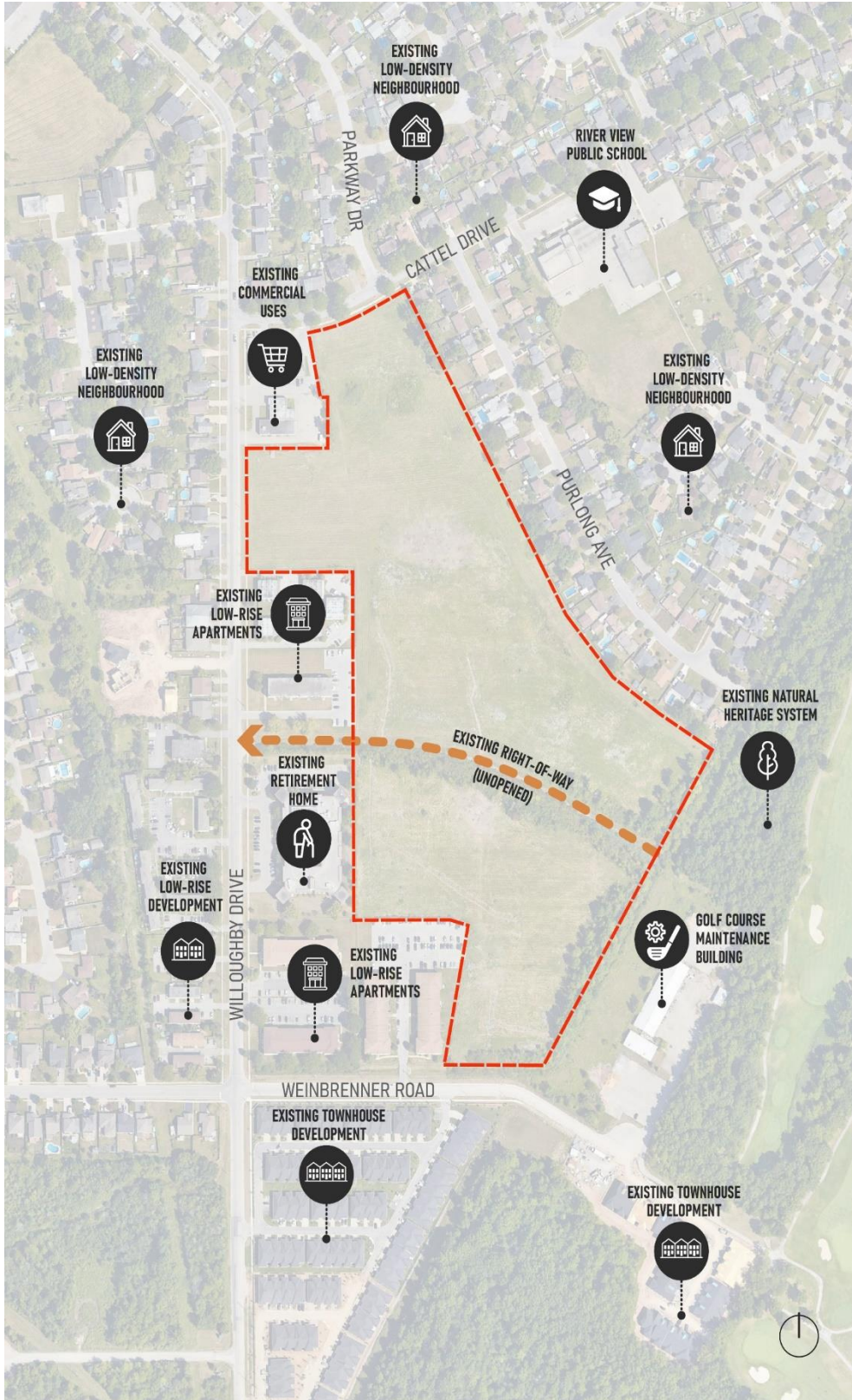


Figure 4: Subject Property and Surrounding Uses (Source: GoogleEarth, Annotated by Fotenn)

# 3.0 Proposed Development

## 3.1 Development Overview

The proposed development includes the consolidation and concurrent subdivision of the overall 11-hectare subject property. A total of 21 residential development blocks are proposed which are intended to be developed across three project phases. Additionally, one block will be conveyed to the City to be maintained as parkland. Four (4) new public rights-of-way (Street A, Street B, Street D, and Street E) as well as an extension of Caronpost Road (Street C) are proposed as part of the development which will also be conveyed to the City.

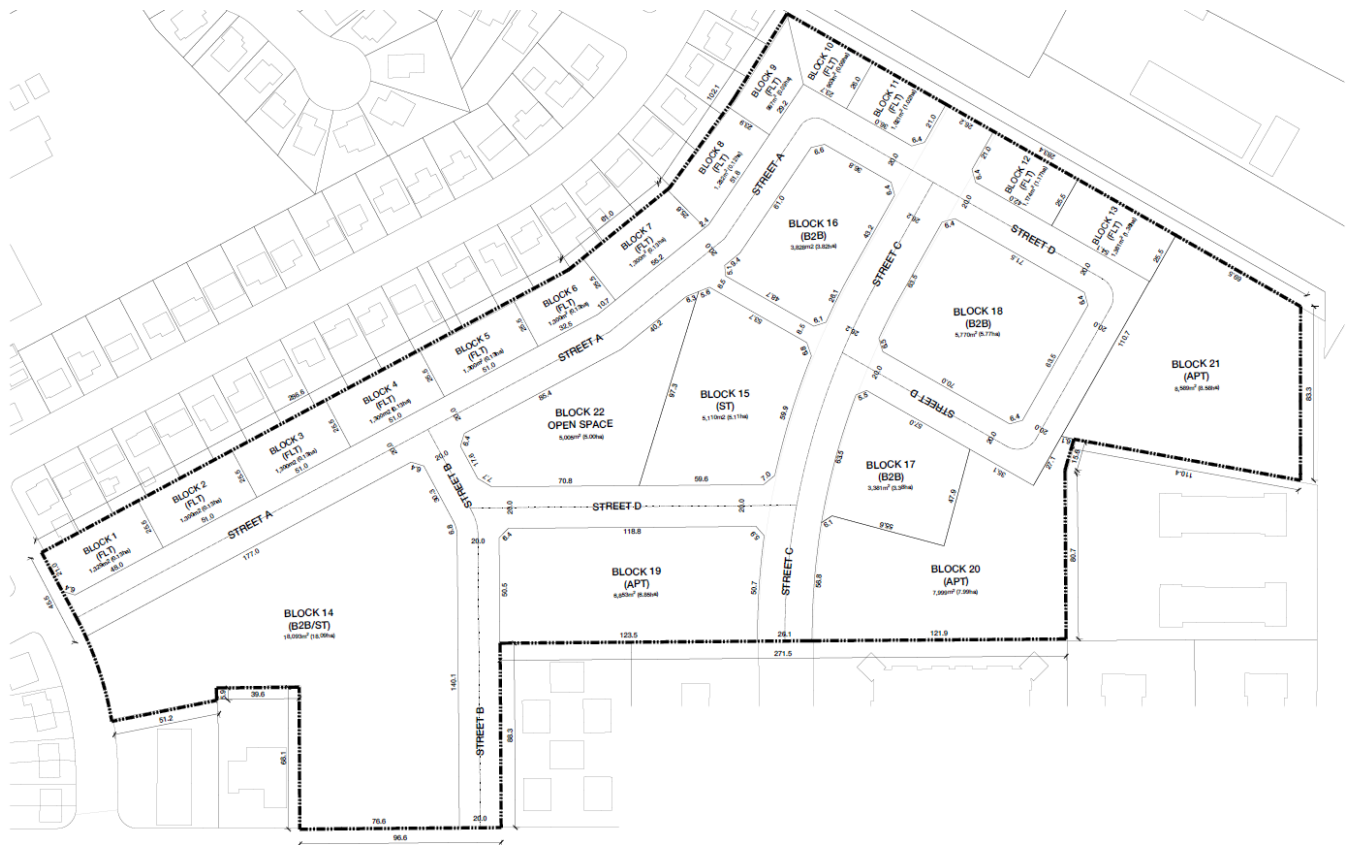


Figure 5: Proposed Draft Plan of Subdivision Indicating the Development Blocks

The development proposes a mix of housing typologies with the aim of gently densifying the neighbourhood and add new housing options to the area. Four housing typologies are proposed across all phases, including front loaded townhouses, stacked townhouses, back-to-back townhouses and apartments. The lower density front loaded townhouses are strategically located adjacent to the existing single-detached dwellings fronting Furlong Avenue. As indicated on the concept plan, the center of the property will contain slightly greater density housing typologies such as back-to-back and stacked townhouses. Three apartment building blocks are proposed to be located along the western and southern sides of the subject property in proximity to the existing multi-unit apartment buildings and long-term care home.

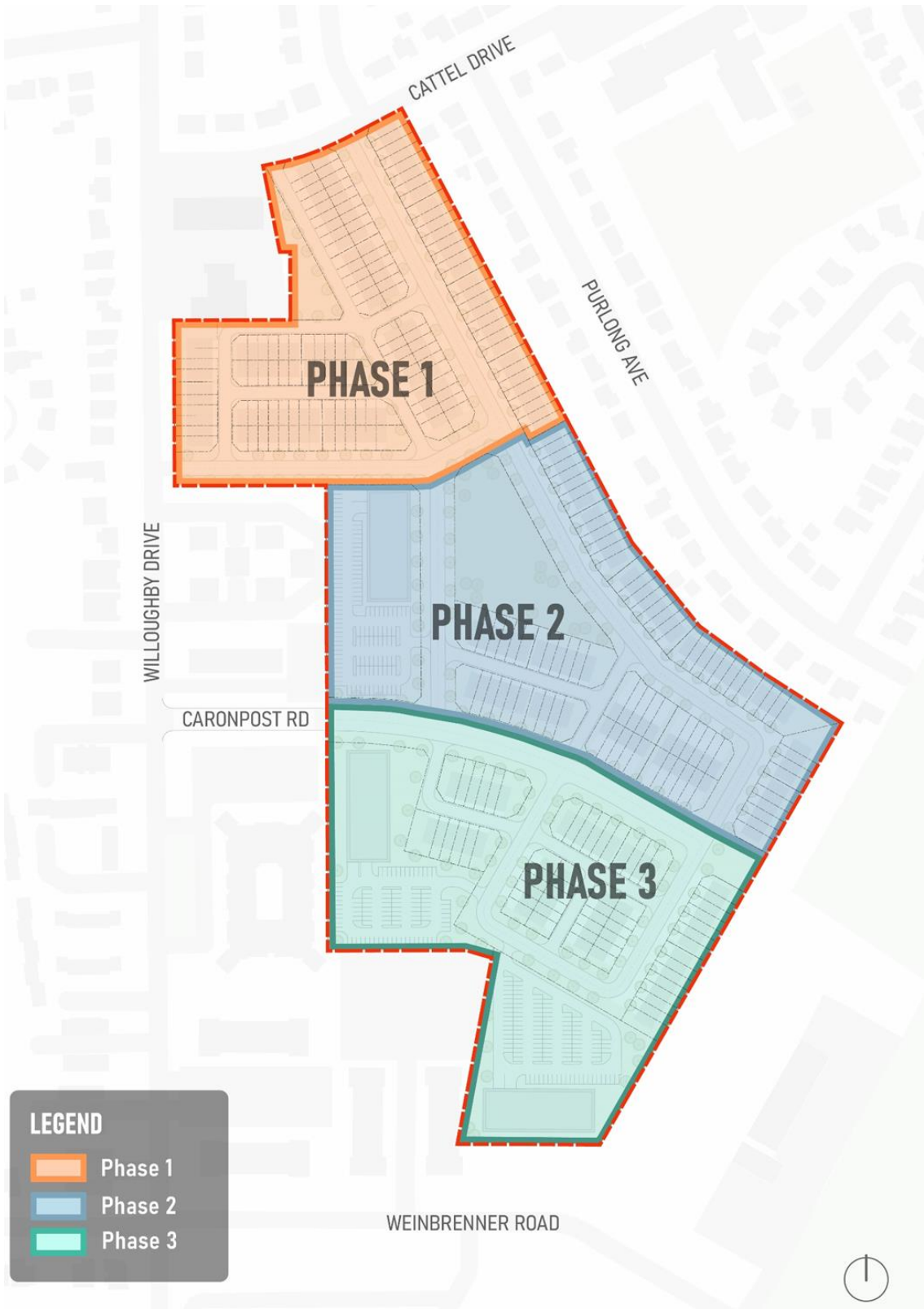


Figure 6: Project Phasing Plan

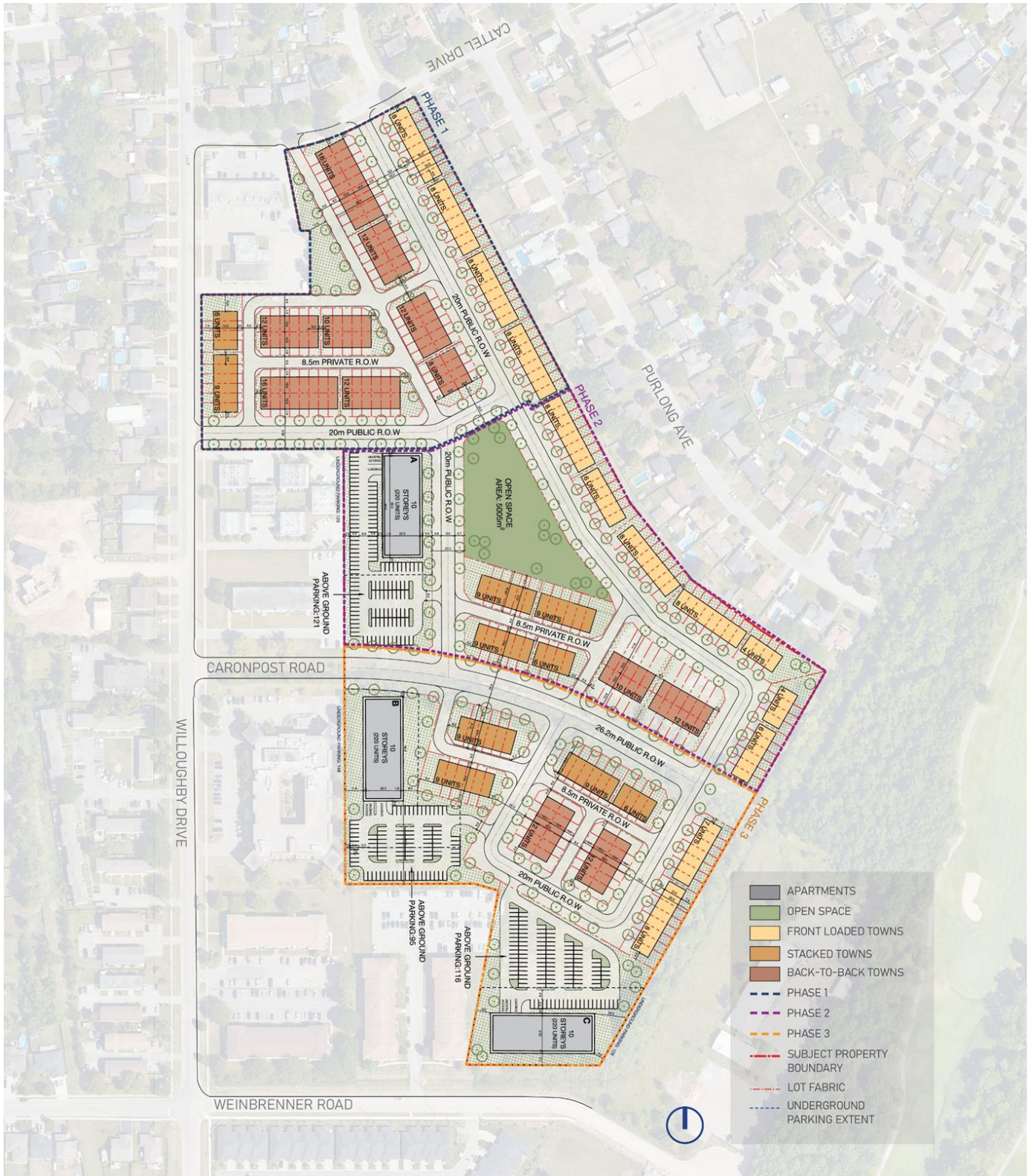


Figure 7: Proposed Concept Plan and Housing Typologies

The following table summarizes the phasing of the project and block breakdown, as well as provides an overview of housing typologies and estimated unit counts within each block.

Table 1: Development Statistics Summary

	Land Use	Block Number	Block Area	Housing Typology (number of buildings)	Estimated Unit Count
<b>Phase 1</b>	Residential	Block 1	1329 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 2	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 3	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 4	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 14	18093 m <sup>2</sup>	Back-to-Back Townhouse (8)	100
	Stacked Townhouse (2)			15	
	Public R.O.W.	Street A	-	-	-
Public R.O.W.	Street B	-	-	-	
<b>Phase 1 Summary: 5 Residential Blocks, approximately 14 buildings and 147 units</b>					
<b>Phase 2</b>	Residential	Block 5	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 6	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	6
		Block 7	1300 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 8	1282 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 9	997 m <sup>2</sup>	Front-Loaded Townhouse (1)	4
		Block 10	903 m <sup>2</sup>	Front-Loaded Townhouse (1)	4
		Block 11	1021 m <sup>2</sup>	Front-Loaded Townhouse (1)	6
		Block 15	5110 m <sup>2</sup>	Stacked Townhouse (4)	33
		Block 16	3828 m <sup>2</sup>	Back-to-Back Townhouse (2)	22
		Block 19	6853 m <sup>2</sup>	Apartment (1)	220
	Parkland	Block 22	5005 m <sup>2</sup>	-	-
	Public R.O.W.	Street A	-	-	-
	Public R.O.W.	Street D	-	-	-
Public R.O.W.	Street E	-	-	-	
<b>Phase 2 Summary: 10 Residential Blocks, approximately 14 buildings and 319 units</b>					
<b>Phase 3</b>	Residential	Block 12	1174 m <sup>2</sup>	Front-Loaded Townhouse (1)	7
		Block 13	1381 m <sup>2</sup>	Front-Loaded Townhouse (1)	8
		Block 17	3381 m <sup>2</sup>	Back-to-Back Townhouse (2)	18
				Back-to-Back Townhouse (2)	15
		Block 18	5770 m <sup>2</sup>	Stacked Townhouse (2)	24
				Apartment (1)	220
	Block 20	7999 m <sup>2</sup>	Apartment (1)	220	
	Block 21	8589 m <sup>2</sup>	Apartment (1)	220	
Public R.O.W.	Street C	-	-	-	
Public R.O.W.	Street D	-	-	-	
<b>Phase 3 Summary: 6 Residential Blocks, approximately 10 buildings and 512 units</b>					
<b>Total Proposed: 21 Development Blocks, 1 Parkland Block, approximately 38 buildings and 978 units</b>					

The proposed housing typologies and development blocks can provide for a broad mix of unit types which include studio, 1-bedroom, 2-bedroom and 3-bedroom units, as well as rental and freehold/ownership tenure types. Further details pertaining to unit and tenure types will be determined through future planning applications on a block-by-block basis.

The subject property is municipally serviced, as confirmed by the City and Region during the pre-consultation meeting. Servicing will be extended as part of the development to provide water, sanitation and utility services to each individual development block. In addition to the five proposed public rights-of-way (Streets A, B, C, D and E), additional traffic circulation within Blocks 14, 15, 17 and 18 are anticipated by way of private rights-of-way.

It is the intent of the proposed plan to accommodate parking on-site for each dwelling. Two parking spaces for each front-loaded and back-to-back townhouse units are proposed and planned to be located within the unit's private garage and driveway. The stacked townhouses can accommodate up to one parking space per dwelling unit within attached garages located at surface level to the rear of each building. A mix of surface parking and indoor parking is proposed for the apartment blocks at a ratio of 1.1 spaces per unit. Future development applications will detail and finalize the exact number and location of parking spaces for each building and block during the subsequent detailed design process.

## 3.2 Proposed Planning Applications

As part of the development approval process, the following three planning applications are being concurrently submitted at this time:

- / Draft Plan of Subdivision
- / Official Plan Amendment
- / Zoning By-law Amendment

An overview of the applications is provided below:

### 3.2.1 Draft Plan of Subdivision

A Draft Plan of Subdivision application is required to subdivide the subject property into the proposed 22 blocks. The draft plan delineates the boundaries of each development block, public parkland, and public rights-of-way. If and once approved, the applicant can commence the necessary civil works and servicing to create developable blocks as identified in the submitted draft plan. Development of the lands will be completed in accordance with the conditions of draft plan approval to the satisfaction of the City, following which, final approval of the subdivision can be obtained.

### 3.2.2 Official Plan Amendment

The subject property is designated as *Residential Land Use* as per Schedule A Land Use Plan of the City's Official Plan. It has also been identified as being located within the City's Urban Area Boundary and a Built Up Area. As such, the policies under Part 2 Section 1, which pertains to Residential Land Use Policies, apply to the subject property.

Part 2 Section 1.10.5 outlines the minimum and maximum net density in units per hectare for the development of different housing typologies on lands designated as Residential within a Built Up Area, which are as follows:

- / 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.
- / Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare.
- / Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare.

The proposed development entails residential intensification as described under Section 3.1 of this PJR. Apartment buildings up to a height of 10 storeys are also being proposed by way of this development plan. In order to realize the proposed development plan with the desired residential densities and building heights, an Official Plan Amendment is required.

An Official Plan Amendment application is currently being applied for to amend the provisions of Part 2 Section 1.10.5. The proposed amendments seek an increase in the maximum permitted net densities for the four proposed housing typologies as well as increase the maximum permitted building height for the proposed apartment buildings. The proposed amendments are:

- / a maximum net density of 70 units per hectare for townhouses;
- / a maximum net density of 200 units per hectare for stacked townhouses;
- / a maximum net density of 160 units per hectare for back-to-back townhouses; and,
- / a maximum net density of 330 units per hectare for apartment buildings, and building heights of not more than 10 storeys.

A review and analysis of the proposed development's compliance with the purpose and intent of the City's Official Plan, and the rationale for the proposed amendments, are detailed under Section 4.4 of this PJR. Appendix B to this PJR includes a draft Official Plan amending by-law which specifies the operative clauses being requested.

### 3.2.3 Zoning By-law Amendment

As per Schedule "A" of the City's Zoning By-law No. 79-200, the subject property is currently split into four zones, which are as follows:

- / Residential 1E (R1E) Zone which permits only single-detached dwellings and some incidental accessory/ancillary uses.
- / Residential Two (R2) Zone which permits lower density residential uses such as single and semi-detached dwellings, and duplex dwellings.
- / Residential Low Density, Group Multiple Dwelling (R4) Zone which permits the development of townhouses (up to eight units), stacked townhouses, apartment dwellings, and other low density residential uses.
- / General Commercial (GC) Zone which permits a range of non-residential uses.

The southeastern corner of the subject property, which is zoned as R4 Zone and numbered 501, was the subject of a previous zoning amendment in the year 2000, which introduced a site-specific exception that permits the development of a nursing home on the subject property in accordance with the provisions of Section 9.1 of the City's Zoning By-law. The provisions of the amending by-law, however, have not been acted upon as a nursing home has not been established on the subject property to-date.

The housing typologies and densities that are currently being proposed cannot be accommodated within the existing zoning of the property. A zoning amendment is therefore required to:

- / Rezone the property from R1E, R2, R4, R4 (501), and GC to R4 and R5F as indicated in the figure below; and,
- / Amend the various applicable R4 and R5F zoning provisions, and general parking provisions, as they may be applied to the subject property.

A zoning matrix has been included as Appendix A to this report which outlines and rationalizes the proposed zoning amendments. A draft Zoning By-law amending by-law has also been provided as Appendix C.

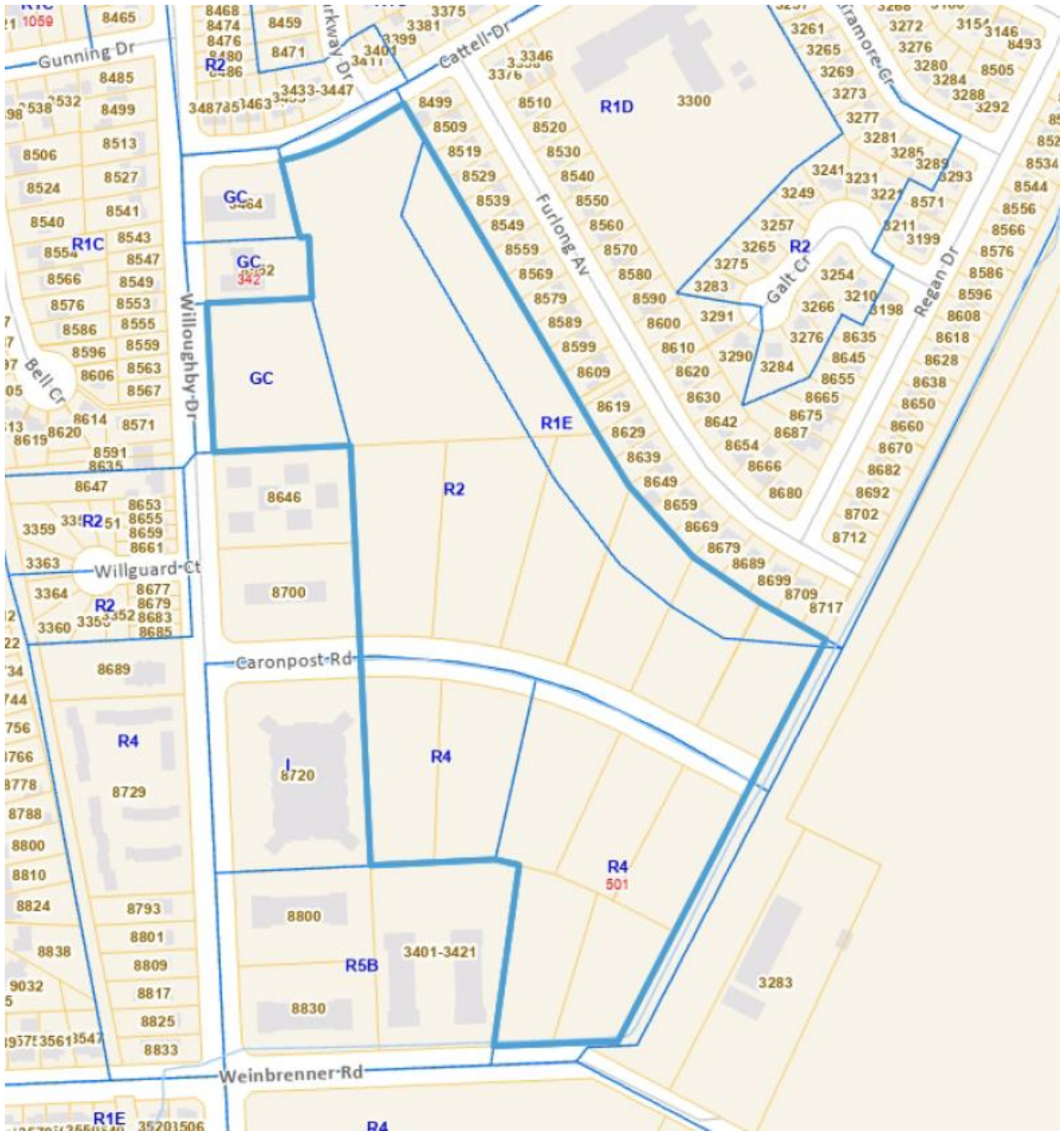


Figure 8: Subject Property currently split-zoned as GC, R1E, R2, and R4 Zones (Source: City of Niagara Falls Interactive Mapping Layer)



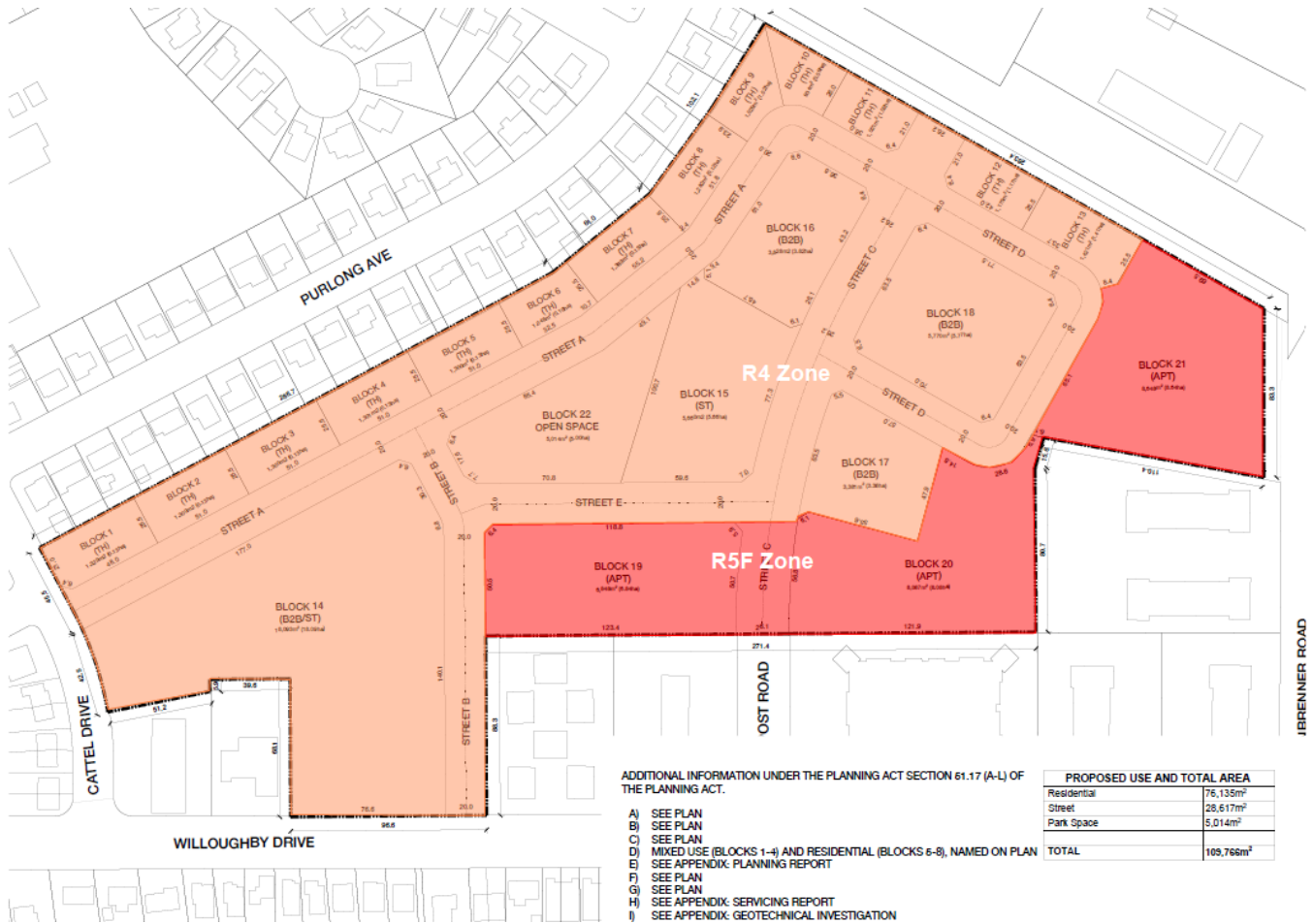


Figure 9: Proposed Zoning Map, demonstrating the proposed R4 and R5F zones

### 3.3 Future Planning Applications

The proposed development blocks will be constructed in phases, with each block being developed individually. It is expected that development of Blocks 1-13 (front-loaded townhouses) may be completed without additional planning approvals, as each dwelling contains less than 10 dwelling units and would not meet the criteria for Site Plan Control. It is anticipated that development of the proposed higher-density residential blocks (Blocks 14-21), which include apartment and group dwelling developments, will be subject to Site Plan Control and/or Draft Plan of Condominium applications on a block-by-block basis.

### 3.4 Supporting Studies and Findings

In support of the proposed development, the following studies and assessments have been completed and submitted as part of this application package.

#### 3.4.1 Archaeological Assessment

A Stage 1 and Stage 2 Archaeological Assessment of the subject property was completed by Seguin Archaeological Services (SAS) in accordance with the Provincial *Standards and Guidelines for Consultant Archaeologists*. The Stage 1 assessment indicated that the subject property exhibited moderate to high archaeological potential and recommended a Stage 2 assessment. The Stage 2 assessment included test pit surveys and pedestrian surveys of the subject property

which produced three archaeological findspots. Intensified surveys in and around the three findspots determined that the findings did not meet any of the criteria for a Stage 3 assessment. The study concluded that no further archaeological assessment is required for the subject property.

### **3.4.2 Natural Heritage Constraints Assessment**

A Natural Heritage Constraints Assessment of the subject property was completed by Colville Consulting Inc. to identify and assess the presence of natural heritage constraints. The assessment included the following inventories and assessments: summer and fall botanical inventories of the Subject Lands; assessment and description of vegetation communities on the property using the Ecological Land Classification System for Southern Ontario (ELC); tree inventory documenting size, species, and health of each tree on the properties; breeding bird surveys; amphibian call surveys; assessment of potential bat roosting habitat; assessment of drainage features; and documentation of incidental wildlife observations during site visits.

The assessment identified that there are two stormwater channel drains adjacent to the subject property – one within the Caronpost Road allowance, and another along the eastern property line abutting the lands designated as Environmental Conservation Area and extending to the south of the property along Weinbrenner Road. No negative impacts to the watercourses are anticipated as part of the proposed development. However, an Environmental Impact Study has been recommended to determine if there will be any impact and recommend mitigating measures. No other natural heritage constraint was identified on the subject property.

### **3.4.3 Environmental Impact Study**

An Environmental Impact Study was completed by Colville Consulting Inc. to assess potential ecological impacts as a result of the proposed development. The study finds that no portion of the proposed development will impact significant habitats of Endangered or Threatened species, or Species of Special or Conservation Concern. The study anticipates that the proposed development will have no negative impact on the Significant Woodland near the subject property. The study however did document the presence of Foxglove Beard-tongue (classified as a Locally Uncommon Species) adjacent to the City owned drainage ditch, and recommends further consultation with the City prior to roadway construction.

Building on the Natural Heritage Constraints Assessment, the study identified two wetland vegetation communities on the subject property. The first, a meadow marsh associated with the watercourse/drainage ditch along the Caronpost Road Allowance, was deemed to not provide any significant wetland functions. However, as the lands around this watercourse/drainage ditch is owned by the City, further consultation with the City has been recommended. The second, a Graminoid Mineral Marsh Ecosite (MAMM1) of approximately 300m<sup>2</sup> in size located at the north end of the property, was found to not meet the criteria to be considered an Other Wetland since it is artificially supported by stormwater runoff from the commercial property adjacent to the subject property.

With respect to the two watercourses within the proposed development area, the study finds that the proposed development will have no impact on the watercourse/drainage ditch located south of the subject property, immediately north of the Weinbrenner Road. Hydrological function of the watercourse/drainage ditch along the Caronpost Road allowance, however, will need to be replicated underground as part of the roadway construction.

### **3.4.4 Functional Servicing and Stormwater Management Report**

A Functional Servicing and Stormwater Management Report was prepared by Husson Engineering and Management to provide site servicing and stormwater management design information for the proposed development. Storm drainage on the subject property is currently divided into two catchment areas – north and south sides of Caronpost Road, respectively – which drain into the existing drainage channel along Caronpost Road. Some perimeter drainage is also directed to Cattell Drive or Weinbrenner Road, but all drainage ultimately drains to the Mississippi Drain along the eastern edge of the subject property. As part of the development, it is proposed that the channel along Caronpost Road be replaced with a municipal storm sewer out letting to the Little Mississippi Drain. On-site flow controls will be incorporated in the design and development of individual blocks to limit flow into the drains to pre-development rates;

the specific mechanisms will be determined at the detailed design stage for each development block. Measures are also proposed to control the quality of discharge to acceptable City limits.

As part of the City's reconstruction of Willoughby Drive, a new sanitary sewer is being installed through the entire frontage of the proposed development along Willoughby Drive. The study finds that the proposed development will result in a peak sanitary flow of 24.1 L/s which can be adequately conveyed by the 300mm diameter sanitary sewer on Willoughby Drive. Internal sanitary drainage within the proposed development will be completed at the detailed design stage, however, no challenges or crossing conflicts are anticipated.

In regard to water distribution for the proposed development, servicing is proposed to be off of the watermain on Willoughby Drive with a second connection to the existing watermain on Cattell Drive. The watermain design will follow the Niagara Region Water and Wastewater Master Servicing Plan (2023). The study finds that pressure in the watermain will be well above the City's minimum pressure requirement. A fire/booster pump, however, may be required for the internal fire protection systems for the proposed townhouse and apartment blocks, which are to be reviewed by the mechanical engineer at the detailed design stage.

Overall, the study finds that the site design will meet the requirements of the City with the proposed controls in place.

#### **3.4.5 Sun-Shadow Study**

A Sun-Shadow Study has been prepared by Fotenn Planning + Design based on the proposed development plan. This study is required for development applications which propose building heights of 10-storeys or greater. The study assesses shadows cast by the proposed 10-storey apartment buildings at multiple times throughout the year, specifically assessing shadowing on the private outdoor amenity spaces, public amenity spaces, streets, and parks and open spaces. The study concludes that the proposed development appropriately considers the surrounding context and mitigates potential future shadow impacts through the placement, orientation, and overall site design. For more details, please refer to the Sun-Shadow Study which has been submitted as part of this application package.

#### **3.4.6 Transportation Impact Study**

A Transportation Impact Study was completed by Tatham Engineering Limited based on the proposed development plan. The study analysed the capacity and performance capability of the proposed road network, as well as the traffic impact on the existing road network surrounding the subject property. The study estimates the proposed development to generate approximately 390 trips and 435 trips during the weekday morning and evening peak hours, respectively, once fully developed. Operational analyses undertaken as part of the study indicate that key intersections provide good overall operations with low to average delays under existing and future horizon periods through to 2035. The intersection of Willoughby Drive with Main Street and Portage Road has been found to provide good overall operations through to 2027. However, the inclusion of a southbound right turn lane by 2030 has been recommended to ensure that operational performance is maintained considering future population growth.

The study expects the proposed site access points to provide excellent operations through to 2035, and has been found to be compliant with respect to separation, geometry, and available sight distance. Mitigating measures have been explored to reduce conflicts between a proposed access point and an adjacent existing access point.

With respect to turn lanes at unsignalized intersections, a southbound turn lane with 15 metres of storage has been recommended at the intersections of Willoughby Drive with the proposed new street (Street B) and the extension of Caronpost Road (Street C) which will serve as major access points into the subject property. No other turn lanes have been deemed necessary.

Overall, the study demonstrates that the proposed development will have no negative impacts on the existing or proposed road networks, and good operational capacities can be maintained.

### 3.4.7 Urban Design Brief

An Urban Design Brief (UDB) has been prepared by Fotenn Planning + Design in support of the proposed development plan. The UDB details the vision and guiding design principles applied to the curation of the proposed development plan and how it has been achieved. These visions are as follows:

- / Compact Built Form and Efficient Use of Land;
- / Direct Development into Existing Communities;
- / Range of Housing Opportunities and Choices;
- / Walkable Neighbourhood and Community; and,
- / Attractive Community and Sense of Plan.

The UDB further demonstrates that the proposed development is consistent with the Regional and City urban design policies and guidelines as outlined in the following documents:

- / Region of Niagara Official Plan
- / City of Niagara Falls Official Plan
- / Regional Municipality of Niagara – Model Urban Design Guidelines

For more details, please refer to the UDB which has been submitted as part of this application package.

## 4.0 Policy and Planning Analysis

### 4.1 Provincial Planning Statement (2024)

The Province of Ontario has proposed a new Provincial Planning Statement (PPS 2024) intended to replace the existing Provincial Policy Statement (PPS, 2020) and the Growth Plan for the Greater Golden Horseshoe (2020). The 2024 PPS is anticipated to come into effect this year (2024), with policy direction that builds on the current PPS and Growth Plan, and provides more housing supportive policies for Ontario in light of the Province's housing target of 1.5 million new homes by 2031. Although many of the policies of the current PPS have been carried over to the proposed 2024 PPS, the document contains a stronger policy direction regarding residential intensification within existing built-up areas, particularly around existing and planned transit services.

Although the proposed 2024 PPS does not come into effect until October 20th, 2024, it is anticipated the decision for this application will be made following that date, rendering the 2024 Provincial Planning Statement the appropriate policy context for review. To this effect, this report focuses its review on the incoming policies of the Provincial Planning Statement (2024).

Chapter 2 of the 2024 PPS contains policies for Building Homes, Sustaining Strong and Competitive Communities. More specifically, Section 2.1 contains policies for Planning for People and Homes which state:

- / 4. To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
  - o a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and
  - o b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.
  
- / 6. Planning authorities should support the achievement of complete communities by:
  - o a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
  - o b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
  - o c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Section 2.2 contains policies for Housing, which state:

- / 1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
  - o a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
  - o b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and,
  - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation.

Section 2.3 contains policies for Settlement Areas, which state:

- / 1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
- / 2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
  - a) efficiently use land and resources;
  - b) optimize existing and planned infrastructure and public service facilities;
  - c) support active transportation;
  - d) are transit-supportive, as appropriate; and
  - e) are freight-supportive.
- / 3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.
- / 4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

Section 2.9 contains policies for Energy Conservation, Air Quality, and Climate Change which state :

- / 1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:
  - a) support the achievement of compact, transit-supportive, and complete communities;
  - b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
  - c) support energy conservation and efficiency;
  - d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
  - e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

Chapter 3 contains policies for Infrastructure and Facilities. More specifically, Section 3.9 contains policies for Public Spaces, Recreation, Parks, Trails and Open Spaces, which state:

- / 1. Healthy, active, and inclusive communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;

The subject property is located within the City's Urban Area Boundary and is within a Settlement Area as per the PPS definition. The surrounding neighborhood features a mix of low- and mid-rise residential and commercial buildings. The proposed development aims to infill the currently vacant property into a denser, vibrant residential subdivision with a range of housing typologies of varying densities and building heights. The four main housing typologies proposed are front-loaded townhouses, back-to-back townhouses, stacked townhouses, and apartments, which are currently lacking in the neighbourhood. The proposed development will contribute to diversifying and growing the City's housing stock.

As discussed in Section 2 and Section 3 of this PJR, the subject property is municipally serviced, is in close proximity to multiple public transit routes, and is within walking distance from several commercial, institutional, employment and recreational land uses. The proposed development will make efficient use of land and municipal infrastructure through increased densities. Furthermore, the proposed development will contribute to a compact urban form and reduce emissions by introducing new housing options within an existing mixed-use neighbourhood. The proposed development provides a centrally located parkland space, contributing space which will support healthy, active communities.

**It is therefore our professional opinion that the proposed development is consistent with the policies and intent of the forthcoming Provincial Planning Statement (PPS 2024).**

## 4.2 Region of Niagara Official Plan (2022)

The Niagara Official Plan is the Niagara Region's long term, strategic policy planning framework for managing growth coming to Niagara. The policies of this plan are intended to guide land use and development in the Region until 2051. The 2022 Niagara Official Plan was adopted by the regional council in June 2022 and was approved by the Minister of Municipal Affairs and Housing with modification on November 4, 2022, replacing the Region's previous Official Plan.

The Niagara Official Plan is organized as chapters with each focusing on a specific theme and strategic directive. The following paragraphs provide a summary of the policies within each chapter and analyses the proposed development plan's compatibility with the policies.

*Chapter 2: Growing Region* of the Niagara Official Plan aims to "coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning". The chapter identifies that the Niagara region is growing rapidly with 2051 population and employment growth forecasts being as high as 694,000 people and 272,000 jobs. Of the forecasted growth, the City of Niagara Falls is projected to accommodate the second highest proportion of population and employment opportunities (Table 2-1 of the Niagara Official Plan).

Section 2.2 of the Niagara Official Plan directs the majority of this forecasted growth to settlement areas, particularly urban areas and within the City of Niagara Falls. It strongly encourages residential intensification and diversification through various policies, including but not limited to:

- / 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;
  - / e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/ services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;
  - / f) opportunities for transit-supportive development;
  - / g) opportunities for intensification, including infill development;
  - / h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods; and,
  - / 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; and,
  - / 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: Region of Niagara Falls Population and Employment Growth Forecast

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
<b>Niagara Region</b>	<b>694,000</b>	<b>272,000</b>

Section 2.3 contains policies related to Housing. More specifically, Section 2.3.1 contains policies to Provide a Mix of Housing Options, which state:

- / 2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life;
- / 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:



- o a) facilitating compact built form; and,
- / 2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

The subject property is designated as *Delineated Built-Up Area* and is located within *Settlement Areas* as per Schedule B of the Niagara Official Plan. It is well served by public transit and is conveniently located near multiple commercial, institutional, and recreational land uses. Additionally, the subject property is municipally serviced and can accommodate higher servicing capacities as demonstrated in the Functional Servicing and Stormwater Management Report submitted as part of this application. These factors make the subject property suitable for residential intensification and contribute to the development of a vibrant and mixed-use neighbourhood.

The proposed development introduces approximately 978 units across 21 residential blocks, to be developed over three phases, which helps to achieve the planned intensification targets outlined in the Regional Official Plan. The broad range of housing typologies proposed for the development include townhouses, such as traditional front-loaded, back-to-back, and stacked townhouse blocks, through to apartment buildings, consistent with policies that encourage a mix of housing types. By introducing a range of housing options, the proposed development achieves the development of a compact built form to support complete communities and additional housing in the neighbourhood. A range of unit sizes and tenure types will also be accommodated over the three development phases of the proposed development, as detailed in Section 3 of this report. The proposed density is higher than what currently exists in the surrounding area, however, building heights and densities have been carefully considered to transition smoothly to the established neighbourhood character of low- and mid-rise residential buildings while still achieving appropriate intensification for the property. The three proposed apartment building blocks offer further opportunities for smaller unit types and accessible units which respond to the City’s diverse housing needs.

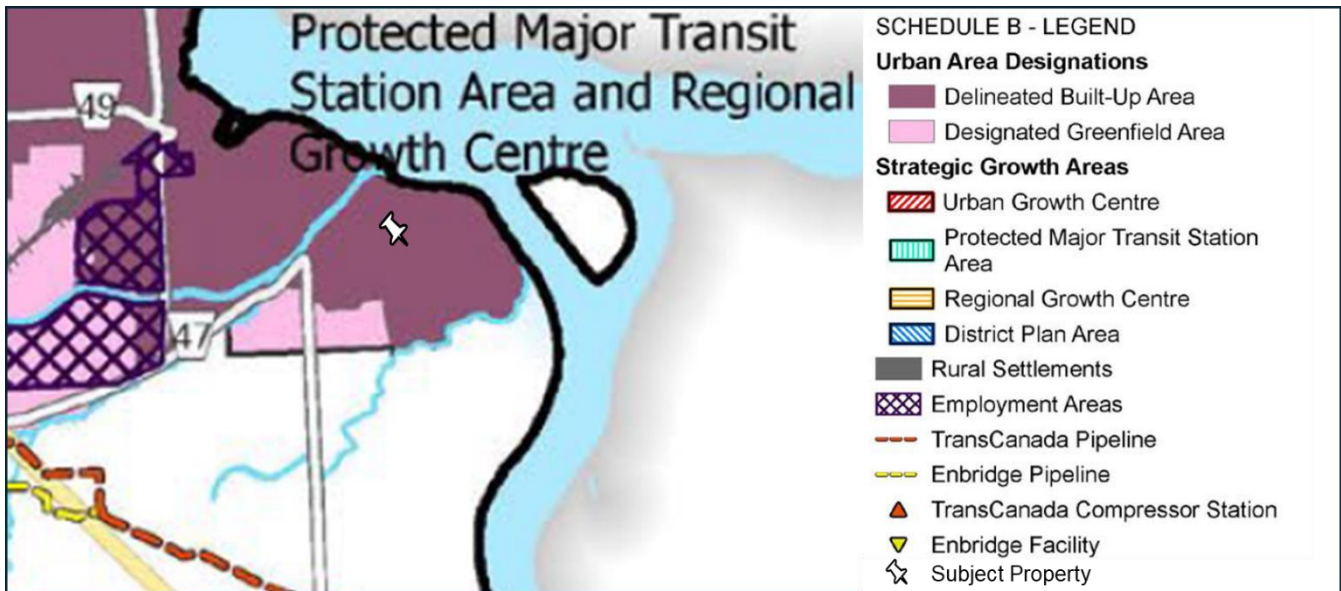


Figure 10: Subject Property on Schedule B Regional Structure of the Niagara Official Plan

*Chapter 3 Sustainable Region* of the Niagara Official Plan outlines policies to protect, conserve and enhance the region’s natural heritage and water resource systems. Schedule C1 and Schedule C2 of the Niagara Official Plan indicate that the subject property is located adjacent to lands designated as *Natural Environmental System Overlay* and *Significant Woodlands*, respectively. Schedule C3 indicates the presence of *Permanent and Intermittent Streams* adjacent to and within the subject property. The property also falls within the wider *Niagara River Watershed* as identified on Schedule

D of the Niagara Official Plan. Considering the subject property's environmental context, the following policies from the Niagara Official Plan apply to development on the property:

Section 3.1.9 of the Niagara Official Plan contains policies that apply to Lands Outside of a Provincial Natural Heritage System and Outside of the Niagara Escarpment Plan Area, which state:

- / 3.1.9.7 Development and Site Alteration in Adjacent Lands outside of a Provincial Natural Heritage System
  - o **3.1.9.7.1** A proposal for new *development* or *site alteration* outside of a *Provincial natural heritage system* which is adjacent to a *natural heritage feature or area* shall require an *environmental impact study* and/or *hydrological evaluation* to determine that there will be no *negative impacts* on the feature, *ecological function*, or *hydrologic function* in accordance with the *adjacent lands* distances outlined in Table 3.1.
  
- / 3.1.9.9 Buffers in Settlement Areas
  - o 3.1.9.9.1 Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.
  - o 3.1.9.9.2 Development or site alteration shall not be permitted in the mandatory buffer, with the exception of that described in Policy 3.1.9.6.3 or infrastructure serving the agricultural sector unless it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.
  - o 3.1.9.9.3 Notwithstanding any other policy in this Plan, the Conservation Authority has its own buffer requirements for watercourses which shall apply. Reductions in any buffer required by the Conservation Authority may be considered in settlement areas where supported by a site-specific study that is approved by the Local Area Municipality, the Region, and the Conservation Authority.



Figure 11: Subject Property on Schedule C1 Natural Environment System Overlay and Provincial Natural Heritage Systems of the Niagara Official Plan

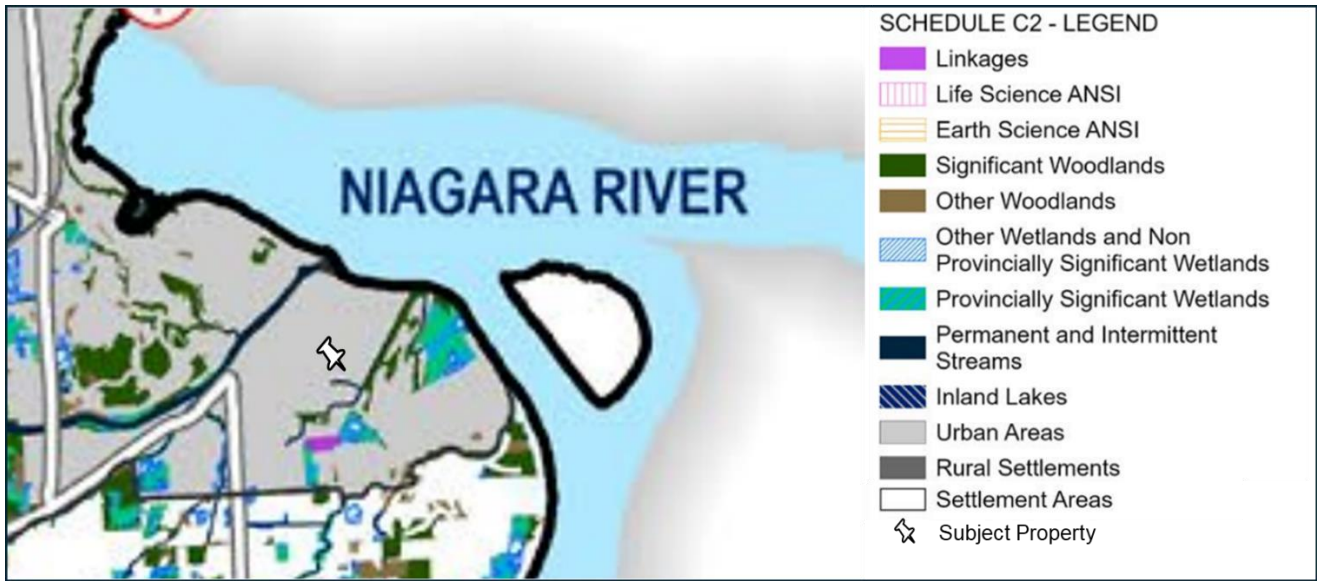


Figure 12: Subject Property on Schedule C2 Natural Environment System: Individual Components and Features of the Niagara Official Plan

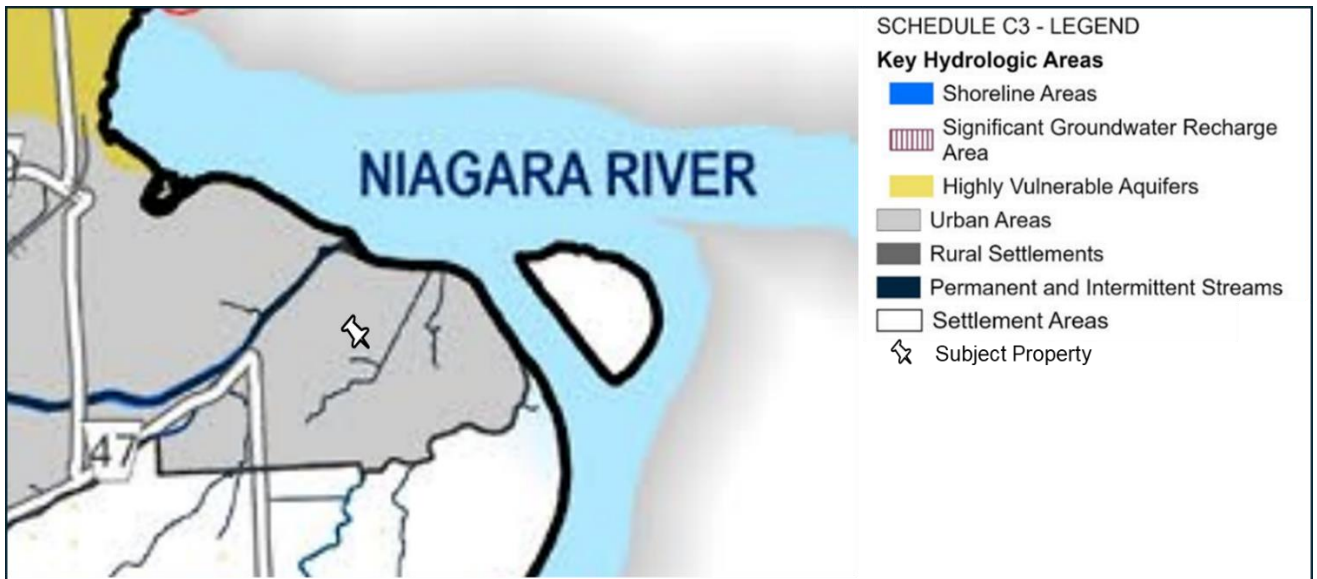


Figure 13: Subject Property on Schedule C3 Key Hydrologic Areas Overlay of the Niagara Official Plan

Section 3.1.10 of the Niagara Official Plan contains policies for Key Hydrologic Areas, Key Hydrologic Features and Other Important Water Resources. The policies of this section apply to Permanent and Intermittent Streams identified on Schedule C3 of the Niagara Official Plan, which are:

- / 3.1.10.1 Development or site alteration shall not be permitted unless it can be demonstrated that it will not have negative impacts on:
  - o a) the quantity and quality of water in key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features;

- b) the hydrologic functions of key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features;
- c) the interaction and linkage between key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features and other components of the natural environment system;
- d) the natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;
- e) natural drainage systems and shorelines areas; and,
- f) flooding or erosion.

/ 3.1.10.7 Development or site alteration shall not have negative impacts on key hydrologic areas or their hydrologic functions. In areas where development and site alteration could have negative impacts on groundwater quality or quantity the Region or Local Area Municipality shall require further review of potential impacts through the completion of a subwatershed study or through the completion of a hydrological evaluation during the review of an application for development or site alteration.

A Natural Heritage Constraints Assessment was completed by Colville Consulting Inc. to assess mapped natural heritage constraints on the subject property as well as to investigate for the presence of any potential natural heritage constraints. The assessment, which has been submitted in support of these applications, found that there are no natural heritage features on the subject property. Two stormwater drainage channels, however, were identified adjacent to the subject property: one within the Caronpost Road allowance, and the second along the eastern property line. No negative impacts to natural heritage features are anticipated relative to the proposed development. An Environmental Impact Study was also completed by Colville Consulting Inc. and submitted as part of these applications. The study has determined that the proposed development will have no negative impacts on any significant natural heritage features, Endangered or Threatened species, Species of Special or Conservation Concern, Locally Uncommon Species, Significant Woodland, or Other Wetlands. With respect to the watercourse/drainage ditch along the Caronpost Road allowance, the study recommends that the hydrological function be replicated underground as part of the construction of the roadway in consultation with the City.

*Chapter 4 Competitive Region* of the Niagara Official Plan focuses on policies relating to the Niagara Regions economy and economic activities. As the proposed development plan is entirely residential, many of the economic policies of this section do not apply. However, Section 4.5 contains a policy which relates to the relationship between housing and economic growth and states:

- / 4.5.2.1 The Region will endeavour to:
- a) attract employers and workers to the region by:
    - i) planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;
    - ii) supporting the provision of affordable housing for workers across all sectors of Niagara's economy.

The proposed development provides approximately 978 units to the Region's housing stock and includes a range of housing typologies and unit sizes to cater to the diverse needs of residents at different stages of life. The proposed dwelling units can provide for both rental and ownership options amongst a range of typologies which are inherently more affordable options in an area containing primarily single and semi-detached housing.

*Chapter 5 Connected Region* of the Niagara Official Plan outlines land use planning policies relating to transportation, servicing and utility infrastructure, public spaces and recreational opportunities.

Section 5.1 of the Niagara Official Plan contains policies aimed at promoting multi-modal transportation, which include:

- / 5.1.2.5 Lands near existing or planned frequent transit service or higher order transit facilities, including facilities within the Greenbelt Plan that have been approved through a Municipal Class Environmental Assessment, and where such lands are located within settlement areas, will be planned to:
  - o a) provide transit-supportive uses that enable opportunities for improved transit service integration;
  - o b) facilitate multimodal connections that encourage a more evenly distributed modal share; and
  - o c) support active transportation.
- / 5.1.4.1 The Niagara Region's Complete Streets Design Manual and Guidelines shall be used in the design, refurbishment and reconstruction of the Region's transportation system to ensure the needs and safety of all road users are considered and appropriately accommodated.
- / 5.1.4.2 Local Area Municipalities will adopt a complete streets approach in the design or reconstruction of the planned or existing local street network.
- / 5.1.4.5 Complete streets elements within local jurisdiction shall be maintained by the Local Area Municipalities.

The subject property is located within close proximity to three existing transit routes and stations. The proposed road networks designed to support the proposed development have been carefully planned and oriented to provide easy access and shortest travel times between the proposed residential dwellings and existing public transit stations. The proposed public rights-of-way, identified on the submitted Draft Plan of Subdivision as Streets A, B, C, D and E, have planned widths that have the ability to facilitate the elements of complete streets. These streets will be designed in accordance with the Region and City's design guidelines and conveyed to the City for future operations and maintenance.

Section 5.2 of the Niagara Official Plan contains policies directing new development to make efficient use of existing and planned infrastructure informed by the Region's sustainability, regional growth, and public health and safety goals. Policies within Section 5.2 applicable to the proposed development include:

- / 5.2.1 Infrastructure Planning, Development, and Asset Management
  - o 5.2.1.1 Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.
  - o 5.2.1.2 A coordinated, integrated, and comprehensive approach using the minimum intensification and density targets of this Plan, should be used for the planning, development, and management of infrastructure within municipalities, across lower-tier and upper-tier municipal boundaries, and with other orders of government, agencies, and boards.
  - o 5.2.1.3 Infrastructure planning shall be aligned with land use planning, infrastructure investment and watershed planning.
  - o 5.2.1.5 Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.
  - o 5.2.1.6 The Region shall provide infrastructure and services within its jurisdiction to accommodate existing development and anticipated growth within the financial capability of the Region.
  - o 5.2.1.7 The Region will identify the full life-cycle costs of infrastructure and provide long-range, holistic, integrated and financially sustainable infrastructure planning based on the understanding of the correlation between long-term infrastructure investment and long-term funding plans.

- 5.2.1.9 The location, design, construction, and operation of infrastructure will be sustainable, strategic, and cost-efficient, and minimize adverse impacts on the natural environment system, agricultural lands, and existing landscape.
- 5.2.1.18 Planning for stormwater management shall:
  - b) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
  - c) minimize, or, where possible, prevent increases in contaminant loads;
  - d) minimize erosion and changes in water balance, and prepare for the impacts of climate change through the effective management of stormwater, including the use of green infrastructure;
  - e) mitigate risks to human health, safety, property, and the environment;
- / 5.2.2 Municipal Water and Wastewater Servicing within Urban Areas
  - 5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future *development* needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.
  - 5.2.2.2 *Municipal water and wastewater systems/services* are the required form of servicing for *development* in *urban areas*.
  - 5.2.2.4 Prior to approval of *development*, the municipality shall ensure that required *water* and *wastewater services* and servicing capacity is available to support the *development*.
- / 5.2.4 Municipal Waste Management Services
  - 5.2.4.4 In collaboration with the Region, Local Area Municipalities should ensure that their official plan, zoning by-law, plan of subdivision approvals and site plan approvals for new *development* comply with the Region's requirements for waste collection to ensure safe and efficient waste collection and diversion and includes support for the resource recovery of food and organic waste for their residents.
- / 5.2.5 Stormwater Management and the Planning Process
  - 5.2.5.1 All new *development* and *redevelopment* in *settlement areas* must be provided with separate storm drainage systems or separate storm drainage connections.
  - 5.2.5.4 Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:
    - c) ensures all proposals for *development* or *redevelopment* are designed based on an integrated treatment approach in order to address requirements for water quality, erosion control, flood control, thermal mitigation and *water budget* to minimize stormwater flows and reliance on stormwater ponds, which includes *low impact development* and *green infrastructure*, where appropriate;
- / 5.2.6 Provision of Utilities
  - 5.2.6.2 The joint use of rights-of-way and corridors is encouraged wherever feasible for various facilities in order to:
    - a) lessen the impact on the environment of uncoordinated alignments of various single purpose authorities; and
    - b) avoid land use and *development* conflicts associated with such rights-of-way and alignments.

- 5.2.6.4 Necessary public *utilities* will be provided in accordance with the servicing needs of existing and future *development* and with economic, safety and environmental considerations.

The subject property is located within a settlement area and is municipally serviced. Additional infrastructure within the subject property will be developed as part of the proposed development to service each development block. The proposed development makes efficient use of existing and proposed infrastructure through carefully planned residential intensification and density.

A Functional Servicing and Stormwater Management Report has been completed and submitted as part of these applications. The study demonstrates that there is adequate servicing capacity to support the proposed high-density infill development feasibly and viably over the long-term. The Stormwater Management Plan incorporates high-standard stormwater management practices such as measures to control water quality and quantity, site drainage, erosion, and flood risk in a coordinated and efficient manner. Furthermore, the proposed development blocks have been thoughtfully planned to provide sufficient permeable landscaped areas, which will help reduce stormwater runoff and not strain the stormwater infrastructure.

The proposed development is eligible for Regional waste collection services as confirmed by the Regional municipality in the Pre-Consultation meeting. The proposed public rights-of-way have been planned and designed to meet the requirements of Niagara Region's Waste Collection policies and can facilitate the unimpeded circulation of larger vehicles such as waste collection trucks. The proposed townhouse units would be eligible for internal Regional curbside waste collection, and the apartment blocks would be eligible for enhanced front end bin collection. Utility lines servicing the proposed development will predominantly be located underground along the proposed rights-of-way and are anticipated to facilitate co-location of utilities during the development phase and in the future. The location and placement of underground infrastructure will be addressed during the detailed design phase.

Section 5.3 of the Niagara Official Plan contains policies relating to Public Spaces, Recreation, Parks, Trails and Open Spaces within the region, which state:

- / 5.3.1.1 The Region shall ensure the provision of public open space and required parkland in the review of district and secondary plans to facilitate the creation of healthy, *complete communities*.
- / 5.3.1.5 Local Area Municipalities shall include policies in their official plans that address the following:
  - a) the acquisition of parkland in accordance with the provisions of the Planning Act, and/or direction to pass by-laws that allow for the acquisition of parkland; and
  - b) integration of development with, and connectivity to, existing and proposed parks and trails.
- / 5.3.1.7 The Region encourages the Local Area Municipalities to:
  - a) develop park/trail master plans to strategically and equitably plan for the acquisition, use and management of publicly-accessible parks, open spaces and trails, including shorelines, to best serve the needs of all local residents. Master plans should clearly identify, plan for and protect these resources;
  - b) consider climate change when planning for parks, open space and trails, including opportunities for green infrastructure and tree planting;
  - c) establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks.

The proposed development recognizes the importance of open spaces and recreational opportunities for the health and wellbeing of its residents. Multiple green and open spaces have therefore been incorporated into the proposed development plan. Block 22 on the submitted Draft Plan of Subdivision which has an area of approximately 5,005 m<sup>2</sup> (0.5 hectare) will be conveyed to the City as public parkland. Each of the proposed development blocks are also appropriately sized to integrate private yards and outdoor amenity space to serve future tenants and homeowners.

In addition to open spaces within the subject property, future residents will have easy access to a variety of recreational opportunities located nearby. The subject property is adjacent to the Patrick Cummings Memorial Sports Complex, Legends on the Niagara Golf Course, the Greek Gods Forest trail, Riverview Park, Chippawa Lions Park, and waterfront trails along the Niagara River Parkway. Further away from the subject property, the City offers numerous recreational opportunities including the City's namesake, the Niagara Falls.

*Chapter 6 Vibrant Region* of the Niagara Official Plan provides policies for the development of vibrant, convivial, healthy, and well-designed neighbourhoods which foster a strong sense of place and local pride.

Section 6.2 of the Niagara Official Plan outlines policies for Urban Design, which state:

/ 6.2.1 Excellence in Urban Design

- 6.2.1.1 Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.
- 6.2.1.2 The collaboration and co-ordination of related disciplines, including land use planning, urban design, transportation planning, architecture, engineering, environmental planning, and landscape architecture shall be encouraged.
- 6.2.1.5 The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.
- 6.2.1.6 Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces.
- 6.2.1.7 Sustainable design principles shall be applied to the public realm, infrastructure, public service facilities, development and streets.
- 6.2.1.8 The Region shall promote:
  - a) the creation of liveable and vibrant urban areas and streets;
  - b) community design that:
    - i. offers a range of transportation options, including public transit and active transportation;
    - ii. respects the complete streets approach by creating safe and attractive interconnected streets; and
    - iii. encourages a mix of land uses, a vibrant public realm and compact built form;
  - c) a context-specific design approach for areas surrounding strategic institutions, such as post-secondary institutions and hospitals, as well as public service facilities to ensure compatibility and connection;
  - d) well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;
  - f) the clustering of community facilities, services, and spaces to facilitate access to all modes of transportation and to promote community identity and civic pride; and
  - g) the creation of public spaces near public transit stations and bus stops that enrich the urban design experience within areas strategically identified for *intensification*, including *strategic growth areas*, and *local growth centres and corridors*.

/ 6.2.2 Public Realm and Active Transportation



- 6.2.2.2 Alternative road designs that balance the needs of pedestrians, cyclists, public transit users, and motorists, and prioritize road safety will be considered to support complete streets.
- 6.2.2.3 The design of road networks should consider walking distances for public transit users, and the use of an interconnected transportation system with consideration for applicable standards and guidelines, to minimize travel distances for cyclists and pedestrians.
- 6.2.2.5 The burial of overhead utilities and the co-location of utilities underground is encouraged in areas strategically identified for intensification including strategic growth areas, and local growth centres and corridors.
- 6.2.2.10 Streetscapes should be designed to create a seamless transition with the public space.
- 6.2.2.11 The mitigation of microclimate impacts, such as wind, shadowing and seasonal factors, should be considered regarding the impact of *development* on the *public realm*.

#### / 6.2.3 Tools for Urban Design Implementation

- 6.2.3.3 The Region shall:
  - a) require development, public works projects and public service facilities to use the Region's Model Urban Design Guidelines in the absence of Local municipal urban design guidelines, as applicable;
  - b) provide terms of reference templates reflecting good design practices for use in the preparation of urban design guidelines and other design studies, as required by the Local Area Municipalities to support development;
  - c) apply best practices in accessible design and Crime Prevention through Environmental Design (CPTED) principles to the design of development and the public realm;
  - d) ensure that updates to the Region's Model Urban Design Guidelines include:
    - ii. provide design guidance for intensification with respect to compatibility with and transitions to the surrounding community context.

The proposed development plan has been formulated through the collaboration of planning, design, and engineering disciplines, and takes a holistic approach to development planning. A range of medium- and high-density housing typologies has been incorporated resulting in a compact and visually appealing built environment. The range of housing typologies have been carefully located to seamlessly transition in density and height to the surrounding neighbourhood. Through residential intensification, the proposed development also benefits from recreational, institutional and commercial amenities nearby.

The proposed road network, which includes both public and private roads, establishes a hierarchy that passively calms traffic, thereby enhancing safety for all road users. Designed and built in accordance with the Region and City's standards for complete streets, the proposed public rights-of-way will feature widths that could facilitate multi-modal transportation. The planned road network minimizes walking distances for public transit users and promotes walkability through pedestrian-friendly street design.

The heights and widths of the proposed housing typologies, in relation to the road widths, along with space for landscaping, creates a sense of enclosure that enhances comfort, safety, and a human-scale environment. The proposed development incorporates Crime Prevention through Environmental Design (CPTED) principles to improve safety and reduce crime. By increasing the number of homes, positioning them along public and private roads, and including centrally located parks and private open spaces, the design ensures a greater number of people are residents of the area, with an increased presence that helps deter criminal activity and enhances overall safety.

The Sun-Shadow Study has been prepared for the applications based on the proposed development plan, assessing shadowing on the private outdoor amenity spaces, public amenity spaces, streets, and parks and open spaces. The study concludes that the proposed development appropriately considers the surrounding context and mitigates potential future shadow impacts through the placement, orientation, and overall site design.

For additional detailed information on the urban design considerations that have informed the proposed development, please refer to the Sun-Shadow Study and Urban Design Brief submitted as part of these applications.

Section 6.3.2 of the Niagara Official Plan contains policies to create Healthy Communities, which state:

- / 6.3.1.1 The Region shall support healthy communities by:
  - o a) creating built form that provides healthy living;
  - o b) planning for all ages, incomes, abilities and populations;
  - o c) supporting walkable and bikeable neighbourhoods through active transportation;
  - o d) encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;
  - o e) encouraging urban agriculture and community gardens.

The proposed development offers a variety of housing typologies, unit sizes, and tenures, thereby responding to the housing needs of the Region's diverse population. Public realm within the proposed development employs best urban design and planning principles to encourage active transportation and cultivate a strong sense of place. The proposed community parkland and private open spaces facilitate physical activity, outdoor recreation, and communal activities.

Section 6.4 of the Niagara Official Plan contains policies for the conservation of Archaeology in the Region. The subject property has been identified as having archaeological potential on Schedule K of the Niagara Official Plan. As such, the following policies from Section 6.4 apply to the proposed development, which state:

- / 6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.
- / 6.4.2.3 Archaeological assessments are required as part of Niagara Region public works projects with ground disturbance and/or work on undisturbed ground in areas of archaeological potential.
- / 6.4.2.5 Unexcavated archaeological sites and archaeological resources shall be protected against disturbance until all required archaeological assessments and requirements from the Province have been completed.
- / 6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process.
- / 6.4.2.7 When an archaeological assessment is required, the assessment will follow the applicable guidelines and processes as dictated by the Province, such as the Standards and Guidelines for Consulting Archaeologists, and an acknowledgement letter from the Province verifying this shall be required prior to any final approvals.
- / 6.4.2.10 Local Area Municipalities are encouraged to support conservation of archaeological resources by:
  - o reviewing Municipal projects, whether or not they are subject to the Environmental Assessment Act, such as site alteration, development and/or infrastructure projects that involve construction, erection or placing of a building or structure, other activities such as site grading, excavation, removal of topsoil,

- or peat and the placing and dumping of fill; drainage works, except for the maintenance of existing municipal and agricultural drains, to determine impacts upon potential archaeological resources.
- o requiring an archeological assessment if the lands are located within an area of archaeological potential as indicated in the Archaeological Management Plan, the municipality's archaeological potential mapping, or where an archaeological site has been previously registered on the property.

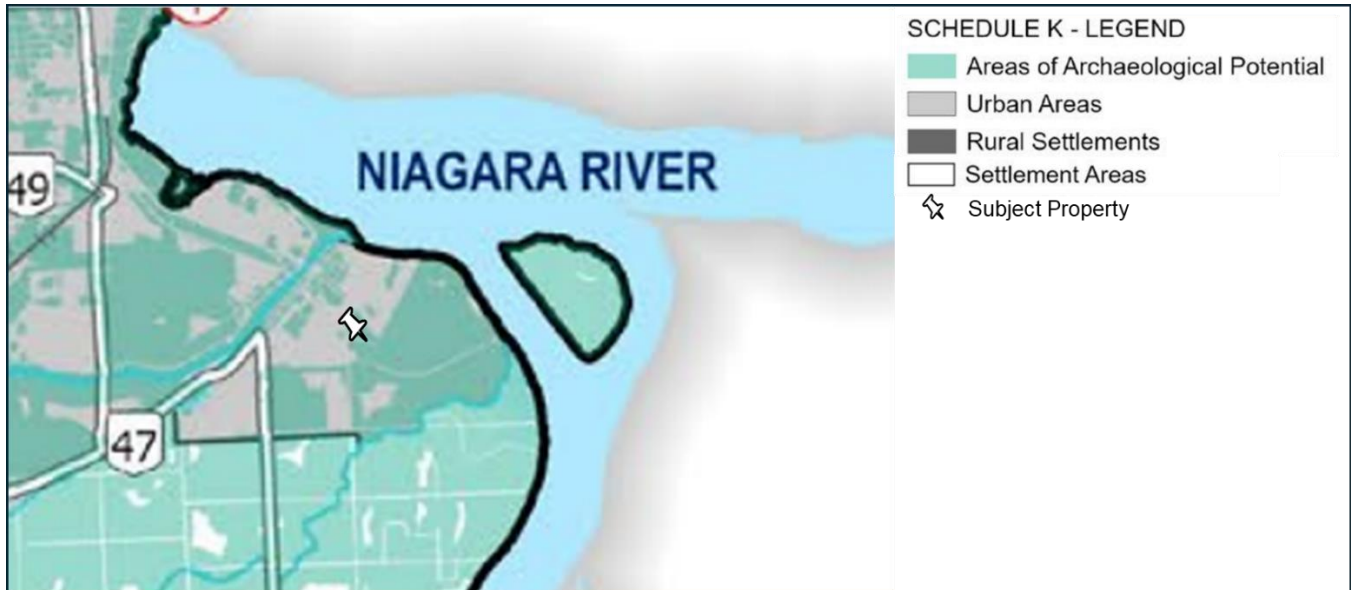


Figure 14: Subject Property Indicated as having Archaeological Potential on Schedule K Areas of Archaeological Potential of the Niagara Official Plan

A Stage 1 and Stage 2 Archaeological Assessment of the subject property was completed by Seguin Archaeological Services (SAS) in accordance with the Ontario Heritage Act and Standards and Guidelines for Consulting Archaeologists. The study, which was undertaken by a licensed archaeologist, determined that there are no significant archaeological artefacts on the subject property which may be impacted by the proposed development and that no further archaeology is required. The assessment report has been submitted as part of these applications.

**Based on the above analysis, it is our professional opinion that the proposed development is consistent with the policies of the Region of Niagara Official Plan.**

### 4.3 City of Niagara Falls Official Plan (1993)

The City of Niagara Falls Official Plan is a long-term planning and policy framework intended to guide growth and development in the City up to the year 2031. All new development and redevelopment in the City are required to be consistent with the policies and general intent of the Official Plan. The City's current Official Plan was originally approved and adopted in 1993 with subsequent amendments. The most recent consolidation is dated January 2024.

The City's Official Plan is organized into five parts with multiple sections under each part.

#### 4.3.1 Part 1 Plan Overview and Strategic Direction

Part 1 of the City's Official Plan provides a high-level understanding of the City's vision and mission for growth and development up to 2031. It is divided into four sections, the first being an overview of the basis and format of the document.

Part 1 Section 2 of the City's Official Plan outlines the City's Strategic Policy Direction to guide growth and development in the City. This Section identifies 14 Growth Objectives, which are:

/ **Growth Objectives**

- 1. To direct growth to the urban area and away from non-urban areas.
- 2. To protect Natural Heritage Areas and their functions.
- 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.
- 4. To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.
- 5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.
- 6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.
- 10. To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.
- 11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.
- 14. To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of "affordable".

Part 1 Section 3 of the City's Official Plan contains policies related to Intensification. Applicable policies state:

/ **General Policies**

- 3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.

Part 1 Section 4 of the Official Plan contains policies relating to Housing. Key statements from the Vision, Goals, and Housing policies applicable to the proposed development are listed and discussed below:

/ **Vision**

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

/ **Goals**

- 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.

/ **General Policies**

- 4.1 The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:
  - Provide opportunities for the development of affordable housing across the municipality;
  - Promote a greater diversity of housing types;

- Ensure a healthy supply of rental units; and,
  - Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing.
- 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.

The proposed development achieves the City's Vision and Goals relative to increasing the City's housing supply and providing housing which responds to a broad range of residents needs. The proposed mix of housing types introduces a range of housing types and densities, and can accommodate diverse tenures and ranging price points. The subject property is currently vacant but is adjacent to other properties that have been or are currently under development. As one of the last remaining greenfield sites within the City's urban boundary, the subject property offers a unique opportunity for residential intensification. The proposed development plan includes an estimated total of 978 residential units, consisting of 91 front-loaded townhouses, 81 stacked townhouses, 146 back-to-back townhouses, and approximately 660 units across three apartment buildings. The various proposed housing typologies can accommodate a mix of smaller and larger unit sizes, including both rental and ownership/freehold tenure types. The diverse housing options offered in the proposed development will be able to meet a wide variety of housing needs in the City.

The proposed development is planned to be completed across three project phases with multiple development blocks within each phase. Each block will be serviced to have sufficient servicing capacity to accommodate higher residential densities. This will ensure that development can occur on a block-by-block basis and be adapted to the City's changing needs. The proposed development will therefore contribute positively to the City's housing stock and future housing targets, where increasing the supply of housing should positively impact housing affordability, achieving the City and Region's housing goals and Official Plan policies.

Policy 4.4 states that applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision shall include the submission of a housing impact statement demonstrating how the proposal implements the City's Housing Strategy.

- / 4.4 The housing impact statement shall include the following:
- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;
  - b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);
  - c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;
  - d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and,
  - e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

- / 4.6 The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.
- / 4.8 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, with the following breakdown:
  - o 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).
  - o 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 (low-income households).

Table 3: Housing Impact Statement

Policy	Analysis
<i>4.4.a) The proposed housing mix by dwelling type and number of bedrooms, as applicable</i>	The proposed development includes a total of 978 residential units, consisting of 91 front-loaded townhouses, 81 stacked townhouses, 146 back-to-back townhouses, and approximately 660 units across three apartment buildings. The number of bedrooms has not yet been finalized, however each typology can accommodate a range of bedroom types, from studio through to three-bedroom units.
<i>4.4.b) How the proposal contributes to achieving the City’s annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b)</i>	The proposed development will provide a range of residential units which contains smaller floor areas that may accommodate moderate-income households. However, the tenure and estimated rents and/or sales prices have not been determined at this time.  It is not anticipated that the proposed development will contribute to Policy 4.8.b.
<i>4.4.c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City</i>	The development proposes residential units with smaller floor areas which may fall within the City’s affordable range. Although estimated rents and/or sales prices have not been determined at this time and will be determined by market conditions closer to time of final approvals and construction.
<i>4.4.d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region’s and the City’s definition of affordable to be provided per phase, where applicable</i>	The proposed development is planned to be completed across three project phases with multiple development blocks within each phase. Phase 1 is anticipated to contain 147 units, Phase 2 is anticipated to contain 319 units, and Phase 3 is anticipated to contain 512 units. The number of units per phase which may meet the definition of affordable has not yet been determined at this time, with the determination to be made closer to construction and determined by market conditions closer to this stage.

<p>4.4.e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable</p>	<p>The City has not proposed any legal and/or financial mechanisms which ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units at this time.</p>
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**4.3.2 Part 2 – Land Use Policies**

Part 2 of the City’s Official Plan contains the City’s Land Use Policies. The subject property is designated *Residential* per Schedule A Future Land Use of the City’s Official Plan, and is located within the *Built Up Area* as identified on Schedule A-2 Urban Structure Plan.

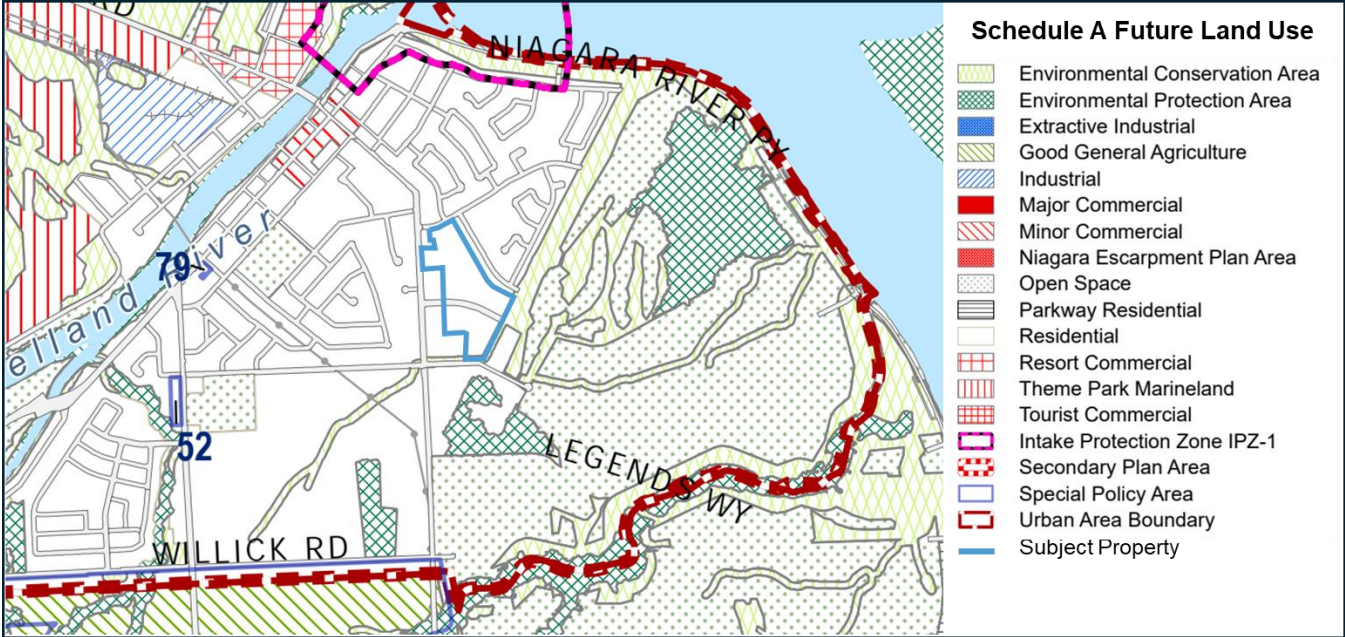


Figure 15: Subject Property Designated as Residential Land Use and Within Urban Area Boundary as shown on Schedule A Future Land Use of the City’s Official Plan

Part 2 Section 1 contains policies pertaining to the *Residential* land use designation, which state:

**General Policies**

- / 1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.
- / 1.4 The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community.
- / 1.5 Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.



Figure 16: Subject Property within Built Up Area as shown on Schedule A-2 Urban Structure Plan of the City's Official Plan

- / 1.6 Minor increases in height and/or density may be allowed for individual multiple unit proposals in accordance with the Bonus Zoning provisions contained in Part 4, Section 4 of this Plan.
- / 1.7 All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.

### Built Up Area

- / 1.10 It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:
  - / 1.10.1 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.
  - / 1.10.2 A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.
  - / 1.10.3 Generally, development within the Built-up Area should be at a higher density that 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.
  - / 1.10.5 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.
- (ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to **a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare**. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.
- (iii) Apartments with building heights of not more than 6 storeys can be developed up to **a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare**. Such development shall be located on lands that front onto arterial roads.
- Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:
  - Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

The proposed development provides for a range of housing typologies ranging from front-loaded and back-to-back townhouses to higher density stacked townhouses and apartment buildings. As detailed under Section 3.2.2 of this report, an Official Plan Amendment is required to permit the residential densities proposed for this development which are higher than what is currently permitted by the City's Official Plan. The following net densities are being proposed:

- / a maximum net density of 70 units per hectare for the proposed townhouse blocks;
- / a maximum net density of 200 units per hectare for the proposed stacked townhouse blocks;
- / a maximum net density of 160 units per hectare for the proposed back-to-back townhouse blocks which would be considered a low-rise apartment building under the City's Official Plan; and,
- / a maximum net density of 330 units per hectare for the proposed 10 storey apartment building blocks.

The proposed Official Plan Amendment is appropriate for the subject site, considering the City's broader objectives relative to growth, intensification, and providing a mix of housing typologies. The proposed development has been well-designed and structured in a manner which considers its existing and planned context. The location and placement of the various proposed housing typologies on the subject property has carefully considered cohesion and compatibility with the surrounding neighbourhood. The proposed development situates front-loaded townhouses closer to the existing detached dwellings along Furlong Avenue, providing a suitable transition of height and density and ensuring compatibility with the established neighbourhood character. Back-to-back townhouses are setback by a new 20-metre-wide public right-of-way, and the stacked townhouses and apartment blocks are located closer to Willoughby Drive, the existing apartment buildings, and long-term care facilities. The proposed development provides a gradual transition throughout the property from lower density forms to denser apartment blocks. The overall plan lends itself to a broad mix of unit types which address differing housing needs of the City of Niagara Falls.

The proposed height for the apartment blocks (approximately 10 storeys) is greater than existing building heights within the neighbourhood, and that which is permitted by the Residential land use designation. However, the proposed development provides blocks which are adequately sized to accommodate the proposed forms, considering design elements such as orientation, tiered/stepped back massing, and building setbacks which can mitigate any impacts on

surrounding properties. Development of the apartment blocks and group dwelling blocks consisting of more than ten dwelling units will be subject to Site Plan Control and will allow the municipality to review future development in greater detail on a block-by-block basis.

Schedule A Future Land Use and Schedule A-1 Natural Heritage Features and Adjacent Lands of the City's Official Plan identifies the south-eastern portion of the subject property as being adjacent to an Environmental Conservation Area. Therefore, environmental policies as detailed under Part 2 Section 11 of the City's Official Plan must be considered when reviewing development proposals on the subject property. Environmental policies applicable to the proposed development include:

### 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.
- / 11.1.6 The Natural Heritage Policies shall apply when development or site alteration is proposed on lands within the City that are adjacent to a natural heritage feature identified within the Official Plan of a neighbouring municipality, the Niagara Region Official Plan or by the Ministry of Natural Resources.
- / 11.1.10 The policies of the Natural Heritage System shall apply to protect any previously unmapped natural heritage feature identified by an Environmental Impact Study regardless of the land use designation applying to such feature in this Plan.
- / 11.1.11 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.

### Environmental Impact Studies

- / 11.1.17 An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:
  - o a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or
  - o b) that contain or are adjacent to a natural heritage feature.

A Natural Heritage Constraints Assessment of the subject property was undertaken by Colville Consulting Inc. and has been submitted in support of these applications. The assessment included the following inventories and assessments: summer and fall botanical inventories of the Subject Lands; assessment and description of vegetation communities on the property using the Ecological Land Classification System for Southern Ontario (ELC); tree inventory documenting size, species, and health of each tree on the properties; breeding bird surveys; amphibian call surveys; assessment of potential bat roosting habitat; assessment of drainage features; and documentation of incidental wildlife observations during site visits.

No significant natural heritage features were found to be located on the subject lands, except for a stormwater drainage channel within the Caronpost Road allowance, and another along the southern and eastern property lines. The recommended Environmental Impact Study (EIS) found that the proposed development will have no negative impact on the watercourse/drainage channel along the southern and eastern property lines abutting Weinbrenner Road. However, as the proposed development entails construction of Caronpost Road, the study recommends that the hydrological function of the existing watercourse/drainage channel be replicated underground below the future roadway. As such, the proposed development is not anticipated to have any negative impacts on the limited natural heritage features on the subject property.

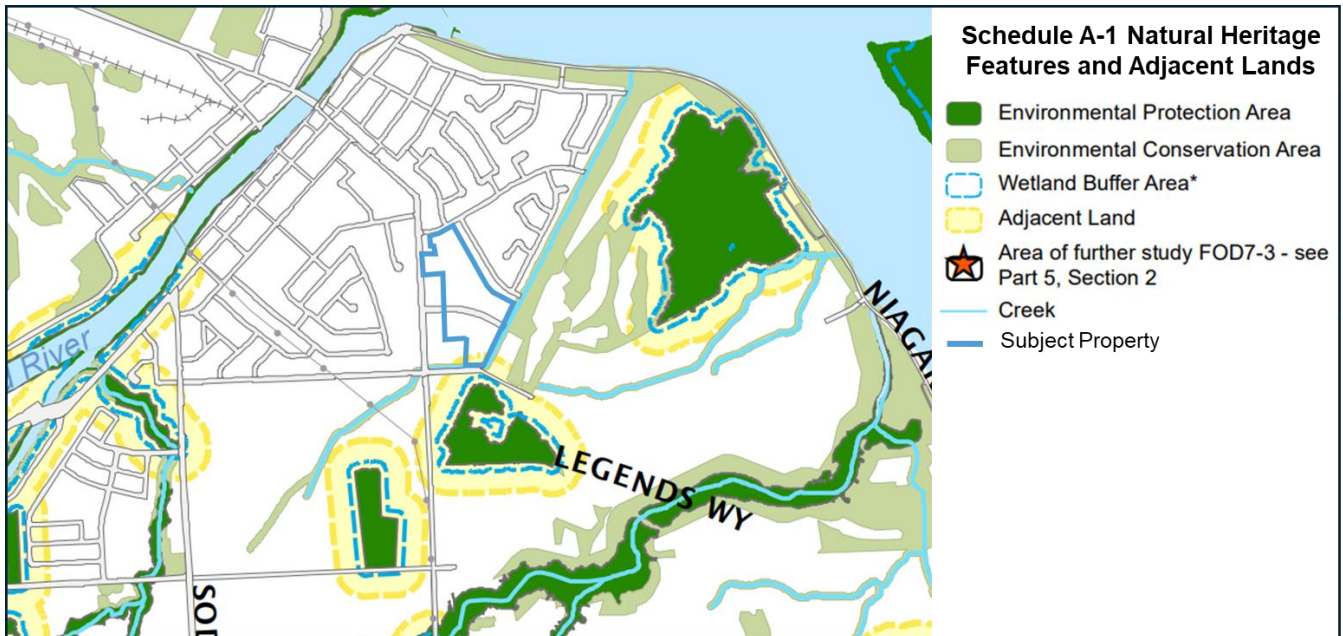


Figure 17: Subject Property Adjacent to Environmental Conservation Area as identified on Schedule A-1 Natural Heritage Features and Adjacent Lands of the City's Official Plan

#### 4.3.3 Part 3 – Environmental Management

Part 3 of the City's Official Plan contains policies of a strategic nature intended to be utilised in conjunction with the land use designation policies outlined under Part 2. These policies aim to conserve and enhance the City's built, natural and social environment.

Part 3 Section 1 of the City's Official Plan outlines policies relating to Municipal Infrastructure, which state:

- / 1.2 Water and Sanitary Sewage
  - o 1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available.
- / 1.3 Storm Drainage
  - o 1.3.1 It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.
  - o 1.3.2 Council shall not permit any new development or redevelopment where it would interfere with, or reduce, the drainage capacity of any natural watercourse or agricultural field drainage system, result in any erosion, pollution or drainage problems along watercourses and their tributaries or where it would adversely affect the quality/quantity of ground water or a water recharge/discharge area.
- / 1.4 Waste Disposal
  - o 1.4.1 It is recognized that the management of solid waste is the responsibility of the Niagara Region.
- / 1.5 Transportation
  - Transportation Corridors
    - o 1.5.2 The corridors within the City's jurisdiction shall be of the width provided for in this Plan and should contain sidewalks and bicycle lanes of sufficient width to safely accommodate users.

- 1.5.3 The streetscape of corridors within the City's jurisdiction should be designed to increase the comfort level of pedestrians through the use of street trees, benches and bus shelters.
- 1.5.4 Access ramps from private developments should be minimized and amalgamated with adjoining properties where possible.

#### Rail and Public Transit

- 1.5.6 Public transit routes shall be designed to service employment areas, intensification areas, nodes and intensification corridors. It is desirable for public transit services to be encouraged in proximity to higher density residential developments, areas of high employment concentration, major medical and social service centres, housing developments for people with special needs and social amenity areas such as the Niagara Parks and other attractions.

#### Active Transportation Facilities

- 1.5.12 In an effort to achieve an increase in the modal share of bicycle and pedestrian trips, the City will provide public facilities for active transportation in the form of bicycle or shared use lanes, paved shoulders of rural roads, off-road recreational trails, bicycle parking facilities and sidewalks to the extent that is financially feasible.
- 1.5.14 Sidewalks on certain roadways will be provided where required for the safety and convenience of pedestrians.

#### Collector and Local Road Network

- 1.5.19 The road classification system will be used as the basis for decisions regarding design standards for road construction, transit and truck routes, road widenings and access.
- 1.5.21 The City will determine and implement the long-term road network needs having regard to the Transportation Master Plan and the Regional Bicycling Network. It is intended that the utilization of existing transportation infrastructure will be maximized before new transportation infrastructure is constructed and that opportunities will be available for all residents to use a variety of transportation modes. Appropriate transportation linkages will be developed in order to provide efficient movement of people and goods both within and outside the City.
- 1.5.23 The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and when such road construction or widening is contemplated on a City-owned road within a five year time space.
- 1.5.25 The dedication of property for daylighting triangles on existing roads will be required at such times as the property is to be developed or redeveloped through Site Plan Control, or where a consent or subdivision is required.
- 1.5.29 In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required.
- 1.5.36 All local road allowances are to be 20 metres in width.

#### Utility Services

- 1.5.42 Council shall encourage, upon development or redevelopment proposals, that the appropriate public or private agencies to place such services as electric power, telephone and television cable lines underground, where feasible.

The subject property is municipally serviced and is eligible for Regional waste collection, as confirmed in the pre-consultation commentary letter dated February 2022. It is located in close proximity to three public transit routes which connect the property to the City and Region more broadly. The proposed development makes optimal use of existing municipal infrastructures and services through residential intensification of an underutilized greenfield property in the City's Urban Area.

As detailed under Section 4.3 of this report and the Urban Design Brief submitted in support of these applications, the proposed development plan has been carefully considered and designed by a multi-disciplinary team of planners, designers, and engineers to establish a hierarchy of roads that enable safe circulation, encourages multi-modality, and enhances the built environment. Five new public rights-of-way are proposed which will be built to the City's design standards and requirements and has planned widths of 20 metres or more. Daylight triangles have been incorporated at road intersections to mitigate collision hazards and improve road safety. A Traffic Impact Study was completed by Tatham Engineering Limited which informed the design of the proposed development and has confirmed that the development will have no negative impacts on the area road network.

The proposed public rights-of-way have sufficient width to accommodate wide sidewalks, landscaping, and active transportation infrastructure. Burial of overhead utilities and co-location of utilities underground will also be considered, where feasible.

Part 3 Section 2 of the City's Official Plan outlines policies and strategies related to Parkland in the City, including criteria for determining parkland to be dedicated as part of new development. Policies relevant to the proposed development include:

- / 2.1.1 Neighbourhood Parks shall be established to serve the needs of local residents. As far as possible, such parks should be centrally located and readily accessible to the majority of park users and should be designed with extensive street frontage for visibility and safety. Facilities may include active play areas, landscaped passive areas, playgrounds and play fields. Neighbourhood parks shall be provided on the basis of 1.4 hectares per 1000 population and shall be coordinated with elementary school sites wherever possible.
- / 2.3 In areas of new development or redevelopment, Council will avail itself of the provisions of the Planning Act to ensure that sufficient lands are dedicated to the municipality for park purposes.
  - o 2.3.1 Generally, the parkland dedication provisions of the Planning Act will be used to establish Neighbourhood parks. The amount of land to be conveyed for such purposes shall be calculated on the basis of one hectare for every 300 dwelling units or at such lesser rate as Council deems appropriate.
  - o 2.3.2 Notwithstanding Policy 2.3.1, in no case shall the ratio of parkland dedication be less than 5% or exceed 20% of the lands included in a proposed development or redevelopment plan.
- / 2.5 As an alternative to requiring land conveyances, cash-in-lieu of parkland dedication may be requested under the following circumstances.
  - o 2.5.2 Where the conveyance would render the remaining portion of the development site unsuitable or impractical for development or redevelopment.
  - o 2.5.3 Where the conveyance would provide insufficient land suitable for park purposes.
  - o 2.5.4 Where existing municipal parkland is available in sufficient quantities to accommodate further development and redevelopment in an area.

Recognizing the social and health benefits of public open spaces, the proposed development includes a centrally located park with an area of approximately 0.5 hectares, identified on the submitted Plan of Subdivision as Block 22. The proposed park provides frontage onto three public rights-of-way ensuring visibility, safety, and connectivity with the wider neighbourhood. The proposed parkland is anticipated to be reasonably leveled and free of encumbrances and meets the

environmental requirements for sensitive land use. This land is expected to be conveyed to the City as parkland pursuant to the City's parkland dedication requirements.

Part 3 Section 3 of the Official Plan discusses policies for Energy Conservation and to promote opportunities for energy efficiency in the built environment. Policies which apply to the proposed development include:

- / 3.1.2 Access to direct sunlight shall be protected in order to provide opportunities for passive solar heating thereby reducing consumption of energy resources. This may be achieved through consideration of the following.
  - o 3.1.2.1 Zoning provisions regulating such matters as building height, setbacks and accessory structure locations.
  - o 3.1.2.2 Building orientation and design that maximizes exposure to sunlight.
  - o 3.1.2.3 High-rise developments located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian corridors, open space and amenity areas. Special drawings or studies may be required in the assessment of development applications in such cases.

The proposed development plan has incorporated planning and design measures to ensure that nearby and future residents have optimal access to direct sunlight. Placement and location of the proposed housing typologies gently transition in height and density to maximize sunlight penetration. The proposed 10-storey apartment building blocks have been strategically located along the periphery of the subject property. These blocks have been allocated sufficiently large lot sizes to accommodate necessary setbacks, tiered/stepped back building massing, alternative building orientation, and other design measures to mitigate potential shadow impacts. The Sun-Shadow Study, prepared for the development application package, demonstrates the proposed development appropriately considers the surrounding context and mitigates potential future shadow impacts through the placement, orientation, and overall site design.

Part 3 Section 4 of the City's Official Plan details policies related to Cultural Heritage Conservation. Considering the City's long and significant history, as well as the property's location on the historic Battle of Chippawa lands, the property has been identified as having archaeological potential. The Official Plan outlines the following heritage conservation policies which pertain to the subject property:

- / 4.5 In consultation with the MHC, built heritage resources within the municipality shall be assessed by use of studies, surveys or other methods. The following criteria shall be considered when identifying, studying, assessing or conserving properties of cultural heritage value.
  - o 4.5.4 The property is significant to the community because of direct associations to a theme, event, belief, person, activity, organization or institution.
  - o 4.5.8 The property is physically, functionally, visually or historically linked to its surroundings.
- / 4.10 The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.

As discussed under Section 4.4 of this report, Stage 1 and Stage 2 Archaeological Assessments were carried out by a licensed archaeologist. The studies concluded that there are no significant archaeological artefacts on the site, and no further archaeology will be required.

Part 3 Section 5 of the City's Official Plan contains Urban Design Strategy policies, which seek to create a "compact and interconnected, pedestrian-oriented and transit-supportive community". The Urban Design Brief submitted as part of this application provides a detailed description of design elements for the proposed development. Some selected urban design policies to be addressed from a planning perspective are listed and rationalized below:

- / 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.
  - o 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.
  - o 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.
  - o 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 sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.
  - o 5.1.6 Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.
  - o 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.
- / 5.2 Streets are a public space that, while conveying motorized traffic, should be designed as a safe, comfortable and convenient environment for the pedestrian and cyclist. Streetscaping should serve to improve the pedestrian experience of an area through the use of amenities such as widened sidewalks, decorative street lighting, rest areas, tree planting and other landscaping features.
  - o 5.2.1 The provision of adequate and accessible space for pedestrians, cyclists and transit are to be considered in the design of streets.
  - o 5.2.2 The improvement and upgrading of streetscapes is encouraged through the development of facilities and amenities such as sidewalk cafes, plazas, piazzas and other spaces. Where appropriate, streetscape plans, urban design guidelines or community improvement plans will be undertaken and implemented in cooperation with area land owners and Boards of Management for business improvement areas.
  - o 5.2.3 The City shall cooperate with other levels of government in protecting existing trees and planting new trees along roadways and highways in accordance with municipal, Regional and Provincial guidelines for aesthetics, maintenance and safety.
  - o 5.2.4 In all public works, no trees within the road allowance or on public property shall be removed unnecessarily. However, if they must be removed, suitable, native trees shall be replaced as soon as possible where it is desirable and practical.
  - o 5.2.5 The City shall participate in a tree planting program to enhance the environment and shall encourage private landowners to protect existing trees, hedgerows, windbreaks and other natural areas and plant additional trees on their own property using native species wherever possible.
  - o 5.2.6 In cooperation with the appropriate agencies, the number of utility poles shall be minimized and overhead wiring shall be progressively buried underground.

- 5.2.7 The City shall cooperate with other levels of government and agencies in consolidating driveway entrances and/or providing access turnarounds, wherever possible, within and between properties to improve traffic flow efficiencies and to protect private and public property.
- / 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.
  - 5.3.4 Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.
  - 5.3.5 The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.
  - 5.3.6 Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.
- / 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 it's 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.

The proposed development utilizes built form, streetscape and landscaping measures to improve the use and efficiency of the subject property. The proposed development includes new streets, public spaces, and housing typologies which will positively contribute to the existing neighbourhood and improve the function of an underutilized site. The proposed built forms are designed in a manner which provides compatible building heights, with lower forms located adjacent to existing areas, transitioning gently to greater building heights. Higher density blocks, including stacked townhouse blocks and apartment buildings are located on larger blocks, with setbacks and siting designed to mitigate impacts on surrounding properties.

The proposed development orients the built forms to efficiently utilize the undeveloped parcel, providing pedestrian and vehicle connections between blocks, as well as a centrally located public park. Built forms are oriented towards the street, with higher densities situated in a manner which frames the street and provide a compatible relationship between uses.

Vehicle access and parking has been efficiently designed, with underground parking provided for higher density built forms, and surface parking located away from public roadways, visually screened in side or rear yards. Landscaping is utilized



throughout the development, creating a transition between buildings and streetscapes, buffering parking areas, and contributing to a walkable, pedestrian oriented environment. The proposed development will be subject to future Site Plan Control applications, which will address more specific design elements and allow further evaluation of the overall architectural design, landscaped elements, and other features of the property.

#### 4.3.4 Part 4 – Administration and Implementation

Part 4 of the City's Official Plan outlines policies, planning tools, and guidelines to implement the Official Plan.

Part 4 Section 2 of the City's Official Plan contains policies and considerations for Official Plan Amendments, which state:

- / 2.6 When considering an amendment to the Official Plan, Council shall consider the following matters.
  - o 2.6.1 The conformity of the proposal to the general objectives of this Plan.
  - o 2.6.2 Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.
  - o 2.6.3 Compatibility of the proposed use with adjacent land use designations and natural resources.
  - o 2.6.4 The need for and market feasibility of the proposed use.
  - o 2.6.5 The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.
  - o 2.6.6 The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.
  - o 2.6.7 The financial implications of the proposed development.
  - o 2.6.9 Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.

The subject property is designated as *Residential* land use and lies within the City's Urban Area Boundary. It is located in a considerably built-up neighbourhood and is one of the few undeveloped parcels of urban land in the City. Commercial, recreational, institutional and employment land uses are within walking distance of the subject property. It is also served by municipal water and sewer services and three public transit routes. The subject property is therefore ideal for residential intensification. Although the proposed residential densities are higher than what currently exists within the neighbourhood, careful consideration has been given to ensure compatibility and cohesion with the existing surrounding neighbourhood. Supporting studies submitted as part of this application package confirm that the proposed development will have no negative impact on its surroundings, municipal infrastructure, natural and archaeological resources, or the transportation system. The proposed phased development plan will allow for efficient use of existing infrastructure and would facilitate incremental development adapted to the City's changing needs.

Part 4 Section 4 of the City's Official Plan contains policies and procedures related to Zoning By-law amendments, which state:

- / 4.1 Zoning By-law
  - o 4.1.1 Following adoption of this Plan and any general amendments to it, it is intended that the comprehensive Zoning By-law will be updated to implement the relevant provisions of this Plan. Any application to amend the Zoning By-law shall be in conformity with the provisions of this Plan, the Regional Policy Plan and any applicable Provincial Plans.

As detailed in this PJR and submitted supporting studies, the proposed development conforms with the direction, general intent, and purpose, of the City's Official Plan and Niagara Official Plan. The proposed development is consistent with both the Growth Plan and the Provincial Planning Statement (PPS 2024).

Part 4 Section 7 of the City's Official Plan provides direction on Subdivision Control, which include:

- / 7.3 Development by way of plan of subdivision shall be in conformity with the following items.
  - o 7.3.1 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.
  - o 7.3.3 Any lot created shall have direct frontage on a public road of an acceptable standard of construction.
  - o 7.3.4 Development shall not create a traffic hazard.
  - o 7.3.5 The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.
  - o 7.3.6 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.

Several technical studies and assessments were undertaken to identify and mitigate any potential negative impacts that the proposed development may have. The Traffic Impact Study confirmed that the proposed higher-density residential Plan of Subdivision is well planned and designed from a traffic perspective and no negative impacts to the area's transportation network is anticipated. The Functional Servicing and Stormwater Management Report verified and confirmed that the proposed development can be municipally serviced and that there is sufficient servicing capacity to support the proposed density. The Natural Heritage Constraints Assessment established that there are no natural heritage features on the subject property except for two stormwater drainage channels within the southern portion of the subject property. The Environmental Impact Study (EIS) determined that the proposed development will have no negative impacts on No negative impacts on Endangered or Threatened species, Species of Special or Conservation Concern, Locally Uncommon Species, Significant Woodland, or Other Wetlands. The EIS also determined that the watercourse/drainage channel along the southern property line abutting Weinbrenner Road will not be impacted by the proposed development, and further recommends measures to mitigate the impact of the proposed Caronpost Road construction on the existing drainage channel along the Caronpost Road allowance.

**Based on the above analysis, it is our professional opinion that the proposed development is consistent with the intent and purpose of the City of Niagara Falls Official Plan. The proposed Official Plan Amendment is appropriate for the subject site in achieving the City's broader goals relative to growth, residential intensification, and increasing the City's overall housing supply, types, and tenures in accommodating a growing population.**

#### 4.4 Proposed New City of Niagara Falls Official Plan

As of 2024, the City of Niagara Falls has commenced work on a new Official Plan to replace the existing Official Plan which was originally approved in 1993. The new Official Plan will guide land use planning in the City up to a horizon of 2051. Development of the new Official Plan is in its early stages. Phase 2, which includes background research and community consultations, is currently underway, and based on emerging themes and discussion topics derived from Phase 1 public engagement.:

Although still within early stages, strategies and policy themes emerging through the new Official Plan process that apply to the proposed development include, but are not limited to:

- / Provide residents with easy access to a wide range of housing types;
- / Encourage higher-density built forms and land uses to develop complete communities, reduce land consumption, and use existing infrastructure;

- / Higher density built forms would also limit the need for future urban boundary expansions and help protect agricultural lands and environmentally sensitive areas;
- / Emphasis on orderly, sustainable growth through infill, intensification, and rehabilitation;
- / Need for single-person residences and as well as apartments for aging population;
- / Manage transition between new and existing development that is respectful of the existing neighbourhoods and mitigate any adverse effects; and,
- / Housing should be diverse to retain and attract young, educated workers in Niagara Falls.

The emerging direction from the City of Niagara Falls new Official Plan process places emphasis on a need for a more diverse and broad range of housing types, higher-density built forms, and infill development which responds to the needs of the community. Specifically, strategies and policy direction emerging through this process seek to provide new housing forms through infill and intensification to retain younger workers while accommodating an aging population. Although not subject to these emerging policy directions, the proposed development is consistent with the direction of the new Official Plan.

#### 4.5 Zoning By-law (#79-200)

The City of Niagara Falls presently has four Zoning By-laws which apply to various areas of the City. Provisions of Zoning By-law #79-200 apply to the subject property. The Zoning By-law was originally approved and adopted by Council in November 1979 and has been amended several times since, with the most recent office consolidation available on the City's website dated May 31, 2024.

The subject property has split zoning as illustrated in the figure below. The seven individual lots south of Caronpost Road are zoned as Residential Low Density, Group Multiple Dwelling (R4) Zone. A range of low- to medium- density residential uses such as townhouses containing up to eight units, stacked townhouses, apartment dwellings, etc. are permitted as of right in the R4 Zone. Additionally, five out of these seven R4 zoned lots which have been numbered as R4 501 on Schedule A of the Zoning By-law. The 501 numbering indicates a site-specific exception, as detailed under Section 19.1.501 of the Zoning By-law, which allow the lots to be developed as a nursing home in accordance with the provisions of Section 9 Institutional Zone.

A large portion of the property north of Caronpost Road is zoned as Residential Two (R2) Zone which permits lower density residential uses such as single and semi-detached dwellings, and duplex dwellings. Along the eastern side of the property, abutting the existing low-density dwellings fronting on Furlong Avenue, is a narrow strip of land zoned as Residential 1E (R1E) Zone. Single-detached dwellings and some incidental accessory/ancillary uses are the only uses permitted within the R1E Zone. A small portion of the subject lands which front onto Willoughby Drive is currently zoned as General Commercial (GC) Zone which permits a wide range of non-residential uses as of right.

The proposed development seeks to introduce higher density residential uses on the subject property which cannot be accommodated based on the existing zoning of the property. The proposed housing typologies include front-loaded townhouses, back-to-back townhouses, stacked townhouses, and 10-storey apartment buildings, which are located and positioned to achieve higher built density. Based on the definition for Group Dwellings in the City's Zoning By-law, it is our understanding that the proposed arrangement of back-to-back and stacked townhouses on Blocks 14, 15, 16, 17, and 18, would be considered a group dwelling. These blocks, as indicated on the proposed development plan, would be located on lands currently zoned for lower density residential purposes. As such, a zoning amendment to rezone the subject property will be required.

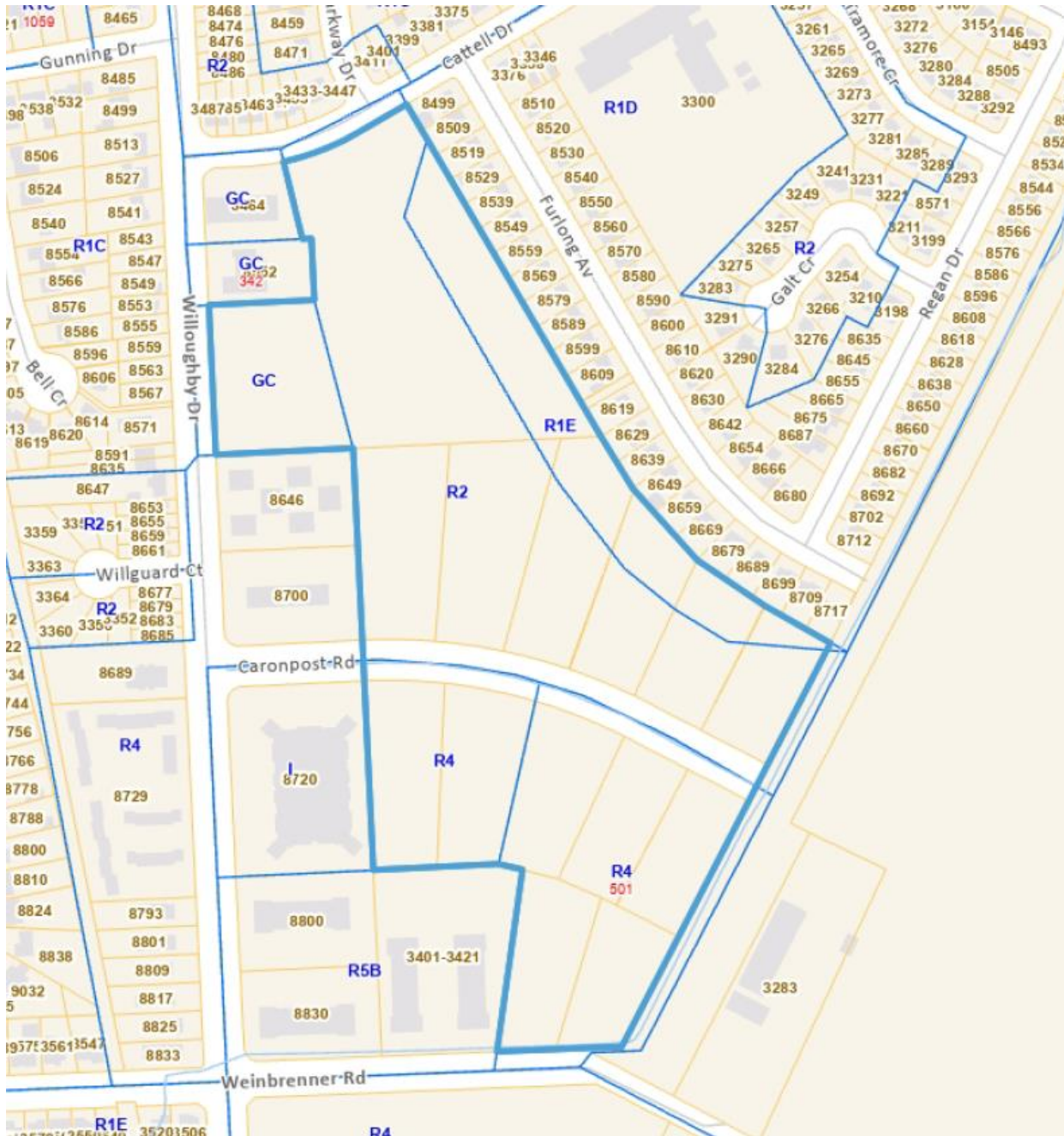


Figure 18: Subject Property currently split-zoned as GC, R1E, R2, and R4 Zones

It is proposed that the subject property be rezoned as follows:

- / **Residential Low Density, Group Multiple Dwelling (R4) Zone** along the northern, eastern and central portions of the subject property to accommodate the proposed front-loaded townhouses and group dwelling blocks. The R4 zoning would apply to Blocks 1-18. Further amendments to the provisions of the R4 Zone are also being proposed to achieve the proposed density and building orientation on each block.
- / **Residential Apartment 5F Density (R5F) Zone** along the southern and western portions of the subject property to accommodate the proposed high-density apartment building blocks. The R5F zoning would apply to Blocks

19, 20 and 21. Further amendments to the provisions of the R5F Zone are being proposed to achieve the proposed density and building orientation while ensuring feasibility and appropriate flexibility of future development on these blocks.

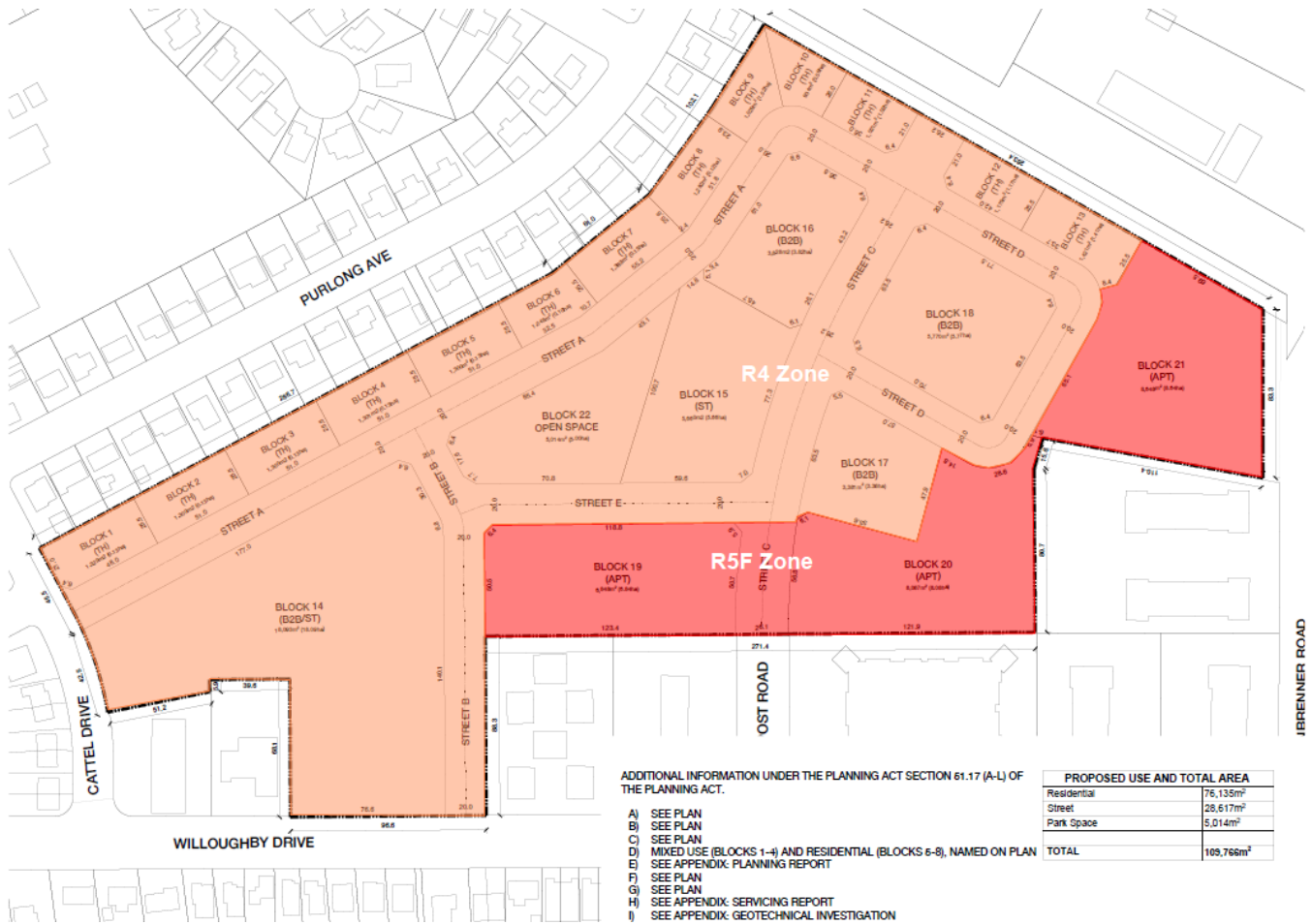


Figure 19: Proposed Zoning Map

In addition to rezoning the subject property, amendments to the applicable zoning provisions and parking provisions are proposed. These amendments broadly include reductions in minimum required lot area per dwelling unit, setbacks, proportion of landscaped open space, and parking space provisions, as well as increases in maximum lot coverage and buildings heights. Appendix A of this report includes a detailed zoning matrix which details the proposed amendments and provides a rationale and justification for each amendment.

The general intent and purpose of the Zoning By-law is to implement the policies of the Official Plan and ensure orderly development within the City. As discussed in Section 4.5 of this report, the proposed development is consistent with the purpose and intent of Official Plan which strongly encourages and supports residential intensification on the subject property. The current zoning provisions applicable to the subject property limits development to low- and medium-density residential uses. By rezoning the subject property as proposed, higher residential densities can be achieved which is in line with broader Provincial, Regional and Municipal policies related to housing development and intensification.

The proposed two zones, and the portions of the subject property to which those zones apply, were carefully selected to facilitate residential intensification whilst ensuring a gentle transition of residential densities and heights from the existing surrounding neighbourhood. The R4 zoning when combined with the sizes and shapes of Blocks 1- 13 which abut lands zoned as R1D will naturally direct future development to be of the lower-density front-loaded townhouse typology. In contrast, the larger Blocks 14-18 are positioned to accommodate the higher-density residential typologies permitted in the R4 Zone. The proposed high density R5F Zone has been located closer to adjacent lands which are zoned as R4, R5B, and Institutional (I) Zones, thereby providing a degree of continuity and gentle intensification.

As mentioned above, some amendments to the zoning provisions of the R4 and R5F zones have also been proposed. These amendments are necessary to achieve the desired residential density for each block. The proposed amendments and the rationale for each proposed amendment has been detailed under Appendix A and Appendix C of this report. The proposed approach of rezoning the lands to R4 and R5F and amending the provisions therein to allow for denser development was chosen as an alternative to spot-zoning, i.e., smaller parcels of land zoned differently from surrounding properties. Limiting the proposed rezoning to two zones across two larger, contiguous sections of the property, ensures that future development proceeds in an orderly manner and fosters the establishment of a strong neighbourhood character.

**It is therefore our professional opinion that the proposed development is consistent with the general intent and purpose of the Zoning By-law and will be consistent with the provisions of the Zoning By-law as amended in the proposed manner.**

## 5.0 Conclusion

The subject property is an 11-hectare vacant parcel of land, designated and zoned for residential use. It is located within the City's Urban Area Boundary and has been identified as a Built Up Area in the City's Official Plan. The subject property is adjacent to three existing transit routes, multiple commercial and institutional establishments, and a variety of recreational and neighbourhood amenities. It is therefore suitable for residential intensification as per the various Provincial, Regional, and Municipal policies and plans.

The proposed development entails the development of a residential subdivision offering a range of housing typologies, unit size mixes, and tenure types. A total of 21 development blocks, one parkland block, and five public rights-of-way are being proposed through this development plan. Once completed, the proposed development will accommodate approximately 38 buildings containing 978 residential units at the subject property.

To facilitate the proposed development, applications for Draft Plan of Subdivision, Official Plan Amendment, and Zoning Amendment, are being submitted concurrently. If approved, the three applications will have the following effect:

- / Draft Plan of Subdivision will permit subdivision of land and conveyance of infrastructure to the City associated with the proposed development;
- / Official Plan Amendment, as proposed, will permit higher residential densities and building heights on the subject property; and,
- / Zoning By-law Amendment, as proposed, will rezone the subject property to R4 and R5F Zones and amend the corresponding zoning provisions to allow for higher residential densities.

As discussed in this report, the proposed development is desirable for several reasons which include the following:

- / The proposed development will optimize the potential of an underutilized and vacant parcel of municipally serviced lands through residential intensification.
- / The proposed development is consistent with the Provincial Planning Statement (2024) by making efficient use of existing infrastructure, supporting existing rapid transit, and providing new housing options in the area.
- / The proposed development aligns with the Growth Plan (2020) by offering higher density residential infill that features a diverse range of housing types, unit sizes, and tenure options.
- / The proposed development offers a centrally located public park and opportunities for other public and private open spaces which contribute to meeting the recreation, public health, and climate change policies in the Region and City's Official Plans.
- / Further in consistency with the Region and City's Official Plans, the proposed development integrates into the established surrounding low-density residential neighborhood by placing low-rise housing typologies, such as front-loaded townhouses, next to the existing detached homes, and gently transitioning densities and heights towards Willoughby Drive and Weinbrenner Road.
- / The proposed amendments to the City of Niagara Falls's Official Plan achieves the goals of Provincial, Regional and Municipal policies and plans by facilitating the development of higher density residential development.
- / The proposed amendments to the City's Zoning By-law #79-200 help implement the City's Official Plan by rezoning the subject property to higher density residential zones as well as amending specific zoning provisions whilst maintaining the general intent and purpose of the Zoning By-law.
- / The proposed development has been designed to encourage and facilitate multi-modality through best industry practices for development design and in accordance with the Region and City's Urban Design policies and guidelines.

- / The proposed development will make efficient use of Municipal and Regional infrastructure with no anticipated negative impacts on the infrastructure or surrounding neighbourhoods.
- / The proposed development is supported by technical studies, plans, and reports submitted as part of these applications.

It is therefore our professional opinion that the proposed development is consistent with the Provincial Planning Statement (PPS 2024) and Growth Plan, conforms with the policies of the Region of Niagara Official Plan and City of Niagara Falls Official Plan, constitutes good planning and is in the public interest.

Should you require any additional information, please do not hesitate to contact the undersigned at 416.789.4530.

Respectfully,



Michael Keene, MCIP RPP  
Principal



Nathan Petryshyn, MCIP RPP  
Senior Planner



Sayana Sherif, MUP  
Planner



# Appendix A

## Zoning Matrix

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
<b>Section 7.9 R4 Zone Provisions</b>							
7.9.1	Permitted Uses	(a) A townhouse dwelling containing not more than 8 dwelling units;  (b) An apartment dwelling;  (c) A stacked townhouse dwelling;  (d) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units;  (e) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14;  (f) a Home Occupation in a detached dwelling, or a dwelling unit of a semi-detached dwelling or a duplex dwelling, subject to the provisions of section 5.5			(a) A townhouse dwelling containing not more than 8 dwelling units;  (b) A back-to-back townhouse dwelling, being a townhouse dwelling where each dwelling unit shares a common rear wall with an adjacent dwelling unit and is located on a through lot;  (b) An apartment dwelling;  (c) A stacked townhouse dwelling;  (d) Group dwellings;  (e) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14;  (f) a Home Occupation in a detached dwelling, or a dwelling unit of a semi-detached dwelling or a duplex dwelling, subject to the provisions of section 5.5	<b>Amendment Proposed</b>	Back-to-back townhouse dwellings are distinct from street townhouses, stacked townhouses, and apartment dwellings, in that they do not have a technical rear yard. Based on this understanding, the proposed back-to-back townhouses are currently not an explicitly permitted use in the R4 Zone. An amendment is therefore requested.
7.9.2	Regulations						
(a)	Minimum Lot Area						
	(i) for a townhouse dwelling	250 square metres (2,691 sq. ft.) for each dwelling unit			150 square metres for each dwelling unit	<b>Amendment Proposed</b>	The proposed townhouse dwelling blocks assume dwelling units which meet current industry standards with respect to unit area and can be accommodated on a smaller lot. Reduction in minimum lot area is therefore being requested.
	(ii) for an apartment dwelling or stacked townhouse dwelling	200 square metres (2,152.8 sq. ft.) for each dwelling unit			100 square metres for each dwelling unit	<b>Amendment Proposed</b>	The proposed stacked townhouse dwellings assume a denser layout drawn from current industry standard designs. Reduction in minimum lot area is therefore being requested.
	(iii) for a back-to-back townhouse dwelling	-			85 square metres for each dwelling unit	<b>Addition</b>	Back-to-back townhouse dwelling units do not have a technical rear yard and as such, lower lot area is required to accommodate each dwelling unit.
(b)	Minimum Lot Frontage						
	(i) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing more than four dwelling units	30 metres (98.4 ft.)			24 metres	<b>Amendment Proposed</b>	The proposed townhouse dwelling units are less wide than traditional townhouse dwelling units, and reflects current industry standards. Considering the reduced unit width, a reduction in lot frontage is being requested.
	(ii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on an interior lot	24 metres (78.7 ft.)			23 metres	<b>Amendment Proposed</b>	The proposed townhouse dwelling units are less wide than traditional townhouse dwelling units, and reflects current industry standards. Considering the reduced unit width, a reduction in lot frontage is being requested.
	(iii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres (83.7 ft.)			25.5 metres	<b>Yes</b>	
	(iv) for a back-to-back townhouse dwelling	-			24 metres	<b>Addition</b>	Consistent with the minimum front yard requirement for townhouse dwellings.
(c)	Minimum Front Yard Depth						
	(i) for a townhouse dwelling	6 metres (19.7 ft.) plus any applicable distance specified in section 4.27.1			6 metres (19.7 ft.)	<b>Yes</b>	
	(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1			3 metres	<b>Amendment Proposed</b>	The concept building design used to develop the proposed development plan accounts for all parking to be accommodated within parking garages located at the rear side of the dwelling. A reduction in front yard depth is necessary to maximize the rear yard depth.
	(iii) for a back-to-back townhouse dwelling	-			6 metres when abutting a public right-of-way; 4.8 metres when abutting a private right-of-way	<b>Addition</b>	
(d)	Minimum Rear Yard Depth						
	(i) for a townhouse dwelling	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1			7.5 metres (24.61 ft.)	<b>Yes</b>	
	(ii) for an apartment dwelling or stacked townhouse dwelling	10 metres (32.81 ft.) plus any applicable distance specified in section 4.27.1			7.5 metres (24.61 ft.)	<b>Amendment Proposed</b>	A reduction in rear yard depth is being proposed to achieve the desired densities based on the proposed road network, while also allowing for a gentle transition to the higher density apartment blocks.

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
	(iii) for a back-to-back townhouse dwelling	-			0 metres; no applicable rear yard	<b>Addition</b>	
(e)	Minimum Interior Side Yard Width	one-half the height of the building	●		1.5 metres	<b>Amendment Proposed</b>	A reduction in interior side yard width is required to achieve the desired residential density, and to create a denser and attractive street wall.
(f)	Minimum Exterior Side Yard Width						
	(i) for a townhouse dwelling	4.5 metres (14.8 ft.) plus any applicable distance specified in section 4.27.1	●		3 metres	<b>Amendment Proposed</b>	A reduction in exterior side yard width is required to achieve the desired residential density, and to create a denser and attractive street wall.
	(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	●		3 metres	<b>Amendment Proposed</b>	A reduction in exterior side yard width is required to achieve the desired residential density, and to create a denser and attractive street wall.
	(iii) for a back-to-back townhouse dwelling	-			3 metres	<b>Addition</b>	
(g)	Maximum Lot Coverage	35%	●				An increase in lot coverage is required to achieve the desired residential density. However, recognizing the different needs for each proposed housing typology, it is proposed that maximum lot coverage be differentiated by dwelling type.
	(i) for a townhouse dwelling	-			48%	<b>Amendment Proposed</b>	
	(ii) for an apartment dwelling or stacked townhouse dwelling	-			60%	<b>Amendment Proposed</b>	
	(iii) for a back-to-back townhouse dwelling	-			63%	<b>Amendment Proposed</b>	
(h)	Maximum Height of Building or Structure	10 metres (32.81 ft.) subject to section 4.7	●		10 metres or 3-storeys	<b>Yes</b>	
(i)	Deleted by By-law No. 2011-136	-			-	-	-
(j)	Number of dwellings on one lot	subject to compliance with section 7.9.3, more than one dwelling is permitted on one lot	●		subject to compliance with section 7.9.3, more than one dwelling is permitted on one lot	<b>Yes</b>	
(k)	Parking and Access Requirements	in accordance with section 4.19.1	●		<p>Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:</p> <p>(i) a minimum of 1 parking space for each dwelling unit shall be provided.</p> <p>(ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.</p> <p>(iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.</p> <p>All other provisions of Section 4.19.1 not to the contrary shall continue to apply.</p>	<b>Amendment Proposed</b>	A reduction in minimum required number of parking spaces is being requested for the proposed back-to-back townhouse and stacked townhouse dwelling types. The subject property is adjacent to public transit routes and is in reasonable proximity to day-to-day amenities. Considering the opportunities for alternate means of transportation and reduced car-dependency, no negative impacts are anticipated.
(l)	Accessory Buildings and Accessory Structures	in accordance with sections 4.13 and 4.14	●		in accordance with sections 4.13 and 4.14	<b>Yes</b>	
(m)	Minimum Landscaped Open Space	45 square metres (484.4 sq. ft.) for each dwelling unit	●			<b>Amendment Proposed</b>	Based on the proposed concept plan, each dwelling type can accommodate different proportions of landscaped open space. Therefore, it is proposed that the minimum landscaped open space requirement be differentiated by dwelling type as illustrated below.
	(i) for a townhouse dwelling	-			45 square metres for each dwelling unit	<b>Addition</b>	Proposed area complies with the ZBL's minimum requirement. Higher landscaped open space can likely be accommodated based on the proposed concept plan.
	(ii) for an apartment dwelling or stacked townhouse dwelling	-			30 square metres for each dwelling unit	<b>Addition</b>	Stacked townhouses accommodate a higher number of units within a similar building envelope as front-loaded townhouses. A reduction in landscaped open space is therefore being requested.
	(iii) for a back-to-back townhouse dwelling	-			14 square metres for each dwelling unit	<b>Addition</b>	Back-to-back townhouse dwelling units do not have rear yards, and a portion of the front yard of each unit will be occupied by a driveway. This makes it difficult to accommodate a higher proportion of landscaped open space.
(n)	Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit (2008-148)	7.5 metres	●		Same as minimum required rear yard setback.	<b>Amendment Proposed</b>	Based on the proposed amendments for minimum required rear yard setback, a 7.5 metre privacy yard can be accommodated for the proposed front-loaded and stacked townhouses. As back-to-back townhouses do not have a technical rear yard, no privacy yard can be provided from the exterior rear wall.
(o)	Minimum Amenity Space for an Apartment Dwelling Unit	in accordance with section 4.44	●		in accordance with section 4.44	<b>Yes</b>	Please note that no apartment dwellings have been proposed within the proposed R4 Zoned lands.

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
7.9.3	Additional Regulations for Group Dwellings	<p>No person shall within any R4 Zone use any land or erect or use any building or structure for the purpose of group dwellings except in accordance with the provisions of sections 4, 5 and 7.10.2 as altered or extended by the following additional regulations:</p> <p>(a) The minimum lot area shall not be less than the sum of the minimum lot area requirements of clause (a) of section 7.9.2 of each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling erected or to be erected on the lot.</p> <p>(b) Nothing in section 4.11 or in clause b of section 7.9.2 shall be deemed to require each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.</p>			<p>No person shall within any R4 Zone use any land or erect or use any building or structure for the purpose of group dwellings except in accordance with the provisions of sections 4, 5 and 7.10.2 as altered or extended by the following additional regulations:</p> <p>(a) The minimum lot area shall not be less than the sum of the minimum lot area requirements of clause (a) of section 7.9.2 of each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling erected or to be erected on the lot.</p> <p>(b) Nothing in section 4.11 or in clause b of section 7.9.2 shall be deemed to require each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.</p>	Yes	<p>The proposed dwellings will comply with the minimum required lot area provision as per Section 7.9.3(a) based on the reduced minimum lot areas proposed under Section 7.9.2(a).</p> <p>Based on the proposed concept plan, compliance with Section 7.9.3(b) can be achieved.</p>
<b>Section 7.15 R5F Zone Provisions</b>							
7.15.1	Permitted Uses	<p>(a) An apartment dwelling;</p> <p>(b) A stacked townhouse dwelling;</p> <p>(c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14.</p>			<p>(a) An apartment dwelling;</p> <p>(b) A stacked townhouse dwelling;</p> <p>(c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14.</p>	Yes	
7.15.2	Regulations						
(a)	Minimum Lot Area	57 square metres (613.5 sq. ft.) for each dwelling unit			30 square metres for each dwelling unit	Amendment Proposed	Higher residential densities are assumed for the proposed apartment blocks (Blocks 19-21). A reduction in minimum lot area per dwelling unit is therefore being requested to accommodate the desired residential density.
(b)	Minimum Lot Frontage	45 metres (147.6 ft.)			35 metres	Amendment Proposed	Considering the irregular shaped front lot line for Block 20, a reduction in lot frontage is being requested. The proposed lot width, however, is significantly higher than the ZBL's minimum requirement of 45 metres.
(c)	Minimum Front Yard Depth	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1			6 metres	Amendment Proposed	A reduction in minimum required front yard depth will allow for the provision of sufficient parking area in the rear yard. Development of the proposed apartment blocks is anticipated to be subject to Site Plan Control, at which time, building massing can be adjusted to mitigate any potential negative impacts on the streetscape and/or adjacent properties.
(d)	Minimum Rear Yard Depth	one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1			one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1	Yes	
(e)	Minimum Interior Side Yard Width	one-quarter the height of the building			6.5 metres	Amendment Proposed	A reduction in minimum required interior side yard width is requested from the eastern interior lot line of the proposed Block 21. This lot line abuts a narrow, vacant parcel of land which has limited development potential as it is occupied by a stormwater drain channel. No negative impacts to the adjacent property is anticipated as a result of this reduction.
(f)	Minimum Exterior Side Yard Width	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1			3 metres	Amendment Proposed	A reduction in exterior side yard width is being requested based on the proposed concept plan. Additional buffering or screening, and alternative building massing can be explored through future development applications on a site-by-site basis to mitigate any potential negative impacts on abutting streets.
(g)	Maximum Lot Coverage	30%			30%	Yes	
(h)	Maximum Height of Building or Structure	28 metres (91.9 ft.) subject to section 4.7			30 metres (10 storeys)	Amendment Proposed	A minor increase in maximum permitted building height is being requested to accommodate the desired 10-storeys. Development of the proposed apartment blocks is anticipated to be subject to Site Plan Control, at which time, building massing can be adjusted to mitigate any potential negative impacts on the streetscape and/or adjacent properties.
(i)	Number of apartment dwellings on one lot	One Only			One Only	Yes	

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
(j)	Parking and Access Requirements	in accordance with section 4.19.1			Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:  (i) a minimum of 1.1 parking space for each dwelling unit shall be provided.  (ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.  (iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.  All other provisions of Section 4.19.1 not to the contrary shall continue to apply.	Amendment Proposed	A reduction in minimum required number of parking spaces is being requested. The subject property is adjacent to public transit routes and is in reasonable proximity to day-to-day amenities. Adequate bicycle parking can be accommodated in the proposed apartment blocks. Considering the opportunities for alternate means of transportation and reduced car-dependency, no negative impacts are anticipated.  Rationale for the reduction of parking space dimensions and manoeuvring aisle width is provided further below.
(k)	Accessory Buildings and Accessory Structures	in accordance with sections 4.13 and 4.14			in accordance with sections 4.13 and 4.14	Yes	
(l)	Minimum Landscaped Open Space	55% of the lot area			20% of the lot area	Amendment Proposed	In order to accommodate the required parking spaces, a reduction in minimum landscaped open space is necessary. The subject property, however, is adjacent to multiple open recreational spaces and is proposed to include a substantial parkland. The proposed reduction can therefore be considered minor. Opportunities to increase landscaped open space on each block can be explored during the site plan control application phase when detailed designs will be prepared for the development of individual blocks.
(m)	Minimum Amenity Space for an Apartment Dwelling Unit	in accordance with section 4.44			in accordance with section 4.44	Yes	
<b>Section 4 General Provisions</b>							
4.7	Height Exception	The height regulations of this By-law shall not apply to church spires, belfries, chimneys, water tanks, elevator or mechanical penthouses, flag poles, clock towers, radio, telephone, television or telecommunication towers and antennae, tents and mechanical amusement rides or devices in any Zone except as hereinafter provided or to farm buildings and farm structures (which shall not include buildings or structures to be erected or used for the purpose of human habitation in an A Zone, an R Zone or an OS Zone and shall not apply to the following types of structures and buildings in HI Zones. (2013-14, 2016-03)			The height regulations of this By-law shall not apply to church spires, belfries, chimneys, water tanks, elevator or mechanical penthouses, flag poles, clock towers, radio, telephone, television or telecommunication towers and antennae, tents and mechanical amusement rides or devices in any Zone except as hereinafter provided or to farm buildings and farm structures (which shall not include buildings or structures to be erected or used for the purpose of human habitation in an A Zone, an R Zone or an OS Zone and shall not apply to the following types of structures and buildings in HI Zones. (2013-14, 2016-03)	Yes	
4.9	Municipal Services Required	Unless otherwise provided for in this By-law, no person shall in any residential zone, commercial zone or institutional zone, erect and use a dwelling or a building containing one or more dwelling units or locate or use a mobile home unless such dwelling or building or mobile home is served by a municipal water supply and sanitary sewage system.			Unless otherwise provided for in this By-law, no person shall in any residential zone, commercial zone or institutional zone, erect and use a dwelling or a building containing one or more dwelling units or locate or use a mobile home unless such dwelling or building or mobile home is served by a municipal water supply and sanitary sewage system.	Yes	
4.11	Lot Requirement	Except as otherwise specifically permitted in this By-law, no person shall erect a building or structure in any zone except upon a lot, as defined in this by-law which (i) fronts or abuts upon an improved street or a street being constructed in a plan of subdivision by the Corporation of the City of Niagara Falls pursuant to the subdivision agreement and (ii) has not less than such lot area, lot frontage and lot depth as are set out in the regulations for such zone as the minimum lot area, lot frontage and lot depth. (81-179, #15)			Except as otherwise specifically permitted in this By-law, no person shall erect a building or structure in any zone except upon a lot, as defined in this by-law which (i) fronts or abuts upon an improved street or a street being constructed in a plan of subdivision by the Corporation of the City of Niagara Falls pursuant to the subdivision agreement and (ii) has not less than such lot area, lot frontage and lot depth as are set out in the regulations for such zone as the minimum lot area, lot frontage and lot depth. (81-179, #15)	Yes	

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
4.13	Accessory Buildings and Accessory Structures	<p>(a) Except as otherwise specifically permitted in this By-law, no accessory building or accessory structure shall be erected in a front yard, a rear yard or a side yard.</p> <p>(b) Subject to Section 4.27.1 but notwithstanding any other provisions of this By-law, no accessory building or accessory structure shall be erected on a corner lot closer than 4.5 metres (14.76 ft) to the side lot line abutting a street line or a reserve.</p> <p>(c) An accessory building or accessory structure may be erected in an interior side yard provided that it is distant not less than 1.2 metres (3.94 ft) from the side lot line. Notwithstanding the foregoing, common semi-detached private garages may be centred on the mutual lot line if erected simultaneously on two abutting lots and as one building. (2016-03)</p> <p>(d) subject to section 4.27.1, an accessory building or accessory structure may be erected in a rear yard of a lot provided that it shall not be less than 0.45 metre from any lot line and no overhanging roof, eaves or gutter shall project more than 0.3 metre into any required yard or be less than 0.15 metre from any lot line. (2016-03)</p> <p>(e) An attached private garage or carport which is erected as part of the main building shall not be deemed an accessory building or accessory structure and shall comply with all yard requirements for the main building.</p> <p>(f) except as otherwise specifically permitted in this by-law, no person shall, in any residential zone, DH zone, A zone, R zone, DC zone or DTC zone, erect any accessory building or accessory structure having a greater height than 3 metres, provided that an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres but in no event shall any part of the walls or supporting posts excluding any gable or dormer exceed 3 metres in height. (82-283, 2016-03)</p> <p>(g) In a R1A, R1B, R1C, R1D, R1E, R1F, R2 or R3 zone, the total lot coverage of all accessory buildings and accessory structures on a lot shall not exceed 15% of the lot area or 93 square metres, whichever is lesser, and in no case shall the total lot coverage of all buildings and structures exceed the maximum lot coverage regulation of the specific zone. (2008-148)</p>			<p>(a) Except as otherwise specifically permitted in this By-law, no accessory building or accessory structure shall be erected in a front yard, a rear yard or a side yard.</p> <p>(b) Subject to Section 4.27.1 but notwithstanding any other provisions of this By-law, no accessory building or accessory structure shall be erected on a corner lot closer than 4.5 metres (14.76 ft) to the side lot line abutting a street line or a reserve.</p> <p>(c) An accessory building or accessory structure may be erected in an interior side yard provided that it is distant not less than 1.2 metres (3.94 ft) from the side lot line. Notwithstanding the foregoing, common semi-detached private garages may be centred on the mutual lot line if erected simultaneously on two abutting lots and as one building. (2016-03)</p> <p>(d) subject to section 4.27.1, an accessory building or accessory structure may be erected in a rear yard of a lot provided that it shall not be less than 0.45 metre from any lot line and no overhanging roof, eaves or gutter shall project more than 0.3 metre into any required yard or be less than 0.15 metre from any lot line. (2016-03)</p> <p>(e) An attached private garage or carport which is erected as part of the main building shall not be deemed an accessory building or accessory structure and shall comply with all yard requirements for the main building.</p> <p>(f) except as otherwise specifically permitted in this by-law, no person shall, in any residential zone, DH zone, A zone, R zone, DC zone or DTC zone, erect any accessory building or accessory structure having a greater height than 3 metres, provided that an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres but in no event shall any part of the walls or supporting posts excluding any gable or dormer exceed 3 metres in height. (82-283, 2016-03)</p> <p>(g) In a R1A, R1B, R1C, R1D, R1E, R1F, R2 or R3 zone, the total lot coverage of all accessory buildings and accessory structures on a lot shall not exceed 15% of the lot area or 93 square metres, whichever is lesser, and in no case shall the total lot coverage of all buildings and structures exceed the maximum lot coverage regulation of the specific zone. (2008-148)</p>	Yes	

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
4.14	Yards	<p>Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:</p> <p>(a) sills, belt courses, cornices, chimney breasts, bay windows, pilasters and similar architectural features and window air conditioning units may project into any required yard a distance of not more than 0.45 metres;</p> <p>(b) unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;</p> <p>(c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres;</p>	●	●	<p>Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:</p> <p>(a) sills, belt courses, cornices, chimney breasts, bay windows, pilasters and similar architectural features and window air conditioning units may project into any required yard a distance of not more than 0.45 metres;</p> <p>(b) unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;</p> <p>(c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side</p>	Yes	
4.14.1	Front Yards for Through Lots	Where a lot is a through lot, a front yard shall be required on each street in accordance with the regulations of the zone or zones in which such through lot is located.	●	●	Where a lot is a through lot, a front yard shall be required on each street in accordance with the regulations of the zone or zones in which such through lot is located.	Yes	
4.14.2	Front Yards for Corner Lots	Where a lot is a corner lot and fronts onto three streets, a front yard shall be required on each street that is opposite each other in accordance with the requirements of the zone or zones in which such corner lot is located. (2016-03)	●	●	Where a lot is a corner lot and fronts onto three streets, a front yard shall be required on each street that is opposite each other in accordance with the requirements of the zone or zones in which such corner lot is located. (2016-03)	Yes	
4.15	Daylight Triangle	Notwithstanding any other provision of this By-law, no person shall, in any zone, erect any building, structure, accessory building or accessory structure on a corner lot within the "daylighting triangle" hereinafter defined.	●	●	Notwithstanding any other provision of this By-law, no person shall, in any zone, erect any building, structure, accessory building or accessory structure on a corner lot within the "daylighting triangle" hereinafter defined.	Yes	
4.15.1		No person shall, in any zone, erect, plant or maintain within the "daylighting triangle" hereinafter defined any hedge, shrub, bush, tree, fence or wall which will obstruct the vision of drivers or vehicles.	●	●	No person shall, in any zone, erect, plant or maintain within the "daylighting triangle" hereinafter defined any hedge, shrub, bush, tree, fence or wall which will obstruct the vision of drivers or vehicles.	Yes	
4.15.2		The "daylighting triangle" referred to in sections 4.15 and 4.15.1 is the triangular space formed by the limits of the travelled portion of the roadway on the 2 streets abutting a corner lot and a line drawn from a point in one such limit to a point in the other such limit, each such point being distant 9 metres (29.53 ft.) measured along such limit from the point of intersection of the 2 such limits, provided that where the limits of the travelled portions of the 2 roadways do not intersect at a point, the point of intersection of the limits of the travelled portions of the roadways shall be deemed to be the intersection of the projection of such limits or the intersection of the tangents of such limits.	●	●	The "daylighting triangle" referred to in sections 4.15 and 4.15.1 is the triangular space formed by the limits of the travelled portion of the roadway on the 2 streets abutting a corner lot and a line drawn from a point in one such limit to a point in the other such limit, each such point being distant 9 metres (29.53 ft.) measured along such limit from the point of intersection of the 2 such limits, provided that where the limits of the travelled portions of the 2 roadways do not intersect at a point, the point of intersection of the limits of the travelled portions of the roadways shall be deemed to be the intersection of the projection of such limits or the intersection of the tangents of such limits.	Yes	
4.21	Floodlighting	No person shall erect or maintain any lighting facility used to illuminate any building, parking lot, parking area or loading area unless it is so designed and installed as to ensure that the light is deflected from adjacent buildings and streets.	●	●	No person shall erect or maintain any lighting facility used to illuminate any building, parking lot, parking area or loading area unless it is so designed and installed as to ensure that the light is deflected from adjacent buildings and streets.	Yes	

Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
4.27	Road Allowance Requirements - Specific Roads (2009-176)	Notwithstanding any other provisions of this By-law, yard requirements adjacent to the roads listed in Table 1 of this section shall be measured a minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1.  Notwithstanding any other provisions of this By-law, any portion of a lot adjacent to the roads listed in Table 1 of this section and located within the minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1 of this section shall not be used for parking spaces required under section 4.19.1, loading areas required under section 4.20.1. and landscaped open space required under any regulations contained in any section of this By-law.	●	●	Notwithstanding any other provisions of this By-law, yard requirements adjacent to the roads listed in Table 1 of this section shall be measured a minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1.  Notwithstanding any other provisions of this By-law, any portion of a lot adjacent to the roads listed in Table 1 of this section and located within the minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1 of this section shall not be used for parking spaces required under section 4.19.1, loading areas required under section 4.20.1. and landscaped open space required under any regulations contained in any section of this By-law.	Yes	
Table 1	Minimum Distance From Centreline of Original Road Allowance	10 metre from centreline of Caronpost Road between Willoughby Drive and East City Limit	●	●	10 metre from centreline of Caronpost Road between Willoughby Drive and East City Limit	Yes	Yes. 20 metre wide right-of-way will be developed as part of the proposed development
		10 metre from centreline of Cattell Drive between Willoughby Drive and East City Limit	●	●	10 metre from centreline of Cattell Drive between Willoughby Drive and East City Limit	Yes	Yes. This section of Catell Drive is an existing 20 metre wide right-of-way. No further road allowance is required.
		13 metre from centreline of Willoughby Drive between Cummington Square and Weaver Road	●	●	13 metre from centreline of Willoughby Drive between Cummington Square and Weaver Road	Yes	Yes. This section of Willoughby Drive is an existing 26.1 metre wide right-of-way. No further road allowance is required.
4.44	Amenity Areas For Apartment Buildings	Minimum of 20 square meters per dwelling unit		●	Minimum of 20 square meters per dwelling unit	Yes	
<b>Section 4.19 Parking Provisions</b>							
4.19.1	Requirements	(a) The owner or occupant of every building or structure to be erected or used for any of the purposes listed in Table 1 of this section shall provide and maintain a parking area which shall be located on the same lot occupied by such building or structure. The said parking area shall contain individual parking spaces to the extent at least prescribed in said Table 1 for the respective classes of uses, buildings or structures set out therein together with a manoeuvring aisle to serve each row or each 2 rows of parking spaces. The said parking area shall be provided and maintained in accordance with the requirements of this section and such requirements as may be made a condition to the approval of plans and drawings in a site plan control area established under section 35a of The Planning Act. Where a building, structure or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for each such use or purpose.					
Table 1	Minimum Parking Space Requirements						
	On-street townhouse	1 parking space for each dwelling unit	●		1 parking space for each dwelling unit	Yes	
	Dwelling containing 4 or more dwelling units save and except an on street townhouse dwelling	1.4 parking space for each dwelling unit	●	●	1.1 parking space for each dwelling unit	Amendment Proposed	See rationale above.
		(b) There shall be adequate provision for access to a street or lane for each parking space means of one or more access driveways and access ramps.	●	●	(b) There shall be adequate provision for access to a street or lane for each parking space means of one or more access driveways and access ramps.	Yes	
		(c) Each parking space which is required under clause (a) to be provided and maintained shall be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle. (81-62, #41)	●	●	(c) Each parking space which is required under clause (a) to be provided and maintained shall be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle. (81-62, #41)	Yes	



Section	Provision	Required	Applicable Zone		Proposed	Compliance	Rationale
			R4	R5F			
		(d) The perpendicular width of each parking space shall be not less than 2.75 metres (9.02 ft.).	●	●	(d) The perpendicular width of each parking space shall be not less than 2.6 metres (9.02 ft.).	Amendment Proposed	A reduction in minimum required parking space width is being requested to accommodate the required parking while providing adequate landscaped open space. The requested 2.6 metre parking space width is consistent with the minimum requirements in other Ontarian cities (for example, City of Ottawa, City of Toronto, City of Kingston, City of Kitchener, and City of Mississauga).
4.19.3	Parking in Yards	(c) Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, an in accordance with the following regulations;	●	●	(c) Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, an in accordance with the following regulations;	Yes	The front yards of the proposed townhouses are anticipated to be maintained as landscaped area, except for the driveway.  The apartment building blocks will be subject to site plan control at a later stage, however, there is sufficient lot area to accommodate a landscaped strip and/or a decorative wall/fence.
		(i) If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall have a minimum width of 1.5 metres.	●	●	(i) If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall have a minimum width of 1.5 metres.	Yes	
		(ii) 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.	●	●	(ii) 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.	Yes	
		(iii) Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;	●	●	(iii) Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;	Yes	
		(iv) Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.	●	●	(iv) Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.	Yes	
4.39	Bicycle Parking	(i) Bicycle parking shall be provided at a rate of 0.5 spaces/dwelling unit for apartment dwellings.		●	(i) Bicycle parking shall be provided at a rate of 0.5 spaces/dwelling unit for apartment dwellings.	Yes	
		(ii) Short-term bicycle parking shall be provided at a rate of 2 spaces per apartment dwellings with 20 units or less, and at a rate of 6 spaces per apartment dwelling having more than 20 dwelling units.		●	(ii) Short-term bicycle parking shall be provided at a rate of 2 spaces per apartment dwellings with 20 units or less, and at a rate of 6 spaces per apartment dwelling having more than 20 dwelling units.	Yes	
		(iii) A bicycle parking space shall be located within a building, structure, enclosure and/or bicycle locker.		●	(iii) A bicycle parking space shall be located within a building, structure, enclosure and/or bicycle locker.	Yes	
		(iv) A bicycle parking space shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1 metres.		●	(iv) A bicycle parking space shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1 metres.	Yes	
		(v) Notwithstanding subsection (iii) above, where a bicycle parking space provides for vertical storage of a bicycle, the minimum length may be reduced to 1.2 metres.		●	(v) Notwithstanding subsection (iii) above, where a bicycle parking space provides for vertical storage of a bicycle, the minimum length may be reduced to 1.2 metres.	Yes	
		(vi) Notwithstanding subsections (i) and (iii), where a bicycle parking space is located within a bicycle locker, overhead clearance shall not be required.		●	(vi) Notwithstanding subsections (i) and (iii), where a bicycle parking space is located within a bicycle locker, overhead clearance shall not be required.	Yes	
		(vii) A bicycle parking space shall abut an access aisle which shall be a minimum of 1.5 metres in width.		●	(vii) A bicycle parking space shall abut an access aisle which shall be a minimum of 1.5 metres in width.	Yes	

**Appendix B**  
**Official Plan Amendment Draft By-law**

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

All parts of this document consisting of the following text entitled PART 2 – BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XX to the Official Plan of the City of Niagara Falls.

## **DETAILS OF THE AMENDMENT**

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

### **1. MAP CHANGE**

Schedule “A” to the Official Plan - Future Land Use, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, as Special Policy Area “YY”.

### **2. TEXT CHANGE**

PART 2, SECTION 13 – SPECIAL POLICY AREAS is hereby amended by adding the following subsection:

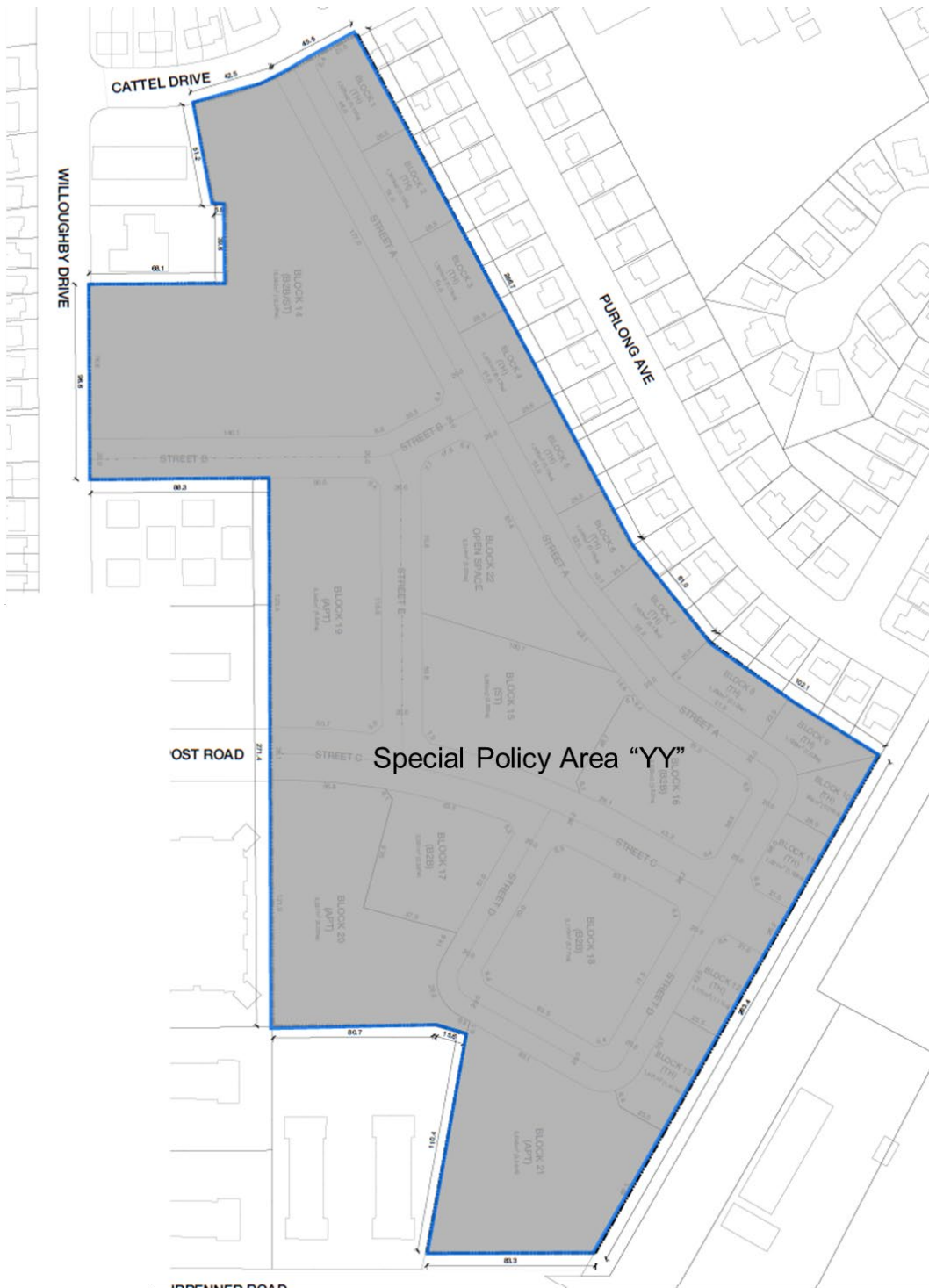
#### **13.YY SPECIAL POLICY AREA “YY”**

Special Policy Area “YY” applies to the 11 hectares of land on the east of Willoughby Avenue and north side of Weinbrenner Road, being comprised of Block K, and Lots 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 546 and 547, on Plan No. 260.

Notwithstanding the policies of Part 2 Section 1.10.5, the following maximum net densities shall be permitted:

- (i) a maximum net density of 70 units per hectare for townhouses;
- (ii) a maximum net density of 200 units per hectare for stacked townhouse;
- (iii) a maximum net density of 160 units per hectare for back-to-back townhouses;  
and,
- (iv) a maximum net density of 330 units per hectare for apartment buildings of not more than 10 storeys.

Map 1



**Appendix C**  
**Zoning By-law Amendment Draft By-law**

**CITY OF NIAGARA FALLS**

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

A by-law to amend By-law No. 79-200, to permit the use of the lands for a mixed-density residential subdivision composed of front-loaded townhouses, back-to-back townhouses, stacked townhouses, and three 10-storey apartment buildings, subject to an Official Plan amendment to permit higher residential densities and approval of Draft Plan of Subdivision.

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 is described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200 to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands identified as R4 Zone on Schedule 1 of this by-law.
4. The permitted uses shall be:
  - (a) A townhouse dwelling containing not more than 8 dwelling units
  - (b) A back-to-back townhouse dwelling, being a townhouse dwelling where each dwelling unit shares a common rear wall with an adjacent dwelling unit and is located on a through lot
  - (c) An apartment dwelling
  - (d) A stacked townhouse dwelling
  - (e) Group dwellings
  - (f) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14
  - (g) A Home Occupation in a detached dwelling, or a dwelling unit of a semi-detached dwelling or a duplex dwelling, subject to the provisions of section 5.5.
5. The regulations governing the permitted uses shall be:
  - (a) Minimum Lot Area
    - (i) for a townhouse dwelling 150 square metres for each dwelling unit

Draft Zoning By-law Amendment By-law

	(ii) for an apartment dwelling or stacked townhouse dwelling	100 square metres for each dwelling unit
	(iii) for a back-to-back townhouse dwelling	85 square metres for each dwelling unit
(b)	Minimum Lot Frontage	
	(i) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing more than four dwelling units	24 metres
	(ii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on an interior lot	23 metres
	(iii) for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres
	(iv) for a back-to-back townhouse dwelling	24 metres
(c)	Minimum Front Yard Depth	
	(i) for a townhouse dwelling	6 metres (19.7 ft.)
	(ii) for an apartment dwelling or stacked townhouse dwelling	3 metres
	(iii) for a back-to-back townhouse dwelling	6 metres when abutting a public right-of-way; 4.8 metres when abutting a private right-of-way
(d)	Minimum Rear Yard Depth	
	(i) for a townhouse dwelling	7.5 metres (24.61 ft.)
	(ii) for an apartment dwelling or stacked townhouse dwelling	7.5 metres (24.61 ft.)
	(iii) for a back-to-back townhouse dwelling	0 metres; no applicable rear yard
(e)	Minimum Interior Side Yard Width	1.5 metres
(f)	Minimum Exterior Side Yard Width	
	(i) for a townhouse dwelling	3 metres
	(ii) for an apartment dwelling or stacked townhouse dwelling	3 metres
	(iii) for a back-to-back townhouse dwelling	3 metres
(g)	Maximum Lot Coverage	

Draft Zoning By-law Amendment By-law

(i) for a townhouse dwelling	48%
(ii) for an apartment dwelling or stacked townhouse dwelling	60%
(iii) for a back-to-back townhouse dwelling	63%
(h) Maximum Height of Building or Structure	10 metres or 3-storeys
(i) Number of dwellings on one lot	subject to compliance with section 7.9.3, more than one dwelling is permitted on one lot
(j) Parking and Access Requirements	<p>Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:</p> <p>(i) a minimum of 1 parking space for each dwelling unit shall be provided.</p> <p>(ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.</p> <p>(iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.</p> <p>All other provisions of Section 4.19.1 not to the contrary shall continue to apply.</p>
(k) Accessory Buildings and Accessory Structures	in accordance with sections 4.13 and 4.14
(l) Minimum Landscaped Open Space	
(i) for a townhouse dwelling	45 square metres for each dwelling unit
(ii) for an apartment dwelling or stacked townhouse dwelling	30 square metres for each dwelling unit
(iii) for a back-to-back townhouse dwelling	14 square metres for each dwelling unit
(m) Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit (2008-148)	Same as minimum required rear yard setback.



Draft Zoning By-law Amendment By-law

(n) Minimum Amenity Space for an Apartment Dwelling Unit in accordance with section 4.44

7.9.3 Additional Regulations for Group Dwellings No person shall within any R4 Zone use any land or erect or use any building or structure for the purpose of group dwellings except in accordance with the provisions of sections 4, 5 and 7.10.2 as altered or extended by the following additional regulations:

(a) The minimum lot area shall not be less than the sum of the minimum lot area requirements of clause (a) of section 7.9.2 of each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling erected or to be erected on the lot.

(b) Nothing in section 4.11 or in clause b of section 7.9.2 shall be deemed to require each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.

6. 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 identified as R5F Zone on Schedule 1 of this by-law.

7. The permitted uses shall be:

- (a) An apartment dwelling
- (b) A stacked townhouse dwelling
- (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14.

8. The regulations governing the permitted uses shall be:

- (a) Minimum Lot Area 30 square metres for each dwelling unit
- (b) Minimum Lot Frontage 35 metres
- (c) Minimum Front Yard Depth 6 metres

Draft Zoning By-law Amendment By-law

- |  |   |
|--|---|
| (d) Minimum Rear Yard Depth                              | one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1  |
| (e) Minimum Interior Side Yard Width                     | 6.5 metres  |
| (f) Minimum Exterior Side Yard Width                     | 3 metres  |
| (g) Maximum Lot Coverage                                 | 0.3   |
| (h) Maximum Height of Building or Structure              | 30 metres (10 storeys)  |
| (i) Number of apartment dwellings on one lot             | One Only  |
| (j) Parking and Access Requirements                      | Notwithstanding the provisions of Section 4.19.1, the following parking provisions shall apply:<br><br>(i) a minimum of 1 parking space for each dwelling unit shall be provided.<br><br>(ii) parking spaces shall be a minimum of 2.6 metres in width and 5.6 metres in length.<br><br>(iii) for parking spaces parked at an angle of 60 to 90 degree with the manoeuvring aisle, the minimum perpendicular width of manoeuvring aisle shall be 6 metres.<br><br>All other provisions of Section 4.19.1 not to the contrary shall continue to apply. |
| (k) Accessory Buildings and Accessory Structures         | in accordance with sections 4.13 and 4.14   |
| (l) Minimum Landscaped Open Space                        | 20% of the lot area   |
| (m) Minimum Amenity Space for an Apartment Dwelling Unit | in accordance with section 4.44   |

9. All other applicable regulations set out in By-law No. 79-200, as amended, shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

Draft Zoning By-law Amendment By-law

10. No person shall use the Lands for a use that is not a permitted use.
11. No person shall use the Lands in a manner that is contrary to the regulations.
12. The provisions of this by-law shall be shown on Sheets E6 and E7 of Schedule "A" of By-law No. 79-200 by designating the Lands from GC, R1E, R2, R4 and R4 (501) to R4 and R5F and number XXXX.
13. Section 19 of By-law No. 79-200 is amended by adding thereto:  
19.1.XXXX      Refer to By-law No.2024-XX

**Read a First, Second and Third time; passed, signed and sealed in open Council this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_ 2024.**

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

SCHEDULE 1 TO BY-LAW NO. 2024-XX

