

**Planning Justification Report**  
**Zoning By-law Amendment**  
**&**  
**Draft Plan of Vacant Land Condominium**

**6111 Carlton Avenue**

**Niagara Falls, ON**

**July 2024**

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## **1.0 - PREFACE**

This Planning Justification Report has been prepared by Upper Canada Consultants on behalf of Curtis and Tanya Byrd, the owners of lands known municipally as 6111 Carlton Avenue in the City of Niagara Falls, Regional Municipality of Niagara.

The property owners are seeking to construct six (6) block townhouse dwelling units and two (2) semi-detached dwelling units on the subject lands. A total of eight (8) parking spaces are to be provided at grade with the balance of the lands to be landscaped area.

A pre-consultation for the proposal was held on November 2, 2023, which identified that applications for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium were required for the proposed development. The pre-consultation also identified that a Planning Justification Report and technical studies, identified below, were required for the applications to be deemed complete.

The intent of this report is to provide an overview of the proposal and to demonstrate how the applications satisfy the Planning Act, are consistent with the Provincial Policy Statement, conform to the Growth Plan, Niagara Official Plan, City of Niagara Falls Official Plan and represent good planning.

This report should be read in conjunction with the following, additional reports:

- Functional Servicing Report prepared by Upper Canada Consultants;
- Tree Inventory Preservation Plan prepared by Jackson Arboriculture Inc.; and,
- Parking Impact Analysis prepared by Paradigm Transportation Solutions Ltd.

## 2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are known municipally as 6111 Carlton Avenue in the City of Niagara Falls, are legally described as Part of Lot 12, Plan 49; Part of Lot 12, Plan 49, Being Part 1 on Reference Plan 59R-8795 & Part of Lot 13 Plan 49 Stamford as in RO613792; Niagara Falls (the "Subject Lands"). The property has 22.88 metres of frontage along Carlton Avenue and has a developable area of 0.335 hectares.

The Subject Lands are located on the west side of Carlton Avenue, south of Barker Street, north of Culp Street and east of Corwin Avenue. The property is located in an established residential neighbourhood comprised of predominantly detached dwellings. The property is surrounded to the north, south east and west by detached dwellings. To the southwest of the Subject Lands along Dorchester Road are a mix of housing options including a block townhouse condominium development of five (5) dwelling units and five (5) apartment dwellings.

The lands are occupied by a single detached dwelling that is proposed to be severed from the Subject Lands in the future. The Subject Lands contain a large rear yard covered in trees and vegetation. The Subject Lands have a unique lot fabric that appears to be shaped as an "L" and is the largest lot on the block. The lot fabric of the existing neighbourhood is inconsistent as there are a large variety of shapes and sizes of the existing lots within the neighbourhood.



Figure 2 - Aerial View of the Subject Lands (Cropped from Niagara Navigator)

### **3.0 - THE PROPOSED DEVELOPMENT**

The owner is proposing to redevelop the lands as a private road development (i.e. Vacant Land Condominium) consisting of two (2) semi-detached dwelling units and six (6) block townhouse dwelling units. The existing detached dwelling will remain on the existing parcel, which is to be severed from the Subject Lands before final registration of the proposed condominium.

Both the Site Plan (**Appendix I**) and Draft Plan of Condominium are included as (**Appendix II**) to this report.

The proposed development is focused around an internal private driveway that extends the existing driveway to the rear of the lot. The proposed block townhouse dwelling units are proposed to be constructed on the vacant area, located at the rear of the Subject Lands. They have been placed in a configuration where they will back onto adjacent properties along Culp Street. This configuration is similar to the existing back-to-back neighbourhood development pattern in the surrounding neighbourhood. The proposed semi-detached dwelling abuts the rear of the remnant parcel and the northern interior lot line of the adjacent parcel. The proposed built-form is compatible with dwellings in the surrounding neighbourhood.

The proposed block townhouse and semi-detached dwellings are not permitted uses in the Residential 1E Density Zone (R1E). A Zoning By-law Amendment is required to change the zoning of the proposed development to Residential Low Density, Grouped Multiple Dwellings Zone (R4) with special provisions to permit the proposed semi-detached dwelling and address zoning deficiencies. The future severed lands containing the existing dwelling will be rezoned R1E with special provisions to address zoning deficiencies.

The proposed development generally conforms with the base provisions of the requested R4 Zone; however, site-specific provisions are requested to address proposed permitted uses, lot frontage, parking, permitted encroachments, rear yard, interior yard, and privacy yard setbacks.

Lands to the southeast containing an existing single detached dwelling, that are to be severed in the future, generally conforms to the R1E Zone; however, a site-specific provision is being requested to address the proposed rear yard depth.

## **4.0 - REQUIRED APPLICATIONS**

Two types of planning approvals are required in order to permit the proposed development, which are as follows:

### **Zoning By-law Amendment**

The applicant is requesting that the proposed development be rezoned from R1E Zone to Site Specific R4 Zone to permit a semi-detached dwelling with two (2) dwelling units and a block townhouse dwelling containing six (6) dwelling units on the Subject Lands. The site-specific zoning is being requested to address the proposed permitted uses, lot frontage, parking, permitted encroachments, rear yard, interior yard, and privacy yard setbacks. Lands to the southeast containing an existing single detached dwelling that are to be severed in the future will be rezoned from R1E Zone to Site Specific R1E Zone to address the proposed rear yard depth.

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

The applicant is applying for a Draft Plan of Vacant Land Condominium consisting of eight (8) units. Six (6) of the units will be block townhouse dwelling units and two (2) units will be semi-detached dwelling units. The existing dwelling is not proposed to be part of the Draft Plan of Vacant Land Condominium.

## **5.0 - PROVINCIAL LEGISLATION AND PLANS**

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and 2019 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

### **5.1 - PLANNING ACT**

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to follow when making or considering applications for development.

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

The Planning Act (R.S.O. 1990) prescribes the regulations for land use planning in Ontario. Section 2 of the Planning Act outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. These matters include:

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

- (ii) encourages a sense of place, and
- (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

With respect to these matters, the subject applications pertain to f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; h) the orderly development of safe and healthy communities; j) the adequate provision of a full range of housing; (p) the appropriate location of growth and development; and q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

Clauses f), h), j), p), and q) are considered to be relevant to these applications, and are evaluated below.

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

*The Subject Lands are accessible from a municipal roadway (Carlton Avenue) and can be serviced by existing municipal watermain, sanitary sewer and storm sewer. As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the development will efficiently use these existing municipal services to support the development.*

*The development is designed in a manner that supports the articulation of waste collection vehicles and will be eligible for curbside pick-up (via collection pads) from Niagara Region. The layout also facilitates the movement of emergency vehicles.*

- h) the orderly development of safe and healthy communities;

*The orderly development of safe and healthy communities is achieved through the development of the Subject Lands as a multiple-unit, vacant land condominium development. The proposed housing form is appropriate for the Subject Lands and integrates well with adjacent residential development in the surrounding area. The proposed semi-detached dwelling and block townhouse dwelling are compatible with surrounding two storey detached dwellings, block townhouse and apartment dwellings.*

*The Subject Lands are located along convenient pedestrian routes and are within walking distance to institutional land uses and commercial services. Specifically, an existing sidewalk provides convenient access from Carlton Avenue to public transit services along Lundy's Lane.*

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

*The development will contain eight (8) dwelling units. Of the eight (8) units, six (6) are considered as block townhouse dwelling units and two (2) are considered as a semi-detached dwelling unit under the City's Zoning By-law. This mix of dwelling types provides a variety in housing choice within the*



*development, and within the neighbourhood as a whole, as the neighbourhood is almost exclusively comprised of single detached dwellings. The development proposal will also provide additional housing in the City of Niagara Falls, which help make housing more affordable.*

- p) the appropriate location of growth and development;

*The Subject Lands are located within the Settlement Area Boundary and Provincially delineated Built Boundary. As outlined in the Growth Plan and Niagara Official Plan, the vast majority of growth is to be directed to Settlement Areas, and within those Settlement Areas, to Built-up Areas and lands with available municipal services.*

*The Subject Lands are an appropriate location for growth and development as they are within the Urban Area, Built-up Area and are currently provided with municipal services. The Subject Lands are also located proximate to transit routes, and are within a short walk or drive of commercial and institutional land uses, Regional roads and provincial highways, and employment opportunities.*

*The existing City land use designation and zoning permits residential development with no identified restrictions or encumbrances to development (i.e. natural heritage features, natural hazards, industrial setbacks). Accordingly, the property is an appropriate location for growth and development.*

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

*The development proposal efficiently uses serviced urban lands, thus limiting the need for urban boundary expansions and or development that unnecessarily encroaches upon natural heritage features and good agricultural lands.*

*The Subject Lands are located within a short walk from accessing public transit along Dorchester Road and Barker Street, and that is conveniently accessible from an existing sidewalk connection. The site is located within a walkable neighbourhood with pedestrian connections available to adjacent streets and the commercial area on Lundy's Lane.*

## **Section 34 – Zoning By-laws**

Section 34 of the Planning Act grants municipal councils the authority to pass zoning by-laws to regulate the use of the land within a municipality. Amendments to such by-laws are permitted pursuant to Section 34(10) of the Planning Act.

## **Section 51 (24) – Draft Plan of Subdivision & Condominium**

Draft Plans of Condominium are considered under Section 51 (24) of the Planning Act. The submitted Draft Plan application for Vacant Land Condominium, will create conveyable units of land on a single parcel of land (i.e. lot) served by a common element.

Section 51 (24) the Planning Act prescribes that “In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,” items a) to m). An overview of how each item is addressed is provide below in italics.

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

*As noted above, the applications satisfy Section 2, clauses f), h), j), p) and q) of Section 2 of the Planning Act.*

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

*The Draft Plan is not considered premature as the lands are designated and zoned for residential development in the City’s Official Plan, and are provided with urban services.*

*The applications are considered to be in the public interest as they facilitate the development of needed housing supply and different housing forms within this area of the municipality.*

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

*The Plan conforms to the Niagara Falls Official Plan. A detailed overview of the plans conformity with the Official Plan policies can be found in the applicable section of this report.*

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

*The lands are a suitable location for development as they are designated for residential land uses, are within the Urban and Built-Up Area and have municipal services. The Subject Lands are also located in proximity to a public transit route and are conveniently located near access point to local collector and arterial roads, as well as Highway 420 and Queen Elizabeth Way.*

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

*At this time, affordable housing as defined by the Province of Ontario, is not proposed.*

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

*The Subject Lands are located on Carlton Avenue in between Barker and Culp Street, which is a local roadway with multiple accesses and is maintained by the City.*

*The Subject Lands are also located adjacent to a municipal transit stop at the corner of Dorchester Road and Barker Street, and multiple transit stops along Lundy's Lane.*

- f) the dimensions and shapes of the proposed lots;

*The proposed condominium units are shown on the Draft Plan provided with the application submission. Each condominium unit will provide space for the dwelling unit, and front and rear exclusive use and amenity areas. The block townhouse dwelling units and semi-detached dwelling units are generally rectangular and back on to the property lines of existing development, which is consistent with surrounding development.*

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

*There are no restrictions to development on the Subject Lands.*

- h) Conservation of natural resources and flood control

*No natural heritage features are identified on the Subject Lands. The lands are not located in a floodplain.*

- i) the adequacy of utilities and municipal services;

*As outlined in the provided Functional Servicing Report prepared by Upper Canada Consultants, the proposed development can be adequately serviced by water, sanitary and stormwater services. Utility connections including gas, hydro and telecommunications are also available*

- j) the adequacy of school sites;

*The Subject Lands are located within approximately 1.0 kilometre of three (3) elementary schools and one (1) high school.*

*The local school boards will comment on the adequacy of school sites through their comment submissions.*

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

*There are no lands, exclusive of highways, to be conveyed for public purposes through the Draft Plan application.*

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

*The lands have access to existing services , the use of which will increase the efficiency of use.*

- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

*The proposed development will be subject to a variation of site plan control through the clearance of conditions process associated with the Draft Plan of Condominium Application. A preliminary site plan has been provided with the application submissions that demonstrates how the site will be developed and zoning conformity.*

## **5.2 - 2020 PROVINCIAL POLICY STATEMENT**

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the Planning Act (R.S.O. 1990), and sets the policy framework for regulating the development and use of land. An overview of consistency to the applicable policies is provided below.

### **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)**

Schedule B of the Regional Official Plan shows that the Subject Lands are within the Delineated Built-Up Area and are considered to be a Settlement Area under the PPS. Policy 1.1.3.1 of the PPS requires that Settlement Areas be the focus of growth and development. Consistent with this policy, the proposed development seeks to provide residential growth and development within the Settlement Area.

The proposed development is consistent with the built-form land use patterns detailed under Policy 1.1.3.2 in that it promotes the efficient use of land and infrastructure, and is located in an area with access to multi-modal transportation options including walking, biking, public transportation and private vehicles.

Schedule A2 of the City of Niagara Falls Official Plan further identifies the lands as being within the Built-up Area. Policy 1.1.3.5 of the PPS directs planning authorities to implement minimum intensification targets for Built-up Areas. The City of Niagara Falls Official Plan identifies that 40% of residential development is to occur within the Built-up Area. The proposed development supports the achievement of the City's intensification target.

### **Coordination (PPS 1.2)**

Policy 1.2.1 of the PPS requires that a coordinated and comprehensive approach be employed when dealing with planning matters. This ensures that the interests of all relevant agencies are addressed. Consistent with this policy, a formal pre-consultation meeting for this application was held on August 18, 2022 and a subsequent pre-consultation meeting was held on November 2, 2023 through internal circulation. At the pre-consultation meetings, the proposal was reviewed by the City Departments and commenting agencies, and the requirements for a complete application were determined.

### **Housing (PPS 1.4)**

The policy direction under Section 1.4 of the PPS requires that a full range and mix of housing types and densities is provided to meet the City's current and future housing needs. Specifically, Policy 1.4.3 requires that planning authorities permit and facilitate all housing options that meet social, health and economic needs of current and future residents and be directed towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

The proposal is consistent with the policy direction provided under Section 1.4 of the PPS as the proposed block townhouse dwellings represent a dwelling typology that does not currently exist in the immediate

area. The proposed dwelling typology is based on current market conditions and represents a dwelling typology that is reflective of the range of housing need that exists within the housing market. Furthermore, the proposed development is in a location where development is directed as it will maximize the use of existing public infrastructure.

### **Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)**

Policy 1.5.1 of the PPS directs planning authorities to promote healthy and active communities by providing public streets, spaces and facilities that are safe, foster social interaction and community connectivity. This is to be achieved through the equitable distribution of publicly-accessible built and natural environments.

The Subject Lands are in close proximity to AG Bridge Park which provides residents with convenient access to public open space as required in the PPS.

### **Infrastructure and Public Service Facilities (PPS 1.6)**

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in an efficient manner while accommodating projected needs so as to reduce the cost of accommodating growth. The Subject Lands are fully serviced and the development of the land does not require the provision of new municipal infrastructure.

Policy 1.6.6.2 promotes residential intensification in areas with existing municipal sewage and water services where it is feasible to optimize the use of these services. The creation of eight (8) dwelling units on the Subject Lands increases the efficient use of the existing infrastructure.

### **Long Term Economic Prosperity (PPS 1.7)**

Section 1.7 of the PPS outlines the planning principles that contribute to the long-term economic prosperity of the Province. With regard to these principles, the proposed development is consistent with b), c) and g).

Policy 1.7.1(b) states that long term economic prosperity is supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce. Consistent with this requirement, the proposed block townhouse dwelling and semi-detached dwelling adds to the provision of dwelling types in the surrounding area and is reflective of the range of housing needs that exist within the market.

Policy 1.7.1(c) states that optimizing the long-term availability and use of land, resources, infrastructure and public service facilities supports long term economic prosperity. In accordance with this policy directive, the proposal seeks to facilitate compatible intensification which would make efficient use of the land and existing infrastructure.

Policy 1.7.1(g) states that long term economic prosperity is supported by providing for an efficient, cost-effective, reliable multimodal transportation system. The Subject Lands are located in close proximity to several transit routes with the nearest bus stop located within a six (6) minute walk. The proposed development can result in an increased use of public transit.

The proposed development is consistent with the PPS.

## **5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Growth Plan for the Greater Golden Horseshoe informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

### **Managing Growth (PTG 2.2.1)**

As stated in Section 2.2.1, the growth management policies of the growth plan are based on the projected growth in Schedule 3 to the Growth Plan. According to Schedule 3, the Region of Niagara is anticipated to have a population of 674,000 by the year 2051.

Policy 2.2.1.4 states that the Growth Plan's growth management policies seek to support the achievement of complete communities. Complete communities are defined under the Growth Plan as,

*"Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts."*

The proposed development contributes to the accommodation of projected growth and supports the achievement of complete communities, as required in Section 2.2.1 of the Growth Plan. Specifically, the proposal represents efficient infill development on serviced residential land. The proposed block townhouse and semi-detached dwellings are together a compact built-form that add to the provision of a full range of housing options.

### **Housing (PTG 2.2.6)**

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities. The proposed block townhouse dwelling and semi-detached dwelling add to the range of housing types to the immediate area and support the provision of housing that meets current and projected housing needs.

### **Transportation (PTG 3.2.2)**

Policy 3.2.2.2 of the Growth Plan requires that safe access to jobs, housing and schools (etc.) is to be provided through the provision of a range of transportation options. In conformity to this policy, the Subject Lands are accessible through a range of transportation modes including walking, biking, public transportation and private vehicle.



### **Water and Wastewater Systems (PTG 3.2.6)**

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The Subject Lands are already connected to City services and the proposed development increases the efficient use of this infrastructure. A Functional Servicing Report has been prepared which confirms that the existing water and wastewater systems can adequately support the proposed development.

### **Stormwater Management (PTG 3.2.7)**

Policy 3.2.7.2 requires that stormwater management strategies be developed prior to proposals for large-scale development. A preliminary Stormwater Management Plan has been prepared to ensure that the proposed overflow parking area does not cause any negative impacts on stormwater management.

The proposed development conforms with the Growth Plan.

## 6.0 - NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (“NOP”) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

### CHAPTER 2 – GROWING REGION

Chapter 2 of the NOP contains the policy framework for the accommodation of the Region’s projected population and employment growth.

#### 2.1 – FORECASTED GROWTH

Per Section 2.1, the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1, wherein the City of Niagara Falls has a projected population of 141,650 people and 58,110 jobs.

#### 2.2 – REGIONAL STRUCTURE

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down



Figure 1 - Excerpt from Region of Niagara Official Plan Schedule B - Regional Structure

into the Delineated Built-up Area and the Designated Greenfield Area. Schedule B of the Regional Plan indicates that the Subject Lands are Delineated Built-Up Area (see **Figure 3**, below). The Subject Lands also have access to existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth.

### **2.2.1 – Managing Urban Growth**

Per Policy 2.2.1.1 a), development in the Built-up Area is required to support the achievement of the Region's intensification target. The Region's intensification target is 60%, as stipulated in policy 2.2.2.5. Table 2-2 of the ROP further breaks down the intensification target by municipality. The City of Niagara Falls is assigned an intensification target of 50% which means that approximately 10,100 dwelling units are required to be accommodated within the existing Built-up Area by the year 2051. The proposed development contributes positively to the accommodation of prescribed residential growth in the City's Built-up Area.

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development accommodates a mix of residential uses in a compact built-form and supports the achievement of complete communities as envisioned in this policy.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development improves housing choices in the immediate area through the creation of a block townhouse dwelling and semi-detached dwelling which add to the provision of a range of densities and typologies in the City and increases the overall housing stock.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The Subject Lands have access to existing water and wastewater services, and the proposed development represents a compact and efficient built-form that optimizes the use of land and infrastructure.

Policy 2.2.1.1 f) states that development in the urban area should support opportunities for transit supportive development. The Subject Lands are located in close proximity to an existing transit route with stops located within walking distance. The proposed development supports transit use through the provision of transit-supportive density in direct proximity to an existing transit service. The proposed development also encourages transit use through the reduction of vehicular parking provided on site.

Policy 2.2.1.1 g) states that development in urban areas should support opportunities for intensification including infill development. The proposed development increases the density of the lands and is located in an established residential neighbourhood, making it an infill development that supports intensification.

Policy 2.2.1.1 h) states that development in urban areas should support opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods. The proposed development provides a density of 27.59 units per hectare and provides a mix of housing options through the availability of block townhouse dwelling units and a semi-detached dwelling unit with the lots oriented in a manner to provide minimal impacts on the established residential area with a back-to-back orientation of the proposed lots.

Policy 2.2.1.1. K) states that orderly development in the urban area should be in accordance with the availability and provision of infrastructure and public service facilities. The proposed development utilizes existing municipal services and is in walking distance of public transit stops and public parks that future residents of the proposed development can utilize.

Policy 2.2.1.1. I) iii) states that development in the urban area should mitigate and adapt to the impacts of climate change by promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity. The proposed development promotes a built form that reduces the reliance on vehicles and promotes the use of available public transit to reduce greenhouse gas emissions.

## **2.3 – Housing**

The objectives of the policy direction under Section 2.3 of the NOP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

### **2.3.1 – Provide a Mix of Housing Options**

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes, and housing types should be accommodated in the settlement area to meet housing needs at all stages of life. The proposed development accommodates eight (8) dwelling units: six (6) block townhouse dwelling units and two (2) semi-detached dwelling units, which contribute to the provision of a range of and mix of housing options and improve the City's housing stock.

## **CHAPTER 3 – SUSTAINABLE REGION**

Chapter 3 outlines the objectives and policies for the Regional natural heritage system and water resource system. These systems are mapped on Schedules C1-C3. The overall intent of this Chapter is to protect environmental and ecological features and their functions.

Schedule C1 shows the Natural Environment System Overlay and Provincial Natural Heritage Systems. The individual features and components of the natural environment system are mapped on Schedules C2 and C3.

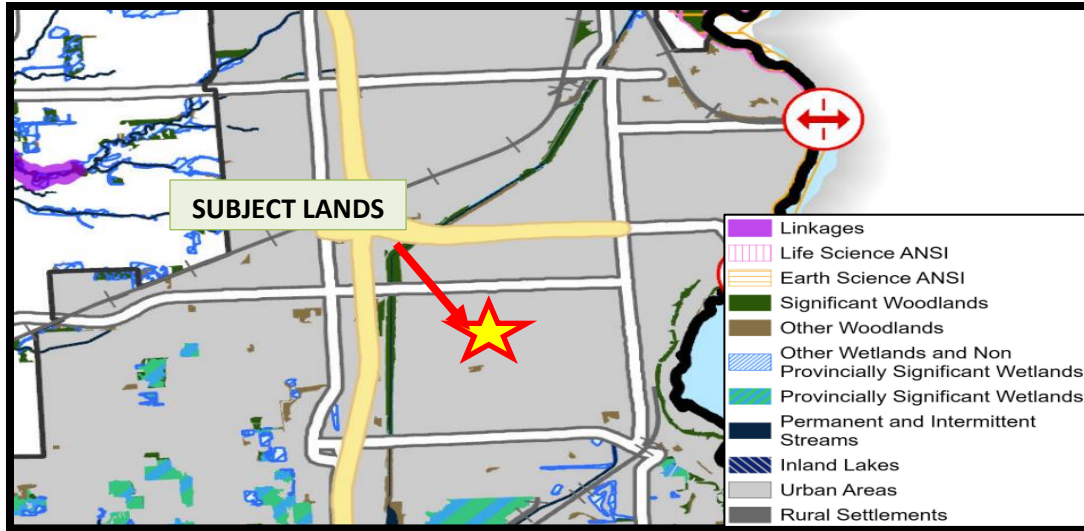


Figure 4 - Excerpt from Region of Niagara Official Plan Schedule C2 - Natural Environment System Individual Components and Features

Schedule C2 shows the location of significant and other woodlands; provincially significant, non-provincially significant and other wetlands; life science areas of natural and scientific interest; earth science areas of natural and scientific interest; permanent and intermittent streams; inland lakes; and linkages. The Subject Lands are not shown to contain any of these features (see **Figure 4**).

Schedule C3 maps the key hydrologic areas which include shoreline areas, significant groundwater recharge areas, and highly vulnerable aquifers. The Subject Lands are shown as being within a highly vulnerable aquifer (see **Figure 5**). Highly vulnerable aquifers are groundwater features that are particularly susceptible to water withdrawals and pollutants. The proposed development will be connected into the municipal water service and does not propose water withdrawal from the groundwater. Stormwater occurring on site will be captured and treated to appropriate standards before being discharged from the site which mitigates groundwater pollution.

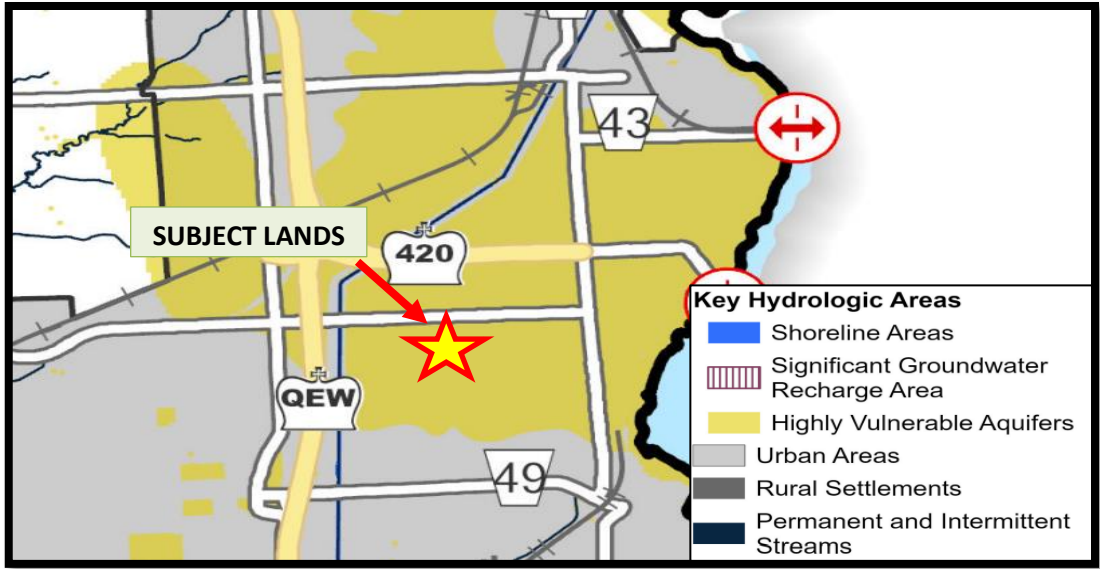


Figure 5 - Excerpt from Region of Niagara Official Plan Schedule C3 - Key Hydrological Areas Overlay

The proposed development conforms with the Niagara Official Plan.

## 7.0 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)

The City of Niagara Falls Official Plan contains land use policies which implement the City's long-term growth management goals. Schedule A of the Niagara Falls Official Plan identifies that the Subject Lands are designated as Residential (**Figure 6**). Schedule A2 further identifies that the lands are in the Built-up Area (**Figure 7**).

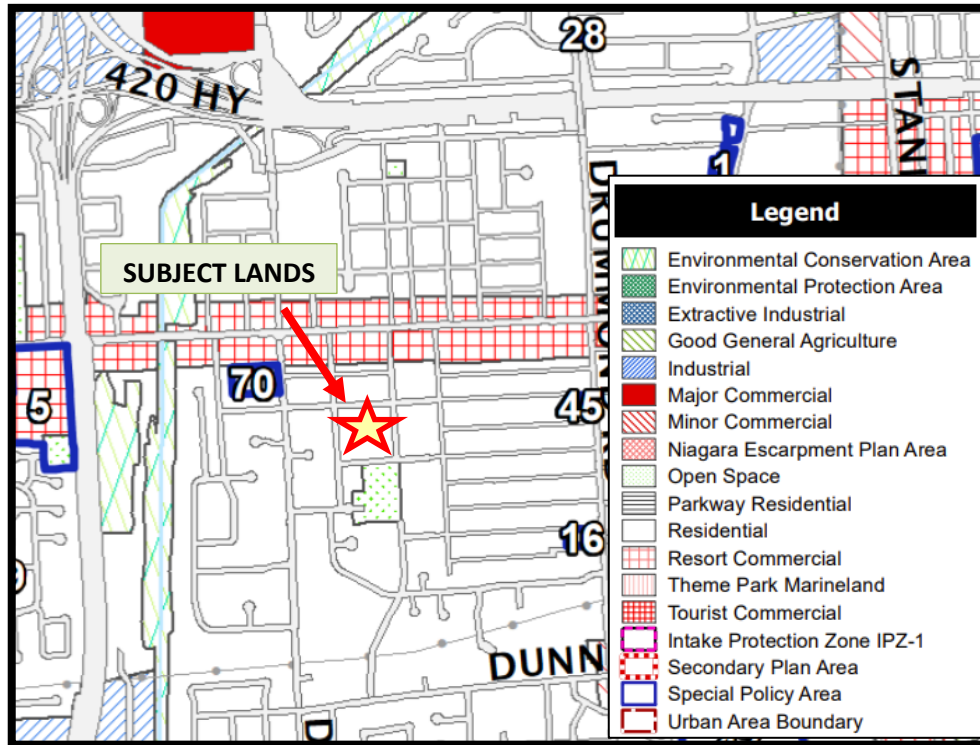


Figure 6 - Niagara Falls Official Plan, Schedule A

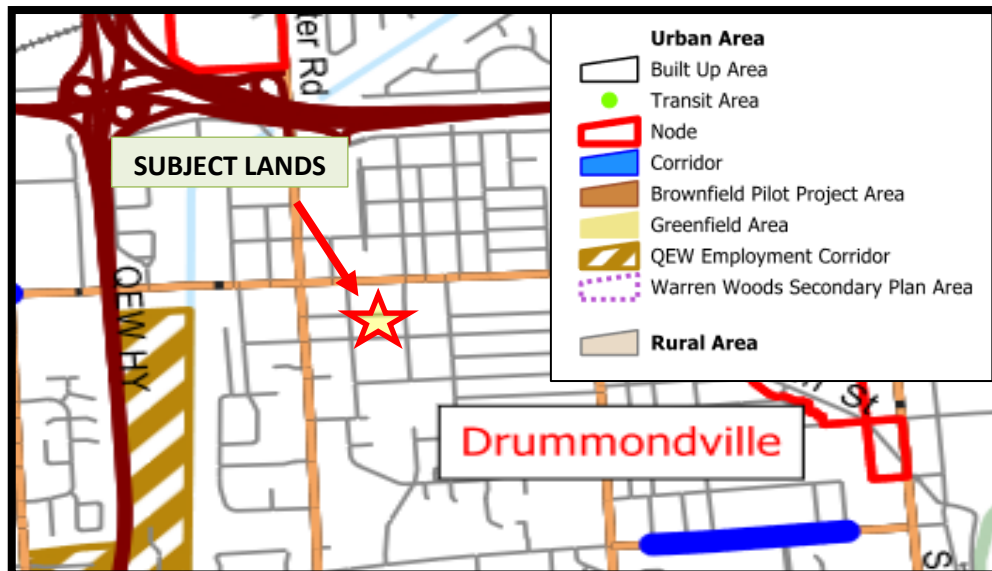


Figure 7 - Niagara Falls Official Plan, Schedule A2

## **PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION**

Part 1 of the City of Niagara Falls Official Plan describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan as well as the period during which the Plan is to apply. This Part also outlines the Strategic Policy Direction of the Plan to accommodate future growth through land use and intensification.

### Strategic Policy Direction

Part 1, Section 2 of the Niagara Falls Official Plan contains the growth objectives for the municipality that pertain to lands within the municipality both within and outside the Urban Area. These objectives range in focus between development, employment, tourism and the environment.

Specifically, the proposed development will contribute to the achievement of Objectives 1, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

- To direct growth to the urban area and away from non-urban areas (Obj. 1);
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area (Obj. 3);
- To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review (Obj. 5);
- To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review (Obj. 6);
- To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015 (Obj. 7);
- To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9); and,
- To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines (Obj. 13).

The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area.

Conformity with Objective 2 is achieved as the application proposes development within the Built-up Area, which is a priority location for development and growth in the community. The plan proposes a density that is generally consistent with the low end of the permitted density in Residential Areas. The development site is supported by full urban services, existing public roadway frontage and utilities. The site is also situated in close proximity to a transit route and is within a short walking distance of commercial and institutional land uses.

The development of eight (8) dwelling units within the Urban and Built-up Area will contribute to the City's ability to achieve growth targets prescribed in Provincial and Regional plans with a proposed density of 27.59 units per hectare.



The 40% intensification target for Niagara Falls has recently changed with the new Regional Official Plan coming into effect; the minimum intensification target has increased to 50%, but has yet to be reflected in the City's Official Plan. Regardless of the target, all units are counted as intensification.

The increased density proposed on the Subject Lands will be supported by public transit service and existing pedestrian and cycling infrastructure in the area. Increases in residential density are desirable as they support increases in non-automobile portions of the modal share.

The development will contribute to the achievement of a transit supportive and pedestrian friendly community. The development of the land at a higher density is an efficient use of urban land and limits the need for future urban boundary expansions into areas containing sensitive environmental features and/or good agricultural lands.

Section 2 of Part 1 of the Official Plan also includes Growth Policies for the City of Niagara Falls. Objectives relevant to the application include:

2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.

2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.

The submitted applications implement Policies 2.1 and 2.3 of the Official Plan. With regard to limiting growth pressures on the agricultural area, the development will occur on underutilised lands. By allocating growth within the Urban Area and Built-Up Area, pressures for urban boundary expansion into sensitive agricultural and natural areas are reduced.

#### Intensification

Intensification is required to represent a minimum of 50% of residential development annually in the City of Niagara Falls. Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential. Within the Urban Area, a system of intensification Nodes and Corridors have been identified that are priorities for intensification-based development. The Subject Lands are not located within a Node or Corridor, but are designated as residential.

Policy 3.4 of the Official Plan states that "The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan." It appears that the policy is actually referring to Part 2, Section 1.15.5 as opposed to Section 2. An overview of conformity with this Policy is provided further on in this report.

## Housing (OPA 149 Housing Policies)

Part 1 Section 4 of the Niagara Falls Official Plan was adopted via Official Plan Amendment 149. These policies were prepared to direct the municipality and guide private applications with regard to housing affordability and supply within the City.

The overall vision is to ensure that within the City of Niagara Falls there is a safe, stable and appropriate range of housing choices and opportunities that meet residents physical and financial needs throughout a lifetime.

The goals that are used to implement this vision pertain to housing availability, diversification of supply, prices and tenure types, the removal of barriers for alternative housing forms, the commitment to monitoring of supply and to work with partners and agencies to advance actions set out in the housing strategy.

Policy 4.3 directs that opportunities for a choice in housing type, tenure, cost and location shall be provided within the City. To achieve this, the City will support:

- Multiple Unit Developments, smaller lot sizes and innovative housing forms.
- Development of vacant lands, and more efficient use of under-utilized parcels and existing housing stock.
- The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
- Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.
- Accessory Dwelling units within ground based dwelling forms (i.e. singles, semis, townhouses).
- The proposed development specifically addresses policies of Section 4.3 which speak to achieving a greater diversity of housing choice including type, tenure, cost, and location.

The overall intention of the policies within this section are to conform to the policy framework established in the 2022 Niagara Official Plan and to meet the vision and goals for housing that are to assist in addressing housing needs as outlined in the City's Housing Strategy.

The proposed development specifically addresses policies of Section 4.3 which speak to achieving a greater diversity of housing choice including type, tenure, cost, and location.

The Subject Lands contain an existing single-detached dwelling with a rear yard that is approximately 3,335 square metres of vacant and under-utilized land. The proposed development makes use of the vacant rear yard by proposing a block townhouse dwelling with six (6) units and a semi-detached dwelling with two (2) units under a vacant land condominium tenureship.

The mix of a block townhouse dwelling and semi-detached dwelling efficiently uses infrastructure and services more efficiently than single-detached dwellings, and is an efficient use of the lands.

Policy 4.4 requires that applicants provide detailed information about new housing projects as part of applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plans of Subdivision and

Condominium. As the submitted application is for a Zoning By-law Amendment and Draft Plan of Condominium, the following relevant criteria must be addressed:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;

*The proposed development represents a net increase of eight (8) new residential housing opportunities on the Subject Lands.*

*Subject to minor changes, the proposed block townhouse dwelling units will range in size from approximately 1,615 to 1,495 square feet and contain three (3) bedrooms. The semi-detached dwelling units will be approximately 1,177 square feet and contain two (2) bedrooms.*

*Overall, this development is comprised of a different residential built form than the single-detached dwellings that are the predominant built form in the surrounding neighbourhood.*

- 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);

*Policy 4.8 a) and b) speak to affordable housing targets. The Niagara Region set its affordable housing minimum targets at 20% of all new rental housing, and 10% of all ownership dwellings to be affordable.*

*The City has aimed to exceed the minimum targets for affordable housing established by the Niagara Region, targeting 40% of all new units meeting the definition of "affordable." 135 dwelling units per year are targeted to be built at a purchase price or rental price at or below the Niagara Region's definition of affordable housing and 135 dwelling units to be built as affordable rental housing in the 30<sup>th</sup> percentile or lower based income levels in the City's annual housing monitoring report.*

*Based on development approvals received to date in 2024, the City has already exceeded their affordable housing target and therefore this development is not required to provide further affordable housing units. The addition of eight (8) dwelling units in Niagara Falls brings the municipality and Region closer to achieving their growth objectives. These objectives include ensuring housing is available throughout the City, diversifying the City's housing supply, and eliminating barriers through the creation of various housing types.*

*The proposed development does not constitute affordable housing, as the units will be sold between \$700,00 and \$750,000. Per Table 3-5 of the City of Niagara Falls House Strategy, and shown in **Figure 8**, the maximum price of an affordable housing unit for families with a moderate income, is \$539,460.*

*The proposal will contribute to enhancing the overall housing supply and range of housing in Niagara Falls. Block townhouse dwelling units are more compact and cost effective than other housing forms, and will add diversity in housing to the surrounding area, considering all demographics.*

**Updated Table 3-5: Affordable House Prices According to Niagara Region Income Deciles and Compared to Niagara Falls House Prices**

	2021 Income	2021 to 2022 CPI	2022 Income	Max Affordable House Price	Composite benchmark (July 2023)	Single Family Benchmark	One-Storey Benchmark	Two- Storey Benchmark	Townhouse Benchmark	Apartment Benchmark
Price	n/a	n/a	n/a	n/a	\$667,600	\$683,900	\$657,300	\$707,800	\$617,000	\$457,200
Low Income	\$22,100	8.0%	\$23,868	\$124,200	✗	✗	✗	✗	✗	✗
Low Income	\$33,600	8.0%	\$36,288	\$188,784	✗	✗	✗	✗	✗	✗
Low Income	\$45,300	8.0%	\$48,924	\$254,664	✗	✗	✗	✗	✗	✗
Moderate Income	\$60,000	8.0%	\$64,800	\$337,284	✗	✗	✗	✗	✗	✗
Moderate Income	\$77,900	8.0%	\$84,132	\$438,660	✗	✗	✗	✗	✗	✗
Moderate Income	\$95,900	8.0%	\$103,572	\$539,460	✗	✗	✗	✗	✗	✓
High Income	\$115,200	8.0%	\$124,416	\$647,568	✗	✗	✗	✗	✓	✓
High Income	\$139,100	8.0%	\$150,228	\$781,920	✓	✓	✓	✓	✓	✓
High Income	\$177,400	8.0%	\$191,592	\$997,596	✓	✓	✓	✓	✓	✓

Data Source: CANCEA, CREA, Bank of Canada, Niagara Association of Realtors

**Figure 8 – Table 3-5 of the City of Niagara Falls Housing Strategy**

- 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;

*The estimated sale price of the dwelling units range from \$700,000 to \$750,000 depending on the size and number of bedrooms. These units are not considered affordable per the City of Niagara Falls definition of affordable housing; however, the proposed development increases the supply of housing within Niagara Falls, which contributes to the housing policies.*

- 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,

*The proposed development is not anticipated to be built in phases.*

- e) The proposed legal and/or financial mechanism to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

*The development proposal does not include any units that meet the definition of affordable.*

## **PART 2 – LAND USE POLICIES**

Part 2 of the City of Niagara Falls Official Plan contains policies for different land uses within the municipality. As noted, the Subject Lands are designated as “Residential” in the City’s Official Plan and in addition to general policies, the development is specifically subject to Part 2, Section 1 of the Plan.

### **Residential**

The Residential land use designation is the general category within the Official Plan that applies to existing and planned residential areas in the City of Niagara Falls. The Official Plan requires that the City’s supply of residential lands be sufficient to accommodate anticipated population growth and various housing types and densities. Residential developments are to be compatible with surrounding uses and include various amenities that benefit the community as a whole and ensure a high quality of life.

Within the Residential designation, all types of dwellings are permitted, with an additional emphasis placed on the provision of affordable housing. To achieve the housing goals set out in the Official Plan, the City encourages multiple unit developments on smaller lots, or innovative housing forms, development of vacant and underutilized lands, and the full utilization and consolidation of properties to achieve more comprehensive, residential community.

The application conforms with the Residential policies of the Official Plan by proposing permitted housing forms on urban lands (i.e. townhouses, semi-detached dwellings). The Draft Plan of Condominium facilities a more intensive use of the lands that allows for greater unit per hectare density to be provided.

The physical context of the Subject Lands and surrounding area is also consistent with the traits that are identified as desirable for the City when contemplating new residential developments, such as frontage along a local roadway, having municipal servicing connections available and being in proximity to public transit stop.

### **Built Up Area**

As shown on Schedule A2 of the City of Niagara Falls Official Plan (see **Figure 7**), the Subject Lands are identified as being within the Built-up Area.

Within Part 2, Section 1, Policy 1.15 of the Official Plan, there is a clear municipal position that opportunities exist throughout the Built-up Area to develop new housing units. These infilling and intensification opportunities are supported, but must integrate well into the surrounding neighbourhood.

Section 1.15 of the Official Plan contains a policy subset that directs how development within the Built-up Area is to occur and contains the specific policy criteria that regulates intensification on land designated as Residential within the Built-up Area.

As the applications propose both a block townhouse and semi-detached dwelling and are a form of infill development in the Built-up Area, policies 1.15.1 through to subsection (i) of Policy 1.15.5 are applicable.

Policy 1.15.1 states that the character of the existing neighbourhoods within the Built-Up area shall be retained, and that residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood. The proposed development will maintain the character of the existing neighbourhood by having back-to-back lots at the rear of the Subject Lands, with a relatively unchanged streetscape for the existing dwelling will remain, and the development will be occurring at the rear of the property.

Policy 1.15.2 states that a gradation of 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. The proposed development contains a block townhouse dwelling and semi-detached dwelling that vary in height, with the block townhouse dwelling being 6.7 metres tall and the semi-detached dwelling being 9 metres tall, with a horizontal separation distance of approximately 11 metres.

Policy 1.15.3 states that development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available and suitable for different age groups, household sizes and incomes. The proposed development will be at a density greater than what currently exists as the proposed density is 27.59 units per hectare whereas the existing density is 2.97 units per hectare. The development will provide a mix of housing types for the proposed development will result in the creation of six (6) block townhouse dwelling units and two (2) semi-detached dwelling units.

Policy 1.15.4 states that the conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law. The portion of lands outside the proposed Vacant Land Condominium is proposed to be severed in the future with the existing dwelling to remain.

Policy 1.15.5 states that 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.

The proposed development has a density of 27.59 units per hectare, therefore falling within the preferred density range for the proposed development. The density is in conformity with the general intent and purpose of Policy 1.15.5 (i).

### **PART 3 – ENVIRONMENTAL MANAGEMENT**

Part 3 of the City of Niagara Falls Official Plan contains policy direction on phasing, infrastructure, transportation and the public realm.

#### Water and Sanitary Sewage

Section 1.2 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. Consistent with this requirement, the proposed development is located within the Urban Area and will employ connections to existing municipal water and sanitary infrastructure from Carlton Avenue.

#### Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.

As stated in the Stormwater Management Plan for the proposed development, an existing 600mm diameter Big 'O' storm sewer is located immediately fronting the Subject Lands. Drainage from the Subject Lands will be captured and conveyed to the existing storm sewer on Carlton Avenue.

The report concludes that the proposed storm water outlet will be able to support the proposed development.

#### Transportation

The applications conform with overarching transportation policies of the City of Niagara Falls Official Plan. Conformity is achieved by providing opportunities for the development to leverage existing road networks, transit services, increasing modal share of public transit, and proximity to adjacent active transportation/pedestrian routes.

#### Energy Conservation

Policy 3.1.1 of Part 3, Section 3 of the Official Plan encourages an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. To achieve energy efficiency, policy 3.1.1.1 states that a compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate. Furthermore, policy 3.1.1.2 states that orderly, economic and energy conserving development shall be fostered through the logical extension of public services with urban expansion being phased to optimize the use of existing infrastructure. The proposed development is consistent with these policies as the development is an intensified use of the land for residential development within the Urban Area. The

proposed development also utilizes existing municipal services and is closer to optimizing the use of the municipal services.

#### **PART 4 – ADMINISTRATION AND IMPLEMENTATION**

Draft Plans of Condominium are considered under the same Planning Act framework as Plans of Subdivision. Policy 7.3 under Part 4 of the Official Plan requires that Plans of Subdivision be in conformity with nine items. An overview of conformity is provided below in italics:

- 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.

*As outlined in this report, the application is considered to be consistent with the 2020 Provincial Policy Statement and in conformity with the 2019 Growth Plan, Niagara Official Plan and City of Niagara Falls Official Plan (as amended).*

*The concurrent Zoning By-law Amendment will establish the necessary zoning category, and site – specific provisions to implement the proposed Plan of Vacant Land Condominium.*

- 7.3.2 Access to Provincial Highways, Regional roads and the Niagara River Parkway must conform with access requirements of the Provincial Ministry of Transportation, the Regional Municipality of Niagara and Niagara Parks Commission.

*The Subject Lands are accessible from Carlton Avenue, which is a City-owned Local Roadway. Residents of the future development can easily access Regional Roads 20 and 420 which provide access to other primary arterial roadways. The Queen Elizabeth Way can be easily accessed from Regional Road 420.*

- 7.3.3 Any lot created shall have direct frontage on a public road of an acceptable standard of construction.

*The Subject Lands have frontage on Carlton Avenue – a public road. The private road proposed internal to the property will be built to municipal standards for private driveways and will maintain its existing access point from Carlton Avenue.*

- 7.3.4 Development shall not create a traffic hazard.

*The City of Niagara Falls did not request a transportation impact study to be provided in support of this development; however, a parking study was required. According to the Parking Study*



*prepared by Paradigm Transportation Solutions, the proposed eight (8) parking spaces is considered appropriate for the development.*

- 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.

*A Functional Servicing Report prepared by a professional engineer has been submitted with the applications. This report provides a qualified opinion that the site can be serviced using existing water, sanitary and stormwater infrastructure.*

- 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. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.

*There are no natural heritage features or the habitat of endangered or threatened species on the Subject Lands.*

- 7.3.7 Extensions to linear or ribbon development along roadways are to be discouraged except within the Parkway Residential Area.

*The development is not an extension of linear or ribbon development.*

- 7.3.8 Development will be discouraged where a division of land would interfere with land assembly for the purpose of planned development.

*The Subject Lands are an existing lot of record that are fit for intensification. The proposed development efficiently uses the land and will not interfere with land assembly for the purpose of planned development as the surrounding lands have been subdivided and built on.*

- 7.3.9 Development will be discouraged when it does not comply with the staging policies of this Plan.

*The Subject Lands are identified as Existing Municipal Service Area on Schedule B – Phasing Of Development. Development is directed to lands with municipal services, therefore the proposed development complies with the staging policies of the Official Plan.*

Based on the analysis provided above, the application for Draft Plan of Vacant Land Condominium is in conformity with the policies of Section 7.3 of Part 4 of the Official Plan.

## 8.0 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)

Schedule C4 of the Niagara Falls Zoning By-law indicates that that the Subject Lands are in the Residential 1E Density Zone. A Zoning By-law Amendment Application has been submitted to change the zoning of the Subject Lands to Residential Low Density, Grouped Multiple Dwellings Zone (R4) with site specific provisions, shown in **Table 1**. A planning rationale for each requested site-specific provision is provided below.

<b>Table 1 – Residential Low Density, Grouped Multiple Dwellings Zone Conformity</b>		
<b>Zoning By-law 79-200</b>		
<b>Section 7.9 Residential Low Density, Grouped Multiple Dwellings Zone (R4 Zone) Regulations</b>		
Provision	Required	Proposed Provision
<b>7.8.1 - Permitted Uses</b>		
(a) A townhouse dwelling containing not more than 8 dwelling units (b) An apartment dwelling (c) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units (d) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14. (e) 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.		Include: semi-detached dwelling
<b>7.9.2 – Regulations</b>		
a) Minimum Lot Area	250 square metres	No Change
b) Minimum Lot Frontage (more than 4 dwelling units)	30 metres	7.2 metres
c) Minimum Front Yard Depth	6 metres	No Change
d) Minimum Rear Yard Depth	7.5 metres	1.4 metres for block townhouse dwelling
e) Minimum Interior Side Yard	One-half the height of the building (4.62m – Townhouse dwelling and 4.82m for Semi-detached dwelling)	1.5 metres for block townhouse dwelling 1.2 metres for semi-detached dwelling
f) Minimum Exterior Side Yard Width	4.5 metres	No Change
g) Maximum Lot Coverage	35%	No Change
h) Maximum Height of a Building or Structure	10 metres	No Change
i) Deleted		No Change
j) Number of dwellings on one lot	More than one dwelling is permitted on one lot	Semi-detached dwelling units to be permitted

k) Parking and Access Requirements	In accordance with Section 4.19.1	No Change
l) Accessory buildings and accessory structures	In accordance with Section 4.13 and 4.14	No Change
m) Minimum Landscaped Open Space	45 square metres for each dwelling unit	No Change
n) Minimum privacy yard depth for each townhouse dwelling unit	7.5 metres	Minimum privacy yard depth of 3.8 metres to garage for semi-detached dwellings  Minimum privacy yard depth of 6.0 metres to dwelling unit for semi-detached dwellings
<b>7.9.3 - Additional Regulations For Group Dwellings</b>		
a) Minimum lot area	1,200 square metres	No Change
b) Nothing in section 4.11 or in clause b of section 7.10.2 shall be deemed to require each dwelling to front or abut upon a street.		No Change
<b>Section 4.19 – Parking Requirements</b>		
<b>4.19.1 - Requirements</b>		
Provision	Required	Proposed Provision
Minimum Parking Space Requirements	Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling (1.4 spaces per dwelling unit)  Detached dwelling, Duplex dwelling or Semi-detached dwelling and an on street townhouse dwelling (1 space per dwelling unit)	8 parking spaces
<b>4.19.4 – Parking in Yards</b>		
(c) No person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless a decorative wall and landscaped strip or a landscaped berm, as hereinafter specified, is provided and maintained along all that part of every front lot line and side lot line of such lot which is a boundary between such front yard and an abutting street, except that part thereof crossed by an access ramp or sidewalk.  (i) The height of such decorative wall or landscaped berm shall be 1 metre above the average level of the parking area in such front yard.  (ii) Subject to subclause  (iii) any such decorative wall shall be located 1 metre inside the abutting street line or street lines and the strip between such decorative wall and the abutting street line or street lines shall be planted with shrubs, flower beds, grass or a combination thereof.		No Change

<ul style="list-style-type: none"> <li>(iv) Subject to subclause</li> <li>(v) any such landscaped berm shall have a minimum width of 1.5 metres measured from the abutting street line or street lines and shall be planted with shrubs, flower beds, grass or a combination thereof.</li> <li>(vi) Where a daylighting triangle is required pursuant to this By-law, no such decorative wall or landscaped berm shall be located within such daylighting triangle.</li> </ul>	
<b>Section 4.14 – Permitted Encroachments</b>	
4.14– Yards	
<ul style="list-style-type: none"> <li>d) subject to Section 4.27.1, a roofed-over one storey porch may project into a required front yard, rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 2.5 metres provided however that <ul style="list-style-type: none"> <li>i. no enclosure of such porch, other than removable screens and storm sashes or awnings, shall be erected to a height of more than 1.0 metre above the floor of such porch, and</li> <li>ii. in no event and subject to said Section 4.27.1 shall any part of such porch be closer than 1.5 metres from any street line;</li> </ul> </li> </ul>	<p style="color: red;">Covered porch may be located within 1.8 metres of the rear lot line</p> <p>No change to encroachment to front lot line</p>
<ul style="list-style-type: none"> <li>h) subject to section 4.27.1, a deck may project into a required front yard a distance of not more than 2.5 metres and into a required rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 4 metres and in no event, and subject to said Section 4.27.1, shall any part of such deck be closer than 1.5 metres from any street line and closer to the interior and exterior side lot lines than the minimum interior side yard and exterior side yard widths of the specific zone.</li> </ul>	<p style="color: red;">A deck may project a distance of not more than 4.0 metres into a required privacy yard of a block townhouse and semi-detached dwelling, and be no closer to the interior lot line than 3.0 metres for semi-detached dwelling units, and 4.62m for townhouse dwelling units</p>

**Residential Low Density, Grouped Multiple Dwellings Zone (R4 Zone) Special Provisions**

Permitted Uses

The Zoning By-law permits only townhouse dwellings, apartment dwellings and group dwellings in the R4 Zone. The definition of “group dwellings” allows only townhouse and apartment dwellings to be constructed on the same parcel. The proposed development is for the construction of a townhouse dwelling with six (6) units and one semi-detached dwelling with two (2) units. Due to the shape of the parcel, the two proposed land-uses, townhouse dwelling and semi-detached dwelling, are desirable for the townhouse dwelling maximizes the space available at the rear of the property, and the semi-detached dwelling fits neatly in the southeast jog of the Subject Lands. The semi-detached dwelling, being positioned closer to existing detached dwelling fits in well with the existing character of the neighbourhood and minimizes adverse impacts that would come from denser land-uses, such as noise, sight, and privacy. For these reasons, permitting a semi-detached dwelling on the Subject Lands in conjunction with a townhouse dwelling is an appropriate form of development on the Subject Lands.

### Minimum Lot Frontage

The Zoning By-law requires a minimum lot frontage of 30 metres, whereas a lot frontage of 7.2 metres is provided. As the lot is large and the proposed development is at the rear of the property, a 30-metre lot frontage is not needed to accommodate the proposed development. The proposed lot frontage also provides adequate space for access to the dwelling units near the rear of the Subject Lands, for vehicles can ingress and egress at the same time, and large vehicles, such as emergency vehicles and waste management vehicles can access the Subject Lands and manoeuvre around in the same. From a streetscape perspective, the lot frontage appears consistent with adjacent properties as the frontage of the Subject Lands are indistinguishable from lands with the existing dwelling as there are no dwellings proposed within the front yard of the Subject Lands. For these reasons, the minimum lot frontage of 7.2 metres is appropriate for the proposed development.

### Minimum Rear Yard Depth

The Zoning By-law requires a minimum rear yard depth of 7.5 metres, whereas a rear yard depth of 1.4 metres is provided. Based on the location of the proposed townhouse dwelling on the Subject Lands, the rear yard acts more like an interior side yard as it is the side of the townhouse dwelling that is abutting the rear property line. Acting more as an interior side yard, the 1.4 metre setback provides adequate access space to the rear of the property and appropriate separation from abutting structures if any were to be constructed on the abutting property to the west.

The interior side yard on the south side of the Subject Lands acts like a rear yard, which is setback 7.61 metres from the southern property line. The setback exceeds the intended 7.5 metre rear yard depth and provides adequate amenity space in doing so. For these reasons, the minimum rear yard depth of 1.44 metres is appropriate for the proposed development.

### Minimum Interior Side Yard

The Zoning By-law requires a minimum interior side yard that is half the building height (4.6 metres Townhouse & 4.85 metres semi-detached), whereas a minimum interior side yard of 1.2 metres for semi-detached dwelling and 1.5 metres for block townhouse dwelling are proposed. The interior side yard varies along the length of the sidewall of the block townhouse dwelling and semi-detached dwelling. The minimum side yard measurement of 1.5 metres represents the shortest side yard setback from the interior side lot line for the block townhouse dwelling, whereas 1.2 metres represents the shortest side yard setback from the interior side lot line for the semi-detached dwelling.

The requirement of the minimum interior side yard setback being half the buildings height is due to the type of developments that can occur within the R4 Zone. Large built-forms than those being proposed are more likely to have negative impacts on adjacent properties, especially in dense neighbourhoods. The proposed development has a built-form consistent with low and medium density developments that typically have interior side yard setback requirements of 1.2 metres (semi-detached dwelling) and 3 metres (on street townhouse dwelling) in other zones.

The proposed block townhouse abuts the rear of the abutting property where there are no structures, therefore limiting any adverse impacts to the abutting property. The semi-detached dwelling maintains an interior side yard setback consistent with other zoning provisions for semi-detached dwellings. Furthermore, the requested setbacks of 1.5 metres for townhouse dwelling and 1.2 metres also provides owners of the units enough space to access the rear of the building without trespassing on the abutting property. For these reasons, the minimum interior side yard setback of 1.5 metres for block townhouse dwelling and 1.2 metres for semi-detached dwelling is appropriate for the proposed development.

#### Minimum Privacy Yard Depth

The Zoning By-law requires a minimum privacy yard depth of 7.5 metres, whereas a minimum privacy yard depth of 6.0 metres and 3.8 metres is proposed to the semi-detached dwelling units and garages, respectively. Due to the orientation of the proposed semi-detached dwelling, the rear of the dwelling is technically abutting the interior side yard of the proposed development. This lot line is also an interior lot line for 6125 Carlton Avenue, which is shared with the proposed development at the middle and rear of the lands belonging to 6125 Carlton Avenue. An existing shed and garage for 6125 Carlton Avenue abut the shared lot line.

The proposed 6.0 metre and 3.8 metre privacy yard setback provides adequate space to accommodate a private amenity area for occupants of the semi-detached dwellings, for a 3.0 by 3.0 metre deck can be accommodated for each unit with an additional 3.0 metres of landscape space as a buffer to the lot line. Furthermore, a proposed fence along the property line as well as with the neighbouring property's (6125 Carlton Avenue) garage and shed, provide additional barriers between the proposed semi-detached dwelling and the dwelling at 6125 Carlton Avenue. For these reasons, the minimum privacy yard depth of 6.0 metres for the semi-detached dwelling unit and 3.8 metres for the garages is appropriate for the proposed development.

#### Minimum Parking Spaces

The Zoning By-law requires a minimum of 1.4 parking spaces for dwellings containing more than three (3) dwelling units and one (1) parking space for semi-detached dwelling units. The total required minimum parking spaces for six (6) block townhouse dwelling units and two (2) semi-detached dwelling units is 11 parking spaces.

The proposed development can accommodate eight (8) parking spaces - one per unit; however, garages are not included as a parking space because the Zoning By-law does not permit tandem parking. A Parking Study prepared by Paradigm Transportation Solutions Limited was submitted with the applications that reviewed the on-site parking availability. The study recommended that the City supports one (1) parking space per unit, for a total of 8 parking spaces. For these reasons, a minimum of eight (8) parking spaces is appropriate for the proposed development.

#### Encroachment of Front Porch Into Rear Yard

The Zoning By-law requires that a roofed-over one storey porch cannot encroach into a required rear yard more than 2.5 metres. The first unit of the proposed development, which abuts the rear lot line, proposes a covered porch that projects north and nearly parallel with the rear lot line, and within 1.8 metres of the same.

Permitting the covered porch to encroach within 1.8 metres of the rear lot line provides adequate space for access to the rear of the dwelling and is setback further from the rear lot line than the requested minimum rear yard setback of 1.44 metres. For these reasons, the 1.8 metre encroachment of the covered porch to the rear lot line is appropriate for the proposed development.

Projection of Deck into Required Side Yard

The Zoning By-law permits a deck to project into a required privacy yard of a block townhouse dwelling unit a distance of not more than 4 metres and in no event, shall any part of such deck closer to the interior and exterior side lot lines than the minimum interior side yard and exterior side yard widths of the specific zone. The block townhouse dwelling units and semi-detached dwelling units contain a deck that project 3.0 metres into the privacy yard of the dwelling units, and are within 4.62 metres of the interior side yard in the case of the block townhouse dwelling units, and 3.0 metres for the semi-detached dwelling units.

Permitting the decks of the block townhouse dwelling units and semi-detached dwelling units to be within one-half of the building height (4.62m for block townhouse dwelling and 4.82 for semi-detached dwelling) of the interior side lot line provides adequate space for landscaping at the rear of the units and can accommodate swales for proper drainage of the site. For these reasons, the projection of a deck no more than 4.62 metres for a block townhouse dwelling unit, and 3.0 metres for a semi-detached dwelling unit, to an interior side yard is appropriate for the proposed development.

<b>Table 2 – Detached Dwelling Zoning Conformity</b>		
<b>Zoning By-law 79-200</b>		
<b>Section 7.5 R1E Density Zone (R1E) Regulations</b>		
Provision	Required	Proposed
<b>7.5.1 – Permitted Uses</b>		
(a) A detached dwelling (b) A home occupation Subject to Section 5.5 (c) Accessory Buildings and structures, subject to Sections 4.13 and 4.14 (d) A group home, type 1		No Change
<b>7.5.2 – Regulations</b>		
c) Minimum Lot Area (Interior Lot)	370 square metres	No Change
d) Minimum Lot Frontage (Interior Lot)	12 metres	No Change
e) Minimum Front Yard Depth	6 metres	No Change

**Table 2 – Detached Dwelling Zoning Conformity**

<b>Zoning By-law 79-200</b>		
<b>Section 7.5 R1E Density Zone (R1E) Regulations</b>		
f) Minimum Rear Yard Depth	7.5 metres	3.0 metres
g) Minimum Interior Side Yard Width	1.2 metres	No Change
h) Minimum Exterior Side Yard Width	4.5 metres	No Change
i) Maximum Lot Coverage	45%	No Change
j) Maximum Height of a Building or Structure	10 metres	No Change
k) Deleted	N/A	N/A
l) Maximum Number of Detached Dwellings on One Lot	One Only	No Change
m) Parking and Access Requirements	In Accordance with Section 4.19.1	No Change
n) Accessory Building and Accessory Structures	In Accordance with Sections 4.13 and 4.14	No Change
o) Minimum Landscaped Open Space	30% of the Lot Area	No Change

**Minimum Rear Yard Depth**

The Zoning By-law requires a minimum rear yard depth of 7.5 metres, whereas a rear yard depth of 3.0 metres is provided. With the reduction of the rear yard setback to 3.0 metres, adequate space for amenities, such as a deck or patio can be accommodated within the southern interior side yard, which maintains a setback of 5.35 metres, which exceeds the minimum interior side yard setback by 4.09 metres. For these reasons, the minimum rear yard depth of 5.54 metres is appropriate for the proposed development.



## 9.0 - URBAN DESIGN ANALYSIS

### PART 3 – ENVIRONMENTAL MANAGEMENT

#### Urban Design Strategy (Section 5)

Urban design is the shaping of the built environment. It plays an important role in the upgrading and maintenance of the City's civic image and economic potential and is critical to the quality of life for its citizens. It is the intent of the City's Official Plan to create compact pedestrian-oriented and transit-supportive neighbourhoods throughout the municipality.

The built environment consists of the public realm and private properties, both of which should be designed to work harmoniously together. The policies within Part 3, Section 5 of the Official Plan provides guidance to the development community on urban design.

Generally, the urban design policies have clear thematic elements which can be summarized as follows:

1. Compatibility with Adjacent Land Uses and Buildings
2. Pedestrian Oriented Development and Connectivity
3. High Quality Interfaces between Public and Private Realms
4. Tree and Natural heritage Protection and Enhancement

The following analysis will summarize how the development implements these themes and directions.

#### Compatibility

The urban design policies promote the compatibility of new developments with adjacent lands.

The Subject Lands are located within an established residential neighbourhood with a single detached dwelling as the predominant built form. The Applicant is proposing to construct block townhouse dwelling containing six (6) units, and a semi-detached dwelling with two (2) units. The block townhouse dwelling is proposed to be 9.25 metres in height and the semi-detached dwelling is proposed to be 9.66 metres tall.

The proposed dwellings are oriented in a manner to reflect a back-to-back lot configuration, for the rear yard of the block townhouse dwelling units abut the rear yard of the neighbouring units, thus reflecting a similar lot configuration of the neighbourhood. The massing of the block townhouse dwelling is considered appropriate as it abuts the rear yards of adjacent lands, that are deep lots with the dwelling units close to the front line, thus it will not result in any adverse impacts on existing, adjacent lands uses, such as: overlook, shadowing or nuisance.

The semi-detached dwelling is setback 1.2 metres from the interior lot line and is consistent with the interior side yard setbacks of semi-detached dwellings in other zones. The lot line acts as the rear lot line for the existing single detached dwelling, which is setback 3.0 metres from the lot line. The proposed semi-detached dwelling units have a smaller building envelope than the townhouse dwelling units, with a building envelope of 80.87m<sup>2</sup> (870.48 ft<sup>2</sup>) compared to 134.84m<sup>2</sup> (1,451.41 ft<sup>2</sup>). With a smaller building

envelope, the semi-detached dwelling is required to be slightly taller than the townhouse dwelling in order to have a desirable square area that can accommodate units with two-bedrooms. To mitigate privacy concerns, a fence will be constructed along the property line.

#### Pedestrian Oriented Development

The urban design policies promote a pedestrian oriented design for new developments.

Occupants and visitors of the units can utilize the private roadway to access the existing sidewalk on Carlton Avenue. The roadway will have low traffic volume that can accommodate two-way traffic, so a pedestrian can safely use the road while a vehicle is passing. Travel from the furthest unit (unit 1) to the sidewalk is approximately 110 metres, which is a short walk.

#### High Quality Interfaces between Public and Private Realms

The urban design policies seek to establish a harmonious relationship between private development sites and adjacent public roadways and lands.

The proposed development places the dwellings and parking spaces in the rear yard of the lands, resulting in only the private road - that is an extension of the existing driveway - being present from the street. The proposed development is hidden from the public road and has no impact on the streetscape.

#### Tree and Natural Heritage Protection and Enhancement

There are no natural heritage features identified on the Subject Lands; however, the lands do contain limited vegetation on the site. As required by the City, the owners have completed a Tree Preservation Plan.

As outlined in the Tree Preservation Plan submitted with the applications, trees 13, 15 and 18 to 21, located in the rear yards of the townhouse dwelling units, are to be preserved. Majority of trees on the development lands are proposed to be removed in order to accommodate the development. New trees will be planted on the site to mitigate the trees removed for the development. The new plantings will assist in the beautification of the lands and add privacy for the occupants and abutting lands.

#### **Niagara Region Model Urban Design Guidelines**

In the absence of Urban Design policies on specific areas, The City of Niagara Falls Urban Design Guidelines states that plans should refer to the Niagara Region Model Urban Design Guidelines (2005). Niagara Region Model Urban Design Guidelines (2005) was adopted as part of the Region's Smart Growth Agenda to implement the ten Smart Growth principles for development and redevelopment through the Region. These principles include;

1. Create a mix of land-uses
2. Promote compact built form
3. Offer a range of housing opportunities and choices

4. Produce walkable neighbourhoods and communities
5. Foster attractive communities and a sense of place
6. Preserve farmland and natural resources
7. Direct development into existing communities
8. Provide a variety of transportation choices
9. Make development predictable and cost effective
10. Encourage community stakeholder collaboration

These Guidelines further outline guidelines for both the public and private realm. Section 4a is most relevant to this application as it outlines the urban design guidelines for residential development. Section 4a.1 sets out the following design principles for residential development:

1. Positive Image
2. Context Sensitive
3. Housing Variety & Choice
4. Flexible & Adaptable
5. Environmentally Sustainable

#### Sections 4a.1 - 8

The proposed block townhouse dwelling and semi-detached dwelling units provide a mix of residential dwelling types and land-uses, which promotes a compact built form and offers a range of housing opportunities and choices that will positively contribute to the surrounding area.

The incorporation of the block townhouse and semi-detached dwelling will increase the range of housing types and options in the area, strengthening the neighbourhood character and identity. The area consists primarily of single detached dwellings, signifying that the addition of higher density housing will provide a greater amount of housing options for families, which offers greater flexibility for individuals at a variety of income levels.

The proposed development is situated at the rear of the Subject Lands with the townhouse dwelling and semi-detached dwelling oriented towards the private roadway and facing north. The private roadway runs in between the additional lands of owner and the northerly lot line, from the front lot line to the rear of the lot, and provides occupants of the development direct access to Carlton Avenue.

The proposed development has a minimal impact on the adjacent properties as the interior and rear yard setbacks for the proposed townhouse and semi-detached dwellings are generally consistent with the Model Residential Setback Guidelines of 1.2 metres each side and 7.5 metres, respectively. Where the proposed development does not meet the interior or rear yard setbacks set out in the Guidelines, there is no negative impact for there are no dwellings on adjacent lands in close proximity to the proposed block townhouse and semi-detached dwellings.

The buildings are proposed to be two-storeys in height, with the block townhouse dwelling proposed at 9.25 metres and the semi-detached dwelling proposed at 9.66 metres in height. The Guidelines set out

that the appropriate height ranges of semi-detached dwelling is between 2 and 3-storeys, and townhouse dwelling is between 3 and 5-storeys. The height of the proposed development is consistent with the Guidelines.

The building will have a visually rich residential building fabric that is compatible with the surrounding neighbourhood through its materials and architectural style. The townhouse dwelling will have an off-white brick façade along its front face with off white vinyl siding along the rear of the dwelling. Each unit will contain a large rectangular window above the garage, a smaller rectangular window above the entry, and a private frosted glass entry beside the front door. At the front of each unit is a front porch with black steel rails and a garage with a stained white oak appearance. The semi-detached dwelling is similar in appearance to the townhouse dwelling, but contains a front façade with slightly more windows and a wider front face for the units. Front and rear elevations of the townhouse and semi-detached dwelling are shown in **Figures 9 and 10**.



Figure 9 – Front and Rear Elevation of Townhouse Dwelling



Figure 10 – Front and Rear Elevation of Semi-Detached Dwelling

## **10.0 - PLANNING POSITION**

This Planning Justification Report has been prepared on behalf of the owner of 6111 Carlton Avenue in the City of Niagara Falls to provide a planning rationale for the proposed development of the Subject Lands.

The property owner seeks to create a vacant land condominium containing one (1) block townhouse dwelling with six (6) units and a semi-detached dwelling with two (2) units at the rear of the lands. Lands to the southeast containing the existing single-detached dwelling are to be severed in the future.

A Draft Plan of Vacant Land Condominium Application has been submitted concurrently with a Zoning By-law Amendment Application to create new parcels and establish use and built-form permissions for the proposed development. A Consent Application will be required to convey the southeastern portion of the property with the existing dwelling in the near future.

Provincial, Regional and local planning directive promote intensification within the Built-up Area as this type of development limits the cost of providing new infrastructure to accommodate growth. The proposed development supports the accommodation of residential growth on serviced residential land through compatible intensification within a residential area in the Built-up Area.

The applications are considered to represent good planning for the following reasons:

1. The development proposal is consistent with the Provincial Policy Statement, and conforms with the Growth Plan for the Greater Golden Horseshoe, Niagara Official Plan, and City of Niagara Falls Official Plan.
2. The area is a suitable area for intensification as the Subject Lands are fully serviced, are accessible by public transportation and are in proximity to existing public service facilities.
3. The proposed block townhouse dwelling and semi-detached dwellings are a compatible built form that are consistent with the compact built form that characterizes the surrounding neighbourhood.
4. The proposed development is consistent with the City of Niagara Falls Official Plan as it represents compatible infill development in the Built-up Area that makes efficient use of existing infrastructure and public services including public transportation.
5. The proposed zoning is appropriate as it will facilitate the efficient use of the land in accordance with Provincial, Regional and local planning directives, and has minimal negative impacts on adjacent and surrounding properties.

Based on the analysis above, the submitted applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment are considered to represent good planning, and should be supported by the City of Niagara Falls.

Respectfully Submitted,

Prepared By:



Eric Beauregard, M.A.  
Planning Coordinator  
Upper Canada Consultants

Reviewed By:

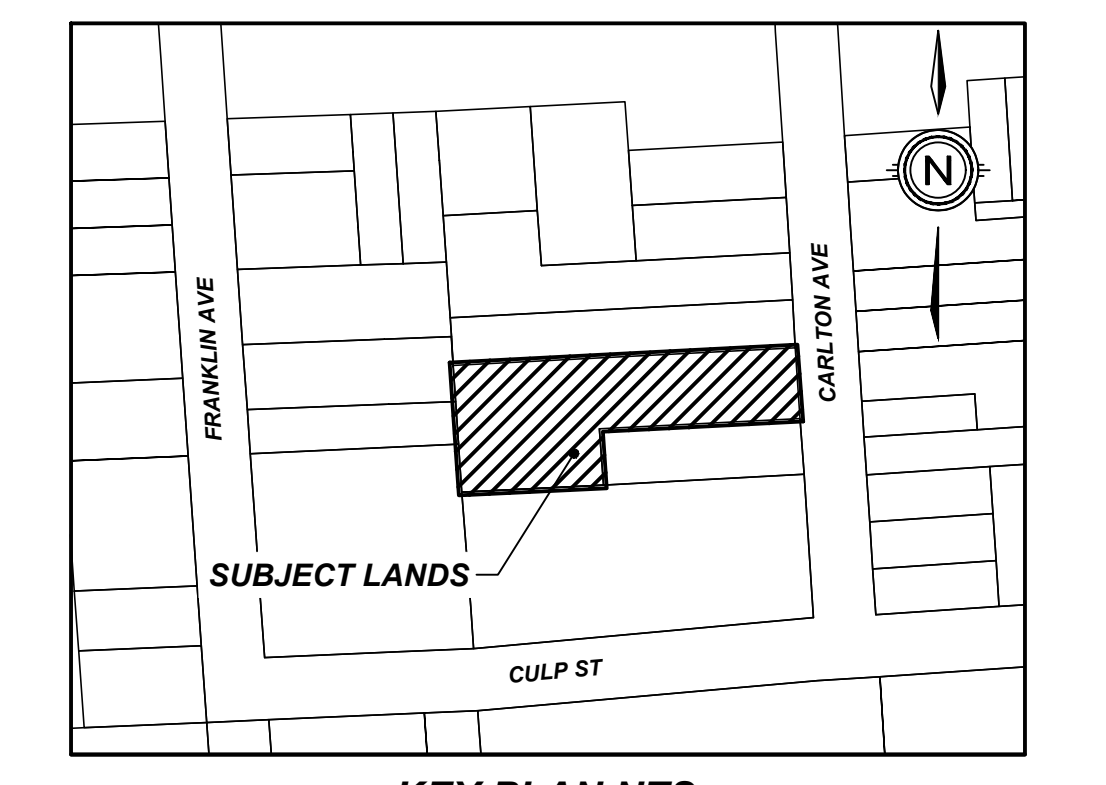
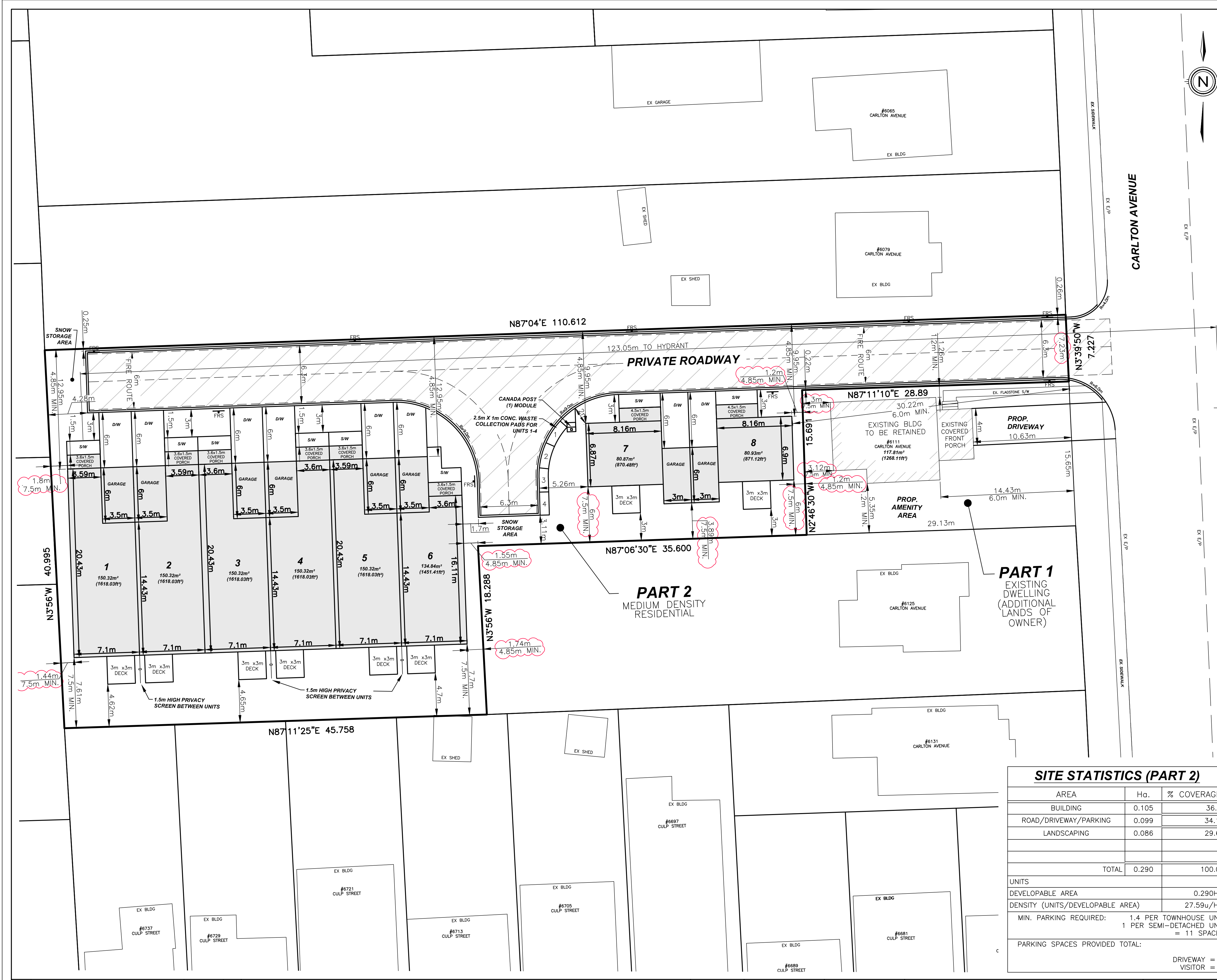


William Heikoop, B.U.R.Pl., MCIP, RPP  
Planning Manager  
Upper Canada Planning & Engineering Ltd.

**Appendix I**  
**Site Plan**







**ZONING MATRIX**  
RESIDENTIAL 1E DENSITY ZONE (R1E)

PROVISION	PART 1 (RETAINED)	PROVIDED
Minimum lot area (Overall)	370m <sup>2</sup>	454.43m <sup>2</sup>
Minimum lot frontage	12 metres	15.65m
Minimum front yard depth 93-284	6m plus any applicable distance specified in section 4.27.1	14.43m
Minimum rear yard depth	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	3m
Minimum interior side yard width	1.2 metres (3.9 ft.)	1.26m
Minimum interior side yard width 2011-136	2.4m (7.9ft.) for one side yard (section 5.1)	5.35m
Maximum lot coverage	45%	25.92%
Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7	2 Storeys (as existing)
Maximum driveway width in a front yard	60% of the lot frontage but in no case more than 8 metres	4m (25.56%)
Minimum landscaped open space	30% of lot area	64.72%
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	N/A

**ZONING MATRIX**  
RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS ZONE (R4)

PROVISION	PART 2 (SEVERED)	PROVIDED
PERMITTED USES	A townhouse dwelling containing not more than 8 units	6 unit townhouse dwelling 2 unit semi-detached dwelling
MINIMUM LOT AREA (OVERALL)	2000m <sup>2</sup> (250m <sup>2</sup> per unit)	2902.74m <sup>2</sup>
MINIMUM LOT FRONTAGE	30m	7.23m
MINIMUM FRONT YARD	6m	30.22m
MINIMUM REAR YARD	7.5m	1.44m
MINIMUM SIDE YARD	one half the building height	1.2m
MAXIMUM LOT COVERAGE	35%	30%
MAXIMUM BUILDING HEIGHT	10 metres (32.81 ft.)	9.7m
NUMBER OF DWELLING UNITS ON ONE LOT	subject to compliance with section 7.9.3 more than one dwelling is permitted on one lot	1 block townhouse dwelling and semi-detached dwelling
PARKING AND ACCESS REQUIREMENTS	1.4 parking spaces for each townhouse dwelling unit & 1 parking space for each semi-detached dwelling unit	1 SPACE/UNIT
MINIMUM LANDSCAPED AREA	45m <sup>2</sup> for each dwelling unit	139.96m <sup>2</sup>
MINIMUM PRIVACY YARD DEPTH FOR EACH TOWNHOUSE DWELLING UNIT, AS MEASURED FROM THE EXTERIOR REAR WALL OF EVERY DWELLING UNIT		7.5m
PROJECTION OF A DECK INTO A REQUIRED PRIVACY YARD	4m into the required privacy yard	3m

**LAND USE SCHEDULE**

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE-DETACHED DWELLING	PART 1	1	0.045	13.43
TOWNHOUSE DWELLING	PART 2	6	0.290	86.57
SEMI-DETACHED DWELLING	PART 2	2		
TOTAL		9	0.335	100%

DEVELOPABLE AREA = 0.335ha  
DEVELOPABLE DENSITY = 26.87 units/ha

**SITE STATISTICS (PART 2)**

AREA	Ha.	% COVERAGE
BUILDING	0.105	36.21
ROAD/DRIVEWAY/PARKING	0.099	34.14
LANDSCAPING	0.086	29.66
TOTAL	0.290	100.00

UNITS: 8  
DEVELOPABLE AREA: 0.290Ha.  
DENSITY (UNITS/DEVELOPABLE AREA): 27.59u/Ha.  
MIN. PARKING REQUIRED: 1.4 PER TOWNHOUSE UNIT  
1 PER SEMI-DETACHED UNIT = 11 SPACES  
PARKING SPACES PROVIDED TOTAL: 8  
DRIVEWAY = 8  
VISITOR = 0

**LEGEND**

- WV ⊗ EX WATER VALVE
- HD ⊕ EX HYDRANT
- CB □ EX CATCHBASIN
- MH ○ EX MANHOLE
- HPO ○ EX HYDRO POLE
- SB ⊠ SHORT IRON BAR
- LS ⊕ EX LIGHT STANDARD
- ⊕ PROPOSED LIGHT STANDARD
- ⊕ PROPOSED FIRE ROUTE SIGN
- ⊕ PROPOSED C.L. FIRE ROUTE
- ⊕ PROPOSED WOOD PRIVACY FENCE
- ⊕ ACCESSIBLE PARKING SIGN

**FIRE ROUTE SIGN DETAIL**

One steel 1-1/2" x 1-1/2" sign with driver's eye height into the ground.

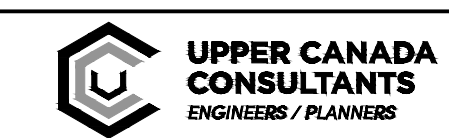
**SIGNAGE NOTES:**  
ALL FIRE ROUTE SIGNS TO BE LOCATED ON STREET LIGHTS WHERE POSSIBLE.  
ALL SIGNS SHALL BE MOUNTED AT A HEIGHT OF 2-3 METRES FROM TOP OF CURB TO BOTTOM OF SIGN.  
ALL SIGNS SHALL CONFORM TO THE ONTARIO TRAFFIC MANUAL AND HIGHWAY TRAFFIC ACT.

**NOTES:**

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
- PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING: JO  
DESIGN: WH  
CHECKED BY: WH  
APPROVED BY: WH

OWNER: CURTIS BYRD & TANYA BYRD



6111 CARLTON AVENUE  
NIAGARA FALLS  
SITE PLAN

CONSULTANT FILE No. 2293  
DATE: 2023-09-26  
PRINTED: 2024-05-31  
SCALE: 1:200  
REF No.  
DWG No. 2293-SP  
REV 0

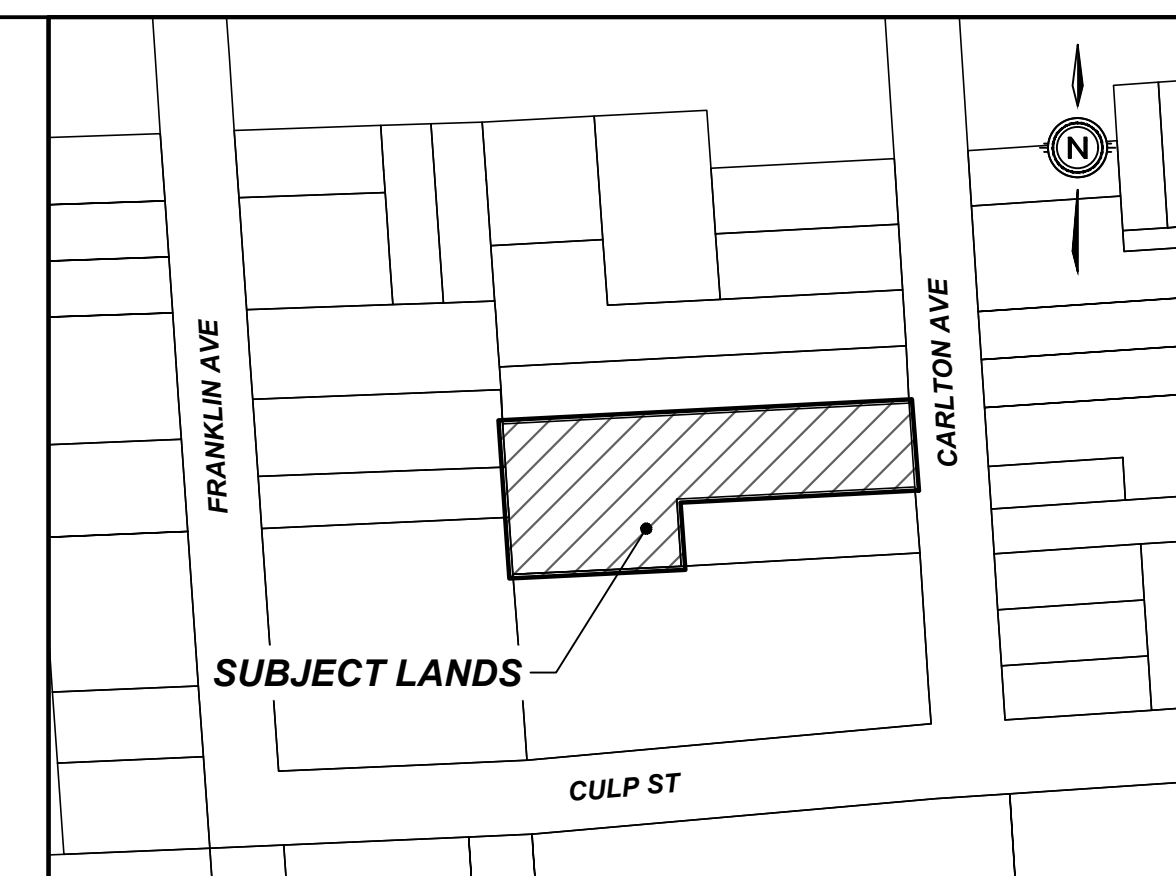
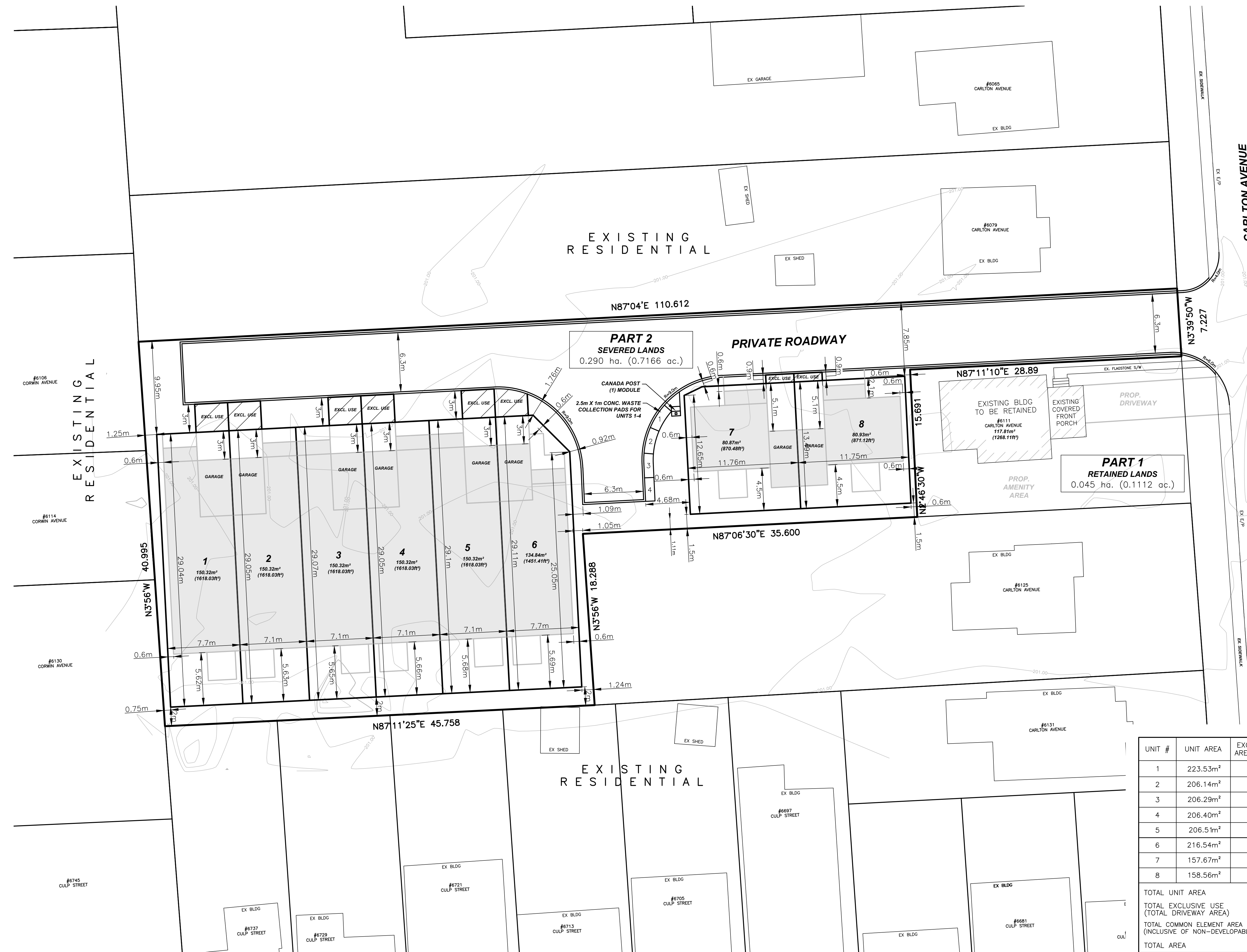
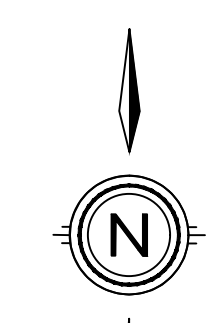
**Appendix II**  
**Draft Plan of Vacant Land of Condominium**

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# 6111 CARLTON AVENUE

## CITY OF NIAGARA FALLS



**KEY PLAN**  
N.T.S.

**DRAFT PLAN OF VACANT LAND CONDOMINIUM**

**LEGAL DESCRIPTION**

PART OF LOTS 12 & 13, REGISTERED PLAN No. 49;  
PLAN 59R-8795  
CITY OF NIAGARA FALLS  
REGIONAL MUNICIPALITY OF NIAGARA

**OWNER'S CERTIFICATE**

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF NIAGARA FALLS FOR APPROVAL.

*Autograph of Registered Owner*

OCT. 12, 2022  
DATE

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

*Signature of Surveyor*

JUNE 12, 2024  
DATE

**REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT**

- c) SEE PLAN
- d) RESIDENTIAL
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) SILTY SAND
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

**SITE STATISTICS (PART 2)**

AREA	Ha.	% COVERAGE
BUILDING	0.105	36.21
ROAD/DRIVEWAY/PARKING	0.099	34.14
LANDSCAPING	0.086	29.66
<b>TOTAL</b>	<b>0.290</b>	<b>100.00</b>
UNITS		8
DEVELOPABLE AREA		0.290Ha.
DENSITY (UNITS/DEVELOPABLE AREA)		27.59u/Ha.
MIN. PARKING REQUIRED:		1.4 PER TOWNHOUSE UNIT 1 PER SEMI-DETACHED UNIT = 11 SPACES
PARKING SPACES PROVIDED TOTAL:		8 DRIVEWAY = 8 VISITOR = 0

UNIT #	UNIT AREA	EXCLUSIVE USE AREA-DRIVEWAYS
1	223.53m <sup>2</sup>	10.50m <sup>2</sup>
2	206.14m <sup>2</sup>	10.50m <sup>2</sup>
3	206.29m <sup>2</sup>	10.50m <sup>2</sup>
4	206.40m <sup>2</sup>	10.50m <sup>2</sup>
5	206.51m <sup>2</sup>	10.50m <sup>2</sup>
6	216.54m <sup>2</sup>	9.67m <sup>2</sup>
7	157.67m <sup>2</sup>	2.70m <sup>2</sup>
8	158.56m <sup>2</sup>	2.70m <sup>2</sup>
<b>TOTAL UNIT AREA</b>	<b>1581.64m<sup>2</sup></b>	
<b>TOTAL EXCLUSIVE USE (TOTAL DRIVEWAY AREA)</b>	<b>67.57m<sup>2</sup></b>	
<b>TOTAL COMMON ELEMENT AREA (INCLUSIVE OF NON-DEVELOPABLE)</b>	<b>1253.58m<sup>2</sup></b>	
<b>TOTAL AREA</b>	<b>2902.79m<sup>2</sup></b>	

ISSUED FOR APPLICATION	2024-05-31	NA
REVISION	DATE	INIT
0		
#		



DRAWING TITLE	DRAFTING	JO/MK/NA
<b>DRAFT PLAN OF VACANT LAND CONDOMINIUM</b>	DATE	SEPTEMBER 29, 2023
	PRINTED	MAY 31, 2024
	SCALE	1:200
DWG No.	REV	
<b>2293-DP</b>	<b>0</b>	

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

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Draft Zoning By-law Amendment

Schedule X

6111 Carlton Avenue, Niagara Falls

THE CORPORATION

OF THE

CITY OF NIAGARA FALLS

BY-LAW NO.           

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate Part of Lot 12 Registered Plan 49 Being Part 1 on 59R-8795 & Part of Lot 13 Registered Plan 49, Stamford as in RO613792; Niagara Falls, Regional Municipality of Niagara.

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

1. The lands that are the subject of, and affected by the provisions of this by-law, are described in Schedule 1 and shall be referred to in this by-law as the “Lands”. Schedule 1 forms part of this by-law.
2. The purpose of this by-law is to repeal the zoning on the subject lands “Residential 1E Density Zone (R1E)” and to replace it with Site-Specific Residential low density, grouped multiple dwellings zone (R4-X) on Part 2 of Schedule 1, and Site-Specific Residential 1E Density Zone (R1E-X) on Part 1 of Schedule 1, and to permit the lands to be developed in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law shall prevail.
3. Notwithstanding the provisions of By-law No. 79-200 to the contrary, the permitted uses and regulations of the R4 Zone shall apply, notwithstanding the additional provisions outlined below:

***Site-Specific Residential low density, grouped multiple dwellings zone (R4 Zone)***

<i>Permitted Uses</i>	<i>Semi-detached dwelling</i>
-----------------------	-------------------------------

<i>Minimum Lot Frontage</i>	<i>7.2 metres</i>
<i>Minimum Rear Yard Depth</i>	<i>1.4 metres for block townhouse dwelling</i>
<i>Minimum Interior Side Yard</i>	<i>1.5 metres for block townhouse dwelling; 1.2 metres for semi-detached dwelling</i>
<i>Number of dwellings on one lot</i>	<i>Semi-detached dwellings to be permitted</i>
<i>Minimum Privacy Yard Depth for Townhouse Dwelling Unit</i>	<i>Minimum privacy yard depth of 3.8 metres to garage for semi-detached dwellings; Minimum privacy yard depth of 6.0 metres to dwelling unit for semi-detached dwelling</i>
<i>Minimum Parking Spaces</i>	<i>8 parking spaces</i>
<i>Maximum Projection of a Roofed-over One Storey porch of a Block Townhouse Dwelling</i>	<i>Covered porch may be located within 1.8 metres of the rear lot line</i>
<i>Maximum Projection of Deck of a Block Townhouse Dwelling Unit</i>	<i>A deck may project a distance of not more than 4.0 metres into a required privacy yard of a block townhouse and semi-detached dwelling, and be no closer to the interior lot line than 3.0 metres for semi-detached dwelling units, and 4.62m for townhouse dwelling units</i>

4. Notwithstanding the provisions of By-law No. 79-200 to the contrary, the permitted uses and regulations of the R1E Zone shall apply, notwithstanding the additional provisions outlined below:

***Site-Specific Residential 1E Density Zone (R1E-X)***

<i>Minimum Rear Yard Depth</i>	<i>3.0 metres</i>
--------------------------------	-------------------

5. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.
6. No person shall use the Lands for a use that is not a permitted use.
7. No person shall use the Lands in a manner that is contrary to the regulations.
8. The provisions of this by-law shall be shown on **Sheet X** of Schedule "A" of By-law No. 79-200 by re-designating the Lands from R1E to **R4-\_\_\_\_\_ and R1E-\_\_\_\_\_**.
9. Section 19 of By-law No. 79-200 is amended by adding thereto:  
19.x.x Refer to By-law 2024-\_\_\_\_\_.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2024.

**READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

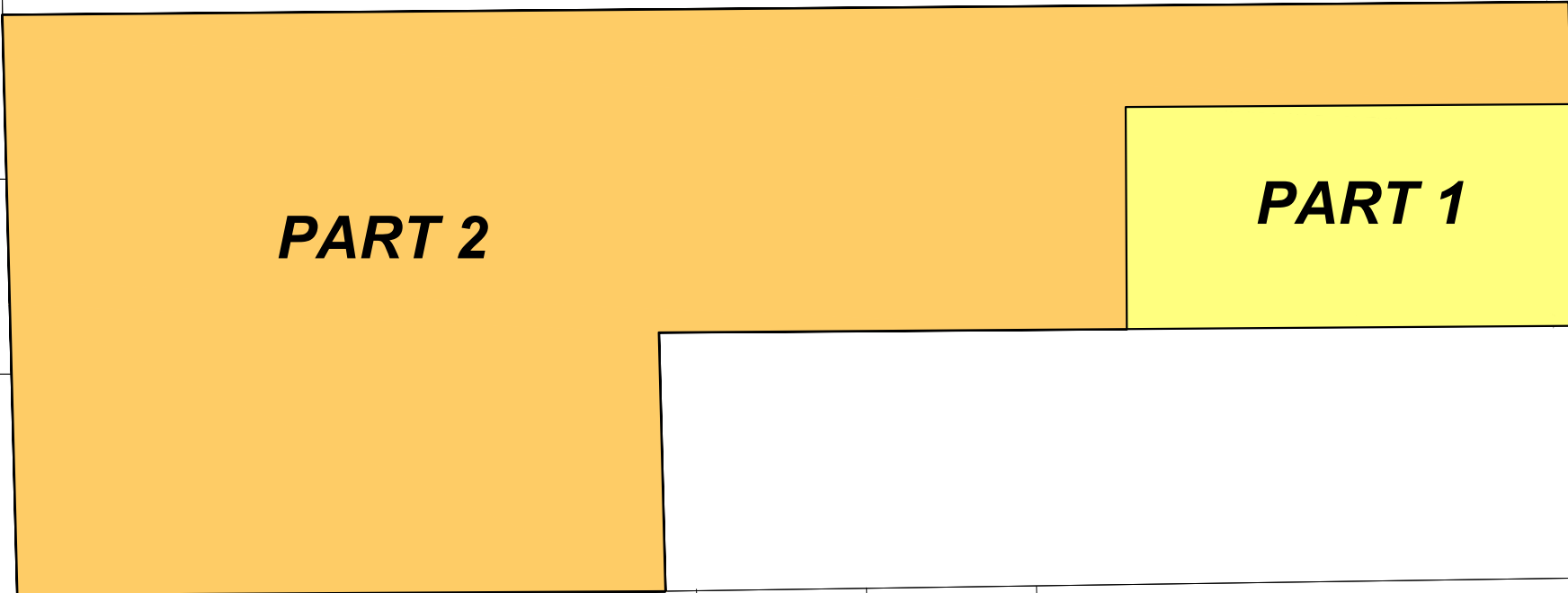
\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**



CARLTON AVENUE

EX. RESIDENTIAL



**PART 2**

**PART 1**

EX. RESIDENTIAL

**LEGEND**



PART 1 - FROM RESIDENTIAL LOW DENSITY (R1E), TO SITE SPECIFIC RESIDENTIAL LOW DENSITY (R1E-XX)



PART 2 - FROM RESIDENTIAL LOW DENSITY (R1E), TO SITE SPECIFIC RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS (R4-XX)

6111 CARLTON AVENUE  
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. \_\_\_\_\_

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_





**Appendix IV**  
**Pre-Consultation Agreement**





# City of Niagara Falls Pre-Consultation Checklist

(Revised: September, 2023)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

## OFFICE USE ONLY: PRE-CONSULTATION WAIVED BY DIRECTOR

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date:

Signature:

## PRE-CONSULTATION

Day:

November 2, 2023

Time:

Circulated via email

## 1. SUBJECT PROPERTY INFORMATION

Street Address:

6111 Carlton Ave

Legal Description:

Plan 49 Pt Lots 12, 23, 59R-8795 Pt 01

Land Area :

2902.7m<sup>2</sup>

Lot Frontage :

7.2m

Municipal Land Involved: Yes  No

## 2. CONTACT INFORMATION

### Owner Information

Registered Owner:

Curtis Byrd

Mailing Address: (Street address, unit number, city & postal code)

6251 Crawford Street, Niagara Falls, L2E 5Y5

Phone Number:

905-984-0194

E-mail Address:

mil@kovacevich@gmail.com

### Applicant/Agent Information (if applicable)

First and Last Name:

William Heikoop – Upper Canada Consultants

Mailing Address:

3-30 Hanover Drive

Phone Number:

905-688-9400

E-mail Address:

[wheikoop@ucc.com](mailto:wheikoop@ucc.com) & eric@ucc.com

Contact for all future correspondence (select one):  Registered Owner  Authorized Agent

## 3. PROPOSAL

Sever the proposal and retain the existing house. Construct 6 townhouse units and a semi-detached dwelling for a total of 8 units. 16 parking spaces are proposed, half of them in tandem. The retained house is proposed to be rezoned to a site specific R1E zone, and the severed land is proposed to be rezoned a site specific R4 zone.

#### 4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area:  
Unknown

Building Height (in metres and storeys):  
10 metres

# Dwelling Units:  
9

# Hotel/Commercial Units:  
0

Location:

Brownfield       Greenfield       Built-up   
 Outside Urban Boundary       NEP Area       \*CIP Area

*\*Note: If within a CIP Area, please speak to the City's CIP Coordinator*

#### 5. DESIGNATIONS

Regional Official Plan: Built-Up Area      Yes       No

Niagara Escarpment Plan: N/A      Yes       No

City Official Plan: Residential      Yes       No

Secondary Plan: N/A      Yes       No

Zoning: R1E      Yes       No

#### 6. PROPOSED APPLICATION(S)- Check all that are applicable

Regional Policy Plan Amendment <input type="checkbox"/>	City Official Plan Amendment <input type="checkbox"/>	Zoning By-law Amendment <input checked="" type="checkbox"/>
Subdivision Approval <input type="checkbox"/>	Condominium- Vacant Land <input checked="" type="checkbox"/>	Condominium- Standard <input type="checkbox"/>
Site Plan Approval <input type="checkbox"/>	Consent/Severance (May not be required, see notes) <input checked="" type="checkbox"/>	NEC <input type="checkbox"/>

Other:

#### 7. REQUIRED INFORMATION AND STUDIES

**Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.**

OPA/ ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans  (See notes for additional details)	Required  (Digital Copies Only)	Notes
			Agricultural Impact Assessment		
			Air Quality*		
			Archaeology Assessment- Please be mindful of your duty to consult obligations		
X			Conceptual Site Plan	X	<u>Zoning By-law Application</u> o Site Plan (with zoning matrix/site statistics) o Coloured Site Plan o Elevations o Floor Plans o CAD .dwg file or survey plan (.dwg file) to City projection standards.

			Conceptual Site Plan		<u>Site Plan Application</u> <ul style="list-style-type: none"> <li>○ Site Plan</li> <li>○ Elevations</li> <li>○ Floor plan</li> <li>○ Landscape Plan and Details (by OALA)</li> <li>○ Erosion and Sediment Control Plan (optional)</li> <li>○ Grading Plan</li> <li>○ Servicing Plan</li> <li>○ Storm Drainage Area Plan</li> <li>○ Sanitary Drainage Area Plan</li> <li>○ Photometric Plan</li> <li>○ Zoning Compliance Certificate (ZCC), And;</li> <li>○ CAD (.dwg) files to City projection standards of site plan &amp; servicing plan</li> </ul>
	X		Draft Plan of Condominium	X	<u>Condominium Application</u> <ul style="list-style-type: none"> <li>○ Draft Plan of Condominium</li> <li>○ submit CAD (.dwg) files to City projection standards</li> </ul>
			Cultural Heritage Impact Analysis		
			Draft Local Official Plan Amendment		
			Draft Regional Policy Plan Amendment		
			Environmental Impact Study		
			Environmental Planning Study/ Sub-Watershed Study		
			Environmental Site Assessment/Record of Site Condition		
			Farm Operation and Ownership		
			Financial Impact Assessment		
			Floodplain and Hazard Lands Boundary Plan		
X	X		Functional Servicing Report (FSR)	X	
			Gas Well Study/Gas Migration Study		
			Geotechnical Investigation / Study		
			Hydrogeological Study and Private Servicing Plans		
X	X	X	Land Registry PIN sheet or "Final Deed" to the property	X	
			Land Use/Market Needs*		
			Mineral Aggregate Resources		
			Minimum Distance Separation 1 & 11		
			Municipal Servicing Study		
			Noise & Vibration Study*		
	X		Other	X	Waste Collection Details
			Phasing Plan		
X	X		Planning Justification Report	X	Review and analyze applicable Provincial, Regional, and City policies.  Discuss affordability policies and provide potential prices/rental rates.  Provide draft Zoning By-law amendment.  Done by an RPP.
			Risk Management Study		
			Road Widening		
			Sensitive Land Use Report		
			Shadow Analysis (i.e. Sun-Shadow Study)		

			Shoreline Study		
			Slope Stability Report		
			Soil Report		
X	X		Stormwater Management Report (SWM)	X	Pre- to post, 5 year storm
X			Parking Impact Analysis	X	Contact Transportation Services for a Terms of Reference.
X			Tree inventory & Preservation Plan	X	Prepared by a Landscape Architect/Arborist. Note: Please refer to pages 31-32 of the City's <u>Site Plan Guidelines (March, 2023)</u> for further guidance
X			Urban Design Brief/ Architectural Brief	X	Provide an analysis how the proposal meets the Region's Model Urban Design Guidelines. This can be included in the PJR.
			Urban Design/ Landscape Plans		
			Wind Study		

## 8. COMMENTS

### Planning Comments:

- The proposal is for 6 townhouse dwelling units and 2 semi-detached dwelling units. These units are proposed to be severed from the existing single detached house on the property.
- A severance is not required to separate the parcels as the registration of the Vacant Land of Condominium will achieve the same result. A severance would be required if the desire is to sever the lot prior to the Vacant Land of Condo being completed.
- The property is designated Residential in the City's Official Plan and is located on a local road. This policy permits the proposed development at a density of 20-40 units per hectare. The purpose of the Residential policies are to accommodate anticipated population growth and the need for various housing types and densities in a manner that is compatible with the surrounding neighbourhood.
- The proposal does not require an Official Plan amendment.
- The Planning Justification Report will need to address our affordability policies contained in Part 1, Section 4 of the City's Official Plan. The City now has an affordable unit target of 40%. The report will need to address how the development is helping the City achieve this target.
- A landscape strip of is required along the northern lot line large enough to provide for fencing, tree plantings, and other screening materials.
- Planning Staff do not support the proposed side yard and privacy yard setbacks. Larger setbacks equal to half the building height and a privacy yard of 6 metres will be required.
- Staff do not support the proposed rear yard setback of the existing dwelling. A larger rear yard of 6 metres is required to ensure adequate amenity space is provided for the severed lot.
- Visitor parking spaces are needed. Currently a parking rate of 1 space per unit is proposed (Zoning By-law 79-200 does not permit tandem parking). 1.4 spaces per unit is the required rate.
- Can 6125 Carlton be incorporated into the development? It would provide a regular lot shape.
- Units could be flipped at the rear to face east-west instead of north-south. This should provide more room for visitor parking and landscape buffers.
- A townhouse unit could be eliminated at the rear to provide space for visitor parking.
- Please submit your application through the City's website.

### Urban Design & Landscape Comments:

- Cash-in-lieu of Parkland Dedication will apply at the current prescribed rate of 5% for residential development.
- A Landscape plan is requested as part of the Site Plan Control application and must conform to the City's Standards for Site Planning. The plan shall be developed by a Licensed Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing street 'A' and Carleton Avenue street frontage and streetscape, walkability and pedestrian connections, and sustainability. The planting of native plant species is preferred. Further comments to be made at the Site Plan Control application stage.
- Privacy fencing will be required where the property abuts existing residential lands. Chain link fence does not provide for appropriate privacy. Existing fence may need to be replaced based on type, height and condition, to ensure privacy. Screening should be considered between the backyards of units.
- If porches are proposed, please ensure that they are appropriately sized to accommodate seating.
- Consider an underground waste collection system, due to prominent location of the waste collection area, or consider an alternate location that can be buffered from view upon entrance to the development.
- Please submit an Urban Design Brief (UDB) with the zoning application. The brief should clearly articulate a design direction of how the site should develop.

- The UDB should also demonstrate how the proposal supports the overall vision and goals of applicable Official Plan policies and design guidelines, which includes but is not limited to:
  - Official Plan: Section 5, Urban Design
  - Region's Model Urban Design Guidelines (Page 3-33 and Sect 4a.1-4a.8)
  - Site Plan Design Manual
  - Urban design and landscape comments can be addressed at the site plan application stage, unless they will have an impact on zoning (Amount of parking spaces, amenity areas, landscape areas, etc.)
- A Tree Inventory and Preservation Plan will be required as part of the ZBA application. The plan shall be developed by a certified arboriculture professional. The plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the plan shall be implemented at the Site Plan Control application stage. This includes potential modifications to the project layout and grading plans.

**Building Comments:**

- Please see attached comments.
- Building permit requirements have been outlined.

**Engineering Comments:**

- Please review attached comments.

**Fire Comments:**

- Please review attached comments.

**GIS (Addressing):**

- Address would remain the same for the existing house
- A new address would be assigned to the proposed condominium at the appropriate time.
- A plan correlating the civic unit plan with the legal unit plan is required. Civic units are the responsibility of the developer/owner to assign.
- Please ensure the municipal addresses indicated on the adjacent northern properties are correct.

**Transportation Comments:**

- Carlton Avenue is a local municipal road that is 20.12m wide. A road widening is not required.
- No transportation concerns with severing Part 2 from Part 1, taking into account comments below.
- There is a very narrow (0.26m) buffer on the north side, for snow storage / landscaping, etc. Transportation Staff requests a minimum 1.0m landscaped buffer alongside the north property line.
- Each of the 8 dwelling units has a one car driveway plus a one car garage. There are no visitor parking spaces. A 1.0 parking space per unit rate is proposed, as the garage parking spaces is not counted as it is in tandem with the driveway space. Staff would not support allowing tandem parking to meet the parking requirement. It is our understanding that a 1.4 parking space per unit rate is required for an R4 zone. Therefore, the site requires 11 parking spaces. Since there is no transit in the neighbourhood given that the property is located centrally in the subdivision, with the nearest transit stops more than 400m away, Transportation Staff recommends that the 1.4 parking space per unit rate be maintained. The applicant will be required to submit a parking study that demonstrates that sites internal to a subdivision without direct transit service operate with the requested 1.0 parking space per unit rate. The applicant's traffic consultant is requested to contact City Transportation Staff to get a term of reference approved prior to starting their study.
- A turnaround is proposed on-site, between the proposed 6 block townhomes and the semi-detached dwelling units. This will help address garbage trucks making a three-point turn on-site so drivers can leave in a forward direction. **No November 27, 2023**
- Parking is prohibited on both sides of Carlton Avenue, ~~except~~ **yes** to those that have a valid City-issued residential parking permit.
- There is no transit in the neighbourhood, but all four boundary roads (Dorchester, Lundy's, Drummond, Dunn) have two-way transit service. There are continuous sidewalks in the neighborhood to enable pedestrians to walk from the subject site to the bus stops.

**Zoning Comments:**

- Please see attached comments and provide the requested information with your submission.

**Mississaugas of the Credit First Nation:**

- No comments or concerns.

**Niagara Region:**

- Please see attached comments. Note the Region is accepting payment on their website.

**9. APPLICATION FEES - Please contact the City for current fees when ready to proceed**

Application	City of Niagara Falls	Niagara Region	NPCA
Zoning By-law Amendment (Complex)	\$13,000	\$1,395	\$
Vacant Land of Condominium	\$10,800	\$5,525 + \$1,915/ha	
Consent (may not be required, see notes)	\$3,675		
<b>Total</b>	\$15,475	\$	\$

**Notes:**

Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.

Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.

Additional Agencies to be contacted:

MTO  NPC  NEC  Hydro  Pipeline  CN/CP  Other:

**10. ATTEENDEES**

City	Applicant	Agency
Alexa Cooper (Planning) acooper@niagarafalls.ca	William Heikoop - Agent Upper Canada Consultants	Katie Young (Region) Katie.Young@niagararegion.ca
Julia van der Laan de Vries (Urban Design & Landscape) jvanderlaandevries@niagarafalls.ca		Abby La Forme (Mississaugas of the Credit First Nation – MCFN) Abby.LaForme@mncfn.ca
Sue Scerbo (Zoning) - email sscerbo@niagarafalls.ca		
Cesar Ramires (Building) cramires@niagarafalls.ca		
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Danaka Kimber (GIS/Addressing) dkimber@niagarafalls.ca		

**Signatures**

Planning Staff <i>Alexa Cooper</i>	<i>Alex@Cooper</i>	<i>NOV 27 2023</i>
Regional Planning Staff Katie Young	<i>Katie Young</i>	November 27, 2023
NPCA Staff		
Agent		
Owner		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature

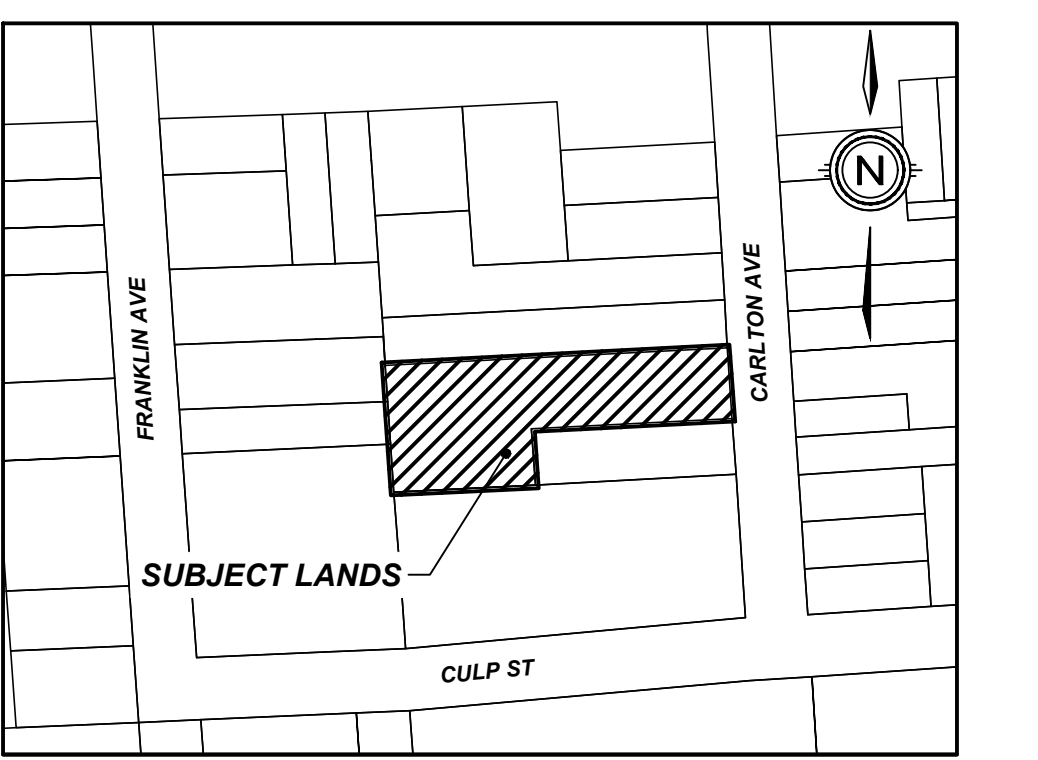
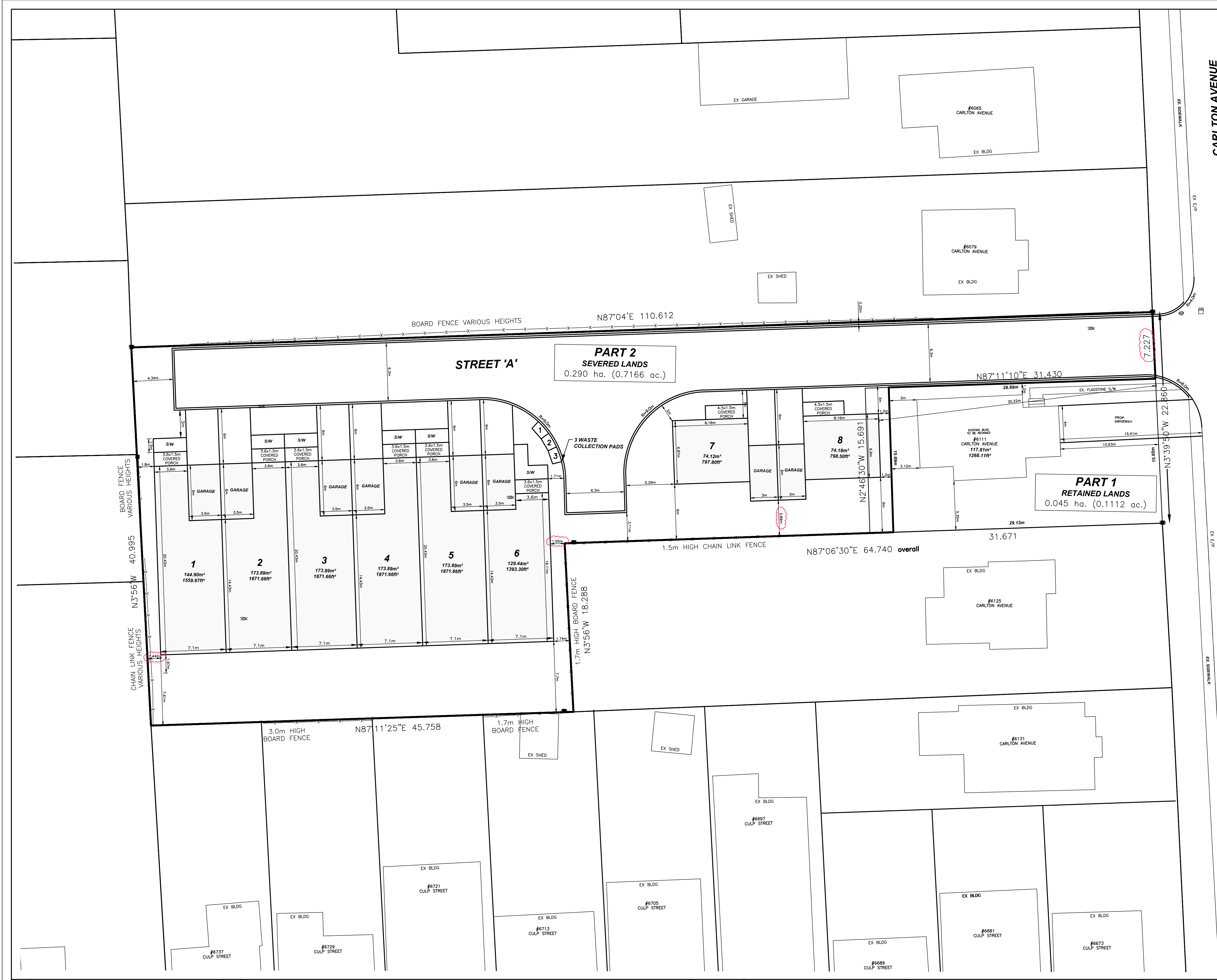
*Alex@Cooper*

## 11. NOTES

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within one year from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent .

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.





**KEY PLAN NTS.**  
**LEGAL DESCRIPTION**

PLAN 49 PT LOTS 12 AND 13 RP:59R8795 PA

**ZONING MATRIX (R1E)**

PROVISION	PART 1 (RETAINED)	PROPOSED
Minimum lot area	370m <sup>2</sup>	454.43m <sup>2</sup>
Minimum lot frontage	12 metres	15.65m
Minimum front yard depth 93-284	6m plus any applicable distance specified in section 4.27.1	10.63m
Minimum rear yard depth	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	3m
Minimum interior side yard width 2011-136	1.2 metres (3.9 ft.) subject to the provisions of clause a of section 5.1.	1.2m
Maximum lot coverage	45%	26%
Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7	2 Storeys
Minimum landscaped open space	10m plus any applicable distance specified in section 4.27.1	65%

**ZONING MATRIX (R4)**

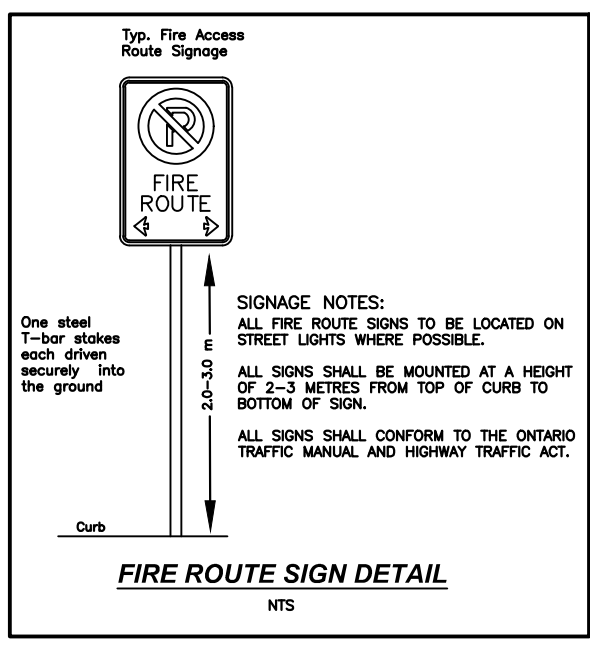
PROVISION	PART 2 (SEVERED)	PROPOSED
MINIMUM LOT FRONTAGE	30m	7.2m
MINIMUM LOT AREA	250m <sup>2</sup>	2902.74m <sup>2</sup>
MINIMUM FRONT YARD	6m plus any applicable distance specified in section 4.27.1	30.22m
MINIMUM REAR YARD	7.5m	1.44m
MINIMUM SIDE YARD	one half the building height	1.55m
MAXIMUM LOT COVERAGE	35%	30%
MAXIMUM BUILDING HEIGHT	10 metres (32.81 ft.) subject to section 4.7	9.7m
PARKING AND ACCESS REQUIREMENTS	1 parking space for each dwelling unit	1 SPACE/ UNIT
MINIMUM LANDSCAPED AREA	45m <sup>2</sup> for each dwelling unit	139.96m <sup>2</sup>
NUMBER OF DWELLING UNITS ON ONE LOT	subject to compliance with section 7.9.3 more than one dwelling permitted on one lot	8
MINIMUM PRIVACY YARD DEPTH	7.5m	3.89m

**LAND USE SCHEDULE**

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
TOWNHOUSE DWELLINGS		6	0.085	29%
SEMI-DETACHED DWELLINGS		2	0.015	5%
ROADWAY/ PARKING			0.078	27%
LANDSCAPED OPEN SPACE			0.112	39%
<b>TOTAL</b>		<b>8</b>	<b>0.290</b>	<b>100%</b>

DEVELOPABLE AREA = 0.290ha  
DEVELOPABLE DENSITY = 27.59 units/ha

ISSUED FOR REVIEW	DATE	INIT
0	2023-09-11	JO
#	REVISION	DATE



**LEGEND**

- WV ⊗ EX WATER VALVE
- HD ⊕ EX HYDRANT
- CB □ EX CATCHBASIN
- MH ○ EX MANHOLE
- HPO ⊕ EX HYDRO POLE
- SB ⊕ EX SHORT IRON BAR
- LS ⊕ EX LIGHT STANDARD
- LS ⊕ PROPOSED LIGHT STANDARD
- FR ⊕ PROPOSED FIRE ROUTE SIGN
- FR ⊕ PROPOSED C.L. FIRE ROUTE
- WPF ⊕ PROPOSED WOOD PRIVACY FENCE
- AP ⊕ ACCESSIBLE PARKING SIGN

ISSUED FOR REVIEW	DATE	INIT
0	2023-09-11	JO
#	REVISION	DATE

**NOTES:**

1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	JO
DESIGN	WH
CHECKED BY	WH
APPROVED BY	WH

**Niagara Falls**  
CANADA

**UPPER CANADA CONSULTANTS**  
ENGINEERS / PLANNERS

**OWNER:**  
CURTIS BYRD & TANYA BYRD

**6111 CARLTON AVENUE**  
**NIAGARA FALLS**

**SITE PLAN**

CONSULTANT FILE No.	2293
DATE	2023-09-11
PRINTED	2023-09-11
SCALE	1:200
REF No.	
DWG No.	2293-SP
REV	0

# Inter-Departmental Memo

**To:** Suzanne Anderson  
Secretary-Treasurer, Committee of Adjustment  
Planning, Building & Development  
Ext. 4281

**From:** Tyler Esau  
Plans Examiner  
Ext. 4358

**Date:** November 1, 2023

**Re:** Preconsultation: Zoning By-Law Amendment, Vacant land of Condo,  
and a Consent  
6111 Carlton Av  
Applicant: Curtis Byrd  
Agent: Upper Canada Consultants- William Heikoop  
Proposal: Sever Part 2 from Part 1 for a proposed VLC consisting of  
6 townhouses and 1 semi-detached dwelling unit along a private  
road for a total of 8 units. 16 parking spaces are proposed with 2  
accessibility.  
**\*\* PREVIOUS PRECON- AUGUST 18<sup>TH</sup> 2022 \*\***

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I have reviewed the submitted documents and offer the following comments for the applicant:

1. The applicant should be informed that they will be required to obtain a Building Permit for the proposed townhouse and semi-detached dwellings from Building Services if granted approval.
2. The applicant should be informed that they will be required to obtain a Site Servicing Permit from Building Services if granted approval.
3. The applicant should be informed that they will be required to obtain a Demolition Permit for the existing detached garage from Building Services if granted approval.
4. All further detailed, and site specific Ontario Building Code construction requirements will be addressed during the building permit application process.
5. All necessary building permit fees and securities shall be accessed during building permit application review.
6. Municipal, Regional, and Educational Developments Charges will be assessed at time of building permit review.

**Pre-Consultation Meeting – November 2<sup>nd</sup>, 2023 – Item #1 – Alexa Cooper**

Proposed: Official Plan & Zoning By-law Amendment, Site Plan, Standard Condominium  
Applicant: 10743186 Canada Corporation  
Agent: Upper Canada Consultants (UCC)  
Property: 7701 Lundy's Lane  
Proposal: Conversion of existing into 93 residential units with 83 parking spaces.

Lundy's Lane is a Regional Road (#20)

Existing infrastructure on Lundy's Lane: 300mmØ PVC Watermain (1984)  
500mmØ CI Watermain (Regional) (1951)  
375mmØ AC Sanitary Sewer (1955)  
600mmØ CONC Storm Sewer (Regional) (1964)

Existing infrastructure on Beaverdams Road: 200mmØ DI Watermain (1975)  
300mmØ AC Combined Sanitary Sewer (1955)

**Official Plan & Zoning By-law Amendment Requirements:**

- Functional Servicing Brief identifying estimated sanitary sewer discharge and water demand for the proposed development, to the satisfaction of Engineering staff. The brief should provide confirmation that no stormwater flows are connected to the municipal sanitary sewer. If any existing stormwater flows are connected to the municipal sanitary sewer, the brief must identify plans for disconnection along with an appropriate alternate outlet. The brief should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, in addition to municipal design criteria which is available upon request from mwdev@niagarafalls.ca.

**Site Plan and Standard Condominium Requirements:**

- Should the site be required to be brought up to Site Plan standards, site servicing and grading plans illustrating the existing and/or proposed design of the site will be required as well as a photometric plan demonstrating zero light trespass onto neighbouring properties.

## **Pre-Consultation Meeting – November 2<sup>nd</sup>, 2023 – Item #2 – Alexa Cooper**

Proposed: Official Plan & Zoning By-law Amendment, Site Plan, Consent  
Applicant: Niagara Falls Non-Profit Housing Corporation  
Agent: NPG Solutions Inc. (Aaron Butler)  
Property: 8055-8065 McLeod Road  
Proposal: To construct a 10-storey, 112 unit apartment building.

Existing infrastructure on McLeod Road:                    300mmØ PVC Watermain (1991)  
                                                                                 500mmØ PVC Watermain (Regional) (2010)  
                                                                                 600mmØ CONC Sanitary Sewer (1990)  
                                                                                 1200mmØ CONC Storm Sewer (2008)

### **Official Plan & Zoning By-law Amendment Requirements:**

- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).
- Third party infrastructure modelling for large scale development is required to verify available sanitary sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application.
- Detailed Stormwater Management Report balancing post- to pre-development for the designed allowable flow, contained and controlled on-site and directed to a suitable outlet, with major storm events directed overland to an acceptable outlet, to the satisfaction of Engineering staff. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria, and the stormwater design plan is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).
- Engineering drawings of existing underground infrastructure are available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).

### **Site Plan Requirements:**

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- Road Occupancy Permit for work within the City's road allowance to be obtained through Josh Caughell - (905) 356-7521 ext. 4549.

**Pre-Consultation Meeting – November 2<sup>nd</sup>, 2023 – Item #3 – Scott Turnbull**

Proposed: Official Plan and Zoning By-law Amendment  
Applicant: Sukhdev and Indu Marok  
Property: 5747 Kitchener Street  
Proposal: To permit a Vacation Rental Unit

**Official Plan & Zoning By-law Amendment Requirements:**

- No concerns.

N



## FIRE DEPARTMENT COMMENTS PRE-CONSULTATION MEETING

**DATE:** November 2, 2023

**OFFICER:** Ben Trendle

**EMAIL:** [btrendle@niagarafalls.ca](mailto:btrendle@niagarafalls.ca)

**PHONE:** 905-356-1321 ext. 2211

### AGENDA ITEM #5

**ADDRESS:** 6111 Carlton Avenue

**APPLICATION TYPE:** Zoning By-law Amendment,  
Vacant Land of Condo, Consent

#### **COMMENT(S):** Zoning By-law Amendment

1. The Fire Department has no concerns with respect to the zoning by-law amendment.
2. Permits to demolish any existing structures shall be obtained from the City of Niagara Falls Building Department.

#### **COMMENT(S):** Vacant Land of Condo

1. The developer shall provide a site plan that demonstrates adequate fire access for firefighting equipment is provided in accordance with Section 3.2.5. of the Ontario Building Code.
2. The shared/combined fire protection and life safety systems will be considered 'common element' and will be the responsibility of the condominium corporation to maintain in accordance with the requirements of the Ontario Fire Code.
3. The fire route will be required to be designated under municipal by-law for enforcement. There is a \$150.00 fee for this process and can be initiated at the Fire Prevention Office once the property is assigned a municipal address. There is to be 'No Parking' along the fire route.
4. The cost of signage as well as the installation of signage that complies with the fire access route by-law is at the expense and responsibility of the developer/owner.

#### **COMMENT(S):** Consent

1. The Fire Department has no comments or concerns with respect to the consent application.

# Inter-Departmental Memo

**To:** Alexa Cooper, Planner 2

**From:** Sue Scerbo, Senior Zoning Administrator

**Date:** November 2, 2023

**Re:** **Proposed Zoning By-law Amendment Application, Vacant Land Condo and Consent 6111 Carlton Avenue Proposed 6 unit block townhouse dwelling and one semi-detached dwelling on Part 2**

**Summary:**

The applicant is proposing to convey Part 2 for the construction of a 6 unit block townhouse dwelling and one semi-detached dwelling. Part 1 will be retained for the continued use of a single detached dwelling (6111 Carlton Avenue).

The subject property is currently zoned Residential 1E Density (R1E), in accordance with Zoning By-law No. 79-200, as amended. The applicant is proposing to rezone Part 2 a site specific Residential Low Density, Grouped Multiple Dwelling (R4) zone. Part 1 is to be rezoned a site specific R1E zone.

**The following table compares the regulations of the R4 zone with what is proposed for Part 2:**

Provision	Requirement	Proposal	Comply
Permitted Uses	The uses contained in section 7.9.1	A townhouse dwelling containing 6 units  A semi-detached dwelling in accordance with the regulations for a townhouse dwelling	Yes  <b>No</b>
Minimum lot area for a townhouse dwelling	250 square metres for each dwelling unit 250 sq.m. x 8 = 2000 square metres	362.84 sq.m. for each dwelling unit  362.84 sq.m. x 8 = 2902.74 square metres	Yes



Minimum lot area for an apartment dwelling or stacked townhouse dwelling	200 square metres for each dwelling unit	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing more than four dwelling units	30 metres	7.23 metres	No
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or stacked townhouse dwelling containing four dwelling units or less on an interior lot	24 metres	n/a	n/a
Minimum lot frontage 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	n/a	n/a
Minimum front yard depth for a townhouse dwelling	6 metres	30.22 metres	Yes
Minimum front yard depth for an apartment dwelling or stacked townhouse dwelling	7.5 metres	n/a	n/a
Minimum rear yard depth for a townhouse dwelling	7.5 metres	1.44 metres	No
Minimum rear yard depth for an apartment dwelling or stacked townhouse dwelling	10 metres	n/a	n/a
Minimum interior side yard width	One-half the height of the building Building height: 9.7 metres/2=4.85 metres	<b>North:</b> 9.95 metres (units 7 & 8 – semi-detached dwelling) 12.95 metres (units 1 to 6 –	Yes  Yes

		<p>block townhouse dwelling)</p> <p><b>South:</b></p> <p>7.6 metres (Units 1 to 6 – block townhouse dwelling)</p> <p>3.89 metres (from the attached garages of units 7 &amp; 8 – semi-detached dwelling)</p> <p>6 metres (from the dwelling of units 7 &amp; 8 – semi-detached dwelling)</p> <p><b>East:</b></p> <p>1.55 (unit 6)</p>	<p>Yes</p> <p><b>No</b></p> <p>Yes</p> <p><b>No</b></p>
Minimum exterior side yard width for a townhouse dwelling	4.5 metres	n/a	n/a
Minimum exterior side yard width for an apartment dwelling or stacked townhouse dwelling	7.5 metres	n/a	n/a
Maximum lot coverage	35%	30%	Yes
Maximum height of building or structure	10 m subject to section 4.7	9.7 metres	Yes
Number of dwellings on one lot	[subject to section 7.9.3] More than one dwelling is permitted on one lot	1 Block townhouse dwellings and on semi-detached dwelling	<b>No</b> (group dwellings do not include a semi- detached dwelling)
Parking and access requirements	6 x 1.4 = 8.4 Plus 1 for each unit of the semi-detached dwelling = 2 10.4 parking spaces required	8 parking spaces	<b>No</b>

Minimum parking stall width	2.75 metres	3 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum parking aisle width	6.3 metres	6.3 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14 In a rear yard: 0.45 metre rear yard and side yard setbacks are required	None shown	n/a
Minimum Landscaped Open Space Area	45 square metres for each dwelling unit 7 x 45 sq.m. = 315 square metres	139.96 square metres for each dwelling unit	Yes
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 metres	7.6 metres (units 1 to 6 – block townhouse dwelling) 3.89 metres to the garage and 6 metres to the dwelling (units 7 & 8 – semi-detached dwelling)	Yes <b>No</b>
Minimum amenity space for an apartment dwelling unit	In accordance with section 4.42	n/a	n/a
Projection of a deck into a required side yard	Not permitted to project into a required side yard	1.85 metre projection into the southerly side yard (Units 7 & 8 – semi-detached dwelling) 0.23 metre projection into the southerly side	<b>No</b> <b>Please confirm height of deck</b>

		yard (Units 1 to 6 – block townhouse dwelling)	<b>No</b> <b>Please confirm height of deck</b>
Projection of a deck into a required privacy yard	4 metres into the required privacy yard	3 metres	Yes

Comments:

- Additional information is required where missing.

**The following table compares the regulations of the R1E zone with what is proposed for Part 1:**

Provision	Requirement	Proposal	Comply
Minimum lot area for an interior lot	370 square metres	454.43 square metres	Yes
Minimum lot area for a corner lot	450 square metres	n/a	n/a
Minimum lot frontage for an interior lot	12 metres	15.65 metres	Yes
Minimum lot frontage for a corner lot	15 metres	n/a	n/a
Minimum front yard depth	6 metres	14.43 metres	Yes
Minimum rear yard depth	7.5 metres	3 metres	<b>No</b>
Minimum interior side yard width for a detached dwelling without an attached garage/carport	1.2 metres	1.2 metres	Yes
	2.4 metres	5.35 metres	Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	25.92%	Yes
Maximum height of building or structure	10 m	Not noted	<b>Information required</b>

Maximum number of detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	1 parking space	Yes
Maximum driveway width in a front yard	60% of the lot frontage but in no case more than 9 metres	4 metres	Yes
Minimum Landscaped Open Space Area	30% of lot area	64.72% of the lot area	Yes
<b>Accessory buildings and accessory structures</b>	In accordance with sections 4.13 and 4.14	n/a	n/a

Comments:

- Additional information is required where missing.

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# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes – Via Email Only***

6111 Carlton Avenue, City of Niagara Falls

November 2, 2023

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**Proposal Description:** To sever Part 2 from Part 1, as per submitted sketch, for a proposed condominium on existing vacant land consisting of a townhouse with six (6) units and one (1) semi-detached dwelling with two (2) units along a private road. A total of 16 parking spaces are proposed, with 2 spaces for each unit.

**Applicant/Owner/Agent:** William Heikoop – Upper Canada Consultants (Agent), Curtis Byrd (Owner)

### **Application Type:**

- Zoning By-law Amendment
- Draft Plan of Condominium
- Consent

### **Site Designation:**

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Delineated Built-Up Area

Niagara Official Plan (NOP)- Built-Up Area

### **Planning Comments**

- The proposed townhouses and semi-detached dwelling, with total of eight (8) units would contribute to the City's intensification target of 50% set in Table 2-2 of the NOP (2022). Policies under 2.2.2 of the NOP encourage diversification and development of residential units within Built-Up Area detailed on Schedule B of the NOP.
- Staff do not object to the proposed concept in principle, as the proposal is permitted within the Built-Up Area within Provincial and Regional plans from a planning policy perspective, subject to the comments below.

### **Archaeological Potential**

- The property is located outside of an area of archaeological potential on Schedule K of the NOP. Accordingly, staff offer no archaeological assessment requirements.

### **Environmental Comments**

- The subject parcel is outside the Region's Natural Environment System and as such Environmental Planning has no concerns.

### **Transportation / Roads**

- Carlton Avenue – Local

### **Servicing Comments**

- Water – 510 D UNK – Local (Carlton Avenue)

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes – Via Email Only***

6111 Carlton Avenue, City of Niagara Falls

November 2, 2023

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- Sanitary – 250 D UNK – Local (Carlton Avenue)
- Storm – D UNK – Local (Carlton Avenue)

### **Stormwater Management Comments**

- It is subject to the satisfaction of the City to ensure that the local infrastructure requirements (both water quality and quantity control) will be adequately addressed.

### **Waste Collection (Low Density Residential)**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met per unit:

- Blue/grey – no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)
- **Curbside collection only**
- **Region staff note that collection pads are shown for units 1-4. Future agreements will require warning clauses.**
  
- Regional waste collection truck turning templates would need to be submitted showing that the private laneway is able to accommodate the turning maneuvers of the Regional truck and the owner would be required to enter into an Indemnity Agreement with the Region to permit waste collection on the private property.
- As of Jan. 1, 2024, Circular Materials Ontario will take over the delivery of residential Blue / Grey Box recycling collection services currently administered by Niagara Region. The most up to date information can be found on the Region's website using the following link: <https://niagararegion.ca/projects/blue-box-transition/default.aspx>

### **Required Studies**

- Planning Justification Report (prepared by a RPP) – at Zoning
- Waste Collection Details – at Draft Plan

### **Required Review Fees**

The Region's 2023 Fee Schedule is available at:

[https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx). Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

- Zoning By-law Amendment Review (\$1,395)
- Draft Plan Review (\$5,525 base fee + \$1,915 per hectare)