

Planning Justification Report

Zoning By-law Amendment

&

Consent

4067 Drummond Road

Niagara Falls, ON

May 2025



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Contents

1.0 - PREFACE	2
2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	3
3.0 - THE PROPOSED DEVELOPMENT.....	4
4.0 - REQUIRED APPLICATIONS	5
5.0 - PROVINCIAL LEGISLATION AND PLANS	6
5.1 - PLANNING ACT (R.S.O. 1990)	6
5.2 - PROVINCIAL PLANNING STATEMENT (2024)	12
6.0 - NIAGARA OFFICIAL PLAN (2022)	14
7.0 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)	19
8.0 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)	32
9.0 - PLANNING POSITION	36
 Appendix I: Site Plan	
Appendix II: Draft Zoning By-law Amendment	
Appendix III: Pre-consultation Agreement	

1.0 - PREFACE

This Planning Justification Report has been prepared by Upper Canada Consultants on behalf of Joanna & Stanislaw Bodnik, the owners of lands known municipally as 4067 Drummond Road in the City of Niagara Falls, Regional Municipality of Niagara.

The property owners are proposing to construct a semi-detached dwelling on the lands and remove the existing dwelling. The Site Plan is attached to this report as **Appendix I**.

A pre-consultation meeting for the proposal was held on January 16, 2025. At the pre-consultation meeting the City identified that Zoning By-law Amendment and Consent applications are required for the proposed development. The draft zoning by-law amendment and the pre-consultation meeting notes are attached to this report as **Appendix II** and **Appendix III**, respectively. In addition to the applications, the pre-consultation meeting notes stated that a complete submission would require the following technical studies:

- Archaeological Assessment(s)

The intent of this report is to provide an overview of the proposal and to demonstrate how the applications satisfy criteria in the *Planning Act*, are consistent with the Provincial Planning Statement, 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:

- Stage 1 & 2 Archaeological Assessment

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The lands subject to the applications are known municipally as 4067 Drummond Road in the City of Niagara Falls, legally described as PT LT 78 TWP Stamford Being PT 1 on 59R11578; Niagara Falls (the “Subject Lands”). The property has 19.99 metres of frontage along Drummond Road and has a developable area of 550.5 square metres (0.055 hectares).

The Subject Lands are located on the west side of Drummond Road, south of Thorold Stone Road (RR# 57), north of Crawford Street and east of Elberta Avenue. The property is located in an established residential and commercial neighbourhood of Stamford Centre comprised of predominantly single detached dwellings and commercial uses in converted dwellings. Detached dwellings abut the Subject Lands to the north, south and east and to the west are commercial uses. Drummond Road directly abuts the lands to the east as shown in **Figure 1** below.

At the time of preparing this report, the lands are occupied by an existing single detached dwelling with a manicured front lawn, a mature tree in the rear yard and coniferous shrubs along the driveway. The rear yard is primarily made of gravel with the driveway abutting the northerly lot line. The southerly portion of the lot consists largely of manicured lawn.



Figure 1 - Aerial View of the Subject Lands (Cropped from Niagara Navigator)

3.0 - THE PROPOSED DEVELOPMENT

The owner is proposing a 3-storey semi-detached dwelling that will be severed into two dwelling units. The existing detached dwelling is proposed to be removed in order to facilitate the development.

The proposed semi-detached dwelling is not a permitted use in the Neighbourhood Commercial (NC-818) Zone. A Zoning By-law Amendment is required to change the zoning of the proposed development to Residential Two (R2) Zone in order to permit the proposed semi-detached dwelling.

The proposed development conforms with the majority of the base provisions of the requested R2 Zone; however, site specific provisions are being requested as part of the Zoning By-law Amendment application to address zoning deficiencies both before and after the proposed severance of the lands.

4.0 - REQUIRED APPLICATIONS

Two types of planning approvals are required in order to permit the proposed development:

Zoning By-law Amendment

The Applicant is requesting that the proposed development be rezoned from Neighbourhood Commercial 818 (NC-818) Zone to Site Specific Residential Two (R2-XX) Zone to permit a semi-detached dwelling on the Subject Lands. The site specific provisions seek to address minimum lot area, minimum lot frontage, maximum permitted encroachments for balconies and fire escapes, as well as the maximum total driveway width zoning deficiencies.

Consent

The Applicant will also be applying for a Consent to sever the proposed semi-detached dwelling along the common wall to create two freehold parcels for each dwelling unit. The Consent application will follow and be applied for once the semi-detached dwelling is under construction.

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) and 2024 Provincial Planning Statement. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

5.1 - PLANNING ACT (R.S.O. 1990)

The *Planning Act* (“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 Act prescribes the regulations for land use planning in Ontario. Section 2 of the 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 d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; 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 d), f), h), j), p), and q) are considered to be relevant to these applications, and are evaluated below.

- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

The subject lands do not contain any protected cultural heritage resources or significant architectural or historical features. An Archaeological Assessment was conducted and no artifacts or other archaeological resources were identified and no further archaeological assessments is recommended.

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

The Subject Lands are accessible from Drummond Road - an arterial local road - serviced by existing municipal watermain, sanitary sewer and storm sewer. The development proposal efficiently uses the existing municipal services to support the development.

The Subject Lands are eligible for curbside pick-up from the Niagara Region. Waste collection vehicles can collect the waste from Drummond Road.

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

The proposed housing form is an appropriate for the Subject Lands as it integrates well with adjacent low density residential development in the surrounding area. The Subject Lands are located along convenient pedestrian routes and are within walking distance to commercial uses and parks. Specifically, an existing sidewalk provides convenient access along Drummond Road to public transit services along Drummond Road and Thorold Stone Road.

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

The development proposes two (2) semi-detached dwelling units. The development proposal is a modest form of intensification that adds an additional unit to the housing market and an alternative

housing option to the existing area that contains predominantly single detached dwellings. The proposal is for personal use; however, internal additional dwelling units could be accommodated in the units as an affordable housing option.

- 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 Provincial Planning Statement 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 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 park uses, Regional roads and provincial highways, as well as employment opportunities.

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 Drummond Road and Thorold Stone Road, 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 Thorold Stone Road.

Section 34 – Zoning By-laws

Section 34 of the 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 Act.

Section 51 (24) – Consent

Applications for lot creation such as subdivisions or consents are considered under Section 53 of the Act, which refers to the criteria of Section 51 of the Act.

Subsection 51(24) of the 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 in the context of the consent application is provided 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 proposed severance of the Subject Lands is not considered premature as the lands are designated for residential development in the City’s Official Plan, are located within an established residential neighbourhood, and contain municipal services.

The applications are considered to be in the public interest as they facilitate the development of needed housing, provide different housing options within the neighbourhood and represent a modest form of intensification that is compatible with the surrounding land uses.

- 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 along pedestrian routes in proximity to public transit stops and commercial uses. The Subject Lands front onto a local arterial road in close proximity to Regional Road 57 (Thorold Stone Road), which connects directly to the Queen Elizabeth Way.

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

The development proposal is for personal use and does not constitute as affordable housing in regards to home ownership; however, internal additional dwelling units could be accommodated within each unit as an affordable rental option.

- 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 front onto a local arterial road in close proximity to Regional Road 57 (Thorold Stone Road), which connects directly to the Queen Elizabeth Way. The roadway system has adequate capacity to accommodate the traffic generated by one additional dwelling.

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

The proposed semi-detached dwelling lots are rectangular in shape, with part one containing a lot frontage of 9.73 metres and approximate lot depth of 30.48 metres. Part 2 has a proposed lot frontage of 10.26 metres and lot depth of 30.72 metres.

- 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 that require conservation. The lands are not located in a floodplain.

- i) the adequacy of utilities and municipal services;

The Subject Lands are connected to existing municipal water, sanitary and storm sewer services. Utility connections including gas, hydro and telecommunications are also available.

- j) the adequacy of school sites;

The Subject Lands are located within approximately two (2) minute drive to John Marshall Public School and Saint Antoine French Catholic School, and three (3) minute drive to Cherrywood Acres public 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 Consent 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 the proposed land 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 is under 10 dwelling units, and is therefore not subject to site plan control.

The development proposal has regard for items a) through m) of the Act. The proposed Zoning By-law Amendment will support the Consent application and its conformance to the applicable criteria of Section 51 (24) of the Act.

5.2 - PROVINCIAL PLANNING STATEMENT (2024)

The Provincial Planning Statement (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Planning for People and Homes (2.1)

Policy 2.1.6. of the PPS states that planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open spaces, and other uses to meet long term needs.

The proposed development assists the municipality achieve its support for complete communities with the proposal of a semi-detached dwelling that adds to the available housing options in the surrounding area, as well as rental and ownership tenureship options in close proximity to transit routes and businesses.

Housing (PPS 2.2)

Policy 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by: permitting and facilitating all types of residential intensification including the introduction of new housing options within previously developed areas; promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and, requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.

The proposed development of a semi-detached dwelling provides a mix of housing options and increases the density of the established neighbourhood. The development proposal is a form of intensification that efficiently uses land, resources, infrastructure, and public service facilities that support the use of active transportation in the City, and is a form of transit-supportive development being in close proximity to local transit routes.

Settlement Areas and Settlement Area Boundary Expansion (PPS 2.3)

Policy 2.3.1 of the PPS provides general policies for settlement areas and states that settlement areas shall be the focus of growth and development. Land use patterns within settlement areas should be based on densities and mix of land uses that: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit and freight supportive. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

The proposed infill development is a form of intensification that makes appropriate use of underutilized residential lands with existing municipal infrastructure. Moreover, the development adds a mix of compatible housing options to a neighbourhood of predominantly detached dwellings, and provides a potential increase in ridership of the Niagara Transit system.

Public Spaces, Recreation, Parks, Trails and Open Spaces (PPS 3.9)

Policy 3.9 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 proximity to Glengate Park, to the west of the Subject Lands; Stamford Lion's Park, north of Thorold Stone Road; and Lind Sommerville Park to the south of the Subject Lands. These three parks provide residents with convenient access to public open space.

Cultural Heritage and Archaeology (PPS 4.6)

Policy 4.6 of the PPS direct that planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The subject lands are located in area that has been determined to be an area of archaeological potential. Accordingly, a Stage 1 & 2 Archaeological Assessment was undertaken and the property was fully assessed in accordance with the provincial standards and no artifacts or archaeological resources were identified. The Archaeological Assessment concluded that no further archaeological assessment of the property is required.

Coordination (PPS 6.2)

Policy 6.2 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 the policy, a formal pre-consultation meeting for the applications was held on January 16, 2025. At the pre-consultation meetings, the proposal was reviewed by the City Departments and commenting agencies, and they provided the Applicant with the requirements for a complete application and matters that are required to be addressed as part of the application submission.

The proposed development is consistent with the PPS.

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. The NOP 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 into the Delineated Built-up Area and the Designated Greenfield Area. Schedule B of the NOP indicates that the Subject Lands are Delineated Built-Up Area (see **Figure 2**, below). The Subject Lands also have access to existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth.

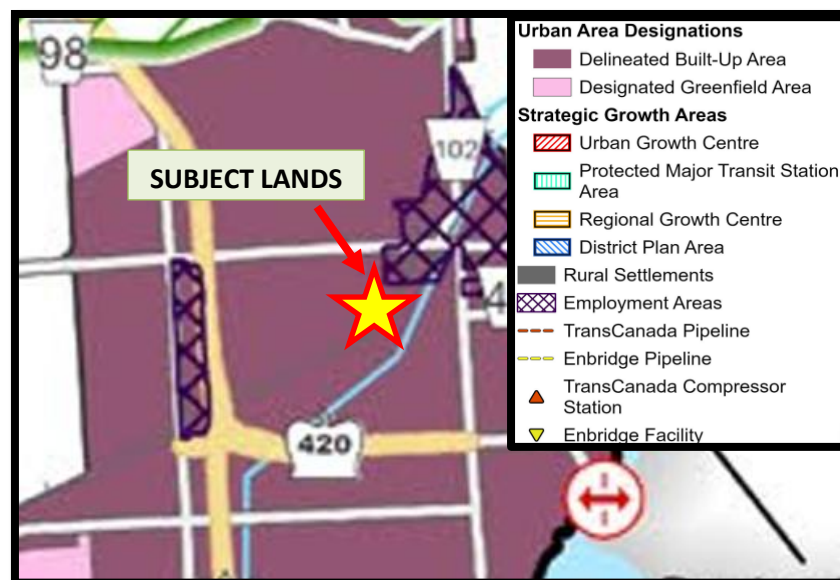


Figure 2 - Excerpt from Niagara Official Plan Schedule B - Regional Structure

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 NOP 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 compact built-form that is an alternative option to the predominant detached dwelling use that makes up the majority of residential land uses in the surrounding neighbourhood. The proposal 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 marked-based and affordable housing needs. The proposed development improves housing choices in the immediate area through the creation of a 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.

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 36.36 units per hectare and provides a mix of housing options in the existing neighbourhood by proposing a semi-detached dwelling within an established neighbourhood of predominantly detached dwellings. The proposed semi-detached dwelling is a low density residential use that is compatible with the existing residential uses in the surrounding neighbourhood.

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 semi-detached dwelling will contribute to the provision of a range of and mix of housing options, increase the density of the lands to 36.36 units per hectare, and improve the City's housing stock by adding an additional unit on the lands. The close proximity of the development to transit routes and commercial uses makes the development proposal friendly to people at all stages in life.

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.

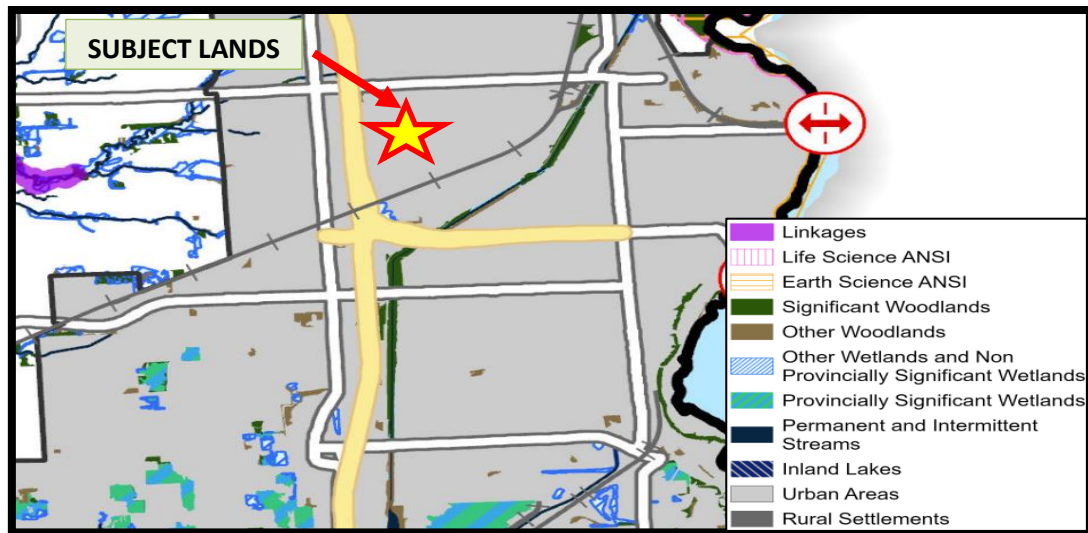


Figure 3 - Excerpt from Region of Niagara Official Plan Schedule C2 - Natural Environment System Individual Components and Features

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 3**).

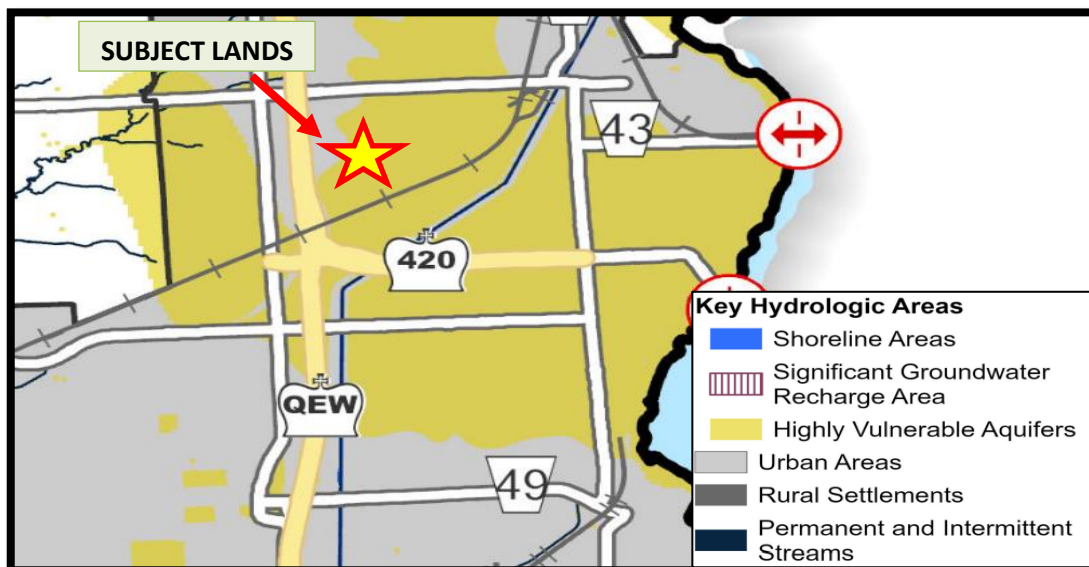


Figure 4 - Excerpt from Region of Niagara Official Plan Schedule C3 - Key Hydrological Areas Overlay

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 4**). 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.

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 (“OP”) contains land use policies which implement the City’s long-term growth management goals. Schedule “A” of the Niagara Falls OP identifies the Subject Lands as designated Residential - Special Policy Area “55” (Figure 5).

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

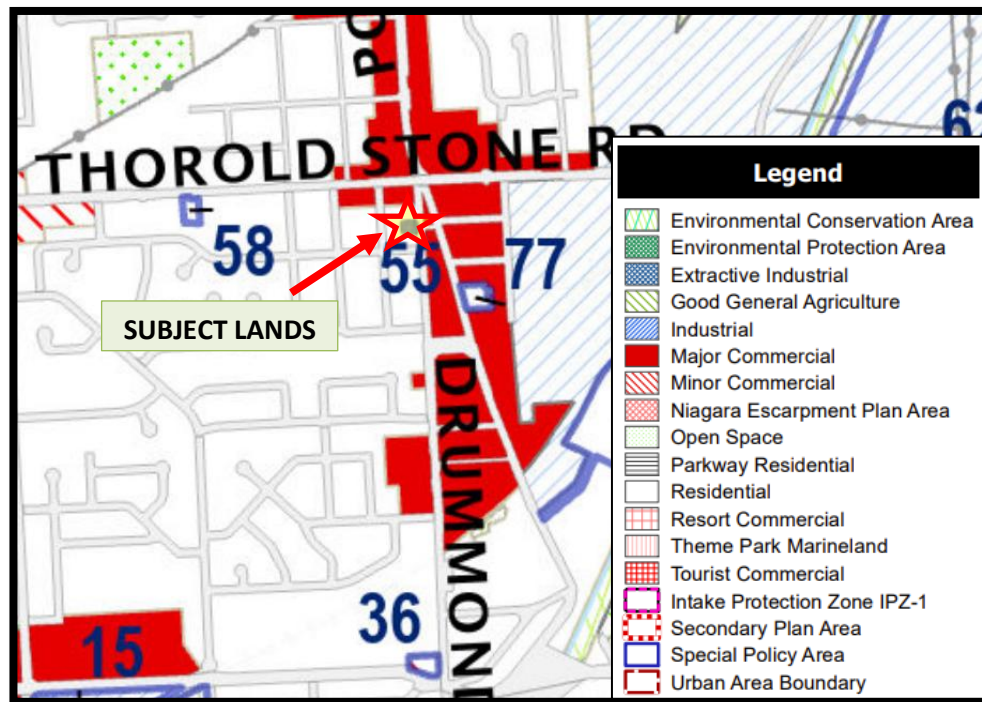


Figure 5 - Niagara Falls Official Plan, Schedule A

Part 1 of the OP 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 OP 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 the proposal is within the Niagara Falls Urban Area.

Conformity with Objective 3 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 consistent with 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, institutional and open space land uses.

The development of two (2) semi-detached dwelling units provides a density of 36.36 units per hectare and will assist the City in achieving its intensification targets. The proposal results in more housing and is in conformity with Objectives 5 and 6.

The 40% intensification target for Niagara Falls has recently changed with the new Niagara Official Plan in 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, therefore the proposal conforms with Objective 7.

Conformity with Objective 9 is achieved for 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, in accordance with Objective 13. 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 PPS 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

Part 1, Section 3 of the Official Plan states that 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 located within the Stamford Node and are identified as being within the Thorold Stone Road Corridor, permitting a maximum of 2-3 storeys in height, density of 50 units per hectare and a minimum density of 20 units per hectare, as shown in **Figure 6**.

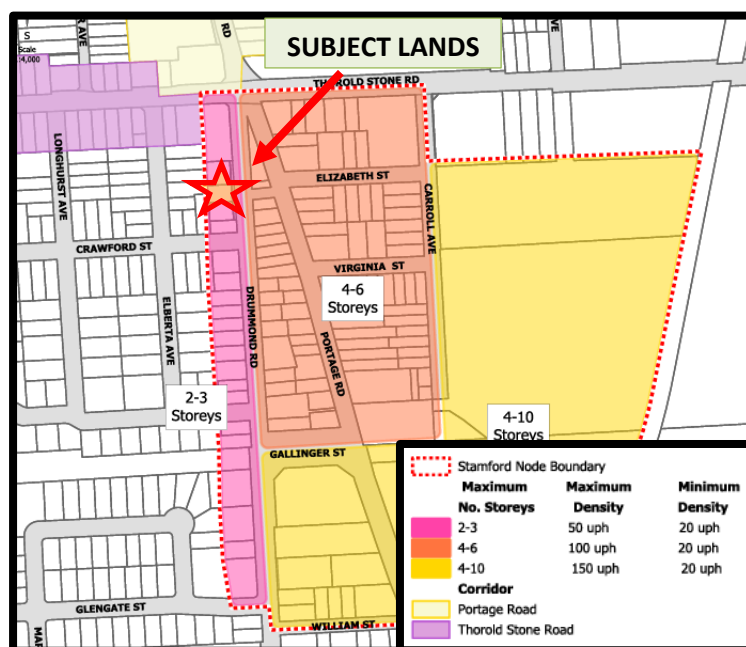


Figure 6 - Niagara Falls Official Plan, Schedule A.2 (c)

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, 1.10.5 (iii) of this Plan.” An overview of conformity with this policy is provided further on in this report under the Part 2 analysis.

Policy 3.5 of the OP speaks to intensification corridors, describing them as lands that front onto arterial roads and have attributes conducive to supporting medium or high density residential redevelopment over the long term. Lands with frontage directly onto these corridors may be considered for residential

use. Consistent with the policy, the Subject Lands have frontage directly onto the corridor and propose a residential use.

Policy 3.6 states that proposals within the Thorold Stone Road Intensification Corridor for residential development shall comply with policies of Part 2, Section 1.10.5 (ii) with respect to building height and density. Should the Subject Lands have sufficient lot area, street frontage and other site attributes that allow for development of increased densities, the lands may develop in accordance with policies of Part 2, section 1.10.5 (iii) (iii). An overview of conformity with this policy is provided further on in this report under the Part 2 analysis.

Policy 3.10 speaks specifically to intensification nodes, describing them as geographic areas within which the OP promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial or industrial areas. Intensification nodes have been identified as having significant potential for medium and high residential intensification. The intention of the OP is to provide guidance for long-term compatible co-existence of residential and non-residential uses within the nodes.

Policy 3.16 sets out the requirements for intensification proposals specifically within the Stamford Node. The Stamford Node requirements applicable to the development proposal are as follows:

3.16.1 Residential intensification may develop as either stand alone buildings or together with commercial uses as mixed-use buildings.

3.16.2 Residential uses within the Stamford Node may develop in accordance with the height and density target shown on Schedule A-2(c) (**Figure 6**).

3.16.3 Building heights shall respect surrounding building heights. Taller buildings shall increase separation distances from buildings of lower height. Building heights shall also decrease with proximity to the street.

3.16.4 Development shall engage the street through the use of unit frontages, podiums, porte cocheres or landscaping. Within multiple use buildings, commercial uses shall fully occupy the whole of the ground floor, preferably with retail or service commercial uses located such that they provide a pedestrian presence along the street.

3.16.5 Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have retail or service commercial uses or residential units when abutting street frontages.

3.16.6 Where surface parking is provided, the parking area shall be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers the parking area from adjacent uses and streets.

3.16.8 Developments shall provide pedestrian connections to the surrounding neighbourhood where possible.

3.16.9 Amenity space is to be provided for residential uses and may take the form of:

- private on-site green space;
- balconies and roof-top green space; or
- public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.

Consistent with policy 3.16, the proposed development is a form of residential intensification proposal that increases the number of units on the Subject Lands. The proposed height of 3-storeys and density of 36.36 units per hectare is consistent with the height and density targets of the Stamford Node. The dwelling fronts Drummond Road and engages the street by being pushed forward towards the street and providing front porches and stairs that face the street. Additionally, the proposed landscaping and driveways in the front yard assist the development in engaging the street by providing a traditional streetscape of a residential development. The proposed garages provide the ability for vehicles to park inside a parking structure in addition there will be the ability to park in the driveway as well. In order for the development to function appropriately, parking is required to be in the front yard and is appropriate for low density residential uses such as semi-detached dwellings. A sidewalk along Drummond Road fronts the property, providing pedestrians access to Thorold Stone Road where the commercial uses are located. Lastly, the proposal provides amenity space for the occupants by providing each unit a balcony, deck and privacy yard in the rear yard.

Housing (OPA 149 Housing Policies)

Part 1 Section 4 of the OP was adopted via Official Plan Amendment 149. These policies were implemented 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 there is safe, stable and appropriate range of housing choices and opportunities with the City of Niagara Falls 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 NOP, 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 that speak to achieving a greater diversity of housing choice and efficient use of underutilized lands. The Subject Lands contain an existing detached dwelling with an underutilized interior side and rear yard. The proposed development makes efficient use of the underutilized lands by proposing a semi-detached dwelling. The proposal introduces an alternative housing choice in the neighbourhood, and adds an additional unit to the Subject Lands.

Policy 4.4 requires that applicants of Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium applications shall provide a housing impact statement demonstrating how the proposal implements the City's Housing Strategy to be a complete application. As a Zoning By-law Amendment application is required for the proposed development, 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 total of two (2) new residential housing opportunities on the Subject Lands. The semi-detached dwelling units are approximately 3,095 square feet each and contain three (3) bedrooms. Overall, this development is comprised of a different residential built form than the 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 30th percentile or lower based income levels in the City's annual housing monitoring report.

The development proposal is for the personal use of the Owners; however, a total of two (2) additional dwelling units (ADUs) could be accommodated in the dwelling as affordable rental units with an estimated monthly rental price between \$1,000.00 and \$1,250.00. Per Table 3-2 of the

*City of Niagara Falls Housing Strategy, the estimated rental price of the ADUs are affordable for families with incomes of \$45,300.00 and above as shown in **Figure 7**.*

Table 3-2: Affordable Rental Prices based on Annual Income	
Annual Household Income (2021)	Affordable Monthly Rent
\$95,900 and above	\$2,400
\$77,900 and above	\$1,950
\$60,000 and above	\$1,500
\$45,700 and above	\$1,141 (2-bdrm, 100% AMR)
\$45,300 and above	\$1,140
\$38,300 and above	\$958 (1-bdrm, 100% AMR)
\$36,600 and above	\$913 (2-bdrm, 80% AMR)
\$30,700 and above	\$766 (1-bdrm, 80% AMR)

Figure 7 – Table 3-2 of the City of Niagara Falls Housing Strategy

It should be noted that the affordable monthly rent price shown in Table 3-2 are from 2021. Once adjusted for inflation, the estimated monthly rent for the proposed ADUs may be considered affordable to lower income families than stated above.

The proposal will contribute to enhancing the overall housing supply and range of housing in Niagara Falls. Semi-detached dwellings are more compact and cost effective than detached dwellings, and will add diversity in housing to the surrounding area, considering all demographics.

- 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 proposal is for personal use of the Owners and will not be for sale in the near future. 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 proposed zoning by-law amendment would permit the development of one semi-detached dwelling that is proposed to be available at the freehold market rate. As such, the new proposed dwelling units do not represent a commitment towards the provision of affordable housing units,

therefore there is no legal or financial mechanism required in this development proposal to ensure the delivery of new affordable housing commitments.

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 – Special Policy Area 55” in the City’s Official Plan.

Residential

Part 2, Section 1 of the OP speaks to the Residential land use designation. The Residential designation is a general category within the OP that applies to existing and planned residential areas in the City of Niagara Falls. The OP 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 OP, 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 OP by proposing permitted housing forms on urban lands (i.e. semi-detached dwellings), and facilitating 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 locally defined arterial roadway, having municipal servicing connections available, being in proximity to public transit stops and commercial uses.

Built Up Area

The Subject Lands are identified on Schedule A2 of the City of Niagara Falls Official Plan the Subject Lands as being within the Stamford Node of the Built-up Area, as shown below in **Figure 8**.



Figure 8 - Niagara Falls Official Plan, Schedule A2

Within Part 2, Section 1, Policy 1.10 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 1.10 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 a semi-detached dwelling and are a form of infill development in the Built-up Area, policies 1.10.1 through to subsection (i) of Policy 1.10.5 are applicable.

Policy 1.10.1 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 with a typical streetscape with a front porch, driveway, and soft landscaping in the front yard.

Policy 1.10.2 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 semi-detached dwelling with a flat roof that is proposed at a height of 9.7 metres. The Subject Lands are in between two properties with existing low-rise dwellings, one being a 2 storey single detached dwelling and the other being a 1 ½ storey dwelling. The horizontal distance between the proposed dwellings and the existing adjacent dwellings is sufficient to provide for an appropriate transition of height that is complementary to the existing dwellings.

Policy 1.10.3 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 36.36 units per hectare, whereas the existing density is 18.18 units per hectare. The development will provide a mix of housing options by providing the option of a semi-detached dwelling in a neighbourhood that consists predominantly of detached dwellings. Overall, there is an increase of one dwelling unit from what currently exists on the property.

Policy 1.10.4 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 demolition of the existing dwelling is required in order to facilitate the semi-detached dwelling, which promotes more housing as there will be more units on the lands than what is currently provided.

Policy 1.10.5 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 36.36 units per hectare, therefore falling within the preferred density range for the proposed development. The height, massing and setbacks fit the character of the surrounding neighbourhood and is compatible with adjacent uses. The development proposal is in conformity with the general intent and purpose of Policy 1.10.5 (i).

Special Policy Areas

In addition to the general policies of the OP, some areas are designated Special Policy Areas due to their unique characteristics and/or special circumstances. The Subject Lands are designated as Special Policy Area 55.

Special Policy Area 55 was approved on March 31, 2008 through the passing of By-law 2008-52, and is Official Plan Amendment #80. The Official Plan Amendment states that in addition to the policies contained in Part 2, Section 1.2, Residential, property may be used for a single detached dwelling, duplex

dwelling or an office subject to a zoning amendment. Any required alteration of the site shall be subject to site plan control. As outlined above under the “Residential” heading of this report, a semi-detached dwelling is a permitted use within the Residential designation. Furthermore, due to recent changes to the *Act*, development proposals under 10 units are no longer under site plan control. The proposed development is for the creation of two (2) dwelling units, and is therefore not under site plan control.

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 along Drummond Road.

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. The proposed development will connect to the City’s existing storm drainage system.

Transportation

The applications conform with overarching transportation policies of the OP. 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

Policy 8.1 under Part 4 of the Official Plan requires that Consent proposals be in conformity with five items. An overview of conformity is provided below in italics:

- 8.1.1 Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning By-law.

The lands are able to accommodate the proposed semi-detached dwelling. The severance has no impact on the functioning of the site. Severing a semi-detached dwelling along the common wall is a standard practice that enables each unit to be owned separately.

A Zoning By-law Amendment application has been submitted to change the zoning to Residential Two (R2) Zone to permit the semi-detached dwelling. Special provisions are requested to address zoning deficiencies.

- 8.1.2 Consents may be permitted for a minor boundary adjustment, easement or right-of-way.

The development proposal is for the creation of one new lot, and does not constitute a minor boundary adjustment, easement or right-of-way.

- 8.1.3 Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.

The Subject Lands have frontage along Drummond Road – a local road that is identified as an arterial road. Drummond Road is maintained by the City of Niagara Falls all year round.

- 8.1.4 In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.

The rear lands function adequately as a rear yard for the proposed development. The proposed development utilizes the entirety of the lands to function appropriately for the land use.

- 8.1.5 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource is required.

No natural heritage features were identified on the lands.

Based on the analysis provided above, the applications for Consent and Zoning By-law Amendment are in conformity with the OP.

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

Schedule C4 of the Niagara Falls Zoning By-law indicates that the Subject Lands are zoned Site-Specific Neighbourhood Commercial (NC-818) Zone. A Zoning By-law Amendment Application has been submitted to change the zoning of the Subject Lands to Site Specific Residential Two (R2) Zone, as shown in **Table 1**. A planning rationale for each requested site-specific provision is provided below.

Table 1 – Residential Two (R2) Zone Conformity			
Zoning By-law 79-200			
Section 7.7 Residential Two (R2) Zone Regulations			
Provision	Required	Proposed Part 1	Proposed Part 2
7.8.1 - Permitted Uses			
i. A detached dwelling i. A semi-detached dwelling i. A duplex dwelling v. 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. v. Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14 i. A group home type (2009-176) i. A bed and breakfast in a detached dwelling, or in a dwelling unit of a semi-detached dwelling or a duplex dwelling, that complies with the provisions set out in section 4.37 (2018-91) i. Additional dwelling unit(s) subject to the provisions of Section 4.45 (2023-110)		No Change	No Change
7.9.2 – Regulations			
a) Minimum Lot Area	600 square metres	550 square metres 272 square metres	274 square metres
b) Minimum Lot Frontage (semi-detached dwelling on interior lot)	18 metres	No Change 9.65 metres	10 metres
c) Minimum Front Yard Depth	6 metres + 13 metres	No Change	No Change
d) Minimum Rear Yard Depth	7.5 metres	No Change	No Change
e) Minimum Interior Side Yard	1.2 metres	No Change	No Change
f) Minimum Exterior Side Yard Width	4.5 metres	No Change	No Change
g) Maximum Lot Coverage	45%	No Change	No Change
h) Maximum Height of a Building or Structure	10 metres	No Change	No Change
i) Deleted		No Change	No Change

j) Max Number of detached dwellings on one lot	1 only	No Change	No Change
k) Parking and Access Requirements	In accordance with Section 4.19.1	No Change	No Change
l) Accessory buildings and accessory structures	In accordance with Section 4.13 and 4.14	No Change	No Change
m) Minimum Landscaped Open Space	30% of lot area	No Change	No Change
Section 4.14 – Permitted Encroachments			
4.14 - Yards			
c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45m		Open balconies may project 1.85m into required rear yard	Open balconies may project 1.95m into required rear yard
e) fire escapes may project into any required side yard or rear yard a distance of not more than 1.2m		Fire escapes may project into rear yard a distance not more than 3.50 metres	
Section 4.19 – Parking Requirements			
4.19.1 - Requirements			
Provision	Required	Proposed Provision	
Minimum Parking Space Requirements	Detached dwelling, Duplex dwelling or Semi-detached dwelling and an on-street townhouse dwelling (1 space per dwelling unit)	No Change	No Change
4.19.3 a) – Parking in Yards			
(i) Maximum lot area which can be used as a surface parking area	30%	No Change	No Change
(ii) Maximum width of driveway or parking area in the front yard of a lot	60% of lot frontage, but in no case more than 9 metres for a semi-detached dwelling	11 metres	
		57% or 5.5 metres	54% or 5.5m
(iii) Maximum area of a rear yard which can be used as a parking area	40 square metres	No Change	No Change
(iv) Maximum area of an exterior side yard which can be used as a parking area	67% of the yard up to a maximum of 50 square metres	No Change	No Change
(v) Notwithstanding the definition “vehicle”, no person shall park or store a motor home, a snowmobile, a boat, a personal watercraft, a recreational vehicle or a trailer in the front yard, side yard or exterior yard of a lot. This subclause shall not apply to the temporary parking of a motor home, recreational vehicle or trailer, for loading and unloading purposes only, for a period not exceeding 14 calendar days a year provided that such motor home, recreational vehicle or trailer is set back from the curb face or pavement edge of a public street to which the driveway is accessed from a minimum distance of 5 metres.		No Change	No Change

Residential Two (R2) Zone Special Provisions

Minimum Lot Area

The Zoning By-law requires a minimum lot area of 600 square metres for a semi-detached dwelling, whereas a minimum lot area of 550 square metres is requested, and 272 square metres and 274 square metres are requested for Parts 1 and 2, respectively. The proposed semi-detached dwelling is of a size and scale that supports the proper functioning of the site. The proposed semi-detached dwelling meets the various minimum yard setbacks of the R2 zone, thus providing adequate amenity space in the rear yard and landscape space in the interior side yard for drainage swales. The request for relief of the minimum lot area for both Parts 1 and 2 are required for the future severance, as both parts are proposed to be separate freehold parcels. There are no physical differences to the proposed development as result of the future severance. For these reasons, the minimum lot area of 550 square metres, and 272 square metres and 274 square metres for Parts 1 and 2 respectively, are appropriate for the proposed development.

Minimum Lot Frontage

The Zoning By-law permits a minimum lot frontage of 18 metres for a semi-detached dwelling, whereas a minimum lot frontage of 9.65 metres and 10 metres are requested for Parts 1 and 2, respectively. Combined the lot frontage exceeds the 18 metres requirement. The lands have a lot frontage of 19.99 metres, but as a result of the future severance, the lot frontage for the parcels will be deficient, although there are no physical changes to the proposed development. The proposed lot frontage for both Parts 1 and 2 is sufficient to accommodate on-site parking and a semi-detached dwelling that functions appropriately on the site. For these reasons, the minimum lot frontages of 9.65 metres and 10 metres for Part 1 and 2 respectively, are appropriate for the proposed development.

Permitted Encroachments - Balconies

The Zoning By-law permits a balcony to project into a rear yard no more than 1.8 metres, whereas a maximum projection of a balcony of 1.85 metres and 1.95 metres is requested for Parts 1 and 2, respectively. The proposed balconies are setback 5.66 metres and 5.58 metres for Parts 1 and 2, respectively. With the proposed setbacks of the balconies from the rear lot line, and with the existing board-on-board fence along the rear lot line, there are no negative impacts on the privacy of the abutting properties. For these reasons, the maximum projection of the proposed balconies of 1.85 metres and 1.95 metres respectively, are appropriate for the proposed development.

Permitted Encroachments – Fire Escapes

The Zoning By-law permits a fire escape to project into a required rear yard no more than 1.2 metres, whereas a maximum projection of a fire escape of 3.50 metres for Parts 1 and 2 is proposed. The proposed setback of the fire escape is 4.02 metres from the rear lot line, thus providing adequate landscape space between the rear lot line and the fire escape to accommodate a drainage swale and have no adverse

impact on the rear yard amenity area. For these reasons, the maximum projection of the proposed fire escapes of 3.50 metres is appropriate for the proposed development.

Maximum Driveway Width

The Zoning By-law permits a maximum driveway width of 60% of the lot frontage or no more than 9 metres, whereas the proposed semi-detached dwelling has a combined driveway width of 11 metres. Individually, Parts 1 and 2 meet the maximum parking width requirements, but combined exceed the maximum width. The proposed driveways are flipped, resulting in a large landscaped area that breaks the two asphalt driveways, so there is not one large paved area that dominates the streetscape. There is adequate landscape space on both sides of the driveways to enhance the streetscape of the dwelling. For these reasons, the maximum driveway width of 11 metres is appropriate for the proposed development.

9.0 - PLANNING POSITION

This Planning Justification Report has been prepared on behalf of the owners, Joanna & Stanislaw Bodnik, to provide a planning rationale for the proposed development.

The owners are proposing a 3-storey semi-detached dwelling that will be severed into two dwelling units for personal use. The existing detached dwelling is proposed to be removed in order to facilitate the development. The proposed semi-detached dwelling is not a permitted use in the Neighbourhood Commercial (NC-818) Zone. A Zoning By-law Amendment and Consent application has been submitted to zone the lands Site Specific Residential Two (R2-XX) Zone to permit the semi-detached dwelling and conform with the Zoning By-law, as well as sever the lands to permit the units to be owned separately.

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

1. The development proposal is consistent with the Provincial Planning Statement, and conforms with the 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 semi-detached dwelling is a compatible built form that is consistent with the built form that characterizes the surrounding neighbourhood.
4. 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.
5. The severance of the Subject Lands provides more home ownership opportunities for future homebuyers.

Based on the analysis above, the submitted applications for Zoning by-law Amendment and future Consent are considered to represent good planning, and should be supported by the City of Niagara Falls.

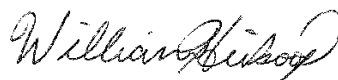
Respectfully Submitted,

Prepared By:



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

Reviewed By:



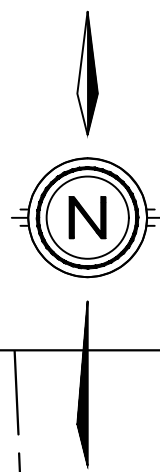
William Heikoop, B.U.R.Pl., MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.

Appendix I

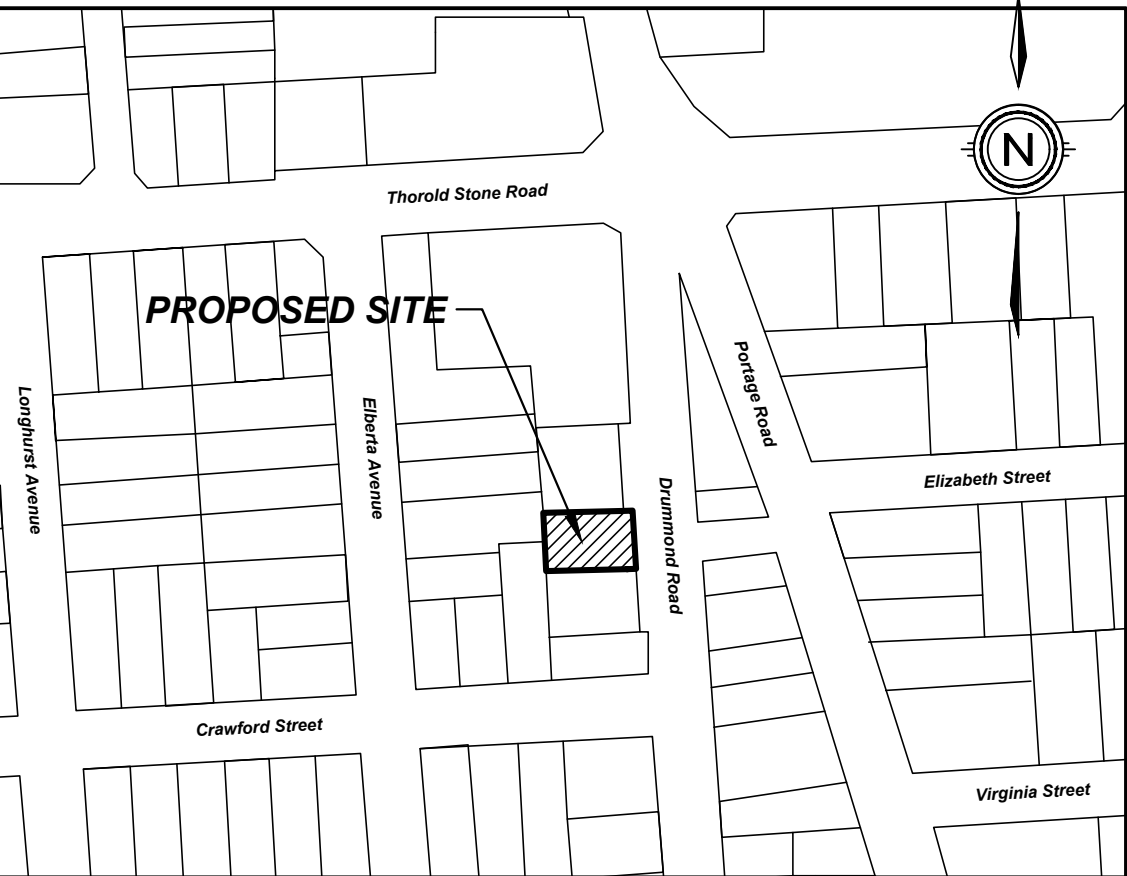
Site Plan



4067 DRUMMOND ROAD
CITY OF NIAGARA FALLS



FRONT YARD SETBACK AVERAGE	
ADDRESS	FRONT YARD SETBACK
6240 THOROLD STONE ROAD	12.32m
4031 DRUMMOND ROAD	2.09m
4079 DRUMMOND ROAD	5.37m
4099 DRUMMOND ROAD	6.06m
AVERAGE	6.46m



KEY PLAN
N.T.S.

SITE PLAN

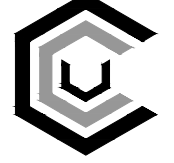
LEGAL DESCRIPTION
PART LOT 78 TOWNSHIP OF STAMFORD
PART 1 ON PLAN 59R11578 IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

ZONING MATRIX			
RESIDENTIAL TWO (R2) ZONE - SECTION 7.7			
PERMITTED USES — Detached dwelling, Semi-detached dwelling, Duplex dwelling, Home occupation in a detached dwelling or in a semi-detached or duplex dwelling, Accessory buildings on structures, Type 1 group home, Bed and breakfast in a detached dwelling or a semi-detached or duplex dwelling, Additional dwelling unit(s)			
PROVISION	REQUIRED	PROVIDED PART 1	PROVIDED PART 2
MIN. LOT AREA	600m ²	273.94m ²	276.55m ²
MIN. LOT FRONTAGE	18.00m	9.73m	10.26m
MIN. FRONT YARD SETBACK	6.46m + 13m	6.95m + 18.82m	7.10m + 18.67m
MIN. REAR YARD SETBACK	7.50m	7.62m	7.57m
MIN. INTERIOR SIDE YARD SETBACK	1.20m	1.20m	1.26m
MIN. EXTERIOR SIDE YARD SETBACK	4.50m	N/A	N/A
MAX. LOT COVERAGE	45%	40.74%	39.29%
MAX. BUILDING HEIGHT	10.00m	9.70m	9.70m
MIN. LANDSCAPED/OPEN SPACE	30%	44.45%	46.43%
PERMITTED ENCROACHMENTS - SECTION 4.14			
BALCONY REQUIREMENTS	may project into a front yard or rear yard of no more than 1.80m	1.84m	1.92m
FIRE ESCAPE REQUIREMENTS	fire escapes may project into any required side yard or rear yard a distance no more than 1.20m	3.48m	3.48m

PARKING AND ACCESS REQUIREMENTS - SECTION 4.19.3			
DRIVEWAY REQUIREMENTS	6.00m in length, 2.75m in width as stated in Section 4.19.1	7.00m in length 5.50m in width	7.20m in length 5.50m in width
MIN. PARKING SPACE REQUIREMENTS	1 parking space per dwelling	1 space per dwelling	1 space per dwelling
MAX. DRIVEWAY WIDTH IN THE FRONT YARD OF A LOT	60% of the lot frontage or no more than 9.00m	57% or 5.50m	54% or 5.50m
TOTAL DRIVEWAY WIDTH		55% or 11.5m of total lot area	
MAX. LOT AREA USED FOR SURFACE PARKING	30%	14.81%	14.28%
TOTAL AREA USED FOR PARKING		14.44% of total lot area	

LAND USE SCHEDULE				
AREA	ha — PART 1	ha — PART 2	% COVERAGE — PART 1	% COVERAGE — PART 2
BUILDING	0.011	0.011	40.74	39.29
ROADWAY/PARKING	0.004	0.004	14.81	14.28
LANDSCAPE	0.012	0.013	44.45	46.43
TOTAL	0.027	0.028	100%	100%
DEVELOPMENT DENSITY: 36.36 units/hectare				

-	-	-	-
0	ISSUED FOR REVIEW	2025-03-19	SM
#	REVISION	DATE	INIT



UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

DRAWING TITLE

SITE PLAN FOR ZBA

DRAFTING

SM

DATE

MARCH 19, 2025

PRINTED

APRIL 16, 2025

SCALE

1:100

DWG No.

24124

REV

0

Appendix II
Draft Zoning By-law Amendment



Draft Zoning By-law Amendment

Schedule X

4067 Drummond Road, Niagara Falls

THE CORPORATION

OF THE

CITY OF NIAGARA FALLS

BY-LAW NO. [REDACTED]

A BY-LAW TO FURTHER AMEND BY-LAW NO. 79-200, to regulate PT LT 78 TWP Stamford Being PT 1 on 59R11578; 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 lands that are the subject of, and affected by the provisions of this by-law, are further illustrated in Schedule 2 and shall be referred to in this by-law as the “Site Plan”. Schedule 2 does not constitute part of this by-law, but is provided to give further context to provision 4 of this by-law.
3. The purpose of this by-law is to repeal the zoning on the subject lands “Neighbourhood Commercial 818 (NC-818) Zone” and to replace it with “Site Specific Residential Two (R2-XX) Zone” 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.
4. Notwithstanding the provisions of By-law No. 79-200 to the contrary, the permitted uses and regulations of the R2 Zone shall apply, notwithstanding the additional provisions outlined below:

Site Specific Residential Two (R2-XX) Zone

<i>Minimum Lot Area</i>	<i>550 square metres</i>
<i>Minimum Lot Area (Part 1)</i>	<i>272 square metres</i>
<i>Minimum Lot Area (Part 2)</i>	<i>274 square metres</i>
<i>Minimum Lot Frontage for a semi-detached dwelling on interior lot (Part 1)</i>	<i>9.65 metres</i>
<i>Minimum Lot Frontage for a semi-detached dwelling on interior lot (Part 2)</i>	<i>10 metres</i>
<i>Open balconies not covered by a roof or canopy may project into any required rear yard a distance of not more than 1.8 metres (Part 1)</i>	<i>1.85 metres</i>
<i>Open balconies not covered by a roof or canopy may project into any required rear yard a distance of not more than 1.8 metres (Part 2)</i>	<i>1.95 metres</i>
<i>Fire escapes may project into any required rear yard a distance of not more than 1.2m</i>	<i>3.50 metres</i>
<i>Maximum width of driveway or parking area in the front yard of a lot</i>	<i>11 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-zoning the Lands from NC-818 to **R2-_____**.
9. Section 19 of By-law No. 79-200 is amended by adding thereto:

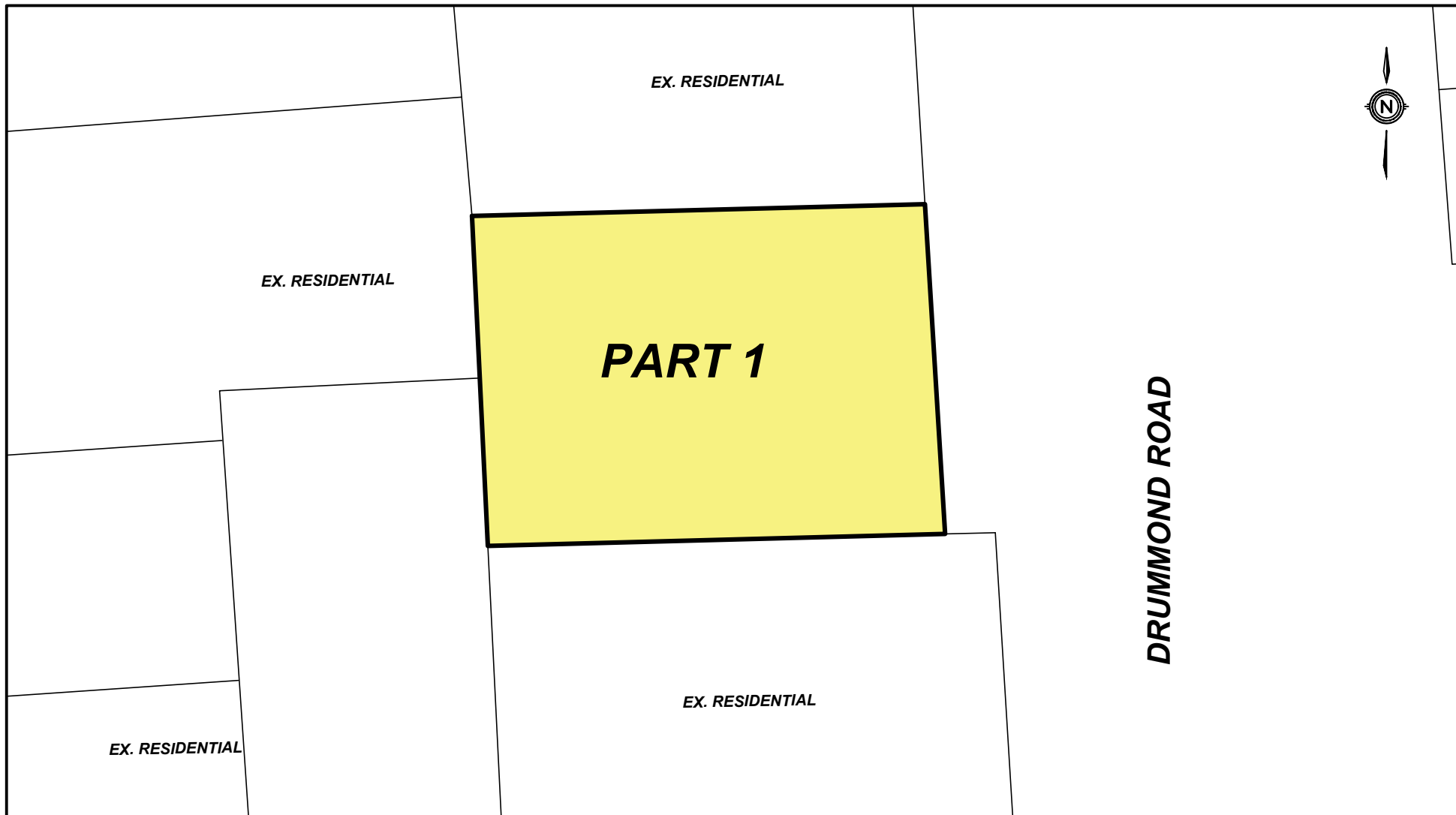
19.x.x Refer to By-law 2024-**_____**.

Passed this _____ day of _____, 2025.


READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____, 2025.

MAYOR

CITY CLERK



LEGEND

 PART 1 - FROM NEIGHBOURHOOD COMMERCIAL 818 (NC-818) ZONE, TO SITE SPECIFIC RESIDENTIAL TWO (R2-XX) ZONE.

4067 DRUMMOND ROAD
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. ____

MAYOR: _____

CLERK: _____



Appendix III

Pre-Consultation Agreement





City of Niagara Falls Pre-Consultation Checklist

(Revised: October, 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: **January 16, 2025**

Time: **1:30 PM**

1. SUBJECT PROPERTY INFORMATION

Street Address: **4067 Drummond Road, Niagara Falls**

Legal Description: **STAMFORD; PT LOT 78 59R11578 PT 01**

Land Area : **549.36**

Lot Frontage : **19.39**

Municipal Land Involved: Yes ☐ No ☒

2. CONTACT INFORMATION

Owner Information

Registered Owner: **BODNIK JOANNA & BODNIK STANISLAW**

Mailing Address: **3513 Avery Blvd, Niagara Falls, On, L2G 0J8**

Phone Number: **Not Available**

E-mail Address: **Not Available**

Applicant/Agent Information (if applicable)

First and Last Name: **Eric Beauregard**

Mailing Address: **30 Hannover Drive, Unit 3, St.Catharines, On, L2W 1A3**

Phone Number:
905-688-9400

E-mail Address: **eric@ucc.com**

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

3. PROPOSAL

Zoning By-law Amendment and Consent to facilitate the development of a semi-detached dwelling. The existing dwelling is proposed to be removed.

4. PROPOSED DEVELOPMENT INFORMATION	
Gross Floor Area: N/A	
Building Height (in metres and storeys):	
# Dwelling Units: N/A	# Hotel/Commercial Units: N/A
Location: Brownfield <input type="checkbox"/> Greenfield <input type="checkbox"/> Built-up <input checked="" type="checkbox"/> Outside Urban Boundary <input type="checkbox"/> NEP Area <input type="checkbox"/> *CIP Area <input type="checkbox"/> <i>*Note: If within a CIP Area, please speak to the City's CIP Coordinator</i>	

5. DESIGNATIONS	CONFORMITY
Regional Official Plan:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Niagara Escarpment Plan: N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>
City Official Plan:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Secondary Plan: N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>
Zoning:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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 type="checkbox"/>	Condominium- Standard <input type="checkbox"/>
Site Plan Approval <input type="checkbox"/>	Consent/Severance <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.					
ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans (See notes for additional details)	Required (Digital Copies Only)	Notes
			Agricultural Impact Assessment		
			Air Quality*		
X	X		Archaeology Assessment- Please be mindful of your duty to consult obligations	X	o Stage 1 Archaeological Assessment (at minimum). See Regional Comments for more information.
X	X		Conceptual Site Plan & CAD .dwg file to City projection standards.	X	o In metric o Please include zoning matrix/site statistics o Standard & Coloured Site Plan o Demonstrate adequate fire access in accordance with Section 3.2.5 of the OBC o Indicate the location of all required 'No Parking' signs in accordance with City of Niagara Falls By-law No.2019-97 o Please include Floor Plans
			Draft Plan of Subdivision/Condominium		

			Cultural Heritage Impact Analysis		
			Draft Local Official Plan Amendment		
			Draft Regional Policy Plan Amendment		
			Engineering Drawings & CAD .dwg file to City projection standards.		
			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		Floor Plans	X	
			Gas Well Study/ Gas Migration Study		
			Geotechnical Investigation / Study		
			Housing Impact Statement		
			Hydrogeological Study and Private Servicing Plans		
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*		
			Other		
			Parking Statistics Table		
			Plan of Survey & CAD .dwg file to City projection standards.		
			Phasing Plan		
			Planning Justification Report		
			Risk Management Study		
			Road Widenings and Daylight Triangle		
			Sensitive Land Use Report		
			Shadow Analysis (i.e. Sun-Shadow Study)		
			Shoreline Study		
			Slope Stability Report		
			Soil Report		
			Stormwater Management Report (SWM)		
			Transportation Impact Study/ Parking Impact Analysis		
			Tree Inventory & Preservation Plan / Arborist Report		
			Urban Design Brief/ Architectural Brief		
			Urban Design/ Landscape Plans		
			Landscape Plan		
			Wind Study		

8. COMMENTS

Planning:

- Proposal

To construct a semi-detached dwelling on the subject lands.

- Official Plan

The subject lands are within the Urban Area and are designated “Residential” within the City’s Official Plan.

- Zoning

The subject property is zoned Neighbourhood Commercial (NC-818), in accordance with Zoning By-law 79-200, as amended by site specific By-law 2008-53. The applicant is proposing to rezone the subject property to a site specific Residential Two Zone (R2) Zone to facilitate the proposal.

The site-specific zoning would need to address deficient lot area, and driveway width as noted in the zoning comments.

A consent application is required with a copy of the deed and drawing prepared, dated and signed by an Ontario Land Surveyor.

Cash in Lieu of Parkland dedication will apply for the newly created lot.

Landscape:

- Ensure that the property has appropriate privacy fencing along all abutting adjacent properties. Provide clarification on whether the existing fence will be retained or if a new fence is proposed.

Business Development:

- No comments.

Building:

- A demolition permit shall be obtained to remove each structure existing on site.
- A water/sewer permit shall be obtained to construct site services.
 - a. Private water supply pipes shall be designed and installed according to MOE PIBS 68813, “Design Guidelines for Drinking-Water Systems”.
 - b. Private sewers shall be designed and installed according to MOE PIBS 6879, “Design Guidelines for Sewage Works”.
 - c. No plumbing serving a dwelling unit shall be installed in or under another unit of the building unless the piping is located in a tunnel, pipe corridor, common basement or parking garage, so that the piping is accessible for servicing and maintenance throughout its length without encroachment on any private living space (OBC Div. B, 7.1.5.4 – Separate Services)
- A building permit shall be obtained if granted approval. Contact extension 4213/4226 for permit requirements.
- Radon Mitigation is required for new residential construction projects. See City website for more information.
- All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process. Please be advised the new Ontario Building Code will take effect January 1, 2025.
- Architect/Designer to consider spatial separation requirements including but not limited to the limitations of unprotected openings and wall construction.
- All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.
- Municipal, Regional, Educational Developments Charges (not excluding Parkland dedication fee) will be assessed at time of building permit review. Development Fees are required to be paid at time of building permit issuance.
- All other applicable law approvals shall be obtained prior to acceptance of a building permit application.
- A zoning compliance certificate shall be obtained prior to acceptance of a building permit application.

- The owner/applicant may apply for permits after the project/agreement has received registration (ex: site plan agreement, vacant land condominium agreement, subdivision agreement).
- The owner/applicant may apply for permits after the appeal period has lapsed (ex: minor variance, consent etc.)
- Owner/Agent/Applicant to consult with Building Services at 4213/4226 regarding unit naming and addressing requirements.

Municipal Works (Development Engineering):

Existing infrastructure on Drummond Road:

300mmØ PVC Watermain (2022)

500mmØ CPP Watermain (Regional) (1994)

375mmØ VC Sanitary Sewer (1961)

300mmØ PVC Sanitary Sewer (2022)

Zoning By-law Amendment Requirements:

- No concerns or requirements.

Consent Requirements:

- As a condition of Consent, the applicant must submit a servicing plan completed by a professional Plumber or Engineer, licensed in the province of Ontario, illustrating existing and proposed service laterals that do not cross adjacent property lines and are connected directly to municipal infrastructure.
- All dwellings must be individually serviced and services must not cross adjacent lot lines nor severance lines.
- At time of Building Permit application, proposed Lot Grading Plan shall show no negative impact to adjacent properties. Sump pumps shall discharge to grade. Downspouts shall discharge to grade via splash pads and shall not be connected to a sewer.

Fire:

- The Fire Department has no concerns with respect to the zoning by-law amendment.
- Permits to demolish any existing structures shall be obtained from the City of Niagara Falls Building Department.
- The Ontario Fire Code requires property owners to ensure vacant buildings remain secured against unauthorized entry. It is suggested that the developer adequately secure the vacant buildings and fence the property or provide 24/7 security. Failure to maintain compliance with the OFC will result in enforcement action.

GIS (Addressing):

- Once the demolition has been completed, the existing civic address will be retired
- Upon application for the building permits, two new civic address numbers will be assigned, to facilitate the consent
- What has become of SPC-2008-008?

Municipal Works (Transportation Services):

- Drummond Road is a City arterial road. It has a planned 26.0m right-of-way, per the Official Plan. This section of Drummond Road adjacent to 4067 Drummond Road operates in a one-way southbound direction. A 3.05m (10') road widening has been dedicated to the City via Part 3 of reference plan 59R-11323. The property line is slightly beyond 13.0m from the original centre line of Drummond Road. No further road widenings are required.
- The existing driveway will remain (and slightly widened) and be used by the future occupants of the northern half of the proposed semi-detached dwelling. A new driveway is proposed at the southern end of the property for the southern half of the proposed semi-detached dwelling. Transportation Staff has no concerns with adding one additional driveway on Drummond Road. There is a light standard that may need to be relocated. The cost to relocate the light standard will be at the sole cost of the applicant.
- No concerns/objections with the proposed zoning amendment or consent applications.

Zoning:

- Please see attached comments.

Mississauga's of the Credit First Nation (MCFN):

- Please see attached comments.

Niagara Region:

- Please see attached comments.

Niagara Peninsula Conservation Authority (NPCA):

- No Comments.

9. APPLICATION FEES-2024 Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Zoning By-law Amendment - Minor	\$8271.00	\$1, 485. 00	N/A
Consent	\$4130.00	\$720.00	N/A
Total	\$12,401.00	\$2,205	

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. ATTENDEES

City	Applicant	Agency
Jessica Abraham (Planning) jabraham@niagarafalls.ca	Eric Beauregard eric@ucc.com	Katie Young (Region) Katie.Young@niagararegion.ca
Ellen Roupas (Zoning) eroupas@niagarafalls.ca		Abby La Forme (Mississaugas of the Credit First Nation – MCFN) Abby.LaForme@mncfn.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		

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.

Inter-Departmental Memo

To: Jessica Abraham, Planner 1

From: Sue Scerbo, Senior Zoning Administrator

Date: January 16, 2025

Re: **Zoning By-law Amendment & Consent**
4067 Drummond Road
Proposed semi-detached dwelling

Summary:

The applicant is proposing to demolish the existing detached dwelling and construct a semi-detached dwelling on the subject property.

The subject property is zoned Neighbourhood Commercial (NC-818), in accordance with Zoning By-law 79-200, as amended by site specific By-law 2008-53. The applicant is proposing to rezone the subject property to a site specific Residential Two Zone (R2) Zone to facilitate the proposal.

The following table compares the regulations of the R2 zone with what is proposed:

Provision	Requirement	Proposal	Comply
Minimum lot area for a detached dwelling	370 square metres	n/a	n/a
Minimum lot area for a semi-detached dwelling or a duplex dwelling	600 square metres	549.4 square metres	No
Minimum lot frontage for a detached dwelling on an interior lot	12 metres	n/a	n/a
Minimum lot frontage for a detached dwelling on a corner lot	15 metres	n/a	n/a
Minimum lot frontage for a semi-detached dwelling or a duplex dwelling on an interior lot	18 metres	19.99 metres	Yes

Minimum lot frontage for a semi-detached dwelling or a duplex dwelling on a corner lot	20 metres	n/a	n/a
Minimum front yard depth Section 5.7 (special building setback) is applicable	Average of the shortest distance between the nearest main wall of the dwellings on either side + 13 metres from the original centreline of Drummond Road	6 metres 3 metre road widening is illustrated on the site plan. Please show width of the road allowance	Unknown Information required (setbacks of the dwellings on either side)
Minimum rear yard depth	7.5 metres	7.77 metres	Yes
Minimum interior side yard width on each side of a semi-detached dwelling with attached garages on both exterior sides	1.2 metres	1.36 metres 1.36 metres	Yes Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	42.5%	Yes
Maximum height of building or structure	10 metres, subject to section 4.7	9.9 metres	Yes
Maximum number of dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1	2 parking space for each dwelling unit (1 in garage, 1 in driveway)	Yes
Maximum width of a driveway or parking area in the front yard of a lot	60% of the lot frontage but in no case more than 9 metres for a semi-detached dwelling	4.25 metres 5.4 metres	No
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14		

Minimum Landscaped Open Space Area	30% of lot area	46.7% of the lot area	Yes
---------------------------------------	-----------------	-----------------------	-----

Comments:

- Additional information is required as noted above to ensure zoning compliance.

SS

S:\Preconsultation\2025\1 - PRECON by Date-AGENDA MATERIAL ONLY\01.16.2025\Drummond Road, 4067\Zoning
Comments.docx

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Pre-consultation Notes

4067 Drummond Road, Niagara Falls

January 16, 2024

Region Contact: Katie Young

Local Contact: Jessica Abraham

Proposal Description: To facilitate the development of a semi-detached dwelling. The existing dwelling is proposed to be removed.

Applicant/Owner/Agent: 2175725 Ontario Inc. (Applicant); Upper Canada Consultants (Agent)

Application Type:

- ☒ Zoning By-law Amendment
- ☒ Consent

Site Designation:

Provincial Planning Statement (PPS)- Settlement Area

Niagara Official Plan (NOP)- Delineated Built-Up Area

Planning Comments

- A full range of residential uses are generally permitted within the urban area. Staff offer no objections to the proposal and note that the semi-detached dwelling will contribute to the City's overall intensification target for the urban area.

Archaeological Potential

- The property is mapped as an area of archaeological potential. Staff request the submission of **a Stage 1 Archaeological Assessment (at minimum)**, prepared by a licensed archaeologist with whichever application is submitted first. Staff also require the Ministry of Citizenship and Multiculturalism's **letter of acknowledgement**.

Environmental Comments

- The property is located outside of the Region's Natural Environment System. Accordingly, staff offer no comments or requirements.

Servicing Comments

- Water: 500 D CPP (Regional) – Drummond Road

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

- Regional staff wish to advise the applicant that there is an existing 500 mm diameter Regional watermain east of subject property.
- The Regional mains are not to be damaged or disturbed during any future construction works for the proposed development. Any crossings of the Regional mains with servicing will require plan and profiles to be submitted to the Region for review and approval.

Waste Collection (Low Density Residential)

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)
- Curbside collection only
- Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Required Studies for Regional Review

- Stage 1 Archaeological Assessment (at minimum), Ministry Letter of Acknowledgement – to be submitted with whichever application is submitted first.

Required Fees

The Region's 2025 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Please be advised that the Region's review fee amounts are subject to change March 31, 2025. Please contact Regional staff to confirm engineering review fees.

Development Application Review Type	Fee Amount
Zoning By-law Amendment	\$1,485
Consent Review	\$720



January 16, 2025

Jessica Abaraham
Planner
City of Niagara Falls

RE: 4067 Drummond Road, Niagara Falls

Dear Jessica,

The Mississaugas of the Credit First Nation (MCFN), Department of Consultation and Accommodation (DOCA) submit the following comments:

The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the development of a semi-detached home will be taking place. This project is located on the Mississaugas Treaty at Niagara of 1781 .

Therefore, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Thank you

Abby (LaForme) Lee (she/her)
MCFN DOCA, Consultation Coordinator
Abby.LaForme@mncfn.ca
Office # - 905-768-4260 Ext: 1602

Cc: Megan DeVries, Consultation Manager, MCFN DOCA- Megan.DeVries@mncfn.ca



Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225

