



Planning Justification Report

Zoning By-law Amendment and Consent Application 5969 & 5981 Dunn Street, Niagara Falls

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1.0 INTRODUCTION

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Keith and Marianne Callahan, “Owners” of approximately 1,262.8 square metres of land in the urban area of the City of Niagara Falls. The lands consist of two parcels, the first parcel (Parcel 1) is municipally known as 5969 Dunn Street and is legally described as LOT 31 PL 34 STAMFORD, and the second (Parcel 2) is municipally known as 5981 Dunn Street and is legally described as LOT 32 PL 34 STAMFORD. These lands collectively comprise the “Subject Lands.” NPG has been retained to provide professional planning advice on a proposed residential development to permit three (3) on-street townhouse units on the Subject Lands. *Planning Act* applications for Zoning By-law Amendment, Consents to sever, and boundary adjustment via Consent are required to facilitate the proposed development.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of applications for Consents and Zoning By-law Amendment when assessed against policies in the Provincial Planning Statement (PPS), Niagara Official Plan (NOP), the City of Niagara Falls Official Plan (City OP) and the City of Niagara Falls Zoning By-law No. 79-200. The Zoning By-law Amendment is required to rezone the lands from ‘Residential Low Density Grouped Multiple Dwelling (R4) Zone’ to a Site-Specific ‘Residential Low Density Grouped Multiple Dwelling (R4-XX) Zone’ with site-specific provisions for permitted use, lot area, minimum lot area, maximum height, rear yard depth, interior side yard, lot coverage, minimum privacy yard for the townhouse development. Additional provisions are required to recognize the existing dwellings. The Consent applications are required to sever the rear yard of the Subject Lands and permit a boundary adjustment.

The proposed applications would facilitate residential infill development and support the efficient use of land within the Niagara Falls Urban Area.

2.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA

The Subject Lands are comprised of two (2) parcels municipally known as 5969 and 5981 Dunn Street, designated ‘Residential’ in the City OP and are zoned ‘Residential Low Density, Grouped Multiple Dwelling (R4) Zone’. They are located on the north side of Dunn Street and immediately east of Orchard Avenue in the City of Niagara Falls (see **Figure 1 – Aerial Context**). The Subject Lands are rectangular in shape and have a combined frontage of 28.35 meters on Dunn Street and a total area of 1,262.8 square metres. As 5981 Dunn Street is a corner lot, this property features 44.96 metres of frontage on Orchard Avenue. Dunn Street is classified as an arterial road and Orchard Avenue is a local road according to **Schedule C – Roads** of the City OP.

5969 Dunn Street contains an existing two-storey dwelling and detached garage. 5981 Dunn Street contains an existing single-storey dwelling and a detached garage. Both parcels have large rear yards. The Subject Lands are generally flat in topography and do not contain any natural heritage features. Vehicular access to the Subject Lands is provided by means of existing driveways from Dunn Street, with 5981 Dunn Street

containing an additional driveway on Orchard Avenue. There are municipal sidewalks on both Dunn Street and Orchard Avenue.

The following table denotes existing lot areas, frontages and structures on the Subject Lands:

Table 1 - Existing Buildings/Structures on Subject Lands

| Dunn Street Address | Lot Area | Lot Frontage | Existing Buildings/Structures |
|---------------------|-----------|--------------|--------------------------------------|
| 5969 | 629.4 sqm | 14.17 m | Two Storey Dwelling; Detached Garage |
| 5981 | 633.4 sqm | 14.17 m | One Storey Dwelling; Detached Garage |

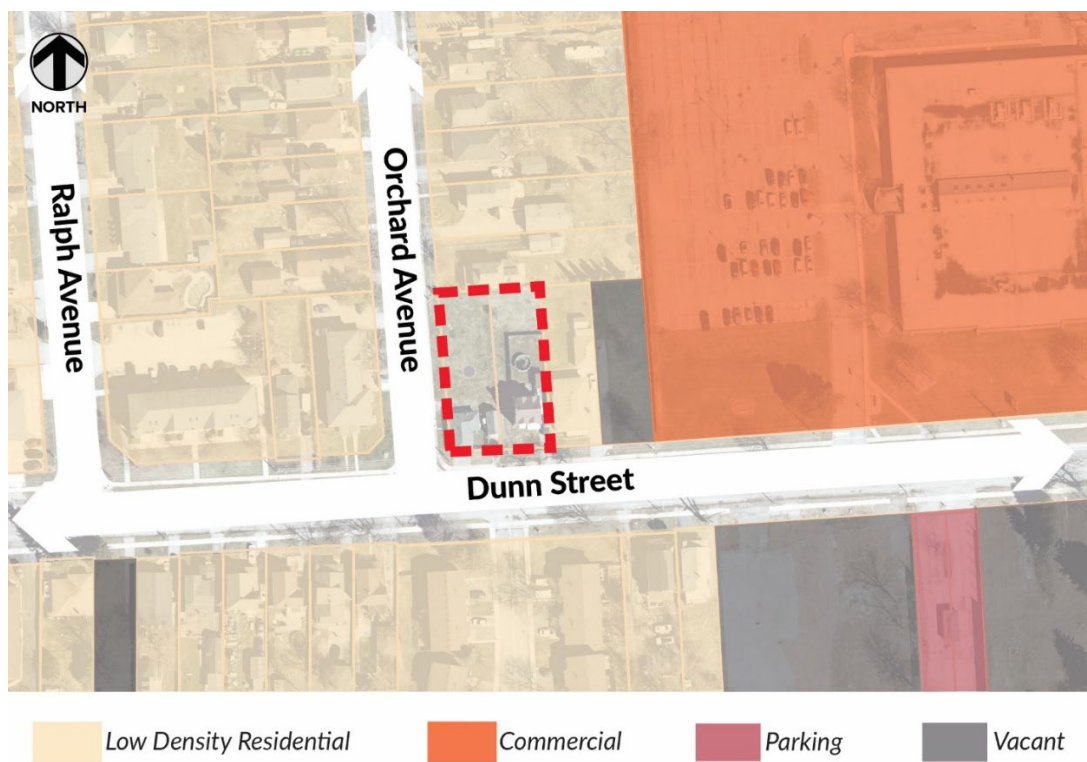


Figure 1 - Aerial Context

The Subject Lands are located in an established residential area. Surrounding land-uses include single-family dwellings located north and east of the Subject Lands. Immediately south of the Subject Lands is Rainbow Village, a townhouse private road condominium development. Immediately west of the Subject Lands, on the opposite side of Orchard Avenue is a multi-unit residential building featuring a townhouse built form. A townhouse development is also located approximately 100 metres west of the Subject Lands at the northeastern intersection of Dunn Street and Ralph Avenue. The Subject Lands are in proximity to an existing commercial area near the intersection of Dunn Street and Drummond Road, approximately 400 metres west of the Subject Lands. The commercial

area contains a variety of uses, including the Simply Fit Health Club, multiple pharmacies (Falls Pharmacy, Baggio & MacKinnon Pharmacy), a gas station, as well as multiple restaurants. As shown on **Figure 2 - Community Amenities Map** below, there is an existing park (C.B. Wright Park), as well as an elementary school (Father Hennepin Catholic Elementary School) within 500 metres of the Subject Lands.

The Subject Lands also benefit from their proximity to the Fallsview Tourism District, which is located about 500 metres east of the Subject Lands. The tourism district provides a range of entertainment and employment opportunities near the Subject Lands. There are several multi modal transportation options in the area, including a Regional transit route, a dedicated bicycle lane, as well as existing municipal sidewalks.

There is a municipal sidewalk present on the north side of Dunn Street, fronting the Subject Lands, as well as the east side of Orchard Avenue. A bus stop is located directly in front of the Subject Lands servicing the 101-bus route from the Main Street Hub to the Canadian Drive Hub. This route is operated by Niagara Region Transit Route 101 and provides connections to commercial hubs in the community with access to other transit routes throughout the Niagara Falls area. Dunn Street forms part of the Niagara Region Strategic Cycling Network and features existing active transit infrastructure. Please refer to **Figure 2 – Community Amenities Map** below for more detail.

- North:** Single-detached Dwelling;
- South:** Private road townhouse development
- East:** Single-detached Dwelling;
- West:** Townhouse Dwelling



Figure 2 - Community Amenities Map

2.1 Site Photos

The following section provides photos taken during a site visit on February 18, 2025.

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Photo 1 - View of the Subject Lands looking north from Dunn Street. 5981 Dunn Street is on the left with 5969 Dunn Street on the right



Photo 2 - View of 5981 Dunn Street from the corner of Dunn Street and Orchard Avenue. 5969 Dunn Street is visible in the background.



Photo 3 - View of the rear yard of the Subject Lands. This is the proposed location of the 3 townhouse units.



Photo 4 - View of the shared property line of the Subject Lands and 6620 Orchard Avenue.

5969 & 5981 Dunn Street - ZBA & Consent - Planning Justification Report



Photo 5 - View of the single detached dwellings fronting on the east side of Orchard Avenue, north of the Subject Lands.



Photo 6 - View of the townhouse structure located at the northwest corner of the Dunn Street-Orchard Avenue intersection.



Photo 7 - View of the Rainbow Village Townhouse Condominiums located immediately south of the Subject Lands at 5982 Dunn Street.



Photo 8 - View of the townhouse development located at the intersection of Dunn Street and Ralph Ave, approximately 80 metres west of the Subject Lands.



Photo 9 - View of the commercial plaza located approximately 300 metres west of the Subject Lands.

3.0 PROPOSED DEVELOPMENT

The Owners are proposing Applications for Zoning By-law Amendment and two (2) Consents to develop the Subject Lands for three (3) on-street townhouse units. Applications for Consent are proposed to sever the rear yards of 5969 and 5981 Dunn Street (Parts 1 and 3 on the Consent Sketch as shown in **Figure 3** and **Appendix E**) and facilitate a boundary adjustment to provide a 0.9 metre interior side yard to the existing garage at 5981 Dunn Street. A road widening is required to be dedicated to the City (labeled as Part 6 on the Consent Sketch). The order of the applications is depicted in greater detail below, broken down in their respective order of submission.

3.1 Zoning By-law Amendment

An application for Zoning By-law Amendment is required to rezone the Subject Lands to a site-specific 'R4 Zone' with site-specific provisions for permitted use, lot area, minimum lot area, maximum height, rear yard depth, interior side yard, lot coverage, and minimum privacy yard for the townhouse development. Additional provisions are required to recognize the existing dwellings. Please refer to Section 6.0 and **Appendix E** for more information on the proposed Zoning By-law Amendment.

3.2 Consent Applications

As mentioned, two separate Consent applications are proposed. Table 2 below outlines the existing lot configuration:

Table 2 - Existing Lot Configuration

| Address | Parts as identified on Consent Sketch | Lot Frontage | Total Area |
|-------------------------|---------------------------------------|--------------|------------|
| 5969 Dunn Street | Parts 3, 4, 5 and 6 | 14.17 m | 629.4 sqm |
| 5981 Dunn Street | Parts 1, 2 and 6 | 14.17 m | 633.4 sqm |

Parts 1 and 3 are proposed to be severed and merged to create a new lot to accommodate the townhouse units with 23.0 metres of frontage on Orchard Avenue.

Parts 2 and 5, and Part 4 will retain their existing dwellings. Following the approval of the severances Parts 2, 4 and 5 would retain frontage on Dunn Street, whereas Parts 1 and 3 would merge and front Orchard Avenue.

Table 3 below outlines the proposed lot configuration:

Table 3 - Proposed Lot Configuration

| Address | Parts as identified on Consent Sketch | Lot Frontage | Total Area |
|-------------------------|---------------------------------------|-------------------|------------|
| 5969 Dunn Street | Part 4 | 12.22 m | 286.3 sqm |
| 5981 Dunn Street | Parts 2 and 5 | 15.13 m | 323.3 sqm |
| New Lot | Parts 1 and 3 | 23 m (on Orchard) | 653.2 sqm |
| Road widening | Part 6 | 28.346 m | 6.236 sqm |

3.2.1 Boundary Adjustment

A boundary adjustment (shown as Part 5 on the Consent Sketch) is proposed between Part 2 and Part 4 in order to provide an additional 0.9 metres strip of land to Part 5 to create a greater setback for the existing garage on Part 2.

3.2.2 Road Widening

A road widening measuring 0.22 metres (shown as Part 6 on the Consent Sketch) is proposed along the frontage of Parts 2, 4 and 5.

The Subject Lands are designated 'Residential' in the City OP, in which townhomes are an approved and encouraged housing form. Overall, the proposal meets the general intent of the City Official Plan by facilitating a mix of housing options and densities.

The proposed development will not include affordable units. All units are anticipated to be sold at market rate. Final sale prices have not yet been confirmed.

4.0 SUPPORTING STUDIES REVIEW

The following section provides an analysis of the supporting studies required for a complete application.

4.1 Archaeological Assessment

A Stage 1-2 Archaeological Assessment was conducted AMICK Consultants Limited and resulted in the identification and documentation of no archaeological resources. The report dated February 10, 2025, recommends that no further archaeological assessment of the Subject Lands is needed.

The report has been submitted to the Ministry of Tourism, Culture and Sport and Cultural Industries. An Acknowledgement Letter will be circulated to Niagara Region when received.

4.2 Tree Inventory and Preservation Plan

A Tree Inventory and Preservation Plan was prepared by Kuntz Forestry Consulting Inc., which identified the presence of a total of four (4) trees on and within six metres of the Subject Lands. Of these trees, one (1) Pear species tree is flagged for removal. The remaining trees can be preserved by means of the mitigation measures as outlined in the report.

5.0 PLANNING POLICIES

5.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. The matters of Provincial interest relevant to these applications are analyzed in **Table 4 - Matters of Provincial Interest**, below:

Table 4 - Matters of Provincial Interest

| Matter of Provincial Interest | Analysis |
|---|---|
| (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest | Stage 1 and Stage 2 Archaeological Assessments prepared by AMICK determined the Subject Lands were free of archaeological resources. |
| (e) the supply, efficient use and conservation of energy and water | The proposed development is an energy efficient form of development as it provides for a compact built-form where available municipal services exist. |
| (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems | The Subject Lands are within the urban boundary and as such have access to full municipal services/infrastructure. |
| (h) the orderly development of safe and healthy communities | Section 2.1 of the Provincial Planning Statement includes policies regarding building strong complete communities. As described in Section 5.2 of this PJR, the Applications are consistent with the PPS. |
| (h.1) the accessibility for persons with disabilities to all facilities, | During the Building Permit phase, the proposed development will be analyzed against the Ontarians with |

| Matter of Provincial Interest | Analysis |
|---|--|
| services and matters to which this Act applies | Disabilities Act (AODA) to ensure the development achieves a high degree of accessibility. |
| (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities | The Subject Lands are in proximity to several parks, trails and commercial nodes as discussed in Section 2.0 of this report. |
| (j) the adequate provision of a full range of housing, including affordable housing | The Applications would facilitate a greater range of housing through the creation of on-street townhouse units. |
| (k) the adequate provision of employment opportunities | The Subject Lands are in proximity to a variety of commercial uses ensuring residents have access to a range of employment opportunities. |
| (p) the appropriate location of growth and development | The Subject Lands are in the Urban Area of the City, which is the preferred 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 Subject Lands are in an area with existing public and active transit infrastructure in proximity to a variety of commercial uses. The proposed development will support this existing infrastructure. |
| (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; | The proposed development will result in the creation of 3 townhouse dwelling units on underutilized land within the Urban Area. The proposed development will provide for a modern townhouse design with large windows facilitating “eyes-on-the-street” and new sidewalk connections promoting an active and pedestrian friendly streetscape. |
| (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. | The site is conveniently located directly beside a public transit stop and is anticipated to reduce dependence on personal automobile travel. |

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with policy statements and shall conform with provincial plans that are in effect. Consistency and conformity with Provincial, Regional and City policies is discussed in-depth in the subsequent sections of this report.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect. Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

For these reasons, and subject to the analysis provided in the following section of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

5.2 PROVINCIAL PLANNING STATEMENT (2024)

The Provincial Planning Statement (2024), hereinafter referred to as the “PPS”, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater

Golden Horseshoe, 2019, while building upon housing-supportive policies from both documents. The PPS came into effect on October 20, 2024.

5.2.1. Planning for People and Homes

Section 2.1 of the PPS provides direction policies related to managing and directing land use. The following policies apply to the proposal:

POLICY

2.1.6 *Planning authorities should support the achievement of complete communities by:*

a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;

b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and

c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

ANALYSIS

The Subject Lands are within a settlement area of Niagara Falls, supported by existing municipal and wastewater infrastructure. The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development on currently underutilized lands in an area with a variety of land uses, services and transit options. Further, there are several publicly accessible parks within walking distance of the Subject Lands.

The range of land uses, and accessible active transportation options helps improve the overall quality of life for the residents of the proposed development.

5.2.2. Housing

The PPS provides the following policies with respect to housing:

POLICY

2.2.1 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

ANALYSIS

The proposal facilitates a mix of housing through the development of a townhouse block consisting of three (3) on-street townhouse dwelling units on two (2) underutilized lots on a Regional public transit route. As of 2021 census records, the City of Niagara Falls had 37,795 private dwelling units, of which 24,990 (66%) were single detached dwellings.¹ The proposed development will assist in providing a range of housing options within the municipality.

5.2.3. Settlement Areas

The PPS provides the following policies with respect to settlement areas:

POLICY

2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) optimize existing and planned infrastructure and public service facilities;

c) support active transportation;

d) are transit-supportive, as appropriate, and

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a

¹ Profile table, Census Profile, 2021 Census of Population - Niagara Falls, City (CY) [Census subdivision], Ontario

range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

ANALYSIS

The proposed development would support the efficient use of land within a Settlement Area by providing development at a density that can be serviced by existing municipal infrastructure. The Subject Lands are located on the Region's Strategic Cycling Network and a Regional transit corridor, supporting the use of active and public transportation infrastructure. A Regional transit stop is located directly beside the property, enhancing access to public transit servicing the City and larger Niagara Region.

5.2.4 Energy Conservation, Air Quality, and Climate Change

Section 2.9 of the PPS provides policies regarding Energy Conservation, Air Quality, and Climate Change. The following policy applies to the proposed development:

POLICY

2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

a) support the achievement of compact, transit-supportive, and complete communities;

e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

ANALYSIS

The proposed development features a compact built-form with an appropriate density for the neighbourhood. Its strategic location along a key cycling route, existing transit infrastructure, and proximity to commercial areas, parks, and institutional facilities promotes walkability and supports multi-modal transportation options – in turn helping to reduce greenhouse gas emissions.

5.2.5 Transportation Systems

Section 3.2 of the PPS provides policies regarding transportation systems. The following policies apply to the proposal:

POLICY

3.2.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

ANALYSIS

The proposed townhouse development will front onto Orchard Avenue, but it is important to note that the Subject Lands current front on Dunn Street – which is an arterial road containing a range of transit options including public and active transportation

infrastructure. As such the development will make efficient use of existing and future transportation infrastructure on Dunn Street.

5.2.6 Sewage, Water and Stormwater

Section 3.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

3.6.2 Municipal Sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage and municipal water services include both centralized servicing systems and decentralized servicing systems.

ANALYSIS

The proposed development would connect to existing servicing infrastructure on Orchard Avenue. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas.

5.2.7 Cultural Heritage and Archaeology

Section 4.6 of the PPS provides policy direction regarding cultural heritage and archaeology. The following applies to the proposal:

POLICY

4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.

ANALYSIS

A Stage 1-2 Archaeological Assessment prepared by AMICK Consultants Limited did not identify and/or recover archaeological resources on the Subject Lands and recommends no further archaeological assessment be undertaken.

CONCLUSION

Based on the above the proposed development is consistent with the PPS.

5.3 NIAGARA OFFICIAL PLAN

The Niagara Official Plan (NOP) is intended “to guide the physical, economic and social development of the Regional Municipality of Niagara”. It contains objectives, policies and mapping that implement the Region’s approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure. The Niagara Region lost its planning authority on March 31, 2025; however, the Regional Official Plan policies will still be applicable for development applications.

The Subject Lands are located within the Region's Delineated Built-Up Area. **Table 5** below identifies the land-use designations that are applicable to the Subject Lands.

Table 5 – NOP Schedules

| NIAGARA OFFICIAL PLAN SCHEDULES (see Appendix B) | |
|---|--|
| Schedule B – Regional Structure | <i>Delineated Built-Up Area</i> |
| Schedule J2 – Strategic Cycling Network | <i>Dunn Street is part of the Region's Strategic Cycling Network</i> |
| Schedule K – Areas of Archaeological Potential | <i>The Subject Lands are in the Area of Archaeological Potential</i> |

5.3.1 Managing Urban Growth

Section 2.2.1 of the NOP provides general direction with respect to managing growth. The following apply to the proposal:

POLICY

Section 2.2.1 – Managing Urban Growth

2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;

c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

i. a range of transportation options, including public transit and active transportation

e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;

f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;

h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;

i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;

k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and

l) mitigation and adaptation to the impacts of climate change by:

iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

ANALYSIS

The Subject Lands are located within the Region's Delineated Built-Up Area. The proposed development facilitates residential intensification via a dwelling type with a compact built form and provides a range of housing options that is compatible with the existing neighbourhood. Sidewalks exist on Orchard Avenue and pedestrian walkways connecting the development to the municipal sidewalk are proposed. Further, there is a public transit stop on the Dunn Street frontage of the Subject Lands and existing active transportation infrastructure along Dunn Street as it is part of the Region's Strategic Cycling Network.

5.3.2 Housing

Section 2.3.1 contains the Region's housing policies. The following apply:

POLICY

Section 2.3.1 – Provide a Mix of Housing Options

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

2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

a) facilitating compact built form;

ANALYSIS

As mentioned in the City's 2021 Census data, the City of Niagara Falls includes 37,795 private dwelling units, with single detached homes comprising 24,990 units, or 66% of the total. The proposed development introduces a three (3)-unit on-street townhouse block, which is a relatively uncommon built form in the City and represents the efficient use of

land that is compatible with the existing neighbourhood. Each townhouse unit is proposed to have three (3) bedrooms to support residents at varying stages of life, including families.

5.3.3 Economic Prosperity

Section 4.5.2 of the NOP provides policy direction related to supporting economic prosperity through land use planning.

POLICY

Section 4.5.2 – Economic Prosperity through Land-Use Planning

4.5.2.1 *This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:*

- a) attract employers and workers to the region by:
 - i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;**

ANALYSIS

The proposed development will feature three (3)-bedroom townhouse units providing housing ownership opportunities for residents at a variety of stages of life, in proximity to a range of uses, supporting economic prosperity in the Region through the provision of attainable housing.

5.3.4 Infrastructure

Section 5.2 of the NOP includes policies which ensure the Region's existing and future development is supported by infrastructure that is planned, constructed and managed in an integrated, efficient and environmentally sustainable manner.

POLICY

Section 5.2.2 – Municipal Water and Wastewater Servicing within Urban Areas

- 5.2.2.1** *Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.*
- 5.2.2.2** *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*
- 5.2.2.4** *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

Section 5.2.5 – Stormwater Management and the Planning Process

- 5.2.5.1** *All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

ANALYSIS

The comments received during pre-consultation from the City's Engineering department confirm that there is existing municipal infrastructure along Dunn Street and Orchard Avenue. It is anticipated there is sufficient servicing capacity for the proposed development as no concerns were raised by City staff.

5.3.4 Built Form and Active Transportation

Sections 6.2 and 6.3 of the NOP include urban design and healthy community policies to be considered in planning matters.

POLICY

Section 6.2.1 – Excellence in Urban Design

- 6.2.1.8** *The Region shall promote:*
- a) the creation of liveable and vibrant urban areas and streets;*
 - b) community design that:*
 - i. offers a range of transportation options, including public transit and active transportation;*
 - ii. respects the complete streets approach by creating safe and attractive interconnected streets; and,*
 - iii. encourages a mix of land uses, a vibrant public realm and compact built form;*

Section 6.3.1 – Plan Healthy and Safe Communities

- 6.3.1.1** *The Region shall support healthy communities by:*
- a) creating built form that provides healthy living;*
 - b) planning for all ages, incomes, abilities and populations; and,*
 - c) supporting walkable and bikeable neighbourhoods through active transportation.*

ANALYSIS

The proposed three (3)-unit townhouse development demonstrates a compact built form that integrates with its surroundings. Private walkways are provided connecting each unit to the existing municipal sidewalk on Orchard Avenue. Front facing balconies are proposed providing a connection between the private and public realm and contributing to a more vibrant streetscape.

The site benefits from its proximity to an active Regional transit route and a dedicated bicycle route (part of the Region's strategic cycling network) on Dunn Street. These features promote alternative forms of transportation and in turn reduce reliance on

personal vehicle travel. Overall, the design and location of the proposed development contribute to achieving the Region's goal of urban design excellence and healthy communities.

5.3.5 Archaeology

Sections 6.4 of the NOP include policies related to archaeology. The following apply:

POLICY

6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province

ANALYSIS

An Archaeological Assessment was completed by AMICK Consultants Limited to evaluate the archaeological potential on the Subject Lands. There were no archaeological findings, and no further archaeological assessment is recommended.

SUMMARY

Based on the foregoing, the proposed development conforms with the policies of the Niagara Official Plan by providing housing in the built-up area which supports a walkable and transit-oriented neighborhood and contributes to urban design excellence.

5.4 City of Niagara Falls Official Plan

The Niagara Falls Official Plan (City OP) has a 20-year vision outlining long term objectives and policies of the City concerning the growth and development of urban lands and the provision of necessary infrastructure. It is the intent of this Plan to focus on new growth to accommodate people and jobs in a sustainable fashion that makes for an orderly and effective use of land and infrastructure and creates compact and livable communities.

The following are Growth Objectives for the City relevant to the proposal:

- *To direct growth to the urban area and away from non-urban areas.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*
- *To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.*

Relevant Policies and Analysis

The following table identifies the City Schedules pertaining to the Subject Lands:

Table 6 – Niagara Falls Official Plan Schedules

| SCHEDULE | SUBJECT LAND DESIGNATION |
|-----------------------------------|--|
| A – Future Land Use | Residential |
| A2 – Urban Structure | Built-up Area; Corridor |
| B – Phasing of Development | Existing Municipal Service Area |
| C – Roads | Dunn Street – Arterial Road Orchard Avenue – Local Road |
| D – Communities | The Subject Lands are in the community of Drummond. |

5.4.1 Intensification

Part 1, Section 3 of the City OP provides strategic direction related to intensification within the Built Area Boundary. The following is relevant to the proposed development:

POLICIES

GENERAL POLICIES

- 3.1 *Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.*
- 3.3 *The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.*
- 3.4 *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.*

INTENSIFICATION CORRIDORS

- 3.5 *Intensification Corridors contain lands that front onto arterial roads and have the 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.*
- 3.6 *Proposals for residential development shall comply with the policies of Part 2, Section 1.10.5(ii) with respect to building height and density for the following intensification corridors, as shown on Schedule A-2:*

1. *Dunn Street*

Proposals within these intensification corridors may develop in accordance with the policies of PART 2, Section 1.10.5(iii)(iii) should the subject lands have sufficient lot area, street frontage and other site attributes that allow for the development of increased densities.

ANALYSIS

The Subject Lands currently front onto Dunn Street but are proposed to be severed to accommodate the proposed townhouse development with frontage on a new lot along Orchard Avenue.

The surrounding lands consists of a mix of one (1) to 2.5-storey detached and townhouse dwellings, including the neighboring property to the north (6620 Orchard Avenue), which is 2.5-storeys in height. The proposed development at 3 storeys (11.1 meters), represents a 1.1-meter height increase from the existing permissions under the R4 zone and adjacent R1E zone. This minor height increase maintains land use compatibility by providing a scale similar to abutting properties, coupled with substantial rear yard (7 metres) and side yard setbacks to address privacy concerns for neighboring lands. It is anticipated that this increase in height will not result in increased privacy impacts to the rear yard of the adjacent 5959 Dunn Street.

Additionally, the proposed building is oriented to align with the dwelling at 6620 Orchard Avenue, minimizing shadowing impacts on adjacent private outdoor amenity areas. The orientation of the new lot along Orchard Avenue ensures that the frontage and massing are consistent with the neighborhood's streetscape and urban fabric. By incorporating these design measures and setbacks, the proposed development achieves integration into the existing community while meeting intensification objectives.

5.4.2. Housing

Part 1, Section 4 of the City OP provides policies related to housing. The following applies to the Application:

GOALS

1. *Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.*
2. *Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).*
3. *Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.*

POLICY

- 4.1 *The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:*
 - *Promote a greater diversity of housing types*

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

- 4.3.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
- 4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- 4.3.3 *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
- 4.3.4 *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*

4.6 *The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.*

4.8 *Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.*

As such, the City has set an annual target of 40% of all new units meeting the definition of “affordable”. In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:

- a) *135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable (moderate-income households).*

ANALYSIS

The Application aligns with the goals and objectives outlined in the City OP by adding to the range and mix of unit types that are available in the City. The proposed development provides a three (3)-unit townhouse block – a building form that is generally uncommon in the City, proposed to achieve full utilization of the Subject Lands. Housing affordability is analyzed within Section 5.4.3 below.

5.4.3 Housing Impact Statement

Part 1, Section 4, Policy 4.4 of the City OP requires the submission of a housing impact statement to be included with an application for Zoning By-law Amendment. The following is an analysis of the information required to be submitted with the housing impact statement:

POLICY & ANALYSIS

Table 7 – Housing Impact Statement

| Section | Policy | Analysis |
|---------------|---|---|
| 4.4 a) | <i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i> | The application will facilitate the development of a three (3)-unit townhouse block, with each townhouse containing three bedrooms. |
| 4.4 b) | <i>How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);</i> | <p>The Application will facilitate the development of 3 new housing units for the City of Niagara Falls, contributing to the City's growth target of 674 new units annually.</p> <p>As the development is in its early stages there is no information on the anticipated prices that the units will be sold for. However, the townhouse units are anticipated to be sold at market rate, and as such contribute to achieving the City's target of 404 market rate units built per year, providing a greater supply of housing units supporting housing affordability.</p> |
| 4.4 c) | <i>The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;</i> | The development is in its preliminary stages and the anticipated prices per unit are unknown at the time. As discussed above, the proposed development is anticipated to be market rate and will contribute to the available supply of housing helping support housing affordability. |
| 4.4 d) | <i>Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable;</i> | This policy is not applicable to the proposed Application. |

| | | |
|---------------|---|--|
| 4.4 e) | <i>The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.</i> | This policy is not applicable to the proposed Application. |
|---------------|---|--|

5.4.4 Residential

Part 2 Section 1 of the City OP provides policies related to residential uses. The following policies apply to the proposal:

POLICY

- 1.1 *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadraplexis, townhouses, apartments, group homes and other forms of residential accommodation.*
- 1.5 *Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.*
- 1.7 *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*

BUILT-UP AREA

- 1.10 *It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:*
 - 1.10.1 *The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*
 - 1.10.2 *A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.*

1.10.2 *Generally, development within the Built-up Area should be at a higher density that what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.*

1.10.5 *Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:*

(i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood.

(ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

ANALYSIS

The proposed development is planned to achieve a density of approximately 45.9 units per hectare at a height of 3 storeys (11.1 meters). The proposed development would facilitate the gradual increase in building heights and densities within the existing neighbourhood.

Currently, the Subject Lands feature frontage on Dunn Street and are subject to the Dunn Street Intensification Corridor policies outlined in Part 1, Section 3 of the City OP. However, following Consent approval, the townhouse block (Parts 1 and 3) will have frontage on Orchard Avenue and as such are no longer are subject to the Dunn Street Intensification Corridor policies.

Policy 1.10.5 (i) permits a maximum density of 40 units per hectare whereas the proposed development slightly exceeds this with a density of 45.9 units per hectare. This proposed density generally aligns with the intent of the City OP by balancing the need to provide

diverse housing forms with increased densities in proximity to an intensification corridor, while maintaining compatibility with the existing neighbourhood. Although the townhouse development slightly exceeds the 40-unit per hectare maximum, it aligns with the policy's intent on increasing the amount of multiple residential accommodations to create a mix of housing types while facilitating a gradual increase in density when approaching the Dunn Street intensification corridor, which features a minimum density of 50 units per hectare. The proposed density will maintain land use compatibility by providing sufficient lot area and separation for the townhouse block while facilitating the efficient use of land adjacent to an intensification corridor. Prior correspondence with City of Niagara Falls planning staff confirmed that the proposed density maintains the intent of the City OP by facilitating a gradation of density and building heights in proximity to an intensification corridor, and as such an Official Plan Amendment is not required (please see Appendix F).

The proposed development supports the City OP's vision of a gradation in building heights and densities, creating a transition between lower-density residential areas and the higher-density intensification corridor. A 2.5 metre interior side yard setback is proposed to provide sufficient horizontal separation between the proposed townhouse block and adjacent uses, maintaining compatibility.

5.4.5. Infrastructure and Servicing

Part 3 Section 1 of the City OP provides policies related to municipal infrastructure and servicing. The following policies apply:

POLICY

- 1.1.1 *Schedule B illustrates the Phasing Plan for the City. Lands shall be brought into the development stream in accordance with Schedule B and the policies of this section. Moreover, plans for expansion of existing services, or for new services are to serve growth in a manner that supports the achievement of the greenfield density target and the intensification target of this Plan.*
- 1.2.4 *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available.*
- 1.3.1 *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

ANALYSIS

The Subject Lands front and intend to connect to existing municipal water and sanitary services along Orchard Avenue. City Engineering Staff did not raise any capacity concerns during pre-consultation.

5.4.6 Energy Conservation

Part 3, Section 3.1 of the City OP include the following policies to promote opportunities for energy efficiency:

POLICY

3.1.1 The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged. This approach is advocated by the Future Land Use Schedule "A" and may be further refined through secondary plans. In order to achieve energy efficiency, the following shall be considered.

3.1.1.1 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.

ANALYSIS

The proposed development conforms with the above policies of the City OP, by intensifying in proximity to transit routes, and several commercial and employment opportunities. Intensifying in proximity to transit and a mix of land uses is an energy efficient form of development, as it is anticipated to reduce automobile-dependence.

5.4.5. Urban Design

Part 3 Section 5 of the City OP provides policies related to urban design. The following policies apply:

POLICY

5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.

5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.

5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be

deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.

- 5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.*
- 5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*
- 5.1.7 The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*
- 5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*
- 5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*

ANALYSIS

Part 3 Section 5 of the City OP establishes urban design policies. The proposed development's design is evaluated against the relevant policies of this section.

The Subject Lands are surrounded by residential uses with single detached dwellings to the north and west, and multi-unit townhouse built form across Orchard Avenue to the west. The surrounding properties range from 1 to 2.5-storeys in height, with the dwelling abutting to the north at 6620 Orchard Avenue having a height of 2.5-storeys. The proposed development is aligned with the siting of the dwelling on 6620 Orchard Avenue in turn maintaining the existing streetscape. The proposed development will be set back 2.5 metres at the north and south interior lot lines, and will feature a 7-metre rear yard setback from the eastern property line. An additional 1.2 metre setback from 5959 Dunn Street is provided making the true separation distance between the proposed development and the existing dwelling closer to 8.2 metres. This setback distance minimizes shadowing and privacy concerns. The proposed development features 2.5 metre interior side yard setbacks, which when combined with the existing setbacks of the dwellings at 5969 & 5981 Dunn Street, creates a total separation distance of 10.5-13.7 metres. The proposed development has been consciously designed to achieve a compatible relationship with adjacent lands with regards to its height, massing, and siting.

- The proposal is for one (1) block containing three (3) on-street townhouse units oriented to Orchard Avenue. The façade facing Orchard Avenue will contain distinct architectural features and fenestration that will mesh with the existing streetscape. Each unit will contain private sidewalk connections from the unit to the existing municipal sidewalk on Orchard Avenue facilitating pedestrian connections to the public realm.
- The units will contain private driveway parking spaces in the front yards, as well as the possibility of parking in garages associated with each unit. The intent of Policy 5.1.5 is to limit the extent of parking areas along the frontage of a property to ensure they are not unsightly. By limiting the extent of the front yard parking to driveways that directly serve individual units and providing driveway access to garages, the proposal avoids creating large, expansive parking areas that dominate the streetscape. The proposed development provides adequate landscaping space around the driveway parking areas. A landscape strip approximately 3.4 metres in width along the front yard will provide further landscape screening ensuring the frontage of the units will be visually appealing and unimpacted from parking.
- Access to each unit is proposed via private driveways from Orchard Avenue – a City-designated local road.
- The proposed development will feature large windows, front and rear balconies, as well as private rooftop amenity spaces that will have “eyes on the street” benefits and in turn promote safety. The development will feature a modern design with brick accents which will complement the facades of the existing dwellings in the neighbourhood as shown in Figure 2 below.

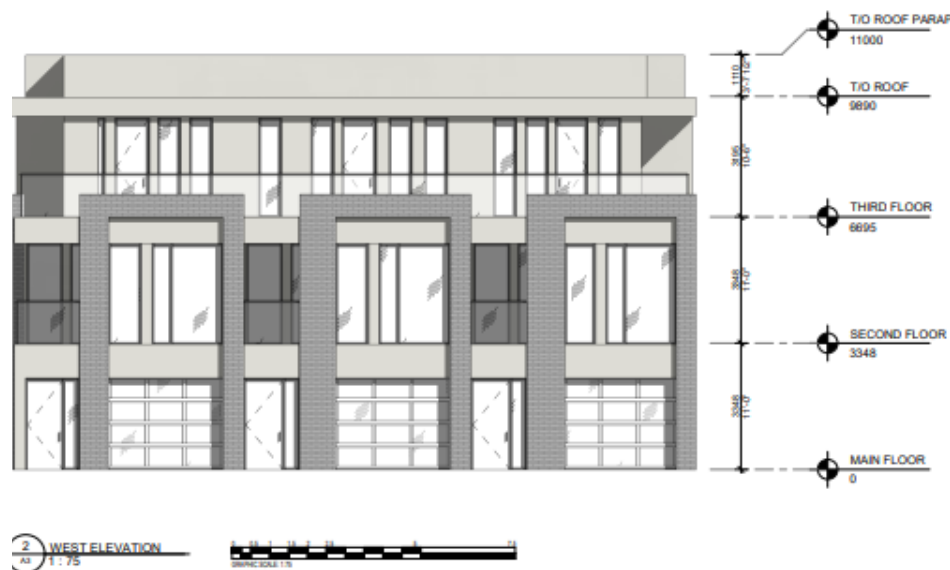


Figure 5 - Proposed Exterior Elevation

5.4.5. Consent Policies

Part 4 Section 8 of the City OP provides policies related to consent applications. The following policies apply:

POLICY

8.1 CONSENT POLICIES FOR URBAN AREAS

- 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.*
- 8.1.2 *Consents may be permitted for 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.*
- 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.*

ANALYSIS

The proposed Consent applications facilitate the future infill townhouse development which will have frontage on Orchard Avenue. Zoning analysis for the proposed development is contained within Section 6.0 below. A boundary adjustment is also proposed.

SUMMARY

To summarize, the proposed development conforms with the overarching vision set forth in the City OP. The proposed development actively contributes to the City's intensification objectives and enhances the supply of and diversity of housing units through a well-designed, compact, walkable, and transit-oriented development.

6.0 Zoning

The Subject Lands are presently zoned Residential Low Density Grouped Multiple Dwelling Zone (R4) per City of Niagara Falls Zoning By-law No. 79-200. To facilitate the proposed development the Owner seeks to rezone the Subject Lands to a Site-Specific Residential Low Density Grouped Multiple Dwelling Zone (R4-XX) Zone with provisions related to: permitted use, lot area, minimum lot area, maximum height, rear yard depth, interior side yard, lot coverage, minimum privacy yard, and parking in yards.

The table below analyzes the proposed development against the provision of the R4 Zone. Section 6.1 provides zoning justification related to the departures.

Table 8 - Zoning Analysis

| REGULATION | R4 ZONE REQUIREMENT | PROPOSED | COMPLIANCE |
|---------------------------------|--|---|-----------------------------|
| Permitted Uses | (a) Townhouse dwelling not containing more than 8 dwelling units (b) An apartment dwelling (c) A stacked townhouse dwelling (d) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units (e) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14 (f) A Home Occupation in a detached dwelling, or a dwelling unit of a semi-detached dwelling or a duplex dwelling, subject to the provisions of section 5.5 | (a) An On-street Townhouse dwelling (b) An Existing Single-detached dwelling | No |
| Minimum lot area | For a townhouse dwelling: 250 sqm (2,691 sq. ft.) for each dwelling unit | Townhouse: 218.74 sqm/ dwelling unit | No |
| Minimum lot frontage | For a townhouse dwelling containing four dwelling units or less on an interior lot: 24 metres | Townhouse: 23 metres Existing Detached Dwelling: 13.2 metres | No |
| Minimum front yard depth | 6 metres (19.7 ft) plus any applicable distance specified in section 4.27.1 | Townhouse: 6 metres Existing Detached Dwelling: 0 metres | Yes No |
| Minimum rear yard depth | 7.5 metres (24.61 ft) plus any applicable distance specified in section 4.27.1 | Townhouse: 7 metres Existing Detached Dwelling (5969 Dunn | No Yes |

5969 & 5981 Dunn Street - ZBA & Consent - Planning Justification Report

| | | | |
|--|---|--|--|
| | | St): 8 metres Existing Dwelling (5981 Dunn St.): 11.2 metres | |
| Minimum interior side yard width | One-half the height of the building (11.1 m/2 = 5.5 m for townhouse) | Townhouse: 2.5 metres Existing Dwelling (5969 Dunn St.): 2.75 metres (post boundary adjustment (west)) 3.25 metres (east) Existing Dwelling (5981 Dunn St.): 6.2 metres (pre boundary adjustment) 7.16 metres (post boundary adjustment) | No No |
| Minimum exterior side yard width | 4.5 metres (14.8 ft) plus any applicable distance specified in section 4.27.1 | Existing Dwelling (5981 Dunn St.): 0.55 metres | No |
| Maximum lot coverage | 35% | Townhouse: 42.3% Existing Dwelling: Dwelling on Part 4: 20.86% Dwelling on Part 2: 26.93% (excluding Part 5) 25.2% (including Part 5) | No Yes |
| Maximum height of building or structure | 10 metres (32.81 ft) subject to section 4.7 | Townhouse: 11.1 metres Existing Dwelling: <10 metres | No Yes |
| Number of dwellings on one lot | Subject to compliance with section 7.9.3, more than one dwelling is permitted | 3 on-street townhouse dwelling units on one lot | Yes |

| | | | |
|--|---|---|------------|
| | on one lot | | |
| Parking and access requirements | In accordance with section 4.19.1: 1 parking space for each dwelling unit. 3 total spaces required | Townhouse: 3 driveway parking spaces provided Existing Detached Dwelling: Driveway parking is provided | Yes |
| Minimum Landscaped Open Space | 45 sqm (484.4 sq. ft.) for each dwelling unit | Townhouse: Approx. 89.14 sqm / unit Existing Detached Dwelling: >45 sqm metres | Yes |
| Minimum Privacy Yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit | 7.5 m | 7 m | No |
| Section 4. General Provisions | | | |
| Accessory Buildings and Setbacks | An accessory building or accessory structure may be erected in an interior side yard provided that it is distant not less than 1.2 metres (3.94 ft) from the side lot line. Notwithstanding the foregoing, common semi-detached private garages may be centred on the mutual lot line if erected simultaneously on two abutting lots and as one building. | 0.9 metres | No |
| Parking Areas (Section 4.19) | <u>Table 2 Surface Parking Area</u> Dimensions: 2.75 m (min) x 6 m | 3 m x 6 m (parking provided in driveway) | Yes |
| Parking in Yards (Section 4.19.3) | Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard | Each unit will feature a minimum 1.2 metre landscape strip in the front yard. However, | No |

| | | | |
|--|--|---|--|
| | <p>of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or a decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, and in accordance with the following regulations;</p> <p>(i) If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall have a minimum width of 1.5 metres.</p> <p>(ii) The height of a decorative wall or fence shall be a minimum of 1 metre above the average level of the parking area in the front yard.</p> <p>(iii) Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;</p> <p>(iv) Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.</p> | <p>required parking is provided within the garage</p> | |
|--|--|---|--|

6.1 Zoning Justification

This section will provide justification related to the zoning departures captured in Table 8 above.

EXISTING SINGLE DETACHED DWELLING DEPARTURES

Due to the existing single detached dwellings being a legal non-conforming use, the single detached dwellings are not compliant with the provisions of the R4 Zone. As existing, the R4 zone does not permit single detached dwellings. The proposed Draft Zoning By-law Amendment (contained in **Appendix E**) seeks to add Single Detached Dwellings as a permitted use and recognize the existing setbacks. As these uses and setbacks are existing no compatibility conflicts are anticipated from their continued use. The existing garage on Part 2 currently has a 0 metre interior side yard setback. The proposed lot configuration provides a 0.9 metre setback facilitating an improvement on the existing use.

PERMITTED USES

Permitted: Townhouse Dwelling

Proposed: On-street Townhouse Dwelling, Single Detached Dwelling

A Zoning By-law Amendment is requested to amend the permitted uses section of By-law 79-200 to include the proposed use on the Subject Lands being **On-Street Townhouse dwellings**. The existing R4 Zone permits a range of higher density housing forms, including townhouse dwellings containing not more than 8 units. The proposed housing form is an on-street townhouse dwelling that contains 3 units and is similar in scale to regular townhouses and adds to the mix of housing provided in the City.

MINIMUM LOT AREA

Required: 250 sqm for each townhouse dwelling unit

Proposed: 218.74 sqm for each townhouse dwelling unit

The intent of this provision in the zoning by-law is to provide sufficient space for landscaping and amenity areas. The proposed units will have sufficient room for landscaping, parking, and front and rear amenity area. The proposed townhouses are adjacent to an intensification corridor and as such the decreased lot area per dwelling unit, which corresponds to increased density, is appropriate and necessary to facilitate the development as proposed.

MINIMUM LOT FRONTAGE

Required: 24 metres for a townhouse dwelling containing four units or less

Proposed: 23 metres for a on-street townhouse block or 6 metres per unit

The intent of the minimum lot frontage requirement in the City's Zoning By-law is to ensure that parcels have adequate room for access and safety from the public street. The amendment seeks to permit a frontage of 23 metres where 24 metres is required. Each unit is proposed to be 6 metres in width (18 metres total for three units) with 2.5 metre interior side yards. The proposed townhouses front onto Orchard Avenue, a local road, with decreased traffic flows, and will be accessed via private individual driveways. There

is sufficient buffering, including separation between each driveway area maintaining pedestrian safety. Based on the above, the reduced frontage is not anticipated to result in negative impacts and can be supported.

MINIMUM REAR YARD DEPTH

Required: 7.5 metres for each townhouse dwelling unit

Proposed: 7 metres for each townhouse dwelling unit

The intent of the minimum rear yard depth provision is to ensure that appropriate separation is maintained between adjacent properties/dwellings from the rear lot line and to ensure that sufficient private amenity space is provided in the rear yards. The reduction sought is for 0.5 metres, which is minimal and maintains sufficient separation for landscaping and amenity areas. The reduction has no significant impacts on the surrounding properties and maintains an appropriate amount of separation and landscaping between adjoining lots.

MINIMUM INTERIOR SIDE YARD WIDTH

Required: One-half the building height (5.55 metres)

Proposed: 2.5 metres

The intent of the minimum interior side yard width provision is to ensure adequate space between buildings for purposes such as access, maintenance, landscaping and privacy. The interior side yard width will be sufficient in size for access and maintenance. Further the separation provides sufficient space from the abutting property to the north to mitigate massing impacts, for a gradual increase in building height approaching Dunn Street.

MAXIMUM LOT COVERAGE

Required: 35%

Proposed: 42.3%

The intent of the maximum lot coverage provision is to maintain appropriate density and sufficient space for stormwater management and landscaping area. As the lands are in proximity to an intensification corridor the increased coverage is appropriate and will provide sufficient greenspace for landscaping and stormwater drainage.

MAXIMUM HEIGHT OF BUILDING OR STRUCTURE

Required: 10 metres

Proposed: 11.1 metres

The intent of the height provision in the R4 zone is to maintain the character of the neighbourhood, preserve privacy, and minimize shadowing on adjacent lands. The proposed development requests a modest height increase of 1.1 metres beyond the permitted 10 metres. To mitigate potential impacts, the building will be set back 6 metres from Orchard Avenue, aligning with the siting of the adjacent dwelling at 6620 Orchard

Avenue. Additionally, sufficient setbacks—including a 7-metre rear yard setback and 2.5 metre interior side yard setbacks—will minimize privacy and shadowing concerns for neighboring properties.

The site is adjacent to the Dunn Street intensification corridor, where increased heights and densities are encouraged. If the adjacent properties at 5959 and 5951 Dunn Street were to redevelop, they would be subject to these policies, further reinforcing the appropriateness of the proposed height.

MINIMUM PRIVACY YARD DEPTH

Required: 7.5 metres

Proposed: 7 metres

The intent of the minimum privacy yard depth requirement is to ensure adequate separation between adjacent properties to maintain privacy. The proposed reduction from 7.5 m to 7 m is minor and is not anticipated to have negative privacy implications on surrounding properties and residents of the proposed development.

ACCESSORY BUILDINGS AND SETBACKS

Required: 1.2 metres

Proposed: 0.9 metres

The existing garage currently has a 0.0 metre setback. The proposed setback represents an improvement on the existing situation for its continued use and provides sufficient space for access and maintenance.

PARKING IN YARDS

Required: 3.0 metre landscape open space strip

Proposed: 1.2 metre landscape open space strip

Parking for the proposed development is primarily accommodated within each unit's garage. In cases where tandem parking occurs on the driveway, a 1.2 metre landscaped open space strip is maintained, which is sufficient to mitigate potential impacts on the streetscape. This landscaped area provides a visual buffer and helps maintain an appropriate separation between parked vehicles and adjacent units.

7.0 Summary and Conclusion

The proposed development of back-to-back townhouses is within the Built-up Area and will provide for the development of 3 new residential units in the City. It is our opinion the proposed Zoning By-law Amendment and Consent Applications represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed development is consistent with the Provincial Planning Statement (2024) and is in conformity with the Niagara Official Plan, and the City of Niagara Falls Official Plan.

- The Subject Lands are located within proximity to commercial nodes and transit facilities and support the vision of building a walkable and bikeable community.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as grocery stores, schools, parks and open spaces near the Subject Lands.
- The proposed units will contribute to diversify the existing housing mix in the neighbourhood.
- The proposal is an example of efficient use of lands.
- The proposal is supported by reports prepared by qualified professionals, subject to relevant recommendations, that confirm that no significant environmental or servicing impacts as a result of the development.
- The proposed development increases the housing stock within the City of Niagara Falls by facilitating residential dwellings in the form of on-street townhouse units, which are an uncommon housing form in the City.

Report prepared by:



Dan Banatkiewicz, Hons. B.A

Planner

NPG Planning Solutions Inc

Report reviewed by:



Max Fedchyshak, MCIP RPP

Senior Planner

NPG Planning Solutions Inc

8.0 Appendices

Appendix A – Niagara Region Official Plan Schedules

Appendix B – City of Niagara Falls Official Plan Schedules

Appendix C – City of Niagara Falls Zoning By-law Map

Appendix D – Site Plan

Appendix E – Draft Zoning By-law Amendment

Appendix F – Email Correspondence with City Staff

Appendix A – Niagara Region Official Plan Schedules

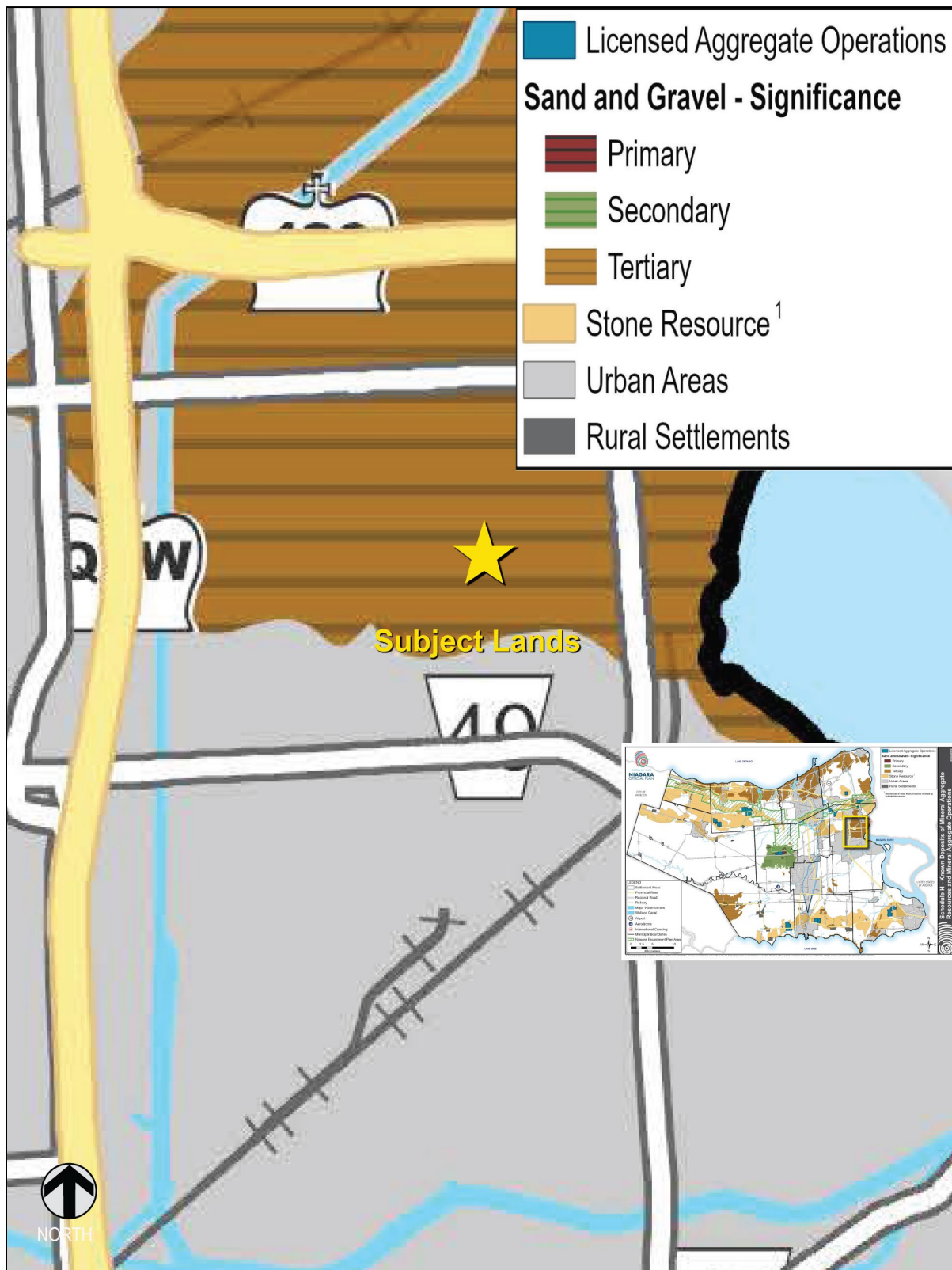
Schedule B: Regional Structure



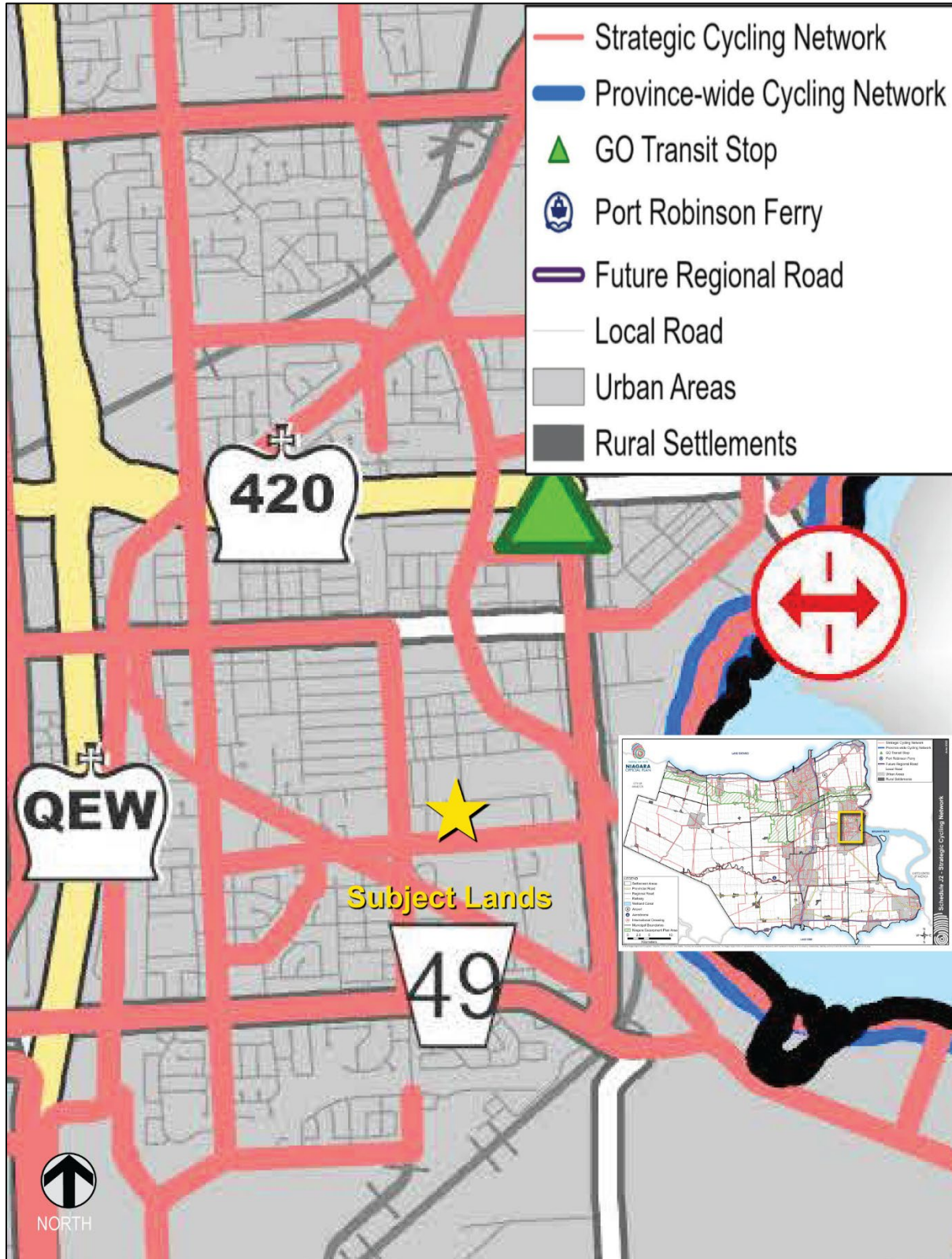
Schedule C3: Key Hydrologic Areas Overlay



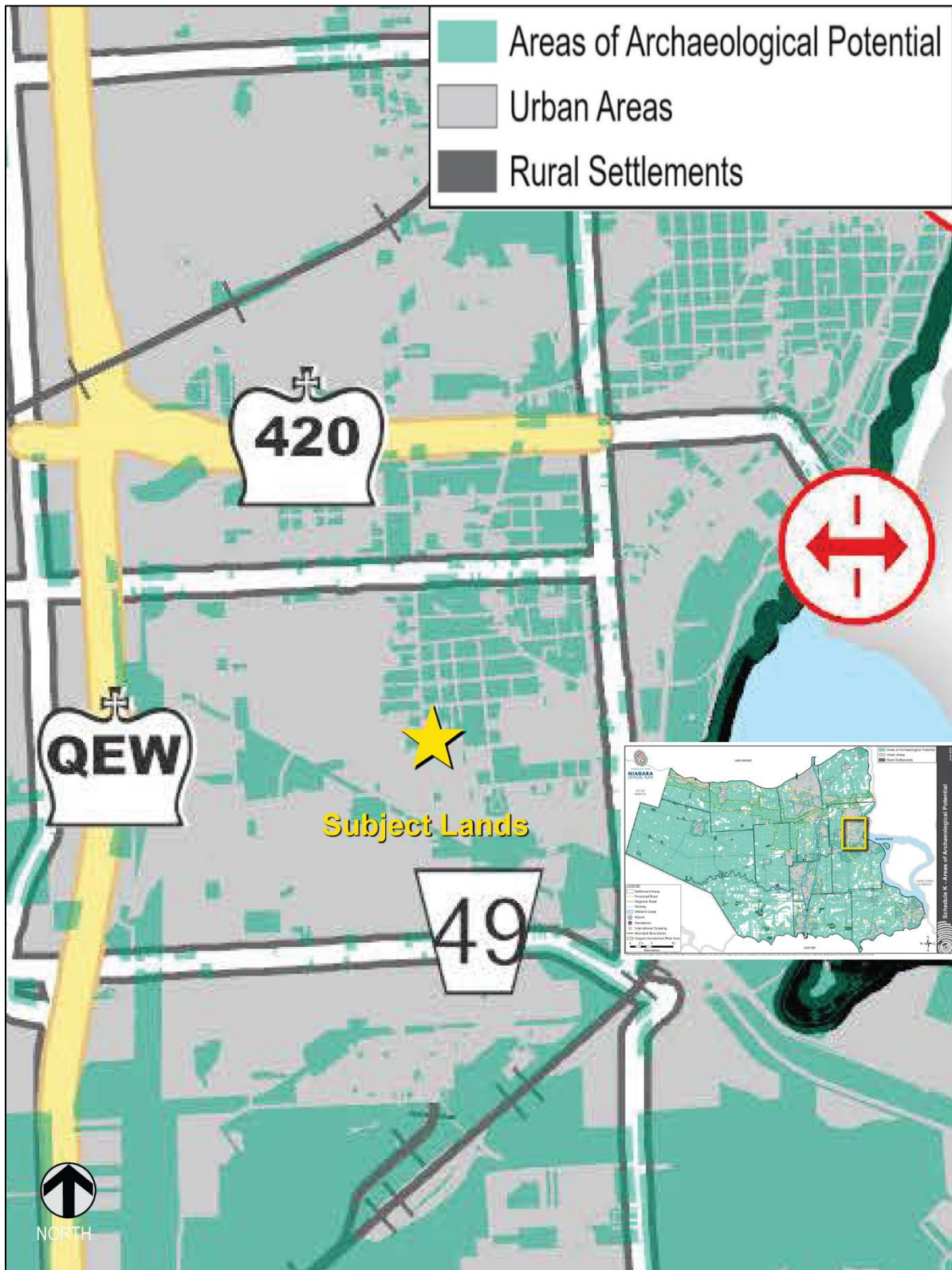
Schedule H: Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations



Schedule J2: Strategic Cycling Network

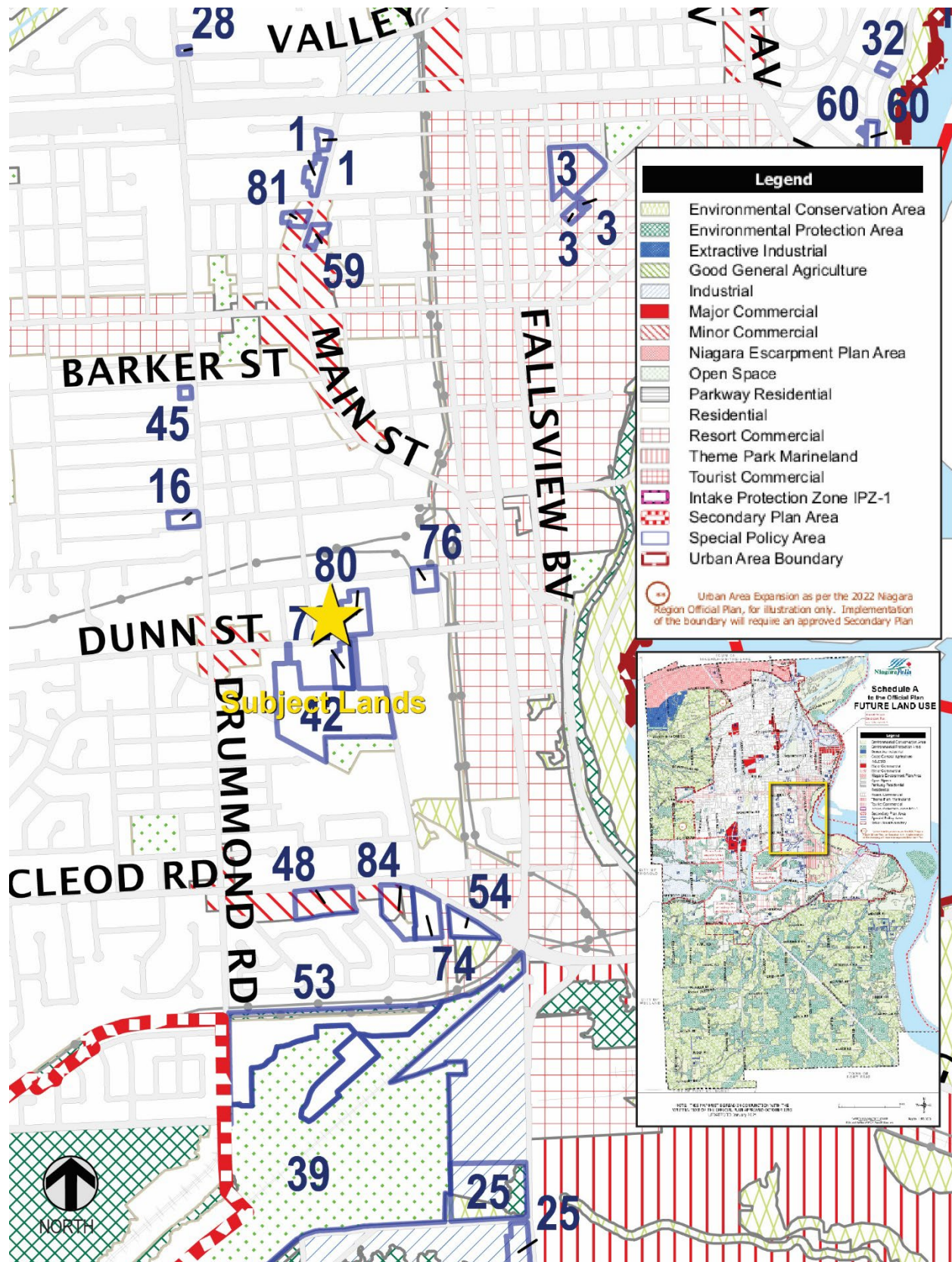


Schedule K: Areas of Archaeological Potential

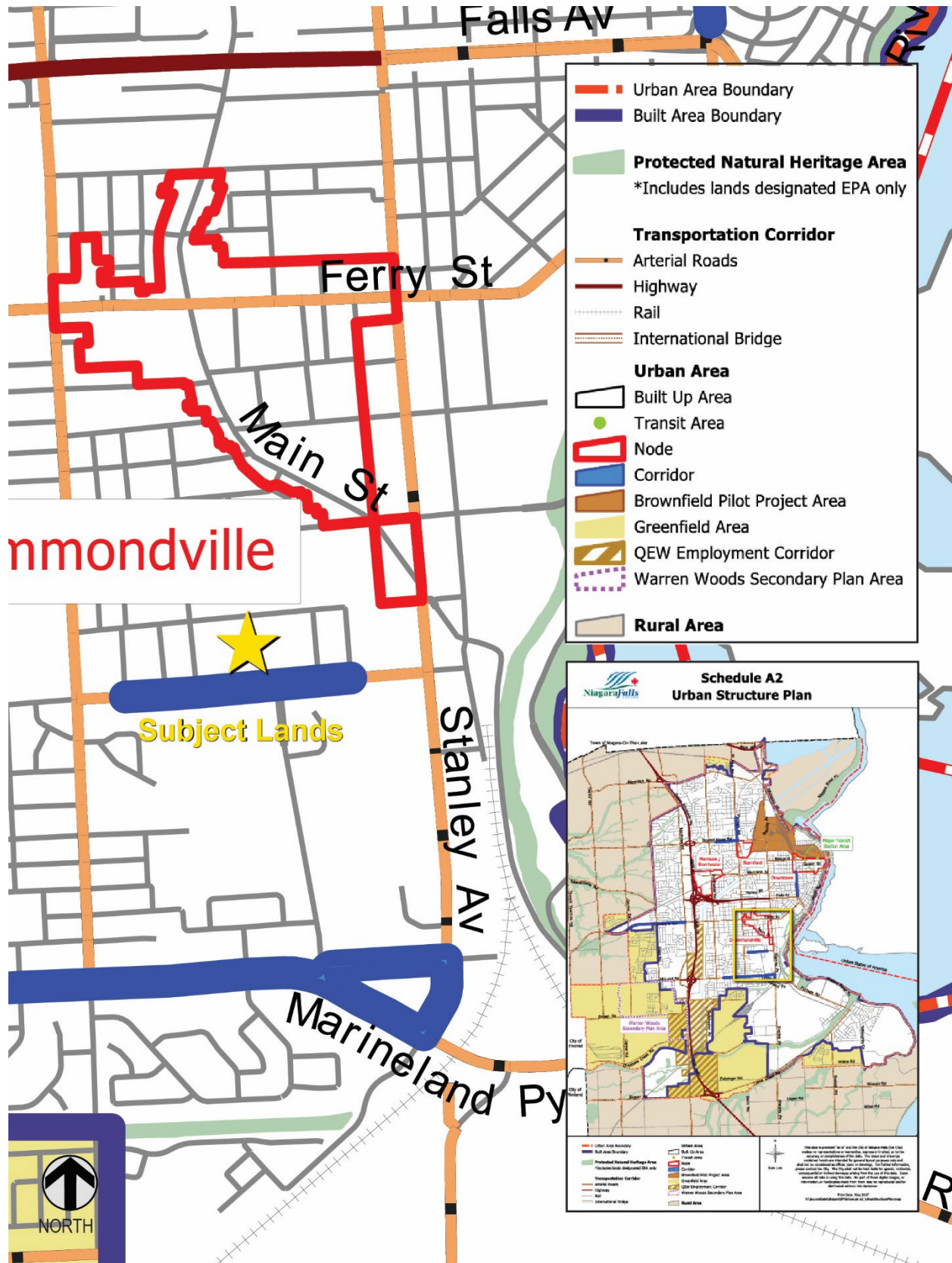


Appendix B – City of Niagara Falls Official Plan Schedules

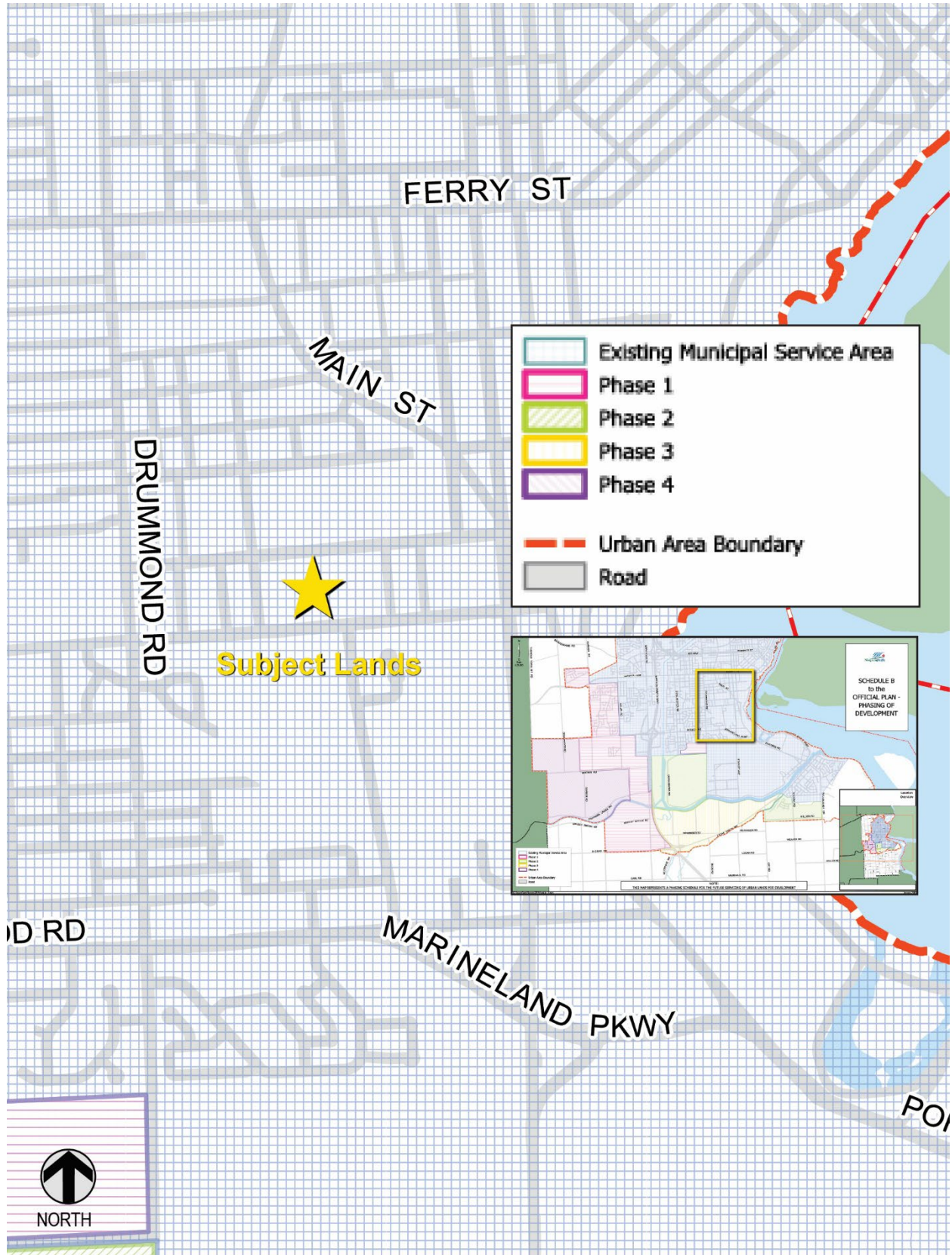
Schedule A: Future Land Use



Schedule A2: Urban Structure



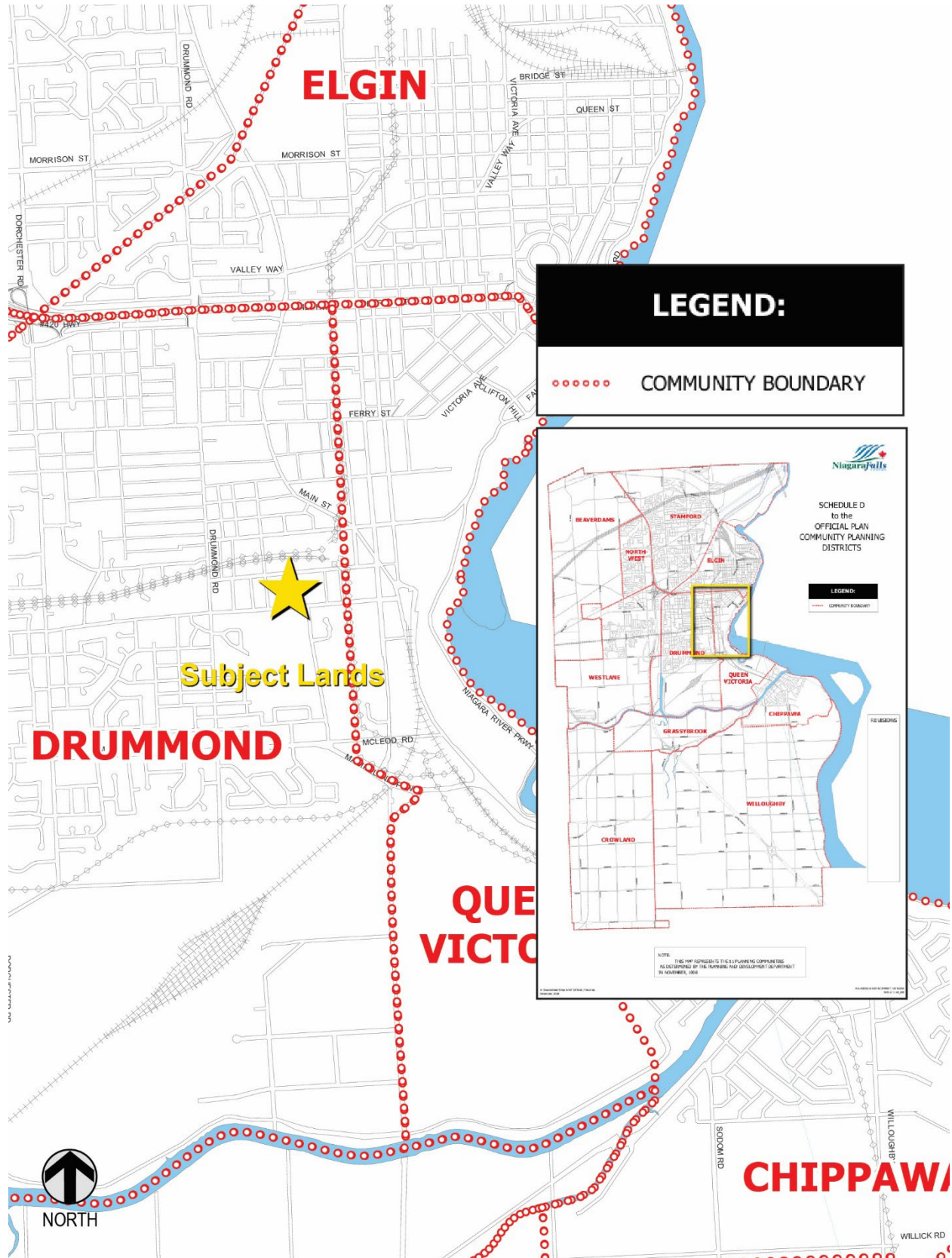
Schedule B: Phasing of Development

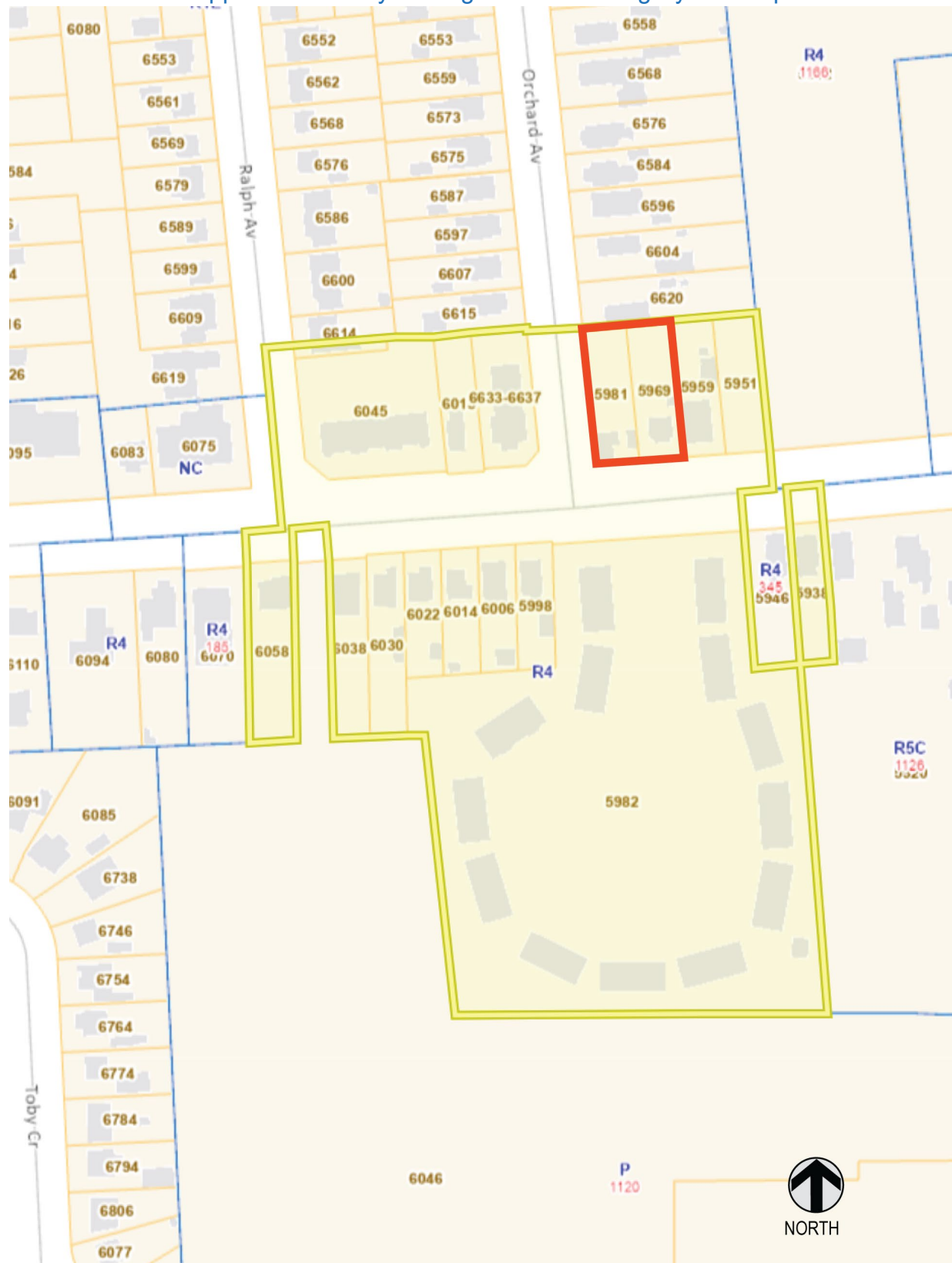


Schedule C: Roads

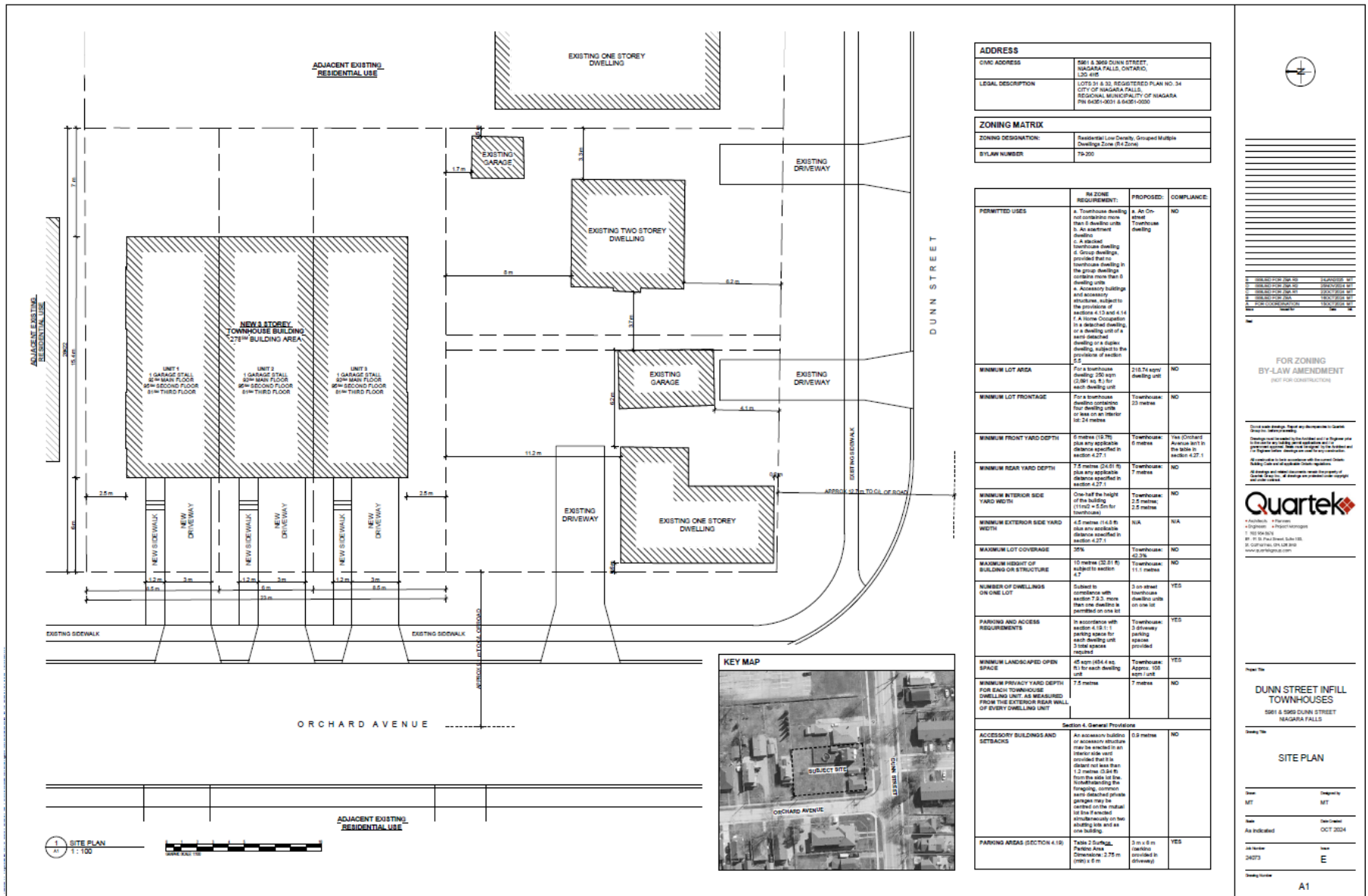


Schedule D: Communities





Appendix D – Site Plan



CITY OF NIAGARA FALLS

By-law No. 2025-XX

A by-law to amend By-law No. 79-200 to rezone the Lands to Residential Low Density Grouped Multiple Dwelling (R4-XX) site-specific zone.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - (a) The uses permitted in a R4 zone
 - (b) An on-street townhouse dwelling
 - (c) Single-detached dwellings
5. The regulation governing the permitted use of the Lands shall be:

| | | |
|-----|---|---|
| (a) | Minimum lot area | 215 square metres for each on-street townhouse dwelling unit |
| (b) | Minimum lot frontage | 23 metres for a townhouse dwelling block, 6 metres for a townhouse unit 13 metres for a single-detached dwelling |
| (c) | Minimum rear yard depth | 7 metres |
| (d) | Minimum interior side yard width | 2.5 metres |
| (e) | Maximum lot coverage | 45% |
| (f) | Maximum height of building or structure | 11.2 metres |

| | | |
|-----|----------------------------|----------|
| (g) | Minimum privacy yard depth | 7 metres |
|-----|----------------------------|----------|

6. Notwithstanding the provisions of Section 4.13, an accessory building is permitted within 0.9 metres from the side lot line.
7. Notwithstanding the provisions of Section 4.19.3, a landscape open space strip of 1.2 metres is permitted.
8. 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.
9. No person shall use the Lands for a use that is not a permitted use.
10. No person shall use the Lands in a manner that is contrary to the regulations.

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2025.

.....
WILLIAM G. MATSON, CITY CLERK

.....
JIM DIODATI, MAYOR

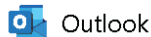
SCHEDULE 1 TO ZONING BY-LAW AMENDMENT



Appendix F – Email Correspondence with City

4/3/25, 11:09 AM

Mail - Daniel Banatkiewicz - Outlook



Re: 5969 & 5981 Dunn Street, ZBA - Density Interpretation

From Chris Roome <croome@niagarafalls.ca>
Date Thu 4/3/2025 11:08 AM
To Max Fedchyshak <mfedchyshak@npgsolutions.ca>
Cc Daniel Banatkiewicz <dbanatkiewicz@npgsolutions.ca>

Hey Max,

No problem you can use this email as confirmation that Planning Staff will not require an Official Plan Amendment for the purposes of density with regards to the proposed development. I have spoken with my manager who is in agreement and Staff recognize that a gap exists between density ranges and that the proposal maintains the intent of the Official Plan by providing multiple housing forms in close proximity to the Dunn Street Intensification Corridor.

Please let me know if you need anything else.

Best,

Chris Roome, MCIP, RPP | Planner 2 | Planning, Building & Development | City of Niagara Falls
(905) 356-7521 ext 4246 | croome@niagarafalls.ca
Mailing address: 4310 Queen Street, PO Box 1023 | Niagara Falls, ON L2E 6X5 |

We have moved! Effective April 15, 2024, Planning and Building staff are now located at the Wayne Thomson Building, 4343 Morrison Street, Niagara Falls

Our **new online portal** can be found at: <https://niagarafalls.ca/services/cityview.aspx>

From: Max Fedchyshak <mfedchyshak@npgsolutions.ca>
Sent: Monday, March 31, 2025 8:11 AM
To: Chris Roome <croome@niagarafalls.ca>
Cc: Daniel Banatkiewicz <dbanatkiewicz@npgsolutions.ca>
Subject: RE: 5969 & 5981 Dunn Street, ZBA - Density Interpretation

Hi Chris,

I know we called about this earlier this year and you advised staff reviewed our email below and was comfortable with our approach regarding this interpretation of density and agreed that an OPA would not be required for this development. We added justification within the PJR but was hoping you could provide some written confirmation as well so we can state that discussion was held with staff prior to submission on this matter.

Thanks!