

Planning Justification Report

**Zoning By-law Amendment**

4078 Victoria Avenue, Niagara Falls

Date: February 2023

Prepared For: Build Up Victoria Inc.

Prepared By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
T: 905 321 6743

## Table of Contents

<b>1.0</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2.0</b>	<b>DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA</b>	<b>4</b>
<b>3.0</b>	<b>PROPOSED DEVELOPMENT</b>	<b>11</b>
<b>4.0</b>	<b>SUPPORTING STUDIES REVIEW</b>	<b>12</b>
4.1	MUNICIPAL SERVICING STUDY	12
4.2	ENVIRONMENTAL SITE ASSESSMENT PHASE 1-2	13
4.3	NOISE AND VIBRATION STUDY	13
<b>5.0</b>	<b>PLANNING POLICIES</b>	<b>13</b>
5.1	<i>PLANNING ACT, R.S.O. 1990</i>	13
5.2	<i>PROVINCIAL POLICY STATEMENT (2020)</i>	15
5.2.1	Settlement Areas	15
5.2.2	Land Use Compatibility	17
5.2.3	Infrastructure and Public Services	18
5.2.4	Long-Term Economic Prosperity	19
5.3	<i>GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020)</i>	19
5.3.1	Managing Growth	19
5.3.2	Built Up Areas	21
5.3.3	Transit Corridors and Station Areas	22
5.4	<i>NIAGARA OFFICIAL PLAN (2022)</i>	23
5.4.1	Managing Growth	23
5.4.2	Servicing	24
5.4.3	Transit	25
5.5	<i>CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 Consolidation)</i>	26
5.5.1	Tourist Commercial	27
5.5.2	Infrastructure and Servicing	31
5.5.3	Transportation	32
5.5.4	Energy Resources	33
5.5.5	Urban Design	34
5.5.6	Transit Station Secondary Plan	35
<b>6.0</b>	<b>Land Use Compatibility Analysis</b>	<b>40</b>
<b>7.0</b>	<b>Proposed Zoning By-law Amendment</b>	<b>44</b>

<b>8.0 Summary and Conclusion .....</b>	<b>49</b>
<b>9.0 Appendices .....</b>	<b>50</b>
Appendix A – Site Plan and Massing Models .....	51
Appendix B – Growth Plan Schedules.....	54
Appendix C – Niagara Region Official Plan Schedules .....	56
Appendix D – City of Niagara Falls Official Plan Schedules.....	60
Appendix E – Zoning By-law Schedule .....	71
Appendix F – Draft Zoning By-law Amendment .....	73

## 1.0 INTRODUCTION

NPG Planning Solutions Inc. are planning consultants to Build Up Victoria Inc., “Owners” of approximately 0.12 hectares (1,200 square metres) of land, municipally known as 4078 Victoria Avenue and legally described as Lot 16 and Part of Lot 15 in Registered Plan No. 997, in the City of Niagara Falls, Regional Municipality of Niagara (“Subject Lands”). NPG has been retained to provide professional planning advice on the proposed development to permit 10 units of stacked townhouses on the Subject Lands. All 10 units will operate as Vacation Rental Units (VRUs). Implementation of the proposed development requires a Zoning By-law Amendment and a future Site Plan. The current application addresses the Zoning By-law Amendment only.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the application for the Zoning By-Law Amendment when assessed against policies in the *Planning Act*, *Provincial Policy Statement* (“PPS”), *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”), Niagara Official Plan (“NOP”), the City of Niagara Falls Official Plan (“NFOP”), the City of Niagara Falls GO Transit Station Area Secondary Plan, and the City of Niagara Falls Zoning By-law No. 79-200.

Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 7.0 provides justification for approval of the proposed Zoning By-law Amendment.

## 2.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA

The Subject Lands are located in the City of Niagara Falls on the east side of Victoria Avenue and are bounded by Leader Lane to the north and Ferguson Street to the south (see **Figure 1 – Aerial Context**). The property is rectangular in shape, with a frontage of approximately 26 metres on Victoria Avenue and 46 metres on Leader Lane with a total area of approximately 0.12 hectares. The Subject Lands are vacant of any structures. There is one tree located on the south-western portion of the lands near Victoria Avenue. Victoria Avenue is classified as an arterial road in the NFOP.

There is a variety of land uses surrounding the Subject Lands. East of the Subject Lands are low-density residential uses consisting of primarily single detached dwellings. Immediately north of the Subject Lands is Great Wolf Lodge, a large-scale resort commercial site supporting the tourism industry within the City. Approximately 500 metres north of the Subject Lands near the intersection of Victoria Avenue and Niagara River Parkway is Niagara Helicopters Limited, a commercial helicopter tour business. Immediately south of the Subject Lands are vacant lands which are designated Tourist Commercial in the City’s Official Plan and existing single-detached dwellings. South of

Ferguson Street are industrial uses including SAG-Q Aggregates Inc. and Niagara Engineered Products Inc., an industrial parts manufacturer. There are also industrial uses and a rail corridor located west of the Subject Lands.

There is a bus stop located approximately a 100-metres south of the Subject Lands, servicing the weekday 108-bus route from the Morrison/Dorchester Hub to Queen Street in downtown Niagara Falls. The service is operated by Niagara Region Transit, providing connections to commercial hubs in the community along with access to other transit routes throughout Niagara. Please see **Figure 2 – Community Amenities** below.

There are a variety of tourist facilities and attractions located near the Subject Lands supporting the proposed VRU use. The table below shows surrounding tourist facilities/attractions and their approximate distance to the Subject Lands:

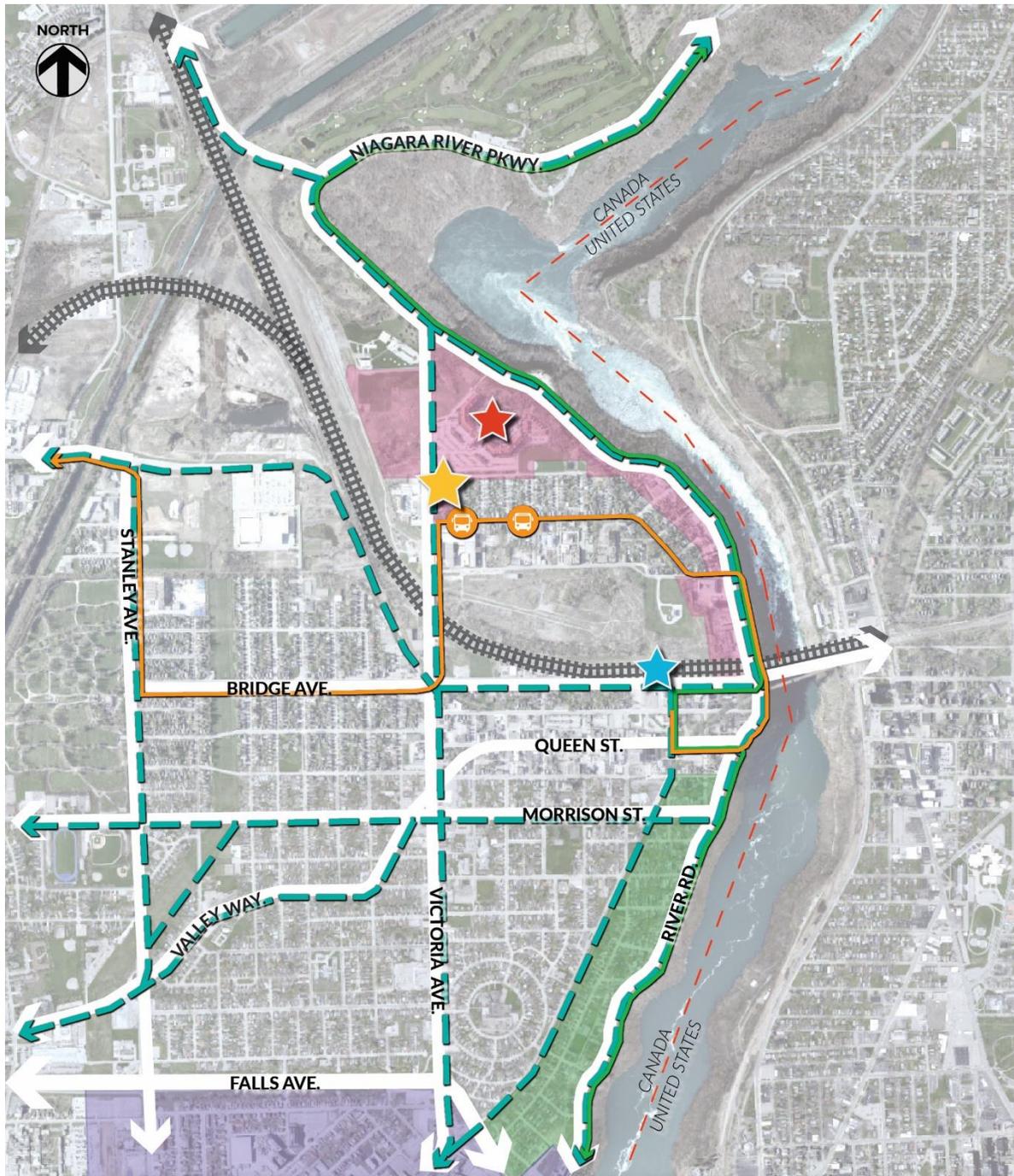
<b>Tourist Facility/Attraction</b>	<b>Approximate Distance to Subject Lands</b>
<b>Great Wolf Lodge Water Park Resort</b>	200 m
<b>Gale Centre</b>	550 m
<b>Whirlpool Aerocar</b>	600 m
<b>WEGO Transit Stop</b>	600 m
<b>Queen Street Commercial Area</b>	1,000 m
<b>Niagara Falls GO Train Station</b>	1,000 m
<b>Casino Niagara</b>	2,400 m
<b>Clifton Tourist District</b>	2,500 m
<b>Rainbow Bridge</b>	2,600 m
<b>The Falls</b>	4,000 m

- North:** Resort Commercial
- South:** Vacant/Single-detached Dwellings/Industrial
- East:** Single Detached Dwellings
- West:** Industrial

Figure 1 Aerial Context



Figure 2 Community Amenities



- |   |  |  |
|---|--|--|
|  Subject Lands                               |  Niagara Region's Strategic Cycling Network | <b>Tourist Districts</b>   |
|  Niagara Falls GO Train Station/Bus Terminal |  WEGO                                       |  Clifton Hill |
|  Great Wolf Lodge                            |  Niagara Region Transit Route 108           |  River Road   |
|   |  |  Whirlpool    |



Image 1. View looking south from Leader Lane towards the Subject Lands.



Image 2. View looking east towards the Subject Lands from Victoria Avenue.



Image 3. View looking southeast at the Subject Lands from the intersection of Leader Lane and Victoria Avenue



Image 4. View looking northeast from Leader Lane towards Great Wolf Lodge, a tourist resort.



*Image 5. View looking south-east from Victoria Avenue towards the single-detached dwellings which are south of the Subject Lands and north of Ferguson Street.*



*Image 6. View looking south towards SAG-Q Aggregates Inc. and Niagara Engineered Products Inc. from the intersection of Ferguson Street and Victoria Avenue.*

### 3.0 PROPOSED DEVELOPMENT

The Owners are proposing a commercial development consisting of 10 stacked townhouse units that will operate as VRUs. Vehicular access will be provided via Leader Lane near the north-eastern corner of the Subject Lands. Each unit will have a separate pedestrian entrance to the unit. Units 3 and 4 will have pedestrian access from Victoria Avenue, units 5, 8, 9, and 10 will have pedestrian access from Leader Lane. Units 1, 2, 6, and 7 will have pedestrian access from the on-site parking area.

The proposed stacked townhouse units will be arranged in an L-shaped block, having frontage on both Victoria Avenue and Leader Lane. A 7.0m x 7.0m daylight triangle has been included at the intersection of Leader Lane and Victoria Avenue in the design. Lot coverage is proposed at 39.52% (5,190 square metres). The proposed stacked townhouse model is generally 3 storeys high. Units 3 and 4 have a structure to access the rooftop amenity area and would be considered 3.5 storeys at 12.5 metres of measured height.

Parking for the development will be provided by way of surface and covered parking spaces. A total of 20 parking spaces will be provided with each unit having two dedicated parking spaces. Parking for units 1, 2, 6, and 7 are proposed to be provided in tandem and will be located at grade, below units 1 and 2. These tandem spaces will be 2.75 metres in width, 6 m in length for the internal space and 5.6 metres in length for the outer parking stall. The total parking length for the tandem spaces will be 11.6 metres allowing space for loading/unloading of vehicles. Parking for units 5 and 9 will also be covered. Eight uncovered parking spaces will be provided along the southern lot line reserved for units 3, 4, 8, and 10. These spaces are proposed at 2.75 metres in width and 6 metres in length. One accessible parking space is reserved for unit 9 and is 3.9 metres wide and 6 metres in length. Landscaping is provided throughout the proposed development.

Two waste bins will be provided along the eastern property line for waste storage. Waste collection will be handled by a private contractor.

Under the NFOP, the Subject Lands are currently designated Tourist Commercial. The proposed development conforms to the Tourist Commercial designation and the policies of the Official Plan. The Subject Lands are also located within the City's GO Transit Station Secondary Plan Area – the City's Major Transit Station Area. This is an area planned for intensification. Please see Section 5.4 of this report for more analysis of the Niagara Falls Official Plan and the GO Transit Station Secondary Plan.

Under the City's Zoning By-law, the lands are currently zoned Tourist Commercial (TC), the proposed development seeks a Zoning By-law Amendment to rezone these lands to a site-specific Tourist Commercial (TC) zone. The City's Zoning By-law does not define stacked townhouses and thus they are not specifically listed as a permitted use. The proposed stacked townhouse design fits within the definition of apartment dwellings in the City's Zoning By-law. Apartment dwellings are not a permitted use in the TC zone, therefore site-specific provisions are required to permit the stacked townhouse

development. The site-specific provisions are also required to provide relief related to minimum rear yard depth, maximum building height, minimum maneuvering aisle, and minimum parking stall length. Please see Section 7.0 of this report for more information regarding the proposed Zoning By-law Amendment.

As per the Pre-Consultation Agreement form dated November 3, 2022, the following documents are required for a complete application:

- a) Conceptual Site Plan;
- b) Environmental Site Assessment/Record of Site Condition;
- c) Municipal Servicing Study;
- d) Noise & Vibration Study;
- e) Planning Justification Report (including Land Use Compatibility Analysis);  
and,
- f) Stormwater Management Plan.

## 4.0 SUPPORTING STUDIES REVIEW

### 4.1 MUNICIPAL SERVICING STUDY

S. Llewellyn & Associates (SLA) Ltd. has prepared a Functional Servicing and Stormwater Management Report, dated February 2023 to establish the detailed information of the proposed stormwater management and functional servicing for the proposed development. The following are summarized from the study:

- The post-development condition discharge rates to Leader Lane will not exceed the pre-development condition discharge rate during the 5-year storm event.
- Sufficient stormwater storage is provided on-site by means of an ACO Stormbrixx SD storage tank. A total storage volume of 20m<sup>3</sup> is provided while only 15.5m<sup>3</sup> of storage is required during the 5-year storm event.
- The Subject Lands will be serviced by a 200mmø sanitary sewer system at a minimum grade of 1% which will discharge to the existing 300mmø sanitary sewer along Victoria Avenue. The proposed 200mmø will be adequately sized to service the proposed development.
- The proposed development will be serviced with a 100mmø watermain feeding off the existing 150mmø watermain along Leader Lane. The municipal watermain and fire hydrants will supply firefighting water for the development.
- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited.

Please refer to the servicing report prepared by S. Llewellyn & Associates Ltd. for more information.

## 4.2 ENVIRONMENTAL SITE ASSESSMENT PHASE 1-2

A Phase 1 and a Phase 2 Environmental Site Assessment has been prepared by Hallex Environmental Ltd. The Assessments are to examine the likelihood of potential contaminants affecting the property and the presence or absence of these contaminants of concern within the soil, respectively.

The Phase 1 Report, dated August 27, 2021, undertook a review of historical background information and a site reconnaissance which identified one off-site Potential Contaminating Activity that resulted in an on-site Area of Potential Environmental Concern (APEC) with the potential to impact the property's soil. The Phase 1 Report concluded that a limited Phase 2 Environmental Site Assessment would be required to determine the extent of the potential contaminants of concern in the soil as a result of the APEC.

The Phase 2 Report, dated December 22, 2021, examined the presence of the potential contaminants within the soil through the collection and analysis of soil samples. The results of the Phase 2 Report indicated that the soil samples were in excess of the applicable standards of the Ministry of Environment, Conservation, and Parks (MECP) for Residential Land-Use in a Non-Potable Ground Water Situation. It was stated that contaminated soil management during site remediation and redevelopment can be accomplished through excavation and off-site land fill disposal. In October 2022 the impacted fill material was excavated and disposed of. Please see attached Phase Two Conceptual Site Model prepared by NSSL for more information regarding excavation.

In conclusion, no further environmental assessment work is required for the Subject Lands.

## 4.3 NOISE AND VIBRATION STUDY

A noise and vibration study dated November 30, 2022, was prepared by RWDI to assess the noise and vibration impacts the proposed development will have on the surrounding lands. Conclusions and recommendations are provided within the report regarding methods of mitigating the impact the proposed development will have on noise and wind. The noise control measures include: central air conditioning for all dwelling units and the inclusion of noise warning clauses.

Regarding vibration, the rail line will not have any impacts on the development. Niagara Helicopters, located 500 m north of the Subject Lands, will have no impact as they do not fly over the proposed development.

The study recommends approval of the proposed development from a noise and vibration perspective.

## 5.0 PLANNING POLICIES

### 5.1 PLANNING ACT, R.S.O. 1990

The *Planning Act* is provincial legislation which establishes the rules for land use planning in Ontario. The following apply to the proposed development:

**POLICY & ANALYSIS**

*The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- j) the adequate provision of a full range of housing, including affordable housing;*
- l) the protection of the financial and economic well-being of the Province and its municipalities;*
- 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;*

<b>Provincial Interest</b>	<b>Analysis</b>
<b><i>f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;</i></b>	The proposed development will make efficient use of municipal servicing as discussed in Section 4.1 of this report. The proposed development will support municipal and regional transit services.
<b><i>l) the protection of the financial and economic well-being of the Province and its municipalities;</i></b>	The creation of VRUs will provide accommodation for tourists to Niagara Falls in a tourist area of the City, supporting the City’s local economy.
<b><i>p) the appropriate location of growth and development;</i></b>	The Subject Lands are an appropriate location for growth as they represent a vacant parcel within the City’s Urban Area designated for Tourism Commercial uses, such as the proposed VRUs.
<b><i>q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;</i></b>	The proposed development includes pedestrian access points on both Leader Lane and Victoria Avenue and screened parking areas to the rear of the development, supporting pedestrian-oriented development. The proposed

Provincial Interest	Analysis
	development will include windows with sightlines to Victoria Avenue and Leader Lane encouraging “eyes-on-the-street” and improving safety within the Victoria Avenue area. Further, the proposed development supports public transit by providing access to active transportation (Niagara Region Strategic Cycling Network) and public transit (Niagara Region Transit, GO Transit, VIA Rail) choices.
<p><b>r) The promotion of built form that,</b></p> <ul style="list-style-type: none"> <li><b>i. is well-designed,</b></li> <li><b>ii. encourages a sense of place, and</b></li> <li><b>iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</b></li> </ul>	The proposed development promotes sense of place through a well-designed built form. The building is located close to the street line. Such a placement enables street presence on an arterial road, which supports providing a safe and accessible environment for pedestrians. The proposed use will be for a travelling public, close to existing tourist activities. This will encourage more tourist-oriented uses in the locality, allowing the neighbourhood to be more vibrant and attractive.

## 5.2 PROVINCIAL POLICY STATEMENT (2020)

The *Provincial Policy Statement (2020)* (“PPS”) sets the policy foundation for regulating land use in Ontario. The PPS requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

### 5.2.1 Settlement Areas

Section 1.1.3 of the PPS provides policy direction regarding Settlement Areas. The following apply to the proposed development:

#### **POLICY**

*Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.*

*The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces,*

ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

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

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support active transportation;

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

## **ANALYSIS**

---

The PPS defines settlement areas as: urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built-up areas where development is concentrated, and which have a mix of land uses; and
- b) lands which have been designated in an Official Plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

The Subject Lands are located within the Built-up area, according to the Niagara Official Plan. The lands are located within the Urban Area Boundary of the City of Niagara Falls,

and in the GO Transit Station Secondary Plan Area of the Niagara Falls Official Plan, meaning the lands have been designated for development and conform to the settlement area definition as provided within the PPS.

Policy 1.1.3.1 focuses development within Settlement Areas and Policy 1.1.3.2 outlines how land use patterns within Settlement Areas shall function. The proposed development promotes efficient use of land within the Settlement Area by providing Vacation Rental Units in a development which efficiently uses municipal servicing. The Subject Lands are also located on a regional cycling network and a municipal transit corridor, providing public transit and active transportation options.

The proposed development conforms to Policy 1.1.3.4 and 1.1.3.6 of the PPS as this new development is occurring within the GO Transit Station Area Secondary Plan area, which is the Major Transit Station Area within Niagara Falls. The proposed development promotes a compact built form through its stacked townhouse design, promoting efficient use of land, infrastructure, and public service facilities. The stacked townhouse design of the development achieves a net density of 82 units per hectare, making efficient use of land and municipal infrastructure.

## 5.2.2 Land Use Compatibility

Section 1.2 of the PPS provides policy direction regarding co-ordination between land uses, including land use compatibility. The following apply to the proposed development:

### POLICY

*1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated;*  
*and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

### ANALYSIS

There are industrial uses west of the Subject Lands which require land use compatibility issues to be addressed. There are existing residential uses which are closer to the industrial uses than the proposed development. These existing residential uses are a sensitive land use. The low intensity commercial nature of the proposed development will provide a buffer between the existing surrounding residential units from the industrial

uses. The recommendations of the Noise and Vibration Study will be implemented which addresses any potential impacts or adverse effects to the VRU's.

### 5.2.3 Infrastructure and Public Services

Section 1.6 of the PPS addresses Infrastructure and Public Service Facilities policies. The following apply to the proposed development:

#### **POLICY**

---

*1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:*

- a. financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b. available to meet current and projected needs.*

*1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.*

#### **ANALYSIS**

---

The proposed development conforms to Policies 1.6.3 and 1.6.5 as the Subject Lands are located on Victoria Avenue and Leader Lane, municipal roads with existing servicing infrastructure. The development will utilize these roads with the driveway access off Leader Lane. No driveway access is provided from Victoria Avenue. Please see attached Functional Servicing and Stormwater Management Report for more information.

#### **POLICY**

---

*1.6.6.1 Planning for sewage and water services shall:*

- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
  - 1. municipal sewage services and municipal water services; and**
- d. integrate servicing and land use considerations at all stages of the planning process;*

*1.6.6.2 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. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

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

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

## ANALYSIS

---

The proposed development will conform with Policies 1.6.6.1(a), 1.6.6.1(d), 1.6.6.2, 1.6.7.2 and 1.6.7.4 as it will use the municipal servicing provided along Leader Lane and Victoria Avenue, which is the preferred form of servicing in settlement areas. The existing municipal servicing will have the capacity for the size and scope of the proposed development, as described in the Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Ltd., dated February 2023. The proposal is intended to be developed subject to the outlined technical requirements in the servicing report.

### 5.2.4 Long-Term Economic Prosperity

Section 1.2 of the PPS provides policy direction regarding co-ordination between land uses, including land use compatibility. The following apply to the proposed development:

## POLICY

---

1.7.1 Long-term economic prosperity should be supported by:

*h) providing opportunities for sustainable tourism development;*

## ANALYSIS

---

The provision of Vacation Rental Units (VRUs) will support the City's tourism industry by providing short-term rental options for travellers close to tourist locations. The VRUs will be supported by closely located transit, pedestrian and bicycling facilities; retail stores along the Queen Street Commercial Area; and the tourism area along the Niagara River Parkway.

## SUMMARY CONCLUSION - PPS

---

In summary, the proposed development is consistent with the PPS (2020).

## 5.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020)

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (Growth Plan) (2020) outlines the Province's plan to promote economic growth, increase housing supply and build healthy and affordable communities for people of all ages in the Greater Golden Horseshoe.

### 5.3.1 Managing Growth

Section 2.2.1 of the Growth Plan provides policy direction regarding how to manage growth. The following policies apply to the development:

## **POLICY**

---

2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(2) c) *within settlement areas, growth will be focused in:*

- i. delineated built-up areas;*
- ii. strategic growth areas;*
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. areas with existing or planned public service facilities*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. public service facilities, co-located and integrated in community hubs;*
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv. healthy, local, and affordable food options, including through urban agriculture;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

## **ANALYSIS**

---

The Growth Plan defines settlement areas as “lands which have been designated in an Official Plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated”. According to this definition, the Subject Lands are within a settlement area as they are located within the GO Transit Station Area Secondary Plan Area in the NFOP, conforming to Policy 2.2.1(2)(a).

As per Policy 2.2.1(2)(a)(ii), the Subject Lands are located on Victoria Avenue and Leader Lane, municipal roads with existing/planned water and wastewater servicing and active transportation facilities.

The Subject Lands are located on Victoria Avenue which is designated as an arterial road within Schedule C of the NFOP (see **Appendix D**). The Subject Lands are currently serviced by Niagara Falls Transit with four bus stops being located within 500 metres of the proposed development in accordance with Policy 2.2.1(2)(c) of the Growth Plan.

The proposed development will facilitate the creation of complete communities as it is to create a commercial VRU development with a unique built form in an area with a variety of land uses and services. The Niagara Region's Strategic Cycling Network runs along Victoria Avenue, and there are several public transit stations nearby helping implement active and public transportation options for the future visitors of the development. The Subject Lands are also located within 1 kilometre of the Queen Street Commercial Area which provides a variety of commercial, retail and restaurant services for visitors.

All of these elements encourage visitors to access the public realm and the community. The range of land uses and transportation options helps improve the overall quality of life for the visitors of the proposed development. The well-connected nature of the proposed development and the location of the Subject Lands ensures that the visitors will have access to the Queen Street Downtown Area, Clifton Hill and other areas within the City, benefiting the entire Niagara Falls economy. The location of the Subject Lands in conjunction with the higher-density design of the proposed development helps facilitate the goals of completing complete communities within a settlement area, as addressed in Policy 2.2.1(2)(a)(iii) and Policy 2.2.1(4).

### 5.3.2 Built Up Areas

Section 2.2.2 of the Growth Plan provides policy direction regarding Delineated Built-up Areas. The following policies apply to the development:

#### **POLICY**

---

*2.2.2(3) All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;*
- c) encourage intensification generally throughout the delineated builtup area;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

## ANALYSIS

---

The Subject Lands are located within the Built-up Area – Conceptual according to Schedule 4 of the Growth Plan (see **Appendix B**). The proposed development facilitates intensification on an underutilized parcel within the Built-up Area of Niagara Falls. The proposed development will support complete communities, active transportation, and provide access to transit which is within walking distance of the Subject Lands. The Subject Lands are located in the Major Transit Station Area of Niagara Falls. The Subject Lands are in an area serviced by municipal transit and are in close proximity to downtown Niagara Falls. The variety of land uses within 1 kilometre of the lands encourages visitors to use active or public transportation methods to reach their destination as desired by Policy 2.2.2(3).

### 5.3.3 Transit Corridors and Station Areas

Section 2.2.4 of the Growth Plan provides policy direction regarding transit corridors and station areas. The following policies apply to the development:

## POLICY

---

*2.2.4(8) All major transit station areas will be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:*

- a) connections to local and regional transit services to support transit service integration;*
- b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking;*

*2.2.4(9) Within all major transit station areas, development will be supported, where appropriate, by:*

- a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;*
- b) fostering collaboration between public and private sectors, such as joint development projects;*
- c) providing alternative development standards, such as reduced parking standards;*

## ANALYSIS

---

The Subject Lands are located in proximity to the Niagara Falls GO Transit Station and are designated as being within the Niagara Falls GO Transit Station Secondary Plan Area. Therefore, the Transit Corridors and Station Area policies apply. The proposed development supports Policy 2.2.4(8) and the integration of transit services as the Subject Lands are located along a regional cycling network which is also serviced by the Niagara Falls Public Transit. Both transit systems provide connections to regional transit services at the Niagara Falls VIA and GO Train Station. Further, Policy 2.2.4(9) is satisfied as the proposed development provides Vacation Rental Units diversifying and increasing the number of available lodging accommodations for visitors to the City of Niagara Falls.

## SUMMARY CONCLUSION – GROWTH PLAN

---

In summary, the proposed development conforms to the Growth Plan.

### 5.4 NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) is a long-range document that guides the physical, economic, and social development of the Niagara Region. It contains objectives, policies and mapping that implement the Region’s approach to ensuring most new development in Niagara Region is directed towards the existing Built-up Area to accommodate future growth.

#### Relevant Policies and Analysis

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

SCHEDULE	SUBJECT LAND DESIGNATION
<b>B – Regional Structure</b>	Urban Area – Built-up Area
<b>C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems</b>	Urban Area (No Core Natural Heritage Feature)
<b>J2 – Strategic Cycling Network</b>	Victoria Avenue and the Niagara Parkway are part of the Region’s Strategic Cycling Network

#### 5.4.1 Managing Growth

Section 2.2.1 of the Niagara Official Plan provides policy direction regarding managing urban growth within the region. The following policies apply:

#### POLICY

---

*Policy 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 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;*

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

## **ANALYSIS**

---

The proposed development is an opportunity for compact growth within the existing Urban Area and Built-up Area of the City of Niagara Falls as desired by Policy 2.2.1.1(b). The Subject Lands are located in an area with diverse land uses. There are tourism uses directly to the north and industrial uses to the south of the Subject Lands. There are low-density residential lands abutting the eastern lot line of the Subject Lands. The area is planned for tourism related commercial development which is proposed for the Subject Lands. The Subject Lands provide visitors with access to recreational, tourism, and commercial opportunities, as identified in Policy 2.2.1.1(b).

The Subject Lands are located within a transit supportive area. Victoria Avenue is part of the Region's Strategic Cycling Network and there is a transit stop within the neighbourhood. Further, the Niagara Falls GO Transit Station is located within 1 kilometre of the Subject Lands helping satisfy Policy 2.2.1.1 (d)(i) by providing a range of transportation options for visitors. Additionally, the Subject Lands are located within 1 kilometre of the Queen Street Commercial Area which offers commercial and service uses, parks, active transportation and public transit stops helping facilitate access to services in a healthy, safe and transit supportive environment, further improving the access for visitors in accordance with 2.2.1.1(d)

Furthermore, the Subject Lands are located in an area with existing municipal services which have capacity for the proposed development, satisfying Policy 2.2.1.1(k).

### **5.4.2 Servicing**

Section 2.2.1 of the Niagara Official Plan provides policy direction regarding municipal servicing within the region. The following policies apply:

## **POLICY**

---

*Policy 5.2.2.2 Municipal sewage services and water services are the required form of servicing for development in Urban Areas.*

## ANALYSIS

---

The proposed development will be serviced by existing municipal sewer services along Victoria Avenue and water services along Leader Lane as is required by Policy 5.2.2.2.

### 5.4.3 Transit

Section 5.1.2 of the Niagara Official Plan provides policy direction regarding transit within the region. The following policies apply:

## POLICY

---

*5.1.2.1 Public transit will be a priority for transportation planning and investments to:*

- a) address the impacts of climate change;*
- b) assist in achieving social equity;*
- c) provide multimodal access to major transit station areas and other major trip generators identified in Policy 5.1.2.2. c); and*
- d) reduce dependence on the automobile.*

*5.1.2.5 Lands near existing or planned frequent transit service or higher order transit facilities, including facilities within the Greenbelt Plan that have been approved through a Municipal Class Environmental Assessment, and where such lands are located within settlement areas, will be planned to:*

- a) provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) facilitate multimodal connections that encourage a more evenly distributed modal share; and*
- c) support active transportation.*

## ANALYSIS

---

The Region promotes and supports a multimodal transportation system as described in Policy 5.1.2.1 of the NOP. The Subject Lands are along the Strategic Cycling Route along Victoria Avenue as per Schedule J2 of the NOP (see **Appendix C**). The proposed development with proximity to the regional bicycling network, provides active transportation choices, reducing the need for single-occupancy vehicle trips. The development and use of the Subject Lands supports a multi-modal transportation system, as identified in Policy 5.1.2.1(c) and 5.1.2.1(d).

As mentioned, the Subject Lands are located within proximity to several municipal transit stops with access to several routes. These routes provide connections to higher order transit facilities such as the Niagara Falls GO Transit Station further promoting multimodal transportation within Niagara and the Greater Golden Horseshoe, required by Policy 5.1.2.5. These variety of transit modes and the connections between the modes achieves Policy 5.1.2.5(b).

The proposed commercial development provides transit supportive uses and encourages visitors to use a variety of transit modes to reach their destinations.

## **SUMMARY**

---

The Niagara Official Plan (2022) is a long-range, Region-wide planning document that directs where compact, mixed-use, transit-supportive development is to take place in built-up urban areas.

The proposed development prioritizes lands available for growth within the Built-up Area of the City. The proposal will facilitate a commercial development with a unique built form providing tourism-related accommodation. Based on the above, the proposed development conforms with the general intent and policies of the Niagara Official Plan (2022).

### **5.5 CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 Consolidation)**

The Niagara Falls Official Plan (NFOP) 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 protect Natural Heritage Areas and their functions.*
- *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
- *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.*
- *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.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*

## Relevant Policies and Analysis

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

SCHEDULE	SUBJECT LAND DESIGNATION
<b>A – Land Use</b>	Tourist Commercial (Lands located within Transit Area Secondary Plan Schedule A-5)
<b>A1 – Natural Heritage</b>	No Designation
<b>A2 – Urban Structure</b> <b>A-2(a) - Downtown Node and Transit Station Secondary Plan Height Strategy Area</b>	Built-up Area. Victoria Avenue is an arterial road; Max 8 storeys; Special Policy Area 62
<b>A-5 – Transit Station Secondary Plan</b>	Tourist Commercial; Special Policy Area
<b>C – Roads</b>	Victoria Avenue is an Arterial Road. Leader Lane is a local road
<b>D – Communities</b>	The Subject Lands are in the community of Elgin.
<b>E – Tourism Map</b>	Whirlpool Satellite District

### 5.5.1 Tourist Commercial

Part 2 Section 4 of the NFOP provides policies related to the Tourist Commercial designation. The following policies apply to the proposal:

#### **POLICY**

*4.1.1 The creation of a world-class tourism destination is envisioned for Niagara Falls - a modern urban centre at the heart of one of the world's most beautiful landscaped settings and natural wonders.*

*4.1.2 In order to achieve this vision, a high quality tourism environment needs to be created. A substantial commitment and investment will be required on the part of all stakeholders to revitalize the physical setting to one worthy and respectful of the Falls and to promote high standards of building design in order to effectively compete in the international market place.*

*4.1.24 A system of built-form regulations in the Tourist Area shall be established, based on the following principles:*

*b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings*

*will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;*

*d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;*

*4.2.4 The Whirlpool Satellite District shall function as a sightseeing area allowing visitors to view and experience the Niagara River gorge. Accommodations and ancillary commercial uses are also encouraged in this district.*

## **ANALYSIS**

---

The proposed development satisfies Policy 4.1.2 as the proposed development will help to revitalize the Whirlpool Satellite District by creating a building with a high level of urban design that is attractive to tourists coming to Niagara Falls. The VRU use of the Subject Lands provides accommodation for tourists as identified by Policy 4.2.4. The proposed development will be a low-profile building being located in the periphery of the tourist core and integrates with the neighbourhood scale and character.

## **POLICY**

---

*4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.*

### *Part 1 Section 3 Intensification*

*3.2 The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii).*

### *Part 2 Section 1 Residential*

*(iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads. Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:*

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should be employed to lessen the impacts of taller buildings;*

- *rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
- *street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
- *parking is to be encouraged to be located within parking structures that are integrated with the development; and*
- *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

*4.2.25 Satellite Districts shall each have a particular characteristic and tourism focus which attracts specific market segments. In order to enhance the quality of the visitor experience within the individual Satellite Districts, clearly defined roles and functions need to be established. The following policies provide this direction.*

*4.2.34 The Whirlpool Satellite District shall function as a gateway to the City of Niagara Falls. The focus of new developments shall be on tourist commercial uses which enhance the existing sightseeing and recreational uses on the Niagara Parkway. Land uses shall include additional recreational and sightseeing opportunities, accommodations, restaurants, gift and souvenir shops, bicycle and sports equipment rentals, and other related uses.*

*4.2.35 New developments in the Whirlpool Satellite District shall be of a form compatible with the district's natural areas and the existing residential scale and character. Applications for additional height shall be considered having regard to Sections 4.4.2 through 4.4.8.*

## **ANALYSIS**

---

The proposed development will include VRUs which will provide short-term accommodations for visitors to Niagara Falls. The proposed stacked townhouse built form is permitted in a Tourist Commercial. Although a commercial use, the form of the building will present as a residential type of building. The development, at 3 to 3.5 storeys and 82 units per hectare, fronting Victoria Ave – an arterial road, is within the height and density requirements established by Policy 1.15.5 (iii) of Part 2 Section 1. The built form of the development will be compatible with the existing residential neighbourhood as the height and density of the development will not result in any negative impacts, satisfying Policies 4.2.34 and 4.2.35.

## POLICY

---

4.3.1 *The physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.*

4.3.5 *Streets are a vital part of the public open space system. Streetscape improvements shall be used as a means to create a high-quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development.*

## ANALYSIS

---

The proposed development will improve the Victoria Avenue streetscape ensuring a high-quality public realm. As existing, the Subject Lands and some of the adjacent parcels to the south are vacant. The proposed development would provide for the development of a stacked townhouse design with frontage on Victoria Avenue and pedestrian access to the proposed units. This design will be compatible with the existing residential context of the area while providing accommodations for tourists visiting the City.

## POLICY

---

4.4.1 *High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.*

4.4.2 *Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law.*

## ANALYSIS

---

The proposed development will generally be 3 storeys in height (3.5 storeys for units 3 and 4 due to rooftop access stairwell) which is in accordance with the policies of the NFOP and the City of Niagara Falls Zoning By-law.

## POLICY

---

4.5.3 *With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:*

- a) *As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;*
- b) *Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;*

## ANALYSIS

---

The proposed development places a significant emphasis on the relationship to the public realm. Design of the Subject Lands has been undertaken to ensure all parking stalls are screened from the street view on both Victoria Avenue and Leader Lane. As previously mentioned, 12 parking stalls have been incorporated into the structure and are screened from both streets. The shape of the building with frontage on both Victoria Avenue and Leader Lane screens the remaining surface parking spaces from the street. There will also be a 2.0 metre landscape strip separating the surface parking spaces from the southern lot line.

## POLICY

---

*4.6.4 Given the focus of this Plan on built-form regulations and the greening of the Tourist Area, applicants for rezoning shall be required to submit a detailed set of prescribed information, describing the proposed building site planning and landscaping. Council shall prepare a Rezoning Application Guide, which will set out in detail the full requirements of any applicant for rezoning in the Tourist Area.*

## ANALYSIS

---

The rezoning application encloses supporting reports and documents in accordance with the Pre-consultation meeting held on November 03, 2022. This includes a Site Plan Concept prepared by SAPLYS Architects, which illustrates site planning, building orientation and landscaping, among other things.

### 5.5.2. Infrastructure and Servicing

Part 3 Section 1 of the NFOP 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. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.*

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 are located in an area with existing servicing with sufficient capacity for the proposed development. Please see the Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates for more information.

### 5.5.3. Transportation

Part 3 Section 1.5 of the NFOP provides policies related to transportation. The following policies apply:

## POLICY

---

1.5.6 *Public transit routes shall be designed to service employment areas, intensification areas, nodes and intensification corridors. It is desirable for public transit services to be encouraged in proximity to higher density residential developments, areas of high employment concentration, major medical and social service centres, housing developments for people with special needs and social amenity areas such as the Niagara Parks and other attractions. Transit stops should be located within hubs and major public facilities. The development of inner-City bus rapid transit lines into high density employment areas is encouraged.*

1.5.18.4 *Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the "tourist commercial roads" classification.*

1.5.18.6 *Local Roads - are intended to provide access to abutting properties and carry traffic predominantly of a local nature. Typically, roadways in this section carry low volumes of traffic short distances. Local roads generally are designed to accommodate on-street parking, sidewalks and limited landscaping in the boulevards. All local road allowances are to be 20 metres in width; however, there*

may be cases when they may be less than 20 metres under special circumstances approved by Council.

1.5.34 The proposed widths of roads are as follows:

<b>Road</b>	<b>From</b>	<b>To</b>	<b>City Arterial</b>
Victoria Avenue	Bridge Street	Niagara Parkway	26

## **ANALYSIS**

---

Schedule C - Major Road Plan of the NFOP (see **Appendix D**) designates Victoria Avenue as a City Arterial Road. As per the Table in Policy 1.5.34, Victoria Avenue is required to have a road width allowance of 26 metres. A 2.94 metre road widening is required on Victoria Avenue. A 7.0 metre by 7.0 metre daylight triangle is also required as the Subject Lands are located at the corner of Victoria Avenue and Leader Lane. Both the road widening and the daylight triangle have been incorporated into the design of the development.

### **5.5.4. Energy Resources**

Part 3 Section 3 of the NFOP provides policies related to energy resources. The following policies apply:

## **POLICY**

---

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.*

3.1.2 *Access to direct sunlight shall be protected in order to provide opportunities for passive solar heating thereby reducing consumption of energy resources. This may be achieved through consideration of the following:*

3.1.2.1 *Zoning provisions regulating such matters as building height, setbacks and accessory structure locations.*

3.1.2.2 *Building orientation and design that maximizes exposure to sunlight.*

## **ANALYSIS**

---

The proposal aims to increase energy efficiency, conserve water, and promote retention of green spaces throughout the development in the following manner:

- The higher density design of the development in conjunction with the compact building footprint reduces the overall heating and cooling demands when compared to a typical low-density built form.
- The stacked design of the townhouse means nearly all units will share walls with other units and many will only have one side exposed to the elements which will help to contain heat energy in the units, reducing consumption of energy.

#### 5.5.5. Urban Design

Part 3 Section 5 of the NFOP 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 side yards 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.*

## ANALYSIS

---

Part 3 Section 5 of the NFOP provides urban design policy direction. The proposed development's design is evaluated against the relevant policies of this section.

- The Subject Lands are a corner lot, bounded by an arterial road (Victoria Avenue) to its west and a local road (Leader Lane) to its north. Further, the Subject Lands abut low-density residential uses at its east and further south with vacant tourist commercial lands immediately south. The proposed development is designed to achieve a compatible relationship with the adjacent lands with regards to the use, height, massing, and siting.
  - Although, the proposed use is for VRUs, the development is designed as a three-storey stacked townhouse. Lands to the east contain single-detached homes that are 1.5 to 2.5 storeys high. The proposed development generally aligns with the height of residences to the east.
  - The development is designed in an L-shape to provide street presence of doors and windows on both Victoria Avenue and Leader Lane. The closest part of the building is setback 9 metres from the properties to the east (residences) and is not anticipated to cause any significant privacy or shadowing concerns to the abutting neighbours.
- The proposed development is oriented towards both public roads, setback 1.5 m from Victoria Avenue (after road widening) and Leader Lane. The facades fronting the streets will contain fenestration and architectural details to promote passive surveillance and enhance the overall pedestrian experience from the existing condition. Additionally, walkways are proposed from the units facing the street to the municipal sidewalk for increased accessibility.
- The surface parking is provided along the interior side yard as required by Policy 5.1.5. There are 4 areas of parking, each accommodating 2 parking spaces in tandem situated along the front lot line. A screening wall is proposed along the front between the south lot line and the building to avoid visibility from Victoria Avenue. Further, a 1.5-metre-wide landscaped strip (minimum) along the west facade will provide additional enhancements.
- The proposal provides an access driveway from Leader Lane – a local road, which was considered acceptable and preferred by the municipality.

### 5.5.6 Transit Station Secondary Plan

Part 5 Section 2 of the NFOP provides policies related to the GO Transit Station Secondary Plan. The following policies apply:

## POLICY

---

- 1.5 *The land uses of the Transit Station Secondary Plan are identified to support an overall density target of 150 people and jobs per hectare.*
- 1.6 *Any new proposed development for sensitive uses which is within 1000 metres of an existing Class 3 industrial facility, 300 metres of an existing Class 2 industrial*

*facility or 70 metres of an existing Class 1 industrial facility shall be subject to Ministry of the Environment and Climate Change D-6 Guidelines for Land Use Compatibility.*

- 1.7 *In addition to the above, new development should be oriented and designed to avoid negative land use compatibility and implications on surrounding employment uses, and it may be subject to further study.*

## **ANALYSIS**

---

The Subject Lands within the Secondary Plan Area are designated as Tourist Commercial, as depicted on Schedule A-5: GO Transit Station Secondary Plan Area (see **Appendix D**). The proposed development provides a density of 82 units per hectare. Although this density is lower than the density desired in Policy 1.5, it will help to increase the overall density of the GO Transit Station Secondary Plan Area and increase the density of the Victoria Avenue and Leader Lane neighbourhood which has an existing density of approximately 12 units per hectare.

The only facility, within 300 m radius from the Subject Lands, which possesses an environmental noise permit is SAG-Q Aggregates Inc. and Niagara Engineered Products Inc. as per the Noise and Vibration Study prepared by RWDI. The proposed development is not anticipated to interfere with the compliance status of any regulated noise source due to the presence of intervening residential uses between the Subject Lands and the existing industrial facilities. Please see Section 6.0 of this report for more information.

## **POLICY**

---

- 2.6.1 *Lands designated Tourist Commercial are located along River Road between Leader Lane and Bridge Street and along Victoria Avenue between Ferguson Street and Leader Lane. These lands are identified on Schedule E to this Plan as the Whirlpool Subdistrict. The planned function of the Tourist Commercial designation is to provide facilities for tourist information facilities, public facilities, accommodations, etc. to meet the demands of tourists, as prescribed by Part 2, Section 4.2.34 of this Plan.*
- 2.6.3 *Permitted uses, including residential uses, are to be consistent with the policies of Part 2, Section 4 of this Plan.*
- 2.6.4 *The general intent for development is to enhance the overall physical setting of the Tourist District, provide tourism-related amenities, uses, and destinations, with a high quality built form and public realm that attracts people to the area. Buildings should be built close to the street, minimal setback, in order to engage pedestrians and frame the west side of River Road, in accordance with Section 3.12 of the Transit Station Secondary Plan.*

## ANALYSIS

---

As mentioned, the proposed development will feature 10 VRUs. These VRUs will provide accommodation for tourists visiting the City of Niagara Falls and will assist the City in its goal to provide facilities to meet the demand of tourists as identified in Policy 2.6.1.

The proposed development will enhance the built form of the Victoria Avenue streetscape. The development features a front yard setback of 1.5 metres (minimum) and a side yard setback of 1.5 metres ensuring the building will be built close to the street. Windows will also be provided along the exterior facades of Victoria Avenue and Leader Lane to provide “eyes-on-the-street” and to provide a safe and enjoyable experience for pedestrians and cyclists.

Part 2 Section 4 Tourist Commercial of the NFOP was analysed and the proposed stacked townhouses with VRU provisions were found to comply.

## POLICY

---

### 2.12 Special Area Designations

- *Special Policy Area “62a” and “62b” (see PART 2, SECTION 13.62).*

### 13.62 SPECIAL POLICY AREA “62”

*Special Policy Area “62” applies to approximately 61 ha of land located west of Victoria Avenue, east of Stanley Avenue, north of the former NS&T Railway corridor, and south of the CN rail corridor. The lands are designated Industrial, Employment, Residential, Open Space, and Tourist Commercial. The Special Policy Area designation permits the development of the land subject to the following policies:*

- 13.62.4 The Tourist Commercial and other applicable policies of this Plan apply to the area designated Tourist Commercial with a Special Policy Area designation. Prior to the approval of any planning application, an Environmental Site Assessment and remediation, and/or Noise Study shall be required where necessary.*

## ANALYSIS

---

According to Schedule A-2(a), the lands are subject to a Special Policy Area numbered 62 (SPA 62), more specifically “62a” and “62b”. The policy text of SPA 62 states that it is intended for lands located “west” of Victoria Avenue, whereas the Subject Lands are located “east” of Victoria Avenue. Further, there are no “62a” and “62b”. Notwithstanding, the proposed development has been analysed against SPA 62 policies. In accordance with Policy 13.62.4, an Environmental Site Assessment and remediation, and a Noise Study were prepared in support of the proposed development as discussed in Section 4.0 of this report. Acknowledging that this could be a text error, we request the removal of SPA 62 from the Subject Lands. However, as no Official Plan Amendment is required for the proposed development, it is requested that this be dealt with by the City at its next housekeeping update to the Official Plan.

## **POLICY**

---

### **3.13 URBAN DESIGN FOR THE PRIVATE REALM**

#### **3.13.1 Site Design - A Strong Neighbourhood Framework**

*Community design includes the location and orientation of buildings. Buildings should enhance the existing character of the street. This can be accomplished through protecting and directing views, providing a consistent street wall, and relating buildings to the street and pedestrian activities.*

*3.13.4.1 Vehicular access to on-site parking, loading and servicing facilities should be located from side streets and rear lanes wherever possible.*

#### **3.13.5 Parking**

*As the Transit Station Secondary Plan Area develops, a variety of parking solutions will be appropriate to support increased densities and build out. As a general rule, surface parking should be designed to minimize its visual impact and to allow for future intensification as a development site. As such, the layout of parking should consider site access, landscaping and site servicing that will permit the eventual redevelopment of these sites.*

##### **3.13.5.1 Surface Parking**

- b) Surface parking areas should be located at the rear or side-yard of a building and should not be placed between the front face of a building and the sidewalk.*
- c) Driveways to parking should be from rear lanes and side streets wherever possible.*
- h) Clear, 1.5 metre (minimum) dedicated pedestrian routes should provide direct connections from parking areas to building entrances.*
- j) Preferential parking (i.e. accessible parking stalls, bicycles, car-share, energy efficient vehicles) should be located close to building entrances.*
- l) Parking on corner lots is discouraged. However, where required, it should be screened by landscaping.*

##### **3.13.5.2 Landscaping for Parking**

*a) High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.*

*b) Parking should be screened from the public realm.*

#### **3.13.6 Storage, Servicing and Loading**

*3.13.6.1 Loading docks, outside storage and service areas are to be located in areas of low visibility such as at the side, or at the rear of buildings.*

3.13.6.2 *Where possible, accommodate garbage storage areas within the building. Where this is not possible, screen outdoor storage areas from public view through an attractive and integrated enclosure.*

3.13.6.6 *Service and refuse areas are not to encroach into the exterior side or front-yard set-back.*

### 3.13.10.6 *Façade Design*

*The aesthetic qualities of a building's façade are a vital factor in how the public perceives the building, and how that building impacts their experience of the street.*

*c) Avoid blank walls, or unfinished materials along property lines, where new developments are adjacent to existing smaller scale buildings.*

*g) Emphasize the focal nature of corner buildings through elements such as projections, recesses, special materials, and other architectural details.*

*h) Provide weather protection through architectural details such as vestibules, recessed entrances, covered walkways, canopies and awnings.*

## **ANALYSIS**

---

The proposed building will enhance the existing character of the neighbourhood by providing passive surveillance benefits and pedestrian connectivity by building closer to the street. The proposed building will contain windows and architectural articulation looking to the street, which will be detailed at the site planning stage of the application. The development being on a corner lot, will have a chamfered edge that can accommodate additional architectural details to enhance the corner feature.

There is a single driveway located at the back of the development accessed from Leader Lane. The proposed parking layout is well thought-out, ensuring there is minimal visual impact to the abutting streets, adequate landscape buffer to the abutting uses and in a location accessible for visitors staying on-site. The proposed development will provide waste collection through private services allowing the implementation of deep collection containers. These containers are located along the eastern lot line. This new technology enables a clean looking and environmentally friendly approach to waste collection and does not anticipate significant negative impacts related to odour.

## 6.0 Land Use Compatibility Analysis

The surrounding commercial/industrial uses must be assessed for the potential impacts on the proposed development. The following sections include compatibility analysis of the regulatory framework to ensure the safety of future visitors and the long-term viability of the existing major facilities.

### 1. REGULATORY FRAMEWORK WITH RESPECT TO INDUSTRIAL FACILITIES

#### D-6 COMPATIBILITY

The Ministry of the Environment, Conservation and Parks (MECP) Guideline D-6 sets out recommendations intended for the *“land use planning process to prevent or minimize future land use problems due to encroachment of sensitive land uses and industrial uses on one another”*. The guideline is intended to apply when a change in land use is proposed and further states that *“if a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply”*.

In this instance, the Subject Lands are designated Tourist Commercial and are in proximity to existing and planned employment uses. A rezoning is proposed to facilitate VRU development on the Subject Lands and analysis of the compatibility of the commercial use is required.

#### POLICY

---

##### ***Sensitive land uses (1.2.1)***

*For the purposes of this guideline, (i.e. where industry is concerned) sensitive land use may include:*

- any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.*

*Note: Residential land use shall be considered sensitive 24 hours/day.*

##### ***Application (3.0)***

*The information set out Section 2.0 of Guideline D-1, "Land Use Compatibility" shall apply for this guideline also.*

*D-1 Land Use and Compatibility: Compliance with Existing Zoning and Official Plan Designation (2.3.2)*

*This guideline does not normally affect a change in land use, an expansion, or new development, for either a facility or a sensitive land use which is in compliance with existing zoning, and the official plan designation, except for plans of subdivision and condominium and/or severances. In these exceptional situations, Ministry staff may require studies (see Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses, Sections 4.6, "Studies and 4.7, "Mitigation"), and the identification of any necessary mitigative measures to prevent or minimize any potential 'adverse effects'.*

*If a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply.*

## **ANALYSIS**

---

The proposed stacked townhouses will contain VRUs that are considered a commercial use by the City. Since the proposed use will be for providing tourist accommodation, it will be considered residential in nature for the purposes of this section, As per Section 1.2.1 of the D-6 Guidelines, residential use is classified as a sensitive land use (i.e. where industry is concerned). Section 2.3.2 of the D-1 guidelines indicates that where a proposed use is permitted in the official plan but rezoning is required then this guideline shall apply. The preferred approach under the guidelines for addressing future land use compatibility issues is separation of incompatible land uses based on the potential influence area of an industrial facility and recommended minimum separation distance from it.

Industrial uses are classified in the D-6 guidelines as Class I, II or III Industry based on their scale, operation intensity and the likelihood and frequency of adverse effects from noise, dust, odour and vibration (Appendix A of the D-6 Guidelines).



Figure 3. Industrial facilities close to the Subject Lands

The following table provides the recommended minimum separation distance and potential influence area (as per Appendix C of the D-6 MOE guidelines) for the facilities, and distance of the facilities from the proposed development. The facilities all meet the required setback distances outlined in Guideline D-6 and are therefore found to be following the Guideline.

**Table 3. Recommended and Provided Separation Distance (D-6-3)**

INDUSTRY CLASS	SURROUNDING INDUSTRIAL AND COMMERCIAL USE	POTENTIAL INFLUENCE AREA	RECOMMENDED MINIMUM SEPARATION DISTANCE	DISTANCE FROM THE PROPOSED DEVELOPMENT
Class II	Niagara Helicopters Limited	300 m	70 m	500 m
Class III	SAG-Q Aggregates Inc. and Niagara Engineered Products Inc.	1000 m	300 m	150 m

The Subject Lands meet the minimum recommended separation distance from the Class II (Niagara Helicopters Limited) facilities. The Subject Lands are within the potential influence area for the Class III industry (SAG-Q Aggregates Inc. and Niagara Engineered Products Inc.). The Subject Lands’ distance from the Class III industry is 150 metres. Although the Subject Lands are located closer than the recommended minimum separation distance the facility possesses an environmental noise permit and there are existing residential uses south of the Subject Lands at a closer setback from the industrial facility. Section 4.5 in the D-6 Guidelines provides consideration for sensitive land uses within the potential influence area of Class I, II and III industrial land uses, as follows:

**POLICY**

***Considerations when a change in land use is proposed within an influence area or potential influence area (4.5.1)***

*The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a flag, and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem. When studies are needed to identify problems and mitigative measures, see Section 4.6, "Studies".*

**ANALYSIS**

RWDI’s Noise and Vibration Impact Study provides analysis for potential implications of these industrial facilities on the proposed development. The analysis indicates that there are existing residential developments in closer proximity to the industries and commercial uses. The rail line near the Subject Lands is separated in distance such that there will be no vibration impacts on the development. Niagara Helicopters do not fly over the

proposed development and there are existing residential uses located closer to the flight path. The sound impacts from the surrounding land uses are predicted to meet all sound limits regarding the proposed development. The RWDI report recommends the inclusion of warning clauses related to the development and its proximity to the railway line and commercial/industrial land uses. Overall, the report concludes that the proposed development is recommended for approval from a noise and vibration impact perspective.

## CONCLUSION FOR LAND USE COMPATIBILITY ANALYSIS

In reviewing the adjacent land uses, the proposed commercial development is sufficiently buffered from the industrial uses, adjacent commercial uses and the railway line. The location of the Subject Lands within a transit station area makes it suited for higher density development. Based on the review of the surrounding land uses, the separation distances between the proposal and the existing facilities, the specific Noise Report, and the planned context, we are of the opinion that the proposed development is appropriate with respect to land use compatibility.

## 7.0 Proposed Zoning By-law Amendment

The City of Niagara Falls Zoning By-law 79-200 zones the Subject Lands as Tourist Commercial (TC-869), where tourist home is a permitted use.

To facilitate the proposed development of one apartment dwelling, Build Up Victoria Inc. is proposing to change the zoning on the Subject Lands to a Site Specific Tourist Commercial Zone (TC-XX) zone, which will include relief for: permitted uses, minimum rear yard depth, maximum building height, minimum maneuvering aisle, and minimum parking stall length. See **Table 4 – Zoning Comparison Chart** for more details.

A Draft Zoning By-law has been prepared and can be found in **Appendix F – Draft Zoning By-law Amendment** of this report.

*Table 4. Zoning Comparison Chart*

REGULATION	ZONE REQUIREMENT (TC)	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	(hh) Vacation rental unit within an existing detached dwelling or dwelling unit, that comply with the regulations set out in section 4.38 (ZBL 2018-92)	Stacked Townhouse/ Apartment Dwelling	<b>No</b>
		Vacation rental unit to be within stacked townhouse/apartment dwelling unit	<b>No</b>

REGULATION	ZONE REQUIREMENT (TC)	PROPOSED	COMPLIANCE
<b>Minimum lot frontage</b>	6 metres	26.67 m	<b>Yes</b>
<b>Minimum front yard depth</b>	13 metres from centreline of original road allowance	1.5 m + 2.94 m + 10.06 m = 14.5 m	<b>Yes</b>
<b>Minimum rear yard depth</b>	Where any part of the building is used for residential purposes: 10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1	9 metres	<b>No</b>
<b>Minimum interior side yard width</b>	where the side lot line does not abut a residential, institutional, or open space zone: none required.	1.5 metres	<b>Yes</b>
<b>Minimum exterior side yard width</b>	0 metre	1.5 metres	<b>Yes</b>
<b>Maximum lot coverage</b>	70%	39.5%	<b>Yes</b>
<b>Maximum height of building or structure</b>	12 metres (40.0 ft)	12.5 metres	<b>No</b>
<b>Parking and access requirements</b>	2 parking spaces per dwelling unit, which may be provided in tandem: 20 spaces	20 spaces	<b>Yes</b>
<b>Minimum parking stall width</b>	2.75 metres	2.75 metres	<b>Yes</b>
<b>Minimum parking stall length</b>	6 metres	5.6 m (Spaces #1,2,6,7) 6m (Spaces #3,4,5,8,9,10)	<b>No</b> <b>Yes</b>
<b>Minimum manoeuvring</b>	6.9 metres	6 metres	<b>No</b>

REGULATION	ZONE REQUIREMENT (TC)	PROPOSED	COMPLIANCE
aisle			
<b>Section 4 General Provisions</b>			
<b>Daylighting Triangle</b> (Based on Transportation Comments from Pre-consultation Meeting)	7.0 x 7.0 m	7.0 x 7.0 m	<b>Yes</b>
<b>Screening Device</b>	No person shall use, for any non-residential purpose, any lot which has any side lot line of an interior lot or any rear lot line that abuts land in a residential zone unless they erect and maintain a close-board type fence or decorative wall with a minimum height of 1.8 metres abutting the side lot line and the rear lot line, save and except where the lot line abuts the front yard of a residentially zoned lot.	To be implemented at site plan stage of the application	<b>Yes</b>
<b>Road Allowance Requirements</b> (4.27)	Victoria Avenue: Min 13 m distance from centreline of road allowance	13 m	<b>Yes</b>
<b>Number of Bedrooms</b>	The maximum number of bedrooms permitted in a vacation rental unit in an existing detached dwelling or dwelling unit in a TC, GC, and CB zone shall be 3.	Each unit is proposed to have 3 bedrooms.	<b>Yes</b>
<b>Municipal</b>	A vacation rental unit shall be licensed by the	Municipal license will be obtained before	<b>Yes</b>

REGULATION	ZONE REQUIREMENT (TC)	PROPOSED	COMPLIANCE
<b>License</b>	City of Niagara Falls and the municipal license of a vacation rental unit must be kept current and maintained in good standing;	functioning as a VRU.	
<b>Permitted Number of Travellers</b>	The maximum number of travelers permitted to stay in an existing detached dwelling or dwelling unit used as a vacation rental unit shall be in accordance with the requirements of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, and the regulations promulgated thereunder	The development will be in accordance with all Building Code requirements.	<b>Yes</b>

### Permitted Use

The City's Zoning By-law does not define the proposed building typology – stacked townhouses. NPG has received confirmation from City Staff the proposed stacked townhouse use will be recognized as an apartment dwelling built-form. The proposed Zoning By-law identifies stacked townhouses as a permitted use as the built form will promote good urban design and higher density development in an area suitable for infill development.

As existing, VRUs are not permitted within apartment dwelling units. Permitting VRUs within the proposed development increases the stock of visitor accommodations within Niagara Falls and promotes the use of public and active transportation facilities in the area. As every unit will be a VRU there will be no compatibility issues between units.

### Minimum Rear Yard Depth

The City's Zoning By-law defines rear yard depth as “the least horizontal dimension between the rear lot line of a lot and the nearest part of the main building or structure on such lot”. Based on this definition, the proposed development features a rear yard depth of 9 metres, which is 1 metre deficient of the 10-metre requirement established in the TC Zone. This reduction can be supported for the following reasons:

- The rear lot line abuts a laneway that is approximately 9 metres in width, meaning the rear yard setback to the neighbouring property at 4083 Acheson Avenue is 18 metres;
- The dwelling at 4083 Acheson Avenue is setback approximately 15 metres from the rear lot line therefore the total dwelling-to-dwelling setback is approximately 33 metres;
- The 1 metre variance is minor in nature and will not result in any negative impacts to the residents of 4083 Acheson Avenue.

### **Maximum height of a building or structure**

The City's Zoning By-law sets a maximum height of 12.0 metres for the Tourist Commercial (TC) Zone. The proposed development is designed with a height of 12.5 metres which is 0.5 metres taller than the maximum height established in the TC Zone. This increase in height can be supported for the following reasons:

- The proposed development is located on a corner lot and its "L" shape focuses on the two streets thus lessening any shadowing impacts on adjacent lands;
- The lands immediately south of the Subject Lands are vacant therefore there will be no negative impacts due to the height. As mentioned, the lands immediate to the east feature a large setback due to the laneway;
- The Subject Lands are permitted to be built up to a height of 8 storeys according to the NFOP as per the GO Transit Station Secondary Plan Height Strategy illustrated on Schedule A-2(a).
- The proposed variance is 0.5 metres representing a 4% increase in height which can be considered minor in nature.

### **Minimum Parking Stall Length**

Parking spaces 1, 2, 6 and 7 are provided in tandem as permitted for Vacation Rental Unit use. These spaces measure a total length of 11.6 m and are deficient by 0.4 m from the City's Zoning By-law requirement (of 6 m in length, totalling 12 m).

The interior space will be 6 metres in length and the second space will be 5.6 m long. At the pre-consultation meeting, the City's Transportation staff were receptive to the reduced stall length for the second space provided the farthest space complies with the zoning requirement.

The proposed stall length is therefore supportable.

### **Minimum manoeuvring aisle**

The required manoeuvring aisle width is 6.9 metres, where the proposed development provides 6 metres. The reduction is supportable considering fire access requirements. As such, staff noted not having concerns with the reduced aisle width per the Pre-consultation meeting notes.

## 8.0 Summary and Conclusion

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

1. The proposed development has regard for the matters of Provincial interest in *Planning Act* (Section 2), is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Official Plan (2022), and the City of Niagara Falls Official Plan;
2. The proposal is an efficient use of lands;
3. The proposal supports the Niagara Falls tourism industry;
4. The Subject Lands are located within proximity to commercial nodes and transit facilities and supports the vision of building a walkable and bikeable community;
5. The proposed development does not have any land use compatibility concerns with the surrounding residential and industrial uses that cannot be mitigated; and,
6. The proposed development supports active and public transportation and the provision of higher densities within the GO Transit Station Secondary Plan.

### Report prepared by:



---

**Max Fedchyshak, M Plan**  
Planner  
*NPG Planning Solutions Inc.*



---

**Rhea Davis, M Plan**  
Intermediate Planner/Urban Designer  
*NPG Planning Solutions Inc.*

### Report reviewed by:



---

**Mary Lou Tanner, FCIP RPP**  
Principal Planner  
*NPG Planning Solutions Inc.*

## 9.0 Appendices

Appendix A – Site Plan

Appendix B – Growth Plan Schedules

Appendix C – Niagara Region Official Plan Schedules

Appendix D – City of Niagara Falls Official Plan Schedules

Appendix E – City of Niagara Falls Zoning By-law

Appendix F – Draft Zoning By-law Amendment

Appendix A – Site Plan and Massing Models

ISSUED FOR: DD  
 ISSUE DATE: 23-02-22  
 PROJECT No.: S22-042



**SITE PLAN CONCEPT  
 AP 10**

**SCALE: 1:200**

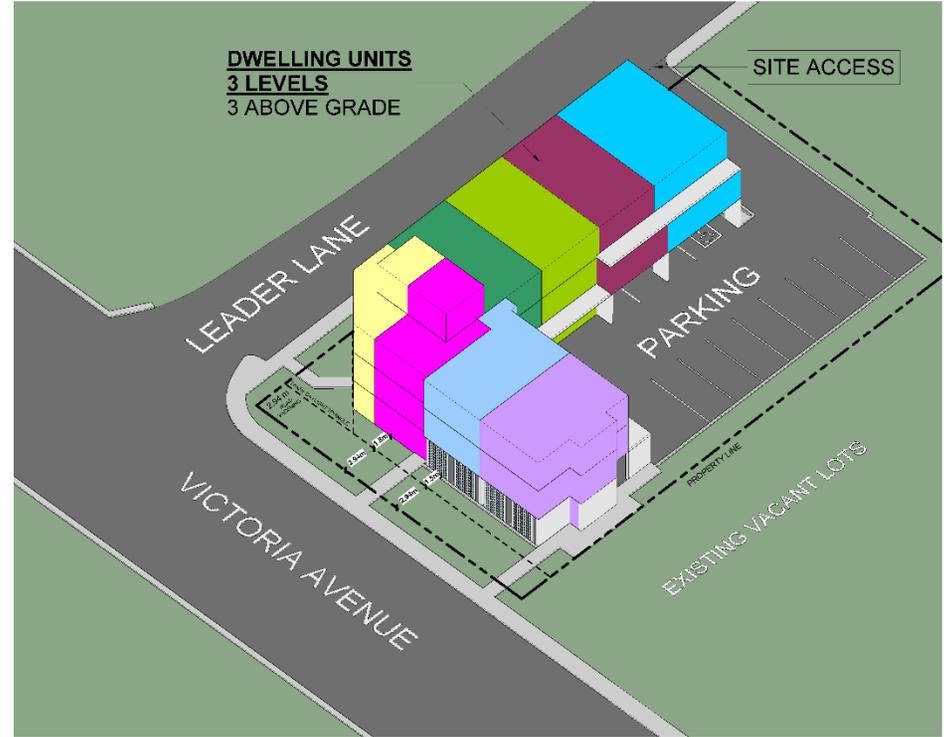
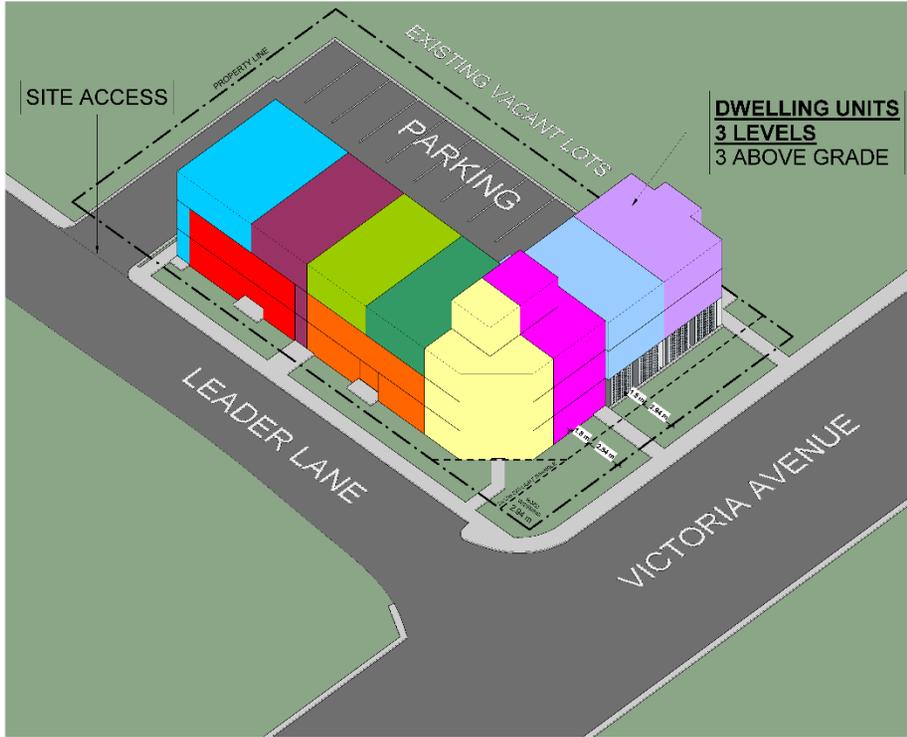
**NIAGARA FALLS RESIDENTIAL**  
 4078 Victoria Avenue, Niagara  
 Falls, ON, Canada

CLIENT: PRISCILLA FACEY  
 1101 Queen St. West, Toronto,  
 ON, Canada



LOT COVERAGE		
	SQM	SQFT
BUILDING AREA	482.21	5190.45
LOT AREA	1220.09	13132.93
COVERAGE	39.52%	
BUILDING HEIGHT	12.5m	
PRIVATE PATIO AMENITY AREA	20.00	215.28
PRIVATE BALCONY AMENITY AREA	48.00	516.67
PRIVATE ROOFTOP TERRACE AMENITY AREA	32.00	344.45
TOTAL PRIVATE AMENITY AREA	100.00	1076.39
AVERAGE PRIVATE AMENITY AREA PER UNIT	10.00	107.64

UNIT STATS		
	AREA (sqft)	TYPE
UNIT 1	1200	3 BDRM + DEN
UNIT 2	1200	3 BDRM + DEN
UNIT 3	1280	3 BDRM
UNIT 4	1225	3 BDRM
UNIT 5	1200	3 BDRM + DEN
UNIT 6	1150	3 BDRM + DEN
UNIT 7	1150	3 BDRM + DEN
UNIT 8	1300	3 BDRM + DEN
UNIT 9	1150	3 BDRM + DEN
UNIT 10	1400	3 BDRM + DEN
TOTAL GFA	1139 sqm	12255 sqft
TOTAL PARKING		16 spaces



2 VIEW 1  
AP 50

1 VIEW 2  
AP 50

ISSUED FOR: DD  
 ISSUE DATE: 23-02-22  
 PROJECT No.: S22-042



REVISION

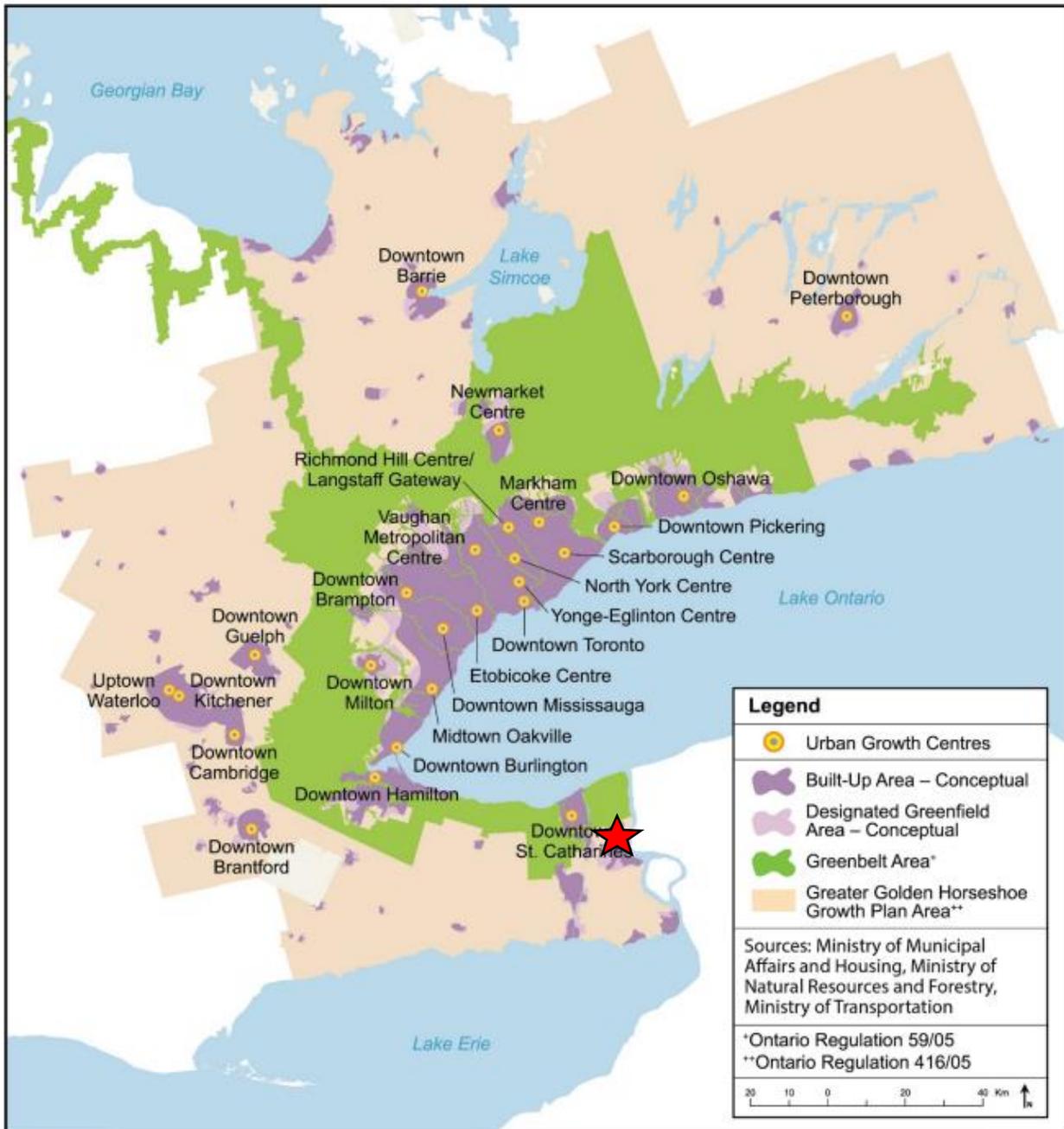
**MASSING MODEL  
 AP 50**

**NIAGARA FALLS RESIDENTIAL**  
 4078 Victoria Avenue, Niagara  
 Falls, ON, Canada

CLIENT: PRICILLA FACEY  
 1101 Queen St. West, Toronto,  
 ON, Canada



## Appendix B – Growth Plan Schedules



SCHEDULE 4  
Urban Growth Centres

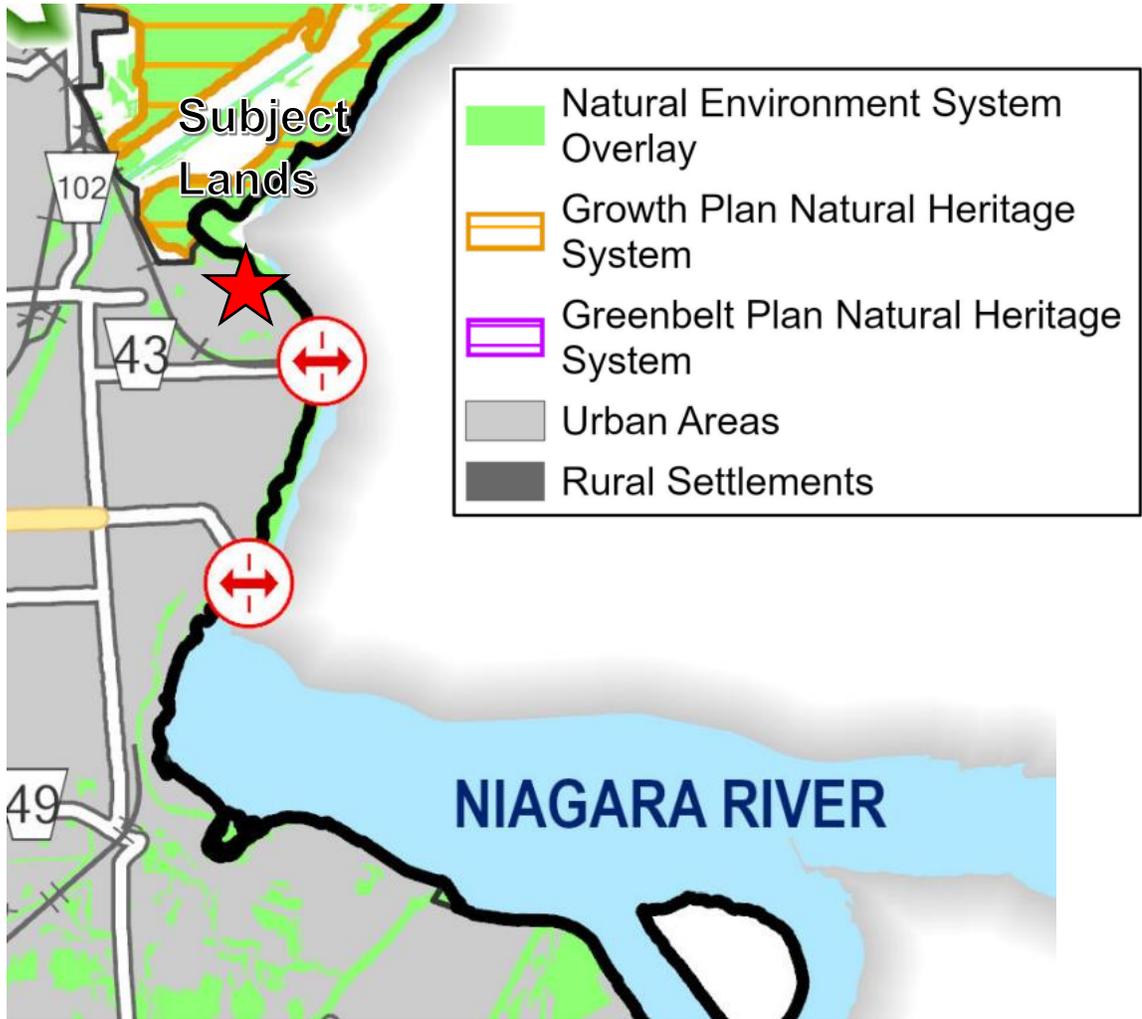
Note: The information displayed on this map is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of this map.

Appendix C – Niagara Region Official Plan Schedules

Schedule B: Regional Structure



Schedule C1: Natural Environment System Overlay and Provincial Natural Heritage Systems

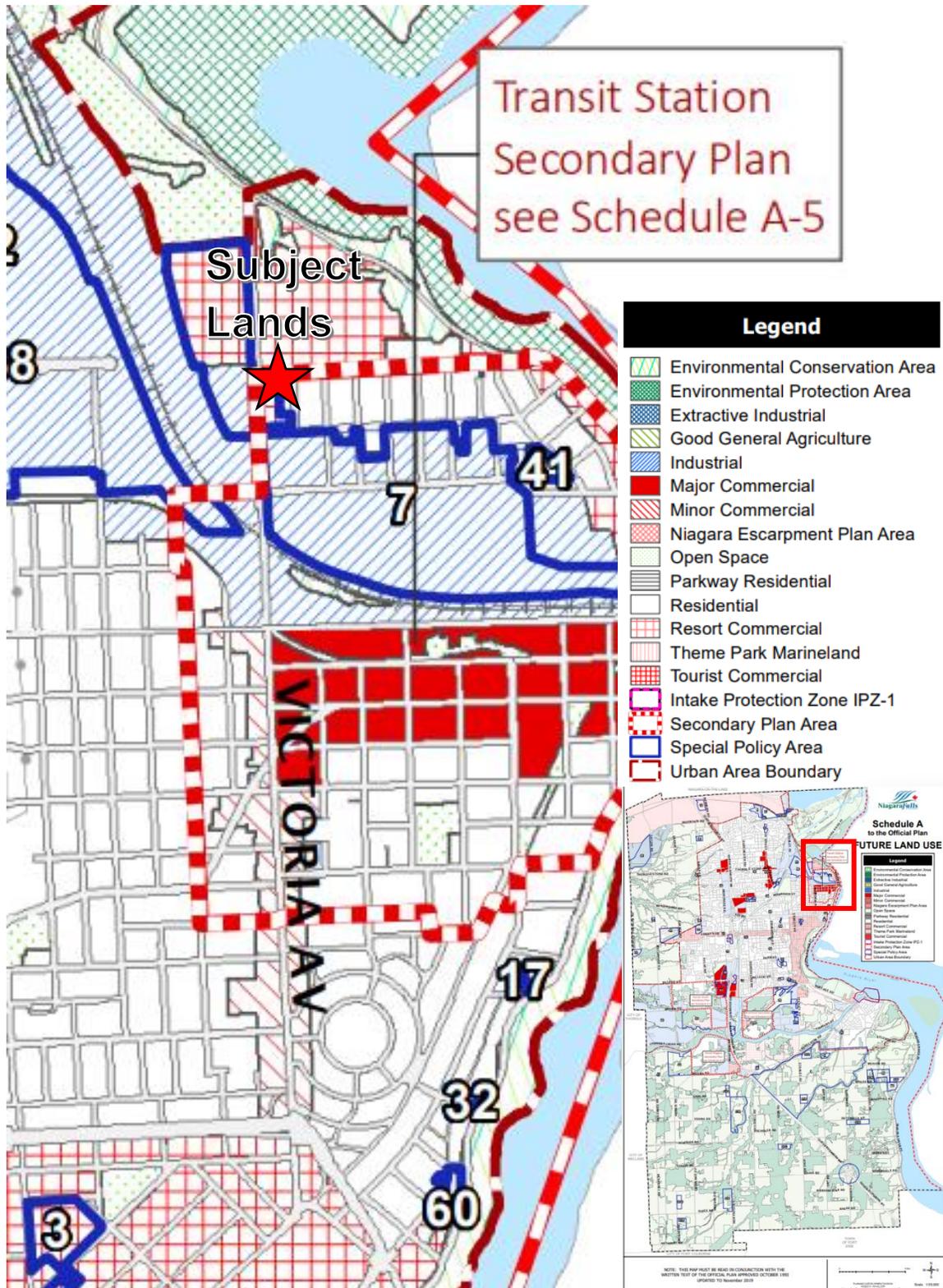


Schedule J2: Strategic Cycling Network

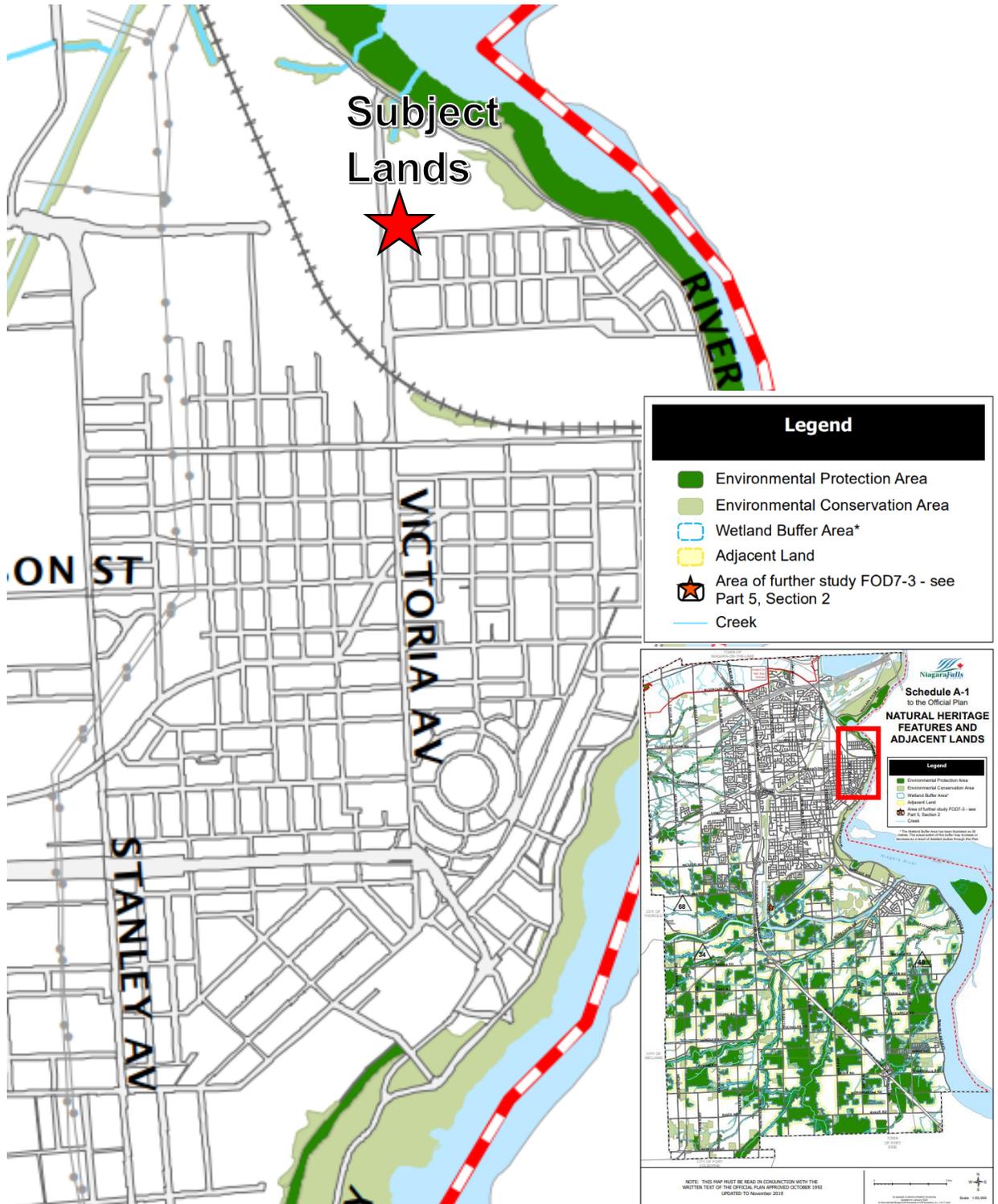


Appendix D – City of Niagara Falls Official Plan Schedules

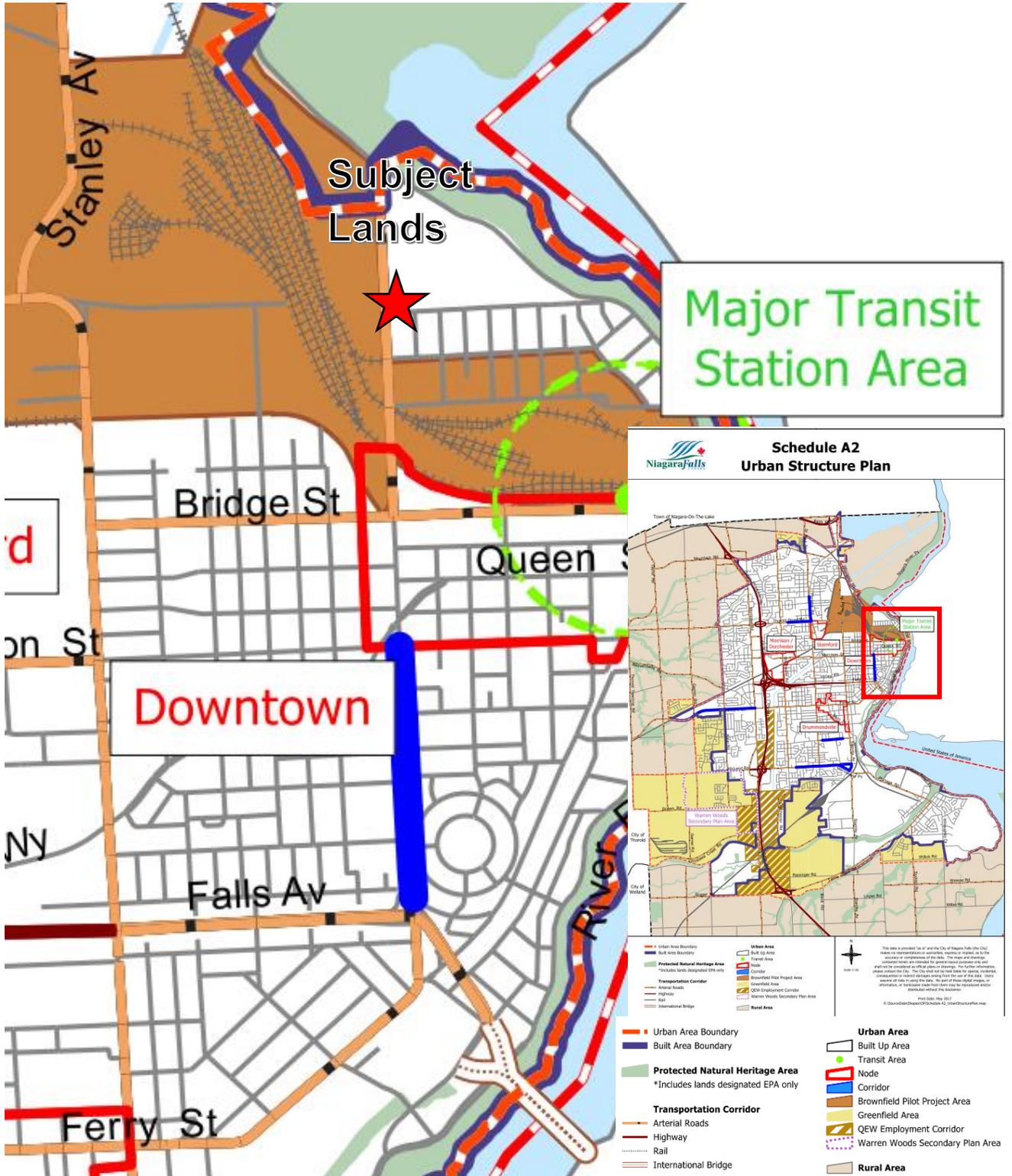
Schedule A: Land Use Plan



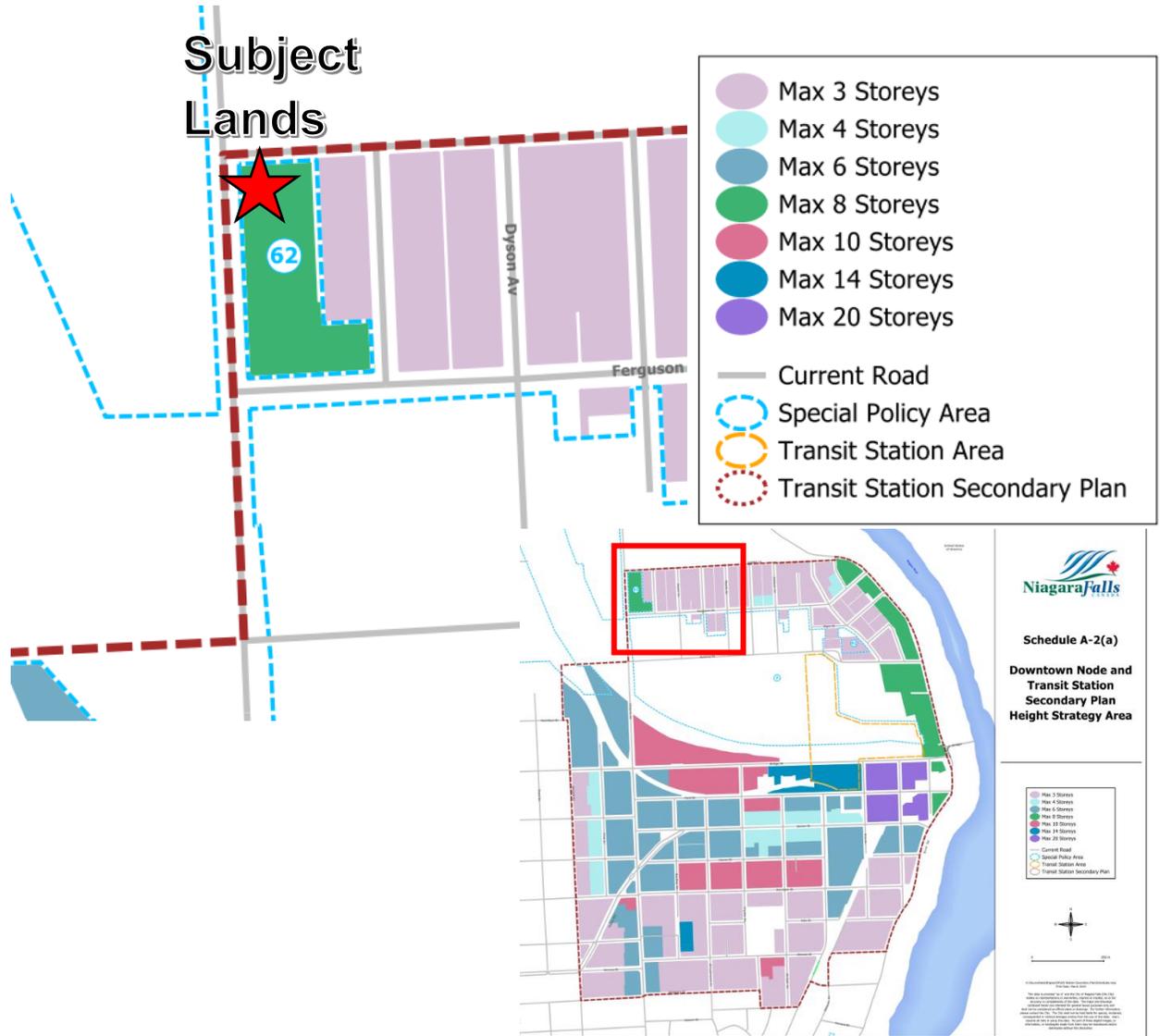
Schedule A-1: Natural Heritage



Schedule A-2: Urban Structure



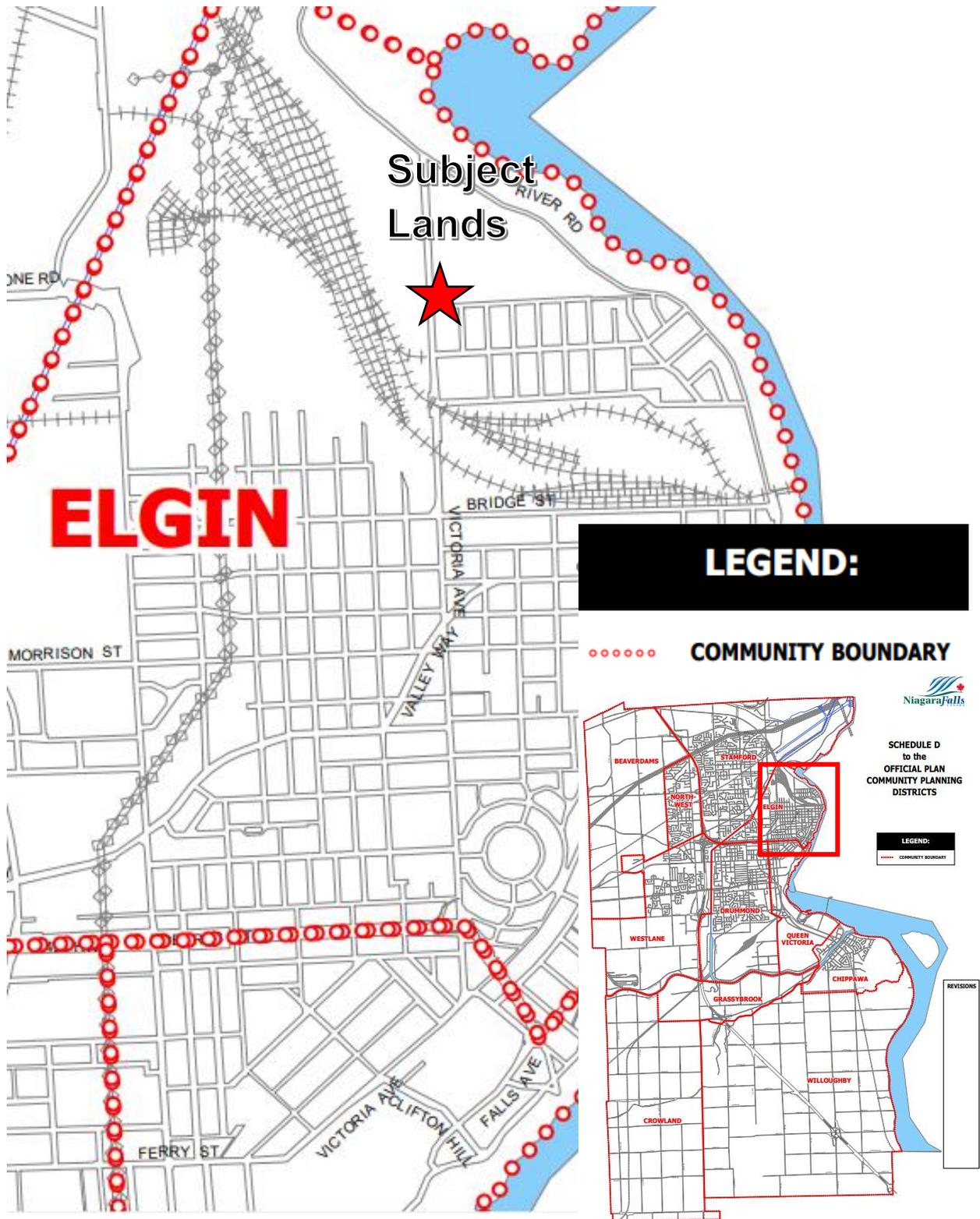
Schedule A-2(a)



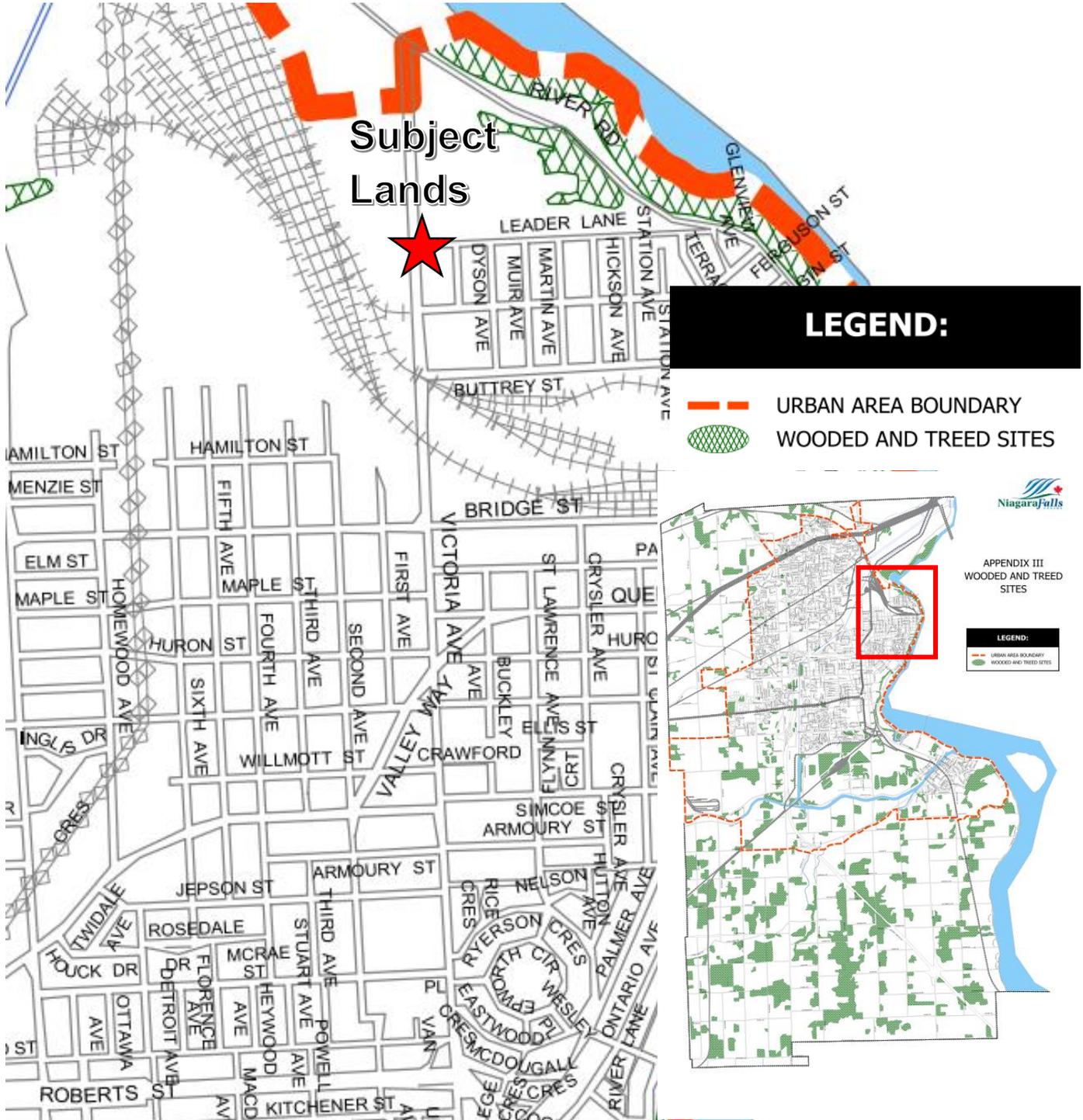
Schedule C: Roads



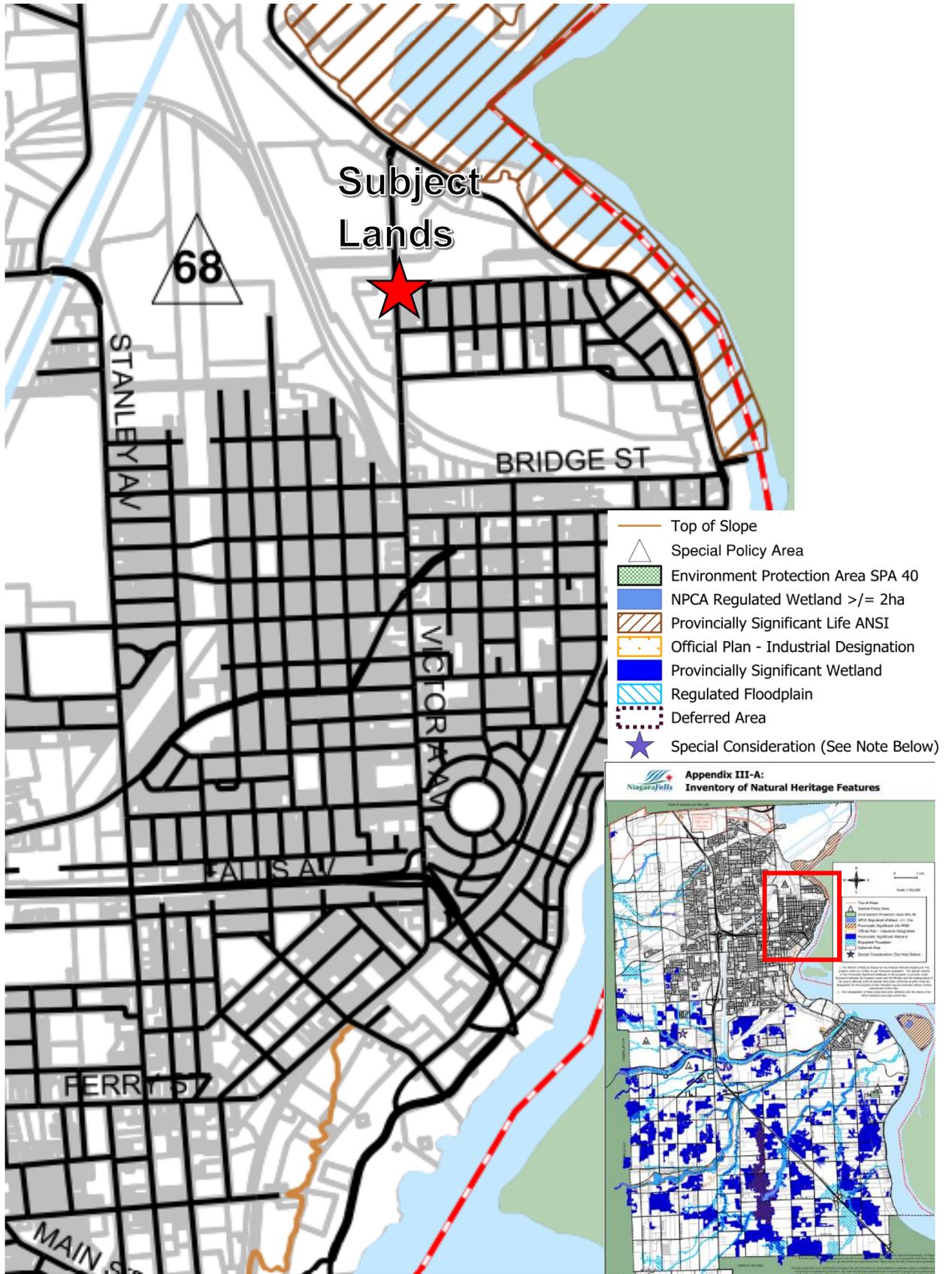
Schedule D: Communities



APPENDIX III- Natural Heritage

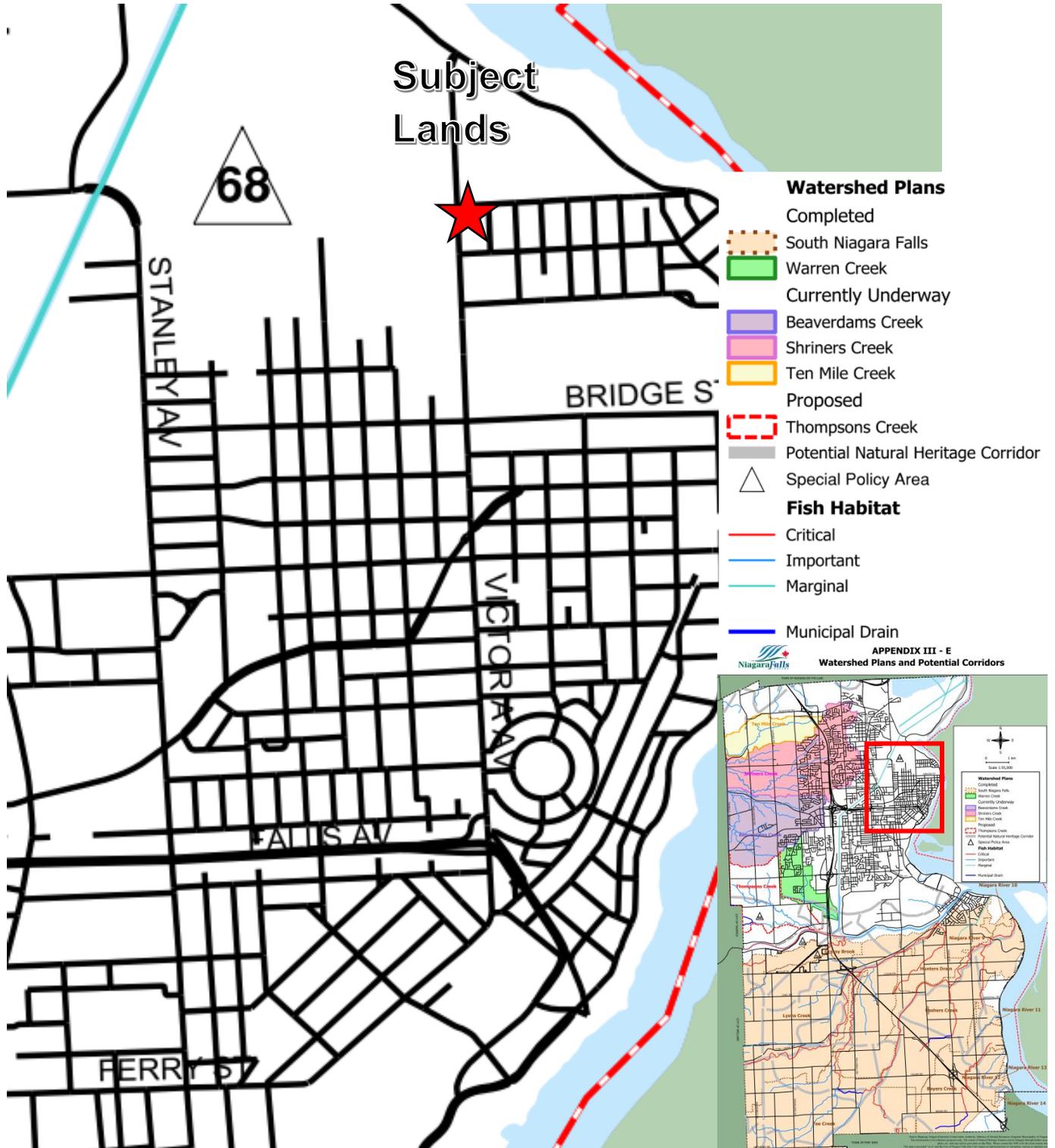


APPENDIX III-A – INVENTORY OF NATURAL HERITAGE FEATURES





APPENDIX III-E – Watershed Plans and Potential Corridors



Appendix E – Zoning By-law Schedule



Appendix F – Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS**

**By-law No. 2023-XX**

A By-law to amend By-law No. 79-200 to rezone the Lands to Tourist Commercial TC (TC-XXXX) 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 TC zone
  - (b) An apartment dwelling
  - (c) Vacation rental unit within an apartment dwelling unit, that comply with the regulations set out in section 4.38 of By-law No. 79-200
5. The regulation governing the permitted use of the Lands shall be:

(a)	Minimum rear yard depth	9.0 m
(b)	Maximum height of building or structure	12.5 m
(c)	Minimum parking stall length for the second space when parked in tandem	5.6 m
(d)	Minimum manoeuvring aisle	6.0 m
6. 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.

7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this By-law shall be shown on Sheet D3 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from TC and numbered 868, to TC-XXX and numbered XXXX.
10. Section 19 of By-law No. 79-200 is amended and adding thereto:  
19.1.XXXX Refer to By-law No. 2023-XX.

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2023.

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

.....  
JAMES M. DIODATI, MAYOR

