

# **Planning Justification Report**

## **Thorowest Village Zoning By-law Amendment**

**Niagara Falls, ON**

**May 2023**

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## **PREFACE**

Upper Canada Consultants has been retained by Thorowest Construction Ltd. to prepare a Planning Justification Report regarding Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment on lands known municipally as 7769, 7751, 7735 Thorold Stone Road & Part of Lot 70, Stamford in the City of Niagara Falls

The purpose of the Applications is to develop the subject lands with forty-nine (49) residential dwelling units under Condominium tenure (i.e. private road development). The proposed housing forms include forty-four (44) Block Townhouses, four (4) Semi-detached dwelling units and one (1) Single Detached dwelling. To facilitate the desired development of the lands, the Zoning of the property is proposed to be amended from Development Holding (DH) and site-specific Residential 5A Density Zone (R5A-190) to a site-specific Residential Low Density Grouped Multiple Dwellings Zone (R4).

This Planning Justification Report has been prepared to evaluate how the applications satisfy the requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and City of Niagara Falls Official Plan (as amended).

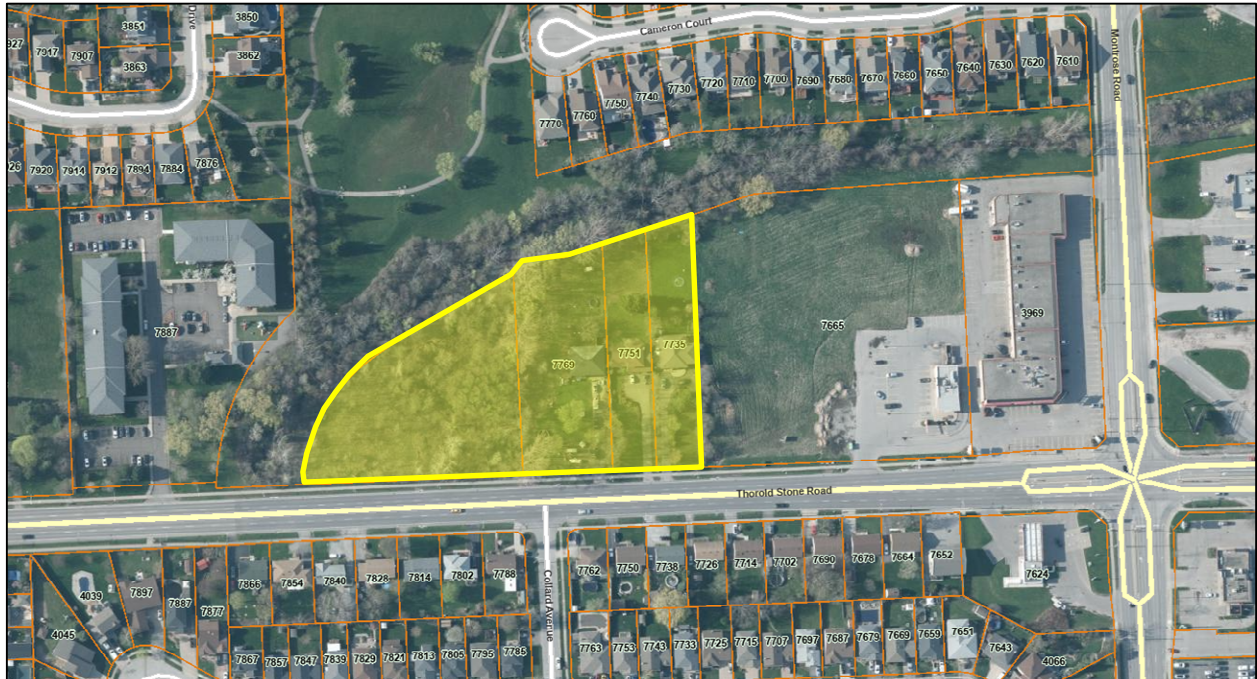
This report should be read in conjunction with the following reports:

- Scoped Impact Assessment prepared by Ecological & Environmental Solutions (EES)
- Noise Feasibility Study prepared by HGC Engineering Ltd. (HGC)
- Functional Servicing Report prepared by Upper Canada Consultants
- Stage 1 & 2 Archaeological Assessment prepared by Detritus Consulting Ltd.

**Please note that this report is being provided in relation to the Zoning By-law Amendment Application submission. The report also provides comprehensive and interrelated justification for the related future Draft Plan of Vacant Land Condominium Application.**

## DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The submitted applications pertain to lands known municipally as 7769, 7751, 7735 Thorold Stone Road & Part of Lot 70, Stamford in the City of Niagara Falls. The subject lands are shown on **Figure 1**.



**Figure 1 - Context Map – Cropped from Niagara Navigator (2020 Aerial)**

The subject lands are located north of Thorold Stone Road, west of Montrose Road, east of Kalar Road and south of the Shriners Creek. The property is located at the northern terminus of Collard Avenue at Thorold Stone Road.

The subject lands cumulatively measure 1.601 hectares in area with 186.44 metres of frontage along Thorold Stone Road. The property currently contains three (3) existing single detached dwellings on individual lots and accessory structures. There are currently three driveway accesses from Thorold Stone Road to the property. The westernmost lot has no municipal address and contains no development.

The property contains some trees, a mild sloping grade (east to west) and is adjacent to the Shriners Creek.

Photographs of the subject lands are included as **Figures 2 to 7** of this report.



Figure 2 - Looking West to Subject Lands



Figure 3 - Subject Lands, Looking North from Collard Avenue





Figure 4 - Subject Lands Along Thorold Stone Road, Looking Northeast



Figure 5 - Shrines Creek, Looking South from Mount Carmel Park





Figure 6 - 7335 Thorold Stone Road



Figure 7- 7751 & 7769 Thorold Stone Road

### Surrounding Area

The surrounding area is generally comprised of a mix of residential and commercial development.

Lands to the south and west contain single detached dwellings predominantly, as well as apartment buildings.

To the north the subject lands abut Shriners Creek. North of the Creek is Mount Carmel Park, which is a large City park inclusive of play equipment, sports fields and paths.

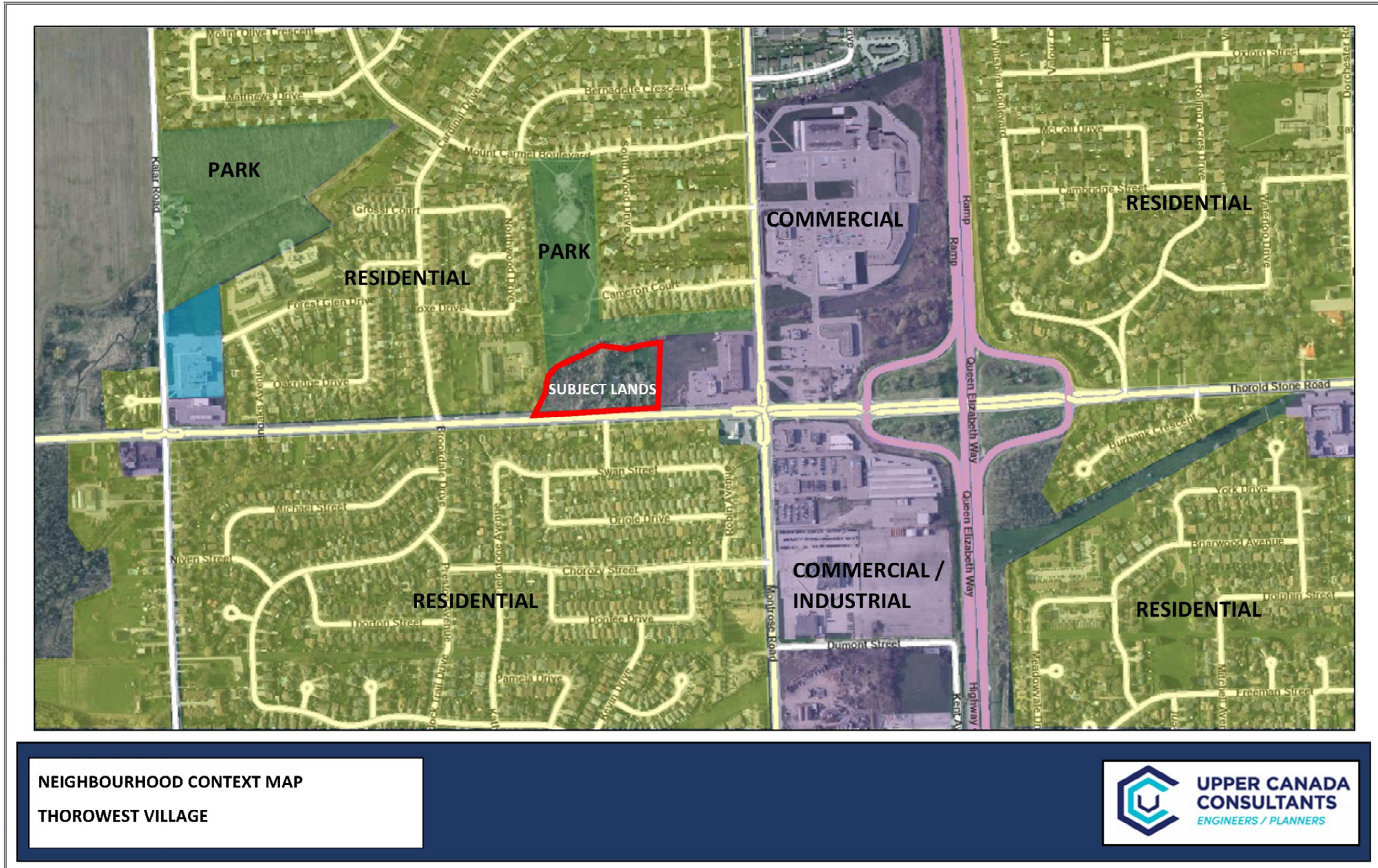
To the east, on the north side of Thorold Stone Road are vacant commercial lands and existing commercial land uses including restaurants and a plaza. Further east is a large-scale shopping centre which includes grocery, restaurants and fuel stations.

The subject lands are within approximately 400 metres of the Queen Elizabeth Highway which provides access throughout and external to Niagara Region.

An illustrative map showing adjacent land uses is provided as **Figure 8** to this report.



FIGURE 8 – ILLUSTRATIVE MAP





### Transportation Network

Vehicular access to the subject lands is provided from Thorold Stone Road, which is classified as an Arterial Roadway on Schedule C of the City of Niagara Falls Official Plan.

Thorold Stone Road is a Regional Road (Regional Road 57) that has a four-lane cross section in front of the subject lands. Sidewalks are currently provided on both sides of the roadway.

There are three (3) public transit stops along Thorold Stone Road between Kalar Road and Montrose Road.

### Site Servicing

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the subject lands have existing municipal water and sanitary services and utilities available.

The subject lands also have a suitable stormwater outlet, being the Shriners Creek. The exact method of stormwater management will be subject to detailed design including quantity and quality controls.

### Natural Heritage Features

As confirmed through site visits and the completion of a Scoped Impact Assessment (SIA) prepared by Ecological and Environmental Solutions(EES), the subject lands do not contain any natural heritage features. The subject lands are, however, adjacent to the Shriners Creek which is a watercourse containing Fish Habitat.



## **THE PROPOSED DEVELOPMENT**

The owner is proposing to demolish the three existing dwellings on the property and redevelop the lots and vacant land parcel to the west as a Vacant Land Condominium consisting of 49 dwelling units. The Preliminary Draft Plan of Condominium and Preliminary Site Plan showing the development plan and zoning compliance are included as **Appendix I** and **II** to this report, respectively.

The plan focuses development around an internal 6.0-metre-wide private driveway, with units backing largely onto Shriners Creek and the adjacent commercial lot to the east. Within the central portion of the development, units are located along a “window-street” and are facing towards Thorold Stone Road.

Each condominium unit will consist of a dwelling and exclusive use areas for parking and private amenity area. Allowances have been made for the provision of covered decks, if desired.

The proposed Block Townhouse Dwellings and Semi-detached dwellings will be two-storeys in height and reflect similar design characteristics and layouts. The single detached dwelling (Unit 24) has been proposed by the owner to accommodate the personal needs of a family member who will reside in the development.

A common amenity area is proposed at the western end of the property which may contain play equipment, gazebos and landscaping. Additionally, convenient pedestrian routes have been provided within the development to provide direct connections to the existing sidewalk along Thorold Stone Road.

The subject lands have a developable area of 1.554 hectares, which excludes the required road widening to be provided along Thorold Stone Road. Based on the 49-unit proposal, the site will be developed at a density of 31.74 units per hectare (uph), which conforms with the permitted density range of 20-40 uph contained in Section 1.15.5 of the City’s Official Plan.

The preliminary site plan conforms with the majority applicable provisions of the requested Residential Low Density, Grouped Multiple Dwellings Zone (R4). Site specific provisions are required to permit the single detached and semi-detached dwellings in the development as well as for a reduced privacy/rear yard for Unit 17 and a reduced interior side yard setback for Unit 24. An overall provision for increased height to 11.0 metres is proposed for all dwellings, consistent with typical massing of new residential construction.

## **REQUIRED PLANNING ACT APPLICATIONS**

Pre-consultation meetings pertaining to this development proposal occurred on August 19, 2021 and April 6, 2023. Through these meetings City staff confirmed that applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment are required to facilitate the proposed development. Please see **Appendix III** for a copies of the Pre-consultation Agreements.

As requested by the City and review agencies, a complete application submission for the Zoning By-law Amendment application must include:

- Conceptual Site Plan and Draft Plan
- Planning Justification Report
- Functional Servicing and Stormwater Management Report
- Archaeological Assessments
- Natural Heritage Constraint Analysis

These required materials are provided with the Application submission.

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

An Application for Zoning By-law Amendment is required to facilitate the development of the site as a private road development. To facilitate the development of the lands as proposed, the Zoning will be amended from Development Holding (DH) and site-specific Residential 5A Density Zone (R5A-190) to a site-specific Residential Low Density Grouped Multiple Dwellings Zone (R4).

A copy of the Draft Zoning By-law Amendment is included as **Appendix IV** to this report

A copy of the in-effect, approved site-specific R5A-190 Zoning is included as **Appendix V** to this report

### **Draft Plan of Vacant Land Condominium (Future)**

The Draft Plan of Condominium proposes forty-nine (49) dwelling units along a private roadway. The common element includes twenty-one (21) dedicated visitor parking spaces, as well as necessary stormwater management infrastructure, servicing and utilities, common amenity area and landscaping.

The Draft Plan application is intended to be submitted once Zoning approvals have been obtained.

## **RELATED STUDIES AND REPORTS**

In addition to this Planning Justification Report, a Functional Servicing Report, Scoped Impact Assessment (Natural Heritage), Stage 1 & 2 Archeological Assessment and Noise Impact Study have been submitted with the application. A brief overview of the purpose, findings and conclusions of these reports/studies are provided below.

### **Functional Servicing Report (Upper Canada Consultants)**

The Functional Servicing Report contains an overview of existing servicing, proposed servicing methods and the preliminary stormwater management method required to support the planned development.

The Report identifies that there are existing water and sanitary services proximate to the site within Thorold Stone Road that can support the development.

For domestic water and fire protection purposes, the Report recommends that the development connect to an existing 300 mm municipal watermain on the south side of Thorold Stone Road by way of a 150mm connection.

For sanitary servicing, the report recommends that a new sanitary sewer service be connected to an existing sanitary maintenance hole at the southwest limit of the site due to the shallow depth of an existing 250mm sanitary sewer on the south side of Thorold Stone Road. This manhole connects to an existing 525 mm Regional Trunk sewer that has sufficient capacity to accommodate the development.

For stormwater servicing, the development will be required to control flows to the 100-year storm event. To do this, an on-site dry pond, underground pipe storage and control orifice will be utilized to manage flows that will be directed to the Shriners Creek. An oil/grit separator will likely be used to provide stormwater quality controls.

The report concludes that the exiting and proposed services will be sufficient to support the proposed development. The specific design of serving infrastructure will occur through future detailed planning processes.

### **Natural Heritage Constraints Evaluation (EES)**

A Scoped Impact Assessment (SIA) of natural heritage features was completed for the subject lands by Ecological and Environmental Solutions (EES). These works were scoped in consultation with the Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority. The scope of work also included a site walk with the review agency staff.

Based on site review, the consultant has concluded that the subject lands do not contain any natural heritage features, but are located adjacent to Type 2 Fish Habitat in the Shriners Creek. The Consultant has recommended that a 10 metre buffer, free of development, be located along the southern edge of the Creek, from the top of slope. The retention of existing riparian vegetation and provision of additional plantings is supported.

The report concludes that the development will have no negative impact on the Fish Habitat feature, subject to mitigation recommendations.

#### Archaeological Assessment (Detritus Consulting Ltd.)

Detritus Consulting Ltd. was retained by the property owner to complete Stage 1 & 2 Archaeological Assessments in the Fall of 2021. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review and acknowledgement. Ministry clearance was provided on April 13, 2022.

#### Noise Feasibility Study (HGC Engineering Ltd.)

HGC Engineering completed a Noise Feasibility Study for the subject lands focused on road noise impacts.

As set out in the report, the primary source of noise affecting the property is Thorold Stone Road. Secondary sources of noise impact included traffic on Montrose Road and the QEW. Although adjacent commercial land uses did have rooftop mechanical units that emit noise, their impact was dominated over by road noise.

Based on noise measurements, the sound levels exceeded the thresholds set out in the Provincial NPC-300 Guidelines, and thus mitigation measures are required for the site. The mitigation measures include:

1. Rear Yard Acoustic Barriers for yard with flanking exposure to Thorold Stone Road
  - a. Barrier height to be confirmed once a detailed grading plan has been completed.
2. Forced Air and Warning Clauses for all Units
3. Ontario Building Code compliant building materials for all Units.
4. Warning Clauses for all units citing road noise and stationary source impacts.

With the implementation of these measures, residential development can proceed.

## **PROVINCIAL LEGISLATION AND PLANS**

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

### **PLANNING ACT (R.S.O. 1990)**

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

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

Section 2 of the Planning Act outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
  - (i) *is well-designed,*
  - (ii) *encourages a sense of place, and*
  - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

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

- a) *the protection of ecological systems, including natural areas, features and functions;*

*An Environmental Study was completed to confirm on-site and adjacent natural heritage features that may be impacted by development.*

*As outlined in the report completed by EES, adjacent features were confirmed to include Type 2 Fish Habitat within Shriners Creek. Subject to recommended mitigation and enhancement, the Fish Habitat feature will be protected.*

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

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

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

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

*The orderly development of safe and healthy communities is achieved through the development of the subject lands as a multiple-unit, condominium development. The proposed housing forms are appropriate for the subject lands and integrates well with adjacent low density residential development in the surrounding area. The proposed*

*dwelling forms are compatible with surrounding detached dwellings, apartment buildings and commercial land uses.*

*The subject lands are located along convenient pedestrian routes and are within walking distance to institutional land uses and commercial services. Specifically, an existing sidewalk provides convenient access from the site to public transit services along Thorold Stone Road.*

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

*The development will contain forty-nine (49) dwelling units. The unit count is comprised of forty-four (44) Block Townhouses, four (4) semi-detached dwellings and one (1) single detached dwelling. This mix of dwelling types provides a variety in housing choice within the development, and within the neighbourhood as a whole which is largely comprised of detached dwellings and apartment buildings.*

*Generally, private road developments can be more affordable than freehold lots. The development proposal will contribute additional housing supply within the City of Niagara Falls.*

- p) the appropriate location of growth and development;

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

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

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

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

*The subject lands are located within a short walk of multiple public transit stops along Thorold Stone Road that will be conveniently accessible from the proposed sidewalk connections.*

- r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

*The proposed development form is considered to exhibit good urban design principles and to be context sensitive with the surrounding neighbourhood. The development layout appropriately focuses development towards the public realm, limits access and interruptions to Thorold Stone Road and the existing sidewalk network and takes advantage of the scenic backdrop of Shriners Creek by placing development along the interface.*

*The development layout creates a sense of place through a compact, village/complex layout which is inclusive of walking routes, green spaces, common amenity and low volume private roadways. The interface with existing parkland and the creek also creates a high-quality public realm and help to soften the interface of urban development.*

### **Section 34 – Zoning By-laws and Amendments**

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments to municipal by-laws are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

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

Draft Plans of Condominium are considered under Section 51 (24) of the Planning Act. The submitted draft plan application is a vacant land condominium, which will create conveyable units of land on a single parcel of land (i.e. lot) served by a common element.

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



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

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

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

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

*The applications are considered to be in the public interest as they facilitate the development of additional housing supply and different dwellings forms within this area of the municipality. The proposed development will also assist the City of Niagara Falls in the achievement of its minimum annual residential intensification target of 50 %, as set by Niagara Region.*

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

*The Plan conforms to the Niagara Falls Official Plan. A detailed overview of specific conformity with Official Plan policies is provided further on in this report.*

*The development plan has been designed to ensure that the primary access lines up with the access to the adjacent plan of subdivision to the south (Collard Avenue).*

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

*The lands are a suitable location for development as they are designated for residential land uses, are within the Urban and Built-Up Area and have municipal services. The subject lands are also located in proximity to public transit routes and are conveniently located near access point to local collector and arterial roads including Thorold Stone Road, Montrose Road and the QEW.*

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

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

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

*The subject lands located on the north side of Thorold Stone Road, which is a Regional road (Regional Road 57) and is classified as an arterial roadway in the City of Niagara Falls Official Plan.*

*Thorold Stone Road provides adequate access to other Regional and local roadways and the Queen Elizabeth Way, thus making the subject lands highly accessible by multiple modes of transportation.*

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

*The proposed condominium units are shown on the Draft Plan provided with the application submission. Each condominium unit will provide adequate space for the dwelling unit, and front and rear exclusive use and amenity areas. The ownership units are generally rectangular and back on to the property lines and existing development, consistent with freehold lotting in the surrounding area.*

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

*There are no restrictions to development on the subject lands.*

- h) the adequacy of utilities and municipal services;

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

- i) the adequacy of school sites;

*The subject lands are located within approximately 1.0 kilometre of three elementary schools. The local school boards will comment on the adequacy of school sites through their comment submissions.*

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

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

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

*Energy efficient design will be explored through the development of detailed building plans.*

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

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

## **2020 PROVINCIAL POLICY STATEMENT**

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

The overarching purpose of the Provincial Policy Statement (2020) (PPS) is provide direction to planning authorities on how to best achieve the development of healthy, livable and safe communities.

To achieve these types of communities, the PPS promotes efficient development patterns, mixes of residential dwelling types and land uses, the integration of planning processes with growth management, public transit and infrastructure planning and the conservation of biodiversity. Development proposals should not include land use patterns that cause public health and safety concerns or propose inefficient expansions creating barriers for accessibility and mobility for vulnerable populations.

The subject lands are located within the Niagara Falls Urban Area, which is delineated in both the Niagara Official Plan and City of Niagara Falls Official Plan. The Niagara Falls Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 1.1.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. The applications are consistent with this PPS policy as the subject lands are located within the Settlement Area boundary.

As outlined in Policy 1.1.3.2 of the PPS, within Settlement Areas, development is to proceed in a manner that efficiently uses land and resources, is appropriate for the efficient use of existing or planned infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, supports multi-modal transportation options including active transportation and transit and freight movement. Land use patterns are to be based on a range of uses and opportunities for intensification and redevelopment.

The applications are consistent with this policy direction as they propose the development of urban, serviced lands within a developed area of the municipality. The proposed development form is compatible with adjacent dwelling types and non-residential land uses and is an efficient use of land. The site is currently provided with full urban services and is accessible by multiple modes of transportation including public transit.

## **Coordination (PPS 1.2)**

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration is given to all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Section 1.2.4 of the PPS requires that upper tier municipalities provide planning direction on allocations of population and employment, preferred growth areas, targets for intensification and transit supportive development. The Regional Municipality of Niagara is the upper tier government body that manages and monitors growth within the Region. In conformity with the Growth Plan, Regional level policy direction requires a minimum annual residential intensification rate of 50% to the year 2041. The applications are consistent with these requirements, as all units will be counted towards the annual intensification target for Niagara Falls.

Through the pre-consultation process, the planning authority and other review agencies provided direction on required studies and information needed to process the application. This comprehensive approach was used to ensure that all matters of Provincial, Regional and local interest are identified. The requisite studies and materials have been provided with the submitted application.

## **Housing (PPS 1.4)**

Section 1.4 of the PPS (2020) requires municipalities and planning authorities provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This is to be achieved through establishing targets for affordable, to low and moderately priced homes, including all forms of residential intensification, and second units.

The applications facilitate the development of forty-nine (49) new dwelling units under condominium tenure in the City of Niagara Falls. As the subject lands are surrounded predominantly single detached dwellings, the introduction of new dwellings, types (i.e. townhouses & semi-detached dwellings) and tenure forms contribute to the range and mix of housing options prescribed by the PPS as well as the Regional and City Official Plans.

Overall, the application is consistent with Section 1.4 of the PPS and will assist in the provision of housing opportunities in the City.

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

The PPS directs planning authorities to promote healthy and active communities through the detailed planning of streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity. To achieve this, Policy 1.5.1 of the PPS requires that a full range and equitable distribution of publicly accessible spaces for recreation be provided such as parks, trails, as well as access to shorelines for public enjoyment.

The subject lands are located south of Mount Carmel Park and within 0.5 kilometres of the Shriners Woodlot Park.

A dedicated common amenity area has been provided in the west end of the development, with sufficient space for a gazebo, playground equipment or plantings. Furthermore, a convenient internal sidewalk network has been proposed within the development to provide more direct access through the development and facilitate easy access to dwellings from the multiple visitor parking areas to the dwellings and to Thorold Stone Road.

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

A general tenant of the Policies within Section 1.6 of the PPS is that urban development must occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered.

#### Sewage, Water and Stormwater

The FSR identifies that there are existing municipal (i.e. urban) water and sanitary services proximate to the site within Thorold Stone Road that can support the development.

For domestic water and fire protection purposes, the Report recommends that the development connect to an existing 300 mm municipal watermain on the south side of Thorold Stone Road by way of a 150 mm connection.

For sanitary servicing, the report recommends that a new sanitary sewer service be connected to an existing sanitary maintenance hole at the southwest limit of the site due to the shallow depth of an existing 250 mm sanitary sewer on the south side of Thorold Stone Road. This manhole connects to an existing 525 mm Regional Trunk sewer that has sufficient capacity to accommodate the development.

For stormwater servicing, the development will utilize storm sewers and sheet drainage. The development will be required to control flows to the 100-year storm event. To do this, an on-site dry pond, underground pipe storage and control orifice will be utilized to manage flows that will be directed to the Shriners Creek. An oil/grit separator will likely be used to provide stormwater quality controls.

### Transportation

The Policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimize the length and number of vehicle trips, and supports public transit.

The subject lands are located on Thorold Stone Road (Regional Road 57), which is classified as an Arterial Road on Schedule C of the Niagara Falls Official Plan. The subject lands are also serviced by municipal public transit, with three stops located between Montrose Road (east) and Kalar road (west).

Policy 1.6.7.4 of the PPS directs that a land use pattern, density and mix of uses should be promoted that minimize the length and frequency of vehicle trips. The proposed development will be situated in a location with convenient access to transit, pedestrian networks, and local and regional roadways. Further, the site has immediate access to the QEW (less than 0.5 kilometres). The provision of this compact development on the subject lands appropriately benefits from, and will utilize the various transportation modes available in the area.

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

Section 1.7.1 of the PPS outlines several ways in which economic prosperity can be supported in Ontario. Based on the criteria listed in Policy 1.7.1, policy 1.7.1 b) is relevant and requires that long-term economic prosperity be supported by *“encouraging residential uses to respond to dynamic market based needs and provide necessary housing supply and range of housing options for a diverse workforce.”*

The applications propose a form of residential development that continues to be desirable and successful in Niagara. The provision of condominium dwellings provides an opportunity for downsizing and aging in place without having to move outside of a community. The location of the development on an Arterial roadway, as well being within very close proximity to the QEW, makes the development desirable to commuters, as well.

## **Natural Heritage (PPS 2.1)**

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands and fish habitat. This protective policy framework is also applicable to natural heritage features on adjacent lands.

The City of Niagara Falls Official Plan delineates the Shriners Creek as containing Fish Habitat. The presence of this habitat has been confirmed by the consulting biologist (EES) through their field work and Scoped Impact Assessment (SIA).

Policy 2.1.6 of the PPs prohibits development and site alteration within Fish Habitat except in accordance with Provincial or Federal Requirements. The Provincial requirements are regulated by the Niagara Peninsula Conservation Authority (NPCA) which require a 15 metre buffer be provided from Type 2 Fish Habitat. This buffer can be reduced to 10 metres depending on the characteristics of the feature.

As recommended in the SIA, a 10-metre buffer is sufficient to protect the fish habitat feature. This buffer will not contain any physical development and will retain riparian vegetation, be removed of invasive species and will contain grassed areas to ensure the continued flow of surface runoff the creek.

As the Fish Habitat feature will not be negatively impacted by the development and that the ecological functions are not disrupted, the application is consistent with Section 2.1 of the PPS.

## **Cultural Heritage and Archaeology (PPS 2.6)**

PPS Policy 2.6.2 directs that development and site alteration shall not be permitted on land containing archaeological resources or areas of archeological potential unless resources have been conserved. Typically, areas of interest are outlined within a municipal archeological master plan.

In the absence of a local archaeological master plan, the Regional municipality is the Planning authority with delegated responsibility for identifying archaeological potential and requesting studies in accordance with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries Criteria for Evaluating Archeological Potential Checklist.



Detritus Consulting Ltd. was retained by the property owner to complete Stage 1 & 2 Archaeological Assessments in the Fall of 2021. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review and acknowledgement. Ministry clearance was provided on April 13, 2022.

Overall, the Applications are considered to be consistent with PPS Policy 2.6.

## 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

### Guiding Principles (PTG 1.2.1)

In order to realize the vision of the Growth Plan, policies within the Plan are based on the following principles:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The proposed development is a context sensitive and appropriate development within the established neighbourhood. The inclusion of townhomes and semi-detached dwellings will provide additional housing choice that is also accessible by multiple modes of transportation including transit. The built form proposed is capable of facilitating a compatible and efficient residential density within the surrounding area. Overall, the proposed development is considered to implement the guiding principles of the Growth Plan.

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

The subject lands are located within the Niagara Falls Settlement Area, within the Provincially established Built-up Area. Consistent with the overall goal of the Growth Plan to create complete communities, the applications will facilitate development that is generally consistent with the Official Plan and Zoning By-law, builds upon and utilizes existing municipal services and utilities, and has multi-modal transportation options readily available. The requested zoning change seeks to maximize the development potential of the subject lands to ensure they yield additional dwelling units and dwelling types within a developed area of the City of Niagara Falls.

### **Delineated Built-up Area (PTG 2.2.2)**

By 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area as intensification. Consistent with Growth Plan Policies 2.2.2.1 & 2.2.2.3, the Regional Municipality of Niagara has an established annual residential intensification target of 50% for the City of Niagara Falls, as its contribution to growth.

The development of these lands will contribute towards the City and Region's annual residential intensification target as the lands are within the Built-up Area.

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

The Growth Plan requires that a mix of housing forms be provided through new development. With regard to multi-unit development, the Growth Plan states that a variety of unit sizes are encouraged.

The proposed development plan and zoning will facilitate the development of a mix of residential building forms that will assist in the provision of a mix and range of housing forms. This variation will assist in providing variety in housing prices, which may lead the attainment of more affordable housing opportunities in the community.

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

The subject lands are accessible by multiple modes of transportation including public transit, walking, cycling, and private automobile.

### **Moving People (PTG 3.2.3)**

Section 3.2.3 of the Growth Place places emphasis on the provision of public transit service to support development. Consistent with this direction, the proposed development is, and will continue to be serviced by proximate public transit routes and stops.

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

The development will make use of existing local municipal water and sewer connections within the Thorold Stone Road road allowance. Please see the Functional Servicing Report prepared by Upper Canada Consultants (dated January 2023) for a detailed overview of the servicing approach for this development.

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

Although prescribed by the Growth Plan, the City of Niagara Falls is one of many Niagara municipalities which does not have a Stormwater Management Master Plan.

Although a master plan is not in effect, new developments must ensure that stormwater can be managed on site with no impact on adjacent lands.

Stormwater Management will be provided by way of on-site, private storm sewers for conveyance and storage, a dry pond, and quality and quantity controls. These ponds are respectively located to the east, adjacent to the municipal fire hall and north of Queenston Road within the Vineyard Creek subdivision. The Functional Servicing Report prepared by Upper Canada Consultants indicates that this proposed method of stormwater management is sufficient to support the development.

### **Cultural Heritage Resources (PTG 4.2.7)**

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans as tools to use in the consideration of development applications.

In the absence of a City archaeological master plan, the Regional municipality is the Planning authority with delegated responsibility for identifying archaeological potential and requesting studies in accordance with the Ontario Ministry of Citizenship and Multiculturalism.

Detritus Consulting Ltd. was retained by the property owner to complete Stage 1 & 2 Archaeological Assessments in the Fall of 2021. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review and acknowledgement. Ministry clearance was provided on April 13, 2022.

## NIAGARA OFFICIAL PLAN (2022)

The subject lands are located within the Niagara Falls Urban Area and the Built-Up Area on Schedule B – Regional Structure of the Niagara Official Plan (see **Figure 9**).

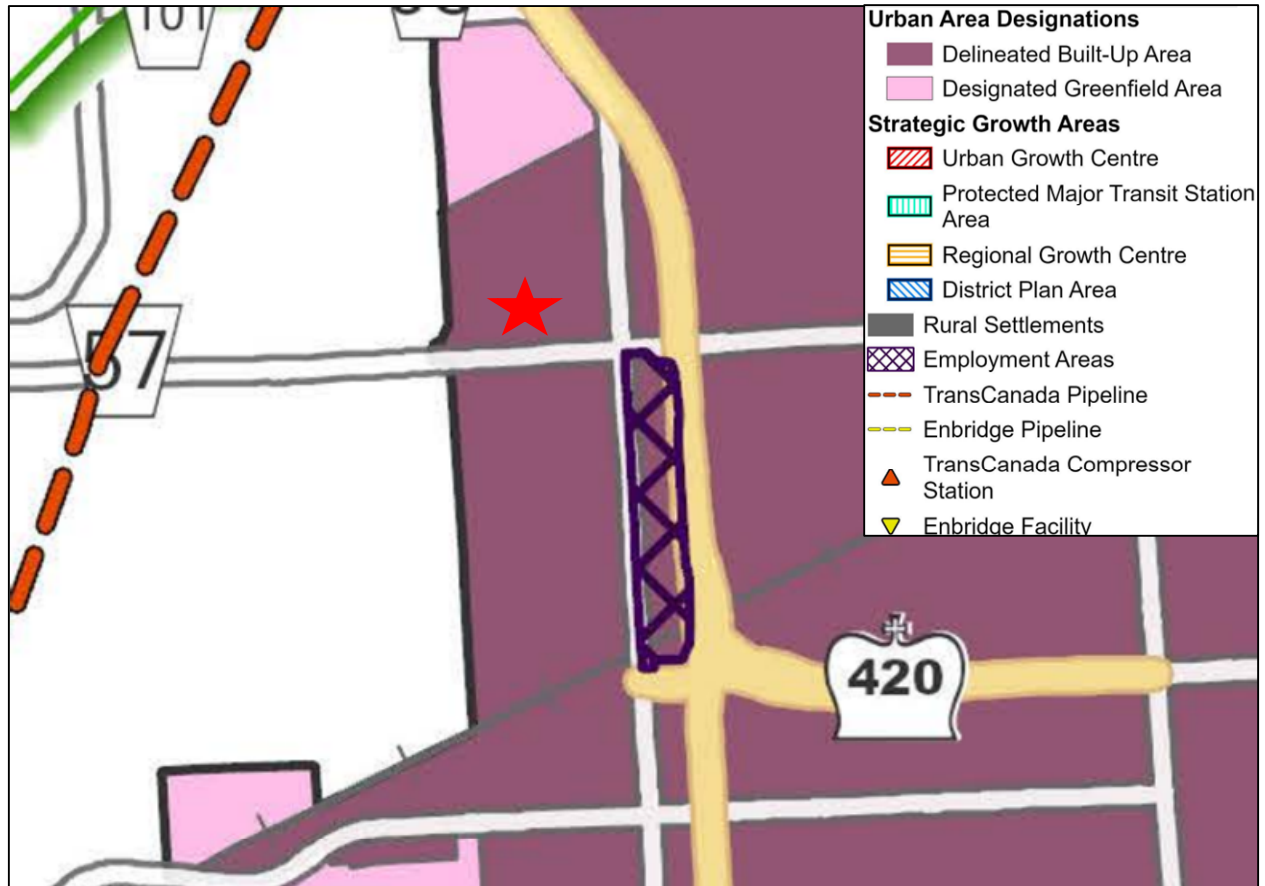


Figure 9 – Schedule B of the Regional Official Plan – Regional Structure (Cropped Image)

### **Chapter 2 – Growing Region**

Chapter 2 of the Regional Official Plan (ROP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The Regional Plan directs growth and development to settlement areas where full urban services are available, as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring annually within

Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

The subject lands are located within the Niagara Falls Urban Area (Settlement Area) and are within the delineated built-up area. Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051, per Table 2-1 of the ROP. The required intensification target set by the Region for the City of Niagara Falls is 50% or 10,100 units, per Table 2.2 of the Regional Official Plan.

The proposed development will contribute forty-nine (49) new dwellings into the City's housing supply and round out existing development along Thorold Stone Road between Montrose Road and Kalar Road. The subject lands are logical location for more intensive residential development due to their location along an arterial roadway with transit service, being proximate to commercial and institutional land uses and that the property can be serviced by existing municipal infrastructure. The proposed development will assist the City in the achievement of its annual growth and intensification targets.

Section 2.2.1 of the Niagara Region Official Plan contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The applications conform with this policy direction through the provision of a mix of residential housing forms within a compact condominium site on urban, serviced land. The proposed development will assist the City in the achievement of Regional intensification targets and rounds out available lands with a logical development pattern that will contain vibrant housing forms and streetscapes.

Overall, the applications are considered to conform with the Niagara Region Official Plan and implement its growth management direction in an appropriate, efficient and context sensitive manner.

### **Chapter 3 – Sustainable Region**

Chapter 3 of the Niagara Official Plan contains the policies pertaining to the natural environment hazards and natural resources. Specifically, these policies pertain to features shown on *Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage System* and *Schedule C2 – Natural Environment System – Individual Components and Features*.

As shown on Schedule C1 of the Niagara Official Plan (**Figure 10**), the subject lands contain a Natural Environment System Overlay designation.

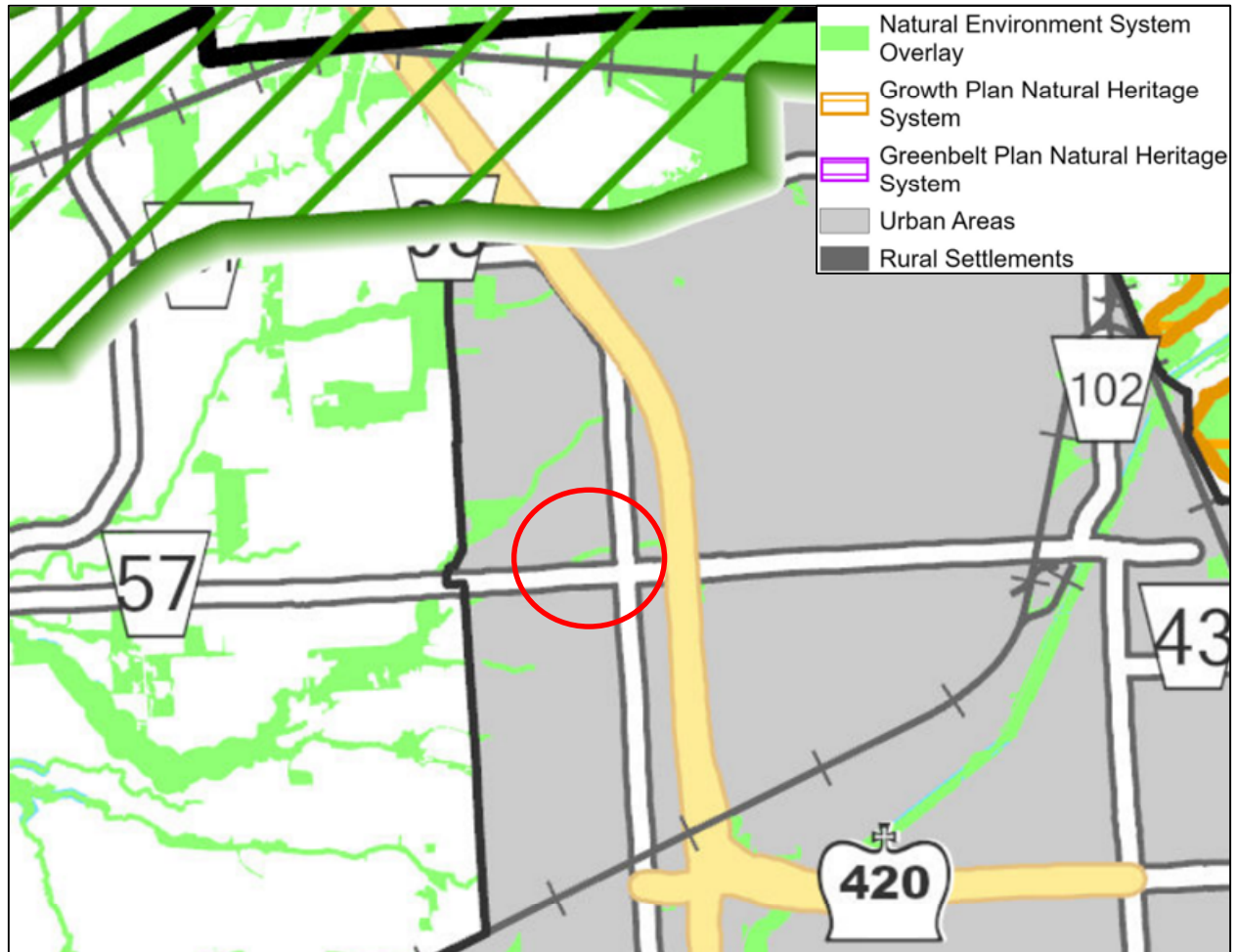


Figure 10 - Schedule C1 of the Niagara Official Plan (2022)

Policy 3.1.1 of the NOP outlines that the Natural Environment System (NES) is comprised of several features, which are listed in Schedule L of the Official Plan. The NES includes Fish Habitat, which was the only identified natural heritage feature identified by the consulting biologist.

The presence of the fish habitat within the adjacent Shriners Creek correlates with the “Permanent and Intermittent Stream” feature shown on Schedule C2 of the Niagara Official Plan. This feature is shown in **Figure 11**.



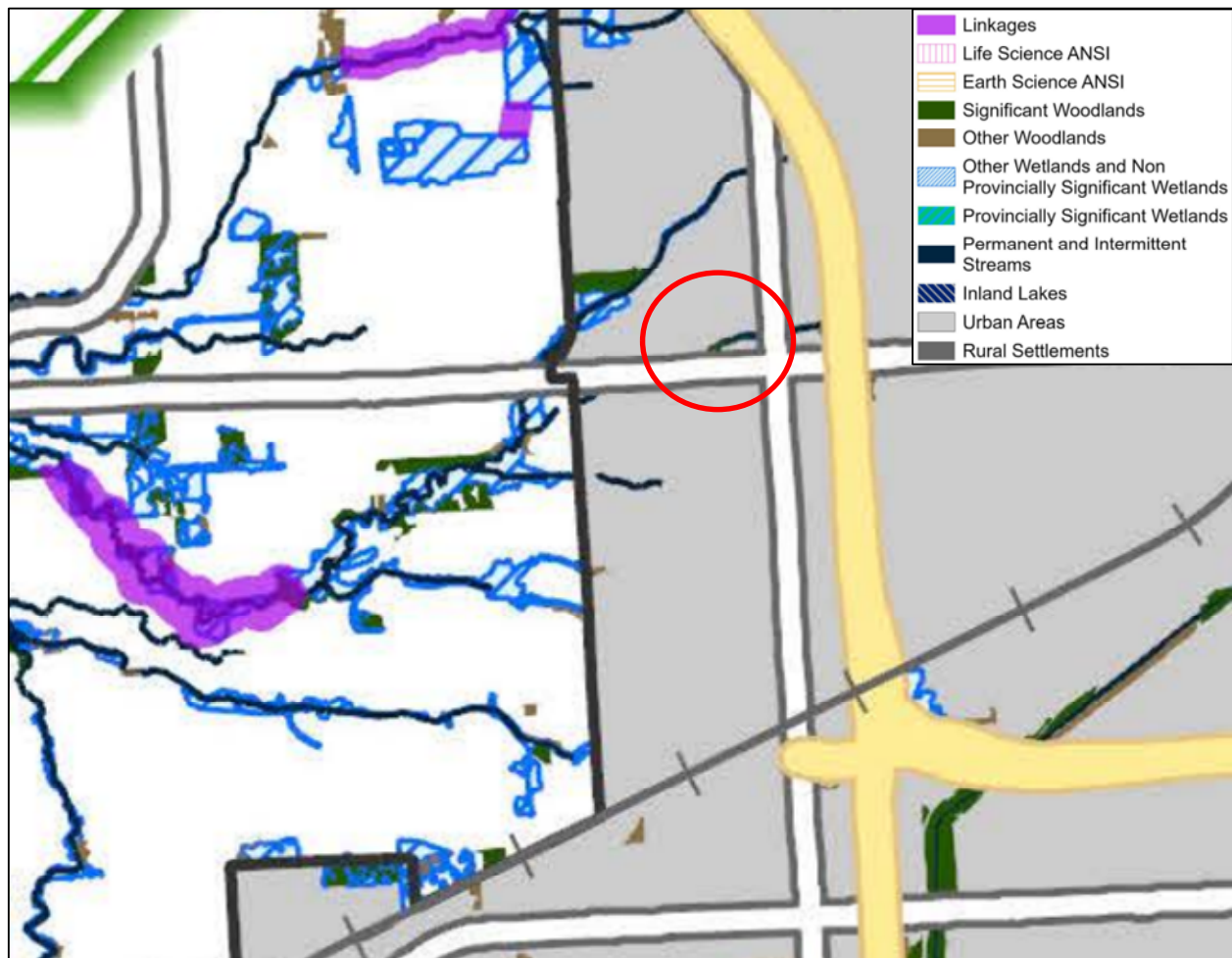


Figure 8 - Schedule C2 of the Niagara Official Plan (2022)

As outlined in the SIA prepared by EES, the Shriners Creek watercourse has been confirmed to contain Type 2 Fish Habitat.

Per the policies of Section 3.1.12 of the Niagara Official Plan:

*“Development or site alteration shall not be permitted in fish habitat except in accordance with Federal and Provincial requirements. In order to determine whether fish habitat is present, proponents of development or site alteration shall be required to screen for the presence of fish habitat to the satisfaction of the Region.” (Policy 3.1.12.1)*

*If fish habitat is determined to be present, a fish habitat assessment undertaken by a qualified professional shall be required for development or site alteration within or adjacent to fish habitat. Development or site alteration may be exempt from this requirement provided that: a. the development satisfies Federal and Provincial requirements or has been specifically authorized by the appropriate approval authority; and b. the regulated setback, vegetated*



*shoreline, stormwater management, and slope related policies of this Plan are met and the proposal is not for major development. (Policy 3.1.12.2)*

In Niagara Falls watercourses are regulated by the Niagara Peninsula Conservation Authority (NPCA). Under NPCA policy a 15 metre buffer be provided from Type 2 Fish Habitat. This buffer can be reduced to 10 metres depending on the characteristics of the feature.

As recommended in the SIA, a 10-metre buffer is sufficient to protect the fish habitat feature. This buffer will not contain any physical development and will retain riparian vegetation, be removed of invasive species and will contain grassed areas to ensure the continued flow of surface runoff the creek.

As the Fish Habitat feature will not be negatively impacted by the development and that the ecological functions are not disrupted, the application conforms with the natural heritage policies of the Regional Official Plan.

## **CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended)**

The subject lands are designated as “Residential” on Schedule A of the City of Niagara Falls Official Plan, as outlined in **Figure 12**, below.

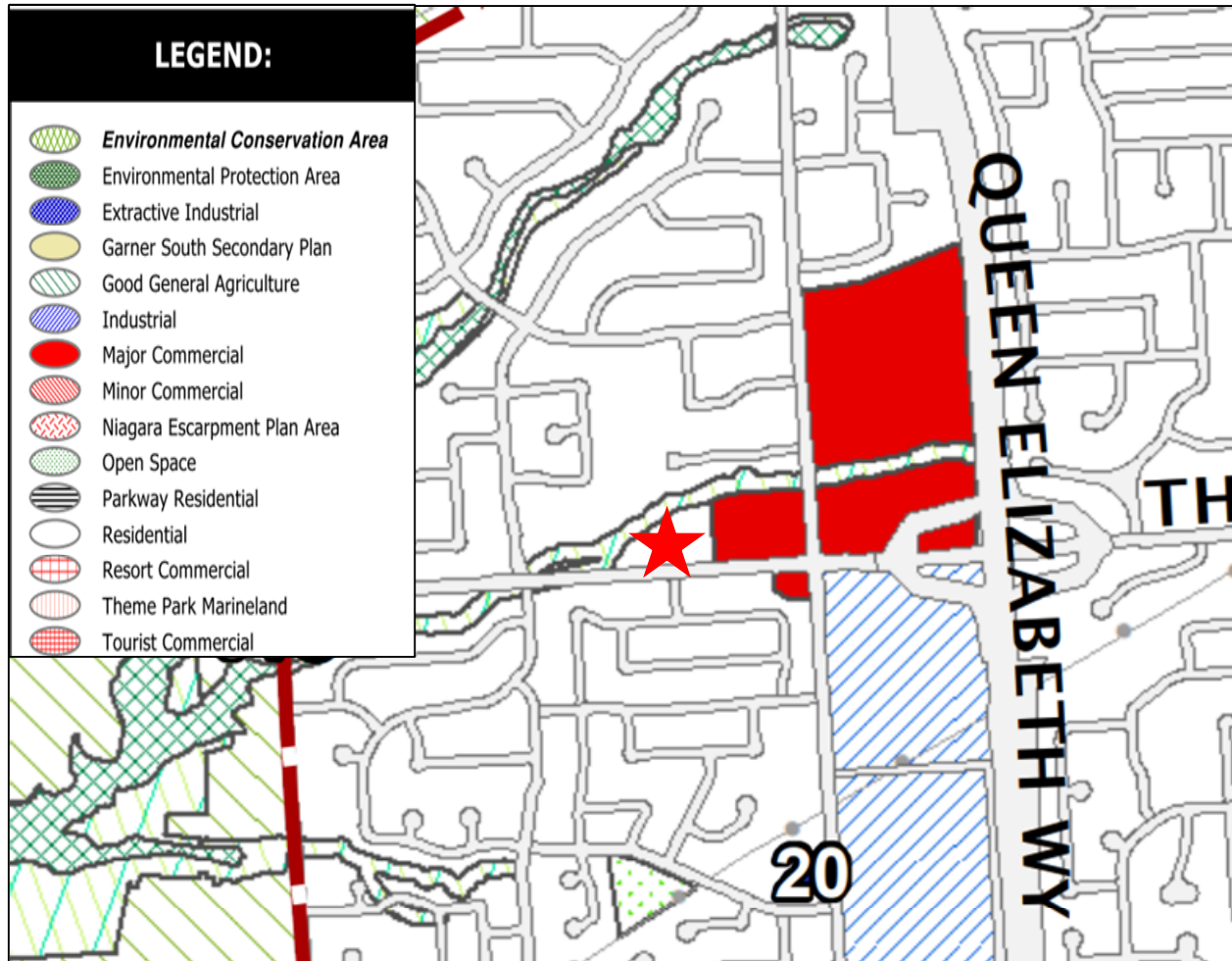


Figure 9 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)

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

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

## Part 1, Section 2 – Strategic Policy Direction

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

Specifically, the proposed development will contribute to the achievement of Objectives 1, 2, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

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

The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area, and built-up area amongst existing development.

Objective 2 pertains to Natural Heritage features, which have been evaluated by a qualified professional in the preparation of the development plan. As outlined in the EIS report, the proposed development will not have a negative impact on the fish habitat feature found within the adjacent Shriners Creek. Accordingly, the natural heritage area and functions are protected.

Conformity with Objective 3 is achieved as the application proposes development within the Built-up Area, which is a priority location for development and growth in the community. The plan proposes a residential development density that is conforms with the prescribed range in Section 1.15.5 of the Official Plan. The development site is supported by full urban services,

existing public roadway frontage and utilities. The site is also situated adjacent to a transit route and is proximate to commercial uses and parkland.

The development of forty-nine (49) dwelling units within the Urban and Built-up Area will contribute to the City's ability to achieve growth targets prescribed in Provincial and Regional plans. Based upon forecasted person per unit density from the previous Niagara Region Official Plan (2015) (2.45 for 2026) and a work at home factor of five percent (5%), the site would accommodate approximately 120 persons and 6 jobs.

The 50% intensification target for Niagara Falls remains in effect and is likely to be increased through the Regional Municipality of Niagara's Municipal Comprehensive review and Official Plan update process. Regardless of the target, all units are counted as intensification.

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

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

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

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

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

The submitted applications implement Policies 2.1 and 2.3 of the Official Plan. With regard to limiting growth pressures on the agricultural area, the development will occur on underutilised urban lands that can accommodate additional, intensified residential growth. By allocating growth within the urban area and built-up area, pressures for expansions to the urban boundary into sensitive agricultural and natural areas are reduced.

### Part 1 Section 3 – Intensification

Intensification is required to represent a minimum of 40% (now 50%, per the 2022 Niagara Official Plan) of residential development annually in the City of Niagara Falls. Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential. Within the Urban Area, a system of intensification Nodes and Corridors have been identified that are priorities for intensification-based development. The subject lands are not located within a Node or Corridor, but are designated as residential.

Policy 3.4 of the Official Plan states that “The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.” It appears that the policy is actually referring to Part 2, Section 1.1.5.5 as opposed to Section 2. An overview of conformity with this Policy is provided further on in this report.

## **PART 2 – LAND USE POLICIES**

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

### **Residential (Section 1)**

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

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

The applications conform with the Residential policies of the Official Plan by proposing permitted housing forms on urban lands (i.e. single detached, semi-detached and townhouse dwellings). The Draft Plan of Condominium facilities a more intensive use of the lands that

allows for greater unit per hectare density to be provided than is currently which in turn assists in providing additional housing supply.

The physical context of the subject lands and surrounding area is also consistent with the traits that are identified as desirable for the City when contemplating new residential developments, such as having frontage along an Arterial roadway, having municipal servicing connections available and being along public transit route.

### Built Up Area

As shown on Schedule A2 of the City of Niagara Falls Official Plan (see **Figure 13**), the subject lands are identified as being within the Built-up Area.



Figure 10 - Schedule A2 - City of Niagara Falls Official Plan

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

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

Policy 1.15.1 requires that the character of existing neighbourhoods be retained through the blending of new development into the lot fabric, streetscape and built-form of the area. The proposed plan proposes ground-based residential development on the north side of Thorold Stone Road complimenting the low-density dwellings on the south side. Consistent with those existing dwellings, the proposed dwellings also face towards Thorold Stone Road, framing the street. The obtuse geometry of the subject lands requires a layout which is different than the traditional grid and cul-de-sac layouts of adjacent neighbourhoods. However, the layout reflects the typical neighbourhood design character, only at a more compact scale, complete with housing facing the street, common parkland, vibrant landscaping and being walkable.

Policy 1.15.3 requires that development within the Built-up Area should generally be at a higher density than that which currently exists. The proposed development plan is more intensive than adjacent neighbourhood blocks, but falls within the prescribed density range of 20-40 units per hectare, being 31.47 units per hectare. As the site also is located along an arterial roadway, the site is considered more appropriate for intensified development, than properties along local roadways. The inclusion of townhouses and semi-detached dwellings under condominium tenure also provided additional housing choice and supply into this area of the community for various segments of the population.

As the applications propose Semi-detached dwellings and Block Townhomes, subsection (i) of Policy 1.15.5 is applicable. This policy states that:

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

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



A development density of 31.47 units per hectare is contemplated for the developable area of the site. This density value is within the approved range and in conformity with the general intent and purpose of Policy 1.15.5 (i). Furthermore, the proposed development is located along an Arterial Roadway, which will ensure less of an impact on the existing transportation network than if it were to be developed on a local roadway.

The height and massing of the units are appropriate for the site as two storey dwellings are found within the broader area (Swan Street, Cameron Court), and that immediately adjacent properties to the west include two (2) three-storey apartment buildings.

### Environmental Policies (Section 11)

The subject lands are located within the Shriners Creek Watershed, and are located to the south of the southern branch of the Shriners Creek. As shown on **Figure 14**, this portion of the watercourse is identified as a "Creek" on Schedule A1 of the Official Plan and Environmental Conservation Area (ECA).

Appendix III of the Official Plan delineates the watercourse as containing Fish Habitat.

### Natural Heritage System

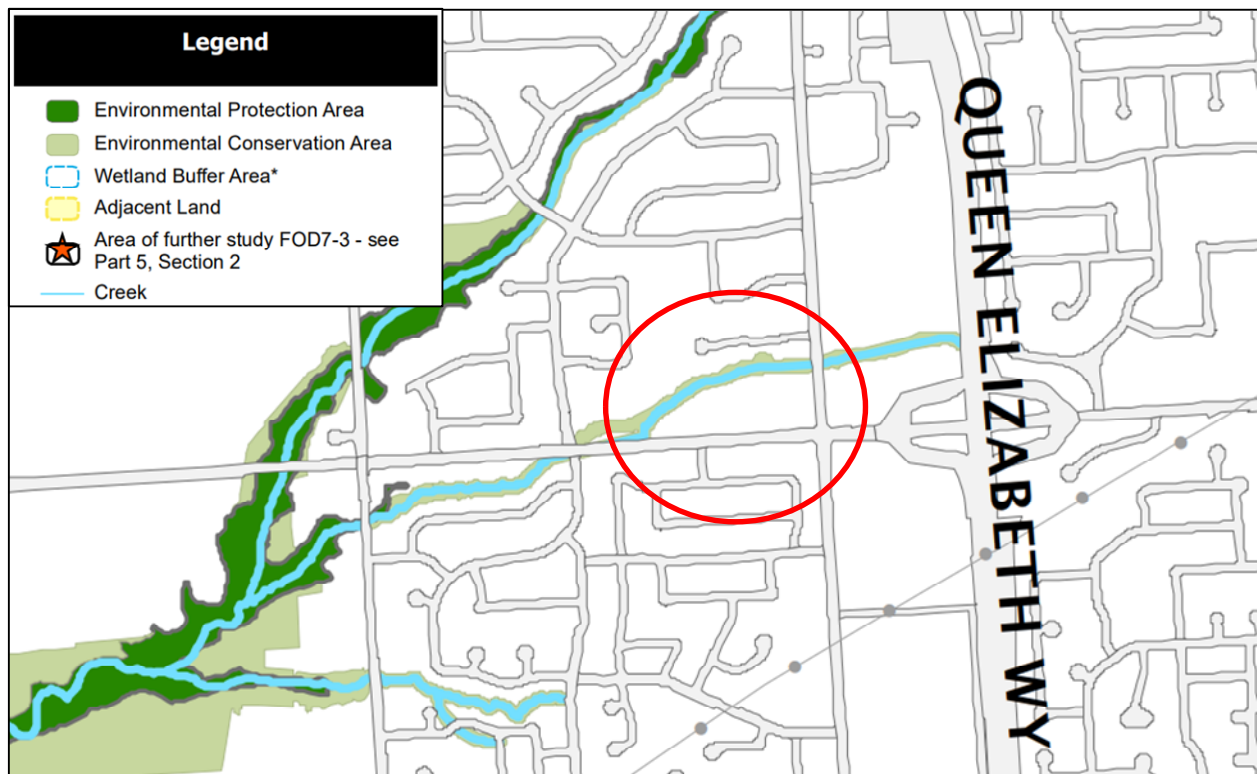


Figure 114 - Schedule A1 of the City of Niagara Falls Official Plan



The subject lands do not contain any natural heritage feature designations, however are adjacent to an Environmental Conservation Area (ECA) designation. Environmental Designations within the City's Official Plan designations are generally based on high level mapping review and do not typically reflect detailed site analysis that is achieved through study by a qualified professional such as a biologist or ecologist.

Lands with an ECA designation are reviewed and managed by protective environmental policies that allow for some limited development and site alteration to occur, subject to study. This designation is more flexible than the Environmental Protection Area (EPA) Zone, which largely prohibits development within, and adjacent to specific features.

Features included in the ECA designation include significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

A Scoped Impact Assessment (SIA) and field review was conducted by Ecological & Environmental Solutions (EES) in the Fall of 2021. The SIA was scoped by the Consultant on consultation with the Regional Municipality of Niagara and NPCA.

The purpose of the SIA study was to identify and evaluate any natural heritage features and natural hazards on site or adjacent to the property, and to provide an opinion and recommendation on if the applications and subsequent development would have an impact on those features or ecological functions.

As outlined in SIA, the subject lands do not contain any features listed under the ECA designation, but are adjacent to Type 2 Fish Habitat found within Shriners Creek to the north.

Policy 11.1.5 of the Official Plan states that "When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts."

Further, Policy 11.2.26 pertains specifically to Fish Habitat and states that *"Notwithstanding the above policies, development and site alteration may be permitted within fish habitat in accordance with Provincial and Federal requirements. The buffer areas for fish habitat have been designated ECA in this Plan with the intention of providing a vegetative buffer and riparian areas along the water channel for protection from soil or chemical runoff and to stabilize water temperature. Where a site-specific study has identified a setback for a protective buffer for fish habitat, this setback shall be reflected in any implementing zoning by-law. Not all fish habitat have been evaluated and mapped and may, therefore, not be reflected on Schedules A or A-1 to*

*this Plan. Fish habitat may be identified by the Niagara Peninsula Conservation Authority through pre-consultation. Where this is the case, the fish habitat policies of this Plan apply.”*

Based upon the SIA prepared by EES, the following conclusions and recommendations have been provided:

- There are no ECA features on the subject lands;
- Type 2 Fish Habitat is located within Shriners Creek on adjacent lands. This Creek has permanent flow.
- A 15-metre buffer is typically required by the NCPA for Type 2 Fish Habitat, however, given the evaluated context, a 10-metre buffer is recommended.
- Existing riparian vegetation is generally acceptable along the creek and should be maintained.
- Planting of native trees and removal of invasive species along the Creek, more so to the western end, on the subject lands is recommended.
- Heavy silt fence should be used to ensure no spillage of sediment into Shriners Creek.

Overall, the SIA demonstrates that subject to the recommended mitigation and enhancement measures, that the development will have no significant impact to the fish habitat feature. The recommended 10 metre buffer is shown on the preliminary site plan for reference and shows that no physical development is proposed within the required setback.

Based on the conclusions and recommendations of the SIA, the applications are deemed to conform with the Natural Heritage Policies of the City of Niagara Falls Official Plan as the development will have no negative impact to the fish habitat or its ecological functions.

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

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

#### **Part 3, Section 1.2 – Water and Sanitary Sewage**

Section 1.2 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. In conformity with this requirement, the proposed development is located within the Niagara Falls Urban Area will utilize existing municipal water and sanitary infrastructure connections available within Thorold Stone Road.

#### **Part 3, Section 1.3 – Storm Drainage**

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

The proposed development will utilize a private stormwater management system consisting of storm sewers, a dry pond, and quantity and quality controls. Storm flows will be treated and managed prior to being outlet into the Shriners Creek.

The report concludes that the proposed stormwater outlet will be able to support the proposed development. Accordingly, the development will be served by a suitable storm drainage system.

### Part 3, Section 1.5 – Transportation

As shown on Schedule C of the City of Niagara Falls Official Plan (**Figure 15**), the subject lands have frontage on an Arterial Roadway (Thorold Stone Road)

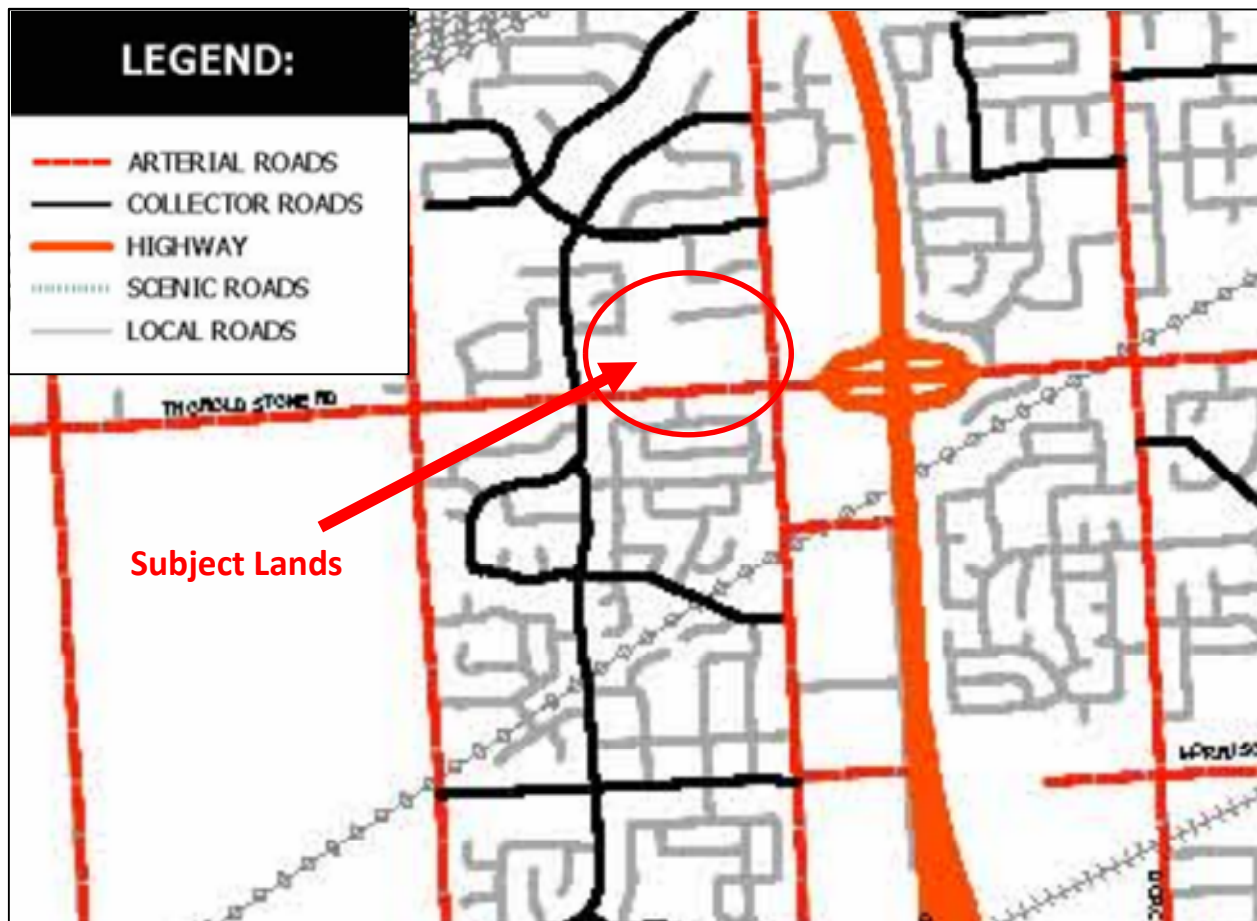


Figure 12 - Schedule C of the City of Niagara Falls Official Plan

Policy 1.5.18.4 states that Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Further, the policy also states that the use of shared driveways to larger development projects will be encouraged in Urban Areas.

In conformity with Policy 1.5.18.4, the site will have one (1) access taken from Thorold Stone Road, generally squared up with Collard Avenue. The provision of one access, as opposed to the three existing driveways is preferable and supported by the Official Plan.

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

### Part 3, Section 2 – Parkland Strategy

The City of Niagara Falls outlines its Parkland acquisition and development approach in the Official Plan. The overall intent of the approach is to ensure that public open space is provided in both Greenfield and Built-up Areas, and that it is provided at a scale which is appropriate for the area.

The hierarchy of parks with Niagara Falls is follows:

- Neighborhood Parks (1.4 hectares per 1000 persons)
- Community Parks (1 hectare per 1000 persons)
- City Wide Parks (2.5 hectares per 1000 persons).

Based on the preliminary development plan, 49 units are proposed with an estimated population of 120 persons expected. Based on this amount of population, approximately 1,680 square metres of land (0.16 hectares) would be required for parkland dedication, if taken as land.

As requested through pre-consultation, parkland dedication will be provided in the form of cash-in-lieu at a value of 5% of the appraised value of the property, consistent with Section 42 of the Planning Act. This appraisal will be completed as a condition of Condominium Approval.

### Part 3, Section 4 – Cultural Heritage Conservation

Due to the proximity of the subject lands to the Shriners Creek (i.e. watercourse) the property was considered to exhibit a high potential for the discovery of archeological resources.

In accordance with the policies of Part 3, Section 4 of the Official Plan, “No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist.”

To satisfy this policy direction and achieve conformity, Detritus Consulting Ltd. was retained by the property owner to complete Stage 1 & 2 Archaeological Assessments in the Fall of 2021. Through field investigation of the subject lands no archeological resources were discovered. No additional study was recommended by the Archaeologist.

Following the completion of the Assessment, the Archeologist's report was submitted to the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review and acknowledgement. Ministry clearance was provided on April 13, 2022.

As these works have been completed, the site is eligible for site alternation and development.

### Part 3, Section 5 – Urban Design Strategy

The Urban Design Strategy set out in the Official Plan generally seeks to ensure that development is of a high architectural quality, evokes a sense of place, is compatible with surrounding development and contemplates and provides for appropriate opportunities for pedestrian scaled development and robust landscaping.

The development will include residential architecture of similar character over varying dwelling forms. The dwellings are intended to be massed in a manner that is similar and compatible with adjacent development. Consistent permeations in built form along the north side of the development will ensure views of the creek and vegetated area are maintained.

The site has been designed to be easily accessible by all modes of travel, including pedestrians and the buildings have been placed reasonably close to the street to provide a sense of place and character and frame the public realm. Connections to the existing sidewalk on Thorold Stone Road have been provided directly from the development to support walkability. Visitor parking has been proposed in locations that can be screened from public view to improve the urban aesthetic of the development.

Detailed architectural, landscape, tree preservation and urban design plans will be developed alongside detailed grading and engineering plans and reviewed through the future Condominium application process.

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

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

- 7.3.1 No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans.

Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.

*As outlined in this report, the application is considered to be consistent with the 2020 Provincial Policy Statement and in conformity with the 2020 Growth Plan, Niagara Official Plan (2022) and City of Niagara Falls Official Plan (as amended).*

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

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

*The subject lands are accessible from Thorold Stone Road, which is a Regionally owned and maintained roadway. Residents of the future development can easily access Thorold Stone Road which provides access to other important arterial and collector roads including Montrose Road Kalar, Road and the QEW.*

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

*The subject lands have frontage on a public road (Thorold Stone Road). The private road proposed internal to the property will be built to municipal standards for private driveways and will be accessible from one, centralized access from Thorold Stone Road.*

- 7.3.4 Development shall not create a traffic hazard.

*The City of Niagara Falls did not request a transportation impact study to be provided in support of this development. The access and proposed amount of parking are considered appropriate for the scale of development and no impacts on adjacent streets are expected.*

- 7.3.5 The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.

*A Functional Servicing Report prepared by a professional engineer has been submitted with the applications. This report provides a qualified opinion that the site can be serviced adequately.*

- 7.3.6 Development shall be prohibited in significant wetlands and habitat of endangered or threatened species and discouraged in woodlots; and other natural resource areas. Development within or adjacent to a natural heritage resource area or other natural area may be restricted and will be subject to the policies of Part 2, Section 11. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.

*The noted natural heritage features are not present on, or adjacent to the subject lands.*

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

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

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

*The subject lands are comprised of existing lots of record that are fit for intensified development. The subject lands are currently being consolidated into a single title and are undergoing the Land Titles Absolute process.*

*The proposed condominium plan will not interfere with external land assembly by others for planned development.*

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

*There are no staging policies associated with the subject lands.*

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







heights of 13.4 metres, and other site specific design criteria. This development plan was not brought forward for approval. A copy of the approved R5A-190 Zoning is provided as **Appendix V** to this report.

The requested R4 Zone permits townhouse dwellings, apartment dwellings, group dwellings, accessory buildings and structures and is the appropriate zone for townhouse condominium development in the City of Niagara Falls. This zone allows for multi-unit development, but still contains zoning provisions that are similar to the requirements of a low-density zone (i.e. larger setbacks, lower building height, increased lot coverage)

Site-specific provisions have been requested to support the proposed development design which include the permission to develop semi-detached and single detached dwellings in the R4 Zone, a reduced interior side yard setback (Unit 24, only), reduced rear yard and privacy yard setbacks (Unit 17, only) and increased maximum dwelling height for all units.

A copy of the Draft Zoning By-law Amendment is included as **Appendix IV** to this report. An overview and justification of these zoning departures from the Zoning By-law is provided in the following sections. Zoning conformity is also visually shown in **Table 1**.

#### Additional Permitted Uses and Zoning Permission Extension

In addition to Group Townhouse dwellings (i.e. Block Townhouses) the development plan also contemplates four (4) semi-detached dwellings and one (1) single detached dwelling.

Semi-detached dwellings, being Units 1-4 have been provided to work within the site geometry and allow for development along the west side of the private road. These dwellings units will be similar in size, mass and appearance to the townhouses and will not disrupt the character of the development.

One (1) single detached dwelling, being Unit 24, has been proposed for inclusion in the development. This unit is intended to be occupied by a member of the applicant's family that has specific needs. Given the location of this dwelling, it is situated by itself and does not take away from the overall character of the development. The detached dwelling will be similarly massed and architecturally designed to match with the other dwellings in the development.

The above noted uses are proposed to be added as permitted uses on a site-specific basis. The applicable base R4 zoning criteria is proposed to be extended to the semi-detached dwellings and single detached dwelling for ease of implementation and consistency in design.

#### Minimum Rear Yard / Privacy Yard Setback – Provision 7.9.2 (e) & (n)

The intent of the minimum rear yard and minimum privacy yard requirement is to ensure that sufficient amenity space is provided for dwelling units. A reduction in the required privacy yard is requested to facilitate the proposed development layout.

The required 7.5 metre setback can be provided for all Units except for Unit 17. Relief from 7.5 metres to 6.9 metres is requested due to bend in the rear lot line. The deficiency related to the proposed rear corner of the unit. This instance is considered a pinch point and the overall reduction in setback will not affect the ability for the Unit to be developed, for appropriate drainage to be facilitated or for adequate private amenity area to be provided.

Overall, this minor reduction will have no impact on the proposed development or adjacent properties.

#### Minimum Interior Side Yard Setback – Provision 7.9.2 (e)

The intent of the Interior Side Yard setback provision is to ensure appropriate separation between buildings on adjacent properties and to ensure a reasonable amount of room is provided for fulsome property access and maintenance of the structure.

As per Provision 7.9.2 h), the maximum height of a dwelling may be 10 metres in the R4 Zone. The Zoning requirement for side yard setbacks is set at one-half the height of the building, in that case being 5 metres, minimum. For the proposed development, a maximum height of 11.0 metres is contemplated which results in the minimum setback being 5.5 metres.

Only Unit 24 is affected by this site-specific provision. As shown on the preliminary site plan, the setback provided is 3.1 metres from the eastern lot line to the dwelling.

The reduction in side yard setback in this location will have no impact on adjacent lands. The subject lands will be enclosed with a 1.8 metre board along the eastern lot line, providing privacy and screening from noise and visual impacts from adjacent vacant commercial lands and existing Thorowest Plaza. The residential dwelling will not overlook any adjacent residential properties or cast shadows that have a negative impact on lands to the east or north. The reduction will also not affect the ability to provide limited glazing or openings along the east façade of the dwelling.

Overall, this minor reduction will have no impact on the proposed development or adjacent properties.

#### Maximum Building Height - Provision 7.9.2 (h)

The maximum building height for townhouses in the R4 zone is 10 metres.

Currently, a portion of the property is zoned to permit an apartment building with a height of 13.4 metres (44 feet).

The requested permission for a building height of 11.0 metres is consistent with other, recent developments in the City and Region. The additional metre of height provides flexibility for a pitched roof, which is typical in this area and complimentary to the proposed architectural design. This height would be limited to the roofline and does not facilitate an additional storey of development or result in overlook or shadowing impacts on adjacent lands.

As the subject lands are located on the north side of Thorold Stone Road and are physically separated from adjacent development by the creek and vegetation, the requested increase in height is not expected to have any impact on adjacent properties or dwellings proposed within the development.

**TABLE 1: ZONING COMPLIANCE TABLE – RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS ZONE (R4 ZONE).**

Section 7.9 Residential Low Density, Grouped Multiple Dwellings Zone (R4 Zone).	REQUIRED	PROPOSED
7.9.1  Permitted Uses	<p>PERMITTED USES: No person shall within any R4 Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:</p> <ul style="list-style-type: none"> <li>(a) A townhouse dwelling containing not more than 8 dwelling units</li> <li>(b) An apartment dwelling</li> <li>(c) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units</li> <li>(d) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14.</li> <li>(e) A Home Occupation in a detached dwelling, or a dwelling unit of a semidetached dwelling or a duplex dwelling, subject to the provisions of section 5.5.</li> </ul>	<ul style="list-style-type: none"> <li>• Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units</li> <li>• <b>Single Detached Dwelling</b></li> <li>• <b>Semi-detached Dwelling</b></li> </ul>

Section 7.9.2 Regulations	REQUIRED	PROPOSED
<b>(a) Minimum Lot Area</b>	250 sq. m	326.62 sq. m
<b>(b) Minimum Lot Frontage</b>	30 metres	186.44 m
<b>(c) Minimum Front Yard Depth</b>	6 metres plus any applicable distance specified in Section 4.27.1	6.05 m (taken from back of road widening)
<b>(d) Minimum Rear Yard Depth</b>	7.5 metres plus any applicable distance specific in Section 4.27.1	<b>6.9 metres (Unit 17)</b>
<b>(e) Minimum Interior Side Yard Setback</b>	One Half the Height of the Building  (11 m proposed maximum building height = 5.5 m minimum interior side yard)	<b>3.1 metres (Unit 24)</b>



Section 7.9.2 Regulations	REQUIRED	PROPOSED
<b>(f) Minimum Exterior Side Yard Setback</b>	4.5 metres plus any applicable distance specified in Section 4.27.1	Not Applicable.
<b>(g) Maximum Lot Coverage</b>	35 %	30.6%
<b>(h) Maximum Height of a Building of Structure</b>	10 metres, subject to Section 4.7	<b>11.0 metres (All Units)</b>
<b>(i) Deleted by By-law No 2011.136</b>	-	-
<b>(j) Number of Dwellings on One Lot.</b>	Subject to compliance with Section 7.9.2, more than one dwellings is permitted on one lot.	-
<b>(k) Parking and Access Requirements</b>	<p>In accordance with Section 4.19.1 of By-law No. 79-200</p> <p>Detached dwelling, Duplex dwelling or Semi-detached dwelling and an on street townhouse dwelling</p> <p>1 parking space for each dwelling unit.</p> <p>(5 x 1 = 5 spaces)</p>	77 Spaces

Section 7.9.2 Regulations	REQUIRED	PROPOSED
	<p>Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling.</p> <p>1.4 Parking Spaces for Each Dwelling Unit</p> <p>(44 units x 1.4 = 61.6 (61))</p> <p>Total – 66 spaces required.</p>	
<b>(l) Accessory Buildings and Accessory Structures</b>	In Accordance with Section 4.13 and 4.14	-
<b>(m) Minimum Landscaped Open Space</b>	<p>45 square metres for each dwelling unit</p> <p>(45 x 49 = 2,205 sq. m)</p>	7,710 sq. m.
<b>(n) Minimum Privacy Yard Depth For Each Townhouse Dwelling Units, As Measured From The Exterior Rear Wall Of Every Dwelling Unit.</b>	7.5 metres	<b>6.9 metres (Unit 17)</b>

## **PLANNING OPINION**

Thorowest Construction Ltd. has submitted an application for Zoning By-law Amendment pertaining to lands known municipally as 7769, 7751, 7735 Thorold Stone Road & Part of Lot 70, Stamford in the City of Niagara Falls

The application will establish zoning provisions that will facilitate the construction of a forty-nine (49) unit private road development containing Block Townhomes, Semi-detached Dwellings and one Single Detached Dwelling. The site will also include individual and common amenity space and 21 dedicated visitor parking spaces.

The subject lands are located within the Niagara Falls Urban Area and the Provincially established Built-Up Area. These areas are identified in Provincial and Regional Plans and policies as the primary location for growth and intensification. The City of Niagara Falls has similar policy direction in the Official Plan.

The Official Plan designates the lands as “Residential”. This designation permits all forms of residential dwellings, including semi-detached dwellings and townhomes. The proposed development plan conforms with the requisite density range of 20-40 units per hectare for Residential lands. The application conforms to all other applicable policies of the Official Plan.

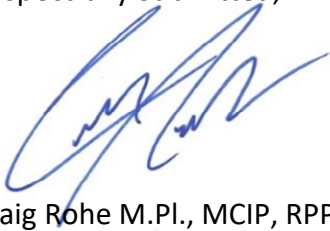
The change in zoning is appropriate for the property as it will facilitate the development of new, compatible forms of dwellings, additional housing units and site-specific provisions that allow for the efficient use of urban, serviced land. The subject lands are located in a desirable location for additional density and growth due to their proximity to Provincial Highway access, Regional Roads, public transit stops, commercial uses and employment.

The required studies related to this development including Archeological Assessment, Noise Impact Feasibility, Natural Heritage Assessment and Functional Servicing Report all conclude that the development can be facilitated without any impact on adjacent lands, human health, natural features or existing infrastructure.

For these stated reasons, I consider the submitted application to be consistent with the 2020 Provincial Policy Statement and conform to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan, and the City of Niagara Falls Official Plan, as amended.

It is my professional opinion that the Zoning By-law Amendment application will facilitate a compatible and efficient use of urban land that will assist in the achievement of growth and intensification targets, additional housing supply and is in the public interest.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Craig Rohe', written in a cursive style.

Craig Rohe M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

**APPENDIX I**

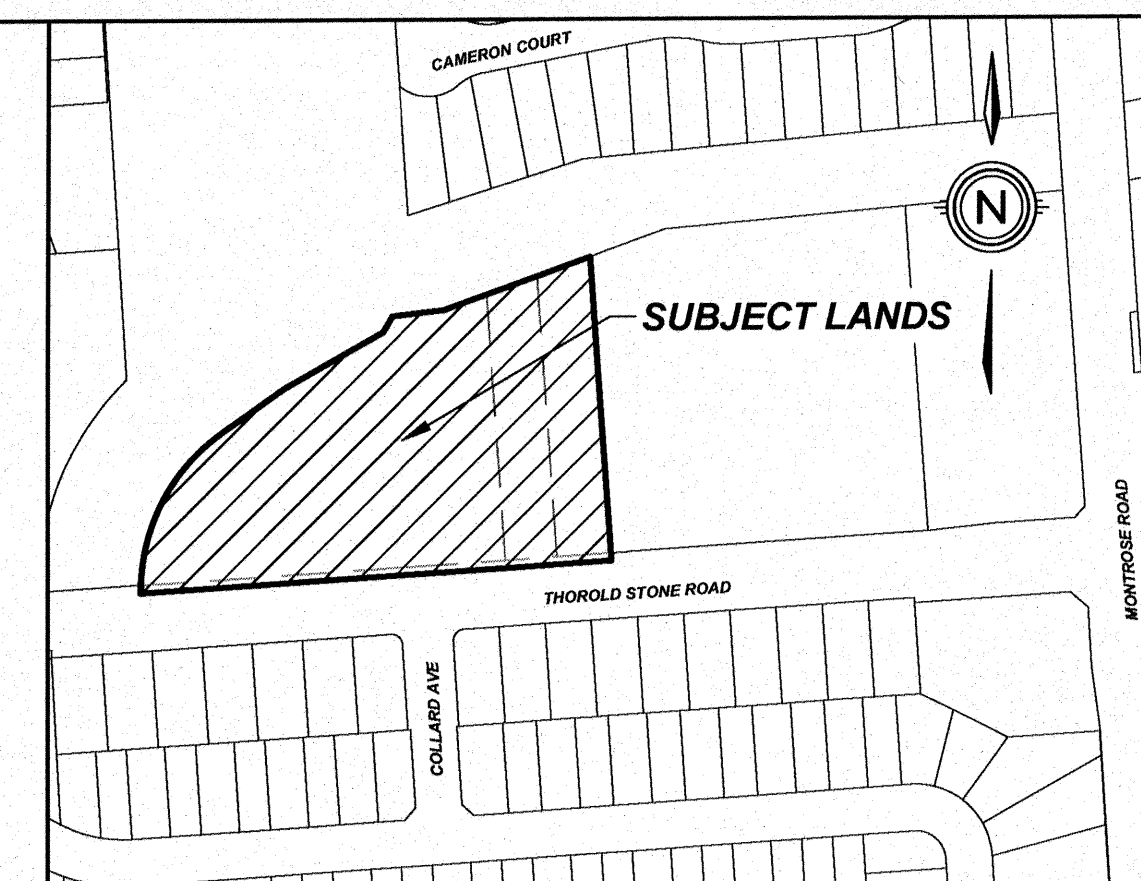
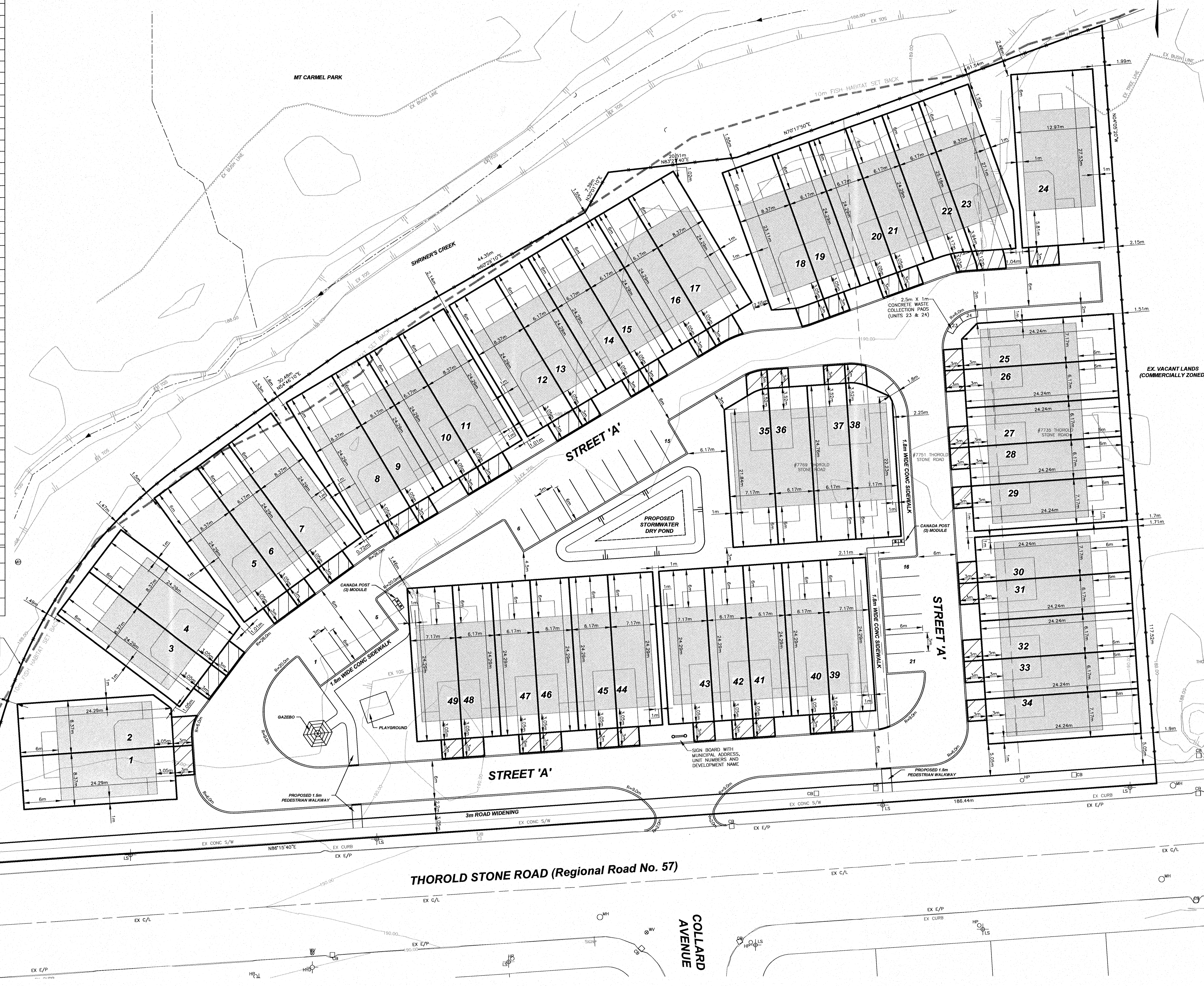
DRAFT PLAN OF VACANT LAND CONDOMINIUM  
(PRELIMINARY)



# THOROWEST VILLAGE

## CITY OF NIAGARA FALLS

UNIT #	LOT AREA (m <sup>2</sup> )	EXCLUSIVE USE AREA - DRIVEWAYS (m <sup>2</sup> )
1	203.21	14.01
2	200.24	15.16
3	203.21	14.01
4	202.02	14.02
5	203.21	14.01
6	149.87	10.05
7	203.34	14.01
8	203.21	14.01
9	149.87	10.05
10	149.87	10.05
11	203.34	14.01
12	203.21	14.01
13	149.87	10.05
14	149.91	10.05
15	149.83	10.05
16	149.87	10.05
17	203.34	14.59
18	200.86	14.03
19	149.85	10.05
20	149.92	10.04
21	149.84	10.06
22	151.49	10.27
23	215.49	14.14
24	357.09	14.01
25	170.75	10.05
26	149.56	10.05
27	149.56	10.05
28	149.56	10.05
29	173.80	10.05
30	173.80	10.05
31	149.56	10.05
32	149.56	10.05
33	149.56	10.05
34	173.80	10.05
35	169.02	10.43
36	152.79	10.05
37	152.79	10.05
38	170.33	10.26
39	174.16	10.05
40	149.87	10.05
41	149.87	10.05
42	149.87	10.05
43	174.16	10.05
44	174.16	10.05
45	149.87	10.05
46	149.87	10.05
47	149.87	10.05
48	149.87	10.05
49	174.16	10.05
TOTAL	8432.10	546.63
TOTAL LOT AREA	8432.10	
TOTAL EXCLUSIVE USE (DRIVEWAY AREA)		546.63
TOTAL COMMON ELEMENT AREA		7025.69
TOTAL SITE AREA		16004.43



### KEY PLAN

N.T.S.

### DRAFT PLAN OF VACANT LAND CONDOMINIUM

### LEGAL DESCRIPTION

7769, 7751, 7735 THOROLD STONE ROAD  
PART OF LOT 70, STAMFORD  
CITY OF NIAGARA FALLS  
REGIONAL MUNICIPALITY OF NIAGARA

### OWNER'S CERTIFICATE

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

*[Signature]*  
THOROWEST CONSTRUCTION LTD. MARCH 2, 2023 DATE

### SURVEYOR'S CERTIFICATE

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

*[Signature]* March 2, 2023 DATE  
ALLAN J. HEYWOOD O.L.S.  
J.D. BARNES LIMITED 21-16-299

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

- |             |                    |                   |
|-------------|--------------------|-------------------|
| a) SEE PLAN | e) SEE PLAN        | i) HALDIMAND CLAY |
| b) SEE PLAN | f) SEE PLAN        | j) SEE PLAN       |
| c) SEE PLAN | g) SEE PLAN        | k) FULL SERVICE   |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN       |

### SITE STATISTICS

AREA	Ha.	% COVERAGE
BUILDING	0.491	30.67
ROAD/DRIVEWAY/PARKING	0.282	17.61
LANDSCAPING	0.771	48.16
3.0m ROAD WIDENING	0.057	3.56
TOTAL	1.601	100.00
UNITS		49
DEVELOPABLE AREA		1.544Ha.
DENSITY (UNITS/DEVELOPABLE AREA)		31.74u/Ha.
PARKING REQUIRED TOTAL (1.4 SPACES PER UNIT)		69
PARKING SPACES PROVIDED TOTAL		77
PARKING PROVIDED DRIVEWAY =		56
PARKING PROVIDED VISITOR =		21

ISSUED FOR APPROVAL	2023-03-02	M.K.
REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	AV/MK
<b>DRAFT PLAN OF VACANT LAND CONDOMINIUM</b>	DATE	APRIL 1, 2022
	PRINTED	MARCH 2, 2023
	SCALE	1:300
	DWG No.	2169-DP
	REV	0



**APPENDIX II**  
SITE PLAN  
(PRELIMINARY)



# THOROWEST VILLAGE

## CITY OF NIAGARA FALLS



### LEGEND

- WV ⊙ EX WATER VALVE
- HYD ⊙ EX HYDRANT
- CB ⊙ EX CATCHBASIN
- MH ⊙ EX MANHOLE
- HP ⊙ EX HYDRO POLE
- SHORT IRON BAR
- LS ⊙ EX LIGHT STANDARD
- LS ⊙ PROPOSED LIGHT STANDARD
- FRS ⊙ PROPOSED FIRE ROUTE SIGN
- PROPOSED CHAIN LINK FENCE
- PROPOSED WOOD PRIVACY FENCE
- CMB ⊙ PROP COMMUNITY MAILBOX
- ▨ 6.0m WIDE FIRE ROUTE

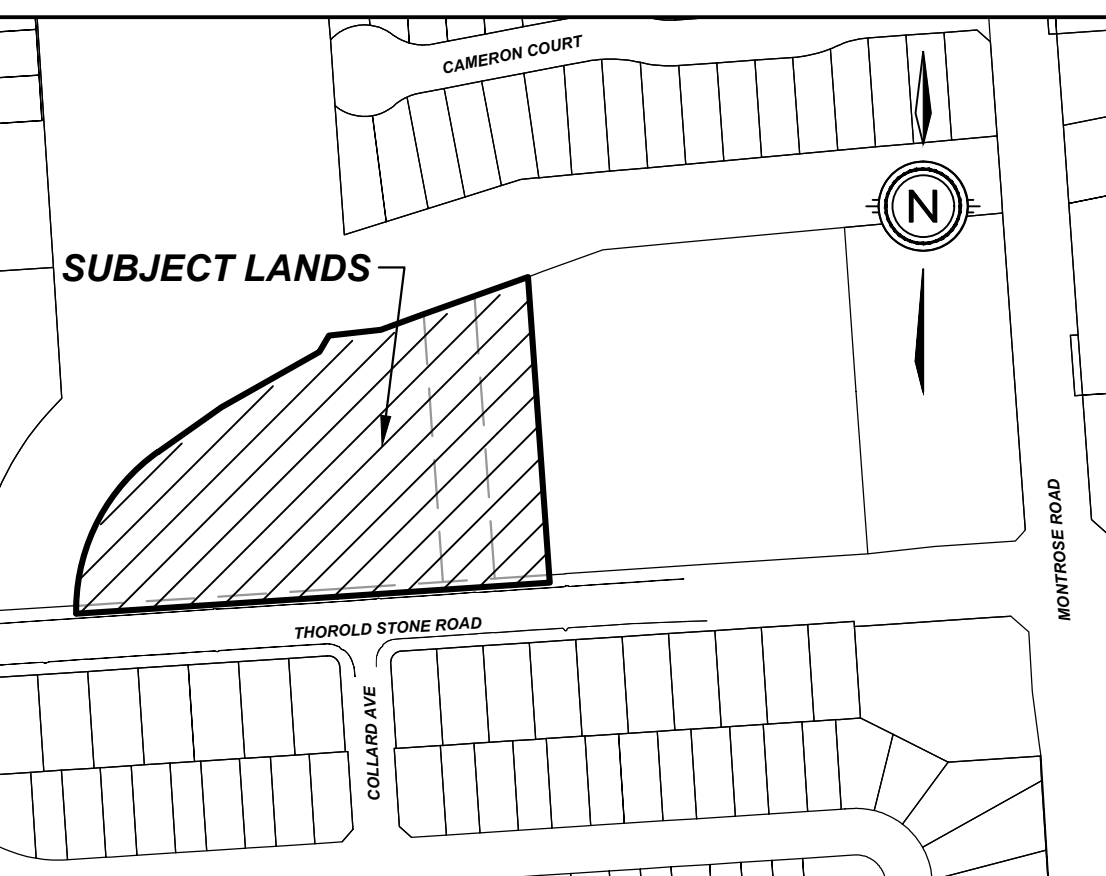
Typ. Fire Access Route Signage



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

### FIRE ROUTE SIGN DETAIL

NTS



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

**SITE PLAN**

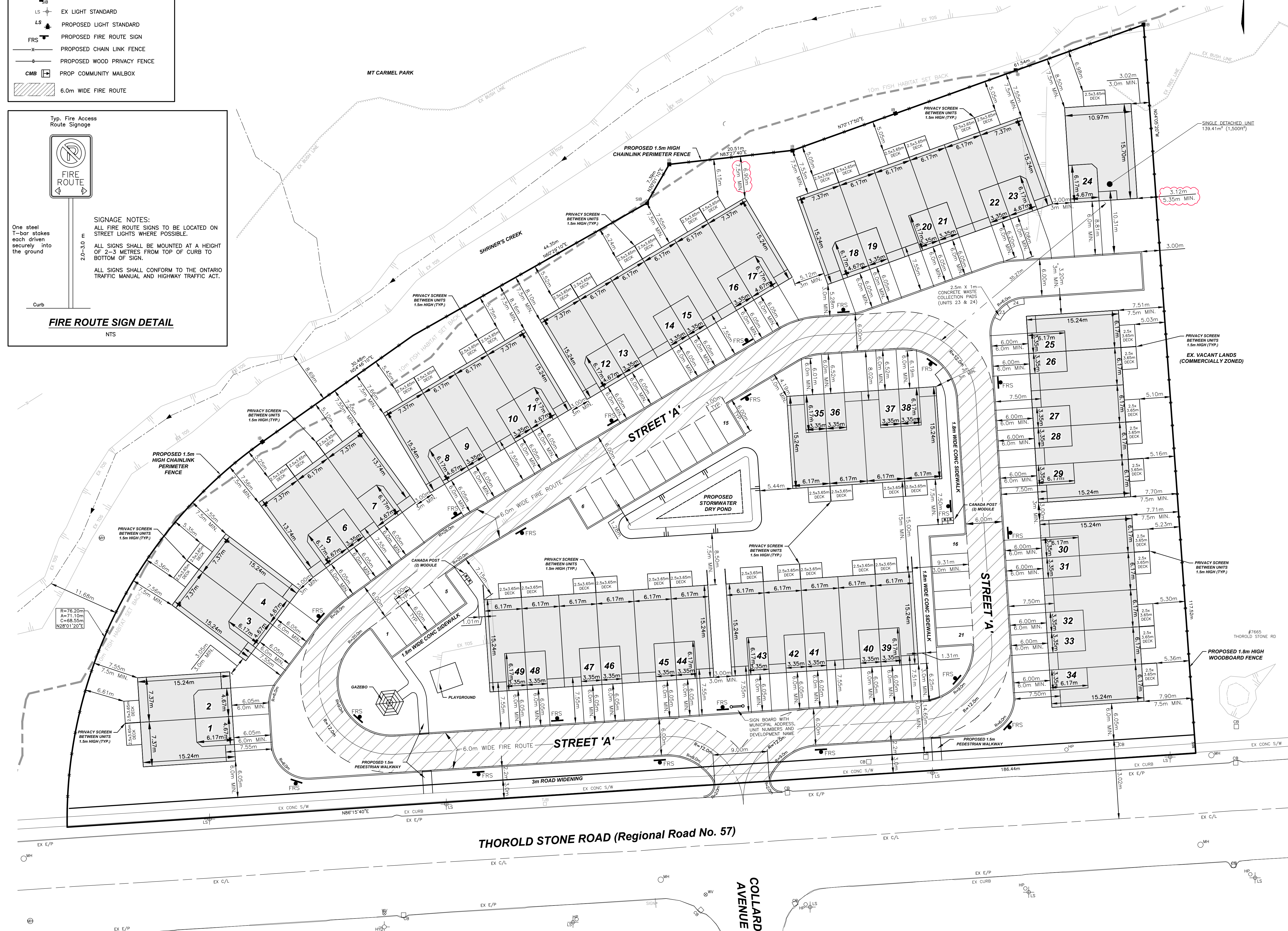
ZONING MATRIX		
PROVISION	ZONING (R4)	PROVIDED
<b>BLOCK TOWNHOUSE DWELLING</b>		
MIN. LOT AREA	250m <sup>2</sup> for each dwelling unit	326.62m <sup>2</sup>
MIN. LOT FRONTAGE	30m	186.44m
MIN. FRONT YARD DEPTH	6m + any applicable distance specified in section 4.27.1	6.05m
MIN. REAR YARD DEPTH	7.5m + any applicable distance specified in section 4.27.1	6.90m
MIN. EXTERIOR SIDE YARD	one half the height of the building	3.00m
MIN. EXTERIOR SIDE YARD WIDTH	4.5m + any applicable distance specified in section 4.27.1	N/A
MAX. LOT COVERAGE	35%	30.65%
MAX. HEIGHT OF BUILDING OR STRUCTURE	10m subject to section 4.7	11m
MIN. LANDSCAPED AREA OPEN SPACE	45m <sup>2</sup> for each dwelling unit	157.37m <sup>2</sup> for each dwelling unit
MIN. PRIVACY AREA YARD DEPTH FOR EACH TOWNHOUSE DWELLING UNIT, AS MEASURED FROM THE EXTERIOR REAR WALL OF EVERY DWELLING UNIT	7.5m	7.5m

SITE STATISTICS		
AREA	Ha.	% COVERAGE
BUILDING	0.491	30.67
ROAD/DRIVEWAY/PARKING	0.282	17.61
LANDSCAPING	0.771	48.16
3.0m ROAD WIDENING	0.057	3.56
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	PARKING PROVIDED DRIVEWAY =	56
	PARKING PROVIDED VISITOR =	21

#	ISSUED FOR APPROVAL	2023-02-09	M.K
#	REVISION	DATE	INIT
0	ISSUED FOR APPROVAL	2023-02-09	M.K
#	REVISION	DATE	INIT



<b>SITE PLAN</b>	DRAWING TITLE	DRAFTING	AV/MK
		DATE	APRIL 13, 2022
		PRINTED	FEBRUARY 9, 2023
		SCALE	1:300
	DWG No.	2169-SP	REV
			0





**APPENDIX III**  
**PRECONSULTATION AGREEMENTS**

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

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

Pre-consultation Meeting		
Date: <b>August 19</b>	Time: <b>1:30pm</b>	
Attendance:		
Municipal Staff	Owner/Agent/Other	Phone #/E-mail
<b>Nick DeBenedetti</b>	<b>Ralph Biamonte</b>	<b>905-651-0650</b>
<b>John Grubich</b>		<b>rbiamonte@bell.net</b>
<b>Ben Trendle</b>		
<b>Sue Scerbo</b>	<b>Craig Roche - UCC -</b>	<b>craig@ucc.com</b>
<b>Josiah Jordan</b>		<b>905-688-9400</b>
<b>Amy Shanks - Region</b>		<b>ext-506</b>

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

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Details	
Location of property:	(address) <b>7735, 7751, 7769 Thorold Stone Road</b>
	(legal description)
Area (ha):	<b>1.6 hectares</b> Frontage (m): <b>188.67</b>
Site Drawing Attached	<input checked="" type="checkbox"/>
Municipal land involved:	No <input type="checkbox"/> Yes <input type="checkbox"/> (legal description)

Proposal			
Brief description of proposal: <b>The applicant is proposing to demolish the existing dwellings located on 7735, 7751 + 7769 Thorold Stone Road and merge all of the subject lands to construct 34 unit townhouse dwelling units of 8 blocks.</b>			
	1 <sup>st</sup> Phase	2 <sup>nd</sup> Phase	Other
gross floor area	—	—	—
building height	—	—	—
# of dwelling/hotel/commercial units	<b>34 units</b>	—	—

Location				
<input type="checkbox"/> Brownfield	<input type="checkbox"/> Greenfield	<input checked="" type="checkbox"/> Built-up	<input type="checkbox"/> NEP	<input type="checkbox"/> Outside Urban Boundary



Designations		Conformity
Regional Policy Plan	Urban - Built Up Area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Escarpment Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Official Plan Designation	Residential	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Secondary Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Zoning	DH + RID + RS + site specific	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (rezone)

(By-law No- 1998-134)

Proposed Application(s) (check all applicable)		
<input type="checkbox"/> Regional Policy Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Land Division
<input type="checkbox"/> Niagara Escarpment Commission o Amendment o Development Permit	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval <input checked="" type="checkbox"/> Vacant Land o Common Element o Conversion
<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Approval	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Number of		Notes
				Elect Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality			
	X		Archaeology Assessment			Stage 1 + 2
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
	X		Environmental Impact Study			constraints analysis
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
			Municipal Servicing Study			
	X		Noise & Vibration Study			with NPC-3000
X	X		Other - site plan - Building Elevations - Truck turning templates - drawing			
			Phasing Plan			
X	X		Planning Justification Report			
			Risk Management Study			
			Road Widenings			



			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X	X		Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Tree inventory Preservation Plan			
			Urban Design Brief/Architectural Brief			
X	X		Urban Design/Landscape Plans			
			Wind Study			

### Public Consultation

Is a neighbourhood pre-consultation meeting planned?

- Yes  
 No  
 Unknown

(Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)

### Other Issues

- Niagara Region\* archeological- stage 1, stage 2 - ministry letter  
\* type fish habitat- 15 metre watercourse, constraints analysis - environmental impact study.
- urban design, site plan, building elevation, landscape plan, pedestrian connection, street towns onto the street, no road widening required, access ok warning clauses, entrance permit, SWM report; regional truck turning templates pads on road route
- NPOA - shiners creek - possible flood hazard, constraints analysis possible full EIS - SWM management plan.

### Site Visit

Is a site visit necessary to assess the proposal?

- Yes  
 No

Does the owner consent to a site visit?

- Yes  
 No

### Incentive Program

Are there any incentive programs?

- Yes  
 No

What are the details?

### Summary of Issues

- zoning - Sue - see zoning chart - for regulations
- Ben - Fire - no concerns - engineered drawings, access width, turning radius - designated no parking - note fire hydrants
- Engineer - no objection - FSR, SWM brief, 3 party modelling 5 year post-pre - 300 mm, 200 mm, and 375 mm - provide CC drawings
- planning justification Report required



### Additional Agencies to be contacted

- HYDRO       PIPELINES       NEC       OTHER \_\_\_\_\_  
 MTO       NPC       NPCA       CN

### Notes

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent  Yes

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

### Signatures

Name (print)	Signature	Date
Planning Staff <i>Nick DeBenedetti</i>	<i>N DeBenedetti</i>	<i>Aug 19/2021</i>
Regional Public Works Staff		
Regional Planning Staff		
NPCA Staff		
Agent <i>Craig Roke, UCC</i>	<i>Craig Roke</i>	<i>Aug 19/2021</i>
Agent		
Owner		
Owner		
Other		

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

Signature \_\_\_\_\_





**PLANNING & DEVELOPMENT DIVISION  
APPLICABLE FEES**

CHECK APPLICABLE BOX	APPLICATION	FEES
<input type="checkbox"/>	<b>Official Plan Amendment Application:</b>	12,200.00
	<b>Zoning Amendment Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	14,500.00
<input type="checkbox"/>	• complex	12,200.00
<input checked="" type="checkbox"/>	• standard	5,600.00
	<b>Official Plan and Zoning Amendment Application (combined):</b>	
<input type="checkbox"/>	• for high-rise hotels	16,200.00
<input type="checkbox"/>	• all other lands	13,500.00
	<b>Site Plan Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	6,000.00
<input type="checkbox"/>	• all other lands (including Testamentary Devise)	4,000.00
<input type="checkbox"/>	• Amendment to Site Plan Agreement	1,500.00
	<b>Plan of Subdivision Application:</b>	
<input type="checkbox"/>	• Residential Plan	13,500.00
<input type="checkbox"/>	• Modifications to Draft Plan Approval	2,500.00
<input type="checkbox"/>	• Extension to Draft Plan Approval	1,000.00
	<b>Plan of Condominium:</b>	
<input checked="" type="checkbox"/>	• Vacant Land	10,000.00
<input type="checkbox"/>	• Conversion	2,500.00
<input type="checkbox"/>	• Standard	1,500.00
<input type="checkbox"/>	• Extension of Draft Plan	1,000.00
<input type="checkbox"/>	• Modification of Draft Plan - Vacant Land Condo	2,500.00
<input type="checkbox"/>	• Modification of Draft Plan - Standard/Conversion	1,225.00
	<b>Removal of Part Lot Control:</b>	
<input type="checkbox"/>	• Separation of Semi-detached/On-street Townhouse Units	1,500.00
<input type="checkbox"/>	• Deeming By-law	1,500.00
<input type="checkbox"/>	• Property Relotting	3,400.00
	<b>Public Renotification:</b>	
<input type="checkbox"/>	• Mailing Renotification	300.00
<input type="checkbox"/>	• Reassessment Requiring a further report	400.00
<input type="checkbox"/>	• Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	<b>Committee of Adjustment:</b>	
<input type="checkbox"/>	• Severance/Consent Application	3,400.00
<input type="checkbox"/>	• Change of Conditions	200.00
<input type="checkbox"/>	• Minor Variance Application	2,100.00
<input type="checkbox"/>	• Renotification/Rescheduling (Consent/Minor Variance)	200.00

*Total = \$15,600.00  
Rezoning + Vacant Land Condo  
cheque made to City of  
Niagara Falls*

**ADDITIONAL FEES:**

*\$5235 + 1160 per hectare + 635.00 sum review fee - vacant condo*

**City Fees (cheque payable to the City of Niagara Falls):**

Peer Review  \$ \_\_\_\_\_  
 Legal Fees  \$ \_\_\_\_\_ (Agreements & Registration of by-law)

**Agency Fees (cheques payable to applicable agency):**

Regional Fees  \$ *1315, (2270, or 1140)* Regional Health  \$ \_\_\_\_\_  
 NPCA Fees  \$ \_\_\_\_\_ Other (describe)  \$ \_\_\_\_\_ *\$405, terms of reference, \$260.00 - rezoning*



Niagara  
Region

**Nick DeBenedetti**

Comments

**Subject:** FW: [EXTERNAL]-Regional Precon Notes - August 19, 2021  
**Attachments:** RegionalWasteCollectionTemplates.pdf; 1. Regional Preconsultation Notes - 7735, 7751 and 7769 Thorold Stone Road, and Vacant Land to the West.pdf; 2. Regional Preconsultation Notes - 6104 Garner Road.pdf; 3. Regional Preconsultation Notes - 5558 Drummond Road.pdf; 4. Regional Preconsultation Notes - SE Corner of Old McLeod RdMarineland Pkwy.pdf

---

**From:** Shanks, Amy <Amy.Shanks@niagararegion.ca>  
**Sent:** Thursday, August 19, 2021 4:30 PM  
**To:** Julie Hannah <jhannah@niagarafalls.ca>; Nick DeBenedetti <ndebenedetti@niagarafalls.ca>  
**Subject:** [EXTERNAL]-Regional Precon Notes - August 19, 2021

Hi Nick,

Attached are my notes from today's precon meetings. Please let me know if you have any questions.

Kind regards,  
Amy

**Amy Shanks, M.Pl.**  
Development Planner  
Planning and Development Services, Niagara Region  
1815 Sir Isaac Brock Way, Thorold L2V 4T7  
Phone: 905-980-6000 ext. 3264  
Toll-free: 1-800-263-7215  
[www.niagararegion.ca](http://www.niagararegion.ca)

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# 7735, 7751 and 7769 Thorold Stone Road, and Vacant Land to the West

## Preliminary Niagara Region Preconsultation Comments

**Date:** August 19, 2021

**Proposal Description:** Proposed 34-unit of block townhomes

**Local Planner:** Nick DeBenedetti

**Regional Planner:** Amy Shanks

**Meeting Attendees:** Craig Rohe (Agent)

**Regional Review Fees (Fees effective February 1, 2021 to December 31, 2021)**

**Application Type:**

- |                                                             |                                                               |
|-------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Regional Official Plan Amendment   | <input checked="" type="checkbox"/> Draft Plan of Condominium |
| <input type="checkbox"/> Local Official Plan Amendment      | <input type="checkbox"/> Consent                              |
| <input checked="" type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Site Plan                            |
| <input type="checkbox"/> Draft Plan of Subdivision          | <input type="checkbox"/> NEC Application                      |
| <input type="checkbox"/> Other:                             | <input type="checkbox"/> Minor Variance                       |

**Reports/Studies Required for Regional Review:**

<input checked="" type="checkbox"/> Archeological Assessment	
<input type="checkbox"/> Agricultural Impact Assessment	
<input checked="" type="checkbox"/> Environmental Impact Study	Constraints Analysis, scoped in consultation with Regional staff
<input type="checkbox"/> Environmental Site Assessment/Record of Site Condition	
<input type="checkbox"/> Functional Servicing Report	
<input type="checkbox"/> Geotechnical Report	
<input type="checkbox"/> Grading Plan / Survey	
<input type="checkbox"/> Hydrogeological Study	
<input type="checkbox"/> Minimum Distance Separation I & II	
<input checked="" type="checkbox"/> Noise Study	Prepared in accordance with NPC-300
<input checked="" type="checkbox"/> Planning Justification Report	
<input type="checkbox"/> Private Sewage System Design/Plan	
<input type="checkbox"/> Slope Stability Report	
<input checked="" type="checkbox"/> Stormwater Management Report	
<input type="checkbox"/> Topographical Study/Survey	
<input type="checkbox"/> Transportation Impact Study	
<input type="checkbox"/> Tree Inventory Preservation Plan	
<input checked="" type="checkbox"/> Other:	<ul style="list-style-type: none"> <li>• Site plan</li> <li>• Building elevations (fronting Regional</li> </ul>

ZBA	\$1,315 + \$2270 Major or \$1140 Minor EIS Review Fee (depending on # of features on property) - Note: \$405 TOR Review Fee required to scope Constraints Analysis; will be deducted from total EIS Review fee amount when application is submitted +\$260 UD Fee
Draft Plan of Condo	\$5,235 (base fee) + \$1,160 per hectare to a maximum of \$22,840 + \$635 SWM Review Fee

**Land Use Designation:**

Provincial Policy Statement

- Settlement Area
- Rural Lands
- Prime Agricultural Area

Greenbelt Plan

- Protected Countryside
  - Town/Village Hamlet
  - Specialty Crop Area
- Provincial Natural Heritage System

Growth Plan

- Delineated Built-Up Area
- Designated Greenfield



Other:

- Site plan
- Building elevations (fronting Regional Road)
- Landscape Plan
- Truck turning templates

- Delineated Built-Up Area
- Designated Greenfield Area
- Provincial Natural Heritage System

Regional Official Plan

- Urban Area
  - Built Up Area
  - Greenfield Area
- Unique Agricultural Area
- Good General Agricultural Area
- Rural Area
- Hamlet
- Core Natural Heritage Features - TBD

### Planning Comments

- The property is located within a Settlement Area under the 2020 Provincial Policy Statement (PPS) and within the Built-Up Area under the 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan).
- The property is designated Urban Area in the Regional Official Plan. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure, and local Official Plan policies and compatibility concerns.
- The subject lands front onto Regional Road 57 (Thorold Stone Road), and are located nearby to Regional Road 98 (Montrose Road) and the Queen Elizabeth Way, as well as several commercial land uses. The PPS requires that major facilities (including transportation infrastructure and corridors) and sensitive land uses be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features.
  - Regional staff require that a **noise study** prepared in accordance with the Ministry of Environment, Conservation and Parks (MECP) Noise Guidelines (NPC-300) be submitted with the application(s) to evaluate the impact of the road noise to prevent or minimize future land use problems.
- The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.
  - Based on the Ministry of Heritage, Sport, Tourism and Culture Industries’ (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources given their proximity (within 300 metres) to a watercourse.
  - A **Stage 1 and 2 Archaeological Assessment** should be submitted with the ZBA application along with a copy of the Ministry's acknowledgment letter(s). Further study can be addressed as a condition of draft plan approval.

### Environmental Comments

- The subject property is adjacent to the Region’s Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site

alteration and/or development proposed within 15 m of Type 2 Fish Habitat.

- Additionally, based on aerial imagery available to the Region, it appears that there are wooded areas located throughout the subject property. As per Regional Official Plan (ROP) policy 7.B.1.8, Environmental Planning staff require the completion of a **Constraints Analysis** to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc.).
- Depending on the results of the Constraints Analysis, an impact analysis may also become a requirement of approval. A Terms of Reference should be developed consistent with Policy 7.B.2 of the Region's Official Plan. Staff are happy to visit the site to confirm our requirements.

## Urban Design Comments

### UD Review fee and materials

- ZBA:
  - Please submit a minor urban design review fee. Please submit the following drawings: **Site Plan, and Building elevations** (for any facades that will be visible from the Regional Road)
- Condo:
  - Please submit a **Landscape Plan** (including Streetscape information). Further details on the Landscape plan are provided in the section below.

### Streetscape along Regional Road (Thorold Stone Rd)

- The Landscape plan should include the following streetscape information: deciduous street trees in a sodded boulevard. Trees should be 50mm caliper and spaced according to their size. Refer to the attached Master Tree Planting List for species.
- The Landscape plan should include an overlay of survey information and site servicing information, to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard. Please note that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.
- Please provide pedestrian connections from the existing municipal sidewalk to the front entrances of the townhomes that front onto the Regional Road.

### Interface with Regional Road:

- Please refer to the Region's Model urban design guidelines. It is a best practice for the townhomes to address the street and not be separated by a window road. It is recommended that street towns are provided along the Regional road with driveways and amenity spaces located internal to the site.
- Where a side elevation faces the street, it is recommended that architectural enhancements are included in the design of this façade (e.g. wrap around porch, front door, ample glazing, upgraded building materials, etc.)

## Technical Comments

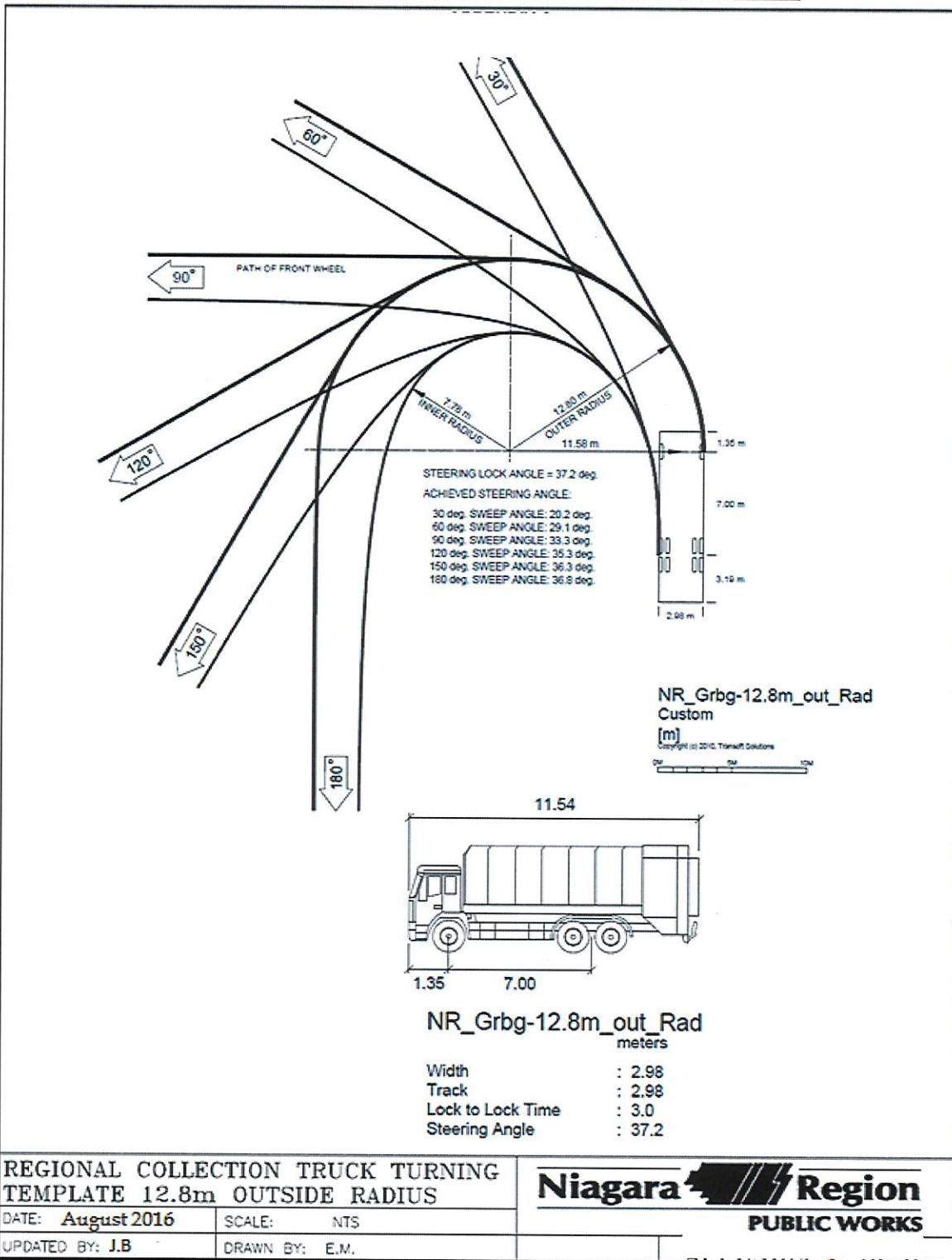
- Roads
  - Regional- Thorold Stone Road (RR 57)
  - The current width of Thorold Stone Road at the subject property satisfies the Official Plan Policy width of 26.2 metres therefore no further road widening is required.
  - Regional Transportation staff are okay with proposed access, the other existing accesses are to be closed and reinstated with barrier curb and boulevard to Regional standards.
  - Region staff do wish to note that access to the site may be impacted during peak hours and warning clauses to advise future owners may be required.
  - Prior to any construction within the Regional road allowance, the applicant will be



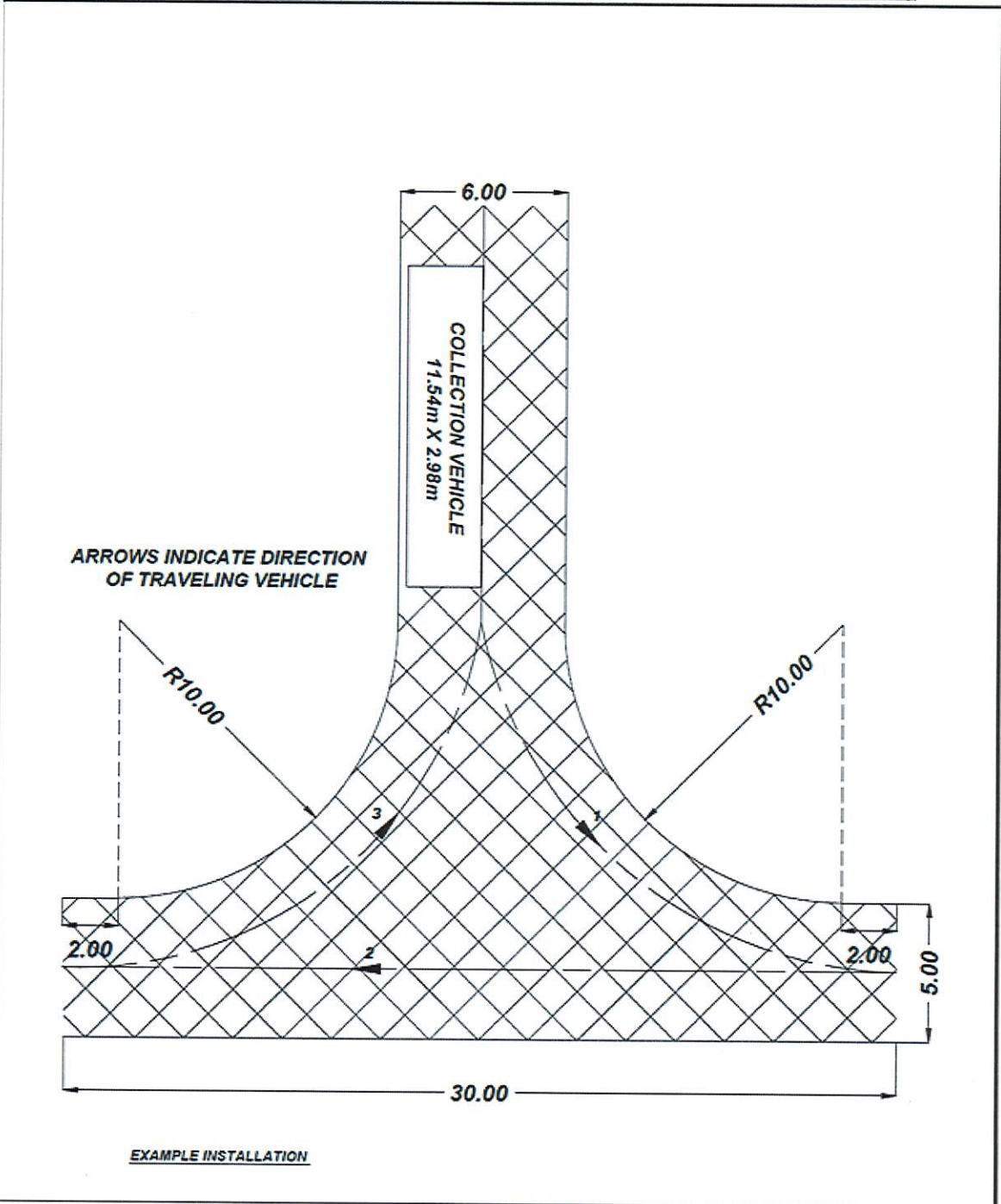
required to obtain a Regional Construction Encroachment and Entrance Permit from Niagara Region's Transportation Services Division.

- Servicing
  - Local municipal servicing available from Thorold Stone Road
- Stormwater Management
  - The Region will require a **stormwater management report** with the condo application:
    - Niagara Region will require that stormwater runoff from the development be collected and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
    - Thorold Stone Road (Regional Road 57) shall not be negatively impacted as a result of the development. Niagara Region will require post-development flows be controlled to pre-development level for all storms, including the 25mm, 2-year up to and including the 100-year storm prior to discharge from the site. Consideration should be given to Low Impact Development measures to mitigate development erosion impact on Shriner's Creek.
    - Niagara Region will require that a stormwater management report (and the associated \$635 fee) be submitted to this office indicating in details how the SWM requirement will be achieved. The Report should include the necessary information with respect to the inspection and maintenance requirements.
    - Prior to construction, Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.
- Waste Collection
  - Recycling: Blue/Grey Boxes collected weekly;
  - Organics: Green Bins collected weekly; and,
  - Garbage: 2 Bags/Cans collected every-other-week.
    - Curbside collection only
    - Niagara Region would require the submission of Regional truck turning templates to ensure the waste collection vehicle is able to make the necessary turning maneuvers on-site to provide curbside collection. Any units proposed outside of the t-turnaround waste collection limits will required waste collection pads located along the main collection route. The waste collection pads are to be constructed in accordance with Regional requirements (see attached waste collection templates).

**Diagram 1 – Collection Truck Turning Radius**



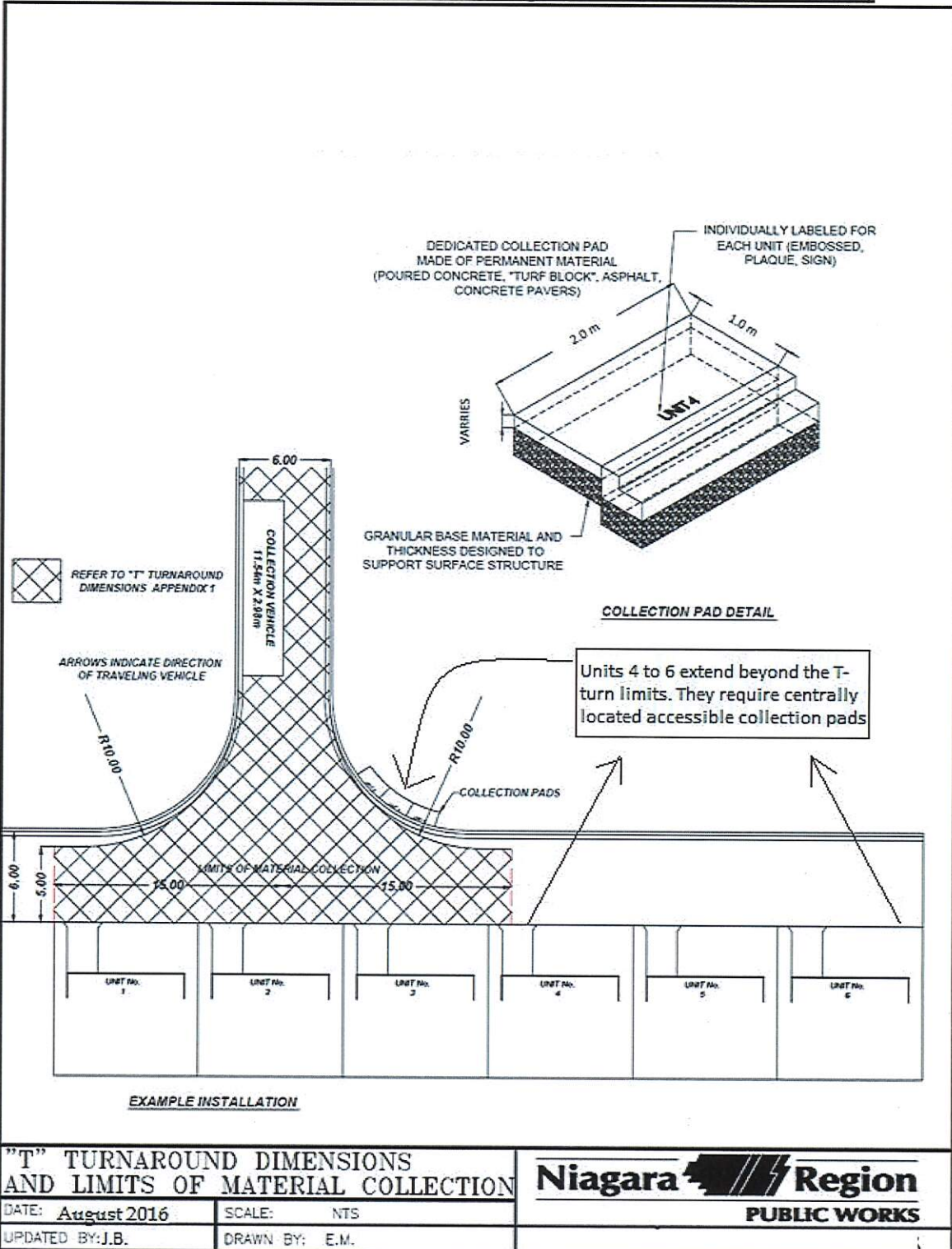
**Diagram 2 – “T” Turnaround Dimensions  
(Minimum Requirements for Regional Collection Vehicle)**



"T" TURNAROUND DIMENSIONS			
UPDATED BY: J.B.	DRAWN BY: E.M.		



**Diagram 3 – “T” Turnaround Dimensions, Limits of Material Collection  
(Minimum Requirements for Regional Collection Vehicle)**



**Nick DeBenedetti**

Comments

**Subject:** FW: NF Preconsultation Meeting - Aug 19

**From:** John Grubich <jgrubich@niagarafalls.ca>  
**Sent:** Friday, August 13, 2021 10:03 AM  
**To:** Julie Hannah <jhannah@niagarafalls.ca>; Nick DeBenedetti <ndebenedetti@niagarafalls.ca>  
**Cc:** Mathew Bilodeau <mbilodeau@niagarafalls.ca>  
**Subject:** RE: NF Preconsultation Meeting - Aug 19

Nick;

**1. 7735, 7751, 7769 Thorold Stone Road & Unnumbered Vacant Lot (34 Townhouse Dwellings) – Zoning & Condominium**

The lands abut Thorold Stone Road, which is a Regional road. Regional Staff to comment on the driveway access – its location and design.

The City does not require a traffic study.

A 34-unit townhouse development requires 47 parking spaces, at a rate of 1.4 parking spaces per unit. It appears each unit will have a one car driveway and a one car garage, with 29 visitor parking spaces, for a rate of 1.85 parking spaces per unit, which exceeds the City's by-law requirement.

What is planned for garbage collection – Regional pickup or private service?

The lands are currently serviced by Niagara Falls Transit route #105/205. Buses proceed east and west on Thorold Stone Road. The closest bus stop for eastbound service is across the street at Collard Avenue, while the closest stop for westbound service is at Cardinal Drive. The redevelopment of the lands may warrant a new westbound bus stop alongside the development. Transit Staff will review once the formal application is received.

**John Grubich, C.E.T.** | Traffic Planning Supervisor | Municipal Works - Transportation Services | City of Niagara Falls  
8208 Heartland Forest Road | Niagara Falls, ON L2H 0L7 | (905) 356-7521 ext 5214 | Fax 905-356-5576 | [jgrubich@niagarafalls.ca](mailto:jgrubich@niagarafalls.ca)

Fire  
Comments

**Nick DeBenedetti**

---

**From:** Ben Trendle  
**Sent:** Thursday, August 19, 2021 1:53 PM  
**To:** Nick DeBenedetti  
**Subject:** Preconsultation - Item #1

Nick,

The Fire Department fee for the designation of the fire access route is \$150.00. This process can begin once the property is assigned a municipal address.

**Ben Trendle** | Chief Fire Prevention Officer | Fire Department | City of Niagara Falls  
5809 Morrison Street | Niagara Falls, ON L2E 2E8 | (905) 356-7521 ext 2211 | Fax 905-356-1583 |  
btrendle@niagarafalls.ca



**Nick DeBenedetti**

---

**From:** Josiah Jordan  
**Sent:** Thursday, August 19, 2021 4:24 PM  
**To:** Julie Hannah; Nick DeBenedetti; Andrew Bryce  
**Cc:** Eric Lehtinen; Michael Parniak  
**Subject:** August 19 precon comments  
**Attachments:** Precon Engineering Comments JJ - Aug 19.docx

Good afternoon,

Please see the attached comments from engineering for the above noted pre-con

Let me know if you have any questions

**Josiah Jordan, C.E.T.** | Development Technologist | Municipal Works | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4105 | [jjordan@niagarafalls.ca](mailto:jjordan@niagarafalls.ca)

Pre Con August 19, 2021

**Item #1**

1:30 p.m.

Proposed: Zoning By-Law Amendment & Draft Plan of Condo Nick DeBenedetti  
Applicant: Thorold West Construction Ltd & Thorold West Plaza Ltd.  
Agent: Craig Rohe (UCC)  
Property: 7735, 7751 and 7769 Thorold Stone Road and Vacant Land to the west  
(ARN 272510000306403)  
Proposal: Proposed 34-Unit of block townhomes

Infrastructure Thorold Stone Road 300mm Ø PVC Watermain  
250mm Ø CONC Sanitary Sewer  
375mm/600mm Ø Conc Storm Sewer  
Noted: Private Pond @ SW of 7665

**As Part of ZBA**

- Eng. Services requires a FSR where The Developer must ensure that the existing municipal infrastructure will adequately service the development as proposed and include all necessary supporting documentation within the Functional Servicing Report as well as a Stormwater Management Brief
- Based on FSR details, the city may require third party infrastructure modelling at applicants' expense to verify available infrastructure capacities in accordance with City schedule of fees.

**As part of Site Plan/Condo Application**

- Site plan, servicing, grading, SANDA, STMDA, Landscape and a Photometric demonstrating zero trespass to neighbouring properties
- Detailed SWMR balancing Post to Pre for a 5yr event contained & controlled on site and directed to suitable outlet. Major storm events may be directed overland pending review and directed to an acceptable outlet
- Regional Comments may supersede any comments made by Engineering
- Engineering drawings of existing underground infrastructure available upon request
- Road Occupancy Permit will be required for service connections, obtained through Sam Mirabelli – (905) 356-7521 ext. 4295

PLANNING, BUILDING & DEVELOPMENT

# Inter-Departmental Memo

**To:** Nick DeBenedetti, Planner 2  
**From:** Sue Scerbo, Senior Zoning Administrator  
**Date:** August 19, 2021  
**Re:** **Proposed Zoning By-law Amendment & Draft Plan of Condominium Thorold West Construction Ltd. & Thorold West Plaza Ltd. Craig Rohe (UCC) 7735, 7751 and 7769 Thorold Stone Road and Vacant Land to the West (272510000306403) Proposed 34 unit Block Townhouse Development**

Summary:

The applicant is proposing to demolish/remove the existing dwellings located on 7735, 7751 and 7769 Thorold Stone Road and merge all of the subject lands to construct 34 townhouse dwelling units in 8 blocks on the subject lands.

The subject lands municipally known as 7735, 7751 & 7769 are currently zoned Development Holding (DH), in accordance with Zoning By-law No. 79-200, as amended. The subject lands west of 7769 (municipal roll number: 272510000306403) is zoned Residential 1D Density (R1D-190), in accordance with Zoning By-law No. 79-200, as amended by site specific By-law No. 1998-134. The applicant is proposing to rezone all of the subject lands to a site specific Residential Low Density, Group Multiple Dwelling Zone (R4) Zone to facilitate the proposed development.

The following table compares the regulations of the R4 zone with what is proposed:

Provision	Requirement	Proposal	Comply
Minimum lot area for a townhouse dwelling	250 square metres for each dwelling unit 34 dwelling units x 250 square metres = 8,500 square metres	454.4 square metres for each dwelling unit 34 dwelling units x 454.4 square metres = 15,453 square metres	Yes
Minimum lot area for an apartment dwelling	200 square metres for each dwelling unit	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling	30 metres	102.85 metres	Yes

containing more than four dwelling units			
Minimum lot frontage for a townhouse dwelling or an apartment dwelling containing four dwelling units or less on an interior lot	24 metres	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling containing four dwelling units or less on a corner lot	25.5 metres	n/a	n/a
Minimum front yard depth for a townhouse dwelling	6 metres + 13.1 metres from the original centreline of Thorold Stone Road	6 metres + 3 metre road widening	Yes Please show road allowance to confirm required road allowance.
Minimum front yard depth for an apartment dwelling	7.5 metres	n/a	n/a
Minimum rear yard depth for a townhouse dwelling	7.5 metres	7.56 metres from the north property line	Yes
Minimum rear yard depth for an apartment dwelling	10 metres	n/a	n/a
Minimum interior side yard width	One-half the height of the building Building height: not noted	5.4 metres (east) 5.94 metres (west)	Yes
Minimum exterior side yard width for a townhouse dwelling	4.5 metres	n/a	n/a
Minimum exterior side yard width for an apartment dwelling	7.5 metres	n/a	n/a
Maximum lot coverage	35%	31%	Yes

**A Great City ... For Generations To Come**



Maximum height of building or structure	10 m	Not provided	Information required
Number of dwellings on one lot	[subject to section 7.9.3] More than one dwelling is permitted on one lot	34 dwelling units	Yes
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces per dwelling unit: 34 dwelling units x 1.4 = 47.6 parking spaces	34 driveways + 29 visitor = 63 total parking spaces	Yes
Minimum parking stall width	3 metres	3 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	5.9 metres	6 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None	n/a
Minimum Landscaped Open Space Area	45 square metres for each dwelling unit	202.7 square metres for each dwelling unit: 202.7 square metres x 34 dwelling units = 6,893 square metres	Yes
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 metres	7.5 metres	Yes

Comments:

- Please provide building height and setback from the original centreline of Thorold Stone Road.

**A Great City ... For Generations To Come**

- Please confirm if decks or roofed over patios/porches are proposed.
- The current site specific By-law (By-law 1998-134) will need to be repealed.

SS

S:\PRECONSULTATION\2021\AUGUST 19\THOROLD STONE ROAD, 7735, 7751 & 7769 AND VACANT LANDS TO THE WEST OF 7769 THOROLD STONE ROAD\ZONING COMMENTS.docx

**A Great City ... For Generations To Come**

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The City of  
Niagara Falls  
Canada



City Hall  
Niagara Falls, Ontario  
L2E 6X5  
(416) 356-7521

1988 07 06

Mr. Joseph & Maria Colaneri  
Mr. Antonio & Cristina Arcaro  
c/o Pinewood Homes (Niagara) Limited  
P.O. Box 2370, Station B  
St. Catharines, Ontario  
L2M 7M7

Dear Messrs. and Madames:

Re: AM-12/88, Restricted Area By-Law #88-134,  
Proposed Apartment Buildings, North Side  
of Thorold Stone Road, West of Montrose Road

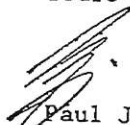
The above By-law was passed by City Council on Monday, May 30, 1988 and circulated on June 1, 1988 with a final day for appeal being July 4, 1988. No appeals were received.

I now attach a copy of my certificate respecting the passing of the By-law, circulation, and the fact that no appeals were received.

Under the circumstances, the By-law became effective on the date of its passing.

Also attached is a copy of By-law #88-134 for your files.

Yours very truly,

  
Paul J. Brennan,  
City Clerk

PJB:lc

Enclosure

cc: Upper Canada Consultants

L.A. Oates,  
Director of Municipal Works

D. Darbyson,  
Director of Planning & Development

M.J. Johnston,  
Director of Buildings & Inspections

H.R. Young, Solicitor

Charlotte Carr, Executive Assistant

DECISION OF COMMITTEE OF ADJUSTMENT  
CITY OF NIAGARA FALLS

File: A-12/90

IN THE MATTER OF Section 44 of the Planning Act, 1983; and

IN THE MATTER OF an application on behalf of:

NAME: 865657 Ontario Limited                      ADDRESS: Box 74, Toronto, Ont.  
(Agent Weston & Associates)

DESCRIPTION & LOCATION OF SUBJECT LAND: Property known municipally as 7797 Thorold Stone Road, more formally described as Part of Lot 70, Former Township of Stamford now the City of Niagara Falls

NATURE AND EXTENT OF RELIEF APPLIED FOR: Permission to vary two provisions of the By-law to permit the construction of two apartment buildings:

1. The By-law requires a minimum parking setback of 26.5m (87') whereas the applicant is proposing a minimum parking setback of 25m (82').
2. The By-law permits a maximum building height of 10m (32.8m) whereas a building height of 13.4m (44') is proposed.

**RECEIVED**

DECISION: Granted, pursuant to Section 44 of the Planning Act, 1983    MAR 2 1990

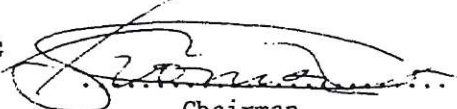
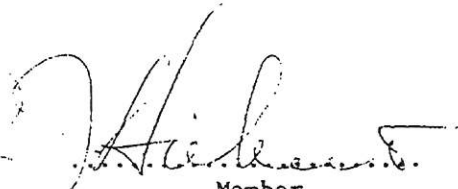

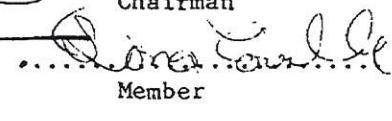
Building & Inspections Dept.  
CITY OF NIAGARA FALLS

REASON(S):

The development is under site plan control which would go before Council for final approval, the variances are minor and the general intent and purpose of the Official Plan and Zoning By-law is being maintained

THE ABOVE DECISION IS SUBJECT TO THE FOLLOWING CONDITION(S) BEING FULFILLED:

MEMBERS CONCURRING  
IN DECISION:

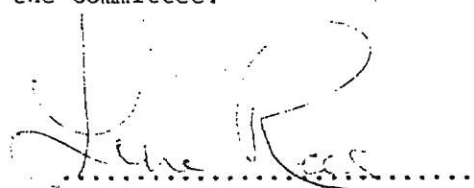
	
Chairman	Member
	
Member	Member

I hereby certify this to be a true and correct copy of the Decision of the Committee of Adjustment for the City of Niagara Falls and this decision was concurred in by the majority of the Members of the Committee.

DATE OF DECISION      ..February 27, 1990..

DATE OF MAILING        ..March 9, 1990.....

FINAL DATE OF APPEAL ..March 29, 1990.....

  
Secretary-Treasurer



CANADA )  
Province of Ontario )  
Regional Municipality )  
of Niagara )  
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To Wit: )

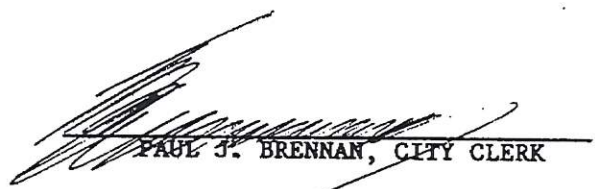
IN THE MATTER OF subsection 34(20)  
of the Planning Act, 1983 and  
IN THE MATTER OF By-law No. 88-134  
of The Corporation of the  
City of Niagara Falls

I, PAUL JOSEPH BRENNAN, of the City of Niagara Falls, in the Regional Municipality of Niagara, do solemnly declare that:

1. I am the Clerk of The Corporation of the City of Niagara Falls and, as such, have knowledge of the facts herein declared.
2. That By-law No. 88-134 was passed by the Council of The Corporation of the City of Niagara Falls on the 30th day of May, 1988.
3. Pursuant to subsection 34(17) of the Planning Act, 1983 written notice of the passing of By-law No. 88-134 was given on the 1st day of June, 1988 in the manner and in the form and to the persons and agencies prescribed by Ontario Regulation 404/83 made under the Planning Act, 1983.
4. No notice of appeal was filed with me pursuant to subsection 34(18) of the Planning Act, 1983 within the time allowed for appeal, namely within 35 days from the date of the passing of By-law No. 88-134.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City )  
of Niagara Falls )  
in the Regional Municipality )  
of Niagara )  
this 6th day of July )  
A.D., 1988 )

  
PAUL J. BRENNAN, CITY CLERK

  
A Commissioner etc.  
E.C. Wagg, Deputy City Clerk

CITY OF NIAGARA FALLS

By-law No. 88 - 134

.....

A by-law to amend By-law No. 79-200, as amended.

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

1. Sheet D3 of Schedule "A" to By-law No. 79-200, as amended by By-law No. 86-173, is further amended by redesignating as R5A and numbering 190 the land on the northerly side of Thorold Stone Road, being part of Township Lot 70 of the former Township of Stamford, shown hatched and designated R5A and numbered 190 on the plan Schedule 1 attached to and forming part of this by-law and now designated R5B and numbered 143.
2. None of the provisions of section 7.10.1 or of clauses (c), (d), (e) and (j) of section 7.10.2 of the aforesaid By-law No. 79-200 shall apply to prevent the use of the said land designated R5A and numbered 190 on the said plan Schedule 1 attached hereto or the erection or use on the said land of not more than 2 apartment dwellings and having
  - (a) a lesser front yard depth from the centre line of Thorold Stone Road than 34.02 metres,
  - (b) a lesser rear yard depth than 10 metres, and
  - (c) a lesser interior side yard width on the easterly side than one-half the height of the more easterly apartment dwellingprovided,
  - (1) notwithstanding clauses (a) and (b) of the aforesaid section 7.10.2, the land to be used for the purpose of the said apartment dwellings and on which the said apartment dwellings are to be erected and used shall comprise not less than the whole of the land designated R5A and numbered 190 on the said plan Schedule 1 attached hereto and the combined total of the dwelling units in the said 2 apartment dwellings shall not exceed 30 dwelling units;
  - (2) the minimum front yard depth measured from the centre line of Thorold Stone Road shall be 30 metres;
  - (3) no part of any building or structure shall be erected closer to the northwesterly boundary of the said land than 6 metres or closer to the easterly boundary of the said land than 5 metres;
  - (4) notwithstanding clause (g) of the aforesaid section 7.10.2, the maximum ot coverage shall be 25%;

- (5) notwithstanding clause (i) of the aforesaid section 7.10.2, the minimum floor area for each dwelling unit shall be not less than 90 square metres;
- (6) there shall be not more than 2 apartment dwellings on the whole of the land designated R5A and numbered 190 on the said plan Schedule 1;
- (7) notwithstanding clause (m) of the aforesaid section 7.10.2, the minimum landscaped open space shall be 50% of the area of the whole of the said land designated R5A and numbered 190 on the said plan Schedule "A";
- (8) except as provided in the foregoing clauses (1) to (7) inclusive, which shall govern and shall be complied with, the remaining provisions of the aforesaid section 7.10.2 shall apply to the said land designated R5A and numbered 190 on the said plan Schedule 1 and shall also be complied with.

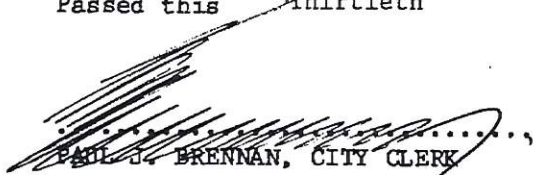
3. Section 19 of the aforesaid By-law No. 79-200 is amended by adding thereto the following:

19.1.190 None of the provisions of section 7.10.1 or of clauses (c), (d), (e) and (j) of section 7.10.2 shall apply so as to prevent the erection and use on the land designated R5A and numbered 190 on Sheet D3 of Schedule "A", as amended, of not more than 2 apartment dwellings containing a combined total of not more than 30 dwelling units and having a lesser front yard depth from the centre line of Thorold Stone Road than 34.02 metres, a lesser interior rear yard depth than 10 metres and a lesser interior side yard width on the easterly side than one-half the height of the more easterly apartment dwelling, subject to compliance with By-law No. 88 - 134.

4. The definitions of the words and expressions contained in section 2 of the aforesaid By-law No. 79-200, as amended, shall apply to the said words and expressions where used in this by-law.

5. By-law No. 86-173 is hereby repealed.

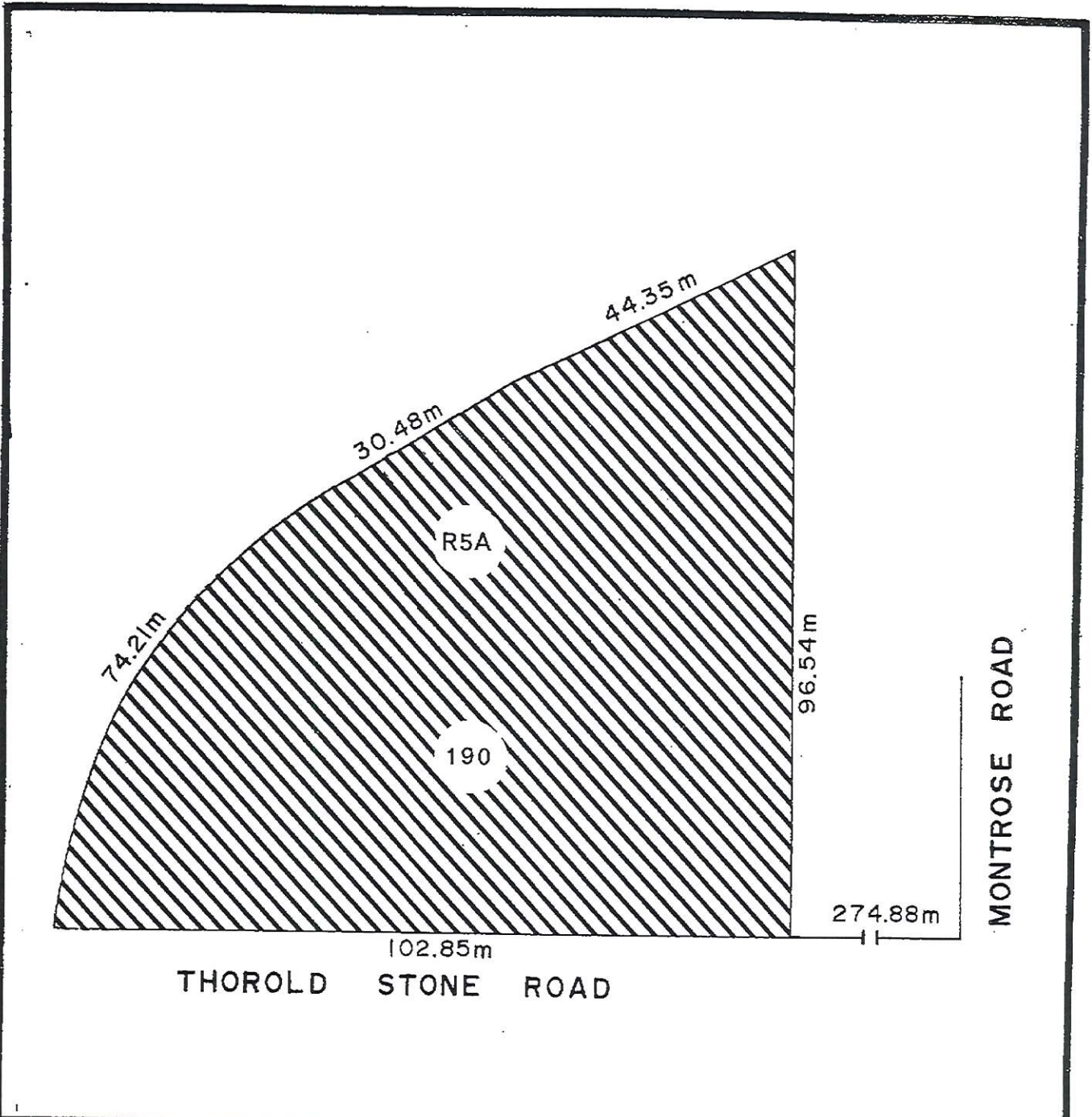
Passed this Thirtieth day of May, 1988.

  
 .....  
 PAUL J. BRENNAN, CITY CLERK

  
 .....  
 WILLIAM S. SMEATON, MAYOR

First Reading: May 30th, 1988.  
 Second Reading: May 30th, 1988.  
 Third Reading: May 30th, 1988.





# SCHEDULE I to By-Law 88-134

 Area Affected By By-Law

WLM

DESCRIPTION: Part of Twp. Lot 70  
 City of Niagara Falls  
 AM-12/88  
 A. and C. Arcaro and  
 J. and M. Colaneri



Scale 1:800

Prepared by Niagara Falls Planning Department



# THOROLD STONE ROAD AND COLLARD AVE CITY OF NIAGARA FALLS

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

**SITE PLAN OF CONDOMINIUM**

**PARKING SCHEDULE**

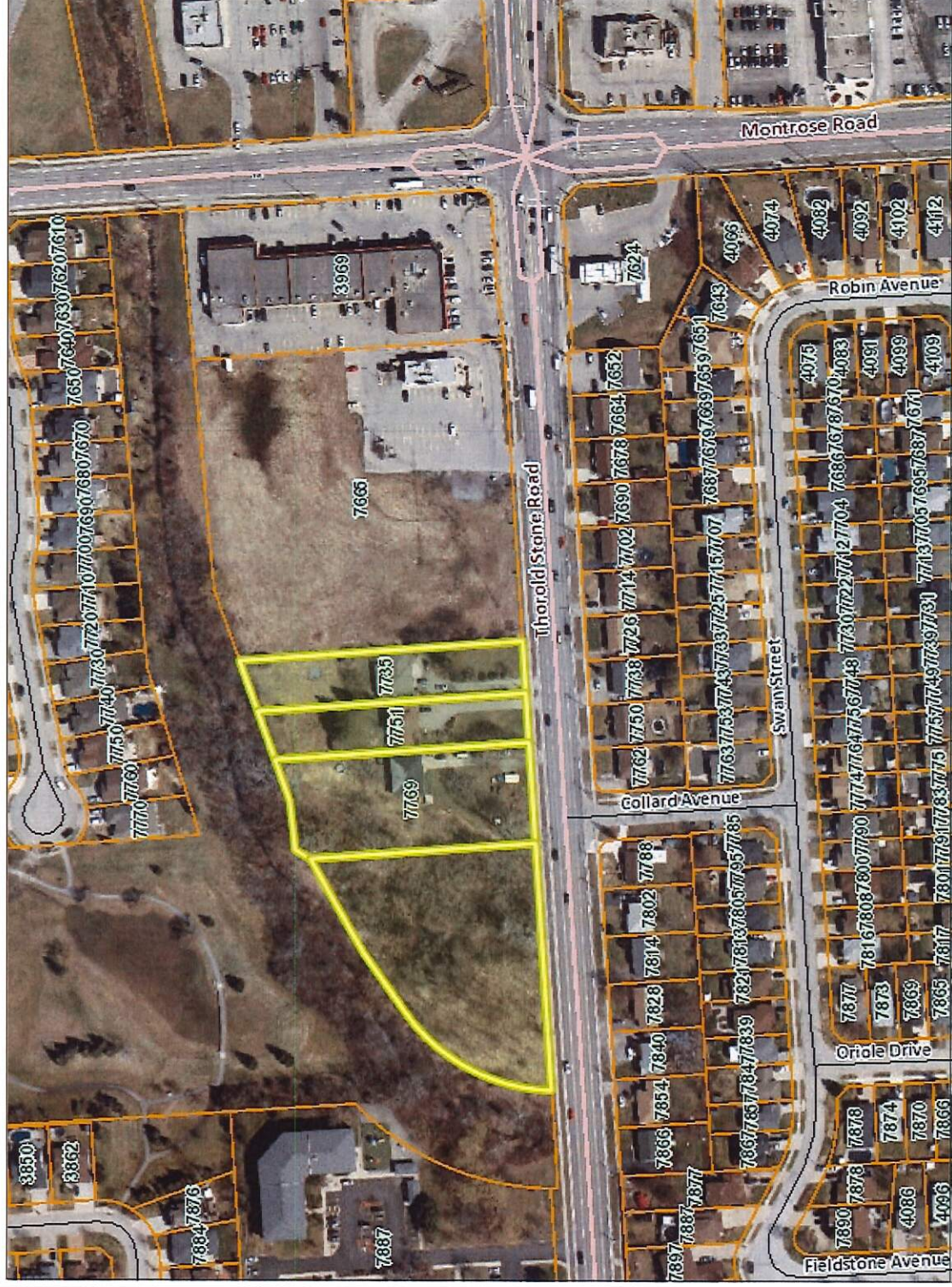
PARKING SPACE FOR ENHANCED UNIT REQUIRED: 14 PARKING SPACES  
 OVERALL PARKING SPACES REQUIRED: 49 PARKING SPACES  
 OVERALL PARKING SPACES PROVIDED: 49 PARKING SPACES

**LAND USE SCHEDULE**

LAND USE	LOT/BLOCK	# OF UNITS	MEASUREMENT	AREA (SQ. FT.)
RESIDENTIAL	LOT 1-24	24	8,542	205
RESIDENTIAL	LOT 25-31	7	8,542	175
RESIDENTIAL	LOT 32-38	7	8,542	175
RESIDENTIAL	LOT 39-45	7	8,542	175
RESIDENTIAL	LOT 46-52	7	8,542	175
RESIDENTIAL	LOT 53-59	7	8,542	175
RESIDENTIAL	LOT 60-66	7	8,542	175
RESIDENTIAL	LOT 67-73	7	8,542	175
RESIDENTIAL	LOT 74-80	7	8,542	175
RESIDENTIAL	LOT 81-87	7	8,542	175
RESIDENTIAL	LOT 88-94	7	8,542	175
RESIDENTIAL	LOT 95-101	7	8,542	175
RESIDENTIAL	LOT 102-108	7	8,542	175
RESIDENTIAL	LOT 109-115	7	8,542	175
RESIDENTIAL	LOT 116-122	7	8,542	175
RESIDENTIAL	LOT 123-129	7	8,542	175
RESIDENTIAL	LOT 130-136	7	8,542	175
RESIDENTIAL	LOT 137-143	7	8,542	175
RESIDENTIAL	LOT 144-150	7	8,542	175
RESIDENTIAL	LOT 151-157	7	8,542	175
RESIDENTIAL	LOT 158-164	7	8,542	175
RESIDENTIAL	LOT 165-171	7	8,542	175
RESIDENTIAL	LOT 172-178	7	8,542	175
RESIDENTIAL	LOT 179-185	7	8,542	175
RESIDENTIAL	LOT 186-192	7	8,542	175
RESIDENTIAL	LOT 193-199	7	8,542	175
RESIDENTIAL	LOT 200-206	7	8,542	175
RESIDENTIAL	LOT 207-213	7	8,542	175
RESIDENTIAL	LOT 214-220	7	8,542	175
RESIDENTIAL	LOT 221-227	7	8,542	175
RESIDENTIAL	LOT 228-234	7	8,542	175
RESIDENTIAL	LOT 235-241	7	8,542	175
RESIDENTIAL	LOT 242-248	7	8,542	175
RESIDENTIAL	LOT 249-255	7	8,542	175
RESIDENTIAL	LOT 256-262	7	8,542	175
RESIDENTIAL	LOT 263-269	7	8,542	175
RESIDENTIAL	LOT 270-276	7	8,542	175
RESIDENTIAL	LOT 277-283	7	8,542	175
RESIDENTIAL	LOT 284-290	7	8,542	175
RESIDENTIAL	LOT 291-297	7	8,542	175
RESIDENTIAL	LOT 298-304	7	8,542	175
RESIDENTIAL	LOT 305-311	7	8,542	175
RESIDENTIAL	LOT 312-318	7	8,542	175
RESIDENTIAL	LOT 319-325	7	8,542	175
RESIDENTIAL	LOT 326-332	7	8,542	175
RESIDENTIAL	LOT 333-339	7	8,542	175
RESIDENTIAL	LOT 340-346	7	8,542	175
RESIDENTIAL	LOT 347-353	7	8,542	175
RESIDENTIAL	LOT 354-360	7	8,542	175
RESIDENTIAL	LOT 361-367	7	8,542	175
RESIDENTIAL	LOT 368-374	7	8,542	175
RESIDENTIAL	LOT 375-381	7	8,542	175
RESIDENTIAL	LOT 382-388	7	8,542	175
RESIDENTIAL	LOT 389-395	7	8,542	175
RESIDENTIAL	LOT 396-402	7	8,542	175
RESIDENTIAL	LOT 403-409	7	8,542	175
RESIDENTIAL	LOT 410-416	7	8,542	175
RESIDENTIAL	LOT 417-423	7	8,542	175
RESIDENTIAL	LOT 424-430	7	8,542	175
RESIDENTIAL	LOT 431-437	7	8,542	175
RESIDENTIAL	LOT 438-444	7	8,542	175
RESIDENTIAL	LOT 445-451	7	8,542	175
RESIDENTIAL	LOT 452-458	7	8,542	175
RESIDENTIAL	LOT 459-465	7	8,542	175
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RESIDENTIAL	LOT 480-486	7	8,542	175
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RESIDENTIAL	LOT 606-612	7	8,542	175
RESIDENTIAL	LOT 613-619	7	8,542	175
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RESIDENTIAL	LOT 676-682	7	8,542	175
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RESIDENTIAL	LOT 732-738	7	8,542	175
RESIDENTIAL	LOT 739-745	7	8,542	175
RESIDENTIAL	LOT 746-752	7	8,542	175
RESIDENTIAL	LOT 753-759	7	8,542	175
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RESIDENTIAL	LOT 781-787	7	8,542	175
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RESIDENTIAL	LOT 907-913	7	8,542	175
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RESIDENTIAL	LOT 928-934	7	8,542	175
RESIDENTIAL	LOT 935-941	7	8,542	175
RESIDENTIAL	LOT 942-948	7	8,542	175
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RESIDENTIAL	LOT 963-969	7	8,542	175
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RESIDENTIAL	LOT 977-983	7	8,542	175
RESIDENTIAL	LOT 984-990	7	8,542	175
RESIDENTIAL	LOT 991-997	7	8,542	175
RESIDENTIAL	LOT 998-1004	7	8,542	175
RESIDENTIAL	LOT 1005-1011	7	8,542	175
RESIDENTIAL	LOT 1012-1018	7	8,542	175
RESIDENTIAL	LOT 1019-1025	7	8,542	175
RESIDENTIAL	LOT 1026-1032	7	8,542	175
RESIDENTIAL	LOT 1033-1039	7	8,542	175
RESIDENTIAL	LOT 1040-1046	7	8,542	175
RESIDENTIAL	LOT 1047-1053	7	8,542	175
RESIDENTIAL	LOT 1054-1060	7	8,542	175
RESIDENTIAL	LOT 1061-1067	7	8,542	175
RESIDENTIAL	LOT 1068-1074	7	8,542	175
RESIDENTIAL	LOT 1075-1081	7	8,542	175
RESIDENTIAL	LOT 1082-1088	7	8,542	175
RESIDENTIAL	LOT 1089-1095	7	8,542	175
RESIDENTIAL	LOT 1096-1102	7	8,542	175
RESIDENTIAL	LOT 1103-1109	7	8,542	175
RESIDENTIAL	LOT 1110-1116	7	8,542	175
RESIDENTIAL	LOT 1117-1123	7	8,542	175
RESIDENTIAL	LOT 1124-1130	7	8,542	175
RESIDENTIAL	LOT 1131-1137	7	8,542	175
RESIDENTIAL	LOT 1138-1144	7	8,542	175
RESIDENTIAL	LOT 1145-1151	7	8,542	175
RESIDENTIAL	LOT 1152-1158	7	8,542	175
RESIDENTIAL	LOT 1159-1165	7	8,542	175
RESIDENTIAL	LOT 1166-1172	7	8,542	175
RESIDENTIAL	LOT 1173-1179	7	8,542	175
RESIDENTIAL	LOT 1180-1186	7	8,542	175
RESIDENTIAL	LOT 1187-1193	7	8,542	175
RESIDENTIAL	LOT 1194-1200	7	8,542	175
RESIDENTIAL	LOT 1201-1207	7	8,542	175
RESIDENTIAL	LOT 1208-1214	7	8,542	175
RESIDENTIAL	LOT 1215-1221	7	8,542	175
RESIDENTIAL	LOT 1222-1228	7	8,542	175
RESIDENTIAL	LOT 1229-1235	7	8,542	175
RESIDENTIAL	LOT 1236-1242	7	8,542	175
RESIDENTIAL	LOT 1243-1249	7	8,542	175
RESIDENTIAL	LOT 1250-1256	7	8,542	175
RESIDENTIAL	LOT 1257-1263	7	8,542	175
RESIDENTIAL	LOT 1264-1270	7	8,542	175
RESIDENTIAL	LOT 1271-1277	7	8,542	175
RESIDENTIAL	LOT 1278-1284	7	8,542	175
RESIDENTIAL	LOT 1285-1291	7	8,542	175
RESIDENTIAL	LOT 1292-1298	7	8,542	175
RESIDENTIAL	LOT 1299-1305	7	8,542	175
RESIDENTIAL	LOT 1306-1312	7	8,542	175
RESIDENTIAL	LOT 1313-1319	7	8,542	175
RESIDENTIAL	LOT 1320-1326	7	8,542	175
RESIDENTIAL	LOT 1327-1333	7	8,542	175
RESIDENTIAL	LOT 1334-1340	7	8,542	175
RESIDENTIAL	LOT 1341-1347	7	8,542	175
RESIDENTIAL	LOT 1348-1354	7	8,542	175
RESIDENTIAL	LOT 1355-1361	7	8,542	175
RESIDENTIAL	LOT 1362-1368	7	8,542	175
RESIDENTIAL	LOT 1369-1375	7	8,542	175
RESIDENTIAL	LOT 1376-1382	7	8,542	175
RESIDENTIAL	LOT 1383-1389	7	8,542	175
RESIDENTIAL	LOT 1390-1396	7	8,542	175
RESIDENTIAL	LOT 1397-1403	7	8,542	175
RESIDENTIAL	LOT 1404-1410	7	8,542	175
RESIDENTIAL	LOT 1411-1417	7	8,542	175
RESIDENTIAL	LOT 1418-1424	7	8,542	175
RESIDENTIAL	LOT 1425-1431	7	8,542	175
RESIDENTIAL	LOT 1432-1438	7	8,542	175
RESIDENTIAL	LOT 1439-1445	7	8,542	175
RESIDENTIAL	LOT 1446-1452	7	8,542	175
RESIDENTIAL	LOT 1453-1459	7	8,542</	



# Thorold Stone Road Condo Lands



**Legend**

- Streets Labels
- Provincial
- Regional
- Municipal/Private Roads
- Unimproved Roads
- Future/Planned Roads
- Address Points
- Assessment Parcels

Notes



0.1 0 0.06 0.1 Kilometers

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# City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2014)

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

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

Pre-consultation Meeting		
Date: <u>April 6/23</u>	Time: <u>1:30 pm</u>	
Attendance:		
Municipal Staff	Owner/Agent/Other	Phone #/E-mail
<u>John Grubich - transportation</u>	<u>Ralph Biamonte</u>	<u>rbiamont@zibell.net</u>
<u>Danaha-IS, Brian - Engineering</u>		<u>905-651-0650</u>
<u>Jessica - Engineering, Ben - fire</u>		
<u>michael - Bus Development</u>	<u>Craig Rohe - UCC</u>	<u>craig@ucc.com</u>
<u>Nick DeBenedetti - Planner 2</u>		<u>905-688-9400</u>
<u>Alex Morrison - Niagara Region</u>		

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

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Details	
Location of property:	(address) <u>7735, 7751, 7769 Thorold Stone Road</u>
	(legal description)
Area (ha): <u>1.6ha</u>	Frontage (m): <u>188.67 m</u>
Site Drawing Attached <input checked="" type="checkbox"/>	
Municipal land involved: No <input type="checkbox"/> Yes <input type="checkbox"/> (legal description)	

Proposal			
Brief description of proposal: <u>Proposed 44 unit townhomes, 1 single detached dwelling and 2 semi-detached, total of 49 units</u>			
	1 <sup>st</sup> Phase	2 <sup>nd</sup> Phase	Other
gross floor area			
building height			
<del># of dwelling/hotel/commercial units</del>	<u>total residential - units = 49</u>		

Location				
<input type="checkbox"/> Brownfield	<input type="checkbox"/> Greenfield	<input checked="" type="checkbox"/> Built-up	<input type="checkbox"/> NEP	<input type="checkbox"/> Outside Urban Boundary



Designations		Conformity
Regional Policy Plan	Urban-Built Up Area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Escarpment Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Official Plan Designation	Residential	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Secondary Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Zoning	need to rezone site specific R4 zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Proposed Application(s) (check all applicable)		
<input type="checkbox"/> Regional Policy Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Land Division
<input type="checkbox"/> Niagara Escarpment Commission o Amendment o Development Permit	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval <input checked="" type="checkbox"/> Vacant Land o Common Element o Conversion
<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Approval	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Number of		Notes
				Elect Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality			
X	X		Archaeology Assessment			stage 1 + stage 2
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X	X		Municipal Servicing Study			functional servicing
X	X		Noise & Vibration Study			comply with MECP's NPC-300 Guidelines
			Other			
			Phasing Plan			
X	X		Planning Justification Report			By a Professional Planner
			Risk Management Study			
	X		Road Widening			by the Niagara Region



			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X	X		Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
X	X		Tree Inventory Preservation Plan			Part of the UL Condo Submission
			Urban Design Brief/Architectural Brief			
X	X		Urban Design/Landscape Plans			By a landscape (professional) as part of the vacant land condo application
			Wind Study			

### Public Consultation

Is a neighbourhood pre-consultation meeting planned?

- Yes  
 No  
 Unknown

(Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)

### Other Issues

Niagara Region - urban conceptual landscape plan, Bill 23 - caritask landscape detailed landscape plan, elevations draft plan, land use compatibility, archeological completed, swm-draft plan, NPCA - possible constraints analysis.

John - transportation - no issues, Fire - rezoning, site plan

Fire access, site servicing, fire hydrant, private, no parking in this area - (Please see Fire comments)

City's Engineering - zoning, FS Report, detailed swm Report

Third modeling report, additional plans,

Tree preservation plan, required implemented as part of the EIS

landscape plan vacant land condo - chain link fence 1.8m for unit 1

### Site Visit

Is a site visit necessary to assess the proposal?

- Yes  
 No

Does the owner consent to a site visit?

- Yes  
 No

### Incentive Program

Are there any incentive programs?

- Yes  
 No

What are the details?

### Summary of Issues

Danaka - IS addressing, demo permit (please see attachment)

Bus Development - no concerns

Please see Building comments for fee's + requirements.

Need to confirm NPCA fee with the change in requirements

Please see zoning comments and chart for requirements

City's Engineering - Please submit FS Report first to City's Engineering before submitting formal application. Need to review and confirm if third party modelling is required.

Please see City's Landscape comments (attached)



### Additional Agencies to be contacted


- HYDRO       PIPELINES       NEC       OTHER \_\_\_\_\_  
 MTO       NPC       NPCA       CN

### Notes

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent  Yes

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

### Signatures

Name (print)	Signature	Date
Planning Staff Nick DeBenedetti		April 6/23
Regional Public Works Staff		
Regional Planning Staff		
NPCA Staff		
Agent		
Agent		
Owner		
Owner		
Other		

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

Signature \_\_\_\_\_





**PLANNING & DEVELOPMENT DIVISION  
APPLICABLE FEES**

CHECK APPLICABLE BOX	APPLICATION	FEES
<input checked="" type="checkbox"/>	<b>Official Plan Amendment Application:</b>	12,200.00
	<b>Zoning Amendment Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	14,500.00
<input type="checkbox"/>	• complex	12,200.00
<input checked="" type="checkbox"/>	• standard	6,300.00
	<b>Official Plan and Zoning Amendment Application (combined):</b>	
<input type="checkbox"/>	• for high-rise hotels	16,200.00
<input type="checkbox"/>	• all other lands	13,500.00
	<b>Site Plan Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	7,500.00
<input type="checkbox"/>	• all other lands (including Testamentary Devise)	5,500.00
<input type="checkbox"/>	• Amendment to Site Plan Agreement	1,500.00
	<b>Plan of Subdivision Application:</b>	
<input type="checkbox"/>	• Residential Plan	13,500.00
<input type="checkbox"/>	• Modifications to Draft Plan Approval	2,500.00
<input type="checkbox"/>	• Extension to Draft Plan Approval	1,000.00
	<b>Plan of Condominium:</b>	
<input checked="" type="checkbox"/>	• Vacant Land	10,800.00
<input type="checkbox"/>	• Conversion	2,500.00
<input type="checkbox"/>	• Standard	1,500.00
<input type="checkbox"/>	• Extension of Draft Plan	1,000.00
<input type="checkbox"/>	• Modification of Draft Plan - Vacant Land Condo	2,500.00
<input type="checkbox"/>	• Modification of Draft Plan - Standard/Conversion	1,225.00
	<b>Removal of Part Lot Control:</b>	
<input type="checkbox"/>	• Separation of Semi-detached/On-street Townhouse Units	1,500.00
<input type="checkbox"/>	• Deeming By-law	1,500.00
<input type="checkbox"/>	• Property Relotting	3,400.00
	<b>Public Renotification:</b>	
<input type="checkbox"/>	• Mailing Renotification	300.00
<input type="checkbox"/>	• Reassessment Requiring a further report	400.00
<input type="checkbox"/>	• Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	<b>Committee of Adjustment:</b>	
<input type="checkbox"/>	• Severance/Consent Application	3,400.00
<input type="checkbox"/>	• Change of Conditions	200.00
<input type="checkbox"/>	• Minor Variance Application	2,100.00
<input type="checkbox"/>	• Renotification/Rescheduling (Consent/Minor Variance)	200.00

**ADDITIONAL FEES:**

**City Fees (cheque payable to the City of Niagara Falls):**

- Peer Review  \$ \_\_\_\_\_
- Legal Fees  \$ \_\_\_\_\_ (Agreements & Registration of by-law)

**Agency Fees (cheques payable to applicable agency):**

- Regional Fees  \$ \_\_\_\_\_
- NPCA Fees  \$ \_\_\_\_\_
- Regional Health  \$ \_\_\_\_\_
- Other (describe)  \$ \_\_\_\_\_

*Total City Review fee = \$16,900.00*  
*cheque made to city of Niagara Falls*  
*Additional fees time of registration*  
*Region attachment fees*  
*Please see Niagara*  
*Require confirmation of new fees based on revised comments*



**Additional Agencies to be contacted**

- HYDRO       PIPELINES       NEC       OTHER \_\_\_\_\_  
 MTO       NPC       NPCA       CN

**Notes**

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
  2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
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  4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
  5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
  6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
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  8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
  9. All plans and statistics must be submitted in metric.
  10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
  11. A copy of this pre-consultation checklist has been provided to the applicant/agent  Yes
- Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

**Signatures**

Name (print)	Signature	Date
Planning Staff <i>Nick DeBenedetti</i>	<i>Nick DeBenedetti</i>	<i>April 6/23</i>
Regional Public Works Staff		
Regional Planning Staff <i>Alex Morrison</i>	<i>Alex Morrison</i>	<i>April 24, 2023</i>
NPCA Staff		
Agent		
Agent		
Owner		
Owner		
Other		

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

\_\_\_\_\_  
Signature



**Nick DeBenedetti**

---

**From:** Morrison, Alexander <Alexander.Morrison@niagararegion.ca>  
**Sent:** Tuesday, April 11, 2023 11:01 AM  
**To:** Alexa Cooper; Nick DeBenedetti  
**Subject:** [EXTERNAL]-Regional Pre-Consultation Notes - Niagara Falls - Items 2-5 (April 6, 2023)  
**Attachments:** 2023-04-06 Regional Pre-Consultation Notes - 7735, 7751, & 7769 Thorold Stone Rd, NF.docx; 2023-04-06 Regional Pre-Consultation Notes - 5234-5278, 5284 Ferry St & 5928 Clark St, NF.docx; 2023-04-06 Regional Pre-Consultation Notes - 8100 Dorchester Rd & 6357 Progress St, NF.docx; 2023-04-06 Regional Pre-Consultation Notes - 5619 Stanley Ave, NF.docx

Hi Alexa & Nick:

Attached are the Region's pre-consultation notes as they relate to Items 2-5 as discussed during last week's meeting.

Feel free to connect with me should you have any questions.

Thank you,  
Alex

**Alexander Morrison**, MCIP, RPP  
Development Industry & Housing Consultant  
Planning & Development Services | [Niagara Region](#)  
**P:** (905) 980-6000 ext. 3147  
**E:** [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca)

1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7

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# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

7735, 7751, & 7769 Thorold Stone Road, Niagara Falls

April 6, 2023

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**Attendees:** Alex Morrison (Region); Nick DeBenedetti (City); John Grubich (City); Danaka Kimber (City); Brian Kostuk (City); Jessica Brownlee (City); Michael Warchala (City); Nick Alkema (City); Ben Trendle (City), Craig Rohe (Agent).

**Application Types:** Concurrent Zoning By-law Amendment & Draft Plan of Vacant Land of Condominium.

Related File: PRECON-21-0592.

### **Application Description**

- A proposal for a 44 unit townhomes with 1 single-detached dwelling and 2 semi-detached dwellings for a total of 49 units.

### **Provincial and Regional Land Use Designations**

Provincial Policy Statement (PPS): Settlement Area.

Growth Plan: Delineated Built-Up Area.

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

### **Planning Comments**

- Regional staff does not object to the proposal, in principle, as the proposal is permitted within Provincial and Regional Urban Area policies.
- The development will support the City with achieving its Intensification Target of 50% as set out in the NOP and will contribute to the diversification of housing supply in Niagara (townhouses). The proposal will make better use of existing urban serviced lands and improve the efficiency of underutilized lands.

### **Urban Design**

- Please submit a Landscape Plan showing the landscape interface between the proposal and the Regional Road. It's recommended that façades for Units 1 and 34 which have side elevations that face Thorold Stone Road (Regional Road 57) should be enhanced through high quality materials, additional fenestration, and porch and bay window extensions to provide visual interest and eyes-on-the-street.

### **Archaeological Resources**

- The subject lands are within the Region's 'Area of Archaeological Potential' mapping as set out in Schedule K of the NOP, as well as abut a natural watercourse feature.
- Based on a review of available aerial imagery, it appears that only a portion of the subject lands have experienced ground disturbance below top soil level from previous development activity on site. As such, a Stage 1-2 Archaeological Assessment, plus any subsequent recommended assessments, is required for the development. Any Letters of Acknowledgement from the Ministry of Citizenship and Multiculturalism for the filing of the completed assessment work can be managed through a condition of Draft Plan Agreement.
- A standard warning clause will also be requested for inclusion in the future development agreement in order to protect for any resources that may be encountered during construction activities.



# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

7735, 7751, & 7769 Thorold Stone Road, Niagara Falls

April 6, 2023

---

### **Land Use Compatibility**

- The subject lands front onto Regional Road 57 (Thorold Stone Road) and several commercial uses. The PPS requires that major facilities (including transportation infrastructure and corridors) and sensitive land uses be planned to “*ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...*”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features.
- As such, a Noise Impact Study is required for the development and prepared in accordance with the MECP’s NPC-300 Guidelines. The Study will need to assess all nearby potential noise sources (including Montrose Road / QEW) and include recommendations for site / building design and warning clauses for future development agreements and Agreements of Purchase and Sale or Lease.

### **Environmental Comments**

- The property is impacted by the Region’s Natural Environment System (NES), consisting of significant woodland and a permanent or intermittent watercourse. Regional staff conducted a site visit in October 2021 and it was found that the majority of the property has been cleared of vegetation with only a few scattered trees remaining.
- A 10 m watercourse buffer is identified on the provided plan. Staff will need confirmation that the 10 m is appropriate. The approved buffer should be zoned appropriately, and no new lot lines will be permitted in the approved buffer.
- The Region's environmental requirements will be confirmed after the NPCA’s comments and requirements have been clarified by the Agent.

### **Transportation / Roads**

- Thorold Stone Road (Regional Road 57).

#### **Regional Road Widening Requirements**

- The previously requested road widening is adequately shown on the submitted concept plan.

#### **Regional Road Permit Requirements**

- A Regional Construction Encroachment and Entrance Permit is required prior to any construction within Regional Road allowance.
- A Regional Sign Permit is required for any signs within 20 m of the centreline of the Regional Road.
- Any existing access that is not being utilized will need to be reinstated with curb and boulevard specifications to Regional standards.
- Access to the site may be impacted during peak hours and that warning clauses to advise future Owners may be required in development agreements and Agreements of Purchase and Sale or Lease.
- Clear throat length will need to adhere to TAC standards.



# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

7735, 7751, & 7769 Thorold Stone Road, Niagara Falls

April 6, 2023

---

### **Servicing**

- Water – 300 D UNK – Local (Thorold Stone Road).
- Sanitary – 500 D AC – Local (Thorold Stone Road).
- Storm – 675 D UNK – Regional (Thorold Stone Road).
- Sanitary – 375 D PVC – Local (Shriner’s Creek).

### **Stormwater Management**

- Stormwater runoff from the development shall be collected and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
- Thorold Stone Road shall not be negatively impacted as a result of the development. Post-development flows are required to be controlled to pre-development level for all storms, including the 25mm, 2-year up to and including the 100-year storm prior to discharge from the site. Please consider Low Impact Development (LID) measures to mitigate development erosion impact on Shriner’s Creek.
- A Stormwater Management Report (with review fee) shall be submitted to this office that indicates in details how stormwater management requirements for the development will be achieved. The Report should include the necessary information with respect to the inspection and maintenance requirements.
- Prior to construction, detailed grading, storm servicing, stormwater management, and construction sediment control drawings shall be submitted to this office for review and approval.

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

- Curbside collection only. Staff acknowledge the collection pads for Units 23 & 24.
- Recycling blue / grey carts – no limit (collected weekly).
- Organic green carts – no limit (collected weekly).
- Garbage / waste bags or cans – 2 maximum (collected every-other-week).

### **Required Studies & Materials for Regional Review**

- Planning Justification Report (prepared by a RPP).
- Landscape Plan (showing interface with Regional Road).
- Stage 1-2 Archaeological Assessment, any subsequent assessments, and Letters of Acknowledgment.
- Noise Impact Study.
- Environmental Impact Study / Impact Assessment – to be confirmed (see ‘Environmental’ comments).
- Stormwater Management Report, with detailed grading, servicing and construction erosion/sediment control plans.

### **Regional Review Fees**

The Region’s 2023 Fee Schedule is available at: [https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx).

- Zoning By-law Amendment Review (\$1,395).
- Minor Environmental Impact Study Review (\$1,205) – to be confirmed (see ‘Environmental’ comments).
- Minor Urban Design Review (\$280).
- Draft Plan Review (\$5,525 base fee + \$1,915 per ha).
- Stormwater Review less than 5 ha (\$675).

NPCA comments

**Nick DeBenedetti**

**From:** Nick DeBenedetti  
**Sent:** Tuesday, May 9, 2023 4:56 PM  
**To:** 'smastroianni@npca.ca'  
**Cc:** Craig Rohe  
**Subject:** FW: [EXTERNAL]-NPCA Comments - 7769, 7751, 7735 Thorold Stone Road

No EIS required  
No water balance  
study

Hello Sarah,

Can you please confirm the NPCA review fee ASAP regarding the information noted below in the email.

Thank You

Nick DeBenedetti, MCIP, RPP | Planner II | Planning, Building & Development | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 Ext. 4233 | Fax 905-356-2354 |  
ndebenedetti@niagarafalls.ca

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**From:** Craig Rohe <craig@ucc.com>  
**Sent:** Friday, April 14, 2023 1:09 PM  
**To:** Sarah Mastroianni <smastroianni@npca.ca>  
**Cc:** Nick DeBenedetti <ndebenedetti@niagarafalls.ca>  
**Subject:** RE: [EXTERNAL]-NPCA Comments - 7769, 7751, 7735 Thorold Stone Road

Hi Sarah,

Thanks for the clarification. We are pleased to be able to move forward with our completed Scoped Report for this development.

I am cc'ing Nick DeBenedetti at the City who is the lead planner on this file so he is aware that there are no new NPCA requirements for the application submission. Nick, please adjust the pre-consultation notes accordingly before distributing.

Thanks and enjoy the weekend!

**Craig A. Rohe, M.Pl., MCIP, RPP**  
Senior Planner  
**Upper Canada Consultants**  
3-30 Hannover Drive  
St. Catharines, ON. L2W 1A3

Tel: (905) 688-9400 ext. 506  
Mobile: (289) 969-3556



Fax: (905) 688-5274  
Email: [craig@ucc.com](mailto:craig@ucc.com)  
Web: [www.ucc.com](http://www.ucc.com)

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**From:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Sent:** April 14, 2023 12:53 PM  
**To:** Craig Rohe <[craig@ucc.com](mailto:craig@ucc.com)>  
**Subject:** RE: [EXTERNAL]-NPCA Comments - 7769, 7751, 7735 Thorold Stone Road

Hi Craig,

I have checked in with Ecology staff as there was no information from the previous site visit or EIS scoping in our file tracking system. I was just given the email below from Anne M to NPCA staff as well as Region. I confirm that the NPCA is satisfied with the letter or technical memo as described by Anne below in lieu of an EIS. There is also no requirement of a Water Balance study any longer.

I trust this clears things up for you on this file, however, if you still need me to call you at 2 today, please let me know.

**From:** Anne McDonald <[amcdonald@eesn.ca](mailto:amcdonald@eesn.ca)>  
**Sent:** Wednesday, October 20, 2021 10:10 AM  
**To:** Boudens, Adam <[Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)>  
**Cc:** 'Jessica Abrahamse ([jabrahamse@npca.ca](mailto:jabrahamse@npca.ca))' <[jabrahamse@npca.ca](mailto:jabrahamse@npca.ca)>; Lampman, Cara <[Cara.Lampman@niagararegion.ca](mailto:Cara.Lampman@niagararegion.ca)>; 'Adam Aldworth ([aaldworth@npca.ca](mailto:aaldworth@npca.ca))' <[aaldworth@npca.ca](mailto:aaldworth@npca.ca)>; 'Craig Rohe' <[craig@ucc.com](mailto:craig@ucc.com)>; Shanks, Amy <[Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca)>; Karlewicz, Lori <[Lori.Karlewicz@niagararegion.ca](mailto:Lori.Karlewicz@niagararegion.ca)>  
**Subject:** RE: Site meeting for 7769, 7751 & 7735 Thorold Stone Road

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Adam,

Thank you for sending this. I just want to clarify – you have indicated the Regional staff are supportive of a Scoped EIS. Are you looking for a full EIS report format, or will a short letter suffice?

Per our discussions, we had planned to provide a brief description of the site, the proposed development and a assessment of the impacts to the adjacent Shriners' Creek and fish habitat. As part of the letter we will also propose mitigation and a restoration plan for the existing riparian buffer along the property boundary.

Can you please confirm that this approach will satisfy the Region's scoping, and that a full EIS report format is not necessary?

Anne

Thank you.



**Nick DeBenedetti**

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**From:** Meagan Doan <mdoan@npca.ca>  
**Sent:** Thursday, April 6, 2023 11:23 AM  
**To:** Nick DeBenedetti  
**Subject:** [EXTERNAL]-NPCA Comments - 7769, 7751, 7735 Thorold Stone Road  
**Attachments:** 7735, 7751 & 7769 Thorold Stone Road - Map.pdf

Hi Nick,

I'm unable to attend the meeting, please see below the NPCA's comments for the pre-con for 7769, 7751, 7735 Thorold Stone Road.

NPCA staff have reviewed the information provided in the pre-consultation request and offer the following comments for your consideration:

1) NPCA staff have identified unevaluated wetlands within the western portion of the proposed development. An Environmental Impact Study (EIS) is required to assess the natural heritage features and their functions on and adjacent to the subject property which should be the extent of the study area. This assessment should include the characterization and analysis of anticipated impacts to the ecological and hydrological functions and significance of these features. The EIS should assess wetlands and watercourses present within the study area. A Terms of Reference should be submitted to the NPCA for review and comment. NPCA staff recognize the Region of Niagara's 2018 EIS Guidelines and support their usage as a guidance document. Please note that although these are generally accepted guidelines there are some nuances which may apply where the NPCA will require additional studies. The EIS guidelines can be found at: <https://www.niagararegion.ca/culture-and-environment/pdf/environmental-impact-study-guidelines.pdf>

2) To ensure the form and function of the watercourse is maintained and that no negative impacts result to the watercourse as a result of the proposed development, NPCA staff require a scoped feature-based water balance. This study will ensure that surface and sub-surface contributions to the watercourse from the subject property are maintained. This information should inform recommendations such as proposed site grading, overland flow patterns and impervious considerations such that hydrologic inputs to the watercourse are maintained and remain unaltered during and post development. Please utilize the following document to inform your study:

a. Water Balance Guidelines for the Protection of Natural Features:

[https://sustainabletechnologies.ca/app/uploads/2013/04/SWM-Criteria-2012\\_Appendix-D.pdf](https://sustainabletechnologies.ca/app/uploads/2013/04/SWM-Criteria-2012_Appendix-D.pdf)

Fees:

Plan of Subdivision/Condo: \$4746

If you have any questions, please let me know.

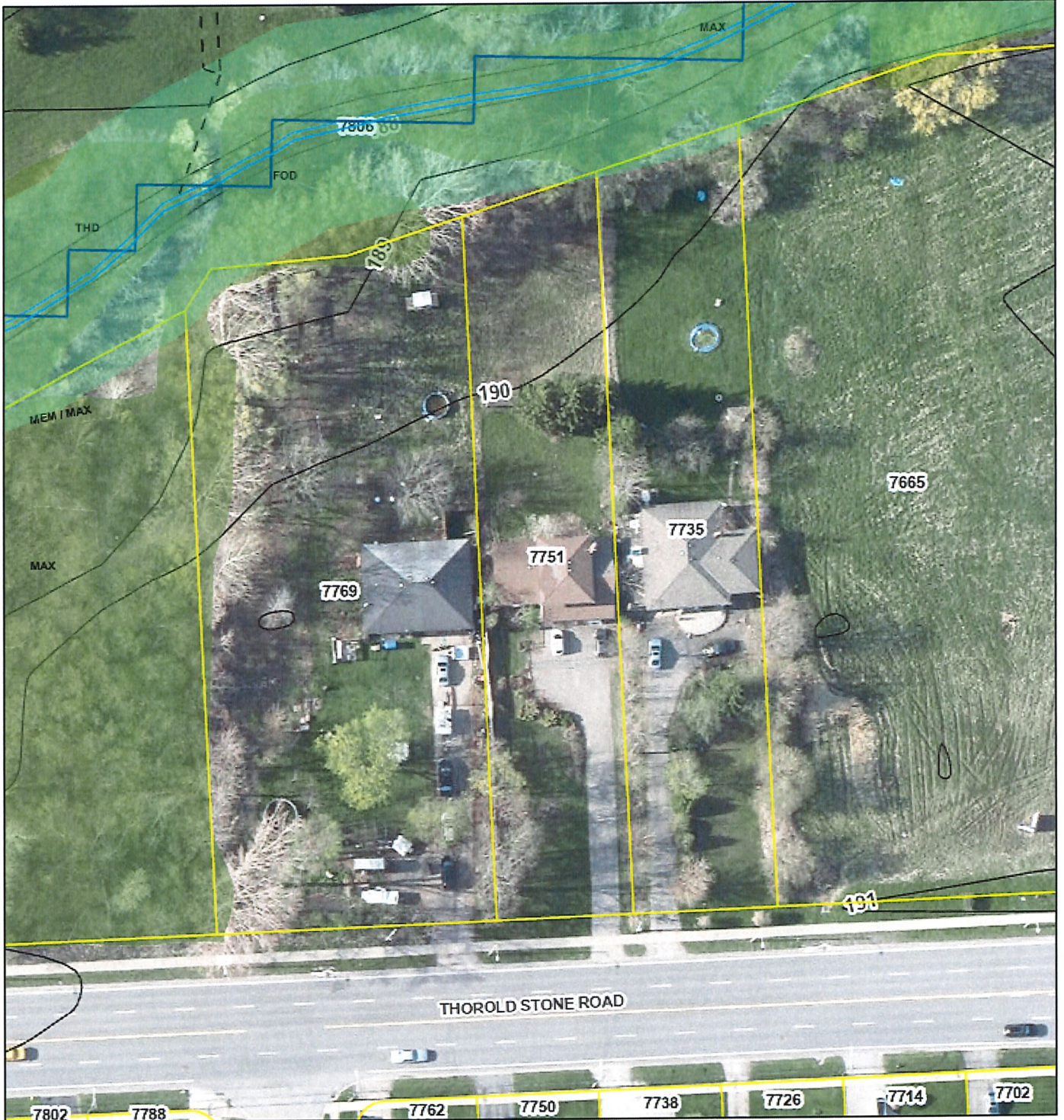
Thanks,  
Meagan

**Meagan Doan, B.E.S.**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2  
Tel: 905-788-3135 | extension 228  
email:[mdoan@npca.ca](mailto:mdoan@npca.ca)



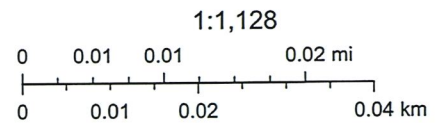
# 7735, 7751 & 7769 Thorold Stone Road - Regulated Features Map



3/27/2023, 1:45:10 PM

SWOOP 2020 NPCA

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Roads
- NPCA APPROXIMATE REGULATION LANDS



NPCA Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Web AppBuilder for ArcGIS

City of Niagara Falls, City of Welland, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA,



GIS comments  
addressing

**Nick DeBenedetti**

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**From:** Danaka Kimber  
**Sent:** Monday, March 27, 2023 12:08 PM  
**To:** Nick DeBenedetti  
**Cc:** GISRequest  
**Subject:** PreCon - 2023-04-06 - VLC at 7735-7769 Thorold Stone Rd

Hi Nick.

GIS has the following comments:

- ∞ Upon completion of the demolition permits, the original 3 civic addresses will be retired (7735, 7751 & 7769)
- ∞ At the appropriate stage in the condo plan, a new single civic address will be issued.
- ∞ We will require a civic unit plan correlated with the legal unit number; Happy to help with this when the time comes.

Feel free to reach out with any questions.

**Danaka Kimber** | SR GIS Project Analyst | Information Systems | City of Niagara Falls  
4343 Morrison Street | Niagara Falls, ON L2E 6Z9 | (905) 356-7521 ext 4014 | [dkimber@niagarafalls.ca](mailto:dkimber@niagarafalls.ca)

We value and respect flexible work arrangements. Although I have sent this at a time that is convenient for me, it is not my expectation that you read, respond or follow up on this email outside of your work hours.



**Nick DeBenedetti**

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**From:** Jesse Mancino  
**Sent:** Wednesday, March 29, 2023 10:21 AM  
**To:** Nick DeBenedetti  
**Cc:** Building; Planning Emails  
**Subject:** RE: PLANNING: Preconsultation - 7769,7751,7735 Thorold Stone Rd

Hi Nick,

Please find some pre-con comments for the above.



7769,7751,7735  
Thorold Stone R...

**Jesse Mancino** | Intermediate Plans Examiner – Residential/Commercial | Building Services | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4220 | Fax 905-374-7500 |  
jmancino@niagarafalls.ca

-----Original Task-----

**Subject:** PLANNING: Preconsultation - 7769,7751,7735 Thorold Stone Rd  
**Priority:** Normal

**Start date:** Mon 3/27/2023  
**Due date:** Mon 3/27/2023

**Status:** Not Started  
**% Complete:** 0%  
**Actual work:** 0 hours

**Requested by:** Building

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Preconsultation – Meeting Apr 6 2023  
Files can be found [HERE](#)

Thanks  
*Victoria.*  
x4350

-----  
**From:** Planning Emails <[planningemails@niagarafalls.ca](mailto:planningemails@niagarafalls.ca)>  
**Sent:** Wednesday, February 22, 2023 9:32 AM  
**To:** Planning Emails; Alexa Cooper; Alexandria Pasquini-Smith NCDSB; Andrew Bryce; Angela Davidson; Ben Trendle; Brian Dick; Brian Kostuk; Building; Danaka Kimber; Erica Hammond; Frank Devereaux; GISRequest; Jessica Brownlee; John Grubich; Julie Hannah; Kellie Kubik; Kira Dolch; Lori Tice; Lydia Waters; Michael Warchala; MTO - Paul Nunes; MTO

# Inter-Departmental Memo

**To:** Nick DeBenedetti, MCIP, RPP  
Planner 2  
Ext. 4233

**From:** Jesse Mancino  
Intermediate Plans Examiner  
Ext. 4220

**Date:** 3/29/2023

**Re:** Preconsultation – Zoning By-Law Amendment Application, Draft Plan of Vacant Land Condominium  
7769, 7751 & 7735 Thorold Stone Road  
Applicant: Thorowest Construction Ltd.  
Agent: Craig Rohe, Upper Canada Consultants  
Proposal: 44-unit townhouse development with 1 single detached dwelling and 2 semi-detached dwellings (total 49 units)

*\*\* Previous preconsultation meeting held on August 19, 2021 \*\**

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

1. A water/sewer permit shall be obtained to construct site services.
  - a. Private water supply pipes shall be designed and installed according to MOE PIBS 68813, "Design Guidelines for Drinking-Water Systems".
  - b. Private sewers shall be designed and installed according to MOE PIBS 6879, "Design Guidelines for Sewage Works".
  - c. No Plumbing serving a dwelling unit shall be installed in or under another unit of the building unless the piping is located in a tunnel, pipe corridor, common basement or parking garage, so that the piping is accessible for servicing and maintenance throughout its length without encroachment on any private living space (OBC Div. B, 7.1.5.4 – Separate Services)
2. A building permit shall be obtained for each townhouse unit, detached unit and semi-detached unit proposed. Standard requirements for architectural/structural drawings apply. This does not exclude pre-engineered systems, shop drawings, material specifications and structural engineering etc.
3. All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process.

4. Spatial separation/fire protection measures will be reviewed during permit review.
5. All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.
6. Municipal, Regional, and Educational Developments Charges will be assessed at time of building permit review. Parkland Dedication is payable on the first permit (appraisal report required).



Fire  
Comments

**Nick DeBenedetti**

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**From:** Ben Trendle  
**Sent:** Monday, April 17, 2023 12:07 PM  
**To:** Scott Turnbull; Nick DeBenedetti; Alexa Cooper  
**Subject:** Fire Department Pre-Con Comments - April 6 2023.pdf  
**Attachments:** Fire Department Pre-Con Comments - April 6 2023.pdf

Hey Planning Friends,

Attached are Fire's pre-con comments. Sorry it took so long.

Any questions or concerns please feel free to give me a shout.

Thanks,

**Ben Trendle** | Chief Fire Prevention Officer | Fire Department | City of Niagara Falls  
5809 Morrison Street | Niagara Falls, ON L2E 2E8 | (905) 356-1321 ext 2211 | Fax 905-356-1583 | [btrendle@niagarafalls.ca](mailto:btrendle@niagarafalls.ca)

We value and respect flexible work arrangements. Although I have sent this at a time that is convenient for me, it is not my expectation that you read, respond or follow up on this email outside of your work hours.

**FIRE DEPARTMENT COMMENTS  
PRE-CONSULTATION MEETING**

**DATE:** April 6, 2023

**OFFICER:** Ben Trendle

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

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

**AGENDA ITEM #2**

**ADDRESS:** 7769, 7735 & 7751 Thorold Stone Road

**APPLICATION TYPE:** Rezoning & Vacant Land Condo

**COMMENT(S):** Rezoning Application

1. The Fire Department has no comments or concerns with respect to the zoning by-law amendment.

**COMMENT(S):** Vacant Land Condominium Drawing **(based on drawing 2169-SP, dated April 13, 2022)**

1. The developer shall provide a site plan that demonstrates adequate fire access for firefighting equipment is provided in accordance with Section 3.2.5. of the Ontario Building Code.

The submitted site plan appears to be in conformance with these requirements.

2. The developer shall provide site servicing drawings showing the locations of any proposed and/or existing fire hydrants (private/public).

It does not appear that any hydrants have been accounted for within the development site and the existing hydrant on Thorold Stone Road does not provide sufficient coverage.

3. If private fire hydrants are required on the property to achieve minimum distances under the Ontario Building Code, the owner will be required to maintain the fire hydrants in accordance with the requirements of the Ontario Fire Code.

4. The fire route (Street 'A') will be required to be designated under municipal by-law for enforcement. There is a \$150.00 fee for this process and can be initiated at the Fire Prevention Office once the property is assigned a municipal address. There is to be 'No Parking' along the fire route.

The cost of signage as well as the installation of signage that complies with the fire access route by-law is at the expense and responsibility of the developer/owner.

**Nick DeBenedetti**

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**Subject:** FW: Niagara Falls Pre-Consultation (1st Thursday)

**From:** John Grubich <jgrubich@niagarafalls.ca>  
**Sent:** Tuesday, April 11, 2023 8:56 AM  
**To:** Scott Turnbull <sturnbull@niagarafalls.ca>; Nick DeBenedetti <ndebenedetti@niagarafalls.ca>; Alexa Cooper <acooper@niagarafalls.ca>  
**Cc:** Mathew Bilodeau <mbilodeau@niagarafalls.ca>  
**Subject:** RE: Niagara Falls Pre-Consultation (1st Thursday)

Nick;

Transportation comments:

**1. 7735, 7751 & 7769 Thorold Stone Road (Townhomes) – Zoning & Condominium**

The lands abut Thorold Stone Road, which is a Regional road. Regional Staff to comment on the driveway access – its location and design.

The City does not require a traffic study.

A 49-unit development requires 69 parking spaces, at a rate of 1.4 parking spaces per unit. It appears each unit will have a one car driveway and a one car garage (in tandem to the driveway space), with 21 visitor parking spaces, for a total of 70 parking spaces.

Staff notes the garbage truck turning templates. We are presuming that the applicant will use Niagara Region collection services. If so, Niagara Region Staff will need to accept the turning movements.

The minimum number of accessible parking spaces is based on the visitor parking lot capacity. A parking area having 21 parking spaces requires a minimum of one (1) accessible parking space and this is determined through the following formula for parking lots between 13 and 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus  $0.04 \times 22 = 0.88$ , rounded up to 1 accessible parking space.

Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:

- a. one authorized disabled parking sign on display;
- b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
- c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
- d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
- e. have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle, two accessible spaces can share one access aisle;
- f. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
- g. located on a level surface; and,
- h. placed in a location as to minimize the distance to building entrances.



The lands are currently serviced by Niagara Region Transit route #105/205. Buses proceed east and west on Thorold Stone Road. The closest bus stop for eastbound service is across the street at Collard Avenue, while the closest stop for westbound service is at Cardinal Drive. The redevelopment of the lands may warrant a new westbound bus stop alongside the development, which is to be determined by Niagara Region Transit Staff.

**John Grubich, C.E.T.** | Traffic Planning Supervisor | Municipal Works - Transportation Services | City of Niagara Falls  
8208 Heartland Forest Road | Niagara Falls, ON L2H 0L7 | (905) 356-7521 ext 5214 | Fax 905-356-5576 | [jgrubich@niagarafalls.ca](mailto:jgrubich@niagarafalls.ca)

**Nick DeBenedetti**

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**Subject:** FW: Niagara Falls Pre-Consultation (1st Thursday)  
**Attachments:** 2023-04-06\_Pre-Con Meeting\_Eng & LS Comments\_BK.pdf

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**From:** mwplanningaps <[mwplanningaps@niagarafalls.ca](mailto:mwplanningaps@niagarafalls.ca)>  
**Sent:** Tuesday, April 11, 2023 10:39 AM  
**To:** Planning Emails <[planningemails@niagarafalls.ca](mailto:planningemails@niagarafalls.ca)>  
**Subject:** RE: Niagara Falls Pre-Consultation (1st Thursday)

Good morning,

Please find attached the Municipal Works Development and Landscape Services comments for the Pre-con Meetings held on April 6<sup>th</sup>.

Let me know if there are any questions or concerns.

Thank you,

**Brian Kostuk, C.Tech.** | Development Technologist | Municipal Works - Development | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4102 | Fax 289-296-0048 | [bkostuk@niagarafalls.ca](mailto:bkostuk@niagarafalls.ca)

**Pre-Consultation Meeting - April 6, 2023 - Item #2 - Nick DeBenedetti**

Proposed: Zoning By-law Amendment & Vacant Land Condominium  
Applicant: Thorowest Construction Ltd.  
Agent: Craig Rohe (Upper Canada Consultants)  
Property: 7735-7769 Thorold Stone Road  
Proposal: Proposed 44-unit townhomes with 1 single detached dwelling and 2 semi-detached dwellings, for a total of 49 units.

NOTE: Previous pre-consultation meeting held on August 19, 2021.

Thorold Stone Road is a Regional Road (#57)

Existing infrastructure on Thorold Stone Road: 300mmØ PVC Watermain (1996)  
500mmØ AC Sanitary Sewer (1969)  
250mmØ CONC Sanitary Sewer (1969)  
675mmØ CONC Storm Sewer (Regional) (1997)

**Zoning By-law Amendment Requirements:**

- Functional Servicing Report identifying and ensuring that the municipal infrastructure will adequately service the development as proposed. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request.
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event contained and controlled on-site and directed to a suitable outlet. Major storm events may be directed overland to an acceptable outlet. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria is available upon request.
- As the site fronts onto a Regional Road, Region Stormwater Management requirements will also apply.
- Third party infrastructure modelling at applicants' expense may be required to verify available infrastructure capacities. Fees are in accordance with the City's Schedule of Fees.
- Engineering drawings of existing underground infrastructure are available upon request from Brian Kostuk (bkostuk@niagarafalls.ca).

**Vacant Land Condominium Requirements:**

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero trespass to neighbouring properties.
- Road Occupancy Permit for service connections to be obtained through Sam Mirabelli - (905) 356-7521 ext. 4260.
- Regional Permits required for any work within the Regional road allowance.

**Landscape Services Requirements:**

- A Tree Preservation Plan will be required as part of the Vacant Land Condo submission and must conform to the City of Niagara Falls Standards for Site Planning. The plan shall be developed by a certified professional and shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the TPP shall be implemented in the Vacant Land Condominium design. This includes potential modifications to project layout and grading plans. The TPP may be submitted as part of the EIS.
  - We request that lot grading and storm sewers have minimal impact on the TPP.



- A Landscape Plan will be required as part of the Vacant Land Condominium submission which conforms to the City of Niagara Falls Standards for Site Planning. The Landscape Plan shall be developed by an Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing street frontage, improving walkability, winter snow storage, and reducing heat island effect of hard surface areas. The planting of native species is preferred.
- A chain-link fence is required along the exterior property lines, except along the road allowance, in accordance with City standards. The City's standard is 1.8m high commercial grade black vinyl coated chain-link fencing with no gates.
- Wood privacy fencing adjacent to units #1 and #34 are recommended to provide privacy from Thorold Stone Road.
- Wood privacy fencing along the east property line is recommended.
- Parkland dedication shall be provided as Cash-in-lieu at the rate of 5%.

Zoning  
Comments

**Nick DeBenedetti**

---

**From:** Sue Scerbo  
**Sent:** Friday, March 31, 2023 1:01 PM  
**To:** Nick DeBenedetti  
**Subject:** 7769, 7735, 7751 Thorold Stone Road Precon zoning comments  
**Attachments:** Zoning Comments.pdf

Susan Scerbo  
Senior Zoning Administrator  
Planning, Building & Development  
4310 Queen Street, P.O. Box 1023  
Niagara Falls, ON L2E 6X5  
905-356-7521 ext. 4296  
[sscerbo@niagarafalls.ca](mailto:sscerbo@niagarafalls.ca)

We value and respect flexible work arrangements. Although I have sent this at a time that is convenient for me, it is not my expectation that you read, respond or follow up on this email outside of your work hours.

# Inter-Departmental Memo

**To:** Nick DeBenedetti, Planner 2  
**From:** Sue Scerbo, Senior Zoning Administrator  
**Date:** April 6, 2023  
**Re:** **Proposed Zoning By-law Amendment Vacant Land Condominium  
 7769, 7735, 7751 Thorold Stone Road  
 Proposed 44 unit townhouse dwelling with 1 single detached  
 dwelling and two semi-detached dwellings**

**Summary:**

The applicant is proposing to demolish/remove the existing dwellings located on the subject lands and merge all of the subject lands to construct 44 townhouse dwelling units in 9 blocks, together with 1 single detached dwelling and two semi-detached dwellings.

The subject lands municipally known as 7735, 7751 & 7769 Thorold Stone Road are currently zoned Development Holding (DH), in accordance with Zoning By-law No. 79-200, as amended. The vacant lands to the west (municipal roll number 272510000306403) is zoned Residential 5A Density (R5A-190), in accordance with Zoning By-law 79-200, as amended by site specific By-law No. 1988-134. The applicant is proposing to rezone the subject lands to a site specific Residential Low Density, Group Multiple Dwellings Zone (R4) to facilitate the proposed development.

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

Provision	Requirement	Proposal	Comply
Permitted Uses	The uses permitted in the R4 zone	Townhouse dwellings	Yes
		Single detached dwelling (in accordance with the regulations for a townhouse dwelling)	No
		Semi-detached dwelling (in accordance with the regulations for a townhouse dwelling)	No



Minimum lot area for a townhouse dwelling	250 square metres for each dwelling unit	315.1 square metres for each dwelling unit: 315.1 sq.m. x 49 dwelling units = 1.544 hectares	Yes
Minimum lot area for an apartment dwelling or stacked townhouse dwelling	200 square metres for each dwelling unit	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing more than four dwelling units	30 metres	186.44 metres	Yes
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing four dwelling units or less on an interior lot	24 metres	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres	n/a	n/a
Minimum front yard depth for a townhouse dwelling	6 metres + 13.1 metres from the original centreline of Thorold Stone Road	6.05 metres + 13.02 metres from the original centreline of Thorold Stone Road	Please provide 13.1 metres from the original centreline
Minimum front yard depth for an apartment dwelling or a stacked townhouse dwelling	7.5 metres	n/a	n/a
Minimum rear yard depth for a townhouse dwelling	7.5 metres	6.9 metres (Unit 17) 7.5 metres (all other units)	No Yes

**A Great City ... For Generations To Come**

Minimum rear yard depth for an apartment dwelling or a stacked townhouse dwelling	10 metres	n/a	n/a
Minimum interior side yard width	One-half the height of the building: 11m/2=5.5 metres	3 metres (unit 24) 7.5 metres (all other units)	No Yes
Minimum exterior side yard width for a townhouse dwelling	4.5 metres	n/a	n/a
Minimum exterior side yard width for an apartment dwelling or a stacked townhouse dwelling	7.5 metres	n/a	n/a
Maximum lot coverage	35%	30.65%	Yes
Maximum height of building or structure	10 metres subject to section 4.7	11 metres	No
Number of dwellings on one lot	[subject to section 7.9.3] More than one dwelling is permitted on one lot	49 dwelling units	Yes
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces for each dwelling unit 49 dwelling units x 1.4 = 68.6 parking spaces	49 driveway spaces 21 visitor spaces TOTAL: 70 parking spaces	Yes
Minimum parking stall width	3 metres	3 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	6.3 metres	6 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	Gazebo (accessory structure)	Please show setbacks and height

**A Great City ... For Generations To Come**

Minimum Landscaped Open Space Area	45 square metres for each dwelling unit	157.37 square metres for each dwelling unit	Yes
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 metres	7.5 metres 6.9 metres (unit 17)	Yes No
Projection of a deck into a required rear yard or privacy yard	4 metres	2.5 metres	Yes
Minimum amenity space for an apartment dwelling unit or a stacked townhouse dwelling unit	In accordance with section 4.44	n/a	n/a

Comments:

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

SS

S:\PRECONSULTATION\2023\04.06.23\THOROLD STONE ROAD 7769, 7735, 7751\ZONING COMMENTS.docx



**APPENDIX IV**  
**DRAFT ZONING BY-LAW AMENDMENT**

# CITY OF NIAGARA FALLS

## Draft By-Law No. 2023-\_\_\_

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate lands known as (Lands being consolidated – will provide prior to consideration) in The City of Niagara Falls, Regional Municipality of Niagara.

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 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 to permit the lands to be developed in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law 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. That the following additional uses be permitted subject to the provisions of the Residential Low Density, Grouped Multiple Dwelling Zone (R4) and this by-law:
  - i. Single Detached Dwelling
  - ii. Semi-detached Dwelling
5. The regulations governing the permitted uses shall be:

(a)	Minimum Rear Yard Setback	6.9 metres (Unit 17)
(b)	Minimum Privacy Yard	6.9 metres (Unit 17)
(c)	Minimum Interior Side Yard	3.1 metres (Unit 24)
(d)	Maximum Building Height	11.0 metres

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 X** of Schedule "A" of By-law No. 79-200 by re-designating the Lands from DH and R5A-190 to R4-**\_\_\_\_\_**.
10. Section 19 of By-law No. 79-200 is amended by adding thereto:  
**19.x.x** Refer to By-law 2023 - \_\_\_\_\_.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

**Read a First, Second and Third time; passed, signed and sealed in open Council this \_\_\_\_ day of \_\_\_\_\_, 2023.**

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


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






**THOROLD STONE ROAD (Regional Road No. 57)**

**LEGEND**


 PART 1 - FROM RESIDENTIAL APARTMENT 5A DENSITY SITE SPECIFIC ZONE (R5A-190) TO RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS SITE SPECIFIC ZONE (R4-X)

 PART 2 - FROM DEVELOPMENT HOLDING ZONE (DH) TO RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS SITE SPECIFIC ZONE (R4-X)

**THOROWEST VILLAGE**  
**SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. \_\_\_\_\_**

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

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



**APPENDIX V**  
R5A-190 ZONING

The City of  
Niagara Falls  
Canada



City Hall  
Niagara Falls, Ontario  
L2E 6X5  
(416) 356-7521

1988 07 06

Mr. Joseph & Maria Colaneri  
Mr. Antonio & Cristina Arcaro  
c/o Pinewood Homes (Niagara) Limited  
P.O. Box 2370, Station B  
St. Catharines, Ontario  
L2M 7M7

Dear Messrs. and Madames:

**Re: AM-12/88, Restricted Area By-Law #88-134,  
Proposed Apartment Buildings, North Side  
of Thorold Stone Road, West of Montrose Road**

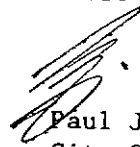
The above By-law was passed by City Council on Monday, May 30, 1988 and circulated on June 1, 1988 with a final day for appeal being July 4, 1988. No appeals were received.

I now attach a copy of my certificate respecting the passing of the By-law, circulation, and the fact that no appeals were received.

Under the circumstances, the By-law became effective on the date of its passing.

Also attached is a copy of By-law #88-134 for your files.

Yours very truly,

  
Paul J. Brennan,  
City Clerk

PJB:lc

Enclosure

cc: Upper Canada Consultants

L.A. Oates,  
Director of Municipal Works

D. Darbyson,  
Director of Planning & Development

M.J. Johnston,  
Director of Buildings & Inspections

H.R. Young, Solicitor

Charlotte Carr, Executive Assistant



DECISION OF COMMITTEE OF ADJUSTMENT  
CITY OF NIAGARA FALLS

File: A-12/90

IN THE MATTER OF Section 44 of the Planning Act, 1983; and

IN THE MATTER OF an application on behalf of:

NAME: 865657 Ontario Limited                      ADDRESS: Box 74, Toronto, Ont.  
(Agent Weston & Associates)

DESCRIPTION & LOCATION OF SUBJECT LAND: Property known municipally as 7797 Thorold Stone Road, more formally described as Part of Lot 70, Former Township of Stamford now the City of Niagara Falls

NATURE AND EXTENT OF RELIEF APPLIED FOR: Permission to vary two provisions of the By-law to permit the construction of two apartment buildings:

1. The By-law requires a minimum parking setback of 26.5m (87') whereas the applicant is proposing a minimum parking setback of 25m (82').
2. The By-law permits a maximum building height of 10m (32.8') whereas a building height of 13.4m (44') is proposed.

**RECEIVED**

DECISION: Granted, pursuant to Section 44 of the Planning Act, 1983    MAR 2 1990

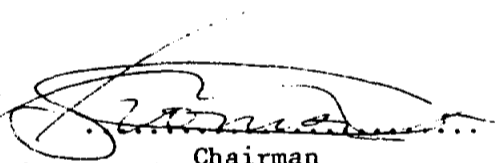
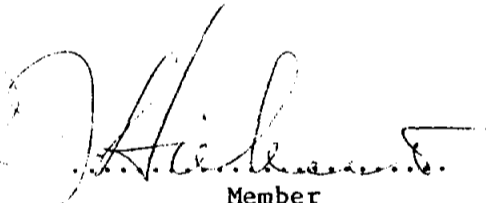

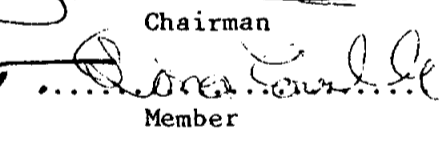
Building & Inspections Dept  
CITY OF NIAGARA FALLS

REASON(S):

The development is under site plan control which would go before Council for final approval, the variances are minor and the general intent and purpose of the Official Plan and Zoning By-law is being maintained

THE ABOVE DECISION IS SUBJECT TO THE FOLLOWING CONDITION(S) BEING FULFILLED:

MEMBERS CONCURRING  
IN DECISION:


	
Chairman	Member
	
Member	Member

I hereby certify this to be a true and correct copy of the Decision of the Committee of Adjustment for the City of Niagara Falls and this decision was concurred in by the majority of the Members of the Committee.

DATE OF DECISION      ..February 27, 1990..

DATE OF MAILING        ..March 9, 1990.....

FINAL DATE OF APPEAL ..March 29, 1990.....



Secretary-Treasurer


CANADA )  
Province of Ontario )  
Regional Municipality )  
of Niagara )  
)  
)  
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)  
To Wit: )

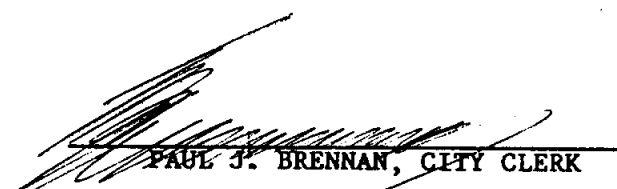

IN THE MATTER OF subsection 34(20)  
of the Planning Act, 1983 and  
IN THE MATTER OF By-law No. 88-134  
of The Corporation of the  
City of Niagara Falls

I, PAUL JOSEPH BRENNAN, of the City of Niagara Falls, in the Regional Municipality of Niagara, do solemnly declare that:

1. I am the Clerk of The Corporation of the City of Niagara Falls and, as such, have knowledge of the facts herein declared.
2. That By-law No. 88-134 was passed by the Council of The Corporation of the City of Niagara Falls on the 30th day of May, 1988.
3. Pursuant to subsection 34(17) of the Planning Act, 1983 written notice of the passing of By-law No. 88-134 was given on the 1st day of June, 1988 in the manner and in the form and to the persons and agencies prescribed by Ontario Regulation 404/83 made under the Planning Act, 1983.
4. No notice of appeal was filed with me pursuant to subsection 34(18) of the Planning Act, 1983 within the time allowed for appeal, namely within 35 days from the date of the passing of By-law No. 88-134.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City )  
of Niagara Falls )  
in the Regional Municipality )  
of Niagara )  
this 6th day of July )  
A.D., 1988 )  
  
A Commissioner etc.  
E.C. Wagg, Deputy City Clerk

  
PAUL J. BRENNAN, CITY CLERK  


CITY OF NIAGARA FALLS

By-law No. 88 - 134

.....

A by-law to amend By-law No. 79-200, as amended.

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

1. Sheet D3 of Schedule "A" to By-law No. 79-200, as amended by By-law No. 86-173, is further amended by redesignating as R5A and numbering 190 the land on the northerly side of Thorold Stone Road, being part of Township Lot 70 of the former Township of Stamford, shown hatched and designated R5A and numbered 190 on the plan Schedule 1 attached to and forming part of this by-law and now designated R5B and numbered 143.
2. None of the provisions of section 7.10.1 or of clauses (c), (d), (e) and (j) of section 7.10.2 of the aforesaid By-law No. 79-200 shall apply to prevent the use of the said land designated R5A and numbered 190 on the said plan Schedule 1 attached hereto or the erection or use on the said land of not more than 2 apartment dwellings and having
  - (a) a lesser front yard depth from the centre line of Thorold Stone Road than 34.02 metres,
  - (b) a lesser rear yard depth than 10 metres, and
  - (c) a lesser interior side yard width on the easterly side than one-half the height of the more easterly apartment dwellingprovided,
  - (1) notwithstanding clauses (a) and (b) of the aforesaid section 7.10.2, the land to be used for the purpose of the said apartment dwellings and on which the said apartment dwellings are to be erected and used shall comprise not less than the whole of the land designated R5A and numbered 190 on the said plan Schedule 1 attached hereto and the combined total of the dwelling units in the said 2 apartment dwellings shall not exceed 30 dwelling units;
  - (2) the minimum front yard depth measured from the centre line of Thorold Stone Road shall be 30 metres;
  - (3) no part of any building or structure shall be erected closer to the northwesterly boundary of the said land than 6 metres or closer to the easterly boundary of the said land than 5 metres;
  - (4) notwithstanding clause (g) of the aforesaid section 7.10.2, the maximum lot coverage shall be 25%;



- (5) notwithstanding clause (i) of the aforesaid section 7.10.2, the minimum floor area for each dwelling unit shall be not less than 90 square metres;
- (6) there shall be not more than 2 apartment dwellings on the whole of the land designated R5A and numbered 190 on the said plan Schedule 1;
- (7) notwithstanding clause (m) of the aforesaid section 7.10.2, the minimum landscaped open space shall be 50% of the area of the whole of the said land designated R5A and numbered 190 on the said plan Schedule "A";
- (8) except as provided in the foregoing clauses (1) to (7) inclusive, which shall govern and shall be complied with, the remaining provisions of the aforesaid section 7.10.2 shall apply to the said land designated R5A and numbered 190 on the said plan Schedule 1 and shall also be complied with.


3. Section 19 of the aforesaid By-law No. 79-200 is amended by adding thereto the following:


19.1.190 None of the provisions of section 7.10.1 or of clauses (c), (d), (e) and (j) of section 7.10.2 shall apply so as to prevent the erection and use on the land designated R5A and numbered 190 on Sheet D3 of Schedule "A", as amended, of not more than 2 apartment dwellings containing a combined total of not more than 30 dwelling units and having a lesser front yard depth from the centre line of Thorold Stone Road than 34.02 metres, a lesser interior rear yard depth than 10 metres and a lesser interior side yard width on the easterly side than one-half the height of the more easterly apartment dwelling, subject to compliance with By-law No. 88 - 134.

4. The definitions of the words and expressions contained in section 2 of the aforesaid By-law No. 79-200, as amended, shall apply to the said words and expressions where used in this by-law.

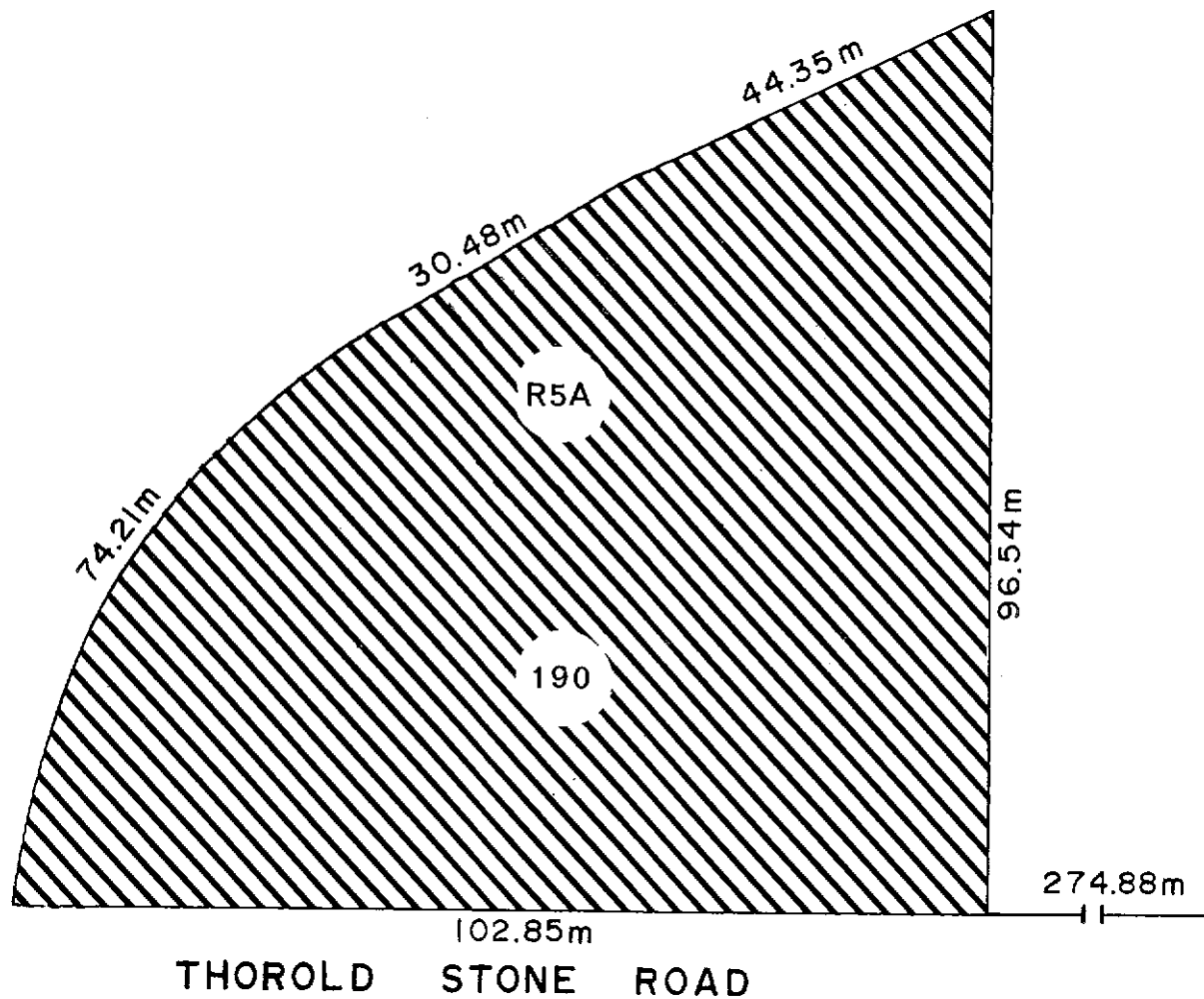
5. By-law No. 86-173 is hereby repealed.

Passed this Thirtieth day of May, 1988.

  
 .....  
 PAUL J. BRENNAN, CITY CLERK

  
 .....  
 WILLIAM S. SMEATON, MAYOR

First Reading: May 30th, 1988.  
 Second Reading: May 30th, 1988.  
 Third Reading: May 30th, 1988.



## SCHEDULE I to By-Law 88-134



Area Affected By By-Law

DESCRIPTION: Part of Twp. Lot 70  
 City of Niagara Falls  
 AM-12/88  
 A. and C. Arcaro and  
 J. and M. Colaneri

WLM



Scale 1:800