

Planning Justification Report

Zoning By-law Amendment

Ort Road / Lyon's Creek Severances

Niagara Falls, ON

July 13, 2023

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1.0 - PREFACE

Upper Canada Consultants has been retained by Craig Corey to prepare a Planning Justification Report in conjunction with an application for Zoning By-law Amendment submitted for an unaddressed parcel unaddressed parcel described legally as Part of Lot 19, Concession 3, Geographic Township of Willoughby, located on the east side of Ort Road, between the Lyon's Creek and the property known municipally as 4949 Lyon's Parkway.

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

2.0 – SITE DESCRIPTION AND CONTEXT

Subject Lands

The subject lands are an unaddressed parcel described legally as Part of Lot 19, Concession 3, Geographic Township of Willoughby and are located south of Lyon’s Creek on the east side of the Ort Road road allowance and north of the property addressed as 4949 Lyon’s Creek Road. The improved portion of Ort Road ends at the property’s southern property line. The Lyon’s Creek road allowance also terminates to the south east of the subject lands. An aerial photo of the subject lands is provided in **Figure 1**.



Figure 1 - Subject Lands (cropped from NPCA Watershed Viewer)

Policy Context

The subject property is located within the Built-up Area of the City of Niagara Falls Urban Area Boundary as identified within the Niagara Official Plan (2022). The City’s Official Plan identifies that the subject lands are within the Residential land use designation.

The Regional and local Official Plans also designate the Provincially Significant Wetland area on the property as Environmental Protection Area (EPA) and the Significant Woodland as Environmental Conservation Area (ECA). The Provincially Significant Wetland is further regulated by the Niagara Peninsula Conservation Authority.

The subject lands are Zoned under the former Willoughby Township Zoning By-law 395 (1966). The property is zoned as “Rural” and “Conservation – Open Space”.

Environmental Features

According to Regional environmental mapping, the subject lands contain a Provincially Significant Wetland associated with Lyon's Creek which covers approximately the northern half of the property. The southern half of the property contains a Significant Woodland Area characterized as a Fresh-Moist Green Ash Lowland Deciduous Forest Types. An Environmental Impact Study (EIS) has been prepared to address the development adjacent to these features and is discussed later in this report.

Surrounding Area

As noted, the subject lands are located along Lyon's Creek which forms the northern property boundary. A single detached subdivision is located to the east of the subject lands. To the south of the subject lands is a single detached dwelling and beyond that is a woodland and wetland area. A single detached dwelling and woodland is also located to the west of the subject lands.

3.0 – PROPOSAL

The proposal for the subject lands involves the creation of 3 new single detached lots, shown as Parts 1, 2 and 3 in **Figure 2**. Two of the lots (Parts 1 and 2) will have frontage on Ort Road. The remaining lot (Part 3) will have frontage on Lyon’s Creek Road. The remainder of the original parcel, shown as Part 4 contains environmental features as delineated through an Environmental Impact Study. A 6.0-meter-wide servicing easement along the south of the lots is also proposed.

Consent approval was previously granted by the City’s Committee of Adjustment for the creation of the three new lots as proposed (B-2021-021 – 023). The Consent approval also included a boundary adjustment with the property to the south (4949 Lyon’s Creek Road) to create frontage on Lyon’s Creek Road for Part 3. The re-zoning of the subject lands to facilitate the proposed lot creation was included as a condition of Consent approval.

The subject application will apply the appropriate Zoning to facilitate the previously-approved lot creation. The three new lots (Parts 1-3) are proposed to be zoned as Residential 1E Density (R1E) Zone with site-specific provisions. The environmental area (Part 4) is proposed to be zoned as Environmental Protection Area (EPA) Zone. The proposed zoning is discussed in further detail under Section 8 of this report.

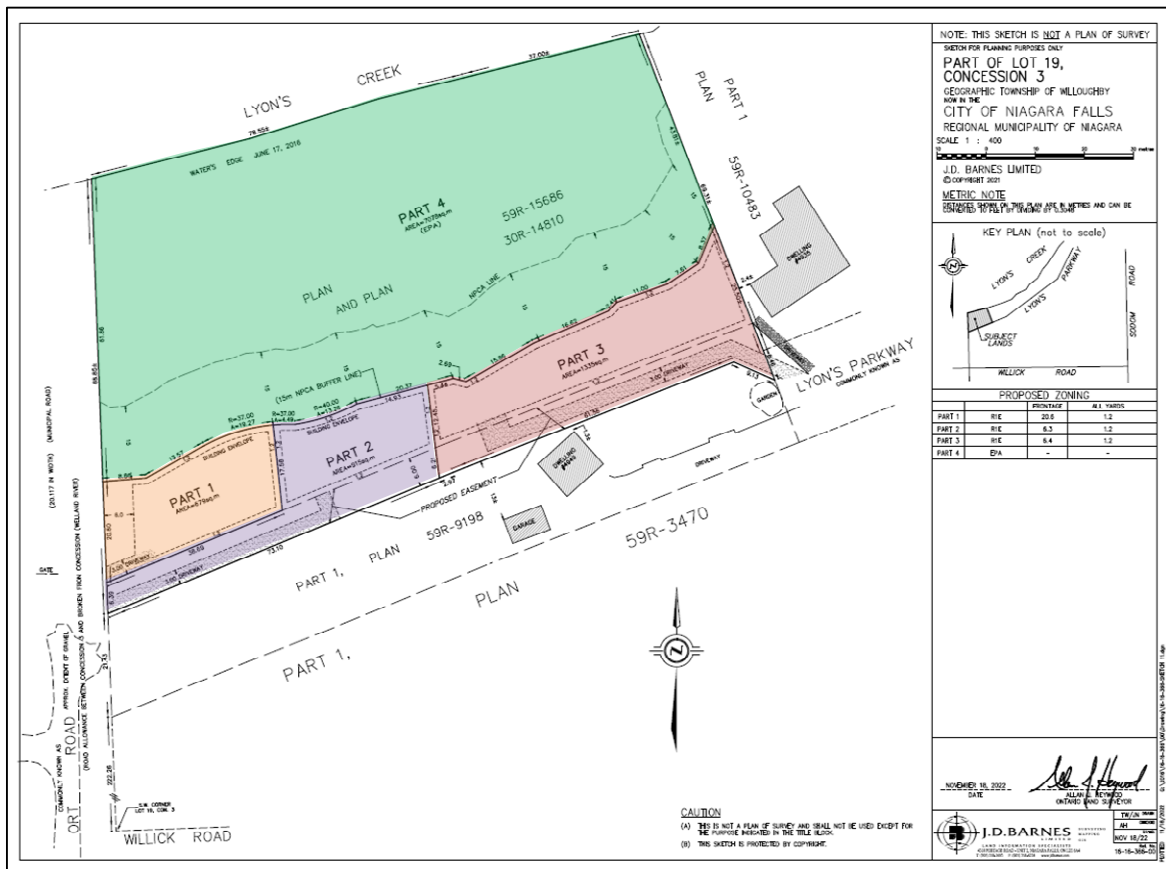


Figure 2 – Proposed Consent Sketch (J.D. Barnes)

4.0 – SUPPORTING STUDIES AND REPORTS

The following is a summary of the studies and reports that were completed for the proposal, pursuant to the requirements for a complete application as outlined through the pre-consultation process. The reports and studies are to be referenced independently for complete information and analysis.

Stage 1-2 Archeological Assessment (Archeological Consultants Canada)

A Stage 1-2 Archeological Assessment of the subject lands was completed by Archeological Consultants Canada. No artifacts or archeological resources were identified through the assessments and the property is therefore considered to be cleared of archeological potential.

Environmental Impact Study (Colville Consulting)

An Environmental Impact Assessment (EIS) was completed by Colville Consulting assess the potential impacts of the proposed development on the woodland, wetland and watercourse that impact the property. The report concludes that that the proposal will not negatively impact these features with the implementation of the following mitigation measures:

- Appropriate sediment and erosion control measures should be installed at the limit of excavation and grading to delineate the work area and help minimize offsite movement of sediment.
- It is recommended that a limit of work fence be installed no less than 10m from the wetland to protect vegetation to remain within the buffer area.
- Tree and vegetation removal should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window.
- Any tree roots that are encountered during construction should be cut flush to promote new root growth.
- All excess soil material generated from excavations should be disposed of in a suitable off-site location.
- Site grading should be designed to maintain existing overland flow patterns on the property and minimize the change in grade adjacent to trees and vegetation to be retained.
- To help improve habitat function on this property, it is recommended that 2-3 bat boxes be installed on trees on and adjacent to the property.
- It is recommended that runoff from downspouts be directed away from the slope to prevent any potential erosion.

5.0 - PROVINCIAL PLANS

5.1 - PLANNING ACT

Section 2 – Matters of Provincial Interest

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

With respect to these matters, the subject applications pertain to (a) the protection of ecological systems, including natural areas, features and functions, (h) the orderly development of safe and healthy communities (j) the adequate provision of a full range of housing and (p) the appropriate location of growth and development.

With regard to the protection of ecological systems, the proposed lot creation and single detached development is supported by an Environmental Impact Study (EIS). The EIS outlines mitigation measures to ensure that the proposed uses do not negatively impact the Significant Woodland and Provincially Significant Wetland on the property.

The applications support the orderly development of safe and healthy communities through compatible infill development in the City's Built-up Area. This type of residential development mitigates the rapid depletion of land to accommodate residential growth and reduces capital infrastructure costs required to service new residential lands.

The application supports the provision of a full range of housing by adding additional single-detached dwellings to the City's housing stock through the efficient use of Urban lands.

The applications support the appropriate location of growth and development as the subject lands are located within an existing residential area and have access to infrastructure and services.

Section 34 – Zoning By-laws

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

5.2 - 2020 PROVINCIAL POLICY STATEMENT

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

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

Schedule A of the Regional Official Plan shows that the subject lands are within the Urban Area Boundary and are considered to be Settlement Area under the PPS. Policy 1.1.3.1 of the PPS requires that Settlement Areas be the focus of growth and development. Consistent with this policy, the proposed development occurs within the Settlement Area.

The proposed development is consistent with the built-form land use patterns detailed under Policy 1.1.3.2 in that it promotes the efficient use of land and infrastructure.

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

Coordination (PPS 1.2)

Policy 1.2.1 of the PPS requires that a coordinated and comprehensive approach be employed when dealing with planning matters. This ensures that the interests of all relevant agencies are addressed. Consistent with this policy, a formal pre-consultation meeting for this application was held on March 16, 2023. At this pre-consultation meeting, the proposal was reviewed by the upper and lower-tier planning authorities as well as other agencies and the requirements for a complete application were determined. The pre-consultation agreement is attached as **Appendix I**.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS requires that a full range and mix of housing types and densities is provided to meet the City's current and future housing needs. Specifically, Policy 1.4.3 requires that planning authorities permit and facilitate all housing options that meet social, health and economic needs of current and future residents.

The proposal supports the provision of housing within the City's Urban Area and is consistent with the policy direction in Section 1.4 of the PPS.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in an efficient manner while accommodating projected needs so as to reduce the cost of accommodating growth. The subject lands have access to existing services within Ort Road and Lyon's Creek Road. Extensions to this infrastructure is required to service the proposed lots which will be completed at the owner's expense.

Policy 1.6.6.2 promotes residential intensification in areas with existing municipal sewage and water services where it is feasible to optimize the use of these services. The proposed development increases the efficient use of the existing infrastructure.

Natural Heritage (PPS 2.1)

Policy 2.2.1.4 states that development and site alteration is not permitted in Significant Wetlands. The proposed development occurs outside of the Significant Wetland Area as mapped by the Conservation Authority.

Policy 2.1.5b) states that development and site alteration is not permitted in Significant Woodlands, unless it has been demonstrated that there will be no negative impacts on the natural features and their functions. An Environmental Impact Study was completed by Colville Consulting which concludes that the proposed development will not negatively impact the Significant Woodland on the property, with the implementation of the mitigation measures outlined in the Report.

The proposed development is therefore consistent with the Natural Heritage policies of the PPS.

Cultural Heritage and Archeology (PPS 2.6)

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archeological resources or areas of archeological potential unless significant archeological resources have been conserved. A Stage 1-2 Archeological Assessment of the subject property was undertaken by Archeological Consultants Canada which did not result in the identification of any archeological resources. The proposed development therefore has no impact on the conservation of significant archeological resources.

5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

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

Managing Growth (PTG 2.2.1)

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

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

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

The proposed development contributes to the accommodation of projected growth and supports the achievement of complete communities, as required in Section 2.2.1 of the Growth Plan. Specifically, the proposal represents efficient infill development on serviced residential land.

Delineated Built-up Areas (PTG 2.2.2)

Policy 2.2.2 of the Growth Plan requires that a minimum of 50% of residential development occurring annually within the Niagara Region is to occur within the Delineated Built-up Area. The proposed development occurs within the delineated Built-up Area and contributes to the achievement of the Region's intensification obligations.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities. The proposed dwellings will add to the City's housing stock and the proposal supports the provision of housing that meets current and projected housing needs.

6.0 – NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (2022) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

CHAPTER 2 - GROWING REGION

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

Forecasted Growth

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

Regional Structure

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

Schedule B of the Regional Plan indicates that the subject lands are in the Delineated Built-up Area (see **Figure 3**, below). The subject lands also have access to existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth, according to the Niagara Official Plan.

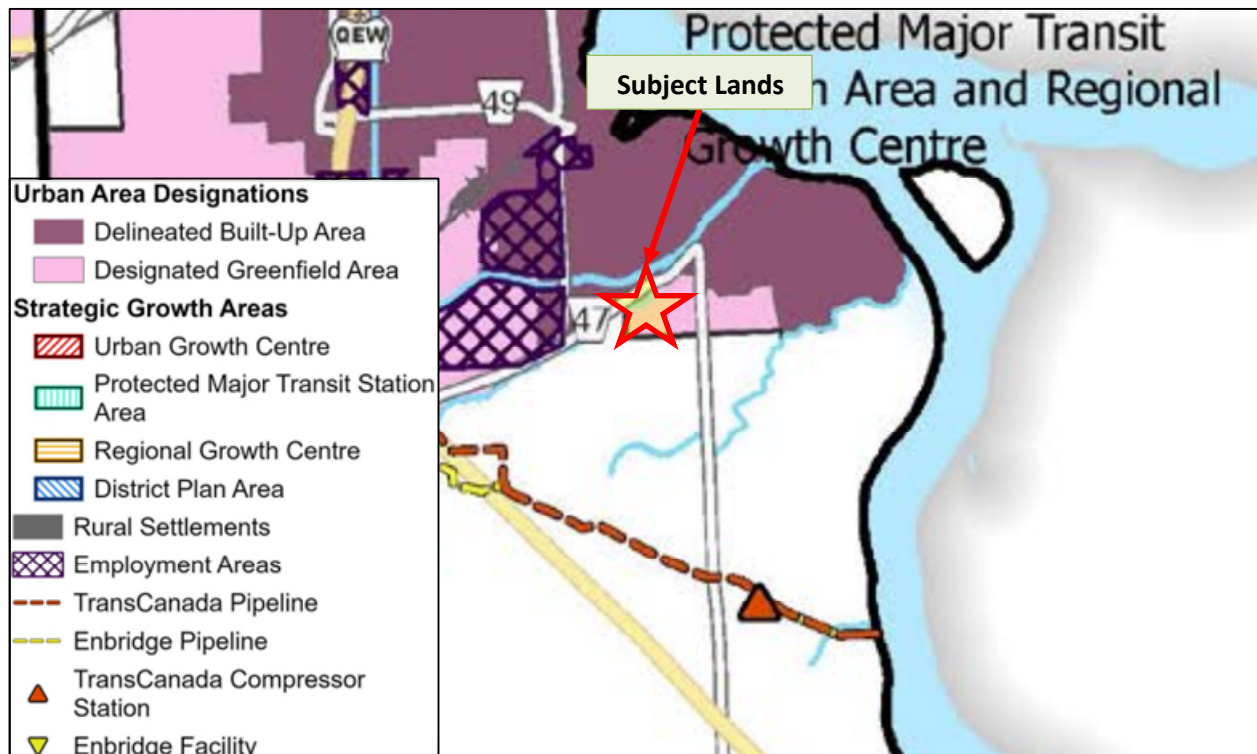


Figure 3 - Excerpt from Niagara Official Plan Schedule B - Regional Structure

Managing Urban Growth

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

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development contributes to the achievement of a complete community by providing additional residential accommodation in proximity to complimentary land uses.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development will provide additional single detached dwellings which will increase housing choice within the municipality.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The proposed development represents the efficient use of serviced urban lands while respecting the natural environment and hazard lands.

Policy 2.2.1.1 k) states that orderly development in accordance with availability and provision of infrastructure should be accommodated within the urban area. The proposed development is infilling by nature and the subject lands have access to existing services. The proposed development is therefore orderly in accordance with the availability of infrastructure.

CHAPTER 3 – SUSTAINABLE REGION

The policies under Chapter 3 of the Niagara Official Plan pertain to the natural heritage system and water resource system which together form the Region's natural environment system. The subject lands contain portions of the Lyon's Creek Provincially Significant Wetland Complex and Significant Woodland which are part of the Region's Core Natural Heritage System.

An Environmental Impact Study (EIS) is generally required to ensure that development and site alteration does not negatively impact natural heritage features and their functions. An EIS which was prepared under the 2014 Regional Official Plan policy requirements was approved by Regional Staff on September 10, 2021 to support the previous consent application made for the property. Policy 3.1.30.2 states that, *"Where an environmental impact study or similar study has been formally accepted by Local or Regional planning staff, but the application for development or site alteration has yet to be approved, the application may be approved in accordance with the approved study as long as the study remains valid in accordance with the Region's Environmental Impact Study Guidelines."* At the March 16, 2023 pre-consultation meeting, Regional Staff acknowledged that this transitional policy applies to the existing EIS, and the findings of the EIS therefore remain valid.

The EIS concludes that the proposed development will not negatively impact the features that impact the site, provided the certain mitigation measures are implemented.

The proposed development is therefore permitted in accordance with the Region's Natural Heritage policies.

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

The City of Niagara Falls Official Plan contains land use policies which implement the City's long-term growth management goals. The subject lands are designated as Residential, Environmental Protection and Environmental Conservation as shown on Schedule A to the Official Plan (**Figure 4**). Schedule A2 further identifies that the lands are in the Built-up Area.

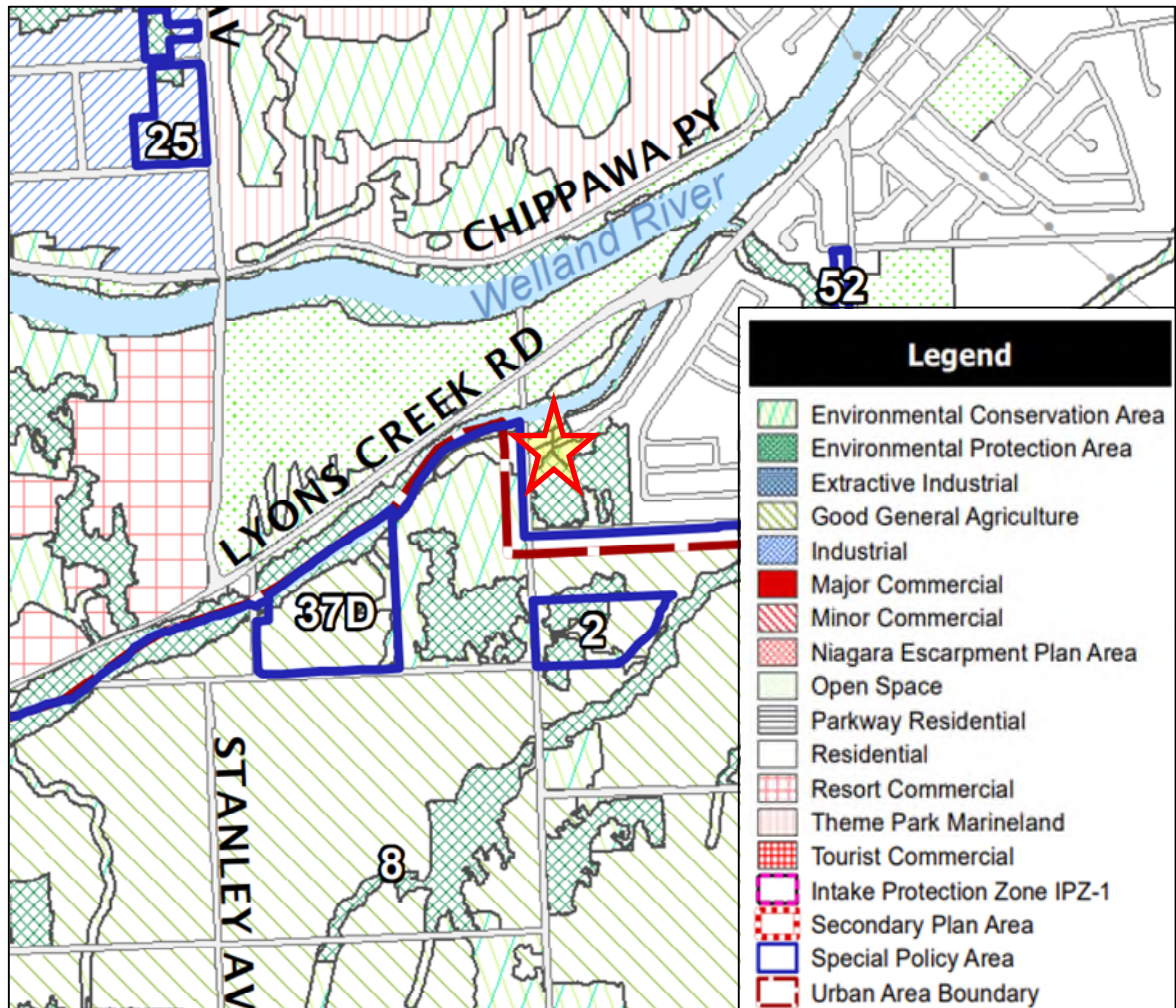


Figure 4 - Niagara Falls Official Plan, Schedule A – Future Land Use

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

Section 2 – Strategic Policy Direction

The intent of the Official Plan is to guide land use and development in the City of Niagara Falls so as to ensure orderly and efficient growth while maintaining and protecting natural heritage and agricultural lands.

Growth Objectives

Contained under this heading are the City's Growth Objectives which guide the subsequent policy direction for the land uses identified on Schedule A. The following is an evaluation of the proposal's conformity to the Growth Objectives:

1. To direct growth to the urban area and away from non-urban areas.

The subject lands are within the urban boundary which is the appropriate location for residential growth through intensification.

2. To protect Natural Heritage Areas and their functions.

The proposed development is supported by an Environmental Impact Study which confirms that the proposed development will not negatively impact the natural features on the subject lands with the implementation of appropriate mitigation measures.

3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.

The proposed development represents efficient infill development which supports a moderate increase in density within the Urban Area.

6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.

The proposed development supports the accommodation of Niagara Falls' anticipated growth identified in the 2022 Niagara Official Plan.

7. 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.

The proposed development will accommodate 3 additional dwelling units by way of intensification and supports the achievement of the City's intensification obligations.

10. To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.

The proposed development represents intensification within the urban boundary. The efficient redevelopment and intensification of existing residential land limits the need to expand the urban

boundary and allows for an adequate amount of residential land to be maintained to accommodate future growth.

11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.

Consistent with this objective, the subject lands have access to services and the proposed development would facilitate the intensification of the land.

Policies

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following is an evaluation of the proposal's conformity to these 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.

According to Table 1, the City of Niagara Falls is anticipated to have a population of 106,800 and 42,740 households. The proposed development would increase the efficient use of existing residential lands to accommodate this growth.

2.4 The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.

While the subject lands are not located within a delineated intensification node, the development leverages the benefits of intensification through the efficient use of land, infrastructure and public services.

2.8 The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the polices of Part 1, Section 3 of this Plan.

The subject lands are located in the Phase 3 servicing area as shown on Schedule B. The proposed development is modest in scale and does not require significant service improvements. Existing water and sanitary infrastructure will be extended to provide service to the future dwellings. The cost of this work will be borne by the applicant and the proposed development does not conflict with the City's servicing strategy.

2.11 No new urban areas shall be created.

No new urban areas are proposed through the subject applications. Rather, the applications represent the efficient redevelopment of existing urban lands which reduces the need to provide new urban lands in the future.

Section 3 – Intensification

The policies under this heading apply to applications for intensification including development on lands within the Built-up Area. The following is an evaluation of the proposal's conformity to the applicable Intensification Policies:

General Policies

- 3.1** *Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publically assessed. Proposals of sufficient land area shall be developed through plans of subdivision.*

A Zoning By-law Amendment has been submitted to enable the proposed development.

Consents were previously approved by the Committee of Adjustment to facilitate the division of the subject lands as intended.

- 3.4** *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.*

Conformity to this policy is demonstrated under the applicable heading in this report.

PART 2 - LAND USE POLICIES

SECTION 1 - RESIDENTIAL

Schedule A identifies the lands as Residential and Schedule A-2 further designates the lands as being in the Built-up Area. Conformity to the applicable policies for these land use designations is demonstrated below.

General Policies

The policies under this heading apply to all lands that are designated as Residential on Schedule A of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable General Policies:

- 1.1** *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadraplexis, townhouses, apartments, group homes and other forms of residential accommodation.*

The proposed single detached dwellings are a prescribed residential form.

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

1.2.1 Multiple unit developments, smaller lot sizes and innovative housing forms.

The proposed development accommodates smaller lot sizes.

1.2.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

An and an innovative lotting pattern is employed to make efficient use of the available development land.

1.2.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

The consolidation of parcels is not possible for this proposal.

1.2.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

The subject lands are located at the edge of an existing residential neighbourhood.

1.5 The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision is not necessary to implement the policies of this Plan or applicable secondary plan.

Consents were previously granted by the Committee of Adjustment to permit the intended division of the subject lands into 3 single detached lots.

1.6 Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.

The future dwellings will be subject to the maximum height permitted in the Zoning By-law.

1.8 All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.

Extensions to Ort Road, and the existing municipal water and sanitary infrastructure are required to provide service for the proposed lots. The proposed expansions are minor and logical and the cost will be borne by the applicant.

Built-up Area

Policies for lands identified as being in the Built-up Area on Schedule A-2 are found under Part 2, Section 1.15 of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable Built-up Area policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

1.15 *It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:*

1.15.1 *The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*

The subject lands are located at the edge of an existing single-detached neighbourhood. The proposed development accommodates gentle intensification that is compatible with the existing character of the area.

1.15.2 *A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.*

The applications propose single detached development adjacent to existing single detached dwellings.

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

The proposed development will modestly increase the existing development density of the area.

1.15.4 *The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as*

demolition control and application of the Maintenance and Occupancy Standards By-law.

The subject lands are currently vacant.

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.

The proposed single detached dwellings will integrate into the existing single detached neighbourhood.

The applications propose the creation of 3 single detached lots on 2,929 m² of developable land, resulting in a development density of 10.24 units per hectare. Given the environmental and geometric constraints of the subject lands, a higher development density is not possible. The proposed development increases the density of the subject lands to the maximum extent possible, and upholds the intent of this policy.

SECTION 11 – ENVIRONMENTAL POLICIES

As noted, portions of the subject lands contain Environmental Protection Area (EPA) and Environmental Conservation Area (ECA).

Section 11.1.17 of the Official Plan states that an Environmental Impact Study (EIS) is required where development is proposed within or adjacent to an EPA or ECA. Accordingly, an EIS has been prepared by Colville Consulting and submitted with the subject application. The EIS was previously submitted and reviewed through the previous Consent applications made for the property.

Per policy 11.2.13, the EPA designation applies to Provincially Significant Wetlands, NPCA-regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas, and environmentally sensitive areas. The Environmental Protection Area on the subject lands therefore corresponds with the Provincially Significant Wetland Area as delineated by the NPCA. Per policy 11.2.14, development in the EPA is limited to forest, fish and wildlife management; conservation and flood erosion projects and small scale passive recreational uses. Residential development is not permitted to occur in the EPA.

In accordance with these policies, the wetland and as delineated through the EIS will retain the EPA designation and no development is proposed within this area. The EPA area also includes a 15 meter buffer from the edge of the wetland to ensure that the future development is appropriately separated from the wetland. The EIS confirms that this is an acceptable buffer.

Per policy 11.2.22, the ECA designation contains 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. The Environmental Conservation Area therefore corresponds with the Significant Woodland mapped on the property.

Per policy 11.2.27, development is permitted in the ECA if it is demonstrated through an EIS that the proposed development will not adversely impact the features and functions of the ECA or their adjacent lands. In accordance with this policy, the EIS confirms that the proposed development does not negatively impact the significant woodland, provided certain mitigation measures are implemented.

Per policy 11.2.3, minor changes to the EPA and ECA designations are permitted without an Official Plan Amendment.

The proposed development is therefore in compliance with the Natural Heritage policies of the City of Niagara Falls Official Plan.

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

EXISTING ZONING

The subject lands are Zoned under the former Willoughby Township Zoning By-law 395 (1966). The property is zoned as “Rural” and “Conservation – Open Space” (see **Figure 5**).

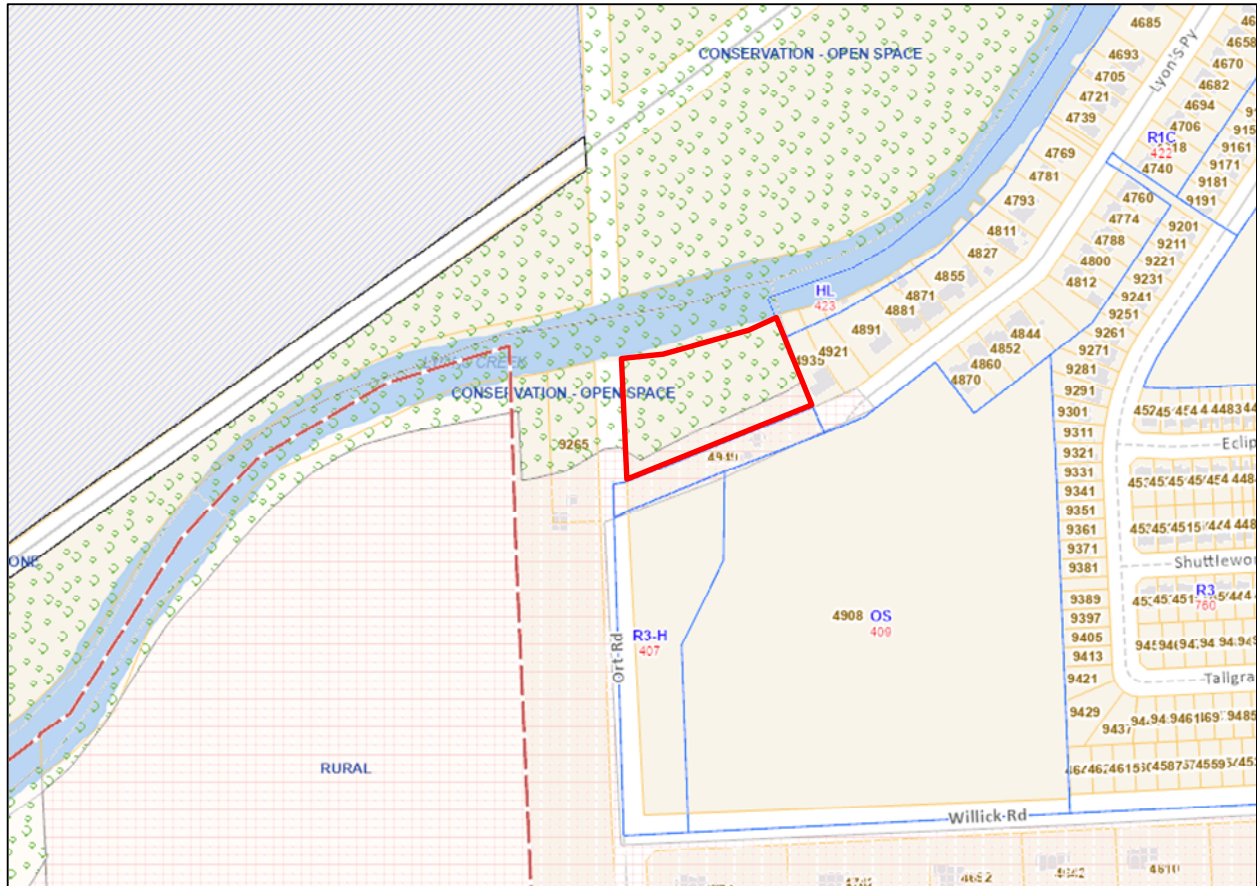


Figure 5 - Existing Zoning Information (Cropped from the Niagara Falls Viewer)

PROPOSED ZONING

A Zoning By-law Amendment application has been submitted to enable the division and single detached development of the lands per the intent of the Consents that were previously approved for the lands. The proposed amendment will Zone the lands under the 79-200 Comprehensive Zoning By-law.

The proposed single detached lots (Parts 1-3) are proposed to be zoned as Residential 1E Density (R1E) Zone with site-specific provisions for minimum lot frontage and minimum lot area. Zoning conformity is demonstrated in **Table 1** with an evaluation of the requested site-specific relief provided below.

Part 4 which contains the Provincially Significant Wetland and associated buffer will be Zoned as Environmental Protection Area (EPA) Zone.

The proposed Zoning Amendment is shown in **Figure 6**, below. A Draft Zoning By-law Amendment is included as **Appendix III**.

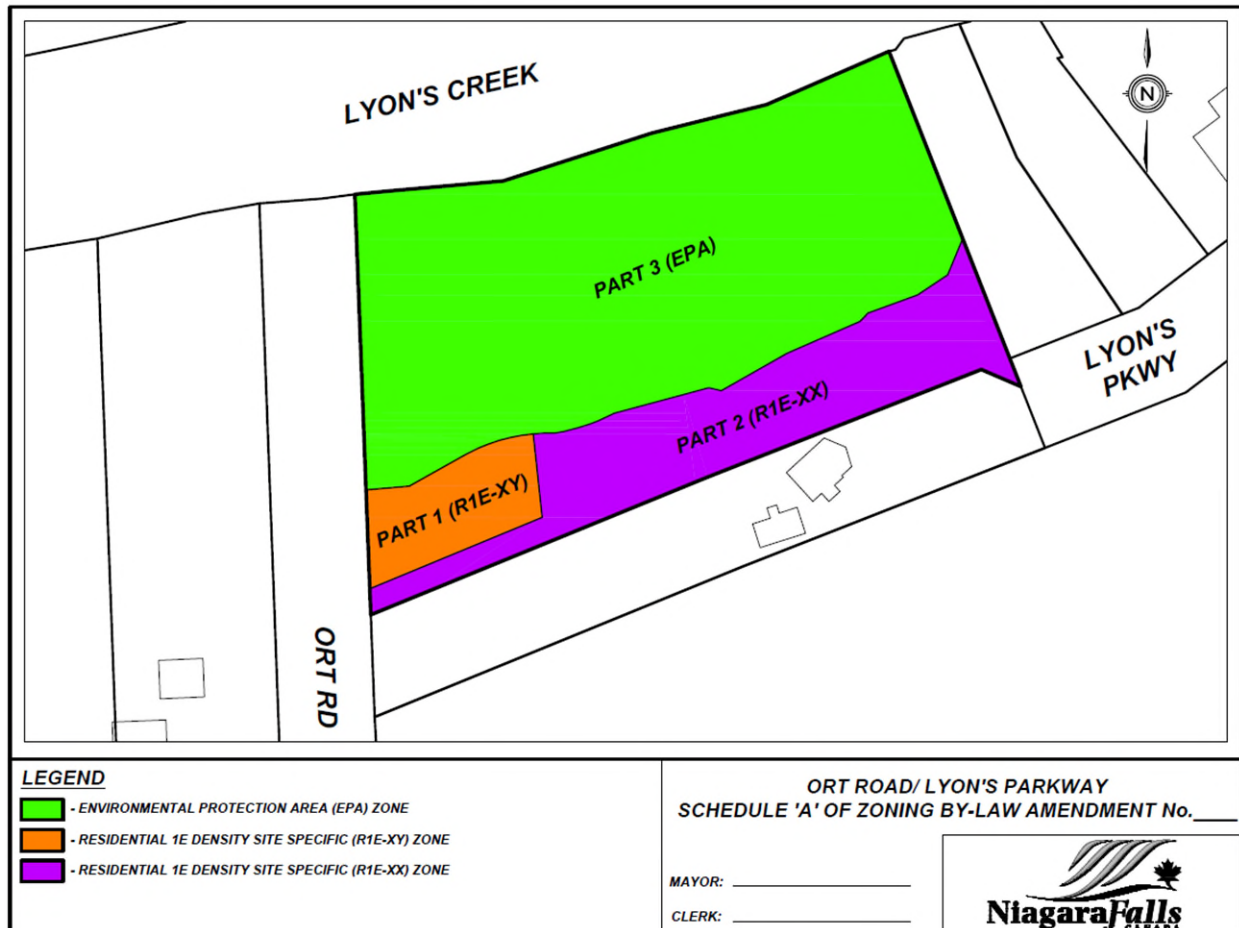


Figure 6 - Proposed Zoning Schedule

Table 1
Zoning By-law 79-200 - Section 7.5
Residential 1E Density (R1E) Zone

7.9.1 – Permitted Uses

Provision	Provided	Proposed Provision
(a) A detached dwelling (b) A home occupation in a detached dwelling, subject to the provisions of Section 5.5 (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14 (d) A group home type (2009-176) (e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37 (2018-91)	Single Detached Dwellings	No Change

7.9.2 – Regulations

Provision	Required	Provided	Proposed Provision
a) Minimum Lot Area	370 square meters for an interior lot 450 square meters for a corner lot	679 square meters (Part 1)	No Change
b) Minimum Lot Frontage	12 meters for an interior lot 15 meters for a corner lot	6.39 meters (Part 2)	6.0 meters
c) Minimum Front Yard Depth	6 meters	TBD	No Change
d) Minimum Rear Yard Depth	7.5 meters	TBD	1.2 meters
e) Minimum Interior Side Yard	1.2 meters	TBD	No Change
f) Minimum Exterior Side Yard	4.5 meters	N/A	No Change
g) Maximum Lot Coverage	45%	TBD	No Change
h) Maximum Height	10 meters	TBD	No Change
i) Deleted			
j) Number of dwellings on one lot	1 only	1	No Change
k) Parking and access requirements	In accordance with Section 4.19.1		No Change
l) Accessory buildings and accessory structures	In accordance with Sections 4.13 and 4.14		No Change
m) Minimum Landscape Open Space	30% of the lot area	TBD	No Change

SITE SPECIFIC RELIEF

Minimum Lot Frontage (Parts 2 and 3)

A reduction in lot frontage from 12 meters to 6 meters is requested for the subject lands. Part of the intent of the minimum lot frontage provision is to provide adequate lot width to accommodate single-detached development as the Zoning By-law contemplates a geometrically-uniform lot fabric.

The reduced lot frontage provision will allow for lot frontage to be provided for Parts 2 and 3 which will enable the efficient use of the subject parcel while recognizing the environmental constraints and geometric limitations of the property. For these lots, the lot frontage is not reflective of the lot width, but rather functions to provide street frontage and access. The lots are 18.45 meters at the widest point with a 12.45 meter wide buildable envelope (less the 6.0m servicing easement) which is consistent with the lot fabric envisioned for the R1E Zone.

Minimum Rear Yard (Parts 1-3)

A reduction in rear yard from 7.5 meters to 1.2 meters is requested for the proposed lots. This provision is requested to provide greater flexibility with dwelling placement and to enable the preservation of trees where possible, in accordance with the mitigation measures outlined in the EIS. This provision is reasonable given the unique lotting pattern as the technical “rear yard” for each lot can also function as an interior side yard.

The dwellings will continue to be regulated by maximum lot coverage and minimum landscaped area which ensure the development will not overwhelm the lots and that appropriate amenity space is provided. Given the size of the lots, and these requirements, a significant amount of each property will remain as landscaping and amenity space and will maintain a typical residential development pattern.

9.0 - PLANNING POSITION

This Planning Justification Report has been prepared on behalf of Craig Corey in conjunction with an application for Zoning By-law Amendment submitted for an unaddressed parcel described legally as Part of Lot 19, Concession 3, Geographic Township of Willoughby, located on the east side of Ort Road, between the Lyon's Creek and the property known municipally as 4949 Lyon's Parkway.

The requested Zoning will facilitate the division of the property into 3 single detached lots.. The requested Zoning will enable intensification in the Built-up area and will contribute to the provision of housing options through the efficient use of land and infrastructure.

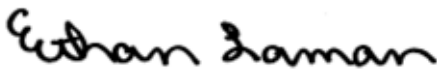
The proposal has regard for the natural heritage features on the property, and as confirmed by the Environmental Impact Study, the future development of the lots will not negatively impact the Provincially Significant Wetland and the Significant Woodland present on site. The Provincially Significant Wetland will retain the Environmental Protection land use designation and Zoning which ensure its continued protection.

The proposed development will integrate well into the existing single-detached neighbourhood and will maintain the character of the area. The requested site-specific Zoning provisions are to recognize the unique geometry and constraints of the subject lands and will not create incompatibilities with adjacent properties or impact the ability for the lots to be developed per the intent of the Zoning.

In conclusion, the proposed development will assist the City of Niagara Falls in accommodating the housing supply required to accommodate prescribed growth and will integrate well into the existing neighbourhood, while respecting the natural environment. The development will result in the efficient use of currently vacant urban lands and is appropriate for the existing water, sewer and wastewater services.

Based on these considerations, the proposed development is consistent with the Provincial Policy Statement, conforms with the Growth Plan, the Niagara Official Plan, the City of Niagara Falls Official Plan, represents good planning and should be supported.

Prepared by,



Ethan Laman, BURPI
Junior Planner
Upper Canada Consultants

Reviewed by,



William Heikoop, BURPI, MCIP, RPP
Planner
Upper Canada Consultants

Appendix I
Preconsultation Agreement





City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2022)

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- WAIVED BY DIRECTOR

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

Date:

Signature:

PRE-CONSULTATION

Day: March 16th

Time: 1:30pm

1. SUBJECT PROPERTY INFORMATION

Street Address: Ort Road ID#4629

Legal Description: Part of Lot 19, Con 3, Twp. Of Willoughby Parts 1, 2 Plan 59R15686

Land Area: 1.0ha

Lot Frontage: n/a

Municipal Land Involved: Yes No

2. CONTACT INFORMATION

Owner Information

Registered Owner: Heather Jane Corey, Craig James Corey

Mailing Address: 9188 Hendershot Blvd. Niagara Falls L2H OE3

Phone Number: 905 650 3844

E-mail Address: craig@northland.com

Applicant/Agent Information (if applicable)

First and Last Name: Allan Heywood

Mailing Address: 4318 Portage Road. Unit #2 Niagara Falls L2E 6A4

Phone Number: 905 358 3693

E-mail Address: aheywood@jdbarnes.com

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

3. PROPOSAL

To rezone the lands to facilitate a consent previously approved by the Committee of Adjustment. The applicant is proposing to rezone the lands from Rural and Conservation Open Space to Residential 1E Density Zone and Environmental Protection Area (EPA).

4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area: N/A

Building Height: N/A

Dwelling Units: 3

Hotel/Commercial Units:

Location:

Brownfield

Greenfield

Built-up

Outside Urban Boundary

NEP Area

CIP Area

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

5. DESIGNATIONS

Regional Official Plan: Urban Area Yes No

Niagara Escarpment Plan: Yes No

City Official Plan: 'Residential' in part, 'ECA' in part, 'EPA' in part Yes No

Secondary Plan: Yes No

Zoning: 'Rural' in part, and 'Conservation Open Space' in part, under Zoning By-law No. 395 (1966). Yes No

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

Regional Policy Plan Amendment <input type="checkbox"/>	City Official Plan Amendment <input type="checkbox"/>	Zoning By-law Amendment <input checked="" type="checkbox"/>
Subdivision Approval <input type="checkbox"/>	Condominium- Vacant Land <input type="checkbox"/>	Condominium- Standard <input type="checkbox"/>
Site Plan Approval <input type="checkbox"/>	Consent/Severance <input type="checkbox"/>	NEC <input type="checkbox"/>

Other:

7. REQUIRED INFORMATION AND STUDIES

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

OPA/ ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality*			
X			Archaeology Assessment- Please be mindful of your duty to consult obligations	X	1	Stage 1 & 2, Clearance Letter from Ministry
X			Conceptual Site Plan	X	1	<u>Zoning By-law Application</u> Site Plan, Coloured Site Plan, Elevations and submit CAD .dwg file or survey plan (.dwg file) to City projection standards.
			Cultural Heritage Impact Analysis			
X			Draft Zoning By-law Amendment	X	1	
			Draft Regional Policy Plan Amendment			
X			Environmental Impact Study	X	1	Copy of the previously completed 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			
			Municipal Servicing Study			
			Noise & Vibration Study*			
			Other			
			Phasing Plan			
X			Planning Justification Report	X	1	Done by RPP, review and analyze applicable Provincial, Regional, and City policies. Discuss affordability policies and provide potential prices/rental rates. Provide draft Zoning By-law amendment. Address regional and provincial policies for lot creation with particular reference to the EIS.

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

8. COMMENTS

Planning Comments:

- Official Plan
 - The subject property is designated Residential in part, Environmental Conservation Area in part, and Environmental Protection Area in part.
 - Residential uses are permitted under the 'Residential' designation and can be permitted under the 'Environmental Conservation Area' (ECA) designation, provided that an approved Environmental Impact Study (EIS) demonstrates that the development avoids negative impacts on natural heritage features and their ecological function.
- Zoning
 - The subject lands are zoned Rural in part, and Conservation Open Space in part under Zoning By-law No. 395 (1966).
 - Zoning staff identified instances of missing information that will need to be provided for full staff review and comments. Please see the attached zoning comments for further information.
 - Planning Staff provide comments on the following:
 - The applicant is proposing to rezone the subject lands to facilitate a consent previously approved by the Committee of Adjustment.
 - Staff recommend the applicant rezone the proposed residential lots (Parts 1, 2 and 3) to a Site Specific R1C zone with a special regulation to permit the reduced lot frontage (Part 2).
 - Staff will require that the balance of the R1C zoning regulations be met including a rear yard setback of 7.5m.
- In general, staff do not object to the proposing Zoning By-law Amendment subject to the comments/requirements of this pre-consultation and our review of the required Planning Justification Report (PJR). Staff will rely on the PJR prepared by a Registered Professional Planner to demonstrate that the proposal meets the intent of the City's Zoning By-law and Official Plan.

Building Comments:

- Please see attached comments

Engineering Comments:

- Please see attached comments.

Fire Comments:

- Please see attached comments.

GIS (Addressing):

- Note that Parts 1 and 2 on the noted will be addressed to Ort Rd; Part 3 will be addressed to Lyon's Parkway.
- Addressing will occur with the building permit process.

Landscape Services:

- Please see attached comments.

Transportation Comments:

- No objections to the zoning amendment, to zone Parts 1-3 as a site-specific R1C zone, and Part 4 as EPA.
- A hammerhead turnaround will be required at the north end of the Ort Road extension, to enable garbage trucks, snowplows, etc. to make a three-point turn.

Zoning Comments:

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

NPCA Comments:

- Please see attached comments.

Niagara Region:

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

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

Application	City of Niagara Falls	Niagara Region	NPCA
Zoning By-law Amendment Application	\$6,100	\$1,395	
Total:	\$6,100	\$1,395	

Notes:

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

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




Additional Agencies to be contacted:

MTO NPC NEC Hydro Pipeline CN/CP Other:

10. ATTENDEES

City	Applicant	Agency
Julie Hannah jhannah@niagarafalls.ca	Al Heywood (Agent) aheywood@jdbarnes.com	Alexander Morrison (Region) Alexander.morrison@niagararegion.ca
Nick DeBenedetti ndebenedetti@niagarafalls.ca	Craig Corey (Owner) craig.northland@gmail.com	
Scott Turnbull sturnbull@niagarafalls.ca	Jeff Corey (Owner) jeff.northland@gmail.com	
Sue Scerbo (Zoning) sscerbo@niagarafalls.ca		
Cesar Ramires (Building) cramires@niagarafalls.ca		
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Danaka Kimber (GIS/Addressing) dkimber@niagarafalls.ca		

Signatures

Planning Staff: Julie Hannah		April 5 th , 2023
Regional Planning Staff: Alex Morrison		April 6 th , 2023
NPCA Staff: Meagan Doan		April 6 th , 2023
Agent: Al Heywood		
Owner: Craig Corey		
Owner: Jeff Corey		

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: 

11. NOTES

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

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

Pre-Consultation Meeting – March 16, 2023 – Item #1 – Scott Turnbull

1:30 p.m.

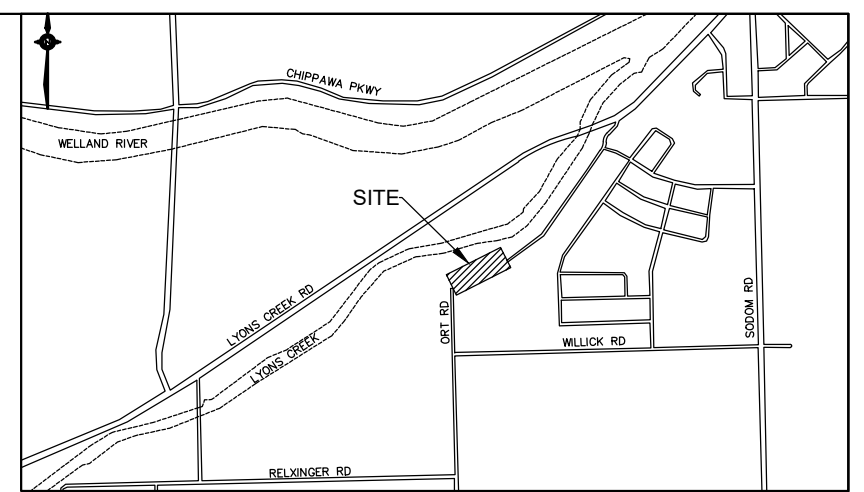
Proposed: Zoning By-law Amendment
Applicant: Craig Corey
Agent: Al Heywood
Property: Lyons Parkway / Ort Road
Proposal: Applicant seeking to rezone Parts 1, 2, and 3 to a Site Specific R1E Zone. Part 4 to be zoned Environmental Protection Area (EPA). A consent application for this property was previously submitted and approved (B-2021-21, B-2021-22, B-2021-23) but that approval has lapsed. Reapplication for consent will be required and rezoning will be a condition of consent.

Existing infrastructure on Lyon’s Parkway: 250mmØ PVC Watermain (1998)
375mmØ PVC Sanitary Sewer (1998)

No existing infrastructure along Ort Road.

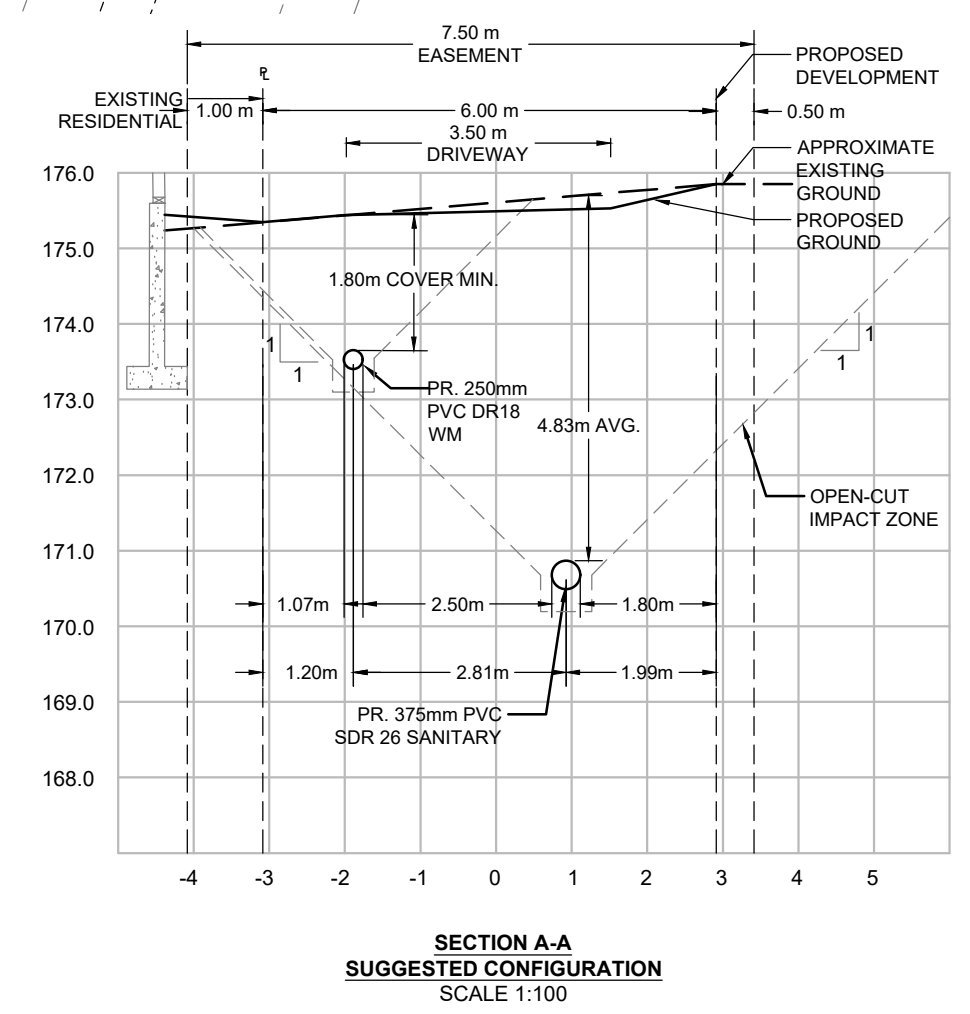
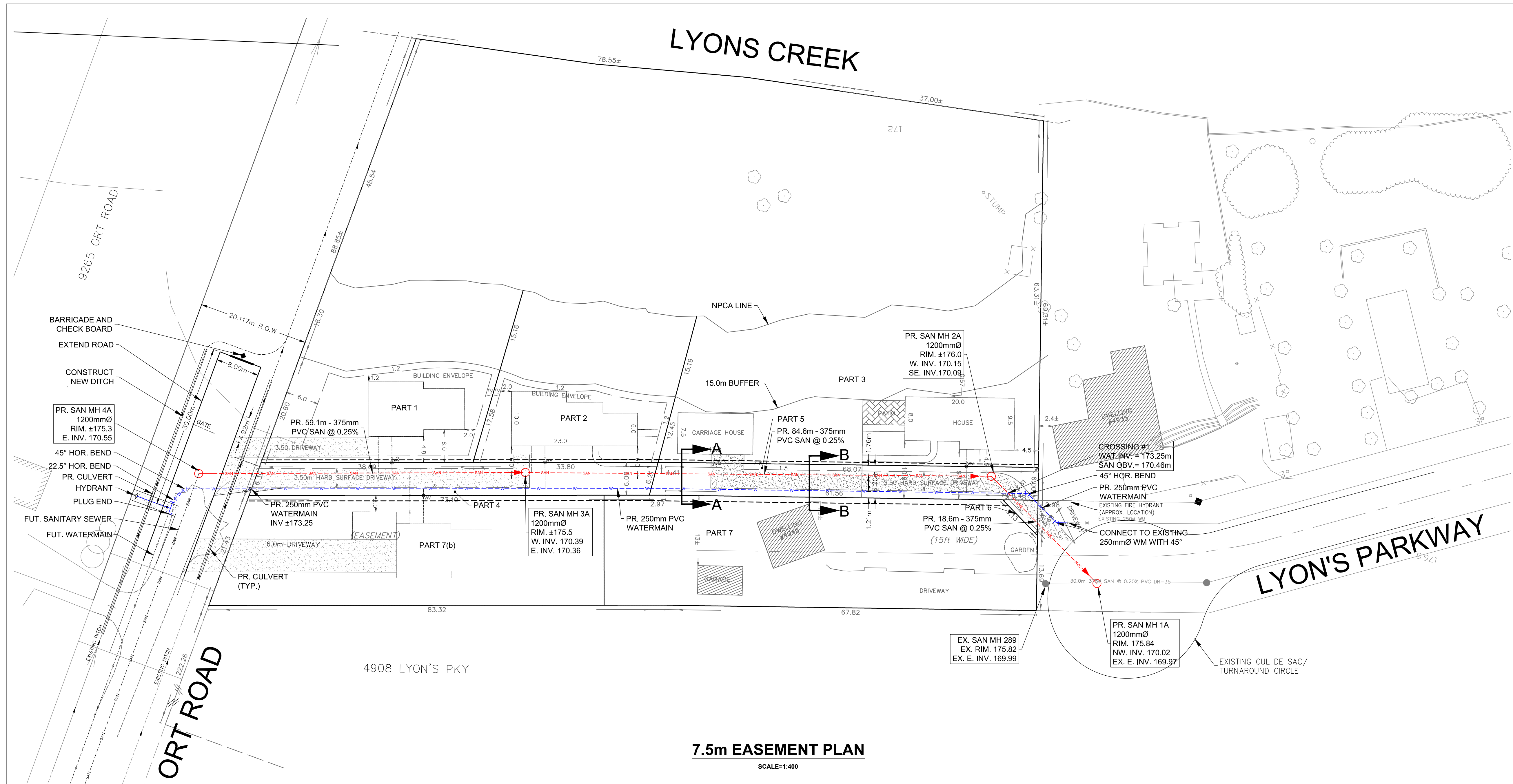
Zoning By-law Amendment Requirements:

- No objections.
- Please note the lands City is acquiring for future turnaround.

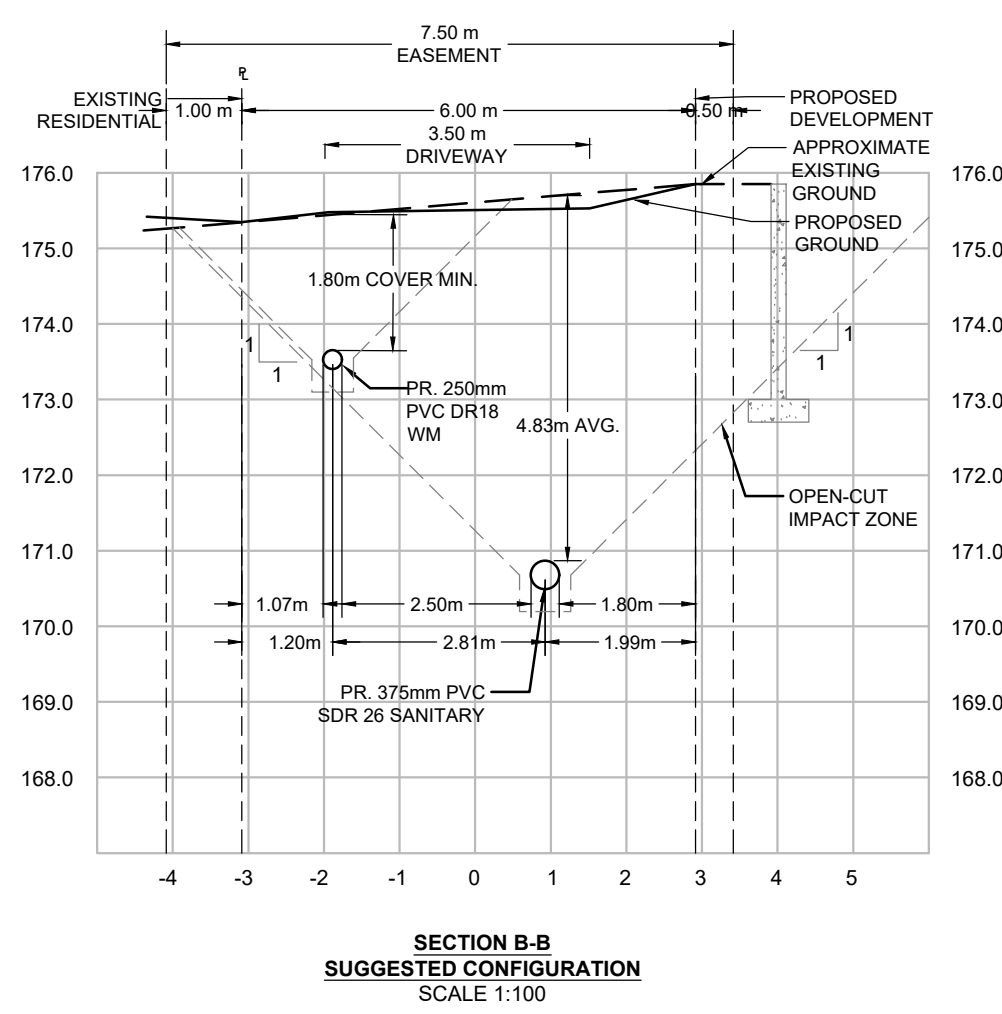


NOTES:
LEGAL INFORMATION PROVIDED BY
J.D. BARNES DATED JUNE 3RD, 2021.

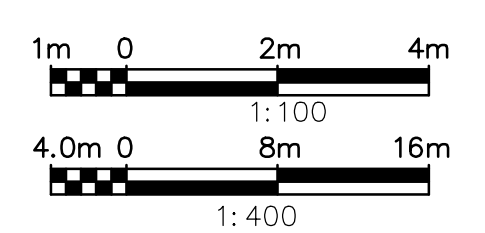
DWG. NAME
ROTATION :



NOTE:
• CONCEPTUAL FOR DISCUSSION PURPOSES ONLY.
• SEPARATION OF MINIMUM 1.2m BETWEEN WATERMAIN AND SEWERS UNDER SPECIAL CONDITION 4.4.5 IF APPROVED BY CITY OF NIAGARA FALLS.



NOTE:
• CONCEPTUAL FOR DISCUSSION PURPOSES ONLY.
• SEPARATION OF MINIMUM 1.2m BETWEEN WATERMAIN AND SEWERS UNDER SPECIAL CONDITION 4.4.5 IF APPROVED BY CITY OF NIAGARA FALLS.



**CONCEPTUAL (FOR DISCUSSION PURPOSES ONLY).
NOT FOR CONSTRUCTION.**

DATE
BY
CHECKED BY

REVISION	DATE	INIT.
2	2021.01.10	SDF
1	2021.12.21	SDF

Craig Corey & Jeff Corey

R.V. Anderson Associates Limited
engineering • environment • infrastructure

LEGEND

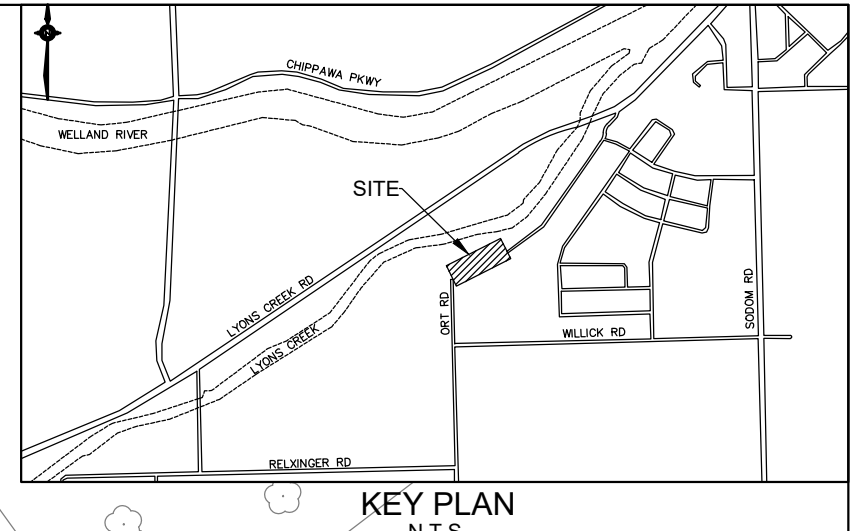
DRAFTING:	CC
DESIGN:	CC
CHECKED BY:	SDF
PROJ. SUP.:	SDF



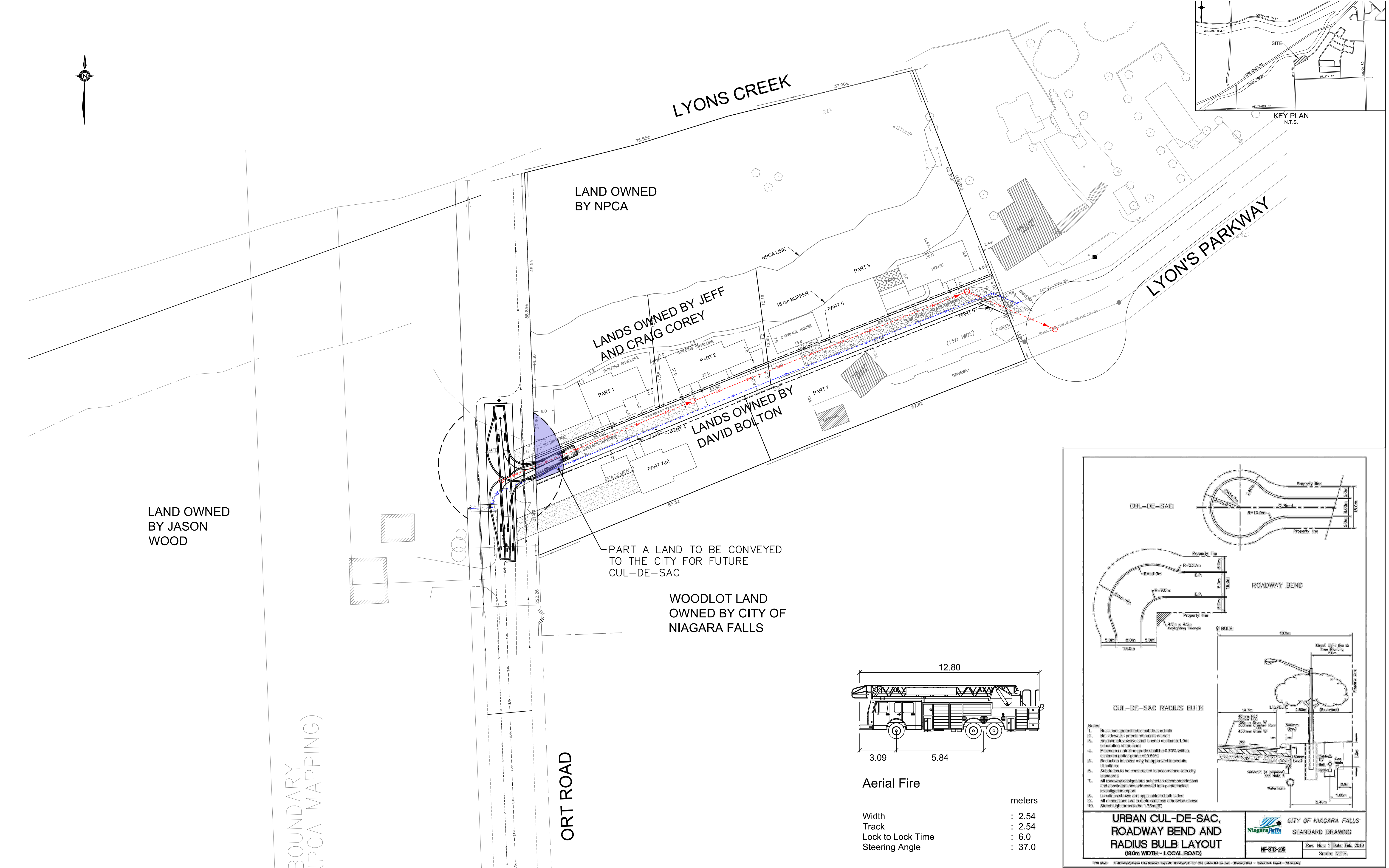
BENCH MARK DATUM

LYONS PARKWAY AND ORT ROAD
CONCEPT SERVICING

DATE	2021/06/23
SCALE	AS NOTED
DWG. No.	215918
MUN. REF. No.	DWG # C01



DWG. NAME
ROTATION :



LAND OWNED BY JASON WOOD

LAND OWNED BY NPCA

LANDS OWNED BY JEFF AND CRAIG COREY

LANDS OWNED BY DAVID BOLTON

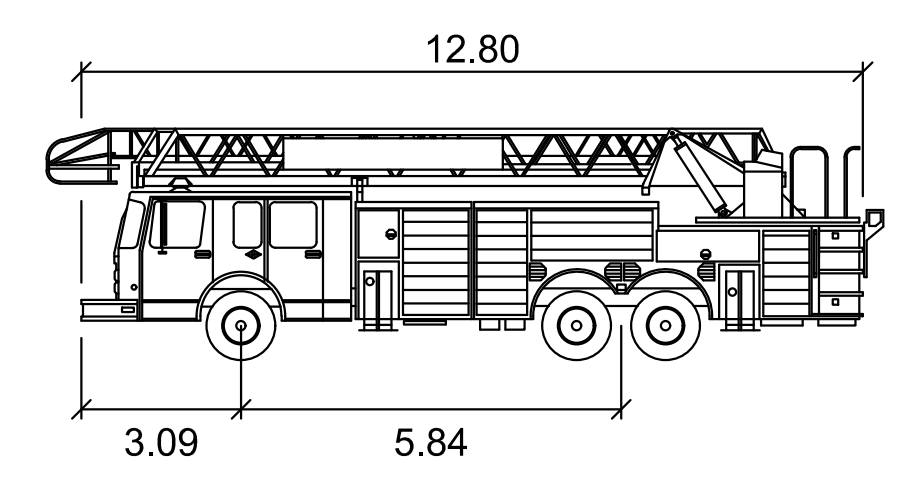
WOODLOT LAND OWNED BY CITY OF NIAGARA FALLS

PART A LAND TO BE CONVEYED TO THE CITY FOR FUTURE CUL-DE-SAC

BOUNDARY (IPCA MAPPING)

ORT ROAD

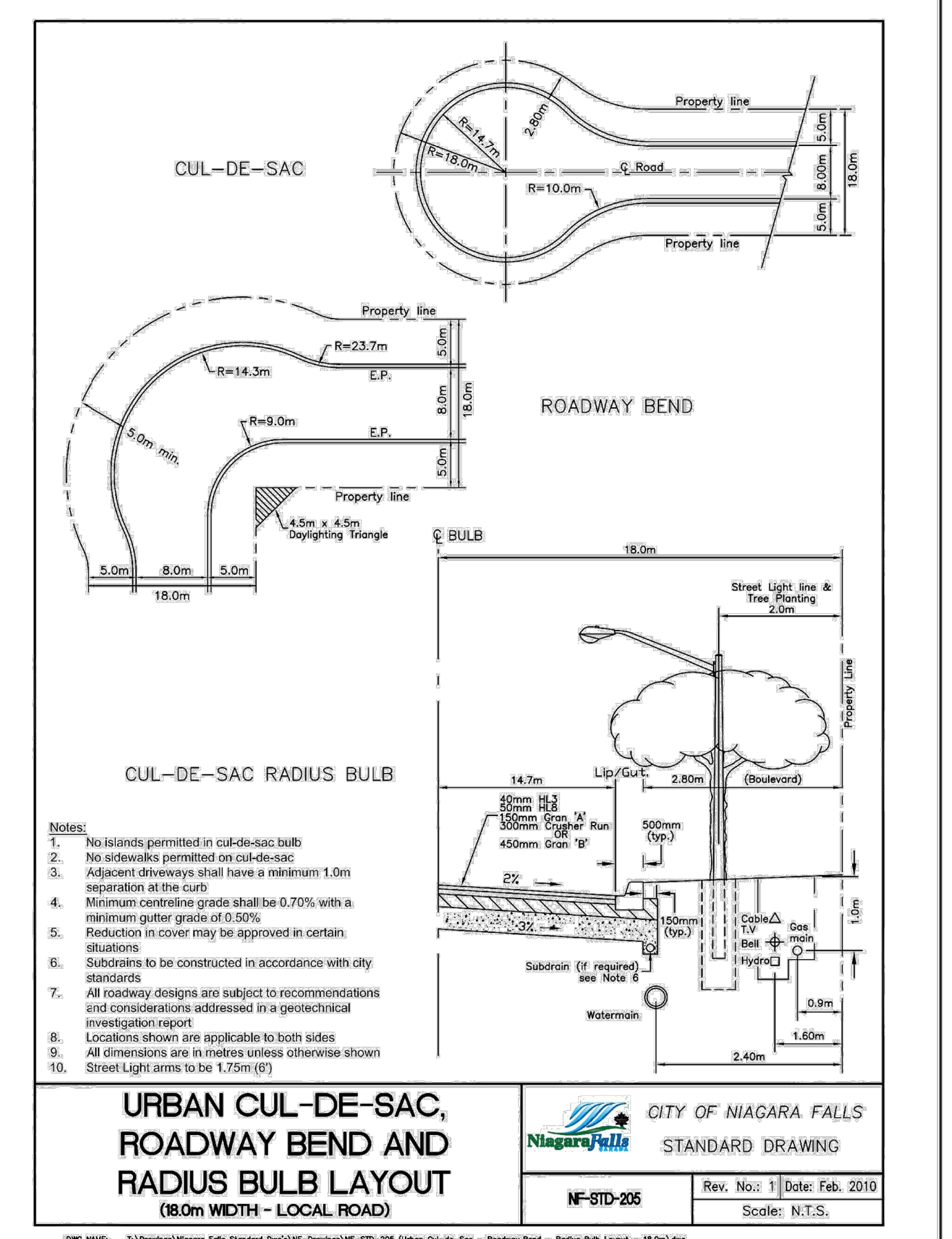
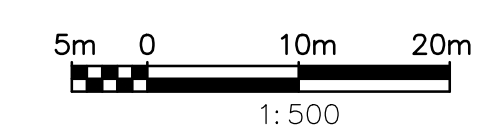
CUL-DE-SAC DISCUSSION PLAN
SCALE=1:500



Aerial Fire

Width	: 2.54
Track	: 2.54
Lock to Lock Time	: 6.0
Steering Angle	: 37.0

meters



CONCEPTUAL (FOR DISCUSSION PURPOSES ONLY). NOT FOR CONSTRUCTION.

DATE PLOTTED: 2021/06/23 10:58 AM

REVISION	DATE	INIT.
2	2021.01.10	SDF
1	2021.07.20	SDF

Craig Corey & Jeff Corey

R.V. Anderson Associates Limited
engineering • environment • infrastructure

LEGEND

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DRAFTING:	CC
DESIGN:	CC
CHECKED BY:	SDF
PROJ. SUP.:	SDF



BENCH MARK DATUM

LYONS PARKWAY AND ORT ROAD
CUL-DE-SAC CONCEPT PLAN

DATE	2021/06/23
SCALE	AS NOTED
DWG No.	215918
MUN. REF. No.	
DWG #	C02

Inter-Departmental Memo

To: Scott Turnbull M. PL
Planner 1
Ext 4297

From: Jesse Mancino
Intermediate Plans Examiner
Ext. 4220

Date: 03/13/2023

Re: Preconsultation- Zoning By-Law Amendment
Lyons Py & Ort Rd
Owner/Applicant: Craig Corey & Heather Corey
Agent: Al Heywood
Proposal: Proposal to rezone Parts 1, 2 and 3 to a Site Specific R1E ZONE. Part 4 to be zoned EPA. **Previous consent application for this property was submitted and approved but has since lapsed (B-2021-21, B-2021-22, B-2021-23)** Reapplication for consent will be required and rezoning will be a condition of consent.

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

1. The applicant should be informed that they will be required to obtain Building Permits for each building from Building Services if granted approval.
2. All further detailed, and site specific Ontario Building Code construction requirements will be addressed during the building permit application process.
3. All necessary building permit fees and securities shall be accessed during building permit application review.
4. Municipal, Regional, and Educational Development Charges will be assessed at the time of building permit review.

**FIRE DEPARTMENT COMMENTS
PRE-CONSULTATION MEETING**

DATE: March 16, 2023

OFFICER: Ben Trendle

EMAIL: btrendle@niagarafalls.ca

PHONE: 905-356-1321 ext. 2211

AGENDA ITEM #1

ADDRESS: Lyons Parkway / Ort Road

APPLICATION TYPE: Zoning By-law Amendment

COMMENT(S): Zoning By-law Amendment

1. The Fire Department has no concerns with respect to the zoning by-law amendment.
2. Clearly visible address signage shall be provided at Ort Road for the dwelling located on parcel 2 and at Lyon's Parkway for the dwelling located on parcel 3.

Inter-Departmental Memo

To: Scott Turnbull, Planner 1
From: Ellen Roupas, Junior Zoning Administrator
Date: March 13, 2023
Re: **Proposed Zoning By-law Amendment
 Ort Road & Lyons Parkway**

Summary:

The subject property is zoned Rural, in part, and Conservation Open Space, in part, in accordance with By-law 395/66 for the Township of Willoughby.

The applicant is proposing to convey Part 1 for a future detached dwelling, and Part 2 for a future detached dwelling, Part 3 will be retained for the construction of a detached dwelling. Part 4 is conservation open space.

The applicant is proposing to rezone Parts 1,2, & 3 to Residential 1C density (R1C) zone, and rezone Part 4 to Environmental Protection Area (EPA) zone in accordance with Zoning By-law No. 79-200.

The following table compares the regulations of the R1C zone with what is proposed for the new parcel (Part 1):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	679 square metres	Yes
Minimum lot frontage for an interior lot	15 metres	20.60 metres	Yes - Conditional upon road being improved to municipal standards
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth	6 metres	6 metres	Yes
Minimum rear yard depth	7.5 metres	1.2 metres	No – rezoning required
Minimum interior side yard width	1.2 metres subject to the provisions of	1.2 metres (north)	Yes

	clause (a) of section 5.1	1.2 metres (south)	Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	Not noted	Information Required
Maximum height of building or structure	10 metres, subject to section 4.7	Not noted	Information Required
Maximum number of detached dwellings on one lot	1 only	Not noted	Information Required
Parking and access requirements	In accordance with section 4.19.1. 1 parking space	1 parking space (3m x 6m driveway)	Yes
Maximum lot area which can be used as surface parking area	30%	Not noted	Information Required
Maximum width of driveway or parking area in the front yard of a lot	60% of the lot frontage but in no case more than 9 metres for a semi-detached dwelling	3.0 metres and 14.6%	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 & 4.14	n/a	n/a
Minimum landscaped open space	30% of the lot area	Not noted	Information Required

The following table compares the regulations of the R1C zone with what is proposed for the new parcel (Part 2):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	915 square metres	Yes
Minimum lot frontage for an interior lot	15 metres	6.39 metres	No - Rezoning required & Conditional upon road being improved to municipal standards
Minimum lot frontage for a corner lot	18 metres	n/a	n/a

Minimum front yard depth	6 metres	38.69 metres	Yes
Minimum rear yard depth	7.5 metres	1.2 metres	No – rezoning required
Minimum interior side yard width	1.2 metres subject to the provisions of clause (a) of section 5.1	1.2 metres (north)	Yes
		1.2 m + 6 m = 7.2 metres (south)	Yes
		1.2 metres (west)	Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	Not noted	Information Required
Maximum height of building or structure	10 metres, subject to section 4.7	Not noted	Information Required
Maximum number of detached dwellings on one lot	1 only	Not noted	Information Required
Parking and access requirements	In accordance with section 4.19.1. 1 parking space	1 parking space (3m x +38.69 m driveway)	Yes
Maximum lot area which can be used as surface parking area	30%	Not noted	Information Required
Maximum width of driveway or parking area in the front yard of a lot	60% of the lot frontage but in no case more than 9 metres for a semi-detached dwelling	3.0 metres and 46.9%	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 & 4.14	n/a	n/a
Minimum landscaped open space	30% of the lot area	Not noted	Information Required

The following table compares the regulations of the R1C zone with what is proposed for the new parcel (Part 3)

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	1335 square metres	Yes
Minimum lot frontage for an interior lot	15 metres	6.46 metres	No - Rezoning required (subject to conveyance of the triangular piece from 4949 Lyons Parkway to create frontage)
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth	6 metres	1.2 metres	No - Rezoning required
Minimum rear yard depth	7.5 metres	1.2 metres	No- Rezoning required
Minimum interior side yard width	1.2 metres subject to the provisions of clause (a) of section 5.1	1.2 metres (north) 6.0m + 1.2m = 7.2 metres (south)	Yes Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	Not noted	Information Required
Maximum height of building or structure	10 metres, subject to section 4.7	Not noted	Information Required
Maximum number of detached dwellings on one lot	1 only	Not noted	Information Required
Parking and access requirements	In accordance with section 4.19.1. 1 parking space	More than 1 parking space can be accommodated in the proposed driveway	Yes
Maximum lot area which can be used as surface parking area	30%	Not noted	Information Required

Maximum width of driveway or parking area in the front yard of a lot	60% of the lot frontage but in no case more than 9 metres for a semi-detached dwelling	3.0 metres and 46.4%	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 & 4.14	n/a	n/a
Minimum landscaped open space	30% of the lot area	Not noted	Information Required

Comments:

- Approval of the consent applications are to be conditional upon a rezoning of the lands.
- Easements illustrated on surveyors sketch are to be described as parts on the consent survey sketch.
- Above information (parts 1, 2, 3 & 4 and easements) is based on the approval of the consent applications.

ER
 S:\Preconsultation\2023\1 - Precon Circulation by Date\03.16.23\Ort Road, ID#4629 (Roll#272513000308200) (Mar 16)\Zoning Comments.docx

From: [Meagan Doan](#)
Sent: Wednesday, March 15, 2023 3:04 PM
To: [Scott Turnbull](#)
Subject: [EXTERNAL]-NPCA Pre-con Comments - Lyons Parkway & Ort Road
Attachments: Lyons Parkway and Ort Road Features Map.pdf

Hi Scott,

I won't be able to attend the meeting, the following are the NPCA's comments for the pre-con for Lyons Parkway and Ort Road.

The lot lines are outside of the 15 metre PSW buffer.

NPCA staff will require circulation of the consent applications and the associated fee of \$1186.50

NPCA permits will be required.

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, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 228

email: mdoan@npca.ca



[NPCA Watershed Explorer](#)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

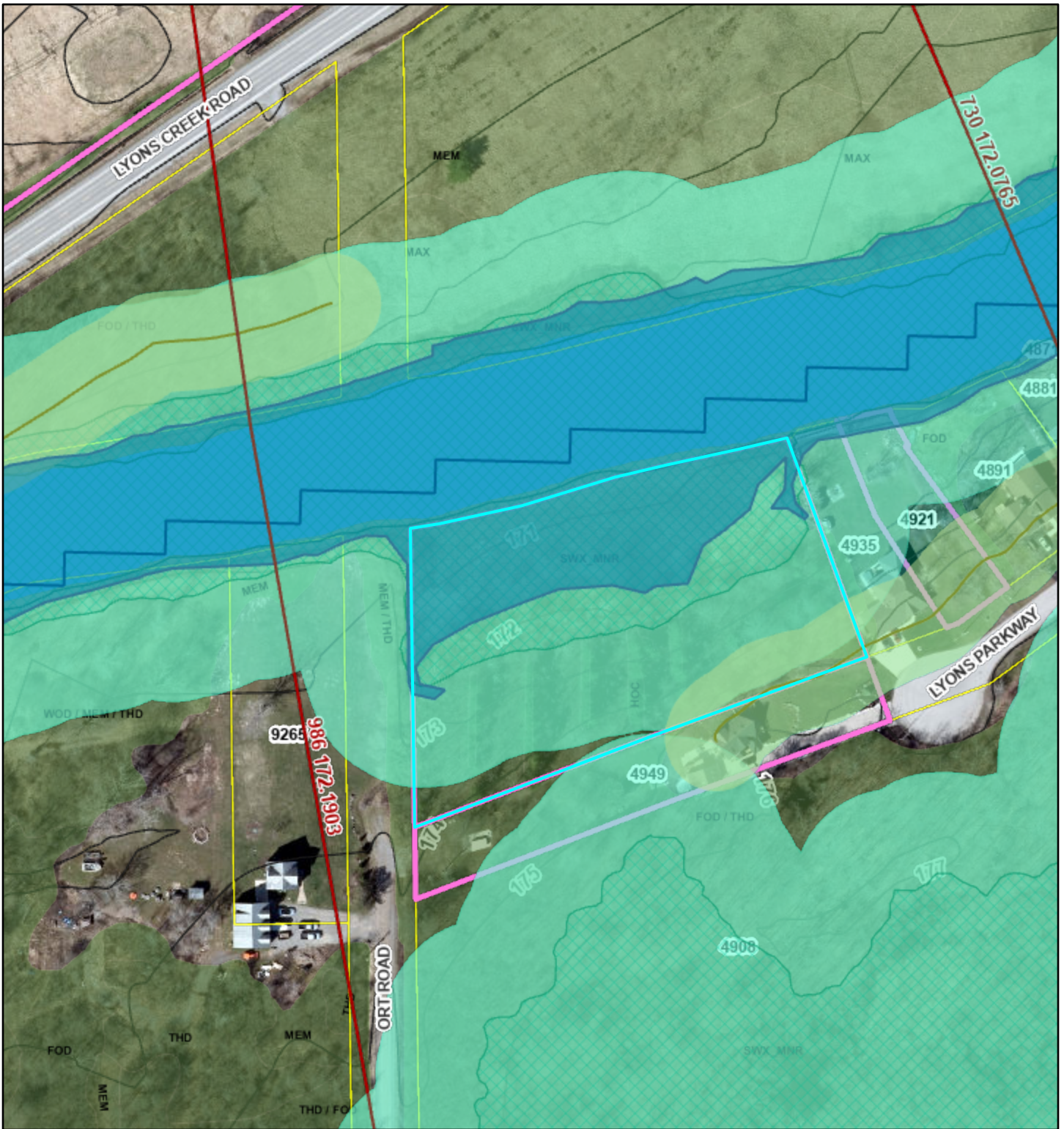
To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Lyons Parkway and Ort Road Features Map



3/15/2023, 2:51:56 PM

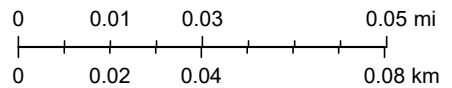
1:2,257

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- Roads
- NPCA APPROXIMATE REGULATION LANDS

Floodlines Inventory

- Regulated
- Wetland Allowance
- Regulation Wetlands**
- Evaluated-Provincial
- Top of Slope Allowance



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

Niagara Region – Development Services Division

Pre-Consultation Notes

Part of 4949 Lyons Parkway (lands abutting Lyons Creek), Niagara Falls

March 16, 2023

Attendees: Alex Morrison (Region); Scott Turnbull (City); Nick DeBenedetti (City); Jessica Brownlee (City); Danaka Kimber (City); Ben Trendle (City); Julie Hannah (City); Al Heywood (Agent); Jeff Corey (Applicant).

Application Types: Zoning By-law Amendment & Consent (Severance).

Related to: PRECON-21-0461, CS-21-0074, CS-21-0075, CS-21-0076, CS-23-0018

Application Description

- Applicant seeking to rezone Parts 1, 2, and 3 to a 'Site-Specific R1E Zone'. Part 4 to be zoned 'Environmental Protection Area (EPA)'.
- Consent Applications for this property was previously submitted and approved (B-2021-21, B-2021-22, B-2021-23) but that approval has lapsed. The Applicant will need to re-apply for the Consent and rezoning will be a condition of consent. At the time of preparing these comments, the Applicant has re-submitted the Consent Application (City Files: B-2023-002 - 004 ; Region File: CS-23-0018).

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 proposed uses are permitted under Provincial and Regional Urban Area policies subject to the comments below.

Archaeological Resources

- The property is located within the Region's "Area of Archaeological Potential" as set out in Schedule K of the NOP. In accordance with NOP Policy 6.2.4.6, a Stage 1-2 Archaeological Assessment, plus any subsequent recommended assessments is required for the proposed development. The archaeological assessment(s) are required for submission with the Zoning By-law Amendment Application. The Study Area can be scoped to the proposed areas of development and associated works (i.e., driveway) as determined appropriate by the Licensed Archaeologist.
- A Letter of Acknowledgment from the Ministry of Citizenship and Multiculturalism is required with respect to the filing of the completed assessment work. Based on the types and timing of development applications (i.e., Consent & Zoning Amendment) for this proposal, it is recommended that the Letter(s) of Acknowledgement be managed through a Holding (H) Provision on the amending by-law.

Environmental Comments

- The property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lyons Creek Provincially Significant Wetland Complex (PSW) and Significant Woodland.
- Staff approved an EIS to support the previous consent applications on September 10, 2021.
- Staff have determined that the ZBA, and new consent applications, meet transition policies of the NOP, and therefore the policies of the previous Regional Official Plan will apply. However, staff caution that additional delay could result in the environmental work being outdated and transition policies not applying. Provided that the PSW and approved buffer are placed into an appropriate environmental zone, staff offer no requirements for the proposed Zoning By-law Amendment Application.

Niagara Region – Development Services Division

Pre-Consultation Notes

Part of 4949 Lyons Parkway (lands abutting Lyons Creek), Niagara Falls

March 16, 2023

Servicing

- Water – 250 D UNK – Local (Lyon’s Parkway).
- Sanitary – 375 D PVC – Local (Lyon’s Parkway).

Transportation / Roads

- Lyons Parkway (Local).
- Ort Road (Local).

Stormwater Management

- Based on the scope and nature of proposal, staff does have any stormwater requirements at this time.

Waste Collection (Low Density Residential)

- Curbside collection only at Lyons Creek (Part 3) or Ort Road (Parts 1 & 2).
- Recycling blue / grey containers – no limit (collected weekly).
- Organic green containers – no limit (collected weekly).
- Garbage bags / cans – 2 maximum per lot (collected every-other-week).

Required Studies & Materials for Regional Review

- Planning Justification Report (prepared by a RPP) that addresses Regional and Provincial policies for lot creation with particular reference to the EIS.
- Stage 1-2 Archaeological Assessment, plus any other recommended assessments – at Zoning.
 - The Letter(s) of Acknowledgement from the Ministry can be managed through a Holding (H) Provision on the amending by-law.
- Copy of the previously completed Environmental Impact Study.

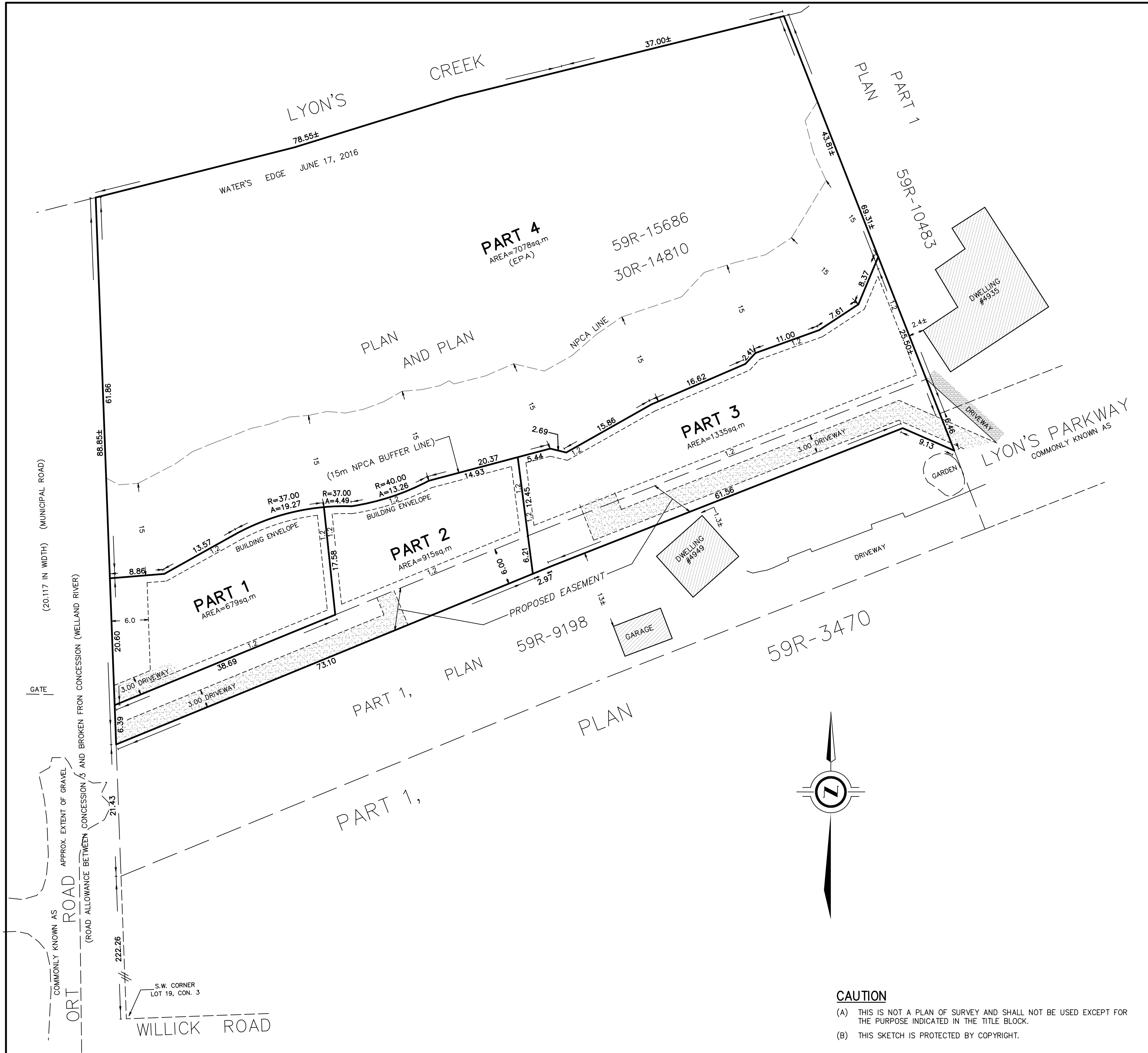
Regional Review Fees

The Region’s 2023 Fee Schedule is online at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

- Zoning By-law Amendment Review (\$1,395).
 - Removal of Holding (\$700) – may apply if a Holding Provision is implemented.
- Consent Review – Urban – application has been received and is under review (CS-23-0018).

Appendix II
Severance Sketch





NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

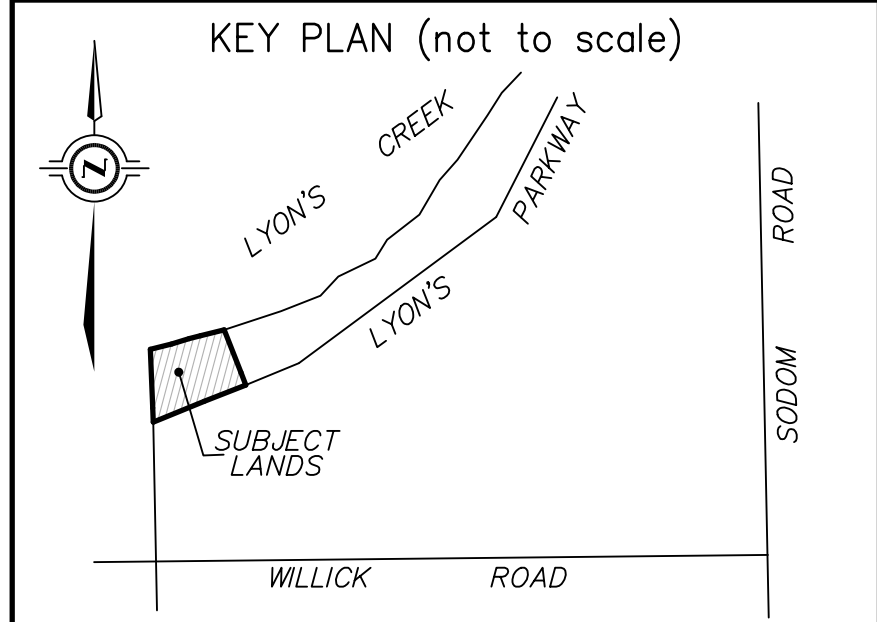
**PART OF LOT 19,
CONCESSION 3**

GEOGRAPHIC TOWNSHIP OF WILLOUGHBY
NOW IN THE
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 400
0 10 20 30 metres

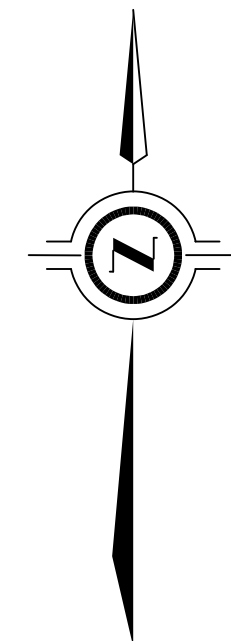
J.D. BARNES LIMITED
© COPYRIGHT 2021

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
CONVERTED TO FEET BY DIVIDING BY 0.3048



PROPOSED ZONING

		FRONTAGE	ALL YARDS
PART 1	R1E	20.6	1.2
PART 2	R1E	6.3	1.2
PART 3	R1E	6.4	1.2
PART 4	EPA	-	-



CAUTION

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

NOVEMBER 18, 2022
DATE

Allan J. Heywood
ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR

J.D. BARNES LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

TW/JIN	DRAWN
AH	CHECKED
NOV 18/22	DATED
16-16-366-00	Ref. No.

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Appendix III
Draft Zoning By-law Amendment



**THE CORPORATION
OF THE
CITY OF NIAGARA FALLS
BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to facilitate the severance of three single detached lots

(_____).

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 Scheduled 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 lands shall be identified as Parcels EPA, R1E-XX and R1E-XY.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
5. The permitted uses for Parcel R1E-XX and R1E-XY shall be:
 - a. The uses permitted in the R1E Zone
6. The regulations governing the uses permitted on Parcel R1E-XX shall be as follows:

R1E-XXX Zone Provisions	
a) Minimum Lot Frontage	3.0 meters
b) Minimum Rear Yard Setback	1.2 meters

7. The regulations governing the uses permitted on Parcel R4-XXX shall be as follows:

R1E-XY Zone Provisions	
a) Minimum Rear Yard Setback	1.2 meters

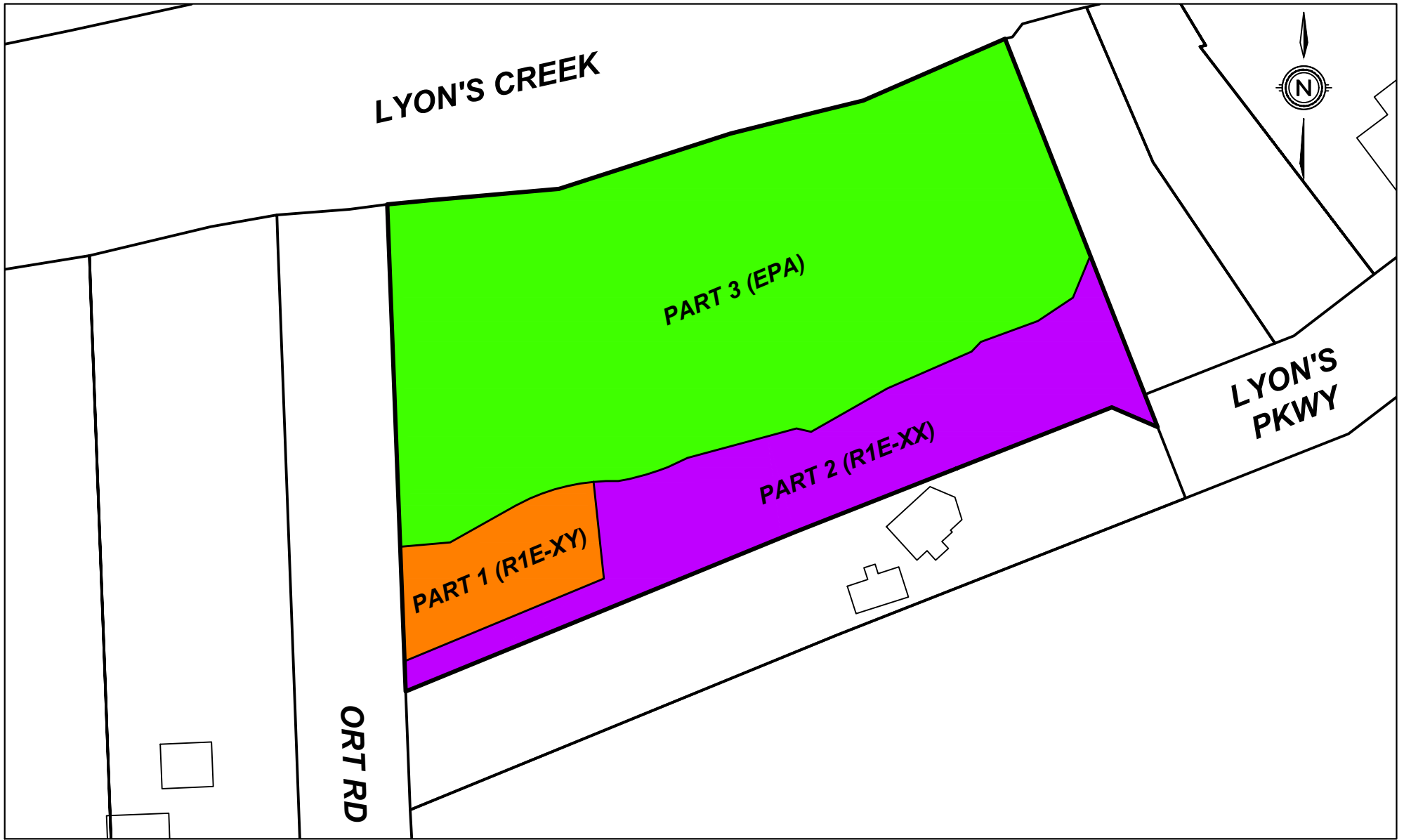
8. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.
9. No person shall use the Lands for a use that is not a permitted use.
10. No person shall use the Lands in a manner that is contrary to the regulations.
11. The provisions of this by-law shall be shown on Sheet X of Schedule "X" of By-law No. 79-200 by re-designating the Lands to Residential 1E Density site-specific (R1E-XX and R1E-XY) Zones, and Environmental Protection Area (EPA) Zone.

Passed this ____ day of ____, 2022.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____, 2023.

MAYOR

CITY CLERK



LEGEND

- ENVIRONMENTAL PROTECTION AREA (EPA) ZONE
- RESIDENTIAL 1E DENSITY SITE SPECIFIC (R1E-XY) ZONE
- RESIDENTIAL 1E DENSITY SITE SPECIFIC (R1E-XX) ZONE

**ORT ROAD/ LYON'S PARKWAY
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____**

MAYOR: _____

CLERK: _____

