

UEM PROJECT No.: 21-219

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PLANNING JUSTIFICATION REPORT PREPARED FOR:

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**PLANNING JUSTIFICATION REPORT
ZONING BY-LAW AMENDMENT
3090 MONTROSE ROAD, NIAGARA FALLS**



Table of Contents

1.0	Introduction	1
1.1	Proponent and Agent.....	1
1.2	Pre-Consultation	1
1.3	Applications to be Submitted	1
1.4	Purpose of the Planning Justification Report.....	1
2.0	Site Context.....	1
2.1	Site Description (Existing)	1
2.2	Surrounding Land Uses	2
2.3	Identification of Any Constraints Affecting the Site	2
2.4	Identification of any Lands Regulated by NPCA.....	2
2.5	Identification of Any Other Known Development Proposals.....	3
3.0	Description of Proposal.....	3
3.1	Existing and Proposed Land Uses on the Properties	3
3.2	Planning History of the Site.....	3
3.3	Site Servicing	3
3.4	Description of Previous Consultations with Relevant Agencies	3
3.5	Proposed Modifications to Zoning By-law Regulations	3
3.6	Technical Supporting Studies Required	3
4.0	Policy and Planning Analysis	4
4.1	Provincial Policy Statement	4
4.2	Growth Plan for the Greater Golden Horseshoe	7
4.3	Niagara Region Official Plan.....	9
4.4	City of Niagara Falls Official Plan	10
4.5	City of Niagara Falls Zoning By-Law	16
4.6	Supporting Studies	18
5.0	Summary and Conclusions	20
5.1	Conclusions	20
5.2	Recommendations	21

Figures

Figure 2-1: Site Location and Approximate Property Boundaries (Source: Niagara Navigator)..... 2

Tables

Table 4-1: Results of Review of the Provincial Policy Statement (PPS) 4
Table 4-2: Results of Review of the Growth Plan for the Greater Golden Horseshoe (GGH) 8
Table 4-3: Summary of Applicable Regional Policies 9
Table 4-4: Summary of Applicable City of Niagara Falls Official Plan Policies 11
Table 4-5: Proposed Zoning Regulations for 3090 Montrose Road – Townhouse Units..... 16
Table 4-6: Proposed Zoning Regulations for 3090 Montrose Road – Semi-Detached Dwelling 17

Appendix

- Appendix A: Conceptual Site Plan
- Appendix B: Official Plan Maps
- Appendix C: Zoning By-law Maps

1.0 INTRODUCTION

1.1 PROPONENT AND AGENT

Urban & Environmental Management Inc. (UEM) was retained by the proponent, Develco Constructions Ltd., to assist with an application for a Zoning By-law Amendment (ZBA) in support of the redevelopment of the property at 3090 Montrose Road in the City of Niagara Falls. The property is currently in residential use with a single-detached dwelling. A higher density residential development is proposed, with six townhouses and a semi-detached dwelling.

1.2 PRE-CONSULTATION

An initial pre-consultation meeting was held with City of Niagara Falls Planning and Infrastructure staff, as well as Niagara Region Planning staff, on July 7, 2022. The meeting was attended by the proponent and UEM. Formal minutes of the pre-consultation meeting were prepared and issued by the City. Following this meeting, the proposed development was revised, and a second pre-consultation application was submitted and circulated by the City via e-mail only on September 15, 2022. The following supporting studies were identified as required in support of the ZBA:

- Conceptual Site Plan (included in Appendix A)
- Functional Servicing Brief
- Stormwater Management Brief (included in FSB)
- Noise Study
- Sight Line Study
- Planning Justification Report
- Tree Inventory Preservation Plan
- Conceptual Urban Design/Landscape Plans

The City of Niagara Falls also confirmed on June 12, 2023 that 3rd Party Infrastructure Modelling of the sewer system was required.

1.3 APPLICATIONS TO BE SUBMITTED

A Zoning By-law Amendment application and supporting documentation are being submitted by the proponent to the City of Niagara Falls.

1.4 PURPOSE OF THE PLANNING JUSTIFICATION REPORT

The purpose of this Planning Justification Report is to analyze the proposed development in consideration of relevant Provincial, Regional, and Municipal planning documents and policies. The conformance of the proposed development is evaluated, and where deviations exist, justification is provided, or mitigation measures are proposed (as required).

2.0 SITE CONTEXT

2.1 SITE DESCRIPTION (EXISTING)

The subject property is located at 3090 Montrose Road in the City of Niagara Falls. There is an existing single-detached dwelling on the property. The proponent is proposing to remove the existing dwelling and develop six townhouses and a semi-detached dwelling.

The property is located on the east side of Montrose Road. It is irregular in shape with a lot frontage of 24.2 m, a lot depth of 65.4 to 86.1 m and an area of 2,809.3 m². The legal description of the property is Plan TWP Part Lot 45.



Figure 2-1 shows the location of the Site and the approximate boundaries of the property.

Figure 2-1: Site Location and Approximate Property Boundaries (Source: Niagara Navigator)

2.2 SURROUNDING LAND USES

Land uses surrounding the property are as follows:

- North – Immediately north of the property is a Hydro One corridor. There is an access from the subject property that goes through the hydro corridor, for which there is a permanent easement.
- East – Immediately east of the subject property is the Queen Elizabeth Way Highway.
- South – Immediately south of the property is a single-detached dwelling at 3118 Montrose Road and an approved subdivision development (Gratolla Subdivision).
- West – Immediately west of the subject property is Montrose Road and further, vacant land.

2.3 IDENTIFICATION OF ANY CONSTRAINTS AFFECTING THE SITE

UEM and the proponent are not aware of any constraints affecting the subject property.

2.4 IDENTIFICATION OF ANY LANDS REGULATED BY NPCA

There are no lands regulated by the Niagara Peninsula Conservation Authority (NPCA) on or near the subject property.

2.5 IDENTIFICATION OF ANY OTHER KNOWN DEVELOPMENT PROPOSALS

UEM and the proponent are not aware of any other development proposals that have the potential to affect the site.

3.0 DESCRIPTION OF PROPOSAL

3.1 EXISTING AND PROPOSED LAND USES ON THE PROPERTIES

The property is currently being used for a single-detached dwelling. The proponent is proposing to remove the existing dwelling and develop six townhouses and a semi-detached dwelling under a Plan of Condominium (Vacant Land Condominium).

The Conceptual Plan prepared in support of the ZBA application showing the proposed layout of the property is included in **Appendix A**.

3.2 PLANNING HISTORY OF THE SITE

The property is currently designated Residential in the Niagara Falls Official Plan and zoned Development Holding (DH) in the Niagara Falls Zoning By-law. No further planning history for the property is known.

3.3 SITE SERVICING

Site servicing for the subject property includes:

- Municipal sewers and water
- Storm sewer
- Natural gas
- Electricity
- Communications (telephone and internet)

3.4 DESCRIPTION OF PREVIOUS CONSULTATIONS WITH RELEVANT AGENCIES

As noted, a pre-consultation meeting was held with City Staff on July 7, 2022. Due to changes to the initial conceptual plan, a second pre-consultation process was undertaken via email circulation by the City of the application on September 15, 2022. The history of any other previous consultations with City staff or relevant agencies regarding this property is unknown.

3.5 PROPOSED MODIFICATIONS TO ZONING BY-LAW REGULATIONS

The property is currently zoned Development Holding (DH), which does not permit any development until a ZBA has been completed. Therefore, to permit the proposed development, it is proposed that the subject property be rezoned to a site-specific Residential 4 (R4) Zone.

3.6 TECHNICAL SUPPORTING STUDIES REQUIRED

At the pre-consultation meetings, the following studies were identified in support of the ZBA:

- Conceptual Site Plan (included in Appendix A)
- Functional Servicing Brief (3rd Party Modelling of the Sewer Infrastructure also subsequently required)
- Stormwater Management Brief
- Noise Study
- Sight Line Study

- Planning Justification Report
- Tree Inventory Preservation Plan
- Conceptual Urban Design/Landscape Plans

4.0 POLICY AND PLANNING ANALYSIS

In support of the required ZBA, a summary and analysis of relevant planning documentation is provided. Planning guidance documents addressed include Provincial (i.e. *Provincial Policy Statement* and *Growth Plan for the Greater Golden Horseshoe*), Regional (*Niagara Region Official Plan*) and Municipal (*City of Niagara Falls Official Plan* and *Zoning By-Law*). The purpose of this review is to identify and consider relevant policies and discuss the appropriateness and conformity of the requested amendments with those policies.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS, 2020) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

The policies of the PPS may be complemented by Provincial Plans or by locally generated policies regarding matters of municipal interest. The Planning Act sets a minimum standard that requires all municipal planning decisions ‘to be consistent with’ the policies of the PPS. Together the PPS and Municipal Official Plans provide a framework for comprehensive, integrated and long-term planning.

4.1.1 ANALYSIS OF PROVINCIAL POLICY STATEMENT

In Part IV – Vision for Ontario’s Land Use Planning System the PPS states:

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public services. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

The proponent is proposing to provide a mix of new housing options (townhouses and semi-detached dwelling) through the optimized redevelopment of the property, which is consistent with the above PPS vision.

Table 4-1 provides an analysis of the proposed development in consideration of relevant PPS policies.

Table 4-1: Results of Review of the Provincial Policy Statement (PPS)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.1.1 a)	Healthy, liveable and safe communities are sustained by: a) Promoting efficient development and land use patterns which sustain the financial wellbeing of the Province and municipalities over the long term.	The proponent is proposing to redevelop the property more efficiently to provide additional housing stock within a mix of housing types to the City of Niagara Falls.
Section 1.1.1 b)	Healthy, liveable and safe communities are sustained by:	The redevelopment of the property to a higher density residential use will

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.	provide additional housing options within a mix of housing types to the City of Niagara Falls.
Section 1.1.1 e)	Healthy, liveable and safe communities are sustained by: e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.	The subject property is already developed and used for residential use. Therefore, the proposed development will not consume any new greenfield land.
Section 1.1.1 g)	Healthy, liveable and safe communities are sustained by: (g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs	The subject property is currently serviced by municipal infrastructure. The Functional Servicing Brief and 3 rd Party Modelling confirmed that the existing municipal infrastructure can be utilized for the proposed development.
Section 1.1.3.1	Settlement areas shall be the focus of growth and development.	The subject property is within the City of Niagara Falls urban area.
Section 1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive.	The proposed development will more efficiently use the land to provide a mix of housing options. Further, it will utilize existing municipal infrastructure.
Section 1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development,	The proposed development will intensify the existing residential use of the property through redevelopment

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>and will provide a mix of new housing options on the property. Further, it will utilize existing municipal infrastructure.</p>
<p>Section 1.1.3.4</p>	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The proposed development will intensify the existing residential use of the property through redevelopment and will provide a mix of new housing options on the property.</p>
<p>Section 1.4.1 a)</p>	<p>To 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, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.</p>	<p>The proposed development will increase the density of the property and provide additional housing options to the City of Niagara Falls, contributing to the housing supply and accommodating residential growth.</p>
<p>Section 1.6.6.2</p>	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	<p>The proposed development will utilize existing municipal infrastructure.</p>
<p>Section 1.6.6.7</p>	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective</p>	<p>A Functional Servicing Brief (FSB), 3rd Party Infrastructure Modelling and Stormwater Management Brief (included in FSB) were completed in support of the ZBA application. The site will utilize existing municipal storm infrastructure, with the following conditions:</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.	<ul style="list-style-type: none"> • The existing 375mm diameter storm sewer on Montrose Road will be extended 56m north of the property to provide a stormwater outlet • Up to 25m³ of stormwater will be controlled on-site via oversize pipes, surface storage and an outlet control structure • An Oil-Grit Separator will be installed within the development roadway to meet stormwater quality requirements

4.1.2 SUMMARY OF PPS ANALYSIS

The proposed development of the property at 3090 Montrose Road will intensify the existing residential use of the property through redevelopment. It will provide a mix of housing types and additional housing stock to the City of Niagara Falls. Further, it will utilize existing municipal infrastructure, which has been confirmed through the Functional Servicing Brief and 3rd Party Infrastructure Modelling to be able to accommodate the proposed development. Based on this, it is concluded that the project is consistent with the policies set out in the PPS (2020).

4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Province of Ontario’s *Growth Plan for the Greater Golden Horseshoe* (GGH) (updated August 2020) was developed to create more livable, sustainable, and efficient communities in conjunction with significant anticipated population and economic growth in the Province. The Growth Plan was prepared under the *Places to Grow Act, 2005*, and is a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the GGH. The Plan is intended to guide decisions on a wide range of issues including land-use planning, housing, and natural heritage and resource protection.

The Growth Plan builds on other key government initiatives including the Greenbelt Plan, Planning Act reform and the Provincial Policy Statement. The Growth Plan does not replace Municipal Official Plans but works within the existing planning framework to provide growth management policy direction for the GGH.

4.2.1 ANALYSIS OF GROWTH PLAN POLICIES

The subject property is within the City of Niagara Falls Urban Boundary, which is considered to be a “Settlement Area” in the Growth Plan. There are several components of the Growth Plan that provide guidance for this project. **Table 4-2** includes review of relevant policies in the Growth Plan in relation to the proposed development.

Table 4-2: Results of Review of the Growth Plan for the Greater Golden Horseshoe (GGH)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.2	Vision for the GGH states: <i>The GGH will have sufficient housing supply that reflects market demand and what is needed in local communities. Thriving, livable, vibrant, and productive urban and rural areas will foster community health and individual well-being. The region will be supported by modern, well-maintained, sustainable, and resilient infrastructure built in accordance with a broad plan for managing growth. Residents will have easy access to food, shelter, education, health care, arts and recreation, and information technology.</i>	The proposed development will provide a mix of additional housing options that will contribute to the housing supply for the City of Niagara Falls. Further, it will utilize existing municipal infrastructure.
Section 1.2.1	Guiding Principles indicate the following should be prioritized: <i>Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.</i>	The proposed development will provide a mix of housing types, including townhouses and a semi-detached dwelling.
Section 2.2.1	Managing Growth states that: Forecasted growth to the horizon of this Plan will be allocated based on the following: a) the vast majority of growth will be directed to settlement areas that: <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities. c) within settlement areas, growth will be focused in: <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas; a) iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities.	The subject property is located within the Urban Boundary of the City of Niagara Falls.
Section 2.2.6	Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:	The proposed development will provide a mix of housing types, including townhouses and a semi-detached dwelling.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: <ul style="list-style-type: none"> i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and ii. establishing targets for affordable ownership housing and rental housing. 	

4.2.2 SUMMARY OF GROWTH PLAN ANALYSIS

The proposed redevelopment of 3090 Montrose Road will provide additional housing options and housing types, including townhouses and a semi-detached dwelling, to contribute to the City of Niagara Falls' housing supply. It will also utilize existing infrastructure, which has been confirmed through the Functional Servicing Brief and 3rd Party Infrastructure Modelling to be able to accommodate the proposed development. It is concluded that the proposed development satisfies the objectives of the Growth Plan for the Greater Golden Horseshoe.

4.3 NIAGARA REGION OFFICIAL PLAN

The property is located within the "Delineated Built-Up Area" of Niagara Region's Urban Area for the City of Niagara Falls as identified on Schedule B of the Niagara Region Official Plan (2022). Development proposals within Urban Areas are subject to the availability of adequate municipal water, sanitary sewer, stormwater and road services.

4.3.1 ANALYSIS OF NIAGARA REGION OFFICIAL PLAN POLICIES

The Niagara Region Official Plan has two basic functions: first to provide guidelines for the location and type of development in both urban and rural areas and second, to identify the environmental resources of the Region and to develop measures for their protection and management. **Table 4-3** summarizes the review of applicable Niagara Region Official Plan policies with respect to this proposed development.

Table 4-3: Summary of Applicable Regional Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
2.2	The objectives of this [Regional Structure] section are as follows: <ul style="list-style-type: none"> a) manage growth within urban areas; b) accommodate growth through strategic intensification and higher densities. 	The proposed development is within the existing urban boundary and will increase the density of the property.
2.2.1	Development in urban areas will integrate land use planning and infrastructure planning	The proposed development will increase the residential density of the property and will provide additional

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	to responsibly manage forecasted growth and to support: a) the intensification targets in Table 2-2 and density targets outlined in this Plan; c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.	housing options and a mix of housing types.
2.2.2.1	Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations: areas with existing or planned public service facilities.	The subject property is within an urban area, will intensify the residential use of the property and will utilize existing municipal infrastructure.
2.3.1.3	The forecasts in Table 2-1 will be used to maintain, at all times: a) the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development.	The proposed development will provide new housing in the City of Niagara Falls through intensification and increased density and will contribute to accommodating the Region’s population forecasts.
2.3.1.5	New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.	The townhouse units and semi-detached dwelling will be designed appropriately to meet universal design standards.
5.2.2.12	Within urban settlement areas full municipal services are the preferred form of servicing.	The proposed development will utilize existing full municipal infrastructure.

4.3.2 SUMMARY OF NIAGARA REGION OFFICIAL PLAN ANALYSIS

The Niagara Region Official Plan policies require consideration related to growth in built-up urban areas. The proposed redevelopment of the property at 3090 Montrose Road in the City of Niagara Falls meets the intent of these policies, as the property is located in a Built-Up Area in the urban area of Niagara Falls and the proposed development increases the density of the existing residential property, will provide new housing opportunities in the City that will contribute to the housing supply and existing municipal infrastructure will be utilized.

4.4 CITY OF NIAGARA FALLS OFFICIAL PLAN

The Official Plan for the City of Niagara Falls outlines the long-term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands, the conservation of natural heritage areas, and the provision of the necessary infrastructure.

4.4.1 ANALYSIS OF CITY OF NIAGARA FALLS OFFICIAL PLAN POLICIES

The property is designated Residential in the City of Niagara Falls Official Plan. The Residential designation permits a variety of residential uses, including the proposed townhouses and semi-detached dwelling. **Table 4-4** provides an analysis of the proposed development relative to the relevant policies of the City of Niagara Falls Official Plan.

Table 4-4: Summary of Applicable City of Niagara Falls Official Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Schedule A – Land Use Plan	Subject property is identified as “Residential”	The proponent is proposing to rezone the property from Development Holding (DH) Zone to a Residential 4 (R4) Zone. The existing use is a single-detached residential dwelling. The proposed development will maintain a residential use of the property, which is consistent with the Residential designation of the property in the Official Plan.
Part 1, Section 2 – Growth Objectives	<ol style="list-style-type: none"> 1. To direct growth to the urban area and away from non-urban areas 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area 6. To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review 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 9. To encourage alternative forms of transportation such as walking, cycling and public transit 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 11. To provide a supply of serviced land that is capable of providing three years of 	<p>The property is located within an urban area in the City of Niagara Falls. The proposed development of six townhouses and a semi-detached dwelling will intensify the residential use of the property, increase the density and provide a mix of new housing types. This will contribute to meeting growth and housing targets for the City.</p> <p>The development is located close to a local transit bus stop (10 minute walk), providing access to the greater Niagara Region area.</p> <p>Further, the property will continue to use existing municipal infrastructure.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	residential development through intensification and land in draft approved and registered plans of subdivision	
Part 1, Section 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 property is located within the urban area and the proposed development will contribute to housing targets for the City.
Part 1, Section 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	The proposed development will increase the density of the property and utilize existing municipal infrastructure.
Part 1, Section 2.5	Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure	The property is located within the urban area and will continue to utilize existing municipal infrastructure.
Part 1, Section 3.1 – Intensification General Policies	Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision	The proponent is proposing to rezone the property from Development Holding (DH) Zone to a site-specific Residential 4 (R4) Zone to permit the development of six townhouse units and a semi-detached dwelling. This will intensify the residential use of the property.
Part 1, Section 3.4 – Intensification General Policies	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	The proposed development complies with the specified policies of Section 2, 1.15.5, as demonstrated below.
Part 1, Section 4.3 – Vision and Goals for Housing	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:	The proposed development will redevelop an underutilized lot that is currently used for one single-detached dwelling. Multiple dwellings will be developed in the form of six townhouse units and a semi-detached dwelling.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms</p> <p>4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock</p> <p>4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development</p>	
Part 2, Section 1.1 – Residential General Policies	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 development includes six townhouse units and a semi-detached dwelling.
Part 2, Section 1.7 – Residential General Policies	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	The proposed development will utilize existing municipal infrastructure.
Part 2, Section 1.10 – Built Up Area	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 proposed development will provide a mix of new housing options in the City through intensification of the property.
Part 2, Section 1.10.1	The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood	The proposed six townhouse units and semi-detached dwelling will be designed appropriately to accommodate the surrounding lot fabric, built form and streetscape.
Part 2, Section 1.10.2	A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a	The proposed building heights are 2-storeys, which will be consistent with 1.5-storey and 2-storey residential dwellings that are within the surrounding area.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	complementary arrangement of residential uses	
Part 2, Section 1.10.3	Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built Up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes	The proposed development will increase the density of the property and provide a mix of new housing options in the form of six townhouse units and a semi-detached dwelling. Further, the property is located in the Built Up Area.
Part 2, Section 1.10.4	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 nonresidential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law	The property is currently used for one single-detached dwelling. The proposed development will result in eight housing units which will replace the single residential unit that is currently on the property. Due to the size and shape of the property, as well as the location and orientation of the existing dwelling, redevelopment to an equally high density as is proposed is not possible without the removal of the existing dwelling through demolition.
Part 2, Section 1.10.5	<p>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:</p> <p>(i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to</p>	<p>The proposed development of six townhouses and a semi-detached dwelling, resulting in a total of eight residential units, will equate to a density of approximately 27.7 units per hectare given the property's size of approximately 0.289 hectares. This meets the minimum density requirement of 20 units per hectare.</p> <p>The heights of the proposed dwelling units (2 storeys) will be consistent with the surrounding neighbourhood.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>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</p>	
<p>Part 3, Section 1.2.4 – Water and Sanitary Sewage</p>	<p>Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.</p>	<p>The proposed development will utilize existing municipal water and sanitary sewer infrastructure, which has been confirmed through the FSB and 3rd Party Infrastructure Modelling to be able to accommodate the development.</p>
<p>Part 3, Section 1.3.1 – Storm Drainage</p>	<p>It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.</p>	<p>The property will utilize existing municipal storm sewer infrastructure with the following conditions:</p> <ul style="list-style-type: none"> • The existing 375mm diameter storm sewer on Montrose Road will be extended 56m north of the property to provide a stormwater outlet • Up to 25m³ of stormwater will be controlled on-site via oversize pipes, surface storage and an outlet control structure • An Oil-Grit Separator will be installed within the development roadway to meet

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		stormwater quality requirements

4.4.2 SUMMARY OF CITY OF NIAGARA FALLS OFFICIAL PLAN ANALYSIS

The subject property is currently designated Residential in the Niagara Falls Official Plan. The proposed rezoning to an R4 Zone to permit the development of six townhouses and a semi-detached dwelling will provide a mix of new housing options within the Built-Up Area of the City of Niagara Falls, which is consistent with the Residential designation of the property in the City of Niagara Falls Official Plan. The development will intensify the residential use of the property and increase the density. Further, the property will continue to utilize existing municipal infrastructure, which has been confirmed through the Functional Servicing Brief and the 3rd Party Infrastructure Modelling to be able to accommodate the development. Therefore, it is concluded that the proposed redevelopment of the subject property is consistent with the City of Niagara Falls Official Plan.

4.5 CITY OF NIAGARA FALLS ZONING BY-LAW

4.5.1 EXISTING ZONING

The property is currently zoned Development Holding (DH) as identified in the City of Niagara Falls Zoning By-law 79-200. This zoning permits uses that were existing prior to the By-law being passed, including a detached dwelling, home occupation, as well as several agricultural uses including cultivation of land, production of field crops, flower and market gardening, grazing for horses and livestock, and a farm produce outlet.

4.5.2 PROPOSED ZONING

The proposal is to amend the current Development Holding (HD) Zone to a site-specific Residential 4 (R4) Zone. The R4 zone permits the proposed townhouse units, however the R4 zone does not permit the proposed semi-detached dwelling. The inclusion of the semi-detached dwelling is proposed to be a site-specific permitted use. Further, because the R4 Zone does not have zoning regulations for a semi-detached dwelling, the zoning requirements of the Residential 3 (R3) Zone (which permits semi-detached dwellings) have been utilized. **Table 4-5** summarizes the proposed site-specific zoning regulations for the proposed townhouse component of the development relative to the R4 regulations. **Table 4-6** summarizes the proposed site-specific zoning regulations for the proposed semi-detached dwelling component of the development relative the R3 regulations.

Table 4-5: Proposed Zoning Regulations for 3090 Montrose Road – Townhouse Units

Parameter	R4 Regulations	Proposed Dimensions	Meets Requirement?
Minimum Lot Area	250 m ² per dwelling unit	239.43 m ²	No – Site specific ZBA required
Minimum Lot Frontage	30 m	37.15 m	Yes
Minimum Front Yard	6 m	6 m	Yes
Minimum Rear Yard	7.5 m	14 m	Yes
Minimum Interior Side Yard	One-half the height of the building	1.2 m	No – Site specific ZBA required

Parameter	R4 Regulations	Proposed Dimensions	Meets Requirement?
	9.22 m / 2 = 4.61 m		
Minimum Exterior Side Yard	4.5 m	N/A	Yes
Maximum Lot Coverage	35%	39.22%	No – Site specific ZBA required
Maximum Building Height	10 m	9.22 m	Yes
Number of dwellings on one lot	N/A	N/A	N/A
Parking and access requirements	In accordance with Section 4.19.1 1.4 parking spaces/unit x 6 units = 8.4 spaces	9 spaces	Yes
Accessory buildings/structures	N/A	N/A	N/A
Minimum landscaped open space	45 m ² per dwelling unit	115.65 m ²	Yes
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 m	14 m	Yes
Minimum amenity space for an apartment dwelling unit	N/A	N/A	N/A

Table 4-6: Proposed Zoning Regulations for 3090 Montrose Road – Semi-Detached Dwelling

Parameter	R3 Regulations (No R4 Regulations for Proposed Use)	Proposed Dimensions	Meets Requirement?
Minimum Lot Area	450 m ²	480.32 m ²	Yes
Minimum Lot Frontage	15 m	15.81 m	Yes
Minimum Front Yard	3 m	6 m	Yes
Minimum Rear Yard	7.5 m	7.5 m	Yes
Minimum Interior Side Yard	1.2 m	1.2 m	Yes

Minimum Exterior Side Yard	3 m	2 m	No – Site specific ZBA required
Maximum Lot Coverage	55%	39.18%	Yes
Maximum Building Height	10 m	9.22 m	Yes
Number of dwellings on one lot	N/A	N/A	N/A
Parking and access requirements	In accordance with Section 4.19.1 1 space per unit x 2 units = 2 spaces	2 spaces	Yes
Accessory buildings/structures	N/A	N/A	N/A
Minimum landscaped open space	25%	50.65%	Yes

4.5.3 DRAFT ZONING BY-LAW AMENDMENT

The proponent is proposing a Site-Specific Residential 4 (R4) Zone to allow for the development of six townhouse units and a semi-detached dwelling. The following site-specific zoning regulations are requested with regards to the block townhouse dwellings:

- Reduced minimum lot area per unit from 250 m² per dwelling unit to a site-specific 239.43 m² per dwelling unit
- Reduced minimum side yard setback of one-half the height of the townhouse building (4.61 m) to 1.2 m
- Increased maximum lot coverage from 35% to 39.22%

In addition to the above, a semi-detached dwelling is proposed to be added as a permitted use on the property. The regulations for the semi-detached dwelling shall refer to the zoning regulations of the Residential 3 (R3) Zone with the following site-specific variation:

- Addition of a semi-detached dwelling as a permitted use
- Reduced exterior side yard setback from 3.0 m to 2.0 m

4.6 SUPPORTING STUDIES

The following sections include summaries of the specialist studies completed in support of the ZBA application as identified during pre-consultation as required. The reports are also provided separately with the ZBA application submission.

4.6.1 ARBORIST REPORT

An Arborist Report, including Tree Inventory and Tree Preservation Plan, was prepared by Summit Professional Consulting Arborists (June 5, 2023). The study indicated that there are 12 existing trees on or near the subject property. Of these, four are municipally owned trees located in the Montrose Road right-of-way, one tree is on neighbouring property in close proximity to the property at 3118 Montrose Road and seven trees are on the subject site. As a result of the proposed Site Plan, six trees on the property and

one of the trees in the municipal right-of-way are proposed to be removed. The remaining trees will be preserved.

4.6.2 NOISE STUDY

A Noise Study was conducted by Pinchin Ltd. (June 8, 2023) to determine noise impacts on the proposed development at specific receptor sites. It was concluded that the predicted noise levels on the property will meet the NPC-300 criteria with the use of several mitigation measures. These measures include window upgrades in Townhouse Unit 1 (if windows are proposed along the north façade), construction of a noise barrier wall along the property boundary with the QEW highway, installation of central air conditioning systems and inclusion of appropriate warning clauses in the purchase and sale agreements.

4.6.3 FUNCTIONAL SERVICING BRIEF/STORMWATER MANAGEMENT BRIEF

A Functional Servicing Brief (FSB), including Stormwater Management Brief, was prepared by UEM (June 12, 2023) in support of the ZBA application. The study concluded that the existing municipal infrastructure has the capacity to service the proposed development, with the following conditions for the stormwater infrastructure:

- The existing 375mm diameter storm sewer on Montrose Road will be extended 56m north to the property to provide a stormwater outlet.
- Up to 25m³ of stormwater will be controlled on-site via oversize pipes, surface storage and an outlet control structure.
- An Oil-Grit Separator will be installed within the development roadway to meet stormwater quality requirements.

On June 12, 2023, City of Niagara Falls staff confirmed that 3rd Party Infrastructure Modelling was required to be completed in support of the ZBA application. The FSB was submitted to the City for the modelling to be completed. The results of the 3rd Part Infrastructure Modelling are outlined below.

4.6.4 THIRD PARTY INFRASTRUCTURE MODELLING

The City of Niagara Falls confirmed on July 12, 2023 that 3rd Party Modelling of the infrastructure for the proposed development was required following a preliminary review by City staff of the Functional Servicing Brief. The 3rd Party Modelling was completed on behalf of the City by GM Blue Plan (July 25, 2023) and the following are the results and conclusions of the review:

- There is no surcharging from the proposed development under dry weather flow with pre- and post-development flows.
- There is existing sewer surcharging downstream of the development, with portions of the sewer currently surcharging above the basement flooding risk level of 1.8 m below grade under the design 2-year storm.
- Further, the proposed development results in:
 - Marginal increase in hydraulic grade line along the sanitary route;
 - Negligible increase in wastewater flows from the proposed development site to the Kalar Road Pump Station; and,
 - Minor increase in sewer overflows along the route.
- It is noted that portions of the existing wastewater sewers downstream of the proposed development do not meet the City's capacity and performance targets under existing conditions, and that the proposed development is anticipated to have a marginal increase in hydraulic grade line along the sanitary route. To address the downstream flooding, it is advised that the existing

downstream hydraulic grade line be reduced via localized wet weather flow reduction interventions.

City of Niagara Falls staff (Jessica Brownlee, email June 25, 2023) confirmed that “the (3rd Party Infrastructure Modelling) report finds that there is sufficient capacity for this site’s proposed development.”

4.6.5 SIGHT LINE REVIEW

A Sight Line Review was prepared by UEM (June 7, 2023). The speed limit on this section of Montrose Road is 50 km/hr. A designed road speed of 60 km/h was utilized for this portion of Montrose Road. Under Transportation Association of Canada (TAC) Geometric Design Guide requirements, minimum sight lines required for left turns made from the site onto Montrose Road are 158 m for vehicles approaching from the right and 120 m for vehicles approaching from the left. The minimum required sight line for right hand turns made from the site onto Montrose Road is 125 m. The sight lines measured for the site are approximately 300 m to the north (vehicles approaching from the right) and 200 m to the south (vehicles approaching from the left). Therefore, the minimum required sight lines are met for the proposed development.

5.0 SUMMARY AND CONCLUSIONS

5.1 CONCLUSIONS

Based on the analysis of relevant planning documentation in this Planning Justification Report, the Conceptual Site Plan prepared in support of the Zoning By-Law Amendment application, and supporting studies completed, the following is concluded with respect to the proposed rezoning of 3090 Montrose Road in the City of Niagara Falls.

- The proposed development meets the intent of the Provincial Policy Statement, as it will contribute to the housing stock in the area and utilizes existing municipal infrastructure.
- The proposal meets the intent of the Growth Plan because the subject property is within an urban area and will aid in accommodating future residential growth within the urban area.
- The proposed development supports the policies within the Niagara Region Official Plan, as the subject property is located within the Built-Up Area of Niagara Falls, will offer additional housing, a mix of housing types and utilize existing municipal infrastructure.
- The proposed development is consistent with the City of Niagara Falls Official Plan Residential designation, as it will intensify the residential use of the property, increase the density, provide additional housing and a mix of housing types. Further, existing municipal infrastructure will be utilized.
- The proposed rezoning of the subject property from Development Holding (DH) to Site-Specific Residential 4 (R4) will permit the proposed development of six townhouse units and a semi-detached dwelling, which is supported by the planning policies analyzed in this Planning Justification Report. Site specific zoning requirements are as follows:
 - Addition of semi-detached dwelling as a permitted use in the R4 Zone
 - For the semi-detached dwelling, based on the requirements of the R3 zone for semi-detached dwellings a reduced exterior side yard setback from 3 m to 2 m
 - Reduced minimum lot area per townhouse unit from the required 250 m² to 239.43 m²
 - Reduced minimum side yard setback for townhouses from the required one-half the height of the building (4.61 m) to 1.2 m
 - Increased maximum lot coverage for townhouses from the maximum 35% to 39.22%

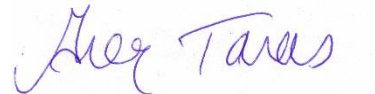
- Third-party modelling confirmed that there is sufficient municipal infrastructure to support the proposed development.

5.2 RECOMMENDATIONS

Based on the analysis presented in the Planning Justification Report, it is recommended that City of Niagara Falls Council approve the Zoning By-Law Amendment application to permit the proposed development of six townhouse units and a semi-detached dwelling at 3090 Montrose Road in the City of Niagara Falls.

Report Prepared By:

URBAN & ENVIRONMENTAL MANAGEMENT INC.

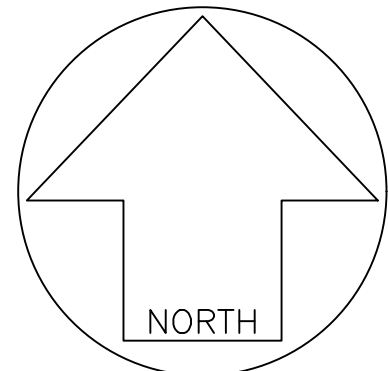


Greg Taras, RPP
Senior Planner

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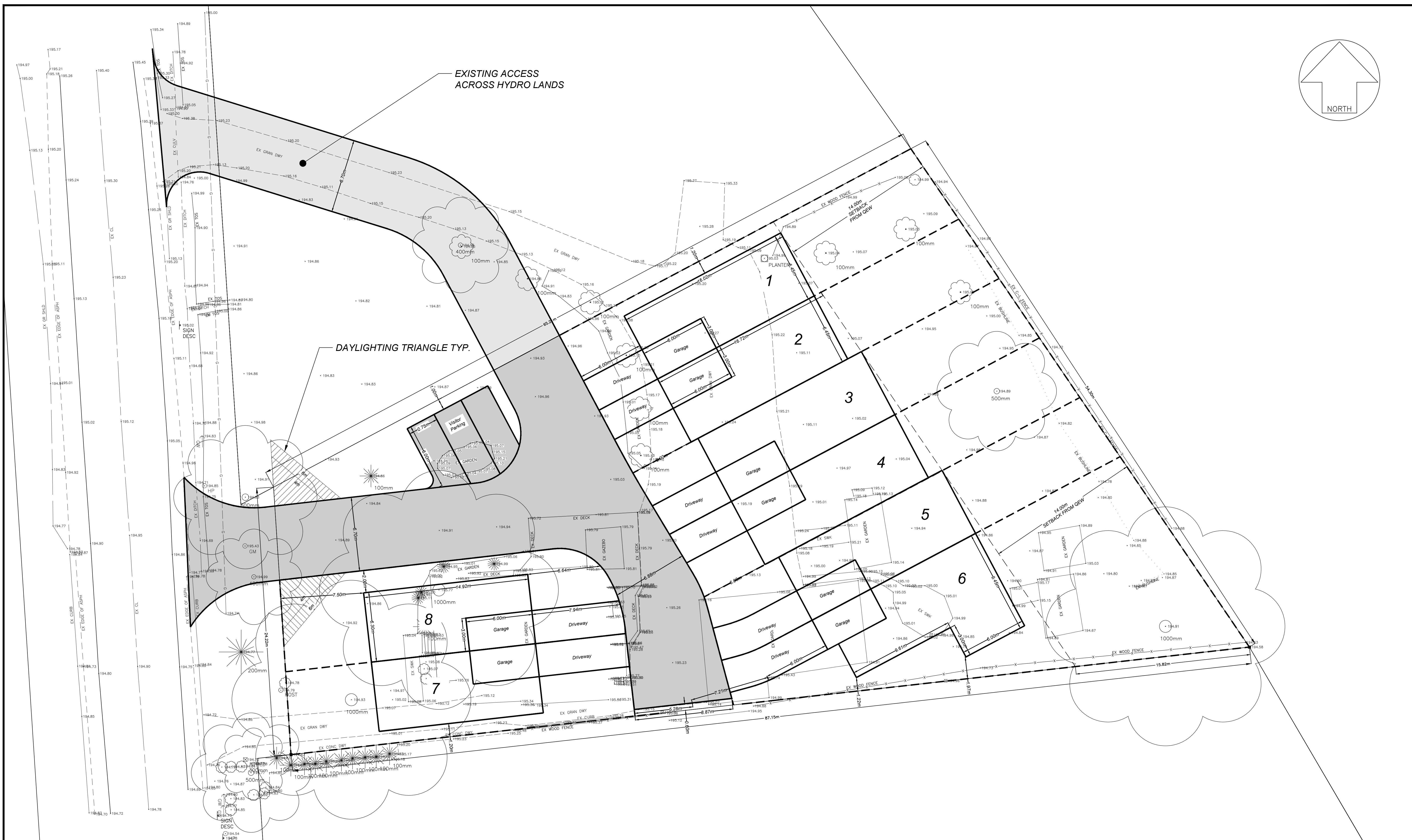
Appendix A

Conceptual Site Plan



EXISTING ACCESS
ACROSS HYDRO LANDS

DAYLIGHTING TRIANGLE TYP.



PROJ. NO. 21-219

No.	DATE	REVISION	BY	0
1	JUNE 6/23	FOR ZONING BYLAW AMENDMENT	JS	JS

NOTES
 1. The position of pole lines, conduits, watermain, sewers, and other underground and above ground utilities and structures is not necessarily shown on the contract drawings, and, where shown the accuracy of the position of such utilities and structures is not guaranteed. Before starting work, the contractor shall identify the exact location of all such utilities and structures and shall assume liability for damage to them.
 2. Check all dimensions and report any inconsistencies to the Engineer before proceeding with the work - DO NOT SCALE DRAWINGS.
 3. This drawing is an instrument of Professional Service and is intended for use only in connection with the project covered by the Engineering Agreement.
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VERIFY SCALE
 BAR IS 25mm ON ORIGINAL DRAWING.
 0 = 25mm
 IF NOT 25mm ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DSGN	JS	STAMP
DR	JS	
CHK	GT	
APVD	GT	

**3090 MONTROSE ROAD
SITE PLAN**

UEM No. 21-219
SCALE HORZ 1 : 150
DWG. No. 01
MUN. REF No. 00-00

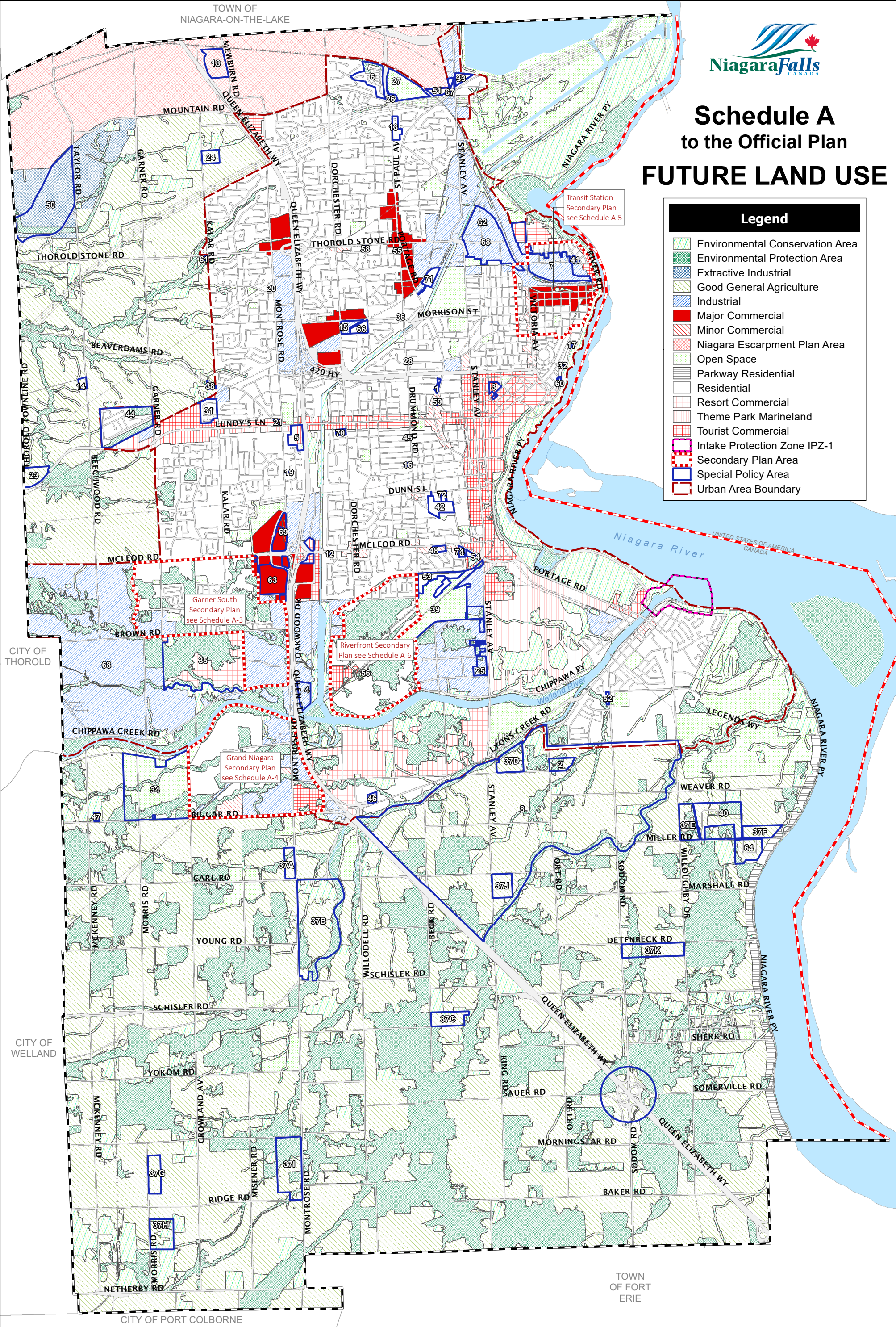
Appendix B

Official Plan Maps

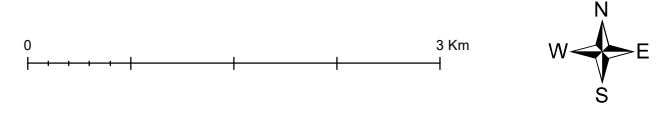
Schedule A to the Official Plan FUTURE LAND USE

Legend

-  Environmental Conservation Area
-  Environmental Protection Area
-  Extractive Industrial
-  Good General Agriculture
-  Industrial
-  Major Commercial
-  Minor Commercial
-  Niagara Escarpment Plan Area
-  Open Space
-  Parkway Residential
-  Residential
-  Resort Commercial
-  Tourist Commercial
-  Intake Protection Zone IPZ-1
-  Secondary Plan Area
-  Special Policy Area
-  Urban Area Boundary



NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993
UPDATED TO November 2019



Appendix C

Zoning By-law Maps

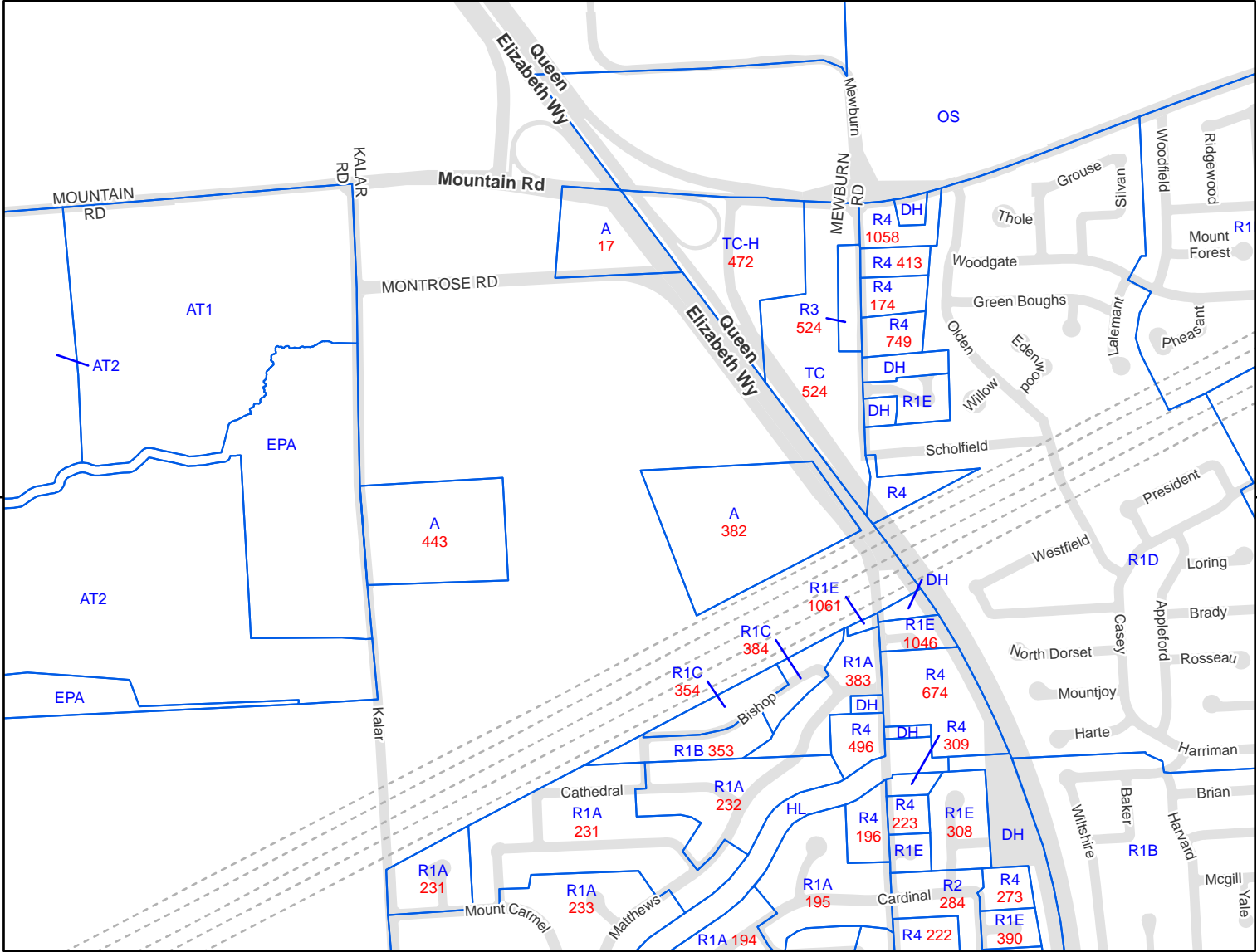
ZONING BY-LAW 79-200



— ZONE LINES

EXCEPTIONS & SPECIAL PROVISION NO.
SEE SECTION 19

- 97-51
- 98-96
- 06-130
- 09-003
- 16-063
- 19-055



A2

B1

B3

C2



CITY OF NIAGARA FALLS
Planning & Development Department



Scale 1:13,000

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CONSOLIDATION
DECEMBER 2022

SHEET B2