

# Planning Justification Report

Proposed Official Plan & Zoning By-law Amendments  
8004 Lundy's Lane  
Niagara Falls, ON



August 8, 2023



**Zelinka Priamo Ltd.**

LAND USE PLANNERS

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## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

On behalf of 11464957 Canada Inc. (the “Owner”), Zelinka Priamo Ltd. has submitted an application to the City of Niagara Falls for concurrent Official Plan and Zoning By-law Amendments to recognize the existing residential density of the previously-converted motel at 8004 Lundy's Lane (the “subject lands”).

In 2018, the former motel lands were rezoned by By-law No. 2018-120 from Tourist Commercial (TC) to Residential (R5C(H)-1078) to permit long-term residential tenancy. The Holding provision was later removed in 2021 following submissions by the previous owner of an Environmental Site Assessment and a Record of Site Condition to the satisfaction of the City.

At the time of the 2018 rezoning, the two motel buildings were proposed to be renovated to convert the 87 motel rooms into 52 dwelling units. Upon purchase of the lands by the Owner in March 2023, all 87 units were exclusively devoted to long-term tenancy. As discussed in this report, all existing units are rental units, approximately 61% of which are to continue to be provided at an affordable rate.

The purpose of this Report is to provide planning justification for the proposed Official Plan and Zoning By-law Amendments, which are to increase the permitted density on the subject lands to recognize all 87 residential units. No physical development, other than cosmetic site enhancements, is proposed in association with the amendments.

A Concept Plan included with this submission illustrates the proposed site modifications to address applicable zoning standards and Staff comments. A future Site Plan Approval application will be submitted to the City at the appropriate time to facilitate proposed reconfigurations to the parking and amenity areas, as no development agreement is known to be registered on title.

Niagara Falls has acknowledged the ongoing housing affordability and supply crisis, and has pledged to support the construction of 8,000 new housing units in the City by 2031. This report concludes that the proposed amendments are appropriate to consider for the subject lands, as they recognize the existing conditions and ensure that the affordable residential use can continue at the existing density into the long-term.

## 1.2 DESCRIPTION OF THE SUBJECT LANDS

The subject lands front onto the south side of Lundy's Lane between Kalar Road and Montrose Road, and are approximately 1km west of the QEW, a 400-series highway. The subject lands have a frontage of approximately 70.74m along Lundy's Lane, a depth of approximately 75.78m, and an area of approximately 0.52 ha.

Figure 1: Labelled aerial of the subject lands



Figure 1 provides an overview of the existing site layout. The site is occupied by two 2-storey apartment buildings, and an internal parking area. The large U-shaped building ("Building B") accommodates 69 units, and the small central building ("Building A") accommodates 18 units and one shared kitchen facility per floor.

There are currently 64 parking spaces on the site, several of which are devoted to outdoor waste storage bins for private pick-up (Figure 1).

The concrete/gravelled pad surrounded by the parking area (formerly an in-ground swimming pool) has several small gazebo-like structures at the corners of the central pad to provide some covered outdoor gathering space (Figure 1).



### 1.3 SURROUNDING CONTEXT

Figure 2: Surrounding land uses within 500 metres



The subject lands form part of the Lundy's Lane Tourist District, which functions primarily as a small-scale commercial corridor. Several tourist accommodations continue to exist in the immediate area.

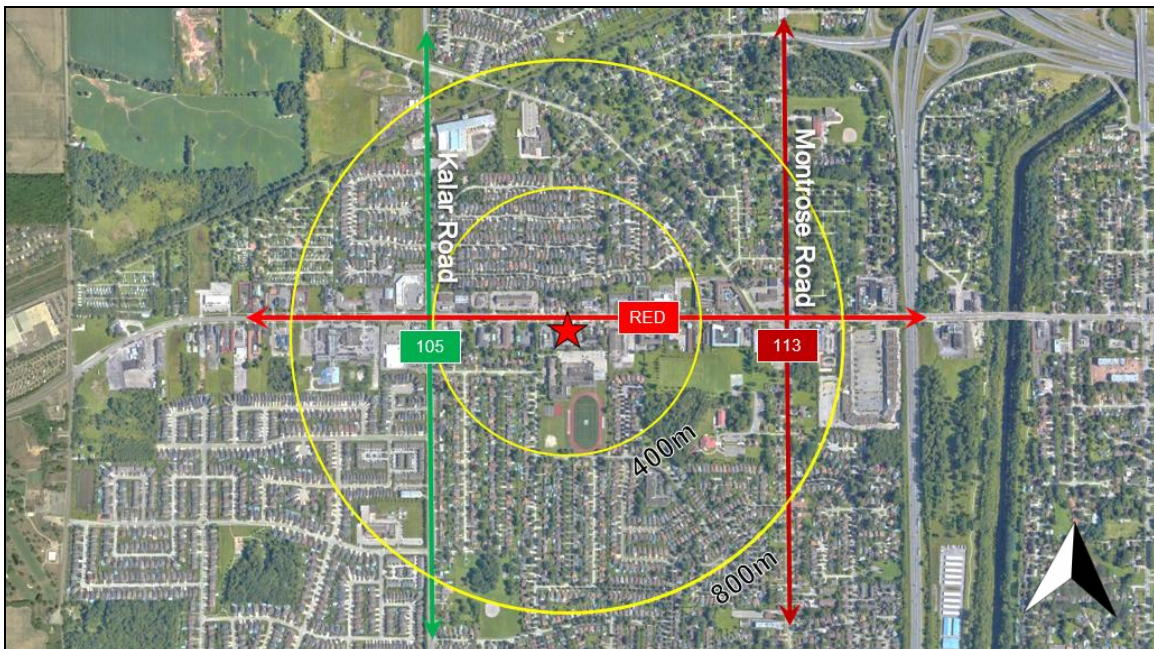
As shown in Figure Figure 2, notable land uses within 500 metres include:

1. Spiga D'oro Plaza – commercial service/retail;
2. Howard Johnson and Villager Lodge – hotel/motel accommodations;
3. Commercial service/retail (strip plaza anchored by Esso gas bar);
4. Orchard Grove Plaza – commercial plaza, including YMCA Employment Services, and a variety of health services;
5. A-1 Inn and Falcon Inn – hotel/motel accommodations;
6. Cataract Bowl – recreation entertainment;

7. Lundy Manor Retirement Residence – assisted living and retirement facility;
8. Commercial plazas and stand-alone structures – including Gulf gas bar and Tim Hortons;
9. Westlane Secondary School – public high school abutting the southern lot line;
10. FreshCo – grocery store; and
11. Petro Canada gas bar and City South Pizza – new commercial uses on the former Aston Villa Motel lands (demolished c. 2017).

As shown in Figure 3, the subject lands are accessible by Niagara Region Transit Route 105 (Lundy's Lane at Kalar Road), Route 113 (Lundy's Lane at Montrose Road), and the WEGO Red Line along Lundy's Lane (east and westbound stops within approx. 150 metres). Niagara Region Transit further offers specialized transit services for riders with accessibility needs.

**Figure 3: Existing transit services within 400-800 metres**



## **1.4 PRE-CONSULTATION**

An initial Pre-Consultation Meeting was held on October 6<sup>th</sup>, 2022 to discuss the proposed amendments, at which Staff and agency comments were shared. A list of submission requirements was later provided. A second checklist dated April 6, 2023 was issued with additional comments.

As per correspondence from Staff dated May 30, 2023, a Tree Survey Plan is not required for this application, as no changes to existing landscaped areas or trees are proposed. Staff additionally revised the scope of the civil engineering requirements for the OPA/ZBA and SPA stages in correspondence dated July 20, 2023. A Municipal Servicing Brief and Stormwater Management Plan are not required for a complete application.

## **2.0 THE PROPOSAL**

The proposal is to increase the permitted density of the two repurposed motel buildings so as to legalize the existing density of 166 units per hectare ("UPH"), or 87 units, on the subject lands. No significant external alterations are proposed for the two existing buildings, and no construction of any buildings or structures is proposed to occur.

A future site plan approval application will be submitted at the appropriate time to facilitate changes to the parking and amenity areas. Future building permits may also be required for internal renovations, as needed.

The parking is proposed to be reduced from 64 spaces to 57 spaces in order to meet minimum drive aisle widths and other safety-related parking provisions. A 12-metre radius fire route is to be provided through the parking area. To facilitate these changes, the central pad is proposed to be narrowed to allow for safe drive aisle widths. The central pad is also proposed to be surfaced for a common amenity area.

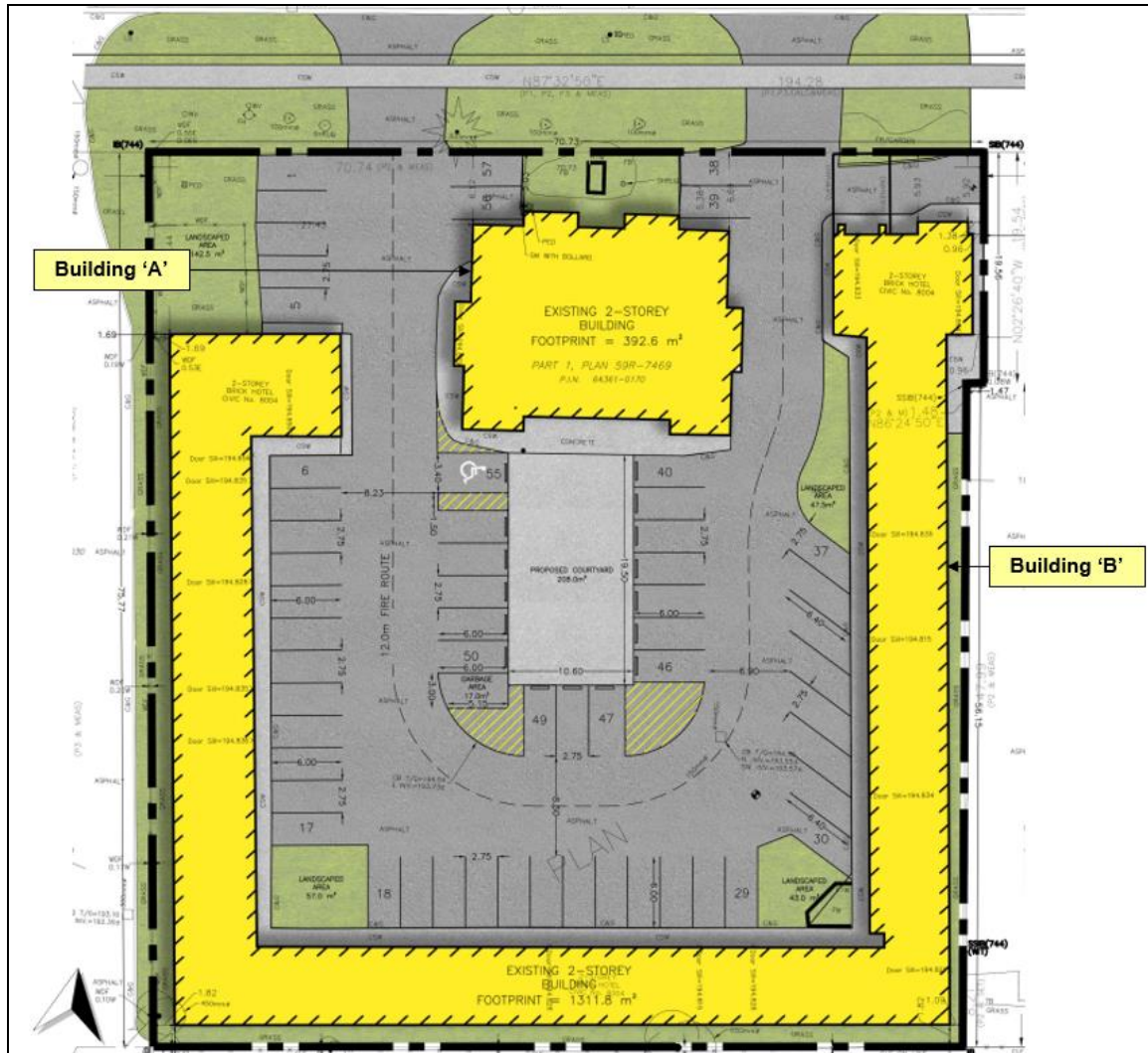
Garbage storage is proposed to be permanently located in a dedicated area within the parking field adjacent to the pad.

An approximate total 300 sq. m of amenity space is proposed on the subject lands by combination of an enhanced outdoor courtyard, and new common amenity rooms in the



basement level of Building A. For details, please refer to the enclosed Site Plan and Floor Plans.

Figure 4: Site Plan (excerpt)



## 2.1 PROPOSED OFFICIAL PLAN AMENDMENT

A draft Official Plan Amendment (“OPA”) for the subject lands is attached to this Report at **Appendix B**. The OPA seeks to redesignate the lands from “Lundy’s Lane Satellite District” to “Residential,” with a “Special Policy Area” overlay to permit a net residential density in excess of 100 UPH.

The details and rationale for the amendment are provided in Section 4.4.2 of this report.



## **2.2 PROPOSED ZONING BY-LAW AMENDMENT**

A draft Zoning By-law Amendment for the subject lands is attached to this Report at **Appendix C**. The proposed Zoning By-law Amendment (“ZBA”) seeks to rezone the subject lands from “Residential Apartment 5C (R5C-1078)” to “Residential Apartment 5F (R5F-XXXX)”.

The proposed site-specific standards of the R5F-XXXX zone are to recognise the existing buildings on the subject lands with respect to setbacks and landscaped areas, as well as to seek relief from new performance standards introduced since the initial rezoning to Residential in 2018.

The details and rationale of the site-specific provisions sought are provided in Section 4.5.1 of this report.

## **3.0 SUPPORTING SUBMISSION MATERIALS**

This Report and application are supported by additional submission materials, as outlined below. The supporting submission materials meet the requirements identified in the Pre-Consultation Meeting.

As per subsequent correspondence and discussions with Staff, the requirements for a Tree Survey Plan, Municipal Servicing Report, and Stormwater Management Plan are to be deferred to a later stage in the planning process.

### **3.1 PARKING STUDY**

A Parking Impact Study, dated August 2023, was prepared by Paradigm Transportation Solutions to assess the parking needs for the subject lands. Based on field observations of the current parking utilization, the Study concludes that sufficient parking is provided to serve the 87 rental dwelling units.

### **3.2 FLOOR/UNIT PLANS**

Floor and Unit Plans for the existing buildings have been prepared by LLA Architecture in support of the application. As per discussions with Staff, the proposed Unit Plans have been prepared to demonstrate how kitchens will be accommodated in the Building A units to meet the definition of a “dwelling unit.”

## **4.0 POLICY ANALYSIS**

### **4.1 PROVINCIAL POLICY STATEMENT**

The Provincial Policy Statement (“PPS”), issued under the authority of Section 3 of the Planning Act, provides guidance and direction to planning authorities on matters of provincial interest in the consideration of land use in order to ensure efficient development and the protection of resources. All planning applications, including applications for Official Plan and Zoning By-law Amendments, are required to be consistent with the PPS.

The proposal is consistent with the PPS for the following reasons:

- The existing high-density residential development makes efficient use of land, resources, services, and infrastructure (1.1.1.a, 1.1.1.c, 1.1.1.d, 1.1.1.e, 1.1.3.2.a, 1.1.3.2.f)
- The existing development contributes to the overall range and stock of dwelling units in the City, with a significant portion of units being provided at an affordable rate in an area with demonstrated core housing needs (1.1.1.b, 1.4.1, 1.4.3.a)
- The proposed amendments simply seek to recognize the existing intensity of use on the subject lands to maintain the existing housing supply and protect for long-term residential use, which is supported by market demand (1.1.1.a., 1.1.1.b, 1.1.1.e).

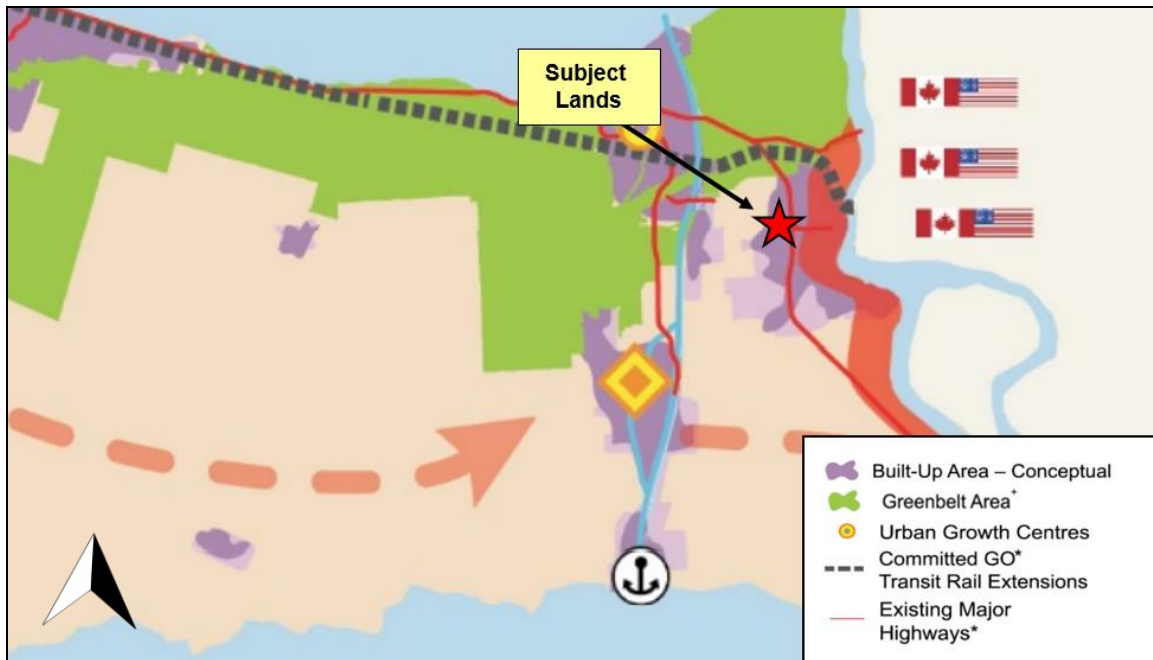
### **4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) was approved and modified by the Province, and took effect on May 16, 2019. Amendment 1 to the Growth Plan took effect August 28, 2020. All decisions that affect planning matters are to conform to the policies of the Growth Plan.

On Schedule 2 – A Place to Grow Concept, the subject lands are located within the “Built-Up Area – Conceptual” (Figure 5). As per Section 2.2.1.2(c), the Growth Plan directs the vast majority of growth to occur within the built-up boundary of settlement areas, on lands within proximity to existing/planned transit, and in areas served by public

service facilities. The subject lands are within walking distance of multiple bus routes (Figure 3), and are within an established area, thereby making efficient use of existing public infrastructure and services.

**Figure 5: Growth Plan Schedule 2 - A Place to Grow Concept (excerpt)**



### 4.3 NIAGARA OFFICIAL PLAN

The Niagara Official Plan ("ROP"), effective November 4, 2022, provides policy direction regarding land use and development for local municipalities across the Region, including the City of Niagara Falls.

Figure 6: Niagara Official Plan Schedule B - Regional Structure (excerpt)



Schedule B – Regional Structure identifies the subject lands as being within the Delineated Built-Up Area (Figure 6). These areas are to accommodate residential intensification in the Region in a manner that makes efficient use of land, resources, and infrastructure investments (s. 2.1.1.1).

The residential use occurring on the subject lands is an efficient reuse of existing buildings and public infrastructure by having repurposed the former motel to provide affordable housing units, and by being supported by nearby amenities and transit routes. The proposed amendments, therefore, conform to the objectives of the ROP and Built-Up Area designation.

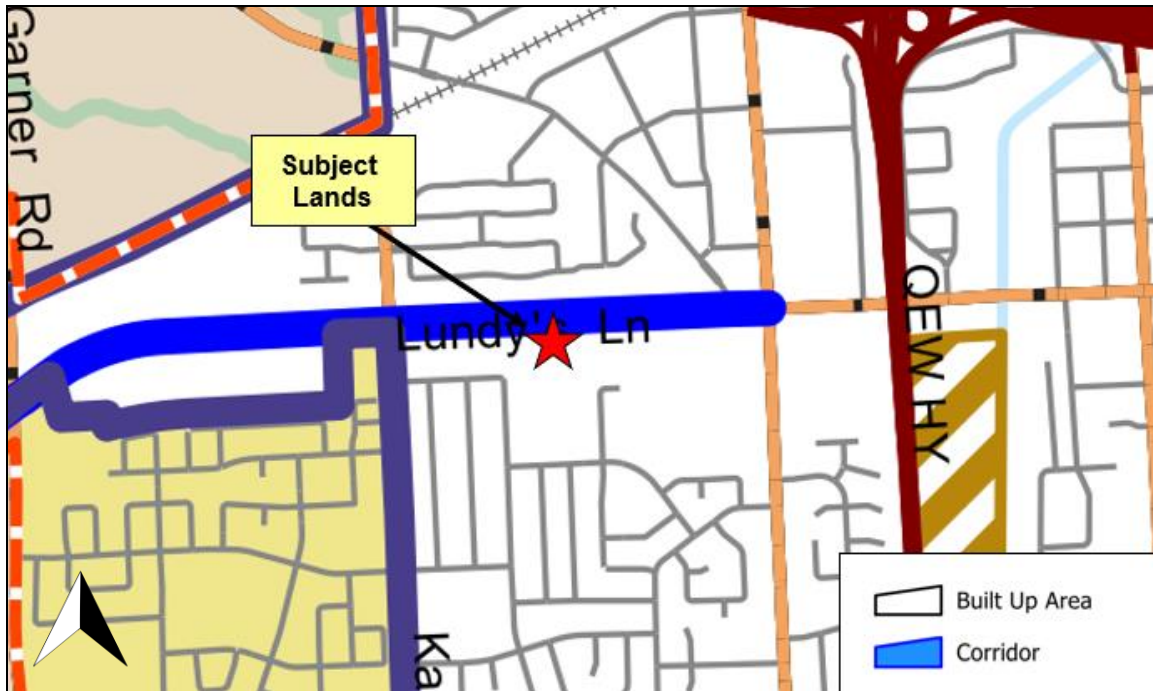
#### 4.4 NIAGARA FALLS OFFICIAL PLAN

The City of Niagara Falls Official Plan (“OP”) outlines the long-term objectives and policies of the City with respect to growth and development.

As per “Schedule A2 - Urban Structure Plan,” the subject lands are within the “Built-up Area” (Figure 7). The subject lands front onto a portion of Lundy’s Lane identified as a Corridor, which forms a part of the identified growth structure of the City.



Figure 7: Excerpt of Schedule A-2 - Urban Structure of Niagara Falls OP



The growth objectives for Built Up Areas provided by the OP include the following as they relate to the proposed development:

- To direct growth to the urban area and away from non-urban areas; and
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.

Lundy's Lane is further identified as an arterial road, on Schedule C of the OP (Figure 8). In Part 2, Section 1.5.15.(iii), the OP generally directs higher residential densities to occur along arterial roads with existing or planned transit.

Figure 8: Excerpt of Schedule C – Major Roads Plan of Niagara Falls OP



#### 4.4.1 Existing Designation

On “Schedule A - Future Land Use,” the subject lands are designated “Tourist Commercial” (Figure 9). Tourist Commercial areas are further identified on “Schedule E – Tourism Map” by district, identifying the subject lands as part of the Lundy’s Lane Satellite District (Figure 10).

Figure 9: Excerpt of Schedule A - Future Land Use Plan of Niagara Falls OP

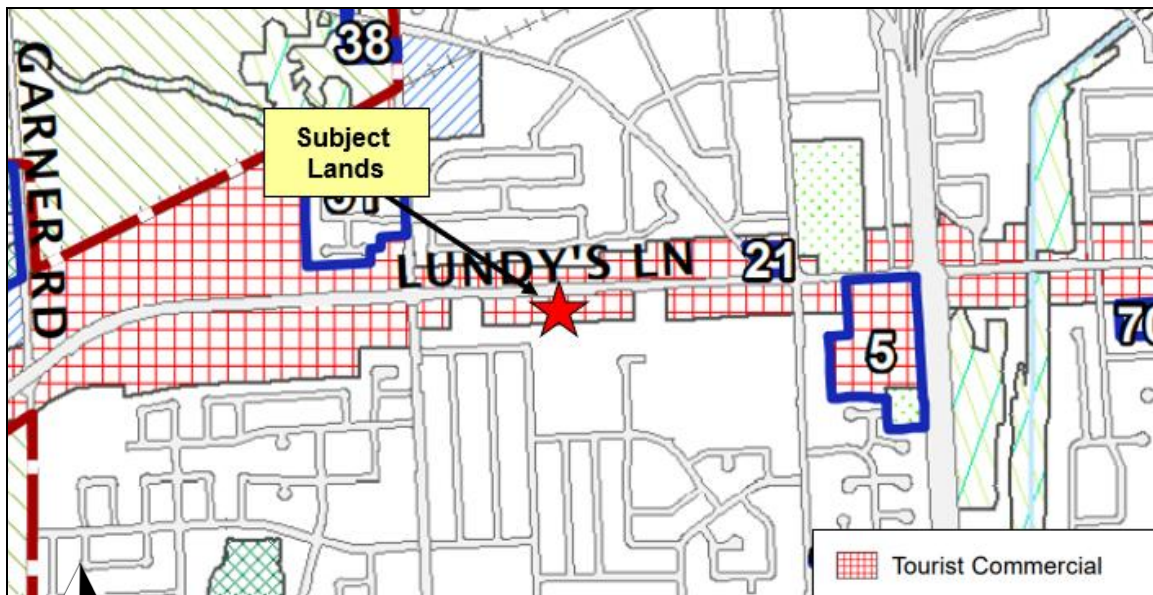
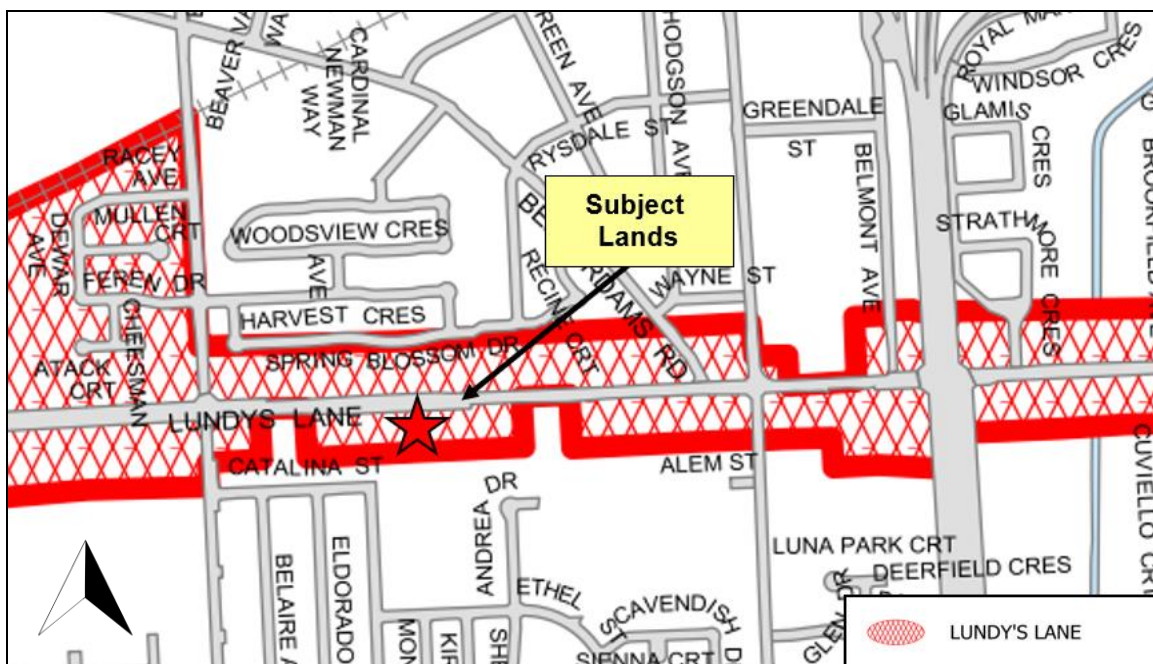


Figure 10: Excerpt of Schedule E – Tourism Map of Niagara Falls OP



While Tourist Commercial areas are largely intended to serve as commercial corridors, Part 2, Section 4.2.9 identifies residential uses as being permitted within the Tourist Commercial designation to “assist in creating a complete community.” Part 2, Section 4.2.31(c) specifically identifies a maximum net residential density of 100 UPH within the

Lundy's Lane Satellite District, which is the same maximum density as Niagara Falls' general residential development policies.

An Official Plan Amendment is, therefore, required in order to recognise the existing density of the lands, which exceeds 100 UPH.

#### **4.4.2 Proposed Amendment**

The proposed Official Plan Amendment seeks to redesignate the subject lands from "Tourist Commercial" to "Residential" in order to reflect the existing use of the site, and to guide potential future redevelopment over the long-term. A Special Policy Area is further proposed to reflect the site-specific density. While the Lundy's Lane Tourist District does contemplate residential uses to occur within the designation, this policy change is intended to reflect the existing conditions of the site, recognizing the demand for lower-cost housing in the area.

The following Residential land use policies found in Part 2 of the OP are applicable to the subject lands:

*1.8 All residential development shall require proper and adequate municipal services.*

The buildings are serviced by existing municipal infrastructure, and the intensity of use on the lands is not proposed to be changed.

*1.10 Affordable housing is to be provided within the Built-up Area and Greenfield Area.*

The existing development provides rental units, 61% of which are leased at affordable rates. See Section 5.2 of this report for details on housing affordability.

*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 residential use and structures are existing. There is no impact to the character of the area.



*1.15.3 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 [sic] groups, household sizes and incomes.*

The existing rental development contributes to the range of housing types and sizes geared toward low-income households by providing 61% of units at affordable rates. The remaining units are to be provided at market rents.

*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 residential use makes efficient reuse of the former motel development on the subject lands in a manner that responds to the current housing needs of the area. The proposed amendments are intended to allow the affordable residential use to continue into the long-term.

The adaptive reuse of the subject lands for residential purposes was approved by Council in 2018 for a density of 100 UPH. The proposed amendments simply seek to recognize the more efficient use of the lands that is being provided.

It is evident that the subject lands no longer function as a tourist-oriented use, but rather are fulfilling core housing needs for low-income households. As the market has established a demand for this use, and as there are no undue adverse impacts anticipated by recognising the existing density on the subject lands, the proposal conforms to the housing and compatibility objectives of the OP.

#### 4.5 CITY OF NIAGARA FALLS ZONING BY-LAW 79-200, AS AMENDED

The subject lands are zoned Residential Apartment 5C (R5C-1078) which permits apartment uses with a minimum lot area of 100 square metres per unit. In the case of the subject lands, this equates to 52 units (100 UPH). The site-specific provisions were approved by Council in 2018 to recognise the existing buildings on the subject lands.

##### 4.5.1 Proposed Zone

To recognize the existing density of the subject lands, a Zoning By-law Amendment is proposed to rezone the lands to a site-specific Residential Apartment 5F (R5F-XXXX) zone, which requires a minimum lot area of 57 square metres per unit (up to 92 units on the subject lands, or 175 UPH). See **Appendix C** for the proposed draft Zoning By-law Amendment.

**Table 1: Zoning review**

Provision	Required (R5F)	Existing	Meets
Lot Area (min)	4,959m <sup>2</sup> (57m <sup>2</sup> per unit)	5252m <sup>2</sup> (60.4m <sup>2</sup> per unit)	Y
Lot Frontage (min)	45m	70.73m	Y
Front Yard (min)	7.5m + 13.1m from CL	5.03m + 18.8m from CL	N
Rear Yard (min)	10m	1.82m	N
Int. Side Yard (min) (E)	1.85m	0.95m	N
Int. Side Yard (min) (W)	1.85m	1.69m	N
Lot Coverage (max)	30%	32.5%	N
Building Height (max)	28m	7.4m	Y
Apartment Buildings (max)	1 building	2 buildings	N
Provision	Required (R5F)	Proposed Site Modifications	
Landscaped Open Space (min)	55%	16%	N
Parking (min)	122 spaces (1.4 per unit)	57 spaces (0.66 per unit)	N
Minimum Parking Size	2.75m x 6.0m	2.75m x 6.0m	Y
Accessible Parking (min)	1 space	1 space	Y
Amenity Area (min)	1,740m <sup>2</sup> (20m <sup>2</sup> per unit)	299.22m <sup>2</sup> (3.4m <sup>2</sup> per unit)	N

The following is an analysis of the proposed site-specific zoning standards which are proposed to reflect the existing conditions:

- A minimum front yard depth of 5.0m
  - The requested relief is technical in nature to recognise the location of Building A relative to the front lot line. This is an existing condition.
- A minimum rear yard depth of 1.80m
  - The requested relief is technical in nature to recognise the design of Building B. There are no noted compatibility concerns between the adjacent Westland Secondary School at the southern lot line.
- A minimum interior side yard width of 0.90m
  - The requested relief is technical in nature to recognise the existing conditions. There are no noted compatibility concerns between the adjacent motel and retail uses to the east and west respectively.
- A maximum lot coverage of 33%
  - The requested relief is technical in nature to recognise the existing conditions. No new physical development is proposed.
- Two apartment dwellings on one lot
  - The requested relief is technical in nature to recognise the existing buildings. Relief from this provision will allow all residential units to maintain tenancy in both buildings and contribute to the City's overall stock of rental units.
- A parking rate of 0.66 spaces per unit
  - The existing parking configuration with 64 spaces provides insufficient space for safe manoeuvring, including for emergency vehicles. The proposed parking layout improves upon the existing condition from a health and safety perspective.
  - The Parking Study found that the parking lot has a low utilisation rate, and can the parking needs of the residential use can continue to be met with the modest reduction in available spaces on-site.
- A minimum landscaped open space coverage of 15%
  - The site plan proposes to incorporate new areas of landscaped open space in the parking area, maximizing the available opportunities to expand the amount of landscaped area on the site.
- A minimum amenity area of 290 square metres

- The proposed site plan maximizes the available opportunities to incorporate amenity space on the developed site.
- The proposal improves upon the existing condition by enhancing the existing courtyard amenity space, and providing two new common amenity areas in the basement of Building A.

## 5.0 ADDITIONAL PLANNING CONSIDERATIONS

This Report has identified and addressed the relevant current planning policy and regulatory framework in Section 4 of this Report. The following section analyzes several themes identified through the planning assessment of the proposed redevelopment of the subject lands.

### 5.1 LUNDY'S LANE COMMUNITY IMPROVEMENT AREA

The Lundy's Lane Community Improvement Area ("CIP") and associated Urban Design Guidelines provide the framework to support the long-term vision for the Lundy's Lane corridor as a mixed-use corridor. The site's initial conversion to residential use is supported by Section 2.1, which identifies the following critical needs for the corridor:

*"2.1.1 Aesthetics and building maintenance: Some of the buildings within the Lundy's Lane study area would benefit from aesthetic improvements, including façade and signage improvements. As Lundy's Lane functions in part as a gateway to Niagara Falls and its tourism corridor, a high quality of aesthetics is important. However, the impact and benefit of façade improvements are more critical for buildings located close to the sidewalk where they are more publicly visible and therefore more impactful on the image of Lundy's Lane.*

*"2.1.6 Mix of uses: Lundy's Lane is principally a commercial corridor. However, the corridor would benefit from the introduction of residential uses as is contemplated by the Official Plan west of Montrose Road (an intensification corridor). ... "*

While the buildings were already approved for reuse in 2018, as encouraged by the CIP, the proposed recognition of the existing intensity of residential use will contribute to the overall intensification and housing goals of the corridor and broader area over the long-



term. Façade improvements may be contemplated by the Owner at a later stage, particularly for Building A, as it is situated close to the public right-of-way.

## 5.2 HOUSING AFFORDABILITY

On January 17<sup>th</sup>, 2023, Niagara Falls Council adopted OPA 149 to introduce new affordable housing policies, with the goal of achieving an annual target of 40% of all new dwelling units to be affordable. Niagara Region's Affordable Housing Strategy acknowledges that that of the 26,000 households in the Region in need of affordable housing, 83% of those in need are one-person households.

Out of the 87 units currently operating on site, 53 units (approx. 61%) are leased at an affordable rate, as defined by CMHC guidelines, meaning rent that is no greater than 30% of the median renter income. The affordable units provided are primarily studio apartments, which are best suited for one-person households. A summary of the median renter income for the St Catharines – Niagara Census Metropolitan Area ("CMA") is provided in Table 2.

**Table 2: Affordable rates summary**

<b>Median Renter Household Income for St Catharines – Niagara CMA<sup>1</sup></b>	<b>30% of Average Renter Monthly Gross Income</b>	<b>Rental Rate on Subject Lands (2023)</b>	<b>Units</b>
\$41,900	\$1,047.50	Approx. \$750.00 - \$1,045.00	52 Studios 1 1-bedroom
<b>TOTAL: 53 Units (60.9%)</b>			

The owner intends to maintain the units as affordable for a minimum of 10 years, with the intention to extend the period at which new leases will be offered at affordable rates.

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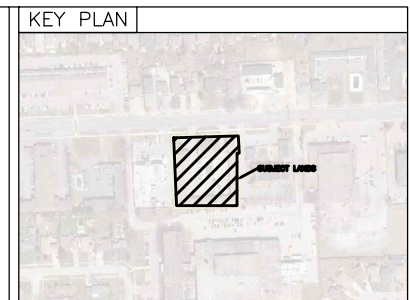
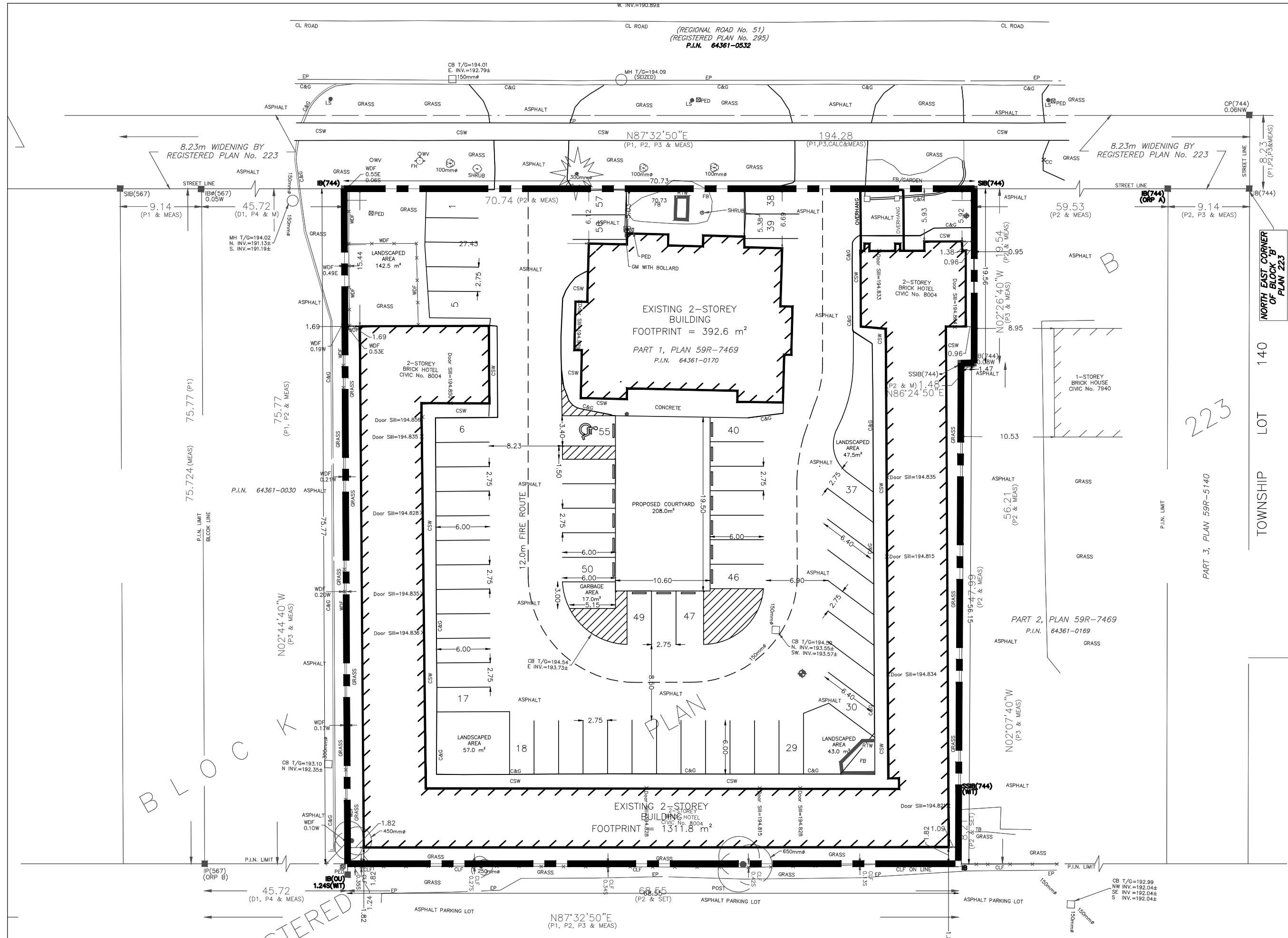
<sup>1</sup> "Real Median Total Household Income (Before Taxes), Renter Houser Households, Canada, Provinces, and Selected Metropolitan Areas, 2019." Retrieved from CMHC: [Link](#)

## 6.0 CONCLUSIONS

Given the findings of this Report and the supporting materials, it is concluded that the subject lands are well suited for the proposed residential development. The proposal is consistent with and conforms to the applicable provincial and municipal land use planning policies, and represents good land use planning as follows:

- The development contributes to the City's affordable housing stock in an area with a high demand for affordable housing options, and is supported by nearby amenities and transit routes.
- The proposed development is consistent with the Provincial Policy Statement, and conforms with the intent of the policies outlined in the Growth Plan, Niagara Region Official Plan and the City of Niagara Falls Official Plan.
- The Niagara Falls Official Plan and local Community Improvement Plan contemplates some residential uses to occur along the Lundy's Lane corridor. The subject lands were rezoned for residential purposes in 2018; and no compatibility concerns are known to be present. The proposed amendments are to recognize the more efficient use of the lands and buildings (166 UPH), and reflect the existing conditions of the development.
- The proposed amendments will not impact the character of the surrounding area, as no significant physical development is proposed.
- The subject lands provide a significant amount of affordable housing. The proposed amendments are appropriate and desirable to protect for the long-term residential use of the lands.

## **APPENDIX A**



**SITE PLAN**  
OF  
PLAN 223 PT BLK B  
PT LOT 140

CITY OF NIAGARA FALLS  
REGIONAL MUNICIPALITY OF NIAGARA

SITE STATISTICS  
EXISTING ZONE: R5C-1078  
PROPOSED ZONE: R5F-XXXX

	REQUIRED	PROPOSED
LOT AREA*	4959 m <sup>2</sup>	5252.8 m <sup>2</sup>
LOT FRONTAGE	45.0 m	70.73 m
LOT DEPTH	30.0 m	75.70 m
FRONT YARD	7.5 m	5.03 m
REAR YARD	10.0 m	1.82 m
INT. SIDEYARD (E)	1.85 m	0.95 m
INT. SIDEYARD (W)	1.85 m	1.69 m
COVERAGE (MAX)	30%	32%
LANDSCAPED AREA	55%	16%
HEIGHT (MAX)	28.0 m	7.40 m
PARKING	1.4 SPACES PER UNIT	57
UNITS (MAX)	92	87
AMENITY AREA**	20 m <sup>2</sup> PER UNIT	310.22 m <sup>2</sup>

\*SEE SECTION 7.12.2 CITY OF NIAGARA FALLS ZONING BY-LAW FOR THE MINIMUM LOT AREA REQUIREMENTS FOR THE R5F ZONE

\*\* SEE SECTION 4.42.1 CITY OF NIAGARA FALLS ZONING BY-LAW (ZBA 2022-095) FOR THE MINIMUM REQUIRED AMENITY SPACE FOR THE R5F ZONE

NO.	REVISION	DATE	INITIAL

BLUEVALE CAPITAL  
8004 LUNDY'S LANE



318 Wellington Road, London, Ontario N6C 4P4  
Tel: (519) 474-7137 Fax: (519) 474-2284 email: zp@zpln.com

DRAWN BY: CM PROJECT NO.: BLV/NIA/22-01  
DATE: JULY 2023 SCALE: 1:100

## **APPENDIX B**



**AMENDMENT NO. XXX**  
**TO THE**  
**CITY OF NIAGARA FALLS**  
**OFFICIAL PLAN**

**DRAFT**

**CITY OF NIAGARA FALLS**

**By-law No. 2023-**

A by-law to provide for the adoption of Amendment No. XXX to the City of Niagara Falls Official Plan.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACTS AS FOLLOWS:**

1 Amendment No. XXX to the City of Niagara Falls Official Plan, consisting of the attached text and map, is hereby adopted.

Read a First, Second and Third time, passed, signed and sealed in open Council this XX day of XXXX, 2023.

.....  
CITY CLERK

.....  
MAYOR

## OFFICIAL PLAN AMENDMENT NO. XXX

### PART 1 – PREAMBLE:

(i) **Purpose of the Amendment:**

The purpose of this Amendment is to redesignate the subject lands from Tourist Commercial to Residential, and increase the permitted net density to maintain the existing dwelling units.

(ii) **Location of the Amendment:**

The subject lands are located on the south side of Lundy's Lane between Montrose Road and Kalar Road, west of the Queen Elizabeth Way, and east of the Welland Canal.

The lands are legally described as Part of Block B, M-Plan 223, former Township of Stamford; Part 1, 59R-7469, City of Niagara Falls, Regional Municipality of Niagara.

The lands subject to this amendment are shown more specifically on the Location Map in Part 3 – Appendix.

(iii) **Details of the Amendment:**

**Map Changes**

- Schedule A – Land Use of the Official Plan is amended by:
  - Adding a new Special Policy Area “XX” to the subject lands.

**Text Change**

The Amendment adds a new subsection to PART 2, SECTION 13 – SPECIAL POLICY AREAS to create a new Special Policy Area XX, which recognizes the existing residential net density.

(iv) **Basis of the Amendment:**

The lands affected by this Amendment are presently designated Tourist Commercial by the City of Niagara Official Plan in recognition of their location within the Lundy's Lane tourism corridor. In recognition of changes to market demand and the existing function of the subject lands, the lands are proposed to be designated Residential.

The Amendment recognizes the existing residential density of 166 units per hectare (“UPH”). No physical development is proposed to occur. The purpose of this Amendment is to reflect the existing conditions and protect for long-term residential use.

The lands affected by this Amendment were initially developed c. 1965 to provide short-term motel accommodations. The subject lands no longer function as a tourist-oriented use, but rather are fulfilling core housing needs for low-income households by providing rental units, 61% of which are affordable.

The existing net density of 166 UPH is reflective of an efficient use of land, resources, and services, as directed by the applicable planning framework. The Amendment supports the intent of Provincial policies, including the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, by making efficient reuse of existing structures to facilitate residential intensification within a built-up area.

The full basis for this Amendment has been set out in the Planning Justification Report and related supplementary reports submitted in support of this Amendment.

## **PART 2 – BODY OF THE AMENDMENT**

All of this part of the document entitled “PART 2 – BODY OF THE AMENDMENT”, consisting of the Text Changes, constitutes Amendment Number XXX to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

**The Official Plan of the City of Niagara Falls is hereby amended as follows:**

#### **1. Map Changes**

- (i) SCHEDULE A – FUTURE LAND USE to the Official Plan is amended by identifying as “Special Policy Area XX” the lands shown as “Area Affected by this Amendment” on Schedule 1, attached hereto and forming part of this Amendment.
- (ii) SCHEDULE 3 – TOURISM DISTRICTS to the Official Plan is amended by removing the lands from the Lundy’s Lane Tourism District satellite district boundary.

#### **2. Text Changes**

PART 2, SECTION 13 – LAND USE POLICIES is hereby amended by adding the following subsection:

“13.XX

Special Policy Area “XX” applies to 0.52 hectares of land located on the south side of Lundy’s Lane, between Kalar Road and Montrose Road. The land is designated Residential on Schedule “A” of the Official Plan. Notwithstanding Part 2, Section 1.15.5(iii), the land is permitted to be used for residential purposes with a maximum net density of 166 units per hectare.”



## PART 3 – APPENDIX

The following appendix does not constitute part of this Amendment and is included for information purposes only.

### 1. LOCATION MAP

The Location Map, which shows the location of those parts of the subject lands being affected by this Amendment, is attached hereto for information purposes only.

### LOCATION MAP

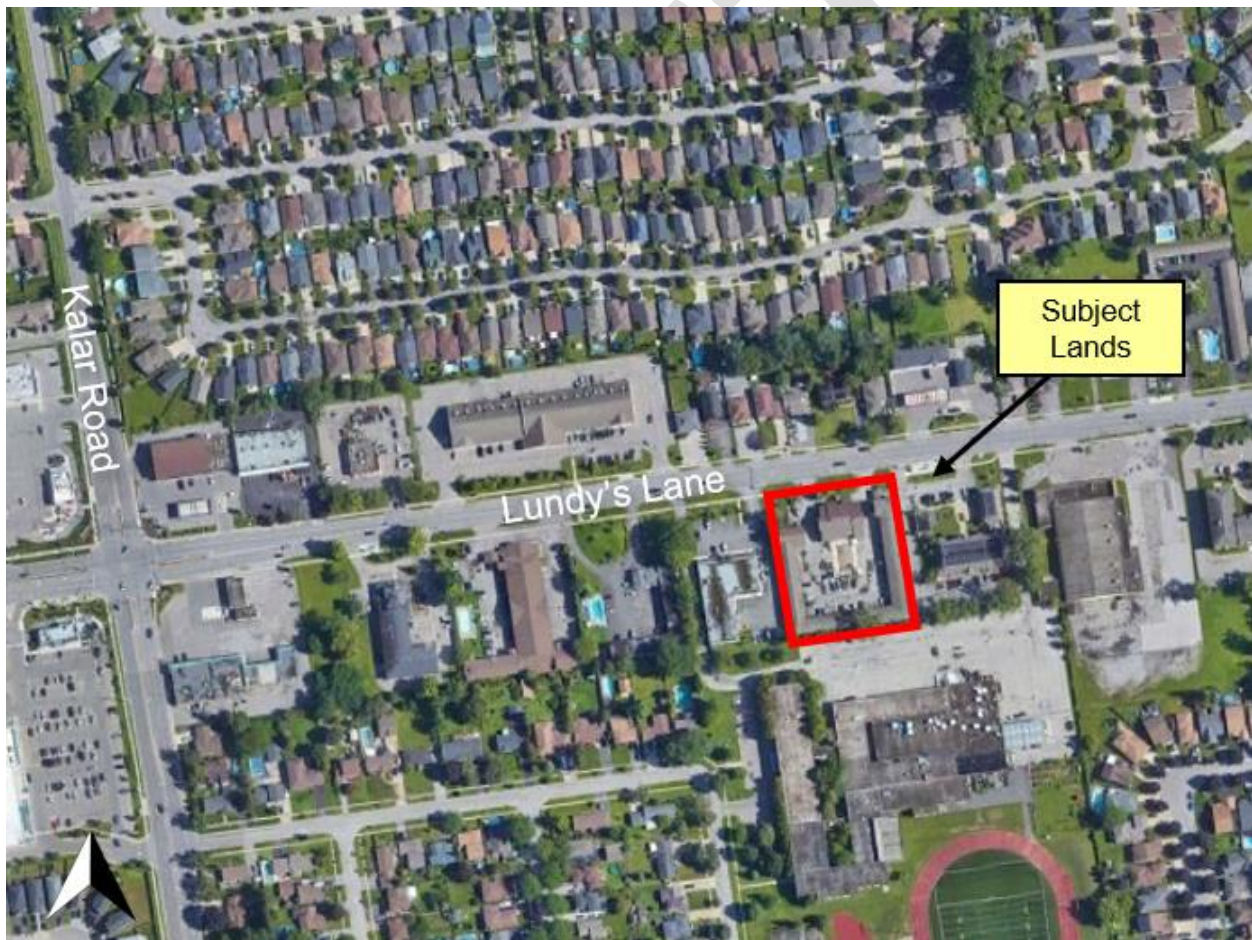


Figure 1. NTS. Boundaries are approximate.

## **APPENDIX C**

**CITY OF NIAGARA FALLS**

**By-law No. 2023-\_\_\_**

A by-law to amend By-law No. 79-200, being a zoning by-law.

WHEREAS it is deemed advisable to amend By-law Number 79-200, as amended,

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACTS AS FOLLOWS:**

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands." Schedule 1 is part of this by-law.
2. By-law No. 79-200 is hereby amended by deleting Schedule 'A', Sheet B4, the Residential Apartment 5C Density zone (R5C-1078) on the subject lands, and substituting therefore on Schedule 'A', Sheet B4 the Residential Apartment 5F Density zone (RF5-XXXX).
3. Section 19 – Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

2023-XXX	19.1.XXXX	The regulations governing the permitted uses shall be: <ul style="list-style-type: none"><li>• Minimum front yard depth: 5.0m from property line</li><li>• Minimum rear yard depth: 1.8m</li><li>• Minimum interior side yard depth: 0.9m</li><li>• Maximum lot coverage: 33%</li><li>• Maximum number of apartment dwellings on one lot: 2 buildings</li><li>• Minimum landscaped open space: 15% of the lot area</li><li>• Minimum number of parking spaces: 0.66 space for each dwelling unit</li><li>• Minimum amenity area: 290m<sup>2</sup> on the subject lands</li></ul>
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4. All other applicable regulations set out in By-Law 79-200, as amended, shall apply to the lands subject to this By-Law.
5. This Bylaw shall come into force and take effect upon the approval of Official Plan Amendment No.\_\_\_\_, and in accordance with the Planning Act, R.S.O. 1990, c.P.13.

Passed this XX day of XXXX 2023.

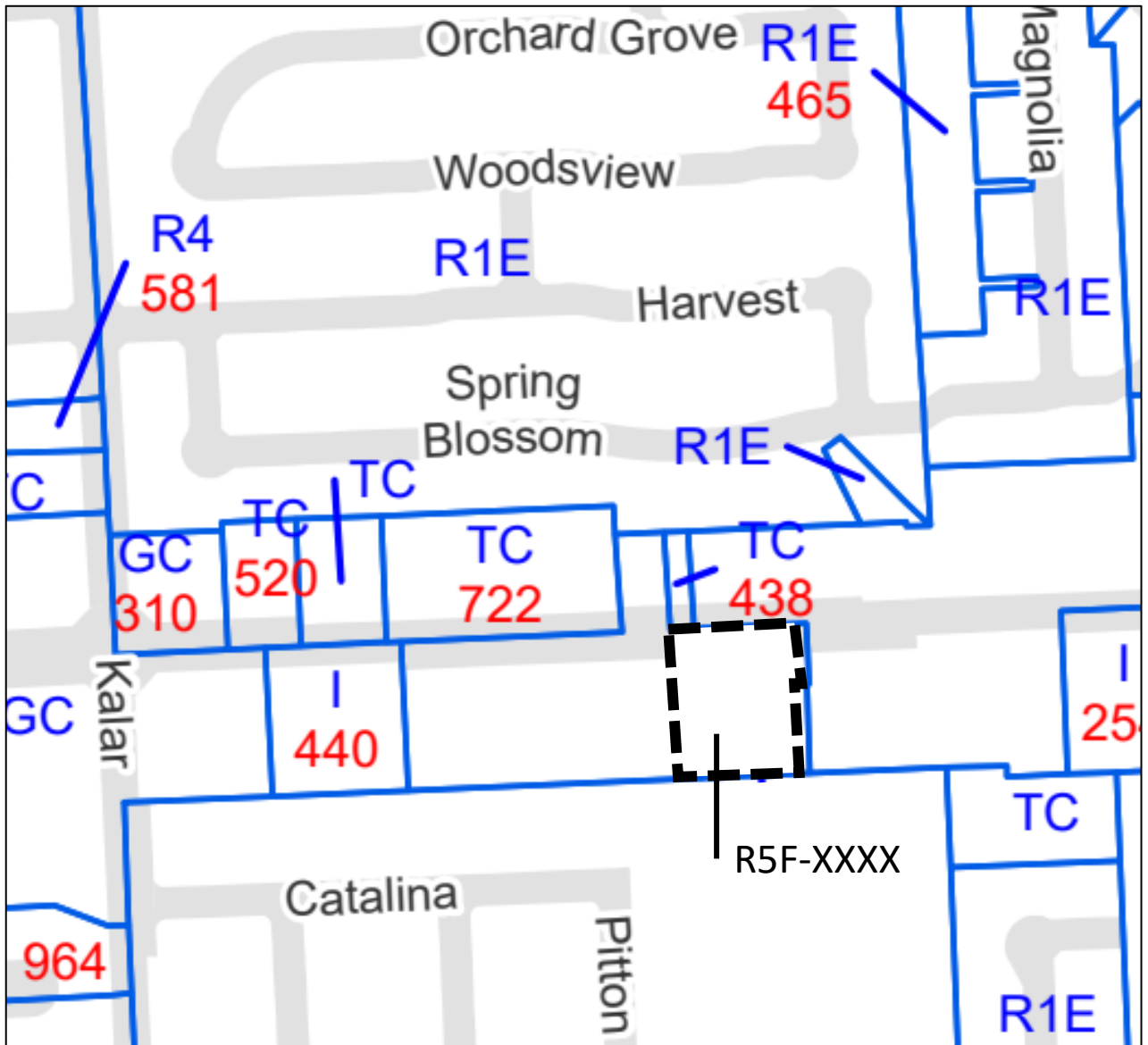
.....  
CITY CLERK

.....  
MAYOR

First Reading:  
Second Reading:  
Third Reading:

DRAFT

# Schedule '1'



Lands Rezoned From R5C-1078 to R5F-XXXX