

Planning Justification Report

Zoning By-law Amendment and Draft Plan of Vacant Land Condominium

**6529 John Street
Niagara Falls, ON**

February 2024

**Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON L2W 1A3**



UCC File No. 22119

Contents

1.0 - PREFACE	2
2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	3
3.0 - PROPOSAL	4
4.0 - REQUIRED APPLICATIONS	6
5.0 - PROVINCIAL PLANS	7
5.1 - PLANNING ACT	7
5.2 - 2020 PROVINCIAL POLICY STATEMENT	11
5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	13
6.0 - NIAGARA OFFICIAL PLAN (2022)	15
CHAPTER 2 – GROWING REGION	15
7.0 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)	18
PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION	18
PART 2 - LAND USE POLICIES	21
8.0 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)	25
Existing Zoning	25
Proposed Amendment	26
9.0 - PLANNING POSITION	31

Appendix I – Pre-consultation Agreement

Appendix II – Draft Plan of Vacant Land Condominium

Appendix III – Draft Zoning By-law Amendment

1.0 - PREFACE

Upper Canada Consultants has been retained by 5009984 Ontario Inc. to prepare a Planning Justification Report in conjunction with applications for Consent, Zoning By-law Amendment and Draft Plan of Vacant Land Condominium made for the property municipally addressed as 6529 St. John Street in the City of Niagara Falls, Regional Municipality of Niagara.

The applications propose a Vacant Land Condominium consisting of 5 single detached dwellings fronting onto a private roadway. It is proposed that the condominium be rezoned as site-specific Residential Low-Density, Grouped Multiple Dwellings Zone (R4) which will establish the appropriate use and built-form regulations to permit the proposed development. The Draft Plan of Vacant Land Condominium will establish the individual ownership of the dwellings.

An approximately 368m² parcel with frontage on St. John Street will be separated from the condominium property through the Consent process. This property is intended for single-detached development and will be rezoned as Residential 1E Density Zone with a site-specific lot area provision.

The need for a Planning Justification Report was identified through the pre-consultation meeting held virtually on September 7, 2023. The pre-consultation agreement is attached as **Appendix I**. The intent of this Report is to provide an overview of the proposal and the applications and to provide a planning rationale for the proposed development in accordance with applicable Provincial, Regional land use policies and regulations.

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are municipally addressed as 6529 St. John Street in Niagara Falls and are described legally as Part of Lot 59, Registered Plan No. 5, City of Niagara Falls, Regional Municipality of Niagara. The property is located on the north side of St. John Street on a block delineated by a hydro corridor and Colborne Street to the north, St. James Avenue to the east and St. John Street to the west. An aerial view of the subject lands is provided in **Figure 1**.

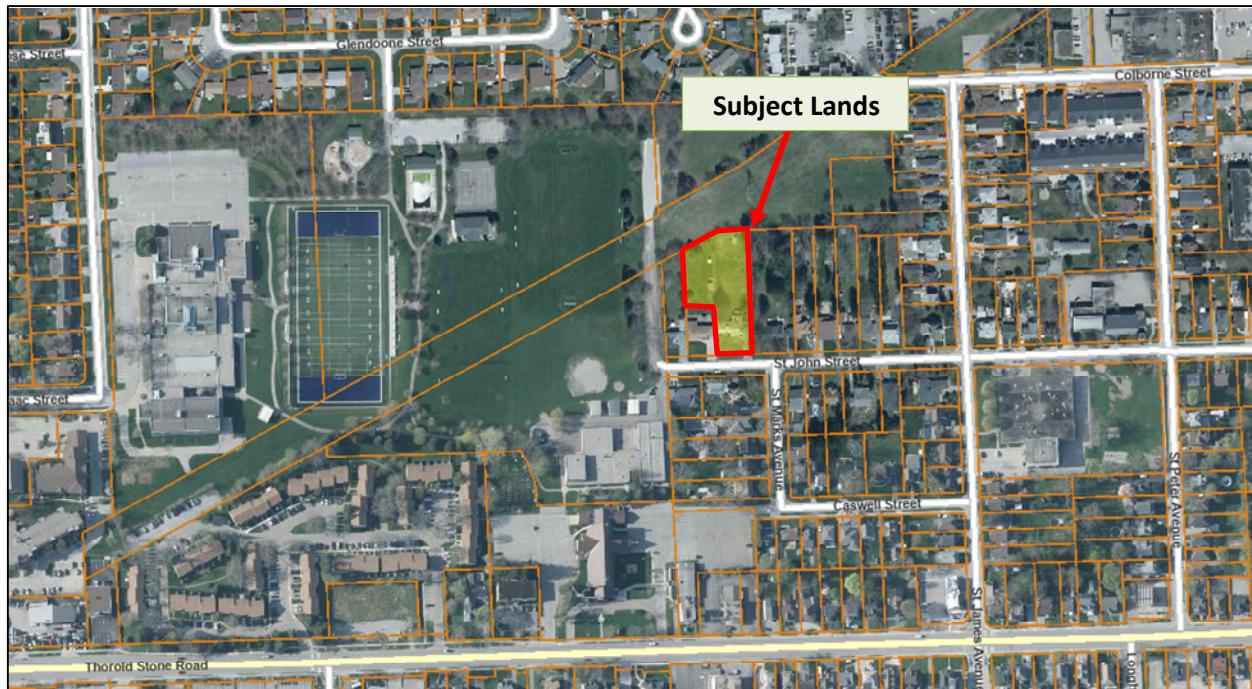


Figure 1 - Aerial View of the Subject Lands (Niagara Navigator, 2020 Imagery)

The subject lands are 3,302m² in area and have 25.46m of frontage on St. John Street. The property is an irregular "L"-shaped lot with an angular north lot line which follows the angular geometry of the hydro corridor. The property currently contains a single detached dwelling along the St. John Street frontage and some small sheds towards the rear of the property. The property is predominately manicured lawn.

The subject property is surrounded by single detached dwellings to the south and east, the hydro corridor and open space to the north, and the EE Mitchelson Park and St. Paul Catholic High School to the west. A broader mix of dwelling typologies exist in the immediate area including apartments and townhouse dwellings, as well as a variety of commercial and institutional uses.

The subject property is within the City's Built Up Area as defined in the Growth Plan and is designated and zoned for residential development under the City's Official Plan and Zoning By-law. The property is not impacted by any natural heritage features or areas, or any features or areas regulated by the Conservation Authority (NPCA).

3.0 - PROPOSAL

The property owner is proposing to sever a single-detached freehold lot, and to develop the balance of the property with a Vacant Land Condominium. The proposed development maximizes the efficient use of the property, making consideration for the irregular property geometry while respecting the low-density nature of the surrounding residential area. The proposal is represented in **Figure 2** and **Appendix II**, and each component is described below in further detail.

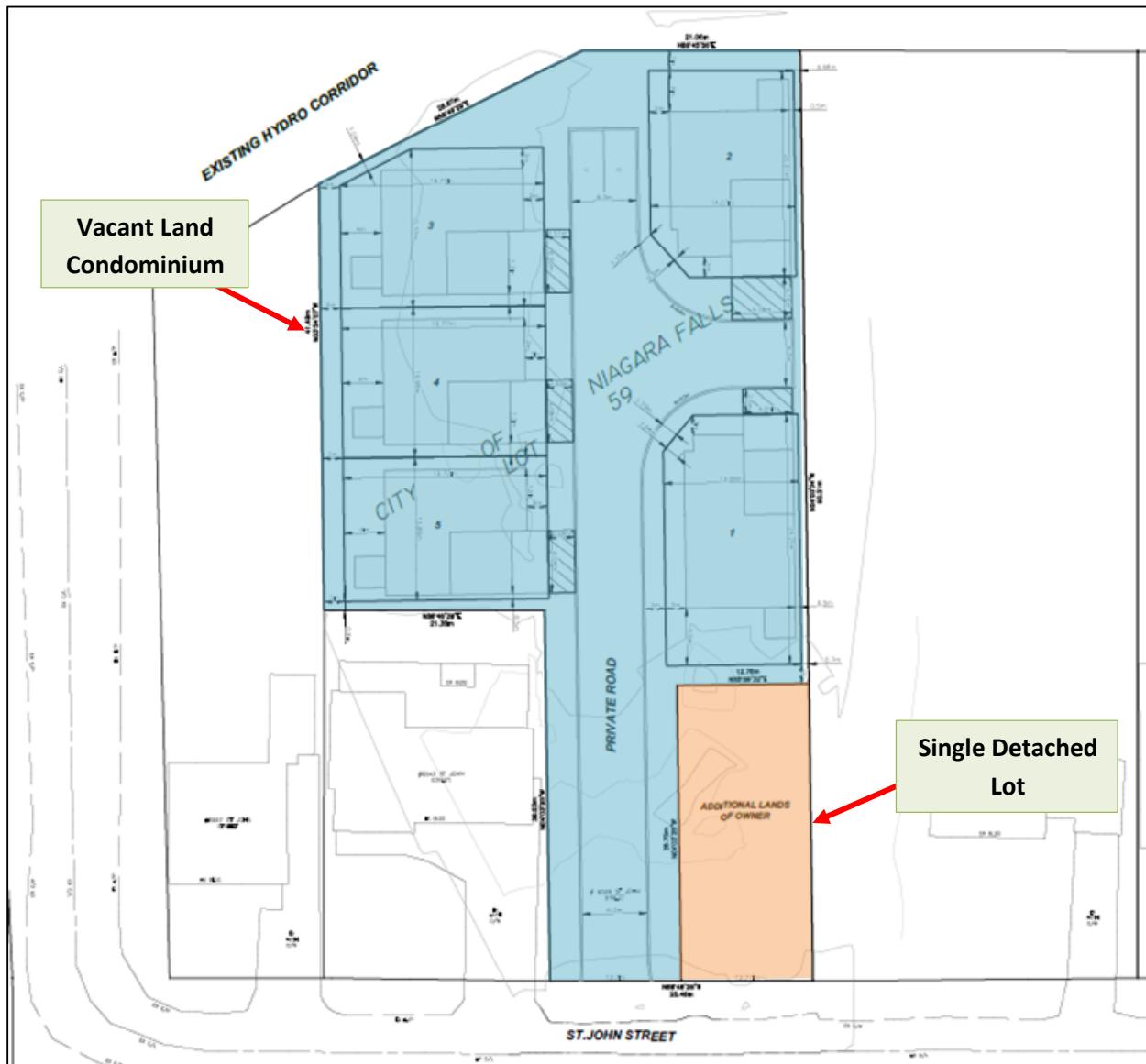


Figure 2 - Proposed Development

Single Detached Lot

A 368m² single detached lot with 12.77m of frontage on St. John Street is proposed to be severed from the south-western portion of the property. The creation of a freehold lot utilizes the available public road frontage and, given the property does not require access by way of the private roadway, it is impractical to include it as part of the Vacant Land Condominium which would necessitate maintenance obligations for the private roadway. The design details of the future dwelling are unknown at this time.

Private Road Development (Vacant Land Condominium)

The balance of the property is proposed to be developed as a Vacant Land Condominium comprised of 5 single-detached condominium units fronting onto a private roadway. The private roadway is connected to St. John Street within the remaining property frontage and extends northward into the site. The private roadway includes a turnaround facility.

4.0 - REQUIRED APPLICATIONS

The following Planning Act applications are required to facilitate the proposed development:

Zoning By-law Amendment

A Zoning By-law Amendment is required to establish the appropriate use and built-from regulations to implement the proposed development.

Draft Plan of Vacant Land Condominium

The Draft Plan of Vacant Land Condominium will enable the individual ownership of the single detached dwellings on the private road. The common elements (ie. the private road) will also be established through the Vacant Land Condominium process.

Consent

An application for consent is required to separate the freehold single detached lot from the proposed vacant land condominium. The consent application will be submitted in the future.

5.0 - PROVINCIAL PLANS

5.1 - PLANNING ACT

Section 2 – Matters of Provincial Interest

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

- a) the protection of ecological systems, including natural areas, features and functions;*
- b) the protection of the agricultural resources of the Province;*
- c) the conservation and management of natural resources and the mineral resource base;*
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) the supply, efficient use and conservation of energy and water;*
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) the minimization of waste;*
- h) the orderly development of safe and healthy communities;*
 - 1. the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) the adequate provision of a full range of housing, including affordable housing;*
- k) the adequate provision of employment opportunities;*
- l) the protection of the financial and economic well-being of the Province and its municipalities;*
- m) the co-ordination of planning activities of public bodies;*
- n) the resolution of planning conflicts involving public and private interests;*
- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

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

The applications support the orderly development of safe and healthy communities through compatible infill development in an existing residential neighbourhood. This type of residential development mitigates the rapid depletion of land to accommodate residential growth and reduces capital infrastructure costs required to service new residential lands.

The application supports the provision of a full range of housing as the proposed single detached condominium dwellings represent a dwelling typology that is not commonly found in the immediate area. The proposed development contributes to the provision of housing options that meets a range of needs and preferences in the municipality.

The applications support the appropriate location of growth and development as the subject lands are located within an existing residential area and are fully serviced. There are no constraints to residential development on the site and the proposed development would increase the efficient use of municipal services.

Section 34 – Zoning By-laws

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

Section 51 – Plans of Subdivision

Applications for the subdivision of land, including Vacant Land Condominium applications must satisfy the requirements under **Section 51** of the Planning Act.

The proposal is therefore subject to consideration of the matters as outlined in **Section 51(24)** of the Planning Act which state that, *“in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality,”* and the following items:

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

As noted, the proposed development has regard for matters h), j), and p).

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

The proposed development is not premature as the subject lands are designated for residential development and have access to municipal services and infrastructure. The applications are in the public interest as they will facilitate the provision of much-needed housing in an appropriate location.

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

The proposal conforms to the Official Plan as confirmed in the applicable heading under this report.

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

The subject property is designated for residential development and is serviceable with municipal infrastructure. The Functional Servicing Report included with the applications confirms the adequacy of municipal infrastructure for the proposed development.

i) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No designated affordable units are proposed.

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

No new municipal roads are proposed through the applications and the development will be serviced with private roadways. The development will be accessed via St. John Street which is a municipal roadway maintained year-round.

f) the dimensions and shapes of the proposed lots;

The dimensions and shapes of the proposed condominium units are shown on the Draft Plan of Vacant Land Condominium.

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

There are no restrictions on the land to be developed. The proposed dwellings will be subject to the applicable zoning provisions.

h) conservation of natural resources and flood control;

The subject property does not contain any significant natural resources or a flooding hazard.

i) the adequacy of utilities and municipal services;

A Functional Servicing Report has been prepared by Upper Canada Consultants which confirms the adequacy of the existing water, sanitary and stormwater infrastructure.

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

No lands are proposed to be dedicated for public purposes.

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

The applications would provided for the efficient development of serviced urban land.

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

Site plan control matters are addressed through the Vacant Land Condominium process.

5.2 - 2020 PROVINCIAL POLICY STATEMENT

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

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

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

The proposed development is consistent with the built-form land use patterns detailed under Policy 1.1.3.2 in that it contributes to the provision of housing through the efficient use of serviced lands.

Schedule A2 of the City of Niagara Falls Official Plan further identifies the lands as being within the Built-up Area. Policy 1.1.3.5 of the PPS directs planning authorities to implement minimum intensification targets for Built-up Areas. Under the Region of Niagara Official Plan, the City of Niagara Falls has a minimum intensification target of 50%. The proposed development will contribute to the achievement of the City's intensification obligations.

Coordination (PPS 1.2)

Policy 1.2.1 of the PPS requires that a coordinated and comprehensive approach be employed when dealing with planning matters. This ensures that the interests of all relevant agencies are addressed. Consistent with this policy, formal pre-consultation meetings for this application were held on November 18, 2021, and September 7, 2023. At these pre-consultation meetings, the proposal was reviewed by the upper and lower-tier planning authorities as well as other agencies and the requirements for a complete application were determined.

Housing (PPS 1.4)

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

The proposed development provides additional single detached variety in accommodating freehold and condominium tenure.

Infrastructure and Public Service Facilities (PPS 1.6)

In general, Section 1.6 of the PPS requires that infrastructure and public service facilities are to be provided in an efficient manner while accommodating projected needs so as to reduce the cost of accommodating growth. The subject lands are fully serviced and the development of the land does not require the provision of new municipal infrastructure.

Policy 1.6.6.2 promotes residential intensification in areas with existing municipal sewage and water services where it is feasible to optimize the use of these services. A Functional Servicing Report has been provided with the applications which confirms that the proposed development can be serviced with existing infrastructure.

Long Term Economic Prosperity (PPS 1.7)

Section 1.7 of the PPS outlines the planning principles that contribute to the long term economic prosperity of the Province. With regard to these principles, the proposed development is consistent with b), c) and g).

Policy 1.7.1(b) states that long term economic prosperity is supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce. Consistent with this requirement, the proposed development will provide variation in the City's single detached supply.

Policy 1.7.1(c) states that optimizing the long-term availability and use of land, resources, infrastructure and public service facilities supports long term economic prosperity. In accordance with this policy directive, the proposal seeks to facilitate compatible intensification which would make efficient use of the land and existing infrastructure.

5.3 - 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

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

Managing Growth (PTG 2.2.1)

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

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

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

The proposed development contributes to the accommodation of projected growth and supports the achievement of complete communities, as required in Section 2.2.1 of the Growth Plan. Specifically, the proposal represents efficient infill development on serviced residential land. The proposed dwellings are a compact built-form that add to the provision of a full range of housing options.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities. The proposed dwellings improve housing choice and support the proposal supports the provision of housing that meets current and projected housing needs.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure. The subject lands are already connected to City services and the proposed development increases the efficient use of this infrastructure. A Functional Servicing Report has been prepared which confirms that the existing water and wastewater systems can adequately support the proposed development.

Stormwater Management (PTG 3.2.7)

Policy 3.2.7.2 requires that stormwater management strategies be developed prior to proposals for large-scale development. A preliminary Stormwater Management Plan has been prepared to ensure that the proposed development does not cause any negative impacts on stormwater management.

6.0 - NIAGARA OFFICIAL PLAN (2022)

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

CHAPTER 2 – GROWING REGION

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

2.1 – FORECASTED GROWTH

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

2.2 – REGIONAL STRUCTURE

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

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

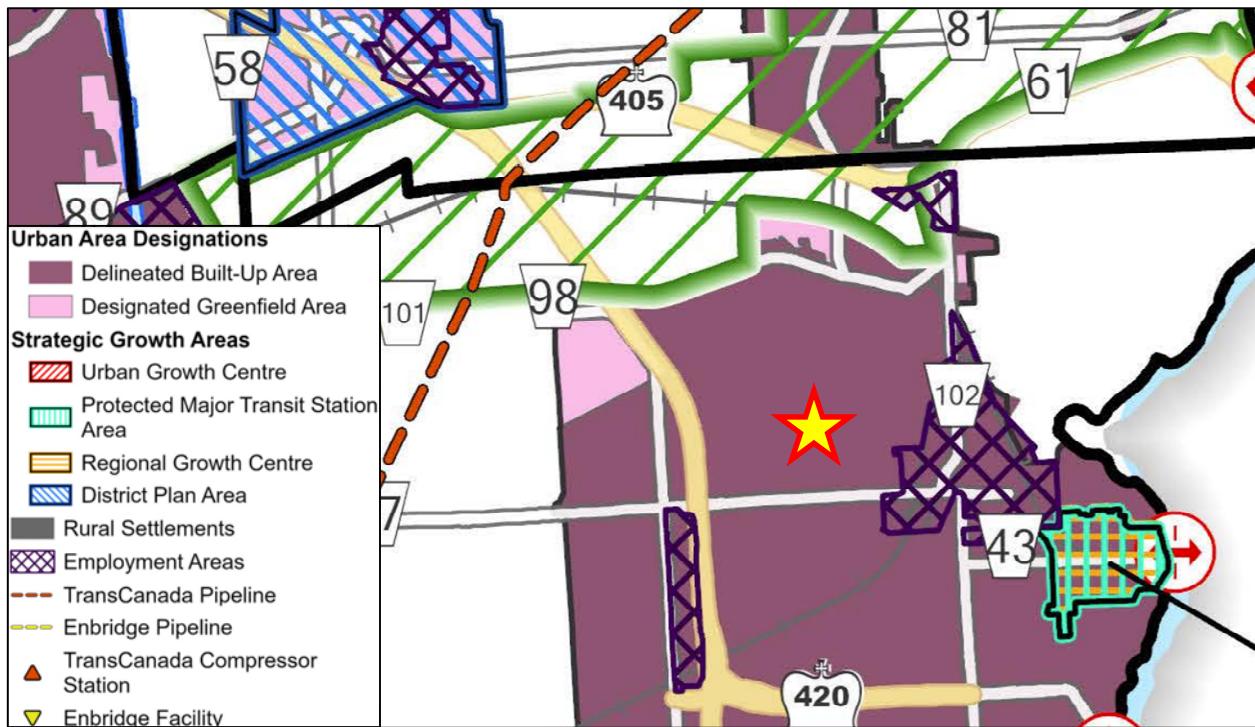


Figure 3 - Excerpt from Region of Niagara Official Plan Schedule B - Regional Structure

2.2.1 – Managing Urban Growth

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

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development accommodates residential development at a more compact form and accommodates additional single detached variety.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development provides variation in the single detached segment and accommodates freehold and condominium tenure.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The subject lands have access to existing water and wastewater

services, and the proposed development represents a compact and efficient built-form that optimizes the use of land and infrastructure.

Policy 2.2.1.1 g) states that development in urban areas should support opportunities for intensification including a mix of residential built-forms in appropriate locations to ensure compatibility with established residential areas. The proposed development provides intensified residential development that is reflective of and compatible with the established residential character of the surrounding area.

2.3 – HOUSING

The objectives of the policy direction under Section 2.3 of the NOP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 – Provide a Mix of Housing Options

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes and housing types should be accommodated in the settlement area to meet housing needs at all stages of life. The proposed development provides additional single detached housing choice.

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

INTRODUCTION

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

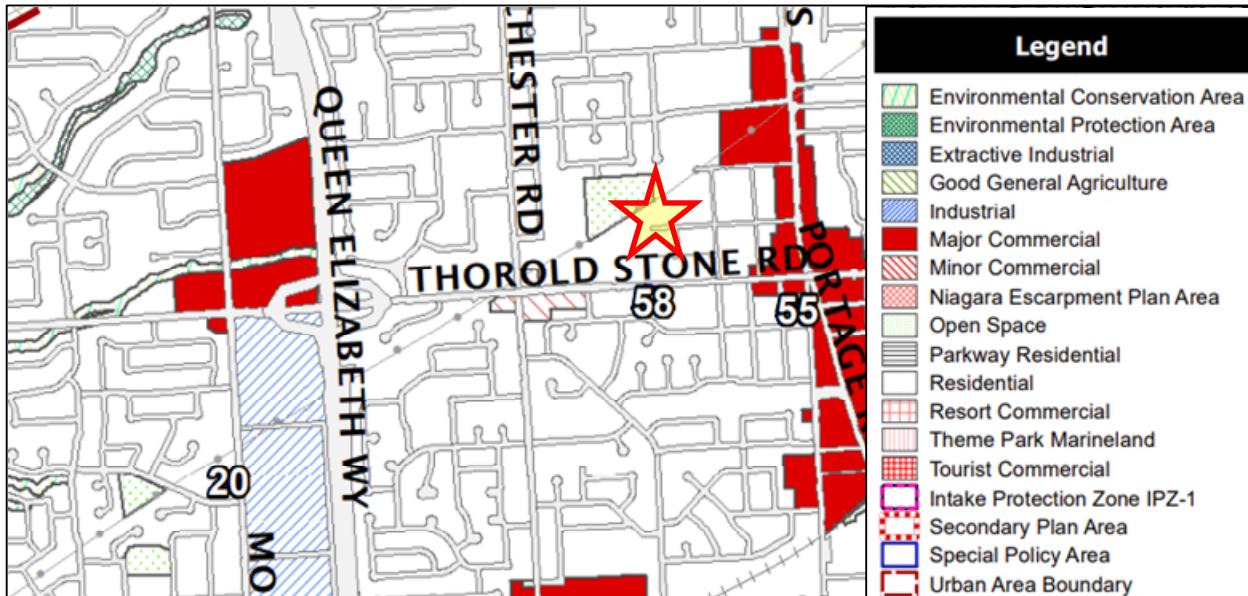


Figure 4 - Excerpt from Niagara Falls Official Plan, Schedule A

POLICY EVALUATION

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

Section 2 – Strategic Policy Direction

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

Growth Objectives

Contained under this heading are the City's Growth Objectives which guide the subsequent policy direction for the land uses identified on Schedule A. The following is an evaluation of the proposal's conformity to the Growth Objectives, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

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

The applications direct growth to the urban area.

2. To protect Natural Heritage Areas and their functions.

The subject lands are not impacted by Natural Heritage Areas.

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

Consistent with this objective, the proposal seeks to gently increase density on serviced residential lands. The proposed development increases the efficient use of the land and infrastructure.

5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.

According to the Region of Niagara Official Plan (2022) the City of Niagara Falls is anticipated to have a population of 141,650 by 2051. The proposed development supports the accommodation of Niagara Falls' anticipated growth in accordance with Provincial, Regional and growth management directives.

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.

Per the most recent Regional Official Plan (2022), the City of Niagara Falls' intensification target is 50%. The proposed development supports the achievement of the City's intensification obligations.

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

The proposed development represents intensification within the urban boundary. The efficient redevelopment and intensification of existing residential land limits the need to expand the urban boundary and allows for an adequate amount of residential land to be maintained to accommodate future growth.

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

Consistent with this objective, the subject lands are serviced residential lands and the proposed development would facilitate the intensification of the land.

Policies

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following is an evaluation of the proposal's conformity to these policies, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

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

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

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

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

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

Schedule B of the Official Plan indicates that the subject lands are within the Existing Municipal Service Area. The proposed development of the land does not require the provision of new infrastructure.

2.11 No new urban areas shall be created.

The applications propose the efficient and intensified use of lands within an existing urban area.

Section 3 – Intensification

The policies under this heading apply to applications for intensification including development on lands within the Built-up Area. The following is an evaluation of the proposal's conformity to the applicable Intensification Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

General Policies

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

A site-specific Zoning By-law Amendment application has been submitted to permit and regulate the proposed development.

The development conforms with the applicable policies of the Official Plan.

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

The subject lands are not designated as Tourist Commercial.

3.3 The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.

The subject lands are not within an Intensification Node or Corridor identified on Schedule A-2.

3.4 The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.

Section 2, Policy 1.15.5 of the Official Plan requires that new development comprised of single detached, semi-detached or street and block townhouse dwellings are to be developed to a density between 20 and 40 units per hectare.

The applications propose the provision of 6 single detached dwellings on 0.3302 hectares of land. Per Section 5.12 a Second Unit is permitted as-of-right in the R1E Zone which increases the number of residential units to 7. This represents a density of over 21 units per hectare which conforms with the density policies under the Official Plan.

PART 2 - LAND USE POLICIES

SECTION 1 - RESIDENTIAL

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

General Policies

The policies under this heading apply to all lands that are designated as Residential on Schedule A of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable General Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

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

The applications propose the creation of 6 single-detached dwellings which will be offered in both freehold and condominium tenureship. The proposed dwellings are a permitted residential built-form which improves housing choice.

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

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

The applications propose a vacant land condominium comprised of single detached dwellings which is a unique and innovative multi-unit form of development.

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

The applications will increase the efficient use and yield of an existing single detached lot.

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

The proposed combination of freehold and private road development forms of development enables the full utilization of the subject property.

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

No commercial development is contemplated through these applications.

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

One single detached lot will be divided by way of an application for Consent. The private road development will be divided through a Draft Plan of Vacant Land Condominium. This land division strategy is appropriate in this circumstance and in the context of this policy.

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

The proposed dwellings will be subject to the 10 meter height requirement under the Zoning By-law.

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

The expansion of municipal infrastructure is not required to support the proposed development as the subject lands are already serviced. A Functional Servicing Report has been provided with the applications which confirms that there is sufficient capacity to service the proposed development.

Built-up Area

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

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

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

The proposed development consists of single-detached dwellings which is consistent with the residential character of the immediate neighbourhood. The provision of a single-detached dwelling on St. John Street maintains the existing streetscape character.

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

The future dwellings will be subject to the 10-meter maximum height requirement under the implementing Zoning By-law. This is consistent with the height of surrounding dwellings.

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 groups, household sizes and incomes.

In conformity to this policy, the proposed development represents the redevelopment of the land at a higher density than what currently exists within the neighbourhood. The proposal balances growth obligations with the compatibility considerations under Policy 1.15.2 to achieve complementary and compatible intensification.

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

The proposed development uses a private road format with a single detached built-form to provide for context-sensitive and compatible infill development that efficiently utilizes urban lands.

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

The applications propose the provision of 6 single detached dwellings on 0.3302 hectares of land. Per Section 5.12 a Second Unit is permitted as-of-right in the R1E Zone which would increase the potential number of residential units to 7. This represents a density of over 21 units per hectare which conforms with the density policies under the Official Plan.

The proposal carefully balances intensification with compatibility and the development is consistent with the density envisioned in the Official Plan for the Low-Density Area while maintaining a built-form that is reflective and compatible with the surrounding single-detached neighbourhood.

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

Existing Zoning

The subject property is currently zoned as Residential 1D Density (R1D) in accordance with the City's Comprehensive Zoning By-law (79-200). The existing zoning information is shown in **Figure 5**, below.

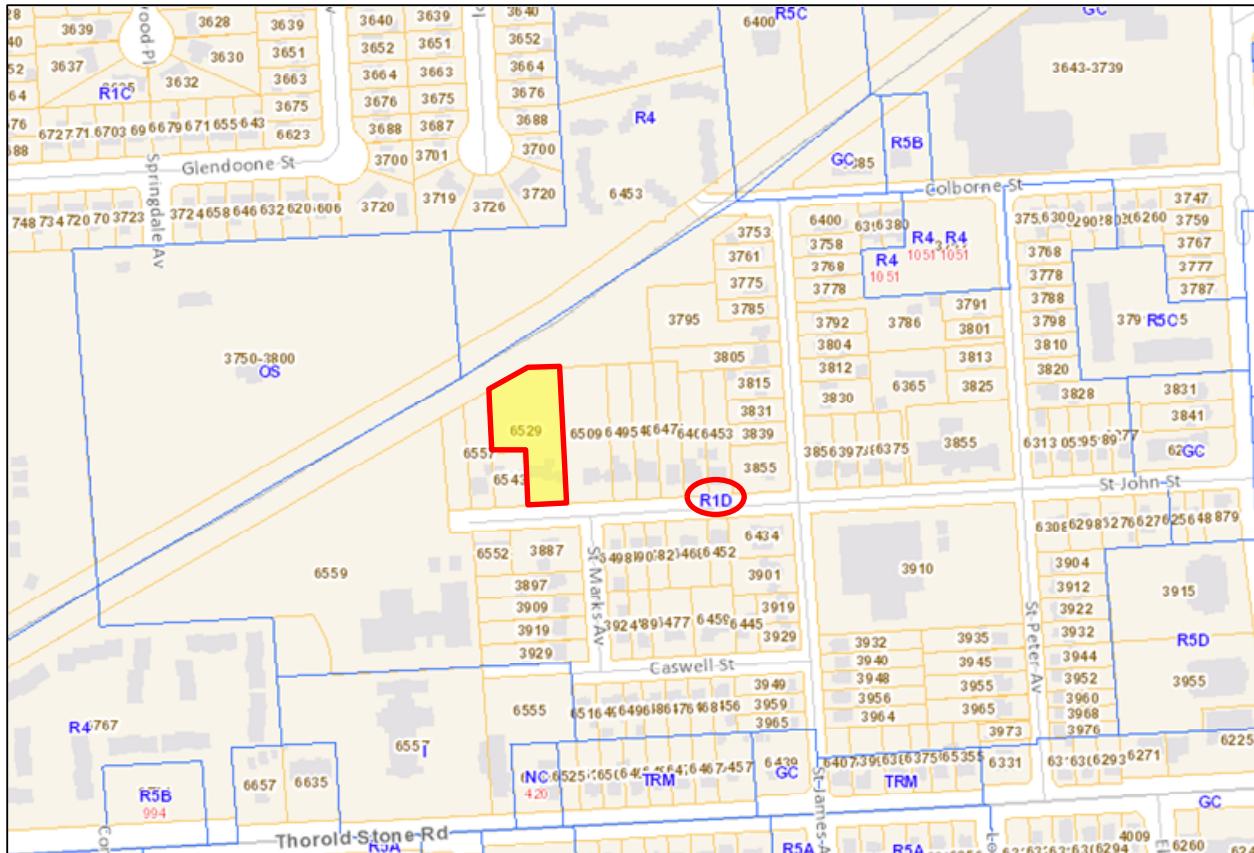


Figure 5 - Existing Zoning Information (cropped from Niagara Falls Viewer - Land Regulation)

Proposed Amendment

A Zoning By-law Amendment Application has been submitted to implement the proposed land division and development. The proposed Zoning Schedule is shown below in **Figure 6**. A Draft Zoning By-law Amendment is included as **Appendix III**.

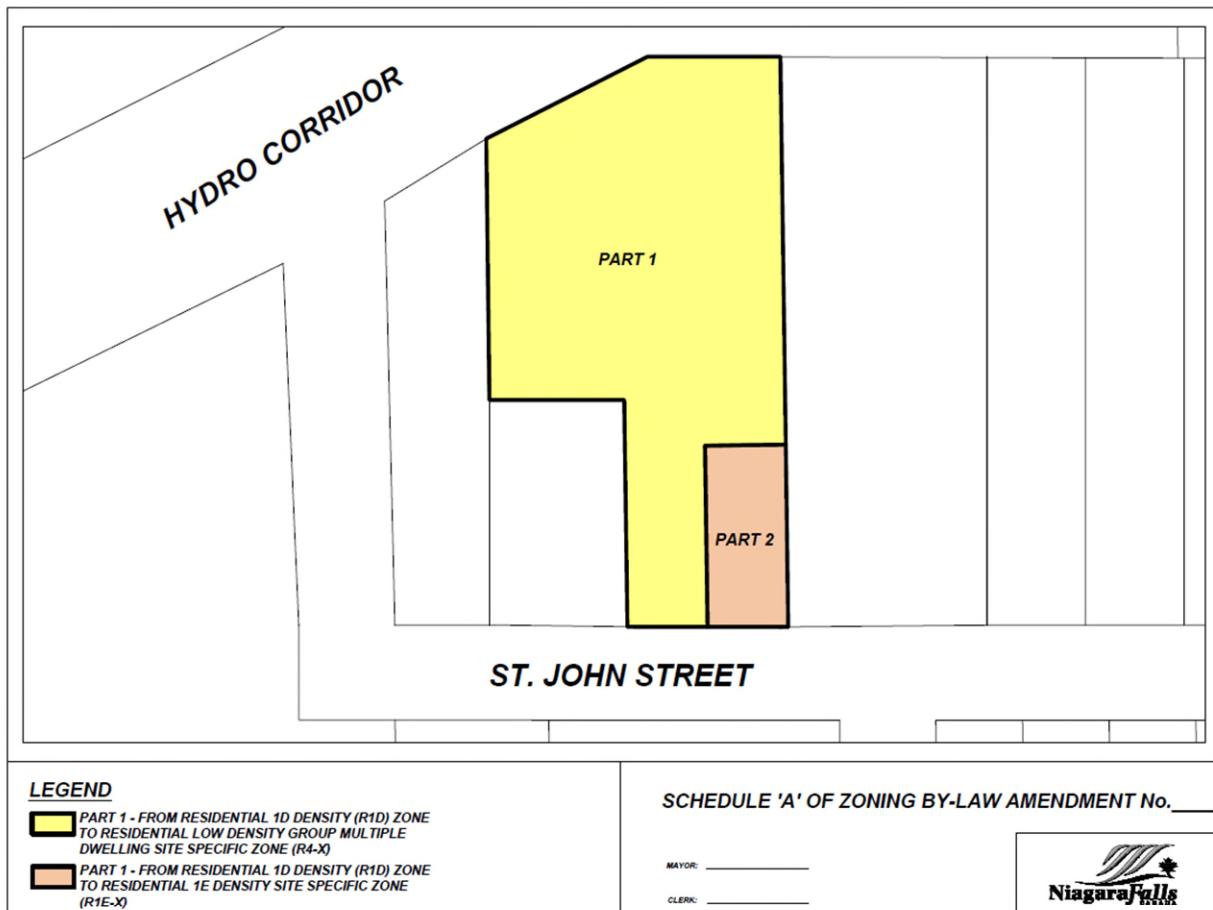


Figure 6 - Proposed Zoning By-law Amendment

Freehold Single Detached Dwelling

The freehold single detached lot on St. John Street is proposed to be zoned as Residential 1E Density (R1E) Zone which is the single detached zone category that most closely reflects the proposed lot parameters. An overview of conformity to the applicable R1E provisions is provided below in **Table 1**. The requested site-specific relief is evaluated below.

Table 1 – Single Detached Zoning Conformity		
Zoning By-law 79-200		
Section 7.5 R1E Density Zone		
Provision	Required	Proposed
7.5.1 – Permitted Uses		
(a) A detached dwelling		
(b) A home occupation Subject to Section 5.5		
(c) Accessory Buildings and structures, subject to Sections 4.13 and 4.14		No Change
(d) A group home, type 1		
7.5.2 – Regulations		
a) Minimum Lot Area (Interior Lot)	370 square meters	365 square meters
b) Minimum Lot Frontage (Interior Lot)	12 meters	No Change
c) Minimum Front Yard Depth	6 meters	No Change
d) Minimum Rear Yard Depth	7.5 meters	No Change
e) Minimum Interior Side Yard Width	1.2 meters	No Change
f) Minimum Exterior Side Yard Width	4.5 meters	No Change (N/A)
g) Maximum Lot Coverage	45%	No Change
h) Maximum Height of a Building or Structure	10 meters	No Change
i) Deleted	N/A	N/A
j) Maximum Number of Detached Dwellings on One Lot	One Only	No Change
k) Parking and Access Requirements	In Accordance with Section 4.19.1	No Change
l) Accessory Building and Accessory Structures	In Accordance with Sections 4.13 and 4.14	No Change
m) Minimum Landscaped Open Space	30% of the Lot Area	No Change

Requested Site Specific Relief

Minimum Lot Area

A minimum lot area of 370 square meters is required in the R1E Zone, whereas a minimum lot area of 365 square meters is requested for the proposed freehold single detached lot.

The requested site-specific lot area provision is a minor deviation from the standard zoning requirement and has no impact on the developability of the property as intended or compatibility with surrounding properties. The requested site-specific provision has the quantifiable effect of reducing the maximum building length that can be accommodated on the property by approximately 40 centimeters. The property achieves the minimum lot frontage requirement and has sufficient width to accommodate a single detached dwelling. The future dwelling will be subject to all of the other standard built-form provisions under the R1E Zoning category which regulate massing, provide for appropriate separation from adjacent properties and structures, and ensure that sufficient outdoor amenity space is provided.

Private Road Development (Vacant Land Condominium)

The proposed private road Vacant Land Condominium is proposed to be zoned as Residential 4 (R4) Zone. The R4 Zone is the City's zone category which permits and regulates Group Dwelling configurations including private road developments. An overview of conformity to the applicable R4 provisions is provided in **Table 2**. The requested site-specific provisions are evaluated below.

Table 2 – Multiple Dwellings (Vacant Land Condominium) Zoning Conformity		
Zoning By-law 79-200		
Section 7.8 Residential Low Density, Grouped Multiple Dwelling Zone (R4)		
Provision	Required	Proposed
7.9.1 – Permitted Uses		
(a) A townhouse dwelling containing not more than 8 dwelling units (b) An apartment dwelling (c) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units (d) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14. (e) A Home Occupation in a detached dwelling, or a dwelling unit of a semidetached dwelling or a duplex dwelling, subject to the provisions of section 5.5.		Add: Single Detached Dwellings
7.9.2 – Regulations		
a) Minimum Lot Area	In accordance with 7.9.3 a)	No Change
b) Minimum Lot Frontage (more than 4 dwelling units)	30 meters	12.7 meters
c) Minimum Front Yard Depth	6 meters	No Change
d) Minimum Rear Yard Depth	7.5 meters	6 meters
e) Minimum Interior Side Yard	One-half the height of the building	1.2 meters
f) Minimum Exterior Side Yard Width	4.5 meters	No Change
g) Maximum Lot Coverage	35%	No Change
h) Maximum Height of a Building or Structure	10 meters	No Change
i) Deleted	N/A	N/A
j) Number of Dwellings on One Lot	More than one (subject to 7.9.3)	No Change
k) Parking and Access Requirements	In accordance with Section 4.19.1	No Change
l) Accessory Buildings and Structures	In accordance with Sections 4.13 and 4.14	No Change
m) Minimum Landscaped Open Space	45 square meters for each dwelling unit (225 square meters)	No Change
n) Minimum Privacy Yard Depth	7.5 meters	6 meters
7.9.3 - Additional Regulations for Group Dwellings		
a) Minimum Lot Area	200 square meters per dwelling (1,000 square meters)	No Change
b) Nothing in section 4.11 or in clause b of section 7.10.2 shall be deemed to require each townhouse dwelling and each apartment dwelling to front or abut upon a street.		No Change
4.14 – Yard Encroachments – Decks		
Front Yard Encroachment Permitted	2.5 meters	No Change
Rear Yard Encroachment Permitted	4.0 meters	No Change

Interior and Exterior Side Yard Encroachment Permitted	Required Yard of Main Dwelling (1.2 meters side yard setback proposed)	No Change
Distance from Street Line	1.5 meters	No Change
4.19 Parking Areas		
Minimum Parking Space Requirements	1 parking space per dwelling unit	No Change

Requested Site Specific Relief

Permitted Uses

The R4 Zone permits “Group Dwellings” which are defined as “an arrangement on the same lot of two or more townhouse dwellings or apartment dwellings or a combination thereof.” While the proposed private road development contains multiple dwelling units and is reflective of a Group Dwelling configuration as envisioned in the Zoning By-law, single detached dwellings are not explicitly defined as a permitted built form. A private road development containing single-detached dwellings is a somewhat unique arrangement, and it was likely not the intent of the Zoning By-law to specifically restrict private road developments from containing single detached dwellings. Instead, the permitted uses reflect the more common housing forms associated with Group Dwelling arrangements. The proposed Zoning By-law Amendment will therefore add single-detached dwellings as a permitted use to reflect the nature of the proposed development.

Minimum Lot Frontage

The R4 Zone requires a minimum lot frontage of 30 meters where a property contains more than 4 dwelling units. The proposed development contains 5 dwelling units with a lot frontage of 12.7 meters.

The minimum lot frontage is intended to provide sufficient lot width to accommodate permitted forms of development. In this case, the lot frontage is required to accommodate the private road on which the dwellings have frontage. The provided frontage comfortably accommodates the private road with 3.0 meters of landscape area on each side to buffer the private road from adjacent properties. The requested site-specific frontage is therefore appropriate for the proposed development configuration.

Minimum Rear Yard Depth

The R4 Zone requires a rear yard setback of 7.5 meters, whereas a setback of 6 meters is proposed. Unit 6 is the only dwelling adjacent to the rear lot line and the minimum setback is measured from the rear wall of the unit. The proposed setback provides sufficient amenity space for Unit 6 and the reduced setback does not impact any adjacent properties as the rear lot line is adjacent to the hydro corridor and open space area.

Minimum Interior Side Yard

The R4 zone provisions require that the minimum side yard setback is one-half the height of the building. This method of regulating a side yard setback is common for the higher density residential built forms permitted in the R4 Zone such as block townhouses and apartments. As noted, a site-specific provision is requested to add single detached dwellings as a permitted use in the R4 Zone.

The minimum interior side yard requested for the proposed development is 1.2 meters and reflects the setback between the side wall of Units 1 and 2 to the easterly property line. The proposed setback is common for single detached development and is permitted within all of the City's single detached zones (R1A-R1E).

Minimum Privacy Yard Depth

The Zoning By-law requires that a privacy yard a minimum of 7.5 meters in depth measured from the rear yard of each dwelling be provided. A privacy yard of 6 meters is proposed for Units 2-5. The proposed 6-meter yards are typical for condominium developments provide sufficient outdoor amenity area while lessening maintenance obligations. The property is directly adjacent to the EE Michelson Park which provides additional outdoor recreation opportunities.

9.0 - PLANNING POSITION

This Planning Justification Report has been prepared to provide a planning rationale for the proposed development of 6529 St. John Street in the City of Niagara Falls, Regional Municipality of Niagara.

The applications propose the severance of a single detached parcel and the development of the remainder of the property with a Vacant Land Condominium containing 5 single detached dwellings fronting onto a private roadway.

The proposed development carefully balances the accommodation of prescribed growth through intensification while maintaining the low-density character of the established neighbourhood.

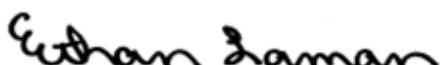
The proposed development is permitted and supported by Provincial and Regional growth management and land use policies and supports the accommodation of growth by way of intensification.

The development conforms to the City's Official Plan which prescribes how growth is to be accommodated while respecting existing development.

The proposed site-specific Zoning provisions will establish the appropriate permissions to enable the proposed development and ensure that the development is compatible with the surrounding area.

Based on the above-analysis, the submitted applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Policy Statement, conform to Growth Plan, Niagara Region Official Plan and City of Niagara Falls Official Plan, represent good planning, and should be supported.

Submitted by,



Ethan Laman, BURPI., MCIP, RPP
Planner
Upper Canada Consultants

Appendix I
Pre-consultation Agreement



City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2014)

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

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

Please sign page 4 when submitting for formal applications.

Pre-consultation Meeting

Date: September 7, 2023 - circulation

Time: circulation

Attendance:

Municipal Staff	Owner/Agent/Other	Phone #/E-mail
Nick DeBenedetti	Owner- Niagara Pines	(613) - 979-8322
Planner 2	Developments Ltd.	stephanie@prime.ca
	UCC - Ethan Laman	ethan@ucc.com
		(905) 688-9400

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

Date: _____

Signature: _____

Property Details

Location of property:	(address)	6529 SF-John Street
	(legal description)	PT LT59 PL5 STAMFORD IN R01170 39
Area (ha):	0.33 ha	Frontage (m):
Site Drawing Attached <input type="checkbox"/>		
Municipal land involved: No <input type="checkbox"/> Yes <input type="checkbox"/> (legal description)		

Proposal

Brief description of proposal: The applicant is proposing 5 single dwellings units with a vacant land condominium and site specific zoning (R4) with a consent application for the existing dwelling with the R1D zone

	1 st Phase	2 nd Phase	Other
gross floor area	—	—	—
building height	—	—	—
# of dwelling/hotel/commercial units	5 dwellings	+ 1 Renovated dwelling	

Location

Brownfield Greenfield Built-up NEP Outside Urban Boundary

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

Proposed Application(s) (check all applicable)

<input type="checkbox"/> Regional Policy Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input checked="" type="checkbox"/> Land Division - Consent
<input type="checkbox"/> Niagara Escarpment Commission o Amendment o Development Permit	<input type="checkbox"/> Subdivision Approval	<input checked="" type="checkbox"/> Condominium Approval o Vacant Land o Common Element o Conversion
<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Approval	

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

Local	Region	NPRA	Reports, Studies, Plans <i>(See Notes for additional details)</i>	Number of		Notes
				Elect Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality			
			Archaeology Assessment			
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X			Municipal Servicing Study			Functional Servicing Report
			Noise & Vibration Study			
			Other			
			Phasing Plan			
X			Planning Justification Report			
			Risk Management Study			
			Road Widenings			

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

Public Consultation

Is a neighbourhood pre-consultation meeting planned?

Yes

No

Unknown

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

Other Issues

Niagara Region comments - Please see Region comments for Draft Plan of Condominium fee. See Region fee's in attachment.
 Please see City's Transportation comments about the width of vehicles not complying. Also, reference about garbage collection and turning radius should be noted.
 Please see Building comments - required permits.
 Please see IS department comments for future addressing.
 Please see Landscape comments - tree inventory, preservation plan. Landscape plan - required. Parkland dedication requirement
 Please see City's Engineering comments - required studies and reports - Services must not cross adjacent lot lines.

Site Visit

Is a site visit necessary to assess the proposal?

Yes

No

Does the owner consent to a site visit?

Yes

No

Incentive Program

Are there any incentive programs?

Yes

No

What are the details?

Summary of Issues

Please see City's zoning comments. Very important to update missing information to confirm compliance or need to seek relief prior to formal rezoning, vacant land applications and further for the retained.

Additional Agencies to be contacted

HYDRO PIPELINES NEC OTHER _____
 MTO NPC NPCA CN

Notes

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

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

Signatures

Name (print)	Signature	Date
Planning Staff <i>Nick DeBennett</i>	<i>Nick DeBennett</i>	<i>Sept 7/2023</i>
Regional Public Works Staff		
Regional Planning Staff		
NPCA Staff		
Agent		
Agent		
Owner		
Owner		
Other		

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

Signature



PLANNING & DEVELOPMENT DIVISION APPLICABLE FEES

CHECK APPLICABLE BOX	APPLICATION	FEES
<input type="checkbox"/>	Official Plan Amendment Application:	12,200.00
<input type="checkbox"/>	Zoning Amendment Application:	14,500.00
<input type="checkbox"/>	• for high-rise hotels	
<input type="checkbox"/>	• complex - more than 3 required studies	13,000.00
<input type="checkbox"/>	• standard	5,600.00
<input type="checkbox"/>	Official Plan and Zoning Amendment Application (combined):	
<input type="checkbox"/>	• for high-rise hotels	16,200.00
<input type="checkbox"/>	• all other lands	13,500.00
<input type="checkbox"/>	Site Plan Application:	
<input type="checkbox"/>	• for high-rise hotels	6,000.00
<input type="checkbox"/>	• all other lands (including Testimentary Devise)	4,000.00
<input type="checkbox"/>	• Amendment to Site Plan Agreement	1,500.00
<input type="checkbox"/>	Plan of Subdivision Application:	
<input type="checkbox"/>	• Residential Plan	13,500.00
<input type="checkbox"/>	• Modifications to Draft Plan Approval	2,500.00
<input type="checkbox"/>	• Extension to Draft Plan Approval	1,000.00
<input type="checkbox"/>	Plan of Condominium:	10,806.00
<input checked="" type="checkbox"/>	• Vacant Land	
<input type="checkbox"/>	• Conversion	2,500.00
<input type="checkbox"/>	• Standard	1,500.00
<input type="checkbox"/>	• Extension of Draft Plan	1,000.00
<input type="checkbox"/>	• Modification of Draft Plan - Vacant Land Condo	2,500.00
<input type="checkbox"/>	• Modification of Draft Plan - Standard/Conversion	1,225.00
<input type="checkbox"/>	Removal of Part/Lot Control:	
<input type="checkbox"/>	• Separation of Semi-detached/On-street Townhouse Units	1,500.00
<input type="checkbox"/>	• Deeming By-law	1,500.00
<input type="checkbox"/>	• Property Relotting	3,400.00
<input type="checkbox"/>	Public Renotification:	
<input type="checkbox"/>	• Mailing Renotification	300.00
<input type="checkbox"/>	• Reassessment Requiring a further report	400.00
<input type="checkbox"/>	• Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
<input type="checkbox"/>	Committee of Adjustment:	3,675.00
<input type="checkbox"/>	• Severance/Consent Application	
<input type="checkbox"/>	• Change of Conditions	200.00
<input type="checkbox"/>	• Minor Variance Application	2,100.00
<input type="checkbox"/>	• Renotification/Rescheduling (Consent/Minor Variance)	200.00

ADDITIONAL FEES:

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

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

Agency Fees (cheques payable to applicable agency):

Regional Fees \$ PLEASE SEE Regional Review Fee attachment
 NPCA Fees \$ _____

Regional Health \$ _____ cheque - Niagara Region
 Other (describe) \$ _____ or on-line payment.

From: Young, Katie <Katie.Young@niagararegion.ca>
Sent: Wednesday, September 6, 2023 12:38 PM
To: Nick DeBenedetti
Subject: [EXTERNAL]-Regional Pre-consultation Notes - September 7, 2023
Attachments: 2023-09-07 Regional Pre-con Notes 6529 St. John St NF.pdf

Hi Nick,

Please find attached Regional pre-consultation notes for the proposal you're leading at 6529 St. John Street, in lieu of attending the meeting.

The main comment to relay is regarding waste collection; that the plans are to show radii for the roads and is to be in accordance with the current policy requirements. Alternatively, the developer can provide turning template drawings for the site to demonstrate that the Regional truck is able to maneuver through the site.

If you have any questions, please let me know.

Kind regards,
Katie Young, MSc (Pl), MCIP, RPP

Senior Development Planner
Development Planning
Growth Strategy and Economic Development
Niagara Region | www.niagararegion.ca
1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
P: 905-980-6000 ext. 3727 Toll-free: 1-800-263-7215
E: katie.young@niagararegion.ca

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

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

Niagara Region – Development Services Division

Pre-Consultation Notes – sent via email only

6529 St. John Street, Niagara Falls

September 7, 2023

Proposal Description: Consent for the existing detached dwelling and rezone to site specific R1E. Vacant Land Condominium for 5 dwelling units and rezone to site specific R4.

Applicant/Owner/Agent: Niagara Pines Development (Applicant); Ethan Laman- UCC (Agent)

Related Region File: PRECON-21-0778

Application Type:

- Zoning By-law Amendment
- Draft Plan of Condominium
- Consent

Site Designation:

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Delineated Built-Up Area

Niagara Official Plan (NOP)- Built-Up Area

Planning Comments

- A full range of residential uses are generally permitted within the Built-Up Area, subject to adhering to other applicable Provincial and Regional policies. The proposed development will contribute to the City of Niagara Falls intensification target of 50%, as set out within Table 2-2 of the NOP.

Archaeological Potential

- The property is located outside of an area of archaeological potential on Schedule K of the NOP. Accordingly, staff offer no archaeological assessment requirements.

Environmental Comments

- The property is located outside of the Region's Natural Environment System. Accordingly, staff offer no archaeological assessment requirements.

Transportation/ Roads

- St. John Street – Local

Servicing

- Water – 150 D UNK – Local (St. John Street)
- Sanitary – 200 D PVC – Local (St. John Street)
- Storm – D UNK – Local (St. John Street)

Stormwater Management

Niagara Region – Development Services Division

Pre-Consultation Notes – sent via email only

6529 St. John Street, Niagara Falls

September 7, 2023

- It is subject to the satisfaction of City to ensure the local infrastructure requirements (both water quality and quantity) to be adequately addressed.

Waste Collection (Low Density Residential)

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Blue/grey –no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit (bi-weekly)
- **Curbside collection only**
- **Future plans are to show radii for the roads and are to be in accordance with the current policy requirements or provide turning template drawings for the site.**

Required Studies for Regional Review

- Truck turning templates – see waste collection comments

Required Fees

The Region's 2023 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

Development Application Review Type	Fee Amount
Consent – within Urban Area	No Regional circulation required
Zoning By-law Amendment Review	No Regional circulation required
Draft Plan of Vacant Condominium	\$5,525 (base fee) + \$1,915 (per hectare)

Subject:

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

Comments

From: John Grubich <jgrubich@niagarafalls.ca>
Sent: Friday, September 8, 2023 9:18 AM
To: Scott Turnbull <sturnbull@niagarafalls.ca>; Julia van der Laan de Vries <jvanderlaandevries@niagarafalls.ca>; Alexa Cooper <acooper@niagarafalls.ca>; Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Cc: Mathew Bilodeau <mbilodeau@niagarafalls.ca>
Subject: RE: Niagara Falls Pre-Consultation Meeting (1st Thursday)

Nick;

Transportation comments on these preliminary applications that was discussed at yesterday's pre-consultation meeting:

1. 6529 St. John Street (5 Dwelling Condominium) – Zoning & Condominium

St. John Street is a local City road. It is 15.09m (49.5') wide, per registered plan 78.

A traffic study is not required.

Staff notes that Unit 1 has a one car driveway plus a one-car garage (its 4.8m width is not sufficient for two cars side by side), and the remaining 4 units have a two-car driveway plus a two-car garage, with two visitor parking spaces.

How will garbage be collected? If garbage vehicles (either Regional or private) enter the site, the driver must turnaround on the site, so that the driver enters and exits the site in a forward direction. There is a stem between Units 1 & 2 to enable truck drivers to make a three-point turn.

A sidewalk is not present on St. John Street, west of St. James Avenue.

There is no transit in the neighbourhood. The closest transit stop is on Thorold Stone Road at St. James Avenue for the #114/214 route.

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

From: Tyler Esau
Sent: Friday, September 1, 2023 3:10 PM
To: Nick DeBenedetti
Cc: Building
Subject: Precon Comments
Attachments: Preconsultation - 6529 St John St - Building Comments.pdf

Hi Nick,

See attached comments.

Thank you,

Tyler Esau | Plans Examiner | Building Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4358 | Fax 905-374-7500 | tesau@niagarafalls.ca

****Regional and Municipal Development Charges are set to increase on September 1, 2023****

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

Inter-Departmental Memo

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

From: Tyler Esau
Residential Building Examiner
Ext. 4358

Date: September 1, 2023

Re: Preconsultation – Zoning By-Law Amendment, Consent, Draft Plan of
Condominium
6529 St John Street
Applicant: Niagara Pines Development
Agent: Ethan Laman, Upper Canada Consultants
Proposal: Sever existing single-detached dwelling and construct 5
single-detached dwellings through a Vacant Land Condominium on
the balance of lands. Rezone residential portion as site-specific R1E
and VLC lands as site-specific R4

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

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

From: Danaka Kimber
Sent: Wednesday, August 30, 2023 4:29 PM
To: Nick DeBenedetti
Cc: GISRequest
Subject: PreCon - Sept 7/2023 - Consent and VLC at 6529 St John St

Hello Nick.

GIS has the following comments:

- If I understand correctly, the existing dwelling will be demolished. Once complete, the civic number 6529 will be retired to avoid confusion.
- The consent will create the new SE block labelled 'Additional Lands of Owner', essentially a vacant lot. This will not have any address until new development occurs here.
- The VLC will receive a new single civic address when the drawing is completed and signed.
- A unique civic unit (think mail/door) will need to be assigned to each unit in the condo. I will require a plan showing both the legal unit and the civic unit in the appropriate spatial location.

Feel free to reach out with any questions.

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

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

Subject: FW: PC for 6529 St John St (UDLA comments)
Attachments: Internal Memo-UDLA Comments_2023-09-05.docx

From: Julia van der Laan de Vries <jvanderlaandevries@niagarafalls.ca>
Sent: Tuesday, September 5, 2023 5:06 PM
To: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: PC for 6529 St John St (UDLA comments)

Hi Nick:

Attached are my comments.

They are also saved in the pre-con folder under the location.

Thanks,

Julia

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

Inter-Departmental Memo

Urban Design and Landscape Comments

To: Nick DeBenedetti, Planner 2

From: Julia van der Laan de Vries, Urban Designer/Landscape Architect
Ext 4291

Date: September 7th 2023 meeting

Re: **Pre-consultation**

Address: 6529 St. John Street

Proposal: Residential development of 5 dwellings with 1 existing dwelling (re-zoning, consent and vacant land condo applications)

Cash-in-Lieu (CIL) of Parkland

- Parkland dedication shall be provided as a Cash-in-lieu payment at the current prescribed rate of 5% for residential uses at the time of the Zoning amendment application.

Urban Design

- Please include an Urban Design analysis within the Planning Justification Report. The analysis should demonstrate how the new residential dwellings will mitigate any impacts of privacy or overlook onto the existing residential properties and their back yards.

Landscape Comments

- A Tree Inventory and Preservation Plan will be required as part of the Re-zoning submission. The plan shall be developed by a certified professional. The plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the plan shall be implemented at the Development Agreement stage. This includes potential modifications to the project layout and grading plans.
- A Landscape plan is requested as part of the Re-zoning application and must conform to the City's Standards for Site Planning. The plan shall be developed by an Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing street frontage, plus the use of plant material and fencing for privacy. The planting of native plant species is preferred.

Public Realm / Streetscape

- The Landscape Plan should include proposed street trees within a sodded boulevard. Please refer to page 54 of the City's Site Plan Guidelines (March, 2023) for a list of approved street trees.

A Great City ... For Generations To Come

From: Marcus Wahrstaetter
Sent: Monday, September 11, 2023 11:39 AM
To: Nick DeBenedetti
Subject: 2023-09-07_Pre-Con Meeting_Eng Comments_MW
Attachments: 2023-09-07_Pre-Con Meeting_Eng Comments_MW.pdf

as requested.

Marcus Wahrstaetter, C.E.T., PMP | Development Technologist | Municipal Works - Development | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4217 | Fax 289-296-0048 | mwahrstaetter@niagarafalls.ca

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

Pre-Consultation Meeting – September 7th, 2023 – Item #8 – Nick DeBenedetti

Proposed: Consent, Vacant Land Condominium and Zoning By-law Amendment
Applicant: Niagara Pines Development
Agent: Ethan Laman
Property: 6529 St. John Street
Proposal: Consent for the existing detached dwelling and rezone to site specific R1E. VLC for 5 dwelling units and rezone site specific R4.

Existing infrastructure on St. John Street: 150mmØ PVC Watermain (1995)
225mmØ Concrete Sanitary Sewer (1947)
300mmØ Concrete Storm Sewer (1974)

Consent Requirements:

- As a condition of Consent a detailed master grading plan must be submitted which complies with the City's Lot Grading and Drainage Policy, to the satisfaction of the Engineering Department.
- Services must not cross adjacent lot lines.

Zoning By-law Amendment Requirements:

- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request from mwdev@niagarafalls.ca.
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event, contained and controlled on-site and directed to a suitable outlet, with major storm events directed overland to an acceptable outlet, to the satisfaction of Engineering staff. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria is available upon request from mwdev@niagarafalls.ca.
- Engineering drawings of existing underground infrastructure are available upon request from mwdev@niagarafalls.ca.

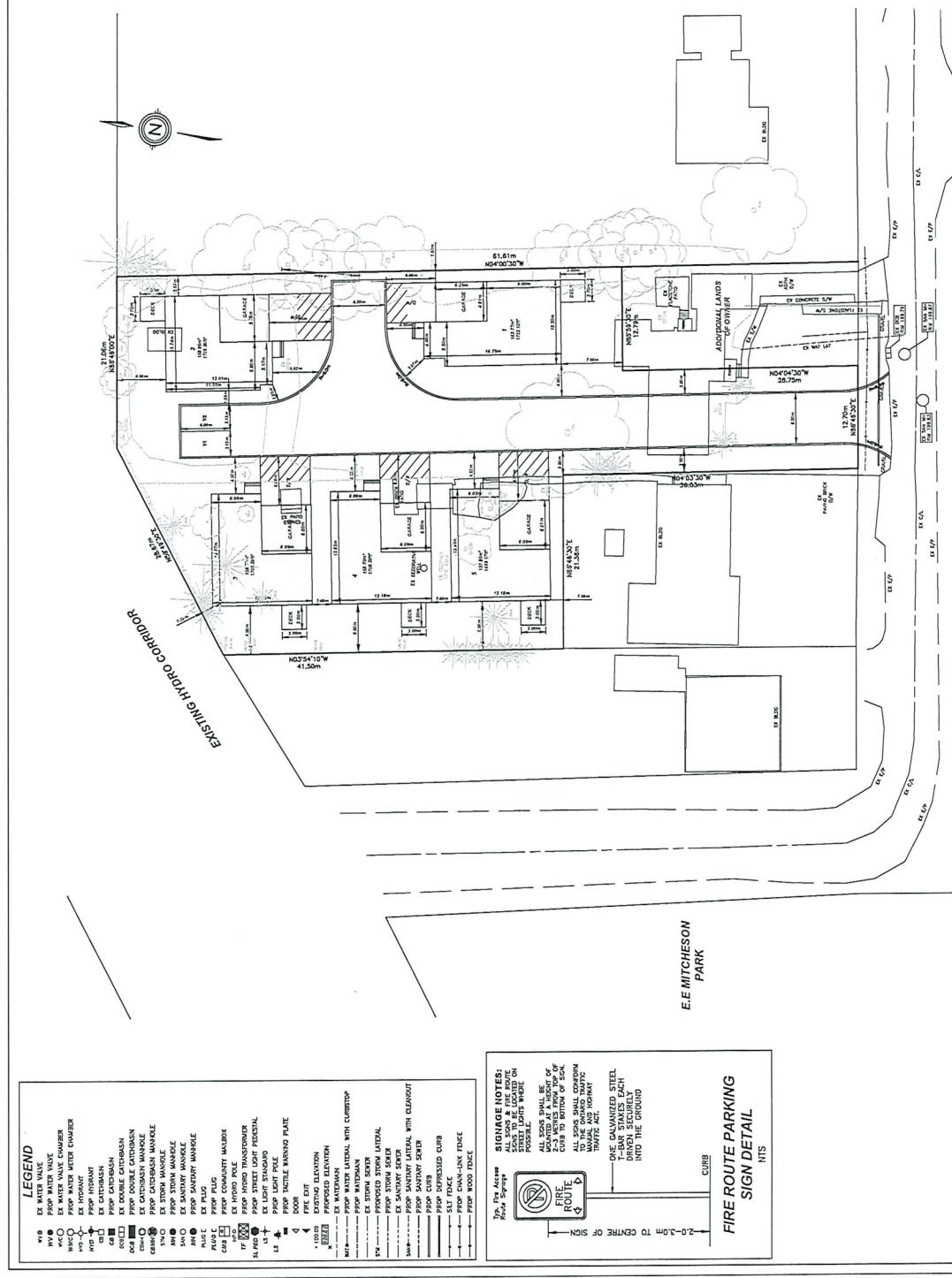
Vacant Land Condominium Requirements:

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- Road Occupancy Permit for work within the City's road allowance to be obtained through Josh Caughell - (905) 356-7521 ext. 4549.



ZONING MATRIX	
PROVISION	ZONING (R3)
MIN. LOT SIZE	(1) For <u>new</u> buildings, a minimum lot size of 12,000 sq ft.
MIN. LOT PRICE	(2) For <u>new</u> buildings, a minimum lot price of \$12,000 per sq ft.
MIN. LOT AREA	(3) For <u>existing</u> buildings, a minimum lot area of 32,000 sq ft.
MIN. FLOOR AREA	(4) For <u>new</u> buildings, a minimum floor area of 12,000 sq ft.
MIN. FLOOR PRICE	(5) For <u>new</u> buildings, a minimum floor price of \$12,000 per sq ft.
MIN. FLOOR AREA	(6) For <u>existing</u> buildings, a minimum floor area of 32,000 sq ft.
MIN. FLOOR PRICE	(7) For <u>existing</u> buildings, a minimum floor price of \$12,000 per sq ft.
MIN. EXTERIOR SURFACE AREA	(8) For <u>new</u> buildings, a minimum exterior surface area of 12,000 sq ft.
MIN. EXTERIOR SURFACE AREA	(9) For <u>existing</u> buildings, a minimum exterior surface area of 32,000 sq ft.
MIN. BLDG. HEIGHT	(10) For <u>new</u> buildings, a minimum building height of 12 ft.
MIN. BLDG. HEIGHT	(11) For <u>existing</u> buildings, a minimum building height of 24 ft.
MIN. LANDSCAPE PRICE	(12) For <u>new</u> buildings, a minimum landscape price of \$12,000 per sq ft.
MIN. LANDSCAPE PRICE	(13) For <u>existing</u> buildings, a minimum landscape price of \$24,000 per sq ft.

<u>LAND USE SCHEDULE</u>		
AREA	hs	% COVERAGE
BUILDING COVERAGE	0.0197	22.17
ROAD/PARKING/DRIVeway	0.00885	23.46
LANDSCAPING	0.1448	49.37
TOTAL	0.233	100.00
PROPERTY FRONTAGE	127.11	
UNITS	5	
DEVELOPABLE AREA		17.035 hs
DEENSITY		3.40 units/hs
SPACES - REQUIRED		10
PARKING SPACES - PROVIDED		20-24 (20/24)
22		



Preconsultation with City Planning staff is required under By-law 2009-170. Preconsultation identifies the information required to commence the processing of a development application. Preconsultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application.

Submission

Complete and return this form and the required supporting material to the Planning Department. Once City Staff are in receipt of a completed form and the required material, a pre-consultation meeting will be scheduled. Pre-consultation meetings are typically held on the first and third Thursday afternoons of every month. They are on a first come, first serve basis.

FOR STAFF USE ONLY	
Date of Submission:	Meeting Scheduled For:
Submission Requirements:	
Completed Form	<input type="checkbox"/>
Conceptual Plan	<input type="checkbox"/>
Required Fee	<input type="checkbox"/>

PLEASE SUBMIT THIS FORM AND ANY REQUIRED ATTACHMENTS TO:

planning@niagarafalls.ca


Application Form
1. SUBJECT PROPERTY INFORMATION

Street Address:
6529 St. John Street

Legal Description: (Lot, Concession, Registered Plan, etc.):
PT LT 59 PL 5 STAMFORD AS IN RO117039; CITY OF NIAGARA FALLS

Existing Use of Subject Property:
Residential

Land Area (ha):
0.3301 Lot Frontage:
25.47m

Official Plan Designation:
Residential Zoning:
R1D

Are there any past or present Planning Applications on the subject lands? (i.e. Official Plan Amendment, Zoning By-law Amendment, Site Plan, Consent, Minor Variance)

Draft Plan of Vacant Land Conodminium and Zoning By-law Amendment

2. CONTACT INFORMATION
Owner Information

Registered Owner(s): (please indicate names exactly as shown on the Transfer Deed of Land)
Niagara Pines Developments Ltd.

Mailing Address: (Street address, unit number, city & postal code)
6102 Perkins Street, Unit 6B, Niagara Falls, ON L2E 5R8

Phone Number:
(613) 979-8322 E-mail Address:
stephanie@eprime.ca

Applicant/Agent Information (if applicable)

First and Last Name(s):
Upper Canada Consultants - Ethan Laman

Mailing Address: (Street address, unit number, city & postal code)
3-30 Hannover Drive, Unit 3, St. Catharines, ON L2W 1A3

Phone Number:
(905) 688-9400 E-mail Address:
ethan@ucc.com & eric@ucc.com

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

3. TYPE OF APPLICATION

This is a pre-consultation meeting request for (check all that apply):

<input type="checkbox"/> Official Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment
<input type="checkbox"/> Draft Plan of Subdivision	<input checked="" type="checkbox"/> Draft Plan of Condominium
<input type="checkbox"/> Site Plan Control	<input checked="" type="checkbox"/> Consent

Please provide a detailed description of the proposal (use additional sheet if necessary):

Proposed Zoning: R4 site specific (vacant land) and R1E site specific (existing dwelling)

Proposal: The applicant is proposing to sever the existing single-detached dwelling

and construct five single-detached dwellings through a Plan of Vacant Land

Condominium on the balance of the lands. To facilitate the development, the lands are

proposed to be rezoned R4 site specific and the remnant parcel R1E site specific. The

proposed development will consist of a private road through the middle of the lands with

two visitor parking spaces at the end of the roadway. There are 20 parking spaces via

the driveways and garages of the dwellings. the proposed evelopment has a denisty of

17.04 units per hectare.

Please include a drawing in pdf format illustrating the following:

- Location of property and immediate surroundings (including property dimensions)
- Use of adjoining lands
- Location of existing and proposed structures and features (i.e. accesses, parking, septic [if applicable], road allowances, watercourses, drainage ditches and natural features (trees and vegetation))
- Existing and proposed lot fabric (if applicable)
- Relevant zoning information, including proposed setbacks from lot lines and significant natural features, building heights, lot coverage, landscaped area, dimensions for parking spaces and aisle widths
- Other relevant information, as appropriate, to assist staff in understanding the proposal

4. DECLARATION

I, Ethan Laman certify that the information provided in this document is true to the best of my knowledge, that all required supporting documentation has been enclosed and submitted with this form, and that this information can be shared with various agencies and departments as part of the planning review process.

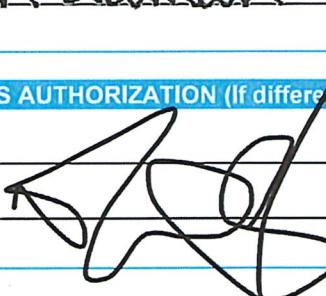
Further, by submitting this application, I agree to allow the City of Niagara Falls, its employees and agents to enter the subject property for the purpose of conducting site visits that may be necessary to process this request.

Date: August 17, 2023

Signature: Ethan Laman

5. PROPERTY OWNER'S AUTHORIZATION (If different from owner)

Date: August 17, 2023

Signature: 

Inter-Departmental Memo

To: Nick DeBenedetti, Planner 2
From: Sue Scerbo, Senior Zoning Administrator
Date: September 7, 2013
Re: **Proposed Zoning By-law Amendment, Vacant Land Condominium and Consent
6529 St. John Street
Construction of 6 detached dwellings**

Summary:

The subject property is zoned Residential 1D Density (R1D), in accordance with Zoning By-law 79-200, as amended. The applicant is proposing to convey a parcel of land for the future construction of 5 detached dwellings within a vacant land condominium. A parcel providing a lot frontage of 12.79 metres and a lot area of 367.7 square metres is to be retained for future residential use. **The retained parcel is undersized with respect to lot frontage and lot area.**

The applicant is proposing to rezone the lands to a site specific Residential Low Density, Group Multiple Dwelling Zone (R4) Zone to facilitate the proposed development.

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

Provision	Requirement	Proposal	Comply
Permitted Uses	The uses permitted in the R4 zone	Detached dwelling in accordance with the regulations for a townhouse dwelling	No
Minimum lot area for a townhouse dwelling	250 square metres for each dwelling unit 250 sq.m. x 5 = 1250 square metres	586.6 square metres for each dwelling unit 586.6 sq.m. x 5 = 2933 square metres	Yes
Minimum lot area for an apartment dwelling or stacked townhouse dwelling	200 square metres for each dwelling unit	n/a	n/a
Minimum lot frontage for a townhouse dwelling or	30 metres	12.71 metres	No

A Great City ... For Generations To Come

an apartment dwelling or a stacked townhouse dwelling containing more than four dwelling units			
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing four dwelling units or less on an interior lot	24 metres	n/a	n/a
Minimum lot frontage for a townhouse dwelling or an apartment dwelling or a stacked townhouse dwelling containing four dwelling units or less on a corner lot	25.5 metres	n/a	n/a
Minimum front yard depth for a townhouse dwelling	6 metres	Greater than 6 metres	Yes
Minimum front yard depth for an apartment dwelling or a stacked townhouse dwelling	7.5 metres	n/a	n/a
Minimum rear yard depth for a townhouse dwelling	7.5 metres	6 metres	No
Minimum rear yard depth for an apartment dwelling or a stacked townhouse dwelling	10 metres	n/a	n/a
Minimum interior side yard width	One-half the height of the building Height not provided	7.5 metres (Unit 1 south) 1.5 metres (Unit 1 east) 2.5 metres (Unit 2 east) 1.5 metres (Unit 3 north) 6 metres (Unit 3 west) 6 metres (Unit 4 west)	Information required (height of dwellings)

A Great City ... For Generations To Come

		6 metres (Unit 5 west) 1.56 metres (Unit 5 south)	
Minimum exterior side yard width for a townhouse dwelling	4.5 metres	n/a	n/a
Minimum exterior side yard width for an apartment dwelling or a stacked townhouse dwelling	7.5 metres	n/a	n/a
Maximum lot coverage	35%	27.17%	Yes
Maximum height of building or structure	10 m	Less than 10 metres	Yes Please provide height
Number of dwellings on one lot	[subject to section 7.9.3] More than one dwelling is permitted on one lot	5 dwellings	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space for each dwelling 5 parking spaces	11 parking spaces (4 dwellings have double drive/garages, 1 dwelling has a single drive/garage + 2 visitor spaces)	Yes
Minimum parking stall width	2.75 metres	2.75 metres (min)	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	6.3 metres	6.3 metres	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14		
Minimum Landscaped Open Space Area	45 square metres for each dwelling unit	289.6 square metres for each dwelling unit	Yes

A Great City ... For Generations To Come

Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5 metres	6 metres (Units 2-5) 7.5 metres (Unit 1)	No Yes
Minimum amenity space for an apartment dwelling unit or a stacked townhouse dwelling unit	In accordance with section 4.44	n/a	n/a
Projection of a deck into a required side yard A deck is defined as a raised platform or floor with railings or half walls, but no solid roof, which is located 0.6 metres or greater above the ground, constructed on piers or a foundation, and is used as outdoor living area.	Not permitted to encroach into a required side yard	Unknown	Information required (please provide height to determine required interior side yard) Please provide height of deck
Projection of a deck into a required privacy yard of a block townhouse dwelling unit	4 metres	n/a	n/a (proposed detached dwellings not townhouse dwellings)
Additional regulations for group dwellings	No person shall within any R4 Zone use any land or erect or use any building or structure for the purpose of group dwellings except in accordance with the provisions of sections 4, 5 and 7.10.2 as altered or extended by the following additional regulations: (a) The minimum lot area shall not be less than the sum of the minimum lot area requirements of clause (a) of section 7.10.2 of each townhouse dwelling and each	Add a detached dwelling	No

A Great City ... For Generations To Come

	<p>apartment dwelling or stacked townhouse dwelling erected or to be erected on the lot.</p> <p>(b) Nothing in section 4.11 or in clause b of section 7.10.2 shall be deemed to require each townhouse dwelling and each apartment dwelling or stacked townhouse dwelling to front or abut upon a street.</p>		
--	---	--	--

Comments:

- Additional information is required as noted above to ensure zoning compliance.
- The zoning matrix included on the site plan refers to the R3 zone rather than the proposed R4 zone.
- The retained parcel is undersized with respect to lot frontage and lot area. A surveyor's illustrating the proposed part and the retained part is required.

ss

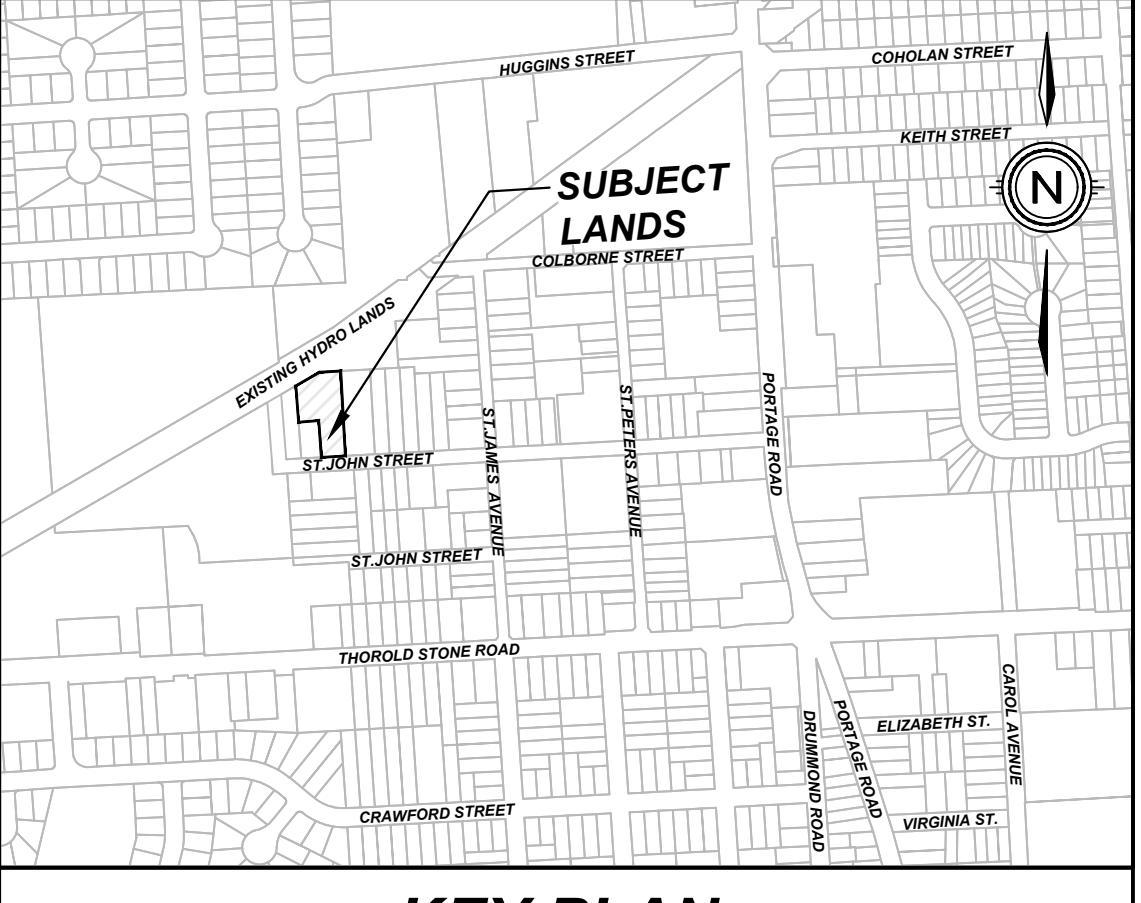
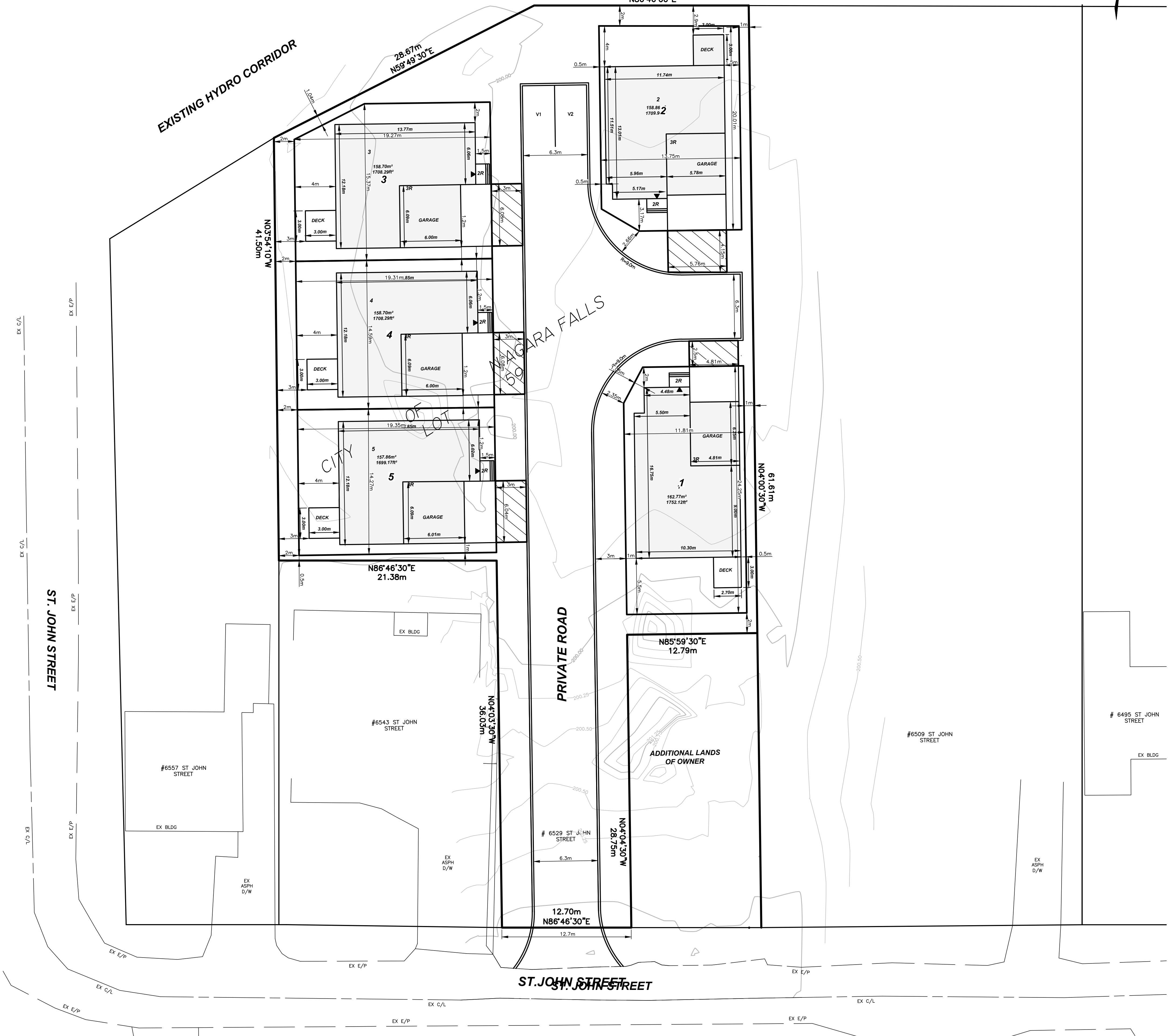
S:\PRECONSULTATION\2023\09.07.23\ST. JOHN STREET 6529\ZONING COMMENTS.docx

Appendix II
Draft Plan of Vacant Land Condominium

6529 ST. JOHN STREET

CITY OF NIAGARA FALLS

UNIT	UNIT AREA (m ²)	EXCLUSIVE USE AREA—DRIVeways (m ²)
1	282.7689	12.00
2	271.85	23.74
3	284.48	18.25
4	281.93	18.28
5	276.12	18.16
TOTAL	1397.14	90.42
TOTAL UNIT AREA	1397.14m²	
TOTAL EXCLUSIVE USE (DRIVeway AREA)		90.42m²
TOTAL COMMON ELEMENT AREA		1487.56m²



KEY PLAN
SCALE 1: NTS

DRAFT PLAN OF VACANT LAND CONDO

LEGAL DESCRIPTION

PT LT 59 PL 5,
PART 1 ON 59-16551, STAMFORD,
NIAGARA FALLS
PT LT 59 PL 5 AS IN STAMFORD AS IN
R0117039; CITY OF NIAGARA FALLS

OWNER'S CERTIFICATE

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

FEBRUARY 22, 2023
500984 ONTARIO INC. DATE

SURVEYOR'S CERTIFICATE

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

FEBRUARY 22, 2023
DON CHAMBERS, B. Sc., O.L.S. DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

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

SITE STATISTICS - CONDOMINIUM

AREA	ha	% COVERAGE
BUILDING COVERAGE	0.0797	27.17
ROAD/PARKING/DRIVEWAY	0.0688	23.46
LANDSCAPING	0.1448	49.37
TOTAL	0.2933	100.00
PROPERTY FRONTAGE		12.71m
UNITS		5
DEVELOPABLE AREA		0.2933 ha
DENSITY		17.04 units/ha
PARKING SPACES - REQUIRED		10
PARKING SPACES - PROVIDED		20+2(VISITOR)=22

.	.	.
0	ISSUED FOR REVIEW	ZC
#	REVISION	DATE

**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

DRAWING TITLE	DRAFTING	ZC
DRAFT PLAN OF VACANT LAND CONDO		
	DATE	FEBRUARY 27, 2023
	PRINTED	FEBRUARY 27, 2023
	SCALE	1:200
	DWG. No.	22119-DP
	REV	0

Appendix III
Draft Zoning By-law Amendment

**THE CORPORATION
OF THE
CITY OF NIAGARA FALLS
BY-LAW NO. _____**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to facilitate the development of the lands with six single-detached dwellings (_____).

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Scheduled 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The lands shall be identified as Parcels R1E-XXX _____ and R4-XXX _____.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
5. The permitted uses for Parcel R1E-XXX shall be:
 - a. The uses permitted in the R1E Zone
6. The regulations governing the uses permitted on Parcel R1E-XXX shall be as follows:

R1E-XXX Zone Provisions	
a) Minimum Lot Area	365 square meters

7. The permitted uses for Parcel R4-XXX shall be:

- a. The uses permitted in the R4 Zone.
- b. Single Detached Dwellings

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

R4-XXX Zone Provisions	
a) Minimum Lot Frontage	12.7 meters
b) Minimum Rear Yard Depth	6 meters
c) Minimum Interior Side Yard	1.2 meters
d) Minimum Privacy Yard Depth	6 meters

9. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.

10. No person shall use the Lands for a use that is not a permitted use.

11. No person shall use the Lands in a manner that is contrary to the regulations.

12. The provisions of this by-law shall be shown on Sheet X of Schedule "X" of By-law No. 79-200 by re-designating the Lands from the Residential 1D Density (R1D) zone to Residential 1E Density site-specific (R1E-XXX) Zone, and Residential Low Density, Grouped Multiple Dwelling site-specific (R4-XXX) Zone.

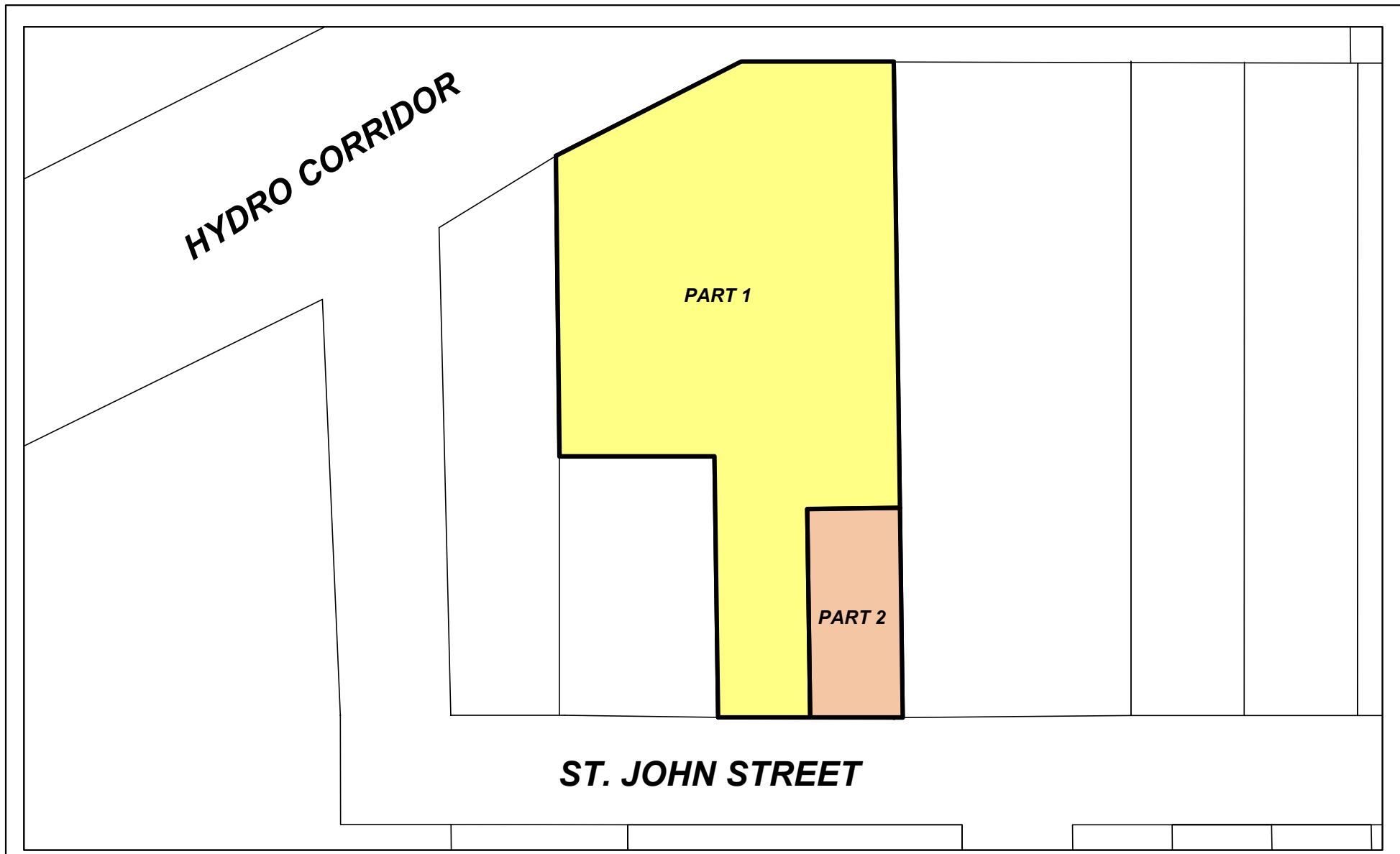
Passed this ____ day of ____ , 2024.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____ , 2024.

MAYOR

CITY CLERK

Draft



LEGEND

- PART 1 - FROM RESIDENTIAL 1D DENSITY (R1D) ZONE
TO RESIDENTIAL LOW DENSITY GROUP MULTIPLE
DWELLING SITE SPECIFIC ZONE (R4-X)**
- PART 2 - FROM RESIDENTIAL 1D DENSITY (R1D) ZONE
TO RESIDENTIAL 1E DENSITY SITE SPECIFIC ZONE
(R1E-X)**

SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

