

**Planning Justification Report  
Zoning By-law Amendment and  
Draft Plan of Vacant Land Condominium**

**4336 Willick Road**

**City of Niagara Falls**

**November 2025**

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**UCC File NO. 24002**

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## **1.0 - INTRODUCTION**

Upper Canada Consultants has been retained by 13071189 Canada Inc. to prepare this Planning Justification Report in conjunction with applications for a Zoning By-law Amendment and Draft Plan of Vacant Land Condominium as per the Pre-Consultation meeting held on May 2<sup>nd</sup>, 2024, see **Appendix II** for a copy of the pre-consultation notes.

The intent of this report is to provide an overview of the proposal and to demonstrate how the applications satisfy the *Planning Act*, are consistent with the Provincial Planning Statement, conform with the Regional of Niagara Official Plan, the City of Niagara Falls Official Plan and the City of Niagara Falls Zoning By-law and represents good planning.

This report should be read in conjunction with the following, additional materials and reports:

- Archeological Assessment prepared by Archaeological Consultants Canada;
- Environmental Site Assessment prepared by Niagara Soils Solutions Ltd.;
- Natural Heritage Constraints Assessment prepared by Colville Consulting Inc.;
- Landscape Plan prepared by James McWilliam Landscape Architect;
- Functional Servicing Report prepared by Upper Canada Consultants;
- Tree Preservation Plan prepared by Jackson Arboriculture

## **2.0 - BACKGROUND AND SITE CONTEXT**

The subject application pertains to the lands municipally addressed as 4336 Willick Road in the City of Niagara Falls. The lands are legally described Part Lot 18 Concession 11 within the former Township of Willoughby, now the City of Niagara Falls. These lands will be known as the “subject lands” throughout this Planning Justification Report. The subject lands are located on the south side of Willick Road with a lot frontage of 379.68 meters and a total lot area of 20 hectares. The subject lands are generally square in shape and currently contain vacant farm land, this is delineated in **Figure 1** below which shows an aerial view of the subject lands and the surrounding area. However, only that portion of the subject lands that front onto Willick Road and to a depth of 66m is subject to the development applications and the remainder of the lands will remain undeveloped and used for agricultural purposes.

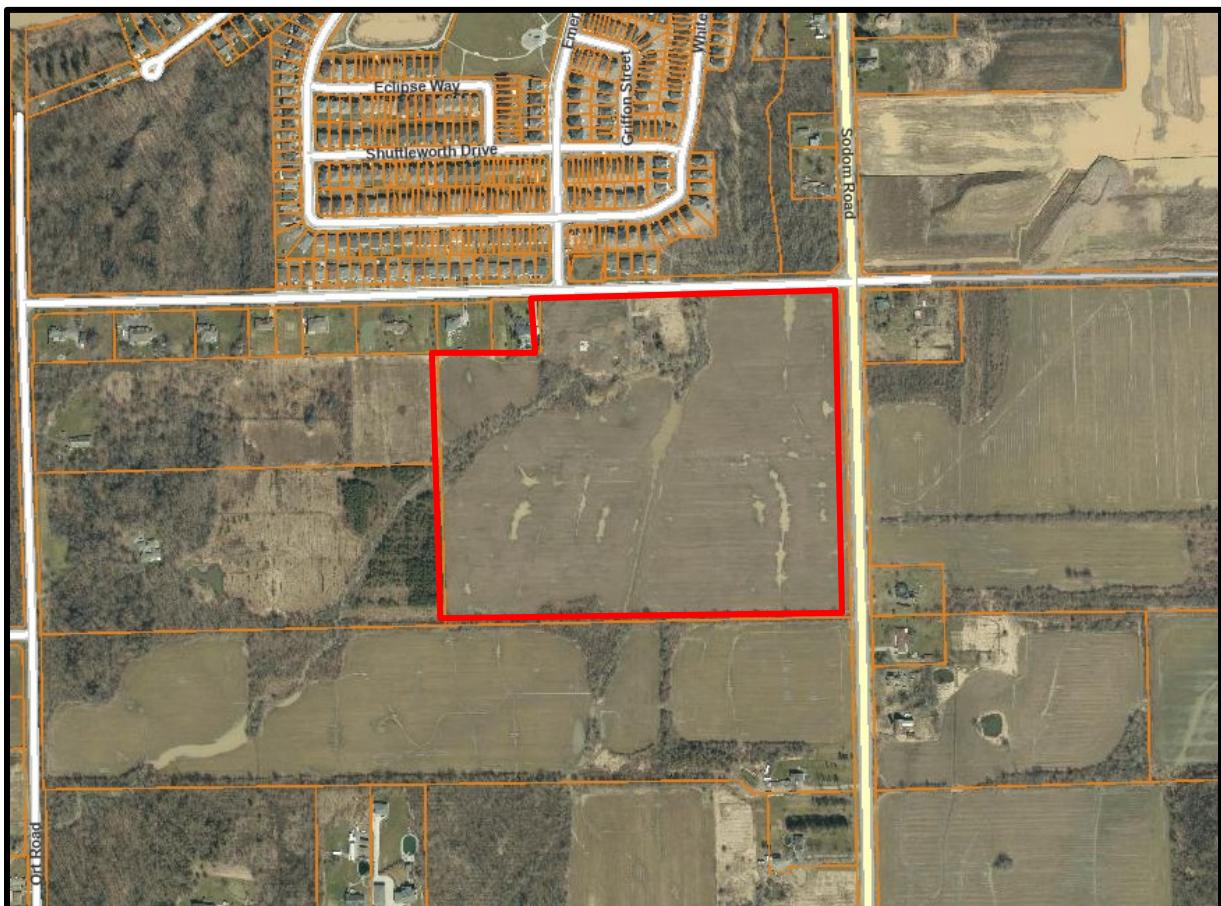


Figure 1 – Aerial Image of Subject Lands

The Hunters Drain, a municipal drain, bisects through the property in two branches and its associated 100-year floodplain is regulated by the Niagara Peninsula Conservation Authority.

The surrounding lands contain the following uses:

<b>North:</b>	Residential, Open Space
<b>East:</b>	Rural, Residential
<b>South:</b>	Rural
<b>West:</b>	Rural, Residential

That portion of the subject lands that are subject to the development applications are located within the City's Urban Area boundary and designated as Residential and Greenfield Area in the City's Official Plan, and the remainder of the lands outside of the urban boundary are designated Good General Agriculture.

The property is zoned as Agricultural Three (A3), Highway Commercial-1 (HC-1) and Open Space Conservation (OSC) under Zoning By-law 79-200. It is noted that the Zoning By-law 79-200 was amended by By-law 2025-102 on August 26, 2025 which brought lands that were under the former Willoughby By-law 395-1966 into Zoning By-law 79-200 and Willoughby By-law 395-1966 was repealed. **Figure 2** below shows the zoning for the subject lands from Zoning By-law 79-200, as amended.

North of the subject lands is a newer residential development comprised of single-detached dwellings, semi-detached dwellings and townhouse dwellings and a municipal park and stormwater management facility. Also, to the north is a natural area associated with the Hunters Drain and a public trail.

East of the subject lands is zoned as rural; this area contains farm land used for agricultural purposes and rural non-farm single detached dwellings.

South of the subject lands is zoned as Agricultural Three (A3); this area contains farm land used for agricultural purposes and rural non-farm single detached dwellings.

West of the subject lands is zoned as Agricultural Three (A3) and Open Space Conservation (OSC); this area contains a branch of the Hunters Drain, farm land used for agricultural purposes and provincially significant wetlands.

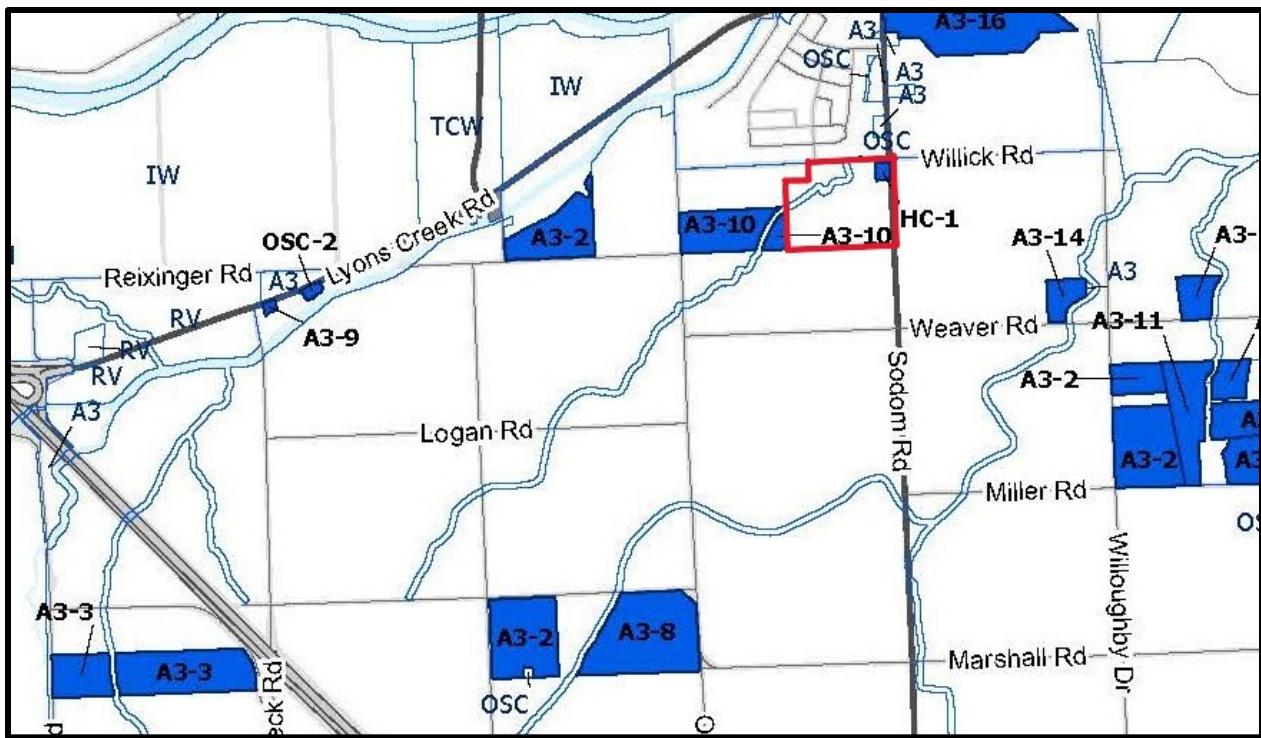


Figure 2 – Excerpt from City of Niagara Falls Zoning By-law 79-200

### Transportation Network

The subject lands have frontage along Willick Road which is classified as a collector road on Schedule C of the Niagara Falls Official Plan, and Sodom Road which is an arterial road. Willick Road is under the jurisdiction of the City of Niagara Falls and Sodom Road is a Regional Road (Regional Road 116) and under the jurisdiction of the Region of Niagara. These segments of Willick and Sodom Road operate as two-lane thoroughfares and have rural cross sections.

The subject lands are within proximity to key transportation routes including the Queen Elizabeth Way (QEWF).

The subject lands are accessible by private automobile and active transportation with sidewalks on the north side of Willick Road and a trail system along the Hunter's Drain.

The site is also within a 5-minute drive to the core area of Chippawa, which has various lifestyle amenities including grocery stores, restaurants, doctors' offices, pharmacies and other local businesses.

### Servicing

The subject lands are currently not serviced, however municipal urban services are available nearby to connect to including local watermain and sanitary sewer services. New storm sewer system will be required to service the proposed development. The Functional Servicing Report (FSR) should be referenced with regards to how the lands will be serviced.

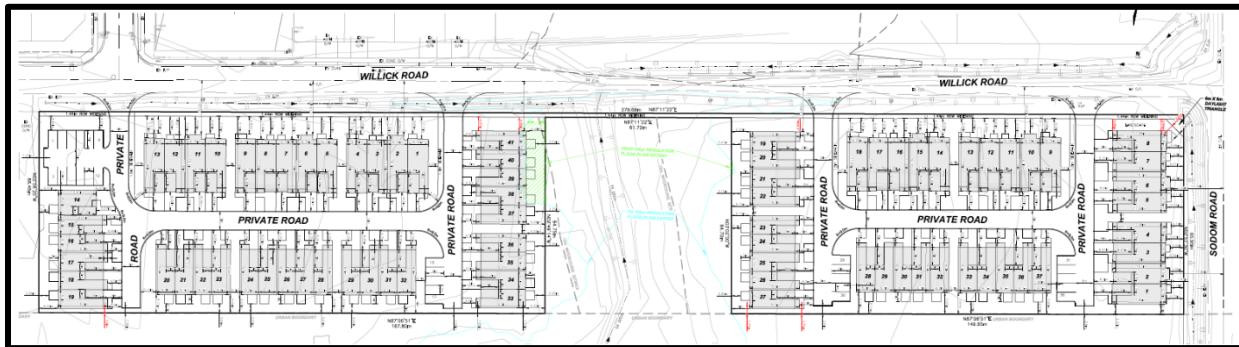
Hydro, gas and telecommunication utilities are also available along Willick Road.

### **3.0 - PROPOSAL**

The applicant is proposing to develop the subject lands as a Vacant Land Condominium containing 78 townhouse dwelling units. The subject lands have a total area of 20 hectares, the proposed development will take place on the northern 2.123 hectares of the property, this area is within the Urban Area Boundary of the City of Niagara Falls.

The proposed townhouse units contain a covered porch, garage and driveway, these units will front onto a private road within the development. The layout of the 78 townhouse units has been designed to ensure the protection of the floodplain that runs through the subject lands.

**Figure 3** below displays an excerpt of **Appendix I** which contains the Concept Plan for the proposed development. This image is illustrative to the proposed use of the subject lands and the layout of the 78 townhouse dwelling units.



**Figure 3 – Excerpt from Appendix I – Concept Plan**

The development offers a mix of front-loaded and rear laneway townhouses. This strategy improves the street edge's urban design along Willick Road and Sodom Road with the townhouses that front along these roads, by moving vehicle storage to the rear and creating a more active front sidewalk, where residents can interact via porches.



Figure 4 – Excerpt from Architectural Elevations



Figure 5 – Excerpt from Architectural Elevations

## **4.0- REQUIRED APPLICATIONS**

A pre-consultation meeting related to the proposal occurred on May 2, 2024 which identified that applications for a Draft Plan of Vacant Land Condominium and Zoning By-law Amendment would be required to facilitate the proposed development. A copy of the pre-consultation notes is included as **Appendix II**.

### **DRAFT PLAN OF VACANT LAND CONDOMINIUM**

The Draft Plan of Vacant Land Condominium will enable the individual ownership of the dwelling units and some associated exclusive yard space. The proposed common elements include the private roadway, perimeter landscaping and parking areas.

Applications for the subdivision of land, including Vacant Land Condominium applications must satisfy the requirements of Section 53 of the *Planning Act*.

### **ZONING BY-LAW AMENDMENT**

A Zoning By-law Amendment is required to establish the appropriate use and built-form provisions to implement the proposed development, and also to protect Hunters Drain and associated floodplain through a conservation category.

The submitted Zoning By-law Amendment will re-zone the subject lands from Agricultural Three (A3) Zone, and Highway Commercial-1 (HC-1) Zones and Open Space Conservation (OSC) Zone to a site-specific Residential Low Density, Grouped Multiple Dwelling Zone (R4 Zone) and Environmental Protection Area (EPA) Zone.

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

## **5.0 – SUPPORTING STUDIES**

A summary of key findings of the reports and studies which have been submitted for the subject applications is provided below. These summaries do not replace the analysis and findings of the original reports. The original reports should be consulted for complete information.

This report should be read in conjunction with the following, additional materials and reports:

- Stage 1 & 2 Archeological Assessment prepared by Archaeological Consultants Canada
- Phase 1 and Phase 2 Environmental Site Assessments prepared by Niagara Soils Solutions Ltd.
- Natural Heritage Constraints Assessment prepared by Colville Consulting Inc.
- Landscape Plan prepared by James McWilliam Landscape Architect
- Functional Servicing Report prepared by Upper Canada Consultants
- Stormwater Management Plan prepared by Upper Canada Consultants
- Tree Preservation Plan by Jackson Arboriculture

### **STAGE 1 & 2 ARCHAEOLOGICAL ASSESSMENT**

A Stage 1 and 2 Archeological Assessment was completed on February 3<sup>rd</sup>, 2025 by Archaeological Consultants Canada for that portion of the subject lands that are subject to the development applications. The Stage 1 background research indicated that the subject lands have general archaeological potential due to the following:

- The presence of a historical homestead location partially within the subject lands;
- that the subject lands are bordered by two early historical transportation routes, Willick Road and Sodom Road; and,
- Twenty-three archeological sites have been registered within 1 km of the subject lands.

After a visual property inspection, it was determined that 2.26 hectares of the subject lands retained archeological potential and these lands were recommended for Stage 2 assessment. The Stage 2 assessment of the subject lands concluded that no artifacts or other archeological resources were identified. Therefore, the following was provided:

- No artifacts or other archeological resources were identified during the Stage 1 and 2 archeological assessment.
- The subject property has not been fully assessed according to the Ontario Ministry of Citizenship and Multiculturalism's 2011 standards and guidelines for consultant archeologists.
- No further archeological assessment of the property is required.

## **PHASE 1 & 2 ENVIRONMENT SITE ASSESSMENTS**

A Phase One and Two Environmental Site Assessments (“ESA”) have been conducted by Niagara Soils Solutions Ltd. The Phase One assessment was completed on September 13<sup>th</sup>, 2024. The Phase Two assessment was completed on February 25<sup>th</sup>, 2025.

The Phase One ESA covers approximately 19.8 hectares of land that primarily consists of agricultural fields, some woodlot and scrub areas in the north, as well has a drainage ditch running north to northwest.

Historically, the subject lands were used for a mix of uses containing residential and agricultural use dating back to at least 1934. Additionally, around 2000 to 2018, the owner utilized the detached garage and surrounding land to store and work on a variety of automobiles and trucks. All structures were removed from the site between 2021 and 2023.

The Phase One ESA identified four Potentially Contaminating Activities (“PCAs”), which resulted in four on-site Areas of Potential Environmental Concern (“APECs”). A Phase Two ESA was subsequently recommended to investigate the environmental conditions at the Site for approximately 2.5ha of the 19.8 ha site. The key outcomes of the Phase Two ESA determined that groundwater and soil sampling test results to meet the applicable Table 3 criteria for residential development and found that no further environmental work is required, and the report can be utilized to support the filing of a Record of Site Condition.

## **NATURAL HERITAGE CONSTRAINTS ASSESSMENT**

Colville Consulting Inc. was retained by Achievers Exim Consultants Inc. to prepare a natural heritage constraints assessment for the subject lands. The report is intended to summarize the results of field inventories conducted on the subject lands. A development plan for the subject lands has not been prepared, however, the intent of this project is to focus on delineating the extent of natural heritage features on the portion of the property within the urban boundary.

In order to identify potential natural heritage features on that portion of the property within the Urban Area boundary a policy review was undertaken and Colville Consulting Inc. conducted the following field inventories:

- 1) Botanical inventories of the property in the summer and fall of 2022;
- 2) Assessment and description vegetation communities on the properties using the ecological land classification system for southern Ontario;
- 3) Complete an assessment of potential bat maternity colony habitat on the property using methods outlined by MNRF;
- 4) Describes characteristics and condition of the watercourse on the property; and

- 5) Document incidental wildlife observations during site visit, including any species of insects that may be considered locally rare or species at risk.

The assessment concluded that Hunters Drain, as well as a 15-meter buffer from the channel, and associated floodplain, have been designated as an Area of High Constraint. The remainder of the land within the Urban Area boundary has been identified as an Area of No Constraint. This is illustrated in **Figure 4** below, which displays Figure 5 of the Assessment. It was noted in the report that the mapped floodplain on the property has not been refined through topographical survey and it is recommended that the flood hazard and associated development constraints be refined by actual topographic survey and the 15m buffer associated with Hunters Drain be reassessed for appropriateness following the preparation of development concepts.

Based on the conclusions of this study, and a site visit conducted on September 27, 2025 by NPCA and Regional staff, along with Colville and Upper Canada Consultants, there are no objections to the proposed plan, provided the floodplain area remains a vegetative area. The proposed plan adjusts the floodplain area slightly to create a more regular block and to introduce a more logical block layout, and the landscape plan shown below (Figure 5) demonstrates the area to be naturalized.

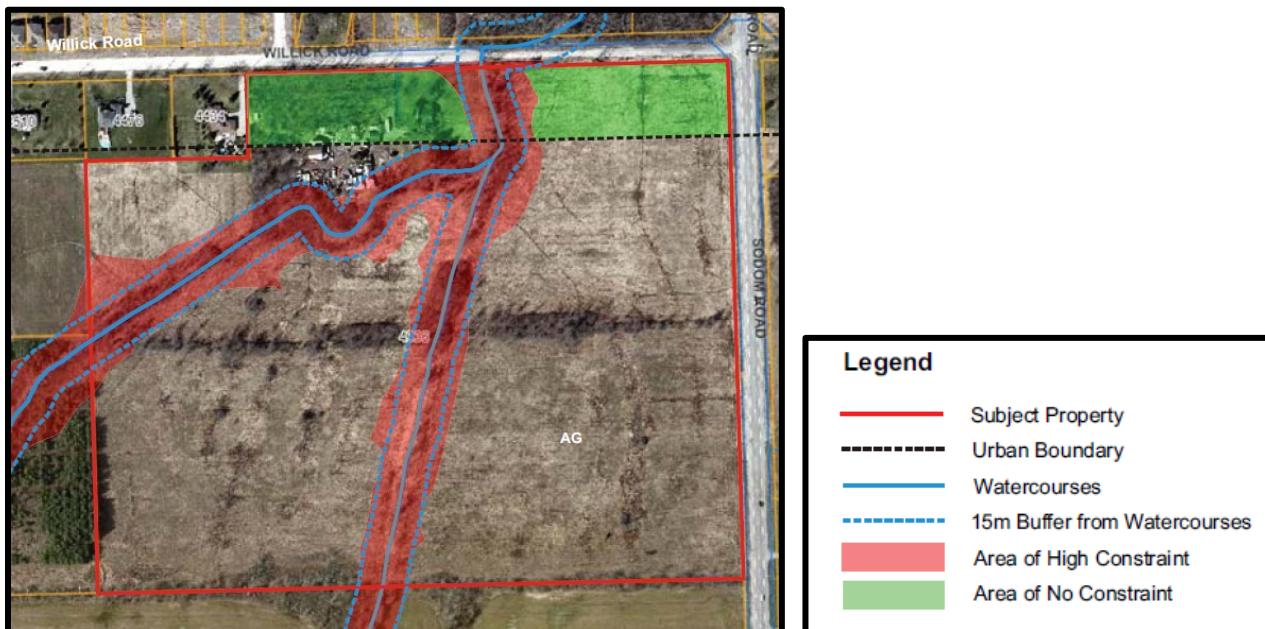


Figure 4 – Excerpt from figure 5 of the Natural Heritage Constraints Assessment

## LANDSCAPE PLAN

The following landscape plan was prepared by James McWilliam Landscape Architect. This plan delineates the use of trees, shrubs and natural areas to mitigate the effects the development will have on the surround natural areas. It is important to note that the development is

designed in such a way to consider the Hunters Drain buffer zone. An excerpt of the landscape plan is displayed below in **Figure 5** and **Figure 6**. The landscape plan is attached as **Appendix III** of this Planning Justification Report.



Figure 5 – Excerpt from Appendix III – Landscape Plan, Eastern Block



Figure 6 – Excerpt from Appendix III – Landscape Plan, Western Block

## FUNCTIONAL SERVICING REPORT

The submitted Functional Servicing Report indicates that the proposed development can be serviced by existing municipal water, sanitary sewers and storm sewers.

The existing municipal 250mm diameter watermain on Willick Road is expected to have sufficient capacity to provide both domestic and fire protection water supply for the entire

development. The existing 250mm diameter sanitary sewer on Emerald Avenue is expected to have adequate capacity for the entire development.

Stormwater quantity controls can be provided for the 5-year design storm within the subject lands with a control orifice at each outlet and internal oversized storm sewer storage. Major overland flows from the subject lands will be conveyed to Hunters Drain. Stormwater quality controls will be provided to MECP Enhanced protection (80% TSS removal) levels with Hydroworks HD4 Oil/Grit separator installed prior to the outlet from each site.

The report concludes that the development can be adequately serviced by existing municipal infrastructure.

### **TREE PRESERVATION PLAN**

A Tree Preservation Plan prepared by Jackson Arboriculture in March 2025 inventoried the trees on the area of the subject lands that is proposed to be developed and on lands adjacent to the area to be developed. A number of the perimeter trees along the property line and within the Willick Road road allowance will be retained and appropriately protected during construction to ensure their survival. The protection details are shown on the Tree Preservation Plan and should be referred to.

## **6.0 - POLICY ANALYSIS**

Applications within the City of Niagara Falls are subject to the *Planning Act*, the 2024 Provincial Planning Statement, the 2022 Niagara Official Plan, the 2024 City of Niagara Falls Official Plan and the City of Niagara Falls Zoning By-law No. 79-200.

### **PLANNING ACT**

The *Planning Act* prescribes the regulations for land use planning to be used by all of Ontario. The *Planning Act* outlines matters of provincial interest that planning authorities must have regard for.

### **SECTION 2 – PROVINCIAL INTERESTS**

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 agricultural resources of the province;*
- c) *The conservation and management of natural resources and the mineral resources base;*
- d) *The conservation of features of significant architectural, cultural historical, archeological 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 water 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 educations, 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 including 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,*
  - 1. Is well-designed,*
  - 2. Encourages a sense of place, and*
  - 3. Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate*

With respect to the notes matters of Provincial Interest, the subject applications have regard for items (a), (f), (i) (j), (p) and (r).

Regarding the protection of ecological systems, including natural areas, features and functions, the proposed development applications do not contemplate development within natural heritage feature associated with the Hunters Drain. This watercourse will continue to be protected and it is proposed that the buffer area adjacent to the Hunters Drain will be naturalized ensuring that the long-term ecological function of this Drain. Further, development will also occur outside of the 100-year floodplain associated with the Drain providing for safe development and maintenance of the floodway associated with the Drain.

The applications have regard for the adequate provision and efficient use of communication, transportation, sewage and water services and water management systems. The development will utilize and connect to existing telecommunication and municipal services on Willick Road. The subject lands will also utilize existing lot frontage and access to Willick Road. Internally, the development will be serviced by private road access and parking areas providing overall for an efficient use of the existing municipal infrastructure.

The subject lands are serviced by River View Public School, as well as Sacred Heart Catholic Elementary school, which are both within 2-3km of the subject lands in Chippawa. In addition, the proposed development is in close proximity (less than 1km) to the Chippawa Willoughby Memorial Arena and the Patrick Cummings Memorial Sports Complex playground and playing fields (baseball and soccer) and 1.5km from the Chippawa Lions Club and Community Park which includes tennis courts, skateboard park, playground, pool and baseball fields in addition to the Lions Club hall.

The applications will have regard for the adequate provision of a full range of housing. The allowance of the application will support the development of 78 townhouse dwelling units. The addition of these units within this area will diversify the housing market and support current and future residents of the surround area.

The applications will have regard for the appropriate location of growth and development. The subject lands are within the Urban Area boundary and the development of the 78 townhouse units is considered appropriate for the area as there has been similar residential development along the north side of Willick Road.

The proposed applications will also provide for a development that is well designed and will create a sense of place for those that live within the proposed development. The development has been designed and sited to provide for a positive urban design and relationship with the existing public realm. Facing the proposed townhouses to the public street will enhance urban street edge for both Willick Road and Sodom Road. Internally, the site is designed to accommodate the private amenity areas for each dwelling unit as well as provide on-site visitor parking. The proposed building elevations represent a traditional design for townhouse development with distinctive features such as dormers, bay windows and porches that will contribute to an attractive and vibrant development.

For these reasons, the submitted application has regard for matters of provincial interest consistent with the *Planning Act*.

#### **SECTION 34 – ZONING BY-LAW AMENDMENT**

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 53 – PLANS OF SUBDIVISION**

Applications for the subdivision of land, including Vacant Land Condominium applications must satisfy the requirements of Section 53 of the *Planning Act*. The proposal is subject to the subsequent consideration of the matters as outlined in Section 51(24) of the *Planning Act* which is listed below in italics, a description of how each requirement is met is listed under each item.

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

As noted above, the proposed development has regard for matters (a), (f), (j), (i), (p) and (r) of section 2 of the *Planning Act*.

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

The proposed development is not premature as the subject land are currently within the Urban Area of the of the City of Niagara Falls in an area that is planned for urban residential uses and has access to existing municipal services that have capacity to

service the development. The proposed development is within public interest as it will provide additional housing options for current and future residents of the surrounding area.

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

The applications conform to the Region of Niagara Official Plan and City of Niagara Falls Official Plan. A detailed overview of this conformity is proved within the relevant Official Plan Sections of this Planning Justification Report.

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

The subject lands that are proposed to be developed are within the Urban Area boundary of the City of Niagara Falls and the development is serviceable with municipal infrastructure off of Willick Road. The Functional Servicing Report included with the applications confirms that there is adequate municipal infrastructure to support the proposed development. That portion of the lands that are proposed to be developed are generally flat and do not have any physical constraints and are suitable for development. The proposed development will occur outside of the 100-year floodplain associated with the Hunters Drain and will not adversely impact the floodplain.

*e) The number, with, location and proposed grades and elevation 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, however a 3.0m road widening along the entire frontage of Willick Road is proposed to and will be dedicated to the City of Niagara Falls. The development will be accessed through the provision of a private roadway system that will connect to Willick Road. Direct access to Sodom Road is not proposed.

The Queen Elizabeth Way (QEW) Highway is located approximately 5 kilometers southwest of the subject lands.

*f) The dimensions and shapes of the proposed lots;*

The area within the subject lands that is the location for the proposed development is rectangular in shape. The proposed individual units within which each townhouse unit will be situated are also rectangular in shape generally being the width of the townhouse unit and including exclusive use area associated with front, rear and exterior

side yards. The dimensions and shape of the proposed development plan provide for an efficient use of land.

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

The subject lands area currently encumbered by an existing floodplain associated with Hunters Drain. This hazard will be engineered and modified to provide for a development envelope on the subject lands that will contain the proposed dwellings. In general, the development has been designed to consider the existing environmental features and floodplain within the subject lands.

*h) Conservation of natural resources and flood control;*

The subject lands contain a floodplain which will be modified slightly based on actual topography of the lands and through grading design to accommodate the proposed development while still maintaining the flood storage capacity. All proposed residential development is located outside the new floodplain in accordance with NPCA requirements. The proposed alteration to the floodplain will require permit approval from the NPCA and can be considered a condition of development approval.

*i) The adequacy of utilities and municipal services;*

A Functional Servicing Report has been prepared by Upper Canada Consultants that confirms that there is adequate water and sanitary infrastructure available to service the proposed development and a new storm sewer system will be required. Other utilities are available and can also be extended to service the development.

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

Exclusive of the 3.0m road widening along Willick Road and a daylighting triangle at the intersection of Sodom Road, no further land dedication to the municipality have been proposed.

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

Energy conservation methods will be investigated through detailed design. There are currently no detailed unit plans for the site, however the townhouse units will be constructed to meet the energy saving requirements of the Ontario Building Code.

Generally speaking, townhouse development is more energy efficient than large lot single detached residential developments.

*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.*

Site Plan control matters such as urban design, lighting and landscape shall be addressed through the Vacant Land Condominium process.

## **PROVINCIAL PLANNING STATEMENT (2024)**

The Provincial Planning Statement (PPS) provides policy direction on the matter of Provincial interest delineated under Section 2 of the *Planning Act*, and sets the policy framework for regulating the development and use of land. The *Planning Act* states that all planning decisions are required to be consistent with the Provincial Planning Statement.

### **POLICY 2.2 - HOUSING**

Chapter 2 of the PPS discusses the regulations and goal planning authorities shall follow to sustain the growth within municipalities. Policy 2.2 discusses how planning authorities shall provide for an appropriate range and mix of housing. Policy 2.2.1 states the following:

1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market are by:*
  - a) *Establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate-income households, and coordinating lane use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
  - c) *Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation;*

The proposed development supports the intensification of the subject lands and will provide 78 townhouse dwelling units. These additional units will support the items above by diversifying the housing market and providing for current and future residents of the surrounding area. The proposed development provides for the efficient use of land, resources and infrastructure and nearby public service facilities. Further the proposed development being situated across the road from a public trail access point supports active transportation and the development of a healthy community.

### **POLICY 2.3.1 – GENERAL POLICIES FOR SETTLEMENT AREAS**

Chapter 2 of the PPS discusses the regulations and goal planning authorities shall follow to sustain the growth within municipalities. Policy 2.3.1 discusses how settlement areas should be used to sustain growth and states the following:

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which*
  - a. *Efficiently use land and resources;*
  - b. *Optimize existing and planned infrastructure and public service facilities;*
3. *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*
4. *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*

A portion of the subject lands is within the urban area of the Region of Niagara and within the Urban Area boundary of the City of Niagara Falls. These areas are to be the location and focus of growth within the City due to their access to municipal services. The proposed development supports the items above by only developing the norther portion of the subject lands, as this is the portion within the urban area boundary. The proposed development efficiently uses land and optimizes existing infrastructure and public service facilities being developed at a density of 38 units/ha. The proposed development, while being townhouses, contributes to the mix of housing options as it is condominium in tenure versus traditional freehold housing.

### **POLICY 4.1 – NATURAL HERITAGE**

Chapter 4 of the PPS discusses the wise use and management of resources. This section discusses policies and regulations for managing and protecting natural heritage areas, water and agricultural areas. Policy 4.1 discusses the protection of Natural heritage features and states the following:

1. *Natural features and areas shall be protected for the long term*
2. *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

The proposed development has been designed in such a way that the Hunters Drain natural feature is maintained and protected, and to account for the floodplain that runs through the subject lands. A Natural Heritage Constraints Assessment has been submitted with this application that identified the highly constraint areas on the subject lands which includes the 15m buffer and 100-year floodplain associated with the Hunters Drain and speak to the steps taken to protect the natural areas within the subject lands.

## **POLICY 5.2 – NATURAL HAZARDS**

Chapter 5 of the PPS discusses the policies for protecting public health and safety, policy 5.2 specifically speaks to regulations regarding natural hazards. Policy 5.2 states the following:

*5.2.5) despite policy 5.2.3, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems.*

*5.2.7) Where the two-zone concept for flood plains is applied, development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.*

*5.2.8) Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all the following are demonstrated and achieved:*

- a. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;*

Hunters Drain runs through the centre of the subject lands, as discussed in the Natural Heritage Constraints Assessment, a 15-meter buffer from the channel has been designated as an area of high constraint. This channel buffer will be protected and the site is designed in such a way to avoid development within this buffer. **Appendix I** contains a concept plan of the proposed development and contains more illustrative details on the location of the channel buffer.

Due to the naturalization and protection of the floodplain hazard as described above it has been concluded that an Environmental Impact Study is not required. The recommendations and requirements laid out within the Natural Heritage Constraints Assessment, Environmental Site Assessment and Landscape Plan adequately protect the floodplain hazard and the Hunters Drain.

For these reasons, the submitted application has regard for matters of provincial interest consistent with the Provincial Planning Statement (PPS).

## 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. The subject lands are located within the Urban Area of Niagara within a Designated Greenfield Area as shown in **Figure 7** below, which displays an excerpt of Schedule B of the Region of Niagara Official Plan.



## CHAPTER 2 – GROWING REGION

Figure 7 – Schedule F – Niagara Official Plan

Chapter 2 of the NOP discusses the effective and proactive growth management needed to ensure there is appropriate housing, employment and infrastructure available to support Niagara's growth. The objective of this chapter is to coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning. Policy 2.2.1 discusses how the region is to manage urban growth, this section states the following:

*Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- b. A compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities.*

- c. *A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing need;*
- e. *Built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

The City of Niagara Falls is expected to grow and have population of 141,650 by 2051 and 58,110 jobs. The proposed development will provide 78 townhouse units to support the cities population growth. These proposed units will diversify the housing marking and accommodate for the needs of the surrounding area. The proposed development is a compact built form that contributes positively to the public realm and the creation of a complete community. The proposed density is appropriate for the site and compliments the existing development pattern. The proposed development pattern and configuration minimizes land consumption and provides for an efficient use and optimization of infrastructure that supports the investment in infrastructure by the Region of Niagara and City of Niagara Falls.

Policy 2.2.2.23 of the NOP states that Designated Greenfield Areas achieve a minimum density of 50 residents and jobs/ha and policy 2.2.2.24 encourages local municipalities to exceed this minimum target. The proposed density calculation of the proposed development is 88 persons and jobs/ha which exceeds the minimum target and complies with the NOP.

Finally, Policy 2.2.2.25 indicates that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly development contiguous with the existing built-up areas, infrastructure capacity is available, supports good urban design and supports active transportation. It has been demonstrated that the proposed development contributes positively to creating a complete community and achieves these objectives of Policy 2.2.2.25.

## **CHAPTER 3 – SUSTAINABLE REGION**

Chapter 3 of the NOP discusses the objective and policies for a regional natural heritage system and water resource system. The objectives of this chapter are listed below,

- a. *Identify and protect a natural heritage system and water resource system which will form the natural environment system;*
- b. *Maintain, restore and enhance the biodiversity and connectivity of natural features and their associated ecological and hydrological functions;*

The Hunters Drain runs through the subject lands and the proposed development has been designed to consider its impacts on the Drain. The development has been designed to consider

the existing environmental features and the Hunters Drain will be maintained and enhanced through naturalization plantings and the floodplain will be maintained and not adversely impacted by the proposed development.

### **POLICY 3.1.23– NATURAL HAZARDS**

Chapter 3 of the NOP discusses the objectives and policies for the regional heritage system and water resource system, supporting a sustainable region. Policy 3.1.23 discusses the protection of natural hazards like floodplains, this policy states the following:

*3.1.23.6) Development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risks to public safety are minor and could be mitigated in accordance with provincial standards.*

Hunters Drain runs through the centre of the subject lands, as discussed in the Natural Heritage Constraints Assessment, a 15-meter buffer from the channel has been designated as an area of high constraint. This channel buffer will be protected and the site is designed in such a way to avoid development within this buffer. **Appendix I** contains a concept plan of the proposed development and contains more illustrative details on the location of the channel buffer.

For these reasons, the submitted application has regard for matters of regional interest consistent with the Niagara Official Plan (2022).

### **CITY OF NIAGARA FALLS OFFICIAL PLAN (2024)**

The City of Niagara Falls Official Plan is a policy document that guides the use of land over the next 20 to 30 years. The Official Plan guides development for residential, commercial and employment lands, while protecting the community, heritage resources and environment. The subject lands are designated as Residential lands within the Urban Area Boundary, this is shown in **Figure 8** below which displays an excerpt from Schedule A of the City of Niagara Falls Official Plan. This image is illustrative to the land designation for the subject lands and the surrounding area. The lands are also designated as Greenfield Area on the Urban Structure Plan being Schedule A2 of the Official Plan.

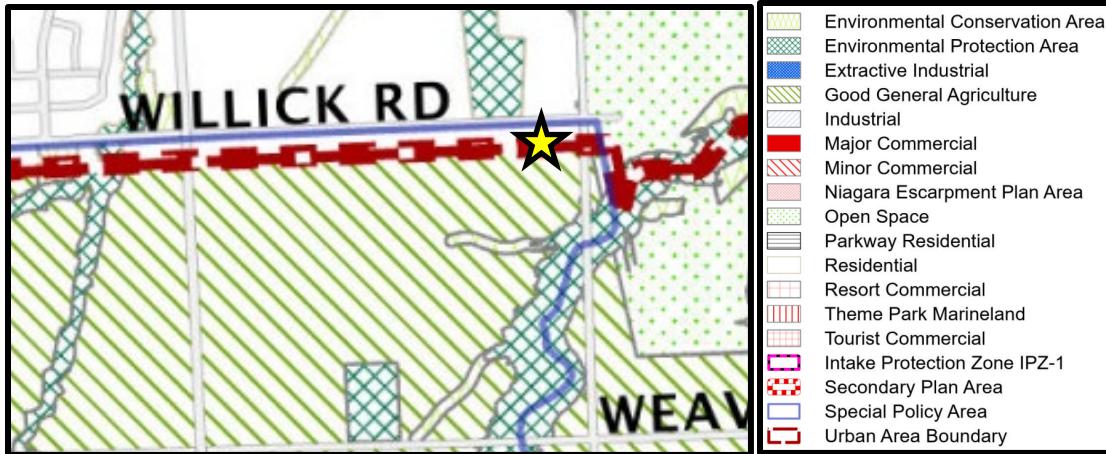


Figure 8 – Schedule A – City of Niagara Falls Official Plan

## PART 1, SECTION 4 – HOUSING

Part 1 of the City of Niagara Falls Official Plan discusses the plan overview and strategic directions. Section 4 of Part 1 discusses how the city will provide a range of housing which is affordable, accessible, adequate and appropriate to ensure a high quality of life for residents. Policy 4.1 and 4.3 states the following:

*4.1) The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:*

- *Provide opportunities for the development of affordable housing across the municipality*
- *establish targets for affordable housing*
- *promote a greater diversity of housing types*
- *ensure a healthy supply of rental units*

*4.3) 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:*

- *multiple unit developments, smaller lot sizes and innovative housing forms*
- *development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*

The proposed development will create 78 condominium townhouse dwelling units, contributing to the range of housing supply and choice in the City. The proposed development will provide for an efficient use of existing vacant urban land and provide for a multi-unit housing development that will meet a certain need for housing in the community. Therefore, the

development supports the items listed above and conforms to Part 1, Section 4 of the City of Niagara Falls Official Plan.

## **HOUSING IMPACT STATEMENT**

Under Policy 4.4 of the City's Official Plan, applications for Zoning By-law Amendment and Draft Plan of Condominium are to include a Housing Impact Statement. The following section is written to address the City's requirement for a Housing Impact Statement.

As outlined under 4.4, the purpose of the housing impact statement is to implement the City's Housing Strategy, and is to include the following:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;*
- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*
- c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;*
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable;*
- e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.*

Policies 4.4 a), b) & c) are relevant to this application and are addressed as follows:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;*

The proposed housing mix is 78 units of condominium tenure dwellings with a mix of front-loaded and rear-laneway 2-storey townhouses. The townhouses will have approximately three-bedrooms.

- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*

Part 1, Section 4, Policy 4.8 a) and b) are as follows:

*4.8 Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable. As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to*

*achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):*

*a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.*

*b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.*

The Provincial Planning Statement (2024), defines 'affordable' to mean that the purchase price in annual accommodation does not exceed 30 percent of gross income for low-and-moderate income households. Using the most up-to-date data from the City of Niagara Falls, and their "Phase 2: Housing Strategy" report to Council on March 22, 2022, this means that affordable for low-and-moderate income households are those that earn \$45,300 to \$95,000 respectively.

The report notes that based on projections, it is expected that 20,200 new residential units will be built in the City between 2021 and 2051, which is an average of 674 units per year. In implementing this goal, it is recommended in the Housing Strategy Report that 40% of the new housing (270 units per year) to be built to be affordable to households earning up to \$95,891 per year, which means that the sale price of units would need to be at or below \$499,400 per year. This table is shown below:

Annual Household Income	Affordable Ownership
\$95,900 and above	\$499,500
\$77,900 and above	\$405,300
\$60,000 and above	\$312,300
\$45,300 and above	\$235,800

Table 1 - Affordable Ownership Prices for Income Levels up to \$95,900

*c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;*

As noted, the current benchmark price for new sale units must be at or below \$499,400 per year. Given the current market conditions, it is not feasible for new units to achieve this affordability standard. Final pricing will therefore be determined later, adjusted to reflect prevailing market tolerance.

Additionally, this location is not ideal from an affordability perspective, as typically units geared towards affordability are better situated closer to urban centres, where they are more central to services. Because this site is at the edge of the urban boundary, it is better suited for a lifestyle and future residents aligned with the existing developments characteristic of the surrounding peri-urban area.

In summary, the proposal will contribute to the City's goals outlined in the Housing Strategy Report with respect to new housing, but will not contribute to the definition of affordability.

## **PART 2, SECTION 1– RESIDENTIAL LAND USE POLICIES**

Part 2 of the City of Niagara Falls Official Plan discusses land use policies. The policies within this section are intended to guide the provision of housing and guide the development and redevelopment of residential lands. The general policies of this section are listed below.

*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, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.*

The development will occur on the northern portion of the subject lands that is within the Urban Area boundary. The addition of the proposed 78 townhouse dwelling units will contribute to the diversity of housing types within the Urban Area and surrounding residential area. The development has been designed to efficiently utilize urban land while protecting the existing natural features.

The City Official Plan specifies that in Policy 1.11.1 the target density for the Greenfield Area shall be no less than 53 persons and jobs/ha and allows for densities that are higher. The proposed development is at a density that is transit supportive at 88 persons and jobs/ha which complies with the City's density provisions of allowing higher densities than 53 persons and jobs/ha. It is anticipated that as south Chippawa develops transit will be expanded to the area over time.

For these reasons, the submitted application has regard for matters of local interest consistent with the City of Niagara Falls Official Plan (2024).

## **6.5- CITY OF NIAGARA FALLS ZONING BY-LAW (NO.79-200)**

### **6.5.1 – EXISTING ZONING**

The subject lands are currently zoned as Agricultural Three (A3) Zone, Open Space Conservation (OSC) Zone along the Hunters Drain and Highway Commercial-1 (HC-1) Zone at the southeast

corner of Willick and Sodom Roads as per Zoning By-law No. 79-200. The current zone mapping is shown below in **Figure 9**.

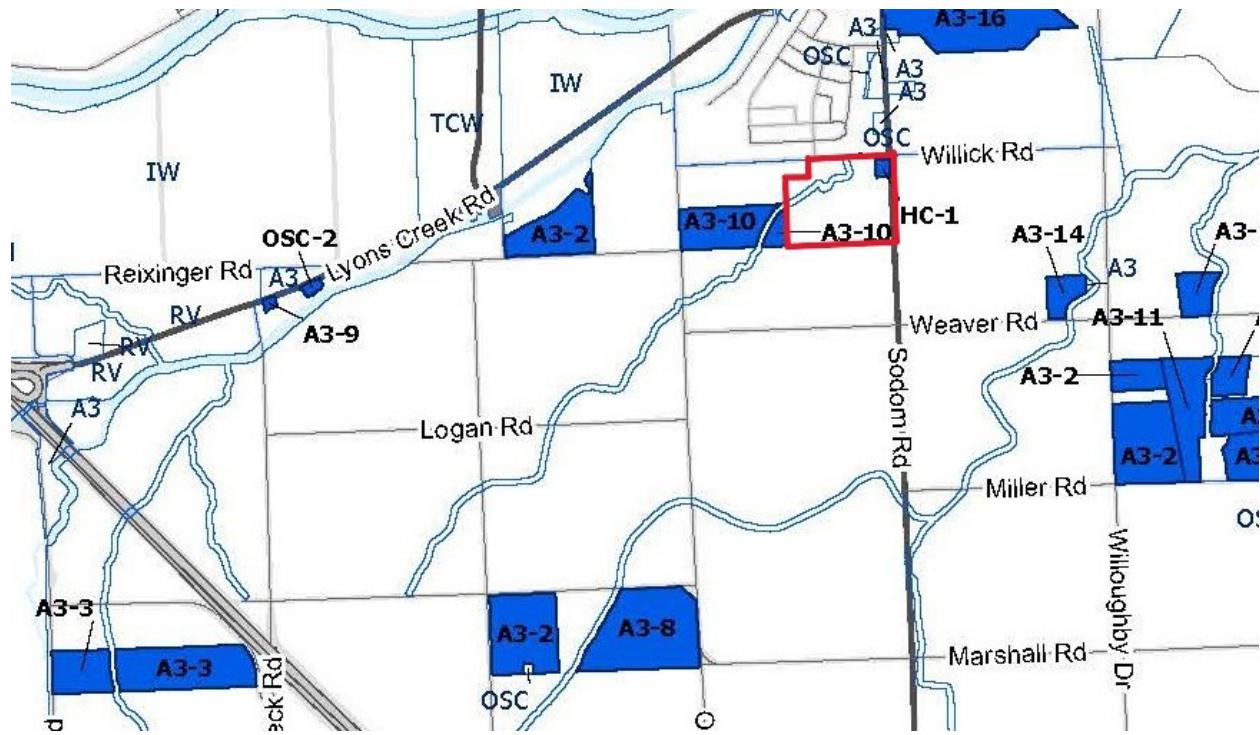


Figure 9 – Excerpt from Niagara Falls Zoning By-law 79-200, as amended

A Zoning By-law Amendment is necessary to permit the proposed residential land uses and to provide appropriate performance criteria for the development and to rezone the lands adjacent to the Hunters Drain in an appropriate zone to ensure its protection. The proposed zoning by-law amendment is in conformity with the Official Plan land use designations.

#### 6.5.2 – PROPOSED ZONING BY-LAW AMENDMENT

The submitted Zoning By-law Amendment application seeks to re-zone the northern portion of the subject lands from a Agricultural Three (A3) Zone, Highway Commercial-1 (HC-1) Zone and Open Space Conservation (OSC) Zone to a Residential Low Density, Grouped Multiple Dwelling Zone (R4 Zone) for that portion to be developed for condominium townhouses and Environmental Protection Area (EPA) Zone for that portion of the lands that are impacted by the Hunters Drain, its buffer area and floodplain. The proposed rezoning will support the proposed townhouse units on the northern portion of the subject lands and the continued protection of the Hunters Drain. The proposed Zoning By-law Amendment would implement the intended residential development of the subject lands. It is important to note that the portion of the subject lands that is outside of the Urban Area Boundary will remain as it is.

currently zoned and only the northern portion of the property will be re-zoned for development.

**Table 2** below outlines the proposed developments conformity with the proposed Residential Low Density, Grouped Multiple Dwelling Zone (R4 Zone).

<b>4336 Willick Road – Provisions for Townhouse Dwellings in Residential Low Density, Grouped Multiple Dwelling (R4) Zone (Block 1)</b>			
<b>Section 7.9: Permitted Uses</b>			
<b>Permitted Uses</b>	<b>Proposed Uses</b>		
<b>Townhouse Dwelling (no more than 8 units)</b>			<b>No Change</b>
<b>Section 8.3: Regulations for Apartment Buildings in R4 Zone</b>			
<b>Provisions (Apartment Building)</b>	<b>By-law 79-200</b>	<b>Provided</b>	<b>Proposed</b>
<b>Minimum Lot Area (per dwelling unit)</b>	250 m <sup>2</sup>	330.59 m <sup>2</sup>	No Change
<b>Minimum Lot Frontage</b>	30 m for more than four units, 24 m for four or less units.	379.68 m	No Change
<b>Minimum Front Yard</b>	6 m (+ 11.5 m from centerline of original road allowance)	3.95 m	<b>3.95 m</b>
<b>Minimum Rear Yard</b>	7.5 m	1.5 m	<b>1.5 m</b>
<b>Minimum Interior Side Yard</b>	One-half of building height	6.33 m	No Change
<b>Minimum Exterior Side yard</b>	4.5 m	N/A	No Change
<b>Maximum Lot Coverage</b>	35%	42.06%	<b>45.0 %</b>
<b>Maximum Height</b>	10 m	10.26 m	<b>10.5 m</b>
<b>Minimum Landscaped Open Space</b>	45 sq. m. for each dwelling unit	81.68 m <sup>2</sup>	No Change
<b>Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit</b>	7.5 m	N/A	<b>N/A</b>

4.14 – Yards			
Provisions	By-law 79-200	Provided	Proposed
<b>Roofed 1-Storey Porch Encroachment</b>	2.5 into front, rear or privacy yard	1.5 m	No Change
<b>Deck Encroachments</b>	2.5 m – Front Yard 4.0 m – rear yard or privacy yard of block townhouse	3.0 m	No Change

4.19.1 – Parking and Access Requirements			
Provisions	By-law 79-200	Provided	Proposed
<b>Townhouse Dwelling Requirements</b>	1 space per dwelling unit (41 spaces)	58 spaces (includes 41 driveways)	No Change

4336 Willick Road – Provisions for Townhouse Dwellings in Residential Low Density, Grouped Multiple Dwelling (R4) Zone (Block 2)			
Section 7.9: Permitted Uses			
Permitted Uses	Proposed Uses		
<b>Townhouse Dwelling (no more than 8 units)</b> Back-to-back Townhouse Stacked Townhouse Apartment Dwelling Group Dwellings	No Change		
Section 8.3: Regulations for Apartment Buildings in R4 Zone			
Provisions (Apartment Building)	By-law 79-200	Provided	Proposed
<b>Minimum Lot Area (per dwelling unit)</b>	250 m <sup>2</sup>	330.59 m <sup>2</sup>	No Change
<b>Minimum Lot Frontage</b>	30 m for more than four units, 24 m for four or less units.	379.68 m	No Change
<b>Minimum Front Yard</b>	6 m (+11.5 m from centerline of original road allowance)	3.95 m	3.95 m
<b>Minimum Rear Yard</b>	7.5 m	2.32 m	2.3 m
<b>Minimum Interior Side Yard</b>	One-half of building height	6.0 m	6.0 m
<b>Minimum Exterior Side yard</b>	4.5 m	4.5 m	No Change

<b>Maximum Lot Coverage</b>	35%	43.84%	<b>45.00%</b>
<b>Maximum Height</b>	10 m	10.26 m	<b>10.5 m</b>
<b>Minimum Landscaped Open Space</b>	45 sq. m. for each dwelling unit	84.8 m2	No Change
<b>Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit</b>	7.5 m	N/A	<b>N/A</b>

<b>4.14 – Yards</b>			
<b>Provisions</b>	<b>By-law 79-200</b>	<b>Provided</b>	<b>Proposed</b>
<b>Roofed 1-Storey Porch Encroachment</b>	2.5 m - front, rear or privacy yard	1.5 m	No Change
<b>Deck Encroachments</b>	2.5 m – Front Yard 4.0 m – rear yard or privacy yard of block townhouse	3.0 m	No Change

<b>4.19.1 – Parking and Access Requirements</b>			
<b>Provisions</b>	<b>By-law 79-200</b>	<b>Provided</b>	<b>Proposed</b>
<b>Townhouse Dwelling Requirements</b>	1 space per dwelling unit	46 spaces (includes 37 driveways)	No Change

### 6.5.3 – SITE SPECIFIC RELIEF

The proposed Zoning By-law Amendment (**Appendix IV**) requires site specific relief for the minimum rear yard, minimum interior side yard, minimum exterior side yard, maximum lot coverage and maximum building height requirements as laid out in **Table 1** above. A description of each requested site-specific relief is outlined in the sections below.

#### Minimum Front Yard

Reducing the minimum front yard depth from 6.00 metres to 3.0 metres is appropriate because it aligns with the townhouse typology being proposed which is accommodated through rear lane parking. The front yard setbacks of 6.0 metres is typically to allow parking and landscaping accommodations. This change allows porches to be situated closer to the street, which creates a more attractive and engaging streetscape which enhances the public realm. It is noted that within the site, the appropriate 6.0 metres setback is provided in the driveway between the

garage and the private roadway, allowing for vehicle parking to take place in tandem, with one space in the garage and one space in the driveway.

Minimum Rear Yard/ Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit

The application seeks to adjust this requirement from a 7.50 metre minimum rear yard to a 1.50 metre minimum rear yard. The change in the minimum rear year requirement is proposed because of the orientation of the individual units on the lot, and that the provisions relate to the overall orientation of the property with respect to front/rear/side-yard setbacks. The reduction will accommodate the proposed private roadway and side yards for units 19 and 33 in Block 1 and units 1 and 26 in Block 2. The change in rear yard will not affect the rear yard or amenity space of the individual units. This is show in detail in **Appendix I** which displays the concept plan for the proposed development.

Minimum Interior Side Yard

The application seeks to adjust the minimum interior side yard requirement of one-half of the building height to 6.0 metres. The change to the minimum interior side yard requirement will allow for the lot layout. This change in setback does not affect the amenity space of the townhouse units as adequate side and rear yards are provided for each unit.

Minimum Exterior Side Yard

The application proposes to modify the exterior side yard requirement from 4.5 metres to 4.0 metres because the exterior side-yard width for homes facing Sodom Road will function more like a front-yard setback. This adjustment will allow the dwellings to establish a strong presence and create an attractive street edge along this section of the road and is a positive adjustment from an urban design perspective.

Maximum Lot Coverage

The requested increase in lot coverage from 35% to 45% supports the site's urban design, which incorporates rear laneway townhouses for a more compact format. While maximizing space, the overall layout remains open and functional, allowing for easy access and the creation of attractive urban townhouses. Furthermore, the unit orientation—especially those backing onto Hunters Creek—ensures residents benefit from privacy and outdoor amenity space. The site also features close proximity to Hunters Creek Tail, which is an outdoor recreational area that provides an amenity option for residents.

### Maximum Height

The purpose of the maximum height provision is to create consistency within the area with respect to low-density forms. The reduction is requested to accommodate the proposed design, which includes an attractive, traditional-styled form of townhouse and is appropriate to the area. It also allows flexibility in the design for the eventual build, so that there is some tolerance with the height depending on final grade and build.

For these reasons, the submitted application has regard for matters of local interest consistent with the City of Niagara Falls Zoning By-law.

## **7.0 – SUMMARY AND CONCLUSION**

The submission of concurrent development applications for a Vacant Land Condominium and Zoning By-law Amendment for a 78-condominium townhouse unit development within the northern portion of the subject lands known municipally at 4336 Willick Road in the City of Niagara Falls have regard for the requirements of the Planning Act, are consistent with the Provincial Planning Statement, and are in conformity with the Region of Niagara Official Plan and the City of Niagara Falls Official Plan.

The applications provide for development of lands in the Urban Area boundary of Niagara Falls, an area that is planned and intended for development. The lands are located within a Designated Greenfield Area according to the Niagara Official Plan, are designated Residential and Greenfield Area by the City of Niagara Falls Official, being an area intended for residential development at appropriate densities that support the creation of complete communities. The applications support the achievement of a compact development that helps to optimize the efficient use of infrastructure while protecting the natural features of the Hunters Drain. The development applications will facilitate appropriate development that contributes to the achievement of community goals and additional housing supply and choice.

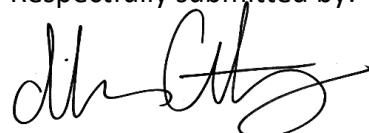
Based on the analysis included in this Report and the supporting studies, the proposed development represents good land use planning and is in the public interest.

Prepared by:

*Sara Meerveld*

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Respectfully submitted by:



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