

Planning Justification Report
Consent & Zoning By-law Amendment
8850 Sodom Road, Chippawa



Prepared for Shann Alexander Sohail

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Contents

- Introduction..... 2**
- Site Context 2**
- Description of Proposal..... 3**
- Policy and Analysis 3**
 - Planning Act..... 4**
 - Provincial Planning Statement, 2024..... 4**
 - Niagara Region Official Plan 5**
 - City of Niagara Falls Official Plan..... 6**
 - City of Niagara Falls Zoning By-law 79-200..... 12**
- Summary 15**
- Conclusion 16**

Figures

- Figure 1: Location of Property within the community of Chippawa 2**
- Figure 2: Conceptual Site Plan..... 3**

Introduction

AD Moote Consulting (ADMC) is the planning consultant to Shaan Alexander Sohail (the owner), owner of the property located at 8850 Sodom Road, in the community of Chippawa in Niagara Falls, Ontario; legally known as PLAN 07 LOT 109, WILLOUGHBY, PT LOT 21 in the City of Niagara Falls.

The owner has received direction from the City of Niagara Falls that to sever the property to create a new lot a zoning by-law amendment supported by a Planning Justification Report will be required to address applicable Provincial, Regional, and City policy. This is due to the necessity of a road widening allowance and the corner triangulation of the existing lot, resulting in a larger than anticipated zoning deficiency for the Residential Single Family 1C zone.

This Planning Justification Report provides an analysis and justification of the proposed severance in accordance with the applicable planning policies and zoning by-laws.

Site Context

The subject property is located at 8850 Sodom Road in the community of Chippawa, a distinct area within the City of Niagara Falls. Within Chippawa it is located south of the Welland River, the waterway that bisects the community. The area is primarily residential with a mix of amenities and uses nearby including, restaurants, arenas and sports facilities, and commercial uses. It is also serviced by Niagara Regional Transit, with a bus route running along Sodom Road.

Figure 1: Location of Property within the community of Chippawa



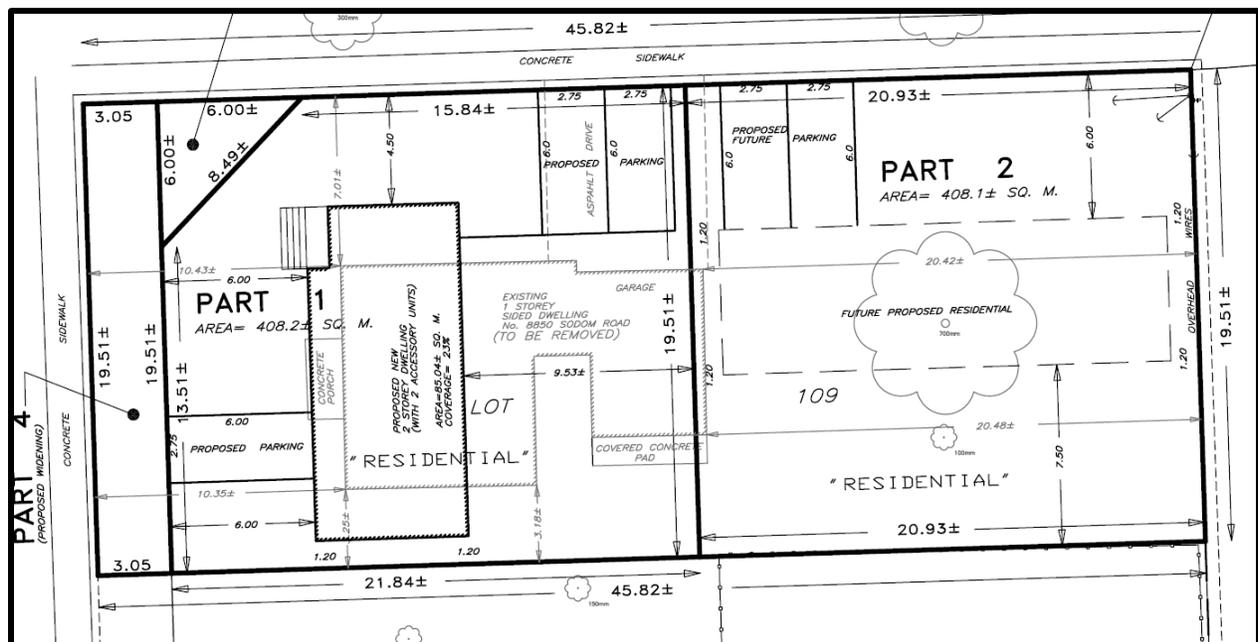
Description of Proposal

The proposal is for the severance of the existing property to create a new lot. This would create a new infill lot for residential purposes. The severance results in a lot size deficiency for both resulting lots requiring site-specific permissions through a zoning by-law amendment.

Table 1 - Proposed Property Dimensions

	Required	Proposed	
		Part 1	Part 2
Lot Frontage	18 m / 15 m	13.15 m	20.93 m
Lot Depth	19.51 m	19.51 m	19.51 m
Lot Area	550 sq.m	408.2 sq.m	408.1 sq.m

Figure 2: Conceptual Site Plan



Policy and Analysis

The following documents were reviewed and analyzed to demonstrate good planning with respect to this application.

1. Planning Act, R.S.O 1990
2. Provincial Planning Statement, 2024
3. Niagara Region Official Plan, 2022
4. City of Niagara Falls Official Plan
5. City of Niagara Falls Zoning By-law



Planning Act

The Planning Act is the provincial legislation that provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. The Act is designed to recognize the decision-making authority and accountability of municipal councils in planning.

The purposes of the Act as outlined in Section 1.1 are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various interests, (f) to recognize the decision-making authority and accountability of municipal councils in planning. Further, consent applications are governed under Part VI, Section 53.

The matters of Provincial Interest are outlined in Section 2 of the Act. This application has regard to the following matters: f), h), h.1), j), l), p), q).

This application has regard for the relevant sections of the Planning Act.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. The PPS sets the policy foundation for regulating the development and use of land province-wide, to help achieve the provincial goal of meeting the needs of Ontarians while enhancing their quality of life. All while maintaining the vision to increase the supply and mix of housing options in the province, with a goal of getting at least 1.5 million homes built by 2031.

Applicable to this application, the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities.

Section 2.1.4 of the PPS states that planning authorities are to provide an appropriate range and mix of housing options and densities to meet the current and future residents. And that they should support the achievement of complete communities by accommodating a range and mix of land uses and housing options Section 2.1.6.a.

Further, Section 2.2 Housing provides policies for the provision of housing. Section 2.2.1 compels municipalities to 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 area.

To provide for an appropriate range and mix of housing options, planning authorities are required to permit and facilitate:

- all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents (2.2.1.b).1.) and,

- 
- all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with section 2.3.1.3.

The PPS also provides general policies for settlement areas. It identifies that settlement areas shall be the focus of growth and development (2.3.1.1) and that land use patterns in settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; and optimize existing and planned infrastructure (2.3.1.2.a) & b)).

The lots will be serviced by municipal water and sanity servicing, which is the preferred form of servicing in settlement areas (3.6.2.).

The application is consistent with the Provincial Planning Statement.

Niagara Region Official Plan

The Niagara Official Plan is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The Niagara Official Plan (NOP) identifies what to protect; how and where to grow; and policy tools to manage the same. It identifies resources such as the natural environment system, agricultural system, source water, aggregates and petroleum, and cultural heritage and archaeology that are to be protected for specific reasons whether it be ecological, economic, cultural heritage or community health.

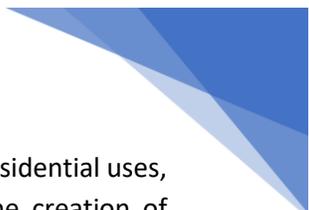
Specifically, the proposal will help to achieve the Regional objectives in Section 2.2 Regional Structure. Including:

- b. accommodate growth through strategic *intensification* and higher densities;
- e. promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community

It is supported by Section 2.2.1 Managing Urban Growth policies:

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

- a. the *intensification* targets (in Table 2-2) and density targets outlined in this Plan;



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 needs;

d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

i. a range of transportation options, including public transit and *active transportation*;

ii. affordable, locally grown food and other sources of *urban agriculture*;

iii. co-located *public service facilities*; and

iv. the *public realm*, including open spaces, parks, trails, and other recreational facilities;

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;

h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;

And lastly Section 2.3 Housing:

a. provide a mix of housing options to address current and future needs;

b. provide more *affordable* and *attainable housing* options within our communities;

Additionally, the property is within the urban area of the City of Niagara Falls and therefore the urban area policies of the lower tier municipality are applicable.

The application conforms with the Niagara Region Official Plan.

City of Niagara Falls Official Plan

The Official Plan for Niagara Falls (NFOP) sets long-term goals and policies for urban growth, agricultural land protection, natural heritage conservation, and required infrastructure.

The City of Niagara Falls Official Plan designate the lands as Residential. Policies that are applicable to the consent and zoning by-law amendment applications are provided for review for conformity below.

Part 1 Section 3 Intensification

The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit within the Residential land use designation.

<p>Section 3.3.1 - 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 publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.</p>	<p>Consents are permitted subject to Part 4 Section 8 Consent Policies compatibility. Further the minimal land area of this property does not warrant a plan of subdivision.</p>
<p>3.4 - The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan.</p>	<p>The redevelopment of the lands complies with the policy. See more detail in table below with applicable section.</p>

Part 1 Section 4 Housing

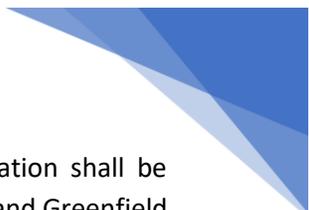
The summary of the overview of this section advises that the City provides:

A range of housing which is affordable, accessible, adequate, and appropriate is needed to ensure a high quality of life for residents. In order to meet the needs of current and future residents, a range of housing options is needed that includes the full spectrum of housing types. The policies in this section conform to the policy framework established in the Niagara Official Plan and are intended to meet the following vision and goals for housing to assist in addressing housing needs as outlined in the City’s Housing Strategy.

Policies of this section advise developers of the City’s commitments and the applicable policies are included below for review.

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
- 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:

- 4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.
- 4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.
- 4.3.5 Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.

4.6 The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.

4.12 The City supports the provision of additional dwelling units. Accordingly, additional dwelling units shall be permitted by the Zoning By-law in single detached, semi-detached, duplex or townhouse dwellings. For clarity, where in conflict with any other policies in this plan, these policies prevail. Zoning regulations shall be based on the following:

- 4.12.1 An additional dwelling unit in the principal building and an additional dwelling unit in an accessory building, for a maximum of three residential dwelling units on one property, shall be permitted.
- 4.12.3 The lot size and configuration are sufficient to accommodate adequate parking, green spaces, private servicing requirements and amenity areas for both the principal dwelling and the accessory dwelling unit(s).
- 4.12.4 The accessory dwelling unit(s) meets all applicable law.

Part 2 Section 1 Residential

A summary of the preamble of this section indicates that the policies of this section are intended to guide the provision of housing which is affordable, accessible, adequate and appropriate to the needs of a full range of households in the City and to guide the development and redevelopment of Residential lands. The City will ensure that a sufficient supply of land is available, on a continuing basis, to accommodate all forms of housing and that appropriate opportunities are provided for residential intensification. Residential development should occur in a manner which is compatible with the surrounding neighbourhood. Applicable policies of this section are reviewed and evaluated in the table below.

Table 2 - Part 2, Section 1 Policies

	Planning Comment
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.	Both resulting lots will remain designated and zoned for residential purposes. The conceptual plan for Part 1 shows a new 2 storey dwelling with two accessory units, providing the area and City with a range of housing options.
1.4 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.	The location of the property is within an existing residential subdivision, and there is not a sufficient amount of land that warrants the necessity of a Plan of Subdivision.
1.7 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 area and property have existing municipal servicing.

Section 1.10 policies are related to the Built-Up Area of the City. The NFOP advises that 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 policies of this section 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. Applicable policies of this section are reviewed and evaluated in the table below.

Table 3 - Part 2, Section 1.10 Policies

Part 2, Section 1.10	Planning Comment
<p>1.10.1 The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.</p>	<p>The character of the neighbourhood will not change. It is a residential subdivision and will remain so, and the proposed units, although conceptual, appear to maintain the build form provisions of the zoning by-law.</p>
<p>1.10.3 Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.</p>	<p>The consent will create a new lot, increasing the opportunity for a higher density than what currently exists. And Part 1 shows 3 units being proposed. The primary dwelling and two accessory units.</p>
<p>1.10.5 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:</p> <p>(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.</p>	<p>Part 1 indicates 3 units. One primary dwelling and two accessory units, offering a variety of residential accommodations. No build form variances are being sought so the height, massing, and setback will be in character with the neighbourhood by complying with the area zoning provisions.</p>

Part 4 Section 8 of the NFOP provides the consent policies for situations where it is not necessary for lands to be developed through a registered plan of subdivision, but rather by an application for the division of land by consent to the Committee of Adjustment. Applicable policies of this section are reviewed and evaluated in the table below.

Table 4 - Part 4, Section 8 Consent Policies

Part 4, Section 8.1 Consent Policies for Urban Areas	Planning Comment
<p>8.1.1 Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning By-law.</p>	<p>The purpose of the consent to be provide an infill lot for more housing. Although the resulting lots will be deficient in size, they will still be able to meet the rest of the zoning provisions. Thus, opportunity to provide more housing should be prioritized and permitted.</p>
<p>8.1.3 Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.</p>	<p>Both resulting lots will front onto a public road.</p>
<p>8.1.4 In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.</p>	<p>No rear lands will be prejudiced as a result of the severance. The rear lands of the lots are amenity areas for the proposed residential development.</p>
<p>8.1.5 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage</p>	<p>No natural features on the lands.</p>

System for lands located within or adjacent to a designated natural heritage resource is required.	
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The applications for this property include a consent to sever the land and a zoning by-law amendment for site-specific provisions. The consent is to establish a new lot within the settlement area of the community of Chippawa, which is an urban area within the City of Niagara Falls. The Official Plan directs the majority of new development to urban areas with full sewer and water servicing. This is to be achieved by redeveloping, infilling or using vacant or underutilizes land, all of which apply to this property. The concurrent zoning by-law amendment seeks relief for zoning deficiencies as a result of the land severance. Information related to the zoning by-law amendment is found in the section of this report that reviews the zoning provisions in relation to the proposal.

The application conforms with the City's Official Plan.

City of Niagara Falls Zoning By-law 79-200

The Zoning By-law regulates how land is used by dividing areas into zones like residential, commercial, or industrial. It sets out what you can build and how you can use your property, including rules on building height, setbacks from property lines, and parking.

The subject property is zoned Residential Single Family 1C (R1C). The application is a consent to sever to create a new lot entirely within the R1C zone. Originally, the consent was to be accompanied by a minor variance due to deficient lot sizes of both resulting lots. However, the original municipal review did not consider the road widening and triangulation requirements, thus resulting in a larger lot size deficiency for both parts. Subsequently the City's direction is to present an equal division between the land to provide for an approximate equal division of land. Details reviewing zoning performance are presented in the table below.

R1C Zone Provisions – Part 1 (Corner lot)			
Zone Provision	Required	Proposed	Comment
Minimum Lot Area	550 sq.m	408.2 sq.m ±	Originally proposed to be 448 sq.m±, but further review indicated a road widening allowance and a daylight triangle on the corner, reducing the lot area further to 408.2 sq.m±
Minimum Lot Frontage (corner)	18 m	19.51 m	Complies
Minimum front yard depth	6 metres + 13.1 metres from the centreline of Sodom Road	6 m	Conceptual site plan indicates 6 metres can be accommodated from future road widening allowance.
Minimum Side Yard	1.2 m (interior side) 4.5 m (exterior side)	4.5 m	Conceptual site plan indicates 4.5 metres can be accommodated for the exterior side year setback.
Minimum Rear Yard Depth	7.5 metres	9.53 m	Complies
Max. Dwelling Height	10 metres	8.5 metres	Complies.
Max. Lot Coverage	45%	23%	Conceptual site plan indicates 23% lot coverage.

Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	3 parking spaces	Conceptual site plan indicates a 2 storey dwelling with 2 accessory units. 3 parking spaces are shown on the site plan.
Minimum Landscaped Open Space Area	30% of lot area		To be reviewed at building permit stage.

R1C Zone Provisions – Part 2			
Zone Provision	Required	Proposed	Comment
Minimum Lot Area	550 sq.m	408.2 sq.m ±	Originally proposed to be 448 sq.m±, but further review indicated a road widening allowance and a daylight triangle on the corner, reducing the lot area further to 408.2 sq.m±
Minimum Lot Frontage (interior)	15 metres	20.93 m	Complies
Minimum front yard depth	6 metres	6 m	Proposed on conceptual plan
Minimum Rear Yard Depth	7.5 metres	7.5 metres	Proposed on conceptual plan
Minimum Side Yard	1.2 metres	1.2 metres	Proposed on conceptual plan
Max. Lot Coverage	45%	Not available	Building design yet to be determined. To be reviewed at building permit.

Max. Dwelling Height	10 metres	Not available	Building design yet to be determined. To be reviewed at building permit.
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The zoning by-law amendment is required for lot size deficiency for both resulting lots because of the land severance; this includes accounting for a road widening allowance and daylight triangle. However, the conceptual plans for the built form residential units can still meet the zoning performance standards. Upon approval of application, it will conform to the City's zoning by-law.

Summary

The consent application is to sever a new lot from the existing property. The creation of a new lot within the community of Chippawa, within the City of Niagara Falls urban boundary will facilitate the redevelopment of the entire site with two new lots and represent potentially four new dwelling units. A concurrent zoning by-law amendment is required to recognize the lot size deficiencies as a result of the land severance.

This proposal has regard to the purposes of the *Planning Act* listed in Section 1.1. The applications also have regard to the matters of provincial interest outlined in Section 2; specifically, items f), h), h.1), j), l), p), q). Lastly, the *Planning Act* permits severances under part VI, Section 53.

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. Application to this application the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities. This application facilitates the need for the planning authority to provide a range and mix of housing options, through residential intensification, in settlement areas serviced by municipal water and sewage servicing that are the focus of new growth and development.

The property is within the settlement area of the City of Niagara Falls, within the community of Chippawa and is conforms with the Niagara Region Official Plan since the NOP only has consent policies for agricultural lands.

The application also conforms with the City of Niagara Falls Official Plan. The application is for a consent to establish a new lot within the community of Chippawa, which is an urban area within the City of Niagara Falls; which the NFOP directs growth and development to. The proposal also provides for intensification of the subject lands; provides for more housing options and types that are compatible with the surrounding neighbourhood and that are located within the urban area. The NFOP also permits that consents to sever land are permitted, where it is deemed unnecessary to develop lands with a Plan of Subdivision. All of which are in conformity with the Official Plan.



Lastly, a zoning by-law amendment is required for lot size deficiency for both resulting lots because of the land severance; this includes accounting for a road widening allowance and daylight triangle. However, the conceptual plans for the built form residential units can still meet the zoning performance standards.

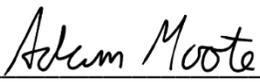
The application meets the policy thresholds required to consider this good planning.

Conclusion

It is the opinion of the author that the consent and zoning by-law amendment application represents good planning and should be approved because of the following, it:

1. Has regard to the Planning Act;
2. Is consistent with the Provincial Planning Statement;
3. Conforms with the Niagara Region Official Plan;
4. Conforms with the City of Niagara Falls Official Plan;
5. Conforms with the City of Niagara Falls Zoning By-law 79-200.

Sincerely,


Adam Moote, MPlan, RPP, MCIP