

Planning Justification Brief
Zoning By-law Amendment (Minor)
4473-4499 Ferguson Street



Prepared for:
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Introduction

A.D. Moote Consulting (ADMC) is the planning consultant to 2808378 ON Inc., owner of the merged properties of 4437-4499 Ferguson Street.

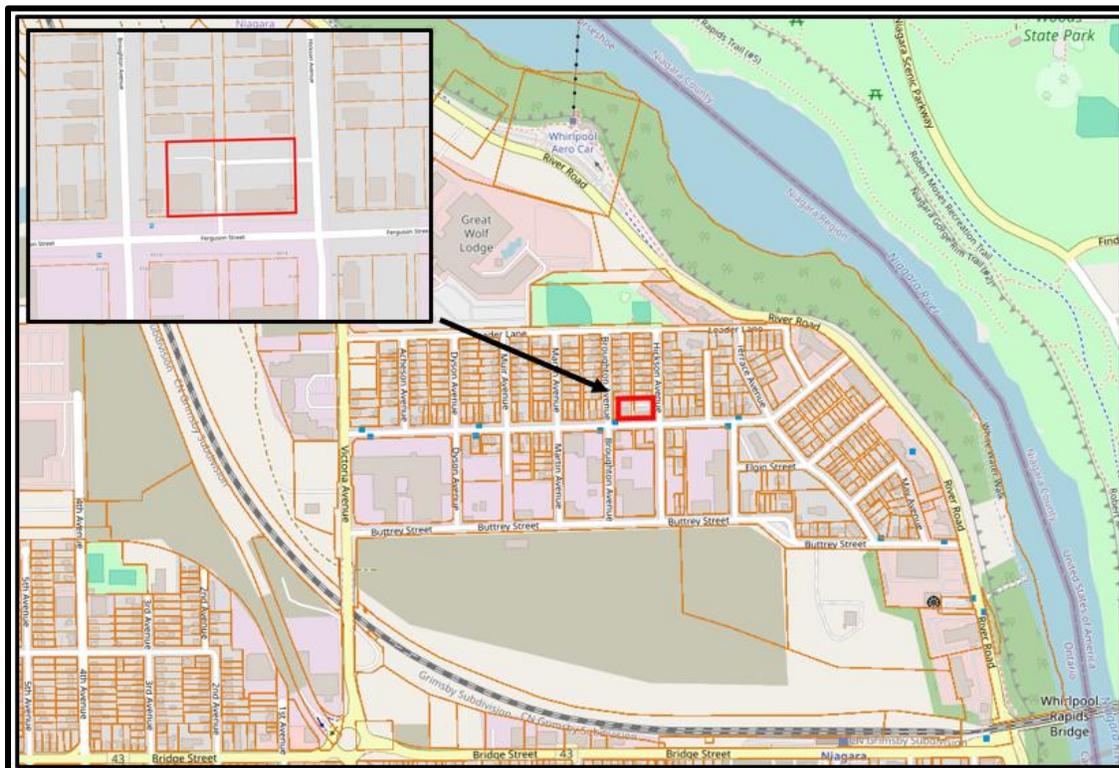
The applicant proposes the development of a 24-unit residential complex. With a 16-unit apartment building situated at the southeast intersection of Ferguson Avenue and Hickson Avenue, municipally identified as 4473-4499 Ferguson Street. Additionally, the proposal includes converting the existing restaurant on the ground floor of 4499 Ferguson Street into residential units, resulting in an 8-unit apartment dwelling at this address. The applicant further intends to acquire and consolidate a portion of the adjacent municipal lane with the subject property.

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

Site Context

The subject property is located at 4473-4499 Ferguson Street, within the urban area of the City of Niagara Falls. The area is a mix of residential and industrial/employment lands. The area north of Ferguson Street to Leader Lane is primarily residential, and south of Ferguson Street has a mix of residential, industrial, and employment uses. The property is also serviced by Niagara Regional Transit, with a bus route running along Ferguson Street.

Figure 1: Location of Property



Description of Proposal

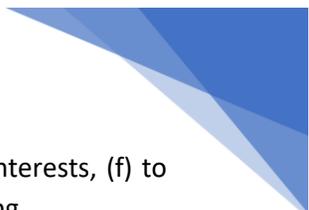
The applicant proposes the development of a 24-unit residential complex between two separate buildings, one with 16 units and another 8 units.

The applicant is also proposing to purchase and merge a portion of the municipal lane to the subject lands.

Although a recent Official Plan and Zoning By-law Amendment were approved for the site, upon further review by City staff it was determined that zoning deficiencies remain outstanding for this property. They are indicated in the Table 1 below.

Table 1 - Proposed Property Dimensions

Zoning requirements	Required	Proposed
Minimum Lot area	100 square metres for each dwelling unit 100 sq.m. x 24 dwelling units = 2400 sq.m.	78.1 square metres for each dwelling unit 78.10 sq.m. x 24 dwelling units = 1874.3 square metres
Parking and Access Requirements	33 spaces	30 spaces
Minimum amenity space for an apartment dwelling unit	In accordance with section 4.44 Within the R5C zone a minimum amenity area of 20 sq.m. per dwelling unit shall be provided 20 sq.m. x 24 units = 480 square metres	5 square metres per dwelling unit provided 4.98 sq.m. x 24 units = 119.55 square metres



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, 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)**.

Lastly, the municipality is permitted to delegate this to a committee of Council as the City has determined it is a minor by-law amendment under Section 39.2(1) of the Planning.

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.

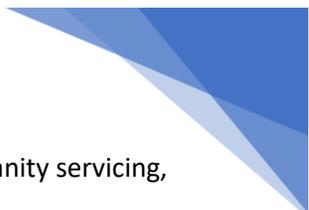
Section 2.1.4 of the PPS states that planning authorities are to provide an appropriate range and mix of housing options and densities to meet the current and future residents. And that they should support the achievement of complete communities by accommodating a range and mix of land uses and housing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

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 proposal will permit more housing options within an established settlement area of the City of Niagara. It represents a redevelopment of an underutilized commercial property for the provision of housing resulting in an increase in residential units.

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*;

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- 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 designates the lands as Residential. Policies that are applicable to the zoning by-law amendment applications are provided for review for conformity below.

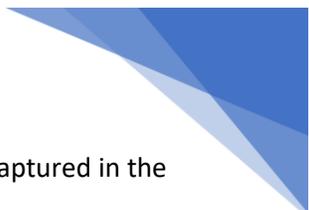
Part 1 Section 3 Intensification

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.

The justification for intensification has already been assessed by the 2024 Official Plan Amendment for the subject lands. However, this application serves to recognize three outstanding deficiencies not captured in the previous application

Section 3.3.1 requires residential intensification to have an amendment to the Plan with subsequent and site-specific zoning permissions. As noted previously, the subject property has previously approved and Official Plan and Zoning By-law Amendment.

Section 3.4 requires 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. As noted, the redevelopment of the lands complies with the policy as it has already been assessed and justified through a previous Official



Plan Amendment, this application serves to recognize three outstanding deficiencies not captured in the previous application

Part 1 Section 4 Housing

The City provides for 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.

The City has already assessed and approved the merits of proposal for this property. However, three zoning deficiencies remain outstanding. Nonetheless, supporting policies for this include:

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.

4.6 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.

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.

The City has already approved the proposal through a previous Official Plan Amendment. The proposal has been assessed and justified against the applicable policies of this section.



Supporting policies include the following:

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.

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.

Additionally, **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. Supporting policies of for the Built-Up Area include:

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.

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.

1.10.4 The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law.

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:

- (ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition,

setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

The previous Official Plan Amendment for the subject lands has received the required approval to implement the subsequent site-specific zoning provisions. Nonetheless, the above section review provides the supporting policies. To move forward with the development three outstanding deficiencies not captured in the previous application.

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 currently zoned a site-specific Residential Apartment 5C density (R5C-1256) zone, in accordance with By-law No. 79-200, as amended by By-law No. 2024-105. As noted, despite the previous Zoning By-law Amendment approval, three zoning provisions were missed and this report is to recognize those deficiencies. They are found in the table below.

Table 2 - Site-specific Residential Apartment 5C density (R5C-1256) zone Request

Site-specific Residential Apartment 5C density (R5C-1256) zone Request		
Zone Provision	Required	Proposed
Minimum Lot area	<p>100 square metres for each dwelling unit</p> <p>100 sq.m. x 24 dwelling units = 2400 sq.m.</p>	<p>78.1 square metres for each dwelling unit</p> <p>78.10 sq.m. x 24 dwelling units = 1,874.3 square metres</p>
<p><u>Comment:</u> The deficiency is 525.7 square metres; or 21.9 sq.m per unit.</p> <p>There are 24 units being proposed, ranging from studio (bachelor) units to 2 bedroom units.</p> <p>Although there is a deficiency in unit size, the units will provide a mix and range of housing options in accordance with the PPS and City’s Official Plan.</p>		
Parking and Access Requirements (Section 4.19.1)	33 spaces	30 spaces

Comment:

Although there is a parking deficiency for the site based on the current 1.4 spaces per unit ratio, the city has recently conducted a study with a parking ratio recommendation of 1.1 spaces per unit for multi-residential units. Although pending Council approval, the 1.1 ratio has been supported by Council on other development applications. Utilizing the 1.1 ratio would require the development to have 26.4 spaces, resulting in 3 more spaces than required.

Additionally, the property is also served by Niagara Regional Transit. With a stop immediately outside of the subject lands.

Minimum amenity space for an apartment dwelling unit (section 4.44)	In accordance with section 4.44 Within the R5C zone a minimum amenity area of 20 sq.m. per dwelling unit shall be provided 20 sq.m. x 24 units = 480 square metres	5 square metres per dwelling unit provided 4.98 sq.m. x 24 units = 119.55 square metres
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Comment:

Although there is a deficiency in amenity space, there are public amenities available nearby. Glenview Park is a 3-minute walk and provides open green space, a tennis court, basketball court, ball diamond, and children’s play equipment.

Additionally, the Niagara Parkway is a 5-minute walk and offers green space and views and vistas of the natural heritage landscape of the Niagara River and gorge.

The zoning by-law amendment is required for deficiencies in lot area (size of dwelling unit), parking, and amenity space. As reviewed in the table above the site-specific zoning permissions are reasonable for the proposed development. The reduced unit size still permits a range and mix of housing options; the parking deficiency is minimal and the parking ratio requirement may soon be adjusted to a lower ratio which would increase parking spaces in excess of required minimum; and the reduced amenity space is offset by the availability of publicly accessible amenities including Glenview Park and the Niagara Parkway.

Upon approval of application, it will conform to the City’s zoning by-law.

Summary

The applicant proposes the development of a 24-unit residential complex. With a 16-unit apartment building situated at the southeast intersection of Ferguson Avenue and Hickson Avenue, municipally identified as 4473-4499 Ferguson Street. Additionally, the proposal includes converting the existing



restaurant on the ground floor of 4499 Ferguson Street into residential units, resulting in an 8-unit apartment dwelling at this address.

The proposal has regard for seven matters of provincial interest including but not limited to the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; and the appropriate location of growth and development.

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest, including increasing the supply and mix of housing options in the province, of which this proposal will do.

Likewise, the Official Plans of the Niagara Region and City of Niagara Falls both provide the planning framework for managing growth by directing it to the urban areas and providing policy support for the provision of intensification and providing a range and mix of housing types.

Lastly, although there are several zoning deficiencies, the application is seeking relief from these requirements. As indicated in the zoning section the impacts of the relief are minimal and are offset by providing a mix and range of housing options to the City, and the provision of publicly available amenities nearby.

The proposal will redevelop an underutilized property for residential uses through infill and intensification of the property.

The Zoning By-law Amendment represents good and sound planning and is appropriate for the property and area.

Conclusion

It is the opinion of the author that the 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