



# PLANNING JUSTIFICATION REPORT

5558 DRUMMOND ROAD, CITY OF NIAGARA FALLS  
OFFICIAL PLAN & ZONING BY-LAW AMENDMENT

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revised January 2026

## Proposal

Blythwood Homes has acquired the lands located at 5558 Drummond Road in the City of Niagara Falls. The City of Niagara Falls approved a zoning by-law amendment and draft plan of vacant land condominium applications in support of a townhouse development with a private road in 2024. The approval permits the development of 12 townhouse dwellings. Since this time Blythwood Homes has been challenged by market conditions and wishes to pivot to a more marketable housing product. To this end, an application to amend the City of Niagara Falls Official Plan and an application to amend the site-specific zoning by-law to support a 4 storey, 42 (with one super indent unit) units apartment building with surface level parking has been submitted.

The proposed site plan shows a single access driveway coming off of Drummond Road on the north side of the property. The driveway provides access to 47 parking spaces, including 2 barrier free spaces and a loading area. The proposed parking ratio is 1.12 spaces per unit, which accommodates at least one parking space per unit with visitor parking. The proposed parking areas have appropriate setbacks to all adjacent properties to allow for buffer planting and fencing.

The apartment building is located along the south western side of the property tucked as far away from the existing adjacent residential uses as appropriate. The building offers a generous front yard setback that is intentionally aligned with the setbacks of the two adjacent single detached buildings so as not to stick out in front of them. This maintains the established street face character of this portion of Drummond Road. The building includes a generous interior side yard setback along the south of 5 metres, providing substantial area for green space and buffer plantings.

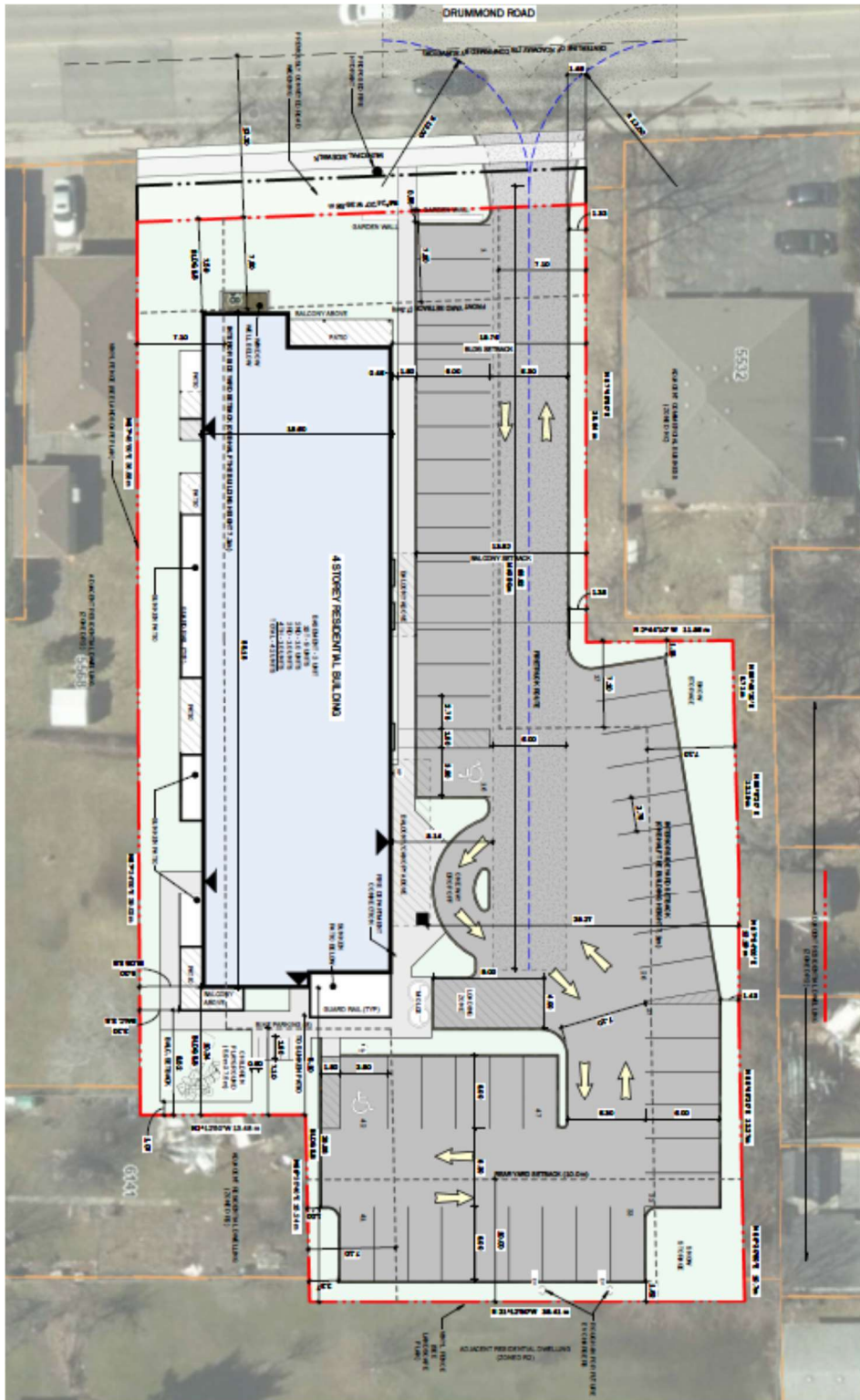
Two small outdoor amenity spaces are provided on site to service the future residents and each dwelling unit will have its own private balcony. The site provides outdoor and indoor bicycle parking areas. A party room, a kids play room, a workout room, mail room and other common areas to provide a quality lifestyle for the residents.

The building is proposed as rental apartments. This offering will allow for a more affordable housing option for the city.

Special attention to the architectural design has been undertaken to ensure a high-quality building is proposed. A mixture of building materials and colors provide articulation and add interest to the design. The main entrance to the building is central to the site, accessed from the internal driveway. The front face of the building facing Drummond Road has been dressed up to compensate for the location of the main entrance through enhanced signage, landscaping and the inclusion of pedestrian walkways that connect to the public sidewalk along Drummond Road.

Should the Official Plan and Zoning applications be approved by Council, Blythwood Homes wishes to proceed directly to the Site Plan Approval Application and secure the approvals in an effort to begin construction in the summer of 2026.

Proposed Site Plan



## Subject Lands

The subject lands are located on the east side of Drummond Road, between Prospect Street and North Street. The property has 36m+ of frontage along Drummond and extends eastwardly approximately 88 metres. A 2.94 metre road widening was dedicated to the City through the previous approval process.

The property is generally flat in terms of topography. The site is open and grassed with several large street trees along the frontage.

This portion of Drummond Road is a fully paved urban cross section with an existing curb-cut from a previous use. There are public sidewalks located on the east side of Drummond, in front of the subject lands. There is an existing fire hydrant and utility box adjacent to the lands. The property has access to full municipal infrastructure that is existing within the Drummond Road right of way. The City has taken a road widening across the frontage of the subject lands through a previous development approval.

The subject land is within walking distance to the major commercial node along Lundy's Lane. The property is also in walking distance to Coronation Park and Stamford Collegiate High School. There is excellent proximity to the existing Niagara Falls hospital and to Highway 420.

The property is currently designated Residential according to the City of Niagara Falls Official Plan and zoned a site specific Residential Low Density, Group Multiple Dwelling (R4-1237) zone. In order to support the revised proposal, an application to amend the City of Niagara Falls Official Plan is required in order to permit the additional density. An application to re-zone the property is also required in order to permit apartments, which will also include site-specific provisions tailored to the proposed site and building design.

### Streetview Photo's of the Subject Lands and surrounding Area:





**Surrounding Land Uses:**

**North:** Low density residential

**East:** Low density residential

**South:** Low density residential

**West:** Medium Density – Two 4-storey apartment buildings

## Aerial Context of 5558 Drummond Road (Subject Lands)



Source: Niagara Navigator, November 2025

On November 6<sup>th</sup> 2025, the City of Niagara Falls hosted a formal Pre-consultation meeting to review the proposal and to determine the complete application requirements.

In response to the complete application requirements, the following documentation and studies have been prepared and included with this submission:

**Planning Justification Report** (including draft by-laws and urban design) – this report has been prepared in support of the complete application requirements. This report includes a comprehensive planning overview in relation to all applicable land use policies. The report includes a housing needs section, draft official plan and zoning by-law and an overview of how the development meets the City’s urban design policies. The conclusions of this assessment indicate that the proposal meets all applicable planning policies and represents good land use planning.

**Architectural Plans** (site plan, elevations, floor plans and renderings) – ACK Architects has composed a detailed set of architectural plans, enclosed including a site plan, elevations plans, floor plans and renderings to showcase the attractive building design.

**Functional Servicing and Stormwater Management Study** – The Functional Servicing Report, prepared by Hallex Engineering recommends that on-site flow limiting devices

are required to control the volume of stormwater that leaves the site. Quality control measures will also be employed to ensure the runoff is treated before it leaves the site.

There is existing sanitary capacity in the pipes on Drummond Road along with water. Details regarding these items will be finalized as part of the forthcoming Site Plan Approval application.

**Environmental Soils Assessment (Phase 1 & 2 ESA)** – Phase 1 and 2 Environmental Site Assessment has been completed on the entirety of the lands. There are no areas of potential contamination and no further study is required in order to proceed with residential uses on the property. A geotechnical study is underway in order to inform the architectural design. This study will be submitted to the city as part of the building permit application.

**Archaeological** – A Stage 1 and 2 Archaeological Assessment was completed on a portion of the lands and a Ministry Clearance letter has been issued. Since this time the proponent has acquired additional lands for development. The proponent has recently completed additional archaeological work on the newly acquired portion of lands at the rear of the property. The Stage 1 & 2 report completed by Amick concludes that there is no archaeological potential as a result of their assessment. This report has been submitted to the Ministry for review. It is expected that the clearance letter will be secured prior to council approval. Should this not be possible, it is recommended that a Holding provision be placed on the portion of land where the clearance has not been obtained (the rear parking lot area) until such time as the clearance letter is issued by the Ministry. Trusting the proponent can work with the city to ensure they can proceed through the process without delay.

**Noise Report** – Nothing beyond normal building code requirements is required to mitigate noise for the proposed development according to the Noise report prepared by HGC Engineering.

**Preliminary Landscape Plan** – James McWilliams has prepared a detailed landscape plan for the proposal. Significant, high quality landscape materials are proposed at the front of the building to enhance the streetscape aesthetic and help the proposed building blend into the existing neighbourhood fabric. Landscape buffering is proposed around the perimeter of the site to provide a visual buffer for the adjacent properties and to enhance privacy. Landscaping has been avoided in areas where surface water drainage is proposed so as not to interfere with the site's positive drainage.

**Tree Inventory & Preservation Plan** – Jackson Arboriculture has prepared the enclosed Arborist Report, together with a Tree Inventory and Protection Plan. There is a total of 24 existing trees that are proposed for removal as they are in the line of development and will be impacted by site servicing, grading and building efforts. There are 8 existing trees on the property or adjacent to the property line that are proposed to be protected through Tree protection zone fencing to ensure they are protected during the course of

construction. 17 new deciduous trees are proposed to be planted as part of the landscape design together with mass shrub, hedge and perennial plants throughout the site.

Should the Official Plan and Zoning By-law Amendment applications be approved the proponent plans to proceed directly to the Site Plan Approval process where the technical details of the proposal will be reviewed by the City to finalize the development approval. The proponent plans to proceed to obtain a building permit and commence construction in the summer of 2026. Process and timing are of utmost importance for this file in order to realize its completion.

## **Provincial Planning Statement, 2024 (PPS)**

The Province of Ontario repealed the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and replaced these two policy documents with the 2024 Provincial Planning Statement. The Provincial Planning Statement is issued under Section 3 of the Planning Act, and came into effect on October 2024. The Provincial Planning Statement is applicable to all planning decisions made on or after October 2024.

The PPS is a consolidation and simplification of the two previous policy documents promoting compact, transit-oriented designs, providing an appropriate range and mix of housing, supporting all types of residential intensification while optimizing existing and planning infrastructure and public service facilities.

The development proposal is an example of the type of infill and intensification that is promoted in the PPS. The apartment building will be connected to existing municipal services which supports the optimization of the existing municipal infrastructure. The property is located in walking distance to many local amenities, supporting the local businesses and reducing the need for vehicular trips to meet the day-to-day needs.

This type of infill development will not have a negative impact on matters of provincial interest and it is consistent with the PPS 2024.

## **Regional Municipality of Niagara Official Plan, as adopted by By-law 2022-47**

The Niagara Region Official Plan (ROP) echoes and builds upon the land-use policies set out in the Provincial Planning Statement. The subject lands are located within the Urban Area Boundary and are designated as Built-up Area according to Schedule B – Regional Structure of the ROP. Built-up Areas are to be the focus of growth and intensification over the long term throughout the region.

The Niagara Region Official Plan promotes more efficient use of urban serviced lands, it promotes a mix of housing types, encourages intensification, promotes active transportation opportunities, accessibility, and attractive built form within the Built-up area.

The proposed infill rental residential apartment building conforms with the policies of the ROP.

## City of Niagara Falls Official Plan

### PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTION

#### SECTION 2 STRATEGIC POLICY DIRECTION

##### GROWTH OBJECTIVES:

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

*The subject lands are located within the defined built-up area of the City of Niagara Falls, which is consistent with this policy. The site is an example of a vacant, underutilized property within the built-up area with direct access to existing municipal infrastructure. Appropriate servicing capacity has been confirmed and therefore the subject lands is a great candidate to accommodate growth.*

2. To protect Natural Heritage Areas and their functions.

*There are no identified natural heritage features on the subject lands.*

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

*The proposal to add additional density in an area that is designated built-up will make efficient use of the existing municipal infrastructure. The development will increase the tax base which will contribute to the long-term maintenance of the City's infrastructure.*

4. To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.

*n/a*

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

*The proposed development will contribute to helping the city meet the density and intensification targets.*

6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review:

1-4

*City of Niagara Falls Official Plan*

Table 1. Forecast of Households, Population and Employment Forecast Period	Total Households	Total Population	Household Size (ppu)	Total Employment
2011	34070	89100	2.62	45690
2016	36170	94000	2.6	48560
2021	38590	99100	2.57	50820
2026	40870	103100	2.52	52240
2031	42740	106800	2.5	53640

*The development proposal will add 42 new residential dwelling units to the built-up area, which will contribute towards achieving an increase in households to the 2031 and 2051 forecast.*

7. To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015.

*The subject lands are located within the defined built-up area of the city and will contribute to meeting the city's target to achieve a minimum of 40% of all residential development occurring annually within the built-up area.*

8. To develop the Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.

*n/a*

9. To encourage alternative forms of transportation such as walking, cycling and public transit.

*The subject lands are located within steps of two bus stops and within walking distance to a major commercial area on Lundy's Lane as well as a large public park. The site has access to accommodate walking cycling and the use of public transit.*

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

*n/a*

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

*The Subject lands are adjacent to existing municipal services that have capacity to service the proposed development as outlined in the Functional Servicing Report. Servicing designs will be completed through the forthcoming Site Plan Approval Process.*

12. To protect prime employment lands for the long-term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.

n/a

13. To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.

*The development and the future residents will support the public transit due to the increased density and the strategic location of being within steps of two bus stops. The sites proximity to existing transit stops will promote transit use.*

14. To increase the supply of affordable housing options in the city and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.

*Although the proposed development does not meet the definition of ‘affordable’ housing, it is a form of attainable housing. Folks on a budget may need rental options that can usually be less of a financial burden than homeownership. The higher density allows for more people on a smaller parcel of land which reduces the per units cost of development translating into a more affordable housing product.*

## Policies

2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.

n/a

2.2 The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.

n/a

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

*The subject lands are located in an area that is positioned to meet the project housing and population targets. The proposal will add an additional 42 dwelling units into the marketplace.*

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

*The development proposal is an example of an increase to density within the defined built area. The proposal makes more efficient use of existing adjacent municipal infrastructure. The development will support existing transit services as well.*

2.5 Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.

*n/a*

2.6 The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.

*n/a*

2.7 The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the province.

*n/a*

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

*n/a*

2.9 The City shall monitor growth within the urban area at 5-year intervals to measure compliance with targets of the Province's Growth Plan and the Regional Niagara Policy Plan.

*The proposed development will contribute to meeting the targets.*

2.10 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.

n/a

2.11 No new urban areas shall be created.

n/a

## PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTIONS 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 proposed development is a form of intensification by providing more units on the subject lands than currently exist. This will make better use of the existing municipal infrastructure contributing to sustainability for the city. The increased density will have direct access to two bus stops within steps of their home, which will support the viability of public transit.*

## PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTIONS SECTION 4 HOUSING

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, such as emergency shelters, transitional housing, subsidized and/or government assisted housing, affordable rental housing, affordable home ownership, market rental housing, market home ownership, and supportive housing.

*The development is proposed to provide market rental units for the community, providing an accessible and attainable form of housing for the city. The development will contribute to diversifying the range of housing for current and future residents.*

Planning for and supporting housing affordability is a shared responsibility between the City of Niagara Falls and Niagara Region. City Council also has an important role to play in housing affordability. City Council should have an understanding of the housing needs of residents across the entire housing spectrum and can advocate for housing affordability to other levels of government, develop partnerships with local providers, agencies and the private sector and educate the community more broadly about housing needs and affordability in the city. Understanding this shared responsibility is key to ensuring people living within Niagara Falls are served by effective local and regional municipal partnerships and collaboration that support housing affordability in the City.

*The proposed development is a form of affordable housing. By increasing the density on a parcel of land, the overall land cost is reduced on a per unit basis which decreases the overall cost of each dwelling unit enabling the units be rented at lower market rates in comparison to other housing forms.*

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.

## VISION AND GOALS FOR HOUSING

### Vision

All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.

*The proposal will contribute towards the City's vision to provide residents with safe, stable and affordable rental units that will be attractive to residents at all stages of life, from families to retirees. The development includes on-site amenities that appeal to young children and older adults.*

### Goals

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.

*The proposal adds more affordable rental housing options to the market meeting the needs of a variety of financial needs. Rental housing appeals to folks on a budget.*

2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).

*The proposal is a higher density than what is adjacent and it is a different housing type than what currently exists contributing to a mix of housing types and densities in the immediately neighbourhood. The majority of the available housing in the area is ownership. The rental tenure will contribute to diversifying the range of housing tenures in the community.*

3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the city.

n/a

4. Understand the City's housing system moving forward through continuous and ongoing comprehensive data collection, monitoring and reporting.

n/a

5. Cultivate and maintain strong relationships with regional and municipal partners, other levels of government, the private sector, and not-for-profit sectors to advance the various actions set out in the City's Housing Strategy.

n/a

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

*The proposed development is an opportunity for the city to provide a form of affordable/attainable housing for the city and should be encouraged.*

- Establish targets for affordable housing

n/a

- Promote a greater diversity of housing types

*The proposed development will diversify the housing types in the city and should be encouraged.*

- Ensure a healthy supply of rental units

*The proposed development will contribute to the city achieving a healthy supply of rental units.*

- Increase public awareness about housing and provide advocacy for partnerships

n/a

- Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing

n/a

- Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated time frames

n/a

4.2 The City's Housing Strategy and key actions shall be implemented in collaboration with the Region, senior levels of government, the development industry, community partners and other stakeholders to increase housing options, including affordable and purpose-built rental options.

*The proposal is considered more attainable due to it being rental housing at a higher density.*

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.

*The proposal is a multiple unit development on a smaller lot which is supported.*

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

*The subject lands are currently vacant and underutilized and represent an opportunity for a more efficient land use to produce additional housing stock.*

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

*The owners have acquired an additional parcel of land to the east which has been consolidated with the original parcel, creating a larger parcel of land which allows it to achieve a larger scale development that will yield residential units.*

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

*The subject lands are located within in steps of two existing bus stops and within walking distance to a commercial area and local parks which helps support a walkable neighbourhood.*

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.

*There are no additional dwelling units proposed within the development.*

4.4 Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report

for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

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

*There are 42 units proposed in the building and broken down as follows:  
 1 bedroom – 6 units  
 2 bedroom – 36 units*

- 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);

*the development proposal will increase the density on a site that is located within the existing built boundary, with access to municipal services. The proposal contributes a higher density than the original proposal which will have a higher impact on achieving the city's annual housing targets.*

- 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;

*It is not known what the market will be like once the building is built and ready for renting so it is not possible to provide firm rental prices at this time but an estimate range based on the information that is available today is approximately \$1800.00 - \$2800.00+/-/month.*

- 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; and,

*n/a*

- 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

*n/a*

4.5 A housing impact statement as set out in Policy 4.4 is required where a development proposal would result in the loss of six or more rental housing units, and will also require:

- a) A tenant relocation plan; and,
- b) How the rental units will be replaced, either on site or at a new location.

n/a

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.

*The smaller unit sizes that are achieved through multi unit development will translate into lower financial costs which helps to keep the final costs lower, contributing to affordability.*

4.7 The City will collaborate with Niagara Region, Niagara Regional Housing and other agencies in the provision of affordable housing and the development of targets for affordable housing.

n/a

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.

*The proposal will contribute in a positive way to bringing on new housing units that are affordable rental units.*

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):

n/a

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.

n/a

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.

n/a

4.9 The City will consult with all levels of government and government agencies to:

a) Identify surplus government lands and/or buildings that may be suitable for affordable and attainable housing development,

*n/a*

b) Prioritize the sale of suitable surplus municipal property for the development of affordable and attainable housing in accordance with the City's By-laws; and

*n/a*

c) Identify brownfield and greyfield sites, including underutilized commercial sites or strip plazas, outside employment areas for mixed-use residential intensification and affordable housing development.

*n/a*

4.10 In disposing of City-owned surplus lands that are suitable for residential use, Council shall consider offering the lands to not-for-profit organizations for affordable housing. Similarly, various boards, commissions and agencies shall be encouraged to dispose of surplus lands suitable for residential use for the purpose of affordable housing development.

*n/a*

4.11 The City may consider the purchase of surplus institutional sites for the purposes of providing additional opportunities for affordable housing or other broader community needs. The City may also consider development partnerships with the Region or not-for-profit housing providers in the redevelopment of surplus school sites.

*n/a*

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.

*n/a*

4.12.2 Within the Good General Agriculture designation, an additional dwelling unit in a detached dwelling or an additional dwelling unit in an accessory building, for a maximum of two residential dwelling units on one property, shall be permitted.

*n/a*

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).

*n/a*

4.12.4 The accessory dwelling unit(s) meets all applicable law.

*n/a*

4.12.5 The overall appearance and character of the existing dwelling shall be maintained.

*n/a*

4.12.6 Accessory structures that have an accessory dwelling unit shall not be severed from the existing dwelling.

*n/a*

Within this Plan additional dwelling units may be referenced as second units or accessory dwelling units.

*n/a*

4.13 The conservation and renewal of the existing house 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, where permitted under the Planning Act, without amendment to this Plan.

*n/a*

4.14 Where permitted under the Planning Act, the conversion of residential rental properties to a purpose other than a residential rental property with six or more units, the demolition of residential rental properties with six or more units, or the assembly of residential rental properties for the purposes of redevelopment with a cumulative total of six or more units, will not be permitted if it adversely impacts the supply of rental housing, as determined by housing targets, including affordable rental targets, set out in

this Plan, the Niagara Official Plan; or, as determined by rental vacancy rates being below the minimum 3 per cent threshold.

*n/a*

4.15 Where permitted under the Planning Act, rental accommodation shall further be protected from condominium conversion by prohibiting the conversion of rental accommodation to condominium tenure when the vacancy rate is at or below 3 per cent over the preceding three-year period.

*n/a*

4.16 The City's housing market shall be monitored. The City shall initiate, when required, changes to municipal policy to satisfy local housing requirements. This annual monitoring program will include various housing-related information with particular emphasis on the following items:

4.16.1 Residential land supply.

4.16.2 The range of housing forms built in new residential development.

4.16.3 New housing prices relative to household income distribution.

4.16.4 Intensification performance analysis.

4.16.5 Accessory dwelling units, including the number of units registered and incentive uptakes, if applicable.

*n/a*

4.17 The City will implement a Demolition and Conversion Control By-law and a Rental Replacement By-law to further ensure protection of rental housing options where permitted under the Planning Act, without further amendment to this Plan.

*n/a*

4.18 The City will explore opportunities to implement Inclusionary Zoning in the Downtown Niagara Falls Protected Major Transit Station Area, where a Municipal Assessment Report completed in accordance with O. Reg 232/18, under the Planning Act, demonstrates financial viability of implementing such a tool.

*n/a*

4.19 The City will address housing affordability gaps through the provision of a suite of tailored incentives through an affordable and rental housing Community Improvement

Plan. The city will work with the Region to identify opportunities for partnership and alignment for affordable and rental housing.

*n/a*

4.20 The City will provide ongoing monitoring and reporting on the implementation and achievement of the targets set out in the Housing Strategy and in this Plan. An annual report will be provided to Council to update on progress in implementing the Housing Strategy.

*n/a*

## **PART 2**

### **LAND USE POLICIES SECTION 1**

#### **RESIDENTIAL**

##### **GENERAL POLICIES**

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 proposal is an apartment building which is a permitted use within the Residential designation.*

1.2 A variety of ancillary uses may also be permitted where they are compatible with the residential environment and contribute to a complete community. Ancillary uses shall include, but are not limited to schools, churches, nursing homes, open space, parks, recreational and community facilities, public utilities and neighbourhood commercial uses. In interpreting compatibility, ancillary uses will be assessed according to the following principles.

*n/a*

1.2.1 Ancillary uses within the Built-up Area that have the potential of generating large volumes of traffic are generally encouraged to locate:

- on an arterial or on a collector in proximity to an arterial road in order to minimize disturbances to area residents;
- such that area residents can conveniently access the uses by means of walking, cycling, public transit or motor vehicle; and
- in proximity to a transit stop.

n/a

1.2.2 Ancillary uses with the Greenfield Area shall be provided for through design within secondary plans taking into consideration the above criteria.

n/a

1.3 Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the residential neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of the overall neighbourhood.

n/a

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.

n/a

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

n/a

1.6 Minor increases in height and/or density may be allowed for individual multiple unit proposals in accordance with the Bonus Zoning provisions contained in Part 4, Section 4 of this Plan.

*See responses to section 4.*

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 proposed development is accompanied by a Functional Servicing Report and Stormwater Management Review that is prepared by a Professional Engineer who has determined that adequate capacity exists within the existing municipal infrastructure to*

*support the proposal. A more detailed engineering design for the proposal will come forward through the next stage of approvals.*

1.8 Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.

*A noise study has been prepared to assess the noise impacts from Drummond Road, which is an arterial Road. Additional setbacks and architectural elements will be employed to mitigate the impacts from the road noise. There will also be warning clauses for the future residents notifying them of road noise.*

## **BUILT-UP AREA**

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

*The subject lands are vacant and underutilized and should be seen as an opportunity for intensification in an area that is sensible with minimal impacts.*

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.

*The lot fabric is not proposed to change but the built form that is proposed is proposed at a higher density and height than the surrounding lots. As such sensitive design principles have been employed to reduce impacts. The front yard setback of the proposed building is aligned with the two adjacent residential houses in order to maintain and consistent street face and character and to blend into the existing lot fabric. Additional interior side yard setbacks are proposed between the apartment and the adjacent dwelling. Enhanced landscaping is proposed around the perimeter of the development in order to provide an attractive site and to provide a green buffer between the surrounding residential land uses.*

*Overall, with enhanced landscaping, together with the increased setbacks of the building, the development will blend into the existing lot fabric and streetscape.*

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

*A large setback is proposed between the apartment building and the existing dwelling to the south, which will provide an appropriate transition from the smaller heights to the taller building. This area will also be screened with taller buffer plantings to screen and provide a buffer between the two buildings and yards.*

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.

*The proposed development is a higher density than what currently exists in the surrounding area and is sensitively designed to fit into the existing context with minimal impact through thoughtful siting and buffering in strategic locations.*

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.

n/a

1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the number 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:

- (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.

n/a

- (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.

n/a

(iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads.

*The proposed building consists of 4 storeys with 42 residential dwelling units and unit for a superintendent. This equates to a site density of 113.8 units per hectare. The proposal exceeds the maximum density of 100 units per hectare and an application to amend the City of Niagara Falls Official Plan is required. The increased density will allow for the site to be developed to its full potential. Making the most efficient use of the existing property size, making efficient use of the existing available municipal infrastructure is in the best interest of the City. The height requirements are being maintained as per the requirements of the Official Plan.*

*This property is a good candidate for additional density since it is located on a major transit route, it is located within steps of two transit stops. It is in walking distance to a major retail area located on Lundy's Lane and is close proximity to major highway interchanges, which connects the site to the regional area. The site maintains significant building setbacks, enhanced landscape buffering, minimizing impacts to adjacent properties. The proposed increase density is appropriate for the subject lands and is not considered over development as adequate setbacks, parking, buffer areas, amenity space can all be provided on-site.*

Moreover, development should be on current or planned public transit routes and in proximity to commercial areas.

*The subject lands are located steps away from two existing bus stops and within walking distance to the commercial node on Lundy's Lane.*

Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;

*The proposed development has an articulated façade that is accented with balconies using a range of building materials and colors breaks up the massing of the building which lessens the impact on the surrounding neighbourhood. Enhanced landscaping materials and designs will also assist to complement the architectural design of the building and provide an attractive streetscape.*

- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;

*The proposed building height is 14.2 metres and the rear yard setback to the closest property line is 10 metres which is a setback that is almost the full height of the building, which is significantly larger than what is required. This setback allows for an outdoor amenity area and additional space for landscape screening and open space.*

- street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;

*The main entrance to the building is internal to the site and includes a porte cochere. The street facing frontage includes an articulated façade using various building materials and colors that contribute to reducing the massing and creates an attractive streetscape. A detailed landscape design includes signage and walkway connections to the public realm. Additional landscape details and enhancements can be produced at the forthcoming site plan approval stage.*

- parking is to be encouraged to be located within parking structures that are integrated with the development; and

*The parking is proposed to be surface parking surrounded by landscape buffers and landscape screening to buffer adjacent uses. A landscape buffer is shown between the public street and the first parking space in the parking lot which will be planted in order to screen the parking area from Streetview. Additional planting and details will be produced as part of the forthcoming site plan approval process.*

- where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

*The proposed parking is proposed close to the building and in the rear of the building and is entirely buffered by landscape buffers and screening planting.*

## **SECTION 5 URBAN DESIGN STRATEGY**

### **PREAMBLE**

Urban design is the shaping of the built environment. It plays an important role in the upgrading and maintenance of the City's civic image and economic potential and is critical to the quality of life for its citizens. It is the intent of this Plan to create a compact and interconnected, pedestrian-oriented and transit-supportive community. The built environment consists of the public realm and private properties, both of which have to be designed to work harmoniously together. The policies of this section are to provide guidance to both the public and private sectors.

## POLICIES

5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.

*The development proposal has been intentionally sited to align with the two adjacent single detached dwellings so that it fits into the established street face, which will help it blend in and not dominate the streetscape. Multiple walkway connections are proposed from the private site that connect to the existing public sidewalk creating opportunities for pedestrian movement and access to transit stops. Enhanced landscape design and great architectural design come together to create an inviting streetscape that is compatible and seamlessly integrates with the surrounding area. The building height is the same height as the apartment buildings across the street so there is consistency in building height for this area.*

5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.

*See above.*

5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.

*The building is not as close to the street as possible in order to achieve other compatibility measures but there are multiple pedestrian access points and connections to the public realm to promote pedestrian movement to and from the site.*

5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site-specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.

*There are no microclimatic impacts expected from the proposed 4 storey structure.*

5.1.4 In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.

n/a

5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.

*Although the parking spaces project in front of the main building façade towards the street, buffering measures will be employed to minimize the view of the parking spaces from the public street. Together with landscaping and signage an effective and attractive buffer will be provided to hide vehicles from the public street view.*

5.1.6 Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high-density residential developments.

n/a

5.1.7 The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.

*The development provides a single access point to Drumond Road.*

5.2 Streets are a public space that, while conveying motorized traffic, should be designed as a safe, comfortable and convenient environment for the pedestrian and cyclist. Streetscaping should serve to improve the pedestrian experience of an area through the use of amenities such as widened sidewalks, decorative street lighting, rest areas, tree planting and other landscaping features.

*Generous setbacks of the building and parking areas will not obstruct views of vehicles entering or exiting the site.*

5.2.1 The provision of adequate and accessible space for pedestrians, cyclists and transit are to be considered in the design of streets.

n/a

5.2.2 The improvement and upgrading of streetscapes is encouraged through the development of facilities and amenities such as sidewalk cafes, plazas, piazzas and other spaces. Where appropriate, streetscape plans, urban design guidelines or community improvement plans will be undertaken and implemented in cooperation with area land owners and Boards of Management for business improvement areas.

n/a

5.2.3 The City shall cooperate with other levels of government in protecting existing trees and planting new trees along roadways and highways in accordance with municipal, Regional and Provincial guidelines for aesthetics, maintenance and safety.

*Any street trees that have to be removed as a result of this development will be replaced working together with the municipality on this through the site plan approval process is essential. Please refer to the Tree Inventory and Preservation Plan for details.*

5.2.4 In all public works, no trees within the road allowance or on public property shall be removed unnecessarily. However, if they must be removed, suitable, native trees shall be replaced as soon as possible where it is desirable and practical.

*see above.*

5.2.5 The City shall participate in a tree planting program to enhance the environment and shall encourage private landowners to protect existing trees, hedgerows, windbreaks and other natural areas and plant additional trees on their own property using native species wherever possible.

*A significant number of trees will be planted on the site and within the public boulevard as a result of this development providing a net increase in the number of trees on the subject lands. Refer to the TIPP for details on how this is to be achieved.*

5.2.6 In cooperation with the appropriate agencies, the number of utility poles shall be minimized and overhead wiring shall be progressively buried underground.

*n/a*

5.2.7 The City shall cooperate with other levels of government and agencies in consolidating driveway entrances and/or providing access turnarounds, wherever possible, within and between properties to improve traffic flow efficiencies and to protect private and public property.

*n/a*

5.3 Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.

*A generous front yard setback will allow for generous areas for landscaping in front of the building to soften the massing and screen noise and visual intrusion. Details will be provided at the Site Plan Approval Stage.*

5.3.1 The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.

*See above*

5.3.2 Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.

*All landscaping will be on private property and will be the responsibility of the owners to maintain.*

5.3.3 The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.

*Tree and plant species will be finalized at the site plan approval stage and will be reviewed and approved by the City to confirm compliance with this policy.*

5.3.4 Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.

*n/a*

5.3.5 The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.

*An arborist and TIPP have been prepared and is included in this submission. As many existing trees will be preserved as reasonable. Ultimately, there will be a net increase in trees as a result of this development.*

5.3.6 Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

*n/a*

5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.

*The parking area has been designed to minimize the amount of pavement. Keeping the parking area and drive aisle internal to the site help to free up land along the perimeter of the site for generous setbacks and landscape buffering.*

5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.

*There are landscaped areas in the parking area that have been included to complement the parking lot design and break up the sea of asphalt with green space.*

5.4.2 Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.

*To be finalized at the forthcoming site plan approval process.*

5.5 Signs within the City are regulated by the comprehensive sign by-law. The by-law implements the following amenity and design principles:

5.5.1 The city is organized into sign districts in order to establish the appropriate sign types and regulations for each district.

5.5.2 Proposed signs should be designed so as not to compete for visual attention and airspace with streetscape elements, existing signage and buildings.

*Signage details will be finalized through the forthcoming site plan approval process.*

5.5.3 Signs are a part of the streetscape and are to be designed to complement the built form and character of the surrounding area. Signs are not to be intrusive nor add to visual clutter. Separation distance between signs and residential uses, designated heritage properties and open space should be such that these uses are not impacted negatively.

*See above.*

5.5.4 Signs should be designed to integrate with building architecture and the development in general.

*See above.*

5.5.5 Electronic signage should be carefully sited. Due to its illumination and display characteristics, electronic signage should be located such that impacts on vehicular and pedestrian traffic are minimized.

*n/a*

5.5.6 Signs located in the Downtown and Drummondville Districts shall be designed to respect the historic character or heritage theme for these areas. As such, signs are to be at a scale and size that is appropriate for the districts and in compliance with the specific design guidelines to be developed for the Downtown and Drummondville Districts.

*n/a*

5.5.7 Applications for minor variances from the comprehensive sign by-law may be considered by Council or its designated staff member provided that:

- the general intent and purpose of the Official Plan is maintained;
- The general intent of the Sign By-law is maintained;
- the request is minor in nature; and
- is desirable for the appropriate development of the land.

*n/a*

5.5.8 Any major deviations will require Council approval as an amendment to the by-law and will be subject to the submission of an application accompanied by studies and/or reports, to demonstrate the reasons why the by-law regulations cannot be complied with and to address issues of aesthetics and design as well as impacts on the surrounding area, traffic safety and public property.

*n/a*

5.5.9 Approvals of by-law amendment applications may be subject to conditions including, but not limited to, submission of Letters of Credit, agreements registered on title to safeguard the City's interests in the regulation of signs and their content as Council considers appropriate.

*n/a*

5.6 The City advocates high quality development through the preparation of secondary plans, community or neighbourhood plans and community improvement plans. The achievement of this goal shall also be assisted in the review and approval of subdivisions, zoning amendment applications and the utilization of site plan control.

*n/a*

5.6.1 Individual subdivisions and rezoning developments are to be coordinated through applicable secondary plans to ensure appropriate aesthetic qualities are attained.

*n/a*

5.6.2 Aspects such as the arrangement of uses and densities, road layout and orientation, lotting schemes, parks, pedestrian and cycling routes, tree planting, landscaping and services shall all be addressed as design elements within secondary plans and plans of subdivision.

n/a

5.7 The City may prepare urban design plans or neighbourhood plans to implement the Urban Design Policies on specific areas. In the absence of such plans, reference should be made to Niagara Region's Model Urban Design Guidelines.

n/a

**PART 4 ADMINISTRATION AND IMPLEMENTATION**  
**SECTION 2 OFFICIAL PLAN REVIEW AND AMENDMENTS**

2.6 When considering an amendment to the Official Plan, Council shall consider the following matters. 2.6.1 The conformity of the proposal to the general objectives of this Plan.

2.6.2 Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the city or possible areas of intensification or redevelopment.

*The subject lands are larger enough and provide adequate space for the proposed use and also has enough area that generous setbacks and landscape areas can be provided on-site. Adequate parking can be provided together with on-side loading and bicycle parking.*

2.6.3 Compatibility of the proposed use with adjacent land use designations and natural resources.

*The proposal is compatible with other 4 storey apartment buildings across the street. The proposal has been designed in a sensitive manner to that appropriate setbacks and buffers can be provided.*

2.6.4 The need for and market feasibility of the proposed use.

*It is a well-known fact that the Province of Ontario is need of affordable housing. A market feasibility is not necessary.*

2.6.5 The extent to which the existing areas of the city designated for the proposed use are developed or are available for development.

*The subject lands are designated for the proposed use. The amendment is to increase the permitted density.*

2.6.6 The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.

*there are adequate municipal services available and the traffic report indicates minimal impact on the existing road network.*

2.6.7 The financial implications of the proposed development.

*Increase tax base will contribute to taxes making the city more sustainable. It will also generate development charges which will support the upgrading for capital improvements to benefit the city overall.*

2.6.8 The protection of specialty crop land as defined in the Provincial Policy Statement from development.

*n/a*

2.6.9 Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.

*n/a*

*Overall, the development proposal conforms to the City of Niagara Falls Official Plan, with the exception of meeting the maximum density. The proposed increase in density is minor in nature and will not cause any undue impacts to functionality of the development or to the adjacent neighbourhood and is therefore considered good land use planning.*

*The proposed Official Plan Amendment is included as Appendix B to this report.*

## City of Niagara Falls Zoning By-Law, No. 79-200

In order to facilitate the development proposal, an amendment to the City of Niagara Falls Zoning By-law No. 79-200 is required. The purpose of the amendment is to establish the site-specific zoning provisions that are required to support the site-specific site and building design. Due to the irregular configuration of the subject lands, some provisions are required to be modified as well. The chart below outlines the applicable zoning provisions from the City’s By-law and includes a comparison of what is being proposed. The areas with red text represent a required site-specific variation from the provisions of the by-law and form the basis for the amendment.

No.	Provision/Requirement	Proposed
4.1	Yards	

	Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:		
b	unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;	canopy at building entrance proposed over 25 metres from north interior property line.	
c	open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres, notwithstanding open balconies not covered by a roof or canopy in an R4 or R5 zone may project into any required side yard a distance of not more than 1.8 metres;	covered balconies, proposed to project 1.8 metres into north, south and rear yards	
<b>4.19</b>	<b>Parking Areas</b>		
<b>4.19.1</b>	<b>Requirements:</b>		
a	The owner or occupant of every building or structure to be erected or used for any purpose listed in Table 1 of this section shall provide an maintain a parking area which shall be located on the same lot occupied by such building or structure. The said parking area shall contain individual parking spaces to the extent at least prescribed in said Table 1 for the respective classes of uses, buildings or structures set out therein together with a manoeuvring aisle to serve each row or each 2 rows or parking spaces. The said parking area shall be provided and maintained in accordance with the requirements of this section and such requirements as may be made a condition to the approval of plans and drawings in a site plan control area established under section 35a of The Planning Act. Where a building, structure or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking for each use or purpose.		
<b>Table 1</b>	<b>Provision</b>	<b>Required</b>	<b>Proposed</b>
	Dwelling containing 4 or more dwelling units save and except an on-street townhouse dwelling	1.4 parking spaces for each dwelling unit	<b>1.12 parking spaces for each dwelling unit</b>
<b>4.20</b>	<b>Loading Areas</b>		
4.20.1	over 300m2 but not exceeding 3700m2	Minimum number of loading spaces 1	proposed building = 3286m2 and 1 loading space is provided
<b>4.39</b>	<b>Bicycle Parking</b>	<b>Proposed</b>	

i.	Bicycle parking shall be provided at a rate of 0.5 spaces/dwelling unit for apartment dwellings and 1 space/500m <sup>2</sup> of floor area for non-residential uses.	42 units-0.5 = 21 spaces required. 26 spaces provided (indoors and outdoors)
i.	Short-term bicycle parking shall be provided at a rate of 2 spaces per apartment dwellings with 20 units or less, and at a rate of 6 spaces per apartment having more than 20 dwelling units.	8 spaces provided outdoors
ii.	A Bicycle parking space shall be located within a building, structure, enclosure and/or bicycle locker.	provided in combination indoors and outdoors
iii.	A bicycle parking space shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1metres	complies
<b>4.44</b>	<b>Amenity Areas for Apartment Dwellings</b>	<b>Proposed</b>
4.44.1	within the R4 zone a minimum amenity area of 20 square metres per dwelling unit shall be provided.	<b>40 units x 20 = 800 square metres. 14.9 square metres per dwelling unit proposed</b>
<b>Parking in Yards</b>		
	within an R4 zone no person shall use any portion of the front yard of any lot for the parking of storing of motor vehicles unless either a landscaped open space strip or a decorative wall or decorative fence and landscaped open space strip is provided and maintained along every part of every front lot line except in accordance with the following regulation:	<b>proposed parking to be permitted in the front yard screened by a decorative wall to match the building. Details on design to be ironed out through SPA process. Request to reduce landscaped open space strip/decorative wall</b>

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i.	if only a landscaped open space is provided such landscaped open space strip shall have a min. width of 3 metres, unless a decorative wall or fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall have a min. of 1.5 metres	<b>combination to 0.96 metres in width</b>	
ii.	The height of a decorative wall or fence shall be a minimum of 2 metre above the average level of the parking area in the front yard.		
iii.	any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line.		
<b>7.9</b>	<b>Residential Low Density, Grouped Multiple Dwellings Zone (R4)</b>		
	<b>Provision</b>	<b>Required</b>	<b>Proposed</b>
<b>7.9.1</b>	<b>Permitted Uses:</b>		
(d)	An apartment dwelling		an
<b>7.9.2</b>	<b>Regulations</b>		
<b>a.</b>	<b>Minimum Lot Area</b>		
i.	for an apartment dwelling or stacked townhouse dwelling	200 square metres (2,152.8sq. ft.) for each dwelling unit	<b>88m2 for each dwelling unit</b>
<b>b</b>	<b>Minimum Lot Frontage</b>		
i.	for an apartment dwelling containing more than four dwellings	30 metres (98.4ft.)	38.5 metres (126ft.)
<b>c</b>	<b>Minimum front yard depth</b>		
ii.	for an apartment dwelling	7.5 metres (24.61ft.) metres plus any applicable distance specified in section 4.27.1	7.59m + 13.1m from CL of road
<b>d</b>	<b>Minimum Rear Yard Depth</b>		
ii.	for an apartment dwelling	10 metres (32.81ft.) plus any applicable distance specified in section 4.27.1	10.34 metres (33.9ft.)
<b>e</b>	<b>Minimum Interior Side Yard Setback</b>		
	one half the height of the building		North 15.76 metres, <b>South 5.0 metres</b>
<b>g</b>	<b>Maximum Lot Coverage</b>	35%	25.70%
<b>h</b>	<b>Maximum height of a building or structure</b>	10 metres (32.81ft)	<b>14.2 metres</b>

m	<b>Minimum landscaped open space</b>	45 square metres (484.4sq.ft.) for each dwelling unit	<b>28.5 square metres for each dwelling unit</b>
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*The parking rate for the development is required to be 1.4 parking space per dwelling unit. A reduction to this parking rate is being requested to 1.12 spaces per unit. This variation is considered minor since at least one parking space is being provided for each dwelling unit as well as an appropriate amount of on-site visitor parking to accommodate the use. The city has a study that indicates a parking reduction down to 1.1 spaces per unit is appropriate. The proposal provides slightly more parking than the minimum that the City’s study has indicated and is therefore considered appropriate.*

*Although outdoor amenity space is provided in two spaces on the site, one in a sunken terrace connected to a party room and one children’s play area at the rear of the building, the total area of these two spaces does not meet the minimum requirement in the by-law. The by-law requires at least 20 square metres per dwelling unit, whereas 14.9 square metres per dwelling units would be provided. Due to the compact nature of the site design, there is limited area to accommodate any additional on-site amenity space without sacrificing more parking space or landscape buffer areas. The proposal is adequate and will provide some level of outdoor space for the future residents. Keep in mind that the subject lands are also within walking distance to a public park for additional amenity space.*

*The zoning requires that parking areas be located outside of the front yard. Due to the irregular configuration of the property, it is hard to achieve this. There are two spaces that are located beyond the front wall of the proposed building. The purpose of not permitting parking in the front yard is to avoid having vehicles be the dominant feature. In lieu of this provision and in an effort to mitigate and achieve the same intent, a decorative feature wall together with attractive landscaping around the parking is proposed. This wall and landscape buffer will hide the cars from view from the street.*

*The minimum lot area per unit provision is proposed to be deleted. This provision is redundant as it achieves the same restriction as a density provision. It is preferred to rely on the density calculation in this instance.*

*The interior side yard along the south side of the building is proposed to be reduced from the required 7.1 metres to 5.0 metres. This reduction will still allow enough space for landscape buffering, drainage swales. This setback will still allow some level of separation from the dwelling to the north as well. This reduction is considered appropriate.*

*The maximum height of a building within the R4 zone is 10.0 metres. The proposal is to increase the maximum building height to 14.2 metres in order to accommodate 4 storeys. This is a consistent building height with existing buildings directly across the street so this increase will allow the development to be compatible with the existing character of the neighbourhood.*

*The minimum landscaped area is proposed to be reduced from 45 square metres for each dwelling unit to 28.5 square metres for each dwelling unit. Adequate open space, landscaped areas and outdoor amenity space can still be provided with this reduction and therefore it is considered appropriate.*

*The site-specific zoning provisions are considered appropriate for the development of the lands. Adequate parking and open space are provided, buffering and landscaping can be enhanced to reduce any impacts and is therefore considered good land use planning.*

*The draft Zoning By-law Amendment can be found in Appendix C of this report.*

## **Planning Recommendation**

Based on the review provided in this report, the development proposal is a good use of existing urban lands and will assist the city in achieving its housing targets in well sited and sensitively planned development. The proposal offers a form of more affordable housing which is a needed form of housing in the city. The proposal will fit harmoniously into the varied character of this neighbourhood with minimal negative impact. The development will enhance the streetscape as it is a well-designed building that employs a variety of architectural materials and colors and promotes eyes on the street by having street facing balconies. The proponent has provided a preliminary landscape plan that shows how the frontage of the site will be improved through the use of a variety of planting materials. A more fulsome landscape design will be provided through the forthcoming site plan approval process.

The Official Plan and Zoning By-law Amendment is consistent with the PPS, it conforms to the Niagara Region Official Plan, and the City of Niagara Falls Official Plan and is considered good land use planning.

It is recommended that the application be approved for the reasons outlined herein.

Prepared by:

A handwritten signature in blue ink, appearing to read 'JL Vida', is positioned below the text 'Prepared by:'.

Jennifer L. Vida, MCIP, RPP



# APPENDIX B – CITY OF NIAGARA FALLS DRAFT OFFICIAL PLAN AMENDMENT NO. \_\_\_\_

## **PART 1 – THE PREAMBLE**

The preamble does not constitute part of this amendment.

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

The purpose of the amendment is to increase the maximum density to 114 units per hectare for the property located at 5558 Drummond Road and to create a Special Policy Area No. \_\_\_\_ as shown on Schedule A attached to and forming part of this amendment.

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

This amendment applies to the lands known as 5558 Drummond Road, in the City of Niagara Falls, legally described as Part of Township Lot 126 now in the City of Niagara Falls, Regional Municipality of Niagara, shown on Schedule A of this draft amendment.

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

1. That Schedule A to the Official Plan of the City of Niagara Falls, Future Land Use be amended by re-designating the lands on Schedule A attached hereto and forming part of this Amendment from 'Residential' to 'Special Policy Area No. \_\_\_\_'.
2. That the following exception be added to the City of Niagara Falls Official Plan:
  - a. The lands shown on Schedule A, attached hereto and forming part of this by-law are permitted to be developed for a 4 storey, 42 residential unit apartment building and that parking is permitted within the front yard subject to a privacy wall and landscaping to buffer views from the public street.

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

The basis of the amendment is as follows:

1. The subject lands are located within the Built-up Area of the City of Niagara Falls.
2. The City of Niagara Falls Official Plan directs that apartment buildings will generally not exceed 100 units per hectare. The proposed development has a density of 114 units per hectare, which exceeds the maximum.
3. The proposed residential apartment building is compatible with the existing and planned development in the neighbourhood and will not adversely impact the character of the area.
4. The proposed development represents an appropriate and compatible form of intensification while making efficient use of land and existing services.
5. The proposal provides additional housing in a more diverse form to address housing needs.
6. The Amendment is consistent with the Provincial Planning Statement (2024), conforms to the Niagara Region Official Plan and the City of Niagara Falls Official Plan.

7. The development is considered good land use planning.
8. Future applications for Site Plan Approval are required prior to development.

## **PART 2 – BODY OF THE AMENDMENT**

All of this part of the document entitles Part 2 – The Amendment, consisting of the following text and Schedules constitutes Amendment No. XX to the Official Plan of the City of Niagara Falls.

1. Schedule A of the City of Niagara Falls Official Plan – Future Land Use be amended by redesignating the lands from ‘Residential’ to ‘Residential – Special Policy Area No. \_\_\_.’
2. That the text of the City of Niagara Falls Official Plan be amended to include the following:
  - a. The lands shown as ‘Residential – Special Policy Area No. \_\_\_ on Schedule A of the Future Land Use Plan are subject to the following special policy:
    - i. In addition to the uses identified in the Residential designation, an apartment building being 4 storeys in height and consisting of 42 units with a density of 114 units per hectare with screened parking in the front yard shall be permitted.

DRAFT

REGISTERED PLAN 4 2  
 "RESIDENTIAL" "RESIDENTIAL" "RESIDENTIAL" "RESIDENTIAL" "RESIDENTIAL" "RESIDENTIAL"  
 LOT 80 LOT 79 LOT 78 LOT 77 LOT 76 LOT 75



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY

SKETCH FOR PLANNING PURPOSES ONLY

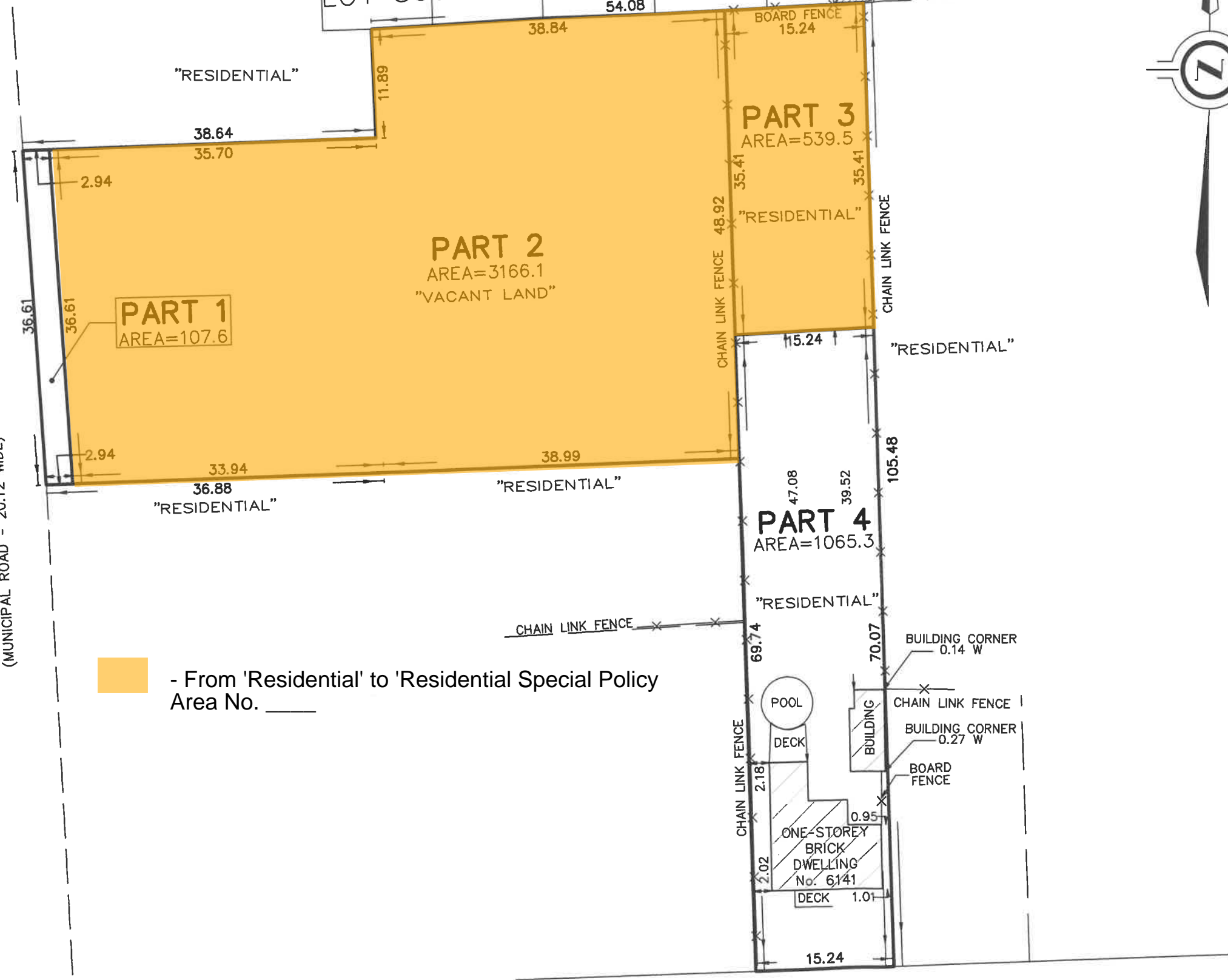
**6141 NORTH STREET**  
 CITY OF NIAGARA FALLS  
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 500

J.D. BARNES LIMITED  
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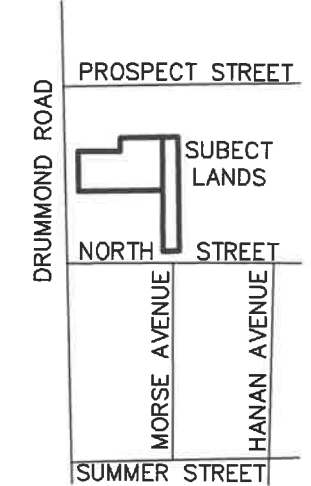
**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**DRUMMOND ROAD**  
 (MUNICIPAL ROAD - 20.12 WIDE)



- From 'Residential' to 'Residential Special Policy Area No. \_\_\_\_\_

KEY PLAN (not to scale)



CITY OF NIAGARA FALLS

**LEGAL DESCRIPTION**

PART OF LOT 126, GEOGRAPHIC TOWNSHIP OF STAMFORD, CITY OF NIAGARA FALLS. BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED OCTOBER 7, 2022. THIS IS NOT A PLAN OF SURVEY. SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

Oct. 31, 2022  
 DATE

ALLAN J. HEYWOOD  
 ONTARIO LAND SURVEYOR

**CAUTION**

- (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.
- (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

**NORTH STREET**  
 (MUNICIPAL ROAD - 20.12 WIDE)

<p><b>J.D. BARNES LIMITED</b>                  SURVEYING MAPPING GIS                  LAND INFORMATION SPECIALISTS                  4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4                  T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com</p>	SC/BC DRAWN
	AH CHECKED
	DATED: 10/26/2022
	Ref. No. 22-16-245-00

PLOTTED 10/31/2022 G:\2022\22-16-245\00\Drawing\22-16-245-00-LDC.dgn

**CITY OF NIAGARA FALLS****By-law 2026-XXX**

A By-law to amend By-law 79-200, to permit the use of the land at 5558 Drummond Road for a 4-storey apartment building, consisting of 42 dwelling units and surface parking.

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

1. The lands that are subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is part of this by-law.
2. The purposed of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this bylaw. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and the regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
  - a. All uses permitted in the Residential 4 (R4) Zone.
5. The regulations governing the permitted uses on the subject lands, shall be:
  - a. A dwelling containing 4 or more dwelling units shall provide 1.1 parking spaces for each dwelling unit.
  - b. A minimum outdoor amenity area of 14 square metres per dwelling unit shall be provided.
  - c. Reduced landscaped open space strip/decorative wall combination shall be provided within 0.96 meters in width
  - d. Minimum Lot Area for an apartment dwelling – delete
  - e. Minimum interior side yard setback – south 5.0 metres
  - f. Maximum height of a building or structure – 14.5 metres
  - g. Minimum landscaped open space – 28 square metres for each dwelling unit.
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
7. No person shall use the Lands in a manner that is contrary to the regulations.
8. The provisions of this by-law shall be shown on Sheet \_\_\_ of Shedule \_\_\_ of By-law No. 79-200 by redesignating the Lands from R4 site specific zone to R4 site specific and numbered \_\_\_\_.
9. Should the owner of the Lands not execute a Site Plan Agreement, to the satisfaction of the City, within 3 years of this by-law coming into effect, then this by-law shall be

deemed to be repealed and the zoning of the Lands zoned of R4-\_\_\_ shall be of no force and effect, and the zoning of the Lands will revert back to the previous zone.

10. Notwithstanding clause 12 above, the approval of this by-law may be extended by 1 year at the discretion of the General Manager of Planning, Building and Development.

11. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1. \_\_\_\_\_ Refer to By-law No. \_\_\_\_\_

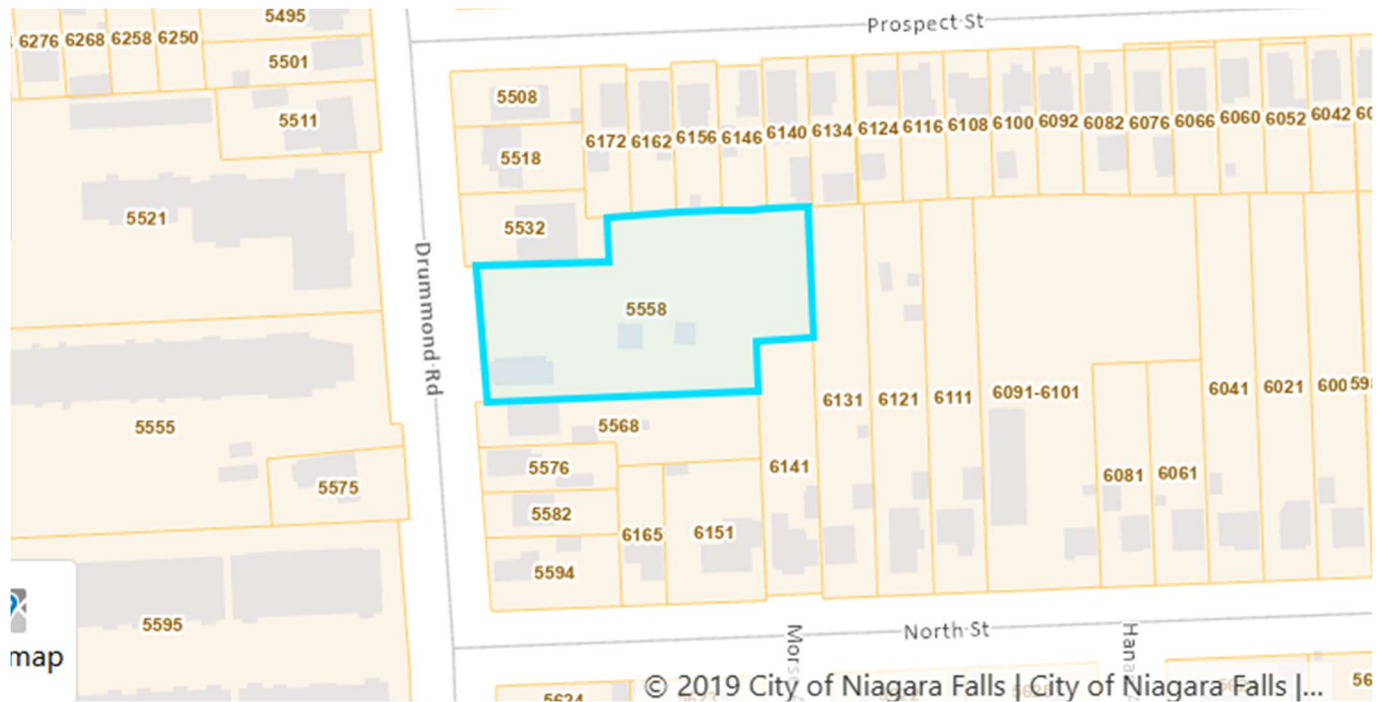
**Read a First, Second and Third time; passed, signed, and sealed in open Council this \_\_\_\_**

**Day of \_\_\_\_\_, 2026.**

\_\_\_\_\_  
WILLIAM G. MATSON, CITY CLERK

\_\_\_\_\_  
JAMES M. DIODATI, MAYOR

**SCHEDULE A TO BY-LAW NO. 2026-XXX**



**LEGEND:**

PART 1 – FROM Residential 4 (R4-1237) site specific zone to Residential 4 (R4-\_\_\_\_) site specific zone.