

**Planning Justification Report**  
**Official Plan Amendment and Zoning By-law Amendment**

**6104 Garner Road**

**Niagara Falls, ON**

**November 2025**

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UCC File No. 21116

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## **1.0 - INTRODUCTION**

Upper Canada Consultants has been retained by Thuy and Kinh Nguyen to prepare a Planning Justification Report in conjunction with applications for an Official Plan amendment and Zoning By-law amendment made for the lands municipally addressed as 6104 Garner Road in the City of Niagara Falls, Regional Municipality of Niagara.

The intent of this Planning Justification Report is to provide a detailed description of the proposal and to demonstrate how the applications comply with the *Planning Act*, are consistent with the relevant policies of the Provincial Planning Statement, and conform with the relevant policies of the Niagara Official Plan, and the City of Niagara Falls Official Plan.

## **2.0 - SITE CONTEXT**

The subject lands are municipally addressed as 6104 Garner Road. These lands are described legally as Block 52, Plan 59M510; City of Niagara Falls. The property fronts onto Garner Road with a frontage of 55.96 meters and fronts onto Angie Drive with a frontage of 58.43 meters, the property has a lot area of 3854 meters squared. The subject lands hold a single detached dwelling unit that has an area of approximately 182 meters squared. **Figure 1** below shows an aerial view of the site and is illustrative of the use of the site.



**Figure 1 - Subject Lands – 6104 Garner Road, Niagara Falls**

The surrounding lands contain the following uses:

- North:** Future medium density residential uses
- East:** Future medium density residential uses
- South:** Stormwater management facility
- West:** Single detached dwellings



### 3.0 - PROPOSAL

The applications propose the development of the subject lands with a 6-storey residential apartment building containing 57 dwelling units. The building will have an area of 1058 square meters and a surface parking lot containing 46 parking spaces. An additional 19 parking spaces, inclusive of one barrier-free space, are proposed within the first level of the building, bringing to total amount of parking to 65 parking spaces. Refer to the proposed site plan from **Appendix I** which is included as **Figure 3** below.

The ground floor contains 8 two-bedroom dwelling units and 1 bachelor unit. Floors two through five contain 8 two-bedroom dwelling units and 2 one-bedroom dwelling units. The sixth floor contains 6 two-bedroom dwelling units and 2 one-bedroom dwelling units with a rooftop amenity and lounge area. Refer to the south building elevations from included as **Figure 4** and the floor plan is included as **Figure 5**, and attached as **Appendix II**.

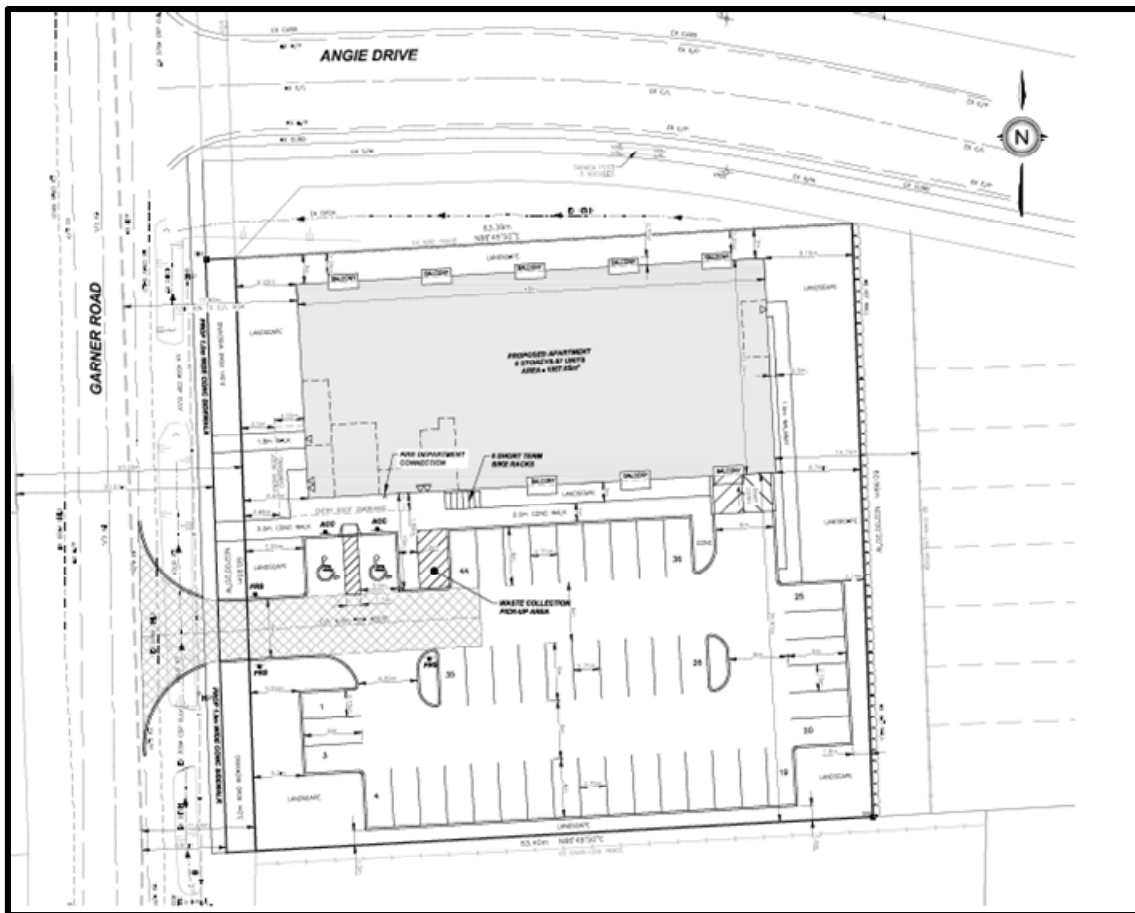


Figure 3 - Preliminary Site Plan



Figure 4 - South Building Elevation



Figure 5 - Typical Floorplan/Layout (Levels 2-5)

## **4.0 – REQUIRED APPLICATIONS**

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

### **4.1 – OFFICIAL PLAN AMENDMENT**

Section 22 of the *Planning Act* establishes the process and requirements to make an amendment to a local Official Plan.

The submitted Official Plan Amendment seeks to change the permitted apartment dwelling density from a maximum density of 75-100 units per hectare to a maximum density of 150 units per hectare. Refer to section 6.4 of this Planning Report for more details about the City of Niagara Falls Official Plan.

The submitted application has been made pursuant to the requirements under Section 22 of the *Planning Act*. A Draft Official Plan Amendment is attached as **Appendix IV**.

### **4.2 – ZONING BY-LAW AMENDMENT**

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

The submitted Zoning By-law Amendment seeks to re-zone the subject property from Developmental Holding (DH) Zone to the proposed Residential Apartment 5E Density (R5E) Zone. This Zone will support the proposed 6-storey apartment dwelling on the site, refer to section 6.5 of this Planning Report for more details about the City of Niagara Falls Zoning By-law. A Draft Zoning By-law Amendment is attached as **Appendix III**.

## **5.0 – SUPPORTING STUDIES AND REPORTS**

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

### **STAGE 1-2 ARCHEOLOGICAL ASSESSMENT**

A Stage 1-2 Archeological Assessment of the subject lands was completed by Detritus Consulting, with the stage 2 assessment conducted on October 19<sup>th</sup>, 2021. The stage 1 background research indicated that the Subject Lands exhibited moderate to high potential for the identification and recovery of archeological resources and therefore a stage 2 assessment was recommended and conducted. The stage 2 fieldwork resulted in the identification and documentation of no archeological resources.

Based on the recommendation of the Stage 1-2 Archeological Assessment completed by Detritus Consulting, no additional archaeological assessments of the subject lands are recommended.

### **FUNCTIONAL SERVICING REPORT**

The Functional Servicing Report addresses the servicing needs and requirements for the proposed development. The Functional Servicing Report draws the following conclusions:

- The existing municipal 300mm diameter watermain on Garner Road will have sufficient capacity to provide both domestic water supply and fire protection.
- The existing municipal fire hydrants on Garner Road and Angie Drive will provide adequate fire protection for the proposed development.
- The existing 200mm diameter sanitary sewer on Angie Drive will have adequate capacity to accommodate flows from the proposed residential development.
- Stormwater from the subject site will be conveyed to the existing Deerfield Estates Stormwater Management Facility, which has capacity to receive the flows and provide the required quantity and quality controls.

### **LAND-USE COMPATIBILITY (AIR QUALITY AND NOISE)**

A Land-Use Compatibility (Air Quality and Noise) Study was completed by RWDI on August 21, 2025. The purpose of the study was to identify any existing and potential land use compatibility issues and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and nearby employment areas and/or

major facilities. The following was concluded as per the completion of the Land-Use Compatibility (Air Quality and Noise) Study:

#### Vibration and Noise

- Vibration levels are not expected to be significant at the proposed development. Therefore, there are no mitigation measures recommended for vibration.
- The following noise control measures are recommended for the proposed development:
  - The dwellings on the west and north façade should be supplied with central air conditioning.
  - The inclusion of noise warning clauses related to:
    - Transportation sound levels at the plane of window and the supply of central air conditioning; and
    - Proximity to commercial/industrial land-use.

#### Air Quality

- There are no recommended mitigation measures with respect to air quality.

Based on the results of the Land-Use Compatibility (Air Quality and Noise) Study completed by RWDI it was concluded that the proposed development is compatible with the surrounding land uses from an air quality, noise and vibration perspective given proper mitigation is introduced as necessary.

## **6.0 - POLICY REIVEW**

### **6.1 - PLANNING ACT**

The Planning Act prescribes the regulations for land use planning in Ontario. Section 2 of the Planning Act outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. The submitted planning application has regard for items (h), (j), and (p) of Section 2 of the *Planning Act*.

Subsection (h) states that “the orderly development of safe and healthy communities” should be considered. The subject lands are located within the City’s Urban Area and are zoned and designated for residential development. The subject lands are immediately adjacent to newly approved development, and have access to roads and services as a result of this development. The proposed development represents an appropriate and logical continuation of development patterns in the area, and contributes to the orderly development of safe and healthy communities.

Subsection (j) states that “the adequate provision of a full range of housing” should be considered. The past development surrounding the subject lands has accommodated single family dwelling units and the addition of an apartment dwelling in this residential neighbourhood will make the area more accessible for all current and future residents allowing for a full range of housing to be provided. The proposed development of the subject lands along with the development of the residential neighbourhoods surrounding the subject lands contributes to adding a variety of housing options and types to the greater area.

Subsection (p) states that “the appropriate location of growth and development” should be considered. The subject lands are within a Residential Area and Urban Area Boundary of the City of Niagara Falls as per Schedule A of the cities Official Plan. The use of an Apartment building within these areas is appropriate and can be appropriately integrated into the neighbourhood without creating negative impacts.

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

### **6.2 - 2024 PROVINCIAL PLANNING STATEMENT**

The Provincial Planning Statement (PPS) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act (R.S.O 1990)*, and sets the policy framework for regulating the development and use of land. The *Planning Act* states that all planning decision are requires to be consistent with the Provincial Planning Statement.

## **Chapter 2 – Building Homes, Sustaining Strong and Competitive Communities**

Chapter 2 of the PPS establishes the framework for growth and development in the province. Under the Provincial land use classification, the City of Niagara Falls is identified as a large and fast-growing municipality on Schedule 1 of the PPS. Growth and development in the Niagara Region is to be focused to Urban Areas in general, as the development is within an Urban Area the proposal is considered appropriate.

The PPS encourages the provision of an appropriate range and mix of land uses which efficiently use land and infrastructure. The proposed development is within the Urban Area Boundary and Residential Area as per the cities Official Plan, this area has access to municipal infrastructure and services meaning the proposed development is within an appropriate location in accordance with PPS.

The PPS encourages the provision of an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. In order to achieve this, the PPS encourages residential intensification, development and redevelopment within underutilized areas. This development will result in a net increase of residential units with the proposal of a 6-storey apartment building in a residential area. The subject lands are currently used for a single detached dwelling and the development of an apartment dwelling on the subject lands will increase the housing options and dwelling units making housing more attainable and affordable.

## **Chapter 3 – Infrastructure and Facilities**

Chapter 3 of the PPS discusses infrastructure and facilities. The PPS encourages development patterns which enable the efficient provision and use of public infrastructure and service. In order to achieve this, the use of existing infrastructure should be optimized before consideration to develop new infrastructure. The subject lands are within an area that has undergone residential growth in previous years and has access to a full range of municipal services and infrastructure. The proposed development helps to optimize the efficient use of these existing services.

For these reasons, the submitted applications are consistent with the PPS.

### **6.3 – REGION OF NIAGARA OFFICIAL PLAN (2022)**

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

#### **Chapter 2 – Growing Region**

Chapter 2 of the NOP contains the policy framework for the accommodation of the Region’s projected population and employment growth. Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth in the Region is to be accommodated. A majority of growth is to occur within the Settlement area, where water and wastewater systems exist or are planned, and where a range of transportation options can be accommodated.

The property is identified as being within the Urban Area of the Region of Niagara as seen from **Figure 6** below which shows an excerpt from Schedule F from the NOP. The subject lands have



Figure 6 - Excerpt from Niagara Official Plan, Schedule B – Regional Structure

access to water and wastewater systems and therefore the location of this development is deemed appropriate. The subject lands front onto Garner Road and are approximately 300 meters from Lundy’s Lane which is a major transportation corridor with connections to many public bus routes.

### **Section 2.2.1 – Managing Urban Growth**

Policy 2.2.1. in the NOP discusses planning tools and responsibilities when it comes to managing urban growth, Policy 2.2.1.1 states the following:

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

- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses and public service facilities, to support the creation of complete communities.*
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas.*

The proposed applications will conform to the policies listed above, the apartment building will increase the density of the surrounding area and support the creation of complete communities by increasing the type of units offered in this residential neighbourhood.

### **Section 2.3 – Housing**

Policy 2.3 of the NOP discusses the provision and supply of housing. A diverse housing stock with a range of tenures, sizes, types and supports should be made available to meet the needs of the community. The objectives of this section are as follows:

- a. provide a mix of housing options to address current and future needs*
- b. provide more affordable and attainable housing options within our communities*
- c. plan to achieve affordable housing targets through land use and financial incentive tools*

The proposed applications will conform to the policies listed above, the apartment building will provide a larger range and mix of housing and unit types addressing the needs of the current and future residents. By adding more housing to this region, the housing in this area will become more attainable and affordable helping the City to achieve its affordable housing targets.

For these reasons, the submitted applications are consistent with the Niagara Official Plan.

## 6.4 – CITY OF NIAGARA FALLS OFFICIAL PLAN (2019)

### INTRODUCTION

The City of Niagara Falls Official Plan contains land use policies which implement the City’s long-term growth management goals. Schedule A of the Niagara Falls Official Plan identifies that the subject lands are designated as Residential (see **Figure 7**). Schedule A2 further identifies that the lands are in the Greenfield Area (see **Figure 8**).

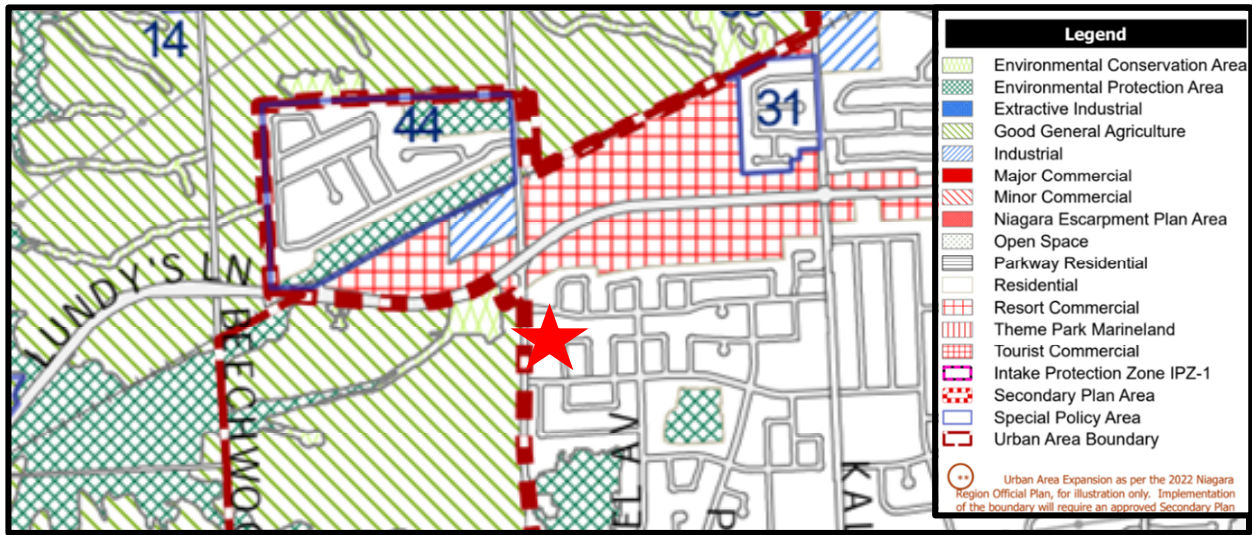


Figure 7 - Excerpt from City of Niagara Falls Official Plan, Schedule A – “Land Use Plan”

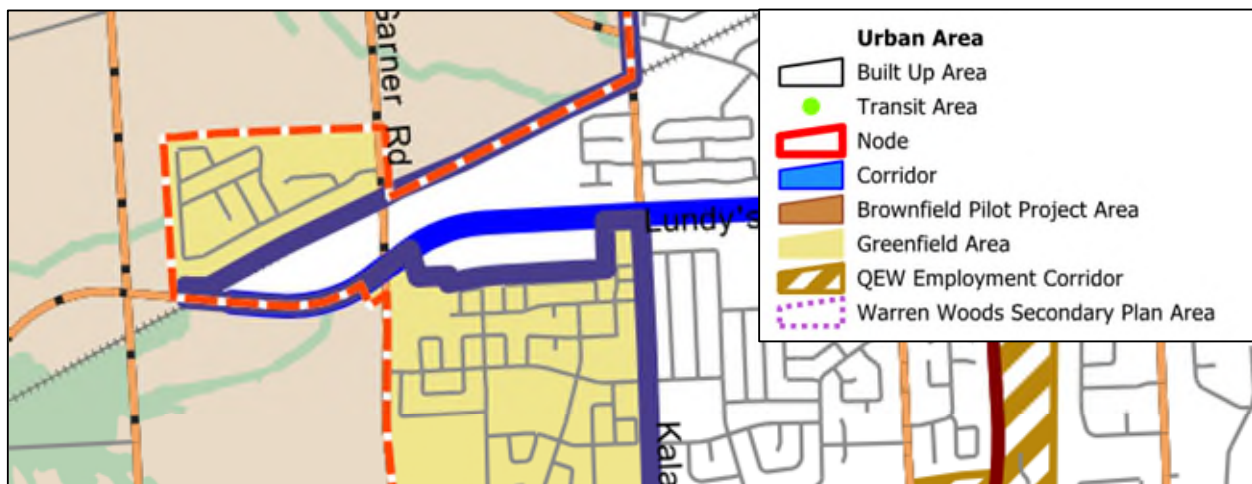


Figure 8 - Excerpt from City of Niagara Falls Official Plan, Schedule A2 – “Urban Structure”

## **PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION**

### **Section 2 – Strategic Policy Direction**

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

#### **Growth Objectives**

Contained under this heading are the City's Growth Objectives which guide the subsequent policy direction for the land uses identified on Schedule A. The following growth objectives are applicable to the proposal:

- 1. To direct growth to the urban area and away from non-urban areas.*
- 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the built-up section of the urban area.*
- 8. To develop Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.*
- 9. To encourage alternative forms of transportation such as walking, cycling and public transit.*
- 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"*

The subject lands are located within the Greenfield area and designated Residential Area, making the site suitable for development under the Official Plan. The proposed Official Plan Amendment seeks to increase the maximum permitted density from 75–100 units per hectare to 150 units per hectare. This aligns with Official Plan objectives by promoting the efficient use of serviced urban lands, expanding local housing options, supporting affordability and attainability, and encouraging compact Greenfield development.

The lands are within walking distance of commercial uses along Lundy's Lane, and while adequate on-site parking is provided, future residents will not be dependent on personal vehicles due to the availability of public transit on Lundy's Lane. This further supports active and alternative modes of transportation.

As described in the Housing Impact Statement below, the proposed development is anticipated to provide approximately 11 dwelling units which are affordable for moderate-income households.

Accordingly, the proposed development and applications conform to the City's Growth Objectives.

### **Policies**

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following policies are applicable to the proposal:

- 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.*
- 2.8** *The City shall consider residential and employment growth in relation to Schedule "B" – Phasing of Development and the polices of Part 1, Section 3 of this Plan.*
- 2.11** *No new urban areas shall be created.*

According to Table 1 of the Official Plan, the City of Niagara Falls is anticipated to reach a population of 106,800 and 42,740 households. The proposed development supports this projected growth by increasing the efficient and intensified use of existing residential lands. As shown on Schedule B of the Official Plan, the subject lands are located within the 'Phase 1' area for future growth. Municipal services exist within the surrounding area. The applications therefore conform to the Official Plan by promoting intensification within an existing urban area and making efficient use of municipal services.

### **SECTION 4 – HOUSING (HOUSING IMPACT STATEMENT)**

The City's Official Plan requires that applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium are to include a housing impact statement, demonstrating how the proposal implements the City's Housing Strategy.

The proposed development consists of 57 dwelling units with a mix of unit sizes and configurations to cater to a variety of housing needs and preferences. **Table 1** provides an overview of the proposed unit sizes, as well as the estimated sale price, based on similar real estate listings in the market area.

<b><i>Table 1 – Proposed Building Unit Breakdown:</i></b>			
<b>Unit Type:</b>	<b>Unit Amount:</b>	<b>Unit Size:</b>	<b>Estimated Sale Price</b>
Bachelor	1 Unit	<b>Approx. 38 square meters</b>	\$379,000 - \$400,000
One-Bedroom	10 Units	<b>Approx. 66 square meters</b>	\$400,000 - \$500,000
Two-Bedroom	28 Type A 12 Type B 6 Type C	Approx. 87 square meters Approx. 89 square meters Approx. 73 square meters	\$600,000

### **Vision and Goals for Housing**

The Official Plan states that *“all residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.”*

The proposed development implements, or otherwise supports the following goals associated with this statement:

1. Ensure housing is available throughout the city to meet the varying financial needs of existing and future residents
2. Diversifying the City’s housing supply to include a wide range of pricing points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).

### **Housing Policies**

The following is an evaluation of how the proposal conforms with the applicable policies for housing under Part 1, Section 4 of the Official Plan.

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

**4.3.1** – *Multiple unit developments, smaller lot sizes and innovative housing forms.*

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

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

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

*4.3.5 – Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwelling in accordance with legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.*

The proposed development reflects the development patterns described under policy 4.3 by creating a multiple unit development, which efficiently utilizes urban lands, and contributes to the provision of a range of housing. The subject lands are also in proximity to commercial uses along Lundy's Lane, which emphasizes their contribution as part of a complete community.

*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:*

The information required under this policy is contained under this Section of the Report as further detailed below.

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

This information is displayed above in Table 1.

*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);*

Conformity to Policy 4.8 a) and b) is detailed subsequently in this section.

*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;*

See Table 1 for the estimated sale process and the conformity statement for Policy 4.8 for an assessment of how these prices align with the affordability thresholds set by the City and Region.

*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*

The proposed development includes the construction of one building, and therefore no phasing is proposed.

- 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.*

The sale price of the units will be based on the market conditions at the time of sale.

- 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 proposal will contribute a variety of unit sizes which provides for a range of sale prices and contributes to the provision of affordable housing units.

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

*As such, the City has set an annual target of 40% of all new units meeting the definition of “affordable”. In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:*

- a. 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable.*
- b. 135 units per year to be built as rental units that would be affordable to rental households in the 30<sup>th</sup> income percentile or lower based on income deciles presented in the City’s annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region’s Consolidated Housing Master Plan and dependent on available resources.*

The Niagara Official Plan defines affordable (in the case of ownership housing) as:

- a. housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low- and moderate-income households; or*
- b. housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;*

The City's Housing Strategy Report (January 2022) defines moderate-income households as those earning \$95,900 or less annually, and establishes an affordability threshold for ownership housing (ie. less than 30% of gross annual income) at \$499,400 for this income group.

Based on current market conditions and the proposed unit breakdown, the bachelor unit and one-bedroom units are expected to be sold within this affordability threshold. As such, the development can be expected to provide approximately 11 ownership units that are affordable to moderate-income households.

## **PART 2 – LAND USE POLICIES**

### **SECTION 1 – RESIDENTIAL**

As noted, Schedule A identifies the lands as Residential and Schedule A-2 designates the lands as being in the Greenfield Area (see **Figures 7 and 8**).

Conformity to the applicable policies for these land use designations is demonstrated below.

#### **General Policies**

The policies under this heading apply to all lands that are designated as Residential on Schedule A of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable General Policies.

**6.5** *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 proposed development consists of an apartment building, which is a prescribed housing form within the Residential designation.

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

The development encompasses a single property and a Draft Plan of Subdivision is therefore not applicable. The development will be subject to condominium approval and/or Site Plan Approval, which provide mechanisms to ensure the development progresses in an orderly manner.

**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.*

The Official Plan does not specify a height requirement for the subject lands.

**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 subject lands are located within the Phase 1 municipal service area according to Schedule B. The subject lands have access to existing water, sanitary and stormwater infrastructure, and the proposed development represents the logical continuation and use of this infrastructure. The Functional Servicing Report submitted with the applications confirms that the existing municipal infrastructure has sufficient capacity to service the proposed development.

**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 Land Use Compatibility has been submitted with the applications which outlines the required noise mitigation measures to meet MECP standards.

### **Greenfield Area**

**1.11** *The Greenfield Area as shown on Schedule A-2 is to develop as complete communities at a small scale. Not more than 60% of new housing units are to be built in the Greenfield Area on an annual basis by the year 2015. Secondary planning shall be the primary implementation tool for the development of the Greenfield Area. The following policies shall apply to the preparation of secondary plans and to subdivision proposals where secondary plans do not currently exist.*

The subject lands are not located within a Secondary Plan area, however the proposed development does contribute to the provision of a complete and compact neighbourhood as the subject lands are located on the periphery of the Garner Place subdivision, and the proposed land use integrates into this development.

**1.11.1** *The target density of development shall be no less than 53 people and jobs per hectare. The calculation shall be made over the gross developable land area, at a secondary plan*

*scale, which is defined as total land area net of natural heritage areas identified for protection under this Plan, the Regional Policy Plan, any provincial plan or Niagara Peninsula Conservation Authority regulation.*

As outlined in **Table 2**, below, the proposed development represents a density of 253.84 people and jobs per hectare. The development therefore contributes positively to the achievement of the minimum Greenfield density target across the City’s designated Greenfields.

	People		Jobs	
	Units	Ratio	Units	Ratio
	57	1.669 PPU	57	5% of dwellings
<b>Provided</b>	95.133 People		2.85 Jobs	
<b>Subtotal</b>	97.983 People and Jobs			
<b>Land Area</b>	0.386 Ha			
<b>Total</b>	<b>253.84 People and Jobs per Hectare</b>			

**1.11.2** *A diverse range of uses is to be provided including neighbourhood, commercial facilities and community services and employment. These uses shall be located and designed such that they compatibly integrate with the built and natural environments.*

The surrounding area contains a mix of land uses, including commercial uses along Lundy’s Lane, and a variety of residential uses in the surrounding neighbourhood. The proposed development integrates well into the existing mix of land uses, and contributes to the achievement of a complete community.

**1.11.3** *It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:*

*(i) Steep gradients of height are to be avoided.*

The proposed development is compatible with the surrounding built form and does not create a steep height transition. A 6-storey apartment building is planned immediately to the north, providing a similar scale of development. To the south, the nearest planned townhouse development is separated from the subject lands by an open space block, ensuring a gradual transition in height. In addition, the proposed building includes a substantial setback from the easterly property line, providing further separation and minimizing potential impacts on adjacent lower-density uses.

*(ii) High density housing should be located within 250 metres of an arterial road.*

While the Official Plan does not explicitly define “high density housing” it is inferred based on other sections of the Plan that apartments of 6 storeys or more are considered to be high density. The proposed development is therefore assumed to be high density housing for the purposes of this policy.

The subject lands abut Garner Road, which is identified as an arterial road on Schedule C of the Official Plan. The subject lands are also located approximately 200 meters from Lundy’s Lane, which is also identified on Schedule C as an arterial road. Given its proximity to 2 major arterial roads, the subject lands are a suitable location for higher-density development.

*(iii) High density housing should be designed to avoid undue microclimatic impacts on abutting lands.*

The siting and orientation of the proposed building provide generous setbacks and open space around the building, which allow for adequate light permeation and help to minimize potential wind impacts on adjacent lands.

*(iv) Structured parking is encouraged to be utilized in the development of high density housing.*

The proposed development includes a mix of surface parking, and structured parking spaces located within the building envelope.

*(v) Increases in height may be permitted, through site specific amendments to the Zoning By-law, pursuant to s.37 of the Planning Act in exchange for the provision of housing units that meet the criteria established for affordability within the Provincial Policy Statement.*

The submitted Zoning By-law Amendment seeks to rezone the subject lands as a site-specific R5E Zone which will maintain the standard height requirement of 25 meters.

*(vi) Appropriate separation distances shall be provided between residential and other sensitive land uses and industrial uses and, more specifically, shall not be located in close proximity to heavy industrial uses.*

The Land Use Compatibility Study submitted with the subject applications indicates that there are no industrial facilities located within 1,000 meters of the subject lands.

## 6.5 – CITY OF NIAGARA FALLS ZONING BY LAW NO. 79-200

The proposed Zoning By-law amendment for 6104 Garner Road is to rezone the subject lands from Developmental Holding (DH) Zone to Residential Apartment 5E Density (R5E) Zone. This Zone will support the proposed 6-storey apartment dwelling on the site.

**Table 3**, below shows the requirements for Apartment Buildings zoned as R5E as laid out in the City of Niagara Falls Zoning By-law. The table compares the provided required measurements from **Appendix I** of this Planning Report to the permitted required measurements in the Zoning By-law.

<i>Table 3 – Zoning Matrix</i>			
<b>Residential Apartment 5E Density (R5E) Zone:</b>			
<b>Provision:</b>	<b>Requirement:</b>	<b>Provided:</b>	<b>Requested Provision</b>
Minimum Lot Area	67m <sup>2</sup>	67.8m <sup>2</sup>	No Change
Minimum Lot Frontage	35.00m	60.94m	No Change
Minimum Front Yard Depth	7.50m	6.22m	6.0m
Minimum Rear Yard Depth	One-half of height of building (9.6m)	8.76m	8.7m
Minimum Interior Side Yard Width	One-third the height of the building (5.76m)	35.91m	No Change
Minimum Exterior Side Yard Width	7.50m	3.00m	3.0m
Maximum Lot Coverage	30%	27.50%	No Change
Maximum Height of Building	25.00m	21.25m	No Change
Number of Apartment Dwellings on One Lot	Only One	1 Building (57 units)	No Change
Minimum Landscaped Open Space	50% of the lot area	33.16%	33%
Balcony Encroachment	1.8m into any yard	0.75m (exterior side yard)	No Change
Canopy Projection	0.45m into any yard	3.02m (front yard)	3.1m
<b>4.19 Parking Areas</b>			
Minimum Parking Space Requirements	1.25 spaces per dwelling unit (72 spaces)	1.14 spaces per dwelling unit (65 spaces)	1.1 spaces per dwelling unit
Parking Space Dimensions	2.75m x 6m	2.75m x 6m	No Change
Maneuvering Aisle Width	6.9 meters	6.0 meters	6.0 meters
Landscape Buffer	3.0m where a parking area abuts a street line	5.02m	No Change

## **6.5.1 – REQUESTED SITE SPECIFIC RELIEF**

### **Minimum Front Yard Depth**

The subject lands are a corner lot, with 60.96 meters of frontage on Garner Road, and 63.39 meters of frontage on Angie Drive. In the case of a corner lot, the Zoning By-law defines the shorter lot line to be the front lot line. For the subject lands, Garner Road is considered to be the front lot line from which the minimum front yard is measured.

The Zoning By-law requires a minimum front yard depth of 7.50 meters, whereas a minimum front yard of 6.0 meters is requested for the proposed development. The front yard depth requirements support the relationship between the building and the street. The proposed building is placed on the subject lands in such a way to provide good pedestrian connections and adequate space for landscaping on both Garner Road and Angie Drive while still keep an appropriate setback from the street to maintain sight lines for vehicles on the road.

Due to the reasons stated above, the site-specific relief of a 6.22-meter Front Yard Depth is considered appropriate.

### **Minimum Rear Yard Depth**

The Zoning By-law requires a minimum rear yard depth of 9.60 meters, whereas a minimum rear yard of 8.75 meters is requested for the proposed development, which is measured to the easterly lot line.

The building is positioned to provide positive interface with both Garner Road and Angie Drive, which results in the southerly lot line functioning as the rear lot line.

The setback to the easterly lot line still achieves an appropriate setback function, as the building maintains a setback that can adequately accommodate a sidewalk and a generous landscape area.

Furthermore, the easterly lot line is adjacent to a 4.00-meter wide access road, meaning that the proposed building will actually be 12.75 meters away from the nearest residential lot line. Therefore, privacy will still be maintained for residential lots nearest to the subject lands.

Due to the reasons stated above, the site-specific relief for 8.75-meter Rear Yard Depth is considered appropriate.

### **Minimum Exterior Side Yard Width**

The Zoning By-law requires a minimum exterior side yard width of 7.50 meters, whereas a minimum exterior yard of 3.00 meters is requested for the proposed development. The

northerly lot line, adjacent to Angie Drive is considered to be the exterior side lot line from which the exterior side yard is measured.

The purpose of the 3.00-meter setback is to maximize the use of the site and to preserve a good connection between the building and Angie Drive, while maintaining appropriate separation from the street to maintain site lines.

The Angie Drive road allowance contains a landscape strip immediately north of the subject lands which provides an additional degree of separation between the subject lands and the traveled portion of the roadway. Therefore, the exterior side yard setback will appear to be greater than what is technically provided as the landscape strip within the road allowance will appear as a continuation of the property's front yard setback. This additional separation also ensures that appropriate sightlines are maintained, particularly as the appropriate daylight triangle at the intersection of Angie Drive and Garner Road is already maintained within the road allowance.

Due to the reasons stated above, the site-specific relief of a 3.00-meter Exterior Side Yard Width is considered appropriate for the proposed development.

#### Minimum Landscaped Open Space

The Zoning By-law requires that 50% of the lot be maintained landscaped open space, whereas the development achieves 33.16% of the lot area as landscaped open space.

The purpose of the landscape open space provision is to control the overall massing of the development, provide space for landscaping and to provide outdoor amenity space for residents.

Much of the on-site landscaped area has been deliberately consolidated around the building to create meaningful opportunities for the planting of trees and shrubs that provide visual relief, and help manage the perceived massing of the building. This landscaped area is also contiguous with adjacent off-site landscaping, allowing the private open space to visually integrate with the surrounding green areas. This enables the development to blend into the established neighbourhood fabric and reinforces the perception of openness.

Furthermore, while the provided on-site landscaping provides some outdoor amenity function, this is supplemented by private balconies and a rooftop terrace which will provide ample amenity opportunities for residents.

Due to the reasons stated above, the site-specific relief for landscaped open space is considered appropriate for the proposed development.

### Canopy Projection

The Zoning By-law permits an unsupported canopy to project into a required yard not more than 0.45m. The main building entrance is covered by an unsupported canopy which projects into the proposed front yard (6.0 meters) a distance of 3.02 meters.

A canopy is a common architectural element for apartment buildings, which provides essential weather protection for residents and visitors and also contributes to the visual interest of the façade. Also importantly, the canopy creates an inviting and clearly-defined entrance that helps foster a desirable public-private interface between the building and the public realm.

The as-of-right canopy projection under the zoning by-law of 0.45 meters does not provide for a canopy of sufficient size to achieve these functions.

The proposed canopy provides the necessary size to achieve the functional goals of shelter and architectural presence, while still remaining visually subordinate to the building so that it does not significantly contribute to the overall massing.

For these reasons, the site-specific canopy projection is considered to be appropriate.

### Minimum Parking Space Requirements

The Zoning By-law requires that a minimum of 72 parking spaces be provided (1.25 per dwelling unit) whereas 65 parking spaces are proposed (1.14 parking spaces per unit).

Through pre-consultation, Transportation Staff indicated that a study is being undertaken to modernize parking standards within the Zoning By-law, with the preliminary recommendation that a parking ratio of 1.1 parking spaces per unit be utilized for apartment buildings. Since the proposed parking is consistent with the anticipated future standard for apartments, the requested relief can be considered to be appropriate.

### Maneuvering Aisle Width

The Zoning By-law requires a minimum maneuvering aisle width of 6.9 meters, whereas the provided maneuvering aisle is 6.0 meters in width. The proposed aisle width can adequately accommodate 2-way vehicular traffic, complies with Ontario Building Code fire route requirements, and can accommodate fire trucks and waste collection vehicles.

## **7.0 - SUMMARY AND CONCLUSION**

The submitted Official Plan and Zoning By-law Amendment applications for 6104 Garner Road propose the construction of a six-storey apartment building which will accommodate 57 units.

The applications represent good planning for the following:

- The development will contribute to the provision of land use patterns that efficiently use land and infrastructure.
- The proposed development contributes to the minimum intensification target for the City of Niagara Falls established in the Niagara Official Plan.
- The proposed development helps to supports the City's Housing Strategy by contributing to the supply of housing that makes housing more attainable and affordable.

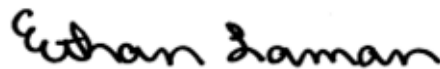
Overall, the applications are consistent with the *Planning Act*, the 2024 Provincial Planning Statement and conforms to the Niagara Official Plan (2022) and Zoning By-law. Accordingly, it is my professional opinion that the applications are appropriate for the property, represent good land use planning and should be supported by the City of Niagara Falls.

Prepared by:



Sara Meerveld  
Planning Technician Student  
Upper Canada Consultants

Respectfully submitted by:



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

**Appendix I**  
**Site Plan**





**Appendix II**  
**Architectural Plans**



# 5 Storey Apartment Building

Nguyen

Garner Road, Niagara Falls, Ontario

DRAWING LIST

ISSUED DRAWINGS LIST

J:\2024\24-026 - Nguyen - Apartment 6104 Garner Road Niagara Falls\03-Drafting\02-Revit\24-026 Nguyen Apts.rvt

SHEET NAME

Title Page

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# ARCHITECTS INC.

SHEET #

A0-000



**Parking Level Plan**  
scale: 1/8" = 1'-0"

J:\2024\24-028 - Nguyen - Apartments 6104 Garner Road Niagara Falls\05-Drafting\02-Revit\24-028 Nguyen\_Apts.rvt



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CLIENT NAME

Nguyen

PROJECT NAME

**5 Storey Apartment Building**

PROJECT ADDRESS

Garner Road, Niagara Falls, Ontario

SHEET NAME

**Parking Level Plan**

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DATE: 2024-10-01 10:05:27 AM

SCALE: 1/8" = 1'-0"

PROJECT NO.: 24-028

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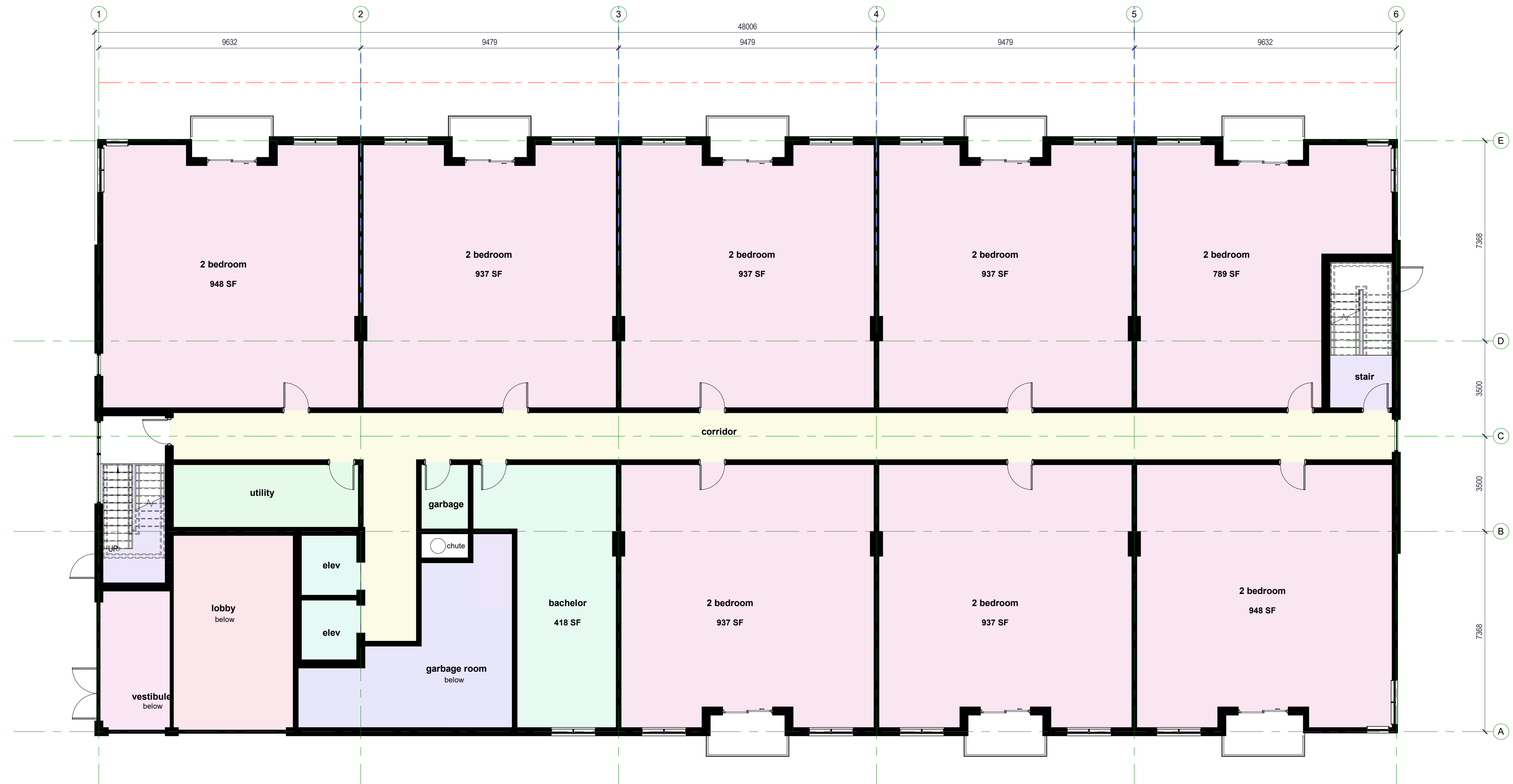
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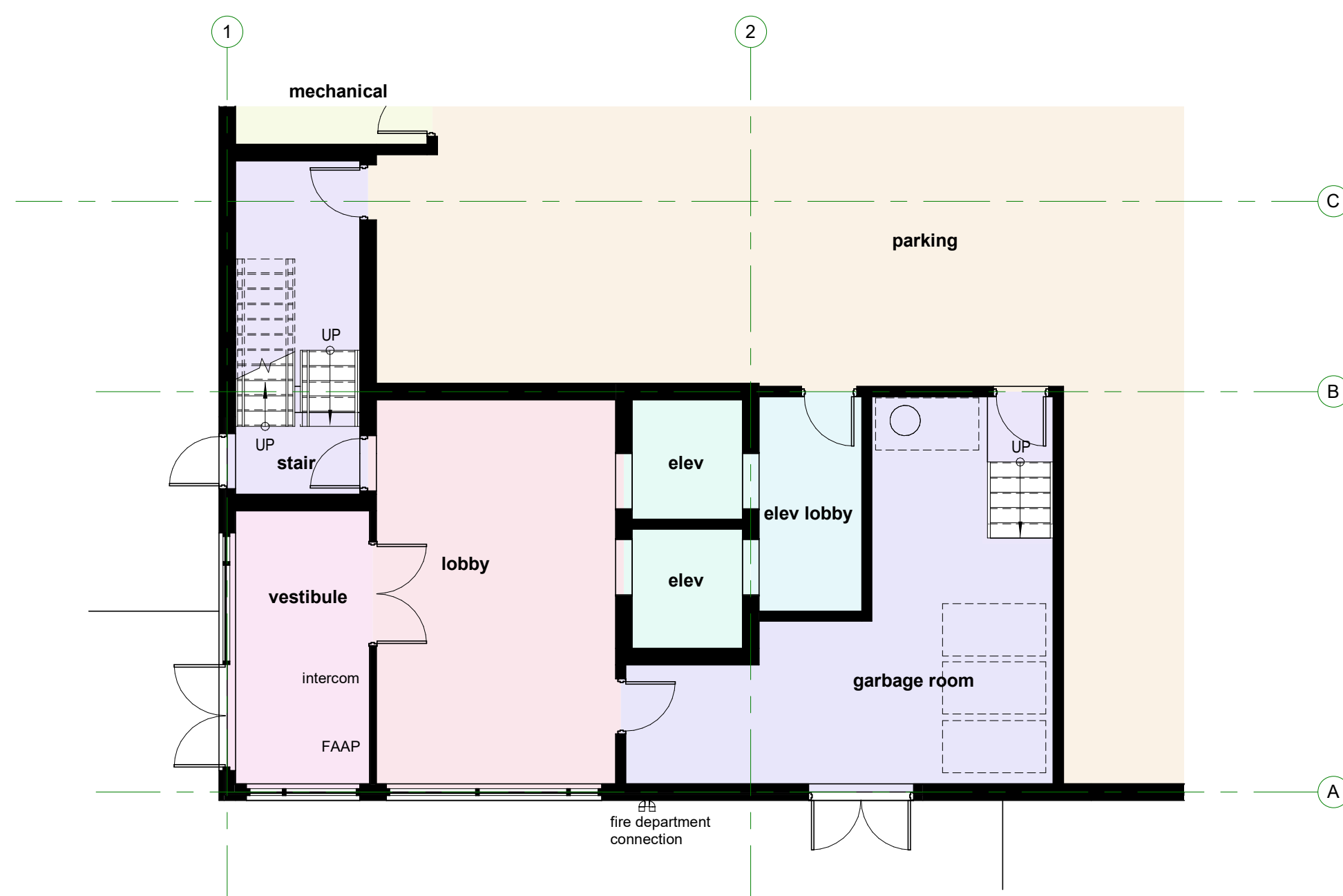
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**A2-100**

REV. #



**1st Floor Level Plan**  
scale: 1/8" = 1'-0"



**Entrance Level Plan**  
scale: 1/8" = 1'-0"



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PROJECT NAME

**5 Storey Apartment Building**

PROJECT ADDRESS

Garner Road, Niagara Falls, Ontario

SHEET NAME

**Entry Level and 1st Floor Level Floor Plans**

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**A2-101**

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Upper Floor Levels - Plan  
 scale: 1/8" = 1'-0"

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PROJECT NAME

5 Storey Apartment Building

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Garner Road, Niagara Falls, Ontario

SHEET NAME

Upper Floors - Level 2 to Level 5 - Plan

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A2-102

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**Level 6**  
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PROJECT NAME

**5 Storey Apartment Building**

PROJECT ADDRESS

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SHEET NAME

**Level 6 Floor Plan**

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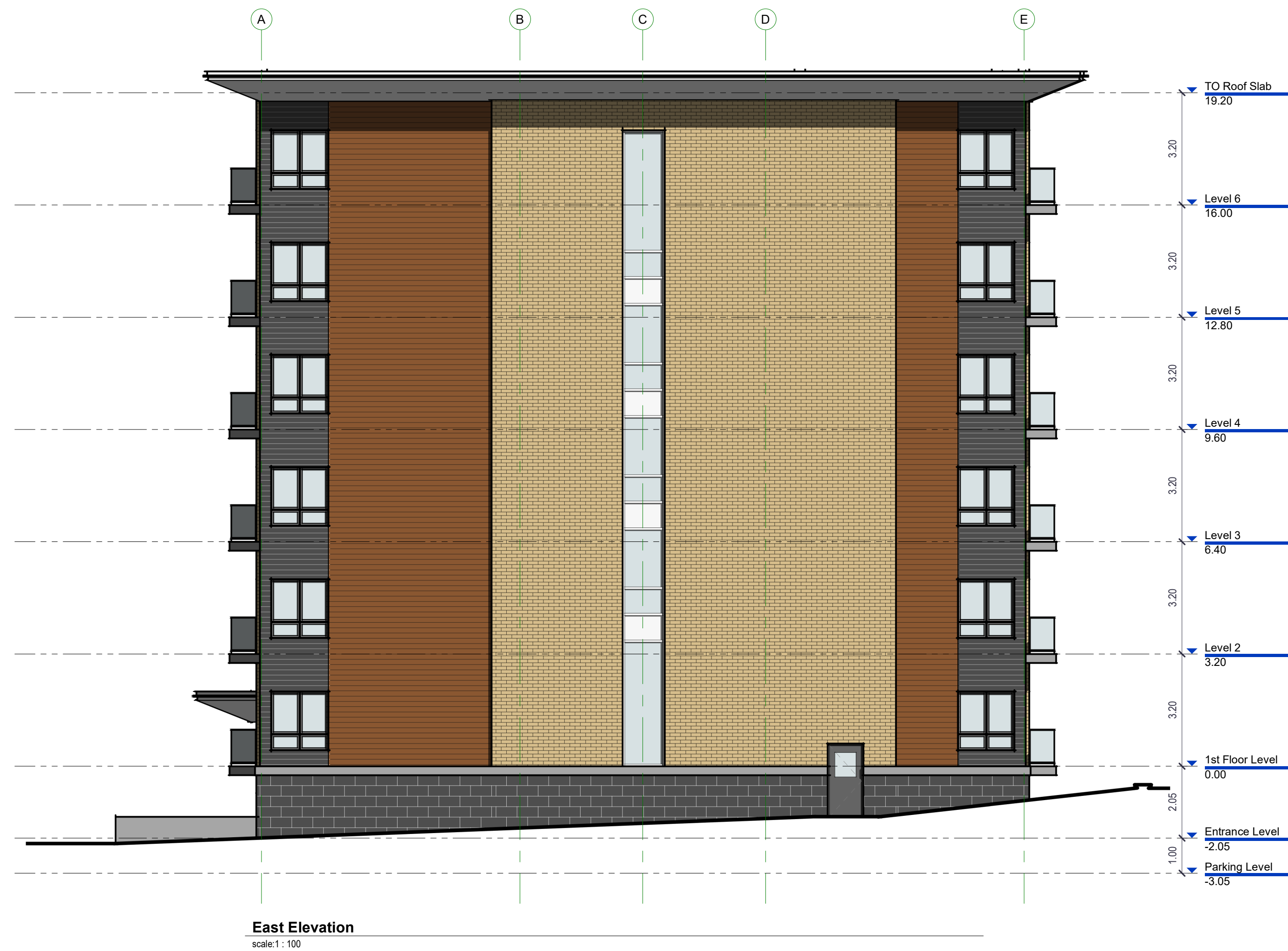
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 Nguyen  
 PROJECT NAME: \_\_\_\_\_  
 5 Storey Apartment Building  
 PROJECT ADDRESS: \_\_\_\_\_  
 Garner Road, Niagara Falls, Ontario  
 SHEET NAME: \_\_\_\_\_  
 Building Elevations

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North Elevation  
scale: 1:100



West Elevation  
scale: 1:100



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PROJECT NAME

5 Storey Apartment Building

PROJECT ADDRESS

Garner Road, Niagara Falls, Ontario

SHEET NAME

Building Elevations

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A3-001

REV.#



North West



South



North



West

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Isometric / Perspectives

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A3-200

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1 Section 2  
A4-000 scale: 1/8" = 1'-0"



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5 Storey Apartment Building

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SHEET NAME

Building Sections (Large Scale)

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**Appendix III**  
**Draft Zoning By-law Amendment**



**THE CORPORATION  
OF THE  
CITY OF NIAGARA FALLS  
BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to facilitate the development of the lands with a 6-storey apartment building containing 57 dwelling units (\_\_\_\_\_).

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Scheduled 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The lands shall be identified as Parcel R5E-[REDACTED].
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. The permitted uses of Parcel R5E-[REDACTED] shall be the uses permitted within the R5E Zone.
5. The regulations governing the uses permitted on Parcel R5E-[REDACTED] shall be as follows:

R5E-[REDACTED] Zone Provisions	
a) Minimum Front Yard Depth	6.0 meters
b) Minimum Rear Yard Depth	8.7 meters
c) Minimum Exterior Side Yard	3.0 meters
d) Minimum Landscaped Open Space	33% of the lot area
e) Canopy Projection	3.1 meters into the front yard

f) Minimum Parking Space Requirements	1.1 spaces per dwelling unit
g) Maneuvering aisle width – more than 60 degrees and up to 90 degrees	6.0 meters

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 for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet X of Schedule “X” of By-law No. 79-200 by re-designating the Lands from the Development Holding (DH) zone to Residential Apartment 5E Density site-specific (R5E-XXX) Zone.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2025.

**READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**Appendix IV**  
**Draft Official Plan Amendment**



**CITY OF NIAGARA FALLS**

**By-law No. 2024-**

A by-law to provide for the adoption of Amendment No. X to the City of Niagara Falls Official Plan

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:**

1. The attached text and map constituting Amendment No. X to the City of Niagara Falls Official Plan is hereby adopted.

Passed this X day of X, 2024.

.....  
CITY CLERK

.....  
MAYOR

First Reading:  
Second Reading:  
Third Reading:

# OFFICIAL PLAN AMENDMENT NO. XX

## PART 2 - BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 - Body of the Amendment, consisting of the following text and attached map, constitute Amendment No. X to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT The Official Plan of the City of Niagara Falls is hereby amended as follows:

### 1. MAP CHANGE

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 1 to Amendment No. X", shall be identified as Special Policy Area "X" on Schedule "A" to the Official Plan.

### 2. TEXT CHANGE

PART 2, SECTION 13 - SPECIAL POLICY AREAS is hereby amended by adding the following new subsection:

13.X SPECIAL POLICY AREA "X"

Special Policy Area "X" applies to the property containing the municipal address of 6104 Garner Road, being approximately 0.386 hectares in area and having frontage on Garner Road and Angie Drive.

Notwithstanding anything to the contrary, this land may be developed with residential uses to a maximum density of 150 units per hectare.

**Appendix V**  
**Pre-consultation Notes**

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# City of Niagara Falls Pre-Consultation Checklist

(Revised: October, 2023)

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

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

### OFFICE USE ONLY: PRE-CONSULTATION WAIVED BY DIRECTOR

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

Date:

Signature:

### PRE-CONSULTATION

Day: **Thursday December 5, 2024**

Time: **2:45PM**

### 1. SUBJECT PROPERTY INFORMATION

Street Address: **6104 Garner Road, Niagara Falls L2H 0S7**

Legal Description: **STAMFORD; PT LOT 139**

Land Area : **4044.68 m<sup>2</sup>**

Lot Frontage : **60.96 m**

Municipal Land Involved: Yes  No

### 2. CONTACT INFORMATION

#### Owner Information

Registered Owner: **NGUYEN KINH VAN**

Mailing Address: **6104 Garner Road, Niagara Falls L2H 0S7**

Phone Number: **unknown**

E-mail Address: **unknown**

#### Applicant/Agent Information (if applicable)

First and Last Name: **Ethan Laman**

Mailing Address: **30 Hannover Drive, Unit 3, St.Catharines, L2W 1A3**

Phone Number:  
**905-688-9400 ext 505**

E-mail Address: **ethan@ucc.com**

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

### 3. PROPOSAL

The applicant is looking to build a 5-storey apartment building containing 57 dwelling units. 46 units will be 2-bedroom suites and 10 units will be 1-bedroom suites. 65 parking spaces are also provided, 19 of which are within the building and the remaining 46 of which are in a surface parking area.

**4. PROPOSED DEVELOPMENT INFORMATION**

Gross Floor Area: **n/a**

Building Height (in metres and storeys): **n/a**

# Dwelling Units: **103**

# Hotel/Commercial Units: **0**

Location:

Brownfield

Greenfield

Built-up

Outside Urban Boundary

NEP Area

\*CIP Area

*\*Note: If within a CIP Area, please speak to the City's CIP Coordinator*

**5. DESIGNATIONS**

**CONFORMITY**

Regional Official Plan: **Built Up Area**

Yes  No

Niagara Escarpment Plan: **Not applicable**

Yes  No

City Official Plan:

Yes  No

Secondary Plan: **Not applicable**

Yes  No

Zoning:

Yes  No

**6. PROPOSED APPLICATION(S)- Check all that are applicable**

Regional Policy Plan Amendment

City Official Plan Amendment

Zoning By-law Amendment

Subdivision Approval

Condominium- Vacant Land

Condominium- Standard

Site Plan Approval

Consent/Severance

NEC

Other:

**7. REQUIRED INFORMATION AND STUDIES**

**Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.**

ZBA	OFFICIAL PLAN/	SITE PLAN	Reports, Studies, Plans  (See notes for additional details)	Required  (Digital Copies Only)	Notes
			Agricultural Impact Assessment		
			Air Quality*		
X	X		Archaeology Assessment- Please be mindful of your duty to consult obligations	X	As per Regional Comments
X	X	X	Conceptual Site Plan	X	<u>Official Plan/ Zoning By-law Application</u> o Site Plan (with zoning matrix/site statistics) o CAD .dwg file of the conceptual site plan to City projection standards.

X	X		Site Plan	X	<ul style="list-style-type: none"> <li>○ Site Plan</li> <li>○ Elevations</li> <li>○ Floor plans</li> <li>○ Landscape Plan and Details (by OALA)</li> <li>○ Landscape Itemized Cost Estimate</li> <li>○ Erosion &amp; Sediment Control Plan</li> <li>○ Grading Plan</li> <li>○ Servicing Plan</li> <li>○ Storm Drainage Area Plan</li> <li>○ Sanitary Drainage Area Plan</li> <li>○ Photometric Plan</li> <li>○ Zoning Compliance Certificate (ZCC), And;</li> <li>○ CAD (.dwg) files to City projection standards of Site plan &amp; Servicing plan</li> </ul>
			Draft Plan of Subdivision/Condominium		
			Cultural Heritage Impact Analysis		
X	X		Draft Local Official Plan Amendment	X	
X	X		Draft Zoning By-law Amendment	X	
			Draft Regional Policy Plan Amendment		
			Environmental Impact Study		
			Environmental Planning Study/ Sub-Watershed Study		
			Environmental Site Assessment/ Record of Site Condition		
			Farm Operation and Ownership		
			Financial Impact Assessment		
			Floodplain and Hazard Lands Boundary Plan		
X	X		Functional Servicing Report (FSR)	X	
			Gas Well Study/ Gas Migration Study		
			Geotechnical Investigation / Study		Typically required at building permit stage
X	X		Housing Impact Statement		Can be included in PJR. Statement done in accordance with Part 1, Section 4 of City's Official Plan.
			Hydrogeological Study and Private Servicing Plans		
X	X	X	Land Registry PIN sheet or "Final Deed" to the property	X	
X	X		Land Use Compatibility Study	X	Can be included in PJR
			Mineral Aggregate Resources		
			Minimum Distance Separation 1 & 11		
			Municipal Servicing Study		
X	X		Noise & Vibration Study*	X	
			Other		
			Phasing Plan		
X	X		Planning Justification Report	X	Must be completed by a Register Professional Planner.
			Risk Management Study		
			Road Widenings and Daylight Triangle		
			Sensitive Land Use Report		
X	X		Shadow Analysis (i.e. Sun-Shadow Study)	X	Please see Landscape comments for more detail.
			Shoreline Study		
			Slope Stability Report		
			Soil Report		

X	X		Stormwater Management Report (SWM)	X	Per-to post, 5 year storm
X	X		Transportation Impact Study/ Parking Impact Analysis	X	
X	X	X	Tree Inventory & Preservation Plan / Arborist Report	X	Please see Landscape comments for more detail.
X	X	X	Urban Design Brief	X	Please see Landscape comments for more detail.
			Urban Design/ Landscape Plans		
			Wind Study		

## 8. COMMENTS

### Planning Comments:

- The subject lands are designated Residential in accordance with the City's Official Plan and Development Holding in accordance with the Zoning By-law. The Residential designation permits apartment dwellings at a density of 75-100 units per hectare. This application proposes a density of 150 units per hectare, as such, an Official Plan Amendment is required. A Zoning By-law Amendment will also be required to change the Zoning from Development Holding to the proposed Residential Apartment 5E Density Zone and to secure the layout of the site.
- As a part of a complete application, Staff will require the submission of a Housing Impact Statement, which can be included as a part of the Planning Justification Report. The impact statement shall include a review of Part 1 Section 4 of the Official Plan and must include estimated rent/ sale prices.

Due to the proximity of BZGlazing Systems, Staff will be requesting a Land Use Compatibility Study and a Noise Study. Please use the link below for the Terms of Reference for these studies.

<https://niagarafalls.ca/city-hall/planning/terms-of-reference.aspx>

- Staff note that a podium style development should be explored to reduce the impact of a multi-storey building on the surrounding residential uses.

### Landscape Comments:

- Please see attached.

### Building Comments:

- A demolition permit shall be obtained to remove each structure existing on site (Demolition Permit per Structure).
- A water/sewer permit shall be obtained to construct site services.
  - Private water supply pipes shall be designed and installed according to MOE PIBS 68813, "Design Guidelines for Drinking-Water Systems".
  - Private sewers shall be designed and installed according to MOE PIBS 6879, "Design Guidelines for Sewage Works".
- No plumbing serving a dwelling unit shall be installed in or under another unit of the building unless the piping is located in a tunnel, pipe corridor, common basement or parking garage, so that the piping is accessible for servicing and maintenance throughout its length without encroachment on any private living space (OBC Div. B, 7.1.5.4 – Separate Services)
- A building permit shall be obtained if granted approval. Contact extension 4213/4226 for permit requirements.
- Radon Mitigation is required for new residential construction projects. See City website for more information.
- All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process. Please be advised the new Ontario Building Code will take effect January 1, 2025.
- All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.
- Municipal, Regional, Educational Developments Charges (not excluding Parkland dedication fee and Community Benefit Charges) will be assessed at time of building permit review. Development Fees are required to be paid at time of building permit issuance.
- Signs are to be in accordance with municipal sign-by-law and may be subject to a sign permit application. Contact extension 4213/4226 for permit requirements.

- A geotechnical report/subsurface investigation containing soil bearing capacity, underground water data, seismic data, foundation recommendation, etc. shall be provided at building permit application submission.
- All applicable law approvals shall be obtained prior to acceptance of a building permit application.
- A zoning compliance certificate shall be obtained prior to acceptance of a building permit application.
- Fire Prevention may provide comments related to firefighting requirements such as fire-route accesses, fire-hydrant locations (private and/or public), fire-department connection(s), etc.

**Engineering Comments:**

Zoning By-law Amendment Requirements:

- Functional Servicing Brief identifying estimated sanitary sewer discharge and water demand for the proposed development, to the satisfaction of Engineering staff. The brief should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, in addition to municipal design criteria which is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).  
It should be noted that connection to the Sanitary Sewer on Angie Drive is still under Developer Maintenance. Connection to this system will need to be coordinated or extension of system on Garner Road.
- Third party infrastructure modeling for mid-scale development is required to verify available sanitary sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application. Current 2024 fee is \$3955.00 (includes HST). Please contact [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca) to arrange for payment.
- Stormwater Management report providing an overview of how post-development flows for the 5-year minor storm event will be contained and controlled on-site to the pre-development level, to the satisfaction of Engineering staff. Municipal storm design criteria is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).
- Engineering drawings of existing underground infrastructure are available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).

Site Plan Requirements:

- Updated Functional Servicing Brief & Stormwater Management Report
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- Road Occupancy Permit for work within the City's road allowance and/or connection to the City's infrastructure to be obtained through Josh Caughell - (905) 356-7521 ext. 4549. Further information can be found on the City's website at the following address:  
<https://niagarafalls.ca/city-hall/municipal-works/road-occupancy-permit.aspx>
- Existing infrastructure on Garner Road:  
300mmØ PVC Watermain (1991)  
No Sanitary Sewer along Garner  
750mmØ Concrete Storm (2007)
- Existing infrastructure on Angie Drive:  
200mmØ PVC Watermain (Unassumed)  
200mmØ PVC Sanitary (Unassumed)  
675mmØ Concrete Storm along East PL (Unassumed)

**Fire Comments:**

Official Plan

- The Fire Department has no comments or concerns with respect to the official plan amendment.

Zoning By-law Amendment

- The Fire Department has no concerns with respect to the zoning by-law amendment.
- Permits to demolish any existing structures shall be obtained from the City of Niagara Falls Building Department.
- This comment is included in the event the existing structures on the property will be vacant at any time:

The Ontario Fire Code requires property owners to ensure vacant buildings remain secured against unauthorized entry. It is suggested that the developer adequately secure the vacant buildings and fence the property or provide 24/7 security. Failure to maintain compliance with the OFC will result in enforcement action.

#### Site Plan

- A complete building code matrix is required to be submitted at the time of site plan application.
- The location of any existing or proposed fire hydrants are to be indicated on the site plan.
- The site plan shall indicate the location of all required 'No Parking' signs in accordance with City of Niagara Falls By-law No. 2019-97.
- The fire route will be required to be designated under municipal by-law for enforcement. There is a \$150.00 fee for this process and can be initiated at the Fire Prevention Office once the property is assigned a municipal address. There is to be no parking or stopping of vehicles within the identified fire access route.
- The cost of signage as well as the installation of signage that complies with the fire access route by-law is at the expense and responsibility of the developer/owner.

#### GIS (Addressing):

- The 6104 address will remain unchanged for the property.
- In the future, we will require a unit plan showing the civic unit numbers (think door/mail) in a floor by floor spatial plan

#### Transportation Comments:

- Garner Road is a City arterial road with a planned 26m right-of-way. Garner Road adjacent to the subject property is 20.12m (66') wide. A 2.94m road widening will be required along the frontage of the subject lands. The dedication of the road widening will be conditions of a future site plan application.
- Angie Drive is a City collector road with a planned 21.15m right-of-way. A road widening is not required.
- A 7m x 7m daylight triangle has already been dedicated on the southeast corner of Garner Road and Angie Drive through the abutting subdivision (per plan 59M-510) and is not required for the subject lands.
- A traffic impact study is not required. A 57-unit apartment is estimated to generate less than 25 bidirectional trips in the peak hour.
- A 57-unit apartment requires 80 parking spaces at a rate of 1.4 parking spaces per unit. A total of 65 parking spaces are proposed at a rate of 1.14 parking spaces per unit. City Staff is carrying out a study to modernize the multi-residential parking rates in the zoning by-law which is nearing completion, and the preliminary recommendation is for a 1.10 parking space per unit rate for apartments. Transportation Staff would support the applicant using a 1.14 rate for the residential units without having to prepare a parking demand study.
- Transportation Staff has no concerns with reducing the minimum aisle width from 6.3m to 6.0m, for the 2.75m wide parking stalls.
- The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 65 parking spaces requires a minimum of three (3) accessible parking spaces and this is determined through the following formula for parking lots between 13 and 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus  $0.04 \times 65 = 2.60$ , rounded up to 3 accessible parking space. Three (3) accessible parking spaces are noted; 2 on the exterior and 1 in the parking structure. Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
  - a. one authorized disabled parking sign on display;
  - b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
  - c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
  - d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
  - e. have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
  - f. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
  - g. located on a level surface; and,
  - h. placed in a location as to minimize the distance to building entrances.
- A garbage pick-up area is noted. There appears to be enough space for a truck driver to complete a three-point turn to enable the driver to enter and exit the site in a forward direction.

- Staff recommends a sidewalk in front of the development abutting the property on both Angie Drive and Garner Road – either to be constructed in concert with the development or taken as cash in lieu for future construction. This will be a condition of the site plan or condominium application. A sidewalk along Angie Drive will be constructed through the Garner Place subdivider.
- There is no transit service on Garner Road, at this time.

**Zoning Comments:**

- **See attached comments**

**Mississauga's of the Credit First Nation:**

- **See attached comments**

**Niagara Region:**

- **See attached comments.**

**Niagara Peninsula Conservation Authority:**

- **No comments**

**9. APPLICATION FEES-2024** Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan and Zoning By-law Amendment - Combined Major	\$22,279.00	\$ 5,695	
Zoning By-law Amendment		\$1440	
Site Plan	\$9,013.00	\$590	
<b>Total</b>	\$31,292	\$7,725	

*Notes:*

*Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.*

*Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.*

Additional Agencies to be contacted:

MTO  NPC  NEC  Hydro  Pipeline  CN/CP  Other:

**10. ATTEENDEES**

City	Applicant	Agency
Chris Roome (Planning) croome@niagarafalls.ca	Ethan Laman ethan@ucc.com	Katie Young (Region) Katie.Young@niagararegion.ca
Sue Scerbo (Zoning) - email sscerbo@niagarafalls.ca		Paige Pearson (NPCA) ppearson@npca.ca
Cesar Ramires (Building) cramires@niagarafalls.ca		Abby La Forme (Mississaugas of the Credit First Nation – MCFN) Abby.LaForme@mncfn.ca
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Development) mwarchala@niagarafalls.ca		

## 11. NOTES

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

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

# Inter-Departmental Memo

**To:** Chris Roome, Planner 2

**From:** Sue Scerbo, Supervisor of Zoning Administrator

**Date:** November 29, 2024

**Re:** **Proposed Official Plan, Zoning By-law Amendment, Site Plan Control  
6104 Garner Road  
Proposed 6-storey Apartment Dwelling**

Summary:

The applicant is proposing to construct a 6 storey apartment dwelling, containing 57 dwelling units.

The subject property is zoned Development Holding (DH), in accordance with Zoning By-law 79-200, as amended. The applicant is proposing to rezone the land to a site specific Residential Apartment 5E Density Zone (R5E) Zone to facilitate the proposed development.

**The following table compares the regulations of the R5E zone with what is proposed:**

Provision	Requirement	Proposal	Comply
Minimum lot area	67 square metres for each dwelling unit	67.84 square metres for each dwelling unit 67.84 square metres x 57 dwelling units = 3867 square metres (post widening)	Yes
Minimum lot frontage	35 metres	60.96 metres	Yes
Minimum front yard depth	7.5 metres + 13 metres from the original centreline of Garner Road (from Mountain Road to Chippawa Creek Road)	6.22 metres (post widening) + not noted from the original centreline of Garner Road	<b>No</b> 2.86 metre widening illustrated
Minimum rear yard depth	One-half the height of the building or 10	9.22 metres	<b>No</b>

	metres, whichever is greater Proposed building height: 20 metres +/- (please confirm)		
Minimum interior side yard width	One-third the height of the building Proposed building height: 20 metres +/- (please confirm) $20 \text{ m} / 3 = 6.7 \text{ metres}$	35.9 (south)	Yes
Minimum exterior side yard width	7.5 metres	3 metres	No
Maximum lot coverage	30%	35.1% (post widening)	No
Maximum height of building or structure	25 metres, subject to section 4.7	20 metres +/-	Yes Please confirm
Number of apartment dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces for each dwelling unit: 57 dwelling units x 1.4 = 80 parking spaces	1.14 parking spaces for each dwelling unit: 1.14 parking spaces x 57 dwelling units = 65 parking spaces	No
Minimum parking stall width	2.75 metres (surface) 2.75 metres (structure)	2.75 metres (surface) 2.75 metres (structure)	Yes Yes
Minimum parking stall length	6 metres (surface) 6 metres (structure)	6 metres (surface) 6 metres (structure)	Yes Yes
Minimum manoeuvring aisle	6.3 metres (surface) 6.3 metres (structure)	6 metres (surface) 6.7 metres (structure)	No Yes

Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None proposed	n/a
Minimum Landscaped Open Space Area	50% of the lot area	26.6% of the lot area (post widening)	No
Minimum amenity space for an apartment dwelling unit	20 square metres for each dwelling unit	Not noted	Information required
Parking in a front yard	<p>Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, in accordance with the following regulations;</p> <p>(i) If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open space strip shall</p>	2.8 metres +/-	No Information required

	<p>have a minimum width of 1.5 metres.</p> <p>(ii) The height of a decorative wall or fence shall be a minimum of 1 metre above the average level of the parking area in the front yard.</p> <p>(iii) Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;</p> <p>(iv) Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.</p>		
Projection of a balcony into a required side yard	0.45 metres	Not noted	Information required
Projection of an unsupported canopy into any required yard	0.45 metres	<p>Not noted but appears to be greater than 0.45 metres</p> <p>Does not project into the required southerly interior side yard</p>	Information required

Comments:

- Additional information is required as noted above to ensure zoning compliance.

# Urban Design and Landscape Architect Comments

**From:** Jack Mosque  
Urban Designer/Landscape Architect  
Ext. 4291

**Date:** January 10<sup>th</sup>, 2025

**Re:** PLPCA20240718 – 6104 GARNER RD - SITE PLAN/OP/ZBA  
PROPOSED 6 STOREY APARTMENT BUILDING

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## URBAN DESIGN/LANDSCAPE COMMENTS

- **Parkland dedication** shall be provided as cash-in-lieu at the current prescribed rate of 5% for the residential units. Payment can be made at the Site Plan Application stage.
- **Tree Inventory and Preservation Plan** will be required as part of the Site Plan Control/OPA/ZBA application. The plan shall be developed by a certified/licensed professional arborist and shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by the adjacent landowner(s). The recommendations of the plan shall be implemented at the Site Plan Control application stage, including potential modifications to the project layout, site servicing, site grading, and photometric plans. Please refer to the City's Site Plan Guidelines for further drawing requirements and site design.
  - The removal of municipal street trees will require compensation of \$1,200.00 per tree, as per the City's 2025 Schedule of Fees, page 22.
- **Landscape Plan** is required as part of the Site Plan Control/OPA/ZBA application and must conform to the City's Standards for Site Planning. The plan shall be prepared and stamped by an Ontario Landscape Architect. The design of the Landscape Plan shall consider enhancing street frontage, improving walkability, supporting active transportation, sustainability, and reducing the heat island effect of hard surface areas. The planting of native plant species is preferred. Further comments will be made at the Site Plan Control application stage. Please refer to the City's Site Plan Guidelines for further drawing requirements and site design.
  - Privacy fencing will be required where the property abuts adjacent land, along with features such as planting beds, seating, and a shaded area.
  - Please consider an outdoor amenity space for residents, with features such as planting beds, seating, and a shaded area.

- Trees and landscaping should be incorporated into the design wherever possible, including but not limited to street trees, rooftop gardens, amenity spaces, and parking areas.
- Street trees will be required along the Garner Street frontage. Street trees shall be of a species approved by the City, with a minimum spacing of 10 meters on center. Please refer to page 54 of the City's Site Plan Guidelines (March 2023) for a list of approved street trees.
- The applicant should refer to the **Region's Urban Design Guidelines**. Urban and high-quality streetscape design have been recurring themes throughout the recent official plan process. Some design aspects to be considered in the development include:
  - Staff recommend incorporating architectural style, building materials, and tones that complement existing buildings in the area.
  - Development should incorporate high-quality architectural treatments, building materials, and site planning that provide visual interest at the pedestrian scale, reduce building mass impacts, respect local character, and provide a distinct sense of place.
  - Changes in wall-facing materials should occur at wall setbacks or projections to articulate the transition between the building base, middle, and top.
  - **Walkable, Friendly, Accessible Community Planning:** The inclusion of sidewalks, trails, and pathways within the development should be strategically located to provide routes to parks, access trails, and waterfronts. Connectivity to roadways (bike lanes or walkways) and commercial areas should also be addressed.
- The **Urban Design Brief** is a tool to review and evaluate such matters as the arrangement and design of the buildings, site, and landscape design, compatibility with adjacent land uses, accessibility and safety, function and design of the building and its adjacent streetscape and public spaces, as well as the mitigation of negative impacts on the surrounding area. This ensures a high-quality design of the public and private realm. Furthermore, the Urban Design Brief should demonstrate that the functional needs of the site's users will be met over the long term.
  - Please refer to the City of Niagara's Terms of Reference for further details: Urban Design Brief Guidelines.
- **A sun/shadow study** is requested as part of this application. The purpose of a Sun/Shadow terms of reference is to aid in the creation of a sun/shadow study. Sun/shadow studies must demonstrate potential shadows and propose mitigation when excessive shadows negatively impact their surroundings. Contexts can vary. Therefore, the scope and requirements in these terms of reference can be adjusted when preparing a sun/shadow study to suit the nature of the subject proposal. The sun/shadow studies must consider local official plan policies and any relevant local design guidelines.
  - Please refer to the City of Niagara's Terms of Reference for further details: Sun/Shadow Study



December 5, 2024

Chris Roome  
Planner 2- Planning, Building & Development  
City of Niagara Falls

RE: 6104 Garner Road, Niagara Falls

Dear Chris,

The Mississaugas of the Credit First Nation (MCFN), Department of Consultation and Accommodation (DOCA) submit the following comments:

The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the development of a 6-storey apartment building will be taking place. This project is located on the Mississaugas Treaty at Niagara of 1781.

Therefore, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Thank you

Abby (LaForme) Lee  
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## Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

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### Pre-consultation Notes

6104 Garner Road, Niagara Falls

December 5, 2024

**Region Contact:** Katie Young

**Local Contact:** Chris Roome

**Proposal Description:** Site Plan/OP/ZBA Proposed 6 Storey Apartment Building with 57 units.

**Applicant/Owner/Agent:** Van Kinh Nguyen (Applicant); Ethan Laman (Agent)

### Application Type:

- Local Official Plan Amendment
- Zoning By-law Amendment
- Site Plan

### Site Designation:

Provincial Planning Statement (PPS)- Designated Growth Area

Niagara Official Plan (NOP)- Designated Greenfield Area

### Planning Comments

- The PPS states that large and fast-growing municipalities (which includes the City of Niagara Falls) are encouraged to plan for a density target of 50 residents and jobs per hectare.
- The NOP outlines that designated greenfield areas are to achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Such areas are to be planned as complete communities by ensuring development is sequential, orderly and contiguous with existing built-up areas, utilizing secondary planning tools as appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration of sustained viability of public transit service.
- Regional staff request the submission of a **Planning Justification Report**, prepared by a Registered Professional Planner to address all relevant Provincial and Regional policies, and summarize the findings of the required technical reports.

### Archaeological Potential

- The subject land has archaeological potential. The Agent has confirmed that a **Stage 1-2 Archaeological Assessment** has been completed for the subject land. Please submit this assessment, along with the Ministry's clearance letter.

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- Furthermore, staff will recommend the inclusion of a standard archaeological warning clause in the site plan agreement.

### Land Use Compatibility

- The property is proximate to a nearby industrial uses. To address land use compatibility, either a separate **Land Use Compatibility Study** or a section in the Planning Justification Report must evaluate the proposal relative to the D6 guidelines.
- Regional staff require that a **Noise Impact Study** prepared in accordance with the Ministry of Environment, Conservation and Park (MECP) Noise Guidelines (NPC-300) be submitted with the application(s) to evaluate the impact of the road noise to prevent or minimize future land use problems.

### Environmental Comments

- The property is located outside of the Region's Natural Environment System. Accordingly, staff offer no environmental planning comments or requirements.

### Stormwater Management Comments

- Any required SWM plan is subject to review and approval from City staff to ensure local infrastructure requirements (both water quality and quantity control) are adequately addressed.

### Waste Collection

#### (Multi Residential)

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit to a max. of 24 bags/cans per building (bi-weekly)
- Curbside collection only
- Given the number of units, waste collection will be the responsibility of the developer through a private contractor and not Niagara Region.
- Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

### Required Studies for Regional Review

- Planning Justification Report – OPA/ZBA
- Stage 1-2 Archaeological Assessment, Ministry Acknowledgement Letter – OPA/ZBA
- Land Use Compatibility Study (or part of PJR) – OPA/ZBA
- Noise Impact Study – OPA/ZBA

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### Required Fees

The Region's 2024 Fee Schedule is available at:

[https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)

**Please be advised that the Region's review fee amounts are subject to change in the New Year (2025). Applications will be subject to the in-effect fee amounts at the time that the Application is submitted. Please contact Regional staff to confirm fees.**

Development Application Review Type	Fee Amount
Official Plan Amendment	\$5,695
Zoning By-law Amendment	\$1,440
Site Plan	\$590