



5901-6009 BENTLEY COMMON, CITY OF NIAGARA FALLS

Planning Justification Brief

Official Plan Amendment & Zoning By-law Amendment Application

Prepared for:

2620617 Ontario Inc.

May 2025



*A. J. Clarke &
Associates Ltd.*

Proud of our Treasured Past – Building a Sustainable Future



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1 Introduction

A.J. Clarke and Associates Ltd., has been retained by 2620617 Ontario Inc. as planning consultants. We have prepared this Planning Justification Brief as analysis for an Official Plan Amendment Application and a Zoning By-law Amendment Application to permit an additional use for Vacation Rental Units on the subject lands of 5901-6009 Bentley Common within the City of Niagara Falls.

The subject lands are comprised of one parcel of land, which has a legally established condominium corporation. The subject lands are occupied with 34 townhouse dwelling units which were permitted through previous *Planning Act* Applications including a Zoning By-law Amendment Application, Site Plan Control Application, and Plan of Condominium Application. The townhouses were subsequently constructed, and some units are currently occupied.

The purpose of these applications is to permit an additional use of a Vacation Rental Unit (VRU) on the entirety of the Subject lands.

As a result of the Official Plan Amendment Application and Zoning By-law Amendment Application there will be no impacts to the existing built form or the existing conditions. Furthermore, should these applications be approved to permit Vacation Rental Units on Site, each individual Vacation Rental Unit would be required to obtain a license from the City to operate on the property.

Background

In February of 2024, the Committee of Adjustment approved Minor Variance application A-2023-048 to allow seven of the thirty-four existing townhouse dwellings (5957-5981 Bentley Common) to be used as vacation rental units. At that time Staff advised that in order to permit Vacation Rental Units on the balance of the lands, a Zoning By-law Amendment would be the required.

Subsequently, Zoning By-law Amendment Application (AM-2024-023) was submitted to the City to permit Vacation Rental Units on the remaining 27 townhouses, however, following Staff's review it was determined that six of the townhouse dwellings (5989-6009 Bentley Common) are located on lands that are designated Residential in the City's Official Plan. At that time the owner chose to amend the application to seek approval for Vacation Rental Units for 21 of the townhouse units (those located on the lands designated Minor Commercial). The application received a recommendation for approval from Staff contained within Report PBD-2024-51, however, it was deferred at the December 10, 2024 Council Meeting.

Following discussions with Staff and Members of Council, it was recommended that the previous Zoning By-law Amendment Application (AM-2024-023) be abandoned, and a new combined Official Plan Amendment and Zoning By-law Amendment Application be submitted to the City to redesignate the portion of the lands from the Residential designation to the Minor Commercial designation, and rezone the lands to the General Commercial Zone.

As part of the complete application submission under The *Planning Act*, this Planning Justification Brief has been prepared in part, to satisfy that requirement. The following materials are submitted in support of the subject Official Plan Amendment Application & Zoning By-law Amendment application:



1. Signed Owners Authorization Report.
2. Planning Justification Brief including Draft Official Plan Amendment and Draft Zoning By-law Amendment.

Sections 2 and 3 of this report discuss the subject lands and the development, while Section 4 outlines how this proposal relates to the applicable provincial and municipal land use planning policy documents. Lastly, Section 5 provides concluding remarks and a professional planning opinion on the application.

2 Description of Subject Lands & Surrounding Neighbourhood

The subject lands are located to the east of the intersection of Robinson Street and Main Street, within the Drummondville Node. The subject lands have a total area of ±6900 square metres, with dual frontages along Robinson Street and Main Street.

The subject lands are currently occupied with 34, two storey townhouse units. The subject lands are legally established with a condominium corporation which clearly notifies all purchasers and owners that Vacation Rental Units are permitted within the Condominium.

The subject lands are located along Main Street within the Drummondville Node which features a mix of land uses including commercial land uses, institutional land uses and residential uses. To the east of the subject lands is a roadway dedication, which transitions into the residential neighbourhood.

The neighbourhood and lands surrounding the subject lands are developed with a mixture of commercial land uses and residential land uses.

A summary of the surrounding land uses is described below:

- North:** Robinson Street, Single Detached Dwelling Units, Commercial Uses
- South:** Main Street and Single Detached Dwelling Units
- East:** Single Detached Dwellings, Institutional Uses and Grey Robinson Park
- West:** Main Street, Institutional Uses, Commercial Uses and Residential Uses

The below aerial photo depicts the subject lands and its immediate surrounding land uses.



AJC | Not to Scale | File #: 258023

Subject Lands of 5901-6009 Bentley Common



SUBJECT SITE



Aerial Photo - VUMAP

The subject lands include one vehicular access off of Robinson Street at the north of the subject lands which is a shared the element within the condominium. This roadway provides each townhouse with direct access to their unit. Each townhouse unit within the subject lands is a two-storey structure, each with outdoor amenity space, a garage and a surface parking space. The development also



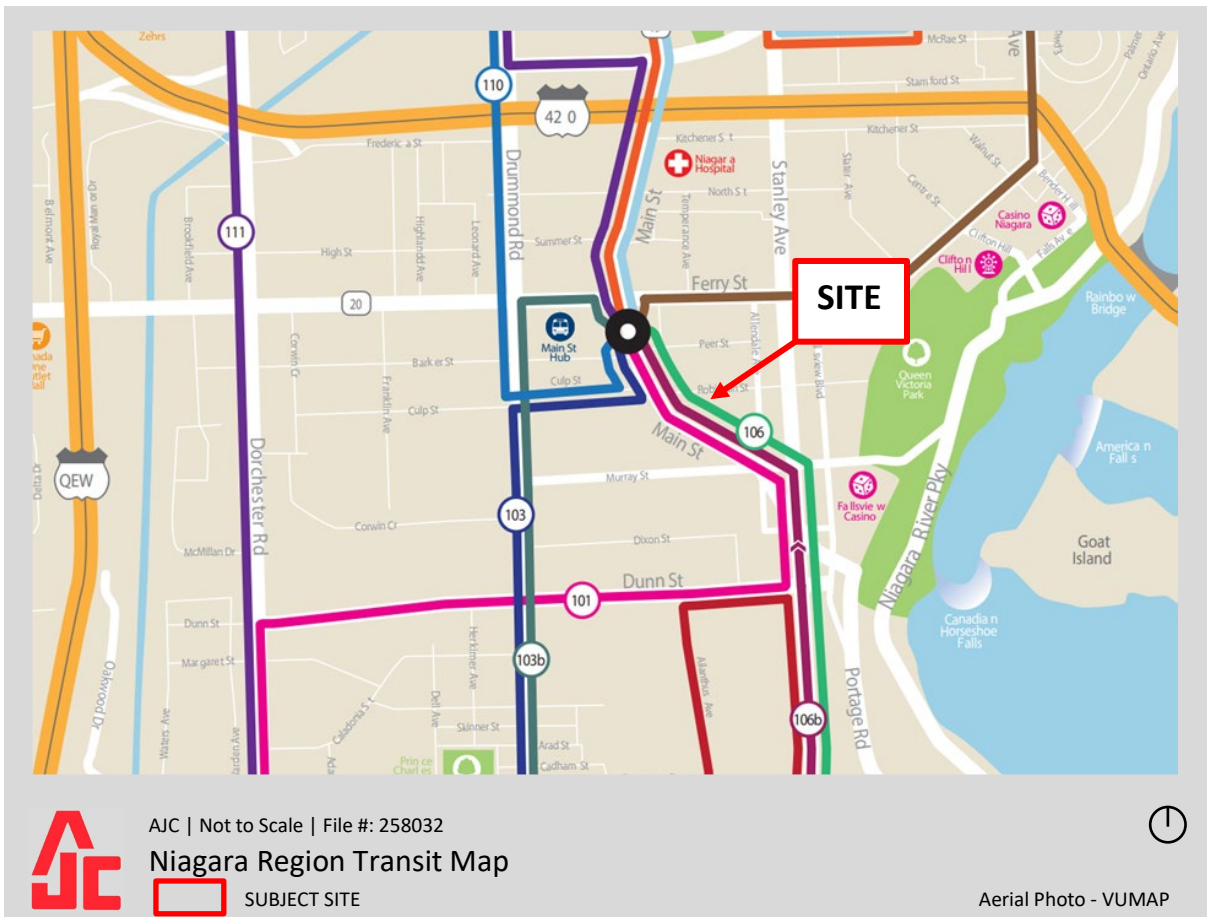
includes 8 visitor parking spaces with an interior courtyard and pedestrian connections to both Main Street and Robinson Street.

The subject lands are located within the Drummondville Node, along Main Street, which is a Collector Road. The subject lands are in close proximity to a variety of amenities and services within the City of Niagara Falls to support the proposed Vacation Rental Use.

The subject lands are approximately 1.75km from the Rainbow International Bridge, 1.5km from Clifton Hill, 850m from the Fallsview Casino and Resort, 1.15 km from Horseshoe Falls of Canada. The subject lands have a walk score of 87, which represents that most errands can be accomplished by foot. Notably within walking distance of the subject lands along Main Street there is a pharmacy, convenience stores, restaurants, bars, businesses and services. This mix of uses is consistent with the planned function of the Drummondville Node which is approximately 450m to the north of the site.

The subject lands are located along existing transportation routes, with bus stops conveniently located adjacent to the subject lands on Main Street. This provides convenient access to the 106, 106B and 101 Route during the daytime, and 206 and 206B Routes in the evenings.

Additionally, the subject lands are within a short walking distance (400m) to the Main Street Transit Hub, which provides additional access to Transportation Routes across the City, to support current and future transit investments.





The subject lands are located within the Drummondville node and are located within an area to support the proposed development with various amenities and services.

3 Proposed Development/Applications

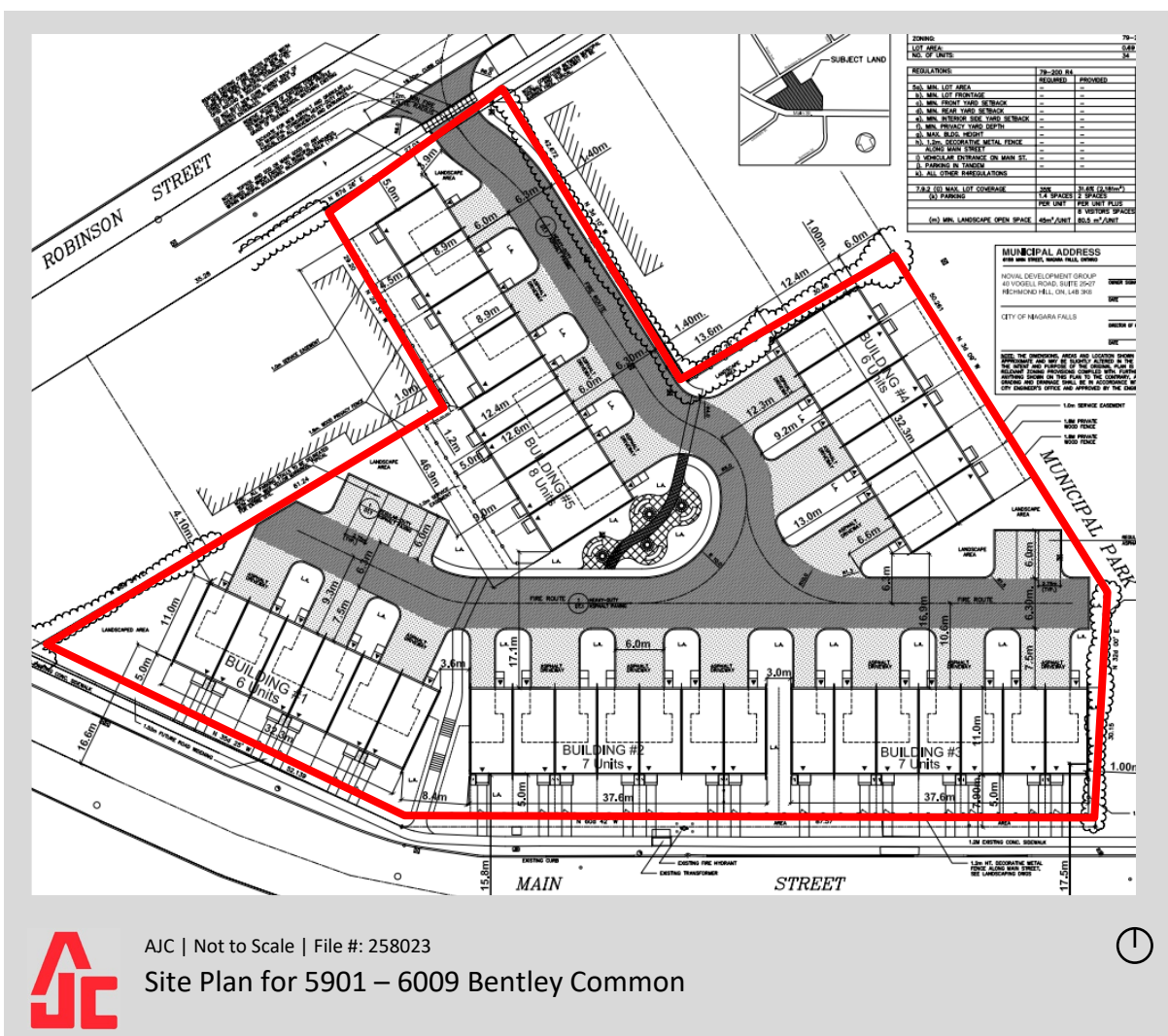
The proposed Official Plan Amendment and Zoning By-law Amendment is required to facilitate an additional use on the property to permit Vacation Rental Units within all the existing units.

Currently the subject lands have a split designation, with 28 of the townhouses located on lands which are designated Minor Commercial, and 6 townhouses located on lands which are designated Residential. Within the Minor Commercial Designation Vacation Rental Units (VRU) are permitted as of right.

The lands within the southeastern portion of the site, is comprised of 6 townhouses that are located on lands designated Residential. These lands were previously occupied with single detached dwellings, which were merged with the Coca Cola Factory lands to form one development. The Residential designation does not permit the proposed Vacation Rental Use. Accordingly, the proposed Official Plan Amendment will redesignate these lands to the Minor Commercial designation which permits the current residential use and the proposed VRU use.

As a result of the Official Plan Amendment the subject lands will have the Minor Commercial Designation across the entirety of the lands.

The proposed Zoning By-Law Amendment Application will re-zone the lands from the current Residential Low Density, Grouped Multiple Dwellings Zone, with Site Specific 916 (R4-916), to the General Commercial Zone with Site Specifics. The General Commercial Zone permits Vacation Rental Units as of right and the Site Specifics are required to acknowledge the existing built form.

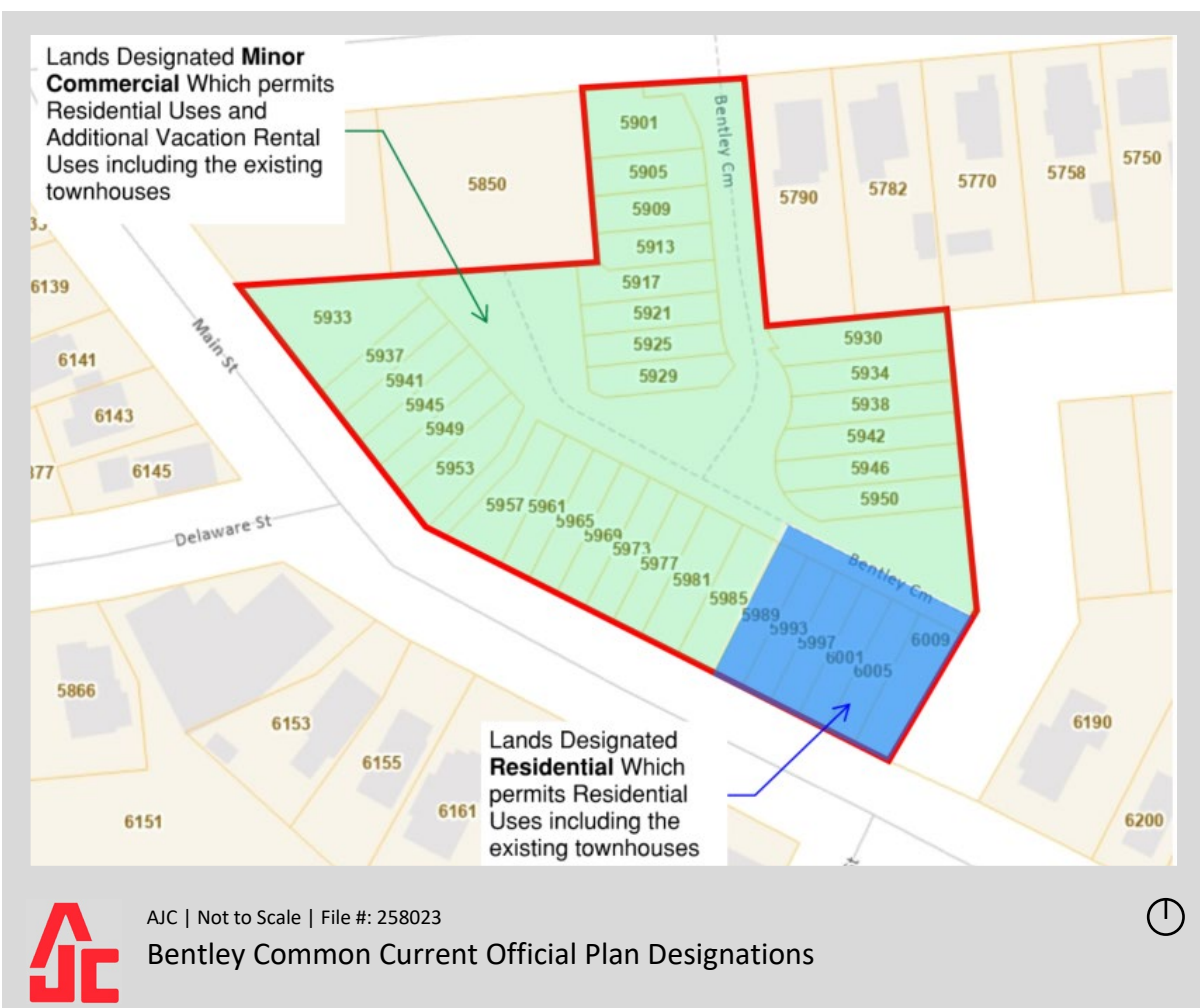


3.1 Planning Applications

Two *Planning Act* applications have been submitted in support of this proposed development, an Official Plan Amendment Application and a Zoning By-law Amendment Application. The requested amendments are being sought to permit an additional use on the subject lands of a Vacation Rental Unit. The proposed development will not include any changes to the existing built form or tenure of the existing townhouse dwellings.

An application for an Official Plan Amendment has been submitted to redesignate a part of the subject lands from the current Residential designation to the Minor Commercial Designation. This will result in one consistent designation across the entirety of the lands. The lands subject to the requested Official Plan Amendment are shown in blue in the graphic below. This generally represents the lands occupied by 6 of the townhouses with Municipal Addresses of 5898 – 6009 Bentley Common.

Please see the Draft Official Plan Amendment in Appendix B for further details relating to the application.



An application for a Zoning By-law Amendment has been submitted concurrently to rezone the entirety of the lands from the current Residential Low Density, Grouped Multiple Dwellings Zone, with Site Specific 916 (R4-916) Zone to a General Commercial Zone with a Site Specific. The proposed General Commercial Zone is consistent with the Official Plan Minor Commercial Designation. Further the General Commercial Zone permits Vacation Rental Unit as of right within this zone, and the requested Site Specifics are to recognize the existing built form.

Please refer to the Draft Zoning By-law Amendment for further details related to the application.

4 Planning Policy Framework

The following land use planning policy and zoning instruments are considered in this Section:

- *Planning Act, 1990 R.S.O*
- Provincial Planning Statement (2024)
- The Region of Niagara Official Plan



- The City of Niagara Falls Official Plan
- The City of Niagara Falls Zoning By-law

4.1 The Planning Act

The *Planning Act* provides the legislative permission for municipalities to control land use in Ontario. All municipal decisions shall have regard to the matters listed below:

Provincial Interest

Pol. 2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (e) the supply, efficient use and conservation of energy and water;*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matter to which this Act applies;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

This statement of Provincial Interest provides a broad perspective on approaching *Planning Act* applications. The proposed development is an appropriate location for growth and development related to the proposed additional Vacation Rental Use. The subject lands are located within the existing settlement area, and within the Drummondville Node which promotes and encourages residential intensification, and tourist uses in order to regenerate and increase the vitality of existing commercial or industrial areas. Accordingly, the current residential uses and built form are permitted within these areas, along with the proposed Vacation Rental Unit. The subject lands are fully serviced with municipal infrastructure, and no upgrades or alterations to the existing municipal systems are required to permit the additional use.

The development is located within a settlement area and is ideal to support the continued growth and economic success of the Province and City of Niagara Falls.



The proposed development has regard for the matters of provincial interest under Section 2 of the *Planning Act*.

4.2 Provincial Planning Statement (2024)

The new Provincial Planning Statement (PPS) came into effect on October 20, 2024. The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The intent of this application is to permit Vacation Rental Units as an additional use on the subject lands. The PPS indicates that Settlement Areas shall be the focus of growth and development. Accordingly, the development is located within the City of Niagara Falls within the Settlement Area. The development is a compact development which utilizes existing municipal infrastructure including municipal water, sanitary, and is connected to the transportation infrastructure. Overall, this is an existing compact development which efficiently utilizes land and resources.

The PPS also speaks to the creation of complete communities, which can take different shapes and forms appropriate to their contexts to meet the needs of their communities. The proposed development is located within the Drummondville Node which is planned for intensification, with a mix of uses including residential and commercial uses for residents and tourists. Further the subject lands are located within the Node and are centrally located within the city within close proximity to a variety of amenities and services to serve users. Notably, these lands are located along multiple Transit Routes and are also within walking distance (400m) to the Main Street Transit Terminal, which provides additional access to Routes across the City, to support current and future transit services.

The proposed development supports the creation of complete communities and will permit the existing residential uses and permit an additional Vacation Rental Unit use across the entirety of the lands.

The proposed development is consistent with the applicable policies of the Provincial Planning Statement (2024).

4.3 Region of Niagara Official Plan

As of March 31, 2025, the Region of Niagara is now an upper tier regional government without planning authority. Accordingly, the Niagara Official Plan, becomes a local plan to each of the 12 local municipalities including The City of Niagara Falls.

The subject lands are located within the De-lineated Built-up Area as per Schedule B – Regional Structure. Further the proposed development is located within the Urban Area, which is planned for a compact built form and mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities. These Urban Areas are planned to be the focus of growth and intensification within the Region.

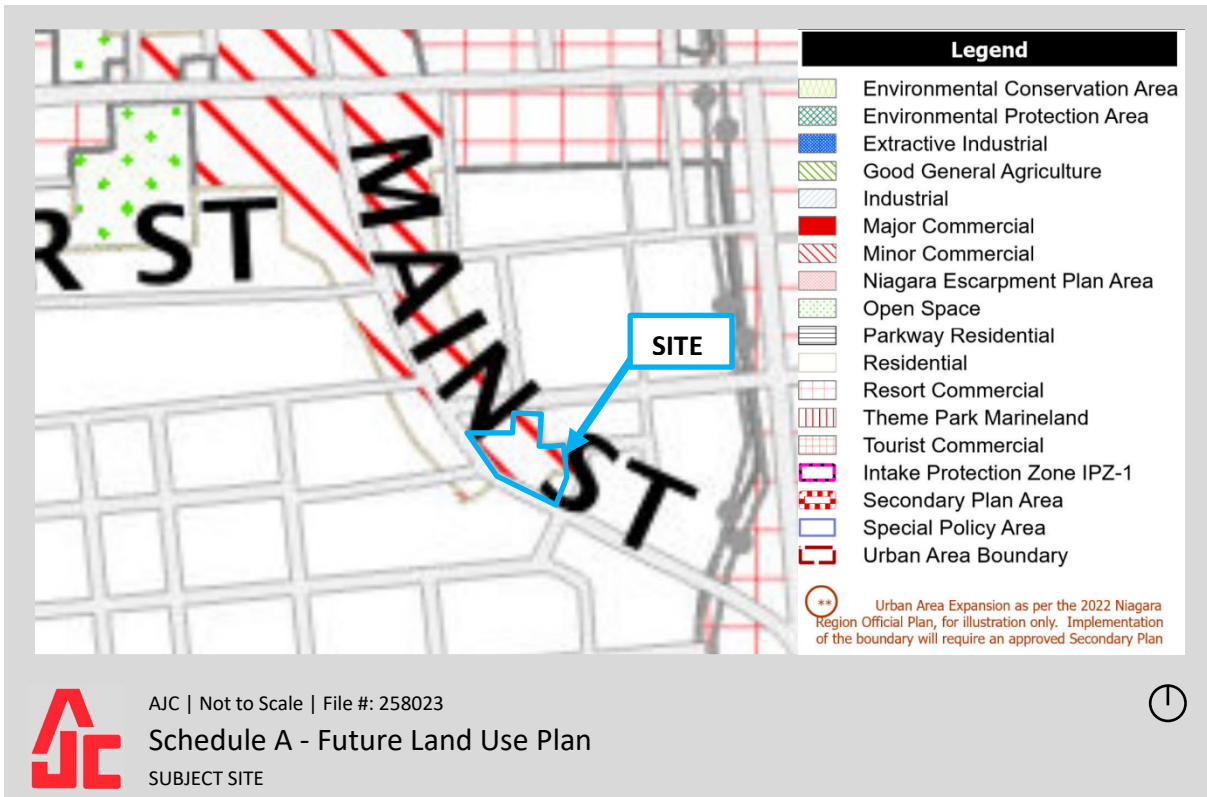
The proposed development conforms to the applicable policies of the Region of Niagara Official Plan.

4.4 City of Niagara Falls Official Plan

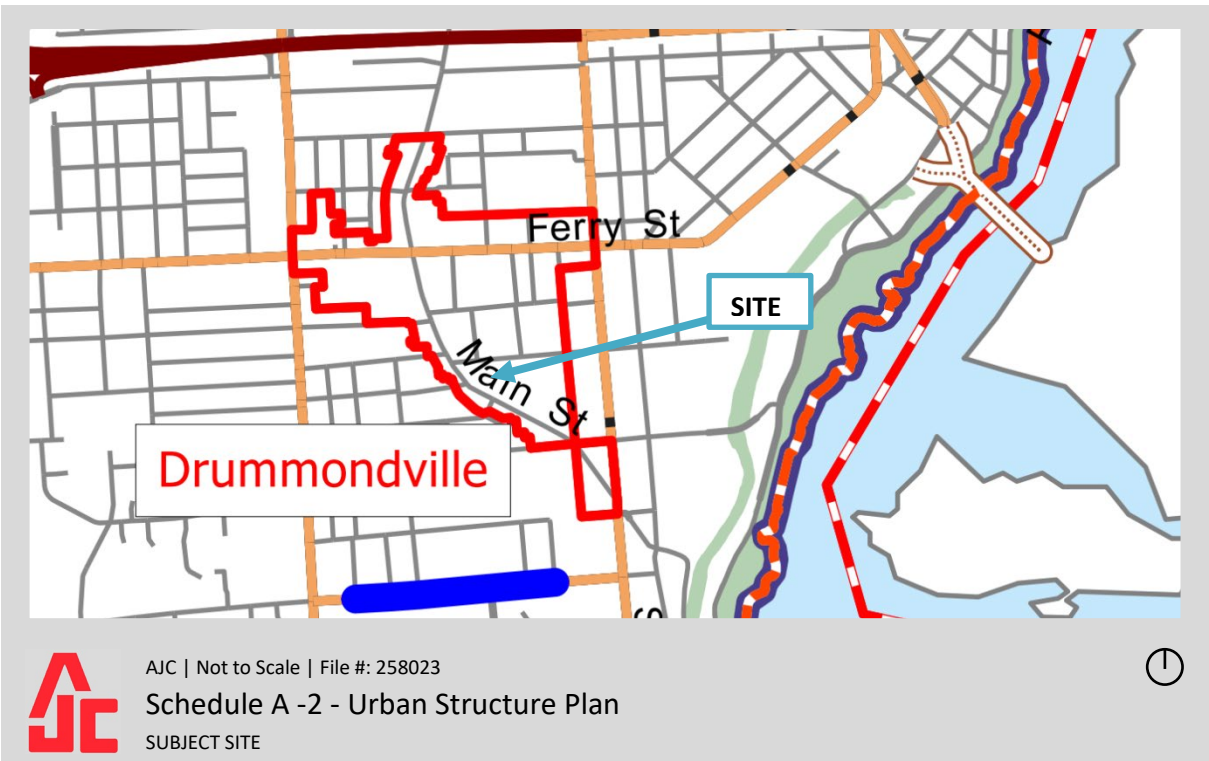
The City of Niagara Falls Official Plan, was approved by the Ministry of Municipal Affairs on October 6, 1993. The City of Niagara Falls Official Plan outlines the goals and policies intended to guide development and growth in the City.

The Official Plan is organized into 5 Sections which includes Plan Overview and Strategic Direction, Land Use Policies, Environmental Management, Administration and Implementation, and Secondary Plans.

As per Schedule A – Land Use Plan the subject lands are designated both Minor Commercial, and Residential. The Official Plan Amendment redesignates the residential lands to the Minor Commercial designation. This will result in one consistent designation across the lands. Please see the Draft Official Plan Amendment within Appendix B.



Further, as per Schedule A2 the subject lands are located within the Drummondville Node.



3.10 Intensification Nodes

Intensification nodes are geographic areas within which this Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial or industrial areas. Intensification nodes have been identified as having significant potential for medium and high residential intensification and are shown on Appendix A-2. It is not the intention of this Plan to promote the dislocation and redesignation of non-residential uses in order to achieve intensification but to provide guidance for long-term compatible co-existence of residential and non-residential uses within these nodes. Where commercially designated lands are in excess of demand, zoning by-law amendments for medium and high density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied together with the policies for each node.

- 3.10.1 *Intensification is to be consistent with the height and density parameters for each node.*
- 3.10.2 *Development will be arranged in a gradation of building heights and densities.*
- 3.10.3 *The proposed development is designed to be compatible with commercial development in the surrounding area.*
- 3.10.4 *The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment.*



3.10.5 *The proposal does not hinder commercial traffic patterns.*

The proposed development permits an additional use on the subject lands of a Vacation Rental Unit. Accordingly, the proposed will not impact the existing built form, which includes 34 townhouse dwelling units which were legally established through previous *Planning Act* Applications. The proposed Vacation Rental Unit is designed to be compatible with the existing commercial development within the Drummondville Node and is further permitted within the Minor Commercial Designation. The subject lands are currently occupied with residential land uses; the proposed Vacation Rental Unit use is consistent with the planned function of the Node and Minor Commercial Designation.

Through the previous Minor Zoning By-law Amendment Application, Transportation Services reviewed the proposed additional Vacation Rental Use and concluded that there were no concerns with respect to parking of vehicular traffic with the proposed VRU. Further each townhouse dwelling units includes 2 parking spaces, with one provided within the garage and one provided within the driveway, consistent with the parking requirements set out within the Zoning By-law. The proposed development includes one vehicular access from Robinson Street for the condominium and its associated 34 existing units.

Downtown and Drummondville Nodes

3.11 *Downtown and Drummondville have been identified through Community Improvement Plans as nodes for residential intensification and are shown on Appendix A-2.*

3.13 *Within the Drummondville Node:*

- *residential uses may develop as part of a multiple use building or as stand-alone buildings;*
- *new development and/or redevelopment shall respect the existing built form of 4 storeys while allowing for intensification.*

The subject lands are currently occupied with two storey townhouse dwelling units. The proposed development does not propose any changes to the built form of the dwellings, or propose any changes to the site (landscaping, parking, walkways etc.). Accordingly, the existing character will be maintained.

The proposed development will permit an additional VRU use on the subject lands which are currently exclusively used for residential purposes contributing to the planned mixed-use nature of the Drummondville Node.

3.14 *In order to support the revitalization and redevelopment of Downtown and Drummondville nodes, Council shall:*

- c) facilitate development and improvement so that these nodes become a focus for retail and commercial re-development and residential intensification;*



The proposed development supports the revitalization and redevelopment of the Drummondville Node, which will permit both residential land uses and commercial uses including accommodations and Vacation Rental Units. The proposed additional uses support the existing commercial uses within the area, future developments and tourism.

Part 2 – Land Use Policies

Section 3 – Commercial

Within the Preamble of Part 2 Section 3 it is noted that the Plan establishes a hierarchy of commercial districts, promotes the strengthening of existing commercial areas, directs new commercial growth and provides for the recapture of retail dollars leaving the City.

A hierarchy based on major, minor and neighbourhood commercial uses follows the established commercial patterns of the City. The classification of commercial areas recognizes the locational and trade area requirements of business and the varying size function of commercial areas to meet the needs of residents. The Plan also promotes a high aesthetic quality in all commercial areas and endeavours to minimize their impacts on adjacent land uses.

Commercial areas can also be strengthened through the introduction or expansion of residential uses to create mixed use areas. This Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial areas.

Policies 3.1

3.1 *The commercial hierarchy shall consist of Major Commercial Districts, Minor Commercial Districts and Neighbourhood Commercial facilities to ensure a full range of shopping opportunities are available. The commercial structure is based on established retail patterns and existing and projected floor areas.*

3.1.1 *No new districts or major expansions of existing facilities are contemplated, except as provided for in this Plan. The minor rounding out of commercial areas or boundaries which assist in the consolidation of commercial uses, enhance economic viability and improve internal traffic circulation and landscaping may occur without amendment to this Plan.*

3.1.2 *Several commercial areas have been identified on Schedule A-2 as having significant potential for medium and high residential intensification so as to create mixed use areas. New development or redevelopment within these nodes shall be subject to the policies of Part 1, Section 3.*

3.1.3 *Accommodations are only permitted to be developed in Major or Minor Commercial Districts.*

The subject lands are located within the Minor Commercial District, and the proposed use does not facilitate a major expansion of the existing district. The Official Plan Amendment slightly increases the Minor Commercial Area, on the property which is consistent with a minor rounding out of the commercial area to provide for a consistent Minor Commercial Designation across the entirety of the



lands. As seen in Schedule A2 the subject lands are located within the Drummondville node which is planned for mixed-use development. Accordingly, the proposed VRU use is appropriately located within the Minor Commercial District which permits accommodations.

Section 3.3 Minor Commercial

3.3.1 *Minor Commercial Districts shown on Schedule "A" represent a moderate concentration of commercial space and approximate range in size from 3,700 square metres to 10,200 square metres of gross leasable retail floor area. The predominant land uses include a wide range of retail outlets and personal service shops and limited offices, all on a small scale to serve a segment of the population. In addition, mixed use development, recreational uses and community and cultural facilities such as churches and libraries may be permitted subject to appropriate provisions in the Zoning By-law and other relevant sections of this Plan.*

3.3.1.1 *In order to maintain and improve the economic viability of Minor Commercial Districts, continued consolidation of properties is encouraged to ensure functionally obsolescent structures are renovated or removed and a more efficient and intensive utilization of land is achieved.*

The subject development is located within the Minor Commercial District as seen in Schedule A. Further through previous *Planning Act* applications and the development of these 34 townhouses the lands were consolidated and are now one parcel of land. This consolidation resulted in the split designation across the lands. The proposed Official Plan Amendment will redesignate a part of the subject lands to the Minor Commercial designation.

3.3.1.5 **DRUMMONDVILLE**

Drummondville, like the Downtown was historically the centre of commerce in the City. While this function has subsided recently, this area has the potential for the re-development of substantial retail and commercial floor space. In addition, the Drummondville CIP area is identified as a node for residential intensification on Schedule A-2. This Plan envisages the area as a mixed use commercial node

i) Commercial re-development is encouraged that serves local residents and, notwithstanding Policy 3.3.1, also attracts a broader population and tourists. In recognition of this, a section of the Lundy's Lane and Main Street have been identified as Retail Street on Figure 2 of Part 2, Section 4 of this Plan and shall be subject to Policy 4.3.8 of Part 2.

The proposed use supports the function of the Drummondville Node which is planned to serve local residents and attract a broader population and tourists. The proposed additional VRU use will provide future owners the choice to establish a Vacation Rental Unit on this property to support tourism. Vacation Rental Units within the City are required to comply with the rules, regulations and licensing for Vacation Rental Units.



Part 4 - Administration and Implementation

Part 4 of the Official Plan speaks to administration and implementation policies and more specifically Section 2.6 speaks to Official Plan Amendments.

2.6 *When considering an amendment to the Official Plan, Council shall consider the following matters.*

2.6.1 *The conformity of the proposal to the general objectives of this Plan.*

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

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

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

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

The subject land is situated within the Urban Area where the focus of growth and development shall be located. Further the subject lands are located within the Drummondville Node, which is planned as a mixed-use vibrant centre for intensification to serve local residents and tourists. The proposed additional Vacation Rental Unit use is appropriately located within the node which permits accommodations and is further located on lands which are designated minor commercial. This proposal does not impact the existing built form, and the proposed additional use is consistent with the character of the area. The subject lands are located along Main Street which is identified as a Retail Street. The Vacation Rental Units will provide tourists with accommodations within the Drummondville Node and will support existing and future commercial uses in the area.

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

2.6.7 *The financial implications of the proposed development.*

The subject lands are fully serviced with municipal systems including water, wastewater and stormwater management. The proposed additional Vacation Rental Use does not impact the existing servicing, and no upgrades are required to support the VRU uses. Additionally, the subject lands are connected to the existing street network from Robinson Street, and no municipal road extensions or alterations are needed. The subject lands are also connected to the existing municipal sidewalk network with connections from Robinson Street and Main Street to support active transportation.

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

The subject lands are located within the Urban Area and are not located within a Specialty Crop Area.



The proposed use conforms to the City of Niagara Falls Official Plan.

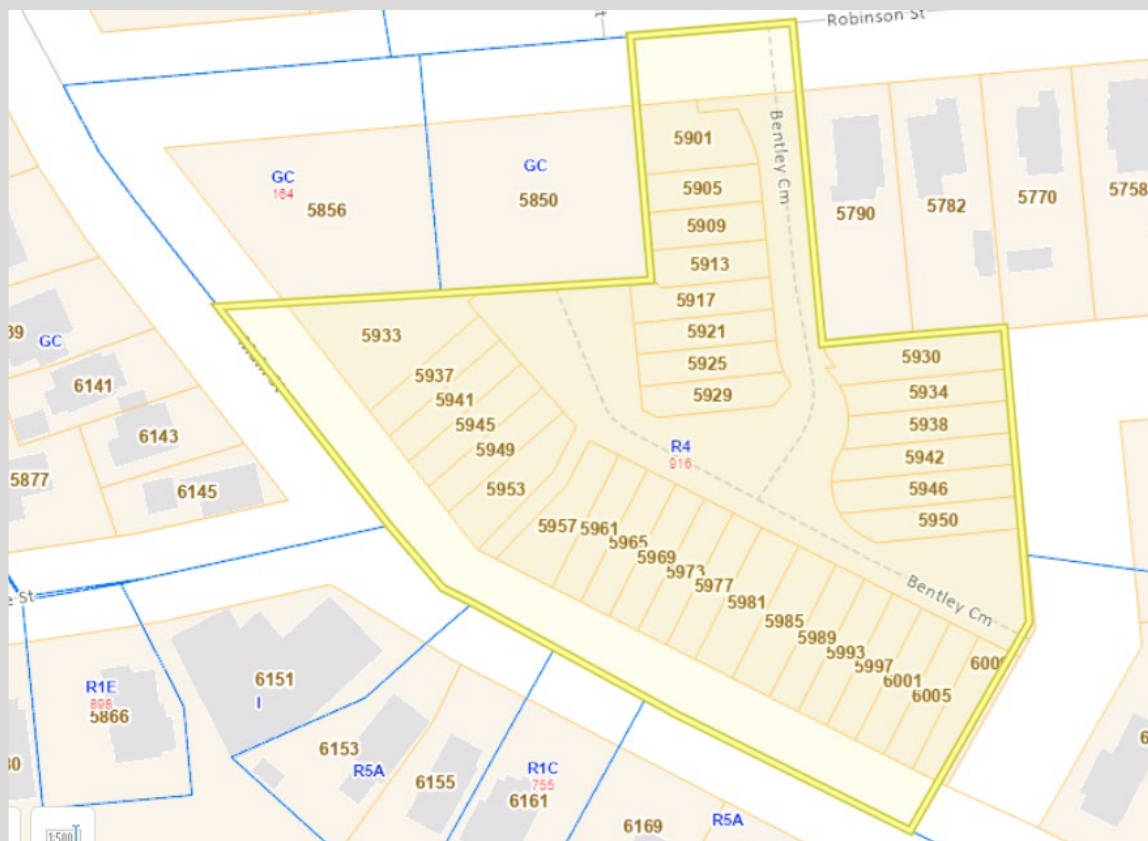
4.5 City of Niagara Falls Zoning By-law 79-200

The subject lands are zoned Residential Low Density, Grouped Multiple Dwellings Zone, with Site Specific 916 (R4-916) Zone within the City of Niagara Falls Zoning By-law 79-200.

The proposed Zoning By-Law Amendment Application will rezone the lands from the current Residential Low Density, Grouped Multiple Dwellings Zone, with Site Specific 916 (R4-916), to the General Commercial Zone with Site Specifics.

Vacation Rental Unit is defined within the Section 1 of the Zoning By-law as the commercial use of a detached dwelling or dwelling unit that is available for rent in its entirety for a period of 28 consecutive days or less, to provide temporary lodging to a single group of the travelling and vacationing public and is licenced by the City of Niagara Falls to carry on business.

Further within Section 4 of the Zoning By-law, Vacation Rental Units are required to provide 2 parking spaces per unit which may be provided in tandem. The proposed development provides for 2 parking spaces within each townhouse dwelling unit, which are provided in tandem with one parking space within the garage and one parking space within the driveway. Additionally on site there are 8 visitor parking spaces within the condominium. As previously discussed through the former Zoning By-law Amendment Application submitted (AM-2024-023) the proposal was circulated to Transportation Services who concluded that there were no concerns with respect to parking of vehicular traffic with the proposed Vacation Rental Unit use.



AJC | Not to Scale | File #: 258023

Zoning By-Law 79-200 Excerpt



The General Commercial Zone within the City of Niagara Falls Zoning By-law 79-200 permits the proposed Vacation Rental Unit use as of right and the requested Site Specific is required to recognize the existing built form and associated regulations. Accordingly, the proposed Zoning By-law Amendment is required to facilitate the additional Vacation Rental Use, and to permit the existing residential use on the lands.

The proposed rezoning from a residential zone to a commercial zone is consistent with the Official Plan designation on the lands of the Minor Commercial Designation. Within the Residential Zones in the Niagara Falls Zoning By-law Vacation Rental Units are not permitted as of right and are evaluated on a case-by-case basis. However, within the General Commercial Zone a variety of residential and commercial uses are permitted including Vacation Rental Units. This amendment will permit the existing townhouse use, along with the Vacation Rental Unit use.

The subject lands are located within the mixed-use area of the Drummondville Node where accommodations and residential uses are permitted. The proposed Vacation Rental Unit adds an additional permitted commercial component to the lands. Accordingly, the proposed Zoning By-law



Amendment reflects the proposed additional commercial uses and amends the existing residential zoning to the General Commercial Zone which permits residential and commercial land uses for accommodation including hotels, motels, bed and breakfasts, and vacation rental units as proposed.

Accordingly, the proposed General Commercial Zone is appropriate for the proposed development and is consistent with the mixed-use neighbourhood.

Please refer to the Draft Zoning By-law Amendment within Appendix C of this report for additional details.

5 Conclusions & Planning Opinion

The proposal complies with, conforms to, and is consistent with the intent and direction provided in the applicable provincial and municipal land use planning documents. The recommendations and conclusions of this report concerning the proposed development are as follows:

- The subject lands are located within the Urban Area, which is the focus of growth and development.
- The proposal permits Vacation Rental Units as an additional use on the subject lands, with no changes to the existing built form.
- The subject lands are located within the Drummondville Node which is planned to accommodate a range of uses including residential and commercial uses, which permits accommodations.
- The proposed additional Vacation Rental Unit Use is permitted as of right within the Minor Commercial Designation which exists in the lands and supports the planned function of the Drummondville Node.
- The proposed Vacation Rental Unit use is permitted within the General Commercial Zone within the City of Niagara Falls Zoning By-law 79-200.
- The existing development is consistent with the size and scale of the existing neighbourhood and provides for additional accommodations and opportunities within the existing neighbourhood.

The proposed development represents good planning and should be approved.

Prepared by:

Chloe Andre, MPI
Intermediate Planner
A.J. Clarke and Associates Ltd.

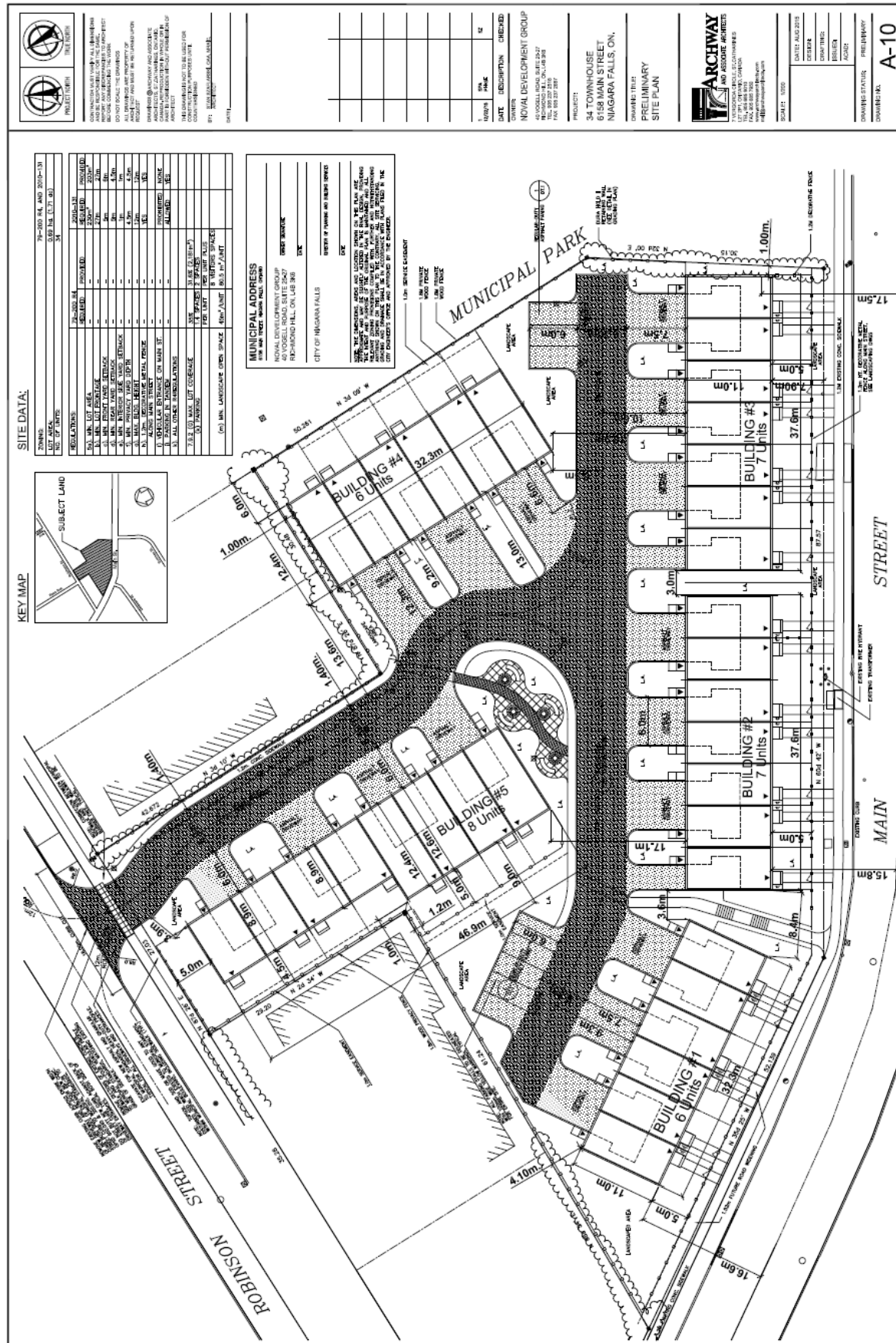
Reviewed by:

Stephen Fraser, MCIP, RPP
Principal
A.J. Clarke and Associates Ltd.



Appendix A

Site Plan





Appendix B

Official Plan Amendment



CITY OF NIAGARA FALLS

By-law No. 2025 -

A by-law to provide for the adoption of Amendment No. __ to the City of Niagara Falls Official Plan (OPA #__).

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 mapping constituting Amendment No. __ to the City of Niagara Falls Official Plan is hereby adopted.

Passed this _____ day of _____.

City Clerk

James M Diodati, Mayor

First Reading

Second Reading



OFFICIAL PLAN AMENDMENT NO.

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The amendment will amend the designation of the lands shown on Schedule A “Residential” to “Minor Commercial”.

The purpose of the amendment is to permit an additional Vacation Rental Unit use on the subject lands, resulting in one consistent designation across the entire property.

(ii) Location of the Amendment

The Amendment applies to the lands shown on Appendix A, which are generally to the south of the intersection of Robinson Street and Main Street within the Drummondville Node.

(iii) Details of the Amendment Map Changes

- i) Schedule A – Land Use has been amended to:
 - o Delete the “Residential” designations from the subject lands, and redesignate these lands to “Minor Commercial”

(iv) Basis of the Amendment

The Amendment has been undertaken to establish “Minor Commercial” designation on the lands outline in Schedule A.

The subject lands are located within the Niagara Falls Urban Area and Provincially delineated Built-up Area, which are primary locations for growth and development. The Amendment will result in one consistent designation across the entirety of the subject lands and will permit the proposed Vacation Rental Unit use.

The Amendment is a necessary step to be completed to permit the Vacation Rental Use on the subject lands.



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 maps, constitute Amendment No. _____ to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

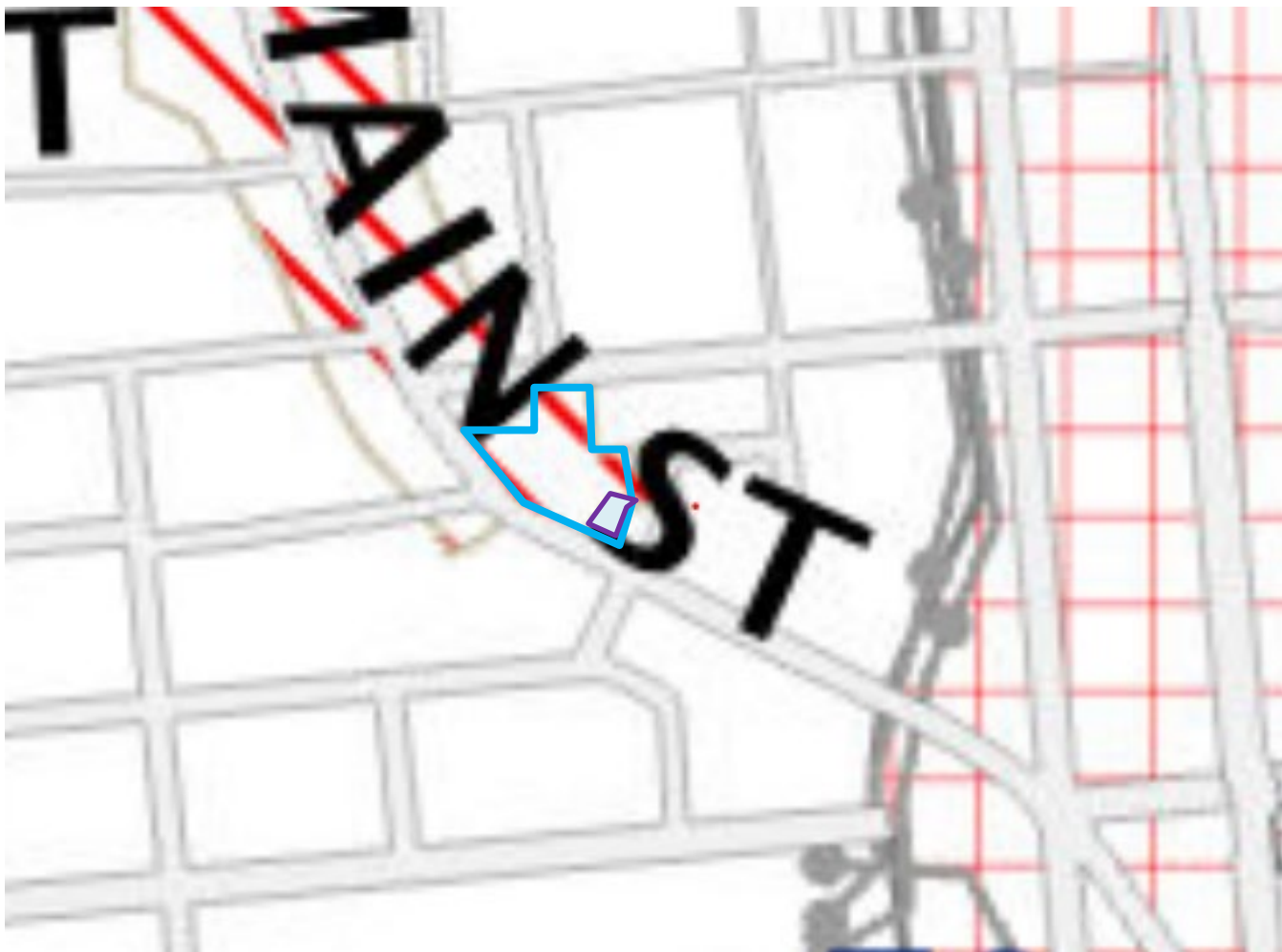
The Official Plan of the City of Niagara Falls is hereby amended as follows:

MAP CHANGES

- i) SCHEDULE A – LAND USE PLAN of the Official Plan is amended by:
 - Amending the “Residential” to “Minor Commercial” as shown on the map attached entitled ‘Schedule A to Official Plan Amendment No ____.’



Schedule A to Official Plan Amendment No ____.



Subject Lands of 5901-6009 Bentley Common, Niagara Falls



Lands Subject to Official Plan Amendment No ____ to redesignate from the Residential Designation to the Minor Commercial Designation.



Appendix C

Zoning By-Law Amendment



Draft Zoning By-law Amendment

**THE CORPORATION
OF THE
CITY OF NIAGARA FALLS
BY-LAW NO. _____**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate lands known as 5901-6009 Bentley Common, Niagara Falls.

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 Schedule 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 purpose of this by-law is to amend the zoning on the subject lands from R4-916 to Site Specific General Commercial (GC-X), to permit the existing residential uses, the existing regulations of the R4-916 Zone, and permit a Vacation Rental Unit Use on the entirety of the subject lands. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. In addition to the uses permitted in the General Commercial Zone, the following shall also be permitted
 - a. All Residential Land Uses as per R4-916
4. 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.
5. No person shall use the Lands for a use that is not a permitted use.



6. No person shall use the Lands in a manner that is contrary to the regulations. The provisions of this by-law shall be shown on of Schedule “A” of By-law No. 79-200 by rezoning the Lands to GC- ____.
7. Section 19 of By-law No. 79-200 is amended by adding here to:

19.1.XXX Refer to By-law No. 2025- ____

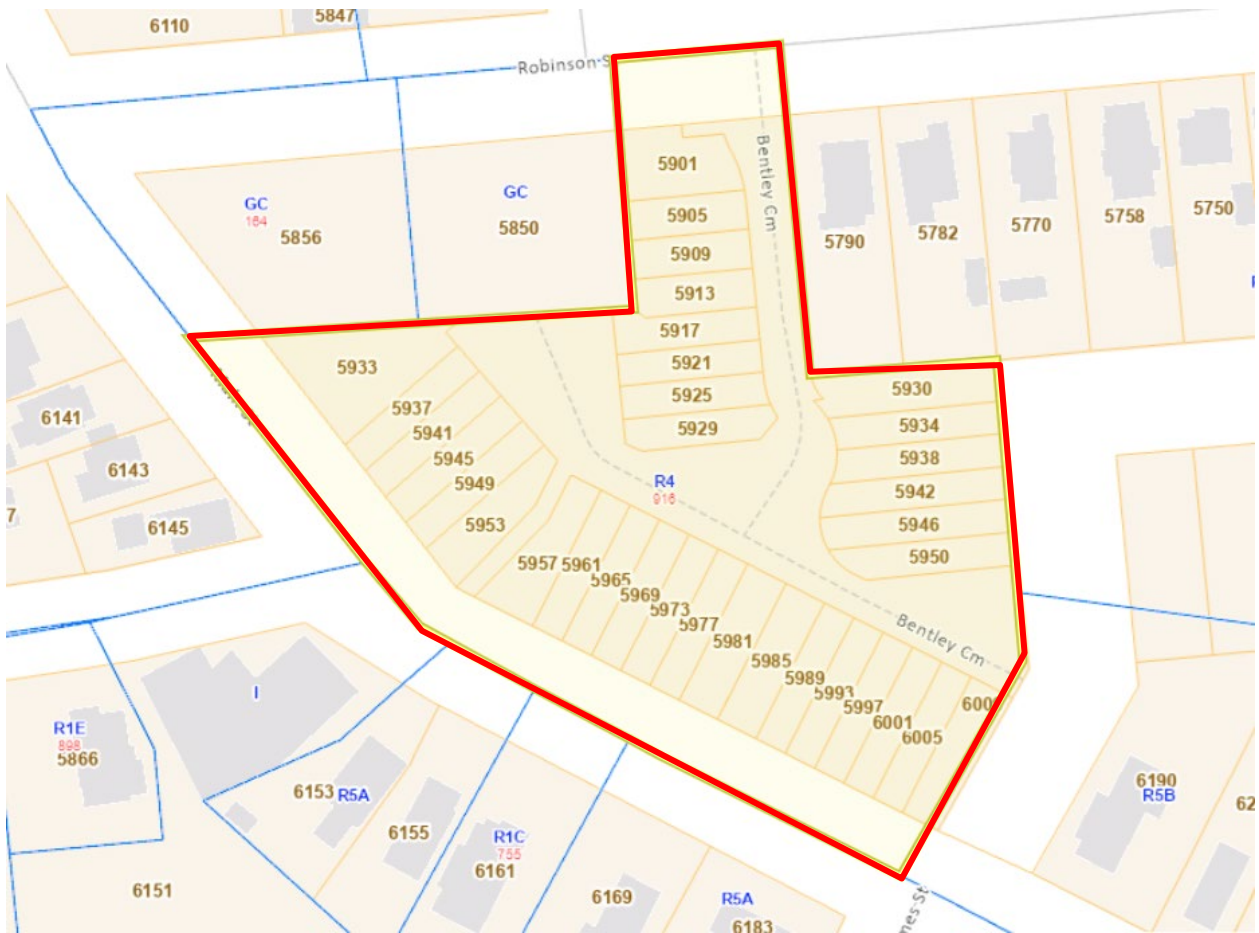
Read a first, second and third time; passed, signed and sealed in open Council this _____
DAY OF _____, 2025.

City Clerk

James M Diodati, Mayor



Schedule A to By-law 2025-_____



Subject lands to be rezoned from the R4-916 Zone to the General Commercial Site Specific (GC-XX) Zone