



PLANNING JUSTIFICATION REPORT

5901-6009 Bentley Common, CITY OF NIAGARA FALLS
ZONING BY-LAW AMENDMENT

Jennifer Vida, MCIP, RPP
July 2024

Proposal

The owners of the properties located at 5901-6009 Bentley Common wish to add permissions for Vacation Rental Units as a permitted use. The property is currently developed as 34 freehold townhouses with a common fee and with access through a private road from Robinson Street. The townhouses are constructed with some of the units are currently occupied.

In February of this year, the Committee of Adjustment approved the minor variance allowing 7 of the townhouses (5957-5981 Bentley Common) to be used as Vacation Rental Units in addition to the existing residential uses. Since the time of the minor variance, the developer has experienced a significant increase in demand for townhouse units with Vacation Rental Unit permissions. As a result of the increased demand, the developer and owners wish to apply to amend the zoning across the entire property to permit Vacation Rental Units in addition to the existing residential permissions. This would allow all 34 townhouses to have the potential to accommodate Vacation Rental Units.

There are no physical changes proposed as a result of the zoning by-law amendment. It is a scoped request to add a use that is similar to what is currently permitted. The site contains adequate parking. Each of the townhouses has a one-car garage and one parking space in front, with six of the units having longer driveways that accommodate two cars in the driveway. In addition to the parking areas located at each of the dwellings, the condominium also provides 9 visitor parking spaces on-site to accommodate overflow parking.

Should the zoning amendment be approved, the owners of the units would be subject to obtaining a license from the City before operating a vacation rental unit on the property. It is intended that all condominium corporation documents will be updated to reflect the vacation use permissions and to include additional controls through the condominium corporation.

Subject Lands

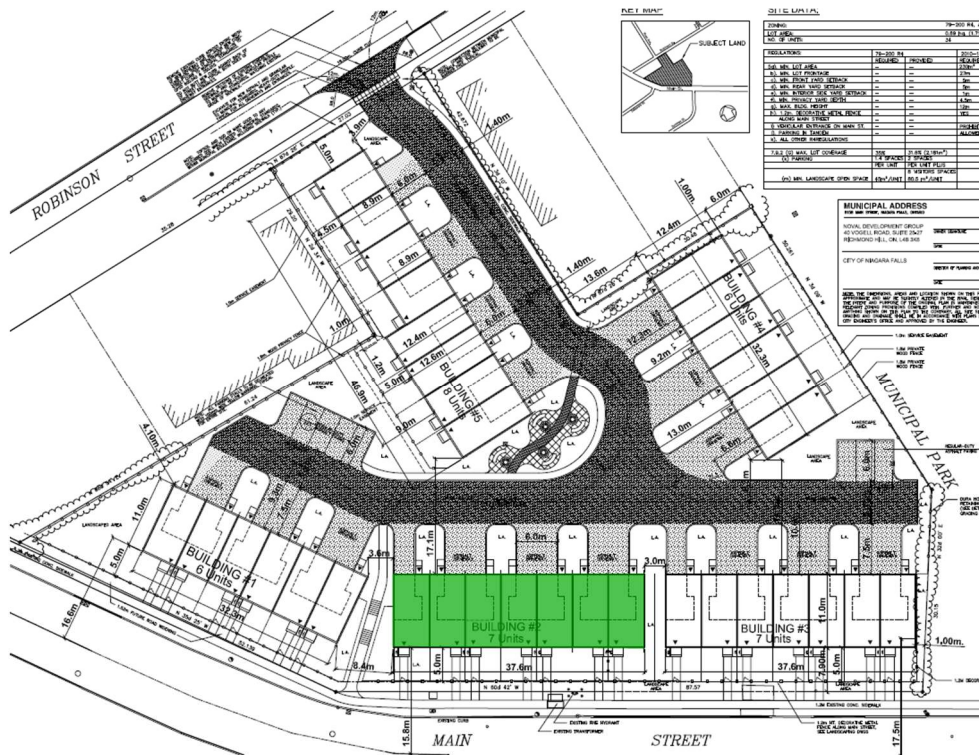
The subject lands are municipally described as 5901-6009 Bentley Common, located on the southeast side of Robinson Street, near Main Street. The property is legally described as Blocks 1-5 on Registered Plan No. 59M-493, City of Niagara Falls.

As noted above the subject lands contain 34, 3-bedroom condominium townhouse dwellings with private road access from Robinson Street. The townhouses are all two stories and each dwelling unit has a single-car garage and single-car driveway pad. Each townhouse can accommodate two or more parking spaces. There are also 9 visitor parking spaces provided on-site to accommodate overflow parking. The townhouses are all connected to private infrastructure.

The property is currently zoned R4-916 site-specific zone which is a zone that was created to facilitate the very specific site layout. The current zoning permits group multiple dwellings i.e. townhouses.

Previous Minor Variance Approval

The previous minor variance approval grants permission for 7 of the 34 units to be used as vacation rental units in addition to the existing residential permissions. The minor variance applies to the dwellings, municipally addressed as 5957-5981 (inclusive) Bentley Common, shown in green below.



The owners are in the process of amending the condominium documents to allow the owners of these 7 units to apply for the requisite licensing permissions from the city. If the additional units are approved for VRU use, the documents will be subsequently updated accordingly.

The subject lands are located in the Drummondville area of the city and the majority of the townhouses face Main Street directly. This area of the city is under transition with significant investment being made to revitalize this community. There is a mix of uses in the area with convenience commercial, including restaurants, convenience stores, personal service shops, a market, and a transit hub, and is in walking distance the tourist area of Niagara Falls.

Surrounding Land Uses:

North: Single detached dwellings and commercial buildings

East: Single detached dwellings

South: Institutional uses, commercial uses, and residential uses

West: Institutional uses

Aerial Context 5901-6009 Bentley Common (Subject Lands)



Source: Niagara Navigator, July 2024

On July 4th, 2024, The City of Niagara Falls hosted a pre-consultation meeting to review the application and outline the complete application requirements for the Zoning By-law Amendment Application.

In response to the pre-con the following documents have been submitted as part of the Zoning by-law amendment application:

Planning Justification Report – this report has been prepared to meet the requirement for a planning rationale.

Existing Floor Plans- the floor plans of the existing townhouses show that there are only 3 bedrooms in each of the townhouse units as required for Vacation Rental Units.

Provincial Policy Statement, 2020

The subject lands are designated as Settlement Area according to the Provincial Policy Statement (PPS). The PPS indicates that Settlement Areas shall be the focus of growth and new development in the province. It encourages more efficient use of urban lands to promote more efficient use of existing infrastructure including sewers, water, and other public service facilities.

The PPS promotes the creation of transit-supportive communities, where transit is planned, exists, or may be developed. The addition of Vacation Rental units in a mixed-use node of the City will provide additional ridership to the nearby transit node which will help to sustain the service over the long term, which is consistent with the PPS.

The PPS promotes an appropriate range and mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents. The addition of Vacation Rental Units as a permitted use will allow the homeowners to generate revenue within their home to lessen the financial burden of home ownership, which makes the housing more affordable, which is consistent with the PPS.

The PPS promotes the development of all types of residential intensification, including additional residential units such as Vacation Rental Units.

Based on this review the development application is consistent with the Provincial Policy Statement, 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

Similar to the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe promotes higher-density developments in the urban area, better use of urban services, and the provision of a range of housing types to meet the growth targets for the region.

The subject lands are designated as Built-up Area according to A Place to Grow. The plan requires that a minimum of 50% of all residential development occurring annually is to occur in the Built-up Areas and municipalities are to encourage intensification throughout the delineated built-up area.

Applying the policies of this Plan will support the achievement of complete communities that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

- Provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The development application will facilitate a use that will diversify the mix of land uses along this commercial node and allow easy access to the existing commercial facilities that are within walking distance of the subject lands. The proposal will also provide an opportunity for homeowners to generate additional income to lessen the financial burden of homeownership in an area of the City that has close access to daily commercial uses and the main tourist area of the City, with minimal negative impact on the adjacent community.

The development application is consistent with A Place to Grow.

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

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

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

The plan also promotes the tourism sector in the region to support the economy. The proposed addition of Vacation Rental Units in a mixed-use area of the city will contribute positively to the regional economy and will support the long-term sustainability of the tourism sector.

The development conforms with the policies of the ROP.

City of Niagara Falls Official Plan

The subject lands are designated Minor Commercial according to the City of Niagara Falls Official Plan. The property is also located within the Drummondville Node according to Schedule A2 Urban Structure. It is also part of the Historic Drummondville Community Improvement Area per Appendix V - Official Plan Community Improvement Areas.

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 proposed development does not require any physical changes to be made to the existing development, which will ensure that the existing character is completely maintained as it exists today. The current development is a stand-alone residential development that wishes to add vacation rental uses, creating a more mixed-use which is aligned with the City's long-term vision for this area of the city.

General Policies for the Downtown and Drummondville Nodes

3.14 To support the revitalization and redevelopment of Downtown and Drummondville nodes, the Council shall:

- c) facilitate development and improvement so that these nodes become a focus for retail and commercial re-development and residential intensification;
- d) promote development that builds on the unique features and heritage aspects of the nodes; and

The proposed development will not take away from the main focus of this area which is for retail and commercial redevelopment. The addition of Vacation Rental Units will help to support the existing commercial businesses and promote more retail and commercial uses to come to the area supporting more revitalization and investment in the community.

Urban Design

3.14.1 Both nodes have a main street-built form characterized by 2 to 3 storey buildings built to the sidewalk with little or no side yard setbacks. New development shall respect the existing built form. Urban Design Guidelines will be used as a guide to evaluating applications with respect to height and massing together with the following criteria:

- a) A built form that provides street frontage buildings with setbacks that are consistent with adjacent properties and parking located behind buildings is encouraged;
- b) The minimum building height shall be two storey's in order to promote an intensification of use and to reflect the built heritage;
- c) All new buildings and developments located:
 - Within Drummondville: on Main Street and Ferry Street, shall provide active pedestrian-related uses at the street level;

The proposed application does not require any physical changes to be made to the existing property and therefore as a result the existing character and urban design features of the property will be maintained.

Street System

- d) 3.14.2 The built form of these nodes supports pedestrian activity and the use of public transit. This Plan supports the maintenance of an active and safe pedestrian environment through the following policies and Urban Design Guidelines:
- e) Clearly defined pedestrian routes, including easily navigable, barrier-free sidewalks, open spaces, walkways and cross walks, will be identified separately from vehicular traffic areas. All new development should maximize opportunities to create, define and enhance pedestrian routes. Alleyways and other mid-block connections should provide a safe and engaging route for pedestrians; and
- f) Improvements to streets and streetscapes to create attractive streetscapes through measures such as consistent street furniture and directional signage, a range of pavement materials, plantings of street trees, and increased sidewalks widths.

The proposed development will not affect the existing built form or character of the community. The proposed development will promote pedestrian activity in the community by bringing more people to the area by adding additional rental options. The development proposal will have a positive impact by animating the public street and stimulating economic investment within the immediate neighborhood.

Part 1 Plan Overview and Strategic Directions Section 4 Housing

A range of housing which is affordable, accessible, adequate, and appropriate is needed to ensure a high quality of life for residents. In order to meet the needs of current and future residents, a range of housing options is needed that includes the full spectrum of housing types, such as emergency shelters, transitional housing, subsidized and/or government assisted housing, affordable housing, affordable home ownership, market rental housing, market home ownership, and supportive housing.

The development proposal will allow the homeowners to rent rooms within the home on a short-term basis while still occupying the unit. The additional revenue generated from the vacation rental units will offset the homeowner's cost burden, which in turn makes the housing more affordable and attainable. The addition of Vacation Rental Units supports the goal of providing a full spectrum of housing types and also supports the overall affordability of the housing within the development.

Vision and Goals for Housing

Goals

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 included a wider range of price points; mix of housing types and densities, and a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the city.

As provided for above the addition of Vacation Rental Units will help to offset the cost of homeownership in the subject development. The use also supports the plan's goals to provide a range of housing tenure including ownership and rental. It also provides a more diverse range in terms of the types of housing that are available in the development.

4.1 The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:

- Provide opportunities for the development of affordable housing across the municipality
- Promote a greater diversity of housing types
- Ensure a healthy supply of rental units

As noted above, allowing homeowners to provide short-term rentals will offset the cost burden of homeownership. The proposal will allow the city to realize a range of housing options that are affordable and it will support the achievement of a healthy supply of rental units.

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

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

The proposed housing is an example of an innovative housing form. It is also an example of a multiple-unit development that is encouraged in the Plan.

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

The proposal represents an example of additional dwelling units within a townhouse.

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.

There are three different home models offered within the development which supports varying lots size, unit size to contribute to affordability. Affordability is achieved as a result of the proposal as outlined in other sections of this report.

Part 2 Land Use Policies
 Section 1 Residential
 General Policies

1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadraplexes, townhouses, apartments, group homes and other forms of residential accommodation.

The predominant land use within-subject lands will remain as residential townhouses. The application seeks to allow other forms of residential accommodation, which is a predominant use in residential areas.

1.12 Vacation Rental Units are not to establish indiscriminately. In this regard, official plan and zoning by-law amendment applications will be processed on a site-by-site basis. Amendment applications will be reviewed subject to the following criteria:

The permission to add Vacation Rental Units to the subject property is through an application for a Zoning by-law amendment which will allow the municipality to review the proposal in depth and to evaluate it to determine if it is appropriate.

The subject lands are isolated from the more established residential area of this community. The lands are located on the main street which contains a mix of commercial and residential uses. The development provides a transition from the predominant commercial area to the residential area. The site's separation from the residential area by a major community park will ensure that potential negative impacts on more sensitive land uses is reduced. The site's proximity to the commercial area will serve to support and grow the commercial node.

1.12.1 Vacation Rental Units are limited to single or semi-detached dwellings or a second unit to a principal dwelling unit.

The subject lands contain townhouses. Vacation Rental Units are being sought to be permitted as a second unit within the principal dwelling unit.

1.12.2 Vacation Rental Units shall be limited to 3 bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood.

Floor plans have been provided as part of this application to show that the existing townhouse units are all limited to 3 bedrooms following the policy above.

1.12.3 Parking and landscaping shall be consistent with the residential environment.

No physical changes are being proposed to facilitate the proposal and therefore the residential character of the townhouse development will remain unchanged. The existing parking layout and landscaping will be maintained as well. Adequate parking and landscaped areas are provided and will not be affected by this application.

1.12.4 The size of the lot, the provision of landscaped amenity space, ability to accommodate required, nature and classification of the street and the proximity to tourist areas shall all be considered.

The size of the lot can accommodate the vacation rental units and provide adequate on-site parking, and landscaped amenity space. The location of the subject lands provides immediate pedestrian access to local commercial facilities and the tourist district.

1.12.5 An undue concentration of Vacation Rental Units is to be avoided in order reduce the impact on the character of the residential nature of the area and the residential enjoyment of permanent residents.

The subject lands are located within a mixed-use area of the city and therefore will contribute to diversifying the mix of land uses in the Drummondville area. Since the property is located in a mixed-use area of the city is not anticipated that there will be an impact to the character or residential nature of the area.

The placement of potentially 34 vacation rental units at the subject site is not considered an undue concentration because adequate parking can be accommodated on-site. There are no neighbors that would be negatively affected by the development since it is contained as a private development and will maintain its primary residential use. Concentrating these units within one development within a mixed-use area of the city will help support the local businesses. Also, it is not expected that all 34 units will be used as vacation rental units at the same time. The site is contained as a condominium corporation so that any impacts would be directed inward rather than out towards the larger community. This proposal is simply to add choice to purchasers in the future and to support more attainable housing options.

The site is also located near the major tourist area of the city. Concentrating these units in a mixed-use area that is adjacent to the major tourist area will take the pressure off the established residential areas where higher concentrations of VRU's could negatively impact the adjacent residents and it will support public transit.

The development is also located adjacent to a major city park, Grey Robinson Park, which acts as green space natural buffer to some of the existing residential community, which will isolate the VRU's from the residential area, minimizing any negative impacts.

1.12.6 To ensure lands designated as Residential meet the primary purpose of providing dwellings for a wide range of households. Council shall consider the current vacancy rate(s) and supply of available housing for tenants.

The lands are not designated residential and therefore this policy is not applicable.

1.12.7 Vacation Rental Units will be subject to a licensing by-law passed under the Municipal Act, 2001, designed to regulate the operational aspects of Vacation Rental Units including, but not limited to: compliance with zoning; excessive noise, garbage disposal, property standards and adequate insurance.

If the proposal is approved the condominium declaration is required to be amended to allow the use. The use of the units for Vacation Rental Units is not permitted until the unit owner is also granted a license from the City of Niagara Falls. The City of Niagara Falls will be able to control potential challenges with noise, garbage etc... through the licensing process. The rules and controls under the condominium documents will also provide an additional level of oversight to minimize negative impacts.

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.

The proposal adds an element of commercial use, by renting out residential units to a stand-alone residential development which will bring the property and its uses into better alignment with the mixed-use vision for this community.

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 functionality obsolescent structures are renovated or removed and more efficient and intensive utilization of land is achieved.

n/a

3.3.1.2 Development and redevelopment shall be oriented toward the street in the form of plazas and multi-unit buildings to ensure orderly development which is integrated with adjacent properties and to achieve economic stability. Single use buildings will only be allowed when developed on a comprehensive scale where no land use conflicts would occur or where an

expansion of an existing single use would allow for improved design and functioning of the site such that it is integrated with adjacent development.

There are no physical changes proposed as a result of the development application. The existing development will maintain its character as a result of the proposal.

- 3.3.1.3 Amalgamation of properties to provide significant frontages and exposure to arterial roads shall be encouraged

n/a

- 3.3.1.4 The exceptions shall be the Drummondville Area, which is subject to the policies of Part 1, Section 3, and the lands fronting on Cummington Square where compact building form, close to the sidewalk, shall be encouraged in order to maintain the existing pedestrian-oriented environment.

See analysis of the policies of Part 1 in the previous section of this report.

- 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 broader population and tourists. In recognition of this, a section of 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.

n/a

- ii) Commercial redevelopment of Drummondville should capitalize on the heritage attributes of the area, specifically the Lundy’s Lane Battlefield, the Niagara Falls Historical Museum, and an expanded and revitalized Sylvia Place Market. The Market and Museum should serve as a focal point for the area, attracting both residents and tourists. The Market is envisioned to have a presence and visibility on both Main Street and Ferry Street.

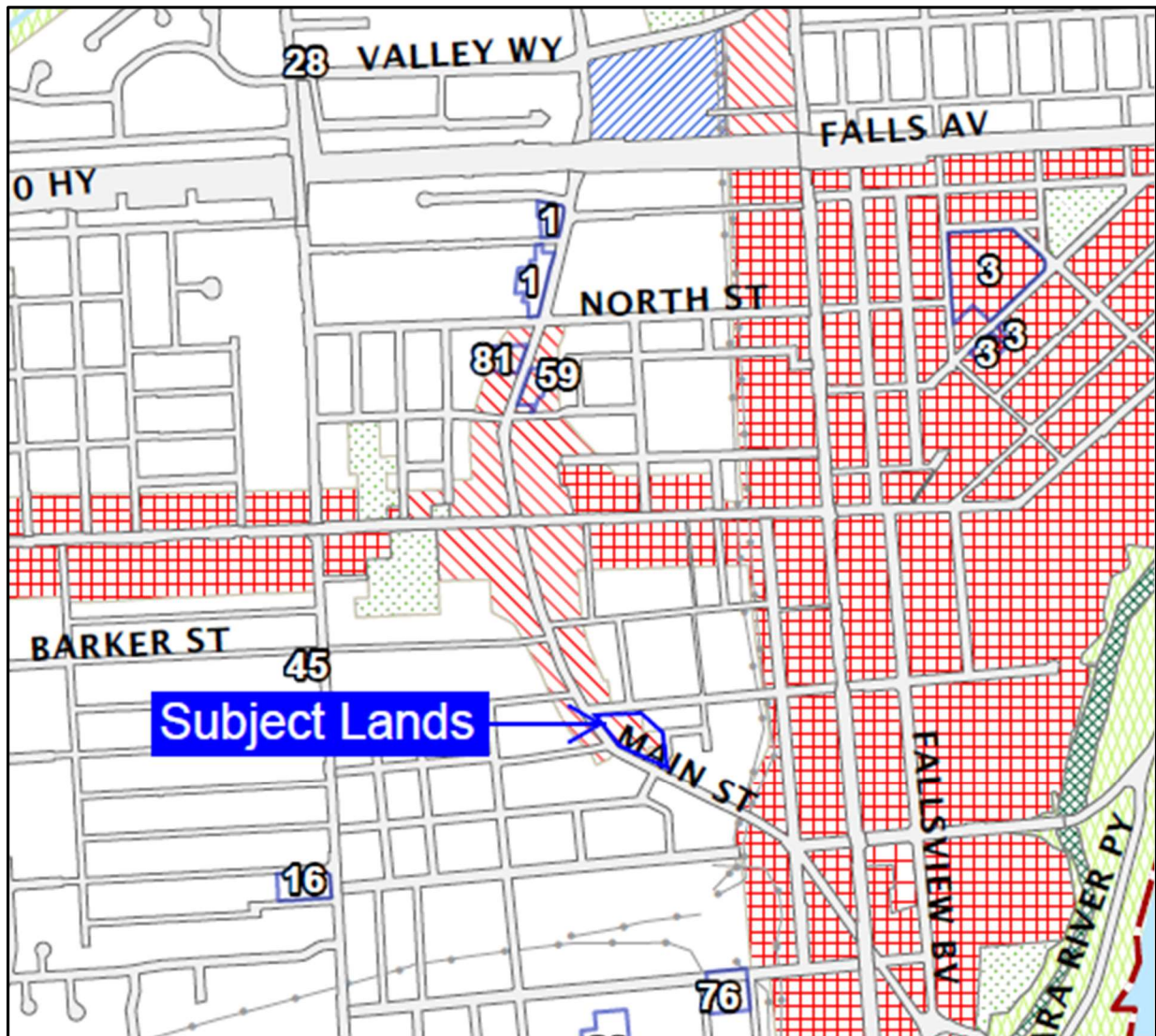
The development proposal will bring more people to the community on a short-term basis who will be in walking distance to support the main focal point of the area. They can walk to the museum, the market and to the transit node to access many other areas of the city in a convenient location.

- iii) The development of 1,000 dwelling units is anticipated. Residential uses may develop as part of a multiple use building, or as stand-alone buildings. Proposals for residential development shall comply with the policies of Part 1, Section 3.

The existing development provides 34 residential units which supports the City's goal of 1000 new dwelling units in this community.

Intensification Nodes are areas where the Plan promotes residential intensification to regenerate and increase the vitality of existing commercial or industrial areas. The Plan intends to guide long-term compatible co-existence of residential and non-residential uses within these nodes. Adding a VRU use to the subject lands is consistent with the Plan's intention.

City of Niagara Falls Official Plan – Land Use Excerpt Showing the Subject Lands:



According to the City of Niagara Falls Official Plan a range of accommodations are permitted within major and minor commercial districts. VRUs are considered a permitted use within the minor commercial designation and are therefore permitted at the subject property.

Renting a dwelling on a month-to-month basis is similar to the use of a dwelling by the landowner. Properties are often purchased and leased on a month-to-month basis with the primary intent to realize income from the rental. There are no rules against it. It could be suggested that the rental of the entire dwelling or dwelling units for a few days or weeks (less than 28 days) is similar to the use/rental of the dwelling unit for an entire month (30 days).

Issues related to noise, and parking could also occur with the dwelling being occupied by the owner or by tenants on a month-to-month basis, which is an as-of-right use in all residential areas of the City.

Based on the analysis provided above, the addition of Vacation Rental Units as a permitted use to the property conforms to the City of Niagara Falls Official Plan and is considered good land use planning.

City of Niagara Falls Zoning By-Law

The subject lands are zoned Low-Density Grouped Multiple (R4-916). The zoning on the property has been amended by By-law Nos. 2010-131 and 2016-111 to allow for site-specific provisions to apply to support a specific condominium design. The development has been executed within the existing zoning permissions. All 34 townhouses have been constructed and are controlled by a condominium corporation.

The permitted uses within the existing zoning include a range of residential land uses including townhouses, apartments, and home occupations.

The zoning by-law amendment applications seeks to add Vacation Rental Units as a permitted use to the entire property.

The City of Niagara Falls Zoning Bylaw No. 79-200 defines Vacation Rental Units (VRU's) as follows:

'Vacation Rental Unit' means 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 travelling and vacationing public and is licenced by the City of Niagara Falls to carry on business.

The by-law also includes a set of zoning provisions that specifically apply to VRU uses throughout the City as follows:

4.19 Parking Areas

4.19.1 Requirements – Vacation Rental Unit – 2 parking spaces, which may be provided in tandem.

The existing townhouses have been constructed providing at least one and some with two parking spaces within the driveway and each unit contains a single-car garage. By-law No. 2010-131 permits parking to be provided in tandem on this property. Together with the single/double-car driveway and single-car garage, two to three parking spaces in tandem are provided for each of the 34 units. There are also an additional 9 visitor parking spaces within the condo, which can accommodate overflow parking.

4.38 Vacation Rental Unit: a vacation rental unit shall comply with the following regulations (2018-92)

a) The maximum number of bedrooms permitted in a vacation rental unit in an existing detached dwelling or dwelling unit in a TC, GC and CB zone shall be 3;

Each of the 34 townhouse units contains 3 bedrooms. Floor plans of the existing townhouses have been provided to confirm the number of bedrooms in each unit.

b) A vacation rental unit shall be licenced by the City of Niagara Falls and the municipal licence of a vacation rental unit must be kept current and maintained in good standing;

If the zoning by-law amendment is supported the owner is required to apply for and secure a license from the City of Niagara Falls before operating any Vacation Rental Units within the property.

c) The maximum number of travellers permitted to stay in an existing detached dwelling or dwelling unit used as a vacation rental shall be in accordance with the requirements of the Building Code Act, 1992. S.O. 1992, C.23, as amended, and the regulations promulgated thereunder;

All requirements of the Building Code Act adherence would be reviewed and addressed at the future licensing stage.

f) Parking and access requirements shall be in accordance with section 4.19.1.

Refer to the above regarding how this proposal will meet the parking requirements of section 4.19.1 of the By-law.

The proposed VRUs will meet all of the City's zoning requirements as outlined above. Adding permissions for VRUs at the subject property will bring the property into better alignment with the Official Plan and the vision for this area of the City.

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

Planning Recommendation

Vacation Rental Units are not unlike other as of right residential rental permissions throughout the City and Province. Many people purchase homes to rent to folks on a month-to-month basis. Allowing permissions to rent within a shorter timeframe (less than 30 days) should not have any more negative impact, than a month-to-month rental. Since the owner of the dwellings will be present, there will be a certain level of monitoring and control that takes place as opposed to a rental where the owner is not on-site (month-to-month basis).

The proposed use will be further controlled through the City's licensing program which places a higher level of burden on the owner to adhere to the rules set out by the City.

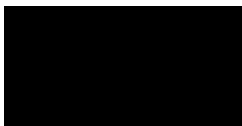
If this amendment is approved to permit a Vacation Rental Unit on a property, the unit cannot be used if the City has not issued a license for the operation. The city will maintain a level of control over the uses on the subject lands and they have enforcement measures in place should the licensing requirements not be upheld.

The condominium corporation will also provide another level of control and oversight over the use and operation to ensure that negative impacts can be controlled.

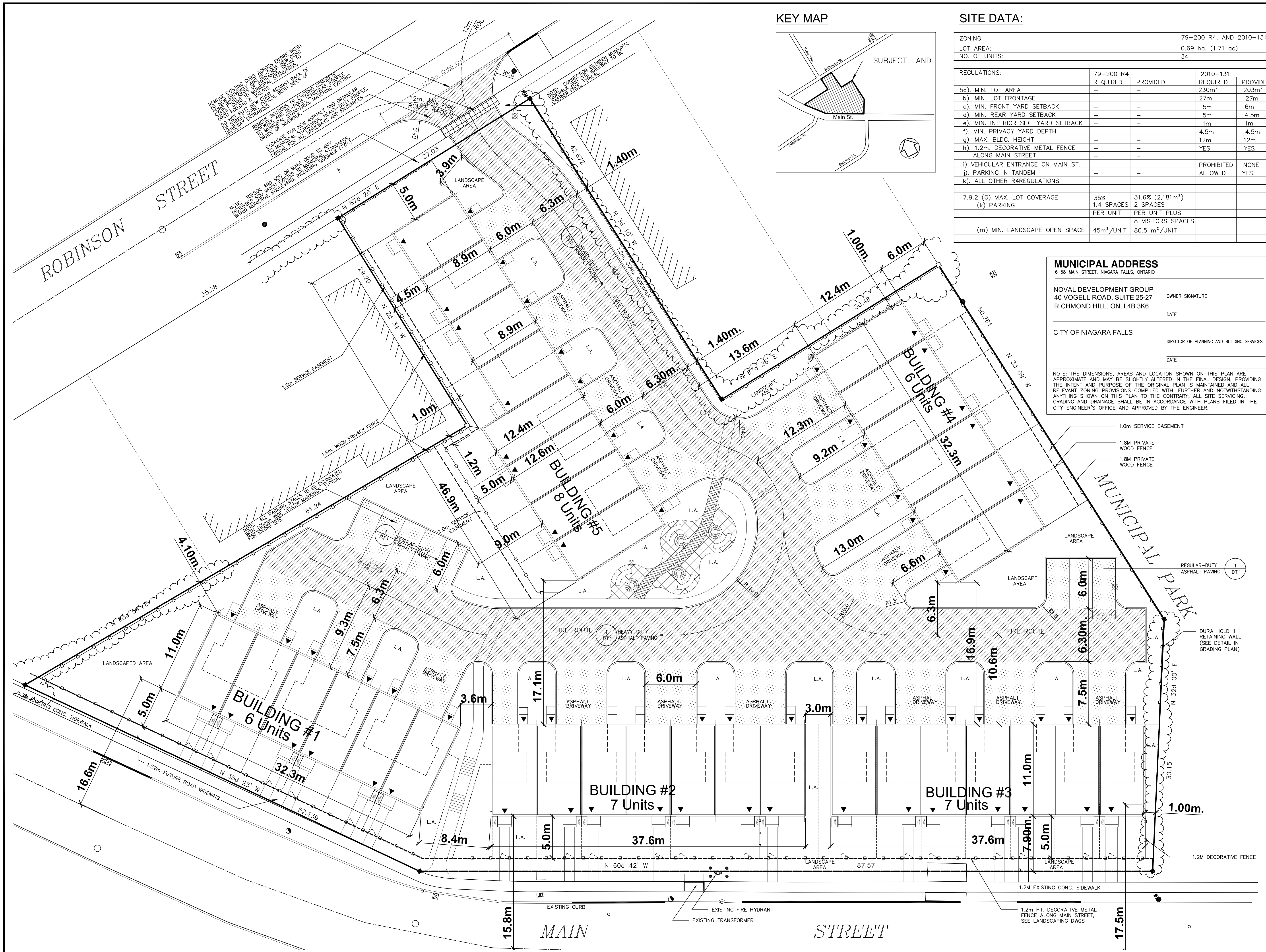
The Zoning By-law Amendment is consistent with the PPS, it conforms to the Growth Plan, Niagara Region Official Plan, and the City of Niagara Falls Official Plan and is considered good land use planning.

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

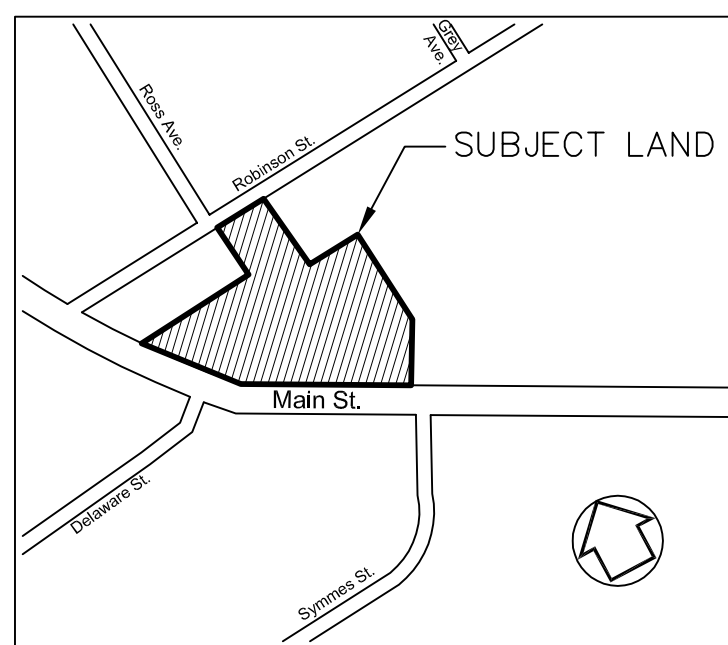
Prepared by:



Jennifer L. Vida, MCIP, RPP



KEY MAP



SITE DATA:

ZONING:	79-200 R4, AND 2010-131			
LOT AREA:	0.69 ha. (1.71 ac)			
NO. OF UNITS:	34			
REGULATIONS:	79-200 R4	2010-131	REQUIRED	PROVIDED
5a). MIN. LOT AREA	-	-	230m ²	203m ²
b). MIN. LOT FRONTAGE	-	-	27m	27m
c). MIN. FRONT YARD SETBACK	-	-	5m	6m
d). MIN. REAR YARD SETBACK	-	-	5m	4.5m
e). MIN. INTERIOR SIDE YARD SETBACK	-	-	1m	1m
f). MIN. PRIVACY YARD DEPTH	-	-	4.5m	4.5m
g). MAX. BLDG. HEIGHT	-	-	12m	12m
h). 1.2m DECORATIVE METAL FENCE ALONG MAIN STREET	-	-	YES	YES
i). VEHICULAR ENTRANCE ON MAIN ST.	-	-	PROHIBITED	NONE
j). PARKING IN TANDEM	-	-	ALLOWED	YES
k). ALL OTHER R4REGULATIONS	-	-	-	-
7.9.2 (G) MAX. LOT COVERAGE	35%	31.6% (2,181m ²)	-	-
(k) PARKING	1.4 SPACES PER UNIT	2 SPACES PER UNIT PLUS 8 VISITORS SPACES	-	-
(m) MIN. LANDSCAPE OPEN SPACE	45m ² /UNIT	80.5 m ² /UNIT	-	-

MUNICIPAL ADDRESS

6158 MAIN STREET, NIAGARA FALLS, ONTARIO

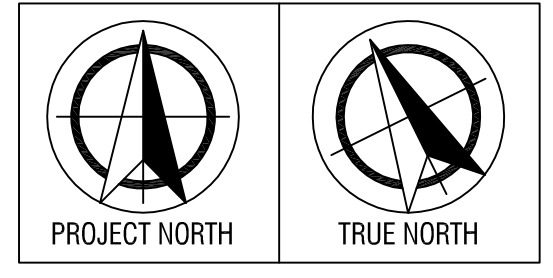
NOVAL DEVELOPMENT GROUP
40 VOGELL ROAD, SUITE 25-27
RICHMOND HILL, ON, L4B 3K6

CITY OF NIAGARA FALLS

OWNER SIGNATURE _____
DATE _____

DIRECTOR OF PLANNING AND BUILDING SERVICES _____
DATE _____

NOTE: THE DIMENSIONS, AREAS AND LOCATION SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN. PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS FILED IN THE CITY ENGINEER'S OFFICE AND APPROVED BY THE ENGINEER.



CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME. REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING THE WORK.

DO NOT SCALE THE DRAWINGS

ALL DRAWINGS ARE PROPERTY OF ARCHITECT AND MUST BE RETURNED UPON REQUEST

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BY: STAN SZAFIARSKI, OAA, MRAC, ARCHITECT

DATE: _____

1	SPA	SZ
12/22/15	PHASE	

DATE	DESCRIPTION	CHECKED
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OWNER:
NOVAL DEVELOPMENT GROUP
40 VOGELL ROAD, SUITE 25-27
RICHMOND HILL, ON, L4B 3K6
TEL. 905 237 2518
FAX. 905 237 2687

PROJECT:
34 TOWNHOUSE
6158 MAIN STREET
NIAGARA FALLS, ON.

DRAWING TITLE:
PRELIMINARY
SITE PLAN



SCALE: 1/200

DATE: AUG 2015

DESIGN: _____

DRAFTING: _____

ISSUED: _____

ACAD: _____

DRAWING STATUS: PRELIMINARY

DRAWING NO. A-10

CITY OF NIAGARA FALLS

By-law 2024-XXX

A By-law to amend By-law 79-200, to permit the use of the land for Vacation Rental Units on land at 5901-6009 Robinson Street, legally described as Block 1 to 5, Registered Plan 59M-493, City of Niagara Falls;

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

1. The lands that are subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”.
Schedule 1 is part of this by-law.
2. The purposed of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this bylaw. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall include:
 - a. Existing permitted uses according to By-law R4-916, and;
 - b. Vacation Rental Units
5. All other applicable regulations set out in By-law No. 79-200 and By-law No. R4-916 shall continue to apply to govern the permitted uses on the Lands.
6. No person shall use the Lands for a use that is not a permitted use.
7. No person shall use the Lands in a manner that is contrary to the regulations.

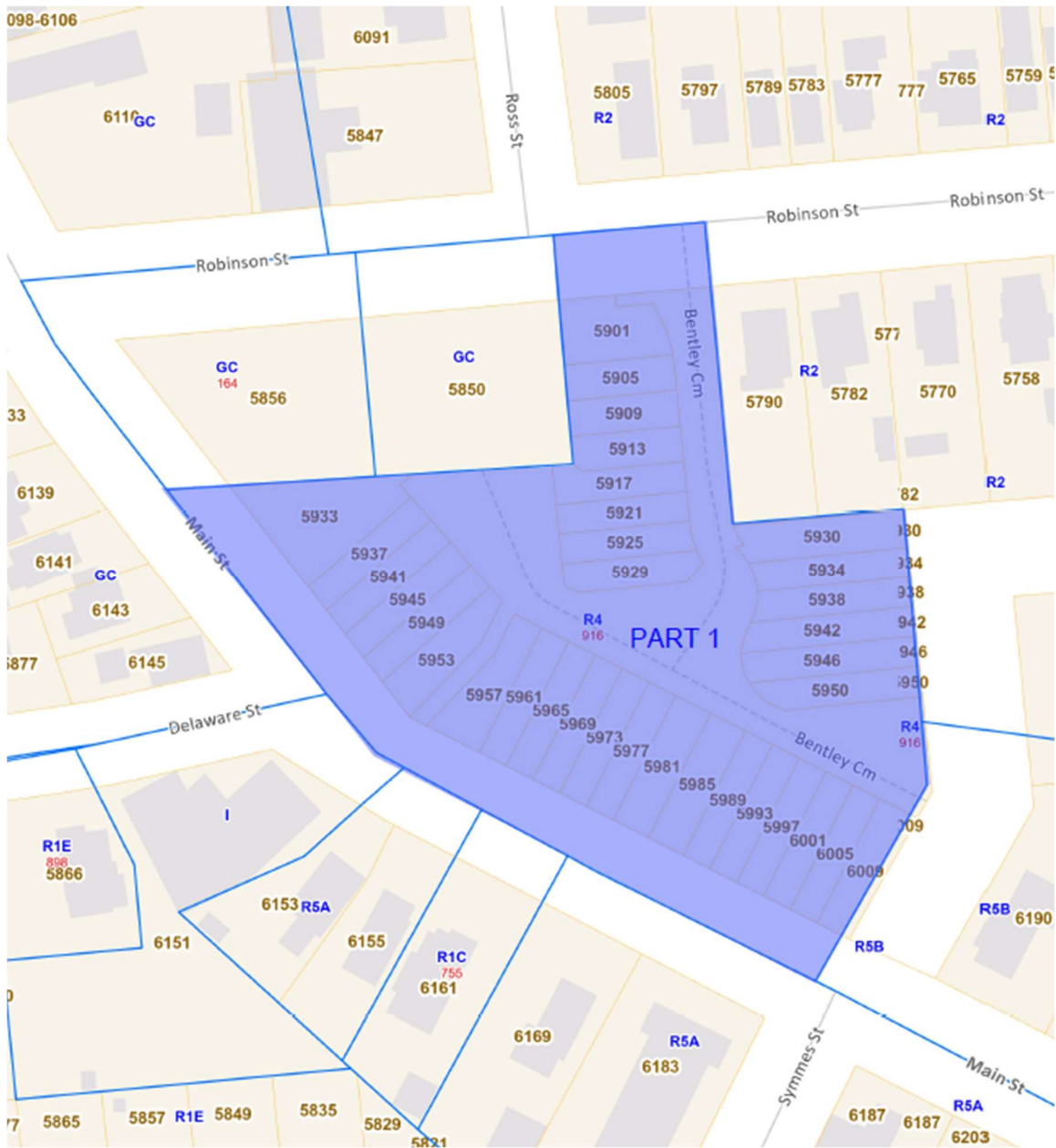
Read a First, Second and Third time; passed, signed, and sealed in open Council this ____

Day of _____, 2024.

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE A TO BY-LAW NO. 2024-XXX



LEGEND:

PART 1 – FROM R4-916 SITE SPECIFIC ZONE TO R4-XX SITE SPECIFIC ZONE

PURPOSE: TO RE-ZONE THE PROPERTY AT 5901-6009 ROBINSON STREET TO PERMIT VACATION RENTAL UNITS AS A PERMITTED USE IN ADDITION TO THE CURRENTLY PERMITTED USES.