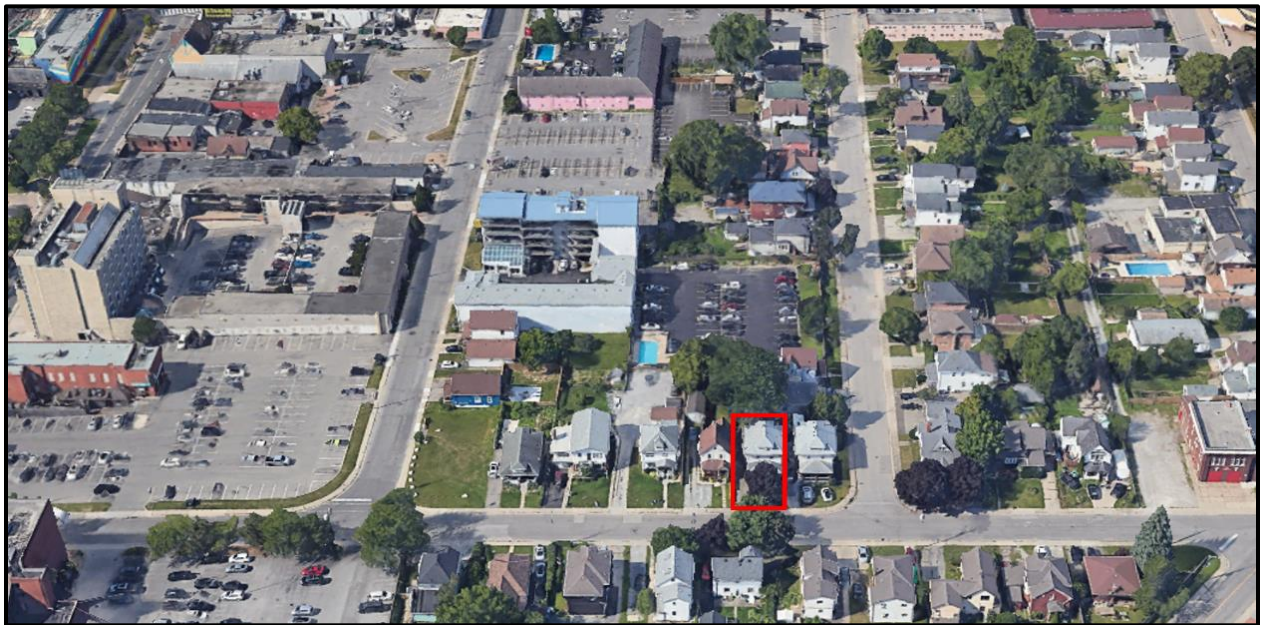


PLANNING JUSTIFICATION REPORT

ZONING BY-LAW AMENDMENT



4952 Walnut Street

Niagara Falls, ON

2024

Prepared For:

Rick Aleo, Property Owner

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1 INTRODUCTION

LandPro Planning Solutions Inc. (LandPro) has been retained by Andrew Hellwig (the “agent”), on behalf of the property owner to provide a Planning Justification Report in support of a Zoning By-Law Amendment for the property located at 4952 Walnut Street, in Niagara Falls. The properties are legally described as PLAN 291 PT LOTS 148, 149.

1.1 PURPOSE

The propose of the application is to amend the City’s Zoning By-law to change the properties zoning from Deferred Tourist Commercial to Site-Specific Deferred Tourist Commercial, permitting one (1) Vacation Rental Unit within an existing detached dwelling, and to recognize several historical zoning deficiencies.

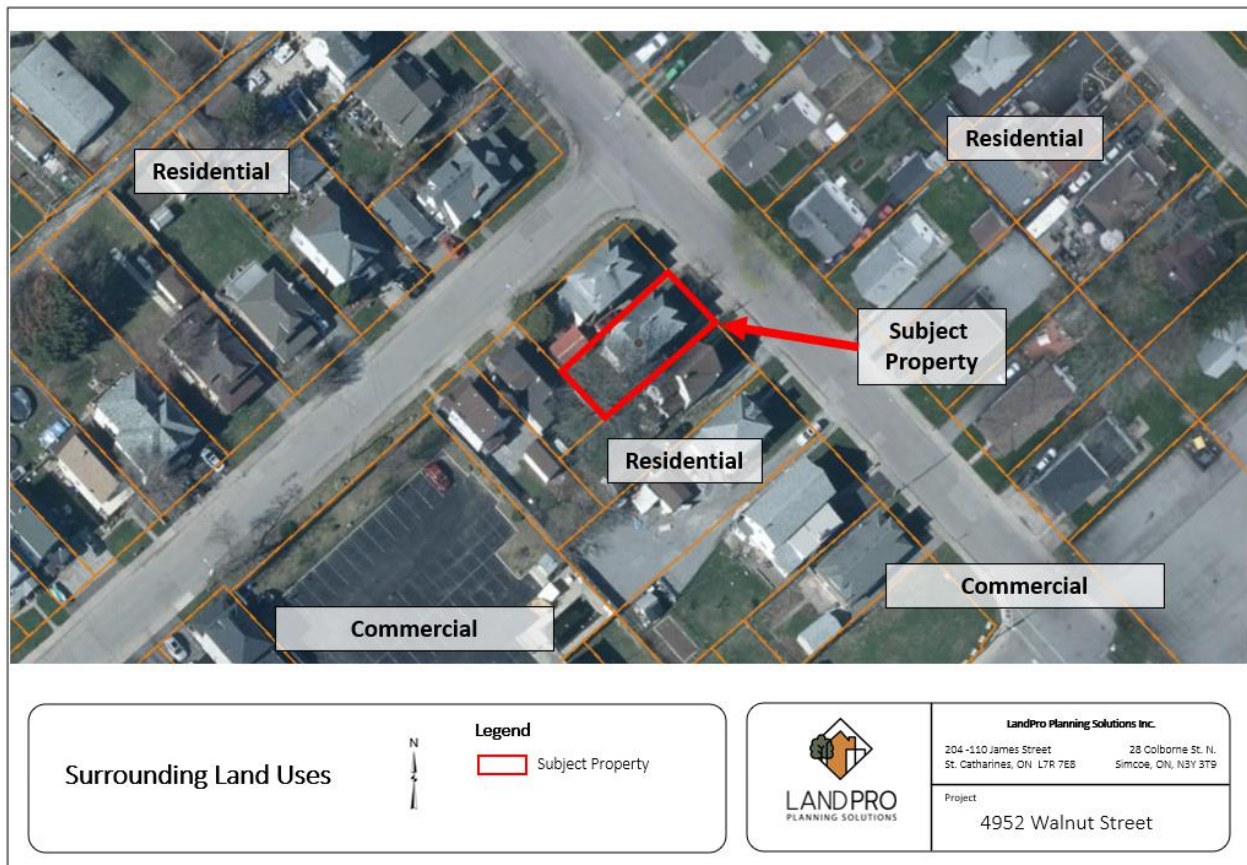
This report serves as the justification of the planning merits for the Zoning By-Law Amendment.

2 SITE CONTEXT

The subject property is located on the southwest side of Walnut Street. South of Kitchener Street and north of Victoria Avenue. Located entirely within the Clifton Hill Tourism District of the City.

See property location shown in **Figure 1** below.

Figure 1: Property Location



2.1 LAND USE CONTEXT

Currently, 4952 Walnut Street contains an existing single-detached residential unit and there are no accessory buildings on the property. The immediate surrounding area are as follows:

- NORTH** Low-density residential properties.
- EAST** Low-density residential properties. Beyond that are hotels, restaurants, tourist commercial. Further east is the Niagara River and the Canada/USA border.
- SOUTH** Hotels and tourist commercial.
- WEST** Low-density residential properties and hotel parking.

PROPERTY DIMENSIONS & PHYSICAL ATTRIBUTES

Table 1 – Existing Property Dimensions

The subject property has frontage onto Walnut Street. The existing property dimensions are presented in **Table 1**.

4952 Walnut St.	
Lot Frontage	+/- 11.3 m
Lot Depth	+/- 27.7 m
Lot Area	+/- 274.46 m ²

3 PROPOSED DEVELOPMENT

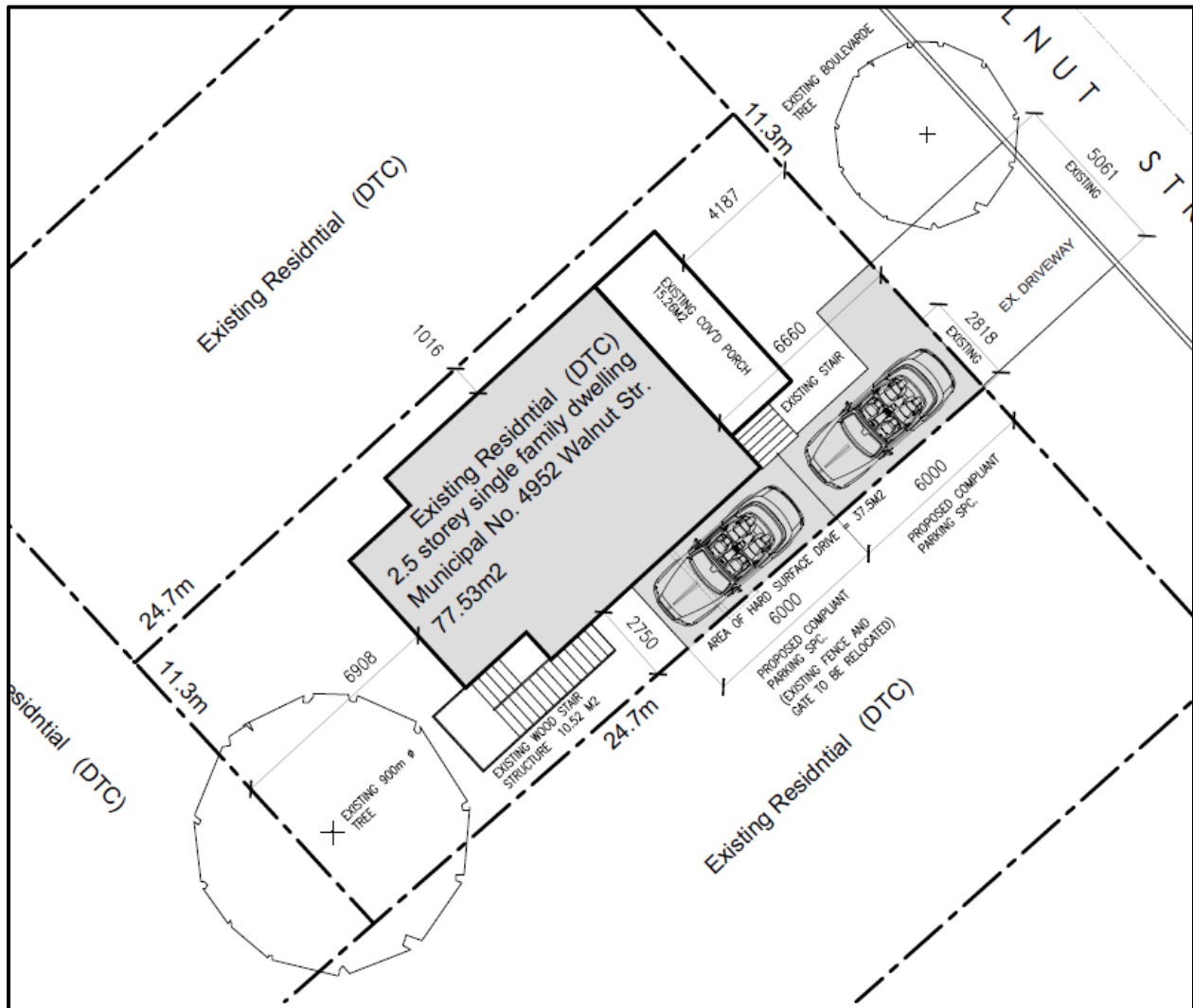
The application is to facilitate the permission of a Vacation Rental Unit in a single-detached dwelling.

The Zoning By-law Amendment intends to rezone the property from **Deferred Tourist Commercial** to **Site-Specific Deferred Tourist Commercial**.

3.1 PRE-CONSULTATION

A pre-consultation meeting was held on September 7, 2023 where the City and associated agencies provided their comments on the proposal. Complete application requirements and included a Planning Justification Report, a Site Plan, Elevations, Floor Plans, and a CAD drawing or survey plan. Please refer to the attached appendices for completed studies/reports.

Figure 2: Concept Plan



4 LAND USE PLANNING FRAMEWORK

In preparing these applications, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act, R.S.O 1990 c.P.13
2. Provincial Policy Statement, 2020;
3. Provincial Planning Statement, DRAFT 2023
4. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
5. Niagara Region Official Plan, 2022;
6. Niagara Falls Official Plan, 2019;

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

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

4.1 PLANNING ACT, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur.

The purposes of the *Act* as outlined in **Section 1.1** are:

- a) to promote sustainable economic development in a healthy natural environment;
- b) to provide for a land use planning system led by provincial policy;
- c) to integrate matters of provincial interest in provincial and municipal decisions;
- d) to provide for planning processes that are fair;
- e) to encourage co-operation and coordination among various interests; and
- f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in **Section 2** of the *Act*. This application *has regard to* the following matters: *h), i), k), p), q), r)*.

This application has regard for the relevant sections of the *Planning Act*.

4.2 PROVINCIAL POLICY STATEMENT, 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The subject lands are in an urban area in the City of Niagara Falls, defined as a **Settlement Area** by the PPS.

Section 1.1.1 outlines sustained healthy, livable, and safe communities through efficient development and land use patterns.

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses for long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

Section 1.1.3 supports the development through focusing growth and development to settlement areas **(1.1.3.1)**. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed;

Lastly, in managing and directing land use for efficient and resilient development and land use patterns, planning authorities are required to promote economic development and competitiveness (1.3.1). This is accomplished by providing for a mix and range of employment opportunities and mixed uses (1.3.1.a). Providing the opportunity for diversifying the economic base, supporting a wide range of economic activities, and considering existing and future business needs. (1.3.1.b).

The proposed development offers a land use that complements the tourist activity in the area, which provides for the continued financial well-being of the Province and municipality over the long term. The change results in negligible changes to public health and safety, minimizes land consumption, and is transit supportive. It also promotes economic development and competitiveness by providing employment opportunities.

This application conforms to the Provincial Policy Statement.

4.3 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides a provincial policy framework for managing growth in the Greater Golden Horseshoe, which applies to Niagara Region and its lower-tier municipalities. The Growth Plan is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

The Growth Plan identifies the subject property as being within the *Delineated Built-Up Area*. The vast majority of growth will be directed to settlement areas **(2.2.1.2.a)** particularly within the delineated built boundary; with access to municipal water and wastewater systems and can support the achievement of

complete communities (2.2.1.2.a.i, 2.2.1.2.a.ii, 2.2.1.2.a.iii). The Growth Plan also establishes that growth in settlement areas will be focused in areas located nearby existing transit, and in areas with existing public service facilities (2.2.1.2.c.i, 2.2.1.2.c.iii, 2.2.1.2.c.iv.).

Applying the policies of the Growth Plan will support the achievement of complete communities that feature a diverse mix of land uses that offer convenient access to local stores, services and public service facilities (2.2.1.4.a). And expand convenient access to a range of transportation and active transportation options (2.2.1.4.d.i); provide an appropriate supply of publicly-accessible open spaces, parks, trails, and other recreational facilities (2.2.1.4.d.iii); and healthy, local, and affordable food options (2.2.1.4.d.iv.).

Lastly, Policy 2.2.5.18. recognizes the importance of cross-border trade with the United States. The Growth Plan supports planning and economic development in the it's recognized Gateway Economic Zone which supports economic diversity and promotes increased opportunities for tourism. The property is also located in the Gateway Economic Zone as identified by the Schedule 5/6 of the Growth Plan.

The proposed development is located within the Built-Up area of the City, which the Growth Plan directs the vast majority of growth and development. The development will utilize existing municipal services including water, wastewater, and transit in support of achieving a complete community, and offer convenient access to transportation, active transportation and open spaces, parks, and recreational facilities. It is also located in the Gateway Economic Zone as identified by the Growth Plan; an area identified to promote increased opportunities for tourism.

The proposed applications conform with the Growth Plan.

4.4 NIAGARA REGION OFFICIAL PLAN, 2022

The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

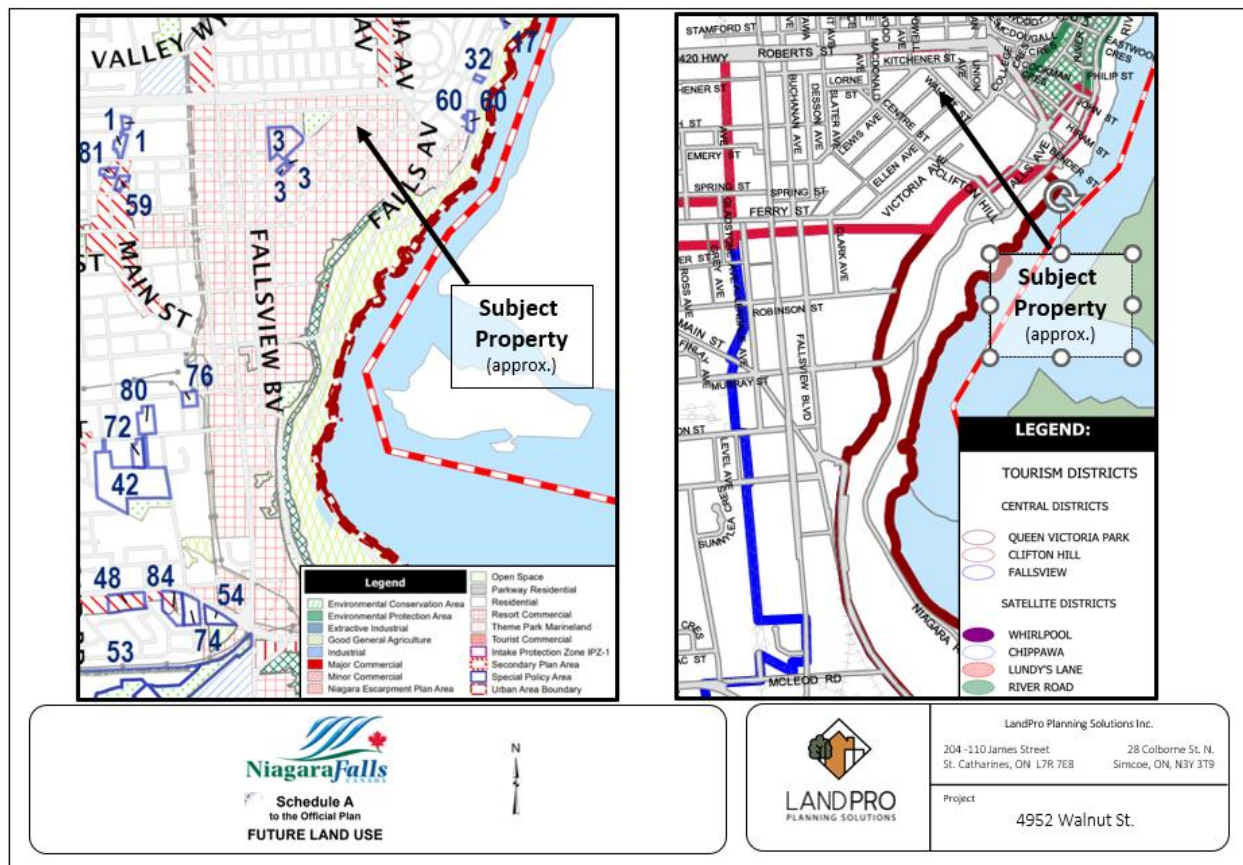
This application proposes a use that is permitted within Regional urban area policies and conforms to the Niagara Region Official Plan.

4.5 CITY OF NIAGARA FALLS OFFICIAL PLAN, 2019

The City of Niagara Falls Official Plan (NFOP) designates the property as Tourist Commercial and Central Tourist District (NFOP Part 2-Land Use Policies, Section 4-Tourist Commercial). The NFOP recognizes that the tourism and accommodation sectors are major source of employment for City and Regional residents and as a result considers tourism commercial lands as employment lands (4.1.4). Figure 4, below outlines the property in relation to the Tourist Commercial areas.

NFOP identifies the Central Tourist District comprising the: Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. The NFOP dictates that it shall continue to be the focal point for tourism activities including, amongst other items, accommodations (4.2.2). Further, the policies for the Clifton Hill subdistrict outline a wide range of commercial/entertainment uses including but not limited to hotels and other tourist-related uses, all of which provide a pedestrian focus at the street level. Tourist-related uses are to provide appropriate transitions and relationships with adjacent residential and institutional uses (4.2.16). Further, given the existing sensitive uses in the area, discretion shall be exercised in phasing in tourist commercial development (4.2.19).

Figure 3: City of Niagara Falls Official Plan



The property is located within the Central Tourist District, consisting of the following subdistricts, Queen Victoria Park, Clifton Hill, and Fallsview. The property’s location is wholly within the Clifton Hill subdistrict and within walking distance of Clifton Hill, approximately 450 metres away. It is also within walking distance of the Queen Victoria Park tourist subdistrict, approximately 800 metres away; and the Fallsview tourist subdistrict just over a kilometre away. Lastly, it is about 600 metres away from the tourist satellite district of River Road. The location of the property supports the NFOP’s strategy to improve the physical setting of the tourist area by fostering the ability for visitors to spend more and lengthen stays by providing more

accommodations to choose from. It also provides a gentle transition in the area from residential to tourist uses by redeveloping a single-detached dwelling into tourist accommodations.

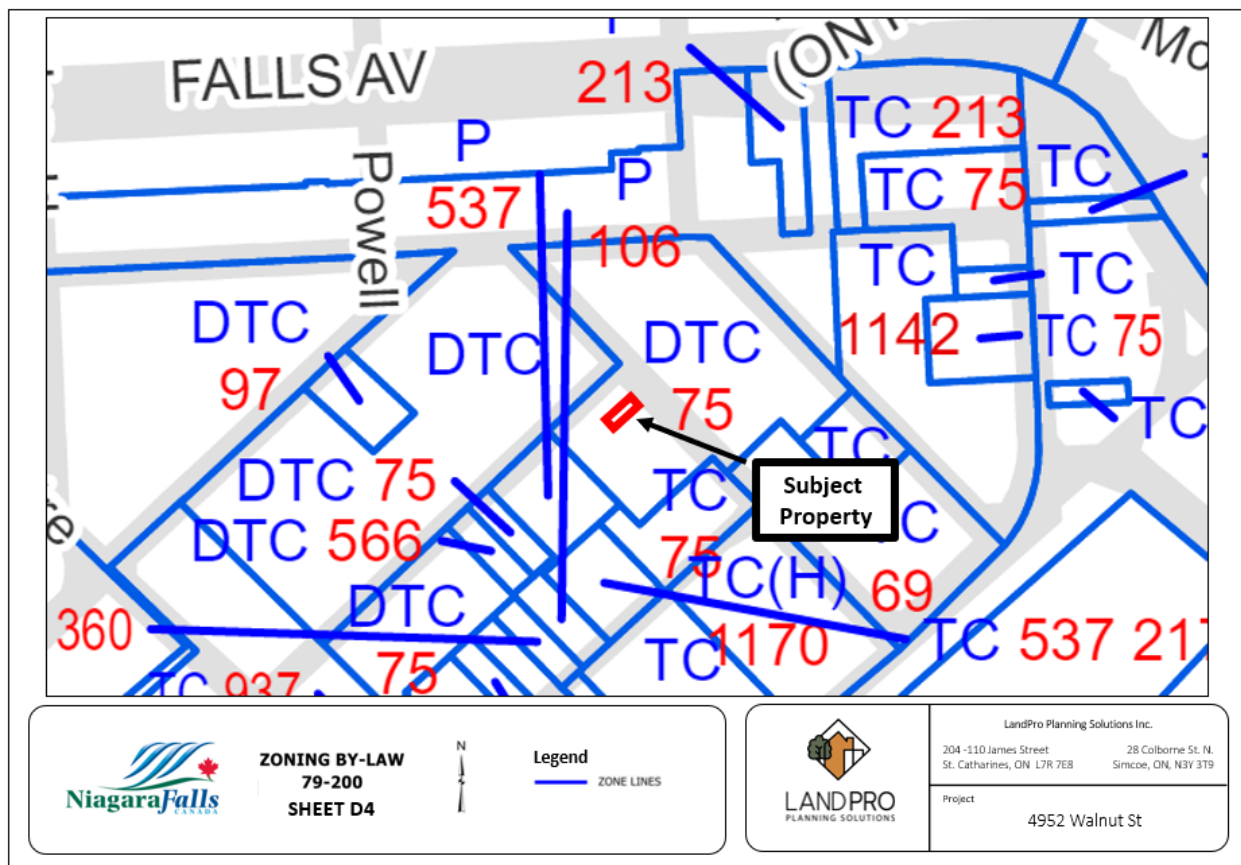
The application conforms to the City of Niagara Falls Official Plan.

4.6 CITY OF NIAGARA FALLS ZONING BY-LAW No. 79-200

The subject properties are currently zoned *Deferred Tourist Commercial Zone (DTC-75)*. See **Figure 5** below.

A Zoning By-law Amendment (ZBA) proposes to maintain the Deferred Tourist Commercial zone but to add site-specific provisions. This includes adding a Vacation Rental Unit as permitted use and to recognize the properties existing deficiencies, noted below in Table 4. For clarity, the DTC zone permits a single detached dwellings and they are subject to the regulations contained in the R1E Zone.

Figure 4: City of Niagara Falls Zoning By-law No. 79-200



See DTC (R1E) Zone provisions below in **Table 3**.

Table 2: City of Niagara Falls Zoning By-Law No. 79-200 – DTC Zone (R1E)

Zone Provisions	Required	Proposed	Comment
Permitted Uses	Various, but not include a Vacation Rental Unit	Vacation Rental Unit	Does not comply. Seeking to add it as a permitted use.
Min. Lot Area	370 sq.m	274.46 sq.m	Existing Deficiency
Min. Lot Frontage	12 m	11.3 m	Existing Deficiency
Min. Front Yard	6 m	6.6 m	Complies
Min. Rear Yard	7.5 m	6.9 m	Existing Deficiency
Min. Interior Side Yard	1.2 m	1.0	Existing Deficiency
Max. Lot Coverage	45%	33.8%	Complies
Max. Building Height	10 m	9.144 m	Complies
Max. number of detached dwellings	1	1	Complies
Parking Requirements (1.4 spaces per unit)	<ul style="list-style-type: none"> 1 parking space per dwelling 2 parking spaces for a VRU (may be provided in tandem) 	2 (in tandem)	Complies
Min. Landscaped Open Space	30% of lot area	48.69%	Complies
Minimum Parking Space width	2.75 m	2.75m – 2.8m	Complies
Minimum Parking Space length	6 m	6 m	Complies

Accessory Structure	Covered front porch not more than 2.5 extended into front yard	2.473 m	Complies
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The Zoning By-law Amendment seeks to add a Vacation Rental Unit as a permitted use. It also serves to recognize the existing property deficiencies that are historical in nature and are generally minor. The deficiencies are related to Minimum Lot Area, Minimum Rear Yard, Minimum Interior Side Yard.

If the zoning by-law amendment is approved by the City, the property will comply with the DTC zoning provisions.

5 PLANNING ANALYSIS

The application proposes to add a Vacation Rental Unit and recognize existing zoning deficiencies.

It has regard to the purposes of the *Planning Act* listed in **Section 1.1**. The application also has regard to the matters of provincial interest outlined in **Section 2**; specifically *h), i), k), p), q), r)*.

The proposed developments offer a development and land use that complements the tourist activity in the area, which provides for the continued financial well-being of the Province and municipality over the long term. The change results in negligible changes to public health and safety, minimizes land consumption, and is transit supportive. It also promotes economic development and competitiveness by providing employment opportunities.

Located within the Built-Up area of the City, the development will utilize existing municipal services including water, wastewater, and transit in support of achieving a complete community. It also offers convenient access to transportation, active transportation and open spaces, parks, and recreational facilities. It is also located in the Growth Plan’s Gateway Economic Zone an area identified to promote increased opportunities for tourism.

Further this to, the property is located within the Central Tourist District and is within walking distance of several tourist districts. This supports the City’s strategy to improve the physical setting of the tourist areas, making it easier to spend more and stay longer by providing them with different accommodations options.

Lastly, although the application seeks to recognize several zoning deficiencies, they are all historical in nature due to previous property development. The only new change is the addition of a permitted use, that being the Vacation Rental Unit, which subject to Council approval will conform to the City’s zoning by-law.

6 CLOSING


It is our opinion that the applications represent good planning and should be approved because the application is:


1. Consistent with the Planning Act;
2. Conforms PPS, and Growth Plan;
3. Conforms to the Niagara Region Official Plan;
4. Conforms to the City of Niagara Falls Official Plan;
5. Subject to approval will conform to Zoning By-law 79-200.

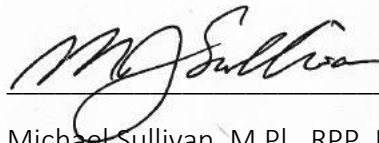
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