



Planning Justification Report: Site-Specific Zoning By-Law Amendment Application

4932 Kitchener Street, Niagara Falls

March 21st, 2025



Approximate Subject Property —

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1.0 INTRODUCTION

Urban in Mind has been retained by the property owner to provide planning justification to support a Zoning By-Law Amendment Application to permit the development of a vacation / short-term accommodation use for the property municipally known as 4932 Kitchener Street in the City of Niagara Falls ('subject property').

The proposed development consists of the conversion of the existing single-detached dwelling into a vacation / short-term accommodation use. This proposal will not result in any redevelopment of the subject property. The application is only for a technical "change of use" zoning permission.

1.1 Purpose of the Report

The purpose of this Planning Justification Report is to outline the proposed planning application and to evaluate the proposal in context with the applicable planning policies, thereby providing a sound justification for the approval of the proposed Zoning By-Law Amendment Application.

This Planning justification Report also includes a **Housing Impact Statement** as required to support the subject Zoning By-Law Amendment Application.

2.0 SUBJECT PROPERTY AND SURROUNDING AREA

2.1 Site Overview

The subject property is municipally known as 4932 Kitchener Street in the City of Niagara Falls. The subject property has a property frontage of 11.11 metres and a total lot area of 324.40 square metres (0.08 acres / 0.03 hectares). The site is currently occupied by a single-detached dwelling within an existing residential neighbourhood, with residential, tourism (hotels, spas, casinos), recreational, commercial and retail uses adjacent or within walking distance of the site.

Figure 1: Aerial View of 4932 Kitchener Street – Subject Property

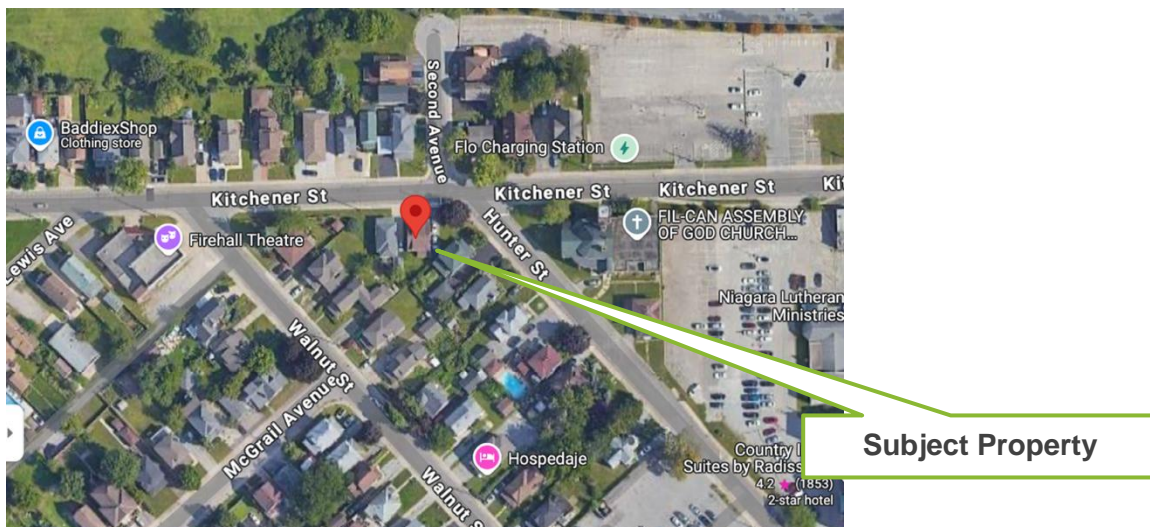


Figure 2: *Street View of 4932 Kitchener Street – Subject Property*



The immediate surrounding area includes the following:

Figure 3: *Street View North of Subject Property*



Figure 4: *Street View East of Subject Property*



Figure 5: *Street View South of Subject Property*



Figure 6: Street View West of Subject Property



2.2 Neighbourhood Character

The subject property is located along Kitchener Street, a local road consisting primarily of residential uses, with some scattered commercial and retail uses within the surrounding area. The subject property falls within the Urban Area and the Delineated Built-Up Area, both of which encourage residential infill and intensification to provide for a growing population.

The existing streetscape is mostly composed of single detached residential dwellings varying between one and two storeys and generally uniform in terms of massing and height. There are no dwellings that significantly stand out or disrupt the character of the street in terms of architectural styles, as building materials are typically brick or clapboard siding all from a similar construction era. The immediate north, east, south, and west of the subject property consist predominantly of residential uses, whereas further south from the subject property, the Clifton Hill-Niagara Falls Business Improvement Area can be found, which provides a mix of uses from casinos, to hotels, to spas and other commercial, retail, and recreational (tourism) uses.

Given the current uses in the surrounding area, the proposed development of a vacation/short-term accommodation property would not be out of character with regard to the nature of the existing streetscape and surrounding neighbourhood. The physical appearance of the subject property would not change, rather the proposed development would facilitate a change in use/permissions as per the Zoning By-Law. As the Niagara Falls economy is largely based on tourism, this proposed change of use would likely not be noticed by the neighbourhood but would positively add to the tourism base for the area.

2.3 Transportation

The subject property fronts onto Kitchener Street, which is classified as a 'Local Road' as per the City of Niagara Falls Official Plan. The subject property is a corner 'irregularly shaped' lot and also has frontage on Hunter Street to the immediate east. The portion of Kitchener Street that directly abuts the subject property (south side of the street) is accompanied by sidewalks, as is the north side of Kitchener Street.

The City of Niagara Falls does offer routine transit routes throughout the City, with a direct bus route along Victoria Avenue, and the nearest stop located 100 metres from the subject property.

The subject property is not within an MTO Regulated Area (**Appendix 'B'**).

3.0 PROPOSED DEVELOPMENT & PLANNING APPLICATION

The subject property is currently designated 'Tourist Commercial' and is zoned 'Deferred Tourist Commercial (DTC)'. It is the intent of the applicant to repurpose the existing single-detached dwelling into a vacation / short-term rental accommodation.

The proposed (*change of use*) development will rezone the subject property to DTC-Special Zone, which will allow for vacation rental units while maintaining the ability to convert back to private housing in the future.

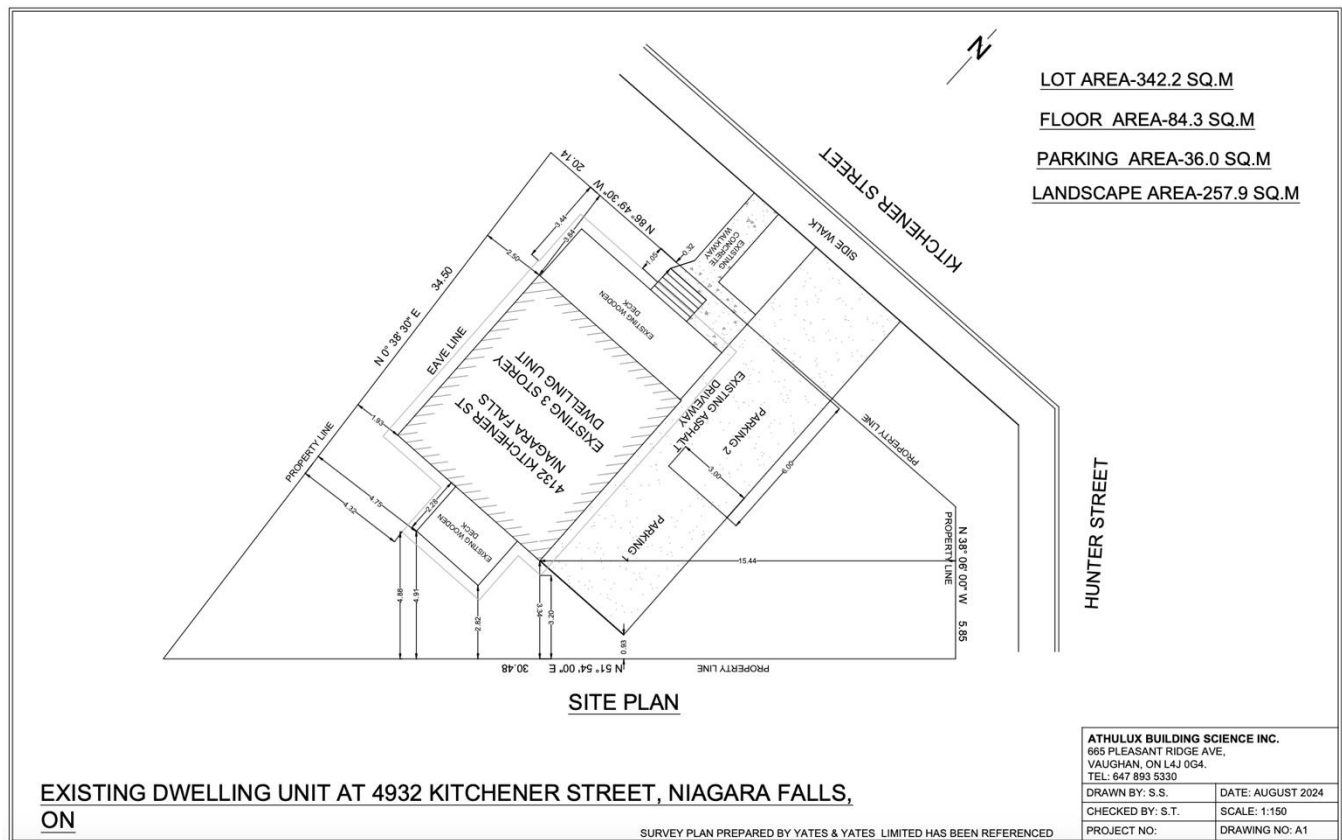
The zoning provisions for the proposed development are outlined below:

Table 1: Zoning Provisions for Proposed Development

Zoning: DTC	Required	Proposed
Minimum Lot Frontage (Hunter Street)	15 m	11 m (existing situation)
Minimum Front Yard Depth	6 m	10.88 m
Maximum Rear Yard Depth	2.13 m	2.13 m (existing)
Minimum Interior Side Yard Width	1.2 m	3.34 m (existing)
Minimum Exterior Side Yard Width	2.62 m	3.84 m (existing)
Maximum Lot Coverage	45%	17.52%
Maximum Height	10 m	7.88 m
Maximum Floor Area	N/A	179.89 m ²

Parking and Access Requirements	2 Spaces	2 Spaces
Accessory Buildings and Accessory Structures	Covered porch: A roofed-over one-storey porch may project into a required front yard or rear yard a distance of not more than 0.45 metres	Covered porch projects into the exterior side yard 2.41 m

Figure 7: Site Plan



4.0 EXISTING PLANNING POLICY AND REGULATORY FRAMEWORK

4.1 Planning Act, R.S.O. 1990, c. P.13:

The Planning Act is the leading provincial legislation that sets out the rules for land use planning in Ontario. The Planning Act ensures that matters of provincial interest are met and guides planning policy to protect citizen rights and the natural environment.

Applicable provisions from the Planning Act have been included as follows:

“Provincial Interest

- 2** *The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under the Act, shall have regard to, among other matters, matters of provincial interest such as,*
- (a) the protection of ecological systems, including natural areas, features, and functions;*
 - (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
 - (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;*
 - (g) the minimization of waste;*
 - (h) the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
 - (i) the adequate provision and distribution of educational, health, social, cultural, and recreational facilities;*
 - (j) the adequate provision of a full range of housing, including affordable housing;*
 - (l) the protection of the financial and economic well-being of the Province and its municipalities;*
 - (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;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides 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.”*

Summary:

*Part I Section 2 of the Planning Act outlines the Provincial Interests in relation to what is considered ‘**Good Planning**’ and within the scope of Provincial Interests. The proposed development addresses the interests of the province in terms of its vision of growth, development and safety), well-designed built form, integrated transportation network, and the provision of employment (customer and employee base) opportunities in various housing options. An explanation as to how the proposed development is an example of ‘**Good Planning**’ is described in **Section 5.0** of this report.*

4.2 Bill 23 (Approved and In-Effect):

Bill 23, the ‘More Homes Built Faster Act’, was recently enacted to amend various statutes with respect to planning, housing, other development, and various other matters across the province of Ontario. The Act contains ten (10) Schedules that range in topic from amendments regarding, most notably, the City of Toronto Act 2006, Conservation Authorities Act, Development Charges Act 1997, Municipal Act 2001, the Ontario Heritage Act, the Ontario Land Tribunal Act 2021, and the Planning Act.

Schedule 9 – The Planning Act, has the most significant impact in relation to the development and redevelopment of properties within Ontario. A summary of general changes that could affect planning applications are as follows:

- Certain upper tier municipalities (Simcoe, Halton, Peel, York, Durham, **Niagara**, Waterloo) will be removed from the approval process for lower-tier Official Plan Amendments and Plans of Subdivision
- Third-party appeals of **some** planning applications will be removed. This includes appeal rights to minor variance and consent applications. Only the Minister and certain public bodies will be permitted to appeal. Conservation Authorities will also have significant limitations regarding appeal rights.
- Parkland Dedication cap for land proposed for residential development (including plans of subdivision and site plan applications). Non-profit housing units as well as housing units containing up to three residential units will be exempt from the parkland dedication by-law.
- The Growth Plan and Provincial Policy Statement (PPS) will become one consolidated province-wide planning policy document.

As such, this new Legislation does not impact the proposed development, as the application is via the Zoning By-Law Amendment and possibly site plan approval process.

4.3 Provincial Planning Statement (2024):

The NEWLY implemented Provincial Planning Statement (PPS) for the Province of Ontario was recently updated in October 2024. It provides Provincial Policy direction on matters of Provincial interest related to land development under the Planning Act. The NEW Provincial Policy Statement also integrates policies from Growth Plan for the Greater Horseshoe, which was revoked when the NEW PPS came into effect. The Goal of the PPS is to enhance the quality of life for all people living, working and/or playing in Ontario.

Simply put, when municipal governments contemplate land use policies (e.g. Official Plan, Secondary Plan, Zoning By-law, Site Plan, etc.) or consider planning applications under these policies, the PPS must be considered.

These applicable PPS policies have already been incorporated into the Region's Official Plan and the City's Official Plan, and therefore by way of the current policies have been considered.

Applicable excerpts from the Provincial Planning Statement have been included below:

“Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

1. *As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.*

2. *Notwithstanding policy 2.1.1, municipalities may continue to forecast growth using population and employment forecasts previously issued by the Province for the purposes of land use planning.*
3. *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*
 1. *a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
 2. *b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*
6. *Planning authorities should support the achievement of complete communities by:*
 - a) *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long- term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b) *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c) *improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

2.2 Housing

1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
 - b) *permitting and facilitating:*
 - i. *all housing options required to meet the social, health, economic and well-*
 - ii. *being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*

iii. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

- 1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
- 2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a) efficiently use land and resources;*
 - b) optimize existing and planned infrastructure and public service facilities;*
 - c) support active transportation;*
 - d) are transit-supportive, as appropriate; and*
 - e) are freight-supportive.*
- 3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*
- 4. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*
- 5. Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas.”*

4.4 Greenbelt Plan:

The subject property **is not located** within the Greenbelt Area, and as such the policies of Greenbelt Plan **do not apply** (Appendix 'C').

4.5 Ministry of Transportation (MTO):

The portion of Kitchener Street that abuts the subject property does not fall under the jurisdiction of the Ministry of Transportation. As such, approval from the MTO will not be required for any new or upgraded access to the road. (Appendix B)

4.6 Niagara Peninsula Conservation Authority (NPCA):

The subject property **does not contain** lands that are within NPCA's Regulated Area. As such, any development on the site **will not require a permit** from the NPCA.

4.7 Region of Niagara Official Plan:

The current and in effect version of the Region's Official Plan was adopted by Regional Council in June 2022 and came into effect in November 2022.

The Regional Official Plan is the leading planning document for guiding growth, land use and development within the Region of Niagara. The document addresses matters such as infrastructure, population growth, servicing, transit, natural heritage, cultural heritage, and administrative municipal policies.

- The subject property is within the '**Delineated Built-Up Area**' and '**Urban Area**' (Appendix 'D').
- The subject property borders the '**Niagara Economic Zone**' (Appendix 'E').
- Kitchener Street is classified as a '**Local Road**' (Appendix 'F').

Applicable excerpts from the Region of Niagara Official Plan have been included below:

"2. GROWING REGION

2.2 Regional Structure

The policies in this section establish a regional structure that directs forecasted growth to settlement areas.

Settlement areas are comprised of both urban areas, which include built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets.

Most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. In particular, strategic growth areas are identified to accommodate a significant portion of the Region's population growth, higher density housing forms, and a greater mix of land uses.

Strategically directing growth can be achieved through a balanced mix of built forms in our communities. The policies in this section support principles of complete communities, which incorporate sustainable land use forms to make Niagara's communities more resilient and infrastructure adaptive to the impacts of climate change.

The objectives of this section are as follows:

- a. manage growth within urban areas;*
- b. accommodate growth through strategic intensification and higher densities;*
- c. protect and enhance the character of rural settlements;*
- d. plan for the orderly implementation of infrastructure and public service facilities; and ensure settlement area expansions support Regional forecasts and growth management objectives; and*
- e. promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

2.2.1 Managing Urban Growth

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

- a. the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;*
- d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. a range of transportation options, including public transit and active transportation;*
 - ii. affordable, locally grown food and other sources of urban agriculture;*
 - iii. co-located public service facilities; and*
 - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;*

- e. built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f. opportunities for transit-supportive development pursuant to Policies 2.2.2.17, 2.2.2.18 and 2.2.2.19;*
- g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*

2.3 Housing

The objectives of this section are as follows:

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

2.3.1 Provide a Mix of Housing Options

2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

2.3.1.2 Local *Area Municipalities shall establish targets in Local official plans for an overall housing mix by density type and affordability based on consultation with the Region and the minimum affordable housing targets outlined in Policy 2.3.2.3.*

2.3.1.3 *The forecasts in Table 2-1 will be used to maintain, at all times:*

- a. the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development; and*
- b. where new development is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification, and lands in draft approved or registered plans.*

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a. facilitating compact built form; and
- b. incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

2.3.2 Provide for Affordable and Attainable Housing

2.3.2.3 To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a. 20 percent of all new rental housing is to be affordable;

2.3.2.5 Affordable housing, specialized housing needs, and community housing should be located:

- a. in areas with existing or planned municipal water and wastewater services/systems and urban amenities;
- b. near existing or planned transit, including higher order transit and frequent transit service, and active transportation facilities; and
- c. near public service facilities, especially community hubs.

2.3.3 Planning Tools to Achieve Affordable and Attainable Housing

2.3.3.1 The following tools will be considered to support the development of affordable and attainable housing:

- a. flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;
- b. streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for developments receiving time-sensitive government funding;
- c. financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing;

- d. *the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*
- e. *site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards;*
- f. *inclusionary zoning provisions within protected major transit station areas and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as described in the Planning Act and Ontario Regulation 232/18; and*
- g. *demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without replacement of the same or higher number of rental units.*

GLOSSARY OF TERMS

Affordable

In the case of rental housing, the least expensive of:

- c. *a unit for which the rent does not exceed 30 per cent of gross annual household income for low- and moderate-income households; or*
- d. *a unit for which the rent is at or below the average market rent of a unit in the regional market area (Growth Plan, 2019).*

Attainable Housing

Rental or ownership housing provided by the market for moderate income households that are generally within the fifth- and sixth-income decile of the regional market area. Attainable housing can include dwelling types of various sizes, densities, and built forms, and is intended to provide individuals with the opportunity to access housing more suitable to their needs.

Niagara Economic Zone

Settlement areas within the zone that is conceptually depicted on Schedules 2, 5, and 6 of the Growth Plan for the Greater Golden Horseshoe, 2019, that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario.”

4.8 City of Niagara Falls Official Plan:

The City of Niagara Falls Official Plan was approved in October 1993 and received its most recent consolidation in January 2024. The Official Plan outlines long-term policy direction and objectives with respect to growth and development in the City of Niagara Falls,

- The subject property is within the ‘**Tourist Commercial Area**’ (Appendix ‘G’).
- The subject property is in the ‘**Tourism District – Clifton Hill**’ (Appendix ‘H’).
- The subject property is in a ‘**Community Planning District – Queen Victoria**’ (Appendix ‘I’).

Applicable excerpts from the City of Niagara Falls Official Plan are as follows:

“PART 1 PLAN OVERVIEW AND STRATEGIC DIRECTIONS

SECTION 4 HOUSING

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

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

The policies in this section conform to the policy framework established in the Niagara Official Plan and are intended to meet the following vision and goals for housing to assist in addressing housing needs as outlined in the City’s Housing Strategy.

- 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*
 - *Establish targets for affordable housing*
 - *Promote a greater diversity of housing types*
 - *Ensure a healthy supply of rental units*
 - *Increase public awareness about housing and provide advocacy for partnerships*
 - *Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing*

- *Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated time frames*
- 4.2 *The City's Housing Strategy and key actions shall be implemented in collaboration with the Region, senior levels of government, the development industry, community partners and other stakeholders to increase housing options, including affordable and purpose-built rental options.*
- 4.3 *Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:*
- 4.3.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
 - 4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
 - 4.3.3 *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
 - 4.3.4 *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*
 - 4.3.5 *Additional dwelling units in single-detached, semi-detached, duplex and townhouse 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.*
- 4.4 *Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:*
- a) *The proposed housing mix by dwelling type and number of bedrooms, as applicable;*
 - b) *How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*
 - c) *The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;*

d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and,

e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

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

a) A tenant relocation plan; and,

b) How the rental units will be replaced, either on site or at a new location.

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.

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

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

As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):

a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.

b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.

4.13 The conservation and renewal of the existing house stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary

demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law, where permitted under the Planning Act, without amendment to this Plan.

- 4.14 *Where permitted under the Planning Act, the conversion of residential rental properties to a purpose other than a residential rental property with six or more units, the demolition of residential rental properties with six or more units, or the assembly of residential rental properties for the purposes of redevelopment with a cumulative total of six or more units, will not be permitted if it adversely impacts the supply of rental housing, as determined by housing targets, including affordable rental targets, set out in this Plan, the Niagara Official Plan; or, as determined by rental vacancy rates being below the minimum 3 per cent threshold.*
- 4.15 *Where permitted under the Planning Act, rental accommodation shall further be protected from condominium conversion by prohibiting the conversion of rental accommodation to condominium tenure when the vacancy rate is at or below 3 per cent over the preceding three-year period.*
- 4.16 *The City's housing market shall be monitored. The City shall initiate, when required, changes to municipal policy to satisfy local housing requirements. This annual monitoring program will include various housing-related information with particular emphasis on the following items:*
- 4.16.1 *Residential land supply.*
 - 4.16.2 *The range of housing forms built in new residential development.*
 - 4.16.3 *New housing prices relative to household income distribution.*
 - 4.16.4 *Intensification performance analysis.*
 - 4.16.5 *Accessory dwelling units, including the number of units registered and incentive uptakes, if applicable.*

PART 2 LAND USE POLICIES

SECTION 1 RESIDENTIAL PREAMBLE

The policies of this section are intended to guide the provision of housing which is affordable, accessible, adequate and appropriate to the needs of a full range of households in the City and to guide the development and redevelopment of Residential lands shown on Schedule "A" of this Plan. The City will ensure that a sufficient supply of land is available, on a continuing basis, to accommodate all forms of housing and that appropriate opportunities are provided for residential intensification. Lands designated for residential use shall be sufficient to accommodate anticipated population growth and the need for various housing types and densities throughout the period of the Plan. Residential development should occur in a manner

which is compatible with the surrounding neighbourhood. Various amenity features will be incorporated within developments to ensure pleasant living conditions and a high quality of life. While housing represents the main component within this land use designation, other compatible land uses serving area residents which contribute to and enhance the surrounding residential environment will be encouraged and permitted in order to achieve a complete community.

GENERAL POLICIES

- 1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.*
- 1.2 A variety of ancillary uses may also be permitted where they are compatible with the residential environment and contribute to a complete community. Ancillary uses shall include, but are not limited to schools, churches, nursing homes, open space, parks, recreational and community facilities, public utilities and neighbourhood commercial uses. In interpreting compatibility, ancillary uses will be assessed according to the following principles.*
 - 1.2.1 Ancillary uses within the Built-up Area that have the potential of generating large volumes of traffic are generally encouraged to locate:*
 - on an arterial or on a collector in proximity to an arterial road in order to minimize disturbances to area residents;*
 - such that area residents can conveniently access the uses by means of walking, cycling, public transit or motor vehicle; and*
 - in proximity to a transit stop.*
 - 1.2.2 Ancillary uses within the Greenfield Area shall be provided for through design within secondary plans taking into consideration the above criteria.*
- 1.3 Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the residential neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of the overall neighbourhood.*
- 1.4 The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision is not necessary to implement the policies of this Plan or applicable secondary plan.*

- 1.5 *Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.*
- 1.6 *Minor increases in height and/or density may be allowed for individual multiple unit proposals in accordance with the Bonus Zoning provisions contained in Part 4, Section 4 of this Plan.*
- 1.7 *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*
- 1.8 *Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.*

BUILT-UP AREA

- 1.10 *It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:*
 - 1.10.1 *The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*
 - 1.10.2 *A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.*
 - 1.10.3 *Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.*
 - 1.10.4 *The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In*

addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law.

1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:

(i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood.

(ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

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

Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;*
- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
- street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
- parking is to be encouraged to be located within parking structures that are integrated with the development; and*

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

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 an site-by-site basis. Amendment applications will be reviewed subject to the following criteria:

- 1.12.1 Vacation Rental Units are limited to single or semi-detached dwellings or a second unit to a 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.*
- 1.12.3 Parking and landscaping shall be consistent with the residential environment.*
- 1.12.4 The size of the lot, the provision of landscaped amenity space, ability to accommodate required parking, nature and classification of the street and the proximity to tourist areas shall all be considered.*
- 1.12.5 An undue concentration of Vacation Rental Units is to be avoided in order to reduce the impact on the character of the residential nature of the area and residential enjoyment of permanent residents.*
- 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.*
- 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.*

SECTION 4 TOURIST COMMERCIAL PREAMBLE

This Official Plan establishes policies for the Tourist Commercial Area which emanate from the Niagara Falls Tourist Area Development Strategy and public consultation. The overall emphasis of that strategy is to improve the physical setting of the Tourist Area, creating a world-class tourist destination which fosters increased visitor spending, lengthens visitor stays and extends the tourist season.

The policies have been established within an overall planning framework based on the following objectives:

- *to preserve and protect the primary tourism resource - the Falls, and the quality of its viewing experience;*
- *to ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area; C to establish Tourist Districts which complement and support each other;*
- *to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;*
- *to ensure that the new Casino Development supports the objectives of this Plan and enhances the existing tourism product;*
- *to ensure that the People Mover system supports the objectives of this Plan, enhances the existing tourism product, and is constructed in a manner which improves future development opportunities; and,*
- *to ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods.*

None of the policies in this Plan supersede any site-specific zoning approvals which exist before the day of passage of these policies. Furthermore, site specific zoning approvals will not create any additional setback requirements on adjoining lands.

4.2 TOURIST DISTRICTS

4.2.8 The designation of lands for Tourist Commercial purposes as delineated on Schedule "A" provides for compact growth rather than dispersed development as well as a servicing program aimed at realizing the full potential of each tourist district. Except for minor boundary adjustments, no new Tourist Commercial District or major expansion of an existing district is contemplated during the life of this Plan. However, where such development is proposed, an amendment to this Plan may be considered based on need and the submission of the following studies:

- (i) land use study describing the appropriateness of the site for the proposed use, compatibility with surrounding land uses and integration with the established tourist plant;*
- (ii) traffic impact study addressing the functionality of roads and necessary upgrades;*
- (iii) servicing report outlining the method of accommodating sanitary and storm water systems; and,*
- (iv) environmental studies describing any woodlots, fish habitats and watercourses which may be affected by the development.*

- 4.2.9 *Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.*

CLIFTON HILL SUBDISTRICT

- 4.2.16 *The Clifton Hill Subdistrict shall function as the commercial-entertainment centre of the Tourist Area, preserving its festival atmosphere. A wide range of commercial/entertainment uses shall be permitted including, but not limited to, tourist retail, hotels, restaurants, cafes, nightclubs, museums, art galleries, theatres and other tourist-related uses, all of which provide a pedestrian focus at the street level. The most intensive uses shall be located to the east of Victoria Avenue where a concentration of tourism activities already exists. Tourist-related uses to the west of Victoria Avenue shall provide an appropriate transition and relationship with the adjacent residential and institutional uses located within this Subdistrict.*
- 4.2.17 *The Clifton Hill Subdistrict shall maintain a direct connection to Lundy's Lane and provide improved access to the Fallsview Subdistrict through the Grand Boulevard concept. The intersection of Victoria Avenue, Ferry Street and the Grand Boulevard shall be distinguished by a public plaza.*
- 4.2.18 *New developments within the Clifton Hill Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 of this Plan with respect to the development's built form.*
- 4.2.19 *Given the extensive area encompassed by the Clifton Hill Subdistrict and the large tracts of land occupied by non-tourist serving uses, such as industry, housing and schools, discretion shall be exercised in phasing tourist commercial development into these areas in order to concentrate tourism activities along the streets of Clifton Hill, Victoria Avenue and Ferry Street, and to minimize impacts on existing land uses. To accomplish this phasing, the implementing Zoning By-law shall defer tourism development until expansion is required and adequate services are available.*
- 4.2.20 *A comprehensive Streetscape Master Plan for the Clifton Hill Subdistrict shall be undertaken, in cooperation with area BIA's, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.*

PART 4 ADMINISTRATION AND IMPLEMENTATION

SECTION 11 COMMUNITYIMPROVEMENT

PREAMBLE

The Community Improvement provisions of the Planning Act give Council a range of tools to proactively stimulate community improvement, rehabilitation and revitalization through the preparation and adoption of community improvement plans for designated community improvement project areas. It is the intent of Council to maintain and promote an attractive and safe living and working environment through community improvement. A community improvement project area may be the entire urban area of the City of Niagara Falls, or any part of the urban area.

Once a community improvement plan has been adopted, Council may undertake a wide range of actions for the purpose of carrying out the community improvement plan. Provincial approval of a community improvement plan will be obtained to offer financial incentives to stimulate or leverage private and/or public sector investment.

POLICIES

11.1 Council shall promote a living and working environment that is attractive, well maintained and safe through community improvement.

11.2 Community improvement will be accomplished through the:

11.2.1 Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, social, community or recreational services, or economic instability;

11.2.2 establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;

11.2.3 designation by by-law of Community Improvement Project Areas, the boundary of which may be the entire urban area of the City of Niagara Falls, or any part of the urban area of the City of Niagara Falls, as defined in this Plan and as amended from time to time; and

11.2.4 preparation, adoption and implementation of Community Improvement Plans, pursuant to the Planning Act.

11.3 The following criteria should be considered when designating a Community Improvement Project Area:

11.3.1 buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;

- 11.3.2 *non-conforming, conflicting, or incompatible land uses or activities;*
- 11.3.3 *deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, streetscapes and/or street lighting;*
- 11.3.4 *poor road access and/or traffic circulation;*
- 11.3.5 *deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;*
- 11.3.6 *inadequate mix of housing types;*
- 11.3.7 *brownfield sites;*
- 11.3.8 *poor overall visual quality, including but not limited to, streetscapes and urban design;*
- 11.3.9 *high commercial or industrial vacancy rates and the general underutilization of buildings and land;*
- 11.3.10 *existing or potential business improvement areas;*
- 11.3.11 *vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;*
- 11.3.12 *shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;*
- 11.3.13 *other barriers to the repair, rehabilitation or redevelopment or underutilized land and/or buildings; and,*
- 11.3.14 *any other environmental, energy efficiency, social or community economic development reasons.*
- 11.4 *Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas:*
 - 11.4.1 *shown as General Areas for Community Improvement in Appendix V of this Plan; and/or*
 - 11.4.2 *where the greatest number of conditions as established in Section 11.3 are present; and/or*

11.4.3 *where one or more of the conditions as established in Section 11.3 is particularly acute; and/or*

11.4.4 *where one or more of the conditions as established in Section 11.3 exists across the urban area of the City.*

11.5 *Community Improvement Plans shall be prepared and adopted which:*

11.5.1 *encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;*

11.5.2 *encourage the preservation, restoration, adaptive reuse and improvement of historical or architecturally significant buildings.*

11.5.3 *encourage residential and other types of infill and intensification;*

11.5.4 *encourage the construction of a range of housing types and the construction of affordable housing;*

11.5.5 *upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;*

11.5.6 *improve traffic circulation;*

11.5.7 *provide accessibility for persons with disabilities;*

11.5.8 *encourage off-street parking and provide municipal parking facilities where feasible and appropriate;*

11.5.9 *promote the ongoing viability and revitalization of the downtown and other general areas requiring community improvement;*

11.5.10 *support existing or potential business improvement areas;*

11.5.11 *improve environmental conditions or energy efficiency;*

11.5.12 *improve social conditions;*

11.5.13 *promote cultural development;*

11.5.14 *facilitate and promote community economic development;*

11.5.15 *improve community quality, safety and stability; and*

11.5.16 *improve energy efficiency.”*

4.9 City of Niagara Falls Zoning By-Law:

The subject property is currently zoned **Deferred Tourist Commercial (DTC)** (**Appendix ‘J’**). In order to facilitate the proposed development, a Zoning By-Law Amendment is necessary to change the subject property from the existing DTC Zone to a DTC-Special Zone.

“SECTION 2 - DEFINITIONS

In this By-law, unless the context requires otherwise:

“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 the travelling and vacationing public and is licenced by the City of Niagara Falls to carry on business.

4.19 PARKING AREAS

4.19.1 REQUIREMENTS:

- (a) *The owner or occupant of every building or structure to be erected or used for any of the purposes listed in Table 1 of this section shall provide and maintain a parking area which shall be located on the same lot occupied by such building or structure. The said parking area shall contain individual parking spaces to the extent at least prescribed in said Table 1 for the respective classes of uses, buildings or structures set out therein together with a manoeuvring aisle to serve each row or each 2 rows of parking spaces. The said parking area shall be provided and maintained in accordance with the requirements of this section and such requirements as may be made a condition to the approval of plans and drawings in a site plan control area established under section 35a of The Planning Act. Where a building, structure or lot accommodates more than one use or purpose, the required parking spaces shall be the sum of the required parking spaces for each such use or purpose.*

CLASS OF USE, BUILDING OR STRUCTURE	MINIMUM PARKING SPACE REQUIREMENTS
Vacation Rental Unit	2 parking spaces, which may be provided in tandem

4.27 ROAD ALLOWANCE REQUIREMENTS - SPECIFIC ROADS (2009-176)

Notwithstanding any other provisions of this By-law, yard requirements adjacent to the roads listed in Table 1 of this section shall be measured a minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1.

Notwithstanding any other provisions of this By-law, any portion of a lot adjacent to the roads listed in Table 1 of this section and located within the minimum distance from the centreline of the original road allowance in accordance with Column D of Table 1 of this section shall not be used for parking spaces required under section 4.19.1, loading areas

required under section 4.20.1. and landscaped open space required under any regulations contained in any section of this By-law.

TABLE 1
ROAD ALLOWANCE REQUIREMENTS

Column A	Column B	Column C	Column D
ROAD	FROM	TO	MINIMUM DISTANCE FROM CENTRELINE OF ORIGINAL ROAD ALLOWANCE
Kitchener Street	Victoria Avenue	Portage Road	10 m

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;*
- (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;*
- (c) The maximum number of travelers permitted to stay in an existing detached dwelling or dwelling unit used as a vacation rental unit 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;*
- (d) Subject to clause (e) of section 4.38, any and every reference to a zone in clause (a) of section 4.38 shall be deemed to include any zone described in section 19 of the by-law that is derived from the zones listed in clause (a) of section 4.38;*
- (e) Existing cottage rental dwellings and any other permitted uses that fall within the ambit of the definition of a vacation rental unit as set out in this by-law shall henceforth be referred to as a vacation rental unit, but in all other respects shall continue to be governed by the site specific regulations that govern their permitted use on the effective date of this amendment to the by-law;*
- (f) Parking and access requirements shall be in accordance with section 4.19.1.*

7.5 RESIDENTIAL 1E DENSITY ZONE (R1E ZONE).

7.5.1 PERMITTED USES: *No person shall within any R1E Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:*

- (a) A detached dwelling**
- (b) A home occupation in a detached dwelling, subject to the provisions of section 5.5*
- (c) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14*

(d) A group home type 1 (2009-176)

(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37 (2018-91)

(f) Additional dwelling unit(s) subject to the provisions of Section 4.45 (2023-110)

7.5.2 REGULATIONS: No person shall within any R1E Zone use any land or use any building or structure except in accordance with the provisions of sections 4 and 5 and the following regulations:

(a) Minimum lot area	
(i) for an interior lot	370 square metres (3,982 sq. ft.)
(ii) for a corner lot	450 square metres (4,843.8 sq. ft.)
(b) Minimum lot frontage	
(i) for an interior lot	12 metres (39.4 ft.)
(ii) for a corner lot	15 metres (49.2 ft.)
(c) Minimum front yard depth (93-284)	6 metres (19.7 ft.) plus any applicable distance specified in section 4.27.1
(d) Minimum rear yard depth	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1
(e) Minimum interior side yard width (2011-136)	1.2 metres (3.9 ft.) subject to the provisions of clause a of section 5.1,
(f) Minimum exterior side yard width	4.5 metres (14.8 ft.) plus any applicable distance specified in section 4.27.1
(g) Maximum lot coverage	45%
(h) Maximum height of building or structure	10 metres (32.81 ft.) subject to section 4.7
(i) Deleted by By-law No. 2011-136	
(j) Maximum number of detached dwellings on one lot	1 only
(k) Parking and access requirements	in accordance with section 4.19.1
(l) Accessory buildings and accessory structures	in accordance with sections 4.13 and 4.14
(m) Minimum landscaped open space (2008-148)	30% of the lot area

8.8 DEFERRED TOURIST COMMERCIAL ZONE (DTC ZONE).

8.8.1 PERMITTED USES: No person shall within any DTC Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:

(a) A use which is lawfully being carried on the date of the passing of this By-law upon such land or in any building or structure erected thereon

(b) An accessory use to the use described in clause (a)

(c) **A detached dwelling**

(d) A home occupation in a detached dwelling or in a dwelling unit of an existing semidetached dwelling or duplex dwelling, subject to the provisions of section 5.5

(e) A bed and breakfast in an existing detached dwelling, that complies with the provisions set out in section 4.37 (2018-91)

(f) Additional dwelling unit(s) subject to the provisions of Section 4.45 (2023-110)

8.8.2 REGULATIONS: *No person shall within any DTC Zone use any land or erect or use any building or structure except in accordance with the provisions of section 4 and the following provisions and regulations:*

*a) **All of the provisions** of section 5 which apply to R1E Zones shall also apply to DTC Zones*

b) All of the regulations for R1E Zones contained in section 7.5.2 shall also apply to DTC Zones

c) Nothing in this section shall apply to prevent the reconstruction of any building or structure that is damaged by causes beyond the control of the owner subsequent to the date of the passing of this By-law, provided the reconstruction of such building or structure will not increase the height, size or volume or change the use of such building or structure

d) Nothing in this section shall apply to prevent the strengthening or restoration to a safe condition of any building or structure or part of any such building or structure or the alteration or repair of an existing building or structure, provided such alteration or repair will not increase the height, size or volume or change the use of such building or structure.

5.0 PLANNING JUSTIFICATION

5.1 Site Suitability

The proposed zoning by-law amendment will result in the conversion of an existing single-detached dwelling to a vacation rental unit within an area designated for tourist commercial uses including residential intensification and economic growth. The subject property will not undergo any external redevelopment, as only a 'change of use' is being requested at this time. The proposed change of use is appropriate for the subject property, as it will result in a functional, well-designed, and compatible use with surrounding properties. The use will also retain the ability to easily convert back to permanent housing should the need arise.

The proposed Zoning By-Law Amendment for the subject property will facilitate an appropriate enhancement of the existing single-detached dwelling, as the proposed change of use will contribute to the economic growth of the City of Niagara Falls (providing alternative accommodations for visitors ~ other than a room in a hotel/motel) as well as contribute to the tourism economic industry. The subject property is located within a Tourist Commercial Area, a Tourist District (Clifton Hill) and is located on the periphery of the Niagara Economic Zone (within walking distance). Thus, the proposed development contributes to the Region and City's concept of a full range of housing options (vacation rental) and demonstrates appropriate land uses that will encourage growth and development of the main economic force of the City.

As such, the proposed development conforms to the Planning Act.

5.2 Provincial Planning Statement (2024)

The proposed Zoning By-Law Amendment seeks to promote tourist commercial use within an existing single-detached dwelling located within a settlement area. According to the PPS, settlement areas are to be the focus of growth and development. It is the intent of the PPS to accommodate and encourage growth in a way that promotes the efficient use of existing land and infrastructure to meet the long-term needs of communities (**2.3.1(2)**). The development will also support the long-term economic prosperity objectives of the PPS, as it aims to optimize the long-term availability and use of land and resources and promote a well-designed built form that maintains and enhances the existing character of the community (**2.3.1(2)**).

As such, the proposed development conforms to the Provincial Planning Statement.

5.3 Region of Niagara Official Plan:

The subject property is located within the Urban Area, the Delineated Built-Up Area, and within walking distance of the Niagara Economic Zone. Residential development in the form of residential infill and intensification is encouraged, and continues to occur throughout the City.

The proposed Zoning By-Law Amendment will result in a development (i.e. conversion) that will support the creation of complete communities. It also maintains a range and mix of housing types to accommodate short term housing needs while maintaining the character of the existing residential area. A range of transportation options (public transit and active transportation) is available to the property, and it is within walking distance to local services and facilities, including tourism activities (2.2.1.1). Due to its proximity to the Niagara Economic Zone, the subject property also has significant economic opportunities. The proposed conversion of the existing single-detached dwelling into a vacation rental / short-term accommodation unit will ultimately attract and house more tourists to the Clifton Hill Tourist District as it provides an alternative means of accommodation for those looking to stay in a house rather than a hotel room. Overall, the proposed change of use for the subject property will promote and support the tourism industry within the Clifton Hill tourist district, while having no real impact on the neighbourhood character.

As such, the proposed development of the subject property is aligned with the policies of the Region of Niagara Official Plan.

5.4 City of Niagara Falls Official Plan:

The subject property is located within the Tourist Commercial land use designation, within the Queen Victoria Community Improvement Area, and the Clifton Hill Tourist District. Vacation rental units are permitted within the Tourist Commercial area via a zoning by-law amendment process on a site-by-site basis. The proposed development meets the following criteria as outlined in the City's Official Plan: located within a single-detached dwelling, limited to three (3) bedrooms, consistent parking and landscaping with the surrounding area, adequate lot size to accommodate parking (**Part 2 Section 1, 1.12**). The proposed vacation rental use will not result in any physical changes to the existing single-detached dwelling, lot size and configuration, or neighbourhood character. The subject property will continue to function as-is, with the only change being that of the technical use of the dwelling. Due to its proximity to public transportation options, its location within the Clifton Hill Tourist District, and the "non-impact" nature of the proposed development, the proposed vacation rental use for the subject property is appropriate and will not result in any disruptions or deviations from the existing surrounding neighbourhood and its character.

As such, the proposed development of the subject property is aligned with the policies of the City of Niagara Falls Official Plan.

5.5 City of Niagara Falls Zoning By-Law 79-200:

The subject property is zoned DTC Deferred Tourist Commercial. The purpose of the proposed Zoning By-Law Amendment is to change the (site specific) zoning of the subject property to a DTC-Special Zone to allow for a vacation rental unit within an existing single detached dwelling

but also maintain the ability to re-convert back to a single detached dwelling should the need arise.

Three site-specific conditions are being requested, two of which are in recognition of existing conditions on the subject property, as there is no development proposed to occur as part of this application.

Zoning: DTC	Required	Proposed
Minimum Lot Frontage	15 m	11 m (Existing Situation)
Minimum Front Yard Depth	6 m	10.88 m
Maximum Rear Yard Depth	2.13 m	2.13 m (existing)
Minimum Interior Side Yard Width	1.2 m	3.34 m (existing)
Minimum Exterior Side Yard Width	2.62 m	3.84 m (existing)
Maximum Lot Coverage	45%	17.52%
Maximum Height	10 m	7.88 m
Maximum Floor Area	N/A	179.89 m ²
Parking and Access Requirements	2 Spaces	2 Spaces
Accessory Buildings and Accessory Structures	Covered porch: A roofed-over one-storey porch may project into a required front yard or rear yard a distance of not more than 0.45 metres	Covered porch projects into the exterior side yard 2.41 m

Reduction to Minimum Required Lot Frontage (Existing):

As per the City of Niagara Falls Zoning By-Law, the minimum required lot frontage in the DTC Zone is 15 metres. The existing lot frontage for the subject property is 11.11 metres from the defined front lot line at the Hunter Street property frontage. Given that no proposed development is occurring as part of this application, the reduction to the minimum required lot frontage is technical in nature. The functionality of the subject property will not be disrupted, nor will its physical appearance, as it will maintain its form and function and not detract from the existing streetscape of the surrounding neighbourhood, nor will it set a precedent for new development, as no physical development will be occurring other than a change of use. This issue is

considered a Non-Complying “Grandfathered” detail, that has only become a technical concern due to the proposed change of use approval process for the existing building.

Location of Covered Porch and Increase to Covered Porch Projection (Existing):

As per the City of Niagara Falls Zoning By-Law, a covered porch may encroach into a front or rear yard no more than 0.45 metres. The existing porch is located in the exterior side yard facing Kitchener Street and encroaches 2.41 metres into the yard. The defined front lot line of the subject property is along Hunter Street, however, the existing dwelling faces Kitchener Street. As such, it appears that the primary frontage (front lot line) of the subject property is along Kitchener Street. It is important to note that the covered porch and its location are existing conditions and will be recognized as “grandfathered” as there is no physical redevelopment of the subject property as part of the proposed development. This being said the requested site-specific conditions will not introduce zoning provisions or standards that deviate from the zoning by-law but rather recognize an existing situation. Further, the requested site-specific conditions will not disrupt the functionality or appearance of the subject property (as it historically exists) and will not change the existing streetscape of the surrounding neighbourhood.

Vacation/Short-Term Rental Use:

Vacation Rental Units are not currently permitted within the Deferred Tourist Commercial (DTC) Zone as per the City of Niagara Falls Zoning By-Law. The Zoning By-Law Amendment will establish a DTC-Special Zone on the subject property, which will allow for the use of a vacation rental unit within the existing single-detached dwelling. As previously mentioned, the proposed vacation rental unit will add to the Niagara Falls economic base, as it provides alternative (luxury) accommodation for tourists in an area designated for tourism and in a neighbourhood within walking distance of the main tourist areas of the city (Lundy’s Lane, Clifton Hills, etc.). It is important to note that this requested change of use will not impact the ability of the property owner to convert the dwelling back to private homeownership (without the rental unit use) should the need arise. Furthermore, there is no development proposed on the subject property, neither external nor internal, so zoning standards and provisions will be maintained (besides the recognition of existing/grandfathered conditions). As such, the change of use will not result in any changes to the physical appearance of the property, or its functionality and is appropriate for the subject property.

5.6 Housing Impact Statement:

As part of a complete application for this Site-Specific Zoning By-Law Amendment, a Housing Impact Statement is necessary to demonstrate that the proposed development is appropriate for the subject property given the current housing needs of the Region/City. The proposed development consists of a change of use from a single-detached dwelling to a vacation rental unit but also allows for a change back to single-detached dwelling use should the need arise.

The current overall (residential) vacancy rate for the Niagara Region is 2.7%. As per the City of Niagara Falls Official Plan, the conservation and renewal of the existing housing stock is encouraged to meet future housing needs (**Part 1, Section 4.13**). It is anticipated that further improvement to this rate will continue due to additional new dwelling units being built, and reductions in federal immigration numbers. The proposed development will only remove one (1) permanent housing unit (single-detached dwelling) from the housing market on a technically temporary basis. The existing single-detached dwelling itself will remain on the subject property, and will not physically be removed or demolished, but it will function as a rental unit rather than under homeownership (i.e., occupied by a permanent resident(s)). It is important to note that this housing unit **can be converted back** into a single-detached dwelling use without any physical changes to the building or site. Thus, the proposed development/use is technically temporary in nature as it can be changed back at any time.

According to the 2021 Census Profile for Niagara Region, there were 207,926 private dwellings of which 195,914 of those dwellings were occupied by usual residents (those who permanently reside there). By removing only one (1) unit from the 195,914 private dwellings occupied by usual residents, there should be little to no impact felt by the City/Region's permanent housing supply. Alternatively, this provides more choices and options for the tourist industry other than the typical chain hotel/motel accommodation as this would be luxury housing suitable for large groups and/or families.

As per the 2021 Census Profile, the City of Niagara Falls had a total of 39,778 private dwellings, 37,793 of which were occupied by usual (permanent) residents. By removing only one (1) unit from the 195,914 private dwellings occupied by usual residents, there should be extremely limited, if any, impact on the local housing market.

A business license for vacation rental / short-term rental accommodation must be applied for in the case of the subject property to facilitate a vacation rental unit. The subject property is not being converted to long-term rental use and remains under one ownership (property owner). There are no proposed construction or physical changes to the site, and the ownership is planned to remain with the application of a business license to convert an existing single-detached dwelling to a vacation rental unit.

6.0 CONCLUSION

It is the Author's professional planning opinion as a Registered Professional Planner, that given the respective Provincial, Regional, and Town policies, as well as surrounding transitional conditions, the proposed development is considered '**Good Planning**,' is in the public interest, is consistent with the Provincial Planning Statement, conforms with both the Niagara Region Official Plan and the City of Niagara Falls Official Plan, as well as the City of Niagara Falls Zoning By-Law, and maintains and compliments the character of the existing neighbourhood.

Furthermore, the proposed site-specific zoning amendment does not remove the ability to allow a single detached dwelling, should the need arise to re-convert back to this use, it only facilitates additional opportunities for both tourism and short-term occupation (other than a hotel/motel room). The proposed conversion will have statistically little to no impact on the overall City and Region housing resources but will add new opportunities to strengthen the City/Region's economic engine.

I hereby certify that this Planning Justification Report was prepared and/or reviewed by a Registered Professional Planner (RPP), within the meaning of the Canadian Institute of Planners and the *Ontario Professional Planners Institute Act*, 1994.

Prepared by:



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Reviewed by:



Terrance Glover, RPP, CPT, MCIP

Principal,

Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants



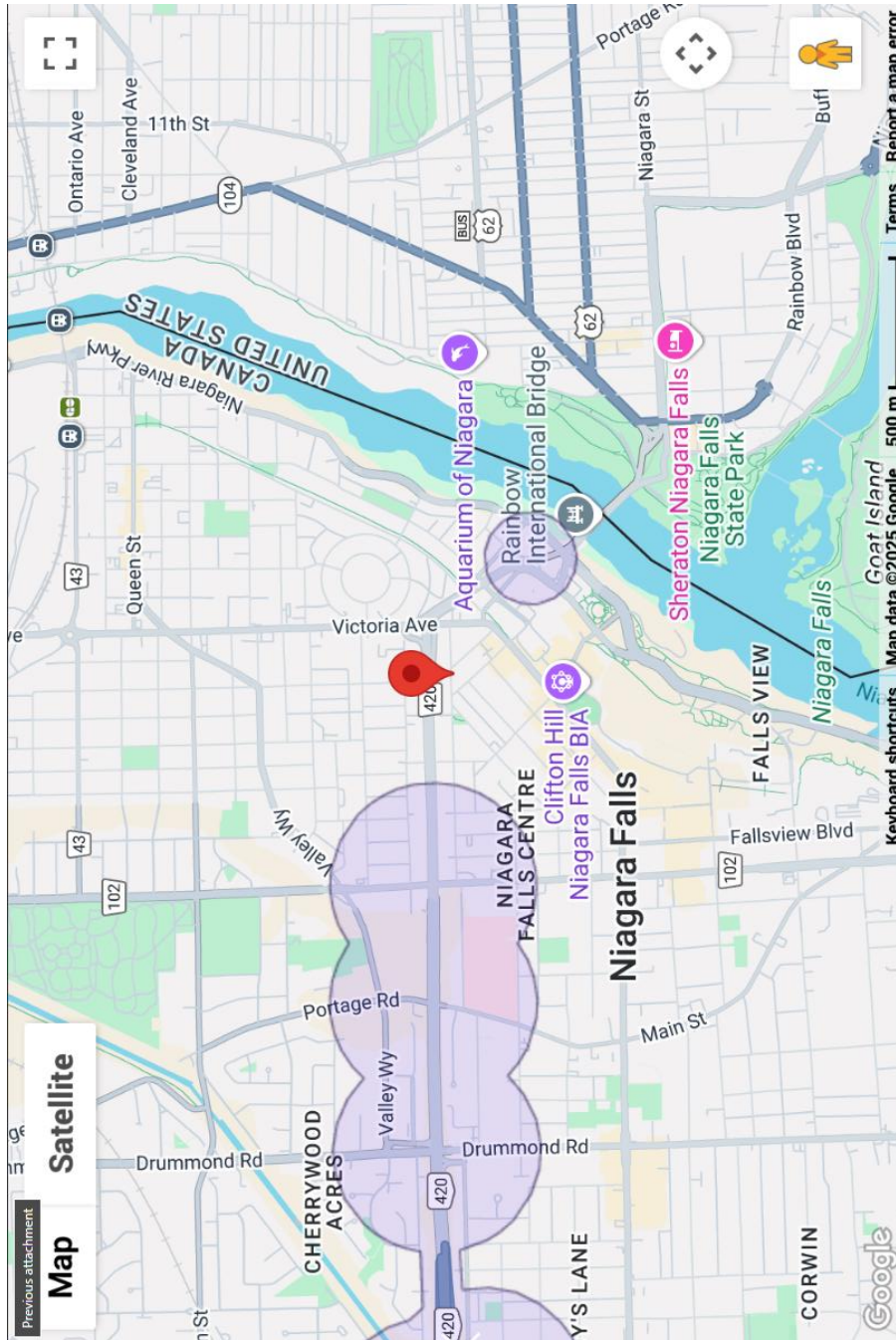
Appendix A

Aerial View of Subject Property



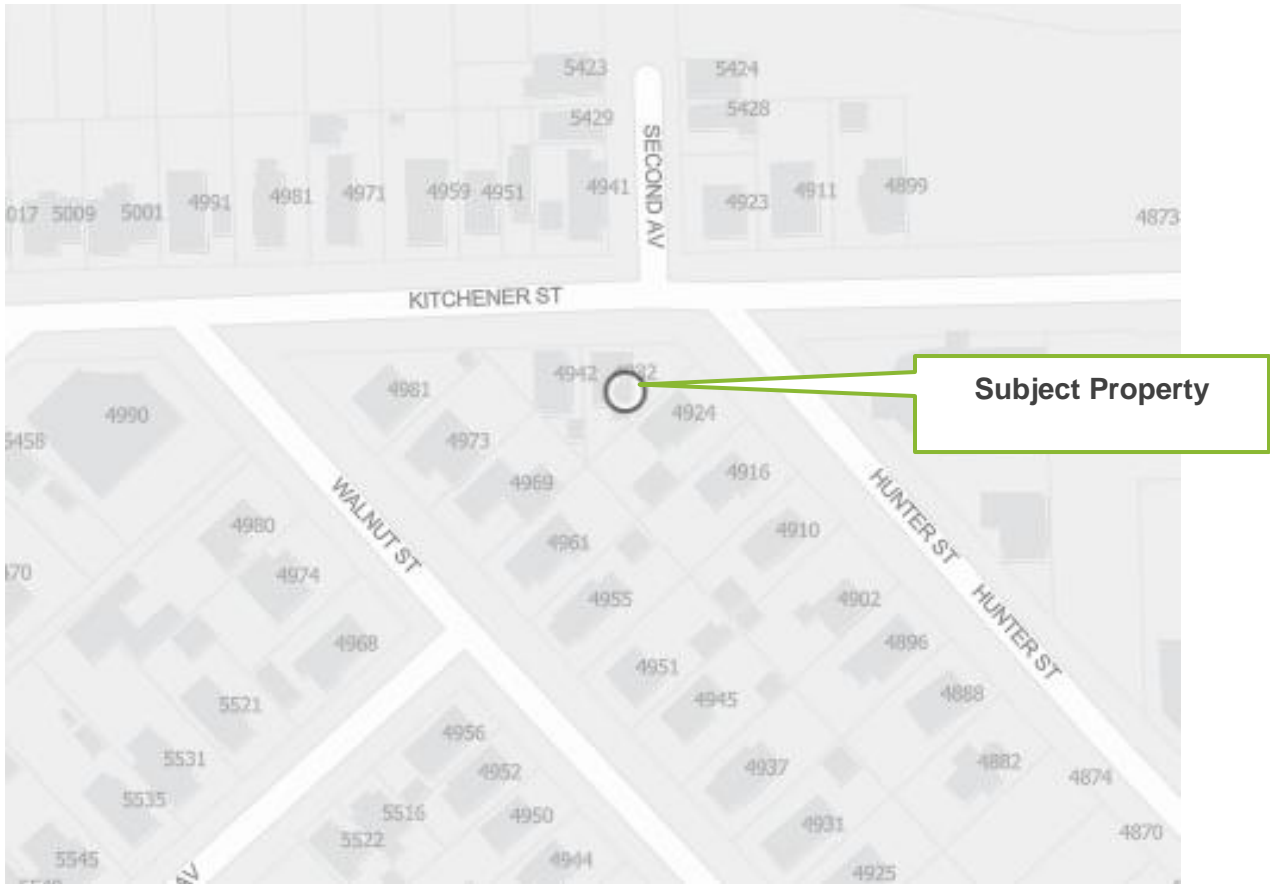
Appendix B

MTO Permit Area



Appendix C

Greenbelt Plan – Greenbelt Plan Area



Urban River Valleys (Urban River Valley policies only apply to publicly-owned lands)

Hamlets

Towns and Villages

Oak Ridges Moraine Area

Niagara Escarpment Plan Area

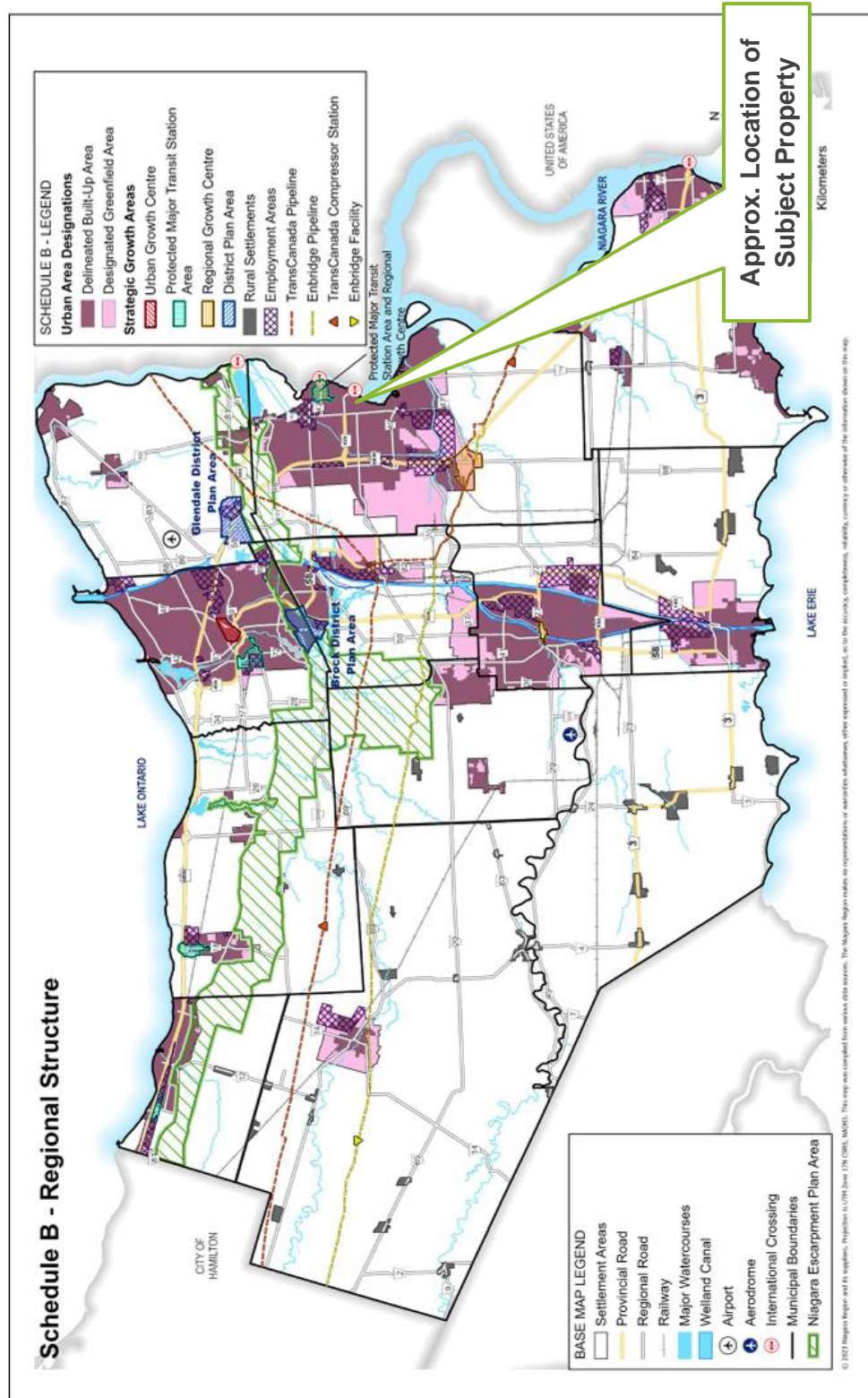
Protected Countryside

Greenbelt Area (Greenbelt Act, 2005)

External Connections

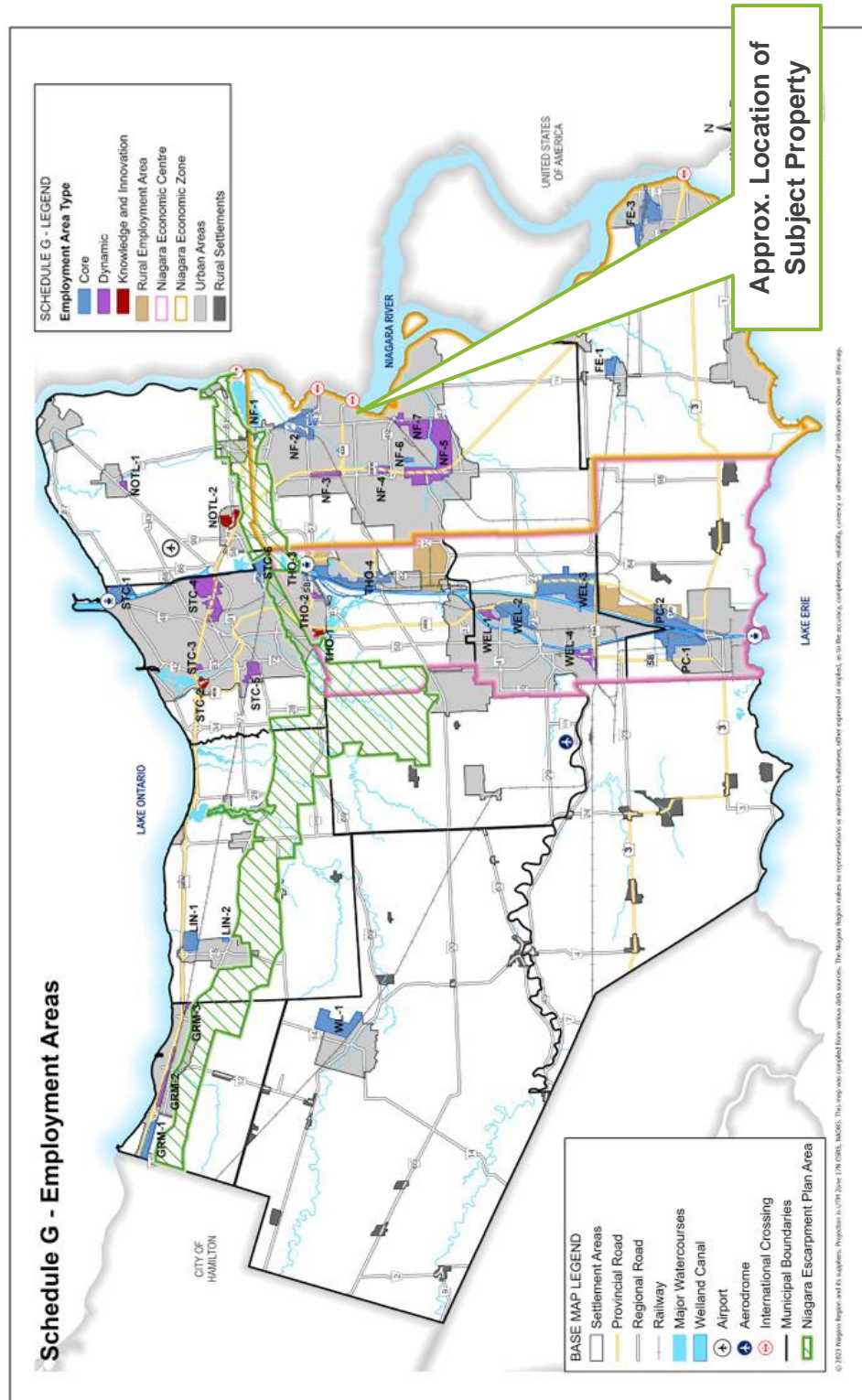
Appendix D

Niagara Region Official Plan – Schedule B



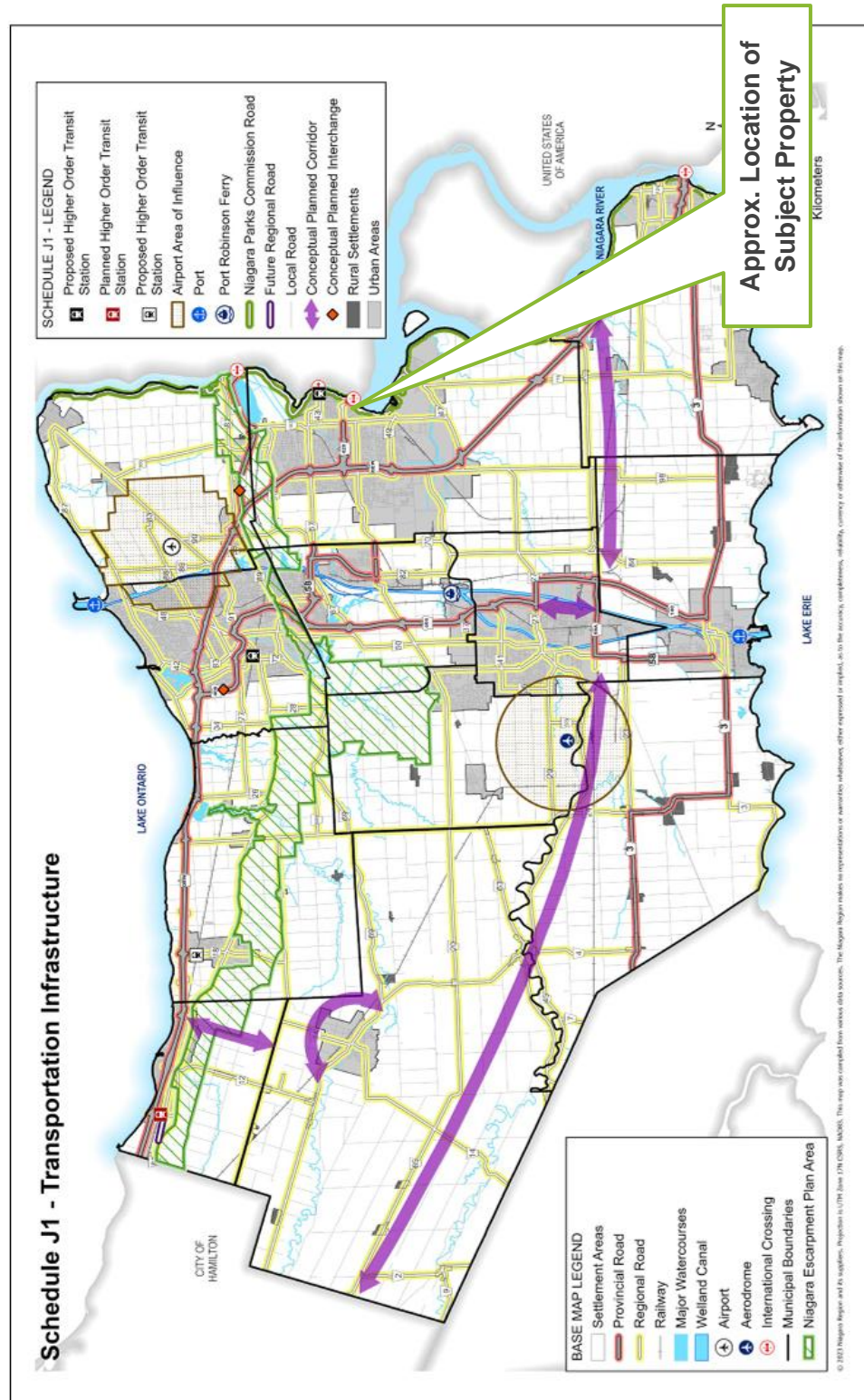
Appendix E

Niagara Region Official Plan – Schedule G



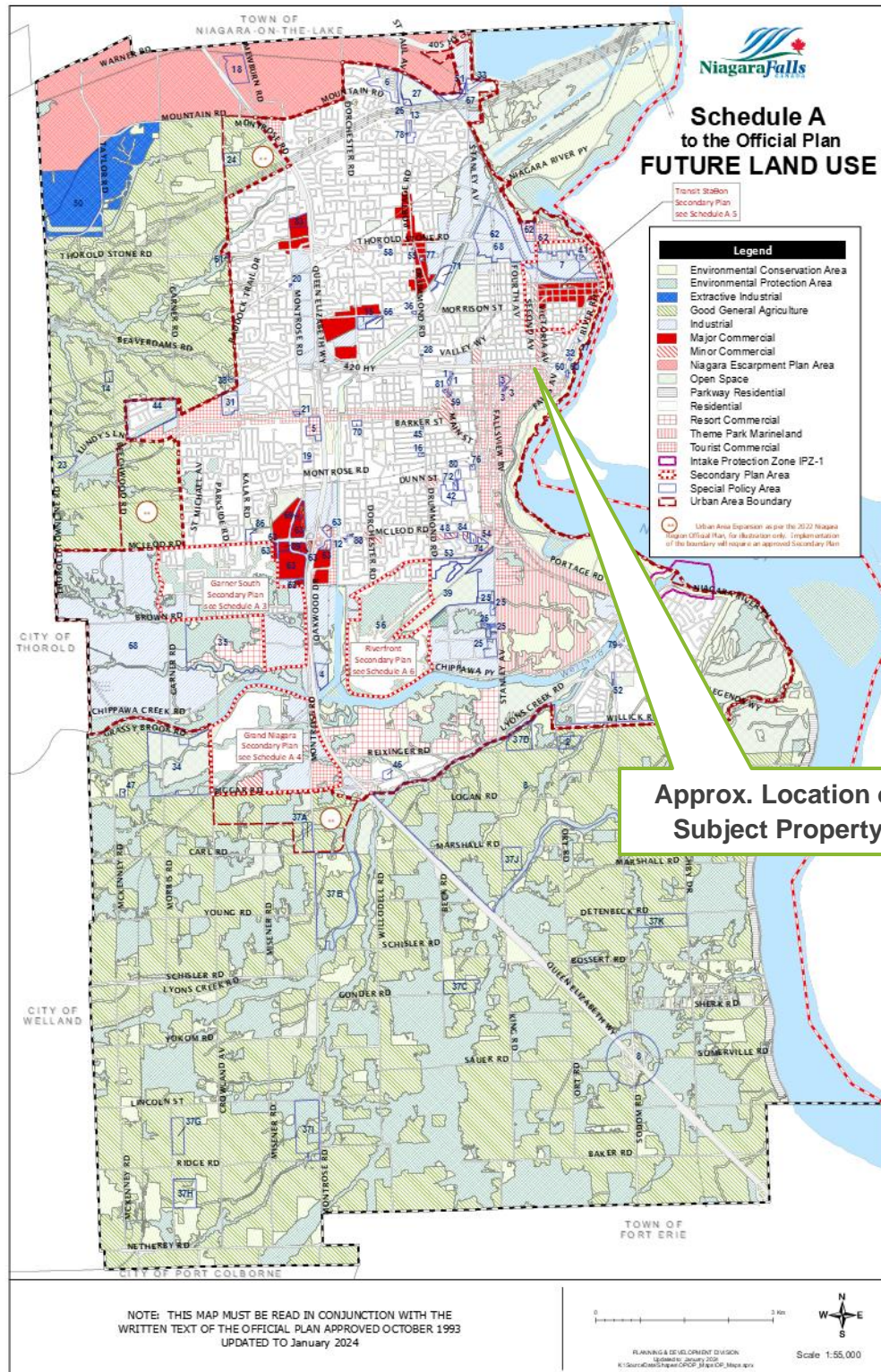
Appendix F

Niagara Region Official Plan – Transportation Infrastructure



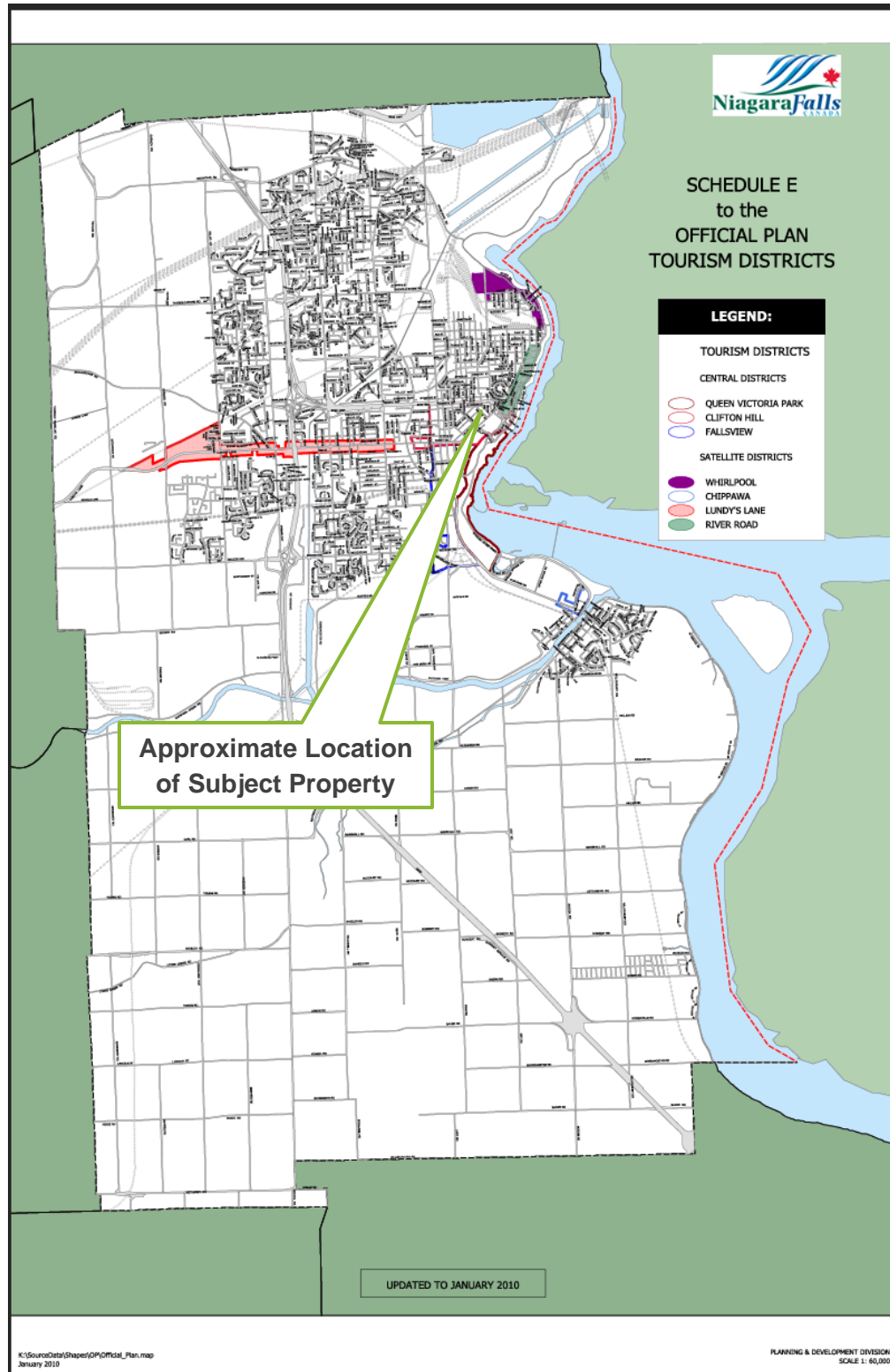
Appendix G

City of Niagara Falls Official Plan – Schedule A



Appendix H

City of Niagara Falls Official Plan – Schedule E

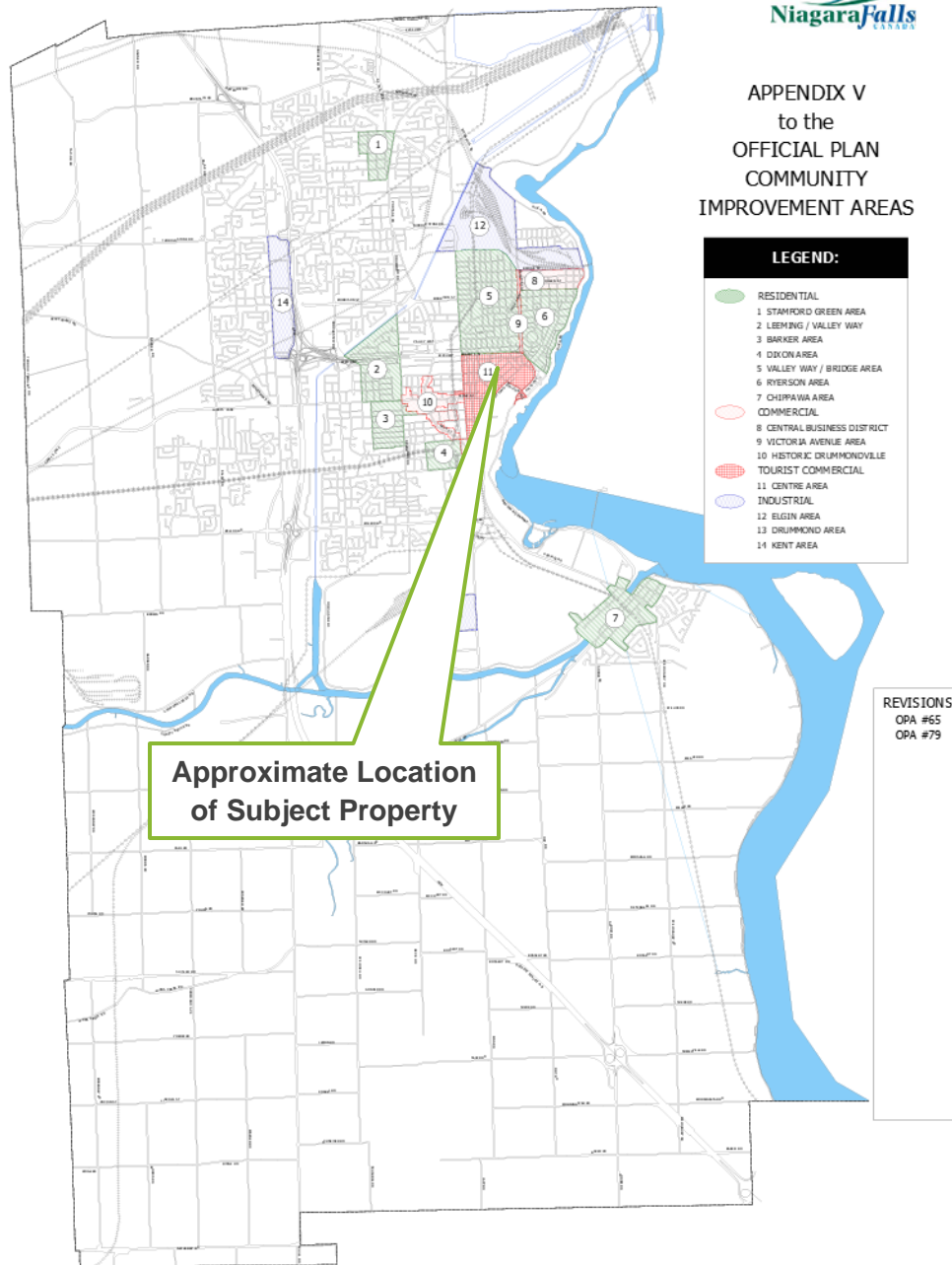


Appendix I

City of Niagara Falls Official Plan – Appendix V



APPENDIX V to the OFFICIAL PLAN COMMUNITY IMPROVEMENT AREAS



Appendix J

City of Niagara Falls Zoning By-Law – Interactive Zoning Map



☆ DEFERRED TOURIST COMMERCIAL ZONE

By-Law 1: 2012-061
Special Provision 1: 19.1.75
Amendment No. 1: AM-2011-002
Link to By-Law 1 PDF: [2012-061](#)

By-Law 2: 2012-060
Special Provision 2:
Amendment No. 2: AM-2011-002
Link to By-Law 2 PDF: [2012-060](#)

By-Law 3:
Special Provision 3:
Amendment No. 3:
Link to By-Law 3 PDF:

By-Law 4:
Special Provision 4:
Amendment No. 4:
Link to By-Law 4 PDF: