



PLANNING JUSTIFICATION REPORT

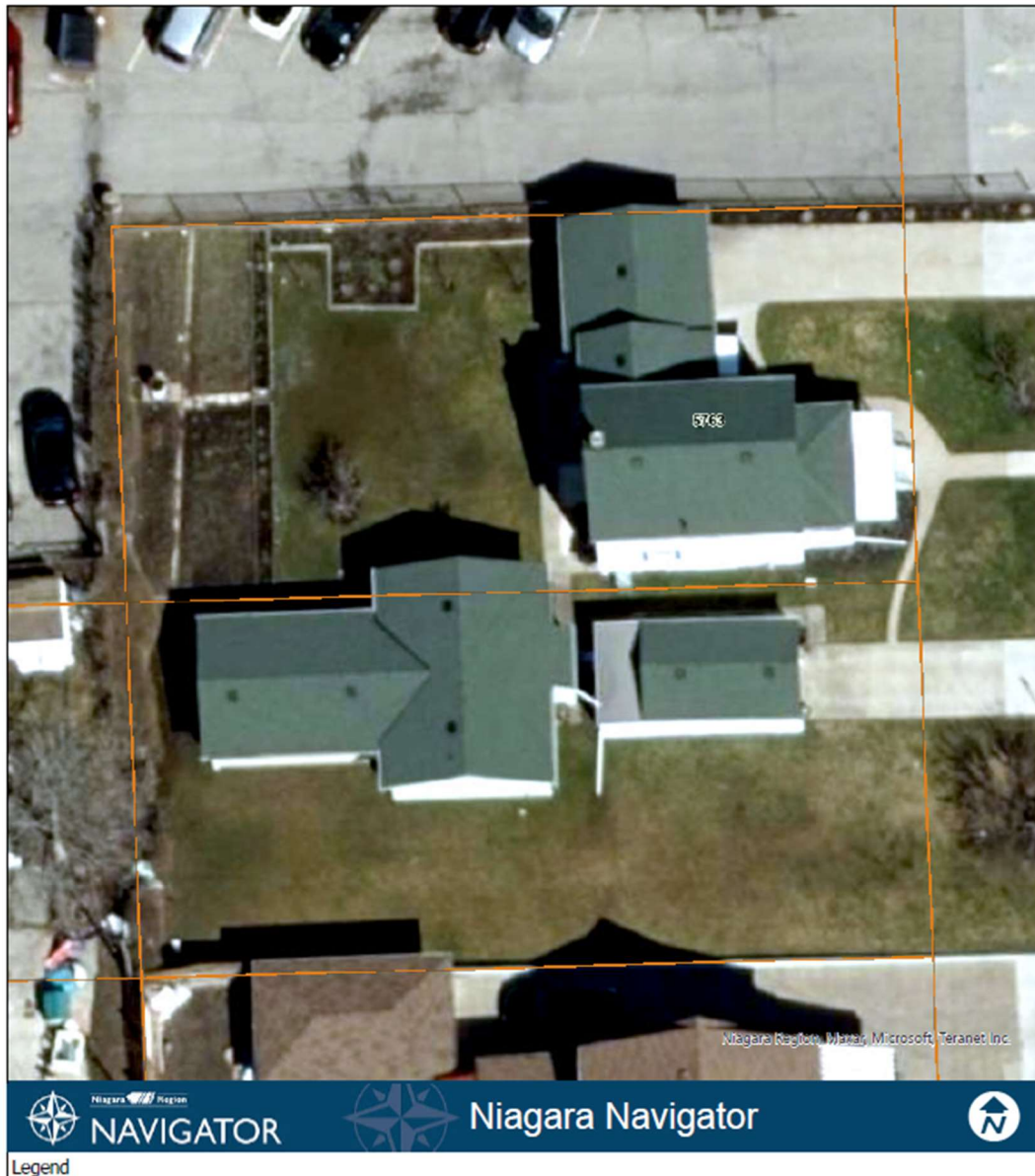
5763 Desson Avenue, CITY OF NIAGARA FALLS
ZONING BY-LAW AMENDMENT

J. Vida Consulting
July 2025

Proposal

The property at 5763 Desson Avenue, together with the unaddressed parcel of land to the south have been functioning as one lot for many years with the main use of the property being residential within the existing 2 storey single detached dwelling with three bedrooms. There is a carport and driveway to accommodate two cars. The lands to the south, the unaddressed parcel, have been used as ancillary uses to the main residential use. There is a detached storage building and a detached garage and 2nd driveway access as shown in the aerial below.

Existing Lot Layout



Although these properties have been functioning as one large property, the two parcels are legally two separate lots in title as confirmed by the owner's lawyer.

The owners wish change the current conditions and use the properties as two separately functioning lots as outlined below:

1. Retain and rent the existing 2 storey single detached dwelling as a short-term rental. There are no physical changes proposed to the existing dwelling, the carport, or the driveway. There are three existing bedrooms within the dwelling that are intended to be rented as part of the VRU. There are some existing zoning deficiencies on this lot that should be recognized as part of this process. Details of these deficiencies are outlined in the zoning section of this report.
2. To convert the existing single storey storage building on the unaddressed parcel to a residential use with permissions for short term rentals. There are physical changes required to the interior of this building in order to facilitate the proposed residential use. The plans include building a kitchen, bathroom, living room and three bedrooms within the existing envelope. The existing detached garage is proposed to remain and continue to be used as a garage for the unaddressed parcel. The existing parking pad is proposed to be expanded southwards in order to accommodate one extra parking space to meet the zoning requirement. There are also some zoning deficiencies that the owner wishes to have recognized as part of this process. Details are outlined in the zoning section of this report.

In order to facilitate the addition of a VRU use, a zoning by-law amendment is required. At the same time as the amendment to add the use is being processed, it makes sense to address other zoning deficiencies due to the existing conditions.

Proposed Site Plan



A larger version of this plan, together with the floor plans can be found at Appendix 1 of this report.

Subject Lands

The subject lands are located on the west side of Desson Avenue, between Forsythe Street and Spring Street. This is a predominantly residential area, with an existing institutional use to the north and west of the property. This area is considered a transition area to the commercial tourist area just east of the subject lands. The property has excellent proximity to the tourist area with many amenities within walking distance.

This area of the city has been plagued with illegal rentals, petty crime and lack of desire for families to locate here. Since the market for families to live in this area has been on the decline, owners must look to diversify the use of their properties in order to maintain their viability and also to bring the uses more into conformity with the tourist commercial zoning. The location of the property is ideal for short term rental use.

As noted above, the subject lands have functioned as one property for many years with the main use being a single detached residential dwelling, a carport with two car driveway and two detached structures with a second driveway access. The property contains significant open space in comparison to adjacent properties. The open space character will be maintained as a result of this application since the building envelopes are not proposed to change, the only physical changes are interior and the addition of a parking pad.

It is understood that the existing house is connected to municipal water, sanitary and storm. It is understood that the unaddressed parcel to the south also contains separate services, which are intended to be used to service the building that is to be converted at the rear of the property.

There is a curb face sidewalk on both sides of the street, providing pedestrian connections throughout the neighbourhood and to the main tourist area, reducing reliance on vehicular travel.

The property is located within the defined built-up area of the City; the property is designated as Tourist Commercial according to the City of Niagara Falls Official Plan and it is zoned Deferred Tourist Commercial (DTC) Zone according to the City of Niagara Falls Zoning By-law. The property is also located within the defined Clifton Hill Tourist District, according to Schedule E of the City's Official Plan.

Existing Streetscape of 5763 Desson and Adjacent Property



Surrounding Land Uses:

North: Institutional with low density residential beyond

East: Single detached dwellings and tourist commercial beyond

South: low density residential and tourist commercial beyond

West: low density residential and tourist commercial beyond

Aerial Context of 5763 Desson Avenue (Subject Lands)



Source: Niagara Navigator, July 2025

On July 3rd, 2025, The City of Niagara Falls hosted a pre-consultation meeting to review the application and outline the complete application requirements for the Zoning By-law Amendment Application.

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

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

Existing Floor Plans- the floor plans of the existing buildings together with a proposed plan for the conversion of the storage building.

Site Plan – Site plan showing the existing site layout and the proposed changes to the layout as a result of the application.

Provincial Planning Statement, 2024 (PPS)

The Province of Ontario repealed the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe and replaced these two policy documents with the 2024 Provincial Planning Statement. The Provincial Planning Statement is issued under Section 3 of the Planning Act, which came into effect on October 2024. The Provincial Planning Statement is applicable to all planning decisions made on or after October 2024.

The PPS is a consolidation and simplification of the two previous policy documents promoting compact, transit-oriented designs, providing an appropriate range and mix of housing, supporting all types of residential intensification while optimizing existing and planning infrastructure and public service facilities.

The development proposal is an example of the type of infill and intensification that is promoted in the PPS. The dwellings will be connected to existing municipal services which supports the optimization of the existing municipal infrastructure. The property is located in walking distance to many local amenities, supporting the local businesses and reducing the need for vehicular trips to meet the day-to-day needs.

This type of infill development will not have a negative impact on any identified natural heritage features and the proposal is consistent with the PPS 2024.

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

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

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

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

The development conforms with the policies of the ROP.

City of Niagara Falls Official Plan

The subject lands are designated Tourist Commercial according to the City of Niagara Falls Official Plan. The property is also located within the Clifton Hill Tourism District according to Schedule E – Tourism Districts of the Official Plan. A range of uses are permitted within the Tourism Districts including existing residential uses and short-term rental uses subject to the criteria outlined below.

Part 2 Land Use Policies

Section 1 Residential

General Policies

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

The application seeks to allow other forms of residential accommodation, which is a predominant use in residential areas.

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

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

Reasons that make the subject lands a good candidate for short term rental is mainly due to the location. The property is located in an older residential neighbourhood that is transitioning to a tourist commercial area. The zoning of the lands, Deferred Tourist Commercial zone, suggests that the future vision for this area is that it become part of the main Tourist commercial zone. The lands are also located within the Clifton Hill Tourist District, which suggests that the subject lands are in an area where more commercial uses can be permitted in order to support the main tourism area.

The property is within walking distance of the main tourism node, where visitors can park on the property and walk to the attractions, taking the pressure off of the tourism area by reducing vehicular use and parking.

Further, the property owner will have to obtain and keep a licence in good standing in order to operate the short-term rental, which ensures that the owner abides by the City's established rules and could be subject to repercussions if they do not. The licensing requirement provides an additional layer of control to ensure that the use is not adversely impacting the surrounding neighbourhood.

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

The subject lands contain one single detached dwelling and one accessory building that is proposed to be converted to a residential use under this application, which is consistent with the policy above.

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

Floor plans have been provided as part of this application to show the existing interior layout of the single detached dwelling, together with a proposed floor plan for the detached accessory building. Each unit will contain 3 bedrooms, which will ensure the scale of the use is controlled. Since there are no physical changes proposed to the exterior of the buildings, the character that has existed for many years will be maintained.

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

Minimal physical changes are being proposed to facilitate the proposal and therefore the residential character of the neighbourhood will remain in tact. The existing parking layout and landscaping will be maintained as well with the exception of a small expansion to the existing driveway pad on the unaddressed parcel. Adequate parking and landscaped areas are provided and will not be affected by this application.

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

The size of the lot can accommodate the vacation rental units and provide adequate on-site parking, and landscaped amenity space. The property contains more open space than most of the lots in this area providing more opportunity for the use to co-exist. The location of the subject lands provides immediate pedestrian access to local commercial facilities and the tourist district.

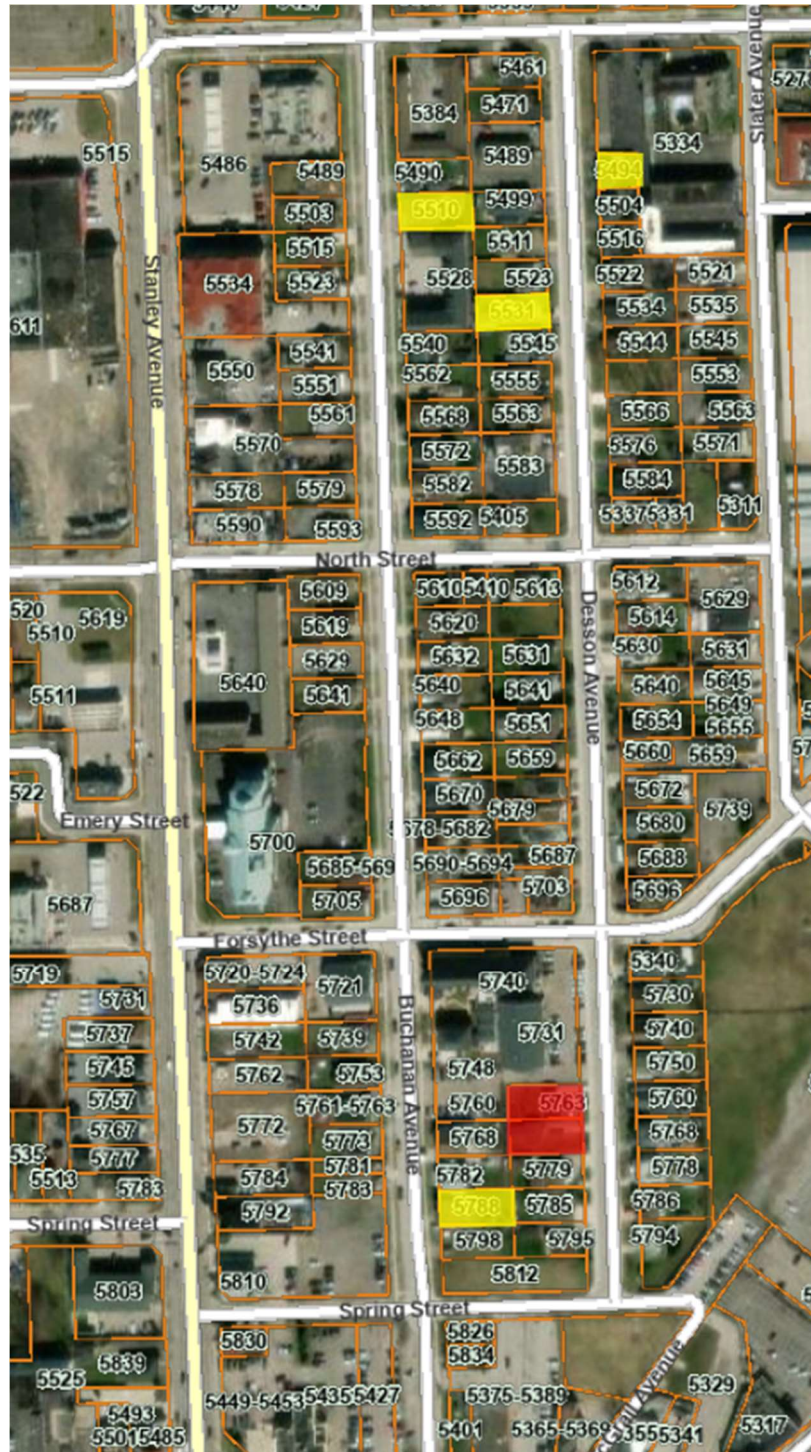
1.12.5 An undue concentration of Vacation Rental Units is to be avoided in order reduce the impact on the character of the residential nature of the area and the residential enjoyment of permanent residents.

At the time of this application there are only four other licensed vacation rental unit properties in the vicinity of the subject lands. The current licensees are at the following addresses:

- 5494 Desson Avenue – 400 metres from the subject lands
- 5531 Desson Avenue – 340 metres from the subject lands
- 5788 Buchanon Street – 40 metres from the subject lands

- 5510 Buchanan Street – 420 metres from the subject lands

The map below shows the subject lands in red and the licensed VRU's in its vicinity in yellow:



Considering this area is a tourist commercial area, there are very few licensed short-term rentals. There are only 4 licensed rentals that are several hundred metres away from the subject lands. There is one that is closer but it is on a different street. The existing licensees are very few and far in between and therefore the permission for two additional units through this application would not cause an undue concentration in this area.

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

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

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

Should the zoning amendment be approved, the use of the units for Vacation Rental Units is not permitted until the unit owner is subsequently granted a license from the City of Niagara Falls. The City of Niagara Falls will be able to control potential challenges with noise, garbage etc.... through the licensing process.

Section 4 Tourist Commercial

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;

The proposal will provide a service to support the primary tourism area of the falls.

- 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;

The proposal seeks to maintain the existing character of the neighbourhood. This property has been maintained to a high standard for many years by the current owners. The current owners intend to operate the VRU if it should be approved and intends to continue to maintain the property to the same standards in the future.

- To ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;

The subject lands are connected through a network of sidewalks that link the property to the main tourist area, which promotes a pedestrian friendly streetscape.

- To ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighborhoods.

The development proposal will be controlled through a future licensing program that contains rules and regulations to ensure that there is no negative impact to the existing neighbourhood. The licensing program allows the city to enforce any infractions and or retract the license if the use adversely impacts the community.

4.2 Tourist Districts

4.2.2 The Central Tourist District shall be comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. The Central Tourist District shall continue to be the focal point for tourism activities in the City, including the Falls, the primary attraction, interpretive natural and cultural facilities in Queen Victoria Park, and a wide mix of tourist attractions, accommodations, and services in Clifton Hill and Fallsview.

According to Schedule E of the City of Niagara Falls Official Plan, the subject lands are located within the defined Clifton Hill Tourism Area. This area is to be the focal point of the tourist area providing a mix of uses including accommodations, which is consistent with the proposed application.

Clifton Hill Subdistrict

4.2.16

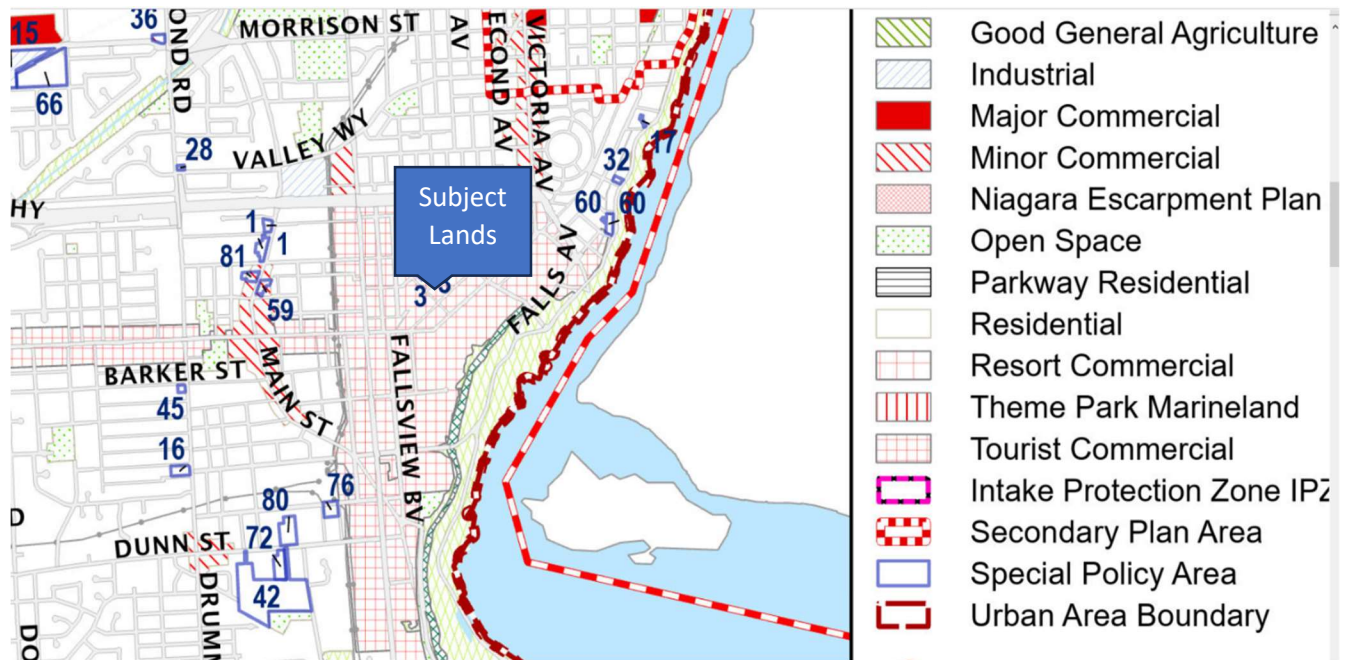
The Clifton Hill Subdistrict shall function as the commercial-entertainment centre of the Tourist Area. Preserving its festival atmosphere. A wide range of commercial/entertainment uses shall be permitted including, but not limited to, tourist retail, hotels, restaurants, cafes, nightclubs, museums, 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.

The application seeks permission to allow short term accommodation options for tourists visiting the city in an area that has close proximity to the main tourist area of the Falls.

4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as a 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.

The subject lands are located in an established residential area and have been used for such use for many years. The residential character is proposed to be maintained as a result of very minor physical change to the property. The licensing will ensure compatibility between the proposed VRU and the adjacent established residential area.

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



According to the City of Niagara Falls Official Plan a range of accommodations are permitted within Tourist Commercial designations. VRUs are considered a permitted use within the Tourist Commercial designation and are therefore permitted at the subject property.

Renting a dwelling on a month-to-month basis is similar to the use of a dwelling by the landowner. Properties are often purchased and leased on a month-to-month basis with the primary intent to realize income from the rental. There are no rules against this type of use. It could be suggested that the rental of the entire dwelling or dwelling units for a few days or weeks (less than 28 days) is similar to the use/rental of the dwelling unit for an entire month (30 days) so long as the proper controls are in place in the form of licensing, which the City of Niagara Falls provides.

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

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

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

The subject lands are zoned Deferred Tourist Commercial (DTC) Zone, according to the City of Niagara Falls Zoning By-law No. 79-200. The current zoning permits a range of uses but does not permit short term rentals, otherwise known as Vacation Rental Units.

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

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

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

4.19 Parking Areas

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

The proposed plan, if approved will provide the minimum number of parking spaces for each of the lots. There are two tandem parking spaces located on each lot to support the vacation rental unit use.

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

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

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

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

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

The proposed VRUs will meet all of the City's zoning requirements as outlined above. There are some minor zoning deficiencies that the owner wishes to seek to legalize through this process. Since the property contains existing structures with an unknown

construction date, there are some structures that may have been constructed prior to the City's Zoning By-law and therefore they do not conform.

The list below provides an outline of the existing zoning permissions and identifies areas of non-conformity that are proposed to be recognized:

| Section 2 - Definitions | | | |
|---|--|--------------|------------------|
| Vacation Rental Unit - means the commercial use of a detached dwelling or dwelling unit that is available for rent in its entirety for a period of 28 consecutive days or less, to provide temporary lodging to a single group of travelling and vacationing public and is licenced by the City of Niagara Falls to carry on business. | | | |
| | | Lot 1 | Lot 2 |
| Section 4 - General Provisions | | | |
| 4.13 Accessory Buildings and Accessory Structures: | | | |
| a | Except as otherwise specifically permitted in this By-law, no accessory building or accessory structure shall be erected in a front yard, a rear yard or a side yard. | n/a | n/a |
| b | Subject to Section 4.27.1, but notwithstanding any other provisions of this By-law, no accessory building of accessory structure shall be erected on a corner lot closer than 4.5 metres (14.76ft.) to the side lot line abutting a street line or a reserve. | n/a | n/a |
| c | An accessory building or accessory structure may be erected in an interior side yard provided that it is distant not less than 1.2metres (3.94ft) from the side lot line. Notwithstanding the foregoing, common semi-detached private garages may be centered on the mutual lot line if erected simultaneously on two abutting lots and as one building. | n/a | 2.1m (6.8ft.) |
| d | Subject to section 4.27.1, an accessory building or accessory structure may be erected in a rear yard of a lot provided that it shall not be less than 0.45 metres from any lot line and no overhanging roof, eaves or gutter shall project more than 0.3 metres into any required yard or be less than 0.15 metres from any lot line. | n/a | n/a |
| e | An attached garage or carport which is erected as part of the main building shall not be deemed an accessory building or accessory structure and shall comply with all yard requirements for the main building. | see below | n/a |

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| f | Except as otherwise specifically permitted in this By-law, no person shall, in any residential zone, DH zone, A zone, R zone, DC zone or DTC zone, erect any accessory building or accessory structure having a greater height than 3 metres, provided that an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres but in no event shall any part of the walls or supporting posts excluding any gable or dormer exceed 3 metres in height | n/a | complies |
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| g | In a R1A, R1B, R1C, R1D, R1E, R2 or R3 zone, the total lot coverage of all accessory buildings and accessory structures on a lot shall not exceed 15% of the lot area or 93 square metres, whichever is lesser, and in no case shall the total lot coverage of all buildings and structures exceed the maximum lot coverage regulation. | n/a | 6.3%/31m2 |
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| h | deleted | | |
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| | | Lot 1 | Lot 2 |
|-----------------------------|---|--------------------|--------------------|
| 4.19 Parking Areas | | | |
| 4.19.1 Requirements: | | | |
| Vacation Rental Unit | 2 parking spaces, which may be provided in tandem | 2 spaces in tandem | 2 spaces in tandem |

| | | | |
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| 4.38 Vacation Rental Unit | | | |
| A Vacation Rental Unit shall comply with the following regulations: | | | |
| a | The maximum number of bedrooms permitted in a vacation rental unit in an existing detached dwelling unit in a TC, GC, and CB zone shall be 3; | n/a | n/a |

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| b | A vacation rental unit shall be licensed by the City of Niagara Falls and the municipal licence of a vacation rental unit must be kept current and maintained in good standing; | | acknowledged |
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| 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; | | acknowledged |
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| d | Subject to clause € 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; | acknowledged |
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| e | Existing cottage rental dwellings and any other permitted uses that fall within the ambit of the definition of 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; | acknowledged |
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| f | Parking and access requirements shall be in accordance with section 4.19.1. | see above |
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|---|--------------|--------------|
| Section 5 - General Provisions for Residential Zones | Lot 1 | Lot 2 |
| 5.1 Side Yards | | |

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| a | Where no private garage or carport is to be attached to and erected at the same time as a detached dwelling, there shall be a side yard of not less than 2.4 metres (7.87ft.) on one side of such one detached dwelling which may be used as a driveway and, subject to the other applicable provisions of this By-law, for the parking or storing of motor vehicles, | n/a | n/a |
|---|---|-----|-----|

| | | | |
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| b | Where private garages or carports are not to be attached to both exterior sides of a semi-detached dwelling or to both sides of a duplex dwelling and not to be erected at the same time as such semi-detached dwelling or duplex dwelling, there shall be a side yard of not less than 2.4 metres (7.87ft.) provide on each exterior side of such semi-detached dwelling to which a private garage or carport is not to be attached and on each side of such duplex dwelling two which a private garage or carport is not to be attached, each of which such side yards may be used as a driveway and, subject to the other applicable provisions of this By-law, for the parking or storing of motor vehicles, | n/a | n/a |
|---|--|-----|-----|

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| c | nothing in this By-law shall be deemed to require a side yard between the 2 dwelling units of a semi-detached dwelling; | n/a | n/a |
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| d | the severance by conveyance or otherwise of one dwelling unit of a semi-detached dwelling or a townhouse dwelling and the land appurtenant to such dwelling unit without a side yard between it and the remaining dwelling unit and the land appurtenant thereto shall not be deemed a contravention of the side yard requirements of this By-law. | n/a | n/a |
|---|--|-----|-----|

Section 7.5 Residential 1E Density Zone (R1E Zone)

| | | Lot 1 | Lot 2 |
|--------------------------|----------------------------------|--|---|
| 7.5.2 Regulations | | | |
| a | Minimum Lot Area | | |
| i | for an interior lot | 370 square metres (3982sq.ft.) | 487.2m2 (5244ft2) |
| ii | for a corner lot | 450 square metres (4843.8sq.ft.) | n/a |
| b | Minimum Lot Frontage | | |
| i | for an interior lot | 12 metres (39.4ft.) | 15m (49.2ft) |
| ii | for a corner lot | 15 metres (49.2ft.) | n/a |
| c | Minimum front yard depth | 6 metres (19.7ft.) plus any applicable distance specified in section 4.27.1) | 2.3m (7.5ft.) existing |
| d | Minimum Rear yard depth | 7.5 metres (24.61ft.) plus any applicable distance specified in section 4.27.1 | 4.7m (15.4ft) existing |
| e | Minimum interior side yard width | 1.2metres (3.9ft.) | north 0.75m (2.4ft), south 0.6m (1.9ft) |
| f | Minimum exterior side yard width | 4.5metres (14.8ft.) | north 0.11m (.3ft), south 6.99m (22ft) |
| g | Maximum Lot Coverage | 45% | n/a |

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| h | Maximum height of building or structure | 10 metres (32.8ft.) | existing | existing |
| i | | deleted | | |
| j | Maximum number of detached dwellings on one lot | 1 only | 1 | 1 |
| k | Parking and access requirements | in accordance with section 4.19.1 | | see above |
| l | Accessory buildings and accessory structures | In accordance with section 4.13 and 4.14 | | see above |
| m | Minimum landscaped open space | 30% of the lot area | 63% | 67% |
| Section 8.8 Deferred Tourist Commercial Zone (DTC Zone). | | | | |
| 8.8.1 Permitted Uses: | | | Lot 1 | Lot 2 |
| 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 | | n/a | n/a |
| b | An accessory use to the use described in clause (a) | | | see above |
| c | A detached dwelling | | existing | proposed |
| d | A home occupation in a detached dwelling or in a dwelling unit of an existing semi-detached dwelling or duplex dwelling, subject to the provisions of section 5.5 | | n/a | n/a |
| e | A bed and breakfast in an existing detached dwelling, that complies with the provisions set out in section 4.37 | | n/a | n/a |
| f | Additional dwelling unit(s) subject to the provisions of Section 4.45 | | n/a | n/a |
| 8.8.2 Regulations: | | | | |
| a | All of the provisions of section 5 which apply to the R1E zones shall also apply to DTC Zones | | | see above |
| b | All of the regulations for the R1E Zones contained in section 7.5.2 shall also apply to DTC Zones | | | see above |

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| 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 | n/a | n/a |
| 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 that such alteration or repair will not increase the height, size or volume or change the use of such building or structure. | n/a | n/a |

The zoning amendment seeks permission to recognize the existing site conditions by adding in the following site-specific permissions:

- 1. Reduction in the minimum front yard depth to recognize the location of the existing single detached dwelling and the covered front porch which has a setback of 2.3 metres from the front property line. This condition has existed without impact for many years and the owners wish to maintain this going forward.*
- 2. Reduction in the minimum front yard depth to recognize the location of the existing detached garage. The detached garage is setback 4.7metres from the front property line, whereas the City's by-law requires 6 metres. This reduced setback will allow the garage to remain in its current location and continue to exist without impact. Additional on-site parking is proposed in order to ensure adequate parking is provided on the private side of the property.*
- 3. To reduce the minimum rear yard setback to an existing storage building, where the by-law requires a setback of 7.5 metres, the existing building is located 3.2 metres away from the rear property line. This building is a single storey and is proposed to remain as a single storey building as a result of the conversion to a residential use. The existing mature vegetation along the rear property line is proposed to be retained which provides visual screening between the subject lands and the lands to the west, which services to reduce any privacy issues resulting from the reduced setback.*
- 4. Due to the location of the existing structures and the fact that these two properties have functioned as one property for many years, buildings were built closer to the interior property line than the by-law permits. Again, these structures may have been constructed prior to the City's zoning by-law, which is likely why they do not meet the minimum setbacks. Permission is being sought to recognize the location of these buildings by allowing the reduced setbacks as part of the zoning amendment.*

The draft Zoning By-law Amendment can be found in Appendix 2 of this report.

Planning Recommendation

Vacation Rental Units are not unlike other as of right residential rental permissions throughout the City and Province. Many people purchase homes to rent to folks on a month-to-month basis. Allowing permissions to rent within a shorter timeframe (less than 30 days) should not have any more negative impact, than a month-to-month rental.

The proposed use will be further controlled through the City's licensing program which places a higher level of burden on the owner to adhere to the rules set out by the City. If this amendment is approved to permit a Vacation Rental Unit on a property, the unit cannot be used if the City has not issued a license for the operation. The city will maintain a level of control over the uses on the subject lands and they have enforcement measures in place should the licensing requirements not be upheld.

There are minimal physical changes to the exterior of the property, which will ensure that the established character of the area is maintained. The proposal seeks to add additional accommodation options in an area of the city that serves the tourist area. The proposal is pedestrian oriented, offering many pedestrian options, linking the property to various areas of the tourist area, reducing the vehicular impact of the district, from a traffic and parking perspective.

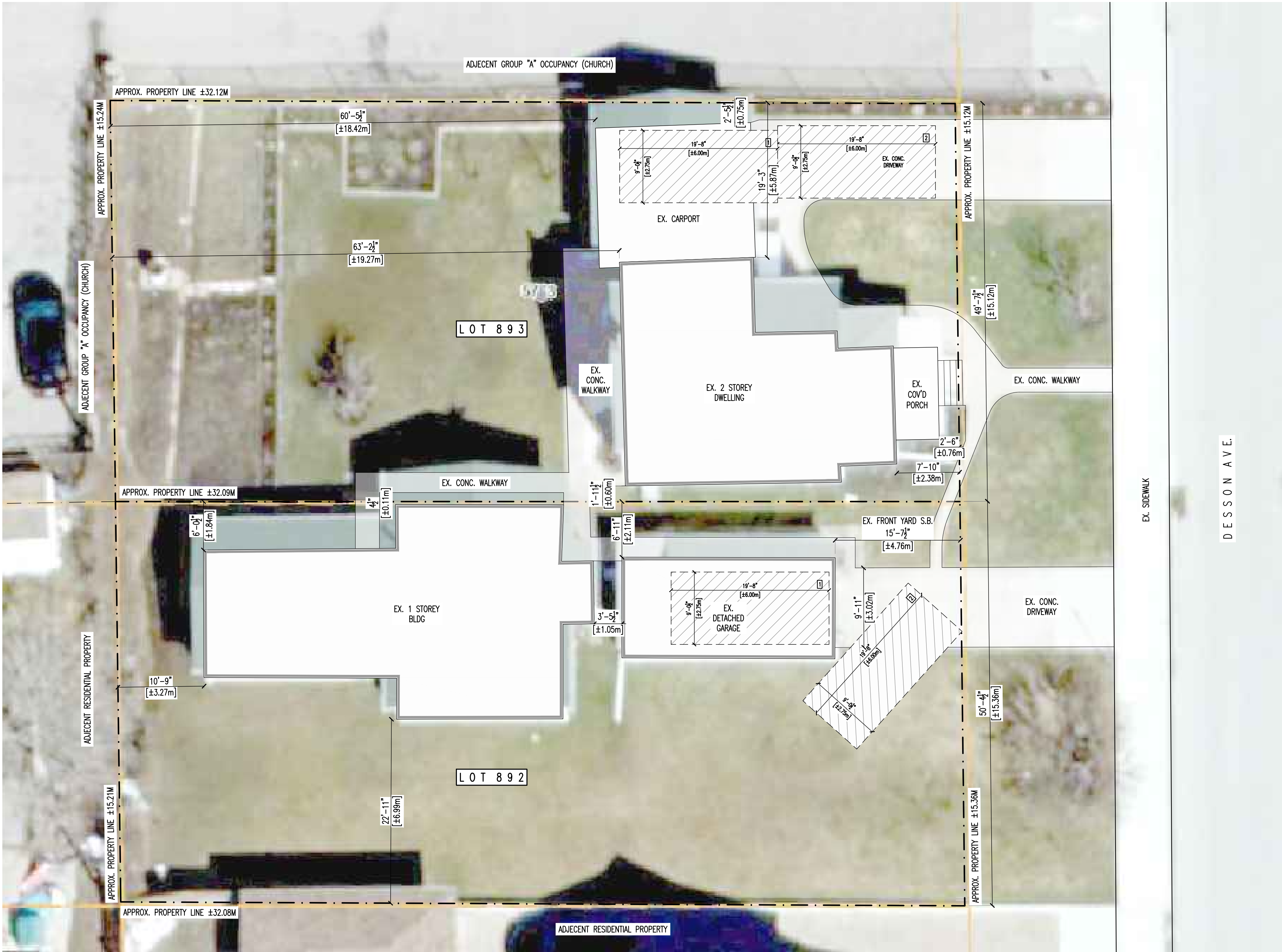
The Zoning By-law Amendment is consistent with the PPS, it conforms to the Niagara Region Official Plan, and the City of Niagara Falls Official Plan and is considered good land use planning.

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

Prepared by:



Jennifer L. Vida, MCIP, RPP



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

| LOT 893 DATA | | | |
|---|--------------|-------------|----------------|
| 5763 DESSON AVE. NIAGARA FALLS, ON DEFERRED TOURIST COMMERCIAL ZONE (DTC) | | | |
| | ± AREA (ft²) | ± AREA (m²) | ± COVERAGE (%) |
| LOT | 5,245 | 487.2 | 100.0 |
| EX. DWELLING | 763.0 | 70.9 | 14.5 |
| EX. COV'D PORCH | 62.4 | 5.8 | 1.2 |
| EX. CARPORT | 328.1 | 30.5 | 6.3 |
| EX. TOTAL COVERAGE | 1153.5 | 107.2 | 22.0 |
| MAX. LOT COVERAGE | | | 45% |
| EX. LANDSCAPED OPEN AREA | | | 63.4% |
| MIN. REQ'D LANDSCAPED OPEN AREA | | | 30% |

| LOT 892 DATA | | | |
|---|--------------|-------------|----------------|
| 5763 DESSON AVE. NIAGARA FALLS, ON DEFERRED TOURIST COMMERCIAL ZONE (DTC) | | | |
| | ± AREA (ft²) | ± AREA (m²) | ± COVERAGE (%) |
| LOT | 5,277 | 490.3 | 100.0 |
| EX. DETACHED GARAGE | 334.1 | 31.0 | 6.3 |
| EX. 1 STOREY BLDG | 970.4 | 90.1 | 18.4 |
| EX. TOTAL COVERAGE | 1,304.4 | 121.2 | 24.7 |
| MAX. LOT COVERAGE | | | 45% |
| EX. LANDSCAPED OPEN AREA | | | 67.4% |
| MIN. REQ'D LANDSCAPED OPEN AREA | | | 30% |

job number:
25-23

revision number:
A1

drawing number:

project title:
NEW VACATION
RENTAL UNIT
5763 DESSON AVE.
NIAGARA FALLS, ON

drawn by:
TV

design by:
LJM

approved by:
MRM

date:
JULY 23, 2025

growing title:
DRAFT
SITE PLAN

2M architects inc.
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Fax: 905-687-9997
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drawn by:
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LJM

approved by:
MRM

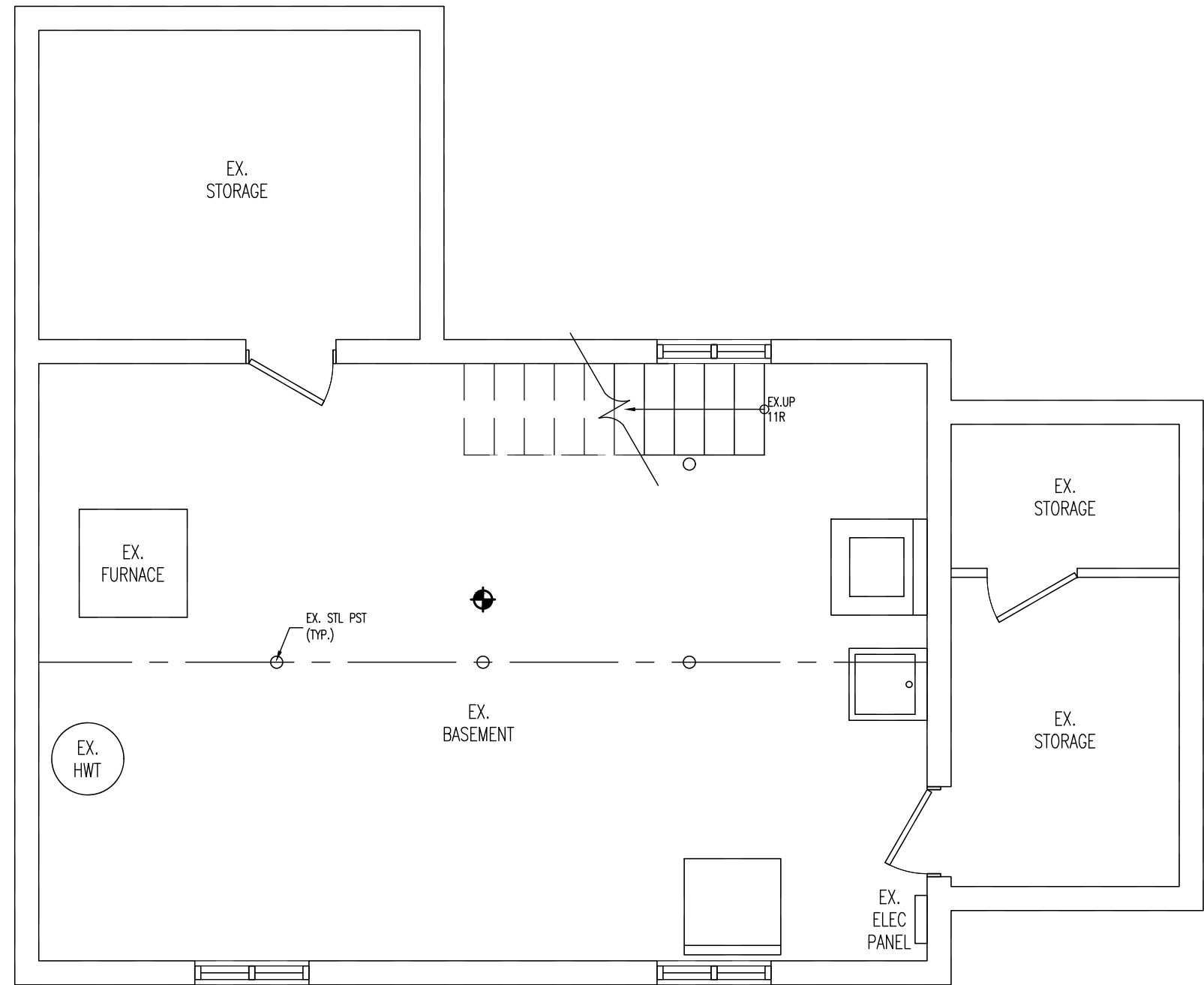
date:
JULY 23, 2025

revision:
NO. BY DATE

REVISION:
NO. BY DATE

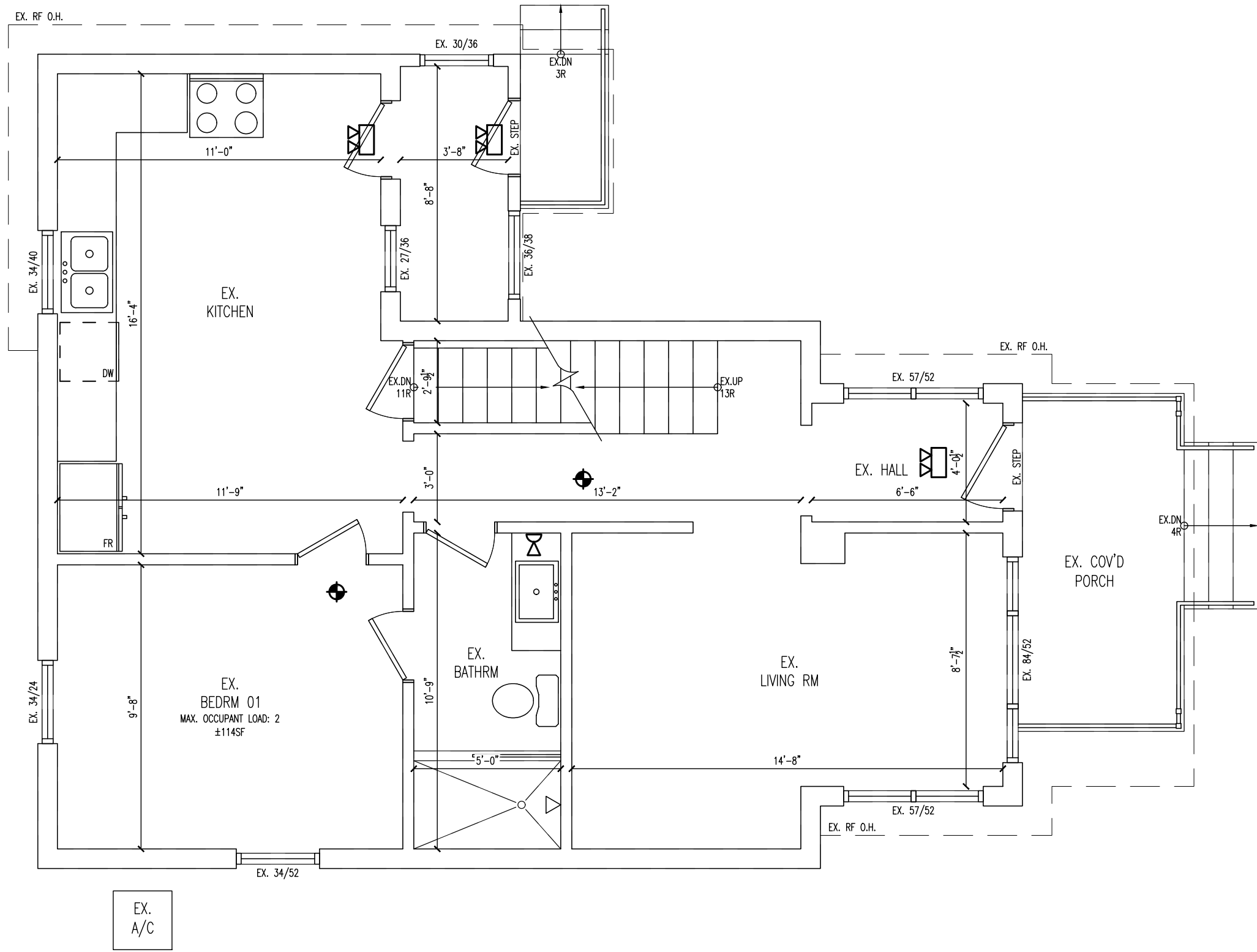
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LOT 893



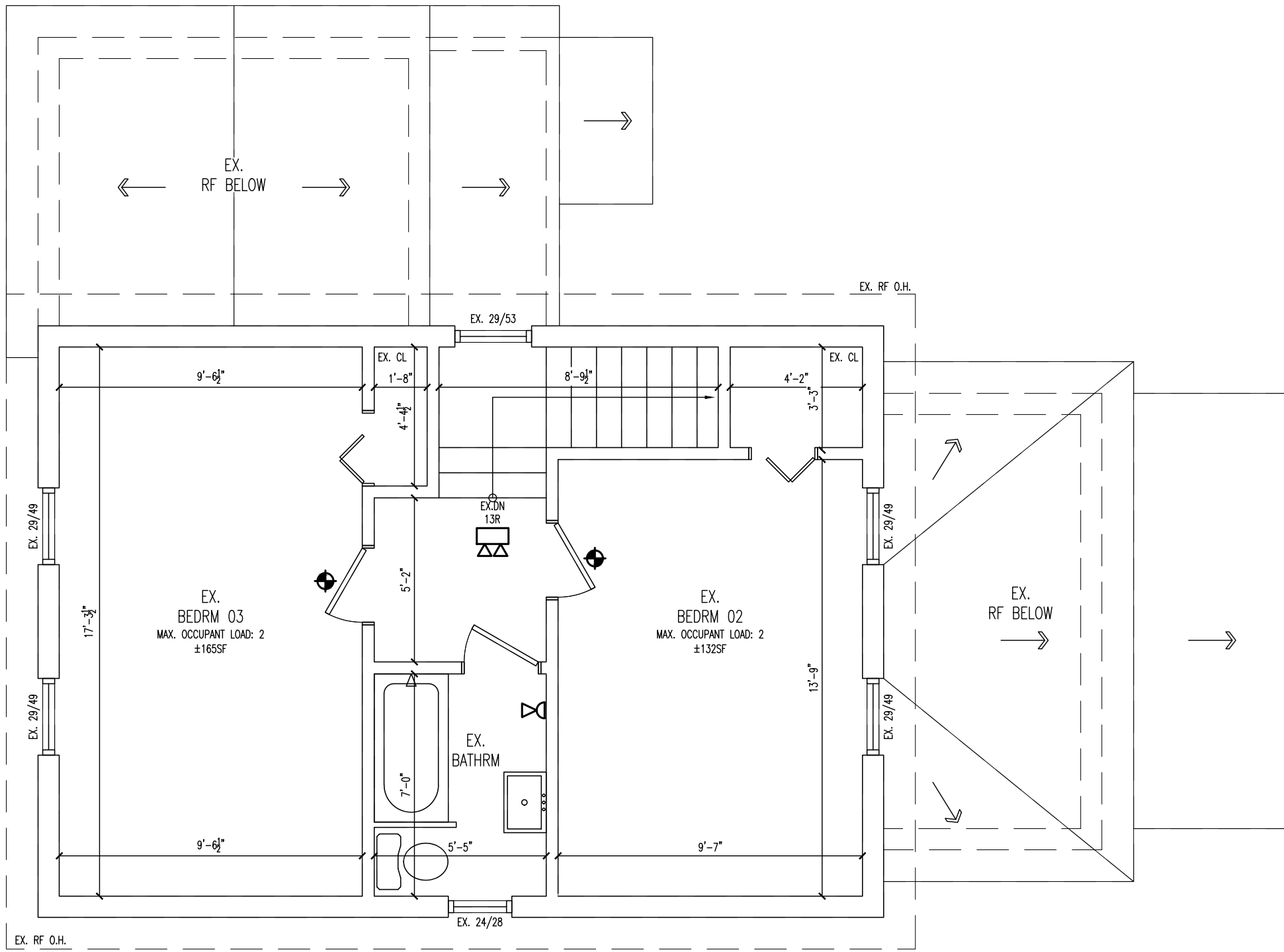
BASEMENT

SCALE: 1/4" = 1'-0"



GROUND FLOOR

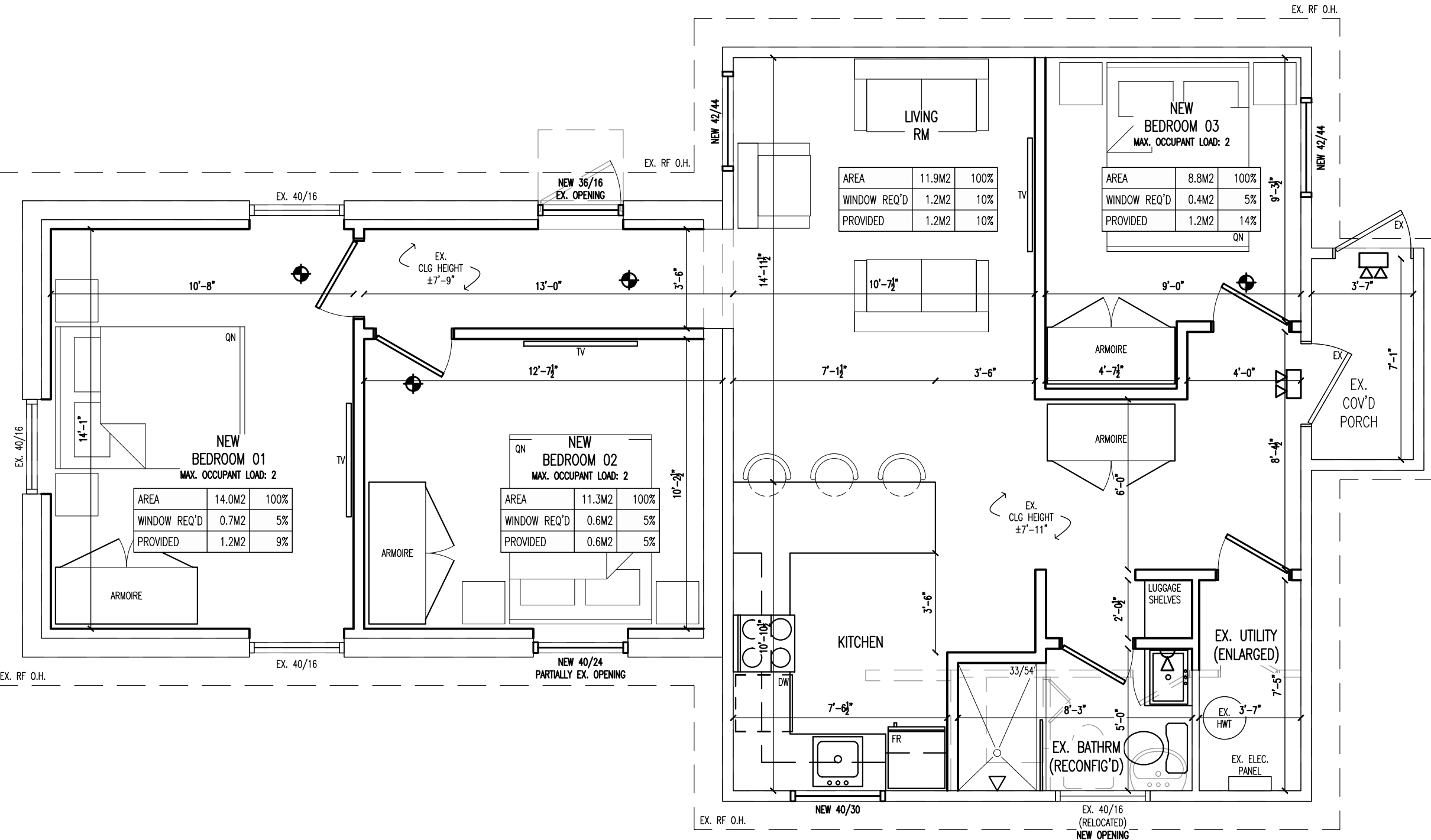
SCALE: 1/4" = 1'-0"



SECOND FLOOR

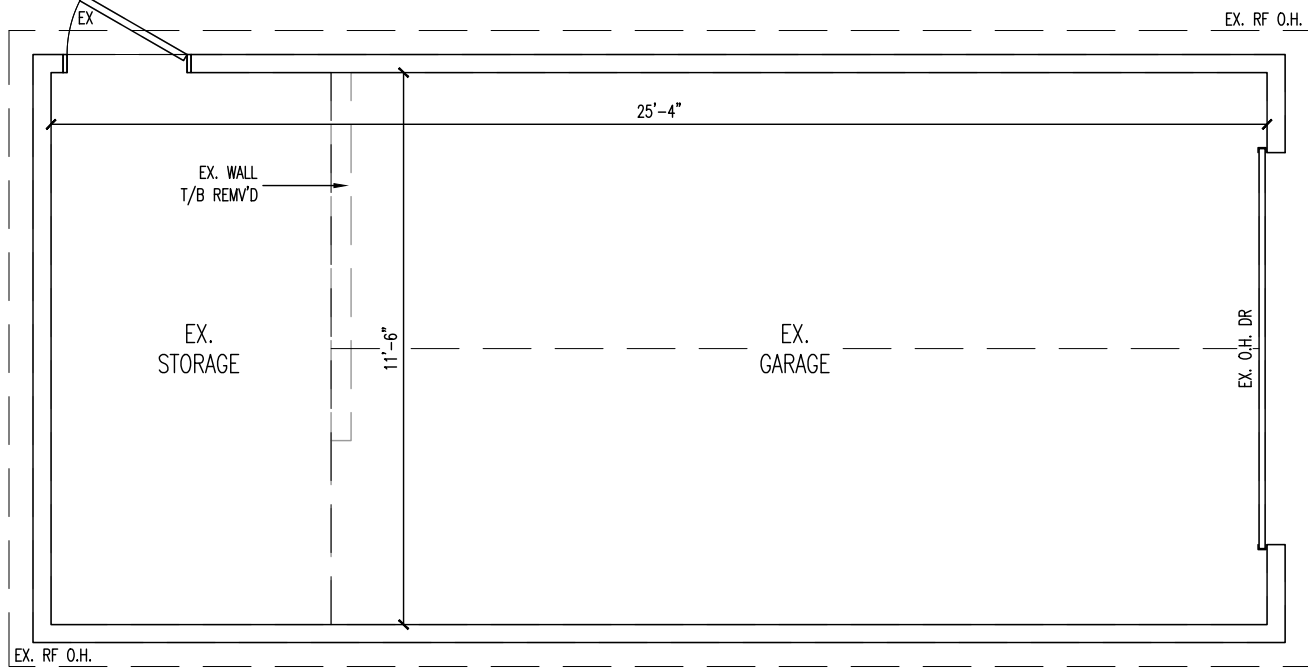
SCALE: 1/4" = 1'-0"

LOT 892



GROUND FLOOR

SCALE: 1/4" = 1'-0"



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2M architects

architects

drawn by:
TV

design by:
LJM

approved by:
MRM

date:
JULY 23, 2025

plot scale:
1:1

scale:
AS NOTED

project title:
NEW VACATION
RENTAL UNIT
5763 DESSON AVE.
NIAGARA FALLS, ON

drawing title:
DRAFT
FLOOR PLANS

revision number:
25-23

drawing number:
A2

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CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND
CONFORM WITH ALL LOCAL, PROVINCIAL AND NATIONAL CODES BEFORE
COMMENCING WITH THAT RELATED PORTION OF THE WORK.
ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED
FOR CONSTRUCTION PURPOSES.

CITY OF NIAGARA FALLS

By-law 2025-XXX

A By-law to amend By-law 79-200, to permit the use of the land for Vacation Rental Units on land at 5763 Desson Avenue and an unaddressed parcel of land to the south, legally described as Part 1 – Plan of Survey of Lots 892 & 893, Registered Plan No. 9, City of Niagara Falls;

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

1. The lands that are subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”.
Schedule 1 is part of this by-law.
2. The purposed of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this bylaw. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and the regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall include:
 - a. Existing permitted uses according to By-law 79-200; and
 - b. Vacation Rental Unit
5. That the existing site conditions be recognized as follows:
 - a. Minimum Front Yard Depth – Lot 1 – 2.3 metres; Lot 2 - 4.7 metres
 - b. Minimum Rear Yard Depth – Lot 2 – 3.2 metres
 - c. Minimum Interior Side Yard Width – Lot 1 – north – 0.75m, south – 0.6m; Lot 2 – north – 0.1m.
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.

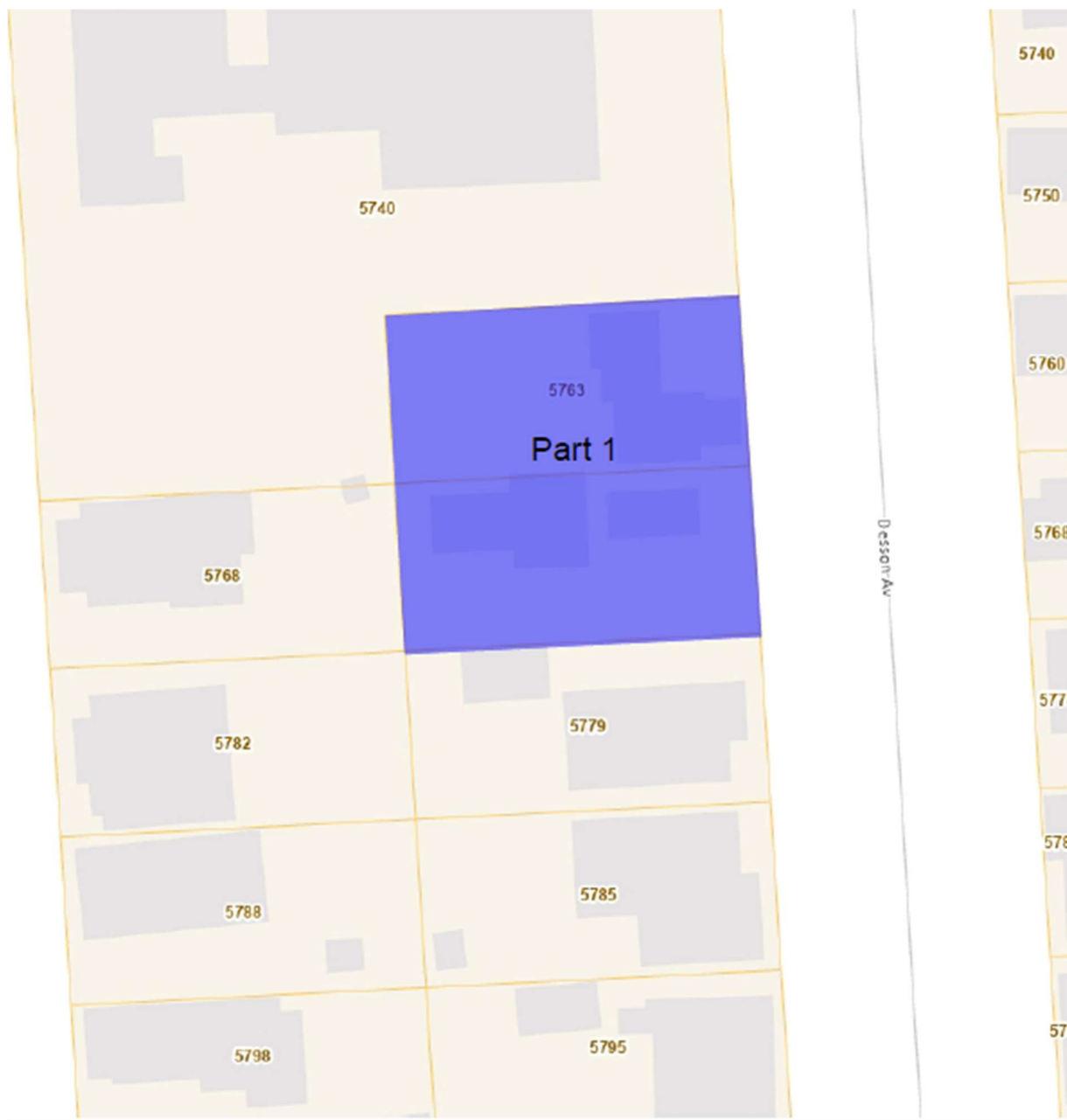
Read a First, Second and Third time; passed, signed, and sealed in open Council this ____

Day of _____, 2025.

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE A TO BY-LAW NO. 2025-XXX



LEGEND:

PART 1 – FROM Deferred Tourist Commercial (DTC) Zone TO Deferred Tourist Commercial (DTC-____) Site Specific Zone.