



## Planning Justification Report

### **Official Plan & Zoning By-Law Amendment**

5014 Willmott Street, Niagara Falls

For: Omar Tyndale

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## 1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to Omar Tyndale, “Owner” of the property located on the southeast corner of Willmott Street and Third Avenue in the City of Niagara Falls, municipally known as 5014 Willmott Street (“Subject Lands”). NPG has been retained to provide professional planning advice on utilizing the existing 3-bedroom detached dwelling as a Vacation Rental Unit. Implementation of the proposal requires a site-specific Official Plan Amendment to include Vacation Rental Unit permissions in residentially designated lands, and a Zoning By-law Amendment to rezone the Subject Lands from *Residential Two Zone (R2 Zone)* to *Residential Two Zone (R2 Zone) site-specific*.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development. It evaluates the appropriateness of the Application for an Official Plan & Zoning By-Law Amendment when assessed against policies in the Provincial Policy Statement (2020) (“PPS”), A Place to Grow, Growth Plan for the Greater Golden Horseshoe (2020) (“Growth Plan”), Niagara Official Plan (“Region’s OP”), the City of Niagara Falls Official Plan (“City’s OP”) and the City of Niagara Falls Zoning By-law No. 79-200.

Sections 4.1, 4.2, and 4.3 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 4.4 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP while Section 5.0 and 6.0 provide justification for approval of the Applications for an Official Plan Amendment and Zoning By-Law Amendment, respectively.

As per the Pre-Consultation Agreement form dated July 21, 2022, the following documents are required for a complete Zoning By-law Amendment application:

1. Conceptual Site Plan;
2. Planning Justification Report, including Draft Official Plan Amendment and Draft Zoning By-law Amendment;

Please note that an encroachment agreement is no longer being requested, as discussed in Section 3.0 of this Report.

## 2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located on the southeast corner of the intersection of Willmott Street and Third Avenue as shown in **Figure 1 – Aerial Context**. The property is rectangular in shape, with a frontage of approximately 9.45 metres on Willmott Street, a depth of roughly 36.5 metres, and a total area of approximately 345 m<sup>2</sup> (0.035 hectares).

A one-and-a-half storey detached dwelling exists on the Subject Lands, with a wooden porch along the front and a wooden deck at the rear of the dwelling. An asphalt driveway leading to a garage in the rear yard exists on the site, with access from Third Avenue. There is currently space for one vehicle to park in the garage. The existing driveway cannot be used for parking without requiring an encroachment agreement with the

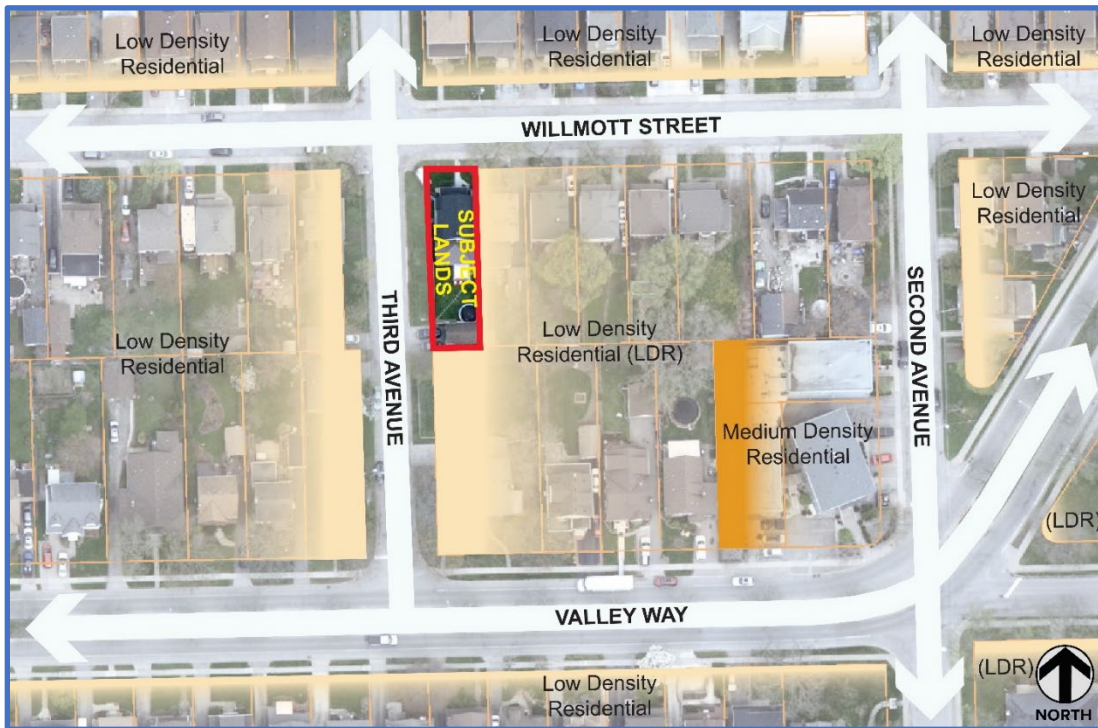
municipality, due to the limited depth available on the property. Practically speaking, a vehicle can fit between the garage face and the travelled portion of Third Avenue.

The broader surrounding area is illustrated on **Figure 2 – Community Amenities Map**. River Road and Clifton Hill tourism districts are approximately 1km to the east and south of the Subject Lands, respectively. Historic Downtown Niagara Falls is also within walking distance, with the west end of Queen Street less than a 500 metre walk from Subject Lands. The future VRU is also proposed in a location that is less than 150 metres away from Victoria Avenue, where local businesses and services are located. Further, tourist amenities and WEGO bus stops are located nearby at the following distances from the Subject Lands:

- Clifton Hill (850 metres)
- Niagara Parkway (1.1 kilometres)
- Niagara Falls Train Station (1.3 kilometres)

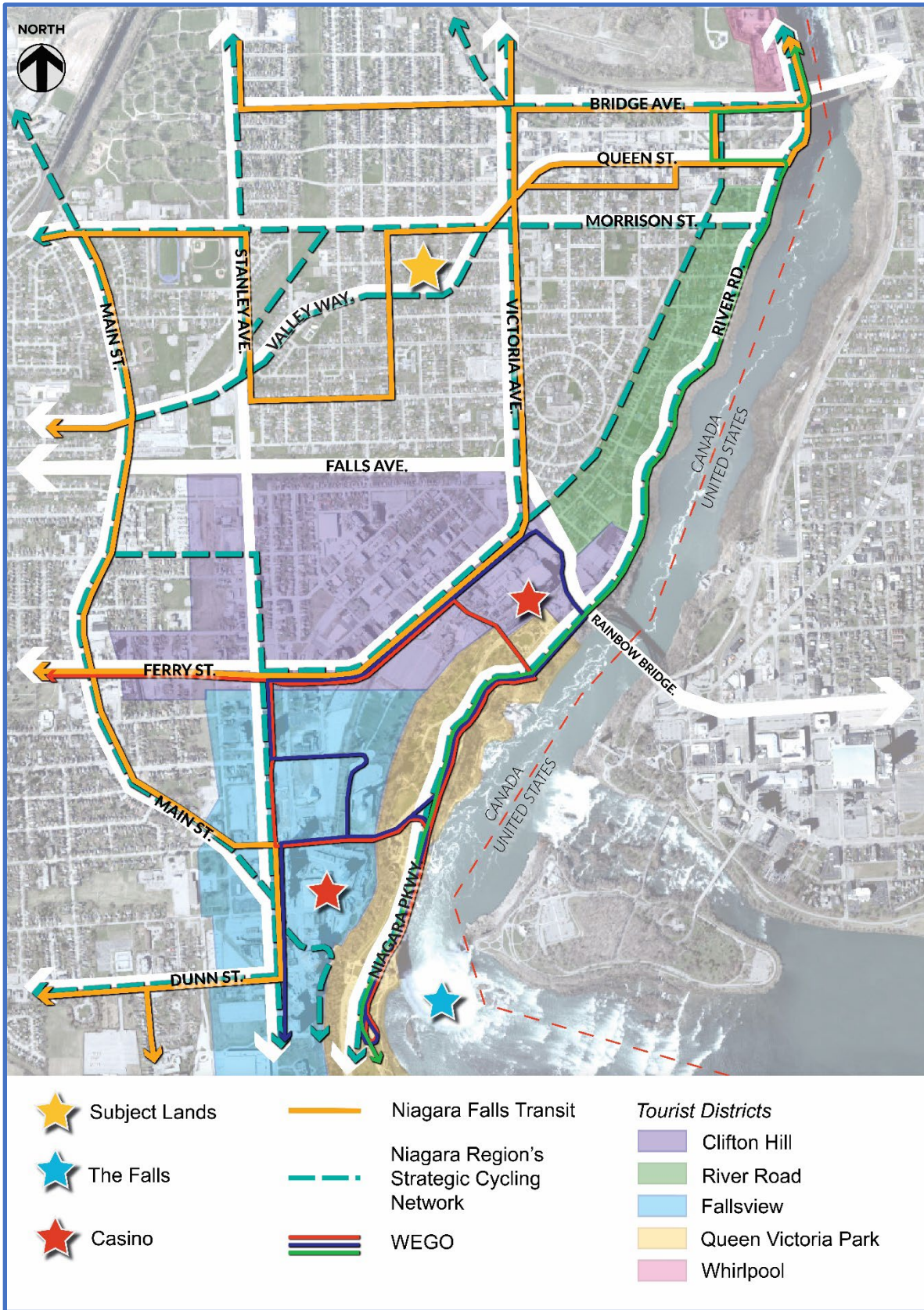
Surrounding the Subject Lands on all sides are low density residential uses, mainly single-detached dwellings.

Figure 1 - Aerial Context



- North:** Residential (single-detached dwellings)  
**East:** Residential (single-detached dwellings)  
**South:** Residential (single-detached dwellings)  
**West:** Residential (single-detached dwellings)

Figure 2 - Community Amenities Map



**5014 Willmott Street - Planning Justification Report**



*Photo 1 – View of 5014 Willmott Street, looking south.*



*Photo 2 – View of 5014 Willmott Street, looking southeast from intersection of Willmott Street and Third Avenue.*



Photo 3 – View of 5014 Willmott Street, looking east from Third Avenue.



Photo 4 – View of the driveway and detached garage located at the rear of the Subject Lands and accessed from Third Avenue.





*Photo 5 – View of exterior side yard for the Subject Lands and looking north. Approximate site boundary for Third Avenue noted by orange dotted line, with Subject Lands to the right.*

### 3.0 Proposed Development

The Owner is proposing to redesignate and rezone the Subject Lands for site-specific amendments to permit the use of a Vacation Rental Unit (“VRU”) within the existing detached dwelling. The proposal maintains the existing dwelling and parking space, while providing one additional parking space to meet the parking requirements for a VRU use.

The existing one and a half-storey detached dwelling contains three (3) bedrooms. Changes to the built form of the dwelling are not proposed. Parking is proposed to be contained wholly on-site. One (1) parking space will be accommodated in the existing detached garage in the rear yard, and one (1) parking space is proposed to be installed adjacent to the existing garage to the north. An increase in width of 2.75 metres to the existing driveway is proposed to accommodate a new parking stall, while a curb cut extension will be requested to allow access to the new space. Both the existing parking space and proposed parking space will be accessed from Third Avenue. The proposed second parking space fulfills the parking requirements as discussed in detail in Section 6 of this report.

By providing space on-site for the second parking space, an encroachment agreement with the municipality will not be required as contemplated during pre-consultation. Please refer to **Appendix A - Proposed Site Plan** for greater detail on the proposed parking space and existing site conditions.

The City's OP designates the Subject Lands as Residential, and the site is zoned Residential Two Zone (R2 Zone). This designation and zone do not permit a VRU as-of-right, therefore site-specific Official Plan and Zoning By-law Amendments are required.

## 4.0 Planning Policies

The purpose of this PJR is to evaluate the appropriateness of the proposed Official Plan and Zoning By-law Amendment applications to permit a VRU within the context of the PPS, Growth Plan, NOP, and the City's OP. The following provides an overview and analysis of applicable planning policies for the proposed development.

### 4.1 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

Section 1 of the PPS provides the following policies relevant to the proposal:

#### POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed;*

#### ANALYSIS

The Subject Lands are located within the settlement area, meeting Policy 1.1.3.1 which directs growth and development to settlements areas.

The proposed VRU use is intended to utilize an existing single detached dwelling that is fully serviced, as per Policy 1.1.1 (a), (e) and (g). It contributes to the financial well-being of the City by utilizing existing infrastructure and minimizing land consumption following Policy 1.1.3.2 (a) and (b). The proposal is situated in proximity to nearby transit and active transportation routes, as noted in **Figure 2 – Community Amenities Map**, and aligns with Policy 1.1.3.2 (e) and (f).

## POLICY

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

*a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

*b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

*d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4;*

*1.7.1 Long-term economic prosperity should be supported by:*

*a) promoting opportunities for economic development and community investment-readiness;*

*b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

*h) providing opportunities for sustainable tourism development;*

The proposed VRU is considered a commercial use according to the City's OP. Policy 1.3.1 (a), (b) and (d) directs planning authorities to provide for a broad range of mixed-uses for long term needs, and to provide opportunities for a diversified economic base through supporting a wide-range of economic activity for existing and future businesses. Policy 1.7.1 (a) and (h) outline how long-term economic prosperity should be supported through promoting opportunities for economic development and providing opportunities for sustainable tourism development. The proposed VRU promotes economic development and prosperity by permitting an alternative accommodation-type for the vacationing and travelling public, in an area suitable for the use close to amenities and attractions.

## POLICY

1.4.1 *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:*

*a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

*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 to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

## ANALYSIS

The addition of a VRU use to the Subject Lands, which may also continue to be used for residential purposes, will not affect the City's ability to provide housing options to meet projected requirements of current and future residents.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

## **4.2 Growth Plan for Greater Golden Horseshoe (2020) (Growth Plan)**

The Growth Plan emphasizes compact and well-designed development and prioritizes intensification in the Built-up Areas. The Growth Plan supports the achievement of complete communities that are "compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities".

The Growth Plan provides the following relevant policies under Section 2:

## POLICY

2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

*a) the vast majority of growth will be directed to settlement areas that:*

*i) have a delineated built boundary;*

*ii) have existing or planned municipal water and wastewater systems; and*

*iii) can support the achievement of complete communities;*

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

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

2.2.5 *In recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.*

2.2.6.2 *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

*a) planning to accommodate forecasted growth to the horizon of this Plan;*

*b) planning to achieve the minimum intensification and density targets in this Plan;*

*c) considering the range and mix of housing options and densities of the existing housing stock; and*

*d) planning to diversify their overall housing stock across the municipality.*

**ANALYSIS**

As mentioned previously, the Subject Lands are located within the settlement area of Niagara Falls and are connected to all existing municipal services required to support the proposed VRU use conforming to Policy 2.2.1.2 (a). Further, the proposed VRU’s proximity to commercial uses, Tourism Districts, and the historic Downtown Niagara Falls enhances the vitality of the neighbourhood and supports the achievement of complete communities that exhibit a “diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities” per Policy 2.2.1.4 (a).

The proposal to permit a VRU also promotes economic diversity and encourages tourism in a Gateway Economic Zone as described in Policy 2.2.5.

The Growth Plan aims to achieve complete communities with a range and mix of housing options. The addition of a VRU as a permitted use on the Subject Lands does not prevent the City from achieving this goal. In addition to the VRU, the Subject Lands may continue to be used for residential housing. Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

**4.3 Niagara Official Plan (2022)**

The NOP is intended “to guide the physical, economic and social development of the Regional Municipality of Niagara”.

NIAGARA OFFICIAL PLAN SCHEDULES	
<b>Schedule B – Regional Structure</b>	<i>Delineated Built-up Area</i>
<b>Schedule G – Employment Areas</b>	<i>Niagara Economic Zone</i>

<b>Schedule J1 – Transportation Infrastructure</b>	<i>Willmott Street - Local Road</i>
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Chapters 2 and 4 of the NOP provide the following policies relevant to the proposal:

### POLICY

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

*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;*

*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.*

*4.5.2.1 The Region will endeavour to:*

*a) attract employers and workers to the region by:*

*i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;*

*ii. supporting the provision of affordable housing for workers across all sectors of Niagara's economy;*

*iii. protecting and proactively planning for employment areas and supporting employment lands to attract and retain investment; and*

*iv. maximizing the economic development potential of the Niagara Economic Gateway;*

### ANALYSIS

As mentioned previously, the proposed VRU's proximity to commercial and tourist uses enhances the vitality of the neighbourhood and supports the achievement of complete communities that exhibit a "vibrant public realm", utilizes existing built form and supports a mix of land uses per Policy 2.2.1.1 (b).

The proposed VRU will not prevent the City from achieving an adequate supply of housing for its residents, or from achieving a range and mix of densities and housing types, per Policy 2.3.1.1.

Further, the proposed VRU will contribute to the economic development potential of the Niagara Economic Gateway, from a tourism perspective, per Policy 4.5.2.1.

Based on the foregoing, the proposed development conforms with the policies of the Niagara Official Plan.

**4.4 City of Niagara Falls Official Plan**

The City of Niagara Falls Official Plan (“City OP”) provides policy direction for development of the City. The Official Plan recognizes the strong tourist industry and supports opportunity to enhance this key sector in Niagara Falls. The City OP also strives to provide an adequate supply of housing for its residents, along with a mix of housing options.

CITY OF NIAGARA FALLS OFFICIAL PLAN SCHEDULES	
<b>Schedule A – Land Use Plan</b>	<i>Residential</i>
<b>Schedule A2 – Urban Structure Plan</b>	<i>Built-up Area</i>
<b>Schedule C – Major Roads Plan</b>	<i>Willmott Street - Local Road</i>
<b>Schedule D – Community Planning Districts</b>	<i>Elgin</i>
<b>Schedule E – Tourism Map</b>	<i>Near Central and Satellite Districts</i>

As per Schedule A – Land Use Plan, the Subject Lands are designated Residential, which does not permit VRUs as of right.

**POLICY**

*Part 2*

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.*

**ANALYSIS**

The Subject Lands contain a single detached dwelling which could continue to be used as such should the proposed amendments be approved. Section 1.1 permits “residential accommodation” within the Residential designation, which is not defined. “Accommodation” is defined by the Official Plan as:

*Means uses intended to provide temporary lodging to the travelling and vacationing public and include, but not limited to: a Hotel, Motel, Inn, Bed and Breakfast and a Vacation Rental Unit.*

The proposed Official Plan Amendment would permit a Vacation Rental Unit (i.e., an “Accommodation” use) within the Residential designation.

The Official Plan defines “Vacation Rental Unit” as:

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

Part 2, Section 1.10 of the City OP provides policy direction for VRUs within the Residential designation, discussed below.

**POLICY & ANALYSIS**

The City OP provides policy direction under Part 2 Section 1.10 (via OPA 127) regarding proposed VRUs within Residential areas of the City. The policies of Section 1.10 are to be reviewed on a case-by-case basis to evaluate the appropriateness of a proposal. While not permitted as of right, VRUs can be considered under the OPA 127 policy framework. The following section reviews the criteria of Part 2, Section 1.10 for VRUs.

*1.10 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:*

*Table 1 – Criteria for Policy 1.10, “OPA 127”*

No.	POLICY	ANALYSIS	CONFORMITY
1.10.1	<i>Vacation Rental Units are limited to single or semi-detached dwellings or a second unit to a principal dwelling unit.</i>	The Vacation Rental Unit use is proposed within an existing single detached dwelling.	<b>Yes</b>
1.10.2	<i>Vacation Rental Units shall be limited to 3 bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood.</i>	The single-detached dwelling in which the VRU is to be located contains only three (3) bedrooms.	<b>Yes</b>
1.10.3	<i>Parking and landscaping shall be consistent with the residential environment.</i>	Parking for the VRU is proposed to be located in the rear yard as an extension of the existing driveway (see <b>Appendix A - Proposed Site Plan</b> ). Existing fencing and landscaping will be modified slightly to	<b>Yes</b>



		accommodate the new parking space. Both parking and landscaping will be consistent with the residential environment.	
<b>1.10.4</b>	<i>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.</i>	<p>The VRU will be located in a single-detached dwelling on a corner lot measuring 345 m<sup>2</sup> in area. Although the lot size is 25 m<sup>2</sup> less than permitted in the zoning by-law, the nature of this application is to utilize the existing dwelling and lot. The lot size is not anticipated to have effects on the operation of the VRU, or the use of neighbouring properties.</p> <p>50% of the lot is covered as landscaped area, which exceeds the zoning requirements. The proposed VRU will contain a fenced-in backyard, containing a wooden deck, providing ample private amenity space to the residents/guests.</p> <p>Willmott Street and Third Avenue are classified as local streets, and the Subject Lands are less than one (1) kilometres from historic Downtown Niagara Falls, River Road, and Clifton Hill Tourist Districts. The lands have good proximity to tourist areas.</p>	<b>Yes</b>
<b>1.10.5</b>	<i>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</i>	<p>Presently, there are no licensed VRUs operating in the vicinity of the Subject Lands. Further, there are no licensed VRUs in areas designated Residential in the City OP.</p> <p>The proposal would therefore not result in an undue concentration of Vacation Rental Units. No</p>	<b>Yes</b>

	<i>of permanent residents.</i>		
<b>1.10.6</b>	<i>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.</i>	Please see detailed vacancy rate analysis below this table	<b>Yes</b>
<b>1.10.7</b>	<i>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.</i>	The Owner will be required to obtain a license to operate the dwelling as a VRU/ The VRU must operate in accordance with the City’s licensing by-law and all other by-laws. This assists with ensuring the VRU will operate in a lawful manner.	<b>Yes</b>

**ANALYSIS OF POLICY 1.10.6**

Policy 1.10.6 of the City OP directs Council to consider current vacancy rates of rental housing, and the supply over rental housing in the City. The primary goal of the Residential designation is to provide dwellings for a wide range of households Policy 1.10.6 states the following:

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

The Canada Mortgage and Housing Corporation (CMHC) publishes their rental market survey data annually, including vacancy rate estimates. The 2021 and 2022 estimated rental vacancy rate data is summarized below for the City of Niagara Falls. CMHC publishes this data for rowhouse structures (townhouses) and apartment structures (buildings with three or more rental units). The data is provided by year and bedroom type.

**Table 2 - Rental Market Survey Data Vacancy Rates (2021 and 2022)<sup>1</sup>**

	Bachelor	1 Bedroom	2 Bedroom	3 Bedroom+	Total
<b>2021</b>	**	**	1.7% <sup>b</sup>	4.0% <sup>d</sup>	1.9% <sup>c</sup>
<b>2022</b>	0.0% <sup>d</sup>	4.6% <sup>d</sup>	2.0% <sup>b</sup>	4.2% <sup>d</sup>	2.8% <sup>b</sup>

Letter codes represent reliability of the data:

<sup>a</sup> - excellent, <sup>b</sup> - very good, <sup>c</sup> - good, <sup>d</sup> - fair (use with caution)

\*\* Data suppressed to protect confidentiality or not statistically reliable

The total rental vacancy rate for the City has increased from 1.9% in 2021 to 2.8% in 2022. The 3 bedrooms or more category has increased from 4.0% to 4.2% over the same period. For additional context, the estimated total rental units by type are summarized in the table below. Total rental units have increased slightly from 2021 to 2022.

**Table 3 - Rental Market Survey Data Total Rental Units (2021 and 2022)<sup>1</sup>**

	Bachelor	1 Bedroom	2 Bedroom	3 Bedroom+	Total
<b>2021</b>	79	980	2,106	297	3,462
<b>2022</b>	81	997	2,209	295	3,582

The CMHC rental vacancy rates illustrate the overall rental stock availability in the City by bedroom type, for townhouses and apartment buildings. The rental market survey does not specifically consider detached dwellings. While the City’s overall vacancy rate has decreased, the overall stock is increasing. The vacancy rate of units with 3 bedrooms or more has increased while the total number of available units has decreased by two.

Part 2 Section 1.13 of the City OP discourages the conversion of rental units to condominiums when the vacancy rate is below 3%. This policy assists with preventing large-scale conversion of rental apartment buildings to condominium tenure when the vacancy rate is below 3%:

*“1.13 Rental accommodation shall be protected throughout the municipality by such measures as the Residential Tenancies Act and the City’s Condominium Conversion policy, which discourages the conversion of rental accommodation when the vacancy rate is below 3 per cent.”*

Considering the above rental vacancy rates and rental supply, the addition of one Vacation Rental Unit as a permitted use on the Subject Lands will not impact the City’s ability to provide dwellings for a wide range of households in the Residential designation, or its ability to provide rental accommodations in the City. The proposal does not conflict with Part 2 Section 1.13 of the Official Plan with respect to the conversion of rental units

<sup>1</sup> Table created using latest data release from Canada Housing & Mortgage Corporation (2022); [Rental Market Survey Data Tables](#)

to condominiums. Further, the proposed VRU is not a conversion of existing rental stock and it does not preclude the dwelling from being used for long-term rental in the future.

Based on the above analysis, the application achieves the policy tests of OPA 127 concerning VRUs in a Residential designation

**POLICY & ANALYSIS**

The City OP provides policy direction under Part 4 Section 2 with regards to Official Plan reviews and amendments. The following section reviews the criteria of Part 4, Section 2.6:

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

*Table 4 – Criteria for Policy 2.6*

No.	POLICY	ANALYSIS	CONFORMITY
2.6.1	<i>The conformity of the proposal to the general objectives of this Plan.</i>	Based on the foregoing analysis, the proposal meets the general objectives of the Official Plan, as it maintains the residential function and character of the area.	Yes
2.6.2	<i>Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.</i>	The Subject Lands are suitable for the Vacation Rental Unit use in that use will locate within an existing dwelling with adequate parking and amenities on site. Further, the Subject Lands’ proximity to River Road and Clifton Hill tourism districts, and Historic Downtown Niagara Falls makes it an ideal location for such a use.	Yes
2.6.3	<i>Compatibility of the proposed use with adjacent land use designations and natural resources.</i>	The Vacation Rental Unit use is contemplated in the Residential designation through Part 2, Section 1.17, subject to Official Plan and Zoning By-law Amendments. The City has established a licensing by-law designed to regulate the operational aspects of Vacation Rental Units including, but not limited to: compliance with zoning;	Yes

		excessive noise; garbage disposal; property standards and adequate insurance. The enforcement of the licensing by-law and other City by-laws can ensure compatibility of the use.	
2.6.4	<i>The need for and market feasibility of the proposed use.</i>	The proposal is near areas identified for tourism in the Zoning By-law and reflects a demand for providing unique opportunities for visitors to the city. The proposal supports the existing tourism industry by providing accommodation for visitors in an area that currently has no licensed Vacation Rental Units.	<b>Yes</b>
2.6.5	<i>The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.</i>	Vacation Rental Units are permitted by the Official Plan within Commercial designations, subject to the implementing Zoning By-law. The City's Official Plan policy regime permits the consideration of Vacation Rental Units within Residential designations and is not intended to strictly limit the use to the Commercial designation.	<b>Yes</b>
2.6.6	<i>The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.</i>	The dwelling will continue to rely on existing municipal services for water, sanitation, and stormwater management. The proposed use is also intended to support existing tourism-related facilities and transportation systems. There are no impacts to the natural environment anticipated as there are no changes proposed to the dwelling.	<b>Yes</b>
2.6.7	<i>The financial implications of the proposed development.</i>	The proposed use is not anticipated to cause undue financial implications on the municipality.	<b>N/A</b>

<p><b>2.6.8</b></p>	<p><i>The protection of specialty crop land as defined in the Provincial Policy Statement from development.</i></p>	<p>This policy is not applicable.</p>	<p><b>N/A</b></p>
<p><b>2.6.9</b></p>	<p><i>Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas</i></p>	<p>This policy is not applicable.</p>	<p><b>N/A</b></p>
<p><b>2.6.10</b></p>	<p><i>Compliance with a Comprehensive Review prepared by the City when considering the conversion of employment areas including an area of employment, to another land use category, except where the conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City.</i></p>	<p>This policy is not applicable.</p>	<p><b>N/A</b></p>

Based on the foregoing, the proposal conforms with the general intent and policies of the City's Official Plan.

## 5.0 Proposed Official Plan Amendment

The Owner is proposing an Official Plan Amendment (OPA) to facilitate the proposed use. A site-specific OPA is needed to permit a Vacation Rental Unit on the Subject Lands. The Owner is proposing to add "Vacation Rental Unit" as a permitted use to the Residential designation as a site-specific amendment.

The specific change to the Official Plan is as follows:

1. Special Policy Area XX applies to lands located at 5014 Willmott Street. The lands are designated “Residential” in the Official Plan. The proposed Official Plan Amendment is to add a Vacation Rental Unit as a permitted use.

The Official Plan Amendment is supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, the Niagara Official Plan, and the City of Niagara Falls Official Plan;
- The Subject Lands are located within the settlement area, contributing to diversification of economic activity and supporting the achievement of complete communities;
- The proposed addition of a VRU as a permitted use will not prevent the City from providing housing options to meet projected needs of current and future residents;
- The Subject Lands are located in close proximity to tourism areas;
- This application meets the policy tests as established in OPA 127 for VRUs in a Residential designation in the Official Plan.

A draft of the Official Plan Amendment can be seen in **Appendix E** of this report.

## 6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned *Residential Two Zone (R2 Zone)* in accordance with Zoning By-law No. 79-200, as amended (see **Appendix C– City of Niagara Falls Zoning By-law 79-200**).

A Zoning By-law Amendment is requested for the proposed development, to rezone the Subject Lands from *Residential Two Zone (R2 Zone)* to *Residential Two Zone (R2 Zone) site-specific*. The following tables review the proposed development against the zoning requirements, and addresses deficiencies related to the permitted use and legal non-conforming uses.

A draft Zoning By-law Amendment has been prepared (see **Appendix E – Draft Zoning By-law Amendment**)

*Table 4 - Zoning Compliance Section 7.7 - Residential Two Zone (R2 Zone)*

No.	REGULATION	REQUIRED (metres <sup>2</sup> )	PROPOSED (metres <sup>2</sup> )	COMPLIANCE
7.7.1	Permitted Uses	(a) A detached dwelling	Vacation Rental Unit (VRU use)	No
7.7.2	(a) Minimum Lot Area	(i) for a detached dwelling: 370 square metres	345 m <sup>2</sup> (as existing)	No (Existing)
	(b) Minimum Lot Frontage	(ii) for a detached	9.45 m (as existing)	No (Existing)

5014 Willmott Street - Planning Justification Report

		<i>dwelling on a corner lot: 15 metres</i>		
(c)	Minimum Front Yard	<i>6 metres (19.7 ft.) plus any applicable distance specified in section 4.27.1</i>	<i>3.7 m (as existing)</i>	<b>No (Existing)</b>
(d)	Minimum Rear Yard Depth	<i>7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1</i>	<i>14.7 m</i>	<b>Yes</b>
(e)	Minimum Interior Side Yard Width	<i>1.2 metres (3.9 ft.), subject to the provisions of clauses a and b of section 5.1</i>	<i>1.6 m</i>	<b>Yes</b>
(f)	Minimum Exterior Side Yard Width	<i>4.5 metres (14.8 ft.) plus any applicable distance specified in section 4.27.1</i>	<i>1.14 (as existing)</i>	<b>No (Existing)</b>
(g)	Maximum Lot Coverage	<i>45%</i>	<i>44%</i>	<b>Yes</b>
(h)	Maximum Height of Building or Structure	<i>10 metres (32.81 ft.) subject to section 4.7</i>	<i>&lt; 10 m</i>	<b>Yes</b>
(j)	Maximum Number of Detached Dwellings on One Lot	<i>1 only</i>	<i>1 only</i>	<b>Yes</b>
(k)	Parking and Access Requirements	<i>In accordance with section 4.19.1</i>	<i>See Table 5</i>	<b>See Table 5</b>
(l)	Accessory Buildings and	<i>In Accordance</i>	<i>N/A</i>	<b>Yes (Existing)</b>



		Accessory Structures	<i>with Sections 4.13 and 4.14</i>		
	(m)	Minimum Landscaped Open Space	<i>30% of the lot area</i>	57%	<b>Yes</b>

Table 5 - Zoning Compliance, Section 4.19.1 Parking Areas

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>4.19.1 (a)</b>	Vacation Rental Unit – 2 parking spaces, which may be provided in tandem.	<i>2 parking spaces</i>	2 parking spaces	<b>Yes</b>

**VACATION RENTAL USE**

Detailed analysis for rezoning the Subject Lands for the addition of a VRU as a permitted use is discussed under Section 4.4 of this report. The proposal conforms to the General Provisions for VRUs as set out in Section 4.38 of the Zoning By-law, reviewed in Table 6 below.

Table 6 - Zoning Compliance, Section 4.38 Vacation Rental Unit

No.	REGULATION	REQUIRED	PROPOSED	COMPLIANCE
<b>(a)</b>	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	<i>3 bedrooms</i>	3 bedrooms	<b>Yes</b>
<b>(b)</b>	A vacation rental unit shall be licensed by the City of Niagara Falls and the municipal license of a vacation rental unit must be kept current and maintained in good standing;	<i>Vacation Rental Unit License</i>	To obtain the required Vacation Rental Unit License	<b>Yes</b>
<b>(c)</b>	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	<i>In accordance with requirements of the Building Code Act, 1992, S.O. 1992, c.23 etc.</i>	To comply with the requirements of the Building Code Act, 1992, S.O. 1992, c.23 etc.	<b>Yes</b>

	regulations promulgated thereunder;			
(f)	Parking and access requirements shall be in accordance with Section 4.19.1	<i>In accordance with section 4.19.1</i>	See Table 5	<b>Yes</b>

The proposed Zoning By-law Amendment will permit a VRU on the Subject Lands in conformity with the General Provisions for the use set out in the City’s Zoning By-law. For the reasons outlined in this report, the proposed Amendment is appropriate to regulate the use of the lands.

## 7.0 Summary and Conclusion

The proposed addition of the Vacation Rental Unit use aligns with the policies in the City’s Official Plan which guide this type of use in residentially designated areas. The proposal is near areas identified for tourism in the Zoning By-law and reflects a demand for providing unique opportunities for visitors to the city. The proposal supports the existing tourism industry by providing accommodation for visitors in an area that currently has no licensed Vacation Rental Units.

It is our opinion the proposed Official Plan and Zoning By-law Amendment represents good land use planning, is in the public interest and should be approved for the following reasons:

1. The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Official Plan, and the City of Niagara Falls Official Plan.
2. The Subject Lands are located within the settlement area, contributing to diversification of economic activity and supporting the achievement of complete communities;
3. The built form of the dwelling unit is to remain as existing, and the dwelling will continue to rely on existing municipal services for water, sanitation, and stormwater management.
4. The proposed Vacation Rental Unit will be subject to the City’s licensing by-law and all other relevant municipal by-laws.
5. The proposed addition of a VRU as a permitted use will not prevent the City from providing housing options to meet projected needs of current and future residents;
6. This application meets the policy tests as established in OPA 127 for VRUs in a Residential designation in the Official Plan.

Report prepared by:



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**Edan Nelson, BA Urban Studies, Sustainability Studies**

Planner

*NPG Planning Solutions Inc.*

Report reviewed by:



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**Rhea Davis, MPlan**

Intermediate Planner

*NPG Planning Solutions Inc.*

Report reviewed and signed by:



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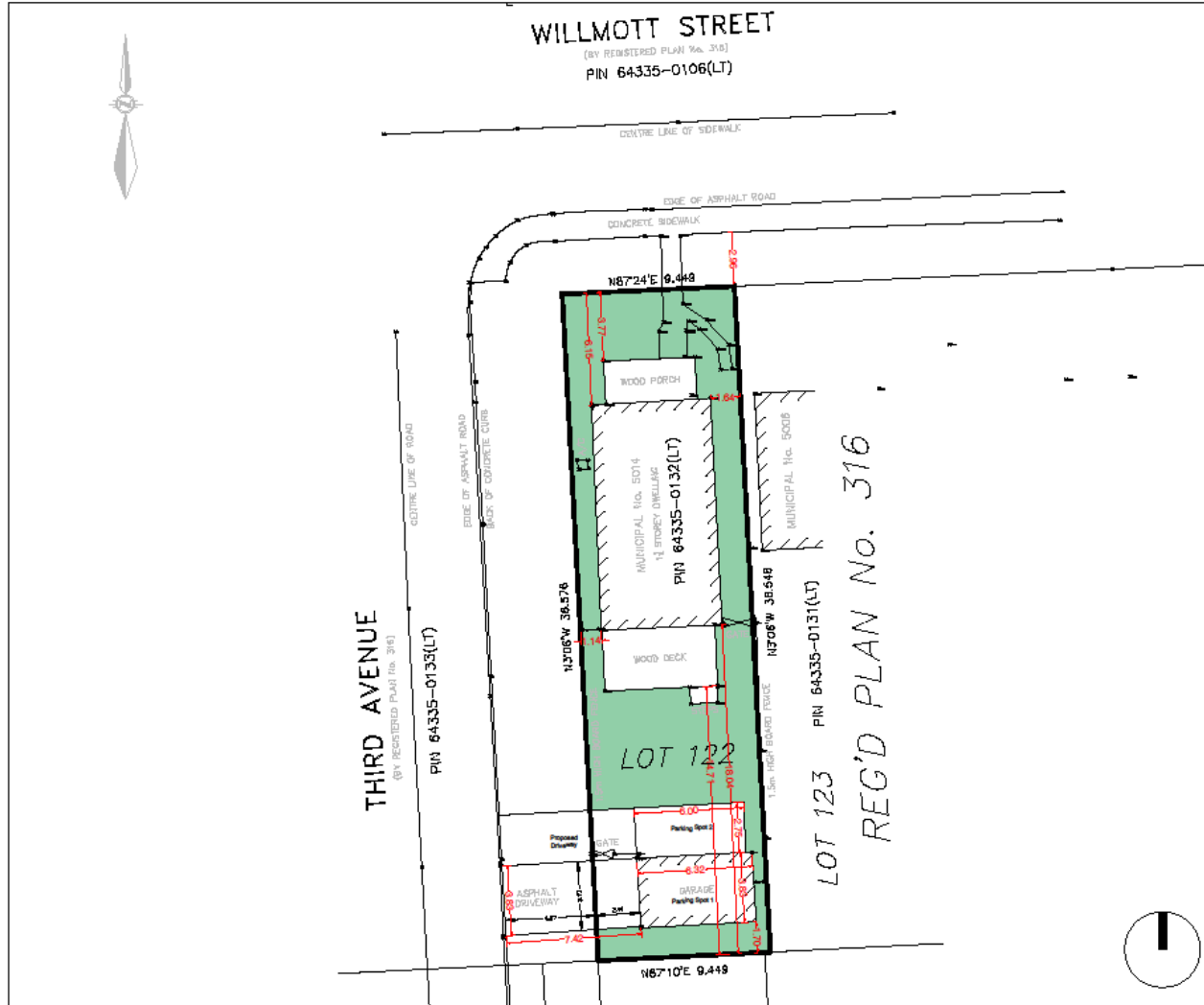
**Aaron Butler, MCIP, RPP**

Development Principal

*NPG Planning Solutions Inc.*

# 8.0 Appendices

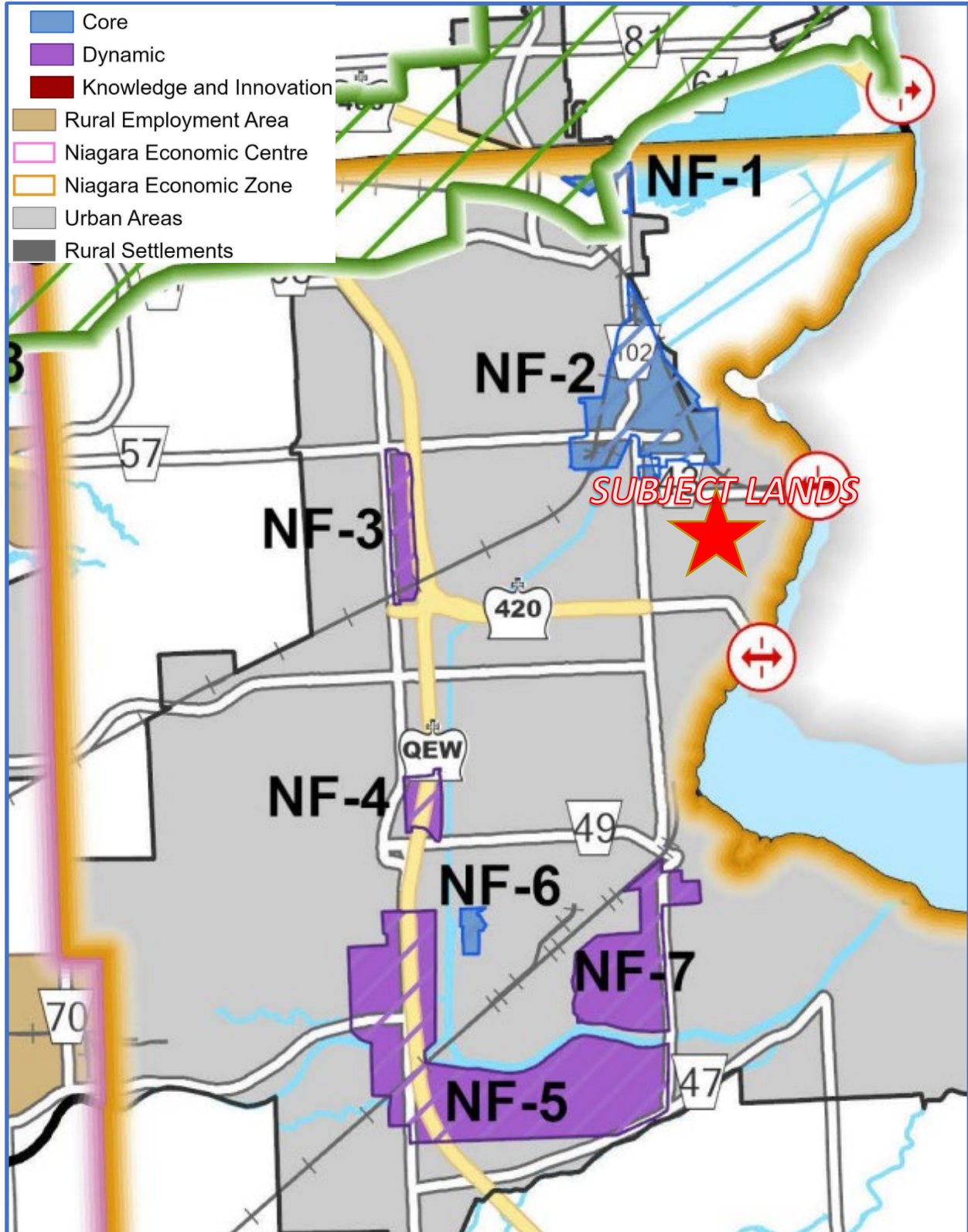
## Appendix A – Proposed Site Plan



SITE STATISTICS			
Lot Area		345.32 sqm	
Lot Coverage		44%	
No. of Bedrooms		Three	
ZONING MATRIX			
REGULATION	REQUIRED (Per Zone)	PROPOSED	COMPLIANCE
Minimum lot area	(1) for a detached dwelling: 370 square metres	345 sqm (vs 370sqm)	LNC
Minimum lot frontage	10 m or a distance existing on a corner lot: 13 metres	8.4 m (vs existing)	LNC
Minimum front yard depth	8 metres	3.2 m (vs existing)	LNC
Minimum rear yard depth	7.5 metres	14.7 m	Yes
Minimum interior side yard width	1.2 metres	1.6 m	LNC
Minimum exterior side yard width	4.5 metres	1.0 m (vs existing)	LNC
Maximum lot coverage	45%	44% (vs existing)	Yes
Maximum height of building or structure	10 metres	2 storeys	Yes
Maximum number of detached dwellings on one lot	1 only	One	Yes
Minimum landscaped open space	30% of the lot area	30% (173sq sqm)	Yes
Parking requirements	2 parking spaces, which may be provided in tandem	2 spaces	Yes
REVISIONS			
NO.	DATE	REVISION	BY
1	Nov 15, 2022	PROVIDE AN ADDITIONAL PARKING SPACE	PS
PRELIMINARY CONCEPT PLAN 03			
5014 Willmott Street, Niagara Falls			
For Drawing No.:	MSV No.:	Scale:	NTS
2208-03-1			October 26, 2022
<small>THIS DRAWING SHALL ONLY BE USED IN CONNECTION WITH THE PROJECT IT WAS ORIGINALLY PREPARED FOR AND FOR WHICH NPGA/PLANNING SOLUTIONS INC. WAS RETAINED.              NPGA/PLANNING SOLUTIONS INC. DOES NOT ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION OR DATA PROVIDED TO IT OR FOR THE ACCURACY OF THE INFORMATION OR DATA PROVIDED TO OTHER PARTIES. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND. NPGA/PLANNING SOLUTIONS INC. SHALL BE LIABLE TO THE CLIENT FOR NEGLIGENCE OR FOR BREACH OF CONTRACT ONLY TO THE EXTENT OF THE SERVICES PROVIDED BY IT OR BY ONE OF ITS EMPLOYEES OR AGENTS.              ALL DIMENSIONS ARE THE PROPERTY OF NPGA/PLANNING SOLUTIONS INC. AND MAY NOT BE REPRODUCED WITHOUT THE PERMISSION FROM NPGA/PLANNING SOLUTIONS INC.              DO NOT SCALE THE DRAWING.</small>			
<b>NPGA</b>		PLANNING SOLUTIONS	



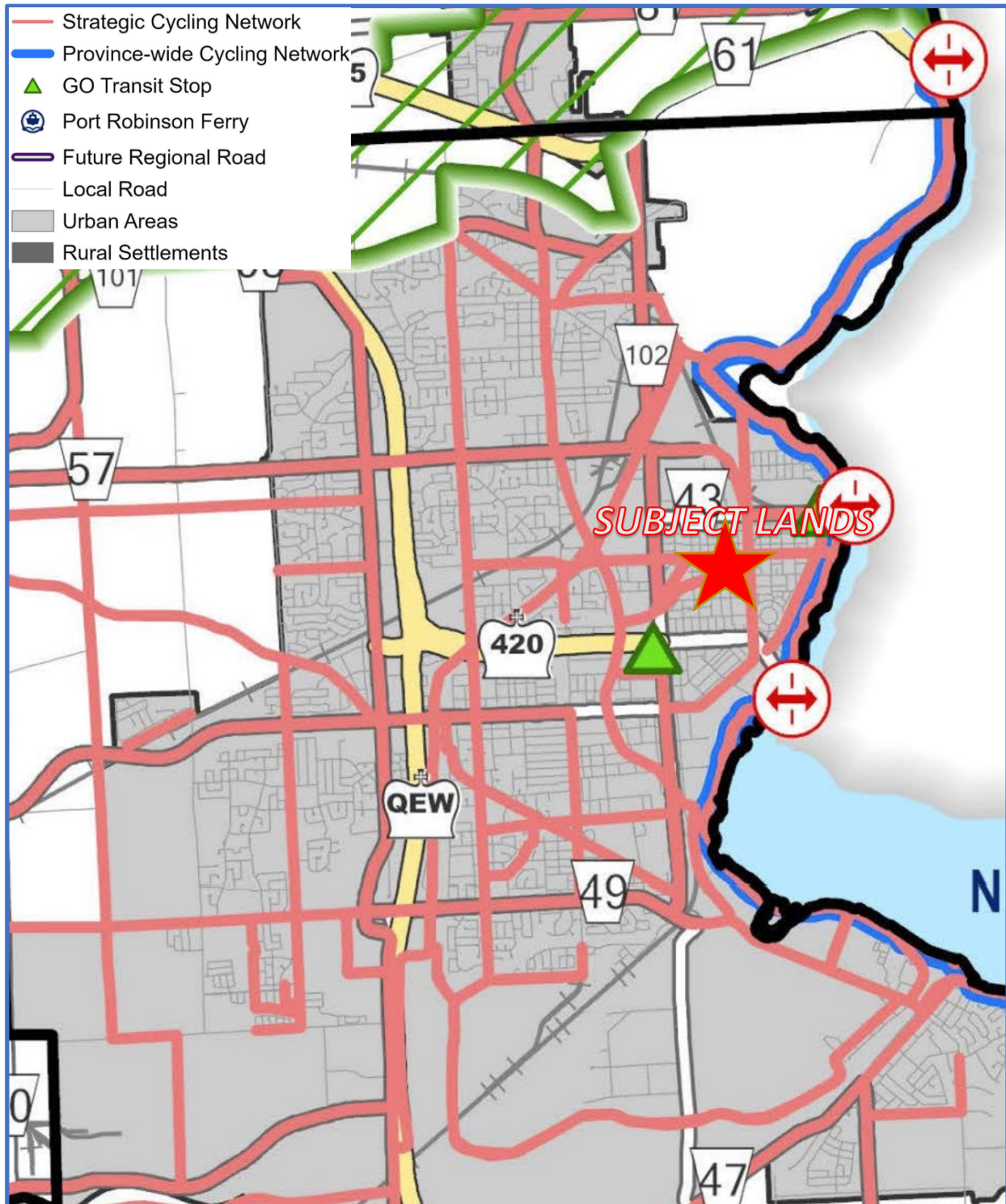
SCHEDULE G – EMPLOYMENT AREAS, *Niagara Economic Zone*



SCHEDULE J1 – TRANSPORTATION INFRASTRUCTURE, *On Regional Road 49*



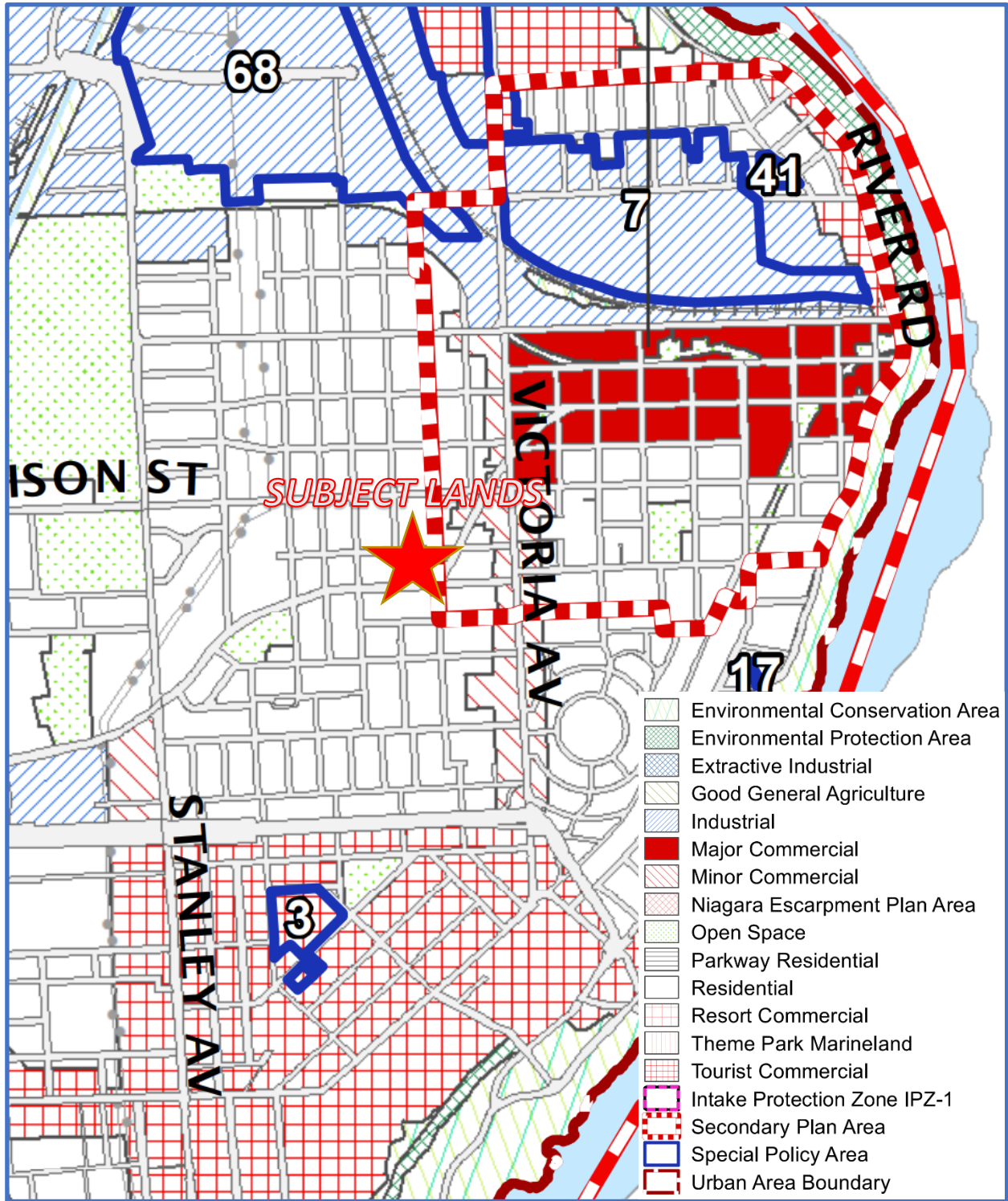
SCHEDULE J2 – STRATEGIC CYCLING NETWORK, *On Strategic Cycling Network*



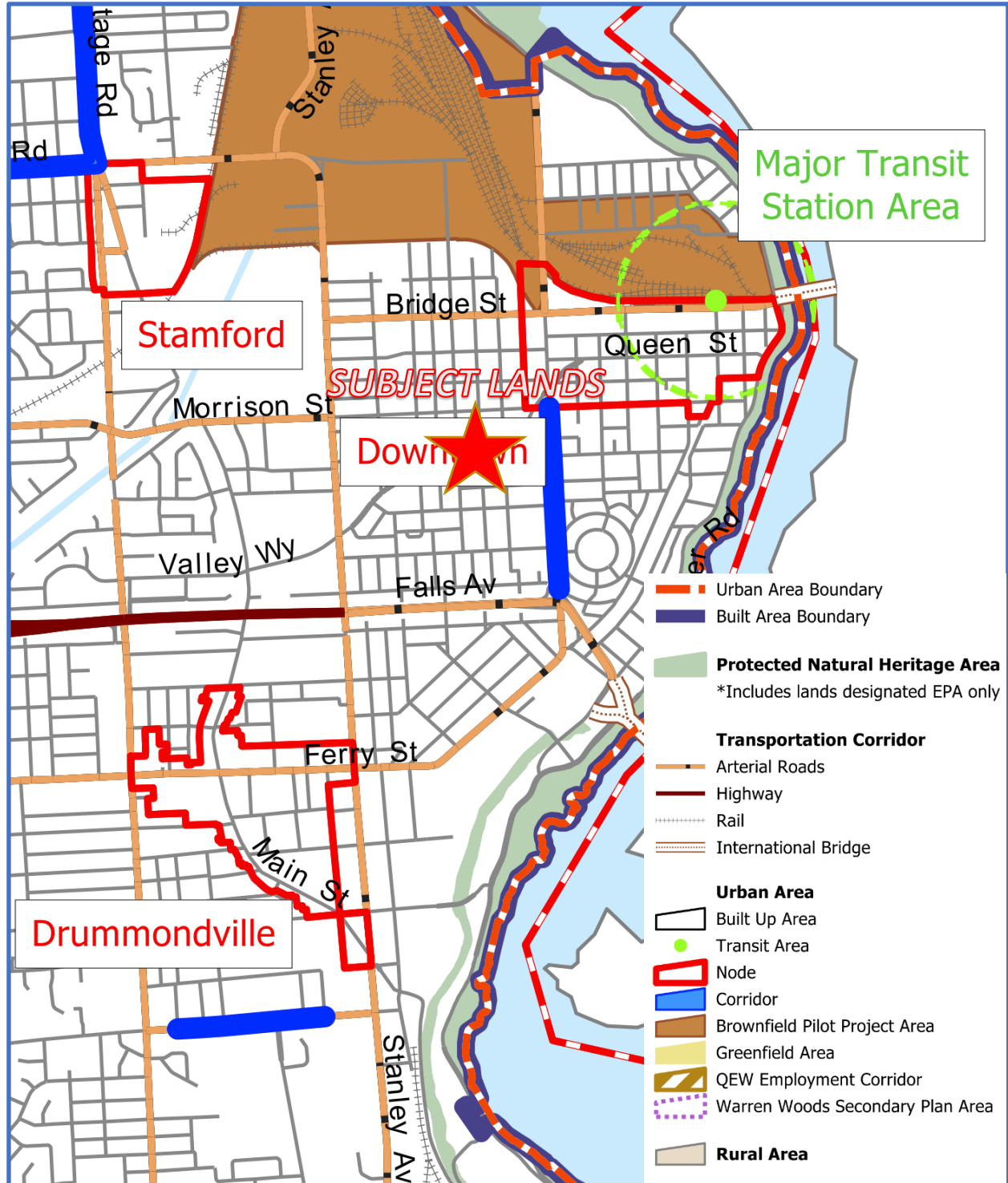


Appendix B – City of Niagara Falls Official Plan Schedules

SCHEDULE A – LAND USE PLAN, *Residential*



SCHEDULE A2 – URBAN STRUCTURE PLAN, **Built-up Area**



SCHEDULE C – MAJOR ROADS PLAN, *Local Road; Willmott Street*



SCHEDULE D – COMMUNITY PLANNING DISTRICTS, **Community of Elgin**





Appendix C – City of Niagara Falls Zoning By-law 79-200

NIAGARA FALLS VIEWER – Zoning By-law 79-200; **Residential Two Zone (R2 Zone)**



## Appendix D – Draft Official Plan Amendment & Schedule

### **PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XX to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

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

#### **1. MAP CHANGE**

Schedule "A" to the Official Plan – *Future Land Use*, is hereby amended by redesignating the lands identified on the Schedule Map attached hereto, and forming part of the amendment, from Residential to Special Policy Area "YY".

#### **2. TEXT CHANGE**

PART 2, SECTION 13 - SPECIAL POLICY AREAS is hereby amended by adding the following subsection:

13.YY            SPECIAL POLICY AREA "YY"

Special Policy Area "YY" applies to 0.035 hectares of land municipally known as 5014 Willmott Street, in the City of Niagara Falls. Notwithstanding the policies of Part 2, Section 2.1 Residential, Low Density, the land may be used for a Vacation Rental Unit not exceeding three (3) bedrooms.

Appendix E – Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS  
BY-LAW NO. 2022-XX**

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO RESIDENTIAL TWO ZONE (R2-XX) SITE SPECIFIC ZONE (AM-2022-XX).

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

1. The Lands that are the subject of and affected by the provisions of this by-law as described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to change the zoning of the Lands identified in Schedule 1 from “Residential Two Zone (R2 Zone)” to “Residential Two Site-Specific Zone (R2-XX)”.
3. The purpose of this by-law is to amend the provisions of By-law 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. 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.
4. Notwithstanding any provision of By-law No. 79-200, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
5. In addition to the uses permitted in the R2 Zone, the following shall also be permitted:
  - a. The uses permitted in the R2 Zone.
  - b. One Vacation Rental Unit with a maximum of 3 bedrooms, in accordance with the regulations contained in Section 4.38 of By-law No. 79-200.
6. Notwithstanding the regulations of the R2 Zone, the following shall apply::
  - a. Minimum lot area 345 square metres
  - b. Minimum lot frontage 9.45 metres
  - c. Minimum front yard depth 3.7 metres
  - d. Minimum exterior side yard width 1.14 metres
7. All other applicable regulations set out in By-law No.79-200 shall continue to apply to govern the permitted uses of the Lands.
8. No person shall use the Lands for a use that is not a permitted use.
9. No person shall use the Lands in a manner that is contrary to the regulations.



10. The regulations of this By-law shall be shown on Sheet D4 of Schedule "A" of By-law No.79-200 by modifying the lands from R2 to R2-XX.

**Read a first, second and third time; passed, signed and sealed in open Council this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
JAMES M. DIODATI, MAYOR

