



Planning Justification Brief

Official Plan Amendment & Zoning By-law Amendment Application
2358 to 2387 Portage Road & 2495 Stanley Avenue, Niagara Falls

For: Darren and Lori Schmahl

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

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1.0 Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Darren Schmahl, the Owner of approximately 0.34 hectares of land in the City of Niagara Falls (“the Subject Lands”), comprised of and municipally known as the following:

- 2358 Portage Road
- 2378 Portage Road; and
- Vacant parcel between 2358 & 2378 Portage Road; and
- 2495 Stanley Avenue.

NPG has been retained to provide professional planning advice on the proposal which seeks to permit a Vacation Rental Unit (“VRU”) for each property within the Subject Lands. The proposal seeks to utilize existing detached dwellings at 2358 Portage Road, 2378 Portage Road and 2495 Stanley Avenue for VRUs. The proposal also proposes to add VRU as a permitted use on the vacant parcel on Portage Road. Implementation of the proposal requires an Official Plan Amendment to include VRU permissions in residentially designated lands. A Zoning By-Law Amendment is required to rezone the Subject Lands from Residential 1E Density Zone (R1E Zone) to a Site-Specific Residential R1E Density Zone (R1E-XXXX) under the City of Niagara Falls Zoning By-law No. 79-200.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the Applications for Official Plan & Zoning By-law Amendments when assessed against the *Planning Act*, R.S.O. 1990, c. P.13 (“*Planning Act*”), Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), and the Niagara Official Plan (“Region’s OP”). This PJR provides a more detailed analysis of the proposed development against policies for the implementation of VRUs in the City of Niagara Falls Official Plan (“City’s OP”) and the City of Niagara Falls Zoning By-law No. 79-200.

Section 4.1 of this report provides an overview of how the proposal complies with the *Planning Act*. Sections 4.2, 4.3, and 4.4 of this report provides an overview of how the general intent and objectives of the PPS, Growth Plan and the NOP are met by the proposal. Section 4.5 of this report discusses the proposal’s conformance with the City’s OP while Section 5.0 and 6.0 provide justification for approval of the Applications for Official Plan Amendment and Zoning By-Law Amendment, respectively.

As per the Pre-Consultation Agreement form dated January 6th, 2022, the following documents are required for a complete application:

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

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located at the southwest corner of the intersection of Stanley Avenue (Region Road 102) and Portage Road (Regional Road 101) in Niagara Falls. The Subject Lands are comprised of four (4) parcels. The Subject Lands have a combined frontage of 67.73 metres on Stanley Avenue, 102.26 metres on Portage Road, and are comprised of the following properties, buildings, and structures, and areas:

Table 1 - Subject Lands Attributes

ADDRESS	BUILDINGS & STRUCTURES	AREA
2495 Stanley Ave	<i>Single detached dwelling with 2 bedrooms</i>	<i>441.62 square metres</i>
2358 Portage Road	<i>Single detached dwelling with 3 bedrooms; stone accessory building</i>	<i>659.18 square metres</i>
Vacant Parcel (Portage Road)	<i>Vacant</i>	<i>459.90 square metres</i>
2378 Portage Road	<i>Single detached dwelling with 2 bedrooms</i>	<i>1787.61 square metres</i>
TOTAL AREA:		<i>3,348.31 square metres (0.335 hectares)</i>

The Subject Lands have no immediate adjacent neighbours, as it is bound by Stanley Avenue to the east, Portage Road to the northwest, and a hydro corridor to the south. Each of the roadways are Regional arterial roads (see **Appendices A & B**) and act to separate the Subject Lands from other surrounding land uses.

Across Portage Road from the Subject Lands, to the north, is an apartment building (phase one of two buildings). Low density residential uses (detached dwellings) exist to the east, across Stanley Avenue located to the east. To the south is the hydro corridor containing above grade high voltage transmission lines (see **Figure 1**).

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Figure 1 – Aerial Context



North: Medium Density Residential (apartment building)

South: Hydro Corridor

East: Low Density Residential (single-detached dwellings)

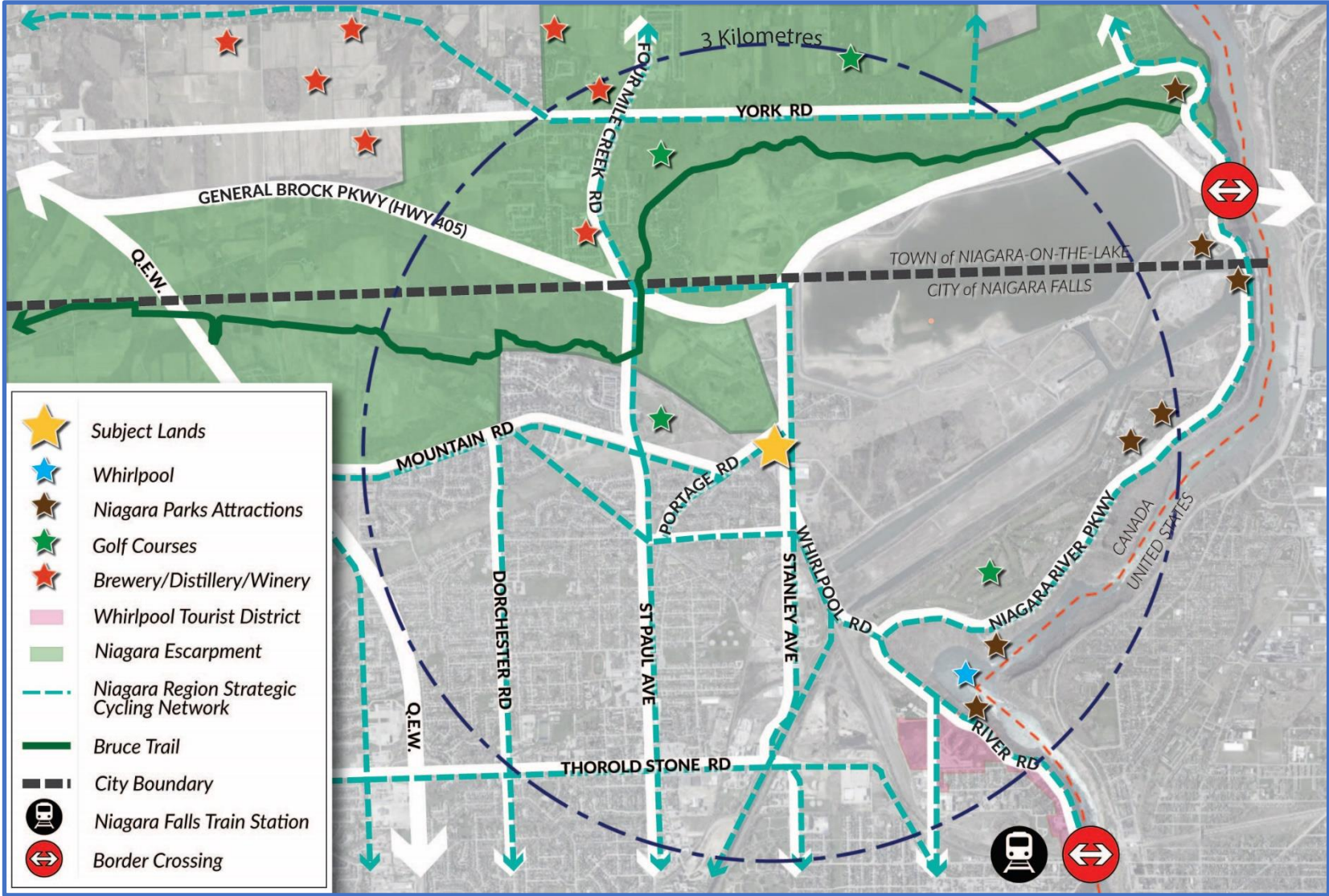
West: Hydro Corridor

The Subject Lands are designated Residential on Schedule A of the City's OP (see **Appendix B**). The Subject Lands are in proximity to the following tourism amenities/attractions, as shown in Figure 2 below:

- Golf Courses
- The Bruce Trail
- Breweries/Distilleries/Wineries
- Niagara Parks Attractions
- Niagara Escarpment
- Niagara Falls Train Station
- Queenston Lewiston Border Crossing

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Figure 2 – Tourism Amenities & Designations



2358 Portage Road Ontario Heritage Act Designation

The parcel at 2358 Portage Road is designated under Part IV of the *Ontario Heritage Act* by By-law No 2018-122. A single storey stone building is located on the property which is the subject of the designation. From By-law 2018-122:

The property is locally known as the “halfway” for it was the halfway point used during the operation of a horse drawn railway, which ran from the Queenston Dock area to Chippawa. The intersection of Portage Road and Stanley Avenue was a halfway point where the horses used to draw the cars up the escarpment from Queenston would be changed for a fresh team of horses to continue the journey to Chippawa. A small settlement grew around the intersection, including a tavern called “The Halfway House”, a bakery, a general store and a blacksmith’s shop.

The house on the property is dated c. 1895 and appears to be of later construction than the stone structure that is the subject of this designation. This conclusion has been made due to the fact that the stone foundation of the house is a later type of construction than the stone building as well as its setting at a slightly different angle than the setting of the stone structure.

Regarding heritage attributes, By-law 2018-122 states:

Key features that embody the heritage value are important to the preservation of the stone structure at 2358 Portage Road include the following:

- Single storey stone building set slightly into the ground
- Stone laid in random rubble coursing
- Low pitched gable roof
- Window on each side
- Doorway opening on north side
- Limestone lintels
- Prominent setting corner of Portage Road and Stanley Avenue
- Association with the use of property as “halfway” point for exchange of horses used in the Erie & Ontario Railroad.

The stone building is located partly within the Stanley Avenue road allowance, for which an encroachment agreement exists with the Niagara Region. A dry stone wall was built by the Owner on the lands, along the street lines.

The parcel at 2495 Stanley Avenue and the vacant parcel on Portage Road were severed from the 2358 Portage Road lot (severance approved in 2017). The designating by-law

notes that the building now on 2495 Stanley Avenue may have been a blacksmith's shop and was later used as a garage.

3.0 Proposed Development

The Owner is proposing a site-specific Official Plan and Zoning By-law to permit VRUs within the existing detached dwellings located on the Subject Lands, as well as the vacant parcel on Portage Road. The proposal seeks blanket Official Plan and Zoning By-law permissions to allow one licensed VRU to operate per property.

The City's OP designates the Subject Lands as Residential, and the site is zoned Residential 1E Density (R1E) in the City's Zoning By-law. The Residential land use designation does not permit VRUs as-of-right and calls for site-specific amendments to both the Official Plan and the Zoning By-law to permit the use.

The Site Plan attached as **Appendix G** illustrates the proposal. As noted in Table 1, each of the three dwellings contains three bedrooms or less and sufficient parking exists on each individual parcel to meet the City's Zoning By-law requirements. As such, there are no physical changes required on any of the parcels.

4.0 Planning Policies

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

4.1 Ontario Heritage Act R.S.O. 1990

The *Ontario Heritage Act* ("OHA") provides policy direction related to the identification, protection and conservation of buildings, structures, landscapes and archaeological sites that have cultural heritage value or interest in the province of Ontario. As discussed, the Subject Lands feature a one-storey stone building which is designated under Part IV of the *Ontario Heritage Act* via City of Niagara Falls By-law No. 2018 - 122. The following sections apply to the proposal:

POLICY

33(1) *No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration.*

ANALYSIS

Section 1 of the OHA defines "alter" as "to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning". The proposed applications would not result in any physical changes to the Subject Lands or the designated heritage building and would not achieve the definition of "alteration". Rather, the proposed applications would permit the VRUs on the Subject Lands. This will provide a new source of revenue for the Owners of the Subject Lands to assist with ensuring the long-term protection of the designated heritage building.

Based on the foregoing, the proposal conforms with the policies of the *Ontario Heritage Act*.

4.2 Provincial Policy Statement (2020) ("PPS")

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.

4.2.1 PPS Policies for Managing and Directing Land Use

The PPS contains the following policies regarding managing and directing land use:

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 proposed VRUs intend to utilize fully serviced lands, as per Policy 1.1.1 (a), (e) and (g). 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 VRUs will contribute 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 active transportation routes such as the Niagara Region Strategic Cycling Network and the Bruce Trail, as noted in Figure 2, and aligns with Policy 1.1.3.2 (e) and (f).

4.2.2 PPS Policies for Employment and Long-Term Economic Prosperity

The PPS contain the following policies regarding employment and economic prosperity:

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;*

ANALYSIS

The proposed VRUs are considered a commercial use under 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 VRUs promote economic development and prosperity by permitting an alternative accommodation-type for the vacationing and travelling public, in an area suitable for the use that is close and well-connected to natural amenities and attractions.

4.2.3 PPS Policies for Housing

The PPS contains the following policies regarding housing:

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

Permitting VRUs on 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.

4.2.4 PPS Policies for Cultural Heritage

The PPS contains the following policies related to Cultural Heritage.

POLICY

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.3 *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

ANALYSIS

The PPS defines site alteration as “activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site”. There will be no physical site works associated with the proposed applications therefore the proposed applications do not meet the definition of site alteration.

The PPS defines development as “means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act,”. The proposed OPA/ZBA applications will permit a new land use (VRU) on the Subject Lands in addition to the existing residential uses, resulting in a form of “development” under the PPS. The heritage attributes of the property relate to the physical characteristics of the stone building, in addition to its prominent location at the corner of Portage Road and Stanley Avenue, and its association with the former use of the property as a “halfway” point for horses. The proposed addition of VRUs as permitted uses will not

affect the heritage attributes of the stone building. It will be conserved through the applications. The City of Niagara Falls has not requested a Heritage Impact Assessment with the applications.

As mentioned, permitting VRUs on the Subject Lands will provide a new source of revenue to the Subject Lands helping to ensure the long-term conservation and protection of the designated heritage building on the Subject Lands. The stone building will not operate as a VRU.

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

4.3 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”.

4.3.1 Growth Plan Policies for Managing Growth

The Growth Plan contains the following policies regarding the management of growth:

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 VRUs, conforming to Policy 2.2.1.2 (a). Further, the proposed VRUs will take advantage of nearby natural features, the Bruce Trail, and various Niagara Parks Commission (NPC) amenities that further enhance the vitality of the neighbourhood and supports the achievement of complete communities exhibiting a “diverse mix of land uses, including residential and employment uses” per Policy 2.2.1.4 (a).

The proposal to permit VRUs also promotes economic diversity and encourages tourism in the 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. Permitting VRUs on the Subject Lands does not prevent the City from achieving this goal. In addition to a VRU, the Subject Lands may continue to be used for residential housing.

4.3.2 Growth Plan Policies for Cultural Heritage Resources

The Growth Plan provides the following related to Cultural Heritage Resources:

POLICY

4.2.7 *Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*

ANALYSIS

The cultural heritage resources on the Subject Lands will not be impacted as a result of the proposed applications. Permitting VRUs on the Subject Lands will provide an additional revenue stream for the Owner, helping ensure the long-term protection and conservation of the stone building.

Based on the foregoing, the proposal conforms with the policies of the Growth Plan.

4.4 Niagara Official Plan (2022) (“Region’s OP”)

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

Table 2 – Region’s OP Schedules

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
B	<i>Regional Structure</i>	Delineated Built-up Area
G	<i>Employment Areas</i>	Niagara Economic Zone
J1	<i>Transportation Infrastructure</i>	Located on Arterial Roads: <ul style="list-style-type: none"> • Portage Road • Stanley Avenue
J2	<i>Strategic Cycling Network</i>	Location on the Strategic Cycling Network

4.4.1 Region’s OP Policies for Managing Growth and Economic Prosperity

The Region’s OP contains the following policies regarding the management of growth and economic prosperity:

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 natural amenities and tourism amenities enhance 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 VRUs 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 VRUs will contribute to the economic development potential of the Niagara Economic Gateway, from a tourism perspective, per Policy 4.5.2.1.

4.4.2 Region's OP Policies for Cultural Heritage

The Region's OP provides the following related to Cultural Heritage:

POLICY

6.5.1.5 *Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

ANALYSIS

As discussed, the proposed OPA/ZBA applications will permit a new land use (VRU) on the Subject Lands in addition to the existing residential uses, resulting in a form of "development" under the PPS. The proposed addition of VRUs as permitted uses will not affect the heritage attributes of the stone building. It will be conserved through the applications. The City of Niagara Falls has not requested a Heritage Impact Assessment with the applications.

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

4.5 City of Niagara Falls Official Plan ("City's OP")

The City's 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’s OP also strives to provide an adequate supply of housing for its residents, along with a mix of housing options.

Table 3 - City's OP Schedules

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
A	<i>Land Use Plan</i>	Residential
A2	<i>Urban Structure Plan</i>	Built-up Area
C	<i>Major Roads Plan</i>	Located on Arterial Roads: <ul style="list-style-type: none"> • Portage Road • Stanley Avenue
D	<i>Community Planning Districts</i>	Stamford
E	<i>Tourism Map</i>	Near Whirlpool Satellite District

4.5.1 City OP Policies for Residential Designations

Part 2 of the City’s OP provides the following policies regarding residentially designated lands:

POLICY

- 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 three (3) single detached dwellings, with permission for an additional single detached dwelling on the vacant parcel. The Official Plan and Zoning By-law Amendments do preclude the use of any dwelling unit on the Subject Lands for continued residential purposes. Section 1.1 permits “residential accommodation” within the Residential designation, which is not defined. “Accommodation” is defined by the Official Plan as:

“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:

“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’s OP provides policy direction for VRUs within the Residential designation, discussed below.

4.5.2 City OP Policies for Vacation Rental Units

The City’s OP provides policy direction under Part 2 Section 1.10 (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 are considered under the OPA 127 policy framework. The City’s OP provides the following policies and criteria regarding the establishment of VRUs in residentially designated areas:

POLICY

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:*

ANALYSIS

Table 4 - 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>	VRUs are proposed within existing single detached dwellings.	Yes
1.10.2	Vacation Rental Units shall be limited to 3 bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood.	All existing single detached dwellings in which the VRUs are to be located contain no more than three (3) bedrooms.	Yes

No.	POLICY	ANALYSIS	CONFORMITY
1.10.3	Parking and landscaping shall be consistent with the residential environment.	Parking for each VRU will be accommodated on existing gravel and asphalt driveways (see Appendix D). Existing landscaping will be retained. Given parking can be accommodated using existing spaces, and no changes to landscaping of the dwelling units is proposed, both will be consistent with the residential environment that exist to the north and east across arterial roads from the Subject Lands.	Yes
1.10.4	The size of the lot, the provision of landscaped amenity space, ability to accommodate required parking, nature and classification of the street and the proximity to tourist areas shall all be considered	<p>The proposed VRUs will be located in single detached dwellings across four (4) isolated residential parcels in a triangular configuration bound by Portage Road and Stanley Avenue (regional roads) to the northwest and east, and a hydro corridor containing a series of above-ground high-voltage transmission lines to the south. Portage Road and Stanley Avenue handle large volumes of traffic, suitable for visitors arriving and leaving the VRUs. The lands are also in close proximity to Highway 405, providing easy access to the QEW and the Queenston-Lewiston border crossing.</p> <p>The nature of this Application is to utilize existing dwellings and lots. The lots are suitably large to accommodate the operation of VRUs. To note, there are no neighbouring or adjacent properties to the Subject Lands on the same side of the street.</p> <p>The Subject Lands contain large</p>	Yes

No.	POLICY	ANALYSIS	CONFORMITY
		<p>amenity spaces in each rear and side yard. The landscaped amenity spaces found onsite include a combination of sodded yards and hardscape. The Owner hosts students from the NPC School of Horticulture who provide the Subject Lands with unique and complementary landscaping to the historical buildings and structures primarily located at 2358 Portage Road.</p> <p>The Subject Lands are located approximately two (2) kilometres from Whirlpool Satellite Tourism District and the Niagara River Parkway, including various NPC tourist attractions and amenities. The lands are located in the northeasterly corner of the City's Urban Boundary and Residential Area. This is in close proximity to various tourist destinations such as golf courses, commercial uses, on-farm diversified uses such as breweries, distilleries and wineries, as well as the NPC attractions and Niagara River. The above attractions and amenities are within walking and cycling distance from the Subject Lands. Permitting VRUs on the Subject Lands will support the amenities and uses within the Whirlpool Satellite District, on the Niagara River Parkway and in surrounding areas, catering to visitors who wish to be close to these sightseeing and recreational uses.</p>	
1.10.5	An undue concentration of Vacation Rental Units is to be	Presently, there are no licensed VRUs operating in the vicinity of the Subject Lands.	Yes

No.	POLICY	ANALYSIS	CONFORMITY
	<p>avoided in order to reduce the impact on the character of the residential nature of the area and residential enjoyment of permanent residents.</p>	<p>The proposed amendments would permit the use of VRUs on four properties within the Subject Lands. Policy 1.10.5 is aimed at avoiding a concentration of VRUs in one area to reduce potential impacts on the character of the residential area and the residential enjoyment of surrounding permanent residents.</p> <p>There is merit to permitting VRUs on Subject Lands given its disconnected nature and isolation from the surrounding residential properties. The Subject Lands have no adjacent neighbours, since the area is bound by arterial roads and a hydro corridor. This provides a separation from surrounding uses: a recently constructed apartment building to the north and detached dwellings to the east.</p> <p>The large arterial road widths adjacent to the site, combined with ample existing landscaping, provide a buffer to the surrounding residential uses.</p>	
1.10.6	<p>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</p>	<p>Please refer to detailed vacancy rate and housing supply analysis in the following sub-section (4.5.2.1) of this report.</p>	Yes

No.	POLICY	ANALYSIS	CONFORMITY
	housing for tenants.		
1.10.7	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.	The Owner will be required to obtain individual licenses to operate each dwelling as a VRU. The VRUs must operate in accordance with the City's licensing by-law and all other applicable by-laws. The City's licensing framework assists with ensuring the VRUs operate in a respectful and lawful manner.	Yes

4.5.2.1 City OP Policy 1.10.6 Vacancy Rate Analysis

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

POLICY

1.10.6 *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.*

ANALYSIS

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 5 - Rental Market Survey Data for Vacancy Rates (2021 & 2022)¹

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

Note - Letter codes represent reliability of the data:

a - excellent, b - very good, c - good, d - 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 6 - Rental Market Survey Data for Total Rental Units (2021 & 2022)¹

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

It is noted that CMHC rental vacancy rate data and rental unit data are for townhouses and apartment buildings. The rental market survey does not specifically consider detached dwellings. Notwithstanding this, the available data shows that the City's overall vacancy rate has increased by almost one percent, while the overall rental stock is also increasing.

Considering the above rental vacancy rates and rental supply, the addition of VRUs 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.

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

4.5.3 City OP Policies for Cultural Heritage Conservation

Part 3, Section 4 of the City's OP provides the following policy direction and criteria regarding Cultural Heritage Conservation:

POLICY

4.17 The City shall foster creative and functional uses of heritage resources in the economic and social life of the community. Encouragement shall be given to appropriate types of development or uses which propose to

¹ Table created using latest data release from Canada Housing & Mortgage Corporation (2022); [Rental Market Survey Data Tables | CMHC \(cmhc-schl.gc.ca\)](https://www.cmhc-schl.gc.ca/en/rental-market-survey-data-tables)

incorporate a building or group of buildings with historic or architectural value. At the local level incentives, bonuses or exceptions to development requirements may be considered for those proposals which incorporate heritage conservation properties in development or redevelopment projects.

- 4.19 Development adjacent to and surrounding significant heritage properties shall be designed as to not adversely impact on the character, quality or amenity associated with the heritage resource.

ANALYSIS

The proposed development seeks to permit VRUs on the same site as a designated cultural heritage building. These VRUs will provide guests a unique experience to visit Niagara Falls and learn about the history of the community through the on-site heritage building. Permitting VRUs on the Subject Lands provides a creative way to take advantage of the location of the halfway house while supporting the tourism sector in the City. Approval of the proposed applications will not result in any physical alterations to the designated heritage building and will not adversely impact the character, quality, or amenity associated with the heritage resource.

4.5.4 City OP Policies for Official Plan Reviews and Amendments

Part 4 of the City’s OP provides the following policy direction and criteria regarding Official Plan amendments and reviews:

POLICY

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

ANALYSIS

Table 7 - Criteria for Policy 2.6

No.	POLICY	ANALYSIS	CONFORMITY
2.6.1	The conformity of the proposal to the general objectives of this Plan.	Based on the foregoing analysis, the proposal meets the general objectives of the City’s OP, as it maintains the residential function and character of the area.	Yes
2.6.2	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.	The Subject Lands are suitable for VRUs given the following reasons: <ul style="list-style-type: none"> • Proposed to locate within existing dwellings; • Adequate provision of 	Yes

No.	POLICY	ANALYSIS	CONFORMITY
		<p>parking is proposed;</p> <ul style="list-style-type: none"> • Ample on-site amenity space and landscaping; • Proximate to natural features and tourist uses further described in the analysis of 2.6.4. 	
2.6.3	<p>Compatibility of the proposed use with adjacent land use designations and natural resources.</p>	<p>The VRU 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 VRUs including, but not limited to: compliance with zoning; 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.</p>	<p style="text-align: center;">Yes</p>
2.6.4	<p>The need for and market feasibility of the proposed use.</p>	<p>The proposal is seeking to fill a gap in the existing tourism market, and reflects a demand for unique and alternative visitor experiences that are focused on proximate natural features, such as the Bruce Trail in the Niagara Escarpment, NPC attractions and amenities found throughout the Whirlpool Satellite District and along the gorge, and various commercial and on-farm diversified uses nearby.</p>	<p style="text-align: center;">Yes</p>

No.	POLICY	ANALYSIS	CONFORMITY
2.6.5	The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.	VRUs are permitted by the City's OP within Commercial designations, subject to the implementing Zoning By-law. The City's OP policy framework permits the consideration of VRUs within Residential designation, and is not intended to restrict the use to only commercially designated areas.	Yes
2.6.6	The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.	All dwellings will continue to rely on existing municipal services for water, sanitation, and stormwater management. There will be no anticipated impact to the transportation system, community facilities, or the natural environment as no changes are proposed to the existing dwellings.	Yes
2.6.7	The financial implications of the proposed development.	The proposed use is not anticipated to cause undue financial implications on the municipality.	Yes
2.6.8	The protection of specialty crop land as defined in the Provincial Policy Statement from development.	This policy is not applicable.	N/A
2.6.9	Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas	This policy is not applicable.	N/A
2.6.10	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	This policy is not applicable.	N/A

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No.	POLICY	ANALYSIS	CONFORMITY
	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.		

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 VRUs 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 identified in Schedule A to this Official Plan Amendment. The proposed Official Plan Amendment is to add a Vacation Rental Unit as a permitted use for any property comprising said Subject Lands.

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 Region’s OP, and the City’s OP;
- 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 VRUs 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 proximity to alternative tourist attractions comprised of local wineries, the Bruce Trail, NPC attractions, various golf courses, and the Whirlpool Tourism District.
- 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 and supporting schedule can be seen in **Appendix D** of this report.

6.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Residential 1E Density Zone (R1E Zone) in accordance with Zoning By-law No. 79-200 (see **Appendix C**). The proposal is to amend the current zoning as described above to a Site-Specific Residential 1E Density Zone (R1E-XX) Zone to facilitate the proposed VRU uses.

In addition to the applicable R1E provisions of Section 7, Section 4 includes provisions specific to VRUs. The Subject Lands were also subject to Minor Variance File A-2017-023, which approved variances as noted below. The following tables provide a review of the proposed development against these applicable provisions.

Table 8 – R1E Zoning Review

No.	REGULATION	REQUIREMENTS	PROPOSAL	COMPLIANCE
7.1.1	Permitted Uses	(a) detached dwelling (b) A home occupation in a detached dwelling (c) Accessory buildings and accessory structures (d) A group home type 1 2009-176	VRUs	No
7.1.2 (a)	Minimum lot area	(i) for an interior lot: 370 square metres (2378 – Unaddressed Parcel Portage Road & 2495 Stanley Avenue) (ii) for a corner lot: 450 square metres (2358 Portage Road)	Equal to or greater than 441.62 square metres for interior lots Equal to or greater than 659.18 square metres for corner lot	Yes
7.1.2 (b)	Minimum lot frontage	(i) for an interior lot: 12 metres (2378 – Unaddressed Parcel Portage Road & 2495 Stanley Avenue)	Equal to or greater than 16.84 metres for interior lots Equal to or greater than 28.74 metres for corner lots	Yes

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No.	REGULATION	REQUIREMENTS	PROPOSAL	COMPLIANCE
		(ii) for a corner lot: 15 metres (2358 Portage Road)		
7.1.2 (c) & File A-2017-023	Minimum front yard depth	Per File A-2017-023: <ul style="list-style-type: none"> 2495 Stanley Ave: 2.17 metres 2358 Portage Ave: 2.77 metres to enclosed porch & 4.97 metres to main front wall Per Zoning By-law 7.1.2 (c): <ul style="list-style-type: none"> 6 metres for remaining properties 	2495 Stanley Ave: 2.17 metres 2358 Portage Road: 2.77 metres to enclosed porch, 4.97 metres to main front wall 2378 Portage Road: 7.9 metres to enclosed front porch, 10.6 metres to main front wall	Yes
7.1.2 (d) & File A-2017-023	Minimum rear yard depth	Per File A-2017-023: <ul style="list-style-type: none"> 2495 Stanley Ave: 0.32 metres Per Zoning By-law 7.1.2 (d): <ul style="list-style-type: none"> 7.5 metres for remaining properties 	2495 Stanley Ave: 0.32 metres 2358 Portage Road: 15.5 metres 2378 Portage Road: 26.53 metres	Yes
7.1.2 (e) & File A-2017-023	Minimum interior side yard width	Per File A-2017-023: <ul style="list-style-type: none"> 2495 Stanley Ave: 0.6 metres Per Zoning By-law 7.1.2 (e):	2495 Stanley Ave: 0.6 metres 2358 Portage Road: 6.25 metres 2378 Portage	Yes

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No.	REGULATION	REQUIREMENTS	PROPOSAL	COMPLIANCE
		<ul style="list-style-type: none"> • 1.2 metres for remaining properties 	Road: 4.1 metres	
7.1.2 (f)	Minimum exterior side yard width	4.5 metres	2495 Stanley Ave: N/A 2358 Portage Road: 7.67 metres 2378 Portage Road: N/A	Yes
7.1.2 (g)	Maximum lot coverage	45%	2495 Stanley Ave: 30.94% 2358 Portage Road: 24.9% 2378 Portage Road: 15.31%	Yes
7.1.2 (h)	Maximum height of building or structure	10 metres subject to section 4.7	All buildings and structures are as existing	Yes
7.1.2 (j)	Maximum number of detached dwellings on one lot	1 only	1 only on each parcel	Yes
7.1.2 (k)	Parking and access requirements	See Table 9 Below		
7.1.2 (l)	Accessory buildings and accessory structures			
7.1.2 (m)	Minimum landscaped open space	30% of the lot area	2495 Stanley Ave: 69% 2358 Portage Road: 75%	Yes

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No.	REGULATION	REQUIREMENTS	PROPOSAL	COMPLIANCE
			2378 Portage Road: 84%	

Table 9 – General Provisions Review

No.	REGULATION/ REQUIREMENTS	PROPOSAL	COMPLIANCE
4.13 (b) & File A-2017-023	Per File A-2017-023: <ul style="list-style-type: none"> 2358 Portage Road: 0 metres setback for lot line abutting a street, for accessory structures on a corner 	2495 Stanley Ave: N/A 2358 Portage Road: 0 metres 2378 Portage Road: N/A	Yes
4.13 (g)	In a R1A, R1B, R1C, R1D, R1E, R1F, 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 of the specific zone. 2008-148	2495 Stanley Ave: N/A 2358 Portage Road: Less than 15% 2378 Portage Road: N/A	Yes
4.19.1 (a)	Vacation Rental Unit – 2 parking spaces, which may be provided in tandem.	2495 Stanley Ave: 2 parking stalls 2358 Portage Road: 2 parking stalls 2378 Portage Road: 2 parking stalls	Yes
4.38 (a)	The maximum number of bedrooms permitted in a vacation rental unit in an existing detached dwelling or dwelling unit in a TC, GC, and CB zone shall be 3;	2495 Stanley Ave: 2 bedrooms 2358 Portage Road: 3	Yes

No.	REGULATION/ REQUIREMENTS	PROPOSAL	COMPLIANCE
		bedrooms Unaddressed Parcel: N/A (Vacant) 2378 Portage Road: 2 bedrooms	
4.38 (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;	A VRU License to be obtained for each parcel operating as a VRU	Yes
4.38 (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;	In accordance with requirements of the Building Code Act, 1992, S.O 1992, c.23 etc.	Yes
4.38 (f)	Parking and access requirements shall be in accordance with section 4.19.1.”	See 4.19.1 (a) above	Yes

6.1 Zoning Deficiency Review

There are no new deficiencies as a result of the proposal. The addition of VRUs as a permitted use on the Subject Lands is discussed below. The previously approved minor variances are not proposed to be carried forward as regulation into the site-specific Zoning By-law Amendment. However, through discussions with City Staff, it is understood that the variances will continue to apply.

6.1.1 Permitted Use

Required: 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.

Proposed: Vacation Rental Units

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Detailed analysis for rezoning the Subject Lands to include VRUs as a permitted use is discussed under Section 4 of this report, including the City's policies for considering the use in a Residential land use designation. The proposal conforms to the General Provisions for VRUs as set out in Section 4.38 of the Zoning By-law (see **Table 7**). For the reasons outlined in this report, the proposed Amendment is appropriate to regulate the use of the Subject Lands.

7.0 Summary and Conclusion

The proposed addition of VRUs align with the policies in the City's OP, which guide this type of use in residentially designated areas. The proposal is proximate to areas with tourist and tourist-related uses and reflects a demand for providing unique experiences 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 VRUs.

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 PPS, Growth Plan, the Region's OP and the City's OP.
2. The proposal is located within a settlement area, and will contribute to the diversification of economic activity and supports the achievement of complete communities;
3. The stone structure designated under the *Ontario Heritage Act* will be conserved;
4. The built form of the existing dwellings is to remain, and the dwellings will continue to rely on existing municipal services for water, sanitation, and stormwater management.
5. The proposed VRUs will be subject to the City's licensing by-law and all other applicable municipal by-laws.
6. The proposed permission to allow VRUs will not prevent the City from providing housing options to meet projected needs of current and future residents;
7. These applications meet the policy tests as established in the City's OP Section 1.10 (OPA 127) for VRUs in residentially designated areas.

Report submitted by:



Aaron Butler, MCIP RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.

8.0 Appendices

Appendix A – Regional Official Plan Schedules

Appendix B – City of Niagara Falls Official Plan Schedules

Appendix C – City of Niagara Falls Zoning By-law No. 79-200

Appendix D – Proposed Official Plan Amendment

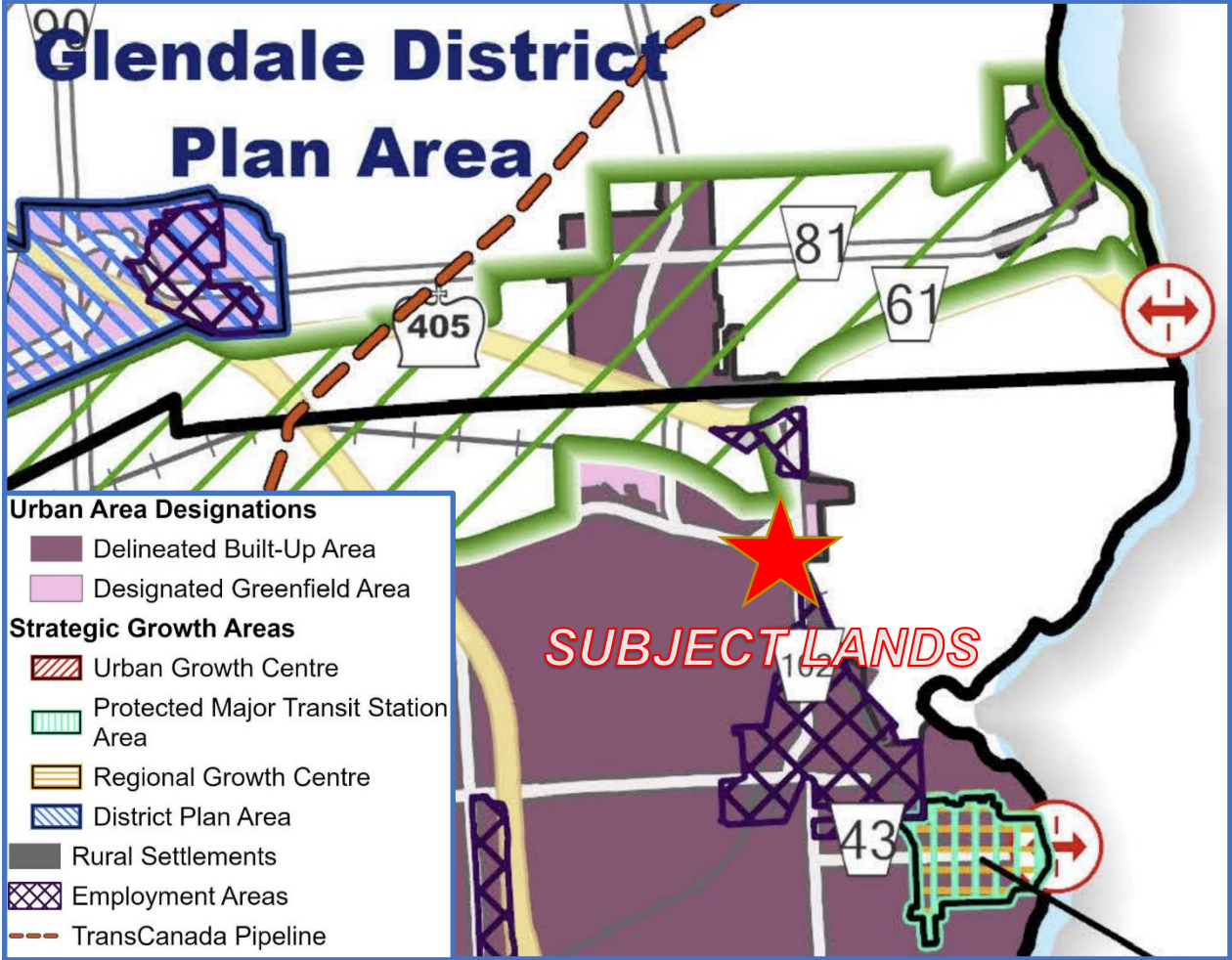
Appendix E – Proposed Zoning By-law Amendment

Appendix F – Site Photos

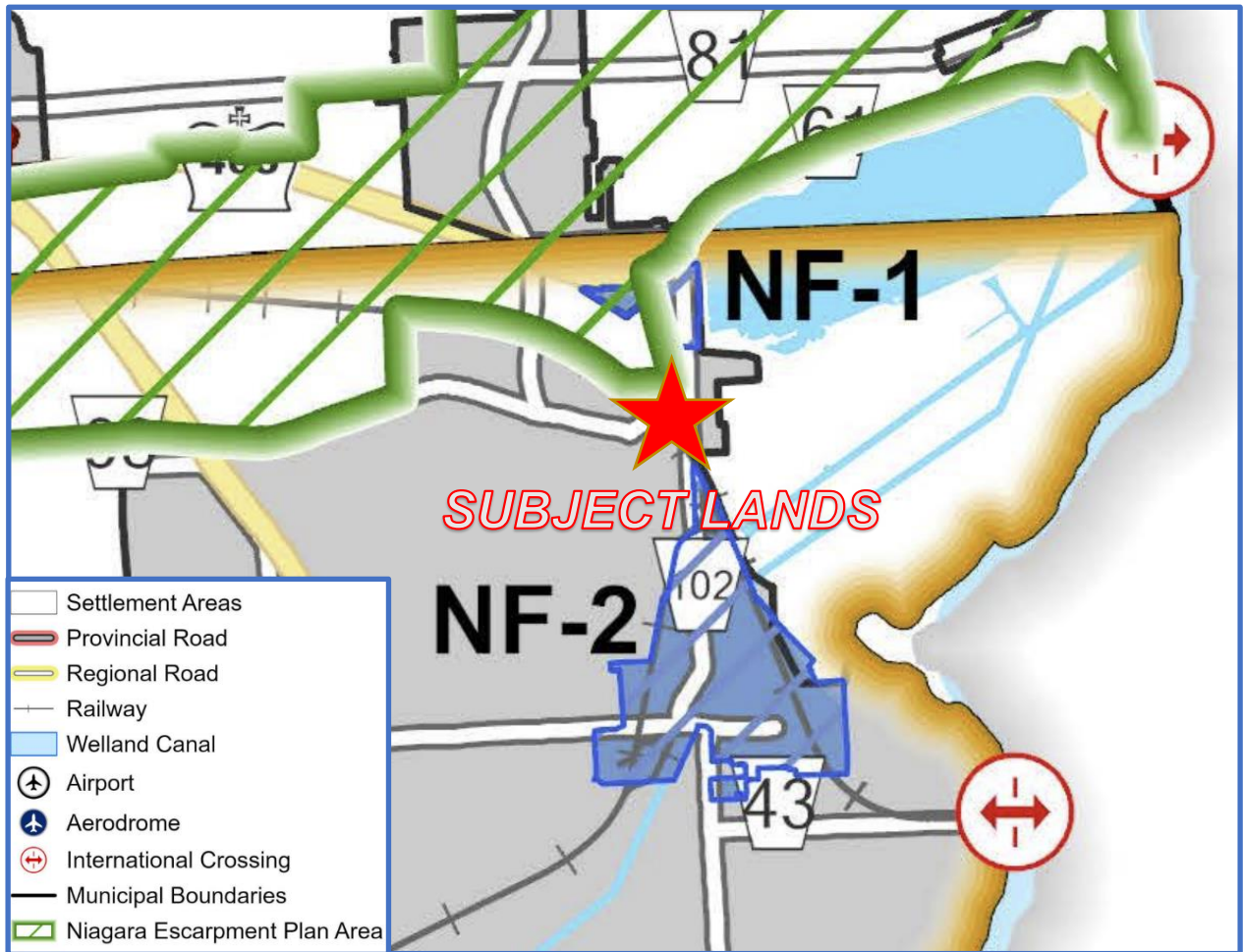
Appendix G – Conceptual Site Plan

Appendix A – Regional Official Plan Schedules

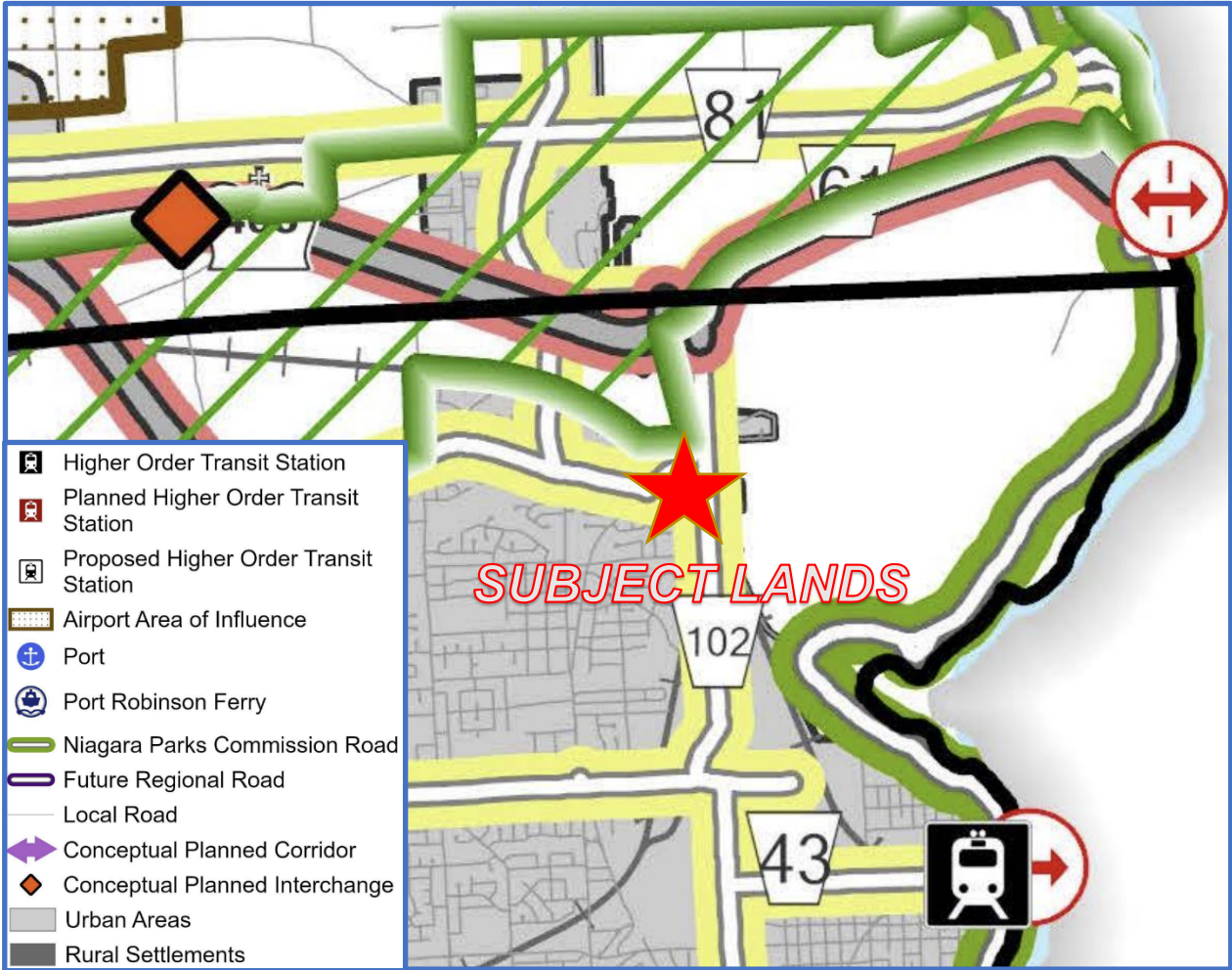
SCHEDULE B – REGIONAL STRUCTURE – *Delineated Built-up Area*



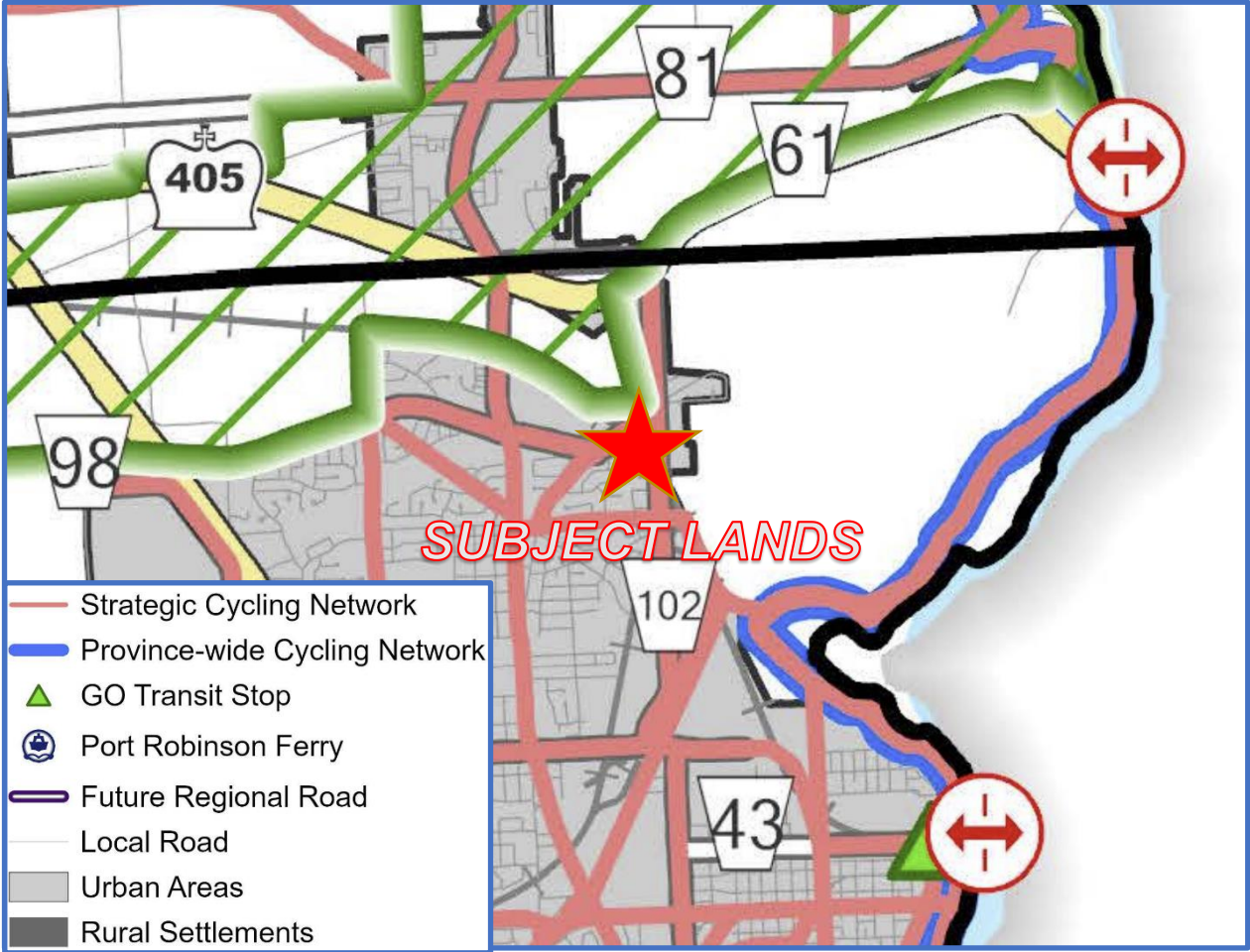
SCHEDULE G – EMPLOYMENT AREAS – *Niagara Economic Zone*



SCHEDULE J1 – TRANSPORTATION INFRASTRUCTURE – *Regional Road (Portage Road (RR 101) & Stanley Avenue (RR 102))*

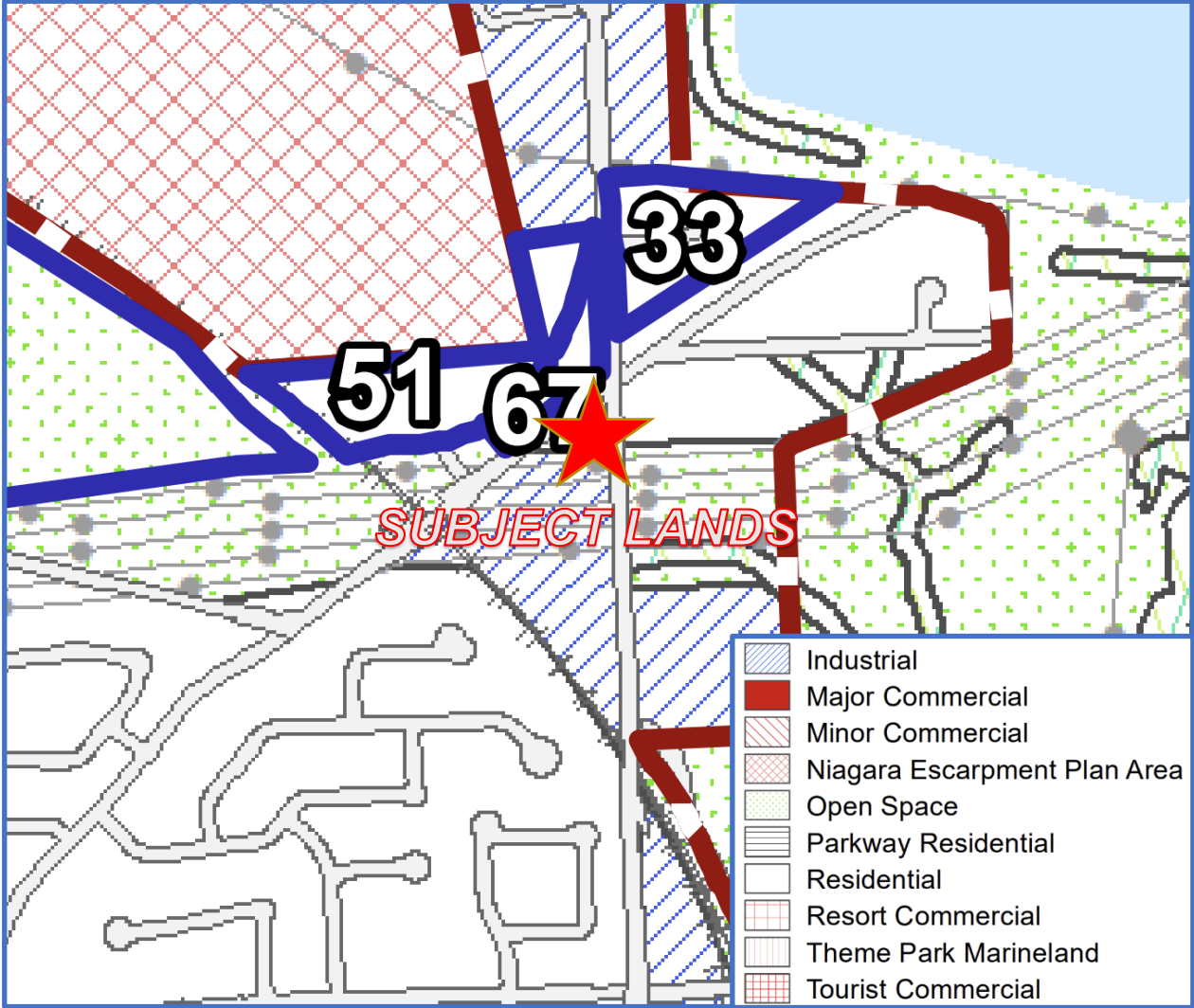


SCHEDULE J2 – STRATEGIC CYCLING NETWORK – *On Strategic Cycling Network*



Appendix B – City of Niagara Falls Official Plan Schedules

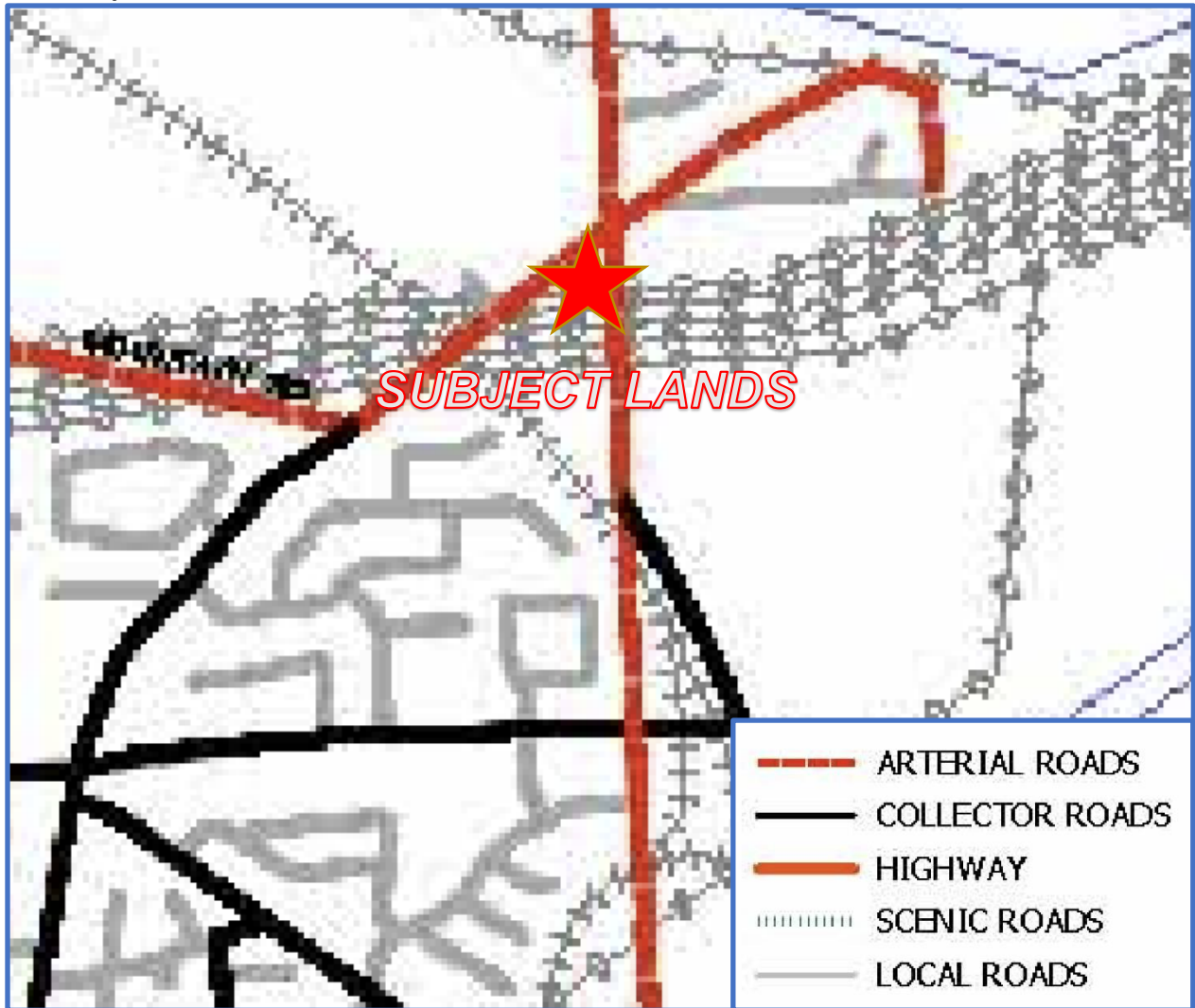
SCHEDULE A – FUTURE LAND USE – *Residential*



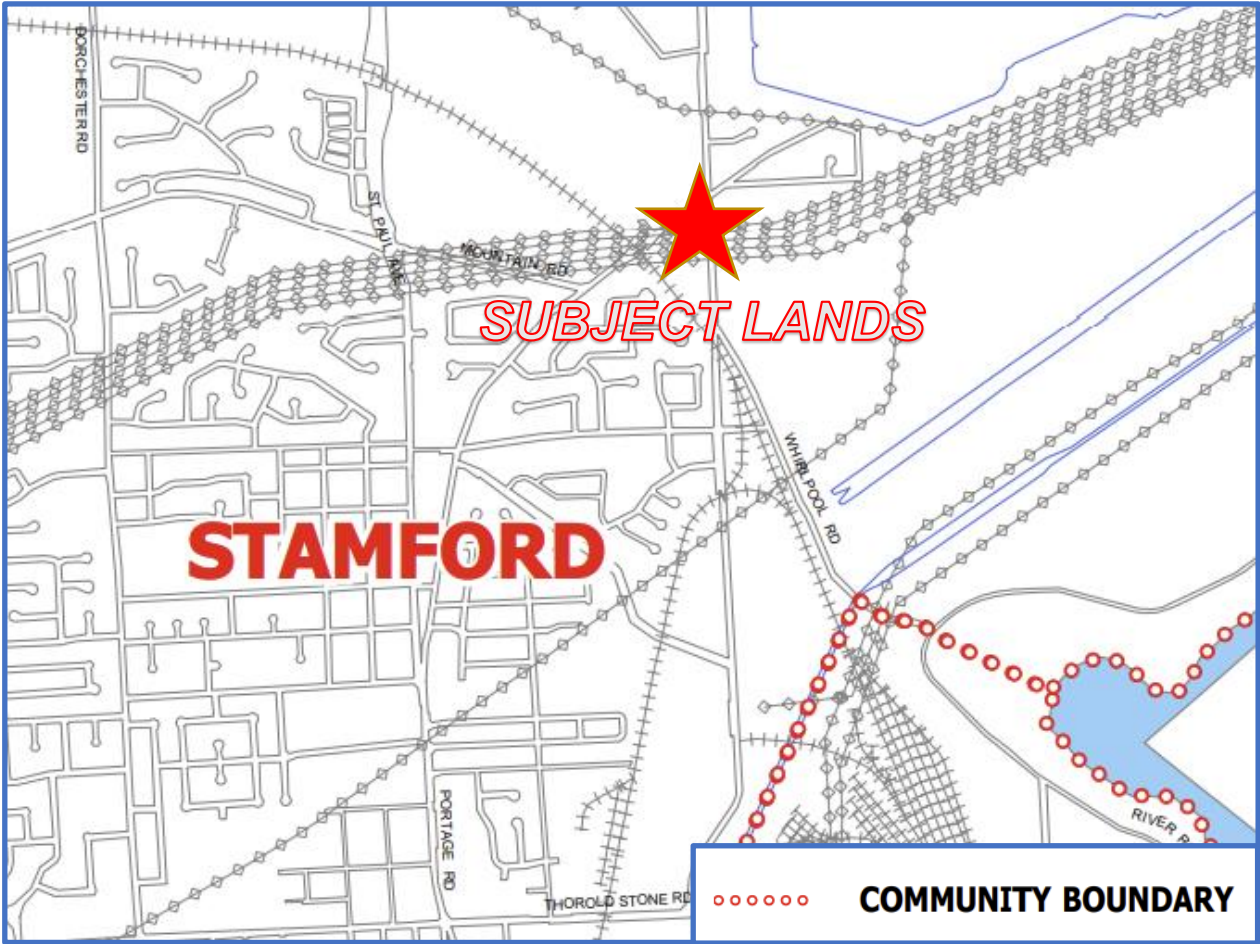
SCHEDULE A2 – URBAN STRUCTURE PLAN – *Built Up Area*



SCHEDULE C – MAJOR ROADS PLAN– *Arterial Roads (Portage Road & Stanley Avenue)*

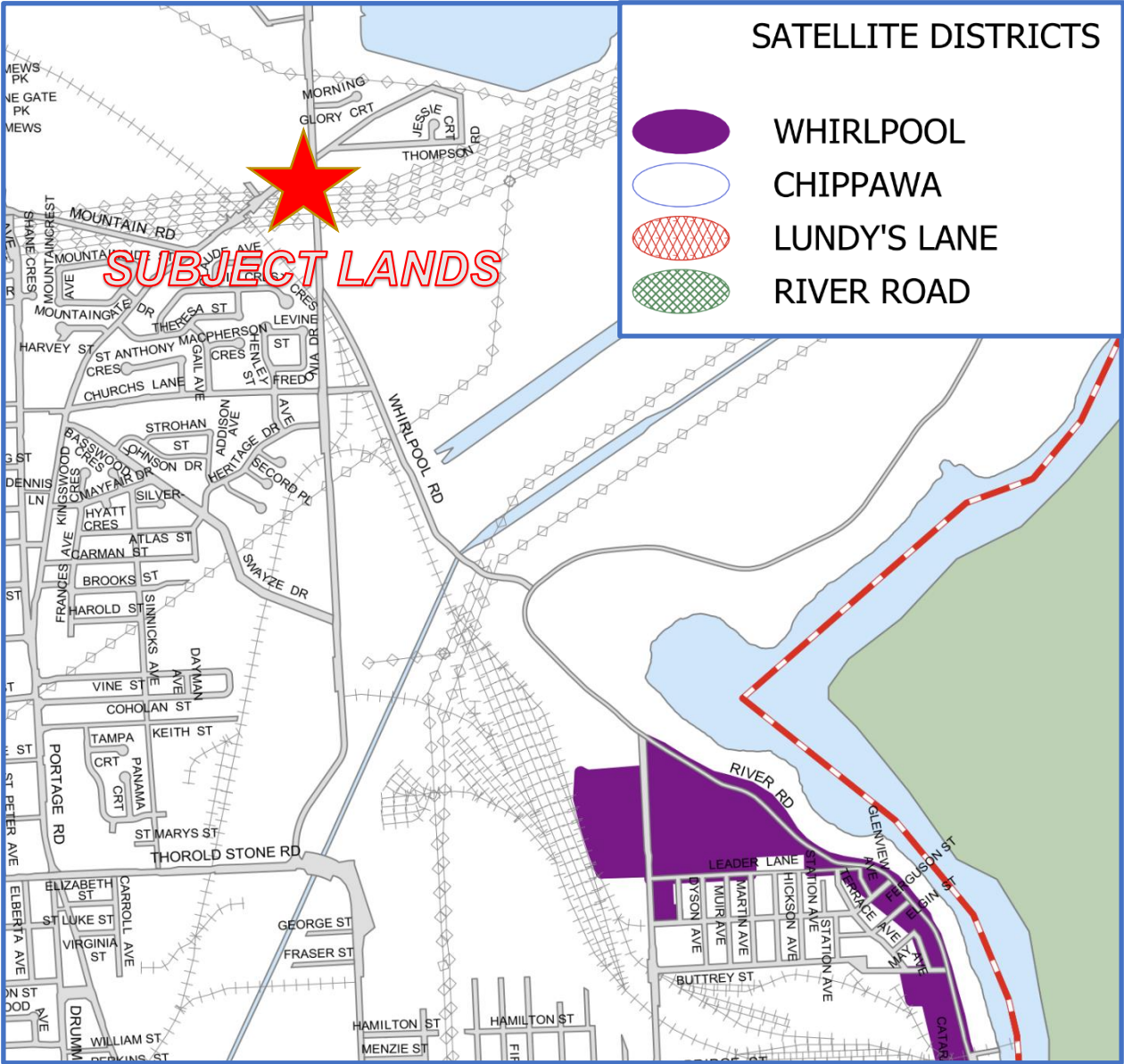


SCHEDULE D – COMMUNITY PLANNING DISTRICTS – *Stamford*



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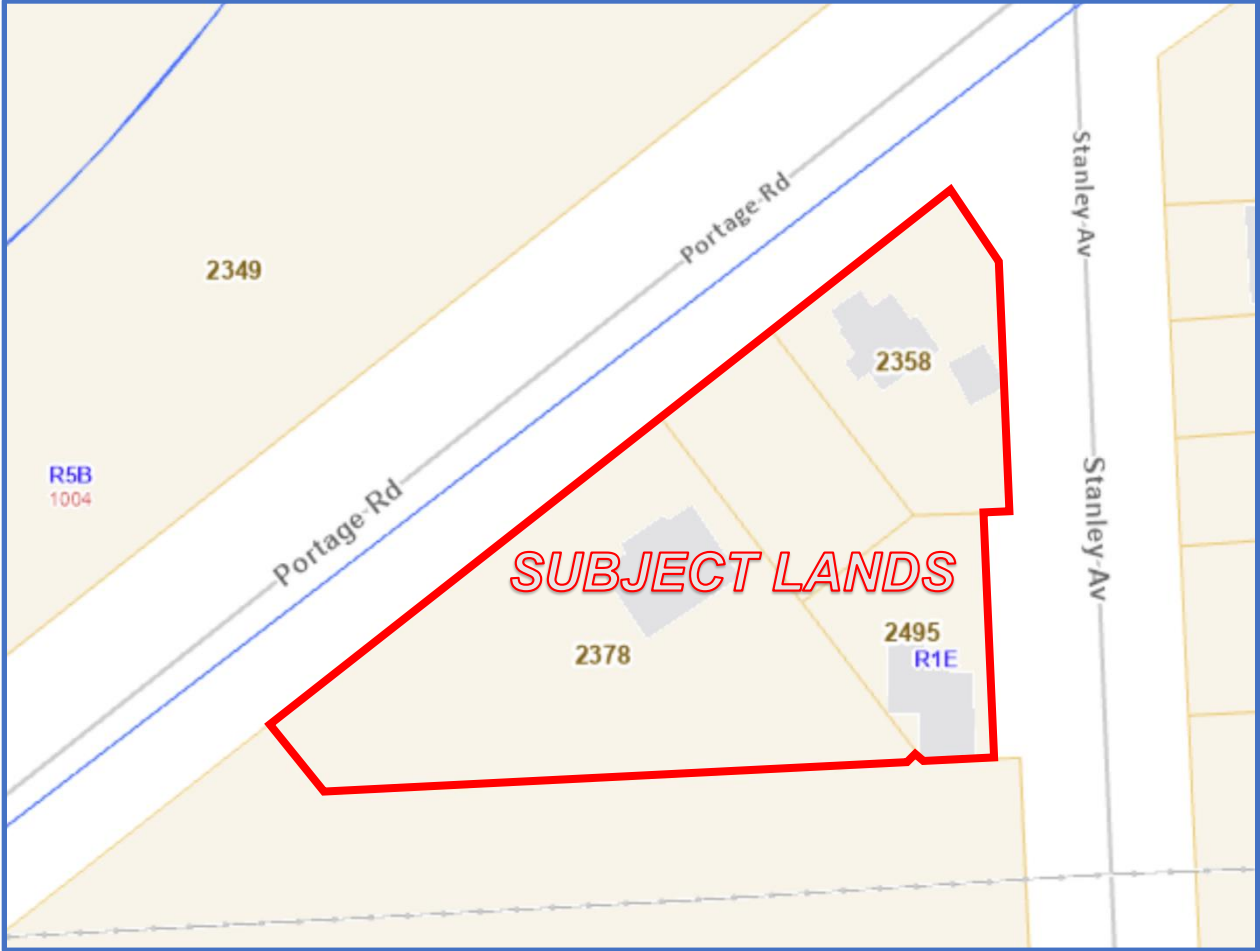
SCHEDULE E – TOURISM MAP – Whirlpool Satellite District



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Appendix C – City of Niagara Falls Zoning By-law No. 79-200

ZONING BY-LAW No. 79-200 – **Residential 1E Density Zone (R1E Zone)**



Appendix D – Proposed Official Plan Amendment

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 ("Schedule A to Official Plan Amendment") attached hereto, and forming part of the amendment, from Residential to Special Policy Area "YY".

2. TEXT CHANGE

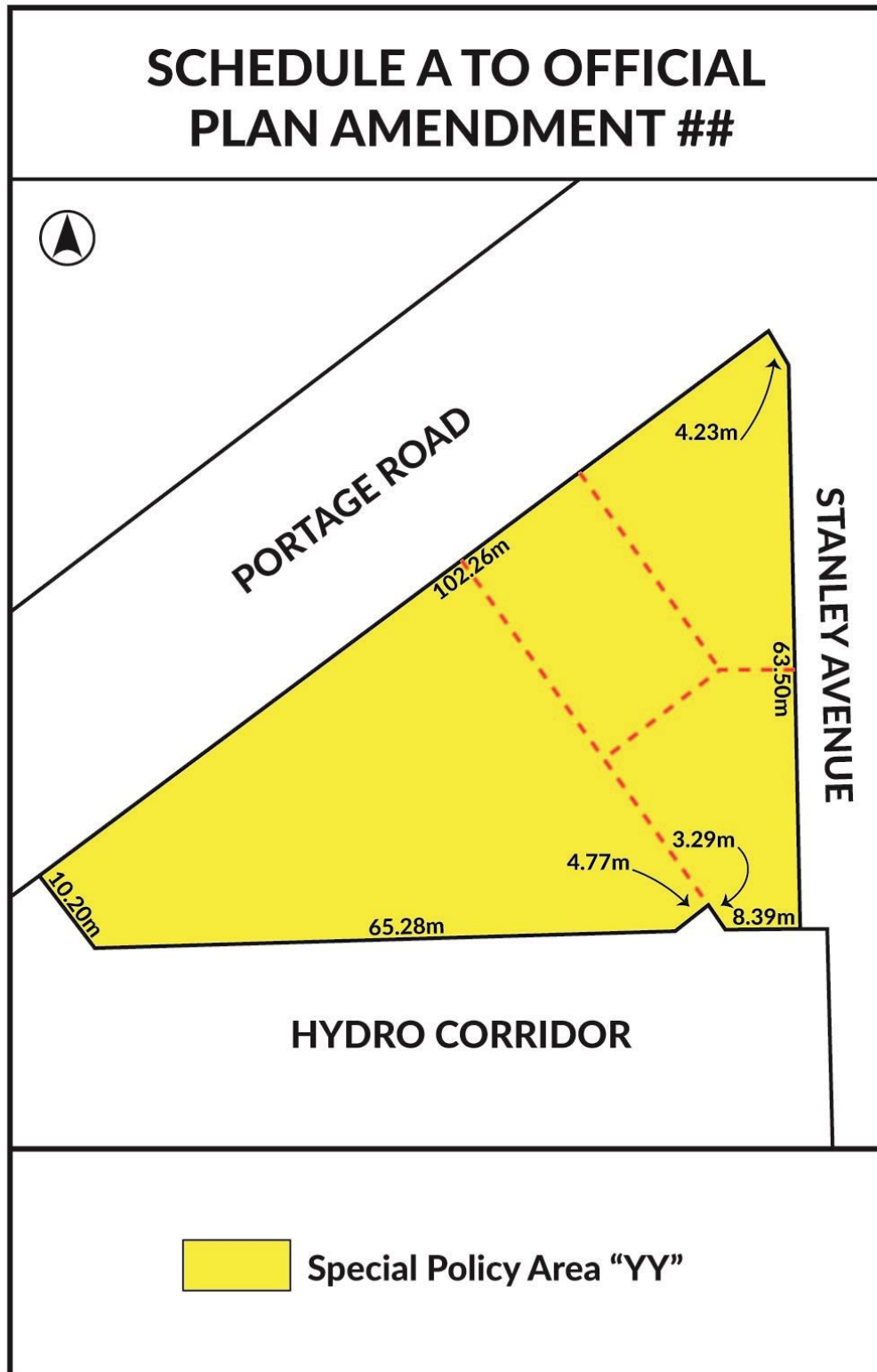
PART 2, SECTION 13 - SPECIAL POLICY AREAS is hereby amended by adding the following subsection:

13.YY SPECIAL POLICY AREA "YY"

Special Policy Area "YY" applies to 0.35 hectares of land in the City of Niagara Falls, comprised of and municipally known as:

- a) 2495 Stanley Avenue
- b) 2358 Portage Road
- c) Unaddressed Parcel between 2358 & 2378 Portage Road
- d) 2378 Portage Road

Notwithstanding the policies of Part 2, Section 2.1 Residential, Low Density, Vacation Rental Units are permitted..



Appendix E – Proposed Zoning By-law Amendment

CITY OF NIAGARA FALLS

BY-LAW NO. 2023-XX

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO RESIDENTIAL 1E DENSITY ZONE (R1E-XX) SITE SPECIFIC ZONE (AM-2023-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 A of this by-law and shall be referred to in this by-law as the “Lands”. Schedule A is a part of this by-law.
2. 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.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - (a) The uses permitted in the R1E Zone
 - (b) One (1) Vacation Rental Unit per detached dwelling
5. All other applicable regulations set out in By-law No.79-200 shall continue to apply to govern the permitted uses of the Lands.
6. No person shall use the Lands for a use that is not a permitted use.
7. No person shall use the Lands in a manner that is contrary to the regulations.
8. The provisions of this By-law shall be shown on Sheet D4 of Schedule “A” of By-law No.79-200 by redesignating the lands from R1E to R1E and numbered XXXX.

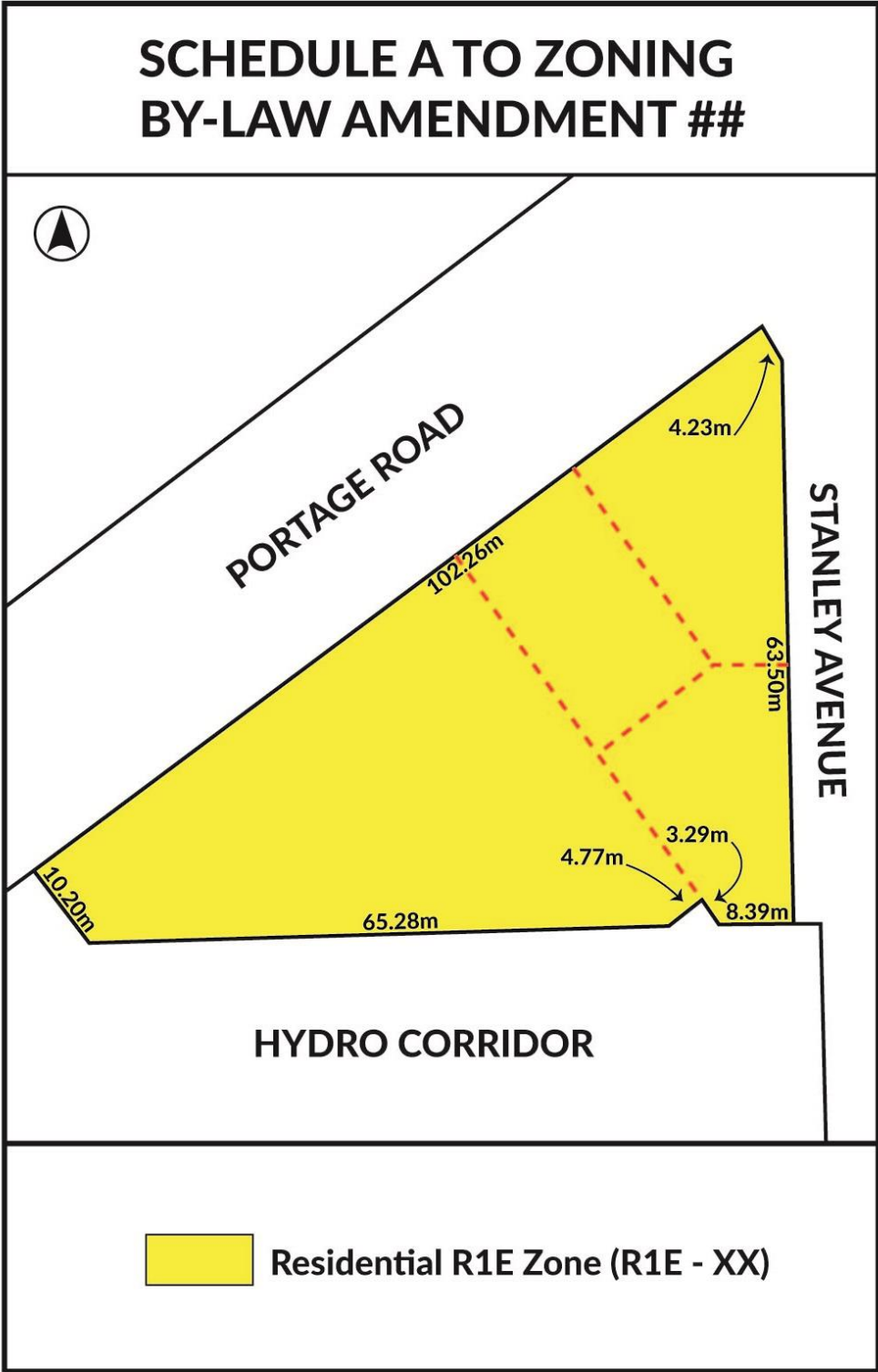
9. Section 19 of By-law 79-200 is amended by adding thereto:

19.1.XXXX	Refer to By-law No. 2023-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



Appendix F – Site Photos



Photo 1 – View of 2495 Stanley Avenue, looking west toward the front entrance from Stanley Avenue. Hydro corridor is visible (top left).



Photo 2 – View northward from driveway of 2495 Stanley Avenue. Stone shed located on 2358 Portage Avenue and encroaching into Stanley Avenue road allowance is visible (distant centre).

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Photo 3 – View of amenity gardens for 2495 Stanley Avenue, located in the northern side yard. Parked car in driveway visible (right). Low mesh fence on the left demarcates site boundary with neighbouring 2358 Portage Road.



Photo 4 – View of two-and-a-half storey detached dwelling on 2358 Portage Road, looking southeast.

**2358 to 2378 Portage Road &
2495 Stanley Avenue, Niagara Falls
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Photo 5 – View of paved driveway located to the west of the two-an-a-half storey detached dwelling at 2358 Portage Road.



Photo 6 – View of the front yard treatment, and historical stone fence for 2358 Portage Road, looking northeast.



Photo 7 – View of stone shed from exterior side yard of 2358 Portage Road, looking southeast toward Stanley Avenue.



Photo 8 – View of the rear yard amenity space for 2358 Portage Road, looking south toward 2495 Stanley Avenue (distant centre).

**2358 to 2378 Portage Road &
2495 Stanley Avenue, Niagara Falls
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Photo 9 – View from Portage Road of the vacant unaddressed parcel, looking southeast.



Photo 10 – View toward the southeast of 2378 Portage Road from sidewalk.



Photo 11 – View from west of the existing single detached dwelling, looking northwest showing the driveway (centre), and apartment dwelling across Portage Road (distant centre).



Photo 12 – View of the rear yard amenity space for 2378 Portage Road, looking northwest toward the existing single detached dwelling.

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Photo 13 – View from same position as previous photo, looking southwest at year yard, and adjacent hydro corrido transmission lines.



Photo 14 – View from same position as previous photo, looking east toward 2495 Stanley Avenue.

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Appendix G – Conceptual Site Plan

