



AGENDA

DELEGATION OF AUTHORITY MEETING

4:30 PM - Wednesday, July 23, 2025

Zoom

All Delegation of Authority Meetings are open to the public. Members of the public can attend virtually via Zoom.

1. CALL TO ORDER

2. ADOPTION OF MINUTES

2.1 June 25, 2025 Minutes

3. DISCLOSURES OF PECUNIARY INTEREST

Disclosures of pecuniary interest and a brief explanation thereof will be made for the current Delegation of Authority Meeting at this time.

4. PLANNING MATTERS

4.1 PBDD-2025-008

AM-2025-010, 8598 Biggar Road - Minor Zoning By-Law Amendment

Proposal: Zoning By-law amendment to change the zoning on a portion of lands located at 8598 Biggar Road (Parts 1 & 2) from Rural Agricultural (RA) to a site-specific Development Holding with a holding provision (DH-XX(H)).

Applicant: The Biglieri Group (Rachelle Larocque)

Property Owner: Maria Didomenico

4.2 PBDD-2025-009

AM-2025-011, 4067 Drummond Road - Minor Zoning By-Law Amendment

Proposal: Zoning By-law amendment to change the zoning on 4067 Drummond Road from Neighbourhood Commercial (NC-818) to a site specific Residential Two (R2-XX) zone to permit the proposed semi-detached dwelling.

Applicant: Upper Canada Consultants (Eric Beauregard)

Property Owner: Stanislaw and Joanna Bodnik

5. REPORTS

5.1 PBDD-2025-008 – AM-2025-010 – 8598 Biggar Road (Minor ZBA)

It is recommended:

1. That, the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report.

5.2 PBDD-2025-009 – AM-2025-011 – 4067 Drummond Road (Minor ZBA)

It is recommended:

1. That, the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report.

5.3 PBDD-2025-010 - AM-2024-031 – 4932 Kitchener Street (Minor ZBA)

It is recommended:

1. That, the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report.

5.4 PBDD-2025-012 – 26CD-11-2021-007 – 6353 Carlton Avenue (Draft Plan of Vacant Land Condominium Extension)

It is recommended:

1. That, the General Manager of Planning, Building and Development or Delegate **EXTEND** the Draft Plan of Vacant Land Approval as outlined in this report.

6. CONSENT

7. BY-LAWS

- 7.1 Deeming By-law No. 2025-089 – to designate Lot 3, Plan 136 to be deemed not to be within a registered plan of subdivision (DB-2025-002).
- 7.2 By-law No. 2025-090 – to designate Plan 82, Lot 27, municipally known as 4653 Lee Avenue, not to be subject to part-lot control (PLC-2025-004).
- 7.3 By-law No. 2025-091 – to permit the use of the Lands municipally known as 4932 Kitchener Street for a Vacation Rental Unit (AM-2024-031).

8. ADJOURNMENT



MINUTES

DELEGATION OF AUTHORITY MEETING

4:30 PM - Wednesday, June 25, 2025

Committee Room 2/Zoom App.

The City of Niagara Falls Delegated Authority Meeting of the City of Niagara Falls Planning Department was called to order on Wednesday, June 25, 2025 at 4:30pm, in Committee Room 2 with the following members present:

DELEGATED AUTHORITY: Signe Hansen
Director of Planning, Building & Development

STAFF PRESENT: Jessica Abraham, Planner 1, Current Planning
Tammy Trowers, Planning Technician, Current Planning

1. CALL TO ORDER

The meeting was called to order at 4:30 PM.

2. DISCLOSURES OF PECUNIARY INTEREST

None indicated by the Director of Planning.

3. PLANNING MATTERS

3.1. PBDD-2025-006

AM-2024-031, Minor Zoning By-Law Amendment

4932 Kitchener Street

Proposal: Zoning By-law amendment to permit the use of a Vacation Rental Unit

Jessica Abraham, Planner 1, provided an overview of Informational Report PBDD-2025-006.

Lingarathnam Kularatnam, owner had no further comments to present.

Report received for informational purposes by Signe Hansen, Director of Planning.

Decision to be made at next Delegation Meeting - July 23, 2025

3.2. PBDD-2025-007

AM-2025-005, Minor Zoning By-Law Amendment

5791 – 5853 Royal Manor Drive

Proposal: Zoning By-law amendment to permit a Medical Clinic

Jessica Abraham, Planner 1, provided an overview of Report PBDD-2025-007.

Tarek Elmansoury, owner had no further comments to present.

Condition of approval – Encroachment agreement executed & authorized to facilitate required parking.

Approved by Signe Hansen, Director of Planning.

4. REPORTS

4.1. PBDD-2025-006 AM-2024-031, Minor Zoning By-Law Amendment 4932 Kitchener Street

Received as part of planning matters by Signe Hansen, Director of Planning,
Planning, Building & Development.

4.2. PBDD-2025-007 AM-2025-002, Minor Zoning By-Law Amendment 5791 – 5853 Royal Manor Drive

Approved as part of planning matters by Signe Hansen, Director of Planning,
Planning, Building & Development.

5. CONSENT AGENDA

6. BY- LAWS

ADJOURNMENT

Approved by Signe Hansen, Director of Planning, Planning, Building &
Development to adjourn the meeting at 4:43pm.



PBDD-2025-08

Delegated Report

Report to:	General Manager of Planning, Building and Development or Delegate
Date:	July 23, 2025 AM-2025-010 Minor Zoning By-law Amendment Application 8598 Biggar Road Agent: The Biglieri Group (Rachelle Larocque)
Title:	Applicant: DIDOMENICO MARIA

Recommendation

That the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report to rezone a portion of 8598 Biggar Road to Site specific Development Holding zone with a Holding provision (DH- 1297 (H)) in order to fulfill a condition of a consent granted in 2023, subject to the regulations outlined in this report.

Executive Summary

The applicant has requested a minor Zoning By-law amendment to change the zoning on a portion of the lands located at 8598 Biggar Road (Parts 1 & 2) from Rural Agricultural (RA) to Development Holding with a holding provision (DH-H). The remainder of the lands will remain zoned Rural Agricultural (RA) Zone. The amendment is recommended for the following reasons:

- A portion of the lands south of Biggar Road were recently brought into the Urban Area Boundary, and will require a Secondary Plan to determine appropriate zoning and future land uses.
- The remainder of the lands (Part 3) are outside the current Urban Area Boundary and do not form part of this amendment.
- The proposed zoning request stems from a 2023 condition of consent and is intended to prevent premature development until a Secondary Plan is completed.

Background

Proposal

The applicant has requested a minor Zoning By-law amendment (ZBA) to permit for future development, once the City implements a secondary plan for the Site and the surrounding area.

The lands are approximately 18.7 ha in size (Parts 1 & 2) (see Appendix 1 for a location map and Appendix 2 for a conceptual site plan) with frontage on both Biggar Road and Crowland Avenue. Part 3 will be retained for rural agricultural use and is not included in this application, and parts 4,5,6,7, and 8 will be retained for the dedication of road widenings and daylight triangle.

The subject land is currently zoned Rural Agricultural (RA) under Zoning By-law No. 1538 (Crowland). The applicant is requesting to rezone the land to a site-specific Development Holding Zone with a holding provision (DH-H) to permit future development, once the city implements a secondary plan for the Site and surrounding area. The minor ZBA will also fulfil the consent condition to complete the severance.

Site Conditions and Surrounding Land Uses

The subject land is located on the south side of Biggar Road, between Crowland Ave and Montrose Road. The Site is currently being used for agricultural purposes (cash cropping) and does not contain any buildings or structures.

Surrounding land uses include:

- North: rural residential dwellings, agriculture uses and Grassy Brooke Golf Course
- East: rural residential dwellings, and further east is the new South Niagara Hospital currently under construction.
- South: forested lands and agricultural uses.
- West: Rail line as well as rural residential and agricultural uses.

Circulation Comments

Information about the requested minor Zoning By-law Amendment was circulated to City divisions, external agencies and the public for comments. The following summarises the comments received to date:

- Building Services, Enbridge, GIS, Municipal Works, Transportation Services, Landscape Services:
 - No comments or concerns.

Neighbourhood Comments

The neighbourhood open house was held on July 9, 2025, attended by the applicant. There were no residents in attendance and no written comments have been received to date.

Analysis/Rationale

1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the *Provincial Planning Statement, 2024*. The proposed development is consistent and conforms as follows:

- Policy 2.1.3 requires planning authorities, during new official plans or updates, to ensure enough land is available to meet a 20-year horizon for a range of land uses.
- Policy 2.3.1.1 states that Settlement Areas should be the focus of growth and development.

Based on these policies, the subject land has been included within the Urban Area Boundary in both the Niagara Region Official Plan and the Niagara Falls Official Plan. The proposed Zoning By-law Amendment (ZBLA) will rezone the lands to support future development, subject to a future Secondary Plan. This rezoning ensures that these lands remain protected from development until such time as a secondary plan is in place. In the future these lands will assist the City to meet provincial requirements by maintaining a sufficient land supply for future growth, and directing growth into settlement areas. Furthermore, a development with Holding (H) symbol zoning also ensures protection of these lands from development until the Secondary Plan is completed, ensuring orderly and coordinated growth.

2. Regional Official Plan

The subject land is within the Delineated Built-Up Area in part, and Prime Agricultural Area in part in accordance with the Region's Official Plan. The proposal conforms as follows:

- The proposed supports the expansion of the Urban Area Boundary while minimizing land consumption and phasing development to comprehensively review possibilities of urban development.
- Approximately half of the lands will still remain in agricultural use, aligning with regional policies that promote and protect agricultural land uses.

3. City's Official Plan

The Official Plan directs for sustainable growth that creates compact, livable, and mixed-use communities and protects the City's natural heritage and agricultural lands. The subject land is designated Good General Agriculture in part, and Environmental Protection Area in part, within the City's Official Plan. The subject lands were brought into the Urban Boundary as part of the Urban Area Expansion and is considered Greenfield lands. When it comes to developing Greenfield lands, Policy 2.6 notes that the City should use Secondary Plans wherever possible to guide growth in these areas, ensuring complete communities with a mix of housing and jobs. In line with this, the subject lands will help support the City's future growth and development.

4. Zoning By-law

The subject land is currently zoned Rural Agricultural (RA) under Zoning By-law No. 1538 (Crowland). The applicant is requesting to rezone the land to a site-specific Development Holding Zone with a holding provision (DH-H) to permit future development, once the City implements a secondary plan for the site and surrounding area. The minor ZBA will also fulfil the consent condition to complete the severance.

The site-specific DH-1297 zone will only permit existing uses. Provisions for these lands will be determined at the time of the secondary plan. Part 3 of the site will remain designated for future agricultural use, while Parts 4 through 8 are intended for road widenings and a daylight triangle dedication. Servicing connections or extensions will not be permitted until such time as the secondary plan is approved and appropriate zoning is in place. The Holding provision must be lifted before any uses can be added or the zoning regulations applied.

Operational Implications and Risk Analysis

There are no operational implications or risks associated with the application.

Financial Implications/Budget Impact

The proposal will generate a new tax assessment, development charges, and cash-in-lieu of parkland dedication fee for the City.

Strategic/Departmental Alignment

The proposal contributes to the social sustainability strategic pillar by increasing land supply to promote sustainable growth.

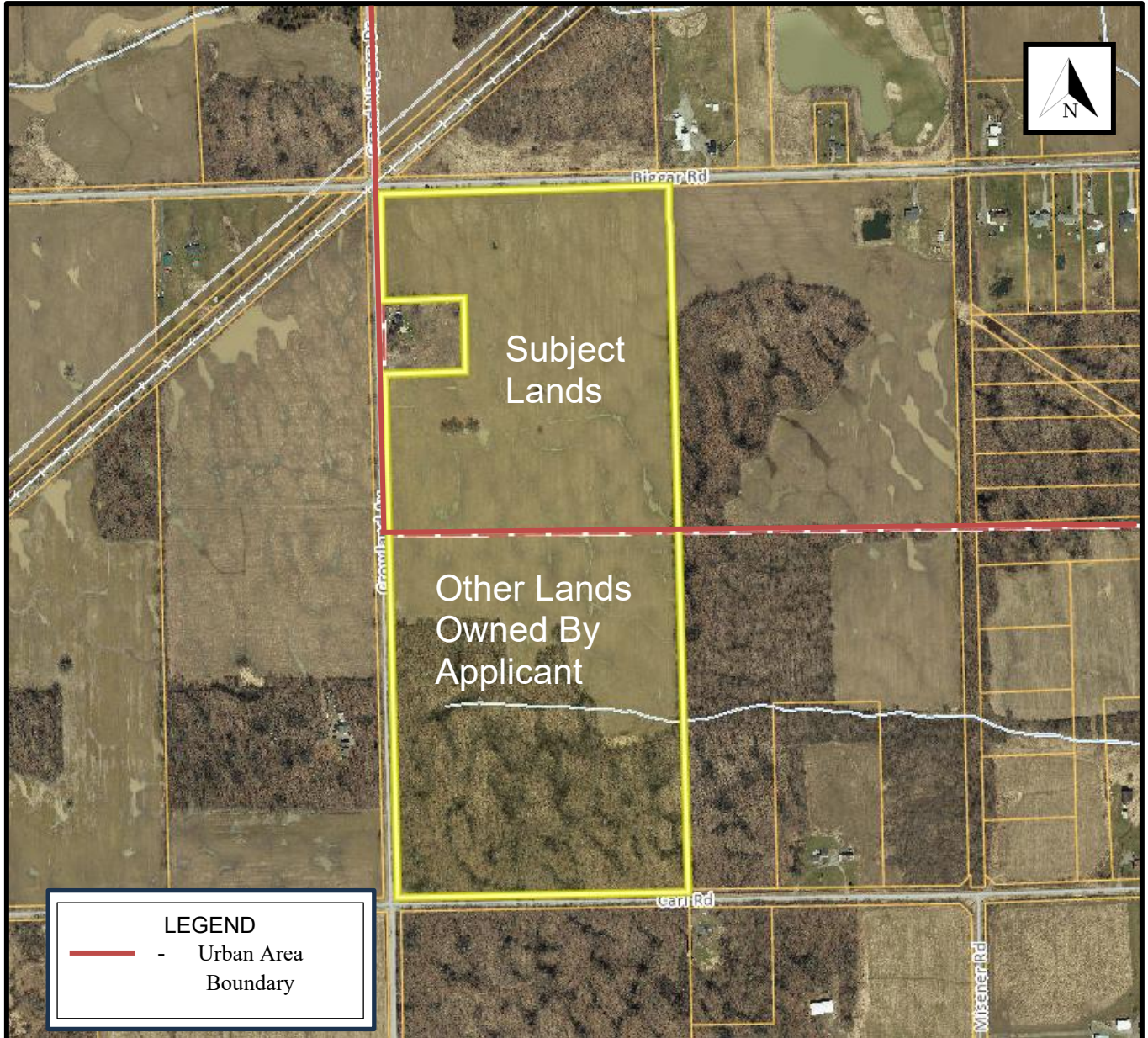
Attachments

Appendix 1 – Location Map

Appendix 2 – Conceptual Site Plan

**Appendix 1
(Location Map)**

8598 Biggar Road





PBDD-2025-09

Delegated Report

Report to: General Manager of Planning, Building and Development or Delegate

Date: July 23, 2025
AM-2025-011
Zoning By-law Amendment Application
4067 Drummond Road
Agent: Upper Canada Consultants (Eric Beauregard)

Title: Applicant: Stanislaw and Joanna Bodnik

Recommendation

That the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report to permit a semi-detached dwelling unit subject to the regulations outlined in this report.

Executive Summary

The applicants have requested a minor Zoning By-law amendment (ZBA) to change the zoning on 4067 Drummond Road from Neighbourhood Commercial (NC-818) to a site specific Residential Two (R2) zone to permit the proposed semi-detached dwelling. The amendment is recommended for the following reasons:

- The proposal conforms to Provincial, Regional and City policies as it maintains the safe and orderly development of a healthy community, provides a greater range of housing in a neighbourhood containing predominantly detached dwelling units, and intensifies land within the Built-Up Area; and,
- The proposed zoning use and regulation is appropriate for the surrounding neighbourhood.

Background

Proposal

Stanislaw and Joanna Bodnik have requested a Zoning By-law amendment for lands approximately 548 square metres in size (see Appendix 1 for a location map and Appendix 2 for a conceptual site plan) to permit a semi-detached dwelling.

The subject land is currently zoned Neighbourhood Commercial (NC-818), in accordance with Zoning By-law No. 79-200. The applicant is requesting to place the land under a site specific Residential Two (R2) zone to permit the proposed semi-detached dwelling.

Site Conditions and Surrounding Land Uses

The subject land is located on the west side of Drummond Road between Crawford Street and Thorold Stone Road. To the north, south and west of the subject lands are single detached dwellings; to the east is a commercial plaza with an eye doctor.

The subject land currently contains a single detached dwelling.

Circulation Comments

Information about the requested Zoning By-law Amendment was circulated to City divisions, external agencies and the public for comments. The following summarises the comments received to date:

- Building Services, Enbridge, GIS, Municipal Works, Transportation Services, Landscape Services
 - No comments or concerns.

Neighbourhood Comments

The neighbourhood open house was held on July 7, 2025 attended by the applicant's agent. There were seven residents in attendance and no written comments have been received to date.

Appendix 3 contains a summary table of community feedback collected during the public open house and staff's responses to the concerns raised.

Analysis/Rationale

1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the *Provincial Planning Statement, 2024*. The proposed development is consistent and conforms as follows:

- The proposed development satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act* by maintaining the safe and orderly development of healthy communities and providing a greater range of housing in an area that contains predominantly detached dwelling units; and
- The proposed development is located within a settlement area, which is intended for development.

2. Regional Official Plan

The subject land is within the Delineated Built-Up Area in the Region's Official Plan. The proposal conforms as follows:

- The proposed semi-detached dwelling will contribute to the Region's intensification target of 50%, diversify the housing supply for the neighbourhood, and effectively utilize municipal infrastructure and urban lands.

3. City's Official Plan

The subject land is designated Residential in the City's Official Plan. The proposal complies with the intent of the Official Plan as follows:

- The proposed semi-detached dwelling is a permitted use, is of an appropriate scale, and is of an appropriate size for the surrounding neighbourhood;
- The proposal will provide more housing options for the neighbourhood; and,
- Adequate municipal services are available for the proposed development.

4. Zoning By-law

The applicant requests the lands be placed under a site specific Residential Two (R2) zone to permit the proposed semi-detached dwelling.

The departure requested from the standard R2 regulations is provided in the following table:

ZONE REGULATION	EXISTING REGULATION	REQUESTED REGULATION	STAFF RECOMMENDATION (DETAILS TO FOLLOW)
Minimum lot area	600 sq.m.	550.49 sq m	SUPPORT
Maximum width of a driveway or parking area in the front yard of a lot	60% of the lot frontage but in no case more than 9 metres for a semi- detached dwelling	55% and 11 metres	SUPPORT

The requested reduction to minimum lot area is supported as the reduced lot size will be able to accommodate an appropriate footprint for the proposed semi-detached dwelling.

The requested parking area is acknowledging the smaller lot area, while still providing the required one parking space for each unit, plus 2 additional spots.

Operational Implications and Risk Analysis

There are no operational implications or risks associated with the application.

Financial Implications/Budget Impact

The proposal will generate a new tax assessment, development charges, and cash-in-lieu of parkland dedication fee for the City.

Strategic/Departmental Alignment

The proposal contributes to the social sustainability strategic pillar by utilizing existing infrastructure to promote sustainable growth.

Attachments

Appendix 1 – Location Map

Appendix 2 – Conceptual Site Plan

Appendix 3 – Neighbourhood Comment and Response Table

Appendix 1
(Location Map)



4067 DRUMMOND ROAD
CITY OF NIAGARA FALLS

[illegible][illegible]

0			DATED FOR REVIEW	2020-03-18	RM
1			REASON	DATE	REV

SERS CANADA
CANADIAN SHERIFF ASSOCIATION

DRAWING TITLE					
DRAWING NO.					
DATE					
BY					
CHECKED BY					
APPROVED BY					
SCALE					
SHEET NO.					
TOTAL SHEETS					

SITE PLAN FOR ZBA

DATE	MARCH 19, 2020
PRINTED	JULY 2, 2020
SCALE	1:1000
SHEET NO.	24124
REV	0

Appendix 3 (Neighbourhood Comment and Response Table)

Public Comment	Staff Response
Demolition: How will neighbouring properties with old foundations be protected from the hoe ramming of the foundation during demolition?	The existing foundation appears to be constructed with a mix of concrete blocks and stones. Hoe ramming will likely not be required for the demolition of the existing dwelling.
Drainage: Where will the downspouts run to?	The direction of the downspouts will be determined through the preparation of a lot grading plan. A lot grading plan will be prepared by a certified engineer demonstrating proper drainage of the site, and will be reviewed and approved by the City through the building permit process.
The site can't accommodate the water that percolates on the property. The water will drain onto neighbouring properties.	A lot grading plan will be prepared by a certified engineer demonstrating proper drainage of the site, and will be reviewed and approved by the City through the building permit process. The lands are not permitted to drain onto neighbouring properties.
Existing Dwelling: What will be done about the shingles flying off and the rodents living downstairs?	The existing dwelling is proposed to be removed.
Neighbourhood Character: The proposed semi-detached dwelling does not fit within the neighbourhood.	The proposed semi-detached dwelling is a lot density residential use that is compatible with existing single detached dwellings abutting the property.
Proposed Dwelling: The building footprint is too big.	The proposed dwelling meets the required setbacks of the R2 Zone.
Will there be parties on the top of the flat roof or is it just a roof.	The proposed roof is a flat roof that will not be used for recreational purposes, there is no walk-out access to the roof.
The proposed dwelling is too close to the neighbouring house. What will happen during a fire?	In order to obtain a building permit, the proposed dwelling is required to meet the Ontario Building Code, which includes fire separation requirements.
Will the building be built in black	The colour of the semi-detached dwelling is not anticipated to be a dark colour.
Purpose of Development Is the owner just going to fix and flip the property?	The owners are proposing to build the semi-detached dwelling for personal reasons.
Servicing The gas line is shared between the two properties. I do not want my gas to be interrupted due to the construction of the proposed building.	The owners will coordinate with Enbridge for the installation of gas services. Any disruption to neighbouring properties gas services would be for a short period of time.
The sewage lateral sewer is shared between the properties. It has a "Y" connection. I don't want the construction of the new lateral to damage my lateral.	New sewer and water laterals will be required to service the dwelling units.
Snow Storage & Melting How are they going to remove snow? Where will it go?	Snow and salt run-off would drain to the storm sewer. The site is not permitted to drain onto

	neighbouring lands.
Trees	
The tree at the side of the property has been a problem for 5 to 8 years – it's half dead and half rotted. Will the owner cut it down?	The tree in question appears to be a boundary tree. Any boundary tree would require the consent of the owners of the shared property line that the tree straddles to remove it. Both owners are responsible for boundary trees. An Ontario Land Surveyor can confirm whether the tree is a boundary tree.
There is a large walnut tree at 6239 Crawford Street that hangs over the rear yard of 4067 Drummond Road. Can an arborist make sure it does not get injured from the construction?	A Tree Inventory and Protection Plan was not required by the City for a complete submission. Any construction of the proposed dwelling requiring ground works is proposed a minimum of approximately 7.57m from the rear yard and is not expected to have a negative impact on the tree.
Who is responsible if the tree dies from construction?	The owner of the property under construction would be responsible for the death of the tree.
Ventilation	
The ventilation/air circulation at the abutting property will be cut-off	It is not anticipated that the proposed development will negatively impact the ventilation/circulation of the air of the neighbouring properties.



PBDD-2025-010

Delegated Report

Report to:	General Manager of Planning, Building and Development or Delegate
Date:	July 23, 2025 AM-2024-031 Minor Zoning By-law Amendment Application 4932 Kitchener Street
Title:	Applicant: Lingaratnam Kularatnam

Recommendation

That the General Manager of Planning, Building and Development or Delegate **APPROVE** the minor Zoning By-law amendment as detailed in this report to permit a Vacation Rental Unit subject to the regulations outlined in this report.

Executive Summary

The applicant has submitted a minor Zoning By-law Amendment request for a 324 m² parcel of land located on the south side of Kitchener Street, between Hunter and Walnut Streets, to permit a Vacation Rental Unit (VRU) on the property. The subject lands are currently zoned Deferred Tourist Commercial (DTC) under Zoning By-law No. 79-200, and the applicant proposes a site-specific DTC zone to accommodate the use. The amendment is recommended for the following reasons:

- The proposed development conforms to Provincial, Regional and City policies as it will efficiently utilize existing municipal services to provide new tourist accommodations, maintain the safe and orderly development of a healthy community, and increase and diversify options for accommodations in a tourist area;
- The proposed uses and siting thereof are consistent with the intent and uses permitted and envisioned in the Tourist Commercial designation;
- The recommended amendments are appropriate and conform with the intent of both the Deferred Tourist Commercial zone and Clifton Hill Tourism District; and
- The proposed Vacation Rental Unit is a suitable tourism-related use for the area, where it is situated between the intensive concentration of tourist uses east of Victoria Avenue and the residential uses to the west, and would appropriately contribute to the gentle transition between these two uses.

Background

The property currently contains a detached dwelling and is surrounded primarily by other detached dwellings, with a former church located to the east. Comments received from internal departments and utility providers indicate no objections or concerns. Public consultation included a neighbourhood open house, which was attended only by the applicant, and one written comment was received.

Proposal

The subject lands are designated Tourist Commercial in accordance with the City's Official Plan. The Tourist Commercial designation permits residential uses as either standalone or mixed-use buildings to assist in creating a complete community. The designation also envisions the use of the lands for a range of tourism-related uses, while ensuring that development does not adversely affect residential neighbourhoods.

The lands are zoned Deferred Tourist Commercial (DTC) under Zoning By-law 79-200. The applicant is requesting to rezone the lands to a Site-Specific Deferred Tourist Commercial Zone to permit a VRU on a 324 m² property located on Kitchener Street. The request involves placing the land under a site-specific DTC zone to allow the use and recognize existing site conditions such as lot size, setbacks, and projections (See Appendix 2 for the proposed setbacks and projections).

Circulation Comments

Information about the requested minor Zoning By-law Amendment was circulated to City departments and the public for comment. There were no concerns received to date from Building Services, Enbridge, GIS, Municipal Works, Transportation Services, Landscape Services.

Neighbourhood Comments

The neighbourhood open house was held on June 2, 2025, attended by the applicant. There were no residents in attendance and one written comment has been received to date with concerns over excess parking, noise and if owners will live on property. The parking is regulated by the Zoning By-law and is not seen as excess as it meets the requirement of 2 spaces for a VRU, which can be provided in tandem. The noise of VRU's are regulated by the City's By-law department when complaints are received, and the City does have the ability to revoke a license for a VRU if it is not complying with by-law regulations. The resident was advised that owners do not live on property for VRU, like with other forms of short-term rental.

Analysis/Rationale

1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the *Provincial Planning Statement*, 2024. The proposed development is consistent and conforms as follows:

- The proposed development satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act* by permitting and facilitating all types of residential intensification, development and introduction of new housing options within previously developed areas.
- The proposed development is located within a settlement area, which is intended for development.

2. Regional Official Plan

The subject lands are designated Urban Area (Built-up Area) in the Regional Official Plan. The proposal complies with the Regional Official Plan as the Vacation Rental Unit use will support economic diversity and promote increased opportunities for tourism within the Niagara Economic Zone.

3. City's Official Plan

The subject lands are designated Tourist Commercial in accordance with the City's Official Plan and are located within the Clifton Hill Subdistrict of the Central Tourist District. The Tourist Commercial designation permits residential uses as either standalone or mixed-use buildings to assist in creating a complete community. The designation also envisions the use of the lands for a range of tourism-related uses, while ensuring that development does not adversely affect residential neighbourhoods. Additionally, the Official Plan outlines the intended use for lands within the Clifton Hill Subdistrict. The most intense of tourist uses are to be established east of Victoria Avenue, where there is already a high concentration of tourism activities, while lands to the west shall provide appropriate transition with the adjacent residential and institutional uses.

Located approximately 170 metres from Victoria Avenue and 370 metres from Clifton Hill, the subject property sits near several existing accommodations. To the southeast of the proposed VRU there are other accommodations on Victoria Avenue. In particular, Country Inn and Suites by Radisson is located at the corner of Victoria and Walnut which is 150m from the subject site. Kitchener Street has 9 licenced vacation rental units currently, with the most concentration being closer to Stanley Ave on the other end of Kitchener Street. The City recognizes that an overconcentration of Vacation Rental Units can lead to noise, parking issues, and negatively impact the residential character of a neighbourhood. The proposed unit is located 200 metres from the nearest Vacation Rental Unit on Kitchener Street and is therefore not considered part of a concentration.

The proposed VRU fits in with the residential neighbourhood and won't change the look or feel of the street. There's a small outdoor space at the back of the property, meant for quiet use, not for parties or large gatherings. Garbage will be put out as part of the City's regular pickup, and guests will be given clear instructions to make sure it's handled properly. The owner is required to have a short-term rental licence, which includes rules about how many people can stay, where they can park, and how noise is managed. Should complaints arise, the City has the authority to investigate and, if necessary, revoke the licence in accordance with its enforcement protocol. These measures help ensure that the VRU operates in a way that respects the surrounding neighbourhood.

The proposal conforms as follows:

- The development of a VRU within a detached dwelling is an appropriate transition between the concentrated tourist uses along Victoria Avenue and the residential uses to the west;
- The proposal is within the Clifton Hill Tourism District, where deferred land is intended for future tourist uses;
- The proposed use contributes to the tourist environment by providing tourist accommodations in close proximity to the tourist core;
- By providing accommodations within an existing dwelling rather than a purpose-built hotel or inn, the tourist development would not adversely impact the quality of life enjoyed in the residential neighbourhood;
- The proposed vacation rental unit must be licensed and follow bylaw enforcement regulations in order to keep the license.
- The proposal will introduce tourist accommodations that minimize the consumption of land through an efficient use of existing urban land; and
- Adequate municipal services are available to service the proposed use.

4. Zoning By-law

The applicant requests the lands be placed under a site-specific Deferred Tourist Commercial (DTC) zone to permit the proposed Vacation Rental Unit. All of the requested changes to zoning regulations are for the existing building. The applicant is not facilitating any new construction on the property through this Zoning By-law Amendment. The departure requested from the standard DTC regulations is provided in the following table:

ZONE REGULATION	EXISTING REGULATION	REQUESTED REGULATION	STAFF RECOMMENDATION (DETAILS TO FOLLOW)
Permitted Uses	In accordance with the permitted uses in the DTC zone	Add a Vacation Rental Unit in accordance with Section 4.38 of By-law 79-200	SUPPORT
Minimum lot area for corner lot	450 sq.m.	342.2 sq.m.	SUPPORT
Minimum lot frontage for a corner lot	15 m	10.97 m	SUPPORT

ZONE REGULATION	EXISTING REGULATION	REQUESTED REGULATION	STAFF RECOMMENDATION (DETAILS TO FOLLOW)
Minimum rear yard depth	2.13 m (A-2019-027)	1.93 m	SUPPORT
Parking in yards	Maximum width of a driveway or parking area in the front yard of a lot; 60% of the lot frontage but in no case more than 9 metres for a detached dwelling	10.04 m (to recognize existing driveway)	SUPPORT
Accessory Buildings and accessory structures – porch	In accordance with sections 4.13 and 4.14 Covered porch: A roofed-over one storey porch may project into a required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres	Covered porch projects 2.39 m into the required exterior side yard of 3.44m.	SUPPORT
Accessory Buildings and accessory structures – deck	<u>Decks:</u> A deck (including stairs) may project into a required front yard a distance of not more than 2.5m and into a required rear yard a distance of not more than 4 metres and in no event shall any part of such deck be closer than 1.5 m from a streetline and closer to the interior and exterior side lot lines than the min. interior and exterior side yard widths	Exterior side yard (Kitchener St): Deck and stair project 3.12 metres into the required exterior side yard of 3.44m which does not permit projections	SUPPORT

The requested site-specific regulations can be supported for the following reasons:

- The proposed Vacation Rental Unit would be created within an existing detached dwelling, which greatly limits the scope of the proposed commercial use and is therefore compatible with the surrounding area, the requested VRU permission would be within an existing tourist (Deferred Tourist Commercial) zone, which is intended for future tourist uses.
- The Vacation Rental Unit is a compatible use as a tourist accommodation in a residential area close to the tourism district, these lands will have to be licensed through the City in order to operate, and that license can be revoked if too many by-law complaints are received.
- The requested changes to DTC regulations are deemed suitable to the area and represent minor changes to recognize the existing setbacks.

Operational Implications and Risk Analysis

There are no operational implications or risks associated with the application.

Financial Implications/Budget Impact

The proposal requires a licence from the Clerk's department but does not require any permits from the Building department. As such, there will be no development charges collected nor a change in the tax assessment.

Strategic/Departmental Alignment

The proposal contributes to the social sustainability strategic pillar by utilizing existing infrastructure to promote sustainable growth through a vibrant and diverse economy.

Attachments

Appendix 1 – Location Map

Appendix 2 – Conceptual Site Plan

Appendix 1 (Location Map)



EXISTING DWELLING UNIT AT 4932 KITCHENER STREET, NIAGARA FALLS,

SITE PLAN

ATHULUX BUILDING SCIENCE INC.
 865 PLEASANT RIDGE AVE.
 VAUGHAN, ON L4V 0C4
 TEL: 647 803 5330

DRAWN BY: S.S. **DATE: MAY 2025**
CHECKED BY: S.T. **SCALE: 1:150**
PROJECT NO: **DRAWING NO: A1**

SURVEY PLAN PREPARED BY YATES & YATES, LIMITED HAS BEEN REFERENCED

EXISTING DWELLING UNIT AT 4932 KITCHENER STREET, NIAGARA FALLS,
ON

SURVEY PLAN PREPARED BY YATES & YAT

SURVEY PLAN PREPARED BY YATES & YATES LIMITED HAS BEEN REFERENCED

ATHULUX BUILDING SCIENCE INC. 665 PLEASANT RIDGE AVE. VAUGHAN, ON L4J 0G4. TEL: 647 893 5330	
DRAWN BY: S.S.	DATE: MAY 2025
CHECKED BY: S.T.	SCALE: 1:150
PROJECT NO:	DRAWING NO: A1



Delegated Report

Report to:	General Manager of Planning, Building and Development or their Designate
Date:	July 23 rd , 2025 26CD-11-2021-007 - Draft Plan of Vacant Land Condominium Extension 6353 Carlton Avenue
Title:	Applicant: 16473059 Canada Ltd (Mickee Singh)

Recommendations

1. That the General Manager of Planning, Building and Development or their designate **DEEMS** Draft Plan of Vacant Land Condominium approval not to have lapsed.
2. That the General Manager of Planning, Building and Development or their designate **GRANTS** a two-year extension to draft plan approval for the Draft Plan of Vacant Land Condominium at 6353 Carlton Avenue, with a new lapsing date of March 22nd, 2027.
3. That the General Manager of Planning, Building and Development or their designate **DEEMS** the changes to the conditions of Draft Plan approval as minor and determines that written notice of the changes is not required.

Executive Summary

Draft Plan of Vacant Land Condominium approval for a 32-unit townhouse development was granted for 6353 Carlton Avenue on March 22nd, 2022, and recently lapsed on March 22nd, 2025. The applicant, 16473059 Canada Ltd, has requested an extension of draft plan approval for a period of two years. This will provide the new Owners additional time to clear conditions of draft plan approval in light of the recent change in ownership and fluctuating market conditions and demands.

Staff are satisfied that the request is consistent with the criteria of Section 51(33.1) of the *Planning Act*, and that the Draft Plan of Vacant Land Condominium remains in compliance with Provincial, Regional and City policies, applicable zoning regulations, and development standards, subject to minor changes to the conditions of draft plan approval. For this reason, Staff support the applicant's request for a two-year extension, which would establish a new lapsing date of March 22nd, 2027. Further, the proposed minor changes to the conditions of Draft Plan approval will bring the conditions in conformity with the City's current development standards, and will not alter the intent of the original conditions or the approved Draft Plan of Vacant Land Condominium.

Background

Draft Plan of Vacant Land Condominium approval for a 32-unit townhouse development was granted for 6353 Carlton Avenue on March 22nd, 2022. A Location Map of the subject lands and the approved Draft Plan of Vacant Land Condominium are included as Schedule 1 and Schedule 2, respectively. Draft plan approval recently lapsed on March 22nd, 2025.

The applicant, 16473059 Canada Ltd, who recently acquired the subject lands in February of 2025, has requested an extension of draft plan approval for a period of two years. The extension would provide the new Owners with additional time to clear conditions of draft plan approval, the majority of which remain outstanding, and to modify their Draft Plan of Vacant Land Condominium to respond to fluctuating market conditions and demands.

Analysis

Staff circulated the extension request to internal departments and external agencies for comment and no objections were received. Minor changes to the conditions of Draft Plan approval were requested by Municipal Works and Planning and Development Staff to bring the conditions in conformity with the City's current development standards.

Staff note that when changes to the conditions of draft plan approval are approved by an approval authority, Section 51(45) of the *Planning Act* requires that notice of the changes occurs. However, if the approval authority deems the changes to be minor in accordance with Section 51(47) of the *Planning Act*, notice of the changes is not required. Staff note that the proposed changes to the conditions of Draft Plan approval are minor in nature and do not alter the intent of the original conditions or the approved Draft Plan of Vacant Land Condominium. For this reason, Staff recommend that the requirement to provide notice be waived.

In accordance with Sections 51(33) and (33.1) of the *Planning Act*, an approval authority can grant extensions of draft plan approval for a specified time period and can deem an approval not to have lapsed if:

- five or more years have not passed since the approval lapsed;
- if the approval has not already been deemed not to have lapsed; and
- if an agreement has not been entered into for the sale of the land.

Staff are satisfied that the request is consistent with the criteria of Section 51(33.1) of the *Planning Act*, and that the Draft Plan of Vacant Land Condominium remains in compliance with Provincial, Regional and City policies, applicable zoning regulations, and development standards, subject to the recommended minor changes to the conditions of draft plan approval, as captured in Appendix 3. For this reason, Staff support the applicant's request for a two-year extension, which would establish a new lapsing date of March 22nd, 2027. Should the applicant require additional time in the future, the General Manager of Planning, Building and Development or their designate can assess the merit of the request at that time. However, in

accordance with Section 51(33.1)(b), a request for an extension in the future will have to be granted prior to the new lapsing date of March 22nd, 2027.

Delegated Authority

In accordance with By-law No. 2023-107, the General Manager of Planning, Building and Development or their designate can approve an extension to the lapsing period of a draft approved Plan of Vacant Land Condominium.

Operational Implications and Risk Analysis

There are no operational implications or risks associated with this application.

Financial Implications/Budget Impact

The proposed development will generate development charge contributions and property tax revenue for the City.

Strategic/Departmental Alignment

While this proposal does not directly align with the Pillars of the 2023-2027 Strategic Plan, it does support the achievement of a liveable community.

Attachments

Schedule 1 – Location Map

Schedule 2 – Approved Draft Plan of Vacant Land Condominium

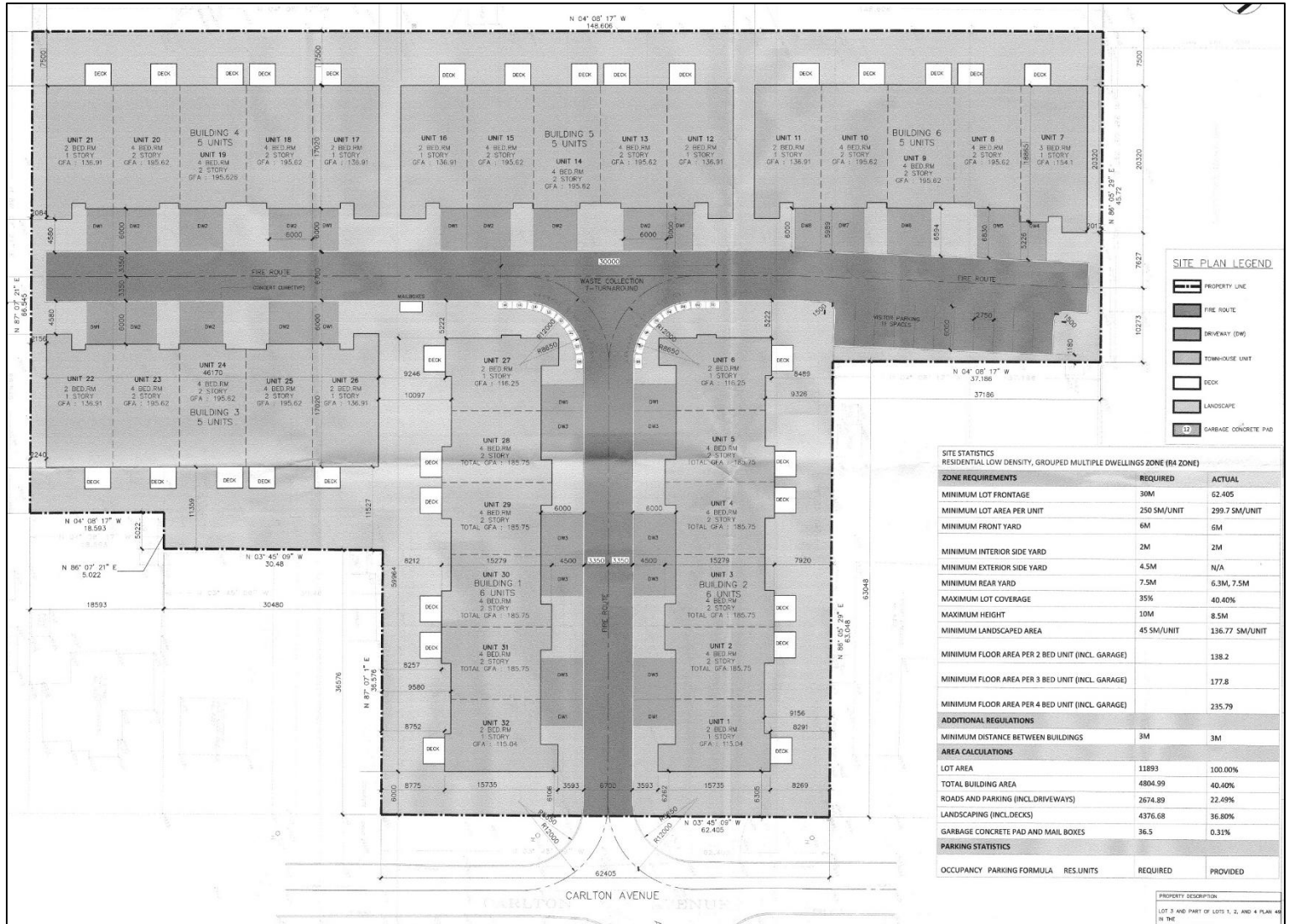
Appendix 3 – Modified Conditions of Draft Plan Approval

Prepared by: Original Signed
Mackenzie Ceci, MCIP, RPP
Senior Planner (Current Development)

Submitted by: Original Signed
Tara O'Toole, MCIP, RPP
Senior Manager of Current Development

Reviewed by: Original Signed
Kira Dolch, MCIP, RPP, CNU-A
General Manager of Planning, Building and Development

SCHEDULE 2



**Appendix 3: 6353 Carlton Avenue Draft Plan of Vacant Land
Condominium Conditions**

1. That approval applies to the Draft Plan of Vacant Land Condominium, prepared by Apex Technical Ltd. and dated December 16th, 2021, showing 32 units for townhouse dwellings and common elements.

Legal Services

2. That the Owner/Developer enters into a Condominium Agreement with the City, to be registered on title, to satisfy all requirements, financial and otherwise, related to the development of the land.
3. That the Owner/Developer submits a Solicitor's Certificate of Ownership for the condominium land to the City Solicitor prior to the preparation of the Condominium Agreement.

Planning and Development

4. That the Owner/Developer submits to the City's Senior Zoning Administrator all necessary drawings and information, including but not limited to, site, elevation, and landscaping drawings to confirm zoning compliance.
5. That the Owner/Developer provides one (1) copy of the pre-registration plan to Planning, Building & Development and a letter stating how all the conditions imposed have been or are to be fulfilled.
6. The Owner/Developer submits elevation and perspective drawings that illustrate the side elevations of Units 1 and 32, which face Carlton Avenue, and demonstrate an appropriate transition between public and private realms.
7. That the Owner/Developer provides a Tree Inventory and Preservation Plan in accordance with the City of Niagara Falls Site Plan Control Guidelines. The Plan shall be developed by a certified/licensed professional Arborist or a licensed Ontario Landscape Architect and shall identify and evaluate all trees for potential preservation.
8. That the Owner/Developer incorporates the recommendations outlined in the Tree Inventory and Preservation Plan into the overall site design. This may include, but is not limited to, modifications to the site layout, servicing, grading, and photometric plans, as necessary to ensure the preservation of existing trees.
9. That the Owner/Developer provides a Landscape Plan prepared and stamped by a Ontario Landscape Architect (OALA). The planting of native plant species is preferred.
10. That the Owner/Developer installs a 1.8-metre-high privacy fence along all property lines abutting adjacent residential lands, in accordance with the City of Niagara Falls Site Plan Control Guidelines and the applicable Fence By-law.

11. That the Owner/Developer provides cash-in-lieu of parkland dedication at the current prescribed rate of 5%. An appraisal completed by a recognized licensed professional is required for parkland dedication valuation.
12. That the Owner/Developer provides construction-level details for all site-specific elements shown on the Landscape Plan.
13. That the Owner/Developer provides details for all hardscape materials being proposed on site.
14. That the Owner/Developer provides an itemized Landscape Cost Estimate that reflects current market pricing.
15. That the following warning clause be included in the Condominium Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each unit within Building 6 as marked on the plan referred to in Clause 1:

“Purchasers/Tenants of townhouse units 7-11, inclusive, are advised that from time to time there may be noise and other nuisances from the adjacent hard surface play courts within A.G. Bridge Park.”

Municipal Works

16. That the Owner/Developer provides all necessary design reports and plans for review and acceptance prior to start of construction.
17. That roadways within the proposed development be designed and constructed in accordance with City Engineering Design Guidelines.
18. That all underground services and stormwater management facilities within the proposed development be designed and constructed in accordance with Ministry of the Environment, Conservation, and Parks requirements, City Engineering Design Guidelines.
19. That the Owner/Developer submits a Functional Servicing Report, signed by a professional engineer licensed to practice in the province of Ontario, demonstrating that the existing and proposed watermains and sanitary sewers are sufficient to service the proposed development.
20. That the Owner/Developer submit a Stormwater Management Report, signed by a professional engineer licensed to practice in the province of Ontario, demonstrating that the proposed storm sewers and stormwater management facilities are sufficient to service all phases of the development.
21. That lot grading within the proposed development be designed and constructed in accordance with the City’s Lot Grading & Drainage Policy, as amended, and City Engineering Design Guidelines.

22. That the lighting within the proposed development be designed by a professional engineer licensed to practice in the province of Ontario and that lighting be independently powered and metered.
23. That the Owner/Developer pays the Administration Fee in accordance with the latest version of the City's Schedule of Fees.
24. That the Owner/Developer pays the applicable development charges in place at the time of agreement execution and Building Permit issuance in accordance with the latest version of the City's Development Charges By-law.
25. That the Owner/Developer's engineering consultant provide written certification that the works completed conform with the City's accepted drawings and are in accordance with Niagara Peninsula Standard Contract Document and City construction specifications.
26. That the Owner/Developer constructs sidewalks connecting to the existing municipal sidewalk for pedestrian connectivity.

Fire Department

27. That the Owner/Developer submits a Site Plan that demonstrates conformance with Articles 3.2.5.5, 3.2.5.6, and 3.2.5.7 of the Ontario Building Code for fire access route. The Site Plan shall also include the location of proposed 'No Parking' signs in accordance with By-law No. 2019-097, which requires signs be installed at each limit of the route and at intervals not exceeding 15 metres.
28. That the Owner/Developer provides site servicing drawings to the Fire Department for review and shall include the locations of all proposed and existing fire hydrants.
29. That the Owner/Developer submits a request to the Fire Department to designate the fire access route under municipal by-law for enforcement.

Bell Canada

30. That the Owner/Developer acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner/Developer further agrees and acknowledges to convey such easements at no cost to Bell Canada.
31. That the Owner/Developer agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner/Developer shall be responsible for the relocation of any such facilities or easements at their own cost.

Canada Post

32. That the Owner/Developer shall include in all offers of purchase and sale, a statement that advises the prospective purchaser that:

- a. The home/business mail delivery will be from a designated Centralized Mail Box; and
 - b. Owners/Developers are responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
33. That the Owner/Developer agrees to:
- a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the development.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
34. Canada Post's multi-unit policy, which requires that the Owner/Developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Enbridge Gas Inc.

35. That the Owner/Developer agrees to provide Enbridge Gas Inc. (Enbridge Gas) the necessary easements at no cost and/or agreements required by Enbridge Gas for the provision of local gas services for this project, in a form satisfactory to Enbridge Gas.

Regional Municipality of Niagara

36. That the Owner/Developer provides a written acknowledgement to the Niagara Region stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region, as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner/Developer.
37. That the Owner/Developer submits a written undertaking to Niagara Region that all offers and agreements of Purchase and Sale which may be negotiated prior to

registration of this condominium shall contain a clause indicating that a servicing allocation for this development will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement.

38. That, prior to final approval or any on-site grading occurring, the owner shall submit a detailed stormwater management plan for the vacant land of condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:
- a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;

Further, that the condominium agreement between the Owner/Developer and the City contain provisions whereby the Owner/Developer agrees to implement the approved plans required in accordance with this condition.

39. In order to be eligible for internal Regional curbside collection, a revised Site Plan shall be submitted by the Owner/Developer showing the appropriate number of waste collection pads, labelled with the required unit numbers and pad dimensions.
40. That the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection, and complete the Application for Commencement of Collection and Indemnity Agreement.
41. That the following clause be included in the Condominium Agreement and inserted into all offers and agreements of Purchase and Sale or Lease for each of the affected dwelling units:

"Purchasers/Tenants of townhouse units 7-11 and 15-26, inclusive, are advised that in order to accommodate Regional Waste Collection Services, waste and recycling containers will need to be brought to the designated waste collection pads on the required collection day."

REGIONAL NOTES:

- Prior to granting final approval, the City of Niagara Falls must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.
- Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region

recommends that a copy of the draft Condominium Agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance; however only one formal clearance letter will be issued. In this regard, studies and reports (one hard copy and a PDF digital copy that is AODA compliant) can be sent directly to the Region with a copy provided to the local municipality.

Prior to granting approval to the final Plan of Subdivision, the Planning, Building & Development Department requires written notice from applicable City Divisions and the following agencies indicating that their applicable fees have been paid and their respective conditions have been satisfied:

- Legal Services for Conditions No. 2 and 3
- Planning and Development for Conditions No. 4 to 15 (inclusive)
- Municipal Works for Conditions No. 16 to 26 (inclusive)
- Fire Department for Conditions No. 27 to 29 (inclusive)
- Bell Canada for Conditions No. 30 and 31
- Canada Post for Conditions No. 32 to 34 (inclusive)
- Enbridge Gas Inc. for Conditions No. 35
- Regional Municipality of Niagara for Conditions No. 36 to 41 (inclusive)

Inter-Departmental Memo

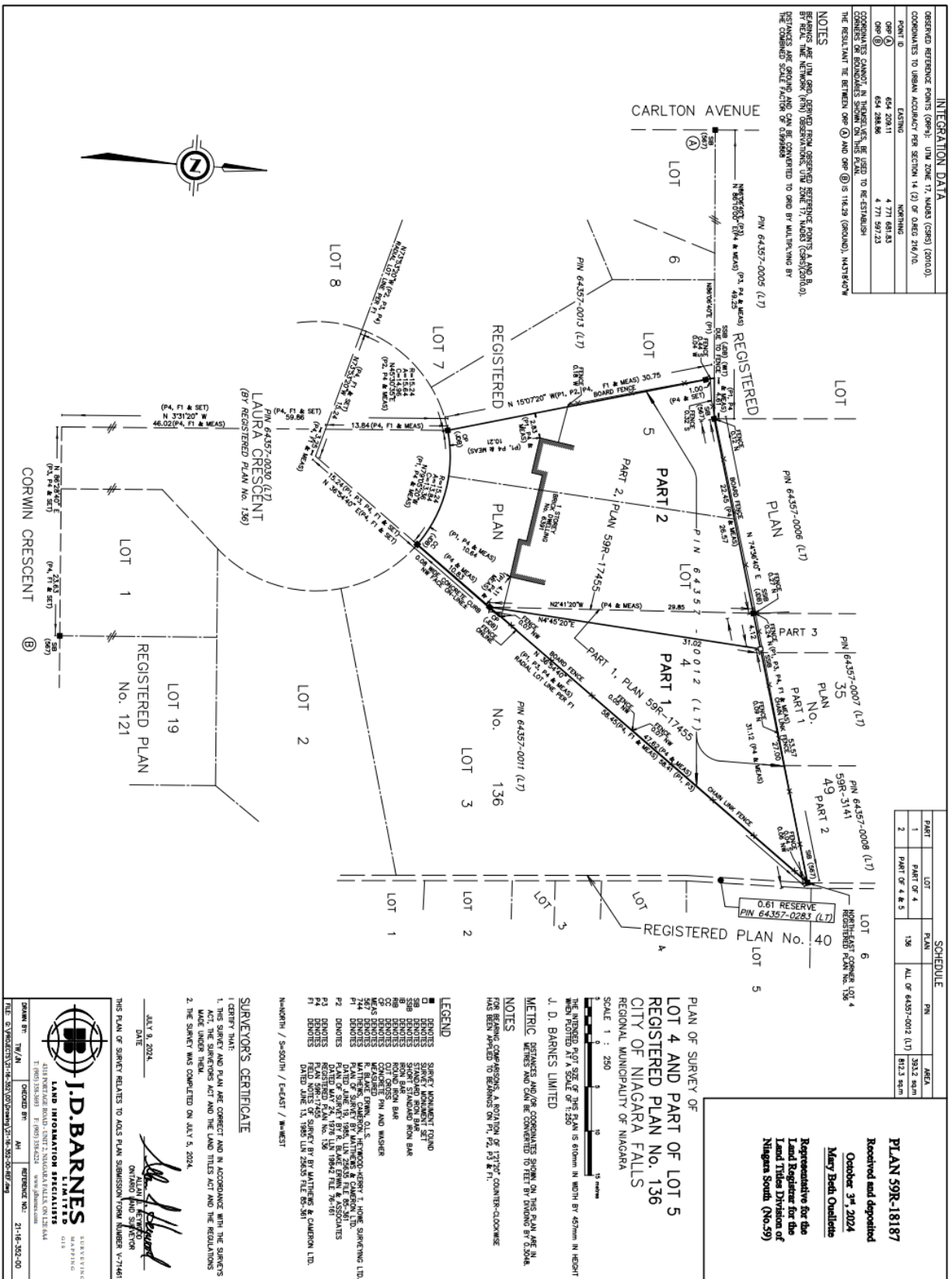
To: Kira Dolch, General Manager of Planning, Building, and Development
From: Planning, Building and Development
Date: July 23, 2025
Re: DB-2025-002, Deeming By-law Application
Lot 3, Plan 136
6401 Laura Cres

Carolyn Hart of Hart Law has requested the passing of a Deeming By-law under the *Planning Act* so that Lot 3 of Plan 136, which was registered in 1951, is no longer a lot within a registered plan of subdivision. The proposed Deeming By-law is required to merge Part 1 (393.2 sq m) of 6391 Laura, as noted on the plan, with 6401 Laura (1008.31 sq m) as a condition of consent application B-2024-007, which facilitated dividing 6391 Laura into two parts.

Jessica Abraham
Planner 1

Appendix 1 – Site Plan

City ... For Generations To Come



CITY OF NIAGARA FALLS

By-law No. 2025-089

A by-law to designate Lot 3, Plan 136 to be deemed not to be within a registered plan of subdivision (DB-2025-002).

WHEREAS subsection 50(4) of the *Planning Act*, R.S.O.1990, provides that the council of a local municipality may by by-law, designate any plan of subdivision, or part thereof, that has been registered for eight years or more, to be deemed not to be a registered plan of subdivision for the purpose of subsection 50(3) of the *Planning Act*, R.S.O.1990;

AND WHEREAS the said land is within a plan of subdivision registered in 1951;

AND WHEREAS to facilitate the legal merger of the said land, the passing of a by-law as provided in subsection 50(4) is necessary;

AND WHEREAS the General Manager of Planning, Building, and Development or their designate, of the Corporation of the City of Niagara Falls, in the Regional Municipality of Niagara deems it expedient to designate the said land to be deemed not to be within a registered plan of subdivision as provided in said subsection 50(4).

THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, OR THEIR DESIGNATE, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108, ENACTS AS FOLLOWS:

1. Lot 3, Plan 136, in the City of Niagara Falls, in the Regional Municipality of Niagara, shall be deemed not to be within a registered plan of subdivision for the purpose of subsection 50(3) of the *Planning Act*, R.S.O.1990.

Signed and sealed under the delegated authority of Council to the General Manager of Planning, Building, and Development, or their designate, this 23rd day of July, 2025.

.....
KIRA DOLCH, GENERAL MANAGER
OF PLANNING, BUILDING, AND
DEVELOPMENT.

Inter-Departmental Memo

To: Kira Dolch, General Manager, Planning, Building and Development
From: Planning, Building and Development
Date: July 23, 2025
Re: PLC-2025-004, Request for Removal of Part Lot Control
Lot 27, Registered Plan 59R-18385, 4653 Lee Avenue.

Alessandro Marone has requested to pass a by-law to exempt Part Lot Control Lot 27, on Registered Plan No. 82. The applicant is proposing the following:

- To divide Lot 27 into three parcels to facilitate the individual sale of a single detached dwelling, in addition to each semi-detached dwelling unit, being comprised of Parts 1, 2, and 3 respectively, as set out in reference plan 59R-18385, which is attached as Schedule 1.

The request can be supported based on the following:

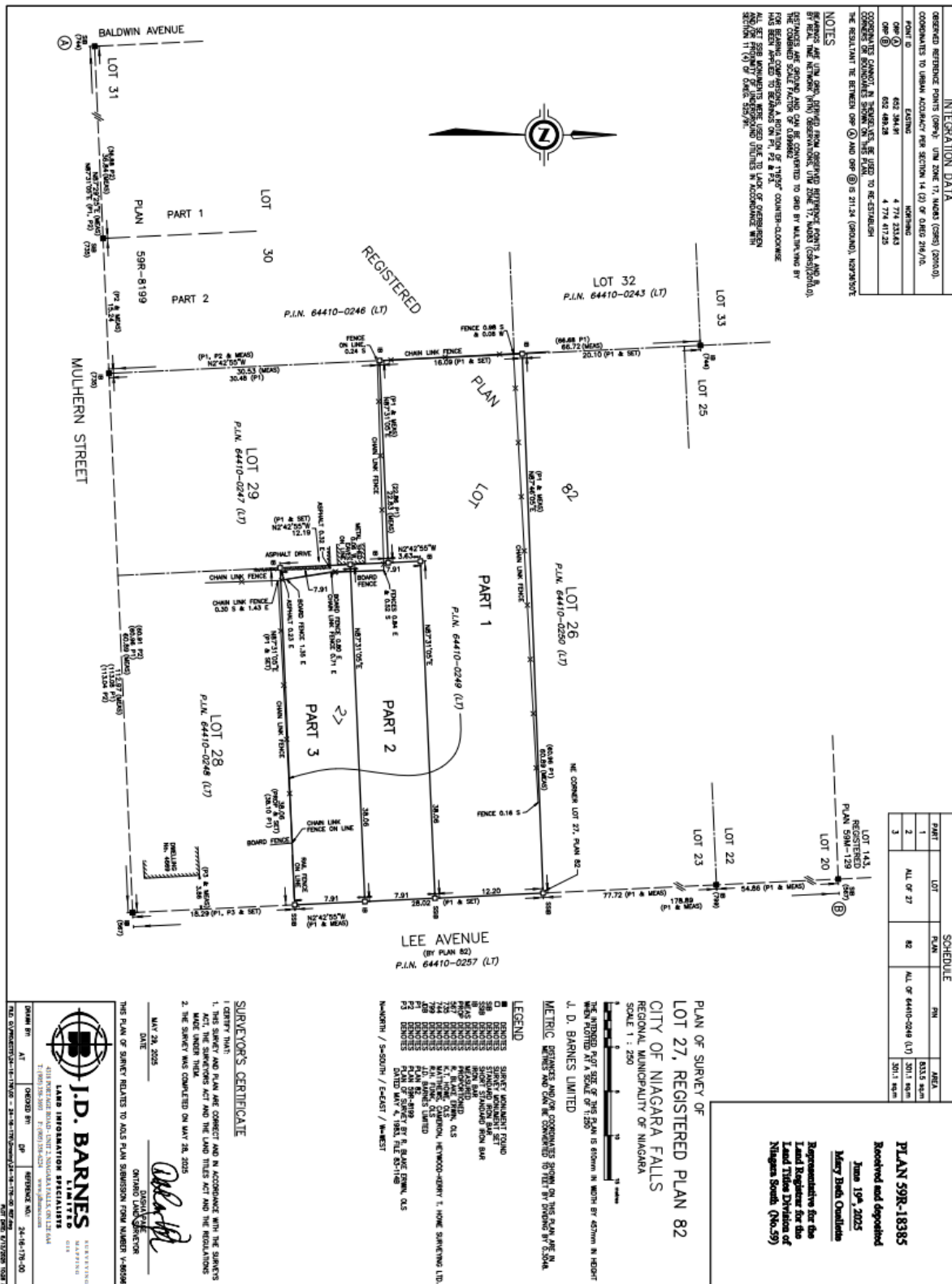
- The zoning permits semi-detached dwellings, and single detached dwellings at the proposed parcel sizes; and,
- The by-law will permit a deed to be created for each parcel containing a dwelling unit and permit each property to be sold separately.

Regards,

Jessica Abraham
Planner 1

Appendix 1 – Site Plan

Appendix 1



CITY OF NIAGARA FALLS

By-law No. 2025 – 090

A by-law to designate Plan 82, Lot 27, municipally known as 4653 Lee Avenue, not to be subject to part-lot control (PLC-2025-004).

WHEREAS subsection 50(7) of the *Planning Act*, R.S.O. 1990, provides, in part, that the council of a local municipality may by by-law designate lands that would otherwise be subject to part-lot control, not be subject to such part-lot control;

AND WHEREAS such by-laws are required under subsection 50(7.1) of the *Planning Act* to be approved by the appropriate approval authority, that being the Regional Municipality of Niagara as per subsection 51(5) of the *Planning Act*, subsequently delegated to the City of Niagara Falls by Regional Municipality of Niagara By-law No. 8819-97;

AND WHEREAS the said lands are zoned by By-law No. 79-200, which permits semi-detached dwellings, and single detached dwellings;

AND WHEREAS the owner of the said lands proposes to divide Lot 27 into 3 parcels to be sold separately for 1 single detached dwelling and 2 semi-detached dwelling units with said parcels being comprised of Parts 1, 2 and 3, respectively, as set out in reference plan 59R-18385;

AND WHEREAS the Council of The Corporation of the City of Niagara Falls deems it expedient to designate that the said lands not be subject to part-lot control.

THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT, OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108, ENACT AS FOLLOWS:

1. That subsection 50(5) of the *Planning Act*, R.S.O. 1990, not apply to Plan 82, Lot 27, in the City of Niagara Falls, in the Regional Municipality of Niagara.
2. This by-law shall remain in full force and effect for two years from the date of passage of this by-law, after which time this by-law shall expire and be deemed to be repealed and of no effect.

Signed and sealed under the delegated authority of Council to the General Manager of Planning, Building, and Development, as per by-law No.2023-107 and by-law No. 2023-108 on this the 23rd day of July 2025.

.....
KIRA DOLCH, GENERAL MANAGER
OF PLANNING, BUILDING AND DEVELOPMENT

CITY OF NIAGARA FALLS

By-law No. 2025-091

A by-law to amend By-law No. 79-200, to permit the use of the Lands municipally known as 4932 Kitchener Street for a Vacation Rental Unit (AM-2024-031).

THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, OR THEIR DESIGNATE, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108, ENACTS AS FOLLOWS:

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this 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 DTC zone.
 - (b) One Vacation Rental Unit in accordance with section 4.38 of By-law No. 79-200.
5. The regulations governing the permitted uses shall be:
 - (a) Minimum lot area for a corner lot 342.2 square metres
 - (b) Minimum lot frontage for a corner lot 10.97 metres
 - (c) Minimum rear yard depth 1.93 metres
 - (d) Maximum width of a driveway or parking area in the front yard of a lot 10.04 metres
 - (e) Maximum projection of a roofed-over one storey porch into a required side yard 3.44 metres
 - (f) Maximum projection of a deck into a

required exterior sideyard

3.44

(g) The balance of the regulations specified for a DTC use.

6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet D-4 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from DTC to DTC and numbered 1295.
10. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.1295

Refer to By-law No. 2025-091

Signed and sealed under the delegated authority of Council to General Manager of Planning, Building, and Development, this 23rd day of July 2025.

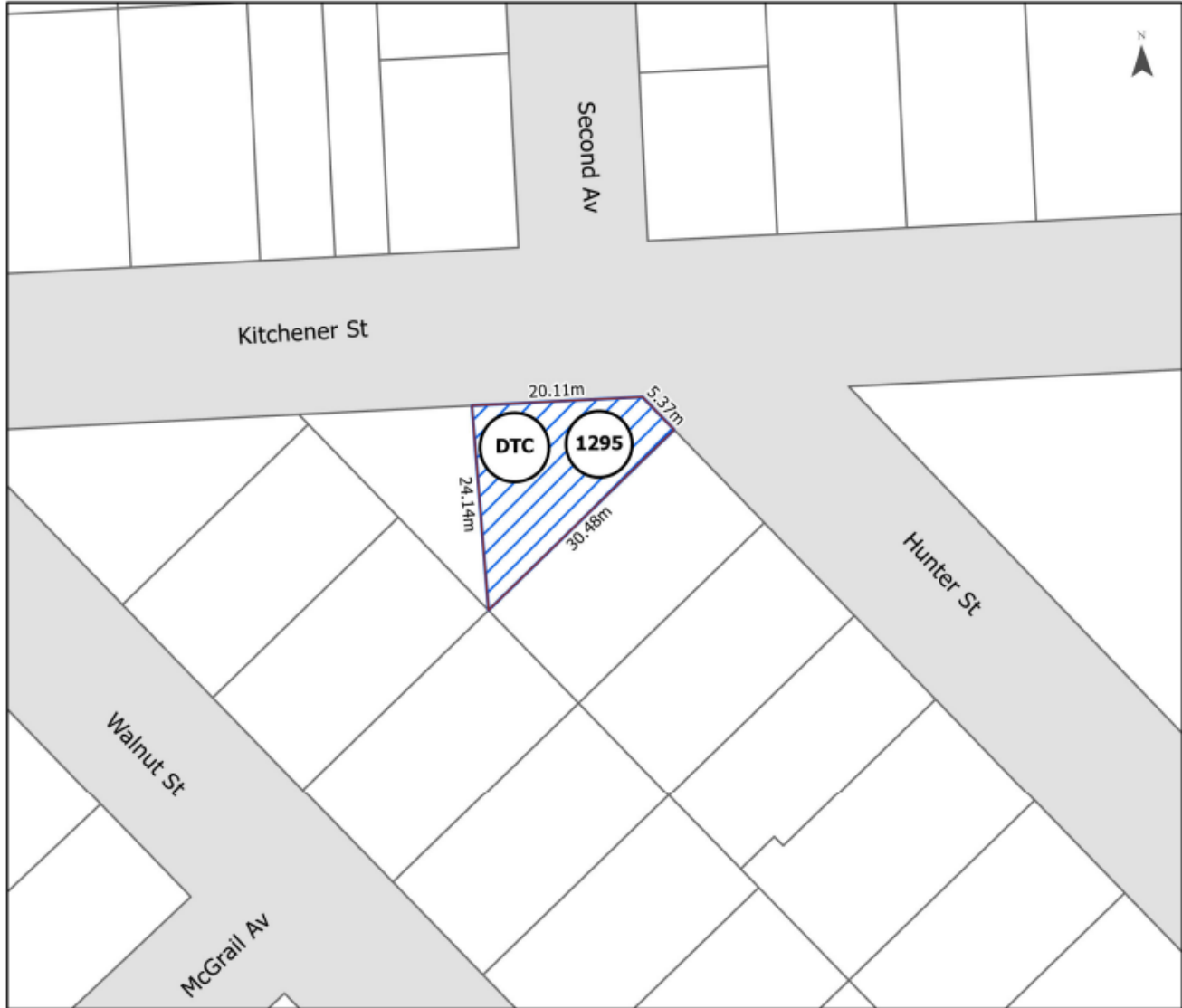
.....
KIRA DOLCH, GENERAL MANAGER
OF PLANNING, BUILDING, AND
DEVELOPMENT.

SCHEDULE 1



SCHEDULE 1 TO BY-LAW NO. 2025-091

Area Affected by this Amendment



Amending Zoning By-law No. 79-200

Description: PT LT 478 PL 9 TOWN OF NIAGARA FALLS AS IN RO560815; S/T NF11180; CITY OF NIAGARA FALLS

Applicant: Lingaratnam Kularatnam

Assessment: 272503000308300