

# PLANNING JUSTIFICATION REPORT

## ZONING BY-LAW AMENDMENT



4902 Hunter Street

Niagara Falls, ON

October 2025

Prepared For:

Frank Stante & Zoltan Sloboda

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## 1 INTRODUCTION

LandPro Planning Solutions Inc. (LandPro) has been retained by Frank Stante (the “Owner”); to assist in the rezoning of 4902 Hunter Street, Niagara Falls to permit a Vacation Rental Unit (VRU) and duplex. The property is legally described as PLAN 746 LOT 474, PT LOT 475; NEW PLAN 09.

### 1.1 Purpose

The purpose of the application is to amend the City’s Zoning By-law to change the property’s zoning from Deferred Tourist Commercial to Site-Specific Deferred Tourist Commercial, permitting two (2) Vacation Rental Units (VRU) within an existing duplex detached dwelling.

This brief aims to provide justification for the proposed rezoning and provide an overview of the planning merits of these applications.

## 2 SITE CONTEXT

The subject property is located at 4902 Hunter Street, with frontage onto Hunter Street as well. The subject property is located in Queen Victoria Community Planning District and the Clifton Hill Sub-District.

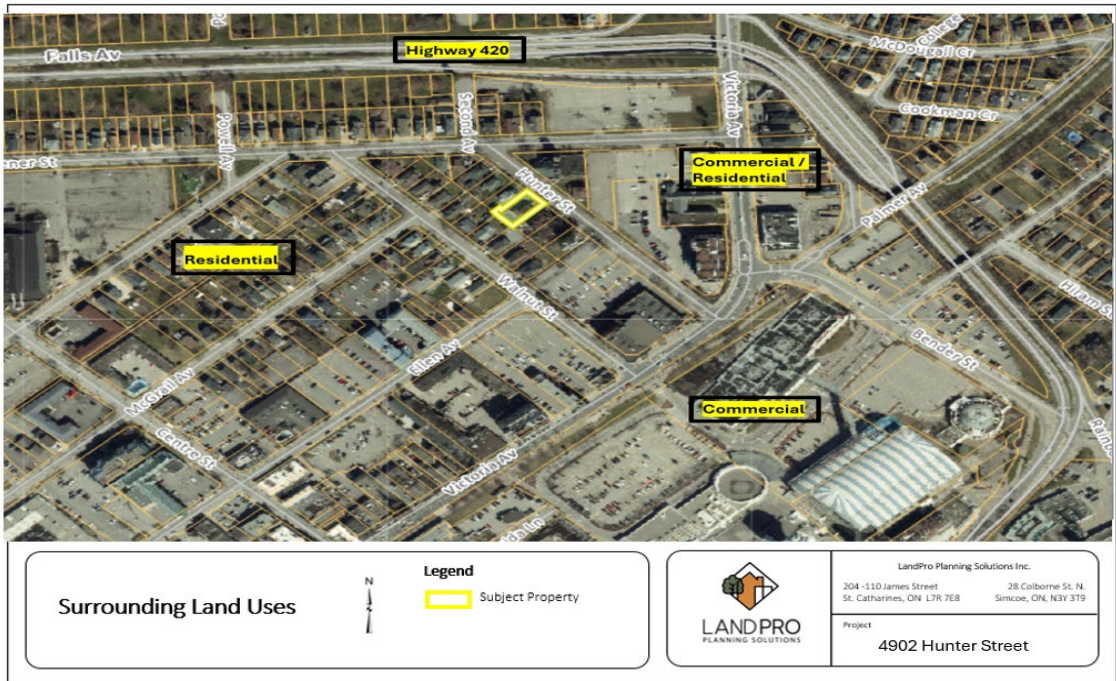
### 2.1 LAND USE CONTEXT

Currently, 4902 Hunter Street contains an existing duplex dwelling. The immediate surrounding area are as follows:

<b>NORTH</b>	Highway 420
<b>EAST</b>	Low-density residential / Commercial
<b>SOUTH</b>	Low-density residential / Commercial
<b>WEST</b>	Low-density residential

See **Figure 1** for property location and surrounding area.

Figure 1: Property Location and surrounding area



## 2.2 PROPERTY DIMENSIONS & PHYSICAL ATTRIBUTES

Table 1 – Existing Property Dimensions

The subject property has frontage onto Hunter Street. The existing property dimensions are presented in Table 1.

4902 Hunter St.	
Lot Frontage	16.76 m
Lot Depth	+/- 30.48 m
Lot Area	+/- 520 m <sup>2</sup>

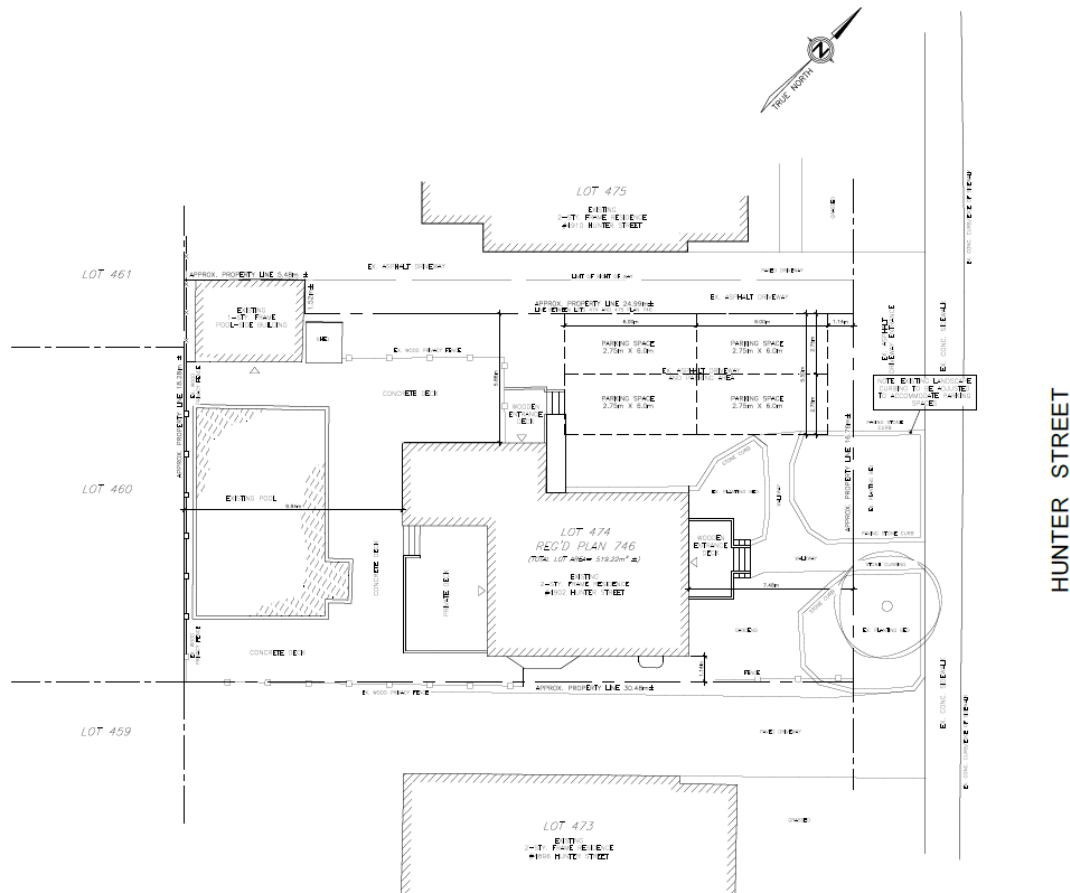
## 3 PROPOSED DEVELOPMENT

The application is to facilitate the permission of two (2) VRUs in an existing duplex.

The Zoning By-law Amendment intends to rezone the property from **Deferred Tourist Commercial** to **Site-Specific Deferred Tourist Commercial (DTC to DTC-XX)**.

See **Figure 2** for the plot plan, a larger copy is included in the application package.

Figure 2: Plot Plan



## 4 LAND USE PLANNING FRAMEWORK

In preparing these applications, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act, R.S.O 1990 c.P.13
2. Provincial Planning Statement, 2024;
3. Niagara Region Official Plan, 2022;
4. Niagara Falls Official Plan, 2019;
5. City of Niagara Falls Zoning By-Law No. 79-200

To facilitate the proposed use, it is assessed against policy frameworks and regulations. A detailed review is below.



## 4.1 PLANNING ACT, R.S.O 1990 c.P.13

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The *Planning Act* is provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur.

The purposes of the *Act* as outlined in **Section 1.1** are:

- a) to promote sustainable economic development in a healthy natural environment;
- b) to provide for a land use planning system led by provincial policy;
- c) to integrate matters of provincial interest in provincial and municipal decisions;
- d) to provide for planning processes that are fair;
- e) to encourage co-operation and coordination among various interests; and
- f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in **Section 2** of the *Act*. This application *has regard to* the following matters: e), g), h), i), k), p), q), r).

This application has regard for the relevant sections of the *Planning Act*.

## 4.2 PROVINCIAL PLANNING STATEMENT, 2024

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The *Provincial Planning Statement (PPS)* provides policy direction on matters of provincial interest for land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The subject lands are located within an urban area of the City of Niagara Falls, identified as a Settlement Area under the Provincial Planning Statement (PPS). **Section 2** emphasizes the importance of providing housing and supporting strong, complete communities. The proposed development aligns with this direction by:

- introducing a mix of housing options, including affordable housing through minimum targets;
- accommodating a range of housing types to meet the needs of current and future residents, including those with special needs and those resulting from demographic shifts;
- supporting residential intensification through the redevelopment of underutilized commercial and institutional sites; promoting higher density housing that makes efficient use of land and resources while encouraging active transportation; and
- prioritizing transit-supportive development in proximity to transit corridors and stations.

The development also introduces a land use that complements the surrounding tourism activity, contributing to the long-term economic sustainability of both the Provincial and the municipality. The proposal has negligible impacts on public health and safety, minimizes land consumption, and supports

transit use. Further, it fosters economic development and competitiveness by generating new employment opportunities.

This application conforms to the Provincial Planning Statement.

### 4.3 NIAGARA REGION OFFICIAL PLAN, 2022

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The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

This application proposes a use that is permitted within Regional urban areas and conforms to the Niagara Region Official Plan.

### 4.4 CITY OF NIAGARA FALLS OFFICIAL PLAN, 2019

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The subject property is designed Tourist Commercial and Central Tourist District in the City of Niagara Falls Official Plan (NFOP), (Part 2 – Land use Policies, Section 4 – Tourist Commercial). The NFOP recognizes that the tourism and accommodation sectors are major sources of employment for City and Regional residents and, as a result, identifies tourism commercial lands as employment lands **(4.1.4)**. The proposed conversion of an existing duplex dwelling into two (2) Vacation Rental Unit(s) (VRU) is consistent with this employment focus, as it contributes to the expansion of the City's tourism-based accommodation supply.

The NFOP contains policy direction to “avoid an undue concentration of Vacation Rental Units (VRUs) in order to protect the character of residential areas and ensure the enjoyment of permanent residents” **(1.12.5)**. The subject property is not located in a stable residential neighbourhood but rather within the Central Tourist District, which is specifically planned to accommodate tourism-related activity.

1. CLIFTON HILL SUBDISTRICT:
  - a. Wholly within the Clifton Hill subdistrict
  - b. Within walking distance of Clifton Hill (~ 650 m away).
2. QUEEN VICTORIA PARK TOURIST SUBDISTRICT:
  - a. Queen Victoria Park tourist subdistrict (~800 m away); and
3. FALLSVIEW TOURIST SUBDISTRICT:
  - a. Fallsview tourist subdistrict is just over a kilometer (~900 m away).
4. TOURIST SATELLITE DISTRICT:
  - a. Tourist satellite district (~600 m away) on River Road.

**Figure 3** below outlines the property in relation to the Tourist Commercial areas.

This location is within the focal point for tourism activities, consistent with **policy 4.2.2**, which states that the Central Tourist District, comprising Clifton Hill, Queen Victoria Park, and Fallsview, “shall continue to be the focal point for tourism activities including, amongst other items, accommodations.”

The NFOP also provides more detailed guidance for the Clifton Hill Subdistrict. **Policy 4.2.16** permits a wide range of commercial and entertainment uses including, but not limited to, hotels and other tourist-related accommodations, all of which are to provide a pedestrian focus at the street level. **Policy 4.2.19** further recognizes the presence of sensitive uses in proximity to tourist areas and requires that “discretion shall be exercised in phasing tourist commercial development.” The proposed VRU aligns with these policies by introducing an additional form of visitor accommodation in an established tourist context while maintaining an appropriate transition to surrounding residential and institutional uses.

Further, within the surrounding neighbourhood there are approximately 21 VRUs dispersed among several hundred permanent dwellings, suggesting that the concentration of VRUs remains low and is certainly not excessive. The subject proposal therefore meets the intent of **Policy 1.12.5** by avoiding an undue concentration of VRUs and instead supports the broader tourism objectives of the NFOP. It is our opinion that this area, which is proximate to both the Clifton Hill tourist area and Highway 420, is ideally suited to VRU’s. Given the presence of mostly older residential dwellings, with few if any newer builds, this area is in transition towards more intense tourism uses. On this basis, allowing more VRU’s is appropriate.

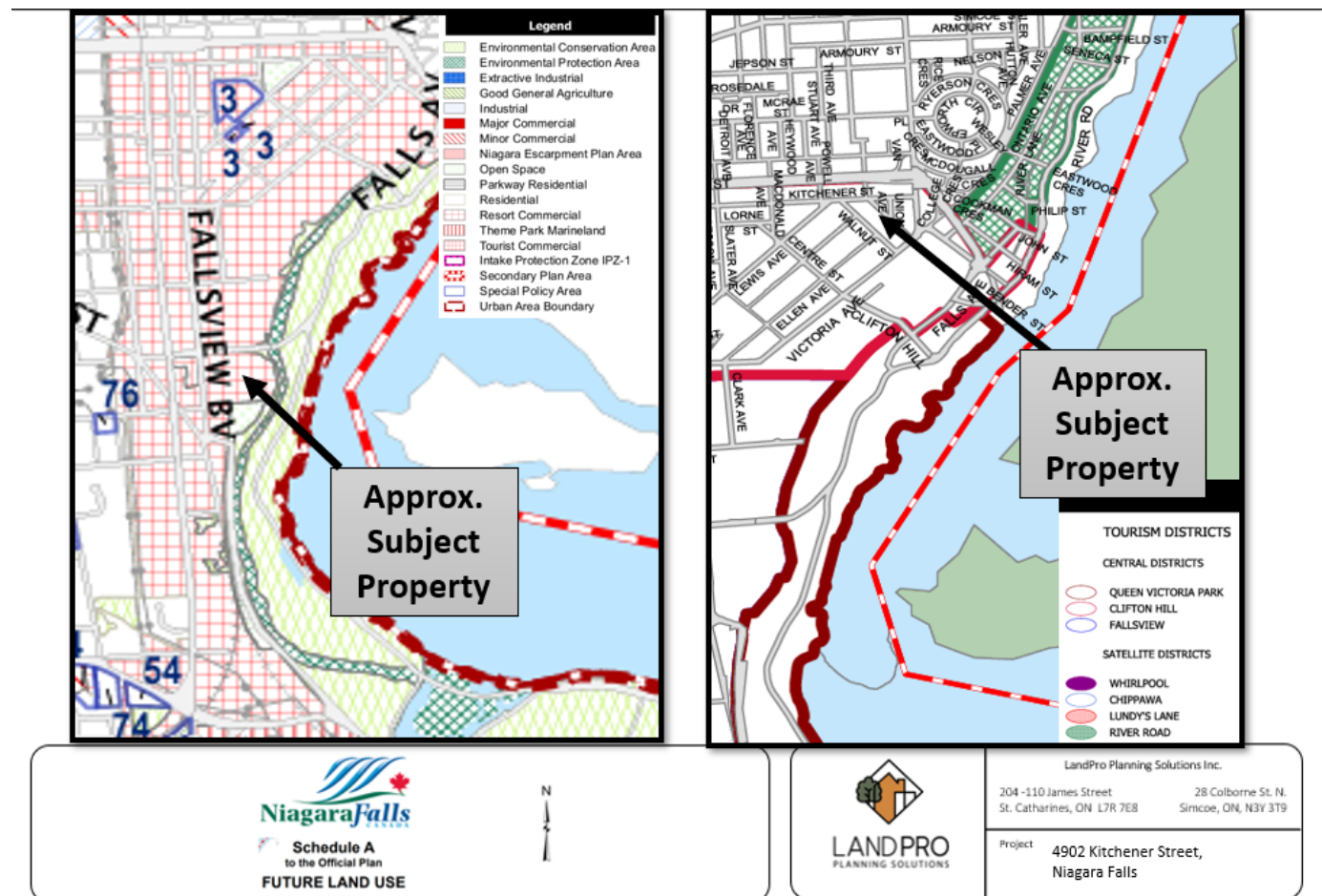
In addition, the NFOP requires that applications for various types of amendments include a Housing Impact Statement as part of a complete application (**Policy 4.4**). The housing Impact Statement (HIS) is intended to demonstrate how proposals implement the City’s Housing Strategy and address the following considerations:

- Proposed housing mix by dwelling type and number of bedrooms (**Policy 4.4.a**)
  - o The proposal maintains the existing building stock through the conversion of a duplex dwelling to a VRU. It provides additional dwelling types to the City’s housing mix.
- Contribution to housing targets (**Policy 4.4.b**)
  - o As the proposal does not involve the creation of new permanent housing, it does not contribute to annual housing targets outlined in Part 1, Section 4, Policy 4.8a & b. However, it supports broader community planning objectives by strengthening the City’s tourism economy and associated employment opportunities.
- Estimated rents or sale prices and affordability thresholds (**Policy 4.4.c**)
  - o The duplex will be used exclusively as short-term visitor accommodation and will not be offered as a long-term rental or ownership unit. Considerations of affordability, as defined by Niagara Region and the City, are therefore not applicable.
- Phasing of construction and affordability by phase (**Policy 4.4.d**)
  - o The proposal involves the conversion of a duplex with no phasing.
- Mechanism for affordability (**4.4.e**)
  - o No legal or financial mechanisms for affordable housing are proposed, as the application does not form part of the City’s long-term housing supply.



While the application does not directly increase the City's permanent housing supply, it is consistent with the policy direction of the NFOP by maintaining a balance between protecting stable residential areas from undue concentrations of VRUs (**Policy 1.12.5**) and supporting the Central Tourist District as the focal point for accommodations (**Policy 4.2.2**). It further implements **Policy 4.4.1** by reinforcing the tourism and accommodation sector as a significant source of employment and demonstrates conformity with **Policy 4.4** by providing a HIS as part of the application.

Figure 2: City of Niagara Falls Official Plan 2019



The application conforms to the City of Niagara Falls Official Plan.

#### 4.5 CITY OF NIAGARA FALLS ZONING BY-LAW No. 79-200

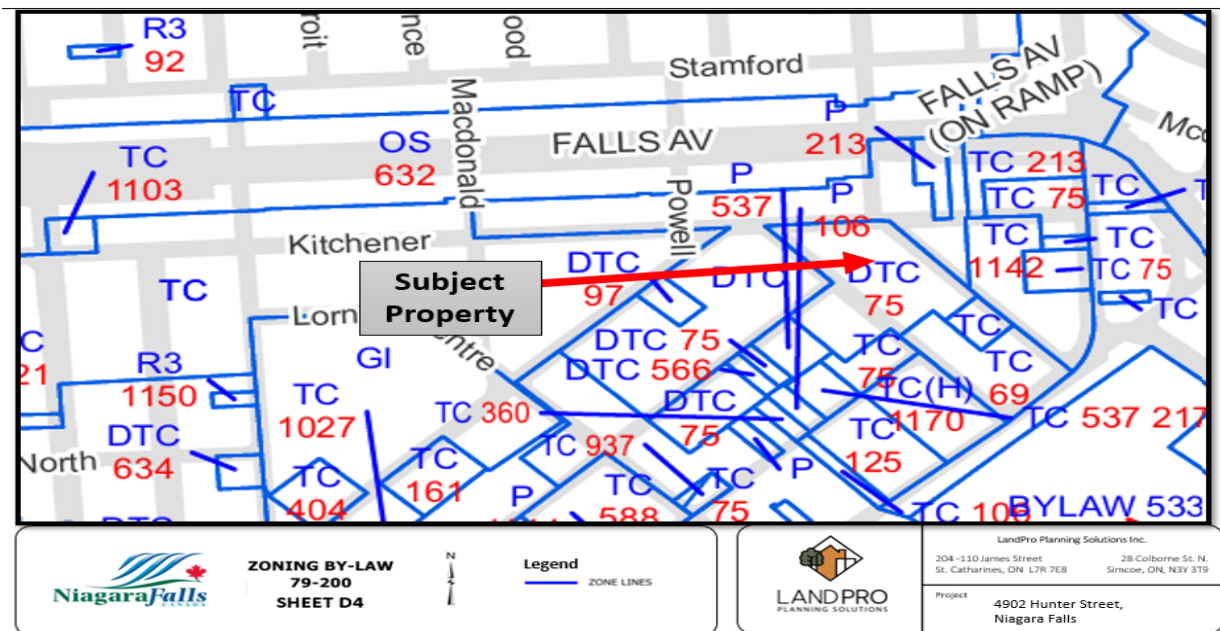
The subject property is currently zoned *Deferred Tourist Commercial Zone (DTC-75)*. See **Figure 4** below.

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A Zoning By-law Amendment (ZBA) proposes to rezone the subject property to Site-Specific Deferred Tourist Commercial (DTC-XX); this includes adding a Vacation Rental Unit as permitted use. For clarity, the DTC zone permits detached dwellings, and they are subject to the regulations contained in the R1E Zone.

Figure 3: City of Niagara Falls Zoning By-law No. 79-200



See DTC (R1E) Zone provisions below in **Table 2**.

Table 2: City of Niagara Falls Zoning By-Law No. 79-200 – DTC Zone (R1E)

Zone Provisions	Required	Proposed	Comment
Permitted Uses	Various, but not include a Vacation Rental Unit	Vacation Rental Unit within an existing detached dwelling	<b>Does Not Comply</b>
Min. Lot Area	370 sq.m	519.22 sq.m	<b>Complies</b>
Min. Lot Frontage	12 m	16.76 m	<b>Complies</b>
Min. Front Yard	6 m	7.48 m	<b>Complies</b>
Min. Rear Yard	7.5 m	9.94 m	<b>Complies</b>
Min. Interior Side Yard	1.2 m	1.14 m 5.88 m	<b>Complies</b>

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Zone Provisions	Required	Proposed	Comment
Max. Lot Coverage	45%	17.21 %	Complies
Max. Building Height	10 m	Approx. 6m to eave	Complies
Max. number of detached dwellings	1	1	Complies
Parking Requirements	2 parking spaces for a VRU (may be provided in tandem)	4 parking spaces (in tandem)	Complies
Max. Number of Bedrooms (VRU)	3 Bedrooms	3 Bedrooms	Complies
Min. Landscaped Open Space	30% of lot area	17%	Does not Comply
Minimum Parking Space width	2.75 m	2.75 m	Complies
Minimum Parking Space length	6 m	6 m	Complies
Max. Lot Area Which Can be Used as a Surface Parking Area	30%	12.71%	Complies
Max. Width of Driveway or Parking Area in the Front Yard of a Lot	60% of the lot frontage but in no case more than 9m for a detached dwelling	32.81 %	Complies
Accessory Structure	Covered front porch not more than 2.5 extended into front yard	n/a	

The Zoning By-law Amendment seeks to add a Vacation Rental Unit as a permitted use, in addition, as **Table 2** above demonstrates, a zoning relief is also required for Minimum Landscaped Open Space.

The subject property features an award-winning garden located at the front of the property, contributing significantly to the overall streetscape and visual character of the area. The owners have maximized the available space to meet the minimum landscaping requirements to the greatest extent possible. Given the

site's existing high-quality landscaping and demonstrated commitment to enhancing the property's aesthetic value, a minor relief from the landscaped area requirement is considered appropriate and in keeping with the intent of the Zoning By-law. If the zoning by-law amendment is approved by the City, the property will comply with most of the DTC zoning provisions.

## 5 PLANNING ANALYSIS

The application proposes to add Vacation Rental Unit as a permitted use and recognize the zoning deficiency.

It has regard for the *Planning Act* **Section 1.1 and 2**. Specifically, the application has regard to the matters of provincial interest outlined in **Section 2**; specifically, *e), g), h), i), k), p), q), r)*.

The proposed application seeks to permit the use of an existing duplex dwelling as a Vacation Rental Unit (VRU), a use that complements the surrounding tourist activity and supports the City's tourism economy. The proposal contributes to the continued financial well-being of the municipality and the Province by expanding the range of short-term accommodation options within a key tourist destination. The requested change introduces no new construction, poses no impact to public health or safety, and maintains the existing built form. The use efficiently utilizes existing land and infrastructure while supporting active and transit-oriented transportation in a walkable area close to major tourist attractions.

Located within the Built-Up Area of the City, the existing duplex is serviced by full municipal resources (water, wastewater, and transit), supporting the objectives of achieving a complete community. The property's central location provides convenient access to transportation networks, parks, open spaces, and recreational amenities. The lands are also within the Growth Plan's Gateway Economic Zone, which encourages the enhancement of tourism opportunities. The proposal aligns with these objectives by providing an additional, well-located accommodation option that supports the local tourism economy while recognizing and maintaining the existing landscaped area, which, although slightly deficient, has been enhanced through the award-winning front garden.

The property is located within the Central Tourist District and is within walking distance of several tourist districts. This supports the City's strategy to improve the physical setting of the tourist areas, making it easier to spend more and stay longer by providing them with different accommodation options.

Lastly, while the application seeks to recognize two existing zoning deficiencies — the addition of a Vacation Rental Unit as a permitted use within the FTC (Deferred Tourist Commercial) Zone and a minor deficiency in the minimum landscaped area — both are considered appropriate in this context. The landscaped area deficiency is historical in nature, and the property owners have enhanced the front yard with an award-winning garden that contributes to the streetscape and maintains the intent of the zoning standard.

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Finally, no new construction or expansion is proposed with this application, and there will be no change in the draw on municipal services and infrastructure, as they currently exist. The only changes sought through this application are: 1) the formal recognition of both the Vacation Rental Unit use; and 2) the duplex, which, subject to Council approval, will conform with the City's Official Plan and Zoning By-law by supporting tourism and economic development within the Central Tourist District.

## 6 CLOSING

It is our opinion that the applications represent good planning and should be approved because the application is:

1. Has regard for the Planning Act;
2. Consistent with the Provincial Planning Statement 2024;
3. Conforms to the Niagara Region Official Plan;
4. Conforms to the City of Niagara Falls Official Plan;
5. Subject to approval will conform to Zoning By-law 79-200.

### LANDPRO PLANNING SOLUTIONS INC.



Emilie Brodeur, MSc(PL)

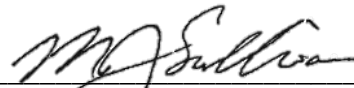
Planner



289-680-5189



ebrodeur@landproplan.ca



Michael Sullivan, M.Pl., RPP, MCIP

President | Founder



289-687-3730



mike@landproplan.ca