

## CITY OF NIAGARA FALLS

### **By-law No. 2018-91**

A by-law to amend By-law No. 79-200; By-law No. 1538, of the former Township of Crowland, now the City of Niagara Falls; and By-law No. 395, of the former Township of Willoughby, now the City of Niagara Falls, to introduce new definitions and regulatory provisions respecting Bed and Breakfasts (AM-2017-005).

**WHEREAS** it is the express intention of the Council of the City of Niagara Falls to amend Zoning By-law No. 79-200, By-law No. 1538 and By-law No. 395, to add a new permitted use called "Bed and Breakfast";

**AND WHEREAS** it is the express intention of the Council of the City of Niagara Falls that the permitted use "Bed and Breakfast" shall be conditional upon the operator of the land use, obtaining a license from the City of Niagara Falls and maintaining that license in good standing and that no property, other than a property that has been zoned by a site specific by-law enacted by this Council, shall be found to have the permitted use "Bed and Breakfast" as of right;

**AND WHEREAS** the Council of the City of Niagara Falls is aware of the presence within the City of Niagara Falls of uses that may fall within the ambit of the definition of "Bed and Breakfast" set out in this amending by-law that are in operation at this time;

**AND WHEREAS** it is the express intention of the Council of the City of Niagara Falls that this amending by-law shall have no impact of any kind upon the existing rights of the operators of existing permitted uses that may fall within the ambit of the definition of "Bed and Breakfast" as set out in this amending by-law;

**AND WHEREAS** the rights of the operators of existing permitted uses that may fall within the ambit of the definition of "Bed and Breakfast" do not, and never have, included the right to operate a "Bed and Breakfast" in the absence of a license for that operation issued by the City of Niagara Falls that is, and has been, maintained in good standing;

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

### **By-law No. 79-200**

1. SECTION 2 - DEFINITIONS of By-law No. 79-200 is amended by adding the following sections:

"2.9A            "BED AND BREAKFAST" means a home occupation that provides **guest rooms** and breakfast to the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business.

2.23A           "GUEST ROOM" means a room or suite of rooms which is capable of being rented separately to the travelling and vacationing public and does not have any cooking facilities.

2.29A "LICENCE" means a City of Niagara Falls business licence issued pursuant to the City's Licencing By-law.

2.36B "OWNER" means the owner of a lot as recorded in the records of the Registry Office for the Land Titles Division of Niagara South maintained in that Office for that lot."

2. Table 1 of clause (a) of section 4.19.1 of By-law No. 79-200 is amended by deleting the following:

"Tourist Home	1 <b>parking space</b> for each sleeping unit"
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and adding the following:

" <b>Bed and Breakfast</b>	1 <b>parking space</b> for each <b>guest room</b> in addition to the <b>parking space</b> required for a <b>detached dwelling or dwelling unit</b> "
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3. SECTION 4 – GENERAL PROVISIONS of By-law No. 79-200 is amended by adding the following:

"4.37 BED AND BREAKFAST: a **bed and breakfast** shall comply with the following provisions:

- a) A **bed and breakfast** must be located in the **dwelling or dwelling unit** that is the primary residence of the **owner**;
- b) The maximum number of **guest rooms** permitted in a **bed and breakfast** in a **dwelling or dwelling unit** in a R1A, R1B, R1C, R1D, R1E, R1F, R2, R3, TRM, DC, DTC, A, R and DH zone shall be 3;
- c) The maximum number of **guest rooms** permitted in a **bed and breakfast** in a **dwelling or dwelling unit** in a GC, CB and TC zone shall be 6;
- d) A **bed and breakfast** shall require a license issued by the City of Niagara Falls and the municipal license of a **bed and breakfast** must be kept current and maintained in good standing;
- e) The maximum number of guests permitted to stay in a **guest room** 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;
- f) Subject to clause (g) of section 4.37, every reference to a zone in clauses (b) and (c) of section 4.37 shall be deemed to include any zone described in section 19 of the by-law

that is derived from the zones listed in clauses (b) and (c) of section 4.37;

g) Existing **tourist homes** and any other permitted uses that fall within the ambit of the definition of a **bed and breakfast** as set out in this by-law shall henceforth be referred to as a **bed and breakfast**, but in all other respects shall continue to be governed by the site specific regulations that govern their permitted use on the effective date of this amendment to the by-law;

h) Parking and access requirements shall be in accordance with section 4.19.1.”

4. Section 7.1.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

5. Section 7.2.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

6. Section 7.3.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

7. Section 7.4.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

8. Section 7.5.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

9. Section 7.5A.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”

10. Section 7.7.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
 

“(g) A **bed and breakfast** in a **detached dwelling**, or in a **dwelling unit** of a **semi-detached dwelling** or a **duplex dwelling**, that complies with the provisions set out in section 4.37”
11. Section 7.8.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
 

“(i) A **bed and breakfast** in a **detached dwelling**, or in a **dwelling unit** of a **semi-detached dwelling** or a **duplex dwelling**, that complies with the provisions set out in section 4.37”
12. Section 7.16.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
 

“(g) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”
13. Section 8.2.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clauses:
 

“(uu) A **bed and breakfast** in an existing **detached dwelling** or **dwelling unit**, that complies with the provisions set out in section 4.37”
14. Section 8.3.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
 

“(f) A **bed and breakfast** in an existing **detached dwelling**, that complies with the provisions set out in section 4.37”
15. Section 8.5.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
 

“(nn) A **bed and breakfast** in an existing **detached dwelling** or **dwelling unit**, that complies with the provisions set out in section 4.37”
16. Clause (gg) of Section 8.6.1 PERMITTED USES of By-law No. 79-200 is deleted and replaced with the following clause:
 

“(gg) A **bed and breakfast** in an existing **detached dwelling** or **dwelling unit**, that complies with the provisions set out in section 4.37”
17. Section 8.8.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

- “(e) A **bed and breakfast** in an existing **detached dwelling**, that complies with the provisions set out in section 4.37”
18. Section 12.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
- “(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”
19. Section 13.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
- “(e) A **bed and breakfast** in a **detached dwelling**, that complies with the provisions set out in section 4.37”
20. Section 15.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:
- “(k) A **bed and breakfast** in a **detached dwelling** that complies with the provisions set out in section 4.37”
21. Section 5.11 of By-law No. 79-200 is deleted.

### **By-law No. 1538**

22. SECTION 2 - DEFINITIONS of By-law No. 1538 is amended by adding the following subsections:
- “2.5.1 “Bed and Breakfast” shall mean a home occupation that provides guest rooms and breakfast to the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business.
- 2.44.1 “Guest Room” shall mean a room or suite of rooms which is capable of being rented separately to the travelling and vacationing public and does not have any cooking facilities.
- 2.47.1 “Home Occupation” shall mean an occupation or business conducted for gain or profit, within a one family detached dwelling, by any primary resident of the one family detached dwelling.
- 2.49.1 “Licence” shall mean a City of Niagara Falls business licence issued pursuant to the City’s Licencing By-law.
- 2.62.1 “Owner” shall mean the owner of a lot as recorded in the records of the Registry Office for the Land Titles Division of Niagara South maintained in that Office for that lot.”
23. The Schedule of Clause 5.20 – OFF-STREET PARKING REQUIREMENTS of SECTION 5 – GENERAL PROVISIONS TO ALL DISTRICTS of By-law No. 1538 is amended by adding the following:

- "10.           A bed and breakfast                           1 parking space for each guest room, in addition to the parking spaces required for a dwelling unit"

24.   SECTION 5 - GENERAL PROVISIONS TO ALL DISTRICTS of By-law No. 1538 is amended by adding the following subsection:

"5.28           BED AND BREAKFAST

A bed and breakfast shall comply with the following provisions:

- (a)   A bed and breakfast must be located in a one family detached dwelling that is the primary residence of the owner;
- (b)   The maximum number of guest rooms in a bed and breakfast shall be 3;
- (c)   A bed and breakfast shall be licensed by the City of Niagara Falls and the municipal license of a bed and breakfast must be kept current and maintained in good standing;
- (d)   The maximum number of guests permitted to stay in a guest room 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; and
- (e)   Parking and access requirements shall be in accordance with subsection 5.20 of Section 5."

25.   Subsection 7.1 USES PERMITTED of SECTION 7 – RURAL AGRICULTURAL RA of By-law No. 1538 is amended by adding the following subsection:

"7.1.7           A bed and breakfast in a one family detached dwelling that complies with the provisions set out in Section 5."

**By-law No. 395**

26.   Subclause (a) of Clause (7) of SECTION III A PROVISIONS FOR ALL ZONES: of By-law No. 395 is amended by deleting subclause (ii) and inserting the following:

"(ii)           "guest room of a hotel, motel, cabin or bed and breakfast".

27.   SECTION III A PROVISIONS FOR ALL ZONES: of By-law No. 395 is amended by adding the following subclause:

"(9)           Bed and Breakfast

A bed and breakfast shall comply with the following provisions:



- (a) A bed and breakfast must be located in a single family dwelling that is the primary residence of the owner;
- (b) The maximum number of guest rooms permitted in a bed and breakfast shall be 3;
- (c) A bed and breakfast shall be licensed by the City of Niagara Falls and the municipal license of a bed and breakfast must be kept current and maintained in good standing;
- (d) The maximum number of guests permitted to stay in a guest room 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; and
- (e) Parking and access requirements shall be in accordance with clause 7 of Section III A."

28. SECTION III B DEFINITIONS: of By-law No. 395 is amended by adding the following:

"Bed and Breakfast" shall mean a home occupation that provides guest rooms and breakfast to the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business.

"Guest Room" shall mean a room or suite of rooms which is capable of being rented separately to the travelling and vacationing public and does not have any cooking facilities.

"Home Occupation" shall mean an occupation or business conducted for gain or profit, within a single detached dwelling, by any primary resident of that single detached dwelling.

"Licence" shall mean a City of Niagara Falls business licence issued pursuant to the City's Licencing By-law.

"Owner" shall mean the owner of a lot as recorded in the records of the Registry Office for the Land Titles Division of Niagara South maintained in that Office for that lot."

29. Subsection (1) Uses Permitted of SECTION VI RURAL: of By-law No. 395 is amended by adding the following clause:

"(d) bed and breakfast in a single family dwelling that complies with the provisions set out in Section III A."

30. Subsection (1) Uses Permitted of SECTION VII VILLAGE RESIDENTIAL: of By-law No. 395 is amended by adding the following clause:

"bed and breakfast in a single family dwelling that complies with the provisions set out in Section III A."

31. Subsection (1) Uses Permitted of SECTION VIII NIAGARA RIVER PARKWAY RESIDENTIAL: of By-law No. 395 is amended by adding the following clause:

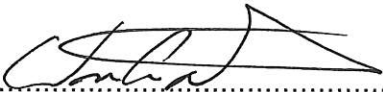
"bed and breakfast in a single family dwelling that complies with the provisions set out in Section III A."

32. A new Section XIV of By-law No. 395 is added, as follows:

"SECTION XIV EXISTING BED AND BREAKFAST USES

Existing tourist homes and any other permitted uses that fall within the ambit of the definition of a bed and breakfast as set out in this by-law shall henceforth be referred to as a bed and breakfast, but in all other respects shall continue to be governed by the site specific regulations that govern their permitted use on the effective date of this amendment to the by-law."

Passed this fourteenth day of August, 2018.



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WILLIAM G. MATSON, ACTING CITY CLERK



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VINCE KERRIO, ACTING MAYOR

First Reading: August 14, 2018  
Second Reading: August 14, 2018  
Third Reading: August 14, 2018