

CITY OF NIAGARA FALLS

By-law No. 2018-90

A by-law to provide for the adoption of Amendment No. 127 to the City of Niagara Falls Official Plan (AM-2017-005).

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. The attached text constituting Amendment No. 127 to the City of Niagara Falls Official Plan is hereby adopted.

Passed this fourteenth day of August, 2018.


.....
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

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – Body of the Amendment, consisting of the following text, constitute Amendment No. 127 to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

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

1. TEXT CHANGES

- a. PART 2, Section 1.4 is hereby deleted and replaced with the following:

1.4 Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the residential neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of the overall neighbourhood.

- b. The following is hereby added as PART 2, Vacation Rental Units:

1.17 Vacation Rental Units are not to establish indiscriminately. In this regard, official plan and zoning by-law amendment applications will be processed on a site-by-site basis. Amendment applications will be reviewed subject to the following criteria:

1.17.1 Vacation Rental Units are limited to single or semi-detached dwellings or a second unit to a principal dwelling unit.

1.17.2 Vacation Rental Units shall be limited to 3 bedrooms to ensure the scale and physical character is compatible with the surrounding neighbourhood.

1.17.3 Parking and landscaping shall be consistent with the residential environment.

1.17.4 The size of the lot, the provision of landscaped amenity space, ability to accommodate required parking, nature and classification of the street and the proximity to tourist areas shall all be considered.

1.17.5 An undue concentration of Vacation Rental Units is to be avoided in order to reduce the impact on the character of the residential nature of the area and residential enjoyment of permanent residents.

- 1.17.6 To ensure lands designated as Residential meet the primary purpose of providing dwellings for a wide range of households, Council shall consider the current vacancy rate(s) and supply of available housing for tenants.
 - 1.17.7 Vacation Rental Units will be subject to a licensing by-law passed under the Municipal Act, 2001, designed to regulate the operational aspects of Vacation Rental Units including, but not limited to: compliance with zoning; excessive noise; garbage disposal; property standards and adequate insurance.
- c. PART 2, Section 2.1 is hereby deleted and replaced with the following:
- 2.1 In order to preserve and enhance the qualities of the Niagara River Parkway, development shall be limited to detached dwellings on large estate-type lots. Home occupations, including owner occupied Bed and Breakfasts, may be permitted through an implementing zoning by-law where they are limited in number of guest rooms to be compatible with the neighbourhood. Zoning by-law amendment applications to increase the size of such uses will be carefully considered to minimize potential disturbances to adjacent properties and to protect the character and identity of the overall neighbourhood. Private sewage disposal systems will be installed and maintained to the satisfaction of the Regional Public Health Department and/or Ministry of the Environment.
- d. The following is hereby added to PART 2, Section 2.2:
- 2.2.5 Vacation Rental Units shall be subject to the policies of Part 2, Section 1.17.
- e. The following is hereby added to PART 2, Section 3.1:
- 3.1.3 Accommodations are only permitted to be developed in Major or Minor Commercial Districts.
- f. The following is hereby added to PART 2, Section 7.2.1:
- (iv) Vacation Rental Units shall be subject to the policies of Part 2, Section 1.17.
- g. The words "Bed and Breakfast facility(ies)", "Bed and Breakfast accommodations", "Bed and Breakfast establishments" and "tourist home" are hereby deleted where they occur in the Official Plan and are replaced with the words "Bed and Breakfast(s)".

- h. The following definitions are hereby added to APPENDIX 1 – DEFINITIONS

“Accommodations” - means uses intended to provide temporary lodging to the travelling and vacationing public and include, but not limited to: a Hotel, Motel, Inn, Bed and Breakfast and a Vacation Rental Unit.

“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.

“Guest Room” - means a room or suite of rooms which is capable of being rented separately to travelling and vacationing public and does not have any cooking facilities.

“Vacation Rental Unit” - means the commercial use of a detached dwelling or dwelling unit that is available for rent in its entirety for a period of 28 consecutive days or less, to provide temporary lodging to the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business.