

CITY OF NIAGARA FALLS

By-law No. 2018-92

A by-law to amend By-law No. 79-200, to introduce new definitions and regulatory provisions respecting Vacation Rental Units (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, to add a new permitted use called “Vacation Rental Unit”;

AND WHEREAS it is the express intention of the Council of the City of Niagara Falls that the permitted use “Vacation Rental Unit” 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 so zoned by a site specific by-law enacted by this Council, shall be found to have the permitted use “Vacation Rental Unit” 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 “Vacation Rental Unit” 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 fall within the ambit of the definition of “Vacation Rental Unit” 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 “Vacation Rental Unit” do not, and never have, included the right to operate a “Vacation Rental Unit” 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 deleting section 2.15.1 – “COTTAGE RENTAL DWELLING” and by adding the following section:

“2.61B “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 a single group of the travelling and vacationing public and is licensed by the City of Niagara Falls to carry on business”.

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

“ Vacation Rental Unit	2 parking spaces, which may be provided in tandem”
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3. SECTION 4 – GENERAL PROVISIONS of By-law No. 79-200 is amended by adding the following:

“4.38 VACATION RENTAL UNIT: a vacation rental unit shall comply with the following regulations:

- (a) The maximum number of bedrooms permitted in a **vacation rental unit** in an **existing detached dwelling** or **dwelling unit** in a TC, GC, and CB zone shall be 3;
- (b) A **vacation rental unit** shall be licensed by the City of Niagara Falls and the municipal license of a **vacation rental unit** must be kept current and maintained in good standing;
- (c) The maximum number of travelers permitted to stay in an **existing detached dwelling** or **dwelling unit** used as a **vacation rental unit** shall be in accordance with the requirements of the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, and the regulations promulgated thereunder;
- (d) Subject to clause (e) of section 4.38, any and every reference to a zone in clause (a) of section 4.38 shall be deemed to include any zone described in section 19 of the by-law that is derived from the zones listed in clause (a) of section 4.38;
- (e) Existing **cottage rental dwellings** and any other permitted uses that fall within the ambit of the definition of a **vacation rental unit** as set out in this by-law shall henceforth be referred to as a **vacation rental unit**, 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;
- (f) Parking and access requirements shall be in accordance with section 4.19.1.”

4. Section 8.2.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(vv) **Vacation rental unit** within an **existing detached dwelling** or **dwelling unit**, that comply with the regulations set out in section 4.38”

5. Section 8.5.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(oo) **Vacation rental unit** within an **existing detached dwelling** or **dwelling unit**, that comply with the regulations set out in section 4.38”

6. Section 8.6.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following clause:

“(hh) **Vacation rental unit** within an **existing detached dwelling** or **dwelling unit**, that comply with the regulations set out in section 4.38”

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