

CITY OF NIAGARA FALLS

By-law No. 2025-XX

A by-law to amend Zoning By-law No. 79-200 to introduce new definitions and regulatory provisions respecting Owner Occupied Short-Term Accommodations in residential zones (AM-2024-001);

WHEREAS it is the express intention of the Council of the City of Niagara Falls to amend By-law No. 79-200 to add “Owner Occupied Short-Term Accommodation” as a permitted use in residential zones within the City of Niagara Falls;

AND WHEREAS it is the express intention of the Council of the City of Niagara Falls that the permitted use “Owner Occupied Short-Term Accommodations” in residential zones shall be conditional upon the owner of the property, 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 as of the date of the passing of this by-law, shall be found to have the permitted use “Owner Occupied Short-Term Accommodations” as of right;

AND WHEREAS the Council of the City of Niagara Falls is aware of the presence of permitted uses within residential zones that may fall within the ambit of the definition of “Owner Occupied Short-Term Accommodation” set out in this by-law that are in operation as of the date of the passing of this by-law;

AND WHEREAS it is the express intention of the Council of the City of Niagara Falls that this by-law shall have no impact of any nature or kind upon the rights of operators of permitted uses that may fall within the ambit of the definition of “Bed and Breakfast” as set out in By-law No. 79-200 existing as of the date of the passing of this by-law.

AND WHEREAS permitted uses in residential zones that may fall within the ambit of the definition of “Bed and Breakfast” as set out in By-law No. 79-200 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:

1. That SECTION 2 – DEFINITIONS of By-law No. 79-200 is amended by adding the following definitions alphabetically:

“OWNER OCCUPIED” means a Principal Residence occupied, on a full-time basis, by the registered Owner of the property on which the Principal Residence is located as recorded and maintained in the records of the Registry Office for the Land Titles

Division of Niagara South;

"OWNER OCCUPIED SHORT-TERM ACCOMMODATION" means an Owner Occupied Short-Term Rental or a Bed and Breakfast but shall not include a Vacation Rental Unit;

"OWNER OCCUPIED SHORT-TERM RENTAL" means a home occupation in a dwelling unit within or accessory to a Principal Residence that is rented out by the Owner to a single group of the travelling public for a period of 28 consecutive days or less and is licensed by the City of Niagara Falls to carry out a business.

"PRINCIPAL RESIDENCE" means an Owner's permanent place of residence, pursuant to the *Income Tax Act*.

2. That SECTION 2 – DEFINITIONS of By-law No. 79-200 is amended by amending the following definitions:

- a) "BOARDING OR ROOMING HOUSE" is amended by adding the words "Bed and Breakfast, Owner Occupied Short-Term Rental" between the words "home for the aged" and "or other establishment", so that it reads:

"BOARDING OR ROOMING HOUSE" means a building in which the proprietor supplies for gain, directly or indirectly, lodging with or without meals to three or more persons other than the proprietor but does not include a tourist establishment, hotel, hospital, home for the aged, Bed and Breakfast, Owner Occupied Short-Term Rental or other establishment otherwise classified or defined in this By-law;

- b) "HOME OCCUPATION" is amended by adding the words ", including but not limited to Owner Occupied Short-Term Accommodations" after the words "private residence", so that it reads:

"HOME OCCUPATION" means any occupation, except the keeping of boarders or roomers, which is carried on within a dwelling or dwelling unit in compliance with the provisions of this Bylaw, and which is clearly incidental and secondary to the use of such dwelling or dwelling unit as a private residence, including but not limited to Owner Occupied Short-Term Accommodations.

3. That Table 1 of clause (a) of Section 4.19.1 of By-law No. 79-200 is amended by adding the following Class of Use and Minimum Parking Space Requirements:

Owner Occupied Short-Term Rental	1 parking space for up to 2 bedrooms, and 1 additional parking space for 3 bedrooms, which may be provided in tandem.
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4. That SECTION 4 – GENERAL PROVISIONS of By-law No. 79-200 is amended by amending Section 4.37 as follows:

a) That Section 4.37 be renamed to “OWNER OCCUPIED SHORT-TERM ACCOMMODATION” and the following preamble be added:

“An Owner Occupied Short-Term Accommodation shall comply with the following provisions:”

b) That the following subsection 4.37.1 Bed and Breakfast be added immediately following the preamble with all applicable regulations for a Bed and Breakfast to be renumbered under Section 4.37.1 so that it reads:

“4.37.1 Bed and Breakfast

- (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 licence issued by the City of Niagara Falls and the municipal licence 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.”
- c) That the following subsection be added:
- “4.37.2 Owner Occupied Short-Term Rental
- (a) A maximum of one Owner Occupied Short-Term Rental shall be permitted within or accessory to a permitted detached dwelling, semi-detached dwelling, duplex dwelling or townhouse dwelling that is the principal residence of the owner.
 - (b) Owner Occupied Short-Term Rentals are permitted within the R1A, R1B, R1C, R1D, R1E, R1F, R2, R3, R4, and TRM Zone in accordance with subsection 4.37.2 (a), above.
 - (c) The maximum number of bedrooms permitted in an Owner Occupied Short-Term Rental shall be 3;
 - (c) The number of guests permitted to stay in an Owner Occupied Short-Term Rental 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 to a maximum of 6 guests;
 - (d) An Owner Occupied Short-Term Rental shall require a license issued by the City of Niagara Falls, that must be kept current and maintained in good standing;
 - (e) The Owner must be present on the property for the entire duration of the rental period;
 - (f) Every reference to a Zone in clause (b) of section 4.37.2 shall be deemed to include any zone described in Section 19 of the by-law that is derived from the zones listed in clause (b) of section 4.37.2.
 - (h) Parking and access requirements shall be in accordance with section 4.19.1.”
5. That SECTION 5.5 HOME OCCUPATIONS of By-law No. 79-200 is amended by adding the following subsection:
- “5.5.1 Notwithstanding Section 5.5, Owner Occupied Short-Term Accommodations are considered home occupations and shall be

permitted in accordance with Section 4.37.”

6. That SECTION 7.1.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
7. That SECTION 7.2.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
8. That SECTION 7.3.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
9. That SECTION 7.4.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions

set out in section 4.37.2.”

10. That SECTION 7.5.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
11. That SECTION 7.5A.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (e) is amended by adding “.1” after “4.37” so that it reads:

“(e) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(g) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
12. That SECTION 7.7.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (g) is amended by adding “.1” after “4.37” so that it reads:

“(g) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(i) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”
13. That SECTION 7.8.1 PERMITTED USES of By-law No. 79-200 is amended as follows:
 - a) That section (i) is amended by adding “.1” after “4.37” so that it reads:

“(i) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”
 - b) That the following subsection be added:

“(k) An Owner Occupied Short-Term Rental that complies with the provisions

set out in section 4.37.2.”

14. That SECTION 7.9.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following subsection:

“(i) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”

15. That SECTION 7.16.1 PERMITTED USES of By-law No. 79-200 is amended by adding the following subsection:

a) That section (g) is amended by adding “.1” after “4.37” so that it reads:

“(g) A bed and breakfast in a detached dwelling, that complies with the provisions set out in section 4.37.1”

b) That the following subsection be added:

“(i) An Owner Occupied Short-Term Rental that complies with the provisions set out in section 4.37.2.”

Read a First, Second and Third time; passed, signed and sealed in open Council this XXX day of XXXXXX, 2025.

WILLIAM G. MATSON, CITY CLERK

JAMES M. DIODATI, MAYOR