



Planning and Development Services

Prepared for
Agenda Date

Council-in-Committee
August 8, 2022

Report No. PDS-59-2022
File Nos. 310201

Subject

SHORT-TERM RENTAL PLANNING STUDY – COMMUNITY FOCUS GROUP

Recommendation

THAT Council authorizes staff to proceed with issuing a Request for Expression of Interest for volunteer participation on a Short-Term Rental Land Use Study Community Focus Group, and further

THAT Council directs staff to present a recommendation of a Community Focus Group composition for Council's consideration at a future meeting.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: 4 Promoting Business, Economic Growth and Employment Opportunities
Goal: 4.5 Promote Service Excellence and Efficiency/Effectiveness
Initiative: n/a

List of Stakeholders

Short-Term Rental Owners, Operators and related Industry Associations
Fort Erie Residents and Business Owners
Town of Fort Erie

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Purpose

This report seeks Council authorization to proceed with structuring a Community Focus Group, to offer focused community, industry and stakeholder feedback relative to the Short-Term Rental Land Use Study. Traditional practice has seen the Town advertising an Expression of Interest (EOI) in the press and on social media in order to solicit persons interested in participating.

Purpose of the Community Focus Group (CFG) is to ensure there is a balanced cross-section of community voices from across the Town to help inform the study. Staff are in the final steps of retaining a consultant to lead the study and the program will commence imminently.

The STR Land Use Study is not confined to the concentrated areas where cottages have traditionally been rented short-term (Crystal Beach or waterfronts), but rather, will aim to examine all land use designations and zones throughout Fort Erie to determine which are most appropriate to accommodate STRs as a permitted use, and address any other policy or regulation that may be needed as it relates to their permitted location, size and operational restrictions.

A cross-section of community members acting in a CFG capacity is a common practice Town staff have used when undertaking significant or broad reaching land use studies. As an example, the Town has constituted CFG's to participate in all of its Secondary Plan processes and where desirable, for specific studies such as the Bay Beach Master Plan.

Staff are of the opinion a CFG is appropriate for the STR Land Use Study and seek Council's authorization accordingly.

Background

The Short-Term Rental Industry has been growing rapidly in the past decade. Facilitated largely by technology and the ability of persons to use the internet and/or third-party platforms to locate and book short-term accommodation. With such rapid growth in this industry, the results present challenges where land use conflict or perceived conflicts arise.

Council will be familiar with the history of the STR subject through the recent chronology of staff reporting that has occurred since the STR Pilot program was established in 2020. Should Council wish to review prior reports, they can be found listed on the [Let's Talk Fort Erie](#) webpage for the STR topic.

One facet of the STR topic needing additional clarification and attention relates to the "STR" as a "land use". The Town's Official Plan and comprehensive Zoning By-law

guide and regulate land use with “permitted uses” identified in various designations and zones. Currently, the Town’s documents do not have appropriate policy and regulation to maintain a healthy, sustainable co-existence of STRs as a land use with other community land uses.

To this end, on December 13, 2021 by way of Report No. PDS-106-2021, Council authorized staff to undertake a land use study and retain a consultant to lead the review. Part of staff’s proposed workplan is to assemble a CFG to participate in the process as a community stakeholder. It is planned the consultant will have direct consultation with this CFG at key points in the Study.

Analysis

The Town’s Planning and Development Services, Economic Development and Tourism, Building and By-law and Fire Services all have experienced increased exposure to the growth within the industry and are adapting to manage the administrative needs that are associated with the use. The Town has made significant progress in addressing the licensing, inspection and enforcement of STR’s, however the Town has faced increased pressure to introduce land use controls to ensure the STR operations do not compromise existing community character and neighbourhood social fabric as a result of STR proliferation.

Numerous Town reports on STR evolution within the Town has culminated in a current moratorium on issuing any new STR licences until such time that a Land Use Study is completed that will examine where STRs should be permitted, and what policy and regulation should be recommended to protect existing community interests while also allowing STRs to locate and operate within the Town.

It can be expected that Consultation will play a key role in the study work that will lead to the recommendations made to Council.

For the purposes of this STR Land Use Study, the desired CFG is envisioned to be comprised of these five specific interest groups, from across the community:

- Urban Residents (non-industry)
- Rural Residents (non-industry)
- Commercial/Retail Business Owners
- Short-Term Rental Owners
- Short-Term Rental Clients

It is staff’s intention to capture a broader cross-section of persons from the entirety of the Town’s geography and not just persons with interest in the concentrated areas of high activity. The reason for this is that land use policies and zoning will be examined in their entirety for the Town, so not just the Crystal Beach area or waterfront residential area, but also rural and agricultural areas (no municipal services) that may also be considering STR uses as an alternative to the waterfront tourist draw that is prevalent in Fort Erie’s case.

An application form will be available to interested parties online or can be mailed or e-mailed to staff. The application form will assist in building a recommended CFG from submissions made.

Staff envision a CFG of up to 18 persons, as it feels will appropriately reflect the targeted composition outlined above.

Consultation with the CFG will be facilitated by the consultants retained for the study and will be held in the virtual forum to provide a level of convenience for participants and higher degree of participation in general.

Should Council authorize staff to proceed, the EOI advertisement will be published in the next available newspaper run of "Niagara This Week", as well as through social media feeds available to the Town (Facebook, Twitter and the Town's website), and e-mail notification to those who are on a list of interested parties from prior contact STR lists.

Furthermore, should authorization be given, Council can expect staff to report back on September 19, 2022, with a recommendation on a CFG composition. Staff will seek endorsement of the membership at that time with meetings commencing shortly thereafter.

Financial/Staffing and Accessibility (AODA) Implications

There are no financial implications to having a volunteer CFG implemented. Meetings will be virtual and facilitated by the Town and Consultant as part of the Short-Term Rental Land Use Study.

Holding virtual meetings provides opportunity for a wide audience and increased accessibility to those who may not be able to attend in-person meetings.

Policies Affecting Proposal

n/a

Comments from Relevant Departments/Community and Corporate Partners

Establishing a CFG has no direct impact on other departments or partners. Actual consultation and results of consultation will be of interest to, and shared with Building, By-law Enforcement, Economic Development and Tourism, Development and Policy Planning Departments.

Council can be assured that general public will have ample opportunity to be engaged in the process. Staff plan a robust consultation workplan to ensure all

persons, invested or not, have an opportunity to have their say through this initiative. Consultation has long been a cornerstone in land use staff recommendations and Council decisions.

Each of these departments will be engaged in consultation as part of this process and will be circulated on any draft policies and draft regulations that may be advanced for consideration of Council.

Alternatives

Council could choose not to approve Staff's recommendation and proceed through the Land Use Study relying on written submissions, Open House dialogue and/or Public Meeting delegations.

It is staff's view that a CFG setting is more formal in its purpose, provides a focused, facilitated platform for dialogue and debate, allowing more in-depth detail and vetting of opinion to occur, leading to more informed recommendations being presented.

Communicating Results

Should Council endorse constituting a CFG, advertising the EOI will represent communicating results for this initiative.

Conclusion

The Town of Fort Erie is undertaking a Land Use Study to examine Official Plan designations and Zoning to determine how best to provide for Short-Term Rental permissions throughout the entirety of the Town.

Consultation is a cornerstone of Town initiated studies of this nature and the constitution of a volunteer Community Focus Group will provide a cross section-profile of community representatives to be another key stakeholder in this study. This is not a substitution for open public consultation, which will continue throughout the study, but rather an opportunity for in depth dialogue with a consulting team retained for the specific purpose of making recommendations on this growing industry.

Attachments

n/a