

Town of Fort Erie

Short-Term Rental Land Use Study



Public Open House: Land Use Recommendations

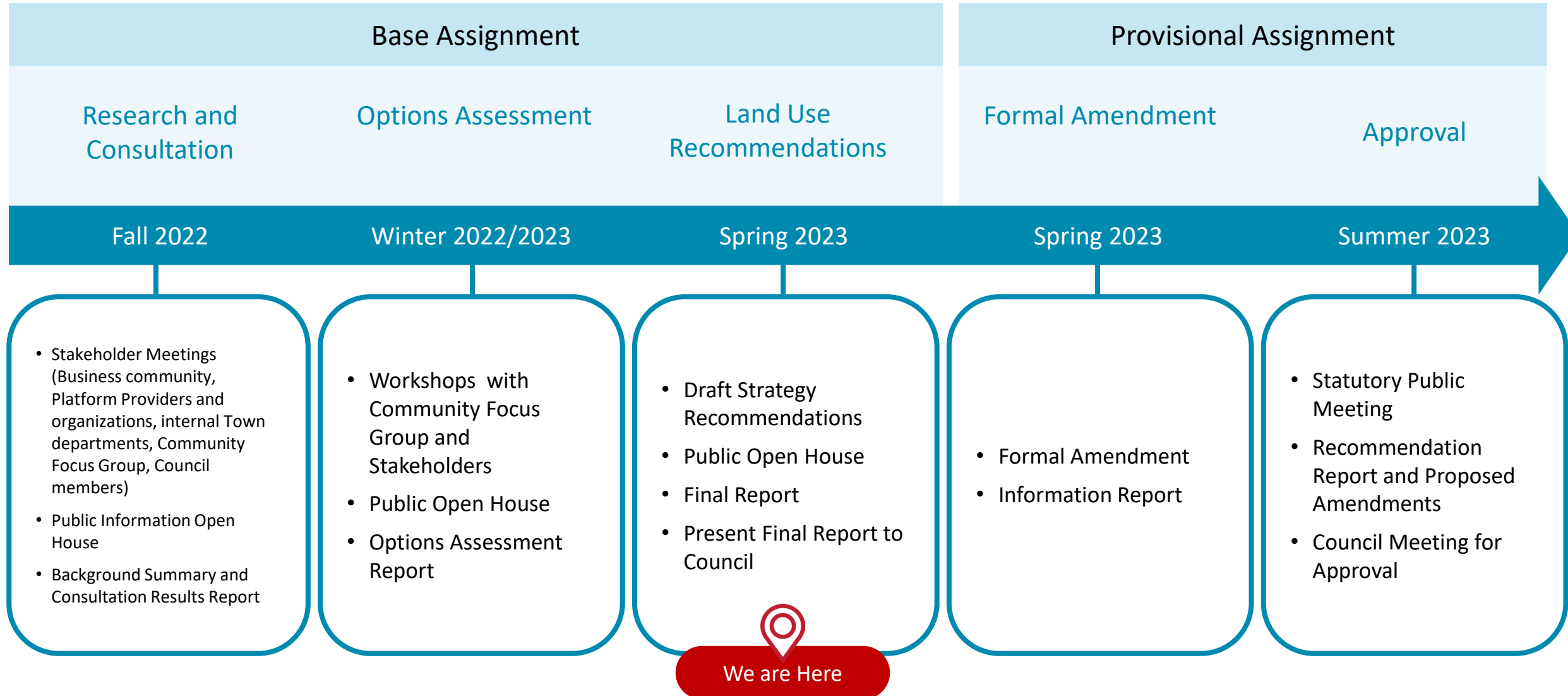
Meeting Overview

1. Project Purpose and Timeline
2. Options
3. Recommended Approach
4. Next Steps

Project Purpose

- Identify, develop, and assess a **land use approach** for Short-Term Rentals (STR) through changes to the Official Plan and Zoning By-law within the Town of Fort Erie
- The Town currently regulates STRs through a Licensing By-law, however the Town has placed a moratorium on issuing new licenses until amendments can be implemented to the Official Plan and Zoning By-law
- The Land Use Study developed and evaluated options to regulate STRs through amendments to the Official Plan and Zoning By-law
- Should the recommendations be endorsed by Council, formal amendments will be introduced pursuant to the Planning Act

Project Timeline



Consultation to Date

Who We Heard from

- Public Open House Attendees
- Community Focus Group
- Town Staff
- Niagara Regional Police
- STR Platform Representatives
- Local Business Community Members
- General Public
- Prior and Current Council

What we Heard

1. STRs are important for tourism in the absence of hotels/motels.
2. STRs are generally appropriate in Commercial Areas.
3. Owner Occupied STRs may be appropriate in most areas.
4. Certain residential areas, such as historical cottage areas of Crystal Beach, may be appropriate for STRs.
5. Noise and gatherings that may accompany some STRs may reduce enjoyment of adjacent residences.
6. High concentrations of STRs can disrupt the local sense of community.
7. Stand-alone STRs are generally inappropriate in residential areas.

Land Use Options

As presented at Public Open House held on February 1, 2023

	OPTION 1: PERMIT STRS IN SPECIFIC ZONES	OPTION 2: PERMIT STRS THROUGH AN OVERLAY	OPTION 3A: OVERLAY AND OWNER OCCUPIED	OPTION 3B: OVERLAY AND SEPARATION DISTANCE
General Approach	Permit STRs within existing commercial zones and consider them as a permitted use in certain other zones which have historically been used for cottage/vacation rentals.	Establish an Overlay in the Zoning By-law to permit STRs that could include the downtown core areas and other appropriate areas.	STRs permitted throughout the Town on properties where the owner is a permanent resident and as a permitted use in an area defined by an Overlay.	STRs permitted throughout the Town subject to minimum separation distances and density requirements and as a permitted use in an area defined by an Overlay.

Recommended Land Use Approach

The Recommended Land Use Approach is a combination of parts of Option 1 and parts of Option 3a.

From Option 1

Use **existing Zoning By-law Boundaries** to provide where STRs are permitted as a primary use.

This is a clear approach to identifying where STRs may be permitted as it follows existing zones.

From Option 3a

Permit **Owner-Occupied** STRs throughout the Town.

Owner-Occupied STRs can address most issues identified, both real and perceived.

Recommended Land Use Approach

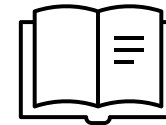
Align with Licensing By-law

The Licensing by-law defines STRs as:

“A Short-Term Rental (STR) is all or part of a **dwelling unit**, subject to licencing by the Town, to provide sleeping accommodation for any period of thirty (30) calendar days at a time or less in exchange for payment, but does not include any type of institutional dwelling, hotels, or other similar uses”.

Recommendation

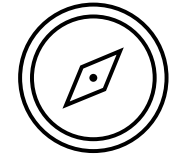
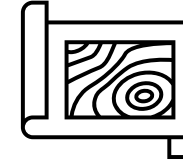
- Add two definitions for STRs in the OP and the ZBL that reflects the definition used in the Licensing By-law. However, one definition should specifically address STRs that are owner-occupied.



Recommended Land Use Approach

Use Existing Zone Boundaries

The Ontario Land Tribunal has determined that STRs are to be considered commercial uses and, in certain cases where it has historical context, for vacation cottage rentals. Since STRs are contained in a Dwelling Unit, STRs should be permitted in Commercial areas that also permit dwelling units, and in limited areas historically used for this purpose.



Recommendation

- Permit STRs in commercial zones where dwelling units are also permitted. These zones include the following: **C1, C2, C2A, C3, C7, CMU1, CMU2, CMU4, CMU5, and CMU6.**
- Permit STRs in the **R2B** zone, which is located exclusively in Crystal Beach and which was created with the intent of recognizing the historical built form of the cottage community.

Recommended Land Use Approach

How are Home Occupations Regulated?

Home Occupation Defined

In the Fort Erie Zoning By-law, a 'Home Occupation' is defined as "an occupation, trade, **business**, profession, or craft, carried on as a secondary and incidental use **within any dwelling unit and/or accessory structure**, which is carried out by **the residents of the dwelling** in which the home occupation is located and up to one (1) employee, and is subject to the limitations of Section 6.8 of this By-law."

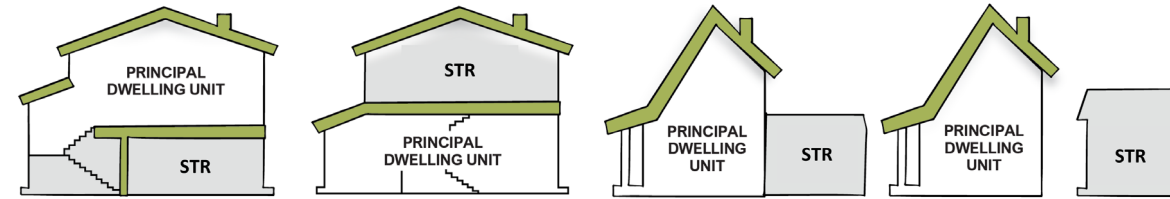
The **Official Plan** defines Home Occupations as "a commercial enterprise permitted as an accessory use to a residential dwelling operated by a resident of the dwelling", and the Plan prohibits Home Occupations that "generate noise, odour, traffic or visual impacts that have an adverse effect on adjacent properties". Additionally, the Plan provides greater flexibility for Home Occupations in Agricultural and Rural Area in terms of size and type.

Section 6.8 of the **Zoning By-law** requires Home Occupations to be clearly secondary to the main residential use, to occupy no more than 25% gross the floor area, provide adequate parking and it restricts the uses permitted as a Home Occupation.

Bed and Breakfasts are considered a Home Occupation, and have special provisions that regulate the use, and are not subject to floor area restrictions.

Recommended Land Use Approach

Permit STRs where the Owner occupies the property on a full-time basis



Recommendation

Owner Occupied STRs are generally seen to address most real and perceived issues with STRs.

The Town's Zoning By-law currently regulates "home occupations", which includes Bed and Breakfasts which have special provisions owing to the residential nature of the business.

- Permit STRs throughout the Town where the owner occupies the property on a full-time basis.
- Permit a **maximum of one STR** on a residential property.
- Intent to implement/support OMAFRA Guidelines on Permitted Uses in Agricultural Area.

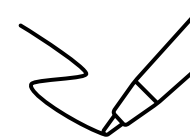
Recommended Land Use Approach

Application to Permit a STR

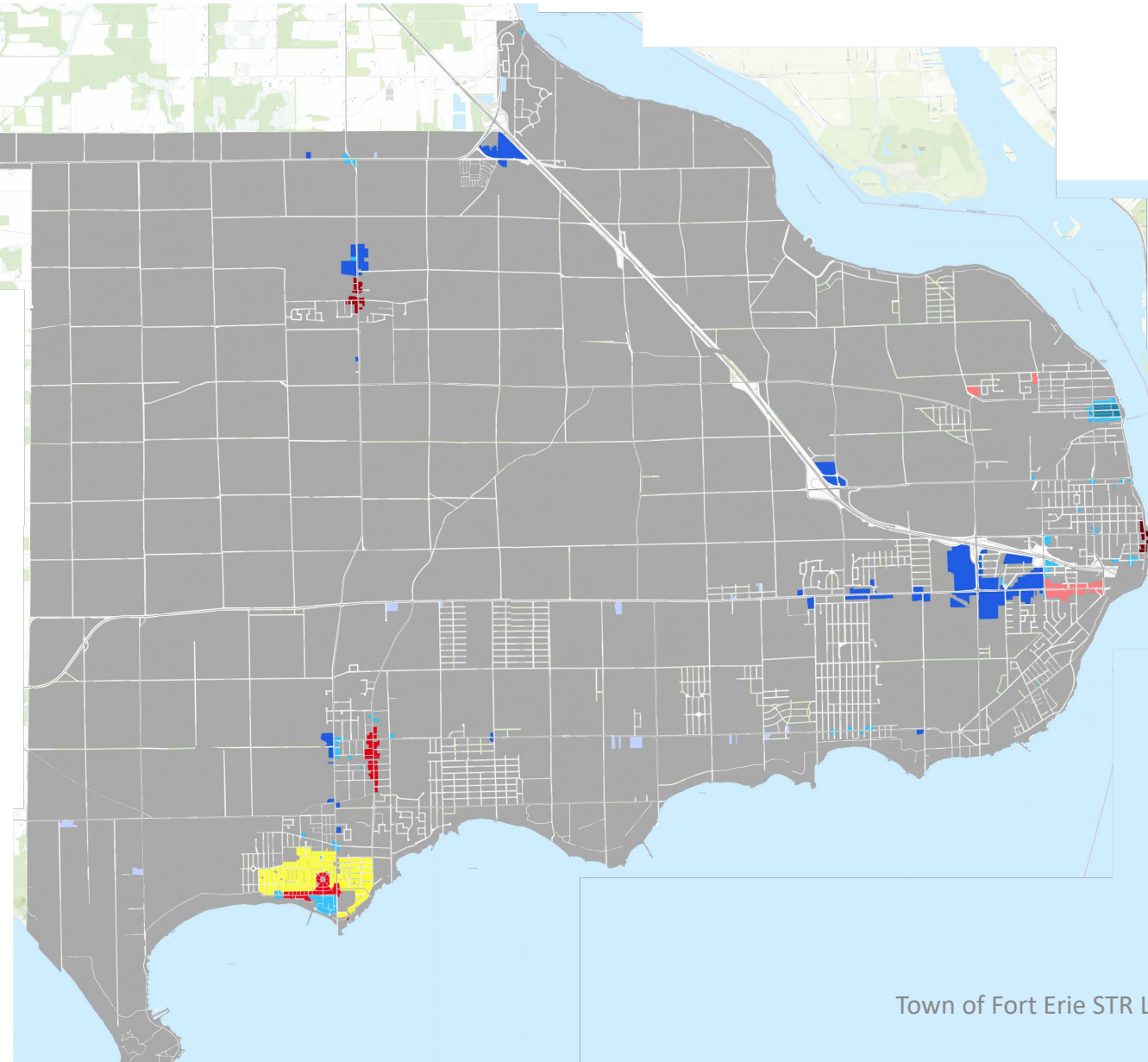
In cases where an STR is not permitted by the Zoning By-law, an application to amend the Zoning By-law would be required, which would require Council's approval. In these cases, Official Plan Policies would provide guidance as to how applications could be considered including but not limited to parking, amenity space, landscaping, garbage, and entering into a site plan agreement.

Recommendation

- Prepare Official Plan Policies and detailed Zoning regulations that provide guidance for permitting STRs for Council's consideration.



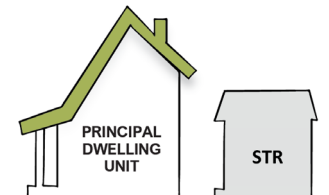
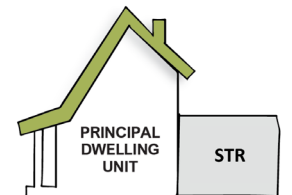
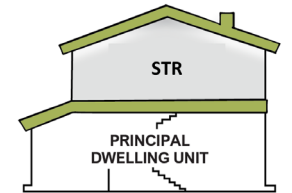
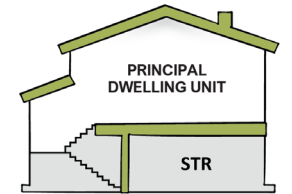
Recommended Land Use Approach



Zones where STRs are permitted as a Primary Use

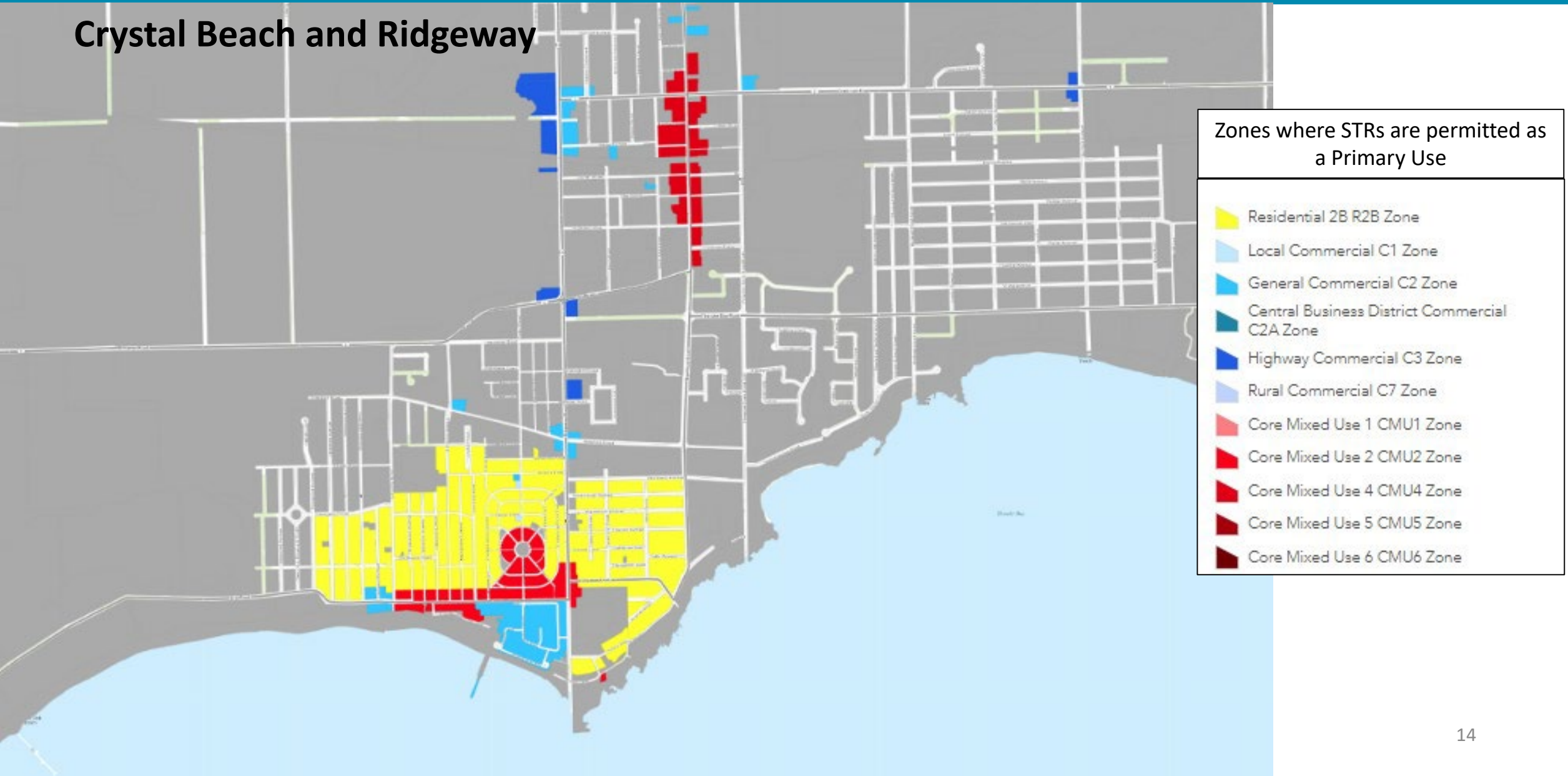
- Residential 2B R2B Zone
- Local Commercial C1 Zone
- General Commercial C2 Zone
- Central Business District Commercial C2A Zone
- Highway Commercial C3 Zone
- Rural Commercial C7 Zone
- Core Mixed Use 1 CMU1 Zone
- Core Mixed Use 2 CMU2 Zone
- Core Mixed Use 4 CMU4 Zone
- Core Mixed Use 5 CMU5 Zone
- Core Mixed Use 6 CMU6 Zone

STR as a Home Occupation



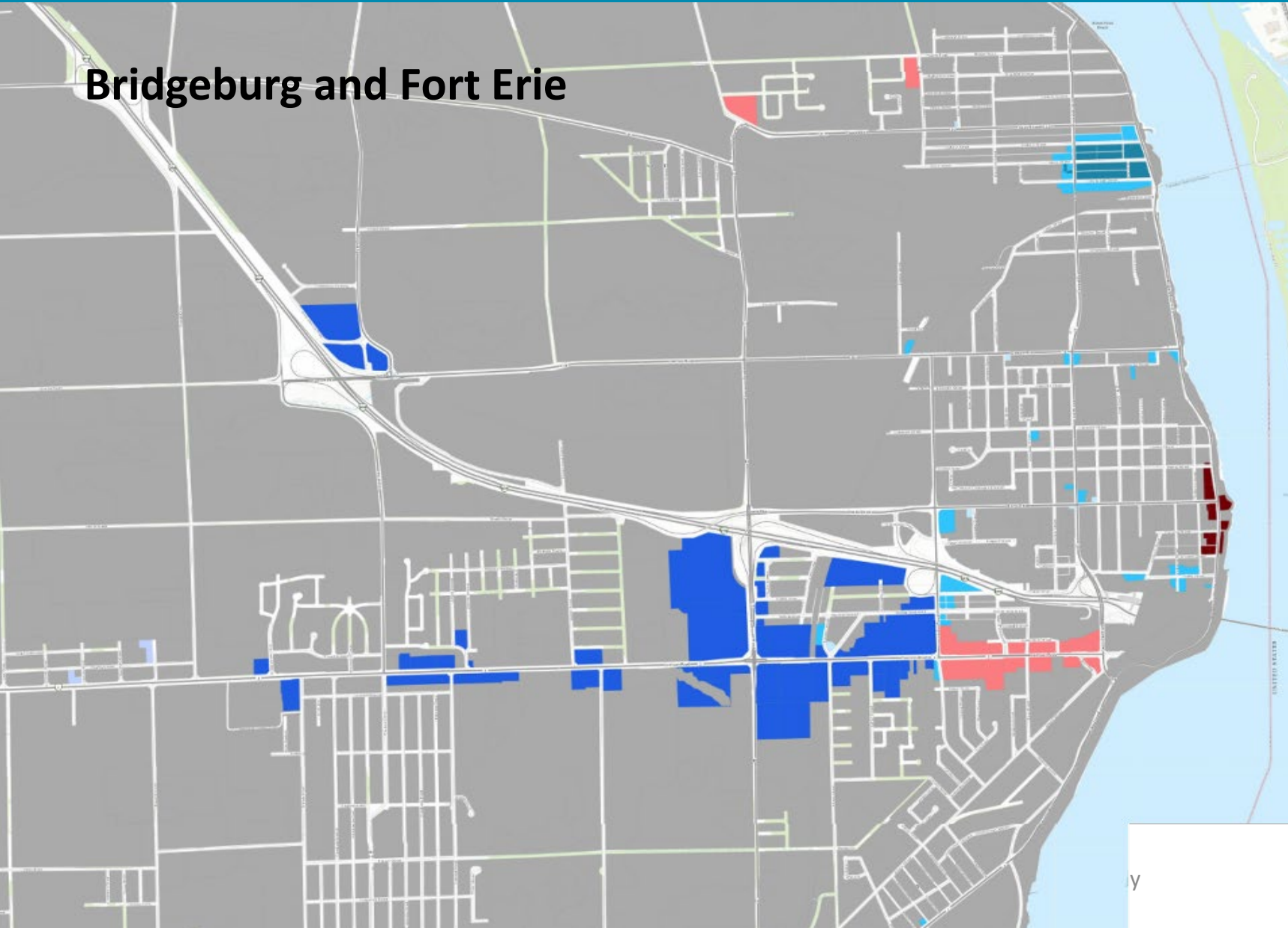
Recommended Land Use Approach

Crystal Beach and Ridgeway



Recommended Land Use Approach

Bridgeburg and Fort Erie

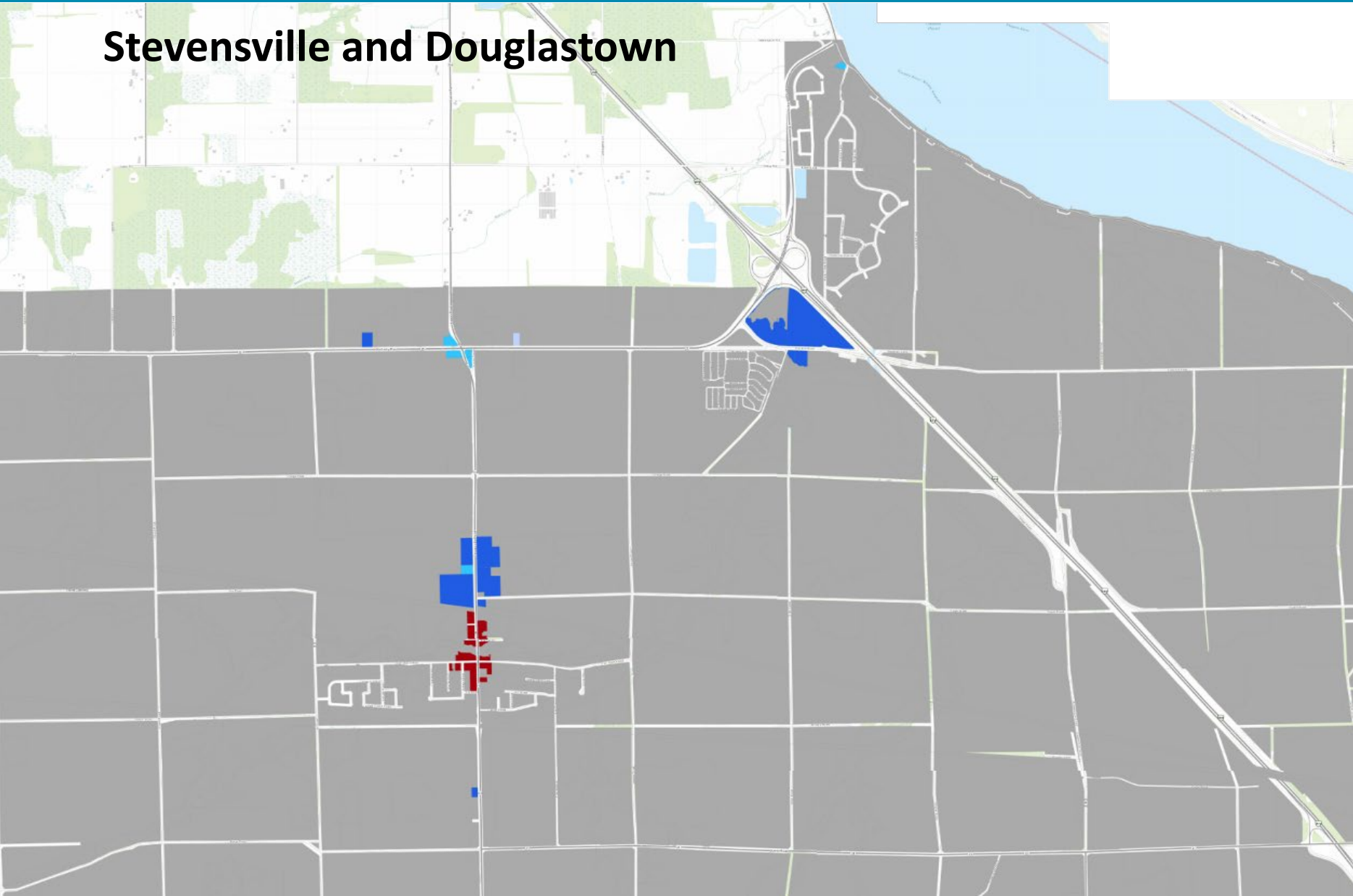


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Recommended Land Use Approach

Stevensville and Douglastown



Zones where STRs are permitted as a Primary Use

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Summary

- Existing zones provide a clear basis for defining areas where STRs may be permitted, such as commercial areas.
- The R2B zone has historically been used to accommodate cottage rentals and its original intent in the Zoning By-law was to recognize the cottage character.
- Permitting STRs in Owner-Occupied dwellings generally resolves issues raised through consultation
- Permitting STRs as a Home Occupation can support diverse STR uses in Rural and Agricultural areas while limiting STRs in residential areas.
- An Overlay is not recommended because it would require additional rationale to determine which properties are included or excluded and depending on input, the intent of the Overlay could be eroded.

Next Steps

