



The Municipal Corporation of the Town of Fort Erie By-law 2-2024

Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law 150-06 for the Town of Fort Erie Planning Area Amendment 77 Short Term Rentals

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

- 1. That** amendment 77 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted and approved.
- 2. That** this by-law shall come into force and take effect on the day of the final passing thereof.
- 3. That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 29th day of January 2024.

Mayor

Clerk

AMENDMENT 77
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of the *Planning Act*, 1990, shall be known as Amendment 77 to the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text constitutes Amendment 77 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Section 4 of the Town of Fort Erie Official Plan to implement recommendations from the Land Use Study on Short Term Rentals in the Town.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands subject to this Amendment are all lands in the Town of Fort Erie.

SECTION 4

BASIS OF THIS AMENDMENT

The basis for this Amendment is contained in the report titled "Short-Term Rental Land Use Study" PDS-41-2023, as adopted by Council on May 29, 2023 and the staff recommendation report PDS-82-2023 as recommended by Council on December 18, 2023. The Town has initiated an amendment to the Town of Fort Erie Official Plan to implement the recommendations to address the emergence of Short-Term Rentals (STRs) within the Town. The amendment defines two types of STRs, outlines general policy goals and identifies where STRs are generally permitted. The OPA is part of a comprehensive land use framework being established by the Town to guide STRs, which includes amendments to the Zoning By-law.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

This part of the document, entitled "Part B - The Amendment", and consisting of the following changes to the text and Schedules, constitutes Amendment 77 of the Town of Fort Erie Official Plan.

Details of the Amendment

The Town of Fort Erie Official Plan is amended as follows:

1. **Appendix A – Glossary of Terms** is amended by adding the following additional terms and definitions, in alphabetical order:

Short-Term Rental (STR)

Means all or part of a dwelling unit, either dedicated or owner-occupied as defined below, 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.

Short Term Rental, Dedicated

Means a STR that is located on a property where the Owner is not a full-time resident.

Short Term Rental, Owner-Occupied

Means a STR that is located on a property where the Owner is a full-time resident occupying the property on a full-time basis, including the duration of the rental term.

2. **Section 4.0 – LAND USE PLAN AND POLICIES** is amended by adding the following additional section after Section 4.21:

“4.22 SHORT TERM RENTALS

- I. The two forms of Short-Term Rental (STR) recognized and defined by this Plan are Dedicated Short-Term Rentals and Owner-Occupied Short-Term Rentals.
- II. The Town’s goals and objectives related to Short Term Rentals (STRs) are as follows:
 - a. STRs shall be regulated as a commercial use and shall generally respect the character, amenity and quality of the neighbourhoods in which they are situated.
 - b. To support tourism uses as well as supporting people with temporary and sometimes unforeseeable temporary accommodation needs.
 - c. To mitigate conflicts with neighbouring residential uses and to provide land use controls in addition to the Town’s STR Licensing By-law.
 - d. To recognize the long history of short-term cottage rentals in the Town while balancing the need for longer term rental and permanent housing for residents.
- III. Owner Occupied STRs are generally permitted in any designation that permits residential uses subject to the provisions of the Zoning By-law and may be located within the principal or accessory dwelling unit.
- IV. Dedicated STRs are generally permitted within commercial areas, tourist areas, and select areas of the historic Crystal Beach neighbourhood, and along the waterfront west of Kraft Road to the Town’s western limit.
- V. The Town may establish, through the Comprehensive Zoning By-law and/or a municipal licensing framework, appropriate provisions related to the nature and location of STRs appropriate and compatible with surrounding land uses, such as:
 - a. Maximum size and/or maximum number of bedrooms;
 - b. On-site parking requirements;
 - c. On-site signage;
 - d. Landscaping, screening and buffering;
 - e. Appropriate on-site amenity area;

- f. Adequate water and waste water services capable of handling the demand of the STR;
 - g. Operational fire and safety plans;
 - h. Suitable enclosed waste disposal area;
 - i. Types of buildings which are permitted to accommodate a STR; and,
 - j. Density or concentration requirements.
- VI. The Town may establish appropriate provisions related to the scale and density of STRs, occupancy loads, parking requirements, and buffering, all of which shall be considered appropriate and compatible with surrounding uses and may be considered in the licensing framework prior to a license being provided.
- VII. The Town may, on an area-specific or case-by-case basis, prohibit STRs in areas that are not considered to be consistent with the OP.
- VIII. Where STR's are not permitted within the Town Zoning Bylaw, STR's may be considered through a planning application where the following criteria are satisfied:
 - a. There will be minimal or no disruption to neighbouring properties and uses as determined by Sections V and X;
 - b. There is a compelling reason to permit an STR use, such as it can be demonstrated that the dwelling has a history of use as a vacation cottage rental, or it is part of a unique business opportunity; and,
 - c. The applicant is eligible to obtain an STR licence upon zoning approval.
- IX. The Town may limit the number of STR licenses through the licensing bylaw to ensure that there remains a suitable number of dwelling units available for residents of the Town, providing for a mix of housing types and affordability.
- X. In addition to zoning and licensing, and any agreements associated thereto, STR uses may be subject to other municipal by-laws including but not limited to parking, noise, property standards and fire and safety regulations."