

**The Corporation of the Municipality of Brighton**

**By-Law No. 097-2021**

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**Being a by-law to amend Comprehensive Zoning By-law 140-2002, as amended, with respect to the Short-Term Accommodation Dwellings or Dwelling Units in the Municipality of Brighton**

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**Whereas** Section 34 of the *Planning Act*, as amended, permits the councils of municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating, or using of buildings or structures for or except for such purposes as may be set out in the by-law;

**And Whereas** the Council of the Corporation of the Municipality of Brighton considers it desirable to amend Zoning By-law 140-2002 to implement the policies of Official Plan Amendment No. 8 with respect to the Short-Term Accommodations for the Municipality of Brighton.

**Now Therefore** the Council of the Corporation of the Municipality of Brighton enacts that By-law 140-2002, as amended, being the Comprehensive Zoning By-law for the Municipality of Brighton, shall be and is hereby amended as follows:

1. That Section 3 be amended by adding new definitions as follows:

**Dwelling, Principal Residence**

Shall mean a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

**Short Term Accommodation (STA)**

Shall mean a dwelling or dwelling unit, or any portion of it, that is rented for a period of less than 30 days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, hospital, or other accommodations where there is no payment exchanged.

**Short Term Accommodation (STA) Amenity Area**

Means an outdoor area accessory to a residential dwelling or dwelling unit, or interior area common to all residential units within a residential building or group of buildings, which is designed and intended primarily for the leisure and recreation of the occupants of the building.

**Short Term Accommodation (STA) – Occupied**

Means a Short-Term Accommodation (STA) in which a portion of the dwelling unit is rented to guests when concurrently occupied as a primary residence by the landowner or a long-term tenant.

**Short Term Accommodation (STA) - On-farm Diversified**

Means a Short-Term Accommodation (STA) in which a whole or portion of the dwelling unit or a second home is rented on a bona fide farm parcel that has been owned and operated for a minimum of two (2) years.

**Short Term Accommodation (STA) – Whole Home**

Means a Short-Term Accommodation (STA) occupying a complete dwelling unit that is rented as a whole unit with no portion of the premises occupied as a primary residence by the owner or long-term (longer than 30-days) tenant.

2. That Section 4.14 is amended to include a new Section 4.14.3 as follows:

“Homes that are in non-compliance with the Zoning By-law shall not be subject to a change of use for the purposes of establishing an STA Whole Home.”

3. That Section 4.15 is amended to include a new Section 4.15.1 as follows:

“STAs existing prior to an amending zoning by-law introducing STA as a use may be permitted to continue operating as an STA provided:

- a. The STA has legally operated as a Bed and Breakfast, Occupied STA, or On-farm STA, which may offer up to a maximum of 3 guest rooms in addition to the premises of the Owner or Long-term tenant;
- b. An existing Whole-home STA is permitted to continue as per follows:
  1. with a total maximum number of three (3) guest rooms, dens, or suites per dwelling unit;
  2. two on-site parking spaces are available;
  3. whole-home STAs located in the Core District may be exempt from parking through execution of an agreement with the Municipality.
- c. Existing STAs offering more than 3 guest rooms or suites are deemed to never have complied with the Zoning By-law, unless subject to prior approval for more than 3 guest rooms under Sections 34 or 45 under the Planning Act.
- d. In Industrial Zones that permit a home of the owner-operator, the home shall not be used as an STA.”

4. That a new Section 4.44 be inserted following Section 4.43 as follows:

**“4.44 Short-Term Accommodation (STA)**

The following provisions shall apply to a Short-Term Accommodation:

4.44.1 A Short-Term Accommodation (STA) use shall be permitted:

- a. In Residential Zones within a dwelling or dwelling unit, in accordance with the provisions of the particular zone;
- b. In a Commercial Zone within an existing or permitted dwelling unit.
- c. On lots existing as of June 14th, 2021 and zoned the RR Zone or within an existing Bed and Breakfast Establishment or an existing residence used whole or in part as a Principal Residence.
- d. In the Rural (RU) Zone or the Agricultural (A) Zone, accessory, and ancillary to a bona fide farm owned and operated for two (2) or more years in the form of an on-farm diversified use.

4.44.2 Regulations applicable to an STA are as follows:

- a. Where the STA use is located on the same lot as a “~~Dwelling, Principal Residence~~STA – Whole Home”, STAs shall be permitted in accordance with the following occupancies and area densities:
  - i. STAs shall have a maximum of 3 guest rooms, each having an occupancy rate of 2 persons per guest room for a maximum of 6 persons.
  - ii. In the Core Area (CA) Zone, the total number of STAs shall not exceed a maximum density of 15% of the existing dwelling units within 60 metres of the lot boundary as measured along the front lot line on each side of the public street.
  - iii. In the R1, R2, R3, and R4 Zones, the total number of lots used as an STA shall not exceed a maximum density of 15%

of the existing dwelling units, within 120 metre of the lot boundary measured along the front lot line on each side of the public street.

- iv. In the HR Zone or SHR Zone, the total number of lots used as an STA shall not exceed a maximum density of 15% of the existing dwelling units within 220 metres of the lot boundary measured along the front lot line or water frontage on each side of the public street or waterfront.
- v. On a lot in the RU Zone or the A Zone, the total number of STAs shall not exceed a maximum density of 15% of the existing dwelling units within 400-metres of the lot boundary on each side of the public street.
- vi. Lots selected in the measurements specified in items ii. through v. above, inclusive, shall be included in the density calculation if 50% or more of the lot frontage is within the applicable measurement.
- vii. Notwithstanding density calculations of ii. through v. above:
  - a. multi-use residential homes including apartment buildings, condominium buildings, boarding/lodging homes, or shared housing shall be counted in density calculations as 1 home and may be used as an STA subject to the provisions of this by-law provided no more than the maximum of 25% of the suites, bedrooms or dwelling units as applicable are used as an STA.
  - b. STA On-farm diversified, Bed and Breakfast Establishments, and STA Occupied are exempt from being subject to density maximums.
- b. Occupancy loads shall be the sum of all units/guest rooms on the property, which generally shall not exceed 2 persons per guest room/bedroom, den, or equivalent. An STA Occupied as a principal residence may have a maximum occupancy load of 8 adult persons.
- c. A STA Whole Home shall be classed as a Type B Land Use for the purposes of Minimum Distance Separation (MDS) Requirements.

4.44.3 Notwithstanding the provisions of Section 5 of the Zoning By-law, for STAs with more than two (2) guest rooms, one additional off-street parking space shall be provided per guest room or 0.5 spaces per guest, whichever is greater, in addition to the required spaces for the home or dwelling unit. Such parking spaces shall be off-street and on the same lot as the primary use.

4.44.4 Notwithstanding the landscaping and use provisions of the Zoning By-law, STA Whole-home shall be buffered from abutting non-STA residential uses through installation of a fence, privacy screen for landscaped screen 6 feet in height shall be provided. Furthermore, all garbage and recycling shall be housed in a Municipally-approved enclosure/bin at all times.

4.44.5 STAs shall not be accessed over a private road unless constructed to a standard that facilitates emergency services.

4.44.6 STAs shall be appropriately serviced in accordance with the servicing regulations of the applicable zone and the Ontario Building Code, as applicable.

4.44.7 STAs shall provide a minimum STA Amenity Area of a minimum of 6 square metres per guest room and located as follows:

- a. in rear yards fenced along the side lot lines;

- b. in interior courtyards, in the case of an apartment/multiple dwelling-unit complex; and
- c. notwithstanding the above 6 square metre requirements, on balconies above the first storey associated with an apartment dwelling unit, the rate shall be a minimum of 3 square metres per guest room.

- 4.44.8 Required amenity areas are not permitted to locate on:
- a. a front or interior side yard(s) (that face a residential use or street) unless they are a considered a balcony;
  - b. an exterior side yard unless they are screened appropriately or are considered a balcony; or
  - c. on any water structures such as a dock.

4.44.9 Notwithstanding the provisions of Section 4.14 and Section 4.15 homes that are in non-conformity or non-compliance with the Zoning By-law shall not be subject to a change of use for the purposes of establishing an STA Whole Home.

### **Zoning By-law Conformity**

- 4.44.10 A property is permitted the use of a STA if in conformity with the Zoning By-law or as a legal non-complying use. A legal non-complying use pursuant to Section 34(9) of the *Planning Act* shall be demonstrated by the landowner that:
- a. The Property was being used as a Short Term Accommodation dwelling on or before June 14<sup>th</sup>, 2021 and only so far as occupancy capacity complies with the Property Maintenance and Occupancy (Property Standards) By-law on or before the date of November 2, 2020;
  - b. The nature and extent of the Short Term Accommodation use on or before June 14<sup>th</sup>, 2021 so as to determine if the use has changed or increased since this date; and,
  - c. The Property has not for a duration of 1-year or more prior to June 14<sup>th</sup>, 2021 stopped being used as a Short Term Accommodation.

4.44.11 All other provisions of By-law 140-2002 shall continue to apply.”

- 5. That By-law No. 140-2002, as amended, shall, except as set out in the foregoing, remain in full force and effect.
- 6. That this By-law shall come into force on the date that Official Plan Amendment No. 8 comes into effect, subject to the applicable provisions of the Planning Act., R.S.O, 1990, as amended.

Read a first, second and third time and passed by Council on the 12th day of October, 2021.

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Brian Ostrander, Mayor

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Candice Doiron, Clerk