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Date February 8, 2022 **Report No.** 2022-145
To Chair and Members
Committee of the Whole – Planning and Administration
From Heidi de Vries, GM, People, Legislated Services and Planning

1.0 Type of Report

Consent Item
Item For Consideration

2.0 Topic **Short Term Accommodation – Parking Requirements** **[Financial Impacts: None]**

3.0 Recommendation

- A. THAT Report 2022-145 entitled Short Term Accommodation – Parking Requirements BE RECEIVED; and
- B. THAT the parking requirement regarding each primary driveway being able to accommodate a vehicle per bedroom rented BE STRUCK as a parameter from the Short Term Rental Accommodation registry program as approved in March of 2021 (Report 2021-165); and
- C. THAT the necessary By-law to amend Chapter 326, Business Licensing of the City of Brantford Municipal Code to add Schedule A-15- Short Term Rental Accommodation, BE PRESENTED to City Council for adoption.

4.0 Executive Summary

This report summarizes direction given to Staff in regards to the Short Term Rental Accommodations parking regulations as well as describes the impacts of such regulations. This report also outlines staff's recommendation for the

implementation of the parking regulation in relation to the Zoning By-law and enforcement.

5.0 Purpose and Overview

The purpose of this report is to provide an overview of the decisions made throughout 2021 regarding Short Term Rental Accommodations in the City of Brantford and to receive direction regarding the parking regulations. The objective of this report is not to review the program in its entirety but will only reflect on parking regulations impacting Short Term Accommodation Rentals. Historical reports are as follows:

[Report 2021-165](#), Proposed Regulations for Short Term Rental Accommodations

[Report 2021-172](#), Amendments to the City of Brantford Zoning By-law 160-90, and County of Brant Zoning By-law 61-16 for the annexed lands, respecting “Short Term Rental Accommodations” – PZ-03-21 – City Wide

6.0 Background

Licensing Registration Program – Original Report:

On March 2, 2021 Clerk’s staff presented report 2021-165, Proposed Regulations for Short Term Rental Accommodations at the Committee of the Whole – Operations and Administration meeting. At that meeting, Committee amended the proposed recommendation to amend Clause B to include the parameter that the primary residence driveway must be able to accommodate a vehicle per bedroom rented. The final resolution, as amended, ratified by Council on March 23, 2021 was as follows:

12.1.3 Proposed Regulations for Short Term Rental Accommodations [Financial Impact: \$2,500 Estimated Revenue], 2021-165

- A. THAT report 2021-165 entitled Proposed Regulations for Short Term Rental Accommodations BE RECEIVED; and
- B. THAT staff BE DIRECTED to present a by-law for Council’s consideration once the Zoning amendment process, including any applicable appeal process, has completed that implements a Short Term Rental Accommodation registry program with the following parameters:
 - i. Name and contact details of the owner;
 - ii. Property details including maximum guests;

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- iii. Completion of a Short Term Rental Accommodation operator questionnaire;
 - iv. Registration fee of \$50.00;
 - v. Validation statement that includes such items as insurance, good neighbour responsibilities, and rental property details; and
 - vi. Rental be limited to primary residences only
 - vii. Primary residence driveway must be able to accommodate a vehicle per bedroom rented
- C. THAT staff BE DIRECTED to provide an interim update report in Q1 of 2022 and a full report on the Short Term Rental Accommodation program in Q1 of 2023.

In evaluation of the original report, direction was given to Licensing to implement a Short Term Rental Accommodations registry program and not to pursue a full business licensing model at this time. It is important to note that a registration program does not have the same enforcement options that a Business License program would offer. However the registration would ensure the locations were noted, the market could be evaluated, and should an issue arise at the property a record of the operator would be filed with the City for enforcement options connected with the issue on the property. Enforcement of parking infractions/concerns as a part of the registration program at short term rental accommodations is very limited with the resources that the City currently has within the Licensing area noting that 2022 is a Municipal Election year which is the responsibility of the same Department to execute. With this in mind, Council provided the initial step to be a registration program versus a fully deployed Licensing program.

Planning – Zone Change – Original Report:

On May 11, 2021, Planning Staff presented [Report 2021-172](#), Amendments to the City of Brantford Zoning By-law 160-90, and County of Brant Zoning By-law 61-16 for the annexed lands, respecting “Short Term Rental Accommodations” – PZ-03-21 – City Wide to the Committee of the Whole – Community Development meeting. This item was deferred for three meeting cycles in order for staff to execute a public engagement campaign to reach out to property owners who own short term rental accommodations, other stakeholders, potential users, and to investigate further similar or unique regulations or lack thereof in communities like Brantford.

In October of 2021, Committee received the deferred report, inclusive of a memo, and adopted the following:

Amendments to the City of Brantford Zoning By-law 160-90, and County of Brant Zoning By-law 61-16 for the annexed lands, respecting "Short

Term Rental Accommodations" - PZ-03-21 - City Wide [Financial Impact - None], 2021-172

- A. THAT Zoning By-law Amendment Application No. PZ-03-21 initiated by The Corporation of the City of Brantford to amend the City of Brantford Zoning By-law 160-90 by adding "Short Term Rental Accommodations" as a definition, adding General Provisions for Short Term Rental Accommodations, and permit the use where residential uses are permitted, BE APPROVED, as outlined in Section 9.0 of Report 2021-172; and
- B. THAT Zoning By-law Amendment Application PZ-03-21 initiated by The Corporation of the City of Brantford to amend the County of Brant Zoning By-law 61-16, for the annexed lands, by adding "Short Term Rental Accommodations" as a definition, adding General Provisions for Short Term Rental Accommodations, and permit the use where residential uses are permitted, BE APPROVED, as outlined in Section 9.0 of Report 2021-172; and
- C. THAT Pursuant to Section 34 (18) of the Planning Act, R.S.O. 1990,c.P.13, the following statement SHALL BE INCLUDED in the Notice of Decision:

"Regard has been had for all written and oral submissions received from the public before the decision was made in relation to this planning matter as discussed in Section 8.2 of Report 2021-172."

Licensing Registration Program By-law Enactment:

The two decisions of Council (Registration Program and Zoning Bylaw Amendment) have now provided Staff with parking regulations within both the Zoning By-laws and the proposed registration program within Licensing (By-law pending). When Council was presented with the Licensing By-law, as per the direction received in March 2021, at the January 2022 Council meeting to enact the registration program, Council referred the matter to staff for a report to be presented clarifying the parking decisions on the Short Term Rental Accommodation program.

7.0 Corporate Policy Context

The Short Term Rental Accommodation registry connects with the Council Priority that "All neighborhoods in the City are safe, vibrant, attractive, and inclusive" in a supportive role in efforts undertaken by various enforcement agencies, as well as mitigation steps in nuisance control measures.

8.0 Input From Other Sources

Planning Department

Legal Department

9.0 Analysis

9.1 Parking Analysis – Licensing and Zoning

Licensing – Registration Parking Requirements

The following represents the March 2021 parking direction provided as an amendment to the recommendation to Staff to form a part of the Registration program within the Licensing Schedule:

Primary residence driveway must be able to accommodate a vehicle per bedroom rented.

Zoning Parking Requirements

Council approved a two tier approach to parking requirements for short term rental accommodations that would have dwellings with zero (i.e. bachelor apartment) to three bedrooms per unit, maintain the principal use parking requirements for the residential use which applies. Further, Zoning Bylaw Amendment PZ-03-21 for Short Term Rental Accommodations includes the requirement with four or more bedrooms being rented out per residence, an additional parking space for each bedroom over three bedrooms would be required. Planning Staff presented within the report the opinion that applying additional parking spaces for units with more than three bedrooms will ensure that there is additional parking for larger units, where additional parking may be required.

Parking Requirements Comparison

Number of Bedrooms Rented	Zoning By-law Requirements	Licensing Requirements
1	1 parking space	1 parking space
2	1 parking space	2 parking spaces
3	1 parking space	3 parking spaces
4	2 parking spaces	4 parking spaces
5	3 parking spaces	5 parking spaces
6	4 parking spaces	6 parking spaces

As noted above, through Reports 2021-165 and 2021-172, Staff have received two sets of direction regarding parking for Short Term Rental Accommodations.

Should Council decide to leave the Short Term Rental Accommodation direction stemming from report 2021-165 to include the requirement of one vehicle space per bedroom rented as a condition of registration, parking would need to meet the condition of the Zoning By-law and the licensing requirement. This would place an increased parking regulation as part of the requirement for registration. As this is a registration program, staff resources are limited which may pose some concerns in regards to enforcement and ensuring compliance with the parking regulation when there are two sets of regulations on the parking matter.

Alternatively, if Council would like to direct staff to amend the parking provisions outlined in the Zoning By-laws mentioned above, direction to Planning staff to undertake another Zoning Bylaw Amendment to implement the more onerous parking restrictions outlined in licensing, which would include a new statutory public hearing would be required. This would delay the launch of the program until this objective could be met.

9.2 Recommendation

At this time, staff are recommending to amend the direction previously provided to Clerk's Licensing Staff and remove the parking requirement of one vehicle per bedroom rented in the Short Term Rental Accommodation Registration Program. This would allow the Short Term Rental Accommodation Registry Program to align parking with the City's Zoning By-law parking requirements including enforcement providing clarity to applicants. Staff will include a review of the parking regulations in the Q1 2023 review.

10.0 Financial Implications

There are no direct financial implications associated with this report.

11.0 Climate and Environmental Implications

The amendment to parking requirements as proposed in this report has several climate and environmental benefits. Parking space reduction discourages personal vehicle use/ownership and encourages use of alternative forms of transportation such as transit and active transportation. Reduced personal vehicle trips avoids GHG emissions from gasoline and diesel powered vehicles.

Additionally, fewer parking spaces reduces the amount of paved (impermeable) surfaces that will be created improving resilience during heavy rain events and decreasing pressure on the storm water infrastructure.

12.0 Conclusion

This report has outlined the chronology of reports leading up to the Parking Regulations as part of the Short Term Rental Accommodations. Throughout the process, staff have received two sets of direction in regards to parking regulations for Short Term Rental Accommodations. After review of direction provided, Staff are recommending removal of the Licensing requirement of one parking space per bedroom rented allowing the Parking regulations to align with the Zoning By-law.



Heidi de Vries,
General Manager, People, Legislated Services and Planning

Prepared By:

Tanya Daniels, City Clerk/Director of Clerk's Services

Emma Vokes, Supervisor of Elections, Licensing and Admin Services

Attachments: None

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no