

**PROVINCE OF QUEBEC
MRC BROME-MISSISQUOI
TOWN OF BROME LAKE**

SECOND DRAFT BY-LAW 596-12

BY-LAW MODIFYING ZONING BY-LAW 596

- WHEREAS under the *Act respecting land planning and development* (R.S.Q., c. A-19.1), the Council may amend its planning by-laws;
- WHEREAS the Town has considered how to better regulate certain tourist accommodation establishments which continue to increase;
- WHEREAS the Town now deems it appropriate to amend certain by-laws respecting tourism to ensure consistency;
- WHEREAS to achieve all these objectives, *Zoning By-law 596* and *By-law 599 on Permits and Certificates* of the Town of Brome Lake should be amended;
- WHEREAS this draft by-law includes provisions subject to approval by way of referendum;
- WHEREAS a public consultation meeting was held on February 28, 2022, at 7 p.m., at Centre Lac-Brome, 270 Victoria Road, Lac-Brome;

WHEREAS a written consultation was held between February 16 and March 7, 2022;

WHEREAS it is pertinent and in the interest of the Town of Lake Brome and its taxpayers to amend certain provisions of Zoning Bylaw 596;

WHEREAS a notice of motion was given by Councillor Lee Patterson at the regular sitting of Council on February 7, 2022;

CONSEQUENTLY, THE COUNCIL ORDERS THE FOLLOWING:

SECTION 1

The preamble forms an integral part of this by-law.

ZONING BY-LAW 596

SECTION 2

The definitions “Accommodation Establishment” and “Bed and Breakfast Establishment” in section 9 “Specific Definitions” of the *Zoning By-law* are repealed and replaced by the following:

“Tourist Accommodation Establishment”: Tourist accommodation establishment within the meaning of the *Regulation respecting tourist accommodation establishments* includes any establishment in which at least one accommodation unit¹ is offered for rent in return for payment for a period not exceeding 31 days, where the availability of units is made known by the use of any medium, or by any other means.

“Bed and Breakfast Establishment”: Establishments within the meaning of the *Regulation respecting tourist accommodation establishments* where accommodation is offered in private residences operated as accommodation establishments by their resident owners or tenants. These establishments rent a

¹ The term “accommodation unit” includes notably a room, a bed, a suite, an apartment, a house, a cottage, a ready-to-camp unit or a camp site.

maximum of five rooms receiving a maximum of fifteen persons and the rental price includes breakfast served on the premises.

SECTION 3

The definition “**Short-term rental**”, “**Tourist Accommodation Establishment – Principal Residence**” and “**Tourist Accommodation Establishment – Secondary Residence**” are added to section 9 “Specific Definitions” of the *Zoning By-law* as follows:

“**Short-term rental**”: means a rental for a period not exceeding 31 days of an accommodation unit within the meaning of the *Regulation respecting tourist accommodation establishments*.

“**Tourist Accommodation Establishment – Principal Residence**”: Establishments within the meaning of the *Regulation respecting tourist accommodation establishments* where accommodation is offered in apartments, houses or furnished chalets, including self-service kitchen facilities, in a Principal Residence.

The Principal Residence is a Dwelling (a building used for residential purposes) and is defined as being:

The immovable where the owner lives on a regular basis

And

The immovable is the central location for your family and social activities

And

Is the address that corresponds to that provided by the owner to Québec government departments and agencies.

“**Tourist Accommodation Establishment – Secondary Residence**”:

Establishments within the meaning of the *Regulation respecting tourist accommodation establishments* where accommodation is offered in apartments, houses or furnished chalets, including self-service kitchen facilities, in a Secondary Residence.

The Secondary Residence is a Dwelling (a building used for residential purposes) other than a Principal Residence.

SECTION 4

The first paragraph of section 128 “Group - Construction and Secondary Uses” is amended by:

- Repealing paragraph 3 which is replaced by the following:

“(3) The class “**Gt5**” (**Bed & Breakfast**) includes the rental of a room to temporary clients in the owner’s private residence, with the owner being present on the premises during the rental, and the subject to the following standards:

1. the maximum number of rooms that may be offered for rent at any one time is five (5);
2. at least one (1) room in the dwelling is not offered for rent;
3. no room offered for rent may be located in a basement or cellar;
4. no cooking equipment is authorized inside any room and no kitchen is equipped to serve the room;
5. breakfast may be served and eaten on the premises;
6. bed and breakfast owners must live in the residence;
7. the signage provisions set out in this by-law must be complied with for the additional use;
8. the off-street parking provisions set out in this by-law must be complied with for the additional use.”

The addition after paragraph 6 of the following paragraphs 7 and 8:

“7. The class “**TAE-PR**” (**Tourist Accommodation Establishment – Principal Residence**) is a secondary use to a residential use. It applies to owners who offer their Principal Residence for rental for tourist purposes.

To ensure that the use remains a secondary use, it is important that the residence retain its nature as a “Dwelling”. As such, a building in class TAE-PR may be rented for the short-term rental no more than 182 days in a calendar year.

Secondary use TAE-PR is conditional on the owner obtaining a Certificate for a Principal Residence from the *Corporation de l’industrie touristique du Québec* and any other permission required by law.”

“ 8. The class “**TAE-SR**” (**Tourist Accommodation Establishment – Secondary Residence**) is a secondary use to a residential use. It applies to natural persons who offer to rent their Secondary Residence for tourist purposes. The immovable subject to secondary use TAE-SR will be considered for taxation purposes as

being in Class 6 non-residential. Secondary use TAE-SR must respect the following conditions:

1. Short-term rentals are only permitted in detached single-family residences. The secondary use is therefore prohibited in semi-detached dwelling units, condominiums, or co-property units;
2. TAE-SR is only offered to a single person or a single group of related persons at a time;
3. Does not include any meals served on the premises;
4. Must be limited to a single reservation per day. This means that the owner may not rent rooms separately in their residence by way of several reservations, nor rent to groups of unrelated persons.;
5. The minimal lot dimension for this use is 1 500 m²;
6. The property must have enough parking spaces to accommodate clients (1 space per bedroom for rent). The exercise of the secondary use must not result in vehicle parking on the streets;
7. It is prohibited to use camping vehicles, tents, tent-trailers, or other similar types of accommodation;
8. Where the building is not connected to the municipal sewer system, the exercise of such secondary use is conditional on a functioning septic system according to the *Regulation respecting waste water disposal systems for isolated dwellings* (CQLR, c. Q-2, r.22). The secondary use cannot be exercised if the septic system does not comply with this regulation and the owner has received a notice of infraction from the municipality.
9. The exercise of this use must not constitute a source of noise likely to disturb the neighbourhood peace and must comply with *By-law 615 on peace, order and nuisances*. As such, owners must prepare and enforce a “good neighbour” regulation;
10. For properties smaller than 5,000 m², the house must not have more than three (3) bedrooms for rent to avoid gatherings, the whole not to exceed two (2) persons (excluding children under the age of twelve (12) years old) per bedroom;
11. In every case, the number of occupants renting a residence shall not exceed eight (8) people (excluding children under the age of twelve (12) years old who are not counted).

To ensure that the use remains a secondary use, it is important that the Secondary Residence retain its nature as a “Dwelling”. As such, a building in class TAE-SR may be rented for the short-term rental no more than 182 days in a calendar year.

The same physical person may not be the owner, in whole or in part, of more than one Secondary Residence for which the secondary use TAE-SR is exercised on the territory of the Town of Brome Lake.

A renter (tenant) cannot exercise this secondary use with respect to a residence they do not own.

A legal person cannot exercise this secondary use TAE-SR. This secondary use may be exercised solely for personal purposes.

Secondary use TAE-SR is conditional on the owner obtaining a Certificate of Classification from the *Corporation de l'industrie touristique du Québec* and any other permission required by law.”

Exceptions to the application of conditions for secondary use TAE-SR

Notwithstanding the preceding, condition 5 as well as subsection 5 of paragraph 8 of subsection 1 of Section 128(all reproduced below) do not apply to Tourist Accommodation Establishments on the territory of Town of Brome Lake that, on February 7, 2022, hold an Establishment Number from the *Corporation de l'industrie touristique du Québec (CITQ)* for the categories Tourist Homes (Tourist Establishment) and Tourist Establishment for a Principal Residence.

5. *Must have a minimum lot size of 1,500 m² to exercise the secondary use;*

A moral person cannot exercise this secondary use TAE-SR. This secondary use may be exercised solely for personal purposes.

These exceptions expire:

- 1) If the immovable is sold;
Or
- 2) If the Certificate from the CITQ expires, is annulled, or it is otherwise no longer valid.

SECTION 5

Section 133.1 “Exceptions” is inserted after section 133 “Interpretation rule for tables of uses permitted per zone” as follows:

“133.1 EXCEPTIONS

Notwithstanding section 133, secondary uses of classes Tourist Accommodation Establishment – Principal Residence (TAE-PR) and Tourist Accommodation Establishment – Principal Residence (TAE-SR) are authorized throughout the territory of the Town of Brome Lake and therefore in every zone without it appearing in the specifications grid, if the property satisfies the conditions prescribed in section 128.”

SECTION 6

This by-law comes into force in accordance with the law.

Richard Burcombe
Mayor

Me Owen Falquero
Clerk

STAGES:

Notice of motion:	February 7, 2022
Draft presented (tabled):	February 7, 2022
First draft adopted:	February 7, 2022
Public notice of consultation meeting:	February 11, 2022
Consultation meeting:	February 28, 2022
Second Draft Project of by-law adopted:-	April 4, 2022
RCM Certificate of approval:	
Coming into force:	