

**CITY OF WEST KELOWNA**

**BYLAW NO. 0265.20**

**A BYLAW TO AMEND “ZONING BYLAW NO. 0265”**

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WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA ZONING BYLAW NO. 0265” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.20, 2023”.

2. Amendments

“Zoning Bylaw No. 0265 is hereby amended as follows:

2.1 By deleting the definition for “Short Term Accommodation” from Section 2.10 DEFINITIONS:

“**SHORT TERM ACCOMMODATION** means the use of a principal residence for visitor accommodation where the operator hosts guests within a single detached dwelling, secondary suite or carriage house.”

and replacing it with the following definitions:

“**SHORT-TERM RENTAL** means visitor accommodation provided within a single detached dwelling, secondary suite or carriage house by a principal resident and owner in exchange for a fee for a period of time less than 30 consecutive days, where the rental must be in accordance with the *Short-term Rental Accommodations Act*.”

“**SHORT-TERM RENTAL (BED AND BREAKFAST)**

Means a short-term rental providing visitor accommodation within a single detached dwelling by a principal resident owner in exchange for a fee for a period of time less than 30 consecutive days. The owner must reside in the dwelling during the visitors stay, provide breakfast to all visitors, provide a free-flowing and interconnected space, and have no separate kitchen/cooking facilities. Short-term Rentals (Bed and Breakfast) must meet the development regulations outlined in Section 3.20 Short-term Rentals.”

2.2 By deleting “bed and breakfast” and “short term accommodations” from Section 3.5 PROHIBITED USES AND STRUCTURES, 3.5.1(b) that reads:

“(b) Vacation rentals other than bed and breakfast, short term accommodations, agri-tourism accommodations, and the use of resort apartments and resort townhouses;”

and replacing it with the following:

“(b) Vacation rentals other than short-term rentals and short-term rentals (bed and breakfast), agri-tourism accommodations, and the use of resort apartments and resort townhouses;”

2.3 By deleting “bed and breakfast” from Section 3.18 SECONDARY SUITES, 3.18.8, and replacing it with “short-term rental (bed and breakfast).”

2.4 By deleting “bed and breakfast” from Section 3.19 CARRIAGE HOUSES, 3.19.13, and replacing it with “Short-term rental (bed and breakfast).”

2.5 By deleting Section 3.20 BED AND BREAKFAST in its entirety.

2.6 By deleting Section 3.21 SHORT TERM ACCOMMODATIONS in its entirety that reads:

“3.21 SHORT TERM ACCOMMODATIONS

.1 A short term accommodation use shall only be conducted within a single detached dwelling, secondary suite or carriage house.

.2 An occupant of the property shall be the operator of the short term accommodation. For certainty, an occupant shall be a principal resident of the property.

.3 In the case of a property containing a single detached dwelling with an approved secondary suite or approved carriage house, only one dwelling may be used for the purpose of a short term accommodation.

.4 No more than two adults may occupy a bedroom and no more than four bedrooms are permitted to be used for a short term accommodation.

.5 Bedrooms shall only be rented for periods of less than one month.

.6 A short term accommodation is permitted to have no more than one non-internally illuminated sign to a maximum size of 0.3 m<sup>2</sup> that is attached to the principal single detached dwelling or located elsewhere on the parcel and a minimum distance of 1.5 m from any parcel boundary.

.7 There shall be no exterior indication that a short term accommodation is in operation on any parcel, except for permitted signage and required parking.

.8 A short term accommodation shall not be permitted without connection to a community sewer system unless:

(a) The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.”

and replacing it with the following:

“3.20 SHORT-TERM RENTALS AND SHORT-TERM RENTALS (BED AND BREAKFAST)

.1 A short-term rental use

(a) Must:

- i. Only be conducted within a single detached dwelling, secondary suite or carriage house, to a maximum of one short-term rental use per parcel, where the parcel contains more than one dwelling unit;
- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay, and be present for a portion of the day , provided that:
  - a) A local contact is available to interact with guests during operation and respond to any nuisance complaints; and
  - b) The name and contact information of the local contact must be displayed prominently within the dwelling.
- iii. Be rented for periods less than 30 consecutive days;
- iv. Ensure that the owner or local contact is available to respond to the dwelling within two (2) hours of being requested to do so by the City; and
- v. Ensure one dwelling unit is maintained for the principal resident.

(b) Must not:

- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking;
- ii. Permit more than two adults per bedroom, and
- iii. Permit more than four bedrooms for short-term rental use per dwelling.

.2 Short-Term Rental (Bed and Breakfast) use

(a) Must:

- i. Only be conducted within a single detached dwelling with no secondary dwelling unit on the same parcel;
- ii. Be operated by an owner of the property who is also a principal resident, that must be present overnight during the visitors stay, and be present for a portion of the day;
- iii. Provide breakfast to visitors;
- iv. Be rented for periods less than 30 consecutive days; and

- v. Illustrate the bedroom occupied by the principal resident.
- (b) Must not:
- i. Permit any exterior indication that a short-term rental is in operation on any parcel, except for permitted signage and required parking;
  - ii. Permit more than two adults per bedroom to a maximum of eight persons, and
  - iii. Permit more than four bedrooms for short-term rental use per dwelling.

### .3 Sewer Connection

- (a) A short-term rental and short-term rental (bed and breakfast) shall not be permitted without connection to a community sewer system unless:
  - i. The parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.

### .4 Signage

- (a) A short-term rental and short-term rental (bed and breakfast) is permitted to have no more than one non-internally illuminated sign to a maximum size of 0.3 m<sup>2</sup>, where the sign may:
  - i. The sign may be attached to the dwelling; or
  - ii. Located elsewhere on the parcel at a minimum distance of 1.5 m from any parcel boundary.”

2.7 By deleting “bed and breakfast or short-term accommodation” from Section 3.24 AGRITOURISM ACCOMMODATION, 3.24.5, and replacing it with “short-term rental and short-term rental (bed and breakfast)”.

2.8 By deleting “Bed and breakfast” from the list of Uses in Section 4.4 STANDARD PARKING SPACES, Table 4.1 – Required Parking Spaces, and replacing it with “Short-Term Rental (Bed and Breakfast)”.

2.9 By deleting “Short Term Accommodation” from the list of Uses in Section 4.4 STANDARD PARKING SPACES, Table 4.1 – Required Parking Spaces, and replacing it with “Short-term rental, not including short-term rental (bed and breakfast)”.

2.10 By deleting in PART 4 STANDARD PARKING SPACES, Section .2 Development Standards, Subsection (a) Tandem Parking, 4.4.3.(a)i, that reads:

- “i. Tandem parking is permitted only for single detached dwellings, manufactured homes, duplexes, townhouses, home-based businesses, bed and breakfasts, secondary suites, short term accommodations, and carriage houses.”

and replacing it with the following:

- “i. Tandem parking is permitted only for single detached dwellings, manufactured homes, duplexes, townhouses, home-based businesses, short-term rentals including short-term rentals (bed and breakfast), secondary suites, and carriage houses.”

2.11 By deleting “Bed and breakfast” from the list of Secondary Uses, Buildings and Structures in the following zones:

- PART 8 AGRICULTURAL ZONES, Section 8.1 AGRICULTURAL ZONE (A1), Subsection 3 Secondary Uses, Buildings and Structures, (f);
- PART 9 RURAL ZONES, Section 9.1 COUNTRY RESIDENTIAL ZONE (RU1), Subsection 3 Secondary Uses, Buildings and Structures, (b);
- PART 9 RURAL ZONES, Section 9.2 RURAL RESIDENTIAL SMALL PARCEL ZONE, subsection 3 Secondary Uses, Buildings and Structures, (d);
- PART 9 RURAL ZONES, Section 9.3 RURAL RESIDENTIAL MEDIUM PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (e);
- PART 9 RURAL ZONES Section 9.4 RURAL RESIDENTIAL LARGE PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (f);
- PART 9 RURAL ZONES, Section 9.5 RURAL RESOURCE ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (j);
- PART 10. RESIDENTIAL ZONES, Section 10.5. SINGLE DETACHED RESIDENTIAL ZONE (R1), subsection 3 Secondary Uses, Buildings and Structures, (b); and
- PART 10. RESIDENTIAL ZONES, Section 10.7 LARGE PARCEL SINGLE DETACHED RESIDENTIAL ZONE (R1L), Subsection 3 Secondary Uses, Buildings and Structures, (b).

2.12 By deleting “short term accommodation” and replacing it with “short-term rental/short-term rental (bed and breakfast)” in the following zones:

- PART 8 AGRICULTURAL ZONES, Section 8.1 AGRICULTURAL ZONE (A1), Subsection 3 Secondary Uses, Buildings and Structures, (h);
- PART 9 RURAL ZONES, Section 9.1 COUNTRY RESIDENTIAL ZONE (RU1), Subsection 3 Secondary Uses, Buildings and Structures (i);
- PART 9 RURAL ZONES, Section 9.2 RURAL RESIDENTIAL SMALL PARCEL ZONE, Subsection 3 Secondary Uses, Buildings and Structures, (j);
- PART 9 RURAL ZONES, Section 9.3 RURAL RESIDENTIAL MEDIUM PARCEL ZONE (RU3), Subsection 3 Secondary Uses, Buildings and Structures, (k);
- PART 9 RURAL ZONES, Section 9.4 RURAL RESIDENTIAL LARGE PARCEL ZONE (RU4), Subsection 3 Secondary Uses, Buildings and Structures, (m);
- PART 9 RURAL ZONES, Section 9.5 RURAL RESOURCE ZONE (RU5), Subsection 3 Secondary Uses, Buildings and Structures, (m);

- PART 10 RESIDENTIAL ZONES, Section 10.5 SINGLE DETACHED RESIDENTIAL ZONE (R1), subsection 3 Secondary Uses, Buildings and Structures, (b);
  - PART 10. RESIDENTIAL ZONES, Section 10.7 LARGE PARCEL SINGLE DETACHED RESIDENTIAL ZONE (R1L), Subsection 3 Secondary Uses, Buildings and Structures, (b).
- 2.13 By deleting PART 10 RESIDENTIAL ZONES, Section 10.9 DUPLEX RESIDENTIAL ZONE (R2), Subsection 3 Secondary Uses, Buildings and Structures, a to c that reads:
- “.3 Secondary Uses, Buildings and Structures  
 (a) Accessory uses, buildings and structures  
 (b) Care facility, minor  
 (c) Home based business, major”
- and replacing with the following:
- “.3 Secondary Uses, Buildings and Structures  
 (a) Accessory uses, buildings and structures  
 (b) Care facility, minor  
 (c) Home based business, major  
 (d) Short-term rental/Short-term rental (bed and breakfast) in single detached dwelling form only”
- 2.14 That PART 10 RESIDENTIAL ZONE, Section 10.9 DUPLEX RESIDENTIAL ZONE (R2), Subsection 10.9.4 Site Specific Uses, Buildings and Structures, be amended by:
1. Adding to the end of the title that reads Site Specific Uses, Buildings and Structures the word “Reserved”; and
  2. Deleting the following:  
 “(a) On Lot 7 District Lot 2045 Osoyoos Division Yale District Plan KAP91598 (3639 Apple Way Boulevard): bed and breakfast”
- 2.15 That CD1(A-G) Comprehensive Development Zone (Westlake), CD1(E) Hillside Housing Single Family, be amended by:
1. “Deleting “Bed and Breakfast” from the list of Permitted Uses, Section 1.(c), and replacing it with “Short-term rental (bed and breakfast)”, and
  2. Deleting “Short Term Accommodation” from the list of Permitted Uses, Section 1.(f), and replacing it with “Short-Term Rental”.”

READ A FIRST TIME THIS  
READ A SECOND TIME THIS  
READ A THIRD TIME THIS

Approved under The Highways Act this

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(Approving Officer – Ministry of Transportation)

ADOPTED THIS

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MAYOR

\_\_\_\_\_  
CORPORATE OFFICE