

CITY OF WEST KELOWNA

BYLAW NO. 0265.20

A BYLAW TO AMEND "ZONING BYLAW NO. 0265"

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 operator in exchange for a fee for a period of time less than 90 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 operator in exchange for a fee for a period of time less than 90 consecutive days. The operator 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 m² 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 a principal resident of the property that is permitted to be absent overnight on occasion when the short-term rental is rented, 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 90 consecutive days;
- iv. Ensure that the operator 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 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 90 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 m², 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 or 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 AND SECOND TIME THIS 27TH DAY OF FEBRUARY, 2024
 PUBLIC HEARING HELD THIS 25TH DAY OF MARCH, 2024
 READ A THIRD TIME AS AMENDED THIS 26TH DAY OF MARCH, 2024
 APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS 27TH DAY OF MARCH, 2024
 ADOPTED THIS

MAYOR

CORPORATE OFFICER