



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 23, 2021

From: Hailey Rilkoﬀ, Planner II

File No: P 20-16

Subject: **P 20-16 – Proposed Short Term Rental Program**

RECOMMENDATION

THAT Council give first and second reading to the “City of West Kelowna Zoning Amendment Bylaw No. 0154.99, 2021”; and

THAT Council direct staff to schedule a public hearing.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Policies and advocacy to enhance economic prosperity; Continued growth in tourism.

EXECUTIVE SUMMARY

This report outlines the proposed Zoning Bylaw amendments and related regulations for short term rental accommodations in the City of West Kelowna. The regulations have been drafted based on regionally consistent practices and the Guiding Principles which prioritize mitigating neighbourhood impacts and protecting long term rentals. The regulations limit the use of short term rentals to within a single detached dwelling operated by the principal resident. The regulations differentiate between the use of *Minor Short Term Rental* (previously Bed and Breakfast) which require the operator to remain on-site and *Major Short Term Rental* which allows the operator to be off-site.

Proposed amendments to the Business Licensing and Regulation, Fees & Charges, Bylaw Enforcement Notice and Municipal Ticket Information Bylaws are also outlined in this report, however these Bylaws will be considered at the time of Third Reading of the proposed Zoning Bylaw amendments.

By regulating short term rentals, the City provides a fair and transparent process for operators as well as clear regulations to encourage compliance. The majority of community feedback was consistent with the City’s draft regulation program. Feedback from the online questionnaire and Council Committees has been incorporated into the draft regulations.

BACKGROUND

Current Regulatory Framework

Under current zoning and business licencing regulations, the use of residential units for less than 30 days are not permitted except for bed and breakfasts, agri-tourism accommodations, or resort apartment and townhouse uses. Agri-tourism accommodations are only permitted on agricultural properties with farm status and resort apartment and resort townhouse uses are permitted on the three resort properties in West Kelowna (Barona Beach, Boucherie Beach and The Cove). The new CD8 (Seclusion Bay) zone also allows for rentals of a single detached dwelling for less than 30 days as a principal use.

Project Timeline

A background of and timeline of the Short Term Rental project is presented below:

- September 17th, 2019 – Council directed staff to prepare a report regarding Air BnB and short term rentals in West Kelowna.
- September 29th, 2020 – Council directed staff to review best practices for Short Term Rentals within the Okanagan Region and to prepare a draft regulatory program for Short Term Rentals.
- November 24th, 2020 – Council received information on a draft Short Term Rental regulation program and directed staff to engage the community and stakeholders on the proposal.
- November 30th 2020 – January 3rd 2021 – Online Questionnaire open for community and stakeholder feedback (Engagement Period).
- December 2020 – January 2021 – Council Committee referrals and discussions (Engagement Period).
- January 26th, 2021 – Council received an information update with a summary of the online questionnaire feedback results.

Regulation Development

The development of the draft regulations were guided by consideration of regional consistency, the West Kelowna context and Council discussions on the topic. The Guiding Principles which guided the development were:

1. Mitigate Negative Neighbourhood Impacts
2. Protect Long Term Rentals
3. Recognize Importance of Short Term Rentals for Tourism
4. Comprehensive Licensing, Compliance & Enforcement

During the Engagement Period, over seven hundred (736) online questionnaire responses were received and two letters from stakeholder groups (Greater Westside Board of Trade and Gellatly Bay Goats Peak Community Association). Staff have reviewed the feedback from the questionnaire, public and stakeholder correspondence,

Council committee comments and resolutions, and ongoing research in the refinement of the proposed Short Term Rental regulations.

PROPOSAL

Proposed Short Term Rental Regulations

The regulations have been drafted based on regionally consistent practices and the Guiding Principles which prioritize mitigating neighbourhood impacts and protecting long term rentals. In addition, efforts were made to provide consistency with terminology and structure of the existing Zoning Bylaw. Feedback received from the community, stakeholders and Council committees has been incorporated in the proposed regulations.

Under the proposed amendments, a principal resident would be able to rent rooms in their dwelling while they are present (*Minor Short Term Rental*) or rent out their entire dwelling while they are away (*Major Short Term Rental*). Short term rentals would only be permitted within a single detached dwelling, meaning that accessory dwellings (secondary suites or carriage houses) could not be used for short term rentals even if they are occupied by a principal resident.

There are five bylaw amendments proposed in order to implement regulations for short term rentals. The land use bylaw (Zoning) amendments will be outlined in this report with a summary of proposed regulatory bylaw amendments provided which will be brought to Council for consideration following a Public Hearing on the land use amendments.

- Zoning Bylaw No. 0154 (*Attachment 1 - Zoning Amendment Bylaw No. 0154.99*)
- Business Licensing and Regulations Bylaw No. 0087
- Fees & Charges Bylaw No. 0028
- Bylaw Dispute Adjudication Bylaw No. 0093
- Municipal Ticket Information Utilization Bylaw No. 0095

Zoning Bylaw Amendments

Definitions

Amendments are proposed in order to clearly define and differentiate the uses of residential properties for vacation rentals. This will be achieved with new use definitions of Short Term Rental, Minor (previously Bed and Breakfast) and Short Term Rental, Major:

SHORT TERM RENTAL, MINOR means the licensed use of a single detached dwelling by an occupant of the dwelling as tourist accommodation where the operator remains on-site during guest stays; this use includes bed and breakfasts.

SHORT TERM RENTAL, MAJOR means the licensed use of a single detached dwelling by an occupant of the dwelling as tourist accommodation where the operator may be off-site during guest stays.

Zones

It is proposed that short term rentals be permitted in all of the zones which currently permit bed and breakfast uses. *Minor or Major Short Term Rentals* would be permitted within the Agricultural (A1), Rural (RU1, RU2, RU3, RU4, RU5), Residential (R1 and R1L) and CD1(E) zones and replace the existing use of bed and breakfast.

General Regulations

Establishing regulations for *Minor and Major Short Term Rental* will help clarify to residents how short term rentals can be operated within the City. Table 1 provides a summary of the proposed short term rental regulations within the Zoning Bylaw. Key changes from the draft regulations proposed in November and what has been included in the proposed bylaw amendments relate to maximum occupancy and changes to the bed and breakfast requirements. A redlined version of the Zoning Bylaw with all proposed changes is included as *Attachment 2*.

Table 1 – Short Term Rental Regulations At a Glance		
	Short Term Rental, Minor	Short Term Rental, Major
Permitted Dwelling Forms	Within a principal Single Detached Dwelling	Within a principal Single Detached Dwelling
Parcel Criteria	Not permitted on properties with a Secondary Suite or Carriage House	Not permitted on properties with a Secondary Suite or Carriage House
Maximum Occupancy	3 Guest Rooms; Maximum 2 adults per guest room	4 Guest Rooms; Maximum 2 adults per guest room
Operator	Must be the occupant of the Single Detached Dwelling	Must be the occupant of the Single Detached Dwelling
During Operation	Operator must remain on-site during operation	Operator may be off-site during operation

Parking

Off-street Parking requirements for both the *Minor and Major Short Term Rental* are in addition to the required off-street parking for the residential use(s) on the property. Off-street parking must be provided entirely on the same parcel as the use they serve, and are not permitted to encroach within road right of way. Examples of how the proposed amendments would result in required off-street parking are shown in Table 2 below:

Table 2 – Off-Street Parking Examples				
Property Use(s)	# of Bedrooms	Required Parking for Residential	Dedicated Parking for STR	TOTAL Required Parking
Minor STR	1 Bedroom	2.0 Spaces	1.0 Space	3.0 Spaces
	3 Bedrooms	2.0 Spaces	3.0 Spaces	5.0 Spaces
Major STR	1 Bedroom	2.0 Spaces	1.0 Space	3.0 Spaces
	4 Bedrooms	2.0 Spaces	2.0 Spaces	4.0 Spaces

Rationale for Zoning Amendments

A formal regulation program, as proposed, will allow operators of short term rentals to better understand the neighbourhood expectations of themselves as operators and of their guests as visitors to our West Kelowna neighbourhoods. By regulating short term rentals, the City provides a fair and transparent process for operators as well as clear regulations to encourage compliance.

Permitted Dwelling Form & Parcel Criteria

Short Term Rentals are proposed to only be permitted within a single detached dwelling (principal dwelling unit). Bed and breakfasts are currently prohibited on properties with a secondary suite or carriage house (accessory dwelling units).

The community feedback survey was almost evenly split as to whether properties with an accessory dwelling unit should be permitted to operate a short term rental. Council committee discussions also echoed this dilemma, and questioned whether restricting short term rentals from within accessory dwelling units was appropriate for West Kelowna.

Without a Housing Needs Assessment with West Kelowna specific data, the proposed bylaws provide a cautious first step in permitting short term rentals within residential neighbourhoods. In alignment with the Guiding Principle to protect long term rentals, staff propose that no short term rentals would be permitted on a property with an accessory dwelling unit. This also reflects the intent of the short term rental regulations to provide opportunities for home sharing as a form of tourism accommodation by only allowing short term rentals within a principal dwelling unit. If secondary suites and carriage houses were permitted as short term rentals, this would be closer to a commercial operation in a residential neighbourhood, as opposed to supplementary home based business type uses¹.

Maximum Occupancy

The original draft regulations proposed limiting the maximum occupancy to 6 guests. Both the community and Council committees reiterated that one of the key reasons short term rentals have grown in popularity is due to the ability for families and groups to travel together. There were concerns that the proposed occupancy limits were not in alignment with the use of short term rental accommodations as an alternative accommodation option for families and groups.

The maximum occupancy for a *Major Short Term Rental*, up to 4 guest rooms with a limit of 2 adults per guest room, results in a maximum of 8 adults. This provides more flexibility for families travelling together and allows greater flexibility for property owners wishing to rent their entire home while they are away. In order to differentiate between major and minor uses it is also proposed that the maximum occupancy for a *Minor Short Term Rental* be 3 guest rooms, with a limit of 2 adults per guest room resulting in a maximum occupancy of 6 adults².

¹ In addition, the ability to provide off-street parking for both an accessory dwelling and a short term rental use on the property would be difficult for many residential properties.

² The City's Business Licensing Department indicated that the majority of B&B licences are for 1 or 2 bedrooms, and that B&B's with 4 bedrooms are not as common. Although this information has not been tracked, staff estimate that less than 10% of B&B's offer up to 4 bedrooms

COMPLEMENTARY BYLAW AMENDMENTS

Summaries of the four additional regulatory bylaw amendments required in addition to the land use bylaw amendments are outlined below. These bylaw amendments will be brought to Council for consideration of first, second and third readings at the same time as third reading of Zoning Amendment Bylaw No. 0154.99.

Business Licencing Bylaw

Amendments to the Business Licencing and Regulation Bylaw No. 0087 will include a new section for Short Term Rentals (see *Attachment 3* for draft regulations). This new section will require that the operator of a *Minor or Major Short Term Rental* obtain a business licence in order to operate within the City of West Kelowna. The application for a Short Term Rental Business Licence would require the operator to provide the following information (see *Attachment 4* for a draft Short Term Rental Business Licence Application Form):

- Owner or Strata Consent/Approval (if applicable)
- Proof of Principal Residence
- Self-Evaluation Safety Audit (1st year requires an inspection)
- Floor Plan of the dwelling unit identifying guest rooms, guest beds and safety features (ie smoke alarms)
- Parking Plan of the site identifying all required off-street parking spaces for the residence and short term rental
- An alternate contact (Local Contact) for times when the operator is away (Major STR Only)

Valid Business Licence

Once licenced, the operator of the short term rental must ensure that any marketing materials or online listings include their valid business licence number. This will assist the Business Licencing department in identifying non-compliant short term rentals as well as link listings to valid business licences which may not have their address or contact information posted through online platforms.

Principal Residence

The operator of a short term rental must confirm that the dwelling in which they propose to operate is their principal residence. This could be confirmed by providing a minimum of two supporting documents including the homeowners grant, driver's licence, utility bills or government records in the operator's name at that address. This requirement is to ensure that the operator maintains the dwelling as their principal residence (where the operator lives, conducts daily affairs, and is generally the residence used for government records).

Local Contact

A local contact is required to be identified as part of the application for a Short Term Rental business licence. The local contact must be available to respond to City staff concerns within a reasonable time frame when the operator of a short term rental is away.

Good Neighbour Agreement

Operators applying for a Short Term Rental business licence will be required to sign a Good Neighbour Agreement, which outlines a code of conduct and expectations for the operator to adhere to, which will reiterate the applicable City bylaws and regulations, such as the Good Neighbour Bylaw. Operators who are found to be non-compliant with the Good Neighbour Agreement may be subject to a licence suspension if determined appropriate by the Licence Inspector (see Attachment 4).

Inspections

An initial Fire and Building Inspection will be required for all short term rentals as part of the initial application requirements. This is consistent with inspection requirements for bed & breakfasts which, as of 2020, only require an ‘Initial Inspection’ when they first apply for their business licence. Operators applying for a short term rental business licence will also be required to complete a Self-Evaluation Safety Audit annually, however inspections may be conducted randomly upon renewal or if necessary. Operators would complete the safety audit to attest that required safety devices and procedures are in place such as smoke alarms, fire extinguishers, carbon monoxide alarms, and fire safety plans.

Fees & Charges Bylaw

It is proposed that the Business Licence Fee for a Short Term Rental be set with the goal to offset the anticipated costs of implementing and ongoing provision of this program as shown in Table 3. The minor short term rental fee is consistent with the existing Licence Fees for bed and breakfasts (currently classified under Home Occupations).

Table 3 – Proposed Business Licence Fees	
Business Licence Category	Business Licence Fee
Resort Rental (Resort Apartment, Resort Townhouse, Single Detached Dwelling in CD8 Zone) ³	\$60
Minor Short Term Rental	\$135
Major Short Term Rental	\$500

Bylaw Notice and Municipal Ticket Information Utilization Bylaws

Fourteen (14) new bylaw ticket offences are defined in relation to various short term rental zoning and business licencing regulations. The maximum daily fine within the City’s Municipal Ticket Information Utilization Bylaw No. 0095 (MTI Bylaw) will increase from \$500 to \$1,000 to act as a deterrent for non-compliance. Tickets under the MTI Bylaw can only be served in person and cannot be mailed.

A stepped level of offences is proposed for both contravening the Short Term Rental rules as outlined in Table 4.

³ New fee. Would only be applied if these units were being rented (short or long term) which is consistent with the City’s regulations and fees for secondary suites or carriage houses.

Table 4 – Proposed New Bylaw Offences

Zoning Bylaw Offences	Maximum Daily Fine	
	Bylaw No. 0093 (Bylaw Notice)	Bylaw No. 0095 (MTI Bylaw)
Contravene Short Term Rental rules (1 st Offence)	\$250	\$250
Contravene Short Term Rental rules (2 nd Offence)	\$350	\$350
Contravene Short Term Rental rules (Continuing Offence)	\$500	\$1,000
Business Licencing Bylaw Offences	Maximum Daily Fine	
	Bylaw No. 0093 (Bylaw Notice)	Bylaw No. 0095 (MTI Bylaw)
Contravene Short Term Rental rules (1 st Offence)	\$250	\$250
Contravene Short Term Rental rules (2 nd Offence)	\$350	\$350
Contravene Short Term Rental rules (Continuing Offence)	\$500	\$1,000
Market short term rental without licence number	\$100	\$100
Fail to display local contact information	\$100	\$100
Fail to display fire evacuation plan in each short term rental guest room	\$100	\$100
Fail to attend short term rental within required time period	\$250	\$250
Operate short term rental contrary to licence conditions	\$500	\$1,000
Permit multiple bookings at one time	\$500	\$1,000
Use unauthorized secondary suite or carriage house for short term rental	\$500	\$1,000
Use unauthorized guest room for short term rental	\$500	\$1,000

POLICY REVIEW & ENGAGEMENTOfficial Community Plan Bylaw No. 0100

The City's Official Community Plan (OCP) identifies the importance of the diversity and character of neighbourhoods which contribute to the unique identity of the community. Neighbourhood objectives include maintaining and enhancing the character and livability of existing neighbourhoods. Residential policy encourages non-residential activities which do not cause substantial increases in traffic, parking demands or noise.

The OCP identifies the critical need to maintain the existing stock of affordable housing and increase opportunities for the development of new affordable housing. Affordable housing in the context of the City's OCP includes affordable home ownership, affordable rental accommodation and subsidized housing. The OCP supports secondary suites as a form of affordable infill housing, however the OCP's objectives, policies and actions do not currently address short term rentals. In terms of public health and safety, the OCP

aims to foster the development of a community where sense of place and neighbourliness are actively promoted and supported.

When considering tourism, the OCP's Economic Sustainability objectives encourage a sustainable tourism economy with a strong economic mix and providing services to a broad range of user groups. The OCP supports growth and change in the local economy, while placing importance on protecting residents' quality of life. Additional relevant OCP Policy is included in *Attachment 6*.

Council Committee Feedback

The draft Short Term Rental Regulations were presented to all three Council Committees between December 2020 and January 2021. The Agricultural Advisory Committee (AAC) discussed the benefits that fruit stands or wineries could experience with having tourists staying close by. The AAC did not provide a resolution for Council.

The Economic Development Committee (EDC) was generally supportive of regulation of short term rentals. There was some discussion as to whether the occupancy limit of 6 guests was appropriate and a desire for more flexibility in occupancy based on the size of the home. The committee discussed opportunities for accessory dwellings and structures, such as garages or yurts, without kitchen facilities to be used for short term rentals as they would not impact long term rental inventories. There was also discussion around the benefits that short term rentals may have in allowing visitors to stay longer in the community and how they can complement the hotel industry in the summer season while competing with hotels in the shoulder and off seasons. The EDC felt that the fee structure for short term rental licences should be revenue neutral. The EDC passed the following resolution for consideration by Council:

THAT the Economic Development Committee support the adoption of the Short Term Rental regulations with consideration for:

1. Evaluate:
 - a. Number of occupants permitted in a Short Term Rental
 - b. Use of accessory buildings for Short Term Rentals
2. Suggest clarification in materials regarding:
 - a. Single detached dwellings (strata properties)
 - b. On-site parking
3. Additional consultation with Economic Development Committee regarding proposed fee structure.

The Advisory Planning Commission (APC) also was generally in support of regulating short term rentals. The APC felt that prohibiting secondary suites to be used for short term rentals would eliminate a high number of existing operators in the City. The APC noted that many visitors choose short term rentals specifically in order to have their own kitchen and private space. The APC discussed consideration of a range of short term rental classifications and the need for user friendly regulations for everyone impacted by short term rental operations (operators and residents). There were discussions around compliance and enforcement in order to ensure that non-compliant properties are able to

be addressed effectively. There was a desire to see additional bylaw resources and a concern that third party monitoring may not assist in addressing ongoing nuisances. The APC passed the following resolution for consideration by Council:

THAT the Advisory Planning Commission recommend support for the adoption of Short Term Rental regulations subject to reconsideration of the following:

1. Council consider permitting the use of secondary suites and accessory homes for Short Term Rentals; and
2. Council consider providing more bylaw enforcement resources to address nuisance complaints in relation to Short Term Rentals.

Online Questionnaire and Community Feedback Summary

The majority of feedback from the online questionnaire and public correspondence was consistent with the City's draft regulation program. Key themes from the online questionnaire are highlighted for each of the Guiding Principles. Throughout this section, quotes from respondents to the online questionnaire have been integrated to provide voices to the valuable comments and varied perspectives heard from the community.

Mitigating Negative Neighbourhood Impacts

Impacts to neighbours and neighbourhoods was the most commonly referenced concern or topic. This reiterates the priority placed on mitigating negative impacts to the community as the number one Guiding Principle for the development of short term rental regulations. Some common themes were:

- Noise was the number one concern raised in relation to potential neighbourhood impacts.
- Increased traffic in neighbourhoods from multiple vehicles for each booking and new guests on a nightly or weekly basis.
- Protect the residential character of neighbourhoods.
- Regulate short term rentals to create a culture of respect.

"There are good ones and bad ones. Short Term Rental [Operators] who push the boundaries beyond acceptable should be curtailed, those who provide a good service and do not compromise their neighbours should be encouraged"

"Renters tend to be on vacation and are not always considerate of permanent residents and this can create problems in the neighbourhood"

In consideration of the locations and areas that short term rentals should be considered within, most comments reiterated concerns that this use has on residential neighbourhoods with common recommendations to:

- Use of neighbourhood limits or licence caps;
- Ensure only principal residences were permitted as short term rentals
- Support for the existing integration of bed and breakfasts

- Adequate off-street parking would be necessary to mitigate concerns related to parking and traffic on neighbourhood streets.

Many submission responses related to the proposed occupancy limits of short term rental:

- Larger groups travelling together have the potential to have more impact on neighbourhoods.
- Many families choose short term rentals as a more cost effective and convenient accommodation option.
- Short term rentals can provide amenities not always available at traditional accommodations such as kitchen facilities, separate bedrooms for children, and outdoor yard space.

“Parking is very important and many streets in West Kelowna do not have room for additional cars to park. Short Term Rentals should only be allowed where there is adequate parking on the property for all residents of the rentals.”

“It is helpful for people with young children or pets especially that may need access to a kitchen to allow them to stay longer in the area and stick to their budget”

Protecting Long Term Rentals

The impacts on long term rentals did not receive very much direct attention from respondents. However, important key takeaways were:

- Short term rentals can be more attractive than long term rentals for property owners who have had negative experiences with some long term tenants.
- Short term rentals provide flexibility as well as the increased income potential as a “mortgage helper”,
- Increases in short term rentals may lead to the increased cost and scarcity of available long term rentals.

The feedback received on the type of dwellings that short term rentals should be permitted within was fairly evenly split:

- Clear desire within the community for reconsideration of the opportunity to offer short term rentals on properties with secondary suites.
- A short term rental within a secondary suite was viewed as less likely to cause negative neighbourhood impacts.
- Difficulties for those moving to or within West Kelowna to find affordable rental accommodations.
- Concern over the transition of existing rentals from the market.

“Short term rentals should be allowed in carriage houses or in basement suites as long as parking is available. Owners who rent to students from September to April be able to switch from month to month rent to short term rental in the summer months”

“I did have an Airbnb rental in my home but changed it to a long term rental when I saw that west kelowna was not permitting them. I changed my mind as I evaluated the disadvantages of a month rental and so not currently run any rental opportunity In my home.”

Recognize Importance of Short Term Rentals for Tourism

Many respondents spoke to the growing need to complement the existing tourism and accommodation industry with short term rentals, and to ensure consistency with neighbouring tourism destinations, such as Kelowna:

- Short term rentals bring to attract tourists to stay within the community near wineries and frequent local businesses
- Draw new residents to the community who get to experience the residential neighbourhoods
- Provide options for people to rent short term in between property transactions or during moves

“All of the short term rentals that I have provided in West Kelowna brought in individuals from outside of West Kelowna to stay and spend their money in our community. Without the option for cheaper accommodations, there is a significant possibility that these visitors would choose another place to visit that is more affordable.”

“A substantial portion of tourism for West Kelowna is based around our wineries, agriculture, and outdoor activity amenities. The guests that coming for these activities are the prime demographic for short term rentals in unique locations, they don’t want to stay in cold hotel rooms.”

Comprehensive Licensing, Compliance & Enforcement

When asked about what regulation measures should be considered, almost 20% of the responses to this question mentioned the need for effective enforcement measures supported by fines. Key themes regarding licencing and compliance were:

- Desire for more bylaw department resources.
- Clear policy for operators who do not comply with the regulations and bylaws.
- Regulations that are simple and easy to navigate for potential operators.
- Neighbours of unregulated short term rentals are currently experiencing frustration.
- Weight of complaint based enforcement for short term rentals is unfairly placed on residents.
- Desire for proactive enforcement of short term rentals.

“Don’t over regulate specifics. Lay out good operating practices with a way to fine those that don’t follow them. Create a low cost licensing requirement. Recognize the values of \$ they bring into the area”

“My biggest issue is that there is some consideration of neighbours ability to enjoy their home. Not sure how best to deal with parking and noise violators, but having enforcement of these issues would be helpful to curb issues.”

DISCUSSION

Impacts of proposed regulations on STR Market in West Kelowna

As of July 2020, there were approximately 378 short term rental units operating within the City of West Kelowna. Pre-pandemic, there were 420 active short term rental units in West Kelowna (January 2020). Most short term rental listings in West Kelowna are entire

dwellings (82%) and single detached residential properties (76%). These numbers include listings for secondary suites and carriage houses.

As it is proposed that short term rentals would only be permitted within single detached dwellings, this means that a minimum of 24% of existing operators would not be eligible for a short term rental business licence (multiple family residential). Out of existing operators, this would leave between 280 and 320 eligible properties based on the type of dwelling alone (single vs. multiple residential). However, as this number includes properties with secondary suites, a large percentage would be ineligible for a licence.

Other municipalities (City of Kelowna) experienced an overall reduction of 62% of active short term rental listings with the introduction of regulations for short term rentals. If West Kelowna experienced a similar rate of reduction (60%), there could be approximately 150 to 170 short term rentals operating in the City post regulation.

Temporary Use Permits for Non-Adhering Short Term Rentals

Throughout the engagement period, staff heard comments and discussion around the use of accessory dwelling units (secondary suites and carriage houses) for short term rentals. Staff understand that many existing operators of short term rentals may be operating from a secondary suite or carriage house. If the proposed Zoning Bylaw amendments are adopted, these properties would be ineligible to be used for short term rentals.

Council has the authority under the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. Any property owner whose zoning does not allow for short term rentals, or whose property cannot meet the Zoning Bylaw regulations, may apply for a Temporary Use Permit application to request the use of their property for a short term rental.

Council may wish to consider providing direction to staff if it is desired to have a higher application fee or business licence for such operators. Another alternative for Council to consider would be the implementation of a more formalized intake program to facilitate a batch of applications. This approach has been used in other municipalities where there was a desire to acknowledge the importance that short term rentals have in the tourism accommodation industry, while still prioritizing the use of accessory dwelling units for long term rentals. It is also a similar approach used for the intake of non-medical cannabis retail store rezoning applications in the City of West Kelowna.

Bylaw Compliance & Enforcement Program

The proposed Short Term Rental Compliance & Enforcement Program (*Attachment 5*), anticipates required staff resources, enforcement measures, identification of listed properties and proactive enforcement.

Table 5 - Proposed Short Term Rental Compliance & Enforcement Program

Additional Staff Resources	<ul style="list-style-type: none">• Senior Business Licencing Officer;• Term 0.5FTE secretary/clerk reviewed for full-time status;
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	<ul style="list-style-type: none"> • Casual clerk during initial intake period
Enhanced Enforcement Measures	<ul style="list-style-type: none"> • Short Term Rental regulations within Zoning & Business Licencing Bylaws; • Bulletin outlining requirements and expectations; • 14 Additional Offences and Fines with new regulations; • Increased maximum daily fine of \$1,000 under MTI Bylaw
Identification of Short Term Rental Properties	<ul style="list-style-type: none"> • Third party contractor to identify listings on multiple sites; • Ongoing identification of new listings
Proactive Enforcement	<ul style="list-style-type: none"> • Third party contactor to send automated compliance letters; • Second letter to be sent within 30 days if no response received; • Referred to Bylaw for enforcement action if compliance is not achieved.

NEXT STEPS

If the proposed short term rental Zoning Amendment Bylaw receives 1st and 2nd readings, a Public Hearing will be scheduled.

Bylaw amendments will be drafted to regulate the operation, licencing and enforcement of short term rentals for Councils consideration of 1st, 2nd and 3rd readings, to be considered following a Public Hearing and 3rd reading of the proposed short term rental Zoning Amendment Bylaw.

Approval from the Ministry of Transportation and Infrastructure will be required prior to adoption of the Zoning Amendment Bylaw.

FINANCIAL IMPLICATIONS

It is not anticipated that Business Licencing fees for short term rentals would be able to completely cover the required resources necessary to implement the program. Council has provided preliminary budget approval for a Senior Business Licencing Officer position within the Business Licencing department. Additional resources will be required to be allocated to the Short Term Rental program to achieve the proposed compliance and enforcement program including casual staff and extending or considering full time status for the 0.5 FTE Secretary/Clerk term position.

Based on the proposed regulations, estimations of post-regulation licencing eligibility and listing reductions, staff provide the following revenue projections for consideration based on the proposed fees:

Table 6 – Major Short Term Rental Revenue Estimations				
	Fee	Low 90 Licences	Med 130 Licences	High 170 Licences
Major Short Term Rental Business Licences	\$500	\$45,000	\$65,000	\$85,000

Potential annual costs for third party monitoring (based on a projected number of listings post regulation of up to 170) are estimated at \$3,000 CAD for compliance monitoring and \$5,000 CAD for address identification. This cost may be higher in the first year of regulation if listing numbers are higher.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 26, 2021	Information Update for Council on Short Term Rental Engagement Results	-
November 24, 2020	THAT Council direct staff to further engage the community and stakeholders on the proposed Short Term Rental program as outlined in this report.	C300/20
September 29, 2020	Council provided direction to staff that short term rentals be regulated, and that the creation of regulations for short term rentals be done through the review of regional practices and consultation with both stakeholders and the public. Council's direction followed the decision points presented to Council.	-
September 17, 2019	THAT Council direct staff to investigate and report back to Council regarding Air BnB and short term rentals in West Kelowna within the next 6 months.	C327/19

ALTERNATIVE MOTIONS

Alternative Motion 1 – First Reading Only

THAT Council give first reading to the “City of West Kelowna Zoning Amendment Bylaw No. 0154.99, 2021”.

Should Council wish to only give first reading to the bylaw, to indicate support in principle, it is requested that Council provide specific direction as to additional information Council requires or changes which should be made to the bylaw. Staff would bring back an amended Bylaw for consideration of second reading.

Alternative Motion 2 - Postponement

THAT Council postpone readings to the “City of West Kelowna Zoning Amendment Bylaw No. 0154.99, 2021”.

Should Council wish to postpone readings, it is requested that Council provide specific direction as to which changes should be made to the bylaw amendment prior to reconsideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0154.99 (Short Term Rental Regulations)
2. Redlined Zoning Bylaw Changes
3. Draft Business Licencing Regulations for Short Term Rentals
4. Draft Business Licence Application Form for Short Term Rentals
5. Short Term Rental Compliance & Enforcement Program
6. OCP Policy in relation to Short Term Rentals

CITY OF WEST KELOWNA

BYLAW NO. 0154.99

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" 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. 0154.99, 2021".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

2.1 By adding to Part 2 – Interpretation, Section 2.8 Definitions in appropriate alphabetical order the following:

SHORT TERM RENTAL, MINOR means the use of a single detached dwelling by an occupant of the dwelling as a vacation rental where the operator remains on-site during guest stays, this use includes bed and breakfasts.

2.2 By adding to Part 2 – Interpretation, Section 2.8 Definitions in appropriate alphabetical order the following:

SHORT TERM RENTAL, MAJOR means the use of a single detached dwelling by an occupant of the dwelling as a vacation rental where the operator may be off-site during guest stays.

2.3 By replacing the phrase "bed and breakfast" in subsection 3.3.1(b) with the phrase "short term rental".

2.4 By replacing the phrase "Bed and Breakfast" in subsection 3.16.7 with the phrase "short term rental".

2.5 By deleting Section 3.17 Bed and Breakfast in it's entirety and replacing it with the following:

3.17 Short Term Rental

.1 A short term rental shall only be conducted within a principal single detached dwelling.

- .2 An occupant of the single detached dwelling shall be the operator of the short term rental. For certainty an occupant shall be a principal resident of the single detached dwelling.
- .3 No more than two adults may occupy a bedroom used for the short term rental.
- .4 Bedrooms shall only be rented for periods of less than one month.
- .5 A short term rental 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.
- .6 There shall be no exterior indication that a short term rental is in operation on any parcel, except for permitted signage and required parking.
- .7 A short term rental 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.
- .8 A short term rental is not permitted on a parcel that contains a secondary suite or carriage house.
- .9 Short Term Rental, Minor:
 - (a) The operator of a minor short term rental must be on-site when the minor short term rental is operating; and
 - (b) No more than 3 bedrooms are permitted to be used for a minor short term rental.
- .10 Short Term Rental, Major:
 - (a) The operator of a major short term rental may be off-site when the major short term rental is operating; and
 - (b) No more than 4 bedrooms are permitted to be used for a major short term rental.
- 2.6 By replacing the phrase “bed and breakfast” in subsection 3.20.5 with the phrase “short term rental”.
- 2.7 By replacing the phrase “bed and breakfast” in subsection 3.26.15 with the phrase “short term rental”.
- 2.8 Amending Table 4.1 – Required parking spaces in Section 4.4 by deleting in it’s entirety the following section for Bed and breakfast / Agri-tourism accommodation

Bed and breakfast / Agri-tourism accommodation	1.0 per guest room
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And adding new sections for Agri-Tourism Accommodation and Short Term Rental in their appropriate location that reads as follows:

Agri-tourism accommodation	1.0 per guest room
Short term rental	Minor – 1.0 per bedroom Major – 0.5 per bedroom

- 2.9 By replacing the phrase “bed and breakfasts” in subsection 4.4.3(1).1 with the phrase “short term rentals”
- 2.10 By deleting Section 8.1.3(f) and adding to section 8.1.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.11 By deleting Section 9.1.3(b) and adding to Section 9.1.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.12 By deleting Section 9.2.3(d). and adding to Section 9.2.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.13 By deleting Section 9.3.3(e) and adding to Section 9.3.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.14 By deleting Section 9.4.3(f) and adding to Section 9.4.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.15 By deleting Section 9.5.3(j) and adding to Section 9.5.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.16 By deleting Section 10.4.3(b) and adding to Section 10.4.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.17 By deleting Section 10.6.3(b) and adding to Section 10.6.3 in appropriate alphabetical order, the following:
“Short term rental, minor or major”
- 2.18 By deleting Section CD-1(E).1(c) from Part 14 CD1 – Westlake and adding to section CD-1(E).1 in appropriate alphabetical order, the following:
“Short term rental, minor or major”

READ A FIRST AND SECOND TIME THIS
PUBLIC HEARING HELD THIS
READ A THIRD TIME THIS
APPROVED BY THE MINISTRY OF TRANSPORTATION THIS
ADOPTED THIS

MAYOR

CITY CLERK

PART 2 – INTERPRETATION

2.8 DEFINITIONS

SHORT TERM RENTAL, MINOR means the use of a single detached dwelling by an occupant of the dwelling as a vacation rental where the operator remains on-site during guest stays, this use includes bed and breakfasts.

SHORT TERM RENTAL, MAJOR means the use of a single detached dwelling by an occupant of the dwelling as a vacation rental where the operator may be off-site during guest stays.

PART 3 – GENERAL REGULATIONS

3.3 PROHIBITED USES AND STRUCTURES

- .1 The following uses are prohibited in every zone:
 - (a) Outdoor storage of materials beneath electrical power distribution lines; and
 - (b) Vacation rentals other than ~~bed and breakfast~~short term rental uses, agri-tourism accommodations, and the use of resort apartments and resort townhouses.

3.14 SECONDARY SUITES

- .1 A secondary suite shall be located only within a principal single detached dwelling.
- .2 A secondary suite shall have a maximum floor area of 90 m² (968.8 ft²) or 40 % of the habitable floor area of the principal dwelling, whichever is less.
- .3 The entrance to the secondary suite shall:
 - (a) be a separate exterior entrance from that of the principal dwelling unit; and
 - (b) be subordinate in appearance, to the satisfaction of the City, to the principle dwelling entrance, where it faces the same highway as the entrance to the principal dwelling unit.
- .4 A secondary suite shall not be permitted without connection to a community sewer system unless the parcel receives the written approval of a Registered Onsite Wastewater Practitioner (ROWP) for septic disposal capacity.
- .5 A secondary suite shall not be subdivided from the principal single detached dwelling.

- .6 A secondary suite shall only be rented for rental periods of one month or greater.
- .7 A secondary suite is not permitted on a parcel that contains a ~~Bed and Breakfast~~short term rental.

3.17 BED AND BREAKFAST SHORT TERM RENTAL

- .1 A short term rental shall only be conducted within a principal single detached dwelling.
- .2 An occupant of the single detached dwelling shall be the operator of the short term rental. For certainty an occupant shall be a principal resident of the single detached dwelling.
- .3 No more than two adults may occupy a bedroom used for the short term rental.
- .4 Bedrooms shall only be rented for periods of less than one month.
- .5 A short term rental 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.
- .6 There shall be no exterior indication that a short term rental is in operation on any parcel, except for permitted signage and required parking.
- .7 A short term rental 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.
- .8 A short term rental is not permitted on a parcel that contains a secondary suite or carriage house.
- .9 Short Term Rental, Minor:
 - (a) The operator of a minor short term rental must be on-site when the minor short term rental is operating; and
 - (b) No more than 3 bedrooms are permitted to be used for a minor short term rental.
- .10 Short Term Rental, Major:
 - (a) The operator of a major short term rental may be off-site when the major short term rental is operating; and
 - (b) No more than 4 bedrooms are permitted to be used for a major short term rental.
- ~~.1 A bed and breakfast shall only be conducted within a principal single detached dwelling.~~
- ~~.2 An occupant of the single detached dwelling shall be the operator of the bed and breakfast.~~

- ~~.3 — No more than 4 guest rooms are permitted in a bed and breakfast and no more than 8 guests are permitted in a bed and breakfast at any one time.~~
- ~~.4 — Guest rooms shall only be rented for rental periods of less than 1 month.~~
- ~~.5 — A bed and breakfast is permitted to have no more than 1 non-internally illuminated sign to a maximum size of 3000 m² (465 in²) that is attached to the principal single detached dwelling or located elsewhere on the parcel and a minimum distance of 1.5 m (4.9 ft) from any parcel boundary.~~
- ~~.6 — There shall be no exterior indication that a bed and breakfast is in operation on any parcel, except for permitted signage and required parking.~~
- ~~.7 — A bed and breakfast 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.~~~~
- ~~.8.1 A bed and breakfast is not permitted on a parcel that contains a secondary suite or carriage house.~~

3.26 CARRIAGE HOUSES

- .1 The minimum parcel area required to accommodate a carriage house on a parcel with a single detached dwelling is specified in Table 3.11.

Table 3.11 Minimum parcel area

Zone	Minimum Parcel Area
RC1 & RC2	650 m ² (6,996.5 ft ²)
R1	1100 m ² (11,840.3 ft ²)
R1L, RU1, RU2, RU3, RU4, RU5 & A1	2,500 m ² (26,909.7 ft ²)

- .2 The maximum floor area of a carriage house is specified in Table 3.12.

Table 3.12 Maximum gross floor area.

Zone	Maximum Gross Floor Area
RC1, RC2, R1, R1L, RU1,	90 m ² (968.7 ft ²) or 75% of the gross floor area of the principal dwelling, whichever is less
RU2, RU3, RU4, RU5, A1	140 m ² (1,506.9 ft ²) or 75% of the floor area of the principal dwelling, whichever is less

- .3 A carriage house requires a connection to a community water system unless:
 - (a) Connection to a community water system is not available to the parcel; and

- (b) The applicant for building permit for the carriage house provides to the City the certification of a professional engineer specializing in groundwater hydrology, registered to practice in the Province of B.C., that a sufficient supply of potable groundwater is available to serve the existing or proposed single detached dwelling and the proposed carriage house.
- .4 A carriage house requires a connection to a community sewer system unless:
 - (a) Connection to community sewer is not available to the parcel;
 - (b) The parcel has a minimum lot area of 1 ha (2.4 ac); and
 - (c) The applicant for building permit for the carriage house provides to the City evidence that all filings with Interior Health that are required by Section 8 of the Sewerage System Regulation have been made.
 - .5 No portion of the roof of a carriage house shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.
 - .6 For carriage house in a 1.5 storey building, the upper storey shall have a maximum floor area of 75% of the main floor area.
 - .7 Dormers are permitted on carriage house roofs provided that:
 - (a) The side walls of the dormer are set back horizontally a minimum of 0.9 m (2.9 ft) from a roof edge;
 - (b) The front face of the dormer is set back a minimum of 0.6 m (1.9 ft) from the outer edge of the parallel eave;
 - (c) The height of the dormer does not exceed the height of the peak of the roof; and
 - (d) The width of the dormer does not exceed 40% of the length of the roof from which the dormer projects.
 - .8 The entrance to the carriage house shall be a separate exterior entrance that does not require passage through any part of the building used for motor vehicle parking or accessory uses.
 - .9 A carriage house must be separated a minimum distance of 3 m (9.8 ft) from the single detached dwelling on the same parcel.
 - .10 Where a carriage house is located within 25 m (82.02 ft) of a parcel boundary, a solid screen, consisting of either fencing or a hedge with a minimum height at maturity of 2.0 m (6.6 ft), must be provided and maintained along rear and interior side parcel boundaries adjacent to the carriage house and its outdoor amenity space only, where the parcel boundaries of a property maintaining a carriage house abut a residential or rural zone.
 - .11 A carriage house shall not include any above ground patios or roof top decks.
 - .12 A carriage house shall not be subdivided under the *Strata Property Act* building strata subdivision provisions from the principal single detached dwelling on the parcel.

- .13 A carriage house shall only be rented for rental periods of one month or greater.
- .14 A carriage house is not permitted on a parcel that contains a secondary suite.
- .15 A carriage house is not permitted on a parcel that contains a ~~bed and breakfast~~short term rental.
- .16 A carriage house is not permitted on a parcel that contains an agricultural worker dwelling.

PART 4 - OFF-STREET PARKING AND LOADING

4.4 STANDARD PARKING SPACES

.1 Number of Spaces

- (a) The number of required parking spaces is specified in Table 4.1.
- (b) Where seating accommodation is the basis for a unit of measurement in Table 4.1, each 0.5 m (1.6 ft) of length of benches, pews and similar types of seating shall be deemed to be one seat.

Table 4.1 – Required parking spaces.

USE	NUMBER OF REQUIRED PARKING SPACES
RESIDENTIAL AND RESIDENTIAL-RELATED	
Single detached dwelling, modular home, mobile home	2.0 per dwelling unit
Duplex	2.0 per dwelling unit
Secondary suite	1.0 per one bedroom dwelling 2.0 per two or more bedroom dwelling
Carriage house	1.0 per one bedroom dwelling 2.0 per two or more bedroom dwelling or 91 m ² (979.5 ft ²) of gross floor area or greater.
Townhouse	2.0 per dwelling unit
Apartment	
Bachelor or one bedroom	1.0 per dwelling unit
Two + bedroom	1.5 per dwelling unit
Congregate housing	0.5 per guest room
Group home	0.75 per guest room
Bed and breakfast / Agri-tourism accommodation	1.0 per guest room
<u>Agri-Tourism Accommodation</u>	<u>1.0 per guest room</u>
<u>Short term rental</u>	<u>Minor – 1.0 per guest room</u> <u>Major – 0.5 per guest room</u>
Home based business	1.0 per employee and 1.0 per client (except a care facility, minor which shall have 1.0 per employee)
Live/work unit	1.0 per unit
Caretaker unit	1.0 per unit

RESIDENTIAL – SPECIFIC REQUIREMENTS FOR WESTBANK CENTRE PLAN AREA ONLY (as defined in the 2011 Westbank Centre Revitalization Plan)	
Apartment or Townhouse	
Bachelor	1.0 per dwelling unit
One bedroom	1.0 per dwelling unit
Two bedroom	1.25 per dwelling unit
Three + bedrooms	1.5 per dwelling unit
AGRICULTURE	
Agriculture, general / intensive	1.5 per 100 m ² (1,076.4 ft ²) GFA for any commercial packaging or processing buildings
Agricultural market / produce stand	2.0 per 100 m ² (1,076.4 ft ²) GFA
Agricultural worker dwelling	1.0 per unit
COMMERCIAL AND INDUSTRIAL	
All uses in a Commercial Zone other than those specifically listed in this table	3.0 per 100 m ² (1,076.4 ft ²) GFA
All uses in an Industrial Zone, other than those specifically listed in this table	1.5 per 100 m ² (1,076.4 ft ²) GFA
Auctioneering establishment	5.0 per 100 m ² (1,076.4 ft ²)
Bank / financial services	2.5 per 100 m ² (1,076.4 ft ²) GFA
Building / garden supply	2.0 per 100 m ² (1,076.4 ft ²) GFA
Butcher, bakery, specialty grocery	4.0 per 100 m ² (1,076.4 ft ²) GFA
Bulk fuel depot	0.5 per 100 m ² (1,076.4 ft ²) GFA
Broadcasting studio	2.5 per 100 m ² (1,076.4 ft ²) GFA
Care facility	Minor – as per home based business requirement Major – 1.6 per 100 m ² (1,076.4 ft ²) GFA
Contractor services	2.0 per 100 m ² (1,076.4 ft ²) GFA
Entertainment facility, indoor	1.0 per 5 seats
Equipment repair or equipment rental	2.0 plus 1 per 100 m ² (1,076.4 ft ²) GFA
Food bank	2.0 per 100 m ² (1,076.4 ft ²) GFA
Funeral establishment	3.0 per 100 m ² (1,076.4 ft ²) GFA
Gasoline service station, vehicle washing facility	2.5 per 100 m ² (1,076.4 ft ²) GFA
Greenhouse or plant nursery (commercial)	6.0 per 100 m ² (1,076.4 ft ²) GFA
Grocery store	5.0 per 100 m ² (1,076.4 ft ²) GFA
Health / fitness facility	3.0 per 100 m ² (1,076.4 ft ²) GFA
Heavy industry, concrete plants and asphalt plants	1.0 per 100 m ² (1,076.4 ft ²) GFA

Hotel / motel / resort	1.0 per guest room
Industrial park	1.0 per 100 m ² (1,076.4 ft ²) GFA
Marina	1.0 per 2 boat slips
Motor vehicle sales, rental service and repair shops	1.7 per 100 m ² (1,076.4 ft ²) GFA
Office, general, postal or courier service, high technology business	2.5 per 100 m ² (1,076.4 ft ²) GFA
Office, medical / dental	4.0 per 100 m ² (1,076.4 ft ²) GFA
Outdoor storage	1.0 per 100 m ² (1,076.4 ft ²) GFA
Personal services establishment	As per retail requirement
Printing or publishing	1.5 per 100 m ² (1,076.4 ft ²) GFA
Restaurant/ Neighbourhood Pub/Cabaret/Bar/Lounge	1.0 per 4 seats (including patio seating)
Retail, unless otherwise specifically listed in this table	Units less than or equal to 1000 m ² (10,763.9 ft ²) GFA: 2.0 per 100 m ² (1,076.4 ft ²) Units greater than 1000 m ² (10,763.9 ft ²) GFA: 3.0 per 100 m ² (1,076.4 ft ²)
Salvage yard	1.5 per 100 m ² (1,076.4 ft ²) GFA, minimum of 5
Veterinary clinic	3.0 per 100 m ² (1,076.4 ft ²) GFA
Winery / cidery / brewery / distillery/ meadery	Units less than or equal to 100 m ² (1,076.4 ft ²) GFA tasting area: 2.0 per 100 m ² (1,076.4 ft ²) GFA Units greater than 100 m ² (1,076.4 ft ²) GFA tasting area: 4.0 per 100 m ² (1,076.4 ft ²) GFA Food and Beverage Service Lounge: 1.0 per 4 seats (including patio seating)
Temporary shelter service	1.0 per 100 m ² (1,076.4 ft ²) GFA, minimum of 3
Tourist cabin or campsite	1.1 per unit
Warehouse / commercial storage	0.5 per 100 m ² (1,076.4 ft ²) GFA
Wholesale sales	2.5 per 100 m ² (1,075.4) GFA
INSTITUTIONAL	
All uses in the Institutional and Assembly Zone (P2) other than those specifically listed in this table	2.5 per 100 m ² (1,076.4 ft ²) GFA
Community and assembly hall	2.0 per 100 m ² (1,076.4 ft ²) GFA
Extended medical treatment facility	1.6 per 100 m ² (1,076.4 ft ²) GFA or 2.0 per patient room, whichever is greater
Fire, police and ambulance service	2.5 per 100 m ² (1,076.4 ft ²) GFA

School, elementary	2.0 per classroom
School, secondary	5.0 per classroom
Temporary shelter services	1.0 per 5 beds
College, university and commercial school	10.0 per classroom
RECREATION AND CULTURE	
All uses in the Park and Open Space Zone (P1) other than those specifically listed in this table (except for park and playground uses which do not have a parking requirement)	2.5 per 100 m ² (1,076.4 ft ²) GFA
Bowling alley	2.0 per alley
Curling rink	4.0 per curling sheet
Golf course	4.0 per hole
Golf driving range	1.0 per tee
Library, museum, art gallery, archives	2.0 per 100 m ² (1,076.4 ft ²) GFA
Racquet clubs	3.0 per court
Recreation services, indoor	3.0 per 100 m ² (1,076.4 ft ²) GFA
Recreation services, outdoor	2.5 per 100 m ² (1,076.4 ft ²) GFA or 6 per ha, whichever is greater

.3 Development Standards

(a) Tandem Parking

- .1 Tandem parking is permitted only for single detached dwellings, manufactured homes, duplexes, townhouses, home-based businesses, ~~bed and breakfast~~ short term rentals, secondary suites and carriage houses.

(b) Access

- .1 All parking areas shall be designed and constructed to permit unobstructed access to and egress from each space at all times except where tandem parking is permitted.
- .2 All parking areas shall have access and egress via a driveway of the following widths:
 - (1) Minimum 3.0 m (9.8 ft) and maximum 7.0 m (23.0 ft) for single detached, duplex, manufactured home and townhouse uses.
 - (2) Minimum 4.5 m (14.8 ft) and maximum 9.0 m (29.5 ft) for industrial, commercial, apartment and congregate care and institutional uses.

PART 8 – AGRICULTURAL ZONES

8.1 AGRICULTURAL ZONE (A1)

.1 Purpose

To accommodate agricultural operations and related activities located on parcels that are typically within the Agricultural Land Reserve.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Agriculture, intensive
- (c) Brewery, distillery or meadery
- (d) Kennels, service on parcels 4 ha or greater
- (e) Greenhouse or plant nursery
- (f) Mobile home
- (g) Modular home
- (h) Riding stable
- (i) Single detached dwelling
- (j) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agricultural worker dwelling
- (c) Agricultural worker dwelling, temporary
- (d) Agri-tourism
- (e) Agri-tourism accommodation
- ~~(f)~~ ~~Bed and breakfast~~
- ~~(g)~~(f) Care facility, minor
- ~~(h)~~(g) Carriage house
- ~~(i)~~(h) Home based business, major
- ~~(j)~~(i) Kennels, hobby
- ~~(k)~~(j) Portable saw mill or shake mill
- ~~(l)~~(k) Retail sales of farm products or processed farm products
- ~~(l)~~ Secondary suite
- (m) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures

- (a) On Lot 23, DL 486, Plan 761, ODYD (except Plan KAP71035): one additional single detached dwelling
- (b) On Lot A, DL 3796, ODYD, Plan 29609: one additional single detached dwelling
- (c) On Lot 80, DL 1934, Plan 5381, ODYD, except Plan 16601: one additional single detached dwelling
- (d) On Lot A, DL 3480, ODYD, Plan KAP67210: Outdoor Storage

Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	4.0 ha (9.9 ac), except it is: 2.45 ha (5.73 ac) on the western portion of DL 5075, ODYD, Except Plans 9213 and 12107
(b)	Minimum parcel frontage	30 m (98.4 ft) or 10% of the perimeter of the parcel, whichever is less
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling, mobile home and modular home	Only 1 single detached dwelling or only 1 mobile home or only 1 modular home per parcel
.2	Agricultural worker dwelling including temporary	Subject to Sections 3.18 and 3.19
.3	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	35%
.2	Greenhouse	75% less the parcel coverage of other uses
(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	12.0 m (39.4 ft)
.2	Agricultural worker dwelling and mobile home	9.0 m (29.5 ft) to a maximum of 3 storeys
.3	Barn	20.0 m (65.6 ft)
.4	Accessory buildings and structures	8.0 m (26.2 ft)
.5	Carriage house	5.0 m (16.4) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking space is provided in the same building

SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	3.0 m (9.8 ft)
.3	Interior side parcel boundary	3.0 m (9.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	Watercourses	Subject to Section 3.23
(g)	Despite 8.1.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Intensive agriculture	30.0 m (98.4 ft)
.2	Buildings housing animals (other than intensive agriculture), kennel, riding stable and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - Reserve

PART 9 – RURAL ZONES

9.1. COUNTRY RESIDENTIAL ZONE (RU1)

.1 Purpose

To accommodate rural, agricultural and residential uses on parcels of land that are 0.5 ha or greater.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Greenhouse or plant nursery
- (c) Modular home
- (d) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- ~~(b) Bed and breakfast~~
- ~~(e)~~(b) Care facility, minor
- ~~(d)~~(c) Carriage House
- ~~(e)~~(d) Home based business, major
- ~~(f)~~(e) Kennel, hobby
- ~~(g)~~(f) Retail sales of farm products or processed farm products
- ~~(g)~~ Secondary suite
- (h) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures - *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	0.5 ha (1.2 ac)
(b)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	20%
.2	Greenhouse	50% less the parcel coverage of all other uses, buildings and structures

(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Barn	20.0 m (65.6 ft)
.3	Accessory buildings and structures	5.0 m (16.4 ft)
.4	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft)
.6	Watercourses	Subject to Section 3.23
(g)	Despite 9.1.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature from any parcel boundary:	
.1	Buildings housing animals, kennel and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - *Reserved*

9.2. RURAL RESIDENTIAL SMALL PARCEL ZONE (RU2)

.1 Purpose

To accommodate rural, agricultural, and residential uses on parcels of land that are 1 ha or greater.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Greenhouse or plant nursery
- (c) Modular home
- (d) Single detached dwelling
- (e) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agri-tourism
- (c) Agri-tourism accommodation
- ~~(d)~~ ~~Bed and breakfast~~
- ~~(e)~~(d) Care facility, minor
- ~~(f)~~(e) Carriage house
- ~~(g)~~(f) Home based business, major
- ~~(h)~~(g) Kennel, hobby
- ~~(i)~~(h) Secondary suite
- (i) Retail sales of farm products or processed farm products
- (j) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures – *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	1.0 ha (2.5 ac)
(b)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	10%
.2	Greenhouse	50% less the parcel coverage of all other uses, buildings and structures

(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Barn	20.0 m (65.6 ft)
.3	Accessory buildings and structures	5.0 m (16.4 ft)
.4	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building.
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft)
.6	Watercourses	Subject to Section 3.23
(g)	Despite 9.2.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature from any parcel boundary:	
.1	Buildings housing animals, kennel and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - *Reserved*

9.3. RURAL RESIDENTIAL MEDIUM PARCEL ZONE (RU3)

.1 Purpose

To accommodate rural, agricultural, and residential uses on parcels of land that are 2.0 ha or greater.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Greenhouse or plant nursery
- (c) Modular home
- (d) Riding stables
- (e) Single detached dwelling
- (f) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agricultural retail sales
- (c) Agri-tourism
- (d) Agri-tourism accommodation
- ~~(e) Bed and breakfast~~
- ~~(f)~~(e) Care facility, minor
- ~~(g)~~(f) Carriage house
- ~~(h)~~(g) Home based business, major
- ~~(i)~~(h) Kennel, hobby
- ~~(j)~~(i) Secondary suite
- ~~(j)~~ Retail sales of farm products or processed farm products
- (k) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures - *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	2.0 ha (4.9 ac)
(b)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	10%

.2	Greenhouse	50% of the parcel area, less the parcel coverage of all other uses, buildings and structures
(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling, agricultural worker dwelling and modular home	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Barn	20.0 m (65.6 ft)
.3	Accessory buildings and structures	5.0 m (16.4 ft)
.4	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	7.5 m (24.6 ft)
.3	Interior side parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft)
.6	Watercourses	Subject to Section 3.23
(g)	Despite 9.3.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature from any parcel boundary:	
.1	Buildings housing animals, kennel and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - Reserved

9.4. RURAL RESIDENTIAL LARGE PARCEL ZONE (RU4)

.1 Purpose

To accommodate rural, agricultural and residential uses on parcels of land that are 4 ha or greater.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Agriculture, intensive
- (c) Greenhouse or plant nursery
- (d) Kennel, service on parcels larger than 4 ha
- (e) Modular home
- (f) Riding stable on parcels 2 ha or greater
- (g) Single detached dwelling
- (h) Veterinary clinic
- (i) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agricultural retail sales
- (c) Agricultural worker dwelling
- (d) Agri-tourism
- (e) Agri-tourism accommodation
- ~~(f)~~ ~~Bed and breakfast~~
- ~~(g)~~(f) Care facility, minor
- ~~(h)~~(g) Carriage house
- ~~(i)~~(h) Home based business, major
- ~~(j)~~(i) Kennel, hobby
- ~~(k)~~(j) Portable saw mill or portable shake mill
- ~~(l)~~(k) Secondary suite
- ~~(l)~~ Retail sales of farm products or processed farm products
- (m) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures - Reserved

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	4.0 ha (9.9 ac)
(b)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel
.2	Agricultural worker dwelling	Subject to Section 3.18

.3	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For all uses, buildings and structures other than a greenhouse	10%
.2	Greenhouse	50% less the parcel coverage of all other uses, buildings and structures
(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	12.0 m (39.4 ft)
.2	Agricultural worker dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.3	Barn	20.0 m (65.6 ft)
.4	Accessory buildings and structures	8.0 m (26.2 ft)
.5	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	9.0 m (29.5 ft)
.3	Interior parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft)
.6	Watercourses	Subject to Section 3.23
(g)	Despite 9.4.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature from any parcel boundary:	
.1	Intensive agriculture	100.0 m (328.1 ft)
.2	Buildings housing animals (other than intensive agriculture), kennel, riding stable and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - Reserved

9.5. RURAL RESOURCE ZONE (RU5)

.1 Purpose

To accommodate rural, agricultural and residential uses on parcels of land that are 30 ha or greater.

.2 Principal Uses, Buildings and Structures

- (a) Agriculture, general
- (b) Agriculture, intensive
- (c) Greenhouse or plant nursery
- (d) Kennels, service on parcels larger than 4 ha
- (e) Modular home
- (f) Single detached dwelling
- (g) Riding stable on parcels 2 ha or greater
- (h) Veterinary clinic
- (i) Winery or cidery

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- (b) Agricultural worker dwelling
- (c) Agricultural worker dwelling, temporary
- (d) Agri-tourism
- (e) Agri-tourism accommodation
- (f) Care facility, minor
- (g) Carriage house
- (h) Home based business, major
- (i) Kennel, hobby
- ~~(j) Bed and breakfast~~
- ~~(k)(j)~~ Portable saw mill or portable shake mill
- ~~(l)(k)~~ Secondary suite
- ~~(l)~~ Retail sales of farm products or processed farm products
- (m) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures - *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	30 ha (74.1 ac)
(b)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel

.2	Agricultural worker dwellings, including temporary	Subject to Sections 3.18 and 3.19
.3	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(d)	Maximum parcel coverage:	
.1	For other uses, buildings and structures other than a greenhouse	10%
.2	Greenhouse	50% less the parcel coverage of all other uses, buildings and structures
(e)	Maximum building height is 15.0 m (49.2 ft) except for the following:	
.1	Single detached dwelling and modular home	12.0 m (39.4 ft)
.2	Agricultural worker dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.3	Barn	20.0 m (65.6 ft)
.4	Accessory buildings and structures	8.0 m (26.2 ft)
.5	Carriage house	5.0 (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	6.0 m (19.7 ft)
.2	Rear parcel boundary	10.0 m (32.8 ft)
.3	Interior side parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft)
.5	A1 Zone or ALR	15.0 m (49.2 ft)
.6	Watercourses	Subject to Section 3.23
(g)	Despite 9.5.5(f), the following uses, buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature from any parcel boundary:	
.1	Intensive agriculture	100.0 m (328.1 ft)
.2	Buildings housing animals (other than intensive agriculture), kennel, riding stable and greenhouse	15.0 m (49.2 ft)

.6 Other Regulations - Reserved

PART 10 – RESIDENTIAL ZONES

10.4 SINGLE DETACHED RESIDENTIAL ZONE (R1)

.1 Purpose

To accommodate low density single detached residential use on parcels of land that are 550 m² and larger.

.2 Principal Uses, Buildings and Structures

(a) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

(a) Accessory uses, buildings and structures

~~(b) Bed and breakfast~~

~~(e)~~(b) Care facility, minor

~~(d)~~(c) Carriage house

~~(e)~~(d) Home based business, major

(e) Secondary suite

(f) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures

(a) On Lot 1, Plan 44004, DL 581 ODYD, Except Plans KAP48178 & KAP53981: vineyard and one single detached/caretakers residence.

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	550 m ² (5,920.2 ft ²)
(b)	Minimum usable parcel area	330 m ² (3,552.1 ft ²)
(c)	Minimum parcel frontage	16.0 m (52.5 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	
.1	Single detached dwelling	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Accessory buildings and structures	5.0 m (16.4 ft)
.3	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or

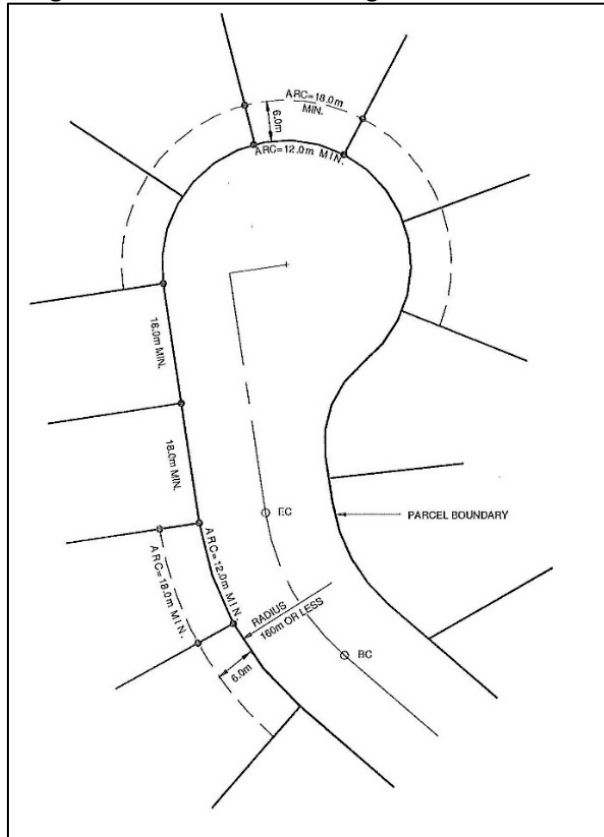
		6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least one parking stall is provided in the same building
--	--	---

SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.4.5(f).1, the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Without limiting the application of the height regulation in Section 10.4.5(f).3, the height of any carriage house wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 1.5 storeys and 6.5 m (21.3 ft).
- (c) Despite Section 10.4.5(c), the parcel frontage may be less than 16.0 m (52.5 ft) for parcels on a cul-de-sac provided that the radius of the curvature along the parcel frontage is less than 160 m (524.9 ft) and the arc length along the parcel boundary is at least 12.0 m (39.4 ft) as illustrated in Figure 10.1.

Figure 10.1 Minimum frontage on a cul-de-sac



.7 Siting Regulations for Approving Subdivisions

- (a) The regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- (b) The regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

10.6 LARGE PARCEL SINGLE DETACHED RESIDENTIAL ZONE (R1L)

.1 Purpose

To accommodate single detached residential development on parcels of land that are 2,500 m² or greater.

.2 Principal Uses, Buildings and Structures

- (a) Modular home
- (b) Single detached dwelling

.3 Secondary Uses, Buildings and Structures

- (a) Accessory uses, buildings and structures
- ~~(b) Bed and breakfast~~
- ~~(c)~~ (b) Care facility, minor
- ~~(d)~~ (c) Carriage house
- ~~(e)~~ (d) Home based business, major
- (e) Secondary suite
- (f) Short term rental, minor or major

.4 Site Specific Uses, Buildings and Structures – *Reserved*

.5 Regulations Table

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	2,500 m ² (26,909.8 ft ²)
(b)	Minimum usable parcel area	330 m ² (3,552.1 ft ²)
(c)	Minimum parcel frontage	30 m (98.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling and modular home	Only 1 single detached dwelling or only 1 modular home per parcel
.2	Secondary suite and carriage house	Only 1 secondary suite or only 1 carriage house per parcel
(e)	Maximum parcel coverage	20%
(f)	Maximum building height:	
.1	Single detached dwelling and modular home	9.0 m (29.5 ft) to a maximum of 3 storeys
.2	Accessory buildings and structures	5.0 m (16.4 ft)
.3	Carriage house	5.0 m (16.4 ft) to a maximum of 1 storey or 6.5 m (21.3 ft) to a maximum of 1.5 storeys where at least

		one parking stall is provided in the same building
SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	6.0 m (19.7 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	6.0 m (19.7 ft)
.3	Interior side parcel boundary	4.5 m (14.8 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

.6 Other Regulations

(a) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- .2 the regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

PART 14 – COMPREHENSIVE DEVELOPMENT ZONES

CD1 (A-G) – Comprehensive Development Zone (Westlake)

CD-1(E) Hillside Housing Single Family

1. Permitted Uses:

- (a) Single detached dwelling
- (b) Home based business, major
- ~~(c) Bed and breakfast~~
- ~~(d)~~(c) Care facility, minor
- ~~(d)~~ Secondary Suite
- (e) Short term rental, minor or major

Hillside Housing Single Family shall be developed in conformance with the “Compact Single Family Housing” of this zone except:

- (a) The density shall be 12 units per hectare
- (b) The minimum parcel size shall be 835 m²
- (c) Minimum frontage of 18.0 m, a reduction in frontage of down to 12.0 m will be permitted on a cul-de-sac provided the minimum arc length along the 6.0 m offset line is 18.0 m.
- (d) There shall be two trees per parcel or per unit which may be comprised of existing trees or new trees. Required trees should have a minimum clear-stem height of 1.5 m for deciduous trees, while coniferous trees should be at least 2.5 m high. The intention is to protect or restore the natural environment in order to screen the development on the hillside.
- (e) Parcels along the top of the ridge to the west of the Village Centre shall have a 10.0 m setback from the area designated “Open Space”. One additional coniferous tree shall be planted within this minimum siting distance per each unit facing onto it in order to screen the development.
- (f) A single lane emergency roadway connecting to a main road at each end may be constructed within the 10.0 m minimum siting distance mentioned above. This single lane road will double as a public walkway.



PROPOSED SHORT TERM RENTAL REGULATIONS

File No: P 20-16
Subject: Proposed Business Licencing Regulations for Short Term Rentals

Business Licencing and Regulations Bylaw No. 0087

SHORT TERM RENTALS

.1 A person must not carry on business as an operator of a short term rental unless the person holds a valid licence issued under the provisions of this Bylaw.

.2 Without limiting Section 2.1, a person applying for the issuance of a licence to operate a short term rental must, in addition to meeting the requirements of Zoning Bylaw No. 0154:

- (a) Make an application to the Licence Inspector on the form provided for short term rental business licence applications;
- (b) Provide, in the form satisfactory to the Licence Inspector, evidence that:
 - a. The operator owns the dwelling where the short term rental is offered, or
 - b. The owner of the property has consented to the use of the property as a short term rental;
- (c) When the property where the short term rental is offered is located within a Strata, provide a letter from the strata council confirming that the use of the dwelling for short term rentals does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
- (d) Provide in the form satisfactory to the Licence Inspector, evidence that the premises where the short term rental is offered is occupied by the operator as their principal residence;
- (e) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit;
- (f) Submit in the form satisfactory to the Licence Inspector a Good Neighbour Agreement;
- (g) Provide a floor plan of the dwelling in which the short term rental is offered, identifying the location of smoke alarms, carbon monoxide alarms, fire extinguishers, fire exits, each guest room, the types of bed in each guest room and the location of any sofa beds (Fire Safety Plan);
- (h) Provide a parking plan which complies with the parking requirements of Zoning Bylaw No. 0154; and
- (i) Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

.3 A person renewing a business licence for a short term rental must:

- (a) Submit in the form satisfactory to the Licence Inspector a Self-Evaluation Safety Audit; and

(b) Provide any other information the Licence Inspector may require for the purposes of ensuring compliance with the City's bylaws and other enactments.

.4 The operator of a short term rental must ensure that any marketing or listing for the short term rental includes the licence number of a valid licence issued for that dwelling under this Bylaw.

.5 The operator or Local Contact of a short term rental must respond or attend at the dwelling within 2 hours of being requested to do so by the Licence Inspector.

.6 An operator of a short term rental must:

- (a) Operate a short term rental only within a licenced dwelling;
- (b) Display the licence inside the entry way to the dwelling;
- (c) Display in each approved bedroom, and in the entryway of the Short Term rental accommodation, a fire safety plan; and
- (d) Adhere to the Good Neighbour Agreement submitted with the application form.

.7 An operator of a short term rental must not:

- (a) Rent out any bedrooms or provide any sleeping accommodation within any secondary suite, carriage house, vehicle, recreational vehicle, tent or accessory building; or
- (b) Allow to be used as bedrooms, any rooms that are not approved and identified on the licence application for that dwelling for the short term rental.

.8 An operator of a major short term rental must:

- (a) Provide the name and contact information for a Local Contact who is designated by the operator as an alternate contact for the major short term rental accommodation;
- (b) Ensure that the name and contact information of the Local Contact is prominently displayed in the dwelling should the operator be absent overnight from their principle residence at a time when the major short term rental is rented; and
- (c) Ensure that no more than one booking is permitted for the major short term rental within the dwelling at one time.



CITY OF WEST KELOWNA
 Development Services —Business Licensing
 2760 Cameron Road West Kelowna, BC, V1Z
 2T6
 Phone: 778-797-8810, Fax: 778-797-1001

SHORT TERM RENTAL BUSINESS LICENCE APPLICATION

Section 1: Business and Operator Information

Short Term Rental Business Name:

Short Term Rental Operator Name(s):

Full Address:

City:

Province:

Postal Code:

Operator's Phone:

Operator's Email:

Emergency Phone:

Please provide proof of principal residence of the property by including either Provincial Homeowners Grant; or

At minimum 2 of the following:

Drivers Licence or Government ID Utility Bills Government Records Tax Documents

Section 2: Short Term Rental Classification

Minor (includes Bed and Breakfasts)

- Maximum 3 bedrooms (Maximum 2 adults per bedroom)
- Operator must be on-site during operation
- Multiple bookings permitted at a time

Major

- Maximum 4 bedrooms (Maximum 2 adults per bedroom)
- Operator may be off-site during operation
- Only one booking permitted at a time

Section 3: Local Contact Information (Major Only)

Local Contact Name:

Local Contact Address :

City:

Province:

Local Contact's Phone:

Local Contact's Email:

Section 4: Short Term Rental Information

Number of Bedrooms to be rented: 1 bedroom 2 bedrooms 3 bedrooms 4 bedrooms (Major Only)

Number of Off Street Parking Spaces Provided for Short Term Rental: 1 Space 2 Spaces 3 Spaces

*** Off-street parking spaces for the short term rental are required in addition to the 2 required parking spaces for the principal residence**

Section 5: Required Additional Materials

Site Plan showing the following:

- Dimensions of all required parking spaces.
- Location of available off-street parking for the short term rental;
- Location of the required parking spaces for the principal residence (2 spaces required).

House Floor Plans showing the following:

- Which bedrooms are designated for the short term rental;
- Types of bed in each bedroom designated for the short term rental ;
- Location of any sofa beds available for the short term rental in living or common areas;
- Location of smoke and carbon monoxide alarms; and
- Location of fire extinguishers and fire exits.

Self Evaluation Safety Audit (see attached form)

Authorization to operate a short term rental

- If the Operator is not the owner of the property; and/or
- If the property is within a Strata

Good Neighbour Agreement (see attached form)

Section 6: Inspections

A mandatory inspection is required for all short term rentals upon initial application for a business licence*. It is the responsibility of the applicant to arrange for the required inspections by calling the inspector directly to arrange a date and time.

- Fire Department: 778-797-3200
- Building Inspection: 778-797-8820

* A Self Evaluation Safety Audit must be completed annually and submitted with a short term rental business licence renewal.

NOTE: If you will be doing any type of construction to the premises to which you are applying for a business licence, you may need to apply for a Building Permit. Section 7.2 of Building Bylaw No. 0086 states: ***“No person shall commence construction of any project for which a permit is required, without first obtaining a permit for that purpose from the Building Inspector.”***

Section 7: Fees

Municipal Business Licence Fee—Short Term Rental

If you are unsure which tier your business falls into, please refer to Schedule 16 of Fees & Charges Bylaw 0028.

Minor Short Term Rental

Full year: Jan 1-Dec 31, \$135 After April 1: \$101.25 After July 1: \$67.50 After October 1: \$33.75

Major Short Term Rental

Full year: Jan 1-Dec 31, \$500 After April 1: \$375 After July 1: \$250 After October 1: \$125

Section 8: Signature

I/we understand that the granting of a business licence is dependent on being in compliance with the Bylaws of the City of West Kelowna and that the proposed business would not be carried out in contravention of the *Criminal Code* or the *Controlled Drugs and Substances Act*.

I/we undertake, if granted the licence applied for, to comply with each and every obligation contained in the Bylaws now in force or which hereafter come into force in the City of West Kelowna.

Signed: _____

Dated: _____

This form is an application only. Business operation is not permitted until this application has been approved by a Business Licensing Officer. Application processing time can take 2—6 weeks.

A mandatory inspection may be required for some businesses prior to receiving your business licence. It is the responsibility of the applicant to arrange for the required inspections by calling the department directly.

City of West Kelowna Fire Department: 778-797-3200

City of West Kelowna Building Department: 778-797-8820

Technical Safety BC (Electrical/Gas): 866-566-7233

The personal information on this form is collected under the authority of the Local Government Act/Community Charter for the purposes of processing this application, and is subject to the Freedom of Information and Protection of Privacy Act. Any questions regarding this collection should be directed to the Legislative Services Department, City of West Kelowna: 778-797-2250.

OFFICE USE ONLY

Business Licence Number:

Referrals:	Referral Date:	Comments:
Building		
Planning		
Fire Dept.		
Interior Health		
RCMP		
Utilities		

BUSINESS LICENSING OFFICER

Approved: Yes No

Date: _____

Signature: _____

CITY OF WEST KELOWNA
Development Services—Business Licensing
2760 Cameron Road, West Kelowna, BC, V1Z 2T6
Phone: 778-797-8810, Fax 778-797-1001



PROPOSED SHORT TERM RENTAL COMPLIANCE & ENFORCEMENT PROGRAM

File No: P 20-16
Subject: Proposed Compliance & Enforcement Program

Staff Resources

The addition of a new position, a full time Senior Business Licencing Officer has been requested. This position would be responsible for and oversee the strategic direction of business licencing services through planning, developing and monitoring internal processes. The Senior Business Licencing Officer would lead the implementation of an effective Short Term Rental regulation program, and manage the proactive enforcement of these regulations.

Currently the Business License Clerk position is located at the City Hall front counter and is a shared position with the Planning Department (0.5/FTE) for each department. The existing 0.5 business licencing clerk position term position is not anticipated to be able to also handle the expected influx of Short Term Rental applications. This 0.5 FTE term position will be reviewed later in 2021 for full time status. The additional application intake and review period (Spring/Summer 2021) will initially be supplemented with the use of a casual clerk as needed.

Enhanced Enforcement Measures

Utilizing the regionally consistent practices approach to regulating short term rentals was also applied when reviewing enforcement options. The Senior Business Licencing Officer would have the ability to suspend or recommend revocation a licence if compliance cannot be achieved within a reasonable time frame under the Business Licencing Bylaw.

New offences are proposed to be introduced as part of the bylaw amendments to the Business Licencing and Regulation Bylaw No. 0087, Bylaw Dispute Adjudication Bylaw No. 0093, and Municipal Ticket Information Utilization Bylaw No. 0095. It is proposed to increase the maximum daily fine for some offences, to act as a deterrent for non-compliance, from \$500 to \$1,000. It was important to ensure that the proposed regulations would be enforceable and it is proposed to introduce a graduating scale of penalties for non-compliance with the Short Term Rental regulations.

Offences which would carry the maximum daily fine of \$500 under the Bylaw Dispute Adjudication Bylaw No. 0093 and \$1,000 under the Municipal Ticket Information Utilization Bylaw No. 0095 include operating a short term rental without a licence, permitting multiple bookings at one time, and using a secondary suite or carriage house for a Short Term Rental.

Offence	Bylaw	Maximum Daily Fine		Existing Offence	Proposed Offence
		Bylaw No. 0093	Bylaw No. 0095		
Contravene permitted uses (specified in each Zone)	Zoning	\$500	\$1,000	X	
Contravene Short Term Rental rules (1 st Offence)	Zoning	\$250	\$250		X
Contravene Short Term Rental rules (2 nd Offence)	Zoning	\$350	\$350		X
Contravene Short Term Rental rules (Continuing Offence)	Zoning	\$500	\$1,000		X
Contravene parking and loading standards	Zoning	\$100	\$100	X	
No Business Licence	Business Licencing	\$500	\$1,000	X	X
Contravene Short Term Rental rules (1st Offence)	Business Licencing	\$250	\$250		X
Contravene Short Term Rental rules (2nd Offence)	Business Licencing	\$350	\$350		X
Contravene Short Term Rental rules (Continuing Offence)	Business Licencing	\$500	\$1,000		X
Marketing without Licence Number	Business Licencing	\$100	\$100		X
Fail to display Local Contact information	Business Licencing	\$100	\$100		X
Fail to attend short term rental within required time period	Business Licencing	\$250	\$250		X
Fail to display business licence	Business Licencing	\$50	\$50	X	
Fail to display fire evacuation plan in each short term rental guest room	Business Licencing	\$100	\$100		X
Operate short term rental contrary to licence conditions	Business Licencing	\$500	\$1,000		X
Permit multiple bookings at one time in major short term rental	Business Licencing	\$500	\$1,000		X
Use secondary suite or carriage house for short term rental	Business Licencing	\$500	\$1,000		X
Use unauthorized bedroom for short term rental	Business Licencing	\$500	\$1,000		X

Third Party Contractor

To mitigate impacts to staff resourcing, it is proposed that a third party company with the expertise and sophisticated software needed to cost effectively identify Short Term Rental properties be contracted. The procurement of a third party contract for these services would go through the Informal Quote or Formal Quote/Bid procurement process depending on the level of service determined to be required. This process could take up to 6-8 weeks prior to

selecting a contractor to provide the service. A third party company that is the successful proponent of this process could reasonably need an additional 4-6 weeks to implement their program.

Staff have been in contact with one potential contractor who has provided an overview of potential services and costs, with costs based on the number of listings requiring monitoring. Services proposed to be contracted include address identification of active listings, automated compliance letters for listings who are in contravention of any of the regulations, the ability to track the status and outcome of each compliance letter.

IDENTIFICATION OF SHORT TERM RENTAL PROPERTIES

Short Term Rental listings can be spread across multiple websites, with new platforms for Short Term Rental listings being introduced all of the time. There are over 50 potential platforms for listing Short Term Rentals including AirBnB, VRBO (Vacation Rentals By Owner), HomeAway, and Booking.com. Short Term Rental listings are constantly being added, changed or removed.

Without utilizing a sophisticated data base system, there would be a significant drain on staff time to identify non-compliant Short Term Rentals. Address data is usually hidden from listings, a third party contractor would use both software and human analysts to identify the exact address and owner information for each identifiable Short Term Rental.

PROACTIVE ENFORCEMENT

The use of the third party contractor is proposed to support the necessary compliance and enforcement efforts utilizing software capable of searching multiple listings across multiple online accommodation platforms to effectively provide accurate and enforceable information. The monitoring and communication services proposed would follow the below process with the assistance of the third party contractor:

- Identified non-compliant Short Term Rental properties would initially receive a letter advising of the compliance requirements;
- If there was no response, a second letter would be sent within 30 days;
- If compliance was not achieved or if there was still no response, the property would be referred to Bylaw for enforcement action.

The Business Licencing department would work to achieve compliance with the Short Term Rental through the letter notification process. The property would be referred to the Bylaw Department for follow up enforcement if compliance could not be achieved.

It is anticipated that the use of a third party company to carry out the above noted services will significantly reduce the amount of enforcement that would normally expected to be needed by Business Licensing and Bylaw Compliance Staff to obtain compliance. After the regulations for short term rentals have been in effect for some time, third party monitoring may no longer be required as operators become familiar with the regulations and staff work to gain compliance.



Official Community Plan Policy

File No: P 20-16
Subject: OCP Policy in Relation to Short Term Rentals

2.5 Guiding Principles

2.5.1 OCP Guiding Principles for Planning & Design

- Respect the Varied Needs of West Kelowna's Citizens
- Recognize and Help Create the Positive and Unique Characteristics of Place
- Create Compact, Complete and Safe Neighbourhoods
- Support an Economically Sound Community

3.2 Growth Management Designations (GMDs)

3.2.6 Neighbourhood

Neighbourhoods make up much of the land base in West Kelowna and their diversity and character contribute to the unique identity of the community.

Neighbourhood Objectives

1. Maintain and enhance the character and liveability of existing neighbourhoods.
2. Increase housing choice and neighbourhood amenities in a manner that complements existing neighbourhood character.

3.3 Land Use Designations

3.3.1 Residential

Residential Policies

9. In Neighbourhood GMD areas with a Low Density Multiple family Land Use Designation, encourage non-residential activities such as neighbourhood parks and minor utility/public service uses which do not cause substantial increases in traffic, parking demands or noise.

3.8 Social Sustainability

3.8.3 Affordable Housing

“...it is critical to maintain the existing stock of affordable housing and increase opportunities for the development of new affordable housing.”

“Affordable housing includes a variety of tenure forms including home ownership, co-housing, cooperative and rental housing.”

Affordable Housing Policies

1. Support the provision of housing choices for people of varying ages and incomes, across the housing continuum, from emergency and transitional housing to affordable homeownership, and support regional initiatives that work toward the provision of this spectrum of non-market housing choices.
2. Support secondary suites as a form of affordable infill housing

3.8.5 Public Health and Safety

“Safe and healthy communities are diverse, convenient and sustainable. They have a **sense of place** and neighbourliness, a clean, accessible, attractive and stable built environment...”

Public Health and Safety Objectives

2. Foster the development of a community that is healthy, safe, diverse and inclusive and where social interaction, physical activity, **sense of place** and neighbourliness are actively promoted and supported.

3.9 Economic Sustainability

“The economy, community and the environment are fundamentally linked, and affect social well-being.”

“...CWK is committed to fostering economic growth while focusing on diversification, revitalization and redevelopment to create a complete community where residents and visitors can live, work, shop and play.”

3.9.1 General Objectives and Policies

Economic Sustainability Objectives

2. Encourage economic development that supports the unique character of the community.
4. Encourage a sustainable tourism economy with a strong economic mix.
5. Encourage economic development that provides services to a broad range of user groups, acknowledging the current and future demographics and associated markets
7. Support growth and change in the local economy so that it contributes positively to the quality of life and the quality of the natural environment.