



COUNCIL REPORT

To: Paul Gipps, CAO

Date: May 11, 2021

From: Hailey Rilkoff, Planner II

File No: P 20-16

Subject: **P 20-16; Zoning Amendment Bylaw No. 0154.99 (2nd Reading as Amended); Short Term Rental Regulations**

RECOMMENDATION

THAT Council rescind second reading of Zoning Amendment Bylaw No. 0154.99, 2021; and

THAT Council give second reading as amended, to Zoning Amendment Bylaw No. 0154.99, 2021; and

THAT Council direct staff to schedule the bylaw for a public hearing.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

On April 6th, 2021, Council received a report which provided additional information and clarification on the items raised at the Public Hearing on Zoning Amendment Bylaw No. 0154.99, 2021 regarding short term rental regulations. Council made several resolutions in order to direct staff on the next steps in developing regulations for short term rentals. The result of the decision points that pertain to the Zoning Bylaw Amendments have been incorporated in the amended Zoning Amendment Bylaw No. 0154.99, 2021 (*Attachment 1*) for Council's consideration.

DISCUSSION

Decision Points Follow Up

Principal Residence Requirement

The operator of a short term accommodation must be the principal resident of the property with a short term accommodation. A definition of principal residence has been added to the Zoning Bylaw as follows:

PRINCIPAL RESIDENCE means the usual place where an individual makes their home and conducts daily affairs, like paying bills and receiving mail, for the majority of the year.

When applying for their business licence, the operator of a short term accommodation will be required to confirm that the property is their principal residence. This will be confirmed by the operator providing a minimum of two supporting documents¹. More details on the Business Licencing and Regulation Bylaw amendments will be prepared following the Public Hearing for the Zoning Bylaw amendments, however a proposed draft of the anticipated regulations is included as *Attachment 2*.

Hosted Short Term Accommodations

It is understood that Council wishes there to be a high degree of interaction between operators of short term accommodations and their guests, but also wishes to provide flexibility for operators to be off-site occasionally. This has been accommodated through the amended definition which reads as (emphasis added):

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

This definition clearly identifies the intention that all short term accommodations are hosted in order to minimize negative neighbourhood impacts. Further clarification will be included within the Business Licencing and Regulation Bylaw amendments for short term accommodations that provide flexibility in the expectations of hosted short term accommodations. This will include the following two definitions in addition to regulations for business licencing:

HOSTED SHORT TERM ACCOMMODATION means a short term accommodation where there is interaction between the operator or their local contact and guests during operation. The operator or local contact must be available to respond to any nuisance complaints at all times during operation of the short term accommodation.

LOCAL CONTACT means a person designated as an alternate host for a short term accommodation by the operator. The local contact must be available to respond to any nuisance complaints if the operator is unavailable.

¹ Provincial Home Owners Grant, Drivers Licence, Utility Bills, Tax Forms, Vehicle Registration, Insurance Forms or Government Records.

One of the proposed regulations within the Business Licencing and Regulation Bylaw is to require the operator, or local contact, to respond or attend at the property within 2 hours of being requested to do so. This will ensure that either the operator or local contact will always be reasonably available to address nuisance complaints quickly if requested by the City.

Secondary Suites and Carriage Houses

The Zoning Amendment Bylaw has been amended to permit short term accommodations within either a single detached dwelling, secondary suite or carriage house. The regulation has been drafted to only permit one dwelling per property to be used as a short term rental.

Bed and Breakfasts

Section 3.17 of the Zoning Bylaw regulating the use of Bed and Breakfast will remain and there will be no changes to the regulations, except to clarify that a property with a bed and breakfast cannot also operate a short term accommodation. A new section has been drafted specifically for the short term accommodation regulations within Part 3 - General Regulations of the Zoning Bylaw.

Terminology and Definitions

The terminology originally proposed of Minor and Major Short Term Rentals have been consolidated into one definition for Short Term Accommodation.

Parking Requirements

The parking requirements for a short term accommodation will remain at one space per one or two bedrooms rented, and two spaces for three or four bedrooms rented. This will be included within Part 4 – Off-Street Parking and Loading Regulations within the Zoning Bylaw in Table 4.1 Required Parking Spaces as follows:

USE	NUMBER OF REQUIRED PARKING SPACES
Short Term	1.0 per 1 or 2 bedrooms
Accommodation	2.0 per 3 or 4 bedrooms

NEXT STEPS

If Council rescinds second reading and re-reads second reading as amended to Zoning Amendment Bylaw No. 0154.99, 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 first, second and third readings, to be considered following the Public Hearing. These will be considered concurrently with third reading of the Zoning Amendment Bylaw.

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

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
April 6, 2021	THAT Council direct staff to require all short term rentals to be principal residences.	C132/21
	THAT Council direct staff to revise the regulations to require all short term rentals to be hosted.	C133/21
	THAT Council direct staff to revise the regulations in order to permit short term rentals on properties with secondary suites and carriage houses.	C134/21
	THAT Council direct staff to keep the existing regulations for Bed and Breakfasts within the Zoning Bylaw.	C135/21
	THAT Council direct staff to revise the minor and major terminology proposed for short term rentals.	C136/21
	THAT Council direct staff to revise the layout for parking requirements to show .5 parking spaces per bedroom in a table format.	C137/21
	THAT Council direct staff to bring the concept of a license cap back for Council consideration after the initial intake period is over.	C138/21
March 16, 2021	Public Hearing	
February 23, 2021	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.	C092/21
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

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, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Amendment Bylaw No. 0154.99, 2021
2. Redlined Zoning Bylaw Changes
3. Proposed Short Term Accommodation Regulations Overview