City of Kelowna Public Hearing AGENDA



Tuesday, March 12, 2019 6:00 pm Council Chamber City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after February 27, 2019 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

	3.1	Altura Rd 30, Z18-0102 (BL11759) - David & Camille Harkins	4 - 9
		To consider a development application to rezone to the RU2c – Medium Lot Housing with Carriage House zone to facilitate a proposed Carriage House on the subject property.	
	3.2	Short-Term Rental Accommodation Regulations TA19-0007 (BL11766) - City of Kelowna	10 - 59
		To amend the Zoning Bylaw by creating a new short-term rental accommodation use with associated regulations, adding the use to select zones with residential and mixed-use commercial uses, and removing the existing apartment hotels use.	
	3.3	Short-Term Rental Accommodation Business Licence and Regulation No. 11720	60 - 77
		To provide an opportunity for public input on the proposed Short-Term Rental Accommodation Business Licence and Regulation Bylaw.	
4.	Termin	ation	
5.	Proced	ure on each Bylaw Submission	
	(a) Br	rief description of the application by City Staff (Community Planning);	

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

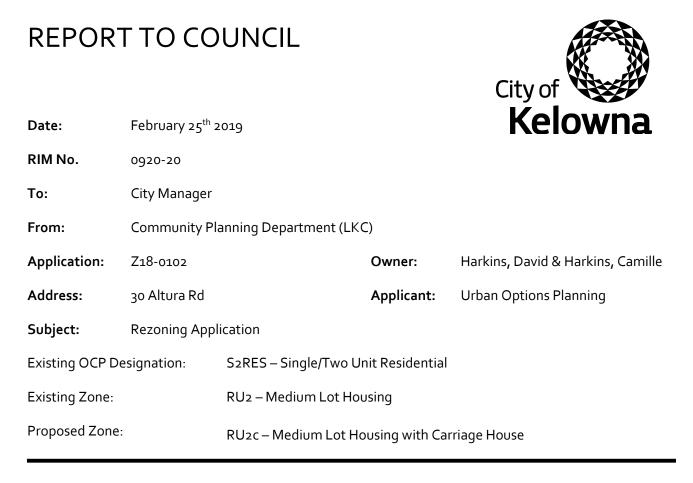
(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is

closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for respresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.



1.0 Recommendation

THAT Rezoning Application No. Z18-0102 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot 1 Section 32 Township 26 ODYD Plan 35716, located at 30 Altura Rd, Kelowna, BC from the RU2- Medium Lot Housing Zone to the RU2c – Medium Lot Housing with Carriage House zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public hearing for further consideration;

2.0 Purpose

To consider a development application to rezone to the RU2c – Medium Lot Housing with Carriage House zone to facilitate a proposed Carriage House on the subject property.

3.0 Community Planning

Staff are recommending support for the proposed rezoning of the subject property to RU₂C – Medium Lot Housing with Carriage House Zone as it is consistent with the Official Community Plan (OCP) Future Land Use designation and infill growth policies for the subject property. The property is located within the Permanent Growth Boundary, is fully serviced, and is located near Knox Mountain Park. The subject property has a Walk Score of 20 as almost all errands require a car, however, there are few transit stops near the subject property.

4.0 Proposal

4.1 Background

The subject property is adjacent to both Altura Road and Monte Road. There is a single family dwelling and accessory building on the property. Driveway access is provided from Altura Road. The existing accessory structure is proposed to remain as part of this application. The existing accessory building is a single car garage with a studio located above the garage. The room does not include a kitchen or a bathroom. The proposed rezoning is necessary to permit the development of a Carriage House on the property.

4.2 Project Description

A one and a half story Carriage House is proposed to be located on the west portion of the lot, between Altura Rd and the existing accessory building. A Development Variance Permit application has been received to vary section 6.5.3 (a) of the Zoning Bylaw to increase the maximum allowable lot coverage for accessory building footprint from 90m² to 117m² as the existing accessory building is proposed to remain on the property.

A second Variance to reduce the front yard setback from 9.0m to 5.5m is also required. The Variance is required to utilize the existing driveway, respect the existing slope on the site, and to avoid a utility right-of way. A similar variance was granted for the adjacent property at 38 Altura Road in 2012 which allowed an accessory structure to be placed 6.0m from the front property line. Neither variance is expected to have a negative impact on the surrounding properties.

4.3 Site Context

The subject property is located in the Glenmore neighbourhood. The subject property is surrounded by properties zoned RR₃ – Rural Residential, RR₃c – Rural Residential with Carriage House, and RU₁ – Large Lot Housing.



Subject Property Map: 30 Altura Rd.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Carriage Houses & Accessory Apartments.²

Support Carriage Houses and accessory apartments through appropriate zoning regulations.

6.o Technical Comments

6.1 Development Engineering Department

See Attached Development Memorandum Dated September 20, 2018

7.0 Application Chronology

Date of Application Received:	August 24, 2018
Date Public Consultation Completed:	October 30, 2018

Report prepared by:	Levan King Cranston, Planner 1
Reviewed by:	Dean Strachan, Manager of Suburban and Rural Planning
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Site Plan Schedule B: Application Letter Schedule C: Development Engineering Memo

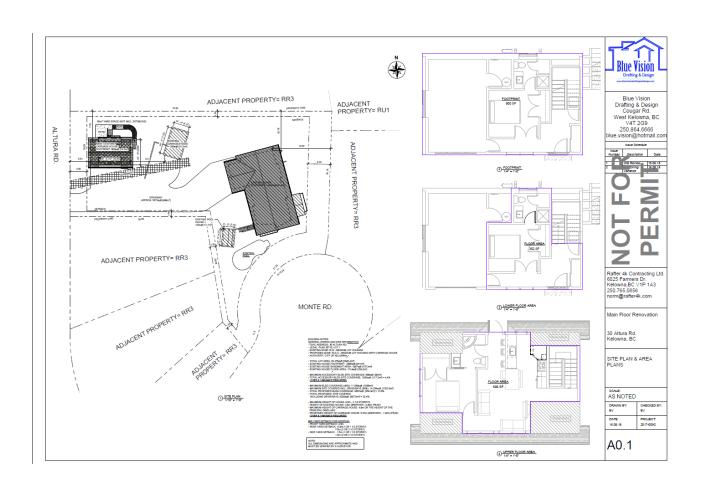
¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

SCHEDULE A – Site Plan



Subject: 30 Altura Rd. (Application Z18-0102)



SCHEDULE B – Application Letter

Subject:

30 Altura Rd. (Application Z18-0102)





August 21, 2018

City Of Kelowna Urban Planning Department 1435 Water Street Kelowna, BC

RE: Rezoning and Development Variance Permit Applications for a Carriage House at 30 Altura Road

Dear Urban Planner:

We are planning to construct a carriage house at 30 Altura Road. The property is ideal for this type of infill development as it is located in an established residential neighbourhood, is ample in size, and is close to urban amenities. Careful consideration has been given to the location of the carriage house ensuring that it best suites the site grade conditions of the property.

A 1½ storey carriage house is proposed for the west portion of the lot, adjacent to Altura Road. The main entrance to the home is planned off of the existing driveway.

The private open space for the carriage house is accessed from a doorway and stairs from the upper level kitchen area, located on the north side of the building. It is expected to be a nice place to site in the summer time. Much care has been taken to locate the building in such a way that retains much of the existing mature vegetation since the site has many trees, as well as to avoid an existing registered right-of-way on the property.

The carriage house design incorporates design elements to complement the existing home on the site. No changes are proposed for the principal dwelling. However the exterior colour patettes of both buildings will be complementary. The existing free-standing garage and amenity room will remain. The Zoning Analysis table is provided for reference.

As the existing accessory building is to remain, the resulting site coverage for accessory buildings is 117m². A Development Variance Permit application has also been made, as the Zoning Bylaw limits the maximum site coverage to 90m². However, the site coverage of the accessory buildings is only 4.5% of the site area, where the bylaw allows up to 14%.

This area has a good mix of single family, and nearby multiple residential dwellings. There are some homes with carriage houses as well as secondary suites in the area, thus we believe this carriage house is a good fit for the area and will contribute to positive infill density in this area of Kelowna.

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URBAN OPTIONS Planning & Permits = Kelowna, BC = 😭 250.575.6707 = 🖂 birte@urbanoptions.ca

SCHEDULE C – Development Engineering Memo City of

Subject:

30 Altura Rd. (Application Z18-0102)

CITY OF KELOWNA

Kelowna

MEMORANDUM

Date:	September 20, 2018			
File No.:	Z18-0102			
To:	Community Planning (AK)			
From:	Development Engineering Manager (JK)			
Subject:	30 Altura Road	RU2 to RU2c	Carriage House	

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the carriage house.

2. Sanitary Sewer

- a. Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service from Monte Rd. This proposed Carriage house cannot be service with this sanitary service. A new sanitary Service can be provided from Altura Rd by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Ryan O'Sullivan, by email rosullivan@kelowna.ca or phone, 250-469-8519.
- Development Permit and Site Related Issues

Direct the roof drains onto splash pads.

Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

James Kay Jages Kay, P. Egg. Development Engineering Manager



Date:	February 25, 2018
File:	1200-40
То:	City Manager
From:	Laura Bentley, Community Planning Supervisor
Subject:	Short-Term Rental Accommodation Regulations

Recommendation:

THAT Zoning Bylaw Text Amendment Application No. TA19-0007 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated February 25, 2018 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

Purpose:

To amend the Zoning Bylaw by creating a new short-term rental accommodation use with associated regulations, adding the use to select zones with residential and mixed-use commercial uses, and removing the existing apartment hotels use.

Background:

Staff propose the amendments to the Zoning Bylaw to implement new regulations for short-term rental accommodation in Kelowna. The regulations aim to balance the desire to allow short-term rentals as an option for tourists and visitors with the need to protect for long-term rentals and to limit impacts on neighbouring properties. Establishing these regulations will help provide clarity to residents about how short-term rentals can be operated. The amendments define short-term rental accommodation as a new use, identify more specific regulations associated with it, and introduce it as a principal or secondary use in the appropriate zones. The amendments also remove the 'apartment hotels' use from the Zoning Bylaw.

On December 3, 2018, Council directed staff to proceed with preparing bylaws to implement the proposed short-term rental accommodation regulations and licensing requirements related to the regulations. The proposed regulations were based on the guiding principles Council endorsed on July 16, 2018 as well as best practice research and input from residents and stakeholders.

The guiding principles that directed the development of the short-term rental regulations are based on Kelowna's housing context, concerns about potential nuisance impacts in residential areas, and establishing a fair approach among short-term accommodation providers. The three guiding principles endorsed by Council are:

- 1. Ensure short-term rental accommodations do not impact the long-term rental housing supply in a negative way.
- 2. Ensure short-term rental accommodations are good neighbours.
- 3. Ensure equity among short-term accommodation providers.

In July 2018, staff also proposed limiting short-term rentals to an operator's principal residence, with the exception of select commercial areas. This has been carried through to the regulations with some adjustments based on stakeholder and resident feedback. Generally speaking, the regulations would introduce short-term rental accommodation as a new secondary use in an operator's principal residence in single / two unit residential, multi-unit residential, and mixed-use commercial zones. They would also remove the apartment hotel use that currently exists in the C4, C7 and some comprehensive development zones, replacing it with short-term rental accommodation as a secondary use and limited to an operator's principal residence. Only certain tourist commercial areas could continue to have short-term rentals as a principal use and not in an operator's principal residence.

The regulations are summarized in the two tables below, with further details outlined in Schedule 'A'. It should be noted that while preparing the specific bylaw amendments, staff made some refinements to what was previously proposed to provide further clarity and alignment with the objectives, as follows:

- To better define principal residency, the regulations state that the short-term rental operator must reside at that dwelling unit for more than 240 days (8 months) of the year. This is consistent with the principal residency requirement to operate a home-based business.
- Provided a dwelling unit in a multi-family development (e.g. townhouse, apartment) has two parking spaces, an additional parking space would not be needed for short-term rental accommodation. Where short-term rental accommodation is a principal use, parking requirements would follow those for apartment housing in that zone.
- Instead of creating a new subzone for properties zoned RM6 High Rise Apartment Housing where short-term rentals are not limited to the operator's principal residence, the bylaw identifies the properties on Sunset Drive where the site-specific use regulations apply.
- To provide more options for short-term accommodation near Kelowna General Hospital, the HD2 Hospital and Health Support Services allows short-term rentals as a principal use.
- The CD14 Comprehensive High Tech Business Campus zone (Landmark area) does not allow any residential uses outside of apartment hotels. Since the apartment hotels use is being removed and the area is developed without apartment hotels, short-term rental accommodation is not being added to this zone.

Zone Category	Principal Use	Secondary Use
Rural residential (RR1-RR3)		 ✓
Single/two unit residential (RU1-RU6, RH1, RH2)		 ✓
Single/two unit residential – health services transitional & comprehensive development (HD3, CD2, CD4, CD10)		~
Multi-unit residential (RU7, RM1-RM6, RH3)		✓
Multi-unit residential – health services transitional & comprehensive development (HD3, CD1, CD2, CD3, CD5, CD17, CD22, CD26, CD27)		~
Mixed-use commercial (C3-C8)		 ✓
Tourist commercial (C9) & health district (HD2)	✓	
McKinley Beach (CD18) & Hiawatha (CD24)	\checkmark^1	 ✓

¹ Principal use in CD18 Area I Village Centre (Hilltown) and CD24 Area A only.

Regulation	Rural and single / two unit residential	Multi-unit residential & commercial	Principal use (C9, HD2, parts of CD18 & CD24)
Maximum # of adults per bedroom / sleeping unit	2	2	2
Maximum # of bedrooms / sleeping units	3	2	3
Maximum # of bookings at a time	1	1	1
Minimum # of parking spaces	1 space per 2 sleeping units	1 space per 2 sleeping units ¹	Follow zone's apartment housing requirements
Allowed in secondary suites / carriage houses	No	n/a	n/a
Business license	Yes	Yes ²	Yes ²
Operator's principal residence	Yes	Yes ³	No

¹ In multi-family developments, parking for short-term rental accommodation does not need to be in addition to the principal dwelling unit where the unit has two parking spaces.

² A higher business license fee is applicable where it is not the operator's principal residence.

³ Properties zoned RM6 along Sunset Drive are not restricted to the operator's principal residence.

Non-Conforming Uses

Should Council move the proposed Zoning Bylaw amendments to Public Hearing, staff will present Council with information regarding non-conforming use provisions. Specifically, staff reviewed several projects that are currently in-stream to determine whether or not they qualify for non-conforming use protection under the *Local Government Act*. This information will be provided in a separate report.

Next Steps

Should the proposed Zoning Bylaw amendments be adopted, those looking to operate a short-term rental would be required to apply for and be issued a business license prior to operating. Staff will focus

on informing residents of the rules they must abide by, with the intent of achieving compliance through licensing and monitoring that will be supported by a third party short-term rental compliance company. Enforcement will be pursued as needed for those properties not in compliance.

Staff will also review and report back to Council after two tourist seasons following implementation of new regulations. Staff have received further comments from residents and stakeholders since the proposed regulations were brought forward on December 3, 2018. A review presents an opportunity to consider how the regulations are working, as well as to explore whether or not other suggestions should be incorporated into the regulation of short-term rental accommodation. Furthermore, the industry continues to evolve, and a review gives staff and Council the opportunity to review the regulations as they relate to ongoing changes in the accommodation industry.

Existing Policy:

<u>OCP Goal 2. Address Housing Needs of All Residents.</u> Address housing needs of all residents by working towards an adequate supply of a variety of housing.

<u>Healthy Housing Strategy Action</u>: Update regulations to protect the rental stock from the impacts of short-term rentals.

Financial/Budgetary Considerations:

Estimated \$320,000 annually for business licensing and enforcement (approved in budget). Business license fees to support cost recovery.

Personnel Implications:

One new License and Bylaw Inspection Officer and one new Administrative Clerk needed to support licensing needs associated with short-term rental accommodation (approved in budget). The positions will be shared with the need for additional resources to support demands of new cannabis retail sales establishments and cannabis production facilities.

Considerations not applicable to this report:

Internal Circulation Legal/Statutory Authority Legal/Statutory Procedural Requirements

Submitted by: L. Bentley, Community Planning Supervisor

Approved for inclusion: R. Smith, Community Planning Department Manager

Attachments:

Schedule 'A' – Short-Term Rental Accommodation Zoning Bylaw No. 8000 Text Amendments

cc:

- G. Wise, Business License Manager
- D. Gazley, Bylaw Services Manager
- K. O'Rourke, Community Communications Manager
- M. Kam, Sustainability Coordinator

Schedule A – Short-Term Rental Accommodation Zoning Bylaw No. 8000 Text Amendments

Part I – Text Amendment Table

No.	Section	Relevant Existing	Proposed	Explanation
1.	2 – Interpretation	APARTMENT HOTELS means	APARTMENT HOTELS means	Remove definition of
		apartment housing having a	apartment housing having a	apartment hotels. To be
	2.3 General Definitions	principal common entrance,	principal common entrance,	replaced with new definition
		cooking facilities and	cooking facilities and	for short-term rental
		furnishings within each	furnishings within each	accommodation and all
		dwelling. This does not include	dwelling. This does not include	references revised accordingly.
		any commercial uses except	any commercial uses except	
		when specifically permitted in	when specifically permitted in	
		the zone .	the zone .	
2.	2 – Interpretation	RESIDENTIAL ZONES means	RESIDENTIAL ZONES means	Keep the minimum tenancy
		any zones described in Sections	any zones described in Sections	period of one month for
	2.3 General Definitions	12 and 13 of this bylaw, or any	12 and 13 of this bylaw, or any	residential zones and clarify
		CD zone in which the	CD zone in which the	that the new short-term rental
		predominant use as determined	predominant use as determined	accommodation use is an
		by its general purpose and list	by its general purpose and list of	exception to that definition,
		of permitted uses is of a	permitted uses is of a residential	provided it is carried out in
		residential nature, and in which	nature, and in which the	accordance with the relevant
		the minimum tenancy period is	minimum tenancy period is at	regulations.
		at least 1 month.	least 1 month <u>, except for short-</u>	
			term rental accommodation as	
			<u>a secondary use.</u>	
3.	2 – Interpretation	n/a	SHORT-TERM RENTAL	Define new use for short-term
			ACCOMMODATION means the	rental accommodation as
	2.3 General Definitions		<u>use of a dwelling</u> unit or one or	distinct from residential use,
			more sleeping units within a	which has a minimum tenancy
			dwelling unit for temporary	period of 30 days.
			overnight accommodation for a	
			period of 29 days or less. This	
			<u>use does not include bed and</u>	

No.	Section	Relevant Existing		Proposed	Explanation
				<u>breakfast homes, hotels or</u> <u>motels.</u>	
4.	6.5 – Accessory Development	(c) Not withstanding 6.5.2(a), one half bat with a toilet and sink	throom < is	(c) Not withstanding Section 6.5.2(a), one half bathroom with a toilet and sink is permitted to	Clarify that no space for sleeping is permitted in accessory buildings. Sleeping
	6.5.2 Accessory Buildings in Non-Residential Zones	permitted to a maxir of 3 m ² . Bedrooms at bathrooms are not p within an accessory structure , except on bathroom is permitte accessory building c used exclusively as a house.	nd / or full permitted building or ne full red in an or structure	a maximum area of 3 m ² . Bedrooms, sleeping units and / or full bathrooms are not permitted within an accessory building or structure, except one full bathroom is permitted in an accessory building or structure used exclusively as a pool house.	units and bedrooms are defined separately in the Zoning Bylaw.
5.	6.5 – Accessory Development 6.5.3 Accessory Buildings in Residential Zones	(h) One half bathroo toilet and sink is per maximum area of 3 r Bedrooms and / or fu bathrooms are not p	mitted to a m². IIL	 (h) One half bathroom with a toilet and sink is permitted to a maximum area of 3 m². Bedrooms, sleeping units and / or full bathrooms are not 	Clarify that no space for sleeping is permitted in accessory buildings. Sleeping units and bedrooms are defined separately in the
		except one full bathr permitted in an acce building or structur exclusively as a pool	room is essory e used	permitted, except one full bathroom is permitted in an accessory building or structure used exclusively as a pool house.	Zoning Bylaw.
6.	8 – Parking and Loading Table 8.1 – Parking Schedule, Residential and Residential Related	Hotels per uni 1.0 per dw uni	spaces	See Part II	Replace parking requirements for apartment hotels with short-term rental accommodation. Where short- term rentals are a secondary use, one medium parking space would need to be provided for every two sleeping units. Any operator in

No.	Section	Relevant Existing	Proposed	Explanation
		designated as visitor parking spaces		multiple dwelling housing (lot with three units or more) must have at least two parking spaces to operate short-term rental accommodation. Where short-term rentals are a principal use, the parking requirements would be the same as what is required for apartment housing in a given zone. See Part II for details.
7.	9.6 Bed and Breakfast Homes	 9.6.1 Bed and breakfast homes shall comply with the following regulations: (c) The licensed operator or a bed and breakfast home must reside in the dwelling in which the bed and breakfast operation is located. 	 9.6.1 Bed and breakfast homes shall comply with the following regulations: (c) The licensed operator <u>of</u> a bed and breakfast home must reside in the dwelling in which the bed and breakfast operation is located <u>and be onsite when the bed and breakfast home is operating.</u> 	Clarify requirements that the operator must be present when guests are staying at a bed and breakfast home.
8.	9.6 Bed and Breakfast Homes	9.6.3 All bed and breakfast homes shall comply with the other provisions of this Bylaw, the BC Building Code, the Agricultural Land Commission General Order No. 1157/93 where applicable, and other fire and health regulations.	9.6.3 All bed and breakfast homes shall comply with the other provisions of this Bylaw, the BC Building Code, the <u>Agricultural Land Reserve Use,</u> <u>Subdivision and Procedure</u> <u>Regulation</u> where applicable, and other fire and health regulations.	Update reference to relevant ALC regulations for bed and breakfast homes.
9.	9 – Specific Use Regulations	n/a	9.17 Short-Term Rental Accommodation See Part III	Add new use-specific regulations that outline principal residency, restriction

No.	Section	Relevant Existing	Proposed	Explanation
				for secondary suites and
				carriage houses, limits on
				number of adults and number
				of rooms used, maximum
				booking per unit, and
				requirement for a business
				license. See Part III for details.
10.	12 – Rural Residential	n/a	Add in appropriate location:	Add short-term rental
	Zones		<u>short-term rental</u>	accommodation as a
			accommodation, subject to	secondary use in all rural
	12.1.3 RR1 Secondary Uses		section 9.17 of this Bylaw	residential zones. Renumber
	12.2.3 RR2 Secondary Uses			accordingly.
	12.3.3 RR3 Secondary Uses			
11.	13 – Urban Residential	n/a	Add in appropriate location:	Add short-term rental
	Zones		<u>short-term rental</u>	accommodation as a
			accommodation, subject to	secondary use in all urban
	13.1.3 RU1 Secondary Uses		section 9.17 of this Bylaw	residential zones except RM6,
	13.2.3 RU2 Secondary Uses			which is addressed below, and
	13.3.3 RU3 Secondary Uses			RM7, which is for mobile home
	13.4.3 RU4 Secondary Uses			parks. Renumber accordingly.
	13.5.3 RU5 Secondary Uses			
	13.6.3 RU6 Secondary Uses			
	13.7.3 RM1 Secondary Uses			
	13.8.3 RM2 Secondary Uses			
	13.9.3 RM3 Secondary Uses			
	13.10.3 RM4 Secondary			
	Uses			
	13.11.3 RM5 Secondary			
	Uses			
	13.14.4 RH1 Secondary			
	Uses			
	13.15.4 RH2 Secondary			
	Uses			

No.	Section	Relevant Existing	Proposed	Explanation
	13.16.4 RH3 Secondary			
	Uses			
	13.17.3 RU7 Secondary			
	Uses			
12.	13.12 RM6 – High Rise	(e) hotel/motel	(e) hotel/motel	Replace hotel/motel
	Apartment Housing	accommodation within a	accommodation within a	accommodation within a
		multiple residential unit	multiple residential unit	multiple residential unit use
	13.12.3 Secondary Uses		<u>(j) short-term rental</u>	with short-term rental
			accommodation, subject to	accommodation as a
			section 9.17 of this Bylaw	secondary use.
13.	13.12 RM6 – High Rise	n/a	13.12.8 Site Specific Uses and	Add new site-specific
	Apartment Housing		<u>Regulations</u>	regulations for RM6 properties
			See Part IV	on Sunset Drive to continue to
				allow for short-term rental
				accommodation as a
				secondary use that is not
				restricted to the operator's
				principal residence. This is in
				lieu of a new RM6 subzone for
				the area. See Part IV for
				details.
14.	14 – Commercial Zones	n/a	(h) short-term rental	Add short-term rental
			accommodation, subject to	accommodation as a
	14.3.3 C3 Secondary Uses		section 9.17 of this Bylaw	secondary use in the
	14.5.3 C5 Secondary Uses			Community Commercial and
				Transition Commercial zones.
15.	14.4 C4 – Urban Centre	(c) apartment hotels	(c) apartment hotels	Remove apartment hotels as a
	Commercial			principal use.
	14.4.2 Principal Uses			
16.	14.4 C4 – Urban Centre	n/a	(f) short-term rental	Add short-term rental
	Commercial		accommodation, subject to	accommodation as a
			section 9.17 of this Bylaw	secondary use.

No.	Section	Relevant Existing	Proposed	Explanation
	14.4.3 Secondary Uses			
17.	14.4 C4 – Urban Centre	(c) The maximum height is the	(c) The maximum height is the	Remove reference to
	Commercial	lesser of 15.0 m or 4 storeys in	lesser of 15.0 m or 4 storeys in	apartment hotels as a building
		the South Pandosy and Rutland	the South Pandosy and Rutland	type for height regulations.
	14.4.5 Development	Urban Centres. In the	Urban Centres. In the	
	Regulations	Springfield/Highway 97 Urban	Springfield/Highway 97	
	-	Centre, maximum height is the	Midtown Urban Centre,	
		lesser of 15.0 m or 4 storeys ,	maximum height is the lesser of	
		except that for hotels ,	15.0 m or 4 storeys, except that	
		apartment hotels and	for hotels , apartment hotels	
		apartment housing it shall be	and apartment housing it shall	
		the lesser of 37.0 m or 12	be the lesser of 37.0 m or 12	
		storeys. In all other areas, the	storeys. In all other areas, the	
		maximum height shall be the	maximum height shall be the	
		lesser of 15.0 m or 4 storeys.	lesser of 15.0 m or 4 storeys.	
		For mixed-use developments	For mixed-use developments	
		located in Urban Centres,	located in Urban Centres, where	
		where parking is located	parking is located entirely below	
		entirely below natural grade	natural grade and provides a co-	
		and provides a co-op / car	op / car sharing program, and	
		sharing program, and provides	provides a public courtyard and	
		a public courtyard and green	green roof, the maximum	
		roof, the maximum building	building height shall be the	
		height shall be the lesser of 25.0	lesser of 25.0 m or 7 storeys .	
		m or 7 storeys .		
18.	14.6 C6 – Regional	(c) apartment hotels	(c) apartment hotels	Remove apartment hotels and
	Commercial		(i) short-term rental	add short-term rental
			accommodation, subject to	accommodation as a
	14.6.3 Secondary Uses		section 9.17 of this Bylaw	secondary use.

No.	Section	Relevant Existing	Proposed	Explanation
19.	14.6 C6 – Regional	(c) The maximum height is the	(c) The maximum height is the	Remove reference to
	Commercial	lesser of 15.0 m or 4 storeys	lesser of 15.0 m or 4 storeys,	apartment hotels as a building
		except for hotels, apartment	except for hotels, apartment	type for height regulations.
	14.6.5 Development	hotels and apartment housing,	hotels and apartment housing,	
	Regulations	shall be the lesser of 37.0 m or	<u>it</u> shall be the lesser of 37.0 m or	
		12 storeys.	12 storeys.	
20.	14.6 C6 – Regional	(a) Apartment housing,	(a) Apartment housing,	Remove reference to
	Commercial	apartment hotels, and hotels	apartment hotels, and hotels	apartment hotels as a building
		shall be developed according to	shall be developed according to	type for other regulations.
	14.6.6 Other Regulations	the provisions of the RM6 zone .	the provisions of the RM6 zone .	
21.	14.7 C7 – Central Business	(c) apartment hotels	(c) apartment hotels	Remove apartment hotels as a
	Commercial			principal use.
	14.7.2 Principal Uses		· · · •	
22.	14.7 C7 – Central Business	n/a	(e) short-term rental	Add short-term rental
	Commercial		accommodation, subject to	accommodation as a
			section 9.17 of this Bylaw	secondary use.
22	14.7.3 Secondary Uses			
23.	14.8 C8 – Convention Hotel	(c) apartment hotel	(c) apartment hotels	Remove apartment hotels and
	Commercial		(n) short-term rental	add short-term rental
	1/ 0.2.5		accommodation, subject to	accommodation as a
	14.8.3 Secondary Uses		section 9.17 of this Bylaw	secondary use. Renumber
2/	1/ 0.00 To to			accordingly.
24.	14.9 C9 – Tourist	(c) apartment hotels	(c) apartment hotels	Remove apartment hotels and
	Commercial		(h) multiple dwelling housing	add multiple dwelling housing and short-term rental
	1/02 Dringing Llags		(I) short-term rental	
	14.9.2 Principal Uses		accommodation, subject to	accommodation as principal
			section 9.17 of this Bylaw	uses, to ensure these continue to be permitted uses.
				•
25.	14.9 C9 – Tourist	(a) The maximum floor area	(a) The maximum floor area	Renumber accordingly. Replace references to
25.	Commercial			•
	Commercial	ratio is 0.5 except it is 1.5 for	ratio is 0.5 except it is 1.5 for	apartment hotels with
		apartment hotels and hotels.	apartment hotels <u>multiple</u>	multiple dwelling housing and

No.	Section	Relevant Existing	Proposed	Explanation
	14.9.5 Development	(b) The maximum height is the	dwelling housing, short-term	short-term rental
	Regulations	lessor of 11.0 m or 2 storeys	rental accommodation and	accommodation to reflect the
		except 22.0 m or 6 storeys for	hotels.	change in terms. Clarify other
		apartment hotels and hotels.	(b) The maximum height is the	terms to be consistent with
			lessor <u>lesser</u> of 11.0 m or 2	other sections of the Zoning
			storeys except <u>it is</u> 22.0 m or 6	Bylaw.
			storeys for apartment hotels	
			multiple dwelling housing,	
			<u>short-term rental</u>	
			accommodation and hotels.	
26.	14.9 C9 – Tourist	(e) Apartment hotels, hotels,	(e) Apartment hotels <u>Multiple</u>	Replace references to
	Commercial	and motels are permitted only	dwelling housing, short-term	apartment hotels with
		when connected to urban	rental accommodation, hotels,	multiple dwelling housing and
	14.9.6 Other Regulations	services.	and motels are permitted only	short-term rental
			when connected to urban	accommodation to reflect the
			services.	change in terms.
27.	17.2 HD2 – Hospital and	n/a	(i) short-term rental	Add short-term rental
	Health Support Services		accommodation, subject to	accommodation as a principal
			section 9.17 of this Bylaw	use for the HD2 – Hospital and
	17.2.2.1 Principal Uses			Health Support Services area
				east of Kelowna General
				Hospital to support
				accommodation options for
				families of hospital patients.
28.	17.2 HD2 – Hospital and	(c) apartment hotel	(c) apartment hotel	Remove apartment hotels as a
	Health Support Services			secondary use, being added as
				a principal use. Renumber
	17.2.3.1 Secondary Uses			accordingly.
29.	17.2 HD2 – Hospital and	(a) All residential, residential	(a) All residential, residential	Remove reference to
	Health Support Services	related uses, apartment hotel	related uses, apartment hotel	apartment hotels as a building
		and hotel uses shall be	and hotel uses shall be	type for parking regulations.
	17.2.6 Parking Regulations	calculated as 1 parking space	calculated as 1 parking space	
	specific to the HD2 Zone	per dwelling unit.	per dwelling unit.	

No.	Section	Relevant Existing	Proposed	Explanation
		(b) Leasable areas that are not	(b) Leasable areas that are not	
		used for residential, residential	used for residential, residential	
		related, apartment hotel and	related, apartment hotel and	
		hotel uses shall be calculated as	hotel uses shall be calculated as	
		requiring 1.75 stalls per 100 m ²	requiring 1.75 stalls per 100 m ²	
		of gross floor area .	of gross floor area .	
30.	17.2 HD2 – Hospital and	(f) Apartment hotel and hotel	(f) Apartment hotel and hotel	Remove reference to
	Health Support Services	use shall only be permitted	use shall only be permitted	apartment hotels being
		when secondary to multiple	when secondary to multiple	secondary to multiple dwelling
	17.2.7 Other Regulations	dwelling housing or	dwelling housing or	housing because short-term
		congregate housing.	congregate housing.	rental accommodation is being
				added as a principal use.
31.	17.3 HD3 – Health Services	n/a	17.3.2 Principal Uses	Rename the section for clarity
	Transitional		17.3.2.2 The secondary uses in	and add short-term rental
			this zone are:	accommodation as a
			(e) short-term rental	secondary use.
			accommodation, subject to	
			section 9.17 of this Bylaw	
32.	18 – Schedule B –	n/a	Add in appropriate location:	Add short-term rental
	Comprehensive		<u>short-term rental</u>	accommodation as a
	Development Zones		accommodation, subject to	secondary use in
			section 9.17 of this Bylaw	Comprehensive Development
	CD1 – Comprehensive			zones where residential uses
	Development One			are permitted as a principal
	1.3 Secondary Uses			use. Renumber accordingly.
	CD2 – Kettle Valley			
	Comprehensive Residential			
	Development			
	1.3 Secondary Uses			
	CD3 – Comprehensive			
	Development Three			
	1.2 Permitted Uses, Area 1			
	Secondary Uses			

No.	Section	Relevant Existing	Proposed	Explanation
	CD4 – Comprehensive Small Lot Residential 1.3 Secondary Uses CD5 – Multi-Purpose Facility 1.3 Secondary Uses CD10 – Heritage Cultural 1.3 Secondary Uses CD17 – Mixed Use Commercial – High Density 1.2 Secondary Uses CD27 – Valley Land Subdivision 1.3 Secondary Uses			
33.	CD14 – Comprehensive High Tech Business Campus 1.3 Secondary Uses	(d) apartment hotels	(d) apartment hotels	Remove apartment hotels as a permitted use and do not add short-term rental accommodation. The purpose of the zone does not include residential or tourist commercial uses.
34.	CD14 – Comprehensive High Tech Business Campus 1.6 Other Regulations	 (e) Apartment Housing is allowed only above the first storey and requires access to grade separate from the commercial uses. (f) Apartment Housing and apartment hotels shall provide a minimum area of 6 m² of private open space per bachelor dwelling, 10 m² of private open space per one bedroom dwelling, and 15 m² 	(e) Apartment Housing is allowed only above the first storey and requires access to grade separate from the commercial uses. (f) Apartment Housing and apartment hotels shall provide a minimum area of 6 m ² of private open space per bachelor dwelling, 10 m ² of private open space per one bedroom dwelling, and 15 m ²	Remove regulations for apartment housing and apartment hotels as these will no longer be uses in the zone.

No.	Section	Relevant Existing	Proposed	Explanation
		of private open space per	of private open space per	
		dwelling with more than one bedroom.	dwelling with more than one bedroom.	
35.	CD17 – Mixed Use Commercial – High Density 1.1 Principal Uses	(d) apartment hotels	(d) apartment hotels (<u>k) multiple dwelling housing</u>	Remove apartment hotels and add multiple dwelling housing, to ensure multiple dwelling housing (e.g. apartments)
				continues to be a permitted use. Renumber accordingly.
36.	CD17 – Mixed Use Commercial – High Density 1.2 Secondary Uses	(a) apartment housing	(a) apartment housing (b) short-term rental accommodation, subject to section 9.17 of this Bylaw	Remove apartment housing as a secondary use, which is captured under multiple dwelling housing that is being added as a principal use (see above). Add short-term rental accommodation as a
				secondary use and renumber accordingly.
37.	CD18 – McKinley Beach Comprehensive Resort Development 1.2(a) AREA I Village Centre	Principal Uses: (a) apartment hotels	Principal Uses: (a) apartment hotels (n) multiple dwelling housing (aa) short-term rental accommodation, subject to section 9.17 of this Bylaw	Remove apartment hotels and add multiple dwelling housing and short-term rental accommodation as principal uses. Renumber accordingly. In the McKinley Beach development, short-term rental accommodation would only be a principal use in the Village Centre (Hilltown) area of the McKinley Beach development.
38.	CD18 – McKinley Beach Comprehensive Resort Development	Principal Uses: (a) apartment hotels	Principal Uses: (a) apartment hotels (e) multiple dwelling housing	Remove apartment hotels and add multiple dwelling housing as a principal use, to ensure

No.	Section	Relevant Existing	Proposed	Explanation
				multiple dwelling housing (e.g.
	1.2(b) AREA 2 Winery and		Secondary Uses:	apartments) continues to be a
	Resort Accommodation		(i) short-term rental	permitted use. Add short-term
			accommodation, subject to	rental accommodation as a
			section 9.17 of this Bylaw	secondary use. Renumber all
				accordingly.
39.	CD18 – McKinley Beach	Principal Uses:	Principal Uses:	Remove apartment hotels as a
	Comprehensive Resort	(a) apartment hotels	(a) apartment hotels	principal use and add short-
	Development			term rental accommodation as
			Secondary Uses:	a secondary use. Renumber all
	1.2(c) AREA III Hillside		(e) short-term rental	accordingly.
	Resort Accommodation		accommodation, subject to	
			section 9.17 of this Bylaw	
40.	CD18 – McKinley Beach	Principal Uses:	Principal Uses:	Remove apartment hotels and
	Comprehensive Resort	(a) apartment hotels	(a) apartment hotels	add multiple dwelling housing
	Development		(g) multiple dwelling housing	as a principal use, to ensure
				multiple dwelling housing (e.g.
	1.2(d) AREA IV Waterfront		Secondary Uses:	apartments) continues to be a
	Resort Accommodation		(i) short-term rental	permitted use. Add short-term
			accommodation, subject to	rental accommodation as a
			section 9.17 of this Bylaw	secondary use. Renumber all
				accordingly.
41.	CD18 – McKinley Beach	(g) Resort accommodation	(g) <u>Dwelling units or</u> resort	Remove requirement for
	Comprehensive Resort	which allows for short-term	accommodation which allows	developments of four units or
	Development	stays is made up of two types:	for short-term stays is made up	less to have a common on-site
			of two types:	or off-site reservation centre
	1.3 Development	Type A:		to operate short-term rental
	Regulations		Type A:	accommodations. This
		Attached apartment hotel,		supports a consistent
		hotel, congregate housing,	Attached apartment -hotel ,	approach to short-term rental
		motel units or row housing	hotel, congregate housing,	accommodation in residential
		units (units in buildings	motel units or row housing units	units across Kelowna and
		exceeding 4 units with common	(units in buildings exceeding 4	better reflects the

No.	Section	Relevant Existing	Proposed	Explanation
		amenities) – maximum area of 150m ² per unit floor area net.	units with common amenities) – maximum area of 150m ² per unit floor area net.	development in the McKinley Beach area.
		Туре В:	Type B:	
		Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m ² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m ² per unit (excluding garages). Type B units must be served by a common on-site or off-site reservation centre(s).	Single detached housing with or without secondary suites, semi- detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m ² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m ² per unit (excluding garages). Type B units must be served by a common on-site or off-site reservation centre(s).	
42.	CD22 – Central Green Comprehensive Development Zone 1.4 Central Green General Regulations	(c) Section 9 – Specific Use Regulations of this bylaw does not apply with the exceptions for: Sub-Section 9.2 – Home Based Businesses, Minor; Sub-Section 9.3 – Home Based Businesses, Major; and Sub-Section 9.10 – Agriculture, Urban	(c) Section 9 – Specific Use Regulations of this bylaw does not apply with the exceptions for: Sub-Section 9.2 – Home Based Businesses, Minor; Sub-Section 9.3 – Home Based Businesses, Major; and Sub-Section 9.10 – Agriculture, Urban; and Sub-Section 9.17 – Short-Term Rental Accommodation.	Add regulation that specific use provisions for short-term rental accommodation apply to the CD22 zone.

No.	Section	Relevant Existing	Proposed	Explanation
43.	CD22 – Central Green Comprehensive Development Zone 7.2 Principal Uses in Sub- Areas A & B	(e) apartment hotels	(e) apartment hotels	Remove apartment hotels as a principal use. Short-term rental accommodation would only be a secondary use in the CD22 zone (see below).
44.	CD22 – Central Green Comprehensive Development Zone 7.3 Secondary Uses in Sub- Areas A & B 8.1 Permitted Uses in Sub- Areas C & G, Secondary Uses 9.1 Permitted Uses in Sub- Area D, Secondary Uses 10.1 Permitted Uses in Sub-Areas E & F, Secondary Uses 11.1 Permitted Uses in Sub- Area H, Secondary Uses	n/a	Add in appropriate location: short-term rental accommodation , subject to section 9.17 of this Bylaw	Add short-term rental accommodation as a secondary use in all CD22 sub- areas and renumber accordingly.
45.	CD24 – Comprehensive Development Zone 1.4 General Regulations of the Comprehensive Site	(c) Section 9 – Specific Use Regulations of this bylaw does not apply with the exception of: Sub-Section 9.2 – Home Based Business, Minor; Sub-Section 9.3 – Home Based Business, Major.	(c) Section 9 – Specific Use Regulations of this bylaw does not apply with the exception of: Sub-Section 9.2 – Home Based Business, Minor; Sub-Section 9.3 – Home Based Business, Major .; and <u>Sub-Section 9.17 – Short-Term</u> <u>Rental Accommodation.</u>	Add regulation that specific use provisions for short-term rental accommodation apply to the CD24 zone.

No.	Section	Relevant Existing	Proposed	Explanation
46.	CD24 – Comprehensive	a) apartment hotels	a) apartment hotels	Remove apartment hotels and
	Development Zone		<u>h) short-term rental</u>	add short-term rental
			accommodation, subject to	accommodation as a principal
	7.2.1 Principal Uses in Sub-		section 9.17 of this Bylaw	use. Renumber accordingly. In
	Area A			the Hiawatha development,
				short-term rental
				accommodation would only be
				a principal use in Area A.
47.	CD24 – Comprehensive	A minimum area of 7.5 m ² of	A minimum area of 7.5 m ² of	Replace reference to
	Development Zone	private open space shall be	private open space shall be	apartment hotels with short-
		provided per bachelor	provided per bachelor	term rental accommodation.
	7.6 Private Open Space	dwelling, apartment hotel	dwelling, apartment hotel	
		unit, or congregate housing	<u>short-term rental</u>	
		bedroom; 15 m ² of private	<u>accommodation</u> unit, or	
		open space shall be provided	congregate housing bedroom;	
		per 1 bedroom dwelling, and	15 m ² of private open space	
		25 m ² of private open space	shall be provided per 1	
		shall be provided per dwelling	bedroom dwelling, and 25 m ²	
		with more than 1 bedroom ,	of private open space shall be	
		except for hotel where no	provided per dwelling with	
		minimum private open space is	more than 1 bedroom, except	
		required.	for hotel where no minimum	
			private open space is required.	
48.	CD24 – Comprehensive	8.2.1 Secondary Uses	8.2. <u>12</u> Secondary Uses	Renumber section and add
	Development Zone		<u>h) short-term rental</u>	short-term rental
			accommodation, subject to	accommodation as a
	8.2.1 Secondary Uses in		section 9.17 of this Bylaw	secondary use.
	Sub-Area B			
49.	CD26 – Capri Centre	(c) apartment hotels	(c) apartment hotels	Remove apartment hotels as a
	Comprehensive			principal use.
	Development Zone			
	1.4 Principal Uses			

No.	Section	Relevant Existing	Proposed	Explanation
50.	CD26 – Capri Centre	n/a	(d) short-term rental	Add short-term rental
	Comprehensive		accommodation, subject to	accommodation as a
	Development Zone		section 9.17 of this Bylaw	secondary use.
	1.5 Secondary Uses			

Part II – Table 8.1 – Parking Schedule

Apartment Hotels	1.0 <u>medium</u> space s per <u>two</u> sleeping units		
Short-Term Rental	Where three dwelling housing, four dwelling housing, or multiple		
Accommodation as a	dwelling housing is the principal use, the dwelling unit is exempt from		
Secondary Use	the requirement in section 8.1.2 to have parking spaces for secondary		
	uses in addition the required parking spaces for the principal use,		
	provided the dwelling unit has a minimum of 2 parking spaces;		
	1.0 spaces per 7 dwelling units which shall be designated as visitor		
Short-Term Rental	al Equivalent to apartment housing requirements for that zone		
Accommodation as a			
<u>Principal Use</u>			

Part III – Section 9.17: Short-Term Rental Accommodation

- 9.17 Short-Term Rental Accommodation
- 9.17.1 Where **short-term rental accommodation** is a **secondary use**, it must be secondary to a **dwelling** unit as a **principal use** and must be operated by a resident who resides for more than 240 days of the year at that **dwelling** unit.
- 9.17.2 Short-term rental accommodation is not permitted in a secondary suite or carriage house.
- 9.17.3 Short-term rental accommodation is not permitted in combination with a bed and breakfast home.
- 9.17.4 No more than one booking or reservation for **short-term rental accommodation** is permitted in each **dwelling** unit at one time.
- 9.17.5 No more than two adults may occupy a **sleeping unit** used for **short-term rental accommodation**.
- 9.17.6 The maximum number of **sleeping units** that may be used for **short-term rental accommodation** in each **dwelling** unit is specified in **Table 9.17.1**.

Table 9.17.1 Maximum Sleeping Units for Short-Term Rental Accommodation

Use	Maximum number of sleeping units
Single dwelling housing	3
Two dwelling housing	
Multiple dwelling housing (including apartment housing) as a	
principal use	
Three dwelling housing	2
Four dwelling housing	
Multiple dwelling housing (including apartment housing) as a	
secondary use	

9.17.7 Parking must be provided in accordance with the parking and loading regulations of Section 8. **Short-term rental accommodation** may not use required visitor **parking spaces**.

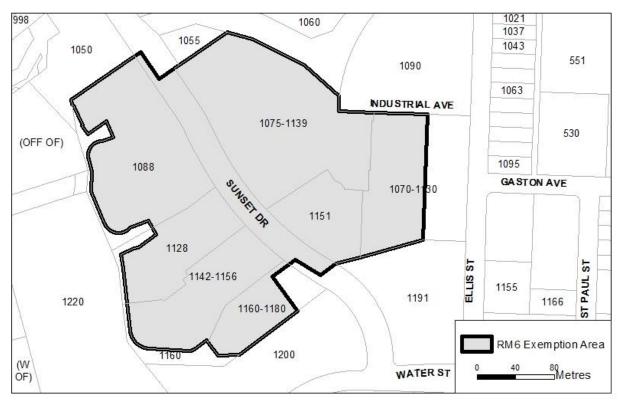
Part IV – Section 13.12.8: RM6 Site Specific Uses and Regulations

13.12.8 Site Specific Uses and Regulations

Uses and regulations apply to the RM6 – High Rise Apartment Housing **zone** on a site specific basis as follows:

	Legal Description	Civic Address	Regulation
1.	See Map A	1070-1130 Ellis Street 1075-1139 Sunset Drive 1088 Sunset Drive 1128 Sunset Drive 1142-1156 Sunset Drive 1151 Sunset Drive 1160 Sunset Drive	Notwithstanding section 9.17.1, the operator of short- term rental accommodation does not need to be a resident who resides for more than 240 days of the year at that dwelling unit.







TA19-0007 Short-Term Rental Accommodation

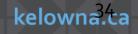
Zoning Bylaw Text Amendment





Purpose

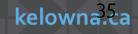
- Introduce the new short-term rental accommodation use
- Define associated regulations
- Add the use to most residential & mixed-use commercial zones
- Remove the existing apartment hotels use



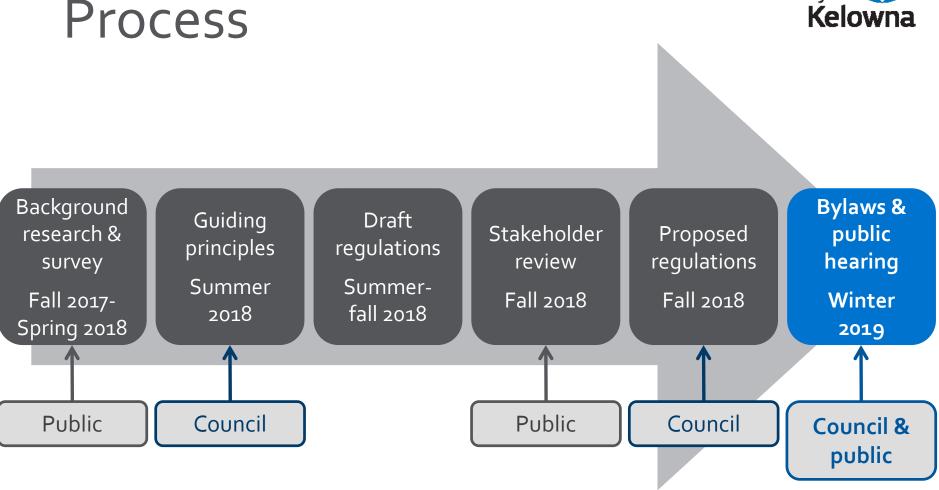


Overview

- Process
- Context
- Guiding principles & consultation
- Land use regulations
- Licencing & compliance strategy
- Non-conforming uses
- Next steps







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Context

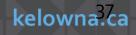
Housing Needs Assessment

Security of tenure & short-term rentals

Healthy Housing Strategy

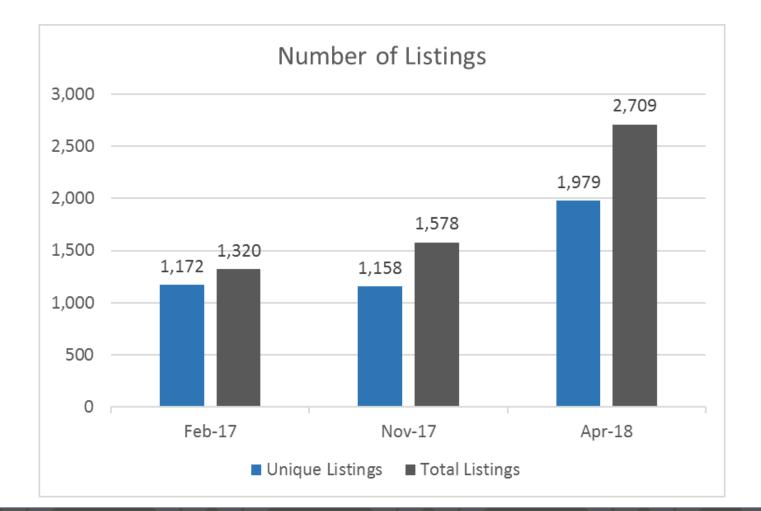
Key direction: Promote & protect rental housing

Action: Develop policy & regulations to protect the rental stock from the impacts of short-term rentals.





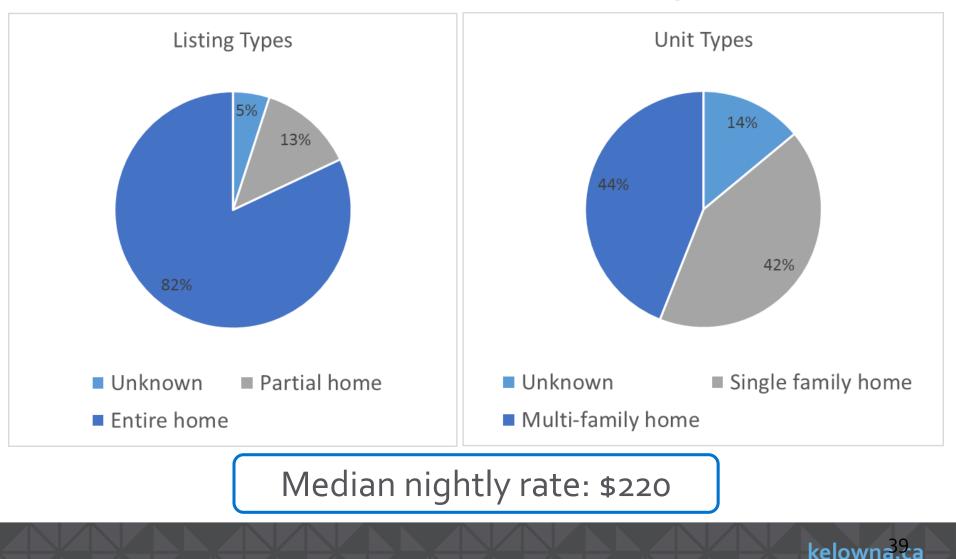
Short-Term Rental Listings



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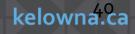
Short-Term Rental Listings





Long-Term Rentals

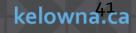
Vacancy Rate	Secondary Rental	New Households	New Rental Units
	Market	Renting	Needed
1.9%	70% suites, carriage houses & entire homes	73%	550 annually





Guiding Principles

- Ensure short-term rental accommodations do not impact long-term rental housing supply in negative way.
- 2. Ensure short-term rental accommodations are **good neighbours**.
- 3. Ensure **equity among** short-term **accommodation providers**.



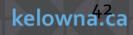
Public & Stakeholder Consultation



Public survey (fall 2017)

- Over 2,600 responses
- Initial input into developing regulations
- Stakeholder consultation (fall 2018)
 - Tourism & accommodation industry, business & neighbourhood associations, development industry, short-term rental platforms, Healthy Housing Advisory Committee, interested residents
 - Feedback on proposed regulations

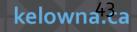
Responses reflect diverse community needs & interests



Short-Term Rental Accommodation



Short-term rental accommodation means the use of a dwelling unit or one or more sleeping units within a dwelling unit for **temporary overnight accommodation for a period of 29 days or less**. This use does not include bed and breakfast homes, hotels or motels.





Zones & Uses

	Current		Proposed	
Zone Category	Principal Use	Secondary Use	Principal Use	Secondary Use
Rural & single / two unit residential				√ 1
Multi-unit residential		✓ (RM6)		\checkmark
Mixed-use commercial	✓ (C4, C7)	✓ (C6, C8)		\checkmark
Tourist commercial ² & health district	\checkmark	✓ (HD2)	\checkmark	

¹ Not allowed in secondary suites or carriage houses

² Tourist commercial: C9, parts of CD18 (McKinley Beach – Hilltown only) & CD24 (Hiawatha – Area A only)

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Specific Use Regulations

Regulation	Rural & single / two unit residential	Multi-unit residential & commercial	Principal use (C9, HD2, parts of CD18 & CD24)
Maximum # of adults per bedroom	2	2	2
Maximum # of bedrooms	3	2	3
Maximum # of bookings at a time	1	1	1
Minimum # of parking spaces	1 per 2 bedrooms	1 per 2 bedrooms ¹	Same as apartment housing
Operator's principal residence	Yes	Yes ²	No
Business license required	Yes	Yes	Yes

¹ Not in addition to principal dwelling unit if unit has two parking spaces

² RM6 properties along Sunset Dr are not restricted to the operator's principal residence



Refinements

- Principal residency: min. 8 months of year
- Multiple dwelling housing parking requirements
- RM6 properties on Sunset Drive listed & identified on a map
- Principal use in HD2 (health district)
- No longer a use in CD14 (Landmark)

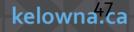






Meeting the Principles

Requirement	Protect Long- Term Rentals	Good Neighbour	Short-Term Accommodation Equity
Operator's principal residence	Х	Х	
No suites or carriage houses	Х		
Max. number of people, bedrooms & bookings		Х	
Business license	Х	Х	Х
Online accommodation platform taxes			Х





Licensing & Compliance

Business licence will be required

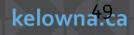
- Fees to support cost recovery
- Documentation requirements
- License conditions
- Third party monitoring & compliance
 - Proactive approach to enforcement
 - Provide additional tools
 - Limit impact on staff resources





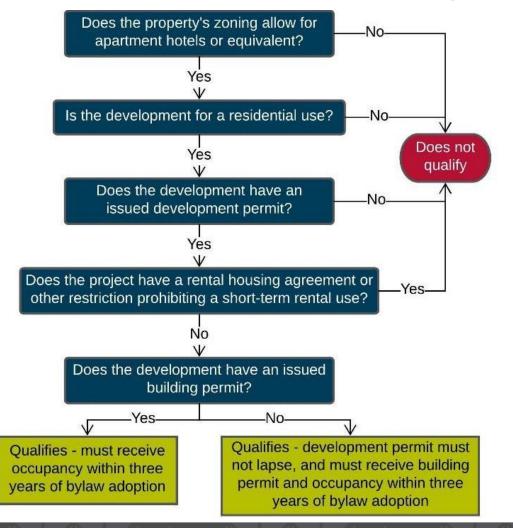
Non-Conforming Uses

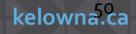
- Local Government Act provisions to protect property owners' rights when bylaws change
- Existing buildings with apartment hotel use
 - Operated lawfully in last year
 - Continue use under current regulations
 - Applies to all residential units in a building





Criteria for In-Stream Projects Kelowna







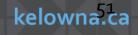
In-Stream Projects

Nearly 25 projects identified

► 7 do not qualify for non-conforming use provisions

- Zone does not allow use
 - ▶ 1232 Ellis St (Ellis Parc)
- DP application submitted, not yet approved
 - 105-115 Hwy 33 W, 165-179 Rutland Rd N, 430 Harvey Ave
- Rental housing agreement
 - 1740 Richter St (Central Green Building B), 225 Rutland Rd S, 3477-3499 Lakeshore Rd (The Shore)

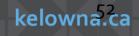
Further due diligence





Next Steps

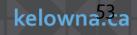
- Business License Bylaw
- Public Hearing
- Adoption & implementation
 - Education & application materials
 - Business license applications
 - Third party compliance company
- Ongoing monitoring & review





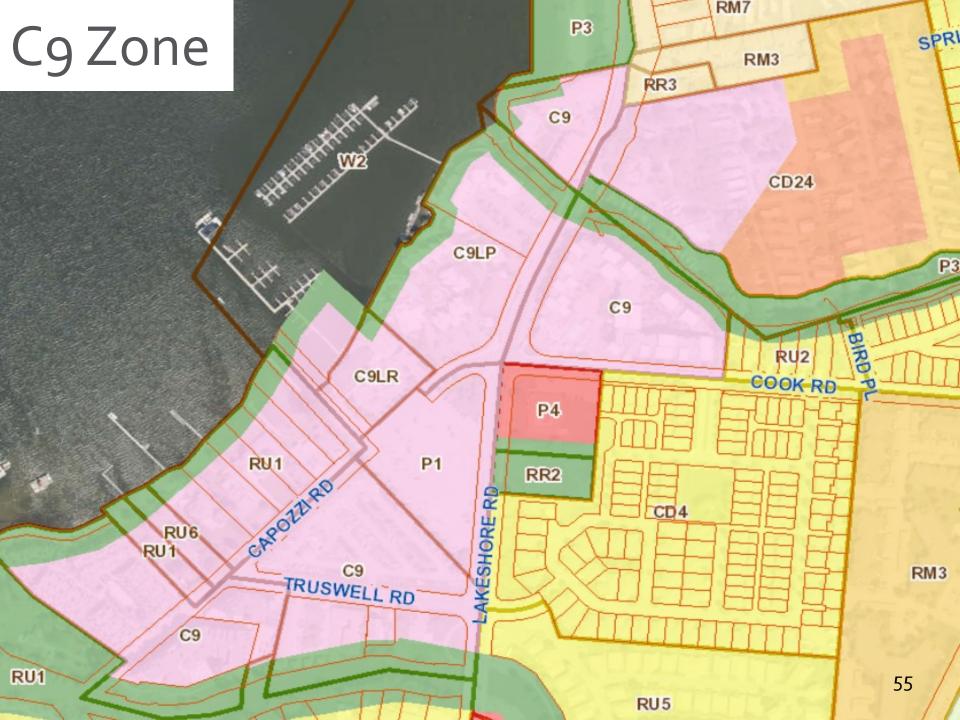
Staff Recommendation

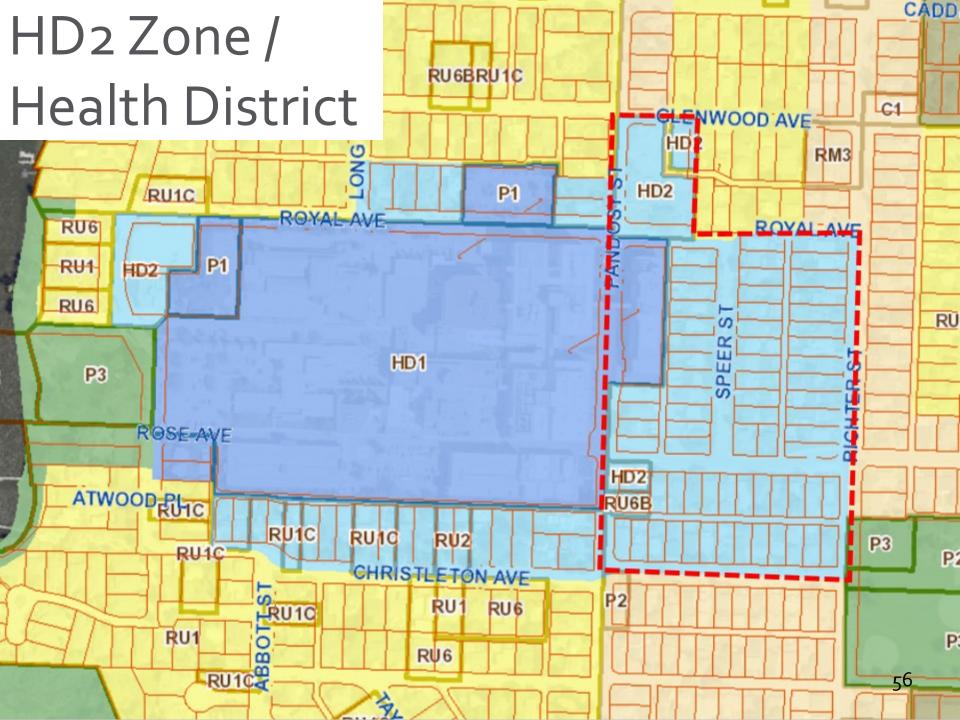
- Recommend <u>support</u> for the Zoning Bylaw text amendment for short-term rental accommodation
 - Allows residents to operate short-term rentals
 - Aligns with previously endorsed guiding principles
 - Establishes clear regulations so the public understands the rules that apply to them
- Forward the text amendment bylaw to public hearing

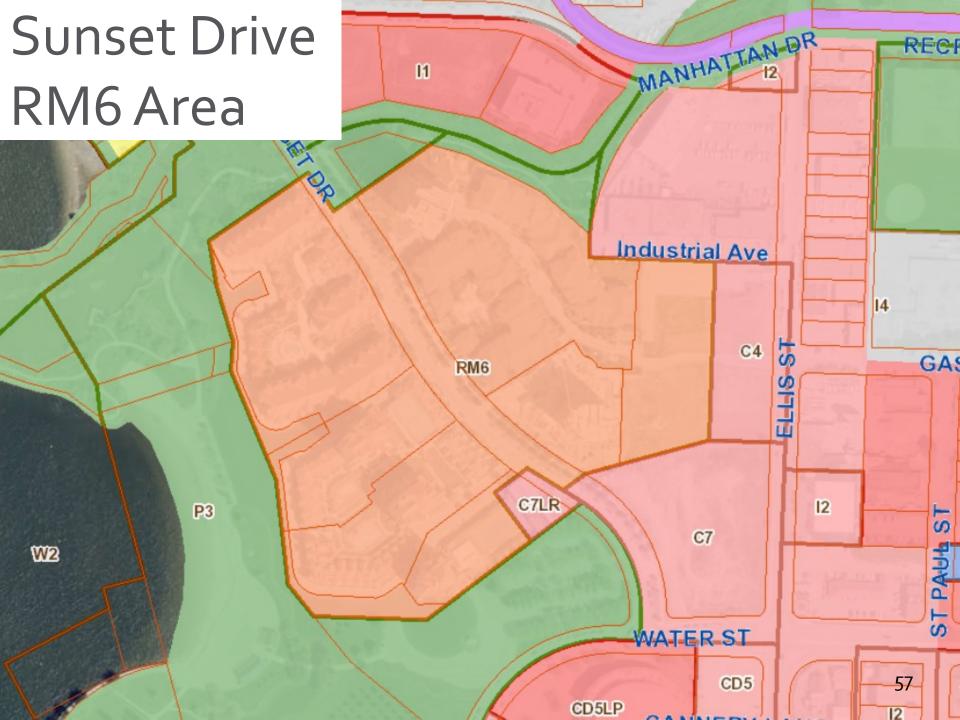




Questions?









Case Studies

Municipality	Location of Short-Term Rentals	Licensing & Enforcement
Nelson	Most zones Operator's principal residence (some exceptions)	Municipal bylaw enforcement
Tofino	Limited locations Operator's principal residence (some exceptions)	Third party compliance
Vancouver	Most zones & locations Operator's principal residence only	Business license must be included in listing Agreement with Airbnb
Victoria	Most residential areas Operator's principal residence only	Business license must be included in listing Third party compliance





Short-Term Rental Listings



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Report to	Council
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Date:	March 4 th , 2019	-
File:	0100-01	
То:	City Manager	
From:	Greg Wise, Business Licensing Manager	
Subject:	Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720	

Recommendation:

THAT Council receives for information, the report from the Business Licensing Manager, dated March 4, 2019, with regards to creating a new Short-Term Rental Accommodation Business Licence and Regulation Bylaw;

AND THAT Bylaw No. 11720 being Short-Term Rental Accommodation Business Licence and Regulation Bylaw be forwarded for reading consideration;

AND THAT Bylaw No.11771 being Amendment Bylaw No. 23 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND THAT Council provide an opportunity for persons who consider themselves affected by this application to make representations to Council during the March 12, 2019, Public Hearing on the associated Text Amendment Bylaw No 11766;

AND FURTHER THAT Council direct staff to give notice of its intention to provide for public input on Bylaw No. 11720 being Short-Term Rental Accommodation Business Licence and Regulation Bylaw by advertising in the in the Daily Courier on Wednesday, March 6th, and Friday, March 8th; in the Okanagan Saturday edition on March 9th and by being posted on the City Hall Notice Board on Tuesday, March 5, 2019.

Purpose:

To consider a new Business Licence and Regulation Bylaw for Short-Term- Rental Accommodations and to allow for members of the public to make representations to Council regarding the proposed Bylaw.

Background:

On December 3, 2018, Council directed staff to proceed with preparing bylaws to implement the proposed short-term rental accommodation regulations and licensing requirements related to the short-term rental accommodations. The proposed regulations were based on the guiding principles Council endorsed on July 16, 2018, as well as best practice research and input from residents and stakeholders.

Recent proposed Zoning amendments to allow short-term rental accommodation within Zoning Bylaw 8000, will require associated Business Licence regulations and conditions pertaining to the operation of such short-term rental accommodations.

The regulations aim to balance the desire to allow short-term rentals as an option for tourists and visitors with the need to protect long-term rentals and to limit impacts on neighbouring properties. Establishing these regulations will help provide clarity to residents about how short-term rentals can be operated. The zoning amendments define short-term rental accommodation as a new use, identify more specific regulations associated with it, and introduce it as a principal or secondary use in the appropriate zones. The proposed Licence regulations are in keeping with Council approved Guiding Principles and in step with the "Housing Needs Assessment", and "Healthy Housing Strategy" and will further clarify regulations pertaining to the operation of such short-term rental units within the community.

Business Licencing

All short-term rentals, including legal non-conforming operations, will require a business license. Staff are proposing a business license fee of \$345 where the short-term rental is in the operator's principal residence, and a fee of \$750 where it is not the operator's principal residence. These fees are within range of several other BC Municipalities that have initiated regulations for short-term rentals and would be adjusted annually with the Consumer Price Index. Fees are intended to support cost recovery for licensing and compliance requirements associated with short-term rental accommodations and to provide equity among operators.

Staff will work with applicants to inform them of the license requirements and conditions. A comprehensive communications plan and support documentation has been developed to roll out the new program. It is anticipated following adoption and approval of the new bylaw, licencing will commence early Spring of 2019, a formal start date will be communicated to the public as part of a larger education package on the subject.

To support the first two guiding principles (protection of long-term housing, and ensure short-term rental accommodations are good neighbours) and that rental units are safe, staff propose the following documentation, conditions and operational requirements as part of the new license regime:

Highlights of licence requirements and conditions are as follows:

- All short-term rental accommodation operators are to hold an annual Business Licence.
- All operators are to sign a Good Neighbour Agreement with the City, agreeing to be a responsible good neighbour short-term rental operator.

- Principal residence operators must provide documentation confirming the residential address is the operator's principal residence.
- Submit proof of property ownership, or if a tenant, documentation confirming approval of provision of the short-term rental accommodation by the applying tenant/operator.
- Operators that are located within a strata, will need to provide documentation confirming the short-term rental does not conflict with any strata bylaws.
- Operators, or the "Responsible Person" are required to respond to any complaints.
- Operators will ensure all marketing of the short-term rental accommodation indicates a business licence number and the number of approved rental sleeping units (bedrooms).
- Provide a self-evaluation safety audit and attestation form confirming fire and life safety measures are addressed.
- Provide a floor plan indicating safety exits, fire alarm and fire extinguisher locations and display the plan in the accommodation.
- Provide a parking plan which conforms to the parking requirements of the Zoning bylaw.

Compliance with Regulations:

Should the proposed regulations move forward, staff will initiate a communications plan to notify the public of these new regulation requirements, and will focus on education and information distribution in the initial quarter of the year, prior to directing resources to a proactive compliance model. To support compliance efforts and mitigate impacts to staff resources, staff propose contracting a third party company with software capable of searching listings across multiple online accommodation platforms to effectively provide accurate and enforceable information. These companies offer a range of services, including license application platforms and listings identification to more robust monitoring and communications services. Complaint-based enforcement through Bylaw Services will still form part of the compliance strategy, particularly as it relates to nuisance issues. Education will be the initial focus. Compliance will be pursued as needed in a fair but firm manner for those in breach of any bylaw conditions, including the Good Neighbour Agreement.

Next Steps

Should the proposed Zoning Bylaw amendments and Business Licence Bylaw regulations be adopted, those looking to operate a short-term rental would be required to obtain a business license prior to operating. Staff will provide communication and a simple application package for the operators to complete.

Staff will also review and report back to Council after two tourist seasons following implementation of new regulations. A review presents an opportunity to consider how the regulations are working, as well as to explore whether or not other suggestions should be incorporated into the regulation of short-term rental accommodation. Furthermore, as the industry continues to evolve, a review gives staff and Council the opportunity to review the regulations as they relate to ongoing changes in the accommodation industry and within our community.

City Manager March 4, 2018 Page **4** of **4 Pages**

Internal Circulation:

Community Planning Department Manager Bylaw Services Manager Community Communications Manager Fire Chief

Legal/Statutory Authority: Sections 8(6) and 15 of the *Community Charter*, S.B.C. 2003, c. 26

Legal/Statutory Procedural Requirements:

Community Charter 59(2) give notice of intention and to provide opportunity of those affected to make representation to Council *Community Charter* S.59(3) advertise in a manner that Council considers reasonable

Financial/Budgetary Considerations:

Estimated \$320,000 annually for business licensing and enforcement (approved in budget). Business license fees to support cost recovery.

Personnel Implications:

One new License and Bylaw Inspection Officer and one new Administrative Clerk needed to support licensing needs associated with short-term rental accommodation (approved in budget). The positions will be shared with the need for additional resources to support demands of new cannabis retail sales establishments and cannabis production facilities.

Communications Comments:

A comprehensive Communications plan has been developed to educate both internal departments and external stakeholders and the General Public of these new regulations and the licencing process requirements.

Submitted by: Greg Wise, Business Licensing Manager

Approved for inclusion: Derek Edstrom, (Acting) Divisional Director Community Planning and Strategic Investments

- cc: R. Smith, Community Planning Department Manager
 - L. Bentley, Community Planning Supervisor
 - D. Gazley, Bylaw Services Manager
 - T. Whiting, Fire Chief
 - S. Cronquist, Deputy Fire Chief Admin, Training, & Fire Prevention
 - K. O'Rourke, Community Communication Manager



Short-Term Rental Accommodation & Business Licence Bylaw

Bylaw No. 11720

March 4,2019



Overview

Regulation process

- Context
- Guiding principles
- Licence requirements & fees
- Licence application process
- Next steps





Regulation Process to date Background **Bylaws &** Guiding Draft research & Stakeholder Proposed public principles regulations regulations hearing review survey Summer-Summer Fall 2017-Fall 2018 Fall 2018 Winter fall 2018 2018 Spring 2018 2019 Public Public Council Council Council & public

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Context

Housing Needs Assessment

Security of tenure & short-term rentals

Healthy Housing Strategy

Key direction: Promote & protect rental housing

Action: Develop policy & regulations to protect the rental stock from the impacts of short-term rentals.



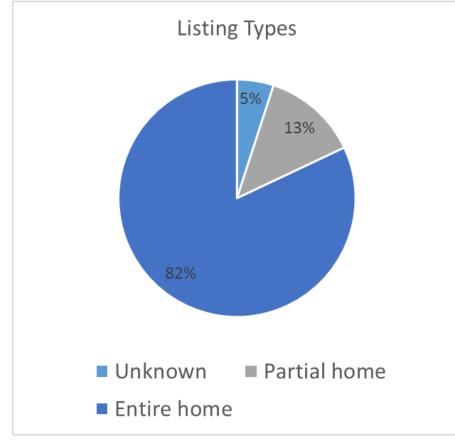


Guiding Principles

- Ensure short-term rental accommodations do not impact long-term rental housing supply in negative way.
- 2. Ensure short-term rental accommodations are **good neighbours**.
- 3. Ensure **equity among** short-term **accommodation providers**.



Short-Term Rental Listings



Current listings in Kelowna

- Majority are whole home
- Median no. of rental days 30
- Median nightly rate \$220
- Median annual income \$6600

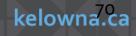
Median nightly rate: \$220





Licensing fee

- Business licence will be required to operate
 - Fees will support cost recovery and mitigate taxation Proposed fees :
 - \$345 (principal residence) \$750 (non-principal)
- ► Supports
 - Third party monitoring & compliance
 - Payment based off total listings found, not licenced
 - Staff
 - Compliance focused staff structure





Fee Comparison

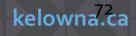
Municipality	Licence Category #1	Licence Category #2	
Kelowna	\$345.00	\$750.00	
Category desc	Principal Residence	Non-Principal Residence	
Victoria	\$150.00	\$1500.0	
Category desc	Principle Residence	Non-Principal Residence	
Vancouver	\$51.00	\$109.00	
Category desc	One fee only	Includes app fee	
Tofino	\$450.00	\$750.00	
Category desc	Short Term Rental 1 Rm	Short Term Rental 3 Rm	
Nelson	\$200.00	\$450.00 71	
Category desc	1 unit	3 units	



Licensing & Compliance

Business licence will be required

- Fees to support cost recovery
- Documentation requirements
- License conditions
- Third party monitoring & compliance
 - Proactive approach to enforcement
 - Provide additional tools
 - Limit impact on staff resources





Application

Proof of principal residence status
 If applicable

- Identify responsible person
- Good neighbour agreement
- Safety audit attestation form
 - Confirming fire & safety standards are met

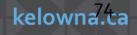




Application Process

Simplified process

- Communications
 - Clear and easy
 - One package of information
- Submit form online PDF
 - Move to online with new system





Meeting the Principles

Requirement	Protect Long- Term Rentals	Good Neighbour	Short-Term Accommodation Equity
Operator's principal residence	Х	Х	
No suites or carriage houses	Х		
Max. number of people, bedrooms & bookings		Х	
Business license	Х	Х	Х
Online accommodation platform taxes			Х

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Next Steps

- Business License Bylaw
- Public Hearing
- Adoption & implementation
 - Education & application materials
 - Business license application intake
 - Third party compliance company
- Ongoing monitoring & review





Questions?