

City of Kelowna
Regular Council Meeting
AGENDA



Monday, October 23, 2023
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Confirmation of Minutes

3 - 8

PM Meeting - October 16, 2023

3. Development Application Reports & Related Bylaws

3.1 Short-Term Rental Accommodation Regulatory Amendments - TA23-0013 (BL12590) - City of Kelowna

9 - 38

To amend the Zoning Bylaw by removing short-term rental accommodation as a secondary use from all zones.

3.2 Short-Term Rental Accommodation Regulatory Amendments - BL12590 (TA23-0013) - City of Kelowna

39 - 41

To give Bylaw No. 12590 first reading.

3.3 Fordham Rd 4665 - Z23-0057 (BL12589) - Mohsen Amir Joze-Khajavi and Nazanin Jose-Khajavi

42 - 57

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

4. Non-Development Reports & Related Bylaws

4.1 Wastewater Utility Rates 2024

58 - 74

To obtain approval for wastewater utility rates for 2024 and consider minor updates to Bylaw 3480.

- | | | |
|------------|---|------------------|
| 4.2 | BL12587 - Amendment No. 41 to Sewerage System User Bylaw No. 3480 | 75 - 77 |
| | To give Bylaw No. 12587 first, second and third reading. | |
| 4.3 | Business License Bylaw No. 7878 - Revision | 78 - 93 |
| | To replace the current Business Licence and Regulation Bylaw No. 7878 with Business Licence and Regulation Bylaw No. 12585. | |
| 4.4 | BL12585 - Business Licence Bylaw | 94 - 117 |
| | To give Bylaw No. 12585 first, second and third reading. | |
| 4.5 | BL12586 - Amendment No. 36 to Bylaw Notice Enforcement Bylaw No. 10475 | 118 - 121 |
| | To give Bylaw No. 12586 first, second and third reading. | |
| 4.6 | PRC Boiler Replacement | 122 - 123 |
| | To obtain approval for the replacement of mechanical equipment at Parkinson Recreation Centre. | |
| 5. | Mayor and Councillor Items | |
| 6. | Termination | |



City of Kelowna Regular Council Meeting Minutes

Date:	Monday, October 16, 2023
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Tom Dyas, Councillors Ron Cannan, Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning, Climate Action & Development Services, Ryan Smith*; Urban Planning Manager, Jocelyn Black*, Community Planning & Development Manager, Dean Strachan*; Planner Specialist, Barbara Crawford*; Divisional Director, Partnership & Investments, Derek Edstrom*; Corporate Strategy & Performance Department Manager, Mike McGreer*; General Manager, Infrastructure, Mac Logan*; Divisional Director, Financial Services, Joe Sass*; Financial Planning Manager, Melanie Antunes*; Parks & Buildings Planning Manager, Robert Parlane*
Staff Participating Remotely	Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 1:31 p.m.

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Mayor Dyas read a statement regarding the conflict in the Middle East.

2. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT the Minutes of the Regular Meetings of September 25, 2023 be confirmed as circulated.

Carried

3. Development Application Reports & Related Bylaws

3.1 Ellis St 1175-1177 - HRA22-0001 (BL12588) - Kelowna Train Station Inc., Inc. No. BCo847922

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Wooldridge/Seconded By Councillor Hodge

THAT Council consider Bylaw No. 12588 which would authorize the City of Kelowna to enter into a Heritage Revitalization Agreement for the property legally known as Lot A, District Lot 139, Osoyoos Division, Yale District, Plan KAP68238, located at 1175-1177 Ellis St, Kelowna, BC in the form attached as Schedule "A" to the Report from the Development Planning Department dated October 16, 2023;

AND THAT the Heritage Revitalization Agreement Authorization Bylaw No. 12588 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "D" attached to the Report from the Development Planning Department dated October 16, 2023;

AND FURTHER THAT final adoption of the Heritage Revitalization Agreement Authorization Bylaw be considered subsequent to the registration on the subject property of a Section 219 Tree Protection Covenant to ensure the ongoing preservation and protection of the Gingko Tree located on the subject property.

Carried

3.2 Ellis St 1175-1155 - BL12588 (HRA22-0001) - Kelowna Train Station Inc., Inc. No. BCo847922

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

THAT Bylaw No. 12588 be read a first time.

Carried

3.3 Taylor Cr 2435 - Z23-0034 (BL12583) - 10088 Investments Ltd., Inc. No. A0127481

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Rezoning Application No. Z23-0034 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 11 District Lot 14 ODYD Plan 7336, located at 2435 Taylor Cr, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU4 – Duplex Housing zone, be considered by Council;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Development Planning Department dated October 16, 2023.

Carried

3.4 Rezoning Bylaws Supplemental Report to Council

City Clerk:

- Confirmed two pieces of correspondence received for the rezoning application at 1181-1191 Bernard Avenue and that the bylaw may be advanced for reading consideration.

3.5 Bernard Ave 1181-1191 - BL12572 (Z22-0070) - SKJJ Bernard Land Holdings Ltd., Inc. No. BC1242190

Moved By Councillor Lovegrove/Secoded By Councillor Hodge

THAT Bylaw No. 12572 be read a first, second and third time.

Carried

4. Bylaws for Adoption (Development Related)

4.1 Lakeshore Rd 4371 - BL12469 (Z22-0062) - Yong Zhang

Moved By Councillor Lovegrove/Secoded By Councillor Hodge

THAT Bylaw No. 12469 be adopted.

Carried

4.2 Graham Rd 1385 - BL12485 (Z22-0074) - Gurmit Singh Mann

Moved By Councillor Lovegrove/Secoded By Councillor Hodge

THAT Bylaw No. 12485 be adopted.

Carried

4.3 Amendments to Secondary Residences in the ALR - BL12560 (TA23-0006) - City of Kelowna

Moved By Councillor Lovegrove/Secoded By Councillor Hodge

THAT Bylaw No. 12560 be adopted.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Sufficiency Report - Recreation and Activity Centres Loan Authorization Bylaw

City Clerk:

- Confirmed insufficient Elector Response Forms were received during the recently completed Alternative Approval Process opportunity and Council may now give the loan authorization bylaw adoption consideration.

Staff:

- Responded to questions from Council.

Moved By Councillor Stack/Secoded By Councillor Wooldridge

THAT Council receives, for information, the report from the City Clerk dated October 16, 2023 pertaining to the Certificate of Sufficiency regarding the City of Kelowna borrowing from the Municipal Finance Authority for the sum of two hundred and forty one million, three hundred

and twenty thousand dollars (\$241,320,000.00) for the redevelopment of the Parkinson Recreation Centre, the construction of the Glenmore Activity Centre, the construction of the Mission Activity Centre, and the redevelopment of the Rutland Sports fields;

AND THAT Bylaw No. 12540, being the Recreation and Activity Centres Loan Authorization Bylaw be forwarded for adoption consideration.

Carried

5.2 BL12540 - Recreation and Activity Centres Loan Authorization Bylaw

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Bylaw No. 12540 be adopted.

Carried

Councillor Cannan - Opposed

5.3 Progress Report on Council Priorities 2023 - 2026

Staff:

- Displayed a PowerPoint Presentation providing an update and current state of Council Priorities and responded to questions from Council.

The meeting recessed at 2:20 p.m.

The meeting reconvened at 2:23 p.m.

Moved By Councillor Wooldridge/Seconded By Councillor Stack

THAT Council receive for information the six-month progress report on Council priorities as attached to the report of the City Manager dated October 16, 2023;

AND THAT Council direct staff to provide a 12-month progress on Council Priorities in March 2024.

Carried

5.4 2023 Growing Communities Fund Grant and Council Strategic Initiatives Funds Allocation

Staff:

- Displayed a PowerPoint Presentation regarding proposed recommendations to allocate Growing Communities Fund grant monies, to amend the 2023 Financial Plan and responded to questions from Council.

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT Council receives, for information, the report from the Financial Services Department dated October 16, 2023 with respect to the 2023 allocation of Council Strategic Funds;

AND THAT the 2023 Financial Plan be amended to include \$13,654,300 of Council Priority Projects identified in the report, funded from Growing Communities Fund grant funds and Council Strategic Initiatives funds;

AND FURTHER THAT Council approve the contribution of all remaining Growing Communities Grant funds and Council Strategic Initiatives funds to reserve to be used to fund future Council Priority Projects.

Carried

The meeting recessed at 2:45 p.m.

The meeting reconvened at 2:52 p.m.

5.5 Downtown Kelowna Business Improvement Area 2024 -2028 Bylaw

City Clerk:

- Spoke to the renewal of the Business Improvement Area for the Downtown Kelowna Association.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council receives for information, the Certificate of Sufficiency from the City Clerk dated October 16, 2023 pertaining to the establishment of the Downtown Kelowna Business Improvement Area.

AND THAT Bylaw No. 12575 being the Downtown Kelowna Business Improvement Area Bylaw be forwarded for adoption consideration.

Carried

5.6 BL12575 - Downtown Kelowna Business Improvement Area 2024 -2028 Bylaw

Moved By Councillor Webber/Seconded By Councillor Wooldridge

THAT Bylaw No. 12575 be adopted.

Carried

6. Resolutions

6.1 Draft Resolution - Council Climate Crisis Declaration

Councillors Lovegrove and Singh each provided comments in support of their draft resolution to declare a Climate Crisis.

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT Council defer further consideration of the draft resolution so Council can consult with residents and consider additional action items that will make the City a safer community for all.

Defeated

Councillors DeHart, Hodge, Lovegrove, Singh and Stack - Opposed

Moved By Councillor Lovegrove/Seconded By Councillor Singh

THAT Council declare a climate crisis.

Carried

Councillor Cannan – Opposed

The meeting recessed at 3:45 p.m.

The meeting reconvened at 3:50 p.m.

7. Bylaws for Adoption (Non-Development Related)

7.1 BL12579 - 2024 Permissive Tax Exemption Bylaw

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12579 be adopted.

Carried

8. Mayor and Councillor Items

Councillor DeHart:

- Spoke to their attendance at the Chamber of Commerce meetings this month.
- Spoke to their attendance at the Vendemmia Grape Stomp.
- Spoke to their attendance at the Dress for Success event.
- Spoke to their attendance at the Garry Benson Memorial Golf Tournament.
- Spoke to their attendance at the ATB Wealth Management grand opening.
- Spoke to the upcoming East meets West Childrens Foundation event on October 21, 2023.

Councillor Singh:

- Commented on the zebra mussels issue raised at the Regional District of Central Okanagan.
- Commented that October is International Women's History month.

Councillor Wooldridge:

- Thanked Provincial partners for brining 120 transitional shelter units to the city.

Councillor Lovegrove:

- Will be attending East meets West Childrens Foundation event.
- Spoke to their attendance at the Sterile Insect Release Program meeting.
- Spoke to their attendance at the SILGA Board meeting.

Councillor Cannan:

- Spoke to their attendance, as Deputy Mayor, at the Pathways Abilities Society event.
- Spoke to their attendance at the Kelowna Stands with Ukraine event.
- Spoke to their attendance at BC Centre for Disease Control workshop.
- Will bring forward a Notice of Motion regarding review of micro suites.

9. Termination

This meeting was declared terminated at 4:02 p.m.

Mayor Dyas

sf/acm

City Clerk

REPORT TO COUNCIL

Text Amendment



Date: October 23, 2023
To: Council
From: City Manager
File No.: TA23-0013

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA23-0013 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated October 23, 2023, be considered by Council;

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

AND THAT Council directs Staff to stop accepting applications for new short-term rental accommodation business licences in accordance with the Business Licence and Regulation Bylaw No. 7878 and Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720 until the outcome of Zoning Bylaw Text Amendment Application No. TA23-0013 has been determined;

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.

2.0 Purpose

To amend the Zoning Bylaw by removing short-term rental accommodation as a secondary use from all zones.

3.0 Background

At a Council workshop during the July 10, 2023 PM Meeting, Staff were directed to bring forth changes to short-term rental accommodation regulations within the Zoning Bylaw for further consideration.

Previous Council Resolution

Resolution	Date
<p>THAT Council receives, for information, the report from the Development Planning Department dated July 10, 2023, with respect to the short-term rental regulatory review;</p> <p>AND THAT Council directs Staff to bring forth changes to Zoning Bylaw No. 12375 and Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720 as outlined in the report from the Development Planning Department dated July 10, 2023.</p>	<p>July 10, 2023</p>

4.0 Development Planning

The City's short-term rental accommodations regulations were adopted by Council on April 8, 2019. The regulations were based on guiding principles endorsed by Council as well as best practice research and input from residents and stakeholders. The regulations were carried through to Zoning Bylaw No. 12375.

The guiding principles that directed the development of the short-term rental accommodation regulations were based on Kelowna's housing context, concerns about potential nuisance impacts in residential areas, and establishing a fair approach among short-term accommodation providers. These three guiding principles that were 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; and
3. Ensure equity among short-term accommodation providers.

Following the July 10, 2023, Council workshop on proposed changes to short-term rental regulations, Staff have considered the comments and direction received from Council. Given the findings of the recently presented Housing Needs Assessment, Staff have proposed regulations that are more considerate of long-term housing needs than the originally endorsed Council direction. The recommended amendments to Zoning Bylaw No. 12375 are:

Proposed Amendment #1 – Amend the current short-term rental accommodations definition and remove reference to short-term rental accommodation as a secondary use within Section 5 – Definitions & Interpretations. The reference to short-term rental accommodation as a secondary use within the definition should be deleted as it is no longer required, and it helps for regulation clarity to emphasize that residents and owners cannot engage in any short-term rental activity unless the zone explicitly allows it as a principal use.

Proposed Amendments #2, #3, and #4 – Delete the ratio of parking sizes for short-term rental accommodation and the minimum parking requirements for short-term rental accommodation in Agriculture & Rural zones and Single & Two Dwelling zones and amend the specific use regulation relating to the maximum number of sleeping units in Agriculture & Rural zones and Single & Two Dwelling zones. These changes would ensure the parking and specific use regulations would be consistent with the proposed changes.

Proposed Amendments #5, #6, #7, #8, #9, #10, #11, #12, #13 – Remove short-term rental accommodation as a permitted secondary use from the A1, A2, RR1, RR2, RU1, RU2, RU3, RU4, RU5, MF1, MF2, MF3, C1, C2, CA1, VC1, UC1, UC2, UC3, UC4, UC5, CD17, CD18 (Area II, Area III and Area IV), CD20, CD22 and CD26 zones. Additional rationale for this proposed change is detailed below.

This amendment proposes to remove short-term rental accommodation as a permitted secondary use for all zones, which includes all Agricultural & Rural, Single & Two Dwelling, Multi-Dwelling, Core Area & Other Zones, and Comprehensive Development zones. At this time, short-term rental accommodation would remain a permitted principal use in CD18 – McKinley Beach Comprehensive Development zone - Area I Village Centre only, as well as on properties with approved Site-Specific Regulations. The intent of the original planning, and subsequent CD18 – McKinley Beach Comprehensive Development zone adoption was to have more typical resort accommodations in Area I, which is recommended to continue to be permitted in this area only. Short-term rental accommodation would also remain permitted as a principal use in a number of exemption areas, which are listed in Attachment A. Additionally, all properties with valid short-

term rental accommodation business licences would be permitted to continue operating as a non-conforming use in accordance with Section 528 of the Local Government Act. Based on September 2023 Business Licensing data, approximately 427 properties would receive non-conforming status.

Operating short-term rental accommodation on any of these properties (listed in Attachment A) is subject to change as the City reviews additional information from the Province of British Columbia regarding the proposed Short-Term Rental Accommodations Act and associated regulations, including how the Act would be interpreted regarding the application of principal residence requirements and changes to legal non-conforming use protections.

Current Statistics

As of September 2023, there are currently 1,191 short-term rental accommodations with a valid business licence in Kelowna. This is an increase of 89% since 2020. Since the Council workshop in July 2023, an additional 44 new licences have been issued, which includes 21 non-principal residence licences and 23 principal residence licences. An additional 62 licences are currently in the queue waiting to be reviewed by Staff. A summary of the growth of the short-term rental program since 2020 is provided in Table 1 below.

Table 1 – Number of approved short-term rental (STR) business licences per year since 2020

Year	Approved STR as a Principal Use	Approved STR as a Secondary Use	Total Approved STR
2020	378	252	630
2021	477	333	810
2022	666	466	1,132
2023 (as of September)	693*	498**	1,191

* This is the current number of business licences issued where short-term rental accommodation is a permitted principal use (i.e. not in a principal residence). Short-term rental accommodation would remain as a permitted principal use in specific exemption areas, which are outlined in Attachment A, on properties with approved Site-Specific Regulations, as well as within Area I Village Centre of the CD18 – McKinley Beach Resort zone.

** This is the current number of business licences issued where short-term rental accommodation is a permitted secondary use (i.e. in a principal residence). These properties would be permitted to continue operating as short-term rental accommodation with non-conforming use status in accordance with Section 528 of the Local Government Act. There are some licences within this category that are also located within exemption areas. For example, this would include someone who owns a principal residence in an exemption area, where short-term rentals as a principal use is permitted, but operates the short-term rental as a secondary use instead.

A number of properties have been recognized by the City to have short-term rental accommodation as a permitted principal use, either based on historical zoning or through Site-Specific Regulations. These properties have been known as short-term rental accommodation exemption areas. As of September 2023, there were 764 active short-term rental accommodation business licences in these principal use or exemption areas (74 principal residence, 690 non-principal residence). An example of properties with permitted principal use, permitted non-conforming short-term rentals are those that had the C9 – Tourist Commercial zone in Zoning Bylaw No. 8000, which was a zone that was not translated into current Zoning Bylaw N. 12375. These properties have been listed in Attachment A. The properties where short-term rental accommodation will continue to be permitted to provide short-term rental accommodation are located throughout the City, with areas of concentration in the Downtown Urban Centre, South Pandosy Urban Centre, Cook Truswell Village Centre and McKinley Beach. If the Province of British Columbia makes legislative changes relating to non-

conforming regulations regarding short-term rental accommodation, the status of short-term rental accommodation being permitted on these properties may be required to change.

Housing Crisis

The [Canada Mortgage and Housing Corporation \(CMHC\) report \(2020\)](#) on the impact of short-term rentals on Canadian housing found that approximately 31,000 homes across Canada have been taken off the long-term market in Canada. Kelowna-specific data about the direct impact to the long-term rental housing market is not available, however it is known that every time a unit is converted from the long-term housing market, housing availability and affordability is affected.

The City of Kelowna's Housing Needs Assessment has conducted a comprehensive analysis of the community's housing needs and found that there is a large existing deficit of housing in Kelowna, as well as expected ongoing need for housing into the future. Rental housing is in particular demand, and this demand is expected to grow. A target of 440-600 long-term market rental units are required annually to meet the needs of Kelowna residents. Housing that is converted from short-term rentals to long-term rentals could help to meet the City's market rental housing targets.

Since the July 10, 2023 Council workshop, short-term rental accommodation has continued to put pressure on the long-term housing market. Staff are concerned short-term rental accommodation has been operating contradictory to guiding principle #1. Short-term rentals are diverting units of housing out of the regular rental market during a housing and affordability crisis. As evidence of this, between 2019 and 2022, approximately 70 decommissioning permits have been issued for properties that subsequently applied for a short-term rental business licence. Under the current regulations, short-term rental accommodation is not permitted to operate within a carriage house or secondary suite, and for these properties, owners have removed a long-term rental unit in favour of a short-term rental instead. Staff are concerned this has influenced the capacity of Kelowna's long-term secondary rental housing market and may indicate a trend that is in contradiction of guiding principle #1 of the short-term rental program. Removing the use from these zones will prevent this from legally occurring in the future.

In addition, with the Province of British Columbia expected to table legislation that may allow multiple dwellings on single family lots within the City, Staff recommend proactively removing the short-term rental use from these zones in anticipation of future challenges. This would ensure any new dwellings are for the long-term housing needs of the City's residents.

Staff Capacity and Enforcement

Unlike many other large municipalities in British Columbia, Kelowna does not have Staff resources that are dedicated to the management and enforcement of the short-term rental accommodation program at a level that the growth and demands of the program currently warrant. The current Zoning Bylaw regulations have proven to be difficult to enforce and have occupied a significant amount of Staff time across multiple departments, including those in Development Planning, Business Licensing and Bylaw Enforcement. This proposed text amendment is intended to simplify the rules and, eventually, require less time for ensuring compliance and enforcement.

From 2019 through to the end of 2022, the Bylaw Enforcement Department received 294 specific service requests related to short-term rentals. These requests are associated with 146 unique properties. However, it's likely this number is higher as complaints, such as those related to noise, are not often known at the time

a complaint is received to be due to a short-term rental. There are also several properties that have become specifically problematic, generating over one hundred complaints, and taking Bylaw Enforcement Officers years to investigate and resolve. For example, in 2023 one property has received 19 unique complaints. Another property, which took from 2016 to 2020 to resolve, resulted in 115 calls to the Bylaw Enforcement Office. Complaints vary in nature and most commonly included those related to noise and nuisances, parking, solid waste bylaws, and Zoning Bylaw regulations, such as the number of people and guests. These can be some of the most challenging complaints for Bylaw Enforcement Officers to gather evidence and lay a charge on. The number and nature of service requests relating to short-term rentals is indicative that the current program is functioning contrary to guiding principle #2.

A significant Bylaw Enforcement challenge is related to the difficulties in being able to prove principal residency, where short-term rentals are a permitted secondary use. While many properties are compliant, Staff are aware of instances where ongoing abuse of the program is occurring, and this has been to the detriment of the broader housing needs of the community. To address this, Staff have proposed to remove short-term rental accommodation as a permitted secondary use from all zones in the City. This proposed amendment may result in an initial spike in enforcement requirements due to the number of illegally operating short-term rentals, but in the long-term these proposed amendments are anticipated to make enforcement of the program easier. New principal residence requirements that are included in the Short-Term Rental Accommodations Act proposed by the Province of British Columbia would assist with addressing this enforcement challenge.

Host Compliance is a software tool used by the City's Business Licensing Department to find and enforce short-term rental non-compliance, as well as to review each business license application that is received. Staff use this tool to review a property and ensure an online listing matches an application and regulations. It also supports Staff in the identification of short-term rentals operating out of carriage houses or secondary suites, as well as those operating contrary to their permitted bedroom and guest count. From 2019 to June 2023, Host Compliance was used to proactively identify 796 short-term rentals operating without a business license that were brought into compliance, without having to utilize Bylaw Enforcement for ticketing or further enforcement action. There are known challenges with Host Compliance in being able to identify illegal short-term rentals within the multiple dwelling housing context. A new Provincial short-term rental registry is proposed to be created and is scheduled to be launched in late 2024. This will require hosts to include a provincial registration number on their listing, as well as require platforms to remove listings without valid provincial registry numbers.

Compliance has been an on-going issue for the Business Licensing Department. There are approximately 900 non-compliant properties that have been identified by Host Compliance that have not yet obtained a short-term rental accommodation business licence, and a number of additional properties that have been flagged for further identification and investigation. Business Licensing Staff currently only have capacity to enforce on a small number of non-compliant short-term rentals at one time and it's been time-consuming on Staff to work towards bringing properties into compliance. Business Licensing Staff invest anywhere from several minutes to multiple days' work, depending on the property, issue and number of complaints received. Therefore, increased enforcement of short-term regulations is pivotal to mitigate any further loss of long-term housing stock, bring properties into compliance and hold hosts responsible to their legal obligations.

The proposed changes to Zoning Bylaw No. 12375 will not eliminate the need for dedicated Staff time related to ongoing enforcement and compliance. This proposed text amendment would see approximately 427 short-term rentals receive non-conforming status in accordance with Section 528 of the Local Government Act, as well as 693 current short-term rentals, which would be permitted to continue operating a permitted

principal use at this time. There are also currently 62 applications in the queue to be reviewed by Business Licensing Staff, which would be considered as in-stream prior to any bylaw change. As additional buildings that are on the exemption list and are currently under construction receive occupancy (such as Aqua, Caban and properties within CD18 – McKinley Beach Comprehensive Development Zone Area I Village Centre), the number of permitted principal use short-term rentals would be expected to increase, however this is subject to change pending additional information from the Province of British Columbia.

Summary and Next Steps

It is recognized that short-term rentals can supplement the accommodation market and provide homeowners with additional income opportunities. Nonetheless, an appropriately regulated process is required in order to preserve the housing stock for long term rentals while managing tourism impacts. The challenge faced by municipalities is to find a balance in regulation of short-term rental activity to continue to enhance benefits and opportunities of the industry, while reducing any detrimental effects on housing and neighbourhood livability. Kelowna is not alone with these challenges, and like many municipalities across Canada, are grappling with pressures from short-term rentals. Staff recognize the current Zoning Bylaw short-term rental regulations require amendments to address housing and enforcement related concerns, and are following Council direction from the July 10, 2023 workshop in bringing forward this proposed text amendment. Given the findings of the recently presented Housing Needs Assessment, Staff have proposed regulations that are more restrictive than the originally endorsed Council direction.

Due to current challenges associated with short-term rentals including implications to the current housing crisis, as well as ongoing enforcement demands, it is recommended short-term rental accommodation regulations be amended to eliminate them in single and multi-family forms of housing. This includes the removal of short-term rental accommodation as a permitted secondary use from all zones within the City. Short-term rental accommodation may continue to be permitted as a non-conforming use on properties with a valid short-term rental business licence, on properties with recognized exemption status (listed in Attachment A), on properties with approved Site-Specific Regulations, and in the CD18 – McKinley Beach Comprehensive Development zone in Area I Village Centre. However, operating short-term rental accommodation on any of these properties is subject to change as we obtain additional information from the Province of British Columbia regarding the proposed Short-Term Rental Accommodations Act and any associated regulations, including how the Act would be interpreted regarding the application of principal residence requirements and changes to legal non-conforming use protections. As of September 2023, there are 1,191 valid short-term rental accommodation licences that would be permitted to continue operating in the City. Over 60 additional business licence applications are considered to be in-stream which could obtain approvals prior to any regulatory amendment, and new applications could still be received on properties as outlined above. Accordingly, nearly 1,200 short-term rental accommodations will continue to be an option to help supplement the tourism market in a number of locations throughout the City at this time. This number will likely be reduced by the legislative changes introduced by the Provincial Government.

Should this proposed text amendment be supported by Council, Staff commit to reporting back to Council with an update on the program after one year for further review and discussion. This would give an opportunity to review regulatory changes from the Province of British Columbia, as well as evaluate how these proposed changes have affected housing availability and affordability in Kelowna. Furthermore, the industry continues to evolve, a review gives Staff and Council the opportunity to review the regulations as they relate to ongoing changes and challenges in both the accommodation industry as well as the City's housing needs. If supported by Council, a separate amendment to the City's Short-Term Rental

Accommodation Business Licence and Regulation Bylaw No. 11720 to further align with these changes and to strengthen enforcement options would follow.

Council can also anticipate an additional staff report related to the implementation of Provincial regulatory changes and their impact on properties that are presently zoned for Short Term Rentals as a primary use or that are currently protected by grandfathering regulations.

Staff recommend support for the proposed Zoning Bylaw Text Amending Bylaw to short-term rental accommodation regulations, as summarized above, and outlined in Schedule A. Additional complementary changes may be brought forward to Council at a later date depending on the implementation of Provincial legislative changes.

5.0 Current Development Polices

5.1 Kelowna Official Community Plan (OCP)

Objective 4.14 Protect the rental stock in Urban Centres (Chapter 4 – Urban Centres)		
Policy 4.14.3 Short-Term Rentals		Ensure short-term rental accommodations limits impact on the long-term rental housing supply.
		<i>This proposed text amendment will see the removal of short-term rental accommodations as a permitted secondary use from all zones within Urban Centres. As it would no longer be a permitted use, this would ensure short-term rental accommodation is prohibited from occurring on any property with a rental-only subzone and units could potentially be returned to the long-term rental housing supply.</i>

Objective 5.13 Protect the rental housing stock (Chapter 5 – The Core Area)		
Policy 5.13.3 Short-Term Rentals		Ensure short-term rental accommodations do not negatively impact the long-term rental housing supply.
		<i>This proposed text amendment removes short-term rental accommodations as a permitted secondary use from all zones within the Core Area. As it would no longer be a permitted use, this would ensure short-term rental accommodation is prohibited from occurring on any property with a rental-only subzone and units could potentially be returned to the long-term rental housing supply.</i>

Objective 6.10 Prioritize the construction of purpose-built rental housing (Chapter 6 – The Gateway)		
Policy 6.10.5 Short-Term Rentals		Ensure short-term rental accommodations limits impact on the long-term rental housing supply.
		<i>This proposed text amendment would see the removal of short-term rentals as a permitted secondary use from all zones, helping to ensure that the impact of short-term rental accommodations on the long-term rental housing supply are limited.</i>

5.2 Healthy Housing Strategy

Key Direction and Recommended Actions: Promote and protect rental housing

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Proposed Text Amendment to Zoning Bylaw No. 12375

Attachment A: List of Properties with Short-Term Rental Accommodation Permitted Principal Use or Non-Conforming Status

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

Schedule A – Proposed Text Amendments*

No.	Section	Current Wording	Proposed Wording	Reason for Change																																				
1.	Section 5 – Definitions & Interpretations	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 excludes hotels and motels. Short-term rental accommodations shall not be permitted to operate within a boarding or lodging house, a carriage house, a group home, or within a secondary suite. If the short-term rental accommodation is a secondary use then the short-term rental accommodation must only occur within principal dwelling unit and must be operated by a resident who resides for more than 240 days of the year at that dwelling unit.	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 excludes hotels and motels. Short-term rental accommodations shall not be permitted to operate within a boarding or lodging house, a carriage house, a group home, or within a secondary suite. If the short term rental accommodation is a secondary use then the short-term rental accommodation must only occur within principal dwelling unit and must be operated by a resident who resides for more than 240 days of the year at that dwelling unit.	Short-term rental accommodation is proposed to be removed as a secondary use from all zones. The reference to short-term rental accommodation as a secondary use within the definition should be deleted as it is no longer required, and it helps for regulation clarity to emphasize that residents and owners cannot engage in any short-term rental activity unless the zone explicitly allows it as a principal use.																																				
2.	Section 8 – Parking and Loading Section 8.2 Off-Street Parking Regulations Size and Ratio Table 8.2.7.b Ratio of Parking Space Sizes	<table border="1"> <thead> <tr> <th colspan="3">Table 8.2.7.b Ratio of Parking Space Sizes</th> </tr> <tr> <th>Uses:</th> <th>Min. Regular Size Vehicle parking spaces</th> <th>Max. Small Size Vehicle parking spaces</th> </tr> </thead> <tbody> <tr> <td>Short-term rental accommodation</td> <td>0%</td> <td>100%^{3, 4}</td> </tr> </tbody> </table>	Table 8.2.7.b Ratio of Parking Space Sizes			Uses:	Min. Regular Size Vehicle parking spaces	Max. Small Size Vehicle parking spaces	Short-term rental accommodation	0%	100% ^{3, 4}	<table border="1"> <thead> <tr> <th colspan="3">Table 8.2.7.b Ratio of Parking Space Sizes</th> </tr> <tr> <th>Uses:</th> <th>Min. Regular Size Vehicle parking spaces</th> <th>Max. Small Size Vehicle parking spaces</th> </tr> </thead> <tbody> <tr> <td>Short-term rental accommodation</td> <td>0%</td> <td>100%^{3, 4}</td> </tr> </tbody> </table>	Table 8.2.7.b Ratio of Parking Space Sizes			Uses:	Min. Regular Size Vehicle parking spaces	Max. Small Size Vehicle parking spaces	Short-term rental accommodation	0%	100%^{3, 4}	Removal of the size and ratio requirement for short-term rental accommodation is consistent with the proposed regulations. Only principal use short-term rental accommodations would be permitted which means the parking stalls associated with those dwelling units would need to meet the parking stall size ratio for the dwelling use (For example: Townhouse, Stacked Townhouses, Apartments, etc.).																		
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<p>4. Section 9 – Specific Use Regulations</p> <p>Section 9.10 Short Term Rental Accommodation</p>	<p>Section 9.10 Short Term Rental Accommodation Section 9.10.3</p> <p>The maximum number of sleeping units that may be used for short-term rental accommodation within dwelling units in the agriculture & rural zones and the single & two dwelling zones is three (3) sleeping units. The maximum number of sleeping units that may be used for short-term rental accommodation within dwelling units in the multi-dwelling zones and the core area & other zones is two (2) sleeping units.</p>	<p>Section 9.10 Short Term Rental Accommodation Section 9.10.3</p> <p>The maximum number of sleeping units that may be used for short-term rental accommodation within dwelling units in the agriculture & rural zones and the single & two dwelling zones is three (3) sleeping units. The maximum number of sleeping units that may be used for short-term rental accommodation within dwelling units in the multi-dwelling zones and the core area & other zones is two (2) sleeping units.</p>	<p>Removal of reference for maximum number of sleeping units for Agriculture & Rural Zones and Single & Two Dwelling Zones, as no permitted short-term rental accommodation uses would remain in any Agriculture & Rural Zones or Single & Two Dwelling Zones.</p>																																														
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<p>8. Section 14 - Core Area and Other Zones</p> <p>Section 14.9 – Principal and Secondary Land Uses</p>	<p>See Chart A</p>	<p>See Chart B</p>	<p>Removal of short-term rental accommodation as a permitted secondary use from the C1, C2, CA1, VC1, UC1, UC2, UC3, UC4 and UC5 zones. This change is proposed to address concerns regarding the short-term rental accommodation use contradicting guiding principle #1 and being a contributing factor to the current housing crisis, as well as contradicting guiding principle #2, as Staff capacity to deal with compliance and enforcement is currently challenged.</p>																																														
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	Section 15.3.3 – CD17 Permitted Land Uses			housing crisis, as well as contradicting guiding principle #2, as Staff capacity to deal with compliance and enforcement is currently challenged.																																																						
10.	Section 15 – Comprehensive Development Zones Section 15.4.3 – CD18 Permitted Land Uses	See Chart C	See Chart D	Remove short-term rental accommodations as a permitted secondary use from the CD18 – McKinley Beach Resort Comprehensive Development zone in Area II, III and IV. Short-term rental accommodation is proposed to remain as a permitted principal use in CD18 – McKinley Beach Resort Comprehensive Development zone Area I only. This is consistent with the original vision of McKinley Beach where the single family would be treated similar to the rest of the City in terms of short-term rental accommodation regulations and Area I was intended to be the resort accommodation area.																																																						
11.	Section 15 – Comprehensive Development Zones Section 15.5.3 – CD20 Permitted Land Uses	<table border="1"> <tr><th colspan="2">Section 15.3.3 – CD20 Permitted Land Uses</th></tr> <tr><th>Uses</th><th>('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)</th></tr> <tr><td>Short-Term Rental Accommodations</td><td>S</td></tr> </table>	Section 15.3.3 – CD20 Permitted Land Uses		Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)	Short-Term Rental Accommodations	S	<table border="1"> <tr><th colspan="2">Section 15.3.3 – CD17 Permitted Land Uses</th></tr> <tr><th>Uses</th><th>('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)</th></tr> <tr><td>Short-Term Rental Accommodations</td><td>§</td></tr> </table>	Section 15.3.3 – CD17 Permitted Land Uses		Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)	Short-Term Rental Accommodations	§	Removal of short-term rental accommodations as a permitted secondary use from the CD20 - University Comprehensive Development zone. The renting of student residences (dorm rooms) in summer months has been functioning as a hotel / motel, which remains a permitted secondary use in the CD20 zone, and removing the short-term rental accommodation use will not limit the ability of the University (North Campus only) to continue these summer rentals.																																										
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Short-Term Rental Accommodations	S	S	S	S	S	S																																																				
Section 15.6.3 – CD22 Permitted Land Uses																																																										
Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)																																																									
	Sub Areas A & B ²	Sub Areas C & G ²	Sub Areas D ²	Sub Areas E & F ²	Sub Areas H ²	Sub Areas I ²																																																				
Short-Term Rental Accommodations	§	§	§	§	§	§																																																				
13.	Section 15 – Comprehensive Development Zones Section 15.7.3 – CD26 Permitted Land Uses	<table border="1"> <tr><th colspan="2">Section 15.7.3 – CD26 Permitted Land Uses</th></tr> <tr><th>Uses</th><th>('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)</th></tr> <tr><td>Short-Term Rental Accommodations</td><td>S</td></tr> </table>	Section 15.7.3 – CD26 Permitted Land Uses		Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)	Short-Term Rental Accommodations	S	<table border="1"> <tr><th colspan="2">Section 15.7.3 – CD26 Permitted Land Uses</th></tr> <tr><th>Uses</th><th>('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)</th></tr> <tr><td>Short-Term Rental Accommodations</td><td>§</td></tr> </table>	Section 15.7.3 – CD26 Permitted Land Uses		Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)	Short-Term Rental Accommodations	§	Removal of short-term rental accommodations as a permitted secondary use from the CD26 - Capri Centre Comprehensive Development zone. This change is proposed to address concerns regarding the short-term rental accommodation use contradicting guiding principle #1 and being a contributing factor to the current housing crisis, as well as contradicting guiding principle #2, as Staff capacity to deal with compliance and enforcement is currently challenged.																																										
Section 15.7.3 – CD26 Permitted Land Uses																																																										
Uses	('P' Principal Use, 'S' Secondary Use, '-' Not Permitted)																																																									
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Short-Term Rental Accommodations	§																																																									

*May be subject to further amendments based on the Province of British Columbia's Short-Term Rental Accommodations Act and any associated regulations.



Chart A

Section 14.9 – Principal and Secondary Land Uses																					
Uses	Zones (‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)																				
	C1	C2	CA1	VC1	UC1	UC2	UC3	UC4	UC5	I1	I2	I3	I4	P1	P2	P3	P4	P5	HD1	W1	W2
Short-Term Rental Accommodations	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-

Chart B

Section 14.9 – Principal and Secondary Land Uses																					
Uses	Zones (‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)																				
	C1	C2	CA1	VC1	UC1	UC2	UC3	UC4	UC5	I1	I2	I3	I4	P1	P2	P3	P4	P5	HD1	W1	W2
Short-Term Rental Accommodations	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-

Chart C

Section 15.4.3 – CD18 Permitted Land Uses				
Uses	(‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)			
	AREA I Village Centre ⁴	AREA II Winery and Resort Accommodation ⁴	AREA III Hillside Resort Accommodation ⁴	AREA IV Waterfront Resort Accommodations ⁴
Short-Term Rental Accommodations	P	S	S	S

Chart D

Section 15.4.3 – CD18 Permitted Land Uses				
Uses	(‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)			
	AREA I Village Centre ⁴	AREA II Winery and Resort Accommodation ⁴	AREA III Hillside Resort Accommodation ⁴	AREA IV Waterfront Resort Accommodations ⁴
Short-Term Rental Accommodations	P	S ₋	S ₋	S ₋

**May be subject to further amendments based on the Province of British Columbia’s Short-Term Rental Accommodations Act and any associated regulations.*

Principal Use	Principal Use with 6-month restriction *	Principal Use, Permitted Non-Conforming
3699 Capozzi Rd	1088 Sunset Dr	1873 - 1875 Country Club Dr
3700 Capozzi Rd	1128 Sunset Dr	1350 St Paul St
3800 Capozzi Rd	1075 Sunset Dr	1290 St Paul St
<i>(Aqua Project - Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #5)</i>	1083 Sunset Dr	1215 St Paul St
	1089 Sunset Dr	1471 St Paul St
	1093 Sunset Dr	1585 Abbott St
	1099 Sunset Dr	3477 - 3499 Lakeshore Rd
	1123 Sunset Dr	925 Leon Ave
CD18/ Area I Village Centre <i>(Permitted in Zoning Bylaw No. 12375 CD18 – McKinley Beach Comprehensive Development Zone, Section 15.4.3 – CD18 Permitted Land Uses)</i>	1129 Sunset Dr	1083 KLO Rd
	1133 Sunset Dr	3880 Truswell Rd
	1139 Sunset Dr	3398 McKinley Beach Lane
	<i>(Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #8)</i>	648-654 Cook Rd
<i>(Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #9)</i>		3377 Lakeshore Rd

* The short-term rental accommodation must maintain at least 6 months a year of long-term residential use. For example, the 6 months long term residency could be owner occupied or monthly rentals.

Will be subject to change based on the Province of British Columbia’s Short-Term Rental Accommodations Act and any associated regulations.



City of
Kelowna

Short-term Rental Accommodation Regulatory Changes

TA23-0013

Purpose

- ▶ To amend the Zoning Bylaw by removing short-term rental accommodation as a secondary use from all zones. |

Background

- ▶ The three guiding principles 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; and
 3. Ensure equity among short-term accommodation providers.

- ▶ Created based on Kelowna's housing context, concerns about potential nuisance impacts in residential areas, and establishing a fair approach among short-term accommodation providers

Background

- ▶ April 8, 2019 – STR Regulations were adopted
- ▶ July 10, 2023 - STR Workshop with Council
- ▶ Sept 11, 2023 - Housing Needs Assessment
- ▶ October 16, 2023 – Province of BC introduces STR legislation

Proposed Amendments

- ▶ **Proposal: Remove short-term rental accommodation as a permitted secondary use from all zones**

- ▶ **Proposed Amendments #1 to #4**
 - ▶ Amend current short-term rental accommodation definition
 - ▶ Remove reference to secondary use
 - ▶ Ensure all regulations are consistent with proposed changes
 - ▶ Parking requirements and max. sleeping units

Proposed Amendments

- ▶ **Proposal: Remove short-term rental accommodation as a permitted secondary use from all zones**
- ▶ Proposed Amendments #5 to #13
 - ▶ Removal of short-term rental accommodation as a permitted secondary use from all zones.
 - ▶ This includes the following zones:
 - ▶ A1, A2, RR1, RR2, RU1, RU2, RU3, RU4, RU5, MF1, MF2, MF3, C1, C2, CA1, VC1, UC1, UC2, UC3, UC4, UC5, CD17, CD18 (Area II, Area III and Area IV), CD20, CD22 and CD26
- ▶ Future amendments may be required based on the Province of BC's STR Accommodations Act & any associated regulations

Permitted Uses

- ▶ At this time, STR would remain permitted:
 - ▶ as a principal use in CD18 – McKinley Beach Comprehensive Development Zone Area I Village Centre
 - ▶ as a principal use on properties with approved Site-Specific Regulations
 - ▶ permitted on properties with recognized non-conforming/exemption status
 - ▶ on any other properties (not included above) with valid STR business licences
 - ▶ Non-conforming properties – Section 528 LGA
- ▶ Will be subject to change pending regulation by the Province of BC
- ▶ Ongoing monitoring for compliance with licence conditions

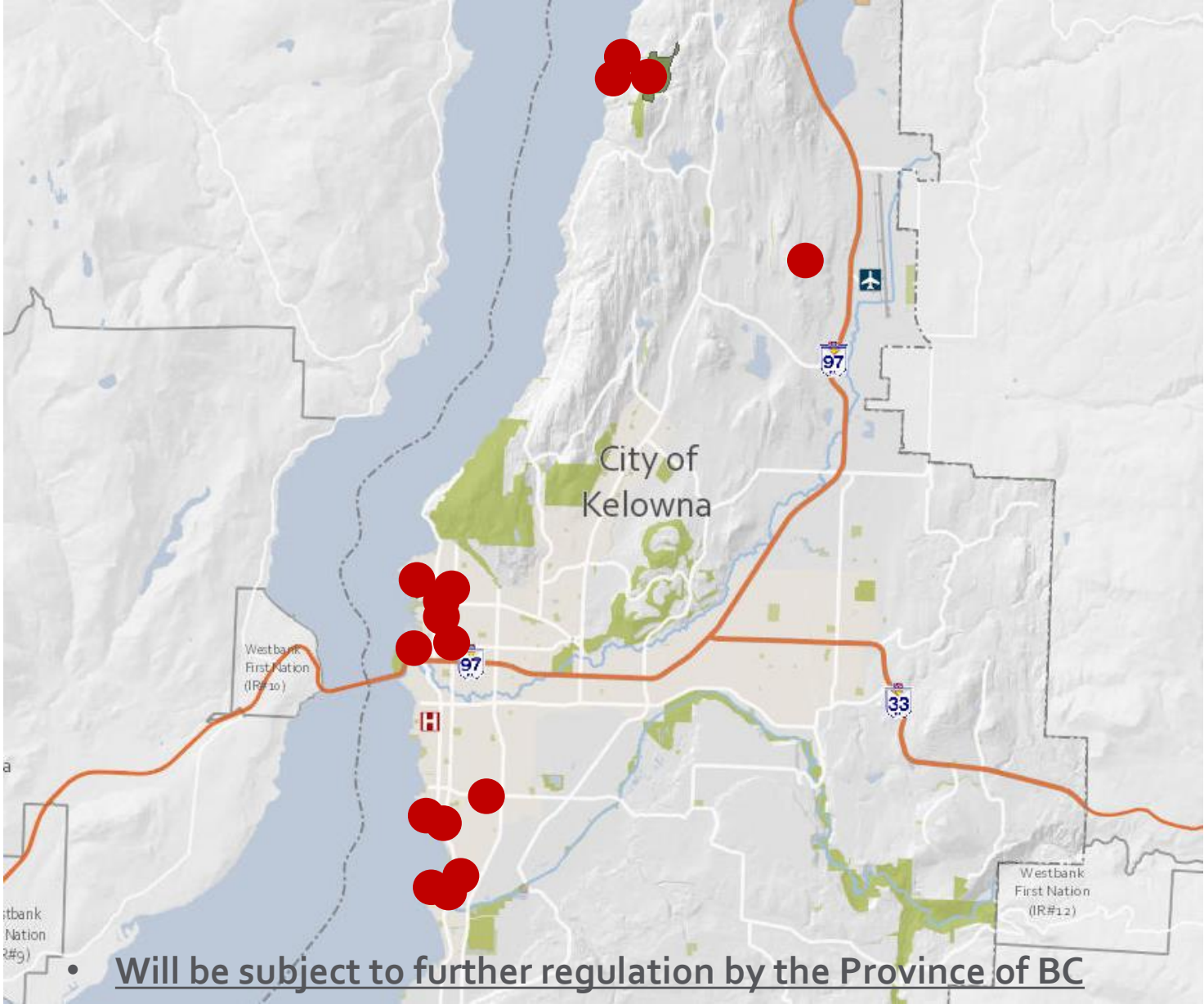
Permitted Use and Non-Conforming Areas

Principal Use	Principal Use with 6-month restriction *	Principal Use, Permitted Non-Conforming
3699 Capozzi Rd	1088 Sunset Dr	1873 - 1875 Country Club Dr
3700 Capozzi Rd	1128 Sunset Dr	1350 St Paul St
3800 Capozzi Rd	1075 Sunset Dr	1290 St Paul St
<i>(Aqua Project - Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #5)</i>	1083 Sunset Dr	1215 St Paul St
	1089 Sunset Dr	1471 St Paul St
	1093 Sunset Dr	1585 Abbott St
	1099 Sunset Dr	3477 - 3499 Lakeshore Rd
CD18/ Area I Village Centre	1123 Sunset Dr	925 Leon Ave
<i>(Permitted in Zoning Bylaw No. 12375 CD18 – McKinley Beach Comprehensive Development Zone, Section 15.4.3 – CD18 Permitted Land Uses)</i>	1129 Sunset Dr	1083 KLO Rd
	1133 Sunset Dr	3880 Truswell Rd
	1139 Sunset Dr	3398 McKinley Beach Lane
648-654 Cook Rd	<i>(Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #8)</i>	3475 Granite Close / 3434 McKinley Beach Dr
<i>(Permitted in Zoning Bylaw No, 12375, Section 14.15 Site Specific Regulations, Item #9)</i>		3377 Lakeshore Rd

As of September 2023, there are:

- **764 Active STR business licences in these areas**
 - 74 principal residence
 - 690 non-principal residence
- **Several buildings still under construction**
 - Aqua (415 units) – Permitted principal use
 - Caban (127 units) – Permitted non-conforming
 - McKinley Beach - Area I – Permitted principal use - Still actively being built out
- **Will be subject to change based on the Province of BC's Short-Term Rental Accommodations Act and any associated regulations**

STR Principal Use and Non-Conforming Areas



Licensing

- ▶ Currently 1,191 valid business licences for STR (Sept 2023)
 - ▶ 693 as an approved principal use
 - ▶ 498 as an approved secondary use
 - ▶ Majority would become recognized as a non-conforming use (Section 528 LGA)
 - ▶ Approx. 427 STR valid business licences would receive non-conforming status
 - ▶ Would be subject to confirming principal residence requirement regulated by the Province of BC
 - ▶ 60+ applications currently in queue to be reviewed
- ▶ 89% increase in STR business licences since 2020

Revenue/Expenses

▶ Revenue

- ▶ 2023 (to-date) revenue generation from STR BL's is \$682,740
- ▶ 2023 revenues from the Online Accommodation Platforms are estimated at just shy of \$1.0 M.

▶ Expenses

- ▶ 0.5 FTE in Bylaw Enforcement Department
- ▶ 1.0 FTE in Business Licensing Department
- ▶ 2022 - \$70,300 on a contract with Host Compliance

Housing Needs Assessment

- ▶ Target of 440-600 long-term market rental units required annually
 - ▶ Any new housing used for STR does not contribute towards the housing target
 - ▶ When long-term rental units are converted to STR, this detracts from this target
- ▶ Concern STR is operating contrary to guiding principle #1
 - ▶ 2019-2022 – 70 decommissioning permits for suites -> subsequent application for STR BL
 - ▶ STR affecting housing availability and affordability
- ▶ Anticipated upcoming Provincial housing legislation
 - ▶ Proactively ensuring new dwellings will be for long-term housing needs

Enforcement and Staff Capacity

- ▶ Challenges in 2023 Tourist Season for multiple departments
- ▶ Business Licensing
 - ▶ Host Compliance
 - ▶ Software to find and enforce STR non-compliance
 - ▶ Recommended to continue use at this time
 - ▶ Approximately 900+ non-compliant properties currently identified
- ▶ Provincial Registry to launch in late 2024
 - ▶ Requires platforms to remove listings without valid provincial registry numbers

Enforcement and Staff Capacity

- ▶ Bylaw Enforcement
 - ▶ Current regulations are difficult to enforce
 - ▶ Common STR-related complaints to Bylaw Enforcement are some of the most challenging to gather evidence and lay charges on
 - ▶ Operating contrary to guiding principle #2
- ▶ Increased enforcement is pivotal to mitigate further loss of the long-term housing supply and bring properties into compliance
- ▶ Proposed changes will not eliminate the need for dedicated Staff time
 - ▶ Ongoing Staff capacity for enforcement and ensuring compliance

Summary

- ▶ Staff are proposing a text amendment to the Zoning Bylaw
 - ▶ Remove short-term rental accommodation as a *secondary use* from all zones
 - ▶ Ensure Zoning Bylaw regulations are consistent with the proposed changes
- ▶ Current permitted principal use and non-conforming properties will be subject to the Province of BC's Short-Term Rental Accommodations Act and any associated regulations

Staff Recommendation

- ▶ Staff recommend support for the proposed Text Amendment
 - ▶ July 2023 – Direction from Council workshop
 - ▶ September 2023 - Housing Needs Assessment
 - ▶ Ongoing Enforcement and Staff Capacity Concerns
 - ▶ Determine next implementation steps of STR regulatory changes from the Province
- ▶ Staff will report back to Council in 2024
 - ▶ Provide update on implementation of Provincial regulatory changes
- ▶ Amendment to the City's Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720 to further align with these changes and to strengthen enforcement options to follow



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA
BYLAW NO. 12590
TA23-0013 – Short-Term Rental Accommodation Regulatory
Amendments

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, SHORT-TERM RENTAL ACCOMODATIONS** be amended by deleting the following:

"If the **short-term rental accommodation** is a **secondary use** then the **short-term rental accommodation** must only occur within **principal dwelling unit** and must be operated by a resident who resides for more than 240 days of the year at that **dwelling unit.**";

2. AND THAT **Section 8 – Parking and Loading, Section 8.2 – Off-Street Parking Regulations, Table 8.2.7.b Ratio of Parking Space Sizes** be amended by deleting the "Short-term rental accommodation" row in its entirety;

3. AND THAT **Section 8 – Parking and Loading, Section 8.3 – Required Off-Street Parking Requirements, Table 8.3.1a Other Residential Parking** be amended by deleting the "Short-Term Rental Accommodation: Agriculture & Rural Zones and Single & Two Dwelling Zones" row in its entirety;

4. AND THAT **Section 9 – Specific Use Regulations, Section 9.10 – Short-Term Rental Accommodation, 9.10.3** be amended by deleting the following:

"The maximum number of **sleeping units** that may be used for **short-term rental accommodation** within **dwelling units** in the **agriculture & rural zones** and the **single & two dwelling zones** is three (3) **sleeping units.**";

5. AND THAT **Section 10 – Agriculture & Rural Residential Zones, Section 10.3 – Permitted Land Uses** be amended by deleting the "Short-Term Rental Accommodations" row in its entirety;

6. AND THAT **Section 11 – Single and Two Dwelling Zones, Section 11.3 – Permitted Land Uses** be amended by deleting the "Short-Term Rental Accommodations" row in its entirety;

7. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.3 – Permitted Land Uses** be amended by deleting the "Short-Term Rental Accommodations" row in its entirety;

8. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses** be amended by deleting the “Short-Term Rental Accommodations” row in its entirety;
9. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.3 – CD17 – High Density Mixed Use Commercial, Section 15.3.3 – CD17 Permitted Land Uses** be amended by deleting the “Short-Term Rental Accommodations” row in its entirety;
10. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.4 – CD18 – McKinley Beach Resort, Section 15.4.3 – CD18 Permitted Land Uses, Short-Term Rental Accommodations** be amended by deleting the “S” under “AREA II Winery and Resort Accommodation”, under “AREA III Hillside Resort Accommodation”, and under “AREA IV Waterfront Resort Accommodations” and replacing it with “-”;
11. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.5 – CD20 – University, Section 15.5.3 – CD20 Permitted Land Uses** be amended by deleting the “Short-Term Rental Accommodations” row in its entirety;
12. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.6 – CD22 – Central Green, Section 15.6.3 – CD22 Permitted Land Uses** be amended by deleting the “Short-Term Rental Accommodations” row in its entirety;
13. AND FURTHER THAT **Section 15 – Comprehensive Development Zones, Section 15.7 – CD26 – Capri Centre, Section 15.7.3 – CD26 Permitted Land Uses** be amended by deleting the “Short-Term Rental Accommodations” row in its entirety;
14. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL REZONING



Date: October 23, 2023
To: Council
From: City Manager
Address: 4665 Fordham Rd
File No.: Z23-0057

	Existing	Proposed
OCP Future Land Use:	S-RES – Suburban Neighbourhoods	S-RES Suburban Neighbourhoods
Zone:	RU1 – Large Lot Housing	RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z23-0057 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of LOT 20 DISTRICT LOT 357 ODYD PLAN 18457, located at 4665 Fordham Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment “A” attached to the Report from the Development Planning Department dated October 23, 2023;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to registration of a Tree Protection Covenant to protect three trees on the property.

2.0 Purpose

To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

3.0 Development Planning

Development Planning Staff support the proposed rezoning application to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision. The proposal meets the purpose of the 2040 Official Community Plan (OCP) Future Lands Use Designation of S-RES Suburban Residential, which speaks to the accommodation of single and two dwelling growth. The property is connected to City sanitary sewer and is within the Permanent Growth Boundary (PGB). As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives.

Lot Area	Proposed (m ²)
Gross Site Area	1398 m2
Undevelopable Area	N/A
Net Site Area	1398 m2

4.0 Site Context & Background

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Housing
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RU1 – Large Lot Housing	Single Dwelling Housing
West	RU1 – Large Lot Housing	Single Dwelling Housing

Subject Property Map: 4665 Fordham Rd



A covenant will be registered at time of Subdivision to protect three of the mature trees in the rear yard of the property.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable	
Policy 7.2.1 Ground Oriented Housing	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
	<i>The proposed rezoning would provide additional ground-oriented dwellings that contribute to diverse and affordable housing within suburban communities.</i>

6.o Application Chronology

Application Accepted: August 24, 2023
Neighbourhood Notification Summary Received: September 30, 2023

Report prepared by: Alissa Cook, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:
Attachment A: Development Engineering Memo

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.

**MEMORANDUM**

Date: September 18, 2023
File No.: Z23-0057
To: Community Planning Manager (DS)
From: Development Engineering Manager (NC)
Subject: 4665 Fordham Rd RU1 to RU2

The Development Engineering Department has the following comments associated with this Rezoning Application to rezone the subject property from RU1 Large Lot Housing to RU2 Medium Lot Housing. Directly attributable Works and Services are addressed in the memo for S23-0052 and assume Rezoning will happen concurrently with the Subdivision.

The Development Engineering Technician for this file is Chris Pedersen (cpedersen@kelowna.ca).

1. **GENERAL**

- a. The following comments and requirements are valid for a period of one (1) year from the reference date of this memo, or until the application has been closed, whichever occurs first.

2. **DOMESTIC WATER AND FIRE PROTECTION**

- a. Approximately 30 L/s is available for combined domestic and fire flow supply from the 100 mm watermain fronting the subject property.
- i. The proposed land use would facilitate development with a Required Fire Flow of approximately 150-167 L/s to suppress a fully-involved structure fire on the subject property, assuming a 2-hr firewall is provided between the proposed lots.
- ii. The proposed land use would facilitate development that would require approximately 50 L/s for exposure control to stop a fire from spreading to existing adjacent dwellings.
- b. Exposure risk to neighbouring properties could likely be reduced to within the currently available fire-flow if the proposed development was required to have non-combustible exterior cladding with a 1-hr fire resistance rating and protected openings (glazing, eaves, etc.) or was required to be sprinklered.


Nelson Chapman, P.Eng.
Development Engineering Manager

CP

CITY OF KELOWNA

BYLAW NO. 12589

Z23-0057

4665 Fordham Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 12375 be amended by changing the zoning classification of Lot 20 District Lot 357 ODYD Plan 18457, located on Fordham Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



City of
Kelowna

Z23-0057
4665 Fordham Rd

Rezoning Application

Purpose

- ▶ To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a two-lot subdivision.

Development Process



Aug 24, 2023

Development Application Submitted



Staff Review & Circulation



Sept 30, 2023

Public Notification Received



Oct 23, 2023

Initial Consideration



Reading Consideration



Final Reading

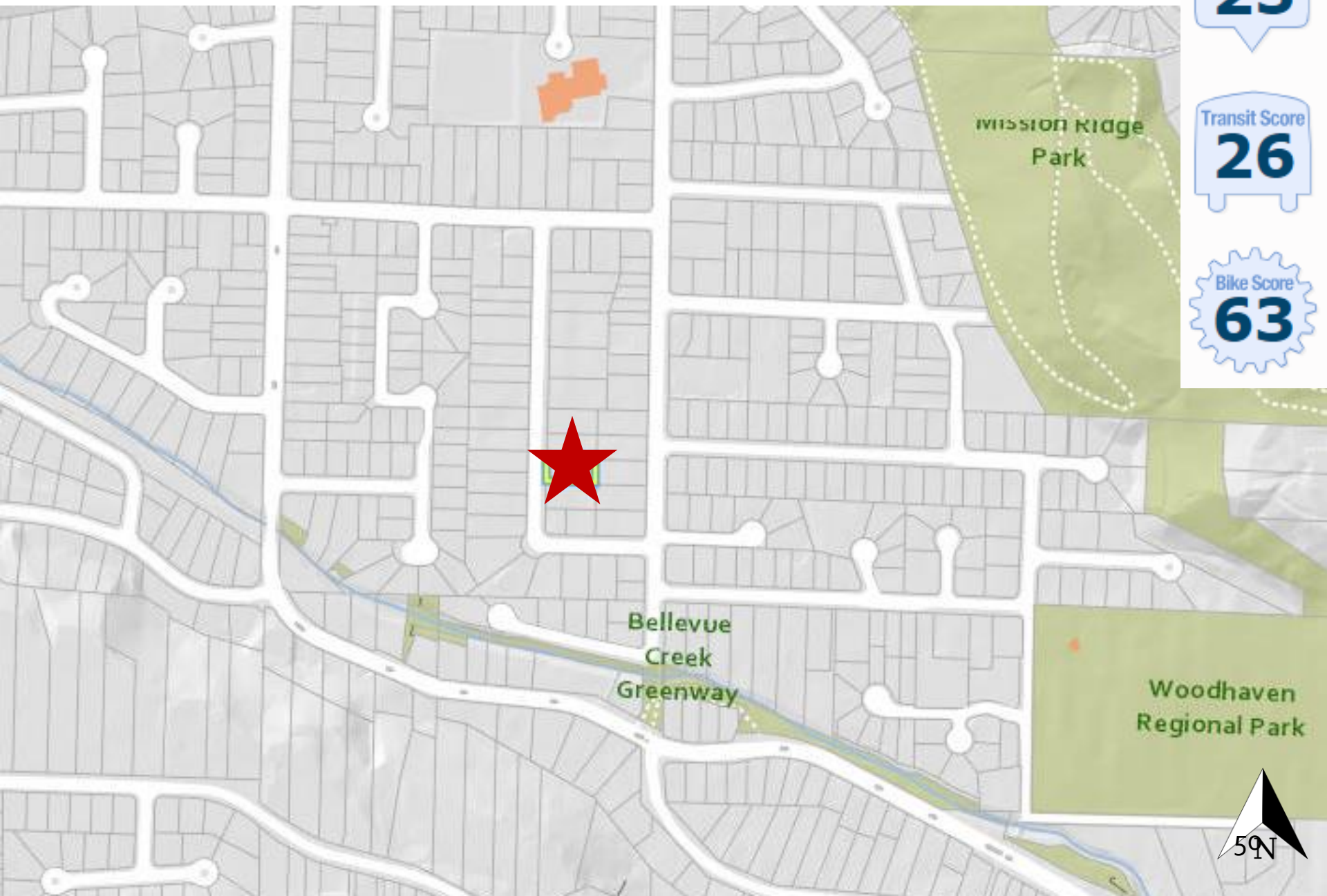


Building Permit



Council Approvals

Context Map



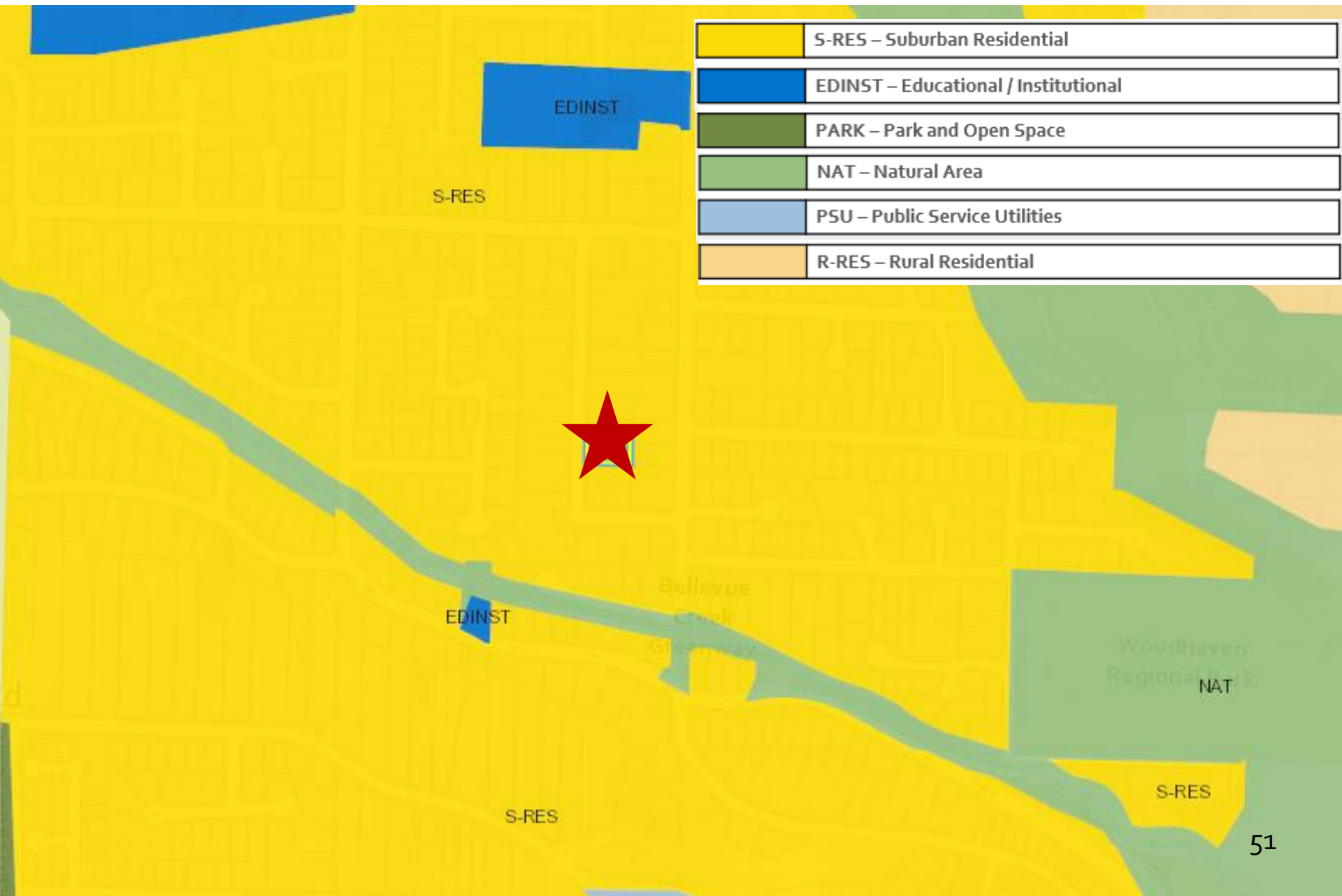
Walk Score
25

Transit Score
26

Bike Score
63



OCP Future Land Use



Subject Property Map



FORDHAM RD

52

Project Details

- ▶ S-RES – Suburban Residential
- ▶ RU₁ to RU₂
- ▶ Covenant for three trees

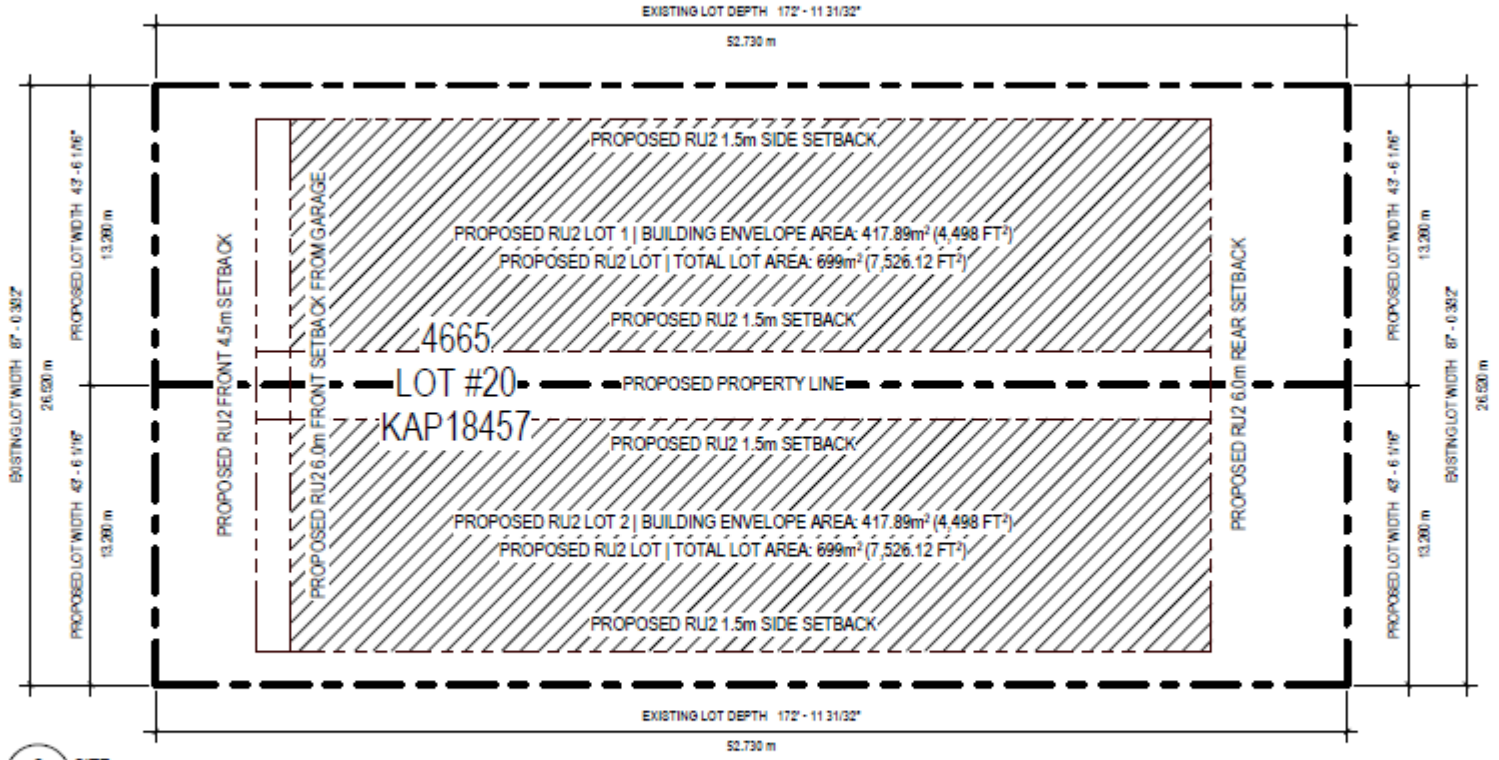
OCP Objectives & Policies

- ▶ Policy 7.2.1 Ground Oriented Housing
 - ▶ Consider a range of low-density ground-oriented housing developments to improve housing diversity.

Staff Recommendation

- ▶ Staff recommend **support** for the proposed rezoning as it is consistent with:
 - ▶ OCP Future Land Use S-RES
 - ▶ OCP Objectives in Chapter 7 Suburban Residential
 - ▶ Ground Oriented
 - ▶ Low Density

FORDHAM ROAD



2 SITE
SCALE: 1/16" = 1'-0"

PROJECT TITLE: 4665 FORDHAM ROAD

DRAWING TITLE: PROPOSED SITE PLAN

PROJECT:	N/A
SCALE:	1/16" = 1'-0"
DATE:	30/07/2023
DRAWING:	

A101

Report to Council



Date: October 23, 2023
To: Council
From: City Manager
Subject: 2024 Wastewater Rates
Department: Utility Services

Recommendation:

THAT Council receives for information the report from the Utility Services Manager dated October 23, 2023, regarding wastewater utility rates for 2024 and delegation of authority for staff to update the Septic Removal Specified Area maps;

AND THAT Bylaw No. 12587, being amendment No. 41 to Sewerage System User Bylaw 3480, be forwarded to Council for reading consideration.

Purpose:

To obtain approval for wastewater utility rates for 2024 and consider minor updates to Bylaw 3480.

Background:

Staff have conducted a review of the City wastewater utility’s operations, maintenance, and capital program to determine financial revenue needs to support a sustainably funded utility. This analysis includes a pro-forma statement of revenues and expenditures based on a 10-year projection, using proposed 2024 budget figures, future capital cost projections, and expected operating expenditures to service the utility.

Wastewater collection and treatment fees paid by our users continue to be comparable with other communities in the Okanagan Valley and across BC. Our wastewater collection and treatment costs are reflective of our current facilities and level of service as well as economies of scale. A comparison of 2023 wastewater costs in BC for a typical single-family home is provided in Figure 1.

Overall, the guiding principle for the City’s wastewater sector is to protect Okanagan Lake, human health and our environment through efficient collection and effective treatment of wastewater. Wastewater management is a key responsibility towards Kelowna’s water security, as all treated effluent is discharged into Okanagan Lake.

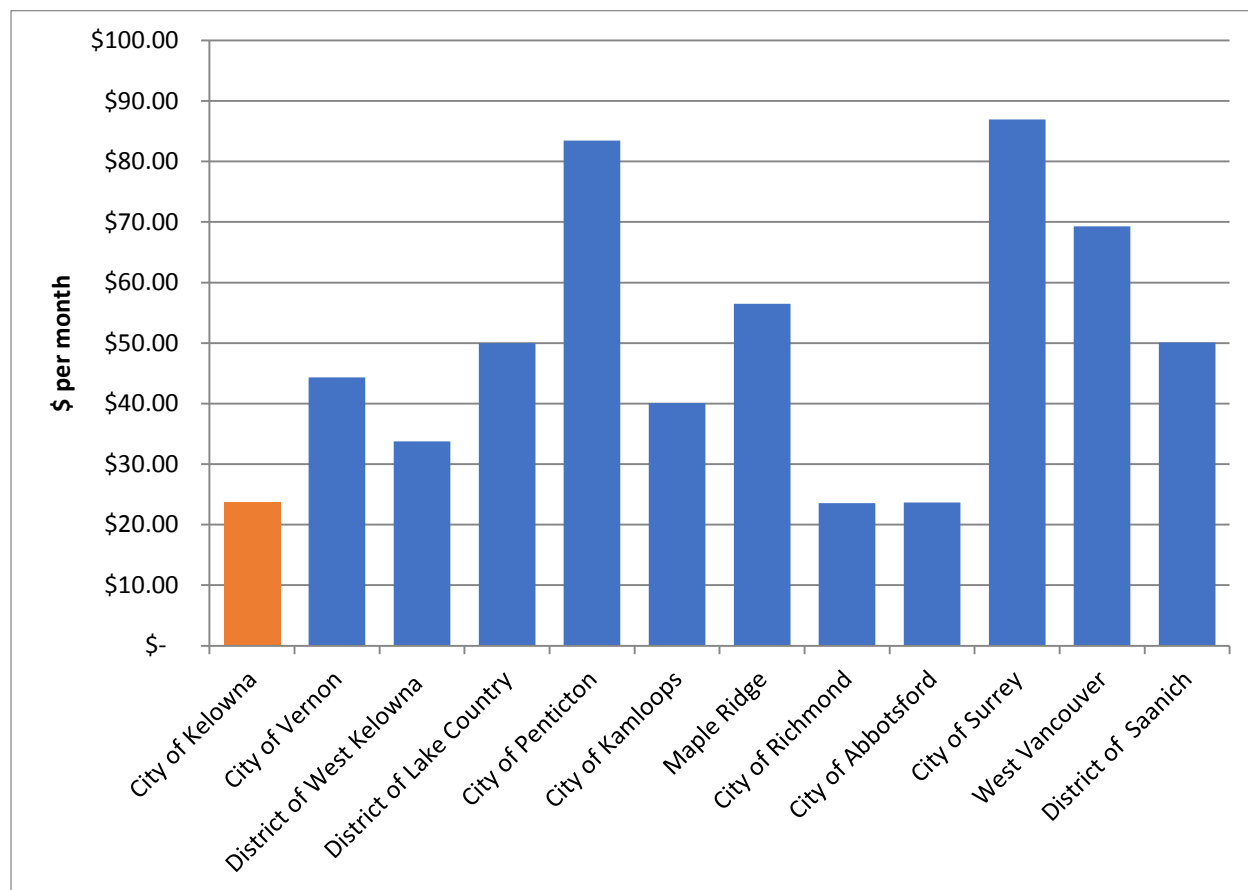


Figure 1 - 2023 Monthly wastewater cost comparison for a typical single-family home using 13.6 cubic metres per month.

Discussion:

The wastewater utility continues to provide efficient and cost-effective service for ratepayers. To ensure that the wastewater utility continues to be sustainably self-funded, a general rate increase of three (3) per cent is recommended for 2024.

The proposed 2024 rate increase of three (3) percent keeps the City wastewater utility rate reasonable for Kelowna customers. The 2024 rate increase will cost residential homes an additional \$0.71 per month to a total monthly fee of \$24.33. The City’s benchmarking efforts compares our operations with other municipalities across Canada, and we continue to show that Kelowna provides very cost-effective tertiary wastewater treatment and collection. This rate increase assumes that the strong current utility fund reserve can sustain the short term high inflationary cost pressures encountered in the last three (3) years.

The City continues to advance its goal of eliminating septic systems in urbanized areas. Policy adjustments are recommended to facilitate some of the new processes and bylaws now in place to facilitate administration of this process. Each time a sewer connection project is completed, an amendment to Schedule 1 of bylaw No. 3480 is required to leverage the Septic Removal Spec Area fee.

Staff are recommending that a delegation of authority to update the mapping in Schedule 1 of the bylaw be provided. The map in Schedule 1 would be removed from the bylaw and replaced with an Administrative Policy. In general, properties will be added to Administrative Policy map once it is pre-serviced through a Sewer

Connection Area Project (as defined in the Sewer Connection Area Prioritization Bylaw No. 12343), and lots shall be removed from the map once the owner has paid the Septic Removal Specified Area sewer development charge.

Council should also be aware of the following notable initiatives that will have some impact on the wastewater utility and utility rates over the coming decade:

Solids management

The wastewater utility continues to develop management strategies to manage the biosolids generated from our wastewater treatment process. Our biosolids compost facility in Vernon is at capacity. Kelowna is now sending some biosolids to a private compost facility and Vernon has implemented a project to reduce solids coming from their largest wastewater customer. Our current strategy is to use a portfolio of solids management options to ensure resiliency and disposal options. This includes generally operating the Regional compost facility at 75% capacity, and diverting solids to other facilities in the valley that are accepting organic matter for mine reclamation. Given the portfolio of medium and longer term options available the timing of a City owned digestion facility has been deferred in the capital plan to beyond 2033.

Wastewater influent concentration

The success of the City's water conservation activities is resulting in unintended challenges to our current wastewater treatment processes. The reduced water use by customers due to more efficient fixtures is producing higher nutrient concentrations in our raw wastewater stream, potentially impacting our ability to meet regulated target nutrient levels in our effluent. Staff are currently assessing options for adjusting the treatment process, and likely foresee emerging capital budget items over the next 5-7 years.

Aging system

On average, our wastewater assets are relatively young, reflecting the growth rate of our community. However, we are beginning to see assets in the older areas of town depreciating faster than they are being renewed. Our proposed 2024 renewal rate is roughly 0.8 percent of our asset replacement value. This means our renewal funding is adequate to renew assets every 125 years on average. In the long run, sustainable renewal funding will need to be closer to 1.5 percent of system replacement cost (equal to 67-year average life cycle). The renewal rate in the approved 10-year capital plan has no substantial renewal funding increases. In addition to increasing capital expenditures for renewal in the future, we can expect operating costs to rise as the average age of our infrastructure increases.

Impact of inflation

Since 2020, we have experienced energy and construction cost inflation significantly higher than the inflation referenced by the Consumer Price Index (CPI). This results in added pressure on rates to meet our expected level of service. Since 2021, we have seen renewal costs increase by 20 to 40 percent which has put budgetary pressures on our current capital plan and will shift us further from sustainable funding if it continues.

The wastewater utility has significant reserves to address planned infrastructure renewal over the 10-year capital plan horizon. In the short term, reserves can address the shock impact of cost increases, allowing time to assess the longer-term renewal costs and adjust the capital plan and rates as necessary.

Conclusion:

To ensure that the wastewater utility continues to be sustainably self-funded, a general rate increase of three (3) per cent is recommended for 2024. Rates will take effect January 1, 2024, pending amendments to the bylaw.

To limit future amendments to Bylaw No. 3480, staff are proposing that schedule 1 maps be removed from this bylaw and the authority to amend the maps be delegated to the General Manager of Infrastructure.

Internal Circulation:

Financial Planning
Revenue Services
Communications

Considerations applicable to this report:

Communications Comments:

A note on the utility bill will inform customers of the adjusted rates.

Financial/Budgetary Considerations:

The proposed rate adjustment supports the approved ten-year capital plan. Budget impacts will be included in the 2024 Financial Plan.

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
External Agency/Public Comments:

Submitted by: K. Van Vliet, Utility Services Manager

Approved for inclusion: M. Logan, Infrastructure General Manager

Attachment 1: Wastewater Utility 2024 Rates Presentation

cc: Divisional Director, Corporate Strategic Services
Division Director, Financial Services



City of
Kelowna

WASTEWATER UTILITY RATES

October 2023



UTILITY SERVICES

- ▶ Provide essential water services
- ▶ Protect public health
- ▶ Protect Okanagan Lake and our environment

A clean Okanagan Lake is essential for our public health and our economy

WATER SECURITY

- ▶ On Feb 6, 2023, Council adopted nine (9) principles to guide the development of a Water Security Plan.
- ▶ **Principle 2:** “Protect Okanagan Lake, human health and our environment through efficient collection and effective treatment of wastewater.”



The six water sectors outlined in the City's Water Security Planning Process

WASTEWATER SERVICES

- 2 wastewater treatment facilities,
- 47 lift stations,
- Over 590 kilometers of wastewater mains



WASTEWATER SERVICES



DRIVERS AND INFLUENCERS

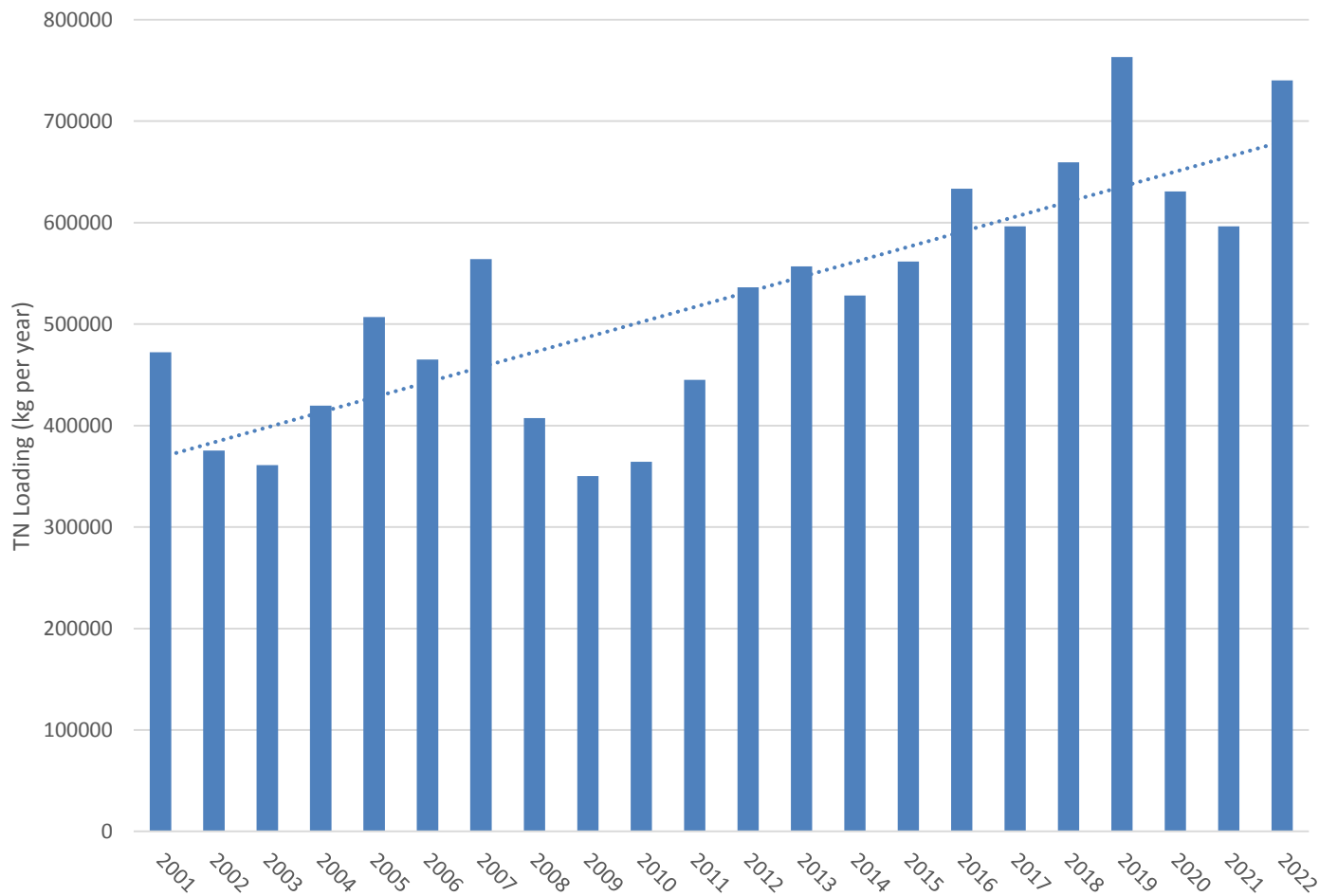
- ▶ Solids Management
- ▶ Influent Concentration
- ▶ Infrastructure Renewal

SOLIDS MANAGEMENT



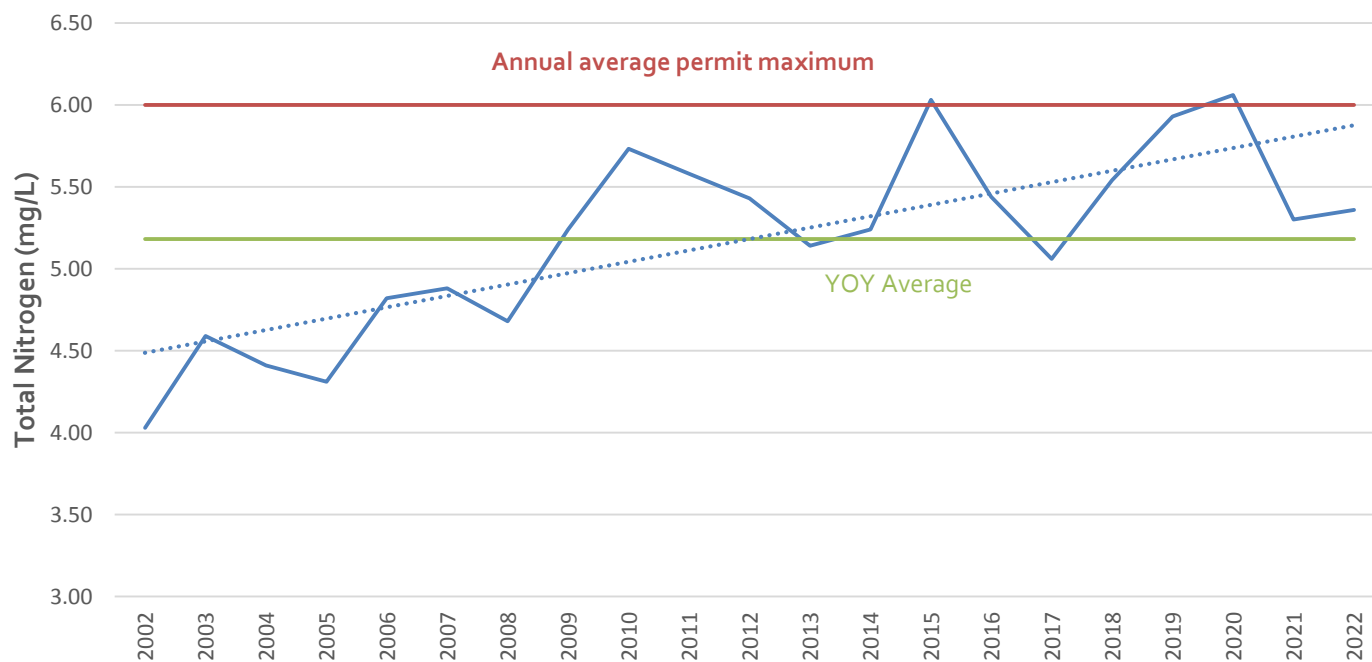
INFLUENT CONCENTRATION

Influent Total Nitrogen Loading 2001-2022

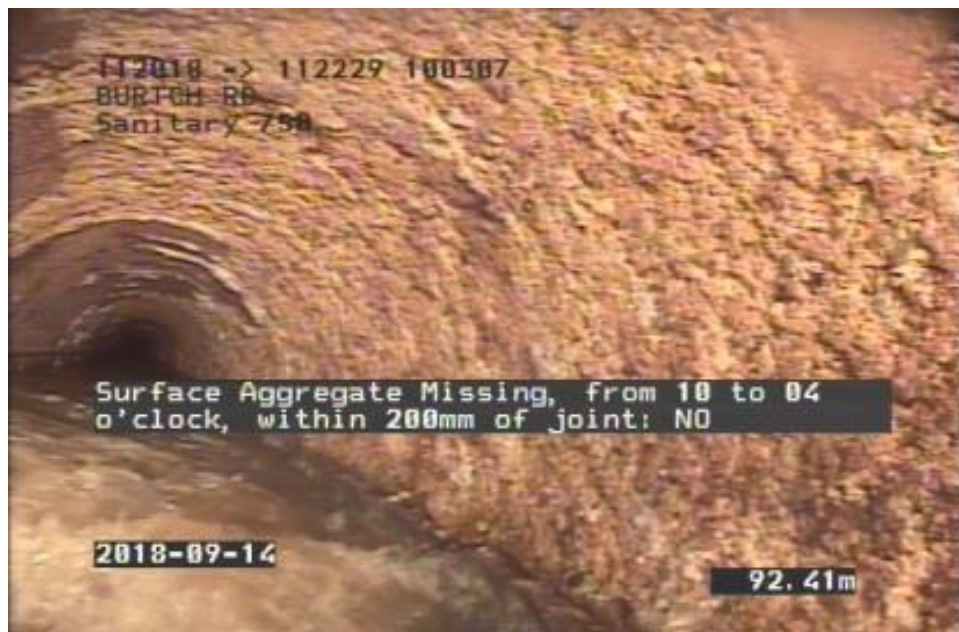


INFLUENT CONCENTRATION

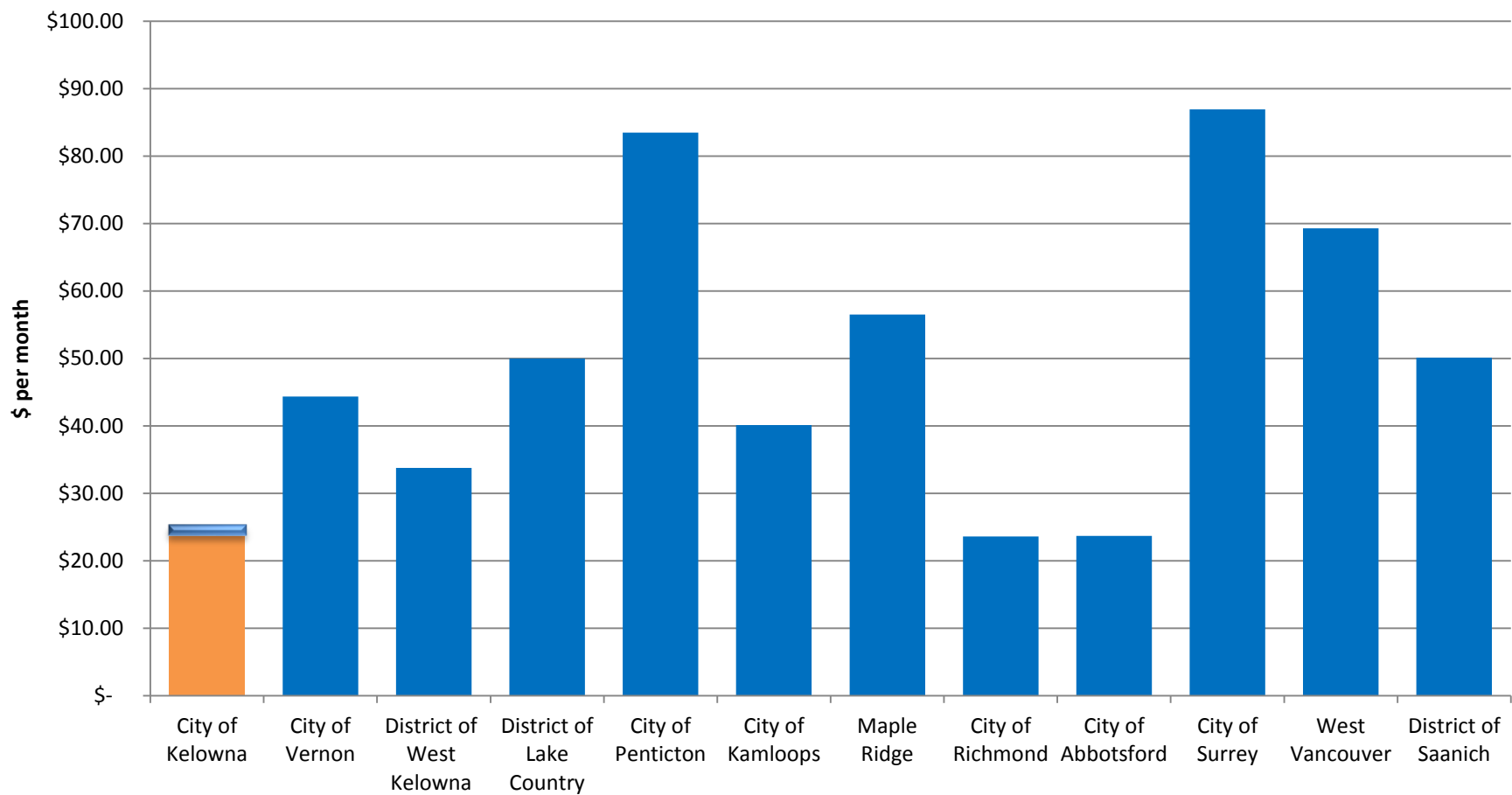
Effluent Total Nitrogen Annual Average



AGING SYSTEM - RENEWAL



2023 Single Family Dwelling Monthly Sewer Rates



DELEGATION OF AUTHORITIES

- ▶ Schedule 1 maps identify lots in Septic Removal Specified Area
 - ▶ Authority to collect Sewer Development Charge (SDC) at time of connection
- ▶ Delegation of maps to General Manager of Infrastructure will reduce future bylaw amendments.



QUESTIONS?

Kevin Van Vliet, P.Eng.
Utility Services Manager
October 16th, 2023

CITY OF KELOWNA

Bylaw No. 12587

Amendment No. 41 to Sewerage System User Bylaw No. 3480

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Sewerage System User Bylaw No. 3480 be amended as follows:

1. THAT **SECTION 2. DEFINITIONS**, "Septic Removal Specified Area" be amended by deleting "in Schedule 1 of this bylaw," and replace it with "the Septic Removal Specified Area Maps administered by the City (with authorities delegated to the General Manager, Infrastructure);"
2. THAT **SECTION 2. DEFINITIONS**, "Residential User" be amended by deleting the word "primarily" and replace it with "exclusively";
3. AND THAT **SECTION 3. (1)(c)** Septic Removal Specified Area User be amended by deleting "Schedule 1" and replace it with "the Septic Removal Specified Area Maps";
4. AND THAT **SECTION 3. (1)(c)** Septic Removal Specified Area User Service Type table be amended by deleting the following:

Service Type	2022	2023
100-mm residential	\$7,500	\$7,800
150-mm multi-family and/or commercial	\$10,000	\$10,400
Industrial OR larger than 150 mm	\$16,000	\$16,640

And replace it with

Service Type	2023	2024	2025
100-mm residential	\$7,800	\$7,800	\$9,000
150-mm multi-family and/or commercial	\$10,400	\$10,400	\$12,000
Industrial OR larger than 150 mm	\$16,400	\$16,400	\$18,900

5. AND THAT **SECTION 3. (1)(d)** Septic Removal Specified Area Delegation be added as follows:
"Delegation of Authority for the Septic Removal Specified Area Maps: Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the General Manager, Infrastructure is assigned the authority to approve and amend the Septic Removal Specified Area Maps on behalf of the City.";
6. AND THAT **SECTION 3. (2)** be amended by deleting "in Schedule 1, attached to and forming part of this bylaw,";
7. AND THAT **SECTION 3. (4)** be deleted in its entirety that reads "Should a lot be identified in both the Sewer Connection Charge bylaw and this bylaw, the sewer charges outlined in this bylaw shall supersede.";

8. AND THAT **Section 4.** rate table be amended by deleting the following

	Effective January 1, 2022	Effective January 1, 2023
Flat Rate per Month	\$22.71	\$23.62
Bi-Monthly Rate	\$44.42	\$47.24

And replace with

	Effective January 1, 2023	Effective January 1, 2024
Flat Rate per Month	\$23.62	24.33
Bi-Monthly Rate	\$47.24	\$48.66

9. AND THAT **Section 5 (1). (2).** rate tables be amended by deleting the following

	Effective January 1, 2022	Effective January 1, 2023
Metered base rate per month	12.41	12.91
Bi-Monthly	\$24.82	\$25.82
Consumption charge	\$1.03/ m ³	\$1.07/ m ³

	Effective January 1, 2022	Effective January 1, 2023
Metered base rate per month	\$285.59	\$297.01
Bi-Monthly	\$571.19	\$594.02
Consumption charge	\$1.03/m ³	\$1.07/m ³

And replace with

	Effective January 1, 2023	Effective January 1, 2024
Metered base rate per month	\$12.91	\$13.30
Bi-Monthly	\$25.82	\$26.59
Consumption charge	\$1.07/ m ³	\$1.10/ m ³

	Effective January 1, 2023	Effective January 1, 2024
Metered base rate per month	\$297.01	\$305.92
Bi-Monthly	\$594.02	\$611.84
Consumption charge	\$1.07/m ³	\$1.10/m ³

10. AND FURTHER THAT **Schedule 1 – SEPTIC REMOVAL SPECIFIED AREA** maps be removed in their entirety;
11. This bylaw may be cited for all purposes as "Bylaw No. 12587, being Amendment No. 41 to Sewerage System User to Bylaw No. 3480."
12. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Report to Council



Date: October 23, 2023
To: Council
From: City Manager
Subject: Business Licence Bylaw No. 7878 - Revision
Department: Development Services

Recommendation:

THAT Council receives for information, the report from the Business Licence Supervisor dated October 23, 2023, recommending that Council rescind Business Licence and Regulation Bylaw No. 7878 and give reading consideration to replacement Bylaw No. 12585;

AND THAT Business Licence and Regulation Bylaw No. BL 12585 be forwarded for reading consideration;

AND THAT Amendment No. 36 Bylaw no. 12586 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to give notice by placing an advertisement in City In-Action to allow written comments from the public to be submitted to the Business Licence Supervisor no later than 4pm on November 3, 2023.

Purpose:

To replace the current Business Licence and Regulation Bylaw No. 7878 with Business Licence and Regulation Bylaw No. 12585

Background:

The City adopted a new Official Community Plan in January 2022. As a result, numerous bylaws and policies have been updated since to follow the directions outlined in the Official Community Plan such as the new Zoning Bylaw (Sept 2022), Development Applications and Heritage Procedures Bylaw 12310 (June 2022), Public Notification & Consultation for Development Applications Policy 367 (June 2022), updates to Subdivision Development & Servicing bylaw (August 2023), and others. In the natural progression of necessary bylaw updates the Business Licence and Regulation Bylaw now requires updates in order to modernize it and to follow the sequencing and alignment of various bylaws and policies to the Official Community Plan. Furthermore, to ensure all related bylaws are updated, the

Bylaw Notice Enforcement Bylaw will be amended to align with the new Business Licence Bylaw. The most noteworthy amendment is to include a new penalty for marketing a business without a valid business licence.

This report has provides an in-depth analysis and recommendations to replacement the Business Licence and Regulation Bylaw. The current Business Licence and Regulation Bylaw has been in effect since 1996 with only minor amendments and is in need of substantial alignment updates and modernization. The proposed new bylaw is designed to align seamlessly with the City of Kelowna's strategic vision and addresses several key areas such as: the use of contemporary language, enhanced clarity, streamlined fee structures, and improved overall user experience.

Discussion:

The major amendments and updates to the Business License and Regulation Bylaw has been organized into four main categories.

Category 1: Modern Language, Clarity, and Enhanced User-Friendly Experience

A primary objective in the new bylaw is to enhance accessibility and understanding of the bylaw. Substantial efforts have been completed in modernizing the language throughout the document with the goal that the bylaw is easily understood by a broad audience: including businesses, city officials, and the public.

Noteworthy changes were made to Part 7 – Authority, which outlines the procedures for refusals, cancellations, suspensions, and Council reconsiderations. The existing bylaw lacks any provision for a reconsideration process, an omission that is rectified in the proposed bylaw, aligning it more closely with principles of transparency and accountability.

The most noteworthy change is that the updated land use categories and definitions within the new Zoning Bylaw have been incorporated into the new Business Licensing and Regulation Bylaw in order to provide a synergistic and easier to understand bylaw. This will facilitate a more straightforward experience for individuals and businesses applying for licences.

Category 2: Licence Type Codes and Data Collection

The new bylaw is proposing to transform how licence types are categorized and how data is collected. The existing bylaw's classification system is out of date, and has struggled to keep relevant with the evolving business landscape. For example, the old bylaw featured categories such as circuses and shoeshine stands and it did not have any categories for contemporary business models including those in the sharing economy, fitness and recreation, creative arts, and animal-related occupations. The current bylaw has 138 different licence type codes.

The new bylaw has addressed these limitations by streamlining and consolidating the licence type codes. The licence type codes have been condensed from 138 to 33. This will significantly enhance the efficiency of the application intake process. This reduction in type codes will allow for greater data collection and tailored questioning for each business type during the application process.

For example, the Services category has been consolidated from over 40 type codes into a single Services type code category. Then during the application process, there will be specific questions aligning the business type with the Zoning Bylaw creating a cohesive and logically structured approach.

Category 3: Streamlined Fees

One of the other substantial improvements with the proposed bylaw update is the restructuring of fee schedules. The existing bylaw featured a fee system that incorporated calculations based on square footage or the number of employees, a system ill-suited to contemporary business practices. Through comprehensive research and consultation, the staff recommendation is to move beyond that outdated practice towards a more equitable and transparent cost recovery model.

Using this approach, the new bylaw is suggesting a base standard licence fee of \$160.00. This figure represents an increase of \$32.49 from the current \$127.51. There were several methodologies considered for the fee revision, including a standard Consumer Price Index (CPI) adjustment and a comparative assessment of base fees from similar-sized municipalities within the region and across BC to support a reasonable fee. The current base fee is 27 years old. If we use a standard CPI adjustment over those 27 years then this would have resulted in a base licence fee of \$227.31. However, the recommended approach is to use a cost recovery approach and a comparative analysis with other municipalities. The cost recovery approach is more attuned to the contemporary regulatory landscape and is recommending a \$160.00 base fee.

In many cases, the existing licence categories were further divided into multiple type codes based on fee calculations. For instance, banks, childcare centers, retail, manufacturing, and wholesale locations were charged according to retail square meter and other type codes were based on the number of employees. Under the new bylaw, these complex fee structures have been streamlined, often resulting in a reduction of licence fees for these categories.

An assessment of base fees from similar sized municipalities throughout the region is shown in the table below:

Table 1: Summary of Base fees for Okanagan Municipalities and other BC Municipalities		
No.	Okanagan Municipalities	Annual Licence Base Fee (\$)
1.	West Kelowna	Tier 1: \$60 Tier 2: \$135 Tier 3: \$360
2.	Penticton	\$195
3.	Lake Country	\$110.25
4.	Vernon	\$115
5.	Peachland	\$112
6.	Summerland	\$125
No.	Other BC Municipalities	Annual Licence Base Fee (\$)
7.	Nanaimo	\$165
8.	Abbotsford	\$130
9.	Coquitlam	L1: \$92 L2: \$173 L3: \$227
10.	Victoria	\$140

11.	Saanich	Small: \$100 Large: \$200
12.	Chilliwack	\$100
13.	Langley	\$217.50

Category 4: Revised Administrative Fees

The new bylaw is proposing several updates to various administrative fees, namely the Application Fee and the Licence Change/Transfer Fee. These revisions are aimed at: improving the City’s processing efficiency, coordinating the City’s fees to be comparable with services other municipalities, and aligning fees more closely with actual cost.

The application fee is currently set at \$25 for all new business licence applications within the City. The new bylaw is proposing an updated flat-rate fee of \$50. This fee will encompass the comprehensive review and processing of initial business licence applications. Staff believe this adjustment is necessary to adequately cover the administrative costs associated with these services.

The current Licence Change/Transfer Fee is set at \$30. The new bylaw is proposing to increase this fee to \$50 to better correspond with the actual staff time required to process changes to licences. This new fee structure is justified by a cost recovery model, ensuring that fees are reasonable, fair, and aligned with the services provided.

Notice and Consultation:

Before adopting any business licence bylaw there is a legislative requirement to provide an opportunity for persons who consider they are affected by the bylaw to make representations to council. To fulfill this requirement, staff will notify the Chamber of Commerce, the Business Improvement Areas, and will publish advertisements in City In-Action section of the Daily Courier on October 25th and November 1st, allowing written comments from the public to be submitted to the Business Licence Supervisor no later than 4:00 PM on November 3rd, 2023.

Conclusion:

Business Licence and Regulation Bylaw No. 12585 represents a crucial step toward modernizing and enhancing the existing regulatory framework. The proposed changes are the culmination of consultations with professional consultants and various internal and external stakeholders. The benefits and impact of a new modern Business Licence and Regulation Bylaw will:

1. Enhance Clarity: The modernized language and clearer processes will reduce confusion, promoting compliance and understanding for businesses and City staff alike.
2. Streamline Fees: The new fee structure simplifies calculations, making it easier for businesses to understand their obligations and for City staff to administer, promoting efficient resource allocation.
3. Improve User Experience: The user-friendly approach simplifies the application process, reducing the burden on businesses and promoting compliance.
4. Align with Best Practices: Comparisons with fees in similar-sized municipalities demonstrate that the proposed fees are competitive, fostering a favorable business environment.

It is recommended that Council supports the replacement of Business Licence and Regulation Bylaw No. 7878 with Business Licence and Regulation Bylaw No. 12585. This will facilitate the modernization and effectiveness of the City's business licensing and regulation processes, ensuring that they are in harmony with the contemporary business landscape. Additionally, staff will closely monitor the impact of the new bylaw and will ensure more frequent updates to the bylaw to ensure its success and keeping modern with the ever-changing business environment.

Internal Circulation:

Development Planning
Development Services
Bylaw Services
Kelowna Fire Dept
Office of the City Clerk

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter Sections 15, 16, 59 and 60.

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Existing Policy:

Financial/Budgetary Considerations:

External Agency/Public Comments:

Communications Comments:

Comments from the public to be submitted to the Business Licence Manager no later than 4pm on October 13, 2023.

Considerations not applicable to this report:

Submitted by:

G. March, Business Licensing Supervisor

Approved for inclusion:



Ryan Smith, Divisional Director of Planning and Development

Modernizing Business Licence & Regulation Bylaw No. 12585

October 23, 2023

Recent Updates to City Bylaws and Policies

Bylaw/Policy	Date Adopted
Official Community Plan	January 2022
Zoning Bylaw 12375	September 2022
Development Applications and Heritage Procedures Bylaw 12310	June 2022
Public Notification & Consultation for Development Applications Policy 367	June 2022
Subdivision Development & Servicing bylaw 7900	August 2023

Principles of the Business Licence Bylaw Re-write:

- ▶ Enhanced Clarity and User-friendly Experience
- ▶ Simplified Licence Categories
- ▶ Streamlined Fee Structure
- ▶ Aligned Administrative Fees

Enhanced Clarity and User-Friendly Experience

- ▶ Modernized language so that bylaw is comprehensible to a broad audience, including businesses, city staff, and the public.
- ▶ Aligned with Zoning Bylaw no. 12375 regulations and definitions to create synergies between regulations.
- ▶ Increased transparency of process by enhancing section that outlines procedures for refusals, cancellations, suspension, and Council reconsiderations.

Simplified Licence Categories

- ▶ Existing licence categories are out of date
- ▶ Updated and added categories for contemporary business models
- ▶ Streamlined 144 categories down to 33
- ▶ Results is simplification of the application process

Old Bylaw	New Bylaw
138	33

Streamlined Fee Structure

- ▶ Modernized and updated fees to reflect services provided
- ▶ Removed fee calculations based on square footage, number of employees, etc.
- ▶ Proposing a new base standard fee consistent within region and province, including application fee, transfer and inspection fee

Fee	Current	Recommended
Base Standard Licence Fee	\$127.51	\$160.00
Standard CPI Adjustment	N/A	\$221.31

Assessment of Base Fees

Table 1: Summary of Base fees for Okanagan Municipalities and other BC Municipalities

No.	Okanagan Municipalities	Annual Licence Base Fee (\$)
1.	West Kelowna	Tier 1: \$60 Tier 2: \$135 Tier 3: \$360
2.	Penticton	\$175.95
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10.	Victoria	\$140
11.	Saanich	Small: \$100 Large: \$200
12.	Chilliwack	\$100
13.	Langley	\$217.50

Benefits of New Business Licensing Bylaw No. 12585

Benefit	Impact
Enhance Clarity	Reduce confusion, promoting compliance and understanding for businesses and City staff alike.
Streamline Fees	Simplifies calculations, making it easier for businesses to understand their obligations and for City staff to administer, promoting efficient resource allocation.
Improve User Experience	Simplifies the application process, reducing the burden on businesses and promoting compliance.
Align with Best Practices	Comparisons with fees in similar-sized municipalities demonstrate that the proposed fees are competitive, fostering a favorable business environment.

Notification and Consultation

- ▶ Legislative requirement to provide opportunity for persons affected to make representation
- ▶ Notify Chamber of Commerce and Business Improvement Areas
- ▶ Publish newspaper advertisements in Daily Courier City-in-Action section on October 25th and November 1st
- ▶ Written comments to be submitted by end of day November 3rd

Update to Bylaw Notice Enforcement Bylaw No. 10475

- ▶ Update to align penalties with new sections of Bylaw No. 12585
- ▶ Add a new penalty for “marketing without a valid business licence”
- ▶ Purpose is to achieve compliance for those who are marketing without a valid licence



Questions?

For more information, visit kelowna.ca.

CITY OF KELOWNA

Business License and Regulation Bylaw No. 12585

The Municipal Council of the City of Kelowna in open meeting, hereby enacts as follows:

PART 1 - CITATION

- 1.1 This Bylaw may be cited for all purposes as "Business Licence and Regulation Bylaw, No. 12585"

PART 2 – DEFINITIONS

- 2.1 Words, phrases, and terms defined neither in this section nor in the Local Government Act shall be given their usual and customary meaning.
- 2.2 The following words, terms, and phrases, wherever they occur in this Bylaw, shall have the meaning assigned to them as follows:

ADULT SERVICES BUSINESS means a **body rub studio**, a **body painting studio**, a **dating agency**, or a **social escort service**.

APPLICANT means a **person** who makes an application for a **licence** under this Bylaw.

ATM means an automated teller machine that permits a customer to access and use one or more financial services customarily provided by a financial institution, including without limitation the dispensation of money or the exchange of cash for cryptocurrency, or the business of providing an ATM, but not including an ATM located within a financial institution.

BCLCRB means the British Columbia Liquor and Cannabis Regulation Branch.

BODY PAINTING STUDIO means a **business** involving the application of paint, powder, or similar materials to the body of another person, but does not include the application of facial make-up, face painting, or tanning products.

BODY RUB means the manipulating, touching, or stimulating by any means, of a person's body, or part thereof, but does not include medical, therapeutic, or cosmetic massage treatment performed by a person duly licensed or registered under any provincial statute governing such activities.

BODY RUB STUDIO means any **premises** of part thereof where a **body rub** is performed, offered, or solicited.

BUSINESS means the carrying on of a commercial or industrial undertaking or trade of any kind, or the provision of professional, personal, or other services for the purpose of gain or profit but does not include an activity carried out by the government, its agencies, or government owned corporations.

BUSINESS OWNER hereby referred to in this bylaw as **OWNER**, means the **person** or **persons** that are legally responsible for the **business** and are the licensee or holder of the **business** licence.

BYLAW ENFORCEMENT OFFICER means an individual employed by the **City** to perform bylaw enforcement duties.

CABARET means a dance club or other **business** where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the **premises**, which holds a liquor primary licence issued by the **BCLCRB**.

CITY means the City of Kelowna or the geographic area within the municipal boundaries thereof.

COUNCIL means the Municipal Council of the **City**.

DATING AGENCY means a **business** which provides information to persons desirous of meeting other persons for the purpose of social outings.

FOOD PRIMARY ESTABLISHMENT means development where prepared food and beverages are offered for sale to the public. Typical uses include, but are not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, and take-out restaurants. Licensed restaurants may serve any kind of liquor, even to customers who do not order food; however, a full range of appetizers and main courses must be available whenever liquor is available. These establishments may be holders of a Food Primary liquor licences.

GAMING FACILITY as defined by the *Gaming Control Act*, SBC 2002, c 14 as amended or replaced from time to time.

HOME-BASED BUSINESS is divided into three categories: Minor, Major, and Rural and is defined in the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

INITIAL LICENCE means a **licence**, other than a **special event licence**, issued to an **applicant** that did not previously hold a valid and subsisting **licence** for the subject **business** under this Bylaw. A **business** that did not satisfy the requirements for renewal and has reapplied does not qualify for an **initial licence** and is not eligible for proration.

LICENCE means a **business licence** issued by the **City** to operate a **business** under this bylaw, and is limited to an **initial licence**, a **renewal licence** or a **short-term event licence**.

LICENCE INSPECTOR means an individual employed by the **City** as a Licensing and Property Use Inspector, or their designate(s).

LIQUOR PRIMARY ESTABLISHMENT means an establishment primarily intended for the provision and consumption of alcoholic beverages on the **premises**, where alcoholic beverages are offered for sale to the public and may be characterized by one or more of the following: lounge, beverage rooms, or cocktail lounge, and which holds a liquor primary licence issued by the **BCLCRB**.

LIQUOR PRIVATE CLUB means a private club operated by a **society**, a non-profit or veterans' organization incorporated by special act of parliament, or a club or organization that has at least fifty (50) members who pay annual fees, where the sale and service of alcoholic drinks is offered to members and their registered guests, and which holds a liquor primary club licence issued by the **BCLCRB**.

LIQUOR RETAIL means a **business** which sells or offers beer, wine, coolers, ciders, or packaged liquor for consumption off the **premises**.

MARKETING means to offer for sale, promote, canvass, solicit, advertise, book, arrange or facilitate **business** activity, and includes placing, posting or erecting advertisements physically or online, but does not include the provision of a neutral space or location for such marketing activities in newspapers, bulletin boards or online.

MOBILE STORE means a **business** that is carried out entirely from a motor vehicle or other stand that is designed to be or is mobile, including hand push carts and self-propelled concession stands, whereby the entire stock of goods, wares, merchandise, services, or foodstuffs offered for sale is carried, contained, and sold from the **mobile store** and are delivered to the purchaser at the time of sale.

PASSENGER TRANSPORTATION SERVICE means a **person** who owns or operates:

- a) a passenger directed vehicle service, or an inter-city bus, taxi or limo service, shuttle bus, all as defined by the *Passenger Transportation Act*, SBC 2004, c 39 as amended or replaced from time to time;
- b) a **pedicab, rickshaw**, recreational vehicle tour or charter company, bike or quadracycle tour or charter company, or boating tour/charter or flight tour/charter company.

PEDICAB means "Pedicab" as defined by Traffic Bylaw no.8120 as amended or replaced from time to time.

PERSON means and includes any individual, **business owner(s)**, corporation, partnership or party and the heirs, executors, administrators, and the legal, personal or other legal representative whom represents the **business** and is authorized to do so according to law.

RCMP mean a member of the Royal Canadian Mounted Police.

PREMISES means a building, portion of a building, or an area of land where **business** is carried out.

RENEWAL LICENCE means a **licence** issued to a **business** under this Bylaw for each calendar year after the expiry of the **initial licence** for the **business**.

RESIDENT BUSINESS means a **business** carried on, in, or from **premises** within the **City**.

RICKSHAW means a small two wheeled vehicle that is pulled manually by one (1) or more persons.

SPECIAL EVENT LICENCE means a **licence** issued to a short-term or temporary **business**, including **vendor markets, trade shows**, and special events.

SOCIAL ESCORT SERVICE means a **business** which provides escorts for social occasions.

SOCIETY means:

- a) a **society** incorporated and in good standing under the *Societies Act* S.B.C. 2015, c. 18 as amended or replaced from time to time; or
- b) a **society** or organization which is registered as a charitable **society** or organization under the *Income Tax Act* of Canada as amended or replaced from time to time.

TOWING SERVICE means any person carrying on the **business** of operating a **tow truck**.

TOW TRUCK means a motor vehicle used for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion.

TRADE SHOW means the carrying on of a **business** to organize a group of more than five (5) merchants to gather in one location or building to offer goods, wares, or merchandise for retail sale or wholesale for a single period less than fourteen (14) days.

TRANSPORTATION NETWORK SERVICE means a **person** who owns or operates a passenger-directed vehicle ride-hailing service, as defined by the *Passenger Transportation Act*, SBC 2004, c39 as amended or replaced from time to time.

TRANSPORTATION SERVICE means a **person** who owns or operates a **business** which hauls, by way of vehicles, cycles or vessels of any description, goods, wares, or merchandise from one place to another and has a **premises** or usual place of stopping and starting within the **City**.

VENDOR MARKET means the carrying on of a **business** to organize a group of more than three (3) merchants, vendors, or participants, to gather in one location or building to offer handicrafts, produce and/or vegetables, food, new and/or used goods, wares, or merchandise for sale for limited time periods. A licensed **vendor market** may be a recurring event; however, any **vendor market** operating on consecutive days shall not exceed any single period of seven (7) or more consecutive days.

ZONING BYLAW means the *City of Kelowna Zoning Bylaw No. 12375* as amended or replaced from time to time.

PART 3 - REQUIREMENTS FOR A BUSINESS LICENCE

- 3.1 Every **person** who owns or operates a **business** within the **City** shall apply for, obtain, and maintain a **licence**.
- 3.2 Section 3.1 of this Bylaw applies to every **business** carried on in the **City** or with respect to any work or service that is performed in the **City**, whether or not the **business** is carried on, in or from a **premises** in the **City**.
- 3.3 A **person** must not carry on any **resident business** in the **City** except at the **premises** identified in a valid and subsisting **licence** for that **business**.

- 3.4 Every **person** who owns or operates a **business** at more than one **premises** must apply for, obtain, and maintain a separate **licence** in respect of each separate **premises**.
- 3.5 Every **person** who owns or operates more than one **business** or type of **business** at a single **premises** must apply for, obtain, and maintain a separate **licence** in respect of each **business** or type of **business** at that **premises**.
- 3.6 Every **person** who holds a **licence** in the **City** is responsible to ensure that all sub-contractors or trades hired by that licensed **business** are duly licensed to perform the required services and are available to provide a list of said sub-contractors within five (5) working days of receipt of such a request.
- 3.7 A **person** must not **market** or promote a **business** for which a **licence** is required by this Bylaw within the **City** unless the **business** being advertised or promoted is the subject of a valid and subsisting **licence** for that **business**.
- 3.8 No **licence** holder shall contravene, permit, or allow the contravention of any term of this Bylaw in relation to their **business**.
- 3.9 No **licence** holder shall contravene, permit, or allow the contravention of any term or condition of their **licence**.

Exemptions

- 3.10 Notwithstanding any other provisions of this Bylaw, the holder of a valid and subsisting **licence** issued for a **business** under:
 - a) the *Inter-Community Mobile Business Licence Bylaw No. 9900* as amended or replaced from time to time, for an associated community member of the Okanagan-Similkameen mobile licence program; or
 - b) the *Short-Term Rental Accommodation Business Licence and Regulation Bylaw No. 11720* as amended or replaced from time to time; or
 need not obtain an additional **licence** under this Bylaw for that **business**.
- 3.11 Notwithstanding any other provisions of this Bylaw, the following activities do not require a **licence**:
 - a) rental of a secondary suite or carriage house to residential tenants, for periods of more than thirty (30) days; or
 - b) any person holding a yard sale on their residential property, provided such yard sales occur on no more than four (4) occasions within a calendar year.
- 3.12 Notwithstanding any other provisions of this Bylaw:
 - a) an individual employed or contracted as a driver by a licensed **business** providing **passenger transportation service, transportation service or transportation network service** in the **City** is not required to obtain their own individual **licence** for such services; and

- b) a **transportation network service business** may provide such services throughout the **City** and need not post its **licence**.

PART 4 – BUSINESS LICENCE APPLICATION

4.1 Every **person** applying for an **initial licence** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule “A”.

4.2 Every application for an **initial licence** must:

- a) be completed in full and signed by the **business owner**, or a **person** authorized in writing by the **business owner** to do so;
- b) be completed in full on the application form(s) provided by the **City** for that purpose.

4.3 An application for an **initial licence** may be required by the **Licence Inspector** to contain the following information, where applicable:

- a) identification and or proof of identity;
- b) the name, address, phone number and email of the **business owner** and the **applicant**;
- c) a description of the nature of the **business**;
- d) a description of the proposed **business premises**, including the legal description and civic address;
- e) the square meters of the proposed **business premises**, including a copy of a plan of the space when requested;
- f) the number of employees;
- g) proof of ownership, lease, or other arrangement permitting the **business** to use the **premises** for the period of the **licence**;
- h) proof of any certification, licence, permit, approval, qualification, or plan that may be required by a federal, provincial, or other authority with respect to the operation of the **business**;
- i) proof of insurance;
- j) the liquor licence, including any endorsements, issued to the **business** under the *Liquor Control and Licensing Act* as amended or replaced from time to time;
- k) proof of a permit issued to the **business** under the *Public Health Act* as amended or replaced from time to time, or its regulations;
- l) the occupant load or other description of the **business** capacity; and
- m) any additional information the **Licence Inspector** reasonably requests in order to assist in determining whether the **applicant** may be issued a **licence**;

and the **initial licence** application shall not be considered complete until the **Licence Inspector** has received the requirements above to the **Licence Inspector’s** satisfaction.

4.4 Any errors, omissions, inaccuracies, or misrepresentations in the information or documentation provided by the **applicant** in respect to a **licence** application will be considered the sole

responsibility of the **applicant**, notwithstanding any review or acceptance by the **Licence Inspector**.

- 4.5 If a **business** involves multiple owners or partners, any one of the registered owners or partners may apply for an **initial licence** on behalf of the **business owners** and that person will be deemed to be the authorized agent for that **business** for the purposes of this Bylaw.
- 4.6 No **person** shall provide incorrect or misleading information on an application for a **licence**.
- 4.7 Where an **applicant** applies for more than one (1) **licence**, they must submit a separate application for each **licence**.
- 4.8 Where an **applicant** applies for an **initial licence** for a **business**, they must first obtain and complete any permits required by the **business**, including but not limited to building, plumbing, natural gas, sprinkler, high rack storage and fire suppression permits.
- 4.9 Where it is determined that an inspection of the proposed **business premises** is required as part of the **licence** application, it is the responsibility of the **applicant** to arrange for and allow the required inspection(s) to occur in a timely manner as defined by the **Licence Inspector**.
- 4.10 The **applicant** must pay to the **City** the initial application fee, licence fee, and any inspection fees required, as specified in Schedule "A" before a **licence** will be issued.
- 4.11 If a **person** submits a **licence** application for which additional information or documentation is required by the **Licence Inspector**, the **person** shall supply all required information and documentation within thirty (30) days of the request made by the **Licence Inspector**, after which time the application may be refused and a new application for a **licence** must be submitted.

PART 5 – BUSINESS LICENCE CONDITIONS

Effect of the Licence

- 5.1 A **licence** authorizes only the **person** named in the **licence** to operate the **business** described in the **licence**, and is subject to any condition(s) of the **licence**.
- 5.2 The granting or issuance of a **licence** under this Bylaw is not a representation or warranty by the **City** that the **licence** holder is competent in the **business** for which they are licensed, nor that the licensed **business** or the **business premises** comply with the bylaws of the **City** or with any other enactments, regulations, or standards.
- 5.3 A **licence** issued under this Bylaw to a **business** is subject to every term and condition applicable to that **business** stated in the **licence** and this Bylaw.
- 5.4 Every **person** who owns or operates a **business** must comply with all bylaws, policies, and enactments applicable to that **business** as a term and condition of their **licence**.
- 5.5 No **person** who owns or operates a **business** may cause, allow, or permit that **business** to cause a nuisance to other **businesses**, resident(s), or member(s) of the public.

- 5.6 No **person** shall market goods, services or carry on any **business** without first acquiring any applicable licences, permits or approval(s) required by the **City** authorizing the activity at the times and locations indicated therein.

Form and Display of Licence

- 5.7 Every **licence** granted pursuant to this Bylaw shall be in the form prescribed by the **City**.
- 5.8 Every **licence** holder must keep a copy of their valid **licence** posted in a place that is visible to the public and that is within the **premises** to where the **business** is operated unless an exception is permitted under this bylaw.

Licence Period and Renewal

- 5.9 In this part, “renewal year” means the calendar year following the year in which an **initial licence** or **renewal licence** was issued.
- 5.10 Unless otherwise specified or earlier cancelled in accordance with this Bylaw:
- a) an **initial licence** is valid until December 31 of the year in which the **licence** is issued;
 - b) a **renewal licence** is valid from January 1 to December 31 of the year in respect of which the **licence** is issued; and
 - c) a **special event licence** is valid for the period or days indicated on the **licence** by the **Licence Inspector**.
- 5.11 A **licence** holder may renew an **initial licence** or a **renewal licence** for a renewal year by:
- a) paying to the **City** the annual fee specified for that **business** in Schedule “A”;
 - b) paying to the **City** any outstanding fees or fines imposed upon the **business** or the **licence** holder under this Bylaw, including court-ordered fines and costs in favor of the **City** for breaches of this Bylaw; and
 - c) providing any information which the **Licence Inspector** reasonably requests in order to assist in determining whether the **licence** may be renewed.
- by no later than the fee payment due date of the renewal year.
- 5.12 If a **licence** holder satisfies the requirements for renewal of the **licence** indicated in Section 5.11, but fails to submit payment of mandatory fees by the due date of the renewal year, the **licence** holder must pay to the **City** the late penalty fee specified in Schedule “A” of this Bylaw.
- 5.13 If a **licence** holder does not satisfy the requirements for renewal of the **licence** indicated in Section 5.11 within sixty (60) days from the fee payment due date of the renewal year, the **licence** may be cancelled by the **Licence Inspector**.

Changes in Business / Licence Transfer

- 5.14 A **licence** holder must notify the **City** in writing within ten (10) business days of any changes to the information submitted on the application for which a **licence** was issued.
- 5.15 A **licence** holder proposing to make any of the following changes to the **business** for which the **licence** is held:
- a) location of the **business premises**;
 - b) ownership of the **business**; or
 - c) a term or condition on which the **licence** was issued;
- must complete and submit an application for such change(s) in the same form and manner as set out in Part 4 for **initial licence** applications, except the **applicant** must pay the licence change fee specified in Schedule "A" of this Bylaw, rather than an initial application fee.
- 5.16 No **licence** holder may change any condition upon which the fee for their **licence** is based without first paying to the **City** any additional fee(s) due or owing as a result of the change.

PART 6 – BUSINESS LICENCE FEES

- 6.1 For **initial licences**, the annual licence fee prescribed for that **business** in Schedule 'A' shall be prorated, based on the total number of quarters remaining in the duration of the **licence** year, as calculated from date of the issuance of the **licence**. Partial quarters shall be treated as full quarters, and shall be prorated as follows:
- | | |
|---------------------|---------------------------------|
| Four (4) quarters: | 100% of the fee shall apply; |
| Three (3) quarters: | 75% of the fee shall apply; |
| Two (2) quarters: | 50% of the fee shall apply; and |
| One (1) quarter: | 25% of the fee shall apply. |
- 6.2 The fee for a **special event licence** and any **licence** that operates on a per-day basis, or has a fee other than an annual fee, will not be pro-rated.
- 6.3 Fees paid under this Bylaw are not refundable.
- 6.4 Fees for inspections of **business premises** conducted by the **Licence Inspector** beyond those typically required for the purposes of issuing or renewing a **licence**, including re-inspections, are set out in Schedule "A" of this Bylaw.

PART 7 – AUTHORITY

- 7.1 The **Licence Inspector** may issue, renew, or change a **licence** upon being satisfied that the application for the issuance, renewal, or change meets the requirements of this Bylaw.
- 7.2 No **licence** shall be issued or renewed unless the **Licence Inspector** is satisfied with the information available that:

- a) the zoning of the **business premises** permits the proposed **business** activity;
 - b) the **owner** and the **business** are in compliance with this bylaw, all other **City** bylaws and enactments that are applicable to the **business** and the **business premises**;
 - c) all **licence** and inspection fees, and any other outstanding fees or fines owed to the **City** in relation to the **business**, or any other **business** operated by the same **applicant**, have been paid.
- 7.3 Subject to section 16 of the *Community Charter* as amended or replaced from time to time, the **Licence Inspector** or **Bylaw Enforcement Officer** may enter a **business premises** during normal business hours or request entry within twenty-four (24) hours to inspect and determine whether the regulations and requirements of this Bylaw or a **licence** are being met.
- 7.4 At any time, the **Licence Inspector** may require a **licence** holder to provide proof of any certification, licence, permit, approval, qualification, or plan, including drawings, that may be required by this Bylaw, or by a federal, provincial, or other local authority with respect to the **business**.
- 7.5 Upon request by the **Licence Inspector**, a **licence** holder must provide photo identification to verify the identity of the **licence** holder.
- 7.6 The **Licence Inspector** may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a **licence**, including conditions related to:
- a) the duration of the **licence**;
 - b) the hours or days of operation of the **business**;
 - c) the maximum number of occupants allowed at the **premises**; or
 - d) any other terms or conditions related to compliance with this Bylaw or other applicable bylaw(s) or enactment(s).
- 7.7 The **Licence Inspector** may order:
- a) a **person** who contravenes any provision of this Bylaw to comply with that provision;
 - b) the correction of any unsafe condition in respect to a **business** or **business premises**;
and
 - c) the cessation of any activity that contravenes the terms or conditions of the **licence** for the **business** or this Bylaw,

and every **person** issued an order under this section must comply with that order, within the time period ordered.

Refusal, Cancellation, Suspension of a Business Licence

- 7.8 The **Licence Inspector** may refuse an application, or cancel or suspend a **licence** for any length of time, where the **Licence Inspector** is satisfied that there is reasonable cause, including without limitation where the **applicant** or **licence** holder:

- a) has failed to meet the **initial licence** application requirements as provided by this Bylaw;
 - b) has failed to meet the **renewal licence** requirements as provided by this Bylaw;
 - c) has ceased operation of the **business**;
 - d) fails to comply with this Bylaw or a term or condition of the **licence**;
 - e) intends to or does operate a **business** or occupies or uses a **business premises** that does not comply with a **City** bylaw, or any enactments of provincial, federal or other governmental authorities.
 - f) is convicted of an indictable offence in Canada which relates to the nature of the **business** or in respect of the **business**;
 - g) fails to comply with any **City** bylaws, is convicted of an offence under any of the **City's** bylaws, or has been convicted of an offence under a provincial or federal enactment in respect of the **business** or **premises** for which the **licence** was issued;
 - h) ceases to meet the lawful federal or provincial requirements to carry on the **business** or with respect to the **premises** for which the **licence** was issued;
 - i) has engaged in serious misconduct which warrants the refusal, cancellation, or suspension of the **licence**, if the misconduct is:
 - i. with respect to the **business**; or
 - ii. occurred in or with respect to the **business premises**;
 - j) has engaged in conduct resulting in the **Licence Inspector** concluding that there is reasonable cause to do so;
 - k) has not responded to the **Licence Inspector** in the time frame outlined in sections 4.11 and 5.13.
- 7.10 The **Licence Inspector** may impose conditions on a **licence** in relation to the refusal, suspension, or cancellation of the **licence**.
- 7.11 Before cancelling or suspending a **licence**, the **Licence Inspector** must notify the **licence** holder of the intended action, the date on which the intended action will take place, and provide reason(s) the **licence** will be suspended or cancelled.
- 7.12 If the **Licence Inspector** refuses to grant a **licence**, the **Licence Inspector** must provide the **applicant** with written reason(s) for the refusal upon the **applicant's** request.
- 7.13 No **person** shall operate, **market** or promote a **business** during a period in which the **licence** for that **business** is suspended or if the **licence** has been cancelled.

Reconsideration

- 7.14 An **applicant** or **licence** holder who wishes **Council** to reconsider the **Licence Inspector's** decision to refuse, suspend, or cancel a **licence** must, within ten (10) business days of the date

of the refusal, suspension, or cancellation, deliver to the Corporate Officer of the **City** a written request stating the grounds upon which the request is based.

- 7.15 The Corporate Officer must refer a request made under Section 7.14 to a regular or special **Council** meeting and notify the **applicant** or **licence** holder of the time and place at which **Council** will reconsider the decision of the **Licence Inspector**.
- 7.16 If **Council** elects to uphold the **Licence Inspector's** decision to refuse, suspend, cancel, or place conditions on the **applicant** or **licence** holder, the Corporate Officer will provide the **applicant** or **licence** holder with written notice of **Council's** decision, and the **applicant** or **licence** holder must comply with any terms, restrictions, and requirements imposed by **Council**.

PART 8 – REGULATIONS FOR SPECIFIC BUSINESSES

Adult Services Business

- 8.1 Regulations in this section apply to all **adult services businesses** which include **body rub studio, body painting studio, dating agency** or **social escort service**, as defined in Part 2 of this Bylaw.
- 8.2 A **person** carrying on an **adult services business** must not:
- a) employ individuals who are less than nineteen (19) years of age; or
 - b) provide products or services to any person less than nineteen (19) years of age.
- 8.3 A **person** carrying on an **adult services business** must:
- a) provide a scaled drawing of the floor plan of the **premises** to be licensed;
 - b) maintain at the **business premises** licensed, a written record of all individuals registered with the **adult services business**, showing their name and address, and the individual to whom they have been referred to for a social engagement or **body rub**, including the date, time, and location of every social engagement, and shall upon request make such list available for review or pickup by the **Licence Inspector** or designated representative;
 - c) provide the **Licence Inspector** with notice of any change in the personnel employed or engaged in the **business** within forty eight (48) hours of such change;
 - d) not employ or engage any person in the **business** without first receiving a satisfactory completion of an **RCMP** Criminal Record Check;
 - e) not engage in or allow any employee or other person on the **business premises** to engage in or offer to engage in any act of prostitution;
 - f) ensure every room involving client interactions is not equipped with a locking device on any door in the room;
 - g) if the **business** is a **body rub studio**, meet the requirements of the *Regulated Activities Regulation* pursuant to the *Public Health Act* as amended or replaced from time to time and:
 - i. ensure the **business** is not open between the hours of 24:00hrs (12:00 midnight) and 8:00hrs (8:00am); and

- ii. not exhibit or allow to be exhibited in any form showing a nude male or female body together with printed word(s) that might indicate that the **business** is a place that offers any sexual or nude entertainment;
- h) provide upon request to the **Licence Inspector**, the name, age, address and two pieces of government issued photo identification of every person to be employed or engaged in the **business**, together with any additional information including pseudonyms or aliases, within five (5) working days of such request;
- i) provide upon request, **RCMP** Criminal Record Checks for all staff, primary managers, owners, partners, directors, and officers of the corporation, within five (5) working days of such request; and
- j) provide upon request, a list of any websites and advertising including social media platforms that promote the **business**, within five (5) working days of such request.

Childcare Centre, Day Care and/or Baby-sitting Service

- 8.4 A **licence** issued under this Bylaw for a childcare centre, day nursery, nanny, or baby-sitting service will be required to:
- a) specify whether or not the **applicant** is eligible to have children under the age of thirty (30) months on the **premises**, as per the Child Care Licence issued by the local health authority in relation to the **applicant**; and
 - b) specify the number of children the **applicant** is permitted to have on the **premises** at any given time, as per the Child Care Licence issued by the local health authority in relation to the **applicant**.

Contractors

- 8.5 Gas, plumbing, and fire sprinkler system installation contractors must provide, upon the request of a **Licence Inspector**, a list of trade-qualified sub-contractors, employees, and their associated certifications within five (5) days of such a request. Specifically:
- a) every **person** licensed under this Bylaw to operate as a gas contractor where mandatory prerequisite requirements under the *Safety Standards Act* and associated regulations are required must:
 - i) at the time of application; or
 - ii) within five (5) days of such a request;

provide a copy of their BC Gas Contractor Licence issued by Technical Safety BC including gas contractor licence number and expiry date, and ensure any mandatory Technical Safety BC regulatory requirements remain active and in good standing.

- b) every **person** licensed under this Bylaw to operate as a plumbing contractor must comply with all provisions of the *City's Plumbing Bylaw No. 5968-87* as amended or replaced from time to time and must:

- i) at the time of application; or
- ii) within five (5) days of such a request;

provide a copy of their required plumbing trade qualifications.

- c) every **person** licensed under this Bylaw to operate as a fire sprinkler system installation contractor must:

- i) at the time of application; or
- ii) within five (5) days of such a request

provide a copy of their required fire sprinkler system installation trade qualifications.

Home-Based Business

- 8.6 Every **person** licensed under this Bylaw to operate a **Home-Based Business** must comply with all provisions of the **City's Zoning Bylaw No. 12375** as amended or replaced from time to time.

Mobile Store

- 8.7 No person shall carry on **business** as a **mobile store** on a highway, sidewalk, or boulevard within the area outlined in "Schedule B" of this Bylaw, unless permitted through a **City** concession permit, or on a highway, sidewalk, or boulevard within the **City** unless the **mobile store** is located entirely within a location approved by the **City**. Any **mobile store** permitted on Leon Avenue, Lawrence Avenue, or Water Street must be located within the areas shown on "Schedule C" of this Bylaw, and the **business owner** must hold a valid concession permit issued by the **City**.
- 8.8 The **owner** or operator of a **mobile store** shall keep the area occupied by the **mobile store** and surrounding public places clean and clear of all waste, discarded debris, and food stains.
- 8.9 A **mobile store** which is licensed to operate in the area of Lawrence Avenue or Leon Avenue shown on "Schedule C" may only operate in this area between the hours of 5:00 p.m. to 3:00 a.m.
- 8.10 Where **mobile stores** are permitted and involve food sales, the **owner** or operator shall, as a requirement of the **initial licence** and **renewal licence**, ensure they hold valid local health authority approval, and that an annual safety check is completed with the **City** Fire Department and, if applicable, Technical Safety BC approval.

Passenger Transportation Service

- 8.11 Every person licensed under this Bylaw to operate a **pedicab** or **rickshaw** is subject to the following conditions:
 - a) provision of proof of valid liability insurance for the **business** naming the **City** as indemnified against any claims arising from the ownership or operation of the **pedicab(s)**, or **rickshaw(s)**, in the amount of \$2,000,000.00;
 - b) provision of a ride fare fee schedule upon **licence** application;

- c) completion of daily **pedicab** or **rickshaw** inspections which, at a minimum, must include the following:
 - i) Pedals and the mechanical system are always operable to propel the **pedicab**;
 - ii) The functionality of **rickshaw** anti-tip safety bar located at rear of the unit;
 - iii) The frame and wheels of the **pedicab** or **rickshaw** are in good repair and sound condition;
 - iv) **Pedicab** hydraulic or cable front and/or rear disc brakes or caliper brakes are fully operable; and
 - v) passenger restraining device(s) such as seat belts are in working condition.

- d) advertising on **pedicab** or **rickshaw** can be in relation to the **business** or operator only, no off-site **business** signage is permitted on any **pedicab** or **rickshaw** unit, and any signage and/or advertising must adhere to as per section the *Sign Bylaw No. 11530* as amended or replaced from time to time.
 - i) all **pedicab** or **rickshaw** operators must not permit more than two (2) passengers in the **pedicab** or **rickshaw** at one (1) time.
 - ii) all **pedicab** or **rickshaw** operators must not transport passengers in a **pedicab** or **rickshaw** between thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless:
 - i. The **pedicab** or **rickshaw** is equipped with operable front headlight and rear taillights, in accordance with *BC Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time; and
 - ii. side reflectors are affixed to each side of the **pedicab** or **rickshaw**.

- d) all operator of a **pedicab** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may utilize designated taxi zone(s) on **City** streets and multi-use cycle/pedestrian pathways and board walks, but must not operate nor park a **pedicab** on any **City** sidewalk; and

- e) all operators of a **rickshaw** must comply with the stopping, standing, and parking provisions of the *Motor Vehicle Act* and *City Traffic Bylaw no. 8120* as amended or replaced from time to time, and may use multi-use cycle/pedestrian pathways and board walks, but must not operate nor park the **rickshaw** on any **City** sidewalk or taxi zone.

8.12 Every **person** licensed under this Bylaw to operate a marine equipment rental, marine tour, or marine charter **business** which utilizes **City** boat launch facilities as part of its **business** is subject to the following conditions:

- a) **business owners** are required to obtain a valid licence or permit issued by the **City** to allow access and use of **City** launch facilities; and
- b) **business owners** must adhere to all requirements or conditions indicated in such licence or permit.

Secondhand Dealers and Pawnbrokers

- 8.13 Every **person** licensed under this Bylaw to operate as a secondhand dealer or a pawnbroker must comply with all provisions of the **City's *Secondhand Dealers and Pawnbrokers Bylaw No. 9227*** as amended or replaced from time to time.

Towing

- 8.14 No **towing service** that has been requested to tow a vehicle from the scene of an accident shall solicit or suggest a specific destination for the motor vehicle being towed.
- 8.15 No **towing service** shall offer their services at the scene of a motor vehicle accident, or any roadside motor vehicle check conducted by the Kelowna **RCMP**, unless they have been requested to do so by the owner or driver of a motor vehicle involved in an accident, or by an attending member of the **RCMP**, Bylaw officer, or peace officer.

Transportation Network Service

- 8.16 A **licence** issued under this Bylaw for a **transportation network service** is subject to the following conditions:
- a) the **business** must hold a current Provincial Transportation Network Service Licence and provide copy of such at time of application and upon renewal;
 - b) the **business** must clearly display vehicle identifiers on all associated vehicles, as required by the *Passenger Transportation Act* as amended or replaced from time to time; and
 - c) the **business owner** must ensure their drivers follow the Passenger Transportation Board's terms and conditions in respect to TNS apps.

PART 9 – VIOLATIONS

- 9.1 A person that:
- a) carries on a **business** without holding a valid **licence** for that **business**;
 - b) fails to display or carry a valid **licence** as required by this Bylaw;
 - c) fails to provide any documentation or information as required by this Bylaw;
 - d) provides false or misleading information to obtain a **licence** under this Bylaw;
 - e) carries on or remains open for **business** after receiving notice that the **licence** for the **business** was suspended or cancelled;
 - f) violates any other term or condition of this Bylaw or of a **licence** issued under this Bylaw;
 - g) suffers or permits any act or thing to be done in contravention of any of the provisions of this Bylaw;

- h) neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
- i) commits an offence against this Bylaw,

shall be liable upon summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00).

- 9.2 If an offence continues for more than one (1) day or in more than one (1) instance, a separate offence occurs on each day or instance, and separate fines may be issued for each day that the offence continues or for every instance that an offence occurs.
- 9.3 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.
- 9.4 Any person designated as the enforcement officer for this Bylaw pursuant to the *City of Kelowna Ticket Information Utilization Bylaw No. 6550-89* as amended or replaced from time to time, is hereby authorized and empowered to enforce the provisions of this Bylaw by Municipal Ticket Information.

PART 10 – ADMINISTRATION

- 10.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this Bylaw is deemed to be adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.
- 10.2 Schedule "A" attached hereto forms part of this Bylaw.
- 10.3 The City of Kelowna "Business Licence and Regulation Bylaw No. 7878" and all amendments thereto are hereby repealed effective upon adoption of this Bylaw.

This bylaw may be cited as "Bylaw No. 12585, Business License and Regulation Bylaw No. 12585."

This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

SCHEDULE A

Business Licence Fees

Administrative Fees:
Initial Application Fee - \$50.00
Late Payment Penalty Fee - \$ 25.00
Licence Change Fee - \$50.00
Licence Re-Inspection fee - \$50.00

Annual Licence Fees

Type Code	Licence Category	Annual Licence Fee(s)
1000	ACCOMMODATION SERVICES - Minor Including, but not limited to, bed and breakfast homes, boarding or lodging houses, or group homes. This use does not include short-term rentals.	\$160
1010	ACCOMMODATION SERVICES - Major Long term rental buildings, congregate housing, mobile home parks, campsites, hotels, motels or resorts.	\$250
1020	ADULT SERVICES Including body-rub, body rub parlour, body-painting studio, social escort services, and dating agencies.	\$1,000
1030	ALCOHOL PRODUCTION FACILITIES Facilities where alcoholic beverages or alcohol products with alcoholic content exceeding 1% by volume are produced. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site.	\$250
1040	AUTOMOTIVE AND EQUIPMENT SALES, SERVICE AND/OR RENTALS Including, but not limited to, automobile dealerships, transmission shops, muffler shops, tire shops, automotive glass shops, autobody repair, paint shops, upholstery shops, and car washes. As well as the sale, rental, service, or repair of heavy vehicles, machinery, or mechanical equipment.	\$160
1050	BUSINESS BY A NON-PROFIT Including, but not limited to, second-hand dealer or thrift store, boarding or lodging houses, group home and care facilities, liquor private clubs, long-term rental buildings, vendor markets, and temporary shelter services operated by a non-profit agency or public authority.	\$100

1060	CHILDCARE CENTRE, DAY CARE AND/OR BABY-SITTING SERVICE Any person operating a childcare centre, day nursery, nanny or baby-sitting service.	\$160
1070	CONTRACTOR Any person who does work, performs a service or supplies material in contractor trades such as bricklaying/masonry, building, ceiling, cement/concrete, drywall, eaves trough, landscaping, tree topping, electrical, excavating, flooring, gas-fitting, insulation, painting, decorating/designing /staging, plumbing, refrigeration, HVAC, roofing, siding, swimming pools, sheet metal/aluminum, water/sewer line services or any other contractor business not otherwise specifically mentioned.	\$160
1080	CULTURAL, RECREATIONAL AND ENTERTAINMENT SERVICES Including, but not limited to, community halls, social clubs, private clubs, art galleries, auditoriums, cinemas, concert halls, creative or performing artists, personal trainers, athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, amusement arcades, racquet clubs, golf clubs, and stables.	\$160
1090	FOOD PRIMARY ESTABLISHMENTS AND FOOD SERVICES Including, but not limited to, licensed restaurants, theatre restaurants, banquet facilities, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, take-out restaurants, bakeries, and caterers.	\$160
1100	GAMING FACILITY Any casino, bingo, gaming centre or other place approved by the British Columbia Gaming Commission for the conduct of gaming activities.	\$500
1110	GAS BAR Including the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products, and may include car wash or washing of vehicles as an accessory use.	\$500
1120	HEALTH AND MEDICAL SERVICES Including, but not limited to, medical and dental offices, chiropractors, massage therapists, acupuncture clinics, health clinics, counselling services, care aids, senior support services, personal coaches, holistic health services, laboratories, and private hospitals. This use does not include the retail sale or dispensing of cannabis.	\$160
1130	LIQUOR PRIMARY CABARET Dance club, night club, adult entertainment, or other business where the primary purpose is the sale and service of alcoholic beverages to the public for consumption on the premises .	\$1000

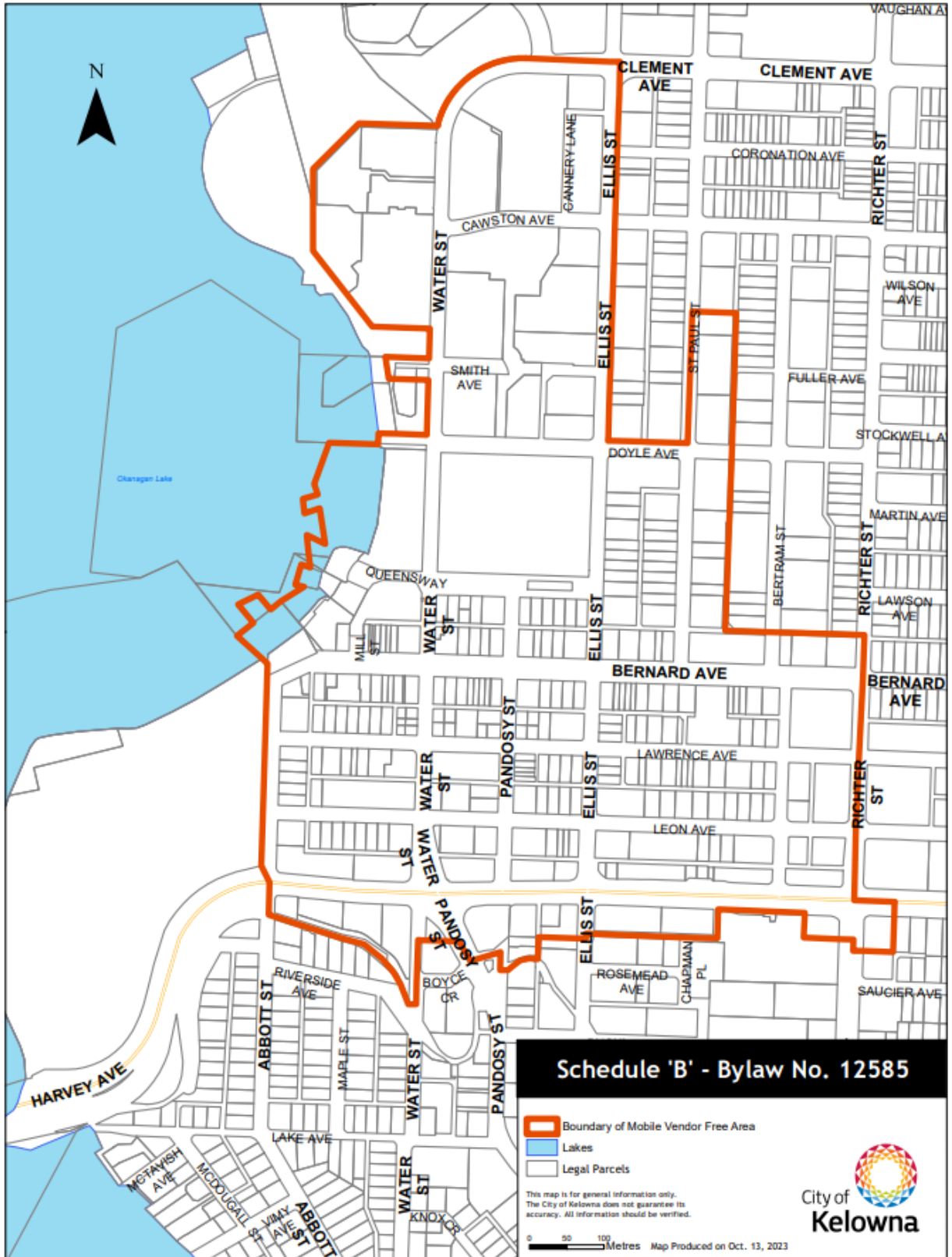
1140	LIQUOR PRIMARY ESTABLISHMENTS An establishment primarily intended for the provision and consumption of alcoholic beverages on the premises . This use does not include liquor primary cabarets.	\$250
1150	LIQUOR RETAIL Including, but not limited to a business that sells or offers beer, wine, coolers, ciders, and, packaged liquor for consumption off the premises .	\$650
1160	MANUFACTURING The processing of raw materials, the manufacturing or assembling of semi-finished or finished goods, products or equipment that require onsite storage of parts and products. Typical uses include but are not limited to food and beverage manufacturing textiles and clothing, chemical and pharmaceuticals, (excluding alcohol production or the processing of cannabis or cannabis derivatives) computer and electronic products, printing operators, concrete manufacturers, machine shop, welding shop, saw mill, steel/metal fabricators, furniture making, paper or wood product plants, and plastic and rubber processing plants. The holder of a licence under this category shall also be permitted to sell their manufactured products by retail without taking out any further licence.	\$160
1170	MARINA, MOORING, MARINE EQUIPMENT RENTALS, AND/OR MARINE BASED TOURS Marina and mooring services, marine equipment rentals, and/or marine based tours for powerboat, jet boat, jet ski, or other related motorized or non-motorized watercraft, and water related activity including, but not limited to, flyboard, inflatable vessels, stand up paddleboards (SUP), peddle boats, canoes, and kayaks.	\$160
1180	MOBILE STORE Including, but not limited to food trucks, food trailers, and mobile retailers whereby the goods are offered for sale via a vehicle or thing that is intended to be mobile.	\$250
1190	NATURAL RESOURCE EXTRACTION Including, but not limited to quarries, gravel pits, and stripping of topsoil.	\$160
1200	PARKING LOT Parking space rentals, including, but not limited to parking lots and parkades.	\$160
1210	PAWNBROKER AND SECOND-HAND DEALERS Pawnbroker as defined and regulated under the <i>Second-Hand Dealer and Pawnbroker Regulation Bylaw No. 9227</i> as amended or replaced from time to time.	\$500
1220	SALES	\$160

	Including, but not limited to, retail, wholesale, online and direct marketing sales of goods other than liquor and cannabis.	
1230	SALES – FARM RETAIL Sales of agricultural products.	\$100
1240	SERVICES Including, but not limited to, professional services, financial services, personal services, barber shops, hairdressers, tattoo parlours, manicurists, tailors, dress makers, shoe repair shops, dry cleaning establishments, laundromats, financial services, business support services, broadcasting studios, publishers, funeral services, animal and pet services, real estate services, household repair services, rental and leasing services, janitorial services, education services, travel services, utility services, and information technology services.	\$160
1250	SPECIAL EVENT Special event including, but not limited to, a public show, cultural performance, awareness walks, exhibition or other similar event. *Fees are recharged per day.	\$50
1260	TOWING SERVICES The operation of a tow truck in order to provide towing assistance to other vehicles.	\$160
1270	TRADE SHOW Trade show organization and operation where the participating merchants offer their goods, wares or merchandise for retail sale or wholesale, for the duration of such show (the licence period). A licence issued for such a trade show includes all merchants registered to take part in the trade show. *Fees are charged per trade show	\$500
1280	TRANSPORTATION NETWORK SERVICES Vehicle ride-hailing service as defined by the Passenger Transportation Act, SBC 2004, c39 as amended or replaced from time to time.	\$500
1290	TRANSPORTATION SERVICES Including passenger transportation services and cargo transportation services but not including transportation network services.	\$160
1300	VENDING MACHINES AND AUTOMATED TELLER MACHINES (ATMs) For each vending machine and each automated teller machine other than those located within a financial institution.	\$50
1310	VENDOR MARKETS The organization and operation of a market consisting of more than three (3) merchants, vendors or participants, to	\$500

	gather in one location in the open-air or building to offer handicrafts, produce and vegetables, food, new and used goods, wares, or merchandise for sale. A licence issued for such a vendor market includes all merchants, vendors or participants registered to take part in the vendor market.	
1320	WAREHOUSING AND STORAGE Including, but not limited to, warehouse storage of products or goods, commercial storage, and boat storage.	\$160

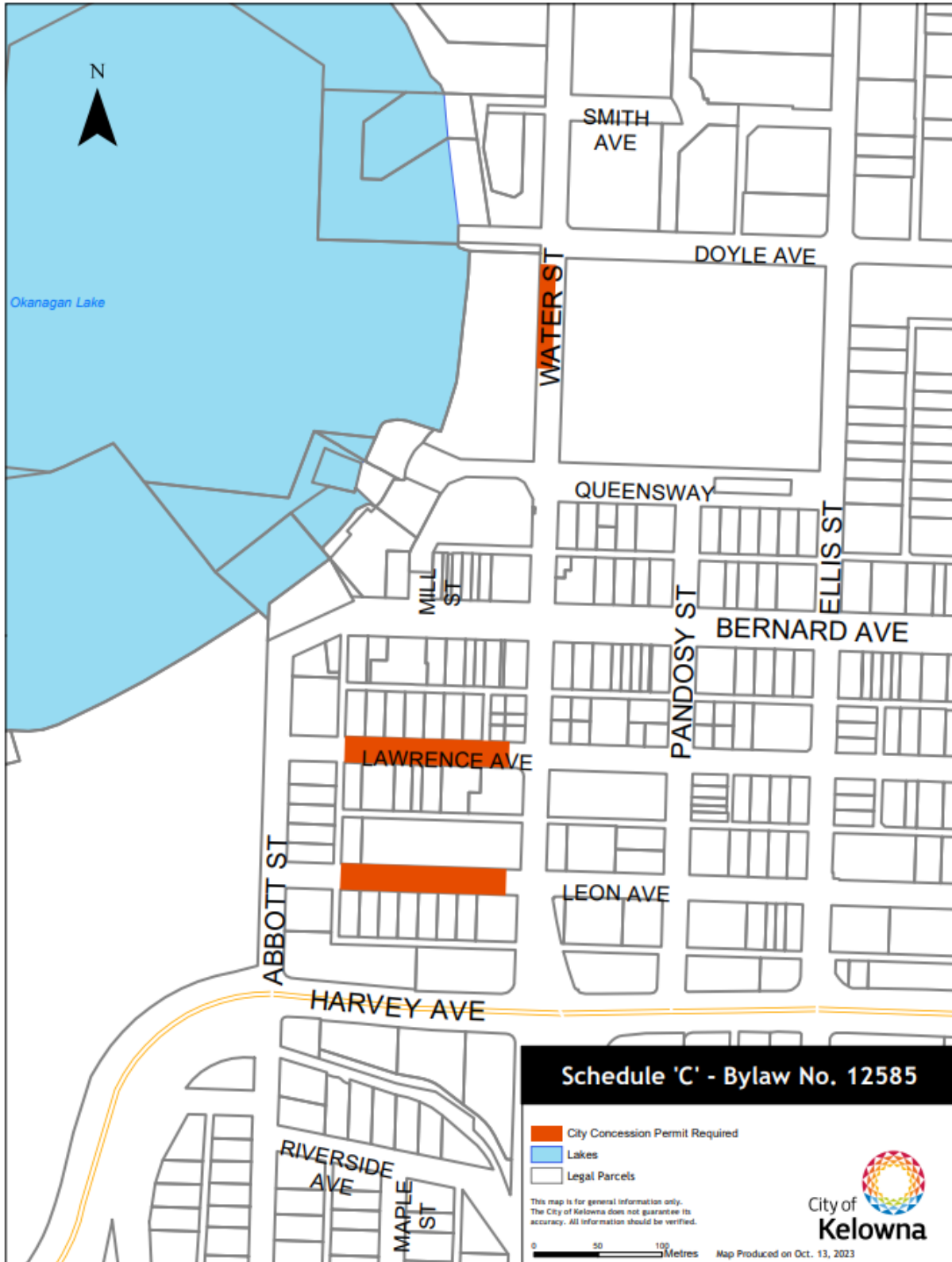
Schedule B

Boundary of Mobile Vendor Restriction Map



SCHEDULE C

Mobile Stores – map of designated concession areas downtown



CITY OF KELOWNA

BYLAW NO. 12586

Amendment No. 36 to the Bylaw Notice Enforcement Bylaw No. 10475

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Bylaw Notice Enforcement Bylaw be amended as follows:

1. THAT **Schedule A, Bylaw Notice Enforcement Bylaw No. 10475** be amended by deleting the following:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
Business Licence Bylaw No. 7878						
7878	4.4	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
7878	8.1	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
7878	8.2	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	No
7878	9.1	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
7878	11.1	Change business without paying fee	\$100.00	\$90.00	\$110.00	No
7878	11.2	Change business without new licence	\$100.00	\$90.00	\$110.00	No
7878	13.1	Fail to display business license	\$50.00	\$45.00	\$55.00	No
7878	15.1	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	No
7878	17.1	Carry on business in prohibited area	\$150.00	\$125.00	\$175.00	Yes
7878	17.2	Fail to keep space clean	\$100.00	\$90.00	\$110.00	Yes

Social Escort Service						
7878	18.1(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(c)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	18.1(d)	Fail to obtain approval for employment	\$100.00	\$90.00	\$110.00	Yes
7878	18.1(e)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
Dating Service						
7878	19.1(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	19.1(b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	19.1(c)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	19.1(d)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
Body Rub						
7878	20.1 (a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	20.1 (b)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	20.1 (c)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No
7878	20.1 (d)	Permit a person under 19 years of age on premises	\$100.00	\$90.00	\$110.00	No
Towing Service						
7878	22.1	Solicit a Tow Destination from an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	22.2	Offer Tow Services at an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	22.3	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	22.4	Offer Tow Services at Roadside Check	\$100.00	\$90.00	\$110.00	No

And replace with:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
Business Licence Bylaw No. 7878						
7878	3.1	Carry on business without a licence	\$500.00	\$450.00	\$500.00	Yes
12585	3.7	Marketing a business without a valid business licence	\$500.00	\$450.00	\$500.00	Yes
7878	5.15	Transfer a business without approval	\$100.00	\$90.00	\$110.00	Yes
7878	5.16	Fail to pay transfer fee	\$50.00	\$45.00	\$55.00	No
7878	3.9	Use contrary to issued licence	\$500.00	\$450.00	\$500.00	Yes
7878	5.15	Change business without paying fee	\$100.00	\$90.00	\$110.00	No
7878	3.8	Change business without new licence	\$100.00	\$90.00	\$110.00	No
7878	5.8	Fail to display business license	\$50.00	\$45.00	\$55.00	No
7878	7.3	Prohibit entry of License Inspector	\$500.00	\$450.00	\$500.00	No
7878	8.7	Carry on business in prohibited area	\$150.00	\$125.00	\$175.00	Yes
7878	8.8	Fail to keep space clean	\$100.00	\$90.00	\$110.00	Yes
Adult Services Business						
7878	8.2(a)	Fail to supply employee information	\$100.00	\$90.00	\$110.00	Yes
7878	8.3(c)	Fail to notify of employee change	\$100.00	\$90.00	\$110.00	Yes
7878	8.3(b)	Fail to keep record	\$100.00	\$90.00	\$110.00	No
7878	8.3(d)	Fail to obtain approval for employment	\$100.00	\$90.00	\$110.00	Yes
7878	8.2(a)	Employ a person under 19 years of age	\$100.00	\$90.00	\$110.00	No

Towing Service						
7878	8.14	Solicit a Tow Destination from an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	8.15	Offer Tow Services at an Accident Scene	\$100.00	\$90.00	\$110.00	No
7878	8.15	Offer Tow Services at Roadside Check	\$100.00	\$90.00	\$110.00	No

2. This bylaw may be cited for all purposes as "Bylaw No. 12586, being Amendment No. 36 to the Bylaw Notice Enforcement Bylaw No. 10475."
3. This bylaw shall come into full force and effect and is binding on all persons, upon the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____ Mayor

_____ City Clerk

Report to Council



Date: October 23, 2023
To: Council
From: City Manager
Subject: PRC Boiler Replacement
Department: Building Services

Recommendation:

That Council receives, for information, the report from Building Services department dated October 17, 2023, regarding the replacement of the boilers at the Parkinson Recreation Centre;

AND THAT the 2023 Financial Plan be amended to include \$600,000 for the replacement of mechanical equipment and associated pool equipment at Parkinson Recreation Centre, with funding the Building Repair Reserve.

Purpose:

To obtain approval for the replacement of mechanical equipment at Parkinson Recreation Centre.

Background:

A condition assessment of Parkinson Recreation Centre was completed in March of 2023 which identified many of the mechanical systems have exceeded their service lives. Several of the boilers that heat the building and small pool are no longer able to operate safely. The remaining boilers are also past the end of life and a full boiler replacement is being planned. The new boilers will be able to be repurposed when the PRC is permanently closed.

Demolition and construction are scheduled to begin Oct. 23, 2023, and expected to take eight to twelve weeks to complete. With no heat being provided during construction, auxiliary heat is being added to keep the building operational. The pool reopening is anticipated to be in January of 2024. Building Services is also monitoring the pool dehumidification and building air circulation equipment while planning for repairs or replacement when needed.

Internal Circulation:

Financial Services

Considerations not applicable to this report:

- Legal/Statutory Authority:
- Legal/Statutory Procedural Requirements:
- Existing Policy:
- Financial/Budgetary Considerations:
- Consultation and Engagement:
- Communications Comments:

Submitted by: S. Perry, Building Services Manager

Approved for inclusion: D. Edstrom, Divisional Director, Partnerships & Investments

cc: M. Antunes, Financial Planning Manager
C. Low, Financial Analyst