



THE CORPORATION OF THE CITY OF ROSSLAND
REPORT/RECOMMENDATION TO COUNCIL

DATE: August 31, 2017

FILE: 3360.20/02-2017

SUBMITTED BY: Stacey Lightbourne - Planner

SUBJECT: ZONING BYLAW AMENDMENT 2633– Short Term Rentals

PURPOSE:

To advance the zoning amendment for Short Term Rental regulation.

RECOMMENDATION:

THAT Council provide First and Second Readings to Bylaw # 2633 and set a Public Hearing for October 10, 2017.

ANALYSIS:

Background:

Late June 2016 Council approved a terms of reference for a STR Advisory Committee to act in an advisory capacity to City Council on the effects, impacts and issues related to unlicensed short term rentals and to put forth recommendations for City Council to consider.

These recommendations were brought to Council in February 2017 and following input from accommodators Council directed staff at it's meeting on April 10, 2017, to proceed with the bylaw amendments to implement the recommendations of the STR Advisory Committee.

A draft zoning bylaw amendment was discussed at the Council meeting on August 14, 2017. Recommendations from that meeting have been included in the attached bylaw amendment.

Zoning Amendments

The section numbers refer to the sections within the draft bylaw amendment.

SECTION 2(A) – (C): DEFINITIONS:

Currently the zoning bylaw has definitions for Tourist accommodation, Bed and Breakfast and Guest Home. This can create confusion in applying and enforcing regulations. The proposed Definition changes remove Bed and Breakfast and Tourist Accommodation and replace them with Short Term Rental which is further split into Guest room, Guest suite and Guest home use. This should provide clarity with the terminology.

SECTION 2(D): GENERAL REGULATIONS:

This amendment replaces the existing Bed and Breakfast regulations with Short Term Rental regulations. The amendment re-iterates existing bylaw requirements such as parking and business license compliance. It also specifies maximum capacity of guest home of 8 people to limit parking and noise issues. This is consistent with current regulations for bed and

breakfast and guest home use and the City has received no complaints from people operating legally with this designation.

Section 2(e): GS GUEST ROOM, SUITE SUB-ZONE:

All Short term Rentals(in the “old town”) will be required to rezone to this subzone prior to obtaining a business license. By only permitting short term rentals in properties zoned for this use ensures:

- It requires an applicant to go through a rezoning process that includes neighbour notification and a public hearing.
- The requirement to rezone offers Council greater authority and control in approving or denying an application.
- Each application for can be reviewed and evaluated on it’s own individual merits.
- Council has the ability to add conditions and/or restrictions to the rezoning approval.

This amendment creates a sub-zone that may be appended only to the zones listed below:

- a) R-1 Single Detached Residential
- b) R-1I Detached Infill Residential
- c) R-1R Rural Detached Residential

This subzone is intended for homeowners (or long term renters) to be able to rent rooms or a secondary suite on a short term basis, but the principal use of the property shall remain a residential use. The operators of the Guest Room or Guest Suite must be the permanent residents of the property and shall be engaged in the management of the Short-Term Rental. Applicants with this zone applying for a business license will be required to show proof of permanent residency. This may include proof of homeowner grant, employer-issued pay stubs, voter registration, documentation showing you received provincial or federal government benefits, or income tax documentation or receipts. There is no density cap on this zone. The reason for this is that the committee felt that vacation rentals where a permanent resident is residing usually have a lesser impact on the neighbourhood as they are readily available to address issues.

Properties with this zone are limited to one property per block where "one block" shall be considered to be the two sides of a single street that face one another and are bordered on either end by the nearest street or cul-de-sac. In some areas in Rossland a ‘block’ is not so obvious so Council has some discretion with this when evaluating a rezoning proposal. There are approximately 150 “blocks” in Rossland.

Because these properties are limited by a density cap there is a regulation that states that if property owners do not obtain an appropriate business licence or do not renew their appropriate business licence the zoning will be revoked.

SECTION 2(F): R-1STR – SINGLE DETACHED SHORT TERM RENTAL

The intent is to provide a zone to accommodate those properties with existing Guest House or Bed and Breakfast Zoning and a valid business license. (eg. Angelas Guest House and Red Barn Guest House). In order to limit the impact on neighbourhoods in the “old town” and to try to preserve a long term rental market, no new properties should be given this zoning.

If property owners do not obtain an appropriate business licence or do not renew their appropriate business licence the zoning will be revoked.

SECTION 2(G) - OFF STREET PARKING AND LOADING

One parking space per guest room which is similar to many other communities and also maintains current requirements for guest homes and BnB's. Applicants will be required to show adequate parking when applying for zoning and business license. Lack of parking can be an issue in a neighbourhood particularly in the winter when there are also snow storage and snow clearing issues.

SECTION 3(A) – (C): CONSEQUENTIAL CHANGES – TEXT

These amendments are to address the changes within the permitted uses of the relevant zones to address the removal of Bed and Breakfast and Tourist Accommodation from the Definitions. Short Term Rental will be a permitted use (no rezoning required) for all zones at the ski hill, all commercial zones and the R5 zone which surrounds the clubhouse at Redstone.

SECTION 4 AND 5: MAPPING CHANGES

The list in the bylaw amendment represents all the properties in the “old town” of Rossland that are currently zoned either Guest House or B&B. The amendment rezones all these properties to the new zone R1STR – Single Detached Short Term Rental.

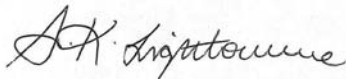
Of these properties, only 3 currently have valid business licenses. (Sweet Dreams B&B, Red Barn Guest House and Angela's Guest House). Staff recommends that the remainder of these properties are given the opportunity to obtain a business license in 2018 and if they do not, then staff can bring forward a zoning amendment to rezone the property back to R1 – Residential zoning.

ATTACHMENTS:

1. Bylaw #2633

Prepared by:

Approved for submission to Council:




Stacey Lightbourne

CAO

THE CORPORATION OF THE CITY OF ROSSLAND

BYLAW No. 2633

A BYLAW TO AMEND THE ZONING BYLAW No. 2518

WHEREAS Part 26 of the *Local Government Act* R.S.B.C. 1996, c.323 authorizes the Council of the City of Rossland to establish and amend a zoning bylaw;

AND WHEREAS the Council of the City of Rossland deems it necessary and expedient to amend the City of Rossland's Zoning Amendment Bylaw No. 2518, 2011.

NOW THEREFORE, the Council of the City of Rossland, in open meeting assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the **Zoning Amendment Bylaw, No. 2633, 2017(2)**

AMENDMENT

2. "City of Rossland Zoning Bylaw No. 2518, 2011 – Schedule A" is amended in:

- (a) Part 3– Definitions by deleting the definition of "**Bed and Breakfast Accommodation**" and "**Tourist Accommodation**" in its entirety.
- (b) Part 3 – Definitions by replacing existing definitions with the following:

HOME OCCUPATION means a commercial use that is not a Short-Term Rental, carried out by an occupant of a dwelling unit for remuneration which is accessory to the residential use of the dwelling and subject to Section 4.1.2 (d).

GUEST HOME means a One Family Detached Residential dwelling unit, a dwelling unit in a Two Family Detached Residential dwelling or a dwelling unit in a Multiple Family Residential dwelling where such dwelling unit is used in its entirety as one dwelling for Short-Term Rental.

- (c) Part 3 – Definitions by adding the following definitions in appropriate alphabetical order:

SHORT-TERM RENTAL means a Guest Home, Guest Suite, Guest Rooms, or part thereof wherein accommodation is offered for rent, or rented, to the travelling public on a temporary basis (30 days or less), and is subject to Section 4.1.2 (e).

GUEST ROOM means a habitable room used for Short-Term Rental and that does not contain cooking facilities.

GUEST SUITE means a Detached Secondary Suite Dwelling Unit or Secondary Suite Dwelling Unit used for Short-Term Rental.

PERMANENT RESIDENT in respect of any dwelling or lot means a person who normally resides in a dwelling or on the lot, and for these purposes a person cannot normally reside at more than one location within the City of Rossland.

- (d) Part 4 – General Regulations by deleting the wording in section 4.1.2 (e) -Bed and Breakfast Accommodation in its entirety and replacing it as follows:
- 4.1.2 (e) Short-Term Rental**
A Short term Rental is subject to the following regulations:
- a. Compliance with the licencing requirements of the Business Licence Bylaw No. 1965 as amended.
 - b. Off Street Parking and loading requirements are subject to the provisions of Section 11.
 - c. Subject to Section 4.6, one sign shall be permitted on a Parcel advertising the short-term rental operation subject to the following regulations:
 - i. the Sign type may be either free standing or fascia;
 - ii. the only permitted Sign lighting is external;
 - iii. the content of the Sign shall be limited to the name of the short term rental,
 - iv. a telephone number for the Short Term Rental Manager and an accompanying graphic design;
 - v. the size of the Sign shall not exceed 0.5 square meters.
 - d. Not more than two (2) adult guests shall be accommodated per Guest Room, not more than four (4) adult guests shall be accommodated per Guest Suite, and not more than eight (8) adult guests shall be accommodated per Guest Home.
 - e. Temporary Use Permits will not be considered for this use.
- (e) Part 6 – Residential by deleting Section 6.11 GH GUEST HOME SUB-ZONE and replacing it with a new Section 6.11 GS GUEST ROOM, SUITE SUB-ZONE the regulations of which are shown in Schedule “1” attached to and forming part of this bylaw.
- (f) Part 6 – Residential by deleting Section 6.3 R-1B/B SINGLE DETACHED BED BREAKFAST and replacing it with a new Section 6.3 R-1STR – SINGLE DETACHED SHORT TERM RENTAL by the regulations which are shown in Schedule “2” attached to and forming part of this bylaw.
- (g) Part 11 – Off Street Parking and Loading by deleting the wording in the *Residential Dwellings* portion of Diagram 11.1 | Required Off-street Parking Spaces in its entirety and replacing it as follows:

COLUMN I	COLUMN II
CLASS OF BUILDING	REQUIRED NUMBER OF PARKING SPACES
<i>RESIDENTIAL DWELLINGS</i>	
One and Two Family Detached Dwellings	2 per principal dwelling unit(DU) 1 per principal DU if each principal DU has a net floor area less than 90 sq. m.
One Family Detached Dwelling with one(1) or more short term rental guest rooms	2 per DU, plus 1 space per guest room
One Family Detached Dwelling with Secondary Suite or Detached Secondary Suite	2 per principal DU, plus 1 per Accessory DU 1 per principal DU if principal DU has a net floor area less than 90 sq. m
Secondary Suite or Detached Secondary Suite used as a Short Term Rental Guest Suite	1 space per guest room
One Family Detached Dwelling used as a Short Term Rental Guest Home	1 space per guest room
Multiple Conversion dwelling	2 per principal DU 1 per principal DU if each principal DU has a net floor area less than 90 sq. m.
Mobile Home	1 per DU
Multiple Family Dwellings including Apartment Dwellings , Apartment Dwellings in Conjunction with a Commercial Use and Townhouse Dwellings and Multiple Family Dwellings used as a Short term Rental .	a) 1.0 off-street parking stall per DU with one or two sleeping units; b) 1.5 off-street parking stalls per DU with three sleeping units; c) 2.0 off-street parking stalls per DU with 4 or more sleeping units; plus 0.2 per DU for visitor parking

CONSEQUENTIAL CHANGES

3. "City of Rossland Zoning Bylaw No. 2518, 2011 – Schedule A" is further amended as follows:

(a) Removing the Permitted Use of **Bed and Breakfast** from the following Zones:

- R1R, Detached Residential Rural Zone: Section 6.4.2(e) and Section 6.4.3(d), 6.4.6
- R-5 Residential Resort Mixed Density: Section 6.10.2(a), Section 6.10.3(c)
- CD-1 -Low Density Residential – LDR-1: Section 10.1.1.1(d), Section 10.1.1.2(c)
- CD-2 – Gateway Residential 1 – GW-1: Section 10.2.1.1(i), Section 10.2.1.2(c)
- CD-3 – Resort Rural Residential – RRR: Section 10.3.2.1(g), Section 10.3.2.2(c)
- CD-3 – Resort Holiday Park – RHP: Section 10.3.3.2(c), Section 10.3.3.3(a)

(b) Removing the Permitted Use of **Tourist Accommodation** from the following zones:

- R-5 Residential Resort Mixed Density: Section 6.10.2(f)
- C-1 Commercial Downtown Core: Section 7.1.2(e), Section 7.1.3(b)
- C-3 Commercial Resort Accommodation/Commercial: Section 7.3.2(f)
- C-4 Commercial Transition: Section 7.4.2(a), Section 7.4.3(b)
- CD-1 -Low Density Residential – LDR-1: Section 10.1.1.1(e)
- CD-1 – Multi-Family Residential – MFR-1: Section 10.1.2.1(e)
- CD-1 – Alpine Village Core – AVC-1: Section 10.1.3.1(d)
- CD-1 – Lower Alpine Village Core ‘A’ – AVC-2: Section 10.1.4.1(c)
- CD-1 – Lower Alpine Village Core ‘B’ – AVC-3: Section 10.1.5.1(f)
- CD-1 – Upper Alpine Village Core – AVC-4: Section 10.1.6.1(c)
- CD-2 – Gateway Residential 1 – GW-1: Section 10.2.1.1(f)
- CD-2 – Gateway Residential 2 – GW-2: Section 10.2.2.1(a), (c), (d), (e), (f)
- CD-3 – Residential Fringe Area – RFA: Section 10.3.1.1(d)
- CD-3 – Resort Rural Residential – RRR: Section 10.3.2.1(h)

(c) Adding the permitted use **Short-Term Rental** (subject to section 4.1.2(e)) to the following zones:

- R-5 Residential Resort Mixed Density
- C-1 Commercial Downtown Core
- C-3 Commercial Resort Accommodation/Commercial
- C-4 Commercial Transition
- CD-1 -Low Density Residential – LDR-1
- CD-1 – Multi-Family Residential – MFR-1
- CD-1 – Alpine Village Core – AVC-1
- CD-1 – Lower Alpine Village Core ‘A’ – AVC-2
- CD-1 – Lower Alpine Village Core ‘B’ – AVC-3
- CD-1 – Upper Alpine Village Core – AVC-4
- CD-2 – Gateway Residential 1 – GW-1
- CD-2 – Gateway Residential 2 – GW-2
- CD-3 – Residential Fringe Area – RFA
- CD-3 – Resort Rural Residential – RRR
- CD-3 – Resort Holiday Park – RHP

(d) By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

MAPPING CHANGES

4. "City of Rossland Zoning Bylaw No. 2518, 2011 – Schedule B – Zoning Bylaw Map is hereby amended such that the following properties are zoned from R1BB Single Detach Bed and Breakfast to R1STR – Single Detached Short Term Rental as shown on Schedule 3 attached to and forming part of this bylaw :
- 2520 Kootenay Ave
 - 2414 Leroi Ave
 - 2074 Butte St
 - 3040 Happy Valley Rd
 - 1107 Black Bear Dr
 - 1345 Spokane St
 - 1889 Nevada St
 - 1492 Columbia Ave
 - 2085 Davis St
 - 1810 Planer Crescent
 - 1520 Spokane St
5. "City of Rossland Zoning Bylaw No. 2518, 2011 – Schedule B – Zoning Bylaw Map is hereby amended such that the following properties are zoned from R1GH Single Detach Guest Home to R1STR – Single Detached Short Term Rental as shown on Schedule 3 attached to and forming part of this bylaw:
- 1115 Black Bear Dr
 - 1615 Nevada St
 - 1506 Kootenay Ave
 - 1882 Victoria Ave
 - 2075 Thompson Ave
 - 2242 Leroi Ave
 - 2290 Leroi Ave
 - 2236 Columbia Ave
 - 2324 Columbia Ave
 - 2565 Columbia Ave
 - 1988 First Ave
 - 2410 Fourth Ave
 - 2406 Fourth Ave
 - 2461 St Paul St
 - 2549 St Paul St
 - 2615A Railway St
 - 2807 Happy Valley Rd
 - 2598 Washington St

ENACTMENT

- 6. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME
 READ A SECOND TIME
 PUBLIC HEARING
 READ A THIRD TIME
 FINALLY ADOPTED

this 5th day of September, 2017
 this 5th day of September, 2017
 this day of, 2017
 this day of, 2017
 this day of, 2017

Mayor

Corporate Officer

SCHEDULE 1

6.11 GS GUEST SUITE, GUEST ROOM SUB ZONE

1. INTENT

Where the GS Guest Suite/Room sub-zone is appended to a zone within this Bylaw, all of the regulations for that zone except as otherwise provided herein shall apply to the development of a Guest Suite or Guest Room within the hyphenated zone as well as the regulations for this sub-zone. In general, properties with this zone are limited to one property per block where "one block" shall be considered to be the two sides of a single street that face one another and are bordered on either end by the nearest street or cul-de-sac.

The GS Guest Suite/Room sub-zone may be appended only to the below listed **Zones**:

- a) R-1 Single Detached Residential
- b) R-1I Detached Infill Residential
- c) R-1R Rural Detached Residential

2. PERMITTED SECONDARY USES

The following secondary uses shall be permitted in the GS Sub-Zone:

- a) **Guest Room**
- b) **Guest Suite**

3. CONDITIONS OF USE

- a) A maximum of 4 Guest Rooms are permitted on a lot.
- b) The principal use of the property containing or comprising the **Guest Room** or **Guest Suite** shall remain a residential use. The operators of the **Guest Room** or **Guest Suite** must be the **permanent residents** of the property and shall be engaged in the management of the **Short-Term Rental**.
- c) The **Guest Room** or **Guest Suite** shall be permitted subject to the provisions of section 4.1.2 (e);
- d) If property owners do not obtain an appropriate business licence or do not renew their appropriate business licence the zoning will be revoked.

4. PARCEL SIZE

Where **Surface Parcel** coverage is restricted by this Bylaw, such coverage may be increased by 10% to allow for parking.

SCHEDULE 2

6.3 R-1STR – SINGLE DETACHED SHORT TERM RENTAL

1. **INTENT**

The intent is to provide a zone to accommodate those properties that had existing zoning for Guest Home and Bed and Breakfast uses.

2. **PERMITTED USES**

The following uses and no others shall be permitted in the R-1STR Zone:

 - a) **One Family Detached Dwelling**
 - b) **Secondary Suite**
 - c) **Detached Secondary Suite Dwelling**
 - d) **Short term Rental**
 - e) **Home Occupation**
 - f) **Accessory Buildings and Uses**

3. **CONDITIONS OF USE**
 - a) A **Secondary Suite Dwelling** shall be permitted subject to the provisions of Section 4.1.2 (b);
 - b) A **Detached Secondary Suite Dwelling** shall be permitted subject to the provisions of section 4.1.2 (c);
 - c) An **Home Occupation** shall be permitted subject to the provisions of section 4.1.2 (d);
 - d) A **Short Term Rental** shall be permitted subject to the following:
 - Compliance with provisions of section 4.1.2 (e).
 - A maximum of 4 Guest Rooms are permitted on a lot.
 - Provided that, for certainty, this does not authorize or allow Multiple Family Residential Dwellings.
 - If property owners do not obtain an appropriate business licence or do not renew their appropriate business licence the zoning will be revoked.
 - e) **Off Street Parking** and loading requirements are subject to the provisions of Section 11;

4. PARCEL SIZE

On a Parcel located in an area Zoned R-6, no plan of subdivision shall be approved which contravenes the regulations set out below:

Min Parcel Area	Max Parcel Area	Min Parcel Frontage	Min Building Width
550 m ²	1,250 m ²	18 m	4.5 m

5. FLOOR AREA RATIO

For One Family Detached Dwellings the floor area ratio shall not exceed a factor of 0.5.

6. SETBACKS

The minimum Setbacks from Parcel lines are as follows:

Front	Rear	Interior	Exterior
4.0 m	2.0 m	1.8 m	3.0 m

7. PARCEL COVERAGE

Max Building Parcel Coverage	Max Surface Parcel Coverage
35%	50%

8. HEIGHT

- a) The maximum Height for Principal Buildings is 10.0 m
- b) The maximum Height is 4.5 m for all other Accessory Buildings.

SCHEDULE 3

