



Staff Report

DEVELOPMENT SERVICES DEPARTMENT

To: Council

From: Phil Armstrong, MDS/Planner

Subject: Short Term Rentals Report 10

File: Bylaw 1436, 1437 and 1438

Date: 2020 07 21

RECOMMENDATIONS

THAT per the July 21, 2020 Staff Report *Short Term Rentals*, from the Manager of Development Services, Council consider PASSING first reading to:

1. *Town of Golden Official Community Plan Amendment Bylaw No. 1436, 2020 – short term rentals – residential - commercial*
2. *Town of Golden Zoning Amendment Bylaw No. 1437, 2020 – short term rentals – residential - commercial*
3. *Town of Golden Bed and Breakfast and Short Term Rental Regulation Bylaw No. 14338, 2020*

AND THAT staff BE DIRECTED to plan and undertake a public and stakeholder engagement process prior to second reading.

CAO COMMENTS

I support the recommendation.

BACKGROUND

- ✓ The Town of Golden has studied potential new rules for Short Term Rentals (STRs), often referred to as Bed and Breakfasts (B&Bs), Airbnbs, vacation rentals, and even home sharing. STRs typically refer to the commercial rental of a private residence whether a few rooms (a B&B) or an entire house (a short term rental), for a period of less than 30 nights, for which the guest compensates the owner (or lessee) of the unit.
- ✓ Staff and Council began discussing this topic in the summer of 2016. In the winter of 2017/2018 public consultation occurred including focus groups with diverse stakeholders and a detailed survey.
- ✓ We have heard from Tourism Golden, the Chamber of Commerce, members of the business community, existing B&B operators and new Airbnb operators as well as community stakeholders at large that this is an important issue and we have been listening.
- ✓ Due to the sheer magnitude of the issue, competing work priorities, staff levels and a desire to learn from other communities, it has taken until now to bring the three regulatory bylaws forward. Golden has benefited from the learning of other municipalities, including updated iterations of their bylaws based on recent case law.
- ✓ In November 2019, staff brought forward the zoning amendment bylaw for Council review and Council directed the bylaw come back for first reading and the scheduling of an open house. Immediately following staff became aware of complications affecting the intent of the OSO development and in order to facilitate continued progress on that development Council considered and adopted *Town of Golden Zoning Amendment Bylaw No. 1424, 2019 – short term rentals – commercial* earlier this year.

- ✓ Please refer to for additional background: www.golden.ca/strs

DISCUSSION

Enclosed with this report are three bylaws:

1. *Town of Golden Official Community Plan Amendment Bylaw No. 1436, 2020 – short term rentals – residential – commercial;*
2. *Town of Golden Zoning Amendment Bylaw No.1437, 2020 – short term rentals – residential – commercial; and*
3. *Town of Golden Bed and Breakfast and Short Term Rental Regulation Bylaw No. 1438, 2020.*

OCP

The purpose of the OCP amendment bylaw is to affirm the vision that in residential areas bed and breakfasts (B&B) and short term rentals (STRs) are based on the home based business philosophy. The bylaw is enclosed for review.

Zoning

The zoning amendment bylaw outlines the permitted uses (B&B and STRs) and where each use can occur. A bed and breakfast is defined as commercially providing temporary accommodation of bedrooms within a dwelling unit to the traveling public. The operator must continue to reside in the unit. Whereas a short term rental means the commercial use of a dwelling unit to provide accommodation to the traveling public.

There are associated regulations such as in low density residential zones that a “permanent resident” is required to operate a B&B or STR and said person must be present for the duration of the rentals. An STR may be within the principal building and a B&B or an STR may not on a property that contains a Detached Secondary Residential Dwelling (DSRD ex. carriage house). This still meets the intent of keeping the property as long term residential and similar to an accessory home based business. These uses are only permitted in the low density zones i.e. not multi-family or manufactured homes.

Previously with OSO Council allowed dwelling units in the C1, C2 and C3 zones above the ground floor commercial to be operated as an STR without the “permanent resident” requirements. Based on feedback from hoteliers and Tourism Golden this has been expanded in proposed bylaw 1446 to include the C4 (the corridor) and C6 zones (Golden View Road) although staff have planning based reservations about encouraging non-employee type housing on the corridor with the heavy long haul trucking use/idling, high traffic, lack of residential amenities, but it is felt that existing, experienced accommodators may seek opportunities to test drive different accommodation models and thereby as proposed, introducing the STR use may facilitate some renewal and innovation to the area. In the case of the C6 zones, these view lots may be very well suited to accommodation and dwelling units.

The proposed amendment bylaw also includes amendments to the secondary residential dwelling and home based regulations to be in compliance with the above as well as removing caps on suite size to be consistent with Q4 2019 updates to the building code.

For ease of reading along with the amendment bylaw, also enclosed with this report is as a tracked change version of Section 9 -Specific Use Regulations of the zoning bylaw.

B&B and STR Regulations

The purpose of this bylaw is to outline the regulatory regime including application requirements such as:

- ✓ Self-evaluation safety audit and attestation form;

- ✓ Floor plan and parking plan to be submitted to the Town and displayed within the unit.

Regulations including:

- ✓ That the owner of an STR in a residential zone cannot be corporation or a society.
- ✓ That marketing must include the business license number and number of approved bedrooms.
- ✓ Signage requirements.
- ✓ A requirement for a “responsible person” for the guest, neighbours, Town, the RCMP to contact if there is an issue and a requirement of a two hour response time.
- ✓ A requirement to notify neighbours that B&B or STR is being operated and to provide the contact for the responsible person.
- ✓ Code compliance.
- ✓ Facilitate periodic inspections.
- ✓ Keeping of a registry of guest and maintenance staff.
- ✓ Ensure all required onsite parking stalls are clear of any debris, unlicensed vehicles or snow by 10 am each day and available for active use by the residents of the dwelling unit on the property and occupants of the short term rental.
- ✓ A reiteration of no short term rental of properties with detached secondary residential dwelling or within a detached secondary residential dwelling, vehicle, tent, or accessory building or structure.

Fines

An amendment to the bylaw notice and adjudication bylaw will occur assigning fines to each of these regulations, this will form the teeth of the Town’s regulatory framework following complaint drive and proactive enforcement.

Fees

Currently a bed and breakfast licence fee regardless of the number of sleeping units is set at **\$70**. Proposed are the following B&B rates:

- 1 sleeping unit **\$125**
- 2 sleeping unit **\$175**
- 3 sleeping unit **\$225**

A motel/hotel pays a minimum license fee of \$70 plus \$3 per room. This equates to an 80 room motel/hotel paying \$240. Proposed for residential short term rentals are the following rates:

- 1 bedrooms **\$175**
- 2 bedrooms **\$225**
- 3 bedrooms **\$275**

Proposed for commercial short term rentals are the following rates:

- 1 bedrooms **\$200**
- 2 bedrooms **\$250**
- 3 bedrooms **\$300**

These fees have been set based on proximity of the responsible person, additional inspection requirements based on size of the premise, recovering third party online platform monitoring costs, enforcement and to be reflective of other license rates. The fees and are subject to change as the business license bylaw is modernized for example to eventually include a inflation factor.

Public consultation and stakeholder check-in

In working with the communication official the following is proposed, subject to Council consideration. A check in with Golden Tourism and the accommodation stakeholders and focus group attendees by distributing a check in survey. This survey would also be open to the public. Followed by an open house proposed for August 18th.

In closing, Staff is supportive of the proposed bylaws and is recommending proceeding with first readings.

IMPLICATIONS

Strategic	Strategic Priority – Short Term Rentals
Financial	Fees set to recover legal costs, cost associated with monitoring online platforms, and enforcement.
Administrative	Part of the MDS's work plan.

OPTIONS

1. Council considers giving first reading to:
 - a. *Town of Golden Official Community Plan Amendment Bylaw No. 1436, 2020 – short term rentals – residential – commercial;*
 - b. *Town of Golden Zoning Amendment Bylaw No.1437, 2020 – short term rentals – residential – commercial;*
 - c. *Town of Golden Bed and Breakfast and Short Term Rental Regulation Bylaw No. 1438, 2020.*

And direct staff to undergo a public open house and online check-in on the short term rental package.

2. Council selects another course of action.

Respectfully Submitted,



Phil Armstrong MCIP, RPP
Manager of Development Services / Planner

Enclosure:

- ✓ Bylaws 1436, 1437, and 1438.
- ✓ Track changed version of proposed zoning bylaw section 9.
- ✓ Draft FAQ
- ✓ additional background: www.golden.ca/strs



BYLAW RATIONALE STATEMENT

Town of Golden OCP Amendment Bylaw No. 1436, 2020 – short term rentals residential - commercial

The purpose of this bylaw is to amend the OCP to modernize the language around vacation rentals, bed and breakfasts and short term rentals.

TOWN OF GOLDEN
BYLAW NUMBER 1436, 2020
OCP BYLAW AMENDMENT

A Bylaw to amend the “*Town of Golden Official Community Plan Bylaw No. 1222, 2008.*”

The Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited for all purposes as the “*Town of Golden OCP Amendment Bylaw No. 1436, 2020– short term rentals residential-commercial.*”

2. TEXT AMENDMENT

- a. That the term “vacation rental” be replaced with “short term rental”.
- b. That Part II “THE VISION AND GUIDING PRINCIPLES” section 2 “Residential Development” Policy 2 replace the following:
“Prohibit - vacation rentals in new and existing residential areas and encourage - vacation rentals in commercial areas. Canyon Ridge subdivision will be the only residential area where -vacation rentals will be considered, subject to, design considerations which lessen the potential impact on adjacent existing neighbourhoods.

With:

*“Prohibit the rental of entire homes in residential areas as short term rentals and rather, allow short term rentals in new and existing residential areas similar to a home based business. Also, allow short term rentals in commercial areas above a commercial ground floor use. Canyon Ridge subdivision will be the only residential area where —short term rentals will be **considered**, subject to, design considerations which lessen the potential impact on adjacent existing neighbourhoods.*

3. SEVERABILITY

If any portion of this bylaw is found invalid by a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

READ A FIRST TIME THIS DAY OF , 2020.
PUBLIC HEARING ON THIS DAY OF , 2020.
READ A SECOND TIME THIS DAY OF , 2020.
READ A THIRD TIME THIS DAY OF , 2020.
ADOPTED THIS DAY OF , 2020.

MAYOR

CORPORATE OFFICER



BYLAW RATIONALE STATEMENT

*Town of Golden Zoning Amendment Bylaw No. 1437 short term rentals
residential-commercial*

The purpose of this bylaw is to amend the Zoning Bylaw to update Section 9 Specific Use Regulations including home based business, secondary residential dwellings, and primarily to introduce the use of short term rental to residential areas.

TOWN OF GOLDEN

BYLAW NUMBER 1437, 2020 ZONING BYLAW AMENDMENT

A Bylaw to amend the “Town of Golden Zoning Bylaw No. 1294, 2011”

NOW THEREFORE the Council of the Town of Golden, in open meeting, enacts as follows:

1. Name

The name of this bylaw for citation purposes is “Town of Golden Zoning Amendment Bylaw No. 1437, 2020 short term rentals residential-commercial.”

2. Amendments

“Town of Golden Zoning Bylaw No. 1294, 2011” is amended as follows:

a) “Section 4 Definitions” by replacing the existing definition in section 4.3 with the following:

“**Bed and Breakfast**” means the commercial use of a Single Detached Dwelling by a **Permanent Resident** of the **Dwelling Unit** to provide temporary accommodation in the form of **Sleeping Units** in the **Dwelling Unit** to the travelling public, while the operator continues to reside in the **Dwelling Unit**, and where the room rate may include meals.

b) “Section 4 Definitions” by adding the following definitions in section 4.3 in alphabetical order:

“**Permanent Resident**” means, in respect of any **Dwelling Unit** or **Lot**, a person who normally resides in a **Dwelling Unit** or on the **Lot** as their permanent residence, and for these purposes a person cannot normally reside at more than one location within the Town.

c) “Section 8 Parking and Loading Regulations” by adding to “Table 8-1 Minimum Parking Requirements” the following after the **Single Detached Dwelling** Use:

Short Term Rental in a Single Detached Dwelling or ½ Duplex	1 per Sleeping Unit to a max of 3, plus 2 for the Principal Dwelling Unit		
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d) Section 9.2 “Bed and Breakfast” by replacing sections 9.2.1(a), (b) and (c) with the following:

a. be an **Accessory Use** within a **Single Detached Dwelling** or a **Duplex**;

b. be permitted only when operated by a **Permanent Resident** residing in the **Dwelling Unit** while the **Bed and Breakfast** use is occurring;

- c. be permitted only where a **Residential Use** occupied by a **Permanent Resident** is occurring in the **Dwelling Unit** in which the **Bed and Breakfast** use is occurring;
- e) Section 9.2 “**Bed and Breakfast**” by replacing section 9.2.1(g) with the following:
 - g. not be permitted on a Lot where a **Child Care, Home; Home Based Business Class 2; or Short Term Rental** use is operating;
- f) Section 9.2 “**Bed and Breakfast**” by adding a new section 9.2.1(h) with the following and changing the subsequent letters accordingly:
 - h. not be permitted on a Lot where a **Detached Secondary Residential Dwelling** exists.
- g) Section 9.4 “**Home Based Business**” by replacing section 9.4.1(d) with the following:
 - d. be permitted only when operated by a **Permanent Resident** residing in the **Dwelling Unit** while the Home Based Business use is occurring;
- h) Section 9.5 “**Secondary Residential Dwellings**” by deleting section 9.5.1(c), 9.5.2(a), and (c) and changing the subsequent letters accordingly.
- i) Section 9.5 “**Secondary Residential Dwellings by replacing section 9.5.2(d)** with the following:
 - d. have a maximum of three bedrooms; and
- j) By adding in “Section 9.6.1 Short Term Rentals the following subsections and renumbering the existing subsections.

9.6 Short Term Rentals

1) Short Term Rentals shall:

- a. be an **Accessory Use** within a **Single Detached Dwelling** or a **Duplex** on a single titled **Lot**;
- b. be permitted only when operated by a **Permanent Resident** residing in a **Dwelling Unit** on the **Lot** while the **Short Term Rental** use is occurring;
- c. be permitted only where a **Residential Use** occupied by a **Permanent Resident** is occurring in a **Dwelling Unit** on the **Lot** other than the **Dwelling Unit** in which the **Short Term Rental** use is occurring;
- d. not change the residential character or external appearance of the **Single Detached Dwelling** or **Duplex**;
- e. not exceed one **Short Term Rental** per **Lot**;

- f. not be permitted on a Lot where a **Child Care, Home; Home Based Business Class 2;** or **Bed and Breakfast** use is operating
 - g. not be permitted on a Lot where a **Detached Secondary Residential Dwelling** exists;
 - h. in a residential zone, have a maximum of three **Sleeping Units** within any Dwelling Unit and a maximum of 6 guests within any **Dwelling Unit** at any one time;
 - i. be in accordance with Section 8 [*parking and loading regulations*];
- k) Replace this clause in the section 9.6.1, which states:
- a lawful **Dwelling Unit** in the C1, C2, and C3 zones may be used for **Short Term Rental** use when the **Dwelling Unit** is not occupied for **Residential Use**.*

With the following:

*As a limited exception to the requirements set out in Sections 9.6.1(a) to (g), a lawful Dwelling Unit in the C1, C2, C3, C4 and C6 zones may be used for Short Term Rental use when the **Dwelling Unit** is not occupied for **Residential Us***

- l) By adding “**Short Term Rental**” as an **Accessory Use** in the following zones:
- Schedule B Single Detached Residential - R1
 - Schedule C Single Detached With Secondary Residential - R1S
 - Schedule D Flexible Residential - R1D
 - Schedule E Twin Residential - R2
 - Schedule F Twin Residential Sensitive -R2A
 - Schedule I Residential Reserve - R5
 - Schedule P Transitional Commercial - C5
- m) By adding “**Dwelling Unit**” and “**Short Term Rental**” as **Permitted Use** in the following zones:
- Schedule O Highway Corridor Commercial - C4
 - Schedule M Mixed-Use Commercial - C6
- n) By adding the following to Schedule O Highway Corridor Commercial – C4 and Schedule M Mixed-Use Commercial –C6:

Dwelling Units are restricted to **Second Storey** or higher. The **First Storey** shall be used for commercial **Uses**.

Entrances to **Dwelling Units** are to be separate and distinct from commercial entrances and shall be accessible at ground level and may provide access to more than one and may provide access to more than one **Dwelling Unit**.

Each **Dwelling Unit** shall have a minimum of 5 m² of **Private Open Area**.

3. Severability

If any portion of this bylaw is found invalid by a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

READ A FIRST TIME THIS DAY OF , 2019.

PUBLIC HEARING ON THIS DAY OF , 2020.

READ A SECOND TIME THIS DAY OF , 2020.

READ A THIRD TIME THIS DAY OF , 2020.

ADOPTED THIS DAY OF , 2020.



BYLAW RATIONALE STATEMENT

Town of Golden Bed and Breakfast and Short Term Rental Bylaw No. 1438, 2020

The purpose of this bylaw is to create a licensing process and regulations around bed and breakfasts and short term rentals.

TOWN OF GOLDEN

BYLAW NO. XXXX, 2020

Town of Golden Bed and Breakfast and Short Term Rental Bylaw No.1438, 2020

NOW THEREFORE the Council of the Town of Golden, in open meeting assembled, enacts as follows:

PART 1 Citation

- 1.1 This bylaw may be cited as *"Town of Golden Bed and Breakfast and Short Term Rental Regulation Bylaw No .1438, 2020."*

PART 2 Interpretation

- 2.1 Definitions:

“**Accessory use**” has the same definition described within the Zoning Bylaw.

“**Building Official**” as appointed by the Town of Golden.

“**Bylaw Enforcement Officer**” as appointed by the Town of Golden, or any Peace Officer or Police Officer.

“**Council**” means the Council of the Town of Golden.

“**Detached Secondary Residential Dwelling**” has the same definition described within the Zoning Bylaw.

“**Licence Inspector**” means the **Building Official, Bylaw Enforcement Officer** or the Manager of Development Services, RCMP, or Fire Department.

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

“**Operator**” means a person who rents out, or offers for rent, any premises for short-term rental premise but does not include a person who acts as an intermediary between the short-term rental tenant and the person who receives the rent.

“**Premises**” means an area of land, including a lot or parcel of land with or without buildings.

“**Permanent resident**” has the same definition described within the Zoning Bylaw. This bylaw also refers to the **permanent residence**.

“**Responsible person**” means a person designated by an operator as the primary contact for the **short-term rental premise**.

“**Short-term rental**” has the same definition described within the Zoning Bylaw.

“**Short-term rental premise**” means a **premises** where the Zoning Bylaw allows the use of the **dwelling unit** as a short term rental or a **bed and breakfast** pursuant other enactments.

“**Sleeping unit**” has the same definition described within the Zoning Bylaw.

“**strata corporation**”, “strata council”, and “strata lot” have the same meaning as in the Strata Property Act.

“**Zoning Bylaw**” means the Town of Golden Zoning Bylaw 1294, 2011; as amended or replaced from time to time.

PART 3 Licensing Period

- 3.1 Each licence issued under this Bylaw shall commence on January 1 of the year in which it is issued and terminate on December 31 of the same year, unless earlier renewed for the following calendar year by submission of a complete licence renewal form and payment of the annual licence fee prior to January 15 of the following year.

PART 4 PRO-RATING OF LICENCE FEE FIRST YEAR ONLY

- 4.1 The licence fees described in this Bylaw may be reduced by half after July 1 for an operator who becomes liable to be licenced after January 1 in a year, during that operator's first year of operation only.

PART 5 LICENCE REQUIRED

- 5.1 A person must not carry on business as an operator unless the person holds a valid licence issued under the provisions of this Bylaw and other **Town of Golden** bylaws.
- 5.2 A person applying for the issuance or renewal of a licence to operate a **short-term rental premise** must, in addition to meeting the requirements of the **Zoning Bylaw** and this \Bylaw:
- (a) make an application to the **Licence Inspector** on the form provided for that purpose;
 - (b) pay to the **Town** the applicable licence fee prescribed;
 - (c) provide, in the form satisfactory to the Licence Inspector, evidence that:
 - (i) the operator owns the **premises** where the **short-term rental premise** will be offered, or
 - (ii) the owner of the **premises** where the **short-term rental premise** will be offered has consented to this use of the premises;
 - (d) when the **premises** where the **short-term rental premise** is offered is located within a strata lot, provide a letter from the strata council confirming that use of the premises for **short-term rental premise** does not contradict any bylaws of the strata corporation or applicable provisions of the Strata Property Act;
 - (e) when the **premises** where the **short-term rental premise** is offered is located in a zone where **short-term rental premise** is only permitted as an **accessory use**, provide in the form satisfactory to the **Licence Inspector**, evidence that the **premises** where the **short-term rental premise** will be offered is occupied by the operator as their **permanent residence**;
 - (i) Items may include items such as claim of home owner grant, voter registration, filing of income taxes, British Columbia driver's licence, British Columbia Medical Services Plan, and British Columbia Identification Card
 - (f) when the **short-term rental premise** is a **principal use**, provide the name and contact information for the **responsible person**;
 - (g) submit a self-evaluation safety audit and attestation form provided for that purpose;
 - (h) provide a floor plan of the **premises** upon which the **short-term rental premise** is to be conducted, identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each sleeping unit, the types of bed in each sleeping unit, and the location of any sofa beds;
 - (i) provide a parking plan which complies with the parking requirements of the **Zoning Bylaw**; and
 - (j) provide any other information the **Licence Inspector** may require for the purposes of ensuring compliance with the Town's bylaws and other enactments.

- 5.3 The licence fee is:
- (a) The **Bed and Breakfast Licence**: the rental of up to three sleeping units in the operator's **permanent residence**:
 - (i) 1 sleeping unit **\$125**
 - (ii) 2 sleeping unit **\$175**
 - (iii) 3 sleeping unit **\$225**
 - (b) **Short Term Rental Licence - Accessory Use**: where the short-term rental use is an **Accessory Use** and is offered in a residential zone in a building which includes the operator's **permanent residence** and the operator is present during the occupancy of the unit: \$;
 - (i) 1 bedrooms **\$175**
 - (ii) 2 bedrooms **\$225**
 - (iii) 3 bedrooms **\$275**
 - (c) **Short Term Rental Licence - Commercial Licence**: for all short-term rentals that do not qualify under subsection a. or b. :
 - (i) 1 bedrooms **\$200**
 - (ii) 2 bedrooms **\$250**
 - (iii) 3 bedrooms **\$300**
- 5.4 If a person submits a licence application for which additional information, documentation, inspection or compliance is required by the **Licence Inspector**, the person shall supply all required information and documentation within 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 required.
- 5.5 Where the **short-term rental premise** is an **accessory use**, the **operator** may not be a corporation or society.

PART 6 LICENCE INSPECTOR POWERS

- 6.1 **Council hereby authorizes the Licence Inspector to:**
- (a) grant, refuse, suspend and cancel licences under this Bylaw;
 - (b) suspend, cancel or refuse to issue licences in accordance with subsection 6.2;
 - (c) impose conditions on a licence at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the business;
 - (d) enter at all reasonable time, on any property that is subject to the regulation of this Bylaw in order to inspect and ascertain whether such regulations are being observed; and
 - (e) prepare, from time to time, forms to be used for the purpose of making applications under this Bylaw, including, but not limited to a form of licence application, information sheet, and licence transfer application.
- 6.2 In addition to Council's powers under section 60 of the *Community Charter* and the Licence Inspector's powers under other bylaws, the **Licence Inspector** may refuse to grant, suspend, cancel, revoke, or not renew a licence for a short-term rental if, in the opinion of the Licence Inspector:

- (a) the applicant for the licence has failed to comply with section 5; the short-term rental a in question would or does contravene a Town bylaw or another enactment;
 - (b) the applicant for the licence or the operator has provided false information to the Licence Inspector; or
 - (c) the operator of the **short-term rental** is not in compliance with the conditions of this Bylaw or of the licence. When a Licence Inspector suspends, cancels or refuses to issue or renew a licence, the Licence Inspector will provide the applicant for the licence or the operator with a formal letter outlining the reason(s) for the refusal.
- 6.3 An applicant for a licence or an operator may request that Council reconsider a decision of the **Licence Inspector** under subsection 6.2 by delivering a request in writing to the Coporate Officer within 30 days of the Licence Inspector’s decision being sent.
- 6.4 No person shall offer, or continue through marketing to advertise or provide any short-term rental pursuant to their licence during a period of suspension of that licence.

PART 7 MARKETING

- 7.1 The operator of a short-term rental premise must ensure that any **marketing**, publication, listing or promotional material includes the licence number of a valid licence issued for that premises under this Bylaw as well as the approved sleeping unit count.

PART 8 RESPONSIBLE PERSON

- 8.1 An operator who operates a short-term rental premise on a property with their **permanent residence** is the responsible person for that short-term rental premise.
- 8.2 An operator who operates a commercially zoned **short-term rental premises** on a property other than a property containing their **permanent residence** must designate a responsible person as part of their licence application, and must ensure the responsible person has access to the licenced premises and authority to make decisions in relation to the premises and the rental agreement, at all times that the **short-term rental premise** is operated.
- 8.3 The **operator** must ensure that the name and contact information of the **responsible person** is prominently displayed in the **short-term rental premise** at all times while the **short-term rental** is operated as well as on the sign posted on the property.
- 8.4 The **responsible person** must attend at the bed and breakfast or short-term rental within two hours of being requested by the Licence Inspector, Town official, RCMP, Fire Department, operator or a short-term rental tenant to do so.

PART 9 CONDITIONS OF LICENCE

- 9.1 An operator of a short-term rental must:
- (a) operate a **short-term rental premise** only on a licenced premises;
 - (b) operate only one **short-term rental premise** per property;
 - (c) notify neighboring property owners on all adjacent sides of the licenced premises that a **short-term rental premise** is being operated thereupon, and provide the contact information for the operator or responsible person to such neighbours;
 - (d) display the licence inside the entry way to the **short-term rental premise**;
 - (e) display in each approved **sleeping unit**, and in the entryway of the of the **short-term rental premise**, a floor plan identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, each approved sleeping unit, the types of bed in each **sleeping unit**, and the location of any sofa beds;
 - (f) display the responsible person’s contact information inside the entry way of the **short-term rental premise**;

- (g) Have a sign posted on the subject property visible from outside the unit in the case of **single detached dwelling** or **duplex** visible from the street, which contains, the name of the short term rental business and contact info for the **operator** or **responsible person**;
- (h) ensure the **operator** or **responsible person** is available for contact 24 hours a day during periods when the **short-term rental premise** is rented to **short-term rental** occupants, and responds to any nuisance complaint within 2 hours of notification;
- (i) notify the **Licence Inspector** within 24 hours of a change in contact information for an operator or **responsible person** and update signage both in and outside the unit and the neighbours described in subsection (c);
- (j) hold a separate licence for each premises that it operates;
- (k) comply with all applicable requirements in the Zoning Bylaw, the Building Bylaw, the BC Building Code, the BC Fire Code, and related enactments;
- (l) cooperate and ensure cooperation of responsible person with **Town officials, Licence Inspector, RCMP, Bylaw Enforcement Officer**, Health Authorities and other officials during investigation of any complaint associated with the **short-term rental premise**;
- (m) facilitate periodic inspections of the **short-term rental premise** and property as requested and conducted by the **Licence Inspector** and the Fire Department.
- (n) ensure that the **short-term rental** property is compliance with the Town's bylaw regarding signage;
- (o) keep a written registry of all guests that are staying or have stayed on the **premises** as well as cleaning/maintenance personnel. and make this registry readily available to the **Licence Inspector** or Health Officials upon request; and
- (p) submit an annual self-evaluation safety audit and attestation in the form provided for that purpose by the **Licence Inspector**; and
- (q) ensure no more than one booking is permitted within the **short-term rental premise** at one time.
- (r) Ensure all required onsite parking stalls are clear of any debris, unlicensed vehicles or snow by 10 am each day and available for active use by the residents of the dwelling unit on the property and occupants of the **short-term rental premise**.

9.2 An operator of a short-term rental must not:

- (a) rent out any **sleeping units** or provide any temporary sleeping accommodation within a principal building on a property with a **detached secondary residential dwelling** or within a **detached secondary residential dwelling**, vehicle, tent, or accessory building or structure; or
- (b) allow to be used as **sleeping units**, any rooms that are not approved and identified on the licence application for that premises as **sleeping units**.

PART 10 PENALTIES

10.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an offence against this Bylaw.

10.2 Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine not exceeding \$10,000 for every instance that an offence occurs or each day that it continues. 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.

10.3 Each day that a violation is of this Bylaw is caused or allowed to continue constitutes a separate offence.

PART 11 DUTY OF ADMINISTRATION

11.1 The intent of this Bylaw is to set standards in the general public interest, and not to impose a duty on the Town, its employees, **Licence Inspector, Building Official, Town Official or Bylaw Enforcement Officer** to enforce its provisions and:

- (a) a failure to administer or enforce its provisions or the incomplete or inadequate administration or enforcement of its provisions is not to give rise to a cause of action in favor of any person; and
- (b) the grant of any approval or permission or issuance of any permit is not a representation, warranty or statement of compliance with the Bylaw and the issuance thereof in error is not to give rise to a cause of action.

PART 12 SEVERABILITY

12.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

PART 13 TRANSITION PROVISIONS

13.1 In 2021, any operator who, at the time of adoption of this Bylaw, holds a valid licence for a bed and breakfast under the Trade Licence Bylaw shall transition to complying with this bylaw.

PART 14 EFFECTIVE DATE

14.1 This Bylaw comes into full force and effect and is binding on all persons as from the date of adoption.

READ A FIRST TIME THIS	DAY OF	, 2020.
READ A SECOND TIME THIS	DAY OF	, 2020.
READ A THIRD TIME THIS	DAY OF	, 2020.
ADOPTED THIS	DAY OF	, 2020.

MAYOR

CORPORATE OFFICER

Disclaimer: The following is an explanatory tracked changed document to accompany the draft proposed short term rental zoning amendment bylaw. This document was created for convenience only and is not the official or legal version, and should not be used in place of referring to the amendment bylaw.

Existing definition to be replaced with:

~~“**Bed and Breakfast**” means an **Accessory Use** on a **Lot** with a **Single Detached Dwelling** providing temporary accommodation in the form of **Sleeping Units** to the travelling public where the room rate may include meals. This type of accommodation rents out on a short term basis to a maximum of 7 days.~~ “**Bed and Breakfast**” means the commercial use of a **Dwelling Unit** by a **Permanent Resident** of the **Dwelling Unit** to provide temporary accommodation in the form of **Sleeping Units** in the **Dwelling Unit** to the travelling public, while the operator continues to reside in the **Dwelling Unit**, and where the room rate may include meals.

New definitions:

“**Permanent Resident**” means, in respect of any **Dwelling Unit** or **Lot**, a person who normally resides in a **Dwelling Unit** or on the **Lot** as their permanent residence, and for these purposes a person cannot normally reside at more than one location within the **Town**.

“**Residential Use**” means the use of a building or a part thereof as a **Dwelling Unit** by persons as a fixed place of abode and as their primary residence from which they are absent only as a part of a domestic routine including, without limitation, work and vacations.

“**Short Term Rental**” means the commercial use of a **Dwelling Unit** to provide temporary accommodation to the traveling public.

Additional parking requirement:

<u>Short Term Rental in a Single Detached Dwelling or ½ Duplex</u>	<u>1 per Sleeping Unit to a max of 3, plus 2 for the Principal Dwelling Unit</u>		
<u>Short Term Rental in C1, C2, C3 zone</u>	<u>1 per Dwelling Unit</u>		

Section 9 Specific Use Regulations

9.1 Application

- 1) The following Specific Use Regulations shall apply to all **Development**.

- 2) Where these regulations may be in conflict with any zone specific regulations [*schedules B through CC*] or General Development Regulations, these Specific Use Regulations shall take precedence.

9.2 Bed and Breakfast

- 1) **Bed and Breakfasts** shall:

- a. be an **Accessory Use** within a **Single Detached Dwelling or a Duplex**;
- b. ~~be operated by the owner of the property~~ be permitted only when operated by a Permanent Resident residing in the Dwelling Unit while the Bed and Breakfast use is occurring;
- c. ~~require the owner of the Bed and Breakfast to reside in the Single Detached Dwelling~~ be permitted only where a Residential Use occupied by a Permanent Resident is occurring in the Dwelling Unit in which the Bed and Breakfast use is occurring;
- d. in a residential **Zone**, have up to three **Sleeping Units** for guests with a maximum of two guests per **Sleeping Unit** for a maximum of 6 guests;
- e. in a commercial **Zone** have up to eight **Sleeping Units** for guests with a maximum of two guests per **Sleeping Unit** for a maximum of 16 guests;
- f. not change the residential character or external appearance of the **Single Detached Dwelling**;
- g. ~~not be allowed in conjunction with any other Accessory Use, except for a Home Based Business Class One~~ not be permitted on a Lot where a Child Care, Home; Home Based Business Class 2; or Short Term Rental use is operating;
- h. not be permitted on a Lot where a Detached Secondary Residential Dwelling exists
- ~~h.i.~~ be permitted one Sign in accordance with the *Sign Bylaw*;
- ~~h.j.~~ be in accordance with Section 8 [*parking and loading regulations*].

9.3 Child Care

- 1) A **Child Care, Home** shall:
 - a. be an **Accessory Use** in either a **Single Detached Dwelling** or **Accessory Building**;
 - b. not be allowed in conjunction with any other **Accessory Use** except for a **Home Based Business Class One**; and
 - c. provide parking in accordance with section 8 [*parking and loading regulation*].

9.4 Home Based Business

- 1) All **Home Based Businesses** shall:
 - a. be an **Accessory Use**;

- b. not exceed two **Home Based Businesses** per Lot;
 - c. not involve the **Outdoor Storage** of any materials used or produced by the business;
 - d. only be operated by the resident of the **Dwelling Unit** be permitted only when operated by a **Permanent Resident** residing in the **Dwelling Unit** while the **Home Based Business** use is occurring;
 - e. not involve any exterior structural change for the purpose of accommodating the business;
 - f. have a maximum of one commercial vehicle, up to 5600kg gross vehicle weight rating;
 - g. not produce nuisance from noise, vibration, smoke, dust, odors, heat, glare, electrical or radio disturbance and at no time will the privacy and enjoyment of **Adjacent** dwellings be adversely affected;
- 2) In addition to the provisions of Section 9 [*subsection 9.4.1: home based business*] **Home Based Businesses Class One** shall:
- a. have all business activity wholly conducted within a **Dwelling Unit**;
 - b. not generate client visits to the site from which the **Business** is being operated;
 - c. not be permitted a sign;
 - d. not occupy more than 30% of the **Net Floor Area** of the **Dwelling Unit** up to a maximum area of 20 m²; and
- 3) In addition to the provisions of Section 9 [*subsection 9.4.1: home based business*] **Home Based Businesses Class Two** shall:
- a. not exceed one **Home Based Businesses Class Two** per Lot;
 - b. have all business activity wholly conducted within a **Dwelling Unit** or **Accessory Building**;
 - c. have up to one nonresident employee;
 - d. have a maximum of five clients per day;
 - e. when an **Accessory Building** is used in addition to the **Dwelling Unit**, in no case shall the combined **Net Floor Area** used for the **Business** exceed 50 m²;
 - f. not involve **Retail** sales or display of products not produced on the premises, except for products incidental to the **Business** or mail order sales, telephone or internet sales, or goods which the client does not enter the premises to inspect or pick up;
 - g. be permitted one **Sign** 0.25m² in size which shall be located on the **Dwelling Unit** or **Accessory Building**; and
 - h. provide parking in accordance with Section 8 [*parking and loading regulations*].

9.5 Secondary Residential Dwellings

- 1) **Secondary Residential Dwellings**, including both **Secondary Suites** and **Secondary Detached Dwellings**, shall:
 - a. be an **Accessory Use**;
 - b. not exceed one **Secondary Residential Dwellings** per **Lot**;
 - ~~c. be permitted on a **Lot** where a registered owner is residing in the **Principal Dwelling Unit** or the **Secondary Residential Dwelling**;~~
 - ~~d.c.~~ constitute a single real estate entity with the **Principle Building** and not be subdivided as either a fee simple or strata **Lot**;
 - ~~e.d.~~ provide parking in accordance with Section 8 [*parking and loading regulations*]; and
- 2) In addition to the provisions of Section 9 [*subsection 9.5.1: secondary residential dwellings*] **Secondary Suites** shall:
 - ~~a. have a minimum **Gross Floor Area** of 37 m² and a maximum **Gross Floor Area** of the lesser of 65 m² or 40% of the total **Gross Floor Area** of the **Principal Dwelling Unit**;~~
 - ~~b.a.~~ have a minimum of 30 m² of a **Private Open Area** providing 15 m² for both the **Principal Dwelling Unit** and the **Secondary Suite**;
 - ~~c. have a separate entrance accessed from a common indoor landing or directly from the outside;~~
 - ~~d.b.~~ have a maximum of ~~two~~ three bedrooms; and
 - ~~e.c.~~ be integrated with the **Principal Dwelling Unit** as to maintain the residential character.
- 3) In addition to the provisions of Section 9 [*subsection 9.5.1: secondary residential dwellings*] **Detached Secondary Residential Dwellings**, including either a **Coach House** or **Garden Suite**, shall:
 - a. not be on a **Lot** less than 600 m²;
 - b. reflect the form, materials and architectural style of the **Principal Building**;
 - c. have all, **Porches**, **Decks** and amenity spaces facing the **Front Lot Line**;
 - d. provide path access between the **Principal Building** and **Detached Secondary Residential Dwelling** ;
 - e. be sited a minimum distance of 4.0 m from the **Principal Building**; and
 - f. be in accordance with Section 6 [*subsection 6.2: accessory buildings and structures*].

9.6 Short Term Rentals

- 1) Short Term Rentals shall:

- a. be an **Accessory Use** within a **Single Detached Dwelling** or a **Duplex** on a single titled **Lot**;
- b. be permitted only when operated by a **Permanent Resident** residing in a **Dwelling Unit** on the **Lot** while the **Short Term Rental** use is occurring;
- c. be permitted only where a **Residential Use** occupied by a **Permanent Resident** is occurring in a **Dwelling Unit** on the **Lot** other than the **Dwelling Unit** in which the **Short Term Rental** use is occurring;
- d. not change the residential character or external appearance of the **Single Detached Dwelling** or **Duplex**;
- e. not exceed one **Short Term Rental** per **Lot**;
- f. not be permitted on a Lot where a **Child Care, Home; Home Based Business Class 2; or Bed and Breakfast** use is operating
- g. not be permitted on a Lot where a **Detached Secondary Residential Dwelling** exists;
- h. in a residential zone, have a maximum of three **Sleeping Units** within any **Dwelling Unit** and a maximum of 6 guests within any **Dwelling Unit** at any one time;
- a-i. As a limited exception to the requirements set forth ~~out~~ in Sections 9.6.1(a) to (g), a lawful **Dwelling Unit** in the **C1, C2, C3, C4 and C6** zones may be used for **Short Term Rental** use when the **Dwelling Unit** is not occupied for **Residential Use**.
- b-j. in a commercial zone, utilize a maximum of 3 **Sleeping Units** within any **Dwelling Unit** and a maximum of 8 guests within any **Dwelling Unit** at any one time;
- e-k. be in accordance with Section 8 [*parking and loading regulations*];

DRAFT Preliminary
Bed and Breakfast & Short Term Rental
Frequently Asked Questions (FAQs)



1. Do I need a business license for a bed and breakfast (B&B) and a short term rental (STR)?
 - Yes, the Town of Golden recognizes the benefits that short-term rentals can provide, from secondary income for residents to increased tourism. That said, regulatory fairness is essential. Traditional accommodators are required to comply with municipal bylaws by obtaining business licenses and undergoing safety inspections, as well as paying commercial property taxes, income, sales, and tourism taxes. The Town has an interest in providing a fair market, enforcing council approved land-use regulations, that building codes are followed, and working to protect neighbourhood integrity. Currently there are numerous unlicensed accommodation providers in the Town and the Town of Golden intends to move forward to ensure compliance.

2. Is there a control on the total number of B&Bs and STRs within the Town of Golden?
 - Having a regulatory system in place that is proactively monitored and the permanent resident requirements will contribute to maintaining residential properties as long term housing stock as well as managing the growth of B&Bs and STRs. The Town did examine quotas, caps, lotteries and temporary use permits to more directly control numbers, but these systems are complicated and very administratively burdensome.
 - In residential zones, the Town of Golden is proposing to limit B&Bs and STRs to only the R1, R1-S, R1-D, R2, R2-A, R5 and C5 zones i.e. not the R3, R4, R6 and R7. These latter zones will be omitted as they typically contain more affordable / attainable housing options and there are often common spaces that are desired to feel safe i.e. shared hallways in apartment and condominiums.
 - The Town is proposing to only allow a B&Bs and STRs to be operated by a permanent resident who is occupying the dwelling unit or lot while the use is occurring which will ensure the property is long term residential in nature. Note without this “permanent resident” requirement STRs are permitted in the C1, C2, and C3 zones and this is also proposed to expand to the C4 and C6 zones.

3. What is the difference between a B&B and a STR and what will the inspection involve?
 - A bed and breakfast is the rental of sleeping rooms to provide temporary accommodation to the traveling public within a single detached dwelling or half duplex occupied by a permanent resident.
 - The inspection will examine some of the following life safety items: smoke and CO alarms, hand/guard rails, egress from sleeping rooms, range hood/bathroom exhaust, fire extinguishers, exits etc.

- In a residential zone, a short term rental is renting a dwelling unit (i.e. its own kitchen) to provide temporary accommodation to the traveling public where another dwelling unit within the building is occupied by a permanent resident.
 - The inspection will involve the same items as a B&B as well as a secondary suite occupancy permit, verifying for life safety deficiencies and a review of building code Part 9 section 9.37 etc.
4. What if I don't get a business license?
 - More details will follow on the enforcement strategy, but at first there will be a voluntary compliance period and education and then daily fines of up to \$500 could be implemented.
 5. I am a renter, can I operate a B&B or a proposed STR?
 - Yes, as long as you are the permanent resident in the dwelling unit or on the lot, except a lot with a Detached Secondary Residential Dwelling Unit (carriage house or garden suite). Please make sure you have your landlord's permission.
 6. Where it is proposed that I can operate a B&B or STR?
 - R1, R1-S, R1-D, R2, R2-A, R5 and C5 zones
 - In the C1, C2 and C3 commercial zoned dwelling units you can currently operate a short term rental without the permanent resident requirement and this is proposed to expand to the C4 and C6 zones.
 7. I live in a residentially zoned multiple dwelling (ex. apartment, condominium, townhouse, mobile homes, and most manufactured homes) can I apply for a B&B or STR?
 - These units are often more affordable and attainable as well they have shared spaces, hallways, live in close proximity i.e. noise / safety and therefore they have been excluded from the proposed regulations.
 8. Why don't "Airbnb" listings have to pay commercial property tax?
 - Property tax assessment is outside of a municipality's authority. BC Assessment is responsible for assessing the tax required of each property in the province. Although there are nuances to this, provincial regulations have a four unit or less basis before a property is split classified residential/commercial.
 9. Do sales taxes need to be remitted to senior government?
 - Yes.
 10. Does my standard homeowner's or tenant's insurance policy cover me as a host?
 - This varies case-by-case. You are strongly advised to consult with a licensed insurance broker. Canadian media reports indicate that many residential insurance policies are void if commercial activities like short-term renting take place. This includes both property damage and liability insurance.
 11. Can I have guests in my B&B or STR if I am out of town?
 - The proposed bylaws' intent is that the operator is also occupying the dwelling unit or building in residential areas during the rental period.

12. Can I have other accessory uses if I have a bed and breakfast or a proposed short term rental?

Home based business 1 - no client visits	Yes
Home based business 2 – up to five clients a day	No
Home child care	No
Detached Secondary Residential Dwelling	No

13. How much parking do I need to provide?

Single Detached Dwelling	Two
Bed and Breakfast	Two plus 1 per B&B room
Proposed Short Term Rental	Two plus 1 per STR room
Secondary Suite long term residential use	Two plus 1 per the suite

14. Do I have to pay more for Water and Sewer fees?

- Yes, fees are based on number of sleeping units.

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