ADMINISTRATIVE REPORT TO COUNCIL
ON
ZONING BYLAW AMENDMENT APPLICATION NO. ZBA00097 AND AMENDMENTS TO ZONING BYLAW 5-1-2001; COUNCIL POLICY NO. EDS-17, ROOMING HOUSE AND ILLEGAL SECONDARY SUITE ENFORCEMENT; AND BUSINESS LICENCE AND REGULATION BYLAW NO. 9-60

PURPOSE

To seek Council’s authorization to amend Zoning Bylaw No. 5-1-2001 to specify the additional zones where secondary suites and garden suites will be a permitted use and to establish general regulations for residential suites; to amend Business Licence and Regulation Bylaw No. 9-60 to include a business licence requirement for single-family dwellings with residential suites that are not owner occupied; and to amend Council Policy No. EDS-17, Rooming House and Illegal Secondary Suite Enforcement.

COUNCIL STRATEGIC PLAN

This report supports Council’s strategic priorities and areas of focus regarding:

- **Governance and Accountability**
  - Community Engagement: We are committed to engaging and connecting with Kamloops residents and stakeholders.

- **Livability**
  - Housing: We focus on improving diversity and access throughout the housing continuum.
  - Inclusivity: We are committed to supporting inclusivity, diversity, and accessibility in our community.
  - Safety: We recognize the importance of a safe and secure community.

- **Environmental Leadership**
  - Sustainability: We implement strategies that reduce our impact on the environment.

SUMMARY

The Residential Suites Update is a project to consider changes to the Zoning Bylaw to allow residential suites as a permitted use in more urban residential areas. Residential suites include secondary suites (second dwelling units located within the principal building), garden suites (one-storey detached accessory residential dwellings), and carriage suites (two-storey detached accessory residential dwellings).

The Residential Suites Update is a three-phase process that has involved background research and data analysis, drafting policy options, community engagement, and preparing amendments to applicable municipal bylaws and policies. The bylaw amendments and Council policy proposed in this report are informed by recommendations from best practices, discussions with...
comparable municipalities, internal staff review, public and stakeholder input received during the community engagement phase, and Council feedback.

At its April 2, 2019, meeting, the Committee of the Whole (COTW) directed staff to prepare a report with recommendations for Zoning Bylaw amendments, including the development of general regulations for residential suites and the identification of additional urban residential zones where secondary suites and garden suites will be a permitted use. The COTW also directed staff to prepare an update to the existing Rooming House and Illegal Secondary Suite Enforcement Policy and to draft an amendment to the Business Licence and Regulation Bylaw to require a business licence for single-family dwellings with suites that are not owner occupied.

Staff also received direction to prepare a Traffic Bylaw amendment to allow one residential parking permit per residence or lot to count towards off-street parking requirements in areas of the city where there are parking restrictions. Upon further review, it was determined that, as the amendment is focused on a change in off-street parking requirements, the intent of the proposed amendment could be achieved through a Zoning Bylaw amendment rather than any changes to the Traffic Bylaw.

Pending adoption of the proposed amendments, staff will conduct an awareness campaign to inform residents of the zoning changes and to enhance people’s understanding of the process to construct a new suite or to legalize an existing suite. This campaign will include developing a user-friendly guide to residential suites and implementing a residential suites registry program.

**RECOMMENDATION:**

That Council authorize:

a) Zoning Bylaw Amendment Bylaw No. 5-1-2917 (Attachment “A”) to be introduced and read a first and second time

b) Business Licence and Regulation Bylaw Amendment Bylaw No. 9-67 (Attachment “B”) to be introduced and read a first, second, and third time

c) subject to adoption of Bylaw No. 5-1-2917, amending Council Policy No. EDS-17, Rooming House and Illegal Secondary Suite Enforcement Policy and changing its name to Residential Suite Enforcement Policy (Attachment “C”)

d) a Public Hearing to consider Business Licence and Regulation Bylaw Amendment Bylaw No. 9-67 and Zoning Bylaw Amendment Bylaw 5-1-2917

Note: Bylaw No. 5-1-2917 to be held at third reading pending Ministry of Transportation and Infrastructure approval.
SUPPORTING COUNCIL AND CORPORATE DIRECTION

• Council Resolution from the April 2, 2019, Regular Council Meeting
• Council Resolution from the July 17, 2018, Regular Council Meeting
• 2015–2018 Corporate Strategic Plan - Review suite policies (secondary and garden/carriage)
• KAMPLAN, Section D-5, Housing
• KAMPLAN Implementation Strategy - Review and update secondary, garden, and carriage suite policies
• Affordable Housing Strategy - Encourage affordable market rental housing by supporting secondary, garden, and carriage suites subject to policies in the City’s Official Community Plan and regulations in the Zoning Bylaw
• Kamloops Social Plan - Encourage broad application of residential designations that support secondary suites in all new housing, particularly in single-family development areas

DISCUSSION

Definitions

Secondary Suites

A secondary suite is a second dwelling unit located either above ground or below ground within a principal building of residential occupancy that contains only one other dwelling unit. The total floor area for the suite cannot exceed 90 m$^2$, and the total floor space must be less than 40% of the habitable floor space of the principal building.

Figure 1: Examples of Secondary Suites

[Diagram of Secondary Suites]

Garden Suites and Carriage Suites

Garden suites and carriage suites are self-contained dwelling units that are separate from, subordinate in size to, and accessory to the principal dwelling. Garden suites are one storey and can be up to 80 m$^2$ in total floor area. Carriage suites can be two storeys, with residential living space on the second storey and the ground level often containing a garage. Carriage suites can have a maximum footprint of 80 m$^2$ and no more than 95 m$^2$ of total residential living space.
Amendments to the Zoning Bylaw

Current Permitted Use

Secondary suites are currently permitted in the following zones:

- RS-1S (Single Family Residential - Suite)
- RT-1 (Two Family Residential-1)
- RT-2 (Two Family Residential-2)
- RT-3 (Two Family Residential-3)
- RC-2 (Comprehensive Residential-2)
- RM-2A (Downtown Multiple Family - Medium Density), subject to RT-1 regulations
- CD-1 (Orchards Walk) and CD-5 (West Highlands) Comprehensive Development Zones, subject to site-specific land use regulations

Garden and carriage suites are currently permitted on lots with single-family dwellings in the RS-1S zone. Residential suites are subject to zoning regulations pertaining to lot area, lot width, street frontage, setbacks, front yard landscaping, and off-street parking. Suites are regulated under the BC Building Code and must be constructed under a building permit. The form and character of garden and carriage suites is further regulated through the Intensive Residential Development Permit Area Guidelines and will continue to require a development permit.

Proposed Permissible Zones

Secondary Suites

The proposed Zoning Bylaw amendments would allow secondary suites as a permitted use on lots with single-family dwellings in more urban residential areas, as shown in Figure 3. This would include adding secondary suites as a permitted use in three additional zones, subject to the following zoning regulations:

- RS-1 (Single Family Residential-1)
- RS-4 (Single Family Residential-4)
- RS-5 (Single Family Residential-5)
Garden and Carriage Suites

The proposed Zoning Bylaw amendments would allow garden suites as a permitted use on lots with single-family dwellings in the same zones where secondary suites would be permitted, except for the RC-2 zone, which permits one secondary suite on each side of a split-title duplex. Garden suites would be added as a permitted use in the following zones, subject to zoning regulations and Development Permit Area Guidelines:

- RS-1
- RS-4
- RS-5
- RT-1
- RT-2
- RT-3
- RM-2A, subject to RT-1 regulations

As a two-storey carriage suite may have a more significant impact on neighbourhood character due to height and privacy concerns with adjacent neighbours than a one-storey garden suite, they will continue to require a rezoning and Public Hearing, except in the RS-1S zone, where they are currently permitted.

General Regulations

The proposed Zoning Bylaw amendments include a section of general zoning regulations for residential suites that address minimum lot area, lot width, street frontage, front yard landscaping, off-street parking, and other zoning requirements (Attachment “A”). Where appropriate, the general regulations draw together existing residential suite zoning regulations.
from specific zones and combine them in one central location in the Zoning Bylaw. Except for the RC-2 zone, these regulations would apply to any zone that allows a residential suite.

Some of the key general regulations for residential suites include a requirement to provide three unstacked, off-street parking spaces and to maintain a minimum 40% of the required front yard as landscaped area. Carriage suites would only be permitted on double-fronting lots, corner lots, lots with lane access, or lots that can accommodate a driveway to the carriage suite. In areas where homeowners are eligible to apply for residential parking permits under the Traffic Bylaw (parts of the Downtown, West End, and Sagebrush neighbourhoods), the additional off-street parking space for the residential suite would not be required. The parking spaces are not required to be hard surfaced.

**Areas Where Residential Suites Are Not Permitted**

Residential suites would continue to not be permitted in Suburban or Rural areas, which include Barnhartvale, Heffley Creek, Knutsford, Noble Creek, Rayleigh, and Rose Hill. The City’s growth strategy, as outlined in KAMPLAN, focuses growth in urban neighbourhoods with access to transit, community services, and amenities. Additionally, water systems in most Suburban and Rural areas have limited capacity and are not designed for increased density.

Within urban neighbourhoods, residential suites would not be allowed as a permitted use in the RC-1 zone, which is intended for single- and two-family dwellings in bare land strata subdivisions. Suites would not be permitted on compact urban lots with less than 464 m² lot area or on lots with reduced frontages, including panhandle lots and most cul-de-sac bulbs. Suites would also not be permitted in any additional multi-family zones, or in any comprehensive development zones that do not permit suites.

In some instances, zoning may permit secondary suites or garden suites on properties that have a statutory building scheme in place that restricts residential suites among other terms. Building schemes are private agreements between a developer and a property owner. Though local governments generally do not have the authority to enforce building schemes, the City reminds applicants to check with their developer regarding any restrictive covenants charged on title as per the building scheme prior to seeking building permits and/or exterior renovations.

**Amendments to the Business Licence and Regulation Bylaw**

During the public engagement phase, some residents expressed concerns about absentee landlords. The proposed business licence requirement would require individuals who own, but do not live on a property that contains a single-family dwelling and a residential suite, to obtain a business licence and enter into a Good Neighbour Agreement (Attachment “B”). The proposed annual business licence fee of $67.20 aligns with a typical business licence for a bed and breakfast or rooming house.

**Amendments to the Residential Suite Enforcement Council Policy**

Council Policy No. EDS-17 was last amended in 2005. As part of this project, staff developed an update to the existing policy to reflect best practice and the City’s enforcement approach. The updated policy (Attachment “C”) focuses on residential suites, as opposed to secondary suites.
and rooming houses. The intent of the update is to provide clarity regarding the City’s enforcement approach for unauthorized residential suites.

Enforcement is complaint-driven, unless a City official identifies a residential suite constructed without a building permit during an inspection or if a life safety issue or an emergency, such as smoke, fire, or flooding, is reported. Noise, nuisance, and unsightly property issues can be further addressed through the Good Neighbour Bylaw. Regarding on-street parking complaints, the policy notes that the City will only respond where parking regulations in the Traffic Bylaw have been contravened.

The policy also provides clarity on enforcement protocol in the event that a City official attends a residential suite that was not constructed under the City’s permitting and approvals process. If the residential suite is in a zone where it is a permitted use, the homeowner will have the option to legalize or decommission the suite, while homeowners in zones that do not permit residential suites will be required to decommission the suite.

The updated policy expands the time period for the homeowner to take action from one month to 60 days to allow sufficient time for a homeowner to notify tenants and secure a contractor. Failure to comply within the 60-day time period may result in staff recommending to Council that a Section 57 notice be placed on title. This would advise anyone searching the property’s title that building regulations have been contravened. The policy also briefly outlines the process to either legalize or decommission an existing suite.

**Next Steps**

*Awareness Campaign, Guide, and Registry*

Pending adoption of the proposed bylaw amendments, City staff will conduct an awareness campaign to inform residents of the zoning changes and to enhance residents’ understanding of the process to construct a new suite or to legalize an existing suite. Over the following months, staff would develop and promote a user-friendly “how-to” guide to residential suites. The guide would include a summary of building requirements, zoning regulations, development guidelines, and the municipal permitting and approvals process. City staff would also develop a registry of all legal suites built under a building permit and would share this information via an interactive online mapping tool that homeowners with legal suites could use to market their suite and prospective tenants could use to identify safe, legal suites to rent.

**SUSTAINABILITY IMPLICATIONS**

The Sustainable Kamloops Plan encourages infill development, including secondary suites and garden suites, as a land sustainability strategy. Residential suites help the City increase density in an efficient way by making use of existing services and infrastructure. As well, suites in urban areas with access to transit, community services, and amenities makes it easier and more convenient for renters living in those areas to walk, cycle, or use transit to commute or get to key destinations, which in turn helps reduce emissions from single-occupancy vehicle trips.
SOCIAL IMPLICATIONS

The Residential Suites Update is a component of the City’s Affordable Housing Strategy and the City’s Social Plan. Residential suites can contribute to the supply of affordable rental housing and may act as a mortgage helper to make home ownership more attainable. Residential suites also add to the diversity of available housing options for residents and contribute to the development of inclusive and complete neighbourhoods.

IMPLEMENTATION PLAN

Key items within the implementation plan for an expanded residential suites program include development of a guide to residential suites and the suite registry program. Staff would also monitor both the number of Building Permits issued for residential suites and the number of suites that are decommissioned annually to assess the success of the expanded residential suites program and consider further policy adjustments as necessary.

COMMUNICATIONS

Following adoption of the proposed amendments, City staff will conduct an awareness campaign that will utilize the City’s Let’s Talk platform, e-newsletters, and social media to inform residents of the zoning changes and to enhance residents’ understanding of the process.

Once developed, the guide to residential suites and the suite registry program interactive map will reside in a permanent location on the City’s website. The Let’s Talk platform, e-newsletters, and social media will be used to promote these components of an expanded residential suites program.

Concurrence: B. J. McCorkell, Community and Protective Services Director

Author: C. Mazzotta, MA, Community Planner

Reviewed by: J. Locke, MA, MCIP, RPP, Community Planning and Sustainability Manager

W. Heshka, Communications Manager
CITY OF KAMLOOPS

BYLAW NO. 5-1-2917

A BYLAW TO AMEND THE ZONING BYLAW
OF THE CITY OF KAMLOOPS

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

1. This bylaw may be cited as “Zoning Bylaw Amendment Bylaw No. 5-1-2917, 2019”.

2. Bylaw No. 5-1-2001, as amended, is hereby further amended as follows:

   a) Division Three, General Regulations, as amended, is hereby further amended by adding the following:

   "RESIDENTIAL SUITES

314 Section 314 does not apply to the RC-2 zone. For the purposes of all other zones, residential suites include secondary suites, garden suites, and carriage suites, as defined in Division Four, Definitions, of this bylaw. Carriage suites shall only be permitted in the RS-1S zone. Secondary suites and garden suites shall be permitted in the RS-1, RS-1S, RS-4, RS-5, RT-1, RT-3, CD-1, CD-5, and RM-2A zones, and in any portion of the RT-2 zone designated in the City’s Official Community Plan as Urban Residential. In no case shall a residential suite be permitted on any land within the area designated in the City’s Official Community Plan as the Silt Bluffs Red Zone. Where permitted, residential suites are subject to the following regulations:

   1. A residential suite shall only be permitted on a lot with a single family dwelling and no other dwelling units.

   2. Boarders and lodgers are not permitted on a lot with a single family dwelling and a residential suite.

   3. A residential suite cannot be strata subdivided from the principal dwelling.

   4. A residential suite shall not be permitted on a lot with less than 464 m² lot area.

   5. A residential suite shall only be permitted on a lot with minimum 15 m lot width and 15 m street frontage, or the minimum lot width and street frontage of the zone in which the residential suite is permitted, whichever is greater.

   6. A garden or carriage suite shall be subject to the lot coverage regulations for accessory buildings in the zone in which the garden or carriage suite is permitted."
7. A lot with a single family dwelling and a residential suite must provide three unstacked, off-street parking spaces. Each parking space must be, at minimum, 2.7 m in width and 5.7 m in length.

8. A lot with a single family dwelling and a residential suite must maintain a minimum of 40% of the required front yard as landscaped area. Parking of vehicles is not permitted within the landscaped area.

9. A carriage suite is only permitted where the subject property is: a double-fronting lot or corner lot with approved access from two frontages; a lot serviced by a lane; or a lot that can accommodate a 4.5 m driveway width to serve the carriage suite.

10. No habitable space or storage space in a garden or carriage suite shall be permitted below the 200-year floodplain elevation, excluding an entrance foyer.

11. An Intensive Residential Development Permit is required prior to issuance of a Building Permit for a garden or carriage suite.

12. The following siting and height requirements apply to garden suites and carriage suites:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>6 m</td>
</tr>
<tr>
<td>- Corner lots</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td></td>
</tr>
<tr>
<td>- Garden Suite</td>
<td>1.5 m</td>
</tr>
<tr>
<td>- Carriage Suite</td>
<td>2 m</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td></td>
</tr>
<tr>
<td>- Garden Suite</td>
<td>1.5 m</td>
</tr>
<tr>
<td>- Lots not serviced by a rear lane</td>
<td>3 m</td>
</tr>
<tr>
<td>- Carriage Suite</td>
<td>1.5 m</td>
</tr>
<tr>
<td>- Lots not serviced by a rear lane</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Side or Rear Street Yard Setback (including garage)</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Minimum Separation from Principal Building</td>
<td></td>
</tr>
<tr>
<td>- Garden Suite</td>
<td>3 m</td>
</tr>
<tr>
<td>- Carriage Suite</td>
<td>4.5 m</td>
</tr>
<tr>
<td>Maximum Building Height (lowest finished grade to highest peak)</td>
<td></td>
</tr>
<tr>
<td>- Garden Suite</td>
<td>5 m</td>
</tr>
<tr>
<td>- Carriage Suite</td>
<td>7 m*</td>
</tr>
</tbody>
</table>

b) Division Four, Definitions, as amended, is hereby further amended by adding the following:

“Residential Suite” means a secondary suite, garden suite, or carriage suite.
c) Division Seventeen, RS-1 (Single Family Residential-1), Section 1701, Permitted Uses; Division Twenty-Two, RS-4 (Single Family Residential-4), Section 2201, Permitted Uses; Division Twenty-Three, RS-5 (Single Family Residential-5), Section 2301, Permitted Uses; as amended, are hereby further amended by adding the following:

"- Single family residential with secondary suite subject to Division Three, Section 314
- Single family residential with garden suite subject to Division Three, Section 314"

d) Division Twenty-Four, RT-1 (Two Family Residential-1), Section 2401, Permitted Uses; Division Twenty-Five, RT-2 (Two Family Residential-2), Section 2501, Permitted Uses; Division Twenty-Six, RT-3 (Two Family Residential-3), Section 2601, Permitted Uses; as amended, are hereby further amended by deleting the following:

"- Single family residential with secondary suite"

and by adding the following:

"- Single family residential with secondary suite subject to Division Three, Section 314
- Single family residential with garden suite subject to Division Three, Section 314"

e) Division Thirty, RM-2A (Downtown Multiple Family - Medium Density), Section 3001, Permitted Uses, as amended, is hereby further amended by deleting the following:

"- Single family residential with secondary suite subject to Division Twenty-Four, RT-1 (Two Family Residential-1)"

and by adding the following:

"- Single family residential with secondary suite subject to Division Twenty-Four, RT-1 (Two Family Residential-1), and Division Three, Section 314
- Single family residential with garden suite subject to Division Twenty-Four, RT-1 (Two Family Residential-1), and Division Three, Section 314"

f) Division Seventeen, RS-1 (Single Family Residential-1), Section 1703; Division Twenty-Two, RS-4 (Single Family Residential-4), Section 2203; Division Twenty-Three, RS-5 (Single Family Residential-5), Section 2303; Division Twenty-Four, RT-1 (Two Family Residential-1), Section 2403; Division Twenty-Five, RT-2 (Two Family Residential-2), Section 2503; Division Twenty-Six, RT-3 (Two Family Residential-3), Section 2603; as amended, are hereby further amended by adding the following below ”Maximum number of dwelling units”:

"- Where one of the dwelling units is a residential suite 2"
Division Eighteen, RS-1S (Single Family Residential - Suite), as amended, is hereby further amended by deleting the Division in its entirety and re-enacting the Division as follows:

“DIVISION EIGHTEEN - RS-1S (SINGLE FAMILY RESIDENTIAL - SUITE)

The purpose of the RS-1S zone is to regulate the development of land for single family residential use and accessory uses including carriage suites on urban lots. These lands are designated as "Urban Residential" in the Official Community Plan.

PERMITTED USES

1801 The following uses and no others are permitted in the RS-1S zone:

- Single family residential
- Single family residential with secondary suite, subject to Division Three, Section 314
- Single family residential with garden suite, subject to Division Three, Section 314
- Single family residential with carriage suite, subject to Division Three, Section 314
- Daycare facility
- Home-based business
- Residential care facility
- Boarders or lodgers to a maximum of two persons

REGULATIONS

1802(i) In the RS-1S zone, no building or structure shall be constructed, located, altered and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

<table>
<thead>
<tr>
<th><strong>Column 1</strong></th>
<th><strong>Column 2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>464 m²</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
</tr>
<tr>
<td>Minimum lot street frontage</td>
<td></td>
</tr>
<tr>
<td>- Single family residential</td>
<td></td>
</tr>
<tr>
<td>- On interior lots</td>
<td>15 m</td>
</tr>
<tr>
<td>- On corner lots</td>
<td>16.5 m</td>
</tr>
<tr>
<td>- On cul-de-sac lots</td>
<td>9 m</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>40% including accessory buildings</td>
</tr>
</tbody>
</table>
Minimum front yard setback
  - On interior lots 6 m
  - On corner lots 4.5 m
Minimum side yard setback
  - Principal building 1.5 m
  - Accessory buildings >10 m² 1 m
Minimum side street yard setback 4.5 m
Minimum rear yard setback
  - Principal building 6 m
  - Accessory building >10 m² 1 m
  - Accessory building adjacent to lane 1.5 m
Maximum lot coverage
  - Total combined accessory buildings 12% of lot area to a maximum of 80 m²
Maximum building height
  - Principal building 2 storeys
  - Accessory building > 10 m² 4 m
  - Accessory building ≤ 10 m² 3 m
Maximum structure height 15 m
Maximum number of dwelling units 1
  - Where one of the dwelling units is a residential suite 2
Minimum building separation
  - Accessory building from principal building 1.5 m

REGULATIONS - SITE SPECIFIC

1802(ii) In the RS-1S zone, the following regulations are permitted on a site specific basis only:

- The maximum lot coverage for a single family dwelling with a secondary suite including accessory buildings in the case of Lot 1, Blk. 7, Sec. 5, Tp. 20, Rge. 17, W6M, Plan 6149, K.D.Y.D. (607 Fraser Street), is 37.3%.

- The minimum lot size is 370 m² in the case of Lots B and E, Plan 3487, D.L. 231, K.D.Y.D.

- The minimum lot size is 370 m² in the case of Lot 7, Plan 8163, D.L. 231, K.D.Y.D., Except Plan KAP81881.

- A secondary suite may only be located in the basement of the principal dwelling in the case of Lot 28, Plan 14557, Sec. 9, Tp. 108, K.D.Y.D. (1825 Tranquille Road).
PREMANUFACTURED HOMES - SPECIAL CONDITIONS

1803 In the RS-1S zone, premanufactured homes are not permitted.

OFF-STREET PARKING

1804 In the RS-1S zone, off-street parking shall comply with Division Fifty-Two.

LANDSCAPING, SCREENING AND FENCING

1805 In the RS-1S zone, landscaping, screening and fencing shall comply with Division Fifty-Three.

h) Division Twenty-Two, RS-4 (Single Family Residential-4), as amended, is hereby further amended by deleting the following:

“The purpose of the RS-4 zone is to regulate the development of land for single family residential use on compact urban lots. These lands are designated as "Urban Residential" in the Official Community Plan.”

and by adding the following:

“The purpose of the RS-4 zone is to regulate the development of land for single family residential use and accessory uses on compact urban lots. These lands are designated as "Urban Residential" in the Official Community Plan.”

i) Division Twenty-Four, RT-1 (Two Family Residential-1), Section 2403, as amended, is hereby further amended by deleting the following:

“- Single family residential with secondary suite 464 m²
- Single family residential with secondary suite 15 m
- Single family residential with secondary suite
  - On interior and cul-de-sac lots 15 m
  - On corner lots 16.5 m
  - Except where the lot area exceeds 464 m² 1 single family residential with secondary suite”

j) Division Twenty-Five, RT-2 (Two Family Residential-2), Section 2503, as amended, is hereby further amended by deleting the following:

“- Single family residential with secondary suite 650 m²
- Single family residential with secondary suite 17 m
- Single family residential with secondary suite
  - On interior and corner lots 17 m
  - On cul-de-sac lots 15 m
  - Except where the lot area exceeds 650 m² 1 single family dwelling with secondary suite”
k) Division Twenty-Six, RT-3 (Two Family Residential-3), Section 2603, as amended, is hereby further amended by deleting the following:

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- Single family residential with secondary suite 464 m^2
- Single family residential with secondary suite 15 m
- Single family residential with secondary suite
  - On interior and cul-de-sac lots 15 m
  - On corner lots 16.5 m
  - Except where the lot area exceeds 464 m^2 1 single family dwelling with secondary suite
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l) Division Fifty-Two, Off-Street Parking, Section 5207, Number of Automobile and Bicycle Parking Spaces Required, as amended, is hereby further amended by deleting the following:

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• Secondary suite or accessory dwelling unit 1 space per dwelling unit n/a
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and by adding the following:

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• Carriage, garden, or secondary suite, or accessory dwelling unit 1 space per dwelling unit n/a
• Carriage, garden, or secondary suite on lots fronting streets with limited parking restrictions and where homeowners are eligible to apply for Residential Parking Permits as per the Traffic Bylaw No spaces required n/a
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m) Division Fifty-Two, Off-Street Parking, Section 5209, Parking Site Specifications, as amended, is hereby further amended by deleting the following:

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5209 1. All off-street parking shall meet the site specifications required in this Section except for single and two family residential uses and agricultural uses.
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and by adding the following:

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5209 1. All off-street parking shall meet the site specifications required in this Section except for single family residential uses, single family residential uses with residential suites, two family residential uses, and agricultural uses.
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READ A FIRST TIME the day of , 2019.

READ A SECOND TIME the day of , 2019.

PUBLIC HEARING held the day of , 2019.

READ A THIRD TIME the day of , 2019.

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL received the day of , 2019.

ADOPTED this day of , 2019.

______________________________
MAYOR

______________________________
CORPORATE OFFICER
CITY OF KAMLOOPS

BYLAW NO. 9-67

A BYLAW TO AMEND THE BUSINESS LICENCE AND REGULATION BYLAW OF THE CITY OF KAMLOOPS

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

1. This bylaw may be cited as “Business Licence and Regulation Bylaw Amendment Bylaw No. 9-67, 2019”.

2. Bylaw No. 9-60, as amended, is hereby further amended as follows:

   a) Division Two, Definitions, as amended, is hereby further amended by adding the following:

      ““RESIDENTIAL SUITE” means a secondary suite, garden suite, or carriage suite, as defined in the Zoning Bylaw.”

   b) Division Five, Specific Business Regulations, is hereby further amended by adding the following:

      “Accommodations - Single-Family Dwelling with a Residential Suite

      523. Where residential rental accommodation is provided on a lot with a single-family dwelling and a residential suite, and the registered owner does not occupy either the principal building or a residential suite located on the lot as their principal residence, the registered owner shall be required to obtain a Business Licence and enter into a Good Neighbour Agreement in the form established and approved by the Development, Engineering, and Sustainability Department Director.”

   c) Schedule “A”, Business Licence Fees and Business Categories, is hereby amended by deleting the following:

      1. ACCOMMODATIONS

         Renting or leasing suites or rooms in a hotel, motel, rooming house, bed and breakfast house, apartment, mobile home park, or campground:

         a) Rooms $5.60/room n/a
            Minimum $67.20
         b) Mobile Home Park $5.60/space n/a
            Minimum $67.20
         c) Campground $2.80/space n/a
            Minimum $67.20

Attachment "B"
and by adding the following:

1. **ACCOMMODATIONS**

Renting or leasing suites or rooms in a hotel, motel, rooming house, bed and breakfast house, apartment, mobile home park, campground, or on a lot containing a single-family dwelling and a residential suite where the registered owner does not occupy any dwelling units located on the lot as their principal residence:

   a) Rooms $5.60/room Minimum $67.20 n/a
   b) Mobile Home Park $5.60/space n/a
   c) Campground $2.80/space Minimum $67.20 n/a
   d) Single-Family Dwelling with a Residential Suite $67.20/lot n/a
This agreement made this ______ day of ______________, 20     .

WHEREAS  (the "Licensee"):  
A. Wishes to demonstrate to the City of Kamloops (the "City") and the citizens of Kamloops their efforts to be a responsible homeowner, landlord, and neighbour within the City of Kamloops;
B. Recognizes their role as a responsible homeowner and landlord within the neighbourhood and community, and agrees to work in a respectful manner with neighbouring property owners, the City, and its departments to resolve all concerns;
C. Wishes to promote Kamloops as a sustainable community with vibrant neighbourhoods and a diversity of safe, accessible and affordable housing types for residents of all ages, abilities, and lifestyles;
D. Recognizes that non-compliance with this agreement may be brought to the attention of the Business Licence Inspector or City Council, and may trigger a business licence suspension and/or cancellation hearing;
E. Recognizes that landlords have a civic responsibility to address the conduct of their tenants and that Good Neighbour Bylaw No. 49-1 and other City bylaws require that certain standards of conduct and maintenance apply to their properties; and
F. Recognizes that should the Licensee’s licence be suspended or cancelled and violations of this agreement continue to occur and remain unresolved, the City may exercise its authority to ensure compliance with all applicable municipal bylaws.

AND WHEREAS the City wishes to:

G. Commend the Licensee for their recognition of their civic responsibilities and commitment to fostering a good working relationship with the City and the Licensee’s neighbours; and
H. Demonstrate its commitment to early resolution of disputes with the Licensee in relation to this agreement whenever possible.

NOW THEREFORE in conjunction with and in consideration of obtaining, continuing to hold, or renewing a business licence, the Licensee covenants and agrees with the City as set out in Schedule "A" attached to and forming part of this agreement.

IN WITNESS WHEREOF the parties have executed this agreement in the City of Kamloops, Province of British Columbia, this ______ day of ______________, 20     .

The Business Licensee
by its authorized signatory
(registered property owner):

On behalf of the City of Kamloops
by its Business Licence Inspector:
The Licensee covenants and agrees with the City to:

1. Provide a copy of this agreement to all current occupants living at their rental property (the "Property").

2. Comply with all City of Kamloops bylaws as they relate to the Licensee and the Property, including, but not limited to, the Business Licence and Regulation Bylaw, the Zoning Bylaw, the Building Bylaw, and the Good Neighbour Bylaw.

3. Provide parking spaces for tenants on the Property in accordance with off-street parking requirements in the Zoning Bylaw.

4. Notify the Business Licence Inspector within two business days of any changes in the Licencee’s contact information or if there is a change in ownership of the Property.

5. Undertake to do everything reasonable in their power to ensure that noise emissions from the Property do not disturb the quiet, rest, peace, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

6. Maintain the Property and all sidewalks and boulevards abutting the Property in accordance with the Good Neighbour Bylaw and the Road Right of Way Usage Bylaw.

7. Undertake to work with neighbouring property owners to resolve issues of concern, and authorize the City to release the Licencee’s contact information upon request to neighbouring homeowners.

8. Ensure that there will be no tolerance for criminal activity within or around the Property.

9. Where an incident occurs that requires RCMP involvement, co-operate and endeavour to ensure that all tenants of the Property co-operate with RCMP members and do not impede or obstruct an investigation in any way.

10. Upon request by the Business Licence Inspector, provide the contact information for all current occupants of the Property.
PURPOSE

To clarify the City's approach related to the enforcement of unauthorized residential suites, and to identify protocol for homeowners to legalize or decommission existing residential suites.

INTRODUCTION

The City of Kamloops recognizes that residential suites contribute to the city's affordable rental housing stock and can also act as a mortgage helper, making home ownership more attainable. Suites built to BC Building Code standards under a Building Permit help to protect tenants' health and safety. Residential suites also help increase density in an efficient way by making use of existing services and infrastructure.

DEFINITIONS

Residential suite - means a secondary suite, garden suite, or carriage suite.

Secondary suite - means a second dwelling unit having a total floor area of no more than 90 m² in area and a floor space less than 40% of the habitable floor space of the principal building. It must be located within the principal building of residential occupancy containing only one other dwelling unit. It must be located in and be part of the building, which is a single real estate entity.

Garden suite - means a self-contained, one-storey dwelling unit that is separate from, subordinate in size to, and accessory to the principal dwelling. A garden suite shall have a total floor area of no more than 80 m² in area.

Carriage suite - means a self-contained, two-storey dwelling unit that is separate from, subordinate in size to, and accessory to the principal dwelling. A carriage suite shall have a footprint of no greater than 80 m² and shall not have more than 95 m² of residential living space.

SCOPE

This policy applies to all residential suites within the municipal boundaries of the City of Kamloops.

NEW RESIDENTIAL SUITES

Homeowners who wish to construct a new residential suite must abide by all City bylaws and other relevant enactments, obtain all required permits and approvals, and comply with all
necessary inspections. New residential suites must be constructed in accordance with the BC Building Code and any other applicable enactments.

EXISTING RESIDENTIAL SUITES

Residential suites may have been constructed outside of the scope of the City’s building regulations. The City makes no representations with respect to the construction of any residential suite built outside the scope of the City’s building regulations and absent municipal permits and inspections. Residential suites constructed without obtaining the necessary municipal permits and approvals are not legal residential suites until such time as the homeowner complies with all applicable building enactments and City bylaws, including the City’s Building Bylaw.

APPLICATION

The City maintains a complaint-driven approach to the enforcement of unauthorized residential suites, and complaints will be investigated on a case-by-case basis. The City may undertake enforcement action related to unauthorized residential suites when:

- Resident complaints are received by a City official;
- A City official identifies a residential suite constructed without a Building Permit during inspection; or
- As deemed appropriate by the Development, Engineering, and Sustainability Services Director.

In addition to the above, the City will continue to respond to life safety issues, including emergencies such as smoke, fire, or flooding, or where a hazard has been reported. Issues pertaining to noise, nuisances, or unsightly properties may be further addressed through the regulations and procedures within the City’s Good Neighbour Bylaw.

No enforcement action will occur arising from landlord/tenant disputes, family disputes, or within multi-family residential strata developments. The City will only respond to on-street parking complaints where parking regulations have been contravened, as per the Traffic Bylaw.

PROTOCOL

Where, for the reasons noted above, a City official attends a residential suite that was constructed beyond the scope of the City’s permitting and approvals process, the homeowner will receive notification from the City of an unauthorized suite.
If the residential suite is located in a zone where it is a permitted use under the Zoning Bylaw, the homeowner will have the option to either legalize or decommission the suite.

If the residential suite is located in a zone where it is not a permitted use under the Zoning Bylaw, the homeowner will be required to decommission the suite.

The homeowner must proceed to either legalize or decommission the unauthorized suite within 60 days from the date the notification letter was sent. Upon completion of this time period or at the request of the homeowner, a City official shall conduct a follow-up inspection to determine if the appropriate corrective action has been taken.

If the homeowner fails to comply within the 60-day time period, the City official may recommend to Council that a note under Section 57 of the Community Charter be placed on title to provide notice that the residential suite was constructed without the necessary permits and approvals and that the City makes no guarantees, representations, or assurances with respect to the condition of the residential suite.

**PROCESS TO LEGALIZE AN EXISTING SUITE**

To legalize an existing residential suite, the homeowner must apply for and obtain all relevant permits and approvals, pass inspection, and complete any construction necessary to bring the residential suite into compliance with the City’s current bylaws, the BC Building Code, and any other applicable enactments. Prior to the space being used as a legal residential suite, the homeowner must obtain an occupancy permit.

**PROCESS TO DECOMMISSION AN EXISTING SUITE**

To decommission an existing residential suite, the homeowner must remove all cooking facilities (cooking equipment, devices, or appliances; sinks; cabinets; and all electrical and plumbing service lines used or intended to be used to service the cooking facility) from the suite and pass inspection.

Additional items may need to be addressed, as determined by the City official during inspection. If the residential suite was developed without approved permits, additional permits may be required by the City official.

Amended:
July 14, 1998
September 13, 2005
May ________, 2019