

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, October 6, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order
2. Reaffirmation of Oath of Office

The Oath of Office will be read by Mayor Basran.
3. Bylaws Considered at Public Hearing
 - 3.1 **BL11131 (TA15-0007) - Micro Suite Housing Amendments to Zoning Bylaw No. 8000** 1 - 2

To give Bylaw No. 11131 second and third readings in order to amend the City of Kelowna's Zoning Bylaw by establishing regulations dealing with sub-312 sq. ft. micro-suite housing.
 - 3.2 **5305 and 5315 Main Street, BL11138 (TA15-0009) - Anthony and Susan Overton** 3 - 3

To give Bylaw No. 11138 second and third readings, and adoption, in order to allow for a retail liquor store on the subject property.
 - 3.3 **BL11139 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000** 4 - 7

To give Bylaw No. 11139 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000.
 - 3.4 **BL11140 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000** 8 - 17

To give Bylaw No. 11140 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000.
 - 3.5 **BL11141 (TA14-0022) - Housekeeping Text Amendments to Zoning Bylaw No. 8000** 18 - 22

To give Bylaw No. 11141 second and third readings in order to amend City of Kelowna Zoning Bylaw No. 8000.

3.6 (South of) Academy Way, BL11143 (Z15-0006) - Watermark Development Ltd. & City of Kelowna

23 - 25

To give Bylaw No. 11143 second and third readings in order to rezone portions of the subject property to accommodate the development of a single family subdivision.

4. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

5. Development Permit and Development Variance Permit Reports

5.1 392 Stellar Drive, DVP15-0129 - Steve & Elizabeth Moore

26 - 44

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the height of a retaining wall, parking for a secondary suite and the front yard setback on the subject property.

6. Reminders

7. Termination

CITY OF KELOWNA
BYLAW NO. 11131
TA15-0007 - Micro Suite Housing Amendments to the Zoning
Bylaw No. 8000

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

- a) **Section 2 - Interpretation, 2.3 General Definitions, 2.3.3** be amended by adding a new definition for **MICRO SUITE HOUSING** in its appropriate location that reads as follows:

"MICRO SUITE HOUSING means **multiple housing** where individual dwelling units are less than 29 sq. m in area."

- b) **Section 9 - Specific Use Regulations** be amended by adding a new **9.11 MICRO SUITE HOUSING** section that reads:

"9.11 MICRO SUITE HOUSING

9.11.1 Micro-suite housing is only permitted on lots where the use is permitted in the zone, in the following areas:

- Urban Centers as defined in the Official Community Plan
- The University South Village Center as defined in the Official Community Plan

9.11.2 Micro-Suite Housing must be located within 400 m of a bus stop or transit station."

- c) **Section 13-Urban Residential Zones, 13.10 RM4 - Transitional Low Density Housing, 13.10.2 Principal Uses** be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- d) **Section 13-Urban Residential Zones, 13.11 RM5 - Medium Density Multiple Housing, 13.11.2 Principal Uses** be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- e) **Section 13-Urban Residential Zones, 13.12 RM6 - High Rise Apartment Housing, 13.12.2 Principal Uses** be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.

- f) **Section 14 - Commercial Zones, 14.4 C4 - Urban Centre Commercial/C4rls - Urban Centre Commercial (Retail Liquor Sales)/C4lps - Urban Centre Commercial (Liquor Primary)/C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales), 14.4.2 Principal Uses** be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- g) **Section 14 - Commercial Zones, 14.7 C7 - Central Business Commercial/C7rls - Central Business Commercial (Retail Liquor Sales)/C7lps - Central Business Commercial (Liquor Primary)/C7lp/rls - Central Business Commercial (Liquor Primary/Retail Liquor Sales), 14.7.2 Principal Uses** be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- h) **Schedule "B" - Comprehensive Development Zones, CD20 - Comprehensive University Development Zone, 1.2 Principal Uses**, be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- i) **Schedule "B" - Comprehensive Development Zones, CD22 - Central Green Comprehensive Development Zone, Schedule 7 - CD22 Sub-Areas A&B Zoning, 7.2 Principal Uses**, be amended by adding in its appropriate location a new principal use, **"Micro-Suite Housing"** and renumbering subsequent subparagraphs.
- j) This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11138
TA15-0009 - Anthony and Susan Overton -
Retail Liquor Sales Establishment for
5305 - 5315 Main Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding to **Schedule 'B' - Comprehensive Development Zones - CD2 - Kettle Valley Comprehensive Residential Development, 1.2 Principal Uses**, in its proper location and renumbering subsequent sub-paragraphs the following:

 "retail liquor sales establishment - applicable only to Lot 1, District Lot 23, Township 28, SDYD, Plan KAP91191 (5305-5315 Main Street)"
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11139

TA15-0022 - Housekeeping Text Amendments to Zoning Bylaw No. 8000

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing in **Section 1 - General Administration**:

- a) **Section 1.3 Zoning Map, 1.3.1 Table**, under **Section 13 - Urban Residential Zone** deleting "RM1 - Four-plex Housing" and replacing it with "RM1 - Four Dwelling Housing"
- b) **Section 1.3 Zoning Map, 1.3.1 Table**, under **Section 13 - Urban Residential Zone** deleting "RH1 Hillside Large Lot Residential/RH1s Hillside Large Lot Residential with Secondary suite" and replacing it with "Hillside Large Lot Residential";
- c) **Section 1.3 Zoning Map, 1.3.4 (a)** be deleted that reads:

"(a) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a secondary use in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of use of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of the parent **zone**."

And replace it with:

"(a) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" sub-zone of the parent **zone**."

- d) **Section 1.7 Non-Conforming Uses, 1.7.1** be deleted that reads:

"1.7.1 Non-conforming agricultural, residential, or rural residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(s), or RU1(h) zones."

And replace it with:

"1.7.1 Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be

developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.”

- e) **Section 1.8 Undersized Lots**, 1.8.4 be deleted in its entirety that reads:

“1.8.4 A lot having less than the required minimum lot size in a zone may be rezoned to add the “s” notation to the zone classification to permit a **secondary suite** as a **secondary use**, provided the lot was created before adoption of City of Kelowna Zoning Bylaw No. 8000 and the development otherwise complies with all regulations of the Zoning Bylaw.”

2. AND THAT **Section 2 - Interpretation** be amended by:

- a) Deleting the definition for **BALCONY** from **Section 2.3 General Definition, 2.3.3** that reads:

“**BALCONY** means a platform, attached to and projecting from the face of a **building** with or without a supporting **structure** above the **first storey**, normally surrounded by a balustrade or railing and **used** as an outdoor **porch** or **sun-deck** with access only from within the **building**.”

And replacing it with:

“**BALCONY** means an uncovered platform, attached to and projecting from the face of a **building**, above the **first storey**, which is only accessed from within a **building**.”

- b) Deleting the definition for **BEDROOM** from **Section 2.3 General Definition, 2.3.3** that reads:

“**BEDROOM** means a room containing a window, located in a **dwelling**, which due to its design or location in the **dwelling**, is or may be **used** primarily for sleeping. It includes dens, lofts, studies, and libraries.”

And replacing it with:

“**BEDROOM** means a room located within a **dwelling** and where the primary function is for sleeping. It may include, but is not limited to: dens, lofts, studies and libraries.”

- c) Deleting the definition for **DECK** from **Section 2.3 General Definition, 2.3.3** that reads:

“**DECK** means a **structure** more than 0.6 m above grade without a roof or walls, except for visual partitions and railings, for **use** as an outdoor amenity area.”

And replacing it with:

“**DECK** means an uncovered, platform without a roof or walls, which may include visual partitions and railings, and has a surface height greater than 0.6 m above **grade**.”

- d) Deleting the definition for **LOT COVERAGE** (see **SITE COVERAGE**) from **Section 2.3 General Definition, 2.3.3** in its entirety.

- e) Deleting the definition for **MULTIPLE DWELLING HOUSING** from Section 2.3 General Definition, 2.3.3 that reads:

“**MULTIPLE DWELLING HOUSING** means housing on a single lot other than a strata lot that contains three or more dwelling units.”

And replacing it with:

“**MULTIPLE DWELLING HOUSING** means housing on a single lot other than a bareland strata lot that contains five or more dwelling units.”

- f) Deleting the definition for **PARKING SPACE** from Section 2.3 General Definition, 2.3.3 that reads:

“**PARKING SPACE** means an off-street space of the size and dimensions to park one vehicle in conformance with Section 8 of this Bylaw exclusive of driveways, aisles, ramps, or obstructions.”

And replacing it with:

“**PARKING SPACE** means an off-street space of the size and dimensions to park one vehicle, exclusive of driveways, aisles or ramps, which complies with Section 8 of this Bylaw.”

- g) Adding the definition for **PATIO** to Section 2.3 General Definition, 2.3.3 that reads in its appropriate location:

“**PATIO** means a platform, which may or may not be attached and projecting from the face of a building, with a surface height that does not exceed 0.6 m from grade at any point.”

- h) Deleting the definition for **PRIVATE OPEN SPACE** from Section 2.3 General Definition, 2.3.3 that reads:

“**PRIVATE OPEN SPACE** means a useable open space area exclusive of required building setbacks and parking areas (common or individual) which is developed for the recreational use of the residents or a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.”

And replacing it with:

“**PRIVATE OPEN SPACE** means a useable open space area, exclusive of parking spaces, which is developed for the recreational use of the residents of a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.”

- i) Adding the definition for **ROW HOUSE** from Section 2.3 General Definition, 2.3.3 that reads in its appropriate location:

“**ROW HOUSE** means three or more dwelling units, which each have a direct entrance at grade, and where no dwelling is located wholly or partially above another dwelling unit.”

- j) Deleting the definition for **SITE COVERAGE** from Section 2.3 General Definition, 2.3.3 that reads:

“SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory **buildings or structures** (including **carports**, a covered patio larger than 23 m², and **decks** over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies and similar projections permitted by this Bylaw, breezeways, and open courtyards.”

And replacing it with:

“SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory **buildings or structures** (including **carports**, a covered **patio** which is 23m² or larger, and **decks**) except it does not include steps, eaves, cornices, cantilevered **balconies**, pergolas, courtyards garden plots or similar projections permitted by this Bylaw.”

- k) Adding the definition for **TEMPORARY PARKING LOT** to Section 2.3 General Definition, 2.3.3 that reads in its appropriate location:

“TEMPORARY PARKING LOT means a surface parking lot which has been granted temporary approval, for up to 3 years, for the temporary parking of vehicles and shall incorporate a **dust free surface**.”

- l) Deleting the definition for **YARD** from Section 2.3 General Definition, 2.3.3 that reads:

“YARD means an area created by setback measured 0.5 m above grade.”

And replacing it with:

“YARD means an area created by a building setback from a property line.”

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

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11140

TA15-0022 - Housekeeping Text Amendments to Zoning Bylaw No. 8000

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing **Section 6 - General Development Regulations** by:

- a) Deleting in **Section 6.4 Projection into Yards, 6.4.2** that reads:

"6.4.2 Unenclosed steps, eaves, **awnings, decks, canopies**, balconies, or **porches** may project into a required **yard** provided such projections do not exceed 0.6 m in the case of a front or **side yard** on a **flanking street**, 0.6 m in the case of an interior **side yard**, and 2.5 m in the case of a **rear yard** greater than 6.0 m."

And replacing it with:

"6.4.2 Unenclosed steps, eaves, **awnings, decks, canopies, balconies**, and **porches** shall not project more than 0.6 m into a required **yard** except they may project 2.5m into a required rear yard."

- b) Deleting in **Section 6.14 Riparian Management Area (RMA) Setbacks, 6.5.14** that reads:

"6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required; the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **lot coverage**."

And replacing it with:

"6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required, the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **site coverage**."

2. AND THAT **Section 7 - Landscaping and Screening** be amended by:

- a) Deleting in **Section 7.5 Fencing and Retaining Walls, 7.5.4** the following that reads:

"7.5.4 No **fence** in a commercial or industrial **zone** shall exceed 2.4 m."

And replacing it with:

"7.5.4 No fence in a Commercial, Public and Institutional or Industrial zone shall exceed 2.4 m."

- b) Deleting in Section 7.6 **Minimum Landscape Buffers**, 7.6.9 the following that reads:

"7.6.9 In addition to the minimum landscape buffer treatment levels above:

- (a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless superseded by development permit guidelines;
- (b) all internal lot lines on a site being comprehensively developed are exempt from side yard buffer zones;
- (c) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non-industrial zone properties;
- (d) CD zones shall specify the buffer treatment levels for the CD site;
- (e) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;
- (f) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and
- (g) recreational vehicle parking compounds in residential zones shall have a Level 5 buffer zone;
- (h) on corner lots, front yard landscape buffers shall apply to all street frontages;
- (i) for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard; and
- (j) all properties abutting Highways 97 and 33 require a level 4 buff along the highway frontage."

And replacing it with:

"7.6.9 In addition to the minimum landscape buffer treatment levels above:

- (a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless superseded by development permit guidelines;
- (b) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non-industrial zone properties;
- (c) CD zones shall specify the buffer treatment levels for the CD site;
- (d) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;
- (e) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and Level 5 buffer zone; and
- (f) on corner lots, front yard landscape buffers shall apply to all street frontages; or
- (g) for development in industrial zones with parking located in front of the building, Level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard."

3. AND THAT **Section 8 - Parking and Loading** be amended by:

- a) Adding to the end of the paragraph in **Section 8.1 Off-Street Vehicle Parking**, 8.1.2 **Number of Spaces**, the following new paragraph:

"Parking spaces for secondary uses shall be provided in addition to the required parking spaces for the principal use on a site."

- b) Deleting sub-paragraph (e) from **Section 8.1 Off-Street Vehicle Parking, 8.1.9** that reads:

“(e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way.”

And replacing it with:

“(e) no required parking shall be provided parallel to and flanking a **lane** unless the **parking area** is accessible by a driveway and is screened from the **lane** by a physical barrier.”

- c) Adding a new sub-paragraph (f) to **Section 8.1 Off-Street Vehicle Parking, 8.1.9 Location** that reads:

“(f) All **parking spaces** shall be hard surfaced in Residential zones and be a **dust free surface** in all other zones.”

- d) Deleting from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(a) Size and Ratio Table** the following:

l) Where the use of a parking space is limited on both sides by a wall or a column		3.0m (unobstructed with from face to face of column)	2.0m
m) Where the use of a parking space is limited on one side by a wall or column		2.7m (or 3.0m if a door opens into that one side)	2.0m
n) Where a building door opens into the parking space on its long side.		3.3m (unobstructed width)	2.0m

And replacing it with:

8.1.12 Where a parking space abuts an obstruction (including but not limited to columns, property lines, curbs, walls and fences) the parking space shall:		be an additional 0.2 m wider where the parking space abuts an obstruction on one side	2.0m
		be an additional 0.5 m wider where the parking space abuts an obstruction on both sides	2.0m
		be an additional 0.8 m wider	2.0m

		where the parking space abuts a door way	
		shall be measured to the edge of the obstruction closest to the parking space	2.0m

- e) Deleting the *NOTE from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(a) Size and Ratio Table** in its entirety that reads:

“*Note: Length, width and height measurements shall be clear of obstructions (access aisles, ramps, columns). Spacing measurements shall be taken from the inside to inside of columns.”

- f) Deleting the following from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(b) Size and Ratio Table**:

Multi-Family Town house/Row House	50% Minimum	50% Maximum	0%
Multi-family Residential	50%	40%	10%

And replace with:

Ground oriented multiple housing	50% Minimum	50% Maximum	0%
Apartment Housing (including any units which may be ground oriented)	50%	40%	10%

- g) Adding to the beginning of **Section 8.1 Off-Street Vehicle Parking, 8.1.12** the following new paragraph that reads:

“8.1.12 Length, width and height measurements shall be clear of obstructions (including but not limited to columns, **property lines**, curbs, walls and fences). Spacing measurements shall be taken from the inside to inside of obstructions.”

- h) Deleting Section 8.1 Off-Street Vehicle Parking, Table 8.1 - Parking Schedule, Residential and Residential Related Section in its entirety that reads:

Table 8.1 – Parking Schedule	
<p>*NOTE: GFA = Gross Floor Area *NOTE: GLA = Gross Leasable Floor Area</p>	
Type of Development (Use)	Required Parking Spaces
Residential and Residential Related	
Apartment Hotels	1 per sleeping unit
Apartment Housing Row Housing Stacked Row Housing	1 per bachelor dwelling unit, plus 1.25 per 1- bedroom dwelling unit, plus 1.5 per 2- bedroom dwelling unit, plus 2 per 3-or-more bedroom dwelling unit 1 per dwelling unit in the C4 and C7 zone Of the total required spaces above, 1 parking space shall be designated visitor parking for every 7 dwelling units
Bed and Breakfast Homes	1 per sleeping unit, plus spaces required for the corresponding principal dwelling unit
Boarding or Lodging Houses Group Homes, Major	1 per 2 sleeping rooms, plus spaces required for the corresponding principal dwelling unit 1 per 3 beds
Carriage House	1 additional parking space , plus the required parking spaces for the corresponding principal dwelling unit.
Group Homes, Minor Temporary Shelter Services Congregate Housing	1 per principal dwelling , plus 1 stall per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
Home Based Business, Major	1 in addition to that required for the principal dwelling
Home Based Business, Minor	None in addition to that required for the principal dwelling
Home Based Business, Rural	1 in addition to that required for the principal dwelling
Mobile Homes in RM7 zone	2 per dwelling unit, plus 1 space per 7 dwelling units as designated visitor parking
Secondary Suites	1 of the required parking spaces for a principal dwelling must be designated to the secondary suite . The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration.
Special Needs Housing	Pursuant to Section 6.9
Single Detached Housing Semi-Detached Housing Single Detached Housing in a Bareland Strata Duplex Housing Mobile Homes in RU6 zone Residential Security/Operator Unit	2 per dwelling unit Of the required spaces, 1 per 7 dwelling units to be designated visitor parking (included in the total number of spaces to be provided) for bareland strata and strata developments

Supportive Housing	1 per 3 dwelling units
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And replace it with:

Table 8.1 – Parking Schedule	
	*NOTE: GFA = Gross Floor Area
	*NOTE: GLA = Gross Leasable Floor Area
Type of Development (Use)	Required Parking Spaces
Residential and Residential Related	
Apartment Hotels	1.0 spaces per sleeping unit ; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces
Apartment Housing Row Housing Stacked Row Housing	Apartment Housing: 1.0 spaces per bachelor dwelling unit ; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces Row Housing: 1.25 spaces per 1 bedroom dwelling unit ; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces Stacked Row Housing: 1.5 spaces per 2 bedroom dwelling unit ; 2.0 spaces per 3 bedroom dwelling units ; 1.0 space per dwelling unit in the C4 and C7 commercial zones ; and 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces
Bed and Breakfast Homes	Bed and Breakfast Homes: 1.0 space
Boarding or Lodging Houses	Boarding or Lodging Houses: 1.0 space per 2 sleeping rooms ;
Group Homes, Major	Group Homes, Major: 1.0 space per 3 beds
Carriage House	1.0 space
Group Homes, Minor Temporary Shelter Services Congregate Housing	Group Homes, Minor: 1.0 space per principal dwelling unit ; 1.0 space per 3 beds Temporary Shelter Services: 1.0 space per principal dwelling ; 1.0 space per 3 beds Congregate Housing: 1.0 space per principal dwelling ; 1.0 space per 3 beds; and 3.0 spaces or 1.0 space per resident staff member whichever is greater
Home Based Business, Major	1.0 space
Home Based Business, Minor	No spaces required
Home Based Business, Rural	1.0 space

Mobile Homes in RM7 zone	2.0 spaces per dwelling unit; 1.0 spaces per 7 dwelling units which shall be designated as visitor parking spaces
Secondary Suites	1.0 space (see section 9.5a.10)
Special Needs Housing	Pursuant to Section 6.9
Single Detached Housing Semi-Detached Housing Single Detached Housing in a Bareland Strata Duplex Housing Mobile Homes in RU6 zone Residential Security/Operator Unit	Single Detached Housing: 2.0spaces per dwelling unit; Semi-Detached Housing 2.0 spaces per dwelling unit; All Bareland Strata lot developments: 3.0 spaces per dwelling unit; 1.0 space per 7 dwelling units, included in required parking and which shall be designated as visitor parking Duplex Housing 2.0 spaces per dwelling unit; Residential Security/Operator Unit 1.0 space per dwelling unit
Supportive Housing	1.0 space per 3 dwelling units

- i) Deleting **Section 8.1 Off-Street Vehicle Parking, Table 8.1 - Parking Schedule, Commercial** the following that reads:

Gas Bars	1 per 2 employees on duty, plus 2 per service bay, plus additional required spaces for other associated uses (e.g. convenience retail)
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and

Health Services, Major and Minor (a) HD2 zone (b) Lot area of 1800m ² or more, exclusive of the HD2 zone (c) Lot area of less than 1800m ² , exclusive of the HD2 zone	2.5 per 100m ² GFA 4.0 per 100m ² GFA 3.0 per 100m ² GFA
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And replace it with:

Gas Bars	1.0 space per two on site employees, plus 2.0 per service bay
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And

Health Services, Major and Minor	Health Services, Major and Minor Minor 5.0 spaces per 100 m ² gross floor area, except for parcels less than 1000 m ² the required parking spaces shall be 4.0 spaces.
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- j) Deleting **Section 8.1 Off-Street Vehicle Parking, Table 8.3 - Parking Schedule, Bicycle Parking Schedule** the following:

Apartment Housing Row Housing (3 or more dwelling units)	Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit
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And replacing it with:

Apartment Housing	Required Parking Spaces Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit
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- k) Deleting definitions for Bicycle Parking, Class I and II in **Section 8.1 Off-Street Vehicle Parking, Table 8.3 - Bicycle Parking Schedule** in its entirety that reads:

****BICYCLE PARKING, CLASS I** means bicycle parking that is provided for residents, students, or employees of a **development**. It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage, and individual garages or **carports** for each **dwelling unit**.

***BICYCLE PARKING, CLASS II** means bicycle parking that is provided for patrons or visitors of a **development**. It is intended for the short term parking of bicycles and includes racks, lockers, or other structurally sound devices designed to secure one or more bicycles in an orderly fashion.”

And replacing it with:

“8.3.1 Bicycle parking, CLASS I means bicycle parking that is provided for residents, students, or employees of a **development**. It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage.

8.3.2 Bicycle parking, CLASS II means bicycle parking that is provided for patrons or visitors of a **development**. It is intended for the short term parking of bicycles and includes racks, lockers, or other structurally sound devices designed to secure one or more bicycles in an orderly fashion.”

4. AND THAT **Section 9 - Specific Use Regulation** be amended by:

- a) Deleting from **Section 9.2 Home Based Businesses, Minor, 9.2.1 (a)** the following:

“9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following:

- (a) a **minor home based business** shall only be conducted within a principal dwelling unit or secondary suite and no exterior storage or operation of the **minor home based business** shall be permitted.”

And replaced with:

“9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following:

- (a) a **minor home based business** shall only be conducted within a principal **dwelling unit** and no exterior storage or exterior operation of the **minor home based business** shall be permitted”

- b) Deleting from **Section 9.3 Home Based Businesses, Major, 9.3.8** the following:

"9.3.8 A food catering **business** operating lawfully within a **dwelling** may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen shall be removed should that **home based business, major** use cease. The additional kitchen is not permitted to be utilized to establish an additional **dwelling**."

And replace it with:

"9.3.8 A food catering **business** shall contain one additional **kitchen**, provided it is required by the **Health Services**, which shall be removed should that **home based business, major** use cease. The additional **kitchen** is not permitted to be utilized to service an additional **dwelling** unit."

c) deleting **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations, 9.5a.6** as follows:

"9.5a.6 In all urban and rural residential zones, a secondary suite is not permitted in conjunction with a boarding and lodging house, a bed and breakfast accommodation or a group home."

And replacing it with:

"9.5a.6 A **bed and breakfast home, a boarding or lodging house and/or group home minor/major** shall not be permitted to operate within a **secondary suite**.

9.5a.6a A **secondary suite** shall not be permitted on a parcel which also has a **bed and breakfast, a boarding or lodging house or a group home, major/minor**."

d) Deleting from **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations, 9.5a.8** the following:

"9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30m² of private open space shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: plantings, architectural elements such as a trellis, low fences or planters and changes in grade or elevation."

And replacing it with:

"9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30 m² of private open space shall be provided per **dwelling** unit.

The **private open space** shall:

- i. have a direct connection to a **secondary suite** entrance; and
- ii. be defined from other **private open space** and yard with the use of **landscaping**."

e) Adding to **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations**, a new 9.5a.10 as follows:

"9.5a.10 1.0 additional parking space for a **secondary suite** is required which shall:

- i. be designated as being solely for the use of the **secondary suite**
 - ii. not be located within a private garage which is attached to and provides direct access to the principal **dwelling**;
 - iii. not be provided in a tandem configuration;
 - iv. be located within the required **front yard** setback area if the **parking space** does not block access to a required **parking space** utilized by the principal **dwelling** unit.”
- f) Deleting **Section 9.5 Secondary Suite and Carriage House, 9.5b Carriage House Regulations, 9.5b.1** in its entirety that reads:
- g) Deleting **Section 9.10 Agriculture, Urban, 9.10.1(b)** in its entirety that reads:
- “9.10.1 b) **greenhouses or accessory structures** associated with urban agriculture shall conform to the applicable zoning requirements for **accessory buildings or structures** and the relevant zone. A **greenhouse** is not included in the calculation of lot coverage for **accessory buildings or structures.**”

And replacing it with:

- “9.10.1 b) **greenhouses, accessory buildings or structures** associated with urban agriculture shall conform to the applicable zoning requirements for **accessory buildings or structures** and the relevant **zone**. A **greenhouse** is not included in the calculation of **site coverage** for **accessory buildings or structures.**”
- h) Deleting **Section 9.10 Agriculture, Urban, 9.10.2(b)** in its entirety that reads:
- “9.10.2 b) **greenhouses** are not included in the calculation of lot coverage for **accessory buildings or structures;**”

And replacing it with:

- “9.10.2 b) **greenhouses** are not included in the calculation of **site coverage** for **accessory buildings or structures;**”

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

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11141
TA15-0022 - Housekeeping Text Amendments to Zoning Bylaw
No. 8000

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing **Section 13 - Urban Residential Zones** be amended by:

a) Deleting from Section 13.1.6 **Development Regulations** (b) that reads:

- (b) The maximum height for principal buildings is the lesser of 9.5m or 2 ½ storeys. The maximum height for accessory buildings / structures is 4.5m. The maximum height for carriage houses is 4.8m. For the RU1h zone the maximum **height** is 2 ½ storeys and the maximum **height** of any vertical wall element facing a front, **flanking street** or rear yard (including walkout basements) is the lesser of 6.5m or 2 **storeys**, above which the **building** must be stepped back at least 1.2m."

And replacing it with:

"(b) the maximum height for principal **buildings** shall be:

- i. 9.5 m or 2 ½ **storeys** whichever is the lesser; or
- ii. 2 ½ storeys in the RU1h zone and where any vertical wall element facing a front, **flanking street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least 1.2 m; and
- iii. 4.5m for **accessory buildings or structures**."

b) Deleting from Section 13.1.7 **Other Regulations** (d) that reads:

- "(d) Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**, except for developments in **hillside areas** where the topography would require the slope of such access to exceed 15%."

And replacing it with:

- "(d) Where a **development** has access to a **lane**, vehicular access to the **development** is only permitted from the **lane**, except for **developments** in **hillside areas** where the topography would require the slope of such access to exceed 15%."

c) Deleting from Section 13.2.6 **Development Regulations** (b) in their entirety that reads:

- "(b) The maximum height for principal buildings is the lesser of 9.5m or 2 ½ storeys. The maximum height for accessory buildings / structures is 4.5m. The maximum height for carriage houses is 4.8m. For the RU2h and RU2hc

zones the maximum **height** of any vertical wall element facing a front, **flanking street** or rear yard (including walkout basements) is the lesser of 6.5m or 2 **storeys**, above which the **building** must be stepped back at least 1.2m.”

And replacing it with:

“(b) the maximum height for principal **buildings** shall be:

- 9.5 m or 2 ½ **storeys** whichever is lesser; or
- 2 ½ **storeys** in the RU2h zone and any vertical wall element facing a front, **flanking street** or **rear yard** (including **walkout basements**) is the lesser of 6.5 m or 2 **storeys**, above which the **building** shall be stepped back at least
- 1.2 m; and
- 4.5 m for **accessory buildings or structures**.”

d) Deleting from Section 13.2.7 **Other Regulations** (b) that reads:

“(b) Where the **development** has access to a rear lane, vehicular access to the **development** is only permitted from the rear **lane**, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.

And replacing it with:

“(b) Where a **development** has access to a **lane**, vehicular access to the **development** is only permitted from the **lane**, except for **developments** in **hillside areas** where the topography would require the slope of such access to exceed 15%.

e) Deleting from Section 13.5.6 **Development Regulations** (b) that reads:

“(b) Bareland **strata lot coverage** by principal and accessory **buildings** shall not exceed 50%.”

And replace it with:

“(b) **bareland strata lot site coverage** by principal and **accessory buildings or structures** shall not exceed 50%.”

f) Deleting from Section 13.6.7 **Other Regulations** (f) that reads:

“(f) Where the **development** has access to a rear lane, vehicular access to the **development** is only permitted from the rear **lane**, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.”

And replacing it with:

“(f) where the **development** has access to a **lane**, vehicular access to the **development** is only permitted from the **lane**, except for **developments** in **hillside areas** where the topography would require the slope of such access to exceed 15%.”;

g) Adding to Section 13.7.3 **Secondary Uses** new sub-paragraphs for “**carriage house**” and “**secondary suite**” in their appropriate locations and re-numbering subsequent paragraphs;

- h) Adding to Section 13.7.4 **Buildings and Structures Permitted** be amended by:
- i) Adding "**carriage house**" in its appropriate location, and re-numbering subsequent paragraphs;
 - ii) Deleting the reference "**single detached housing**" and replacing it with "**single detached house** (which may contain a secondary suite)";
- i) Adding to Section 13.8.2 **Principal Uses** new sub-paragraphs for "**three dwelling housing**" and "**four dwelling housing**" in their appropriate locations and re-numbering subsequent paragraphs;
- j) Deleting from Section 13.8.4 **Buildings and Structures Permitted** sub-paragraph "(d) **single detached housing**";
- k) Deleting the reference "**RH1s - Hillside Large Lot Residential with Secondary Suite**" from the title in the 13.14 **RH1 - Hillside Large Lot Residential/ RH1s - Hillside Large Lot Residential with Secondary Suite**;
- l) Deleting the words "(RH1s only)" from 13.14.1 **Secondary Suites**, sub-paragraph (f) **secondary suite** (RH1s only);
- m) Deleting from 13.14.5 **Buildings and Structures Permitted**, sub-paragraph (a) that reads:
- "(a) one **single detached house** (which may contain a **secondary suite** in the RH1s zone)"

And replacing it with;

"(a) one **single detached house** (which may contain a **secondary suite**)"

2. AND THAT Section 14 - **Commercial Zones** be amended by:

- a) Adding "**Residential security/operator unit**" in its appropriate location, to Section 14.1.3 **Secondary Suites** and re-numbering subsequent paragraphs;
- b) Deleting from Section 14.1.5 **Development Regulations** subparagraph (a) that reads:
- "(a) The maximum **lot coverage** is 35%."
- And replacing it with:
- "(a) the maximum **site coverage** is 35%."
- c) Adding "**Residential security/operator unit**" in its appropriate location, to Section 14.2.3 **Secondary Suites** and re-numbering subsequent paragraphs;
- d) Adding "**Temporary parking lot**" in its appropriate location, to Section 14.3.2 **Principal Uses** and re-numbering subsequent paragraphs;
- e) Adding "**Residential security/operator unit**" in its appropriate location, to Section 14.3.3 **Secondary Suites** and re-numbering subsequent paragraphs;
- f) Adding "**Temporary parking lot**" in its appropriate location, to Section 14.4.2 **Principal Uses** and re-numbering subsequent paragraphs;

- g) Adding "**Residential security/operator unit**" in its appropriate location, to Section 14.5.3 **Secondary Suites** and re-numbering subsequent paragraphs;
 - h) Adding "**Temporary parking lot**" in its appropriate location, to Section 14.6.2 **Principal Uses** and re-numbering subsequent paragraphs;
 - i) Adding "**Residential security/operator unit**" in its appropriate location, to Section 14.6.3 **Secondary Suites** and re-numbering subsequent paragraphs;
 - j) Adding "**Temporary parking lot**" in its appropriate location, to Section 14.7.2 **Principal Uses** and re-numbering subsequent paragraphs;
 - k) Adding "**Temporary parking lot**" in its appropriate location, to Section 14.10.2 **Principal Uses** and re-numbering subsequent paragraphs;
3. AND THAT **Section 15 - Industrial Zones** be amended by adding "**Temporary parking lot**" in its appropriate location, to Section 15.4.2 **Principal Uses** and re-numbering subsequent paragraphs;
 4. AND THAT **Section 16 - Public & Institutional Zones** be amended by replacing "&" with "and" in the title;
 5. AND THAT **Schedule 'B' - Comprehensive Development Zones** be amended by:
 - a) Deleting in **CD4 - Comprehensive Small Lot Residential, 1.5 Development Regulations** (b) that reads:

"(b) The maximum lot coverage by principal buildings and accessory buildings is 55% for each bareland strata lot."
 - And replacing it with:

"(b) The maximum combined **site coverage** for principal buildings and all accessory buildings or structures is 55% for each bareland strata lot."
 - b) Adding in **CD 15 - Airport Business Park, Section 1.2 Principal Uses** in its appropriate location a new subparagraph "**Temporary parking lot**" and renumbering subsequent paragraphs;
 - c) Adding in **CD 17 - Mixed Use Commercial - High Density, Section 1.1 Principal Uses** in its appropriate location a new subparagraph "**Temporary parking lot**" and renumbering subsequent paragraphs;
 - d) Adding in **CD 18 - McKinley Beach Comprehensive Resort Development, Section 1.2 Principal and Secondary Uses, 1.2a AREA I Village Centre** in its appropriate location a new subparagraph "**Temporary parking lot**" and renumbering subsequent paragraphs;
 6. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11143
Z15-0006 - Watermark Development Ltd. Inc. No. BC0642787
and City of Kelowna
(S OF) Academy Way

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot C, Section 3, Township 23, ODYD, Plan EPP33993 "see plan as to limited access", located on Academy Way, Kelowna, B.C., from the A1 - Agriculture 1 zone to the RU1h - Large Lot Housing (Hillside Area) zone, from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone, from the A1 - Agriculture 1 zone to the P4 - Utilities zone, from the RM5 - Medium Density Multiple Housing zone to the RU1h - Large Lot Housing (Hillside Area) zone and from the P3 - Parks and Open Space zone to the RU1h - Large Lot Housing (Hillside Area) zone as per Map "A" attached to and forming part of this bylaw.
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 1, Sections 3 and 10, Township 23, ODYD, Plan EPP45918, located on Academy Way, Kelowna, B.C., from the P3 - Parks and Open Space zone to the RM5 - Medium Density Multiple Housing zone and from the A1 - Agriculture 1 zone to the RM5 - Medium Density Multiple Housing zone as per Map "A" attached to and forming part of this bylaw.
3. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A, Section 3, Township 23, ODYD, Plan EPP33993 "see plan as to limited access", located on Academy Way, Kelowna, B.C., from the RM5 - Medium Density Multiple Housing zone to the P3 - Parks and Open Space zone and from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space zone as per Map "A" attached to and forming part of this bylaw.
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 14th day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

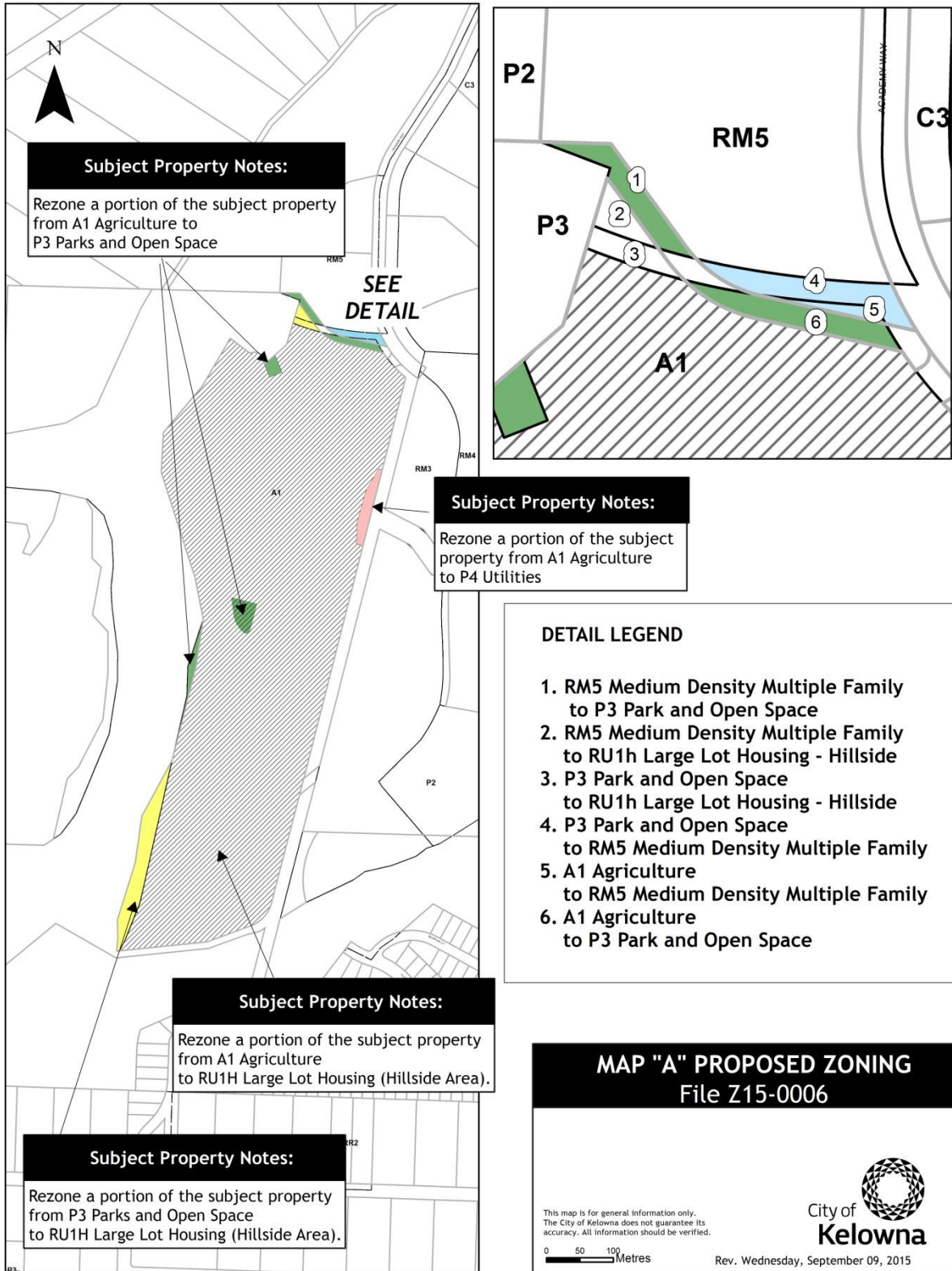
Approved under the Transportation Act

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



REPORT TO COUNCIL



Date: September 29, 2016
RIM No. 0940-50
To: City Manager
From: Community Planning Department (TY)
Application: DVP15-0129 **Owner:** Steve Moore & Elizabeth Moore
Address: 392 Stellar Drive **Applicant:** Harmony Homes
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single/Two Unit Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0129 for Lot A Section 23 Township 28 SDYD Plan KAP81216, located at 392 Stellar Drive, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7.5.9 - Landscaping and Screening Fencing and Retaining Walls

To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

Section 8.1 - Parking and Loading Parking Schedule

To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

Section 13.1.6(c) - RU1 - Large Lot Housing Large Lot Housing Development Regulations

To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".

To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with Schedule "A".

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

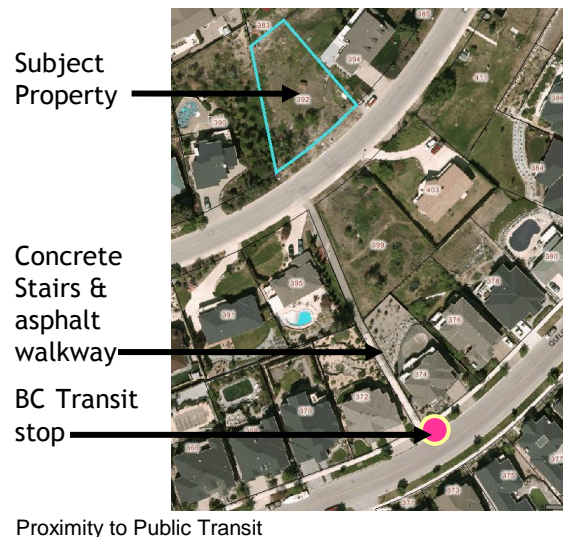
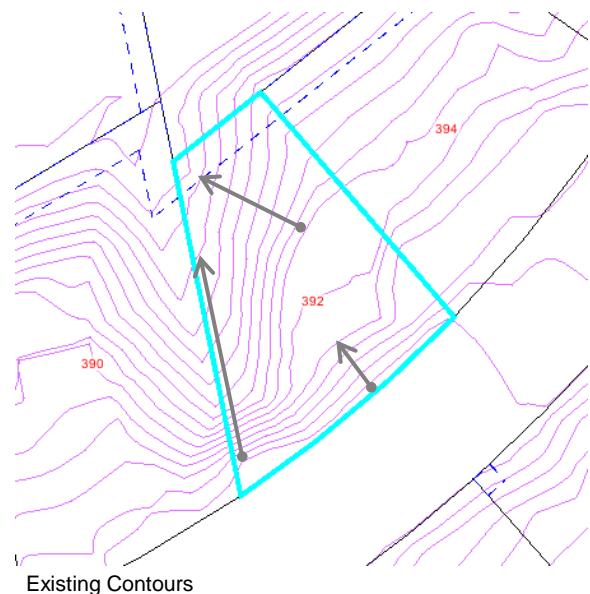
To vary the height of a retaining wall, parking for a secondary suite and the front yard setback on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed variances on the subject property. The topography of the subject property presents challenges as the existing grade at the front of the property slopes steeply down towards the rear property line. The applicant provided a grading plan and site plan for a single family dwelling with a suite that minimizes the amount of disturbance to the existing grade and requires variances as a result.

Retaining walls are necessary in this neighbourhood. Existing neighbouring homes have retaining walls in a front or rear yard, and in some cases both. The applicant is proposing an engineered concrete wall design that will have an exterior finish matching the dwelling. This wall is higher than the maximum allowable height and requires a variance. The proposed wall will be noticeable from the adjacent property to the east.

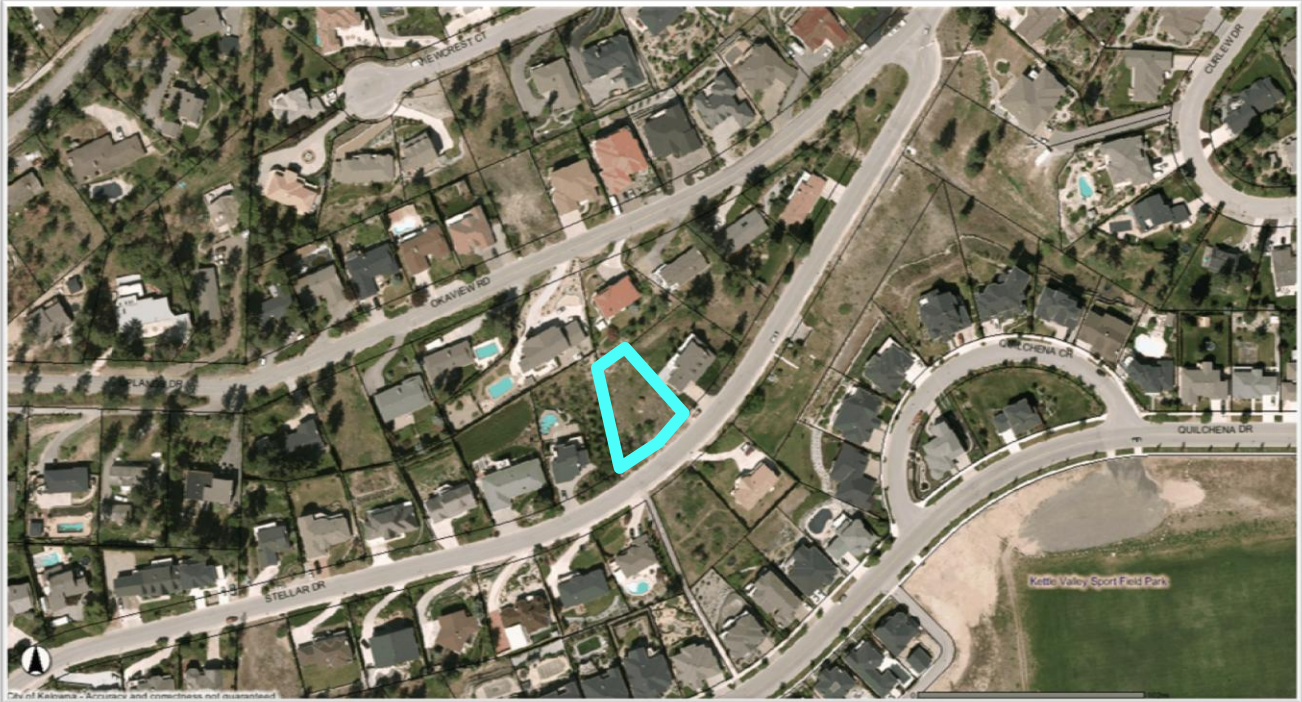
The proposed siting of the dwelling is oriented towards the front property line in order to reduce retaining on site and requires two variances to the front yard setback. Although zoned RU1, the subject property meets the definition of a hillside area, having slopes greater than 10% and a grade change of more than 6.0 m in height. Staff worked with the applicant to achieve a setback that meets the RU1h (hillside) zone. There is no potential for a vehicle to overhang onto a sidewalk as the City does not have plans to create a sidewalk on the north side of Stellar Drive. A sidewalk exists along



the south side of Stellar Drive.

The proposed single family dwelling includes a secondary suite. With the reduction of the front yard setback, space to accommodate the required parking for a secondary suite is not available. Staff is supportive of the parking variance as properties along Stellar Drive average 30 m wide, allowing for ample on-street parking. A BC Transit bus stop is accessible by an asphalt and concrete step walkway located 120 m from the property on Quilchena Drive.

The dwelling has been placed in the corner of the property that requires the least amount of retaining. The entire property slopes down to the north, with a depression along the entire west side of the property.

Subject Property Map: 392 Stellar Drive**4.0 Proposal****4.1 Background**

The subject property has been vacant since the lot was created in 2006. The subject parcel was part of the lot to the east and was subdivided to create the two current lots. Topography of the lot is a challenge, and since 2007 City Staff has been answering questions regarding retaining walls and variances in order to accommodate a dwelling.

4.2 Project Description

The applicant is proposing a two storey home with a walk out basement. The home is designed with one storey along Stellar Drive, and is a total of 7.8 m in height with a secondary suite located in the walk out basement. Garage doors facing the street are slightly recessed from the front door.

The house is proposed to sit 3.5 m from the front property line which is 7.5 m from the back of curb along Stellar Drive. The garage is proposed at 3.75 m from the front property line, 7.75 m from the back of curb. RU1h zoning regulations require a minimum of 6.0 m from the back of curb.

A retaining wall is proposed along the east property line, and has a maximum height of 3.0 m. The wall begins at the front property line at 0.3 m in height and increases to 3.0 m before turning in to meet the house. The top of wall will be the same height as the grade along Stellar Drive. The bottom of the wall will follow the existing grade which drops off towards the interior of the lot.

Where the garage is located only 3.75 m from the front property line, there is not enough room for the required parking space for the secondary suite to be located on the subject property. The applicant is seeking a variance as they are not providing the required space on the property. Parking will be accommodated on the street.

Private open space in the form of a balcony and at-grade patio are provided for the principal dwelling and secondary suite.

4.3 Site Context

The subject property is located on the north side of Stellar Drive, close to the intersection of Stellar Drive and Oakview Road in the Southwest Mission sector of Kelowna. The subject property is zoned RU1 with a Future Land Use designation of S2RES, and is in the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1	Single Family Residential
East	RU1	Single Family Residential
South	RU1	Single Family Residential
West	RU1	Single Family Residential

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m ²	1,106 m ²
Minimum Lot Width	16.5 m	35.3 m
Minimum Lot Depth	30.0 m	43.1 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	14%
Maximum Site Coverage (buildings, driveways and parking)	50%	16%
Maximum Height	2 ½ storeys or 9.5 m	2 storey with walk out basement 7.8 m
Minimum Front Yard (to a dwelling)	4.5 m	3.5 m ❶
Minimum Front Yard (to a garage)	6.0 m	3.75 m ❷
Minimum Side Yard (west)	2.3 m	+ 19.0 m
Minimum Side Yard (east)	2.3 m	3.3 m
Minimum Rear Yard	7.5 m	+22.0 m
Other Regulations		
Minimum Private Open Space	30 m ² per dwelling	30 m ² per dwelling
Minimum Parking for Principal Dwelling	2 spaces	2 spaces
Minimum Parking for Secondary Suite	1 space	0 ❸
Maximum retaining wall height	1.2 m	3.0 m ❹
❶ Indicates a requested variance to the front yard setback to a dwelling ❷ Indicates a requested variance to the front yard setback to a garage ❸ Indicates a requested variance to parking for a secondary suite ❹ Indicates a requested variance to the height of a retaining wall		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Ensure environmentally sustainable development.¹ Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

- Kelowna 2030 OCP (Bylaw 10500) was adopted by City Council on May 30, 2011. The subject property was created in 2006, allowing a parcel with slopes over 30% to be created. City staff would like to see this lot developed in a manner that reduces the impact of grades around adjacent property lines. The proposed grading plan and site plan isolate changes in the existing grade to the south east portion of the property.

Hillside Objectives.² Promote the siting of buildings and designs that are compatible with the steep slope context; Ensure compatibility with existing neighbourhood or streetscape;

- The single storey design along stellar Drive is compatible with single family homes along the north side of Stellar Drive.

Context Considerations.³ Design and locate buildings so the hillside landscape rather than the sky serves as a backdrop;

6.0 Technical Comments

6.1 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

6.2 Development Engineering Department

See attached Memorandum dated June 26, 2015

7.0 Application Chronology

Date of Application Received:	June 2, 2015
Date of Revised Site Plan and Engineered Retaining Wall Received:	July 13, 2015
Date Public Consultation Completed:	February 26, 2015

¹ City of Kelowna Official Community Plan, Policy 5.5.12 (Development Process Chapter).

² City of Kelowna Official Community Plan, E (Urban Design Development Permit Areas).

³ City of Kelowna Official Community Plan, Policy 1.5 (Urban Design Development Permit Areas).

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

☐

Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

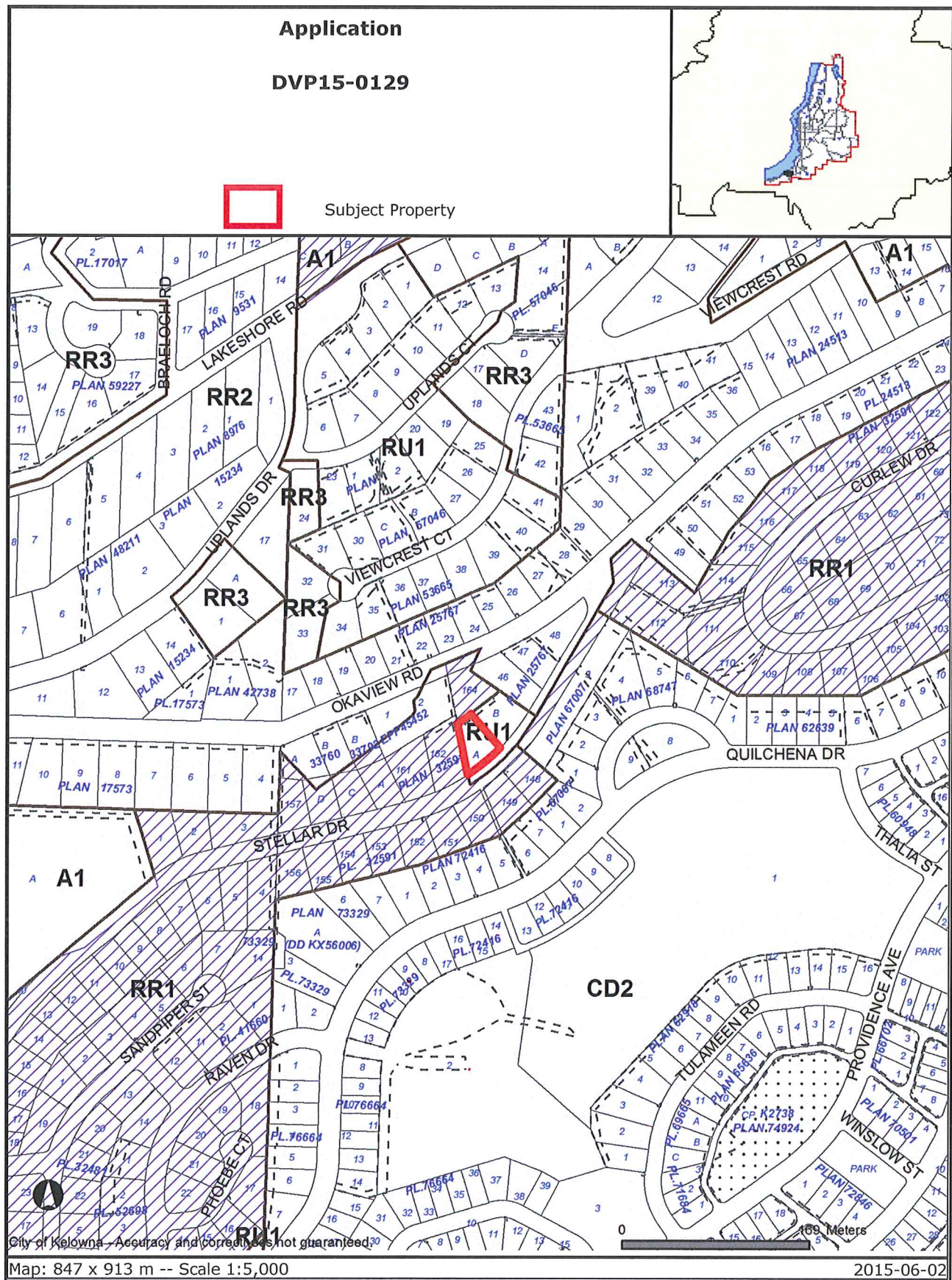
Attachments:

Subject Property Map

Schedule "A" Site Plan

Schedule "B" Elevations

City of Kelowna Memorandum Dated June 26, 2015



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

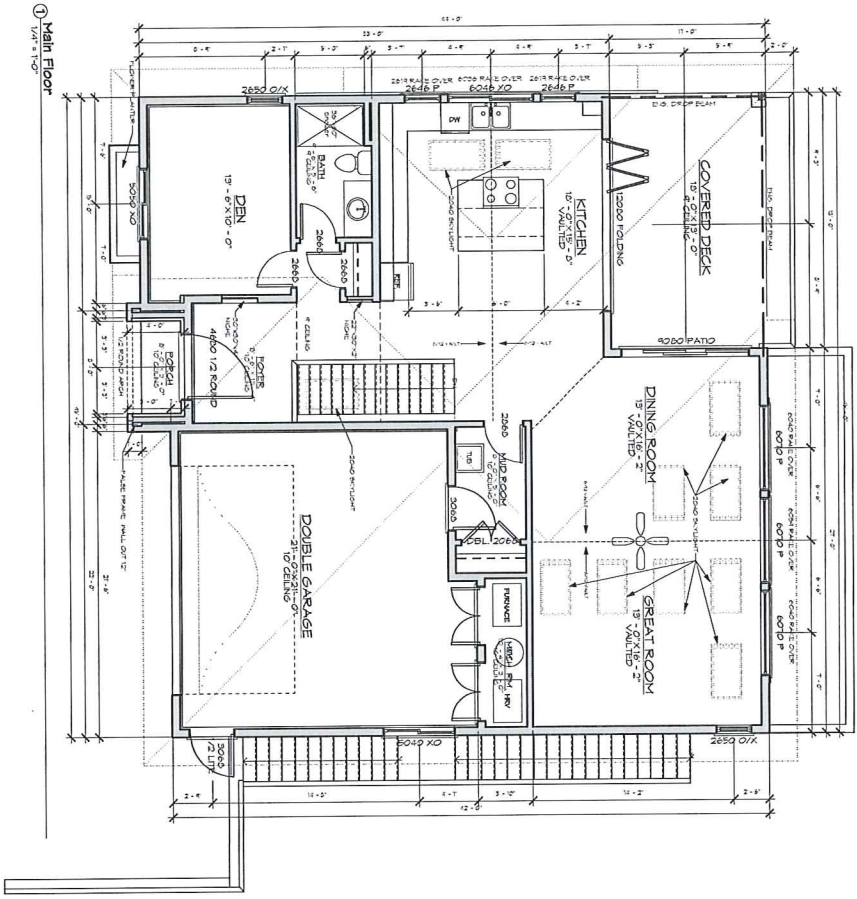


CH
HARMONY
HOMES

PHONE: (209)705-5191
#201 - 823 FRING ROAD, KELLOWNA, B.C.
PROPOSED RESIDENCE OF:
MR. & MRS. MOORE
KELLOWNA, B.C.
DRAWING SCALE: 1/8" = 1'-0"
DATE: JANUARY 27, 2015
REV. DATE: JULY 9, 2015
DRN. BY: J.A.S.

AWARD WINNING BUILDER	5
-----------------------	---

SCHEDULE A
 This forms part of development
 Permit # DNP15-0129



LEVEL	TYPE	AREA	Ceiling Height
Basement 2 Floor	Basement	795 sq'	8'-0"
Basement 1 Floor	Basement	1,424 sq'	8'-0"
Main Floor	Finished	1,771 sq'	8'-0"
Garage Floor	Unfinished	233 sq'	8'-0"

PRELIMINARY ONLY
 NOT FOR CONSTRUCTION PURPOSES

HARMONY HOMES
 4011 422 STREET ROAD, KELLOWNA, B.C.
 PHONE: 250-867-5511

PROPOSED RESIDENCE OF:
 MR. & MRS. MOORE
 KELLOWNA, B.C.

DRAWING SCALE: 1/4" = 1'-0"

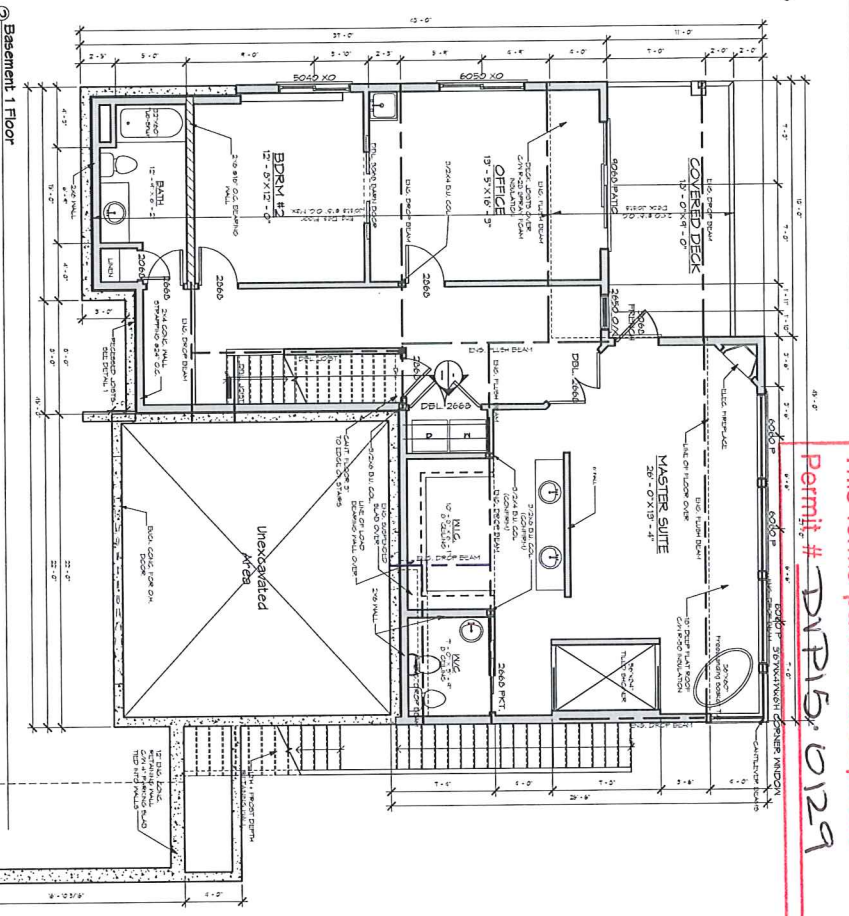
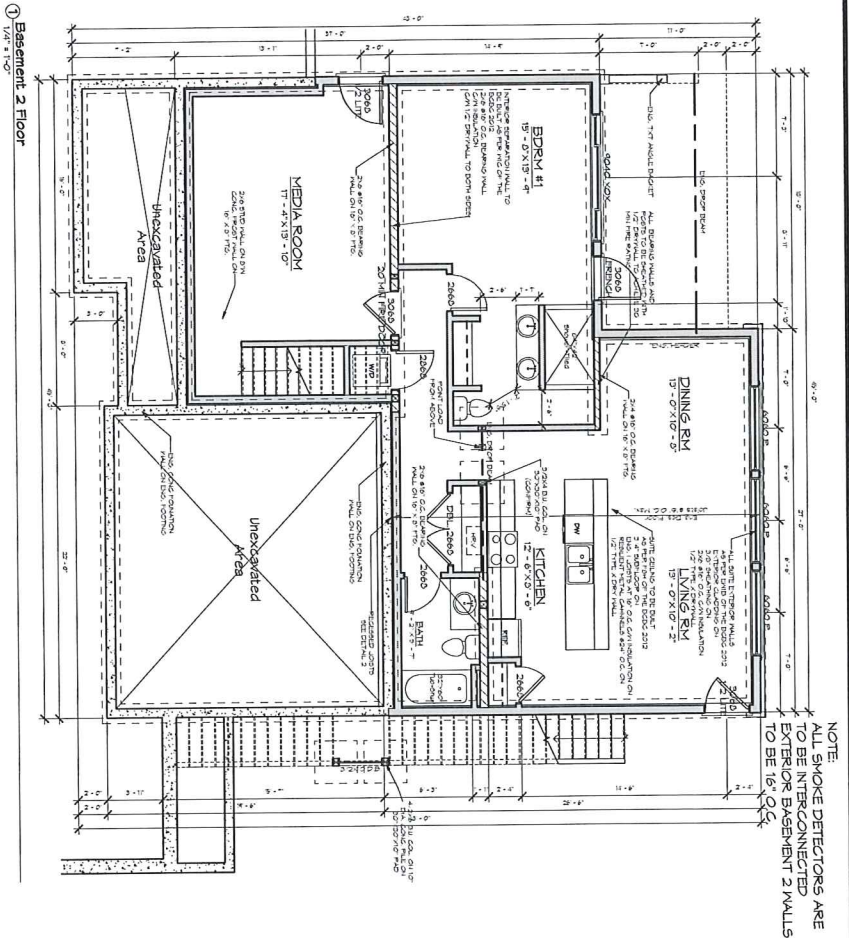
DATE: JANUARY 27, 2015

REV. DATE: JULY 9, 2015

DRN BY: JLS

4

AWARD WINNING BUILDER



① Recessed Joist Detail 2
1/2" = 1'-0"

REV	DESCRIPTION	DATE
1	RECESSED JOIST DETAIL 2	1/2/15

③ Recessed Joist Detail 1
1/2" = 1'-0"

REV	DESCRIPTION	DATE
1	RECESSED JOIST DETAIL 1	1/2/15

PRELIMINARY ONLY

HARMONY HOMES

PROPOSED RESIDENCE OF:
MR. & MRS. MOORE

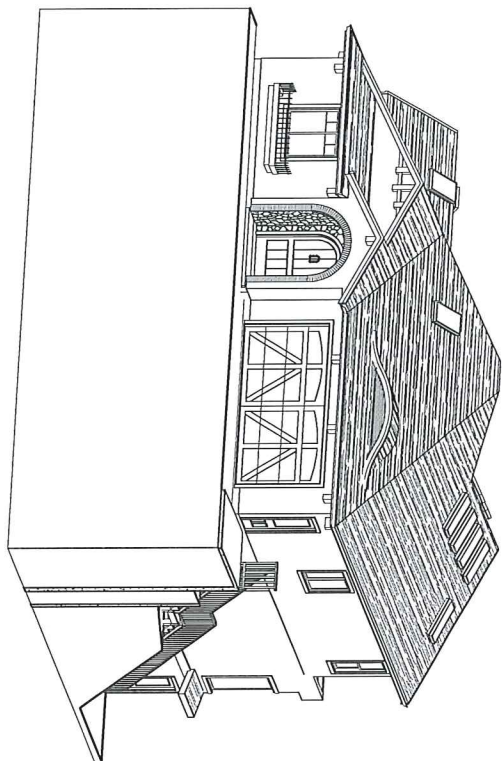
DATE: JANUARY 27, 2015

REV. DATE: JULY 8, 2015

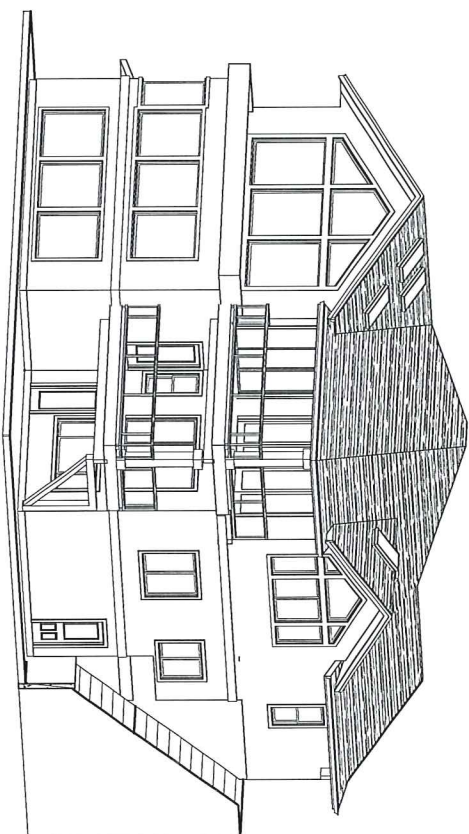
AWARD WINNING BUILDER

3

SCHEDULE B
 This forms part of development
 Permit # DP15-0129



① Front 3D




② Rear 3D

Table of Contents	
Orthographic SPS	1
Elevation	2
Section	3
Detail	4
Site Plan	5

**PRELIMINARY
ONLY**

NOT FOR CONSTRUCTION PURPOSES



**HARMONY
HOMES**
HOUSE CONSTRUCTION
 4001 - 1231 HINES ROAD, KELLOWNA, B.C.
 MR. & MRS. MOORE
 KELLOWNA, B.C.

PROPOSED RESIDENCE OF:

DATE: JANUARY 27, 2015

DRAWING SCALE:

REV. DATE: JULY 9, 2015

DSN: BY J.A.S.

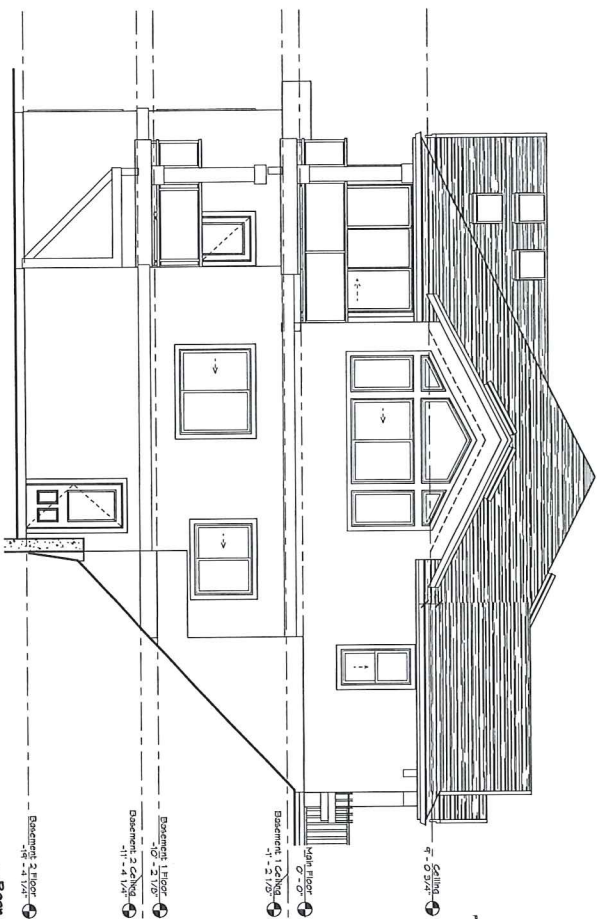
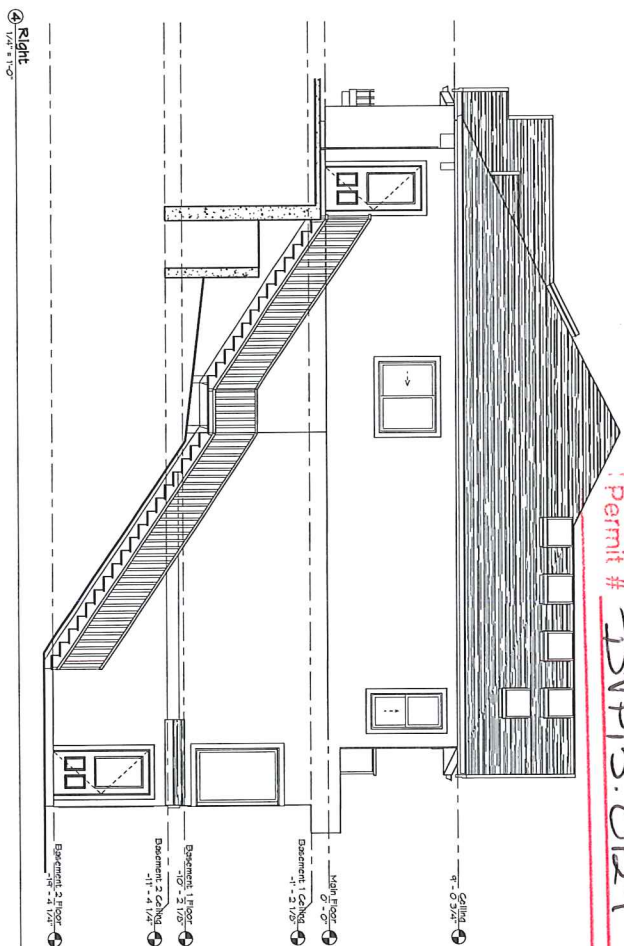
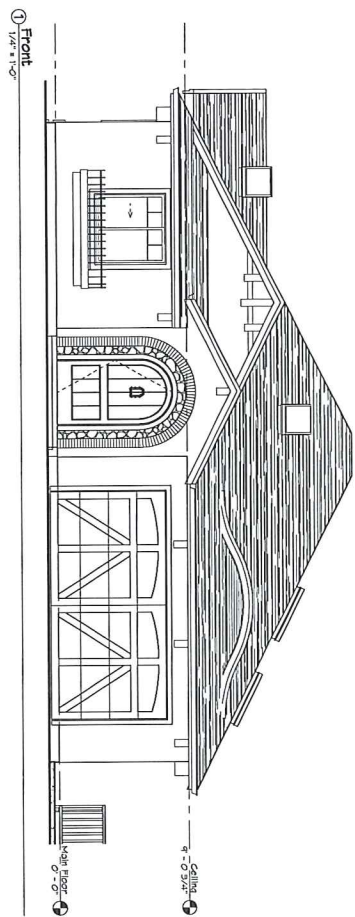
AWARD WINNING BUILDER

1

SCHEDULE B

This forms pad of development

Permit # DVP15.0129



Left
1/4" = 1'-0"

Back
1/4" = 1'-0"

PRELIMINARY ONLY
NOT FOR CONSTRUCTION PURPOSES

HARMONY HOMES
4011 423 PINE ROAD, KILGORE, TEXAS 75781
PHONE: (940) 591-1911

PROPOSED RESIDENCE OF:
MIL & MRS. MOORE
KILGORE, TEXAS

DRAWING SCALE: 1/4" = 1'-0"
DATE: JANUARY 27, 2015
REV. DATE: JULY 9, 2015
DRN: BVALS

AWARD WINNING BUILDER

2

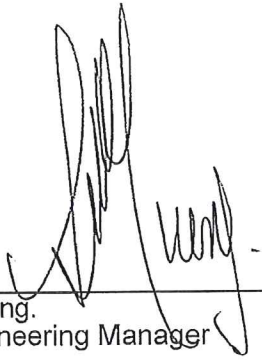
CITY OF KELOWNA
MEMORANDUM

Date: June 26, 2015
File No.: DVP15-0129
To: Land Use Management (TY)
From: Development Engineering Manager (SM)
Subject: 392 Stellar Drive Lot A Plan 81216 Setback Variance

Development Engineering has the following comments and requirements associated with this application.

The application for a development variance permit to vary the minimum front yard setback for the building to 3.50m and the minimum garage setback to 3.75m is supported.

The application to vary the maximum height of a retaining wall can be supported provided that the proposed retaining walls are not within the required setbacks from the road right-of-way.



Steve Muenz, P. Eng.
Development Engineering Manager
JF

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.

DVP15-0129

EXISTING ZONING DESIGNATION:	RU1 – Large Lot Housing
DEVELOPMENT VARIANCE PERMIT PURPOSE:	Vary the maximum height of a retaining wall, the designated secondary suite parking space and the minimum front yard setback.
PERMIT PREPARED BY:	Tracey Yuzik

ISSUED TO:	Harmony Homes
LOCATION OF SUBJECT SITE:	392 Stellar Drive

	LOT	SECTION	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION :	A	23	28	SDYD	KAP81216

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) THAT the dimensions and siting of the works to be constructed on the land be in general accordance with Schedule "A";
- b) AND THAT the grading works to be constructed on the land be in general accordance with Schedule "B";
- c) AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 7.5.9 - Landscaping and Screening Minimum Landscape Buffers

To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

Section 8.1 – Parking and Loading Parking Schedule

To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

Section 13.1.6(c) – RU1 – Large Lot Housing Large Lot Housing Development Regulations

To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".

To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with Schedule "A".

- d) AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of N/A
- (c) An Irrevocable Letter of Credit in the amount of N/A

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Manager of Community Planning.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT ISSUED AND APPROVED BY THE COUNCIL ON THE
____ DAY OF _____, 2015.

Ryan Smith, Community Department Planning Manager,
Community Planning & Real Estate

Date