

# CITY OF KELOWNA

## BYLAW NO. 11139

### TA14-0022 - Housekeeping Text Amendments to Zoning Bylaw No. 8000

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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 m<sup>2</sup>, 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 23m<sup>2</sup> 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 14<sup>th</sup> day of September, 2015.

Considered at a Public Hearing on the 6<sup>th</sup> day of October, 2015.

Read a second and third time by the Municipal Council this 6<sup>th</sup> day of October, 2015.

Approved under the Transportation Act this 20<sup>th</sup> day of October, 2015.

Blaine Garrison  
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk