

# Report to Council



**Date:** March 22, 2021

**To:** Council

**From:** City Manager

**Subject:** Changes to RU7 – Infill Housing Zone (TA21-0003, TA21-0004)

**Department:** Development Planning

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**Recommendation:**

THAT Official Community Plan Text Amendment Application No. TA21-0004 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 as outlined in Schedule “A” attached to the Report from the Development Planning Department dated March 22, 2021, be considered by Council;

AND THAT the Official Community Plan Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

THAT Zoning Bylaw Text Amendment Application No. TA21-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule “B” attached to the Report from the Development Planning Department dated March 22, 2021 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

**Purpose:**

To amend the Official Community Plan (OCP) and Zoning Bylaw to make changes to the RU7 – Infill Housing design guidelines, site coverage, and secondary uses.

**Background:**

On January 16, 2017, Council adopted the RU7 – Infill Housing zone and its associated design guidelines and processes. This marked the conclusion of a collaborative design competition process called the Infill Challenge that has resulted in the creation of new “missing middle” housing in Kelowna under the new zone.

As an innovative pilot program, regular updates and adjustments were always anticipated to ensure the outcomes of development achieve the objectives of the program. Through regular interactions with all

parties involved in infill housing, Staff have identified issues that should be addressed with regards to the RU7 program. These issues, and the changes needed to address them, were originally presented to Council on July 13, 2020, and Council endorsed the proposed changes.

The purpose of this Report is to summarize the issues and have Council adopt the necessary changes in the Official Community Plan (OCP) and the Zoning Bylaw.

### **Discussion:**

#### **Issue 1: Repetition of Design**

It has been noted that certain designs (including, but not limited to, the 2 fast-track designs) are being used repeatedly on the same block and often next door to one another. This repetition creates a monotony that is undesirable. It is recommended that design guidelines be introduced that would limit the repetition of design.

#### **Issue 2: Site Coverage**

The RU7 zone includes a regulation limiting site coverage for buildings but does not include a regulation limiting site coverage for buildings, driveways and parking areas (as all other multi-family zones do). It has been noted that some developments have taken advantage of this and are including far more driveway and parking area on site than anticipated (at the expense of green space). In order to remedy this, it is recommended that a regulation limiting site coverage for buildings, driveways and parking areas be introduced into the zone that is consistent with other zones.

#### **Issue 3: Landscaping**

The fast-track process does not currently require applicants to include a landscape bond with their application. It has been noted that the failure to require a landscape bond has resulted in some developments having far less landscaping than indicated on design drawings—with no appropriate measures in place to remedy the situation. It is recommended that measures be introduced to require a landscape bond with fast-track applications.

#### **Issue 4: Secondary Suites**

Secondary suites are permitted in the RU7 zone only if they are grandfathered in (legally in existence prior to December 4, 2017) as they pose challenges with regards to servicing at redevelopment. As such, property owners with a single-family home who wish to add a secondary suite without redeveloping the property are unable to do so. This was not the intent of excluding secondary suites from the zone, and is recognized to be an undue hardship. As such, it is recommended that a single-family home on an RU7 parcel be permitted to add a secondary suite (a maximum of one secondary suite would be permitted on an RU7 parcel).

#### **Issue 5: Lighted Paths**

The RU7 zone does not currently require dwellings located at the back of a lot to be accessed from the front of the lot via a lighted pathway. The Fire Department has expressed concern over this as the

presence of a lighted pathway helps emergency responders access these units. For this reason, it is recommended that a regulation be introduced in the RU7 zone requiring dwellings to have a lighted pathway extending to the front of the lot.

#### **Issue 6: Major Home-Based Businesses**

Minor home-based businesses are permitted in the RU7 zone, but major home-based businesses are not. The reason being it was thought that the requirement of a parking stall for a major home-based business would create problems for lots with 3 or 4 units. As such, property owners with only one or two dwellings, where an extra parking stall could be accommodated, are unable to have a major home-based business. This was not the intent of eliminating major home-based businesses from the zone and is recognized as being an undue hardship. As such, it is recommended that major home-based businesses be permitted on lots with two or fewer dwellings (major home-based businesses would not be permitted under any other circumstances).

#### **Conclusion:**

As an innovative pilot program, regular updates and adjustments to the RU7 zone were always anticipated to ensure the outcomes of development achieve the objectives of the program. Through regular interactions with all parties involved, Staff have identified a number of issues that can and should be addressed now with regards to the RU7 program. These issues, and the changes needed to address them, were originally presented to Council on July 13, 2020, and Council endorsed the proposed changes. The necessary changes are presented above, and it is asked that Council approve these changes.

#### **Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: A.D. Thibeault, Planner II

#### **Approved for inclusion:**

Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: TA21-0004 – Proposed Text Amendments to Official Community Plan Bylaw No. 10500

Schedule B: TA21-0003 – Proposed Text Amendments to Zoning Bylaw No. 8000