

# CITY OF KELOWNA

## BYLAW NO. 12144

### TA20-0023 – Amendment to Sections 7, 8, 11, 14, 16 and 18

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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 **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls, 7.5.3** be amended by:

a) Deleting the following:

"No **fence** constructed at the **natural grade** in rural residential or **residential zones** shall exceed 2.0 m in **height**, except where **abutting** an agricultural or commercial **zone**, the maximum **height** is 2.4 m. Where fences are constructed adjacent to the Front Lot Line or a Flanking Street, the maximum fence height shall be 1.06 m"

And replacing it with:

"The maximum **height** for fences constructed at **natural grade** in rural residential zones shall not exceed 2.0 m in **height**, except where **abutting** an agricultural, industrial or commercial zone, the maximum **height** is 2.4 m. The maximum **height** for fences constructed at **natural grade** on commercial or industrial zoned properties shall not exceed 2.4 m. The maximum **height** for fences constructed at the **natural grade** in urban residential or multi-family zones shall not exceed 2.0 m in **height**, except that it shall not exceed 1.2 m in **height** within the minimum **front yard** or **flanking street** yard setbacks."

2. AND THAT **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers, 7.6.5** be amended by:

b) Deleting the following:

"Notwithstanding paragraph 7.6.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

And replacing it with:

"Notwithstanding paragraph **7.6.1**, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering."

3. AND THAT **Section 8 – Parking and Loading, 8.5 Off-Street Bicycle Parking, 8.5.6 Long Term Bicycle Parking Standards(c) ii** be amended by:

c) Deleting the following:

"Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum Long-Term Bicycle Parking if the automobile stall meets the minimum Regulated - size vehicle standards."

And replacing it with:

"Wall-Mounted bicycle racks located in front of an automobile stall within a parkade will only be counted towards the minimum **Long-Term Bicycle Parking** if the automobile stall meets the minimum regular - size vehicle standards."

4. AND THAT **Section 11 – Agricultural Zones, 11.1.6(c) Development Regulations** be amended by:

Deleting the following:

"(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m<sup>2</sup>. A second residential footprint up to 1,000 m<sup>2</sup> may be registered for a **mobile home** for **immediate family** where permitted."

And replacing it with:

"(c) For **lots** 0.4 ha and greater, a **residential footprint** must be registered on title for any residential development triggered by a Farm Protection Development Permit. The maximum **residential footprint** is 2,000 m<sup>2</sup>. A second residential footprint up to 1,000 m<sup>2</sup> may be registered for a **mobile home** for **immediate family** where permitted."

5. AND THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations** be amended by adding the following in its appropriate location:

"(h) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.
- ii. For structures taller than 40.0 m or **12 storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or **4 storeys** (whichever is lesser) cannot exceed:
  - (a) 750m<sup>2</sup> for residential use.
  - (b) 850 m<sup>2</sup> for **hotel** use.
  - (c) 930m<sup>2</sup> for office use."

6. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Central Business Commercial, 14.7.5 Development Regulations** be amended by:

Deleting the following:

"(h) For any building above 16.0m in height:

- i. Any portion of a building above 16.0 m in height must be a minimum of 3.0 m. from any property line abutting a street.
- ii. Any portion of a building above 16.0 m in height must be a minimum of 4.0 m from any **property line** abutting another **property**.
- iii. A building floor plate cannot exceed 1,221 m<sup>2</sup>."

And replacing it with:

"(h) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or **4 storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.

- ii. For structures taller than 40.0 m or 12 **storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or 4 **storeys** (whichever is lesser) cannot exceed:

- (a) 750m<sup>2</sup> for residential use.
- (b) 850 m<sup>2</sup> for **hotel** use.
- (c) 930m<sup>2</sup> for office use."

7. AND THAT **Section 14 – Commercial Zones, 14.7 C7 – Centre Business Commercial, 14.7.5 Development Regulations** be amended by deleting the following:

"Setback Table

Height	Front and Flanking Yard Setback	Side Yard Setbacks	Floorplate
0.0 to 16.0 m	0.0 m	0.0 m	No restriction
16.0 m and above	3.0 m	4.0 m	1,221 m <sup>2</sup>

8. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.2 Principal Uses** be amended by adding in its appropriate location:

"(l) **multiple dwelling housing**"

9. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.3 Secondary Uses** be amended by adding in its appropriate location:

"(m) **home based businesses, minor**"

10. AND THAT **Section 14 – Commercial Zones, 14.9 C9 – Tourist Commercial, 14.9.5 Development Regulations** be amended by adding in its appropriate location:

"(f) For Mid-Rise and High-Rise structures:

- i. Any portion of a building above 16.0 m or 4 **storeys** (whichever is lesser) in **height** must setback a minimum of 3.0 m from all sides, except when abutting a laneway.
- ii. For structures taller than 40.0 m or 12 **storeys** (whichever is lesser) in **height**, the floor plate above the 16.0 m or 4 **storeys** (whichever is lesser) cannot exceed:
  - (a) 750m<sup>2</sup> for residential use.
  - (b) 850 m<sup>2</sup> for **hotel** use.
  - (c) 930m<sup>2</sup> for office use."

11. AND THAT **Section 16 – Public and Institutional Zones, 16.2 P2 – Education and Minor Institutional, 16.2.6(d) Other Regulations** be amended by:

Deleting the following:

"For lots less than 1,000 m<sup>2</sup> in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time."

And replacing it with:

"For lots greater than 1,000 m<sup>2</sup> in area, a **health services, minor** use shall not generate more than six (6) clients to the site from which the business is being operated at any given time."

12. AND THAT **Section 18 – Schedule B – Comprehensive Development Zones, CD14–CD27, CD22 – Central Green Comprehensive Development Zone, Schedule 7 – CD22 Sub-Areas A & B Zoning, 7.3 Secondary Uses** be amended by adding in its appropriate location:

**“(w) home based businesses, minor”**

13. 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 18<sup>th</sup> day of January, 2021.

Amended at first reading by the Municipal Council this 10<sup>th</sup> day of May, 2021.

Considered at a Public Hearing on the 1<sup>st</sup> day of June, 2021.

Read a second and third time by the Municipal Council this 1<sup>st</sup> day of June, 2021.

Approved under the Transportation Act this 2<sup>nd</sup> day of June, 2021.

Audrie Henry  
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(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