

REPORT TO COUNCIL



Date: March 20, 2023
To: Council
From: City Manager
Department: Development Planning
Application: TA23-0001
Address: n/a
Subject: Text Amendment Application (2 of 3)
Owner: City of Kelowna
Applicant: City of Kelowna

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA23-0001 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule 'A' be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw No. 12500 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

The purpose of the text amendment (Part 2 of 3) application package is to follow up on the adoption of the new Zoning Bylaw No. 12375 with a series of amendments that include updates to: Section 1 – General Administration, Section 5 - Definitions & Interpretations, Section 6 – General Development Regulations, Section 13 Multi-Dwelling Zones, Section 14 – Core Area & Other Zones, and Section 15 – Comprehensive Development Zones.

3.0 Development Planning

Following the adoption of Zoning Bylaw No. 12375, a planned set of amendments was identified to bring forward to Council as outlined within the Bylaw Transition Plan. The Bylaw Transition Plan was outlined and approved by Council at initial consideration and subsequent readings of Zoning Bylaw No. 12375. The volume of amendments has been divided into five council reports:

Two Mapping Amendment Reports:

1. Rural and Single-Family zoned parcels; &
2. Multi-Family, Commercial, Industrial, and Institutional zoned parcels;

Three Text Amendment Reports:

1. First half of content updates within the Zoning Bylaw;
2. Second half of content updates within the Zoning Bylaw; &
3. Updates to the spelling and grammar.

During the Zoning Bylaw No. 12375 transition and implementation period, the development industry and staff began utilizing and applying the new Zoning Bylaw in detail. A series of recommended improvements to the new Zoning Bylaw were identified during this period. Staff have compiled and included these improvements in a series of proposed amendments that make up a comprehensive amendment package, which is presented in three separate reports for Council consideration. Part 1 of 3 and Part 2 of 3 both have content changes for Council to consider. Part 3 of 3 focuses on spelling and grammar improvements to the Zoning Bylaw.

4.0 Development Planning - Proposed Content Changes (Part 2 of 3)

In this report (Part 2 of 3), a number of recommended content changes are proposed to the Zoning Bylaw. For a detailed list of changes and the reasons for recommending these changes please see the attached Schedule 'A'. Table 3.1 below provides an executive summary of the changes. The executive summary is organized into thirteen themes.

Table 3.2 Executive Summary of Schedule 'A' Recommended Content Changes		
No.	Area of Change	Additional Detail
1.	Section 1.7 Land Dedication and Section 5 Density (Floor Area Ratio) Definition.	Land dedication definition and density (Floor Area Ratio) definition altered to adjust for multiple different development scenarios. Development regulations are proposed to be based on pre-dedicated lots while ensuring unbuildable areas are not included into density calculations. Unbuildable areas are defined to include riparian areas, water courses, and slopes 30% & steeper. Pre-dedication is important for development regulations such as setbacks so that bus stops, road widenings, and other road dedications are not disincentivized due to onsite development regulations.
2.	Secondary Suites in MF1 zone	Change secondary suite regulations in MF1 zone to allow them in single detached housing with a maximum of one secondary suite per lot.
3.	MF1 Density adjustment	MF1 density eliminate units per hectare to be consistent with multi-family density calculations and remove minimum density when lots fronting onto a Transit Supportive Corridor.
4.	Garage site coverage change in MF1 zone	Recommend excluding garages from building site coverage but keeping garages with impermeable

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No.	Area of Change	Additional Detail
		site coverage to encourage larger garages that fit a regular vehicles and garbage / recycling bins.
5.	Change Setback Definition of Ground-Oriented Housing	Change ground-oriented setback regulations in MF2 and MF3 zones to clarify and provide consistent setback amounts across various zones. Added clarifying language on what portion of the building that the setback reduction for ground-oriented residential applies to.
6.	Add Definition of Ground-Oriented Commercial	Added definition of ground-oriented commercial in order to state the setback regulation for ground floor commercial units more clearly.
7.	Change Projections into Yards Regulation	Added clarifying sentence that the rear yard projection of 2.5 metres only applies to single family dwellings and not multi-family or other major developments.
8.	Health uses changes and updates to Multi-Family Sections and Core Area & Other Zones Section	Deleted HD2 zone and incorporated health uses within the existing multi-family zones following the Official Community Plan's Health District future land use designation.
9.	Principal and Secondary Uses in Institutional Zones	Fixed missing institutional uses like Child Care, Major principal use in the P2 zone, Food Primary Establishment secondary use in the P2 zone, and Emergency & Protective Services principal use in the P4 zone.
10.	Setback adjustment CA1 zone setbacks	Front & Flanking Side Yard setbacks for CA1 zone increased from 3.0 metres to 4.5 metres to align with the MF3 zone.
11.	Section 14.15 Site-Specific Regulation adjustments	Update the Site-Specific Regulation for Section 14.15 to align with recent Bylaw 8000 adoptions as well as coordinate the grandfathered short-term rental regulations for specific lots.
12.	Amend CD18 zone	<ul style="list-style-type: none"> • Allow short-term rental regulations as principal permitted use in Area 1 of CD18 as originally permitted under Bylaw 8000 and adjust CD18 short-term rental regulations to accommodate. • Add Stacked Townhouses as a permitted use to have consistent development regulations for all multi-family developments. • Delete maximum dwelling unit size for multi-family dwelling units to have consistent development regulations for all multi-family developments.

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No.	Area of Change	Additional Detail
		<ul style="list-style-type: none"> • Add Minimum Common and Private Amenity Space requirement to have consistent development regulations for all multi-family developments. • Add Home-Based Business Minor as a secondary use.
13.	Private and Common Amenity Space requirements	<ul style="list-style-type: none"> • Fixed a discrepancy between private and common amenity spaces rates between different urban development contexts. The new bylaw increased the rate of urban centre private and common amenity space requirements to match the rate outside urban centres. This amendment proposes to restore the different rates for private and common amenity space requirement for urban centre versus multi-family developments outside urban centres. In tight urban centre contexts with zero lot setback and tower designs there is less capacity (generally) to provide the space relative to mid-rise buildings. • Adjust the amenity space requirement for townhouse developments. Small scaled townhouse is to be treated similar to infill housing without a requirement. Medium scaled townhouses (11 to 20 units) shall have a slightly lower rate for amenity space requirement similar to urban centre developments while large townhouse developments (greater than 20 units) are to have the standard amenity space requirement.
14.	Minimum Townhouse Widths	Add a minimum townhouse width when not within walking distance to a Transit Supportive Corridor to ensure the best design practices are implemented for townhouse developments.

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Lydia Korolchuk, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule 'A': Proposed Text Amendments Part 2 of 3 to Zoning Bylaw No. 12375