

REPORT TO COUNCIL



Date: March 13, 2023
To: Council
From: City Manager
Department: Development Planning
Application: TA22-0014
Address: n/a
Subject: Text Amendment Application (1 of 3)
Owner: City of Kelowna
Applicant: City of Kelowna

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA22-0014 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 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 1 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 5 - Definitions & Interpretations, Section 6 – General Development Regulations, Section 7 – Site Layout, Section 8 – Parking & Loading, Section 9 – Specific Use Regulations, Section 10 – Agriculture & Rural Residential Zones, Section 11 – Single and Two Dwelling Zones, Section 12 – Mobile Home and Camping Zones, and Section 14 – Core Area & Other Zones.

3.0 Development Planning - Background

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 1 of 3)

In this report (Part 1 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 twenty themes.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes		
No.	Area of Change	Additional Detail
1.	Definition of Bedroom	Clarified language of what is and isn't bedroom to ensure parking calculations (which are based on the number of bedrooms) are accurate.
2.	Definition of Education Services	Clarified dwelling units are permissible if administered by the Education Service under this definition.
3.	Definition of Net Floor Area	Clarify that all garage types are excluded from Net Floor Area calculation.
4.	Definition of Landscape Area	Clarify Landscape Areas apply to flanking side yards.
5.	Definition of Mobile Home	Clarify that any deformation frame (not just steel) would be permitted as a Mobile Home.
6.	Definition of Residential Security Operator Unit	Simplified the definition and clarified the Residential Security Operator Unit cannot occur within a Single Detached Housing form.
7.	Definition of Sleeping Unit	Clarify that Sleeping Units may or may not contain cooking facilities (either full or partial facilities). This is to allow cooking facilities within supportive housing apartment rooms to encourage independent living.
8.	Density Bonus applicability	<ul style="list-style-type: none"> • Clarify rental / affordable housing bonus does not include the additional height bonus.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes		
No.	Area of Change	Additional Detail
		<ul style="list-style-type: none"> • Set a threshold for minimum number of units to qualify for the affordable housing bonus.
9.	Table 7.2 Tree & Landscape Planting Requirements	Update headers to apply to specific zones instead of general areas.
10.	Parking Spaces for Disabled	Change language to Universal Accessible Spaces
11.	Multiple Parking Tables adjusted	<ul style="list-style-type: none"> • Deleted Table 8.3.6 Community, Recreational, and Cultural Table. • The commercial, industrial, and institutional tables were altered to align with the updated permitted and secondary land uses identified within each zone category. • MF1 minimum drive aisles reduced but minimum parking stall size increased when lot has no access to a lane. • Increased tandem requirement to require two regular stall size. • Increase the percentage where regular sized parking stalls are required versus small sized parking stalls.
12.	Minimum Loading Table adjusted	Updated the minimum loading table to align with updated zoning categories.
13.	Minimum Bicycle Table adjusted	<ul style="list-style-type: none"> • Added clarity of supportive housing units and student residences. • Added stacked townhouses to the townhouse category. • Adjusted the commercial and institutional types of development to align with new updated zoning categories.
14.	Section 9.11 Tall Building Regulations	Delete the maximum 4 storeys podium limit as 5 storeys is possible within the 16 metre maximum podium height limit. The 16-metre podium height limit remains.
15.	Added Section 9.12 Transportation Corridor	Add setbacks, fencing, & gates in fencing regulations for lots fronting the Rail Trail Corridor.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes		
No.	Area of Change	Additional Detail
16.	Amended Carriage House Regulations	<ul style="list-style-type: none"> • Added 0.3 metres to permitted height of two storey carriage houses to accommodate the change in half storey definition. Also added additional height for flat roof carriage houses. These height adjustments are recommended to follow standard floor to ceiling building code height requirements. • Eliminate unnecessary carriage house maximum building footprint regulation when carriage houses are regulated through maximum gross floor area. • Permit single storey carriage houses within the OCP's Suburban Residential (S-RES) future land use designations.
17.	Updates to Section 14.8 Core Area and Other Zones	Added sub-zone purposes.
18.	Updates to Child Care Centre, Major in Single Family zones	Switched from secondary use to principal use with the childcare sub-zones.
19.	Animal Clinics within the A1 zone	Kennels and overnight boarding of animals are currently permitted on agriculture land. Including animal clinics as a permitted use will allow animal day-care operations, many of which already exist on agriculture land.

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 1 of 3 to Zoning Bylaw No. 12375