

REPORT TO COUNCIL TEXT AMENDMENTS



Date: November 6, 2023
To: Council
From: City Manager
Address: n/a
File No.: TA23-0010

1.0 Recommendation

THAT Zoning Bylaw Text Amendment application No. TA23-0010 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated November 6, 2023, 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 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 is to make improvements to following sections of Zoning Bylaw No. 12375: Section 3 – Enforcement Prohibitions, Section 5 - Definitions & Interpretations, 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 13 – Multi-Dwelling Zones, Section 14 – Core Area & Other Zones, and Section 15 – Comprehensive Development Zones.

3.0 Development Planning

Zoning Bylaw No. 12375 was adopted September 26th 2022. Following Official Community Plan policies and commitments to continuously improve and adapt the Zoning Bylaw, Staff are presenting a series of minor amendments for Council's review. It has been a year working with the Zoning Bylaw and Staff, development industry, and the public have identified revisions.

This is the first of three Council reports and will consider text amendment improvements within the Zoning Bylaw. The other two Council reports will address mapping errors and cleanups, one for the Zoning Bylaw and the other for the Official Community Plan. Staff have focused on relatively minor amendments as there are several larger Zoning Bylaw amendment projects that will require separate Council reports, such as: infill housing, RU₄ with duplexes and suites, short-term rentals, minimum landscaping relative to tree protection, parking review, and density bonusing review.

In this report, several 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.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes		
No.	Area of Change	Additional Detail
1.	Commercial vehicle weight on residential lots, restriction of the number of commercial vehicles on residential lots, and updating the definition of Fleet Services.	Change to the vehicle weights and the number of vehicles that can be stored on residential properties. The change is to increase the allowable commercial vehicle weight to match the same weight that RVs are allowed to be stored on residential lots. The other change is to limit the commercial vehicles on a single family lot to two where there currently is no limit. This change is coordinated with updating the definition of Fleet Services to define a fleet as 3 or more vehicles.
2.	Definition of Dwelling	Eliminate the limitation of one wet bar per dwelling to allow for home design flexibility.
3.	Definition of Temporary Moorage	Adjust Temporary Moorage definition to align with enforcement efforts and recent caselaw from no more than 24 hours to no more than 48 hours.
4.	Definition of Temporary Shelter Services	Adjust definition to include supportive housing as an ancillary use as long as the majority of the gross floor area is used for temporary shelter services.
5.	Adjust floorplate, stepback, and tower separation regulations within the Tall Building section.	Clarify the floorplate regulation applies to the tower above the sixth storey. Clarify the 3 metre stepbacks apply to all building forms above the podium. Clarify the tower separation regulation applies to the whole tower.
6.	Minor changes to Riparian Management Areas versus Environmentally Sensitive Areas terminology.	Changes made to reflect recent updates to development permit procedures for the protection of trees and align the text to match best practices for environmentally sensitive area protection, as an objective of the 2040 OCP.
7.	Change pre-amble language for the parking regulation regarding size and ratio	The intention of this regulation is to apply to all onsite parking spaces and all onsite parking lots, not just the ones that are 'required'.
8.	Change minimum size of parking space abutting a lane	This change is to ensure small parking spaces are not perpendicularly abutting lanes. Small parking spaces compromise the functionality of those lanes with larger vehicles overhanging into the lanes.
9.	Adjust MF1 parking rate	The intended language was to allow the MF1 zone one stall per unit for the first four units. The current wording is unclear in those intentions.
10.	Delete commercial loading space requirement for Child Care, Major.	Deleting the loading stall requirement Child Care Centre, Major uses as it is unnecessary as child care facilities do not need large loading facilities.

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No.	Area of Change	Additional Detail
11.	Change Home Based Business client restriction from 'on any given day' to 'at any given time'	Council approved a business license at 145 Summer Woods Drive on March 20 th 2023 to facilitate the proposed Home based business. Staff are recommending the change in order to apply the maximum number of client visits to all minor Home Based-Businesses.
12.	Adjust the maximum accessory building footprint regulation for agricultural, rural residential, and single-family zones.	Clarify the maximum footprint for accessory building regulation is applied per building, not applied to the total of all accessory buildings.
13.	Adjust minimum front yard setback for single family dwellings within a S-MU – Suburban Multiple Unit future land use designation	The original reason for this regulation was to honour the hillside sub-zone setbacks, however, it was assumed that there was no single family zoned lots within a S-MU Suburban Multiple Unit future land use designation which was incorrect. Therefore, the effective hillside setbacks should apply to all single family lots including ones with a S-MU Suburban Multiple Unit future land use designation.
14.	Change minimum Private and Common Amenity Space requirement for fee simple townhomes	In fee simple situations there is no strata to manage any common assets, therefore, there should be no requirement for common amenity space. Further, to clarify that a development can provide more than 4.0 m ² per dwelling unit of the Common and Private Amenity Space requirement.
15.	Adjust the MF1 density calculation	Clarify that double fronting lots were intended to be within the 0.8 FAR category.
16.	Adjust the maximum height regulation for apartment buildings within a hillside context.	Add an exemption to exclude the entrance / exit of a parkade from being included in the height calculation.
17.	Within urban centres add Single Detached Housing as a Principal Use and add Secondary Suites as a secondary use but only for single family dwellings.	This change will allow homeowners to do additions or rebuilds if they choose.
18.	Add Apartment Housing as a Secondary Use to the P ₁ – Major Institutional zone and the P ₂ – Education and Minor Institutional zone	Adding Apartment Housing as a secondary use to the P ₁ and P ₂ zones will help facilitate housing projects that are related to the existing institutional uses on site.

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No.	Area of Change	Additional Detail
19.	Adjust building stepback regulation to only apply to mid-rise buildings and to apply within the urban centres.	This adjustment to building stepbacks will ensure consistency and fairness in mid-rise development regulations across various zones.
20.	Delete remaining half storey regulation identified in Section 14.11	Half storeys are no longer a defined term within this Zoning Bylaw.
21.	Change '1 acre' lot size in the urban plaza regulation to '4,000 m ² '	Change all imperial measurements to metric
22.	Fix the ^{.6} footnote in the CD18 zone addressing minimum common and private amenity space requirements	Footnote ^{.6} is stated in the table but is missing within the footnote text. This change is to ensure the standard language for common and private amenity space regulation is within the table.

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Lydia Korolchuk, Acting Supervisor Urban Planning
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion by: Ryan Smith, Divisional Director, Planning, Climate Sustainability & Development Services

Attachments:

Schedule 'A': Proposed Text Amendments Part 1 of 3 to Zoning Bylaw No. 12375