

CITY OF KELOWNA
BYLAW NO. 12594
TA23-0010 – Content Changes

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 12375".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 3 – Enforcement, Section 3.3 – Prohibitions, Section 3.3.7** be deleted in its entirety and replaced with Section 3.3.7 outlined in **Schedule A** as attached to and forming part of this bylaw;
2. AND THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, DWELLING** be amended by deleting "One **wet bar** is permitted within a dwelling." and replacing it with "Wet bars are permitted.";
3. AND THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, FLEET SERVICES** be amended as follows:
 - a) Adding "(three or more)" after "using a fleet of vehicles", and
 - b) Deleting "This does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kilograms.";
4. AND THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, MOORAGE, TEMPORARY** be amended by deleting "of less than 24 hours." and replacing it with the following:

"while directly engaging in the active recreational use of the boat or other vessel, for a period not exceeding 48 hours.";
5. AND THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, SUPPORTIVE HOUSING** be amended by adding the following after "townhouse building form.":

"Supportive Housing can occur within a Single Detached Housing, Duplex Housing, or Semi-Detached Housing provided there are no more than 12 persons who are in care and that the housing is operated by a provincial agency. The layout of the home must remain a single housekeeping group and use a common kitchen.";

6. AND THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions, TEMPORARY SHELTER SERVICES** be amended by adding the following before “Typical uses include”:

“This use includes an ancillary supportive housing use if the majority of the gross floor area is used for temporary shelter services.”;

7. AND THAT **Section 7 – Site Layout, Section 7.2 – Landscaping Standards, 7.2.5** be amended as follows:

Deleting the following:

“ where **Riparian Management Areas** are required along stream corridors in accordance with the **Official Community Plan**, the land and vegetation shall remain undisturbed. In the case of **Riparian Management Areas** along Okanagan Lake, land is to remain in its natural condition or be landscaped in a manner that either enhances conditions for **fish** and wildlife or maintains conditions equivalent to those that would have existed had no **development** occurred. **Retaining walls** along the Okanagan Lake waterfront are permitted under the terms of a development permit where required to protect lakefront property. All site layout and **landscaping** provisions must be consistent with the riparian requirements outlined in the **Official Community Plan.**”

And replacing it with:

“wherever Environmentally Sensitive Areas (as defined in the OCP) or Natural Hazard Areas (as defined in the OCP) are located, then the land and vegetation shall remain undisturbed or be restored (as described in the OCP). Riparian Management Areas (as defined by the OCP) must remain in its natural condition or be restored in a manner that either enhances conditions for fish and wildlife or maintains conditions equivalent to those that would have existed had no development occurred.”;

8. AND THAT **Section 7 – Site Layout, Section 7.2 – Landscaping Standards, 7.2.6** be amended as follows:

- a) Adding “and protection measures” after “concurrently with erosion control”, and
- b) Adding “, including vegetation” after “siltation of natural areas”;

9. AND THAT **Section 7 – Site Layout, Section 7.2 – Landscaping Standards, 7.2.9** be amended by deleting “native” after “Where the retention of”;

10. AND THAT **Section 7 – Site Layout, Section 7.2 – Landscaping Standards, 7.2.9** be amended as follows:

Deleting the following:

“registered professional landscape architect or registered professional forester”

And replacing it with:

“qualified professional, such as a certified arborist or Landscape Architect,”;

11. AND THAT **Section 8 – Parking and Loading, Section 8.2 – Parking Setbacks, 8.2.7** be amended by deleting “required” before “off-street parking space”;
12. AND THAT **Section 8 – Parking and Loading, Section 8.2 – Parking Setbacks, Table 8.2.7.b Ratio of Parking Space Sizes, FOOTNOTE 4** be amended by deleting the “.” after “abuts a doorway” and replacing it with “or when a surface parking space abuts a lane perpendicularly.”;
13. AND THAT **Section 8 – Parking and Loading, Section 8.3 – Required Off-Street Parking Requirements, Table 8.3.1 Residential Multi-Dwelling Parking, FOOTNOTE 4** be amended as follows:

Deleting the following:

“The parking rate identified above applies to MF1 lots with five dwelling units or more.”

And replacing it with:

“The parking rate for MF1 lots (identified above) applies to the fifth dwelling unit and any more dwelling units.”;

14. AND THAT **Section 8 – Parking and Loading, Section 8.4 – Off-Street Loading, Table 8.4 – Minimum Loading Requirement** be deleted in its entirety and replaced with Table 8.4 outlined in **Schedule B** as attached to and forming part of this bylaw;
15. AND THAT **Section 9 – Specific Use Regulations, Section 9.2 – Home Based Businesses, Section 9.2 – Home Based Business Regulations, Maximum Number of Clients / Visitors, Minor** be amended by deleting “on any given day” and replacing it with “at any given time.”;
16. AND THAT **Section 9 – Specific Use Regulations, Section 9.11 – Tall Building Regulations, Table 9.11 – Tall Building Regulations** be deleted in its entirety and replaced with Table 9.11 outlined in **Schedule C** as attached to and forming part of this bylaw;
17. AND THAT **Section 10 – Agriculture & Rural Zones, Section 10.5 – A1 Agricultural and Development Regulations, Non-Agricultural Accessory Buildings or Structures, Max Gross Floor Area** be amended by adding “per building” after “130 m²”;

18. AND THAT **Section 10 – Agriculture & Rural Zones, Section 10.6 – Development Regulations, Criteria** be amended by deleting “**Max. Building Footprint for Accessory Buildings or Structures**” and replacing it with “Max. Building Footprint per Accessory Building or Structure”;

19. AND THAT **Section 11 – Single and Two Dwelling Zones, Section 11.5 – Development Regulations** be amended by deleting “**Max. Building Footprint for Accessory Buildings / Structures**” and replacing it with “Max. Building Footprint per Accessory Building or Structure”;

20. AND THAT **Section 11 – Single and Two Dwelling Zones, Section 11.5 – Development Regulations, FOOTNOTE ⁷** be amended as follows:

Deleting the following:

“the Suburban Residential S-RES”

And replacing it with:

“a S-RES - Suburban Residential or a S-MU – Suburban Multiple Unit”;

21. AND THAT **Section 13 – Multi- Dwelling Zones, Section 13.5 – Development Regulations, FOOTNOTE ⁹** be amended as follows:

- a) Adding “A minimum of” before “4.0 m² per **dwelling unit**”, and
- b) Adding “Common amenity space is not required for fee simple townhouses.” after “required setback areas.”;

22. AND THAT **Section 13 – Multi- Dwelling Zones, Section 13.6 – Density and Height Development Regulations, Max Base Density, MF1** be amended as follows:

Deleting the following:

“0.8 FAR with lane
0.6 FAR without a lane”

And replacing it with:

“0.8 FAR for double fronting lots and lots with a lane or
0.6 FAR for lots without a lane”;

23. AND THAT **Section 13 – Multi- Dwelling Zones, Section 13.6 – Density and Height Development Regulations, FOOTNOTE ¹⁴** be amended by adding the following before “The base height is”:

“If a parkade entrance / exit has a lower finished grade than the surrounding area then this portion of the parkade can be excluded from height calculations.”;

24. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses** be amended as follows:

- a) Inserting a row for “Single Detached Housing” under the “Secondary Suite” row,
- b) Adding “P” to the “Single Detached Housing” row under “UC1”, under “UC2”, under “UC3”, under “UC4”, and under “UC5”, and
- c) Adding “-” to the “Single Detached Housing” row under “C1”, under “C2”, under “CA1”, under “VC1”, under “I1”, under “I2”, under “I3”, under “I4”, under “P1”, under “P2”, under “P3”, under “P4”, under “P5”, under “HD1”, under “W1”, and under “W2”;

25. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses, Secondary Suite** be amended by deleting “-” under “UC1”, under “UC2”, under “UC3”, under “UC4”, and under “UC5” and replacing it with “S ¹⁵”;

26. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses, Apartment Housing, Apartment Housing** be amended by deleting “-” under “P1” and under “P2” and replacing it with “S”;

27. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses** be amended by adding the following FOOTNOTE in its appropriate location:

¹⁵ Secondary suites are only permitted within Single Detached Housing.”;

28. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, Min. Building Stepback from Front Yard and Flanking Side Yard** be amended by deleting “n/a” under “UC1”, under “UC2”, under “UC3”, under “UC4”, and under “UC5” and replacing it with “30.0 m ¹⁴”;

29. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, Corner Lots** be amended by deleting the “.5” after “For any building greater than 18.0 m or 4”;

30. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, Urban Plazas** be amended by deleting “1 acre” and replacing it with “4,000 m²”;

31. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, FOOTNOTE ¹¹** be amended by adding “A minimum of” before “4.0 m² per dwelling unit”;

32. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, FOOTNOTE ¹⁴** be amended as follows:

Deleting the following:

“Minimum building setbacks apply only to buildings five (5) storeys and taller.”

And replacing it with:

“Minimum building setbacks apply only to buildings that are at least five (5) storeys and not taller than 12 storeys.”;

33. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.3 – CD17 – High Density Mixed Use Commercial, Section 15.3.5 – CD17 Development Regulations, FOOTNOTE ³** be amended by adding “A minimum of” before “4.0 m² per dwelling unit”;

34. AND THAT **Section 15 – Comprehensive Development Zones, Section 15.4 – CD18 – McKinley Beach Resort, Section 15.4.5 – CD18 Development Regulations** be amended by adding the following FOOTNOTE in its appropriate location:

“⁶A minimum of 4.0 m² per dwelling unit of the Common and Private Amenity Space shall be configured as common area that is accessible to all residents and must not be located within the required setback areas.”;

35. AND FURTHER THAT **Section 13 – Multi-Dwelling Zones, Section 13.2 – Sub-Zone Purposes, Sub-Zone** be amended as follows:

- a) Deleting “with” after “MF1r – Infill Housing”,
- b) Deleting “with” after “MF2r – Townhouse Housing”, and
- c) Deleting “with” after “MF3r – Apartment Housing”;

36. 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 6th day of November 2023.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule A

3.3.7 No owner, lessee, tenant, or person shall:

- (a) park or store a commercial vehicle or a recreational vehicle in excess of 5,500 kilograms. licensed gross vehicle weight on a lot in a residential zone;
- (b) permit a motor vehicle in a state of disrepair or derelict for more than 30 days on a lot in a residential zone;
- (c) park or store more than two commercial vehicles on a lot in a single & two dwelling zone.
- (d) park or store more than two recreational vehicles outdoors on a lot in a rural residential zone, single & two dwelling zone, or in an agricultural zone;
- (e) place or install a flammable / combustible liquid storage container exceeding 205 litres on a lot in a residential zone;
- (f) fail to deflect lighting away from adjacent property as required by Section 6;
- (g) conduct a use in a zone where the use is not listed as a principal or secondary use in the zone;
- (h) permit occupancy of and / or to occupy a secondary dwelling unit which is not a permitted principal or secondary use in the zone; and
- (i) place or store construction materials on a lot in a residential zone without an active building permit on the lot unless the construction material is limited in scale and is used for personal use.

Schedule B

Table 8.4 – Minimum Loading Requirement

GFA = gross floor area
m² = square metres

Type of Development (Use)	Required Loading Spaces
Commercial Uses	1 per 1,900 m ² GFA
Hotels / Motels	1 per 2,800 m ² GFA
Industrial Uses	1 per 1,900 m ² GFA
Institutional Uses	1 per 2,800 m ² GFA

Schedule C

Table 9.11 – Tall Building Regulations	
m = metres / m ² = square metres	
Criteria	Regulation (GFA = Gross Floor Area)
Minimum amount of transparent glazing on first floor frontage façade	75% for commercial frontage n/a for residential frontage
Minimum depth of any commercial unit fronting a street	6 m
Minimum setback for each corner lot applied only to the first storey	There shall be a triangular setback 4.5 m long abutting along the lot lines that meet at each corner of an intersection. Within the volumetric 4.5 m triangular setback there shall be no buildings or structural columns are permitted. See visual example figure 9.11.1.
Podium height (maximum)	16 m
Podium rooftop	The rooftop of the podium shall not be used for parking and there shall be no parking spaces within the parkade that do not have an overhead roof for weather protection.
Parking Restriction	No parking is permitted above 16 metres from finished grade.
Minimum tower separation from another tower measured from exterior face of the tower .	30 m
Maximum floor plate above the sixth storey. ^{.1}	<ul style="list-style-type: none"> a) 750 m² GFA for residential use b) 850 m² GFA for hotel use c) 930 m² GFA for office and/or commercial uses
Minimum stepback above podium (including balconies)	3 m
Barrier free accessibility	Every building shall have front entrance at finished grade on the front and/or flanking street. The main residential entrance and exit shall and all commercial spaces shall provide barrier free accessibility to the nearest sidewalk.
FOOTNOTES (Table 9.11.):	
^{.1} The floorplate is the gross floor area per floor of interior space and excludes all exterior spaces such as decks, patios, balconies , etc.)	