

CITY OF KELOWNA
BYLAW NO. 11082
TA14-0001 - Amendment to Section 15-Industrial Zones

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 City of Kelowna Zoning Bylaw No. 8000, **Section 15 - Industrial Zones, 15.6 I6 - Low-Impact Transitional Industrial (Liquor Primary)** be amended by:
 - a) Adding to **15.6.1 Purpose**, after the first sentence the following: "Uses should be primarily indoors, with limited outdoor storage behind extensive buffering or screening.";
 - b) Adding in its appropriate location to **15.6.2 Principal Uses "Business Support Services"** and **"Outdoor Storage"** and renumber subsequent sub-paragraphs;
 - c) Deleting from **15.6.2 Principal Uses "Food Primary Establishment"** and **"Liquor Primary Establishment, minor"** and renumber subsequent sub-paragraphs;
 - d) Adding to **15.6.3 Secondary Uses** a new sub-paragraph "d) **secondary suite within single dwelling housing**" in its appropriate location;
 - e) Deleing **15.6.5 Development Regulations**, in its entirety that reads:
 - a) The maximum **floor area ratio** is 1.0.
 - b) The maximum **site coverage** is 60% including **buildings**, driveways and parking areas.
 - c) The maximum **height** is as follows:
 - Lesser of 2 ½ **storeys** or 9.5 m for residential **buildings** and **structures**.
 - Lesser of 3 **storeys** or 14.0 m for industrial **buildings** and **structures**.
 - d) The minimum **front yards** are as follows:
 - 4.5 m for all **buildings** and **structures**.
 - 9.0 m from a garage or **carport** having vehicular entry from the front.
 - 6.0 m for portions of industrial **buildings** and **structures** greater than two **storeys** or 9.5 m in **height**.
 - e) The minimum **side yards** are as follows:
 - 3.0 m for residential **buildings** and **structures**.
 - 0.0 m for industrial **buildings** and **structures**, except when adjacent to a residential land use it is 3.0 m for a one **storey** industrial **building** or **structure** (not to exceed 4.5 m in **height**) and 7.5 m for industrial **buildings** and **structures** greater than one **storey** in **height**.
 - In all cases, not less than 4.5 m from a **flanking street**.
 - f) The minimum **rear yards** are as follows:
 - 7.5 m for residential **buildings** and **structures**.
 - 0.0 m for industrial **buildings** and **structures**, except when adjacent to a residential land use it is 30.0 m"

And replace it with a new **15.6.5 Development Regulations** that reads:

- "a) The maximum **site coverage** is 50%.
- b) The maximum **height** is as follows:
- Lesser of 2 ½ storeys or 9.5 m for residential **buildings and structures**
 - Lesser of 2 ½ storeys or 9.5 m for industrial **buildings and structures**.
 - No more than 4.8 m for **accessory buildings or structures**.
- c) The minimum **front yards** are as follows:
- 4.5 m for all **buildings and structures**.
 - 6.0 m from a garage or **carport** having vehicular entry from the front.
- d) The minimum **side yards** are as follows:
- 3.0 m for residential **buildings and structures**.
 - 4.5 m for industrial **buildings and structures**, except it is:
 - 7.5 m where the side yard is adjacent to a non-industrial future land use designation.
- e) The minimum **rear yards** are as follows:
- 7.5 m for residential **buildings and structures**.
 - 7.5 m for industrial **buildings and structures**, except it is:
 - 30.0 m where the **rear yard** is adjacent to a non-industrial future land use designation."
- f) Deleing **15.6.6 Other Regulations** sub-paragraph c) in its entirety that reads "Drive in food services are not a permitted form of development."
- g) Deleing **15.6.7 Building massing and design** in its entirety that reads:

"15.6.7 Building massing and design

- a) **Buildings** shall be oriented to prominently address the **street** and shall include **street**-facing, human-scale elements including windows and identifiable pedestrian entrance doors. Glazing on the principal façade should amount to not less than 30% of the total façade.
- b) Façade design should incorporate elements and style from commercial and/or residential **buildings**, as opposed to purely industrial/utilitarian design.
- c) Front façade design should promote no more than a two **storey** presence. Higher portions of the building should be set back and finished with different colour(s) and/or material(s) that the first two **storeys**.
- d) Where new industrial **development** is occurring adjacent to residential uses, window openings shall be placed to reduce the opportunity for overlook and should be offset in plan from residential windows.
- e) Unfinished concrete block shall not be used as an exterior building material for principal facades or when the façade faces a residential land use.

- f) Rooftop screening of mechanical and electrical equipment shall be provided using materials consistent with the treatment of principal facades.
- g) When loading doors occur on **street** facing facades they shall be set back from the main building plane and articulated in a manner that compliments the **building** façade.
- h) Signage shall be limited to discrete sign band areas on the building and/or low level free standing signage areas incorporated into the **front yard landscaping**. Large areas of signage shall not dominate the front façade of the building.”

h) Deleing **15.6.8 Light, noise, dust, odour and emissions** in its entirety that reads:

“15.6.8 Light, noise, dust, odour and emissions

- a) Energy efficient light sources (e.g. LED) and energy sources (e.g. solar) are encouraged.
- b) All lighting shall be oriented such that it faces into the **site**, is downward directional, and is constructed at the lowest elevation practical for the intended application so as to minimize light trespass onto neighbouring properties.
- c) All activities resulting in dust, odour, noise or other emissions must take place inside a **structure** designed to contain said emission. **Building** ventilation must adequately remove/filter the emission (e.g. dust or odour) and not simply expel it from the building.
- d) Tall, broadcast or flood light sources are not permitted.
- e) Outdoor paging or sound broadcast systems are not permitted.”

i) Deleing **15.6.9 Landscaping, buffering and parking** in its entirety that reads:

“15.6.9 Landscaping, buffering and parking

- a) Parking within the **front yard** shall be limited to customer and visitor parking only; all other parking should be provided elsewhere on site.
- b) Permeable or alternate paving surface treatments are encouraged for light duty parking areas (e.g. customer or visitor parking). Swales and bio-filtering are encouraged to be incorporated into **landscaping** adjacent to parking areas in order to aid storm water infiltration.
- c) **Landscape** materials shall be drought tolerant and appropriate for the Okanagan climate. Rain water capture and re-use for irrigation is encouraged.
- d) **Fencing** (in addition to **landscaping**) shall be installed on all property boundaries adjacent to residential use. All installed **fencing** shall be opaque except for decorative fencing in a front yard.
- e) Where new industrial **development** is occurring adjacent to residential land uses, the interface shall be site planned, designed, and **landscaped** to promote privacy for the residential land use.

And replace it with a new **15.6.9 Landscaping, buffering and parking** that reads:

"a) No parking shall be permitted:

- in the **front yard** except visitor and residential parking;
- in required **side yards**;
- in the **rear yard** within 7.5m of an adjacent non industrial future land use designation."

j) Deleing **15.6.10 Landscaping, buffering and parking** in its entirety that reads:

"15.6.10 Outdoor storage and display

- Outdoor storage ancillary** to a permitted use is not permitted in the **front yard**, or within the minimum **side and rear yard** setbacks (but may be accommodated in the **side and rear yards** when located beyond the minimum setback).
- All **outdoor storage** shall be screened from view of any **street** or adjoining property utilizing opaque **fencing** and **landscaping** materials which are consistent with the overall **site development**.
- Outdoor storage** shall be consolidated into a single area per **lot**.
- Outdoor storage ancillary** to a permitted use shall not exceed in area the **building** area used by the **business** on the property to perform its operations.
- There shall be no **outdoor storage** of toxic, noxious, explosive, odorous or radioactive materials.
- Materials in **outdoor storage** shall be associated with the principal use located on the site, and there shall be no **outdoor storage** of unrelated materials.
- Illumination of **outdoor storage** areas shall be such that light falling onto abutting properties is minimized.
- Outdoor display or sales, or **non-accessory parking**, shall not encroach into **landscaped** areas.
- Equipment or vehicles in an outdoor display or sales, or **non-accessory parking**, shall not be in a state of disrepair.
- Lighting of outdoor display areas shall not include broadcast light fixtures but rather directional lighting specific to the display items."

And replace it with a new **15.6.10 Outdoor storage and display** that reads:

"15.6.10 Outdoor storage and display

- No outdoor storage is permitted in the front yard or in required side or rear yard setbacks.
- All **outdoor storage** shall be screened from view of any **street** or adjoining property utilizing opaque **fencing** and **landscaping** materials which are consistent with the overall **site development**.
- Outdoor storage** shall be consolidated into a single area per **lot**.

d) Outdoor display or sales, or **non-accessory parking**, shall not encroach into landscaped areas.”

2. 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 13th day of April, 2015.

Considered at a Public Hearing on the 28th day of April, 2015.

Read a second and third time by the Municipal Council this 28th day of April, 2015.

Approved under the Transportation Act this 22nd day of September, 2015.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk