

REPORT TO COUNCIL TEXT AMENDMENTS



Date: July 22nd, 2024
To: Council
From: City Manager
Address: n/a
File No.: TA24-0009

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA24-0009 to amend City of Kelowna Zoning Bylaw No. 12375 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated July 22nd 2024, 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

To amend the following sections of Zoning Bylaw No. 12375: Section 5 - Definitions & Interpretations, Section 5 - Definitions - Short-Term Rental Accommodation, Section 6 – General Development Regulations, Section 7 – Site Layout, Section 8 – Parking & Loading, Section 10 – Agriculture & Rural Residential Zones, Section 13 – Multi-Dwelling Zones, and Section 14 – Core Area & Other Zones.

3.0 Development Planning

Staff have committed to continual improvements to the Zoning Bylaw as priorities evolve and challenges arise. Staff are presenting a series of minor amendments for Council's review. Concurrently, Staff are working on two other Zoning Bylaw amendment projects. The first project is a Section 8 Parking review. Council's priority of increasing affordable housing supply, the requirements of the federal Housing Accelerator Fund (HAF), and adoption of the provincial Transit Oriented Areas (TOA) legislation have necessitated a review of our parking bylaw. For example, the application of the current cash-in-lieu parking policy acts as a financial disincentive for multi-family housing in Urban Centres where the OCP directs increased residential density to support transit nodes and corridors. The second project is a more comprehensive landscape section review, to be implemented as an outcome from the City's Sustainable Urban Forest Strategy. This will improve coordination of on-site landscaping requirements with updated off-site landscape provisions within the Subdivision and Servicing Bylaw 7900 updates.

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. The executive summary is organized into eight categories.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes

No.		Area of Change	Additional Detail
1.	Section 5 Definitions & Interpretations	Updates to: a) Front Lot Line b) Stepback c) Building Envelope Area d) Common & Private Amenity Space e) Short-Term Rental Accommodation	a) Alter Front Lot Line definition to apply to bareland strata lots. b) Amend Stepback definition to allow eaves to project within the area. c) Update Building Envelope Area definition to capture all legal restrictions such as easements & rights-of-way. d) Amend the definition of Common & Private Amenity Space to exclude lobbies. e) Change Short-Term Rental Accommodation definition to align with provincial legislation of less than 90 consecutive days.
2.	Section 6 – General Development Regulations	Updates to: a) Swimming Pool Regulations	a) Amend location and setback swimming pool regulations to add the term flanking side yards to capture corner lot situations.
3.	Section 7 – Site Layout (Landscaping)	Updates to: a) Definitions b) Soil Volumes c) Reorganize table d) Overhead power lines e) Add MF ₄ to Landscape Regulation table f) Adjust setback from tree to building	a) Replace 'Growing Medium' definition with 'Soil Volume' definition. Replace 'Growing Medium Area' definition with 'Soft Landscaping' definition. Add definition of infill housing to allocate landscape requirements to that specific development form. b) Adjust soil volumes to fit better in tight urban environments while maintaining adequate volumes for healthy trees. c) Reorganize the table format for increased clarity and fewer footnotes. d) Expand the overhead power lines provision to all development. e) Clarify which landscape requirements apply to various MF ₄ developments. f) Adjust the setback above the second storey to remove the step forward as this will allow for full canopy growth and light exposure over time.
4.	Section 7 – Site Layout (Fencing and Retaining Walls)	Updates to: a) Formatting b) Fences on top of or beside retaining walls c) Retaining walls	a) Simplify and reorganize section into two separate sections (Fencing & Retaining Walls). b) Clarify the intended height of a fence on top of or beside a retaining wall or steep slope. c) Rewrite retaining wall section for increased clarity of maximum retaining wall height and clarify when a professional engineer is required.

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No.		Area of Change	Additional Detail
5.	Section 8 – Parking & Loading	Updates to: a) Drive Aisles b) Universal Accessible Parking c) Tandem Parking d) Rutland Transit Oriented Area	d) Clarify the one-way drive aisle width is 5.5 metres when adjacent parking is 60 degrees <u>or greater</u> . e) Clarify that universal accessible parking is to be triggered with MF2, not MF1 developments. f) Clarify that tandem parking is not to be used between principal dwelling units and to allow tandem parking for Child Care Centre, Major with the principal dwelling. g) The original Transit Oriented Area map missed one property (165 Dougall Rd S).
6.	Section 10 – Agriculture & Rural Residential Zones	Updates to: a) Mobile Home in A1 b) Single Detached Dwelling in A1, A2, RR1, & RR2 c) Bed & Breakfast	a) Clarify the footnote that only 1 mobile home is permitted per lot within the A1 zone. b) Add a footnote to ensure only one single detached dwelling is permitted per lot with the A1, A2, RR1, & RR2 zones. c) Amend footnote to provide consistent bed & breakfast regulations across zones that allow bed & breakfast homes only if one unit exists on the lot.
7.	Section 13 – Multi-Dwelling Zones	Updates to: a) Child Care Centre, Major b) MF1 Side Yard Setbacks c) Parkade entrance / exit height exclusion	a) Change Child Care Centre, Major from Secondary use to Principal use to be consistent with childcare regulations throughout the City. b) Change MF1 side setback from 1.8m to 1.2m for garages or carports to help accommodate necessary parking onsite. c) Add an exclusion for parkade entrances / exits as the overall height regulation will remain intact.
8.	Section 14 – Core Area & Other Zones	Updates to: a) Office & Apartment use in the C1 & C2 zone b) Urban Centre side yard setbacks c) Lots with Parks designation with a Transit Oriented Area d) Parkade entrance / exit height exclusion	a) Clarify the definition that these uses cannot occur on the ground floor but can occur on floors above the ground floor. b) Add Suburban Future Land Use designations to the list of adjacent lots. c) Comply with the provincial Transit Oriented Areas legislation with regards to height and density on designated lots, including lots with a park designation d) Add an exclusion for parkade entrances / exits as the overall height regulation will remain intact.

Table 3.1 Executive Summary of Schedule 'A' Recommended Content Changes			
No.		Area of Change	Additional Detail

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion by: Ryan Smith, Divisional Director, Planning, Climate Sustainability & Development Services

Attachments:

Schedule 'A': Proposed Text Amendments to Zoning Bylaw No. 12375

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.