

CITY OF KELOWNA
BYLAW NO. 12682
TA24-0009 – Updates to Various Sections

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 that City of Kelowna Zoning Bylaw No. 12375 be amended as follows:

1. THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, BUILDING ENVELOPE AREA** be amended by adding ", or easements & statutory rights-of-way" after "or geotechnical purposes";
2. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, COMMON AND PRIVATE AMENITY SPACE** be amended by adding "exclusively" before "for the recreational use of the residents";
3. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, GROWING MEDIUM** be deleted in its entirety;
4. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions** be amended by adding the following in its appropriate location:

"INFill HOUSING means any form of development on a lot within the C-NHD - Core Area Neighbourhood or the S-RES – Suburban Residential future land use designation outlined within the OCP that contains or will contain three to six dwelling units and / or any form of development on a MF1, MF4, RU1, RU2, or RU3 zoned lot that contains or will contain three to six dwelling units.";
5. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, LOT LINE, FRONT – URBAN AND RURAL RESIDENTIAL** be amended by adding "or bareland strata road" after "a lot line separating the lot from the street";
6. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, SHORT-TERM RENTAL ACCOMMODATION** be amended by deleting "29 days or less" and replacing it with "time of less than 90 consecutive days";
7. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions** be amended by adding the following in its appropriate location:

"SOFT LANDSCAPING means soil-based groundcover within the landscape area, including landscaping with a minimum 150mm of growing medium and plants including natural turf, ground covers such as perennials and grasses, shrubs and trees. Soft landscaping does not

include areas without growing medium and plant materials such as areas that are predominately rock, artificial turf, rubberized surfacing or hard surfacing such as but not limited to pavers.”;

8. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions** be amended by adding the following in its appropriate location:

“**SOIL VOLUME** means the growing medium material that plants grow in. The growing medium shall follow the standards identified in the Canadian Landscape Standard (CLS).”;

9. AND THAT **Section 5 – Definitions & Interpretations, 5.3 – General Definitions, STEPBACK** be amended as follows:

- a) By adding “, measured from the face of the building wall,” after “recessing of the building façade”, and
- b) By adding “Eaves can project into the stepback no greater than 0.6 meters.” after “requiring to meet the stepback.”;

10. AND THAT **Section 6 – General Development Regulations, 6.1 – Swimming Pools, 6.1.1** be amended by adding “or flanking side yard” after “a required front yard”;

11. AND THAT **Section 6 – General Development Regulations, 6.1 – Swimming Pools, 6.1.3** be amended by adding “or flanking side yard” after “a required front yard”;

12. AND THAT **Section 7 – Site Layout, 7.2 – Landscaping Standards, Table 7.2 – Tree & Landscaping Planting Requirements** be deleted in its entirety and replaced with **Table 7.2** outlined in **Schedule A** as attached to and forming part of this bylaw;

13. AND THAT **Section 7 – Site Layout, 7.5 – Fencing and Retaining Walls** be deleted in its entirety and replaced with **7.5 – Fencing** and **7.6 – Retaining Walls** outlined in **Schedule B** as attached to and forming part of this bylaw;

14. AND THAT **Section 8 – Parking and Loading, 8.2 – Off Street Parking Regulations, Tandem Parking, 8.2.6** be deleted in its entirety and replaced with the following

“8.2.6 Tandem parking spaces are permitted only for:

(a) developments with 6 or less dwelling units and:

- i. only one tandem parking space is permitted in front of any garage or carport;
- ii. a tandem space cannot be used for different principal dwelling units;
- iii. parking spaces for secondary suites, carriage houses, and Child Care Centre, Major can be in tandem with the principal dwelling unit(s).

(b) townhouses with 7 or more dwelling units where the lot is located within the Core Area and:

- i. visitor parking stalls cannot be configured in tandem;
- ii. a tandem space cannot be used for different principal dwelling units.”;

15. AND THAT **Section 8 – Parking and Loading, 8.2 – Off Street Parking Regulations, Table 8.2.7.a Dimensions of Parking Spaces and Drive Aisles**: be amended by adding “or greater” after “One way drive aisles (60 degree parking”;
16. AND THAT **Section 8 – Parking and Loading, 8.2 – Off Street Parking Regulations, Table 8.2.17 Amount of Accessible Parking Spaces** be deleted in its entirety and replaced with **Table 8.2.17** outlined in **Schedule C** as attached to and forming part of this bylaw;
17. AND THAT **Section 8 – Parking and Loading, 8.3 – Required Off-Street Parking Requirements, Table 8.3 – Required Residential Off-Street Parking Requirements, FOOTNOTE ¹²** be amended by deleting “The parking spaces for the secondary suites and carriage houses can be located in the driveway and in tandem with the single detached dwelling parking as long as two additional off-street parking spaces are provided for the principal dwelling. Notwithstanding Section 8.1.4, parking for secondary suites or carriage houses can be surfaced with a dust-free material.”;
18. AND THAT **Section 8 – Parking and Loading, 8.3 – Required Off-Street Parking Requirements, Residential Parking Exemptions Map 8.3.d Rutland Exchange** be deleted in its entirety and replaced with **Map 8.3.d** outlined in **Schedule D** as attached to and forming part of this bylaw;
19. AND THAT **Section 10 – Agriculture & Rural Residential Zones, Section 10.3 – Permitted Land Uses, Single Detached Dwelling** be amended as follows:
 - a) By deleting “⁶” under “A1”, and
 - b) By adding “¹³” under “A1”, “A2”, “RR1”, and “RR2”;
20. AND THAT **Section 10 – Agriculture & Rural Residential Zones, 10.3 – Permitted Land Uses, FOOTNOTES, ⁶** be amended by deleting “, unless another residence is permitted within the Agriculture Land Reserve as described in the Agricultural Land Commission Act (and related regulation and policy)”;
21. AND THAT **Section 10 – Agriculture & Rural Residential Zones, 10.3 – Permitted Land Uses, FOOTNOTES, ¹²** be amended by deleting “[Deleted]” and replacing it with “A bed & breakfast can only occur if there is only one dwelling unit on the lot.”;
22. AND THAT **Section 10 – Agriculture & Rural Residential Zones, 10.3 – Permitted Land Uses, FOOTNOTES** be amended by adding the following in its appropriate location:

“¹³ Maximum of one Single Detached Dwelling unit is permitted per lot, except on A1 zoned ALR land when another residence is permitted within the Agriculture Land Reserve as described in the Agricultural Land Commission Act (and related regulation and policy).”;

23. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.3 – Permitted Land Uses, Child Care Centre, Major** be amended by deleting “S” under “MF1” and replacing it with “P³”;
24. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.3 – Permitted Land Uses, FOOTNOTES**, ³ be amended by deleting “[Deleted]” and replacing it with “The lot must have a child care sub-zone ‘cc’ on the property for a child care centre, major to be permitted.”;
25. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.5 – Development Regulations, FOOTNOTES**, ² be amended by adding the following after “party wall agreement.”:

“For MF1 lots garages and carports can have a side yard setback of 1.2 metres when the lot has access to a rear or side lane. Any residential space on those MF1 lots above the garage or carport must meet the 1.8 m side yard setback.”;
26. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.5 – Development Regulations, FOOTNOTES**, ⁹ be amended by adding “For all apartment buildings, at least 75 m² of the required portion of common area shall be configured indoors.” after “fee simple townhouses.”;
27. AND THAT **Section 13 – Multi-Dwelling Zones, Section 13.6 – Density and Height Development Regulations, FOOTNOTES**, ¹ be amended by adding “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.” before “The base height”;
28. AND THAT **Section 14 – Core Area & Other Zones, Section 14.9 – Principal and Secondary Land Uses, FOOTNOTES**, ⁶ be amended by deleting “the uppermost floor within a building” and replacing it with “above the first floor”;
29. AND THAT **Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations, FOOTNOTES**, ³ be amended by deleting “core area neighbourhood (C-NHD) or an education / institutional” and replacing it with “Core Area Neighbourhood (C-NHD), Suburban -Residential (S-RES), Suburban - Multiple Unit (S-MU), or an Education / Institutional”;
30. AND THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height** be amended by adding “¹⁵” after “For areas identified as PARK = 0.5 FAR ⁹” under the “Min. Density (if applicable) & Max. Base Density FAR ^{1, 7}” column in the “UC1 (Downtown)” row, the “UC2 (Capri / Landmark)” row, the “UC3 (Midtown)” row, the “UC4 (Rutland)” row, and the “UC5 (Pandosy)” row;
31. AND THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height, Max. Base Height** be amended by adding “¹⁴” after “Max. Base Height ^{1, 7}”;
32. AND THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height, FOOTNOTES**, ¹³ be amended by deleting “Lots identified in a Transit Oriented Area identified by Map 8.3.b, Map 8.3.c, or Map 8.3.d have the base FAR for the 6-storey category increased

from 1.8 FAR to 2.5 FAR.” and replacing it with “Lots that have a 6 storey Building Height category and are within a Transit Oriented Area as identified by Map 8.3.b , Map 8.3.c, or Map 8.3.d then have their density increased from 1.8 base FAR to 2.5 base FAR.”;

33. AND THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height, FOOTNOTES** be amended by adding the following in its appropriate location:

“¹⁴ 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.”;

34. AND FURTHER THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height, FOOTNOTES** be amended by adding the following in its appropriate location:

“¹⁵ If a lot has a Park Building Height category and is within a Transit Oriented Area as identified by Map 8.3.b , Map 8.3.c, or Map 8.3.d then: if the lot is within 200 metres of the Transit Exchange the lot can be developed in accordance with the 12 storey base height and density category and if the lot is between 200 and 400 metres of the Transit Exchange the lot can be developed in accordance with the 6 storey the base height and density category.”;

35. 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

Considered at a Public Hearing on this

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

Table 7.2 – Tree & Landscaping Planting Requirements			
cm =centimetres / m = metres / m² = square metres / m³ = metres cubed			
Criteria	Regulations		
Standard Requirements for Minimum Trees, Soft landscaping, and Soil Volume for all Developments ^{.1}			
Minimum Number of Trees within Landscape Areas ^{.1}	1 tree per 10 linear metres of landscape area		
Minimum Soft Landscaping Area ^{.2} See Visual Example Figure 7.2.1	75% of the landscape area shall be soft landscaping		
Minimum Soil Volume per Tree ^{.3}		Single Tree	Shared
	Large Tree	20 m³	15 m³
	Medium Tree	18 m³	12 m³
	Small Tree	15 m³	10 m³
Area specific modification to Trees, Soft landscaping, and Soil Volume Requirements			
Overhead Power Lines for any zone	The minimum number of trees in the front yard or flanking yard landscape area can be planted outside the front yard or flanking yard landscape areas if the abutting: boulevard, front yard and / or flanking yard contains overhead electrical power lines that would interfere with the growth of the trees.		
Landscape Areas and Boulevards for Infill Housing	There is no minimum number of trees onsite and no minimum soft landscaping within the front yard or flanking yard landscape area if large trees are planted within the boulevard and the boulevard contains a sidewalk or a sidewalk is installed.		
Landscape Areas and Boulevards for any: MF2, MF3, MF4 ^{.4} zone or any zone within Section 14 Core Area and Other Zones	The minimum number of trees can be planted outside of the front yard or flanking yard landscape areas if the abutting boulevard is irrigated and contains a sidewalk or a sidewalk will be installed. There is no minimum soft landscaping required within the front yard or flanking yard landscape area if the minimum number of trees is planted outside the front yard or flanking yard landscape area.		
Universal Landscape Requirements			
Minimum Landscaping for any surface parking lot over 15 vehicles ^{.5}	(a) If a surface parking lot contains 15 vehicles or greater and abuts a street, then the interface area with the street must have a minimum 1.5 metres landscape area. (b) landscaped islands are required at the end of each parking aisle; (c) the maximum number of parking spaces in a consecutive row is 14 with a landscaped island or drive aisle separating the next 14 spaces; (d) landscaped islands are not to be longer than the adjacent parking space;		

Table 7.2 – Tree & Landscaping Planting Requirements cm =centimetres / m = metres / m ² = square metres / m ³ = metres cubed	
Criteria	Regulations
	(e) landscaped islands shall be clearly delineated as separate and in addition to required parking and loading spaces ; (f) locate landscaped islands such that loading and unloading vehicles can gain access without undue interference; (g) a minimum of one tree must be included in a landscaped island; and (h) landscape islands must have a minimum 75% soft landscaping or soil cells.
Minimum / Maximum Tree Spacing	Minimum tree spacing is based on site requirements for sightlines or accessibility along with standard planting practices for the tree species. Trees may be planted closer together as needed and additional trees are highly encouraged. Spacing is not dictated by requirements for the number of trees required in the Landscape Area.
Minimum Setback from buildings, raised patios, and balconies to on-site trees	Large: 3 m radius from centre of tree to the building Medium: 2 m radius from centre of tree to the building Small: 1 m radius from centre of tree to the building Any underground parkade, underground building, underground structure (such as a stormwater detention tank) must be setback at least 1 metre volumetrically measured from the centre of the tree at finished grade (trunk flare).
Minimum Deciduous Tree Planting Stock Caliper ^{·6}	Large: 5 cm Medium: 4 cm Small: 3 cm
Minimum Coniferous Tree Planting Stock Height	250 cm
Minimum Ratio between Tree size ^{·7}	Large: Min 50% Medium: No min or max Small: Max 25%
FOOTNOTES (Section 7.2): ^{·1} The linear metre calculation is used to determine the minimum number of trees to be planted within the landscape area (not the minimum spacing). At least one tree per landscape area is required, unless there is an area specific modification. The minimum landscaping and number of trees is required for all developments, except, for residential developments that contains two or less dwelling units per lot. ^{·2} Electrical transformers and driveways within the landscape areas can be excluded from the minimum percentage of soft landscaping area. If soil cells are installed for all the required trees in the front yard or flanking yard landscape area , then there is no minimum soft landscaping requirement. ^{·3} Soil volume may be shared through the landscape area (tree, turf, and shrub). For the soil volume calculation, any continuous growing medium the roots can reach on the subject property to a	

Table 7.2 – Tree & Landscaping Planting Requirements

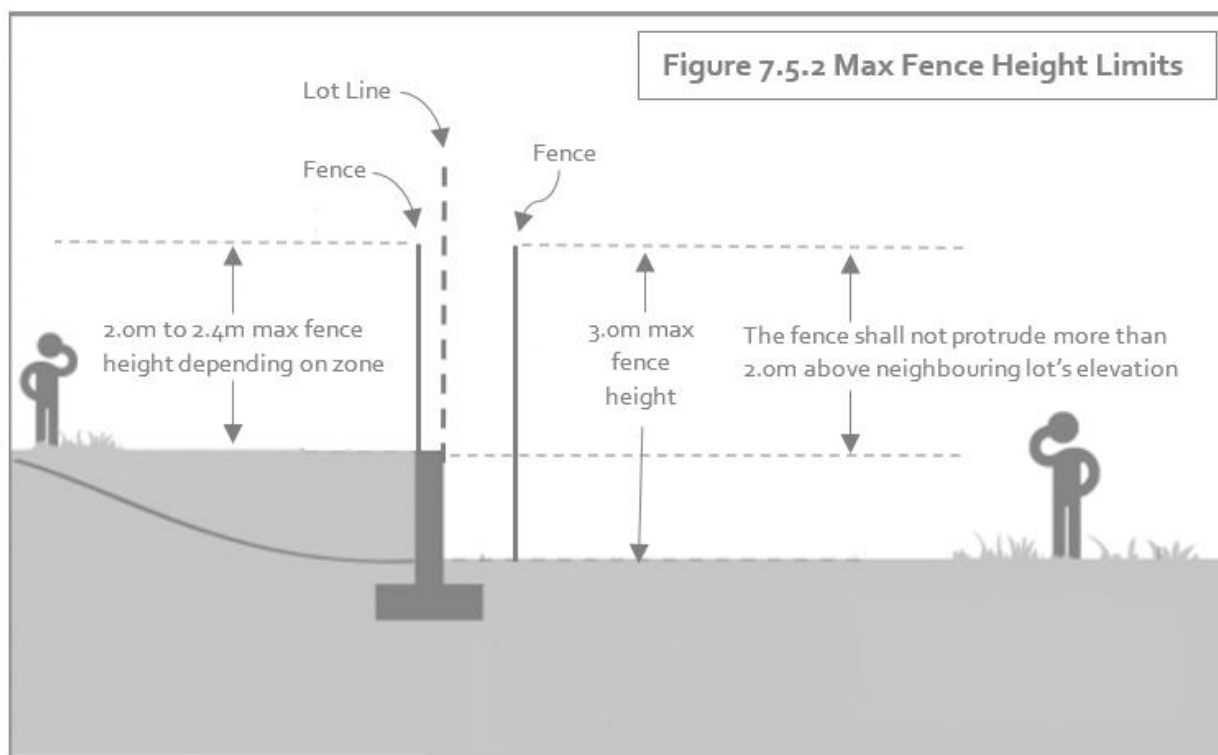
cm =centimetres / m = metres / m² = square metres / m³ = metres cubed

Criteria	Regulations
	maximum depth of 1 metre can be applied. The boulevard can be partially used for soil volume calculation only when the landscaped portion of the boulevard is directly abutting the property line and the soil volumes do not interfere with any subsurface utility infrastructure. ⁴ This category applies to any MF₄ development with 7 or more dwelling units or if the development is primarily commercial. ⁵ The minimum number of trees within landscape areas and within parking islands are separate calculations and cannot be double counted to meet minimum numbers. Trees in adjacent parking landscape islands may share soil volume with the adjacent landscape area to meet the minimum trenched/shared soil volume amounts. ⁶ All deciduous trees shall have a minimum clear stem height of 1.5 m. ⁷ Tree size will be defined in the City of Kelowna's Urban Tree Guide, if only one tree is required, it must be a large tree or conifer. All columnar trees shall be considered a medium or small tree for determination of the tree size ratio. These columnar trees require the equivalent large tree soil volume. All trees onsite including the trees within the landscape area and the trees within parking lot landscape islands must meet this ratio.

Schedule B

7.5 Fencing

- 7.5.1 Screening fences shall be opaque double-sided construction. Where screening fences are allowed or required by this Bylaw, they shall be of an opaque or a combination of opaque and lattice design.
- 7.5.2 The maximum height for fences constructed from natural grade shall be:
- (a) 2.0 metres in rural residential zoned properties except; where abutting an agricultural, industrial, or commercial zone commercial zone, then the maximum height shall be 2.4 metres.
 - (b) 2.0 metres in suburban residential, multi-dwelling, village centre, or urban centre zoned lots except; that it shall not exceed 1.2 metres in height within the minimum front yard or flanking yard setbacks.
 - (c) 2.4 metres in commercial, public and institutional, or industrial zoned properties.
 - (d) Notwithstanding S.7.5.2 (a), (b), & (c); the maximum height of a fence that abuts a neighbouring lot which is higher in elevation and is erected on the low side is 3.0 metres, as long as, the fence does not protrude more than 2.0 metres above the elevation of the neighbouring lot (see Figure 7.5.2)

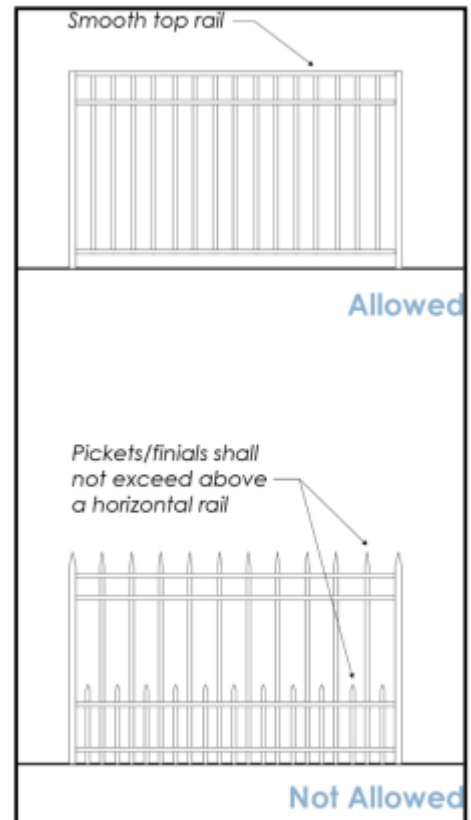


- 7.5.3 Lots in industrial zones are to have an opaque 2.4 metres high fence around all storage yards, along all lot lines abutting non-industrial zones and around wrecking yards that are visible from a street abutting the lot.
- 7.5.4 No metal fence shall be constructed or erected that have the ends of the fence pickets or finials extend above a horizontal rail (see Figure 7.5.4).
- 7.5.5 No barbed wire fencing shall be constructed or erected in any rural residential, suburban residential, multi-dwelling, or core area & other zone, except in the P1 zone where the site is used for detention and correction services.
- 7.5.6 No razor wire fences shall be constructed or erected in any zone except were associated with penitentiaries, jails, or places of incarceration.
- 7.5.7 No fencing shall be constructed or erected at or below the high-water mark (geodetic elevation of 343 metres) of Okanagan Lake.

7.6 Retaining Walls

- 7.6.1 No individual retaining wall shall exceed a height of 1.2 metres measured from grade on the lower side.
- (a) Except, where the grade of the subject lot is lower than the abutting property then any retaining walls must not exceed a height of 3.0 metres measured from grade on the lower side.
- (b) Except, retaining walls can be any height subject to condition of subdivision approval.
- 7.6.2 Notwithstanding S.7.6.1; any individual retaining wall greater than 1.2 metres in height must be constructed with a professional design by a qualified professional engineer.
- 7.6.3 Notwithstanding S.7.6.1; any tiered retaining walls must be spaced horizontally a minimum of 1.2 metres between tiers. The maximum number of tiers that may be constructed without a professional design by a qualified professional engineer is two. The maximum total height of any retaining wall system that may be constructed without a professional design by a qualified professional engineer is 2.4 metres.

FIGURE 7.5.4 – Fencing Types



Schedule C

Table 8.2.17 Amount of Accessible Parking Spaces		
Total Number of Parking Spaces Onsite.	Min. Number of Required Accessible Parking Spaces	Min. Number of Required Van-Accessible Parking Spaces
1 – 6 spaces	0 spaces	0 spaces
7 – 36 spaces	1 space	0 spaces
37 – 68 spaces	2 spaces	1 space
69 – 100 spaces	3 spaces	1 space
101-150 spaces	4 spaces	1 space
151-200 spaces	5 spaces	1 space
201-300 spaces	6 spaces	2 spaces
301-400 spaces	7 spaces	2 spaces
401-500 spaces	8 spaces	2 spaces
Over 500 spaces	2% of the total spaces	2 spaces
Note: The number of van-accessible parking spaces is included in the minimum required accessible parking spaces. For example: if six (6) accessible parking spaces are required and two (2) van accessible parking spaces are required the total number of accessible parking spaces is six (6) and two (2) of which must be van accessible.		

Residential Parking Exemptions

Map 8.3.d

Rutland Exchange

