



City of
Kelowna

TA24-0009

General Improvements to Zoning Bylaw

Text Amendments

Purpose

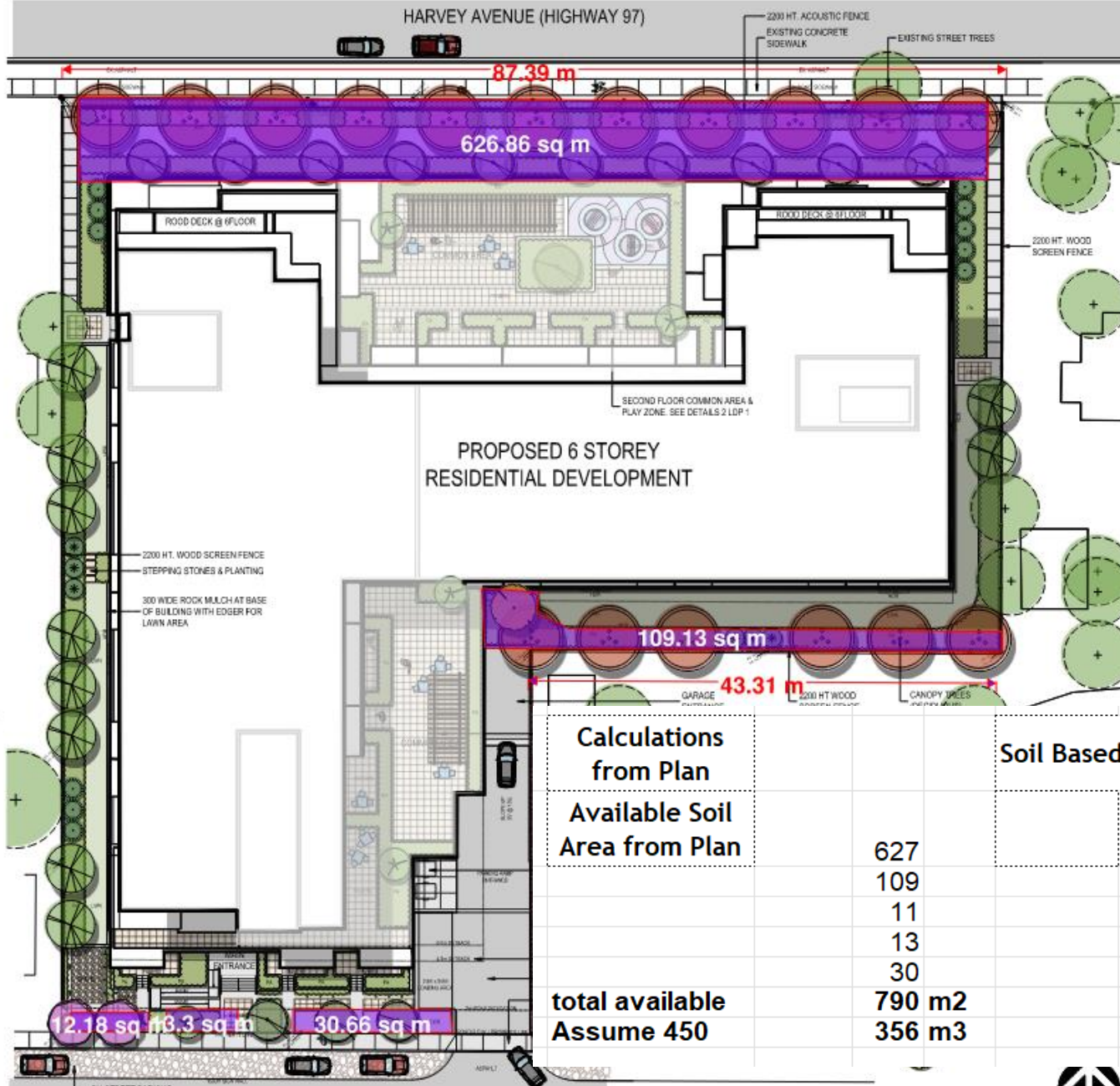
- ▶ The purpose of the text amendment is to make improvements to following sections of Zoning Bylaw No. 12375:
 - ▶ Section 5 - Definitions & Interpretations,
 - ▶ Section 6 – General Development Regulations
 - ▶ Section 7 – Site Layout,
 - ▶ Section 8 – Parking & Loading,
 - ▶ Section 10 – Agriculture & Rural Residential Zones,
 - ▶ Section 13 – Multi-Dwelling Zones, and
 - ▶ Section 14 – Core Area & Other Zones

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) Reorganized the table format for increased clarity and less 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.

HARVEY AVENUE (HIGHWAY 97)

Saucier Example



PROPOSED 6 STOREY
RESIDENTIAL DEVELOPMENT

**Calculations
from Plan**

Available Soil
Area from Plan

**total available
Assume 450**

627
109
11
13
30
790 m²
356 m³

Soil Based Landscaping Calculations from Plan

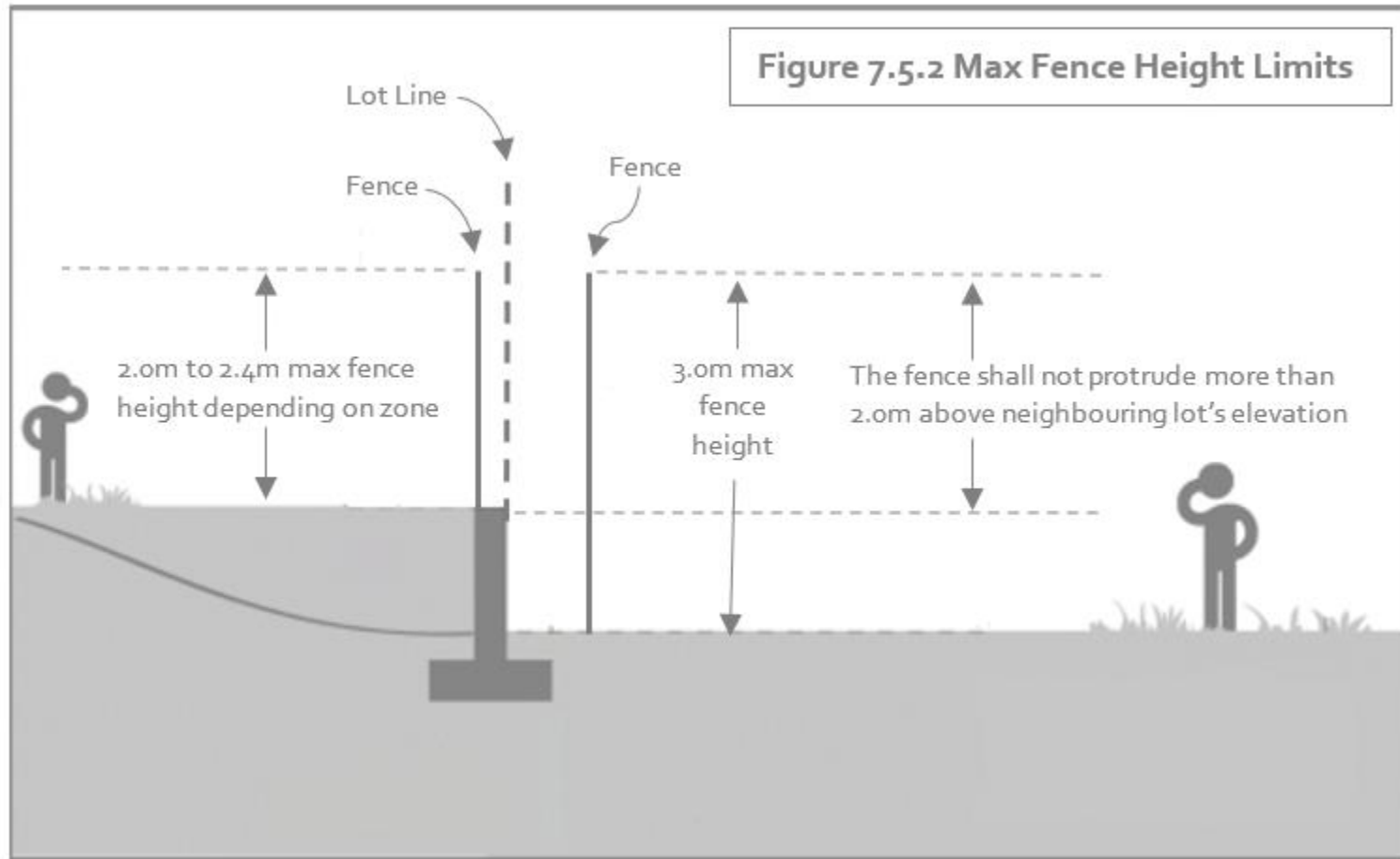
Landscape Area from Plan

Front	261
Rear A	109
Rear B	11
Rear C	13
Rear D	30
Total	424 m²

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

No.	Area of Change		Additional Detail
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 when a professional engineer is required.

Fencing & Retaining Walls



Fencing & Retaining Walls

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.

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

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	a) Clarify the one-way drive aisle width is 5.5 metres when adjacent parking is 60 degrees <u>or greater</u> . b) Clarify that universal accessible parking is to be triggered with MF2, not MF1 developments. c) 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. d) The original Transit Oriented Area map missed one property (165 Dougall Rd S).

Universal Accessible Parking

Chart A

Original – Table 8.2.17 Amount of Accessible Parking Spaces

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 – 4 spaces	0 spaces	0 spaces
5 – 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.

Chart B

Proposed – Table 8.2.17 Amount of Accessible Parking Spaces

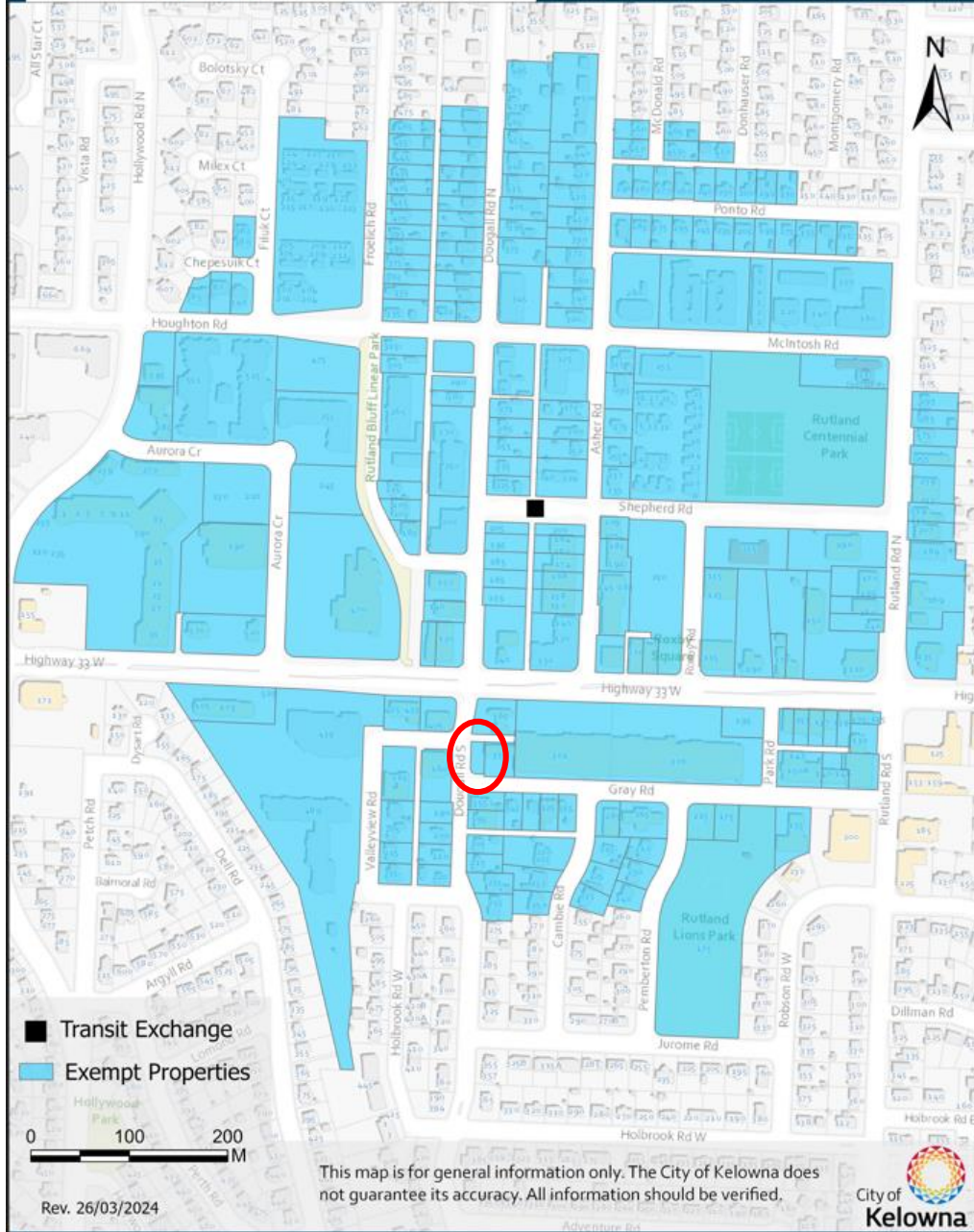
Table 8.2.17 Amount of Accessible Parking Spaces		
Total Number of Parking Spaces Onsite.	Min. Number of Required Accessible Parking Spaces	Min. Number of Required Van-Accessible Parking Spaces
1 – 6 spaces	0 spaces	0 spaces
7 – 36 spaces	1 space	0 spaces
37 – 68 spaces	2 spaces	1 space
69 – 100 spaces	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
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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



Rev. 26/03/2024

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

No.	Area of Change		Additional Detail
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 allows bed & breakfast homes only if one unit exists on the lot.

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

No.	Area of Change		Additional Detail
7.	Section 13 – Multi-Dwelling Zones	Updates to: a) Child Care Centre, Major b) MF1 Side Yard Setbacks c) Change Composition of Indoor Amenity Requirement d) 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 the necessary parking onsite. c) Add a new requirement for all apartment buildings that at least 75 m ² of the required portion of common area shall be configured indoors. d) 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) All lots, including lots with a park designation, must comply with the provincial Transit Oriented Areas legislation with regards to height and density. d) Add an exclusion for parkade entrances / exits as the overall height regulation will remain intact.

Exclusion for Parkade Entrances / Exits



Staff Recommendation

- ▶ Staff recommend **support** for the proposed Text Amendments
 - ▶ Improvements to Zoning Bylaw to increase functionality and applicability
 - ▶ Conform to provincial transit-oriented areas and short-term rental legislation