

City of Kelowna

Bylaw No. 12834

TA25-0010 –Miscellaneous Content Changes to Zoning Bylaw No. 12375

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 1 – General Administration, Section 1.7 Land Dedications and Setbacks** is amended by **adding**:

"1.7.1 Where a lot is reduced in size as a result of a taking for public use by the City, Provincial or Federal Government, an Improvement or Irrigation District, the Board of Education, or a Public Utility by dedication, expropriation, or purchase, the buildings and structures thereon are deemed to conform with the provisions of this Bylaw. For the purpose of further developments, the lot shall be considered to exist as it did prior to the taking but only if the taking is for road dedication, providing such taking:

- a) does not exceed 20% of the original lot area;
- b) does not reduce a minimum front, flanking, side, or rear yard below 2.0 metres unless this Bylaw does not require such yard; or
- c) otherwise approved by a Development Variance Permit for Board of Variance order."

and **replacing** with:

1.7.1 Where a lot is reduced in size as a result of a taking for public use by the City, Provincial or Federal Government, an Improvement or Irrigation District, the Board of Education, or a Public Utility by dedication, expropriation, or purchase, the lot does not have to meet the minimum lot width, minimum lot depth, minimum lot area, or minimum building envelope area requirements specified in the respective zone and the buildings and structures thereon are deemed to conform with the provisions of this Bylaw. For the purpose of further developments, the lot shall be considered to exist as it did prior to the taking but only if the taking is for road dedication, providing such taking:

- a) does not exceed 20% of the original lot area;
- b) does not reduce a minimum front, flanking, side, or rear yard below 2.0 metres unless this Bylaw does not require such yard; or
- c) otherwise approved by a Development Variance Permit for Board of Variance order.

1.7.2 Where a lot is subdivided into two or more lots and a resulting lot is to be transferred to the City as a condition of the subdivision, the lot resulting from the subdivision which is transferred to the City does not have to meet the minimum lot width, minimum lot depth, minimum lot area, or minimum building envelope area requirements specified in the respective zone."

2. THAT **Section 5 – Definitions & Interpretations, Section 5.3 – General Definitions** is amended by **deleting** in their entirety the following definitions: "'DWELLING UNIT", "GENERAL INDUSTRIAL USE", "HEIGHT", "TOWNHOUSES" and **replacing** with the following, in their appropriate locations:

"DWELLING UNIT means accommodation providing interconnected, free flowing space including bedroom(s), washrooms, and a kitchen intended for domestic use, and used or intended to be used permanently or semi-permanently for a household. A dwelling includes only one room which, due to its design, plumbing, equipment, and furnishings, may be used primarily as a kitchen, except where otherwise permitted in the bylaw. Wet bars are permitted. A dwelling unit may include short-term rental accommodation, but does not include a room in a hotel or a motel. A secondary suite and a carriage house are each considered a dwelling unit." and;

"GENERAL INDUSTRIAL USE means land and/or a buildings used principally for one or more of the following: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use; terminals for the storage or distribution of materials, goods and equipment; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial businesses for their direct use or to retail stores or other use classes for resale to individual customers; or the training of personnel in general industrial operations.

Any training services, or schooling that is directly related to industrial operations are permitted (for example: industrial truck driving training, machinist operations, etc.). Any training or schooling which is predominately conducted within a classroom setting is only permitted within zones where educational services are permitted. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the general industrial uses listed above. The net floor area devoted to such accessory activities shall not exceed 25% of the gross floor area of the first storey of each building(s) devoted to the general industrial use. Such accessory activities are permitted above the first storey if they are accessory to a general industrial use occurring in the building (forming part of the same business). This use includes autobody and repair shops.

General industrial uses are not permitted to have outdoor storage of toxic, noxious, explosive, odourous, or radio-active materials. General industrial uses are not permitted to carry out their

operations such that there would be a nuisance factor from noise, odour, earth borne vibrations, heat, high brightness light sources, or dust created or apparent outside an enclosed building except for I₃ – Heavy Industrial zoned properties. However, I₃ zoned properties are not permitted to carry out their operations such that there would be a significant nuisance factor created beyond the boundary of the I₃ zone. " and;

"HEIGHT with respect to a building refers to the maximum vertical distance between finished grade and the highest point of the structure of a non-sloping roof, or the mid-point of a sloping roof.

The following structures shall not be considered for the purpose of determining height: chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, ventilating equipment, firewalls, skylights, shade structures without a solid roof or ceiling, and flagpoles for federal, provincial, or municipal flags. Parapet walls less than 1.5 m in height, measured from the top of the roof, which are setback a minimum of 1 m from the edge of the building, shall not be considered for the purpose of determining height.

Elevator housings and roof stairway entrances shall not be considered for the purpose of determining height in all zones, except for the RU₁ – Large Lot Housing zone, RU₂ – Medium Lot Housing zone, RU₃ – Small Lot Housing zone, and RU₅ – Multiple Suburban Housing zone.

Dormers will not be considered in the structure's overall height measurement. However, see Section 6.10 for specific dormer regulations." and;

"TOWNHOUSE means a building containing three or more dwelling units, each of which has a direct entrance at grade. The Townhouse definition includes row housing. The townhouse land use includes any development configured as congregate housing or supportive housing."

3. THAT **Section 7 – Site Layout, Section 7.3 – Refuse and Recycling Bins** is amended by **deleting:**

"7.3.1 All refuse and recycling bins (including all other large receptacles used for the temporary storage of materials) that are placed wholly above natural grade (in zones other than agricultural zones) shall:

- (a) require opaque screening from adjacent lots and streets.
- (b) all screening shall be a minimum of 1.3 metres in height to a maximum height that is equivalent to the height of the refuse or recycling bin.
- (c) all sides open to public view shall be screened by the additional planting of shrub and groundcover material at least 1.5 metres in height.
- (d) all refuse or recycling bins shall be setback a minimum of 3.0 metres from any lot line abutting a rural residential, single & two dwelling, or multi-dwelling zone.

(e) an unobstructed access lane with a minimum width of 3.0 metres and a minimum vertical clearance of 4.6 m shall be provided to access to a required garbage and recycling room or enclosure.

7.3.2 All refuse and recycling bins that are placed in-ground must be setback 0.5 metres from a front lot line or side lot line."

and **replacing** with:

"7.3.1 All refuse and recycling bins (including all other large receptacles used for the temporary storage of materials) that are placed above natural grade (in zones other than agricultural zones) shall be located within a building or be screened from adjacent lots and streets. The following requirements shall be adhered to:

- a) All required screening shall be opaque with a minimum height of 1.3 metres and a maximum height that is equivalent to the height of the refuse or recycling bin.
- b) All refuse or recycling bins shall be setback a minimum of 3.0 metres from any lot line abutting a rural residential, single & two dwelling, or multi-dwelling zone.
- c) An unobstructed access with a minimum width of 3.0 metres and a minimum vertical clearance of 4.6 m shall be provided to access to a required garbage and recycling room or enclosure.

7.3.2 All refuse or recycling bins that are placed in-ground must be setback 0.5 metres from a front lot line or side lot line."

4. THAT **Section 10 – Agriculture & Rural Residential Zones, Section 10.3 – Permitted Land Uses** is amended by **deleting** "Animal Clinics, Major" and "Animal Clinics, Minor" rows and column "A1" in its entirety:

and **replacing** with:

Uses	Zones (‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)
	A1
Animal Clinics, Major	-
Animal Clinics, Minor	-

5. THAT **Section 11 – Suburban Residential Zones, Section 11.1 – Zone Purposes** is amended by deleting the "RU5 – Multiple Suburban Housing" row in its entirety and replacing it with the following:

Zones	Purpose
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RU5 – Multiple Suburban Housing	The purpose is to provide a zone for multiple single detached dwellings, <u>or</u> duplexes including compatible secondary uses, on a single serviced urban lot.
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6. THAT Section 11 – Suburban Residential Zones, Section 11.3 – Permitted Land Uses is amended by **adding** in its appropriate location the following new definition:

Uses	Zones (‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)				
	RU1 ^{6,7}	RU2 ^{6,7}	RU3 ^{6,7}	[Deleted]	RU5 ^{6,7}
Stacked Townhouses	P	P	P	[Deleted]	-

7. THAT Section 11 – Suburban Residential Zones, Section 11.6 – Density and Height Regulations is amended by **deleting** the following:

	Zones				
	RU1	RU2	RU3	[Deleted]	RU5
Max. Height	11.0 m & 3 storeys	11.0 m & 3 storeys	11.0 m & 3 storeys	[Deleted]	11.0 m & 3 storeys

and **replacing** with:

	Zones				
	RU1	RU2	RU3	[Deleted]	RU5
Max. Height	11.0 m & 3 storeys ³	11.0 m & 3 storeys ³	11.0 m & 3 storeys ³	[Deleted]	11.0 m & 3 storeys

8. THAT Section 11 – Suburban Residential Zones, Section 11.6 – Density and Height Regulations, is amended by **adding** in its appropriate location the following new Footnote:

³ No occupiable space is permitted on the roof of a 3-storey building.”

9. THAT Section 14 – Core Area & Other Zones, Section 14.9 Permitted Principal and Secondary Land Uses in Core Area and Other Zones is amended by **adding** in its appropriate location the following new Uses:

Uses	Zones (‘P’ Principal Use, ‘S’ Secondary Use, ‘-’ Not Permitted)				
	UC1	UC2	UC3	UC4	UC5
Duplex Housing	P	P	P	P	P
Semi-Detached Housing	P	P	P	P	P

10. THAT Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations is amended by deleting the following:

Criteria	Zones				
	UC1	UC2	UC3	UC4	UC5
Max. Site Coverage of all Buildings	100%	100% or 85% .13	100% or 85% .13	100% or 85% .13	100% or 85% .13
Max. Site Coverage of all Buildings, Structures, and Impermeable Surfaces	100%	100% or 90% .9	100% or 90% .9	100% or 90% .9	100% or 90% .9
Min. Front Yard and Flanking Side Yard Setback for all portions of a building that are not Ground-Oriented	0.0 m .2, .12	3.0 m .2, .12	3.0 m .2, .12	3.0 m .2, .12	3.0 m .2, .12
Min. Front Yard and Flanking Side Yard Setback for Ground-Oriented, Residential	0.0 m .12	3.0 m .1, .12	3.0 m .1, .12	3.0 m .1, .12	3.0 m .1, .12
Min. Front Yard and Flanking Side Yard Setback for Ground Oriented, Commercial	0.0 m .2, .12	2.0 m .2, .12	2.0 m .2, .12	2.0 m .2, .12	2.0 m .2, .12
Min. Side Yard Setback	0.0 m .2, .3	0.0 m .2, .3	3.0 m .2, .3	0.0 m .2, .3	0.0 m .2, .3
Min. Rear Yard Setback	0.0 m .2	0.0 m .2, .4	3.0 m .2, .4	0.0 m .2, .4	0.0 m .2, .4

and replacing with:

Criteria	Zones				
	UC1	UC2	UC3	UC4	UC5
Max. Site Coverage of all Buildings	100% .15	100% or 85% .13, .15	100% or 85% .13, .15	100% or 85% .13, .15	100% or 85% .13, .15
Max. Site Coverage of all Buildings,	100% .15	100% or 90% .9, .15	100% or 90% .9, .15	100% or 90% .9, .15	100% or 90% .9, .15

Structures, and Impermeable Surfaces					
Min. Front Yard and Flanking Side Yard Setback for all portions of a building that are not Ground-Oriented	0.0 m .2, .12, .15	3.0 m .2, .12, .15	3.0 m .2, .12, .15	3.0 m .2, .12, .15	3.0 m .2, .12, .15
Min. Front Yard and Flanking Side Yard Setback for Ground-Oriented, Residential	0.0 m .12, .15	3.0 m .1, .12, .15	3.0 m .1, .12, .15	3.0 m .1, .12, .15	3.0 m .1, .12, .15
Min. Front Yard and Flanking Side Yard Setback for Ground Oriented, Commercial	0.0 m .2, .12, .15	2.0 m .2, .12, .15	2.0 m .2, .12, .15	2.0 m .2, .12, .15	2.0 m .2, .12, .15
Min. Side Yard Setback	0.0 m .2, .3, .15	0.0 m .2, .3, .15	3.0 m .2, .3, .15	0.0 m .2, .3, .15	0.0 m .2, .3, .15
Min. Rear Yard Setback	0.0 m .2, .15	0.0 m .2, .4, .15	3.0 m .2, .4, .15	0.0 m .2, .4, .15	0.0 m .2, .4, .15

11. THAT Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations is amended by deleting the “Upper Floor Setbacks” row and replacing with the following:

Criteria	Zones								
	C1	C2	CA1	VC1	UC1	UC2	UC3	UC4	UC5
Upper Floor Setbacks	For any portion of a building abutting a street or abutting another property, a 3.0 m setback is required for any portion of the building above the lesser of 16.0 m or four storeys.								

12. THAT Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations –is amended by deleting Footnote:

“² Any portion of a building above 16.0 m in height must be setback a minimum of 3.0 m from any lot line abutting a street and 4.0 m from any lot line abutting another property. The minimum setback can be reduced from 3.0 m to 0.0 m for any portion of a building below 16.0 m in height if the ground floor setback (measured from back-of-curb or edge of road pavement in situations without curb to building face) of at least 6.0 m in the UC2, UC3, UC4 zones and 4.5 m in the UC5 zone.”

and replacing with:

"² The minimum setback can be reduced from 3.0 m to 0.0 m for any portion of a building below 16.0 m in height if the ground floor setback (measured from back-of-curb or edge of road pavement in situations without curb to building face) of at least 6.0 m in the UC₂, UC₃, UC₄ zones and 4.5 m in the UC₅ zone."

13. THAT Section 14 – Core Area & Other Zones, Section 14.11 – Commercial and Urban Centre Zone Development Regulations –is amended by adding in its appropriate location the following new Footnote:

"¹⁵ If the development is 3 storeys or less and contains 6 or fewer dwelling units, then the MF₁ Development Regulations apply."

14. THAT Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height is amended by deleting "UC₅" row, and "Max. Base Height ^{.1, .7, .14}" and "Max. Height with Bonus FAR" columns and replacing with the following:

Zones	Max. Base Height ^{.1, .7, .14}	Max. Height with Bonus FAR
UC ₅	<p>For areas identified as PARK = 2 storeys</p> <p>For areas identified as 3 storeys = 3 storeys & 12.0 m</p> <p>For areas identified as 4 storeys = 4 storeys & 18.0 m</p> <p>For areas identified as 6 storeys = 6 storeys & 22.0 m</p> <p>For areas identified as 8 storeys = 8 storeys & 31.0 m</p> <p>For areas identified as 12 storeys = 12 storeys & 44.0 m</p> <p>For areas identified as 14 storeys = 14 storeys & 52.0 m</p>	<p>For areas identified as PARK = No additional height</p> <p>For areas identified as 3 storeys = No additional height</p> <p>For areas identified as 4 storeys = No additional height</p> <p>For areas identified as 6 storeys = 2 additional storeys & 8.0 m ^{.3}</p> <p>For areas identified as 8 storeys = 3 additional storeys & 12.0 m ^{.3}</p> <p>For areas identified as 12 storeys = No additional height</p> <p>For areas identified as 14 storeys = No additional height</p>

15. THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height** is amended by **deleting** “I1” row, and “Min. Density (if applicable) & Max. Base Density FAR ~~.1, .7,~~” column and **replacing** with the following:

Zones	Min. Density (if applicable) & Max. Base Density FAR .1, .7,
I1	1.2 FAR ^{.8}

16. THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height** is amended by **deleting** “I1” row, and “Max. Base Height ~~.1, .7, .14~~” column and **replacing** with the following:

Zones	Max. Base Height .1, .7, .14
I1	3 storeys & 16.0 m ^{.8}

17. THAT **Section 14 – Core Area & Other Zones, Section 14.14 – Density and Height** is amended by **deleting** Footnote:

“^{.8}The maximum base FAR is increased to 3.0 for lots fronting one of these streets: Bay Avenue, Brant Avenue, Clement Avenue, Crowley Avenue, Ellis Street, Ethel Street, Gaston Avenue, Gordon Drive, Guy Street, Laurel Avenue, Recreation Avenue, St. Paul Street, Trench Place, Vaughan Avenue, or Weddell Place.”

and **replacing** with:

“^{.8}The maximum base FAR is 2.4 and the maximum base height is 16.0 m for lots designated Mixed Employment District (MED) in the Official Community Plan and for lots fronting Bay Avenue, Crowley Avenue, Ethel Street, Trench Place, or Weddell Place.”

18. 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, second and third time by the Municipal Council this 12th day of January, 2026.

Amended at third reading by the Municipal Council this

Approved pursuant to section 52(3)(a) of the Transportation Act this

for Minister of Transportation & Transit

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk