

CITY OF KELOWNA

BYLAW NO. 10876

Text Amendment No. TA11-0010-Amendment to the City of Kelowna Zoning Bylaw No. 8000 - RHM4 - Hillside Cluster Multiple Housing Zone

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Table of Contents, Section 13: Urban Residential Zones** be amended by adding in the following in its appropriate location:
“13.17 RHM4 - Hillside Cluster Multiple Housing”
2. AND THAT **Section 1 - General Administration, 1.3 Zoning Map, 1.3.1** be amended by adding in its appropriate location the following:

RHM4	Hillside Cluster Multiple Housing
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3. AND THAT **Section 13 - Urban Residential Zones** be amended by adding in a new **Section 13.17 RHM4 - Hillside Cluster Multiple Housing Zone** as attached too and forming part of this bylaw as Schedule “A”;
4. This bylaw may be cited for all purposes as "Bylaw No. 10876, being TA11-0010 - RHM4 - Hillside Cluster Multiple Housing Zone to Zoning Bylaw No. 8000".
5. 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 14th day of July, 2014.

Considered at a Public Hearing on the 29th day of July, 2014.

Read a second and third time by the Municipal Council this 29th day of July, 2014.

Second and third readings rescinded by the Municipal Council this

Considered at a Public Hearing on

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

13.17 RHM4 - Hillside Cluster Multiple Housing

13.17.1 Purpose

To provide a zone for comprehensively planned clusters of low rise, low density apartment housing with urban services, typically in a strata format. The express goal is to minimize the impacts of development on the natural environment, topography, open space, and visual character of Kelowna. Site wide density including areas of voluntary dedication and protection is to be generally consistent with Multiple Unit Residential (Low Density) Official Community Plan future land use designation; however, the form and character of development may include low density apartment housing.

13.17.2 Definitions

Despite conflicting definitions found elsewhere in this bylaw, the following definitions shall apply for the purposes of interpreting the regulations of this zone:

HEIGHT means, with respect to a building, the maximum vertical distance above a straight line drawn between the lowest corner of the front of the approved Building Envelope Covenant and the lowest corner of the rear of the approved Building Enveloped Covenant measured to the highest point of the structure of a non-sloping roof, or the mid-point of a sloping roof, excluding those structures identified in Section 6.6.1 of this bylaw.

13.17.3 Principal Uses

- (a) multiple dwelling housing
- (b) boarding or lodging housing
- (c) congregate housing
- (d) group home, major
- (e) supportive housing

13.17.4 Secondary Uses

- (a) agriculture, urban
- (b) care centres, major
- (c) home based businesses, minor
- (d) community recreation services

13.17.5 Buildings and Structures Permitted

- (a) apartment housing
- (b) row housing
- (c) stacked row housing
- (d) permitted accessory buildings and structures

13.17.6 Subdivision Regulations

- (a) The minimum **site width** is 30.0 m.
- (b) The minimum **site depth** is 30.0 m.
- (c) The minimum **site area** is 5000 m².

13.17.7 Development Regulations

- (a) The maximum floor area ratio is 0.5. Maximum density may be calculated using the original site area, but is dependent on the protection (dedicated or covenanted) of environmentally sensitive features, hazardous condition areas (including slopes greater than 30%), and visually significant features. It is possible that the maximum density may not be achievable on the resulting developable areas.

Where at least 75% parking spaces are provided totally beneath habitable space of a principal building, beneath useable common amenity areas, or in a garage/carport providing that in all cases, the parking spaces are screened from public view, the floor area ratio may be increased by 0.05.

- (b) The maximum site coverage is 50% and together with the areas of driveways and parking areas shall not exceed 60%. Those areas dedicated, covenanted or otherwise protected may not be used in calculating site coverage.
- (c) The minimum site front yard is 3.0m except that it is 4.5m, measured from the back of curb or sidewalk, whichever is closest, for any part of a building over the lesser of 7.5m or 2 storeys.
- (d) The minimum site side yard is 4.5m, except that it is 6.0m for any part of a building over the lesser of 7.5m or 2 storeys.
- (e) The minimum site rear yard is 7.5m, except that it is 9.0 m for any part of a building over the lesser of 7.5m or 2 storeys.
- (f) Dwellings or groups of dwellings must be separated by a minimum of 4.5 m. Vehicle parking or storage is not permitted in this area.
- (g) Accessory buildings and structures shall be set back 1.5m from any lot line, and shall be a minimum of 4.5m from any principal residential building.

13.17.8 Building Form and Massing

- (a) For **apartment housing**, the following Building Form and Massing regulations shall apply, with the intent of providing a flexible approach to building height while improving building articulation standards:
 - i. The maximum height is 13.0m. Where a principal building is located entirely on a natural bench having a natural grade of less than 20%, the maximum height is the lesser of 13.0m or 3 storeys. See Diagram 13.9.

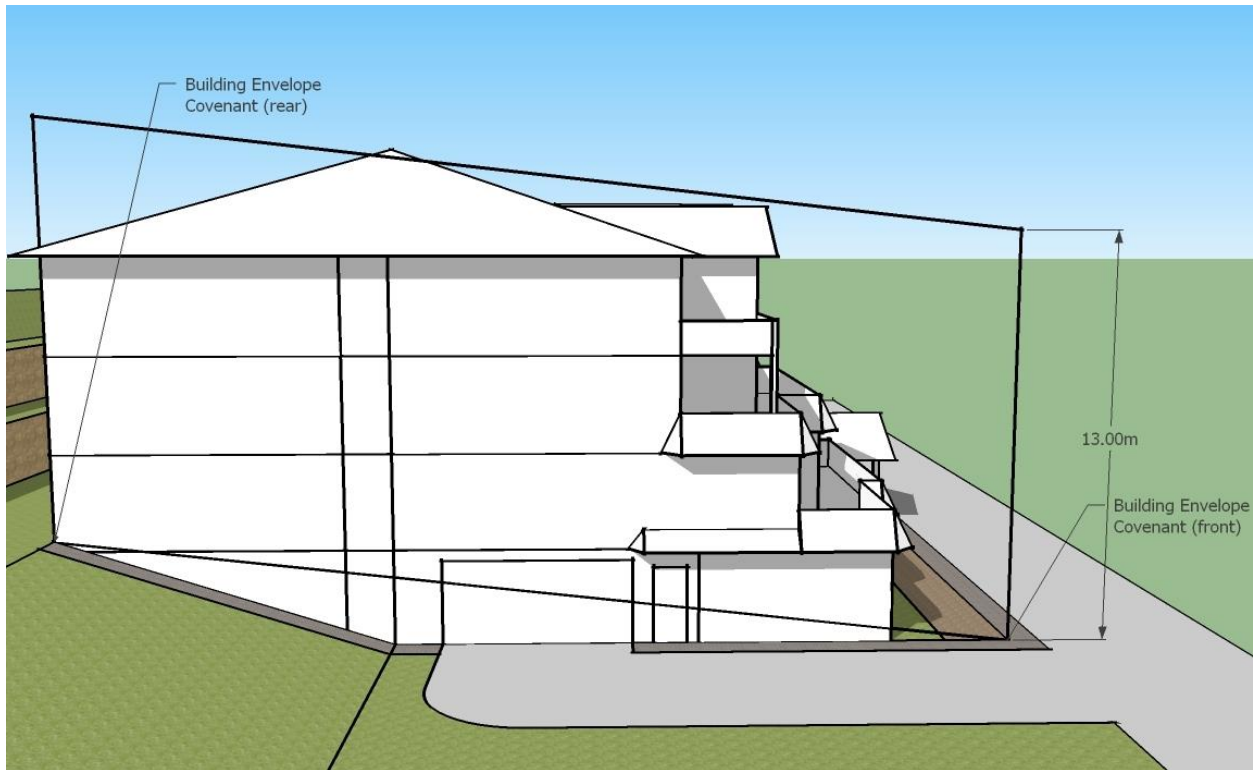


Diagram 13.9: 13m Maximum Height As Measured From Straight Line Between Building Envelope Points

- ii. The maximum height of any vertical wall element facing down-slope is the lesser of 7.5m or 2 storeys, above which the down-slope building face must be stepped back by a minimum average cumulative depth of 6.0m. Where a principal building is located entirely on a natural bench having a natural grade of less than 20%, no down-slope step back is required. See Diagram 13.10.

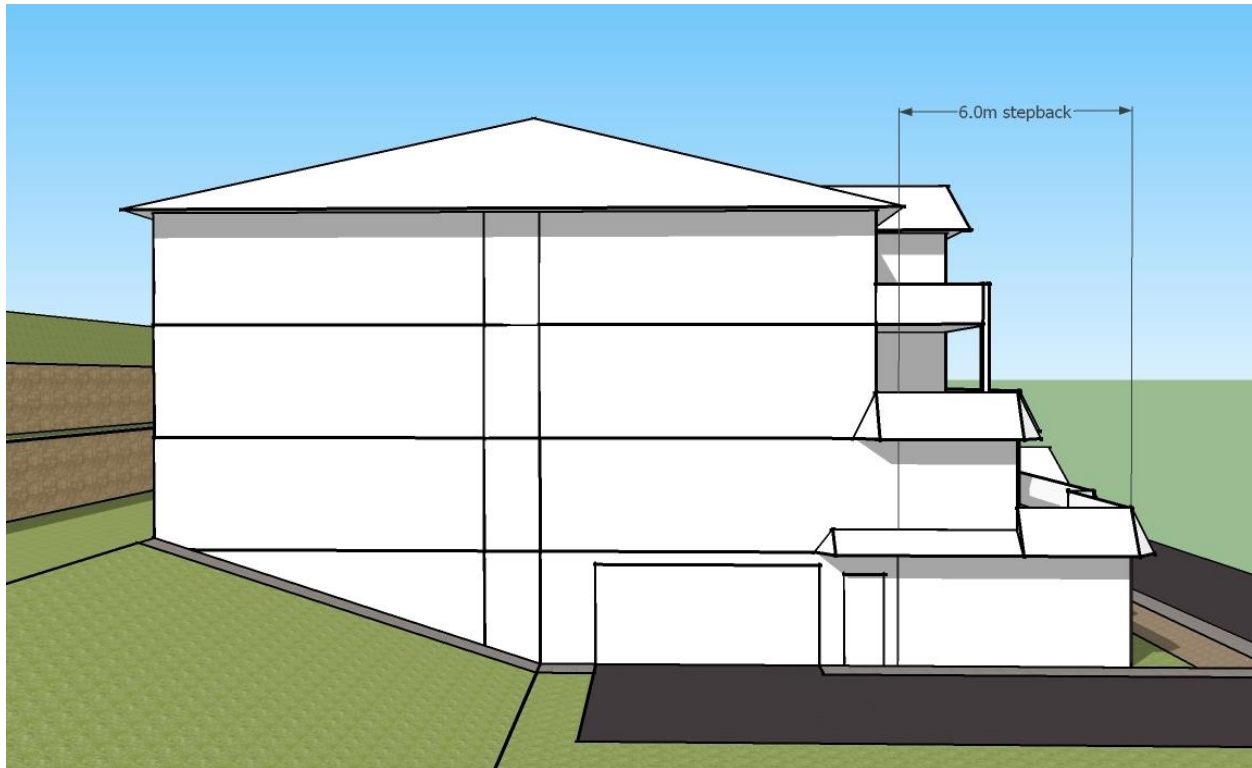


Diagram 13.10: Downslope Building Articulation

- (b) For row housing or stacked row housing, the following Building Form and Massing regulations shall apply:
- i. The maximum height is 9.5m, except it is 4.5m for accessory buildings. See Diagram 13.11.

Diagram 13.11: 9.5m Maximum Height As Measured From Straight Line Between Building Envelope Points

- ii. The maximum height of any vertical wall element facing a front yard, rear yard or flanking street (including walkout basements) is the lesser of 7.5 m or 2 storeys above which the building face must be stepped back a minimum of 2.1 m. A maximum of 30% of the length of the building elevation may exceed 7.5 m in height to a maximum of 9.5m, provided that a deck and roof structure projecting a minimum of 3.0 m from the face of the wall breaks up the wall face. No wall face directly above or below the deck and roof structure may exceed 5.0m in height. See Diagram 13.12.

Diagram 13.12: Downslope Building Articulation

- iii. All decks (including the supporting posts or columns) shall not exceed 4.5 m or 1 storey in height inclusive of any support structure or retaining wall (within a horizontal distance of 1.2 m). Height will be

measured from the grade at the base of the deck, post, or column to the highest point of the deck, exclusive of railings.

- iv. No horizontal wall face may exceed 7.5 m in length after which the wall face must be staggered or offset by a minimum of 0.45 m in a side yard, and by 1.2 m in a front yard, rear yard, or flanking street. See Diagram 13.12.
- v. A maximum of 6 ground oriented dwelling units per building is permitted.

13.17.9 Other Regulations

- (a) A minimum area of 7.5 m² of private open space shall be provided per bachelor dwelling, congregate housing bedroom or group home bedroom, 15.0 m² of private open space shall be provided per 1 bedroom dwelling, and 25.0 m² of private open space shall be provided per dwelling with more than 1 bedroom. Despite Section 2.3.3, private open space may also include recreational trails and natural areas directly accessible by residents.
- (b) No continuous building frontage shall exceed 40.0 m for a building 3 storeys or greater, or 65.0m for a 2 storey building. An accessory building containing recreational amenities for the use of all residents shall conform to the setback requirements for principal buildings.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.