

# CITY OF KELOWNA

## BYLAW NO. 11140

### TA15-0022 - Housekeeping Text Amendments to Zoning Bylaw No. 8000

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing **Section 6 - General Development Regulations** by:

- a) Deleting in **Section 6.4 Projection into Yards, 6.4.2** that reads:

"6.4.2 Unenclosed steps, eaves, **awnings, decks, canopies**, balconies, or **porches** may project into a required **yard** provided such projections do not exceed 0.6 m in the case of a front or **side yard** on a **flanking street**, 0.6 m in the case of an interior **side yard**, and 2.5 m in the case of a **rear yard** greater than 6.0 m."

And replacing it with:

"6.4.2 Unenclosed steps, eaves, **awnings, decks, canopies, balconies**, and **porches** shall not project more than 0.6 m into a required **yard** except they may project 2.5m into a required rear yard."

- b) Deleting in **Section 6.14 Riparian Management Area (RMA) Setbacks, 6.5.14** that reads:

"6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required; the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **lot coverage**."

And replacing it with:

"6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required, the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **site coverage**."

2. AND THAT **Section 7 - Landscaping and Screening** be amended by:

- a) Deleting in **Section 7.5 Fencing and Retaining Walls, 7.5.4** the following that reads:

"7.5.4 No **fence** in a commercial or industrial **zone** shall exceed 2.4 m."

And replacing it with:

"7.5.4 No fence in a Commercial, Public and Institutional or Industrial zone shall exceed 2.4 m."

- b) Deleting in Section 7.6 **Minimum Landscape Buffers**, 7.6.9 the following that reads:

"7.6.9 In addition to the minimum landscape buffer treatment levels above:

- (a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless superseded by development permit guidelines;
- (b) all internal lot lines on a site being comprehensively developed are exempt from side yard buffer zones;
- (c) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non-industrial zone properties;
- (d) CD zones shall specify the buffer treatment levels for the CD site;
- (e) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;
- (f) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and
- (g) recreational vehicle parking compounds in residential zones shall have a Level 5 buffer zone;
- (h) on corner lots, front yard landscape buffers shall apply to all street frontages;
- (i) for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard; and
- (j) all properties abutting Highways 97 and 33 require a level 4 buff along the highway frontage."

And replacing it with:

"7.6.9 In addition to the minimum landscape buffer treatment levels above:

- (a) all lands adjacent to Highways 33 and 97, except those in agricultural zones and within Urban Centres, are required to have Level 4 landscape buffer treatment unless superseded by development permit guidelines;
- (b) all industrial zone properties shall have a Level 3 buffer zone when adjacent to non-industrial zone properties;
- (c) CD zones shall specify the buffer treatment levels for the CD site;
- (d) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone;
- (e) required landscape islands in parking areas shall have the same level of landscaping as a Level 2 buffer zone; and Level 5 buffer zone; and
- (f) on corner lots, front yard landscape buffers shall apply to all street frontages; or
- (g) for development in industrial zones with parking located in front of the building, Level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard."

3. AND THAT **Section 8 - Parking and Loading** be amended by:

- a) Adding to the end of the paragraph in **Section 8.1 Off-Street Vehicle Parking**, 8.1.2 **Number of Spaces**, the following new paragraph:

"Parking spaces for secondary uses shall be provided in addition to the required parking spaces for the principal use on a site."

- b) Deleting sub-paragraph (e) from **Section 8.1 Off-Street Vehicle Parking, 8.1.9** that reads:

“(e) no required parking shall be in the form of a parallel parking stall adjacent to a lane or alley way unless the parallel parking site is accessed by a driveway and is screened from the lane way.”

And replacing it with:

“(e) no required parking shall be provided parallel to and flanking a **lane** unless the **parking area** is accessible by a driveway and is screened from the **lane** by a physical barrier.”

- c) Adding a new sub-paragraph (f) to **Section 8.1 Off-Street Vehicle Parking, 8.1.9 Location** that reads:

“(f) All **parking spaces** shall be hard surfaced in Residential zones and be a **dust free surface** in all other zones.”

- d) Deleting from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(a) Size and Ratio Table** the following:

l) Where the use of a parking space is limited on both sides by a wall or a column		3.0m (unobstructed with from face to face of column)	2.0m
m) Where the use of a parking space is limited on one side by a wall or column		2.7m (or 3.0m if a door opens into that one side)	2.0m
n) Where a building door opens into the parking space on its long side.		3.3m (unobstructed width)	2.0m

And replacing it with:

8.1.12 Where a <b>parking space</b> abuts an obstruction (including but not limited to columns, property lines, curbs, walls and fences) the <b>parking space</b> shall:		be an additional 0.2 m wider where the parking space abuts an obstruction on one side	2.0m
		be an additional 0.5 m wider where the parking space abuts an obstruction on both sides	2.0m
		be an additional 0.8 m wider	2.0m

		where the parking space abuts a door way	
		shall be measured to the edge of the obstruction closest to the parking space	2.0m

- e) Deleting the \*NOTE from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(a) Size and Ratio Table** in its entirety that reads:

“\*Note: Length, width and height measurements shall be clear of obstructions (access aisles, ramps, columns). Spacing measurements shall be taken from the inside to inside of columns.”

- f) Deleting the following from **Section 8.1 Off-Street Vehicle Parking, 8.1.11(b) Size and Ratio Table**:

Multi-Family Town house/Row House	50% Minimum	50% Maximum	0%
Multi-family Residential	50%	40%	10%

And replace with:

Ground oriented multiple housing	50% Minimum	50% Maximum	0%
Apartment Housing (including any units which may be ground oriented)	50%	40%	10%

- g) Adding to the beginning of **Section 8.1 Off-Street Vehicle Parking, 8.1.12** the following new paragraph that reads:

“8.1.12 Length, width and height measurements shall be clear of obstructions (including but not limited to columns, **property lines**, curbs, walls and fences). Spacing measurements shall be taken from the inside to inside of obstructions.”

- h) Deleting Section 8.1 Off-Street Vehicle Parking, Table 8.1 - Parking Schedule, Residential and Residential Related Section in its entirety that reads:

**Table 8.1 – Parking Schedule**

\*NOTE: GFA = **Gross Floor Area**

\*NOTE: GLA = **Gross Leasable Floor Area**  
**Required Parking Spaces**

<b>Type of Development (Use)</b>	
<b>Residential and Residential Related</b>	
<b>Apartment Hotels</b>	1 per <b>sleeping unit</b>
<b>Apartment Housing</b> <b>Row Housing</b> <b>Stacked Row Housing</b>	1 per <b>bachelor dwelling</b> unit, plus 1.25 per 1- <b>bedroom dwelling</b> unit, plus 1.5 per 2- <b>bedroom dwelling</b> unit, plus 2 per 3-or-more <b>bedroom dwelling</b> unit 1 per <b>dwelling unit</b> in the C4 and C7 zone Of the total required spaces above, 1 <b>parking space</b> shall be designated visitor parking for every 7 <b>dwelling</b> units
<b>Bed and Breakfast Homes</b>	1 per sleeping unit, plus spaces required for the corresponding principal <b>dwelling unit</b>
<b>Boarding or Lodging Houses</b> <b>Group Homes, Major</b>	1 per 2 sleeping rooms, plus spaces required for the corresponding principal <b>dwelling unit</b> 1 per 3 beds
<b>Carriage House</b>	1 additional <b>parking space</b> , plus the required <b>parking spaces</b> for the corresponding principal <b>dwelling unit</b> .
<b>Group Homes, Minor</b> <b>Temporary Shelter Services</b> <b>Congregate Housing</b>	1 per principal <b>dwelling</b> , plus 1 stall per three bed spaces and 1 per resident staff member, minimum total of not less than 3 spaces
<b>Home Based Business, Major</b>	1 in addition to that required for the principal <b>dwelling</b>
<b>Home Based Business, Minor</b>	None in addition to that required for the principal <b>dwelling</b>
<b>Home Based Business, Rural</b>	1 in addition to that required for the principal <b>dwelling</b>
<b>Mobile Homes in RM7 zone</b>	2 per <b>dwelling</b> unit, plus 1 space per 7 <b>dwelling</b> units as designated visitor parking
<b>Secondary Suites</b>	1 of the required <b>parking spaces</b> for a principal dwelling must be designated to the <b>secondary suite</b> . The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration.
<b>Special Needs Housing</b>	Pursuant to Section 6.9
<b>Single Detached Housing</b> <b>Semi-Detached Housing</b> <b>Single Detached Housing in a Bareland Strata</b> <b>Duplex Housing</b> <b>Mobile Homes in RU6 zone</b> <b>Residential Security/Operator Unit</b>	2 per <b>dwelling</b> unit  Of the required spaces, 1 per 7 <b>dwelling</b> units to be designated visitor parking (included in the total number of spaces to be provided) for bareland strata and strata <b>developments</b>

<b>Supportive Housing</b>	1 per 3 <b>dwelling</b> units

And replace it with:

<b>Table 8.1 – Parking Schedule</b>	
	*NOTE: GFA = <b>Gross Floor Area</b> *NOTE: GLA = <b>Gross Leasable Floor Area</b>
<b>Type of Development (Use)</b>	<b>Required Parking Spaces</b>
<b>Residential and Residential Related</b>	
<b>Apartment Hotels</b>	1.0 spaces per <b>sleeping unit</b> ; 1.0 spaces per 7 <b>dwelling</b> units which shall be designated as visitor <b>parking spaces</b>
<b>Apartment Housing</b> <b>Row Housing</b> <b>Stacked Row Housing</b>	<b>Apartment Housing:</b> 1.0 spaces per <b>bachelor dwelling unit</b> ; 1.0 spaces per 7 <b>dwelling</b> units which shall be designated as visitor <b>parking spaces</b> <b>Row Housing:</b> 1.25 spaces per 1 <b>bedroom dwelling unit</b> ; 1.0 spaces per 7 <b>dwelling</b> units which shall be designated as visitor <b>parking spaces</b> <b>Stacked Row Housing:</b> 1.5 spaces per 2 <b>bedroom dwelling unit</b> ; 2.0 spaces per 3 <b>bedroom dwelling units</b> ; 1.0 space per <b>dwelling unit</b> in the C4 and C7 <b>commercial zones</b> ; and 1.0 spaces per 7 <b>dwelling</b> units which shall be designated as visitor <b>parking spaces</b>
<b>Bed and Breakfast Homes</b>	<b>Bed and Breakfast Homes:</b> 1.0 space
<b>Boarding or Lodging Houses</b>	<b>Boarding or Lodging Houses:</b> 1.0 space per 2 <b>sleeping rooms</b> ;
<b>Group Homes, Major</b>	<b>Group Homes, Major:</b> 1.0 space per 3 beds
<b>Carriage House</b>	1.0 space
<b>Group Homes, Minor</b> <b>Temporary Shelter Services</b> <b>Congregate Housing</b>	<b>Group Homes, Minor:</b> 1.0 space per principal <b>dwelling unit</b> ; 1.0 space per 3 beds <b>Temporary Shelter Services:</b> 1.0 space per principal <b>dwelling</b> ; 1.0 space per 3 beds <b>Congregate Housing:</b> 1.0 space per principal <b>dwelling</b> ; 1.0 space per 3 beds; and 3.0 spaces or 1.0 space per resident staff member whichever is greater
<b>Home Based Business, Major</b>	1.0 space
<b>Home Based Business, Minor</b>	No spaces required
<b>Home Based Business, Rural</b>	1.0 space

<b>Mobile Homes</b> in RM7 zone	2.0 spaces per <b>dwelling</b> unit; 1.0 spaces per 7 <b>dwelling</b> units which shall be designated as visitor parking spaces
<b>Secondary Suites</b>	1.0 space (see section 9.5a.10)
<b>Special Needs Housing</b>	Pursuant to Section 6.9
<b>Single Detached Housing</b> <b>Semi-Detached Housing</b> <b>Single Detached Housing</b> in a Bareland Strata <b>Duplex Housing</b> <b>Mobile Homes</b> in RU6 zone <b>Residential Security/Operator Unit</b>	<b>Single Detached Housing:</b> 2.0spaces per <b>dwelling</b> unit; <b>Semi-Detached Housing</b> 2.0 spaces per <b>dwelling</b> unit; All <b>Bareland Strata</b> lot developments: 3.0 spaces per <b>dwelling</b> unit; 1.0 space per 7 <b>dwelling</b> units, included in required parking and which shall be designated as visitor parking <b>Duplex Housing</b> 2.0 spaces per <b>dwelling</b> unit; <b>Residential Security/Operator Unit</b> 1.0 space per <b>dwelling</b> unit
<b>Supportive Housing</b>	1.0 space per 3 <b>dwelling</b> units

- i) Deleting **Section 8.1 Off-Street Vehicle Parking, Table 8.1 - Parking Schedule, Commercial** the following that reads:

<b>Gas Bars</b>	1 per 2 employees on duty, plus 2 per service bay, plus additional required spaces for other associated <b>uses</b> (e.g. convenience retail)
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and

<b>Health Services, Major and Minor</b> (a) HD2 zone (b) Lot area of 1800m <sup>2</sup> or more, exclusive of the HD2 zone (c) Lot area of less than 1800m <sup>2</sup> , exclusive of the HD2 zone	2.5 per 100m <sup>2</sup> GFA 4.0 per 100m <sup>2</sup> GFA 3.0 per 100m <sup>2</sup> GFA
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And replace it with:

<b>Gas Bars</b>	1.0 space per two on site employees, plus 2.0 per service bay
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And

<b>Health Services, Major and Minor</b>	<b>Health Services, Major and Minor</b> <b>Minor</b> 5.0 spaces per 100 m <sup>2</sup> gross floor area, except for parcels less than 1000 m <sup>2</sup> the required parking spaces shall be 4.0 spaces.
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- j) Deleting **Section 8.1 Off-Street Vehicle Parking, Table 8.3 - Parking Schedule, Bicycle Parking Schedule** the following:

<b>Apartment Housing</b> <b>Row Housing</b> (3 or more <b>dwelling</b> units)	<b>Class I:</b> 0.5 per <b>dwelling</b> unit <b>Class II:</b> 0.1 per <b>dwelling</b> unit
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And replacing it with:

Apartment Housing	<b>Required Parking Spaces</b> <b>Class I: 0.5 per dwelling unit</b> <b>Class II: 0.1 per dwelling unit</b>
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- k) Deleting definitions for Bicycle Parking, Class I and II in **Section 8.1 Off-Street Vehicle Parking, Table 8.3 - Bicycle Parking Schedule** in its entirety that reads:

**\*\*BICYCLE PARKING, CLASS I** means bicycle parking that is provided for residents, students, or employees of a **development**. It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage, and individual garages or **carports** for each **dwelling unit**.

**\*BICYCLE PARKING, CLASS II** means bicycle parking that is provided for patrons or visitors of a **development**. It is intended for the short term parking of bicycles and includes racks, lockers, or other structurally sound devices designed to secure one or more bicycles in an orderly fashion.”

And replacing it with:

**“8.3.1 Bicycle parking, CLASS I** means bicycle parking that is provided for residents, students, or employees of a **development**. It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or rooms specifically provided and equipped for bicycle storage.

**8.3.2 Bicycle parking, CLASS II** means bicycle parking that is provided for patrons or visitors of a **development**. It is intended for the short term parking of bicycles and includes racks, lockers, or other structurally sound devices designed to secure one or more bicycles in an orderly fashion.”

4. AND THAT **Section 9 - Specific Use Regulation** be amended by:

- a) Deleting from **Section 9.2 Home Based Businesses, Minor, 9.2.1 (a)** the following:

**“9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following:**

- (a) a **minor home based business** shall only be conducted within a principal dwelling unit or secondary suite and no exterior storage or operation of the **minor home based business** shall be permitted.”

And replaced with:

**“9.2.1 All minor home based businesses shall be secondary uses and shall comply with the following:**

- (a) a **minor home based business** shall only be conducted within a principal **dwelling unit** and no exterior storage or exterior operation of the **minor home based business** shall be permitted”

- b) Deleting from **Section 9.3 Home Based Businesses, Major, 9.3.8** the following:



"9.3.8 A food catering **business** operating lawfully within a **dwelling** may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen shall be removed should that **home based business, major** use cease. The additional kitchen is not permitted to be utilized to establish an additional **dwelling**."

And replace it with:

"9.3.8 A food catering **business** shall contain one additional **kitchen**, provided it is required by the **Health Services**, which shall be removed should that **home based business, major** use cease. The additional **kitchen** is not permitted to be utilized to service an additional **dwelling** unit."

c) deleting **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations, 9.5a.6** as follows:

"9.5a.6 In all urban and rural residential zones, a secondary suite is not permitted in conjunction with a boarding and lodging house, a bed and breakfast accommodation or a group home."

And replacing it with:

"9.5a.6 A **bed and breakfast home, a boarding or lodging house and/or group home minor/major** shall not be permitted to operate within a **secondary suite**.

9.5a.6a A **secondary suite** shall not be permitted on a parcel which also has a **bed and breakfast, a boarding or lodging house or a group home, major/minor**."

d) Deleting from **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations, 9.5a.8** the following:

"9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30m<sup>2</sup> of private open space shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: plantings, architectural elements such as a trellis, low fences or planters and changes in grade or elevation."

And replacing it with:

"9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30 m<sup>2</sup> of private open space shall be provided per **dwelling** unit.

The **private open space** shall:

- i. have a direct connection to a **secondary suite** entrance; and
- ii. be defined from other **private open space** and yard with the use of **landscaping**."

e) Adding to **Section 9.5 Secondary Suite and Carriage House, 9.5a Secondary Suite Regulations**, a new 9.5a.10 as follows:

"9.5a.10 1.0 additional parking space for a **secondary suite** is required which shall:

- i. be designated as being solely for the use of the **secondary suite**
  - ii. not be located within a private garage which is attached to and provides direct access to the principal **dwelling**;
  - iii. not be provided in a tandem configuration;
  - iv. be located within the required **front yard** setback area if the **parking space** does not block access to a required **parking space** utilized by the principal **dwelling** unit.”
- f) Deleting **Section 9.5 Secondary Suite and Carriage House, 9.5b Carriage House Regulations, 9.5b.1** in its entirety that reads:
- g) Deleting **Section 9.10 Agriculture, Urban, 9.10.1(b)** in its entirety that reads:
- “9.10.1 b) **greenhouses or accessory structures** associated with urban agriculture shall conform to the applicable zoning requirements for **accessory buildings or structures** and the relevant zone. A **greenhouse** is not included in the calculation of lot coverage for **accessory buildings or structures**.”

And replacing it with:

- “9.10.1 b) **greenhouses, accessory buildings or structures** associated with urban agriculture shall conform to the applicable zoning requirements for **accessory buildings or structures** and the relevant **zone**. A **greenhouse** is not included in the calculation of **site coverage** for **accessory buildings or structures**.”
- h) Deleting **Section 9.10 Agriculture, Urban, 9.10.2(b)** in its entirety that reads:
- “9.10.2 b) **greenhouses** are not included in the calculation of lot coverage for **accessory buildings or structures**;

And replacing it with:

- “9.10.2 b) **greenhouses** are not included in the calculation of **site coverage** for **accessory buildings or structures**;
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 14<sup>th</sup> day of September, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk