
CITY OF KELOWNA

MEMORANDUM

Date: March 7, 2001
File No.: (3360-20) **TA00-003**

To: City Manager

From: Planning & Development Services Department

Subject:
APPLICATION NO. TA00-003 OWNER: CITY OF KELOWNA
FOR: BYLAW 8000 APPLICANT: AS ABOVE
PURPOSE: TO AMEND ZONING BYLAW 8000
REPORT PREPARED BY: BARB WATSON

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by updating the provisions of Bylaw No. 8000 as detailed in Schedule "A" as outlined in the report of the Planning & Development Service Department dated March 7, 2001.

AND THAT Text Amendment No. TA00-003 be forwarded to a Public Hearing.

2.0 SUMMARY

The proposed amendments to the City of Kelowna Zoning Bylaw are presented as listed in Schedule "A" as "housekeeping" amendments. These amendments are minor in nature and have been identified through the daily application of the Zoning Bylaw. After having the opportunity to work with the new bylaw for two years, staff has determined that there are inconsistencies, omissions and confusing sections of the bylaw that need to be addressed. Regulating bylaws, such as the zoning bylaw, are typically very complex and comprehensive documents. Amendments such as the proposed changes listed in Schedule A, are necessary to address the inconsistencies as they arise out of the various departments perspective and use of the Zoning Bylaw. The proposed amendments will update the Zoning Bylaw to current standards.

It is recommended that Council, after initial consideration of the proposed amendment, forward them to a public hearing for further consideration. In addition to statutory notification requirements, staff have sent a copy of this report to UDI, CHBA and SICA for review with notification that their opportunity to comment is at the Public Hearing.

3.0 BACKGROUND

3.1 The Proposal

Schedule A lists all of the proposed amendments to Zoning Bylaw No. 8000. A brief explanation of each proposed amendment is listed by section together with the proposed amendments. Staff within the Planning and Development Services Department and Inspection Services Department has reviewed the amendments. The proposed amendments are the third batch of City initiated amendments since the consolidation bylaw was adopted in October of 1998.

Andrew Bruce
Current Planning Manager

Approved for inclusion



R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Development Services

/hb
Attach.

SCHEDULE A - AMENDMENTS TO THE CITY OF KELOWNA ZONING BYLAW NO. 8000

General Administration:

1. Definitions

The following amendments to Section 2 of the Zoning Bylaw No. 8000 are proposed to correct inconsistencies, clarify interpretations and to add definitions that have been omitted to date. The following definitions are proposed to replace existing definitions where noted with an “R” in the margin and new definitions to be added are noted with an “A” in the margin.

Section	Amended Text
R	HOME BASE BUSINESS, MAJOR means development consisting of the use of a dwelling unit or accessory building for a business by a resident who resides <i>for more than 240 days of a year</i> at that dwelling unit. The business must be secondary to the residential use of the building and shall not change the residential character of the dwelling or secondary building.
R	HOME BASE BUSINESS MINOR means development consisting of the use of a dwelling unit by a resident who resides <i>for more than 240 days of a year</i> at that dwelling unit. The business must be secondary to the residential use of the building and no aspects of the business operations shall be detectable from the outside the property.
R	HOME BASE BUSINESS RURAL means development consisting of the use of a dwelling unit or accessory building for a business by a resident who resides <i>for more than 240 days of a year</i> at that dwelling unit. The business must be secondary to the residential use of the building and shall not change the residential character of the dwelling or secondary building. This use does not include care centres.
R	HOUSEHOLD means (a) a person; or (b) two or more persons related by blood, marriage, adoption <i>or associated through foster care</i> . (c) a group of not more than five persons, including boarders, who are not related by blood marriage, adoption <i>or associated through foster care</i> or (d) A combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage adoption <i>or associated through foster care</i> ; all living together in one dwelling unit using one kitchen.
R	CARE CENTRE, INTERMEDIATE – add “This definition also includes care centre minor” at end of definition
R	CARE CENTRE, MAJOR – “This definition includes care centre “minor and

	care centre, intermediate”.
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2. Section 6 - General Development Regulations

The following amendments to Section 6 of Zoning Bylaw are proposed to provide additional clarity to the General Development Regulations. The following are sections proposed to be amended to read as stated below:

Section	Amended Text
6.5.6	An accessory building or structure shall not exceed 4.5 m nor one and one half storeys in height , except as regulated in zones where a secondary suite is permitted as a secondary use within an accessory building
6.5.8 (b)	An accessory building in an urban and rural residential zone shall be located not less than 1.0 m from the side lot line but shall be unrestricted where the accessory building does not exceed the permitted fence height. Accessory buildings housing secondary suites shall conform to the side yard setback requirements of the principal building in that zone.

3 Section 8 - Parking and Loading

The following amendments to Section 8 of Zoning Bylaw are proposed to provide additional clarity to the Parking and Loading Regulations. The following are sections proposed to be amended to read as stated below:

Section	Text Amendments
8.1.10(d)	Add; “No off street parking shall be located within 1.5 m of any side or rear property line abutting residential and multiple housing zones.”
8.4.8	Amend to; “Bicycle racks shall be constructed of theft resistant material, shall be securely anchored to the floor, building or ground, shall support the bicycle frame above the centre of gravity, and shall enable the bicycle frame and the front or rear wheel to be locked with a U-style lock.”
8.5.3	Amend the first line to read;” In lieu of providing the required number of off street vehicular or bicycle parking spaces....”
Table 8.3	Delete exemption listed in brackets under Commercial category
Table 8.3	Amend Class I Bicycle Parking definition by changing the second sentence to;” It is intended for the long term secure parking of bicycles and includes bicycle lockers, compounds or room specifically provided for and equipped for bicycle storage, and individual garages or carports for each dwelling unit.”
Table 8.3	Delete the word “railing” from Class II Bicycle Parking definition.

4 **Section 9 – Specific Use Regulations**

The following amendments to Section 9 of Zoning Bylaw No.8000 are proposed to provide additional clarity to the Specific Use Regulations. The following are sections to be amended to read as stated below:

Section	Amended Text
9.2.1(e)	This use does not include the repair or painting of vehicles, trailers or boats; cabinet making; or welding or machine shops, or care centres, or cutting and wrapping wild game.
9.3.1 (f)	This use does not include the repair or painting of vehicles, trailers or boats; cabinet making; or welding or machine shops, or care centres, or cutting and wrapping wild game.
9.8.1	Car washing establishments shall provide upstream vehicle storage for a minimum of 5 vehicles per washing bay except it is a minimum of 2 vehicles where the washing bay is coin operated and manually washed by the occupant of the vehicle.

6 **Section 12 – Rural Residential Zones**

Section	Text Amendments
12.3.5	Amend the last sentence to read;" Where there is no direct vehicular access to the rear lane or to an attached garage or carport, one side yard shall be at least 3.0 m"

7 **Section 13 – Urban Residential Zones**

The following amendments to Section 13 of Zoning Bylaw No.8000 are proposed to provide additional clarity to the Urban Residential Zone Regulations. The following are sections to be amended to read as stated below:

Section	Text Amendments
13.6.1	The purpose is to provide a zone for development of a maximum of two dwelling units in the form of single detached, duplex, semi-detached or single detached with secondary suites
13.5.5(e)	Change “lot” to “site”.
13.6.5(g)	A site may be developed with a maximum two single detached units where all the requirements for duplex housing have been met.
13.7.1	The purpose is to provide a zone for the development of a maximum of four dwelling units in the form of single detached, semi-detached, duplex, three-plex or four-plex housing.
13.7.2	Add (c) duplex housing (d) semi-detached (e) single detached.
13.8.2	Add (c) duplex housing (d) semi-detached (e) single detached.

8 Section 14 – Commercial Zones

The following amendments to Section 14 of Zoning Bylaw No.8000 are proposed to provide additional clarity to the Commercial Zone Regulations. The following are sections to be amended to read as stated below:

Section	Text Amendments
14.5.2 (a)	Boarding and lodging houses
14.10.5 b)	The maximum site coverage is 60%

9 Section 15 – Industrial Zones

Section	Text Amendments
15.3.2(a)	Delete

10 Section 16 – Public and Institutional Zones

The following amendments to Section 16 of Zoning Bylaw No.8000 are proposed to provide additional clarity to the Public Zone Regulations. The following are sections to be amended to read as stated below:

Section	Text Amendments
16.1.3 (d)	Eating and Drinking establishments minor
16.1.3 (g)	Retail store, general
16.3.3 (f)	Retail store, general
16.6.3(e)	Retail store, general

11 Schedule 'B' - Comprehensive Development Zones,

The following amendments to Schedule 'B' – Comprehensive Development Zones of Zoning Bylaw No.8000 are proposed to provide additional clarity to the Specific Use Regulations. The following are sections to be amended to read as stated below:

Section	Text Amendments
CD1	1.2 (d) delete 1.5 (c) delete senior citizen Map 1 change senior citizen to apartment
CD2 1.2 (p)	Retail store, convenience
CD2 1.2 (q)	Retail store, general
CD5 1.2 Principal Uses	(a) Apartment Housing (b) Amusement arcades, major (c) Broadcast studios (d) Business Support Services (e) Care centres major (f) Care Centre Intermediate (g) Commercial Schools (h) Detention and correction facilities (i) Eating and Drinking establishments, major (j) Eating and drinking establishments minor (k) Emergency and protection services (l) Exhibition and Convention facilities (m) Extended medical treatments (n) Financial Services (o) Fleet Services (p) Government Services (q) Health Services (r) Hotels (s) Non-accessory Parking (t) Offices (u) Participant recreation services, indoor (v) Personal Service establishments (w) Private Clubs (x) Public Libraries and Cultural exhibits (y) Retail store, convenience (z) Retail store, general (aa) Religious assemblies (bb) Spectator entertainment Establishments (cc) Spectator sport establishments (dd) Temporary shelter Services

CD 14 1.6 (d)	delete
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