

CITY OF KELOWNA

BYLAW NO. 8654

Text Amendment No. 00-003 – Miscellaneous Amendments

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 that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 2 - Interpretation** be amended by:

(i) Replacing the following definitions in **Subsection 2.3 General Definitions**:

"AGRI-TOURIST ACCOMMODATION means the accommodation for tourists on a farm, orchard, or ranch which is subordinate and secondary to the main **use**. Typical **uses** include but are not limited to guest ranches, farm inns, bed and breakfasts, and campsites/recreational vehicle pads.

CARE CENTRE, INTERMEDIATE means an establishment licensed as required under the *Community Care Facilities Act* intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This **use** includes group day care centres, out-of-school centres, and drop-in centres. This includes **developments** for 9 to 25 children for group day-care or 11 to 25 children for the provision of care, before and after school hours and during school holidays, for children attending school. This also includes **care centres, minor**.

CARE CENTRE, MAJOR means an establishment licensed as required under the *Community Care Facilities Act* intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This **use** includes group day care centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes **care centre, minor** and **care centre, intermediate**.

HOME BASED BUSINESS, MAJOR means **development** consisting of the **use** of a **dwelling** unit or **accessory building** for a **business** by a resident who resides for more than 240 days of a year 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 **accessory building**.

HOME BASED BUSINESS, MINOR means **development** consisting of the **use** of a **dwelling** unit for a **business** by a resident who resides for more than 240 days of a year at that **dwelling** unit. The **business** must be secondary to the residential **use** of the **building** and no aspects of **business** operations shall be detectable from outside the property.

HOME BASED BUSINESS, RURAL means **development** consisting of the **use** of a **dwelling** unit or **accessory building** for a **business** by a resident who resides for more than 240 days of a year 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 **accessory building**. This **use** does not include **care centres**.

HOUSEHOLD means

- (a) a person; or
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care; or
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one **dwelling** unit as a single **household** using common cooking facilities.

In addition, a **household** may also include up to one housekeeper or nanny."

2. AND THAT **Section 6 - General Development Regulations** be amended by:

- (i) Replacing paragraphs 6.5.6 and 6.5.8 of **Subsection 6.5 Accessory Development** with the following:

"6.5.6 An **accessory building** or **structure** shall not exceed 4.5 m nor 1½ **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 **Accessory buildings** and **structures** shall be located on an **interior lot** as follows:

- (a) an **accessory building** shall not be located closer than 18.0 m to the **front lot line** unless it complies with the **side yard** requirements for a principal **building**;
- (b) an **accessory building** in an **urban residential zone** or **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 for the principal **building** in that **zone**; and
- (c) mechanical equipment shall be located to comply with the **side yard** setback for the principal **building**."

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

- (i) Replacing paragraph 8.1.10 of **Subsection 8.1 Off-Street Vehicle Parking** with the following:

"8.1.10 For non-residential **use** classes:

- (a) some or all required off-street **parking spaces** may be provided on a **site** located remotely, but no further than 200.0 m (for C4 and C7 **zones**) or 120.0 m (for all other **zones**) measured along the shortest public pedestrian route from the nearest point of the parking to the nearest point of the **site** of the **development** served by the parking;

- (b) where required off-street parking is located on a **site** separate from the **site** of the **development**:
 - (i) the **owner** of the remote off-street parking **site** shall covenant with the **City** by agreement that the remote lands required for off-street parking shall be so used as long as required by this Bylaw, and the **owner** shall consent to pay the full cost of the preparation and registration of an agreement under Section 219 of the *Land Title Act* on the title to the remote lands; and
 - (ii) remote parking shall be developed to the same standard as on-site parking;
- (c) unless otherwise stipulated, no off-street parking shall be located within 2.0 m of any front **property line** or any **property line abutting a street**; and
- (d) No off-street parking shall be located within 1.5 m of any side or rear **property line** abutting **residential zones**."
- (ii) Replacing paragraph 8.4.8 of **Subsection 8.4 Off-Street Bicycle Parking** with the following:

"8.4.8 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 front or rear wheel to be locked with a U-style lock."
- (iii) Replacing paragraph 8.5.3 of **Subsection 8.5 General Provisions** with the following:

"8.5.3 In lieu of providing the required number of off-street vehicular or bicycle **parking spaces** where the **City** owns and operates a parking facility within **urban town centres**, a property **owner** within an **urban town centre** may pay to the **City** a sum of money equal to the number of **parking spaces** not provided multiplied by the applicable cash-in-lieu amount as determined from time to time by **Council**. The sum of money will be deposited in the parking facilities reserve fund for disposition as directed by **Council**. Cash-in-lieu is not permitted where compliance with Ministry of Transportation & Highways standards is required."
- (iv) Replacing the **Commercial** parking standards in **Table 8.3 - Bicycle Parking Schedule** with the following:

" Commercial	Class I: 0.20 per 100 m ² GLA; or 1 per 10 employees Class II: 0.60 per 100 m ² GLA	"
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- (v) Replacing the definitions of **Bicycle Parking, Class I** and **Bicycle Parking, Class II** in the footnotes of **Table 8.3 - Bicycle Parking Schedule** with the following:

"***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."

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

- (i) Replacing paragraph 9.2.1 of **Subsection 9.2 Home Based Business, Minor** with the following:

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

- (a) A **minor home based business** shall only be conducted within a principal **building** and no exterior storage or operation of the **minor home based business** shall be permitted;
- (b) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building** or **structure** for the purpose of accommodating a **minor home based business** shall be permitted;
- (c) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **minor home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **minor home based business** shall not adversely affect the amenities of the neighbourhood;
- (d) The **minor home based business** shall not generate more than one client visit to the **site** from which the **business** is being operated on any given day; and
- (e) This **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; **care centres**; or cutting and wrapping wild game."

- (ii) Replacing paragraph 9.3.1 of **Subsection 9.3 Home Based Business, Major** with the following:

"9.3.1 All **major home based businesses** shall be **secondary uses** and must comply with the following:

- (a) A **major home based business** shall only be conducted within a principal **building** or one **accessory building** or **structure**;
- (b) No exterior storage or operation of the **major home based business** shall be permitted;
- (c) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building** or **accessory building** or **structure** for the purpose of accommodating a **major home based business** shall be permitted;
- (d) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **major home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **major home based business** shall not adversely affect the amenities of the neighbourhood;
- (e) The **major home based business** shall not generate more than two clients to the **site** from which the **business** is being operated at any given time; and
- (f) This **use** does not include the repair or painting of **vehicles**, trailers or boats; cabinet making; welding or machine shops; **care centres**; or cutting and wrapping wild game."

- (iii) Replacing paragraph 9.4.1 of **Subsection 9.3 Home Based Business, Rural** with the following:

"9.4.1 All **rural home based businesses** shall be **secondary uses** and must comply with the following:

- (a) A **rural home based business** shall only be conducted within a principal **building** or one **accessory building** or **structure** and no exterior storage or operation of the **rural home based business** shall be permitted;
- (b) No variation from the residential character and appearance of land or **buildings** shall be permitted and no external structural change to any principal **building** or **accessory building** or **structure** for the purpose of accommodating a **rural home based business** shall be permitted;
- (c) No **nuisance** from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the **rural home based business** and, at all times, the privacy and enjoyment of **adjacent dwellings** shall be preserved and the **rural home based business** shall not adversely affect the amenities of the neighbourhood; and

- (d) The **rural home based business** shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the neighbourhood within which it is located; and shall not generate more than two clients to the **site** from which the occupation is being operated at any given time."
 - (iv) Replacing paragraph 9.8.1 of **Subsection 9.8 Car Washes** with the following:

"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 the **vehicle** is manually washed by an occupant of the **vehicle**."
5. AND THAT **Section 11 - Agricultural Zones** be amended by:
- (i) Deleting paragraph (g) of **Subsection 11.1.3 Secondary Uses** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone and renumbering the subsequent paragraphs.
 - (ii) Replacing paragraphs (d) and (e) of **Subsection 11.1.6 Other Regulations** of the **A1 - Agriculture 1/A1s - Agriculture 1 with Secondary Suite** zone with the following and renumbering the subsequent paragraphs:
 - "(d) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 100.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
 - (e) For **lots** not located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on **lots** smaller than 5.0 hectares in size and shall not exceed 10 **bedrooms**, campsites or recreational vehicle pads.
 - (f) For **lots** located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on **lots** smaller than 2.0 hectares in size and shall not exceed 10% **site coverage**. Notwithstanding this section, the provision of **agri-tourist accommodation** must be in compliance with the provisions of the **Agricultural Land Reserve Act** or specific approval from the **Land Reserve Commission**."
 - (iii) Deleting paragraph (f) of **Subsection 11.2.3 Secondary Uses** of the **A2 - Agriculture 2** zone and renumbering the subsequent paragraphs.
6. AND THAT **Section 12 - Rural Residential Zones** be amended by:
- (i) Deleting paragraph (e) of **Subsection 12.1.3 Secondary Uses** of the **RR1 - Rural Residential 1** zone and renumbering the subsequent paragraphs.
 - (ii) Deleting paragraph (c) of **Subsection 12.2.3 Secondary Uses** of the **RR2 - Rural Residential 2** zone and renumbering the subsequent paragraphs.
 - (iii) Deleting paragraph (c) of **Subsection 12.3.3 Secondary Uses** of the **RR3 - Rural Residential 3/RR3s - Rural Residential 3 with Secondary Suite** zone and renumbering the subsequent paragraphs.

- (iv) Replacing paragraph (d) of **Subsection 12.3.5 Development Regulations** of the **RR3 - Rural Residential 3/RR3s - Rural Residential 3 with Secondary Suite** zone with the following:

"(d) The minimum **side yard** is 2.0 m for a 1 or 1½ **storey building** or an **accessory building** or **structure** and 2.3 m for a 2 or 2½ **storey building**, except it is 4.5 m from a **flanking street** or as required by Section 12.3.5(e). Where there is no direct vehicular access to the **rear yard** or there is an attached garage or **carport**, one **side yard** shall be at least 3.0 m."

7. AND THAT **Section 13 - Urban Residential Zones** be amended by:

- (i) Replacing paragraph (e) of **Subsection 13.5.5 Development Regulations** of the **RU5 - Bareland Strata Housing** zone with the following:

"(e) The minimum **site rear yard** is 6.0 m. Where the **site width** exceeds the **site depth**, the minimum **rear yard** is 4.5 m."

- (ii) Replacing **Subsection 13.6.1 Purpose** of the **RU6 – Two Dwelling Housing/RU6b – Two Dwelling Housing with Boarding or Lodging House** zone with the following:

"13.6.1 PURPOSE

The purpose is to provide a **zone** for **development** of a maximum of two **dwelling** units in the form of **single detached, duplex, or semi-detached housing** or **single detached housing with secondary suites**."

- (iii) Adding paragraph (g) to **Subsection 13.6.5 Development Regulations** of the **RU6 – Two Dwelling Housing/RU6b – Two Dwelling Housing with Boarding or Lodging House** zone as follows:

"(g) A **site** may be developed with a maximum of two **single detached housing** units where all the requirements for **duplex housing** have been met."

- (iv) Replacing **Subsection 13.7.1 Purpose** of the **RM1 - Four-plex Housing** zone with the following:

"13.7.1 Purpose

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** on **urban services**."

- (v) Adding the following new paragraphs to **Subsection 13.7.2 Principal Uses** of the **RM1 – Four-plex Housing** zone in the appropriate locations and renumbering the subsequent paragraphs:

**"duplex housing
semi-detached housing
single detached housing"**

- (vi) Adding the following new paragraphs to **Subsection 13.8.2 Principal Uses** of the **RM2 – Low Density Row Housing** zone in the appropriate locations and renumbering the subsequent paragraphs:

"duplex housing
semi-detached housing
single detached housing"
 - (vii) Deleting paragraph (b) of **Subsection 13.8.3 Secondary Uses** of the **RM2 – Low Density Row Housing** zone and renumbering the subsequent paragraphs.
 - (viii) Deleting paragraphs (a) and (c) of **Subsection 13.9.3 Secondary Uses** of the **RM3 – Low Density Multiple Housing** zone and renumbering the subsequent paragraphs.
 - (ix) Deleting paragraphs (a) and (c) of **Subsection 13.10.3 Secondary Uses** of the **RM4 – Transitional Low Density Housing** zone and renumbering the subsequent paragraphs.
 - (x) Deleting paragraphs (a) and (c) of **Subsection 13.11.3 Secondary Uses** of the **RM5 – Medium Density Multiple Housing** zone and renumbering the subsequent paragraphs.
 - (xi) Deleting paragraphs (a) and (c) of **Subsection 13.12.3 Secondary Uses** of the **RM6 – High Rise Apartment Housing** zone and renumbering the subsequent paragraphs.
8. AND THAT **Section 14 - Commercial Zones** be amended by:
- (i) Deleting paragraph (b) of **Subsection 14.1.2 Principal Uses** of the **C1 - Local Commercial** zone and renumbering the subsequent paragraphs.
 - (ii) Deleting paragraph (b) of **Subsection 14.2.2 Principal Uses** of the **C2 - Neighbourhood Commercial** zone and renumbering the subsequent paragraphs.
 - (iii) Deleting paragraph (e) of **Subsection 14.3.2 Principal Uses** of the **C3 - Community Commercial** zone and renumbering the subsequent paragraphs.
 - (iv) Deleting paragraph (e) of **Subsection 14.4.2 Principal Uses** of the **C4 - Town Centre Commercial** zone and renumbering the subsequent paragraphs.
 - (v) Replacing paragraph (a) of **Subsection 14.5.2 Principal Uses** of the **C5 - Transition Commercial** zone with the following:

"(a) **boarding or lodging houses**"
 - (vi) Deleting paragraph (b) of **Subsection 14.5.2 Principal Uses** of the **C5 - Transition Commercial** zone and renumbering the subsequent paragraphs.
 - (vii) Deleting paragraphs (d) and (f) of **Subsection 14.6.3 Secondary Uses** of the **C6 - Regional Commercial** zone and renumbering the subsequent paragraphs.
 - (viii) Deleting paragraph (d) of **Subsection 14.7.3 Secondary Uses** of the **C7 - Central Business Commercial** zone and renumbering the subsequent paragraphs.

- (ix) Deleting paragraphs (b) and (d) of **Subsection 14.8.3 Secondary Uses** of the **C8 - Convention Hotel Commercial** zone and renumbering the subsequent paragraphs.
 - (x) Deleting paragraphs (b) and (d) of **Subsection 14.9.3 Secondary Uses** of the **C9 - Tourist Commercial** zone and renumbering the subsequent paragraphs.
 - (xi) Replacing paragraph (b) of **Subsection 14.10.5 Development Regulations** of the **C10 - Service Commercial** zone with the following:
 - "(b) The maximum **site coverage** is 60%."
9. AND THAT **Section 15 - Industrial Zones** be amended by:
- (i) Deleting paragraph (a) of **Subsection 15.3.2 Principal Uses** of the **I3 - Heavy Industrial** zone and renumbering the subsequent paragraphs.
10. AND THAT **Section 16 - Public & Institutional Zones** be amended by:
- (i) Replacing paragraphs (d) and (g) in **Subsection 16.1.3 Secondary Uses** of the **P1 - Major Institutional** zone with the following:
 - "(d) **eating and drinking establishments, minor**
 - (g) **retail stores, general**"
 - (ii) Deleting paragraph (a) in **Subsection 16.1.3 Secondary Uses** of the **P1 - Major Institutional** zone and renumbering the subsequent paragraphs.
 - (iii) Deleting paragraph (a) in **Subsection 16.2.2 Principal Uses** of the **P2 - Education and Minor Institutional** zone and renumbering the subsequent paragraphs.
 - (iv) Deleting paragraph (a) in **Subsection 16.3.3 Secondary Uses** of the **P3 - Parks and Open Space** zone and renumbering the subsequent paragraphs.
 - (v) Replacing paragraph (e) in **Subsection 16.6.3 Secondary Uses** of the **W2 - Intensive Water Use** zone with the following:
 - "(e) **retail stores, convenience**"
11. AND THAT **Schedule "B" - Comprehensive Development Zones** be amended by:
- (i) Deleting paragraph (d) of **Subsection 1.2 Principal Uses** of the **CD1 - Comprehensive Development One** zone and renumbering the subsequent paragraphs.
 - (ii) Deleting paragraph (b) of **Subsection 1.3 Secondary Uses** of the **CD1 - Comprehensive Development One** zone and renumbering the subsequent paragraphs.

- (iii) Replacing paragraph (c) of **Subsection 1.5 Development Regulations** of the **CD1 - Comprehensive Development One** zone with the following:
 - "(c) The maximum **height** for **buildings** and structures within the CD1 Zone shall be as follows:
 - **single detached housing** and **row housing**: two **storeys** or 9.5 m, whichever is the lesser
 - **apartment housing**: four **storeys** or 19 m, whichever is the lesser
 - **Accessory Buildings** or **Structures**: 4.5 m"
 - (iv) Replacing **CD1 - Map 1** dated April 1998 with a new **CD1 - Map 1** dated March 2001 as attached to and forming part of this bylaw.
 - (v) Deleting paragraph (b) of **Subsection 1.3 Secondary Uses** of the **CD2 - Kettle Valley Comprehensive Residential Development** zone and renumbering the subsequent paragraphs.
 - (vi) Deleting paragraphs (c) and (e) of **Subsection 1.3 Secondary Uses** of the **CD6 - Comprehensive Residential Golf Resort** zone and renumbering the subsequent paragraphs.
 - (vii) Replacing paragraphs (h) and (i) of **Subsection 1.2 Principal Uses** of the **CD8 - Heritage Industrial** zone with the following:
 - "(h) **retail stores, convenience**
 - (i) **retail stores, general**"
 - (viii) Replacing paragraph (a) of **Subsection 1.3 Secondary Uses** of the **CD9 - Heritage Commercial** zone with the following:
 - "(a) **retail stores, general**"
 - (ix) Deleting paragraph (c) of **Subsection 1.3 Secondary Uses** of the **CD10 - Heritage Cultural** zone and renumbering the subsequent paragraphs.
 - (x) Replacing paragraphs (l) and (m) of **Subseciton 1.3 Secondary Uses** of the **CD12 - Airport** zone with the following:
 - "(l) **retail stores, convenience**
 - (m) **retail stores, general**"
 - (xi) Replacing paragraph (a) of **Subsection 1.6 Other Regulations** of the **CD12 - Airport** zone with the following:
 - "(a) Individual **convenience** or **general retail stores** shall not have a **gross floor area** of greater than 235 m²."
 - (xii) Deleting paragraphs (d) and (h) of **Subsection 1.3 Secondary Uses** of the **CD14 - Comprehensive High Tech Business Campus** zone and renumbering the subsequent paragraphs.
12. AND THAT wherever reference is made to the *Municipal Act* in the City of Kelowna Zoning Bylaw No. 8000, the reference be updated to the *Local Government Act*.
13. 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 27th day of March, 2001.

Considered at a Public Hearing on the

Approved under The Highways Act this

(Approving Officer - Ministry of Transportation & Highways)

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council this.

Mayor

City Clerk

