
CITY OF KELOWNA
MEMORANDUM

Date: September 4, 2002
File No.: TA02-0003
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. TA02-0003 APPLICANT: CITY OF KELOWNA

PURPOSE: TEXT AMENDMENTS TO ZONING BYLAW NO. 8000 TO
 PERMIT SECOND KITCHENS IN SINGLE-DETACHED
 HOMES

REPORT PREPARED BY: KIRSTEN G. BEHLER

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", outlined in the report of the Planning & Development Services Department dated September 4, 2002;

THAT Text Amendment No. TA02-0003 be forwarded to a Public Hearing;

AND THAT Council consider a Second Kitchen enforcement process, as detailed in Schedule "B" in the report of the Planning and Development Services Department dated September 4, 2002.

2.0 SUMMARY

In February 2002, Council directed staff to prepare amendments to the City of Kelowna Zoning Bylaw No. 8000 in keeping with the fundamental concepts outlined in the report from the Planning and Development Services Department dated January 30, 2002, which are based on limitation of household size to one family or five unrelated people. In addition to the text amendment, staff prepared an enforcement process to give clear direction on how to deal with violations of the second kitchen regulations.

3.0 BACKGROUND / DISCUSSION

In its report dated January 30, 2002, the Planning and Development Services Department recommended that Council receive proposed changes to the provisions of second kitchens in single detached housing. Council subsequently received the report and directed staff to prepare text amendments to Zoning Bylaw No. 8000 in keeping with the fundamental concepts outlined in the report. These concepts summarized are:

- To define “second kitchen” in Zoning Bylaw No. 8000;
- To prescribe conditions of use for a second kitchen, including the use of the second kitchen by occupants of a single family dwelling to accommodate one household as defined by the Zoning Bylaw;
- To require a form of notification on title expressively indicating that the second kitchen does not constitute a legal secondary suite and an affidavit from the owners acknowledging the same;
- To require one additional parking stall for a second kitchen;
- To only allow second kitchens in zones where single detached housing is permitted and where lot sizes are larger (i.e., A1, RR1, RR2, RR3, RU1 and RU2 zones).

Land Use Contracts are not effected by Second Kitchen regulations. In the case of Comprehensive Development zones, the Second Kitchen regulations apply to those lands that, consistent with the CD zone, shall be developed in accordance with the A1, RR1, RR2, RR3, RU1 or RU2 zones.

In order to clarify how Bylaw Enforcement staff would investigate potential illegal suites with the second kitchen provision in place, staff is proposing an enforcement process as detailed in Schedule “B” attached to this report. In case of violation of the second kitchen regulations, bylaw enforcement would be able to issue an MTI immediately. The owner of the subject property would be required to remove the second kitchen immediately and discharge the covenant within 30 days. Should the City have received no discharge document after the 30-day period, the City would unilaterally discharge the covenant.

In order to clarify the restrictions of use of the second kitchen to members of the household, the owner will be required to sign an affidavit form clearly outlining all second kitchen regulations.

4.0 CONCLUSION

The Planning and Development Services Department recognizes that situations exist where a secondary suite may not be practical or required. Many households have the need for a second kitchen for various reasons, without actually requiring a physically separated suite. The department fully supports the continuing practice of rezoning to permit secondary suites. In order not to weaken the policies on legal secondary suites, clear direction on enforcement and penalties for the breach of bylaw provisions is required, as proposed in the enforcement process outlined in this report.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

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

KGB
Attach.

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

Section 1. Definitions

Add the following definition to Section 2.3.3:

Second kitchen means a second kitchen in a single detached dwelling intended for the use by members of the **household**. The section of the house containing the **second kitchen** cannot be physically separated from the remainder of the dwelling by locking doors or other barriers.

Section 8: Table 8.1 – Parking Schedule

Add to “Residential and Residential Related”:

Second kitchen	1 per second kitchen, plus spaces required for the corresponding principal dwelling unit
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Section 11.1 Agriculture 1

Add the following use to Section 11.1.3 Secondary Uses:

(o) **Second kitchen**

Section 11.1.6 – add the following section:

- (k) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

Section 12.1 RR1 – Rural Residential 1

Section 12.1.3 - add the following secondary use:

(j) **second kitchen**

Section 12.1.6 – add the following section:

- (h) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

Section 12.2 RR2 – Rural Residential 2

Section 12.2.3 Secondary Uses – add the following secondary use:

- (g) **second kitchen**

Section 12.2.6 Other Regulations- add the following section:

- (e) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

12.3 RR3 – Rural Residential 3

Section 12.3.3 Secondary Uses – add the following secondary use:

- (g) **second kitchen**

Section 12.3.6 Other Regulations – add the following section

- (e) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

13.1 RU1 – Large Lot Housing

Section 13.1.3 – Secondary Uses – add the following secondary use:

- (g) **second kitchen**

Section 13.1.6– add the following section:

- (h) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

13.2 RU2 – Medium Lot Housing

Section 13.2.3 – Secondary Uses – add the following secondary use:

(g) **second kitchen**

Section 13.2.6 – add the following section

- (h) A second kitchen may only be located in single detached housing. A **second kitchen**, when permitted, is to be used by the occupants of single detached housing only to accommodate one **household**. The section of the house containing a second kitchen may not be physically separated from the remainder of the principal dwelling unit. The owner of the property will be required to register a notification on the title of the property in the form of a restrictive covenant prior to occupancy of the **second kitchen**.

SCHEDULE A – PROPOSED BYLAW ENFORCEMENT PROCESS

1. Bylaw enforcement officer completes site inspection.
2. Should violation of second kitchen regulations be confirmed, issue MTI and inform owner that cooking facilities have to be removed immediately.
3. Inform owner in writing that the covenant will have to be discharged and that discharge document will have to be submitted to the City of Kelowna within 30 days.
4. Should discharge of covenant not have been initiated by the owner by the end of the 30-day period, the City of Kelowna will discharge the covenant unilaterally.