
CITY OF KELOWNA
MEMORANDUM

Date: December 11th, 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/RYAN SMITH

1.0 RECOMMENDATION

THAT Council resolution No R794/02/09/16 be rescinded;

AND THAT Zoning Bylaw Text Amendment No. TA02-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by adding provisions for second kitchens as outlined in Schedule "A", attached to the report from the Planning & Development Services Department dated December 11, 2002 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA02-0003 be forwarded to a Public Hearing for further consideration;

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 December 11, 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. Council initially considered TA02-0003 on September 16, 2002. As a result of discussions at this meeting and upon the advice of the City Solicitor some minor amendments have been made to the wording of this report.

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 expressively indicating that the second kitchen does not constitute a legal secondary suite in the form of an affidavit from the owners;
- 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, RU2 and corresponding “h” 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. An amendment is also included to allow second kitchens in the CD2 zone (Kettle Valley) where single detached housing is permitted.

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.

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/RWS
Attach.

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

Section 1. Definitions

Add the following definition to Section 2.3.3:

HOUSEHOLD means:

- (a) a person; or
- (b) two or more persons related 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; 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, all living together in one **dwelling** unit as a single household using common cooking facilities; 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.
- (e) a household may also include one housekeeper or nanny.

Add the following definition to Section 2.3.3:

SECOND KITCHEN means a second kitchen in a **single detached house** intended for use by members of the **household**, which is freely and fully accessible from the remainder of the **dwelling** without any intervening doors equipped with a locking device of any kind.

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. 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 prior to the issuance of an occupancy permit for 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. 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 prior to the issuance of an occupancy permit for 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. 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 prior to the issuance of an occupancy permit for 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. 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 prior to the issuance of an occupancy permit for 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. 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 prior to the issuance of an occupancy permit for 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. 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 prior to the issuance of an occupancy permit for the **second kitchen**.

Schedule 'B' Comprehensive Development Zones – CD2 – Kettle Valley Comprehensive Residential Development

Section 1.3 – Secondary Uses – add the following secondary use:

(e) **second kitchen**

Section 1.4 – add the following section and renumber the following sections:

- (d) 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. 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 prior to the issuance of an occupancy permit for 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. If current owner has not provided affidavit acknowledging specific use of second kitchen, require affidavit by current owner and require application for appropriate permits to be made.
4. If current owner has previously submitted an affidavit, require rezoning to permit secondary suite or permanent removal of kitchen.
5. For repeat offenders, bylaw enforcement shall pursue “long form” investigation.
6. For any violation where the Inspection Services Manager deems there to be immediate health and safety concerns, bylaw enforcement shall seek a court injunction to cease occupancy of the relevant portion of the structure.