

CITY OF KELOWNA

BYLAW NO. 9055

TA03-007 – RU3hs – Small Lot Housing (Hillside Area) with Secondary Suite

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 as follows:
 - (a) THAT the line entitled 13.3 of **Section 13: Urban Residential Zones** of the **Table of Contents** be deleted and replaced with:

RU3-1

"RU3 Small Lot Housing
RU3hs Small Lot Housing (Hillside Area) with Secondary Suite RU3hs-1"
 - (b) AND THAT the line entitled RU3 under the heading **Section 13 – Urban Residential Zones** of **Subsection 1.3 Zoning Map** of **Section 1 – General Administration** be deleted and replaced with:

"RU3/RU3hs – Small Lot Housing/Small Lot Housing (Hillside Area) with
Secondary Suite"
 - (c) AND THAT **Section 13.3 RU3 – Small Lot Housing** zone be amended as follows:
 - (i) By deleting the Title to section 13.3 and replacing it with:

**"13.3 RU3 – Small Lot Housing
RU3hs – Small Lot Housing (Hillside Area) with Secondary
Suite"**
 - (ii) By adding the following paragraph to **Subsection 13.3.3 Secondary Uses**:

"(d) **secondary suite** (RU3hs only)
(e) **second kitchen**"
 - (iii) By deleting paragraph (c) of **Subsection 13.3.5 Development Regulations** and replacing it with the following:

"(c) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**, except it is 4.5 m for accessory **buildings** and for accessory **structures**. For the RU3hs zone the maximum **height** of any vertical wall element facing a front, side or rear yard (including walkout basements) is the lesser of 6.5 m or 2 **storeys**, above which the **building** must be stepped back at least 1.2 m."

- (iv) By adding the following paragraph to **Subsection 13.3.5 Development Regulations**:

“(h) For the RU3hs zone, all **decks**, supporting posts or columns shall not exceed the lesser of 4.5 m or 1 **storey** in **height**, such measurements to include the **height** of any support **structure** or **retaining wall**.”

- (v) By adding the following paragraphs to **Subsection 13.3.6 Other Regulations**:

“(e) An “h” notation shown on Schedule “A” as part of the identified zone classification indicates that the zoned area may be developed in accordance with Hillside Standards contained in the Subdivision, Development and Servicing Bylaw.

(f) An “s” notation shown on Schedule “A” as part of the identified zone classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the property so designated, subject to meeting the conditions of **use** of the **zone**. An “s” zoning classification on a property shall be established by rezoning the subject property to the “s” version of the parent **zone**.

(g) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.

(h) In the RU3hs zone adjacent to a provincial highway, the minimum **building** setback shall be 4.5 m.

(i) 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 building containing the **second kitchen** must be freely and fully accessible from the remainder of the **dwelling** without any intervening doors equipped with a locking device of any kind. In order to clarify the restrictions of use of the **second kitchen** to members of the **household**, the owner of the property 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**.”

2. 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 8th day of July, 2003.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under The Highways Act this

(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk