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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** December 11, 2003  
**File No.:** TA03-0010

**To:** City Manager

**From:** Planning and Corporate Services

**Subject:** Proposed Bylaw Amendments for Secondary Suites in Accessory Buildings

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### 1.0 RECOMMENDATION

THAT Municipal Council consider amendments to City of Kelowna Zoning Bylaw No. 8000 listed as Option 1 in Schedule "A" attached to this report.

### 2.0 SUMMARY

The City of Kelowna Zoning Bylaw No. 4500 was originally amended in the mid 1990's to allow for secondary suites to be located in accessory buildings where secondary suites were a permitted land use. This provision survived Council's general review of secondary suites in 1997-98 when Council adopted the current process for "s" zones as a way to allow for secondary suites. The adoption of the current zoning Bylaw, Bylaw No. 8000 in 1998 brought forward more relaxed regulations for secondary suites in accessory buildings – allowing them to be constructed to a maximum height of 6.0 m and also reducing the rear yard setback to be consistent with an accessory building that did not contain a secondary suite. More recently, in September 2002, Council pulled back to the original regulations regarding height for an accessory building containing a secondary suite (maximum 4.5 m) and also required that a suite in an accessory building must include an attached garage or carport.

Council has faced some neighbourhood opposition to secondary suites in accessory buildings (commonly referred to as "carriage houses") and has asked that staff bring forward proposed changes that would address the concerns. Primarily the concerns raised have been with regard to the scale of the accessory buildings in relationship to the existing principal residence, the loss of privacy in adjacent rear yards and increased traffic in laneways used for access to the accessory buildings.

The proposed amendments to the Zoning Bylaw were endorsed as future action by Council as a result of a workshop held for Suites in Accessory Buildings and Sensitive Infill Development and a staff report in April 2003. This report update some of the material from the April report and confirms staff's preferred approach to further review of secondary suites in accessory buildings.

### 3.0 BACKGROUND

There has been extensive research conducted by City Staff and others since the early 1990's on a wide range of issues regarding secondary suites. However, little of the research addresses the specific concerns of Council on this particular topic and therefore will not be re-iterated here. The fundamental issue that seems to be lost in all of the recent discussions has been why did staff recommend that secondary suites be permitted in accessory buildings? The answer is two fold: i) there was public interest in creating this opportunity, and; ii) secondary suites in

accessory buildings provide a good alternative housing choice that increases residential density in existing neighbourhoods without drastic changes to the existing character. The following sections briefly discuss these issues.

### **3.1 Public Interest**

In a report to Council dated April 23, 2003, Planning and Corporate Services staff reported to Council the findings of a workshop held to review secondary suites in accessory buildings and to look at how they can be integrated into existing neighbourhoods. In general, the results of a survey of the workshop participants felt that secondary suites in accessory buildings had either no impact or a good impact on general attribute to the neighbourhood. The one area where there was a majority of respondents who said there were negative or bad impacts was in dealing with parking and traffic in lanes.

At the time of report to Council regarding the workshop, there had been 9 building permit applications issued for suites in accessory buildings. As of the end of October 2003, that number has risen to 22 out of a total of 36 permits for secondary suites. In 2002 at year end, the City had issued 46 permits for suites in accessory buildings out of a total of 83 permits for secondary suites.

While the numbers for 2003 are generally higher than what was achieved on average for secondary suites between 1998 and 2001 (average of 22 annually), the trend for secondary suites in general has declined this year compared to 2002. It is interesting to note that of the total permits for secondary suites, the proportion of secondary suites in accessory buildings has remained strong (2002: 55% suites in accessory buildings, 2003: 61% suites in accessory buildings).

The results of the workshop and the review of building permit statistics indicates to staff that there is still significant general public interest for secondary suites in accessory buildings.

### **3.2 Alternative Housing Choice**

Staff remain convinced that secondary suites in accessory buildings are a good housing alternative and therefore should remain a relatively easy option for property owners wishing to pursue the provision of a secondary suite. While there has been little data collective to further endorse this position, some of the anecdotal support is listed below:

- Allowing a secondary suite in an accessory building allows the general streetscape to be preserved by retaining the existing principal residence.
- Retaining the existing residence promotes renovation or gentrification of existing housing stock.
- Alternatives to renovating existing housing stock will usually lead to new housing stock which is larger (maximises opportunity provided by zoning) and tends to be more homogenous, especially if it is being constructed for a rental market.
- While it does not seem that suites in accessory buildings are providing a truly affordable form of rental housing, they do make home ownership more affordable by offsetting the cost of housing with an income stream.
- A suite in an accessory building provides for a level of independence for the tenant in both the principal residence and the secondary suite that is difficult to find in other forms of housing. For this reason, staff also believe it is more likely to have owner occupied property.

Council should also be aware that as a result of the report to Council in April, staff have retained Urban Systems Ltd. to further examine design guidelines for new two unit residential and for the addition of new second unit residential to identify how these forms of housing can be better

integrated into existing neighbourhoods. These guidelines could be implemented if Council decides to make these forms of housing subject to Development Permit Application as Intensive Residential Housing.

#### **4.0 SUMMARY**

The Planning and Corporate Services Department recommend Council forward the amendments to Zoning Bylaw No. 8000 as outlined in Option 1 in Schedule A attached to this report. These amendments were previously reviewed by Council in April 2003. At that time Council also endorsed further work on design guidelines for secondary suites to see if more can be done under the current regulatory framework to better integrate secondary suites into existing neighbourhoods. This work has been commissioned to Urban Systems Ltd. and staff hope to have a progress report to Council on this work in the first quarter of 2004.

Staff have outlined two other options in Schedule "A" attached to this report that would serve to reduce or eliminate impacts from secondary suites in accessory buildings. Option 2 would reduce the size of a secondary suite (both floor area and height) and Option 3 would eliminate secondary suites in accessory buildings all together. Staff do not recommend Council pursue either Option 2 or Option 3 at this time. Pursuing either Option 2 or Option 3 at this time would virtually eliminate the need for further design work being prepared by Urban Systems Ltd. and it would significantly reduce the potential for secondary suites in accessory buildings.

Staff remain convinced that secondary suites in accessory buildings are an important component of housing choice for the City of Kelowna. If the potential for this type of housing is further reduced, it is likely that property owners will more frequently choose to completely demolish existing housing stock in favour of all new construction in order to maximize their potential provided under current zoning regulations for secondary suites within the principal building. Once the work by Urban Systems has been completed, staff expect to again review the regulatory framework for secondary suites in general and specifically, secondary suites in accessory buildings.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

R.L. (Ron) Mattiussi, A.C.P., M.C.I.P.  
Director of Planning & Corporate Services

## SCHEDULE A

### OPTION 1

The following amendments to Zoning Bylaw No. 8000 address issues previously review by Council as a result of a report from staff dated April 23, 2003:

Replace the existing Section 9.5.1 with the following:

- 9.5.1 Secondary suites, when permitted, are to be located only in a converted **single detached house** or an accessory **building**. No **structural alterations** or additions shall be undertaken that **alters** the existing low-**density** residential character of the neighbourhood. Where a secondary suite is located in an accessory building, the principal dwelling unit must be located between the front yard and the accessory building. In addition to the regulations of Section 6.5.6, the height of an accessory building can not exceed the height of the single detached house located on the same legal lot.

Add the following section:

- 9.5.10 Where a secondary dwelling unit is permitted, a minimum area of 30m<sup>2</sup> of private open space shall be provided per dwelling unit.

Add the following section:

- 9.5.11 Where a secondary dwelling unit is located in an accessory building, a lighted pathway must be provided between the fronting street and the accessory building.

*Add amendments from general TA that address:*

- *Principal building must be located between front yard and accessory building*
- *30m<sup>2</sup> of open space per dwelling*
- *accessory building cannot be higher than the lessor of 4.5 m or the height of the existing principal building*
- *provision of a well lit pathway from the street to the accessory building.*

### OPTION 2

The following amendments to Zoning Bylaw No. 8000 will reduce the size potential of suite in accessory buildings:

Replace the existing Section 6.5.6 with the following:

- 6.5.6 An accessory building or structure shall not exceed 4.5 m nor 1 ½ storeys in height, except as regulated in zones where a secondary suite is permitted as a secondary use within an accessory building. In such cases, an accessory building shall be restricted to 1 storey in height.

Replace the existing Section 9.5.4 with the following:

- 9.5.4 The maximum floor areas of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the total floor area of the principal building. Where a secondary suite is located in

in an accessory building, the maximum floor area of the suite shall not exceed the lesser of 60 m<sup>2</sup> or 75% of the total floor area of the principal building.

### **OPTION 3**

The following Amendments to Zoning Bylaw No. 8000 will eliminate the ability to have a secondary within an accessory building:

Amend the following sections of Zoning bylaw to delete any reference of secondary suites within accessory buildings or structures:

Section 2 – Definition of SECONDARY SUITE

Section 6 – Accessory Development; Sections 6.5.5, 6.5.6, 6.5.8(b)

Section 9 – Specific Use Regulations; Sections 9.5.1, 9.5.2, 9.5.4

Section 11 – Agricultural Zone; Section 11.1.6(i)

Section 12 – Rural Residential Zones; Sections 12.1.6(g), 12.3.6(d)

Section 13 – Urban Residential Zones; Sections 13.1.6(c), 13.2.6(e), 13.3.6(g), 13.6.6(c)