

# CITY OF KELOWNA

## BYLAW NO. 9120

### Text Amendment No. 02-0005 – Miscellaneous Amendments

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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 all references in the bylaw to "Urban Town Centre" or "Town Centre" be deleted and replaced with "Urban Centre".
2. AND THAT the line entitled 12.2 of **Section 12: Rural Residential Zones** of the **Table of Contents** be deleted and replaced with:

"RR2 Rural Residential 2	RR2-1
RR2s Rural Residential 2 with Secondary Suite	RR2s – 1"

3. AND THAT the line entitled RR2 under the heading **Section 12 – Rural Residential Zones** of subsection **1.3 Zoning Map** of **Section 1 – General Administration** be deleted and replaced with:

"RR2/RR2s – Rural Residential 2/Rural Residential 2 with Secondary Suite"

4. AND THAT **Section 2 - Interpretation** be amended by:

- (i) Deleting paragraph **2.1.5** in its entirety;
- (ii) Deleting the following definitions from subsection **2.3 General Definitions** in their entirety:

**ALTER**

**LAND DISTURBANCE**

**LEAVE STRIP**

**LOT LINE, FRONT**

**NORMAL HIGH WATER MARK;**

- (iii) Adding the following definitions to subsection **2.3 General Definitions** in the appropriate locations:

"**ALTERATION OF LAND** means, but is not necessarily limited to: soil relocation due to **building** or **parking lot** construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of **retaining walls**, **patios**, lawns, agricultural activity or any structural change to a **building** or **structure** that results in an increase or decrease in the area or volume of the **building** or **structure**; a change in the **area**, **frontage**, depth, or width of a **lot** that affects the required **yard**, landscaped **open space**, or parking requirements under this bylaw; or discontinuance or change, where the new **use** is differently defined as the original **use**, in the **principal use** of the **lot**, **building** or **structure**."

**ANIMAL DAYCARE** means an establishment intended to provide care for domesticated animals excluding livestock, during the day or evening but not overnight, to a maximum limit of six animals.

**FOUR DWELLING HOUSING** means housing on a single lot other than a strata lot that contains four single family dwelling units, one or more of which may or may not be a permitted **secondary suite**.

**LOT LINE, FRONT – COMMERCIAL AND INDUSTRIAL** means the street frontage onto which the primary façade or front yard of the building faces.

**LOT LINE, FRONT – URBAN AND RURAL RESIDENTIAL** means, in the case of an **interior lot**, a **lot line** separating the **lot** from the **street**; or in the case of a **corner lot**, a line separating the narrowest **street frontage** of the **lot** from the **street** not including a corner rounding or corner cut; or in the case of a **lot** extending between two parallel **streets**, the **front lot line** shall be determined by the average **front yard setback** on that block.

**MULTIPLE DWELLING HOUSING** means housing on a single lot other than a strata lot that contains three or more dwelling units.

**RIPARIAN MANAGEMENT AREA** means a specified setback area from a **watercourse**, as outlined in Table 7.1 of Official Community Plan Bylaw No. 7600, that is comprised of the Riparian Reserve Zone, the Riparian Management Zone, or both. The width of the total area being determined by the attributes of the **watercourse** and adjacent terrestrial ecosystems.

**SINGLE DWELLING HOUSING** means housing on a single titled lot that contains one single family dwelling unit.

**THREE DWELLING HOUSING** means housing on a single titled lot that contains three dwelling units, one or more of which may or may not be a permitted **secondary suite**.

**TWO DWELLING HOUSING** means housing that contains two single family dwelling units, one of which may or may not be a permitted **secondary suite**.”;

- (iv) Deleting the existing wording of the definitions of **BOAT STORAGE, KENNELS AND STABLES, OFFICIAL COMMUNITY PLAN, PRIVATE OPEN SPACE, RESIDENTIAL ZONES, RETAIL STORE - CONVENIENCE** and **STRUCTURAL ALTERATION** from subsection **2.3 General Definitions**, and replacing them with the following:

“**BOAT STORAGE** means the storage of boats and other marine equipment, which are in working order, for the purpose of dry land moorage where the boats and marine equipment are intended to be launched by the operator of the boat storage facility for short term use by the boat and marine equipment owner. **Boat Storage** does not include major servicing, sales, or major repair of boats or marine equipment and does not include on-site fuel dispensing.

**KENNELS AND STABLES** means **premises** used for the breeding, buying, selling or overnight boarding of animals including individual dogs, cats, horses or other domesticated animals excluding livestock other than horses.

**OFFICIAL COMMUNITY PLAN** means the *Kelowna 2020* Official Community Plan Bylaw No. 7600, as amended from time to time.

**PRIVATE OPEN SPACE** means a useable open space area exclusive of required building setbacks and parking areas (common or individual) which is developed for the recreational use of the residents or a residential dwelling unit, and may include balconies, indoor common amenity space, terraces, decks and level landscaped recreation areas.

**RESIDENTIAL ZONES** means any zones described in Sections 12 and 13 of this bylaw, or any CD zone in which the predominant use as determined by its general purpose and list of permitted uses is of a residential nature, and in which the minimum tenancy period is at least 1 month.

**RETAIL STORE - CONVENIENCE** means **development** used for the retail sale of those goods required by area residents (including tourists temporarily resident in a neighbourhood) and employees on a day to day basis, from **business premises** which do not exceed 235m<sup>2</sup> in **gross floor area**. Typical **uses** include but are not necessarily limited to: small food stores, drug stores, florists, or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical items, personal care items, hardware, printed matter, seasonal or tourism related rentals or the rental of videos. In the W2 Zone, this includes items normally required by people using **marina** facilities, but does not include the rental of personal watercraft or rental of automobiles.

**STRUCTURAL ALTERATION** means any change or addition to the supporting members of a structure, including but not necessarily limited to the foundation, bearing walls, rafters, columns, beams or girders where the total value of the change or alteration does not exceed 75% of the assessed value of the existing structure. Changes or additions exceeding 75% of the assessed value of the existing structure are considered a new structure.”; and

- (v) Amending the map references in the definition of **URBAN TOWN CENTRES** in subsection **2.3 General Definitions** from Map 13.2 to Map 6.2.

5. AND THAT **Section 6 – General Development Regulations** be amended by:

- (i) Deleting the existing subparagraphs or paragraphs **6.5.8(a)**, **6.5.8(b)**, **6.6.2**, **6.14.1**, **6.14.2**, **6.14.3** and **6.14.4** and replacing them with the following:

“**6.5.8 . . .**

- (a) an **accessory building** in an **urban residential zone** or a **rural residential zone** shall not be located closer than 18.0 metres to the **front lot line** unless it complies with the **side yard** requirements for a principal **building** and is located at least two times the distance of the required **front yard** setback for that zone from the **front lot line**.
- (b) an **accessory building** in an **urban residential zone** or a **rural residential zone** shall be located no less than 1.0 metres from the **side lot line**, except that where the **accessory building** does not exceed the **fence height** (2.0 metres) and is less than 10.0 m<sup>2</sup> in area, it may be located closer than 1.0 metres from the **side lot line**. **Accessory buildings** containing **secondary suites** shall

conform to the **side yard** setback requirements for the principal **building** in the **zone**.

...

**6.6.2** Walkout **basements** oriented to the **rear yard** shall not be considered for the purpose of determining height for **single-detached, duplex** or **semi-detached** housing. Where access is required through, and is limited to, a lane the yard abutting the lane may be considered the **front yard**.

**6.14.1** In all **zones** where **Riparian Management Area** setbacks are required along **watercourses**, as specified by Official Community Plan Bylaw No. 7600, the specified setback distance shall be measured from the **top-of-bank**, or from the **natural boundary** where the **top-of-bank** is not clearly defined. The specified setback distance shall be measured to the nearest part of the building or structure including roofs, eaves, and any over-hanging components or cantilevered portions of a building.

**6.14.2** No **alteration of land** shall be permitted within a **Riparian Management Area** without an authorized Development Permit.

**6.14.3** When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required, the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **lot coverage**, provided the requirements of paragraph 6.14.4 have been provided for.

**6.14.4** Where a **Riparian Management Area** is required as a condition of development of a **lot**, or has previously be established on an existing **lot**, all **buildings** or **structures** must orient on the **lot** so that access to or from the **building** or **structure** encroaches no more than 5.0 metres into the required **RMA** setback.”; and

(ii) Deleting the heading of subsection **6.14 Stream Protection Leave Strips** and replacing it with “**6.14 Riparian Management Area (RMA) Setbacks**”.

6. AND THAT **Section 7 – Landscaping and Screening** be amended by:

(i) Deleting the existing paragraphs or subparagraphs **7.2.2, 7.4.1, 7.6.5,** and **7.6.9(e)** and replacing them with the following:

“**7.2.2** Required landscape buffers in subsection **7.7** shall be continuous along the affected property boundaries, except that they may be interrupted only by walkways and driveways providing access to the property and running perpendicular to the property line.

**7.4.1** Urban plazas, when permitted pursuant to subsection **7.4**, must be solely for pedestrian use and must be accessible to the public from both the street and from the development. Landscape buffering in urban plaza areas should be designed according to Table 7.1 of this bylaw.

**7.6.5** Notwithstanding paragraph **7.6.1**, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering.

**7.6.9** ...

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- (e) all non-accessory surface parking lots in an urban centre shall have a level 2 buffer zone.

...“;

- (ii) Amending the reference in paragraphs 7.2.7 and 7.6.8 from “**stream protection leave strip**” to “**Riparian Management Area**”;
- (iii) Adding the following paragraph after the existing paragraph 7.5.6 and renumbering the subsequent paragraphs appropriately:

“No opaque **fences** are permitted in W1 or W2 zones.”;

- (iv) Adding the following subparagraphs after the existing subparagraph 7.6.9 (g):

**“7.6.9 . . .**

- (h) on corner lots, front yard landscape buffers shall apply to all street frontages;
- (i) for development in industrial zones with parking located in front of the building, level 4 buffers shall apply for the front yard, and in the case of a corner lot, for the front yard and the flanking side yard; and
- (j) all properties abutting Highways 97 and 33 require a level 4 buffere along the highway frontage.”; and
- (v) Renumbering the paragraph following paragraph 7.6.9 to 7.6.10.

7. AND THAT **Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule** be deleted and replaced with the following:

<b>Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule</b>				
<b>Location</b>	<b>Front</b>	<b>Rear Yard</b>	<b>Side Yard</b>	<b>Urban Plaza Permitted (see 7.4)</b>
All properties abutting Agricultural Land Reserve	5			
<b>Agricultural Zones</b>				
A1, A1s	1	1	1	No
<b>Rural Residential Zones</b>				
RR1, RR2, RR3	1	1	1	No
RR1s, RR2s, RR3s	1	1	1	
<b>Urban Residential Zones</b>				
RU1, RU1s, RU2, RU2s, RU3	1	1	1	No
RU4, RU5, RU6	1	3	3	No
RM1, RM2, RM3, RM4, RU6b	2	3	3	No
RM5, RM6, RM7	2	3	3	Yes
RU1h, RU2h	1	3	3	No
RU2hs	1	2	2	No

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<b>Commercial Zones</b>				
C1, C2, C3, C4, C5, C6, C7, C8, C9, C2rls, C3lp, C3rls, C3lp/rls, C4lp, C4rls, C4lp/rls, C6lp, C6rls, C6lp/rls, C7lp, C7rls, C7lp/rls, C8lp, C9lp, C9rls, C9lp/rls, C10, C10lp, C10rls, C10lp/rls	2	3	3	Yes
<b>Industrial Zones</b>				
I1, I2, I3, I4	2	3	3	Yes
I5	3	3	3	No
<b>Public and Institutional Zones</b>				
P1, P2, P5, P1lp, P5lp	2	3	3	Yes
P3, P3lp	2	2	2	No
P4	3	3	3	No
W1, W2	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Comprehensive Development Zones</b>				
CD Comprehensive	as specified	as specified	as specified	as specified

8. AND THAT **Section 9 – Specific Use Regulations** be amended by:

- (i) Deleting the existing subparagraphs or paragraphs **9.2.1(a)** and **9.5.8** and replacing them with the following:

**“9.2.1 ...**

- (a) A **minor home based business** shall only be conducted within a principal dwelling unit or **secondary suite** and no exterior storage or operation of the **minor home based business** shall be permitted.

...

**9.5.8** A secondary **dwelling** unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.”;

- (ii) Adding the following as subparagraph **9.6.1(c)**:

**“9.6.1 ...**

- (c) The licensed operator or a **bed and breakfast home** must reside in the **dwelling** in which the bed and breakfast operation is located.”; and

- (iii) Adding the following as subparagraph **9.9.5 (j)**:

**“9.9.5 ...**

- (j) In addition to the requirements of paragraph 7.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.”

9. AND THAT **Section 11 – Agricultural Zones** be amended by:

(i) Deleting paragraph **11.1.1 Purpose** and replacing it with the following:

**“11.1.1 Purpose**

The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may permitted when in accordance with relevant provisions of this bylaw including subsection **6.5** and **9.5.**”;

(ii) Deleting the following from paragraph **11.1.2 Principal Uses**:

- (f) **mobile homes**
- (g) **single detached housing**

and, adding the following to paragraph **11.1.2 Principal Uses** in the appropriate location and renumbering the subsequent subparagraphs:

**“single dwelling housing”;**

(iii) Deleting subparagraph **“(n) second kitchen”** from paragraph **11.1.3 Secondary Uses** and replacing it with the following:

**“(n) second kitchen (A1 only)”;** and

(iv) Adding the following after the existing subsection **11.1.3** and renumbering the subsequent paragraphs:

**“12.1.4 Buildings and Structures Permitted**

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).”

10. AND THAT subsection **12.1RR1 - Rural Residential 1/RR1s Rural Residential with Secondary Suite** be amended by:

(i) Deleting subparagraph (b) of paragraph **12.1.2** and replacing it with the following:

**“(b) single dwelling housing”;**

(ii) Deleting subparagraph **“(i) second kitchen”** from paragraph **12.1.3 Secondary Uses** and replacing it with the following:

**“(i) second kitchen (RR1 only)”;** and

(iii) Adding the following after the existing subsection **12.1.3** and renumbering the subsequent paragraphs:

**“12.1.4 Building and Structures Permitted**

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- (a) one **single detached house** (which may contain a **secondary suite** in the RR1s zone);
- (b) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the RR1s zone)."

11. AND THAT subsection **12.2 RR2 – Rural Residential 2** be amended by:

- (i) Deleting the title to section **12.2** and replacing it with the following:

**“12.2 RR2 – Rural Residential 2  
RR2s – Rural Residential with Secondary Suite”;**

- (ii) Deleting subparagraph (b) of paragraph **12.2.2** and replacing it with the following:

**“(b) single dwelling housing”;**

- (iii) adding the following subparagraph to paragraph **12.2.3** in the appropriate location and renumbering the subsequent paragraphs:

**“secondary suite (RR2s only)”;**

- (iv) Deleting subparagraph “(g) **second kitchen**” from paragraph **12.2.3 Secondary Uses** and replacing it with the following:

**“(g) second kitchen (RR2 only)”;**

- (v) Adding the following paragraph after the existing paragraph **12.2.3** and renumbering the subsequent paragraphs:

**“12.2.4 Buildings and Structures Permitted**

- (a) one **single detached house** (which may contain a **secondary suite** in the RR2s zone);
- (b) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the RR2s zone).”; and

- (vi) Adding the following subparagraph as subparagraph **12.2.6 (e)** and renumbering the subsequent subparagraphs:

**“(e) 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 dwelling unit is permitted on the properties 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.”**

12. AND THAT subsection **12.3 RR3 – Rural Residential 3/RR3s – Rural Residential 3 with Secondary Suite** be amended by:

- (i) Deleting subparagraph (a) of paragraph **12.3.2** and replacing it with the following:

**“(a) single dwelling housing”;**

- (ii) Deleting subparagraph “(f) **second kitchen**” from paragraph **12.3.3 Secondary Uses** and replacing it with the following:

**“(f) second kitchen (RR3 only)”;** and

- (iii) Adding the following after the existing subsection **12.3.3** and renumbering the subsequent paragraphs:

**“12.3.4 Buildings and Structures Permitted**

- a. one **single detached house** (which may contain a secondary suite in the RR3s zone);
- b. permitted **accessory buildings and structures** (which may contain a **secondary suite** in the RR3s zone).”

13. AND THAT subsection **13.1 RU1 – Large Lot Housing/RU1s – Large Lot Housing with Secondary Suite/RU1h – Large Lot Housing (Hillside Area)** be amended by:

- (i) Deleting subparagraph (a) of paragraph **13.1.2** and replacing it with the following:

“(a) **single dwelling housing**”;

- (ii) Deleting subparagraph “(f) **second kitchen**” from paragraph **13.1.3 Secondary Uses** and replacing it with the following:

“(f) **second kitchen** (RU1 and RU1h only)”;

- (iii) Adding the following after the existing subsection **13.1.3** and renumbering the subsequent paragraphs:

**“13.1.4 Buildings and Structures Permitted**

- (a) one **single detached house** (which may contain a **secondary suite** in the RU1s zone);
- (b) permitted **accessory buildings and structures** (which may contain a **secondary suite** in the RU1s zone).”;

- (iv) Deleting subparagraph **13.1.5(d)** and replacing it with the following:

“(d) the minimum **side yard** is 2.0 metres for a 1 or 1 ½ **storey** portion of a **building** and 2.3 metres for a 2 or 2 ½ **storey** portion of a **building**, except that it is 4.5 metres (other than in RU1h zones) from a **flanking street** or when required by subparagraph 13.1.5 (e), and it is 6.0 metres from a **flanking street** if the setback is to a garage or carport which is accessed from that street. Where there is no direct vehicular access to the **rear yard** or to an attached garage or carport, one **side yard** shall be at least 3.0 metres. In RU1h zones the minimum setback from a flanking street shall be 3.0 metres, except that it is 6.0 metres measured from the back of curb or a sidewalk, whichever is closest.”; and

- (v) Deleting subparagraph **13.1.6(d)** and replacing it with the following:

“(d) Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**, except for developments in **hillside areas** where the topography would require the slope of such access to exceed 15%.”

14. AND THAT subsection **13.2 RU2 – Medium Lot Housing/RU2s – Medium Lot Housing with Secondary Suite/RU2h – Medium Lot Housing (Hillside Area)/RU2hs – Medium Lot Housing (Hillside Area) with Secondary Suite** be amended by:

- (i) Deleting subparagraph (a) of paragraph **13.2.2** and replacing it with the following:

“(a) **single dwelling housing**”;

- (ii) Deleting subparagraph “(f) **second kitchen**” from paragraph **13.2.3 Secondary Uses** and replacing it with the following:

“(f) **second kitchen** (RU2 and RU2h only)”;

- (iii) Adding the following after the existing subsection **13.2.3** and renumbering the subsequent paragraphs:

**“13.2.4 Buildings and Structures Permitted**

- a. one **single detached house** (which may contain a **secondary suite** in the RU2s or RU2hs zones);
- b. one permitted **accessory building** (which may contain a **secondary suite** in the RU2s or RU2hs zones);
- c. other permitted **accessory structures** not including buildings.”;

- (iv) Deleting subparagraph **13.2.5(c)** and replacing it with the following:

“(c) in RU2 and RU2s zones, the minimum front yard is 4.5 metres except that it is 6.0 metres from a garage or carport having vehicular entry from the front. In RU2h and RU2hs zones, the minimum front yard is 3.0 metres, except it is 6.0 metres measured from the back of the curb or sidewalk, whichever is closest, to a garage or carport having vehicular entry at the front. Where access is required through, and is limited to, a lane, the yard abutting the lane may be considered the **front yard**. **Walkout basements** are not permitted in this situation.”; and

- (v) Deleting subparagraph **13.2.6 (b)** and replacing it with the following:

“(b) Where the **development** has access to a rear lane, vehicular access to the **development** is only permitted from the rear **lane**, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.”

15. AND THAT subsection **13.3 RU3 – Small Lot Housing/RU3hs – Small Lot Housing (Hillside Area) with Secondary Suite** be amended by:

- (i) Deleting subparagraph (a) of paragraph **13.3.2** and replacing it with the following:

“(a) **single dwelling housing**”;

- (ii) Deleting subparagraph “(e) **second kitchen**” from paragraph **13.3.3 Secondary Uses** and replacing it with the following:

“(e) **second kitchen** (RU3 only)”;

- (iii) Adding the following after the existing subsection **13.3.3** and renumbering the subsequent paragraphs:

**“13.3.4 Buildings and Structures Permitted**

- (a) one **single detached house** (which may contain a secondary suite in the RU3hs zone”); and
  - (iv) Deleting subparagraph **13.3.6** (b) and replacing it with the following:
    - “(b) Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.”
16. AND THAT subsection **13.4 RU4 – Low Density Cluster Housing** be amended by:
- (i) Deleting subparagraphs (a) and (b) of paragraph **13.4.2** and replacing them with the following:
    - “(a) **single dwelling housing**
    - (b) **two dwelling housing**”;
  - (ii) Adding the following after the existing paragraph **13.4.3** and renumbering the subsequent paragraphs:
    - “**13.4.4 Buildings and Permitted Structures**
    - d. one **single detached house**
    - e. **semi-detached housing**
    - f. permitted **accessory buildings** and **structures**”;
  - (iii) Deleting subparagraph **13.4.5** (e) and replacing it with the following:
    - “(e) The minimum **side yard** is 3.0 metres, except that it is 4.5 metres from a **flanking street**.”
17. AND THAT subsection **13.5 RU5 – Bareland Strata Housing** be amended by:
- (i) Deleting subparagraphs (a) and (b) of paragraph **13.5.2** and replacing them with the following:
    - “(a) **single dwelling housing**”;
  - (ii) Adding the following after the existing subparagraph **13.5.3** and renumbering the subsequent paragraphs:
    - “**13.5.4 Buildings and Permitted Structures**
    - g. one **single detached house**
    - h. **semi-detached housing**
    - i. permitted **accessory buildings** and **structures**”;
  - (iii) Deleting subparagraph **13.5.5** (f) and replacing it with the following:
    - “(f) The sum of both **side yards** on a **bareland strata lot**, where there is no **semi-detached housing**, shall be 3.0 metres except where a **bareland strata lot** abuts an internal roadway, the setback shall be a minimum of 3.0 metres from the **flanking** roadway and the sum of both **side yards** shall not be less than 4.5 metres. A garage or **carport** shall be no less than 6.0 metres from a curb or sidewalk. Where there is **semi-detached housing**, no more than one **dwelling unit** is permitted per bareland strata lot. A 0.0 metre side yard is permitted on either side of the property line over which the building sits in order to accommodate

this housing type, when the other side yard on each bareland strata lot is a minimum of 3.0 metres.”

18. AND THAT subsection **13.6 RU6 – Two Dwelling Housing/RU6b – Two Dwelling Housing with Boarding or Lodging House** be amended by:

- (i) Deleting subsection **13.6.1 Purpose** and replacing it with the following:

**“13.6.1 Purpose**

The purpose is to provide a **zone** for development of a maximum of two **dwelling** units per lot.”

- (ii) Deleting subparagraphs (a), (b) and (c) of paragraph **13.6.2** and replacing them with the following:

“(a) **single dwelling housing**  
(b) **two dwelling housing**”;

- (iii) Adding the following after the existing subparagraph **13.6.3** and renumbering the subsequent paragraphs:

**“13.6.4 Buildings and Structures Permitted**

- (g) one **single detached house** (which may contain a **secondary suite**)  
(h) **duplex housing\***  
(i) **semi-detached housing\***  
(j) two **single detached houses\***  
(k) permitted **accessory buildings** and **structures** (which may contain a **secondary suite**)

NOTE: **Buildings** or **structures** indicated by an (\*) are only permitted on lots that meet duplex lot size requirements.”;

- (iv) Deleting subparagraph **13.6.6** (f) and replacing it with the following:

“(f) Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane, except for developments in hillside areas where the topography would require the slope of such access to exceed 15%.”; and

- (v) Deleting subparagraph **13.6.6** (g) and replacing it with the following:

“(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. The two **single detached housing** units must be separated by a minimum distance of 4.5 metres.”

19. AND THAT subsection **13.7 RM1 – Four-plex Housing** be amended by:

- (i) Deleting the heading **13.7 RM1 – Four-plex Housing** and replacing it with the following:

**“13.7 RM1 – Four Dwelling Housing”**

- (ii) Deleting subparagraphs (a), (b), (c), (d) and (e) of paragraph **13.7.2** and replacing them with the following:

“(a) **single dwelling housing**

- (b) **two dwelling housing**
- (c) **three dwelling housing**
- (d) **four dwelling housing**”; and

- (iii) Adding the following after the existing subparagraph **13.7.3** and renumbering the subsequent subparagraphs:

**“13.7.4 Buildings and Structures Permitted**

- (a) **duplex housing**
- (b) **four-plex housing**
- (c) **three-plex housing**
- (d) **semi-detached housing**
- (e) **single detached housing**
- (f) permitted **accessory buildings** and **structures**”

- 20. AND THAT subsection **13.8 RM2 – Low Density Row Housing/RM2h – Low Density Row Housing (Hillside Area)** be amended by:

- (i) Deleting subparagraphs (a), (b), (c) and (d) of paragraph **13.8.2** and replacing them with the following:

- “(a) **single dwelling housing**
- (b) **two dwelling housing**
- (c) **multiple dwelling housing**”; and

- (ii) Adding the following after the existing subparagraph **13.8.3** and renumbering the subsequent subparagraphs:

**“13.8.4 Buildings and Structures Permitted**

- (a) **duplex housing**
- (b) **row housing**
- (c) **semi-detached housing**
- (d) **single detached housing**
- (e) permitted **accessory buildings** and **structures**”

- 21. AND THAT subsection **13.9 RM3 – Low Density Multiple Housing** be amended by:

- (i) Deleting subparagraphs (a), (b), (c), (d), (e) and (f) of paragraph **13.9.2** and replacing them with the following:

- “(a) **multiple dwelling housing**
- (b) **congregate housing**
- (c) **group home, major**
- (d) **boarding or lodging houses**”; and

- (ii) Adding the following after the existing subparagraph **13.9.3** and renumbering the subsequent subparagraphs:

**”13.9.4 Buildings and Structures Permitted**

- (l) **apartment housing**
- (m) **row housing**
- (n) **semi-detached housing**
- (o) **stacked row housing**
- (p) permitted **accessory buildings** and **structures**”

- 22. AND THAT subsection **13.10 RM4 – Transitional Low Density Housing** be amended by:

- (i) Deleting subparagraphs (a), (b), (c), (d), (e), (f) and (g) of paragraph **13.10.2** and replacing them with the following:

“(a) **multiple dwelling housing**  
(b) **boarding or lodging houses**  
(c) **congregate housing**  
(d) **group home, major**  
(e) **religious assemblies** (where in existence prior to July 1<sup>st</sup>, 1998);  
and

- (ii) Adding the following after the existing subparagraph **13.10.3** and renumbering the subsequent subparagraphs:

**“13.10.4 Buildings and Structures Permitted**

(a) **apartment housing**  
(b) **row housing**  
(c) **stacked row housing**  
(d) permitted **accessory buildings** and **structures”**

23. AND THAT subsection **13.11 RM5 – Medium Density Multiple Housing** be amended by:

- (i) Deleting subparagraphs (a), (b), (c), and (d) of paragraph **13.11.2** and replacing them with the following:

“(a) **multiple dwelling housing**  
(b) **congregate housing**  
(c) **group home, major**  
(d) **boarding and lodging houses”**; and

- (ii) Adding the following after the existing subparagraph **13.11.3** and renumbering the subsequent subparagraphs:

**“13.11.4 Buildings and Structures Permitted**

(a) **apartment housing**  
(b) **stacked row housing**  
(c) permitted **accessory buildings** and **structures”**

24. AND THAT subsection **13.12 RM6 – High Rise Apartment Housing** be amended by:

- (i) Deleting subparagraphs (a), (b), (c), and (d) of paragraph **13.12.2** and replacing them with the following:

“(a) **multiple dwelling housing**  
(b) **congregate housing**  
(c) **group home, major”**; and

- (ii) Adding the following after the existing subparagraph **13.12.3** and renumbering the subsequent subparagraphs:

**“13.12.4 Buildings and Structures Permitted**

(a) **apartment housing**  
(b) **stacked row housing**  
(c) permitted **accessory buildings** and **structures”**

25. AND THAT subsection **13.13 RM7 – Mobile Home Park** be amended by:

- (i) Deleting subparagraph (a) of paragraph **13.13.2** and replacing it with the following:

“(a) **mobile home park**”; and

- (ii) Adding the following after the existing subparagraph **13.13.3** and renumbering the subsequent subparagraphs:

**“13.13.4 Buildings and Structures Permitted**

- (a) **mobile homes**  
(b) **modular homes**  
(c) permitted **accessory buildings** and **structures**”

26. AND THAT **Section 14 - Commercial Zones** be amended by:

- (i) Adding the following subparagraph to paragraphs **14.2.2**, **14.3.2** and **14.4.2** in the appropriate location and renumbering the subsequent subparagraphs:

“**animal daycare**”;

- (ii) Deleting subparagraph **14.2.6** (d) and replacing it with the following:

“(d) Individual **offices** and **retail stores – convenience** shall not have a **gross floor area** greater than 235m<sup>2</sup>. Where two or more **retail stores – convenience** share a common retail space each may have a gross floor area of no greater than 235m<sup>2</sup>.”

- (iii) Adding the following subparagraph to paragraphs **14.4.2** and **14.7.2** in the appropriate location and renumbering the subsequent subparagraphs:

“**boarding and lodging houses**”;

- (iv) Deleting subparagraph **14.4.5** (e) and replacing it with the following:

“(d) The minimum **side yard** is 0.0m, except it is 2.0m where the **site** abuts a residential **zone** other than an RU1, RU2, RU3 or RU4 zone, in which case the minimum **side yard** is the greater of 4.5m or half the **height** of the **building**. From a **flanking street** the minimum **side yard** is 0.0m.”;

- (v) Adding the following subparagraph to paragraph **14.8.3** in the appropriate location and renumbering the subsequent subparagraphs:

“**apartment hotel**”;

- (vi) Adding the following subparagraph to paragraph **14.9.3** in the appropriate location and renumbering the subsequent subparagraphs:

“**residential security/operator unit**”; and

- (vii) Adding the following subparagraphs to paragraph **14.10.2** in the appropriate location and renumbering the subsequent paragraphs:

“**animal daycare**  
**vehicle and equipment services, industrial**”

27. AND THAT **Section 15 – Industrial Zones** be amended by adding the following subparagraph to paragraphs **15.1.2** and **15.2.2** in the appropriate location and renumbering the subsequent paragraphs:

**“private clubs”**

28. AND THAT **Schedule “B” Comprehensive Development Zones** be amended by deleting subparagraph **1.6** (e) of section **CD4 – Comprehensive Small Lot Residential** and replacing it with the following:

“(e) Area 2, shown on CD4 Map A, shall be developed only with 1 ½ storey units.”

29. 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 10<sup>th</sup> day of February, 2004.

Considered at a Public Hearing on the 24<sup>th</sup> day of February, 2004.

Approved under The Highways Act this            day of            , 200 .

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(Approving Officer - Ministry of Transportation & Highways)

Read a second and third time by the Municipal Council this 24<sup>th</sup> day of February, 2004..

Adopted by the Municipal Council this            day of            , 200 .

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Mayor

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City Clerk