

CITY OF KELOWNA

BYLAW NO. 9240

Official Community Plan Amendment No. OCP04-0009 – Text Amendment Re: Secondary Suite and Two Dwelling Housing Development Guidelines

A bylaw to amend the "*Kelowna 2020* - Official Community Plan Bylaw No. 7600".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT the Legend of Map 6.2 – Urban Development Permit Area Designation be amended by deleting;

“GENERAL MULTIPLE FAMILY DP AREA
ALL MULTIFAMILY ZONED PROPERTIES WITHIN THE CITY
ARE SUBJECT TO DP DESIGNATION”

and replacing it with the following;

“GENERAL INTENSIVE RESIDENTIAL AND MULTIPLE UNIT DP AREAS
ALL PROPERTIES WITHIN THE CITY ZONED TO PERMIT SECONDARY
SUITES, TWO DWELLING HOUSING AND MULTIPLE DWELLING HOUSING
ARE SUBJECT TO DP DESIGNATION”

2. AND THAT a new Policy 8.1.56 be added to Section 8.1 of Chapter 8 under **Development Permit Requirements** to include **Secondary Suite and Two Dwelling Housing Development Permits** as follows:

“.56 **Secondary Suite and Two Dwelling Housing Development Permits.** Require secondary suite and two dwelling housing developments permitted by Zoning Bylaw No. 8000 to comply with Development Permit conditions (please refer to Section 8.3 for information on Development Permit conditions).

☒ Please note that properties permitted to develop secondary suites and two dwelling housing may also be subject to Development Permit requirements for other purposes. To determine applicability of other requirements, please refer to the following portions of the OCP:

- Natural Environment – Section 7.11
- Hazardous Condition – Section 7.12”

3. AND THAT a new **Section 8.3 Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development** be added to **Chapter 8 – Housing** as follows;

“8.3 Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development

PURPOSE

The Local Government Act allows for the designation of intensive residential development permit areas to help ensure that the form and character of new infill housing is compatible with the form and character of existing buildings in the area. To help ensure that the form and character of new infill housing is consistent with the principles of good housing design, as well

as other goals and policies outlined in the Kelowna Official Community Plan, all secondary suite and two dwelling housing projects permitted by Zoning Bylaw 8000 are subject to the “Secondary Suite and Two Dwelling Housing Development Guidelines”.

Examples of secondary suite and two dwelling housing projects include:

- a secondary suite being added to an existing single detached house;
- a secondary suite being added to an accessory building where an existing single detached house already exists;
- a single detached house being added to a property where an existing single detached house already exists; or
- duplex and semi-detached forms of housing.

PROPERTIES AFFECTED

Unless a Heritage Alteration Permit or a Development Permit waiver has been issued, all properties that are currently, or become zoned for secondary suite and two dwelling housing uses will require a “Secondary Suite and Two Dwelling Housing” Development Permit prior to one, or both of:

- subdivision; or
- construction of, addition to or alteration of a building.

PROPERTIES QUALIFYING FOR A WAIVER

Development projects may qualify for a Development Permit (DP) waiver as outlined below. A DP waiver may specify conditions. Any breach of the waiver terms will result in the cancellation of the waiver. Such cancellation would require that the property owner apply for a DP. The granting of a waiver does not absolve the applicant from other necessary approvals (e.g. building permit, etc.). Where waivers cannot be granted, a DP will be required before the project can proceed.

A “Secondary Suite and Two Dwelling Housing” Development Permit may not be required if the development consists only of the following:

- Interior / exterior building alterations that don’t involve the addition of a new dwelling unit;
- Construction of a single detached house without a secondary suite where a single detached house does not already exist on the same property;
- The addition of a second dwelling within a building, provided construction of the new dwelling does not require a physical addition to the building and provided that the building was approved for construction before June 1, 2004;
- An alteration to a building that doesn’t require the issuance of a building permit;
- Construction, addition or alteration of an accessory building not exceeding 40 sq. m. (430 sq. ft.) where no variance(s) of the Zoning Bylaw are required;
- Replacement of a building that has been destroyed by natural causes, in cases where the replacement building is identical to the original in both form and location;
- A technical subdivision for lot consolidation or road widening;
- Stratification of a semi-detached or duplex dwelling;
- Construction of, alteration or addition to a group home (minor) as defined in the City’s Zoning Bylaw #8000;

OBJECTIVES

The following objectives form the justification for designating intensive residential development permit areas in the Kelowna Official Community Plan. The objectives have been incorporated in the design guidelines for new secondary suites and two dwelling housing.

- All new development should respect the scale and general character of the houses and the landscape of the neighbourhood in which it is built.
- All new development should be sensitive to the privacy of adjacent neighbours and the privacy of individual dwelling units on a lot.
- The design of all new development should be derived from the existing building, in the case of an addition to a building and the addition of a new single detached building on a lot, or from surrounding buildings, in the case of new construction.
- All new development should contribute to the creation of pedestrian-oriented streets which in turn helps connect public spaces and fosters social interaction.
- All new development should promote safety and security of persons and property within the urban environment.
- The design of new development is encouraged to be accessible for persons with physical disabilities.

GUIDELINES

Relationship to the Street

- New building entrances should be in scale with the development where possible, should face the street and be clearly identifiable from the street.
- Covered entries, porches, patios and entry courts for building entrances are encouraged, particularly where they are part of the established neighbourhood character.
- Pedestrian-oriented lighting should be used along pathways / walkways between building entrances, parking areas and streets.

Neighbourhood Context and Privacy

- The privacy of neighbouring homes should be respected by careful placement of windows, location of decks and any other feature that may infringe upon the enjoyment of a neighbouring yard or house.
- Fences, hedges and landscaping should be used to help screen direct views of private open spaces on adjacent properties.
- Buildings higher than one storey should step down in height from the upper to the lower floor and roof lines should be sloped towards the side yards in order to avoid overpowering adjacent houses.

Building Massing

- New housing should be compatible with the massing and scale of the housing in the surrounding area.

- Wall projections and indentations, windows and siding treatments should be varied to create visual interest, to articulate building facades and to avoid utilitarian, bland, boxy and overwhelming wall shapes and sizes.
- Variations in rooflines, subroofs, dormers and balconies should be incorporated to help break up the massing of buildings.
- Landscaping treatments are encouraged to further soften the mass of building form. Mitigating treatments may include strategic placement of trees, shades and vines, trellis and arbours, along with surface materials such as pavers.

Parking

- Parking spaces should be distributed around the property to avoid large parking areas.
- Where group parking is used, landscaped parking “courts” are encouraged to help soften the appearance of parking areas. Materials and treatments may include grasscrete and paving stones to reduce the impact of surface parking.
- Wherever a garage is designed to accommodate two vehicles, garage doors should be separated to reduce the impact of mass. Other applications to reduce the impact of a large garage (2 or more vehicles) should include the use of panels and windows in garage doors, instead of using flat utilitarian type doors.
- Parking spaces are encouraged to be on a level surface to allow for safe unloading and loading of passengers.

Landscaping

- Landscaping should define distinct private outdoor areas for both dwellings on a lot.
- Areas that are common to both dwellings should be clearly defined and separated from private spaces.
- Trees, shrubs and other plant materials should screen parking areas, define building edges and provide shade.
- Landscaping should be used to soften views of new structures from adjacent properties.
- Healthy, mature trees are encouraged to be retained.
- Front yard landscaping and walkways are encouraged to be derived from the context of surrounding properties where there is a dominant pattern along the street.

Building Form and Finish

- The form, shape and material of roofs, doors, windows, fascia, trim and walls of building additions should be similar to the form and character, style and material of roofs, doors, windows, fascia, trim and walls of the existing building.
- The form and shape of roofs, doors, windows, fascia, trim and walls on new single detached dwellings should be similar to the roofs, doors, windows, fascia, trim and walls of the existing building on the property.
- The form, shape and finish of new buildings should be similar to the form, shape and finish of buildings in the surrounding area if there is a dominant pattern relating to the form, shape and finish of the surrounding buildings.

Accessibility

- Dwelling units are encouraged to have level access to the entrance from driveways and pathways.
- Dwelling units are encouraged to have a kitchen, a full bathroom and at least one bedroom on the ground level of the house.
- Doors and hallways are encouraged to be wide enough to accommodate occupants in wheelchairs.

DEVELOPMENT PERMIT CONDITIONS

The City can, in order to achieve satisfaction of the above-noted guidelines, issue a development permit that:

- imposes conditions respecting the sequence and timing of construction
- varies or supplements a bylaw dealing with subdivision servicing or zoning requirements (other than issues relating to use or density), as per the *Local Government Act*
- includes requirements and conditions or sets standards for:
 - general character of the development, including landscaping (this does not include particulars of landscaping or of the exterior design and finish of buildings and structure)
 - siting of buildings and structures
 - form of buildings and structures
 - exterior design of buildings and structures
 - exterior finish of buildings and structures.

The Director of Planning and Corporate Services may, where a development permit is required, request the applicant to provide, at the applicant's expense, development approval information. Development approval information will be required if the effects of the proposed development in relation to Development Permit objectives, OCP policies, and other City bylaws and regulations cannot be fully assessed based on information otherwise available.

Development approval information will be used to assist the City in determining conditions or requirements to be imposed in the permit."

4. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
5. 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 18th day of May, 2004.

Considered at a Public Hearing on the day of , 2004.

Read a second and third time and be adopted by the Municipal Council of the City of Kelowna this day of , 2004.

Mayor

City Clerk