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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** June 1, 2004

**File No.:** TA04-0003  
(3360-20)

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** General Text Amendments to clarify wording for maximum height requirements and front yard setback requirements for the RU1/RU1s/RU1h/RU2/RU2s/RU2h/RU2hs zones of Zoning Bylaw No. 8000

**Applicant:** City of Kelowna

**Report Prepared By:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA04-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated June 1, 2004 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Nb. TA04-0002 be forwarded to a Public Hearing for further consideration.

### 2.0 SUMMARY

It has been identified that there are inconsistencies in the setback requirements and building height requirements between the RU1–Large Lot Housing/RU1s–Large Lot Housing with Secondary Suite/RU1h–Large Lot Housing (Hillside Area) zones and the RU2-Medium Lot Housing/RU2s-Medium Lot Housing with Secondary Suite/RU2h-Medium Lot Housing with Secondary Suite/RU2h-Medium Lot Housing (Hillside Area)/RU2hs-Medium Lot Housing (Hillside Area) with Secondary Suite zones that should be corrected.

### 3.0 BACKGROUND

The last general text amendment package, considered and adopted by Council earlier this year, had amended the RU2/RU2s/RU2h and RU2hs zone to include specific front yard setback clauses and maximum height clauses, which should also be included in the RU1/RU1s/RU1h zone. The amendments are outlined in detail on Schedule "A" attached to this report.

#### 4.0 PLANNING COMMENTS

In the past, the Planning & Corporate Services Department has been supportive of Development Variance Permits applications to allow for the front yard setback to be applied to the yard abutting a lane where a lane serves as the only vehicular access in a hillside area. As the RU2 zones have already been amended to incorporate this front setback requirement and the associated height requirements the Planning & Corporate Services Department recommends that Council support the proposed amendments as shown on Schedule “A” attached to this report.

Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

AB/SG/sg

**SCHEDULE “A” – Amendments to City of Kelowna Zoning Bylaw No. 8000**

- 13.1 RU1 – Large Lot Housing  
 RU1s – Large Lot Housing with Secondary Suite  
 RU1h – Large Lot Housing (Hillside Area)

Section	Existing Wording	Proposed Amendment
13.1.6(b)	The maximum <b>height</b> is the lesser of 9.5 m or 2 ½ <b>storeys</b> , except it is 4.5 m for <b>accessory buildings</b> and <b>accessory structures</b> .	Add the following wording:  For the RU1h zone the maximum <b>height</b> of any vertical wall element facing a front, <b>flanking street</b> or rear yard (including walkout basements) is the lesser of 6.5m or 2 <b>storeys</b> , above which the <b>building</b> must be stepped back at least 1.2m.
13.1.6(c)	In RU1 and RU1s zones, the minimum <b>front yard</b> is 4.5m. except it is 6.0m from a garage or <b>carport</b> having vehicular entry from the front. In RU1h zones the minimum <b>front yard</b> is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or <b>carport</b> having vehicular entry from the front.	Add the following wording:  In a <b>hillside area</b> , where access is required through, and is limited to, a <b>lane</b> , the yard abutting the <b>lane</b> may be considered the <b>front yard</b> . <b>Walkout basements</b> are not exempt from the <b>height</b> regulations of Section 6.6 in this situation.
13.1.6(f)	For RU1h zones, the maximum <b>height</b> of any vertical wall element facing a front, <b>flanking</b> or rear yard (including walkout basements) is the lesser of 6.5m or 2 <b>storeys</b> , above which the <b>building</b> must be stepped back at least 1.2m.	Add the following word:  Add the word ' <b>street</b> ' after the word <b>flanking</b> .

- 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

Section	Existing Wording	Proposed Amendment
13.2.6(b)	The maximum <b>height</b> is the lesser of 9.5 m or 2½ <b>storeys</b> , except it is 4.5 m for accessory <b>buildings</b> and accessory <b>structures</b> . For the RU2h and RU2hs zones the maximum <b>height</b> of any vertical wall element facing a front, <b>side</b> or rear yard (including walkout basements) is the lesser of 6.5m or 2 <b>storeys</b> , above which the <b>building</b> must be stepped back at least 1.2m.	Clarify wording:  Replace the word 'side' with the words ' <b>flanking street</b> '
13.2.6(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 <b>front yard</b> . <b>Walkout basements</b> are not permitted in this situation.	Clarify wording:  Replace 'Where access is required through, and is limited to, a lane, the yard abutting the lane may be considered the <b>front yard</b> . <b>Walkout basements</b> are not permitted in this situation' with  'In a <b>hillside area</b> , where access is required through, and is limited to, a <b>lane</b> , the yard abutting the <b>lane</b> may be considered the <b>front yard</b> . <b>Walkout basements</b> are not exempt from the <b>height</b> regulations of Section 6.6 in this situation.'