

---

# CITY OF KELOWNA

## MEMORANDUM

---

**Date:** September 14, 2004

**File No.:** TA04-0008

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** Text Amendment to add the RU4h – Low Density Cluster Housing (Hillside) zone and the RU6h – Two Dwelling Housing (Hillside) zone to Zoning Bylaw No. 8000 and to clarify the wording for the RU1h zone.

**Applicant:** City of Kelowna

**Report Prepared By:** Shelley Gambacort

---

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

---

### 1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA04-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated September 14, 2004 be considered by Council;

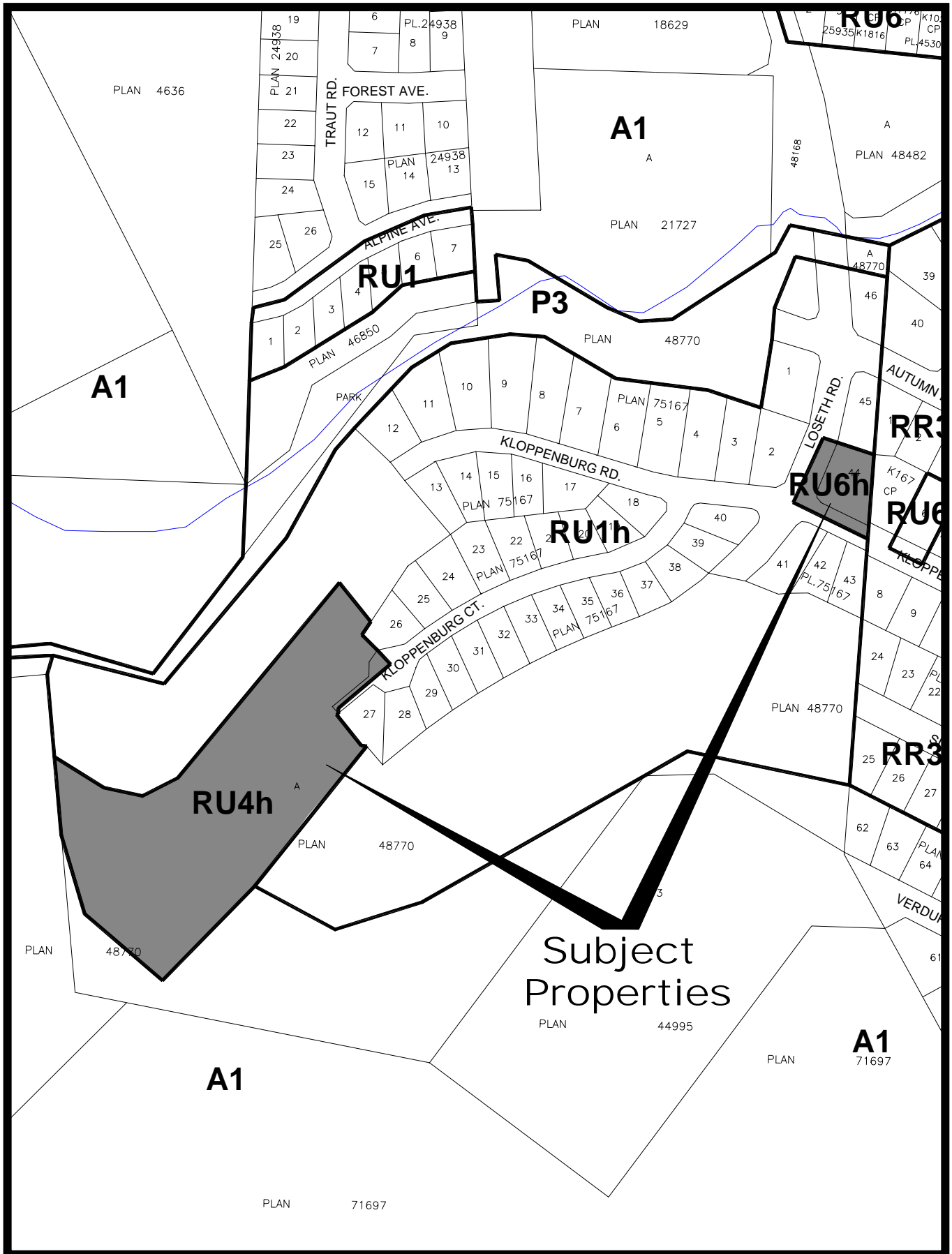
AND THAT Zoning Bylaw Text Amendment No. TA04-0008 be forwarded to a Public Hearing for further consideration.

### 2.0 SUMMARY

As part of the rezoning application, for the first phase of development within the Kirschner Mountain Area Structure Plan boundary, there was an area designated for RU4h – Cluster Housing (hillside) zone development and a lot designated for RU6h – Two Family Dwelling Housing (Hillside) zone development. However, as part of that rezoning process the actual zones were not included within the text of Zoning Bylaw 8000.

### 3.0 BACKGROUND

The Kirschner Mountain Area Structure Plan was adopted by Council on February 19, 2002 through Official Community Plan (OCP) amending Bylaw No. 8801. Council adopted a subsequent rezoning application April 28, 2003, designating an area within the Kirschner Mountain development as the RU4h – Low Density Cluster Housing (Hillside Area) zone and the RU6h – Two Dwelling Housing (Hillside Area) zone, as shown on the following map.



PLANNING COMMENTS

The Text Amendment that would have created these two zones was inadvertently omitted from the original zoning application, resulting in this Text Amendment Application. The amendments are outlined in detail on Schedule “A” attached to this report. Included in this application is a wording clarification for the side yard setback requirement of the RU1h as outlined in Schedule “A” attached to this report.

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**

<b>Section</b>	<b>Existing Wording</b>	<b>Proposed Amendment</b>
13.1.6(d)	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	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 <u>to a garage or <b>carport</b> having vehicular entry from the front.</u>
13.4	<b>RU4 – Low Density Cluster Housing</b>	<b>Add:</b> <b>RU4h – Low Density Cluster Housing (Hillside Area)</b>
13.4.6(d)	The minimum <b>site front yard</b> is 4.5 m.	<b>Add:</b> In RU4h 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.
13.4.6(e)	The minimum <b>side yard</b> is 3.0 metres, except that it is 4.5 metres from a <b>flanking street</b> .	<b>Add:</b> In RU4h 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 to a garage or <b>carport</b> having vehicular entry from the front.
13.4.6		<b>Add:</b> (g) For RU4h zones, the maximum <b>height</b> of any vertical wall element facing a front, flanking 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.
13.4.6		<b>Add:</b> (h) For RU4h zones, all decks, supporting posts or columns shall not exceed the lesser of 4.5m or 1 <b>storey</b> in <b>height</b> , such measurements to include the height of any support structure or <b>retaining wall</b> .
13.4.7		<b>Add:</b> (c) 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 Street Standards contained in the Subdivision, and Development Services Bylaw.

Section	Existing Wording	Proposed Amendment
13.6	<b>RU6 – Two Dwelling Housing</b> <b>RU6b – Two Dwelling Housing with Boarding or Lodging House</b>	<b>Add:</b> <b>RU6h – Two Dwelling Housing (Hillside Area)</b>
13.6.6(c)	The minimum <b>site front yard</b> is 4.5 m, except it is 6.0 from a garage or <b>carport</b>	<b>Add:</b> In RU6h 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.
13.6.6 (d)	The minimum <b>site side yard</b> is 2.0 m for a 1 or 1½ <b>storey</b> portion of a <b>building</b> and 2.3 m for a 2 <b>storey</b> portion of a <b>building</b> , except it is 4.5 m from a <b>flanking street</b> or unless there is a garage accessed from the <b>flanking street</b> , it is 6.0m. However, unless there is direct vehicular access to the <b>rear yard</b> or to an attached garage or <b>carport</b> , one <b>side yard</b> shall be at least 3.0 m.	<b>Add:</b> In RU6h 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 to a garage or <b>carport</b> having vehicular entry from the front.
13.6.6		<b>Add:</b> (h) For RU6h zones, the maximum <b>height</b> of any vertical wall element facing a front, flanking 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.
13.6.6		<b>Add:</b> (i) For RU6h zones, all decks, supporting posts or columns shall not exceed the lesser of 4.5m or 1 <b>storey</b> in <b>height</b> , such measurements to include the height of any support structure or <b>retaining wall</b> .
13.6.7		<b>Add:</b> (i) 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 Street Standards contained in the Subdivision, and Development Services Bylaw.