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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** March 9, 2005  
**File No.:** TA05-0003/OCP05-0006  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Purpose:** To amend Section 8.3 of the Official Community Plan to qualify A1s - Agriculture 1 with Secondary Suite properties except those lots subject to Section 1.7.1 of the Zoning Bylaw as properties Qualifying for a Waiver of the Development Permit requirement for secondary suites.  
To amend Section 9.5.1 of the Zoning Bylaw to allow an accessory building with secondary suites in the A1s – Agriculture 1 with Secondary Suite zone to be located in front of the principal dwelling provided it is located at least two times the distance of the required front yard setback.

**REPORT PREPARED BY:** Keiko Nittel

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#### **1.0 RECOMMENDATION**

THAT OCP Bylaw Text Amendment No. OCP05-0006 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by amending Section 8.3 of Chapter 8 to indicate that properties zoned A1s - Agriculture 1 with Secondary Suite, except those lots subject to Section 1.7.1 of the Zoning Bylaw, qualify for a waiver of the Development Permit requirement for secondary suites;

AND THAT Zoning Bylaw Text Amendment No. TA05-0003 to City of Kelowna Zoning Bylaw No. 8000 by amending Section 9.5.1 to allow an accessory building with a secondary suite in the A1s – Agriculture 1 with Secondary Suite zone to be located in front of the principal dwelling provided it is located at least two times the distance of the required front yard setback, as outlined in Schedule “A” attached to the Planning Department’s report dated March 9, 2005;

AND FURTHER THAT the OCP and zone amending bylaws be forwarded to a Public Hearing for further consideration.

#### **2.0 SUMMARY**

The proposed text amendment to the Official Community Plan will allow A1s- Agriculture 1 with Secondary Suite zoning designation (except those lots subject to Section 1.7.1 of the Zoning Bylaw) to qualify for a waiver to the development permit requirement for secondary suites.

The proposed text amendment to the Zoning Bylaw will allow secondary suites within an accessory building in the A1s – Agriculture 1 with Secondary Suite zone to be located with a setback to the front property line of at least two times the distance of the required front yard setback . The Zoning Bylaw currently requires that the principal building be between the front yard and the accessory building with secondary suite.

### **3.0 ADVISORY PLANNING COMMISSION**

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of March 15, 2005, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Text Amendment No. TA05-0003 by the City of Kelowna, to amend Section 9.5.1 of the Zoning Bylaw to add “where a secondary suite is located in an accessory building in the A1s – Agriculture 1 with Secondary Suite zone, the accessory building must be located at least two times the distance of the required front yard setback”;

AND THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP05-0006 by the City of Kelowna, to amend Section 8.3 (Development Permit Guidelines for the Form and Character of Secondary Suite and Two Dwelling Housing Development) of the Official Community Plan to add A1s - Agriculture 1 with Secondary Suite zoning designation (except those lots subject to Section 1.7.1 of the Zoning Bylaw) as properties Qualifying for a Waiver.

### **4.0 PROPOSAL**

The proposed amendment to Official Community Plan will allow A1s- Agriculture 1 with Secondary Suite properties, with the exception of those lots subject to Section 1.7.1 Zoning Bylaw, to qualify for a waiver for the requirement to obtain a development permit. Section 1.7.1 states that “Non-conforming agricultural, residential, or rural residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1 zone”. These properties will therefore continue to require development permits for secondary suites.

Under the current provisions of the Zoning Bylaw for secondary suites within accessory buildings, the principal dwelling unit must be located between the front yard and the the accessory building. The proposed text amendment will exempt A1s zoned properties, greater than 0.2 ha in size, from this regulation. Instead, the accessory building with secondary suite will simply be required to meet a minimum front yard setback that is two times greater than required for a principal building. The current required front yard setback in the A1/A1s zone is 6.0m. The minimum front yard setback for an accessory building with secondary suite would therefore be 12.0m. No other changes to the regulations are proposed.

### **5.0 TECHNICAL COMMENTS**

- 5.1 Inspection Services  
No comment.
- 5.2 Ministry of Transportation  
No comment.
- 5.3 Works & Utilities  
No comment.

### **6.0**

**PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

The Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing (OCP, Section 8.3) were originally developed to ensure new infill housing is compatible with the form and character of existing buildings in the area. Given the fact that the guidelines are meant to address intensive residential infill development, Staff feel their application to agricultural zoned properties is not appropriate. In addition, Staff feel that given the size and location of agricultural properties, the requirement that the principal dwelling be located between the front yard and the accessory building with secondary suite is not necessary. Given the rural nature of properties with A1s zoning, Staff feel that the potential location of the secondary suite in front of the principal dwelling will have little impact on the character of the area nor on the privacy of the neighbours.

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Andrew Bruce  
Development Services Manager  
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R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services  
Approved for inclusion ☐

Existing Section 9.5.1:

9.5.1 **Secondary suites**, when permitted, are to be located only in a converted **single detached housing** or and **accessory building**. A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s –Agricultural 1 with Secondary Suite zone provided it is not in the Agricultural Land Reserve. No **structural alteration** or addition 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 shall be located between the **front yard** and the **accessory building**. An **accessory building** shall not be higher than the lessor of 4.5 metres or the height of the existing principal dwelling unit on the same property.

Replace the existing Section 9.5.1 with the following:

9.5.1 All secondary suites must comply with the following:

- (a) **Secondary suites**, when permitted, are to be located only in a converted **single detached housing** or and **accessory building**.
- (b) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s –Agricultural 1 with Secondary Suite zone provided it is not in the Agricultural Land Reserve.
- (c) No **structural alteration** or addition shall be undertaken that **alters** the existing low-**density** residential character of the neighbourhood.
- (d) Where a **secondary suite** is located in an **accessory building** the principal dwelling unit shall be located between the **front yard** and the **accessory building** except in the A1s – Agricultural 1 with Secondary Suite zone. Where a **secondary suite** is located in an **accessory building** in the A1s – Agricultural 1 with Secondary Suite zone, the **accessory building** must be located at least two times the distance of the required **front yard** setback the accessory building must be located at least two times the distance of the required **front yard** setback
- (e) An **accessory building** shall not be higher than the lessor of 4.5 metres or the height of the existing principal dwelling unit on the same property.