
CITY OF KELOWNA
MEMORANDUM

Date: May 24, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. TA05-0006

APPLICANT: CITY OF KELOWNA

PURPOSE: TO RESTRICT THE PROVISION OF BEDROOMS IN
ACCESSORY STRUCTURES UNLESS THEY COMPRISE
PART OF A LEGAL SECONDARY SUITE

TO REMOVE THE REQUIREMENT FOR COVERED
PARKING FOR SECONDARY SUITES IN ACCESSORY
BUILDING WHICH ARE 1 STOREY IN HEIGHT

TO AMEND THE DEFINITION OF LANDSCAPING IN
ORDER TO CLARIFY THAT LANDSCAPE ELEMENTS
SUCH PERGOLAS/LATTICES WILL NOT BE CONSIDERED
AS STRUCTURES

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA05-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by as outlined in Schedule "A" of the report of the Planning & Corporate Services Department dated May 6, 2005 be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA05-0006 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY/DISCUSSION

Recently staff have encountered some degree of uncertainty in the development community with regard to the definition of landscaping and to what type of features it applies. Staff are proposing to amend the definition of landscaping to exclude features that have roofs or provide shelter. Staff feel that the above noted change will help to differentiate landscape features such as pergolas from features which provide shelter such as carports (which should respect setbacks).

At the direction of Council, staff are also proposing an amendment to Zoning Bylaw Section 9.5 – Secondary Suites. Council had asked that staff prepare and amendment which removed the requirement for covered parking for one-storey

accessory buildings containing secondary suite. Secondary suites in accessory buildings with heights greater than one storey will continue to be required to provide a garage or carport. The reasoning behind this proposed change as stated to Council previously concerns situations where the principal dwelling is a single storey, or in situations where the developer wishes to develop an accessible dwelling unit, there is no potential to add living space above the ground floor. The resulting secondary suite, therefore, is reduced by $\pm 18 \text{ m}^2$ (200 ft^2) needed to accommodate this parking space at the ground floor level.

The third proposed amendment proposed by staff in this report concerns bedrooms and bathrooms in accessory buildings. Staff is concerned about the blurring of lines between secondary suites in accessory buildings and simple accessory buildings. In order to clarify this line staff are recommending that Council restrict the provision of bedrooms and full bathrooms in accessory buildings. The proposed change allows for toilets and sinks but does not allow for showers or bathtubs with the exception of accessory buildings for use as pool houses.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs
Attach.

**SCHEDULE A – AMENDMENTS TO CITY OF KELOWNA ZONING
BYLAW NO. 8000**

Section	Existing Definition/Bylaw	Proposed Definition/Amendment
2.0 Interpretation (replace existing)	LANDSCAPING means changing, modifying or enhancing the visual appearance of a site including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot .	LANDSCAPING means changing, modifying or enhancing the visual appearance of a site including reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot . <u>Landscaping excludes those features with roofs and those used for shelter or those structures that provide opaque (solid) screening beyond the allowable provisions for fencing described in Chapter 7 of this Zoning Bylaw.</u>
9.5.10 (replace existing)	Where a secondary suite is located in an accessory building , the accessory building must include a garage or carport for a minimum of one vehicle .	Where a secondary suite is located in an accessory building measuring more than one storey in height, the accessory building must include a garage or carport for a minimum of one vehicle . <u>Single storey accessory buildings containing secondary suites are not required to provide an attached garage or carport.</u>
6.5.11 (add)	None.	Bedrooms and full bathrooms are not permitted in accessory buildings unless the accessory building is a secondary suite which complies with the regulations of this bylaw. Bathrooms with toilets and sinks are permitted but showers and bathtubs are not except where located in an accessory building used as a pool house.

