
CITY OF KELOWNA

MEMORANDUM

Date: June 8, 2006
To: City Manager
From: Planning and Corporate Services Department (RS)
Subject: Proposed Bylaw Amendments for Secondary Suites

1.0 RECOMMENDATION

THAT Municipal Council direct staff to prepare the appropriate Zoning Bylaw, Official Community Plan and Policy amendments to make secondary suites within a principal building a permitted land use in all appropriate zones where single detached housing is listed as a principal use.

2.0 SUMMARY/BACKGROUND

Secondary suites have proven to be a controversial issue in Kelowna. Although there is staff support for the concept, which has been carried forward for nearly two decades in Council approved policy, each time secondary suites are discussed in a Council meeting, there appears to be as much community support as there is opposition.

Prior to 1993, secondary suites were a permitted use in Kelowna's Zoning Bylaw No.4500; however, were only permitted in one single family residential zone. Since 1993 secondary suites have been allowed in a variety of formats under a variety of zoning categories. In some zones such as the RU6 – Two Dwelling Housing zone, secondary suites are allowed as outright permitted uses while in the Agricultural, Rural Residential and most other zones permitting single family homes, secondary suites required a minor rezoning to allow an “s” designation to allow the use. Since the summer of 2004, at the direction of Council, staff has required development permits for most new second dwellings (including secondary suites) whether they be part of the single detached house or in an accessory building.

The City of Kelowna has also allowed for “in-law suites” known as “second kitchens” as a permitted use in the A1, RR1, RR2, RR3, RU1, RU2 and RU3 zones since early 2003. This type of use is permitted when not physically separated from the main dwelling by a locking door. Second kitchens have not been allowed on properties where a secondary suite is already in existence. Unfortunately staff has had on-going difficulties differentiating between this type of use and legal secondary suites due to the reality that many second kitchens are illegally converted into secondary suites after their installation.

During the mid 1990's, Kelowna's Zoning Bylaw was amended to allow secondary suites in accessory buildings (“carriage houses”). Regulations regarding this type of secondary suite have changed a number of times since the original introduction of this form of housing and today these types of dwelling units are governed in a similar way as suites within regular single family dwellings.

3.0 SUMMARY

In Kelowna, as in most cities, secondary suites have proven to provide much needed affordable housing during a time when property values and rents in the Okanagan have been among the fastest growing in the country. The City of Kelowna has a variety of policies supporting secondary suites:

8.1.22 Housing Quality. Continue to address properties where dwellings are sub-standard using available bylaw and code enforcement processes.

8.1.34 Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood.

8.1.39 Housing Variety. Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.

8.1.40 Affordable and Special Needs Housing. Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or in a list published by the City;

8.1.43 Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and health communities.

8.1.46 Secondary Suites. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

8.1.48 Housing for Lower Income Singles. Actively encourage housing for lower income singles, in response to the current shortage of housing for this particular group identified in 1999, utilizing options identified in the housing Study.

As the City's development guidelines and bylaw regulations currently exist, staff has encountered several problems which are listed below.

- a) It is difficult for staff to differentiate between second kitchens and secondary suites. This causes a variety of time consuming problems at the development and building permit stage.
- b) Many second kitchens are illegally converted into secondary suites. This essentially has provided a disincentive for applicants to pursue a "legal" process to develop secondary dwelling units.
- c) While city policy supports the development of newly created affordable housing, it is often much more economically viable to perform conversions of existing single detached homes to allow for affordable rental housing.

In order to better address the issues mentioned above, as well as support the creation of a greater pool of affordable rental housing units in the city, staff is proposing the following policy direction that is similar to the approach taken by the City of Vancouver in 2004. The Planning and Corporate Services Department is recommending that Kelowna City Council consider allowing secondary suites within single detached housing as a permitted use in all zones which permit single detached housing. This would mean that the creation of a new secondary suite in a single family dwelling would no longer be subject to a rezoning, nor a development permit but

only a building permit application to ensure that building code standards were met. Furthermore, staff recommends that the "second kitchen" use and associated definition be eliminated from the Zoning Bylaw in order to eliminate all confusion regarding the differentiation regarding a secondary suite and a second kitchen.

Staff also recommends that the "s" zone rezoning and development permit for form and character of a second dwelling unit remain applicable to secondary suites in accessory buildings and second principal dwelling units. Staff will review the applicability of the design guidelines and development permit requirements for secondary suites within single detached dwellings if Council chooses to pursue the recommendations of this report.

Should Council choose to support the approach mentioned above or similar policy direction, staff would initiate a series of formal recommendations with regard to changes to the Zoning Bylaw, Official Community Plan and other related documents/systems which would be impacted as well as co-ordinate a process whereby the public could be consulted with regard to the proposal.

Andrew Bruce
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Approved for inclusion

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