
CITY OF KELOWNA
MEMORANDUM

Date: June 6, 2006

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. TA06-0003

APPLICANT: CITY OF KELOWNA

PURPOSE: TO AMEND THE EXISTING DEFINITIONS OF HEIGHT AND GRADE AND SECTIONS OF THE RU1, RU1H, RU2H, RU3H, RU4H, RU6H WITH RESPECT TO WALKOUT BASEMENTS

TO AMEND SETBACK AND YARD INTERPRETATIONS AS THEY APPLY TO SINGLE FAMILY HILLSIDE ZONES

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA06-0003 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 June 6, 2006 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA06-0003 be forwarded to a Public Hearing for further consideration.

3.0 SUMMARY/DISCUSSION

Staff are proposing to amend the Zoning Bylaw regulations regarding building **height and grade**. The changes reflect requests from the Inspection Services Department to further clarify these portions of the bylaw in order to avoid confusion related to interpretation of these sections. Staff are also proposing amendments to clarify setback requirements in the single family hillside zones.

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	Proposed Definition/Amendment
6.6.2 (Height and Grade)	<p>Walkout basements oriented to the rear yard shall not be considered for the purpose of determining height for single-detached, duplex or semi-detached housing. Where single-detached, duplex or semi-detached housing has a walkout basement oriented to the rear yard, height shall be determined as follows: The maximum height of any building elevation facing a front yard or, flanking street is the lesser of 8.6m from grade or 2 storeys. The height for the lowest floor or walkout basements at the rear elevation can not exceed 3.6m measured from approved building grade to the top of the finished floor above the slab. In addition the total height of the rear building elevation cannot exceed the lesser of 3 storeys or 12.5m measure from approved building grade. Where access is required through, and is limited to a lane the yard abutting the lane may be considered the front yard.</p>	<p>Walkout basements oriented to the rear yard shall not be considered for the purpose of determining height for single-detached, duplex or semi-detached housing. Where single-detached, duplex or semi-detached housing has a walkout basement oriented to the rear yard, height shall be determined as follows: The maximum height of any building elevation facing a front yard or, flanking street is the lesser of 8.6m from grade or 2 storeys. The height for the lowest floor or walkout basements at the rear elevation can not exceed 3.6m measured from approved building grade to the top of the finished floor above the slab. In addition the total height of the rear building elevation cannot exceed the lesser of 3 storeys or 12.5m measure from approved building grade. Where access is required through, and is limited to a lane the yard abutting the lane may be considered the front yard.</p> <p>Note: Section 6.6.2 does not apply to any hillside development where a double fronting lot occurs or where there is a lot with access from a street, lane or private access easement road. See Diagram 6.2.</p>
Existing Diagram 6.2	Renumber as Diagram 6.3	

13.1.6(c)	<p>In RU1 and RU1s zones, the minimum front yard is 4.5m. except it is 6.0m from a garage or carport having vehicular entry from the front. In RU1h zones the minimum front yard is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or carport having vehicular entry from the front. In a hillside area, where access is required through, and is limited to, a lane, the yard abutting the lane may be considered the front yard. Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.</p>	<p>In RU1 and RU1s zones, the minimum front yard is 4.5m. except it is 6.0m from a garage or carport having vehicular entry from the front. In RU1h zones the minimum front yard is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or carport having vehicular entry from the front. In a hillside area, where access is required through, and is limited to a lane or shared access easement, the yard abutting the lane or shared access easement may be considered the front yard (see Diagram 13.1) and will require a 3.0m setback from the property line or edge of easement; whichever is closer to the building envelope.</p> <p>Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.</p>
13.2.6(c)	<p>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. In a hillside area, where access is required through, and is limited to, a lane, the yard abutting the lane may be considered the front yard. Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.</p>	<p>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. In a hillside area, where access is required through, and is limited to, a lane or shared access easement, the yard abutting the lane or shared access easement may be considered the front yard (see Diagram 13.1) and will require a 3.0m setback from</p>

		the property line or edge of easement; whichever is closer to the building envelope. Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.
13.6.6(c)	The minimum site front yard is 4.5 m, except it is 6.0 from a garage or carport. In RU6h zones the minimum front yard is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or carport having vehicular entry from the front.	In the RU6 the zone, the minimum front yard is 4.5m. except it is 6.0m from a garage or carport having vehicular entry from the front. In RU6h zones the minimum front yard is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or carport having vehicular entry from the front. In a hillside area , where access is required through, and is limited to, a lane or shared access easement, the yard abutting the lane or shared access easement may be considered the front yard (see Diagram 13.1) and will require a 3.0m setback from the property line or edge of easement; whichever is closer to the building envelope. Walkout basements are not exempt from the height regulations of Section 6.6 in this situation.
13.1.6(b)	(b) The maximum height is the lesser of 9.5 m or 2.5 storeys , except it is 4.5 m for accessory buildings and accessory structures . For the RU1h zone the maximum height of any vertical wall element facing a front, flanking street or rear yard (including walkout basements) is the lesser of 6.5m or 2 storeys , above which the building must be stepped back at least 1.2m.	(b) (i) The maximum height is the lesser of 9.5 m or 2.5 storeys , except it is 4.5 m for accessory buildings and accessory structures in accordance with diagram 6.2 shown below. (See Section 6.6.2 for height regulations regarding walkout basements) (ii) For RU1h zones, where a double fronting lot occurs or where there is a double fronting lots with access from a lane; or a private access

		<p>easement road the maximum height of any vertical wall facing a front, flanking street or rear yard (including walkout basements) is the lesser of 9.5m or 2.5 storeys.</p> <p>(iii) For RU1h zones, supporting posts or columns for decks shall not exceed the lesser of 4.5m or 1.5 storeys in height, such measurements are to include the height of any support structure or retaining wall.</p>
13.2.6(b)	<p>The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 4.5 m for accessory buildings and accessory structures. For the RU2h and RU2hs zones the maximum height of any vertical wall element facing a front, flanking street or rear yard (including walkout basements) is the lesser of 6.5m or 2 storeys, above which the building must be stepped back at least 1.2m.</p>	<p>(b) (i) The maximum height is the lesser of 9.5 m or 2½ storeys, except it is 4.5 m for accessory buildings and accessory structures.</p> <p>(ii) For RU2h zones, where a double fronting lot occurs or where there is a double fronting lots with access from a lane; or a private access easement road the maximum height of any vertical wall facing a front, flanking street or rear yard (including walkout basements) is the lesser of 9.5m or 2.5 storeys.</p> <p>(iii) For RU2h zones, supporting posts or columns for decks shall not exceed the lesser of 4.5m or 1.5 storeys in height, such measurements are to include the height of any support structure or retaining wall.</p>
13.3.6(c)	<p>The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and for accessory structures. For the RU3hs zone the maximum height of any vertical wall element</p>	<p>(c) (i) The maximum height is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for accessory buildings and for accessory structures.</p> <p>(ii) For RU3h zones, where a</p>

	facing a front, side or rear yard (including walkout basements) is the lesser of 6.5 m or 2 storeys , above which the building must be stepped back at least 1.2 m	double fronting lot occurs or where there is a double fronting lots with access from a lane; or a private access easement road the maximum height of any vertical wall facing a front, flanking street or rear yard (including walkout basements) is the lesser of 9.5m or 2.5 storeys. (iii) For RU3h zones, supporting posts or columns for decks shall not exceed the lesser of 4.5m or 1.5 storeys in height, such measurements are to include the height of any support structure or retaining wall.
13.4.6(c)	(c)The maximum height is the lesser of 9.5 m or 2½ storeys , except it is 4.5 m for accessory buildings and for accessory structures .	(c) (i)The maximum height is the lesser of 9.5 m or 2½ storeys , except it is 4.5 m for accessory buildings and for accessory structures . (ii) For RU4h zones, where a double fronting lot occurs or where there is a double fronting lots with access from a lane; or a private access easement road the maximum height of any vertical wall facing a front, flanking street or rear yard (including walkout basements) is the lesser of 9.5m or 2.5 storeys. (iii) For RU4h zones, supporting posts or columns for decks shall not exceed the lesser of 4.5m or 1.5 storeys in height, such measurements are to include the height of any support structure or retaining wall.
13.6.6 (b)	(b)The maximum height is the lesser of 9.5 m or 2 ½ storeys ,	(b)(i)The maximum height is the lesser of 9.5 m or 2 ½

	<p>except it is 4.5 m for accessory buildings and accessory structures.</p>	<p>storeys, except it is 4.5 m for accessory buildings and accessory structures.</p> <p>(ii) For RU6h zones, where a double fronting lot occurs or where there is a double fronting lots with access from a lane; or a private access easement road the maximum height of any vertical wall facing a front, flanking street or rear yard (including walkout basements) is the lesser of 9.5m or 2.5 storeys.</p> <p>(iii) For RU6h zones, supporting posts or columns for decks shall not exceed the lesser of 4.5m or 1.5 storeys in height, such measurements are to include the height of any support structure or retaining wall.</p>
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Add Diagram 13.1 to Section 13:

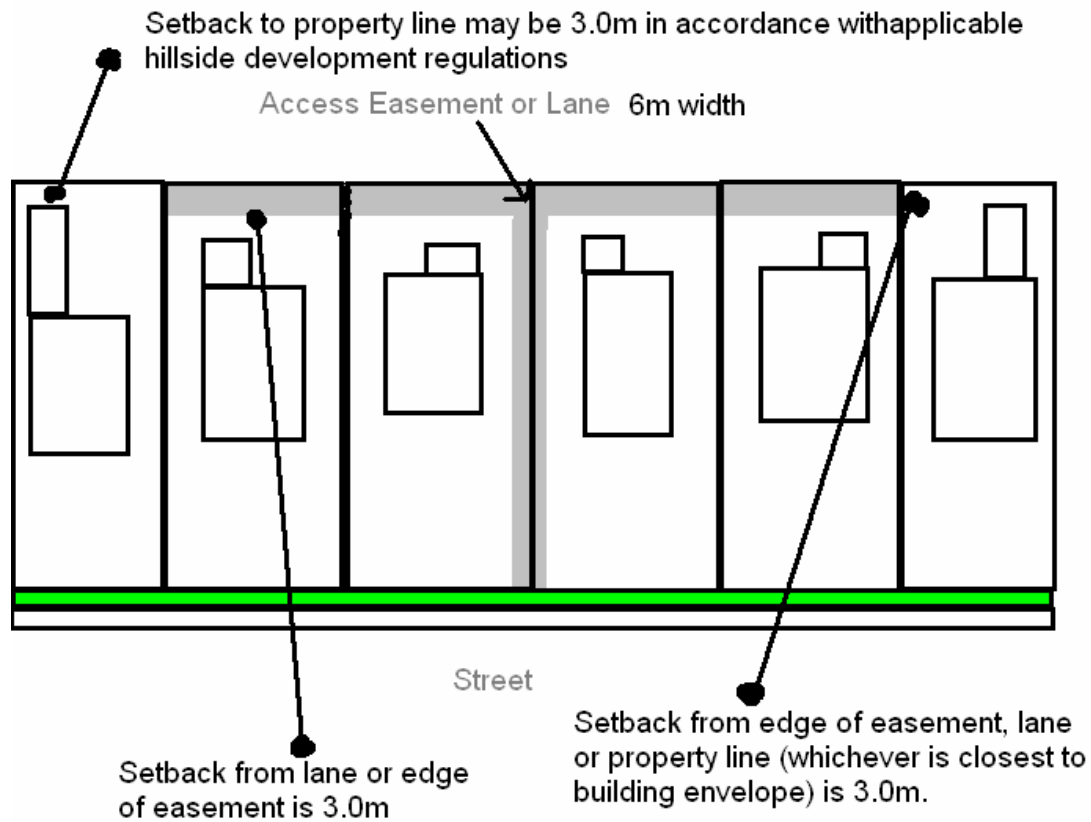


Diagram 13.1

Add new Diagram 6.2 in Section 6.6:

