

# CITY OF KELOWNA

## BYLAW NO. 9635

### **Text Amendment No. TA06-0003– City of Kelowna Amendments to Zoning Bylaw No. 8000 re: building height and grade regulations and re: setback requirements in hillside zones.**

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that City of Kelowna Zoning Bylaw No. 8000 be amended as follows:

1. THAT **Section 6 – General Development Regulations**, sub-section **6.6 Height and Grade**, paragraph 6.6.2 be amended by deleting the existing wording and replacing it with the following:

“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**.

**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.”;

2. THAT the diagram labelled as “Diagram 6.2: Hillside Double-fronting Lots”, which is attached to and forms part of this bylaw, be inserted following paragraph 6.6.2, and that the existing “Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line” be re-labelled as “Diagram 6.3: Okanagan Lake 120° Panoramic Sight Line”, and that the reference to “Diagram 6.2” in the existing paragraph 6.11.1 be deleted and replaced with reference to “Diagram 6.3”;
3. THAT **Section 13 – Urban Residential Zones**, sub-section **13.1 – RU1 – Large Lot Housing/RU1s – Large Lot Housing with Secondary Suite/RU1h – Large Lot Housing (Hillside Area)**, paragraph **13.1.6 Development Regulations** be amended by:

(a) Deleting sub-paragraph (b) and replacing it with the following:

“(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 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 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.”

(b) Deleting sub-paragraph (c) and replacing it with the following:

“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. **Walkout basements** are not exempt from the **height** regulations of Section 6.6 in this situation.

4. THAT the diagram labelled as “Diagram 13.1: Hillside Lots Requiring Access via Lane or Shared Access Easement”, which is attached to and forms part of this bylaw, be inserted following sub-paragraph 13.1.6(c);
5. THAT **Section 13 – Urban Residential Zones**, sub-section **13.2 – RU2 – Medium Lot Housing/RU2s – Medium Lot Housing with Secondary Suite/RU2h – Medium Lot Housing (Hillside Area)/RU2hs – Medium Lot Housing (Hillside Area) with Secondary Suite**, paragraph **13.2.6 Development Regulations** be amended by:

(a) deleting sub-paragraph (b) and replacing it with the following:

- “(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**.
- (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.
- (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.”

(b) deleting sub-paragraph (c) and replacing it with the following:

“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 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.”

6. THAT **Section 13 – Urban Residential Zones**, sub-section **13.3 – RU3 – Small Lot Housing/RU3hs – Small Lot Housing (Hillside Area) with Seconday Suite**, paragraph **13.3.6 Development Regulations**, sub-paragraph (c) be amended by deleting the existing wording and replacing it with the following:

- “(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.
- (ii) For RU3h 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 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.”

7. THAT **Section 13 – Urban Residential Zones**, sub-section **13.4 – RU4 – Low Density Cluster Housing/RU4h – Low Density Cluster Housing (Hillside Area)**, paragraph **13.4.6 Development Regulations**, sub-paragraph (c) be amended by deleting the existing wording and replacing it with the following:

- “(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.”

8. THAT **Section 13 – Urban Residential Zones**, sub-section **13.6 – RU6 – Two Dwelling Housing/RU6b – Two Dwelling Housing with Boarding or Lodging House/RU6h – Two Dwelling Housing (Hillside Area)**, paragraph **13.6.6 Development Regulations**, be amended by:

a. deleting sub-paragraph (b) and replacing it with the following:

- “(b) (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 **accessory structures**.
- (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.
- (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.”

(b) deleting sub-paragraph (c) and replacing it with the following:

“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."

9. This bylaw may be cited as "Bylaw No. 9635 being Amendments to the building height and grade regulations, and to the building setbacks within hillside zones regulations, of the Zoning Bylaw No. 8000".
10. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this day of , 2006.

Considered at a Public Hearing on the day of , 2006.

Read a second and third time by the Municipal Council this day of , 2006.

Approved under The Highways Act this day of , 2006.

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(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this day of , 2006.

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Mayor

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City Clerk

Diagram 6.2: Hillside Double-fronting Lots

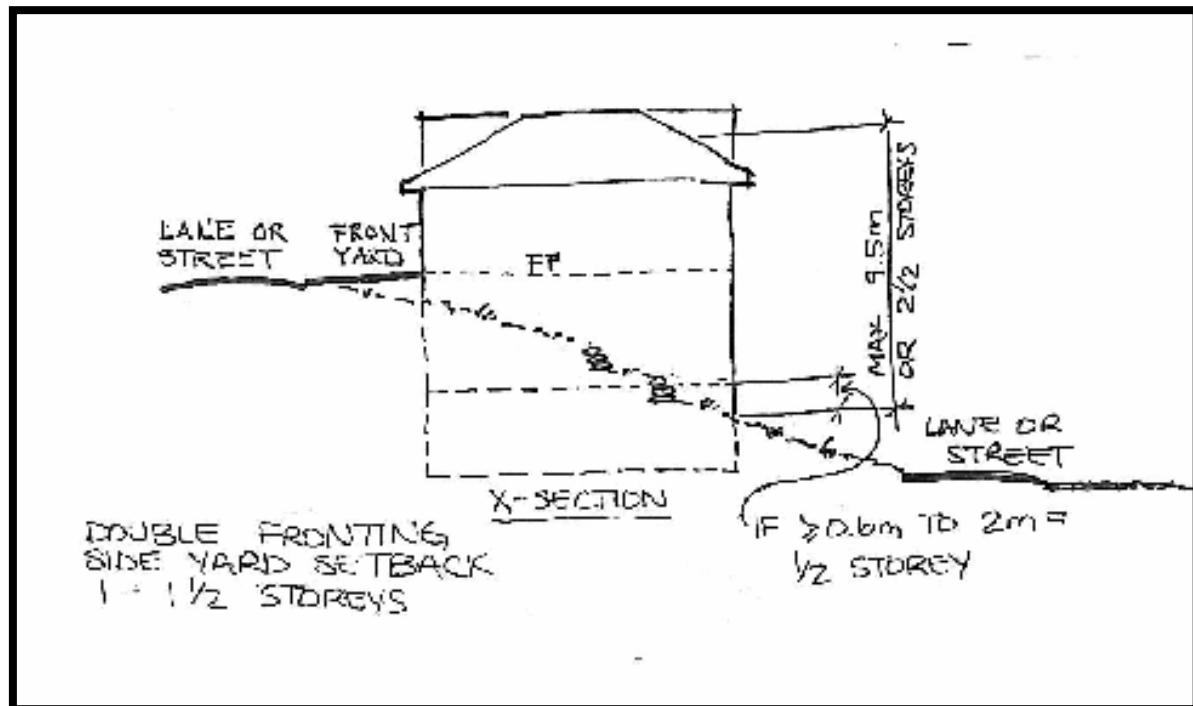


Diagram 13.1: Hillside Lots Requiring Access via Lane or Shared Access Easement

