
**CITY OF KELOWNA
MEMORANDUM**

DATE: February 22, 2008
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. TA06-0004 **APPLICANT:** City of Kelowna
PURPOSE: TO AMEND ZONING BYLAW 8000 TO ELIMINATE SECOND KITCHENS
AS A USE CATEGORY, IN ADDITION TO OTHER MISCELLANEOUS
AMENDMENTS.
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Text Amendment Application No. TA06-0004, to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning and Development Services Department, dated February 22, 2008, be considered by Council;

AND THAT the necessary amending bylaws be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

Details of the proposed text amendment are provided in the attached Schedule "A", but the following points outline the general intent:

- eliminate SECOND KITCHEN as a use category altogether;
- revise the definition for ACCESSORY BUILDINGS and add a definition for BREEZEWAY;
- provide specific regulation for the siting of a suite in an accessory building on a double-fronting lot;
- eliminate the requirement for a lit pathway from a secondary suite located on an A1s-zoned lot;
- reduce the separation distance between a single-detached house and "carriage house" to 4.5 m from current 5.0 m, to be consistent with the separation distance requirement between two single-detached houses on the same lot.

3.0 STAFF COMMENTS

On December 17, 2007, Council passed a resolution that included the following statement:

AND THAT Council approves—in principle—elimination of all regulatory provisions that permit the development of "second kitchens" as a means to ensure the development of legal secondary suites in the community. R1207/07/12/17

Historically, this use category was included as a secondary use in all RU zones (RU1, RU2, etc.) for two main reasons:


1. in the days before air conditioning, a second kitchen in the basement provided a more comfortable working space for food preparation and preservation (e.g. canning) during the summer months; and

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2. a second kitchen allowed for a living space for a relative that afforded a bit more privacy, yet was still connected to the rest of the house, unlike a SECONDARY SUITE which was completely separate living space. The vernacular term for a second kitchen is "in-law suite".

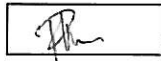
In practical terms, some homeowners use the SECOND KITCHEN use ("in-law suite") to effectively create a SECONDARY SUITE rather than seek legal approval of that use. Because the distinction between the two can be rather trivial (e.g. intervening lockable door or not, direct access to outside, etc.), Bylaw enforcement is severely compromised. Staff considers elimination of this use category a good first step in achieving some level of fairness, as well as to promote safe accommodation for the residents of Kelowna.

Other changes proposed by this text amendment are minor adjustments that both provide clarity and reasonableness with respect to secondary suite development in limited circumstances involving double-fronting lots, as well as certain changes to the regulation of accessory buildings.


Shelley Gambacort

Current Planning Supervisor

Approved for inclusion



Paul Macklem

Acting Director of Planning & Development Services

NW/nw

ATTACHMENTS

Schedule "A"

SCHEDULE "A"
Text Amendment No. TA06-0004 – Miscellaneous Items

Zoning Bylaw No. 8000		
Section	Existing wording	Proposed Wording
2.3.3 – Definitions 13 – Urban Residential Zones	SECOND KITCHEN means a second kitchen in a single detached house intended for the use by members of the household, which is freely and fully accessible from the remainder of the dwelling without any intervening doors equipped with a locking device of any kind	Delete definition, and remove all references to this use category throughout remainder of the Bylaw.
2.3.3 – Definitions	ACCESSORY BUILDING OR STRUCTURE means a separate building or structure , normally ancillary , incidental, subordinate, and located on the same lot as the main building or structure . Typical accessory structures include but are not limited to antennae, propane tanks, satellite dishes, flagpoles, garages, and garden sheds.	ACCESSORY BUILDING OR STRUCTURE means a separate building or structure <u>that may be connected to the principal building by a breezeway</u> , normally ancillary, incidental, subordinate, and located on the same lot as the main building or structure. Typical accessory structures include but are not limited to antennae, propane tanks, satellite dishes, flagpoles, garages, and garden sheds.
2.3.3 - Definitions		<u>BREEZEWAY means a connection between an accessory building and a principal building that is not heated or insulated and is not restricted by intervening doors.</u>
13.6.7 (c) – separation distance between	13.6.7 (c) A secondary suite, in accordance with Section 9.5, may only be located within a single detached dwelling or an accessory building to a single detached dwelling which is no closer than 5.0 m to the principal building .	13.6.7 (c) A secondary suite, in accordance with Section 9.5, may only be located within a single detached dwelling or an accessory building to a single detached dwelling that is no closer than 5.0 <u>4.5 m</u> to the principal building.

6.5.4 Accessory buildings	Accessory buildings or structures are not permitted in a required front yard and shall be a minimum of 1m from the principal residence	Accessory buildings or structures are not permitted in a required front yard. Accessory buildings shall be a minimum of 1.0 m from the principal residence, <u>unless connected by a breezeway.</u>
6.5.8 Accessory buildings	(a) an accessory building in an urban residential zone or a rural residential zone shall not be located closer than 18.0 metres to the front lot line unless it complies with the side yard requirements for a principal building and is located at least two times the distance of the required front yard setback for that zone from the front lot line ;	(a) an accessory building in an urban residential zone or a rural residential zone shall not be located closer than 18.0 metres to the front lot line unless it complies with the side yard requirements for a principal building and is located at least two times the distance of the required front yard setback for that zone from the front lot line . <u>For double-fronting lots the accessory building shall be sited in accordance with the regulations for a single-detached dwelling.</u>
6.5.10	An accessory building or structure on any through lot shall be sited as if a front yard is required on both lot lines abutting streets	(remove this regulation)
9.5.12 – lit pathway to the street	Where a secondary dwelling unit is located in an accessory building , a lighted pathway must be provided between the fronting street and the accessory building .	Where a secondary suite is located in an accessory building , a lighted pathway must be provided between the fronting street and the accessory building , <u>except for the A1s – Agricultural 1 with Secondary Suite zone.</u>

<p>9.5 Secondary Suites 9.5.1 (d) – Siting of Suite in an Accessory Building</p>	<p>(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.</p>	<p>(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 <u>except for double fronting lots</u> or for a lot 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.</p>
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