

CITY OF KELOWNA

BYLAW NO. 9953

Text Amendment No. TA06-0004

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

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 paragraph **2.3.3** of sub-section **2.3 General Definitions** of **Section 2 – Interpretation**, be amended by:
 - (a) deleting the definition **ACCESSORY BUILDING OR STRUCTURE** in its entirety and replacing it with the following:

“**ACCESSORY BUILDING OR STRUCTURE** means a separate building or structure that may be connected to the principal building by a **breezeway**, 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.”
 - (b) adding the definition **BREEZEWAY** as follows:

“**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.”
 - (c) deleting the definition **SECOND KITCHEN** in its entirety;
2. AND THAT **Section 6 – General Development Regulations** be amended by:
 - (a) deleting paragraph **6.5.4** of sub-section **6.5 Accessory Development** and replacing it with the following:

“Accessory **buildings** shall be a minimum of 1.0 m from the principal residence, unless connected by a breezeway.”
 - (b) deleting sub-paragraph (a) of paragraph **6.5.8** of sub-section **6.5 Accessory Development** and replacing it with the following:

“(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**. For **double-fronting lots** the **accessory building** shall be sited in accordance with the regulations for a **single-detached dwelling**.”
 - (c) deleting paragraph **6.5.10** of sub-section **6.5 Accessory Development** in its entirety.
3. AND THAT sub-section **9.5 Secondary Suites** of **Section 9 – Specific Use Regulations**, be amended by:

- (a) deleting sub-paragraph (d) of paragraph **9.5.1** in its entirety and replacing it with the following:

"(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 for **double fronting lots** 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."

- (b) deleting paragraph **9.5.12** in its entirety and replacing it with the following:

"Where a **secondary suite** is located in an **accessory building**, a lighted pathway must be provided between the **fronting** street and the **accessory building**, except for the A1s – Agricultural 1 with Secondary Suite zone."

4. AND THAT all references to the **SECOND KITCHEN** use category be removed from **Section 13 – Urban Residential Zones** and throughout the remainder of the Zoning Bylaw No. 8000;
5. AND THAT sub-paragraph (c) of paragraph **13.6.7 Other Regulations** of sub-section **13.6 RU6-Two Dwelling Housing** of **Section 13 – Urban Residential Zones**, be deleted in its entirety and replaced with the following:

"(c) A secondary suite, in accordance with Section 9.5, may only be located within a **single detached dwelling** or an **accessory building** that is no closer than 4.5m to the principal **building**."

6. This bylaw may be cited as Bylaw No. 9953.
7. 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 10th day of March, 2008.

Considered at a Public Hearing on the 1st day of April, 2008.

Read a second and third time by the Municipal Council this 1st day of April, 2008.

Approved under the Transportation Act this day of , 2008.

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the day of , 2008

Mayor

City Clerk