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CITY OF KELOWNA

MEMORANDUM

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**DATE:** August 13, 2008

**TO:** City Manager

**FROM:** Planning & Development Services Department

**APPLICATION NO.** OCP08-0020

**APPLICANT:** City of Kelowna

**PURPOSE:** TO AMEND *KELOWNA 2020 - OFFICIAL COMMUNITY PLAN BYLAW NO. 7600* SECTION 8.3 TO NO LONGER REQUIRE A DEVELOPMENT PERMIT FOR A SECONDARY SUITE WITHIN A PRINCIPAL DWELLING

**REPORT PREPARED BY:** Birte Decloux

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1.0 RECOMMENDATION

THAT the OCP Bylaw No. OCP08-0020, to amend Kelowna 2020 – Official Community Plan Bylaw No. 7600, by removing text in Section 8.3, as outlined in Schedule “A” of the report of the Planning and Development Services Department, dated August 13, 2008, be considered by Council;

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

AND THAT Council considers the APC public process, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*;

2.0 SUMMARY

Details of the proposed OCP amendment are provided in Schedule ‘A’, but the general intent is to waive the requirement for a Direct Development Permit for Secondary Suites which are located within a new or existing principal dwelling.

3.0 BACKGROUND

The *Kelowna 2020 - Official Community Plan* directs the Planning and Development Services Department to address the form and character of a suite within a principal dwelling to help ensure it fits within a neighbourhood. However, when a principal dwelling is either existing or is to be constructed, there are minimal design changes that can be imposed that would enhance the form and character of the secondary suite.

The Inspection Services Department, through the building permit process, addresses the function of the suite to ensure the safety and BC Code compliance of the home to the building bylaw and other regulatory requirements.

#### 4.0 ADVISORY PLANNING COMMISSION

The proposal to amend the Kelowna 2020 – Official Community Plan Bylaw No. 7600, was reviewed by the Advisory Planning Commission at their meeting of Tuesday, August 12, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Application No. OCP08-0020 to amend the Kelowna 2020 - Official Community Plan Bylaw No. 7600 Section 8.3 by removing the clause "and providing that the building was approved for construction before June 1, 2004"

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPT. COMMENTS

The Development Permit process is a tool for local governments to ensure that the form and character of new development is compatible with the form and character of existing buildings in the area. The development of a secondary suite within a building has minimal impact on the form and character of the building, therefore in order to streamline the approval process we are recommending that the Development Permit process be waived for this form of development.

Both the PRSP (Policy, Research, and Strategic Department) and Community Social Planning have indicated their approval of this change.

  
Shelley Gambacort  
Planning & Development Services

BD/bcd



**SCHEDULE "A"**  
**Official Community Plan No. OCP08-0020**

<b>Official Community Plan Bylaw No. 7600</b>		
<b>Section</b>	<b>Existing wording</b>	<b>Proposed Wording</b>
<b>Section 8.3 Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development Properties Qualifying for A Waiver;</b> 3 <sup>rd</sup> point	The addition of a second dwelling within a building, provided construction of the new dwelling does not require a physical addition to the building and provided that the building was approved for construction before June 1, 2004;	The addition of a second dwelling within a building provided construction of the new dwelling does not require a physical addition to the building <del>and provided that the building was approved for construction before June 1, 2004;</del>