
CITY OF KELOWNA MEMORANDUM

DATE: August 13, 2009
TO: City Manager
FROM: Community Sustainability Division
APPLICATION NO.: TA09-0005
APPLICANT: City of Kelowna (Andrew Browne)
PURPOSE: Amendments to Zoning Bylaw No. 8000

1. A housekeeping amendment to allow licensed catering businesses to establish a second kitchen within a residence when required to do so by the Interior Health Authority.
2. Various minor housekeeping amendments to the Zoning Bylaw.

REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA09-0005 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated August 13, 2009 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0005 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

Various housekeeping text amendments are proposed, including: to allow licensed catering businesses to establish a second kitchen within a residence when required to do so by the Health Authority, and amendments to improve consistency and clarity of the Zoning Bylaw.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on August 4, 2009, the Advisory Planning Commission passed the following recommendation:

THAT the Advisory Planning Commission support Text Amendment Application No. TA09-0005, for a housekeeping amendment to allow licensed catering businesses to establish a second kitchen within a residence when required to do so by the Interior Health Authority; Various housekeeping amendments to Zoning Bylaw definitions, specific use regulations, and formatting.

This application has incorporated suggestions from the Commission in its submission to Council.



4.0 TECHNICAL COMMENTS

4.1 Policy & Planning

No concerns.

4.2 Building & Permitting

No concerns.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Land Use Management staff have drafted several housekeeping amendments to the City of Kelowna Zoning Bylaw No. 8000. The proposed amendments and their purpose are outlined briefly below. For the exact wording changes proposed, refer to Schedule "A," attached.


Catering businesses – Owners of home based businesses have been reporting that the Interior Health Authority has been requiring second, separate kitchens for their home-based food catering businesses. This proposed text amendment would allow a second kitchen for this purpose without having to rezone to an "s" designation (secondary suite).

Housekeeping amendments – Additional text amendments are proposed to clarify existing regulation and to improve organization and formatting of the Bylaw.

Land Use Management staff recommend support for the application.



Danielle Noble
Urban Land Use Manager

Approved for inclusion: 
Shelley Gambacort
Director of Land Use Management

Attachments:

Schedule "A" – Proposed Text Amendments



Schedule "A"
Text Amendment No. TA09-0005 – Proposed Text Amendments

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
Text Amendments to Specific Use Regulations with respect to catering businesses requiring a second kitchen			
1	§9.2 Home Based Businesses, Minor	nil	<p><u>9.2.7 A food catering business operating lawfully within a dwelling may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen must be removed should that home based business. minor use cease. The additional kitchen is not permitted to be utilized to establish an additional dwelling.</u></p>
2	§9.3 Home Based Businesses, Major	nil	<p><u>9.3.8 A food catering business operating lawfully within a dwelling may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen must be removed should that home based business. major use cease. The additional kitchen is not permitted to be utilized to establish an additional dwelling.</u></p>
3	§9.4 Home Based Businesses, Rural	nil	<p><u>9.4.11 A food catering business operating lawfully within a dwelling may establish one additional kitchen provided that its installation is required by the Health Authority and that the kitchen must be removed should that home based business. rural use cease. The additional kitchen is not permitted to be utilized to establish an additional dwelling.</u></p>
Text Amendments to various sections with respect to organization, formatting, and clarification			
4	§1.7.1 Non-Conforming Uses	<p>Non-conforming agricultural, residential, or rural residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1 zone.</p>	<p>Non-conforming agricultural, residential, or rural residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the <u>RU1, RU1(s), or RU1(h) zones.</u></p>
5	§6.5.11 Accessory Development	<p>Bedrooms and full bathrooms are not permitted in accessory buildings unless the accessory building is a secondary suite which complies with the regulations of this bylaw. Bathrooms with toilets and sinks are permitted but showers and bathtubs are not except where located in an accessory building used as a pool house.</p>	<p>Bedrooms and full bathrooms are not permitted in accessory buildings unless the accessory building is a secondary suite which complies with the regulations of this bylaw. <u>One Bathroom with a toilets and sinks are is permitted, to a maximum size of 3 m². but-s</u> Showers and bathtubs are not <u>permitted</u> except where located in an accessory building used as a pool house.</p>

6	<p>§7.5 Fencing and Retaining Walls</p> <p><i>Amended §7.5.13 to be moved from page 7-5 of the Zoning Bylaw, following the applicable diagrams, to page 7-3a, preceding the applicable diagrams, in order to improve the readability and organization of the Bylaw.</i></p>	<p>7.5.12 Notwithstanding Section 7.5.9, [now 7.5.10] where an affected property remains at natural grade and the subject property constructs a retaining wall and a fence within 1.2 m of the property line (see Diagram 7.2), the maximum height for a fence on the affected property shall be no greater than 1.8 m above the height of the retaining wall or 3.0 m, whichever is less.</p> <p>7.5.12 In the case of a retaining wall constructed in accordance with Section 7.5.8, the maximum height of a fence, or portion of retaining wall extending above the natural grade of the abutting higher property, or combination thereof, shall be 2.0 m, measured from the natural grade of the abutting higher property (see Diagram 7.1).</p>	<p>7.5.12 Notwithstanding Section 7.5.9, [now 7.5.10] where an affected property remains at natural grade and the subject property constructs a retaining wall and a fence within 1.2 m of the property line (see Diagram 7.2), the maximum height for a fence on the affected property shall be no greater than 1.8 m above the height of the retaining wall or 3.0 m, whichever is less.</p> <p>7.5.12 <u>7.5.13</u> In the case of a retaining wall constructed in accordance with Section 7.5.8, the maximum height of a fence, or portion of retaining wall extending above the natural grade of the abutting higher property, or combination thereof, shall be 2.0 m, measured from the natural grade of the abutting higher property (see Diagram 7.1).</p>
7	<p>§12.3.6(d) Development Regulations</p>	<p>The minimum side yard is 2.0 m for a 1 or 1½ storey building or an accessory building or structure and 2.3 m for a 2 or 2½ storey building, except it is 4.5 m from a flanking street or as required by Section 12.3.5(e). Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be at least 3.0 m.</p>	<p>The minimum side yard is 2.0 m for a 1 or 1½ storey building or an accessory building or structure and 2.3 m for a 2 or 2½ storey building, except it is 4.5 m from a flanking street or as required by Section 12.3.5(e). Where there is no direct vehicular access to the rear yard or to an attached garage or carport, one side yard shall be at least 3.0 m.</p>

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