

# CITY OF KELOWNA

## BYLAW NO. 10235

### Text Amendment No. TA09-0005 – City of Kelowna Miscellaneous Housekeeping Amendments to the Zoning Bylaw No. 8000

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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 **Section 1 – General Administration**, sub-section **1.7 Non-Conforming Uses** be amended by deleting sub-paragraph 1.7.1 in its entirety and replacing it with the following:

“1.7.1 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, RU1(s), or RU1(h) **zones**.”
2. AND THAT **Section 6 – General Development Regulations**, sub-paragraph 6.5.11 of sub-section **6.5 Accessory Development** be deleted in its entirety and replaced with the following:

“6.5.11 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. One bathroom with a toilet and sink is permitted, to a maximum size of 3 m<sup>2</sup>. Showers and bathtubs are not permitted except where located in an accessory building used as a pool house.”
3. AND THAT **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls** be amended by re-number sub-paragraph 7.5.12 as follows:

“7.5.13 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).”
4. AND THAT **Section 9 – Specific Use Regulations, 9.2 Home Based Business, Minor** be amended by adding a new sub-paragraph 9.2.7 as follows:

“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**.”

5. AND THAT **Section 9 – Specific Use Regulations, 9.3 Home Based Business, Major** be amended by adding a new sub-paragraph 9.3.8 as follows:  
“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.**”
6. AND THAT **Section 9 – Specific Use Regulations, 9.4 Home Based Business, Rural** be amended by adding a new sub-paragraph 9.4.11 as follows:  
“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.**”
7. AND THAT **Section 12 – Rural Residential Zones, 12.3 RR3 – Rural Residential 3/RR3s – Rural Residential 3 with Secondary Suite** be amended by deleting in its entirety and replacing sub-paragraph **12.3.6 Development Regulations (d)** as follows:  
“12.3.6 (d) The minimum **side yard** is 2.0 m for a 1 or 1½ **storey** 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.”
8. This bylaw may be cited as "Bylaw No. 10235, being Miscellaneous Housekeeping Amendments to the Zoning Bylaw No. 8000".
9. 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 14<sup>th</sup> day of September, 2009.

Considered at a Public Hearing on the 6<sup>th</sup> day of October, 2009.

Read a second and third time by the Municipal Council this 6<sup>th</sup> day of October, 2009.

Approved under The Highways Act this 5<sup>th</sup> day of November, 2009.

“Lynda Lochhead”

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(Approving Officer - Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this 16<sup>th</sup> day of November, 2009.

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Mayor

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City Clerk