

# Memo



Date: March 10, 2011

To: City Manager

From: Land Use Management, Community Sustainability Division (BD)

File No: TA11-0001

Applicant: City of Kelowna (B. Decloux)

Purpose: HOUSEKEEPING AMENDMENTS TO ZONING BYLAW NO. 8000

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## 1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA11-0001 to amend City of Kelowna Zoning Bylaw No. 8000, by adding text as per Schedule "A" as outlined in the report of the Land Use Management Department dated March 10, 2011 be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA11-0001 be forwarded to a Public Hearing for further consideration.

## 2.0 PURPOSE

Housekeeping Amendments to Zoning Bylaw No. 8000 are proposed as follows:

1. To add a clause to section 9.5 Secondary Suites.
2. To revise the wording of section 9.5.8 and add a clause to the A1 - Agriculture Zone.
3. To remove "Breweries and distilleries, major" in section 14.4.2 principal use of the C4 - Urban Centre Commercial zone and add "Breweries and distilleries, minor" in section 14.7.2 of the C7 - Central Business Commercial Zone.

## 3.0 LAND USE MANAGEMENT DEPARTMENT

Land Use Management is proposing the following housekeeping amendments to the City of Kelowna Zoning Bylaw No. 8000 to provide further clarity on development regulations and allowable uses. These changes are explained in further detail below with the exact wording changes proposed shown on Schedules "A" attached.

### 3.1 Secondary Suites

A revision to Section 9.5.8 seeks to clarify that this clause only applies to residential zoned properties. The revised clause will read (added wording shown in italics):

*"In all urban and rural residential zones, a secondary dwelling unit is not permitted in conjunction with lodgers, bed and breakfast accommodations or a group home."*

This change would then allow secondary suites to be allowed in conjunction with either a bed & breakfast accommodation or a group home use in the A1- Agriculture 1 zone only.

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This change would then allow secondary suites to be allowed in conjunction with either a bed & breakfast accommodation or a group home use in the A1- Agriculture 1 zone only.

To further refine the conditions of the permitted uses, a new section is then proposed for Section 11 - A1- Agriculture 1 zone as follows:

11.1.7 (j) Bed and breakfast homes or 'group homes, minor' in combination with a secondary suite shall not be located on parcels less than 2.0 ha in size.

Parcels that are zoned A1 - Agriculture 1 and meet the minimum parcel size of 2.0ha are deemed to be sufficiently large enough to accommodate both uses, and minimize or abate conflicts for abutting property owners.

Land Use Management also proposes to add a clause to Section 9 - Specific Use Regulations, under Section 9.5 Secondary Suites, as follows:

9.5.13 "A pathway is required from the on-site secondary suite parking stall(s) to the suite entrance."

Currently, the zoning bylaw is silent for requiring a pathway connecting the on-site parking to the suite entrance. Although most applications show pathways to suite doors, currently no regulation exists to enforce it. This proposed change aims to ensure that all secondary suites have a defined pathway access from their required parking stall(s) to the suite entrance to ensure the safety of the tenants.

### 3.2 Breweries and Distilleries

In May 2010 Bylaw No. 10295 was approved by Council that introduced Breweries and Distilleries in a various zones. However, the wording in the report to Council was not accurately reflected in the bylaw that was prepared and adopted. As a result, the following amendments are being proposed at this time:

- The "breweries and distilleries, major" use category was included as a principal use in the C4 - Urban Centre Commercial zone in error and should be removed. The intent of the original Text Amendment had been to only permit "breweries and distilleries, major" in industrial areas.
- The "breweries and distilleries, minor" use was to have been included as a principal use in the C7 - Central Business Commercial Zones and was inadvertently missed in the original bylaw amendment. In the report dated February 19, 2010 it was noted that:

"generally speaking, inquiries Land Use Management staff have received in this regard have involved businesses seeking to have a retail storefront within tourist-orientated commercial areas, with small-scale craft production in the rear of the building. After discussion and research from other jurisdictions, this use was deemed to be appropriate from a land use perspective within Urban Centres.

The production, tasting and sale of alcoholic products on-site are not perceived to be detrimental to surrounding commercial uses within mixed-use Urban Centres and would help compliment existing tourist/business potential. The limited scale of the operations proposed within the definitions would ensure compatibility with surrounding urban uses."

#### 4.0 CURRENT DEVELOPMENT POLICY

##### 4.1 Official Community Plan

##### 4.2 Official Community Plan

Section 6.33 - Employment Opportunities: Encourage increased employment opportunities within Urban Centres to support Transportation Demand Management (TDM) strategies and to continue to improve the economic health of the labour force residing within and adjacent to Urban Centres.

Section 9.15 - Urban Centre Focus: Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres.

Section 9.19 - Niche Retail: Encourage niche retail establishments to locate in the City Centre and the Town Centres.

##### Housing Policies:

**Infrastructure Availability**<sup>1</sup>. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

**Integration**<sup>2</sup>. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

**Secondary Suites**<sup>3</sup>. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

#### 5.0 TECHNICAL COMMENTS

No technical comments were received.

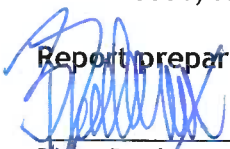
#### 6.0 Application Chronology

##### Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 1, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Text Amendment Application No. TA11-0001, for housekeeping amendments to the Zoning Bylaw No. 8000.

##### Report prepared by:

  
Birte Decloux, Urban Land Use Planner

##### Reviewed by:



Danielle Noble Manager, Urban Land Use Management

##### Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

##### Attachments:

Schedule "A" - Proposed Wording

<sup>1</sup> Official Community Plan, Policy #8 - 1.30

<sup>2</sup> Official Community Plan, Policy #8 - 1.44

<sup>3</sup> Official Community Plan, Policy #8 - 1.47

## SCHEDULE 'A' TA11-0001

Zoning Bylaw No. 8000			
No.	Section	Existing Text	Proposed Text
1	14.4.2 Principal Uses (C4 zone)	(f) breweries and distilleries, major	<del>breweries and distilleries, major</del>
	14.7.2 Principal Uses (C7 zone)	none	(qq) breweries and distilleries, minor
2	9.5.8 Secondary Suites	A secondary dwelling unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.	In all urban and rural residential zones, a secondary dwelling unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.
	A1 - Agriculture 1 zone	none	11.1.7 (j) Bed and breakfast homes or 'group homes, minor' in combination with a secondary suite shall not be located on parcels less than 2.0 ha in size.
3	9.5 Secondary Suites	None	9.5.13 A pathway is required from the on-site secondary suite parking stall(s) to the suite entrance.