

Memo



Date: August 4, 2011

To: City Manager

From: Land Use Management, Community Sustainability (BD)

File Number: TA11-0005 Applicant: City of Kelowna (B. Decloux)

Subject: HOUSEKEEPING TEXT AMENDMENTS TO ZONING BYLAW NO. 8000

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA11-0005 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 August 4, 2011 be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA11-0005 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

Housekeeping text amendments to City of Kelowna Zoning Bylaw No. 8000 are proposed as follows:

1. To align the definitions of Care Centre, minor, intermediate, and major with the *Community Care and Assisted Living Act* by refining the number of children permitted and remove the provision that permitted an additional kitchen;
2. To make minor changes to the RU5- Bare Lot Strata Housing by adding a rear yard requirement for an accessory building;
3. To remove a clause from the RR3 - Rural Residential 3 zone which had a conflicting cross-reference;
4. To clarify the required screening for a site abutting land in the Agricultural Land Reserve;
5. To specify where fences are permitted along the foreshore of Okanagan Lake;
6. To amend the definition of 'density' to provide clarity for fractional rounding in zones that specify number of units per site;
7. To amend the 'site coverage' definition for Staff and public interpretation and clarity.

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 proposed shown on Schedule "A" attached. The objectives are:

- To ensure zoning land uses are consistent with evolving Provincial Legislation and Acts;
- And to improve definition clarity for terms that are routinely used when interpreting development regulations that influence building permit approvals.

A handwritten signature in blue ink, appearing to be the initials "R" or "B", located in the bottom right corner of the page.

4.0 PROPOSAL

4.1 Project Description

Proposed amendments are discussed in detail below, however the exact wording changes are noted in *Schedule 'A'*.

1. Amendment to "Care Centre" definitions:

The *Community Care and Assisted Living Act* governs the licensing for all Care Centres in British Columbia. The existing definitions in the Zoning Bylaw are outdated. This amendment seeks to align the City's definitions to the Act. It is noted that the definition is exclusively for children in care. It does not refer to day homes for adults, as they are not regulated and thus do not require licensing under above mentioned Act.

The provision permitting one additional kitchen in a "care centre, minor" has been removed. Food and snacks for family daycares may be prepared in a single family dwelling kitchen and still meet the provincial health and safety regulations per Interior Health licensing, thus the additional kitchen is not required.

2. Changes to the RU5 and RR3 zones:

The proposed change to the RU5 - Bare Land Strata Housing Zone seeks to include a minimum rear yard requirement for accessory buildings. Presently, the RU5 zone has no regulations governing the siting of accessory buildings and the amendment will provide such a regulation. The RR3 Rural Residential 3 zone requires a revision to remove a cross reference regulation that was conflicting and resulted in competing regulations. The amendments are intended to improve the functionality of these zones.

3. Revisions to Section 7 - Landscaping and Screening:

Zoning Bylaw section 7.6.1 (e) speaks to the requirement of a buffer for all land abutting the Agriculture Land Reserve where non-farm uses exist. This amendment dictates the location of a required opaque barrier. Additionally, a further revision to the Landscaping and Screening regulations (section 7.5.8) specifically limits the placement of fencing along the waterfront.

4. Amendment to DENSITY definition:

The current definition for 'density' describes the maximum intensity of the development. This amendment adds additional wording to provide direction on the calculation provisions for number of units per site.

5. Amendment to SITE COVERAGE definition:

The 'site coverage' definition contains inconsistent examples of what may be included or excluded for the purposes of total site coverage calculation. A revision to the definition has removed competing items such as driveways, aisles and parking stalls to clearly identify structures, hardsurfacing or other site features that are to be considered for the purposes of the development regulation.

5.0 CURRENT DEVELOPMENT POLICY

Official Community Plan

5.1 Official Community Plan

Objective 10.1 Promote social well-being and quality of life by providing facilities and services for all community members.

Policy .1 Distribution of Community Resources. Appropriately distribute and locate community resources (such as libraries, parks, meeting places, community policing, recreation services etc.) so that all neighbourhoods have convenient access.¹

Chapter 12 Natural Environment DP ²

Item 8.3 Preserve natural watercourses and manage as open streams.

6.0 TECHNICAL COMMENTS

Technical comments were considered and incorporated within the revised definitions.

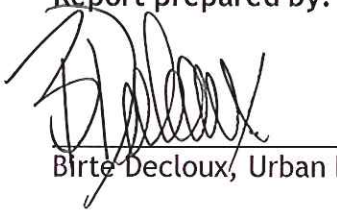
7.0 Application Chronology

Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting on July 19, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Text Amendment Application No. TA11-0005, 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

¹ City of Kelowna Official Community Plan Chapter 10 - Social Sustainability Pg 10.2

² City of Kelowna Official Community Plan Chapter 12 - Natural Environment DP pg. 12.6



SCHEDULE 'A' TA11-0005

Zoning Bylaw No. 8000			
No.	Section	Existing Text	Proposed Text
1	2 - Definitions Care Centre Intermediate	CARE CENTRE, INTERMEDIATE means an establishment licensed as required under the <i>Community Care Facilities Act</i> intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres, out-of-school centres, and drop-in centres. This includes developments for 9 to 25 children for group day-care or 11 to 25 children for the provision of care, before and after school hours and during school holidays, for children attending school. This also includes care centres, minor.	Remove category for Care Centre, Intermediate (CARE CENTRE, INTERMEDIATE means an establishment licensed as required under the <i>Community Care Facilities Act</i> intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres, out-of-school centres, and drop-in centres. This includes developments for 9 to 25 children for group day-care or 11 to 25 children for the provision of care, before and after school hours and during school holidays, for children attending school. This also includes care centres, minor.
2	2 - Definitions Care Centre Major	CARE CENTRE, MAJOR means an establishment licensed as required under the <i>Community Care Facilities Act</i> intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited overnight accommodation to accommodate shift workers. This use includes group day care centres intended for 26 or more patrons, out-of-school centres, and drop-in centres. This also includes care centre, minor and care centre, intermediate.	CARE CENTRE, MAJOR means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision for more than 8 children.
3	2 - Definitions Care Centre Minor	CARE CENTRE, MINOR means an establishment licensed as required under the <i>Community Care Facilities Act</i> intended to provide care, educational services, and supervision for children or adults during the day or evening, and may include limited	CARE CENTRE, MINOR means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision to no more than 8 children.

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
		<p>overnight accommodation to accommodate shift workers. This use includes drop-in centers and group day care centers for up to 8 patrons, and up to 10 children for the provision of care, before and after school hours and during school holidays, for children attending school, and pre-schools for up to 15 children. A care centre, minor operating lawfully within a dwelling may establish one additional kitchen provided that it must be removed should the care centre, minor use cease.</p>	
4	<p>Section 13 - Urban Residential Zones (RU5) - 13.5.7(c)</p>	<p>There shall be no more than one accessory building per principal residential dwelling per lot.</p>	<p>There shall be no more than one accessory building per principal residential dwelling per lot with a minimum rear yard of 1.5 metres.</p>
5	<p>Section 12 -Rural Residential Zones (RR3) - 12.3.6 (d)</p>	<p>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.”</p>	<p>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.”</p>
6	<p>Section 7 - Landscaping and Screening 7.6.1 (e)</p>	<p>(e) Level 5: a landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier located on the ALR side of the buffer. This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission. The buffer area shall not be included in the required setback for Rural and Urban Residential zones.</p>	<p>(e) Level 5: a landscape buffer is required for all land abutting ALR land where non-farm uses exist. The minimum buffer shall be 3.0m wide and include an opaque barrier immediately adjacent to the boundary(s) abutting the ALR on the urban side of the property. This standard may be replaced or modified as a result of conditions of a decision by the Land Reserve Commission. The buffer area shall not be included in the required setback for Rural and Urban Residential zones.</p>

Zoning Bylaw No. 8000

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No.	Section	Existing Text	Proposed Text
7	Section 7 - Landscaping and Screening 7.5.8	No opaque fences are permitted in W1 or W2 zones.	No fencing shall be permitted at or below the high water mark (geodetic elevation of 343 m) of Okanagan Lake.
	2 - Definitions - Density	DENSITY means a measure of the intensity of development to the area of the site, including the number of units on a site measured in units/area or floor area ratio, as the case may be.	DENSITY means a measure of the intensity of development to the area of the site, including the number of units on a site measured in units/area or floor area ratio, as the case may be. When calculation of density involves a number of units per site and yields a fractional number, the required number of units permitted shall be rounded down to the lowest whole number.
8	2 - Definitions - Site Coverage	SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, covered patios larger than 23 m ² , and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies, and similar projections permitted by this Bylaw, breezeways, open courtyards, terraces or patios, driveways, aisles, and parking stalls.	SITE COVERAGE means the percentage of the total horizontal area of a lot or lots that may be built upon including accessory buildings or structures (including carports, a covered patio larger than 23 m ² , and decks over 0.6 m in height) excluding steps, eaves, cornices, cantilevered balconies and similar projections permitted by this Bylaw, breezeways, and open courtyards.