

# CITY OF KELOWNA

## BYLAW NO. 10590

### Text Amendment No. TA11-0005 – Miscellaneous Housekeeping Text Amendments to the City of Kelowna Zoning Bylaw No. 8000

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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 2 – Interpretation, 2.3 General Definitions**, sub-section 2.3.3 be amended by:

a) Deleting the definition for **CARE CENTRE, INTERMEDIATE** that reads:

“**CARE CENTRE, INTERMEDIATE** means an establishment licensed as required under the *Community Care Facilities Act* 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.**”

b) Deleting the definition for **CARE CENTRE, MAJOR** that reads:

“**CARE CENTRE, MAJOR** means an establishment licensed as required under the *Community Care Facilities Act* 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.**”

And replacing it with:

“**CARE CENTRE, MAJOR** means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision for more than 8 children.”

c) Deleting the definition for **CARE CENTRE, MINOR** that reads:

“**CARE CENTRE, MINOR** means an establishment licensed as required under the *Community Care Facilities Act* 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 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.”

And replacing it with:

“**CARE CENTRE, MINOR** means an establishment licensed as required under the *Community Care and Assisted Living Act* intended to provide care, educational services, and supervision to no more than 8 children.”

d) Deleting the definition for **DENSITY** that reads:

“**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.”

And replace it with:

“**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.”

e) Deleting the definition for **SITE COVERAGE** that reads:

“**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<sup>2</sup>, 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.”

And replace it with:

“**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<sup>2</sup>, 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.”

2. AND THAT **Section 7 – Landscaping and Screening, 7.5 Fencing and Retaining Walls** , be amended by deleting sub-section 7.5.8 that reads:

“7.5.8 No opaque **fences** are permitted in W1 or W2 zones.”

And replace it with:

“7.5.8 No **fencing** shall be permitted at or below the high water mark (geodetic elevation of 343 m) of Okanagan Lake.”

3. AND THAT **Section 7 – Landscaping and Screening, 7.6 Minimum Landscape Buffers** , be amended by deleting sub-section 7.6.1 (e) that reads:

“(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.**”

And replace with:

“(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.**”

4. AND THAT **Section 12 – Rural Residential Zones, RR3 – Rural Residential 3/RR3s – Rural Residential 3 with Secondary Suite**, be amended by deleting sub-section **12.3.6 Development Regualtions**, sub-paragraph (d) that reads:

“(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.”

And replace it with:

“(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**. 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.”

5. AND THAT **Section 13 – Urban Residential Zones, 13.5 RU5 – Bareland Strata Housing**, be amended by deleting sub-section **13.5.7 Other Regualtions**, sub-paragraph (c) that reads:

“(c) There shall be no more than one accessory **building** per principal residential **dwelling** per **lot.**”

And replace it with:

“(c) There shall be no more than one accessory **building** per principal residential **dwelling** per **lot** with a minimum **rear yard** of 1.5 metres.”

6. 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 22<sup>nd</sup> day of August, 2011.

Considered at a Public Hearing on the 20<sup>th</sup> day of September, 2011.

Read a second and third time by the Municipal Council this 20<sup>th</sup> day of September, 2011.

Approved under the Transportation Act this 7<sup>th</sup> day of October, 2011.

Linda Lockhead

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(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the

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Mayor

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City Clerk