

CITY OF KELOWNA

BYLAW NO. 10613

Text Amendment No. TA11-0006 - Miscellaneous Housekeeping Text Amendments to 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 **Table of Contents**, be amended by adding under **Section 16 - Public & Institutional Zones**, the following:

“16.8 P8 Alternative Transportation Corridor Zone P8-1”

2. AND THAT **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1** be amended by adding under **Section 16- Public and Institutional Zones, P8 – Alternative Transportation Corridor** ;

3. AND THAT **Section 2 - Interpretation, 2.3 General Definitions** , sub-section 2.3.3 be amended by adding the following new definitions in their appropriate locations:

“**CHANNELIZED STREAM** means permanent or relocated streams that have been dyked, diverted or straightened and carry drainage flows from headwaters or significant sources of groundwater. Reaches of channelized streams may be confined by roads and fences and in many cases can also meander through fields. Man-made channels that divert irrigation water from a stream but return overflow water back to a stream in a manner that allows fish access are classified as channelized streams.

CONSTRUCTED CHANNEL means man-made drainage channels that carry drainage water from more than one property but do not carry water from headwaters or significant sources of groundwater. Flows in agricultural constructed channels may be year-round and are not regulated. Constructed channels may also deliver water for irrigation purposes.

CONSTRUCTED DITCH means man-made drainage channels that carry drainage water from one property only but do not carry water from headwaters or significant sources of groundwater. Flows in agricultural constructed ditches may be year-round and are not regulated. Constructed ditches may also deliver water for irrigation purposes. A constructed ditch that temporarily diverts water for irrigation purposes, but is dry during the non-irrigation season, should be screened to prevent fish access.

NATURAL STREAM means watercourses that have not been significantly altered by human activity and are predominantly in their natural state.”

4. AND THAT Section 6 - General Development Regulations, 6.14 Riparian Management Area (RMA) Setbacks, be amended by:

- a) Deleting sub-sections 6.14.1 and 6.14.2 be in their entirety and replacing them with the following:

"6.14.1 In all zones where Riparian Management Area setbacks are required along watercourses, as specified by *the Kelowna 2030 - Official Community Plan* Bylaw No. 10500, the specified setback distance shall be measured from the **top-of-bank**, or from the **natural boundary** where the **top-of-bank** is not clearly defined. The specified setback distance shall be measured to the nearest part of the building or structure including roofs, eaves, and any over-hanging components or cantilevered portions of a building.

6.14.2 No *development* shall be permitted within a **Riparian Management Area** that does not conform to the setbacks as prescribed by Table 12.1 of *the Kelowna 2030 - Official Community Plan* without an authorized Development Permit."

- b) Adding a new sub-section **6.14.4 Riparian Protection Setbacks From Watercourses For Buildings And Facilities In Farming Areas** as follows:

"6.14.4 **Riparian Protection Setbacks From Watercourses For Buildings And Facilities In Farming Areas**

6.14.4a Despite lesser setback requirements outlined within each **Agricultural Zone** specified in this Bylaw, buildings and facilities identified below shall comply with the following minimum setbacks (headings in Tables are part of this Bylaw):

Table 6.1 - Building and Facilities Setbacks from Watercourses for Riparian Protection in Farming Areas				
FACILITY TYPE / WATERCOURSE TYPE	Category 1 Confined Livestock Area with more than ten (10) agricultural units ¹ ; Seasonal Feeding Area; Solid Agricultural Waste (Field Storage) with greater than two (2) weeks storage capacity	Category 2 Agricultural Waste Storage Facility; Chemical, Compost and Wood Waste Storage; Confined Livestock Area with fewer than ten (10) agricultural units ¹ ; Incinerator; Mushroom Barn; On-Farm Composting; On-Farm Soil-less Medium Production and Storage; Silo; Petroleum Storage	Category 3 Brooder House; Hatchery; Fur Farming Shed; Livestock Barn; Livestock Shelter; Milking Facility; Stable	Category 4 Boiler Room; Cider Processing Facility; Cold Frame Structure; Crop Storage Structure; Detention Pond; Direct Farm Marketing Buildings; Granary; Greenhouse; Impervious Surfaces; Machinery Storage; On-Farm Processing; On-Farm Product Preparation; Retention Pond
Naturalized Stream	30m	15m	15m	15m
Channelized Stream	30m	15m	15m	Twice Channel Width ² (minimum: 10m) (maximum: 15m)
Constructed Channel or Ditch ³	30m	15m	5m ⁴	5m ⁴

1 An agricultural unit is equivalent to a live farm animal weight corresponding to 455 kilograms (1000 pounds) for livestock, poultry or farmed game or any combination of them equalling 455 kilograms.

2 Channel width is determined from the top of the bank on one side to the top of the bank on the opposite side.

3 No differentiation is made between either constructed channels or constructed ditches when determining building setbacks; however, differences between the two exist for drainage maintenance considerations.

4 The minimum building setback distance from a constructed channel or constructed ditch for which a municipality is responsible is seven (7) metres."

5. AND THAT **Section 8 - Parking and Loading, 8.4 Off-Street Bicycle Parking**, sub-section 8.4.9 be deleted in its entirety and replaced with new sub-section 8.4.9 and 8.4.10 as follows:

"8.4.9 Class II bicycle parking shall be sited in a convenient, well-lit location that is clearly visible and accessible by visitors and that is subject to casual surveillance by occupants of the building(s) served.

8.4.10 Where Class I bicycle parking is provided, it shall be located at building grade or within one storey of building grade, and shall be easily accessible to users."

6. AND THAT **Section 9 - Specific Use Regulations, 9.9 Dock and Boatlift Regulations**, be amended by:

- a) Deleting sub-section 9.9.4 in its entirety and replacing it with the following:

"9.9.4 Development shall be in conformance with federal and provincial regulations, best management practices and guidelines. Prior to construction on the Crown foreshore, permission must be obtained from the pertinent provincial and federal agencies."

- b) Deleting sub-section 9.9.5 in its entirety and replacing it with the following:

"9.9.5 Moorage facilities consisting of docks and boat lifts shall be permitted if developed consistently with the following regulations or as approved by the pertinent provincial and federal agencies"

- c) Deleting sub-section 9.9.5(a) in its entirety and replacing it with the following:

"9.9.5(a) The owner of the moorage facilities is the owner of the upland property or is the holder of a Crown land residential lease for the upland property."

- d) Deleting sub-section 9.9.5(b) in its entirety and replacing it with the following:

"9.9.5(b) Dock access ramps and walkways shall not exceed a width of 1.5m. Any other surface of the dock shall not exceed a width of 3.0m."

- e) Deleting sub-section 9.9.5(e) in its entirety and replacing it with the following:

"9.9.5(e) Setback from the side property line of the upland parcel, projected onto the foreshore, shall be a minimum of 5.0m."

- f) Deleting sub-section 9.9.5(g) in its entirety and replacing it with the following:

"9.9.5(g) Siting of the dock shall be undertaken only in a manner that is consistent with the orientation of neighbouring docks, that is sensitive to views and other impacts, and that avoids impacts on access to existing docks and adjacent properties."

g) Deleting sub-section 9.9.5(h) in its entirety and replacing it with the following:

“9.9.5(h) No roof, overhead or covered structures shall be placed on the dock.”

7. AND THAT Section 16 - Public & Institutional Zones, be amended by adding a new zone 16.8 - Alternative Transportation Corridor Zone as attached to and forming part of this bylaw.
8. 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 3rd day of October, 2011.

Considered at a Public Hearing on the 1st day of November, 2011.

Read a second and third time by the Municipal Council this 1st day of November, 2011.

Approved under the Transportation Act this 9th day of November, 2011.

Lynda Lochhead

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the

Mayor

City Clerk

16.8 P8 – Alternative Transportation Corridor Zone

16.8.1 Purpose

The purpose is to provide a **zone** to regulate the present and future use of the existing railway corridor, and to reduce conflict between uses. The corridor is to remain used as a railway or as an alternative transportation corridor and corresponding **uses**.

16.8.2 Principal Uses

The **principal uses** in this zone are:

- (a) public park
- (b) railway use

16.8.3 Secondary Uses

The **secondary uses** in this zone are:

- (a) agriculture, urban
- (b) utility services, minor impact

16.8.4 Buildings and Structures Permitted

- (a) **accessory buildings** and **structures**.

16.8.5 Subdivision Regulations

- (a) N/A

16.8.6 Development Regulations

- (a) The maximum **site coverage** of **buildings** is 5%.
- (b) The maximum **height** is the lessor of 4.5 m or one **storey**.
- (c) The minimum **site front yard** is 1.0m.
- (d) The minimum **site side yard** is 1.0m.
- (e) The minimum **site rear yard** is 1.0m.

16.8.7 Other Regulations

- (a) In addition to the regulations listed above, other regulations will apply. These include, but are not limited to, the general **development** regulations of Section 6 (**accessory development, yards**, projections into **yards**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.