

CITY OF KELOWNA

BYLAW NO. 10686

Text Amendment No. TA12-0005 – 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 deleting the following sections that reads:

“Section 11: Agricultural Zones

11.1	A1	Agriculture 1	A1-1
	A1s	Agriculture 1 with Secondary Suite	A1s-1

Section 12: Rural Residential Zones

12.1	RR1	Rural Residential 1	RR1-1
	RR1s	Rural Residential 1 with Secondary Suite	RR1s-1
12.2	RR2	Rural Residential 2	RR2-1
	RR2s	Rural Residential 2 with Secondary Suite	RR2s-1
12.3	RR3	Rural Residential 3	RR3-1
	RR3s	Rural Residential 3 with Secondary Suite	RR3s-1

Section 13: Urban Residential Zones

13.1	RU1	Large Lot Housing	RU1-1
	RU1s	Large Lot Housing with Secondary Suite	RU1s-1
	RU1h	Large Lot Housing (Hillside Area)	RU1h-1
13.2	RU2	Medium Lot Housing	RU2-1
	RU2s	Medium Lot Housing with Secondary Suite	RU2s-1
	RU2h	Medium Lot Housing (Hillside Area)	RU2h-1
	RU2hs	Medium Lot Housing (Hillside Area) with Secondary Suite	RU2h/s-1
13.3	RU3	Small Lot Housing	RU3-1
	RU3hs	Small Lot Housing (Hillside Area) with Secondary Suite	RU3hs-1
13.4	RU4	Low Density Cluster Housing	RU4-1
	RU4h	Low Density Cluster Housing (Hillside Area)	RU4h-1
13.5	RU5	Bareland Strata Housing	RU5-1
13.6	RU6	Two Dwelling Housing	RU6-1
	RU6b	Two Dwelling Housing with Boarding or Lodging House	RU6b-1
	RU6h	Two Dwelling Housing (Hillside Area)	RU6h-1
13.7	RM1	Four-plex Housing	RM1-1
13.8	RM2	Low Density Row Housing	RM2-1
	RM2h	Low Density Row Housing (Hillside Area)	RM2h-1
13.9	RM3	Low Density Multiple Housing	RM3-1

13.10	RM4	Transitional Low Density Housing	RM4-1
13.11	RM5	Medium Density Multiple Housing	RM5-1
13.12	RM6	High Rise Apartment Housing	RM6-1
13.13	RM7	Mobile Home Park	RM7-1”

And replace it with the following:

“Section 11: Agricultural Zones

11.1	A1	Agriculture 1	A1-1
	A1c	Agriculture 1 with Carriage House	A1c-1
	A1t	Agriculture 1 with Agri-tourist Accommodations	A1t-1

Section 12: Rural Residential Zones

12.1	RR1	Rural Residential 1	RR1-1
	RR1c	Rural Residential 1 with Carriage House	RR1c-1
12.2	RR2	Rural Residential 2	RR2-1
	RR2c	Rural Residential 2 with Carriage House	RR2c-1
12.3	RR3	Rural Residential 3	RR3-1
	RR3c	Rural Residential 3 with Carriage House	RR3c-1

Section 13: Urban Residential Zones

13.1	RU1	Large Lot Housing	RU1-1
	RU1c	Large Lot Housing with Carriage House	RU1c-1
	RU1h	Large Lot Housing (Hillside Area)	RU1h-1
13.2	RU2	Medium Lot Housing	RU2-1
	RU2c	Medium Lot Housing with Carriage House	RU2c-1
	RU2h	Medium Lot Housing (Hillside Area)	RU2h-1
	RU2hc	Medium Lot Housing (Hillside Area) with Carriage House	RU2h/c-1
13.3	RU3	Small Lot Housing	RU3-1
	RU3h	Small Lot Housing (Hillside Area)	RU3h-1
13.4	RU4	Low Density Cluster Housing	RU4-1
	RU4h	Low Density Cluster Housing (Hillside Area)	RU4h-1
13.5	RU5	Bareland Strata Housing	RU5-1
13.6	RU6	Two Dwelling Housing	RU6-1
	RU6b	Two Dwelling Housing with Boarding or Lodging House	RU6b-1
	RU6h	Two Dwelling Housing (Hillside Area)	RU6h-1
13.7	RM1	Four-plex Housing	RM1-1
13.8	RM2	Low Density Row Housing	RM2-1
	RM2h	Low Density Row Housing (Hillside Area)	RM2h-1
13.9	RM3	Low Density Multiple Housing	RM3-1
13.10	RM4	Transitional Low Density Housing	RM4-1
13.11	RM5	Medium Density Multiple Housing	RM5-1
13.12	RM6	High Rise Apartment Housing	RM6-1
13.13	RM7	Mobile Home Park	RM7-1”

2. AND THAT **Section 1 – General Administration, 1.3 Zoning Map, 1.3.1** be amended by deleting the following;

Section 11 – Agricultural Zones	
A1/A1s	Agriculture 1/Agriculture 1 with Secondary Suite
Section 12 – Rural Residential Zones	
RR1/RR1s	Rural Residential 1/Rural Residential 1 with Secondary Suite
RR2/RR2s	Rural Residential 2/Rural Residential 2 with Secondary Suite
RR3/RR3s	Rural Residential 3/Rural Residential 3 with Secondary Suite
Section 13 – Urban Residential Zones	
RU1/RU1s/ RU1h	Large Lot Housing/Large Lot Housing with Secondary Suite/Large Lot Housing (Hillside Area)
RU2/RU2s/ RU2h/RU2hs	Medium Lot Housing/Medium Lot Housing with Secondary Suite/Medium Lot Housing (Hillside Area)/Medium Lot Housing (Hillside Area) with Secondary Suite
RU3/RU3hs	Small Lot Housing/Small Lot Housing (Hillside Area) with Secondary Suite
RU4/RU4h	Low Density Cluster Housing/ Low Density Cluster Housing (Hillside Area)
RU5	Bareland Strata Housing
RU6/RU6b/ RU6h	Two Dwelling Housing/Two Dwelling Housing with Boarding or Lodging House/Two Dwelling Housing (Hillside Area)
RM1	Four-plex Housing
RM2/RM2h	Low Density Row Housing/Low Density Row Housing (Hillside Area)
RM3	Low Density Multiple Housing
RM4	Transitional Low Density Housing
RM5	Medium Density Multiple Housing
RM6	High Rise Apartment Housing
RM7	Mobile Home Park

And replacing it with the following:

Section 11 – Agricultural Zones	
A1/A1 c	Agriculture 1/Agriculture 1 with Carriage House/ Agriculture 1 with Agri-tourist Accommodations
Section 12 – Rural Residential Zones	
RR1/RR1c	Rural Residential 1/Rural Residential 1 with Carriage House
RR2/RR2c	Rural Residential 2/Rural Residential 2 with Carriage House
RR3/RR3c	Rural Residential 3/Rural Residential 3 with Carriage House
Section 13 – Urban Residential Zones	
RU1/RU1c/ RU1h	Large Lot Housing/Large Lot Housing with Carriage House /Large Lot Housing (Hillside Area)
RU2/RU2c/ RU2h/RU2hc	Medium Lot Housing/Medium Lot Housing with Carriage House /Medium Lot Housing (Hillside Area)/Medium Lot Housing (Hillside Area) with Carriage House
RU3/RU3h	Small Lot Housing/Small Lot Housing (Hillside Area)
RU4/RU4h	Low Density Cluster Housing/ Low Density Cluster Housing (Hillside Area)
RU5	Bareland Strata Housing
RU6/RU6b/ RU6h	Two Dwelling Housing/Two Dwelling Housing with Boarding or Lodging House/Two Dwelling Housing (Hillside Area)
RM1	Four-plex Housing
RM2/RM2h	Low Density Row Housing/Low Density Row Housing (Hillside Area)
RM3	Low Density Multiple Housing
RM4	Transitional Low Density Housing
RM5	Medium Density Multiple Housing
RM6	High Rise Apartment Housing
RM7	Mobile Home Park

3. AND THAT **Section 2 – Interpretation, 2.3 General Definitions** , sub-section 2.3.3 be amended by:

a) adding the new definition for in its **CARRIAGE HOUSE** in its appropriate location:

“**CARRIAGE HOUSE** means an additional **dwelling** unit located within an **accessory building** that is subordinate to the principal **dwelling** unit and is a single real estate entity. The total floor space is no more than 90m² in area, and has a floor space less than 75% of the total habitable floor space of the principal building.”

- b) deleting the definition for **SECONDARY SUITES** that reads:

“**SECONDARY SUITES** means a self-contained, accessory **dwelling** unit located within a single detached **dwelling** or in an **accessory building**. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This **use** does not include **duplex housing, semi-detached housing, apartment housing**, or boarding and rooming houses.”

And replacing it with a new definition as follows:

“**SECONDARY SUITE** means an additional **dwelling** unit located within a residential building that has a total floor space of no more than 90m² in area, having a floor space less than 40% of the total habitable floor space of that building, and is subordinate to the principal **dwelling** unit and is a single real estate entity. This **use** does not include **duplex housing, semi-detached housing, apartment housing, or boarding and lodging houses.**”

- c) deleting the definition for **TWO DWELLING HOUSING** that reads:

“**TWO DWELLING HOUSING** means housing that contains two single family dwelling units, one of which may or may not be a permitted **secondary suite.**”

And replacing it with a new definition as follows:

“**TWO DWELLING HOUSING** means housing that contains two single family dwelling units, one of which may or may not be a permitted **secondary suite** in a single family dwelling or a **carriage house.**”

4. AND THAT **Section 6 – General Development Regulations, 6.5 Accessory Development**, sub-section 6.5.5 be deleted in its entirety that reads:

“An accessory **building** or **structure** shall not be **used** as a **dwelling** unless it is a permitted secondary suite.”

And replace it with a new sub-section 6.5.5 as follows:

“6.5.5 An accessory **building** or **structure** shall not be **used** as a **dwelling** unless it is a permitted **carriage house.**”

5. AND THAT **Section 8 – Parking and Loading, Table 8.1 – Parking Schedule** be amended by deleting under **Residential and Residential Related** the following:

Secondary Suites	1 per suite, plus spaces required for the corresponding principal dwelling unit
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And replacing it the following:

Secondary Suites	1 of the required parking spaces for a principal dwelling must be designated to the secondary suite . The space may not be located within an attached garage providing direct access to the principal dwelling or in a tandem configuration. Carriage house: 1 additional parking space , plus the required parking spaces for the corresponding principal dwelling unit.
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6. AND THAT **Section 9 – Specific Use Regulations, 9.5 Secondary Suites**, be deleted in its entirety and replaced with new **9.5 Secondary Suite and Carriage House** as attached to and forming part of this bylaw as Schedule “A”;
7. AND THAT **Section 11 – Agricultural Zones** be amended by:

- a) deleting the title that reads:

**“11.1 A1 – Agriculture 1
A1s – Agriculture 1 with Secondary Suite
A1t – Agriculture 1 with Agri-tourist Accommodation”**

And replacing it with a new title that reads:

**“11.1 A1 – Agriculture 1
A1c – Agriculture 1 with Carriage House
A1t – Agriculture 1 with Agri-tourist Accommodation”**

- b) adding “**carriage house (A1c only)**” in its appropriate location under section **11.1.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(o) **secondary suite (A1s only)**” and replacing it with “**secondary suite**” in its appropriate location under Section **11.1.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (c) from Section **11.1.4 Buildings and Structures Permitted** that reads:
- “(a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).”

And replacing it with new sub-paragraphs (a) and (c) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
 - (c) permitted **accessory buildings** or **structures** (which may contain a **carriage house** in the A1c zone).”
- e) deleting sub-paragraphs (e), (g) and (i) from Section **11.1.7 Other Regulations** that reads:
- “(e) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
 - (g) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an **accessory building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.
 - (i) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone, provided that if the **lot** is in the **Agricultural Land Reserve**, the mobile home is for use only by immediate family as defined by the **Agricultural Land Commission**.”

And replacing it with new sub-paragraphs (e), (g) and (i) as follows:

- “(e) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **carriage house** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of parent **zone**.
- (g) A **secondary suite**, in accordance with Section 9.5a, may only be located within a single detached **dwelling**. A **carriage house**, in accordance with Section 9.5b, may only be located within an **accessory building** which is no closer than 5.0 m to the principal **building**.
- (i) A **mobile home** may be considered a **carriage house** only in an A1sc – Agricultural 1 with Carriage House zone.”

8. AND THAT **Section 12 – Rural Residential Zones** be amended by:

a) deleting the title that reads:

**“12.1 RR1 – Rural Residential 1
RR1s – Rural Residential 1 with Secondary Suite”**

And replacing it with a new title that reads:

**“12.1 RR1 – Rural Residential 1
RR1c – Rural Residential 1 with Carriage House”**

- b) adding “**carriage house (RR1c only)**” in its appropriate location under section **12.1.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(j) **secondary suite (A1s only)**” and replacing it with “**secondary suite**” in its appropriate location under Section **12.1.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (b) from Section **12.1.4 Buildings and Structures Permitted** that reads:

- “ (a) one **single detached house** (which may contain a **secondary suite** in the RR1s zone);
(b) permitted **accessory buildings or structures** (which may contain a **secondary suite** in the RR1s zone).”

And replacing it with new sub-paragraphs (a) and (b) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
(b) permitted **accessory buildings or structures** (which may contain a **carriage house RR1c zone only**).”

e) deleting sub-paragraphs (f) and (g) from Section **12.1.7 Other Regulations** that reads:

- “(f) An “s” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An “s” zoning classification on a property shall be established by rezoning the subject property to the “s” version of the parent **zone**.
- (g) A secondary suite, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.”

And replacing it with new sub-paragraphs (f) and (g) as follows:

- “(f) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.
- (g) A secondary suite, in accordance with Section 9.5a, may only be located within a single detached **dwelling**. A **carriage house**, in accordance with Section 9.5b, may only be located within an **accessory building** which is no closer than 5.0 m to the principal **building**.”

9. AND THAT **Section 12 – Rural Residential Zones** be further amended by:

a) deleting the title that reads:

**“12.2 RR2 – Rural Residential 2
RR2s – Rural Residential with Secondary Suite”**

And replacing it with a new title that reads:

**“12.2 RR2 – Rural Residential 2
RR2c – Rural Residential with Carriage House”**

- b) adding “**carriage house** (RR2c only)” in its appropriate location under section **12.2.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(h) **secondary suite** (RR2s only)” and replacing it with “**secondary suite**” in its appropriate location under Section **12.2.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (b) from Section **12.2.4 Buildings and Structures Permitted** that reads:
 - “(a) one **single detached house** (which may contain a **secondary suite** in the RR2s zone);
 - (b) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the RR2s zone).”

And replacing it with new sub-paragraphs (a) and (b) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
 - (b) permitted **accessory buildings** or **structures** (which may contain a **carriage house** in the RR2c zone only).”
- e) deleting sub-paragraphs (e) and (g) from Section **12.2.6 Development Regulations** that reads:

- “(e) an “s” notation shown on Schedule “A” as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary dwelling unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An “s” zoning classification on a property shall be established by rezoning the subject property to the “s” version of the parent **zone**.
- (g) Accessory **buildings** housing animals shall be located no closer than 15.0 m to any **lot line**.”

And replacing it with new sub-paragraphs (e) and (g) as follows:

- “(e) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.
- (g) A secondary suite, in accordance with Section 9.5a, may only be located within a single detached **dwelling**. A **carriage house**, in accordance with Section 9.5b, may only be located within an **accessory building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.”

10. AND THAT **Section 12 – Rural Residential Zones** be further amended by:

- a) deleting the title that reads:

**“12.3 RR3 – Rural Residential 3
RR3s – Rural Residential 3 with Secondary Suite”**

And replacing it with a new title that reads:

**“12.3 RR3 – Rural Residential 3
RR3c – Rural Residential 3 with Carriage House”**

- b) adding “**carriage house** (RR3c only)” in its appropriate location under section **12.3.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(g) **secondary suite** (RR3s only)” and replacing it with “**secondary suite**” in its appropriate location under Section **12.3.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (b) from Section **12.2.4 Buildings and Structures Permitted** that reads:
 - “(a) one **single detached house** (which may contain a secondary suite in the RR3s zone);
 - (b) permitted **accessory buildings** and **structures** (which may contain a **secondary suite** in the RR3s zone).”

And replacing it with new sub-paragraphs (a) and (b) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
- (b) permitted **accessory buildings** or **structures** (which may contain a **carriage house** in the RR3c zone).”

e) deleting sub-paragraphs (c) and (d) from Section **12.3.7 Other Regulations** that read:

“(c) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of the parent **zone**.

(d) A secondary suite, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.”

And replacing it with new sub-paragraphs (c) and (d) as follows:

“(c) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.

(d) A secondary suite, in accordance with Section 9.5a, may only be located within a single detached **dwelling**. A **carriage house**, in accordance with Section 9.5b, may only be located within an **accessory building** which is no closer than 5.0 m to the principal **building**.”

11. AND THAT **Section 13 – Rural Residential Zones** be amended by:

a) deleting the title that reads:

**“13.1 RU1 – Large Lot Housing
RU1s – Large Lot Housing with Secondary Suite
RU1h – Large Lot Housing (Hillside Area)
RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite”**

And replacing it with a new title that reads:

13.1 RU1 – Large Lot Housing
RU1c – Large Lot Housing with Carriage House
RU1h – Large Lot Housing (Hillside Area)
RU1hc– Large Lot Housing (Hillside Area) with Carriage House”

- b) adding “**carriage house** (RU1c only)” in its appropriate location under section **13.1.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(g) **secondary suite** (RU1s only)” and replacing it with “**secondary suite**” in its appropriate location under Section **13.1.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (b) from Section **13.1.4 Buildings and Structures Permitted** that reads:
 - “(a) one **single detached house** (which may contain a **secondary suite** in the RU1s and RU1hs zones);
 - (b) permitted **accessory buildings** and **structures** (which may contain a **secondary suite** in the RU1s and RU1hs zones).”

And replacing it with new sub-paragraphs (a) and (b) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
 - (b) permitted **accessory buildings** and **structures** (which may contain **carriage house** in the RU1c and RU1hc zone).”
- e) deleting sub-paragraph (c) from Section **13.1.6 Development Regulations** that reads:
 - “(c) The minimum **side yard** is 2.0 metres for a 1 or 1 ½ **storey** portion of a **building** and 2.3 metres for a 2 or 2 ½ **storey** portion of a **building**, except that it is 4.5 metres (other than in RU1h zones) from a **flanking street** or when required by subparagraph 13.1.6 (e). From a **flanking street** the setback to a garage or carport which is accessed from that street is 6.0m. Where there is no lane abutting the site, one side yard must be a least 3.0m for vehicular access, unless there is an attached garage or carport which is an integral part of the dwelling. In RU1h zones the minimum setback from a flanking street for a garage or carport with vehicular entry from the front shall be the lesser of 3.0 metres to property line or 6.0 metres measured from the back of curb or a sidewalk.”

And replacing it with new sub-paragraph (c) as follows:

- “c) In RU1 and RU1c zones, the minimum **front yard** is 4.5m except it is 6.0m from a garage or **carport** having vehicular entry from the front. In RU1h zones the minimum **front yard** is 3.0m except it is 6.0m measured from the back of curb or a sidewalk whichever is closest, to a garage or **carport** having vehicular entry from the front. In a **hillside area**, where access is required through, and is limited to, a **lane**, the yard abutting the **lane** may be considered the **front yard**. **Walkout basements** are not exempt from the **height** regulations of Section 6.6 in this situation.”
- f) deleting sub-paragraphs (b) and (c) from Section **13.1.7 Other Regulations** that reads:
- “(b) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of the parent **zone**.
- (c) A secondary suite, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** that is no closer than 4.5 m to the principal **building**.”

And replacing it with new sub-paragraphs (b) and (c) as follows:

- “(b) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.
- (c) A **carriage house**, in accordance with Section 9.5b, may only be located within an accessory **building** that is no closer than 4.5 m to the principal **building**.”

12. AND THAT **Section 13 – Rural Residential Zones** be further amended by:

- a) deleting the title that reads:

**“13.2 RU2 – Medium Lot Housing
RU2s – Medium Lot Housing with Secondary Suite
RU2h – Medium Lot Housing (Hillside Area)
RU2hs –Medium Lot Housing (Hillside Area) with Secondary Suite”**

And replacing it with a new title that reads:

13.2 RU2 – Medium Lot Housing

RU2c –Medium Lot Housing with Carriage House

RU2h –Medium Lot Housing (Hillside Area)

RU2hc– Medium Lot Housing (Hillside Area) with Carriage House”

- b) adding “**carriage house** (RU2c and RU2hc only)” in its appropriate location under section **13.2.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- c) deleting “(g) **secondary suite** (RU2s and RU2hs only)” and replacing it with “**secondary suite**” in its appropriate location under Section **13.2.3 Secondary Uses**;
- d) deleting sub-paragraphs (a) and (b) from Section **13.2.4 Buildings and Structures Permitted** that reads:

- “(a) one **single detached house** (which may contain a **secondary suite** in the RU2s or RU2hs zones);
- (b) one permitted **accessory building** (which may contain a **secondary suite** in the RU2s or RU2hs zones);”

And replacing it with new sub-paragraphs (a) and (b) as follows:

- “(a) one **single detached house** (which may contain a **secondary suite**);
 - (b) permitted **accessory buildings** and **structures** (which may contain a **carriage house** in the RU2c and RU2hc zone).”
- e) deleting sub-paragraphs (b), (c), (d) and (f) from Section **13.2.6 Development Regulations** that reads:
 - “(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 4.5 m for accessory **buildings** and accessory **structures**. For the RU2h and RU2hs zones the maximum **height** of any vertical wall element facing a front, **flanking street** or rear yard (including walkout basements) is the lesser of 6.5m or 2 **storeys**, above which the **building** must be stepped back at least 1.2m.
 - (c) in RU2 and RU2s zones, the minimum front yard is 4.5 metres except that it is 6.0 metres from a garage or carport having vehicular entry from the front. In RU2h and RU2hs zones, the minimum front yard is 3.0 metres, except it is 6.0 metres measured from the back of the curb or sidewalk, whichever is closest, to a garage or carport having vehicular entry at the front. In a **hillside area**, where access is required through, and is limited to, a **lane**, the yard abutting the **lane** may be considered the **front yard**. **Walkout basements** are not exempt from the **height** regulations of Section 6.6 in this situation.

- (d) The minimum **side yard** is 1.5 m for a 1 or 1½ **storey** portion of a **building** and 1.8 m for a 2 or 2 ½ **storey** portion of a **building**, except it is 4.5 from a **flanking street**, unless there is vehicular access to a garage or carport where it shall be 6.0m. In RU2h and RU2hs zones the minimum setback from a flanking street for a garage or carport with vehicular entry from the front shall be the lesser of 3.0 metres to property line or 6.0 metres measured from the back of curb or a sidewalk. In RU2, RU2s and RU2h zones where there is no lane abutting the site, one side yard must be a least 3.0m for vehicular access, unless there is an attached garage or carport which is an integral part of the dwelling.
- (f) For RU2h and RU2hs zones, all decks, supporting posts or columns shall not exceed the lesser of 4.5m or 1 **storey** in **height**, such measurements to include the **height** of any support structure or **retaining wall**.”

And replacing it with new sub-paragraphs (b), (c), (d) and (f) as follows:

- “(b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 4.5 m for accessory **buildings** and accessory **structures**. For the RU2h and RU2hc zones the maximum **height** of any vertical wall element facing a front, **flanking street** or rear yard (including walkout basements) is the lessor of 6.5m or 2 **storeys**, above which the **building** must be stepped back at least 1.2m.
- (c) In RU2 and RU2c zones, the minimum front yard is 4.5 metres except that it is 6.0 metres from a garage or carport having vehicular entry from the front. In RU2h and RU2hc zones, the minimum front yard is 3.0 metres, except it is 6.0 metres measured from the back of the curb or sidewalk, whichever is closest, to a garage or carport having vehicular entry at the front. In a **hillside area**, where access is required through, and is limited to, a **lane**, the yard abutting the **lane** may be considered the **front yard**. **Walkout basements** are not exempt from the **height** regulations of Section 6.6 in this situation.
- (d) The minimum **side yard** is 1.5 m for a 1 or 1½ **storey** portion of a **building** and 1.8 m for a 2 or 2 ½ **storey** portion of a **building**, except it is 4.5 from a **flanking street**, unless there is vehicular access to a garage or carport where it shall be 6.0m. In RU2h and RU2hsc zones the minimum setback from a flanking street for a garage or carport with vehicular entry from the front shall be the lesser of 3.0 metres to property line or 6.0 metres measured from the back of curb or a sidewalk. In RU2, RU2c, RU2h and RU2hc zones where there is no lane abutting the site, one side yard must be a least 3.0m for vehicular access, unless there is an attached garage or carport which is an integral part of the dwelling.
- (f) For RU2h and RU2hsc zones, all decks, supporting posts or columns shall not exceed the lesser of 4.5m or 1 **storey** in **height**, such measurements to include the **height** of any support structure or **retaining wall**.”

- f) deleting sub-paragraphs (d), (e) and (g) from Section **13.2.7 Other Regulations** that reads:

- “(d) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (e) A secondary suite, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** that is no closer than 4.5 m to the principal **building**.
- (g) In the RU2h and RU2hs zones adjacent to a provincial highway, the minimum **building** setback shall be 4.5m.”

And replacing it with new sub-paragraphs (d) and (e) as follows:

- “(d) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.
- (e) A **carriage house**, in accordance with Section 9.5b, may only be located within an accessory **building** that is no closer than 4.5 m to the principal **building**.”

13. AND THAT **Section 13 – Rural Residential Zones** be further amended by:

- a) deleting the title that reads:

**“13.3 Section 13.3 RU3 – Small Lot Housing/
RU3s – Small Lot Housing with Secondary Suite/
RU3h – Small Lot Housing (Hillside Area)/
RU3hs – Small Lot Housing (Hillside Area) with Secondary
Suite”**

And replacing it with a new title that reads:

**“13.3 Section 13.3 RU3 – Small Lot Housing/
RU3h – Small Lot Housing (Hillside Area)**

- b) deleting “(e) **secondary suite** (RU3s only)” and replacing it with “ (e) **secondary suite**” in its appropriate location under Section **13.3.3 Secondary Uses**;

- c) deleting sub-paragraphs (a) from Section **13.3.4 Buildings and Structures Permitted** that reads:

“(a) one **single detached house** (which may contain a secondary suite in the RU3hs zone)”

And replacing it with new sub-paragraphs (a) and (b) as follows:

“(a) one **single detached house** (which may contain a secondary suite).”

- d) deleting sub-paragraphs (b) and (i) from Section **13.3.6 Development Regulations** that reads:

“(b) The maximum **height** is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for **accessory buildings or structures**. For the RU3hs zone the maximum **height** of any vertical wall element facing a **yard, front, side or rear** (including walkout basements) is the lesser of 6.5 m or 2 storeys, above which the **building** must be stepped back at least 1.2 m.

- (i) For the RU3hs zone, all **decks**, supporting posts or columns shall not exceed the lesser of 4.5 m or 1 storey in **height**, such measurements to include the **height** of any support **structure** or **retaining wall**.”

And replacing it with new sub-paragraphs (b) and (i) as follows:

“(b) The maximum **height** is the lesser of 9.5 m or 2 ½ storeys, except it is 4.5 m for **accessory buildings or structures**. For the RU3h zone the maximum **height** of any vertical wall element facing a **yard, front, side or rear** (including walkout basements) is the lesser of 6.5 m or 2 storeys, above which the **building** must be stepped back at least 1.2 m.

- (i) For the RU3h zone, all **decks**, supporting posts or columns shall not exceed the lesser of 4.5 m or 1 storey in **height**, such measurements to include the **height** of any support **structure** or **retaining wall**.”

- e) deleting sub-paragraphs (f), (g) and (h) from Section **13.3.7 Other Regulations** that reads:

“(f) An “s” notation shown on Schedule “A” as part of the identified zone classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the property so designated, subject to meeting the conditions of **use** of the **zone**. An “s” zoning classification on a property shall be established by rezoning the subject property to the “s” version of the parent **zone**.

- (g) A secondary suite, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** that is no closer than 4.5 m to the principal **building**.

- (h) In the RU3hs zone adjacent to a provincial highway, the minimum **building setback** shall be 4.5 m.”

And replacing it with new sub-paragraph (f) as follows:

- “(f) A "c" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a secondary **dwelling** unit is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. A "c" zoning classification on a property shall be established by rezoning the subject property to the "c" version of the parent **zone**.”

14. AND THAT **Section 13 – Rural Residential Zones** be further amended by:

- a) adding “**carriage house**” in its appropriate location under section **13.6.3 Secondary Uses** and renumbering the subsequent sub-paragraphs;
- b) deleting sub-paragraph (e) from Section **13.6.4 Buildings and Structures Permitted** that reads:

“(e) permitted **accessory buildings** and **structures** (which may contain a **secondary suite**)”

And replacing it with a new sub-paragraph (e) as follows:

“(e) permitted **accessory buildings** and **structures** which may contain a **carriage house**”

- c) deleting sub-paragraphs (c) from Section **13.6.7 Other Regulations** that reads:

“(c) A secondary suite, in accordance with Section 9.5, may only be located within a **single detached dwelling** or an **accessory building** that is no closer than 4.5m to the principal **building**.”

And replacing it with new sub-paragraph (c) as follows:

“(c) A **carriage house**, in accordance with Section 9.5b, may only be located within an accessory **building** that is no closer than 4.5 m to the principal **building**.”

15. AND THAT **Section 17 – Health District One Zone** be deleted in its entirety and replaced with a new **Section 17 – Health District Two Zone** as attached to and forming part of this bylaw as Schedule “B”.
16. 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 18th day of June, 2012.

Considered at a Public Hearing on the 24th day of July, 2012.

Read a second and third time by the Municipal Council this 24th day of July, 2012.

Approved under the Transportation Act this 14th day of August, 2012.

Lynda Lochhead

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of City of Kelowna on the

Mayor

City Clerk

9.5 Secondary Suite- and Carriage House

9.5a Secondary Suite Regulations

- 9.5a.1 A **Secondary suite** is to be located only in **single detached housing**.
- 9.5a.2 No secondary suite will be allowed without connection to a community sanitary sewer unless the **lot** is at least 830 m² and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- 9.5a.3 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m² or 40% of the total floor area of the principal **building**.
- 9.5a.4 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235 as replaced or amended.
- 9.5a.5 Secondary **dwelling** units shall comply with all relevant **City** Bylaws, and the **Building** Code.
- 9.5a.6 In all urban and rural residential zones, a **secondary suite** is not permitted in conjunction with a **boarding and lodging house**, a **bed and breakfast** accommodation or a **group home**.
- 9.5a.7 The operators of **secondary suite** shall be required to hold a valid **business** licence with the City of Kelowna.
- 9.5a.8 Where a **secondary suite** is permitted, a minimum area of 30m² of private open space shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: plantings, architectural elements such as a trellis, low fences or planters and changes in grade or elevation.
- 9.5a.9 A lighted pathway is required from the on-site **secondary suite** parking stall(s) to the suite entrance.

9.5b Carriage House Regulations

- 9.5b.1 A **carriage house** must comply with the following:
- (a) A **mobile home** may be considered a **carriage house** only in an A1c – Agriculture 1 with carriage house zone. All such development shall be in compliance with the *British Columbia Agricultural Land Commission Act*, Regulations and Orders.
 - (b) No **structural alteration** or addition shall be undertaken that **alters** the existing low-**density** residential character of the neighbourhood.
 - (c) The principal dwelling unit shall be located between the **front yard** and the **carriage house** except for **double fronting lots** or for a lot in the A1c – Agriculture 1 with carriage house zone. Where a **carriage house** is located in the A1c – Agriculture 1 with carriage house zone, the **accessory building** must be located at least two times the distance of the required **front yard** setback.
 - (d) A **carriage house** shall not be higher than the lesser of 4.5 m or the height of the existing principal **dwelling** unit on the same property.

- 9.5b.2 No **carriage house** will be allowed without connection to a community sanitary sewer unless the **lot** is at least 830 m² and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.
- 9.5b.4 The maximum floor area of the carriage house shall not exceed the lesser of 90 m² or 75% of the total floor area of the principal **building**.
- 9.5b.5 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235 as amended or replaced.
- 9.5b.6 A **carriage house** shall comply with all relevant **City** Bylaws, and the **Building Code**.
- 9.5b.7 No strata titling of a **carriage house** will be permitted.
- 9.5b.8 In all urban and rural residential zones, a **carriage house** is not permitted in conjunction with a **boarding and lodging house**, a **bed and breakfast** accommodation or a **group home**.
- 9.5b.9 The operators of **carriage house** shall be required to hold a valid **business** licence with the **City** of Kelowna.
- 9.5b.10 A 1 ½ storey **carriage house** must include a garage or carport for a minimum of one **vehicle**. Single storey **carriage houses** are not required to provide an attached garage or carport.
- 9.5b.11 Where a **carriage house** is permitted, a minimum area of 30m² of private open space shall be provided per **dwelling** unit. The **private open space** shall have a direct connection to the habitable space and be defined and screened through the use of landscaping such as: planting, architectural elements such as trellis, low fences or planters and changes in grade or elevation.
- 9.5b.12 A **carriage house** must provide a lighted pathway between the **fronting** street and the **accessory building**, except for the A1c– Agricultural 1 with carriage house zone.
- 9.5b.13 A pathway is required from the on-site **carriage house parking space(s)** to the entrance door.

Section 17 – Health District Zone

17.2 HD2 – Hospital and Health Support Services

17.2.1 Purpose

The purpose is to provide a zone for the conversion and new development of buildings that provide services to the medical community associated with the Kelowna General Hospital, Interior Health Authority, and UBC Medical Programs including staff, clients, patients and their families. This zone will provide for a range of institutional, medical-related commercial and complimentary residential uses within the Official Community Plan Health District future land use designation.

17.2.2 Principal Uses

17.2.2.1 The **principle uses** for properties with a **lot area** of 900m² or more are:

- (a) **multiple dwelling housing**
- (b) **personal service establishments**
- (c) **emergency and protective services**
- (d) **care centre, major**
- (e) **congregate housing**
- (f) **extended medical treatment facilities**
- (g) **health services**

17.2.2.2 The **principal uses** for properties with a **lot area** of less than 900m² are:

- (a) **single dwelling housing**
- (b) **care centre, minor**
- (c) **health services**

17.2.3 Secondary Uses

17.2.3.1 The **secondary uses** for properties with a **lot area** of 900m² or more are:

- (a) **retail stores, health products**
- (b) **food primary establishment**
- (c) **apartment hotel**
- (d) **hotel**
- (e) **community recreation services**

17.2.3.2 The **secondary uses** for properties with a **lot area** of less than 900m² are:

- (a) **bed and breakfast homes**
- (b) **carriage house**
- (c) **home based business, major**
- (d) **home based businesses, minor**
- (e) **secondary suites**

17.2.4 Subdivision Regulations

17.2.4.1 The subdivision regulations for properties with a **lot area** of 900m² or more are:

- (a) The minimum **lot width** is 30.0 m
- (b) The minimum **lot depth** is 30.0 m
- (c) The minimum **lot area** is 900 m²

17.2.4.2 The subdivision regulations for properties with a **lot area** of less than 900m² are:

- (a) The minimum **lot width** is 13.0 m.
- (b) The minimum **lot depth** is 30.0 m.
- (c) The minimum **lot area** is 490 m².

17.2.5 Development Regulations

17.2.5.1 Development Regulations for properties with a **lot area** of 900m² or more are:

- (a) The maximum **floor area ratio** is 1.2, except it is 1.3 with a housing agreement pursuant to the provisions of Section 6.9. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.1 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.1. The total maximum **floor area ratio** shall not exceed 1.4.
- (b) The maximum **site coverage** is 55%. Parking structures that are less than 2.0 m above finished grade and are surfaced with **landscaping** or useable open space shall not be included in the calculation of **site coverage**.
- (c) The maximum **height** is 16.5 m.
- (d) The minimum site **front yard** is 4.5 m.
- (e) The minimum site **side yard** is 4.5 m for a **building** less than 12.0 m in **height** and 6.0 m for portions of a **building** greater than 12.0 m in **height**.
- (f) The minimum site **rear yard** is 6.0 m except it is 3.0 m where the **rear yard** abuts a **lane**.
- (g) Notwithstanding the site setback requirements, a parking structure that is partially below grade may be located no less than 1.5 m from any **property line** provided that it is less than 2.0 m in **height** above **natural grade** and that a minimum horizontal measurement of 2.0 m on the top surface to the parking structure is either landscaped or made available as useable open space between the furthest project of the **structure** and the **building** face. All **building** setbacks otherwise apply. Where a parking structure is located within the building setbacks consistent with this section, the space between the structure and the property line shall be treated with a high level of landscaping with a landscaped berm to screen the exposed outer wall of the structure.

17.2.5.2 Development Regulations for properties with a **lot area** of less than 900m² are:

- (a) The maximum **site coverage** is 55%.
- (b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**, except it is 4.5m for **accessory buildings** (which may contain a **carriage house**.)
- (c) The minimum **front yard** is 4.5 m.
- (d) The minimum **side yard** is 2.0 m for a 1 or 1½ **storey building** and 2.3 m for a 2 or 2 ½ storey building, except it is 4.5 m from a **flanking street**.
- (e) The minimum **rear yard** is 6.0 m except it is 3.0 m where the rear yard abuts a lane and it is 1.5 m for **accessory buildings**.

17.2.6 Parking Regulations specific to the HD-2 Zone

The parking regulations that are specific to this zone for the purpose of calculating the number of **parking spaces** required are as follows:

- (a) All residential, residential related uses, **apartment hotel** and **hotel** uses shall be calculated as 1 **parking space** per **dwelling** unit.
- (b) Leasable areas that are not used for residential, residential related, **apartment hotel** and **hotel** uses shall be calculated as requiring 1.75 stalls per 100 m² of **gross floor area**.
- (c) **Health Services** shall be calculated as 2.5 stalls per 100 m² of **gross floor area**.
- (d) **Food primary establishment** uses shall be calculated as requiring 1 **parking space** per 4 seating spaces.

17.2.7 Other Regulations

- (a) In addition to the regulations listed in this section, other regulations apply. These include, where not consistent with the provisions of this section, the general **development** regulations of Section 6, the **landscaping** and fencing regulations of Section 7, the parking and loading regulations of Section 8 (except as specified by section 1.6 of this zone), and the specific use regulations of Section 9 of Zoning Bylaw No. 8000.
- (b) **Secondary uses** can only be present where a **principle use** is established and in continuous use.
- (c) **Offices** are limited to those related to **health services** or those that can demonstrate a direct support role for the Kelowna General Hospital, Cottonwoods Care Facility or Interior Health Authority.
- (d) **Retail stores, health products** shall be limited to a **floor area** not greater than 350 m² per **lot**.
- (e) When permitted, **food primary establishments** shall be limited to a total capacity of 40 seats.
- (f) **Apartment hotel** and **hotel** use shall only be permitted when secondary to **multiple dwelling housing** or **congregate housing**.
- (g) A minimum area of 7.5 m² of **private open space** shall be provided per **bachelor dwelling, congregate housing** bedroom or **group home** bedroom, 15.0 m² of **private open space** shall be provided per 1 **bedroom dwelling**, and 25.0 m² of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.

- (h) Level 2 landscape buffers are required for the **front yard** and Level 3 landscape buffers are required in all **side** and **rear yard** setback areas.
- (i) Vehicle-oriented or drive through services are not permitted in this zone.
- (j) All **vehicle** access must be from the rear **lane**.
- (k) Signage shall be in accordance with the regulations of the Sign Bylaw.
- (l) A free standing sign with a maximum height of 1.5 m and a sign area of 3.0m² is permitted