

Section 1 – General Administration

1.1 Title

1.1.1 This Bylaw shall be referred to as the "**City** of Kelowna Zoning Bylaw No. 8000".

1.2 Purpose

1.2.1 This Bylaw is to provide a clear and efficient system of land **use** regulation for the orderly, economic, beneficial, equitable and environmentally sensitive **use, development**, and re-development of the **City** of Kelowna having regard for the provisions of the **City** of Kelowna's **Official Community Plan**.

1.3 Zoning Map

1.3.1 The **City** of Kelowna is hereby divided into the following **zones**:

| COLUMN 1 | COLUMN 2 |
|---|---|
| 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 |

| COLUMN 1 | COLUMN 2 |
|--------------------------------------|--|
| Section 14 – Commercial Zones | |
| C1 | Local Commercial |
| C2 | Neighbourhood Commercial |
| C2rls | Neighbourhood Commercial (Retail Liquor Sales) |
| C3 | Community Commercial |
| C3lp | Community Commercial (Liquor Primary) |
| C3lp/rls | Community Commercial (Liquor Primary/Retail Liquor Sales) |
| C4 | Urban Centre Commercial |
| C4rls | Urban Centre Commercial (Retail Liquor Sales) |
| C4lp | Urban Centre Commercial (Liquor Primary) |
| C4lp/rls | Urban Centre Commercial (Liquor Primary/Retail Liquor Sales) |
| C5 | Transition Commercial |
| C6 | Regional Commercial |
| C6rls | Regional Commercial (Retail Liquor Sales) |
| C6lp | Regional Commercial (Liquor Primary) |
| C7 | Central Business Commercial |
| C7rls | Central Business Commercial (Retail Liquor Sales) |
| C7lp | Central Business Commercial (Liquor Primary) |
| C7lp/rls | Central Business Commercial (Liquor Primary/Retail Liquor Sales) |
| C8 | Convention Hotel Commercial |
| C8rls | Convention Hotel Commercial (Retail Liquor Sales) |
| C8lp | Convention Hotel Commercial (Liquor Primary) |
| C9 | Tourist Commercial |
| C9rls | Tourist Commercial (Retail Liquor Sales) |
| C9lp | Tourist Commercial (Liquor Primary) |
| C9lp/rls | Tourist Commercial (Liquor Primary/Retail Liquor Sales) |
| C10 | Service Commercial |
| C10lp | Service Commercial (Liquor Primary) |
| C10lp/rls | Service Commercial (Liquor Primary/Retail Liquor Sales) |
| Section 15 – Industrial Zones | |
| I1 | Business Industrial |
| I2 | General Industrial |
| I3 | Heavy Industrial |
| I4 | Central Industrial |
| I5 | Extraction |
| I6 | Low-Impact Transitional Industrial |

| Section 16 – Public and Institutional Zones | |
|---|--|
| P1 | Major Institutional |
| P1lp | Major Institutional (Liquor Primary) |
| P2 | Education and Minor Institutional |
| P3 | Parks and Open Space |
| P3/lp | Parks and Open Space (Liquor Primary) |
| P4 | Utilities |
| P5 | Municipal District Park |
| P5lp | Municipal District Park (Liquor Primary) |
| W1 | Recreational Water Use |
| W2 | Intensive Water Use |
| P8 | Alternative Transportation Corridor Zone |
| | |
| Section 17 – Health District Zones | |
| HD1 | Kelowna General Hospital |
| HD2 | Hospital and Health Support Services |
| | |
| Section 18 – Comprehensive Development Zones | |
| | |
| CD1 | Comprehensive Development One |
| CD2 | Kettle Valley Comprehensive Residential Development |
| CD3 | Comprehensive Development Three |
| CD4 | Comprehensive Small Lot Residential |
| CD5 | Multi-Purpose Facility |
| CD5lp | Multi-Purpose Facility (Liquor Primary) |
| CD6 | Comprehensive Residential Golf Resort |
| CD6lp | Comprehensive Residential Golf Resort (Liquor Primary) |
| CD8 | Heritage Industrial |
| CD8/lp/rls | Heritage Industrial (Liquor Primary/Retail Liquor Sales) |
| CD9 | Heritage Commercial |
| CD10 | Heritage Cultural |
| CD12 | Airport |
| CD12lp/rls | Airport (Liquor Primary/Retail Liquor Sales) |
| CD14 | Comprehensive High Tech Business Campus |
| CD15 | Airport Business Park |
| CD16 | Bingo and Gaming |
| CD17 | Mixed Use Commercial – High Density |
| CD18 | Vintage Landing Comprehensive Resort Development |
| CD20 | Comprehensive University Development |
| CD21 | n/a |
| CD22 | Central Green Comprehensive Development |

- 1.3.2 The boundaries of those **zones** are shown on the Zoning Map which is attached as Schedule 'A' to this Bylaw.
- 1.3.3 In this Bylaw, reference to **zones** as listed in Column 1 of Section 1.3.1 shall be deemed to mean and be the same as the **zone** listed in Column 2 of Section 1.3.1 and the words and numbers in the said columns shall be deemed to be interchangeable where the context of the Bylaw otherwise requires.
- 1.3.4 Schedule "A" may contain zone sub-classes as denoted by the following:
- (a) 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 the parent **zone**.
 - (b) An "h" notation shown on Schedule "A" as part of the identified zone classification indicates that alternative development regulations will be applied in Hillside Areas. An "h" zoning classification on a property shall be established by rezoning the subject property to the "h" version of the parent zone.
 - (c) A "b" notation shown on Schedule "A" as part of the identified zone classification indicates that a secondary use in the form of a Boarding or Lodging House is permitted on the properties so designated, subject to meeting the conditions of use of the zone. A "b" zoning classification on a property shall be established by rezoning the subject property to the "b" version of the parent zone.
 - (d) An "rls" notation shown on Schedule "A" as part of the identified zone classification indicates that a Retail Liquor Sales Establishment in the form of a government operated liquor retail establishment or licensee retail store liquor sales establishment is permitted on the properties so designated, subject to meeting the conditions of use of the zone. An "rls" zoning classification on a property shall be established by rezoning the subject property to the "rls" version of the parent zone.
 - (e) An "lp" notation shown on Schedule "A" as part of the identified zone classification indicates that a Liquor Primary, major establishment in the form of facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity of more than 100 persons is permitted on the properties so designated, subject to meeting the conditions of use of the zone. An "lp" zoning classification on a property shall be established by rezoning the subject property to the "lp" version of the parent zone.
- 1.3.5 The Zoning Map does not apply to those lands within the boundaries of the Duck Lake Indian Reserve 7 and Indian Reserve 8.

1.4 Uses and Regulations

- 1.4.1 Except for legal **non-conforming uses** or **development** approved by a **development** variance permit or a **Board of Variance** order, or another agreement or permit as authorized by the *Local Government Act*, the **use, buildings, structures**, in each **zone** or area shall be in accordance with the **uses** listed in the **zone** and all the appropriate regulations and requirements of this Bylaw.
- 1.4.2 No land, **building**, or **structure**, within the **City** of Kelowna shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformity with the provisions of this Bylaw.
- 1.4.3 This Bylaw does not apply to the following **developments**:
- (a) alterations, maintenance and repair to any **building** or **structure**, provided that such work does not involve **structural alterations**; and does not change the **use** or intensity of **use** of the **building** or **structure**;
 - (b) the **construction** of a single **storey** accessory **building** or **structure** not greater than 10 m² in floor area which is in conformance with Section 6.5;
 - (c) the **use** of a **building** or part thereof as a temporary polling station, election official's headquarters, candidate's campaign office, and any other official temporary **use** in connection with a federal, provincial, or municipal election, referendum or census;
 - (d) the **use** of a **building**, or part thereof, as a constituency office for a Federal Member of Parliament or a Provincial Member of the Legislative Assembly when located in a **Commercial, Industrial** or **Institutional zone**. Any signage for the constituency office will be required to meet the requirements of the Sign Bylaw No. 8235 for the existing zoning of the property;
 - (e) a temporary **structure** which is incidental to the erection, maintenance, alteration, or sales of a **building, structure** or utility for which a **building** or **development** permit has been issued provided that they are removed within 30 days of project completion or one year following the issuance of a **building permit**;
 - (f) **landscaping**, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts, except where required by Section 7;
 - (g) the **use** of non-residential or non-agricultural **zones** for activities such as amusement **carnivals**, religious gatherings, and music festivals for less than 7 days provided a valid licence has been issued under the City of Kelowna Business Licence & Regulation Bylaw No. 7878 and an Outdoor Event Permit issued pursuant to Outdoor Events Bylaw No. 8358. Properties that are zoned for **agriculture** located within Town Centre areas, as defined by the City of Kelowna Official Community Plan, and are not within the **Agricultural Land Reserve**, may also qualify under this section;
 - (h) railways except private sidings, pipelines, and irrigation ditches, conduits, flumes, and pumphouses;

- (i) utility services underground or within statutory rights-of-way and utility poles and anchors; and
- (j) **construction**, maintenance and repair of private **walkways**, pathways and driveways.

1.5 Compliance with Other Legislation

1.5.1 In addition to this Bylaw, a person is responsible for ascertaining and complying with the requirements of all other applicable municipal bylaws, or Provincial or Federal statute and regulations.

1.5.2 The provisions of the **development** permit system included within the **Official Community Plan** apply in addition to the regulations in this Bylaw.

1.6 Repeal

1.6.1 The **City** of Kelowna Zoning Bylaw, 1976, No. 4500, as amended, is hereby repealed.

1.7 Non-Conforming Uses

1.7.1 Non-conforming agricultural, residential, or rural residential **lots** less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(s), or RU1(h) **zones**.

1.7.2 Semi-detached or **duplex housing uses** which were conforming on August 10, 1976 shall be considered to be conforming for purposes of this Bylaw.

1.7.3 If a non-conforming use is limited to a non-conforming driveway access from a fronting street where access to a rear or side lane is available, the non-conforming driveway may remain to provide access to the existing development. If the property is re-developed to the extent where a new dwelling unit is added to the property (either a new principal or secondary unit), all access to the new development must meet the requirements of the zoning regulations. Renovations or alterations to an existing building may be permitted with an existing non-conforming driveway access.

1.8 Undersized Lots

1.8.1 Where a **lot** is reduced in size as a result of a taking for public **use** by the **City**, Provincial or Federal Government, an Improvement or Irrigation District, the Board of School Trustees, or a Public Utility by dedication, expropriation, or purchase, the **lot** and **buildings** and **structures** thereon are deemed to conform with the provisions of this Bylaw and the **lot** shall be considered to exist as it did prior to the taking for the purpose of further **development** upon the **lot** under its existing zoning regulations, providing such taking:

- (a) does not exceed 20% of the original **lot area** except where parcels are in the A1, A2, RR1, or RR2 **zones** in which case the taking shall not reduce the parcel to less than 0.2 ha. in size;
- (b) does not reduce a minimum front, side or **rear yard** below 1.5 m unless this Bylaw does not require such **yard**;
- (c) the utility installation does not endanger the continuing **use** of the property as permitted by this Bylaw; and
- (d) does not result in the parcel being rendered unsuitable for any of the **uses** permitted in the **zone** in which the **lot** is located.

- 1.8.2 A principal or **secondary use** is permitted on a **lot** less than the minimum **lot** size in that **zone**, provided that the **lot** was created before adoption of this Bylaw and the **development** otherwise complies with all the regulations of this Bylaw.
- 1.8.3 Where a **lot** is created with Agricultural Land Commission approval for severance of a home-site or a **lot** to be used in lieu, then the regulations of the RR2 **zone** will apply.
- 1.8.4 A **lot** having less than the required minimum **lot** size in a **zone** may be rezoned to add the “s” notation to the **zone** classification to permit a **secondary suite** as a **secondary use**, provided the **lot** was created before adoption of City of Kelowna Zoning Bylaw No. 8000 and the **development** otherwise complies with all regulations of the Zoning Bylaw.

1.9 Applications in Process

- 1.9.1 A completed application for a **building permit** which is received prior to the effective date of this Bylaw shall be processed in accordance with the **City** of Kelowna Zoning Bylaw (1976) No. 4500, as amended. Such applications shall be approved or rejected within 12 months of this Bylaw coming into effect and, if rejected, any future **development** must comply with this Bylaw.

1.10 General Interpretation

- 1.10.1 Any enactments referred to herein are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the **Council** of the **City** of Kelowna, as amended, revised, consolidated or replace from time to time.
- 1.10.2 The headings given to sections, paragraphs, and sub-sections in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- 1.10.3 The Schedules attached to this bylaw form part of this bylaw.

1.11 Review of Agriculture Zone

- 1.11.1 The City of Kelowna will initiate a review of the Agriculture zone, and related regulations, in conjunction with the Ministry of Agriculture, Food and Fisheries by no later than December 31, 2003.

Section 1 – General Administration

Sub-Section 1.3.1 Zoning Map was amended by the following bylaws:

- i) Section 11 - BL8404 & BL8760**
- ii) Section 12 –BL8774**
- iii) Section 13 – BL8333, BL8419, BL8711, BL8746, BL8792, BL9055, BL9306**
- iv) Section 14 –BL8960, BL9120 & BL9075**
- v) Section 15 –BL8367 & BL10434**
- vi) Section 16 –BL8960, BL8895 & BL10613**
- vii) NEW Section 17 – Health District Zones – BL10541**
- viii) Section 18 – Comprehensive Development Zones –BL8449, BL8960, BL8367, BL8609, BL9110, BL9238, BL9304, BL9467, BL9702, BL10541, BL10462**

Sub-Section 1.3.4 - BL8711 & BL8960

Sub-Section 1.3.6 – BL8419 & BL8960

Sub-Section 1.4.3 – BL8650

Sub-Section 1.7.1 – BL10235

Sub-Section 1.7.3 – BL9530

Sub-Section 1.8.3 – BL8367

Sub-Section 1.8.4 –BL8743

Sub-Section 1.11 – BL8760