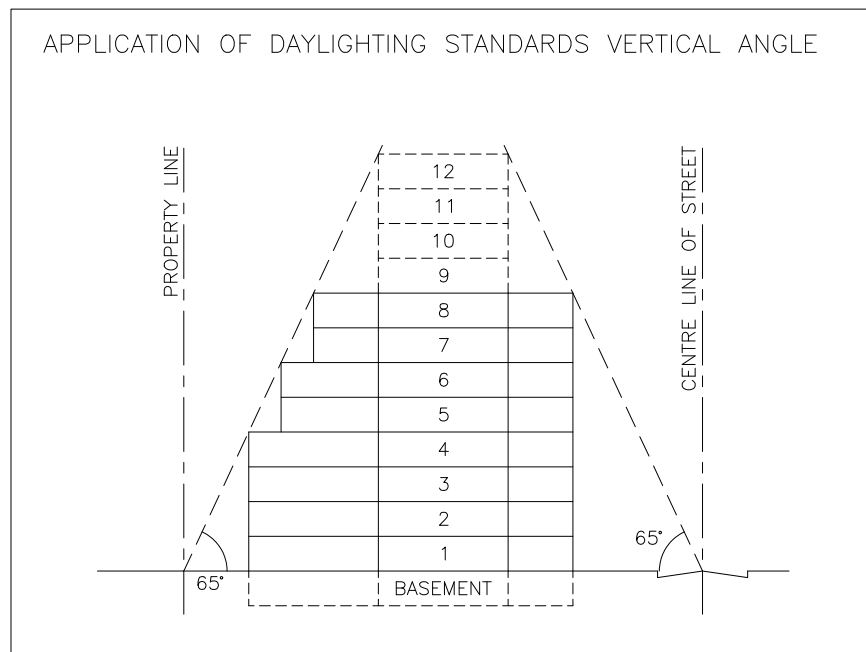


## Section 6 – General Development Regulations

### 6.1 Daylighting Standards

- 6.1.1 Daylighting regulations shall apply to every **building** as outlined on the **Diagram 6.1: (Application of Daylighting Standards)** in the RM6, C8, and P1 zones.
- 6.1.2 In the case of a **building** more than two **storeys** or 10.0 m in **height**, no part of such **building** above the second **storey** or above 10.0 m shall project above lines extending toward the **building** at right angles from:
- all points along the central line of an **adjacent street** and inclined at an angle of  $65^\circ$  to the horizontal;
  - all points along the centre line of the rear **lane** or the rear boundary line of the **lot** where there is no **lane** and inclined at an angle of  $65^\circ$  to the horizontal; and
  - all points along the **side lot line** of the **lot** and inclined at an angle of  $65^\circ$  to the horizontal.



**Diagram 6.1: Application of Daylighting Standards**

## 6.2 Swimming Pools

- 6.2.1 Swimming pools shall not be located in a required **front yard**.
- 6.2.2 Above ground swimming pools and associated decks greater than 0.6m in height shall meet the siting requirements of accessory buildings.
- 6.2.3 At grade swimming pools shall be located at a minimum of 0.9 m from side and rear **property lines** and 1.5 m from any **street**, except for a required **front yard**.
- 6.2.4 Fencing around swimming pools shall be in accordance with the **City of Kelowna Building Bylaw, 1993, No. 7245**.

## 6.3 Yards

- 6.3.1 A part of a **lot** reserved as a **yard** shall not be deemed to form part of any **abutting lot** for the purpose of computing the area available for **building** purposes or any other purpose.
- 6.3.2 Where a **lot** which is not a **corner lot** has **frontage** on more than one **street**, any **building, structure** or accessory **building** shall be located on such **lot** to maintain a **front yard** on each **street frontage** so as to be consistent with the predominant **front yard** setback in the block.
- 6.3.3 In the case of a **corner lot** in an urban **residential zone**, the **front yard** shall be the narrower of the two **frontages**.

## 6.4 Projections Into Yards

- 6.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building**, portions of a building on a foundation or ornamental features may project into a required **yard**, provided such projections do not exceed 0.6 m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line, measured from the front to the rear of the **building**, not including **decks**, trellises, or other open structures. For buildings or structures that are more than one storey, the area of the structural projection shall be calculated per storey. No individual structural projection shall exceed 3.0 metres in length. No two structural projections shall be closer than 1.5 metres apart.
- 6.4.2 Unenclosed steps, eaves, **awnings, decks, canopies**, balconies, or **porches** may project into a required **yard** provided such projections do not exceed 0.6 m in the case of a front or **side yard** on a **flanking street**, 0.6 m in the case of an interior **side yard**, and 2.5 m in the case of a **rear yard** greater than 6.0 m.
- 6.4.3 Entrance **canopies** or **awnings** in RM4, RM5, and RM6 **zones** for weather protection or **building** ornamentation may project no more than 3.0 m into a **front yard** or a flanking **side yard** or no closer than 1.5 m to a **side lot line**.
- 6.4.4 All **canopies** and **awnings** shall be designed to direct run-off and snow away from the sidewalk below.

- 6.4.5 Utilities, storage tanks, underground parking and similar **structures** constructed entirely beneath the surface of the ground may encroach into required **yards** provided such underground encroachments do not result in a grade inconsistent with **abutting** properties and the encroachments are covered by sufficient soil depth or surface treatment to foster **landscaping**, provided that storage tanks containing flammable materials shall be subject to the British Columbia Fire Code.

## 6.5 Accessory Development

6.5.1 No person shall erect or permit to be erected a satellite dish, radio or television mast in a residential **zone**:

- (a) that is located in a required **front** or **side yard** or projects over any **lot line**; and
- (b) is higher than the **height** permitted for any **accessory structure** in that **zone** unless the property owner or tenant holds a current Amateur Radio License issued by Industry Canada.

### Accessory buildings in non-residential zones

6.5.2 An accessory **building** or **structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.

6.5.3 Notwithstanding Section 6.5.2, an accessory **building** or **structure** on a **lot** in a non-residential **zone** which abuts a **lot** in a residential **zone** shall not be less than 1.5 m from the boundary of the **lot** in a residential **zone**.

### Accessory buildings in residential zones

6.5.4 Accessory **buildings** shall be a minimum of 1.0 m from the principal residence, unless connected by a breezeway.

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

6.5.6 Where an **accessory building** or **structure** is used as a **dwelling** and is greater than one storey in height, the **accessory building** or **structure** must include a garage or a carport for a minimum of one **vehicle**.

6.5.7 **Lot** coverage of accessory **buildings** or **structures** shall not exceed 14% or a maximum area of 90 m<sup>2</sup> for accessory buildings in the Residential Urban zones.

6.5.8 **Accessory buildings** and **structures** shall be located on an **interior lot** as follows:

- (a) an **accessory building** in an **urban residential zone** or a **rural residential zone** shall not be located closer than 18.0 metres to the **front lot line** unless it complies with the **side yard** requirements for a principal **building** and is located at least two times the distance of the required **front yard** setback for that zone from the **front lot line**. For **double-fronting lots** the **accessory building** shall be sited in accordance with the regulations for a **single-detached dwelling**;
- (b) an **accessory building** in an **urban residential zone** or a **rural residential zone** shall be located no less than 1.0 metres from the **side lot line**, except that where the **accessory building** does not exceed the **fence height** (2.0 metres) and is less than 10.0 m<sup>2</sup> in area, it may be located closer than 1.0 metres from the **side lot line**. **Accessory buildings** containing **secondary suites** shall conform to the **side yard** setback requirements for the principal **building** in the **zone**;
- (c) mechanical equipment shall be located to comply with the **side yard** setback for an **accessory building** or **structure**.

- 6.5.9 In addition to the provisions of Section 6.5.8, the distance between an accessory **building** and the **side lot line abutting a flanking street**, shall not be less than the **side yard abutting a flanking street** required for the principal **building**.
- 6.5.10 [deleted]
- 6.5.11 Bedrooms and full bathrooms are not permitted in accessory buildings unless the accessory building is a secondary suite which complies with the regulations of this bylaw. One bathroom with a toilet and sink is permitted, to a maximum size of 3 m<sup>2</sup>. Showers and bathtubs are not permitted except where located in an accessory building used as a pool house.

## 6.6 Height and Grade

- 6.6.1 In determining whether a **development** conforms to the maximum **height** permitted in any **zone**, **structures** such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the **height**.
- 6.6.2 Walkout **basements** oriented to the **rear yard** shall not be considered for the purpose of determining height for **single-detached, duplex** or **semi-detached** housing. Where **single-detached, duplex** or **semi-detached** housing has a walkout basement oriented to the rear yard, height shall be determined as follows: The maximum height of any building elevation facing a front yard or, flanking street is the lesser of 8.6m from grade or 2 storeys. The height for the lowest floor or walkout basements at the rear elevation can not exceed 3.6m measured from approved building grade to the top of the finished floor above the slab. In addition the total height of the rear building elevation cannot exceed the lesser of 3 storeys or 12.5m measure from approved building grade. Where access is required through, and is limited to a lane the yard abutting the lane may be considered the **front yard**.
- 6.6.3 No **building** or **structure** shall be erected in any **zone** without first obtaining the approval of the **Building Inspector** as to the proposed **building grade**. The proposed **building grade** shall to the extent possible, retain the natural contour of the land, minimize the necessity to use **retaining walls** and ensure positive drainage away from **abutting** properties.
- 6.6.4 Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located the **height** of the dormer will be measured as if it was the main roof.

## 6.7 Services

- 6.7.1 No **building, structure, or lot** in any **zone** shall be used for any purpose that requires **street** access or services unless:
- (a) the **owner** has obtained proper authorization to have the required services installed and has installed such services in accordance with the Subdivision, Development and Servicing Bylaw No. 7900; and
  - (b) the **lot** has actual physical access from the **street**.

## 6.8 Lighting

- 6.8.1 Any outdoor lighting for any **development** shall be located and arranged so that no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- 6.8.2 **Site** areas with public access shall be lit in keeping with the principles of crime prevention through environmental design and require **site** lighting as is necessary to encourage pedestrian safety and allow casual surveillance from **adjacent buildings** and **streets** of parking areas and **walkways**.

## 6.9 Housing Agreements

6.9.1 The **Development** Officer may recommend to **Council** that a housing agreement pursuant to the *Local Government Act*, as a condition of approval for **special needs housing**, contain contractual arrangements as to any, or all, of the following:

- (a) the **use** of the **lot** in relation to any existing or proposed **building** or **structure** including the preservation of **buildings**, **structures** and environmental setbacks;
- (b) the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
- (c) the timing of the **development**; and
- (d) such other conditions as may be considered reasonable under the circumstances.

6.9.2 Increases in the maximum **density** are permitted to the **density** specified in the RM2, RM3, RM4, RM5, RM6 and C4 **zones** provided:

- (a) the **owner** enters into a housing agreement satisfactory to the **City** of Kelowna; and
- (b) such public benefit, determined by the **City** of Kelowna, may include affordable or **special needs housing** for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.

6.9.3 All agreements entered into pursuant to Section 6.9 shall run with the land as a priority charge against the title of the subject lands at the Land Title Office.

## 6.10 Setback from Provincial Highways

6.10.1 All **buildings** and **structures** on **lots abutting** Highway 97 or Highway 33, shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m.

## 6.11 Okanagan Lake Sight Lines

- 6.11.1 All **buildings** and **structures**, greater than 1.2 m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established **abutting development**. New **development** shall be sited to permit the **adjacent** occupants a 120° panoramic view from the corner of the house, parallel with the **adjacent property lines**, as shown in Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line.

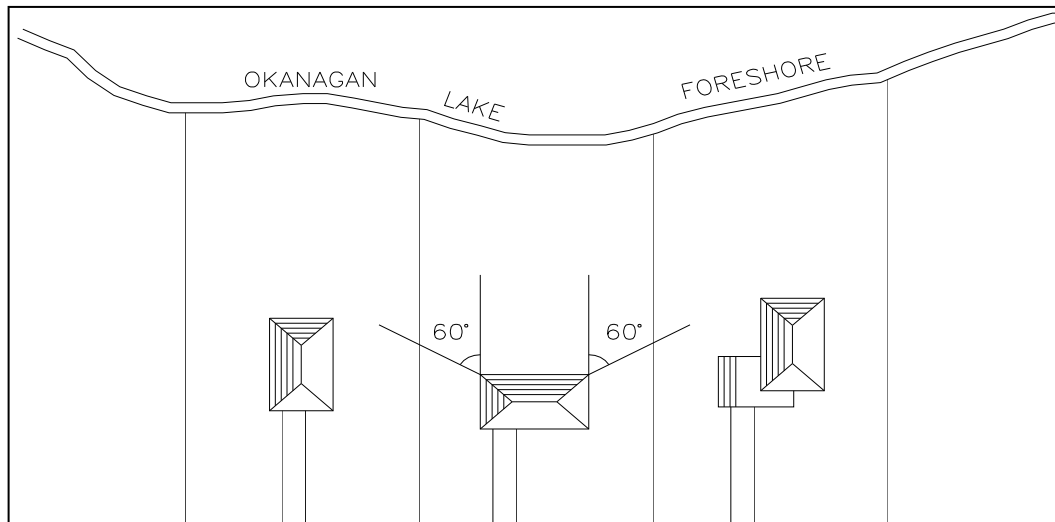


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

## 6.12 Rooftop Screening

6.12.1 Rooftop, mechanical, and electrical equipment in **zones** other than **agricultural zones** shall be screened from view from a public roadway or **adjacent** property at grade.

## 6.13 Utility Cabinets

6.13.1 Minor utility cabinets for the provision of telephone, power, cable television or other utility services, when located outside a statutory right-of-way, shall comply with the following:

- (a) a cabinet less than 1.8 m in **height** with no horizontal dimension exceeding 1.0 m need not comply with any **yard** requirements in any **zone**;
- (b) a cabinet less than 1.8 m in **height** with a horizontal dimension between 1.0 m and 2.0 m must be set back at least 1.0 m from a **lot line**; and
- (c) a cabinet greater than 1.8 m in **height** or with a horizontal dimension exceeding 2.0 m shall comply with the setbacks for accessory **structures** in that **zone**.

## 6.14 Riparian Management Area (RMA) Setbacks

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.

6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required, the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **lot coverage**.

### 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):

<b>Table 6.1 - Building and Facilities Setbacks from Watercourses for Riparian Protection in Farming Areas</b>				
<b>FACILITY TYPE / WATERCOURSE TYPE</b>	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>	<b>Category 4</b>
	Confined Livestock Area with more than ten (10) agricultural units <sup>1</sup> ; Seasonal Feeding Area; Solid Agricultural Waste (Field Storage) with greater than two (2) weeks storage capacity	Agricultural Waste Storage Facility; Chemical, Compost and Wood Waste Storage; Confined Livestock Area with fewer than ten (10) agricultural units <sup>1</sup> ; Incinerator; Mushroom Barn; On-Farm Composting; On-Farm Soil-less Medium Production and Storage; Silo; Petroleum Storage	Brooder House; Hatchery; Fur Farming Shed; Livestock Barn; Livestock Shelter; Milking Facility; Stable	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
<b>Naturalized Stream</b>	30m	15m	15m	15m
<b>Channelized Stream</b>	30m	15m	15m	Twice Channel Width <sup>2</sup> (minimum: 10m) (maximum: 15m)
<b>Constructed Channel or Ditch<sup>3</sup></b>	30m	15m	5m <sup>4</sup>	5m <sup>4</sup>

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.”

## **6.15 Storage of Materials**

6.15.1 No storage of materials shall be permitted in any **front yard**.

## **6.16 Minimum Lot Size – Septic Disposal System**

6.16.1 For any rural residential, residential, industrial, commercial, institutional or comprehensive land use, no **lots** shall be created that are less than 1.0 Ha in area unless they are serviced by a community sanitary sewer system. The only exception to this provision are subdivisions approved by the Provincial Agricultural Land Reserve Commission for a homesite severance or a **subdivision** in lieu of a homesite severance, or an institutional **lot** for utility services or park or open space where there will be no requirement for sewage disposal.

**Section 6 – General Development Regulations amended as follows:**

**Sub-Section 6.1 Daylighting Standards – BL8900**

**Sub-Section 6.2 Swimming Pools – BL9530**

**Sub-Section 6.3 Yards – BL8367**

**Sub-Section 6.4 Projection Into Yards – BL8367, BL8528 & BL9350**

**Sub-Section 6.5 Accessory Development – BL8367, BL8528, BL8654, BL8888, BL9120, BL9431, BL9953 & BL10235**

**Sub-Section 6.6 Height and Grade – BL9120, BL9364**

**Sub-Section 6.9 Housing Agreements – BL9369**

**Sub-Section 6.10 Setback from Provincial Highways – BL9120**

**Sub-Section 6.11 Okanagan Lake Sight Lines – BL8528**

**Sub-Section 6.13 Utility Cabinets – BL9120**

**Sub-Section 6.14 Riparian Management Area (RMA) Setbacks – BL9120, BL9530, BL10613**

**Sub-Section 6.15 – Storage of Minerals – BL8367**

**Sub-Section 6.16 Minimum Lot Size – Septic Disposal System - BL8571**