

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, May 21, 2019
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Singh.

3. Confirmation of Minutes

Public Hearing - May 7, 2019
Regular Meeting - May 7, 2019

4. Bylaws Considered at Public Hearing

4.1 Clement Ave 1049, BL11814 (Z19-0045) - Gurpreet Pannu

1 - 1

To give Bylaw No. 11814 second and third reading in order to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM4 - Transitional Low Density Housing zone.

4.2 Bach Rd 140, Rutland Rd N 615 & 625, BL11815 (OCP19-0001) - Bharosa Developments Ltd. Inc.No.BC117705

2 - 2

To give Bylaw No. 11815 second and third reading in order to amend the Official Community Plan to change the Future Land Use designation of the subject properties from the S2RES-(Single Two Unit Residential) and MRL-Multiple Unit Residential (Low Density) designation to MXR-Mixed Use (Residential/Commercial) designation.

4.3 Bach Rd 140, Rutland Rd N 615 & 625, BL11821 (TA19-0002) - Bharosa Developments Ltd. Inc.No.BC117705

3 - 3

To give Bylaw No. 11821 second and third reading in order amend the C4 - Urban Centre Commercial zone to add extra Floor Area Ratio for five and six storey buildings.

4.4	Bach Rd 140, Rutland Rd N 615 & 625, BL11819 (Z19-0039) - Bharosa Developments Ltd. Inc.No.BC1177705	4 - 4
	To give Bylaw No. 11819 second and third reading in order to rezone the subject properties from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.	
4.5	Lakeshore Rd 4119, BL11816 (Z19-0046) - Whitworth Holdings Ltd., Inc.No. BC1059455	5 - 5
	To give Bylaw No. 11816 second and third reading in order to rezone the subject property from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing zone.	
4.6	Kirschner Rd 1977, BL11817 (Z19-0023) - Lambert and Paul Construction Ltd, Inc No 80191	6 - 6
	To give Bylaw No. 11817 second and third reading in order to rezone the subject property from the C10 - Service Commercial zone to the C10rcs - Service Commercial (Retail Cannabis Sales) zone.	
4.7	Ethel St 1675 & 1685, BL11818 (TA19-0006) - Petel Properties Inc., Inc.No. A0069509	7 - 7
	To give Bylaw No. 11818 second and third reading in order to amend the RM6 - High Rise Apartment zone to allow Offices, Health Services (Major & Minor), and Retail Stores (General) specifically for 1675 & 1685 Ethel St.	
4.8	Short Term Rental Accommodations (Secondary Suites and Carriage Houses, BL11820 (TA19-0011) - City of Kelowna	8 - 9
	To give Bylaw No. 11820 second and third reading in order to amend the Zoning Bylaw No. 8000 in regards to Short Term Rental Accommodations for Secondary Suites and Carriage Houses.	
4.9	Union Rd 1550, BL11824 (OCP18-0014) - Glenwest Properties Ltd.,Inc.No.CO889227	10 - 11
	Requires a majority vote of Council (5)	
	To give Bylaw No. 11824 second and third reading in order to amend the Official Community Plan designation of portions of the subject property from COMM – Commercial and MRM – Multiple Unit Residential (Medium Density) to the MRL – Multiple Unit Residential (Low Density).	
4.10	Union Rd 1550, BL11825 (Z18-0070) - Glenwest Properties Ltd.,Inc.No.CO889227	12 - 13
	To give Bylaw No. 11825 second and third reading in order to rezone portions of the subject property from RM2 – Low Density Row Housing, RM5 – Medium Density Multiple Housing and P3 – Parks and Open Space to RM3 – Low Density Multiple Housing	

- 4.11 **Airport Way 5505-5507, BL11828 (Z19-0034) - Midwest Ventures Ltd Inc No BC0046021** 14 - 15

To give Bylaw No. 11828 second and third reading in order to rezone portions of the subject property from the C9 - Tourist Commercial zone and from the CD15 - Airport Business Park zone to the C9rcs - Tourist Commercial (Retail Cannabis Sales) zone.

- 4.12 **Walker Rd 4480, BL11829 (Z18-0047) - Thomas A.M. Brown** 16 - 17

To give Bylaw No. 11829 second and third reading in order to rezone a portion of the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.

5. **Notification of Meeting**

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. **Development Permit and Development Variance Permit Reports**

- 6.1 **Cadder Ave 418-422, BL11736 (Z18-0083) - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille** 18 - 18

To rescind first, second and third readings of Bylaw No. 11736.

- 6.2 **Cadder Ave 418-422, HAP18-0012 - Geoffrey & Michelle Couper and Friedrich & Evelyn Wille** 19 - 38

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To rescind all three readings given to Rezoning Bylaw No. 11736 and direct staff to close the file and to consider a Heritage Alteration Permit with a variance to the required rear yard setback from 7.5m to 2.5m.

- 6.3 **KLO Rd 2085, TUP19-0001 - Irene Lee** 39 - 44

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

A Temporary Use Permit application to allow for the use of intensive agriculture for a time period of three years for the purpose of housing 80 rabbits.

7. **Reminders**

8. **Termination**

CITY OF KELOWNA
BYLAW NO. 11814
Z19-0045 – 1049 Clement Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 138 and of Section 30 Township 26 ODYD, Plan 3763, located on Clement Ave, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone.
2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11815

Official Community Plan Amendment No. OCP19-0001 140 Bach Road, 615 & 625 Rutland Road North

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Official Community Plan Map Amendment Application No. OCP19-0001 to amend Map 4.1 in the *Kelowna 2030* – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach Rd, Kelowna, BC from the S2RES (Single Two Unit Residential) designation to the MXR – Mixed Use (Residential/Commercial) designation;
- Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation; and
- Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC from the MRL – Multiple Residential (Low Density) designation to the MXR – Mixed Use (Residential/Commercial) designation.

2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11821

TA19-0002 – 140 Bach Road, 615 & 625 Rutland Road North

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 14 – Commercial Zones, 14.4 C4 – Urban Centre Commercial, 14.4.5 Development Regulations, (a) Floor area ratio** be amended, by adding in its appropriate location the following text:

“ v. Five and six storey buildings can add a 0.2 Floor Area Bonus.”
2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11819

Z19-0039 – 140 Bach Road, 615 & 625 Rutland Road North

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 25, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Bach Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
2. AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 26, Section 26, Township 26, ODYD, Plan 19679 except Plan 41879, located on Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone;
3. AND FURTHER THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 26, Township 26, ODYD, Plan 5624 except Plan 41879, located on Rutland Rd N, Kelowna, BC from the RU1 – Large Lot Housing zone to the C4 – Urban Centre Commercial zone.
4. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11816
Z19-0046 – 4119 Lakeshore Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, Section 6, Township 26, ODYD, Plan 4912, located on Lakeshore Road from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.
2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 11817
Z19-0023 – 1977 Kirschner Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 129 Osoyoos Division Yale District Plan 22769, located on Kirschner Road, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone.
2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11818

TA19-0006 – 1675 & 1685 Ethel Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 13, RM6 – High Rise Apartment Housing, 13.12.8 Site Specific Uses and Regulations** be amended, by adding in its appropriate location in the table, the following:

“

2	Strata Lot 1, District Lot 138, ODYD, Strata Plan EPS3699, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V;	1675 Ethel Street	Notwithstanding section 13.12.3 Secondary Uses, these properties are permitted to have Offices, Health Services (major & minor), and Retail stores (General)
.	Strata Lot 2, District Lot 138, ODYD, Strata Plan EPS3699, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata lot as Shown on Form V	1685 Ethel Street	

2. 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 29th day of April, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11820

TA19-0011

Short Term Rental Accommodation in Secondary Suites and Carriage Houses Amendments

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT **Section 8 – Parking and Loading, Table 8.1 – Parking Schedule, Residential and Residential Related** be amended by adding in its appropriate location the following new section:

Short-Term Rental Accommodation in a Secondary Suite or Carriage House.	Equivalent to parking requirements for a secondary suite or carriage house .
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2. AND THAT **Section 9 – Specific Use Regulations; 9.17 Short-Term Renal Accommodation**, be amended by:

- a) adding to sub-section 9.17.1 at the end of the paragraph in its appropriate location the following sub-paragraph:

“(a) For **short-term rental accommodation** in a **secondary suite or carriage house**, the operator must be a resident who resides for more than 240 days of the year on the lot.”

- b) deleting sub-section 9.17.2 that reads:

“9.17.2 **Short-term rental accommodation** is not permitted in a **secondary suite or carriage house**.”

And replace it with a new sub-section 9.17.2 that reads:

“9.17.2 For **single dwelling housing** with or without a **secondary suite or carriage house**, a maximum of one **short-term rental accommodation** operation is permitted per lot.”

- c) deleting from **Table 9.17.1 Maximum Sleeping Units for Short-Term Rental Accommodation** the following:

Three dwelling housing Four dwelling housing Multiple dwelling housing (including apartment housing) as a secondary use	2
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And replacing it with:

Secondary suite and carriage house Three dwelling housing Four dwelling housing Multiple dwelling housing (including apartment housing) as a secondary use	2
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2. 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 6th day of May, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act this

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 11824

Official Community Plan Amendment No. OCP18-0014 1550 Union Road

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Future Land Use designation of portions of Lot 4 Section 9 Township 23 ODYD Plan KAP86750, located on Union Road, Kelowna, BC from the COMM – Commercial and MRM – Multiple Unit Residential (Medium Density) designation to the MRL – Multiple Unit Residential (Low Density) designation as shown on Map "A" attached to and forming part of this bylaw.
2. 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 6th day of May, 2019.

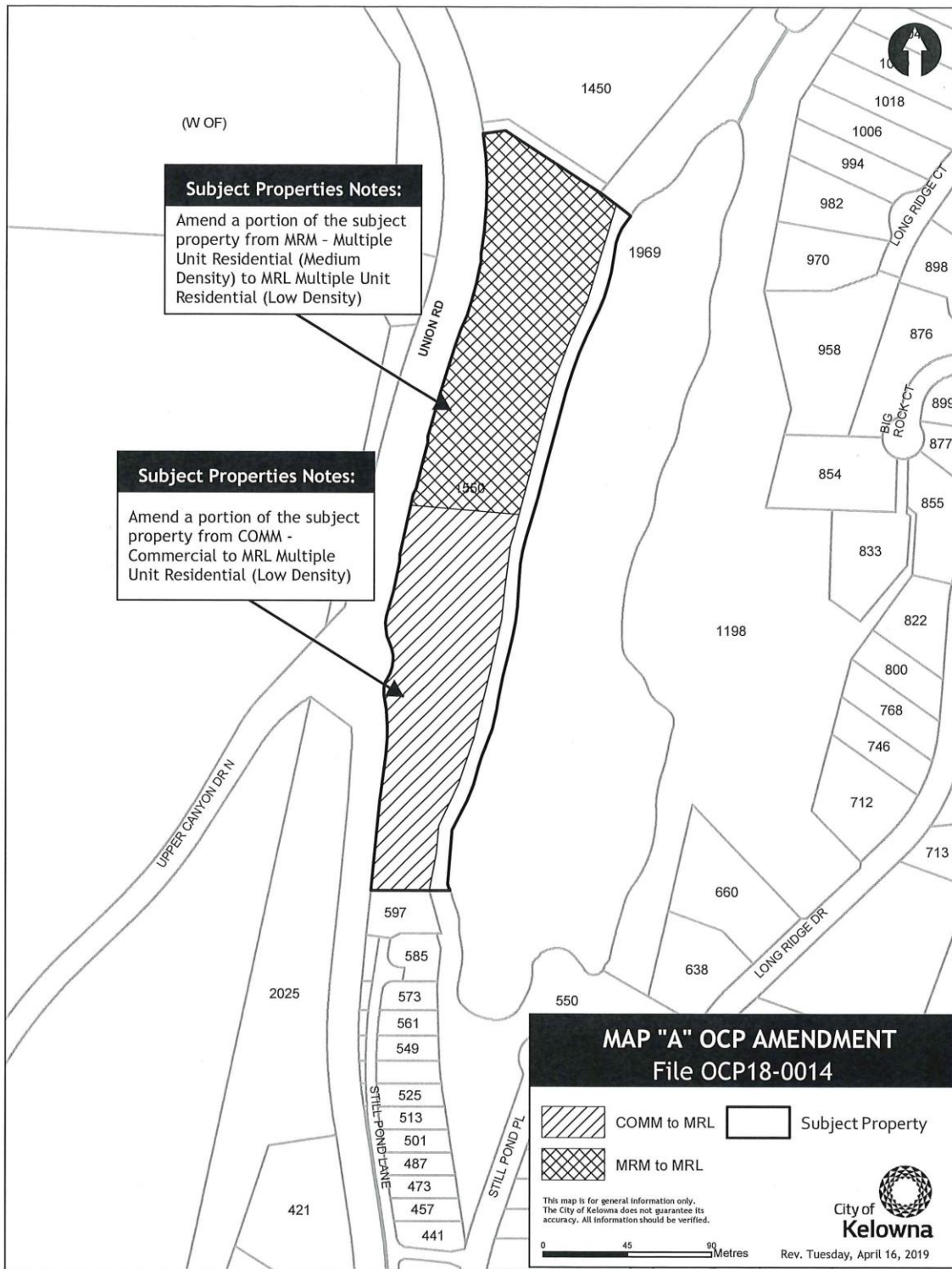
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11825
Z18-0070 – 1550 Union Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 4 Section 9 Township 23 ODYD Plan KAP86750 located on Union Road, Kelowna, BC from the RM2 – Low Density Row Housing, RM5 – Medium Density Multiple Housing and P3 – Parks and Open Space zones to the RM3 – Low Density Multiple Housing zone as shown on Map "B" attached to and forming part of this bylaw.
2. 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 6th day of May, 2019.

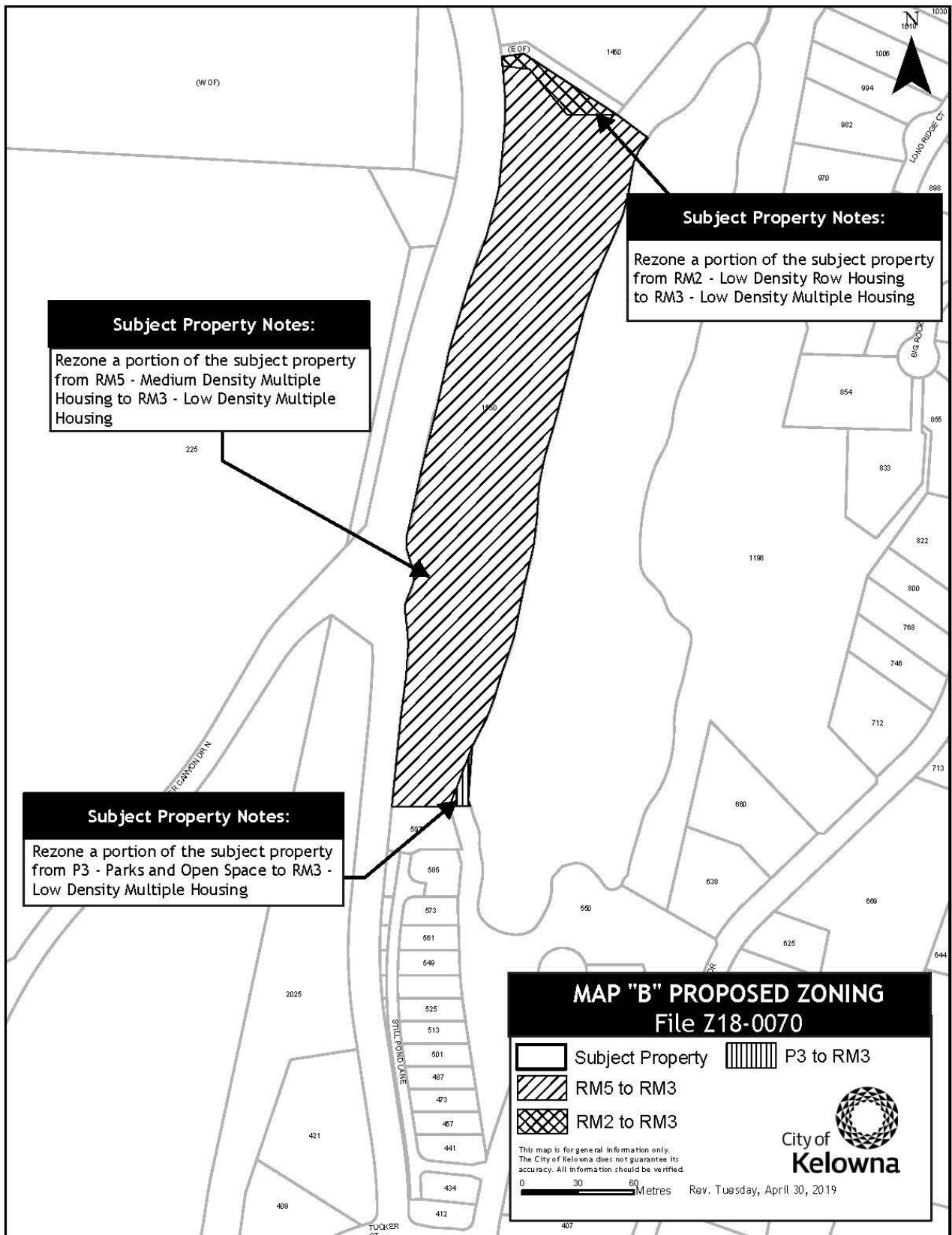
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11828
Z19-0034 – 5505 – 5507 Airport Way

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A Section 14 Township 23 Osoyoos Division Yale District Plan EPP23036, located on Airport Way, Kelowna, BC from the Cg – Tourist Commercial zone and the CD15 – Airport Business Park zone to the Cgrcs – Tourist Commercial (Retail Cannabis Sales) zone as per Map "A" attached to and forming part of this bylaw.
2. 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 6th of May, 2019.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

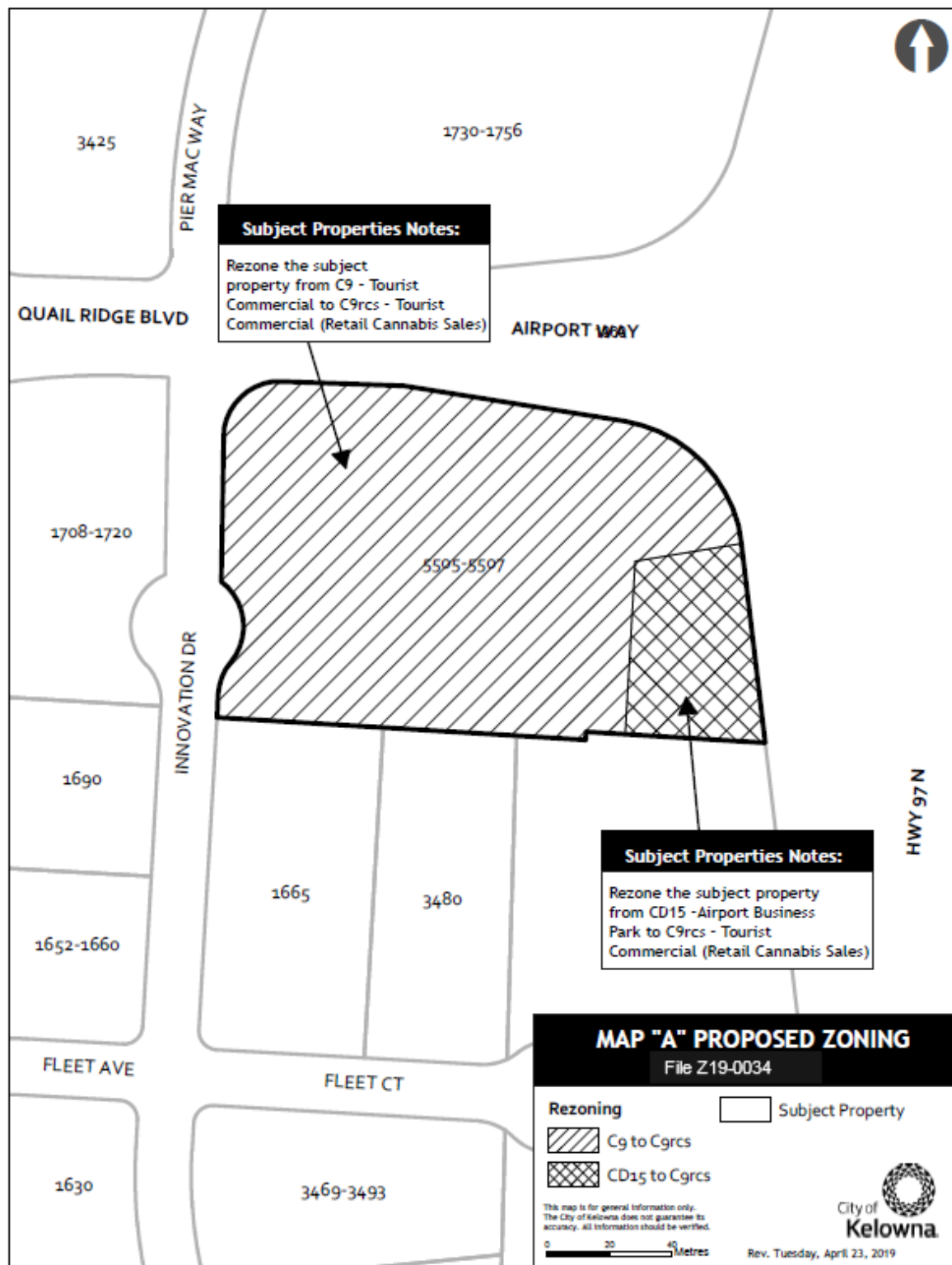
Approved under the Transportation Act this

(Approving Officer – Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11829
Z18-0047 – 4480 Walker Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot 1 District Lot 167 ODYD Plan 16858, located on Walker Road Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as per Map "A" attached to and forming part of this bylaw.
2. 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 6th day of May, 2019.

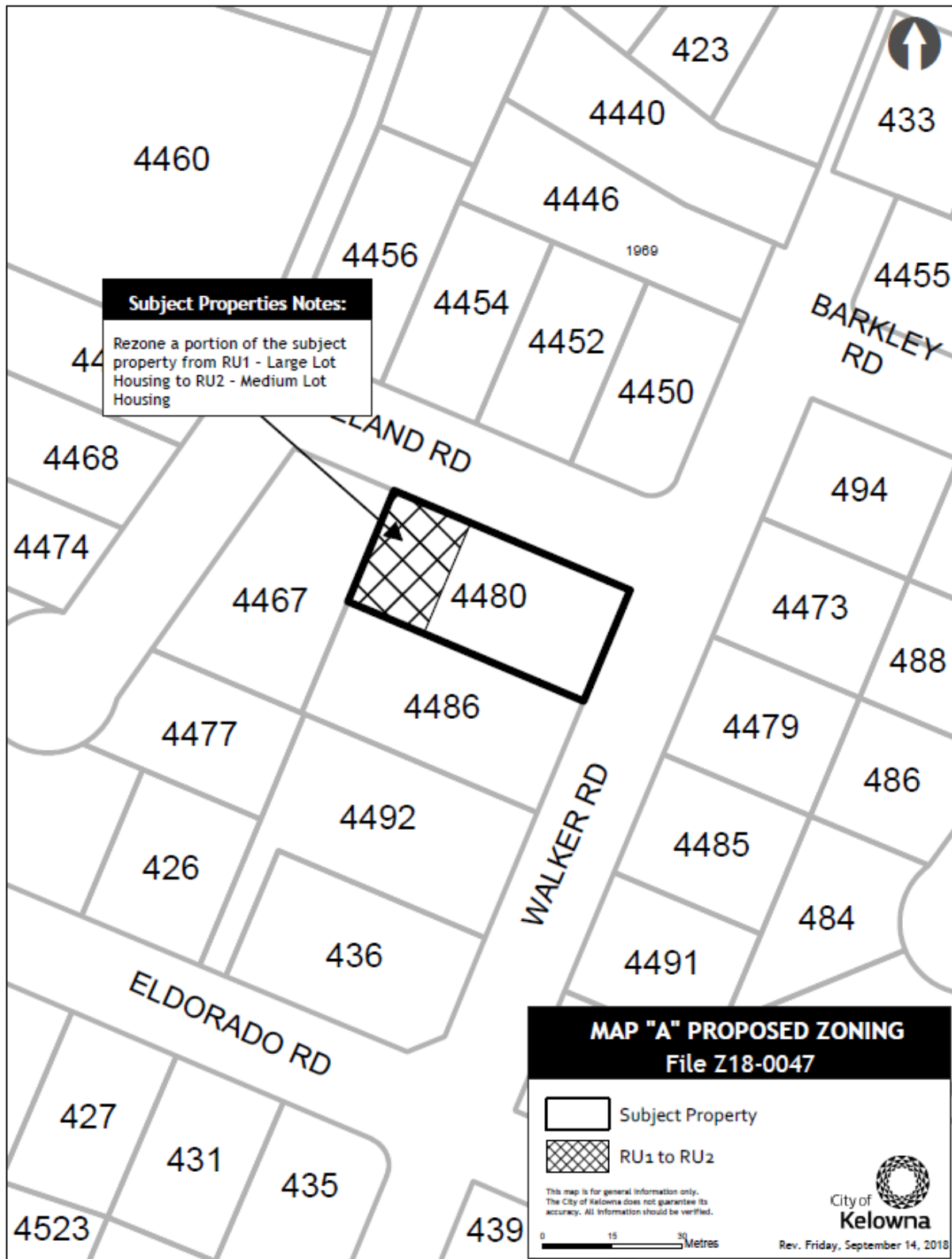
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



CITY OF KELOWNA
BYLAW NO. 11736
Z18-0083 – 418-422 Cadder Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7 Block 8 District Lot 14 ODYD Plan 348 located on Cadder Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.
2. 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 21st day of January, 2019.

Considered at a Public Hearing on the 12th day of February, 2019.

Read a second and third time by the Municipal Council this 12th day of February, 2019.

Approved under the Transportation Act this 20th day of February, 2019.

Audrie Henry
(Approving Officer – Ministry of Transportation)

First, second and third readings rescinded by the Municipal Council this

Mayor

City Clerk

REPORT TO COUNCIL



Date: May 21, 2019

RIM No. 0940-60

To: City Manager

From: Community Planning Department (LKC)

Application: HAP18-0012 **Owner:** Geoffrey Couper & Michelle Couper
Friedrich Wille & Evelyn Wille

Address: 418-422 Cadger Ave. **Applicant:** Geoffrey Couper

Subject: Heritage Alteration Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Heritage Conservation Area: Abbott Street

Heritage Register: Not Included

1.0 Recommendation

THAT Council receives, for information, the report from the Community Planning Department dated May 21, 2019 with respect to Z18-0083 for the property located at 418-422 Cadger Ave.

AND THAT Bylaw No. 11736 be forwarded for rescindment consideration and the file be closed.

AND THAT Council authorizes the issuance of Heritage Alteration Permit No. HAP18-0012 for Lot 7, Block 8 District Lot 14 ODYD Plan 348 located at 418-422 Cadger Ave Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted as shown on Schedule "C":

Section 13.1.6(e): RU1 – Large Lot Housing, Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 2.5 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Heritage Alteration Permit Application in order for the permit to be issued;

AND FURTHER THAT this Heritage Alteration Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To rescind all three readings given to Rezoning Bylaw No. 11736 and direct staff to close the file and to consider a Heritage Alteration Permit to allow for an addition of a garage with a secondary suite located above and to consider a variance to the required rear yard setback from 7.5m to 2.5m.

3.0 Community Planning

Due to a redesign from the applicants to conform to the current RU1 zone, the rezoning (Z18-0083) application is no longer required and is why staff are requesting to rescind all three readings and close the file. Community Planning supports the proposed Heritage Alteration Permit application as it is in general accordance with the Abbott Marshal Heritage Conservation Area Design Guidelines (Attachment "A"). The application received a recommendation of support by the former Heritage Advisory Committee last fall that the proposed addition will fit well in the existing neighbourhood. The existing duplex is currently in non-conformance with the existing RU1 – Large Lot Housing zone and will be brought into conformance with this application. The property owner intends to convert to a single detached dwelling by removing the centre wall as indicated in "Schedule A" and a building permit will be required to ensure this work occurs. The proposed variance to reduce the rear yard setback from 7.5m to 2.5m is for the purpose of building a garage with a suite located above to add additional living space. The addition will contribute to the established streetscape pattern along this block of Cadder Avenue. The positioning of the proposed garage effectively uses the *rear yard* as a *side yard* and as a result should have minimal impact to the adjacent property.

4.0 Proposal

4.1 Background

The subject property is not on the Heritage Register; however, it is in the Abbott Street Heritage Conservation Area. The conservation area is meant to guide development to be consistent with the existing buildings and streetscape character of the area. The guidelines of the conservation area do encourage new development to occur however it is crucial that the context of the area assists as inspiration for development. The proposed development has received support from the Heritage Advisory Committee as the addition was deemed consistent with the character and heritage of the surrounding area. The existing duplex is being converted into a single detached home to conform with the existing RU1 – Large Lot Housing zone.

4.2 Project Description

The applicant has applied for a Heritage Alteration Permit to allow for the addition of a garage and secondary suite. The architectural style of the proposed addition is aligned with key characteristics of the Late Vernacular Cottage design as outlined in the Abbott Marshal Conservation Area Design Guidelines. The addition re-orientes the main entrance to look onto Cadder Ave rather than to the east. The material located on the exterior of the addition will be stucco and hardie shake with colours to match the existing dwelling. Elements extracted from the Late Vernacular Cottage design include gabled roof forms, an asymmetrical façade, and vertical windows. Low ground cover plantings are proposed for landscaping

along the pathway to the front entrance. The proposed renderings of the development identify that fencing will be put in place to help mitigate privacy issues between the addition and the property located to the east.



Figure 1: Conceptual Rendering

4.3 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area and is located on a corner lot along Cadder Ave, and Long St. The front of the property has driveway access onto Cadder Ave.

Subject Property Map: 418-422 Cadder Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	>800m ²	1373.2m ²
Lot Width	>20m	22.63m
Lot Depth	>30m	60.83m
Development Regulations		
Floor Area Ratio		
Height	<9.5m	7.1m
Front Yard	6m	7.4m
Side Yard (North)	2.3m	2.5m
Side Yard (South)	2.3m	6m
Rear Yard	7.5m	2.5m ❗
Side Coverage	The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.	38%
❗ Variance request for increase to rear yard setback.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objectives.²

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the sense-of-place for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 16.1 (Heritage Conservation Areas Chapter).

6.0 Technical Comments

6.1 Development Engineering Department

See Attachment A for development engineering memorandum

7.0 Application Chronology

Date of Application Received: July 4, 2018

Date Public Consultation Completed: August 2, 2018

Community Heritage Committee: September 20, 2018

The above noted application was reviewed by the Community Heritage Committee at the meeting held on September 20, 2018 and received support.

Report prepared by: Levan King Cranston, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Heritage Alteration Permit

Attachment A: Development Engineering Memorandum

Attachment B: Renderings

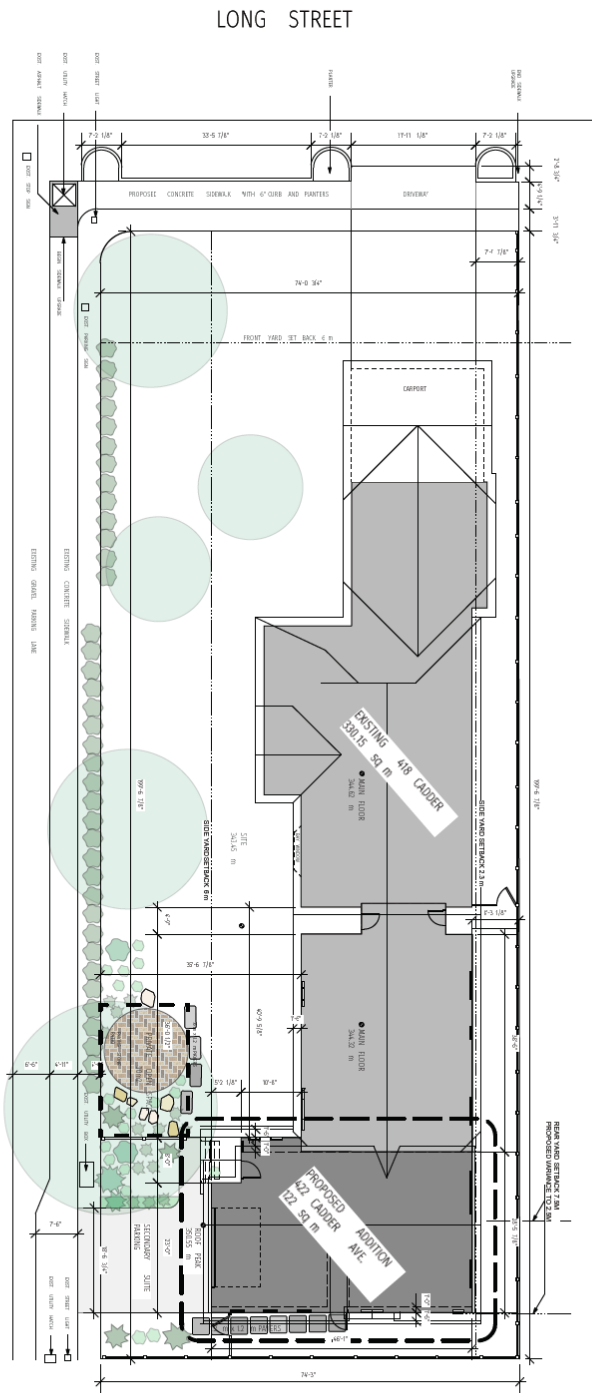
Schedule A: Site Plan

Schedule B: Elevation Drawings

Schedule C: Landscape Plan

Schedule A,B & C – Site Plan, Elevations & Lanscape Plan

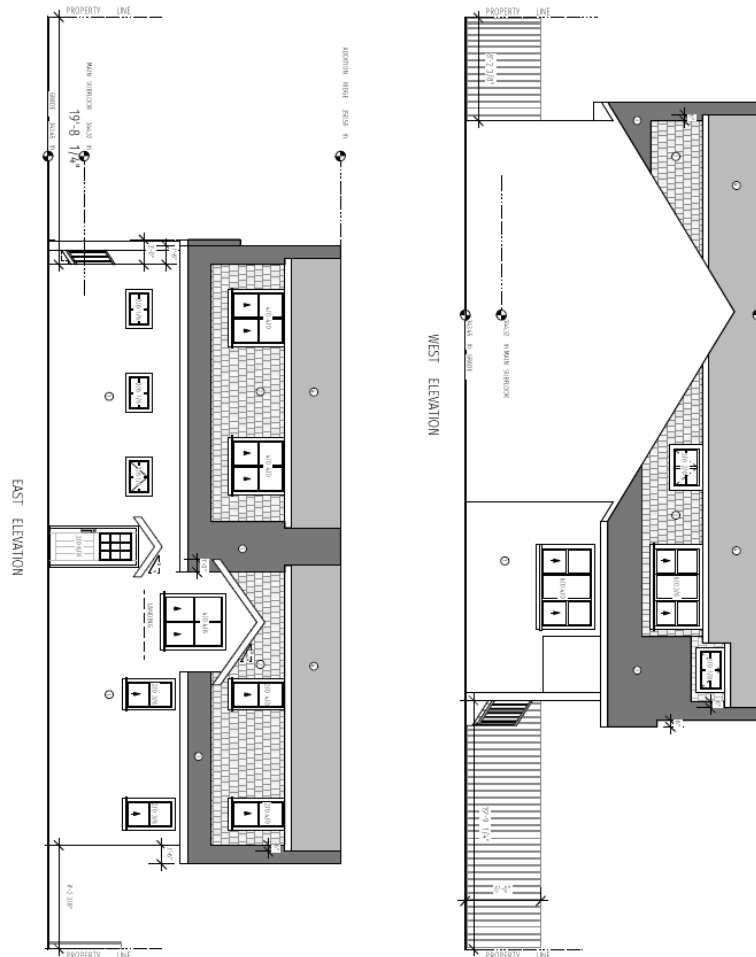
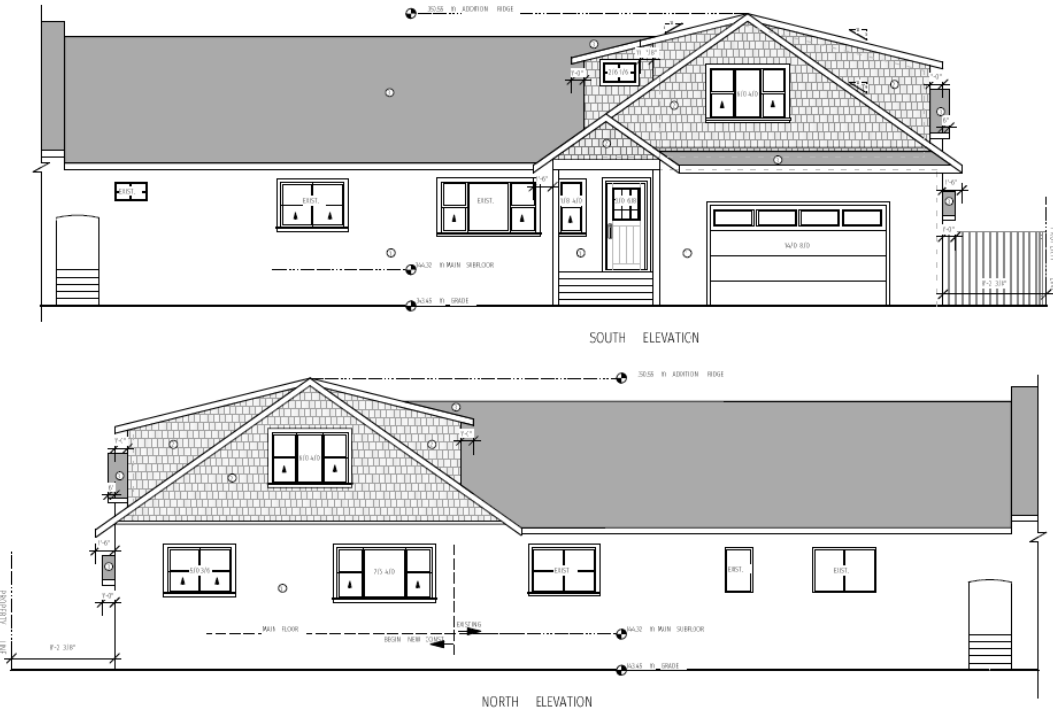
Subject: 418-422 Cadder Ave (Application HAP18-0012)



SITE AREA = 13732 sq m
TOTAL SITE COVERAGE OF BUILDINGS, DRIVEWAYS AND PARKING = 585 sq m

ON LOT 7, BLOCK 8, DISTRICT LOT 14,
O.D.V.D. PLAN 348
P.D. 012-494-534

COUPER HOUSE 422 CADDER AVE, KELOWNA GEOFFREY & MICHELLE COUPER PH. 250 889 2265
SITE PLAN
SCALE : 1 : 200
March 29, 2019
A101



- FINISHED COLORED TO BE SPEC'D BY OWNER
 - UNFINISHED SHAPED COLORED TO BE SPEC'D BY OWNER
 - SHAPED SHAPED COLORED TO MATCH EXISTING
 - SHOWN ON BROWN BACKGROUND
- ALL DIM. SIZES, FINISH, ETC. TO BE MATCHED WITH EX. WORK

COUPER HOUSE
422 CADDER AVE., KILGOMNA
GEOFFREY & MICHELLE COUPER
PH. 250 869 2265
ELEVATIONS
SCALE: 1/4" = 1'-0"
March 29, 2019
A106

Attachment B – Renderings

Subject: 418-422 Cadder Ave (Application HAP18-0012)



Attachment A – Development Engineering

Memo



Subject: 418-422 Cadder Ave (Application HAP18-0012)

CITY OF KELOWNA

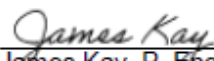
MEMORANDUM

Date: April 04, 2019
File No.: HAP18-0012
To: Community Planning (TA)
From: Development Engineer Manager (JK)
Subject: 418-422 Cadder Ave REVISED Heritage Alteration

The Development Engineering comments and requirements regarding this HAP application are as follows:

1. General.

A Heritage Alteration permit for an addition to an existing semi-detached building with a variance to the rear yard setback does not trigger any offsite requirements.


James Kay, P. Eng.
Development Engineering Manager

JA

Heritage Alteration Permit

HAP18-0012



This permit relates to land in the City of Kelowna municipally known as

418-422 Cadder Ave

and legally known as

Lot 7 Block 8, District Lot 14, ODYD Plan 348

and permits the land to be used for the following development:

An addition to the single family dwelling located on the subject property

The development has been approved subject to any attached terms and conditions, and to full compliance with the approved plans bearing the stamp of approval and the above described development permit number.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Decision: May 21, 2019

Decision By: Council

Issued Date:

Development Permit Area: Floodplain Development Permit Area

This permit will not be valid if development has not commenced by

Existing Zone: RU1-Large Lot Housing
Residential

Future Land Use Designation: S2RES – Single / Two Unit

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Geoffrey Couper, Michelle Couper, Friedrich Wille, and Evelyn Wille

Ryan Smith, Community Planning Department Manager
Community Planning & Strategic Investments

Date

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted as shown on Schedule "C":

Section 13.1.6(e): RU1 – Large Lot Housing, Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 2.5 m proposed.

This Development Permit is valid for two (2) years from the date of the Community Planning Department Manager approval, with no opportunity to extend.

3. Indemnification

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

PURPOSE

To consider the form and character of an addition to a single family dwelling.

PROPERTY INFORMATION

Applicant:	Geoffrey Couper
Owner:	Geoffrey Couper, Michelle Couper, Friedrich Wille, Evelyn Wille
Municipal Address:	418-422 Cadder Ave.
Legal Description:	Lot 7, Block 8 District Lot 14 ODYD Plan 348
Current Zone:	RU1–Large Lot Housing
Current OCP Designation:	S2RES – Single / Two Unit Residential
Development Permit Area:	Floodplain Development Permit Area
Current Use:	Large Lot Housing

Adjacent Uses:

PROPERTY	USE	ZONE	OCP DESIGNATION
North	Large Lot Housing	RU1	S2RES
East	Large Lot Housing	RU1	S2RES
South	Large Lot Housing	RU1	S2RES
West	Large Lot Housing	RU1	S2RES

ZONING BYLAW ANALYSIS

CRITERIA	RU1 ZONE REQUIREMENT	PROPOSAL
Subdivision or Existing Lot Regulations		
Minimum Lot Width	>20m	22.63m
Minimum Lot Depth	>30.0m	60.830m
Minimum Lot Area	>800m ²	1373.2m ²
Development Regulations		
Site Coverage	The maximum site coverage is 40% and together with driveways and parking areas, shall not exceed 50%.	38%
Maximum Height	<9.5 m stories	7.1m
Minimum Front Yard	6m	7.4m
Minimum Side Yard (street)	2.3m	6m
Minimum Side Yard	2.3m	2.5m
Minimum Rear Yard	7.5m	2.5m❶
❶Variance request for increase to rear yard setback.		

HERITAGE ALTERATION PERMIT GUIDELINES

Heritage Conservation Area

Consideration has been given to the following guidelines as identified in Chapter 16 of the City of Kelowna Official Community Plan relating to Heritage Conservation Areas:

HERITAGE CONSERVATION AREA	YES	NO	N/A
Site Layout and Parking			
Are established front yard setbacks maintained within 10% of neighbouring building setbacks?	Yes		
Are parking spaces and garages located in the rear yard?		No	
Are established building spacing patterns maintained?	Yes		
Does the carriage house complement the character of the principal dwelling?			N/A
Are accessory buildings smaller than the principal building?			N/A
Building Massing			
Is the established streetscape massing maintained?	Yes		
Is the massing of larger buildings reduced?			N/A
Roof Forms, Dormers and Chimneys			
Is the roof pattern in keeping with neighbouring buildings?	Yes		
Are skylights hidden from public view?			N/A
Are high quality, low maintenance roofing materials being used?	Yes		
Are the roofing materials similar to traditional materials?	Yes		
Are the soffit, overhang and rain water drainage features in keeping with the building's architectural style?	Yes		
Do secondary roof elements have a similar pitch as the principal roof?	Yes		
Are chimneys in keeping with the building's architectural style?			N/A
Cladding Materials			
Are low maintenance building materials being used?	Yes		
Are the building materials similar to traditional materials?	Yes		
Are exterior colours in keeping with the traditional colours for the building's architectural style?	Yes		
Doors and Windows			

HERITAGE CONSERVATION AREA	YES	NO	N/A
Are established window placement, style and window-to-wall area ratios maintained?	Yes		
Are established door placement, style and door-to-wall area ratios maintained?	Yes		
Is the main entrance a dominant feature visible from the street?	Yes		
Is the main entrance in keeping with the building's architectural style?	Yes		
Are the door and window design details consistent with the building's architectural style?	Yes		
Landscaping, Walks and Fences			
Are existing healthy mature trees being retained?	Yes		
Is the front yard landscaping consistent with neighbouring properties?	Yes		
Is street facing fencing or screening landscaping no more than 1 m in height?	Yes		
Privacy and Shadowing Guidelines			
Are there clear sightlines from the street to the front yard and dwelling?	Yes		
Does the building location minimize shadowing on the private open space of adjacent properties?		No	

DISCUSSION

1.0 Proposal

1.1 Background

The subject property is not on the Heritage Register; however, it is in the Abbott Street Heritage Conservation Area. The conservation area is meant to guide development to be consistent with the existing buildings and streetscape character of the area. The guidelines of the conservation area do encourage new development to occur however it is crucial that the context of the area assists as inspiration for development. The proposed development has received support from the Heritage Advisory Committee as the addition was deemed consistent with the character and heritage of the surrounding area. The existing duplex is being converted into a single detached home to conform with the existing RU1 – Large Lot Housing zone.

1.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area and is located on a corner lot along Cadder Ave, and Long St. The front of the property has driveway access onto Cadder Ave.

Subject Property Map: 418-422 Cadder Ave



2.0 Discussion of Relevant Policies

The applicant has applied for a Heritage Alteration Permit to allow for the addition of a garage and secondary suite. The architectural style of the proposed addition is aligned with key characteristics of the Late Vernacular Cottage design as outlined in the Abbott Marshall Conservation Area Design Guidelines. The addition re-oriens the main entrance to look onto Cadder Ave rather than to the east. The material located on the exterior of the addition will be stucco and hardie shake with colours to match the existing dwelling. Elements extracted from the Late Vernacular Cottage design include gabled roof forms, an asymmetrical façade, and vertical windows. Low ground cover plantings are proposed for landscaping along the pathway to the front entrance. The proposed renderings of the development identify that fencing will be put in place to help mitigate privacy issues between the addition and the property located to the east.

3.0 Official Community Plan

3.1 Objectives (Ch.16.1)

- Maintain the residential and historical character of the Marshall Street and the Abbott Street Heritage Conservation Areas;
- Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context;
- Ensure that change to buildings and streetscapes will be undertaken in ways which offer continuity of the 'sense-of-place' for neighbours, the broader community; and
- Provide historical interest for visitors through context sensitive development.

RECOMMENDATION

THAT the Community Planning Department Manager authorizes the issuance of Heritage Alteration Permit No. HAP18-0012 for Lot 7, Block 8 District Lot 14 ODYD Plan 348 located at 412-422 Cadder Ave Kelowna, BC to allow the construction of an addition and renovation subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Tree protection measure are erected onsite to protect existing mature trees from construction as specified in British Columbia Landscape Standards.

AND THAT this Heritage Alteration Permit is valid for two (2) years from the date of Manager approval, with no opportunity to extend.

Application Chronology:

Date of Application Received: July 4, 2018

Date of Community Heritage Committee Consideration: September 20, 2018

Report prepared by:

☐

Levan King Cranston, Planner I

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved by:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan


CITY OF KELOWNA**MEMORANDUM**

Date: April 04, 2019
File No.: HAP18-0012
To: Community Planning (TA)
From: Development Engineer Manager (JK)
Subject: 418-422 Cadder Ave REVISED Heritage Alteration

The Development Engineering comments and requirements regarding this HAP application are as follows:

1. **General.**

A Heritage Alteration permit for an addition to an existing semi-detached building with a variance to the rear yard setback does not trigger any offsite requirements.


James Kay, P. Eng.
Development Engineering Manager

JA

ATTACHMENT		A
This forms part of application		
# HAP18-0012		
Planner Initials	LKC	 City of Kelowna <small>COMMUNITY PLANNING</small>

SCHEDULE A/C

This forms part of application
HAP18-0012

Planner Initials
LKC

City of
Kelowna
COMMUNITY PLANNING

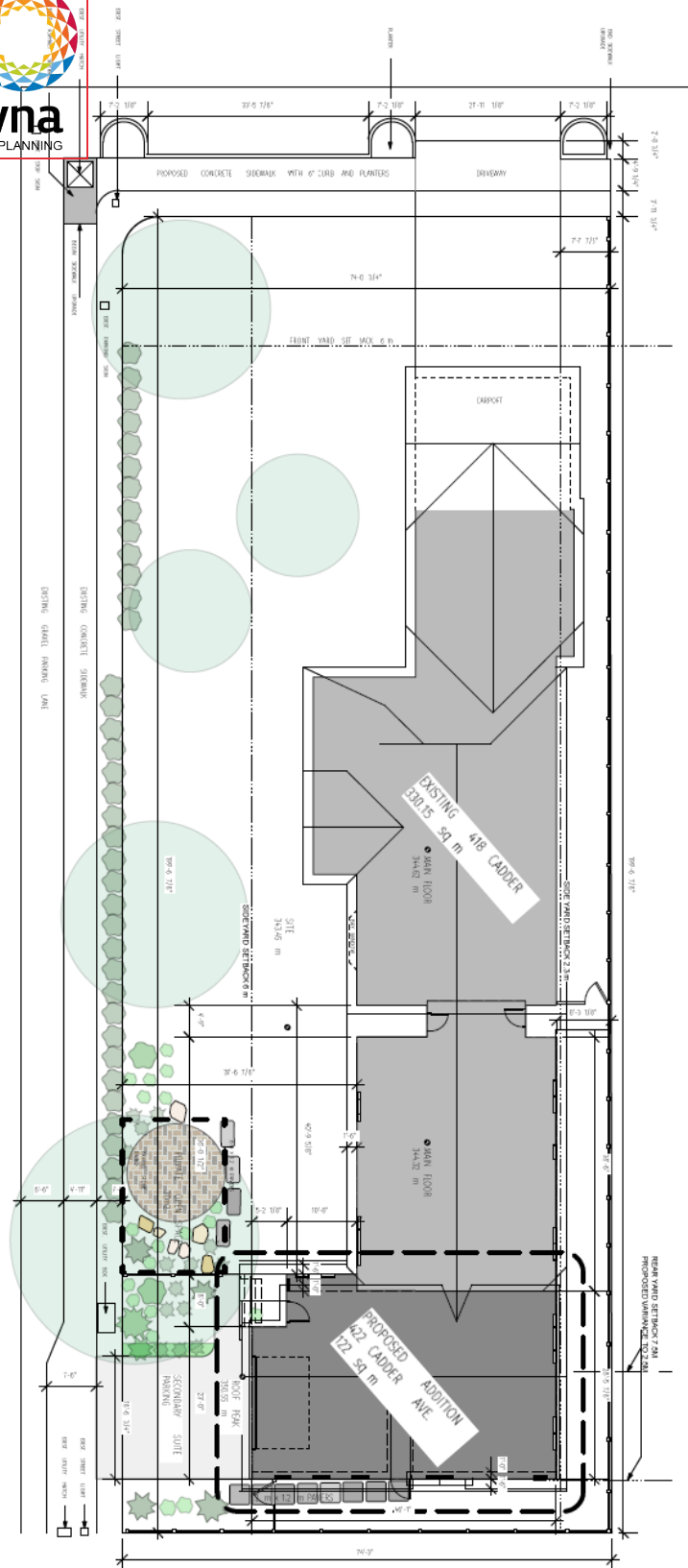


SITE AREA = 13732 sq m
TOTAL SITE COVERAGE OF BUILDINGS, DRIVEWAYS AND PARKING = 585 sq m

ON LOT 7, BLOCK 8, DISTRICT LOT 14,
O.V.D. PLAN 348
PID: 012-494-534

CADDER AVENUE

LONG STREET



COUPER HOUSE 422 CADDER AVE., KELOWNA GEOFFREY & MICHELLE COUPER PH. 250 869 2265
SITE PLAN SCALE - 1" = 200'
March 29, 2019
A101

SCHEDULE B

This forms part of application

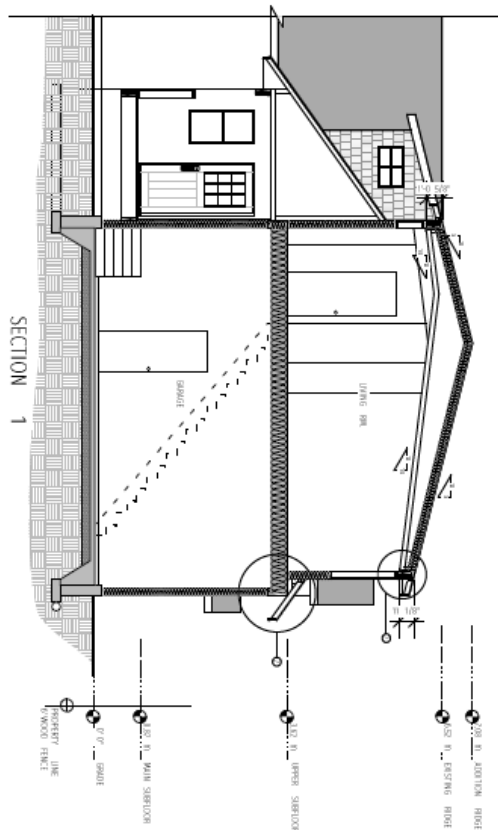
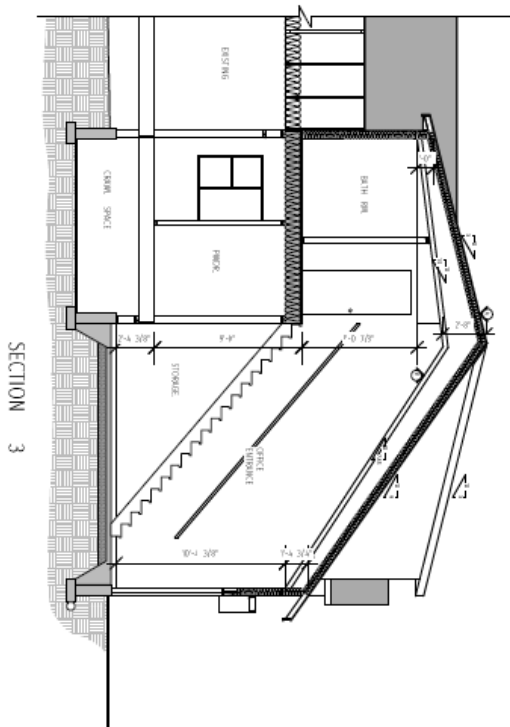
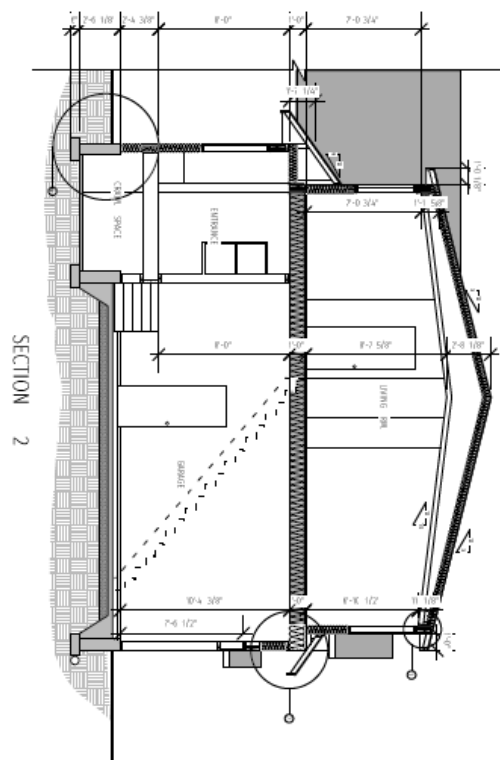
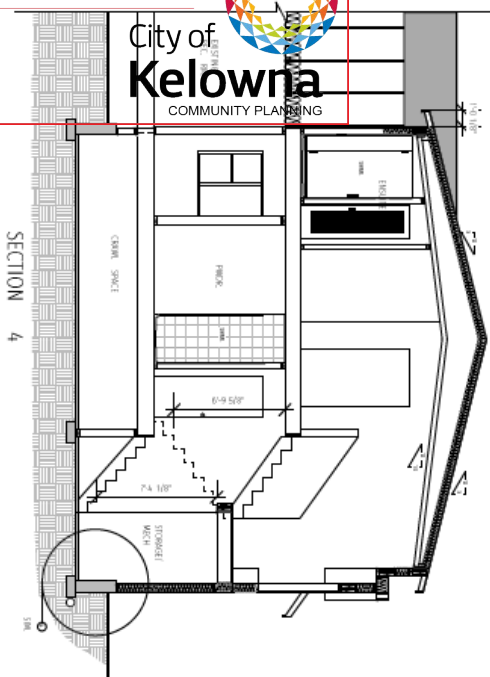
HAP18-0012

Planner
Initials

LKC



City of Kelowna
COMMUNITY PLANNING



SCHEDULE B

This forms part of application

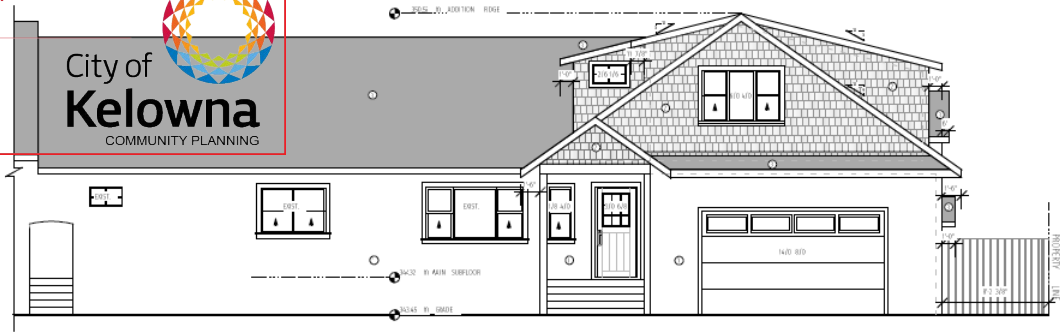
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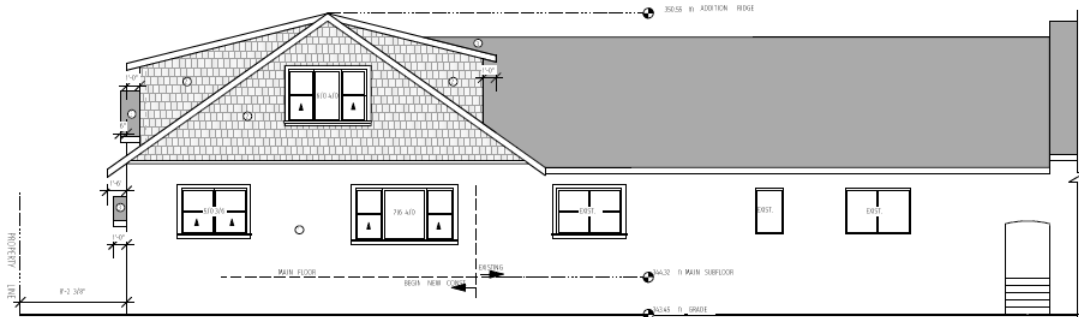
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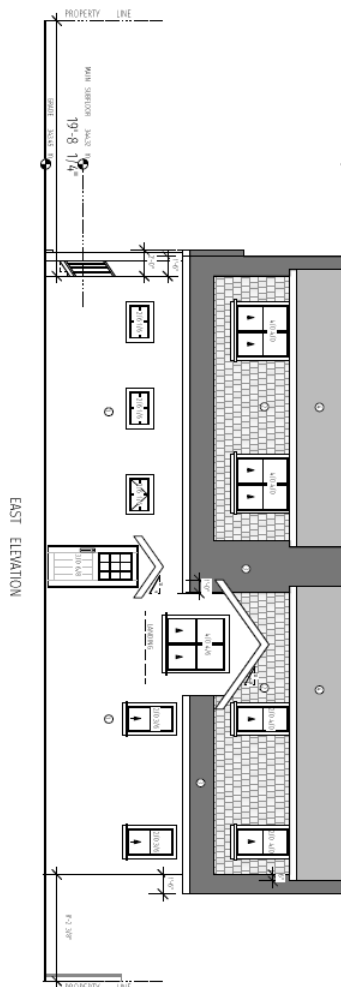
City of Kelowna
COMMUNITY PLANNING



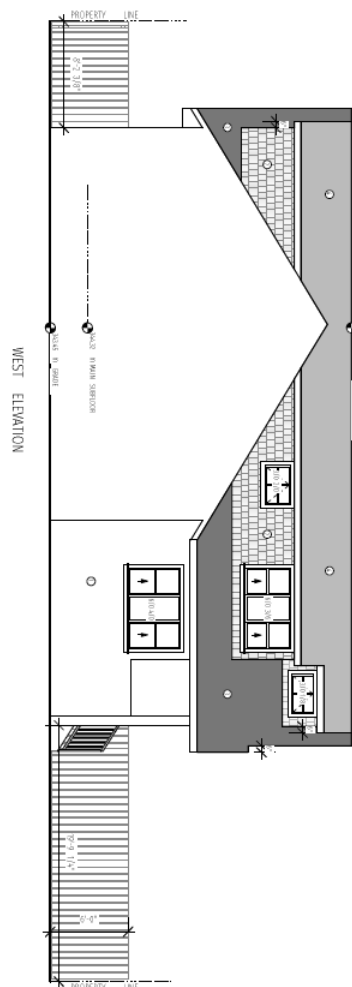
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

- ① STUCCO COOKER TO BE SPEC'D BY OWNER
② WARM SHIRT COOKER TO BE SPEC'D BY OWNER
③ 1/2" HAT SHIRT COOKER TO MATCH EXIST'G
④ TORN ON BATHING MEASUREMENT
- ALL TRIM, SCOFF, PASTES, ETC. TO BE PAINTED WHITE OR SIM.

A106

March 29, 2019

ELEVATIONS
SCALE : 1 : 100

COUPER HOUSE
422 CAUDER AVE., KELOWNA
GEOFFREY & MICHELLE COUPER
PH. 250 869 2265

REPORT TO COUNCIL



Date: May 21, 2019

RIM No. 0940-93

To: City Manager

From: Community Planning Department (LKC)

Application: TUP19-0001

Owner: Irene Lee

Address: 2085 KLO Rd

Applicant: Urban Options Planning & Permits

Subject: Temporary Use Permit Application

Existing OCP Designation: REP – Resource Protection Area & PARK – Major Park/Open Space

Existing Zone: A1 - Agriculture

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP19-0001 to allow for intensive agriculture for Lot A District Lot 131 ODYD Plan 8888 located at 2085 KLO Rd, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A,"

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

2.0 Purpose

A Temporary Use Permit application to allow for the use of intensive agriculture for a time period of three years for the purpose of housing 80 rabbits.

3.0 Community Planning

Staff support this Temporary Use Permit (TUP) application as the size of the subject property is large enough to contain the rabbits without them negatively affecting adjacent property owners, the rabbits are sterilized, and have been kept in pens for the last 10 years without becoming a nuisance. The TUP allows the rabbits to be housed on the property for the next three years. Although the Official Community Plan states that any TUP on a property designated REP – Resource Protection Area should be considerably shorter than three years, the duration of this TUP is supportable as the lifespan of the rabbits will not likely

surpass the three years, and the possibility of these animals becoming a nuisance to adjacent neighbours is very low. Furthermore, intensive agriculture is in line with the REP future land use designation and, in this instance, does not require separate approval from the Agricultural Land Commission. Once the TUP expires, the rabbit pens will be decommissioned, or repurposed for an agricultural use.

4.0 Proposal

4.1 Background

In 2009, the Responsible Animal Care Society (TRACS) launched a rabbit relocation program to humanely trap and relocate approximately 800 rabbits. All the rabbits that were captured were sterilized. The rabbits were kept on acreages in large secure pens and on smaller satellite sanctuaries. The property that housed the rabbits most recently was sold and the property owner moved to 2085 KLO Rd. The other properties and satellite sanctuaries that were previously used are no longer options to house the rabbits.

The Zoning Bylaw and the A1 – Agriculture 1 zone differentiate intensive agriculture from regular agricultural uses, where intensive agriculture use allows for land or buildings to be used for the confinement of poultry, livestock (excluding horses) or fur bearing animals, including rabbits. To reduce potential conflicts, the area where intensive agriculture is permitted is generally 300 m away from residential and urban areas. Previously, the rabbits were kept on properties where intensive agriculture was permitted. The TUP is needed to allow for intensive agriculture on the new property at 2085 KLO Rd as it is close to a residential area and is outside of the area where the intensive agriculture use is permitted.

4.2 Project Description

The proposal is to have two pens to house 80 rabbits on the subject property. Building A is 35.7 m² (384 sq ft) and Building B is 41.6 m² (448 sq ft). The two pens will be located near the center of the property away from the property lines. Once the three-year TUP has expired, the land will be returned to its original state, and the pens decommissioned or repurposed for an agricultural use.

4.3 Site Context

The subject property is located in the South Pandosy – KLO sector of the City and is 1.19 ha in area. It is within the Agricultural Land Reserve, has future land use designations of REP – Resource Protection Area and PARK – Major Park/Open Space, and is zoned A1 – Agriculture 1. Mission Creek is to the south, and adjacent properties have agricultural and rural residential uses, as well as agri-tourist accommodation to the west.

Subject Property Map: 2085 KLO Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Temporary Use Permits outside the PGB may be considered on lands designated Resource Protection Area, with a stated time period considerably less than the maximum three (3) year time limit. A Temporary Use Permit on lands in the ALR will require the approval of the Agricultural Land Commission.¹

6.0 Application Chronology

Date of Application Received: March 15, 2019

Date Public Consultation Completed: March 27, 2019

Report prepared by: Levan King Cranston

Reviewed by: Laura Bentley, Community Planning Supervisor

Attachments:

Draft Temporary Use Permit
Schedule "A" - Site Plan

¹ City of Kelowna Official Community Plan, Policy 4.9 (Future Land Use Chapter).

Temporary Use Permit

TUP19-0001



This permit relates to land in the City of Kelowna municipally known as 2085 KLO Rd

and legally known as Lot A District Lot 131 ODYD District Plan 8888

and permits the land to be used for the following development: Intensive Agriculture

USE as per Zoning Bylaw 8000.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision May 21, 2019

Decision By: COUNCIL

Development Permit Area: N/A

This permit will not be valid if development has not commenced by

Existing Zone: A1 - Agriculture Future Land Use Designation: REP – Resource Protection Area
PARK – Park/Open Space

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Irene Lee

Applicant: Urban Options Planning & Permits

Laura Bentley
Community Planning Supervisor

Date

1. SCOPE OF APPROVAL

This Temporary Use Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Temporary Use Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Temporary Use Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The intensive agriculture use shall be limited to a maximum of 80 rabbits;
- b) The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A",

This Temporary Use Permit is valid for three (3) years from the date of the Council approval,.

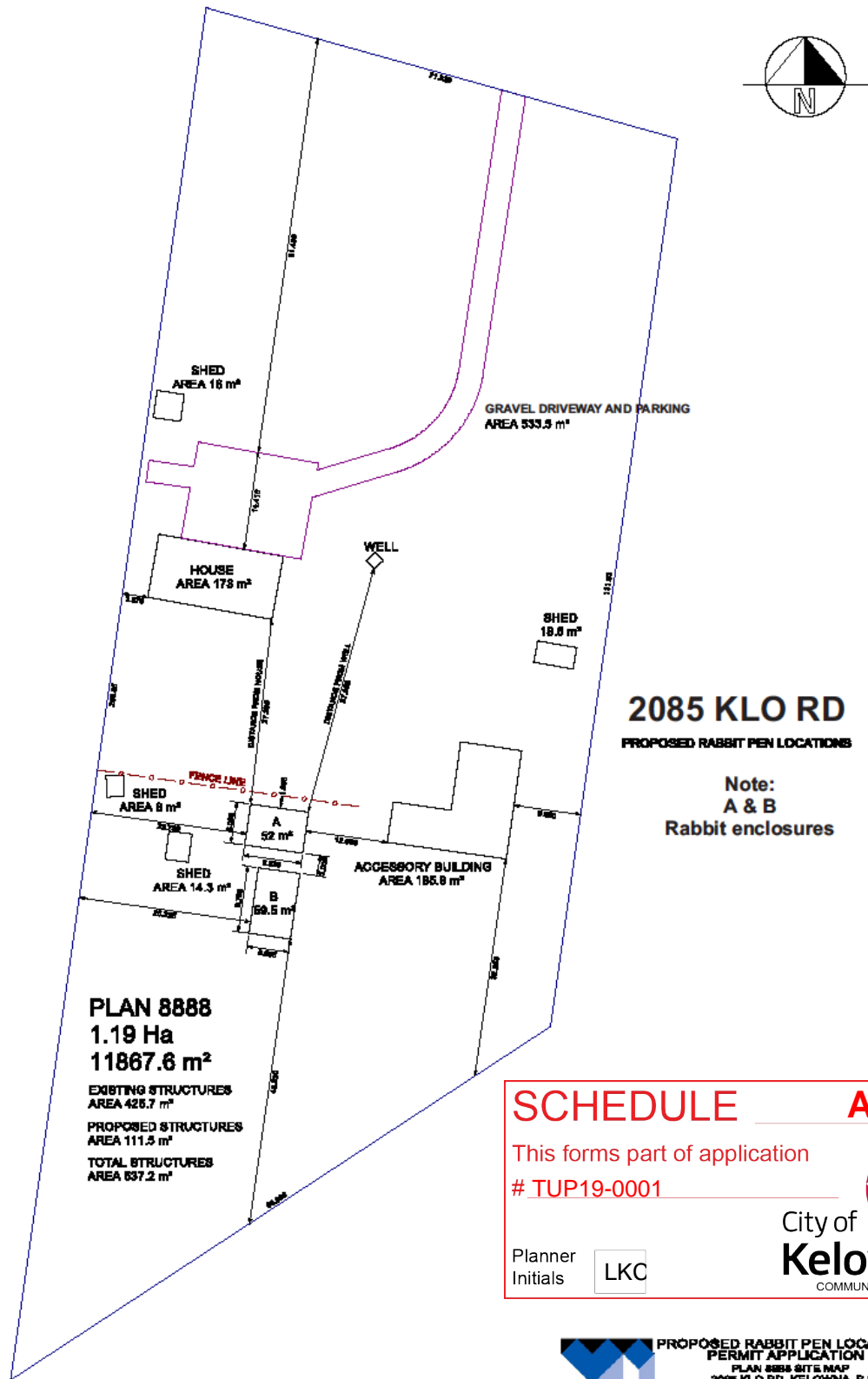
3. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**



SCHEDULE A

This forms part of application

TUP19-0001

Planner
Initials

LKC

City of
Kelowna
COMMUNITY PLANNING



PROPOSED RABBIT PEN LOCATIONS
PERMIT APPLICATION
PLAN 8888 SITE MAP
2085 KLO RD, KELOWNA, B.C.

DATE: 02/05/2019

DRAWN BY:
VVI-280219

DRAWN BY:
DJOSSEMYNKA

Sheet Number: 1